



CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
7:00 PM, Tuesday, March 3, 2015
City Hall – 685 W. Montrose Street, Clermont, FL

CALL TO ORDER
INVOCATION AND PLEDGE OF ALLEGIANCE
MINUTES

Approval of the February 3, 2015 Planning and Zoning meeting minutes

REPORTS

NEW BUSINESS

- | | |
|--|---|
| Item 1 - Resolution 2015-07 - Harvest Landing
Conditional Use Permit | Request for an amendment to a conditional use permit to allow a planned unit development, located north of Steve's Road between Highway 27 and Citrus Tower Boulevard. |
| Item 2 - Resolution 2015-09 - Hilton Suites Hotel
Conditional Use Permit | Request for a conditional use permit to allow a structure that is more than 20,000 square feet in the C-2 General Commercial zoning, located north of SR 50 and south of Legends Way. |
| Item 3 - Ordinance No. 2015-11
Toyota of Clermont
Large-scale comprehensive plan amendment | Request to change the future land use from Lake County Regional Commercial to City of Clermont Commercial, located at 16851 SR 50. |
| Item 4 - Ordinance No. 2015-12
Toyota of Clermont
Rezoning | Request to change the zoning from UE Urban Estate to C-2 General Commercial, located at 16851 SR 50. |
| Item 5 - Ordinance No. 2015-14 - Plaza Collina
Large-scale comprehensive plan amendment | Request to change the future land use from Lake County Regional Commercial to City of Clermont Commercial, located north of SR 50, west of the Orange County line, and south of Old Highway 50. |
| Item 6 - Resolution 2015-08 - Plaza Collina
Conditional Use Permit | Request to allow a mixed use Planned Unit Development in the UE Urban Estate zoning district, located north of SR 50, west of the Orange County line, and south of Old Highway 50. |

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City Hall – 685 W. Montrose Street, Clermont, FL

Item 7 - Ordinance 2015-18 - Dougherty
Small Scale Comprehensive Plan Amendment

Request to change the future land use
from Lake County Regional
Commercial to City of Clermont
Commercial, located east of Ford of
Clermont, south of SR 50, and west of
Sandy Grove Blvd.

Item 8 - Ordinance 2015-19 - Dougherty
Rezoning

Request to change the zoning from UE
Urban Estate to C-2 General
Commercial, located east of Ford of
Clermont, south of SR 50, and west of
Sandy Grove Blvd.

Discussion of Non-Agenda Items

ADJOURN

Any person wishing to appeal any decision made by the Planning and Zoning Commission at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Planning and Zoning Department at 352-241-7302.

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

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The meeting of the Planning & Zoning Commission was called to order Tuesday February 3, 2015 at 7:00 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Cuqui Whitehead, Jack Martin, and Tony Hubbard. Also in attendance were Barbara Hollerand, Development Services Director, John E. Kruse, Senior Planner, Dan Mantzaris, City Attorney, Marivon Adams, Planning Tech, and Rae Chidlow, Planning Specialist.

Chairman Nick Jones introduced the new commission members, Cuqui Whitehead and Jack Martin.

MINUTES of the Planning and Zoning Commission meeting held January 6, 2015 were approved as written.

REPORTS

Commissioner Whitehead stated that SR 50 from Grand Highway to Hancock Road has been designated for one of the fallen soldiers that grew up here in Clermont. She stated that there will be three others that will be designated as well. She stated that the sign has been put up. She stated that U.S. Congressman Daniel Webster has returned part of his wages back to the legislature, because he is trying to lead by example in saving. She stated that in the past four years, he has donated back over a million dollars.

Chairman Jones stated that the tourism expo is going to be at the Clermont City Center at 2:00 pm on February 4, 2014. He stated the South Lake Chamber gala would be held at Bella Collina on Friday.

1. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow an outdoor commercial ice machine/vending unit

APPLICANT: Ed Augustine

Senior Planner John Kruse presented the staff report as follows:

The applicant is requesting a Conditional Use Permit (CUP) to allow for an outdoor commercial ice machine/vending unit in the C-2 General Commercial zoning district. Under Sec. 122-224 (b) of the Land Development Code, the C-2 zoning district may permit this type of use through a conditional use permit since the classification of a use is uncertain.

The applicant desires to place a self-serve ice vending machine in the parking lot on the existing parcel. Currently, the property is used for permitted C-2 uses along with a conditional use for a church that was granted under Resolution 2014-20. The ice machine area will be 6 feet by 11 feet. The height of the unit will not exceed 10 feet. The applicant has provided a preliminary site plan prepared by GatorSkitch, dated December 18, 2014. The applicant has agreed to update the parking stalls along with installing additional landscaping in the area of the ice machine and along SR 50.

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The addition of the self-serve ice vending machine in the parking lot could be viewed as consistent with the area as a whole and would provide the applicant with an opportunity to redevelop a portion of the site and to generate income. Staff believes that the proposal meets the intent of the C-2 General Commercial zoning district. Staff believes that the self-serve ice vending machine can co-exist with the other existing uses on site. Based upon the information presented, staff recommends approval of this request.

Mike Latham, GatorSkitch, stated that he was present to answer any questions.

Mohamad Islam, Citgo Gas Station, stated that the gas station is about 30 years old. He stated that he has concerns about this ice machine because it will affect his sales.

Tracy Waalewyn, 10870 Lantana Crest, stated that they had spoken with Mr. Islam previously, and they thought they had an agreement that he could buy ice from the machine to sell at his store because he could get it cheaper. He stated that it could also draw more traffic to his store because people will be buying drinks to go in their coolers along with the ice.

Commissioner Whitehead stated that she doesn't see a need for the ice machine. She stated that there are plenty of facilities that sell ice and their facilities are controlled. She stated that this vending machine will not be controlled.

Mr. Waalewyn stated boaters and commercial landscape companies will stop at these ice machines because they are less expensive. He stated that these types of ice machines are all over central Florida.

Commissioner Solis asked if they will have a separate water meter for making the ice.

Mr. Waalewyn stated that they will have a separate meter.

Commissioner Smith stated that it will be easier to get ice from the vending machine when pulling a boat or trailer.

Commissioner Martin asked about improved landscape plan.

Mr. Waalewyn showed where the new landscaping will be provided. He stated that because of the power lines, they will use understory trees, versus canopy trees.

Commissioner Whitehead asked about the maintenance of the vending machine.

Mr. Waalewyn stated that it will be monitored with a security system. He stated that it is remotely monitored so if it breaks down, it will email him so he can immediately go take care of it.

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Ed Augustine, 1 Westgate Plaza, stated that there is an office manager there during the day, so it will be monitored by her while she is present.

Commissioner Solis moved to recommend approval of the conditional use permit; seconded by Commissioner Whitehead. The vote was unanimous to recommend approval of the conditional use permit.

Commissioner Whitehead asked the Commission if they would prefer to meet at 6:30 pm., rather than 7:00 pm.

Commissioner Martin moved to request to change the ordinance to move the Planning and Zoning meeting from 7:00 pm to 6:30 pm; seconded by Commissioner Whitehead. The vote was unanimous to recommend approval of changing the ordinance.

There being no further business, the meeting was adjourned at 7:25 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, March 3, 2015	
Agenda Item Name	
Resolution 2015-07 - Harvest Landing Conditional Use Permit	
Requested Action	
Motion to recommend denial of Resolution 2015-07.	
Staff Report	
Beazer Homes is requesting an amendment to a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) consisting of 33+ acres with 104 single family homes. The applicant wishes to reduce the rear yard setback from 30 feet to 25 feet and to increase the impervious surface ratio from 45% to 50% for building, sidewalks, and driveways. The project is located north of Steve's Road between Highway 27 and Citrus Tower Blvd. The project was approved by the City Council on December 10, 2013 under Resolution 2013-25. The project is known as Harvest Landing. The applicant has platted the project and infrastructure is being installed along with the construction of model homes. The project received seven waivers to those sections of the code that deal with lot sizes in the conventional UE zoning district and standards for grading. Because this is a Planned Unit Development, these considerations or variances are considered to be part of the "zoning parameters" for the PUD rather than an actual variance request. Already approved considerations/variances granted under Resolution 2013-25 within the PUD are as follows: 1) To allow for private streets with gates. 2) To allow a minimum lot width of 55' 3) A grading request for up to 15 feet of cut/fill rather than 10 feet per code. 4) Allowing retaining walls to be 10 feet in height rather than a maximum of 6 feet. 5) To allow lot sizes smaller than one acre, down to 6,600 square feet. 6) Reduce front yard setbacks from 35 feet to 25 feet. 7) Reduce the side yard setback from 15 feet to 7.5 feet. The applicant is requesting two more considerations/variances to be considered within the PUD: 8) Reduce the rear yard setback from 30 feet to 25 feet. 9) Increase the impervious surface ratio (ISR) from 45% to 50% for the buildings, driveways, and walkways. Staff believes the considerations/variances associated with this request are not consistent with other approved planned unit developments of this acreage and recommends denial of the proposed amendment to the PUD.	
Additional Analysis	
Fiscal Impact Summary	

Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES 2015-07.docx	
2. Maps	Harvest Landing Map.pdf	
3. CUP Conditions	Beazer CUP Conditions 2015.docx	
4. Application	CUP 2015 application.pdf	
5. Legal ad	Beazer ISR CUP Legal AD.docx	

**CITY OF CLERMONT
RESOLUTION NO. 2015-07**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT (RESOLUTION 2013-25) TO ALLOW A PLANNED UNIT DEVELOPMENT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held March 3, 2015 recommended approval of this amendment to a Conditional Use Permit (Resolution 2013-25) to allow a Planned Unit Development; at the following location:

LOCATION:

Harvest Landing Subdivision, north of Steve's Road
Between Highway 27 and Citrus Tower Boulevard

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

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

This application for an amendment to a Conditional Use Permit (Resolution 2013-25) to allow a Planned Unit Development; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the approved site plans dated September 30, 2014 prepared by Denham Engineering.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.

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5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2- Land Use

1. This Planned Unit Development is for a single family development with up to 104 dwelling units on 33.3 acres. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
2. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.

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3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the final site review process.
4. The permittee/developers shall provide both temporary and permanent grassing, including fertilizer application on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with Best Management Practices (BMP) of the United States Department of Agriculture Soil Conservation Service.
5. All platting must be completed in accordance with City Codes.

Section 4 – Transportation Improvements

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

Section 5 – Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire hydrants within the project. They shall be installed according to City Code.
2. The project shall be plumbed for reuse water with purple piping. Irrigation in common areas shall be provided for by well.

Section 6 – Landscaping

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

Section 7 – Architectural Design Standards

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

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2. All fencing within public view shall be ornamental metal or brick as approved by the Site Review Committee.

Section 8 – Fire Design Standards

1. Any residential structures not meeting the separation distances set forth in table R302.1 will be required to provide a residential sprinkler system meeting the standards of National Fire Protection Association 13D.

Section 9 – Special PUD Conditions

1. To allow for private streets with gates.
2. To allow a minimum lot width of 55 feet.
3. A grading request for up to 15 feet of cut/fill rather than 10 feet per code.
4. Allowing retaining walls to be 10 feet in height rather than a maximum of 6 feet.
5. To allow lot sizes smaller than one acre, down to 6,600 square feet.
6. Reduce front yard setbacks from 35 feet to 25 feet.
7. Reduce the side yard setback from 15 feet to 7.5 feet.
8. Reduce the rear yard setback from 30 feet to 25 feet.
9. Increase the Impervious Surface Ratio (ISR) from 45% to 50% for buildings, driveways, and walkways.

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DONE AND RESOLVED by the City Council of the City of Clermont, Lake
County, Florida, this 24th day of March, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

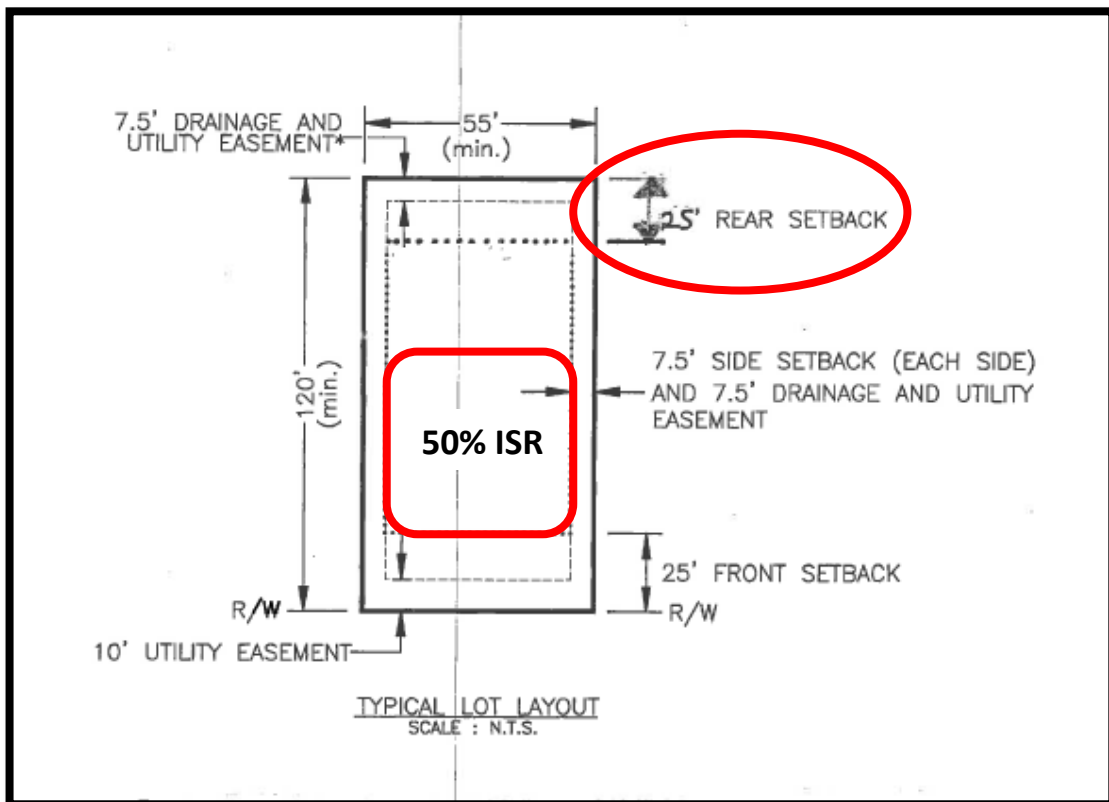
ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Harvest Landing – CUP Amendment



CUP amendment is seeking a reduction in rear yard setback from 30 feet to 25 feet and an increase in Impervious Surface Ratio (ISR) from 45% to 50% for building, driveways, and walkways.

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the approved site plans dated September 30, 2014 prepared by Denham Engineering.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
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7. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
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Section 2- Land Use

1. This Planned Unit Development is for a single family development with up to 104 dwelling units on 33.3 acres. The City's Site Review Committee must approve the site plan prior to the construction plan approval.

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

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

Section 4 – Transportation Improvements

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

Section 5 – Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire hydrants within the project. They shall be installed according to city code.
2. The project shall be plumbed for reuse water with purple piping. Irrigation in common areas shall be provided for by well.

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2. All landscape plans and plantings shall meet or exceed the City of Clermont code.

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

Section 8 – Fire Design Standards

1. Any residential structures not meeting the separation distances set forth in table R302.1 will be required to provide a residential sprinkler system meeting the standards of National Fire Protection Association 13D.

Section 9 – Special PUD Conditions

1. To allow for private streets with gates.
2. To allow a minimum lot width of 55 feet.
3. A grading request for up to 15 feet of cut/fill rather than 10 feet per code.
4. Allowing retaining walls to be 10 feet in height rather than a maximum of 6 feet.
5. To allow lot sizes smaller than one acre, down to 6,600 square feet.
6. Reduce front yard setbacks from 35 feet to 25 feet.
7. Reduce the side yard setback from 15 feet to 7.5 feet.
8. Reduce the rear yard setback from 30 feet to 25 feet.
9. Increase the impervious surface ratio (ISR) from 45% to 50% for buildings, driveways, and walkways.



CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

DATE: 1/23/15

FEE: 1,000.00

PROJECT NAME (if applicable): Harvest Landing aka Steve's Road
Subdivision

APPLICANT: Beazer Homes Corp.

CONTACT PERSON: Dallas Austin

Address: 2600 Maitland Center Pkwy, Ste 265

City: Maitland State: FL Zip: 32751

Phone: 407-619-6870 Fax: _____

E-Mail: Dallas.Austin@Beazer.com

OWNER: Beazer Homes Corp. Nick Gargasz - Market Manager

Address: Same as above

City: _____ State: _____ Zip: _____

Phone: 407-339-4114 Fax: _____

Address of Subject Property: 1500 Steve's Road

General Location: N side of Steve's Road, E of 27, W
of Citrus Tower Blvd

Legal Description (include copy of survey): attached Warranty Deed

Land Use (City verification required): Urban Low Density

Zoning (City verification required): PD

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CONDITIONAL USE PERMIT (CUP)
APPLICATION

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

Reduce rear setback by 5-feet to allow a building pad for a 70-foot deep pool. The new rear setback would be 25-feet and the existing rear setback is 30-feet.

With a 40-foot by 70-foot building pad including the driveway and walkway, the impervious surface coverage would exceed 45% by approximately 5%. We would request the maximum impervious surface coverage for the building pad, driveway and walkway be increased to 50% to accommodate the additional 5%.

Dallas Austin Land Entitlements
Applicant Name (print) Professional

X
Applicant Name (signature)

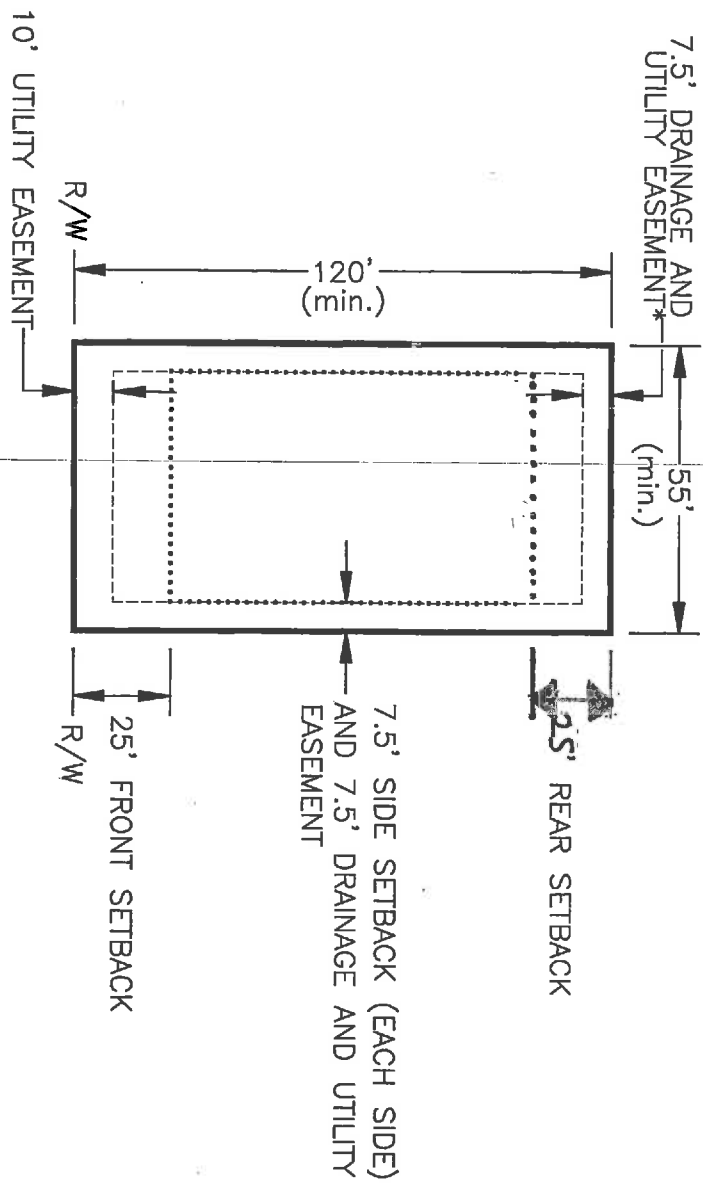
Nick Gargasz, Market
Owner Name (print) Manager

X
Owner Name (signature)

***** NOTICE *****

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

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



TYPICAL LOT LAYOUT
SCALE : N.T.S.

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for an amendment to a Conditional Use Permit (Resolution 2013-25) to allow a Planned Unit Development, at the following location:

LOCATION

North side of Steve's Road between
Highway 27 and Citrus Tower Boulevard

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

This request will be considered by the Planning & Zoning Commission on Tuesday, March 3, 2015 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, March 24, 2015 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, MMC
City Clerk

Daily Commercial
February 24, 2015 and March 17, 2015



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, March 3, 2015		
Agenda Item Name		
Resolution 2015-09 - Hilton Suites Hotel Conditional Use Permit		
Requested Action		
Motion to recommend approval of Resolution 2015-09.		
Staff Report		
The applicant is requesting a Conditional Use Permit (CUP) to allow a business establishment, Hilton Suites Hotel, to occupy more than 20,000 square feet of total floor space in the General Commercial District (C-2). Under Sec. 122-223 of the Land Development Code, the C-2 zoning district permits a hotel, but limits it to 20,000 square feet or less. The conditional use permit allows the development to occupy more than 20,000 square feet. The applicant desires to construct a four-story hotel building. The proposed building will be 56,000 square feet, which includes 107 rooms and other hotel amenities. The proposed location is a vacant lot located south of Legends Way, west of Champions Way (under construction), and north of SR 50. The site is approximately 5.64 acres in size, with 2.23 acres devoted to the hotel use. The remaining 3.41 acres of the overall site will be developed with other C-2 permitted uses. The applicant has not applied for any variances and has indicated that they can develop the site according to the Land Development Code. The proposed hotel is consistent with the area as a whole and would be located in an area that would generate demand for overnight lodging. The square footage and height of the proposed hotel would be very similar to the existing Hampton Inn Suites located approximately 1,000 feet to the east of the site. The proposed project has been through the City's preliminary site plan review. Staff believes the project meets code with the exception of the CUP requirement, and therefore, recommends approval of this request.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES 2015-09.docx	
2. Maps	Hilton Suites Map.pdf	
3. CUP Conditions	Hilton Suites CUP CONDITIONS.docx	
4. Site plan	Site Plan.pdf	

5.	Application	Application.pdf
6.	Legal Ad	Hilton Suites CUP Legal AD.docx
7.	Conceptual Elevation Plan	Hilton Suites Conceptual Elevations.pdf
8.	Actual Prototype Elevations	Exterior Elevations- (H2) (NAM).pdf

**CITY OF CLERMONT
RESOLUTION NO. 2015-09**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW A STRUCTURE TO OCCUPY MORE THAN 20,000 SQUARE FEET IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held March 3, 2015 recommended approval of this Conditional Use Permit to allow a structure to occupy more than 20,000 square feet in the C-2 General Commercial zoning district; at the following location:

LOCATION:

(Alt. Key 3784777) Vacant lot located south of Legends Way,
north of SR 50, and west of Champions Way

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 a structure to occupy more than 20,000 square feet in the C-2 General Commercial zoning district; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit for the hotel.
3. The property shall be developed in substantial accordance with the conceptual site plan dated January 2015 and prepared by McCoy and Associates. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.

CITY OF CLERMONT
RESOLUTION NO. 2015-09

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. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
6. 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.
7. 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.
8. 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.
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 - Land Use

1. This permit is for a 56,000 square foot four-story hotel building. The site may also be used for other permitted C-2 uses as indicated in Section 122-223 of the Land Development Code.

CITY OF CLERMONT
RESOLUTION NO. 2015-09

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of March, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

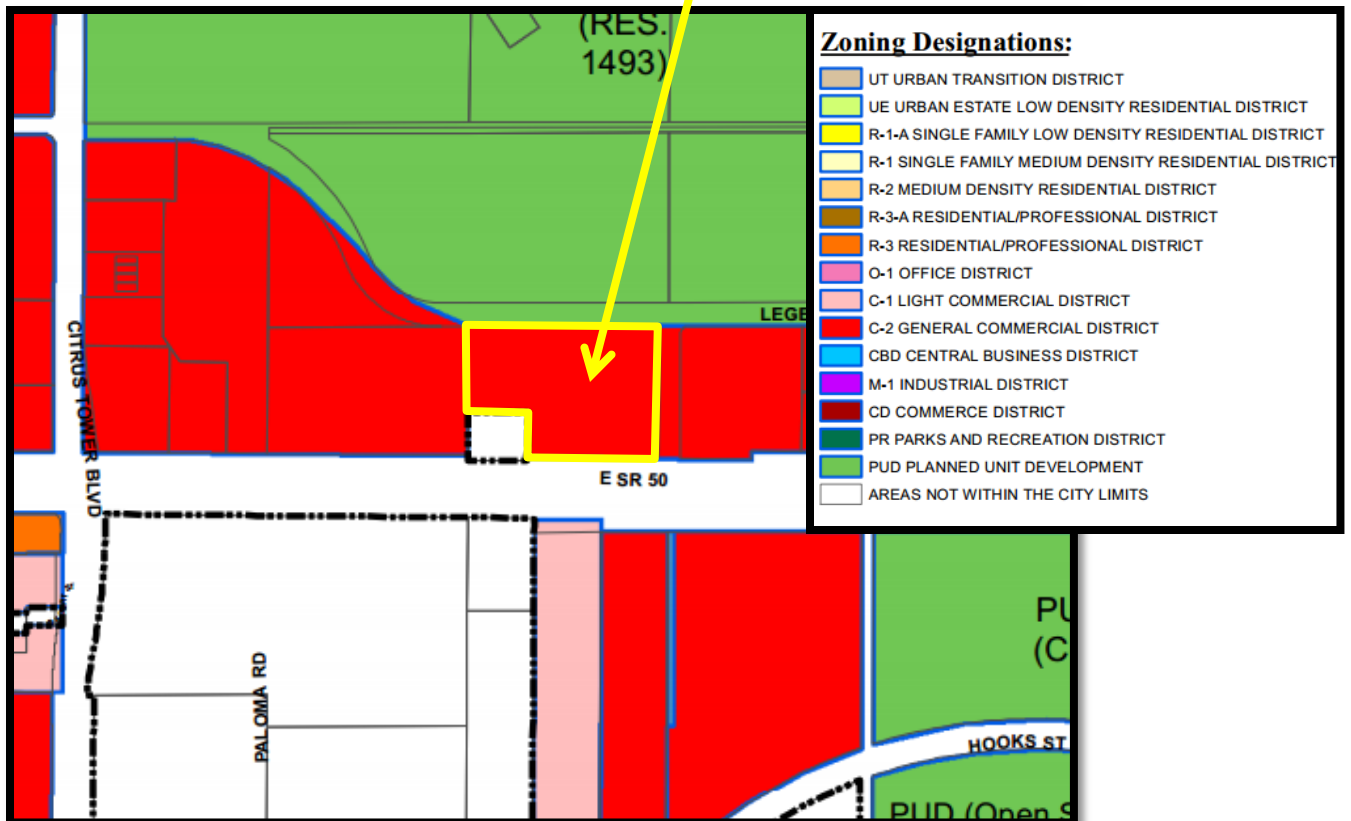
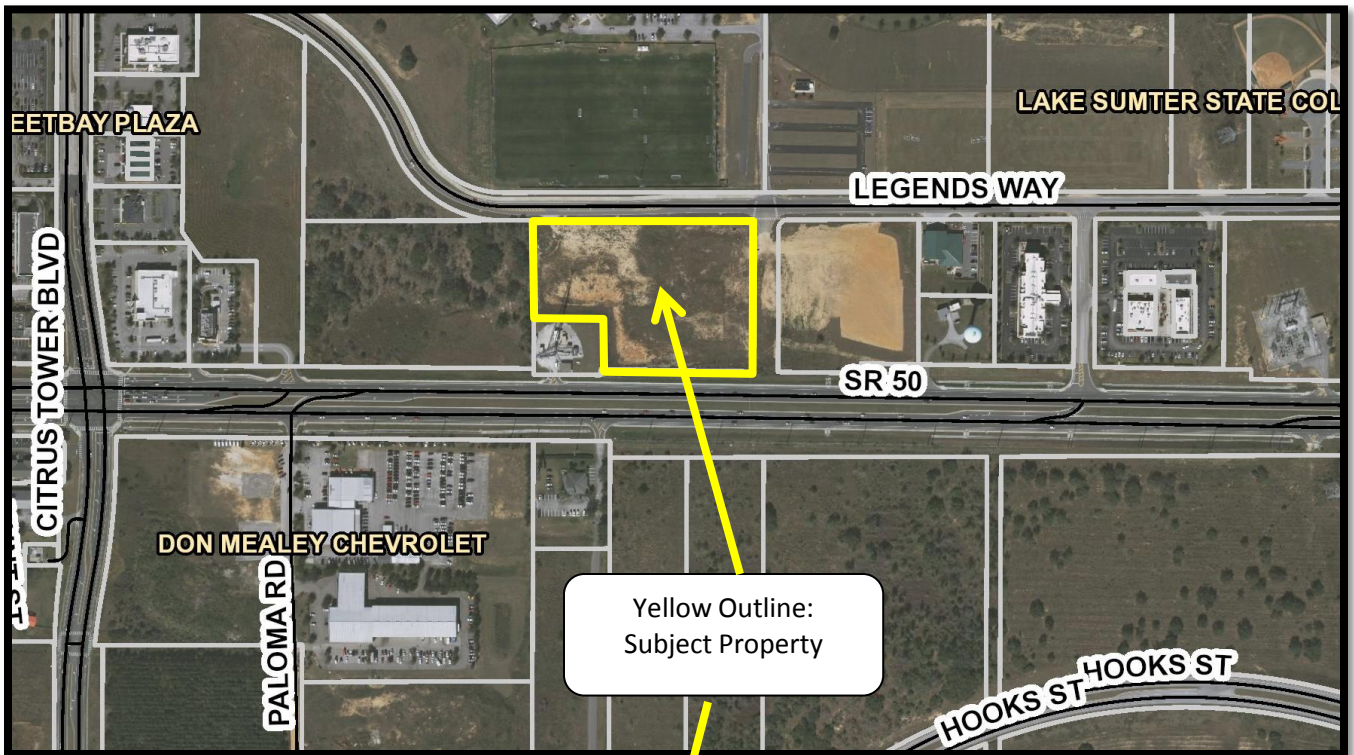
ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map Hilton Suites Hotel



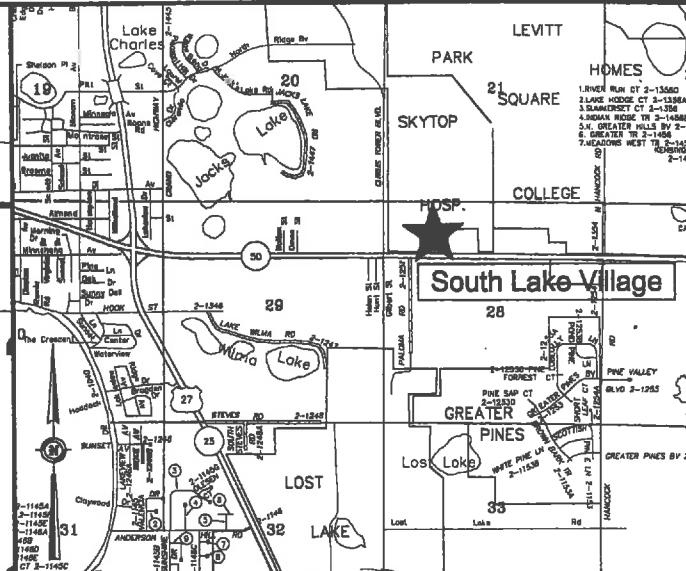
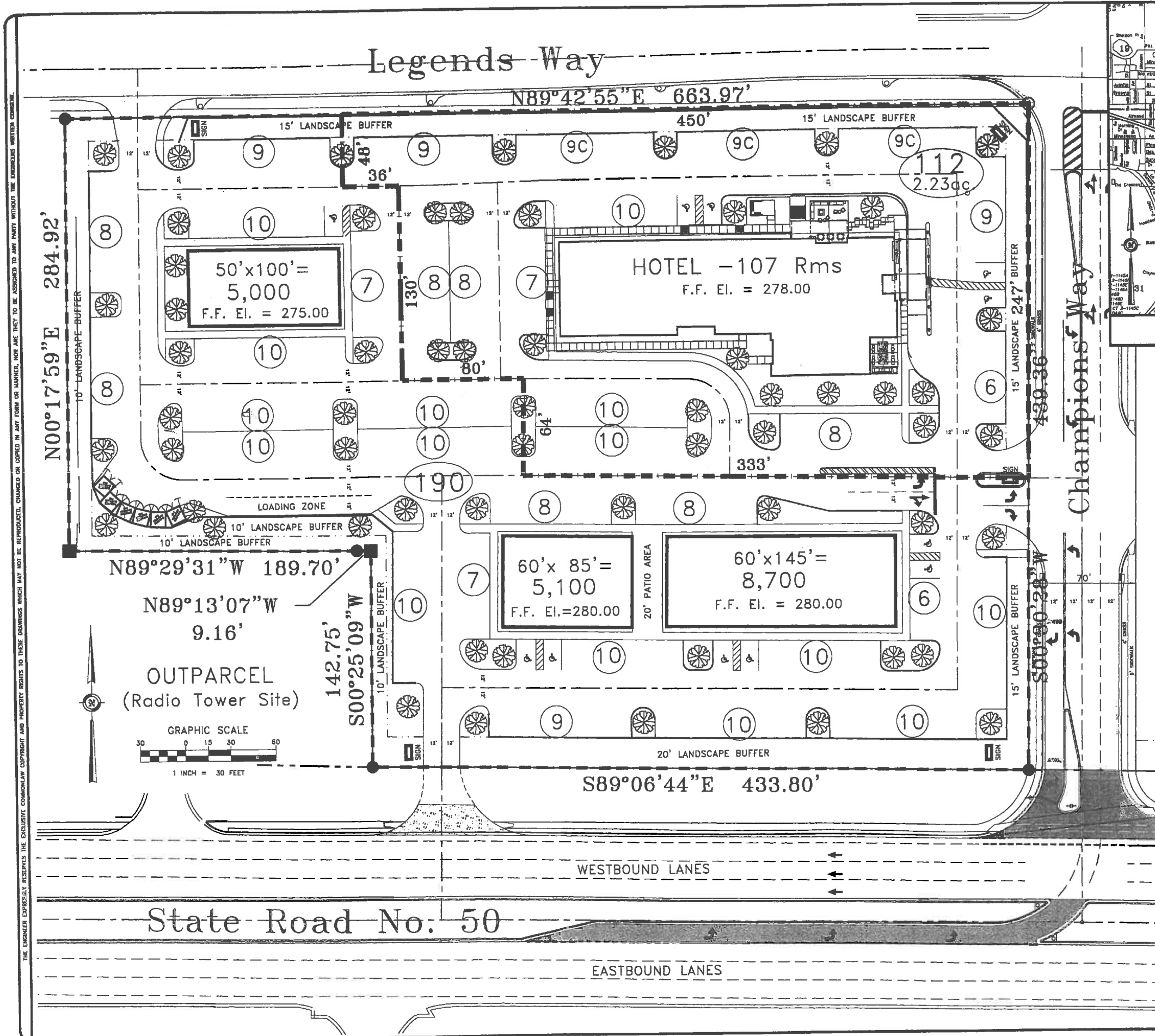
CUP CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this conditional use permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another conditional use permit for the hotel.
3. The property shall be developed in substantial accordance with the conceptual site plan dated January 2015 and prepared by McCoy and Associates. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approved by the site review committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the conditional use permit application are not the approved construction plans.
4. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
5. The final certificate of occupancy shall not be issued until each of the stated conditions has been met.
6. 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.
7. 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.
8. 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.
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 - Land Use

1. This permit is for a 56,000 square foot four-story hotel building. The site may also be used for other permitted C-2 uses as indicated in Section 122-223 of the Land Development Code.



PROJECT CHARACTERISTICS	
EXISTING ZONING.....	C-2
EXISTING FUTURE LAND USE DESIGNATION.....	COMMERCIAL
LAKE COUNTY PROPERTY APPRAISER PARCEL.....	09-22-26-12050100001
ALT. KEY No.....	3784777
TOTAL PROJECT AREA.....	25.64 Ac.
HOTEL PARCEL AREA.....	2.23 Ac.
HOTEL FLOOR AREA = (±14,000 sf x 4 STORIES) = 56,000 sf = 1.29 Ac.	
FLOOR AREA RATIO (FAR) = (1.29/2.23) = 0.58	
PROPOSED SERVICES:	
DRINKING WATER.....	City of Clermont
SEWAGE DISPOSAL.....	City of Clermont
ELECTRIC.....	Duke Energy
NATURAL GAS.....	Lake Apopka Natural Gas District
TELEPHONE.....	CenturyLink
GARBAGE DISPOSAL.....	Local service contract
FIRE PROTECTION.....	Clermont Fire Dept.
POLICE PROTECTION.....	Clermont Police Dept.
MINIMUM BUILDING SETBACK REQUIREMENTS:	
FROM S.R. 50 RIGHT-OF-WAYS.....	50'
FROM CITY STREET RIGHT-OF-WAYS.....	25'
FROM SIDE PROPERTY LINES.....	12'
PARKING SPACES REQUIRED:	
HILTON HOTEL (107 ROOMS)	
(1) Parking Space per Room: = 107 Spaces Req'd	
PLUS (1) Parking Space for every 4 employees = 5 Spaces Req'd	
TOTAL = 112 Spaces Req'd	
PARKING SPACES PROVIDED:	
(81) 10' x 20' REGULAR SPACES	
(27) 9' x 18' COMPACT SPACES	
(4) 12' x 20' HANDICAPPED SPACES	
(112) PARKING SPACES PROVIDED	

LEGAL DESCRIPTION:
Parent Parcel Description (written by surveyor):
BEGIN at the Northwest corner of Tract 11, LAKE HIGHLANDS COMPANY, according to the map or plat thereof, as recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida; thence run N 89°42'55" E along the South right of way line of Legends Way, also being the North line of said Tract 11, for a distance of 663.97 feet to the West right of way line of Champions Way, as recorded in Official Records Book 2108, Page 1404, Public Records of Lake County, Florida; thence run S 00°30'28" W along said West right of way line for a distance of 433.80 feet to the North right of way line of State Road No. 50; thence run N 89°06'44" W along said North right of way line for a distance of 433.80 feet to the East line of that parcel of land described in Official Records Book 91, Page 572, Public Records of Lake County; thence run N 00°25'09" E along said East line for a distance of 142.75 feet to the Northeast corner of said parcel described in Official Records Book 91, Page 572; thence run N 89°13'07" W along the North line of said parcel described in Official Records Book 91, Page 572 for a distance of 9.16 feet; thence run N 89°29'31" W along the North line of said parcel described in Official Records Book 91, Page 572 for a distance of 189.70 feet to the West line of aforesaid Tract 11; thence run N 00°17'59" E along said West line of Tract 11 for a distance of 284.92 feet to the Point of Beginning.
Containing 5.843 acres±, more or less.

Revisions	
NO.	DATE
Project Information	
Hilton Suites Hotel Cup Plan	
South Lake Village Complex	
Sec. 26, Twp. 22S, Rge. 20E, City of Clermont, Lake Co., FL	
OWNER/APPLICANT: Mark Graft, c/o SLV13, LLC	
1200 Oakley Seaver Dr., Suite 203, Clermont, FL 34711 (352) 242-2888	
Professional Engineer	
RICK McCOY	
STATE OF FLORIDA	
PROFESSIONAL ENGINEER	
NO. 38725	
Job Information	
JOB NO. 13-018	
DATE Jan. 2015	
DES. BY: RMc	
OWN. BY: RMc	
CHK'D BY:	
APP'D BY:	
Sheet	
1 OF 1	



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

DATE: January 28, 2015

FEE: \$350.00

PROJECT NAME (if applicable): Hilton Suites Hotel

APPLICANT: SLV13, LLC

CONTACT PERSON: Mark Graff

Address: 1200 Oakley Seaver Drive, Suite 203

City: Clermont State: FL Zip: 34711

Phone: 352-242-2888 Fax: _____

E-Mail: mgraфф@graффholdings.com

OWNER: SLV13, LLC

Address: 1200 Oakley Seaver Drive, Suite 203

City: Clermont State: FL Zip: 34711

Phone: 352-242-2888 Fax: _____

Address of Subject Property: To Be Determined

General Location: Along SR 50, at the southwest corner of Legends Way and the future Champions Way connector

Legal Description (include copy of survey): A portion of Clermont, Lake Highlands 28-22-26 - Beg on the W line of Tract 11 at a Point 160 Ft N of Hwy 50 ROW for POB, Run E 200 Ft, S to Hwy, E along Hwy to E line of Tract 11, N to NE corner of Tract 11, W to NW corner of Tract 11, S to POB—Less Begin at E line of Tract 11 at N ROW line of SR 50, Run N 0-34-38 W 433.97 Ft, N 88-42-10 W 30 Ft, S 0-34-38 E 433.97 Ft, S 89-18-53 E 30 Ft to POB for Rd ROW - PB 2 PG 28

Land Use (City verification required): Commercial

Zoning (City verification required): C-2

Notes:
-Bearings based on the South line of Legends Way as being N 89°42'55" E, an assumed meridian.

Notes:

Surveyor's Certification

that this Map of Boundary Survey meets the minimum technical standards for surveys as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

JEFFREY P. RHODEN PSM #5322

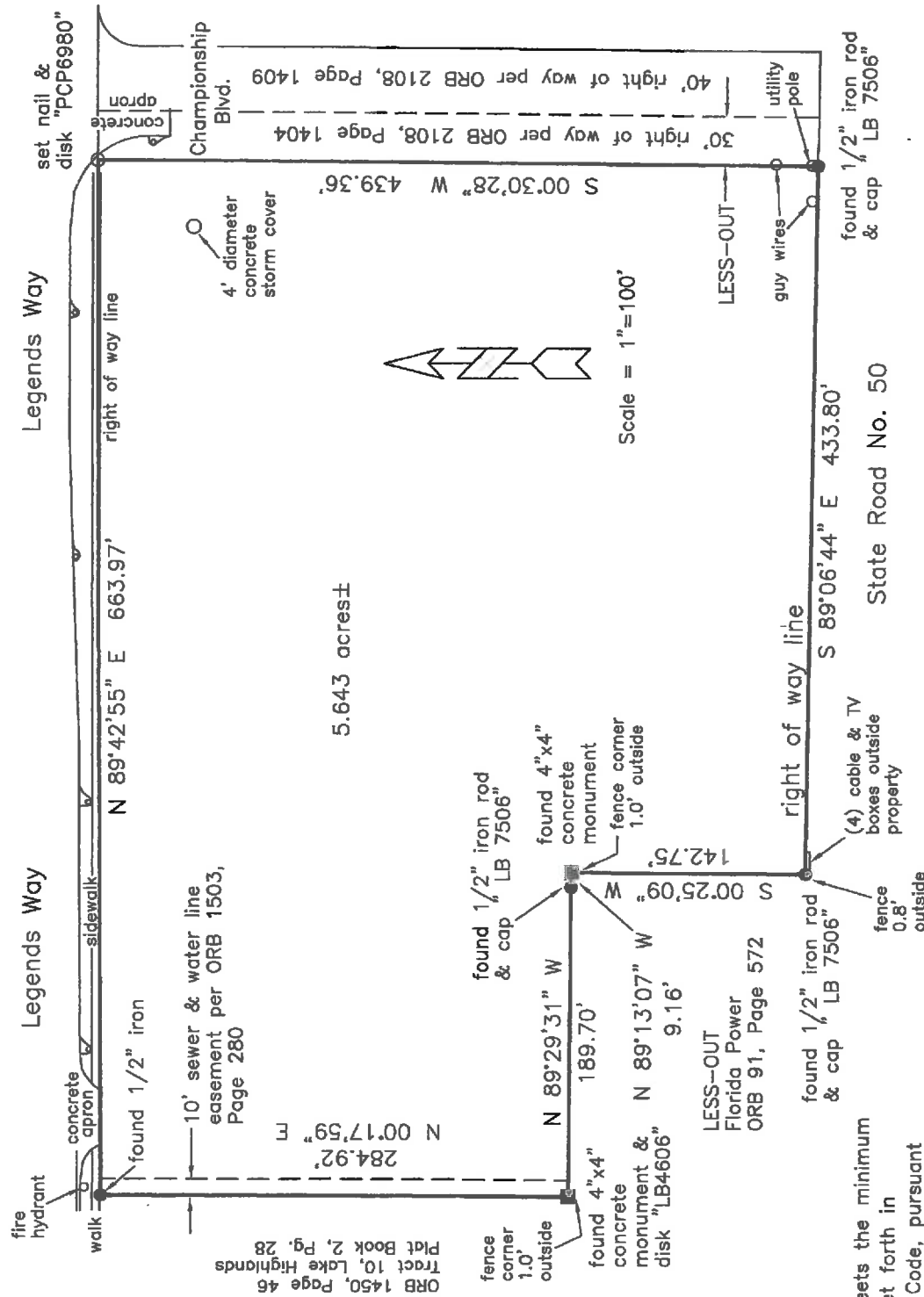
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND
MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL
PURPOSES ONLY AND IS NOT VALID.

examination of the Flood Insurance Rate Map number 12089C 0590 E dated Dec. 18, 2012, and that to the best of my knowledge, belief and my professional opinion that the subject property lies within flood zone X.

Prepared for:

Rhoden Land Surveying, Inc.

LB #6980
420 E. Minnehaha Ave.
Clermont, FL 34711
352-394-6255



LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for a structure to occupy more than 20,000 square feet of total floor space in the C-2 General Commercial zoning district at the following location:

LOCATION

Alt. Key 3784777
Vacant 5.6+/- Acre Lot
located south of Legends Way, North of SR 50
and West of Champions Way

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, March 3, 2015 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, March 24, 2015 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.

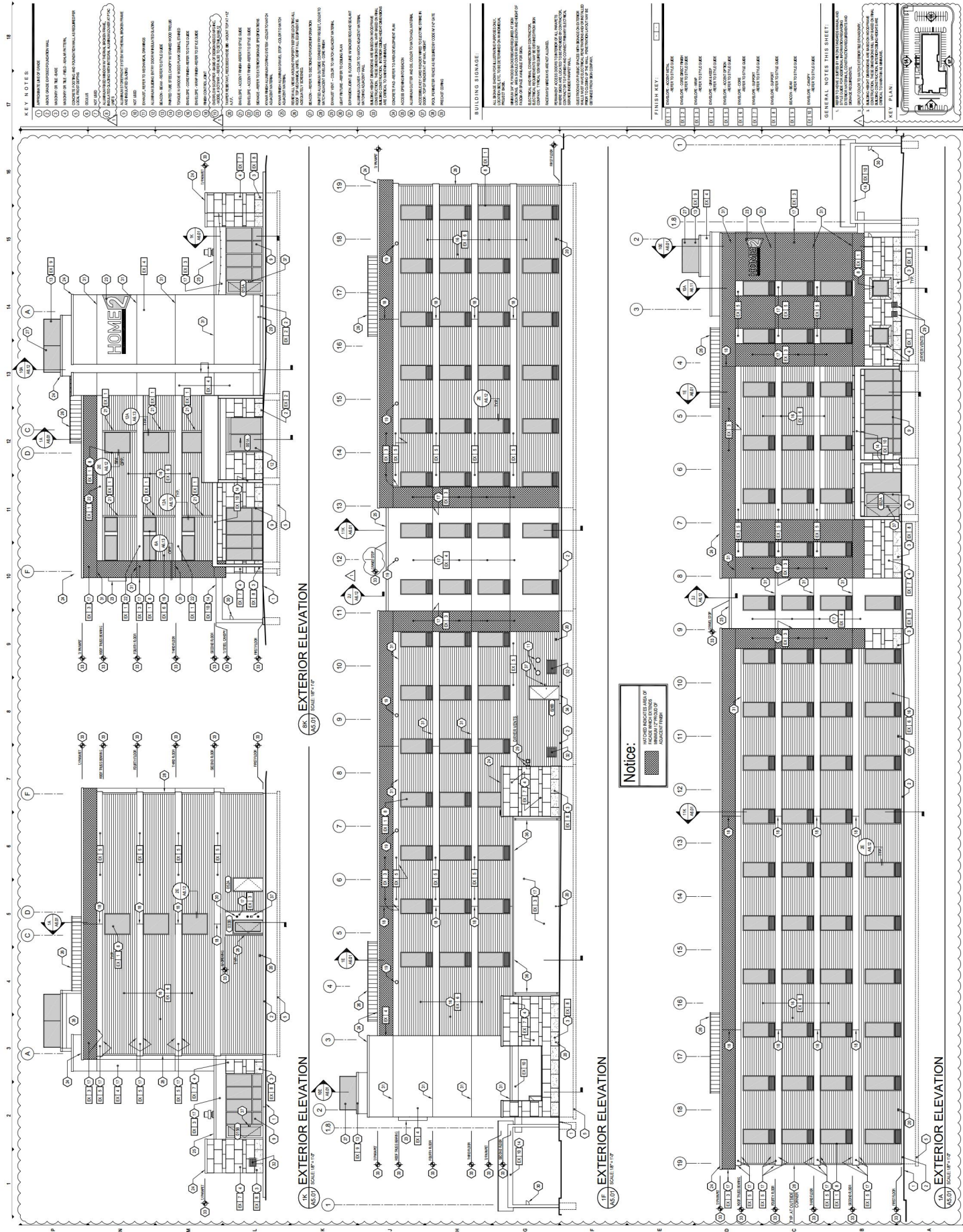
Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
February 24, 2015 and March 17, 2015

Exhibit – Conceptual Elevations
Hilton Suites Hotel







CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 3, 2015		
Agenda Item Name		
Ordinance No. 2015-11 Toyota of Clermont Large-scale comprehensive plan amendment		
Requested Action		
Motion to recommend approval of Ordinance 2015-11.		
Staff Report		
This administrative request is being heard concurrently with requests for annexation and rezoning. The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The Notice of Encumbrance to Annex with the City was executed on November 27, 2012. The property is improved and is receiving water and sewer services from the City of Clermont. The property, approximately 28 acres, has been developed as an auto dealership, Toyota of Clermont. The proposed map amendment will change the future land use from Lake County's Regional Commercial to the City's Commercial. The related rezoning request will change the zoning from Urban Estate (currently Planned Commercial District in Lake County) to the City's C-2 General Commercial zoning classification. 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 May. Staff recommends approval of the transmittal of the large scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to Commercial 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	CPA ORD 2015-11.doc	
2. Maps	Toyota Maps.pdf	
3. Utility Agreement	Toyota of Clermont UA.pdf	
4. Legal ad	CPA Ad Toyota of Clermont.docx	

CITY OF CLERMONT
ORDINANCE No. 2015-11

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

Lake Highlands 26-22-26 Beginning at northeast corner of section, run south 0-40-12 west 1183.47 feet to north right-of-way line of S.R. 50, north 89-09-12 west 680.32 feet, north 0-25-53 west to north line of section, east along said north line of section to point of beginning, being tracts 1 & 16, part of tracts 2 and 15A PB 3, PG 52 ORB 2754 Pg 2314, Public Records of Lake County, Florida. Containing 18.48 acres, more or less

AND

CITY OF CLERMONT
ORDINANCE No. 2015-11

Lake Highlands 23-22-26 beginning at southeast corner of section, run north 0-39-25 east 464.58 feet to southerly right-of-way line of railroad, north 66-13-46 west along said southerly right-of-way line of railroad a distance of 780.30 feet, south 0-25-53 east to south line of section, east along said south line to point of beginning, being part of tracts 50A & 63, all of tract 64 - less from southeast corner of section 23 run north 0-39-25 east along east line of southeast $\frac{1}{4}$ a distance of 464.58 feet to north line of tract 64, north 66-13-46 west along said projection line and north line of said tracts 64 and 50A 780.30 feet, south 0-25-53 east 76.75 feet to a point on south line of 200 feet wide right-of-way for Atlantic Coast Lines railroad right-of-way and point of beginning, run south 66-13-46 east right-of-way line 350.25 feet, north 89-09-48 west 319.54 feet, north 0-25-53 west 136.51 feet to point of beginning, PB4 PG 11, ORB 2754 PG 2314, Public Records of Lake County, Florida.

Containing 9.84 acres, more or less

Total: Containing 28.32 acres, more or less.

(Alternate Key 1048699 and 3835574) North of S.R. 50, east of Auto Plex Lane, West of the Orange County line, (Toyota of Clermont).

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

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. 2015-11

Location map:



CITY OF CLERMONT
ORDINANCE No. 2015-11

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of May, 2015.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map Clermont Motor Sales, LLC

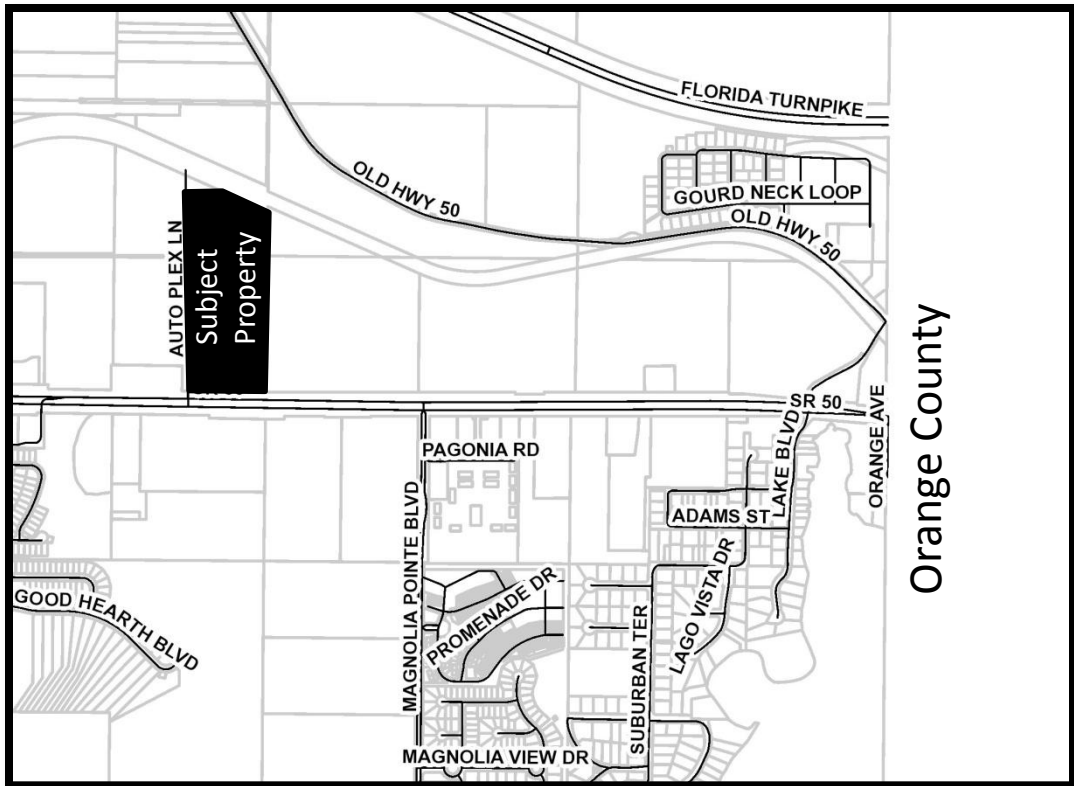


Exhibit – Future Land Use
Clermont Motor Sales, LLC

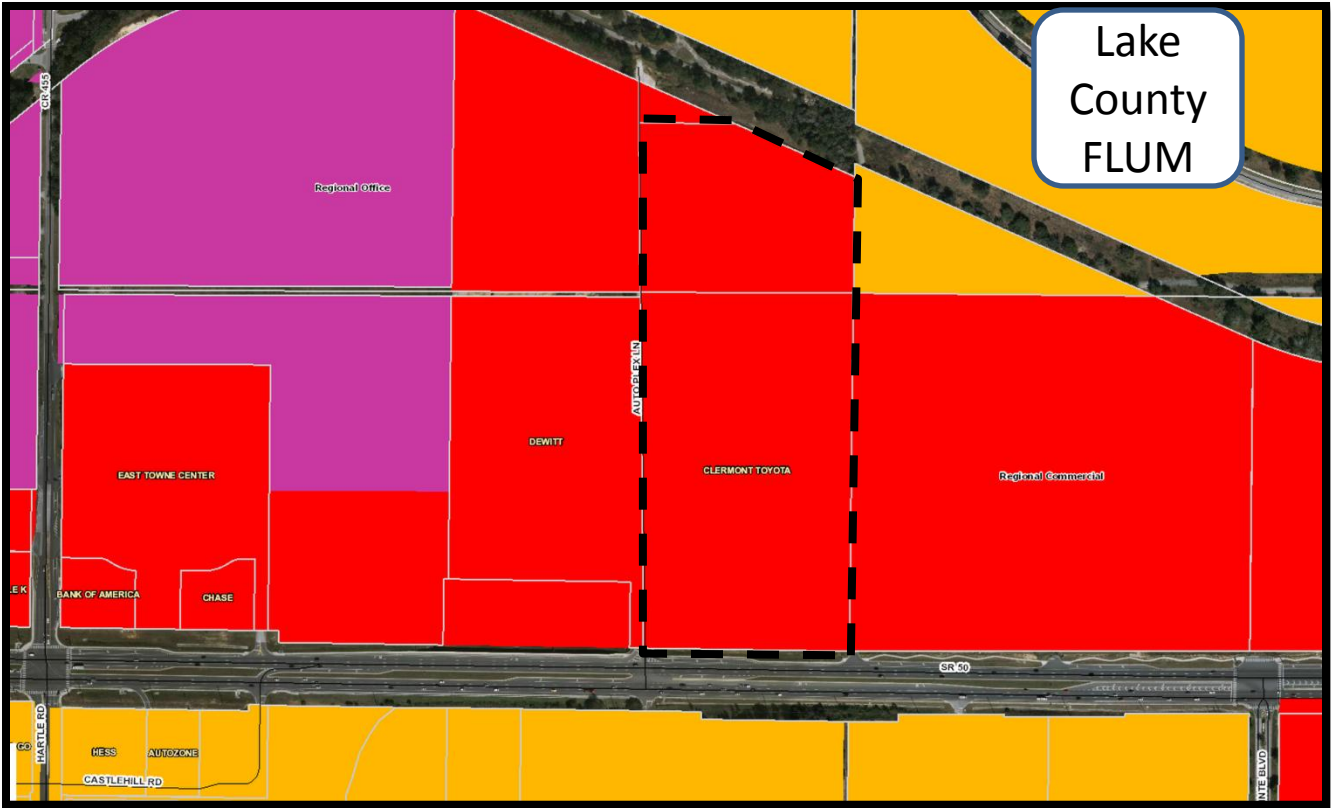


Exhibit – Zoning
Clermont Motor Sales, LLC



*City of Clermont
685 W. Montrose St
Clermont, FL 34711*



**UTILITY SERVICE AGREEMENT
For WATER & WASTEWATER**

This document constitutes an agreement between the *City of Clermont*, hereby referred to as **CITY**, a municipality of the State of Florida, and *Clermont Motor Sales, LLC* and any successors or assigns, hereby referred to as **OWNER**.

WITNESSETH

Whereas, OWNER is requesting service to an automotive sales, service, repair and commercial business which is located on real property (the "Property") described on Exhibit 'A', attached hereto and by this reference made a part hereof; and

Whereas, the Property is located in the unincorporated area of Lake County and the OWNER is requesting water and sewer service from the CITY; and

Whereas, as a condition of CITY providing said water and sewer service to the Property, OWNER is to extend water and sewer lines to serve the Property and lines and appurtenances must be sized and constructed in accordance with the minimum requirements of CITY Land Development Regulations and to meet the flow demands for the subdivision; and

Whereas, the CITY may, at the sole option of the CITY, elect to enlarge or oversize the water and/or sewer lines and appurtenances in order to provide additional capacity to other properties; and

Whereas, as a condition of the provision of water and sewer service to the Property by the CITY, OWNER agrees that this Agreement shall constitute an unconditional application to annex the Property into the City of Clermont, if CITY chooses to do so; and

Whereas, OWNER and CITY are entering into this Agreement to set forth the terms and conditions under which water and sewer service shall be extended and sized.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

Section 1. OFF-SITE WATER/SEWER – Each and all of the foregoing premises are incorporated into and constitute a part of this Agreement.

- 1.1 CITY shall provide water and sewer service for the Property.
- 1.2 OWNER shall connect to the existing City system at connection point or points approved by CITY.
- 1.3 The route of any off site lines shall be according to engineering plans produced by OWNER and approved by the CITY.
- 1.4 The OWNER shall construct the facilities, lines and appurtenances necessary to serve the development and provide such documentation necessary for the CITY to ascertain that the lines shall meet the minimum line size requirements as specified by the CITY Land Development Regulations.

- 1.5 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans.
- 1.6 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No building permits shall be issued until water and sewer are provided to the site or until a bond or letter of credit, acceptable to CITY, is in place to guarantee completion of off-site improvements. No Certificate of Occupancy shall be issued until water and sewer extensions have been completed and accepted by the CITY.
- 1.7 The OWNER shall be responsible for all costs of on site and off site improvements, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property.
- 1.8 The OWNER shall construct a portion of Autoplex Lane, S.R. 50, including turn lanes into the development, along the southern property boundary as associated with the development.
- 1.9 The existing utilities along State Road 50 must stay in service throughout construction. If the construction requires that the utilities be relocated or altered, the OWNER shall prepare plans, permit the project and construct the modifications at the OWNER's expense.
- 1.10 The utilities in the commercial properties shall be privately owned and maintained, but shall be constructed to City standards.
- 1.11 The CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY.
- 1.12 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
- 1.13 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
- 1.14 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1.9 from the CITY in the form of Impact Fee Credits.
- 1.15 The Impact Fee Credits shall be established subject to Sections 1.9 and 1.11 and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used.
- 1.16 Impact Fee Credits may not be transferred outside of the Property described on Exhibit 'A' but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property.

- 1.17 The OWNER shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees.
- 1.18 A 12-inch water main shall be constructed from the connection point at State Road 50, north along the private road at the western property boundary, westerly along the trail right-of-way and connect to the existing 16-inch water main on CR455. The water main shall be located in a fifteen foot easement in Autoplex Lane.
- 1.19 The point of sewer connection shall be coordinated with the existing utilities on the north side of State Road 50. The City will not accept ownership of utilities within the State Road 50 right-of-way.
- 1.20 Any fencing within public view, (including retention ponds), must be ornamental metal with complementing structural columns. No chain link shall be used in public view areas.
- 1.21 The OWNER must coordinate with Lake County and the Metropolitan Planning Organization (MPO) for compliance with Transportation Concurrency, and the Transportation Concurrency Management System (TCMS).
- 1.22 A cross access easement must be provided for the constructed Autoplex Lane, and the 30-foot unimproved reserved portion running to the northern property boundary.
- 1.23 Autoplex Lane road improvements. Autoplex Lane, which is a private road, shall be constructed to City design and landscaping standards (as modified herein above) from State Road 50 for 300 feet north into the Property. OWNER shall not be required to perform any upgrades to Autoplex Lane beyond 300 feet north of State Road 50.
- 1.24 The unimproved portion of Autoplex Lane shall include a 30-foot reservation of property for the roadway itself, plus 10-feet for the landscape buffer. The cross section shall be essentially level to accommodate any possible future construction of the road.

Section 2. DEVELOPMENT STANDARDS

- 2.1 The project shall be developed according to the JPA Land Development Regulations (Lake County Ordinance No. 2005-64). Items not addressed in the JPA Land Development Regulations must be developed to City standards unless otherwise stipulated in this Agreement under Section 3, or subsequent amendments to this Agreement.
- 2.2 The project shall be designed in substantial accordance with the Site Plan (Exhibit "C") and Landscape Plan (Exhibit "D") by Spring Engineering, Inc. dated 9-21-12. Exceptions or modifications may be permitted as necessary to comply with final conditions and any State, County or City Codes.

Section 3. WAIVER REQUESTS FOR THE PROPERTY

- 3.1 OWNER will request the following waivers from requirements imposed in the City of Clermont Code of Ordinances (the "Code") and CITY staff will support such requests:

- (a) Retaining Wall Height. The retaining wall height will be 15 feet.
- (b) Customer Parking. Rather than basing the number of customer parking on the square footage of the overall commercial space for the project, the CITY agrees to base the number of customer parking spaces on the size of the first floor administration/sales area (18,018 sq. ft.) and the collision center building (2,710 sq. ft.) for the project. Accordingly, 90 customer parking spaces are required for the administration/sales area (117 provided) and 14 customer parking spaces are required for the collision center (16 provided). The OWNER is required to provide a minimum of 104 customer parking spaces for both areas total. The site plan indicates 117 customer parking spaces are sized according to Section 3 (c). Overall customer parking as indicated on the site plan for both the first & second floor requires 152 spaces and 152 are provided, both 10' x 20' and 9' x 18'.
- (c) Product Inventory Space Size. The product inventory spaces shall be separated from customer parking spaces and shall be 9' x 18'. Customer parking spaces will be 10' x 20'.
- (d) Parking areas in the non-customer locations may have one landscape island every 15 parking spaces. All customer parking areas shall maintain the required one landscape island every 10 parking spaces.
- (e) Cut and Fill Maximum Standard for Grading. The grading for the site shall be limited to a 15 foot grade change in a cut or fill for the overall site, and up to 20 feet for the transition area along the eastern boundary.
- (f) Landscaping on the western boundary of the Property beyond 300 feet north of State Road 50. The landscape buffer along that portion of the western boundary of the Property 300 feet north of State Road 50 shall be placed to the east of the existing pavement of Autoplex Lane and shall be constructed to those standards for a property boundary and not to the standards for buffers adjacent to public right-of-way.
- (g) Side slope requirements on the western boundary of the Property beyond 300 feet north of State Road 50. The side slope directly adjacent to the western side of the developed area of the Property 300 feet north of State Road 50 shall have a slope of 6:1 for the first 5 feet in lieu of the 10:1 side slope requirement.
- (h) All landscape buffers and internal island landscaping may be planted in accordance with the Lake County landscape requirements. This shall include internal parking landscape island size, perimeter buffer size, and plant materials/size.

Section 4. ANNEXATION

3.1 OWNER agrees that CITY may annex the Property into the City of Clermont if CITY, in its sole discretion, chooses to do so. In conjunction herewith, OWNER shall provide to CITY a *Notice of Encumbrance to Annex* Property in a form substantially in compliance with the form set forth in Exhibit "B", attached hereto and incorporated herein. The CITY shall record this Notice in the public records of Lake County whereupon it is agreed it shall serve as an enforceable encumbrance on the real property described in Exhibit "A". The Notice of Encumbrance shall be executed by all owners of the real property described in Exhibit "A" and

shall be accompanied, at OWNER'S expense, by a current certificate of title or opinion letter acceptable to CITY and issued by a licensed title company or attorney identifying all owners in interest of the real property. All land transfers by OWNER shall contain a deed restriction or covenant noting the existence of this encumbrance to annex, such restriction to be recorded as a covenant to run with the land.

Section 5. SEVERABILITY

In the event that any provision of this agreement shall be held invalid or unenforceable, the provision shall be deleted from this agreement without affecting in any respect whatsoever the validity of the remainder of this agreement.

Section 6. NOTICES

All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

CITY

City of Clermont
City Manager
P.O. Box 120219
Clermont, FL 34712-0219

OWNER

Clermont Motor Sales, LLC
3800 West Colonial Drive
Orlando, FL 32808

Section 6. AMENDMENTS

Any amendment to this agreement is not effective unless the amendment is in writing and signed by all parties.

Section 7. EFFECTIVE DATE

The effective date of this agreement shall be the day of execution of the agreement required hereunder.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date listed below. CITY through its City Manager, authorized to execute same by City Council action, and OWNER through _____.

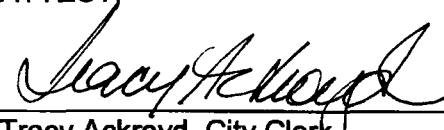
DATED this 27th day of November, 2012.

CITY OF CLERMONT



Harold S. Turville Jr., Mayor

ATTEST:



Tracy Ackroyd, City Clerk

Approved as to form and legality:



Daniel F. Mantzaris, City Attorney



OWNER: Clermont Motor Sales, LLC

[Signature] Title: CHAIRMAN
Signature

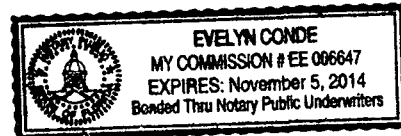
Joseph A. Siviola
Print Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 4th day of December, 2012, by Joseph A. Siviola, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public *[Signature]* SEAL:

Type/print name EVELYN CONDE



PROPERTY OWNER(S):

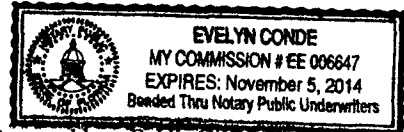
WITNESSES (Two required):

Clermont Motor Sales, LLC

Witnesses

By: [Signature]
SignatureJOSEPH A. SIVIGLIA
Type or print nameBy: _____
Signature_____
Type or print name1. [Signature]
SignatureLeslie Adams
Type or print name2. [Signature]
SignatureKristen VanVonderen
Type or print nameSTATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 4th day of December, 2012, by Joseph A. Siviglia, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public [Signature] SEAL:Type/print name Evelyn Conde

Pursuant to Section 695.29(3)(f): this instrument exempt from Chapter 695, F.S.; Prepared by a Public Officer, City Attorney, City of Clermont, Florida 34712

EXHIBIT "A"**PROPERTY DESCRIPTION****Owners:**

Clermont Motor Sales, LLC

Description:

LAKE HIGHLANDS 26-22-26 BEG AT NE COR OF SEC, RUN S 0-40-12 W 1183.47 FT TO N R/W LINE OF SR 50, N 89-09-12 W 680.32 FT, N 0-25-53 W TO N LINE OF SEC, E ALONG SAID N LINE OF SEC TO POB, BEING TRACTS 1 & 16, PART OF TRACTS 2 & 15A PB 3 PG 52 ORB 2754 PG 2314

Containing 18.48 acres, more or less

AND

LAKE HIGHLANDS 23-22-26 BEG AT SE COR OF SEC, RUN N 0-39-25 E 464.58 FT TO S'LY R/W LINE OF RR, N 66-13-46 W ALONG SAID S'LY R/W LINE OF RR A DIST OF 780.30 FT, S 0-25-53 E TO S LINE OF SEC, E ALONG SAID S LINE TO POB, BEING PART OF TRACTS 50A & 63, ALL OF TRACT 64—LESS FROM SE COR OF SEC 23 RUN N 0-39-25 E ALONG E LINE OF SE 1/4 A DIST OF 464.58 FT TO N LINE OF TRACT 64, N 66-13-46 W ALONG SAID PROJECTION LINE & N LINE OF SAID TRACTS 64 & 50-A 780.30 FT, S 0-25-53 E 76.75 FT TO A POINT ON S LINE OF 200 FT WIDE R/W FOR ACL RR R/W & POB, RUN S 66-13-46 E R/W LINE 350.25 FT, N 89-09-48 W 319.54 FT, N 0-25-53 W 136.51 FT TO POB—PB 4 PG 11, ORB 2754 PG 2314

Containing 9.84 acres, more or less

Total: Containing 28.32 acres, more or less.

Lake County Alternate Key Numbers:

1048699

3835574

EXHIBIT "B"

Notice of Encumbrance
to Annex to City of Clermont

City of Clermont
685 W. Montrose Street
Clermont, FL 34712

THIS INSTRUMENT, Made this 27th day of November 2012, between **Clermont Motor Sales, LLC** property owners in the County of Lake, State of Florida Grantor*, and the **CITY OF CLERMONT, FLORIDA**, A Municipal Corporation, Grantee*:

WITNESSETH, NOTICE is given that heretofore or contemporaneously herewith Grantor has petitioned the Grantee for it to permit voluntary annexation of Grantor's property below described into the corporate limits of the City of Clermont, and

GRANTOR, for and in consideration of the sum of ONE and 00/100 (\$1.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, DOES HEREBY ENCUMBER the below - described real property situate, lying and being in Lake County, Florida with the absolute requirement that the subject real property may be, at the sole discretion, and upon request of Grantee, annexed into the city limits of the City of Clermont at such time that the annexation of said real property is in accordance with applicable law,

GRANTOR, further agrees, on his/hers/theirs/its own behalf and that of Grantors' heirs and assigns to perform all ministerial functions necessary of the Grantor or Grantor's heirs and/or assigns (as the case may be) then required by law to enable the described real property to be incorporated into the city limits of the City of Clermont and where such ministerial functions consist of a simple written request or the renewal of the petition of which notice is given above, then this instrument shall be considered such request and/or renewal. The subject property is described as:

EXHIBIT "A"

Grantor is used for singular or plural, as the context requires. IN WITNESS THEREOF, GRANTOR has hereunto set Grantor's hand and seal the day and year first above written.

Clermont Motor Sales, LLC (Toyota)

Aerial view:



Clermont Motor Sales, LLC (Toyota) - Site Plan:

EXHIBIT "C"

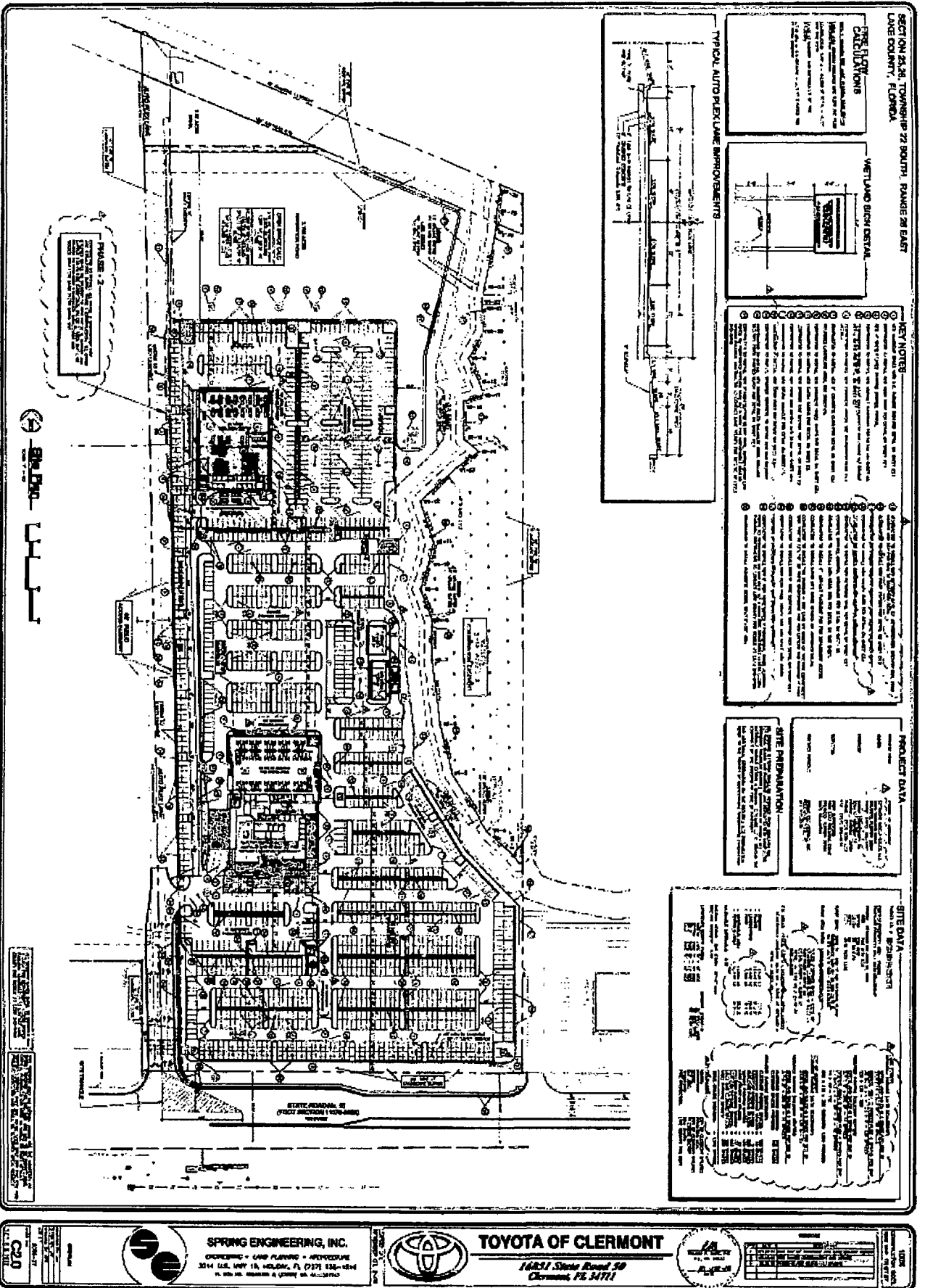
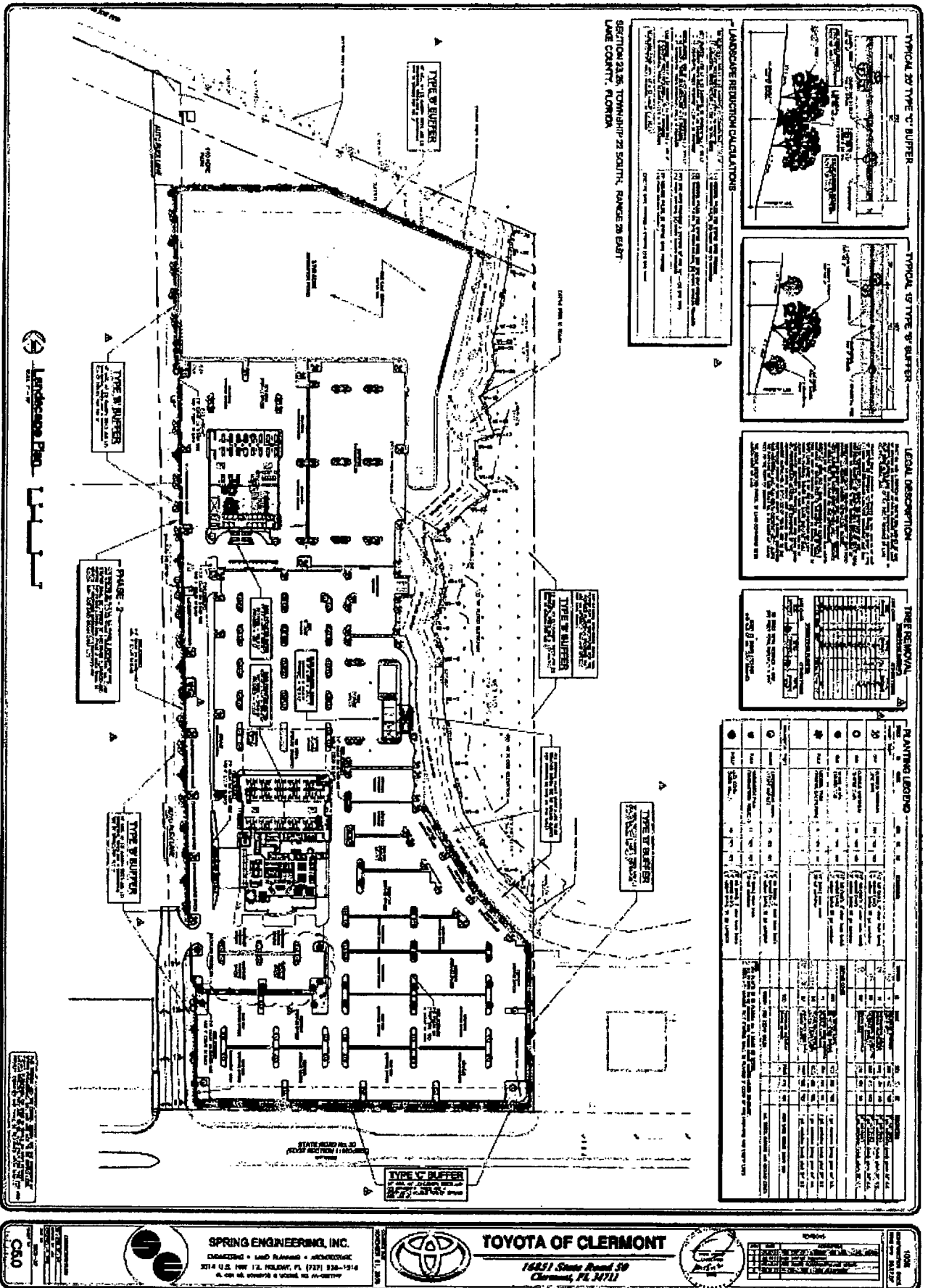


EXHIBIT "D"



CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2015-10

The City of Clermont will hold public hearings Tuesday, March 3, 2015 at 7 p.m. before the Planning and Zoning Commission and Tuesday, March 24, 2015 at 6:30 p.m. before the City Council to consider transmittal and introduction of a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the parcel below from Lake County Regional Commercial to Commercial.

The City of Clermont will hold public hearings on Tuesday, May 26, 2015 (final reading of the ordinance) 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: North of S.R. 50, East of Auto Plex Lane, West of the Orange County Line,
Toyota of Clermont, 28 +/- acres
Alternate Keys 3835574 and 1048699***

Ordinance #2015-10:

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

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

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

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
February 17, 2015 and May 12, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 3, 2015		
Agenda Item Name		
Ordinance No. 2015-12 Toyota of Clermont Rezoning		
Requested Action		
Motion to recommend approval of Ordinance 2015-12		
Staff Report		
This administrative request is being heard concurrently with requests for annexation and a large-scale comprehensive plan amendment. The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The Notice of Encumbrance to Annex with the City was executed on November 27, 2012. The property is improved and is receiving water and sewer services from the City. The property, approximately 28 acres, has been developed as an auto dealership, Toyota of Clermont. The proposed rezoning is from Urban Estate (currently zoned Lake County's Planned Commercial District) to the City's C-2 General Commercial zoning classification. The related request for a comprehensive plan amendment would change the future land use from Lake County's Regional Commercial to the City's Commercial designation. Staff recommends approval of the rezoning to C-2 General Commercial.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	REZ ORD 2015-12.doc	
2. Maps	Toyota Maps.pdf	
3. Utility Agreement	Toyota of Clermont UA.pdf	
4. Legal ad	REZ legal ad.docx	

CITY OF CLERMONT
ORDINANCE No. 2015-12

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

Lake Highlands 26-22-26 Beginning at northeast corner of section, run south 0-40-12 west 1183.47 feet to north right-of-way line of S.R. 50, north 89-09-12 west 680.32 feet, north 0-25-53 west to north line of section, east along said north line of section to point of beginning, being tracts 1 & 16, part of tracts 2 and 15A PB 3, PG 52 ORB 2754 Pg 2314, Public Records of Lake County, Florida. Containing 18.48 acres, more or less

AND

Lake Highlands 23-22-26 beginning at southeast corner of section, run north 0-39-25 east 464.58 feet to southerly right-of-way line of railroad, north 66-13-46 west along said southerly right-of-way line of railroad a distance of 780.30 feet, south 0-25-53 east to south line of section, east along said south line to point of beginning, being part of tracts 50A & 63, all of tract 64 - less from southeast corner of section 23 run north 0-39-25 east along east line of southeast ¼ a distance of 464.58 feet to north line of tract 64, north 66-13-46 west along said projection line and north line of said tracts 64 and 50A 780.30 feet, south 0-25-53 east 76.75 feet to a point on south line of 200 feet wide right-of-way for Atlantic Coast Lines railroad right-of-way and point of beginning, run south 66-13-46 east right-of-way line 350.25 feet, north 89-09-48 west 319.54 feet, north 0-25-53 west 136.51 feet to point of beginning, PB4 PG 11, ORB 2754 PG 2314, Public Records of Lake County, Florida.
Containing 9.84 acres, more or less

Total: Containing 28.32 acres, more or less.

(Alternate Key 1048699 and 3835574) North of S.R. 50, east of Auto Plex Lane, West of the Orange County line, (Toyota of Clermont).

CITY OF CLERMONT
ORDINANCE No. 2015-12

From: UE Urban Estate
To: C-2 General Commercial

SECTION 2:

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

SECTION 3:

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

SECTION 4:

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

Location map:



CITY OF CLERMONT
ORDINANCE No. 2015-12

on this 24th day of March, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form:

Dan Mantzaris, City Attorney

Exhibit - Location Map
Clermont Motor Sales, LLC

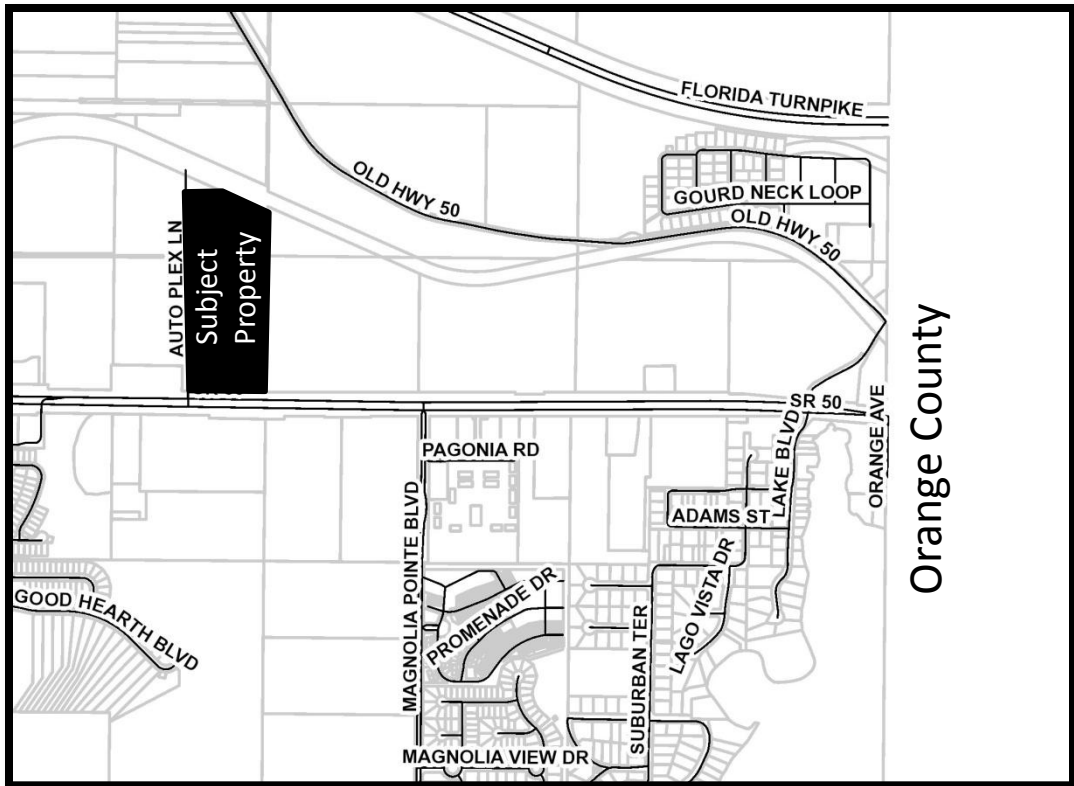


Exhibit – Future Land Use
Clermont Motor Sales, LLC

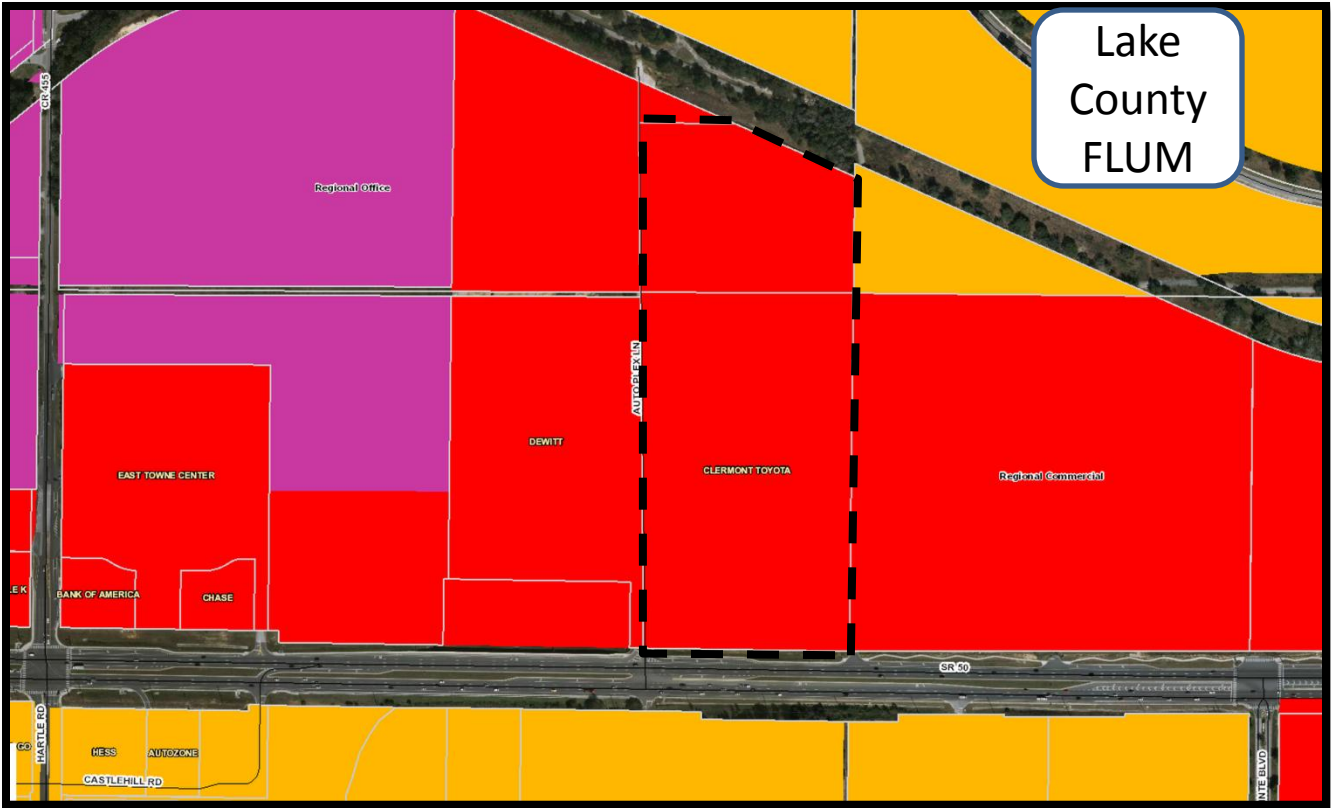


Exhibit – Zoning
Clermont Motor Sales, LLC



*City of Clermont
685 W. Montrose St
Clermont, FL 34711*



**UTILITY SERVICE AGREEMENT
For WATER & WASTEWATER**

This document constitutes an agreement between the *City of Clermont*, hereby referred to as **CITY**, a municipality of the State of Florida, and *Clermont Motor Sales, LLC* and any successors or assigns, hereby referred to as **OWNER**.

WITNESSETH

Whereas, OWNER is requesting service to an automotive sales, service, repair and commercial business which is located on real property (the "Property") described on Exhibit 'A', attached hereto and by this reference made a part hereof; and

Whereas, the Property is located in the unincorporated area of Lake County and the OWNER is requesting water and sewer service from the CITY; and

Whereas, as a condition of CITY providing said water and sewer service to the Property, OWNER is to extend water and sewer lines to serve the Property and lines and appurtenances must be sized and constructed in accordance with the minimum requirements of CITY Land Development Regulations and to meet the flow demands for the subdivision; and

Whereas, the CITY may, at the sole option of the CITY, elect to enlarge or oversize the water and/or sewer lines and appurtenances in order to provide additional capacity to other properties; and

Whereas, as a condition of the provision of water and sewer service to the Property by the CITY, OWNER agrees that this Agreement shall constitute an unconditional application to annex the Property into the City of Clermont, if CITY chooses to do so; and

Whereas, OWNER and CITY are entering into this Agreement to set forth the terms and conditions under which water and sewer service shall be extended and sized.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

Section 1. OFF-SITE WATER/SEWER – Each and all of the foregoing premises are incorporated into and constitute a part of this Agreement.

- 1.1 CITY shall provide water and sewer service for the Property.
- 1.2 OWNER shall connect to the existing City system at connection point or points approved by CITY.
- 1.3 The route of any off site lines shall be according to engineering plans produced by OWNER and approved by the CITY.
- 1.4 The OWNER shall construct the facilities, lines and appurtenances necessary to serve the development and provide such documentation necessary for the CITY to ascertain that the lines shall meet the minimum line size requirements as specified by the CITY Land Development Regulations.

- 1.5 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans.
- 1.6 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No building permits shall be issued until water and sewer are provided to the site or until a bond or letter of credit, acceptable to CITY, is in place to guarantee completion of off-site improvements. No Certificate of Occupancy shall be issued until water and sewer extensions have been completed and accepted by the CITY.
- 1.7 The OWNER shall be responsible for all costs of on site and off site improvements, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property.
- 1.8 The OWNER shall construct a portion of Autoplex Lane, S.R. 50, including turn lanes into the development, along the southern property boundary as associated with the development.
- 1.9 The existing utilities along State Road 50 must stay in service throughout construction. If the construction requires that the utilities be relocated or altered, the OWNER shall prepare plans, permit the project and construct the modifications at the OWNER's expense.
- 1.10 The utilities in the commercial properties shall be privately owned and maintained, but shall be constructed to City standards.
- 1.11 The CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY.
- 1.12 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
- 1.13 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
- 1.14 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1.9 from the CITY in the form of Impact Fee Credits.
- 1.15 The Impact Fee Credits shall be established subject to Sections 1.9 and 1.11 and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used.
- 1.16 Impact Fee Credits may not be transferred outside of the Property described on Exhibit 'A' but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property.

- 1.17 The OWNER shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees.
- 1.18 A 12-inch water main shall be constructed from the connection point at State Road 50, north along the private road at the western property boundary, westerly along the trail right-of-way and connect to the existing 16-inch water main on CR455. The water main shall be located in a fifteen foot easement in Autoplex Lane.
- 1.19 The point of sewer connection shall be coordinated with the existing utilities on the north side of State Road 50. The City will not accept ownership of utilities within the State Road 50 right-of-way.
- 1.20 Any fencing within public view, (including retention ponds), must be ornamental metal with complementing structural columns. No chain link shall be used in public view areas.
- 1.21 The OWNER must coordinate with Lake County and the Metropolitan Planning Organization (MPO) for compliance with Transportation Concurrency, and the Transportation Concurrency Management System (TCMS).
- 1.22 A cross access easement must be provided for the constructed Autoplex Lane, and the 30-foot unimproved reserved portion running to the northern property boundary.
- 1.23 Autoplex Lane road improvements. Autoplex Lane, which is a private road, shall be constructed to City design and landscaping standards (as modified herein above) from State Road 50 for 300 feet north into the Property. OWNER shall not be required to perform any upgrades to Autoplex Lane beyond 300 feet north of State Road 50.
- 1.24 The unimproved portion of Autoplex Lane shall include a 30-foot reservation of property for the roadway itself, plus 10-feet for the landscape buffer. The cross section shall be essentially level to accommodate any possible future construction of the road.

Section 2. DEVELOPMENT STANDARDS

- 2.1 The project shall be developed according to the JPA Land Development Regulations (Lake County Ordinance No. 2005-64). Items not addressed in the JPA Land Development Regulations must be developed to City standards unless otherwise stipulated in this Agreement under Section 3, or subsequent amendments to this Agreement.
- 2.2 The project shall be designed in substantial accordance with the Site Plan (Exhibit "C") and Landscape Plan (Exhibit "D") by Spring Engineering, Inc. dated 9-21-12. Exceptions or modifications may be permitted as necessary to comply with final conditions and any State, County or City Codes.

Section 3. WAIVER REQUESTS FOR THE PROPERTY

- 3.1 OWNER will request the following waivers from requirements imposed in the City of Clermont Code of Ordinances (the "Code") and CITY staff will support such requests:

- (a) Retaining Wall Height. The retaining wall height will be 15 feet.
- (b) Customer Parking. Rather than basing the number of customer parking on the square footage of the overall commercial space for the project, the CITY agrees to base the number of customer parking spaces on the size of the first floor administration/sales area (18,018 sq. ft.) and the collision center building (2,710 sq. ft.) for the project. Accordingly, 90 customer parking spaces are required for the administration/sales area (117 provided) and 14 customer parking spaces are required for the collision center (16 provided). The OWNER is required to provide a minimum of 104 customer parking spaces for both areas total. The site plan indicates 117 customer parking spaces are sized according to Section 3 (c). Overall customer parking as indicated on the site plan for both the first & second floor requires 152 spaces and 152 are provided, both 10' x 20' and 9' x 18'.
- (c) Product Inventory Space Size. The product inventory spaces shall be separated from customer parking spaces and shall be 9' x 18'. Customer parking spaces will be 10' x 20'.
- (d) Parking areas in the non-customer locations may have one landscape island every 15 parking spaces. All customer parking areas shall maintain the required one landscape island every 10 parking spaces.
- (e) Cut and Fill Maximum Standard for Grading. The grading for the site shall be limited to a 15 foot grade change in a cut or fill for the overall site, and up to 20 feet for the transition area along the eastern boundary.
- (f) Landscaping on the western boundary of the Property beyond 300 feet north of State Road 50. The landscape buffer along that portion of the western boundary of the Property 300 feet north of State Road 50 shall be placed to the east of the existing pavement of Autoplex Lane and shall be constructed to those standards for a property boundary and not to the standards for buffers adjacent to public right-of-way.
- (g) Side slope requirements on the western boundary of the Property beyond 300 feet north of State Road 50. The side slope directly adjacent to the western side of the developed area of the Property 300 feet north of State Road 50 shall have a slope of 6:1 for the first 5 feet in lieu of the 10:1 side slope requirement.
- (h) All landscape buffers and internal island landscaping may be planted in accordance with the Lake County landscape requirements. This shall include internal parking landscape island size, perimeter buffer size, and plant materials/size.

Section 4. ANNEXATION

3.1 OWNER agrees that CITY may annex the Property into the City of Clermont if CITY, in its sole discretion, chooses to do so. In conjunction herewith, OWNER shall provide to CITY a *Notice of Encumbrance to Annex* Property in a form substantially in compliance with the form set forth in Exhibit "B", attached hereto and incorporated herein. The CITY shall record this Notice in the public records of Lake County whereupon it is agreed it shall serve as an enforceable encumbrance on the real property described in Exhibit "A". The Notice of Encumbrance shall be executed by all owners of the real property described in Exhibit "A" and

shall be accompanied, at OWNER'S expense, by a current certificate of title or opinion letter acceptable to CITY and issued by a licensed title company or attorney identifying all owners in interest of the real property. All land transfers by OWNER shall contain a deed restriction or covenant noting the existence of this encumbrance to annex, such restriction to be recorded as a covenant to run with the land.

Section 5. SEVERABILITY

In the event that any provision of this agreement shall be held invalid or unenforceable, the provision shall be deleted from this agreement without affecting in any respect whatsoever the validity of the remainder of this agreement.

Section 6. NOTICES

All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

CITY

City of Clermont
City Manager
P.O. Box 120219
Clermont, FL 34712-0219

OWNER

Clermont Motor Sales, LLC
3800 West Colonial Drive
Orlando, FL 32808

Section 6. AMENDMENTS

Any amendment to this agreement is not effective unless the amendment is in writing and signed by all parties.

Section 7. EFFECTIVE DATE

The effective date of this agreement shall be the day of execution of the agreement required hereunder.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date listed below. CITY through its City Manager, authorized to execute same by City Council action, and OWNER through _____.

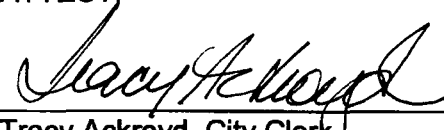
DATED this 27th day of November, 2012.

CITY OF CLERMONT



Harold S. Turville Jr., Mayor

ATTEST:



Tracy Ackroyd, City Clerk

Approved as to form and legality:



Daniel F. Mantzaris, City Attorney



OWNER: Clermont Motor Sales, LLC

[Signature] Title: CHAIRMAN
Signature

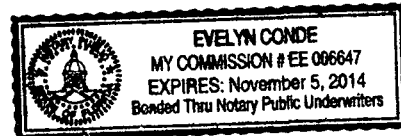
Joseph A. Siviola
Print Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 4th day of December, 2012, by Joseph A. Siviola, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public *[Signature]* SEAL:

Type/print name EVELYN CONDE

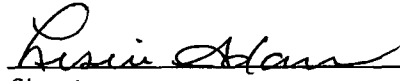


PROPERTY OWNER(S):

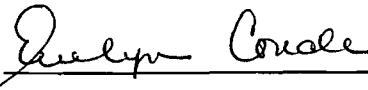
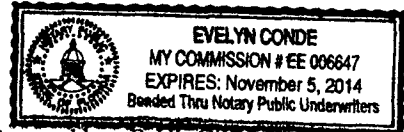
WITNESSES (Two required):

Clermont Motor Sales, LLC

Witnesses

By: 
SignatureJOSEPH A. SIVIGLIA
Type or print nameBy: _____
Signature_____
Type or print name1. 
SignatureLeslie Adams
Type or print name2. 
SignatureKristen VanVonderen
Type or print nameSTATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 4th day of December, 2012, by Joseph A. Siviglia, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public  SEAL:Type/print name Evelyn Conde

Pursuant to Section 695.29(3)(f): this instrument exempt from Chapter 695, F.S.; Prepared by a Public Officer, City Attorney, City of Clermont, Florida 34712

EXHIBIT "A"**PROPERTY DESCRIPTION****Owners:**

Clermont Motor Sales, LLC

Description:

LAKE HIGHLANDS 26-22-26 BEG AT NE COR OF SEC, RUN S 0-40-12 W 1183.47 FT TO N R/W LINE OF SR 50, N 89-09-12 W 680.32 FT, N 0-25-53 W TO N LINE OF SEC, E ALONG SAID N LINE OF SEC TO POB, BEING TRACTS 1 & 16, PART OF TRACTS 2 & 15A PB 3 PG 52 ORB 2754 PG 2314

Containing 18.48 acres, more or less

AND

LAKE HIGHLANDS 23-22-26 BEG AT SE COR OF SEC, RUN N 0-39-25 E 464.58 FT TO S'LY R/W LINE OF RR, N 66-13-46 W ALONG SAID S'LY R/W LINE OF RR A DIST OF 780.30 FT, S 0-25-53 E TO S LINE OF SEC, E ALONG SAID S LINE TO POB, BEING PART OF TRACTS 50A & 63, ALL OF TRACT 64—LESS FROM SE COR OF SEC 23 RUN N 0-39-25 E ALONG E LINE OF SE 1/4 A DIST OF 464.58 FT TO N LINE OF TRACT 64, N 66-13-46 W ALONG SAID PROJECTION LINE & N LINE OF SAID TRACTS 64 & 50-A 780.30 FT, S 0-25-53 E 76.75 FT TO A POINT ON S LINE OF 200 FT WIDE R/W FOR ACL RR R/W & POB, RUN S 66-13-46 E R/W LINE 350.25 FT, N 89-09-48 W 319.54 FT, N 0-25-53 W 136.51 FT TO POB—PB 4 PG 11, ORB 2754 PG 2314

Containing 9.84 acres, more or less

Total: Containing 28.32 acres, more or less.

Lake County Alternate Key Numbers:

1048699

3835574

EXHIBIT "B"

Notice of Encumbrance
to Annex to City of Clermont

City of Clermont
685 W. Montrose Street
Clermont, FL 34712

THIS INSTRUMENT, Made this 27th day of November 2012, between **Clermont Motor Sales, LLC** property owners in the County of Lake, State of Florida Grantor*, and the **CITY OF CLERMONT, FLORIDA**, A Municipal Corporation, Grantee*:

WITNESSETH, NOTICE is given that heretofore or contemporaneously herewith Grantor has petitioned the Grantee for it to permit voluntary annexation of Grantor's property below described into the corporate limits of the City of Clermont, and

GRANTOR, for and in consideration of the sum of ONE and 00/100 (\$1.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, DOES HEREBY ENCUMBER the below - described real property situate, lying and being in Lake County, Florida with the absolute requirement that the subject real property may be, at the sole discretion, and upon request of Grantee, annexed into the city limits of the City of Clermont at such time that the annexation of said real property is in accordance with applicable law,

GRANTOR, further agrees, on his/hers/theirs/its own behalf and that of Grantors' heirs and assigns to perform all ministerial functions necessary of the Grantor or Grantor's heirs and/or assigns (as the case may be) then required by law to enable the described real property to be incorporated into the city limits of the City of Clermont and where such ministerial functions consist of a simple written request or the renewal of the petition of which notice is given above, then this instrument shall be considered such request and/or renewal. The subject property is described as:

EXHIBIT "A"

Grantor is used for singular or plural, as the context requires. IN WITNESS THEREOF, GRANTOR has hereunto set Grantor's hand and seal the day and year first above written.

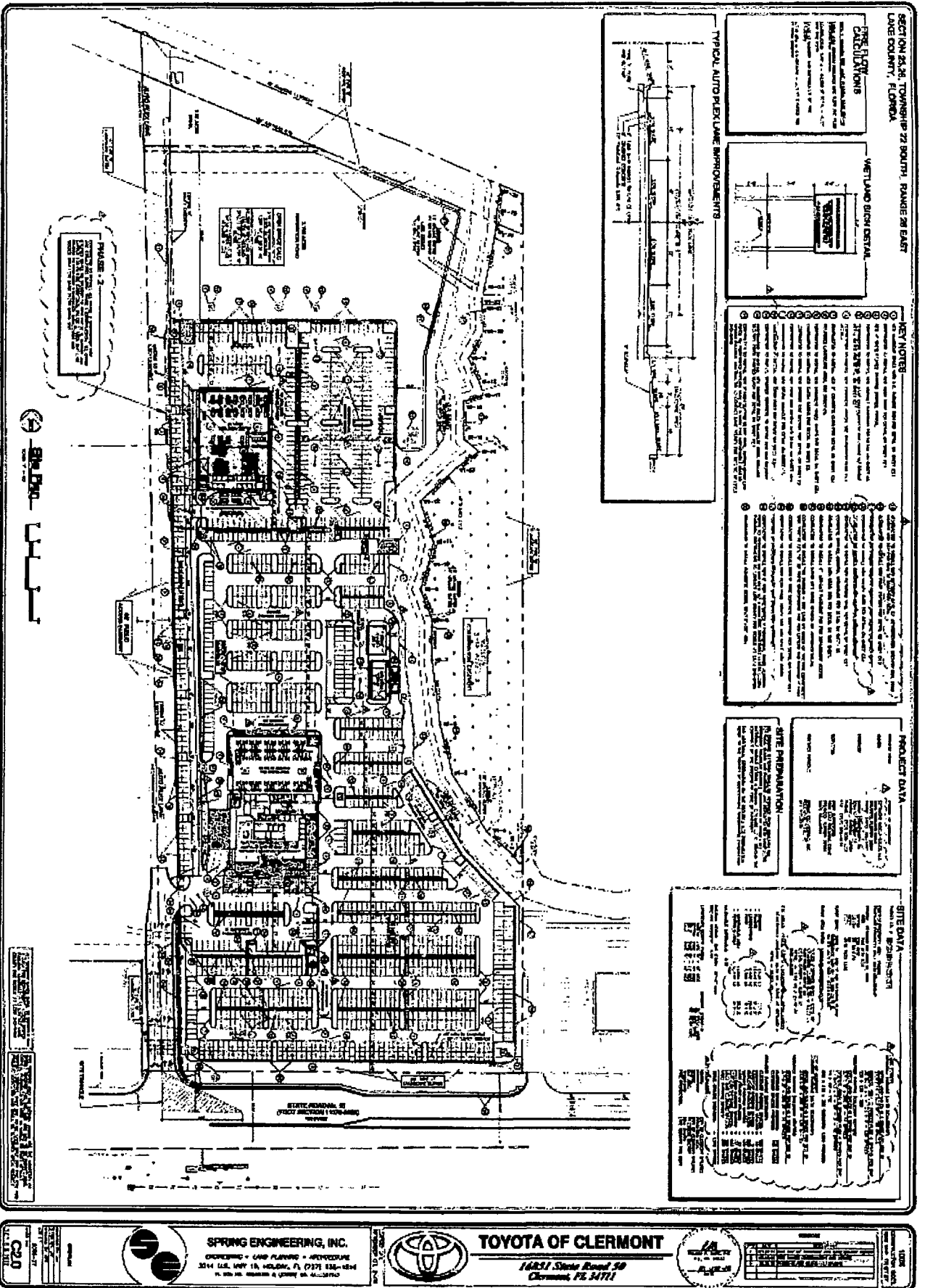
Clermont Motor Sales, LLC (Toyota)

Aerial view:



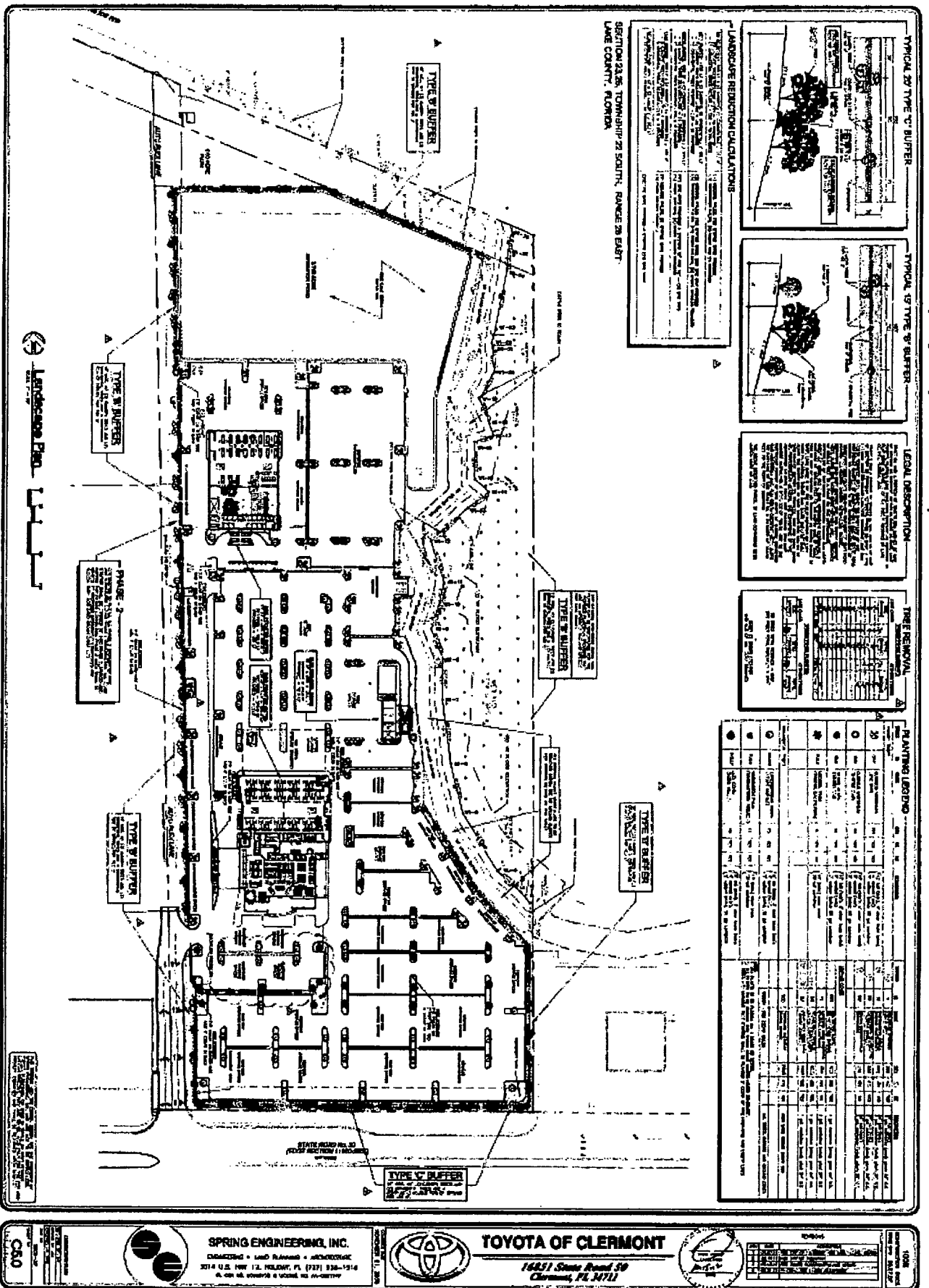
Clermont Motor Sales, LLC (Toyota) - Site Plan:

EXHIBIT "C"



Clermont Motor Sales, LLC (Toyota) - Landscape Plan:

EXHIBIT "D"



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. 2015-12

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

LOCATION

(Alternate Key 1048699 and 3835574) North of S.R. 50, east of Auto Plex Lane,
West of the Orange County line, (Toyota of Clermont)

LEGAL DESCRIPTION

Lake Highlands 26-22-26 Beginning at northeast corner of section, run south 0-40-12 west 1183.47 feet to north right-of-way line of S.R. 50, north 89-09-12 west 680.32 feet, north 0-25-53 west to north line of section, east along said north line of section to point of beginning, being tracts 1 & 16, part of tracts 2 and 15A PB 3, PG 52 ORB 2754 Pg 2314, Public Records of Lake County, Florida. Containing 18.48 acres, more or less

AND

Lake Highlands 23-22-26 beginning at southeast corner of section, run north 0-39-25 east 464.58 feet to southerly right-of-way line of railroad, north 66-13-46 west along said southerly right-of-way line of railroad a distance of 780.30 feet, south 0-25-53 east to south line of section, east along said south line to point of beginning, being part of tracts 50A & 63, all of tract 64 - less from southeast corner of section 23 run north 0-39-25 east along east line of southeast $\frac{1}{4}$ a distance of 464.58 feet to north line of tract 64, north 66-13-46 west along said projection line and north line of said tracts 64 and 50A 780.30 feet, south 0-25-53 east 76.75 feet to a point on south line of 200 feet wide right-of-way for Atlantic Coast Lines railroad right-of-way and point of beginning, run south 66-13-46 east right-of-way line 350.25 feet, north 89-09-48 west 319.54 feet, north 0-25-53 west 136.51 feet to point of beginning, PB4 PG 11, ORB 2754 PG 2314, Public Records of Lake County, Florida. Containing 9.84 acres, more or less

Total: Containing 28.32 acres, more or less.

FROM UE Urban Estate
TO C-2 General Commercial

This request will be considered by the Planning & Zoning Commission on Tuesday, March 3, 2015 at 7:00 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, March 24, 2015 at 6:30 p.m. for final enactment.

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

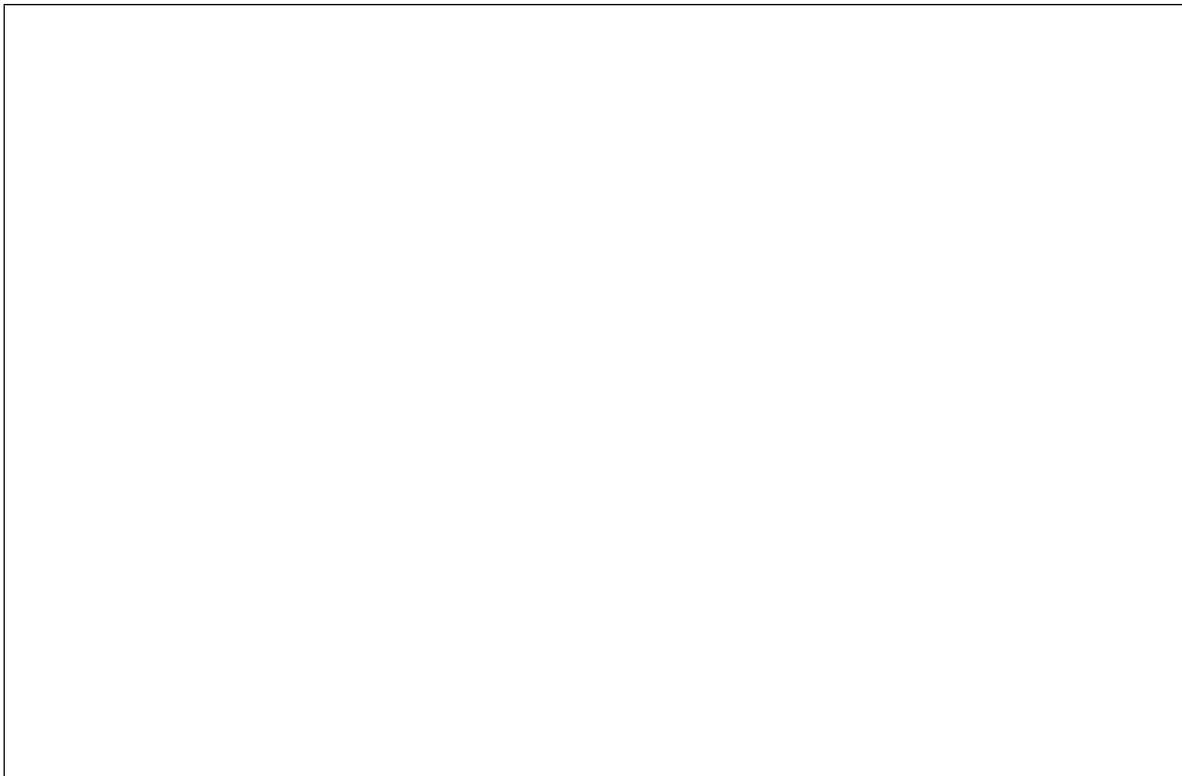
This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose St., Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

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, MMC
City Clerk

Daily Commercial

February 24, 2015 and March 10, 2015





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 3, 2015		
Agenda Item Name		
Ordinance No. 2015-14 - Plaza Collina Large-scale comprehensive plan amendment		
Requested Action		
Motion to recommend approval of Ordinance 2015-14.		
Staff Report		
This administrative request is being heard concurrently with requests for annexation and a conditional use permit (CUP) for a planned unit development (PUD). The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The Notice of Encumbrance to Annex with the City was executed on February 14, 2006. The property is currently vacant, but will be receiving water and sewer services from the City when developed. The property is approximately 142 acres. The proposed map amendment will change the future land use from Lake County's Regional Commercial to the City's Master Planned Development designation. The property, currently zoned Planned Commercial District in Lake County, will become Urban Estate upon annexation. A related request for a conditional use permit for a PUD will incorporate entitlements for the development secured under the existing Lake County PUD and the Development of Regional Impact (DRI) development order. The CUP for the PUD will rescind the DRI. 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 May. Staff recommends approval of the transmittal of the large-scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to Master Planned Development 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 CPA ORD 2015-14.doc		
2. Maps Plaza Collina Maps.pdf		

3.	Utility Agreement	Plaza Collina Utility Agreement.pdf
4.	Legal ad	CPA Ad Plaza Collina.docx
5.	Master Planned Development FLU	Master Planned Development FLU description.pdf

CITY OF CLERMONT
ORDINANCE No. 2015-14

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 Sections 24 and 25, Township 22 south, Range 26 east, Lake County, Florida being described as follows:

Commence at the northwest corner of said section 25, as the point of beginning; thence run south 89°23'23" east, along the north line thereof, 2690.33 feet to the north ¼ of said section 25; thence run south 89°22'05" east, continuing along said north line, 50.07 feet to a barbed wire fence line; thence run north 79°9'30" east, along said fence line, 434.24 feet; thence run north 79°05'06" east, 556.22 feet to a non-tangent curve concave to the

CITY OF CLERMONT
ORDINANCE No. 2015-14

south; thence run easterly along said curve having a central angle of 8°45'53", a radius of 1861.14 feet, an arc length of 284.70 feet, a chord bearing of north 86°42'10" east and a chord distance of 284.43 feet; thence run south 88°54'54" east, 67.39 feet to a curve concave to the south; thence run easterly along said curve having a central angle of 13°57'05", a radius of 1045.00 feet, an arc length of 254.46 feet, a chord bearing of south 81°56'22" east and a chord distance of 253.83 feet to a compound curve concave to the southwest; thence run southeasterly along said curve having a central angle of 18°36'42", a radius of 1413.77 feet, an arc length of 459.24 feet, a chord bearing of south 65°39'28" east and a chord distance 457.23 feet to the aforesaid north line of section 25; thence run south 89°22'05" east, along said north line, 65.88 feet to the maintained west right of way of Old State Road 50, said line being a curve concave to the southwest; thence run southeasterly along said curve having a central angle of 6°35'39", a radius of 1378.71 feet, an arc length of 158.68 feet, a chord bearing of south 48° 19'40" east and a chord distance of 158.59 feet; thence run south 45°1'50" east, continuing along said maintained right of way line, 585.49 feet to the west right of way line of Lake Boulevard; thence run the following six courses and distances along said west right of way line: south 31°37'11" west, 328.07 feet; thence run north 58°22'49" west, 5.00 feet to a non-tangent curve concave to the northwest; thence run southwesterly along said curve having a central angle of 29°47'54", a radius of 200.00 feet, an arc length of 104.02 feet, a chord bearing of south 46°31'08" west and a chord distance of 102.85 feet; thence run south 61°25'05" west, 366.55 feet to a curve concave to the east; thence run southerly along said curve having a central angle of 55°51'45", a radius of 180.00 feet, an arc length of 175.50 feet, a chord bearing of south 33°29'12" west and a chord distance of 168.63 feet; thence run south 21°26'18" west, 11.08 feet to the north right of way line of S.R. 50; thence run following three courses and distances along said north line: north 87°43'31" west, 50.79 feet; thence run north 84°25'41" west, 469.96 feet; thence run north 89°48'40" west, 4157.41 feet to the west line of aforesaid section 25; thence run north 0°43'31" east, along said west line, 1183.70 feet to the point of beginning.

Containing 141.895 acres, more or less

(Alternate Keys 1707242, 1707234, 1037433, 3878786, 1592399, and 1592381) North of S.R. 50, West of the Orange County line, South of Old Highway 50. (Plaza Collina)

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

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.

CITY OF CLERMONT
ORDINANCE No. 2015-14

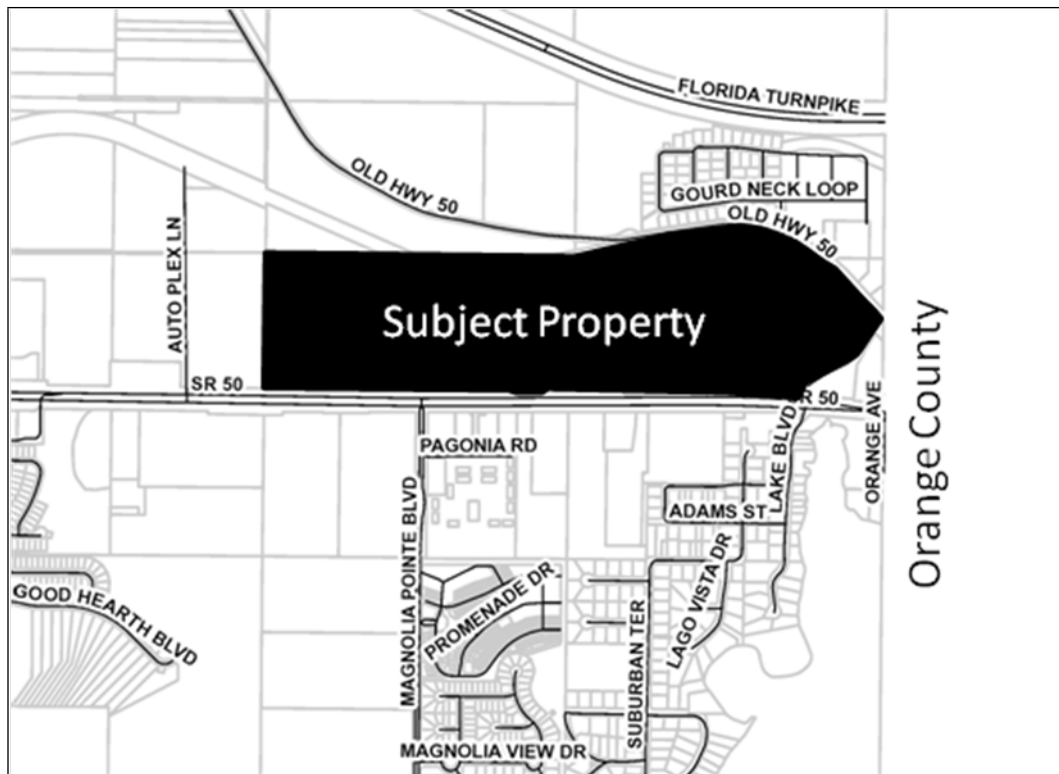
Section 3.

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.

Location map:



CITY OF CLERMONT
ORDINANCE No. 2015-14

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of May, 2015.

Gail L. Ash, Mayor

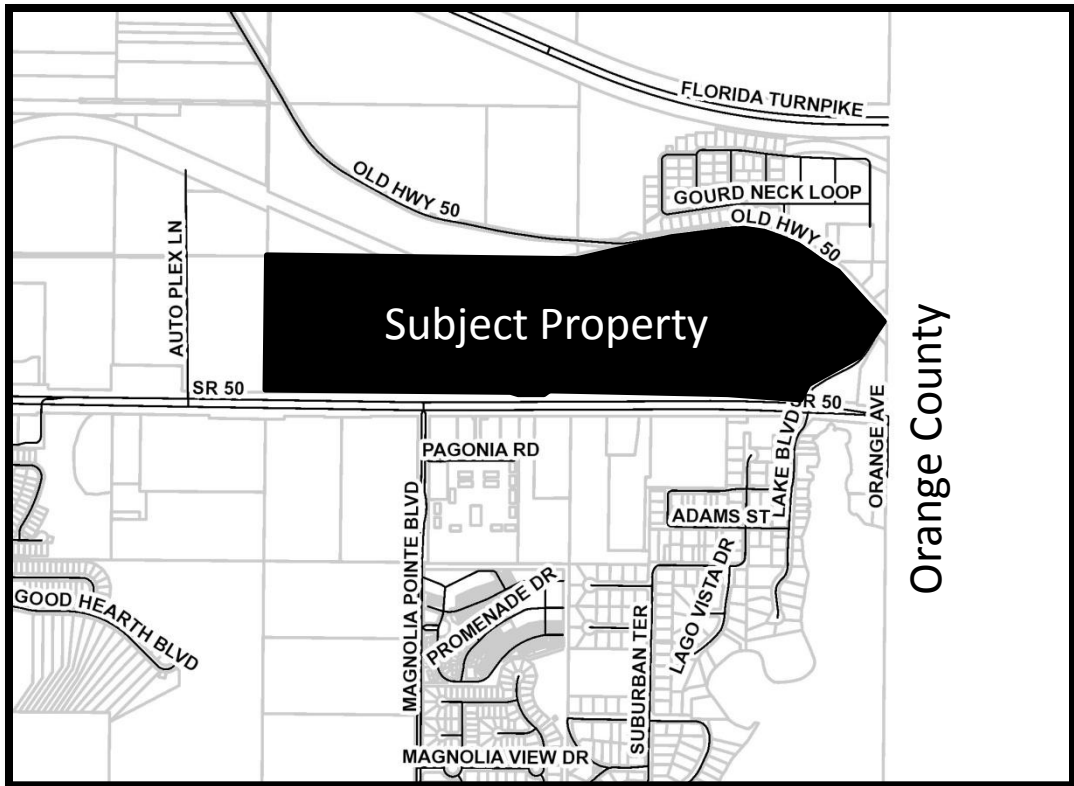
ATTEST:

Tracy Ackroyd, City Clerk

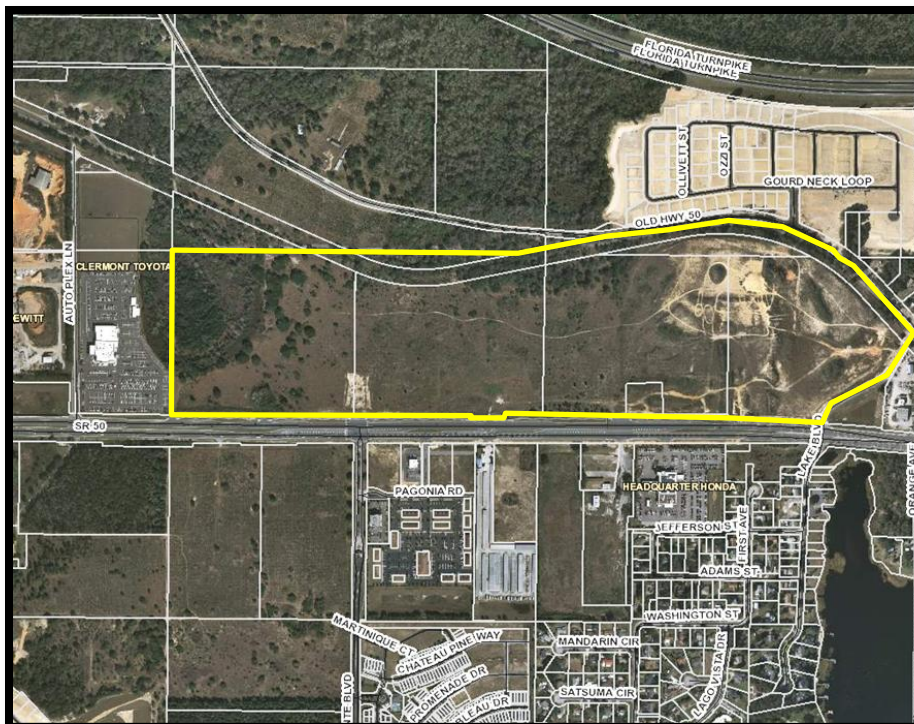
Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map Plaza Collina



Orange County



Orange County

Exhibit – Future Land Use Plaza Collina

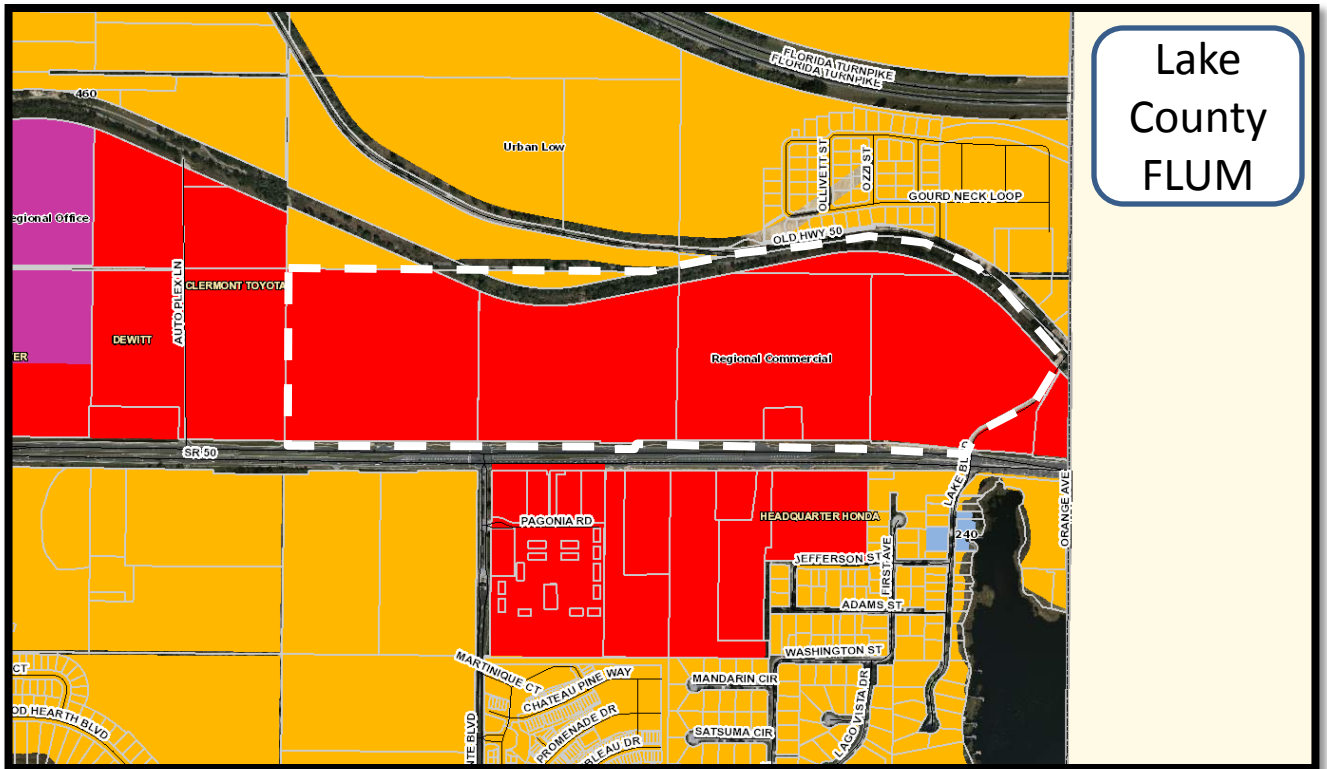
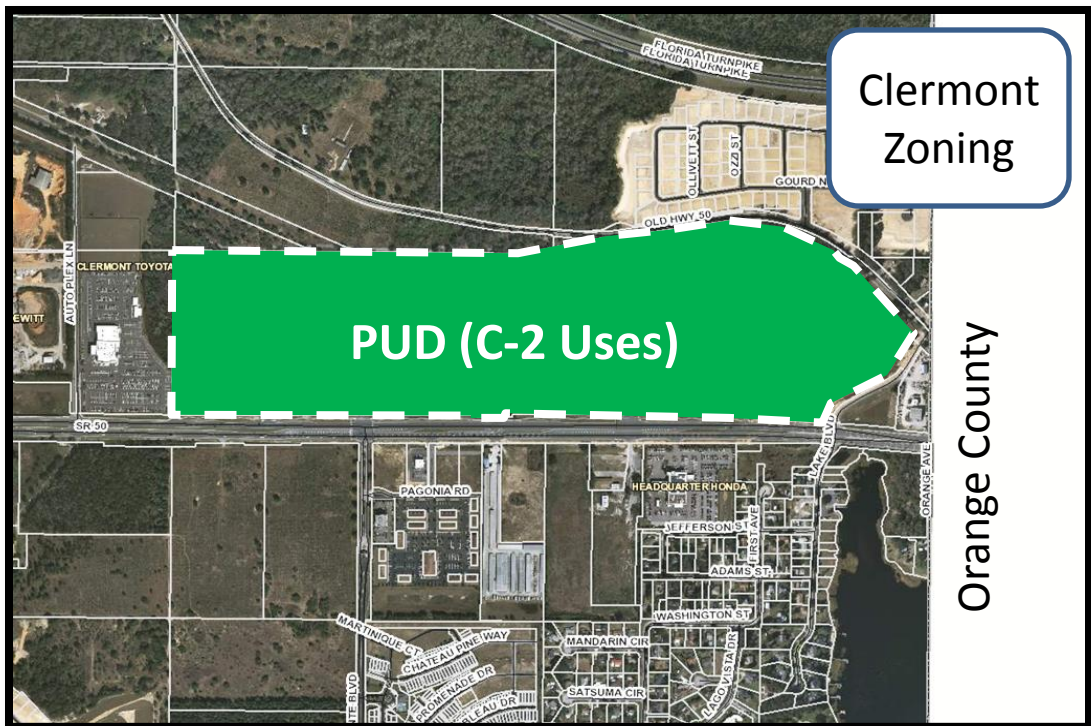


Exhibit – Zoning Plaza Collina



WATER AND SEWER UTILITIES AGREEMENT
LAKE COUNTY GATEWAY, LLC

COPY

THIS WATER AND SEWER UTILITIES AGREEMENT ("Agreement") is entered into as of the 14 day of February, 2006, between THE CITY OF CLERMONT, a Florida municipal corporation, (the "CITY"), and LAKE COUNTY GATEWAY, LLC, a Florida limited liability company, and its successors and assigns (the "OWNER").

WITNESSETH

Whereas, the CITY owns and operates water and sewer utility services within its incorporated City boundaries and within a designated utility service district adopted pursuant to Chapter 180, *Florida Statutes*; and

Whereas, the OWNER owns that certain parcel of land located in Lake County, comprised of approximately 142 acres, as more particularly described on Exhibit "A," attached hereto and incorporated herein by this reference (the "Property"); and

Whereas, the Property is located within the CITY's utility district adopted pursuant to Chapter 180, *Florida Statutes*; and

Whereas, the OWNER is requesting water and sewer service from the City for the Property.

NOW THEREFORE, in consideration of the mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals. The above recitals are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement are hereby deemed a part hereof.

Section 2. Water/Sewer Services.

- 2.1 CITY shall provide water and sewer service for the Property up to 200,000 gallons per day.
- 2.2 OWNER shall connect to the existing City system at connection point or points approved by CITY.
- 2.3 The route of any off-site lines shall be according to engineering plans produced by OWNER and approved by the CITY.

- 2.4 The OWNER shall construct at its expense the facilities, lines and appurtenances necessary to serve the development, including but not limited to the following off-site improvements:
The water main along SR 50 from the existing connection point to the eastern property boundary, water main extension along Lake Blvd from SR 50 to CR 50, and water main extension along CR 50 from Lake Blvd to CR 455.
- 2.5 The OWNER shall be responsible for the construction of all on-site and off-site lines and appurtenances not currently constructed and necessary to serve the project. No building permits shall be issued until water and sewer are provided to the site or until a bond or letter of credit, acceptable to CITY, is in place to guarantee completion of off-site improvements. No Certificate of Occupancy shall be issued until all off-site improvements described in 2.4 above and all necessary water and sewer extensions have been completed and accepted by the CITY.
- 2.6 The OWNER shall be responsible for all costs of on-site and off-site improvements, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances. All improvements shall be constructed in accordance with CITY Land Development Regulations and in accordance with the utility plans for the project as approved by CITY. OWNER shall provide to CITY any and all documentation necessary for the CITY to ascertain that the on-site and off-site improvements meet the minimum line size requirements and specifications as specified by the CITY Land Development Regulations.
- 2.7 At anytime prior to the approval of the utility plans by CITY, CITY may elect to oversize the lines, improvements or appurtenances for CITY's use in the expansion of its water and sewer system. In accordance herewith, CITY shall provide to the OWNER the specifications regarding sizes which shall be included by OWNER in the final utility improvement plans.
- 2.8 In the event that the CITY elects to oversize any of the improvements to be constructed by OWNER hereunder, the CITY shall be responsible for the difference in cost of materials to oversize the improvements based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY.
- 2.9 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
- 2.10 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
- 2.11 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on-site and off-site,

required to serve the Property, with reimbursement for the difference in costs as determined in Section 2.9 from the CITY in the form of Impact Fee Credits.

- 2.12 Any Impact Fee Credits shall be established subject to Sections 2.9 and 2.11, and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until the credit is used.
- 2.13 Impact Fee Credits may not be transferred outside of the Property described on Exhibit 'A' but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property.

Section 3. Development Standards.

The project shall be developed in accordance with the following Lake County approvals, and any approved variances thereto and as otherwise stipulated in this Agreement or subsequent amendments to this Agreement: Lake County comprehensive plan amendment - Ordinance No. 2006-15, Lake County Development Order for the Plaza Collina Development of Regional Impact - Ordinance No. 2006-16; and Lake County Planned Unit Development zoning amendment - Ordinance No. 2006-17.

Section 4. Annexation.

4.1 OWNER agrees that CITY may annex the Property into the City of Clermont if CITY, in its sole discretion, chooses to do so. In conjunction herewith, OWNER shall provide to CITY a Notice of Encumbrance To Annex Property in a form substantially in compliance with the form set forth in Exhibit "B", attached hereto and incorporated herein. The CITY shall record this Notice in the public records of Lake County whereupon it is agreed it shall serve as an enforceable encumbrance on the real property described in Exhibit "A". The Notice of Encumbrance shall be executed by all owners of the real property described in Exhibit "A" and shall be accompanied, at OWNER'S expense, by a current certificate of title or opinion letter acceptable to CITY and issued by a licensed title company or attorney identifying all owners in interest of the real property. All land transfers by OWNER shall contain a deed restriction or covenant noting the existence of this encumbrance to annex, such restriction to be recorded as a covenant to run with the land.

4.2 This agreement shall be recorded in the Public Records of Lake County, Florida at cost to OWNER, and this agreement, upon recording, shall constitute an irrevocable application by the undersigned owner to annex the property described on Exhibit 'A', attached hereto, into the City of Clermont, which right to annex the City may exercise at any time in the future.

Section 5. Water and Sewer Improvements.

Upon completion of and acceptance by CITY of all off-site improvements constructed by OWNER, said improvements shall be transferred to and owned by CITY. No on-site improvements contemplated herein shall be transferred to or owned by CITY.

Section 6. Compliance with City Laws and Regulations.

Except as otherwise set forth herein, development of the water and sewer utilities for the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies.

Section 7. Due Diligence.

The CITY and OWNER agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement.

Section 8. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law.

Section 9. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 10. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the OWNER without the need for consent by the CITY. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assigns. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 11. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof; nor will any waiver on the part of either party of any right, power, or privilege hereunder operate as a waiver of any other right, power, or privilege hereunder; nor will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof, or the exercise of any other right, power, or privilege hereunder.

Section 12. Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve the OWNER from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 13. Amendment. Any amendment to this agreement is not effective unless the amendment is in writing and signed by all parties.

Section 14. Severability. In the event that any provision of this agreement shall be held invalid or unenforceable, the provision shall be deleted from this agreement without affecting in any respect whatsoever the validity of the remainder of this agreement.

Section 15. Notices. All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

CITY:

Wayne Saunders
City of Clermont
City Manager
P.O. Box 120219
Clermont, Florida 34712-0219

With copy to:

Daniel F. Mantzaris, Esq.
City Attorney
Post Office Box 87
Orlando, Florida 32802-0087

OWNER:

Tom A. Harb
Lake County Gateway, LLC
7954 Sand Lake Road
Orlando, Florida 32819

With a copy to:

Cecelia Bonifay, Esq.
Akerman Senterfitt
131 West Main Street
Tavares, Florida 32778

[Signature blocks appear on following page.]

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the date first above written.

CITY:

CITY OF CLERMONT, a Florida municipal corporation

Attest:

Tracy Ackroyd
Tracy Ackroyd, City Clerk

By:

Harold Turville, Jr
Its: Mayor

OWNER:

LAKE COUNTY GATEWAY, LLC, a Florida limited liability company

Witnesses:

Kimberly Ross
Name: Kimberly Ross

Raquel Sealey
Name: Raquel Sealey

By:

Tom A. Harb

Its: Managing Member

STATE OF FLORIDA

COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Tom A. Harb, as Managing Member of Lake County Gateway, LLC, a Florida limited liability company, who provided identification in the form of _____ or who is personally known to be the person described in and who executed the foregoing, and that he acknowledged before me that he executed the same.

Witness my hand and official seal this 29th day of March, 2006.

Colette L. Wharton
Notary Public

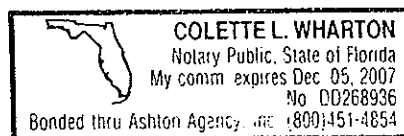


EXHIBIT "A"

Legal Description

BOUNDARY AND LEGAL SURVEY

THAT PART OF SECTIONS 24 AND 25, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 25, AS THE POINT OF BEGINNING; THENCE RUN S 89°23'23" E, ALONG THE NORTH LINE THEREOF, 2690.33 FEET TO THE NORTH 1/4 OF SAID SECTION 25; THENCE RUN S 89°22'05" E, CONTINUING ALONG SAID NORTH LINE, 50.07 FEET TO A BARBED WIRE FENCE LINE; THENCE RUN N 79°9'30" E, ALONG SAID FENCE LINE, 434.24 FEET; THENCE RUN N 79°05'06" E, 556.22 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTH; THENCE RUN EASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 8°45'53", A RADIUS OF 1861.14 FEET, AN ARC LENGTH OF 284.70 FEET, A CHORD BEARING OF N 86°42'10" E AND A CHORD DISTANCE OF 284.43 FEET; THENCE RUN S 88°54'54" E, 67.39 FEET TO A CURVE CONCAVE TO THE SOUTH; THENCE RUN EASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 13°57'05", A RADIUS OF 1045.00 FEET, AN ARC LENGTH OF 254.46 FEET, A CHORD BEARING OF S 81°56'22" E AND A CHORD DISTANCE OF 253.83 FEET TO A COMPOUND CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 18°36'42", A RADIUS OF 1413.77 FEET, AN ARC LENGTH OF 459.24 FEET, A CHORD BEARING OF S 65°39'28" E AND A CHORD DISTANCE OF 457.23 FEET TO THE AFORESAID NORTH LINE OF SECTION 25; THENCE RUN S 89°22'05" E, ALONG SAID NORTH LINE, 65.88 FEET TO THE MAINTAINED WEST RIGHT OF WAY OF OLD STATE ROAD No. 50, SAID LINE BEING A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 6°35'39", A RADIUS OF 1378.71 FEET, AN ARC LENGTH OF 158.68 FEET, A CHORD BEARING OF S 48°19'40" E AND A CHORD DISTANCE OF 158.59 FEET; THENCE RUN S 45°1'50" E, CONTINUING ALONG SAID MAINTAINED RIGHT OF WAY LINE, 585.49 FEET TO THE WEST RIGHT OF WAY LINE OF LAKE BOULEVARD; THENCE RUN THE FOLLOWING SIX COURSES AND DISTANCES ALONG SAID WEST RIGHT OF WAY LINE: S 31°37'11" W, 328.07 FEET; THENCE RUN N 58°22'49" W, 5.00 FEET TO A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 29°47'54", A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 104.02 FEET, A CHORD BEARING OF S 46°31'08" W AND A CHORD DISTANCE OF 102.85 FEET; THENCE RUN S 61°25'05" W, 366.55 FEET TO A CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 55°51'45", A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 175.50 FEET, A CHORD BEARING OF S 33°29'12" W AND A CHORD DISTANCE OF 168.63 FEET; THENCE RUN S 21°26'18" W, 11.08 FEET TO THE NORTH RIGHT OF WAY LINE OF STATE ROAD No. 50; THENCE RUN FOLLOWING THREE COURSES AND DISTANCES ALONG SAID NORTH LINE: N 87°43'31" W, 50.79 FEET; THENCE RUN N 84°25'41" W, 469.96 FEET; THENCE RUN N 89°48'40" W, 4157.41 FEET TO THE WEST LINE OF AFORESAID SECTION 25; THENCE RUN N 0°43'43" E, ALONG SAID WEST LINE, 1183.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 141.895 ACRES MORE OR LESS.

Exhibit B

Notice of Encumbrance
to Annex to City of Clermont

City of Clermont
City Manager
685 W. Montrose Street
Clermont, FL 34712

THIS INSTRUMENT, Made this 14 day of February, 2006, between Lake County Gateway, LLC, a Florida limited liability company Grantor, and the CITY OF CLERMONT, FLORIDA, a Florida municipal corporation, Grantee:

WITNESSETH, NOTICE is given that heretofore or contemporaneously herewith Grantor has petitioned the Grantee for it to permit voluntary annexation of Grantor's property below described into the corporate limits of the City of Clermont, and

GRANTOR, for and in consideration of the sum of ONE and 00/100 (\$1.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, DOES HEREBY ENCUMBER the below - described real property situate, lying and being in Lake County, Florida with the absolute requirement that the subject real property may be, at the sole discretion, and upon request of Grantee, annexed into the city limits of the City of Clermont at such time that the annexation of said real property is in accordance with applicable law,

GRANTOR, further agrees, on his/hers/theirs/its own behalf and that of Grantors' heirs and assigns to perform all ministerial functions necessary of the Grantor or Grantor's heirs and/or assigns (as the case may be) then required by law to enable the described real property to be incorporated into the city limits of the City of Clermont and where such ministerial functions consist of a simple written request or the renewal of the petition of which notice is given above, then this instrument shall be considered such request and/or renewal. The subject property is described as:

BOUNDARY AND LEGAL SURVEY

THAT PART OF SECTIONS 24 AND 25, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 25, AS THE POINT OF BEGINNING; THENCE RUN S 89°23'23" E, ALONG THE NORTH LINE THEREOF, 2690.33 FEET TO THE NORTH 1/4 OF SAID SECTION 25; THENCE RUN S 89°22'05" E, CONTINUING ALONG SAID NORTH LINE, 50.07 FEET TO A BARBED WIRE FENCE LINE; THENCE RUN N 79°9'30" E, ALONG SAID FENCE LINE, 434.24 FEET; THENCE RUN N 79°05'06" E, 556.22 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTH; THENCE RUN EASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 8°45'53", A RADIUS OF 1861.14 FEET, AN ARC LENGTH OF 284.70 FEET, A CHORD BEARING OF N 86°42'10" E AND A CHORD DISTANCE OF 284.43 FEET; THENCE RUN S 88°54'54" E, 67.39 FEET TO A CURVE CONCAVE TO THE SOUTH; THENCE RUN EASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 13°57'05", A RADIUS OF 1045.00 FEET, AN ARC LENGTH OF 254.46 FEET, A CHORD BEARING OF S 81°56'22" E AND A CHORD DISTANCE OF 253.83 FEET TO A COMPOUND CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 18°36'42", A RADIUS OF 1413.77 FEET, AN ARC LENGTH OF 459.24 FEET, A CHORD BEARING OF S 65°39'28" E AND A CHORD DISTANCE OF 457.23 FEET TO THE AFORESAID NORTH LINE OF SECTION 25; THENCE RUN S 89°22'05" E, ALONG SAID NORTH LINE, 65.88 FEET TO THE MAINTAINED WEST RIGHT OF WAY OF OLD STATE ROAD No. 50, SAID LINE BEING A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 6°35'39", A RADIUS OF 1378.71 FEET, AN ARC LENGTH OF 158.68 FEET, A CHORD BEARING OF S 48°19'40" E AND A CHORD DISTANCE OF 158.59 FEET; THENCE RUN S 45°1'50" E, CONTINUING ALONG SAID MAINTAINED RIGHT OF WAY LINE, 585.49 FEET TO THE WEST RIGHT OF WAY LINE OF LAKE BOULEVARD; THENCE RUN THE FOLLOWING SIX COURSES AND DISTANCES ALONG SAID WEST RIGHT OF WAY LINE: S 31°37'11" W, 328.07 FEET; THENCE RUN N 58°22'49" W, 5.00 FEET TO A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 29°47'54", A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 104.02 FEET, A CHORD BEARING OF S 46°31'08" W AND A CHORD DISTANCE OF 102.85 FEET; THENCE RUN S 61°25'05" W, 366.55 FEET TO A CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 55°51'45", A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 175.50 FEET, A CHORD BEARING OF S 33°29'12" W AND A CHORD DISTANCE OF 168.63 FEET; THENCE RUN S 21°26'18" W, 11.08 FEET TO THE NORTH RIGHT OF WAY LINE OF STATE ROAD No. 50; THENCE RUN FOLLOWING THREE COURSES AND DISTANCES ALONG SAID NORTH LINE: N 87°43'31" W, 50.79 FEET; THENCE RUN N 84°25'41" W, 469.96 FEET; THENCE RUN N 89°48'40" W, 4157.41 FEET TO THE WEST LINE OF AFORESAID SECTION 25; THENCE RUN N 0°43'43" E, ALONG SAID WEST LINE, 1183.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 141.895 ACRES MORE OR LESS.

Grantor is used for singular or plural, as the context requires. IN WITNESS THEREOF, GRANTOR has hereunto set Grantor's hand and seal the day and year first above written.

PROPERTY OWNER(S):

1.

Signature

Type or print name

2.

Signature

Type or print name

STATE OF Florida

WITNESSES (Two required):

1.

Signature

Type or print name

1.

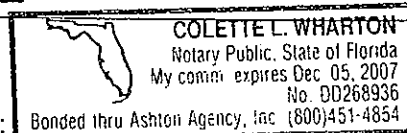
Signature

Type or print name

COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 29th day of March, 2006 by A. Tom Harb, who is personally known to me ~~or who has produced~~ ~~as identification~~ and who did not take an oath.

SEAL:



Notary Public

Type/print name

Pursuant to Section 695.29(3)(f): this instrument exempt from Chapter 695, F.S.; Prepared by a Public Officer, City Attorney, City of Clermont, Florida 34712

FUND TITLE CERTIFICATE

*An examined search for the issuance of title insurance underwritten by
Attorneys' Title Insurance Fund, Inc.*

Fund File Number: 12-2006-0779

Provided For: Page Law Firm LLC

Agent's File Reference: LAKE COUNTY GATEWAY

Amount of Insurance: *OWNER'S:* To Be Determined
Not to Exceed \$3,000,000.00

MORTGAGEE:

Effective Date of Search: March 28, 2006 at 11:00 PM

Description of Real Property to be Insured situated in Lake County, Florida.

See Exhibit A attached.

Record Title Vested in: Lake County Gateway, LLC, a Florida limited liability company by Trustee's Deed's

Recorded in: O.R. Book 2585, Page 514, O.R. Book 2676, Page 2411

This certificate is issued exclusively for the writing of a title insurance commitment and/or policy on Attorneys' Title Insurance Fund, Inc. No liability is assumed if used for any other purpose. Liability for this certificate expires six (6) months from date of issue if no commitment or policy has by then been issued by one of the aforementioned companies.

Prepared this 3rd day of April, 2006.

Attorneys' Title Insurance Fund, Inc.

Prepared by: Debbie Miller

Typist: Debbie Miller

FUND TITLE CERTIFICATE

Fund File Number: 12-2006-0779

EXCEPTIONS

1. *Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.*
2. *Rights or claims of parties in possession not shown by the public records.*
3. *Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.*
4. *Easements or claims of easements not shown by the public records.*
5. *Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*

(Unless satisfactory evidence is presented to The Fund member agent eliminating the need for exceptions one through five, said exceptions should be made a part of any Fund commitment or final policy.)

6. *Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:*
 - (a) *Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) *Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)*
7. *Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.*
8. *Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands and lands accreted to such lands.*
9. *All matters contained on the Plat of Edgewater Beach, as recorded in Plat Book 8, Page(s) 84, Public Records of Lake County, Florida.*
10. *All matters contained on the Plat of Edgewater Beach, as recorded in Plat Book 9, Page(s) 19, Public Records of Lake County, Florida.*

FUND TITLE CERTIFICATE

Fund File Number: 12-2006-0779

11. All matters contained on the Plat of A Replat of part of Edgewater Beach, as recorded in Plat Book 10, Page(s) 44, Public Records of Lake County, Florida.
12. All matters contained on the Plat of Lake Highlands Company, as recorded in Plat Book 3, Page(s) 24, Public Records of Lake County, Florida.
13. All matters contained on the Plat of Lake Highlands Company of Section 25, Township 22 S, Range 26 E, as recorded in Plat Book 3, Page(s) 50, Public Records of Lake County, Florida.
14. Easement in favor of Florida Power Corporation contained in instrument recorded July 20, 1988, in O.R. Book 973, Page 586, Public Records of Lake County, Florida.
15. Nonexclusive Utilities Easement in favor of City of Clermont contained in instrument recorded October 17, 1997, in O.R. Book 1554, Page 2430, Public Records of Lake County, Florida.
16. Non-Exclusive Easement in favor of Lake County contained in instrument recorded October 12, 2005, in O.R. Book 2976, Page 513, Public Records of Lake County, Florida.
17. Ordinance #2006-17 recorded in O.R. Book 3096, Page 1402, Public Records of Lake County, Florida.
18. Ordinance No. 2006-16 recorded in O.R. Book 3096, Page 1425, Public Records of Lake County, Florida.
19. Ordinance No. 2006-15 recorded in O.R. Book 3096, Page 1457, Public Records of Lake County, Florida.
20. Mortgage to Peoples First Community Bank, mortgagee(s), recorded under O.R. Book 2585, Page 519, Public Records of Lake County, Florida.
21. Assignment of Leases, Rents and Profits filed June 2, 2004, in O.R. Book 2585, Page 542, Public Records of Lake County, Florida.
22. UCC Financing Statement between Lake County Gateway, LLC and Hunter's Trace Investments, Inc. and Peoples First Community Bank as recorded in O.R. Book 2585, Page 550, Public Records of Lake County, Florida.
23. The Fund has no liability under this commitment until an endorsement is issued stating the amount of the proposed policy. No Fund policy may be issued in an amount of \$3,000,000.00 or greater without specific Underwriting approval.

Unless stated otherwise, the property described herein has legal access.

Proposed Purchaser/Mortgagor:

N/A

A 20-year name search was performed on the proposed purchaser/mortgagor for unsatisfied judgments and tax liens (state and federal and other liens for the recovery of money) and personal names were

FUND TITLE CERTIFICATE

Fund File Number: 12-2006-0779

checked for unrestored incompetency and for guardianship proceedings, ALL OF WHICH RESULTED IN THE FOLLOWING:

None

The status of corporations and limited partnerships has not been verified with any applicable governmental agencies or other authorities.

This certificate does not cover unpaid municipal taxes and other assessments unless they are recorded in the Official Records Book of the county, nor does it cover matters filed in the Federal District Courts of Florida EXCEPT FOR BANKRUPTCY PROCEEDINGS filed prior to October 7, 1984, when the property lies in either DADE, DUVAL, HILLSBOROUGH, LEON OR ORANGE COUNTY.

See the attached Tax Sheet for current and delinquent (if any) ad valorem tax information.

In order for the title to be insured by The Fund, it must be examined between the effective date of this certificate and the recording date(s) of the instrument(s) on which the policy is based.

FUND TITLE CERTIFICATE

Fund File Number: 12-2006-0779

EXHIBIT A

THAT PART OF SECTIONS 24 AND 25, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

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CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2015-14

The City of Clermont will hold public hearings Tuesday, March 3, 2015 at 7 p.m. before the Planning and Zoning Commission and Tuesday, March 24, 2015 at 6:30 p.m. before the City Council to consider transmittal and introduction of a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the parcel below from Lake County Regional Commercial to Master Planned Development.

The City of Clermont will hold public hearings on Tuesday, May 26, 2015 (final reading of the ordinance) 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: North of S.R. 50, West of the Orange County Line, South of Old Hwy 50
Plaza Collina, 142 +/- acres
Alternate Keys 1707242, 1707234, 1037433, 3878786, 1592399, and 1592381***

Ordinance #2015-13:

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

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

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

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
February 17, 2015 and May 12, 2015

Policy 1.6.2: Medium-Density Residential. Areas delineated on the FLUM for medium-density residential development shall accommodate a maximum density of up to eight units per acre. Permitted housing types include single-family detached homes, including zero-lot-line and cluster developments, duplexes, townhomes, condominiums and apartments.

Policy 1.6.3: High-Density Residential. Areas delineated on the FLUM for high-density residential development shall accommodate a maximum density of 12 units per acre; however, densities higher than eight units per acre shall require a conditional use permit. Permitted housing types include single-family detached homes, including zero-lot-line and cluster developments, duplexes, townhomes, condominiums and apartments. Nursing homes, assisted living facilities and independent living facilities shall be permitted in the high-density residential land use as a planned unit development (PUD) consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Policy 1.6.4: Performance standards for residential uses shall include, but are not limited to, the following:

- The land development regulations shall include performance standards for high-density and multi-family residential uses that control the location of proposed buildings in relation to the overall dimension of the site, provide sufficient on-site/structured parking where applicable, and provide open space and recreation amenities.
- The land development regulations shall contain requirements for significant open space, landscaping and buffers to effectively screen multi-family developments from low-density residential zoning districts.
- Multi-family residential developments of more than 50 units shall provide recreational facilities to meet the needs of the population of the development.
- Grid street networks are highly encouraged to serve residential developments and provide connectivity throughout the City. Cul-de-sacs and gated developments are discouraged.
- Themes are encouraged for residential developments to include cohesive streetscape design, signage, landscape architecture and streetscape furniture to create an identity for the neighborhoods in the City.

Objective 1.7: Mixed-Use Land Use Categories. The mixed-use categories are established to accommodate a mixture of residential, office and commercial uses as single uses on separate parcels or as a mix of uses within a single development. The maximum density for residential uses shall be 12 units per acre; however, densities higher than eight units per acre shall require a conditional use permit. Other uses allowed include 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 1.7.1: Residential/Office. The residential/office category is intended to provide for a mixture of predominantly residential uses, while allowing for professional offices that are consistent with the general character of the adjacent residential uses. Based on current land use

trends, the City estimates that the mix of uses in the residential/office category will be 65 percent residential and 35 percent non-residential. The maximum intensity for office development shall be 0.25 FAR. The FAR shall not be applied to the residential portion of a mixed-use development.

Policy 1.7.2: Master Planned Development. The master planned development category is intended to provide for two existing approved developments of regional impact (DRI), King's Ridge DRI and Lost Lake Reserve DRI, the Black West proposed mixed-use development subject to a utility and annexation agreement approved by the City and new master planned, mixed-use projects that shall be applied only upon City Council approval of a development agreement that specifies the allowable types and distribution of land uses and the maximum number/density of residential units, and which demonstrates that public facilities and services meet the requirements of the City's Concurrency Management System. The maximum intensity for office and commercial uses shall be 0.25 FAR; 1.0 FAR for industrial uses; and 0.25 FAR for institutional uses. The FAR shall not be applied to the residential portion of a mixed-use development.

Policy 1.7.3: Downtown Mixed-Use. The downtown mixed-use category is intended to provide for a mixture of residential and business uses, as well as cultural and tourist facilities, recognized as characteristic of the City's established downtown central business district. Based on current land use trends, the City estimates that the mix of uses will be 70 percent office and commercial uses and 30 percent residential, public facilities/institutional and recreation uses. The maximum intensity for office, commercial and institutional uses shall be 3.0 FAR. The FAR shall not be applied to the residential portion of a mixed-use development.

Policy 1.7.4: Nursing homes, assisted living facilities and independent living facilities shall be permitted in all mixed-use land use categories as a PUD consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Policy 1.7.5: Performance standards for mixed-use developments shall include, but are not limited to, the following:

- Mixed-use developments are encouraged to incorporate town or village centers that are sized to serve the needs of residents in the development within a quarter-mile of the center.
- Unified architectural and streetscape themes are encouraged for all mixed-use developments.
- A mixed-use development may include a mixture of land uses on the same site and/or in the same building.
- For a mixed-use building, only retail sales and services and restaurants are permitted on the ground floor.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 3, 2015		
Agenda Item Name		
Resolution 2015-08 - Plaza Collina Conditional Use Permit		
Requested Action		
Motion to recommend approval of Resolution 2015-08.		
Staff Report		
This administrative request is being heard concurrently with requests for annexation and a large-scale comprehensive plan amendment to assign a City future land use of Master Planned Development. The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The Notice of Encumbrance to Annex with the City was executed on February 14, 2006. The property is currently vacant, but will be receiving water and sewer services from the City when developed. The property is approximately 142 acres. The proposed request is to grant a Conditional Use Permit (CUP) for a mixed-use Planned Unit Development (PUD) with a retail shopping center and outparcels for restaurants and similar commercial uses along SR 50. This development, known as Plaza Collina, is currently approved in Lake County with 1,200,000 square feet of retail space and 200 residential units. Staff has reviewed the approved Development of Regional Impact (DRI) Development Order (Ordinance #2006-16) and the Lake County PUD (Ordinance # 2006-17) and has transferred over to the new CUP/PUD those conditions and the entitlements contained within the documents. The development will include one commercial building not to exceed 187,000 square feet. New conditions require an amendment to the CUP for any additional retail structures over 100,000 square feet, more than one automotive dealership, or any use that would require a CUP per the City code. Staff recommends approval of the conditional use permit for the Plaza Collina PUD.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES 2015-08.docx	
2. Maps	Plaza Collina Maps.pdf	
3. CUP Conditions	CONDITIONAL USE PERMIT CONDITIONS.doc	

4.	Legal ad	CUP Legal AD.docx
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CITY OF CLERMONT
RESOLUTION NO. 2015-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW A MIXED USE PLANNED UNIT DEVELOPMENT IN THE UE URBAN ESTATE ZONING DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held March 3, 2015 recommended approval of this Conditional Use Permit to allow a mixed use Planned Unit Development in the UE Urban Estate zoning district; at the following location:

LOCATION:

(Alternate Keys 1707242, 1707234, 1037433, 3878786, 1592399, and 1592381)
North of S.R. 50, West of the Orange County line,
South of Old Highway 50

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

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

This application for a Conditional Use Permit to allow a mixed-use Planned Unit Development in the UE Urban Estate 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. The property shall be developed in substantial accordance with the Conceptual Site Plan prepared by Wakefield Beasley & Associates, seal date February 20, 2015, Sheet C-6, Exhibit A. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
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
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City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

4. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
5. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.
6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
7. 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 permit is for a mixed-use commercial center including a shopping center not to exceed 1,200,000 square feet of floor area and may include 200 residential dwelling units. Residential dwelling units may consist of townhomes or apartments.
2. Plaza Collina will include those uses as permitted in the C-2 Commercial zoning district, retail, personal services, professional offices, and restaurants consistent with the Conceptual Site Plan prepared by Wakefield Beasley & Associates, seal date February 20, 2015, Sheet C-6, Exhibit A.
3. A total of one automotive dealership may be permitted on site. Any additional proposed automotive dealership shall require an amendment to this Conditional Use Permit.
4. The Developer may have one commercial building not to exceed 187,000 square feet of floor area. Any other structure with a floor area greater than 100,000 square feet shall require an amendment to this Conditional Use Permit.

Section 3 – Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.
3. Geo-technical information regarding the soil characteristics of the site shall be submitted

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RESOLUTION NO. 2015-08

to the City as part of the final site review process

4. The permittee/developers shall provide both temporary and permanent grassing including fertilizer application on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with Best Management Practices (BMP) of the U.S. Department of Agriculture Soil Conservation Service.
5. Retaining walls may exceed six feet in height and may be constructed as previously approved by Lake County for the mass grading plan for the site.

Section 4 - Transportation Improvements

1. The Developer shall coordinate with the Lake County Public Works Department on all transportation improvements to increase efficiency of design and construction.
2. Sidewalks shall be required along all public road frontages, including State Road 50 (SR 50), in accordance with Florida Department of Transportation regulations and City codes.
3. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on- and off-site transportation designs are the sole responsibility of the developer.
4. Roadway improvement plans for SR 50, Old Highway 50/County Road 50 (CR 50), additional public streets, and the project site, including but not limited to, access drives, acceleration/deceleration lanes, turn lanes, traffic signalization devices, and internal signage and traffic movement lanes shall be submitted to and approved, appropriately by the City's Site Review Committee, the Florida Department of Transportation and Lake County prior to commencement of any development activity for any portion of the project.
5. The Developer shall provide a proportionate share; based on share of traffic on Lake Boulevard, of a grade-separated crossing at Lake Boulevard for the trail, if Lake County decides to construct such a crossing.
6. Any alterations to the proposed frontage road, as shown on the conceptual site plan prepared by Wakefield Beasley & Associates, seal date February 20, 2015, Sheet C-6, Exhibit A, shall require an amendment to the Conditional Use Permit.

Section 5 - Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire hydrants within the project. They shall be installed according to City code.
2. Restaurants will be required to install grease traps at a size to be determined by an

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engineer and approved by the Environmental Services Department.

3. The project shall be plumbed for reuse water with purple piping. Until such time as reuse water is available, irrigation water shall be provided for by well.
4. The Developer shall construct at its expense, the facilities, lines and appurtenances necessary to serve the development, including but not limited to the following off-site improvements:
 - (i) Extend the existing 12-inch water main from the existing connection point located near Autoplex Lane to the existing connection point located west of the entrance to the Verde Park subdivision.
 - (ii) Extend the existing 12-inch water main located on the north side of SR 50 from the existing connection point located near Magnolia Pointe Boulevard, the existing connection point located adjacent to the Honda dealership.
5. All on-site utilities shall be privately owned and maintained with the exception of the 12-inch water line dedicated to the City running parallel with the frontage road.
6. The Developer shall install a 2-inch conduit specified for future fiber optic use running parallel to the 12-inch water line in the frontage road.
7. The Impervious Surface Ratio (ISR) of the entire site shall be 70 percent. ISR calculation will be based upon the entire site acreage.

Section 6 – Landscaping

1. Landscaping materials and design shall comply with City code.
2. The Landscape design for all parking areas, buffers, rights of way, pedestrian ways and focal points shall be unified and complementary to the ambiance of the center.
3. SR 50 and Lake Boulevard frontage: Minimum 20 feet in width, with 10 feet located inside the property line and 10 feet located within the SR 50 right-of-way (ROW), as depicted in Exhibit B prepared by Cuhaci & Perterson, Architects, dated November 10, 2005. Developer will seek a Right-of-Way Utilization Agreement with the Florida Department of Transportation to permit landscaping inside the right-of-way for the SR 50 frontage.

Section 7 -Architectural Design Standards and Lighting

1. Architectural design standards shall comply with City code.
2. Light fixture: types. All light fixtures; including security lighting, shall be cutoff fixtures, and shall be incorporated as an integral design element that complements the design of

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the building or project through style, material or color. Luminaires shall not be tilted. Lighting of or on buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spill light or glare. Sag lenses, convex lenses, and drop lenses shall be prohibited. Lighting at a building or project shall not be comprised in whole or part by floodlights.

3. Lighting Height. Except as otherwise required under this article, the height of an outdoor lighting fixture; inclusive of the pole and light source/luminaire, shall be a maximum of 30 feet within a parking lot and maximum of 20 feet within a non-vehicular pedestrian area. Height shall be measured from the finished grade to the top of the light fixture.
4. Pedestrian walkways and bikeways. In pedestrian walkways or bikeways the light fixture/luminaire shall be decorative in appearance, style, and finish.

Section 8 – Signage

1. The proposed automotive dealership may have one off-site sign that is adjacent to the west main entrance and adjacent to their parcel.
2. All other signage shall comply with City code.
3. The Developer shall dedicate 4,000 square feet to the City on the eastern portion of the project abutting SR 50 for a gateway feature. The Developer shall dedicate 1,000 square feet to the City along the northern property line adjacent to the South Lake Trail for a trail gateway feature. These dedications shall occur prior to the first certificate of occupancy.

Section 9 – Site Improvements

1. All materials stored outside must be within an opaque enclosure.
2. Storage of inventory in trailers or other storage systems shall be prohibited.
3. Shopping cart returns shall be provided within the retail structures.
4. Outdoor display: Outdoor display of merchandise is prohibited.
5. Fencing: Chain link fencing shall be prohibited. Fencing around water retention areas, outdoor storage areas and all other fencing shall be ornamental metal fencing.
6. Dumpster enclosures: Each dumpster and compactor location shall be located behind the front setback of the primary building and shall be surrounded by a concrete masonry unit enclosure with gates constructed of wood, architectural metal, or other material that is architecturally compatible with the primary building design. The material used shall provide an opaque screen so the dumpster will not be visible from the outside. Chain link fencing is not permitted. The enclosure shall exceed the vertical height of the dumpster

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by at least 6 inches with a maximum height of 9 feet. The required setback for enclosures shall be 25 feet adjacent to property that is either zoned or used as residential. The enclosure shall be constructed using colors and architectural treatments consistent with the structure or facility it serves.

Section 10 - Special Planned Unit Development Conditions

1. The Developer shall find the engineering and installation of an interconnected intersection system to maximize the movement of vehicles on SR 50, with prioritization given to through traffic to the maximum extent practicable as determined by the Florida Department of Transportation. The extent of the system shall include the section of SR 50; from the Florida Turnpike to Hancock Road, where the project is expected to have significant impacts and may be divided into separate interconnected systems as deemed appropriate by the Florida Department of Transportation.
2. Any improvements on CR 438 through the Town of Oakland shall take into consideration the rural nature of the area and capacity improvements shall include landscaping, turn lanes, and traffic calming as deemed warranted by the Town of Oakland and Orange County. Consideration of alternatives to the signalization of Tubb Street and Oakland Avenue shall be explored; including, but not limited to the use of landscaped traffic roundabouts. Roadway widening shall be discouraged.
3. In order to provide safe access and to preserve operational capacity, left and right turn lanes shall be evaluated and installed by the developer at all project entrances on collector and arterial roadways. The Developer, Florida Department of Transportation, and Lake County have confirmed the need for and the cost of signalization at the Project entrance(s) consistent with policies of the appropriate governing entity and when nationally recognized warrants are met. The cost for signalization at the project entrances is the responsibility of the Developer. Dual left turn lanes shall be provided at the signalized intersections on SR 50, along the frontage of the project. Design of the dual left turn lanes shall be coordinated with Florida Department of Transportation design standards. Developer will work with the Florida Department of Transportation and Lake County to expedite that portion of the widening of SR 50 which abuts the project. Developer shall have the option to enter into an agreement with the Florida Department of Transportation and Lake County whereby Developer will advance the funding for SR 50 widening along the project boundary and receive reimbursement and/or impact fee credits from the appropriate governmental agency.
4. In the interest of safety and to promote alternative forms of transportation, the Developer shall provide an on-site system of bikeways and pedestrian circulation that accesses all area within the Project and shall install appropriate signage identifying bike routes and pedestrian facilities. These bike and pedestrian facilities shall be installed as each site plan for the Project is developed.
5. The on-site bicycle systems shall be connected into any proximate external bicycle systems existing at the time of construction. Construction standards shall conform to

CITY OF CLERMONT
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latest state standards and criteria. Improvements to area roadways should be encouraged to incorporate bicycle and pedestrian facilities.

6. As part of the site plan approval process, the Developer will notify the appropriate transit authority (Lake Xpress or LYNX) to request a determination of whether a bus stop on the Plaza Collina site is needed and when it is needed. If such bus stop is needed, the appropriate transit authority will approve the bus stop as part of the site plan approval process. The Developer will contribute to an operations fund for transit service to the site through a one-time payment of \$200,000 to Lake County at the time Developer obtains the first certificate of occupancy issued for Plaza Collina.
7. The following transit related conditions shall apply:
 - (i) Internal collector and arterial road geometrics will accommodate standard 40 foot and articulated buses as described in the most current edition of the LYNX Design Manual. The design manual is located in local libraries and on the LYNX website under news and events, LYNX documents at www.golynx.com.
 - (ii) The bus stop sites size, location and amenities shall be of adequate size for amenities; including passenger shelters, transit parking bays and parking spaces for vanpool vehicles, in the development area subject to approval by the appropriate transit agency. Passenger shelters shall be built at no cost to the Developer and maintained by the appropriate transit authority.
 - (iii) Developer will provide two designated locations for bus stops together with parking for 25 cars in addition to the on-site bus stop, within reasonable proximity and with appropriate access.
 - (iv) The Developer shall employ or appoint, part-time, an Employee Transportation Coordinator (ETC) when employment levels reach 500 and a full-time Employee Transportation Coordinator if employment levels and on-site residency reach 4,000. The Employee Transportation Coordinator may be incorporated into the functions of any Transportation Management Association if one exists for the project area. The Developer shall also coordinate with the area transit provider, hold ridesharing campaigns, and distribute information regarding alternative transit modes.
 - (v) The Developer is required to inform both residents and tenants that the Development is served by LYNX's ridesharing program. Literature regarding the ridesharing program is suggested to be displayed in public, commercial and employment areas.
 - (vi) Sufficient finding shall be provided to the Employee Transportation Coordinator to undertake a program to identify 100 employees and pay 50% of the cost of transit for those employees.

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- (vii) The Developer shall promote and encourage variable work hours and flextime participation by on-site employers.
8. In order to minimize impacts to the roadway network, parcels within Plaza Collina shall; subject to environmental constraints, be interconnected to the maximum extent feasible as determined by Lake County. The Developer shall cooperate with any city or county-supported efforts to continue roadways from or through the site with other roadway facilities that are hereafter endorsed by Lake County. At a minimum, an east-west roadway shall be constructed in phases within the Project from Lake Boulevard to the west as each site plan within the Project is developed. Final alignment to be determined at site plan approval. In order to protect the integrity of CR 50 as a Florida Scenic Highway and the South Lake Trail as an attractive and safe facility, the Developer:
- (i) Shall preserve and protect the existing oaks along the north property line, unless unavoidable due to site development. Existing oaks internal to the site shall be preserved to the maximum extent feasible.
 - (ii) Shall provide native trees and plantings along the property adjacent to the trail where applicable.
 - (iii) Shall allow only one access point from CR 50 and no commercial delivery trucks shall be permitted through this entrance. Deliveries shall be restricted through SR 50 and Lake Boulevard for ingress and egress.
 - (iv) Shall provide a proportionate share; based on share of traffic on Lake Boulevard, of a grade separated crossing at Lake Boulevard for the trail, if Lake County decides to construct such a crossing.
9. Wetland Buffers:
- (i) Upland buffers between the on-site wetlands and any type of development or land alteration shall be established in accordance with St. Johns River Water Management District permit approvals, but shall be no less than an average 25 feet, minimum 15 feet in width for the on-site preserved wetland, provided that the dry bottom retention pond is placed adjacent to and outside of the upland buffer. The berms and dry bottom of the retention area provide additional buffering to the wetland. In absence of the dry bottom pond being placed adjacent to the upland buffer, the buffer shall be expanded to a minimum of 25 feet and an average of 50 feet.
 - (ii) The on-site depressional wetland and the associated upland buffer shall be placed under a conservation easement and conveyed to St. Johns River Water Management District. The conservation easement may be conveyed in conjunction with the St. Johns River Water Management District's Environmental Resource Permitting, but in no instance shall it be delayed until after construction begins.

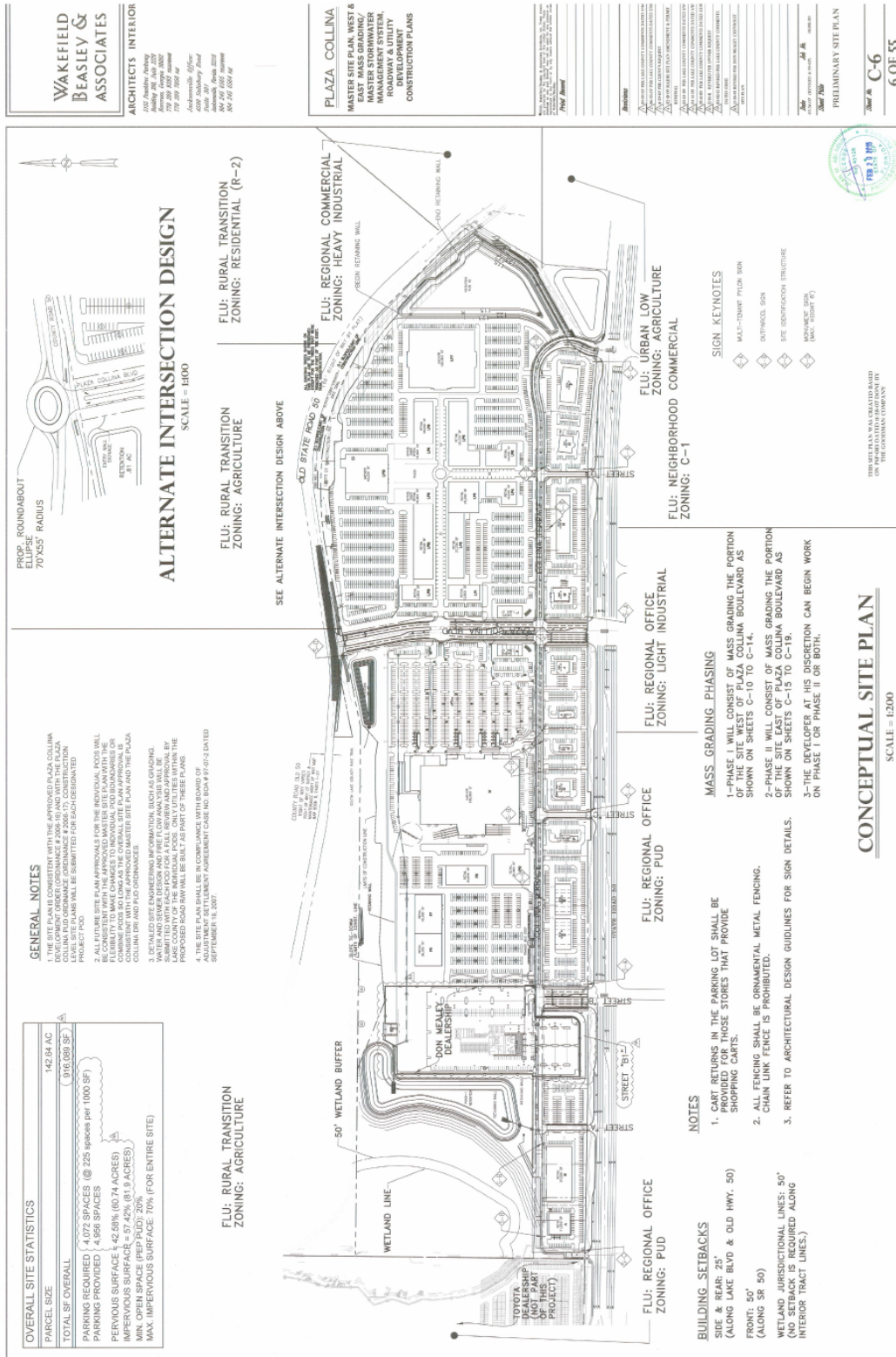
CITY OF CLERMONT
RESOLUTION NO. 2015-08

Section 11 - Transportation Special Conditions:

1. In order to provide trail user safety, the developer shall provide 10 feet to 15 feet of additional right-of-way along the South Lake Trail on the northern property line.
2. Lake Boulevard shall be eliminated and two 18-foot wide driveways; one from SR 50 and another from CR 50, shall be constructed to the existing commercial site.
3. An 8-foot wide trail connecting Plaza Collina property with the South Lake Trail shall be constructed within the Lake Boulevard right-of-way.
4. Lake Boulevard and South Lake Trail crossing shall be reconstructed/moved away from CR 50. For more details, see the link below for Lake Boulevard Trail Extension Concept Plans.
ftp://ftp.co.lake.fl.us/Public_Works/Engineering/Plaza%20Collina/Lake%20Blvd.pdf
5. As a developer option, a roundabout could be constructed instead of a three-way intersection, at the intersection of the central or main Plaza Collina Boulevard and CR 50; across from Tract "M" of the Verde Park subdivision. If a three-way intersection is chosen, the developer shall perform a traffic signal warrant study and, when warranted, install a traffic signal at the subject intersection. At a minimum, the signal warrant study shall be updated before final build-out. Please see the link below for roundabout concept plans.
ftp://ftp.co.lake.fl.us/Public_Works/Engineering/Plaza%20Collina/Roundabout.pdf
6. The Developer shall install signal heads at all SR 50 Plaza Collina entrances and ensure that loop detectors, controllers and signal cabinets are working correctly prior to signal activation, coordinating with the governing authority.
7. Pursuant to Section 380.115, Florida Statutes, if a development which has received a DRI development order is located within a Dense Urban Land Area ("DULA"), as defined under Section 380.06(29), Florida Statutes, and, therefore, is exempt from further DRI review, then "[i]f requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed. The Plaza Collina DRI (pursuant to that certain Development Order dated January 24, 2006,) has not had any development activity and, therefore, has not been required to complete any mitigation. Pursuant to the facts set for above, the City hereby rescinds the Development Order for the Plaza Collina Development of Regional Impact.

CITY OF CLERMONT RESOLUTION NO. 2015-08

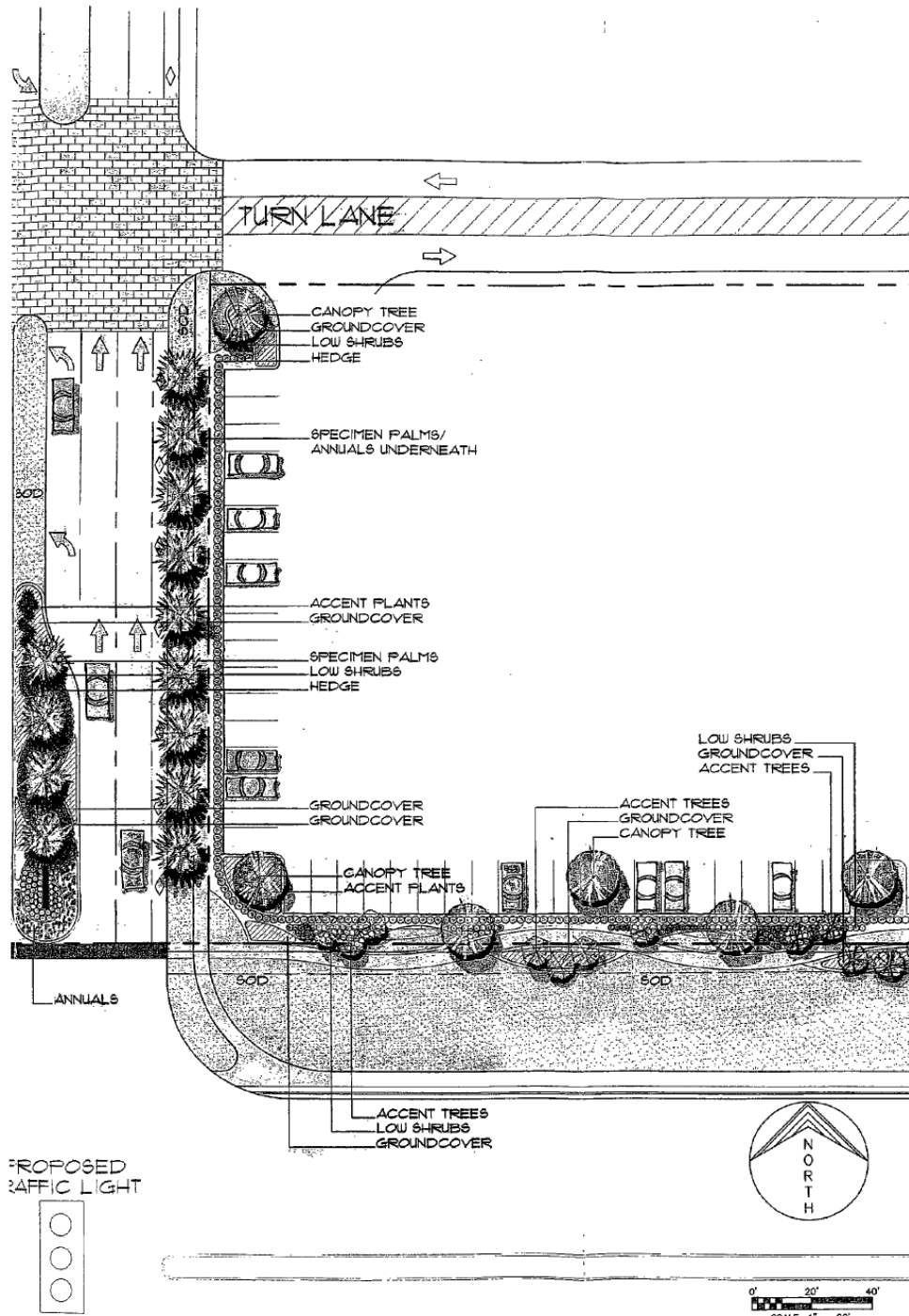
Exhibit A:



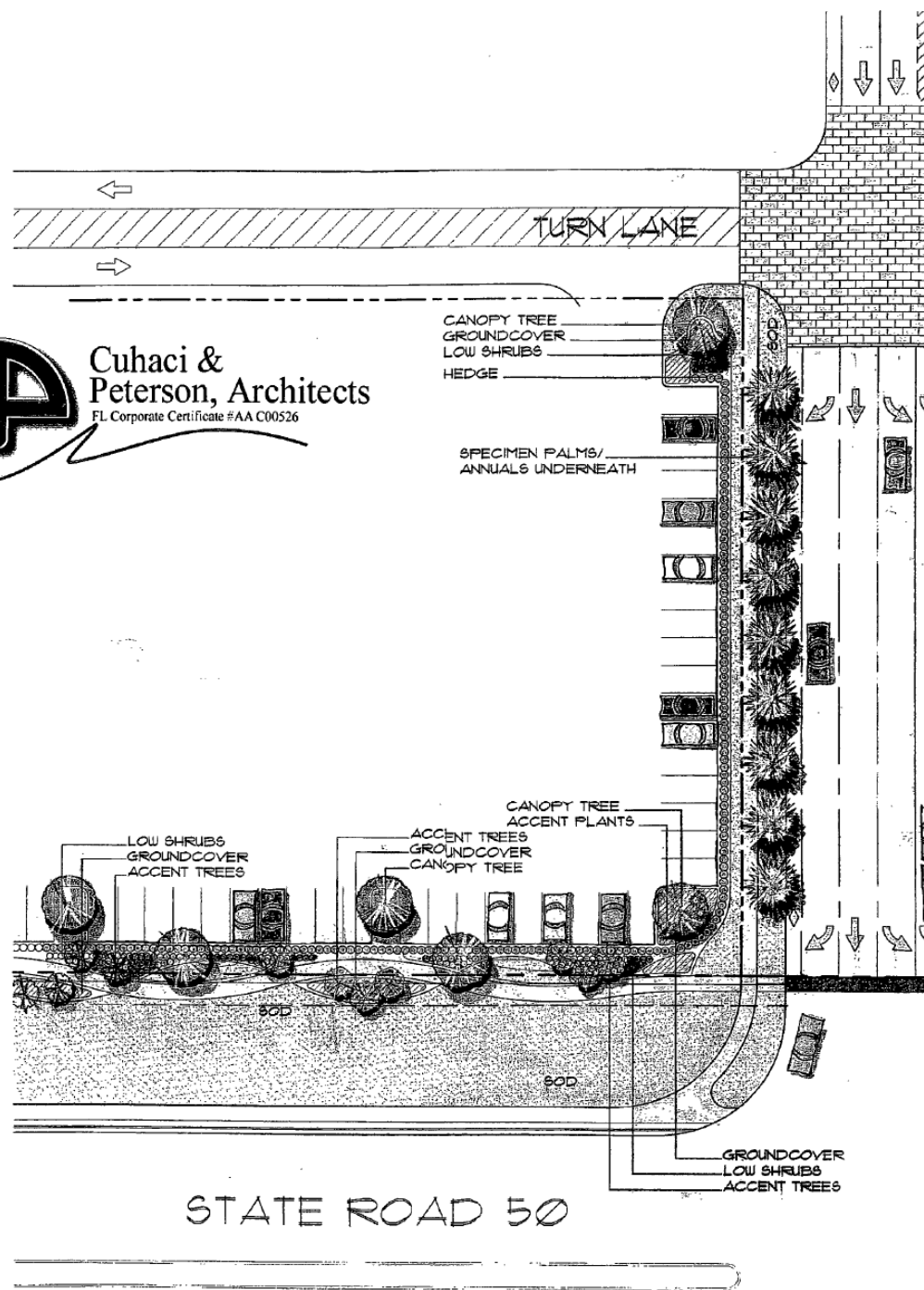
CITY OF CLERMONT
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Exhibit B: (Cuhaci & Perterson, Architects, dated November 10, 2005)



CITY OF CLERMONT
RESOLUTION NO. 2015-08



11/10/05

Plaza Collin

CITY OF CLERMONT
RESOLUTION NO. 2015-08

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of March, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map Plaza Collina

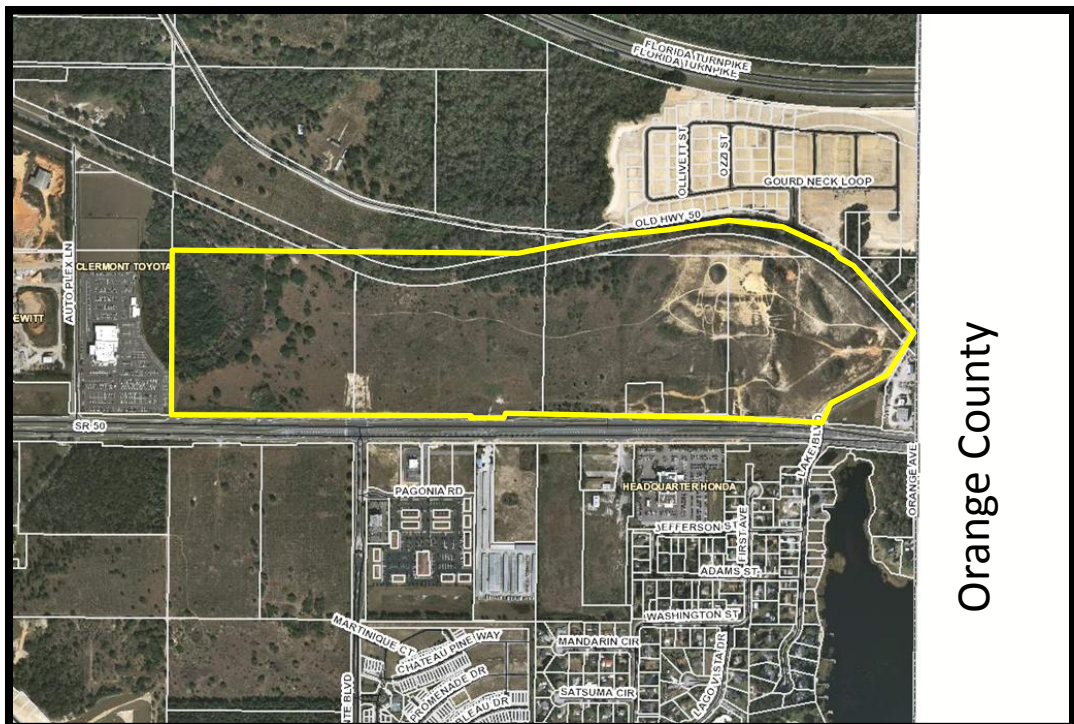
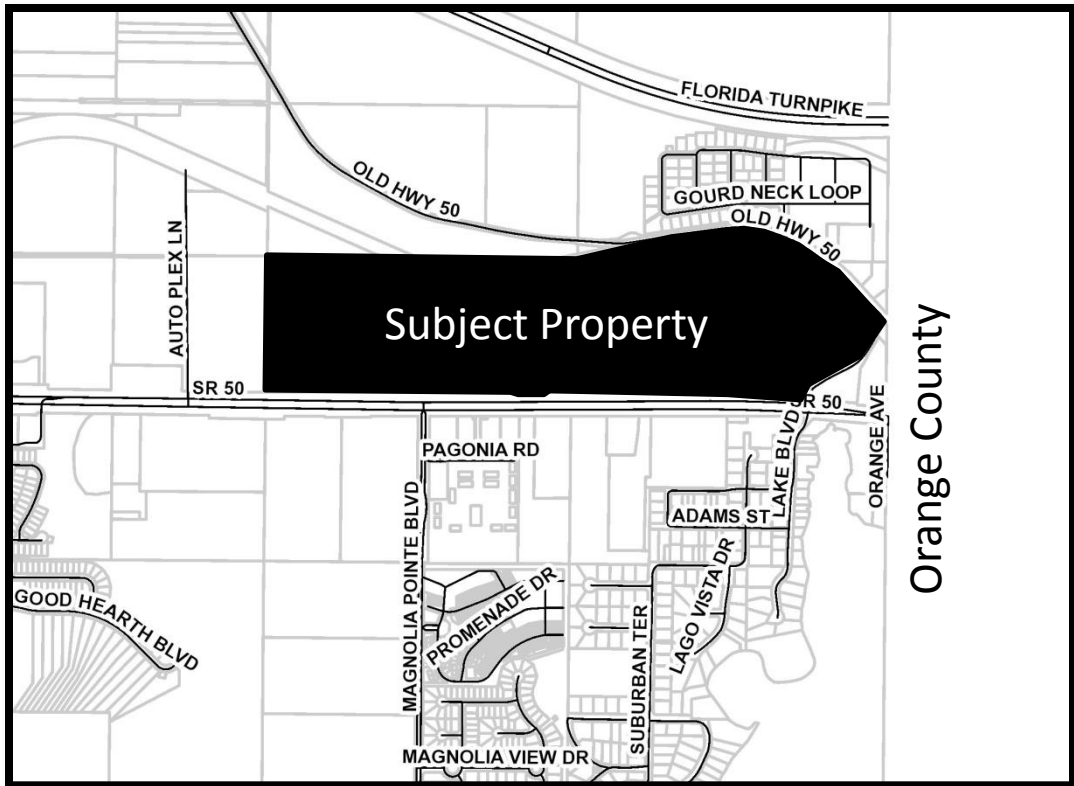


Exhibit – Future Land Use Plaza Collina

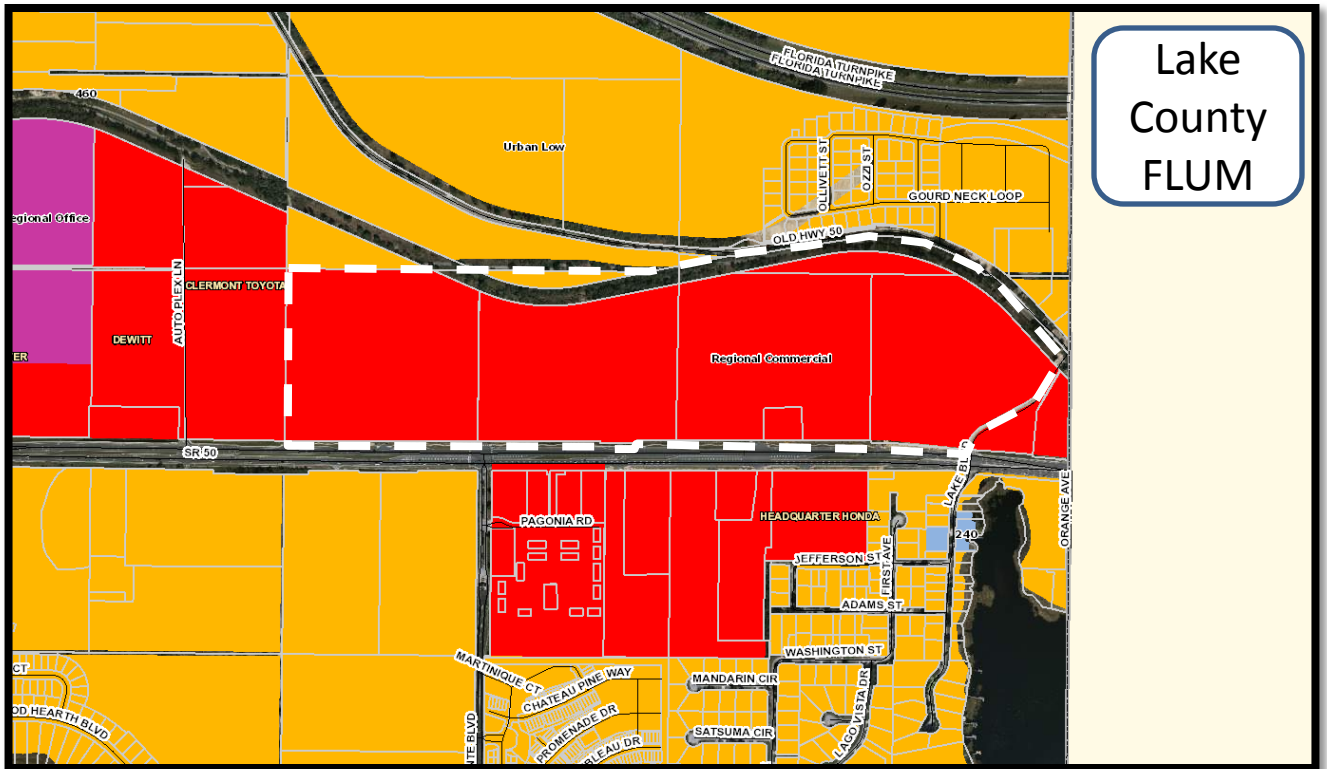
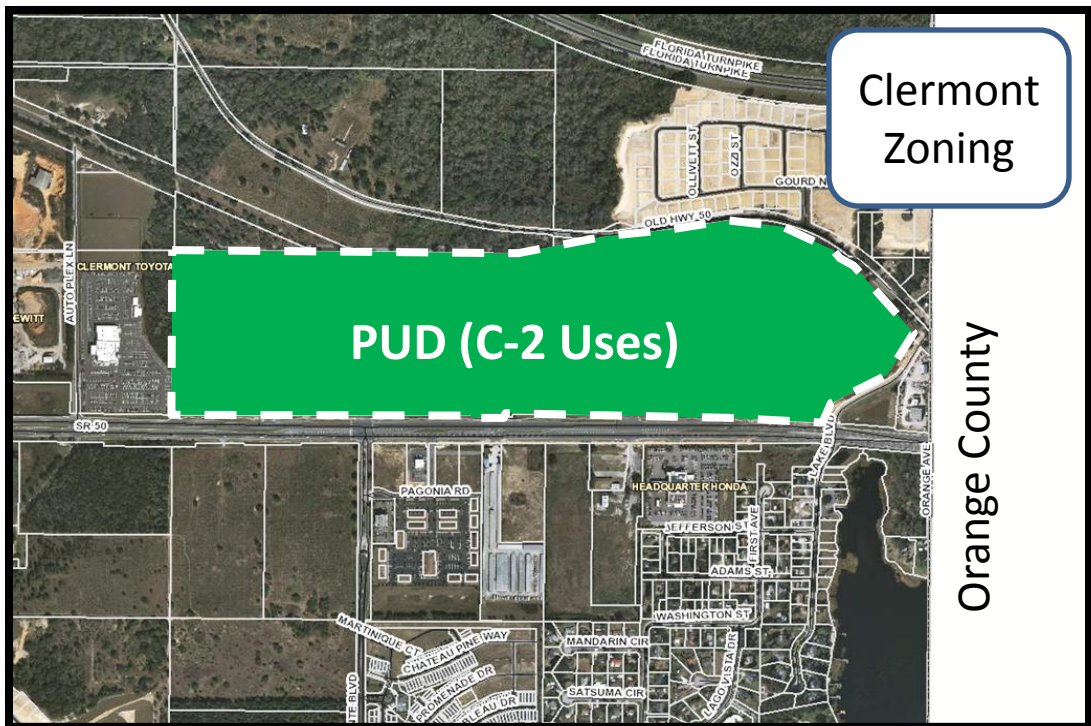


Exhibit – Zoning Plaza Collina



CONDITIONAL USE PERMIT CONDITIONS:

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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 final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
5. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.
6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
7. 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.

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1. Architectural design standards shall comply with City code.
2. Light fixture: types. All light fixtures; including security lighting, shall be cutoff fixtures, and shall be incorporated as an integral design element that complements the design of the building or project through style, material or color. Luminaires shall not be tilted. Lighting of or on buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spill light or glare. Sag lenses, convex lenses, and drop lenses shall be prohibited. Lighting at a building or project shall not be comprised in whole or part by floodlights.
3. Lighting Height. Except as otherwise required under this article, the height of an outdoor lighting fixture; inclusive of the pole and light source/luminarie, shall be a maximum of 30 feet within a parking lot and maximum of 20 feet within a non-vehicular pedestrian area. Height shall be measured from the finished grade to the top of the light fixture.
4. Pedestrian walkways and bikeways. In pedestrian walkways or bikeways the light fixture/luminaire shall be decorative in appearance, style, and finish.

Section 8 – Signage

1. The proposed automotive dealership may have one off-site sign that is adjacent to the west main entrance and adjacent to their parcel.
2. All other signage shall comply with City code.
3. The Developer shall dedicate 4,000 square feet to the City on the eastern portion of the project abutting SR 50 for a gateway feature. The Developer shall dedicate 1,000 square feet to the City along the northern property line adjacent to the South Lake Trail for a trail gateway feature. These dedications shall occur prior to the first certificate of occupancy.

Section 9 – Site Improvements

1. All materials stored outside must be within an opaque enclosure.
2. Storage of inventory in trailers or other storage systems shall be prohibited.
3. Shopping cart returns shall be provided within the retail structures.
4. Outdoor display: Outdoor display of merchandise is prohibited.
5. Fencing: Chain link fencing shall be prohibited. Fencing around water retention areas, outdoor storage areas and all other fencing shall be ornamental mental fencing.
6. Dumpster enclosures: Each dumpster and compactor location shall be located behind the front setback of the primary building and shall be surrounded by a concrete masonry unit enclosure with gates constructed of wood, architectural metal, or other material that is architecturally compatible with the primary building design. The material used shall provide an opaque screen so the dumpster will not be visible from the outside. Chain link fencing is not permitted. The enclosure shall exceed the vertical height of the dumpster by at least 6 inches with a maximum height of 9 feet. The required setback for enclosures shall be 25 feet adjacent to property that is either zoned or used as residential. The enclosure shall be constructed using colors and architectural treatments consistent with the structure or facility it serves.

Section 10 - Special Planned Unit Development Conditions

1. The Developer shall find the engineering and installation of an interconnected intersection system to maximize the movement of vehicles on SR 50, with prioritization given to through traffic to the maximum extent practicable as determined by the Florida Department of Transportation. The extent of the system shall include the section of SR 50; from the Florida Turnpike to Hancock Road, where the project is expected to have significant impacts and may be divided into separate interconnected systems as deemed appropriate by the Florida Department of Transportation.
2. Any improvements on CR 438 through the Town of Oakland shall take into consideration the rural nature of the area and capacity improvements shall include landscaping, turn lanes, and traffic calming as deemed warranted by the Town of Oakland and Orange County. Consideration of alternatives to the signalization of Tubb Street and Oakland Avenue shall be explored; including, but not limited to the use of landscaped traffic roundabouts. Roadway widening shall be discouraged.
3. In order to provide safe access and to preserve operational capacity, left and right turn lanes shall be evaluated and installed by the developer at all project entrances on collector and arterial roadways. The Developer, Florida Department of Transportation, and Lake County have confirmed the need for and the cost of signalization at the Project

entrance(s) consistent with policies of the appropriate governing entity and when nationally recognized warrants are met. The cost for signalization at the project entrances is the responsibility of the Developer. Dual left turn lanes shall be provided at the signalized intersections on SR 50, along the frontage of the project. Design of the dual left turn lanes shall be coordinated with Florida Department of Transportation design standards. Developer will work with the Florida Department of Transportation and Lake County to expedite that portion of the widening of SR 50 which abuts the project. Developer shall have the option to enter into an agreement with the Florida Department of Transportation and Lake County whereby Developer will advance the funding for SR 50 widening along the project boundary and receive reimbursement and/or impact fee credits from the appropriate governmental agency.

4. In the interest of safety and to promote alternative forms of transportation, the Developer shall provide an on-site system of bikeways and pedestrian circulation that accesses all area within the Project and shall install appropriate signage identifying bike routes and pedestrian facilities. These bike and pedestrian facilities shall be installed as each site plan for the Project is developed.
5. The on-site bicycle systems shall be connected into any proximate external bicycle systems existing at the time of construction. Construction standards shall conform to latest state standards and criteria. Improvements to area roadways should be encouraged to incorporate bicycle and pedestrian facilities.
6. As part of the site plan approval process, the Developer will notify the appropriate transit authority (Lake Xpress or LYNX) to request a determination of whether a bus stop on the Plaza Collina site is needed and when it is needed. If such bus stop is needed, the appropriate transit authority will approve the bus stop as part of the site plan approval process. The Developer will contribute to an operations fund for transit service to the site through a one-time payment of \$200,000 to Lake County at the time Developer obtains the first certificate of occupancy issued for Plaza Collina.
7. The following transit related conditions shall apply:
 - (i) Internal collector and arterial road geometrics will accommodate standard 40 foot and articulated buses as described in the most current edition of the LYNX Design Manual. The design manual is located in local libraries and on the LYNX website under news and events, LYNX documents at www.golynx.com.
 - (ii) The bus stop sites size, location and amenities shall be of adequate size for amenities; including passenger shelters, transit parking bays and parking spaces for vanpool vehicles, in the development area subject to approval by the appropriate transit agency. Passenger shelters shall be built at no cost to the Developer and maintained by the appropriate transit authority.
 - (iii) Developer will provide two designated locations for bus stops together with parking for 25 cars in addition to the on-site bus stop, within reasonable proximity and with appropriate access.

- (iv) The Developer shall employ or appoint, part-time, an Employee Transportation Coordinator (ETC) when employment levels reach 500 and a full-time Employee Transportation Coordinator if employment levels and on-site residency reach 4,000. The Employee Transportation Coordinator may be incorporated into the functions of any Transportation Management Association if one exists for the project area. The Developer shall also coordinate with the area transit provider, hold ridesharing campaigns, and distribute information regarding alternative transit modes.
 - (v) The Developer is required to inform both residents and tenants that the Development is served by LYNX's ridesharing program. Literature regarding the ridesharing program is suggested to be displayed in public, commercial and employment areas.
 - (vi) Sufficient finding shall be provided to the Employee Transportation Coordinator to undertake a program to identify 100 employees and pay 50% of the cost of transit for those employees.
 - (vii) The Developer shall promote and encourage variable work hours and flextime participation by on-site employers.
8. In order to minimize impacts to the roadway network, parcels within Plaza Collina shall; subject to environmental constraints, be interconnected to the maximum extent feasible as determined by Lake County. The Developer shall cooperate with any city or county-supported efforts to continue roadways from or through the site with other roadway facilities that are hereafter endorsed by Lake County. At a minimum, an east-west roadway shall be constructed in phases within the Project from Lake Boulevard to the west as each site plan within the Project is developed. Final alignment to be determined at site plan approval. In order to protect the integrity of CR 50 as a Florida Scenic Highway and the South Lake Trail as an attractive and safe facility, the Developer:
- (i) Shall preserve and protect the existing oaks along the north property line, unless unavoidable due to site development. Existing oaks internal to the site shall be preserved to the maximum extent feasible.
 - (ii) Shall provide native trees and plantings along the property adjacent to the trail where applicable.
 - (iii) Shall allow only one access point from CR 50 and no commercial delivery trucks shall be permitted through this entrance. Deliveries shall be restricted through SR 50 and Lake Boulevard for ingress and egress.
 - (iv) Shall provide a proportionate share; based on share of traffic on Lake Boulevard, of a grade separated crossing at Lake Boulevard for the trail, if Lake County decides to construct such a crossing.
9. Wetland Buffers:

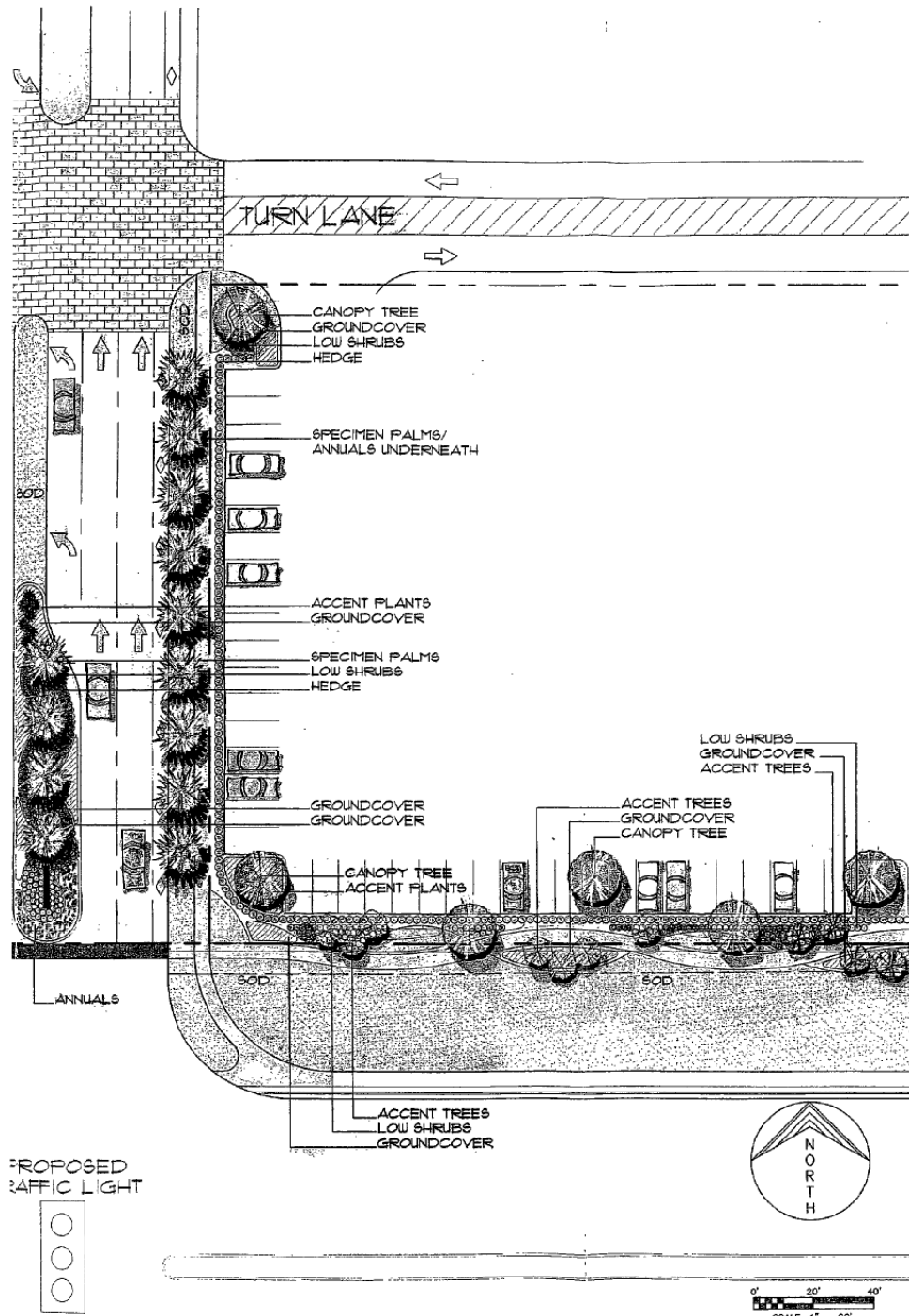
- (i) Upland buffers between the on-site wetlands and any type of development or land alteration shall be established in accordance with St. Johns River Water Management District permit approvals, but shall be no less than an average 25 feet, minimum 15 feet in width for the on-site preserved wetland, provided that the dry bottom retention pond is placed adjacent to and outside of the upland buffer. The berms and dry bottom of the retention area provide additional buffering to the wetland. In absence of the dry bottom pond being placed adjacent to the upland buffer, the buffer shall be expanded to a minimum of 25 feet and an average of 50 feet.
- (ii) The on-site depressional wetland and the associated upland buffer shall be placed under a conservation easement and conveyed to St. Johns River Water Management District. The conservation easement may be conveyed in conjunction with the St. Johns River Water Management District's Environmental Resource Permitting, but in no instance shall it be delayed until after construction begins.

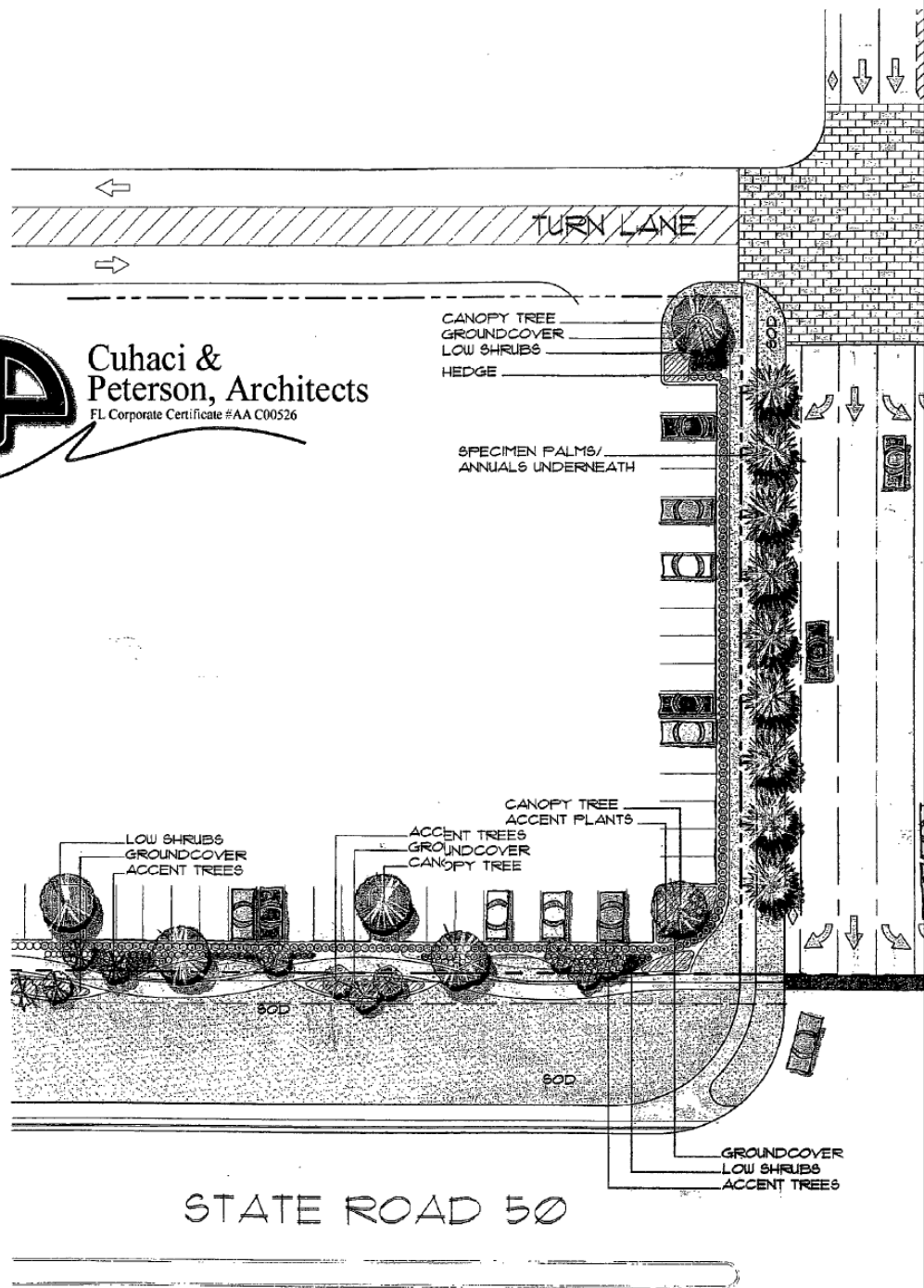
Section 11 - Transportation Special Conditions:

1. In order to provide trail user safety, the developer shall provide 10 feet to 15 feet of additional right-of-way along the South Lake Trail on the northern property line.
2. Lake Boulevard shall be eliminated and two 18-foot wide driveways; one from SR 50 and another from CR 50, shall be constructed to the existing commercial site.
3. An 8-foot wide trail connecting Plaza Collina property with the South Lake Trail shall be constructed within the Lake Boulevard right-of-way.
4. Lake Boulevard and South Lake Trail crossing shall be reconstructed/moved away from CR 50. For more details, see the link below for Lake Boulevard Trail Extension Concept Plans.
ftp://ftp.co.lake.fl.us/Public_Works/Engineering/Plaza%20Collina/Lake%20Blvd.pdf
5. As a developer option, a roundabout could be constructed instead of a three-way intersection, at the intersection of the central or main Plaza Collina Boulevard and CR 50; across from Tract "M" of the Verde Park subdivision. If a three-way intersection is chosen, the developer shall perform a traffic signal warrant study and, when warranted, install a traffic signal at the subject intersection. At a minimum, the signal warrant study shall be updated before final build-out. Please see the link below for roundabout concept plans.
ftp://ftp.co.lake.fl.us/Public_Works/Engineering/Plaza%20Collina/Roundabout.pdf
6. The Developer shall install signal heads at all SR 50 Plaza Collina entrances and ensure that loop detectors, controllers and signal cabinets are working correctly prior to signal activation, coordinating with the governing authority.

7. Pursuant to Section 380.115, Florida Statutes, if a development which has received a DRI development order is located within a Dense Urban Land Area (“DULA”), as defined under Section 380.06(29), Florida Statutes, and, therefore, is exempt from further DRI review, then “[i]f requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed. The Plaza Collina DRI (pursuant to that certain Development Order dated January 24, 2006,) has not had any development activity and, therefore, has not been required to complete any mitigation. Pursuant to the facts set for above, the City hereby rescinds the Development Order for the Plaza Collina Development of Regional Impact.

Exhibit B: (Cuhaci & Perterson, Architects, dated November 10, 2005)





11/10/05

Plaza Collin

Book3096/Page1423 CFN#2006031550

Page 22 of 23

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow a mixed use Planned Unit Development in the UE Urban Estate zoning district, at the following location:

LOCATION

(Alternate Keys 1707242, 1707234, 1037433, 3878786, 1592399, and 1592381) North of S.R. 50, West of the Orange County line, South of Old Highway 50

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

This request will be considered by the Planning & Zoning Commission on Tuesday, March 3, 2015 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, March 24, 2015 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, MMC
City Clerk

Daily Commercial
February 24, 2015 and March 17, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date																	
Tuesday, March 3, 2015																	
Agenda Item Name																	
Ordinance 2015-18 - Dougherty Small Scale Comprehensive Plan Amendment																	
Requested Action																	
Motion to recommend approval of Ordinance 2015-18.																	
Staff Report																	
The applicant is requesting a future land use amendment to change the 7+/- acre parcel from Lake County Regional Commercial to the City's Commercial future land use category. The subject parcel is located on south side of Highway 50 approximately a half mile east of Highway 27. The property is currently vacant with planted pines. The applicant is proposing to develop the parcel as a commercial development fronting Highway 50. The applicant has also submitted applications for annexation and rezoning to C-2 Commercial. The subject parcel is contiguous to the City on three sides. The existing future land use in this area is predominantly Commercial. The property has City utilities available and would be developed to City standards. The City's comprehensive plan policies support this request. Staff recommends approval of the future land use map amendment from Lake County Regional Commercial to Commercial.																	
Additional Analysis																	
Fiscal Impact Summary																	
Fiscal Impact	Fund Number and Description	Available Budget Amount															
Exhibits Attached (copies of original agreements)																	
<table border="0"><tr><td>1.</td><td>Ordinance</td><td>CPA Ord. 2015-18.doc</td></tr><tr><td>2.</td><td>Maps</td><td>Dougherty Maps.pdf</td></tr><tr><td>3.</td><td>Site</td><td>Site.pdf</td></tr><tr><td>4.</td><td>Application</td><td>CPA application.pdf</td></tr><tr><td>5.</td><td>Legal ad</td><td>CPA Ad.docx</td></tr></table>			1.	Ordinance	CPA Ord. 2015-18.doc	2.	Maps	Dougherty Maps.pdf	3.	Site	Site.pdf	4.	Application	CPA application.pdf	5.	Legal ad	CPA Ad.docx
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5.	Legal ad	CPA Ad.docx															

CITY OF CLERMONT
ORDINANCE No. 2015-18

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

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

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

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

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

Section 1.

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

LEGAL DESCRIPTION

In Section 29, Township 22 South, Range 26 East, of Lake County, FL, Begin at the NE corner of that part of Lake Highlands Plat, Tract 22 that is South of Florida Department of Transportation Right of Way, thence run 500.0' South along the East boundary of said Tract, then run North 89° 39' 36" West to the West boundary of said Tract, then north to FDOT ROW, thence East along said FDOT ROW to the POB.
Containing 7 acres, more or less

CITY OF CLERMONT
ORDINANCE No. 2015-18

Note that Parcel Number provided by County indicates incorrectly Section 9 rather than Section 29.

(North half of Alternate Keys 1017629 and 1103916) South of S.R. 50, West of Sandy Grove Blvd., East of Ford of Clermont

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM LAKE COUNTY REGIONAL COMMERCIAL
TO CITY OF CLERMONT COMMERCIAL

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. 2015-18

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of March, 2015.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map
Rocky Mount Development

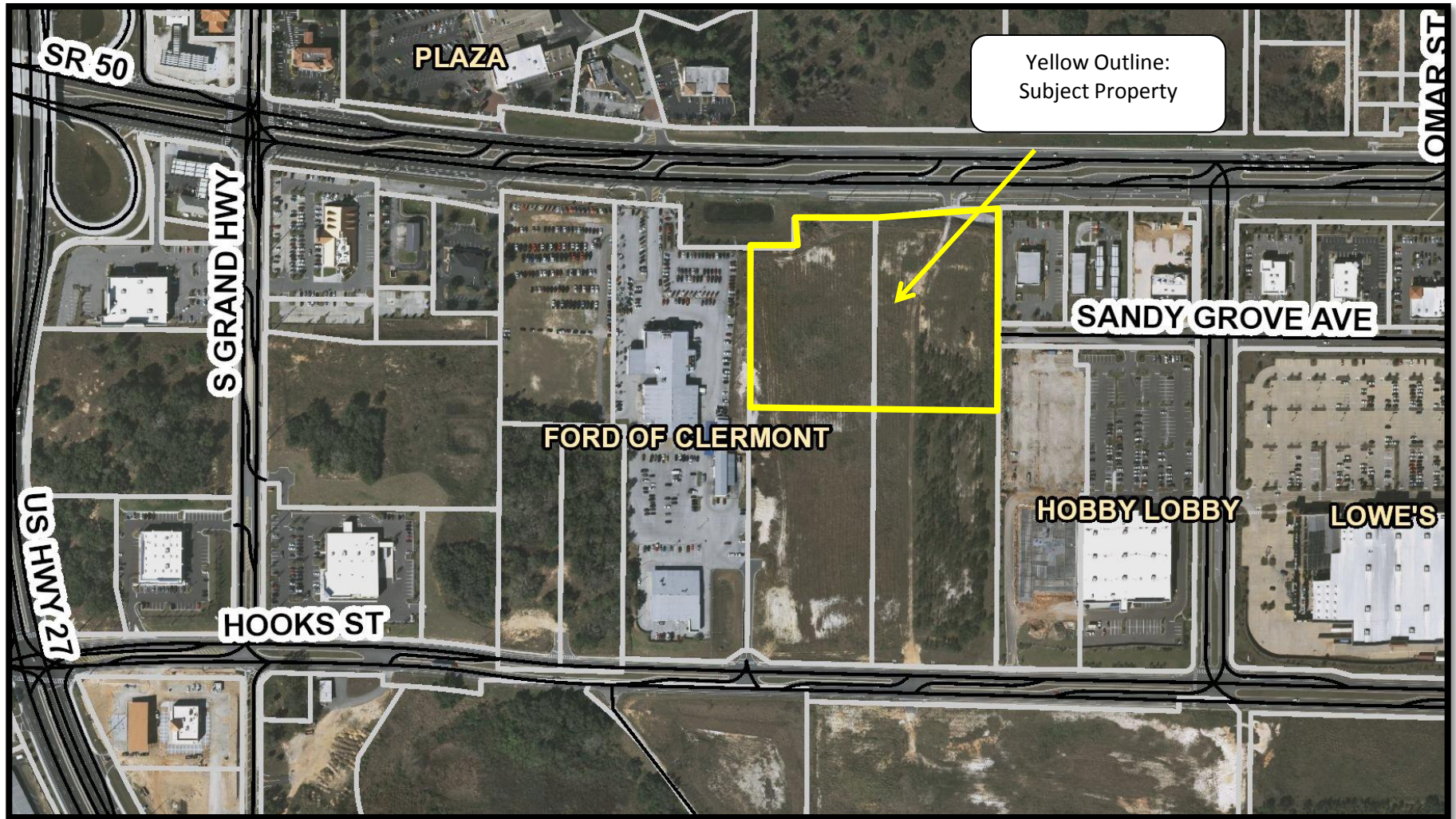


Exhibit – City of Clermont – Future Land Use Map Rocky Mount Development

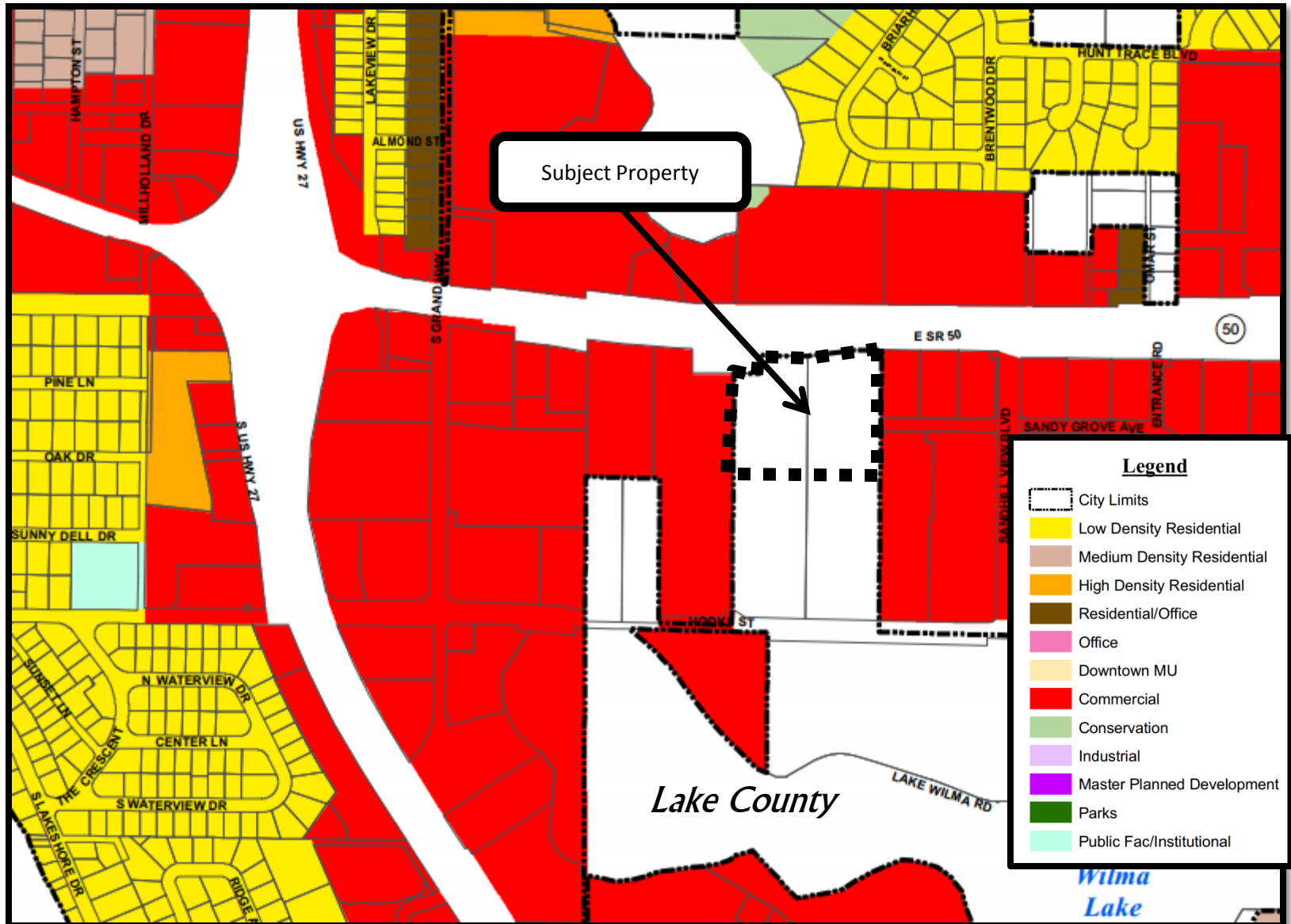
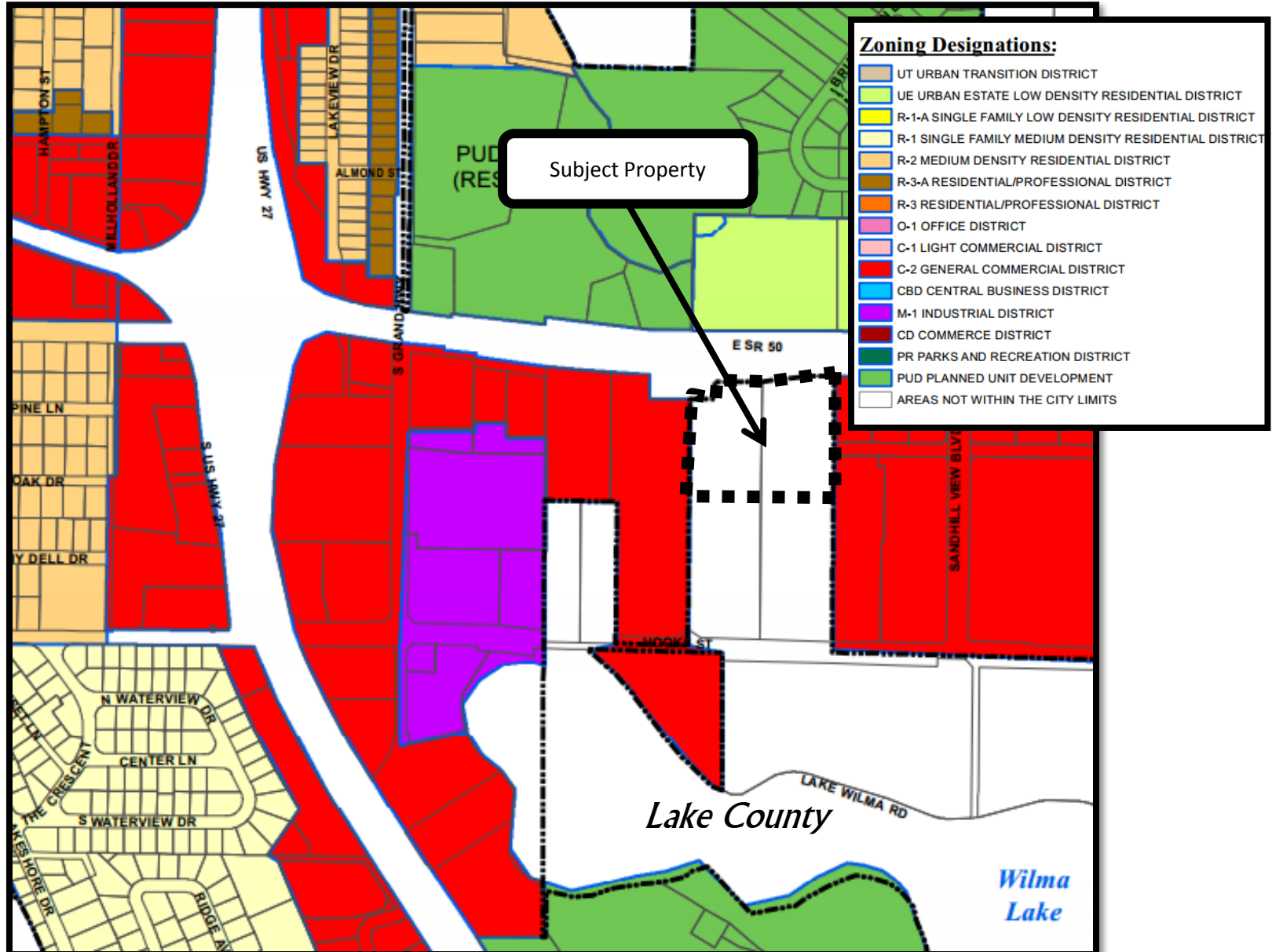


Exhibit – City of Clermont – Zoning Map Rocky Mount Development



[illegible]

Section 9; Township 22S; Range 26E, Lake County, Florida

ENGINEERS & LAND PLANNERS
732 4th STREET, CLERMONT, FL 34711
(352) 394-5756 RMcCoyPE@aol.net

420 East Mianchaha Ave.
Clermont, Florida 34711
(305) 304-0285

REVISIONS

Legal description for Annexation into Clermont City Limits by Rocky Mount Development Co., Inc.

In Section 29, Township 22 South, Range 26 East, of Lake County, FL, Begin at the NE corner of that part of Lake Highlands Plat, Tract 22 that is South of Florida Department of Transportation Right of Way, thence run 500.0' South along the East boundary of said Tract, then run North 89° 39' 36" West to the West boundary of said Tract, then north to FDOT ROW, thence East along said FDOT ROW to the POB.

Note that Parcel Number provided by County indicates incorrectly Section 9 rather than Section 29.



CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: January 29, 2015

FEE: \$500.00

Project Name (if applicable): _____

Applicant: Rocky Mount Development Co., Inc.

Contact Person: Tom Dougherty

Address: c/o Tom K. Dougherty, Attorney - 735 Almond Street, Suite A

City: Clermont State: FL Zip: 34711

Phone: 352-394-6151 Fax: 321-400-5188

E-Mail: tdough735@yahoo.com

OWNER: Rocky Mount Development Co., Inc.

Address: c/o Tom K. Dougherty, Attorney - 735 Almond Street

City: Clermont State: FL Zip: 34711

Phone: 352-394-6151 Fax: 321-400-5188

E-Mail: tdough735@yahoo.com

General Location: South side of SR 50 at the west end of Sandy Grove Avenue, just east of Ford of Clermont

Legal Description (include copy of survey): 9-22-26, Begin at the NE corner of that part of Lake Highlands Plat, Tract 22, that is S of F.D.O.T. ROW, thence run 500' S along the E boundary of said Tract, then run N 89-39-36 W to the W boundary of said Tract, then N to F.D.O.T. ROW, thence E along said F.D.O.T. ROW to the POB, Lake County, FL

Property size (in acres or square feet): _____

Flood hazard area (yes) _____ and approx. acreage 7 +/- (no) X

Existing (Actual) Land Use: Agricultural

Existing Zoning: Agricultural

Existing Future Land Use: Regional Commercial

Proposed Future Land Use: Commercial

Type of development proposed: Commercial

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

Proposed Zoning District: Commercial

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).

Owner desires annexation in order to utilize city utilities for new businesses.

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

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

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

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

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

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Tom K. Dougherty

_____, 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 _____ to City of Clermont _____ for the
property legally described on the attachment of this application.
3. That the submittal requirements for the application have been completed and attached hereto as part of the application.

Tom K. Dougherty

Affiant - Applicant Name (print)

X

Tom K. Dougherty

Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 2nd day of February, 2018



X

[Signature]

Notary Public, State of Florida at Large

My Commission Expires: 09/21/18

OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Tom K. Dougherty

_____, 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 _____ to City of Clermont _____ for the
property legally described on the attachment of this application.
3. That the owner of said property has appointed _____ to act as agent
on his (her) behalf to accomplish the above. The owner is required to complete the
APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his
(her) stead.

Tom K. Dougherty

Affiant - Applicant Name (print)

X

Tom K. Dougherty

Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 2nd day of February, 2015.



X

[Signature]

Notary Public, State of Florida at Large

My Commission Expires: 09/21/18

CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2015-18

The City of Clermont will hold public hearings Tuesday, March 3, 2015 at 7 p.m. before the Planning and Zoning Commission; Tuesday, March 10, 2015 (1st reading of the adoption ordinance) and Tuesday, March 24, 2015 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 7+/-acre parcel below from Lake County Regional Commercial to Commercial. Alternate Keys 1017629 and 1103916

▷

***Location: South of S.R. 50, West of Sandy Grove Blvd.,
East of Ford of Clermont***

Ordinance #2015-18:

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

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

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

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
February 20, 2015 and March 10, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date																	
Tuesday, March 3, 2015																	
Agenda Item Name																	
Ordinance 2015-19 - Dougherty Rezoning																	
Requested Action																	
Motion to recommend approval of Ordinance 2015-19.																	
Staff Report																	
The applicant is proposing a commercial development consisting of 7 +/- acres on the south side of Highway 50, approximately a half mile east of Highway 27. The property currently has planted pines and is in unincorporated Lake County. The applicant has also submitted applications for annexation and a small-scale comprehensive plan amendment to assign a City future land use of Commercial. The subject parcel is between existing C-2 General Commercial properties within the City. The applicant would like to develop the property with similar uses and is requesting a rezoning to the same C-2 General Commercial zoning district. City utilities are available to serve the development. Staff believes the proposed C-2 zoning would be consistent with the existing development pattern that surrounds the property to the east and west and would provide infill development. Staff recommends approval of the rezoning change from UE Urban Estate Low Density Residential to C-2 General Commercial zoning district.																	
Additional Analysis																	
Fiscal Impact Summary																	
Fiscal Impact	Fund Number and Description	Available Budget Amount															
Exhibits Attached (copies of original agreements)																	
<table><tr><td>1.</td><td>Ordinance</td><td>REZ ORD 2015-19.doc</td></tr><tr><td>2.</td><td>Maps</td><td>Dougherty Maps.pdf</td></tr><tr><td>3.</td><td>Site</td><td>Site.pdf</td></tr><tr><td>4.</td><td>Application</td><td>REZ application.pdf</td></tr><tr><td>5.</td><td>Legal ad</td><td>REZ legal ad.docx</td></tr></table>			1.	Ordinance	REZ ORD 2015-19.doc	2.	Maps	Dougherty Maps.pdf	3.	Site	Site.pdf	4.	Application	REZ application.pdf	5.	Legal ad	REZ legal ad.docx
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2.	Maps	Dougherty Maps.pdf															
3.	Site	Site.pdf															
4.	Application	REZ application.pdf															
5.	Legal ad	REZ legal ad.docx															

CITY OF CLERMONT
ORDINANCE No. 2015-19

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

In Section 29, Township 22 South, Range 26 East, of Lake County, FL, Begin at the NE corner of that part of Lake Highlands Plat, Tract 22 that is South of Florida Department of Transportation Right of Way, thence run 500.0' South along the East boundary of said Tract, then run North 89° 39' 36" West to the West boundary of said Tract, then north to FDOT ROW, thence East along said FDOT ROW to the POB.

Containing 7 acres, more or less

Note that Parcel Number provided by County indicates incorrectly Section 9 rather than Section 29.

(North half of Alternate Keys 1017629 and 1103916) South of S.R. 50, West of Sandy Grove Blvd., East of Ford of Clermont

From: UE Urban Estate
To: C-2 General Commercial

SECTION 2:

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

SECTION 3:

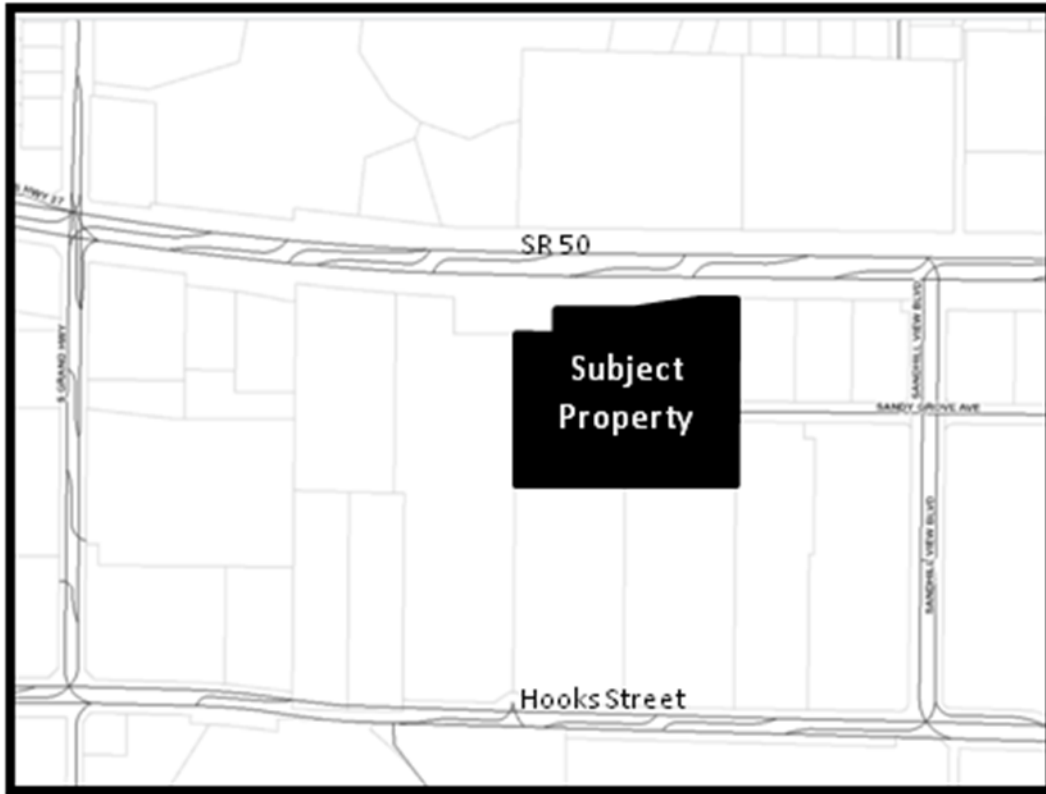
Should any section or part of this section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire section or part of the section may be inseparable in meaning and effect from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

SECTION 4:

CITY OF CLERMONT
ORDINANCE No. 2015-19

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

Location map:



CITY OF CLERMONT
ORDINANCE No. 2015-19

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form:

Dan Mantzaris, City Attorney

Exhibit - Location Map
Rocky Mount Development

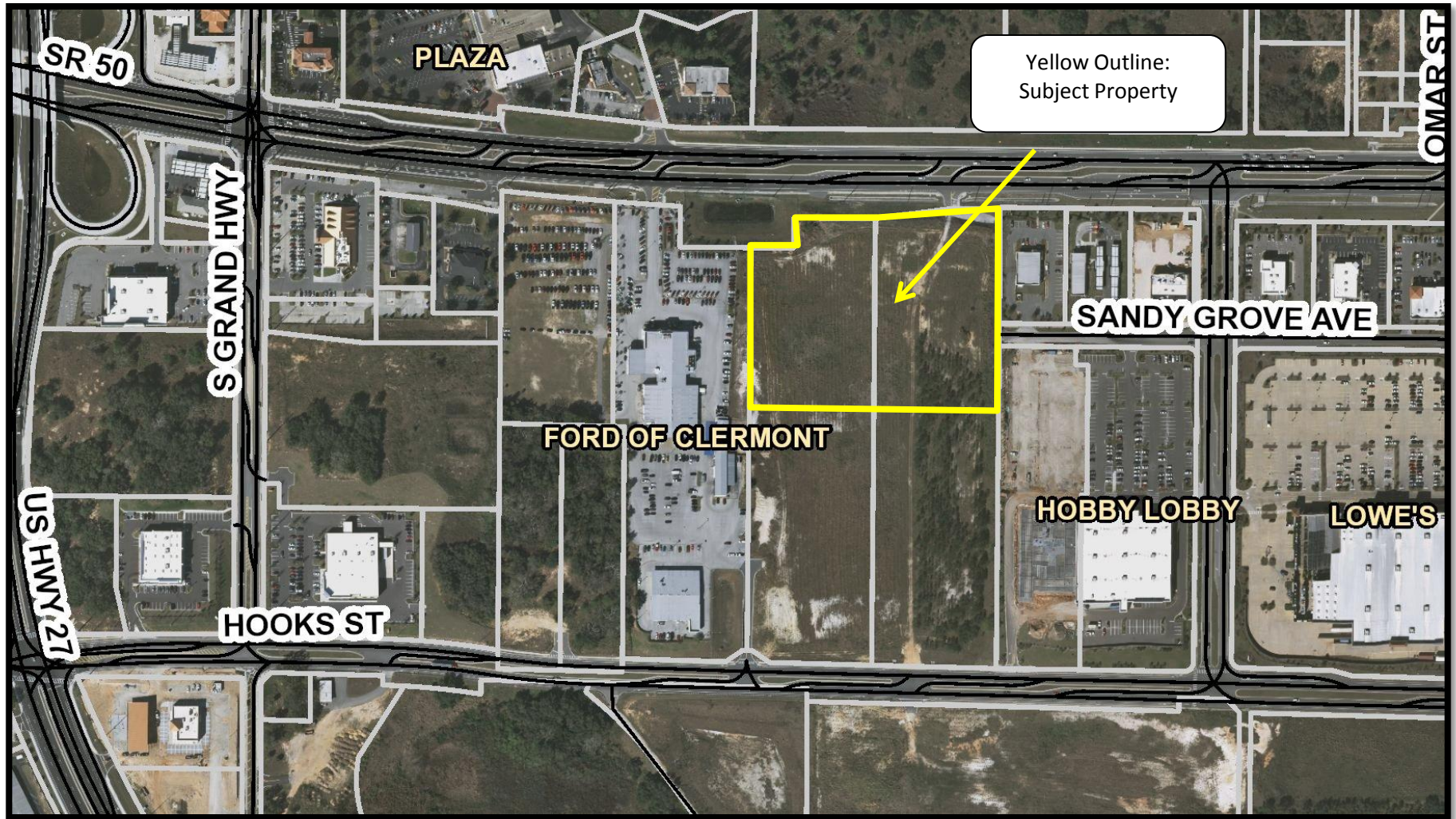


Exhibit – City of Clermont – Future Land Use Map Rocky Mount Development

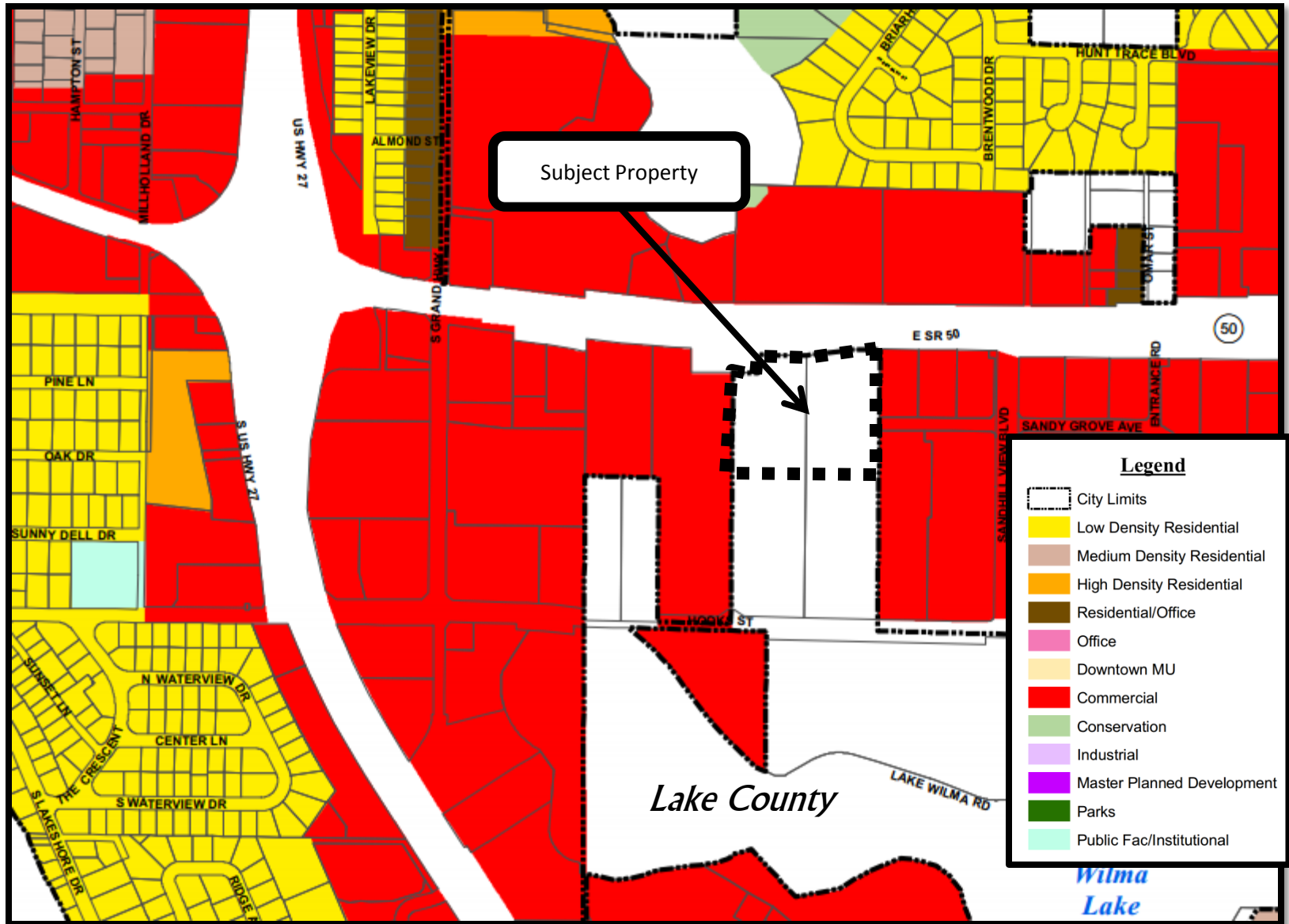
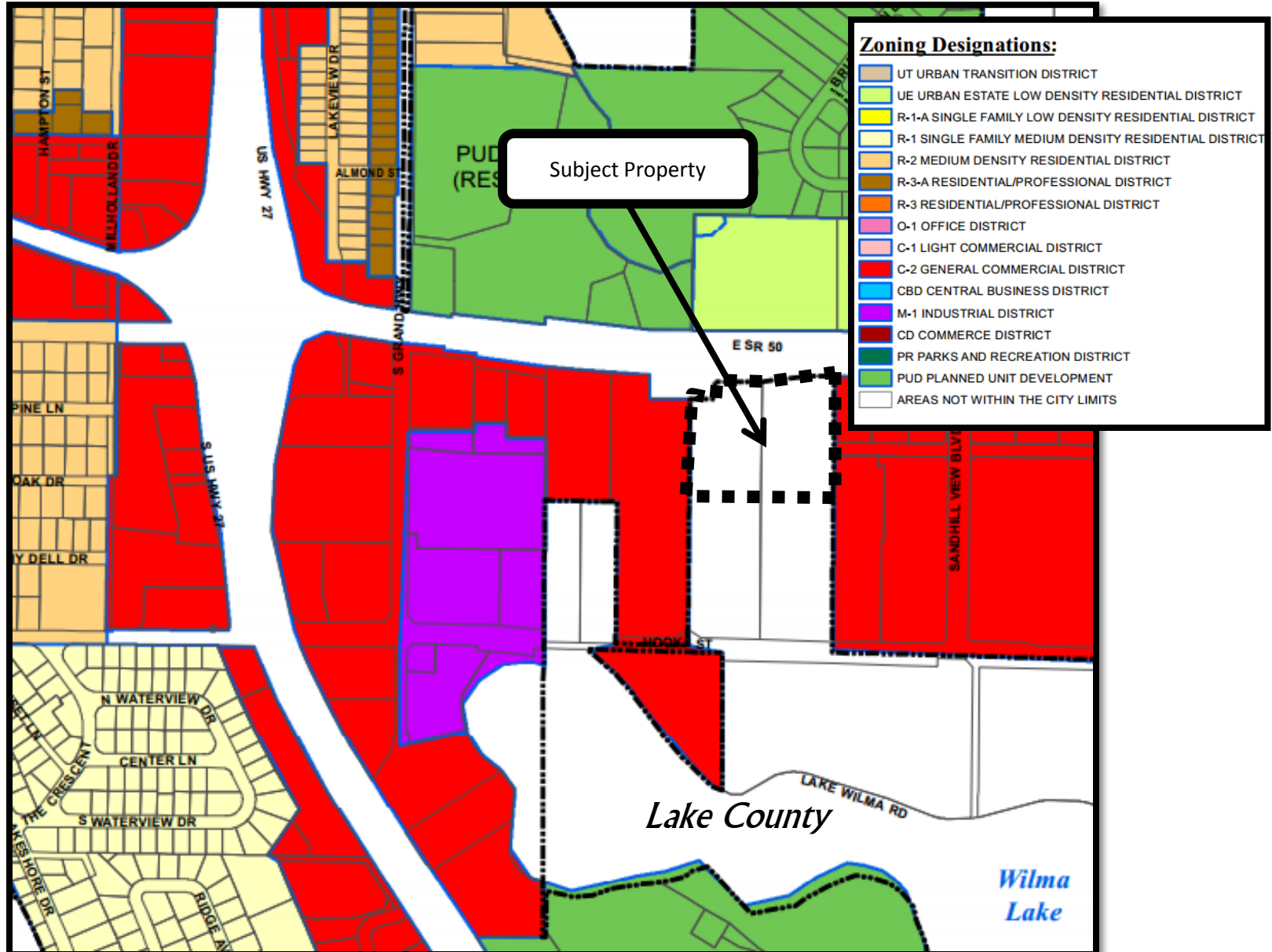


Exhibit – City of Clermont – Zoning Map Rocky Mount Development



THE ENGINEER HEREBY CERTIFIES THAT THE EXCLUSIVE COMMERCIAL CONCEPT AND PROPERTY RIGHTS TO THESE GRADINGS WHICH MAY BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER, ARE HEREBY ASSIGNED TO ANY PARTY WITHOUT THE ENGINEER'S WRITTEN CONSENT.



CONCEPTUAL MASTER PLAN S.R. 50 COMMERCIAL SUBDIVISION Section 9, Township 22S, Range 30E, Lake County, Florida		McCOY & ASSOCIATES ENGINEERS & LAND PLANNERS 732 4th STREET, CLERMONT, FL 34711 (352) 394-2700 info@mc-coy.com	Rhoden Land Surveying, Inc. 400 East Main Street Clermont, Florida 34711 (352) 394-0200	DATE DESCRIPTION REVISIONS
1 of 1	DATE 09/11/2018	PREPARED BY DATE 09/11/2018	CHECKED BY DATE 09/11/2018	REVISIONS

Legal description for Annexation into Clermont City Limits by Rocky Mount Development Co., Inc.

In Section 29, Township 22 South, Range 26 East, of Lake County, FL, Begin at the NE corner of that part of Lake Highlands Plat, Tract 22 that is South of Florida Department of Transportation Right of Way, thence run 500.0' South along the East boundary of said Tract, then run North 89° 39' 36" West to the West boundary of said Tract, then north to FDOT ROW, thence East along said FDOT ROW to the POB.

Note that Parcel Number provided by County indicates incorrectly Section 9 rather than Section 29.



CITY OF CLERMONT
REZONING
APPLICATION

DATE: January 29, 2015

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): _____

APPLICANT: Rocky Mount Development Co., Inc.

CONTACT PERSON: Tom Dougherty

Address: c/o Tom K. Dougherty, Attorney - 735 Almond Street, Suite A

City: Clermont State: FL Zip: 34711

Phone: 352-394-6151 Fax: 321-400-5188

E-Mail: tdough735@yahoo.com

OWNER: Same as Applicant

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Address of Subject Property: South side of SR 50 at the west end of Sandy Grove Avenue,

Legal Description (include copy of survey): 29-22-26, Begin at the NE Corner of that part of Lake Highlands Plat, Tract 22 that is S of F.D.O.T. ROW, thence run 500' S along the East boundary of said Tract, thence run N 89-39-36 W to the W boundary of said Tract, then N to F.D.O.T. ROW, thence E along said F.D.O.T. ROW to the POB, Lake Co., FL ** Note Parcel No. provided by Lake County incorrectly indicated Section 9, not 29.

Acreage: 7+/- Land Use: Regional Commercial
(City verification required)

Present Zoning: Agricultural Proposed Zoning: Agricultural C2
(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?

Annexation from Lake County in order to utilize city utilities for new businesses.

Tom K. Dougherty
Applicant Name (print)

X Tom K. Dougherty
Applicant Name (signature)

Tom K. Dougherty
Owner Name (print)

X Tom K. Dougherty
Owner Name (signature)

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

LEGAL NOTICE

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

ORDINANCE NO. 2015-19

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

(North half of Alternate Keys 1017629 and 1103916) South of S.R. 50, West of Sandy Grove Blvd., East of Ford of Clermont

LEGAL DESCRIPTION

In Section 29, Township 22 South, Range 26 East, of Lake County, FL, Begin at the NE corner of that part of Lake Highlands Plat, Tract 22 that is South of Florida Department of Transportation Right of Way, thence run 500.0' South along the East boundary of said Tract, then run North 89° 39' 36" West to the West boundary of said Tract, then north to FDOT ROW, thence East along said FDOT ROW to the POB.

Containing 7 acres, more or less

Note that Parcel Number provided by County indicates incorrectly Section 9 rather than Section 29.

FROM UE Urban Estate
TO C-2 General Commercial

This request will be considered by the Planning & Zoning Commission on Tuesday, March 3, 2015 at 7:00 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, March 24, 2015 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, MMC
City Clerk

▯

Daily Commercial
February 24, 2015 and March 10, 2015

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