



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, September 24, 2019**

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

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

Community Foundation Donation to Fire and Police Departments

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

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

Item No. 1 - Meeting Minutes

Consider approval of September 5, 2019
First Budget Public Hearing and
September 10, 2019 Council Meeting
minutes.

Item No. 2 - Surplus Request

Consider declaring end of life inventory
as surplus from the departments of: Fire,
Parks & Recreation, and Information
Technology and dispose of in accordance
with the Purchasing Policy.

Item No. 3 - Bid Award

Consider bid award to PowerCore, Inc. to
provide electrical installation of WiFi
access points in the total budgeted
amount of \$230,729.81.

Item No. 4 - Special Event & Road Closure
Request

Consider approval for Sommer Sport's
request to close roads for their approved
event "Santa's Twilight 5K" on Saturday
December 21, 2019.

Item No. 5 - Special Event & Road Closure
Request

Consider Sommer Sport's request to
close roads for their approved event
"Nightmare on the Clermont Trails" on
Saturday October 26, 2019.

CITY OF CLERMONT
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UNFINISHED BUSINESS

Item No. 6 - Ordinance No. 2019-03 *Final*
Clonts Groves
Table to October 22

Consider request for a large-scale comprehensive change on 55 +/- acres located 2 miles south of Hartwood Marsh Road and East of US Hwy 27. The proposed change will be from Lake County Wellness Way 1 to City of Clermont Master Planned Development.

Item No. 7 - Ordinance No. 2019-05 *Final*
South Lake Crossing
Table to October 22

Consider request for a large-scale comprehensive change on 743 +/- acres located 1.75 miles south of Hartwood Marsh Road and East of US Hwy 27. The proposed change will be from Lake County Wellness Way 1 to City of Clermont Master Planned Development.

Item No. 8 - Ordinance No. 2019-27 *Final*
Advent Health

Consider rezoning for a medical health park campus on 7.5+/- acres located on the southeast corner of SR 50 and Citrus Tower Blvd.

Item No. 9 - Ordinance No. 2019-38 *Final*
Withdrawn

Consider amending the Land Development Code, Section 122-358, Affordable Housing Density Bonus under Chapter 122 Zoning.

NEW BUSINESS

Item No. 10 - Ordinance 2019-06
South Lake Crossings
Table to October 22

Consider request for a rezoning to a Planned Unit Development for a mixed use project on 743 +/- acres located east of the Us Hwy 27 and Schofield Road intersection.

Item No. 11 - Utility Agreement
Oak Properties - Clermont III RES

Consider Agreement for Water and Sewer Services to construct a multi-family development (288 units) north of SR 50 and East of CR 455.

Item No. 12 - Variance Request
Bella Terra Subdivision

Consider request for three variances: cut/fill more than ten feet, reduced fee in lieu of tree replacement, and seventy foot wide lots for a proposed subdivision southwest of the intersection of Southern Pines Loop and Johns Lake Road.

CITY OF CLERMONT
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Item No. 13 - Resolution No. 2019-21R
Walmart

Consider request to amend a Conditional Use Permit to allow for an expansion to the existing store located at 1450 Johns Lake Road.

Item No. 14 - Resolution No. 2019-22R
Iglesia Evangelica Emanuel, Inc.
Table to October 8

Consider Conditional Use Permit to allow a church use in the C-2 General Commercial zoning district for property located at 638 State Road 50.

ADJOURN

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

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

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



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, September 24, 2019			
Agenda Item Name			
Community Foundation Donation to Fire and Police Departments			
Requested Action			
Staff Report			
The Community Foundation, Director of Donor Relations Kathy Smith contacted the Fire Department recently to advise that one of her donors, Mrs. Stockton, has a heart for Fire, Police & First Responders and is interested in providing about \$7,750 as a scholarship to firefighters and EMS personnel.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			

City of Clermont
SPECIAL MEETING MINUTES
SEPTEMBER 5, 2019

FIRST PUBLIC HEARING - FISCAL YEAR 2019-2020 BUDGET

The Clermont City Council met in a special meeting on Thursday, September 5, 2019 in the Council Chambers at City Hall. Mayor Ash called the meeting to order at 6:30pm with the following present: Council Members Brishke, Mullins, Bates and Travis. Other City officials present were City Manager Gray, City Clerk Ackroyd Howe and Assistant Finance Director Brosonski.

City Manager Gray stated the meeting was the first of two public hearings to adopt a millage rate and budget for Fiscal Year 2019-2020. The purpose of this meeting is to present to the public the recommended budget, including a proposed millage rate and a change from the rolled back rate. In the tentative budget, the General Fund is based on 4.2061 millage rate for the fifth consecutive year. The millage rate will generate an additional \$1 million in ad valorem revenue. The General Fund is budgeted entirely from operating revenues with no projected reserves used to balance the budget. The recommended budget does include five new full time positions for the Police Department. The City's Enterprise Funds are financially sound. The budget sets the Downtown and the Water Front as major priorities as stated in the City's Master Plan. Since the budget workshops, Fire Station No. 2 expansion has been added to the recommended budget. The matter will return to Council when staff has an estimate for the cost to expand the Fire Station. The East Avenue concept designs have also been added to next year's budget along with funds to do safety improvements to city offices. The reserves for the General Fund have been kept at \$8.2 million, or 25 percent of the City's budgeted operating expenditure, which is on target with the reserves policy. City Manager Gray commended staff for assistance in searching for efficiencies and for their help with the budget. The Final Budget Public Hearing is Thursday, September 19, 2019 at 6:30pm.

Resolution No. 2019-23R Tentative Ad Valorem Millage Rate

City Clerk Howe read Resolution 2019-23R aloud in its entirety.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, adopting the tentative Ad Valorem Millage Rate for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020; providing for collection of taxes; providing an effective date.

Resolution No. 2019-24R Tentative Budget

City Clerk Howe read Resolution 2019-24R aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, adopting the Tentative Budget for the 2019-2020 Fiscal Year.

City of Clermont
SPECIAL MEETING MINUTES
SEPTEMBER 5, 2019

Assistant Finance Director Brosonski presented the purpose of the public hearing, the Citywide Budget, the General Fund Budget, Property Tax Revenues, and Requested Actions. The Citywide budget totals \$148.3 million, which is \$4.6 million or 3.03 percent less than the current year budget. Citywide budget is lower primarily due to fewer master plan projects budgeted in Fiscal Year 2020. Citywide reserves at the end of Fiscal Year 2020 are projected to be \$56.3 million, which is \$4.8 million more than the current year budget. The General Fund budget totals \$40.2 million, which is \$367,000 or .9 percent less than the current year budget. The General Fund budget is lower primarily due to the Public Works complex property sale not budgeted in fiscal year 2020. Property Taxes are projected to be \$12.8 million or \$1 million higher than the current year. Staff is requesting Council to approve Resolution No. 2019-23R establishing the fiscal year 2020 tentative ad valorem millage rate and to approve Resolution No. 2019-24R establishing the fiscal year 2020 tentative budget.

Mayor Ash opened the Public Hearing. There were no comments. Mayor Ash closed the Public Hearing.

Council Member Bates inquired about receiving funds from FEMA. Assistant Finance Director Brosonski stated some of the funds have been received but not all. The City is still constructing the sea wall and dock. Until the projects are constructed, the reimbursements cannot be submitted to FEMA. City Manager Gray stated a report of what has been received will be provided to Council.

Council Member Bates moved to approve Resolution No. 2019-23R; seconded by Council Member Brishke. The motion passed with all members present voting aye.

Council Member Bates moved to approve Resolution No. 2019-24R; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Mayor Ash thanked the Finance Department for their hard work.

City of Clermont
SPECIAL MEETING MINUTES
SEPTEMBER 5, 2019

ADJOURN: With no further comments, the meeting adjourned at 6:45pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
September 10, 2019

The City Council met in a regular meeting on Tuesday, September 10, 2019 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Brishke, Bates, Mullins and Travis. Other City officials present were City Manager Gray, City Attorney Mantzaris, and City Clerk Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Dr. Helmut Michelson gave the invocation followed by the Pledge of Allegiance.

PROCLAMATION

Childhood Cancer Awareness Month

City Clerk Howe read the Childhood Cancer Awareness Month proclamation aloud.

Constitution Week

City Clerk Howe read the Constitution Week proclamation aloud.

PRESENTATION

FY 2019 Quarterly Budget Presentation

Assistant Finance Director Brosonski presented highlights of the City of Clermont quarterly budget report for October 1, 2018 – June 30, 2019 and provided an overview of the City's revenues, expenditures and key department statistics for the third quarter of fiscal year 2019, the top 10 revenues, major fund revenues and expenditures, departmental expenditures, and master plan expenditures.

City Manager Gray noted a couple projects will roll over to the next fiscal year in the Building Department.

PUBLIC COMMENTS

There were no comments.

REPORTS

City Manager Gray reported the City was prepared for Hurricane Dorian however the hurricane turned and avoided the City. City Manager Gray requested for Item No. 10 be tabled to November 12, 2019.

Item No. 10 – Ordinance No. 2019-28, *Final*

City Clerk Howe read Ordinance No. 2019-28 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 122 Zoning, Article V Supplementary Districts, Section 360 Vacation Rental License Regulations; Providing for Codification; Severability; Effective Date; and Publication.

Council Member Bates moved to table Ordinance No. 2019-28 to November 12, 2019; seconded by Council Member Mullins. The motion passed with all members present voting aye.

City of Clermont
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REGULAR COUNCIL MEETING
September 10, 2019

City Manager Gray reported Item No. 12 will be withdrawn but the applicant will return to Council and will re-advertise. There will not be a Council Workshop in September. The Final Budget Hearing will be on September 19, 2019 at 6:30pm. Tomorrow is the 9/11 ceremony at the Arts and Recreation Center which will take place at 10:00am and will be opened to the public. This weekend the City is partnering with the Chamber of Commerce for the Sips and Salsa event downtown at 2:00pm to 10:00pm.

City Attorney Mantzaris – No report.

Council Member Bates – No report.

Council Member Mullins commended City staff for their energy and enthusiasm to help citizens get bags of sand for the incoming hurricane.

Council Member Brishke reported she took food to the Fire and Police stations with Council Member Travis to show their appreciation for their anticipated work during the incoming hurricane.

Council Member Travis – No report.

Mayor Ash – No report.

CONSENT AGENDA

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

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| Item No. 1 – Meeting Minutes | Consider approval of August 27, 2019 Council Meeting minutes. |
| Item No. 2 – Bid Award | Consider award to Providence Construction & Development Co. to provide East side water reclamation facility ribs rerate expansion in the lump sum budgeted amount of \$1,289,000. |
| Item No. 3 – Bid Award | Consider award to Shelley's Septic Tank, Inc. to provide hauling and disposal of bio solids in the estimated annual budgeted amount of \$212,520. |
| Item No. 4 – Contract Approval | Consider Water, Wastewater and Reclaimed Water Scope of Service proposal from Tetra Tech in the budgeted amount of \$163,887. |
| Item No. 5 – Direct Negotiation | Consider transportation review services from Kittleson & Associates for Wellness Way and AdventHealth traffic studies in the total budgeted amount of \$25,000. |
| Item No. 6 – Event and Open Container Request | Consider request from Pig On the Pond to be held March 6, 7, and 8, 2020 for open container in approved area, fee waiver, signage, staff assistance, and trail closure. |

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
September 10, 2019

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| Item No. 7 – Event and Road Closure Request | Consider event and road closures for the South Lake Rotary to host the “Rotary Fun Run” on December 14, 2019. |
| Item No. 8 – Event Request, Fee Variance, and Open Container Allowance | Consider request from Sommer Sports to approve the 2020 season, open container allowance and waive all associated ground fees. |
| Item No. 9 – Special Event, Road and Boat Ramp Closure Request | Consider request from Sommer Sports to close roads and boat ramp for approved City Sponsored event “The Great Floridian” on October 19, 2019. |

Council Member Bates moved to approve the Consent Agenda; seconded by Council Member Mullins. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 11 – Ordinance No. 2019-39, *Final*

City Clerk Howe read Ordinance No. 2019-39 aloud by title only.

An Ordinance of the City of Clermont, Florida, imposing a temporary moratorium for one hundred and eighty (180) days on the acceptance of any application for and/or the issuance of any permit, conditional use approval, site plan approval, and any other official action of the City of Clermont having the effect of permitting or allowing development and/or construction of any multi-family development; excluding with conditions such applications submitted prior to August 27, 2019 or approvals for the continuance of an existing multi-family development; the temporary moratorium shall apply to all real property located within the corporate limits of the City of Clermont; providing for severability, conflicts and an effective date.

City Manager Gray stated on August 13, the Council asked staff to draft an ordinance for a moratorium on apartments. This will give staff time to review the City’s codes and regulations. There will be a Council Workshop in late October or early November for anyone to attend which will provide information and gather feedback from the Council and the public. During the review, staff will also look at the affordability of the apartments for affordable housing.

City Attorney Mantzaris stated the Council is deciding whether or not to approve an Ordinance to establish a moratorium for six months on multi-family development and then a workshop will occur to discuss changes to the City’s Comprehensive Plan and Codes to address any changes. After the workshop, the matter will return to the Council at a future Public Hearing for consideration and implementation.

Mayor Ash opened the Public Hearing.

Preston Bolt, 800 North Highland Avenue, Orlando, representative of the family owned property at Hancock and Highway 50, displayed two documents and stated they have been working with City staff to begin the process for a 280-unit apartment project. They are requesting to be exempt from the moratorium as they do not have a completed application into the City yet and are approximately 30 days out.

City Manager Gray stated this project is the only one in the system that has started but not completed.

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Alison Yurko, P.O. Box 2286, Winter Park, FL, attorney for LCA Development, expressed support for the wording in Section 4 of the proposed Ordinance allowing for the apartment complex to continue as the initial application was made on July 30, 2019 but requested the Council to allow for the project to be considered exempt.

City Attorney Mantzaris clarified if the Council wishes to allow for the project to finish submitting their completed application, the implementation date of August 27, 2019 would have to be changed to another date.

Dean Russamano, 16719 Abbey Hill Court, expressed concern for the increasing population and the impact on the Fire, Police and Environmental Services Departments.

Charlene Forth, 939 W. Desoto Street, expressed support for the moratorium.

Lee Styhoward, 340 North Maitland Avenue, Maitland, FL, expressed opposition against the moratorium.

Libby Hanna, 1251 Fran Mar Court, inquired about the size allowed for a project to be considered a multi-family development and expressed concerns regarding continued growth.

Jim Purvis, 4206 Hammersmith Drive, inquired as to why staff has not reviewed the code and regulations earlier so as to avoid a moratorium and expressed concern for a project to be in the process of being completed during the implementation of the moratorium.

Ebo Entsuaah, 861 Skyridge Road, expressed support for the moratorium.

Mayor Ash closed the Public Hearing.

City Manager Gray replied that he met with Mr. Bolt where he found out Mr. Bolt's project was in the pipeline shortly after speaking to Mr. Purvis. Also, the City's Master Plan centers around the City's downtown. Every year the City looks at the population and the City is on track with police and fire personnel requirements at the national level. When a development comes in the Council will have to address public safety concerns for each development. The problem is the roads as the State controls Highway 50 and US Highway 27. The County is also having issues with funding improvements for roads. The minimum size that would be effected by the proposed Ordinance would be three or more attached dwelling units therefore a duplex would be okay.

City Attorney Mantzaris stated the moratorium is a planning tool for the City. Every issue discussed and addressed by the Council has to be consistent with the City's Comprehensive Plan. Staff will return to Council with recommendations for better planning, better handling of multi-family developments, betterment of issues associated with traffic, police and fire, and infrastructure. This is not an apartment moratorium but rather a multi-family development moratorium. Moratoriums are designed to be as short as possible so as to not prohibit development. There is an option to extend the moratorium for 90 days after the six-month period.

City Attorney Mantzaris clarified if the Council wishes to address Mr. Bolton's concern, the Council could choose to extend the effective date to October 11, 2019 to provide the applicant additional time to submit their full application.

Council Member Bates inquired the likelihood that another applicant would be able submit a completed application during the additional 30 days. City Attorney Mantzaris stated the changes are unlikely for someone to be able to put together a complete application for final approval before the 30-day extension ends.

City of Clermont
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Council Member Travis asked about the end date for the moratorium. City Attorney Mantzaris stated the moratorium would be effective 30 days after this meeting date with a six-month effective period. So the moratorium would end April of 2020.

Council Member Brishke asked staff if there were any other projects which could submit potentially submit a completed application within the 30-day deadline. Development Services Director Henschel stated there are potentially two other projects but the process does require for the projects to go through a site review process which can take weeks to schedule in advance.

Council Member Mullins stated since last Thursday, he was visited by two people who have projects they are preparing to process with the City.

Council Member Travis suggested keeping the date but providing an exemption to the project which is almost completed. City Attorney Mantzaris stated there is no difference between projects as they have not applied for final approvals. They are all at the same stage.

Council Member Mullins expressed agreement with Mr. Purvis as to why these discussions have not taken place in the last 18-months.

Mayor Ash expressed concern for new developments impact on the City's emergency services. A moratorium is to be used as a planning tool for possible additional expansion.

Council Member Travis moved to approve Ordinance No. 2019-39 as amended starting October 11, 2019 and amending Section 4; seconded by Council Member Bates. The motion passed 4 to 1 on a roll call vote with Council Member Mullins voting nay.

Item No. 12 – Resolution No. 2019-14R, Take 5 Quick Lube

This has item has been withdrawn.

NEW BUSINESS

Item No. 13 – Fee Reduction Request

Parks and Recreation Director Davidoff reviewed the history of the PFX Sports Spring Games and presented applicant's request for the City to pay a third party contractor for additional daily field prep in between each game above and beyond the regular field maintenance. During last year's Spring Games, the Clermont Police Department incurred costs of \$10,584 in overtime. As a result, the Clermont Police Department has requested PFX to hire private security officers or hire off duty officers to work a schedule agreed upon by PFX and Clermont Police Department at PFX's expense for the duration of the event due to the continual threat of criminal activity occurring at Legend's Way. Or PFX can request the City Council to authorize approximately \$10,500 in overtime to provide officers at Legends Way which may result in staffing challenges for Clermont Police Department. Staff is requesting that 100% of field usage fees, the cost of daily porters, and the cost of the CGFP banquet be waived. The total requested amount provided to PFX would be approximately \$24,770.

Allison Strange thanked City staff for their help with the past events. PFX is requesting the City pay a third party company for the maintenance of the field between games. Incidents at the parks have decreased over the past few years. Ms. Strange stated she was not aware of the overtime cost to the City and that PFX would be willing to pay for private security to cut the cost and alleviate any burden on the City but recommended to place an empty police car at the events to deter stealing and for police to patrol through occasionally. Ms. Strange also recommended for Police Chief Broadway to do a Public Safety Announcement.

City of Clermont
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Mayor Ash inquired about the savings for PFX last year. Parks and Recreation Director Davidoff stated the amount was \$24,791.88 but that does not cover the police overtime. However, the total for this year will not be known until after the event but staff is anticipating roughly the same cost.

Council Member Mullins asked why a third party company would be necessary for maintenance. Parks and Recreation Director Davidoff stated the City contracts the maintenance of the field out and maintenance of the field between games is not included in the contracts.

Mayor Ash opened the Public Hearing.

Charlene Forth, 939 W. Desoto Street, expressed concern for tax payers dollars going towards paying for the event.

City Manager Gray stated there are three community partner events, Spring Games, Sommer Sports and Pig on the Pond who are huge economic drivers.

Council Member Bates inquired about economic impact.

Ms. Strange stated a preliminary report shows the overall economic impact for the entire event throughout Central Florida is over \$32 million. The market of sports business is competitive with many cities across the nation wanting the economic impact. The City is treated as a sponsorship in-kind and placed on the banners, shirts, and flyers.

Mayor Ash closed the Public Hearing.

Council Member Travis inquired about the Tourism Development Committee. Ms. Strange replied they do approach both the City and the Tourism Development Committee however PFX typically received \$20,000 from the Tourism Development Council. However, PFX rents four facilities in Lake County so the \$20,000 does not come close to covering all of the costs.

Council Member Brishke inquired about the possibility of approving what the City normally approves and then have the applicant return to the Council should they not receive an increase in funding from the Tourism Development Committee.

City Manager Gray clarified Council Member Brishke's request to approve the agenda item as is and have the applicant return should she not receive additional funds from the Tourism Development Council.

Council Member Bates moved to approve the agenda item as is and to allow for the applicant to return to the Council should the applicant not receive an increase in funding from the Tourism Development Committee; seconded by Council Member Brishke. The motion passed with all members present voting aye.

Item No. 14 – Ordinance No. 2019-38, Introduction

City Clerk Howe read Ordinance No. 2019-38 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 122 Zoning; Amending Section 122-358 Affordable Housing Density Bonus; Providing for codification; severability; effective date; and publication.

Council Member Bates moved to introduce Ordinance No. 2019-38; seconded by Council Member Brishke. The motion passed with all members present voting aye.

City of Clermont
MINUTES
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September 10, 2019

ADJOURN: With no further comments, this meeting adjourned at 8:06 pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, September 24, 2019		
Agenda Item Name		
Surplus Request		
Requested Action		
Request to approve and declare end of life inventory as surplus from the Fire Department, the Parks and Recreation Department, and the Information Technology Department and dispose of in accordance with the Purchasing Policy.		
Staff Report		
The Purchasing Department, on behalf of the Fire Department, the Parks and Recreation Department and the Information Technology Department recommends approval of the above action. Fire Department Qty: Property Description (1) HP DeskJet 6940 Printer Parks and Recreation Department Qty: Property Description (8) 500 Watt Halogen Flood Lights Information Technology Department Qty: Property Description (1) Rackmount Server		
Additional Analysis		
Fiscal Impact Summary		
Surplus Property is anticipated to be sold for approximately \$300.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Fire Department Disposal Form	Fire Department Disposal Form.pdf	
2. Parks and Recreation Department Disposal Form	Parks and Recreation Department Disposal Form.pdf	
3. Information Technology Department Disposal Form	Information Technology Department Disposal Form.pdf	



PROPERTY DISPOSAL FORM

Dept. / Division: FIRE/FIRE Property Tag #:
Contact Person: Sheila Aguayo Phone: 352-241-2214
Year / Make / Model: Vehicle No.
Miles / Hours: Serial / VIN: MY76B112SG
Description of Property HP DESKJET 6940 RINTER

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☒ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:** NOT COMPATIBLE WITH WINDOWS 10

Director Signature: 

Date: 6/19/19

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number:



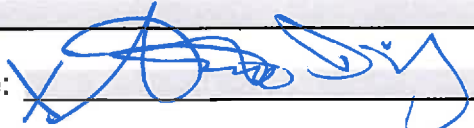
PROPERTY DISPOSAL FORM

Dept. / Division: P&R/ARC Property Tag #:
Contact Person: David Patterson Phone: 352-708-5996
Year / Make / Model: KIM AFL 12/500HAL Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 500 watt Halogen Flood lights QTY 8

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
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- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Surplus, replaced with new LED flood lights

Director Signature: 

Date: 8/30/19

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number:



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, September 24, 2019		
Agenda Item Name		
Bid Award		
Requested Action		
Recommend to approve contract between the City of Clermont and PowerCore, Inc. to provide electrical installation of WiFi access points in Downtown Clermont and Waterfront Park.		
Staff Report		
The Purchasing Department and the Information Technology Department recommend approval of the above action. The Purchasing Department issued a Request for Bid (RFB) number 19-056 in June 6, 2019 to acquire an electrical contractor to provide installation of the City's WiFi network expansion. At the end of the bid deadline, the City received no responses. A re-bid for the same services was issued on August 1, 2019, bid no. 19-058 and this time received two responses. The lowest price bid of \$60,586 requested to withdraw their bid claiming of not having sufficient information to complete the work. The I.T. Director contacted the second lowest bidder, PowerCore, Inc. whose total bid was \$230,729.81 and confirmed that the contractor included all electrical work to support the public WiFi project. The scope of the project includes the installation of supporting electrical infrastructure in order to service fifty-four WiFi access points in LakeFront Park pathway and Downtown Clermont. The RFB was fully competed, advertised, and complies with the City of Clermont Purchasing Policy. Award is being recommended to responsive and responsible bidder PowerCore, Inc. in the total price of \$230,729.81 who complied with all terms, conditions, and specifications stated in the RFB.		
Additional Analysis		
Fiscal Impact Summary		
The fiscal impact of \$230,729.81 is included in the current year, FY 2019, approved budget.		
32559-66408-95114.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFB 19-058 Response Tabulation		RFB 19-058 Response Tabulation.pdf
2. RFB 19-058 Award Recommendation		RFB 19-058 Award Recommendation.pdf



RESPONSE TABULATION

RFB 19-058, WIFI ELECTRICAL INSTALLATION RE-BID

DUE DATE/TIME: AUGUST 8, 2019 AT 2:00 P.M. (EST)

COMPANY NAME	ADDN. 1	ADDN. 2	ADDN. 3	TOTAL PRICE
Florida Industrial Electric, Inc. – Sanford, FL	Y	Y	Y	\$60,586.00
PowerCore, Inc – Melbourne, FL	Y	Y	Y	\$230,729.81 \$370,370.98 ALT



FREDDY SUAREZ
Purchasing Director
Purchasing Department

352-241-7350
fsuarez@clermontfl.org

AWARD RECOMMENDATION
SEPTEMBER 10, 2019
RFB 19-058 – WIFI ELECTRICAL INSTALLATION RE-BID

Based on the results of the bid submittals, the Purchasing Department and Information Technology Department is recommending award to PowerCore, Inc.

Florida Industrial Electric, Inc. requested to withdraw their bid and their request was been accepted without prejudice.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 24, 2019		
Agenda Item Name		
Special Event & Road Closure Request		
Requested Action		
Request to approve Sommer Sports request to close roads for their approved event "Santa's Twilight 5K" on Saturday December 21, 2019.		
Staff Report		
Sommer Sports is requesting to close down roads for their approved City Sponsored event "Santa's Twilight 5K" on December 21, 2019. Please see attached map for breakdown of the event road closure and timeline of the event. Road Closure -Montrose Street from 7th Street to the entrance of City Hall 9:00 AM till 10:30 PM Sommer Sports is working with the Clermont PD and FD to ensure the proper amount of staff are present to ensure the safety of the participants and spectators. The organization will be contacting all businesses and organizations impacted by the road closure		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. City Council agenda add 1	City Council agenda add 1.pdf	
2. City Council agenda add 4	City Council agenda add 4.pdf	
3. City Council agenda add 5	City Council agenda add 5.pdf	



September 4, 2019

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

RE: Request to be placed on the City Council Agenda

To Whom it May Concern:

Sommer Sports respectfully requests to be placed on the agenda for the City Council Meeting scheduled for September 24, 2019. At that time, we will seek approval for the following:

- 1.) Temporary road closure request for the Nightmare on the Clermont Trails 5K on October 26, 2019.
- 2.) Temporary road closure request for Santa's Twilight 5K on December 21, 2019.

We look forward to working with the City of Clermont to produce outstanding community events that attract local, national and international participation. If you have any questions, please contact Sommer Sports at (352) 394-1320 or email info@sommersports.com.

Thank you,

Sommer Sports Management



SANTA'S TWILIGHT 5K

CLERMONT TIMELINE

Saturday, December 21, 2019

- 9:00am - Buildout of Finish Line on Montrose St.
- 12:00pm - Build and decorate start/finish chute
- 3:00pm - Packet pick-up and late registration begins.
- 5:30pm - Preliminary costume judging
- 6:00pm - 5K START!
- 7:30pm - Last 5k Finisher
- 7:35pm - Free Kids Candy Cane Dash
- 7:45pm - Final costume judging & Awards Ceremony
- 8:15pm - Teardown begins
- 10:30pm - Teardown complete

ROAD CLOSURE REQUEST:

9:00am – 10:30pm Montrose Street from 7th Street to just east of Clermont City Hall.



PROPOSED 5K ROUTE



DIRECTIONS

- Start at City Hall on Montrose, running to the east
- Right on Lake Ave.
- Right on West Desoto Street
- Left on 8th Street
- Right on off road path prior to HWY 50
- Right on West Avenue
- Left on South Lake Trail
- Turnaround on South Lake Trail just after crossing the bridge
- Right on West Avenue
- Left of Montrose Street to Finish at City Hall

Meeting Date		
Tuesday, September 24, 2019		
Agenda Item Name		
Special Event & Road Closure Request		
Requested Action		
Request to approve Sommer Sport's request to close roads for their approved event "Nightmare on the Clermont Trails" on Saturday October 26, 2019.		
Staff Report		
Sommer Sports is requesting to close down roads for their approved City Sponsored event "Nightmare on the Clermont Trails" on Saturday October 26, 2019. Please see attached map for breakdown of the event road closure and timeline of the event. Road Closure -Minneola Avenue from 8th Street to the entrance of the public parking lot entrance east of the new Suncreek Brewery. 5:30 PM till 8:30 PM Partial Road Closure (Still allows for vehicle traffic to flow in one direction) -8th Street from Osceola Avenue to Minneola Avenue 5:30 PM till 8:30 PM Sommer Sports is working with the Clermont PD and FD to ensure the proper amount of staff are present to ensure the safety of the participants and spectators.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	City Council agenda add 1	City Council agenda add 1.pdf
2.	City Council agenda add 2	City Council agenda add 2.pdf
3.	City Council agenda add 3	City Council agenda add 3.pdf



September 4, 2019

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

RE: Request to be placed on the City Council Agenda

To Whom it May Concern:

Sommer Sports respectfully requests to be placed on the agenda for the City Council Meeting scheduled for September 24, 2019. At that time, we will seek approval for the following:

- 1.) Temporary road closure request for the Nightmare on the Clermont Trails 5K on October 26, 2019.
- 2.) Temporary road closure request for Santa's Twilight 5K on December 21, 2019.

We look forward to working with the City of Clermont to produce outstanding community events that attract local, national and international participation. If you have any questions, please contact Sommer Sports at (352) 394-1320 or email info@sommersports.com.

Thank you,

Sommer Sports Management

Notice to Area Residents and Businesses

Traffic Delays / Parking Restrictions / Street Closures in Your Neighborhood



Dear Neighbor,

Nightmare on the Clermont Trails is Saturday, October 26, 2019, starting at 7:00 PM in Downtown Clermont. There will be road closures from Saturday at 5:30 PM until 8:30 PM. Below you will see road closure locations and specific streets that will be impacted by the special event.

Restricted Parking Times & Road Closures

- Northbound 8th Street from Minneola Ave. to Osceola Ave. (Resident traffic only)
 - o 5:30 PM to 8:30 PM
- Minneola Ave. from 8th Street to parking area past clock tower (Full Closure)
 - o 5:30 PM to 8:30 PM

Sommer Sports will have signage posted along the roads reminding citizens about the event, road closures, and no parking for the event. We ask that you please take this event into consideration as you make your plans.

Thank you for your patience and understanding and please know the Sommer Sports team is working diligently to present the best and safest event possible.

If you have any questions or comments, please contact Sommer Sports at 352-394-1320 or email info@sommersports.com.



NIGHTMARE ON THE CLERMONT TRAILS

SPOOK ZONES

- #1 - HAUNTED ASSYLUM
- #2 - 45 LAMPKIN LANE
- #3 - THE ABBY
- #4 - HAUNTED COVE
- #5 - HAUNTED HOSPITAL
- #6 - UNDEAD OUTERSPACE
- #7 - LISA'S DRAGON PARTY
- #8 - LMHS TBD

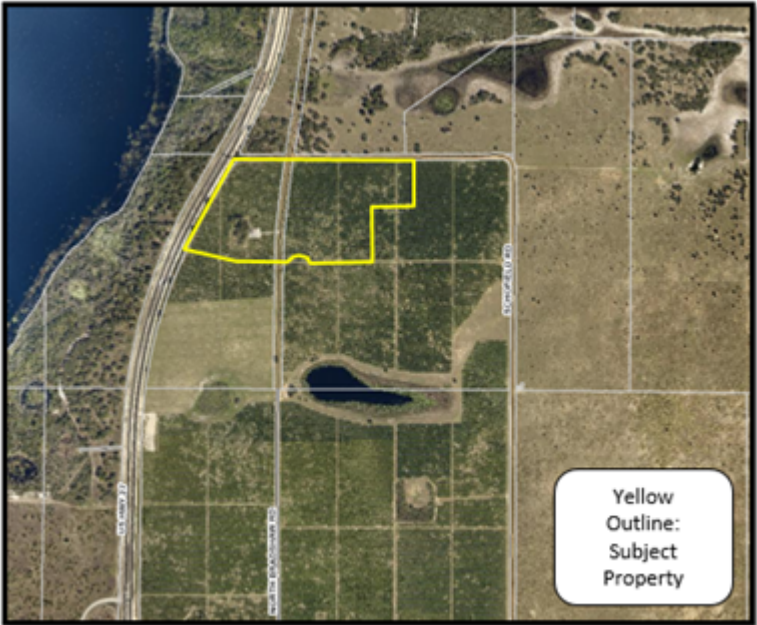




CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 24, 2019	
Agenda Item Name	
Ordinance No. 2019-03 <i>Final</i> <i>Clonts Groves</i> Table to October 22	
Requested Action	
Recommend table to October 22, 2019.	
Staff Report	
The applicant, Clonts Groves, has requested an amendment to the Future Land Use Map. The amendment application is associated with an annexation application and developer's agreement that has been filed with the City. The applicant is requesting the City to designate the property with a future land use category of Master Planned Development. The subject site is 55 +/- acres in size. The applicant envisions a project that incorporates multi-family, commercial, retail, and office uses. The property has frontage along US Hwy 27 and there is an existing median opening at the north end of the property that has access to Schofield Road. The subject property is a non-active orange grove, with signs of citrus greening.	
	
Due to the required review by the State of Florida Department of Economic Opportunity (DEO) for the amendment to the Comprehensive Plan, this application is being presented to the Planning and Zoning Commission and the City Council to make a recommendation for transmittal. If transmitted, then DEO and other State agencies will review and render their comments prior to a public hearing on the adoption of this amendment. The anticipated adoption hearing will be in September 2019. The applicant has not applied for rezoning request and will be assigned a default zoning of Urban Transition District upon annexation.	

The current Future Land Use designation in unincorporated Lake County is Wellness Way Area Plan 1. The Wellness Way Area Plan allows for the following land use intensities:

Future Land Use Category Summary Table Maximum Density Allocation Table

Future Land Use Categories	Minimum Density/Net Buildable Acre	Maximum Density/Net Buildable Acre	Minimum Average FAR	Maximum Average FAR
Town Center	6.00 (d.u)	25.00 (d.u)	0.30	2.00
Wellness Way 1	3.00 (d.u)	20.00 (d.u)	0.25	2.00
Wellness Way 2	2.50 (d.u)	15.00(d.u)	0.20	2.00
Wellness Way 3	2.00 (d.u)	10.00 (d.u)	0.15	2.00
Wellness Way 4	0.00	0.00	N/A	N/A

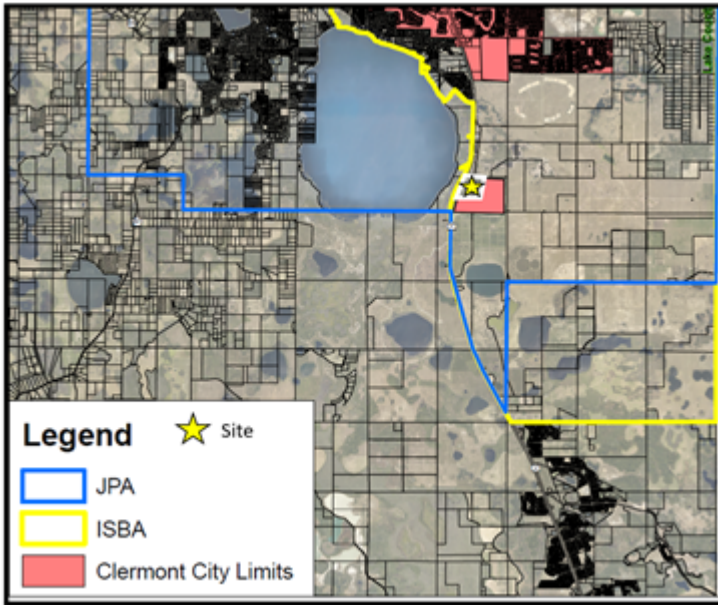
The following City of Clermont Comprehensive Plan policy describes the intent of the Master Planned Development Category:

Policy 1.7.2: 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.

The Olympus project was annexed into the City with the same Master Planned Development FLU category.

The residential density and Floor Area Ratio (FAR) caps in the Master Planned Development FLU category are consistent with the Wellness Way Area Plan designations. The applicant has requested a developer’s agreement to secure entitlements without a specific development plan. The applicant is requesting a density of up to 12 dwelling units per acre, with an anticipated 600 multi-family units, and a maximum of 152,500 square feet of commercial uses. The applicant intends to come back to the City Council under a Planned Unit Development (PUD) application in the future once for approval of a specific development plan. The subject property is located entirely within the City of Clermont Utility Service Area. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA) Agreements with Lake County.



The Wellness Way Area Plan envisions this area as next generation employment opportunities. The economic objective of this area is employment. The applicant’s request for a Comprehensive Plan Amendment to Master Planned Development FLU category provides for the long-range general designation of uses of the property and is not the detailed development approval. The future land use designation establishes the future character and urban form of the city in this area.

Since the project is located within the City’s JPA and ISBA boundary and the City can provide adequate public facilities and services, it is logical to support this future land use amendment along with the associated annexation request. The project is adjacent to the recently annexed Olympus Sports and Entertainment project. The project incorporates multi-family, commercial, retail, and office uses. With this mix of uses, the most appropriate Future Land Use category is the City’s Master Planned Development (MPD) designation. Therefore, staff supports the applicant’s request for a change to Master Planned Development.

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Clonts CPA ORD 2019-03 Formatted	Clonts CPA ORD 2019-03 Formatted.doc	
2. CPA AD Clonts Groves	CPA AD Clontz Groves.docx	



CITY OF CLERMONT
ORDINANCE NO. 2019-03

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

All of Tract 44, a portion of Tracts 35, 36, 37, 39, 40, 41, 45 and 46, a portion of that certain un-improved 30.00 foot platted right of way lying South of Tracts 41, 44-46, 48 and a portion of that certain partially un-improved 30.00 foot platted Right of Way lying West of Tracts 36 and 45; said Tracts and un-improved Rights of Way lying within the Plat of Monte Vista Park Farms, as recorded in Plat Book 2, Page 27, Public Records of Lake County, Florida, lying East of US Highway 27, South of Schofield Road in Section 21 Township 23 South, Range 26 East being more particularly described as follows:



CITY OF CLERMONT
ORDINANCE NO. 2019-03

Commence at the Northeast Corner of the Southeast 1/4 Of Said Section 21; Thence S89°30'42"W Along The North Line of the Southeast 1/4 of said Section 21, a distance of 1424.92 feet; thence departing said South line run S00°13'39"E, a distance of 48.00 feet to a point on the South right of way line of Schofield road (a variable width county maintained right of way) and the Point of Beginning; thence S89°30'42"W along said South Right of Way Line, a distance of 1693.90 feet to a Point on the Easterly Right Of Way Line of US Highway 27 also known as State Road 25 (a variable width Right of Way per Florida Department of Transportation Right Of Way Map FP NO. 238422 1 Dated: November 8, 2005); thence run along said Easterly Right of Way the following five (5) courses and distances: thence S29°58'09"W, a Distance of 87.46 feet; thence N59°58'28"W, a distance of 14.98 feet; thence S29°56'43"W, a distance of 449.91 feet; thence N59°59'46"W, a distance of 4.97 feet; thence S29°56'22"W, a distance of 68.87 feet to a Point of Curvature of a Curve Concave Southeasterly, having a Radius of 5579.01 feet, a Central Angle of 06°56'55", a Chord Bearing of S26°27'55"W and a Chord Distance of 676.18 feet; thence run Southwesterly along the arc of said curve a distance of 676.59 feet to the end of said Curve; thence departing said Easterly Right of Way Line run S67°38'24"E, a distance of 469.15 feet; thence S89°50'54"E, a distance of 664.70 feet to a point on a Non-Tangent Curve, Concave Southerly, having a Radius of 90.00 feet, a Central Angle of 120°00'00", a Chord Bearing of S89°52'26"E and a Chord Distance of 155.88 feet; thence Easterly along the Arc of said Curve a Distance of 188.50 feet to the end of said Curve; thence S89°54'20"E, a distance of 724.09 feet; thence N00°06'56"E, a distance of 771.53 feet; thence S89°53'03"E, a distance of 337.15 feet; thence N00°13'39"W, a distance of 546.00 feet to the Point Of Beginning.

Containing: 2,399,470 square feet or 55.08 acres more or less.

LOCATION

2 miles south of Hartwood Marsh Road, East of US 27 at the Schofield Road intersection

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM LAKE COUNTY: WELLNESS WAY-1
TO CITY OF CLERMONT: MASTER PLANNED DEVELOPMENT

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.

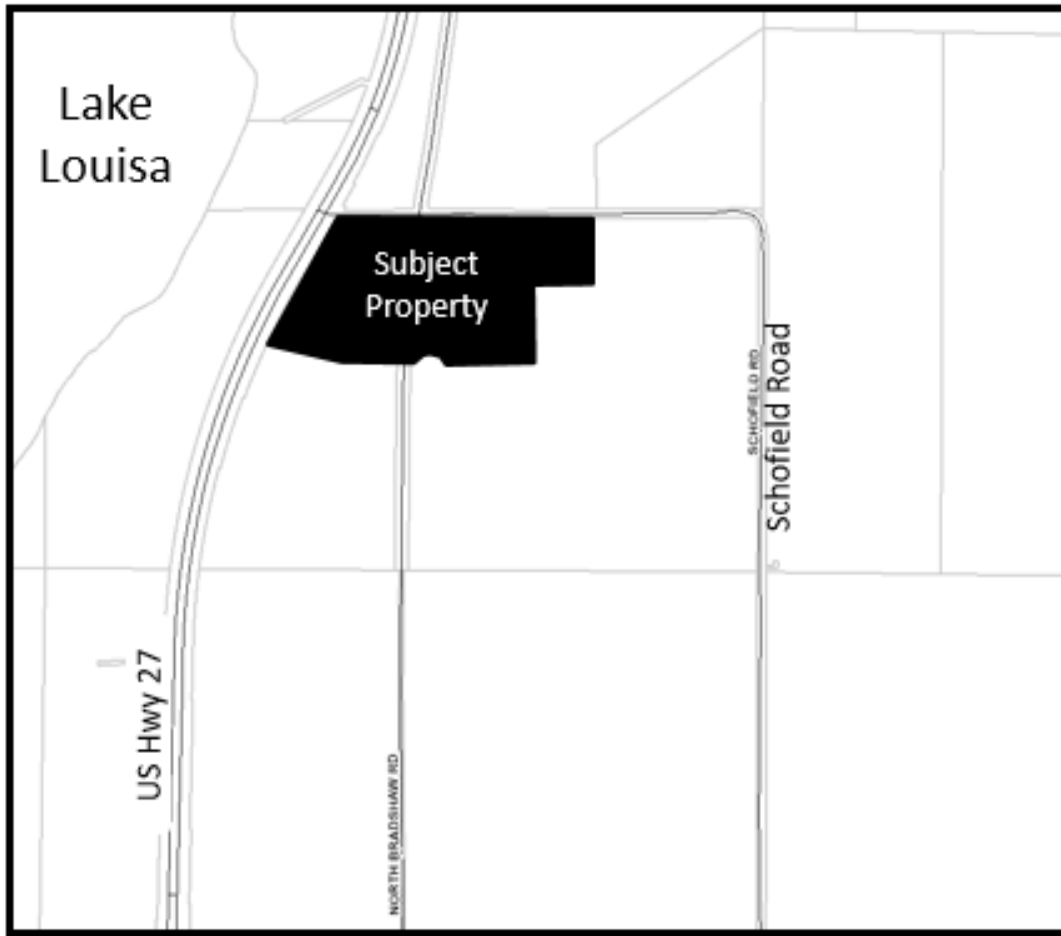
SECTION 3.

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.

Location map:





CITY OF CLERMONT
ORDINANCE NO. 2019-03

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of September, 2019.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

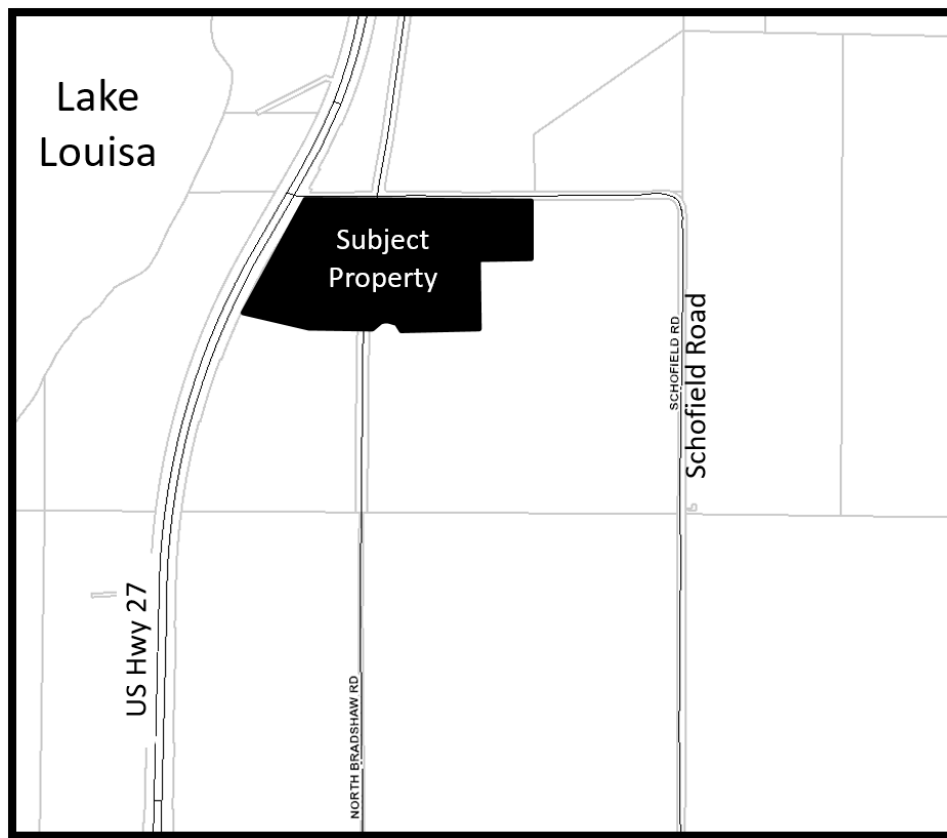
Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2019-03

The City of Clermont will hold public hearings on Tuesday, July 2, 2019 at 6:30 p.m. before the Planning and Zoning Commission to consider a proposed change to the City's Future Land Use Map; and on Tuesday, July 9, 2019 at 6:30 p.m. before the City Council to consider introduction of the ordinance and transmittal of the proposed amendment. The map amendment would change the Future Land Use designation for the parcel below from Lake County Wellness Way to City of Clermont Master Planned Development.

The City of Clermont will hold a public hearing on Tuesday, September 24, 2019 (final hearing) beginning at 6:30 p.m. before the City Council to consider the adoption of the proposed change to the City's Future Land Use Map.



Location:

2 miles south of Hartwood Marsh Road, East of US 27
Alternate Keys 3914659, 1462436, 1462436

Ordinance #2019-03:

An ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the large-scale comprehensive plan amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting

forth the authority for adoption of the large-scale comprehensive plan amendment; setting forth the purpose and intent of the large-scale comprehensive plan amendment; providing for the adoption of the large-scale comprehensive plan amendment; establishing the legal status of the large-scale comprehensive plan amendment; providing a severability clause; and providing an effective date.

The public hearings are in the Council chambers of City Hall, 685 W. Montrose Street, and are open to public comment. Please call (352) 394-4083, ext. 3 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) 241-7331, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

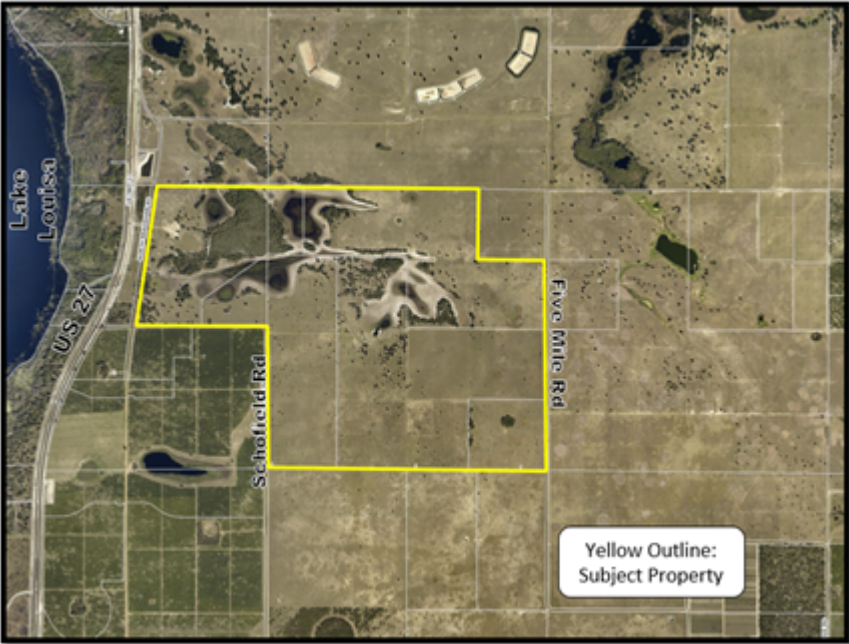
Daily Commercial
June 17 and September 9, 2019



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 24, 2019	
Agenda Item Name	
Ordinance No. 2019-05 <i>Final</i> <i>South Lake Crossing</i> Table to October 22	
Requested Action	
Recommend table to October 22, 2019.	
Staff Report	
The applicant, South Lake Crossings LLC, has requested an amendment to the Future Land Use Map. The applicant is requesting the City to designate the property with a future land use category of Master Planned Development. The subject site is 743 +/- acres in size. The property is 1.75 miles south of Hartwood Marsh Road, east of US Hwy 27, adjacent to the Olympus Sports & Entertainment project. The property has historically been used for agricultural purposes.  The amendment application is associated with an annexation application and Planned Unit Development (PUD) rezoning that has been filed with the City. Due to the required review by the State of Florida Department of Economic Opportunity (DEO) for the amendment to the Comprehensive Plan, this application is being presented to the Planning and Zoning Commission and the City Council to make a recommendation for transmittal. If transmitted, then DEO and other State agencies will review and render their comments prior to a public hearing on the adoption of this amendment. The anticipated adoption hearing will be in September 2019.	

The current Future Land Use designation in unincorporated Lake County is Wellness Way Area Plan 1. The Wellness Way Area Plan allows for the following land use intensities:

Future Land Use Category Summary Table Maximum Density Allocation Table

Future Land Use Categories	Minimum Density/Net Buildable Acre	Maximum Density/Net Buildable Acre	Minimum Average FAR	Maximum Average FAR
Town Center	6.00 (d.u)	25.00 (d.u)	0.30	2.00
Wellness Way 1	3.00 (d.u)	20.00 (d.u)	0.25	2.00
Wellness Way 2	2.50 (d.u)	15.00 (d.u)	0.20	2.00
Wellness Way 3	2.00 (d.u)	10.00 (d.u)	0.15	2.00
Wellness Way 4	0.00	0.00	N/A	N/A

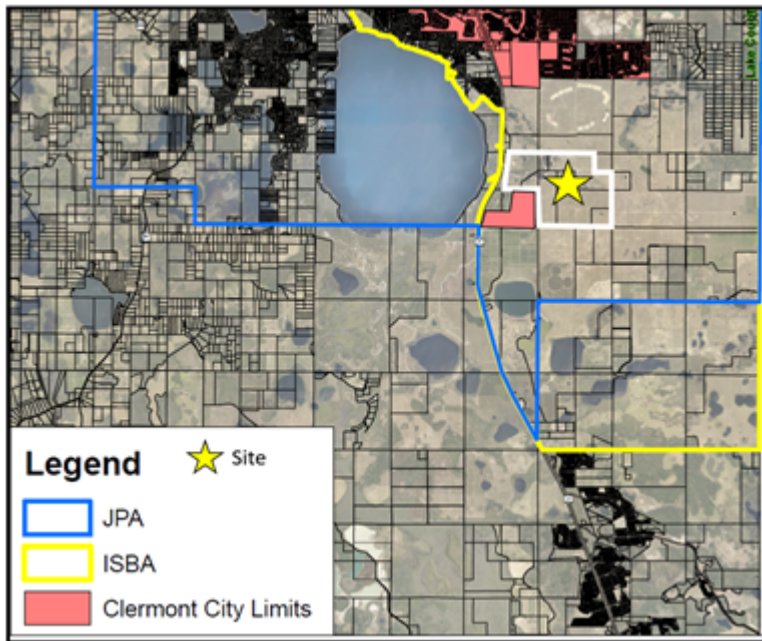
The following City of Clermont Comprehensive Plan policy describes the intent of the Master Planned Development Category:

Policy 1.7.2: 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.

The residential density and Floor Area Ratio (FAR) caps in the Master Planned Development FLU category are consistent with the Wellness Way Area Plan designations. The applicant has requested a rezoning to a Planned Unit Development with up to 1,850 dwelling units and up to 800,000 square feet of commercial uses. The PUD will be considered by City Council during the adoption phase of the Comprehensive Plan Amendment to ensure the project is capped at the proposed development intensity.

The subject property is located entirely within the City of Clermont Utility Service Area. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA) Agreements with Lake County.



The Wellness Way Area Plan envisions this area as next generation employment opportunities. The economic objective of this area is employment. The Applicant intends to create a master planned community that promotes economic development while encouraging a well-balanced development pattern that minimizes environmental impacts. The applicant’s request for a Comprehensive Plan Amendment to Master Planned Development FLU category provides for the long-range designation for the use of the property and is not the detailed development approval. The future land use designation establishes the future character and urban form of the city in this area.

Since the project is located within the City’s JPA and ISBA boundary and the City can provide adequate public facilities and services, it is logical to support this future land use amendment along with the associated annexation request. The project is adjacent to the recently annexed Olympus Sports and Entertainment project, which is now designated Master Planned Development on the adopted Future Land Use map. The project incorporates residential, commercial, retail, and office uses. With this mix of uses, the most appropriate Future Land Use category is the City’s Master Planned Development (MPD) designation. Therefore, staff supports the applicant’s request for a change to Master Planned Development.

Additional Analysis	
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Fiscal Impact Summary	
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Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)	
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1.	2019-05 South Lake Crossing CPA Formatted	2019-05 South Lake Crossing CPA Formatted.DOC
2.	South Lake Crossing Legal Ad Proof	South Lake Crossing Legal Ad Proof.pdf



CITY OF CLERMONT
ORDINANCE NO. 2019-05

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

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

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

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

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

SECTION 1.

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

LEGAL DESCRIPTION

Parcel 1:

Parcel A

All those portions of sections 21, 22 and 23, township 23 south, range 26 east, Lake County, Florida, described as follows:

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast ¼ of the aforesaid section 21, said northwest corner according to certified corner record #48105; thence N89°16'46"E, 2653.20 feet along the north line of said northeast ¼ to a 2" iron pipe found at the northeast corner of said northeast ¼ of said section 21, said northeast corner according to



CITY OF CLERMONT
ORDINANCE NO. 2019-05

certified corner record #48106; thence S88°49'23"E along the north line of the northwest ¼ of the aforesaid section 22, 670.44 feet to the point of beginning; thence continue S88°49'23"E along said north line, 1976.14 feet; thence S88°49'23"E along the north line of the northwest ¼ of the northeast ¼ of said section 22, 1323.29 feet; thence S00°20'55"W along the west line of the northeast ¼ of said northeast ¼ of said section 22, 1314.56 feet; thence S89°00'54"E along the south line of said northeast ¼ of the northeast ¼ of said section 22, 1290.91 feet to the west right-of-way line of Five Mile Road (a 66' wide right-of-way as recorded in Official Records Book 357, page 21, of the Public Records of Lake County, Florida); thence S00°19'09"W along said west right-of-way line, distant 33.00 feet westerly, by perpendicular measure, from the east line of said northeast ¼ of section 22, 1310.25 feet to a point in the north line of the southeast ¼ of said section 22, distant 33.00 feet on a bearing of N89°12'24"W, from a 5/8" iron rod and cap #PLS4779 found at the east ¼ corner of said section 22, said east ¼ corner according to certified corner record #084030; thence S00°27'16"W along said west right-of-way line, distant 33.00 feet westerly, by perpendicular measure, from the east line of the southeast ¼ of said section 22, 2681.30 feet to a point in the north line of the northeast ¼ of section 27, township 23 south, range 26 east, said point being distant 33.00 feet on a bearing of N89°12'03"W from a 4"x4" concrete monument #RLSL993 found at the northeast corner of said northeast ¼ of section 27, thence N89°12'03"W along said north line, 2612.50 feet to a 4"x4" concrete monument found at the northeast corner of the northwest ¼ of said section 27; thence N89°32'30"W along the north line of said northwest ¼, 2614.54 feet to a 4"x4" concrete monument found in the east right-of-way line of Shell Pond Road, and being distant 33.00 feet on a bearing of S89°32'30"E from a 4"x4" concrete monument found at the northwest corner of said northwest ¼ of section 27; thence N00°23'38"E along said east right-of-way line, distant 33.00 feet easterly, by perpendicular measure, from the west line of the southwest ¼ of the aforesaid section 22, 2696.34 feet; thence N89°12'24"W, 33.00 feet to a 1-1/2" iron pipe found at the northwest corner of said southwest of said section 22, said northwest corner according to certified corner record #48107; thence S89°36'30"W along the east-west center section line of the aforesaid section 21, 1287.60 feet; thence, departing said east-west center section line, N00°00'00"E, 456.14 feet; thence N55°49'12"E, 1567.27 feet to an iron rod with cap #LB68 set at the northwest corner of the southwest ¼ of the northwest ¼ of the aforesaid section 22; thence S89°00'54"E along the north line of said southwest ¼ of the northwest ¼, 679.40 feet; thence, departing said north line, N00°00'00"W, 1325.72 feet to the point of beginning.

Less and except therefrom: those parcels described in Official Records Book 849, page 2162; Parcel 122 (fee simple); the northerly 50.00 feet of the southerly 80.00 feet of the easterly 35.00 feet of the westerly 2832.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Parcel 123 (fee simple): the northerly 50.00 feet of the southerly 80.00 feet of the easterly 35.00 feet of the westerly 118.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Parcel 124 (fee simple): the northerly 20.00 feet of the southerly 50.00 feet of the easterly 30.00 feet of the westerly 83.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.



CITY OF CLERMONT
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Also less from said section 22, that parcel described in Official Records Book 845, page 567;

Parcel 129 (fee simple): the westerly 35.00 feet of the easterly 523.26 feet of the northerly 50.00 feet of the southerly 80.00 feet of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Also less from said section 22, that parcel described in Official Records Book 851, page 1455:

Parcel 130 (fee simple): the northerly 50.00 feet of the southerly 900.00 feet of the westerly 35.00 feet of the easterly 93.00 feet of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

and:

Parcel B

That part of sections 21 and 22, township 23 south, range 26 east, Lake County, Florida described as follows:

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast $\frac{1}{4}$ of the aforesaid section 21, said northwest corner according to certified corner record #48105; thence n89°16'46"e along the north line of said northeast $\frac{1}{4}$, 518.50 feet to the east right-of-way line of Bradshaw Road as maintained by Lake County, said east right-of-way line as filed surveyed by Donald W. McIntosh associates, inc. and shown on a "specific purpose survey" prepared by Donald W. McIntosh associates, inc., drawing number cs#02-203, survey date 02/27/02, and to the point of beginning; thence, departing said north line of said northeast $\frac{1}{4}$, run the following fourteen (14) courses and distances along said east right-of-way line: s09°07'38"w, 226.88 feet; s08°14'05"w, 483.61 feet; s08°51'03"w, 111.11 feet; s08°15'58"w, 235.08 feet; s07°40'42"w, 73.87 feet; s08°15'45"w, 120.18 feet; s08°15'35"w, 293.65 feet; s07°52'00"w, 391.90 feet; s08°15'41"w, 126.07 feet; s09°13'52"w, 181.39 feet; s09°21'18"w, 192.16 feet; s08°48'22" w, 191.95 feet; s10°07'14"w, 16.87 feet to the point of curvature of a curve concave easterly having a radius of 36.00 feet and a chord bearing of s15°39'01"e; thence southerly along the arc of said curve through a central angle of 51°32'31" for a distance of 32.38 feet to a non-tangent line being the east-west center of section line of aforesaid section 21; thence, departing said east right-of-way line, n89°36'30"e along said east-west center of section line 1210.47 feet; thence, departing said east-west center of section line, n00°00'00"e, 456.14 feet; thence n55°49'12"e, 1567.27 feet to the northwest corner of the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of the aforesaid section 22; thence s89°00'54"e along the north line of said southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, 679.40 feet; thence, departing said north line, n00°00'00" w, 1325.72 feet to the north line of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of said section 22; thence n88°49'23"w along said north line, 670.44 feet to a 2" iron pipe found at the northeast corner of the northeast $\frac{1}{4}$ of the aforesaid section 21, said northeast corner according to certified corner record #48106; thence s89°16'46"w along the north line of said northeast $\frac{1}{4}$, 2134.70 feet to the point of beginning.

Less and except

North Parcel (Cut Out Parcel)



CITY OF CLERMONT
ORDINANCE NO. 2019-05

That part of sections 21 and 22, township 23 south, range 26 east, Lake County, Florida described as follows:

Commence at a 1-1/4 " iron pipe found at the northwest corner of the northeast ¼ of the aforesaid section 21, said northwest corner according to certified corner record #48105; thence n89°16'46"e along the north line of said northeast ¼, 518.50 feet to the east right- of-way line of Bradshaw Road as maintained by Lake County, said east right-of-way line as filed surveyed by Donald W. McIntosh associates, inc. and shown on a "specific purpose survey" prepared by Donald W. McIntosh associates, inc., drawing number cs#02-203, survey date 02/27/02, and to the point of beginning; thence, departing said north line of said northeast ¼, run the following fourteen (14) courses and distances along said east right-of-way line: s09°07'38"w, 226.88 feet; s08°14'05"w, 483.61 feet; s08°51'03"w, 111.11 feet; s08°15'58"w, 235.08 feet; s07°40'42"w, 73.87 feet; s08°15'45"w, 120.18 feet; s08°15'35"w, 293.65 feet; s07°52'00"w, 391.90 feet; s08°15'41"w, 126.07 feet; s09°13' 52"w, 181.39 feet; s09°21'18" w, 192.16 feet; s08°48'22" w, 191.95 feet; s10°07'14"w, 16.87 feet to the point of curvature of a curve concave easterly having a radius of 36.00 feet and a chord bearing of si5°39'01"e; thence southerly along the arc of said curve through a central angle of 51°32'31" for a distance of 32.38 feet to a non-tangent line being the east-west center of section line of aforesaid section 21; thence, departing said east right-of-way line, n89°36'30"e along said east-west center of section line 2498.07 feet to the northwest corner of the southwest ¼ of aforesaid section 22; thence, departing said east-west center of section line, n00°23'17"e along the west line of the southwest ¼ of the northwest ¼ of said section 22, 1327.85 feet to the northwest corner of said southwest ¼ of the northwest ¼ of section 22; thence departing said west line run s89°00'54"e along the north line of said southwest ¼ of the northwest ¼, 679.40 feet; thence, departing said north line, n00°00'00"w, 1325.72 feet to the north line of the northwest ¼ of the northwest ¼ of said section 22; thence n88°49'23"w along said north line, 670.44 feet to a 2" iron pipe found at the northeast corner of the northeast ¼ of the aforesaid section 21, said northeast corner according to certified corner record #48106; thence s89°16'46"w along the north line of said northeast ¼, 2134.70 feet to the point of beginning.

Being more particularly described as:

All those portions of sections 21, 22 and 23, township 23 south, range 26 east, Lake County, Florida, described as follows;

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast ¼ of the aforesaid section 21, said northwest corner according to certified corner record #48105; thence n89°16'46"e, 2653.20 feet along the north line of said northeast ¼ to a 2" iron pipe found at the northeast corner of said northeast ¼ of said section 21, said northeast corner according to certified corner record #48106; thence s88°49'23"e along the north line of the northwest ¼ of the aforesaid section 22, 670.44 feet to the point of beginning; thence continue s88°49'23"e along said north line, 1976.14 feet; thence s88°49'23"e along the north line of the northwest ¼ of the northeast ¼ of said section 22, 1323.29 feet; thence s00°20'55"w along the west line of the northeast ¼ of said northeast ¼ of said section 22, 1314.56 feet; thence s89°00'54"e along the south line of said northeast ¼ of the northeast ¼ of said section 22, 1290.91 feet to the west



CITY OF CLERMONT
ORDINANCE NO. 2019-05

right-of-way line of Five Mile Road (a 66' wide right-of-way as recorded in Official Records Book 357, page 21, of the Public Records of Lake County, Florida); thence $s00^{\circ}19'09''w$ along said west right-of-way line, distant 33.00 feet westerly, by perpendicular measure, from the east line of said northeast $\frac{1}{4}$ of section 22, 1310.25 feet to a point in the north line of the southeast $\frac{1}{4}$ of said section 22, distant 33.00 feet on a bearing of $n89^{\circ}12'24''w$, from a $\frac{5}{8}$ " iron rod and cap #pls4779 found at the east $\frac{1}{4}$ corner of said section 22, said east $\frac{1}{4}$ corner according to certified corner record #084030; thence $s00^{\circ}27'16''w$ along said west right-of-way line, distant 33.00 feet westerly, by perpendicular measure, from the east line of the southeast $\frac{1}{4}$ of said section 22, 2681.30 feet to a point in the north line of the northeast $\frac{1}{4}$ of section 27, township 23 south, range 26 east, said point being distant 33.00 feet on a bearing of $n89^{\circ}12'03''w$ from a 4"x4" concrete monument #rlsl993 found at the northeast corner of said northeast $\frac{1}{4}$ of section 27, thence $n89^{\circ}12'03''w$ along said north line, 2612.50 feet to a 4"x4" concrete monument found at the northeast corner of the northwest $\frac{1}{4}$ of said section 27; thence $n89^{\circ}32'30''w$ along the north line of said northwest $\frac{1}{4}$, 2614.54 feet to a 4"x4" concrete monument found in the east right-of-way line of Shell Pond Road, and being distant 33.00 feet on a bearing of $s89^{\circ}32'30''e$ from a 4"x4" concrete monument found at the northwest corner of said northwest $\frac{1}{4}$ of section 27; thence $n00^{\circ}23'38''e$ along said east right-of-way line, distant 33.00 feet easterly, by perpendicular measure, from the west line of the southwest $\frac{1}{4}$ of the aforesaid section 22, 2696.34 feet; thence $n89^{\circ}12'24''w$, 33.00 feet to a 1-1/2" iron pipe found at the northwest corner of said southwest of said section 22, said northwest corner according to certified corner record #48107; thence $n00^{\circ}23'17''e$ along the west line of the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of the aforesaid section 22, 1327.85 feet to an iron rod with cap #lb68 set at the northwest corner of said southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of section 22; thence $s89^{\circ}00'54''e$ along the north line of said southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, 679.40 feet; thence, departing said north line, $n00^{\circ}00'00''w$, 1325.72 feet to the point of beginning.

Less and except therefrom;

Those parcels described in Official Records Book 849, page 2162;

Parcel 122 (fee simple):

The northerly 50.00 feet of the southerly 80.00 feet of the easterly 35.00 feet of the westerly 2832.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Parcel 123 (fee simple):

The northerly 50.00 feet of the southerly 80.00 feet of the easterly 35.00 feet of the westerly 118.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Parcel 124 (fee simple):

The northerly 20.00 feet of the southerly 50.00 feet of the easterly 30.00 feet of the westerly 83.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.



CITY OF CLERMONT
ORDINANCE NO. 2019-05

Also less from said section 22, that parcel described in Official Records Book 845, page 567:

Parcel 129 (fee simple):

The westerly 35.00 feet of the easterly 523.26 feet of the northerly 50.00 feet of the southerly 80.00 feet of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Also less from said section 22, that Parcel described in Official Records Book 851, page 1455:

Parcel 130 (fee simple):

The northerly 50.00 feet of the southerly 900.00 feet of the westerly 35.00 feet of the easterly 93.00 feet of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Together with the beneficial easements contained in that certain declaration of easement and agreement regarding road and utility improvements dated May 25, 2006 and which is recorded on June 2, 2006 in Official Records Book 3175, page 997, all in the Public Records of Lake County, Florida.

Parcel 2:

The land referred to herein below is situated in the County of Lake, state of Florida, and is described as follows:

That part of sections 21 and 22, township 23 south, range 26 east, Lake County, Florida described as follows:

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast $\frac{1}{4}$ of the aforesaid section 21, said northwest corner according to certified corner record #48105; thence n89°16'46"e along the north line of said northeast $\frac{1}{4}$ 518.50 feet to the east right-of-way line of Bradshaw Road as maintained by Lake County, said east right-of-way line as filed surveyed by Donald W. McIntosh associates, inc. and shown on a "specific purpose survey" prepared by Donald W. McIntosh associates, inc., drawing number cs#02-203, survey date 02/27/02, and to the point of beginning; thence, departing said north line of said northeast $\frac{1}{4}$, run the following fourteen (14) courses and distances along said east right-of-way line; s09°07'38"w, 226.88 feet; s08°14'05"w, 483.61 feet; s08°51'03" w, 111.11 feet; s08°15'58"w, 235.08 feet; s07°40'42"w, 73.87 feet; s08°15'45"w, 120.18 feet; s08°15'35"w, 293.65 feet; s07°52'00"w, 391.90 feet; s08°15'41"w, 126.07 feet; s09°13'52"w, 181.39 feet; s09°21'18"w, 192.16 feet; s08°48'22"w, 191.95 feet; s10°07'14"w, 16.87 feet to the point of curvature of a curve concave easterly having a radius of 36.00 feet and a chord bearing of s15°39'01"e; thence southerly along the arc of said curve through a central angle of 51°32'31" for a distance of 32.38 feet to a non-tangent line being the east-west center of section line of aforesaid section 21; thence, departing said east right-of-way line, n89°36'30"e along said east-west center of section line 2498.07 feet to the northwest corner of the southwest $\frac{1}{4}$ of aforesaid section 22; thence, departing said east-west center of section line, n00°23'17"e along the west line of the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of said section 22, 1327.85 feet to the northwest corner of said southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of



CITY OF CLERMONT
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section 22; thence departing said west line run s89°00'54"e along the north line of said southwest ¼ of the northwest ¼, 679.40 feet; thence, departing said north line, n00°00'00" w, 1325.72 feet to the north line of the northwest ¼ of the northwest ¼ of said section 22; thence n88°49'23" w along said north line, 670.44 feet to a 2" iron pipe found at the northeast corner of the northeast ¼ of the aforesaid section 21, said northeast corner according to certified corner record #48106; thence s89°16'46" w along the north line of said northeast ¼, 2134.70 feet to the point of beginning.

Together with the beneficial easements contained in that certain declaration of easement and agreement regarding road and utility improvements dated May 25, 2006 and which is recorded on June 2, 2006 in Official Records Book 3175, page 997, and that certain declaration of easement and agreement regarding Road and utility improvements dated May 25, 2006 and which is recorded on June 2, 2006 in Official Records Book 3175, page 1023, all in the Public Records of Lake County, Florida.

Contains 743.00 acres more or less.

LOCATION

1.75 miles south of Hartwood Marsh Road, East of US 27

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM LAKE COUNTY: WELLNESS WAY-1
TO CITY OF CLERMONT: MASTER PLANNED DEVELOPMENT

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.

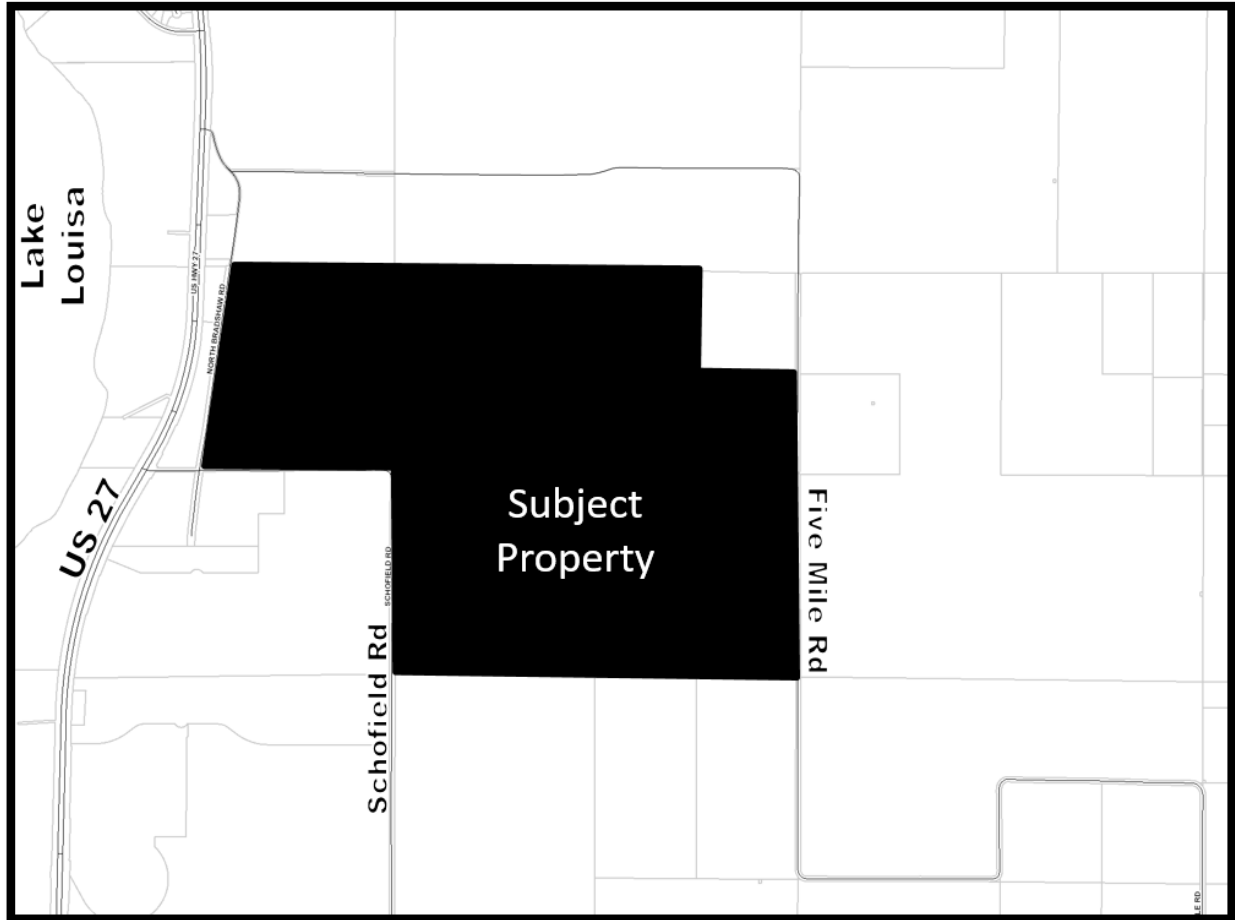
SECTION 3.

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.

Location map:





CITY OF CLERMONT
ORDINANCE NO. 2019-05

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of September, 2019.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

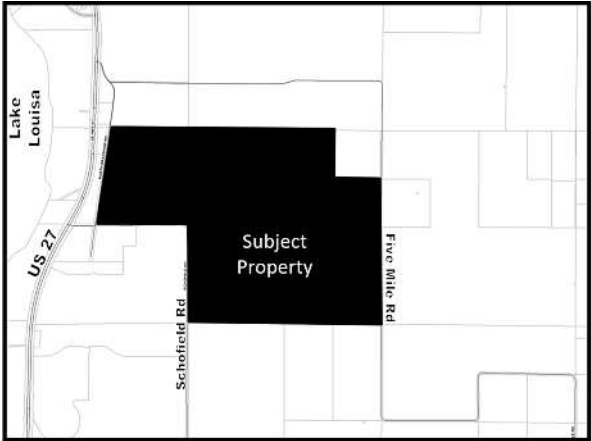
Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT
NOTICE OF PROPOSED
AMENDMENT
TO COMPREHENSIVE PLAN
ORDINANCE NO. 2019-05

The City of Clermont will hold public hearings on Tuesday, July 2, 2019 at 6:30 p.m. before the Planning and Zoning Commission to consider a proposed change to the City's Future Land Use Map; and on Tuesday, July 9, 2019 at 6:30 p.m. before the City Council to consider introduction of the ordinance and transmittal of the proposed amendment. The map amendment would change the Future Land Use designation for the parcel below from Lake County Wellness Way to City of Clermont Master Planned Development.

The City of Clermont will hold a public hearing on Tuesday, September 24, 2019 (final hearing) beginning at 6:30 p.m. before the City Council to consider the adoption of the proposed change to the City's Future Land Use Map.



Location:

1.75 miles south of Hartwood Marsh Road, East US 27
Alternate Keys 3777485, 1028477, 1594529, 1412315, 3853225,
3853226, 3777484

Ordinance #2019-05:

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

The public hearings are in the Council chambers of City Hall, 685 W. Montrose Street, and are open to public comment. Please call (352) 394-4083, ext. 3 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) 241-7331, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

D048697 - June 17 & September 9, 2019

☐ PROOF O.K. BY: _____ ☐ O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

LF-D048697 (100%)

ADVERTISER: CITY OF CLERMONT-LEGALS
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CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date

Tuesday, September 24, 2019

Agenda Item Name

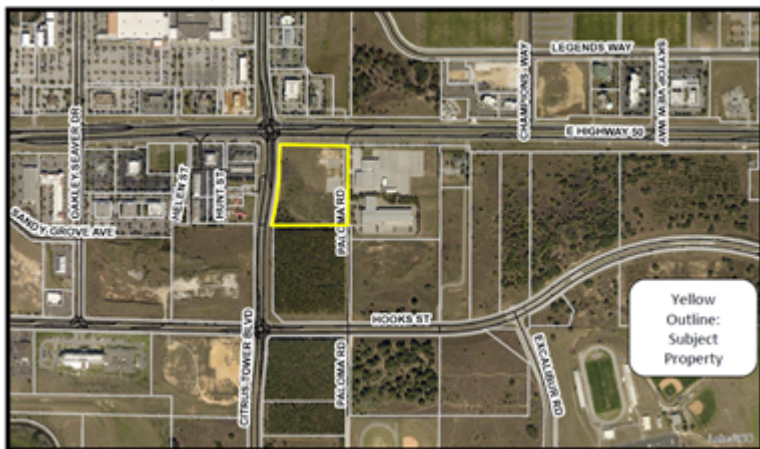
Ordinance No. 2019-27 *Final*
Advent Health

Requested Action

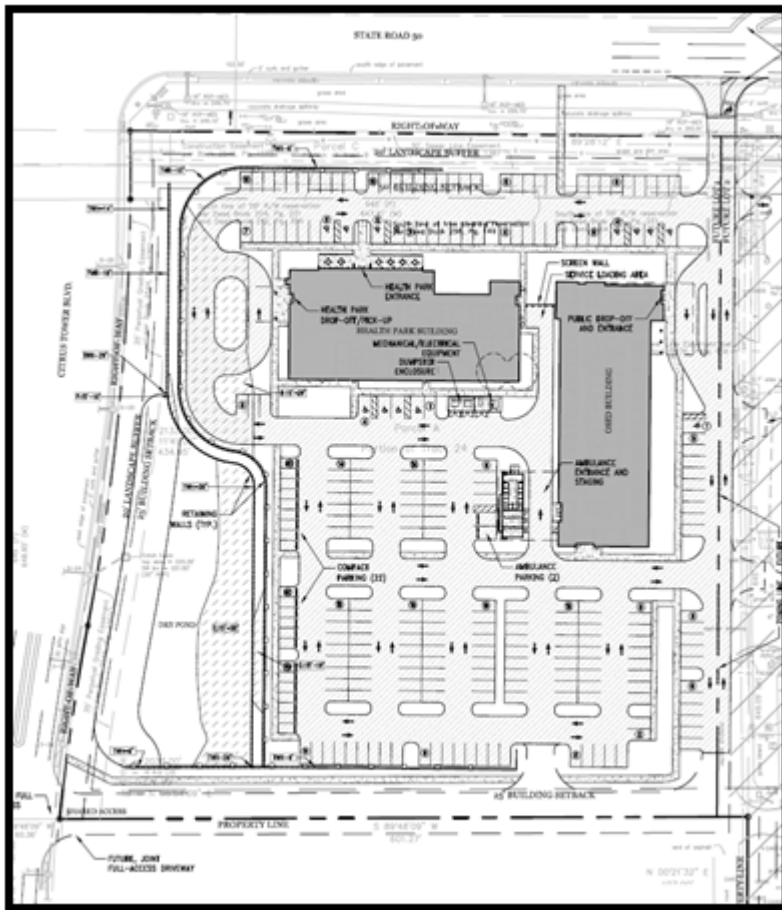
Recommend approval of Ordinance 2019-27

Staff Report

The applicant, Klima Weeks Civil Engineering, is requesting a rezoning from C-2 General Commercial to a Planned Unit Development (PUD) for a Medical Health Park Campus on 7.5 +/- acres. The property is located southeast of the intersection of State Road 50 and Citrus Tower Boulevard. The property is the vacant portion of land next to the former Don Mealy Chevrolet Dealership.



The applicant has provided Exhibit A - PUD Site Development Plan showing the proposed layout of the site. The project will consist of two primary buildings, an off-site emergency department and a medical office building. The total square footage of all the buildings collectively will not exceed 60,000 square feet.



Staff has reviewed the PUD Development Plan, which allows development the flexibility to the Land Development Code. The applicant has requested the following waivers to the Land Development Code:

1. Allow retaining wall heights up to 28 feet in height in order to deal with the extreme grades on the western portion of the site, particularly with the construction and balance of the stormwater pond.
2. Allow elevation changes over fifteen feet (15') with a maximum of up to 38 feet over no more than 7.5% of the project area.
3. Provide for no eastern landscape buffer within the PUD.
4. Allow architectural features/spires greater than 55 feet but no more than 62 feet in height, measured at the highest point.
5. Allow a third ground sign up to 120 square feet located on the retaining wall at the intersection of State Road 50 and Citrus Tower Boulevard, similar in design to Exhibit B – Elevations.

Staff has reviewed the request and finds the proposal meets the intent of Section 122-315, Review Criteria for a PUD. There is a mixture of commercial and office uses, including medical facilities similar to the one being proposed, within a half-mile of the project location. The site has access to an arterial roadway, SR 50, and accessible through a major collector, Citrus Tower Boulevard, which are major transportation facilities. The applicant has provided a traffic impact analysis which has been reviewed by the City's third party Traffic & Transportation Engineering Consultant, Kittelson & Associates. The review indicated while the project contributes to the deficiencies along the roadway network, the project is not expected to create any new deficiencies. The proposal does not influence school concurrency and provides opportunities for job creation.

Staff has reviewed the applicant's proposal and supports the proposed use at this location since it is compatible with the uses in the area. Staff has added a condition that an additional 30% landscaping material shall be required

along the retaining walls to enhance the site. The applicant is requesting five waivers, however; a majority of the waivers have been requested before in other PUD developments. Therefore, staff recommends approval of Ordinance 2019-27 for a Planned Unit Development to allow for a health park, including an Off-Site Emergency Department (OSED) and medical office building (Health Park) as depicted in Exhibit A – PUD Site Development Plan. *The Planning and Zoning Commission recommended denial, 4-2.*

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	Ord. 2019-27 Formatted	Ord. 2019-27 Advent Health Final PUD.docx
2.	Exhibit A - PUD Site Development Plan	Exhibit A - PUD Site Development Plan.pdf
3.	Advent Renderings	Advent Renderings.pdf
4.	Exhibit B - Elevations	Exhibit B - Elevations.pdf
5.	Advent Health Campus Maps	Advent Health Campus Maps.pdf
6.	TIS LUKE Summary Advent Health	TIS LUKE Summary Advent Health.pdf
7.	2019-09-13_AdventHealth Review Memorandum CC	2019-09-13_AdventHealth Review Memorandum CC.pdf
8.	Rezoning App	Rezoning App.pdf
9.	Owner Authorization	Owner Authorization.pdf
10.	Legal Ad	SPZ-plans19051412080.pdf



CITY OF CLERMONT
ORDINANCE NO. 2019-27

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, RECORDING, 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

Tract 24 of Section 28, Township 22 South, Range 26 East, according to the Plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914 and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida, LESS the South 107 feet thereof and less and except the following: R/W Parcel #C-10 as described in Statutory Warranty Deed to Lake County recorded in O.R. Book 2544, Page 2352, Public Records of Lake County, Florida.

AND

That portion of the 30.00 wide platted Right of Way lying North of Tract 24 of Section 28, Township 22 South, Range 26 East, and lying North of vacated Paloma Road, to be bound on the West by the East right of way line of Citrus Tower Boulevard and bound on the East by the northerly projection of the East line of Tract 24, all according to the Plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914, and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida.

AND

That portion of Tract 9, Section 28, Township 22 South, Range 26 East, according to the plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914 and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida, LYING SOUTH OF THE SOUTH RIGHT OF WAY OF STATE ROAD 50; LESS AND EXCEPT R/W Parcel #C13 as described in the deeds to Lake County, Florida, recorded in O.R. Book 2544, Page 2358 and O.R. Book 2546, Page 1682, Public Records of Lake County, Florida.

ALL LESS the East 27.00 feet thereof.



CITY OF CLERMONT
ORDINANCE NO. 2019-27

LOCATION

Vacant property located at the southeast corner of Citrus Tower Boulevard
and State Road 50 intersection
Western portion of Alternate Key 1648254

From: General Commercial (C-2)
To: Planned Unit Development (PUD)

SECTION 2. General Conditions

This application for a Planned Unit Development to allow for a health park, including an Off-Site Emergency Department (OSD) and medical office building (Health Park); be granted subject to the following conditions:

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with Exhibit A - Planned Unit Development Site Development Plan prepared by Klima Weeks, Sheet C100. 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.
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.

SECTION 3. Land Uses and Specific Conditions

1. The project may consist of up to 60,000 square feet of Off-Site Emergency Department (OSD) and medical office buildings (Health Park) along with other C-2 General Commercial uses. In addition, medical and dental laboratories, medical clinics, business offices ancillary to medical uses, restaurants and cafes ancillary to medical uses, outdoor dining/seating areas, pharmacies and other uses that are similar and compatible to a health campus may be permitted uses.
2. Building Setbacks

From State Road 50	50 feet from the property line
From Citrus Tower Boulevard	25 feet from the property line
South property line	25 feet from the property line
East property line/internal to Planned Unit Development	12 feet from the property line

SECTION 6.

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

Location map:





CITY OF CLERMONT
ORDINANCE NO. 2019-27

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this _____ day of _____, 2019.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit A

GENERAL INFORMATION:

PHASING:
THE PROPOSED PUD/FUTURE LOT 1 WILL BE DEVELOPED IN ONE PHASE.

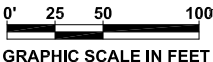
PROPERTY INFORMATION:
FUTURE LOT 1 AREA: 321,141 SF (7.37 AC)
FUTURE LOT 2 AREA: 477,778 SF (10.97 AC)
TOTAL AREA: 798,919 SF (18.34 AC)

MAX. IMPERVIOUS SURFACE RATIO: 0.80
MAX. BUILDING HEIGHT: 55'
MAX. FAR: 3.0

PROPOSED FAR: 56,858 / 321,141 = 0.18

BUILDING SETBACKS:
FRONT YARD (SR 50): 50.0'
SIDE YARD (CITRUS TOWER BLVD): 25.0'
SIDE YARD (EAST): 12.0'
REAR YARD (SOUTH): 25.0'
INTERNAL TO PUD: 12.0'

LANDSCAPE BUFFERS:
FRONT (SR 50): 20.0'
SIDE (CITRUS TOWER BLVD): 20.0'
SIDE (EAST): 10.0'
REAR (SOUTH): 10.0**
INTERNAL TO PUD: NONE



**EXCEPT WHERE SHARED ACCESS DRIVE IS PROVIDED

WAIVERS REQUESTED:

1. WALLS OVER 6 FT IN HEIGHT. REFER TO PLAN AND LEGEND FOR LOCATIONS AND HEIGHTS OF WALLS GREATER THAN 6 FT.
2. MORE THAN 15 FT CHANGE IN GRADE. REFER TO PLAN AND LEGEND FOR AREAS EXCEEDING 15 FT. THESE AREAS ARE 7.1% OF THE PUD LAND AREA.
3. NO INTERNAL BUFFERS WITHIN PUD.
4. PARKING LOT MEDIAN DIVIDER LESS THAN 8 FT WIDE IN REAR PARKING LOT TO FACILITATE ALIGNMENT OF DRIVES.
5. INTERIOR PARKING ISLANDS LESS THAN 10 FT WIDE AND 300 SF AT HEALTH PARK BUILDING ENTRANCE.
6. 62' HEIGHT OF TOP OF ARCHITECTURAL FEATURES/ SPIRES.
7. THIRD GROUND SIGN OF 120 SF OR LESS, TO BE LOCATED ON SITE WALL AT INTERSECTION OF STATE ROAD 50 AND CITRUS TOWER BLVD.

FUTURE LAND USE:

SUBJECT PROPERTY: EXISTING - COMMERCIAL
PROPOSED - COMMERCIAL (NO CHANGE)
NORTH: COMMERCIAL
WEST: COMMERCIAL
SOUTH: REGIONAL COMMERCIAL (UNINCORPORATED LAKE)
EAST: REGIONAL COMMERCIAL (UNINCORPORATED LAKE)

ZONING:

SUBJECT PROPERTY: EXISTING - C-2
PROPOSED - PUD
NORTH: C-2
WEST: C-1 AND R-3
SOUTH: R-6 (UNINCORPORATED LAKE)
EAST: C-1 (UNINCORPORATED LAKE)

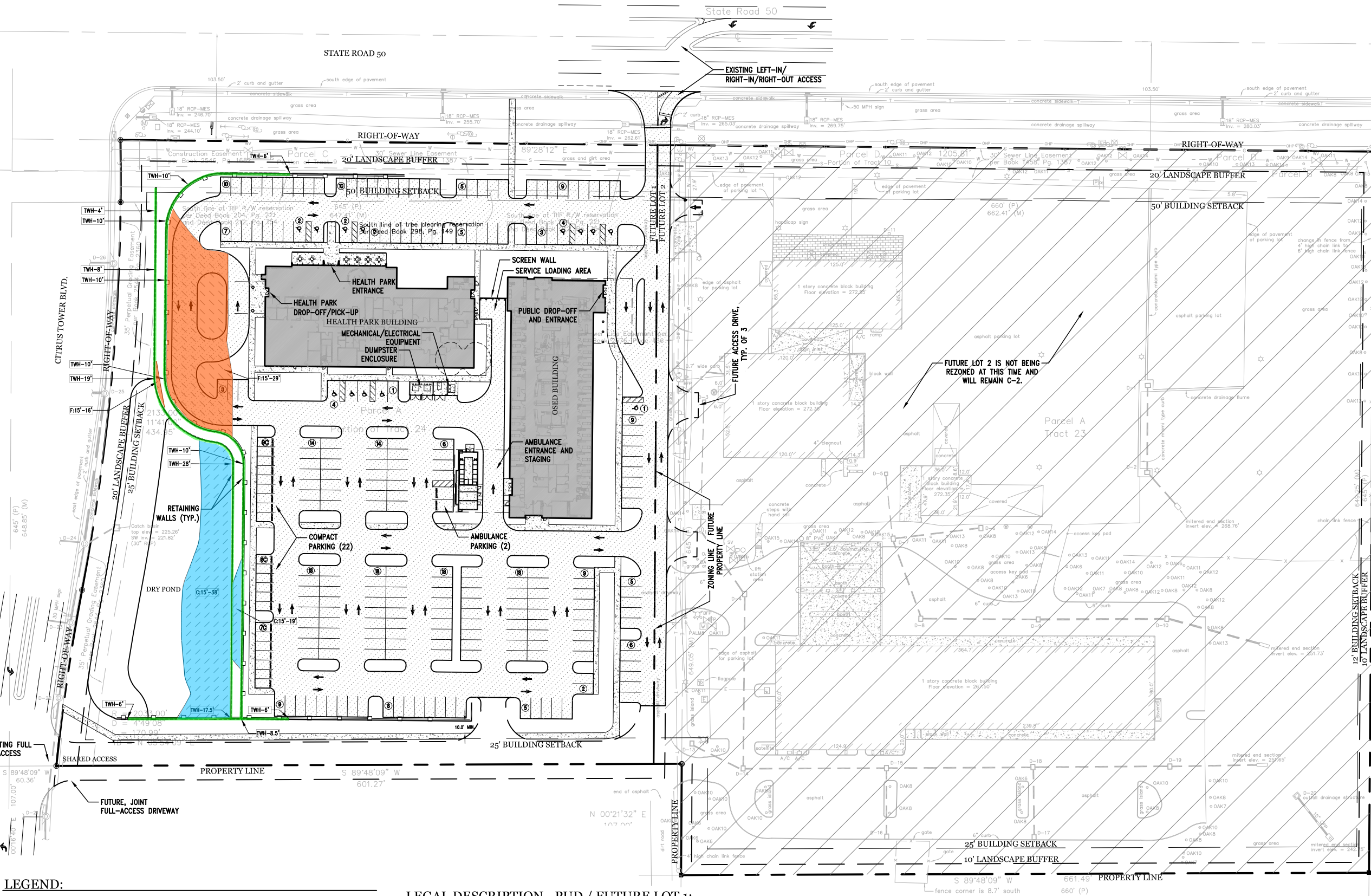
PARKING CALCULATIONS:

PER CITY OF CLERMONT, SEC. 98-14
MEDICAL OFFICE: 1 SPACE PER EVERY 200 SQ.FT.
HOSPITAL: 1 SPACE PER EVERY 4 BEDS
+ 1 SPACE PER DOCTOR
+ 1 SPACE PER EVERY 4 EMPLOYEES
MEDICAL OFFICE: (1 SPACE/200 SQ.FT.) * 38,858 SQ.FT. OF BUILDING = 195 SPACES REQUIRED.
HOSPITAL: (1 SPACE/4 BEDS) * 24 BEDS
+ (1 SPACE/1 DOCTOR) * 1 DOCTORS
+ (1 SPACE/4 EMPLOYEES) * 23 EMPLOYEES = 13 SPACES REQUIRED.
TOTAL REQUIRED: 195 + 13 = 208 SPACES
PROVIDED: 219 STANDARD + 22 COMPACT + 13 ADA = 254 SPACES

PERMITTED USES:

ALL USES PERMITTED IN C-2 ZONING, PLUS MEDICAL AND DENTAL LABORATORIES, HOSPITALS (INCLUDING FREE-STANDING EMERGENCY DEPARTMENTS), MEDICAL CLINICS, BUSINESS OFFICES ANCILLARY TO MEDICAL USES, RESTAURANTS AND CAFES ANCILLARY TO MEDICAL USES, OUTDOOR DINING/SEATING AREAS, PHARMACIES, OTHER USES WHICH ARE SIMILAR AND COMPATIBLE.

PUD SITE DEVELOPMENT PLAN



LEGEND:

- CONCRETE WALK
- ASPHALT PAVEMENT
- FUTURE LOT 2 - (NOT INCLUDED IN REZONING REQUEST)
- CUT AREAS EXCEEDING 15'
- FILL AREAS EXCEEDING 15'
- WALL HEIGHTS OVER 6' (REQUIRING WAIVER) ARE NOTED
- CUT OR FILL DEPTH RANGE WHERE GREATER THAN 15'

LEGAL DESCRIPTION - PUD / FUTURE LOT 1:

TRACT 24 OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY, FILED MARCH 2, 1914 AND RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS THE SOUTH 107 FEET THEREOF AND LESS AND EXCEPT THE FOLLOWING: R/W PARCEL #C-10 AS DESCRIBED IN STATUTORY WARRANTY DEED TO LAKE COUNTY RECORDED IN O.R. BOOK 2544, PAGE 2352, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. AND THAT PORTION OF THE 30.00 WIDE PLATTED RIGHT OF WAY LYING NORTH OF TRACT 24 OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AND LYING NORTH OF VACATED PALOMA ROAD, TO BE BOUND ON THE WEST BY THE EAST RIGHT OF WAY LINE OF CITRUS TOWER BOULEVARD AND BOUND ON THE EAST BY THE NORTHERLY PROJECTION OF THE EAST LINE OF TRACT 24, ALL ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY, FILED MARCH 2, 1914, AND RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND THAT PORTION OF TRACT 9, SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY, FILED MARCH 2, 1914 AND RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT OF WAY OF STATE ROAD 50; LESS AND EXCEPT R/W PARCEL #C13 AS DESCRIBED IN THE DEEDS TO LAKE COUNTY, FLORIDA, RECORDED IN O.R. BOOK 2544, PAGE 2358 AND O.R. BOOK 2546, PAGE 1682, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. ALL LESS THE EAST 27.00 FEET THEREOF.



HEALTH PARK CAMPUS
CLERMONT, FL

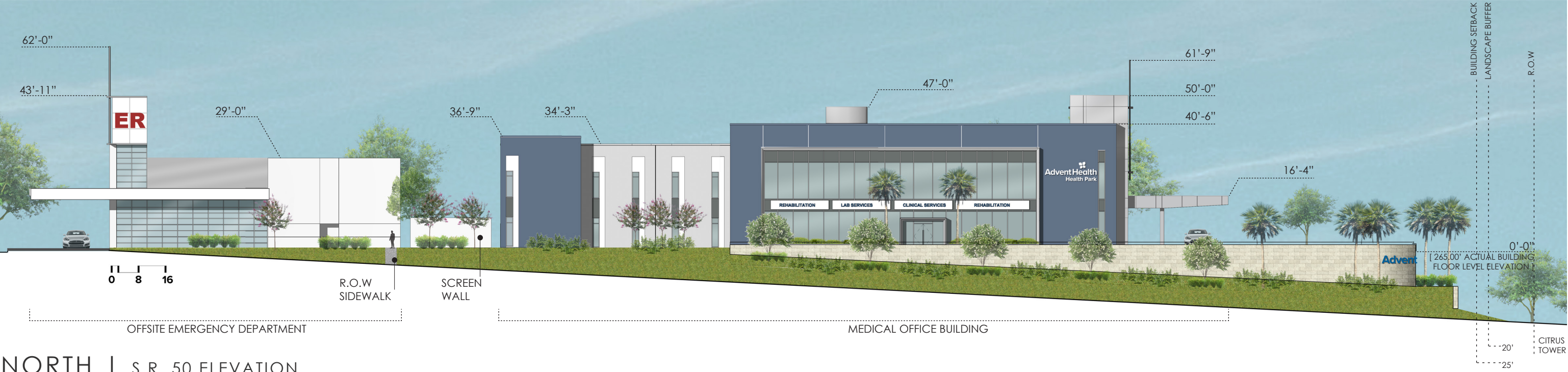












NORTH | S.R. 50 ELEVATION



SOUTH



0 8 16

OFFSITE EMERGENCY DEPARTMENT

EAST

BUILDING SETBACK
LANDSCAPE BUFFER
R.O.W
CITRUS
TOWER BLVD
20'
25'



WEST | CITRUS TOWER BLVD ELEVATION



Exhibit - Location Map – Advent Health Campus

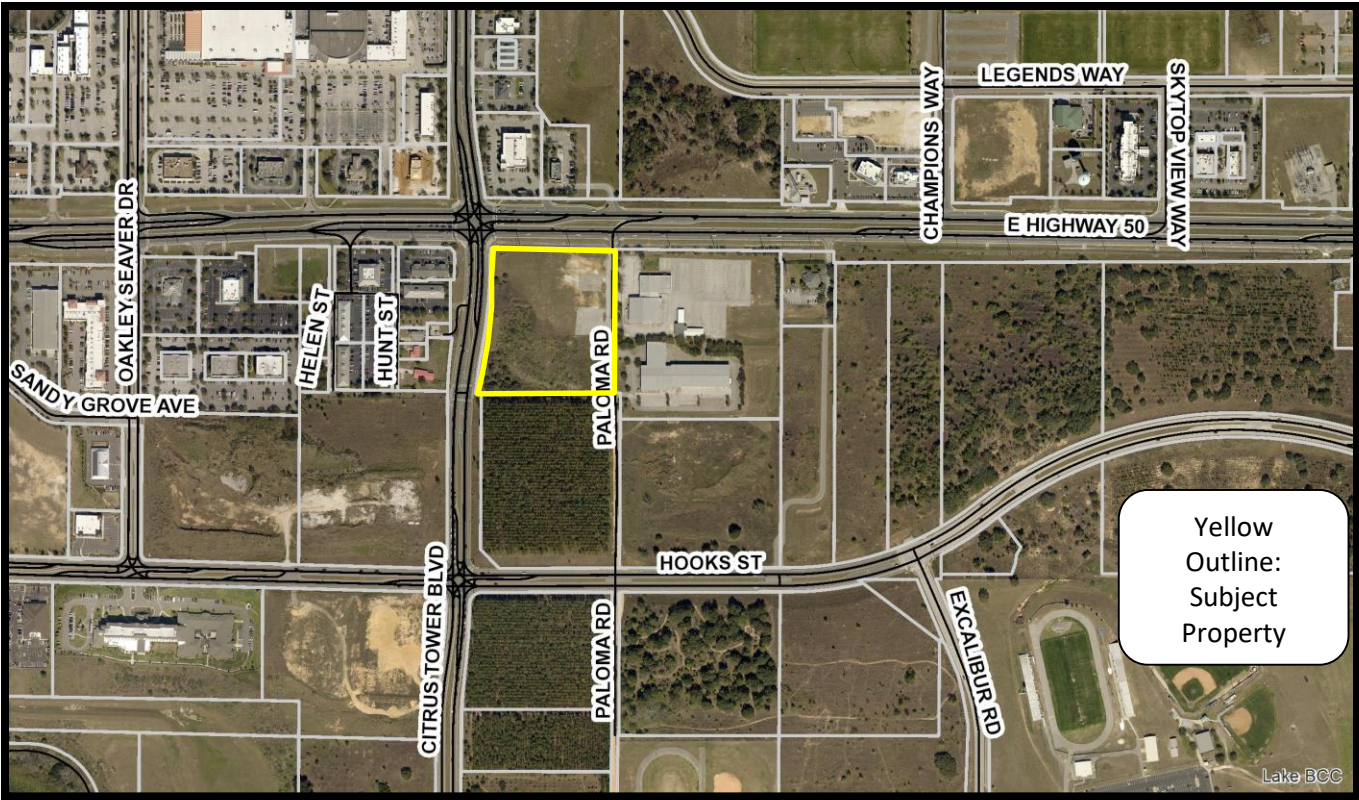
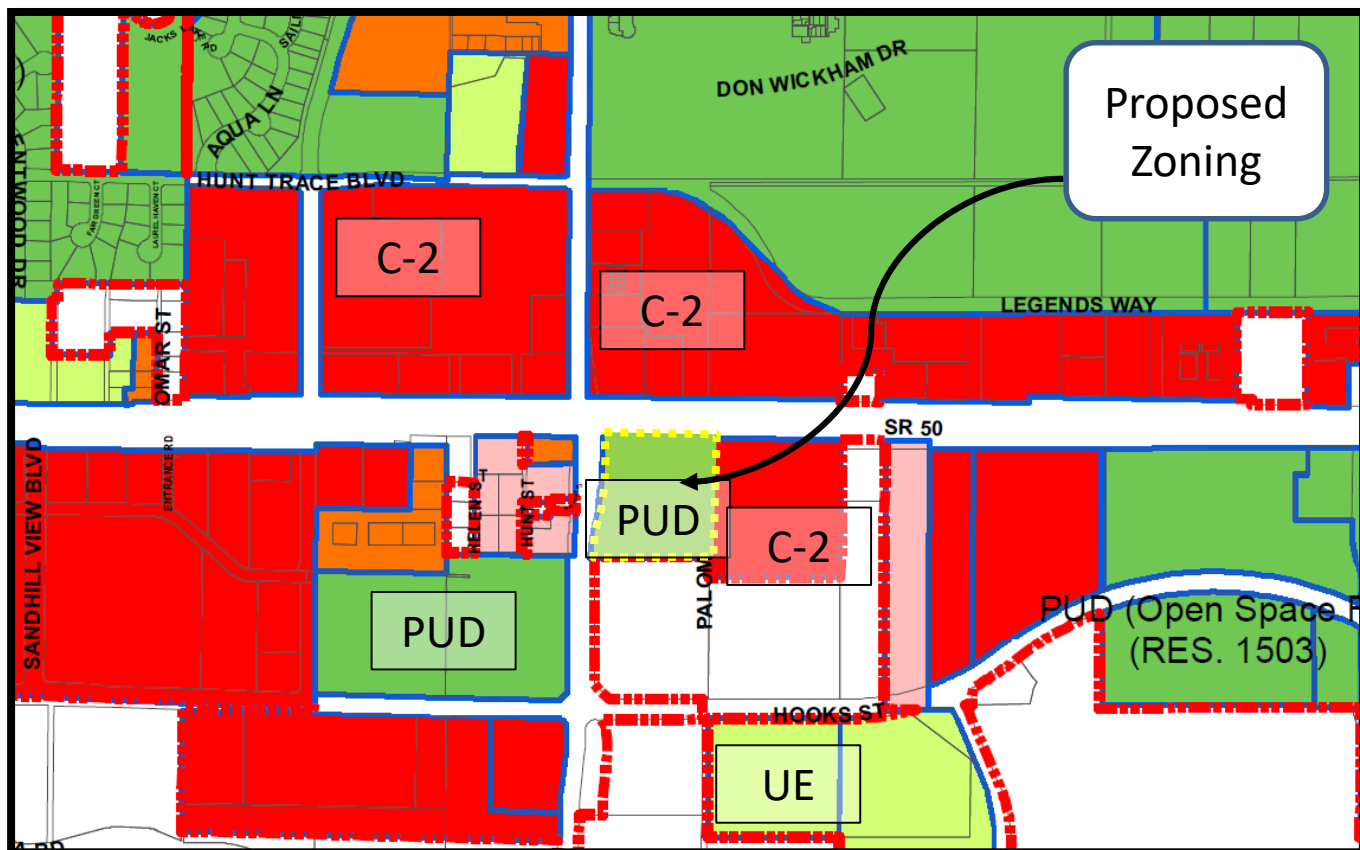
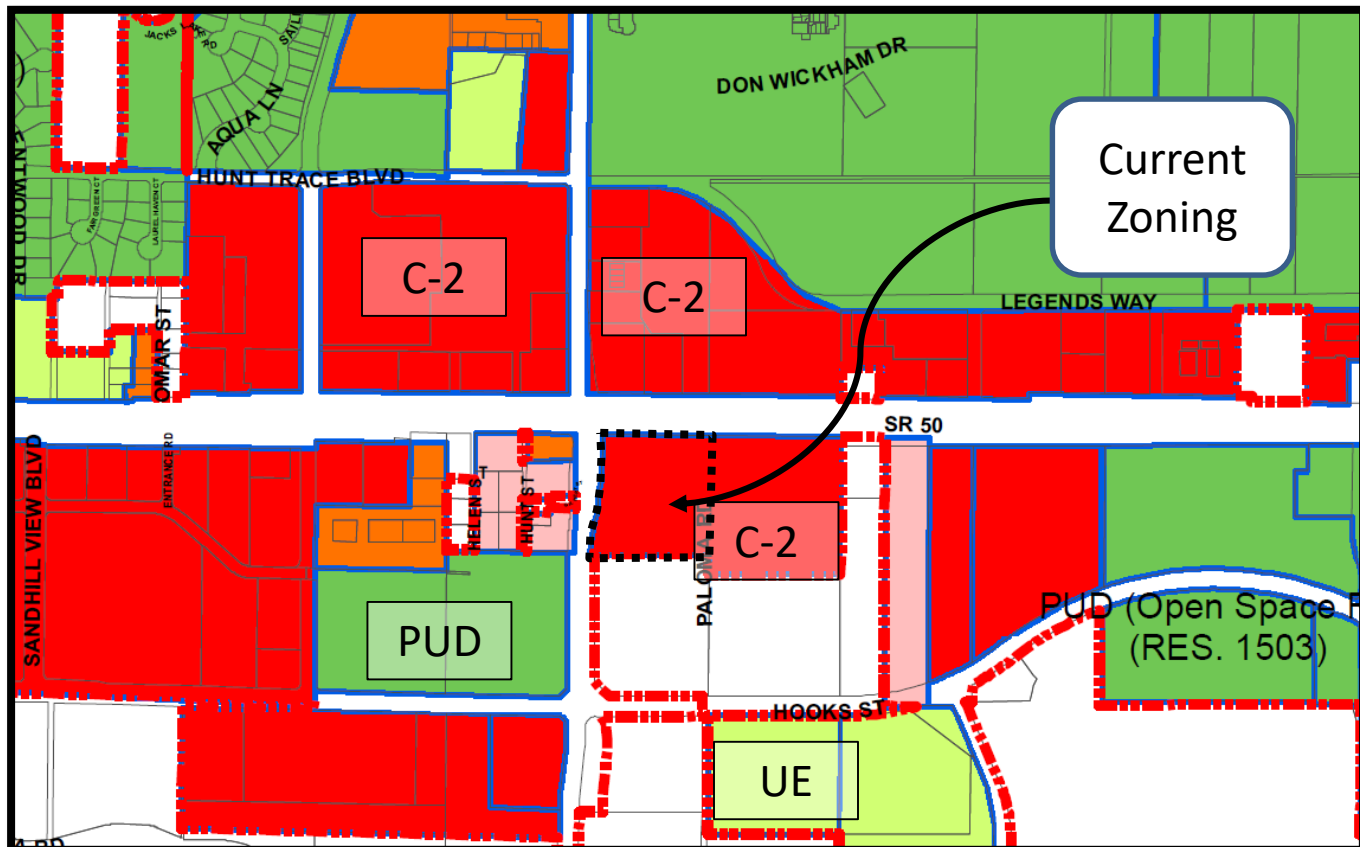


Exhibit - Zoning Map – Advent Health Campus



CITY OF CLERMONT
TRAFFIC IMPACT STUDY

ADVENTHEALTH CLERMONT
HEALTH PARK
ON SR 50
CLERMONT, FLORIDA



Prepared by:

LUKE TRANSPORTATION ENGINEERING CONSULTANTS, INC.

P. O. Box 941556
Maitland, Florida 32794-1556
407-423-8055
www.Ltec-FL.com

JULY 2019

PROFESSIONAL ENGINEERING CERTIFICATE

I hereby certify that I am a registered professional engineer in the State of Florida practicing with Luke Transportation Engineering Consultants, a corporation authorized to operate as an engineering business (#EB-0007429), by the State of Florida Department of Professional Regulation, Board of Professional Engineers, and that I have prepared or approved the evaluation, findings, opinions, conclusions, or technical advice hereby reported for

PROJECT: Clermont Health Park - Traffic Impact Study

LOCATION: SR 50, Clermont, Florida

CLIENT: AdventHealth

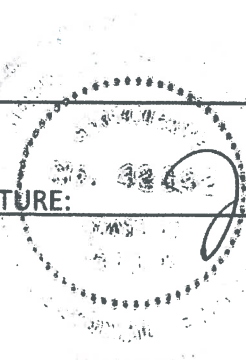
I acknowledge that the procedures and references used to develop the results contained in this report are standard to the professional practice of transportation engineering as applied through professional judgment and experience.

NAME: J. Anthony Luke, P.E.

P.E. NO.: 42642

DATE: July 24, 2019

SIGNATURE: 



SUMMARY / CONCLUSIONS

A Traffic Impact Study was performed for the proposed AdventHealth Clermont Health Park in Clermont, Florida. This study evaluates conditions at build-out of the development.

The site is located along the southern frontage of SR 50 east of Citrus Tower Boulevard. Figure 2 shows the conceptual site plan with the three access points identified. The site is proposed to include: a 17,723 Square Feet Free-Standing ER/ED, 36,427 Square Feet Medical Office, 7,500 Square Feet Quality Restaurant, 8,100 Square Feet Quality Restaurant, 5,600 Square Feet Quality Restaurant. The site is estimated to generate 280 total P.M. Peak Hour two-way trips (net new trips) at build-out of the development.

Various roadway segments and intersections within the study area are anticipated to exceed acceptable Levels of Service standards in the Existing + Growth (Background) conditions and are anticipated to continue to exceed the standards upon the build-out of the project. No roadway segments or intersections in the study area are anticipated to achieve failing Level of Service standards due to the inclusion of project traffic.

MEMORANDUM

Date: September 13, 2019

Project #:
244100

To: Mr. Curt Henschel
City of Clermont
685 W. Montrose St.
Clermont, FL 34711

From: Stephanie Shealey, PE, PTOE, PTP

Project: AdventHealth Clermont Health Campus

Subject: TIS Review

This memorandum has been prepared to document the review of the AdventHealth Clermont Health Campus Traffic Impact Study and the expected transportation impacts because of the proposed development. The study was completed by Luke Transportation Engineering Consultants, and is dated July 24th, 2019. The comments on the project study are attached to this memorandum.

The traffic impact study concluded that all of the notated deficiencies on roadways and intersections were caused by the existing and/or background volumes, and thus the project has no responsibility for improvements. Out of the comments identified in the attachment, there are two main comments that may have an impact on the conclusions in the traffic study, which are discussed further below.

GROWTH RATES (COMMENT 4)

The Lake Sumter MPO growth rates show aggressive growth on many segments over the past 5 year period, with growth rates of up to 23% per year. While the study followed the methodology in terms of the growth rates when committed/reserved trips are not available, some of the growth rates seem to have been influenced by significant jumps in AADT between two years within the 5-year period, with significantly less annual growth between the other years, indicating that the growth on these segments is significantly influenced by new development in the area, and that the general background growth is most likely lower than what has been calculated.

With the aggressive growth rates shown, most of the deficiencies noted in the study are created by the growth in background traffic. Lowering the growth rates, if warranted by further study of the possible future growth, may mean that some intersections/approaches may not be deficient in the background conditions, and the impact be more related to the proposed development.

MITIGATION STRATEGIES (COMMENT 11)

Per the Lake-Sumter MPO TIA guidelines, potential mitigation measures are supposed to be developed for any roadway segment where the future LOS is below the adopted LOS standard, and for any intersection where the future intersection LOS will be below the adopted LOS standard. In both cases, the potential mitigation measures should also be analyzed, and a fair share calculation provided for the projects portion of the mitigation.

The traffic impact study identified the roadways and segments which are deficient in the existing, no-build, and build-out conditions. The deficiencies were noted on:

- Roadway Segment
 - SR 50: Hancock Road to CR 455
- Intersections
 - SR 50 @ Citrus Tower Blvd
 - SR 50 @ Hancock Rd
 - SR 50 @ Hartle Rd/CR 455
 - SR 50 @ Oakley Seaver Dr
 - SR 50 @ Champions Way
 - Hancock Rd @ Ridge Rd
 - Hancock Rd @ Old CR 50

There are limited improvements that could improve these intersections within existing right-of-way limitations, and in general the existing conditions are already deficient.

However, based on the location of the proposed project, possible intersection improvements should be noted at least for the intersection of SR 50 @ Citrus Tower Boulevard.

RECOMMENDATIONS

The proposed project has moderate trip-generation potential along the SR 50 corridor. While it contributes to the deficiencies along the roadway network, it is not expected to create any new deficiencies. The City could request the applicant to determine improvements (whether or not they are constructible) that would mitigate the identified deficiencies, and determine the fair share payment for those improvements, which could be used in the future to help fund other transportation projects in Clermont that may relieve some of the capacity issues on SR 50 and the intersections along SR 50.

TRAFFIC IMPACT STUDY REVIEW FORM

PROJECT NAME: ADVENTHEALTH CLERMONT**SUBJECT:** TRAFFIC IMPACT STUDY**TIS STUDY DATE:** 7/24/2019**TODAY'S DATE:** 9/13/2019

Comment Number	Page(s)	General Areas of Concern	Specific Review Comment(s)
1	6	Roadway Volumes	The statement on pg 6 indicates that the existing volumes are from the 2017 annual counts. Please confirm that this should be 2018, to match the 4 years of assumed growth to build-out year 2022.
2	10	Existing Intersection Analysis	Synchro printouts are provided for the existing intersection conditions; however, no information is provided within the study as to the results of the existing condition intersection analysis.
3	11	Roadway Volumes	The directional volumes shown for Hook Street from Oakley Seaver Dr to Citrus Tower Blvd and from Citrus Tower Blvd to Hancock Road do not match what is shown in the 2018 Annual Counts. Please update these values to match.
4	11	Growth Rates	The Lake Sumter MPO growth rates show aggressive growth on many segments over the past 5 year period, with growth rates of up to 23% per year. While the study followed the methodology in terms of the growth rates when committed/reserved trips are not available, some of the growth rates seem to have been influenced by significant jumps in AADT between two years within the 5-year period, with significantly less annual growth between the other years, indicating that the growth on these segments is significantly influenced by new development in the area, and that the general background growth into the future may not be indicative of future growth patterns. These aggressive growth rates have a direct impact on the future background volumes and associated operating conditions. Please demonstrate that the aggressive growth rates are justified using the regional model or other tools. For example, does the regional travel demand model agree with the study's assumption that traffic volumes on SR 50 are expected to grow by 24-27% in as little as four years?
5	11	Growth Rates	The total background growth rate for Hook Street from Oakley Seaver Dr to Citrus Tower Boulevard was overestimated as 12% instead of 8%, per the minimum 2% annual growth rate.

TRAFFIC IMPACT STUDY REVIEW FORM

PROJECT NAME: ADVENTHEALTH CLERMONT

SUBJECT: TRAFFIC IMPACT STUDY

TIS STUDY DATE: 7/24/2019

TODAY'S DATE: 9/13/2019

Comment Number	Page(s)	General Areas of Concern	Specific Review Comment(s)
6	18	Trip Generation	The proposed development was assumed to have three "Quality Restaurants". The "High Turnover (Sit-Down) Restaurant" land use is a more common land use that covers the majority of sit-down restaurants in a suburban area and has a higher trip generation rate than the "Quality Restaurant" land use. It is quite rare to see three "Quality Restaurants" within one project site. Please confirm use of the appropriate land use based on the proposed development and the descriptions provided in the ITE Trip Generation Manual, 10th Edition.
7	18	Trip Generation	The pass-by trip rate was improperly applied to the inbound trips; with the inbound trips being capped to equal the outbound trips. Use the full passerby trip rate for both inbound and outbound trips.
8	20	Roadway Analysis	Based on comment 2, the future year analysis for Hook Street needs to be updated to show the correct background volumes.
9	21	Intersection Analysis	The report states that the build-out year in the table is 2021. However, elsewhere in the report, a build-out year of 2022 was utilized. Please ensure that the build-out year is consistent throughout the study.
10	25	Mitigation Strategies	Per the Lake-Sumter MPO TIA guidelines, potential mitigation measures are supposed to be developed for any roadway segment where the future LOS is below the adopted LOS standard, and for any intersection where the future intersection LOS will be below the adopted LOS standard. In both cases, the potential mitigation measures should also be analyzed, and a fair share calculation provided for the projects portion of the mitigation. Please provide potential mitigation measures for the roadways and intersections which do not meet the LOS standard, analysis of the mitigation measure, and estimate cost/fair share for the proposed project.



**CITY OF CLERMONT
REZONING
FILING INSTRUCTIONS**

Any person requesting a Rezoning shall file a complete application and pay a fee as established by resolution of the City Council in the Development Services Department on or before the 1st day of the month; Complete applications may then be scheduled for Public Hearings the following month - on the 1st Tuesday (Planning & Zoning Commission), 2nd Tuesday (City Council first reading only) and 4th Tuesday (City Council adoption). All applications must be complete, and include applicable site plans and/or pertinent descriptive materials in order to be processed. Dependent upon the scope and/or magnitude of a particular project, scheduling of one or more City Council workshop(s) may also be necessary and additional time may be required prior to being scheduled for public hearings.

A Pre-Application meeting with the Development Services Director (or designated staff) may be required prior to submittal of the application. Please check with the Development Services Department staff.

The Applicant shall provide the following information with this application:

- ▶ Completed application. Include all signatures:
 - ◊ Applicant's signature (if different from owner of record)
 - ◊ Owner's signature (owner of record) unless power of attorney or notarized letter authorizing the applicant to act as the duly authorized agent for the owner is submitted with the application.
- ▶ Proof of ownership – (i.e. Lake County Property record card, tax receipt, deed, or tax receipt)
- ▶ Plot plan (drawn to scale) of the property involved showing the location of existing buildings or structures and the location of proposed buildings or structures which specifically delineates and illustrates the extent of the rezoning request. Maximum size for plans is 11" x 17" (two full size copies for detail as needed, depending on rezoning)
 - a. Name, address and phone number of the applicant.
 - b. North arrow, date and scale.
 - c. Property lines, existing structures, proposed structures and contiguous streets.
 - d. A short description of the proposed structural usage.
 - e. A topographical map with five (5) foot contour lines (if deemed necessary for clarification purposes by City staff).
- ▶ Fee: \$542.⁰⁰ plus the cost of the advertisement



CITY OF CLERMONT
REZONING
APPLICATION

DATE: April 22, 2019

FEE: \$542.⁰⁰
+ cost of advertisement

PROJECT NAME (if applicable): Advent Health - Health Park Campus

APPLICANT: Klima Weeks Civil Engineering, Inc.

CONTACT PERSON: Selby Weeks, P.E.

Address: 385 Douglas Avenue, Suite 2100

City: Altamonte Springs State: FL Zip: 32714

Phone: 407-478-8750 Fax: _____

E-Mail: sweeks@klimaweeks.com

OWNER: BMR Clermont, LLC

Address: c/o Tracy Seidle, PO Box 17308

City: Sarasota State: FL Zip: 34276

Phone: _____ Fax: _____

Address of Subject Property: 14138 SR 50, Clermont, FL 34711

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

Acreage: 16.74 Land Use: Commercial
(City verification required)

Present Zoning: C-2 (see attached) Proposed Zoning: PUD
(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?

We are proposing to redevelop the western, primarily undeveloped, portion of the above-referenced site
to a health park, including an off-site emergency department (OSD) and medical office building (health
park) with associated pavement areas, pedestrian hardscape, utilities and stormwater management.

Selby G. Weeks, P.E.
Applicant Name (print)

X _____
Applicant Name (*signature*)

Tracy A. Seidle, Manager
Owner Name (print)

X _____
Owner Name (*signature*)

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

PARCEL A:

Tracts 23 and 24 of Section 28, Township 22 South, Range 26 East, according to the Plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914 and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida, INCLUDING vacated Paloma Road lying between Tracts 23 and 24, LESS the West 1/2 of the South 107 feet thereof.

Less and except the following:

The South 107 feet of Tract 24, Section 28, Township 22 South, Range 26 East, according to the Plat of Lake Highlands Company, as recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida.

Further, less and except the following:

R/W Parcel #C-10 as described in Statutory Warranty Deed to Lake County recorded in O.R. Book 2544, Page 2352, Public Records of Lake County, Florida.

TOGETHER WITH:

PARCEL B:

That portion of the 30.00 wide platted Right of Way lying North of Tracts 23 and 24 of Section 28, Township 22 South, Range 26 East, and lying North of vacated Paloma Road, to be bound on the West by the East right of way line of Citrus Tower Boulevard and bound on the East by the northerly projection of the East line of Tract 23, all according to the Plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914, and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida.

PARCEL C:

That portion of Tract 9, Section 28, Township 22 South, Range 26 East, according to the plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914 and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida, LYING SOUTH OF THE SOUTH RIGHT OF WAY OF STATE ROAD 50; LESS AND EXCEPT R/W Parcel #C13 as described in the deeds to Lake County, Florida, recorded in O.R. Book 2544, Page 2358 and O.R. Book 2546, Page 1682, Public Records of Lake County, Florida.

PARCEL D:

That portion of Tract 10, Section 28, Township 22 South, Range 26 East, according to the plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914 and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida, LYING SOUTH OF THE SOUTH RIGHT OF WAY OF STATE ROAD 50.



DEVELOPMENT SERVICES
352-394-4083

November 16, 2018

Klima Weeks
385 Douglas Ave Ste 2100
Altamonte Springs, FL 32714

Re: AK#1648254

The above listed property is zoned C-2 (General Commercial) and the Future Land Use is Commercial. The Zoning designation is consistent with the Future Land Use Designation. Please see attached Permitted and CUP uses under the C-2 Zoning Regulations.

If you should have any further questions, please contact me at 352-241-7301.

Thank you,

A handwritten signature in blue ink, appearing to read "L. Widican", is written over the printed name.

Lisa Widican
Community Development Manager
City of Clermont

Sec. 122-223. - Permitted uses.

(a) *Generally.* Permitted uses in the C-2 district are as follows:

- (1) Retail businesses: Any retail business or service, including the sale of goods and services for resale, as long as it is incidental to and in conjunction with a retail business.
- (2) Personal service establishments, such as but not limited to beauty shops or barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaning establishments. Permanent makeup service may be allowed as an accessory use; with a business tax receipt and with medical supervision, within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
- (3) Professional offices, doctors' offices, banks, loan companies, insurance and real estate offices, and similar businesses.
- (4) Recreation facilities, theaters, including drive-ins, bowling alleys, skating rinks, billiard halls, miniature golf courses, driving ranges and tourist attractions.
- (5) Restaurants and lounges.
- (6) Buildings, structures or uses maintained or operated by the City.
- (7) No retail establishment may occupy more than 100,000 square feet.
- (8) Lodges and clubs.
- (9) Laundries.
- (10) Hotels and motels.
- (11) Convenience stores and gas stations.
- (12) Shopping centers; Any group of businesses with shared parking or in which the total land area of the development is less than ten acres.
- (13) Nursery schools, kindergartens or child care centers; provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.

(b)

Floor space. Any business establishment or structure proposing to occupy more than 20,000 square feet of floor space shall require a conditional use permit. The floor area ratio for any structure shall not exceed that identified by policies of the adopted comprehensive plan.

(c) *Uses to be enclosed; outdoor storage.* All uses must be conducted within a completely enclosed building; except for outdoor storage, which must be screened from a public street and adjacent property.

(d) *Sidewalk use.* Restaurant or food service business establishments may utilize the outside private sidewalk area adjacent to the business for patron use, to include non-fastened small tables and chairs or benches during business hours only.

Businesses which utilize this type of sidewalk use shall maintain at least a four-foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act. Where such four-foot open space is not available, table or chairs shall not be allowed. All such uses shall be approved by the applicable City administrator. Number and size limitations are as follows:

(1) Limited to 50 percent of restaurant frontage as approved by the development services department.

(2) Maximum number of tables and chairs; four tables with a maximum of four chairs each.

(3) Maximum table width; four feet.

(4) Umbrellas may be utilized provided they adhere to the four-foot clearance for Americans with Disabilities Act access and do not have any advertising.

(e) Restaurants or similar food service business establishments with larger outdoor seating area available that can be isolated may be permitted with the following provisions:

(1) Site plan approval is required by the site review committee. Location and any separation from other uses; sidewalks, parking, and landscape for example, must be demonstrated and maintained.

(2) Outdoor seating cannot exceed more than half the total square feet or number of seats, whichever is less, of the indoor seating area.

(3) All sidewalks and pedestrian access areas shall maintain Americans with

Disabilities Act accessibility.

- (4) No advertising shall be permitted on table umbrellas or fencing material unless approved by the city administrative official.
- (5) Required landscaping must be maintained in accordance with the city Land Development Code.

(Code 1998, § 122-223; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § II, 4-13-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 2010-05-C, § 2, 3-23-2010; Ord. No. 2013-04, § 2, 2-26-2013; Ord. No. 2016-27, § 2, 6-28-2016)

Sec. 122-224. - Conditional uses.

(a) Conditional uses in the C-2 district are as follows:

- (1) Manufacturing, provided such manufacturing employs not more than five persons and is incidental, complementary to, and in conjunction with a retail business or service.
- (2) Residential storage warehouses where storage facility uses are exclusively for storing excess personal property generally stored in residential accessory buildings. This shall not include the storage of manufacturing or commercial products.
- (3) Shopping centers; any group of businesses with shared parking or in which the total land area of the development is ten acres or more.
- (4) Agricultural service operations.
- (5) Public or semipublic facilities or structures not operated by the city and not listed as a permitted use.
- (6) Utility facilities; such as electric transformers, gas regulator stations, and so forth.
- (7) Recreational vehicle parks.
- (8) Hospitals, clinics, and nursing homes.
- (9) Automobile and truck repair garages; and painting, welding and body shops.
- (10) Dwelling units, provided that the requirements of the R-3 zone are met, mobile home parks per article V of this chapter, and planned unit developments per article IV of this chapter.
- (11)

Kennels or veterinary clinics, provided that all animal services and confinement areas; including runs, are in air conditioned and sound-attenuated buildings.

- (12) Churches, funeral homes and cemeteries.
 - (13) Retail establishments more than 100,000 square feet.
 - (14) Private schools.
 - (15) Bus terminals, major equipment sales, manufactured housing sales, travel trailer and recreational vehicle sales.
 - (16) Bed and breakfast inns.
 - (17) Automobile and truck services, carwashes, and automobile, truck, boat and farm equipment sales.
- (b) In case of uncertainty of the classification of any use, uses may be permitted which; after consideration by the planning and zoning commission and approval of the city council, are not more obnoxious to the district than the uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.

(Code 1998, § 122-224; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § III, 4-13-1999; Ord. No. 294-C, § 2, 9-28-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 333-C, § 4, 3-23-2004; Ord. No. 2013-04, § 2, 2-26-2013; Ord. No. 2016-27, § 2, 6-28-2016)



Cash Register Receipt

City of Clermont

Receipt Number
R17502

DESCRIPTION	ACCOUNT	QTY	PAID
PermitTRAK			\$55.00
18-4216 Address: 14138 STATE ROAD 50 CLERMONT F Apn: 1648254			\$55.00
ZONING VERIFICATION LETTER FEE			\$55.00
ZONING VERIFICATION LETTER FEE	10329-32903	0	\$55.00
TOTAL FEES PAID BY RECEIPT: R17502			\$55.00

Date Paid: Friday, November 16, 2018

Paid By: klima weeks

Cashier: LW

Pay Method: CHECK 12545

BMR CLERMONT, LLC

P.O Box 17308
Sarasota, FL 34276

April 24, 2019

RE: Agent Authorization for **Clermont Health Park**
Parcel ID: 09-22-26-120502300000, Alternate Key: 1648254

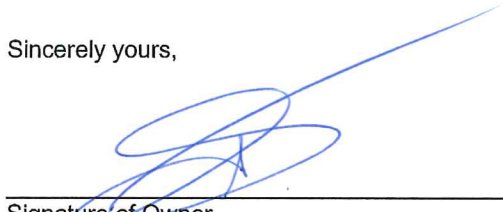
To Whom It May Concern:

This letter shall serve as Owner's Authorization for **Selby G. Weeks, P.E. of Klima Weeks Civil Engineering, Inc.** to submit and process any permits or approvals required for the development of the subject property through the following agencies:

- City of Clermont
- Lake County
- St. Johns River Water Management District
- Florida Department of Transportation
- Florida Department of Environmental Protection

Please do not hesitate to contact me with any questions.

Sincerely yours,



Signature of Owner

4-25-19

Date

Tracy Seidle - BMR Clermont LLC

Printed Name

Manager

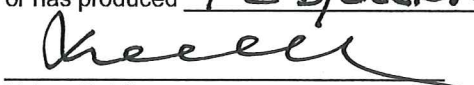
Corporate Title

NOTARY PUBLIC

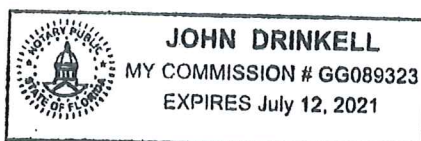
STATE OF FLORIDA

COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 25 day of APRIL, 2019, by TRACY SEIDLE, of ABOVE, on behalf of the corporation. He/she is personally known to me or has produced FL. D/LICENSE as identification and did not take an oath.



Notary Public



John Drinkell
5020 Clark Rd
Sarasota, FL 34233

Daily Commercial

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10087612
Phone: (352) 241-7331
Date: 05/14/19
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	05/20/2019	06/10/2019	\$341.20

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. 2019-27

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, recording, and publication.

LOCATION:

Vacant property located at the southeast corner of Citrus Tower Boulevard and SR 50 Intersection
Portion of AK 1648254
16.74 +/- Acres

LEGAL DESCRIPTION

Tract 24 of Section 28, Township 22 South, Range 26 East, according to the Plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914 and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida, LESS the South 107 feet thereof and less and except the following: R/W Parcel #C-1.0 as described in Statutory Warranty Deed to Lake County recorded in O.R. Book 2544, Page 2352, Public Records of Lake County, Florida.

AND

That portion of the 30.00 wide plat-ted Right of Way lying North of Tract 24 of Section 28, Township 22 South, Range 26 East, and lying North of va-cated Paloma Road, to be bound on

the West by the East right of way line of Citrus Tower Boulevard and bound on the East by the northerly projection of the East line of Tract 24, all according to the Plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914, and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida.

AND

That portion of Tract 9, Section 28, Township 22 South, Range 26 East, according to the plat of LAKE HIGHLANDS COMPANY, filed March 2, 1914 and recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida, LYING SOUTH OF THE SOUTH RIGHT OF WAY OF STATE ROAD 50; LESS AND EXCEPT R/W Parcel #C13 as described in the deeds to Lake County, Florida, recorded in O.R. Book 2544, Page 2358 and O.R. Book 2546, Page 1682, Public Records of Lake County, Florida.

ALL LESS the East 27.00 feet thereof.

From: C-2 General Commercial
To: PUD Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Tuesday, June 4, 2019 at 6:30 p.m. A public meeting to consider the request will be held before the City Council on Tuesday, June 26, 2019 at 6:30 p.m. for final enactment. All meetings will be held at City Hall, located at 685 W. Montrose Street. This Ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose St., Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M. Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you may need to ensure that

a verbatim record is made.

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10087612
May 20, 2019 &
June 10, 2019

Payment Info

Ad Price	\$341.20
Tax	\$0.00
Sub Total	\$341.20
Prepaid Amount	\$0.00
Balance Due	\$341.20



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 24, 2019		
Agenda Item Name		
Ordinance No. 2019-38 <i>Final</i> Withdrawn		
Requested Action		
Recommend approval of Ordinance 2019-38.		
Staff Report		
The staff initiated update to Chapter 122 Zoning, Section 122-358; Affordable Housing Density Bonus will amend Ordinance No. 2018-30 to provide the intent and qualifying criteria standards and regulations for affordable housing bonus density units in certain areas. It is the intent of the City to provide opportunities for greater availability of affordable housing inventory. The purpose of the Ordinance is to encourage affordable and mixed income housing opportunities where it may not otherwise be provided by the private marketplace. The Ordinance will determine the percentage of units required to be set aside for affordable housing based on qualifying criteria for project. The Ordinance will also define the household income limits as calculated in the relation to the Area Media Income (AMI) with adjustments for family size and housing cost to income relationship. Affordability shall be determined on an annual basis as defined each year by the U.S. Department of Housing and Urban Development (HUD) for the City of Clermont. <i>The Planning and Zoning Commission recommended approval, 6-0.</i>		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. 2019-38 Affordable Housing Bonus Density Clean (003)2019-38 Affordable Housing Bonus Density (upd).doc		
2. ORDINANCE NO 2019-38 Legal Ad ORDINANCE NO 2019-38.pdf		



CITY OF CLERMONT
ORDINANCE NO. 2019-38

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 122 ZONING; AMENDING SECTION 122-358 AFFORDABLE HOUSING DENSITY BONUS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

Comment [RL1]:

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on September 3, 2019 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to add Section 122-358, Affordable Housing Density Bonus, of the City of Clermont's Code of Ordinances;

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

SECTION 1.

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

SECTION 2.

The Land Development Code of the City of Clermont Code of Ordinances is hereby amended to read as follows:

Section 122-358 Affordable Housing Density Bonus

(a) It is the intent of the City to provide an opportunity for greater availability of affordable housing inventory through a density bonus and to set-aside floating units as defined in sub-section (e) below. The purpose is to encourage affordable and mixed income housing opportunities where they may not otherwise be accessible by the private marketplace.

Comment [RL2]: As defined in sub-section (e) below

(b) Sites for affordable housing shall be located in close proximity to a collector roadway or higher and provide access to the following facilities, services and/or activity centers through an interconnected system of sidewalks, bicycle paths/lanes and transit stops and amenities: Employment centers; Shopping centers that include stores offering household goods and services needed on a frequent and recurring basis; and public parks, recreation areas, and/or open space.



**CITY OF CLERMONT
ORDINANCE NO. 2019-38**

(c) A density bonus may be granted only when the applicant presents clear and convincing evidence that the proposed design, density, intensity and mix of uses will result in superior development that is compatible with the surrounding neighborhoods and achieves the criteria for approval provided in this section. A density bonus shall not be considered an entitlement. The maximum available density bonus may not be permitted for some projects.

Comment [RL3]: Not sure what this means

(d) Any density bonus shall require City Council approval.

Comment [RL4]: What criteria will be used to make this determination?

(e) Criteria for affordable housing density bonus in consideration of projects.

Criteria	City of Clermont
Threshold for project size	A residential project in the Wellness Way Area annexed into the City (excluding properties fronting Hartwood Marsh Road) or Hooks Street Corridor seeking a residential bonus of greater than 12 dwelling units per acre.
Density Bonus Criteria	The current City Code allows for up to 12 dwelling units per acre the density bonus for affordable housing would be any density greater than 12 dwelling units per acre: (1) Hooks Street Corridor: <u>May qualify for a maximum with bonus of 20 dwelling units per acre provided the project meet the criteria for approval. The developer must set aside a percentage of the bonus units for affordable housing. The affordable units must include a mixture of different unit sizes and types. Requirements for Residential Density Bonuses:</u> 1) Ten (10 %) of the bonus units for very low-income households. <u>(up to 30% of AMI)</u> 2) Fifteen (15%) of the bonus units for low-income households. <u>(up to 50% of AMI)</u> 3) Twenty (20%) of the bonus units for moderate-income households. <u>(up to 80% of AMI)</u> 4) Another set-aside mixed deemed acceptable by the <u>City Council</u> (2) Wellness Way Area: (excluding properties on Hartwood Marsh Road) <u>May qualify for a maximum with bonus of 25 dwelling units per acre provided the project meet the criteria for approval. The developer must set aside a percentage of the bonus units for affordable housing. The units must include a mixture of different unit sizes and types.</u>

Comment [RL5]: Are 'affordable' and 'work force' the same thing?



**CITY OF CLERMONT
ORDINANCE NO. 2019-38**

	<u>Requirements for Residential Density Bonuses:</u> 1) Option to set aside, Fifteen (15%) of the bonus units for very low-income households. (up to 30% of AMI) 2) Option to set aside, Twenty (20%) of the bonus units for low-income households. (up to 50% of AMI) 3) Option to set aside, Twenty-Five (25%) of the bonus units for moderate income households, (up to 80% of AMI) 4) Option to set aside, another set-aside mixed deemed acceptable by the City Council
Definitions of Affordable Units and Floating Units:	Affordable housing is defined, as the monthly housing costs must not exceed 30% of the total household income. “Floating Units” are changed to maintain conformity and to ensure the affordable units are indistinguishable from and interchangeable with market-rate units. Floating refers to those units that re rented to the tenants that meet the AMI requirements and can be located anywhere within the project. <u>Qualifying units may not be permanently designated for AMI eligible tenants.</u>
Target Household Income Levels:	<u>**To be determined on a yearly basis by the Area Median Income (AMI) for the City of Clermont as defined each year by the U.S. Department of Housing and Urban Development (HUD). Income limits are calculated in relation to Area Median Income (AMI) with adjustments for family size and housing cost- to-income relationship as shown in sub-section (f) below.</u>
Length of Affordability:	Perpetuity. The number of units required for the initial qualification for the density bonus must be maintained in perpetuity for the life of the project.
Quality of Units:	Floating units must be of the same quality and design and should not appear different. Residents must have the access to the same amenities as all other residents of the project.

Comment [RL6]: I think this needs clarification – ‘floating’ un its refer to those units that are rented to tenants that meet the AMI requirements and can be located anywhere within the project. Qualifying units may not be permanently designated for AMI qualifying tenants.



**CITY OF CLERMONT
ORDINANCE NO. 2019-38**

Management of Units:	A management agreement is required between the applicant and the City, a community land trust or mutually agreeable instrument to the applicant and City. This agreement must address marketing, applicant screening, the process for establishing rental rates, monitoring, Fair Housing requirements, and other elements as determined by the City Manager or his/her designee. This agreement must be recorded and obligate all successors and assigns.
<u>**Low income households and levels of Affordability</u>	The U.S. Department of Housing and Urban Development (HUD) defines and calculates different levels of AMI for geographic areas by household sizes. Below is an illustration of how Housing and Urban Development has designed the three levels of affordability for the Median Family <u>Income</u> .

Comment [RL7]: Not sure this section is needed with the additional language I added in "Target Household and Income Levels" above.

(f) Translating incomes into affordable housing cost (example)

Household Size Maximum Income	Very Low Income (30% of AMI)	Low Income (50% of AMI)	Moderate Income (80% of AMI)
One –Person	14,600	24,300	38,850
Two –Person	16,910	27,800	44,400
Three –Person	21,330	31,250	49,950
Four –Person	25,750	34,700	55,500
Five –Person	30,170	37,500	59,950
Six –Person	34,590	40,300	64,400
Seven –Person	39,010	43,050	68,850
Eight –Person	43,430	45,850	73,300

(g) Affordable rents for housing units vary by the number of bedrooms in the housing unit. This is because the income limits vary by the household size, and the number of bedrooms affects how many people a unit can comfortably house.

(h) The table below provides the maximum rents considered affordable, based on the maximum income allowed for the household size, income limits and housing unit size or bedrooms allowed to provide comfortable and safe housing. Each household will require income and affordable rent certification based on their actual income and household size. Annual verification of leased units as part of the density bonus is required from the date originally certified and must be certified by the City Manager or his/her designee.



CITY OF CLERMONT
ORDINANCE NO. 2019-38

Number of Bedrooms	Affordable Rent at 30% of AMI (Very Low)	Affordable Rent at 50% of AMI (Low)	Affordable Rent at 80% of AMI (Moderate)
1-Bedroom (1 person)	\$365	\$608	\$971
2-Bedrooms (3 person household)	\$533	\$781	\$1249
3-Bedrooms (5 person household)	\$754	\$938	\$1499
4-Bedrooms (Six Person household)	\$865	\$1007	\$1610

(i) An administrative review is required to ensure that the proposed project and its intended occupants meet the standards and income requirements for affordable housing. All developers are required to schedule a pre-application meeting and complete an application for density bonus with the Development Services Department.

(j) Annual verification of leased units as part of the density bonus is required from the date originally certified.

(k) The applicant must enter into a management agreement with the City, a community land trust, or other instrument mutually agreeable to the City and the applicant, to administer the affordable set-aside units. This agreement must address marketing, applicant screening, the process for establishing rental rates, monitoring, Fair Housing requirements, and other elements as determined by the City Manager or his/her designee.

(l) Projects may not pay a contribution in lieu of providing affordable units on-site to attain a density bonus.

SECTION 4.

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

SECTION 5.

The text of Section 2 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "Article" for "Ordinance", "Section" for "Paragraph", or otherwise to take such editorial license.

SECTION 6.

Parcels qualified for the Hooks Street corridor shall have frontage on Hooks Street and shall be east of U.S. Highway 27. Parcels qualified for Wellness Way shall be within Sections 13-36 Township 23 Range 26 and be east of U.S. Highway 27.



CITY OF CLERMONT
ORDINANCE NO. 2019-38

SECTION 7.

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. 2019-38

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 24th day of September, 2019.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10089860
Phone: (352) 241-7331
Date: 08/09/19
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	08/19/2019	09/17/2019	\$195.20

LEGAL NOTICE

office, (352) 241-7331, at least 48 hours prior to the public hearings.

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

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10089860
August 19, 2019 &
September 17, 2019

ORDINANCE NO. 2019-38

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 122 ZONING; AMENDING SECTION 122-358 AFFORDABLE HOUSING DENSITY BONUS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, September 3, 2019 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 24, 2019 at 6:30 p.m. for final enactment.

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

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

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's

Payment Info	
Ad Price	\$195.20
Tax	\$0.00
Sub Total	\$195.20
Prepaid Amount	\$0.00
Balance Due	\$195.20



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 24, 2019		
Agenda Item Name		
Ordinance 2019-06 <i>South Lake Crossings</i> Table to October 22		
Requested Action		
Recommend table to October 22, 2019.		
Staff Report		
Staff and the applicant are working on finalizing the PUD ordinance and more time is needed to complete this task.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. SL Crossing Legal Ad	SL Crossing Legal Ad.pdf	

Daily Commercial

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10089822
Phone: (352) 241-7331
Date: 08/09/19
Ad Taker: Joanne French

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cler	08/19/2019	09/09/2019	\$1,899.24

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. 2019-06

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

1.75 miles south of Hartwood Marsh Road, East of US 27
Approx. 743 +/- Acres

LEGAL DESCRIPTION

Parcel 1:

Parcel A

All those portions of sections 21, 22 and 23, township 23 south, range 26 east, Lake County, Florida, described as follows:

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast 1/4 of the aforesaid section 21, said northwest corner according to certified corner record #48105; thence N89°16'46"E, 2653.20 feet along the north line of said northeast 1/4 to a 2" iron pipe found at the northeast corner of said northeast 1/4 of said section 21, said northeast corner according to certified corner record #48106; thence S88°49'23"E along the north line of the northwest 1/4 of the aforesaid section 22, 670.44 feet to the point of beginning;

thence continue S88°49'23"E along said north line, 1976.14 feet; thence S88°49'23"E along the north line of the northwest 1/4 of the northeast 1/4 of said section 22, 1323.29 feet; thence S00°20'55"W along the west line of the northeast 1/4 of said northeast 1/4 of said section 22, 1314.56 feet; thence S89°00'54"E along the south line of said northeast 1/4 of the northeast 1/4 of said section 22, 1290.91 feet to the west right-of-way line of Five Mile Road (a 66' wide right-of-way as recorded in Official Records Book 357, page 21, of the Public Records of Lake County, Florida); thence S00°19'09"W along said west right-of-way line, distant 33.00 feet westerly, by perpendicular measure, from the east line of said northeast 1/4 of section 22, 1310.25 feet to a point in the north line of the southeast 1/4 of said section 22, distant 33.00 feet on a bearing of N89°12'24"W, from a 5/8" iron rod and cap #PLS4779 found at the east 1/4 corner of said section 22, said east 1/4 corner according to certified corner record #084030; thence S00°27'16"W along said west right-of-way line, distant 33.00 feet westerly, by perpendicular measure, from the east line of the southeast 1/4 of said section 22, 2681.30 feet to a point in the north line of the northeast 1/4 of section 27, township 23 south, range 26 east, said point being distant 33.00 feet on a bearing of N89°12'03"W from a 4"x4" concrete monument #RLSL993 found at the northeast corner of said northeast 1/4 of section 27, thence N89°12'03"W along said north line, 2612.60 feet to a 4"x4" concrete monument found at the northeast corner of the northwest 1/4 of said section 27; thence N89°32'30"W along the north line of said northwest 1/4, 2614.54 feet to a 4"x4" concrete monument found in the east right-of-way line of Shell Pond Road, and being distant 33.00

feet on a bearing of S89°32'30"E from a 4"x4" concrete monument found at the northwest corner of said northwest 1/4 of section 27; thence N00°23'38"E along said east right-of-way line, distant 33.00 feet easterly, by perpendicular measure, from the west line of the southwest 1/4 of the aforesaid section 22, 2696.34 feet; thence N89°12'24"W, 33.00 feet to a 1-1/2" iron pipe found at the northwest corner of said southwest 1/4 of section 22, said northwest corner according to certified corner record #48107; thence S89°38'30"W along the east-west center section line of the aforesaid section 21, 1287.60 feet; thence, departing said east-west center section line, N00°00'00"E, 456.14 feet; thence N55°49'12"E, 1567.27 feet to an iron rod with cap #LB68 set at the northwest corner of the southwest 1/4 of the northwest 1/4 of the aforesaid section 22; thence S89°00'54"E along the north line of said southwest 1/4 of the northwest 1/4, 679.40 feet; thence, departing said north line, N00°00'00"W, 1325.72 feet to the point of beginning.

Less and except therefrom: those parcels described in Official Records Book #49, page 2162; Parcel 122 (fee simple); the northerly 50.00 feet of the southerly 80.00 feet of the easterly 35.00 feet of the westerly 2892.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Parcel 123 (fee simple): the northerly 50.00 feet of the southerly 80.00 feet of the easterly 35.00 feet of the westerly 118.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Parcel 124 (fee simple): the northerly 20.00 feet of the southerly 50.00 feet of the easterly 30.00 feet of the

westerly 83.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Also less from said section 22, that parcel described in Official Records Book 845, page 567;

Parcel 129 (fee simple): the westerly 35.00 feet of the easterly 523.26 feet of the northerly 50.00 feet of the southerly 80.00 feet of the southeast 1/4 of the southeast 1/4 of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Also less from said section 22, that parcel described in Official Records Book 851, page 145E;

Parcel 130 (fee simple): the northerly 50.00 feet of the southerly 900.00 feet of the westerly 35.00 feet of the easterly 93.00 feet of the southeast 1/4 of the northeast 1/4 of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

and:

Parcel b

That part of sections 21 and 22, township 23 south, range 26 east, Lake County, Florida described as follows:

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast 1/4 of the aforesaid section 21, said northwest corner according to certified corner record #48105; thence N89°16'46"E along the north line of said northeast 1/4, 518.50 feet to the east right-of-way line of Bradshaw Road as maintained by Lake County, said east right-of-way line as filed surveyed by Donald W. McIntosh associates, inc. and shown on a "specific purpose survey" prepared by

Payment Info	
Ad Price	\$1,899.24
Tax	\$0.00
Sub Total	\$1,899.24
Prepaid Amount	\$0.00
Balance Due	\$1,899.24

Daily Commercial

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10089822
Phone: (352) 241-7331
Date: 08/09/19
Ad Taker: Joanne French

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cler	08/19/2019	09/09/2019	\$1,899.24

Donald W. McIntosh associates, Inc., drawing number cs#02-203, survey date 02/27/02, and to the point of beginning; thence, departing said north line of said northeast ¼, run the following fourteen (14) courses and distances along said east right-of-way line: s09°07'38" w, 226.88 feet; s08°14'05" w, 483.61 feet; s08°51'03" w, 111.11 feet; s08°15'58" w, 235.08 feet; s07°40'42" w, 73.87 feet; s08°15'45" w, 120.18 feet; s08°15'35" w, 293.65 feet; s07°52'00" w, 391.90 feet; s08°15'41" w, 126.07 feet; s09°13'52" w, 181.39 feet; s09°21'18" w, 192.16 feet; s08°48'22" w, 191.95 feet; s10°07'14" w, 16.87 feet to the point of curvature of a curve concave easterly having a radius of 36.00 feet and a chord bearing of s15°39'01" e; thence southerly along the arc of said curve through a central angle of 51°32'31" for a distance of 32.38 feet to a non-tangent line being the east-west center of section line of aforesaid section 21; thence, departing said east right-of-way line, n89°36'30" e along said east-west center of section line 1210.47 feet; thence, departing said east-west center of section line, n00°00'00" e, 458.14 feet; thence n88°49'12" e, 1587.27 feet to the northwest corner of the southwest ¼ of the northwest ¼ of the aforesaid section 22; thence s89°00'54" e along the north line of said southwest ¼ of the northwest ¼, 679.40 feet; thence, departing said north line, n00°00'00" w, 1325.72 feet to the north line of the northwest ¼ of the northwest ¼ of said section 22; thence n88°49'23" w along said north line, 670.44 feet to a 2" iron pipe found at the northeast corner of the northeast ¼ of the aforesaid section 21, said northeast corner according to certified corner record #48106; thence s89°16'46" w along the north

line of said northeast ¼, 2134.70 feet to the point of beginning.

Less and except

North Parcel (Cut Out Parcel)

That part of sections 21 and 22, township 23 south, range 26 east, Lake County, Florida described as follows:

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast ¼ of the aforesaid section 21, said northwest corner according to certified corner record #48106; thence n89°16'46" e along the north line of said northeast ¼, 518.50 feet to the east right-of-way line of Bradshaw Road as maintained by Lake County, said east right-of-way line as filed surveyed by Donald W. McIntosh associates, Inc. and shown on a "specific purpose survey" prepared by Donald W. McIntosh associates, Inc., drawing number cs#02-203, survey date 02/27/02, and to the point of beginning; thence, departing said north line of said northeast ¼, run the following fourteen (14) courses and distances along said east right-of-way line: s09°07'38" w, 226.88 feet; s08°14'05" w, 483.61 feet; s08°51'03" w, 111.11 feet; s08°15'58" w, 235.08 feet; s07°40'42" w, 73.87 feet; s08°15'45" w, 120.18 feet; s08°15'35" w, 293.65 feet; s07°52'00" w, 391.90 feet; s08°15'41" w, 126.07 feet; s09°13'52" w, 181.39 feet; s09°21'18" w, 192.16 feet; s08°48'22" w, 191.95 feet; s10°07'14" w, 16.87 feet to the point of curvature of a curve concave easterly having a radius of 36.00 feet and a chord bearing of s15°39'01" e; thence southerly along the arc of said curve through a central angle of 51°32'31" for a distance of 32.38 feet to a non-tangent line being the

east-west center of section line of aforesaid section 21; thence, departing said east right-of-way line, n89°36'30" e along said east-west center of section line 2498.07 feet to the northwest corner of the southwest ¼ of aforesaid section 22; thence, departing said east-west center of section line, n00°23'17" e along the west line of the southwest ¼ of the northwest ¼ of said section 22, 1327.85 feet to the northwest corner of said southwest ¼ of the northwest ¼ of section 22; thence departing said west line run s89°00'54" e along the north line of said southwest ¼ of the northwest ¼, 679.40 feet; thence, departing said north line, n00°00'00" w, 1325.72 feet to the north line of the northwest ¼ of the northwest ¼ of said section 22; thence n88°49'23" w along said north line, 670.44 feet to a 2" iron pipe found at the northeast corner of the northeast ¼ of the aforesaid section 21, said northeast corner according to certified corner record #48106; thence s89°16'46" w along the north line of said northeast ¼, 2134.70 feet to the point of beginning.

Being more particularly described as:

All those portions of sections 21, 22 and 23, township 23 south, range 26 east, Lake County, Florida, described as follows:

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast ¼ of the aforesaid section 21, said northwest corner according to certified corner record #48106; thence n89°16'46" e, 2653.20 feet along the north line of said northeast ¼ to a 2" iron pipe found at the northeast corner of said northeast ¼ of said section 21, said northeast corner according to certified corner record #48106; thence s88°49'23" e along the north line of the northwest

¼ of the aforesaid section 22, 670.44 feet to the point of beginning; thence continue s88°49'23" e along said north line, 1976.14 feet; thence s88°49'23" e along the north line of the northwest ¼ of the northeast ¼ of said section 22, 1323.29 feet; thence s00°20'55" w along the west line of the northeast ¼ of said northeast ¼ of said section 22, 1314.86 feet; thence s89°00'54" e along the south line of said northeast ¼ of the northeast ¼ of said section 22, 1290.81 feet to the west right-of-way line of Five Mile Road (a 66' wide right-of-way as recorded in Official Records Book 357, page 21, of the Public Records of Lake County, Florida); thence s00°19'09" w along said west right-of-way line, distant 33.00 feet westerly, by perpendicular measure, from the east line of said northeast ¼ of section 22, 1310.25 feet to a point in the north line of the southeast ¼ of said section 22, distant 33.00 feet on a bearing of n89°12'24" w, from a 5/8" iron rod and cap #pls4779 found at the east ¼ corner of said section 22, said east ¼ corner according to certified corner record #084030; thence s00°27'16" w along said west right-of-way line, distant 33.00 feet westerly, by perpendicular measure, from the east line of the southeast ¼ of said section 22, 2681.30 feet to a point in the north line of the northeast ¼ of section 27, township 23 south, range 26 east, said point being distant 33.00 feet on a bearing of n89°12'03" w from a 4"x4" concrete monument #ris1993 found at the northeast corner of said northeast ¼ of section 27, thence n89°12'03" w along said north line, 2612.50 feet to a 4"x4" concrete monument found at the northeast corner of the northwest ¼ of said section 27; thence n89°32'30" w along the north line of said northwest ¼, 2614.54 feet to a 4"x4" concrete monument found in

Payment Info	
Ad Price	\$1,899.24
Tax	\$0.00
Sub Total	\$1,899.24
Prepaid Amount	\$0.00
Balance Due	\$1,899.24

Daily Commercial

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10089822
Phone: (352) 241-7331
Date: 08/09/19
Ad Taker: Joanne French

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cler	08/19/2019	09/09/2019	\$1,899.24

the east right-of-way line of Shell Pond Road, and being distant 33.00 feet on a bearing of S89°32'30"E from a 4"x4" concrete monument found at the northwest corner of said northwest ¼ of section 27; thence N00°23'38"E along said east right-of-way line, distant 33.00 feet easterly, by perpendicular measure, from the west line of the southwest ¼ of the aforesaid section 22, 2696.34 feet; thence N89°12'24"W, 33.00 feet to a 1-1/2" iron pipe found at the northwest corner of said southwest ¼ of said section 22, said northwest corner according to certified corner record #48107; thence N00°23'17"E along the west line of the southwest ¼ of the northwest ¼ of the aforesaid section 22, 1327.85 feet to an iron rod with cap #1668 set at the northwest corner of said southwest ¼ of the northwest ¼ of section 22; thence S89°00'54"E along the north line of said southwest ¼ of the northwest ¼, 679.40 feet; thence, departing said north line, N00°00'00"W, 1325.72 feet to the point of beginning.

Less and except therefrom;

Those parcels described in Official Records Book 848, page 2162;

Parcel 122 (fee simple):

The northerly 50.00 feet of the southerly 80.00 feet of the easterly 35.00 feet of the westerly 2832.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Parcel 123 (fee simple):

The northerly 50.00 feet of the southerly 80.00 feet of the easterly 35.00 feet of the westerly 118.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state

of Florida.

Parcel 124 (fee simple):

The northerly 20.00 feet of the southerly 50.00 feet of the easterly 30.00 feet of the westerly 83.00 feet of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Also less from said section 22, that parcel described in Official Records Book 845, page 567:

Parcel 129 (fee simple):

The westerly 35.00 feet of the easterly 523.26 feet of the northerly 50.00 feet of the southerly 80.00 feet of the southeast ¼ of the southeast ¼ of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Also less from said section 22, that Parcel described in Official Records Book 861, page 1458:

Parcel 130 (fee simple):

The northerly 50.00 feet of the southerly 900.00 feet of the westerly 35.00 feet of the easterly 93.00 feet of the southeast ¼ of the northeast ¼ of section 22, township 23 south, range 26 east, in the County of Lake, state of Florida.

Together with the beneficial easements contained in that certain declaration of easement and agreement regarding road and utility improvements dated May 25, 2006 and which is recorded on June 2, 2006 in Official Records Book 3175, page 997, all in the Public Records of Lake County, Florida.

Parcel 2:

The land referred to herein below is situated in the County of Lake, state of Florida, and is described as follows:

That part of sections 21 and 22, township 23 south, range 26 east, Lake County, Florida described as follows:

Commence at a 1-1/4" iron pipe found at the northwest corner of the northeast ¼ of the aforesaid section 21, said northwest corner according to certified corner record #48106; thence N89°16'46"E along the north line of said northeast 518.50 feet to the east right-of-way line of Bradshaw Road as maintained by Lake County, said east right-of-way line as filed surveyed by Donald W. McIntosh associates, Inc. and shown on a "specific purpose survey" prepared by Donald W. McIntosh associates, Inc., drawing number 02-203, survey date 02/27/02, and to the point of beginning; thence, departing said north line of said northeast ¼, run the following fourteen (14) courses and distances along said east right-of-way line; S09°07'38"W, 226.88 feet; S08°14'05"W, 483.61 feet; S08°51'03"W, 111.11 feet; S08°15'58"W, 235.08 feet; S07°40'42"W, 73.97 feet; S08°15'45"W, 120.18 feet; S08°15'35"W, 293.65 feet; S07°52'00"W, 391.90 feet; S08°15'41"W, 126.07 feet; S08°15'52"W, 181.39 feet; S08°21'18"W, 192.16 feet; S08°45'22"W, 191.95 feet; S10°07'14"W, 16.87 feet to the point of curvature of a curve concave easterly having a radius of 36.00 feet and a chord bearing of S15°39'01"E; thence southerly along the arc of said curve through a central angle of 51°32'31" for a distance of 32.38 feet to a non-tangent line being the east-west center of section line of

aforesaid section 21; thence, departing said east right-of-way line, N89°26'30"E along said east-west center of section line 2498.07 feet to the northwest corner of the southwest ¼ of aforesaid section 22; thence, departing said east-west center of section line, N00°23'17"E along the west line of the southwest ¼ of the northwest ¼ of said section 22, 1327.85 feet to the northwest corner of said southwest ¼ of the northwest ¼ of the aforesaid section 22; thence departing said west line run S89°00'54"E along the north line of said southwest ¼ of the northwest ¼, 679.40 feet; thence, departing said north line, N00°00'00"W, 1325.72 feet to the north line of the northwest ¼ of the northwest ¼ of said section 22; thence N88°49'23"W along said north line, 670.44 feet to a 2" iron pipe found at the northeast corner of the northeast ¼ of the aforesaid section 21, said northeast corner according to certified corner record #48106; thence S89°16'46"W along the north line of said northeast ¼, 2134.70 feet to the point of beginning.

Together with the beneficial easements contained in that certain declaration of easement and agreement regarding road and utility improvements dated May 25, 2006 and which is recorded on June 2, 2006 in Official Records Book 3175, page 997, and that certain declaration of easement and agreement regarding Road and utility improvements dated May 25, 2006 and which is recorded on June 2, 2006 in Official Records Book 3175, page 1023, all in the Public Records of Lake County, Florida.

Contains 743.00 acres more or less.

From: Urban Transition UT
To: Planned Unit Development PUD

Payment Info	
Ad Price	\$1,899.24
Tax	\$0.00
Sub Total	\$1,899.24
Prepaid Amount	\$0.00
Balance Due	\$1,899.24

Daily Commercial

Advertising Receipt

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PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10089822
Phone: (352) 241-7331
Date: 08/09/19
Ad Taker: Joanne French

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cler	08/19/2019	09/09/2019	\$1,899.24

This request will be considered by the Planning & Zoning Commission on Tuesday, September 3, 2019 at 6:30 p.m. and a public meeting to consider the request will be held before the City Council on Tuesday, September 24, 2019 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.

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

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10089822
August 19, 2019 &
September 09, 2019

Payment Info	
Ad Price	\$1,899.24
Tax	\$0.00
Sub Total	\$1,899.24
Prepaid Amount	\$0.00
Balance Due	\$1,899.24



AGENDA ITEM

Meeting Date	
Tuesday, September 24, 2019	
Agenda Item Name	
Utility Agreement <i>Oak Properties - Clermont 111 RES</i>	
Requested Action	
Staff Report	
The applicant, Oak Properties LLC, is requesting water and sewer services for a multi-family development , 288 units, located on vacant property north of SR 50, east of CR 455. The proposed development has received their site entitlements through Lake County and is requesting utility services to commence construction of the project. The agreement is for commercial utility flow/demand for water at 44,352 gpd and sewer is 44,352 gpd, based on an annual average.	
Additional Analysis	



Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	East Clermont Village Utility Agreement FINAL CC	East Clermont Village Utility Agreement FINAL CC.docx

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 Oak Properties, LLC and any successors or assigns, hereby referred to as **OWNER**.

WITNESSETH

Whereas, OWNER is requesting service for a Multi-family Residential Project (Clermont 111 RES) with up to 288 units, 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; 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.
- 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 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.
- 1.9 The utilities in the property shall be privately owned and maintained, but shall be constructed to City standards.
- 1.10 Irrigation shall be provided by private well until such time that reuse water is available.
- 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 1.12 and 1.13 from the CITY in the form of Impact Fee Credits.
- 1.15 The Impact Fee Credits shall be established subject to Sections 1.12 and 1.13 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 The City may require a looped system to provide reliability and redundancy to the property.
- 1.19 The point of sewer connection shall be coordinated with the existing utilities on the south side of State Road 50. The applicant will own and maintain the off-site force main from the private lift station to the existing gravity sewer system located on the south side of State Road 50.
- 1.20 Any fencing within public view, (including retention ponds), must be ornamental metal with complementing structural columns, as approved by the City's Site Review Committee. No chain link shall be used in public view areas.
- 1.21 Parking of any vehicles outside the paved parking areas, or in any landscape buffers shall not be permitted.
- 1.22 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).
- 1.23 This Agreement shall be voided after five (5) years if building permits have not been issued and building construction has not started.
- 1.24 The Agreement shall be for commercial utility flow/demand for a Multi-family Residential Project (Clermont 111 RES) with up to 288 units, with water at 44,352 gallons per day (gpd) and sewer at 44,352 gpd, based on an annual average.

Section 2. DEVELOPMENT STANDARDS

- (a) The project shall be developed in accordance with the East Clermont Village Planned Unit Development RZ-18-05-2 (Lake County Ordinance 2018-51), as amended.
- (b) Except as may be specifically set forth and expressly stated in the East Clermont Village Planned Unit Development RZ-18-05-2 (Lake County Ordinance 2018-51), the project shall be developed according to City standards, unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- (c) The project shall be developed according to the City of Clermont Sign Code, Section 102.

Section 3. ANNEXATION

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 4. 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 5. 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

Oak Properties, LLC
7 Penn Plaza, Suite 618
New York, New York 10001

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. This Agreement shall be valid for no longer than five (5) years.

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 _____ day of _____, 2019.

CITY OF CLERMONT

ATTEST:

Gail L. Ash, Mayor

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

OWNER: Oak Properties, LLC

Signature Title: _____

Print Name

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 2019, by _____, 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 _____

EXHIBIT "A"

PROPERTY DESCRIPTION

Owner: Oak Properties, LLC – Clermont 111 RES

A PORTION OF TRACTS 3, 4, AND 14 OF LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 3, PAGE 52, AND A PORTION OF TRACTS 61 AND 62 OF LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 4, PAGE 11, ALL OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL & DISK (LB 721) MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE SOUTH 89°46'45" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF SECTION 26, A DISTANCE OF 33.00 FEET TO A 1/2" REBAR & CAP (LB 7996) MARKING THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 455 (RIGHT-OF-WAY WIDTH VARIES) AND BEING THE POINT OF BEGINNING; THENCE, LEAVING SAID NORTH LINE, NORTH 00°36'35" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 195.41 FEET TO A 1/2" REBAR & CAP (LB 7996); THENCE, LEAVING SAID EAST RIGHT-OF-WAY LINE, SOUTH 89°46'45" EAST, A DISTANCE OF 1296.29 FEET TO THE EAST LINE OF SAID TRACT 62 OF LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 23; THENCE SOUTH 00°56'24" WEST, ALONG SAID EAST LINE AND THE SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 195.42 FEET TO A 5/8" REBAR & CAP (LB 6723) ON THE NORTH LINE OF SAID NORTHEAST 1/4 OF SECTION 26; THENCE CONTINUE SOUTH 00°56'24" WEST, ALONG THE EAST LINE OF SAID TRACT 3 AND TRACT 14 OF LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 26, A DISTANCE OF 960.55 FEET TO A 5/8" IRON ROD (NO IDENTIFICATION) ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50 (RIGHT-OF-WAY WIDTH VARIES); THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING (5) CALLS: (1) NORTH 88°38'08" WEST, A DISTANCE OF 100.41 FEET TO A 5/8" REBAR & CAP (LB 4641); (2) SOUTH 00°52'56" WEST, A DISTANCE OF 208.02 FEET TO A 5/8" REBAR & CAP (LB 4641); (3) NORTH 89°06'41" WEST, A DISTANCE OF 443.99 FEET TO A 1/2" REBAR & CAP (LB 7996); (4) NORTH 00°58'48" EAST, A DISTANCE OF 38.00 FEET TO A 5/8" REBAR & CAP (LB 4641); (5) NORTH 89°02'31" WEST, A DISTANCE OF 41.98 FEET TO A 5/8" REBAR & CAP (LB 2108); THENCE, LEAVING SAID NORTH RIGHT-OF-WAY LINE, NORTH 00°27'02" EAST, A DISTANCE OF 879.26 FEET TO A 5/8" REBAR & CAP (LB 2108); THENCE NORTH 89°48'27" WEST, A DISTANCE OF 700.05 FEET TO A NAIL & DISK (LB 7833) ON THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 455; THENCE NORTH 00°36'35" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 243.87 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE 30 FOOT WIDE UNNAMED ROAD LYING 15 FEET NORTH OF TRACTS 3 AND 4 OF LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 3, PAGE 52 AND LYING 15 FEET SOUTH OF TRACTS 61 AND 62 OF LAKE HIGHLANDS SUBDIVISION OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 4, PAGE 11, ALL OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

TOTAL PARCEL, INCLUDING THE 30 FOOT WIDE UNNAMED ROAD, CONTAINS 1,089,128.35 SQUARE FEET (25.00 ACRES) MORE OR LESS.

TOTAL PARCEL, LESS AND EXCEPT THE 30 FOOT WIDE UNNAMED ROAD, CONTAINS 1,050,273.56 SQUARE FEET (24.11 ACRES) MORE OR LESS.

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 ____ day of _____, 2019, between **Oak Properties, 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.

PROPERTY OWNER(S):

WITNESSES (Two required):

Oak Properties, LLC

Witnesses

By: _____
Signature

Type or print name

By: _____
Signature

Type or print name

1. _____
Signature

Type or print name

2. _____
Signature

Type or print name

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 2019, by _____, 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 _____

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 “C”

LOCATION MAP

Oak Properties, LLC – Clermont 111 RES

Aerial view:





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date

Tuesday, September 24, 2019

Agenda Item Name

Variance Request
Bella Terra Subdivision

Requested Action

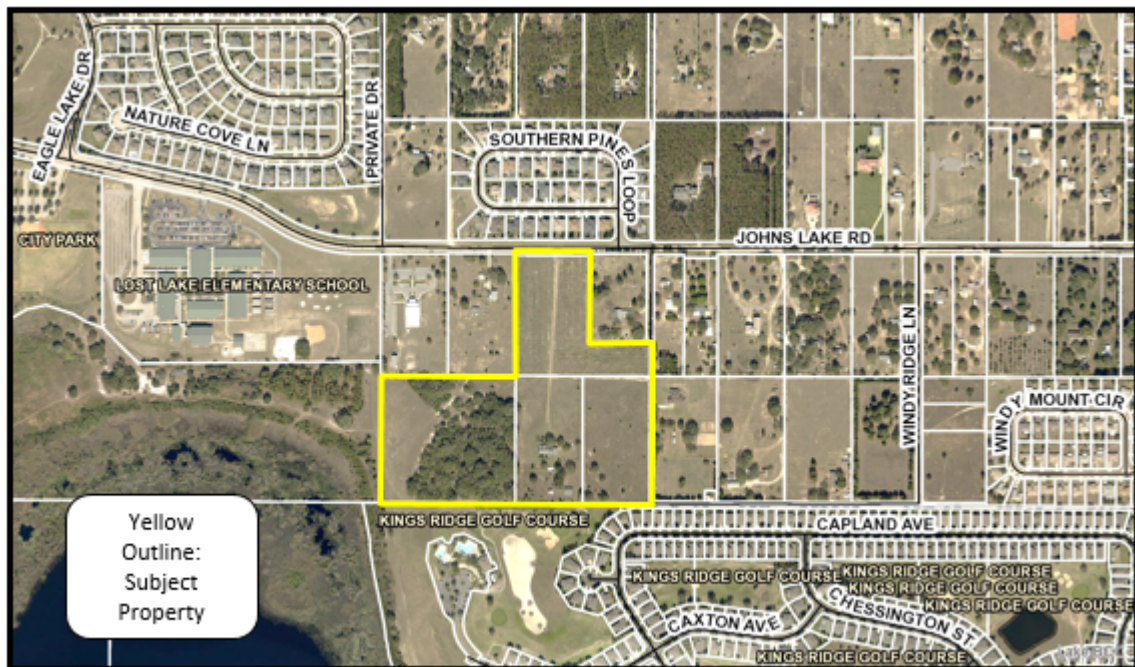
Recommend denial of the variance requests.

Staff Report

The owners, Jose and Madeline Ortiz, are requesting three variances on property located southwest of the intersection of Southern Pines Loop and Johns Lake Road. The intent of the variances is to allow development of the 24-acre project into a single family subdivision. The property is currently zoned R-1 Single Family Medium Density with a future land use of Low Density Residential. Previously, the owner attempted to change the zoning and future land use to allow a higher density on the property. The owner has decided to develop the property under the current zoning and future land use and seek variances in order to develop the property to its fullest potential.

The three variances to the Land Development Code are:

- (1) To allow elevation changes (cut/fill) greater than 10 feet, Section 94-195
- (2) To allow for a reduced fee in lieu of replacement for tree removal, Section 118-113
- (3) To allow a lot width of seventy (70) feet, other than the required eighty-five (85) feet, Section 122-124



The site has elevations changes that are close to 70 feet in difference from one corner of the property to the other.

The calculated cut over 10 feet is estimated to be 4.40 % of the site (1.09 acres) and fill over 10 feet on 1.80% of the site (0.43 acres). The areas that will exceed this are indicated on the earthworks plan. The engineer's opinion is that the requested cut/fill will affect less than 8.20% of the overall site, which is the minimum necessary to improve the property, and what is being requested.

The applicant submitted a tree inventory report that indicated the total tree replacement required is 4,319 inches. The applicant is able to provide a total of 1,026 inches of replacement trees on the site. When calculating the replacement trees that cannot be replanted on site, the total mitigation is 3,293 inches of caliper trees. The total replacement mitigation cost of the trees is \$310,885, which includes costs of the trees, transport and installation, and warranty for one year. The applicant is seeking relief from this requirement and is requesting a variance to allow a 70% fee reduction of the estimated total, or payment of \$93,265.50 in tree replacement fee.

The applicant is requesting a lot width of seventy (70) feet instead of the required eighty-five (85) feet under the R-1 zoning district, Section 122-124. Similar residential zoning categories in the area include R-2 Medium Density Residential with seventy-five feet (75) in width lots in the Southern Pines subdivision and Lost Lake Subdivision, and eighty-five (85) feet in Bella Lago subdivision. Bella Lago is zoned R-1, like the subject property. The applicant has indicated that the requested lot width is similar to surrounding subdivisions and is necessary in order to develop the property at the allowable density of three dwelling units per acre.

Evidence has been present that the existing physical conditions of the site (the elevation changes and trees) and the proposed subdivision layout have resulted in the requested variances. However, the variance requests are a result of the applicant's desire to develop the site to the maximum capacity. With a modified site plan taking these issues in account, some of the variances may not be required.

Section 86-174 of the LDC requires a positive finding on the five review criteria in order to grant a variance, staff finds the application as submitted does not meet the criteria for a positive finding for all three variances. Therefore, staff recommends denial of the requested variances.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	Location Map	Location Map.pdf
2.	Earthwork Cut and Fill Grading	Earthwork Cut and Fill Grading.pdf
3.	New 86-174 Review Criteria-Bella Terra	New 86-174 Review Criteria-Bella Terra.pdf
4.	Variance Application	Variance Application.pdf
5.	Justification Statement	Justification Statement.pdf
6.	Tree Mitigation Summary	Tree Mitigation Summary.pdf
7.	Site Plan	Site Plan.pdf
8.	Property Card	Property Card.pdf
9.	FW_ Reference the Bella Terra Subdivision	FW_ Reference the Bella Terra Subdivision.pdf
10.	BELLA TERRA VARIANCE Legal Ad Proof	BELLA TERRA VARIANCE Legal Ad Proof.pdf

Exhibit - Location Map – Bella Terra Property

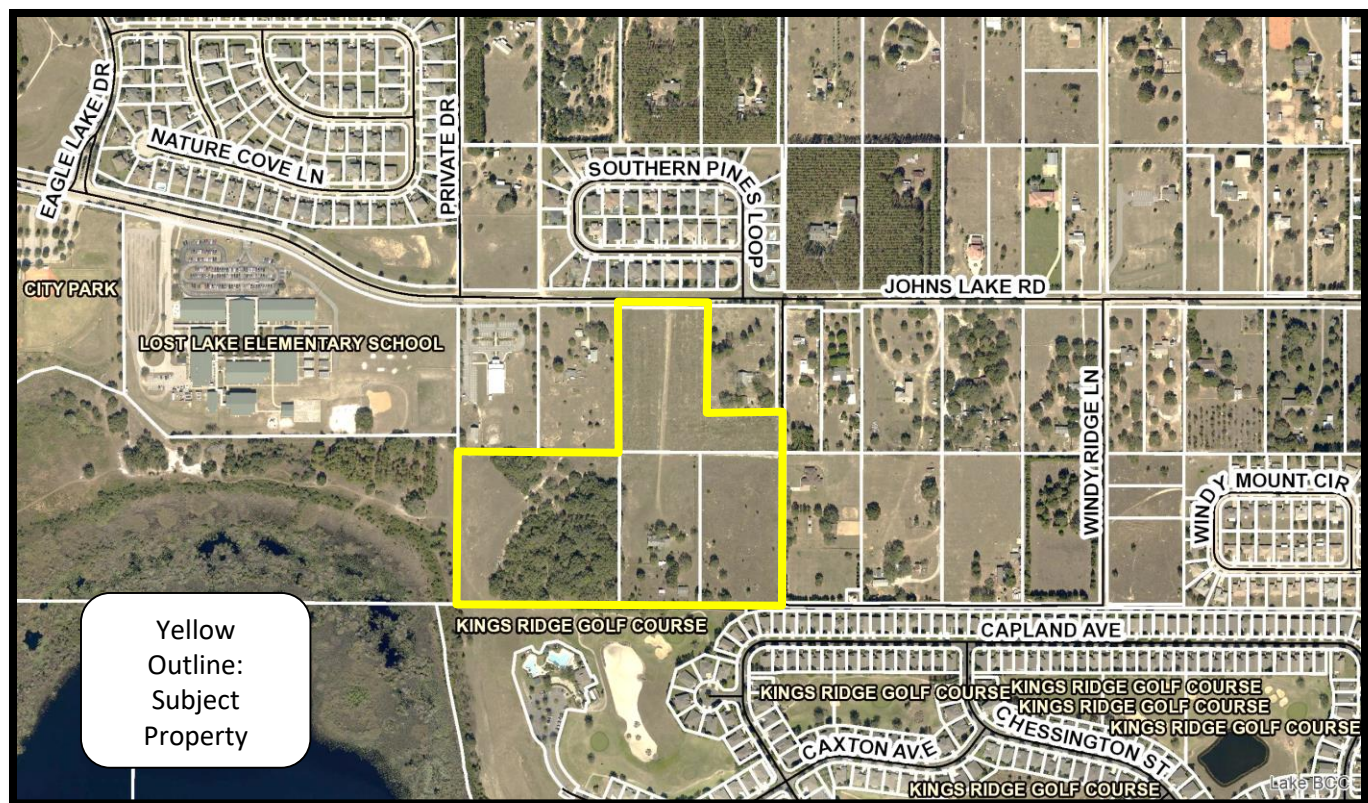
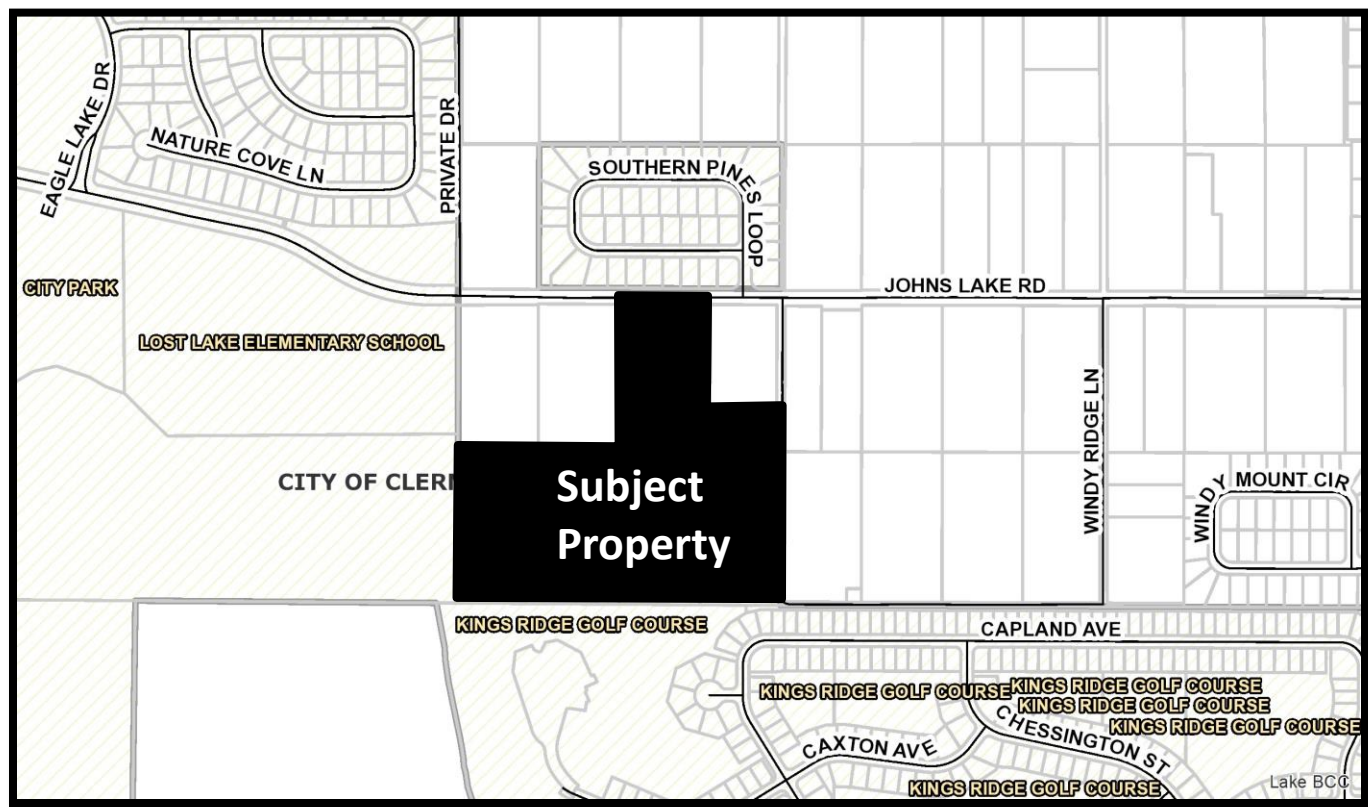
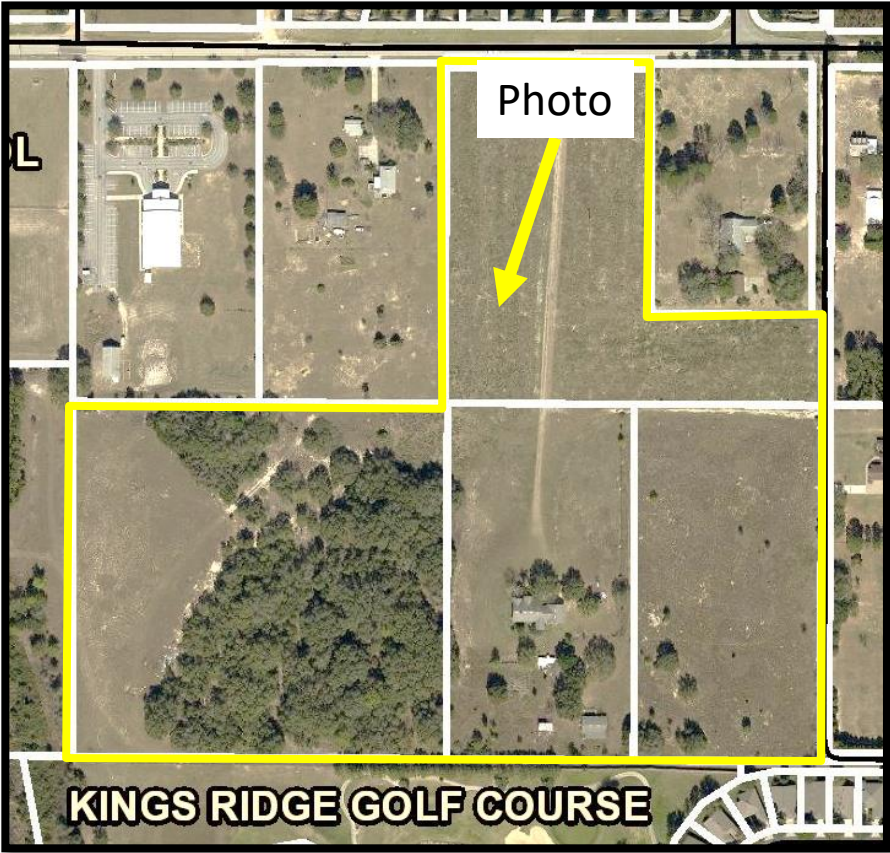
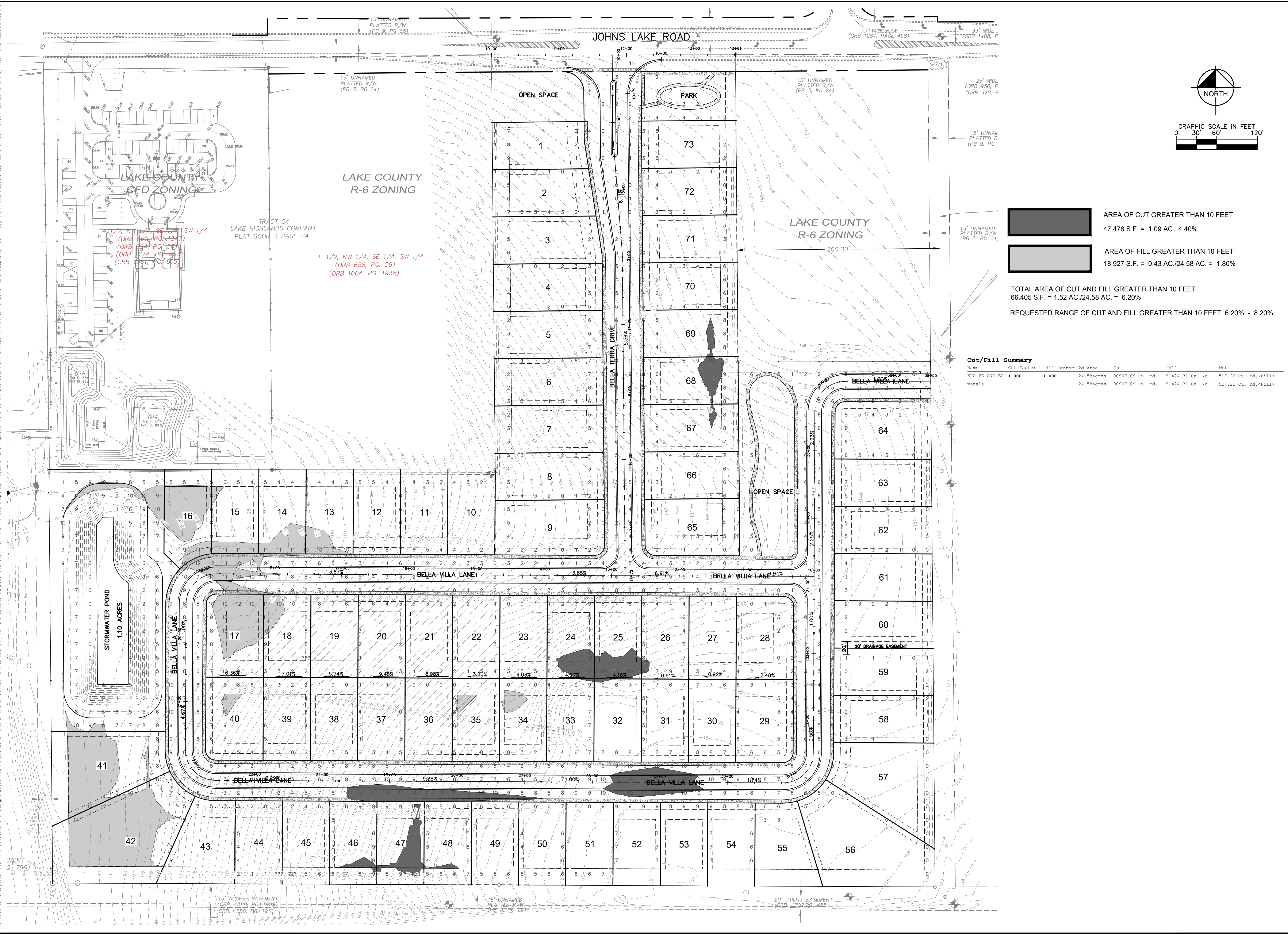


Exhibit - Bella Terra Property



K:\ORL\Civil\049039001-Johns Lake Road-Bella Terra Project\CADD\CONST\References\Prop 049039001_RES.dwg Schwartz, Robert 9/6/2019 11:14 AM
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



AREA OF CUT GREATER THAN 10 FEET
47,478 S.F. = 1.09 AC. 4.40%

AREA OF FILL GREATER THAN 10 FEET
18,927 S.F. = 0.43 AC./24.58 AC. = 1.80%

TOTAL AREA OF CUT AND FILL GREATER THAN 10 FEET
66,405 S.F. = 1.52 AC./24.58 AC. = 6.20%

REQUESTED RANGE OF CUT AND FILL GREATER THAN 10 FEET 6.20% - 8.20%

Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
KHA PG AND BG	1.000	1.000	24.58acres	90907.09 Cu. Yd.	91424.31 Cu. Yd.	517.22 Cu. Yd.<Fill>
Totals			24.58acres	90907.09 Cu. Yd.	91424.31 Cu. Yd.	517.22 Cu. Yd.<Fill>

JOHNS LAKE ROAD BELLA TERRA	EARTHWORKS PLAN	CITY OF CLERMONT FLORIDA	REVISIONS				BY DATE
			No.				
SHEET NUMBER EX-1		KHA PROJECT DATE 9/6/19 SCALE AS SHOWN DESIGNED BY KHA DRAWN BY RES CHECKED BY BA DATE:		LICENSED PROFESSIONAL		Kimley»Horn 189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801 PHONE: 407-898-1511 WWW.KIMLEY-HORN.COM CA 0000696	

Bella Terra – Tree Mitigation Variance

The requirements for a variance are as follows:

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

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
Applicant response: *A reduction in the number of replacement trees will not interfere with the reasonable enjoyment of the adjacent or nearby property owners. Each residential lot in the proposed subdivision will have the minimum number of trees required by code, and the city’s landscaping standards will be met for the community without variance.*

Staff comments: *The variance request is to allow a reduced tree mitigation fee instead of code requirements Section 118-113. The variance request will not interfere with the reasonable enjoyment of adjacent property owners.*

Positive finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: *Once subdivided, each residential parcel will have the required number of trees for the corresponding zoning and lot size.*

Staff comments: *The variance request is the minimum variance that will allow reasonable use of the property. The applicant will be required to meet City Code and provide trees onsite for landscape buffers and provide appropriate screening. Other similar properties have been granted a fee reduction to allow site development.*

Positive finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: *The proposed subdivision provides housing for the City’s growing population. The development will provide jobs, revenue and taxes for the City. We will still supply a significant contribution to the City’s offsite tree fund.*

Staff comments: *The requested variance to the land development code will not further any legitimate city objective.*

Positive finding

- (4) The granting of the variance is consistent with the city's comprehensive plan;

Applicant response: *The request is consistent with the comprehensive plan goals, objectives and policies for the Low-Density Residential Land Use.*

Staff comments: *The variance request is consistent with the comprehensive plan goals, objectives and policies for the Low-Density Residential Land Use.*

Positive finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

Applicant response: *Development of the Property without the replacement waiver is not economically feasible.*

Staff comments: *The requested variance is the minimum to allow reasonable use of the land. Although the property may have development constraints that require tree removal for site development, the proposed request does not create a hardship. The applicant is aware of the development costs prior to starting the project. The City of Clermont requires tree mitigation to ensure sufficient tree replacement for trees that are preserved and protected and to allow tree replacement mitigation to maintain beautification within the City of Clermont.*

Negative finding

STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as presented and finds the application can only meet a positive finding on four of the five required review criteria. Therefore, staff recommends **denial** of the variance request to the Land Development Code.

Bella Terra – Elevations Changes (Cut/Fill) Variance

The requirements for a variance are as follows:

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

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners of negatively impact the standard of living of the citizens of the city;
Applicant response: The proposed variance would not have any impact on adjacent or nearby property owners and will not have a negative impact on the standard of living of the citizens of the city.

Staff comments: Due to the elevation changes on the parcel, cut and fill activities would be necessary in order to develop the property. The extent of cut/fill is approximately 8.2% of the overall site, which is not significant. The variance request will not interfere with the reasonable enjoyment of adjacent property owners.

Positive finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: If approved, the proposed variance will allow the developer the ability to create a residential subdivision and more flexibility with design of the lots in areas that have challenging elevation grades, resulting in less retaining walls for the owners or HOA to maintain, and better drainage over the project.

Staff comments: The variance request is the minimum variance that will allow reasonable use of the property.

Positive finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: The City’s objective; retaining the greatest natural land contours possible, is met because the variance is the minimum needed to construct a subdivision consistent with the existing zoning of the property.

Staff comments: Granting the variance does not appear to constrain the advancement of any legitimate city objective.

Positive finding

- (4) The granting of the variance is consistent with the city’s comprehensive plan;
Applicant response: The request is consistent with the City’s Comprehensive Plan.

Staff comments: The variance request is consistent with the comprehensive plan goals, objectives and policies.

Positive finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

Applicant response: *It is the Applicant and the Applicant's engineers opinion that the requested variance, which will affect less than 10% of the overall site, is the minimum necessary to improve the property.*

Staff comments: *The requested variance is the minimum to allow reasonable use of the land. Although the property may have development constraints that require cut and filling greater than 10 feet on the site, the applicant is aware of this and can design the project around this physical characteristic. This may include the redesign of the proposed subdivision.*

Negative finding

STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as presented and finds the application can only meet a positive finding on four of the five required review criteria. Therefore, staff recommends **denial** of the variance request to the Land Development Code.

Bella Terra – Lot width Variance

The requirements for a variance are as follows:

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

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners of negatively impact the standard of living of the citizens of the city;
Applicant response: Issuing a variance for a reduced lot size will not impede on the enjoyment of the nearby property owners or the citizens of the city. There are similar subdivisions, with similar and smaller lot sizes, to the north and south of the property.

Staff comments: The adjacent properties within the City appear to have been developed according to their respective zoning for lot widths. The property to the north, Southern Pines subdivision, is zoned R-2 Medium Density and the lots are 75 feet wide, which meets the zoning requirement. The Bella Lago subdivision to the southwest is zoned R-1 Single Family Medium Density, such as the subject property, and the lot sizes are 85 feet, which meets the zoning requirement. Staff believes that the lot width should correspond with the respective zoning of 85 feet.

Negative finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: Adjacent properties located in Kings Ridge are 50-ft wide lots, which is 20-ft smaller than this request.

Staff comments: The Kings Ridge lots to the south are 50-foot wide lots, however, the project was developed as a Master Planned Development with golf course open space. The reduction in lot size may not be out of character when compared to the Kings Ridge development and the Southern Pines development. However, the current zoning of R-1 requires a lot width of 85 feet and that is characteristic of this zoning designation.

Negative finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: Adjacent properties located in Kings Ridge are 50-ft wide lots, which is 20-ft smaller than this request.

Staff comments: Granting the variance does not appear to constrain the advancement of any legitimate city objective.

Positive finding

- (4) The granting of the variance is consistent with the city’s comprehensive plan;
Applicant response: The request is consistent with the City’s Comprehensive Plan.

Staff comments: The variance request is consistent with the comprehensive plan goals, objectives and policies.

Positive finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

Applicant response: *Development of the Property without the reduced lot size waiver is not economically feasible.*

Staff comments: *The requested variance seems to maximize the development potential of the property while requesting the minimum width of 70 feet. The property is currently zoned R-1 Single Family and the developer is aware of the requirements in this zoning designation. The property can currently be developed according to R-1 Single Family zoning requirements with a reduction in the overall number of lots.*

Negative finding

STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as presented and finds the application can only meet a positive finding on two of the five required review criteria. Therefore, staff recommends **denial** of the variance request to the Land Development Code.

VAR1908-0501



CITY OF CLERMONT
VARIANCE
Application

DATE: August 1, 2019

FEE: \$600

PROJECT NAME (if applicable): Bella Terra

APPLICANT: Jimmy Crawford, Esq.

CONTACT PERSON: Jimmy Crawford, Esq.

Address: 702 W. Montrose Street

City: Clermont State: FL Zip: 34711

Phone: 352-432-8644 Fax: 352-432-8699

E-Mail: jcrawford@cmhlawyers.com

OWNER: Jose and Madeline Ortiz

Address: 8329 Lake Serene Drive

City: Orlando State: FL Zip: 32836

Phone: 407-608-9357 Fax: _____

Address of Subject Property: 12111 Windy Ridge Lane, Clermont

General Location: Johns Lake Road and Windy Ridge Lane

Legal Description (include copy of survey): See attached

Land Use (City verification required): Low Density Residential



Zoning (City verification required): R-1

CITY OF CLERMONT
VARIANCE
Application
Page 2

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
Please see the attached Statement of Justification.

What are you proposing to do that would require a variance and why?
Please see the attached Statement of Justification.

How does the Code create a hardship?
Please see the attached Statement of Justification.

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

Variance requested – subject and code section: Please see the attached Statement of Justification.

Sec. 86-174. Review criteria and findings.

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

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

Please see the attached Statement of Justification.



(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

Please see the attached Statement of Justification.

CITY OF CLERMONT

VARIANCE

Application

Page 3

3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

Please see the attached Statement of Justification.

(4) The granting of the variance is consistent with the city's comprehensive plan; and

Please see the attached Statement of Justification.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

Please see the attached Statement of Justification.



**CITY OF CLERMONT
VARIANCE**

Application

Page 4

Jimmy D. Crawford
Applicant Name (print)

X [Signature]
Applicant Name (signature)

Jose Ortiz
Owner Name (print)

X [Signature]
Owner Name (signature)

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

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

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

ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

(a) *Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape,

Statement of Justification for the Bella Terra Variance Requests

Section 94-195 (c)(2): Elevation changes in topography shall be limited to ten feet.

Request: To obtain a waiver in order to have a maximum elevation change of fifteen feet, over only 10 % of the project.

(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

The proposed variance would not have any impact on adjacent or nearby property owners and will not have a negative impact on the standard of living of the citizens of the city.

(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

If approved, the proposed variance will allow the developer the ability to create a residential subdivision and more flexibility with design of the lots in areas that have challenging elevation grades, resulting in less retaining walls for the owners or HOA to maintain, and better drainage over the project.

(3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

The City's objective; retaining the greatest natural land contours possible, is met because the variance is the minimum needed to construct a subdivision consistent with the existing zoning of the property.

(4) The granting of the variance is consistent with the city's comprehensive plan; and

The request is consistent with the City's Comprehensive Plan.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

It is the Applicant and the Applicant's engineers opinion that the requested variance, which will affect less than 10% of the overall site, is the minimum necessary to improve the property.

Section 118-113 (d)(2): Replacement tree requirements

Request: Reduce the replacement tree requirement from 100% to 30%

(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

A reduction in the number of replacement trees will not interfere with the reasonable enjoyment of the adjacent or nearby property owners. Each residential lot in the proposed subdivision will have the minimum number of trees required by code, and the city's landscaping standards will be met for the community without variance.

(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

Once subdivided, each residential parcel will have the required number of trees for the corresponding zoning and lot size.

(3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

The proposed subdivision provides housing for the City's growing population. The development will provide jobs, revenue and taxes for the City. We will still supply a significant contribution to the City's offsite tree fund.

(4) The granting of the variance is consistent with the city's comprehensive plan; and

The request is consistent with the comprehensive plan goals, objectives and policies for the Low-Density Residential Land Use.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

Development of the Property without the replacement waiver is not economically feasible.

Section 122-124 (2): Lot width of 85 feet.

Request: Allow a Lot width of 70 feet.

(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

Issuing a variance for a reduced lot size will not impede on the enjoyment of the nearby property owners or the citizens of the city. There are similar subdivisions, with similar and smaller lot sizes, to the north and south of the property.

(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

Adjacent properties located in Kings Ridge are 50-ft wide lots, which is 20-ft smaller than this request.

(3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

The proposed subdivision provides housing for the City's growing population. The development will provide jobs, revenue and taxes for the City. Large lots use more water for irrigation, require more maintenance, and raise the cost and price of the home, deterring the provision of affordable housing.

(4) The granting of the variance is consistent with the city's comprehensive plan; and

The request is consistent with the City's Comprehensive Plan.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

Development of the Property without the reduced lot size waiver is not economically feasible.

73 Lot - Tree Mitigation Summary - Bella Terra

Calculation of # of Trees to be replaced	4.5" and above up to 17"	Equal to or above 18"	Total
Existing # of Trees	1586 Trees	167 Trees	
Existing # of Tree Inches	4758 Inches	999 Inches	
25% Thinning Credit	(-1,189 Inches)	(-249 Inches)	
Less Preserved On Site	0 Inches	0 Inches	
New 3" Caliper Trees Planted On Site	(-1,026 Inches)		
New 6" Caliper Trees Planted On Site			
Equals to be Removed	2,543 Inches	750 Inches	848 Trees
Replacement Trees Required (3" Caliper)			
Replacement Trees Required (6" Caliper)			125 Trees

Replacement Detail

Tree Mitigation Fund Planted Offsite (6" Caliper)

Slash Pine @ \$825/each 125 Trees \$103,125

Tree Mitigation Fund Planted Offsite (3" Caliper)

Slash Pine @ \$245/each 848 Trees \$207,760

Total Offsite Cost \$310,885

Proposed Total Offsite Mitigation Cost 30% \$93,265.50

Contact Information		
Summertime Development Jim Atkinson jimmy@summer-gate.com (352)-321-702	Summertime Development Brett Alexander brett@summer-gate.com (407)-620-0234	KPM Franklin Engineering Jay Brown jbrown@kpmfranklin.com (407)-410-8624



ESTIMATE

Mailing Address

Summergeate Companies LLC
2864 Majestic Isle Drive
Clermont, FL 34711

Job Address

Bella Terra
Johns Lake Road
Clermont, FL 34711

Date: July 24, 2019

Estimate #: 553

Job Summary:**Landscaping****\$137,775.00**

Delivery and installation of the following...

167 - 6" caliper Slash pines

NOTE: Proposal does NOT include any mulch or irrigation

Total: \$137,775.00

By _____
John McKahan
Date 7/24/2019

Smithwell Inc

By _____

Date _____

Summergeate Companies LLC



ESTIMATE

Mailing Address

Summergeate Companies LLC
2864 Majestic Isle Drive
Clermont, FL 34711

Job Address

Bella Terra
Johns Lake Road
Clermont, FL 34711

Date: July 25, 2019

Estimate #: 552

Job Summary:**Landscaping**

\$388,570.00

Delivery and installation of the following...

1,586 - 3" caliper Slash Pines

NOTE: Proposal does NOT include any mulch or irrigation

Total: \$388,570.00

By _____
John McKahan
Date 7/25/2019

Smithwell Inc

By _____

Date _____
Summergeate Companies LLC

PARCEL 1

PARCEL 2

PARCEL 3

PARCEL 4

Parcels 1, 2, 3 and 4 All together containing 24.38 acres more or less.



BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 33-22-26 BEING NORTH 00°29'57" WEST.

THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORD AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR OR SHOWN ON THIS BOUNDARY SURVEY THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE SUBJECT PROPERTY.

THERE MAY BE ENVIRONMENTAL ISSUES AND/OR OTHER MATTERS REGULATED BY VARIOUS DEPARTMENTS OF
FEDERAL, STATE OR LOCAL GOVERNMENTS AFFECTING THE SUBJECT PROPERTY NOT SHOWN ON THIS SURVEY.

THIS SURVEY WAS PERFORMED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES LISTED HEREON AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

UNLESS OTHERWISE NOTED OR SHOWN HEREON, APPARENT AND/OR VISIBLE UNOBSTRUCTED, ABOVE GROUND IMPROVEMENTS WERE LOCATED. UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATIONS AND UTILITIES, WERE NOT LOCATED.

ELEVATIONS AS SHOWN HEREON ARE IN U.S. FEET, NATIONAL GEODETIC VERTICAL DATUM OF 1929, (NGVD 29) AND BASED ON CITY OF CLEWMONT ENGINEERING DEPARTMENT VERTICAL DATUM, BENCHMARK DESIGNATED #45, ELEVATION 222.677 AND VERIFIED USING LAKE COUNTY ENGINEERING DEPARTMENT CONTROL POINT LK 176, HAVING A PUBLISHED ELEVATION OF 156.327' NAVD 88 NORTH AMERICAN VERTICAL DATUM OF 1988, AND CONVERTING THE ELEVATION TO NGVD 29 USING THE VERTCON CONVERSION FOR THIS AREA.

ACCORDING TO THE LAKE COUNTY PROPERTY APPRAISERS PUBLIC ACCESS SYSTEM, THE NORTH 40.00 FEET OF THE LEGAL DESCRIPTION PROVIDED FOR PARCEL 1 HAS BEEN LESSED FOR THE RIGHT-OF-WAY OF JOHNS LAKE ROAD,

9. Subject to the terms and conditions as set forth in the restrictions, reservations, covenants, easements, conditions and all other matters as shown on the Plat recorded in Plat Book 8, Page 31 of the Public Records of Lake County, Florida. Affects subject property as shown hereon.

10. Subject to the terms and conditions as set forth in Official Records Book 914, Page 1828 of the Official Records of Lake County, Florida. Affects subject property as shown hereon.

11. Subject to the terms and conditions as set forth in Official Records Book 1157, Page 1207 of the Public Records of Lake County, Florida. Affects subject property as shown hereon.

12. Subject to Rights of Way of Johns Lake Road and Windy Ridge Lane. Affects subject property as shown hereon.

13. Subject to the terms and conditions as set forth in Official Records Book 1325, Page 2197 of the Public Records of Lake County, Florida. Affects subject property as shown hereon.

14. Subject to the terms and conditions as set forth in Official Records Book 1791, Page 796 of the Public Records of Lake County, Florida. Affects subject property as shown hereon.

15. Subject to the terms and conditions as set forth in the Developers Agreement as recorded in Official Records Book 2875, Page 955, and Official Records Book 3746, Page 712 of the Public Records of Lake County, Florida. Affects subject property but not graphically shown hereon.

16. Subject to the terms and conditions as set forth in the Map showing property of Lake Highlands Company as shown on the Plat Recorded in Plat Book 3, Page 24 of the Public Records of Lake County, Florida. Affects subject property as shown hereon.

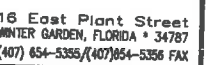
17. Subject to the terms and conditions as set forth in the Utility Easement as recorded in Official Records Book 1853, Page 1583 of the Public Records of Lake County, Florida. Affects subject property as shown hereon.

	Denotes chain link fence		Denotes right-of-way
	Denotes wall		Denotes sign
	Denotes fire hydrant		Denotes traffic signal / control box
	Denotes water valve		Denotes concrete power pole
	Denotes meter box		Denotes wood power pole
	Denotes well		Denotes guy pole
	Denotes dirt road		Denotes overhead power
	Denotes concrete		Denotes guy wire
	Denotes edge of pavement with concrete curb		Denotes electric box and / riser
	Denotes edge of pavement		Denotes light pole
	Denotes sanitary manhole		Denotes gas marker
	Denotes storm manhole		Denotes gas valve
	Denotes underground drainage pipes		Denotes telephone riser
	Denotes catch basin		Denotes mail box
	Denotes mitered end section		Denotes gas marker
	Denotes centerline		Denotes underground water line
	Denotes set 1/2" iron rod & cap LB #6723		Denotes corrugated metal pipe
	Denotes Official Records Book		Denotes water valve
	Denotes Page		Denotes tree point number
	Denotes Plot Book		Denotes curb & gutter
	Denotes spot elevation		

TO _____

SIGNATURE: _____

JAMES L. RICKMAN, FLORIDA PROFESSIONAL SURVEYOR AND MAPPER #5633
FOR ALLEN & COMPANY, LICENSED BUSINESS # 6723



ACTING'S LAND TITLE
BOUNDARY, TOPOGRAPHIC AND TREE SURVEY
OF
BELLA TERRA
SECTION 33, TOWNSHIP 22 SOUTH, RANGE 26 EAST
LAKE COUNTY, FLORIDA

FOR:

[illegible]

JOB # 20180489
DATE: OCTOBER 23, 2018
SCALE: 1 INCH = 100 FEET
CALC BY: EGT
FIELD BY: JS/MB
DRAWN BY: EGT/SEJ
CHECKED BY: JLR



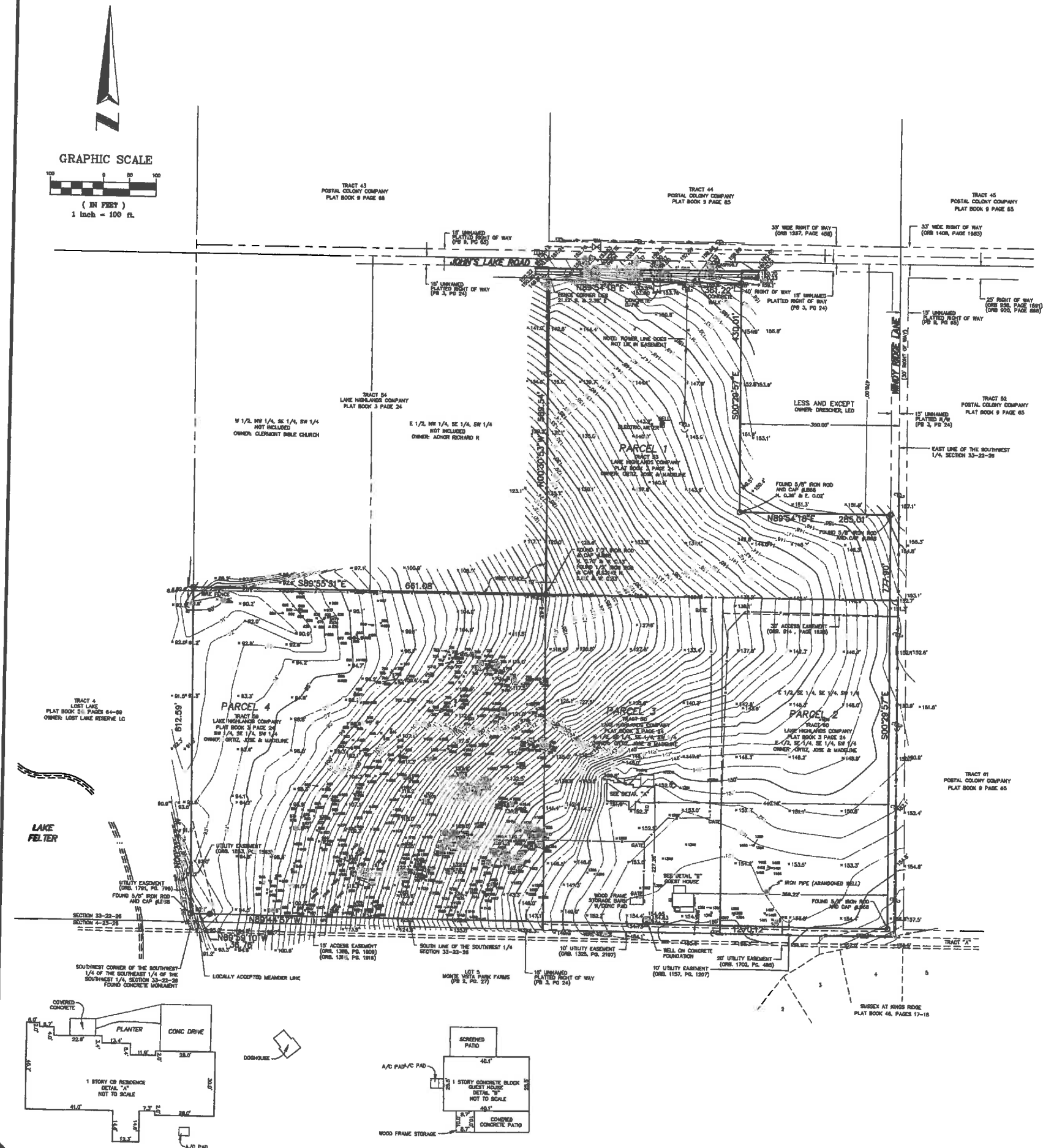
ALTA/N3P8 LAND TITLE
BOUNDARY, TOPOGRAPHIC AND TREE SURVEY
OF
BELLA TERRA
SECTION 33, TOWNSHIP 22 SOUTH, RANGE 26 EAST
LAKE COUNTY, FLORIDA

FOR:

DATE	REVISIONS
------	-----------

JOB # _____ 20180428
DATE: _____ OCTOBER
SCALE: _____ 1 INCH =
CALC BY: _____ EBT
FIELD BY: _____ JS/MB
DRAWN BY: _____ EBT/SEL
CHECKED BY: _____ JR

SHEET 2 OF 2

[illegible]

Entrance Buffers-  = 20 trees each x 2 = 40 Trees

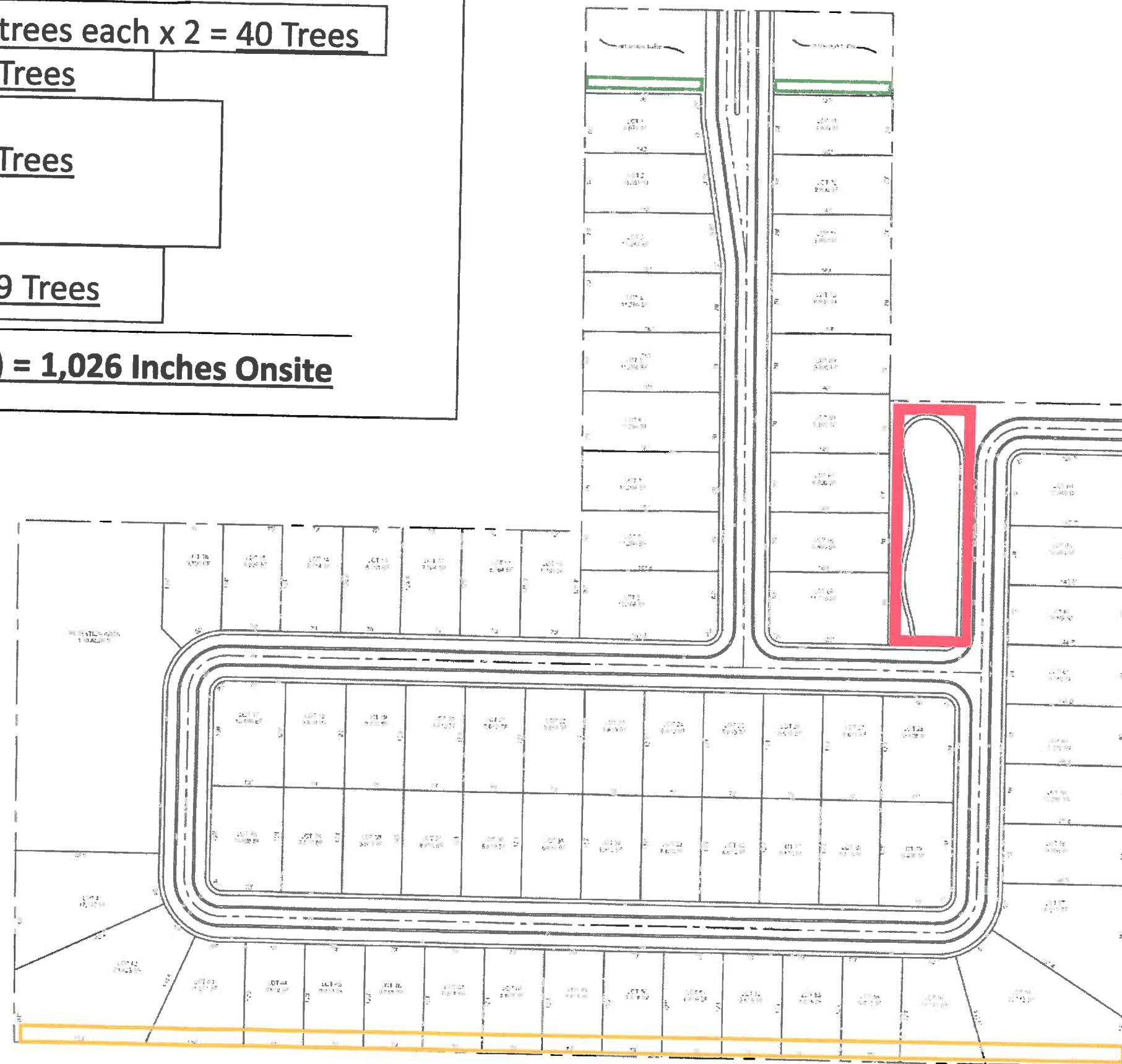
King's Ridge Buffer-  = 63 Trees

Park Area Trees -  = 20 Trees

3 trees per lot x 73 lots = 219 Trees

SUM Equals 342 Trees (3" calipers) = 1,026 Inches Onsite

73 Lot Tree
Guide



P:\Johns Lake Road- Clement\Design\Site Concepts\70 ft lot widths 3--8--18.dwg Plotted: Mar 11, 2018 - 7:43am by jrcw



- GRADING NOTES:
1. THE GRADING PLAN AIMS TO MINIMIZE TOTAL WALL SQUARE FOOTAGE WHILE LIMITING THE STEM WALL HEIGHT OF EACH HOUSE TO A MAXIMUM OF 3 FEET.
 2. YARD GRADES HAVE BEEN LIMITED TO 3:1 SLOPE, IN CASES WHERE THIS IS NOT ACHIEVABLE, WALLS HAVE BEEN USED.



DATE	
11/15/2018	

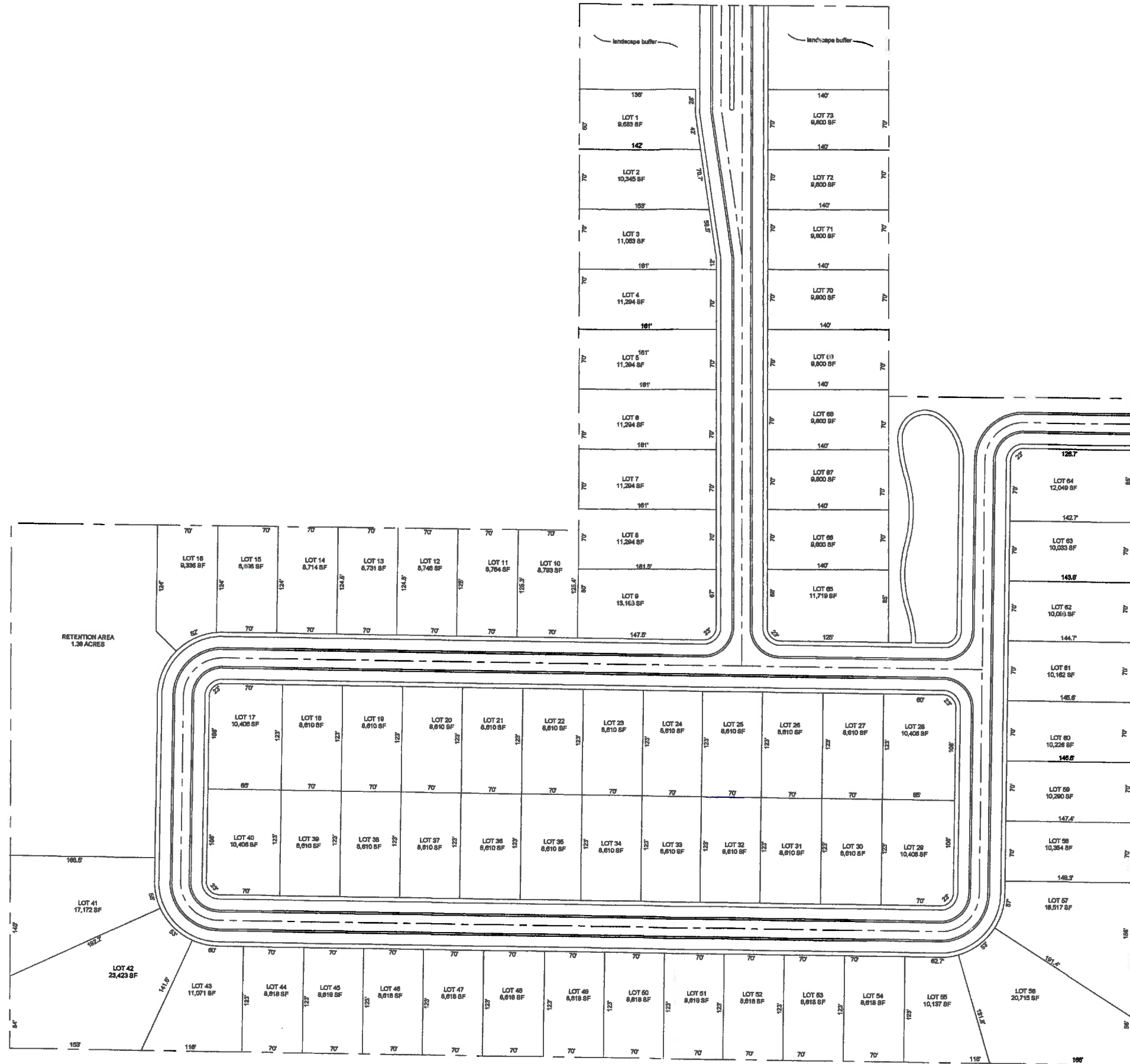
REVISION	
1	
2	
3	
4	
5	

JOHN'S LAKE PROPERTY	
SCALE:	DATE: 11/15/2018
JOB NO:	
DESIGN: J. BROWN	
DRAWN: A. GOETZ	
CHECKED: A. GOETZ	

GRADING CONCEPT	
KPMFranklin	
ENGINEERS • PLANNERS • SURVEYORS	
6900 FACELINE NATIONAL DR. SUITE 118	
DALLAS, TEXAS 75248	
CERTIFICATE OF AUTHORIZATION No. 3883	

EXH-1

P:\Johns Lake Road- Diemont\Design\Site Concepts\70 ft lot widths J-B-19.dwg Plotted: Mar 11, 2019 - 7:43am by jbrown



- GRADING NOTES:
1. THE GRADING PLAN AIMS TO MINIMIZE TOTAL WALL SQUARE FOOTAGE WHILE LIMITING THE STEM WALL HEIGHT OF EACH HOUSE TO A MAXIMUM OF 3 FEET.
 2. YARD GRADES HAVE BEEN LIMITED TO 3:1 SLOPE, IN CASES WHERE THIS IS NOT ACHIEVABLE, WALLS HAVE BEN USED.



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JOHN'S LAKE PROPERTY

GRADING CONCEPT



DATE	REVISION
11/15/2018	1
	2
	3
	4
	5

SCALE: 1"=60'
JOB NO: 11111
DESIGN: J. BROWN
DRAWN: A. GOETZ
CHECKED: A. GOETZ

PROPERTY RECORD CARD

General Information

Owner Name: ORTIZ JOSE & MADELINE
Mailing Address: 8329 LAKE SERENE DR
 ORLANDO, FL 32836
[Update Mailing Address](#)
Alternate Key: 2864273
Parcel Number: 33-22-26-0003-000-01600
Millage Group and City: 000C (CLERMONT)
Total Certified Millage Rate: 17.6638
Trash/Recycling/Water/Info: [My Public Services Map](#) ⓘ
Property Location: WINDY RIDGE LN CLERMONT FL 34711
[Update Property Location](#) ⓘ
Property Name: --
[Submit Property Name](#) ⓘ
[School Locator & Bus Stop Map](#) ⓘ
[School Boundary Maps](#) ⓘ
School Information:
Property Description: E 1/2 OF SE 1/4 OF SE 1/4 OF SW 1/4 | ORB 3666 PG 2152 |

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT RESIDENTIAL (0000)	0	0		4.46	AC	\$0.00	\$115,068.00

[Click here for Zoning Info](#) ⓘ

[FEMA Flood Map](#)

Miscellaneous Improvements

There is no improvement information to display.

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/or recorded and indexed with the Clerk of Court. [Follow this link to search all documents by owner's name.](#)

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
3666 / 2152	8/18/2008	Quit Claim Deed	Multi-Parcel	Vacant	\$100.00
3105 / 2445	3/9/2006	Quit Claim Deed	Multi-Parcel	Vacant	\$1.00
2334 /	6/4/2003	Warranty Deed	Unqualified	Vacant	\$115,000.00

[1456](#)[914 / 1628](#) 4/1/1987 Warranty Deed Qualified Vacant \$22,500.00[Click here to search for mortgages, liens, and other legal documents.](#) ⓘ**Values and Estimated Ad Valorem Taxes** ⓘ

Values shown are 2019 WORKING VALUES subject to change until certified.

The Market Value listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	\$115,068	\$89,341	\$89,341	5.11800	\$457.25
LAKE COUNTY MSTU AMBULANCE	\$115,068	\$89,341	\$89,341	0.46290	\$41.36
SCHOOL BOARD STATE	\$115,068	\$115,068	\$115,068	4.10700	\$472.58
SCHOOL BOARD LOCAL	\$115,068	\$115,068	\$115,068	2.24800	\$258.67
CITY OF CLERMONT	\$115,068	\$89,341	\$89,341	4.20610	\$375.78
ST JOHNS RIVER FL WATER MGMT DIST	\$115,068	\$89,341	\$89,341	0.25620	\$22.89
LAKE COUNTY VOTED DEBT SERVICE	\$115,068	\$89,341	\$89,341	0.13240	\$11.83
LAKE COUNTY WATER AUTHORITY	\$115,068	\$89,341	\$89,341	0.49000	\$43.78
SOUTH LAKE HOSPITAL DIST	\$115,068	\$89,341	\$89,341	0.64320	\$57.46
			Total:	Total:	
			17.6638		\$1,741.60

Exemptions Information**This property is benefitting from the following exemptions with a checkmark ✓**

Homestead Exemption (first exemption up to \$25,000)	Learn More View the Law
Additional Homestead Exemption (up to an additional \$25,000)	Learn More View the Law
Limited Income Senior Exemption (applied to county millage - up to \$50,000)	Learn More View the Law
Limited Income Senior Exemption (applied to city millage - up to \$25,000) ⓘ	Learn More View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More View the Law
Widow / Widower Exemption (up to \$500)	Learn More View the Law
Blind Exemption (up to \$500)	Learn More View the Law
Disability Exemption (up to \$500)	Learn More View the Law
Total and Permanent Disability Exemption (amount varies)	Learn More View the Law
Veteran's Disability Exemption (\$5000)	Learn More View the Law
Veteran's Total and Permanent Disability Exemption (amount varies)	Learn More View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More View the Law
Deployed Servicemember Exemption (amount varies)	Learn More View the Law
First Responder Total and Permanent Disability Exemption (amount varies)	Learn More View the Law

Surviving Spouse of First Responder Exemption (amount varies)	Learn More View the Law
Conservation Exemption (amount varies)	Learn More View the Law
Tangible Personal Property Exemption (up to \$25,000)	Learn More View the Law
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More View the Law
Economic Development Exemption	Learn More View the Law
Government Exemption (amount varies)	Learn More View the Law

Exemption Savings ⓘ

The exemptions marked with a ✓ above are providing a tax dollar savings of: **\$0.00**

Assessment Reduction Information (3% cap, 10% cap, Agricultural, Portability, etc.)

This property is benefitting from the following assessment reductions with a checkmark ✓

Save Our Homes Assessment Limitation (3% assessed value cap)	Learn More View the Law
Save Our Homes Assessment Transfer (Portability)	Learn More View the Law
✓ Non-Homestead Assessment Limitation (10% assessed value cap)	Learn More View the Law
Conservation Classification Assessment Limitation	Learn More View the Law
Agricultural Classification	Learn More View the Law

Assessment Reduction Savings ⓘ

The assessment reductions marked with a ✓ above are providing a tax dollar savings of: **\$290.94**

NOTE: Information on this Property Record Card is compiled and used by the Lake County Property Appraiser for the sole purpose of ad valorem property tax assessment administration in accordance with the Florida Constitution, Statutes, and Administrative Code. The Lake County Property Appraiser makes no representations or warranties regarding the completeness and accuracy of the data herein, its use or interpretation, the fee or beneficial/equitable title ownership or encumbrances of the property, and assumes no liability associated with its use or misuse. See the posted [Site Notice](#).

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Property data last updated on March 11, 2019.

[Site Notice](#)

PROPERTY RECORD CARD

General Information

Owner Name: ORTIZ JOSE & MADELINE
Mailing Address: 8329 LAKE SERENE DR
 ORLANDO, FL 32836
[Update Mailing Address](#)
Alternate Key: 1095956
Parcel Number: ① 33-22-26-0003-000-01000
Millage Group and City: 000C (CLERMONT)
Total Certified Millage Rate: 17.6638
Trash/Recycling/Water/Info: [My Public Services Map](#) ①
Property Location: 12111 WINDY RIDGE LN
 CLERMONT FL 34711
[Update Property Location](#) ①
Property Name: --
[Submit Property Name](#) ①
[School Locator & Bus Stop Map](#) ①
School Information: [School Boundary Maps](#) ①
Property Description: W 1/2 OF SE 1/4 OF SE 1/4 OF SW 1/4 | ORB 3666 PG 2152 |

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SINGLE FAMILY (0100)	0	0		4.67	AC	\$0.00	\$140,567.00

[Click here for Zoning Info](#) ①

[FEMA Flood Map](#)

Residential Building(s)

Building 001

Residential Single Family Building Value: \$161,141.00

Summary

Year Built: 1998	Total Living Area: 1911 ①	Central A/C: Yes	Attached Garage: Yes
Bedrooms: 2	Full Bathrooms: 2	Half Bathrooms: 0	Fireplaces: 1

[Incorrect Bedroom, Bath, or other information?](#) ①

Section(s)

Section	Section Type	Ext. Wall	No.	Floor	Finished Basement	Basement Map
---------	--------------	-----------	-----	-------	-------------------	--------------

From: [Tracy Ackroyd](#)
To: [Carlie Zinker](#)
Subject: FW: Reference the Bella Terra Subdivision
Date: Wednesday, September 18, 2019 1:13:49 PM
Attachments: [image001.png](#)



**Tracy Ackroyd Howe, MMC
Clermont City Clerk**

685 W. Montrose St., Clermont, FL 34711
Tel 352-241-7331 | Fax 352-394-2379
TAckroyd@clermontfl.org
www.Clermontfl.gov

Our mission: To preserve and enhance the quality of life for the Clermont community by providing exceptional services.

From: Gail Ash
Sent: Wednesday, September 18, 2019 9:19 AM
To: G. Ash <gailash@clermontfl.org>
Cc: Darren Gray <dgray@clermontfl.org>; Tracy Ackroyd <TAckroyd@clermontfl.org>
Subject: FW: Reference the Bella Terra Subdivision

Thank you,

Debbie



**Debbie Rybarczyk, Executive Assistant
City Manager's Office**

685 W. Montrose St., Clermont, FL 34711
Tel 352-241-7358 | Fax 352-394-4087
drybarczyk@clermontfl.org
www.ClermontFL.gov

Our mission: To preserve and enhance the quality of life for the Clermont community by providing exceptional services.

From: Jeff Savasta <jeff.savasta@gmail.com>
Sent: Monday, September 16, 2019 10:41 PM
To: Gail Ash <gash@clermontfl.org>
Subject: Reference the Bella Terra Subdivision

Dear Madam Mayor,

My name is Jeff Savasta and to refresh your recollection, I am the retired Suffolk County NY police officer that spoke against the Bella Terra proposed expansion on Johns Lake Road.

In that hearing you may recall that I spoke of the traffic issues, to include speed and volume of traffic, demographics and crime issues. I also mentioned how this will also be an extreme change to the nomenclature of surrounding properties which are no less than 2.5 acres per property. My property is 5 acres.

Please allow me to preface this by sharing some of my experiences if I may. I have extensive experience as a Community Policing Specialist in a Community Policing Unit. Our unit concentrated on crime prevention, community meetings and enforcement specifically dealing with quality of life issues. I had 32 years experience with the Suffolk County Police Department on New York's Long Island. Long Island is composed of primarily two suburban counties outside of New York City that being Nassau and Suffolk Counties.

I was also a member of the Long Island Association of Crime Prevention Officer's which encompassed police officer's from both counties. We tracked crime trends throughout the Island focusing our efforts on the areas with the highest statistical crime data.

Madam Mayor, my objections to this expansion are well founded. Long Island specifically in the 60's, 70's and 80's began to experience almost an uncontrolled growth with many densely populated areas. The dream of living in suburbia for many folks was sadly soon lost. These many neighborhoods unfortunately got so crowded that they became an extension of New York City. This was coupled with the city's many problems without the vast resources that the city provided. Residents actually saw a decrease in home values due to an escalation of their neighborhood's crime patterns. Many of these communities have never recovered.

As you may have seen recently in the media, Long Island is now experiencing a severe problem with gang infiltration and violence which have affected many communities in both Nassau and Suffolk County. You may recall that President Trump recently made a speech in front of police officer's regarding Gang Violence and this speech was in fact on Long Island. Those officers behind him were from Nassau and Suffolk Counties. The crime rate has drastically risen. Again, these were once quite suburbia's.

Being a government employee most of my adult life, I can tell you with certainty that the task of government should not be to become bigger with an increase in its staff, rather it should be to sustain the lifestyle that its constituents have come to know and expect. This includes preventing the above mentioned problems that I described as in my examples on Long Island.

The attorney and owner of the Bella Terra community is painting almost a rosy picture of how great life will be and how this will improve the community. Please realize that their interests are purely pecuniary and they have no real interest in the quality of life of these communities. They will not be here once this project is over, we will.

To be clear, I am not against progress. What I am advocating is for the extreme care that must be taken when executing decisions of increased density and demographics. I moved to Clermont because of its reputation of being a beautiful and safe place to live. I have not been disappointed. It is a great place to retire.

Please decide cautiously in your decisions because like me, you also live here. If you want to see another Orlando, you will well be on your way with communities as densely situated as this.

I ask you at the minimum to act "Reasonable and Prudent" which has always been my minimum standard as I mentioned to you when I came before you. Your decisions will affect many generations and change the community forever.

Should you require any further information or comment, I am available via email at jeff.savasta@gmail.com or the phone number listed below. Thank you for reading this and I wish you all the best in the future,

Jeff Savasta
12040 Windy Ridge Lane,
Clermont, Fl 34711
Tel-407-347-7189

Daily Commercial

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10090197
Phone: (352) 241-7331
Date: 08/23/19
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	09/17/2019	09/17/2019	\$118.46

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider the request for the following variances: (1) to allow for elevation changes (cut/fill) in topography greater than ten feet, as limited by the Land Development Code, Section 94-195; (2) to allow for a reduced fee in lieu of replacement for tree removal, as required by the Land Development Code, Section 118-113; and (3) to allow a lot width of seventy (70) feet, other than the required eighty-five (85) feet under Section 122-124 at the following location:

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10090197
September 17, 2019

LOCATION:

Southwest of the intersection of
Southern Pines Loop and Johns Lake
Road, Alternate Key 3817647,
1095956, 1593085, 2864273

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, September 24, 2019 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7331, at least 48 hours prior to the public hearings.

Payment Info	
Ad Price	\$118.46
Tax	\$0.00
Sub Total	\$118.46
Prepaid Amount	\$0.00
Balance Due	\$118.46



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date

Tuesday, September 24, 2019

Agenda Item Name

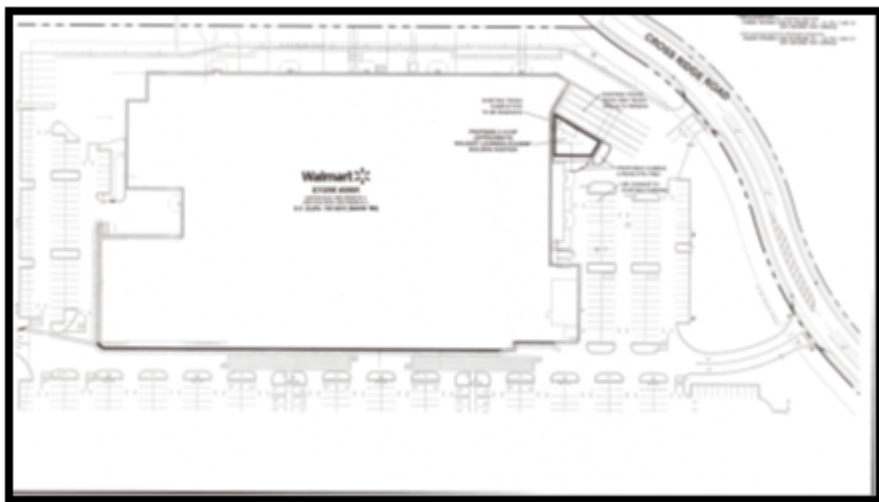
Resolution No. 2019-21R
Walmart

Requested Action

Recommend approval of Resolution No. 2019-21R.

Staff Report

The applicant, CPH Inc is requesting an amendment to the Conditional Use Permit (Resolution 1316 and Resolution 2016-12) to allow for an increase to the building square footage. The property is located at 1450 Johns Lake Rd. The zoning is (PUD) Planned Unit Development with permitted uses that includes general retail and grocery sales, liquor store, garden center, professional offices, personal services, restaurants, gas station, and a Tire and Lube Express Center.



The City Council approved on June 14, 2016 a request to amend the Conditional Use Permit (Resolution No. 1316) to allow a 3,905 square foot addition for a liquor store with (Resolution 2016-12) and on July 23, 2019, The Council approved to allow an automated Budget Truck Rental use at this location. Currently, the existing Walmart Store is limited to 222,590 square feet. The applicant is proposing to build a 3,112 square-foot office expansion to the east side of the building. The proposed office space is for employee training and only accessible from inside the main store. The new proposed building size with the addition will be limited to 230,000 maximum square feet.

Staff has reviewed the application as submitted and finds the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity and the proposed use will comply with the regulations and provisions specified. Therefore, staff recommends approval of the Conditional Use Permit with the conditions contained in Resolution No. 2019-21R.

The Planning and Zoning Commission voted 6-0 to recommend approval of the Conditional Use Permit.

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	CUP RES 2019-21R	CUP RES 2019-21R.pdf
2.	Location Map	Location Map.pdf
3.	Site Plans	Site Plans.pdf
4.	W131073 - LSP-6090 - L-1.0 LANDSCAPE PLAN - 2695	W131073 - LSP-6090 - L-1.0 LANDSCAPE PLAN - 2695.pdf
5.	Application	Application.pdf
6.	WALMART CUP Legal AD	WALMART CUP.pdf



CITY OF CLERMONT
RESOLUTION NO. 2019-21R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT (RESOLUTION 1316 AND 2016-12) TO ALLOW FOR AN EXPANSION TO THE EXISTING BUILDING IN A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held on September 3, 2019, recommended approval of this amendment to the Conditional Use Permit to allow for an expansion to the existing Walmart Building; at the following location:

LOCATION:
Walmart Supercenter
1450 John's Lake Road
(Alternate Key 3836309)

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

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

This application for an amendment to the Conditional Use Permit is to allow for an increase to the existing Wal-Mart Store, be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

SECTION 1. General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. 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.



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RESOLUTION NO. 2019-21R

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 have 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 Conditional Use Permit is to allow an automotive/truck rental services business be located at the existing Wal-Mart Super-Center that will include general retail sales, a garden center, liquor store, grocery store, pharmacy, personal services, professional offices, restaurants, a gas station, and a Tire and Lube Express. The maximum permitted floor space is 230,000 square foot. The 3,112 square foot building addition shall be consistent with the Conceptual Site Plan dated 7/29/2019 (Exhibit A) as prepared by CPH, Inc.

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.



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2. The permittee/developers shall provide ground cover on all out parcel and disturbed areas, where construction is not immediately intended. Ground cover 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.
3. All excavated material shall be stored in a location approved by the City Engineer.
4. Ingress and egress to the site for construction shall be determined by the City Engineer.

SECTION 4. Transportation Improvements

1. Sidewalks shall be required along all public road frontages, including U.S. Highway 27, in accordance with Florida Department of Transportation and City Codes.
2. Based upon results of the traffic study, 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 of that portion of the project. Project specific on-site/off-site transportation improvements consistent with identified project impacts, per the traffic study, will be the sole responsibility of the developer.
3. Citrus Tower Boulevard shall be constructed from Hooks Street to Johns Lake Road prior to issuance of the Certificate of Occupancy for the Wal-Mart Supercenter.
4. The right-of-way for the frontage road shall be dedicated prior to Construction Plan approval. The frontage road shall be constructed from Citrus Tower Boulevard to the north property line prior to issuance of a Certificate of Occupancy.
5. A signal warrant analysis for the intersection of U.S. Highway 27 and Johns Lake Road shall be completed and submitted to Florida Department of Transportation prior to Construction Plan approval. The Certificate of Occupancy for the Wal-Mart store will not be issued until the signal is installed and operational.
6. A signal shall be installed and operational at the intersection of Citrus Tower Boulevard and Johns Lake Road prior to the issuance of a Certificate of Occupancy.
7. Dual southbound left-turn lanes from U.S. Highway 27 onto Johns Lake Road shall be constructed prior to issuance of a Certificate of Occupancy. An additional eastbound lane with appropriate turn lanes shall be constructed on Johns Lake Road between U.S. Highway 27 and Citrus Tower Boulevard.
8. A mass transit stop shall be provided on site in accordance with the Lost Lake Reserve Development of Regional Impact and Planned Unit Development.



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SECTION 5. Utilities and Storm water

1. Restaurants will be required to install grease traps at a size to be determined by the Environmental Services Director.

SECTION 6. Landscaping and Miscellaneous Site Improvements

1. Side slopes of the water retention areas shall be sodded and landscaped with trees. Trees shall be provided in the water retention areas that are appropriate for the soils and hydrology of the area.
2. The project shall be plumbed for reuse water with purple piping. Until such time as reuse water is available, irrigation water shall be provided for by well.
3. Cardboard recycling dumpsters shall be in dumpster enclosures constructed per Code.

SECTION 7. Signage

1. All signs for the project shall be monument signs and their size and height, and so forth, shall be in accordance with the approved Lost Lake Planned Unit Development and the pending sign revision ordinance.
2. Only the lettering of the brand name on the fascia of the gas station canopy may be lit.

SECTION 8. Architectural Design Standards

1. Architectural Plans for all buildings must be approved by the Site Review Committee prior to Construction Plan approval.
2. All structures shall be designed and constructed in accordance with the following design standards and the pending Architectural Design Ordinance unless otherwise approved by the City of Clermont Site Review Committee.

Façades and Exterior Walls:

1. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length.
2. Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) feet. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.



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3. The loading areas shall be properly screened from public view. Proper screening shall include but not be limited to provision of a minimum 10-foot wide landscape buffer along the rear of the grocery and retail stores. All storage of pallets, cardboard boxes, and so forth, shall be within screened enclosures.

Roofs:

1. Parapet walls or other design features shall be used to conceal flat roofs and rooftop equipment such as HVAC units from public view from all sides of the building. Parapet walls or other design features shall be constructed at a height of at least one (1) inch above the tallest roof top unit. A metal or other enclosure for roof top equipment does not constitute screening from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall.
2. No uninterrupted length of any roofline or parapet wall shall exceed one hundred (100) horizontal feet.

Materials and colors:

1. The predominant exterior finish shall be of high quality materials, including, but not limited to, brick, stone, stucco and textured concrete masonry units. The finished surface of the exterior walls shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
2. Façade colors shall be low reflective, subtle, neutral, or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
3. Building trim and accent areas shall be limited to one primary color. The use of a primary color in the building trim is limited to a one (1) foot wide band around the building. Neon tubing shall not be an acceptable feature for building trim or accent areas.

Entryways:

1. Each large retail establishment shall have a clearly defined customer entrance featuring no less than three (3) of the following:
 - a. canopies or porticos;
 - b. overhangs;
 - c. recesses/projections;
 - d. arcades;
 - e. peaked roof forms;
 - f. arches;
 - g. architectural details such as tile work and moldings which are integrated into the building structure and design;



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- h. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

Signage:

1. Neon tubing shall not be used in building signage unless within the framework of an enclosure. The blue background color for the Wal-Mart Supercenter signs shall be reduced to a limited area around the lettering. This area is to be determined by staff during Site Plan Review.
2. Signage may include store identification including garden center and contractor pickup, and so forth, but not advertising such as “We Sell for Less” or “Low Prices”, and so forth.

Lighting:

1. Light poles shall not be painted in primary colors. Parking lot lights shall be aimed straight down and be enclosed in a shroud so that light will not project out in an upward or horizontal direction.

Outdoor storage:

1. All materials stored outside must be within an opaque enclosure.
2. All landscape materials stored outside must be within an enclosure. If the enclosure is not opaque, the enclosure shall consist of columns of the same material as the primary structure with ornamental metal fencing as screening.
3. All fencing shall be ornamental metal; chain link fencing is prohibited.

Outdoor display:

1. Outdoor display will only be allowed by the garden center; this area shall be clearly delineated on the Site Plan. Outdoor display shall be separated into two categories: daily display and seasonal display. Daily display is to be taken into the store at the end of each business day, while seasonal display may remain outside overnight. Outdoor storage of inventories of fertilizer and landscaping materials, or any other inventory, is prohibited. Flowers that are displayed outside must be on movable carts and brought in after business hours. Parking spaces cannot be used for any outdoor display or storage of inventory.

Miscellaneous:

1. Cart corrals or returns shall be provided for in the parking lot. No advertising shall be allowed on the cart corrals.



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2. Outdoor storage of inventory in trailers or other storage systems shall be restricted to the six (6) parking spaces identified for this use on the approved Site Plan, and can only be utilized during the months of October through January.
3. All fencing, including fencing around water retention areas, shall be ornamental metal; chain link fencing is prohibited.



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DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of September, 2019.

CITY OF CLERMONT

Gail L. Ash, Mayor

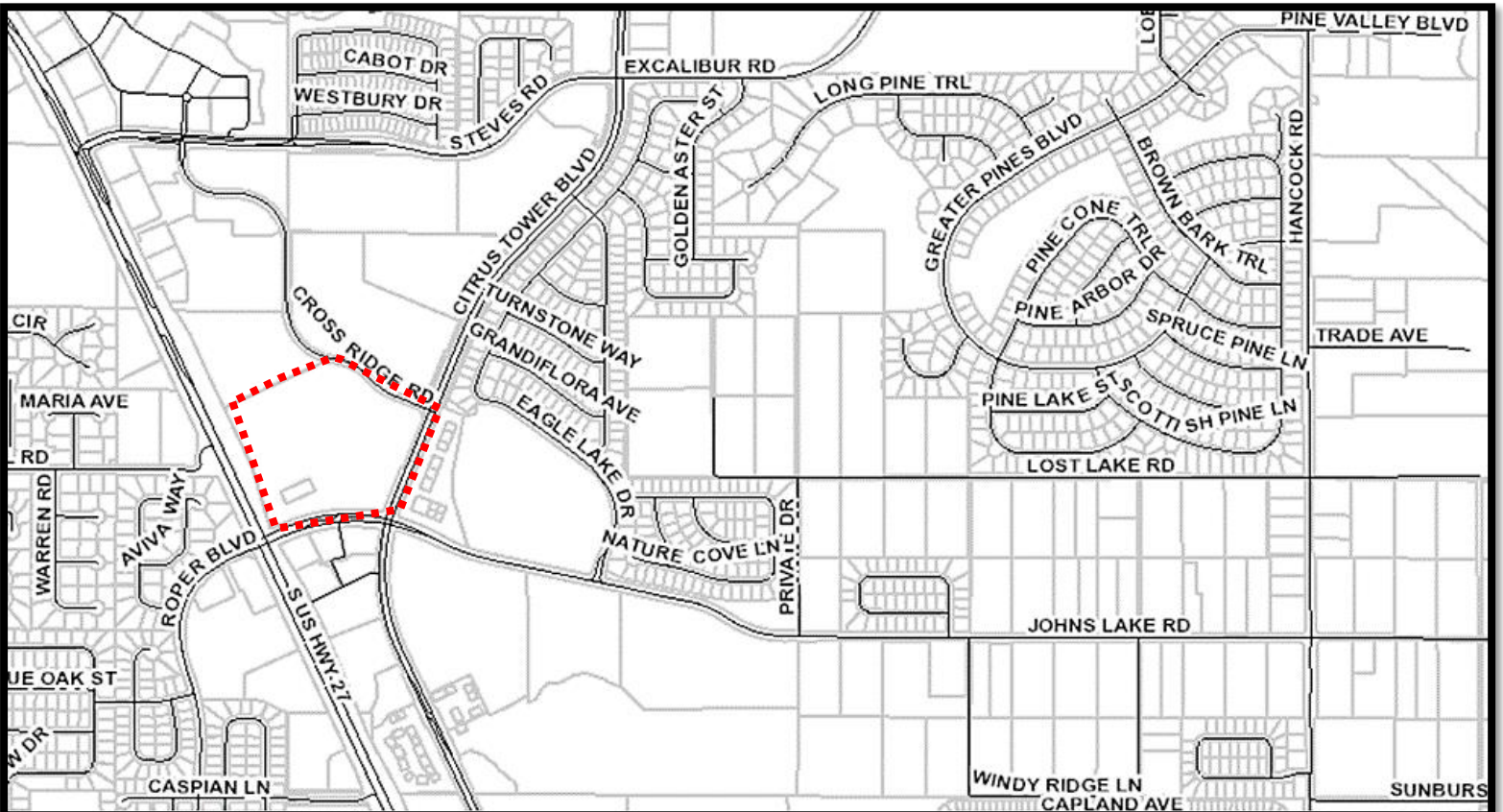
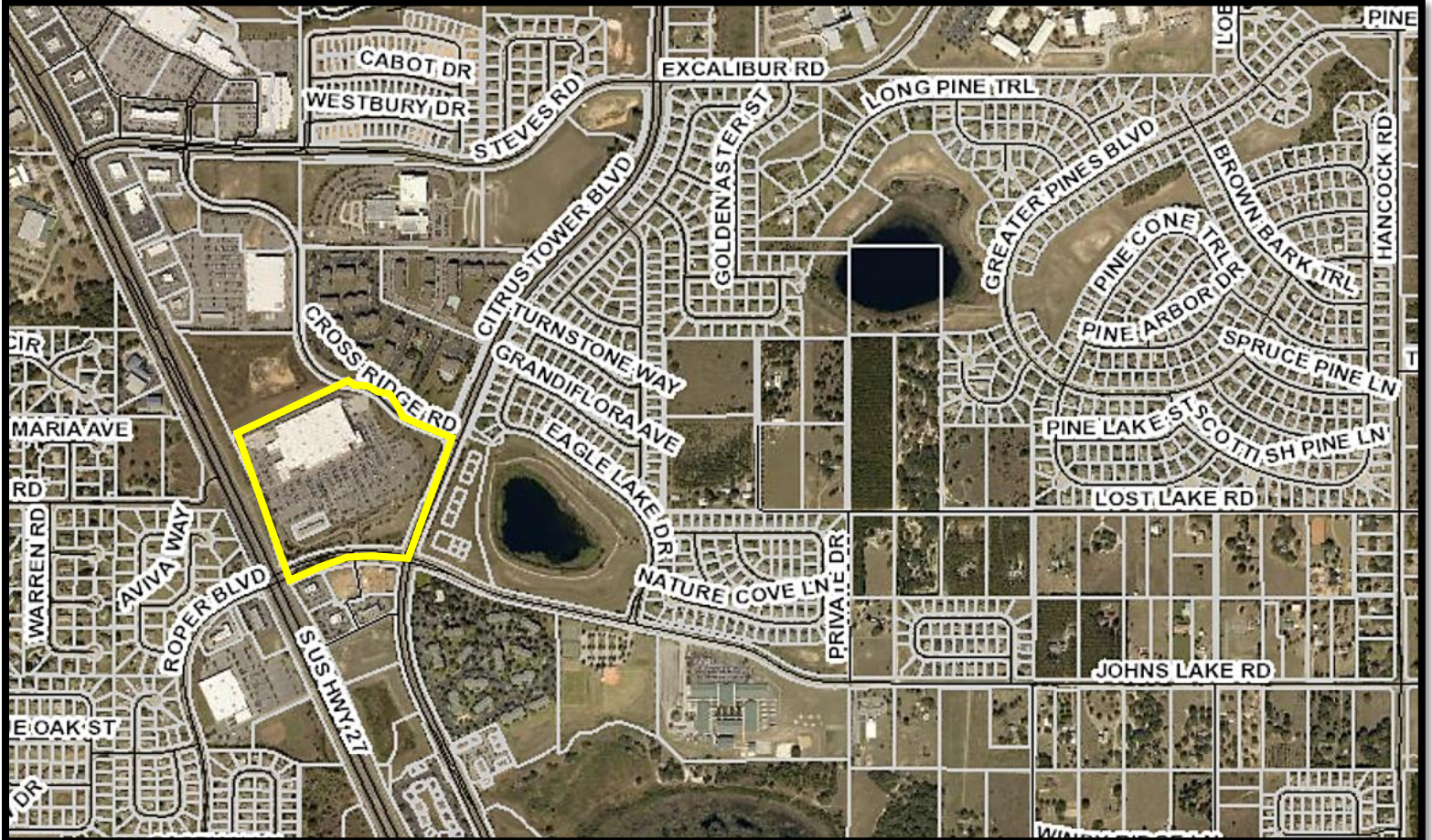
ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LOCATION MAP



LANDSCAPE NOTES:

- The landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variation between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
- The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
- Prior to construction, the contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. Locations of existing buried utility lines shown on the plans are based upon best available information and are considered to be approximate. It shall be the responsibility of the contractor 1) to verify the locations of utility lines within and adjacent to the work area 2) to protect all utility lines during the construction period 3) to repair any and all damage to utilities, structures, site furnishings, etc. which occurs as a result of the construction 4) To field adjust the location of proposed trees and palms 10' off the center of the utility lines. Notify the Landscape Architect if a 10' offset does not function.
- The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to assure availability and proper location of irrigation items and plants.
- Contractor shall ensure that there are no visual obstructions to vehicle lines of sight and traffic controls. Contractor shall field adjust tree and/or large shrub locations to avoid any such obstructions.
- Trees shall be maintained by the owner to avoid future such obstructions by pruning trees and/or shrubs as necessary utilizing horticulturally sound techniques.
- All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
- All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Stock, Part I and II, published by the Florida Department of Agriculture and Consumer Services.
- The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the measurements specified on the plant list or as indicated on the landscape drawing. Height and spread dimensions refer to main body of the plant and not extreme branch tip to tip. Trunk caliper (trunk diameter) is measured 6 inches from the ground on trees up to and including 4 inches in caliper, and 12 inches from the ground for larger trees. Since trunks are seldom round, the average of the largest diameter and that perpendicular to it is referred to as caliper. When the plant list description calls out DBH or caliper at DBH, it shall govern over the caliper definition in this note.
- The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
- Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
- Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
- TOPSOIL:

Topsoil shall be natural, friable, fertile, fine loamy soil possessing characteristics of representative topsoil in the vicinity that produces heavy growth. Topsoil shall have a pH range of 5.5 to 7.4, free from subsoil, objectionable weeds, litter, sods, stiff clay, stones larger than 1-inch in diameter, clumps, roots, trash, toxic substances, or any other material which may be harmful to plant growth or hinder planting operations. Top soil shall contain a minimum of three percent organic material. 6" Top Soil shall be placed in all turf & landscape areas.

- All tree pits shall be excavated to size and depth in accordance with the Florida Grades & Standards for Nursery Stock, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test fill all tree pits with water before planting to assure proper drainage percolation is available.
- The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered for plants to thrive as defined by Florida Grades and Standards for Nursery stock until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not over watered.
- It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to re-straighten and replant all plants which lean or fall and to replace all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damage caused by instability of any plant material.
- All Palms to be staked as indicated per Palm staking details. All other trees to be stabilized utilizing 8' lodge poles per tree planting details.
- Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
- Sod shall be of a species specified on the drawings and originate from a commercial turf grower. It shall be a dense stand of live turf, reasonably free of weeds, well matted with grass roots in rectangles 12 inch by 24 inch or in 12 inch wide rolls in a length consistent with the equipment and methods used to handle the rolls and place the sod. Any netting contained within the sod shall be certified by the manufacturer to be bio-degradable. The soil and root mat shall be a minimum of 1-1/2 inch thick and must hold together during placement. Sod shall be placed adjacent to one another to avoid gaps and overlaps. Joints shall be staggered between the rows. Sod placed on slopes exceeding 3:1 shall be pinned with turf staples. Sod turf, shall have been mowed a minimum of one week prior to cutting and delivery, so that the length of the turf is no longer than 4 inches at time of delivery. Place sod within 48 hours of cutting the sod. The sod shall be kept moist throughout the 48 hour period to maintain the health and viability of the sod. Submit a letter of certification to the Owner's CEI Representative, at time of delivery, as to the source of the sod, the time it was cut, the species and cultivars provided, last mowing date, and that the sod is free of fire ants. Sod which has been cut for longer than 48 hours after being cut shall not be used unless specifically authorized by Owner's CEI Representative.
- It shall be the Contractor's responsibility to measure and determine the exact quantity of sod required for a complete job at the time of bidding or providing a price quote. The Owner shall not be responsible for additional cost due to the Contractor's under estimating of the quantity of sod for the original bid area.
- The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage. If well drained fill is necessary to assure positive drainage, this issue shall be brought up by the Landscape Contractor at time of bidding.

- UNSUITABLE SUBSOILS
Locations containing unsuitable subsoil shall be treated by one or more of the following:
 - Where unsuitability is deemed by Owner or Owner's Representative to be due to excessive compaction caused by heavy equipment and where natural subsoil is other than AASHTO classification of A6 or A7, loosen such areas with spikes, discing, or other means to loosen soil to condition acceptable to Owner. Loosen soil to minimum depth of 12 inches with additional loosening as required to obtain adequate drainage. Contractor may introduce peat moss, sand, or organic matter into the subsoil to obtain adequate measures shall be considered as incidental, without additional cost to Owner.
 - Where unsuitability is deemed by Owner or Owner's Representative to be due to presence of boards, mortar, concrete, graded aggregate base, or other construction materials in sub grade and where natural subsoil is other than AASHTO classification of A6 or A7, remove debris and objectionable material. Such remedial measures shall be considered as incidental, without additional cost to Owner.
 - Where unsuitability is deemed by Owner to be because natural subsoil falls into AASHTO classification of A6 or A7 and contains moisture in excess of 30 percent, then installation of sub drainage system or other means described elsewhere in Specifications shall be used. Where such conditions have not been known or revealed prior to planting time and they have not been recognized in preparation of The Drawings and Specifications, then Owner shall issue pricing order to install proper remedial measures.
 - Planting beds where existing subsoil is determined by Owner to be unsuitable for plant growth in accordance paragraph Unsuitable Subsoil herein shall be excavated to a depth of 12 inches or as needed to provide adequate drainage. Replace excavated soil with planting soil.

- The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
- The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of Bidding.
- Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal). Cypress mulch not permitted. A 5' diameter mulch ring is to be placed around trees located in sod areas or outside of planting beds.

- Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally acceptable measures to assure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die if such measures are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.

27. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE:

Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or specific phase of the job is accepted by the Landscape Architect or Owner. Extreme care shall be taken to instruct the Owner or his representatives in general maintenance procedures.

Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, tightening, and repairing of guys, replacement of sick or dead plants, resetting plants to proper grades or upright positions and restoration of the planting saucer and all other care needed for proper growth of the plants.

During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all seasonal spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor Stating the date when the Maintenance Period ends.

GUARANTEE AND REPLACEMENT:

All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.

Walmart

STORE #2695
EXISTING BLDG. AREA 206,853 S.F. ±
NEW TOTAL BLDG. AREA 290,965 S.F. ±
± F. ELEV. 191.93' ± (NAVD '88)

PROPOSED BLDG.
AREA = 3,112 S.F. ±

NEW CURBED
LANDSCAPE AREA
(450 S.F. ±)

NEW CURBED
LANDSCAPE AREA
(260 S.F. ±)

EXISTING CURBED
LANDSCAPE AREA
TO REMAIN
(189 S.F. ±)

EXISTING 4" OAK
TO REMAIN

EXISTING 4" OAK
TO BE REMOVED

3" SHREDDED
HARDWOOD
MULCH (TYP.)

10' OAK TREE

2" OAK TREE

10' OAK TREE

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**CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 7/22/19

FEE: \$845
+ cost of advertisement

PROJECT NAME (if applicable): Wal-Mart #2695 Learning Academy

APPLICANT: CPH, Inc.

CONTACT PERSON: Mark Socha

Address: 500 W. Fulton Street

City: Sanford State: FL Zip: 32771

Phone: 407-322-6841 Fax: 407-330-0639

E-Mail: msocha@cphcorp.com

OWNER: Wal-Mart Stores East, L.P.

Address: 2001 S.E. 10th Street

City: Bentonville State: AR Zip: 72716

Phone: 479-273-4000 Fax: 479-273-8380

Address of Subject Property: 1450 Johns Road Clermont, FL 34711

General Location: N.E. Corner of Hwy 27 and Johns Lake Road

Legal Description (include copy of survey): See Attached

Land Use (City verification required): Master Planned Development

Zoning (City verification required): PUD

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

Legal Description

Lot 1, WAL-MART SUPERCENTER AT CLERMONT STORE NO. 2695-02, a subdivision according to the map or plat thereof, as recorded in Plat Book 53, Page 99, of the Public Records of Lake County, Florida.

LESS AND EXCEPT that portion conveyed by that certain Special Warranty Deed recorded in Official Records Book 3591, Page 1275, of the Public Records of Lake County, Florida

Description of Request

Applicant requests to construct a 3,112 square-foot building addition to the existing Walmart retail store located at 1450 Johns Lake Road. The building addition will be used as a Walmart "Learning Academy," which is an employee training space exclusively for Walmart Associates. This Learning Academy is not open to the public or customers and they will have no access to it. The proposed building addition will be located on the east side of the existing building, south of the existing truck well. An existing trash compactor will be removed in the area of the proposed addition. The proposed addition will not impact any existing parking spaces and pervious areas impacted by the expansion will be compensated for adjacent to the new building wall. No negative impacts to the existing development or surrounding area will result from the proposed building addition.

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10090134
Phone: (352) 241-7331
Date: 08/21/19
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City of Clermont will consider a	08/26/2019	09/17/2019	\$177.68

LEGAL NOTICE

Ad No: 10090134
August 26, 2019 &
September 17, 2019

Notice is hereby given that the City of Clermont will consider a request for an amendment to a Conditional Use Permit (Resolution 1316 and Resolution No. 2016-12) to allow for an expansion to the existing Wal-Mart building.

LOCATION

Walmart Supercenter
1450 Johns Lake Road
(Alternate Key # 3836309)

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

The Planning & Zoning Commission will consider the request on Tuesday, September 3, 2019 at 6:30pm., and

The City Council will consider the request at a public hearing on Tuesday, September 24, 2019 at 6:30pm.

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

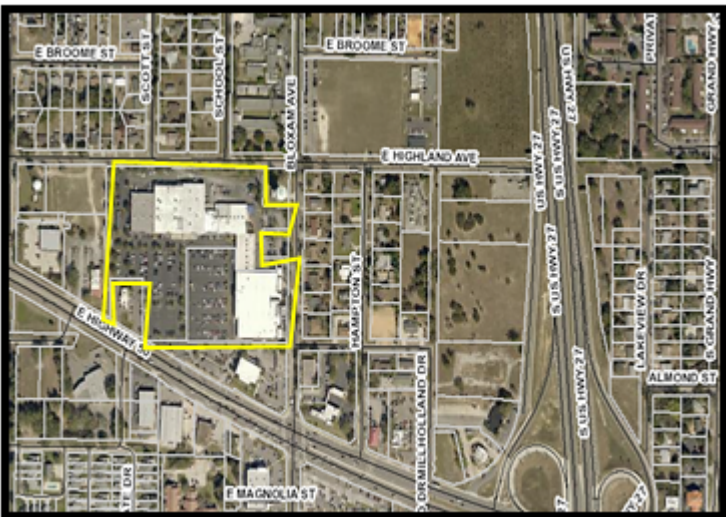
All interested parties will be given an opportunity to express their views on this matter.

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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7331, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Payment Info	
Ad Price	\$177.68
Tax	\$0.00
Sub Total	\$177.68
Prepaid Amount	\$0.00
Balance Due	\$177.68

AGENDA ITEM

Meeting Date	
Tuesday, September 24, 2019	
Agenda Item Name	
Resolution No. 2019-22R <i>Iglesia Evangelica Emanuel, Inc.</i> Table to October 8	
Requested Action	
Recommend approval of Resolution No. 2019-22R	
Staff Report	
The applicant is requesting a Conditional Use Permit (CUP) to allow a church use in the C-2 General Commercial zoning district, The Land Development Code, Section 122-224 requires a Conditional Use Permit. The subject property is located in the South Lake Plaza, a multi-tenant shopping center with retail, office, restaurants and other commercial uses.  The applicant proposes to occupy approximately 2,400 square feet of vacant building space. The church intends to have 54 seats for Sunday morning service at 9:00 am to 1:00 pm, and will hold a Tuesday and Friday evening bible study and worship service from 7:30 pm to 9:30 pm. The Land Development Code, Section 98-14 requires one space per four seats, the proposed use with 54 seats will require approximately 14 parking spaces. With the existing businesses operating at normal business hours, and the church operating at typical non-business hours, staff finds there will not be any parking issues on site. The proposed church will be located in the rear of the plaza. Staff has reviewed the application and finds the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity and the proposed use will comply with the regulations and provisions specified. Therefore, staff recommends approval of the Conditional Use Permit to allow a church use with the conditions contained in Resolution No. 2019-22R.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. CUP RES 2019-22R	CUP RES 2019-22R.pdf	
2. Legal AD	Legal AD.pdf	



CITY OF CLERMONT
RESOLUTION NO. 2019-22R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A CHURCH USE 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 September 3, 2019 recommended approval of this Conditional Use Permit to allow for a church use in the C-2 General Commercial zoning district; at the following location:

LOCATION:
South Lake Shopping Plaza
638 Highway 50
(Alternate Key# 1746833 & 1746841)

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

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

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

CONDITIONAL USE PERMIT CONDITIONS:

SECTION 1. General Conditions

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



CITY OF CLERMONT
RESOLUTION NO. 2019-22R

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

SECTION 2. Land Use

1. This Conditional Use Permit shall grant approval for a church use and any other permitted use in the C-2 General Commercial zoning district.



CITY OF CLERMONT
RESOLUTION NO. 2019-22R

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of September, 2019.

CITY OF CLERMONT

Gail Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10090178
Phone: (352) 241-7331
Date: 08/22/19
Ad Taker: Joanne French

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City of Clermont will consider a l	08/27/2019	09/17/2019	\$167.68

LEGAL NOTICE

Ad No: 10090178
August 27, 2019 &
September 17, 2019

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow a church use in the C-2 General Commercial Zoning District, at the following location:

LOCATION

South Lake Shopping Plaza
(AK 1746833 & 1746841)

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, September 3, 2019 at 6:30pm, and

The City Council will consider the request at a public hearing on Tuesday, September 24, 2019 at 6:30pm.

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

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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7331, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Payment Info	
Ad Price	\$167.68
Tax	\$0.00
Sub Total	\$167.68
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Balance Due	\$167.68