



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, October 6, 2015
City Hall – 685 W. Montrose Street, Clermont, FL**

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

Approval of the September 1, 2015 Planning and Zoning meeting minutes.

REPORTS

UNFINISHED BUSINESS

Item 1 - Ordinance No. 2015-75 Planned Unit Development (PUD) Zoning	Request for addition of a new zoning district, Planned Unit Development (PUD).
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NEW BUSINESS

Item 2 - Ordinance 2015-71 WaterBrooke Large-Scale Comprehensive Plan Amendment	Request to change future land use from Lake County Urban Low Density to Low Density Residential.
Item 3 - Resolution 2015-24 WaterBrooke Conditional Use Permit	Request for a conditional use permit to allow a mixed use Planned Unit Development in the UE Urban Estate zoning district.

Discussion of Non-Agenda Items

ADJOURN

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

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

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

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 1, 2015

Page 1

The meeting of the Planning & Zoning Commission was called to order Tuesday September 1, 2015 at 6:30 p.m. by Chairman Nick Jones. Other members present were Herb Smith, Judy Proli, Tony Hubbard, and Jack Martin. Also in attendance were Barbara Hollerand, Development Services Director, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held August 4, 2015 were approved as written.

REPORTS

There were no reports.

1. REQUEST FOR LDC AMENDMENT

REQUEST: To amend Article IV Planned Unit Developments; Chapter 122 Zoning, Section 122-311 through Section 122-318.

APPLICANT: City Staff

Senior Planner Kruse presented the staff report as follows:

Staff is initiating this proposed change to add a new zoning district, Planned Unit Development (PUD). Section 122 of the Land Development Code has 14 zoning districts that a property may be assigned for a zoning designation. Historically, a planned unit development has been approved through a Conditional Use Permit with the specific conditions contained in the document, but with an underlying zoning district such as Urban Estate. This has caused some confusion when a planned unit development is processed and finally recorded after approval. Additionally, processing annexations for properties under the Interlocal Service Boundary Agreement (ISBA) process is also more complex if the existing zoning in Lake County is planned unit development. The City would typically process the related administrative requests for rezoning and a future land use change at the time of the annexation hearings. However, because the city is the applicant with ISBA annexations, the property owner would not sign the related conditional use permit for a planned unit development. Because a rezoning to a planned unit development would be by ordinance, it would be signed by city officials and not the property owner.

A majority of other governmental jurisdictions have a planned unit development zoning district. For the new planned unit development zoning, the application would still be processed the same way, including the majority of the requirements as outlined in Article IV, Planned Unit Developments, of Section 122. A few changes in this article have been proposed, such as reducing the contiguous area of property from 10 acres down to one acre. This recommendation recognizes that land costs have increased significantly, and there are fewer parcels containing 10 contiguous acres. This reduction also encourages redevelopment and infill on smaller sites with

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 1, 2015**

Page 2

some flexibility. The planned unit development would still have to be presented to the Planning and Zoning Commission and the City Council for review and approval.

Staff recommends approval of Ordinance No. 2015-75 to create a new zoning district, Planned Unit Development (PUD).

Commissioner Proli asked why the acreage is being lowered from 10 acres to 1 acre.

Mr. Kruse stated that the 10 acres in the current code have to be contiguous. He stated that due to the city's growth, the parcels that are being brought before the city are less than 10 acres.

Commissioner Proli asked if they approve this, does this mean the developer can add more units on that acreage.

Mr. Kruse stated that the developer is limited to what is required in the comprehensive plan and the city is not changing that.

Commissioner Hubbard stated that he still has concerns that property can be annexed into the city without being contiguous.

City Attorney Mantzaris stated that the County and City negotiated an agreement to allow the annexations based on the encumbrances of the utility agreements, since they are going to become part of the city anyway.

Commissioner Martin stated that he likes this planned unit development zoning, but he's not sure he is ready to vote on it. He stated that he's concerned there are questions he hasn't thought about to ask. He stated that he would like another month to think about this zoning designation.

Mr. Mantzaris stated that any violation within the planned unit development can be enforced through code enforcement or the city can seek an injunction through the court to enforce the provisions of the city's codes.

Commissioner Martin asked if the wording pertaining to the performance bond should say "shall be required" rather than "may be required." He also suggested changing the wording on page 8 of the document to say "schedule a public hearing" rather than "hold a public hearing."

Chairman Jones asked if there was an urgency to have the planned unit development zoning in place.

Director Barbara Hollerand stated that if they need another month to look at this proposed change, that would be fine.

Commissioner Martin stated that he would like to see this item tabled for another month.

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 1, 2015

Page 3

Commissioner Martin moved to table the land development code amendment to the October meeting; seconded by Commissioner Proli. The vote was 5-1 to table, with Commissioner Hubbard opposing.

City Attorney Dan Mantzaris gave an explanation of the recent Supreme Court decision that could affect zoning issues in the future.

Chairman Jones requested a follow-up on projects that have been brought before the Commission and what the outcome was for these projects. He hopes this could help them make better decisions based on previous outcomes.

There being no further business, the meeting was adjourned at 7:21 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, October 6, 2015		
Agenda Item Name		
Ordinance No. 2015-75 Planned Unit Development (PUD) Zoning		
Requested Action		
Motion to recommend approval of Ordinance 2015-75.		
Staff Report		
This request was initially presented to the Planning and Zoning Commission in September, but was tabled to the October 2015 meeting to allow the commissioners additional time to review the proposed change. Staff is initiating this proposed change to add a new zoning district, Planned Unit Development (PUD). Section 122 of the Land Development Code has 14 zoning districts that a property may be assigned for a zoning designation. Historically, a PUD has been approved through a Conditional Use Permit (CUP) with the specific conditions contained in the document, but with an underlying zoning district such as Urban Estate. This has caused some confusion when a PUD is processed and finally recorded after approval. Additionally, processing annexations for properties under the Interlocal Service Boundary Agreement (ISBA) process is also more complex if the existing zoning in Lake County is PUD. The City would typically process the related administrative requests for rezoning and a future land use change at the time of the annexation hearings. However, because the City is the applicant with ISBA annexations, the property owner would not sign the related CUP for a PUD. Because a rezoning to a PUD would be by ordinance, it would be signed by City officials and not the property owner. A majority of other governmental jurisdictions have a PUD zoning district. For the new PUD zoning, the application would still be processed the same way, including the majority of the requirements as outlined in Article IV, Planned Unit Developments, of Section 122. A few changes in this article have been proposed, such as reducing the contiguous area of property from 10 acres down to one acre. This recommendation recognizes that land costs have increased significantly, and there are fewer parcels containing 10 contiguous acres. This reduction also encourages redevelopment and infill on smaller sites with some flexibility. The PUD would still have to be presented to the Planning and Zoning Commission and the City Council for review and approval. Staff recommends approval of Ordinance No. 2015-75 to create a new zoning district, Planned Unit Development (PUD).		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		

1.	Ordinance	2015-75 Ordinance.doc
2.	Legal ad	PUD Zoning AD.docx

CITY OF CLERMONT
ORDINANCE No. 2015-75

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, ARTICLE IV PLANNED UNIT DEVELOPMENTS; CHAPTER 122 ZONING, SECTION 122-311 PURPOSE AND INTENT OF ARTICLE; SECTION 122-313 GENERAL REQUIREMENTS; SECTION 122-314 LOCATION; SECTION 122-315 REVIEW CRITERIA; SECTION 122-316 PROCEDURE FOR REVIEW AND APPROVAL; SECTION 122-317 AMENDMENTS TO DEVELOPMENT PLAN; SECTION 122-318 CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on October 6, 2015 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to amend Chapter 122 Zoning, of the City of Clermont's Code of Ordinances;

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

SECTION 1.

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

SECTION 2.

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

Chapter 122 – ZONING

ARTICLE IV. - PLANNED UNIT DEVELOPMENTS ~~CREATED THROUGH THE~~ PLANNED UNIT DEVELOPMENT ZONING DESIGNATION

CITY OF CLERMONT
ORDINANCE No. 2015-75

Section 122-311. - Purpose and intent of article.

1. Within zoning districts now existing or which may hereafter be created, it is intended to permit as a conditional use through the planned unit development zoning district, on application and on approval of site, use and building plans, creation of new Planned Unit Developments (PUD) for flexible comprehensive development purposes where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. Suitability of such tracts for the plans and development proposed for the Planned Unit Development shall be determined by the City Council upon reference to the Comprehensive Plan, Future Land Use Map, Future Land Use District designations, applicable development plans which have been adopted, and the existing and prospective character of the surrounding development.
2. The purpose of this Article is to encourage the accomplishment of a more complete living environment through the application of enlightened and imaginative approaches to community planning and shelter design. This alternative should introduce a variety of architectural solutions, provide for the preservation of natural features and scenic areas, reduce land consumption by roads, separate vehicular and pedestrian circulation systems, originate approaches to a meaningful integration of open space networks and recreation areas within the development, establish neighborhood identity and focus, and ideally provide for the compatible coexistence of man with the environment. In view of the substantial public advantages of Planned Unit Developments, it is the intent of this Article to promote and encourage development in this form where appropriate in location and character to the surrounding development.

Section 122-312. Definition.

For the purposes of this Land Development Code, a Planned Unit Development means an area with a specified minimum contiguous acreage, as specified by this Land Development Code, to be planned, developed, operated and maintained as a single entity containing a system of structures and uses planned as an integral unit of development having appurtenant common areas, open spaces, yards, building setbacks, and buffer strips, approved in accordance with the provisions of this Land Development Code.

Section 122-313. General requirements.

The following general requirements and special regulations shall apply to all Planned Unit Developments:

1. Minimum area. No site shall qualify for a planned unit development unless the development consists of a contiguous area of at least ~~ten-one~~ one acres or more.

CITY OF CLERMONT
ORDINANCE No. 2015-75

2. Unified control.

All land included for purposes of development within a Planned Unit Development shall be owned or under control of the petitioner for such zoning designation, whether that petitioner is an individual, partnership or corporation, or group of individuals, partnerships or corporations. The petitioner shall present firm evidence of the unified control of the entire area within the proposed Planned Unit Development and shall state agreement that, if he proceeds with the proposed development, he shall:

- a. Do so in accord with the officially approved final master land use plan of the development, and such other conditions or modifications as may be attached to the special regulations.
- b. Provide agreements, covenants, contracts, deed restrictions, improvements or sureties acceptable to the City Council for completion of the undertaking in accordance with the formally approved final Master Land Use Plan, as well as for the continuing operation and maintenance of such areas, functions, facilities and improvements as are not to be provided, operated and maintained at general public expense.
- c. Bind all development successors in title to any commitments made under Subsections (2) a and b of this Section.

3. Development approval.

Formal approval of all Planned Unit Developments shall be granted according to comprehensive and detailed plans satisfactory to the City Council. Such approval shall be contingent upon specific evaluation of project concept, uses, density or intensity, location, and recreation and open space areas. Items required for such analysis and approval may include but are not limited to:

- a. Plans detailing streets, utilities, lot or building sites, setbacks, impervious surface ratio, landscaping and the like for the overall project; and site plans, floor plans and elevations for all buildings as intended to be located, constructed or used, as related to each other, and detailed for other uses and improvements on the land as related to the buildings and structures.
- b. A program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the Planned Unit Development, but will not be provided, operated or maintained at general public expense.

CITY OF CLERMONT
ORDINANCE No. 2015-75

- c. Pertinent research studies, analysis or calculations that satisfactorily identify infrastructure impacts and indicate means for concurrency with warranted improvements.

Section 122-314. Location.

1. A Planned Unit Development may be established in existing zoning districts, or over a combined area of several zoning districts, or in such districts as may be determined by the City Council pursuant to a Planned Unit Development application, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as a Planned Unit Development, according to the requirements and procedures set forth in this Article. In considering a Planned Unit Development, among the criteria to be used shall be the location and nature of the Planned Unit Development with respect to intended functions and the pattern of development existing or proposed in the general plan or other officially adopted plans, and to public and private facilities and services existing or clearly to be available by the time development reaches the stage where they will be required.
2. The location of the Planned Unit Development shall be designated on the Zoning Map by the designation "PUD" ~~followed by the proper designation of the existing zoning district or districts with the specific Resolution Ordinance No. called out.~~

Section 122-315. Review criteria.

In reaching recommendations and decisions on the granting of approval for a Planned Unit Development, the following standards shall be used:

1. Location.
 - a. Relation to major transportation facilities.

The criteria to be considered for location of a Planned Unit Development are its location with respect to local streets, collector streets, minor arterials or major arterials, and other transportation facilities, including frontage or reverse frontage roads, or the creation thereof, so as to provide direct access to such areas, thereby minimizing the creation or generation of traffic along local and collector streets in residential neighborhoods or other areas outside the Planned Unit Development.

CITY OF CLERMONT
ORDINANCE No. 2015-75

b. Relation to public utilities, facilities and services.

The criteria to be considered are the location of the Planned Unit Development in relation to sanitary sewers, potable water lines, stormwater and surface drainage water systems, and other utilities, systems and installations, or such information as will allow the determination as to whether the extension or enlargement of such systems in manner, form, character, location, degree, scale or timing may result in higher net public cost or earlier incursion of public cost than would development in forms generally permitted under existing zoning for the area. Such Planned Unit Development districts shall be so located with respect to necessary public facilities as to have access to such facilities in the same degree as would development permitted under existing zoning, and shall be so located, designed and scaled that access for public services is equivalent to, and the net costs for such services is not greater than, access and net costs for public services for development as permitted under existing zoning. A further criterion is the applicant's agreement to:

1. Provide adequate and appropriate facilities, utilities or services approved by the City Council to meet the needs arising out of the Planned Unit Development, and ensure their satisfactory continuing operation permanently or until appropriate public utilities, facilities or services are available and used; or
2. Make provisions acceptable to the City Council if required for offsetting any added net cost or early commitment of public funds made necessary by such development. Expenses involved in making such determinations as may be required in establishing this information shall be paid by the applicant. Final determination of these matters shall be made by the City Council.

c. Physical character of site and relation to surrounding property.

1. The site shall be suitable for development in the manner as approved under the Florida Building Code, and the applicable state, county and city laws.
2. The natural topography, soils, natural vegetation and surface water should be preserved and utilized through the careful location and design of circulation ways, buildings and structures, parking areas, recreation areas, open space and drainage facilities.
3. Buildings and recreation areas should be situated to take full advantage of natural air flow, sun angle and scenic vistas.

CITY OF CLERMONT
ORDINANCE No. 2015-75

2. Uses, density, open space, living area per family and other regulations.

Within a Planned Unit Development, any principal and accessory use, density, intensity, setbacks, impervious surface ratio, open space, living area per family and other regulation may be permitted which is already permitted in the existing zoning districts or Planned Unit Development districts as may be determined by the City Council pursuant to a Planned Unit Development application, in which such Planned Unit Development is located. The arrangement and location of the permitted principal and accessory uses may not be subject to the existing zoning regulations, but shall be subject to the approval of the City Council. Deviations from the permitted principal and accessory uses, density, intensity, setbacks, impervious surface ratio, open space, living area per family, and other regulations may be granted upon approval of the Planned Unit Development ~~conditional use permit~~ application by the City Council. Criteria to be considered by the City Council for approval of deviations as described in this Subsection may include but are not limited to:

- a. Private renewal and redevelopment that creates a better urban environment through the assembly of land;
- b. Providing of public useable open space through the provision of plazas, parks and walkways;
- c. Clearance of obsolete, blighted or undesirable buildings and uses;
- d. Dedication of waterfront protection and enhancement of views for the public, especially lakefront and riverfront areas;
- e. Preservation of historical structures and areas;
- f. Provision of parks or other landscaping which will enhance the environment; and
- g. Other public benefits.

Section 122-316. Procedure for review and approval.

1. Pre-application procedure (~~recommended~~ required).
- a. Before any preliminary work is prepared, the developer should become familiar with the regulations and requirements for a Planned Unit Development in order to avoid ponderous expenditures of time, effort and money, only to find that unnecessary costly changes are required by the City Council to make the plans conform to existing requirements.

CITY OF CLERMONT
ORDINANCE No. 2015-75

- b. The pre-application conference is designed to afford the developer an opportunity to avail himself of the advice and assistance of the appropriate city officials regarding the proposed project before formal application. No statement or representation made prior to the official review shall be binding on the Planning and Zoning Commission or the City Council.
- c. The developer should prepare or have prepared a conceptual sketch plan showing the boundaries of the property to be developed, and physical information should also be readily available. The sketch plan need not be at any particular scale or drawn on any special material or meet any other specifications. However, the drawing should reasonably represent the property and reasonably indicate the intended use of the property.

2. Application for ~~conditional-use permit~~ Planned Unit Development.

An applicant applying for a ~~conditional-use permit~~ Planned Unit Development shall submit an application for a Planned Unit Development in accordance with the provisions of Chapter 86, Article III, Division 3. The application shall be filed in the office of the ~~director of Planning~~ Manager on or before the date established for such submission as adopted by resolution of the City Council. The application shall be accompanied by the following documents and information:

a. Evidence of unified control.

The applicant shall submit the evidence of unified control of the proposed Planned Unit Development to effectuate the proposed plan, including a statement of all the ownership in the tract of land and the proposed development.

b. Survey.

The applicant shall submit a survey of the tract to be developed showing existing features of the property, including but not limited to streets, alleys, easements, utility lines, existing land use, general topography and physical features.

c. Site development plans.

The applicant shall submit site development plans containing:

- 1. The title of the project and names of the professional project planner and the developer.
- 2. Scale, date and north arrow.

CITY OF CLERMONT
ORDINANCE No. 2015-75

3. Location and arrangement of all existing and proposed structures and buildings.
 4. Proposed traffic circulation pattern within the development.
 5. Areas to be developed for parking.
 6. The points of ingress and egress.
 7. The relationship of abutting land uses and zoning districts.
 8. Proposed phases, lots and blocks, if any.
 9. Locations of different uses proposed by dwelling types, recreational facilities, open space, commercial or industrial uses, other permitted uses and off-street parking.
 10. A statement of anticipated residential density or other commercial or industrial intensity of uses, including, when applicable, the proposed total gross floor area and the percentages of the development to be occupied by structures or buildings including square footage and floor area ratio.
 11. ~~County pollution control board~~, St. Johns River Water Management District or other jurisdictional agency approval as to drainage, if applicable.
 12. Preliminary drawings of existing and proposed structures and landscaping.
- d. Development schedule.

When a Planned Unit Development is to be constructed in stages, a schedule of development shall be submitted with anticipated time frames. ~~No such stage shall have residential density that exceeds the proposed density of the entire PUD. When a PUD provides for common open space at any stage of development, it shall, at a minimum, bear the same relationship as the total open space to be provided in the entire development.~~

CITY OF CLERMONT
ORDINANCE No. 2015-75

- e. Traffic survey and economic feasibility study.

When it is deemed necessary:

1. The Planning and Zoning Commission or the City Council may require a traffic survey setting out and analyzing the effect that the Planned Unit Development will have on the traffic system adjacent to and in the vicinity of the proposed Planned Unit Development.
2. The City Council may require an economic feasibility study.

- f. Provisions for maintenance of open space and recreational facilities.

When a Planned Unit Development includes common open space or recreational facilities, a statement describing the provisions for the care and maintenance of such open space or recreational facilities must be made. Satisfactory provisions shall be made to ensure that nonpublic areas and facilities for the common use of occupants of the Planned Unit Development, but not in individual ownership of such occupants, shall be maintained in satisfactory manner without expense to the taxpayers of the City. This may be provided by the incorporation of an automatic membership home association for the purpose of continuously holding title to such nonpublic areas and facilities, and levying assessments against each individual owner; whether his property is improved or not, for the purpose of paying the taxes and maintaining such nonpublic areas and facilities, which may include but shall not be limited to recreational areas, off-street parking areas, walkways, lighting and common landscaped areas. Such assessments shall be a lien superior to all others, including but not limited to mortgage liens, save and except tax liens. Other methods may be acceptable, if the method positively provides for the proper and continuous payment of taxes and maintenance without expense to the taxpayers of the City. The instrument incorporating such provisions shall be approved by the City Attorney as to form and legal sufficiency before submission to the City Council and shall be, upon approval of the ~~conditional use permit for a~~ Planned Unit Development by the City Council, recorded in the public records of the county.

- g. Restrictive covenants.

Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development shall be submitted.

CITY OF CLERMONT
ORDINANCE No. 2015-75

3. Action on preliminary development plan.

After receiving the application, the administrative official, the City Manager or his designated representative, shall review the development plan. During the review, the administrative official may request the applicant to confer on the Planned Unit Development concerning any suggested changes in the original proposal and additional information necessary to make essential findings. In the course of the conferences, any agreements or disagreements between the administrative official and the applicant shall be recorded in writing and shall become part of the record.

4. Platting requirements.

If it is determined by the City Council that the lands encompassed by the Planned Unit Development must be platted or re-platted, this must be done in accordance with the procedures and regulations set forth by the Codes and Ordinances of the City.

5. Recommendation by administrative official.

The administrative official shall either recommend approval of the application as submitted, approval with modifications, or disapproval of the proposal, and shall set forth the reasons for the recommendation.

6. Hearing and recommendation by Planning and Zoning Commission. The Planning and Zoning Commission shall, within 30 days after receiving the administrative official's report, hold a public hearing on the application. Such public hearing shall consider all aspects of the administrative official's findings, and of the proposed Planned Unit Development. Within 30 days after the last public hearing on such plan, the Planning and Zoning Commission shall prepare and transmit to the City Council specific findings of fact, together with its recommendations. The Planning and Zoning Commission may recommend approval of the Planned Unit Development as proposed, approval conditional on stated modifications, or disapproval.

7. Action by City Council.

a. Granting or denial.

The City Council shall, within 30 days after receiving the Planning and Zoning Commission's report, hold a public hearing on the application. Such public hearing shall consider all aspects of the Planning and Zoning Commission's findings, and of the proposed Planned Unit Development. The City Council shall either grant the application, with or without modifications, or deny such application. If the ~~conditional-use permit~~ Planned Unit Development is granted, the area of land involved shall be designated as a ~~conditional-use~~ Planned Unit Development by resolution ordinance, and such ~~resolution ordinance~~ shall include any condition or restriction that may be imposed by the City Council.

CITY OF CLERMONT
ORDINANCE No. 2015-75

b. Performance bond.

A performance bond may be required by the City Council to ensure that necessary improvements are completed according to approved development permits and development orders, to ensure that no ecological damage is done to surrounding properties or waters, and to ensure the restoration of the subject land to a state that would permit no ecological damage if the project should fail or be abandoned or work stopped for any reason for a period of more than six months, and the bond shall be utilized by the city council in the restoration, as nearly as possible, of the land to a state equivalent to the natural ecological conditions prevailing at the time of the issuance of the ~~conditional-use permit~~ Planned Unit Development. The bond shall terminate at a time after phase or stage completion or final completion as determined by the City Council. The bond may be a surety bond, a cash bond, or an unencumbered certificate of deposit, bank savings account or government security assigned to the City for the purpose of these requirements.

8. Effect of approval.

The Master Land Use Plan as approved, together with the conditions and restrictions imposed, shall constitute the ~~conditional-use permit and~~ Planned Unit Development zoning on the land, and no development permit or development order shall be issued except in conformity with all provisions of the grant of ~~conditional-use~~ Planned Unit Development. The terms of the grant of ~~conditional-use~~ the Planned Unit Development shall be binding on the applicant and any successors in interest during any time period specified as a safeguard in the granting of the ~~conditional-use~~ Planned Unit Development.

9. Expiration of approval.

If development actions required by the ~~grant of conditional-use~~ granting of the Planned Unit Development are not taken within any time limits set in the ~~grant of conditional-use~~ Planned Unit Development, the Planning and Zoning Commission shall review the circumstances and recommend to the City Council that:

- a. Revised time limits be set, and the recommendation shall include proposals for appropriate action in respect to any legal instruments involved in the case; or
- b. The ~~grant of conditional-use~~ Planned Unit Development be canceled.

CITY OF CLERMONT
ORDINANCE No. 2015-75

10. Development permits.

Development (building) permits shall be obtained for each and every structure erected, and construction and operation of the proposed use shall comply at all times with the regulations of the City and other governmental agencies. Prior to the issuance of any development permits, complete building plans shall be submitted to the City for approval. The plans shall be in substantial conformity with plans approved by the Planning and Zoning Commission and City Council. Separate facilities deemed possible sources of pollutants shall have received approval from appropriate federal, state, county and city departments or agencies prior to construction.

Section 122-317. Amendments to development plan.

Changes in plans approved as part of the ~~grant of conditional use~~ Planned Unit Development under this Article may be permitted upon application by the petitioner or his successors in title or interest, but only upon a finding that any such changes are in accord with all regulations in effect when the change is requested and the general intent and purpose of the Comprehensive Plan in effect at the time of the proposed change. Application for approval of such amendment shall be filed and acted upon in the same manner as prescribed in this Article for original application for approval of Planned Unit Development projects.

Section 122-318. Conflicting provisions.

After public hearings and upon the findings by the Planning and Zoning Commission and the City Council that the grant of a ~~conditional use~~ Planned Unit Development in the particular case serves a greater public purpose as to design of the particular plan and its relationship to the surrounding area, it is intended that, where there are conflicts between the requirements of this Article and other provisions of this Land Development Code, the provisions of this Article shall apply.

Section 122-319. Application fees.

Fees for Planned Unit Development application shall be established by resolution of the City Council and on file in the City Clerk's office.

Section 122-320—122-340. - Reserved.

CITY OF CLERMONT
ORDINANCE No. 2015-75

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 27th day of October, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

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

ORDINANCE NO. 2015-75

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 122 ZONING, SECTION 122, ARTICLE III DISTRICTS; ARTICLE IV PLANNED UNIT DEVELOPMENTS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, September 1, 2015 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 22, 2015 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd
City Clerk

Daily Commercial
August 25 and September 8, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, October 6, 2015		
Agenda Item Name		
Ordinance 2015-71 WaterBrooke Large-Scale Comprehensive Plan Amendment		
Requested Action		
Move to recommend approval of Ordinance 2015-71.		
Staff Report		
The applicant, Mattamy Homes, is requesting a future land use change on the parcels. This request is being heard concurrently with requests for annexation and a conditional use permit for a planned unit development (PUD). The property was previously mined and is now vacant. The applicant desires to develop the property for residential use and has previously received approval from Lake County. The applicant is requesting City services for the 540-acre project. The proposed map amendment will change the future land use from Lake County's Urban Low Density to the City's Low Density Residential. Lake County's Urban Low Density allows up to 4 dwelling units per acre. The City's Low Density Residential allows up to 3 dwelling units per acre. The change in future land use would decrease the total number of units by 25 percent if the project was built out at full capacity in the City. The applicant is requesting 950 units on 540 acres, which equates to 1.76 units per acre. This number is well below the 3 dwelling units per acre allowable under the City's Low Density Residential future land use. Upon approval by the City Council, the proposed amendment would be transmitted to the Florida Department of Economic Opportunity (DEO) and the reviewing agencies for review. DEO would then issue an Objections, Recommendations and Comments letter to the City, and the amendment would then be scheduled for a final public hearing in December. Staff recommends approval of the transmittal of the large-scale comprehensive plan amendment to change the future land use from Lake County Urban Low Density to Low Density Residential in the City.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	CPA ORD 2014-71.doc	
2. Maps	WaterBrooke Maps.pdf	
3. Application	CPA application.pdf	
4. Legal ad	CPA Ad WaterBrooke.docx	

CITY OF CLERMONT
ORDINANCE No. 2015-71

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:

The East 3/4 of the South 1/2 of Section 27, Township 22 South, Range 26 East;

AND

Parcel 2:

The North 1/2 of Section 34, Township 22 South, Range 26 East, less and except the west 1660 feet thereof;

CITY OF CLERMONT
ORDINANCE No. 2015-71

AND

Parcel 3:

U.S. Government Lot 1, less and except the north 660 feet of the west 660 feet, lying in Section 35, Township 22 South, Range 26 East;

AND

Parcel 4:

The NW 1/4 of the SW 1/4 of the NW 1/4 of Section 35, Township 22 South, Range 26 East;

AND

Parcel 5:

Begin 50.25 feet north of the southeast corner of the NW 1/4 of Section 35, Township 22 South, Range 26 East; thence run west 1305 feet; thence run south 8.3 feet; thence run west to the southwest corner of the NW 1/4 of said Section 35; thence north to the northwest corner of the south 1/2 of the SW 1/4 of the NW 1/4 of said Section 35; thence east to the northeast corner of the south 1/2 of the SE 1/4 of the NW 1/4; thence south to the point of beginning;

AND

Parcel 6:

That part of Section 27, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Begin at the Southeast corner of Lot 5, Pine Valley Industrial Park, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida; thence N00°55'27"E along the east line of said Lot 5, for a distance of 701.16 feet to the north line of the southwest 1/4 of the southwest 1/4 of said Section 27; thence S89°03'05"E along said north line, 16.98 feet to the west line of the east 3/4 of the south 1/2 of said Section 27; thence S00°24'50"W along said west line, 710.74 feet to the north line of the south 610.00 feet of the southwest 1/4 of the southwest 1/4 of said Section 27; thence departing said west line run N75°03'48"W, 39.92 feet to the south line of said Lot 5; thence S88°41'58"E along said south line, 15.41 feet to the point of beginning.

AND

Parcel 7:

That part of Lot 5, Pine Valley Industrial Park, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida, described as follows: Begin at the southeast corner of said Lot 5; thence N00°55'27"E along the east line of said Lot 5 for a distance of 696.49 feet; thence departing said east line run S53°23'08"W, 100.90 feet; thence S08°50'46"W, 57.13 feet; thence S33°38'56"W, 31.61

CITY OF CLERMONT
ORDINANCE No. 2015-71

feet; thence S04°49'02"E, 40.96 feet; thence S02°58'52"E, 93.11 feet; thence S08°48'35"W, 60.57 feet; thence S20°20'22"W, 82.37 feet; thence S05°30'28"W, 59.91 feet; thence S10°59'05"W, 70.76 feet; thence S18°19'44"E, 68.63 feet; thence S32°06'31"E, 46.35 feet; thence S44°29'07"E, 31.79 feet; thence S61°25'49"E, 40.03 feet; thence S75°03'48"E, 26.77 feet to the south line of said Lot 5; thence S88°41'58"E along said south line, 15.41 feet to the Point of Beginning.

Easement Parcel A:

Together with an easement for ingress and egress to State Road 50 over the entire stretch of asphalt road the center line of which begins 174.60 feet west of the northeast corner of the SW 1/4 of the NE 1/4 of Section 27, Township 22 South, Range 26 East, and run south 0°10' west through the entire SW 1/4 of the NE 1/4 of Section 27, which easement shall be 60 feet in width;

LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

The east 150.00 feet of the following described property (Magnolia Bay Boulevard according to the plat thereof, as recorded in Plat Book 34, Pages 47 through 49, of the Public Records of Lake County, Florida):

Begin at an iron rod and cap marked "RLS 4264" at the southeast corner of the north 660.00 feet of the west 660.00 feet of Government Lot 1, Section 35, Township 22 South, Range 26 East, Lake County, Florida; thence run N88°47'56"W along the south line of said north 660.00 feet of the west 660.00 feet of Government Lot 1 for a distance of 545.00 feet; thence run S01°12'04"W for a distance of 124.51 feet to the northerly right of way line of Hartle Road; thence run N80°06'21"E along said northerly right of way line for a distance of 433.09 feet to the beginning of a tangent curve concave to the northwest and having a radius of 467.00 feet; thence run northeasterly along the arc of said curve for a distance of 121.09 feet through a central angle of 14°51'22" to the end of said curve; thence run N65°14'58"E along said northerly right of way line for a distance of 6.13 feet to a point on the east line of said west 660.00 feet of Government Lot 1; thence leaving said northerly right of way line run N00°29'39"W along aid east line for a distance of 0.12 feet to the point of beginning;

AND FURTHER LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

A strip of land for road right of way purposes 66.00 feet wide lying in Section 35, Township 22 South, Range 26 East, Lake County, Florida, the centerline of which is described as follows:

Commencing at the northwest corner of Section 35, Township 22 South, Range 26 East, run S00°30'48"E along west line of the northwest 1/4 of said Section 35, for a distance of 1856.75 feet to the northwest corner of the south 1/2 of the southwest 1/4 of the northwest 1/4 of said Section 35; thence leaving said west line run S88°23'30"E along the north line of the south 1/2 of the southwest 1/4 of the northwest 1/4 and the north line of the south 1/2 of the southeast 1/4 of the northwest 1/4 of said Section 35, for a distance of 1531.02 feet to the point of beginning; thence leaving said north line run S00°00'09"E for a distance of 298.67 feet to a point designated as point A; thence run S89°59'51"W for a

CITY OF CLERMONT
ORDINANCE No. 2015-71

distance of 58.00 feet to a point of termination A of this centerline; begin again at aforesaid point A; thence run N89°59'51"E for a distance of 573.66 feet to a point on a tangent curve concave to the northwest and having a radius of 2000.00 feet; thence run northeasterly along the arc of said curve for a distance of 345.29 feet, through a central angle of 09°53'30" to the end of said curve; thence run N80°06'21"E for a distance of 753.88 feet to a point on a tangent curve concave to the northwest and having a radius of 500.00 feet; thence run northeasterly along the arc of said curve for a distance of 129.64 feet, through a central angle of 14°51'22" to the end of said curve; thence run N65°14'59"E for a distance of 252.91 feet to a point on a tangent curve concave to the southwest and having a radius of 350.00 feet; thence run easterly along the arc of said curve for a distance of 431.07 feet, through a central curve (sic) of 70°34'02" to the end of said curve; thence run S44°11'00"E for a distance of 169.91 feet to a point on a tangent curve concave to the northeast and having a radius of 250.00 feet; thence run southeasterly along the arc of said curve for a distance of 276.31 feet, through a central angle of 63°19'35" to the end of said curve; thence run N72°29'25"E for a distance of 514.79 feet to a point on a tangent curve concave to the southeast and having a radius of 750.00 feet; thence run northeasterly along the arc of said curve for a distance of 240.51 feet through a central angle of 18°22'24" to the end of said curve; thence run S89°08'11"E for a distance of 203.12 feet to the east line of Government Lot 1, said Section 35 and the point of termination B of the aforesaid centerline.

AND FURTHER LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

That part of Section 35, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at the west 1/4 corner of said Section 35, said corner marked by a 4"x4" concrete monument (no identification) (Certified Corner Record No. 38693); thence S88°00'40"E along the east-west center of section line of said Section 35, a distance of 857.52 feet to the point of beginning; thence continue along said center of section line S88°00'40"E, a distance of 481.86 feet to a point on the east line of the platted portion of Postal Colony Company, as recorded in Plat Book 9, Page 65, of the Public Records of Lake County, Florida, said point lying N88°00'40"W, a distance of 3891.93 feet from the East 1/4 corner of said Section 35, said east 1/4 corner being marked by a 3" diameter iron pipe (no identification) (Certified Corner Record No. 38386); thence departing said center of section line, run N00°07'48"W along said east line, a distance of 12.98 feet to the northeast corner of said platted portion of Postal Colony Company; thence departing said east line, run N89°33'17"W along the north line of said Postal Colony Company, a distance of 481.55 feet to the point of beginning. Alternate Keys 1095972, 3882911, 1095964, and 2717874

Containing 540.223 acres more or less (excluding that portion of Johns Lake south of Island Blvd. lying waterward of the Safe Upland Line (elevation 98.0 NGVD 29).

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

CITY OF CLERMONT
ORDINANCE No. 2015-71

Section 2.

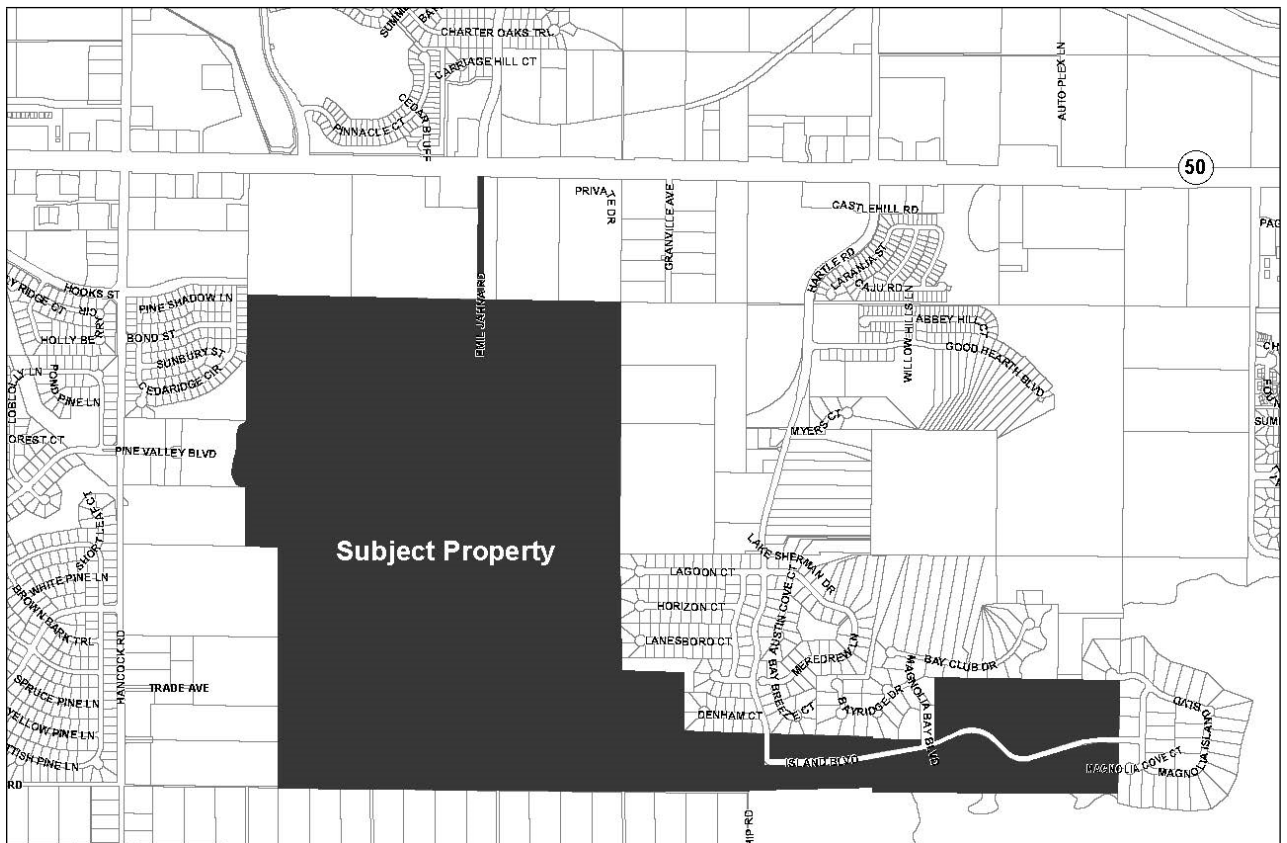
If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of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

Section 3.

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

Section 4.

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



CITY OF CLERMONT
ORDINANCE No. 2015-71

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 8th day of December, 2015.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map WaterBrooke

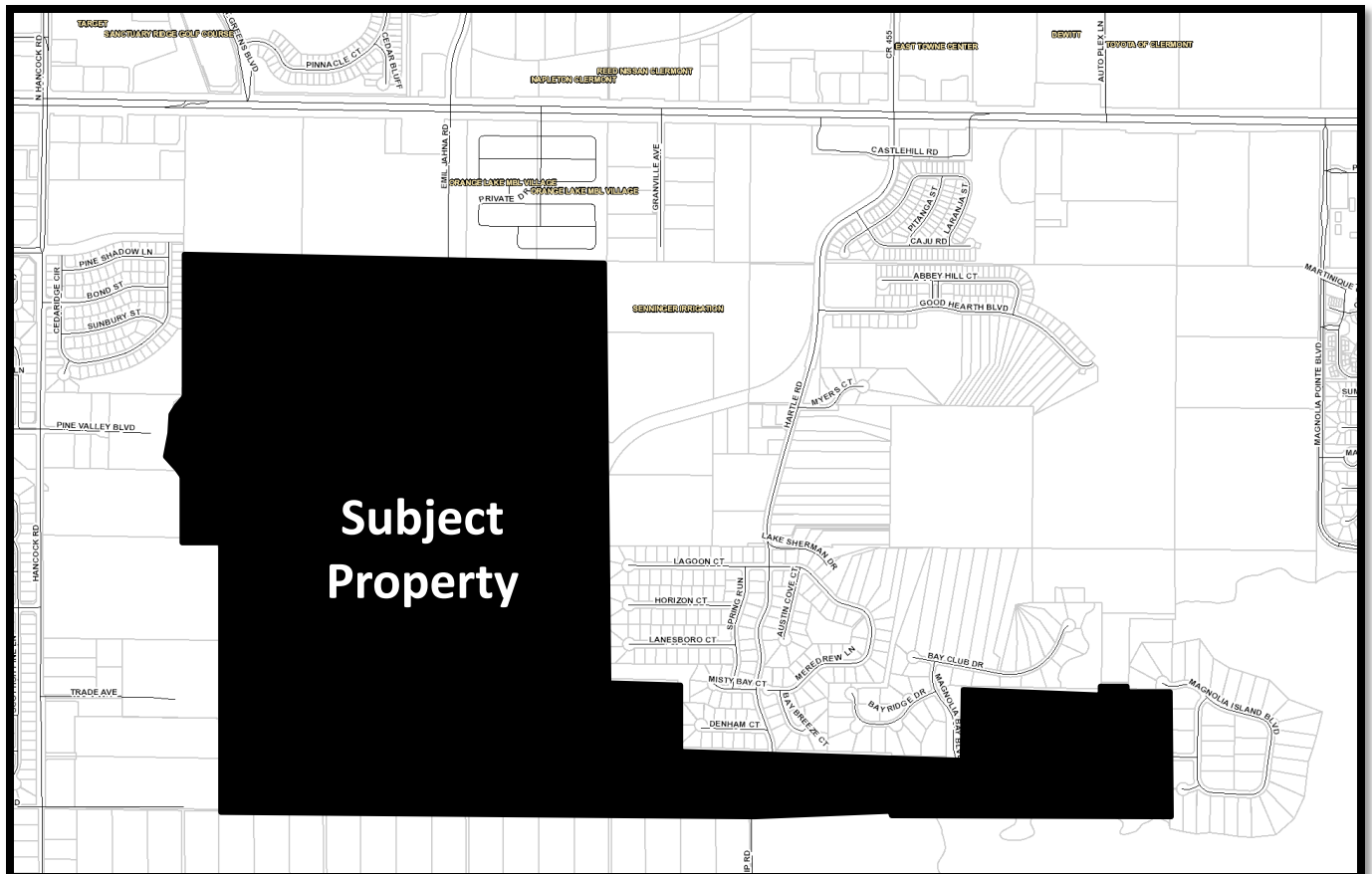


Exhibit – Future Land Use Map WaterBrooke

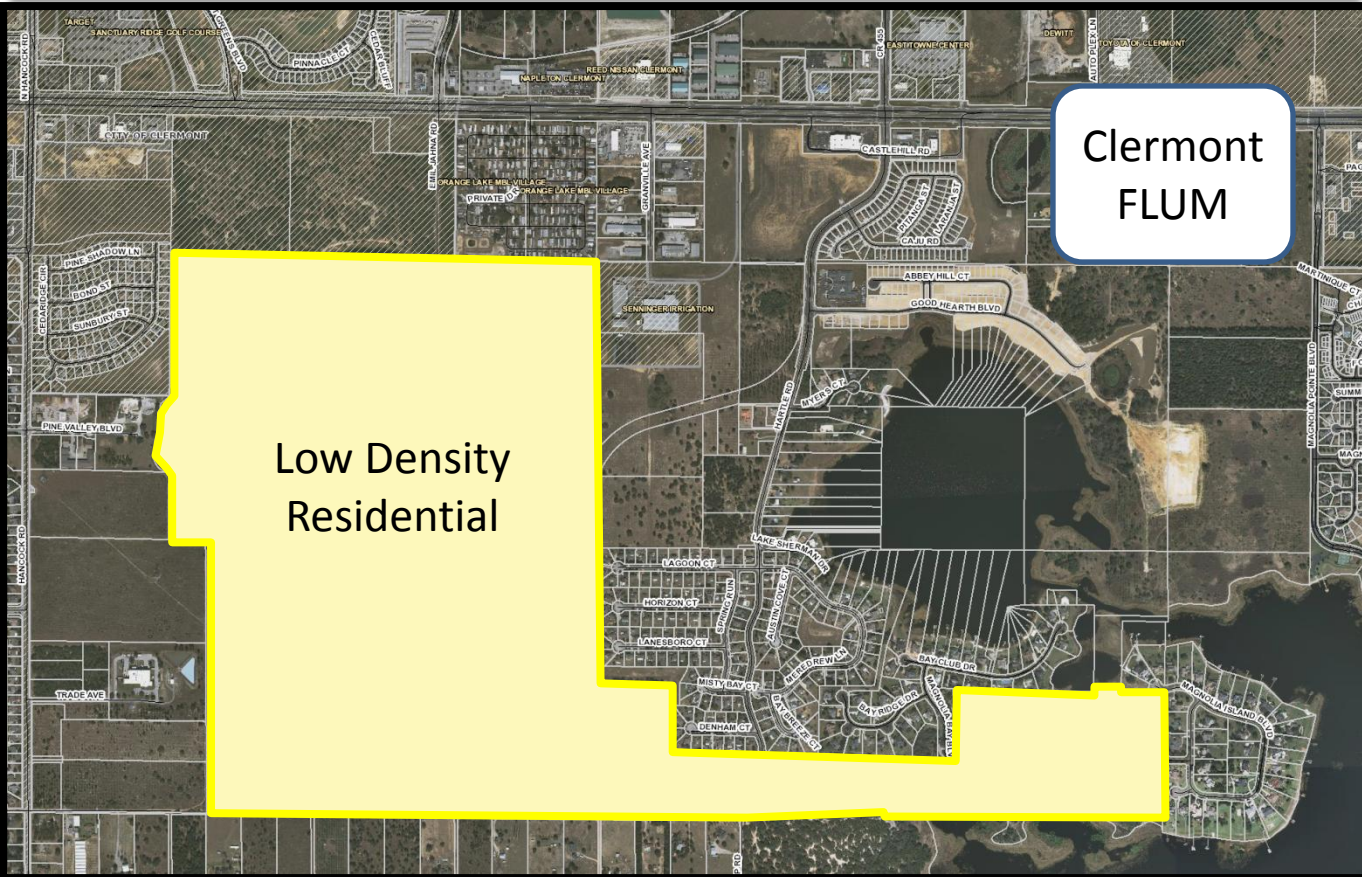
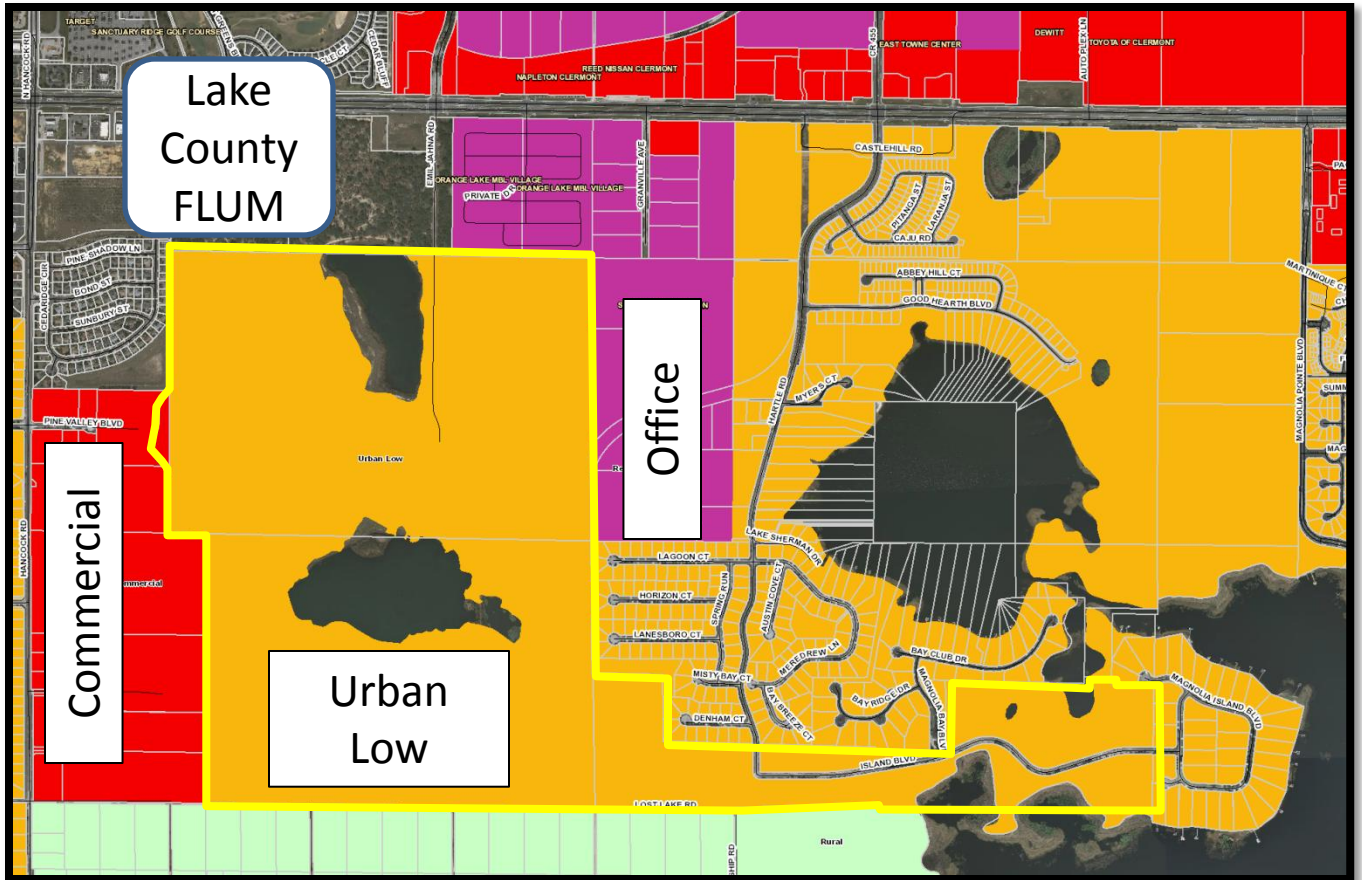
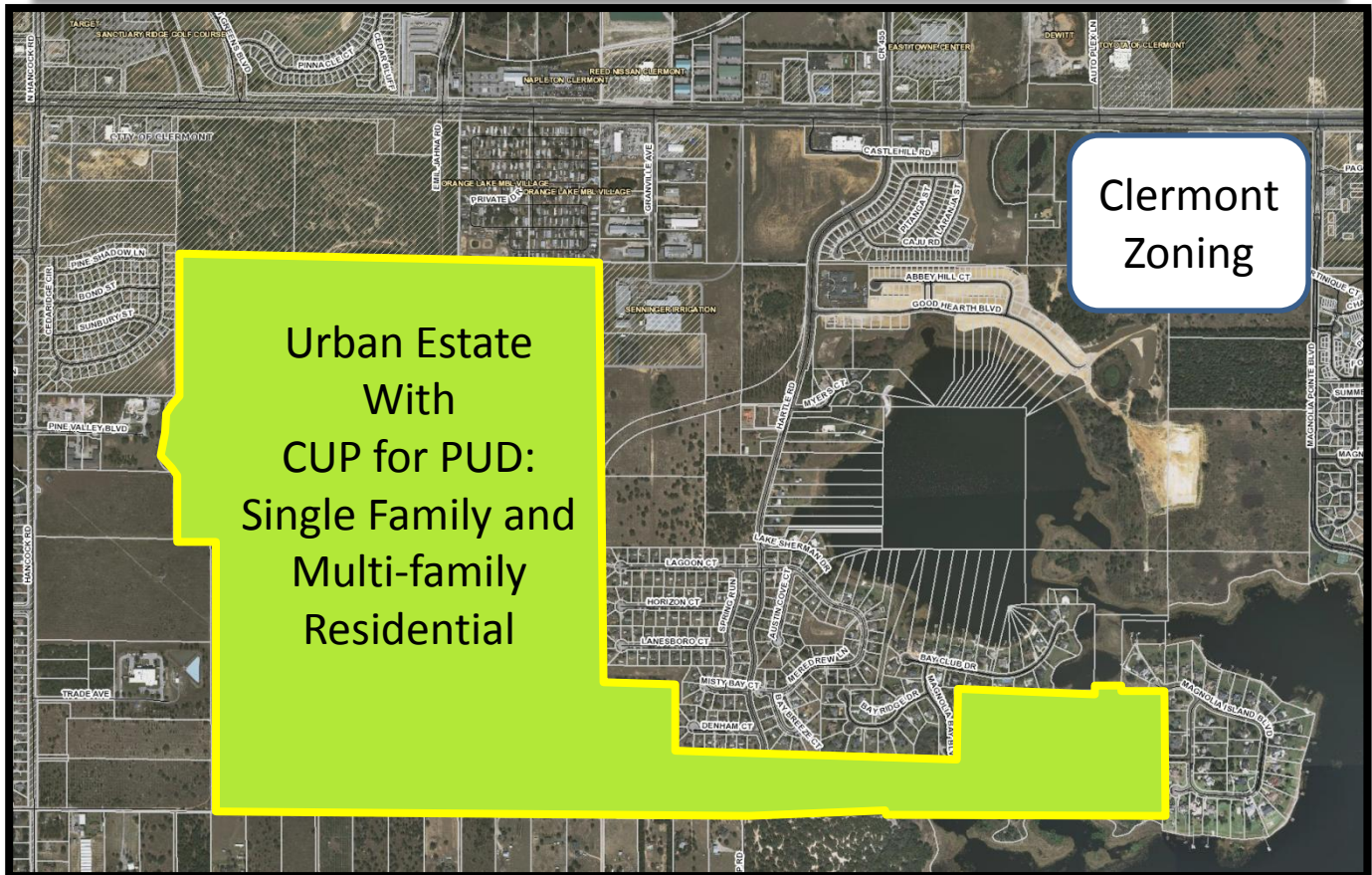
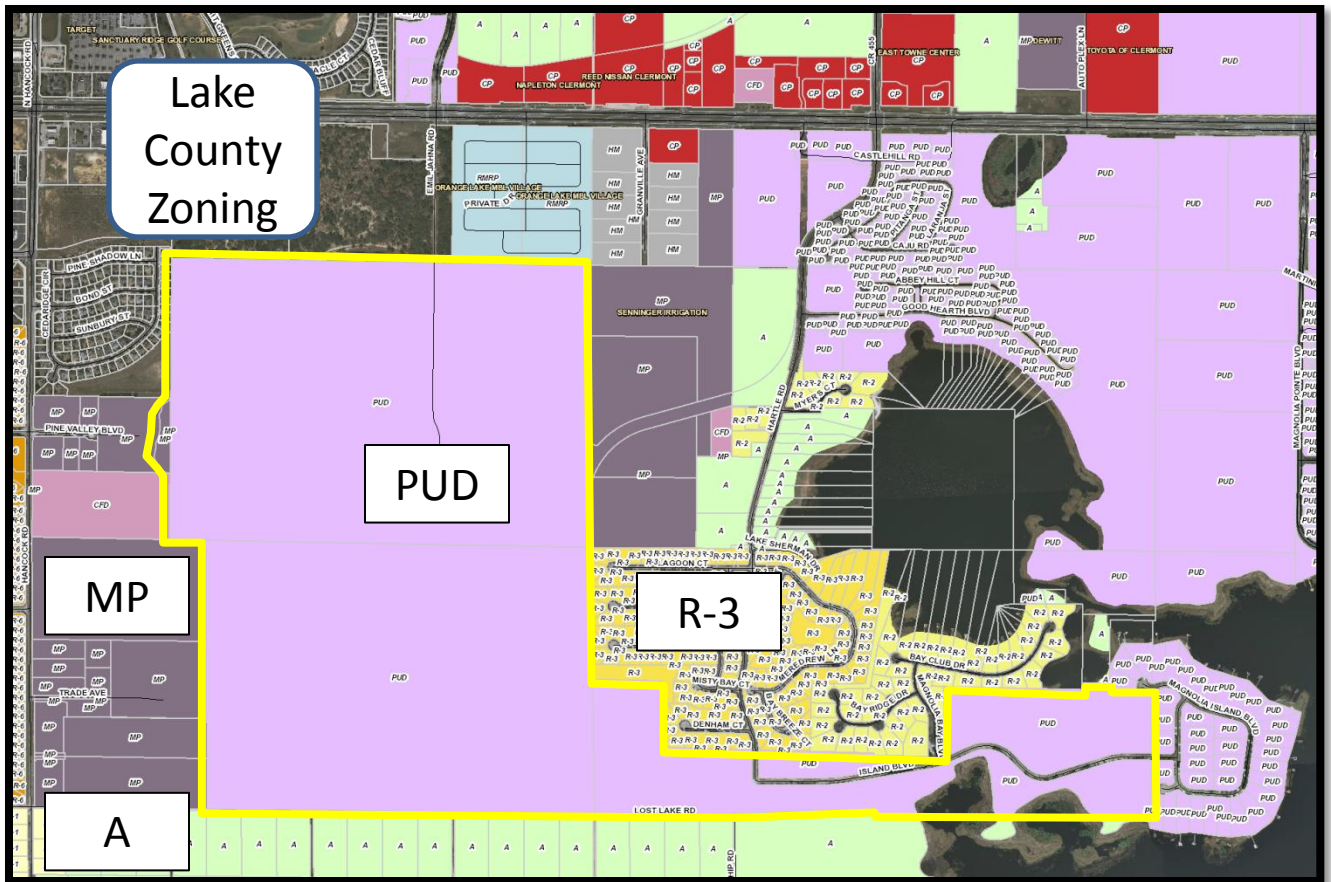


Exhibit – Zoning Map WaterBrooke





CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: 6/12/15

FEE: \$1500.00

Project Name (if applicable): WaterBrooke (f/k/a Jahna PUD)

Applicant: Mattamy Orlando LLC

Contact Person: Keith Trace

Address: 1900 Summit Tower Blvd., Suite 500

City: Orlando State: Florida Zip: 32810

Phone: 407-599-2228 Fax: 321-444-6565

E-Mail: Keith.Trace@mattamyhomes.com

OWNER: Mattamy Orlando LLC – Attn: Keith Trace

Address: 1900 Summit Tower Blvd., Suite 500

City: Orlando State: Florida Zip: 32810

Phone: 407-599-2228 Fax: 321-444-6565

E-Mail: Keith.Trace@mattamyhomes.com

General Location: South side of State Road 50 at Emil Jahna Road, east of Hancock Road, west of Hartle Road

Legal Description (include copy of survey): See attached

Property size (in acres or square feet): 540 +/- acres

Flood hazard area (yes) X and approx. acreage 124.5+/- (no) _____

Existing (Actual) Land Use: Reclaimed sand mine; vacant land

Existing Zoning: PUD (County)
CUP/PUD (City) requested under separate application)

Existing Future Land Use: Urban Low Density (County)

Proposed Future Land Use: Low Density Residential (City)

Type of development proposed: Planned residential development

02/02/2015



Proposed density (dwelling units/acre) or intensity:

1.65 dwelling units per gross acre

Proposed Zoning District: CUP/PUD

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

Mattamy Homes owns approximately 540 acres adjacent to the City of Clermont. The property is now contiguous to the city limits which requires that the property be annexed to obtain utility services from Clermont. The Owner is therefore filing an Application for Annexation which will require that the City's Comprehensive Plan be amended to provide a Future Land Use. The Owner is also filing an Application for a Conditional Use Permit which will contain the same density and intensity as the existing Lake county approved PUD. The Owner is requesting a Future Land Use of Low Density Residential in the City which is consistent and compatible with the existing PUD which approved 894 units on the property.

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

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

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

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

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

02/02/2015



APPLICANT'S AFFIDAVIT

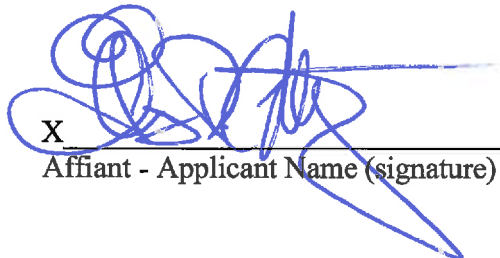
STATE OF FLORIDA

COUNTY OF LAKE:

Before me, the undersigned authority personally appeared Thomas McCarthy, Vice President of Mattamy Orlando LLC, who being
by me first duly sworn on oath, deposes and says:

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

Thomas McCarthy, Vice President
Mattamy Orlando LLC
Affiant - Applicant Name (print)

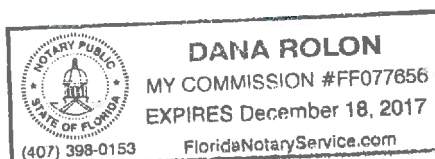
X 
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 10 day of June, 2015.

X 
Notary Public, State of Florida at Large

My Commission Expires: 12-18-17



02/02/2015



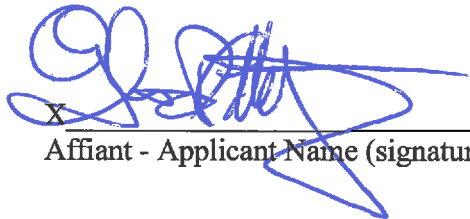
OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared Thomas McCarthy, Vice President of Mattamy Orlando LLC, who being by me first duly sworn on oath, deposes and says:

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

Thomas McCarthy, Vice President
Mattamy Orlando LLC
Affiant - Applicant Name (print)

X 
Affiant - Applicant Name (signature)

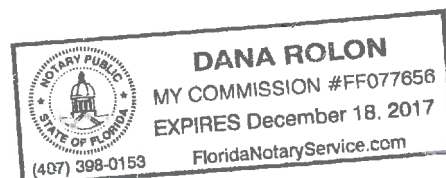
SWORN to and SUBSCRIBED before me by

or personally known by me this 10 day of June, 2015.

X 

Notary Public, State of Florida at Large

My Commission Expires: 12-18-17



02/02/2015

INSTRUMENT#: 2015063184 OR BK 4637 PG 795 PAGES: 6 6/11/2015 3:38:57 PM
NEIL KELLY, LAKE COUNTY CLERK OF THE CIRCUIT COURT
REC FEES: \$52.50 DEED DOC:\$117985.00

This Instrument was Prepared by
and Should be Returned to:

Grant T. Downing
Godbold, Downing & Bill, P.A.
222 W. Comstock Avenue, Suite 101
Winter Park, Florida 32789

Parcel ID# 2722260003-000-00500; 3422260001-000-00100; 3522260001-000-00600; and 2722260500-000-00501

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

WARRANTY DEED

THIS WARRANTY DEED is made and entered into as of this 5TH day of JUNE, 2015, by **NOLA LAND COMPANY, INC.**, a Florida corporation, whose address is 202 E. Stuart Avenue, Lake Wales, Florida 33853 (hereinafter called the "Grantor"), to **MATTAMY ORLANDO LLC**, a Delaware limited liability company, whose address is 1900 Summit Tower Boulevard, Suite 500, Orlando, Florida 32820 (hereinafter called the "Grantee").

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Lake County, Florida (the "Property"), described as follows:

See Exhibit "A" attached hereto and incorporated herein.

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

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

AND, the Grantor hereby covenants with the Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except real property taxes accruing subsequent to December 31, 2014, and easements, restrictions and reservations of record, if any; however, this reference thereto shall not serve to reimpose same.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal as of the day and year first written above.

Signed, sealed and delivered
in the presence of:

NOLA LAND COMPANY, INC., a Florida
corporation

Deborah Partlow
Print Name: Deborah Partlow

C. B. MYERS III
Print Name: C. B. MYERS III

By: [Signature]
Print Name: Allen J. Keesler, Jr.
Its: President/CEO

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 5TH day of JUNE, 2015, by ALLEN J. KEESLER, JR., as PRESIDENT/CEO of Nola Land Company, Inc., a Florida corporation, who [X] is personally known to me, or [] has produced _____ for identification.

(SEAL)

Deborah Partlow
Notary Signature

DEBORAH PARTLOW
Notary Public, State of Florida
My Comm. Expires Mar. 8, 2018
Commission No. FF 88384

Exhibit "A"**Parcel 1**

The East 3/4 of the South 1/2 of Section 27, Township 22 South, Range 26 East;

and

Parcel 2

The North 1/2 of Section 34, Township 22 South, Range 26 East, LESS AND EXCEPT the West 1660 feet thereof;

and

Parcel 3

U.S. Government Lot 1, LESS AND EXCEPT the North 660 feet of the West 660 feet, lying in Section 35, Township 22 South, Range 26 East;

and

Parcel 4

The NW 1/4 of the SW 1/4 of the NW 1/4 of Section 35, Township 22 South, Range 26 East;

and

Parcel 5

Begin 50.25 feet North of the Southeast corner of the NW 1/4 of Section 35, Township 22 South, Range 26 East; thence run West 1305 feet; thence run South 8.3 feet; thence run West to the Southwest corner of the NW 1/4 of said Section 35; thence North to the Northwest corner of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 35; thence East to the Northeast corner of the South 1/2 of the SE 1/4 of the NW 1/4; thence South to the Point of Beginning;

and

Parcel 6

That part of Section 27, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

BEGIN at the Southeast corner of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida; thence North 00°55'27" East along the East line of said Lot 5, for a distance of 701.16 feet to the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence South 89°03'05" East along said North line, 16.98 feet to the West line of the East 3/4 of the South 1/2

of said Section 27; thence South 00°24'50" West along said West line, 710.74 feet to the North line of the South 610.00 feet of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence departing said West line run North 75°03'48" West, 39.92 feet to the South line of said Lot 5; thence South 88°41'58" East along said South line, 15.41 feet to the Point of Beginning.

and

Parcel 7

That part of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida, described as follows:

BEGIN at the Southeast corner of said Lot 5; thence North 00°55'27" East along the East line of said Lot 5 for a distance of 696.49 feet; thence departing said East line run South 53°23'08" West, 100.90 feet; thence South 08°50'46" West, 57.13 feet; thence South 33°38'56" West, 31.61 feet; thence South 04°49'02" East, 40.96 feet; thence South 02°58'52" East, 93.11 feet; thence South 08°48'35" West, 60.57 feet; thence South 20°20'22" West, 82.37 feet; thence South 05°30'28" West, 59.91 feet; thence South 10°59'05" West, 70.76 feet; thence South 18°19'44" East, 68.63 feet; thence South 32°06'31" East, 46.35 feet; thence South 44°29'07" East, 31.79 feet; thence South 61°25'49" East, 40.03 feet; thence South 75°03'48" East, 26.77 feet to the South line of said Lot 5; thence South 88°41'58" East along said South line, 15.41 feet to the POINT OF BEGINNING.

Easement Parcel A:

TOGETHER WITH an easement for ingress and egress to State Road 50 over the entire stretch of asphalt road the centerline of which begins 174.60 feet West of the Northeast corner of the SW 1/4 of the NE 1/4 of Section 27, Township 22 South, Range 26 East, and run South 0°10' West through the entire SW 1/4 of the NE 1/4 of Section 27, which easement shall be 60 feet in width;

ALL OF THE ABOVE LYING AND BEING IN LAKE COUNTY, FLORIDA.

LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

The East 150.00 feet of the following described property (Magnolia Bay Boulevard according to the plat thereof, as recorded in Plat Book 34, Pages 47 through 49, of the Public Records of Lake County, Florida): BEGIN at an iron rod and cap marked "RLS 4264" at the Southeast corner of the North 660.00 feet of the West 660.00 feet of Government Lot 1, Section 35, Township 22 South, Range 26 East, Lake County, Florida; thence run North 88°47'56" West along the South line of said North 660.00 feet of the West 660.00 feet of Government Lot 1 for a distance of 545.00 feet; thence run South 01°12'04" West for a distance of 124.51 feet to the Northerly right of way line of Hartle Road; thence run North 80°06'21" East along said Northerly right of way line for a distance of 433.09 feet to the beginning of a tangent curve concave to the Northwest and having a radius of 467.00 feet; thence run Northeasterly along the arc of said curve for a distance of 121.09 feet through a central angle of 14°51'22" to the end of said curve; thence run

North 65°14'58" East along said Northerly right of way line for a distance of 6.13 feet to a point on the East line of said West 660.00 feet of Government Lot 1; thence leaving said Northerly right of way line run North 00°29'39" West along said East line for a distance of 0.12 feet to the Point of Beginning.

AND FURTHER LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

A strip of land for road right of way purposes 66.00 feet wide lying in Section 35, Township 22 South, Range 26 East, Lake County, Florida, the centerline of which is described as follows:

Commencing at the Northwest corner of Section 35, Township 22 South, Range 26 East, run South 00°30'48" East along West line of the Northwest 1/4 of said Section 35, for a distance of 1856.75 feet to the Northwest corner of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 35; thence leaving said West line run South 88°23'30" East along the North line of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 and the North line of the South 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 35, for a distance of 1531.02 feet to the POINT OF BEGINNING; thence leaving said North line run South 00°00'09" East for a distance of 298.67 feet to a point designated as POINT A; thence run South 89°59'51" West for a distance of 58.00 feet to a POINT OF TERMINATION A of this centerline; BEGIN again at aforesaid POINT A; thence run North 89°59'51" East for a distance of 573.66 feet to a point on a tangent curve concave to the Northwest and having a radius of 2000.00 feet; thence run Northeasterly along the arc of said curve for a distance of 345.29 feet, through a central angle of 09°53'30" to the end of said curve; thence run North 80°06'21" East for a distance of 753.88 feet to a point on a tangent curve concave to the Northwest and having a radius of 500.00 feet; thence run Northeasterly along the arc of said curve for a distance of 129.64 feet, through a central angle of 14°51'22" to the end of said curve; thence run North 65°14'59" East for a distance of 252.91 feet to a point on a tangent curve concave to the Southwest and having a radius of 350.00 feet; thence run Easterly along the arc of said curve for a distance of 431.07 feet, through a central curve (sic) of 70°34'02" to the end of said curve; thence run South 44°11'00" East for a distance of 169.91 feet to a point on tangent curve concave to the Northeast and having a radius of 250.00 feet; thence run Southeasterly along the arc of said curve for a distance of 276.31 feet, through a central angle of 63°19'35" to the end of said curve; thence run North 72°29'25" East for a distance of 514.79 feet to a point on a tangent curve concave to the Southeast and having a radius of 750.00 feet; thence run Northeasterly along the arc of said curve for a distance of 240.51 feet through a central angle of 18°22'24" to the end of said curve; thence run South 89°08'11" East for a distance of 203.12 feet to the East line of Government Lot 1, said Section 35 and the POINT OF TERMINATION B of the aforesaid centerline.

Excluding that portion of Johns Lake South of Island Blvd. lying waterward of the Safe Upland Line (elevation 98.0 NGVD 29).

AND FURTHER LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

That part of Section 35, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at the West 1/4 corner of said Section 35, said corner marked by a 4"X4" concrete

monument (no identification) (Certified Corner Record No. 38693); thence South 88°00'40" East along the East-West center of section line of said Section 35, a distance of 857.52 feet to the POINT OF BEGINNING; thence continue along said center of section line South 88°00'40" East, a distance of 481.86 feet to a point on the East line of the platted portion of POSTAL COLONY COMPANY, as recorded in Plat Book 9, Page 65, of the Public Records of Lake County, Florida, said point lying North 88°00'40" West, a distance of 3891.93 feet from the East 1/4 corner of said Section 35, said East 1/4 corner being marked by a 3" diameter iron pipe (no identification) (Certified Corner Record No. 38386); thence departing said center of section line, run North 00°07'48" West along said East line, a distance of 12.98 feet to the Northeast corner of said platted portion of POSTAL COLONY COMPANY; thence departing said East line, run North 89°33'17" West along the North line of said POSTAL COLONY COMPANY, a distance of 481.55 feet to the Point of Beginning.

MATTAMY ORLANDO LLC
(Revised 10-14-14 to exclude Postal Colony overlap)

DESCRIPTION (FURNISHED BY CLIENT):

Parcel 1:

The East 3/4 of the South 1/2 of Section 27, Township 22 South, Range 26 East;

AND

Parcel 2:

The North 1/2 of Section 34, Township 22 South, Range 26 East, LESS AND EXCEPT the West 1660 feet thereof;

AND

Parcel 3:

U.S. Government Lot 1, LESS AND EXCEPT the North 660 feet of the West 660 feet, lying in Section 35, Township 22 South, Range 26 East;

AND

Parcel 4:

The NW 1/4 of the SW 1/4 of the NW 1/4 of Section 35, Township 22 South, Range 26 East;

AND

Parcel 5:

Begin 50.25 feet North of the Southeast corner of the NW 1/4 of Section 35, Township 22 South, Range 26 East; thence run West 1305 feet; thence run South 8.3 feet; thence run West to the Southwest corner of the NW 1/4 of said Section 35; thence North to the Northwest corner of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 35; thence East to the Northeast corner of the South 1/2 of the SE 1/4 of the NW 1/4; thence South to the Point of Beginning;

AND

Parcel 6:

That part of Section 27, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

BEGIN at the Southeast corner of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida; thence N00°55'27"E along the East line of said Lot 5, for a distance of 701.16 feet to the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence S89°03'05"E along said North line, 16.98 feet to the West line of the East 3/4 of the South 1/2 of said Section 27; thence S00°24'50"W along said West line, 710.74 feet to the North line of the South 610.00 feet of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence departing said West line run N75°03'48"W, 39.92 feet to the South line of said Lot 5; thence S88°41'58"E along said South line, 15.41 feet to the POINT OF BEGINNING.

AND

Parcel 7:

That part of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida, described as follows:

BEGIN at the Southeast corner of said Lot 5; thence N00°55'27"E along the East line of said Lot 5 for a distance of 696.49 feet; thence departing said East line run S53°23'08"W, 100.90 feet; thence S08°50'46"W, 57.13 feet; thence S33°38'56"W, 31.61 feet; thence S04°49'02"E, 40.96 feet; thence S02°58'52"E, 93.11 feet; thence S08°48'35"W, 60.57 feet; thence S20°20'22"W, 82.37 feet; thence S05°30'28"W, 59.91 feet; thence S10°59'05"W, 70.76 feet; thence S18°19'44"E, 68.63 feet; thence S32°06'31"E, 46.35 feet; thence S44°29'07"E, 31.79 feet; thence S61°25'49"E, 40.03 feet; thence S75°03'48"E, 26.77 feet to the South line of said Lot 5; thence S88°41'58"E along said South line, 15.41 feet to the POINT OF BEGINNING.

Easement Parcel A:

TOGETHER WITH an easement for ingress and egress to State Road 50 over the entire stretch of asphalt road the center line of which begins 174.60 feet West of the Northeast corner of the SW 1/4 of the NE 1/4 of Section 27, Township 22 South, Range 26 East, and run South 0°10' West through the entire SW 1/4 of the NE 1/4 of Section 27, which easement shall be 60 feet in width;

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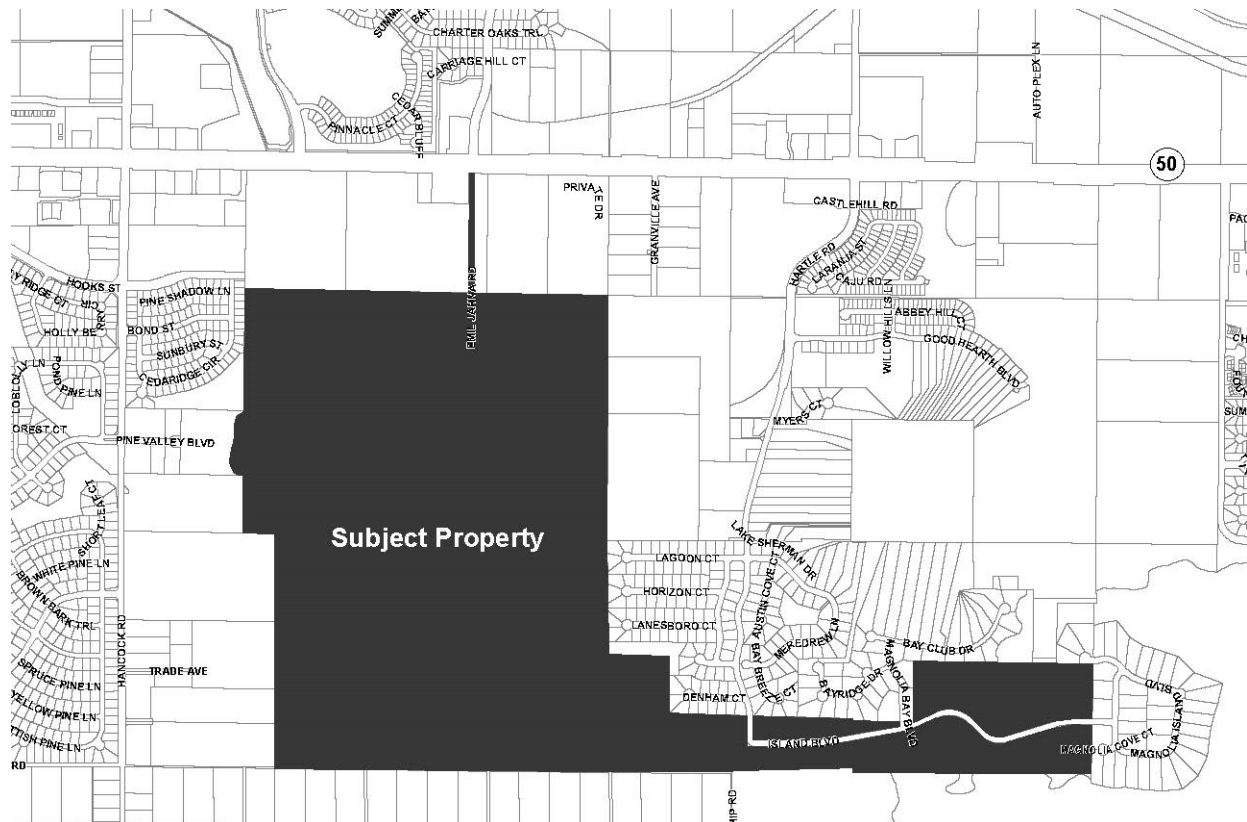
Containing 540.223 acres more or less (excluding that portion of Johns Lake south of Island Blvd. lying waterward of the Safe Upland Line (elevation 98.0 NGVD 29).

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2015-71

The City of Clermont will hold public hearings Tuesday, October 6, 2015 at 6:30 p.m. before the Planning and Zoning Commission and Tuesday, October 27, 2015 at 6:30 p.m. before the City Council to consider transmittal of a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the parcel below from Lake County Urban Low Density to Low Density Residential.

The City of Clermont will hold public hearings on Tuesday, December 8, 2015 (final reading of the ordinance) beginning at 6:30 p.m. before the City Council to consider the adoption of the proposed change to the City's Future Land Use Map.



***Location: South of S.R. 50, West of the Hartle Road, East of Hancock Road,
and North and South of Island Blvd
WaterBrooke (Jahna), 540 +/- acres
Alternate Keys 1095972, 3882911, 1095964, 2717874***

Ordinance #2015-71:

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

the adoption of the large-scale comprehensive plan amendment; establishing the legal status of the large-scale comprehensive plan amendment; providing a severability clause; and providing an effective date.

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

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

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
September 25, 2015 & November 24, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, October 6, 2015	
Agenda Item Name	
Resolution 2015-24 WaterBrooke Conditional Use Permit	
Requested Action	
Move to recommend approval of Resolution 2015-24.	
Staff Report	
The applicant, Mattamy Homes, is requesting a conditional use permit (CUP) for a planned unit development (PUD) consisting of 950 residential units. The development will be comprised of a majority of single family dwelling units with multifamily units also being offered. The applicant has received approval from Lake County for 894 dwelling units under PUD Ordinance #2014-80. The applicant desires to increase the number of dwelling units by 56 (6 percent) to offset the additional easements and rights-of-way that will be required for road improvements/re-alignment. City staff, the applicant, their representatives, and Lake County staff have met to work through the current ordinance and to incorporate the conditions into the City's CUP. The applicant has requested additional changes that are not included in the approved Lake County ordinance. These changes have necessitated the applicant requesting waivers to the City's code. Upon discussion and review, staff was able to support six of the requested waivers. These staff-supported waivers are contained in the CUP and include the following: 1. Allow private streets within the subdivision with gated entry/exits. <u>Section 110-192(1)</u> 2. Allow construction of Emil Jahna Road without bikeways and incorporate a 10-foot trail on the west side instead. <u>Section 110-194(3) and (4)</u> 3. Allow construction of 20-foot wide, one-way alleys with 12 feet of pavement as long as 20 feet of unobstructed emergency access is maintained. <u>Section 110-195(b)</u> 4. Allow cut and fill of up to 20 feet in the construction of Hartle Road to accommodate required road grades. <u>Section 94-195(b)(3)</u> 5. Allow street trees within the frontage of a residential lot to count toward the minimum number of required trees on the lot and to allow such trees to be less than 6 feet from curbs and sidewalks as long as a minimum of 5 feet of clearance is provided between the tree and any public potable water, wastewater or reclaimed water main. <u>Section 118-71(1)</u> 6. Allow community amenity buildings with a maximum building height of 55 feet. <u>Section 122-84(4)</u> Staff was not able to support the following two requested waivers and has not included them in the CUP: 1. Allow one single off-site ground sign identifying the subdivision at the southeast corner of the intersection of Emil Jahna Road and SR 50. <u>Section 102-15(e)(4)</u> 2. Allow the one single off-site ground sign to have following standards: (a) Maximum sign area = 50 square feet with a height of 15 feet, (b) Maximum height of sign's architectural feature, consisting of tower/column, to be up to 30 feet with no more than 25% of the sign width and (c) Sign setback of 20 feet from SR 50 and 20 feet from Emil Jahna Road. <u>Section 102-12(b)(1)</u>	

Additionally, the applicant has challenged several of the utilities provisions called out in the CUP. Staff's position is that these conditions are per code, and therefore, apply to the proposed project.

With this being stated, staff recommends approval of the CUP for a PUD as written.

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. CUP Conditions	CUP Conditions WaterBrooke 10-01-15 for P&Z Commission.docx	
2. Exhibit B - Conceptual Plan	Exhibit B 2015.pdf	
3. Site plan	Site.pdf	
4. Maps	WaterBrooke Maps.pdf	
5. School concurrency	School concurrency.pdf	
6. ROW Section	ROW concept plan.pdf	
7. Amenity Center Concept	WaterBrooke Amenity Center.pdf	
8. Amenity Elevation Concept	WaterBrooke Amenity Elevation Concept.pdf	
9. Offsite Sign - Proposed SR 50 Entry Feature	WaterBrooke Entry Feature.pdf	
10. Layout Concept	WaterBrooke Concept.pdf	
11. Lake County Ordinance #2014-80	2014-80 Jahna PUD Amendment.pdf	
12. Application	PUD application.pdf	
13. Legal ad	CUP Legal AD WaterBrooke.docx	

A. Land Uses:

1. Residential:

- a. A total of 950 residential dwelling units, comprised of single-family dwelling units, duplexes, and multifamily dwelling units (townhouses).
- b. Phasing of Development: The project may be developed in one or more phases.

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- c. Development Standards: Development standards for the development of the residential dwelling units, shall be based on the size of the lot, as indicated in the table below:

Design item	Multifamily Dwelling Units (townhouses)		Single Family Detached			Single Family Attached Duplexes
	Rear Load (feet)	Front Load (feet)	Rear Load (feet)	Front Load (feet)	Front Load (feet) (80 feet and Greater)	Front Load and Rear Load
Minimum Lot Area	1,600	1,800	2,400	4,400	9,600	2,400
Minimum Living Area	1,000	1,000	1,400	1,500	1,500	1,200
Minimum Lot Width	20	20	30	40	80	24
Minimum Lot Depth	80	90	80	110	120	100
Minimum Front Building Setback	15	15	15	15	15	15
Minimum Front Porch Setback	10	10	10	10	10	10
Minimum Front Garage Setback	-	20	-	20	20	20
Minimum Rear Garage Setback	20	-	20	-	-	20
Minimum Side Yard Setback ¹	5	5	5	5	5	5
Setback From Side Street	15	15	15	15	15	15
Minimum Rear Yard Setback	20	20	20	20	20	20
Minimum Building Separation	10	10	10	10	10	10
Minimum Rear Yard Setback for Pools, Patios, Decks or Ancillary Structures	5	5	5	5	5	5
Maximum Impervious Surface Ratio (ISR) *** (See Note) ²	0.85	0.85	0.75	0.75	0.75	0.85
Maximum Building Height ³	40	40	40	40	40	40
Setback from Ordinary High Water Line, Mean High Water Line, or Jurisdictional Wetland line	50	50	50	50	50	50
Minimum Front Yard Utility Easement	10	10	10	10	10	10
Minimum Side and Rear Yard Drainage and Utility Easement	5 ¹	5 ¹	5	5	5	5 ¹

¹Does not apply to interior side yards of attached townhomes and/or duplexes

²The maximum allowable ISR for the overall PUD development shall be 0.60. Individual lot ISR may exceed 0.60 as shown in the table above as long as overall maximum is not exceeded.

³The maximum height for recreational amenity buildings shall be 55 ft.

B. Open Space: A minimum of 25% of the net buildable area of the PUD shall be provided as open space in accordance with the comprehensive plan and Land Development Code (LDC), as amended. A waiver to

Section 122-316(b)(4) of the LDC has been granted to allow individual phases of the PUD to exceed the overall density of the PUD and to allow individual phases of the PUD to be developed without providing common open space in proportion to that contained within the entire PUD.

C. Landscaping, Buffering, and Screening:

1. A 40-foot wide natural buffer with a six-foot high wall shall be provided along a portion of the northern boundary of Tract N-7 from the entrance to Magnolia Bay subdivision, west to the existing Hartle Road, as shown on the Exhibit "B" - Conceptual Plan.
2. A 50-foot landscaped buffer shall be provided along the boundary common with the Hills of Clermont subdivision.
3. No landscaping buffer is required along the perimeter of the PUD adjacent to wetlands, open water and conservation areas.
4. A waiver to §118-71(1) of the LDC is granted in order to allow street trees within the right-of-way along the frontage of a residential lot to count toward the minimum number of required trees on the lot and to allow such trees to be less than six feet from curbs and sidewalks as long as a minimum of five feet of clearance is provided between the tree and any public potable water, wastewater or reclaimed water main.
5. All other landscaping, buffering, and screening requirements shall be in accordance with the LDC, as amended. Existing trees may be used to meet the landscape buffer requirements in accordance with the LDC, as amended.

D. Environmental:

1. An environmental assessment addressing habitat and species shall be submitted to the City during the construction plans approval stage of each phase of the project. Applicable permits for any gopher tortoises and associated burrow commensal species or other threatened or endangered species found on the property must be received from the appropriate regulatory agencies prior to the initiation of development activity.
2. Wetlands onsite have been placed in a conservation easement. Areas placed in a perpetual conservation easement are shown in the Corrective Conservation Easement, which has been recorded in Lake County Official Records Book 4531, Pages 2401-2408. There are two existing borrow pits on the property that exist as a result of the former mining operation. The two borrow pits shall be utilized for stormwater management and are not required to meet any additional surface water and/or wetland requirements, including, but not limited to setbacks and buffers.
3. Site Grading/Mine Reclamation: Master Site Grading and Mine Reclamation for the project has been completed in accordance with the mass grading plan dated December 14, 2005, submitted to and approved by the Lake County Water Resources Management Division. The site grading was completed pursuant to Florida Department of Environmental Protection (FDEP) Permit No. 0139060-002, issued on January 18, 2011. All grading in accordance with Mass Grading Plan has been completed and has been accepted in lieu of reclamation of the mining site. Mass Grading Plan was approved on August 6, 2014. Approval of Ordinance 2014-80 therefore revoked and released the property from the September 28, 1990, vesting of the Jahna Clermont East Mine (Tracking #90/10/5), which was to be reclaimed through the proposed mass grading Ordinance 2006-30 (Tracking #110-05-PUD). All further grading for the project must be in accordance with City standards.

E. Utilities:

1. The developer shall connect to the existing City system at connection point or points approved by the City.
2. The route of any off-site lines shall be according to engineering plans produced by the developer and approved by the City.

3. Any proposed City-maintained utilities that are not located within a City-maintained right-of-way shall be placed in a utility easement dedicated to the City. Easements shall be provided at no expense to the City. Utilities are allowed to be placed within the County build out right-of-way along Hartle Road.
4. The developer 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.
5. Any existing utilities must stay in service throughout construction. If the construction requires that the utilities be relocated or altered, the developer shall prepare plans, permit the project and construct the modification at the developer's expense.
6. 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 the 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.
7. In the event the City chooses to oversize the lines or appurtenances, the City shall provide to the developer specifications regarding sizes to be included in the final improvement plans.
8. 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 the developer to the City and approved in advance by the City.
9. The developer 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 estimates shall be contractors' bid as certified by developer's project engineer. The City shall review and either approve or reject the costs.
10. The developer and City shall agree on the cost difference, which will be the responsibility of the City, prior to commencement of construction.
11. Reimbursement for the difference in costs as determined in Section 8 and 9 from the City shall be in the form of Impact Fee Credits.
12. The Impact Fee Credits shall be established subject to Sections 8 and 9 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.
13. Impact Fee Credits may not be transferred outside of the property, but may be assignable to any heirs, assigns or successors in interest or title to part or all of said property.
14. The developer shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees.
15. The City may require a looped system to provide reliability and redundancy to the property.
16. Central water and sewer connection shall be provided in accordance with the comprehensive plan and LDC, as amended and pursuant to the Conditional Use Permit.
17. The project shall be plumbed for reuse water with purple piping to irrigate single family lots. Irrigation of common areas shall be from a well.
18. A master lift station shall be designed and constructed on a 50-foot-by-50-foot lot dedicated to the City. Lift station shall be designed to allow for the connection of the existing force main on Hartle Road. A 20-inch force main shall be constructed from the master lift station to the existing 30-inch force main located on CW Harrell Road.

19. A minimum eight-inch potable water main (east-west main) shall be constructed from the western project boundary to Hartle Road at such location that allows for the future extension of Hartle Road and a minimum eight-inch potable water main (north-south main) shall be constructed from State Road 50 to the proposed east-west main.
20. A 12-inch potable water main shall be constructed from the proposed terminus of a 12-inch potable water main on Hartle Road, which is to be constructed in conjunction with Lake County Fire Station #90/Clermont Fire Station #104, south to the existing potable water main on Lost Lake Road.
21. A 16-inch reuse main shall be constructed from the eastern property line along the build out Hartle Road right-of-way to the existing 30-inch reuse main located on CW Harrell Road.
22. All utilities shall be designed and installed as per the City's specifications and approved by City staff.
23. Drainage/Stormwater Management: The developer shall submit drainage calculations and a stormwater management plan when filing for final engineering approval. The Homeowners Association (HOA) shall be responsible for maintenance of all stormwater ponds and drainage systems for private streets.
24. Easements shall be provided on any existing and proposed utilities that the City will own and maintain at no expense to the City.
25. Fiber optic conduit and pull boxes may be required to be installed by the developer in the easements to extend the City's fiber optic network. The City will reimburse the developer at 100 percent for all costs including design, permitting, materials, and construction of the fiber optic conduit and pull boxes.

F. Transportation Improvements/Access Management:

1. The development shall comply with all applicable City, County and Florida Department of Transportation access management requirements. Prior to the issuance of the first certificate of occupancy, a secondary entrance shall be constructed off Hartle Road for the residents of the development.
2. The developer shall dedicate on the final plat a 120-foot right-of-way for Hartle Road, necessary to accommodate permanent construction plus additional slope easements (not to exceed 100 feet in total width), in accordance with the preferred route outlined within Lake County's PD&E study for the realignment of Hartle Road. The slope easement shall be identified at preliminary plat and shown on the final plat. The developer shall coordinate with the County and City on alignment and grading of Hartle Road. The slope easement width will be adjusted with design plans approved by Lake County and the City.

In the alternative, the land within the slope easement area may be graded by the developer for future roadway alignment. With County approval of the grading plan and completion of grading work by the developer, the slope easement requirement may be deemed complete.
3. By virtue of the transportation system needs for the project, the developer shall dedicate on the final plat a 100-foot right-of-way for Hooks Street within the project boundary, from the northwest (NW) corner, along the north property line, to northeast (NE) corner of the project boundary. In addition to this 100-foot right-of-way, additional land necessary to accommodate permanent construction easements (not to exceed 100 feet in width) shall be provided. The slope easement shall be identified at preliminary plat and shown on the final plat. The developer shall coordinate with the County and City on alignment and grading of Hooks Street. The slope easement width will be adjusted with design plans approved by the County and the City.
4. At the developer's option and approval by Lake County, the developer may construct Hartle Road a distance of approximately 4,365 feet from its proposed terminus, which is to be constructed in conjunction with Lake County Fire Station #90/Clermont Fire Station #104, to approximately 315 feet north of the southern project boundary. If the developer constructs Hartle Road, a developer's agreement between the County and the developer shall be executed for the construction of Hartle Road and for the allocation of transportation impact fee credits associated with the construction.

5. The developer shall accommodate stormwater retention capacity sufficient for Hartle Road and Hooks Street drainage requirements based on stormwater permitting requirements in place at the time of approval of this Conditional Use Permit within the limits of drainage basin along the route alignments. The developer intends to utilize on-site ponds as an amenity and desires for the runoff to be treated to remove roadway debris collected. Therefore, the County shall provide pre-treatment of the water for debris, such as a skimmer, at the latest terminus before the runoff water enters the water body. At time of Hartle Road and Hooks Street final design, the County shall coordinate with the developer for final configuration of Hooks Street and Hartle Road roadway stormwater system connection to the on-site drainage system acceptable to both the County and the developer. The County shall bear the cost of the roadway drainage connection to the on-site stormwater system. The Hartle Road and Hooks Street stormwater sewer shall be separate from the PUD stormwater system, unless a coordinated system design is provided by the developer. It shall be located within a drainage easement to Lake County having a straight alignment, direct access from County right-of-way and storm pipe not shared with developer's system. The County shall also have an easement over the shared stormwater ponds. The developer shall coordinate with the County on pretreatment design and construction.
6. A public hearing shall be required for the Island Boulevard right-of-way vacation. The developer will be responsible to submit and pay for the vacation petition request. The relocation of Island Boulevard shall not occur until the City has granted approval for the vacation through a public hearing. Approval of the road vacation is not guaranteed. Paved access shall be maintained to the existing developments along the current Island Boulevard. Before Island Boulevard right-of-way is vacated, new right-of-way must be dedicated and new road must be constructed and accepted by the City as a public roadway. The right-of-way vacation may be conditioned upon the new road alignment of Island Boulevard being constructed, open to traffic, and accepted by the City.
7. The developer, at its expense, shall be required to improve Emil Jahna Road from its project entrance north to State Road 50 and shall pay to modify the existing traffic signal, as needed, to accommodate turning movements from Emil Jahna Road onto State Road 50. Emil Jahna Road shall be improved to facilitate safe and efficient traffic flow from the project entrance to and including the intersection at State Road 50.

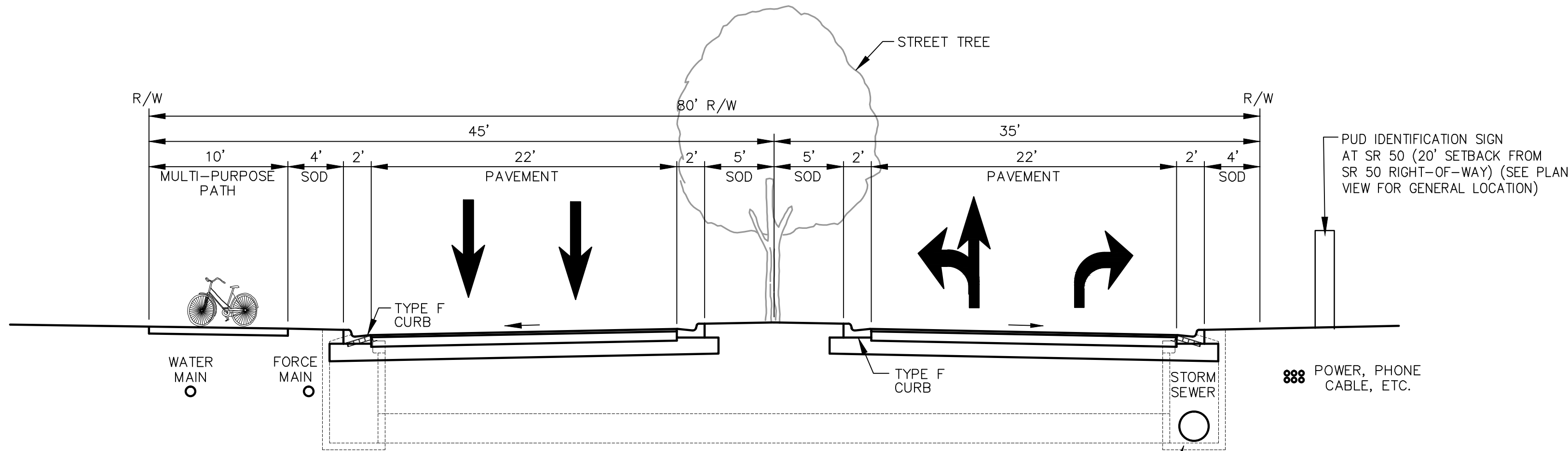
The improvements will consist of the following:

- a. Reconstructing the roadway to meet current standards;
 - b. Turn lane improvements and any associated signal modifications at the intersection of Emil Jahna Road and State Road 50 as determined to be necessary by a transportation analysis to be approved by the applicable governmental agencies (the City, the County and/or FDOT);
 - c. The reconfiguration of the westbound left-turn lane on State Road 50 to provide dual turning movements (removing the current striping to open the additional left-turn lane); and
 - d. A waiver to §110-194(3) and (4) of the LDC is granted to allow construction of a 10-foot wide concrete sidewalk along only the west side of Emil Jahna Road to serve as a multipurpose path for both pedestrians and cyclists in lieu of in-street bikeways and five-foot wide sidewalks on both sides due to the constrained right-of-way width.
8. Sidewalks/Streets:
 - a. Sidewalks to be constructed on both sides of residential and commercial streets.
 - b. Streets shall have F-type curb and street pavement must be a minimum 24 feet wide.
 - c. Right-of-way width for residential streets must be a minimum 60 feet.
 - d. A waiver to §110-192(1) of the LDC is granted to allow private streets with gates. Streets within the development will be gated and will be maintained by the developer or HOA.
 - e. A waiver to §110-195(b) of the LDC is granted to allow construction of 20-foot-wide, one-way alleys

with 12 feet of pavement as long as 20 feet of unobstructed emergency access is maintained, unless greater distances are warranted by fire code.

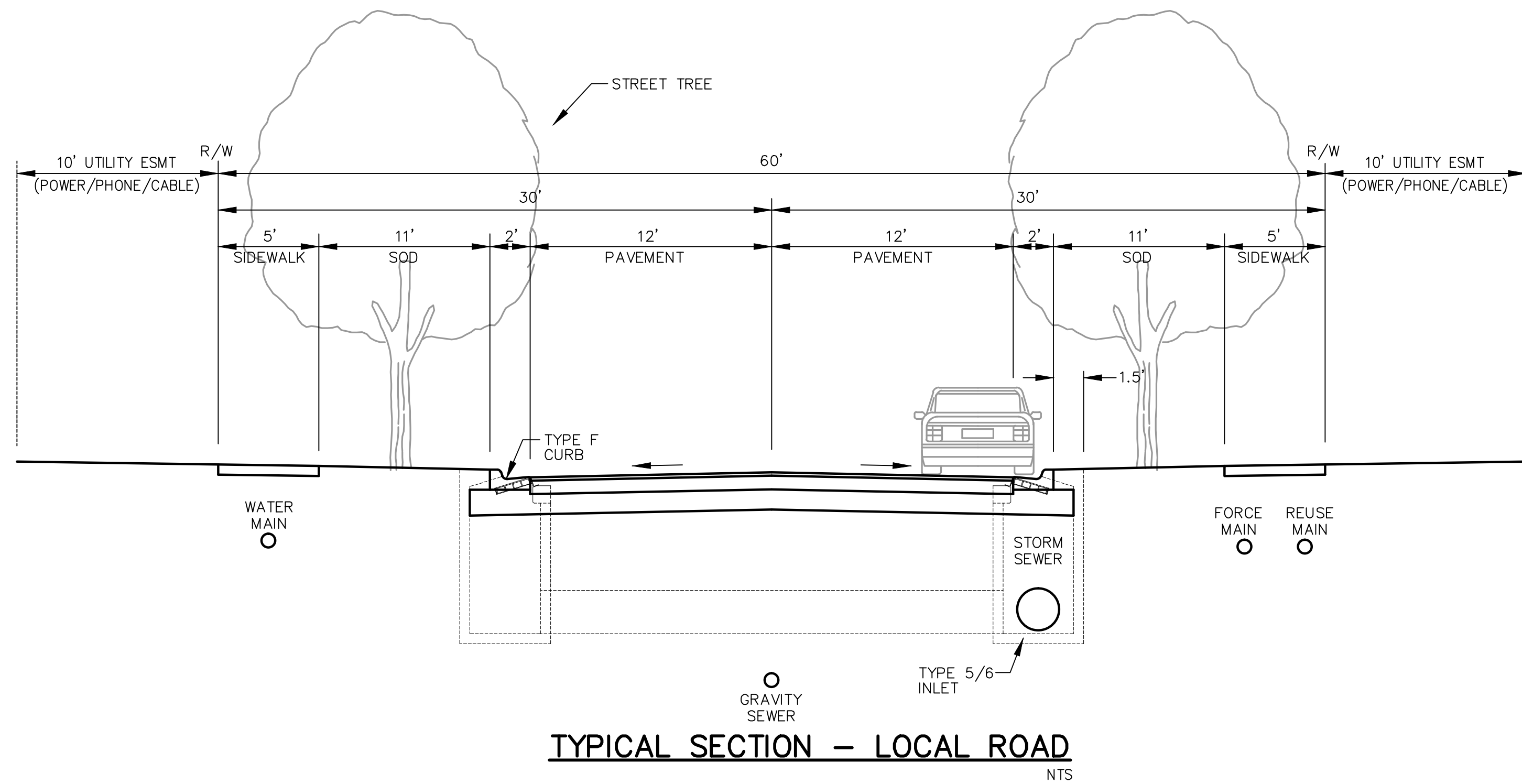
9. Roadway Lighting: The developer shall arrange with the power utility provider for installation of signal lights at the intersection of Hooks Street with Hartle Road. The cost of installation shall be paid by the contractor, and the ongoing rental of lights shall be paid by the County.
- G. Schools: School Concurrency shall be met before final plat approval in accordance with the comprehensive plan and LDC, as amended.
- H. Lighting: Exterior lighting shall be in accordance with the LDC, as amended.
- I. Fire Protection and Emergency Services Access: Access and fire safety requirements of the development shall be provided in accordance with the Florida Fire Prevention Code and LDC, as amended. A secondary emergency access approved by the City's fire marshal shall be designated and constructed prior to the issuance of the first building permit.
- J. Concurrency Management Requirements: Any development shall comply with the Lake County and the City of Clermont Concurrency Management System, as amended.
- K. Development Review and Approval:
 1. Prior to the issuance of permits, the developer shall be required to submit a preliminary plat, construction plans, and final plat generally consistent with Exhibit "B" - Conceptual Plan for review and approval in accordance with the comprehensive plan and LDC, as amended.
 2. PUD Expiration: Pursuant to Exhibit B4 of the Stipulated Settlement Agreement between the County and Nola Land Company, Inc., which was executed by the last party (Lake County) on July 26, 2011, the development described in Ordinance #2006-30 is vested for a period of 12 years from execution of the agreement. Accordingly, physical development of the PUD shall commence by July 26, 2023. Failure to commence construction by July 26, 2023 shall cause the automatic revocation of this ordinance.
- L. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this Conditional Use Permit to the Florida Statutes, Florida Administrative Code, City comprehensive plan, and City land development code shall include any future amendments to the statutes, code, plans, and/or regulations.
- M. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Conditional Use Permit. Any other proposed use must be specifically authorized by the Clermont City Council.
- N. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Clermont Code of Ordinances, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- O. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- P. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental permitting agencies.
- Q. The transfer of ownership or lease of any or all of the property described in this Conditional Use Permit shall be included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Conditional Use Permit and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the LDC, as amended.

1. NEIGHBORHOOD ACREAGES ARE APPROXIMATE AND SUBJECT TO REFINEMENT WITH FINAL DESIGN AND PLATTING.
2. ROADWAY ALIGNMENTS AND ACCESS LOCATIONS ARE CONCEPTUAL IN NATURE AND SUBJECT TO REFINEMENT WITH FINAL DESIGN AND PLATTING.
3. ACCESS TO INDIVIDUAL PARCELS MAY BE GATED.

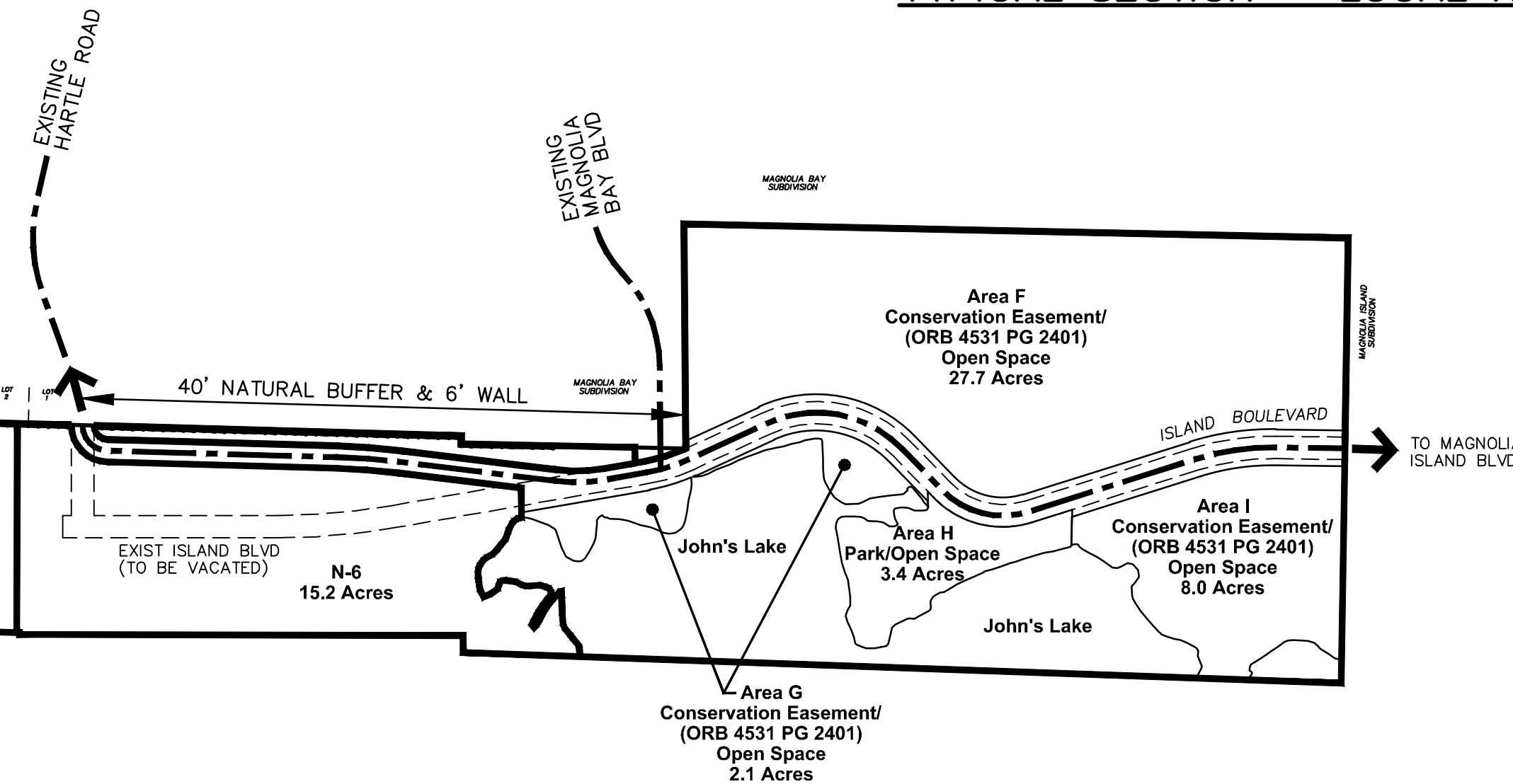


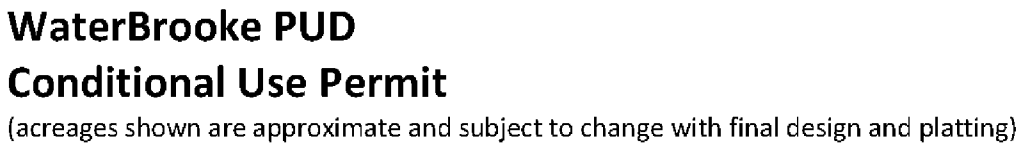
TYPICAL SECTION A-A – EMIL JAHNA ROAD

NOTE: SECTION SHOWN IS ULTIMATE BUILD-OUT
AT THE INTERSECTION WITH STATE ROAD 50.
PHASING OF LANE CONSTRUCTION IS PERMISSIBLE
SUBJECT TO AN APPROVED TRAFFIC ANALYSIS.



TYPICAL SECTION – LOCAL ROAD





Gross Project Area: 540.3 Acres
Current Future Land Use: Lake County Urban Low Density
Proposed Future Land Use: City Low Density Residential
Current Zoning: Lake County PUD
Proposed Zoning: City PUD/CUP
Proposed Uses: Single Family Detached, Duplexes & Townhome Residential
Maximum Allowable Gross Density: 3 du/acre
Total Residential Units: 950 du (25% maximum townhomes)
Gross Density: 1.76 du/acre

1. Generalized location and acreage of common open space and recreation facilities will be determined with Preliminary Plan submittal. Detailed plans for recreational facilities are to be provided with Improvement Plans.
2. Recreation areas may be located within any residential or open space parcel.
3. Amenity facilities shall meet the development standards for "Single Family Detached Dwelling Units, Front Lot (80 feet and Greater)."
4. All common open and recreation facilities space are to be owned and maintained by a mandatory homeowner association.

1. Central water service to be provided by the City of Clermont.
2. Central sewer service to be provided by the City of Clermont.
3. Reclaimed water service to be provided by the City of Clermont.
4. Stormwater management:
 - A. Retention/Detention facilities will be designed to meet the water quality and water quantity criteria of the St. Johns River Water Management District. The applicant shall submit drainage calculations and a stormwater management plan when filing for Improvement Plan approval.
 - B. Stormwater management details shall be provided with Improvement Plans.
5. Fire Protection: Lake County Fire Rescue/City of Clermont Fire Department
The applicant shall comply with all City of Clermont fire protection requirements.
6. Police Protection: City of Clermont Police Department

1. A 50-foot landscaped buffer shall be provided along the boundary common with the Hills of Clermont subdivision.
2. A 40-foot natural buffer and 6' high wall shall be provided between relocated Island Boulevard and the northern PUD boundary between Existing Hartle Road and Magnolia Bay Boulevard as depicted on Sheet 6 of this plan. Construction of the wall shall be at the time of adjacent parcel development.

1. Project Phasing: The project may be developed in one or more phases.
2. Portions of the site fall within flood Zone A as shown on FIRM Panel numbers 12069C0590-I and 12069C0595-E, effective December 18, 2012. Compensating storage will be provided for any encroachments that may occur. No published levels for OHWL, MHWL or 100Yr flood exist. They will be determined at final engineering.
3. Docks/gazebo structure connections to Area B, Area D and John's Lake are permissible subject to St. Johns River Water Management District and State of Florida regulations and requirements.

1. A waiver to §102-12(b)(1) of the City Code is requested to allow a minimum setback of twenty (20) feet from the right-of-way lines of State Road 50 and Emil Jahna Road to the off-site ground sign.
2. A waiver to §102-15(e)(4) of the City Code is requested to allow a single off-site ground sign identifying the subdivision at the southeast corner of the intersection of Emil Jahna Road and State Road 50 meeting the following standards:
 - a. Maximum sign area = 50 square feet
 - b. Maximum sign height = 15 feet (ornamental architectural elements permitted up to 30 feet height for no more than 25% of the sign width)
 - c. Sign setbacks = 20 feet from SR 50 and 20 feet from Emil Jahna Road
3. A waiver to §110-192(1) of the City Code is requested to allow private streets with gates.
4. A waiver to §110-194(3) and (4) of the City Code is requested to allow construction of a 10-foot wide concrete sidewalk along only the west side of Emil Jahna Road to serve as a multipurpose path for both pedestrians and cyclists in lieu of in-street bikeways and 5-foot wide sidewalks on both sides of the road due to the constrained right-of-way width.
5. A waiver to §110-195(b) of the City Code is requested to allow construction of twenty (20) foot wide one-way alleys with twelve (12) feet of pavement as long as twenty (20) feet of unobstructed emergency access is maintained.
6. A waiver to §94-195(b)(3) of the City Code is requested to allow cuts and fills of up to 20 feet for the construction of Hartle Road to accommodate required road grades in consideration of the existing topography in the road right-of-way.
7. A waiver to §118-71(1) of the City Code is requested in order to allow street trees within the right-of-way along the frontage of a residential lot to count toward the minimum number of required trees on the lot and to allow such trees to be less than 6 feet from curbs and sidewalks as long as a minimum of 5 feet of clearance is provided between the tree and any public potable water, wastewater or reclaimed water main.
8. A waiver to §122-84(4) of the City Code is requested to allow community amenity buildings with a maximum building height of 55 feet.

Design item	Single Family Attached Dwelling Units (duplexes)	Single Family Detached Dwelling Units		
	Front Load and Rear Load	Rear Load	Front Load (40 feet to < 80 feet)	Front Load (80 feet and Greater)
Minimum Lot Area	2,400 sf	2,400 sf	4,400 sf	9,600 sf
Minimum Living Area	1,200 sf	1,400 sf	1,500 sf	1,500 sf
Minimum Lot Width	24 ft	30 ft	40 ft	80 ft
Minimum Lot Depth	100 ft	80 ft	110 ft	120 ft
Minimum Front Building Setback	15 ft	15 ft	15 ft	15 ft
Minimum Front Porch Setback	10 ft	10 ft	10 ft	10 ft
Minimum Front Garage Setback	20 ft	-	20 ft	20 ft
Minimum Rear Garage Setback (measured from edge of pavement)	20 ft	20 ft	-	-
Minimum Side Yard Setback	5 ft ¹	5 ft	5 ft	5 ft
Setback From Side Street	15 ft	15 ft	15 ft	15 ft
Minimum Rear Yard Setback	20 ft	20 ft	20 ft	20 ft
Minimum Building Separation	10 ft	10 ft	10 ft	10 ft
Minimum Rear Yard Setback for Pools, Patios, Decks or Ancillary Structures	5 ft	5 ft	5 ft	5 ft
Maximum Impervious Surface Ratio (ISR) ²	0.85	0.75	0.75	0.75
Maximum Building Height ³	40 ft	40 ft	40 ft	40 ft
Setback from Ordinary High Water Line, Mean High Water Line, or Jurisdictional Wetland line	50 ft	50 ft	50 ft	50 ft
Minimum Side and Rear Yard Drainage and Utility Easement	5 ft ¹	5 ft	5 ft	5 ft
Minimum Front Yard Drainage and Utility Easement	10 ft	10 ft	10 ft	10 ft

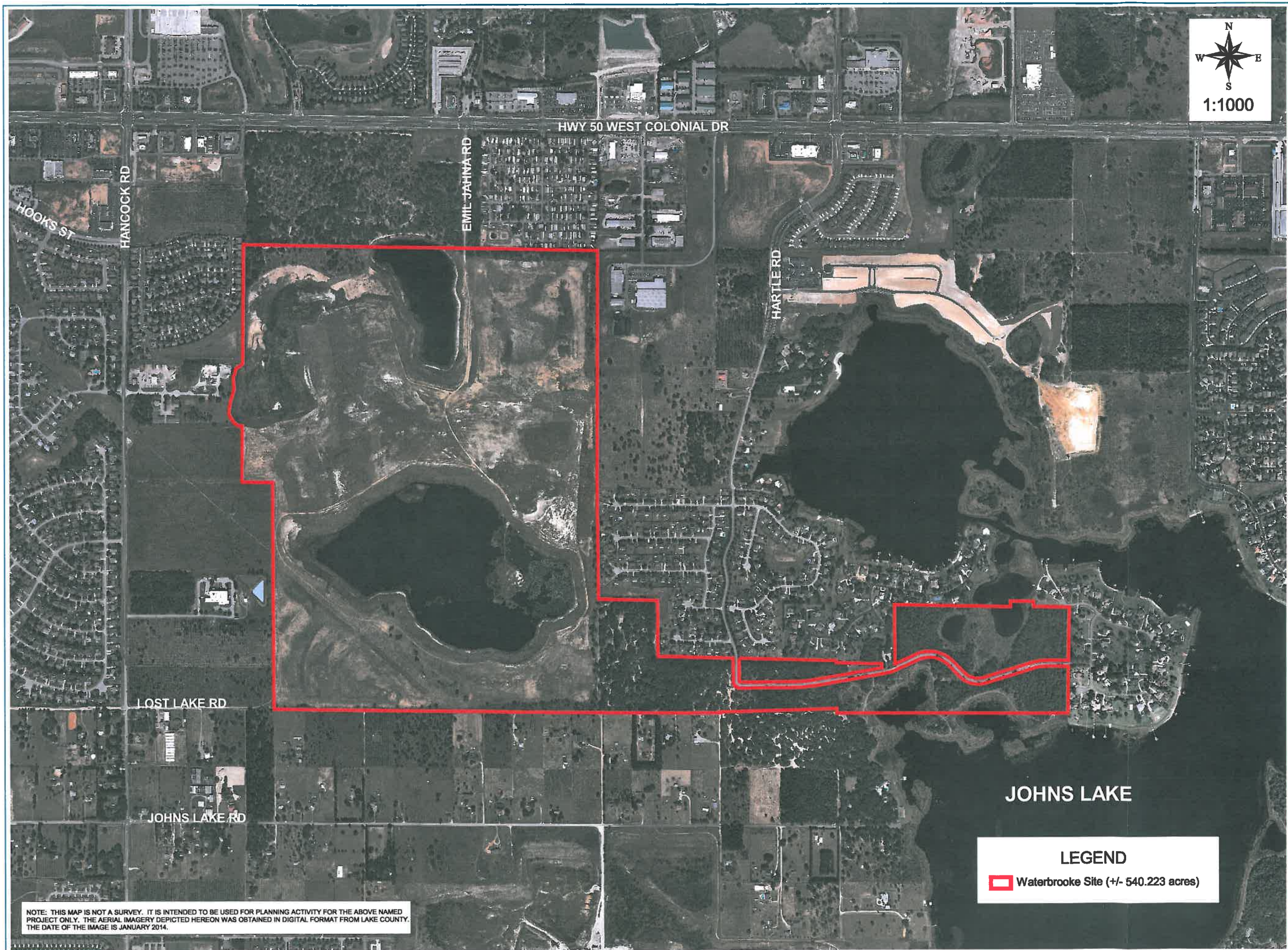
¹Does not apply to interior side yards of attached homes (duplexes).

²The maximum allowable ISR for the overall PUD development shall be 0.60. Individual lot ISR may exceed 0.60 as shown in the table above as long as overall maximum is not exceeded.

³The maximum height for recreational amenity buildings shall be 55 ft (2 stories).

Design item	Multifamily Dwelling Units (townhouses)	
	Rear Load (feet)	Front Load (feet)
Minimum Lot Area	1,800 sf	1,800 sf
Minimum Living Area	1,000 sf	1,000 sf
Minimum Lot Width	20 ft	20 ft
Minimum Lot Depth	80 ft	90 ft
Minimum Front Building Setback	15 ft	15 ft
Minimum Front Porch Setback	10 ft	10 ft
Minimum Front Garage Setback	-	20 ft
Minimum Rear Garage Setback (measured from edge of pavement)	20 ft	-
Minimum Side Yard Setback	5 ft¹	5 ft¹
Setback From Side Street	15 ft	15 ft
Minimum Rear Yard Setback	20 ft	20 ft
Minimum Building Separation	10 ft	10 ft
Minimum Rear Yard Setback for Pools, Patios, Decks or Ancillary Structures	5 ft	5 ft
Maximum Impervious Surface Ratio (ISR)²	0.85	0.85
Maximum Building Height	40 ft	40 ft
Setback from Ordinary High Water Line, Mean High Water Line, or Jurisdictional Wetland line	50 ft	50 ft
Minimum Side and Rear Yard Drainage and Utility Easement	5 ft¹	5 ft¹
Minimum Front Yard Drainage and Utility Easement	10 ft	10 ft

²The maximum allowable ISR for the overall PUD development shall be 0.60. Individual lot ISR may exceed 0.60 as shown in the table above as long as overall maximum is not exceeded.



DONALD W. MCINTOSH
ASSOCIATES, INC.
CIVIL ENGINEERS - LAND PLANNERS - SURVEYORS
2800 PARK AVENUE NORTH
WINTER PARK, FL 32789
PHONE: (407) 844-0081 FAX: (407) 844-8218

Waterbrooke PUD

Sections 27, 34 & 35; Township 22 South; Range 26 East
Lake County, Florida

LOCATION MAP

JUNE 2015



Exhibit - Location Map WaterBrooke

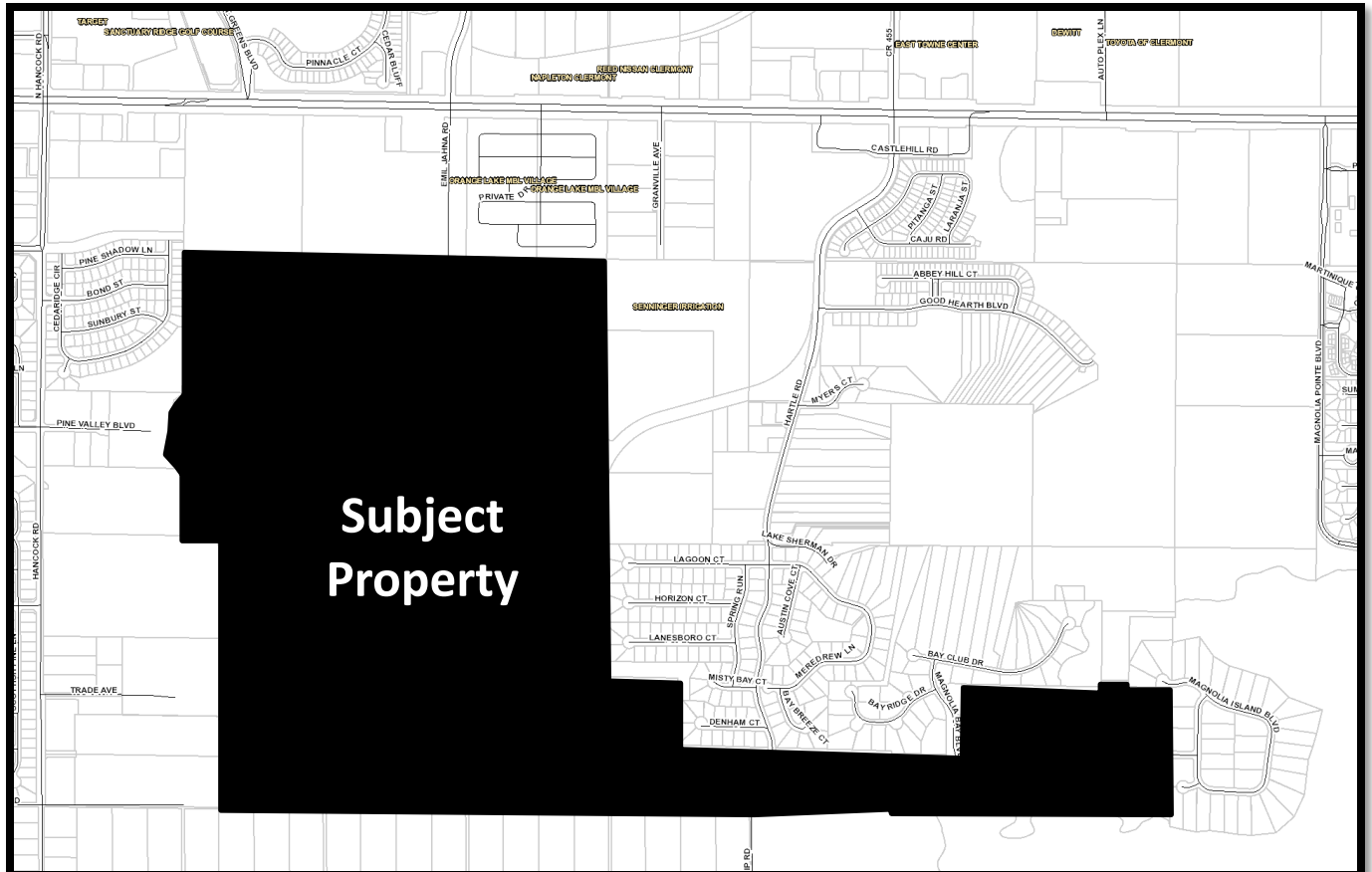


Exhibit – Future Land Use Map WaterBrooke

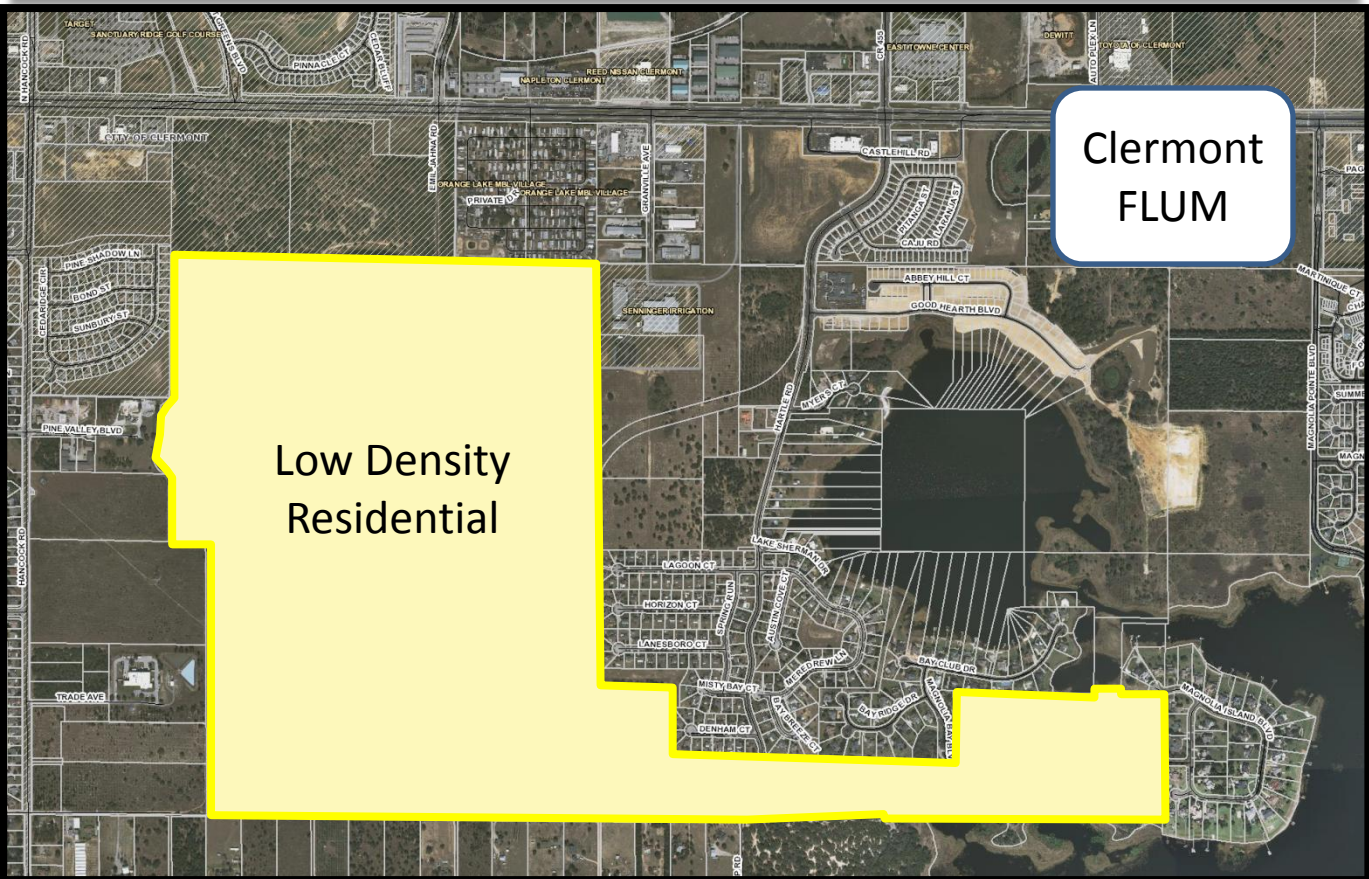
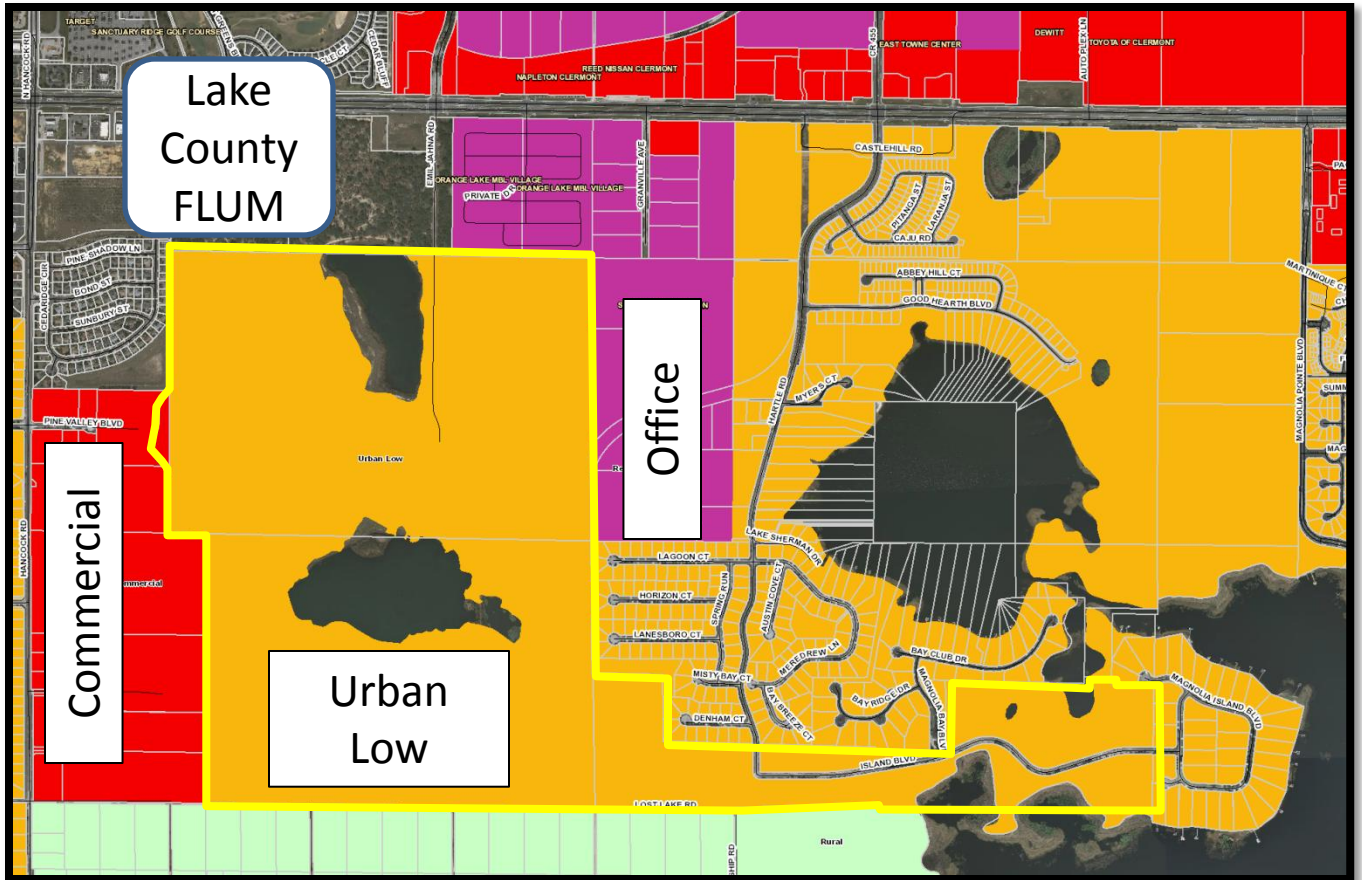
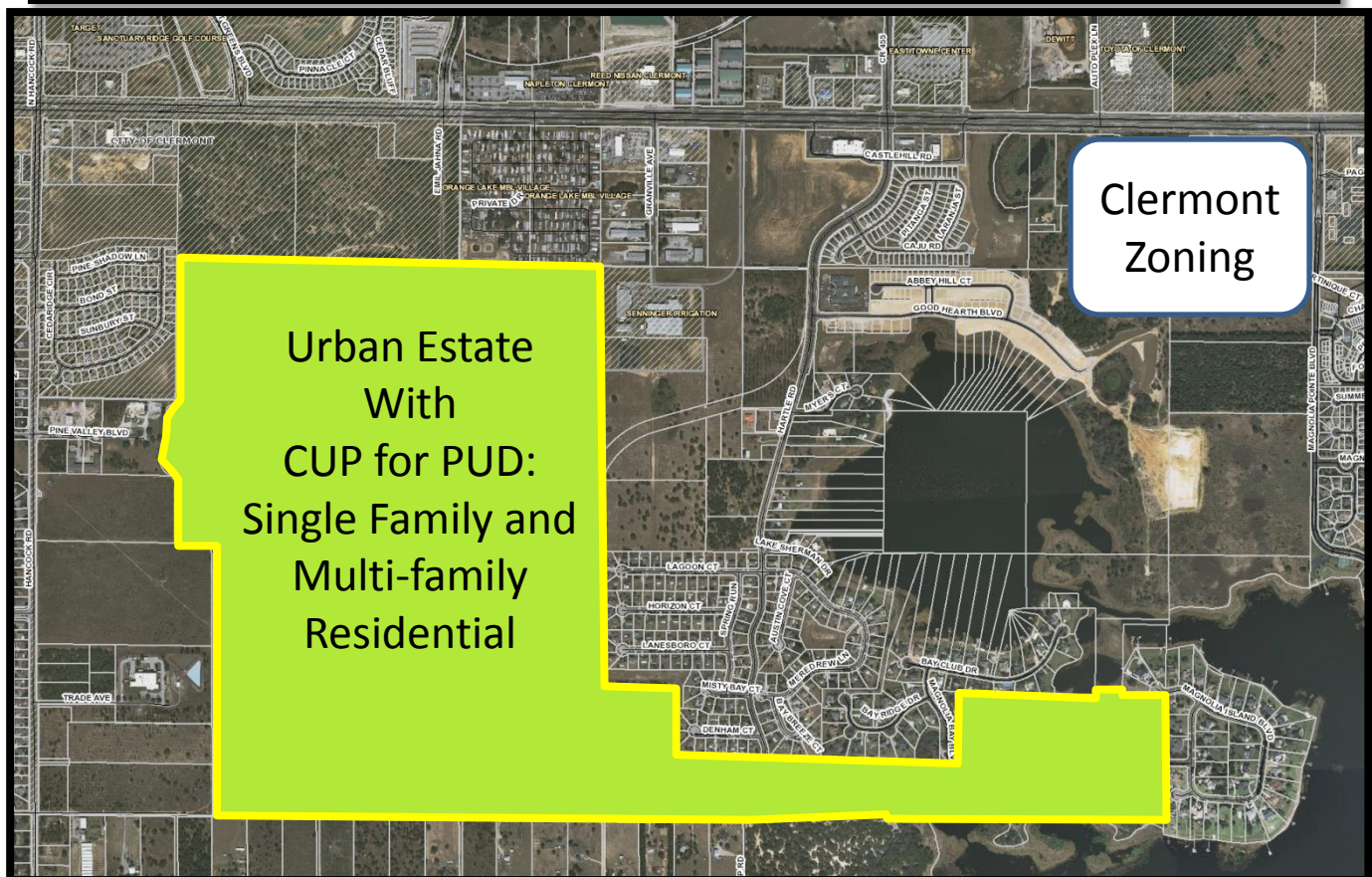
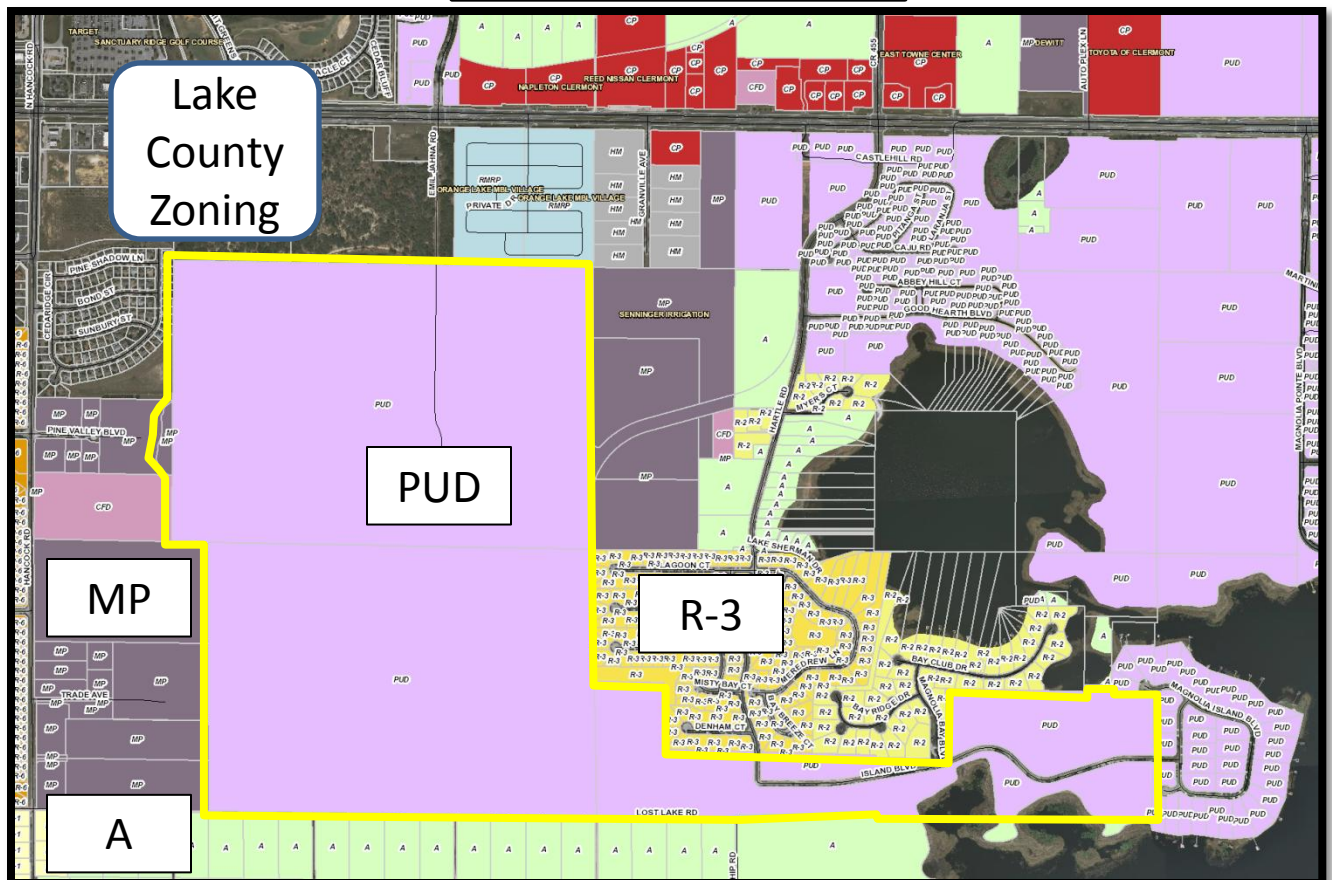


Exhibit – Zoning Map WaterBrooke





Superintendent:
Susan Moxley, Ed.D.

School Board Members:
District 1
Bill Mathias
District 2
Rosanne Brandenburg
District 3
Marc Dodd
District 4
Debbie Stivender
District 5
Stephanie Luke

Leading our Students to Success

201 West Burleigh Boulevard • Tavares • FL 32778-2496
(352) 253-6500 • Fax: (352) 253-6503 • www.lake.k12.fl.us

October 1, 2015

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

RE: Waterbrooke Rezoning Request (Ordinance No. 2015-24)

Dear Ms. Hollerand:

The City is currently reviewing a rezoning request from Lake County Planned Unit Development to City of Clermont Urban Estate (w/ CUP for Planned Unit Development (single-family and multi-family residential). The applicant proposes 950 residential dwelling units on approximately 554 acres. As the School Board of Lake County's authorized representative, I am forwarding the School Board's comments to your attention so they can be included with your planning report.

The School Board of Lake County Florida recognizes that the rezoning will have an adverse impact on the District's level of service as defined in Section 5.2 of the school concurrency interlocal agreement. The following School Board comments reflect projected enrollment data from the District's Five-Year Plan, FY 2015-2019, and student generation rates from the Impact Fee Study.

The proposed rezoning has the potential to add 950 new residential dwelling units that will contribute 311 new students to the Lake County School system. Based on current school attendance zones, schools that will be adversely affected by the proposed rezoning and their projected five-year capacity status are as follows:

- | | |
|--------------------------------------|-------------------|
| • Lost Lake Elementary School | At Capacity |
| • Windy Hill Middle School | 24% Over Capacity |
| • East Ridge High School | 5% Under Capacity |

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

Sincerely,

Dawn McDonald, Senior Planner
Growth Planning Department

Enclosure

REVIEWING AUTHORITY**City of Clermont Community Development Department, Planning & Zoning Division****NAME / CASE NUMBER****Waterbrooke / Resolution No. 2015-24****DEVELOPER/OWNER**

Matt my Homes

ITEM DESCRIPTION

The applicant proposes a future land use map change of approximately 554 acres from Lake County Urban Low to City of Clermont Low Density Residential and a rezoning from Lake County Planned Unit Development to City of Clermont Urban Estate.

LOCATION

Sections 27, 34 & 35; Township 22S, Range 26E

Located north of Lost Lake Road, south of State Road 50, east of U.S. Highway 27, and west of State Road 429

CURRENT LAND USE

Lake County Urban Low (4 dwelling units/1 acre)

PROPOSED LAND USE

City of Clermont Low-Density Residential (3 dwelling units/1 acre)

CURRENT ZONING

Lake County Planned Unit Development

PROPOSED ZONING

City of Clermont Urban Estate (w/ CUP for PUD (single-family and multi-family residential))

NEW DU IMPACT**STUDENT GENERATION**

Elementary School

Middle School

High School

SF-DU	MF-DU	Mobile	SF Impacts	DUs
			950	
0.328	0.283	0.206	311	
0.152	0.143	0.097	144	
0.074	0.063	0.047	70	
0.102	0.077	0.062	97	

SCHOOL NAME

Lost Lake Elementary

Windy Hill Middle

East Ridge High

Projected Enrollment 2019-2020*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
966	1,112	87%	1,110	100%	No
1,357	1,149	118%	1,427	124%	No
2,407	2,648	91%	2,504	95%	No

*Lake County School District Five-Year Plan, Fiscal Year 2015-2019

CSA 12

Elementary School

Middle School

High School

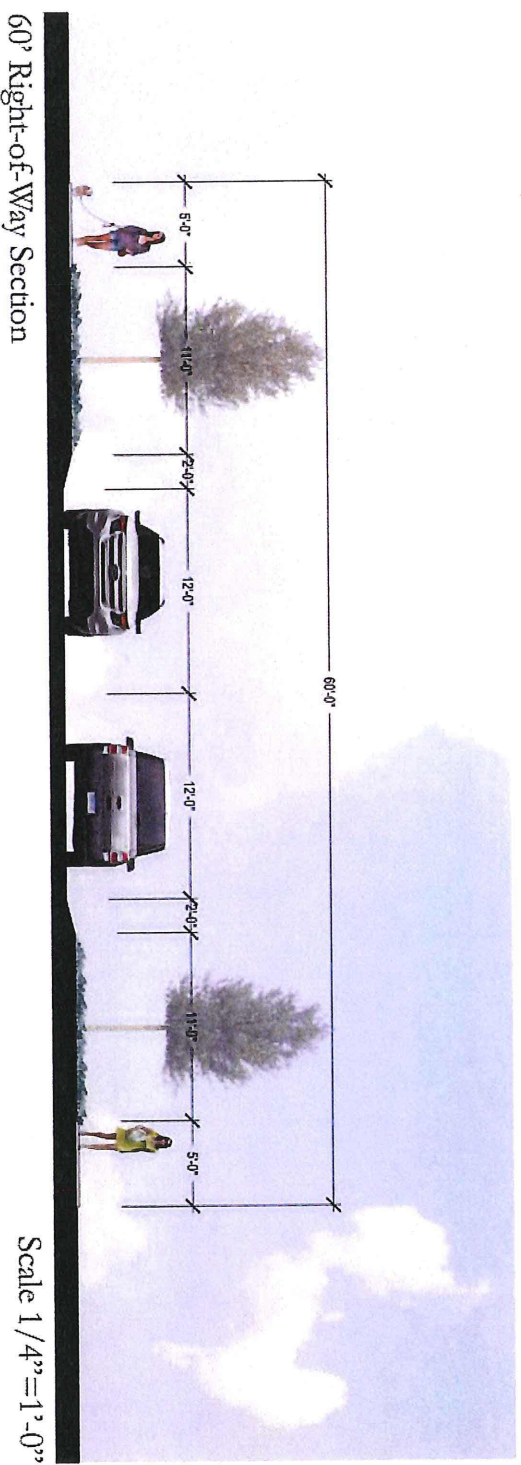
Student Enrollment 2019-2020*	Permanent Student Capacity*	% of Permanent Capacity
4,264	4,928	87%
1,912	2,501	76%
4,272	4,483	95%

*Lake County School District Five-Year Plan, Fiscal Year 2015-2019

COMMENTS:

The School Board of Lake County Florida recognizes that the rezoning will have an adverse impact on the District's level of service as defined in Section 5.2 of the school concurrency interlocal agreement. The District provided a school concurrency determination for Nola Land Co. (Lake County Project #2005080015) for 894 single-family dwelling units.

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



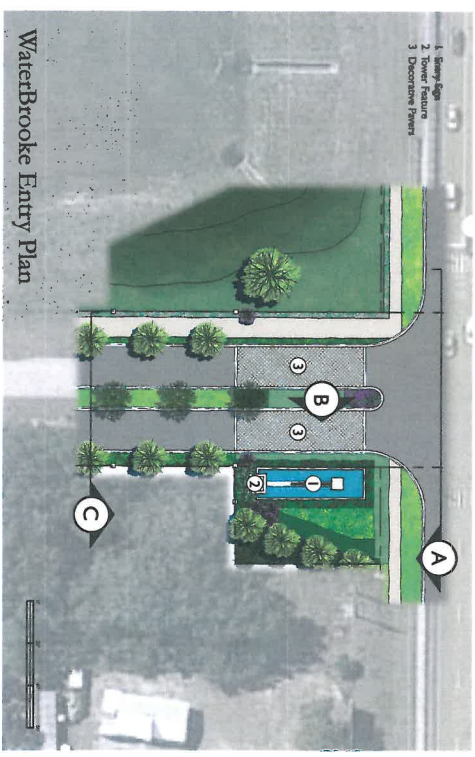
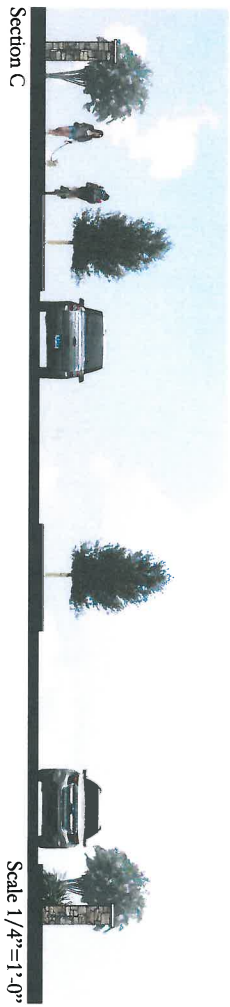
WaterBrooke Right-of-Way Section

1. Clubhouse Arrival
2. Community Clubhouse
3. Parking Area
4. Community Swimming Pool
5. Children's Play Ground and Fun Zone
6. Terraced Lawn area
7. Lake overlook area

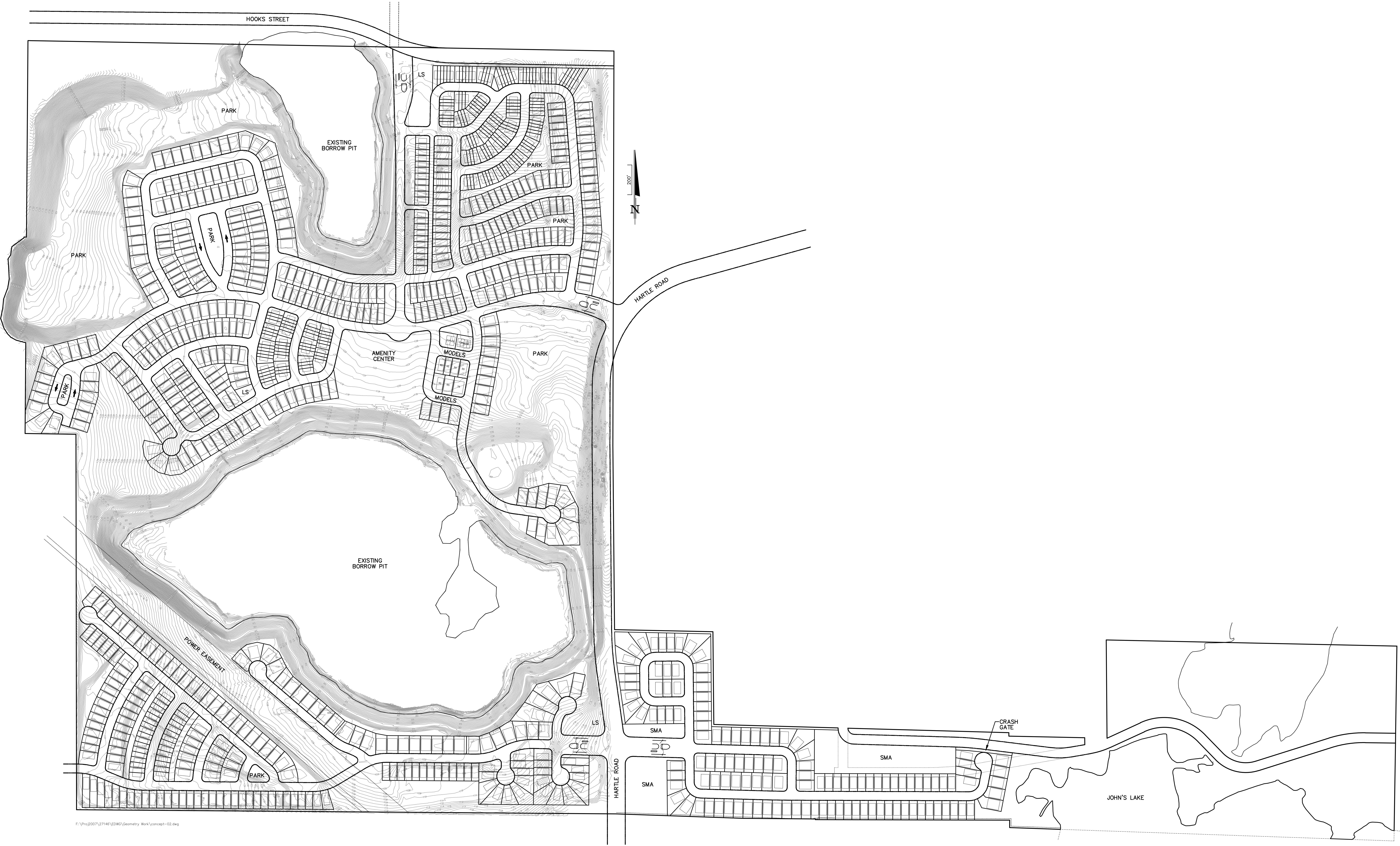


WaterBrooke Amenity Center





WaterBrooke Entry



RETURN  Planning & Community Design

ORDINANCE #2014-80
Jahna PUD Amendment
PH #27-14-2

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Cecelia Bonifay, Esq., Akerman LLP, (the "Applicant") made a request on behalf of Nola Land Company, Inc. (the "Owner") to amend the Planned Unit Development (PUD) to eliminate the age-restriction among other changes (including but not limited to minimum lot width, setbacks, minimum building separation, site grading/mine reclamation, landscaping, environmental, transportation improvements, etc.) to the existing conditions in the PUD Ordinance #2006-30; and

WHEREAS, this rezoning ordinance will rescind and replace Ordinance #2006-30; and

WHEREAS, the subject property consists of 540.3 +/- acres and is generally located in the Clermont area, South of SR 50 and Emil Jahna Road intersection, in Sections 27/34/35, Township 22 South, Range 26 East, having Alternate Key Numbers 1095964, 1095972, 2717874 and 3882911, and more particularly described below:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

WHEREAS, the subject property is located within the Urban Low Density Future Land Use Category and the Lake Apopka Basin Overlay District as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition PH #27-14-2 on November 26, 2014, after giving Notice of Hearing on petition for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on December 16, 2014; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Terms:

The County Manager or designee shall amend the Official Zoning Map to reflect Planned Unit Development (PUD) Zoning in accordance with this Ordinance. This Ordinance shall rescind and replace Ordinance #2006-30. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the "Conceptual Plan" attached hereto as Exhibit "B". To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

A. Land Uses:

1. Residential:

- a. A total of 894 residential dwelling units, comprising single-family dwelling units and multifamily dwelling units (townhouses).

Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Any other use of the site not specified above shall require approval of an amendment to this Ordinance by the Board of County Commissioners.

b. Phasing of Development: The project may be developed in one or more phases.

c. Development Standards: Development standards for the development of the residential dwelling units, shall be based on the size of the lot, as indicated in the table below:

Design item	Multifamily Dwelling Units (townhouses)			Single Family Detached	
	Rear Load (feet)	Front Load (feet)	Rear Load (feet)	Front Load (feet)	Front Load (feet) (80 feet and Greater)
Minimum Lot Width	18	18	30	40	80
Minimum Lot Depth	80	90	80	110	120
Minimum Front Building Setback	15	15	15	15	15
Minimum Front Porch Setback	10	10	10	10	10
Minimum Front Garage Setback	-	20	-	20	20
Minimum Rear Garage Setback	20	-	20	-	-
Minimum Side Yard Setback	0 / 5	0 / 5	5	5	5
Setback From Side Street	15	15	15	15	15
Minimum Rear Yard Setback	20	20	20	20	20
Minimum Building Separation	10	10	10	10	10
Minimum Rear Yard Setback for Pools, Patios, Decks or Ancillary Structures	5	5	5	5	5
Maximum Impervious Surface Ratio (ISR) *** (See Note)	0.85	0.85	0.75	0.75	0.75
Maximum Building Height	40	40	40	40	40
Setback from Ordinary High Water Line, Mean High Water Line, or Jurisdictional Wetland line	50	50	50	50	50

***Note: The maximum allowable ISR for the overall PUD development shall be 0.60. Individual lot ISR may exceed 0.60 as shown in the table above as long as overall maximum is not exceeded.

B. Open Space: A minimum of 25% of the net buildable area of the PUD shall be provided as open space in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

1 C. All other Setbacks, Floor Area Ratio, and Building Height not included in the table above under
2 "Development Standards", including non-residential buildings shall be in accordance with the
3 Comprehensive Plan and Land Development Regulations (LDR), as amended.

4 D. Landscaping, Buffering, and Screening:

5 1. A 40-foot wide natural buffer with a six-foot high wall shall be provided along a portion of the
6 northern boundary of Tract N-7 from the entrance to Magnolia Bay subdivision, west to the existing
7 Harlte Road, as shown on the Exhibit "B" - Conceptual Plan.

8 2. No landscaping buffer is required along the perimeter of the PUD adjacent to wetlands, open water
9 and conservation areas.

10 3. All other landscaping, buffering, and screening requirements shall be in accordance with the LDR,
11 as amended. Existing trees may be used to meet the landscape buffer requirements in accordance
12 with the LDR, as amended.

13 E. Environmental:

14 1. An environmental assessment addressing habitat and species shall be submitted to the County
15 during the construction plans approval stage of each phase of the project. Applicable permits for
16 any gopher tortoises and associated burrow commensal species or other threatened or
17 endangered species found on the property must be received from the appropriate regulatory
18 agencies prior to the initiation of development activity.

19 2. Wetlands: Wetlands shall be placed in a conservation easement prior to construction plans
20 approval and in accordance with the Comprehensive Plan, as amended. Areas placed in a
21 perpetual conservation easement are shown in the Corrective Conservation Easement, which has
22 been recorded in Lake County Official Records Book 4531, Pages 2401-2408.

23 3. Natural Buffers (Lake Apopka Basin): A fifty (50) foot natural buffer shall be established upland of
24 wetlands and between any development. This shall be classified as a "no-build zone." The "no-
25 build" fifty (50) foot upland natural buffer and associated conservation areas and littoral zone shall
26 be maintained in native vegetation. No pesticides or fertilizers shall be used in the no-build zone.
27 All exotic and nuisance species shall be removed (if applicable) and replaced with native
28 vegetation. However, where the wetlands and water bodies are wholly encompassed within the
29 development parcel, the fifty (50) foot upland natural buffer requirement shall not apply.

30 F. Site Grading/Mine Reclamation: Master Site Grading and Mine Reclamation for the project has been
31 completed in accordance with the mass grading plan dated December 14, 2005 submitted to and
32 approved by the Lake County Water Resources Management Division. The site grading was completed
33 pursuant to FDEP Permit No. 0139060-002, issued on January 18, 2011. All grading in accordance
34 with Mass Grading Plan has been completed and has been accepted in lieu of reclamation of the
35 mining site. Mass Grading Plan was approved on August 6, 2014. Approval of this Ordinance therefore
36 shall revoke and release the Property from the September 28, 1990 vesting of the Jahna Clermont East
37 Mine (Tracking #90/10/5), which was to be reclaimed through the proposed mass grading Ordinance
38 2006-30 (Tracking #110-05-PUD). All further grading for the Project must be in accordance with Lake
39 County Standards.

40 G. Noise: Compliance shall be in accordance with the LDR, as amended.

H. Utilities:

1. Central water and sewer connection shall be provided in accordance with the Comprehensive Plan and LDR, as amended and pursuant to Clermont Utility Agreement
2. Reclaimed Water: Reclaimed water may be provided per written agreement between the City of Clermont and Developer, if available.
3. Drainage/Stormwater Management: The applicant shall submit drainage calculations and a stormwater management plan when filing for final engineering approval.
4. Easements shall be provided on all existing and proposed utilities at no expense to the City of Clermont.

I. Transportation Improvements/Access Management:

1. The development shall comply with all applicable County and Florida Department of Transportation access management requirements.
2. The developer shall dedicate a 120-foot right-of-way for Hartle Road, necessary to accommodate permanent construction and slope easements (not to exceed 100 feet in total width), in accordance with the preferred route outlined within Lake County's PD&E study for the realignment of Hartle Road. The slope easement may be adjusted when final design plans are completed by Lake County or the City of Clermont.

In the alternative, the land within the slope easement area may be graded by the developer for future roadway alignment. With County approval of the grading plan and completion of grading work by the developer, the slope easement requirement may be deemed complete.

3. The developer shall dedicate a 100-foot right-of-way for Hook Street within the project boundary along the north property line, to the intersection of Emil Jahna Road. In addition to this 100-foot right-of-way, additional land necessary to accommodate permanent construction and slope easements (not to exceed 100 feet in width) shall be provided. The slope easement may be adjusted when final design plans are completed by Lake County or the City of Clermont.
4. The Developer shall dedicate right-of-way west of Emil Jahna Road for the extension of Hook Street, from Emil Jahna Road to Hancock Road. This right-of-way shall be a 60-foot half along the north property line of the project site. The final alignment is not set and may be adjusted through further evaluation by Lake County Public Works. The developer shall coordinate with Lake County to provide slope and construction easements necessary to construct the Hook Street extension.
5. At the Developer's option and approval by Lake County, the developer may construct Hook Street from its current terminus near the western boundary of the project site to the eastern boundary of the project site. If the Developer constructs Hook Street, a developer's agreement between the County and the developer shall be executed for the construction of Hook Street and for the allocation of transportation impact fee credits associated with the construction.
6. The Developer shall accommodate stormwater retention capacity sufficient for Hartle Road and Hooks Street drainage requirements based on stormwater permitting requirements in place at the time of adoption of this ordinance within the limits of drainage basin along the route alignments. The developer intends to utilize this water body as an amenity and desires for the runoff to be treated to remove roadway debris collected. Therefore, the County shall provide pre-treatment of the water for debris, such as a skimmer, at the latest terminus before the runoff water enters the water body. At time of Hartle Road and Hook Street final design, County shall coordinate with the

Developer for final configuration of Hook Street and Hartle Road roadway stormwater system connection to the on-site drainage system acceptable to both the County and the Developer. County shall bear the cost of the roadway drainage connection to the on-site stormwater system.

7. A public hearing shall be required for the Island Blvd. right-of-way vacation. The Developer will be responsible to submit and pay for the vacation petition request. The relocation of Island Blvd. shall not occur until BCC has granted approval for the vacation through a Public Hearing. Approval of the road vacation is not guaranteed. Paved access shall be maintained to the existing developments along the current Island Blvd.

8. The developer, at its expense, shall be required to improve Emil Jahna Road from its project entrance north to State Road 50 and shall pay to modify the existing traffic signal, as needed, to accommodate turning movements from Emil Jahna Road onto State Road 50. Emil Jahna Road shall be improved to facilitate safe and efficient traffic flow from the project entrance to and including the intersection at State Road 50.

The improvements will consist of the following:

- a. Reconstructing the roadway to meet current standards;
- b. The addition of turn lanes at the intersection and extending south toward the project to an appropriate location where the lanes can be terminated;
- c. The reconfiguration of the westbound left-turn lane on State Road 50 to provide dual turning movements (removing the current striping to open the additional left-turn lane); and
- d. The addition of an eastbound right-turn lane from State Road 50 to Emil Jahna Road.

Additionally, the signal at Emil Jahna Road and State Road 50 shall be improved to serve the additional turning movements to include signal equipment and retiming.

9. Sidewalks/Streets:

- a. Sidewalks to be constructed on both sides of residential and commercial streets.
- b. Streets shall have F-type curb and street pavement must be a minimum 24 feet wide.
- c. Right-of-way width for residential streets must be a minimum 60 feet.

J. Schools: School Concurrency shall be met before final plat approval in accordance with the Comprehensive Plan and LDR, as amended.

K. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-Sky Principles.

L. Signage: Signs shall be in accordance with the LDR, as amended.

M. Fire Protection and Emergency Services Access: Access and fire safety requirements of the development shall be provided in accordance with the Florida Fire Prevention Code and LDR, as amended.

N. Concurrency Management Requirements: Any development shall comply with the Lake County Concurrency Management System, as amended.

O. Development Review and Approval:

1. Prior to the issuance of any permits, the Applicant shall be required to submit a preliminary plat, construction plans, and final plat generally consistent with Exhibit "B" - Conceptual Plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
2. PUD Expiration: Pursuant to Exhibit B4 of the Stipulated Settlement Agreement between Lake County and the Nola Land Company, Inc., which was executed by the last party (Lake County) on July 26, 2011, the development described in Ordinance #2006-30 is vested for a period of 12 years from execution of the agreement. Accordingly, physical development of the PUD shall commence by July 26, 2023. Failure to commence construction by July 26, 2023 shall cause the automatic revocation of this ordinance.

P. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations shall include any future amendments to the Statutes, Code, Plans, and/or Regulations.

Section 2. Conditions as altered and amended which pertain to the above tract of land shall mean:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Board of County Commissioners.
- B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental permitting agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Land Development Regulations, as amended.
- F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

Section 3. Severability: If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

1 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
2 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
3 with Section 125.66, Florida Statutes.

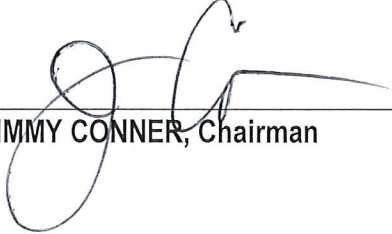
4 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.

5 ENACTED this 16 day of December, 2014.

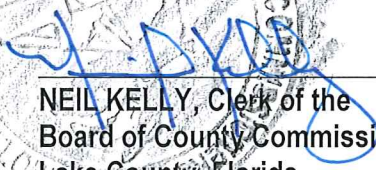
6 FILED with the Secretary of State Jan 6, 2015, ~~2014~~.

7 EFFECTIVE Jan 6, 2015, ~~2014~~.

8 BOARD OF COUNTY COMMISSIONERS
9 LAKE COUNTY, FLORIDA

10 
11 JIMMY CONNER, Chairman

12 ATTEST:

13 
14 NEIL KELLY, Clerk of the
15 Board of County Commissioners
16 Lake County, Florida

17 APPROVED AS TO FORM AND LEGALITY

18 
19 SANFORD A. MINKOFF, County Attorney
20

1

EXHIBIT "A" – LEGAL DESCRIPTION

LEGAL DESCRIPTION: The East 3/4 of the South 1/2 of Section 27, Township 22 South, Range 26 East;

AND

The North 1/2 of Section 34, Township 22 South, Range 26 East, LESS AND EXCEPT the West 1660 feet thereof;

AND

U.S. Government Lot 1, LESS AND EXCEPT the North 660 feet of the West 660 feet, lying in Section 35, Township 22 South, Range 26 East;

AND

The NW 1/4 of the SW 1/4 of the NW 1/4 of Section 35, Township 22 South, Range 26 East;

AND

Begin 50.25 feet North of the Southeast corner of the NW 1/4 of Section 35, Township 22 South, Range 26 East; thence run West 1305 feet; thence run South 8.3 feet; thence run West to the Southwest corner of the NW 1/4 of said Section 35; thence North to the Northwest corner of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 35; thence East to the Northeast corner of the South 1/2 of the SE 1/4 of the NW 1/4; thence South to the Point of Beginning;

AND

That part of Section 27, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

BEGIN at the Southeast corner of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida; thence N00°55'27"E along the East line of said Lot 5, for a distance of 701.16 feet to the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence S89°03'05"E along said North line, 16.98 feet to the West line of the East 3/4 of the South 1/2 of said Section 27; thence S00°24'50"W along said West line, 710.74 feet to the North line of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence departing said West line run N75°03'48"W, 39.92 feet to the South line of said Lot 5; thence S88°41'58"E along said South line, 15.41 feet to the POINT OF BEGINNING.

2

AND

That part of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida, described as follows:

BEGIN at the Southeast corner of said Lot 5; thence N00°55'27"E along the East line of said Lot 5 for a distance of 696.49 feet; thence departing said East line run S53°23'08"W, 100.90 feet; thence S08°50'46"W, 57.13 feet; thence S33°38'56"W, 31.61 feet; thence S04°49'02"E, 40.96 feet; thence S02°58'52"E, 93.11 feet; thence S08°48'35"W, 60.57 feet; thence S20°20'22"W, 82.37 feet; thence S05°30'28"W, 59.91 feet; thence S10°59'05"W, 70.76 feet; thence S18°19'44"E, 68.63 feet; thence S32°06'31"E, 46.35 feet; thence S44°29'07"E, 31.79 feet; thence S61°25'49"E, 40.03 feet; thence S75°03'48"E, 26.77 feet to the South line of said Lot 5; thence S88°41'58"E along said South line, 15.41 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement for ingress and egress to State Road 50 over the entire stretch of asphalt road the center line of which begins 174.60 feet West of the Northeast corner of the SW 1/4 of the NE 1/4 of Section 27, Township 22 South, Range 26 East, and run South 0°10' West through the entire SW 1/4 of the NE 1/4 of Section 27, which easement shall be 60 feet in width;

LESS AND EXCEPT The East 150.00 feet of the following described property (Magnolia Bay Boulevard according to the plat thereof, as recorded in Plat Book 34, Pages 47 through 49, of the Public Records of Lake County, Florida):

BEGIN at an iron rod and cap marked "RLS 4264" at the Southeast corner of the North 660.00 feet of the West 660.00 feet of Government Lot 1, Section 35, Township 22 South, Range 26 East, Lake County, Florida; thence run N88°47'56"W along the South line of said North 660.00 feet of the West 660.00 feet of Government Lot 1 for a distance of 545.00 feet; thence run S01°12'04"W for a distance of 124.51 feet to the Northerly right of way line of Hartle Road; thence run N80°06'21"E along said Northerly right of way line for a distance of 433.09 feet to the beginning of a tangent curve concave to the Northwest and having a radius of 467.00 feet; thence run Northeasterly along the arc of said curve for a distance of 121.09 feet through a central angle of 14°51'22" to the end of said curve; thence run N65°14'58"E along said Northerly right of way line for a distance of 6.13 feet to a point on the East line of said West 660.00 feet of Government Lot 1; thence leaving said Northerly right of way line run N00°29'39"W along said East line for a distance of 0.12 feet to the Point of Beginning;

LESS AND EXCEPT

A strip of land for road right of way purposes 66.00 feet wide lying in Section 35, Township 22 South, Range 26 East, Lake County, Florida, the centerline of which is described as follows:

Commencing at the Northwest corner of Section 35, Township 22 South, Range 26 East, run S00°30'48"E along West line of the Northwest 1/4 of said Section 35, for a distance of 1856.75 feet to the Northwest corner of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of said

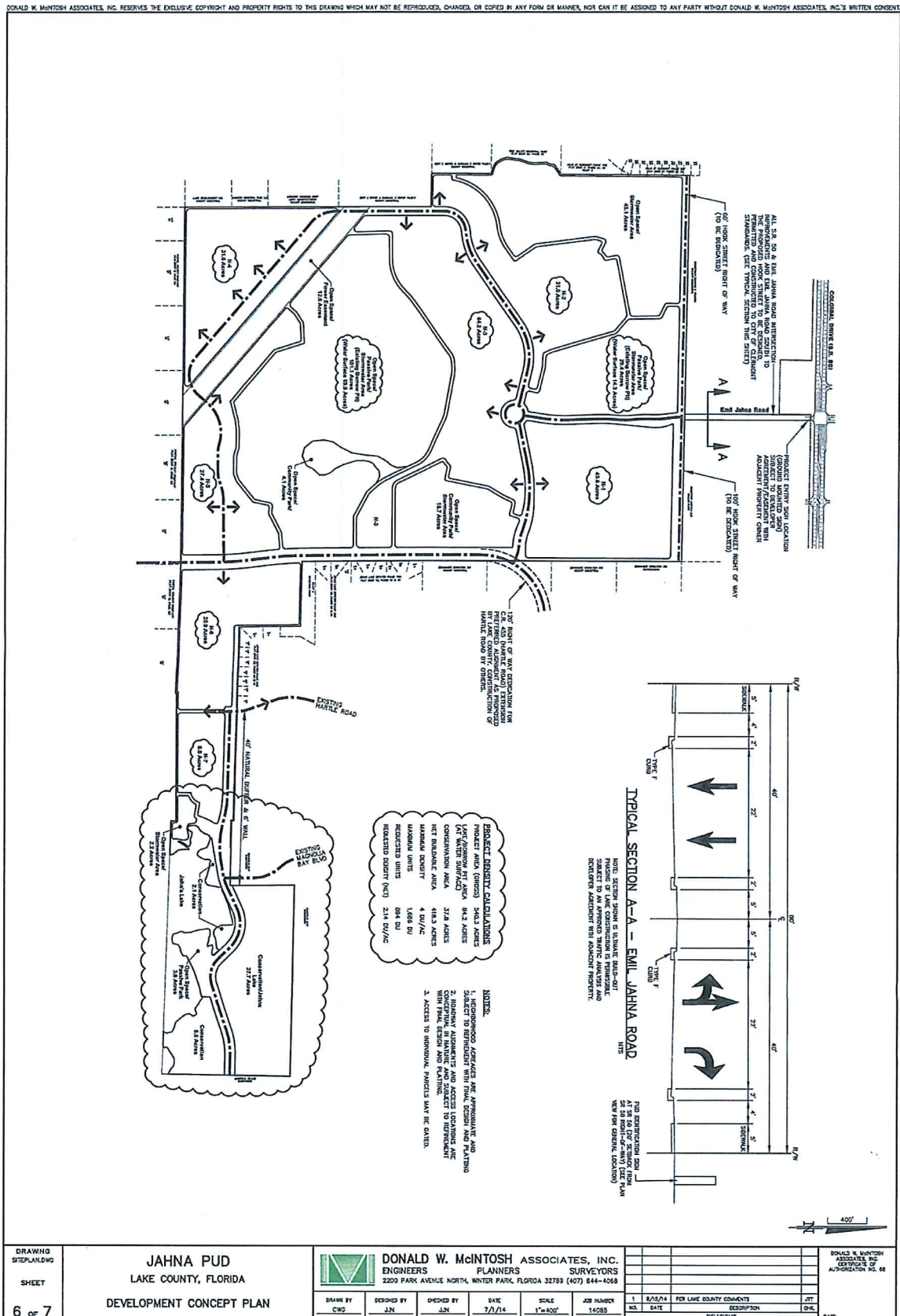
Section 35; thence leaving said West line run S88°23'30"E along the North line of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 and the North line of the South 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 35, for a distance of 1531.02 feet to the POINT OF BEGINNING; thence leaving said North line run S00°00'09"E for a distance of 298.67 feet to a point designated as POINT A; thence run S89°59'51"W for a distance of 58.00 feet to a POINT OF TERMINATION A of this centerline; BEGIN again at aforesaid POINT A; thence run N89°59'51"E for a distance of 573.66 feet to a point on a tangent curve concave to the Northwest and having a radius of 2000.00 feet; thence run Northeasterly along the arc of said curve for a distance of 345.29 feet, through a central angle of 09°53'30" to the end of said curve; thence run N80°06'21"E for a distance of 753.88 feet to a point on a tangent curve concave to the Northwest and having a radius of 500.00 feet; thence run Northeasterly along the arc of said curve for a distance of 129.64 feet, through a central angle of 14°51'22" to the end of said curve; thence run N65°14'59"E for a distance of 252.91 feet to a point on a tangent curve concave to the Southwest and having a radius of 350.00 feet; thence run Easterly along the arc of said curve for a distance of 431.07 feet, through a central curve (sic) of 70°34'02" to the end of said curve; thence run S44°11'00"E for a distance of 169.91 feet to a point on a tangent curve concave to the Northeast and having a radius of 250.00 feet; thence run Southeasterly along the arc of said curve for a distance of 276.31 feet, through a central angle of 63°19'35" to the end of said curve; thence run N72°29'25"E for a distance of 514.79 feet to a point on a tangent curve concave to the Southeast and having a radius of 750.00 feet; thence run Northeasterly along the arc of said curve for a distance of 240.51 feet through a central angle of 18°22'24" to the end of said curve; thence run S89°08'11"E for a distance of 203.12 feet to the East line of Government Lot 1, said Section 35 and the POINT OF TERMINATION B of the aforesaid centerline.

Containing 540.295 acres more or less (excluding that portion of Johns Lake south of Island Blvd. lying waterward of the Safe Upland Line (elevation 98.0 NGVD 29) and being subject to any rights-of-way, restrictions and easements of record.

1

1

EXHIBIT "B" – CONCEPTUAL PLAN



2

DONALD W. MANTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MANTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.

John PUD	540.3 Acres
Preliminary Development Plan	
Site Date:	
Total Project Area:	
Future Land Use:	
Proposed Zoning:	PUD
Proposed Use:	Residential
Proposed Density:	200-700
Other Landmarks:	200-700
Neighborhood:	214 cu/acre
Net Density:	
*See Sheet 6 for density calculations	

Development Standards

* The maximum allowable 15% for the overall project error is 0.60. Individual lot 15% may exceed 0.60 as long as overall maximum is not exceeded.

Development Summary:

1. **Project Financing.** The project may be developed in one or more phases.
2. A member is requested to the Lake County Code governing act and length to facilitate the development and to allow grant solicitations or a project community permission is sought to allow online access to the project information. The project information is to be identified with a submission for preliminary flood zone review.
3. **Portion of the file.** With flood zone map as shown on RMA. Panel numbers 12086-03010-1 and 1209-03010-2, effective December 18, 2012. Compensating letters will be provided for any conditions that may occur. The published levels for OIRM, IIRM, or 100yr flood crest. They will be determined at final engineering.



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

DATE: 6/12/15

FEE: \$1500.00

PROJECT NAME (if applicable): WaterBrooke (f/k/a Jahna PUD)

APPLICANT: Mattamy Orlando LLC

CONTACT PERSON: Keith Trace

Address: 1900 Summit Tower Blvd., Suite 500

City: Orlando State: Florida Zip: 32810

Phone: 407-599-2228 Fax: 321-444-6565

E-Mail: Keith.Trace@mattamyhomes.com

OWNER: Mattamy Orlando LLC – Attn: Keith Trace

Address: 1900 Summit Tower Blvd., Suite 500

City: Orlando State: Florida Zip: 32810

Phone: 407-599-2228 Fax: 321-444-6565

Address of Subject Property: 13432 Emil Jahna Road, Clermont, Florida 34711

General Location: South of State Road 50, east of Hancock Road, west of Hartle Road

Legal Description (include copy of survey): See attached

Land Use (City verification required): Urban Low Density (County)
Low Density Residential (City) requested under separate application

Zoning (City verification required): PUD (County)
CUP/PUD (City) requested under separate application

02/02/2015



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

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

Mattamy Orlando LLC owns approximately 540 acres in unincorporated Lake County which is now adjacent to the City of Clermont. Lake County approved an amendment to an existing PUD for the property in 2014. The PUD allows for 894 residential units, comprised of single-family detached, single-family attached (duplexes) and multi-family dwelling units (townhomes). The PUD also requires that the developer dedicate right-of-way for Hartle Road and Hooks Street, along with improvements to Emil Jahna Road. As the property is now contiguous to the City, the Owner proposes to annex the property and obtain a Conditional Use Permit for PUD zoning at the same density and intensity as the existing Lake County PUD.

Thomas McCarthy, Vice President
Mattamy Orlando LLC
Applicant Name


X
Applicant Name (signature)

Thomas McCarthy, Vice President
Mattamy Orlando LLC
Owner Name


X
Owner Name (signature)

* * * * * NOTICE * * * * *

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

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

02/02/2015

INSTRUMENT#: 2015063184 OR BK 4637 PG 795 PAGES: 6 6/11/2015 3:38:57 PM
NEIL KELLY, LAKE COUNTY CLERK OF THE CIRCUIT COURT
REC FEES: \$52.50 DEED DOC:\$117985.00

This Instrument was Prepared by
and Should be Returned to:

Grant T. Downing
Godbold, Downing & Bill, P.A.
222 W. Comstock Avenue, Suite 101
Winter Park, Florida 32789

Parcel ID# 2722260003-000-00500; 3422260001-000-00100; 3522260001-000-00600; and 2722260500-000-00501

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

WARRANTY DEED

THIS WARRANTY DEED is made and entered into as of this 5TH day of JUNE, 2015, by **NOLA LAND COMPANY, INC.**, a Florida corporation, whose address is 202 E. Stuart Avenue, Lake Wales, Florida 33853 (hereinafter called the "Grantor"), to **MATTAMY ORLANDO LLC**, a Delaware limited liability company, whose address is 1900 Summit Tower Boulevard, Suite 500, Orlando, Florida 32820 (hereinafter called the "Grantee").

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Lake County, Florida (the "Property"), described as follows:

See Exhibit "A" attached hereto and incorporated herein.

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

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

AND, the Grantor hereby covenants with the Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except real property taxes accruing subsequent to December 31, 2014, and easements, restrictions and reservations of record, if any; however, this reference thereto shall not serve to reimpose same.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal as of the day and year first written above.

Signed, sealed and delivered
in the presence of:

NOLA LAND COMPANY, INC., a Florida
corporation

Deborah Partlow
Print Name: Deborah Partlow

C.B. MYERS III
Print Name: C.B. MYERS III

By: [Signature]
Print Name: Allen J. Keesler, Jr.
Its: President/CEO

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 5TH day of JUNE, 2015, by ALLEN J. KEESLER, JR., as PRESIDENT/CEO of Nola Land Company, Inc., a Florida corporation, who [X] is personally known to me, or [] has produced _____ for identification.

(SEAL)

Deborah Partlow
Notary Signature

DEBORAH PARTLOW
Notary Public, State of Florida
My Comm. Expires Mar. 2, 2018
Commission No. FF 88384

Exhibit "A"**Parcel 1**

The East 3/4 of the South 1/2 of Section 27, Township 22 South, Range 26 East;

and

Parcel 2

The North 1/2 of Section 34, Township 22 South, Range 26 East, LESS AND EXCEPT the West 1660 feet thereof;

and

Parcel 3

U.S. Government Lot 1, LESS AND EXCEPT the North 660 feet of the West 660 feet, lying in Section 35, Township 22 South, Range 26 East;

and

Parcel 4

The NW 1/4 of the SW 1/4 of the NW 1/4 of Section 35, Township 22 South, Range 26 East;

and

Parcel 5

Begin 50.25 feet North of the Southeast corner of the NW 1/4 of Section 35, Township 22 South, Range 26 East; thence run West 1305 feet; thence run South 8.3 feet; thence run West to the Southwest corner of the NW 1/4 of said Section 35; thence North to the Northwest corner of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 35; thence East to the Northeast corner of the South 1/2 of the SE 1/4 of the NW 1/4; thence South to the Point of Beginning;

and

Parcel 6

That part of Section 27, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

BEGIN at the Southeast corner of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida; thence North 00°55'27" East along the East line of said Lot 5, for a distance of 701.16 feet to the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence South 89°03'05" East along said North line, 16.98 feet to the West line of the East 3/4 of the South 1/2

of said Section 27; thence South 00°24'50" West along said West line, 710.74 feet to the North line of the South 610.00 feet of the Southwest 1/4 of the Southwest 1/4 of said Section 27; thence departing said West line run North 75°03'48" West, 39.92 feet to the South line of said Lot 5; thence South 88°41'58" East along said South line, 15.41 feet to the Point of Beginning.

and

Parcel 7

That part of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida, described as follows:

BEGIN at the Southeast corner of said Lot 5; thence North 00°55'27" East along the East line of said Lot 5 for a distance of 696.49 feet; thence departing said East line run South 53°23'08" West, 100.90 feet; thence South 08°50'46" West, 57.13 feet; thence South 33°38'56" West, 31.61 feet; thence South 04°49'02" East, 40.96 feet; thence South 02°58'52" East, 93.11 feet; thence South 08°48'35" West, 60.57 feet; thence South 20°20'22" West, 82.37 feet; thence South 05°30'28" West, 59.91 feet; thence South 10°59'05" West, 70.76 feet; thence South 18°19'44" East, 68.63 feet; thence South 32°06'31" East, 46.35 feet; thence South 44°29'07" East, 31.79 feet; thence South 61°25'49" East, 40.03 feet; thence South 75°03'48" East, 26.77 feet to the South line of said Lot 5; thence South 88°41'58" East along said South line, 15.41 feet to the POINT OF BEGINNING.

Easement Parcel A:

TOGETHER WITH an easement for ingress and egress to State Road 50 over the entire stretch of asphalt road the centerline of which begins 174.60 feet West of the Northeast corner of the SW 1/4 of the NE 1/4 of Section 27, Township 22 South, Range 26 East, and run South 0°10' West through the entire SW 1/4 of the NE 1/4 of Section 27, which easement shall be 60 feet in width;

ALL OF THE ABOVE LYING AND BEING IN LAKE COUNTY, FLORIDA.

LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

The East 150.00 feet of the following described property (Magnolia Bay Boulevard according to the plat thereof, as recorded in Plat Book 34, Pages 47 through 49, of the Public Records of Lake County, Florida): BEGIN at an iron rod and cap marked "RLS 4264" at the Southeast corner of the North 660.00 feet of the West 660.00 feet of Government Lot 1, Section 35, Township 22 South, Range 26 East, Lake County, Florida; thence run North 88°47'56" West along the South line of said North 660.00 feet of the West 660.00 feet of Government Lot 1 for a distance of 545.00 feet; thence run South 01°12'04" West for a distance of 124.51 feet to the Northerly right of way line of Hartle Road; thence run North 80°06'21" East along said Northerly right of way line for a distance of 433.09 feet to the beginning of a tangent curve concave to the Northwest and having a radius of 467.00 feet; thence run Northeasterly along the arc of said curve for a distance of 121.09 feet through a central angle of 14°51'22" to the end of said curve; thence run

North 65°14'58" East along said Northerly right of way line for a distance of 6.13 feet to a point on the East line of said West 660.00 feet of Government Lot 1; thence leaving said Northerly right of way line run North 00°29'39" West along said East line for a distance of 0.12 feet to the Point of Beginning.

AND FURTHER LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

A strip of land for road right of way purposes 66.00 feet wide lying in Section 35, Township 22 South, Range 26 East, Lake County, Florida, the centerline of which is described as follows:

Commencing at the Northwest corner of Section 35, Township 22 South, Range 26 East, run South 00°30'48" East along West line of the Northwest 1/4 of said Section 35, for a distance of 1856.75 feet to the Northwest corner of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 35; thence leaving said West line run South 88°23'30" East along the North line of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 and the North line of the South 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 35, for a distance of 1531.02 feet to the POINT OF BEGINNING; thence leaving said North line run South 00°00'09" East for a distance of 298.67 feet to a point designated as POINT A; thence run South 89°59'51" West for a distance of 58.00 feet to a POINT OF TERMINATION A of this centerline; BEGIN again at aforesaid POINT A; thence run North 89°59'51" East for a distance of 573.66 feet to a point on a tangent curve concave to the Northwest and having a radius of 2000.00 feet; thence run Northeasterly along the arc of said curve for a distance of 345.29 feet, through a central angle of 09°53'30" to the end of said curve; thence run North 80°06'21" East for a distance of 753.88 feet to a point on a tangent curve concave to the Northwest and having a radius of 500.00 feet; thence run Northeasterly along the arc of said curve for a distance of 129.64 feet, through a central angle of 14°51'22" to the end of said curve; thence run North 65°14'59" East for a distance of 252.91 feet to a point on a tangent curve concave to the Southwest and having a radius of 350.00 feet; thence run Easterly along the arc of said curve for a distance of 431.07 feet, through a central curve (sic) of 70°34'02" to the end of said curve; thence run South 44°11'00" East for a distance of 169.91 feet to a point on tangent curve concave to the Northeast and having a radius of 250.00 feet; thence run Southeasterly along the arc of said curve for a distance of 276.31 feet, through a central angle of 63°19'35" to the end of said curve; thence run North 72°29'25" East for a distance of 514.79 feet to a point on a tangent curve concave to the Southeast and having a radius of 750.00 feet; thence run Northeasterly along the arc of said curve for a distance of 240.51 feet through a central angle of 18°22'24" to the end of said curve; thence run South 89°08'11" East for a distance of 203.12 feet to the East line of Government Lot 1, said Section 35 and the POINT OF TERMINATION B of the aforesaid centerline.

Excluding that portion of Johns Lake South of Island Blvd. lying waterward of the Safe Upland Line (elevation 98.0 NGVD 29).

AND FURTHER LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

That part of Section 35, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at the West 1/4 corner of said Section 35, said corner marked by a 4"X4" concrete

monument (no identification) (Certified Corner Record No. 38693); thence South 88°00'40" East along the East-West center of section line of said Section 35, a distance of 857.52 feet to the POINT OF BEGINNING; thence continue along said center of section line South 88°00'40" East, a distance of 481.86 feet to a point on the East line of the platted portion of POSTAL COLONY COMPANY, as recorded in Plat Book 9, Page 65, of the Public Records of Lake County, Florida, said point lying North 88°00'40" West, a distance of 3891.93 feet from the East 1/4 corner of said Section 35, said East 1/4 corner being marked by a 3" diameter iron pipe (no identification) (Certified Corner Record No. 38386); thence departing said center of section line, run North 00°07'48" West along said East line, a distance of 12.98 feet to the Northeast corner of said platted portion of POSTAL COLONY COMPANY; thence departing said East line, run North 89°33'17" West along the North line of said POSTAL COLONY COMPANY, a distance of 481.55 feet to the Point of Beginning.

MATTAMY ORLANDO LLC
(Revised 10-14-14 to exclude Postal Colony overlap)

DESCRIPTION (FURNISHED BY CLIENT):

Parcel 1:

The East 3/4 of the South 1/2 of Section 27, Township 22 South, Range 26 East;

AND

Parcel 2:

The North 1/2 of Section 34, Township 22 South, Range 26 East, LESS AND EXCEPT the West 1660 feet thereof;

AND

Parcel 3:

U.S. Government Lot 1, LESS AND EXCEPT the North 660 feet of the West 660 feet, lying in Section 35, Township 22 South, Range 26 East;

AND

Parcel 4:

The NW 1/4 of the SW 1/4 of the NW 1/4 of Section 35, Township 22 South, Range 26 East;

AND

Parcel 5:

Begin 50.25 feet North of the Southeast corner of the NW 1/4 of Section 35, Township 22 South, Range 26 East; thence run West 1305 feet; thence run South 8.3 feet; thence run West to the Southwest corner of the NW 1/4 of said Section 35; thence North to the Northwest corner of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 35; thence East to the Northeast corner of the South 1/2 of the SE 1/4 of the NW 1/4; thence South to the Point of Beginning;

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AND

Parcel 7:

That part of Lot 5, PINE VALLEY INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 29, Page 70, of the Public Records of Lake County, Florida, described as follows:

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LESS AND EXCEPT FROM PARCELS 1 THROUGH 7 ABOVE:

The East 150.00 feet of the following described property (Magnolia Bay Boulevard according to the plat thereof, as recorded in Plat Book 34, Pages 47 through 49, of the Public Records of Lake County, Florida):

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Containing 540.223 acres more or less (excluding that portion of Johns Lake south of Island Blvd. lying waterward of the Safe Upland Line (elevation 98.0 NGVD 29)).

LEGAL NOTICE

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

LOCATION

(Alternate Keys 1095972, 3882911, 1095964, and 2717874)
South of S.R. 50, West of the Hartle Road, East of Hancock Road,
and North and South of Island Blvd
WaterBrooke (Jahna) PUD

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

This request will be considered by the Planning & Zoning Commission on Tuesday, October 6, 2015 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, October 27, 2015 at 6:30pm.

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

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
September 29 and October 20, 2015