



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, May 10, 2016**

Welcome to our Council meeting. In the interest of time efficiency and ensuring that everyone who wishes to address the Council is given the opportunity to do so, the following will apply to all comments made by the public. For items listed on the agenda, each speaker will be permitted 5 minutes to address the Council. For non-agenda items, each speaker will be permitted 3 minutes to address the Council. These time limits may be changed by the Mayor. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

Florida League of Cities Home Rule Hero Award

Quilts to Books

PROCLAMATION

Clermont Elementary 100th Anniversary

North American Occupational Safety and Health Week

National Public Works Week

National Police Week

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

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

Item No. 1 - Meeting Minutes

Consider approval of April 12, 2016
Regular Council meeting minutes.

Item No. 2 - Bid Award

Consider bid award to A.C. Schultes of
Florida, Inc. to provide construction and
testing of new potable water supply wells
in the total amount of \$2,098,060 and a
budget amendment in the Water Fund.

Item No. 3 - Rental Fee Reduction Request

Consider fee reduction request from
South Lake Recreation, Inc. LC Hoops
for summer basketball program held at
the Arts & Recreation Center.

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Item No. 4 - Rental Fee Reduction Request

Consider fee reduction request from PFX Athletics for the Sun Conference Tournament Awards Conference at the Arts & Recreation Center.

UNFINISHED BUSINESS

Item No. 5 - Resolution No. 2016-10
Highland Ranch

Consider request for a conditional use permit to amend Resolution 2013-17 for a planned unit development to allow an updated site plan, remove conditions that have been completed, decrease minimum lot size and allow a two-family dwelling product, shared sidewalk entry on the property lines between two-family dwellings, new minimum side yard setbacks for two-family dwelling, reduced yard setbacks for select lots, and extend waiver to allow existing billboards to remain until January 31, 2025 for the Highland Ranch Subdivision.

Item No. 6 - Ordinance No. 2016-17 *Introduction*
The Vue Rezoning

Consider ordinance introduction to change the zoning from C-2 General Commercial and Urban Estate to Planned Unit Development for property located south of Highway 50 and west of Miss Florida Avenue and north of Hooks Street.

NEW BUSINESS

Item No. 7 - Variance Request
O'Brien

Consider a variance request to allow for a side yard setback of 7.5 feet located at 1629 Morning Drive.

Item No. 8 - Variance Request
A-Pawn USA

Consider a variance to allow a secondary front setback of 11.8 feet located at 811 East Highway 50.

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Item No. 9 - Variance Request
VFW

Consider a variance request to allow grass parking, a vehicular access point of 12 feet, and the elimination of a perimeter landscape buffer located at 855 West Desoto Street.

Item No. 10 - Ordinance No. 2016-18 *Introduction*
WaterBrooke Annexation

Consider ordinance introduction to annex 28.6 +/- acres into the City for property located at the northeast corner of Hancock Road and Johns Lake Road.

Item No. 11 - Ordinance No. 2016-20 *Introduction*
WaterBrooke Rezoning

Consider ordinance introduction to change the zoning from UE Urban Estate to Planned Unit Development for property located at the northeast corner of Hancock Road and Johns Lake Road and for the entire approved CUP for a PUD WaterBrooke subdivision.

Item No. 12 - Ordinance No. 2016-21 *Introduction*
The Vue Right-of-Way Closing

Consider ordinance introduction to close the right-of-way on property located south of Highway 50, north of Hooks Street, and west of Miss Florida Avenue.

ADJOURN

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

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



Whereas, the history of Clermont Elementary is intertwined with the history of Clermont-Minneola School and Lincoln Park School, both of which were started by community groups interested in the education of their children; and

Whereas, Clermont's first teacher, Mrs. Thomas Hooks, began teaching a class of 12 students in 1881; and

Whereas, James S. Townsend, Sr. organized a school half way between Clermont and Minneola in 1902 and moved to a home on Chestnut Street in 1906 with 13 children attending; and

Whereas, Mr. Townsend's school operated on Fifth Street until it moved to Lincoln Park; and

Whereas, the Clermont and Minneola School Districts were merged in 1915 and a school opened in September 1916 with an enrollment of over 100 elementary through high school students; and

Whereas, by 1929 enrollment peaked to 254 students; and

Whereas, in 1962 Clermont Elementary became a separate entity from Clermont High School; and

Whereas, Lincoln Park became Clermont Middle School in 1970 when full integration was completed; and

Whereas, Clermont Elementary moved to its current location, the former Clermont Middle School, in January 1996; and

Whereas, 2016 marks the 100th anniversary of Clermont Elementary;

Now, Therefore, Be it Resolved, that the City of Clermont wishes Clermont Elementary continued success in serving the south Lake County community.

In Witness Whereof, I, Gail L. Ash, Mayor of the City of Clermont have hereunto set my hand and caused the Seal of the City of Clermont to be affixed this 10th day of May in the year two thousand sixteen.

ATTEST:

Gail L. Ash, Mayor

Tracy Ackroyd Howe, MMC
City Clerk



WHEREAS, the residents of the City of Clermont value safe and healthy workplaces for all of our citizens; and

WHEREAS, the majority of workplace injuries and fatalities are preventable, however more than 4,600 workers die each year from job related injuries, and millions more suffer occupational injuries and illnesses; and

WHEREAS, businesses spend \$62 billion a year on the costs of the most disabling workplace injuries tied to occupational injuries, health care and illness; and

WHEREAS, safer organizations enjoy increased productivity, higher employee satisfaction and a better reputation, while recording less lost time and lower workers' compensation and healthcare costs; and

WHEREAS, during the week of May 1 through May 7, 2016, North American Occupational Safety and Health Week, the American Society of Safety Engineers members, the Occupational Safety and Health Administration and corporate and association partners representing thousands of businesses will mobilize in an effort to increase employer, employee and public awareness of being safe at work to encourage safe practices; to help companies and organizations enhance their workplace safety efforts; and

WHEREAS, on May 4, 2016, occupational safety and health professionals will be recognized on Occupational Safety and Health Professional Day for their commitment to protect people, property, and the environment at work in their communities;

NOW, THEREFORE, be it resolved by virtue of the authority vested in me as Mayor of the City of Clermont, I do hereby proclaim the week of May 1 through May 7, 2016 as

North American Occupational Safety and Health Week

and May 4, 2016 as

Occupational Safety and Health Professional Day

IN WITNESS WHEREOF, I, Gail L. Ash, Mayor of the City of Clermont, have hereunto set my hand and caused the Seal of the City of Clermont to be affixed this 10th day of May, two thousand and sixteen.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk



WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as streets, parks, highways, public buildings, water, sewers, and solid waste collection; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform;

NOW, THEREFORE, be it resolved by virtue of the authority vested in me as Mayor of the City of Clermont, I do hereby proclaim the week of May 16 through May 22, 2016 as

National Public Works Week

in the City of Clermont, and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF, I, Gail L. Ash, Mayor of the City of Clermont, have hereunto set my hand and caused the Seal of the City of Clermont to be affixed this 10th day of May, two thousand sixteen.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk



Whereas, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Clermont Police Department; and

Whereas, there have been 15,725 assaults against law enforcement officers in 2014, resulting in approximately 13,824 injuries; and

Whereas, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

Whereas, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

Whereas, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years; and

Whereas, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 28th Annual Candlelight Vigil on the evening of May 13, 2016; and

Whereas, May 15, 2016 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U. S. flags should be flown at half-staff;

Now, Therefore, I, Gail L. Ash, Mayor of the City of Clermont, Florida, do hereby proclaim the week of May 15 through May 21, 2016 as

National Police Week

in the City of Clermont and publicly salute the service of law enforcement officers in our community and in communities across the nation.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Clermont to be affixed this 10th day of May in the year of 2016.

Gail L. Ash., Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

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REGULAR COUNCIL MEETING
April 12, 2016

The Clermont City Council met in a regular meeting on Tuesday, April 12, 2016 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Mullins, Bates, Goodgame, and Travis. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and City Clerk Ackroyd Howe.

INVOCATION

Pastor Doug Lane gave the invocation followed by the Pledge of Allegiance.

PROCLAMTION

Mayor Ash read the Municipal Clerks Week proclamation aloud. City Clerk Ackroyd Howe recognized the department staff members. Mayor Ash presented the proclamation to City Clerk Ackroyd Howe, Deputy City Clerk Noak, and Municipal Records Specialist Llewellyn.

City Clerk Ackroyd Howe read the Safe Digging Month proclamation aloud. Mayor Ash presented the proclamation to Kathy Thrash; Dig safe 811. Ms. Thrash invited Assistant City Manager Kinzler and IT Director Dennis for acceptance of the proclamation.

PRESENTATIONS

Police Chief Broadway recognized several Police Department employees for exemplary work in 2015. Patrol Officer Ethan Bell responded to a call of an unresponsive individual and administered CPR and stabilized the patient. Patrol Officers Darrell Demastus and Wilson Delgado-Rodriquez responded to an unresponsive individual and administered CPR and revived the individual. Deputy Chief of Police Charles Vitale and Patrol Officer Nathan Farzati responded to an unresponsive individual and administered CPR and use of an AED, restoring the individual's pulse. The 2015 Officer of the Year award was presented to Detective Scott Tufts for his investigative work on an identity theft case which resulted in solving several burglaries in Clermont and surrounding areas, assisting a student with their science project, and providing presentations on criminology and crime scene processing to local high school students.

PUBLIC COMMENTS

Matthew Modica commented the Hooks Street and Lakeshore Drive landscaping at The Moorings subdivision site cannot be rectified. He expressed concern regarding lack of the required buffer across from the baseball field near the Rusty Fox.

City Manager Gray commented The Moorings subdivision 2005 Conditional Use Permit approved saving one tree next to the road. The developer will have to replace trees.

Council Members Mullins and Goodgame recalled the development plan from 2005 contained a winding road with a cul-de-sac and houses nestled among the trees.

Council Member Travis inquired of the tree removal permit process. City Manager Gray noted a permit was not required when developing under a Conditional Use Permit.

Harold Verbraska commented on the requirement of a one-million-dollar liability insurance policy to play softball. Liability waivers for the players were provided in 2002, and in 2008 the requirement was

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initiated. Mr. Verbraska stated the players approached the Council in 2008 regarding the insurance requirement and the insurance was no longer requested until recently. He asked of the possibility of waiving the insurance requirement for the senior softball players.

City Manager Gray stated the liability insurance requirement is consistent with all groups. Parks and Recreation Director Davidoff has spoken to the group and several options were provided. The players could become a City senior program and pay an increased fee, or purchase insurance from a third-party organization.

City Attorney Mantzaris stated organized groups paying to use the City's fields pose a different risk than individuals who show up and use the City's fields.

Parks and Recreation Director Davidoff stated he spoke with a provider and coverage for a team would cost approximately \$95 per year.

Mayor Ash requested additional information be provided at a workshop or as an agenda item.

Council Member Mullis offered his business's assistance in purchasing liability insurance for the team.

Heather Noyes commented on the lack of adequate number of handicap parking spaces in the downtown area, along with several other areas in Clermont. Ms. Noyes requested Council look into the City's handicap parking.

Council Member Goodgame stated the number of handicap individuals in Clermont should be determined prior to evaluating handicap parking needs.

Mayor Ash commented approximately 25% of the population is over 60 years old.

City Attorney Mantzaris stated the City has an Americans with Disability Act Coordinator who will contact Ms. Noyes.

REPORTS

City Manager Gray reported the first Citizens' Academy was well attended. Olympic Day was held on Saturday, April 9, 2016.

City Attorney Mantzaris – No report.

Council Member Bates – No report.

Council Member Goodgame commented a special Metropolitan Planning Organization meeting will be held in the City Council Chambers on Thursday, April 14, 2016 at 10am to review the auditor's report. The Celtic Nights performance on Friday, April 8, 2016 was very good. He commented the Citizens' Academy exposes citizens on the operation of the City.

Council Member Mullins reported the Food Truck rally on Friday, April 8, 2016 was well attended. The children's Sidewalk Chalk Art Contest on Saturday, April 9, 2016 moved inside due to inclement weather. The Greater Clermont Cancer Foundation Bras for the Cause and the Hospice Gala will be held on Saturday, April 16, 2016.

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Council Member Travis announced the Sports and Tourism meeting will be held at the National Training Center on April 13, 2016 at 8am. The South Lake Chamber of Commerce will host a Job Fair at the Clermont City Center on May 4, 2016 from 9am to 12 noon and from 5pm to 8pm. The South Lake Chamber of Commerce will hold Business After Hours at the South Lake Animal League, 4648 Baptist Island Road, Groveland. The Dragon Boat Race will be held April 30, 2016 at Waterfront Park. Clermont Elementary School is seeking plants and volunteers on April 23, 2016. The South Lake Chamber of Commerce is seeking active members for the Teacher Appreciation Breakfast, the Taste of South Lake, and the Job Fair.

Mayor Ash reported she presented the welcome at the Vietnam War Commemoration, attended a meeting on the status of Lake County Roads, spoke to the New York Club, welcomed visitors to the Sidewalk Chalk Art Contest, attended the ground breaking of the Faith Neighborhood Center, and spoke at the Citizens' Academy.

CONSENT AGENDA

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

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| Item No. 1 – Meeting Minutes | Consider approval of March 8, 2016 and March 22, 2016 Regular Council meeting minutes. |
| Item No. 2 – Heritage Hills Phase 6B Plat | Consider approval of Heritage Hills Phase 6B plat. |
| Item No. 3 – Appointment | Consider re-appointment of Council Member Mullins to serve as the representative to the Lake County Arts and Cultural Alliance Advisory Board for a two-year term. |
| Item No. 4 – Surplus Request | Consider approval to declare end of life inventory as surplus from Environmental Services, Finance, and the Police Departments and dispose of in accordance with the Purchasing Policy. |
| Item No. 5 – Fee Reduction Request | Consider request from Clermont Girls Fast Pitch Softball and USSSA Fast pitch. |
| Item No. 6 – Event Signage Request | Consider allowing New Beginnings to erect temporary signage around Clermont to promote the Dragon Boat Race on April 30. |
| Item No. 7 – Event/Open Container Request | Consider allowing the City of Clermont's 4 th of July event at Waterfront Park to allow open containers in the requested area. |

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| Item No. 8 – Event/Open Container Request | Consider allowing the Taste of the Caribbean and Jerk Festival event at Waterfront Park and open containers in the requested area. |
| Item No. 9 – Bid Award | Consider approval of lease agreement between the City of Clermont and Premier Services for Events, Inc. to provide concession and catering services. |
| Item No. 10 – Bid Award | Consider approval of Request for Proposals award to DesignLab, Inc. to provide uniforms. The amount for the Fire and Police Department combined is \$97,000; funded in the approved budget. |
| Item No. 11 – Scope of Services | Consider approval of Professional Services for Schematic Design and Preliminary Engineering of the Promenade Project by GAI Consultants, Inc., in the amount of \$94,100 funded in the Capital Projects fund budget. |
| Item No. 12 – Scope of Services | Consider approval of Professional Services for Montrose Streetscape Schematic design and renderings by Powell Architecture in the amount of \$12,550, funded in the Capital Projects fund budget. |

Council Member Mullins pulled Item 6.

Council Member Goodgame moved to approve the Consent Agenda as submitted with the exception of Item 6; seconded by Council Member Bates. The motion passed with all members present voting aye.

Council Member Mullins inquired of the location of the temporary signage.

City Manager Gray stated the signage would be located on private property at the same locations approved for Pig-on-the-Pond.

Council Member Mullins moved for acceptance of Item 6; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

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UNFINISHED BUSINESS

The next three items were heard concurrently and voted on separately.

Item No. 13 – Ordinance No. 2016-09; *Final, Hartle Grove Annexation*

City Clerk Ackroyd Howe read Ordinance 2016-09 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Item No. 14 – Ordinance No. 2016-10; *Transmittal, Hartle Grove Large-Scale Comprehensive Plan Amendment*

City Clerk Ackroyd Howe read Ordinance 2016-10 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the Large Scale Comprehensive Plan Amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the Large Scale Comprehensive Plan Amendment; setting forth the purpose and intent of the Large Scale Comprehensive Plan Amendment; providing for the adoption of the Large Scale Comprehensive Plan Amendment; establishing the legal status of the Large Scale Comprehensive Plan Amendment; providing a severability clause and providing an effective date.

Item No. 15 - Ordinance No. 2016-11; *Final, Hartle Grove Rezoning*

City Clerk Ackroyd Howe read Ordinance 2016-11 aloud by title only.

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

Senior Planner Kruse presented the administrative requests for annexation, transmittal of a Large Scale Comprehensive Plan Amendment, and a rezoning of the remaining 44 acres of the Hartle Grove Planned Unit Development.

The City requested annexation as authorized by the utility agreement with the property owner. The property is improved and consists of the Terrace Grove 103-home subdivision, Rooms to Go, Speedway gas station, AutoZone, and a vacant land parcel. The 25-acre multifamily portion was annexed in January 2016 and rezoned to Planned Unit Development. Staff recommended approval of the annexation.

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The City requested transmittal of a Large Scale Comprehensive Plan Amendment of the remaining 44 acres of the Hartle Grove Planned Unit Development. Upon approval of the City Council, the Large Scale Comprehensive Plan Amendment will be transmitted to the Florida Department of Economic Opportunity and other reviewing agencies. The Florida Department of Economic Opportunity will issue an Objections, Recommendations and Comments letter to the City and the amendment will be scheduled for a final public hearing. Staff recommended approval of the transmittal to the Florida Department of Economic Opportunity.

The City requested rezoning of the remaining 44 acres of the Hartle Grove Planned Unit Development from Urban Estate to the City's Planned Unit Development zoning classification. Staff recommended approval of the rezoning request.

Mayor Ash opened the public comments. There were no public comments. Mayor Ash closed the public hearing.

Council Member Mullins asked of the plans for the property on the eastern portion of the location. Senior Planner Kruse stated the area is platted as open space.

Council Member Travis inquired of the buffer on Hartle Road and State Road 50. Senior Planner Kruse commented the entitlements, plat, and construction were processed through Lake County and the City is accepting the development as is.

Council Member Goodgame moved for approval of Ordinance 2016-09; seconded by Council Member Mullins. The motion passed 5 to 0 on a roll call vote.

Council Member Mullins moved for adoption of Ordinance 2016-10; seconded by Council Member Bates. The motion passed with all members present voting aye.

Council Member Goodgame moved for approval of Ordinance 2016-11; seconded by Council Member Mullins. The motion passed 5 to 0 on a roll call vote.

Item No. 16 – Ordinance No. 2016-13; *Final, Garbage Franchise Agreement-Hubbard Construction Company d/b/a Mid Florida Materials*

City Clerk Ackroyd Howe read Ordinance 2016-13 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, under the Code of Ordinances of the City of Clermont, granting a garbage collection franchise to Hubbard Construction Company d/b/a Mid Florida Materials, providing for the term of the franchise and for other purposes connected with a franchise for the collection of garbage within the City of Clermont.

Mayor Ash opened the public hearing. There were no public comments. Mayor Ash closed the public hearing.

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Council Member Mullins moved for adoption of Ordinance 2016-13, seconded by Council Member Goodgame. The motion passed 5 to 0 on a roll call vote.

NEW BUSINESS

Item No. 17 – Ordinance No. 2016-07; *Introduction, Police Pension Plan Amendment*

City Clerk Ackroyd Howe read Ordinance 2016-07 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, amending the City of Clermont Police Officers' Pension Trust Fund, as adopted by Ordinance No. 304-C; providing plan benefit revisions; providing for severability of provisions; repealing all Ordinances in conflict herewith; and providing an effective date.

Council Member Mullins moved for introduction of Ordinance 2016-07; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 18 – Ordinance No. 2016-08; *Introduction, Fire Pension Plan Amendment*

City Clerk Ackroyd Howe read Ordinance 2016-08 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, amending the City of Clermont Firefighters' Pension Trust Fund, as adopted by Ordinance No. 304-C; providing plan benefit revisions; providing for severability of provisions; repealing all ordinances in conflict herewith; and providing an effective date.

Council Member Mullins moved for introduction of Ordinance 2016-08; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 19 – Ordinance No. 2016-14; *Introduction, Napleton Annexation*

City Clerk Ackroyd Howe read Ordinance 2016-14 aloud by title only.

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

Council Member Mullins moved for introduction of Ordinance 2016-14; seconded by Council Member Bates. The motion passed with all members present voting aye.

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Item No. 20 – Ordinance No. 2016-16; *Introduction, Napleton Rezoning*

City Clerk Ackroyd Howe read Ordinance 2016-16 aloud by title only.

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

Council Member Mullins moved for introduction of Ordinance 2016-16; seconded by Council Member Bates. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 7:50pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk



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AGENDA ITEM

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Meeting Date		
Tuesday, May 10, 2016		
Agenda Item Name		
Bid Award		
Requested Action		
Motion to approve contract between the City of Clermont and A.C. Schultes of Florida, Inc. to provide construction and testing of new potable water supply wells in the total amount of \$2,098,060 and a budget amendment in the Water Fund.		
Staff Report		
The Purchasing Department and the Environmental Services Department recommend approval of the above action. The Environmental Services Department contacted the Purchasing Department to determine the most effective manner to contract a company to provide construction and testing of new potable water supply wells and to test existing potable water supply wells. The work consists of furnishing all labor, equipment, and materials for the construction of the facilities consisting of the following: 1) LFA Exploratory Test/Production Well (LFETW-1): Construction and testing of one (1) 2,500 gpm ground water supply well. 2) Lower Floridan Test Production Well (LFTPW-2): Construction and testing of one (1) 2,500 gpm ground water supply well. 3) Greater Hills 1 & Greater Hills 2 Potable Supply Wells: Inspection and testing of two (2) existing potable supply wells. The Purchasing Department issued a Request for Bid (RFB) number 16-027 to acquire the above mentioned services. The RFB was fully competed, advertised, and complies with the City of Clermont Purchasing Policy. There were five (5) responses to the RFB. Award is being recommended to low responsive and responsible bidder A.C. Schultes of Florida, Inc. at the total price of \$2,098,060.00 who complied with all terms, conditions, and specifications stated in the RFB. The project is funded from a \$1,049,030 grant from the St. Johns River Water Management District and Water Fund reserves.		
Additional Analysis		
Fiscal Impact Summary		
Project is not included in the current year approved budget, therefore, a budget amendment in the amount of \$2,098,060 in the Water Fund is necessary.		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)		
1.	RFB 16-027 Response Tabulation	RFB 16-027 Response Tabulation.pdf
2.	RFB 16-027 Statement of Work	RFB 16-027 Statement of Work.pdf
3.	Ad	RFB 16-027 Potable Water.docx



**RFB 16-027, SUNBURST WATER TREATMENT PLANT LOWER FLORIDIAN AQUIFER WELLS
DUE DATE/TIME: APRIL 7, 2016 AT 2:00 P.M. (EST)**

COMPANY NAME	BID BOND	ADDENDA 1	TOTAL PRICE
A.C. Schultes of Florida, Inc. – Gibsonton, FL	Y	Y	\$2,098,060.00
All Webbs Enterprise, Inc. – Jupiter FL	Y	Y	\$2,865,940.00
GG Griffin Inc, dba Advanced Well Drilling – West Melbourne, FL	Y	N	\$2,873,400.00
Florida Design Drilling Corp – West Palm Beach, FL	Y	N	\$3,074,500.00
Rowe Drilling Company, Inc – Tallahassee, FL	Y	Y	\$3,272,300.00

* Addenda 1 was not a mandatory submittal with response.

SECTION – B
STATEMENT OF WORK

This project is for the City of Clermont's Sunburst Water Treatment Plant (WTP) Lower Floridan aquifer (LFA) Exploratory Test/Production Potable Supply Wells as specified herein. The Work consists of furnishing all labor, equipment, and materials for the construction of the facilities consisting of, but not limited to, the following:

- LFA Exploratory Test/Production Well (LFETW-1): Construction and testing of one (1) 2,500 gpm ground water supply well, including but not limited to installation of surface casing up to 235 feet bls, conductor casing to 375 feet bls, intermediate casing to 650 feet bls, final casing to 1,250 feet bls, minimum 10-inch pilot hole to 1,800 feet bls, and nominal 23-inch open hole to 1,600 feet bls; step drawdown and specific capacity testing, video and geophysical logging, inflatable packer testing, and water quality sampling and testing will be completed on a parcel located adjacent to the Sunburst WTP, located at 3335 Hancock Road, in the City of Clermont, Lake County, Florida.
- Lower Floridan Test Production Well (LFTPW-2): Construction and testing of one (1) 2,500 gpm ground water supply well, including but not limited to installation of surface casing up to 235 feet bls, conductor casing to 375 feet bls, intermediate casing to 650 feet bls, final casing to 1,250 feet bls, and nominal 23-inch open borehole to 1,600 feet bls; step drawdown and constant rate discharge testing, video and geophysical logging, inflatable packer testing, and water quality sampling and testing will be completed on a parcel located adjacent to the Sunburst WTP, located at 3335 Hancock Road, in the City of Clermont, Lake County, Florida.
- Greater Hills 1 & Greater Hills 2 Potable Supply Wells: Inspection and testing of two (2) existing potable supply wells, including pump removal and inspection, discharge line installation, installation of test pumps, geophysical and video logging, and step drawdown testing will be completed on parcels located north of SR 50 and adjacent to the Sanctuary Ridge Golf Club, located at 2601 Diamond Club Drive, in the City of Clermont, Lake County, Florida.

REQUEST FOR BID

The City of Clermont is requesting bids from qualified respondents to provide construction and testing of new potable water supply wells (RFB 16-027). All responses must be received prior to **2:00 P.M. on Thursday, April 7, 2016**. Information about the bid may be obtained from the City's website at <http://www.clermontfl.gov/> or through BidSync at <https://www.bidsync.com/>.

Publication Date: Newspaper
March 9, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 10, 2016		
Agenda Item Name		
Rental Fee Reduction Request		
Requested Action		
Move to approve twenty percent (20%) reduction of gymnasium facility rental only.		
Staff Report		
South Lake Recreation, Inc. LC Hoops has requested a twenty percent (20%) fee reduction for facility rental fees and an additional credit for ten (10) player scholarships valued at \$1,350 for the summer basketball program held at the Arts & Recreation Center.		
Additional Analysis		
Fiscal Impact Summary		
Estimated value of twenty percent (20%) fee reduction is approximately \$1300.		
20% fee reduction request = \$1,300		
Scholarship credit waiver request = \$1,350		
Total request = \$2,650		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Request	Hoops Request.pdf	



CITY OF CLERMONT Fee Variance Request Form

Date of Application: 4/15/16 Name of Event: SUMMER SLAMMER 2016
Date (s) of Event: MAY 8TH TO 7/23/16 Location of Event: CLERMONT ARTS RECREATION CTR GYM
Event Times: From: WEEKDAYS 6 am/pm To: 5:30 PM 9 PM am/pm
Name of Organization/Renter: SOUTH LAKE RECREATION, INC. LC HOOPS
Check Type of Organization: ☒ Not for Profit ☐ For Profit ☐ Commercial ☐ Individual ☐ Government
Physical Location of Group requesting Rental: ☒ City of Clermont ☐ Lake County (other than Clermont) ☐ Outside of Area
Contact Name: ALEX WODICK Email: ALEX@SOUTHLAKEREC.ORG
Day Phone: (352) 394-8802 Cell Phone: (407) 592-9439
Address: 1608 INDIAN SHALE DR City: CLERMONT State: FL Zip: 34711
Event Description: SUMMER BASKETBALL PROGRAM FOR BOYS & GIRLS 7-18
Describe your item/s to be considered for fee variance (Must be specific): REQUEST 20% FEE REDUCTION
AND CREDIT FOR 10 SCHOLARSHIP PLAYER AT 1350.00 FOR
CLERMONT RESIDENTS

I declare that all information herein is true and complete to the best of my knowledge.


Applicant Signature

4/15/16
Date

FOR CITY STAFF USE ONLY

- ☐ \$2,500 or less APPROVAL BY CLERMONT CITY MANAGER
☐ \$2,501 or more APPROVAL BY CLERMONT CITY COUNCIL

The foregoing application has been reviewed and REQUEST FOR FEE VARIANCE IS:

☐ GRANTED

☐ GRANTED AS AMENDED: _____

☐ DENIED

City Manager Signature

Date

Please return the completed request to:
City of Clermont Parks & Recreation Department
Attention: Special Event Requests
3700 South Highway 27, Clermont, FL 34711



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 10, 2016		
Agenda Item Name		
Rental Fee Reduction Request		
Requested Action		
Move to approve fee reduction request.		
Staff Report		
PFX has requested between a fifty three percent (53%) to one hundred percent (100%) fee reduction of facility rental fees at the Arts & Recreation Center for an awards banquet for the Sun Conference Tournament being held at Legends Way.		
Additional Analysis		
Fiscal Impact Summary		
Facility rental cost = \$942.50		
PFX has requested to pay no fees or up to \$500, which would be a 53% fee reduction.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. PFX Fee Variance Request Form		PFX.pdf

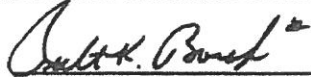
COPY



CITY OF CLERMONT Fee Variance Request Form

Date of Application: April 7, 2016 Name of Event: Sun Conference Banquet
Date (s) of Event: May 4, 2016 Location of Event: Clermont Art & Recreation Center
Event Times: From: 6:00 PM am/pm To: 9:00 PM am/pm
Name of Organization/Renter: PFX Athletics
Check Type of Organization: ☒ Not for Profit ☐ For Profit ☐ Commercial ☐ Individual ☐ Government
Physical Location of Group requesting Rental: ☒ City of Clermont ☐ Lake County (other than Clermont) ☐ Outside of Area
Contact Name: Bob Borak Email: bborak@pfxathletics.com
Day Phone: (407) 625-2661 Cell Phone: (407) 625-2661
Address: 2350 Legends Way City: Clermont State: FL Zip: 34711
Event Description: Awards banquet for the Sun Conference. Sun Conference Tournament is being hosted at Legends Way Ballfields. This will be 4th year PFX Athletics has hosted the event.
Describe your item/s to be considered for fee variance (Must be specific): Previously we have hosted this event at the City Center and last year Doris Bloodworth asked us to move the event to the Art & Recreation Center and held the price to the \$500 fee we had paid the past couple of years. We would like to have either no cost or a reduce cost to help us put this event on and keep it here in Clermont. This event has 6 teams who will be staying in Clermont hotels for 3 full nights.

I declare that all information herein is true and complete to the best of my knowledge.


Applicant Signature

4/7/16
Date

FOR CITY STAFF USE ONLY

- ☐ \$2,500 or less APPROVAL BY CLERMONT CITY MANAGER
☐ \$2,501 or more APPROVAL BY CLERMONT CITY COUNCIL

The foregoing application has been reviewed and REQUEST FOR FEE VARIANCE IS:

- ☐ GRANTED
☐ GRANTED AS AMENDED: _____
☐ DENIED

City Manager Signature

Date

Please return the completed request to:
City of Clermont Parks & Recreation Department
Attention: Special Event Requests
3700 South Highway 27, Clermont, FL 34711



CLERMONT
Arts & Recreation Center
3700 S. Highway 27, Clermont, FL 34711

PERFORMANCE HALL RENTAL APPLICATION

Name of Event SUN CONFERENCE BANQUET Today's date 1/22/16
Event date(s) MAY 4, 2016
Event start time 6:30 PM Ends at 9 PM
Set-up start time _____ Ends _____ Breakdown start time _____ Ends _____

Name of Organization/Renter PFXA, INC.
Check Type of Organization ☒ Not for Profit ☐ Resident ☐ Non Resident ☐ Business
Tax Exempt ☒ Yes ☐ No If yes, provide your Tax Exempt # 85-8012631699C-2
Federal ID # or Driver's License # 59-3470283 Website PFXATHLETICS.COM
Event Contact: BOB BORAK Email BBORAK@PFXATHLETICS.COM
Day Phone 407-625-2661 Cell Phone 407-625-2661 Fax 352-241-4519
Address 2350 LEGENDS WAY City CLERMONT State FL ZIP 34711
Secondary Contact: ALISON STRANGE Phone#: _____

Briefly Describe Event AWARD BANQUET FOR THE SUN CONFERENCE SOFTBALL TEAMS (COLLEGE, NAIA DIVISION)

Do you have any special requests? TABLES + CHAIRS FOR AROUND 175 PEOPLE. WE WILL NEED THE KITCHEN FOR FOOD PREP + COOKING.

Will you need any technical assistance or sound equipment? ☒ Yes ☐ No If yes, please describe MICROPHONE + PODIUM

Event Participants # _____ Expected Attendance # 175 Vehicles Expected # 5 BUSES 30 CARS + VANS

Will there be Food at the event? ☒ Yes ☐ No Admission fee? ☐ Yes ☒ No If yes, how much _____

Will you need tables? ☒ Yes ☐ No If yes how many? _____ 60 inch rounds _____ 72 inch rounds _____ 8 ft rectangle tables

Will you need chairs? ☒ Yes ☐ No If yes how many? _____ cushion chairs _____ plastic chairs

Applicants Initials MB



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, May 10, 2016	
Agenda Item Name	
Resolution No. 2016-10 <i>Highland Ranch</i>	
Requested Action	
Move to recommend approval of Resolution 2016-10 with the exception of the billboards timeframe extension.	
Staff Report	
This request was originally heard by the Council on April 26, 2016 but was tabled to allow further discussion. The owner, Taylor Morrison of Florida, is requesting several amendments to an existing planned unit development (PUD) known as Highland Ranch. The project is currently permitted under Resolution 2013-17. The owner wishes to make adjustments to the conditional use permit (CUP) due to market changes and buyer preferences. One of the main changes is the demand for a smaller, clustered single-family detached dwelling and the addition of a two-family dwelling (duplex), known as a "twin villas" product. The proposed amendments will not increase the total number of residential units within the Highland Ranch PUD, which will stay at the current 1,200 dwelling units. The owner would like to offer these market-driven products in the development and has indicated that these changes are desired along with a few other changes to remove language on items that have been completed or otherwise been extended. The proposed amendments have been addressed in the attached Resolution 2013-17 language. Strike-throughs indicate deletions and underlines indicate additions. The proposed amendments to the existing PUD are as follows: (1) Under Section 1, General Conditions, update the PUD site plan to show the addition of the typical lot layout for the twin villa and smaller lot, as prepared by Waldrop Engineering, dated March 14, 2016. (2) Remove conditions under Section 3, Site Development, that have been completed in the PUD. (3) Remove conditions under Section 4, Transportation Improvements, that have been completed in the PUD. (4) Under Section 9, allow lot sizes smaller than one acre, down to 4,000 square feet. This modification will allow for a lot type "A-1", a two-family dwelling unit with a 35-foot minimum lot width and a lot type "A-2" with a single-family detached dwelling with a 45-foot minimum lot width. This lot type is only applicable to Phases AR-1 through AR-4, as shown on the PUD site plan. (5) Under Section 9, allow shared sidewalks to be located on the property lines between the two-family dwellings. (6) Under Section 9, add a new minimum side yard setback of 0'7.5' for the two-family dwellings. (7) Under Section 9, allow a rear yard setback of 8 feet for the principal structure and 5 feet for accessory structures for lots 43-48 and 60-63 within Highland Ranch Esplanade Phase 1 only. This is being requested to develop a model center for prospective customers to visit and see the available models. (8) Under Section 9, extend the waiver to allow the existing billboards to remain until January 31, 2025. The request for the two-family dwelling and smaller detached dwelling is consistent with other developments, such as Heritage Hills, Kings Ridge (4,000 sf lot) and Water Brooke. The spacing between the dwellings will still maintain full compliance with the fire and building codes. The proposed changes appear to be consistent with other developments in the area and allow the flexibility within the PUD. The only exception is the extension of the billboards time frame. The billboards are existing nonconforming signs that were granted approval to remain until the year 2021. Therefore, staff is unable to support the request for the billboards extension time frame. Staff is able to support the requests for the other	

amendments sought by the applicant.

Staff recommends approval of the proposed changes with the exception of the billboards time frame extension.

At the Planning & Zoning Commission meeting April 5, 2016, Commissioner Judy Proli moved to recommend denial of the conditional use permit; seconded by Commissioner Cuqui Whitehead. The vote was unanimous to recommend denial.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|----------------------------------|---|
| 1. | Resolution | Resolution 2016-10 Highland Ranch.docx |
| 2. | Site plan | Highland Ranch PUD-2016-03-14 Site Plan.pdf |
| 3. | Location Map | Location Map.pdf |
| 4. | CUP with strikethrough/underline | 2016 CUP Conditions Strikethrough Underline.doc |
| 5. | CUP Conditions | 2016 Highland Ranch CUP Conditions.docx |
| 6. | P&Z minutes | P&Z minutes.pdf |
| 7. | Application | Application.pdf |
| 8. | Legal ad | Highland Ranch CUP Ad.docx |

**CITY OF CLERMONT
RESOLUTION NO. 2016-10**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO AMEND RESOLUTION 2013-17 FOR A PLANNED UNIT DEVELOPMENT TO ALLOW AN UPDATED SITE PLAN, REMOVE CONDITIONS THAT HAVE BEEN COMPLETED, DECREASE MINIMUM LOT SIZE AND ALLOW A TWO-FAMILY DWELLING PRODUCT, SHARED SIDEWALK ENTRY ON THE PROPERTY LINES BETWEEN TWO-FAMILY DWELLINGS, NEW MINIMUM SIDE YARD SETBACKS FOR TWO-FAMILY DWELLINGS, REDUCED REAR YARD SETBACKS FOR SELECT LOTS, AND EXTEND WAIVER TO ALLOW EXISTING BILLBOARDS TO REMAIN UNTIL JANUARY 31, 2025.

WHEREAS, the project was approved under Resolution 2013-17 for a Planned Unit Development for a mixed use development with up to 1,200 dwelling units and up to 100,000 square feet of commercial on 579 acres with the conditions contained in Resolution 2013-17.

WHEREAS, on February 26, 2016, the developer has requested several amendments to the existing Planned Unit Development, to include: an updated site plan, remove conditions that have been completed, decrease minimum lot size and allow a two-family dwelling product, shared sidewalk entry on the property lines between two-family dwellings, new minimum side yard setbacks for two-family dwelling, reduced rear yard setbacks for select lots, and extend waiver to allow existing billboards to remain until January 31, 2025.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held April 5, 2016 recommended denial of the amendments to the Conditional Use Permit to allow for a Planned Unit Development in the UE Urban Estate Zoning District; at the following location:

LOCATION:

579 acres north of Old Highway 50 and
Southwest of the Florida Turnpike

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit. This Resolution replaces Resolution No. 2013-17.

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

This application for a Conditional Use Permit to allow a Planned Unit Development in the UE Urban Estate Zoning District; be granted subject to the following conditions:

CITY OF CLERMONT
RESOLUTION NO. 2016-10

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the Conceptual Site Plan dated March 14, 2016 prepared by Waldrop Engineering. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a Zoning Clearance of other development permits. The Conceptual Site Plans submitted with the Conditional Use Permit application are not the approved construction plans.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all Building Code violations must be corrected prior to a Certificate of Occupancy being issued.
9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.

CITY OF CLERMONT
RESOLUTION NO. 2016-10

10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2- Land Use

1. This Planned Unit Development is for a mixed use development with up to 1,200 dwelling units and up to 100,000 square feet of commercial on 579 acres. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
2. This Planned Unit Development includes a mix of up to 500 age-restricted and up to 700 non-age-restricted units. The maximum number of age-restricted units may increase by up to 10% (to 550 units) so long as there is a corresponding decrease in the maximum number of non-age-restricted such that the total number of units does not exceed 1,200. Likewise, the maximum number of non-age-restricted units may increase by up to 10% (to 770) so long as there is a corresponding decrease in the maximum number of age-restricted units such that the total number of units does not exceed 1,200. Increases of more than 10% to the maximum number of units in either category are not allowed, unless the City has verified that the project amenities have been adjusted in proportion to the change being sought.
3. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

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

CITY OF CLERMONT
RESOLUTION NO. 2016-10

6. The off-site reclaim line shall be a 16-inch main line based on the Tetra Tech hydraulic analysis report. **Condition Completed**
7. The developer shall extend the off-site reclaim line to the project from the point of connection depicted on the Conditional Use Permit prior to issuance of a Certificate of Completion for the infrastructure constructed pursuant to the phase 2 or the next phase of construction proposed. The 229 acre restricted and primary phase 1 lots will be serviced in the interim by the internal reclaim line which will be jumped off of the potable system. The developer will install internal reclaim lines within all of the subdivision streets for service. **Condition Completed**

Section 4 – Transportation Improvements

1. Sidewalks shall be required along Old Highway 50 and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on-site and off-site transportation designs are the sole responsibility of the developer. **Condition Completed**
3. A traffic study in accordance with City Codes shall be required to address level of service (LOS) for the area. The applicant/owner must coordinate with Lake County and the Lake~Sumter Metropolitan Planning Organization (MPO) for compliance with the Transportation Management System (TMS). **Condition Completed**
4. The permittee shall be responsible for funding a traffic signal at the intersection of Hancock Road and Diamond Club Drive, if and when the signal becomes warranted and permitted by the applicable governmental agency. **Condition Completed**
5. The approximately 50-foot-wide strip of land located north of Lake Patterson and adjacent to the former CSX right-of-way may not be used for automobile access to the property, but may be used as a trail or other multi-modal purpose.

Section 5 – Utilities and Stormwater

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

CITY OF CLERMONT
RESOLUTION NO. 2016-10

Section 6 – Landscaping

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

Section 7 - Architectural Design Standards

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

Section 8 – Fire Design Standards

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

Section 9 – Variances included within the Planned Unit Development

Specific considerations/variances within the Planned Unit Development are as follows:

- 1) To allow for private streets with gates.
- 2) A grading request for up to twenty-five feet of cut/fill rather than ten feet per Code, provided that the maximum cut/fill (25 feet) shall be limited to no more than 2% of the total project acreage of 578.93 acres. This limitation does not apply to cut/fill that causes elevation changes of less than twenty-five feet.
- 3) Increasing the grading between multi-level developments from five-to-one slope to a four-to-one slope.
- 4) Allowing retaining walls to be ten feet in height rather than a maximum of six feet. However, retaining walls that are located along the external boundary of the Planned Unit Development (where they would be adjacent to property that is located outside of the Planned Unit Development) shall be a maximum of six feet in height.
- 5) To allow lot sizes smaller than one acre, down to 4,000 square feet. This modification will allow for a lot type “A-1”, a two-family dwelling unit with a 35-foot minimum lot width and a lot type “A-2” with a single-family detached dwelling with a 45-foot minimum lot

CITY OF CLERMONT
RESOLUTION NO. 2016-10

width. This lot type is only applicable to Phases AR-1 through AR-4, as shown on the Planned Unit Development Site Plan, dated March 14, 2016 prepared by Waldrop Engineering.

- 6) To allow sidewalks to be located five feet off the back of the right-of-way line; within the right-of-way, rather than located on the edge of the right-of-way, and to allow sidewalks to be located on the shared lot lines between two-family dwellings where a minimum of five feet of pervious area is provided between the sidewalk and the dwelling.
- 7) Increase total impervious surface coverage areas for individual lots from fifty-five percent to seventy-five percent and from forty-five percent to sixty-five percent for the principal structure.
- 8) Reduce front yard setbacks from thirty-five feet to fifteen feet.
- 9) Reduce the side yard setback from fifteen feet to five feet for single-family detached dwellings, and 0/7 ½ feet for two-family dwellings.
- 10) Reduce the rear yard setback from twenty-five feet to twenty feet. Lots 43-48 and 60-63 within Highland Ranch Esplanade Phase 1 (PB 66, Page 31-36) are permitted a reduced rear yard setback of 8 feet for principal structures and 5 feet for accessory structures.
- 11) Reduce the seven and one-half foot side yard utility easements to match the side yard setbacks.
- 12) The project includes a waiver to allow the existing billboards on the property to remain in place, but on a temporary basis. Billboards shall be removed no later than January 31, 2025. The purpose of this waiver is to avoid a conflict between the Code and the legal obligations of the owner under the billboard leases.

CITY OF CLERMONT
RESOLUTION NO. 2016-10

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 10th day of May, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

WAIVER REQUESTS:

WAIVERS RELATED TO GRADING & WALLS

- Waiver 1 – Section 94-195(b)(3)
Increase, in specific areas, the allowable maximum depth of cut or fill for construction of any roadway to be 25 feet measured at the center line of the roadway.
- Waiver 2 – Section 94-195(c)(1)
Increase the allowable area to be graded to include the entire lot and tract area.
- Waiver 3 – Section 94-195(c)(2)
Increase in specific areas as shown on Sheet 2 of the PD plans, the allowable maximum change in topography from 10 ft. to 25 ft.
- Waiver 4 – Section 94-195(d)(5)
Increase the allowable maximum slope from 5:1 to 4:1
- Waiver 5 – Section 94-195(d)(5)
Increase the maximum height of each retaining wall from 6 ft. to 10 ft.

WAIVERS RELATED TO LOT SIZE & SETBACKS

- Waiver 6 – Section 122-84(1), Section 122-84(2), Section 122-84(3), Section 122-85(1), Section 122-85(2), Section 122-85(3), Section 110 121(6), Section 110 212(3)(a and b)
Modification of the lot size, setbacks, impervious surface, & utility easements to match proposed lot data chart on this page.

WAIVERS RELATED TO ROADWAYS

- Waiver 7 – Section 110-192
Allow private streets at the discretion of the developer in accordance with the private road conditions of this section.

WAIVER RELATED TO BILL BOARDS

- Waiver 8 – Section 122-83
A waiver is granted so that horizontal construction may occur anywhere on the property prior to removal of the existing billboards that are located on the property adjacent to the Turnpike. In addition, houses may be constructed and occupied prior to removal of the existing billboards, so long as such houses are located more than 200' feet away from the billboards. All construction must occur in accordance with the City's construction plan approval process.

WAIVER RELATED ROADWAY CROSS SECTION & SIDEWALK

- Waiver 9 – Section 110-194(3)
The roadway cross section and sidewalk location shall match the section provided on this sheet.

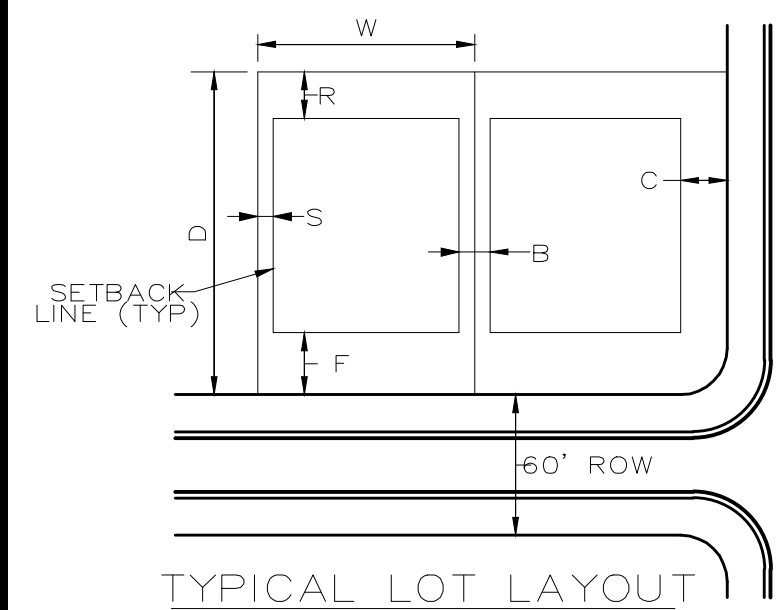
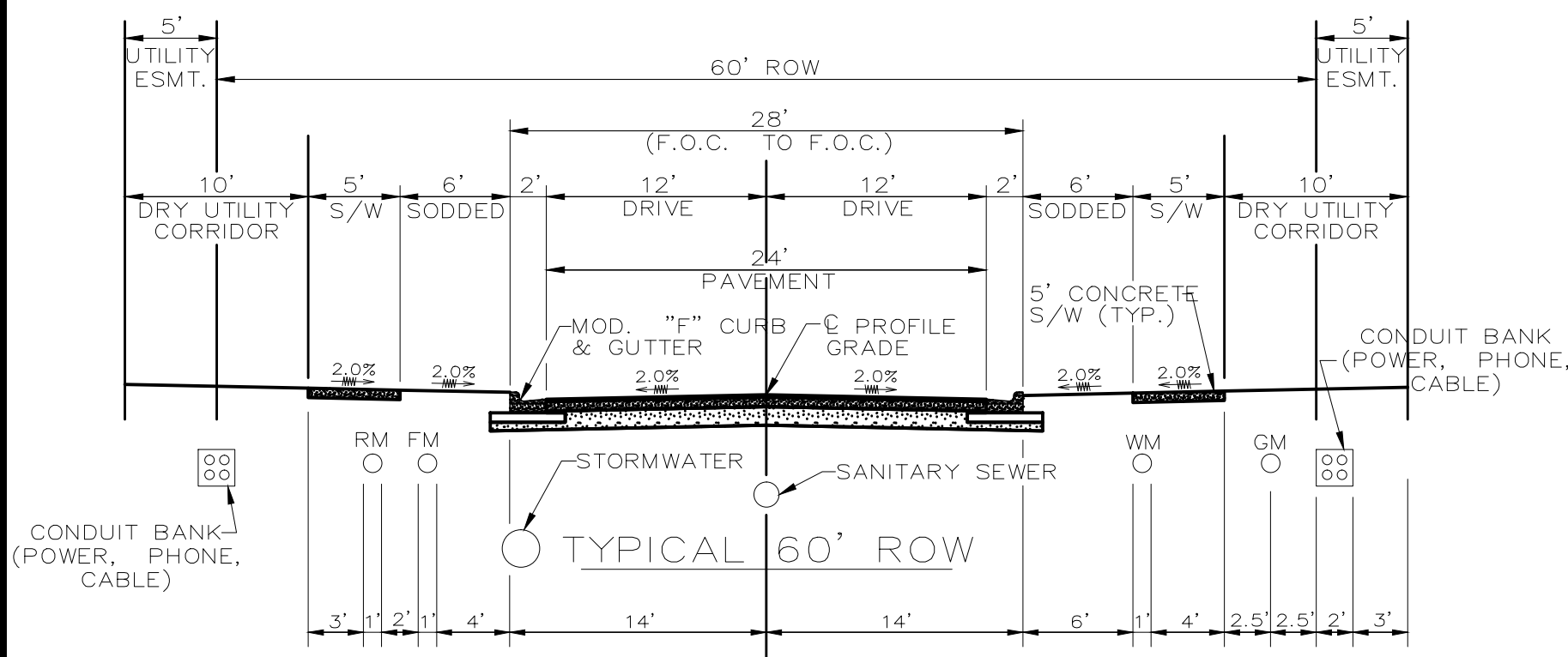
SITE DATA

- | | |
|--|--------------------------|
| 1. PROJECT ACREAGE: | 578.93 ac. |
| 2. RESIDENTIAL DEVELOPABLE ACREAGE: | 483 ac. |
| 3. PROPOSED RESIDENTIAL UNITS: | 1200 units** |
| 4. PROPOSED RESIDENTIAL DENSITY (GROSS): | 2.07 du/ac |
| 5. PROPOSED COMMERCIAL AREA: | 10.00 ac. / 100,000 s.f. |

- **MIX OF AGE-RESTRICTED AND NON-AGE-RESTRICTED UNITS, SUBJECT TO CONDITIONAL USE PERMIT CONDITIONS, SECTION 2.2.

NOTES:

- 1.) THERE ARE NO PROPOSED WETLAND IMPACTS.
- 2.) THERE ARE NO 100 YR ENCROACHMENTS FOR LOT DEVELOPMENT. MINOR ENCROACHMENTS WITH MITIGATION FOR BOULEVARD/INFRASTRUCTURE ROADWAY.
- 3.) PRIVATE ROADS AND GATED ENTRIES MAY BE ALLOWED WITHIN THE PUD, AT THE DEVELOPER'S ELECTION, IN WHICH CASE PRIVATE ROADS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- 4.) AGRICULTURE MAY CONTINUE AS A PERMITTED USE ON AREAS WITHIN THE PUD THAT HAVE NOT DEVELOPED WITH RESIDENTIAL OR COMMERCIAL USES.
- 5.) PROJECT MAY BE DEVELOPED IN MULTIPLE PHASES WHICH CAN BE BUILT IN ANY SEQUENCE AT THE DEVELOPERS DISCRETION.
- 6.) AN EASEMENT FOR ACCESS AND UTILITIES MAY BE PROVIDED TO THE OUT PARCEL CURRENTLY OWNED BY PAUL AND ELIZABETH BETHUNE.
- 7.) THIS PROJECT WILL BE SUBJECT TO ST. JOHNS WATER MANAGEMENT PERMITTING.
- 8.) FOR HOMES OVER 5000 S.F. ADDITIONAL FIRE HYDRANTS MAY BE NEEDED TO MEET FIRE FLOW REQUIREMENTS.
- 9.) UTILITY EASEMENTS- NO INVASIVE TREES SHALL BE PLANTED IN THE UTILITY EASEMENTS PROVIDED ON-SITE.



PROPOSED LOT DATA									
	MINIMUM LOT SIZE (FT.)		MINIMUM PRIMARY STRUCTURE SETBACK (FT.)				IMPERVIOUS COVER (%)		
LOT I.D.	W	D	F	R	S	C	B	TOTAL*	BUILDING*
A-1	35	115	15	20	0/7.5	15	15	75	65
A-2	45	115	15	20	5	15	10	75	65
A	50	110	15	20	5	15	10	75	65
B	55	110	15	20	5	15	10	75	65
C	60	110	15	20	5	15	10	75	65
D	65	110	15	20	5	15	10	75	65
E	70	120	15	20	5	15	10	75	65
F	75	120	15	20	5	15	10	75	65

* BUILDING IMPERVIOUS COVER EXCLUDES PORCH AND POOL AREAS.
* SIDE YARD UTILITY EASEMENTS TO MATCH SIDE YARD SETBACKS

REQUIRED OFF-SITE RECLAIM LINE INSTALLATIONS:

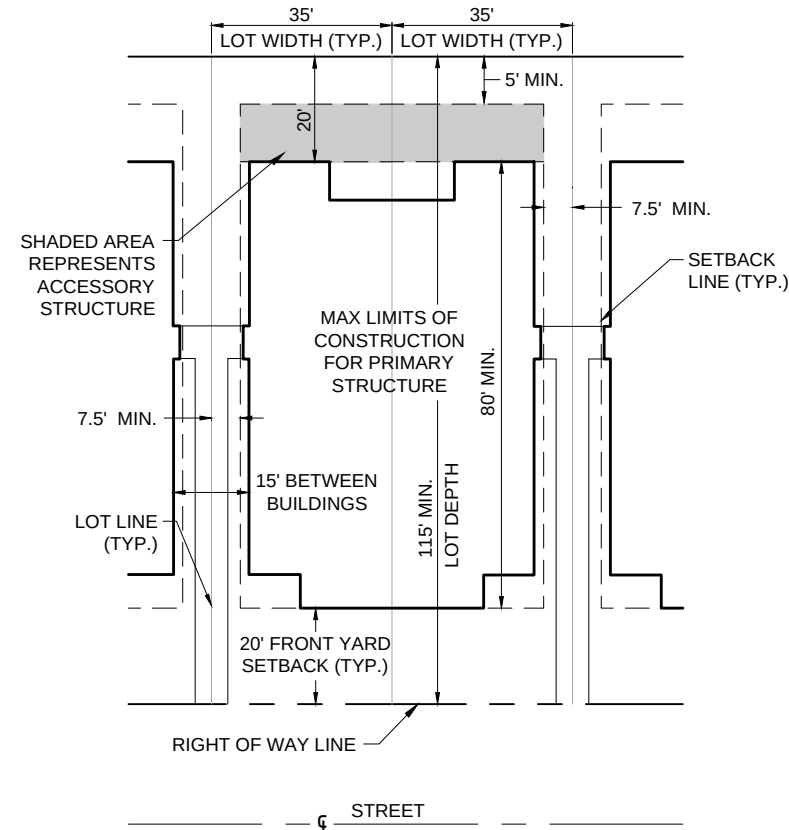
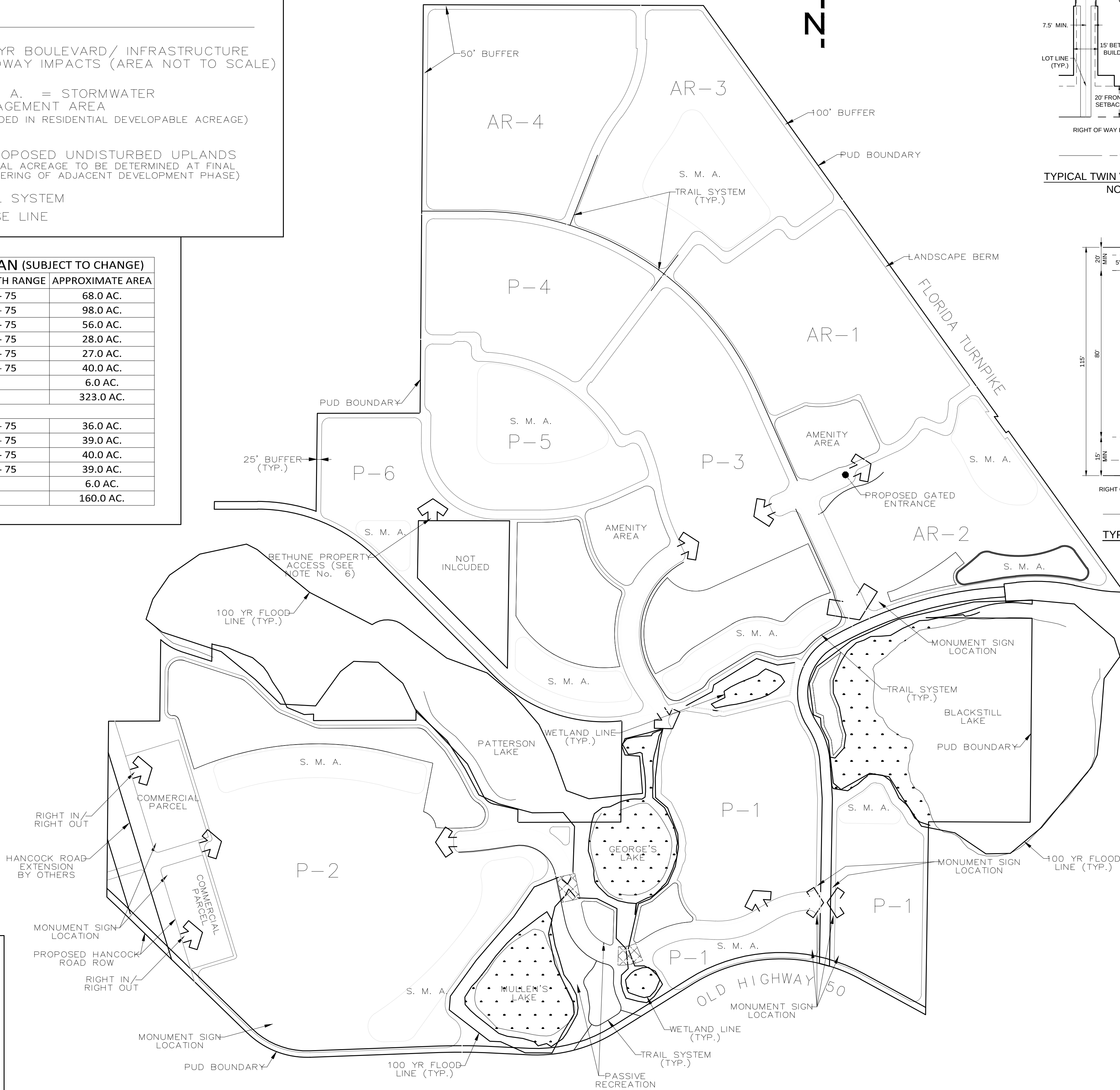
THE DEVELOPER SHALL EXTEND THE OFF-SITE RECLAIM LINE TO THE PROJECT FROM THE POINT OF CONNECTION DEPICTED ON THE CUP PRIOR TO ISSUANCE OF A CERTIFICATE OF COMPLETION FOR THE INFRASTRUCTURE CONSTRUCTED PURSUANT TO THE PHASE 2 CONSTRUCTION PLANS. THE 229 AGE RESTRICTED AND PRIMARY PHASE 1 LOTS WILL BE SERVICED IN THE INTERIM BY THE INTERNAL RECLAIM LINE WHICH WILL BE JUMPED OFF OF THE POTABLE SYSTEM. THE DEVELOPER WILL INSTALL INTERNAL RECLAIM LINES WITHIN ALL OF THE SUBDIVISION STREETS FOR SERVICE.

LEGEND

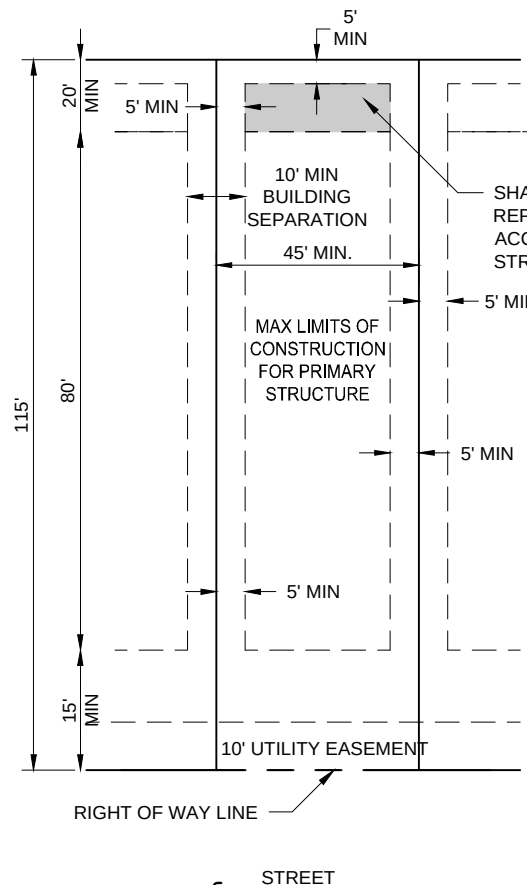
- 100 YR BOULEVARD/ INFRASTRUCTURE ROADWAY IMPACTS (AREA NOT TO SCALE)
- S. M. A. = STORMWATER MANAGEMENT AREA (INCLUDED IN RESIDENTIAL DEVELOPABLE ACREAGE)
- PROPOSED UNDISTURBED UPLANDS (ACTUAL ACREAGE TO BE DETERMINED AT FINAL ENGINEERING OF ADJACENT DEVELOPMENT PHASE)
- TRAIL SYSTEM PHASE LINE

PHASING PLAN (SUBJECT TO CHANGE)		
PHASE	LOT WIDTH RANGE	APPROXIMATE AREA
P-1	50 - 75	68.0 AC.
P-2	50 - 75	98.0 AC.
P-3	50 - 75	56.0 AC.
P-4	50 - 75	28.0 AC.
P-5	50 - 75	27.0 AC.
P-6	50 - 75	40.0 AC.
AMENITY		6.0 AC.
TOTAL		323.0 AC.

AR-1	35 - 75	36.0 AC.
AR-2	35 - 75	39.0 AC.
AR-3	35 - 75	40.0 AC.
AR-4	35 - 75	39.0 AC.
AMENITY		6.0 AC.
TOTAL		160.0 AC.



TYPICAL TWIN VILLA 35' X 115' LOT (A-1)
NOT TO SCALE



TYPICAL 45' X 115' LOT (A-2)
NOT TO SCALE



WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS
9432 CAMDEN FIELD PARKWAY
RIVERVIEW, FL 33575
P: 813-443-8282 F: 813-443-8285
EMAIL: info@waldropengineering.com

FLORIDA CERTIFICATE OF AUTHORIZATION #6636

HIGHLAND RANCH
(F.K.A. BLACK WEST)
P.U.D. SITE PLAN

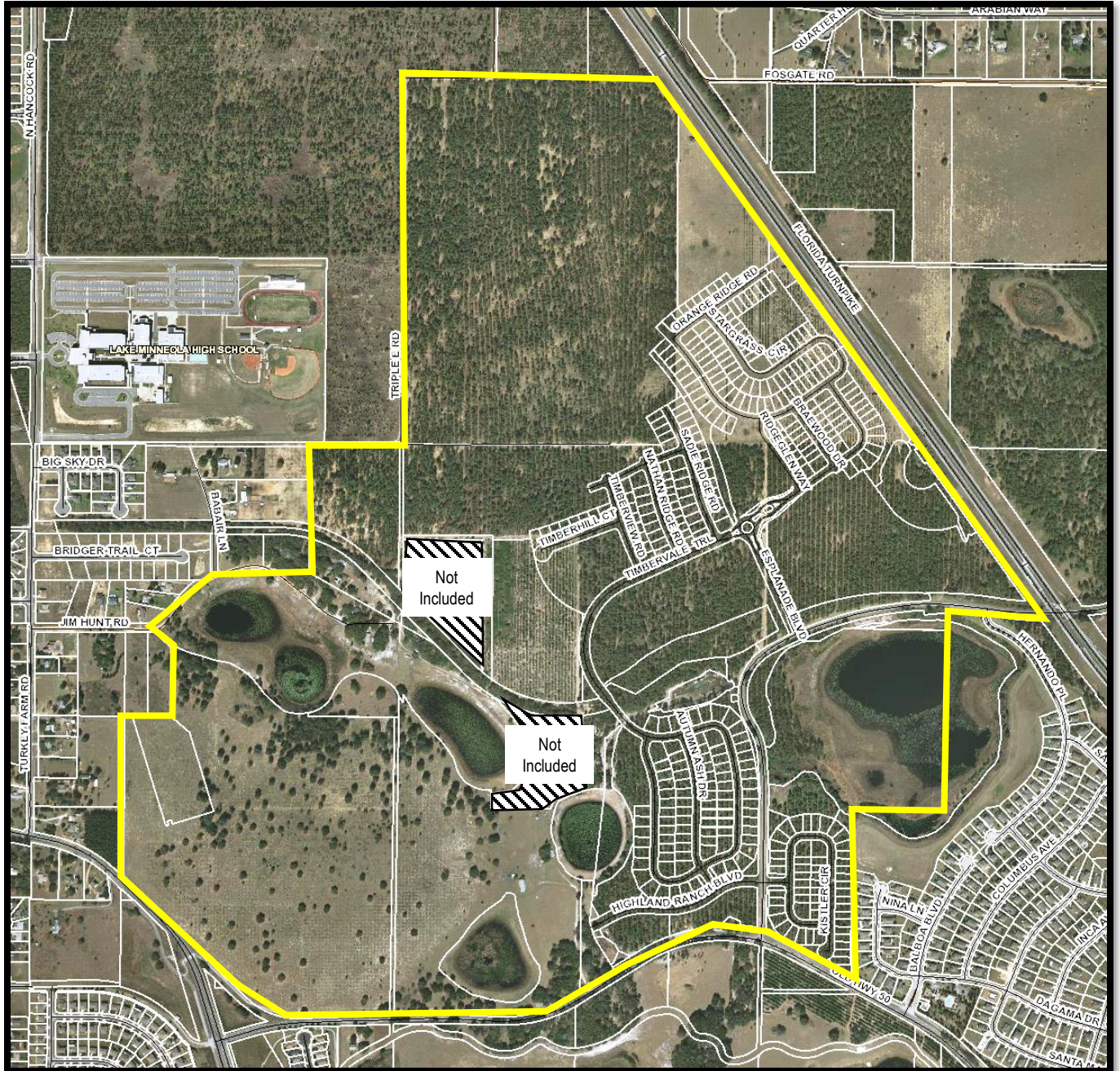
0 200 400 800
SCALE IN FEET

PREPARED FOR:

taylor morrison
Homes Inspired by You

FILE NAME: 51100E1601
UPDATED: 03/14/2016

Highland Ranch Project



CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the conceptual site plan dated ~~August 26, 2013 prepared by Bowyer Singleton~~ March 14, 2016 prepared by Waldrop Engineering. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a zoning clearance of other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.

9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2- Land Use

1. This Planned Unit Development is for a mixed use development with up to 1,200 dwelling units and up to 100,000 square feet of commercial on 579 acres. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
2. This Planned Unit Development includes a mix of up to 500 age-restricted and up to 700 non-age-restricted units. The maximum number of age-restricted units may increase by up to 10% (to 550 units) so long as there is a corresponding decrease in the maximum number of non-age-restricted such that the total number of units does not exceed 1,200. Likewise, the maximum number of non-age-restricted units may increase by up to 10% (to 770) so long as there is a corresponding decrease in the maximum number of age-restricted units such that the total number of units does not exceed 1,200. Increases of more than 10% to the maximum number of units in either category are not allowed, unless the City has verified that the project amenities have been adjusted in proportion to the change being sought.
3. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

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

6. The off-site reclaim line shall be a 16-inch main line based on the Tetra Tech hydraulic analysis report. [Condition Completed]
7. The developer shall extend the off-site reclaim line to the project from the point of connection depicted on the Conditional Use Permit prior to issuance of a Certificate of Completion for the infrastructure constructed pursuant to the phase 2 or the next phase of construction proposed. The 229 age restricted and primary phase 1 lots will be serviced in the interim by the internal reclaim line which will be jumped off of the potable system. The developer will install internal reclaim lines within all of the subdivision streets for service. [Condition Completed]

Section 4 – Transportation Improvements

1. Sidewalks shall be required along Old Highway 50 and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on-site and off-site transportation designs are the sole responsibility of the developer. [Condition Completed]
3. A traffic study in accordance with City Codes shall be required to address level of service (LOS) for the area. The applicant/owner must coordinate with Lake County and the Lake~Sumter Metropolitan Planning Organization (MPO) for compliance with the Transportation Management System (TMS). [Condition Completed]
4. The permittee shall be responsible for funding a traffic signal at the intersection of Hancock Road and Diamond Club Drive, if and when the signal becomes warranted and permitted by the applicable governmental agency. [Condition Completed]
5. The approximately 50 foot-wide strip of land located north of Lake Patterson and adjacent to the former CSX right-of-way may not be used for automobile access to the Property, but may be used as a trail or other multi-modal purpose.

Section 5 – Utilities and Stormwater

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

Section 6 – Landscaping

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

Section 7 - Architectural Design Standards

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

Section 8 – Fire Design Standards

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

Section 9 – Variances included within the Planned Unit Development

Specific considerations/variances within the Planned Unit Development are as follows:

- 1) To allow for private streets with gates.
- 2) A grading request for up to twenty-five feet of cut/fill rather than ten feet per code, provided that the maximum cut/fill (25 feet) shall be limited to no more than 2% of the total project acreage of 578.93 acres. This limitation does not apply to cut/fill that causes elevation changes of less than twenty-five feet.
- 3) Increasing the grading between multi level developments from five-to-one slope to a four-to-one slope.
- 4) Allowing retaining walls to be ten feet in height rather than a maximum of six feet. However, retaining walls that are located along the external boundary of the Planned Unit Development (where they would be adjacent to property that is located outside of the Planned Unit Development) shall be a maximum of six feet in height.
- 5) To allow lot sizes smaller than one acre, down to ~~5,500~~ 4,000 square feet. This modification will allow for a lot type “A-1”, a two-family dwelling unit with a 35-foot minimum lot width and a lot type “A-2” with a single-family detached dwelling with a 45-foot minimum lot width. This lot type is only applicable to Phases AR-1 through AR-

4, as shown on the PUD site plan, dated March 14, 2016 prepared by Waldrop Engineering.

- 6) To allow sidewalks to be located five feet off the back of the right-of-way line; within the right-of-way, rather than located on the edge of the right-of-way, and to allow sidewalks to be located on the shared lot lines between two-family dwellings where a minimum of five feet of pervious area is provided between the sidewalk and the dwelling.
- 7) Increase total impervious surface coverage areas for individual lots from fifty-five percent to seventy-five percent and from forty-five percent to sixty-five percent for the principal structure.
- 8) Reduce front yard setbacks from thirty-five feet to fifteen feet.
- 9) Reduce the side yard setback from fifteen feet to five feet for single-family detached dwellings, and 0/7 ½ feet for two-family dwellings.
- 10) Reduce the rear yard setback from twenty-five feet to twenty feet. Lots 43-48 and 60-63 within Highland Ranch Esplanade Phase 1 (PB 66, Page 31-36) are permitted a reduced rear yard setback of 8 feet for principal structures and 5 feet for accessory structures.
- 11) Reduce the seven and one-half foot side yard utility easements to match the side yard setbacks.
- 12) The project includes a waiver to allow the existing billboards on the property to remain in place, but on a temporary basis. Billboards shall be removed no later than January 31, ~~2024~~ 2025. The purpose of this waiver is to avoid a conflict between the Code and the legal obligations of the owner under the billboard leases.

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the conceptual site plan dated March 14, 2016 prepared by Waldrop Engineering. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.

10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2- Land Use

1. This Planned Unit Development is for a mixed use development with up to 1,200 dwelling units and up to 100,000 square feet of commercial on 579 acres. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
2. This Planned Unit Development includes a mix of up to 500 age-restricted and up to 700 non-age-restricted units. The maximum number of age-restricted units may increase by up to 10% (to 550 units) so long as there is a corresponding decrease in the maximum number of non-age-restricted such that the total number of units does not exceed 1,200. Likewise, the maximum number of non-age-restricted units may increase by up to 10% (to 770) so long as there is a corresponding decrease in the maximum number of age-restricted units such that the total number of units does not exceed 1,200. Increases of more than 10% to the maximum number of units in either category are not allowed, unless the City has verified that the project amenities have been adjusted in proportion to the change being sought.
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1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.
3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the final site review process.
4. The permittee/developers shall provide both temporary and permanent grassing including fertilizer application on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with Best Management Practices (BMP) of the United States Department of Agriculture Soil Conservation Service.
5. All platting must be completed in accordance with City Codes.
6. The off-site reclaim line shall be a 16-inch main line based on the Tetra Tech hydraulic analysis report. **Condition Completed**

7. The developer shall extend the off-site reclaim line to the project from the point of connection depicted on the Conditional Use Permit prior to issuance of a Certificate of Completion for the infrastructure constructed pursuant to the phase 2 or the next phase of construction proposed. The 229 age restricted and primary phase 1 lots will be serviced in the interim by the internal reclaim line which will be jumped off of the potable system. The developer will install internal reclaim lines within all of the subdivision streets for service. **Condition Completed**

Section 4 – Transportation Improvements

1. Sidewalks shall be required along Old Highway 50 and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on-site and off-site transportation designs are the sole responsibility of the developer. **Condition Completed**
3. A traffic study in accordance with City Codes shall be required to address level of service (LOS) for the area. The applicant/owner must coordinate with Lake County and the Lake~Sumter Metropolitan Planning Organization (MPO) for compliance with the Transportation Management System (TMS). **Condition Completed**
4. The permittee shall be responsible for funding a traffic signal at the intersection of Hancock Road and Diamond Club Drive, if and when the signal becomes warranted and permitted by the applicable governmental agency. **Condition Completed**
5. The approximately 50-foot-wide strip of land located north of Lake Patterson and adjacent to the former CSX right-of-way may not be used for automobile access to the Property, but may be used as a trail or other multi-modal purpose.

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

Section 6 – Landscaping

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

Section 7 - Architectural Design Standards

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

Section 8 – Fire Design Standards

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

Section 9 – Variances included within the Planned Unit Development

Specific considerations/variances within the Planned Unit Development are as follows:

- 1) To allow for private streets with gates.
- 2) A grading request for up to twenty-five feet of cut/fill rather than ten feet per code, provided that the maximum cut/fill (25 feet) shall be limited to no more than 2% of the total project acreage of 578.93 acres. This limitation does not apply to cut/fill that causes elevation changes of less than twenty-five feet.
- 3) Increasing the grading between multi-level developments from five-to-one slope to a four-to-one slope.
- 4) Allowing retaining walls to be ten feet in height rather than a maximum of six feet. However, retaining walls that are located along the external boundary of the Planned Unit Development (where they would be adjacent to property that is located outside of the Planned Unit Development) shall be a maximum of six feet in height.
- 5) To allow lot sizes smaller than one acre, down to 4,000 square feet. This modification will allow for a lot type “A-1”, a two-family dwelling unit with a 35-foot minimum lot width and a lot type “A-2” with a single-family detached dwelling with a 45-foot minimum lot width. This lot type is only applicable to Phases AR-1 through AR-4, as shown on the PUD site plan, dated March 14, 2016 prepared by Waldrop Engineering.

- 6) To allow sidewalks to be located five feet off the back of the right-of-way line; within the right-of-way, rather than located on the edge of the right-of-way, and to allow sidewalks to be located on the shared lot lines between two-family dwellings where a minimum of five feet of pervious area is provided between the sidewalk and the dwelling.
- 7) Increase total impervious surface coverage areas for individual lots from fifty-five percent to seventy-five percent and from forty-five percent to sixty-five percent for the principal structure.
- 8) Reduce front yard setbacks from thirty-five feet to fifteen feet.
- 9) Reduce the side yard setback from fifteen feet to five feet for single-family detached dwellings, and 0/7 ½ feet for two-family dwellings.
- 10) Reduce the rear yard setback from twenty-five feet to twenty feet. Lots 43-48 and 60-63 within Highland Ranch Esplanade Phase 1 (PB 66, Page 31-36) are permitted a reduced rear yard setback of 8 feet for principal structures and 5 feet for accessory structures.
- 11) Reduce the seven and one-half foot side yard utility easements to match the side yard setbacks.
- 12) The project includes a waiver to allow the existing billboards on the property to remain in place, but on a temporary basis. Billboards shall be removed no later than January 31, 2025. The purpose of this waiver is to avoid a conflict between the Code and the legal obligations of the owner under the billboard leases.

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Mr. Bonin stated that eliminating the sidewalk west of Hartle Road is not a cost issue, it was to disconnect the two communities.

Chairman Jones expressed his concerns about communities being too restrictive with codes, and that we are inhibiting true creative talent that engineers and architects can give the community through something beautiful and outstanding.

Commissioner Proli stated that she agrees with being artistic and creative, however she believes they should still follow the city codes.

Commissioner Smith stated that he agrees the sidewalks are needed in Phase 7, however he agrees that the sidewalk along Hartwood Marsh Road should be eliminated.

Commissioner Whitehead moved to recommend approval of the brick paved streets and denial of the elimination of the sidewalk along Hartwood Marsh Road and denial of sidewalks on one side of the street in Phase 7 for this conditional use permit; seconded by Commissioner Proli. The vote was unanimous to recommend approval.

5. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To amend Resolution 2013-17 for a planned unit development to allow an updated site plan, remove conditions that have been completed, decrease minimum lot size and allow a two-family dwelling product, shared sidewalk entry on the property lines between two-family dwellings, new minimum side yard setbacks for two-family dwellings, reduced yard setbacks for select lots, and extend waiver to allow existing billboards to remain until January 31, 2025 for the Highland Ranch Subdivision.

Senior Planner Kruse presented the staff report as follows:

The owner, Taylor Morrison of Florida, is requesting several amendments to an existing Planned Unit Development known as Highland Ranch. The project is currently permitted under Resolution 2013-17. The owner wishes to make adjustments to the conditional use permit due to market changes and buyer preferences. One of the main changes is the demand for a smaller, clustered single-family detached dwelling and the addition of a two-family dwelling (duplex), known as a “twin villas” product. The proposed amendments will not increase the total number of residential units within the Highland Ranch Planned Unit Development, which will stay at the current 1,200 dwelling units. The owner would like to offer these market driven products in the development and has indicated that these changes are desired along with a few other changes to remove language on items that have been completed or otherwise been extended. The proposed amendments have been addressed in the attached Resolution 2013-17 language. Strikethroughs indicate deletions and underlines indicate additions.

The proposed amendments to the existing Planned Unit Development are as follows:

Under Section 1, General Conditions, update the Planned Unit Development site plan to show the addition of the typical lot layout for the twin villa and smaller lot, as prepared by Waldrop Engineering, dated March 14, 2016.

Remove conditions under Section 3, Site Development, that have been completed in the Planned Unit Development.

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Remove conditions under Section 4, Transportation Improvements, that have been completed in the Planned Unit Development.

Under Section 9, allow lot sizes smaller than one acre, down to 4,000 square feet. This modification will allow for a lot type "A-1", a two-family dwelling unit with a 35-foot minimum lot width and a lot type "A-2" with a single-family detached dwelling with a 45-foot minimum lot width. This lot type is only applicable to Phases AR-1 through AR-4, as shown on the Planned Unit Development site plan.

Under Section 9, allow shared sidewalks to be located on the property lines between the two-family dwellings.

Under Section 9, add a new minimum side yard setback of 0'/7.5' for the two-family dwellings.

Under Section 9, allow a rear yard setback of 8 feet for the principal structure and 5 feet for accessory structures for lots 43-48 and 60-63 within Highland Ranch Esplanade Phase 1 only. This is being requested to develop a model center for prospective customers to visit and see the available models.

Under Section 9, to extend the waiver to allow the existing billboard to remain until January 31, 2025.

The request for the two-family dwelling and smaller detached dwelling is seen in other developments, such as Heritage Hills, Kings Ridge (4,000 sf lot) and WaterBrooke. The spacing between the dwellings will still maintain full compliance with the fire and building codes. The proposed changes appear to be consistent with other developments in the area and allow the flexibility within the Planned Unit Development. The only exception is the extension of the billboard timeframe. The billboard is an existing nonconforming sign that was granted approval to exist until the year 2021. Therefore, staff is unable to support the request for the billboard extension timeframe. Staff is able to support the requests for the other amendments sought by the owner.

Staff recommends approval of the proposed changes with the exception of the billboard timeframe extension.

Alexis Crespo, 429 S. Keller Rd., Orlando, representing Taylor Morrison, stated that when Taylor Morrison acquired the property there was a lease already in place for the billboards. She stated that request is to allow the condition to run with the time-frame of the lease agreement. She presented the two-family villas. She stated that the owner will own the property along with the dwelling. She stated that they are not increasing the density in the community. She stated that they did have an HOA meeting to explain to the residents. She stated that they will agree to add a condition to preclude the two-family villas from being built in those areas already being developed, so that these villas will only go in the new phases that have not been developed.

Mario Impellizeri, 2568 Orange Ridge Road, stated that he just bought his house. He stated that that he bought in Highland Ranch because he was impressed with the community. He stated that he is asking for the denial of the two-family dwellings.

The Commission received a letter in opposition to the request from George Rector, 2562 Sawgrass Circle.

John Nelson, 2666 Stargrass Circle, stated that he has been a resident of Highland Ranch for the past four months. He stated that none of the residents were informed that there would be two-family dwellings put in Highland Ranch. He is opposed to allowing them.

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Jill Ogden, 2550 Stargrass Circle, stated that they were the fourth family that moved in. She stated that they were told the gates and amenity center would be in by October when they purchased their home. She stated that they are now working on those items, however it's not fair to the newer residents. She stated that the Commission needs to consider what the real motivation is for them doing this.

Doug Ruisseau, 1038 Timbervale Trail, stated that he was the first resident in the community. He stated that they were told certain things and commitments are broken on a regular basis. He stated that the residents are uneasy with this idea.

Commissioner Proli stated that people trust developers and once they buy their homes the developers always seem to make changes to the communities.

Commissioner Hubbard stated that he is against the villas.

Ms. Crespo stated that there will not be any multi-family.

Commissioner Solis stated that the whole parcel was brought before them before as single-family detached homes. He stated that he has less problems with the billboards than he does with the villas.

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

6. REQUEST FOR REZONING

REQUEST: To change the zoning from C-2 General Commercial to Planned Unit Development for The Vue.

Commissioner Solis moved to table the rezoning to May 3, 2016; seconded by Commissioner Whitehead. The vote was unanimous to table the rezoning.

Chairman Jones stated that he would not be present for the May Planning and Zoning Commission meeting.

There being no further business, the meeting was adjourned at 8:32 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

DATE: February 26, 2016

FEE: \$1,500

PROJECT NAME (if applicable): Highland Ranch Planned Unit Development

APPLICANT: Waldrop Engineering, P.A.

CONTACT PERSON: Alexis Crespo, AICP

Address: 28100 Bonita Grande Drive, Suite 305

City: Bonita Springs State: FL Zip: 34135

Phone: (239) 405-7777 Fax: (239) 405-7899

E-Mail: alexis.crespo@waldropengineering.com

OWNER: Taylor Morrison - Orlando Division

Address: 2600 Lake Lucien Drive, Suite 350

City: Maitland State: FL Zip: 32751

Phone: (407) 629-0077 Fax: _____

Address of Subject Property: N/A

General Location: 579 acres generally located north of Old Highway 50 and southwest of the Florida Turnpike.

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

Land Use (City verification required): Master Planned Development Land Use District

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

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

THIS INSTRUMENT WAS PREPARED BY
AND SHOULD BE RETURNED TO:

Nicholas A. Pope, Esquire
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 North Eola Drive
Post Office Box 2809
Orlando, FL 32802-2809
(407) 843-4600



FOR RECORDING DEPARTMENT USE ONLY

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and executed as of the 14th day of November, 2013, by **CENTER LAKE PROPERTIES, LLLP**, a Florida limited liability limited partnership, whose mailing address is 102 W. Pineloch Avenue, Suite 10, Orlando, Florida 32806 (hereinafter referred to as the "Grantor") to **TAYLOR MORRISON OF FLORIDA, INC.**, a Florida corporation, whose mailing address is 151 Southhall Lane, Suite 200, Maitland, Florida 32751 (hereinafter referred to as the "Grantee").

(Whenever used herein, the terms "Grantor" and "Grantee" shall be deemed to include the parties to this Special Warranty Deed and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations. The singular shall be deemed to include the plural, and vice versa, where the context so permits.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged has granted, bargained, sold, conveyed, and confirmed and by these presents does grant, bargain, sell, convey, and confirm, unto the Grantee, all that certain land situate in Lake County, Florida, as more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

TOGETHER WITH all licenses, approvals, tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

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

AND Grantor hereby covenants with said Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the

Exhibit "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LAKE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

A TRACT OF LAND LYING IN SECTIONS 9, 10, 15 AND 16, TOWNSHIP 22 SOUTH, RANGE 26 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF THE VACATED RIGHTS OF WAY LYING NORTH AND WEST OF LOT 36 ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY AS RECORDED IN PLAT BOOK 3, PAGE 24 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE S89°51'12"E, A DISTANCE OF 1814.43 FEET; TO THE WESTERLY RIGHT OF WAY OF THE FLORIDA TURNPIKE, THENCE S35°37'32"E, ALONG SAID RIGHT OF WAY A DISTANCE OF 3278.71 FEET, THENCE N89°30'35"W, A DISTANCE OF 24.76 FEET, THENCE S35°37'32"E, A DISTANCE OF 129.79 FEET; THENCE N54°22'28"E, A DISTANCE OF 20.00 FEET; THENCE S35°37'32"E, ALONG SAID RIGHT OF WAY A DISTANCE OF 1285.25 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N00°02'53"W, A RADIAL DISTANCE OF 1085.92 FEET, THENCE DEPARTING SAID RIGHT OF WAY RUN WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11°55'21", A DISTANCE OF 225.96 FEET; THENCE N78°07'32"W, A DISTANCE OF 98.80 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1205.92 FEET AND A CENTRAL ANGLE OF 180°00'; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 378.85 FEET, THENCE S83°52'28"W, A DISTANCE OF 80.50 FEET; THENCE S08°07'32"E, A DISTANCE OF 120.00 FEET, THENCE N 83°52'28"E, A DISTANCE OF 80.50 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S06°08'21"E, A RADIAL DISTANCE OF 1079.81 FEET, THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°50'23", A DISTANCE OF 91.21 FEET, THENCE S00°32'28"W, A DISTANCE OF 26.56 FEET, THENCE N84°34'01"W, A DISTANCE OF 72.37 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 681.52 FEET AND A CENTRAL ANGLE OF 25°44'32"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 308.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 836.52 FEET AND A CENTRAL ANGLE OF 06°03'04"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 88.35 FEET; THENCE S75°44'31"W, A DISTANCE OF 11.62 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 888.23 FEET AND A CENTRAL ANGLE OF 14°36'34"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 221.39 FEET; THENCE S89°38'55"E, A DISTANCE OF 687.00 FEET; THENCE S00°32'28"W, A DISTANCE OF 1321.37 FEET, THENCE N80°47'14"W, A DISTANCE OF 658.44 FEET; THENCE S00°53'05"W, A DISTANCE OF 1250.54 FEET TO THE NORTH RIGHT OF WAY OF OLD HIGHWAY 50, THENCE N61°22'59"W, ALONG SAID RIGHT OF WAY A DISTANCE OF 478.59 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1083.00 FEET AND A CENTRAL ANGLE OF 60°38'48", THENCE WESTERLY ALONG THE ARC A DISTANCE OF 1146.34 FEET; THENCE S57°58'13"W, A DISTANCE OF 585.43 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 967.00 FEET AND A CENTRAL ANGLE OF 34°43'50", THENCE WESTERLY ALONG THE ARC A DISTANCE OF 586.16 FEET, THENCE N87°17'57"W, A DISTANCE OF 287.93 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 3533.00 FEET AND A CENTRAL ANGLE OF 04°50'20", THENCE WESTERLY ALONG THE ARC A DISTANCE OF 298.39 FEET; THENCE S87°51'43"W, A DISTANCE OF 835.26 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 552.00 FEET AND A CENTRAL ANGLE OF 46°18'02", THENCE WESTERLY ALONG THE ARC A DISTANCE OF 448.07 FEET, THENCE N45°50'15"W, A DISTANCE OF 1156.00 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 4100.00 FEET AND A CENTRAL ANGLE OF 01°35'38", THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 114.06 FEET; THENCE N00°34'44"E DEPARTING SAID RIGHT OF WAY A DISTANCE OF 1139.62 FEET, THENCE N89°50'34"E, A DISTANCE OF 332.02 FEET, THENCE N00°36'31"E, A DISTANCE OF 527.19 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES

N42°37'52"E, A RADIAL DISTANCE OF 350.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 245°1'20", A DISTANCE OF 151.83 FEET, THENCE S72°13'27"E, A DISTANCE OF 210.58 FEET THENCE N00°38'18"E, A DISTANCE OF 114.24 FEET, THENCE S49°07'42"E, A DISTANCE OF 4.92 FEET, THENCE S77°00'13"E, A DISTANCE OF 106.27 FEET; THENCE S66°53'30"E, A DISTANCE OF 97.15 FEET, THENCE S89°38'01"E, A DISTANCE OF 70.81 FEET; THENCE S49°12'12"E, A DISTANCE OF 93.33 FEET, THENCE S36°07'18"E, A DISTANCE OF 46.74 FEET; THENCE S28°22'18"E, A DISTANCE OF 66.02 FEET, THENCE S34°02'10"E, A DISTANCE OF 102.57 FEET, THENCE S24°13'15"E, A DISTANCE OF 89.75 FEET, THENCE S67°30'27"E, A DISTANCE OF 120.31 FEET, THENCE N87°22'32"E, A DISTANCE OF 61.07 FEET, THENCE S00°41'52"W, A DISTANCE OF 41.80 FEET; THENCE N89°50'34"E, A DISTANCE OF 664.04 FEET, THENCE N00°45'26"E, A DISTANCE OF 68.04 FEET, THENCE S43°29'30"E, A DISTANCE OF 482.63 FEET; THENCE S26°30'08"E, A DISTANCE OF 231.90 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 50°41'58"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 88.49 FEET; THENCE S77°12'06"E, A DISTANCE OF 160.34 FEET; THENCE S00°42'34"W, A DISTANCE OF 83.58 FEET; THENCE N89°49'24"E, A DISTANCE OF 667.98 FEET, THENCE N00°39'41"E, A DISTANCE OF 658.45 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N06°35'37"W, A RADIAL DISTANCE OF 1004.93 FEET, THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 51°38'56", A DISTANCE OF 905.89 FEET, THENCE N44°56'40"W, A DISTANCE OF 1075.62 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1095.92 FEET AND A CENTRAL ANGLE OF 45°00'00"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 860.73 FEET, THENCE N89°56'31"W, A DISTANCE OF 281.03 FEET, THENCE N00°41'53"E, A DISTANCE OF 49.99 FEET; THENCE S89°56'40"E, A DISTANCE OF 280.47 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S00°09'45"W, A RADIAL DISTANCE OF 1171.07 FEET, THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 185°2'55", A DISTANCE OF 385.93 FEET, THENCE N00°41'53"E, A DISTANCE OF 635.73 FEET; THENCE N89°54'02"E, A DISTANCE OF 666.09 FEET; THENCE N00°27'48"E, A DISTANCE OF 2648.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 592.984 ACRES

NOT INCLUDING A PORTION OF TRACT 13, LAKE HIGHLANDS COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 32, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 16, TOWNSHIP 22 SOUTH, RANGE 28 EAST LYING NORTH OF THE ABANDONED RAILROAD RIGHT-OF-WAY, LESS THE EAST 75 FEET & LESS THE NORTH 33.15 FEET OF SAID TRACT 13

CONTAINING 9.014 ACRES

TOGETHER WITH

THAT PORTION OF TRACT 43 AND ITS ADJOINING VACATED RIGHT OF WAY OF THE ATLANTIC COASTLINE RAILROAD COMPANY, S. & ST P R.R.-SANFORD TO TRILBY BRANCH AS PER THE RIGHT-OF-WAY AND TRACK MAP DATED JUNE 30, 1917 LYING SOUTH OF OLD HIGHWAY 50, ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY OF FLORIDA, FILED SEPTEMBER 11, 1917 AND RECORDED IN PLAT BOOK 3, PAGE 32 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 43 ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY AS RECORDED IN PLAT BOOK 3, PAGE 32 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE S00°29'28"W ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 116.15 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF OLD HIGHWAY 50 (A 66 FOOT WIDE RIGHT OF WAY), THENCE

DEPARTING SAID WEST LINE OF TRACT 43 AND RUN S45°50'15"E ALONG SAID SOUTHERLY RIGHT OF WAY FOR A DISTANCE OF 167 46 FEET TO THE SOUTH LINE OF TRACT 43, THENCE DEPARTING SAID RIGHT OF WAY AND RUN S89°45'04"E ALONG SAID SOUTH LINE OF TRACT 43 FOR A DISTANCE OF 121 13 FEET TO THE POINT OF BEGINNING

CONTAINING 0 161 ACRES

LESS AND EXCEPT A PORTION OF BLACKSTILL LAKE ROAD

CONTAINING 5 081 ACRES

TOTAL ACREAGE REMAINING IS 579 05 ACRES



**Highland Ranch Conditional Use Permit Amendment
Proposed Conditions**

**The following are the proposed CUP conditions based upon Conditional Use Permit 2013-1. The Applicant's proposed changes are shown in strike-through/underline format.*

Section 1 – General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the conceptual site plan dated ~~August 26, 2013 prepared by Bowyer Singleton~~ dated February 26, 2016 prepared by Waldrop Engineering. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a zoning clearance of other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
3. No person, firm, corporation or entity shall erect, construct, enlarger, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.

10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2 – Land Use

1. This Planned Unit Development is for a mixed use development with up to 1,200 dwelling units and up to 100,000 square feet of commercial on 579 acres. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
2. This PUD includes a mix of up to 500 age-restricted and up to 700 non-age-restricted units. The maximum number of age-restricted units may increase by up to 10%(to 550 units) so long as there is a corresponding decrease in the maximum number of non-age-restricted such that the total number of units does not exceed 1,200. Likewise, the maximum number of non-age-restricted units may increase by up to 10%(to 770) so long as there is a corresponding decrease in the maximum number of age-restricted units such that the total number of units does not exceed 1,200. Increases of more than 10% to the maximum number of units in either category are not allowed, unless the City has verified that the project amenities have been adjusted in proportion to the change being sought.
3. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.
3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the final site review process.
4. The permittee/developers shall provide both temporary and permanent grassing including fertilizer application on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with Best Management Practices (BMP) of the United States Department of Agriculture Soil Conservation Service.
5. All platting must be completed in accordance with City Codes.
- ~~6. The off site reclaim line shall be a 16 inch main line based on the Tetra Tech hydraulic analysis report.~~
[Condition Completed]
- ~~7. The developer shall extend the off site reclaim line to the project from the point of connection depicted on the Conditional Use Permit prior to issuance of a Certificate of Completion for the infrastructure constructed pursuant to the phase 2 or the next phase of construction proposed. The 229 age restricted and primary phase 1 lots will be serviced in the interim by the internal reclaim line which will be jumped off by the potable system. The developer will install internal reclaim lines within all of the subdivision streets for service.~~
[Condition Completed]

Section 4 – Transportation Improvements

- ~~1. Sidewalks shall be required along Old Highway 50 and within the development, in accordance with Florida Department of Transportation regulations and City Codes. [Condition Completed]~~
- ~~2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on-site and off-site transportation designs are the sole responsibility of the developer. [Condition Completed]~~
- ~~3. A traffic study in accordance with City Codes shall be required to address level of service (LOS) for the area. The applicant/owner must coordinate with Lake County and the Lake Sumter Metropolitan Planning Organization (MPO) for compliance with the Transportation Management System (TMS). [Condition Completed]~~
- ~~4. The permittee shall be responsible for funding a traffic signal at the intersection of Hancock Road and Diamond Club Drive, if and when the signal becomes warranted and permitted by the applicable governmental agency. [Condition Completed]~~
5. The approximately 50 foot-wide strip of land located north of Lake Patterson and adjacent to the former CSX right-of-way may not be used for automobile access to the Property, but may be used as a trail or other multi-modal process.

Section 5 – Utilities and Stormwater

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

Section 6 – Landscaping

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

Section 7 – Architectural Design Standards

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

Section 8 – Fire Design Standards

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

Section 9 – Variances included within the planned Unit Development

Specific considerations/variances within the PUD are as follows:

- 1) To allow for private streets with gates.

- 2) A grading request for up to twenty-five feet of cut/fill rather than ten feet per code, provided that the maximum cut/fill (25 feet) shall be limited to no more than 2% of the total project acreage of 578.93 acres. This limitation does not apply to cut/fill that causes elevation changes of less than twenty-five feet.
- 3) Increasing the grading between multi-level developments from five-to-one slope to a four-to-one slope.
- 4) Allowing retaining walls to be ten feet in height rather than a maximum of six feet. However, retaining walls that are located along the external boundary of the PUD (where they would be adjacent to property that is located outside of the PUD) shall be a maximum of six feet in height.
- 5) To allow lot sizes smaller than one acre, down to ~~5,500~~ 4,000 square feet.
- 6) To allow sidewalks to be located five feet off the back of the right-of-way line; within the right-of-way, rather than located on the edge of the right-of-way, and to allow for sidewalks to be located on the shared lot lines between two-family dwellings where a minimum of five feet of pervious area is provided between the sidewalk and the dwelling.
- 7) Increase total impervious surface coverage areas for individual lots from fifty-five percent to seventy-five percent and from forty-five percent to sixty-five percent for the principal structure.
- 8) Reduce front yard setbacks from thirty-five feet to fifteen feet.
- 9) Reduce the side yard setback from fifteen feet to five feet for single-family detached dwellings, and 0/7 ½ feet for two-family dwellings.
- 10) Reduce the rear yard setback from twenty-five feet to twenty feet. Lots 43-48 and 60-63 within Highland Ranch Esplanade Phase 1 (Plat Book 66, Page 31-36) are permitted a reduced rear yard setback of 8 feet for principal structures and 3 feet for accessory structures.
- 11) Reduce the seven and one-half foot side yard utility easements to match the side yard setbacks.
- 12) The project includes a waiver to allow the existing billboards on the property to remain in place, but on a temporary basis. Billboards shall be removed no later than January 31, ~~2024~~2025. The purpose of this waiver is to avoid a conflict between the Code and the legal obligations of the owner under the billboard leases.



WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7889

Highland Ranch (FKA Black West) Conditional Use Permit Amendment Request Narrative

Taylor Morrison of Florida, Inc. is the owner of the Highland Ranch Planned Unit Development (PUD), which totals 579+/-acres, and is generally located north of Old Hwy 50 and southwest of the Florida Turnpike (the "Property") in the City of Clermont. The Property was formerly known as Black West, and is partially built out with single-family residential uses, amenities, and site infrastructure.

The Future Land Use Map designation of the Property is Master Planned Development, and the zoning district is General Commercial ("C-2"). The City of Clermont approved the Planned Unit Development and Conditional Use Permit in 2013 pursuant to Resolution 2013-17.

Taylor Morrison has begun development of the Property as a residential community consisting of single-family detached homes pursuant to the approved PUD site plan, the Conditional Use Permit conditions, associated waivers, and site development regulations.

The CUP amendment proposes the following changes to the PUD site plan and Conditions:

- Section 1, Condition 2: Update to reflect proposed PUD site plan dated February 26, 2016 prepared by Waldrop Engineering.
- Sections 3, Conditions 6-7: Remove as conditions have been completed.
- Section 4, Conditions 1-4: Remove as conditions have been completed.
- Section 9, Condition 5: Decrease the minimum lot size from 5,500 SF to 4,000 SF. This modification will allow for Lot Type "A-1", a two-family dwelling with 35-foot minimum lot width; and Lot Type A-2, a single-family detached dwelling with a 45-foot minimum lot width. This lot type is only applicable to Phases AR-1 through AR-4, as shown on the PUD site plan.
- Section 9, Condition 6: Allow the sidewalk to be located on the property lines between two-family dwellings, as shown on the Typical Lot Detail on the PUD site plan.
- Section 9, Condition 9: Add a new minimum side yard setback of 0'/7.5' for two-family dwellings.
- Section 9, Condition 10: Allow for reduced rear yard setbacks for Lots 43-48 and 60-63 within Highland Ranch Esplanade Phase 1 (Plat Book 66, Page 31-36) to permit the development of these lots with an alternative dwelling type than originally intended at the time of platting.
- Section 9, Condition 12: extend waiver to allow existing billboard to remain until January 31, 2025.

Since the 2013 CUP approval, the market has experienced significant changes in terms of buyer preferences. Specifically, there has been a strong increase in demand for smaller, clustered single-family detached dwellings and two-family dwelling, more commonly known as “twin villas”. These dwellings and the associated lots have smaller yards and lower maintenance requirements for the property owner, which is particularly attractive for buyers in 55+, or age-restricted communities. This trend is evident in other developments throughout the City that have introduced two-family or twin villa products, such as Heritage Hills.

The proposed CUP amendment will allow for the development of smaller, single-family detached dwellings and two-family dwellings to respond to changes in market demand in the “age-restricted” tracts identified on the PUD Master Plan (AR-1 through AR-4). As demonstrated on the enclosed PUD site plan, the smaller lot sizes are only proposed in the “AR” portions of the project, and not within the “P” phases. From a land use planning perspective, the smaller lots will provide an appropriate transition from lower density/larger dwelling types in the southern portions of the project, to smaller dwellings adjacent to the intensive Florida Turnpike boundary along the project’s northeastern boundary.

These changes will not increase the number of residential units within the Highland Ranch PUD, or increase the developable acreage within the project. The smaller lots will maintain compliance with the minimum impervious surface coverage area of 75% for the overall lot, and 65% for the principal structure. Additionally, the proposed modifications will not reduce the designated amenity areas, buffers, or open space within the PUD.

The Applicant is also requesting reduced rear yard setbacks for a limited number of platted lots within Highland Ranch Esplanade Phase 1. Lots 43-48 and 60-63 were platted for a specific, shallower product type, and due to changes in market demand, these product types are no longer appropriate on these lots. The proposed 8’ principal rear yard setback and 3’ accessory rear yard setback will allow Taylor Morrison to develop these lots with a deeper product that is more desirable by the targeted buyer. Appropriate separation between structures will be maintained in full compliance with the fire and building codes.

In order to provide the existing residents of Highland Ranch with information about the proposed CUP amendments, Taylor Morrison and its project team will conduct a meeting with the homeowners association prior to the first public hearing on the application. Taylor Morrison will coordinate with City staff regarding the date/time of the meeting, and the process utilized to notify residents.

In summary, Taylor Morrison is requesting modifications to lot sizes and setbacks within AR-1 through AR-4 of the Highland Ranch project to address changes in market demand since the CUP approval in 2013. The changes will not impact the application’s consistency with the Land Development Code and Comprehensive Plan. Furthermore, the proposed modifications uphold the City’s intent for flexibility within Planned Unit Developments provided by the Conditional Use Permit process.

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to amend Resolution 2013-17 for a Planned Unit Development to allow an updated site plan, remove conditions that have been completed, decrease minimum lot size and allow a two-family dwelling product, shared sidewalk entry on the property lines between two-family dwellings, new minimum side yard setbacks for two-family dwellings, reduced rear yard setbacks for select lots, and extend waiver to allow existing billboard to remain until January 31, 2025, at the following location:

LOCATION

Highland Ranch Planned Unit Development (FKA Black West)
579 acres +/-

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, April 5, 2016 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, April 26, 2016 at 6:30pm.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
March 29 & April 19, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, May 10, 2016	
Agenda Item Name	
Ordinance No. 2016-17 <i>Introduction</i> <i>The Vue Rezoning</i>	
Requested Action	
Move to introduce Ordinance 2016-17.	
Staff Report	
This request was originally scheduled for public hearings in April 2016 but was postponed to allow additional time to refine the proposal. The applicant, AC-Fulcrum, is requesting a rezoning on 42 +/- acres from C-2 General Commercial and Urban Estate to PUD zoning for a mixed use project consisting of a multi-family apartment complex, general commercial uses, retention area and open space. The property is located south of Highway 50, west of Miss Florida Avenue and north and south of Hooks Street. The eastern 17 acres of the project, north of Hooks Street, was contained in a previously approved CUP for a PUD known as Hills of Clermont, and was permitted for C-2 General Commercial uses within Urban Estate zoning. The property is currently vacant. The property south of Hooks Street is currently used as retention and open space. The western 13-acre portion, also vacant, is not part of the Hills of Clermont PUD and is currently zoned C-2 General Commercial. The applicant has requested 12 units per acre for the multi-family portion of the project. The allowing of 12 units per acre will be addressed in the related CUP, Resolution 2016-15, since PUD zoning is currently not recognized in Policy 1.9.2 of the City's comprehensive plan as a way to permit residential units greater than 8 units per acre. Staff will be processing a text amendment to the comprehensive plan at a future date to allow PUD zoning under this policy. The applicant has proposed two options, Option A and Option B. Option A proposes six acres of C-2 General Commercial along a portion of Highway 50, with 324 multi-family units on 27 acres. Option B proposes 10.5 acres of C-2 General Commercial along Highway 50 with 270 multi-family units on 22.5 acres. The characteristics of the site, with elevation changes over 100 feet from Highway 50 south to Hooks Street, make it very challenging to develop. A portion of the project was identified in the City's recent "Strategic Economic Development Plan" (DEO grant funded study) citing topography as a challenge. The applicant has identified several waivers to the land development code needed to make the site developable to their proposal. The multi-family units will be constructed in buildings that will have multi-level construction that may have heights up to 63 feet (18 feet above code maximum) and retaining walls up to 25 feet in height (19 feet above code maximum). The applicant is requesting a maximum elevation change, through cut and fill, of up to 25 feet over the site due to excessive grade changes. The applicant has identified cut changes over 15 percent of the site exceeding greater than 10 feet for the multi-family portion. The applicant is asking for a reduced landscape buffer along Highway 50 due to the severe topography of the site dropping off toward Hooks Street. The applicant has indicated that a 7-foot-wide buffer with 30 percent more	

plantings will be installed. Staff has not seen evidence that the proposed landscape buffer will accomplish the visual and noise attenuation of a required 20-foot buffer. The applicant is requesting the driveways from Highway 50 to be below the centerline of Highway 50 due to the elevation change on the site for the commercial portion. The applicant has indicated they will work with the City engineer to approve proposed grading to ensure adequate outfall and protection is in place to prevent runoff into the finished floor of the buildings.

The applicant is also requesting a variance to utilize 9x18 feet parking spaces instead of 10x20 feet. The applicant indicated the request was due to maximizing available parking while significantly reducing unnecessary environmental pollutant runoff, increasing green spaces throughout. The applicant is proposing to gate the multi-family portion of the project and is requesting a variance to allow the gating of this area of the project.

On the coversheet, it was noted that the PUD will allow all permitted C-2 uses (inclusive of one retailer less than 100,000 square feet but greater than 20,000 square feet). Staff has not seen proposed buildings with square footages attached to the uses. Without further details of the building exceeding 20,000 square feet, staff is unable to support this request.

A large portion of the existing commercial area is changing to multi-family use, which warrants a traffic study and school concurrency report. The applicant did provide an initial growth impact report from the Lake County School Board indicating the project would have an estimated impact of 92 students for the 324-unit Option A. A traffic study and school reservation would be required prior to site plan approval.

The conceptual overall site plans prepared by B&S Engineering Consultants, LLC, dated April 22, 2016, shows Option A (Sheet C-2.2) with 10 large multi-family buildings and some smaller buildings along with the parking areas and the commercial portion of the site. Option B (Sheet C-2.3) shows eight large multi-family buildings and some smaller buildings along with the parking areas and the larger commercial portion of the site.

The applicant has proposed two options for the site for consideration. After reviewing both options, staff believes Option B is more consistent with the existing comprehensive plan and development in the area. Staff recommends approval of Option B; however, staff cannot support the proposed retaining wall heights, topography changes, reduced landscape buffer, and reduced parking stall dimensions, as requested by the applicant.

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	REZ ORD 2016-17 with Conditions.docx	
2. Location Map and Zoning	The Vue Maps.pdf	
3. Building Height Rendering	Building Height SK-1 Supplemental Exhibit.pdf	
4. Sample Buildings	Rendering - Bldg Mix Mar 14 16.pdf	
5. Overall Site Plan Exhibit A/B	4-28-16 Site Plan.pdf	
6. Application	REZ application.pdf	
7. Lake County School Report	SR 50 and Miss Florida Multi-family Preliminary GIR 03182016.pdf	
8. Legal ad	REZ legal ad.docx	

CITY OF CLERMONT
ORDINANCE No. 2016-17

AN ORDINANCE UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLERMONT REFERRED TO IN CHAPTER 122 OF ORDINANCE NO. 289-C, CODE OF ORDINANCES; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

The City Council of the City of Clermont, Lake County, Florida hereby ordains that:

SECTION 1:

The official Zoning Map of the City of Clermont, Lake County, Florida referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances, is hereby amended by rezoning the following described property:

LEGAL DESCRIPTION

PARCEL 1 (FEE SIMPLE ESTATE)

That part of Section 28, Township 22 South, Range 26 East, Lake County, Florida, described as follows: Commence at the East 1/4 corner of said Section 28; thence run North 00°42'51" East along the East line of the Northeast 1/4 of said Section 28 for a distance of 664.12 feet to the Northeast corner of the South 1/4 of the Northeast 1/4 of said Section 28; thence run South 89°24'16" West along the North line of said South 1/4 for a distance of 1335.19 feet to a point on a non-tangent curve concave Westerly having a radius of 270.00 feet and a chord bearing of South 01°23'58" West and the Point of Beginning; thence run Southerly along the arc of said curve through a central angle of 23°36'59" for a distance of 111.29 feet to the point of compound curvature of a curve concave Northwesterly having a radius of 25.00 feet and a chord bearing of South 63°07'26" West; thence run Southwesterly along the arc of said curve through a central angle of 99°49'56" for a distance of 43.56 feet to the point of reverse curvature of a curve concave Southerly having a radius of 1750.00 feet and a chord bearing of North 87°56'35" West and the North right of way line of Hook Street, as described in Official Records Book 2010, Page 316, of the Public Records of Lake County, Florida; thence run Westerly along said North right of way line and the arc of said curve through a central angle of 41°57'58" for a distance of 1281.78 feet to a non-radial line and the East right of way line of an Unnamed right of way, according to the plat of LAKE HIGHLANDS COMPANY, as recorded in Plat Book 2, Page 28, of said Public Records; thence run North 00°10'52" East along said East right of way line for a distance of 718.43 feet to the South right of way line of State Road Number 50; thence run North 89°24'19" East along said South right of way line for a distance of 1127.57 feet; thence run South 89°29'29" East along said South right of way line for a distance of 150.11 (120.11) feet to the West line of the East 60 feet of Tract 19, of said LAKE HIGHLANDS COMPANY; thence run South 00°26'52" West along said West line for a distance of 445.90 feet to the point of curvature of a curve concave Easterly having a radius of 280.00 feet; thence run Southerly along the arc of said curve through a central angle of 15°45'47" for a distance of 77.03 feet to the point of tangency; thence run South 15°18'56" East for a distance of 105.46 feet to the point of curvature of a curve concave Westerly having a

CITY OF CLERMONT
ORDINANCE No. 2016-17

radius of 270.00 feet and a chord bearing of South 12°51'43" East; thence run Southerly along the arc of said curve through a central angle of 04°54'24" for a distance of 23.12 feet to the Point of Beginning.

LESS AND EXCEPT therefrom that parcel conveyed by Maynard K. Knapp, individually and as Trustee to Akram Ismail, M.D., by Special Warranty Deed recorded April 17, 2015, in Official Records Book 4613, Page 945, described as follows: A portion of the Southwest 1/4 of the Northeast 1/4 of Section 28, Township 22 South, Range 26 East, Lake County, Florida, described as follows: Commence at the Northeast corner of said Section 28; thence S01°07'06"W along the East line of said Northeast 1/4, a distance of 1372.13 feet to a point; thence N89°06'23"W, a distance of 1322.25 to a point on the South right-of-way line of State Road No. 50. (Right-of-Way varies per Right-of-Way Map Section 11070); thence continue N89°06'23"W, a distance of 60.00 feet to the POINT OF BEGINNING; thence S00°51'39"W, along the West right-of-way line of Miss Florida Avenue (ORB 2345, Page 748), also being parallel to and 60.00 feet West of the East line of said Southwest 1/4 of the Northeast 1/4 of Section 28 and the East line of Tract 19 of Lake Highlands Company, according to the Plat thereof as recorded in Plat Book 2, Page 28, of the Public Records of Lake County, Florida, a distance of 369.94 feet to a point; thence N89°08'21"W, a distance of 291.58 feet to a point; thence N00°51'39"E, a distance of 230.29 feet to a point; thence S89°08'21"E, a distance of 64.35 feet to a point; thence N00°51'39"E, a distance of 139.00 feet to a point on the South line of an unnamed unimproved street, also being the North line of said Tract 19; thence N89°50'25"E, along the North line of said Tract 19, a distance of 42.23 feet to a point on said South right-of-way line of State Road No. 50; thence S89°06'23"E, along said South right-of-way line of State Road 50, a distance of 185.01 feet to the POINT OF BEGINNING.

Containing 744,665 Sq. Ft. of 17.100 Acres more or Less.

PARCEL 2 (EASEMENT ESTATE)

Together with that certain Non-Exclusive Ingress-Egress Easement granted by Akram Ismail to Maynard K. Knapp, Trustee, to Reciprocal Easement Agreement recorded April 17, 2015, in Official Records Book 4613, Page 948, Public Records of Lake County, Florida.

PARCEL 3 (SOUTHERN PORTION)

Tract 29 and Tract 30, as shown on the Lake Highlands Company Plat of Section 28, Township 22 South, Range 26 East, recorded in Plat Book 2, Page 28, of the Public Records of Lake County, Florida; Less that portion lying within and North of the Right of Way for Hook Street.

SECOND SURVEY

That portion of the north/south roadway between Tracts 20, 21, 28, and 29 as shown on the Lake Highland's Company plat of Section 28, Township 22 South, Range 26 East, recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida; lying northerly of Hook Street, and southerly of State Road No. 50, being more particularly described as follow: Commence at the NE corner of Section 28, Township 22 South, Range 26 East, Lake County, Florida, thence S 0°17'37" W, a distance of 1372.13 feet; thence N 89°55'52" W, a distance of 1322.25 feet to a point on the south right of way line of State Road No. 50 (a variable width public right of way); thence the following four (4) courses and distances along said south right of way line, continue N 89°55'52" W, a distance of 60.00 feet; thence N 89°27'07" W, a distance of 184.98 feet; thence S 89°30'08" W, a distance of 42.24 feet; thence S 89°24'19" W, a distance of 1020.48 feet to the point of beginning; thence departing said south right of way, run S 00°14'51" W, along the west line of Tracts 20 and 29, a distance of 718.43 feet to a point on the northerly right of way line of Hook Street (A 100 foot wide public right of way) said point also being on a non-tangent curve, concave southeasterly,

CITY OF CLERMONT
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and having a radius of 1750.00 feet; thence southwesterly along the arc of said curve, through a central angle of 01°02'34", a distance of 31.85 feet, said curve being subtended by a chord bearing and distance of S 70°37'05" W, 31.85 feet; thence departing said north right of way line, run N 0°14'51" E, a distance of 728.72 feet to a point on the aforementioned southerly right of way line of State Road No. 50; thence N 89°28'03" E, along said north right of way line, a distance of 30.00 feet to the point of beginning.

Containing 0.50 acre, more or less

THIRD SURVEY

That portion of the north/south roadway between Tracts 28, and 29 as shown on the Lake Highland's Company plat of Section 28, Township 22 South, Range 26 East, recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida; lying northerly of Hook Street, and southerly of State Road No. 50, being more particularly described as follow: commence at the NE corner of Section 28, Township 22 South, Range 26 East, Lake County, Florida; thence S 0°17'37" W, a distance of 1372.13 FEET; thence N 89°55'52" W, a distance of 1322.25 feet to a point on the south right of way line of State Road No. 50 (A variable width public right of way); thence the following four (4) courses and distances along said south right of way line, continue N 89°55'52" W, a distance of 60.00 feet; thence N 89°27'07" W, a distance of 184.98 feet; thence S 89°30'08" W, a distance of 42.24 feet; thence S 89°24'19" W, a distance of 1020.48 feet; thence departing said south right of way, run S 00°14'51" W, along the west line of Tracts 20 and 29, a distance of 824.65 feet to a point on the southerly right of way line of Hooks Street (A 100 foot wide public right of way); thence departing said southerly right of way line, run S 0°14'51" W, along the west line of said Tract 29, a distance of 473.42 feet to the southwest corner of said Tract 29; thence S 89°28'17" W, a distance of 30.00 feet to the southeast corner of aforementioned Tract 28; thence N 0°14'51" E, along the east line of said Tract 28, a distance of 462.39 feet to a point on the southerly right of way line of aforementioned Hook Street, said point also being on a non-tangent curve, concave southeasterly, and having a radius of 1650.00 feet; thence southwesterly along the arc of said curve, through a central angle of 01°06'54", a distance of 32.11 feet, to the point of beginning, said curve being subtended by a chord bearing and distance of N 69°22'29" E, 32.11 feet.

Containing 0.32 acres, more or less

FOURTH SURVEY

Tracts 21 and 28 as shown on the Lake Highland's Company plat of Section 28, Township 22 South, Range 26 East, recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida; less that portion of Tract 28, lying south of Hook Street, (County District NO. 2-1346).

LOCATION

South of Highway 50, west of Miss Florida Avenue
Alternate keys 1028272 & 3334566

FROM: C-2 General Commercial and Urban Estate
TO: Planned Unit Development

CITY OF CLERMONT
ORDINANCE No. 2016-17

SECTION 2 - General Conditions:

This application for a Planned Unit Development to allow for a multi-family residential Planned Unit Development along with C-2 General Commercial uses; be granted subject to the following conditions:

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the Conceptual Site Plan prepared by B&S Engineering Consultants, LLC, dated 4-22-16, Sheet C-2.2 or C-2.3, Overall Site Plan. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

SECTION 3 - Land Uses and Specific Conditions:

1. A total of up to 324 multi-family dwelling units may be permitted on the site, not to exceed a density of 12 units per acre within the project.
2. The remaining property south of Highway 50 and north of Hooks Street will be permitted for C-2 General Commercial use with one (1) retailer greater than 20,000 square feet and less than 100,000 square feet.
3. Setbacks for Multi-family and Commercial
 - From SR 50 50 feet from the property line
 - From Hooks Street: 50 feet from the property line
 - Side: 12 feet from the property line
 - Rear: 25 feet from the property line
4. The multi-family project will have private gated streets that will be maintained by the developer or designated party.
5. Maximum building height will be 63 feet, measured at the highest point for the multi-family portion.
6. Driveway access and parking for the C-2 General Commercial portion may be below the centerline of State Road 50 and will be subject to the approval of the City Engineer.

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7. The project may have elevation changes of up to 25 feet in height over the project site through the use of cut and fill. These changes will be submitted to the City Engineer at the time of final engineering.
8. Retaining wall heights up to 25 feet in height are allowed to deal with the extreme grades on the site.
9. Parking space dimensions shall be at a minimum 9 feet wide by 18 feet deep.
10. A reduced landscape buffer along Highway 50 is requested due to the presence of a large berm. The landscape buffer shall be a minimum of 7 feet in width and shall have the 30% more landscape required for Multi-family and C-2 uses.
11. The project shall be developed according to the C-2 General Commercial zoning designation in the Land Development Code, unless expressly stated above.

SECTION 4:

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

SECTION 5:

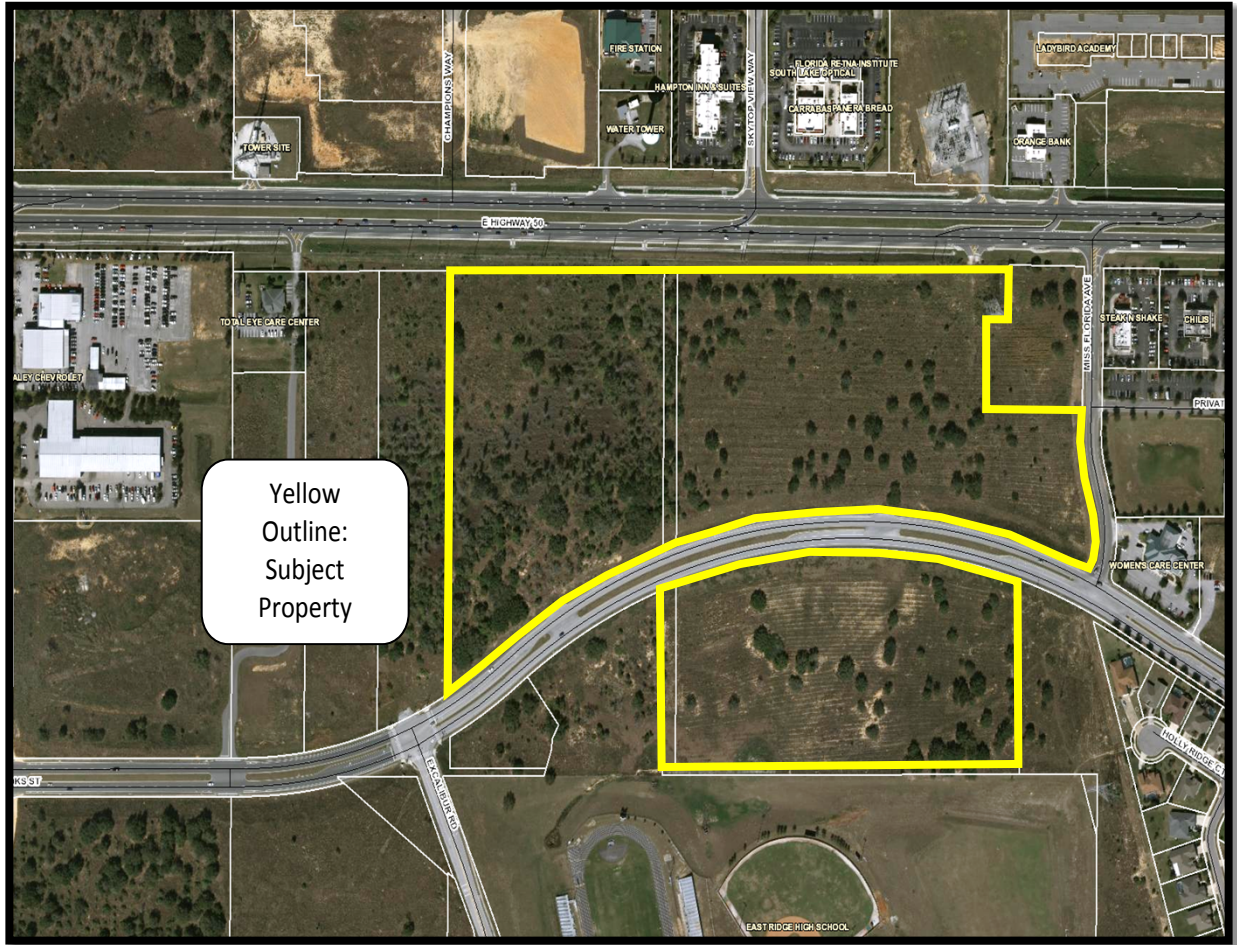
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

SECTION 6:

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

CITY OF CLERMONT
ORDINANCE No. 2016-17

Location map:



CITY OF CLERMONT
ORDINANCE No. 2016-17

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 24th day of May, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

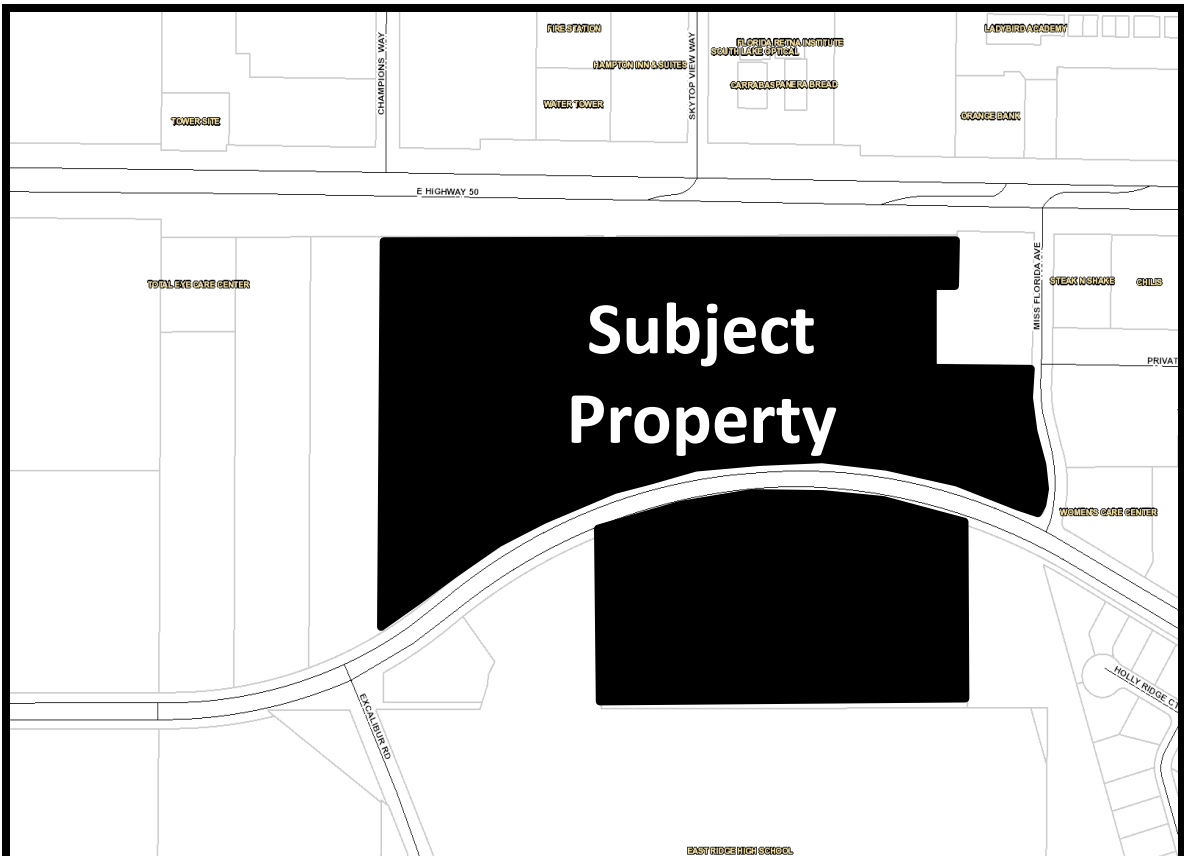
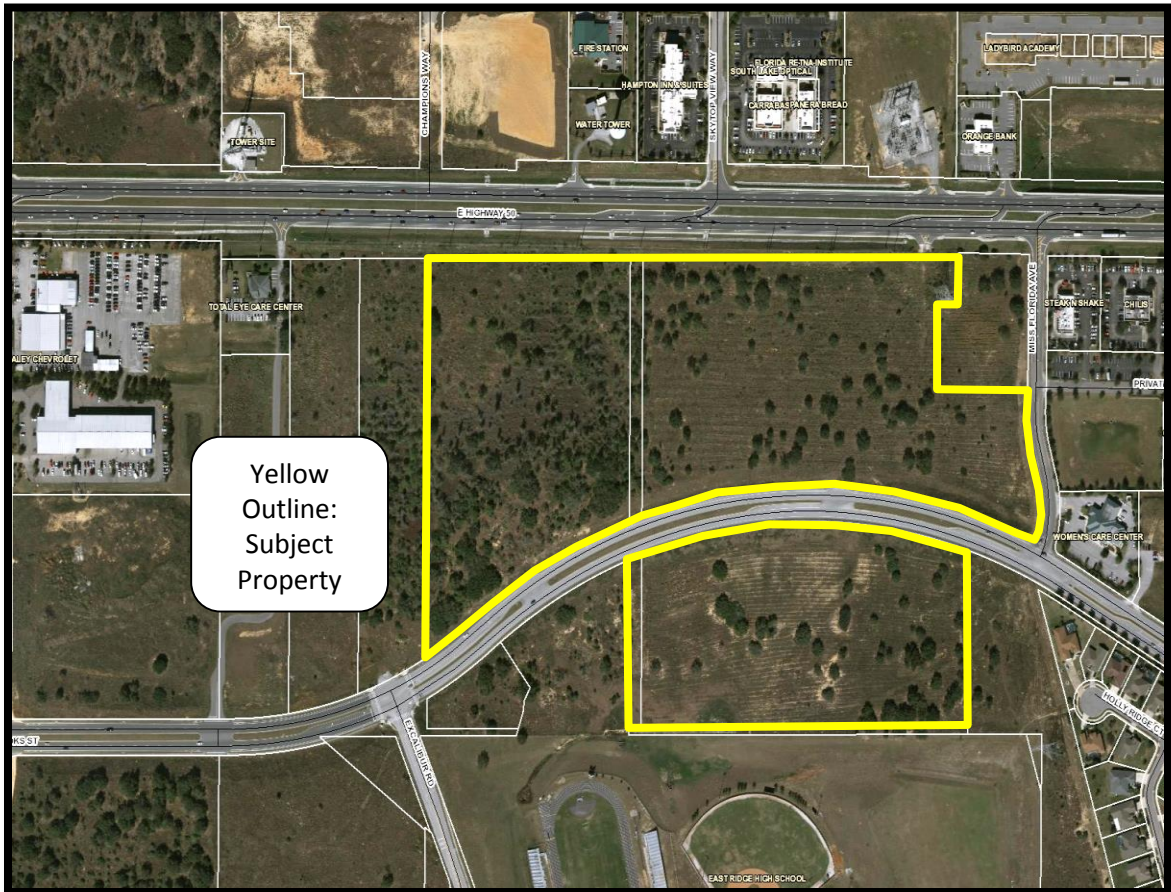
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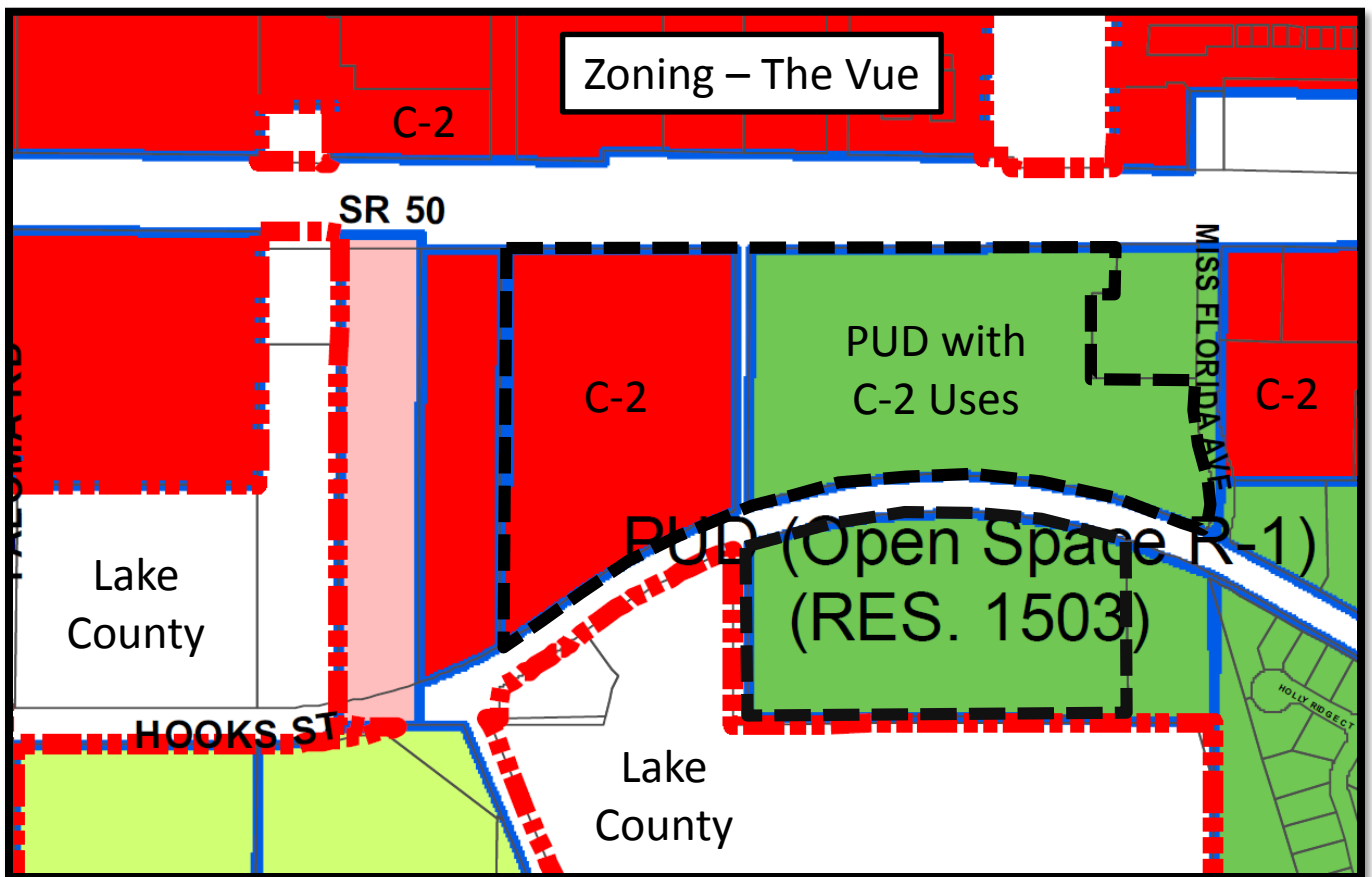
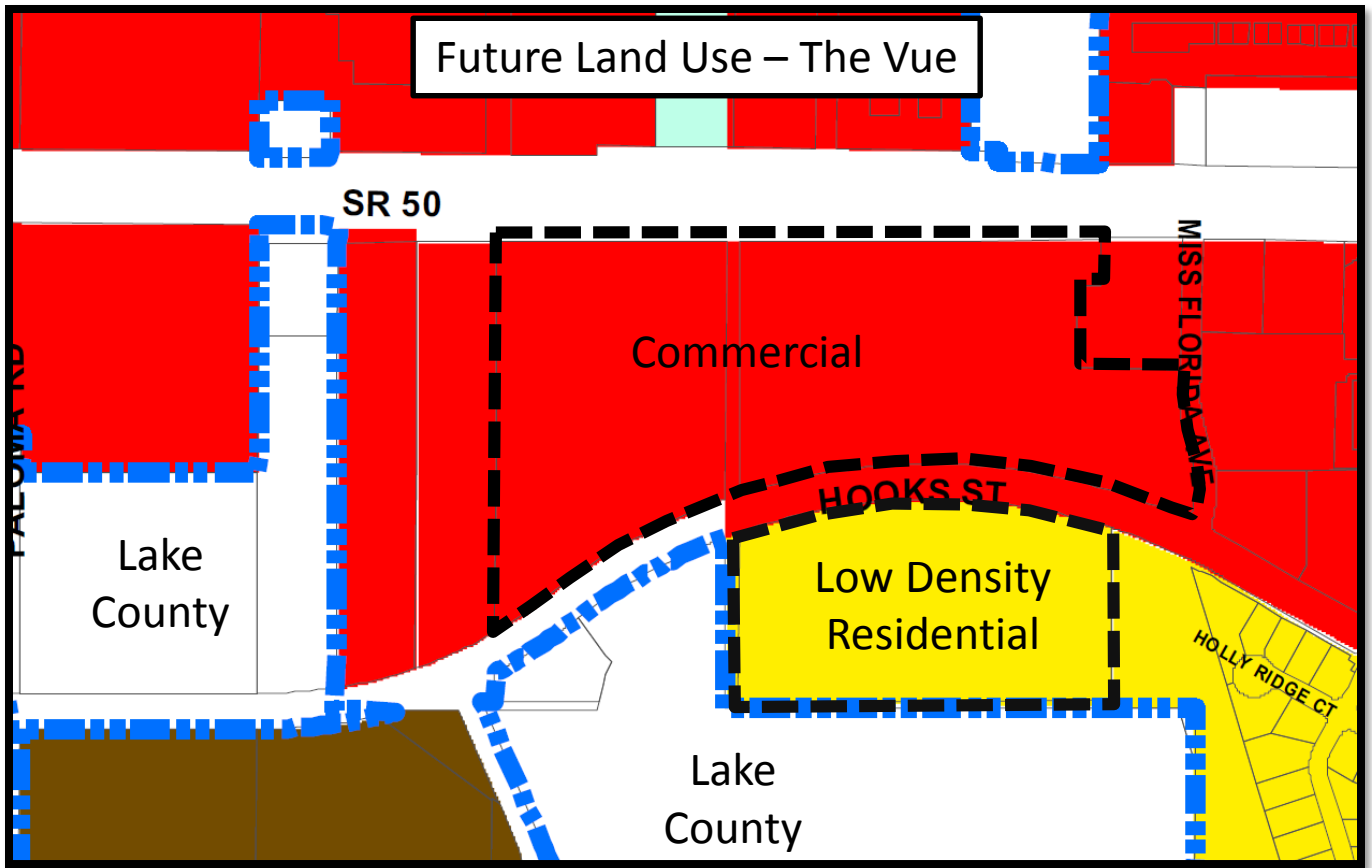
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Location Map - The Vue





BUILDING HEIGHT

Building height as measured from the lowest grade point to the midpoint of the main roof = 53'-8"

Building height as allowed by Florida building code = 60'-0"

Allowable height per table 503 = 50'-0"

Allowable increase per 504.2 = 10'-0"

Total = 60'-0"

** Allowable increase is based on NFPA 13R sprinkler system
Installed per 903.3.1.2.



The VUE at Clermont
Clermont, Florida



SK-1 BUILDING HEIGHT

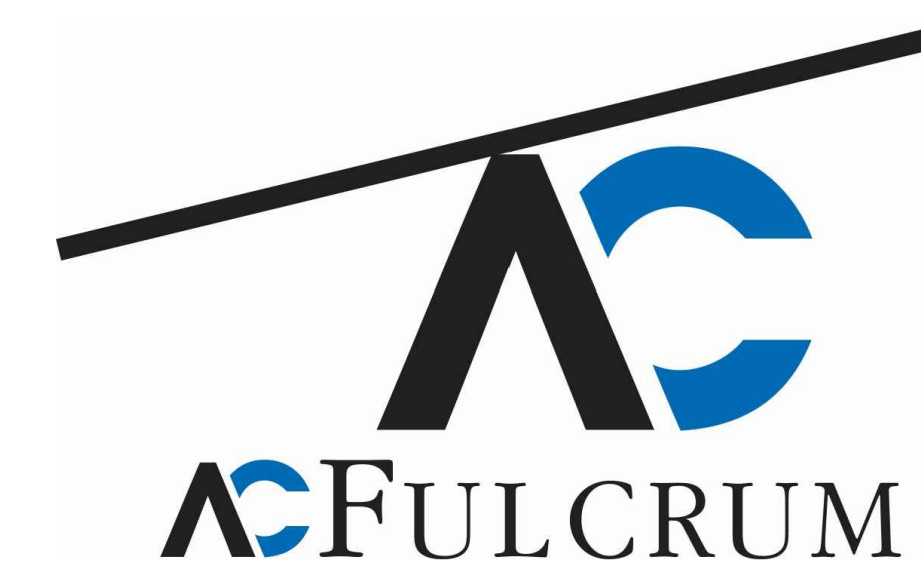


charlan brock & associates

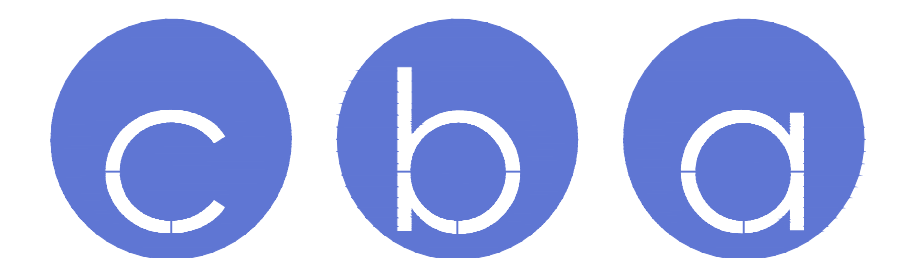


The VUE at Clermont

Clermont, Florida



Conceptual Elevations



charlan brock & associates

Boundary Survey

LEGAL DESCRIPTION:

PARCEL 1 (FEE SIMPLE ESTATE)

THAT PART OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 28; THENCE RUN NORTH 00°42'51" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 28 FOR A DISTANCE OF 664.12 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 28; THENCE RUN SOUTH 89°24'16" WEST ALONG THE NORTH LINE OF SAID SOUTH 1/4 FOR A DISTANCE OF 1335.19 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 270.00 FEET AND A CHORD BEARING OF SOUTH 01°23'58" WEST AND THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°36'59" FOR A DISTANCE OF 111.29 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING OF SOUTH 63°07'26" WEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 99°49'56" FOR A DISTANCE OF 43.56 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1750.00 FEET AND A CHORD BEARING OF NORTH 87°56'35" WEST AND THE NORTH RIGHT OF WAY LINE OF HOOK STREET, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2010, PAGE 316, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°57'58" FOR A DISTANCE OF 1281.78 FEET TO A NON-RADIAL LINE AND THE EAST RIGHT OF WAY LINE OF AN UNNAMED RIGHT OF WAY, ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY, AS RECORDED IN PLAT BOOK 2, PAGE 28, OF SAID PUBLIC RECORDS; THENCE RUN NORTH 00°10'52" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 718.43 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NUMBER 50; THENCE RUN NORTH 89°24'19" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 1127.57 FEET; THENCE RUN SOUTH 89°29'29" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 150.11 (120.11) FEET TO THE WEST LINE OF THE EAST 60 FEET OF TRACT 19, OF SAID LAKE HIGHLANDS COMPANY; THENCE RUN SOUTH 00°26'52" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 445.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 280.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°45'47" FOR A DISTANCE OF 77.03 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 15°18'56" EAST FOR A DISTANCE OF 105.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 270.00 FEET AND A CHORD BEARING OF SOUTH 12°51'43" EAST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°54'24" FOR A DISTANCE OF 231.2 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THEREFROM THAT PARCEL CONVEYED BY MAYNARD K. KNAPP, INDIVIDUALLY AND AS TRUSTEE TO AKRAM ISMAIL, M.D., BY SPECIAL WARRANTY DEED RECORDED APRIL 17, 2015, IN OFFICIAL RECORDS BOOK 4613, PAGE 945, DESCRIBED AS FOLLOWS:

A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 28; THENCE S01°07'06"W ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1372.13 FEET TO A POINT; THENCE N89°06'23"W, A DISTANCE OF 1322.25 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50. (RIGHT-OF-WAY VARIES PER RIGHT-OF-WAY MAP SECTION 11070); THENCE CONTINUE N89°06'23"W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE S00°51'39"W, ALONG THE WEST RIGHT-OF-WAY LINE OF MISS FLORIDA AVENUE (CRB 2345, PAGE 748), ALSO BEING PARALLEL TO AND 60.00 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28 AND THE EAST LINE OF TRACT 19 OF LAKE HIGHLANDS COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 28, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; A DISTANCE OF 269.94 FEET TO A POINT; THENCE N89°08'21"W, A DISTANCE OF 291.58 FEET TO A POINT; THENCE N00°51'39"E, A DISTANCE OF 230.29 FEET TO A POINT; THENCE S89°09'21"E, A DISTANCE OF 64.35 FEET TO A POINT; THENCE N00°51'39"E, A DISTANCE OF 139.00 FEET TO A POINT ON THE SOUTH LINE OF AN UNNAMED UNIMPROVED STREET, ALSO BEING THE NORTH LINE OF SAID TRACT 19; THENCE N89°50'25"E, ALONG THE NORTH LINE OF SAID TRACT 19, A DISTANCE OF 42.23 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50; THENCE S89°06'23"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 50, A DISTANCE OF 185.01 FEET TO THE POINT OF BEGINNING. CONTAINING 744,665 SQ. FT. OF 17.100 ACRES MORE OR LESS.

PARCEL 2 (EASEMENT ESTATE)

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE INGRESS-EGRESS EASEMENT GRANTED BY AKRAM ISMAIL TO MAYNARD K. KNAPP, TRUSTEE, TO RECIPROCAL EASEMENT AGREEMENT RECORDED APRIL 17, 2015, IN OFFICIAL RECORDS BOOK 4613, PAGE 948, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 3 (SOUTHERN PORTION)

TRACT 29 AND TRACT 30, AS SHOWN ON THE LAKE HIGHLANDS COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LESS THAT PORTION LYING WITHIN AND NORTH OF THE RIGHT OF WAY FOR HOOK STREET.

Legal Description:

THAT PORTION OF THE NORTH/SOUTH ROADWAY BETWEEN TRACTS 20, 21, 28, AND 29 AS SHOWN ON THE LAKE HIGHLAND'S COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LYING NORTHERLY OF HOOK STREET, AND SOUTHERLY OF STATE ROAD NO. 50, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, THENCE S 01°17'37" W, A DISTANCE OF 1372.13 FEET; THENCE N 89°55'52" W, A DISTANCE OF 1322.25 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 50 (A VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG SAID SOUTH RIGHT OF WAY LINE, CONTINUE N 89°55'52" W, A DISTANCE OF 60.00 FEET; THENCE N 89°27'07" W, A DISTANCE OF 184.98 FEET; THENCE S 89°30'08" W, A DISTANCE OF 42.24 FEET; THENCE S 89°24'19" W, A DISTANCE OF 1020.48 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN S 00°14'51" W, A DISTANCE OF 824.65 FEET TO A POINT ON THE WEST LINE OF TRACTS 20 AND 29, A DISTANCE OF 718.43 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HOOK STREET (A 100 FOOT WIDE PUBLIC RIGHT OF WAY); SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 1750.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°02'34", A DISTANCE OF 31.85 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 70°37'05" W, 31.85 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN N 01°14'51" E, A DISTANCE OF 728.72 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 50; THENCE N 89°28'03" E, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.50 ACRES, MORE OR LESS.

Legal Description:

TRACTS 21 AND 28 AS SHOWN ON THE LAKE HIGHLAND'S COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LESS THAT PORTION OF TRACT 28, LYING SOUTH OF HOOK STREET, (COUNTY DISTRICT NO. 2-1346).

Legal Description:

THAT PORTION OF THE NORTH/SOUTH ROADWAY BETWEEN TRACTS 28, AND 29 AS SHOWN ON THE LAKE HIGHLAND'S COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LYING SOUTHERLY OF HOOK STREET, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, THENCE S 01°17'37" W, A DISTANCE OF 1372.13 FEET; THENCE N 89°55'52" W, A DISTANCE OF 1322.25 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 50 (A VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG SAID SOUTH RIGHT OF WAY LINE, CONTINUE N 89°55'52" W, A DISTANCE OF 60.00 FEET; THENCE N 89°27'07" W, A DISTANCE OF 184.98 FEET; THENCE S 89°30'08" W, A DISTANCE OF 42.24 FEET; THENCE S 89°24'19" W, A DISTANCE OF 1020.48 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN S 00°14'51" W, ALONG THE WEST LINE OF TRACTS 20 AND 29, A DISTANCE OF 824.65 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF HOOK STREET (A 100 FOOT WIDE PUBLIC RIGHT OF WAY); THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, RUN S 01°14'51" W, ALONG THE WEST LINE OF SAID TRACT 29, A DISTANCE OF 473.42 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 29; THENCE S 89°28'17" W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED TRACT 28; THENCE N 01°14'51" E, ALONG THE EAST LINE OF SAID TRACT 28, A DISTANCE OF 462.39 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF AFOREMENTIONED HOOK STREET, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 1650.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°06'54", A DISTANCE OF 32.11 FEET, TO THE POINT OF BEGINNING, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 69°22'29" E, 32.11 FEET

CONTAINING 0.32 ACRES, MORE OR LESS.

Legal Description:

THAT PORTION OF TRACT 28 AS SHOWN ON THE LAKE HIGHLAND'S COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LYING SOUTHERLY OF HOOK STREET, (COUNTY DISTRICT NO. 2-1346).

PLANNED UNIT DEVELOPMENT

THE VUE AT CLERMONT
PARCEL ID #09-22-26-120501900000 & 09-22-26-120502100000



PREPARED FOR
AC-FULCRUM
710 EAST COLONIAL DRIVE
ORLANDO, FLORIDA 32803

PROJECT TEAM

OWNER/APPLICANT

AC-FULCRUM
710 EAST COLONIAL DRIVE
ORLANDO, FL 32803

ENGINEER

B&S ENGINEERING CONSULTANTS, LLC
MAJOR STACY, P.E.
2221 LEE ROAD SUITE 17
WINTER PARK, FLORIDA 32789
PHONE: 407-960-5868

ENVIRONMENTALIST

ECOLOGICAL CONSULTING SOLUTIONS
235 HUNT CLUB BOULEVARD, SUITE 202
LONGWOOD, FLORIDA 32789
PHONE: 407-869-9434

ARCHITECT

CHARLAN BROCK AND ASSOCIATES
1770 FENNELL ST.
MAITLAND, FL 32751
PHONE: 407-660-8900

LAND USE ATTORNEY

AKERMAN LLP
420 S. ORANGE AVENUE SUITE 1200
ORLANDO, FLORIDA 32801
PHONE: 407-423-4000

SITE DATA

SECTION/TOWNSHIP/RANGE: 9/22S/26E
PROPERTY AREA: ±42.57 AC
PROJECT AREA: (NET ACREAGE): 33 ACRES
EXISTING ZONING: C-2/UE
EXISTING USE: VACANT
PROPOSED PARCEL USE: (ENTIRE PARCEL) PUD: ALL PERMITTED C2 USES (INCLUSIVE OF 1 RETAILER LESS THAN 100,000 S.F. BUT GREATER THAN 20,000 S.F.)
6.00 ACRES
27 ACRES
12 DU/AC MAX = 323 UNITS

COMMERCIAL:				
MULTI FAMILY / SENIOR'S AREA				
MULTI FAMILY / SENIOR'S DENSITY:				
CITY REQUIRED PARKING: (MULT-FAMILY)				
	UNITS	COUNTS	CITY	TOTAL
	1 BED	111	1.5	167
	2 BED	176	2.0	352
	3 BED	37	2.5	93
	TOTAL	324		612
		AVG SPACE/UNIT		1.89
PARKING AS PROPOSED:				612
VARIANCES:				APPLY TO ENTIRE PROPERTY AS DETAILED ON FOLLOWING PAGES

UTILITY SERVICE PROVIDERS

WATER

CITY OF CLERMONT
685 W. MONTROSE STREET
CLERMONT, FL 34711
PHONE: 352-241-7335

SEWER

CITY OF CLERMONT
685 W. MONTROSE STREET
CLERMONT, FL 34711
PHONE: 352-241-7335

ELECTRIC

DUKE ENERGY
P.O.BOX 120069
CLERMONT, FL 34712
PHONE: 352-241-7335

PHONE

CENTURY LINK
260 CITRUS TOWER BOULEVARD
CLERMONT, FL 34711
PHONE: 800-672-6242

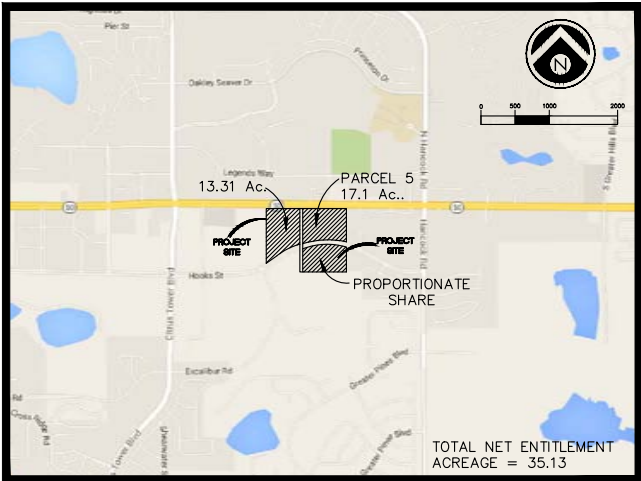
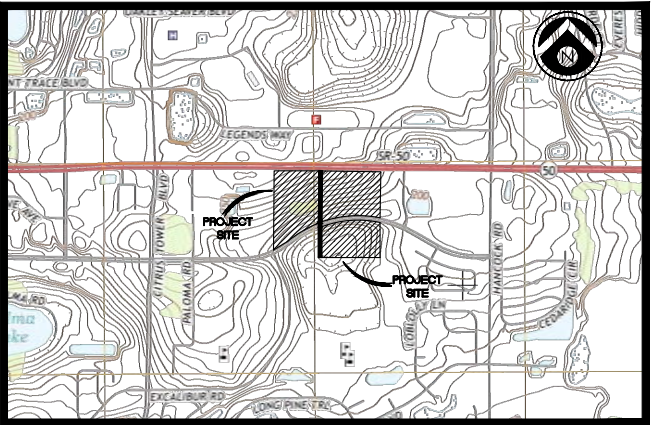
CABLE

BRIGHT HOUSE NETWORKS, LLC
602 HWY 50
CLERMONT, FL 34711
PHONE: 352-245-2408

NOTES:

1. PROPOSED FFE AND GRADING SHOWN AS CONCEPTUAL.
2. THE FINAL ENGINEERING PLANS WILL BE CONSISTENT WITH NFPA AND CITY OF CLERMONT CODE. THIS INCLUDES CUL-DE-SACS AND HAMMERHEADS FOR ANY DEAD END EXCEEDING 150 FEET.
3. LANDSCAPE ISLAND WILL BE A MINIMUM OF 300 S.F. AT FINAL ENGINEERING.
4. A SECONDARY EMERGENCY ACCESS POINT WILL BE PROVIDED AT FINAL ENGINEERING. THIS ACCESS MAY CONSIST OF STABILIZED REINFORCED GRASS PAVERS AND CRASH GATES.

USGS MAP



NOT FOR CONSTRUCTION UNLESS SIGNED AND SEALED	JOB No.: AOC-01 DESIGNED: p.i.b. APPROVED BY: MLS DATE: 4-22-16
MAJOR LEE STACY, P.E. REGISTRATION No. 70249	SHEET: C-0.0
DATE: _____	

Potential Variance Requests:

Sec. 54-78. - Driveway construction standards.

(a) Driveways constructed below street grade must rise to an elevation at least to the top of the curb height on city rights-of-way before reaching the owner's property line. Driveways constructed above the street grade should not exceed a grade of three-fourths of an inch per foot from the top of the curb to provide for vehicular clearance, unless otherwise approved by the city engineer.

Waiver Requests: It may be possible the retail driveway and parking will be below the centerline of SR 50. We are requesting a variance from this code and defer to the city engineer to approve proposed grading to ensure adequate outfall and protection of the FFE.

Sec. 94-195. - Clearing and grading review criteria. (b)(3)

The maximum depth of cut or fill for construction of any roadway shall be 15 feet, as measured at the centerline of the roadway.

Waiver Requests: Final grades will be determined at the time of final engineering. It may be possible to exceed the maximum cut or depth in portions of the site. We would request a variance from this code. We are requesting a maximum elevation change of 25’ due to the excessive grades on site.

Sec. 94-195. - Clearing and grading review criteria. (d)(4, 5, 7)

(4) Elevation changes in topography shall be limited to 15 feet.

(5) Transitions between multi-level construction shall be accomplished using slopes of no greater than 5:1 or with retaining walls not to exceed six feet in height.

(7) Terraces shall include a minimum five-foot landscape buffer along the boundary.

Waiver Requests: It is not until all final architectural, landscape and civil engineering design that the final grades and miscellaneous small retaining walls are located, that the exact solution can be shown to City of Clermont Staff. In addition, retaining walls will exceed 6’ in height. We are requesting a variance allowing 25’ of elevation change and a maximum wall height of 25’.

Sec. 122-185 (4) Building Height not to exceed 45’

Waiver Requests: The proposed buildings will be terraced so the maximum building height will vary depending on the grade and location of the measurement. In addition, architectural features may extend above 45’. The proposed maximum building height is 63’. Please refer to sheet A-1.1.

Sec. 98-6. - Ratio of full size parking spaces to compact and oversized spaces.

(a) The ratio of full size parking spaces to compact spaces shall be 90 to ten. This ratio shall be maintained for the total number of parking spaces provided and shall apply only to buildings and uses where the required number of parking spaces is 25 or greater and 300 or less. Developers may increase this ratio, thus increasing the number of full size spaces, however, in no case shall the ratio of compact spaces be permitted to exceed this ratio. Compact spaces shall not be permitted for buildings and uses requiring less than 25 parking spaces or for residential uses. Projects requiring more than 300 parking spaces shall be considered threshold developments where final decision on the ratio of parking shall be determined by the development review committee in consideration of traffic engineering and planning data that is appropriate to the proposed development and intended use.

(b) The provision of oversized parking spaces to accommodate recreational vehicles and the like shall be applied to retail business facilities where required parking is 100 spaces or more. The ratio of three oversized parking spaces per each 100 required spaces or portion thereof shall be maintained for the total number of parking spaces provided.

Waiver Requests: We are requesting a variance to utilize 9x18 spaces instead in order to maximize available parking while significantly reducing the unnecessary environmental pollutant runoff, increasing green spaces throughout.

Sec. 110-192 Gated development

Waiver Request: The proposed development will be gated and consistent with all requirements of City Clermont code including emergency access.

Sec. 122-226. - Yards.

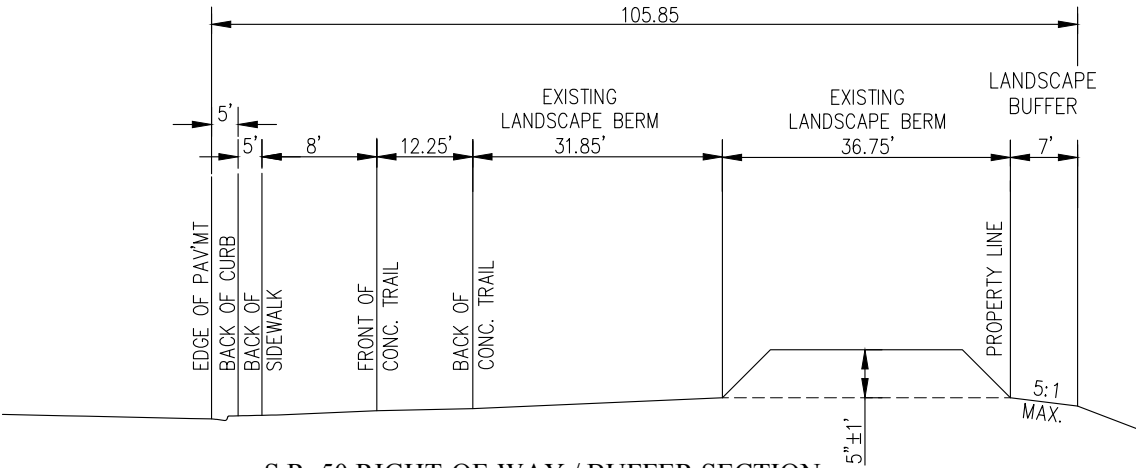
Minimum yard requirements for the C-2 district are as follows:

- (1)
Front Yard. Property adjacent to Hartwood Marsh Road, SR 50 and U.S. 27 shall maintain a 50-foot setback. The setback on all other streets shall be 25 feet.
- (2)
Side Yard. The minimum side yard setback is 12 feet. On corner lots where a side yard setback of 50 feet shall be maintained on Hartwood Marsh Road, State Road 50 and U.S. Highway 27 and a side yard setback of 25 feet shall be maintained from all other streets and 12 feet on the interior side yard. However, a side setback of 25 feet shall be maintained on the side adjacent to property that is either zoned or used as residential.
- (3)
Rear Yard. The minimum rear yard setback is 25 feet except where a rear yard abuts Hartwood Marsh Road, SR 50 or U.S. 27, a setback of 50 feet shall be maintained. The rear building line of lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.
- (4)
Buffer Strip. When a conditional or commercial use abuts a residential use, the conditional or commercial use shall provide a landscaped buffer strip along the abutting property line.
- (5)
Other Setbacks. All yard setbacks for principal buildings shall be a minimum of 25 feet from established high-water marks. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

Waiver Request: The landscape buffer of 7’ is proposed adjacent to SR 50 due to the presence of a large berm within which existing utilities are running that are in in the right of way. Note also the 105’ distance from the edge of SR 50 pavement to the proposed edge of parking providing extensive buffering. Grading cannot exceed 5:1 in the landscape buffer.

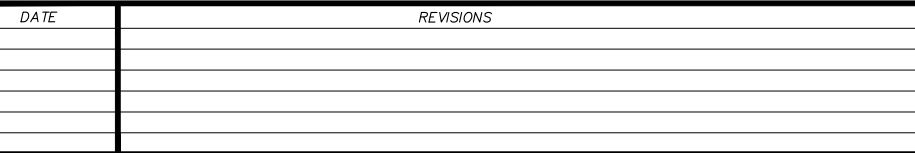
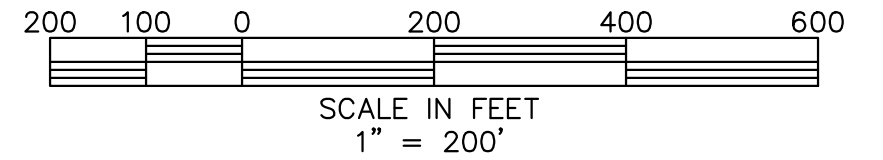
The face of the nearest apartment is another 160’ beyond the new landscape buffer.

Note the exising 5'+ berm above the SR 50 grade provides maximum sound buffering/absorption. In addition to that solid visual and sound buffering, the developer will build landscape in the buffer at 1.3X the code required density.



- NOTE:
- DISTANCE FROM CURB TO LANDSCAPE BUFFER IS 105.85 FEET (5 TIMES CODE MINIMUM).
 - THE EXISTING 5 FEET BERM TO PROVIDE SOUND ATTENUATION COUPLED WITH THE INCREASED LANDSCAPE BUFFER GREEN SPACE (1.3 TIMES MINIMUM).

DATE	REVISIONS	B&S ENGINEERING CONSULTANTS, LLC engineers planners 2221 Lee Road, Suite 17, Winter Park, Florida 32789 Telephone (407) 960-5868 Board of Professional Engineer Certificate No. 28973	AC FULCRUM - THE VUE AT CLERMONT		NOT FOR CONSTRUCTION UNLESS SIGNED AND SEALED	JOB No.: AOC-01
			CLERMONT, FLORIDA		DESIGNED: p.i.b.	
			VARIANCE REQUESTS		APPROVED BY: MLS	
					DATE: 4-22-16	
					SHEET:	
				MAJOR LEE STACY, P.E. REGISTRATION No. 70249		
				DATE: _____	C-1.1	



AC FULCRUM - THE VUE AT CLERMONT
CLERMONT, FLORIDA

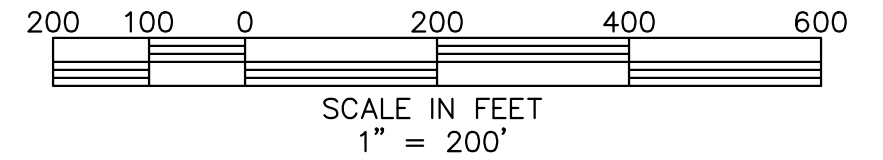
NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

MAJOR LEE STACY, P.E.
REGISTRATION No. 70249

DATE: _____

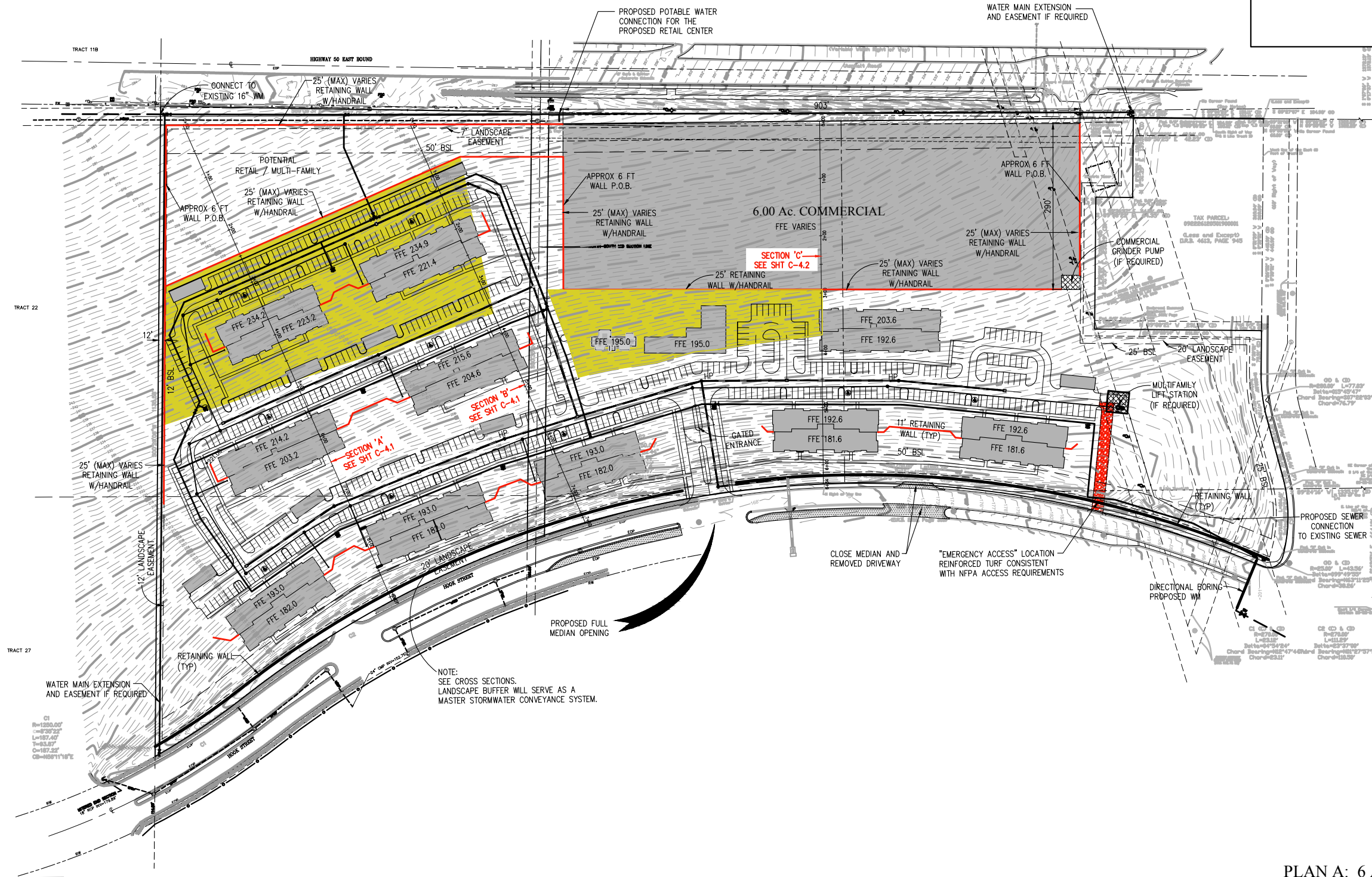
JOB No.:	AOC-01
DESIGNED:	p.i.b.
APPROVED BY:	MLS
DATE:	4-22-16
SHEET:	

C-2.1



CUT IN EXCESS OF 10 FEET (4.28% AC. OR 15.65%)

RETAINING WALL - REQUESTING A WALL VARIANCE IN EXCESS OF 25 FEET (MAX)



PLAN A: 6 ACRES RETAIL / 27 ACRES MULTIFAMILY / SENIORS

DATE	REVISIONS

B&S ENGINEERING CONSULTANTS, LLC
engineers planners

2221 Lee Road, Suite 17, Winter Park, Florida 32789 Telephone (407) 960-5868
Board of Professional Engineer Certificate No. 28973

AC FULCRUM - THE VUE AT CLERMONT

CLERMONT, FLORIDA

CONCEPTUAL GRADING SCHEMATIC

NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

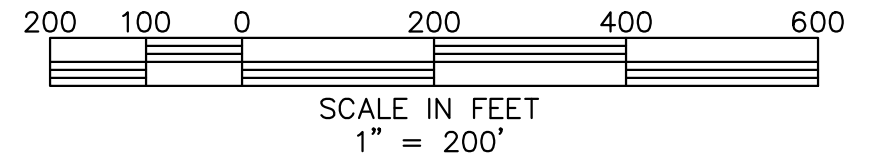
MAJOR LEE STACY, P.E.
REGISTRATION No. 70249

DATE: _____

JOB No.: AOC-01
DESIGNED: p.i.b.
APPROVED BY: MLS

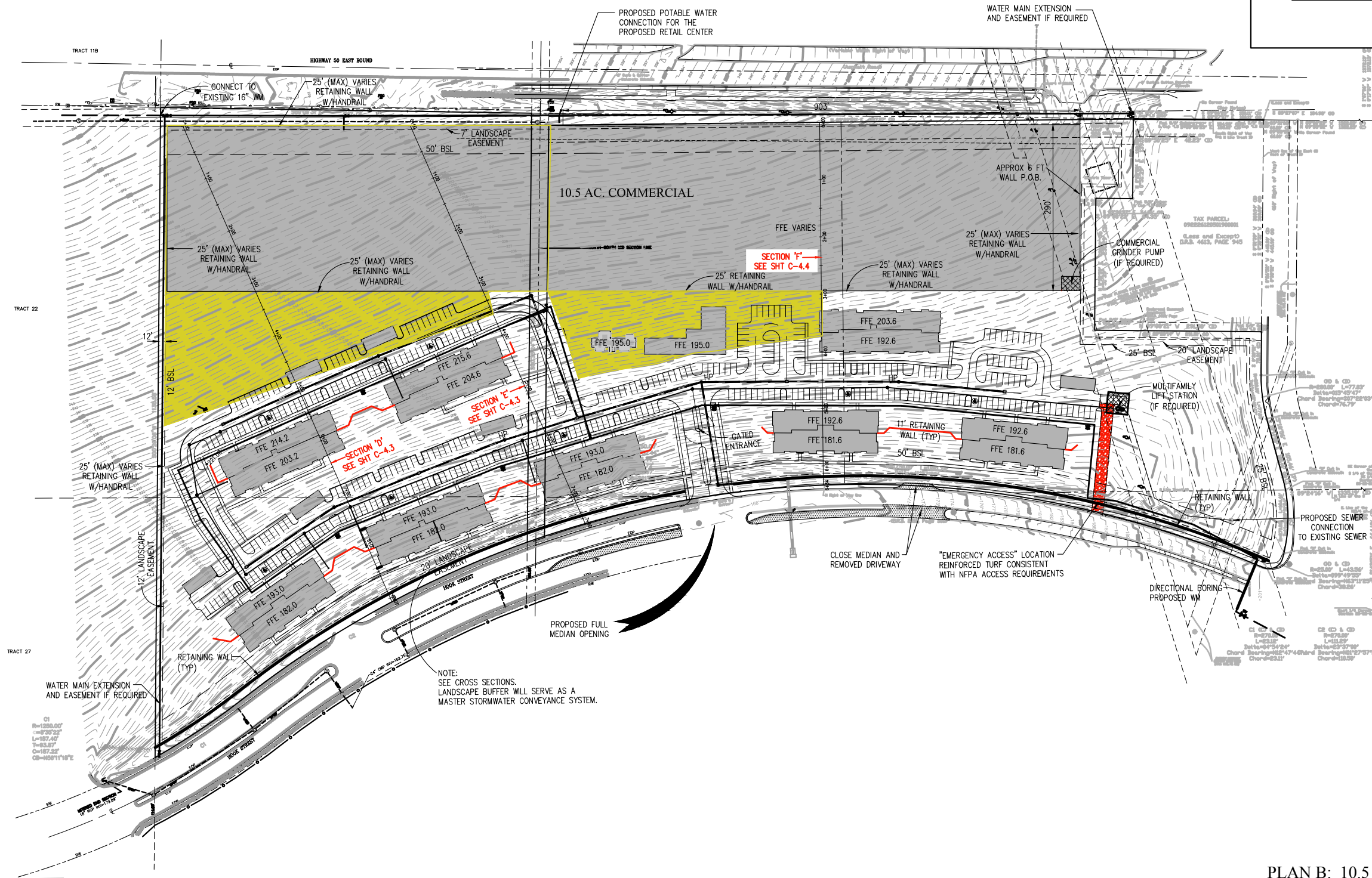
DATE: 4-22-16
SHEET:

C-2.2



CUT IN EXCESS OF 10 FEET (4.28± AC. OR 15.85%)

RETAINING WALL - REQUESTING A WALL VARIANCE IN EXCESS OF 25 FEET (MAX)



PLAN B: 10.5 ACRES RETAIL / 22.5 ACRES MULTIFAMILY / SENIORS

DATE	REVISIONS

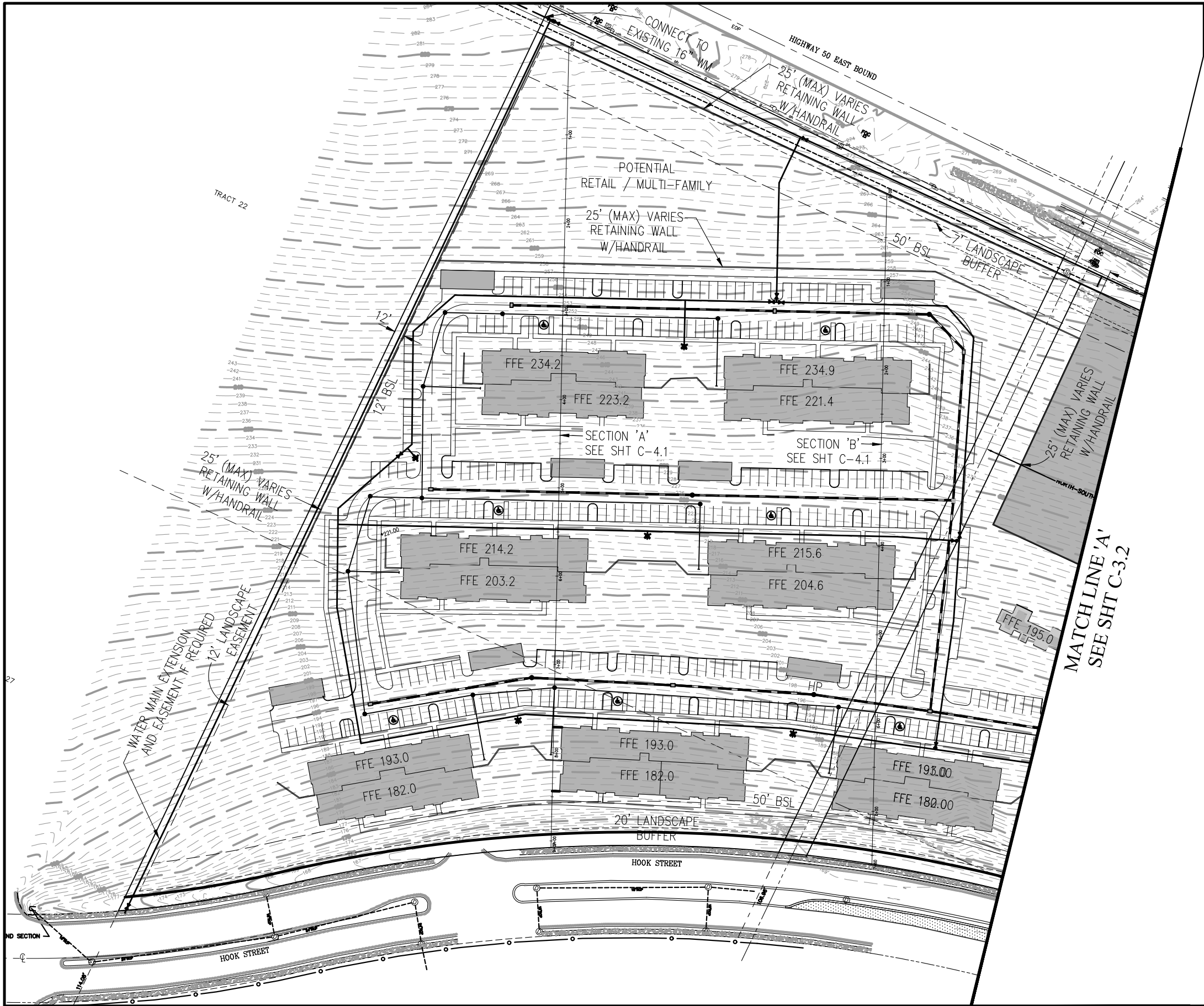
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engineers planners

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Board of Professional Engineer Certificate No. 28973

AC FULCRUM - THE VUE AT CLERMONT
CLERMONT, FLORIDA

CONCEPTUAL GRADING SCHEMATIC - RETAIL
S.R. 50 FRONTAGE

NOT FOR CONSTRUCTION UNLESS SIGNED AND SEALED	JOB No.: AOC-01 DESIGNED: p.i.b. APPROVED BY: MLS DATE: 4-22-16 SHEET:
MAJOR LEE STACY, P.E. REGISTRATION No. 70249 DATE:	C-2.3



SCALE IN FEET
1" = 120

DATE	REVISIONS

B&S

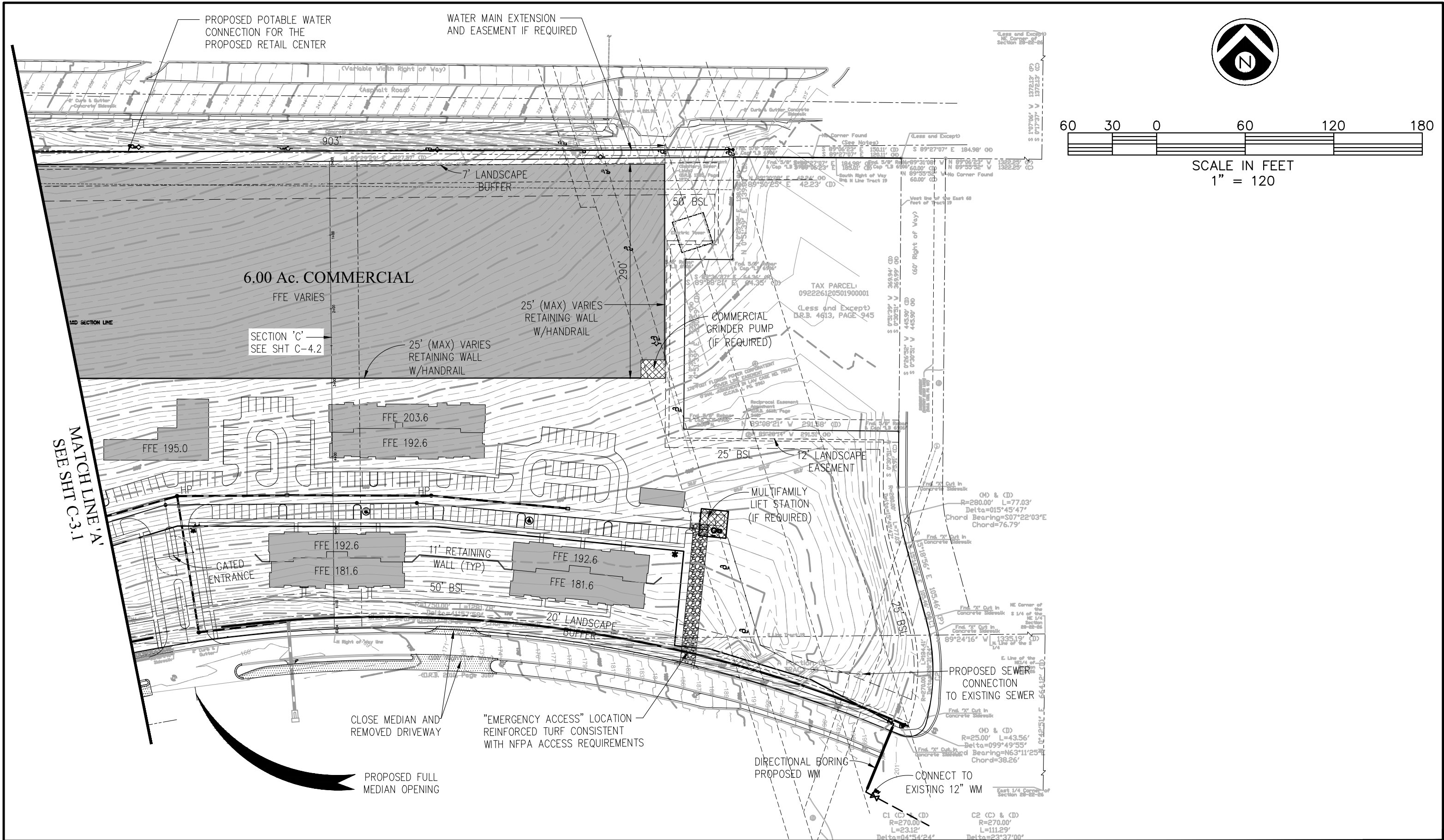
ENGINEERING CONSULTANTS, LLC
engineers planners

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Board of Professional Engineer Certificate No. 28973

AC FULCRUM - THE VUE AT CLERMONT
CLERMONT, FLORIDA

CONCEPTUAL SITE PLAN 1

NOT FOR CONSTRUCTION UNLESS SIGNED AND SEALED	JOB No.: AOC-01 DESIGNED BY: p.i.b. APPROVED BY: MLS DATE: 4-22-16 SHEET:
MAJOR LEE STACY, P.E. REGISTRATION No. 70249 DATE:	C-3.1



DATE	REVISIONS

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engineers planners

2221 Lee Road, Suite 17, Winter Park, Florida 32789 Telephone (407) 960-5868
Board of Professional Engineer Certificate No. 28973

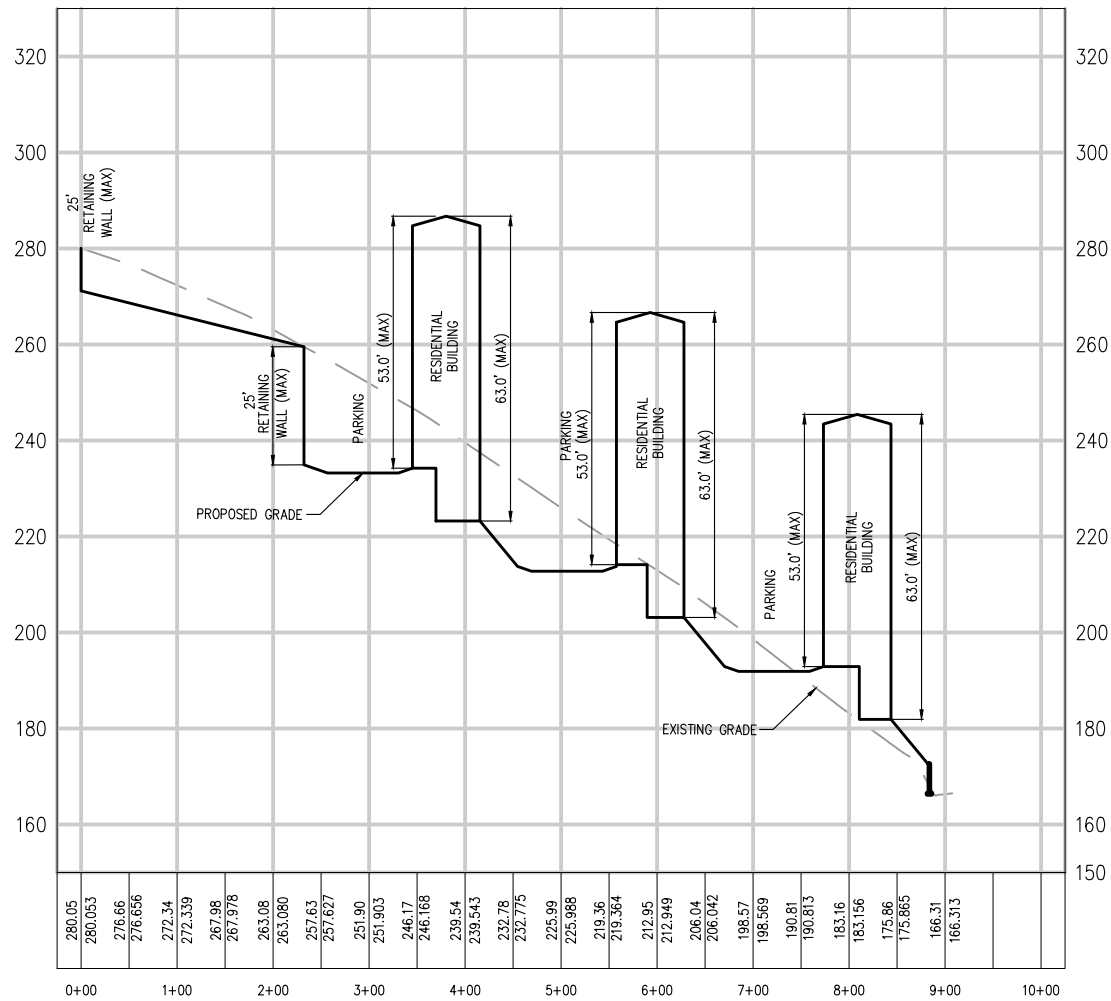
AC FULCRUM - THE VUE AT CLERMONT
CLERMONT, FLORIDA

CONCEPTUAL SITE PLAN 2

NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

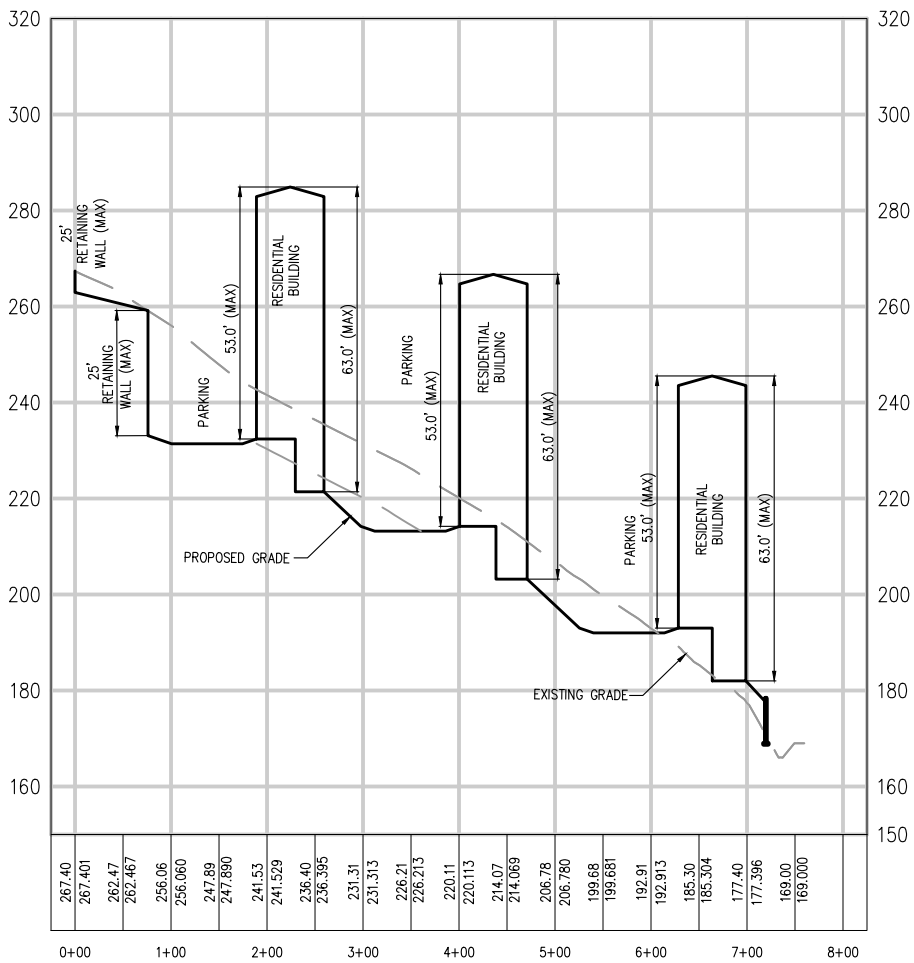
MAJOR LEE STACY, P.E.
REGISTRATION No. 70249
DATE: _____

JOB No.: AOC-01
DESIGNED: p.i.b.
APPROVED BY: MLS
DATE: 4-22-16
SHEET:
C-3.2



SECTION 'A'

SCALE:
HORZ: 1" = 200'
VERT: 1" = 20'



SECTION 'B'

DATE	REVISIONS

B&S

ENGINEERING CONSULTANTS, LLC
engineers planners

2221 Lee Road, Suite 17, Winter Park, Florida 32789 Telephone (407) 960-5868
Board of Professional Engineer Certificate No. 28973

AC FULCRUM - THE VUE AT CLERMONT
CLERMONT, FLORIDA
CROSS SECTION 1

NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

MAJOR LEE STACY, P.E.
REGISTRATION No. 70249

DATE: _____

JOB No.: AOC-01

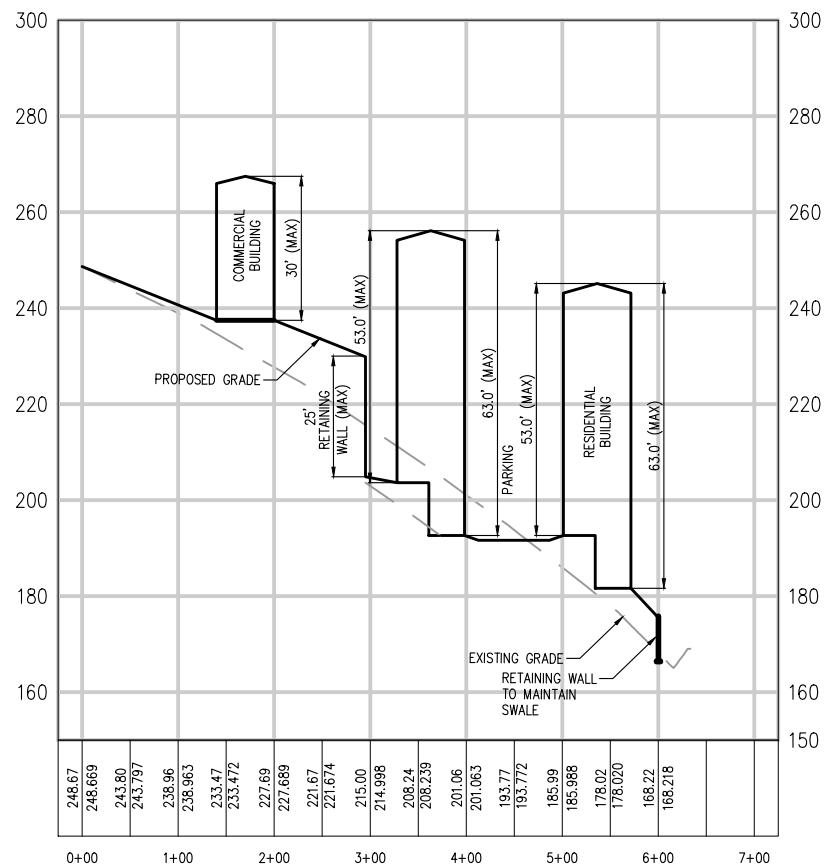
DESIGNED: p.i.b.

APPROVED BY: MLS

DATE: 4-22-16

SHEET:

C-4.1



SECTION 'C'
SCALE:
HORZ: 1" = 200'
VERT: 1" = 20'

DATE	REVISIONS

B&S

ENGINEERING CONSULTANTS, LLC
engineers planners

2221 Lee Road, Suite 17, Winter Park, Florida 32789 Telephone (407) 960-5868
Board of Professional Engineer Certificate No. 28973

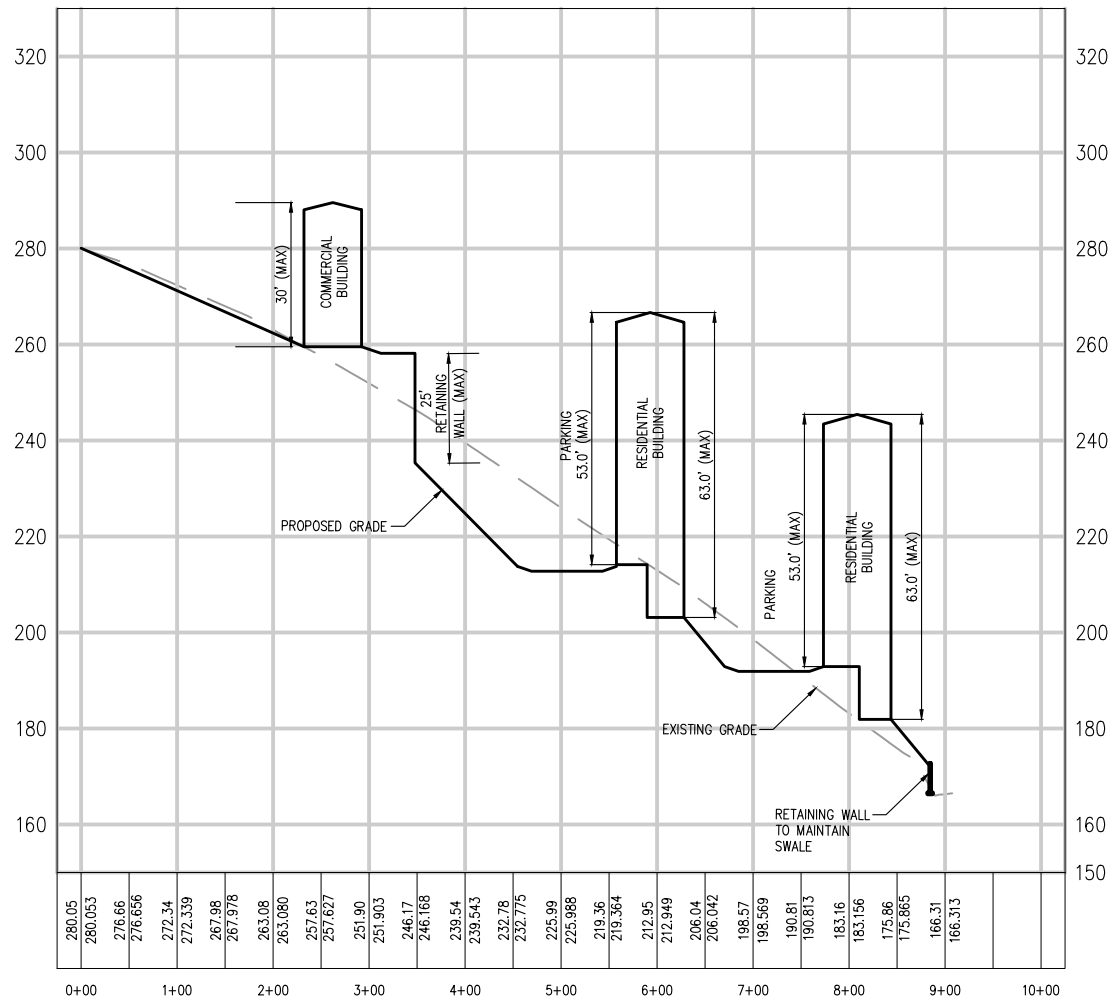
AC FULCRUM - THE VUE AT CLERMONT
CLERMONT, FLORIDA

CROSS SECTION 2

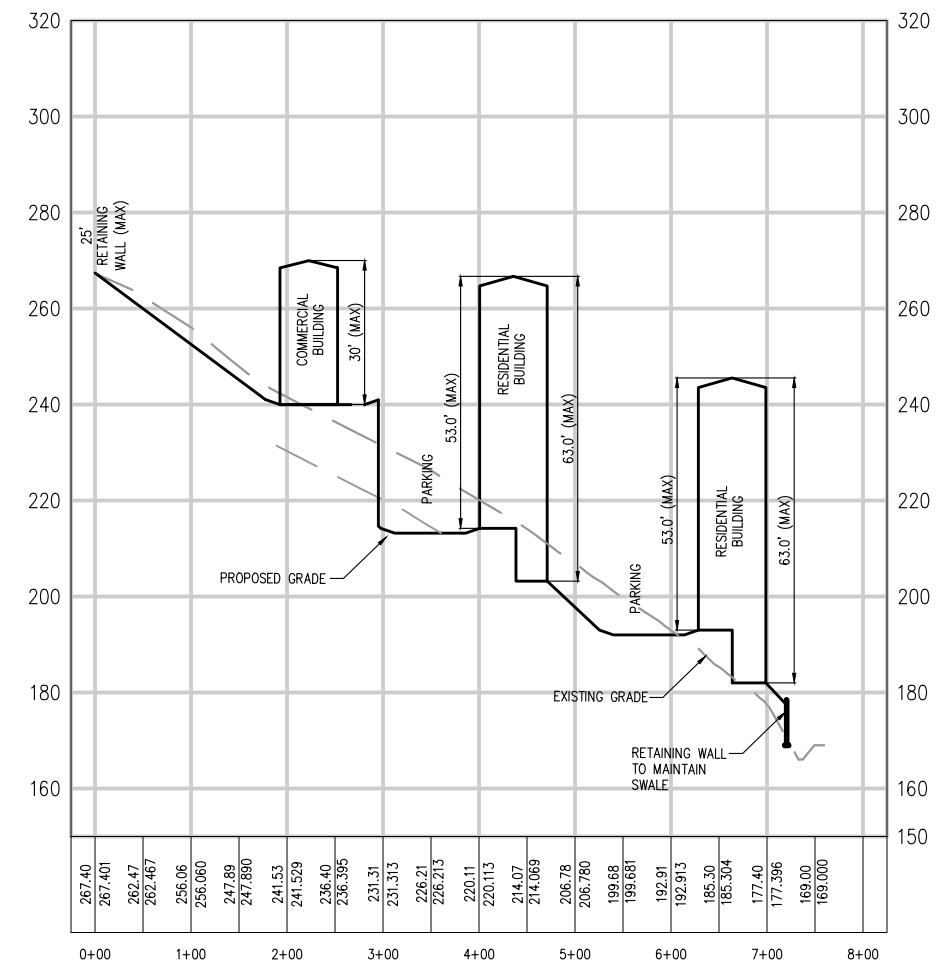
NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

MAJOR LEE STACY, P.E.
REGISTRATION No. 70249
DATE: _____

JOB No.: AOC-01
DESIGNED: p.i.b.
APPROVED BY: MLS
DATE: 4-22-16
SHEET:
C-4.2



SCALE:
HORZ: 1" = 200'
VERT: 1" = 20'



DATE	REVISIONS

B&S ENGINEERING CONSULTANTS, LLC
engineers planners

2221 Lee Road, Suite 17, Winter Park, Florida 32789 Telephone (407) 960-5868
Board of Professional Engineer Certificate No. 28973

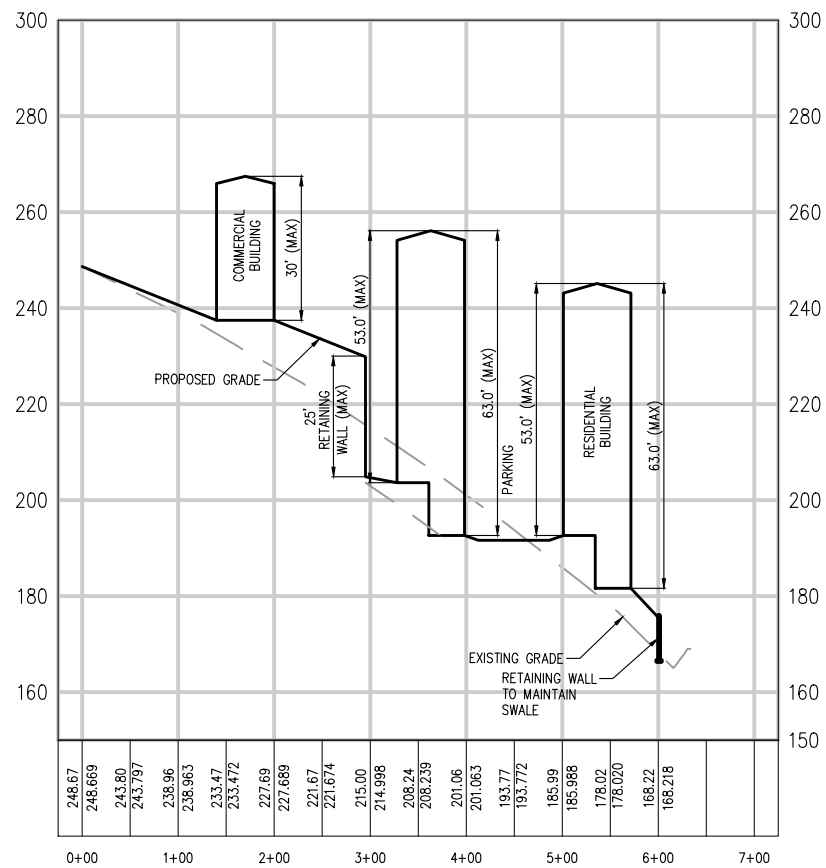
AC FULCRUM - THE VUE AT CLERMONT
CLERMONT, FLORIDA

CROSS SECTION 3 (RETAIL ON NORTH)

NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

MAJOR LEE STACY, P.E.
REGISTRATION No. 70249
DATE: _____

JOB No.: AOC-01
DESIGNED: p.i.b.
APPROVED BY: MLS
DATE: 4-22-16
SHEET: **C-4.1**



SECTION 'F'

SCALE:
HORZ: 1" = 200'
VERT: 1" = 20'

DATE	REVISIONS

B&S

ENGINEERING CONSULTANTS, LLC
engineers planners

2221 Lee Road, Suite 17, Winter Park, Florida 32789 Telephone (407) 960-5868
Board of Professional Engineer Certificate No. 28973

AC FULCRUM - THE VUE AT CLERMONT

CLERMONT, FLORIDA

CROSS SECTION 4 (RETAIL ON NORTH)

NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

MAJOR LEE STACY, P.E.
REGISTRATION No. 70249

DATE: _____

JOB No.: AOC-01

DESIGNED: p.i.b.

APPROVED BY: MLS

DATE: 4-22-16

SHEET:

C-4.2



The VUE at Clermont

Clermont, Florida



SK-1 BUILDING HEIGHT



charlan brock & associates

B&S ENGINEERING CONSULTANTS, LLC
engineers planners

2221 Lee Road, Suite 17, Winter Park, Florida 32789 Telephone (407) 960-5868
Board of Professional Engineer Certificate No. 28973

AC FULCRUM - THE VUE AT CLERMONT

CLERMONT, FLORIDA

ARCHITECTURAL ELEVATION

JOB No.: AOC-01

DESIGNED: p.i.b.

APPROVED BY: MLS

DATE: 4-22-16

SHEET:

A-1.1



CITY OF CLERMONT
REZONING
APPLICATION

DATE: 3/24/16

FEE: \$350.00

PROJECT NAME (if applicable): The VUE at Clermont

APPLICANT: AC-Fulcrum

CONTACT PERSON: Jonathan Moore

Address: 710 E. Colonial Dr.

City: Orlando State: FL Zip: 32803

Phone: 407-373-0930 Fax: _____

E-Mail: jmoore@accommercial.com

OWNER: 14 Acres SR 50, LLC

Address: 125-A East Marks Street

City: Orlando State: FL Zip: 32803

Phone: _____ Fax: _____

Address of Subject Property: Clermont, FL 34711

Legal Description (include copy of survey): Survey attached

Acreage: 14 Land Use: Vacant Commercial
(City verification required)

Present Zoning: C-2 Proposed Zoning: C-2: With conditional use
(City verification required) permit for Multi-family and
Senior's Housing. 12u per
acre



**CITY OF CLERMONT
REZONING
APPLICATION**

Page 2

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

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

AC/Fulcrum is assembling the parcels shown in exhibit "A" attached. We will be developing a mix use project subject to City approval for the conditional use of multi-family/senior's housing with no greater density than 12 units per acre. There are many unique locational attributes which make apartments appropriate on this acreage such as the close proximity of the high school and middle school to the south, community college immediately to the north along with the hospital, an abundance of retailers, and zero abutting owned residential housing. The aforementioned factors make this one of the most suitable areas in Clermont for an apartment development. Additionally, there are physical topographical attributes that drive apartment viability on this particular site – the site work is least costly for multi-family/senior's housing than retail and the elevation change allows for fantastic views that serve as a unique feature for future residents.

Jonathan Mays
Applicant Name (print) AC Properties

X

[Signature]
Applicant Name (signature)

14 Acres SR50 LLC
Owner Name (print)

X

[Signature] Manager
Owner Name (signature)

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



CITY OF CLERMONT
REZONING
APPLICATION

DATE: 3/24/16

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): The Vue at Clermont

APPLICANT: AC-Fulcrum

CONTACT PERSON: Jonathan Moore

Address: 710 East Colonial Drive

City: Orlando State: FL Zip: 32803

Phone: 407-373-0930 Fax: _____

E-Mail: jmoore@accommercial.com

OWNER: Maynard K. Knapp, Trustee c/o John F. Lowndes, Esq.

Address: 215 North Eola Drive

City: Orlando State: FL Zip: 32801

Phone: 407-843-4600 Fax: 407-843-4444

Address of Subject Property: Clermont, FL 34711

Legal Description (include copy of survey): Survey attached

Acres: 28.9 Land Use: Timber
(City verification required)

Present Zoning: C-2 Proposed Zoning: C-2: With conditional use
(City verification required) permit for Multi-family and
Senior's Housing. 12u per
acre



CITY OF CLERMONT
REZONING
APPLICATION
Page 2

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

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

AC/Fulcrum is assembling the parcels shown in exhibit "A" attached. We will be developing a mix use project subject to City approval for the conditional use of multi-family/senior's housing with no greater density than 12 units per acre. There are many unique locational attributes which make apartments appropriate on this acreage such as the close proximity of the high school and middle school to the south, community college immediately to the north along with the hospital, an abundance of retailers, and zero abutting owned residential housing. The aforementioned factors make this one of the most suitable areas in Clermont for an apartment development. Additionally, there are physical topographical attributes that drive apartment viability on this particular site – the site work is least costly for multi-family/senior's housing than retail and the elevation change allows for fantastic views that serve as a unique feature for future residents.

Jonathan Moore
Applicant Name (print) AC Properties
JOHN F. BOWNDES AS
ATTORNEY IN FACT FOR
MAJNARD K KNAPP, TRUSTEE
Owner Name (print)

X [Signature]
Applicant Name (signature)
MAJNARD K KNAPP, TRUSTEE
BY
X [Signature]
Owner Name (signature)

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

Exhibit "A"



**REVIEWING AUTHORITY
NAME / CASE NUMBER
DEVELOPER/OWNER
ITEM DESCRIPTION**

Lake County Schools
Multi-family Due Diligence - SR 50 and Miss Florida Complex
 Acquisition Consultants
 The applicant proposes an apartment development with 324 multi-family dwelling units.

LOCATION

Located between SR 50 and Hooks Road and west of Miss Florida

**CURRENT LAND USE
PROPOSED LAND USE
CURRENT ZONING
PROPOSED ZONING**

City of Clermont
 City of Clermont
 City of Clermont
 City of Clermont

**NEW DU IMPACT
STUDENT GENERATION**
 Elementary School
 Middle School
 High School

SF-DU	MF-DU	Mobile	MF Impacts	DUs
			324	
0.328	0.283	0.206	92	
0.152	0.143	0.097	46	
0.074	0.063	0.047	20	
0.102	0.077	0.062	25	

SCHOOL NAME

Lost Lake Elementary
 East Ridge Middle
 East Ridge High

Projected Enrollment 2019-2020*	Concurrency Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Conc. Capacity w/ Impact	Planned Capacity On Site
1,002	1,112	90%	1,048	94%	No
1,141	1,590	72%	1,161	73%	No
2,407	2,648	91%	2,432	92%	No

**Lake County School District Five-Year Plan, Fiscal Year 2016-2020*

CSA 12

Elementary School
 Middle School
 High School

Student Enrollment 2019-2020*	Concurrency Student Capacity*	% of Concurrency Capacity
4,300	4,928	87%
1,912	2,501	76%
4,272	4,483	95%

**Lake County School District Five-Year Plan, Fiscal Year 2016-2020*

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.

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

Prepared By: Kelly Randall, AICP, Senior Planner, Lake County School District

Date: 3/18/2016

LEGAL NOTICE

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

ORDINANCE NO. 2016-17

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

LOCATION

South of Highway 50, west of Miss Florida Avenue
Alternate keys 1028272 & 3334566

LEGAL DESCRIPTION

All of that tract or parcel of land lying and being in Section 26, Township 22 South, Range 26 East, Lake County, Florida, and being more particularly described as follows:

PARCEL 1 (FEE SIMPLE ESTATE)

That part of Section 28, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at the East 1/4 corner of said Section 28; thence run North 00°42'51" East along the East line of the Northeast 1/4 of said Section 28 for a distance of 664.12 feet to the Northeast corner of the South 1/4 of the Northeast 1/4 of said Section 28; thence run South 89°24'16" West along the North line of said South 1/4 for a distance of 1335.19 feet to a point on a non-tangent curve concave Westerly having a radius of 270.00 feet and a chord bearing of South 01°23'58" West and the Point of Beginning; thence run Southerly along the arc of said curve through a central angle of 23°36'59" for a distance of 111.29 feet to the point of compound curvature of a curve concave Northwesterly having a radius of 25.00 feet and a chord bearing of South 63°07'26" West; thence run Southwesterly along the arc of said curve through a central angle of 99°49'56" for a distance of 43.56 feet to the point of reverse curvature of a curve concave Southerly having a radius of 1750.00 feet and a chord bearing of North 87°56'35" West and the North right of way line of Hook Street, as described in Official Records Book 2010, Page 316, of the Public Records of Lake County, Florida; thence run Westerly along said North right of way line and the arc of said curve through a central angle of 41°57'58" for a distance of 1281.78 feet to a non-radial line and the East right of way line of an Unnamed right of way, according to the plat of LAKE HIGHLANDS COMPANY, as recorded in Plat Book 2, Page 28, of said Public Records; thence run North 00°10'52" East along said East right of way line for a distance of 718.43 feet to the South right of way line of State Road Number 50; thence run North 89°24'19" East along said South right of way line for a distance of 1127.57 feet; thence run South 89°29'29" East along said South right of way line for a distance of 150.11 (120.11) feet to the West line of the East 60 feet of Tract 19, of said LAKE HIGHLANDS COMPANY; thence run South 00°26'52" West along said West line for a distance

of 445.90 feet to the point of curvature of a curve concave Easterly having a radius of 280.00 feet; thence run Southerly along the arc of said curve through a central angle of 15°45'47" for a distance of 77.03 feet to the point of tangency; thence run South 15°18'56" East for a distance of 105.46 feet to the point of curvature of a curve concave Westerly having a radius of 270.00 feet and a chord bearing of South 12°51'43" East; thence run Southerly along the arc of said curve through a central angle of 04°54'24" for a distance of 23.12 feet to the Point of Beginning.

LESS AND EXCEPT therefrom that parcel conveyed by Maynard K. Knapp, individually and as Trustee to Akram Ismail, M.D., by Special Warranty Deed recorded April 17, 2015, in Official Records Book 4613, Page 945, described as follows: A portion of the Southwest 1/4 of the Northeast 1/4 of Section 28, Township 22 South, Range 26 East, Lake County, Florida, described as follows: Commence at the Northeast corner of said Section 28; thence S01°07'06"W along the East line of said Northeast 1/4, a distance of 1372.13 feet to a point; thence N89°06'23"W, a distance of 1322.25 to a point on the South right-of-way line of State Road No. 50. (Right-of-Way varies per Right-of-Way Map Section 11070); thence continue N89°06'23"W, a distance of 60.00 feet to the POINT OF BEGINNING; thence S00°51'39"W, along the West right-of-way line of Miss Florida Avenue (ORB 2345, Page 748), also being parallel to and 60.00 feet West of the East line of said Southwest 1/4 of the Northeast 1/4 of Section 28 and the East line of Tract 19 of Lake Highlands Company, according to the Plat thereof as recorded in Plat Book 2, Page 28, of the Public Records of Lake County, Florida, a distance of 369.94 feet to a point; thence N89°08'21"W, a distance of 291.58 feet to a point; thence N00°51'39"E, a distance of 230.29 feet to a point; thence S89°08'21"E, a distance of 64.35 feet to a point; thence N00°51'39"E, a distance of 139.00 feet to a point on the South line of an unnamed unimproved street, also being the North line of said Tract 19; thence N89°50'25"E, along the North line of said Tract 19, a distance of 42.23 feet to a point on said South right-of-way line of State Road No. 50; thence S89°06'23"E, along said South right-of-way line of State Road 50, a distance of 185.01 feet to the POINT OF BEGINNING.

Containing 744,665 Sq. Ft. of 17.100 Acres more or Less.

PARCEL 2 (EASEMENT ESTATE)

Together with that certain Non-Exclusive Ingress-Egress Easement granted by Akram Ismail to Maynard K. Knapp, Trustee, to Reciprocal Easement Agreement recorded April 17, 2015, in Official Records Book 4613, Page 948, Public Records of Lake County, Florida.

PARCEL 3 (SOUTHERN PORTION)

Tract 29 and Tract 30, as shown on the Lake Highlands Company Plat of Section 28, Township 22 South, Range 26 East, recorded in Plat Book 2, Page 28, of the Public Records of Lake County, Florida; Less that portion lying within and North of the Right of Way for Hook Street.

SECOND SURVEY

That portion of the north/south roadway between Tracts 20, 21, 28, and 29 as shown on the Lake Highland's Company plat of Section 28, Township 22 South, Range 26 East, recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida; lying northerly of Hook Street, and southerly of State Road No. 50, being

more particularly described as follow: Commence at the NE corner of Section 28, Township 22 South, Range 26 East, Lake County, Florida, thence S 0°17'37" W, a distance of 1372.13 feet; thence N 89°55'52" W, a distance of 1322.25 feet to a point on the south right of way line of State Road No. 50 (a variable width public right of way); thence the following four (4) courses and distances along said south right of way line, continue N 89°55'52" W, a distance of 60.00 feet; thence N 89°27'07" W, a distance of 184.98 feet; thence S 89°30'08" W, a distance of 42.24 feet; thence S 89°24'19" W, a distance of 1020.48 feet to the point of beginning; thence departing said south right of way, run S 00°14'51" W, along the west line of Tracts 20 and 29, a distance of 718.43 feet to a point on the northerly right of way line of Hook Street (A 100 foot wide public right of way) said point also being on a non-tangent curve, concave southeasterly, and having a radius of 1750.00 feet; thence southwesterly along the arc of said curve, through a central angle of 01°02'34", a distance of 31.85 feet, said curve being subtended by a chord bearing and distance of S 70°37'05" W, 31.85 feet; thence departing said north right of way line, run N 0°14'51" E, a distance of 728.72 feet to a point on the aforementioned southerly right of way line of State Road No. 50; thence N 89°28'03" E, along said north right of way line, a distance of 30.00 feet to the point of beginning.

Containing 0.50 acre, more or less

THIRD SURVEY

That portion of the north/south roadway between Tracts 28, and 29 as shown on the Lake Highland's Company plat of Section 28, Township 22 South, Range 26 East, recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida; lying northerly of Hook Street, and southerly of State Road No. 50, being more particularly described as follow: commence at the NE corner of Section 28, Township 22 South, Range 26 East, Lake County, Florida; thence S 0°17'37" W, a distance of 1372.13 FEET; thence N 89°55'52" W, a distance of 1322.25 feet to a point on the south right of way line of State Road No. 50 (A variable width public right of way); thence the following four (4) courses and distances along said south right of way line, continue N 89°55'52" W, a distance of 60.00 feet; thence N 89°27'07" W, a distance of 184.98 feet; thence S 89°30'08" W, a distance of 42.24 feet; thence S 89°24'19" W, a distance of 1020.48 feet; thence departing said south right of way, run S 00°14'51" W, along the west line of Tracts 20 and 29, a distance of 824.65 feet to a point on the southerly right of way line of Hooks Street (A 100 foot wide public right of way); thence departing said southerly right of way line, run S 0°14'51" W, along the west line of said Tract 29, a distance of 473.42 feet to the southwest corner of said Tract 29; thence S 89°28'17" W, a distance of 30.00 feet to the southeast corner of aforementioned Tract 28; thence N 0°14'51" E, along the east line of said Tract 28, a distance of 462.39 feet to a point on the southerly right of way line of aforementioned Hook Street, said point also being on a non-tangent curve, concave southeasterly, and having a radius of 1650.00 feet; thence southwesterly along the arc of said curve, through a central angle of 01°06'54", a distance of 32.11 feet, to the point of beginning, said curve being subtended by a chord bearing and distance of N 69°22'29" E, 32.11 feet.

Containing 0.32 acres, more or less

FOURTH SURVEY

Tracts 21 and 28 as shown on the Lake Highland's Company plat of Section 28, Township 22 South, Range 26 East, recorded in Plat Book 2, Page 28, Public Records of Lake County, Florida; less that portion of Tract 28, lying south of Hook Street, (County District NO. 2-1346).

FROM C-2 General Commercial
TO Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Tuesday, April 5, 2016 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, April 26, 2016 at 6:30 p.m. for final enactment.

The April 5, 2016 meeting will be held at the Clermont City Center located at 620 West Montrose Street, Room B. The April 26, 2016 meeting will be held at City Hall, located at 685 W. Montrose Street.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
March 29 and April 12, 2016



AGENDA ITEM

Meeting Date		
Tuesday, May 10, 2016		
Agenda Item Name		
Variance Request <i>O'Brien</i>		
Requested Action		
Move to deny the variance request.		
Staff Report		
The owners, Frederick and Mary O'Brien, are requesting the following variance to the land development code (LDC): (1) To allow for a side yard setback of 7.5 feet instead of 9 feet as required by the LDC, Section 122-105 (2). The owners are requesting a variance to the LDC in order to construct a garage adjacent to an existing home located at 1629 Morning Drive. The home was constructed on the lot in 1960. The lot is approximately 102 feet wide by 138 feet deep. The owners wish to construct a 16-foot-wide by 32-foot-deep attached garage that will be accessed from Morning Drive. The property is zoned R-1-A, which has a 9-foot side property line setback. The owners are requesting a variance to allow placement of the garage 7.5 feet from the side property line. The home has an existing carport that was converted into a garage. The owners wish to build additional garage space to use for parking vehicles that normally park in this area. Section 86-174 of the LDC requires a positive finding on eight criteria in order to grant a variance, and staff believes that three of the eight do not meet these findings. Therefore, staff recommends denial of the variance.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Review criteria and findings	O'Brien Review Criteria and Finding.docx	
2. Site Photos	Site Photos.pdf	
3. Exhibits	O'Brien Exhibits.pdf	
4. Application	Application.pdf	
5. Legal ad	VAR Legal AD O'Brien.docx	

O'Brien Variance

The requirements for a variance are as follows:

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

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

FINDINGS:

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

Applicant response: Home is existing that cannot be moved.

Staff comments: This parcel has double road frontage and is sufficient in size to add another garage behind the residential structure and meet setbacks. No special conditions exist other than the applicant wants to attach the garage to the existing garage and in the location where they currently park.

Negative finding

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

Applicant response: The owner does have an interest in the property.

Staff comments: This variance request was a result of the applicant wanting to add a garage to the property. The applicant does have an interest in the property.

Negative finding

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

Applicant response: Other homes on the street have garages.

Staff comments: The applicant could place the garage behind the home and meet the required setbacks.

Negative finding

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

Applicant response: The cost of adding the garage increases value.

Staff comments: No evidence of decreased costs due to the variance requests.

Positive finding

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

Applicant response: Yes

Staff comments: It appears that the applicant is using this area next to the home to park vehicles. The desire to place the garage in this location and park the vehicles inside the garage is understandable. The applicant's request for the variance seems to be the minimum variance necessary to make the reasonable use of the land since it is used for parking now.

Positive finding

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

Applicant response: Other property owners have received variances for property setbacks.

Staff comments: The City Council has granted similar variance requests in the past for side setbacks that are being sought by the applicant.

Positive finding

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

Applicant response: No, the value of the property will be increased.

Staff comments: The proposed variance does not seem to substantially diminish property values or alter the essential character of the area.

Positive finding

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

Applicant response: The addition of the garage will match the existing home.

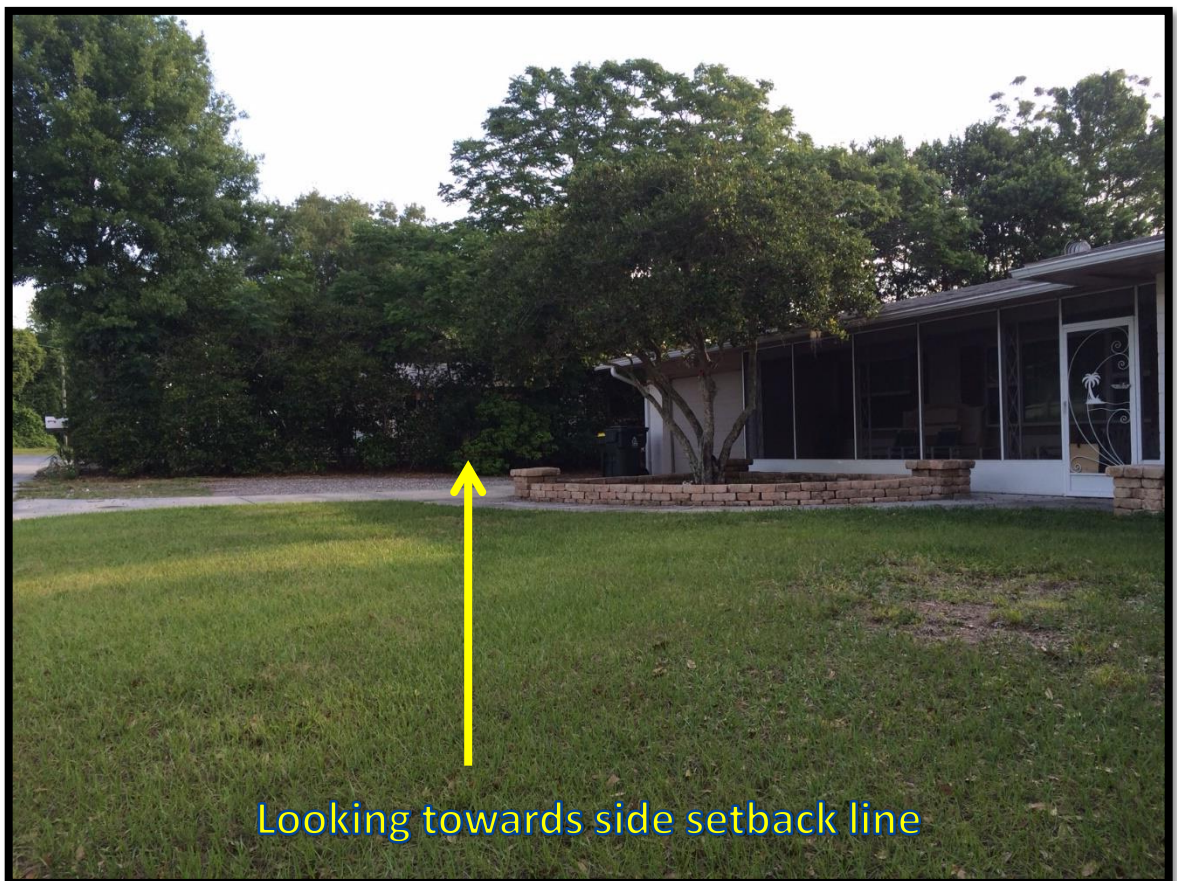
Staff comments: Staff feels that granting the variances will be in harmony with the general intent and purpose of the land development code.

Positive finding

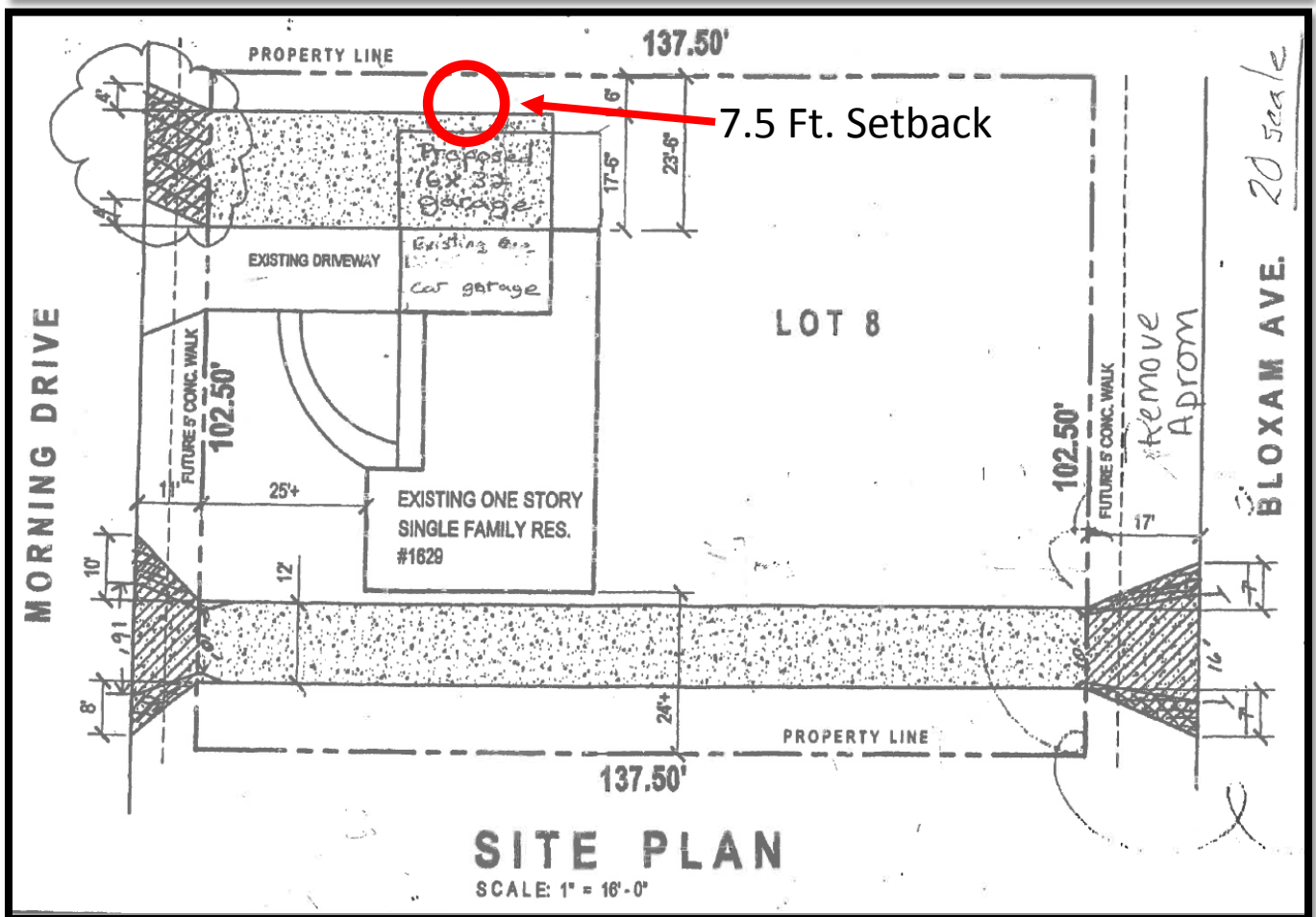
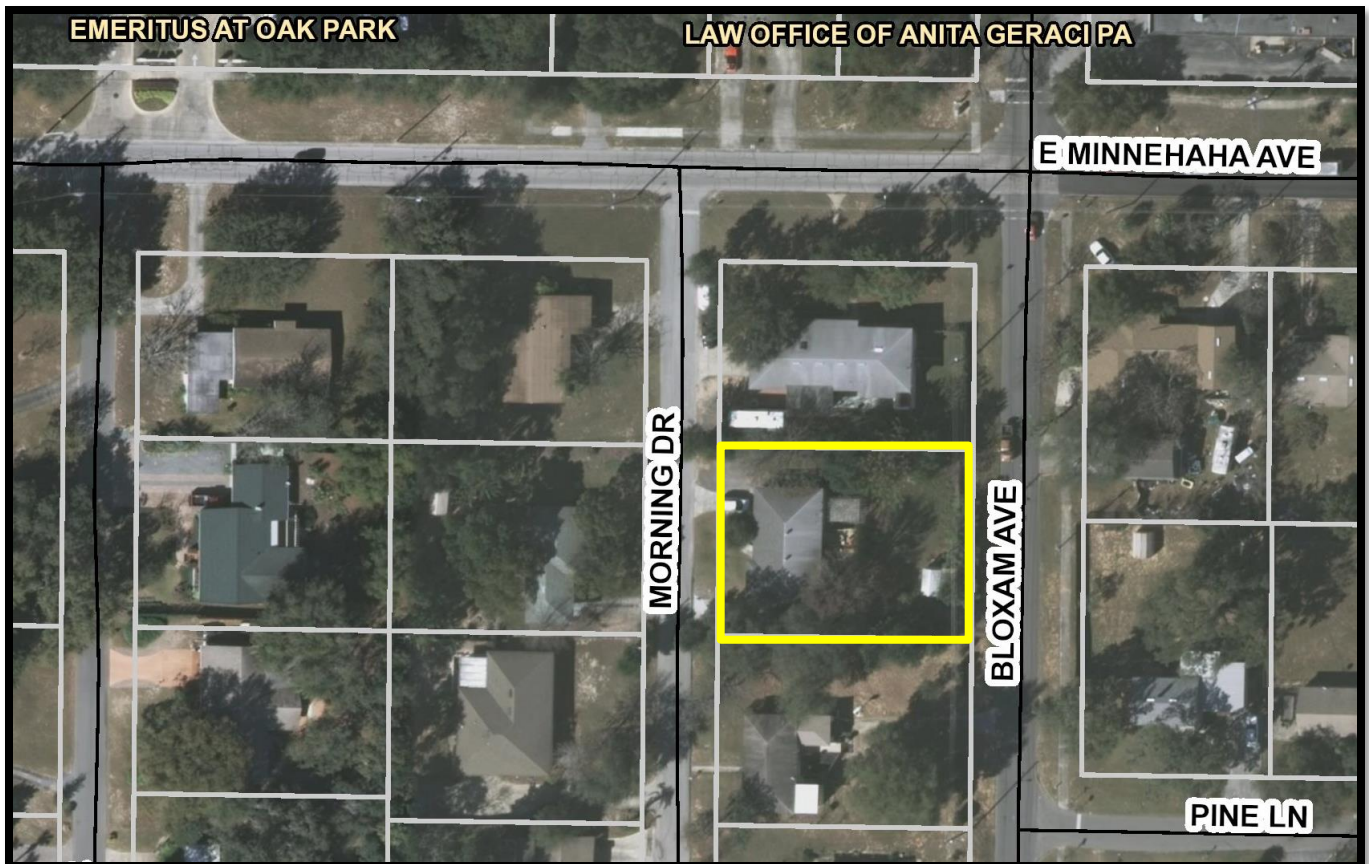
STAFF RECOMMENDATION:

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

O'Brien Variance



O'Brien Variance





CITY OF CLERMONT
VARIANCE
Application

DATE: _____

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): O'Brien Attached Garage

APPLICANT: Mark Brackert

CONTACT PERSON: Mark Brackert

Address: 114 W. Osceola CT.

City: Minneola State: FL Zip: 34715

Phone: 352.408.9966 Fax: _____

E-Mail: BrackertConstruction@gmail.com

OWNER: Frederick & Mary O'Brien

Address: 1629 Morning Dr.

City: Clermont State: FL Zip: 34711

Phone: _____ Fax: _____

Address of Subject Property: 1629 Morning Drive

General Location: Second lot Southeast of the
Intersection of Morning Drive & E. Minnehaha Ave.

Legal Description (include copy of survey): Alta Vista Lot 8, PB12 PG 3
AK 1616972

Land Use (City verification required): Low Density Residential

Zoning (City verification required): R-1-A

May 10



CITY OF CLERMONT
VARIANCE
Application
Page 2

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
122-105 (2) SIDE YARD SETBACK OF 9 feet

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

ADD AN ATTACHED GARAGE TO EXISTING HOME. THE GARAGE WOULD HAVE A 7.5' SETBACK TO ALLOW GARAGE.

How does the Code create a hardship?

THE ADDITION OF THE GARAGE ADDS CONVENIENCE & VALUE TO THE OWNER. THE 1.5' ENCROACHMENT WOULD BE VERY SMALL.

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

Variance requested – subject and code section: 122-105 (2) SIDE YARD SETBACK.

Sec. 86-174. Review criteria and findings.

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

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

HOME IS EXISTING THAT CAN NOT BE MOVED

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

THE OWNER DOES HAVE AN INTEREST IN THE PROPERTY.



CITY OF CLERMONT

VARIANCE

Application

Page 3

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

Other homes on the STREET HAVE GARAGES.

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

THE COST OF ADDING THE GARAGE INCREASES VALUE.

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

YES.

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

Other property owners have RECEIVED VARIANCES FOR property setback.

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

NO, the value of the property will be INCREASED.



CITY OF CLERMONT
VARIANCE
Application
Page 4

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

The addition of the garage will match the
existing home.

Mark Bracker
Applicant Name (print)

x [Signature]
Applicant Name (signature)

Frederick C Brown
Owner Name (print)

x [Signature]
Owner Name (signature)

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

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

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

PROPERTY RECORD CARD

General Information

Owner Name:	O'BRIEN FREDERICK J & MARY E	Alternate Key:	1616972
Mailing Address:	772 DUTCH HILL RD PINE CITY, NY 14871 Update Mailing Address ⓘ	Parcel Number:	30-22-26- 020000000800
		Millage Group and City:	000C (Clermont)
		Total Millage Rate:	18.65210
		Trash/Recycling/Water/Info:	My Public Services Map ⓘ
Property Location:	1629 MORNING DR CLERMONT FL 34711 Update Property Location ⓘ	Property Name:	-- Submit Property Name ⓘ
		School Locator:	School and Bus Map ⓘ
Property Description:	CLERMONT, ALTA VISTA LOT 8 PB 12 PG 3 ORB 4624 PG 1427		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SINGLE FAMILY (0100)	0	0		1	LT	\$0.00	\$25,075.00

Residential Building(s)

Building 001

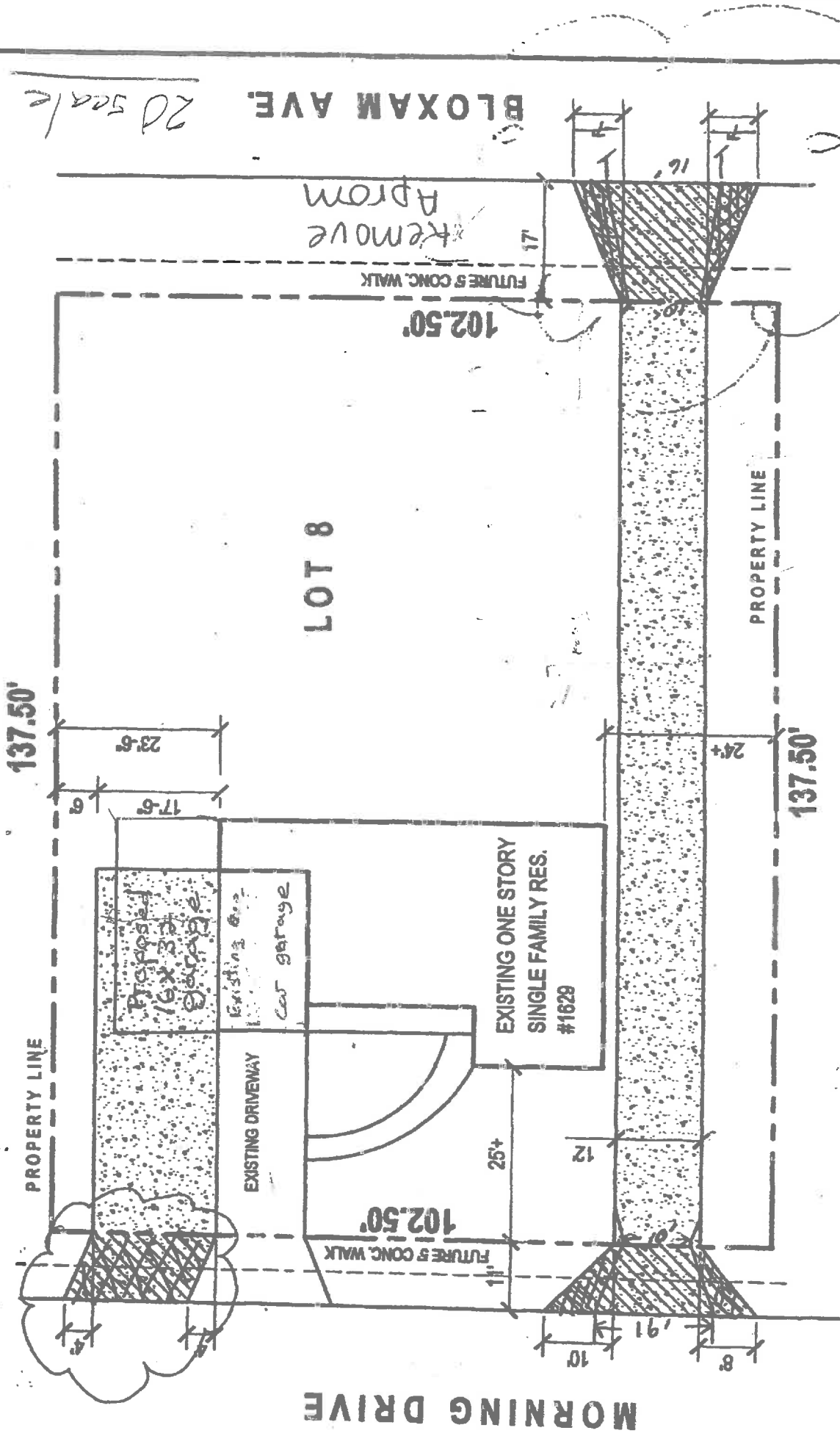
Residential	Single Family	Building Value: \$49,160.00					
Summary							
Year Built: 1960		Total Living Area: 1289		Central A/C: No		Attached Garage: No	
Bedrooms: 2		Full Bathrooms: 2		Half Bathrooms: 0		Fireplaces: 0	
Incorrect Bedroom, Bath, or other information? Click here to Update My Information.							
Section(s)							
Section No.	Section Type	Ext. Wall Type	No. Stories	Floor Area	Finished Attic	Basement	Basement Map Finished Color
1	FINISHED LIVING AREA (FLA)	Block (002)	1	1289	N	0%	0%
2	UTILITY / STORAGE (SBF)	Block (002)	1	84	N	0%	0%
3	CARPORT (CPF)	No Wall Type (000)	1	300	N	0%	0%
4	OPEN PORCH (OPF)	No Wall Type (000)	1	135	N	0%	0%



HATCHED AREA TO BE PER
CITY OF CLERMONT'S PAVED
DRIVEWAY AND SIDEWALK CONST.
DETAILS (SEC. 110-274)



SINGLE HATCH TO BE PROPOSED
4" REINF., 3000 PSI. CONC. 3/4" COLD
JOINTS @ 10' INTERVALS



MORNING DRIVE

BLOXAM AVE.

LOT 8

SITE PLAN

SCALE: 1" = 16'-0"

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variance: (1) to allow for a side yard setback of 7.5 feet instead of 9 feet as required by the Land Development Code, Section 122-105 – (2) Yards, at the following location:

LOCATION:

1629 Morning Drive
(Alt. Key 1616972)

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, May 10, 2016 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
May 3, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 10, 2016		
Agenda Item Name		
Variance Request <i>A-Pawn USA</i>		
Requested Action		
Move to deny the variance request.		
Staff Report		
The owner is requesting a variance for an addition to a commercial building located at 811 East Highway 50. The proposed addition will allow an 835-square-foot coffee shop to be added to the west end of the commercial building. The proposed addition will have an 11.8-foot setback from Millholland Street. Per City code, this setback is required to be a minimum of 25 feet. Section 86-174 of the land development code requires a positive finding on eight items in order to grant a variance, and staff believes that five of the eight do not meet these findings. Therefore, staff recommends denial of the variance request.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Findings	Findings.docx	
2. Location Map	Location Map.docx	
3. Site Plan	Site Plan 2.pdf	
4. Application	Application.pdf	
5. Legal ad	2016 VAR Legal AD.docx	

A-Pawn USA Variance

The requirements for a variance are as follows:

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

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

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: The existing building built in 1933, is bordered by road right-of-ways on all sides of the property and was developed to function as a gas station. The gas station use no longer exists and the setbacks create constraints for redevelopment into an efficient retail building.

Staff comments: The applicant’s building size and required parking are contributing factors for the variance request. The current building fits the parcel as it is within code requirements.

Negative finding

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

Staff comments: The building addition being proposed by the applicant is creating the need for the variances.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: We believe the existing site has constraints unlike other properties in the same zoning district. The site is bordered by right-of-way on all sides, and has constraints to create an efficient redevelopment.

Staff comments: Staff does not feel a hardship has been presented in this case.

Negative finding

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

Staff comments: No evidence of decreased costs due to the variance requests.

Positive finding

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

Applicant response: *We believe the requested variance is the minimum variance necessary for developing the property as shown in the submitted concept plan.*

Staff comments: *The land is already developed and functional under the current code.*

Negative finding

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

Applicant response: *We understand that the variance requested is only tied to the subject property due to the existing conditions and constraints.*

Staff comments: *The City Council has granted similar variance requests in the past.*

Positive finding

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

Applicant response: *It is our opinion that the proposed variance will not substantially diminish property value in or alter the essential character of the surrounding the site. Redevelopment is intended to enhance the original gas station building constructed in 1933.*

Staff comments: *The proposed variance does not appear to diminish property values or alter the essential character of the area. The property is surrounded by commercial uses on all sides.*

Positive finding

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

Applicant response: *Due to the large right-of-way adjacent to the property, we believe the requested variance will be in harmony with the existing condition of the site and not be injurious to the surrounding properties.*

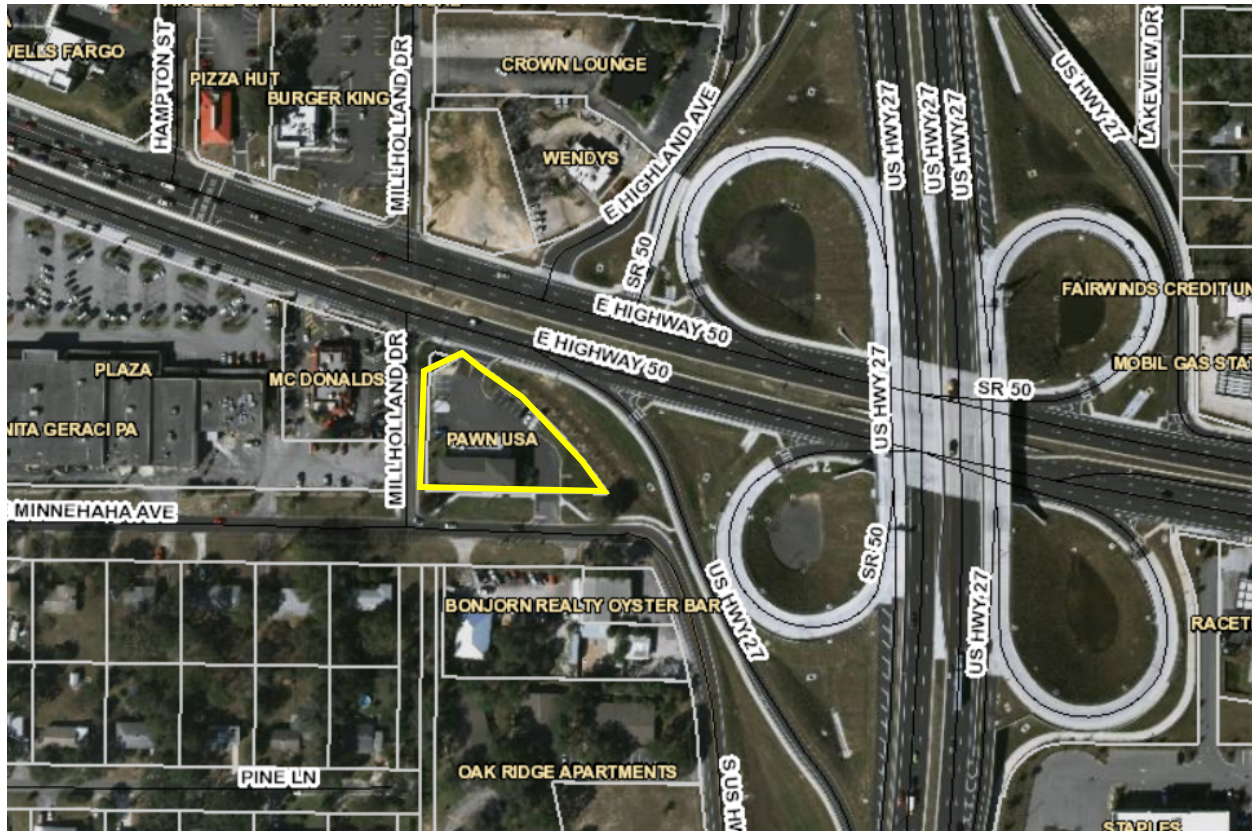
Staff comments: *Staff feels that granting the variance will not be injurious to the surrounding properties, however, staff feels this request is not in harmony with the general intent of the land development code.*

Negative finding

STAFF RECOMMENDATION:

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

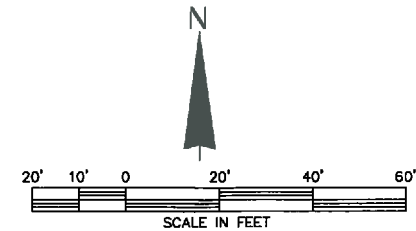
Location Map:



View from Minnehaha Ave. looking north to Hwy. 50.



CONCEPT PLAN
NOT FOR CONSTRUCTION OR PERMITTING
03-31-16



SITE DATA TABLE

- SITE AREA:** = 28,314 SF (0.65 ACRES)
- SITE LOCATION:**
SECTION 30, TOWNSHIP 22 E, RANGE 26 S
- PROPERTY DESCRIPTION:**
CURRENT CONDITION: DEVELOPED
- BUILDING SETBACK:**

REQUIRED	
NORTH	50' (SR 50)
SOUTH	25' (MINNEHAHA AVENUE)
WEST	15' (MILLHOLLAND STREET)
EAST	15' (FRONTAGE ROAD)
- PARKING SPACE CALCULATIONS**

REQUIRED CODE	= 1 SPACE PER EVERY 200 SF (OFFICE)
	= 1 SPACE PER EVERY 100 SF (CAFE)
REQUIRED (RETAIL)	= 3,195 SF (EXISTING)
	= 3,195 SF X (1SPACE/200SF) = 16 SPACES
REQUIRED (CAFE)	= 835 SF (PROPOSED)
	= 835 SF X (1SPACE/100SF) = 9 SPACES
TOTAL REQUIRED	= 16 SPACES + 9 SPACES = 25 SPACES REQUIRED
PROVIDED	= 24 SPACES
	1 HANDICAP SPACE
TOTAL PROVIDED	= 25 SPACES

McDONALDS
(EXISTING-NOT INCLUDED)

MILLHOLLAND STREET
47' PLATTED R/W

N00°37'06"E 153.47'

N58°48'06"E 52.36'

OUTDOOR SEATING

BUILDING ADDITION
635 SF

EXISTING BUILDING
214 SF (1ST FLOOR)
214 SF (2ND FLOOR) (AND PLUMB)

N88°42'54"W 256.85'

EXISTING FIRE
HYDRANT

MINNEHAHA AVENUE
100' PLATTED R/W

D=24°57'58"
R=650.00'
L=283.23'

20' LANDSCAPE BUFFER

CONC
FLUME

EXISTING STORMWATER POND

CONCEPT PLAN
NOT FOR CONSTRUCTION OR PERMITTING
03-31-16

CONCEPT PLAN

A-PAWN USA
AND COFFEE SHOP

Germana Engineering
and Associates, LLC
© COPYRIGHT 2015
1120 W. MINNEHAHA AVENUE CLERMONT, FL 34711
Phone: (352) 242-9329
WWW.GERMANAENGINEERING.COM
CERTIFICATE OF AUTHORIZATION: 29279

SCALE 1"=20'

DATE
03/31/16

SHEET
CP-1



CITY OF CLERMONT
VARIANCE
Application

DATE: Mar 31, 2016

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): A-Pawn USA and Retail

APPLICANT: Germana Engineering and Associates

CONTACT PERSON: Christopher Germana

Address: 1120 W. Minneola Avenue

City: Clermont State: FL Zip: 34711

Phone: 352-242-9329 Fax: _____

E-Mail: cgermana@germanaengineering.com

OWNER: Lama Lo, LLC- Josh Barkan

Address: 11334 Lake Katherine Circle

City: Clermont State: Florida Zip: 34711

Phone: 724-513-6693 Fax: _____

Address of Subject Property: 811 East HWY 50

General Location: Located at the Southwest corner of SR 50 and
US 27. Bordered by Minnehaha Avenue to the south,
Millholland Street to the west and SR 50 to the north.

Legal Description (include copy of survey): See Attached

Land Use (City verification required): Commercial

Zoning (City verification required): C-2

May 10



CITY OF CLERMONT

VARIANCE

Application

Page 2

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
Section 122-226 - Building Setback

What are you proposing to do that would require a variance and why? The proposed building redevelopment would encroach into the 15' building side setback along Millholland Street.

How does the Code create a hardship? The right-of way for Millholland Street creates a hardship for the proposed building redevelopment.

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

Variance requested – subject and code section: Section 122-226 - Building Setback

Sec. 86-174. Review criteria and findings.

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

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

The existing building, built in 1983, is bordered by road right-of ways on all sides of the property and was developed to function as a gas station. The gas station use no longer exists and the setbacks create constrains for redevelopment into an efficient retail building.

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

The variance has not been created by any person presently having interest in the property.



CITY OF CLERMONT
VARIANCE
Application
Page 3

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

We believe that the existing site has constraints unlike other properties in the same zoning district. The 1983 building was originally a gas station. The site is bordered by road right-of way on all sides, and has a constraints to create an efficient redevelopment.

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

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

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

We believe the requested variance is the minimum variance necessary for developing the property as shown in the submitted concept plan.

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

We understand that the variance requested is only tied to the subject property due to the existing conditions and constraints.

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

It is our opinion that the proposed variance will not substantially diminish property value in, or alter the essential character of the area surrounding the site. Redevelopment is intended to enhance the original gas station building constructed in 1983.

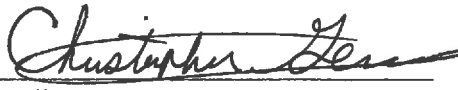


CITY OF CLERMONT
VARIANCE
Application
Page 4

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

Due to the large R/W adjacent to the property, we believe the requested variance will be in harmony with the existing condition of the site and not be injurious to the surrounding properties.

Christopher Germana
Applicant Name (print)

x 
Applicant Name (signature)

GIL MILLNER
Owner Name (print)

x 
Owner Name (signature)

Ass Lama lu LLC

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

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

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

PROPERTY RECORD CARD

General Information

Owner Name:	LAMA-LO LLC	Alternate Key:	1592712
Mailing Address:	11334 LAKE KATHERINE CIR CLERMONT, FL 34711 Update Mailing Address	Parcel Number:	30-22-26- 000100001700
		Millage Group and City:	000C (Clermont)
		Total Millage Rate:	18.65210
		Trash/Recycling/Water/Info:	My Public Services Map
Property Location:	811 EAST HIGHWAY 50 CLERMONT FL 34711 Update Property Location	Property Name:	PAWN USA Submit Property Name
		School Locator:	School and Bus Map
Property Description:	BEG AT INTERSECTION OF N'LY R/W LINE OF MINNEHAHA AVE & E'LY R/W LINE OF MILLHOLLAND ST, N 0-0-0 E ALONG E'LY R/W LINE 153.47 FT, N 58-12-0 E 52.36 FT TO SW'LY R/W LINE OF SR 25, ALSO BEING A POINT ON A CURVE, THENCE ALONG SAID SW'LY R/W ON A CURVE CONCAVE SW'LY, HAVING A RADIUS OF 650 FT, A CENTRAL ANGLE OF 24-57-58 & A CHORD BEARING OF S 49-04-52 E, THENCE ALONG THE ARC OF THE CURVE A DIST OF 283.23 FT TO A POINT ON N'LY R/W LINE OF MINNEHAHA AVE, S 89-20-20 W 256.85 FT TO POB ORB 4172 PG 236		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	STORE 1 STORY FREE STANDING (1100)	0	0		29583	SF	\$0.00	\$236,664.00

Commercial Building(s)

Building 1

Commercial	Building Value: \$211,210.00							
Summary	Section(s)							
Year Built: 1983	Section No.	Section Type	Wall Height	No. Stories	Ground Floor Area	Basement	Basement Finished	Map Color
Total Square Footage: 3330								
Full 1	1	FINISHED LIVING AREA	10	1	1800	0%	0%	

A—PAWN USA (LEGAL DESCRIPTION)

That part of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 22 South, Range 26 East in the City of Clermont, Florida, Bounded and Described as follows:

Begin at the intersection of the North line of the Right of Way of Minnehaha Avenue with the East line of the Right of Way of Millholland Street as shown on the Official Plat of the City of Clermont, Recorded in Plat Book 8, Pages 17 to 23, inclusive, Public Records of Lake County, Florida; Thence run North along the East line of the Right of Way of Millholland Street a distance of 153 feet; Begin again at the Point of Beginning; Thence run East along the North line of the Right of Way of Minnehaha Avenue to a point of intersection with the Southwesterly line of the Right of Way of State Roads 25 and 50; Thence run in a Northwesterly direction along the Southwesterly line of the Rights of Way of State Roads 25 and 50, a distance of 285.5 feet; Thence run in a Southwesterly direction along a straight line to intersect the line described above.

Subject to all Easements, Rights of Way and Restrictions of Records, if any.

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variance: (1) to allow a secondary front setback of 11.8 feet rather than 25 feet as required by the Land Development Code, Section 122-226, at the following location:

LOCATION:

811 East Highway 50

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, May 10, 2016 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
May 3, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, May 10, 2016	
Agenda Item Name	
Variance Request VFW	
Requested Action	
Move to approve variance request.	
Staff Report	
The applicant, the Veterans of Foreign Wars (VFW) Post 5277, is requesting the following three variances to the land development code (LDC): (1) To allow grassed parking as an alternative surfacing material instead of as required by the LDC Section 98-4 (2) To allow for a vehicular access point of 12 feet rather than 24 feet as required by the LDC Section 98-9 (3) To allow for the elimination of a perimeter landscape buffer as required by the LDC Section 118-17. The VFW is proposing to update their site by creating off-street parking on their parcel. The proposed parking will be placed behind their building located at 855 West Desoto Street. The building was constructed in 1945, prior to many current codes. The VFW has found themselves in need of accommodating more of their handicapped veterans who need to access the lower level of the building. This is a very difficult task because access to the lower level is only through the sloped terrain beside the building. In order to facilitate this redevelopment, they are requesting three variances. The first variance request is to allow for grass parking. The VFW is proposing to stabilize a driveway sloping down toward the rear to their building. The remaining area for parking stalls will remain as is with grass cover. The second variance is to allow for a driveway access to be 12 feet in width. City code calls for a 24-foot driveway for their site because of the two-way access point. Because the parking lot will be small in size, the applicant does not wish to construct any more than necessary and has indicated that the 12-foot driveway will more than serve their needs with a small parking lot. The final variance request is to allow for the elimination of the required perimeter landscape buffer. When a parking lot is constructed, City code calls for a perimeter buffer around the parking lot. The applicant is proposing to plant a partial buffer, but this proposed buffer will not be installed until a later date, and it will not meet full code requirements. Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes all eight meet these findings. Therefore, staff recommends approval of the variance requests.	
Additional Analysis	
Fiscal Impact Summary	

Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Findings	Findings.docx	
2. Location Map	Location Map.docx	
3. Site Plan	VFW 2016 Site Plan.pdf	
4. Application	VFW VAR Application.pdf	
5. Legal ad	VAR Legal AD VFW.docx	

The requirements for a variance are as follows:

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

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

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: This building constructed in 1945, occupied by the VFW in Jan 1946, prior to current zoning changes. The current adjustment to access the rear parking of the post were due to accommodate local residents in Clermont, and address local complaints.

Staff comments: This building was constructed into the slope of the topography on the lot. A parking lot was not considered as a requirement when the building was constructed.

Positive finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: No, the current property has been owned by the VFW for 70 years.

Staff comments: The current commanders of the VFW did not create this site that does not have any parking on site. They are attempting to correct a situation for the better by offering off-street parking.

Positive finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: THE majority membership of the VFW Post 5277, are disabled or handicapped Combat Veterans, that are significantly older, and require access to the rear of the building for VFW functions.

Staff comments: Other nearby parking lots have been granted the same permission to use grass parking.

Positive finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
Applicant response: While cost is a small factor, the driving factor is access for older Disabled & Handicapped Combat Veterans, and an effort to accommodate the local residents in Clermont, who have filed complaints about parking access along Center Lake.

Staff comments: The site was already developed to meet a previous code requirement, the current applicant is attempting to comply with the current code requirements and install off-street parking.

Positive finding

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

Applicant response: Yes, we are requesting the minimum variance necessary to accomplish the requirements to accomplish access for the Disabled Veterans, while following the ADA.

Staff comments: The applicant's request for the variances seems to be the minimum variances necessary to make reasonable use of the land.

Positive finding

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

Applicant response: No, granting this variance does not confer any special privilege.

Staff comments: The City Council has granted similar variance requests in the past for nearby parcels.

Positive finding

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

Applicant response: No, this will not diminish or remove any current access to Center Lake, or alter any value.

Staff comments: The proposed variances do not seem to substantially diminish property values or alter the essential character of the area.

Positive finding

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

Applicant response: Yes, this variance will not impact the general intent of the local area or impact the immediate surrounding properties.

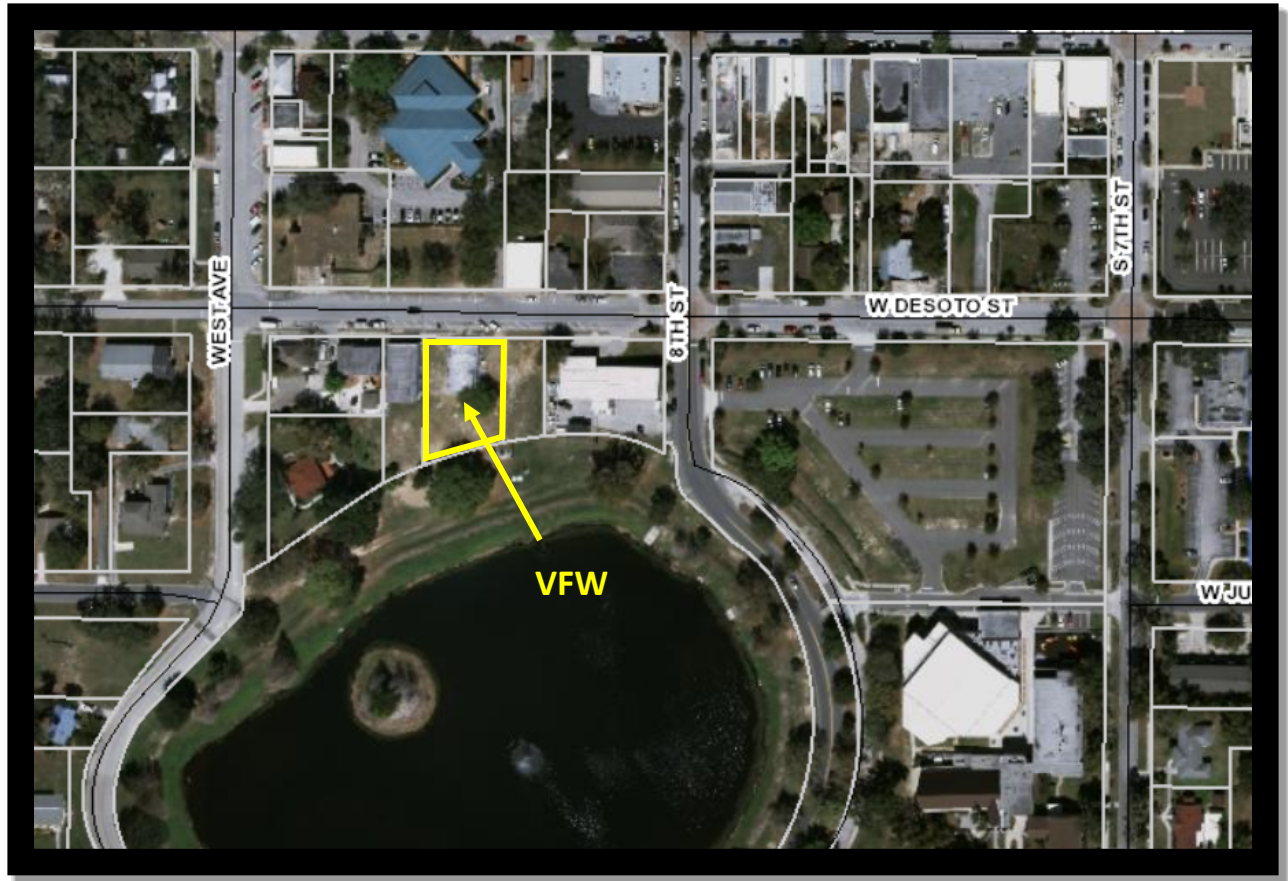
Staff comments: Staff feels that granting the variances will be in harmony with the general intent and purpose of the land development code.

Positive finding

STAFF RECOMMENDATION:

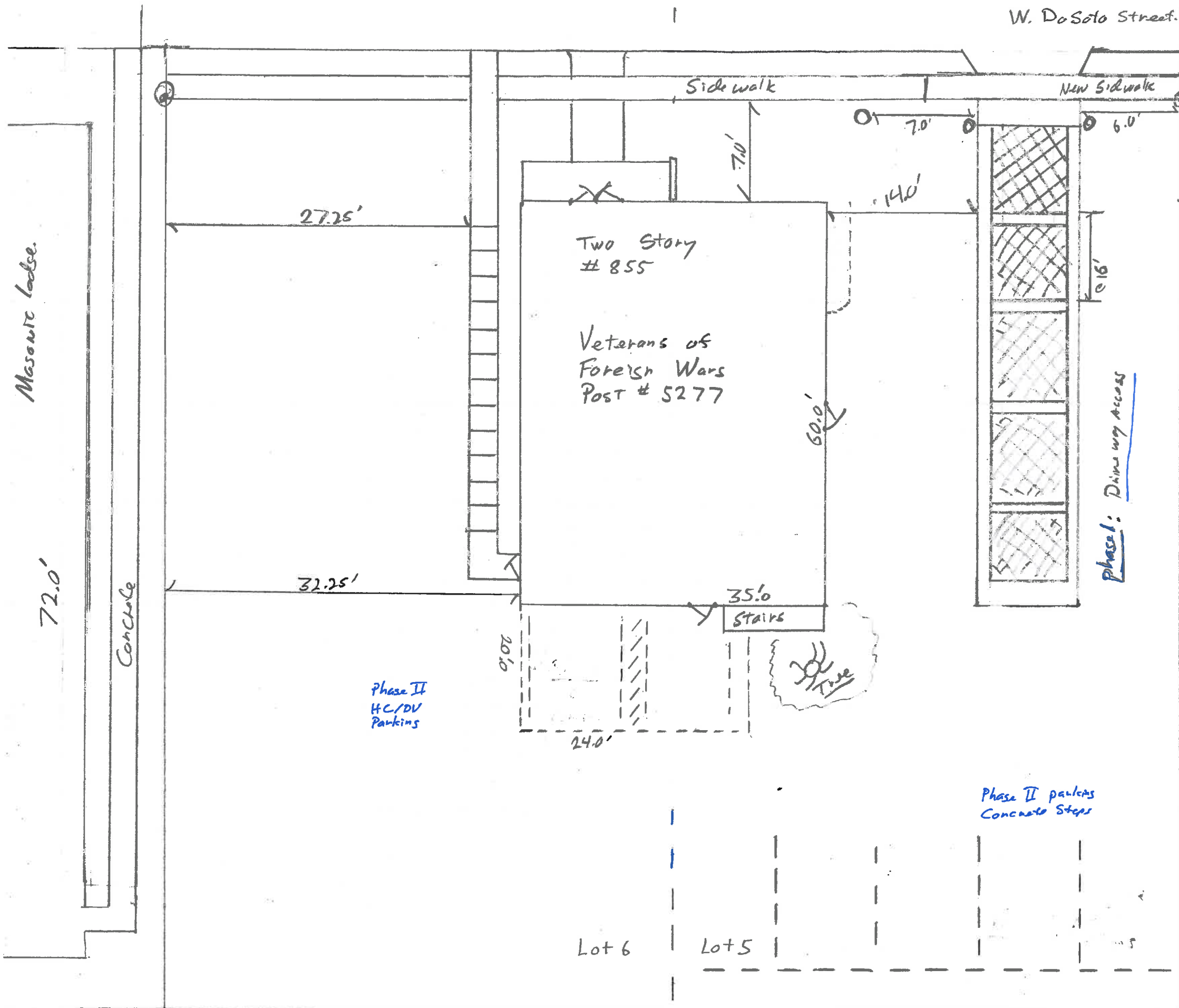
Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes all eight meet these findings. Therefore, staff recommends **approval** of the variance requests by the applicant to the Clermont Land Development Code.

Location Map:



855 West Desoto St.





Note: Open County Lot 4
- VFW Has made Inquiries.
- Intend to Request Donation By Lake County

VFW POST 5277
855 West Desoto Street

Phase 1: Drive Way Access

- One (1) Foot Concrete Boarder, with footer, rebar with rebar ties, 4000 PSI Concrete
- Grass Pavers on the interior of Concrete Boarder

Phase 2: Disabled Veteran (DV)/Access/Handicapped (HC) Parking & Parking Stops

- DV/HC Access Parking:
 - One (1) Foot Concrete Footer, with concrete or Concrete Pavers & Parking Stops & DV/HC Signage
 - Parking stops, three feet from the VFW Property line to the rear, facing Center Lake. (see diagram)

Variance:

- Request Grass Parking
- Request Variance; for 12 Foot, secured private drive way, for VFW parking, and special event (monitored parking)
- Request Variance: for only indigenous plants that do not require a sprinkler system; after phase II.



CITY OF CLERMONT
VARIANCE
Application

DATE: 11 April 2016

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): _____

APPLICANT: Veterans of Foreign Wars, VFW Post 5277

CONTACT PERSON: Robert Farrell

Address: 855 W. Desoto Street

City: Clermont State: Florida Zip: 34711

Phone: 352-394-5224 Fax: _____

E-Mail: _____

OWNER: Veterans of Foreign Wars, VFW Post 5277

Address: 855 W. Desoto Street

City: Clermont State: Florida Zip: 34711

Phone: _____ Fax: _____

Address of Subject Property: 855 W. Desoto Street

General Location: West Desoto Street, and Center Lake

Legal Description (include copy of survey): _____

Clermont Lots 5, 6, BLK 90 PB8, Pg 17

Land Use (City verification required): Non-Profit 501(C) 3

Zoning (City verification required): _____



CITY OF CLERMONT

VARIANCE

Application

Page 2

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief: VFW Post 5277, working in coordination with the City of Clermont, seeks to mitigate some of the access issues around Center Lake, and the Pack of our VFW Post, while providing Disabled Veterans Access.

What are you proposing to do that would require a variance and why? 1) Request Grass Parking
2) 12 Foot secured VFW driveway to the east side of the bldg, and access to the back of the VFW post,
3) Landscape, after phase II, for only local indigenous plants that do not require a sprinkler system

How does the Code create a hardship? The building the VFW post owns was built in 1945, and predates most building codes, additionally, all funds required for this project will be diverted from operating funds for the post to assist veterans in Clermont, and the local area.

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

Variance requested – subject and code section: _____

Sec. 86-174. Review criteria and findings.

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

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

This building constructed in 1945, occupied by the VFW in Jan 1946, prior to current zoning changes. The current adjustment to access to the rear parking of post were due to accommodate local residents in Clermont, and address local complaints.

(2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
No, the current property has been owned by the VFW for 70 years.



CITY OF CLERMONT

VARIANCE

Application

Page 3

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

The majority membership of the VFW Post 5277, are disabled or handicapped Combat Veterans, that are significantly order, and required access to the rear of the building for VFW functions.

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

While cost is a small factor, the driving factors is access for older Disabled & Handicapped Combat Veterans, and an effort to accommodate the local residents in Clermont, who have filed complaints about parking access along Center Lake.

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

yes, we are requesting the minimum variance necessary to accomplish the requirements to accomplish access for the Disabled Veterans, while following the ADA.

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

No, granting this variance does not confer any special privilege.

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

No, this will not diminish or remove any current access to Center Lake, or alter any value.

PROPERTY RECORD CARD

General Information

Owner Name:	VETERANS OF FOREIGN WARS INC POST #5277	Alternate Key:	1614945
Mailing Address:	855 W DESOTO ST CLERMONT, FL 34711 Update Mailing Address	Parcel Number:	24-22-25-010009000500
		Millage Group and City:	00C1 (Clermont)
		Total Millage Rate:	18.65210
		Trash/Recycling/Water/Info:	My Public Services Map
Property Location:	855 WEST DESOTO ST CLERMONT FL 34711 Update Property Location	Property Name:	-- Submit Property Name
		School Locator:	School and Bus Map
Property Description:	CLERMONT LOTS 5, 6, BLK 90 PB 8 PG 17		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	CLUB, LODGE, UNION HALL (7700)	0	0		12500	SF	\$0.00	\$237,500.00

Commercial Building(s)

Building 1

Commercial	Building Value: \$39,873.00							
Summary	Section(s)							
Year Built: 1950	Section No.	Section Type	Wall Height	No. Stories	Ground Floor Area	Basement	Basement Finished	Map Color
Total Square Footage: 2040	1	FINISHED LIVING AREA (FLA)	8	1	2040	50%	0%	
Full Bathrooms: 0								
Half Bathrooms: 4		Interior Finish (77C)			Percent 100.00 %	Sprinkler No		A/C Yes
Elevators: 0								
Elevator Landings: 0								
Escalators: 0								
Residential Units: 0								
Kitchens: 0								
Fireplaces: 0								



CITY OF CLERMONT

VARIANCE

Application

Page 4

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

Yes, this variance, will not impact the general intent of the local area or impact the immediate surrounding properties.

Robert J Farrell
Applicant Name (print)

X [Signature]
Applicant Name (signature)

Robert J Farrell
Owner Name (print)

X [Signature]
Owner Name (signature)

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

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

City of Clermont

Development Services Department.

685 W. Montrose St.

P.O. Box 120219

Clermont, FL. 34712-021 9

(352) 394-4083 Fax: (352) 394-3542

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variances: (1) to allow grassed parking as an alternative surfacing material instead of as required by the Land Development Code, Section 98-4, (2) to allow for a vehicular access point of 12 feet rather than 24 feet as required by the Land Development Code, Section 98-9, and (3) to allow for the elimination of a perimeter landscape buffer as required by the Land Development Code, Section 118-17; at the following location:

LOCATION:

855 West Desoto Street

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, May 10, 2016 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
May 3, 2016



AGENDA ITEM

Meeting Date		
Tuesday, May 10, 2016		
Agenda Item Name		
Ordinance No. 2016-18 <i>Introduction</i> <i>WaterBrooke Annexation</i>		
Requested Action		
Move to introduce Ordinance 2016-18.		
Staff Report		
The applicant, Mattamy Homes, is requesting annexation of approximately 28.6 acres on the southwestern corner of the existing WaterBrooke project. The property is adjacent to the City limits on the east and fronts Hancock Road on the west. The property was previously in citrus production and currently is unimproved. The applicant desires to develop the property for residential use and to include it in the overall WaterBrooke project. The applicant is requesting City services. This request is being heard concurrently with requests for a large-scale comprehensive plan amendment and a rezoning to Planned Unit Development (PUD), incorporating conditions approved in the existing conditional use permit (CUP) 2015-24 for a PUD, approved in October 2015. The related request for a comprehensive plan amendment would change the future land use from Lake County's Regional Commercial designation to the City's Low Density Residential. The annexation would assign the default zoning in the City of Urban Estate Low Density Residential. Staff recommends approval of the annexation.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	ANN ORD 2016-18.doc	
2. Maps	WaterBrooke Maps 2016.pdf	
3. Site Plan	ANN Site plan.pdf	
4. Application	WaterBrooke annexation.pdf	
5. Legal ad	ANN legal ad WaterBrooke.docx	

CITY OF CLERMONT
ORDINANCE No. 2016-18

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

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

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

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

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

SECTION 1.

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

Legal Description

LADD DEVELOPMENT PARCEL:

PARCEL 1:

Lot 2, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 2:

The South 1/2 of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 3:

That portion of the South 1575.00 feet of the West 1660.00 feet of the North 1/2 of Section 34,

CITY OF CLERMONT
ORDINANCE No. 2016-18

Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and that is lying South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.
LESS Road Right-of-Way for Lost Lake Road.

TOGETHER WITH:

CLERMONT STORAGE MATTAMY PURCHASE PARCEL:

That part of Section 34, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 34, Township 22 South, Range 26 East, thence run N00°05'36"W along the West line of the Northwest 1/4 of said Section 34, a distance of 475.28 feet to the intersection of the West line of the Northwest 1/4 of Section 34 and the Westerly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof as recorded in Plat Book 50, Pages 86 and 87, of the Public Records of Lake County, Florida (vacated in Official Records Book 4749, Page 1398, of said Public Records); thence departing said West line run N89°54'28"E along said centerline of Tract C and the Easterly extension thereof, 340.00 feet to the POINT OF BEGINNING; thence departing said centerline of Tract C and the Easterly extension run N00°05'36"W, 328.50 feet; thence run S89°33'02"E, 419.99 feet to the Southerly extension of the Easterly line of Tract A of aforementioned MANLOW PARK plat; thence run N00°05'36"W along said Southerly extension and said Easterly line, 42.11 feet to the Southwest corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S89°33'20"E along the South line of said North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34, a distance of 900.07 feet to Southeast corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S00°05'36"E along the East line of the West 1660.00 feet of the North 1/2 of said Section 34, a distance of 358.20 feet to the intersection of the Easterly extension of aforementioned centerline of Tract C and the East line of the West 1660.00 feet of said Section 34; thence departing said East line run S89°54'28"W along said Easterly extension, 1320.00 feet to the POINT OF BEGINNING.

Containing 28.6 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.

CITY OF CLERMONT
ORDINANCE No. 2016-18

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

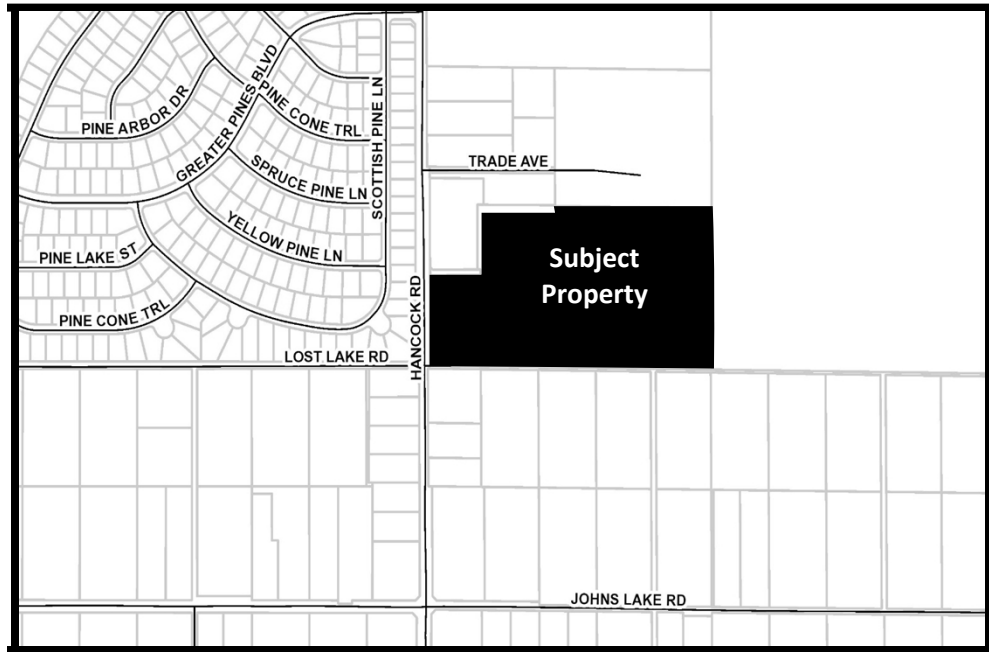
This Ordinance shall be recorded in the Public Records of Lake County, Florida.

SECTION 6.

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

CITY OF CLERMONT
ORDINANCE No. 2016-18

Location map:



CITY OF CLERMONT
ORDINANCE No. 2016-18

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 24th day of May, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Dan Mantzaris, City Attorney

Exhibit - Location Map WaterBrooke Amendment 2016

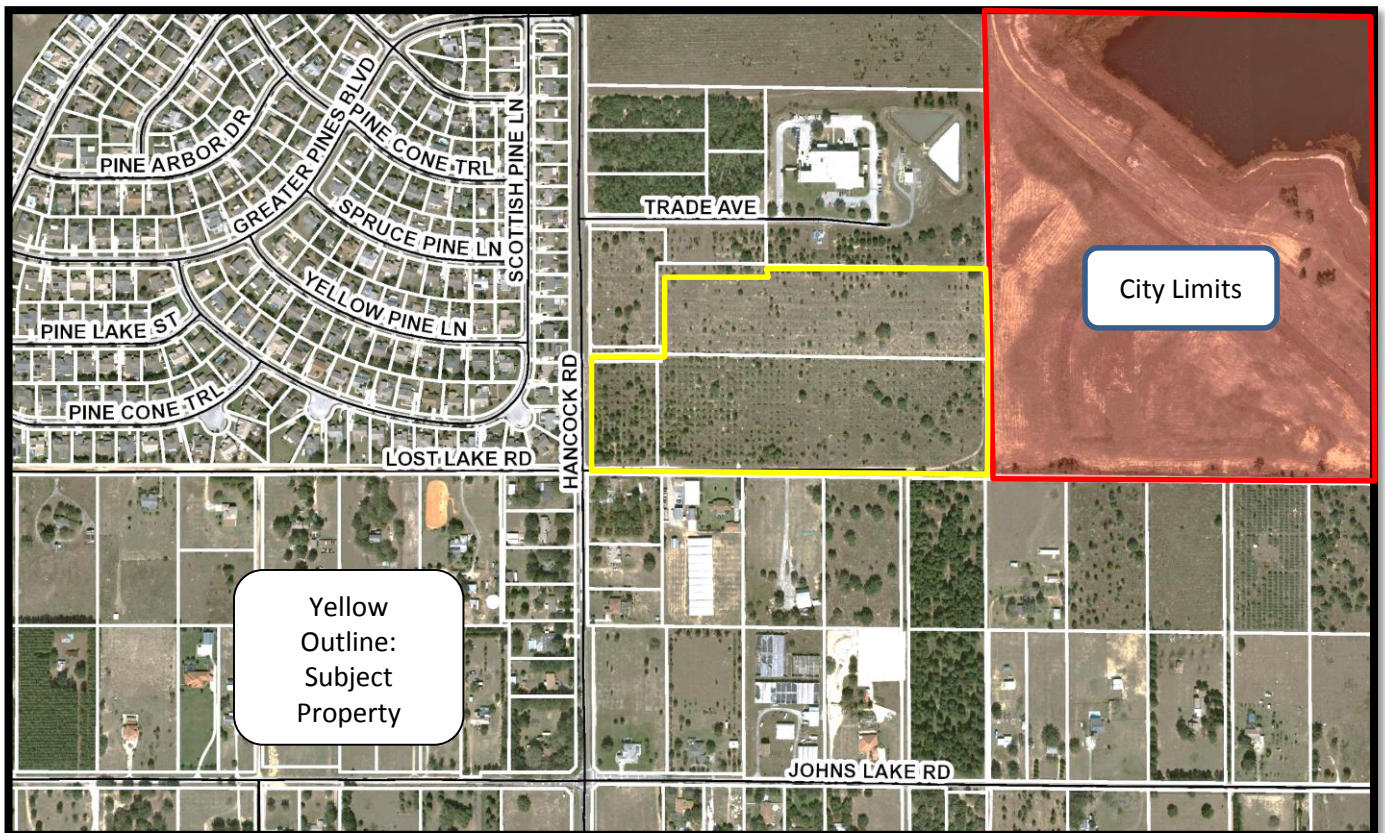
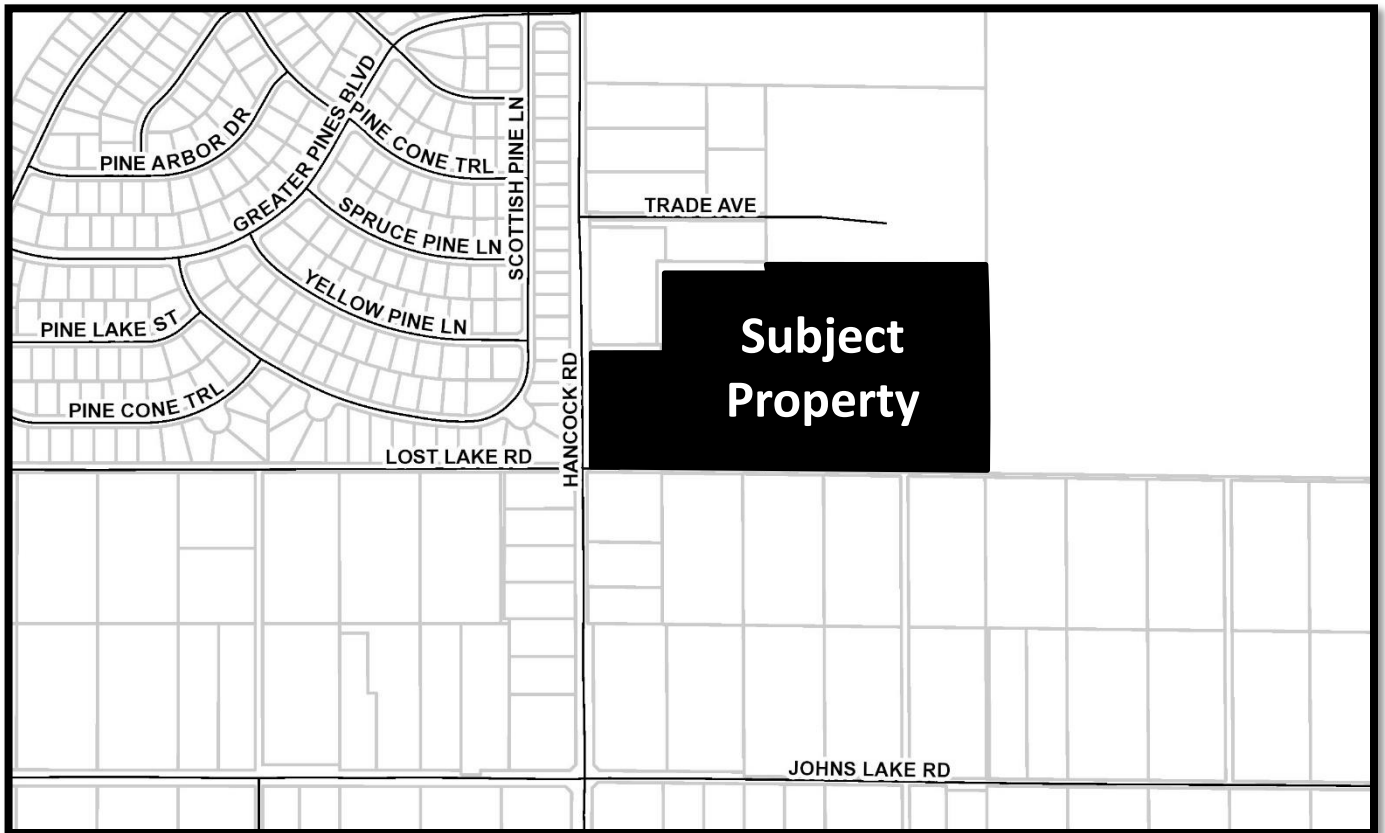


Exhibit – Future Land Use Map
WaterBrooke Amendment 2016

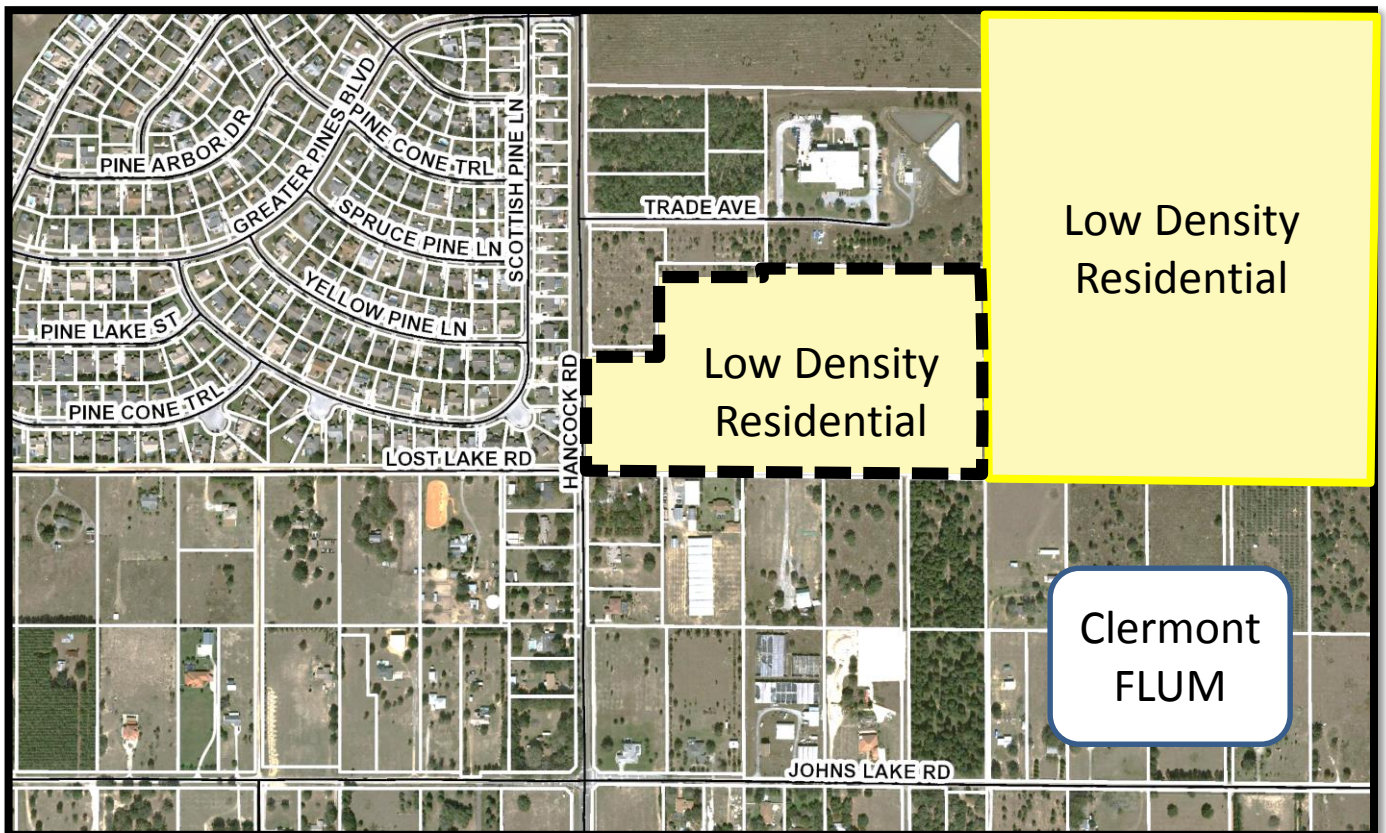
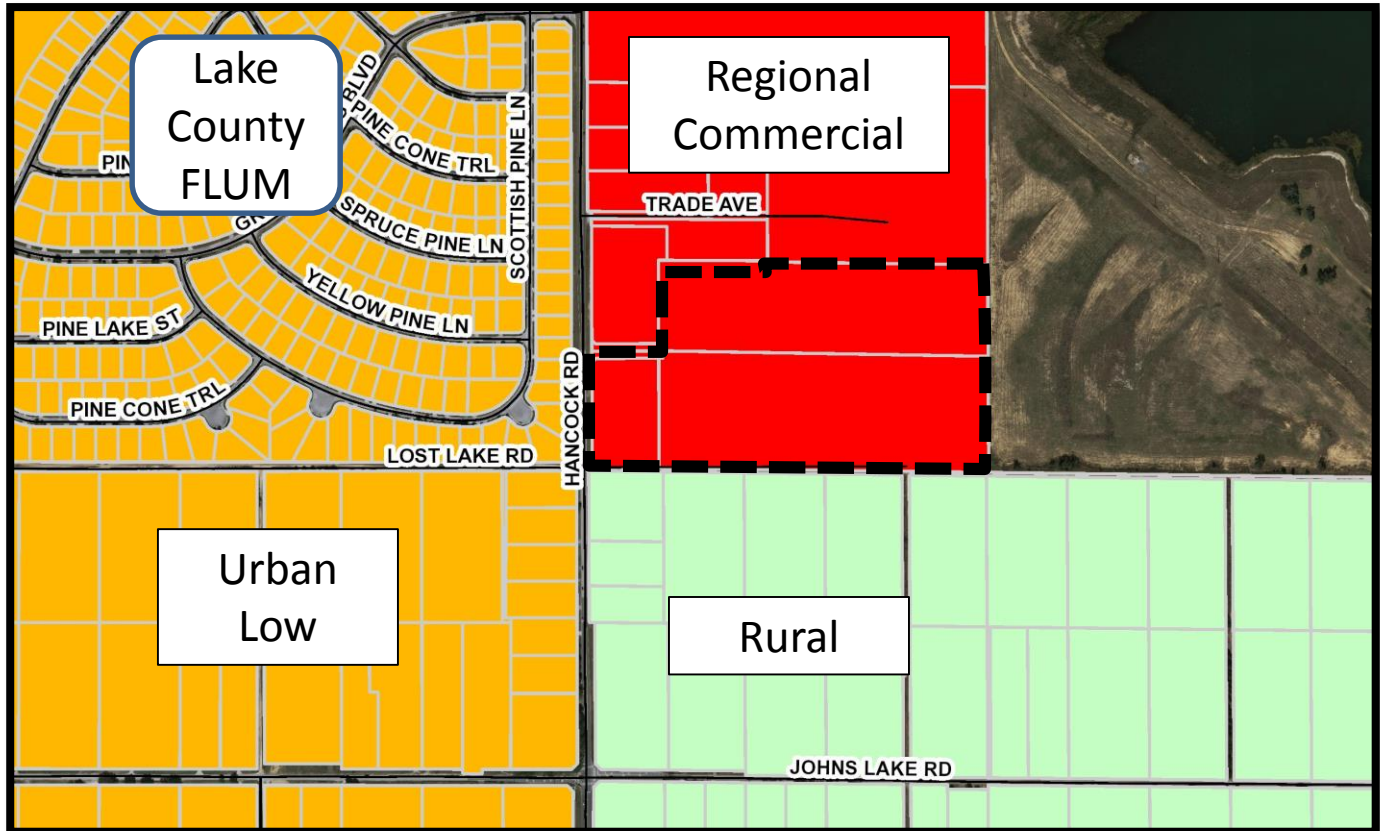


Exhibit – Zoning Map WaterBrooke Amendment 2016

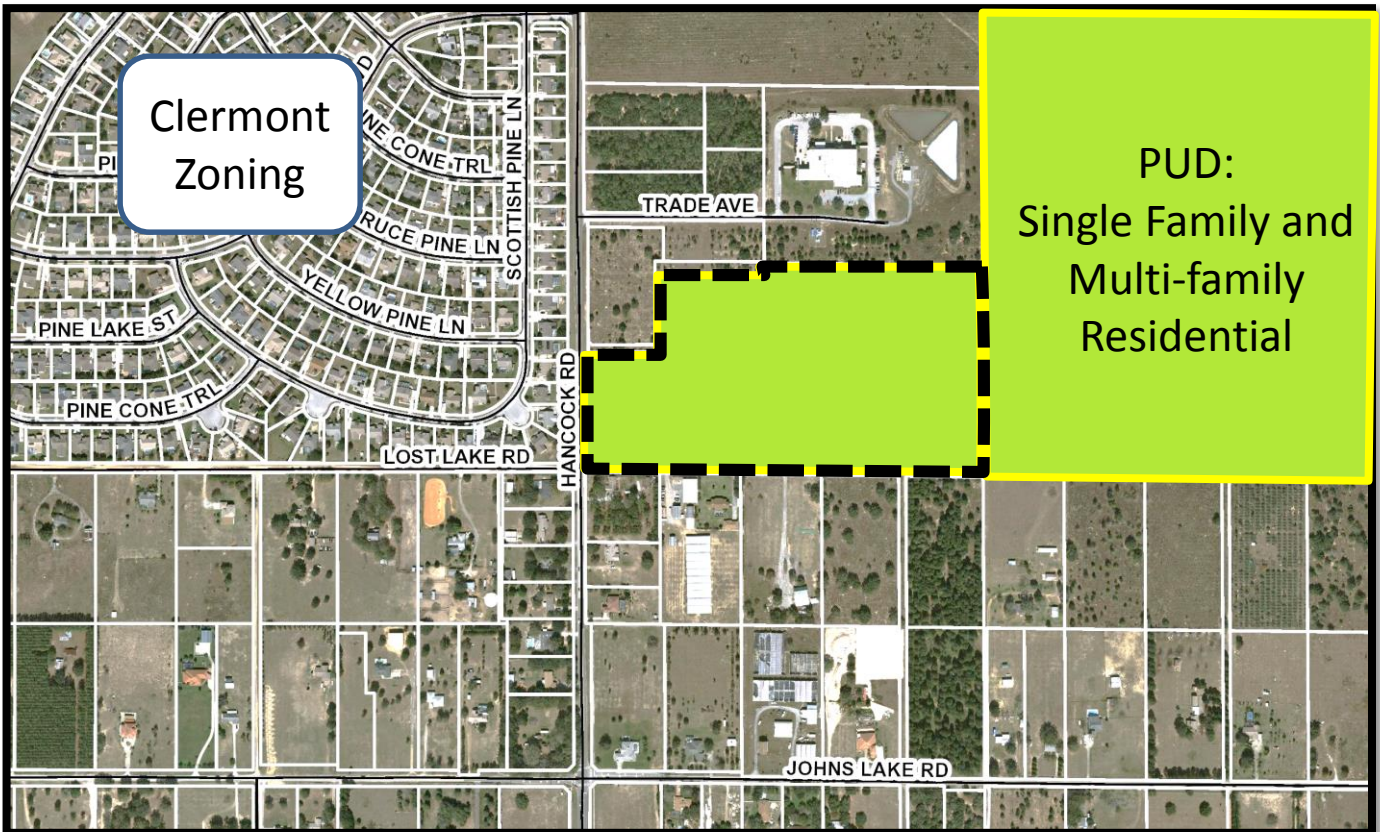
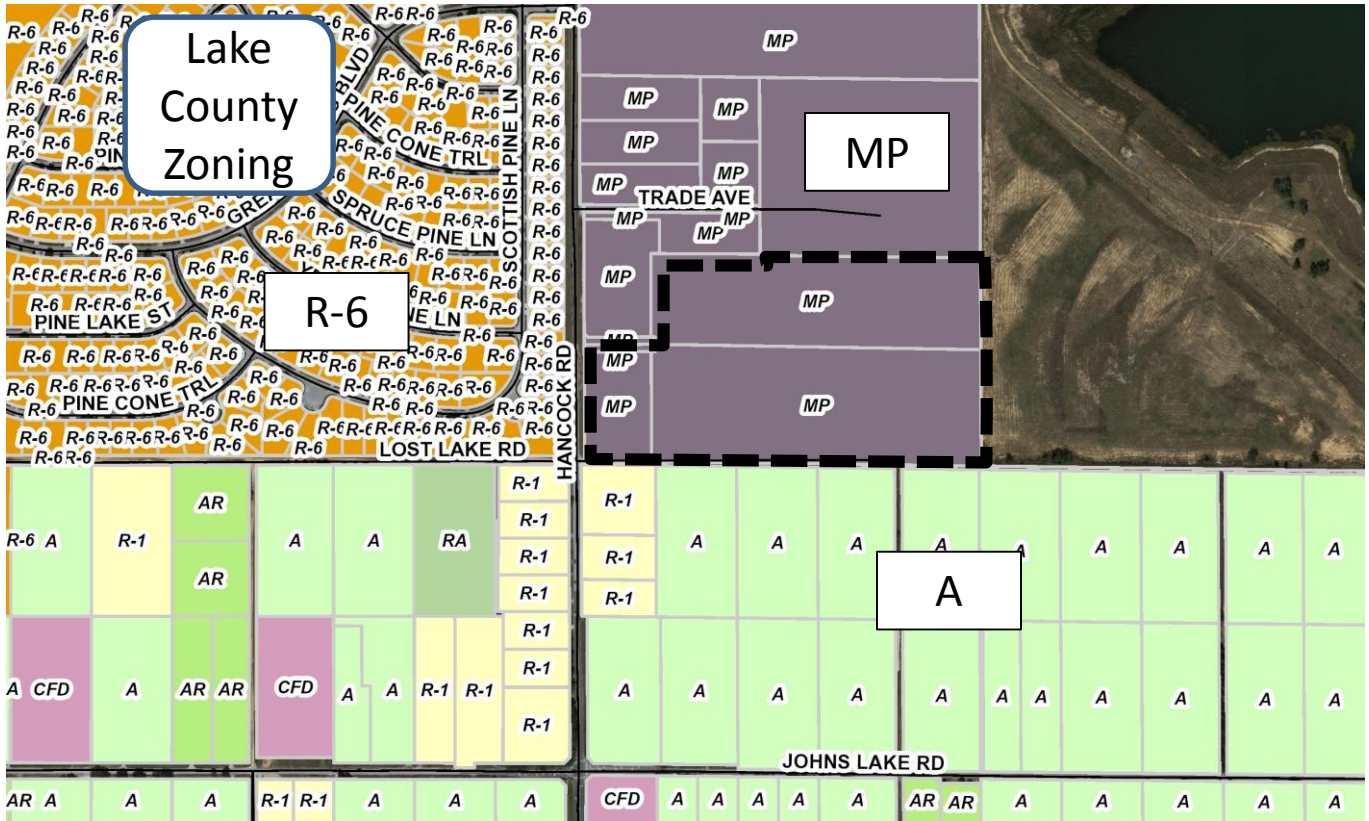
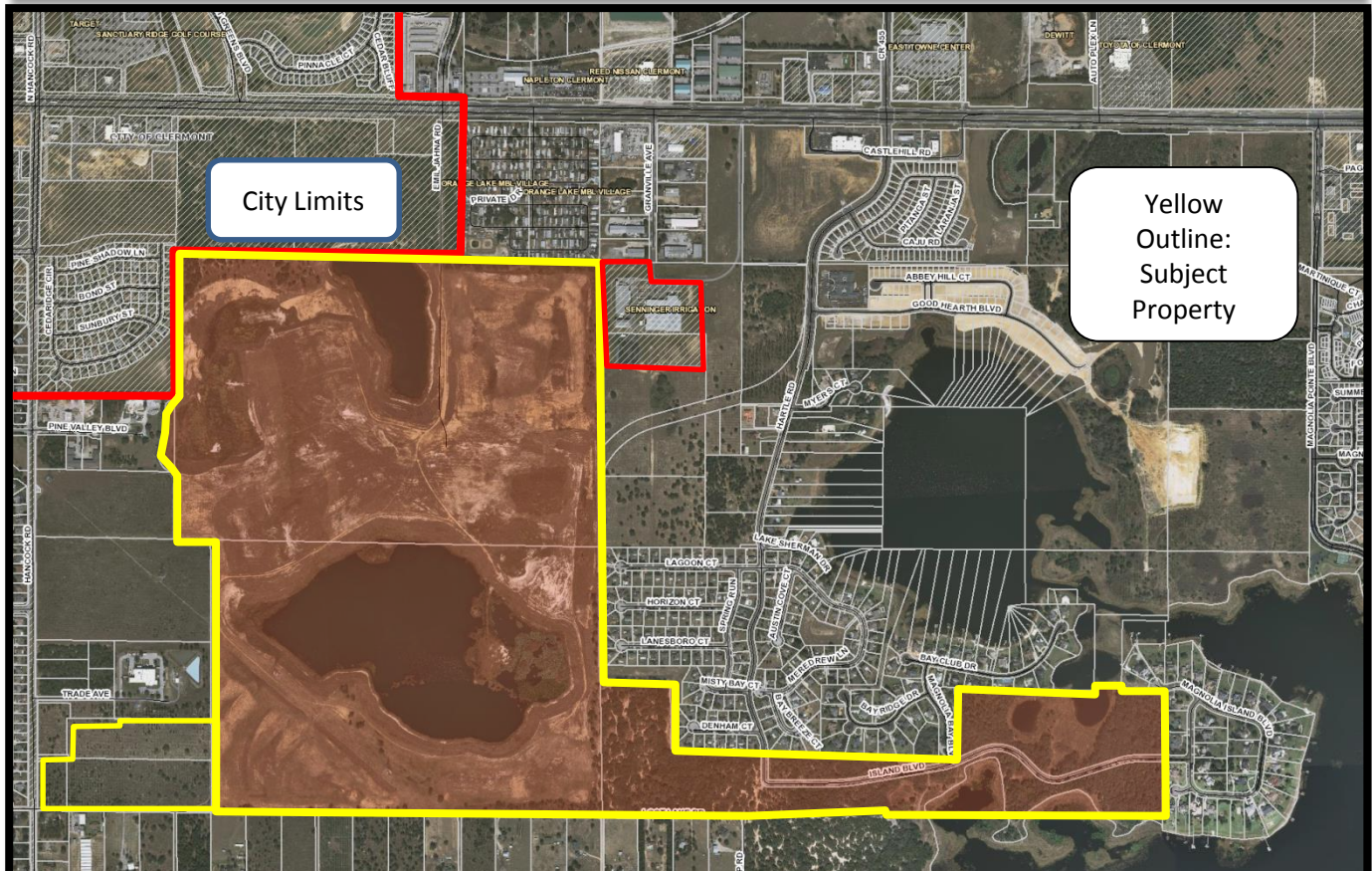
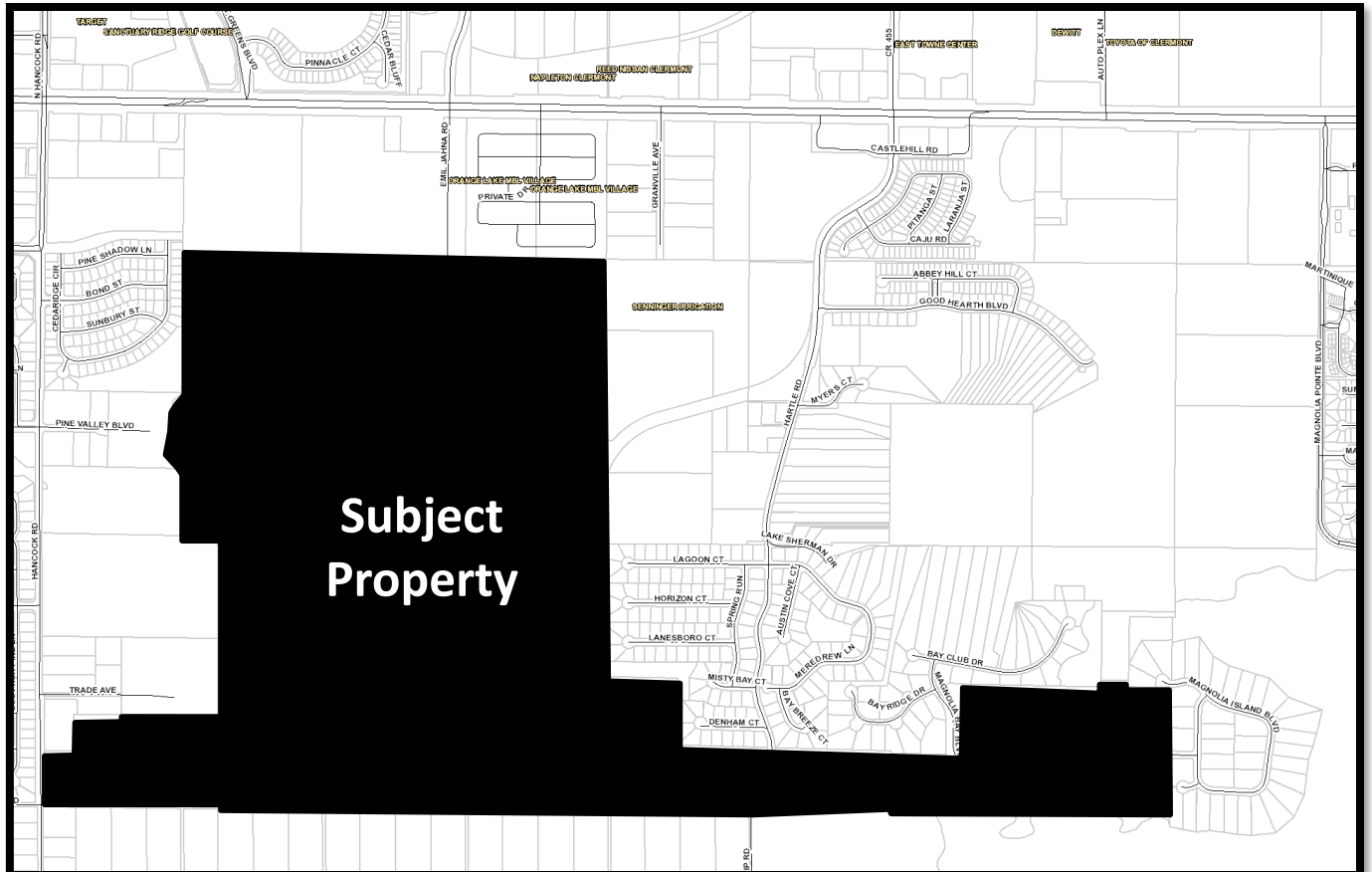
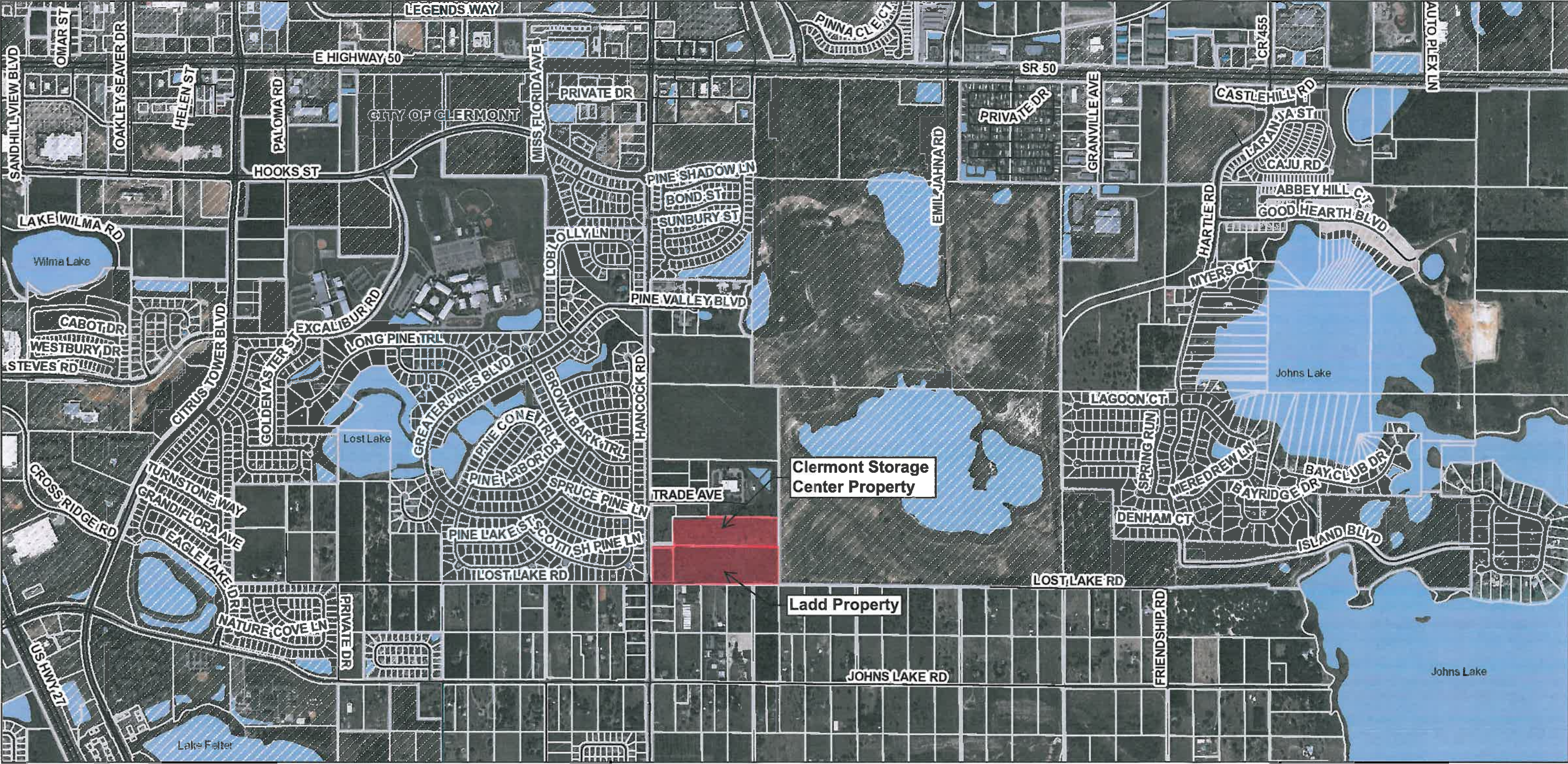


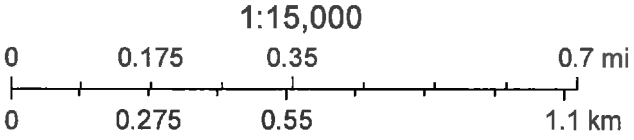
Exhibit - Location Map WaterBrooke





March 23, 2016

- County Boundary
- Water Bodies
- Street Names
- Local Streets
- Tax Parcels
- City Limits In
- Surrounding Counties





APPLICATION & PETITION

DATE: 4/1/16

FEE: \$50.⁰⁰

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

PROJECT NAME (if applicable): WaterBrooke PUD

APPLICANT: 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

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

OWNER: Ladd Development, Inc. - Attn: Dale J. Ladd

Address: 1135 East Avenue

City: Clermont State: Florida Zip: 34711

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

OWNER: Clermont Storage Center LLC - Attn: Richard Beavers

Address: 1041 Crown Park Circle

City: Winter Garden State: Florida Zip: 34787

Phone: 321-278-7928 Fax: N/A

AGENT NAME (Affidavit required): Mattamy Orlando LLC - Attn: Thomas McCarthy, Vice President

Address: 1900 Summit Tower Blvd., Suite 500

City: Orlando State: Florida Zip: 32810

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

E-Mail: tom.mccarthy@mattamyhomes.com



AGENT NAME (Affidavit required): Akerman LLP - Attn: Cecelia Bonifay, Esquire

Address: 420 South Orange Avenue, Suite 1200

City: Orlando

State: Florida

Zip: 32801

Phone: 407-419-8540

Fax: 407-254-4230

E-Mail: cecilia.bonifay@akerman.com

Property address and/or general location: Northeast quadrant of intersection of Hancock Road and Lost Lake Road.

Area of property: 28.61 +/- acres, and/or _____ +/- sq. ft.

The property is PRESENTLY used for: Vacant Land

The property is PROPOSED to be used for: Residential

Existing Lake County Land Use*: Regional Commercial

Existing Lake County Zoning*: MP – Planned Industrial District

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

Number of existing structures on the property and their present use: None

State the reason or basis for this request: Planned residential development / expansion of WaterBrooke PUD

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

Section 34 Township 22E, Range: 26E

See attached boundary survey with legal description.

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



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

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

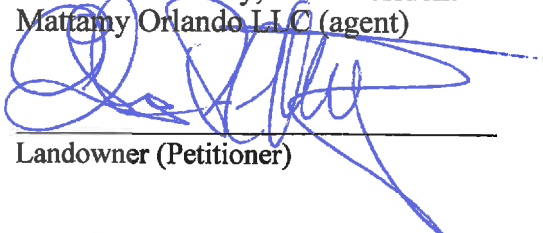
AN ACT TO AMEND CHAPTER 9820, LAWS OF FLORIDA, SPECIAL ACT OF 1923, AS AMENDED, BEING THE CHARTER OF THE CITY OF CLERMONT, FLORIDA, TO PROVIDE ENABLING LEGISLATION FOR THE FUTURE ANNEXATION OF CONTIGUOUS TERRITORY BY PETITION AND CONSENT OF THE LANDOWNER(S) IN THE AREA SOUGHT TO BE ANNEXED: PROVIDING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

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

IN WITNESS WHEREOF, we, the undersigned landowners, as petitioners, have hereunto set our hands and seals as of the 1st day of April, 2016.

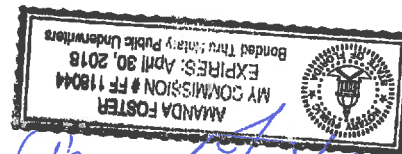
Legal description of the property: (Type, print in black ink, or attach a copy of the warranty deed or current tax receipt)

Thomas McCarthy, Vice President
Mattamy Orlando LLC (agent)


Landowner (Petitioner)

April 1, 2016
Date

27146/EA134A




Notary Public

Produced FL DL.

4/30/18
My Commission Expires

02/02/2015



OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 3/28/16

Before me, the undersigned authority personally appeared Dale J. Ladd of Ladd Development, Inc. (owner(s) name), who being by me duly sworn on oath, deposes and says:

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

Planned residential development

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

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

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

Dale J. Ladd
Ladd Development, Inc.

X [Signature]
Owner (signature)

Sworn to and subscribed before
me this 28 day of March
2016.

[Signature]
Notary Public, State of FL
My commission expires: 8-7-17

Thomas McCarthy, Vice President
Mattamy Orlando LLC

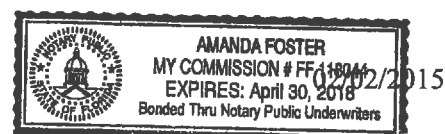
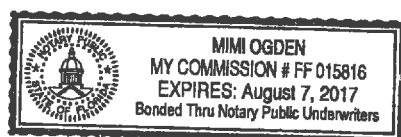
X [Signature]
Agent's (signature)

Sworn to and subscribed before
me this 1st day of April,
2016. Produced FLDL.

[Signature]
Notary Public, State of FL
My commission expires: 4/30/18

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

27146/EA134A





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 3/28/16

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4. That said authority is the fee-simple owner of the property legally described in this application.

5. That said authority desires an ANNEXATION to allow:

Planned residential development

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

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

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

Dale J. Ladd
Ladd Development, Inc.

Cecelia Bonifay, Esq.
Akerman, LLP

X [Signature]
Owner (signature)

X _____
Agent's (signature)

Sworn to and subscribed before
me this 28 day of March
2016.

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

[Signature]
Notary Public, State of FL
My commission expires: 8-7-17

Notary Public, State of FL
My commission expires:

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





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 3/28/16

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Planned residential development

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

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

Dale J. Ladd
Ladd Development, Inc.

X _____
Owner (signature)

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

Notary Public, State of FL
My commission expires:

Cecelia Bonifay, Esq.
Akerman, LLP

X Cecelia Bonifay
Agent's (signature)

Sworn to and subscribed before
me this 31st day of March,
2016.

Lisa Jefferson
Notary Public, State of FL
My commission expires:



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



OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 4/1/16

Before me, the undersigned authority personally appeared Richard Beavers of Clermont Storage Center LLC (owner(s) name), who being by me duly sworn on oath, deposes and says:

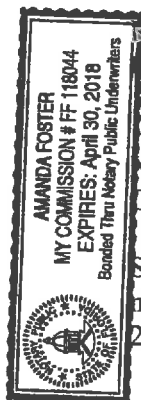
7. That said authority is the fee-simple owner of the property legally described in this application.
8. That said authority desires an ANNEXATION to allow:

Planned residential development

9. That said authority (owner) has appointed (agent's name) Thomas McCarthy, Vice President, Mattamy Orlando, LLC to act in its behalf to accomplish the above, and before me the undersigned authorized agent personally appeared and being by me duly sworn on oath, deposes and says:

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

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



Richard Beavers
Clermont Storage Center LLC

X Richard Beavers
Owner (signature)

Sworn to and subscribed before
me this 1st day of April,
20 16.

Amanda Foster
Notary Public, State of FL
My commission expires: 4/30/18

Thomas McCarthy, Vice President
Mattamy Orlando LLC

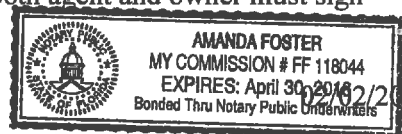
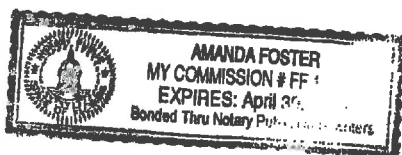
X [Signature]
Agent's (signature)

Sworn to and subscribed before
me this 1st day of April,
20 16. Produced FL DL.

Amanda Foster
Notary Public, State of FL
My commission expires: 4/30/18

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

27146/EA134A





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 4/1/16

Before me, the undersigned authority personally appeared Richard Beavers of Clermont Storage Center LLC (owner(s) name), who being by me duly sworn on oath, deposes and says:

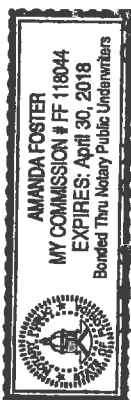
10. That said authority is the fee-simple owner of the property legally described in this application.
11. That said authority desires an ANNEXATION to allow:

Planned residential development

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

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

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



Richard Beavers
Clermont Storage Center LLC

Richard Beavers
Owner (signature)

Sworn to and subscribed before
me this 1st day of April,
2016. Personally Known.

Amanda Foster
Notary Public, State of FL
My commission expires: 4/30/18

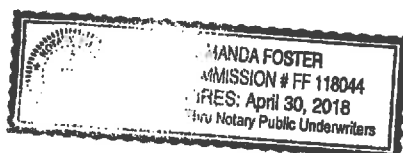
Cecelia Bonifay, Esq.
Akerman, LLP

X _____
Agent's (signature)

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

Notary Public, State of FL
My commission expires:

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





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 4/1/16

Before me, the undersigned authority personally appeared Richard Beavers of Clermont Storage Center LLC (owner(s) name), who being by me duly sworn on oath, deposes and says:

10. That said authority is the fee-simple owner of the property legally described in this application.

11. That said authority desires an ANNEXATION to allow:

Planned residential development

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

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

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

Richard Beavers
Clermont Storage Center LLC

X _____
Owner (signature)

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

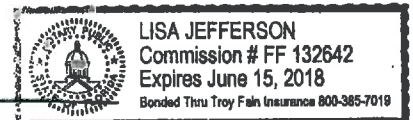
Notary Public, State of FL
My commission expires:

Cecelia Bonifay, Esq.
Akerman, LLP

X Cecelia Bonifay
Agent's (signature)

Sworn to and subscribed before
me this 31st day of March,
2016.

Lisa Jefferson
Notary Public, State of FL
My commission expires:



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

CFN 2005101164
Bk 02878 Pgs 0844 - 846; (3pgs)
DATE: 07/05/2005 03:36:04 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 27.00
DEED DOC 17,462.90

This instrument was prepared
by and should be returned to:

William A. Beckett, Esquire
Lowndes, Drosdick, Doster, Kantor
& Reed, P.A.
Post Office Box 2809
Orlando, Florida 32802-2809

TAX PARCEL ID. NOS.:
34-22-26-1300-000-00200
34-22-26-1300-00A-00000
34-22-26-1300-00C-00000
34-22-26-00002-000-00200

WARRANTY DEED

THIS WARRANTY DEED, made and executed as of the 1st day of July, 2005, by MANLOW PROPERTIES, LLC, a Florida limited liability company, whose address is 215 N. Eola Drive, Orlando, Florida 32801 (hereinafter referred to as the "Grantor") to LADD DEVELOPMENT, INC., a Florida corporation, whose address is 1135 East Avenue, Clermont, Florida 34711 (hereinafter referred to as the "Grantee");

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the Grantee that certain piece, parcel or tract of land situated in Lake County, Florida more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT "A"
(hereinafter referred to as the "Subject Property");

TOGETHER WITH all the tenements, hereditaments, easements and appurtenances, including riparian rights, if any, thereto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the Subject Property in fee simple forever.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Subject Property in fee simple; that it has good right and lawful authority to sell and convey the Subject Property; that it hereby fully warrants the title to said Subject Property and will defend the same against the lawful claims of all persons whomsoever; and that the Subject Property is free of all encumbrances except ad valorem real property taxes and assessments for the year

2005, and easements and restrictions imposed of record, if any, the reference to which shall not operate to reimpose the same.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in manner and form sufficient to bind it as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Sandra K. Merchut
Name: SANDRA K. MERCHUT

Roxane H. Stratton
Name: ROXANE H. STRATTON

MANLOW PROPERTIES, LLC
a Florida limited liability company

By: Robert A. Mandell
Name: Robert A. Mandell
Title: Managing Member

Address:
215 N. Eola Drive
Orlando, Florida 32801

STATE OF FLORIDA
COUNTY OF Deeunale

The foregoing instrument was acknowledged before me this 30 day of June, 2005 by Robert A. Mandell, as Managing Member of Manlow Properties, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced Personally Known as identification.

(NOTARY SEAL)



Sandra K. Merchut
My Commission DD348026
Expires October 10, 2008

Sandra K. Merchut
Notary Public Signature

Typed or Printed Notary Name
Notary Public-State of _____
Commission No.: _____
My Commission Expires: _____

EXHIBIT "A"

SUBJECT PROPERTY

Description - Parcel A:

Lot 2, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The South $\frac{1}{2}$ of Tract C, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

That portion of the South 1575.00 feet of the West 1660.00 feet of the North $\frac{1}{2}$ of Section 34, Township 22 South, Range 26 East, Lake County, Florida, Less the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

Description - Parcel C:

The North $\frac{1}{2}$ of Tract B, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The South $\frac{1}{2}$ of that portion of the following described land lying North of Tract B, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida:

The South 1575.00 feet of the West 1660.00 feet of the North $\frac{1}{2}$ of Section 34, Township 22 South, Range 26 East, Lake County, Florida, Less the North 726.00 feet of the East 900.00 feet thereof.



FISHBACK DOMINICK BENNETT STEPTER
ARDAMAN AHLERS & LANGLEY LLP
1947 LEE RD
WINTER PARK FL 32789

Prepared by and return to:
Kenneth R. Uncapher
Carlton Fields, P.A.
Post Office Box 1171
Orlando, Florida 32802-1171

SPECIAL WARRANTY DEED

This Special Warranty Deed is executed effective the 8th day of November 2013, by **PNC BANK, NATIONAL ASSOCIATION**, successor by merger to RBC Bank (USA), whose address is 249 Fifth Avenue, Pittsburgh, PA, 15222 (hereinafter referred to as "Grantor"), to **CLERMONT STORAGE CENTER, LLC**, a Florida limited liability company, whose address is 1041 Crown Park Circle, Winter Garden, FL 34787 (hereinafter referred to as "Grantee"):

Subject to the limitations described herein, Grantor grants and conveys ownership of the property (the "Property") described below to Grantee, to have and to hold the Property in fee simple forever, along with all of its rights and appurtenances, including any right, title, and interest of Grantor in adjacent streets, alleys, and rights-of-way.

The Property consists of the land, together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, in the County of Lake of the State of Florida. The legal description of the Property is:

Lot 1, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

Tract A, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The North Half of Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The South Half of Tract B, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

That portion of the South 1575.00 feet of the West 1660.00 feet of the North Half of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726 feet of the East 900.00 feet thereof, lying East of Lot 1 and Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and North of an Easterly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and South of Tract A, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

This Special Warranty Deed was made for and in consideration of the sum of \$10.00 and other good and valuable consideration paid to the undersigned by Grantee.

Grantor covenants with Grantee that Grantor specially warrants title to the Property conveyed here, and that Grantor will forever warrant and defend title to the Property for Grantee and Grantee's heirs and personal representatives and assigns, from and against the claims and demands of Grantor and all persons claiming by, through, or under Grantor, but not against the claims of any others.

The conveyance of the Property is made subject to the following exceptions, reservations or restrictions: Taxes for the year 2013, all easements, reservations, exceptions, and restrictions of record, but any reference in this Special Warranty Deed to any easement, reservation, exception, encumbrance or restriction shall not serve to or be deemed to reimpose or reinstate any such easement, reservation, exception, or restriction unless such reinstatement or reimposition is specifically set forth in this Special Warranty Deed.

The covenants made in this deed are legally binding on Grantor and all who lawfully succeed to Grantor's rights and responsibilities. These covenants can be enforced by Grantee and all future owners of the Property.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Sheri Ondercik
Witness

Sheri Ondercik
(Please Print or Type Name)

[Signature]
Witness

Kristina Sanders
(Please Print or Type Name)

PNC BANK, NATIONAL ASSOCIATION

By: John R. Gassie
John R. Gassie, Senior Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 8th day of November, 2013, by JOHN R. GASSIE as Senior Vice President of PNC BANK, NATIONAL ASSOCIATION, who is personally known to me or has produced _____ as identification.

(SEAL)

Sharon E. Ondercik
Notary Public-State of Florida

SHARON E. ONDERCIK
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION# EE118511
EXPIRES 8/3/2015
BONDED THRU 1-888-NOTARY1

NOLA/MATTAMY
LADD DEVELOPMENT PARCEL

DESCRIPTION (Furnished by Client):

PARCEL 1:

Lot 2, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 2:

The South 1/2 of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 3:

That portion of the South 1575.00 feet of the West 1660.00 feet of the North 1/2 of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and that is lying South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

LESS Road Right-of-Way for Lost Lake Road.

WATERBROOKE
Clermont Storage
(Mattamy Purchase Parcel)

DESCRIPTION (Prepared by Donald W. McIntosh Associates, Inc.):

That part of Section 34, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 34, Township 22 South, Range 26 East, thence run N00°05'36"W along the West line of the Northwest 1/4 of said Section 34, a distance of 475.28 feet to the intersection of the West line of the Northwest 1/4 of Section 34 and the Westerly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof as recorded in Plat Book 50, Pages 86 and 87, of the Public Records of Lake County, Florida (vacated in Official Records Book 4749, Page 1398, of said Public Records); thence departing said West line run N89°54'28"E along said centerline of Tract C and the Easterly extension thereof, 340.00 feet to the POINT OF BEGINNING; thence departing said centerline of Tract C and the Easterly extension run N00°05'36"W, 328.50 feet; thence run S89°33'02"E, 419.99 feet to the Southerly extension of the Easterly line of Tract A of aforementioned MANLOW PARK plat; thence run N00°05'36"W along said Southerly extension and said Easterly line, 42.11 feet to the Southwest corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S89°33'20"E along the South line of said North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34, a distance of 900.07 feet to Southeast corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S00°05'36"E along the East line of the West 1660.00 feet of the North 1/2 of said Section 34, a distance of 358.20 feet to the intersection of the Easterly extension of aforementioned centerline of Tract C and the East line of the West 1660.00 feet of said Section 34; thence departing said East line run S89°54'28"W along said Easterly extension, 1320.00 feet to the POINT OF BEGINNING.

Containing 10.636 acres (463,314 square feet) more or less, and being subject to any easements, rights-of-way or restrictions of record.

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday May 24, 2016 at 6:30 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2016-18

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

LOCATION:

(Alternate Keys 3823388, 2899191, 3840012 and 3840014)
East of Hancock Road, south of Trade Avenue

LEGAL DESCRIPTION

LADD DEVELOPMENT PARCEL:

PARCEL 1:

Lot 2, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 2:

The South 1/2 of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 3:

That portion of the South 1575.00 feet of the West 1660.00 feet of the North 1/2 of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and that is lying South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

LESS Road Right-of-Way for Lost Lake Road.

TOGETHER WITH:

CLERMONT STORAGE MATTAMY PURCHASE PARCEL:

That part of Section 34, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows: Commence at the West 1/4 corner of Section 34, Township 22 South, Range 26 East, thence run N00°05'36"W along the West line of the Northwest 1/4 of said Section 34, a distance of 475.28 feet to the intersection of the West line of the Northwest 1/4 of Section 34 and the Westerly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof as recorded in Plat Book 50, Pages 86 and 87, of the Public Records of Lake County, Florida (vacated in Official Records Book 4749, Page 1398, of said Public Records); thence departing said West line

run N89°54'28"E along said centerline of Tract C and the Easterly extension thereof, 340.00 feet to the POINT OF BEGINNING; thence departing said centerline of Tract C and the Easterly extension run N00°05'36"W, 328.50 feet; thence run S89°33'02"E, 419.99 feet to the Southerly extension of the Easterly line of Tract A of aforementioned MANLOW PARK plat; thence run N00°05'36"W along said Southerly extension and said Easterly line, 42.11 feet to the Southwest corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S89°33'20"E along the South line of said North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34, a distance of 900.07 feet to Southeast corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S00°05'36"E along the East line of the West 1660.00 feet of the North 1/2 of said Section 34, a distance of 358.20 feet to the intersection of the Easterly extension of aforementioned centerline of Tract C and the East line of the West 1660.00 feet of said Section 34; thence departing said East line run S89°54'28"W along said Easterly extension, 1320.00 feet to the POINT OF BEGINNING.

Containing 28.6 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.

See Map Below

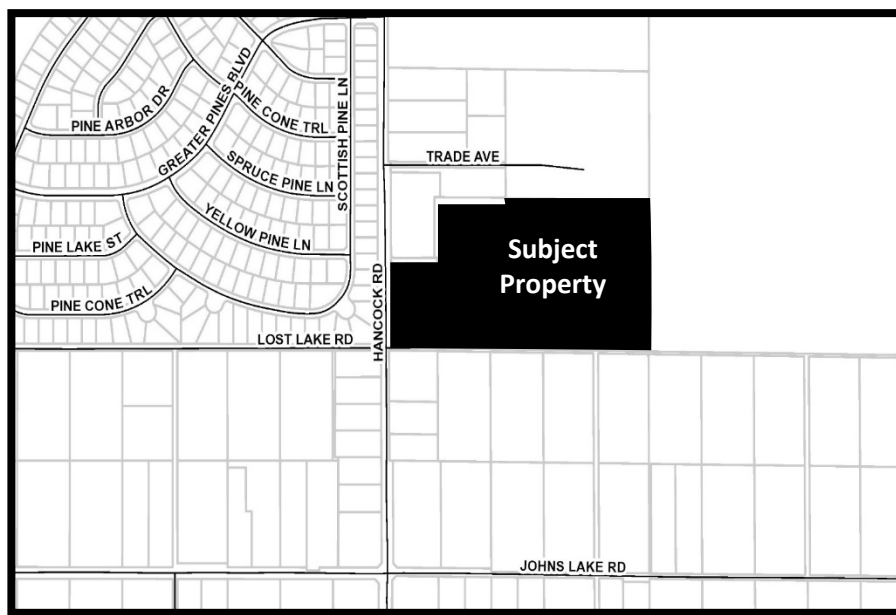
This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

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

Tracy Ackroyd Howe, MMC

City Clerk

Daily Commercial
May 3 & May 10, 2016
Location Map:





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, May 10, 2016			
Agenda Item Name			
Ordinance No. 2016-20 Introduction <i>WaterBrooke Rezoning</i>			
Requested Action			
Move to introduce Ordinance 2016-20.			
Staff Report			
The applicant, Mattamy Homes, is requesting to add 28.6 +/- acres to the existing residential subdivision, WaterBrooke. The property is located at the southwest corner of the approved subdivision and fronts Hancock Road. The subject property is currently in Lake County with a future land use of Regional Commercial and a Planned Industrial zoning. The applicant is requesting annexation and a change in zoning to allow single family and multi-family residential in the City. In addition, with the City's recent adoption of PUD (Planned Unit Development) zoning, the applicant is requesting a change in zoning from a conditional use permit (CUP) for a PUD in Urban Estate to PUD zoning for the entire WaterBrooke subdivision. The WaterBrooke subdivision was approved by the Council in October 2015 under Resolution 2015-24. With the additional acreage added to the WaterBrooke subdivision, the applicant is requesting an increase from 950 units to 1,100 units on a total of 568.6 acres, which equates to 1.93 units per acre. The additional land has allowed the applicant the ability to rearrange some of the units in the overall project and provide another access point. In doing so, the overall density will increase from 1.76 units per acre to 1.93 units per acre, or approximately 9 percent increase. This number is still below the 3 dwelling units per acre allowable under the City's Low Density Residential future land use. The applicant has provided a school concurrency report for the additional units indicating school capacity is available. All the conditions in the existing CUP will be in the PUD ordinance along with a change to reflect the increase in total number of units and an updated Exhibit B to show the additional acreage added to the overall project. Staff has reviewed the applicant's request for a rezoning from Urban Estate (default zoning upon annexation) and the existing CUP in Urban Estate to PUD zoning. Staff believes the proposal meets the standards in Section 122-315, Review Criteria for a PUD. Staff recommends approval of Ordinance 2016-20 for a rezoning to PUD.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			

1.	Ordinance	2016-20 WB rezone.doc
2.	Maps	WaterBrooke Maps 2016.pdf
3.	Exhibit B - Conceptual Plan	3-30-16 Exhibit B.pdf
4.	School Capacity Report	WaterBrooke School Capacity Report.pdf
5.	CUP for Resolution 2015-24	Resolution 2015-24.pdf
6.	Application	REZ Application.pdf
7.	Legal ad	REZ WaterBrooke legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2016-20

AN ORDINANCE UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLERMONT REFERRED TO IN CHAPTER 122 OF ORDINANCE NO. 289-C, CODE OF ORDINANCES; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

The City Council of the City of Clermont, Lake County, Florida hereby ordains that:

SECTION 1:

The Official Zoning Map of the City of Clermont, Lake County, Florida referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances, is hereby amended by rezoning the following described property:

LEGAL DESCRIPTION

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

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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;
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 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 S00°30'48"E along west line of the northwest 1/4 of said Section 35, for a distance of 1856.75 feet to

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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.

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.

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).

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

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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.

TOGETHER WITH:

LADD DEVELOPMENT PARCEL:

PARCEL 1:

Lot 2, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 2:

The South 1/2 of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 3:

That portion of the South 1575.00 feet of the West 1660.00 feet of the North 1/2 of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and that is lying South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

LESS Road Right-of-Way for Lost Lake Road.

TOGETHER WITH:

CLERMONT STORAGE MATTAMY PURCHASE PARCEL:

That part of Section 34, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 34, Township 22 South, Range 26 East, thence run N00°05'36"W along the West line of the Northwest 1/4 of said Section 34, a distance of 475.28 feet to the intersection of the West line of the Northwest 1/4 of Section 34 and the Westerly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof as recorded in Plat Book 50, Pages 86 and 87, of the Public Records of Lake County, Florida (vacated in Official Records Book 4749, Page 1398, of said Public Records); thence departing said West line run N89°54'28"E along said centerline of Tract C and the Easterly extension thereof, 340.00 feet to the POINT OF BEGINNING; thence departing said centerline of Tract C and the Easterly extension run N00°05'36"W, 328.50 feet; thence run S89°33'02"E, 419.99 feet to the Southerly extension of the Easterly line of Tract A of aforementioned MANLOW PARK plat; thence run N00°05'36"W along said Southerly extension and said Easterly line, 42.11 feet to the Southwest corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S89°33'20"E along the

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South line of said North 726.00 feet of the

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East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34, a distance of 900.07 feet to Southeast corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S00°05'36"E along the East line of the West 1660.00 feet of the North 1/2 of said Section 34, a distance of 358.20 feet to the intersection of the Easterly extension of aforementioned centerline of Tract C and the East line of the West 1660.00 feet of said Section 34; thence departing said East line run S89°54'28"W along said Easterly extension, 1320.00 feet to the POINT OF BEGINNING.

Containing 568.831 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.

South of S.R. 50, West of the Hartle Road, East of Hancock Road,
and North and South of Island Blvd., WaterBrooke (Jahna) PUD
(Alternate Keys 1095972, 3882911, 1095964, 2717874,
2899191, 3823388, 3840014, and 3840012)

FROM: UE Urban Estate
TO: Planned Unit Development

Section 2 – Land Uses

1. Residential:
 - a. A total of 1100 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.
 - 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

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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	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

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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.

Section 3 – Open Space

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

Section 4 – Landscaping, Buffering, and Screening

1. A 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 Planned Unit Development adjacent to wetlands, open water and conservation areas.
4. A waiver to Section 118-71(1) of the Land Development Code is granted in order to allow street trees within the right-of-way 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 Land Development Code, as amended. Existing trees may be used to meet the landscape buffer requirements in accordance with the Land Development Code, as amended.

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Section 5 – 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.

Section 6 – Environmental Services:

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.

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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.

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15. The City may require a looped system to provide reliability and redundancy to the property.

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16. Central water and sewer connection shall be provided in accordance with the comprehensive plan and Land Development Code, as amended.
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.

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26. The developer reserves its rights, pursuant to Section 2-267 – Credits, of the City Code, to enter into an impact fee agreement with the City which shall provide for the establishment of credits and payment of impact fees in a specified manner and time. The terms and conditions of an impact fee agreement between the developer and the City may replace or supersede the conditions contained in the Planned Unit Development approved for development.

Section 7 – 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.

A waiver to Section 94-195(b)(3) of the Land Development Code is granted to allow cuts and fills of up to twenty (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.

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 corner, along the north property line, to northeast corner of the project boundary. In addition to this 100-foot right-of-way, additional land necessary to accommodate temporary 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.

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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 Planned Unit Development 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 Planned Unit Development 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

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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.

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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 Florida Department of Transportation;
- 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) as warranted by the traffic impact study; and
- d. A waiver to Section 110-194(3) and (4) of the Land Development Code 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 Section 110-192(1) of the Land Development Code is granted to allow private streets with gates. Streets within the development will be gated and will be maintained by the developer or Home Owners Association.
- e. A waiver to Section 110-195(b) of the Land Development Code 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 street lights along Emil Jahna Road. The cost of installation shall be paid by the developer, and the ongoing rental of lights shall be paid by the developer or WaterBrooke's Homeowner's Association.

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Section 8 – Schools

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

Section 9 – Lighting

Exterior lighting shall be in accordance with the Land Development Code, as amended.

Section 10 – Fire Protection and Emergency Services Access

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

Section 11 – Concurrency Management Requirements

Concurrency Management Requirements: Any development shall comply with the Lake County and the City of Clermont Concurrency Management System, as amended.

Section 12 – 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, prepared by Donald W. McIntosh Associates, Inc., dated 3/30/16 for review and approval in accordance with the Comprehensive Plan and Land Development Code, as amended.
2. Planned Unit Development 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 Planned Unit Development shall commence by July 26, 2023. Failure to commence construction by July 26, 2023 shall cause the automatic revocation of this Ordinance.

Section 13 – Future Amendments to Statutes, Code, Plans, and/or Regulations

The specific references in this Planned Unit Development to the Florida Statutes, Florida Administrative Code, City Comprehensive Plan, and City Land Development Code shall include

CITY OF CLERMONT
ORDINANCE No. 2016-20

any future amendments to the statutes, code, plans, and/or regulations.

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Section 14 – Additional Conditions

1. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Planned Unit Development. Any other proposed use must be specifically authorized by the Clermont City Council.
2. 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.
3. This Planned Unit Development 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.
4. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental permitting agencies.
5. The transfer of ownership or lease of any or all of the property described in this Planned Unit Development 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 Planned Unit Development 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 Code, as amended.

SECTION 15:

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

CITY OF CLERMONT
ORDINANCE No. 2016-20

CITY OF CLERMONT
ORDINANCE No. 2016-20

Location map:



CITY OF CLERMONT
ORDINANCE No. 2016-20

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 24th day of May, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map WaterBrooke Amendment 2016

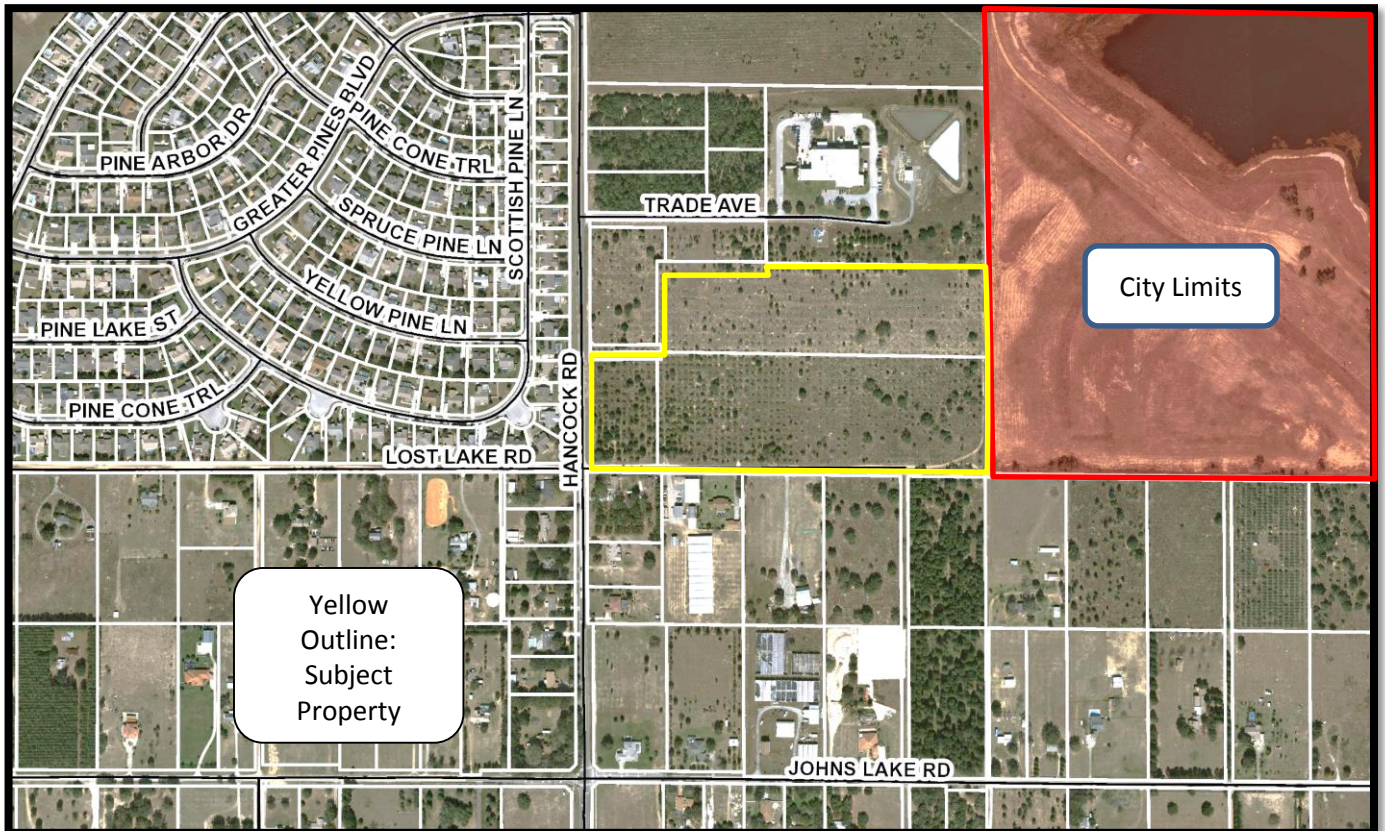
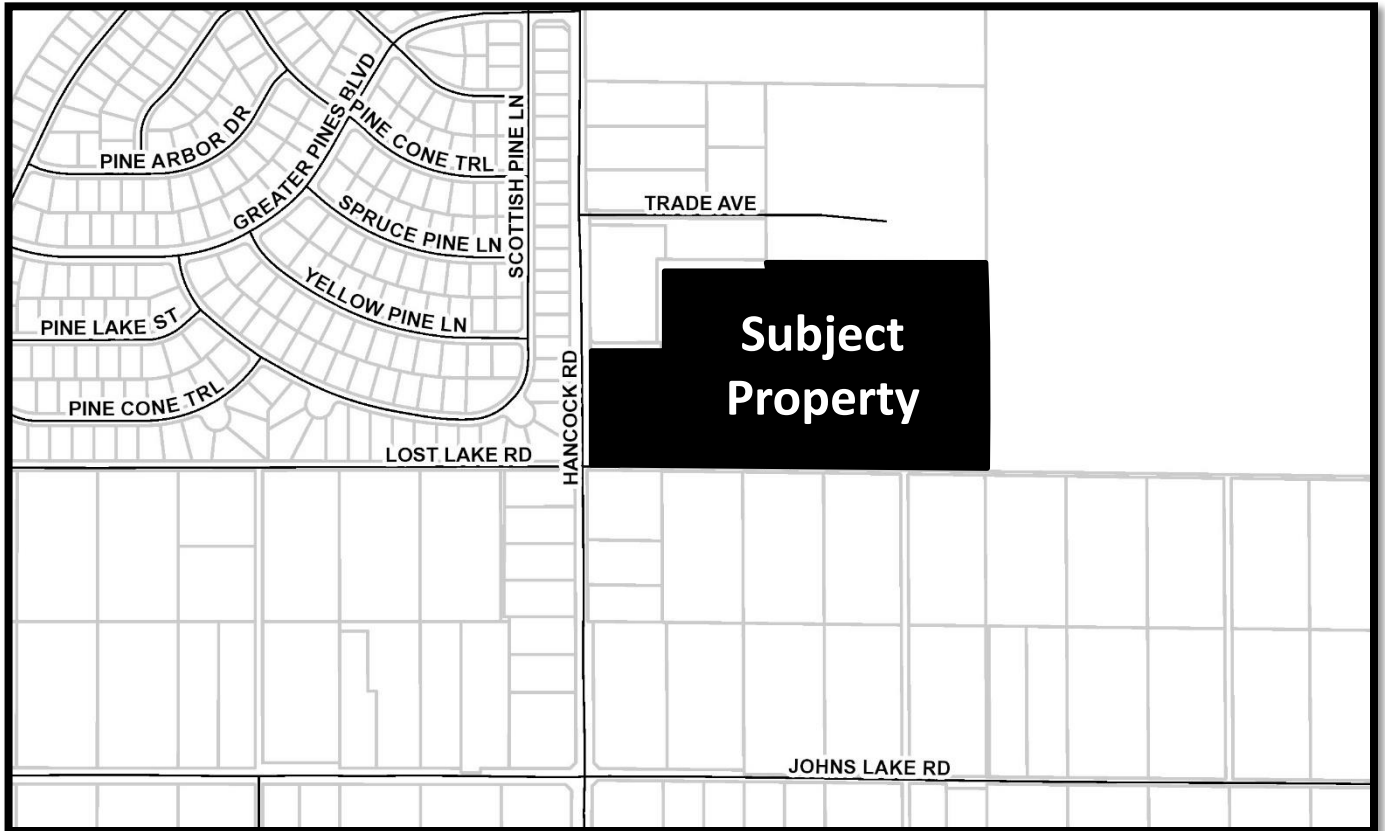


Exhibit – Future Land Use Map
WaterBrooke Amendment 2016

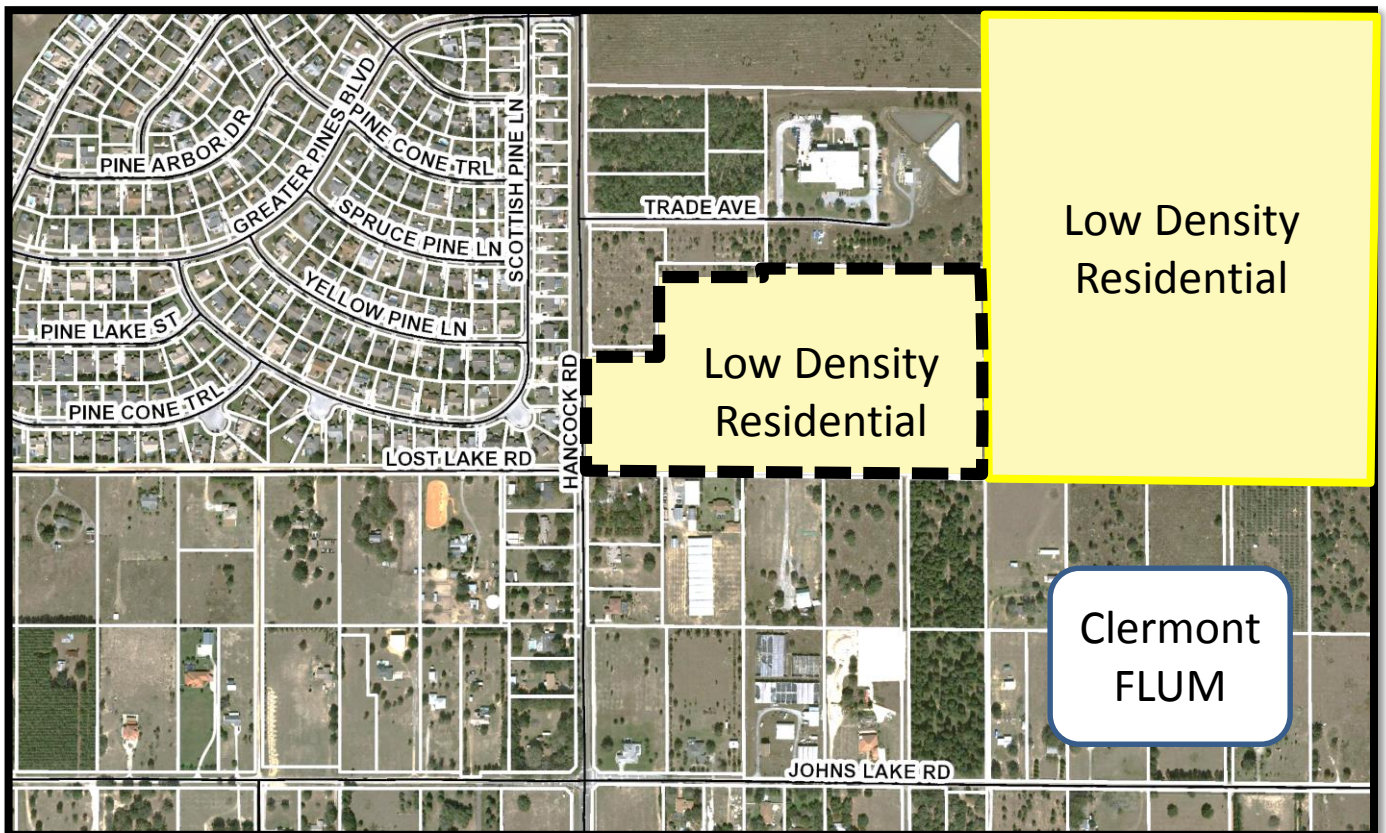
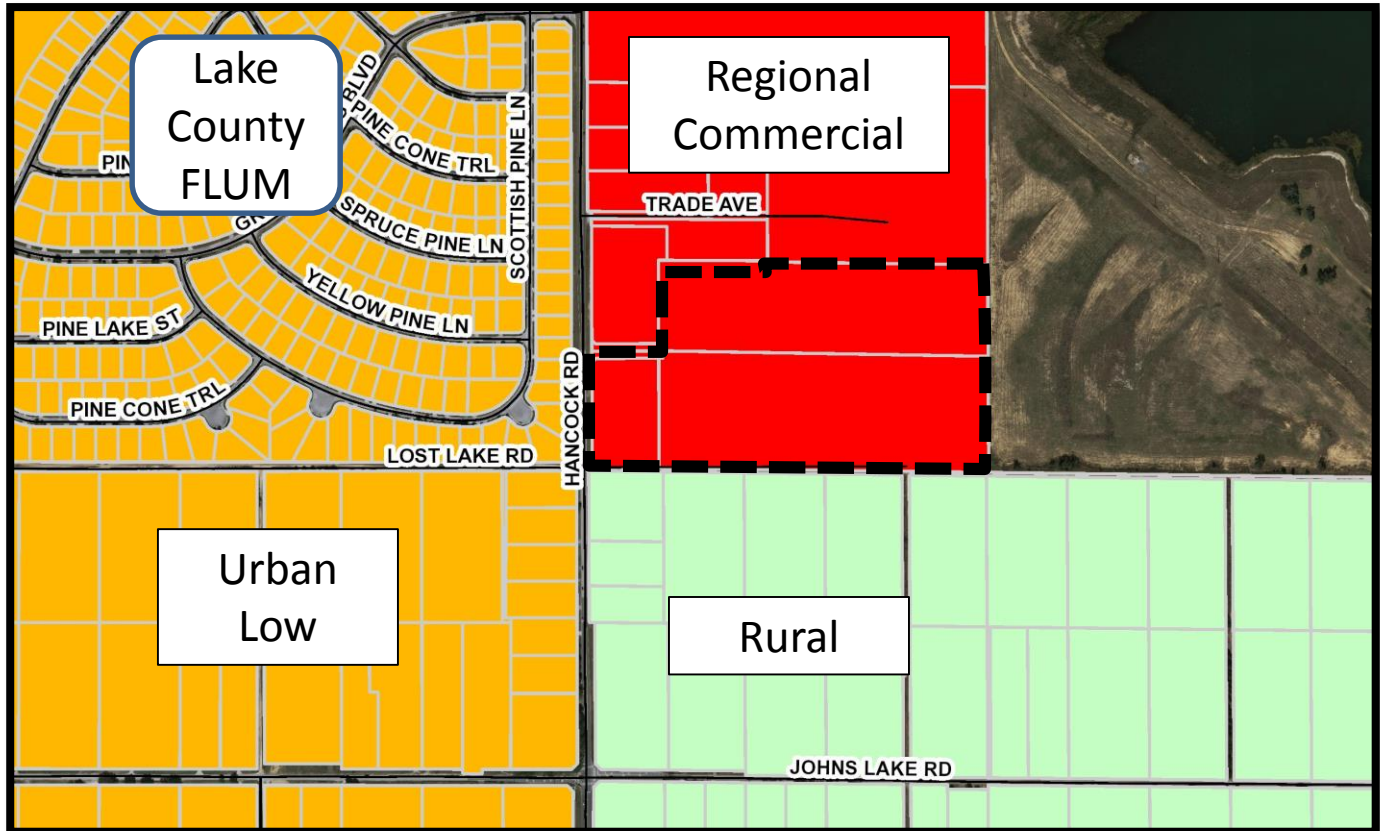


Exhibit – Zoning Map WaterBrooke Amendment 2016

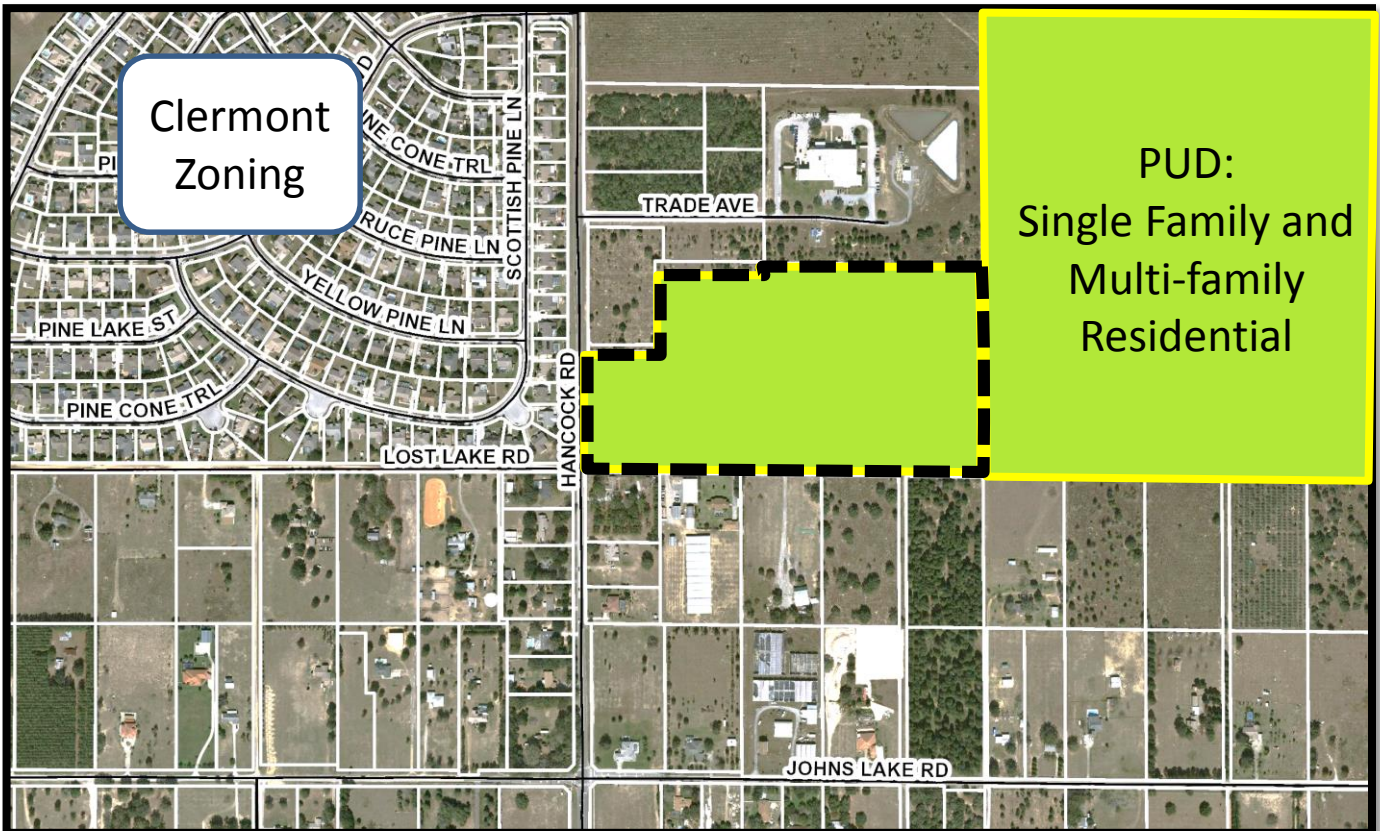
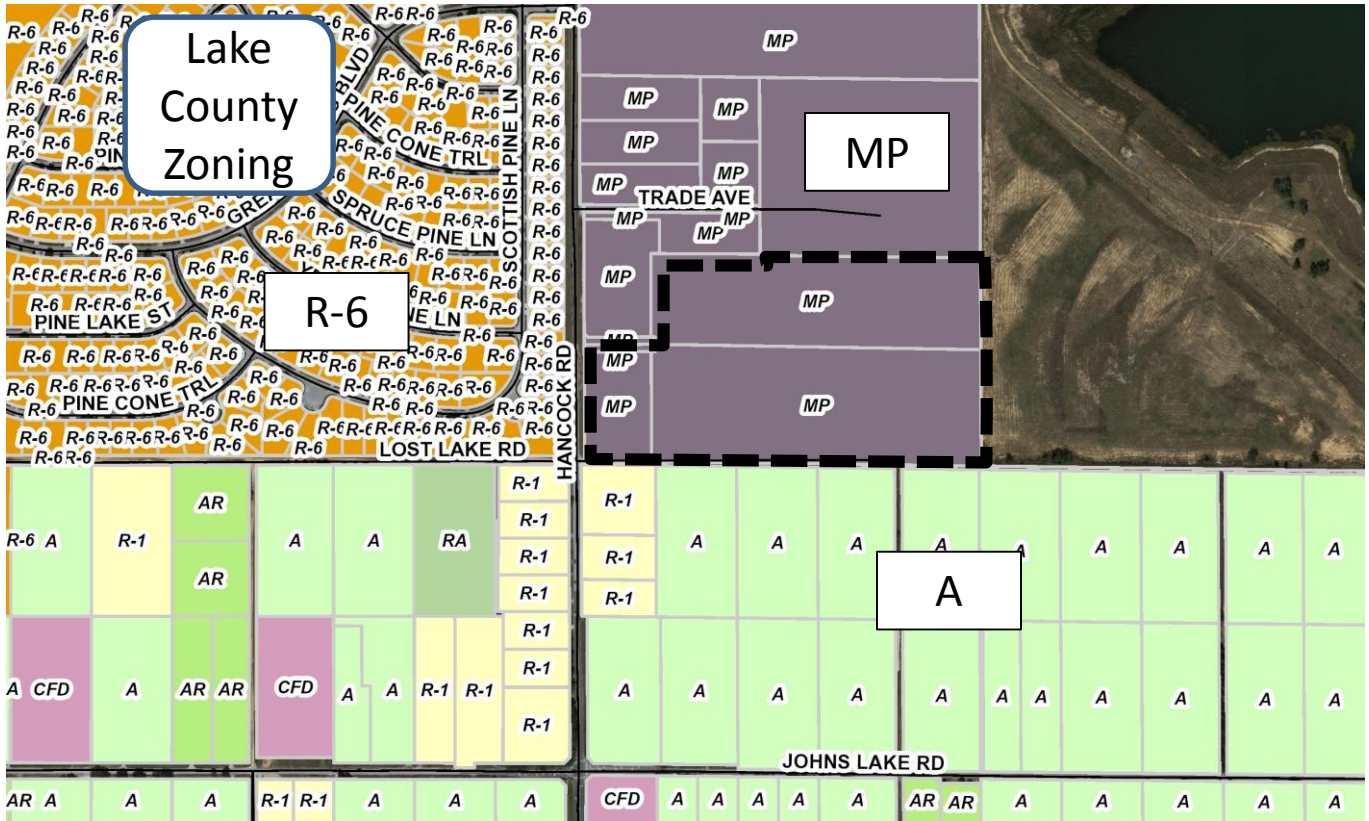
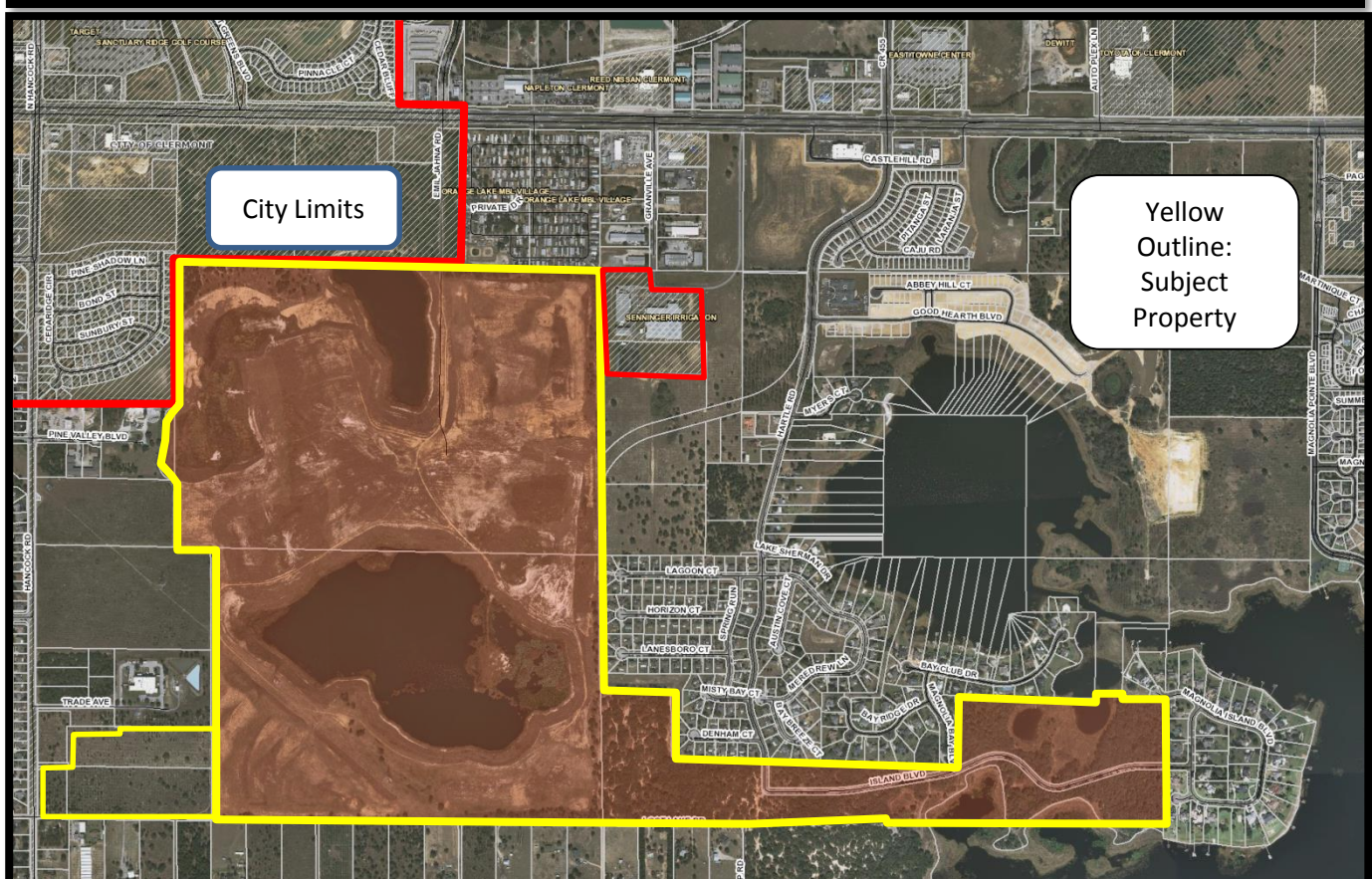
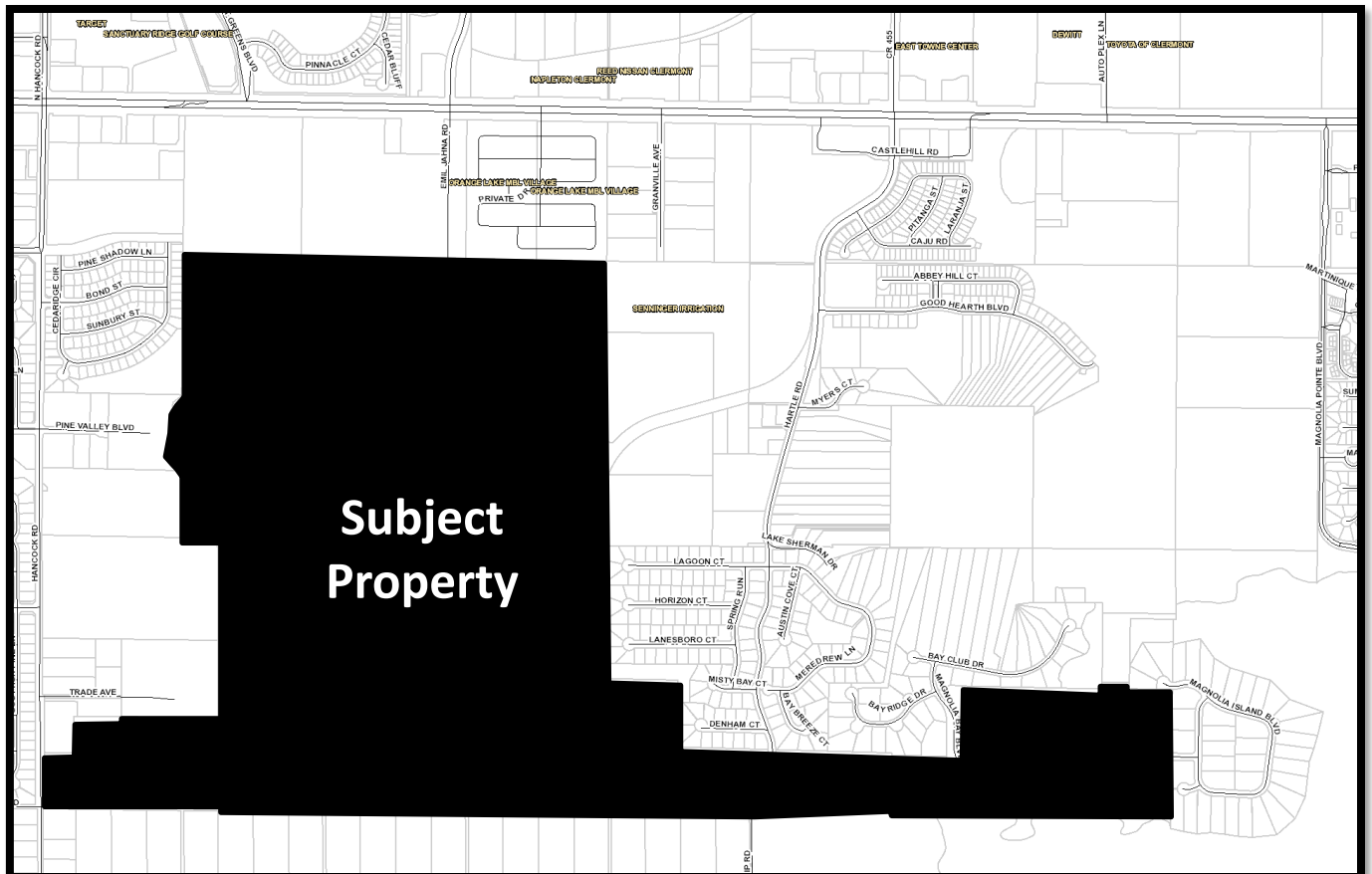
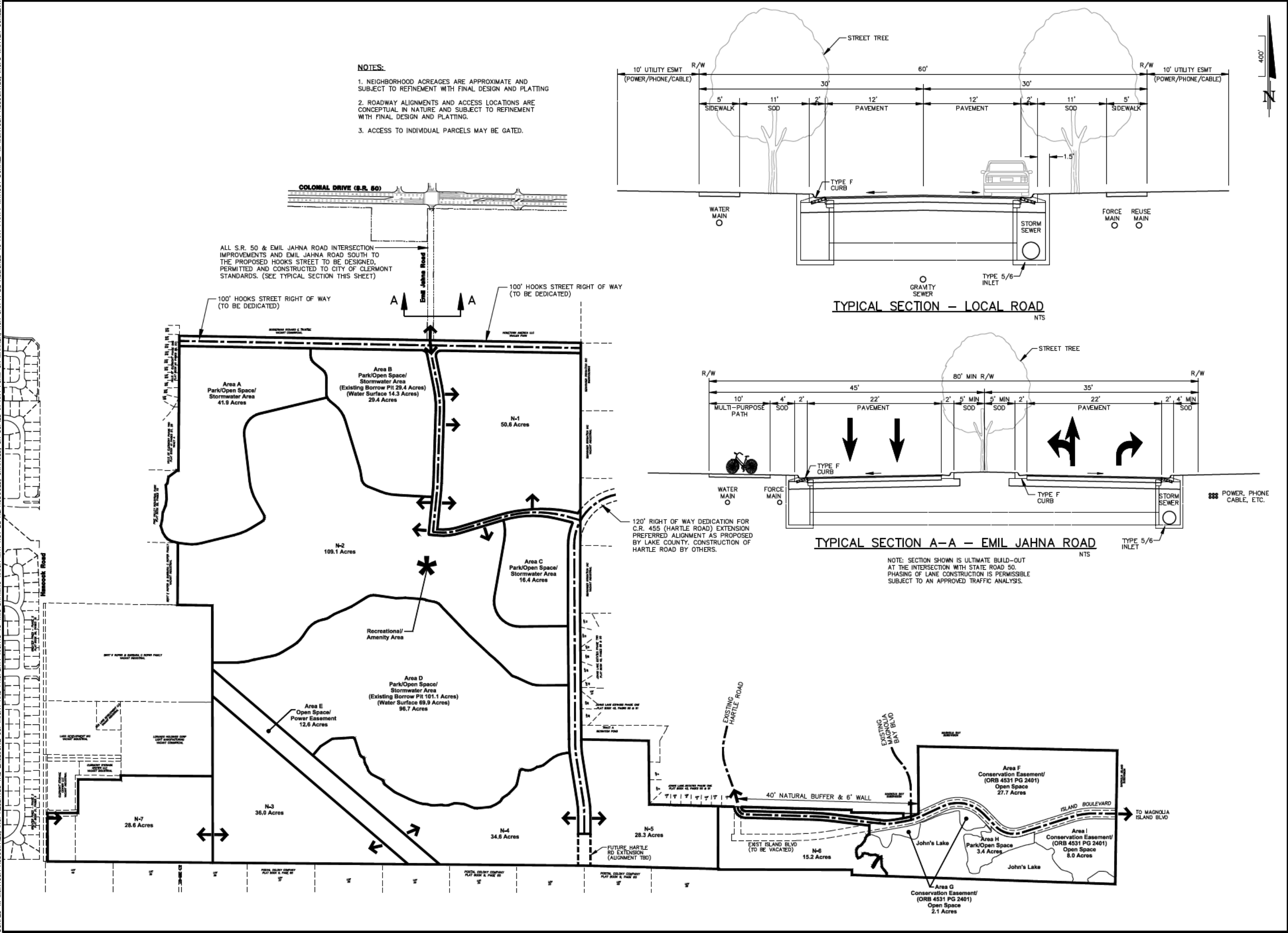


Exhibit - Location Map WaterBrooke



DONALD W. MCINTOSH 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. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



DRAWING SITE/PLANNING	WATERBROOKE PUD		CITY OF CLERMONT, FLORIDA		DEVELOPMENT CONCEPT PLAN	
	SHEET		6		7	
DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068	DESIGNED BY		CHECKED BY		DATE	
	CWG		JUN		3/30/16	
DONALD W. MCINTOSH ASSOCIATES, INC. PLANNERS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068	SCALE		JOB NUMBER		NO.	
	1"=400'		14085		DATE	
DONALD W. MCINTOSH ASSOCIATES, INC. SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068	REVISIONS		DESCRIPTION		CHK.	
	NO.		DATE		DATE	

Exhibit B



Committed to Excellence

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

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

April 19, 2016

Mattamy Homes
c/o Cecilia Bonifay, Esq.
Akerman LLP
420 S. Orange Avenue, Ste. 1200
Orlando, FL 32801

RE: Water Brooke School Concurrency Capacity Report (District Project #LCS 2016-08)

Dear Ms. Bonifay:

The School Board of Lake County, Florida ("School Board") has been requested to complete a School Concurrency Capacity Report for Water Brooke development, which is located in Clermont. The applicant proposes 150 single-family dwelling units. It should be noted that these units are in addition to the previously approved concurrency reservations for 894 units (LCS#2016-03) and 56 units (LCS#2015-16).

The City of Clermont requires the applicant receive a School Concurrency Capacity Report, prior to the approval of a final plat, pursuant to Section 5.5.2 of the Interlocal. The purpose of a School Concurrency Capacity Report is to identify if sufficient school capacity exists to provide educational services for the students who will live in homes constructed in the Water Brooke. The proposed development is estimated to generate 49 students (23 Elementary, 11 Middle, and 15 High).

Based on the information provided to us in the application, Concurrency Service Area (CSA) 12 adopted levels of service with the addition of this project are met at the Elementary, Middle and High School levels. Therefore, the projected student enrollment with the impact of this development does not exceed the LOS at the Elementary, Middle, and High School levels. District staff has determined at this time that school capacity is available and will be reserved for the Water Brooke development. The reservation of capacity is valid for one year from issuance. Once a final site plan is secured within the year, reservation of capacity will be valid for the life of the project. If you should require additional time when securing the final site plan approval, please notify District staff prior to the expiration date to discuss time extension options. Once the reservation expires, the capacity will be released and a new completed application and fee will be required. If you have any questions, please contact me at (352) 253-6694, or at lavalleyh@lake.k12.fl.us.

Sincerely,


Helen LaValley
Senior Planner
Growth Planning Department

Attachment

cc: Barbara Hollerand, Development Services Director, City of Clermont

Lake County Florida School Board CIP

School Concurrency Availability Determination

Project Name: Water Brooke (3)

Date Received: 4/13/2016

Case Number:

Builder Name: Mattamy Homes

Location: NEC of Hancock Road and Lost Lake Road, Clermont, FL

Project Planned Units:

Single Family: 150 # Multi-Family: 0

Townhomes: 0 # Apartments: 0

Additional Information: These units are in addition to the LCS#2016-03 (894 units)
and LCS2015-16 (56 units)
Adjacency applied at Middle School Level

Project Unit Yield By Type of School

Yield Elem Mid High

Single Family	0.152	###		
Single Family	0.102			###
Single Family	0.074		###	

Service Area Analysis

School Service Area Boundary (SSAB)	Current Capacity	Programmed Capacity	Total Capacity	Current Enrollment	Vested Demand	Total Demand	Available Capacity	Project Demand
CSA #12 - Elementary	4928	0	4928	4248	621	4869	59	23
CSA #12 - Middle	2501	0	2501	1936	342	2278	223	11
CSA #12 - High	4483	0	4483	4142	244	4386	97	15

Project Demand may differ from Project Yield by Type of School due to rounding

REVIEWING AUTHORITY
NAME / CASE NUMBER
OWNER / DEVELOPER
ITEM DESCRIPTION

Lake County School District
Water Brooke 3 (District Project #LCS 2016-08)
 Mattamy Homes
 The applicant has requested a Concurrency Determination for 150 single-family residential dwelling units.
LOCATION Sections 27, 34 & 35, Township 22S, Range 26E

CURRENT FUTURE LAND USE
CURRENT ZONING

Recently annexed - TBD
 Recently annexed - TBD

NEW DU IMPACT
STUDENT GENERATION
 Elementary School
 Middle School
 High School

SF-DU	MF-DU	Mobile	SF Impacts	
				150 DUs
0.328	0.283	0.206		49
0.152	0.143	0.097		23
0.074	0.063	0.047		11
0.102	0.077	0.062		15

CSA 13

Elementary School
 Middle School
 High School

Student Enrollment 2019-2020*	Concurrency Student Capacity*	% of Concurrency Capacity
4,300	4,928	87%
1,912	2,501	76%
4,272	4,483	95%

**Lake County Schools Five Year Facilities Master Plan, FY 2016-2020*

FUTURE CONDITIONS

The projected student enrollment with the impact of this development meets the level of service (LOS) within CSA 12 at the Elementary, Middle and High school levels. Therefore, the projected student enrollment with the impact of this development does not exceed the LOS at the Elementary, Middle, and High school levels.



The School District of Lake County School Concurrency Application & Service Provider Form

Instructions: Submit one copy of the completed application and fees for each new residential project requiring a determination of concurrency for schools. A determination will be provided within thirty (30) working days of receipt of a complete application. A determination is not transferable and is valid for one year from date of issuance. Once the Development Order is issued, the concurrency determination shall be valid for the life of the Development Order.

Please check (✓) type of application (one only):

☒ Concurrency Capacity Report ☐ Exemption ☐ Amendment (Equivalency)
☐ Adequate School Facilities Determination ☐ Letter of No Impact ☐ Time Extension
Fees: Concurrency Capacity Report ≤ 90 DU (\$800) ≥ 91 DU (\$1000); Amendment (\$500); Adequacy (\$500);
Time Extension (\$300)

PART 1: PROJECT INFORMATION

Please attach a copy of the site/subdivision plan, last recorded warranty deed and consent form

Project Name: WaterBrooke
Municipality: City of Clermont
Parcel Identification Number (PIN): AK #s 2899191, 3840012, 3823388
Location / Address Of Subject Property: Northeast corner of Hancock Road and Lost Lake Road, Clermont

DEVELOPMENT REQUEST:

Project Data	Type of Units and Number of Units
Section/Township/Range: 34/22/26	Single Family 150
Project Acreage: 28.6	Multi-Family
Total Number of Units: 150	Mobile Home
Will the Project be Phased? ¹ (Y/N): unknown at this time	Age Restricted (Adults Only) ²
Concurrency Service Area (CSA): 12	

¹ If applicable, please attach a Phasing Plan showing the number and type of units to receive certificate of occupancy yearly.

² A Restrictive Covenant is required for age-restricted communities.

OWNERSHIP / AGENT INFORMATION:

Owner's Name: Mattamy Homes
Agent's Name: Akerman LLP, c/o Cecelia Bonifay, Esq.
Mailing Address: 420 S. Orange Ave., Suite 1200, Orlando, FL 32801
Telephone Number: 407-419-8540 Fax Number: 407-254-4230

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge.

Owner or Owner's Agent Signature: *Cecelia Bonifay*

Date: 3/30/16

PART 2: LOCAL GOVERNMENT REVIEW

Date Application Filed: April 1, 2016	Petition Number:
Reviewed By: Barbara Hollerand	Title: Development Services Director
Did the Applicant pay the filing fee to you? no	YES (Please attach proof of payment)
NO (If no, the applicant must pay the School District.) The School District will not review without payment.	

Government Representative Signature: *Barbara Hollerand*

Date: 4/6/16

PART 3: TO BE COMPLETED BY SCHOOL DISTRICT

Date & Time Received: 4/13/16	Case Number: 2016-08
I verify that the project complies with the adopted Level of Service (LOS) for Schools.	I verify that the project will comply with the adopted Level of Service (LOS) for Schools subject to the attached conditions
I cannot verify that the project will comply with the adopted Level of Service (LOS) for Schools	
School District Representative: <i>Debra J. Kelly</i>	Date: 4-19-16

The School District of Lake County
Growth Planning Department
201 West Burleigh Boulevard
Tavares, FL 32778
Phone: (352) 253-6690 or (352) 253-6500
Fax: (352) 253-6691



DEVELOPMENT SERVICES
352-394-4083

CONDITIONAL USE PERMIT

Article IX of the City Zoning Ordinance provides that the Conditional Use Permit shall not become effective for any reason unless and until the following events have occurred:

1. Permittees shall have agreed to each and every condition by properly executing and signing the Conditional Use Permit.
2. Such Conditional Use Permit executed as indicated, along with a copy of the recorded Conditional Use Permit short form, shall have been filed in the office of the City Clerk within ninety (90) days of its approval by City Council. Upon expiration of this period, the permit shall become null and void, and the permittees must apply for rehearing.
3. In the event of failure of the permittee to fulfill development in substantial accordance with the plans as submitted to the Planning and Zoning Commission and the City Council; comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or meet any of the terms of the Conditional Use Permit, the permit may be revoked after due public hearings before the Planning and Zoning Commission and the City Council.

PERMITTEE: Mattamy Homes LLC
Keith Trace
1900 Summit Tower Blvd., Suite 500
Orlando, FL 32810

CONDITIONAL USE PERMIT FOR: To allow for a single-family and multi-family residential planned unit development in the UE Urban Estate zoning district.

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

ZONING: PUD

RESOLUTION: No. 2015-24

EXECUTION DATE: This CUP must be signed and returned along with a copy of the recorded Conditional Use Permit short form to the office of the City Clerk, by **January 25, 2016** or this permit shall expired and become null and void.

CONDITIONS:

Section 1 – Land Uses

1. Residential:
 - a. A total of 950 residential dwelling units, comprising 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.
 - 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:

<u>Design item</u>	<u>Multifamily Dwelling Units (townhouses)</u>		<u>Single Family Detached</u>			<u>Single Family Attached Duplexes</u>
	<u>Rear Load (feet)</u>	<u>Front Load (feet)</u>	<u>Rear Load (feet)</u>	<u>Front Load (feet)</u>	<u>Front Load (feet) (80 feet and Greater)</u>	<u>Front Load and Rear Load</u>
<u>Minimum Lot Area</u>	<u>1,600</u>	<u>1,800</u>	<u>2,400</u>	<u>4,400</u>	<u>9,600</u>	<u>2,400</u>
<u>Minimum Living Area</u>	<u>1,000</u>	<u>1,000</u>	<u>1,400</u>	<u>1,500</u>	<u>1,500</u>	<u>1,200</u>
<u>Minimum Lot Width</u>	<u>20</u>	<u>20</u>	<u>30</u>	<u>40</u>	<u>80</u>	<u>24</u>
<u>Minimum Lot Depth</u>	<u>80</u>	<u>90</u>	<u>80</u>	<u>110</u>	<u>120</u>	<u>100</u>
<u>Minimum Front Building Setback</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Minimum Front Porch Setback</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Minimum Front Garage Setback</u>	<u>-</u>	<u>20</u>	<u>-</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Minimum Rear Garage Setback</u>	<u>20</u>	<u>-</u>	<u>20</u>	<u>-</u>	<u>-</u>	<u>20</u>
<u>Minimum Side Yard Setback¹</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Setback From Side Street</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Minimum Rear Yard Setback</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Minimum Building Separation</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Minimum Rear Yard Setback for Pools, Patios, Decks or Ancillary Structures</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Maximum Impervious Surface Ratio (ISR) *** (See Note)²</u>	<u>0.85</u>	<u>0.85</u>	<u>0.75</u>	<u>0.75</u>	<u>0.75</u>	<u>0.85</u>
<u>Maximum Building Height</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Setback from Ordinary High Water Line, Mean High Water Line,</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>

<u>or Jurisdictional Wetland line</u>						
<u>Minimum Front Yard Utility Easement</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Minimum Side and Rear Yard Drainage and Utility Easement</u>	<u>5¹</u>	<u>5¹</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5¹</u>

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.

Section 2 – Open Space

A minimum of 25% of the net buildable area of the planned unit development shall be provided as open space in accordance with the comprehensive plan and land development code, as amended. A waiver to Section 122-316(b)(4) of the land development code has been granted to allow individual phases of the planned unit development to exceed the overall density of the planned unit development and to allow individual phases of the planned unit development to be developed without providing common open space in proportion to that contained within the entire planned unit development.

Section 3 – 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 Planned Unit Development adjacent to wetlands, open water and conservation areas.
4. A waiver to §118-71(1) of the Land Development Code 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 Land Development Code, as amended. Existing trees may be used to meet the landscape buffer requirements in accordance with the Land Development Code, as amended.

Section 4 – 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.

Section 5 – 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 Land Development Code, 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.
26. The developer reserves its rights, pursuant to Sec. 2-267 – Credits, of the City Code, to enter into an impact fee agreement with the City which shall provide for the establishment of credits and payment of impact fees in a specified manner and time. The terms and conditions of an impact fee agreement between the developer and the City may replace or supersede the conditions contained in the Conditional Use Permit and Planned Unit Development approved for development.

Section 6 – 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.

A waiver to §94-195(b)(3) of the Land Development Code is granted to allow cuts and fills of up to twenty (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.

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 corner, along the north property line, to northeast corner of the project boundary. In addition to this 100-foot right-of-way, additional land necessary to accommodate temporary 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 Planned Unit Development 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 Florida Department of Transportation);
 - 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) as warranted by the traffic impact study; and
 - d. A waiver to §110-194(3) and (4) of the Land Development Code 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 Land Development Code is granted to require private streets with gates. Streets within the development will be gated and will be maintained by the developer or Home Owners Association.
 - e. A waiver to §110-195(b) of the Land Development Code 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 street lights along Emil Jahna Road. The cost of installation shall be paid by the developer, and the ongoing rental of lights shall be paid by the developer or WaterBrooke's Homeowner's Association.

Section 7 – Schools

School concurrency shall be met before final plat approval in accordance with the comprehensive plan and land development code.

Section 8 – Lighting

Exterior lighting shall be in accordance with the Land Development Code, as amended.

Section 9 – Fire Protection and Emergency Services Access

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

Section 10 – Concurrency Management Requirements

Concurrency Management Requirements: Any development shall comply with the Lake County and the City of Clermont Concurrency Management System, as amended.

Section 11 – 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 Land Development Code, as amended.
- 2. Planned Unit Development 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 Planned Unit Development shall commence by July 26, 2023. Failure to commence construction by July 26, 2023 shall cause the automatic revocation of this ordinance.

Section 12 – 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.

Section 13 – Additional Conditions

1. 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.
2. 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.
3. 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.
4. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental permitting agencies.
5. 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 Land Development Code, as amended.

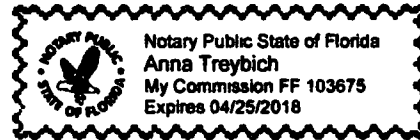
I, the undersigned, do hereby agree to each and every condition of this Conditional Use Permit.

[Signature]
Mattamy Homes LLC (Applicant/Owner)
~~Keith Trace~~ Thomas P. McCarthy V.P.

Date 11/12/2015

STATE OF FLORIDA

COUNTY OF ORANGE



The foregoing instrument was acknowledged before me this 12TH day of

NOVEMBER, 2015, by Thomas McCarthy.
(name of person acknowledging)

[Signature: Anna Treybich]
Signature of Notary Public

Who is personally known to me or who has produced _____ as identification.

Received in the office of the City Clerk on 11/13/2015
Date

[Signature: Denise Mack]
for City Clerk



RETURN TO:
Rae Chidlow, P&Z
City of Clermont
685 West Montrose St
Clermont, FL 34711

SHORT FORM CONDITIONAL USE PERMIT

THIS SHORT FORM CONDITIONAL USE PERMIT evidences that certain Conditional Use Permit adopted and approved by the Clermont City Council by Resolution No. 2015-24 and agreed to and accepted by the undersigned developer/applicant as of October 27, 2015, with regard to the following described real property

540.223 acres more or less located on south of S R 50, west of Hartle Road, east of Hancock Road, and north and south of Island Blvd.; Alternate Keys 1095972, 3882911, 1095964, 2717874: Clermont.

and is for the purposes of providing notice to all interested parties, the assigns, successors and heirs of the undersigned developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the above-referenced Conditional Use Permit.

IN WITNESS WHEREOF, the undersigned has duly executed this Short Form Conditional Use Permit as of the day set forth below.

Signed, sealed and delivered in the presence of

Signed by Applicant

Signed by Applicant

Printed Name and Title

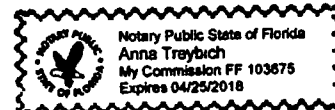
Thomas P. McCarthy
Printed Name and Title
Vice President

STATE OF FLORIDA:
COUNTY OF ORANGE

I HEREBY CERTIFY that on this 12th day of NOVEMBER, 2015, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Thomas McCarthy, who is personally known to me or who has produced _____ as identification, and who executed the foregoing instrument, and who did take an oath.

Anna Treybuch
NOTARY PUBLIC

My commission expires:
4/25/2018



I certify that the foregoing is an accurate copy of the document as reflected in the Official Records. Portions may be redacted
NEIL KELLY, CLERK OF CIRCUIT COURT LAKE COUNTY

By [Signature], Deputy Clerk 11/13/2015 3 18 32 PM

**RETURN TO:**

Rae Chidlow, P&Z
City of Clermont
685 West Montrose St.
Clermont, FL 34711

INSTRUMENT #2015124316
OR BK 4705 PG 1777 - 1777 (1 PGS)
DATE 11/13/2015 3 18 29 PM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$10.00

SHORT FORM CONDITIONAL USE PERMIT

THIS SHORT FORM CONDITIONAL USE PERMIT evidences that certain Conditional Use Permit adopted and approved by the Clermont City Council by Resolution No. 2015-24 and agreed to and accepted by the undersigned developer/applicant as of October 27, 2015, with regard to the following described real property:

540.223 acres more or less located on south of S.R. 50, west of Hartle Road, east of Hancock Road, and north and south of Island Blvd.; Alternate Keys 1095972, 3882911, 1095964, 2717874; Clermont.

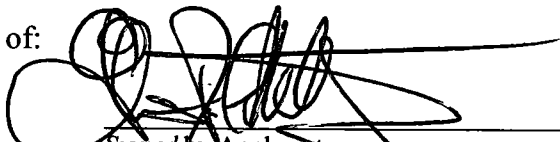
and is for the purposes of providing notice to all interested parties, the assigns, successors and heirs of the undersigned developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the above-referenced Conditional Use Permit.

IN WITNESS WHEREOF, the undersigned has duly executed this Short Form Conditional Use Permit as of the day set forth below.

Signed, sealed and delivered in the presence of:

Signed by Applicant

Printed Name and Title

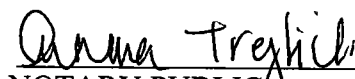


Signed by Applicant
Thomas P. C. McCarthy

Printed Name and Title
Vice President

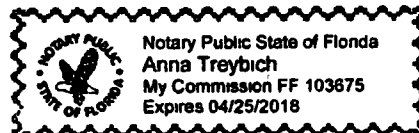
STATE OF FLORIDA:
COUNTY OF ORANGE:

I HEREBY CERTIFY that on this 12TH day of NOVEMBER, 2015, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Thomas McCarthy, who is personally known to me or who has produced _____ as identification, and who executed the foregoing instrument, and who did take an oath.



NOTARY PUBLIC

My commission expires:
4/25/2018





CITY OF CLERMONT
REZONING
APPLICATION

DATE: 4/1/16

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): WaterBrooke 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: Ladd Development, Inc. - Attn: Dale J. Ladd

Address: 1135 East Avenue

City: Clermont State: Florida Zip: 34711

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

OWNER: Clermont Storage Center LLC - Attn: Richard Beavers

Address: 1041 Crown Park Circle

City: Winter Garden State: Florida Zip: 34787

Phone: 321-278-7928 Fax: N/A

Address of Subject Property: Northeast quadrant of intersection of Hancock Rd & Lost Lake Rd

Legal Description (include copy of survey): See attached

Acreage: ±28.61

Land Use: Regional Commercial (County)

Low Density Residential (City) requested under
separate application
(City verification required)

Present Zoning: MP – Planned Industrial District (County) Proposed Zoning: PUD (City)
(City verification required)



**CITY OF CLERMONT
REZONING
APPLICATION**

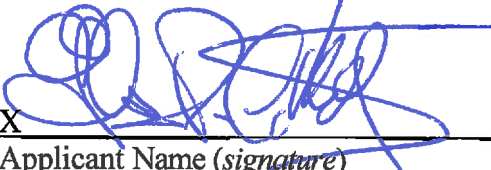
Page 2

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

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

Mattamy Orlando, LLC (Mattamy) is under contract to purchase approximately 29 acres of land in unincorporated Lake County adjacent to the previously approved ±540-acre WaterBrooke PUD. Since the property is contiguous to the city limits, Mattamy is filing on behalf of the Owner Applications for Annexation, Comprehensive Plan Amendment and Rezoning in order to add the subject property to the WaterBrooke PUD and increase the number of residential units within the WaterBrooke PUD to 1,100.

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

X 
Applicant Name (signature)

Dale J. Ladd
Ladd Development, Inc.
Owner Name (print)

X 
Owner Name (signature)

Richard Beavers
Clermont Storage Center LLC
Owner Name (print)

X 
Owner Name (signature)

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

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.

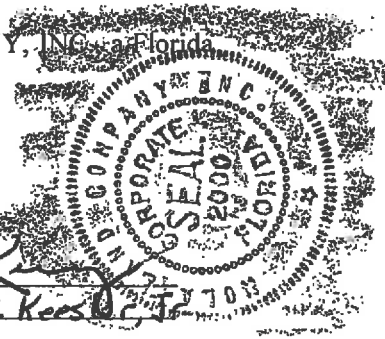
Signed, sealed and delivered
in the presence of:

Deborah Partlow
Print Name: Deborah Partlow

[Signature]
Print Name: C. B. MYERS III

NOLA LAND COMPANY, INC., a Florida
corporation

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.

CFN 2005101164
BK 02878 Pgs 0844 - 846: (3pgs)
DATE: 07/05/2005 03:36:04 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 27.00
DEED DOC 17,462.90

This instrument was prepared
by and should be returned to:

William A. Beckett, Esquire
Lowndes, Drosdick, Doster, Kantor
& Reed, P.A.
Post Office Box 2809
Orlando, Florida 32802-2809

TAX PARCEL ID. NOS.:
34-22-26-1300-000-00200
34-22-26-1300-00A-00000
34-22-26-1300-00C-00000
34-22-26-00002-000-00200

WARRANTY DEED

THIS WARRANTY DEED, made and executed as of the 1st day of July, 2005, by MANLOW PROPERTIES, LLC, a Florida limited liability company, whose address is 215 N. Eola Drive, Orlando, Florida 32801 (hereinafter referred to as the "Grantor") to LADD DEVELOPMENT, INC., a Florida corporation, whose address is 1135 East Avenue, Clermont, Florida 34711 (hereinafter referred to as the "Grantee");

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the Grantee that certain piece, parcel or tract of land situated in Lake County, Florida more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT "A"
(hereinafter referred to as the "Subject Property");

TOGETHER WITH all the tenements, hereditaments, easements and appurtenances, including riparian rights, if any, thereto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the Subject Property in fee simple forever.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Subject Property in fee simple; that it has good right and lawful authority to sell and convey the Subject Property; that it hereby fully warrants the title to said Subject Property and will defend the same against the lawful claims of all persons whomsoever; and that the Subject Property is free of all encumbrances except ad valorem real property taxes and assessments for the year

2005, and easements and restrictions imposed of record, if any, the reference to which shall not operate to reimpose the same.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in manner and form sufficient to bind it as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Sandra K. Merchut
Name: SANDRA K. MERCHUT

Roxane H. Stratton
Name: Roxane H. Stratton

MANLOW PROPERTIES, LLC
a Florida limited liability company

By: [Signature]
Name: Robert A. Mandell
Title: Managing Member

Address:
215 N. Eola Drive
Orlando, Florida 32801

STATE OF FLORIDA
COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 30 day of June, 2005 by Robert A. Mandell, as Managing Member of Manlow Properties, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced Personally Known as identification.

(NOTARY SEAL)



Sandra K. Merchut
Notary Public Signature

Typed or Printed Notary Name
Notary Public-State of _____
Commission No.: _____
My Commission Expires: _____

EXHIBIT "A"

SUBJECT PROPERTY

Description - Parcel A:

Lot 2, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The South $\frac{1}{2}$ of Tract C, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

That portion of the South 1575.00 feet of the West 1660.00 feet of the North $\frac{1}{2}$ of Section 34, Township 22 South, Range 26 East, Lake County, Florida, Less the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

Description - Parcel C:

The North $\frac{1}{2}$ of Tract B, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The South $\frac{1}{2}$ of that portion of the following described land lying North of Tract B, MANLOW PARK, according to the plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida:

The South 1575.00 feet of the West 1660.00 feet of the North $\frac{1}{2}$ of Section 34, Township 22 South, Range 26 East, Lake County, Florida, Less the North 726.00 feet of the East 900.00 feet thereof.



FISHBACK DOMINICK BENNETT STEPTER
ARDAMAN AHLERS & LANGLEY LLP
1947 LEE RD
WINTER PARK FL 32789

Prepared by and return to:
Kenneth R. Uncapher
Carlton Fields, P.A.
Post Office Box 1171
Orlando, Florida 32802-1171

SPECIAL WARRANTY DEED

This Special Warranty Deed is executed effective the 8th day of November 2013, by **PNC BANK, NATIONAL ASSOCIATION**, successor by merger to RBC Bank (USA), whose address is 249 Fifth Avenue, Pittsburgh, PA, 15222 (hereinafter referred to as "Grantor"), to **CLERMONT STORAGE CENTER, LLC**, a Florida limited liability company, whose address is 1041 Crown Park Circle, Winter Garden, FL 34787 (hereinafter referred to as "Grantee"):

Subject to the limitations described herein, Grantor grants and conveys ownership of the property (the "Property") described below to Grantee, to have and to hold the Property in fee simple forever, along with all of its rights and appurtenances, including any right, title, and interest of Grantor in adjacent streets, alleys, and rights-of-way.

The Property consists of the land, together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, in the County of Lake of the State of Florida. The legal description of the Property is:

Lot 1, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

Tract A, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The North Half of Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The South Half of Tract B, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

That portion of the South 1575.00 feet of the West 1660.00 feet of the North Half of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726 feet of the East 900.00 feet thereof, lying East of Lot 1 and Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and North of an Easterly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and South of Tract A, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

This Special Warranty Deed was made for and in consideration of the sum of \$10.00 and other good and valuable consideration paid to the undersigned by Grantee.

Grantor covenants with Grantee that Grantor specially warrants title to the Property conveyed here, and that Grantor will forever warrant and defend title to the Property for Grantee and Grantee's heirs and personal representatives and assigns, from and against the claims and demands of Grantor and all persons claiming by, through, or under Grantor, but not against the claims of any others.

The conveyance of the Property is made subject to the following exceptions, reservations or restrictions: Taxes for the year 2013, all easements, reservations, exceptions, and restrictions of record, but any reference in this Special Warranty Deed to any easement, reservation, exception, encumbrance or restriction shall not serve to or be deemed to reimpose or reinstate any such easement, reservation, exception, or restriction unless such reinstatement or reimposition is specifically set forth in this Special Warranty Deed.

The covenants made in this deed are legally binding on Grantor and all who lawfully succeed to Grantor's rights and responsibilities. These covenants can be enforced by Grantee and all future owners of the Property.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Sheri Ondercik
Witness

Sheri Ondercik
(Please Print or Type Name)

[Signature]
Witness

Kristina Sanders
(Please Print or Type Name)

PNC BANK, NATIONAL ASSOCIATION

By: *John R. Gassie*
John R. Gassie, Senior Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 8th day of November, 2013, by JOHN R. GASSIE as Senior Vice President of PNC BANK, NATIONAL ASSOCIATION, who is personally known to me or has produced _____ as identification.

(SEAL)

Sharon E. Ondercik
Notary Public-State of Florida

SHARON E. ONDERCIK
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION #EE118511
EXPIRES 8/3/2015
BONDED THRU 1-888-NOTARY1

WATERBROOKE
(INCLUDING NOLA LAND CO., CLERMONT STORAGE PURCHASE PARCEL AND
LADD DEVELOPMENT PARCEL)

DESCRIPTION:

NOLA LAND COMPANY PARCEL:

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:

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;

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 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.

Excluding that portion of Johns Lake South of Island Blvd. lying water ward 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 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.

TOGETHER WITH:

LADD DEVELOPMENT PARCEL:

PARCEL 1:

Lot 2, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 2:

The South 1/2 of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 3:

That portion of the South 1575.00 feet of the West 1660.00 feet of the North 1/2 of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and that is lying South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

LESS Road Right-of-Way for Lost Lake Road.

TOGETHER WITH:

CLERMONT STORAGE MATTAMY PURCHASE PARCEL:

That part of Section 34, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 34, Township 22 South, Range 26 East, thence run N00°05'36"W along the West line of the Northwest 1/4 of said Section 34, a distance of 475.28 feet to the intersection of the West line of the Northwest 1/4 of Section 34 and the Westerly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof as recorded in Plat Book 50, Pages 86 and 87, of the Public Records of Lake County, Florida (vacated in Official Records Book 4749, Page 1398, of said Public Records); thence departing said West line run N89°54'28"E along said centerline of Tract C and the Easterly extension thereof, 340.00 feet to the POINT OF BEGINNING; thence departing said centerline of Tract C and the Easterly extension run N00°05'36"W, 328.50 feet; thence run S89°33'02"E, 419.99 feet to the Southerly extension of the Easterly line of Tract A of aforementioned MANLOW PARK plat; thence run N00°05'36"W along said Southerly extension and said Easterly line, 42.11 feet to the Southwest corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S89°33'20"E along the South line of said North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34, a distance of 900.07 feet to Southeast corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S00°05'36"E along the East line of the West 1660.00 feet of the North 1/2 of said Section 34, a distance of 358.20 feet to the intersection of the Easterly extension of aforementioned centerline of Tract C and the East line of the West 1660.00 feet of said Section 34; thence departing said East line run S89°54'28"W along said Easterly extension, 1320.00 feet to the POINT OF BEGINNING.

Containing 568.831 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.

LEGAL NOTICE

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

ORDINANCE NO. 2016-20

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

LOCATION

South of S.R. 50, West of the Hartle Road, east of Hancock Road,
and north and south of Island Blvd

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;

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;

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 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 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.

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.

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).

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.

TOGETHER WITH:

LADD DEVELOPMENT PARCEL:

PARCEL 1:

Lot 2, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 2:

The South 1/2 of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 3:

That portion of the South 1575.00 feet of the West 1660.00 feet of the North 1/2 of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and that is lying South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

LESS Road Right-of-Way for Lost Lake Road.

TOGETHER WITH:

CLERMONT STORAGE MATTAMY PURCHASE PARCEL:

That part of Section 34, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 34, Township 22 South, Range 26 East, thence run N00°05'36"W along the West line of the Northwest 1/4 of said Section 34, a distance of 475.28 feet to the intersection of the West line of the Northwest 1/4 of Section 34 and the Westerly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof as recorded in Plat Book 50, Pages 86 and 87, of the Public Records of Lake County, Florida (vacated in Official Records Book 4749, Page 1398, of said Public Records); thence departing said West line run N89°54'28"E along said centerline of Tract C and the Easterly extension thereof, 340.00 feet to the POINT OF BEGINNING; thence departing said centerline of Tract C and the Easterly extension run N00°05'36"W, 328.50 feet; thence run S89°33'02"E, 419.99 feet to the Southerly extension of the Easterly line of Tract A of aforementioned MANLOW PARK plat; thence run N00°05'36"W along said Southerly extension and said Easterly line, 42.11 feet to the Southwest corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S89°33'20"E along the South line of said North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34, a distance of 900.07 feet to Southeast corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence run S00°05'36"E along the East line of the West 1660.00 feet of the North 1/2 of said Section 34, a distance of 358.20 feet to the intersection of the Easterly extension of aforementioned centerline of Tract C and the East line of the West 1660.00 feet of said Section 34; thence departing said East line run S89°54'28"W along said Easterly extension, 1320.00 feet to the POINT OF BEGINNING.

Containing 568.831 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.

FROM UE Urban Estate
TO Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Tuesday, May 3, 2016 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, May 24, 2016 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
April 26 and May 10, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 10, 2016		
Agenda Item Name		
Ordinance No. 2016-21 <i>Introduction</i> <i>The Vue Right-of-Way Closing</i>		
Requested Action		
Move to introduce Ordinance 2016-21.		
Staff Report		
The applicant, AC-Fulcrum, is preparing plans to develop several parcels south of Highway 50, west of Miss Florida Avenue and north of Hooks Street. During their due diligence process, they discovered an undeveloped right-of-way running north/south near the middle of the proposed development. It is a 30-foot right-of-way lying between Tracts 20, 21, 28, and 29 of the Lake Highlands Company Plat. The right-of-way was platted as part of the original Lake Highlands Company, plat book 2, page 28, recorded on March 2, 1914. The right-of-way has existed for over 100 years and is still not developed. The parcels have severe topography changes, and the original lots do have other access points. The applicant is requesting to eliminate the right-of-way to prepare the site for future development. Staff recommends approval of Ordinance 2016-21.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance	ROW ORD 2016-21.doc
2.	Map	Map ROW.pdf
3.	ROW sketch	IS-23822 SKLG-NS-ROADWAY Revised (3-1-16).pdf
4.	ROW sketch	IS-23822 SKLG-S-ROADWAY Revised(3-19-16).pdf
5.	Legal ad	ROW legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2016-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CLOSING AND PERMANENTLY ABANDONING THE RIGHT-OF-WAY EASEMENTS ON THE NORTH/SOUTH ROADWAY BETWEEN TRACTS 20, 21, 28, AND 29 AS SHOWN ON THE PLAT OF CLERMONT, LAKE HIGHLANDS 28-22-26 PB 2 PG 28 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LESS RIGHT-OF-WAY FOR HOOKS STREET; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, PUBLICATION, RECORDING, AND FOR AN EFFECTIVE DATE.

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

Section 1.

That any and all portions, closing and permanently abandoning the right-of-way easements on the north/south roadway between Tracts 20, 21, 28, and 29 as shown on the plat of Clermont, Lake Highlands, 28-22-26, PB 2, PG 28, Public Records of Lake County, Florida.

Section 2.

The closing is done pursuant to the authority of the Charter of the City of Clermont, Lake County, Florida and the general laws of the State of Florida.

Section 3.

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.

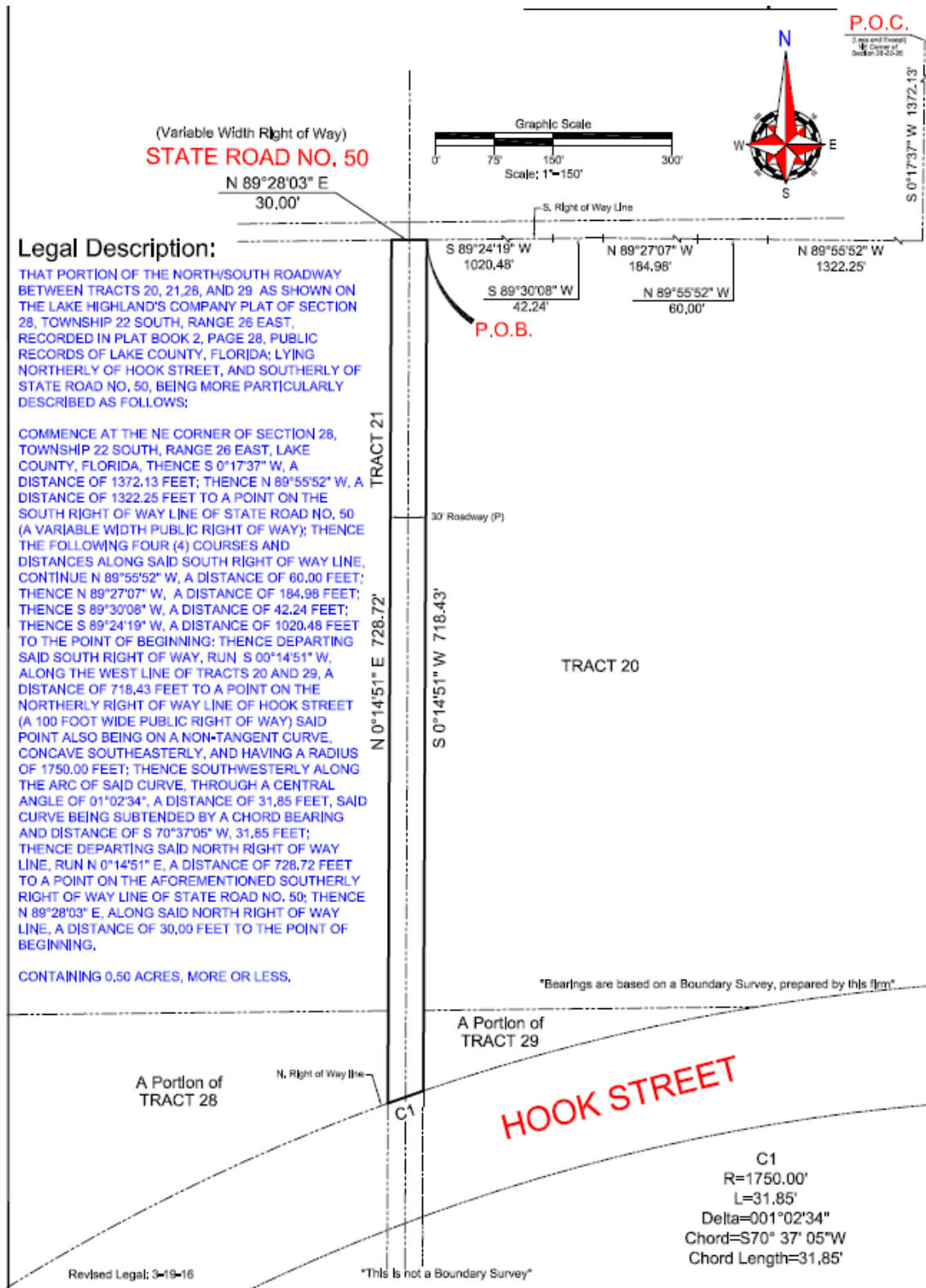
Section 4.

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

Section 5.

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. 2016-21



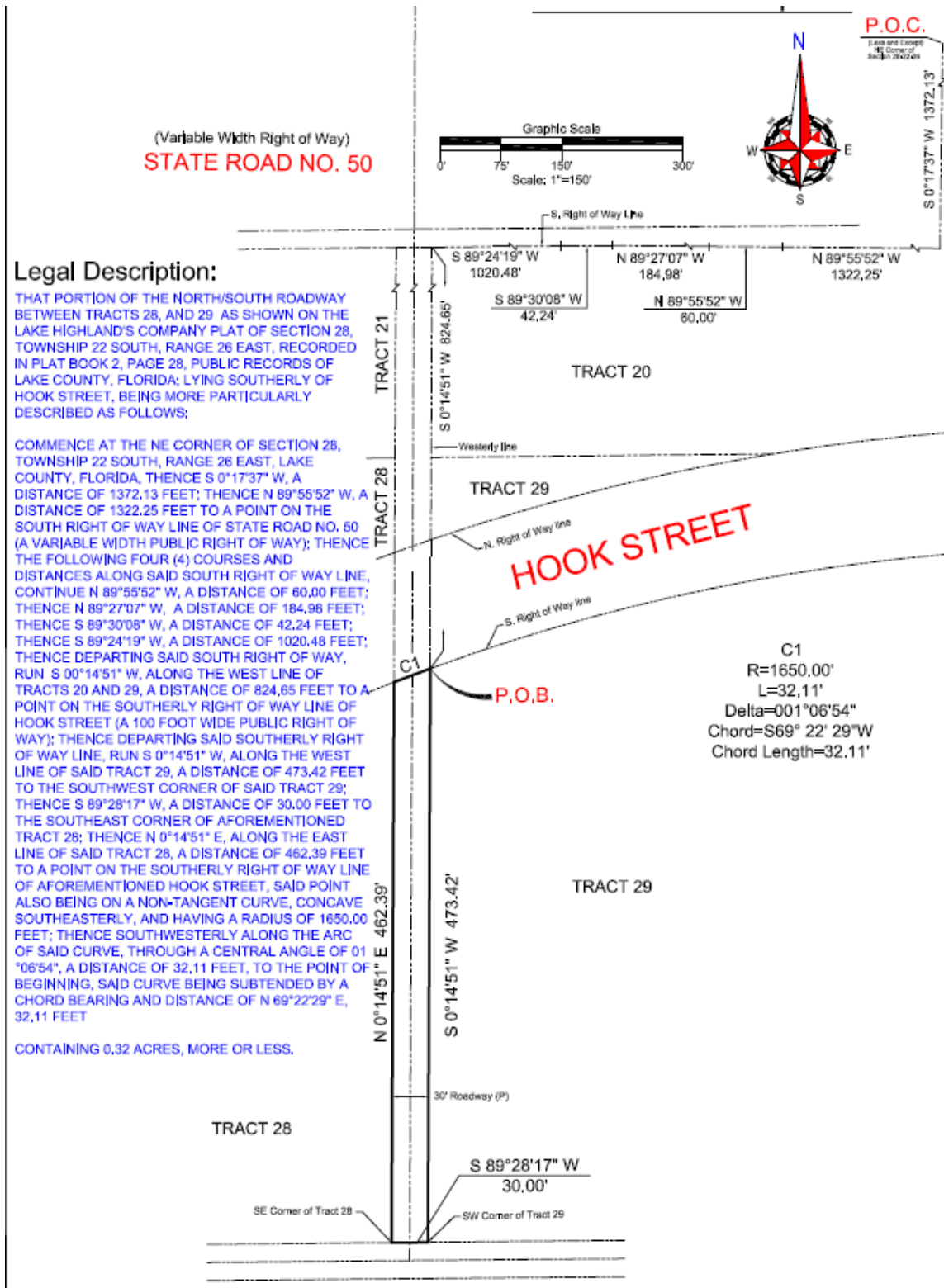
Legal Description:

THAT PORTION OF THE NORTH/SOUTH ROADWAY BETWEEN TRACTS 20, 21, 28, AND 29 AS SHOWN ON THE LAKE HIGHLAND'S COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LYING NORTHERLY OF HOOK STREET, AND SOUTHERLY OF STATE ROAD NO. 50, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, THENCE S 0°17'37" W, A DISTANCE OF 1372.13 FEET; THENCE N 89°55'52" W, A DISTANCE OF 1322.25 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 50 (A VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG SAID SOUTH RIGHT OF WAY LINE, CONTINUE N 89°55'52" W, A DISTANCE OF 60.00 FEET; THENCE N 89°27'07" W, A DISTANCE OF 184.98 FEET; THENCE S 89°30'08" W, A DISTANCE OF 42.24 FEET; THENCE S 89°24'19" W, A DISTANCE OF 1020.48 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN S 0°14'51" W, ALONG THE WEST LINE OF TRACTS 20 AND 29, A DISTANCE OF 718.43 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HOOK STREET (A 100 FOOT WIDE PUBLIC RIGHT OF WAY) SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 1750.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°02'34", A DISTANCE OF 31.85 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 70°37'05" W, 31.85 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN N 0°14'51" E, A DISTANCE OF 728.72 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 50; THENCE N 89°28'03" E, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.50 ACRES, MORE OR LESS.

CITY OF CLERMONT
ORDINANCE No. 2016-21



CITY OF CLERMONT
ORDINANCE No. 2016-21

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of May, 2016.

Gail L. Ash, Mayor

ATTEST:

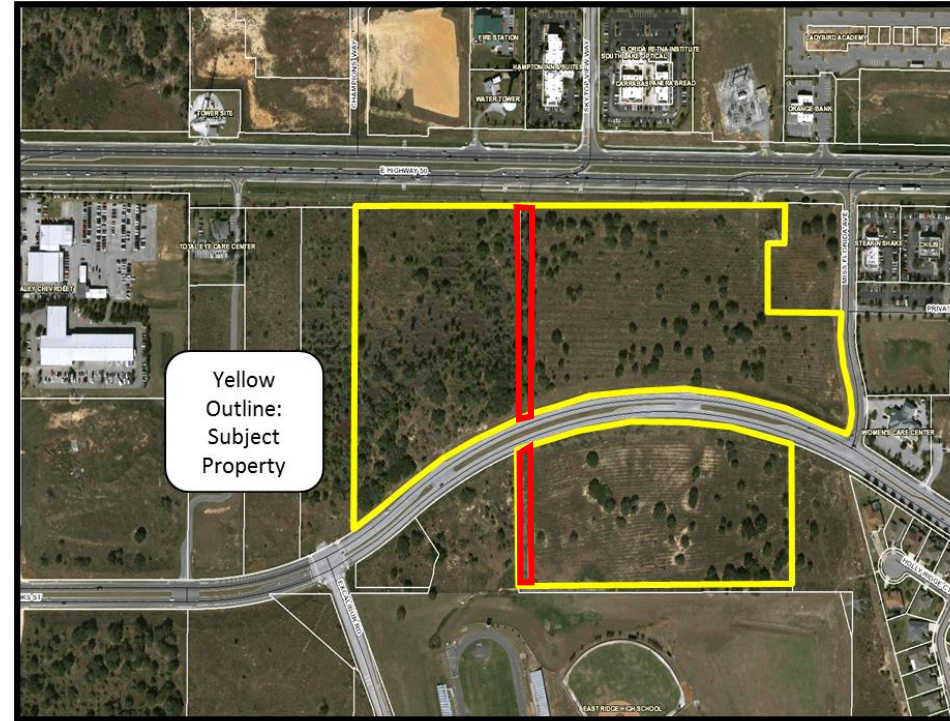
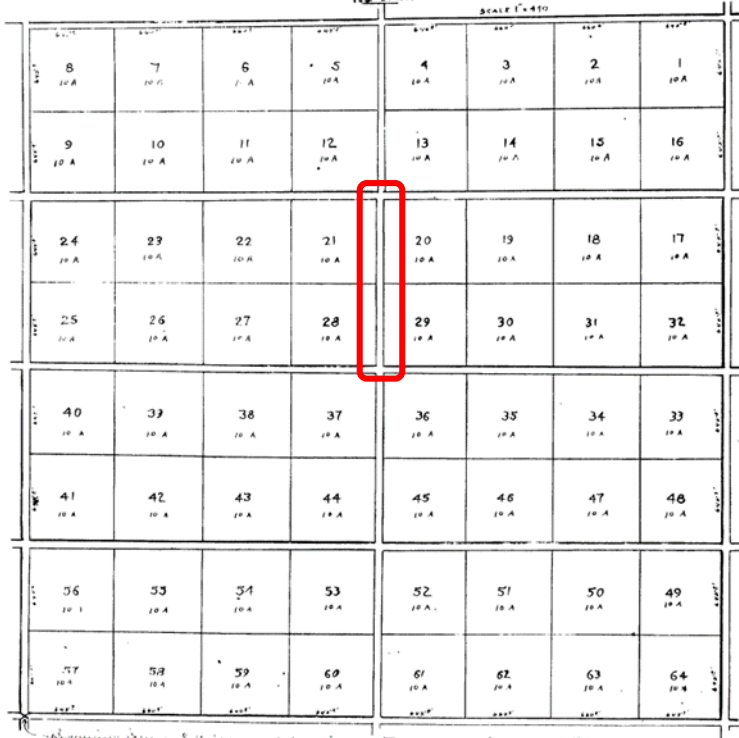
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

The Vue ROW Vacation Request

MAP OF
SECTION 28
TOWNSHIP 22 S. RANGE 26 E.
LAKE COUNTY FLORIDA
— PROPERTY OF —
LAKE HIGHLANDS COMPANY
— CLEMINT, FLA —
— HUNTINGTON, W. VA —
FEB. 23 1914

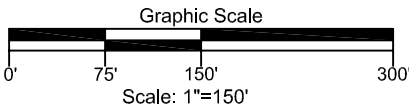


The 30-foot ROW was part of the plat from Lake Highlands Company in 1914. The areas outlined in red is what the applicant requests to be vacated based upon legal descriptions and control.

Sketch of Description

P.O.C.

(Less and Except)
NE Corner of
Section 28-22-26



(Variable Width Right of Way)
STATE ROAD NO. 50

N 89°28'03" E
30.00'

S. Right of Way Line

S 0°17'37" W 1372.13'

Legal Description:

THAT PORTION OF THE NORTH/SOUTH ROADWAY BETWEEN TRACTS 20, 21, 28, AND 29 AS SHOWN ON THE LAKE HIGHLAND'S COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LYING NORTHERLY OF HOOK STREET, AND SOUTHERLY OF STATE ROAD NO. 50, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 0.50 ACRES, MORE OR LESS.

TRACT 21

N 0°14'51" E 728.72'

S 0°14'51" W 718.43'

TRACT 20

30' Roadway (P)

Bearings are based on a Boundary Survey, prepared by this firm

A Portion of
TRACT 29

A Portion of
TRACT 28

N. Right of Way line

C1

HOOK STREET

C1

R=1750.00'

L=31.85'

Delta=001°02'34"

Chord=S70° 37' 05"W

Chord Length=31.85'

Revised Legal: 3-19-16

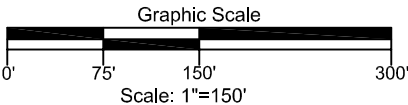
This is not a Boundary Survey

Field Date: N/A		Date Completed: 3/15/16		-Notes- >Sketch is Based upon the Legal Description Supplied by Client. >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus. >Subject to any Easements and/or Restrictions of Record. >Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB". >Building Ties are NOT to be used to reconstruct Property Lines. >Fence Ownership is NOT determined. >Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted. >Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies. >Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified. >Flood Zone Determination Shown Heron is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor. Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.																																																																																	
Drawn By: GLG		File Number: IS-23822																																																																																			
-Legend-				I hereby Certify that the Sketch of the above Described Property Is True and Correct to the Best of my Knowledge and Belief as of the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.  Patrick K. Ireland, P.S.M. 6637, LB 7623 This Survey is intended ONLY for the use of Said Certified Parties. This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal. Ireland & Associates Surveying, Inc. 1301 S. International Parkway Suite 2001 Lake Mary, Florida 32746 www.irelandsurveying.com Office-407.678.3366 Fax-407.320.8165																																																																																	
<table><tr><td>C</td><td>- Calculated</td><td>PC</td><td>- Point of Curvature</td></tr><tr><td>CL</td><td>- Centerline</td><td>Pg.</td><td>- Page</td></tr><tr><td>CB</td><td>- Concrete Block</td><td>PI</td><td>- Point of Intersection</td></tr><tr><td>CM</td><td>- Concrete Monument</td><td>P.O.B.</td><td>- Point of Beginning</td></tr><tr><td>Conc.</td><td>- Concrete</td><td>P.O.L.</td><td>- Point on Line</td></tr><tr><td>D</td><td>- Description</td><td>PP</td><td>- Power Pole</td></tr><tr><td>DE</td><td>- Drainage Easement</td><td>PRM</td><td>- Permanent Reference Monument</td></tr><tr><td>Esmt.</td><td>- Easement</td><td>PT</td><td>- Point of Tangency</td></tr><tr><td>F.E.M.A.</td><td>- Federal Emergency Management Agency</td><td>R</td><td>- Radius</td></tr><tr><td>FFE</td><td>- Finished Floor Elevation</td><td>Rad.</td><td>- Radial</td></tr><tr><td>Fnd.</td><td>- Found</td><td>R&C</td><td>- Rebar & Cap</td></tr><tr><td>IP</td><td>- Iron Pipe</td><td>Rec.</td><td>- Recovered</td></tr><tr><td>L</td><td>- Length (Arc)</td><td>Rfd.</td><td>- Roofed</td></tr><tr><td>M</td><td>- Measured</td><td>Set</td><td>- Set 1/2" Rebar & Cap "LB 7623"</td></tr><tr><td>N&D</td><td>- Nail & Disk</td><td>Typ.</td><td>- Typical</td></tr><tr><td>N.R.</td><td>- Non-Radial</td><td>UE</td><td>- Utility Easement</td></tr><tr><td>ORB</td><td>- Official Records Book</td><td>WM</td><td>- Water Meter</td></tr><tr><td>P</td><td>- Plat</td><td>Δ</td><td>- Delta (Central Angle)</td></tr><tr><td>P.B.</td><td>- Plat Book</td><td>—O—</td><td>- Chain Link Fence</td></tr><tr><td>□</td><td>- Wood Fence</td><td></td><td></td></tr></table>						C	- Calculated	PC	- Point of Curvature	CL	- Centerline	Pg.	- Page	CB	- Concrete Block	PI	- Point of Intersection	CM	- Concrete Monument	P.O.B.	- Point of Beginning	Conc.	- Concrete	P.O.L.	- Point on Line	D	- Description	PP	- Power Pole	DE	- Drainage Easement	PRM	- Permanent Reference Monument	Esmt.	- Easement	PT	- Point of Tangency	F.E.M.A.	- Federal Emergency Management Agency	R	- Radius	FFE	- Finished Floor Elevation	Rad.	- Radial	Fnd.	- Found	R&C	- Rebar & Cap	IP	- Iron Pipe	Rec.	- Recovered	L	- Length (Arc)	Rfd.	- Roofed	M	- Measured	Set	- Set 1/2" Rebar & Cap "LB 7623"	N&D	- Nail & Disk	Typ.	- Typical	N.R.	- Non-Radial	UE	- Utility Easement	ORB	- Official Records Book	WM	- Water Meter	P	- Plat	Δ	- Delta (Central Angle)	P.B.	- Plat Book	—O—	- Chain Link Fence	□	- Wood Fence		
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FFE	- Finished Floor Elevation	Rad.	- Radial																																																																																		
Fnd.	- Found	R&C	- Rebar & Cap																																																																																		
IP	- Iron Pipe	Rec.	- Recovered																																																																																		
L	- Length (Arc)	Rfd.	- Roofed																																																																																		
M	- Measured	Set	- Set 1/2" Rebar & Cap "LB 7623"																																																																																		
N&D	- Nail & Disk	Typ.	- Typical																																																																																		
N.R.	- Non-Radial	UE	- Utility Easement																																																																																		
ORB	- Official Records Book	WM	- Water Meter																																																																																		
P	- Plat	Δ	- Delta (Central Angle)																																																																																		
P.B.	- Plat Book	—O—	- Chain Link Fence																																																																																		
□	- Wood Fence																																																																																				

Sketch of Description

P.O.C.

(Less and Except)
NE Corner of
Section 28-22-26



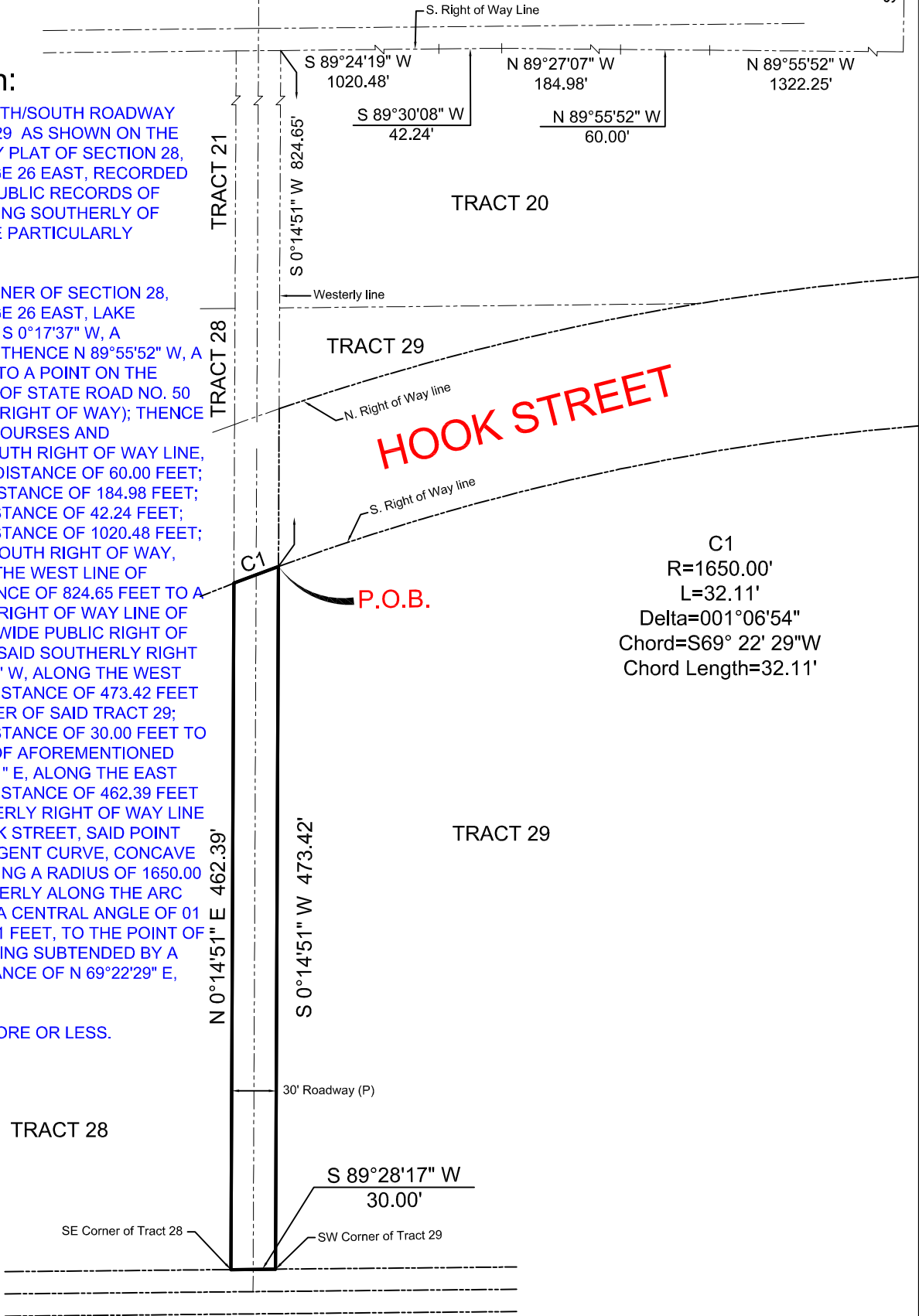
(Variable Width Right of Way)
STATE ROAD NO. 50

Legal Description:

THAT PORTION OF THE NORTH/SOUTH ROADWAY BETWEEN TRACTS 28, AND 29 AS SHOWN ON THE LAKE HIGHLAND'S COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LYING SOUTHERLY OF HOOK STREET, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, THENCE S 0°17'37" W, A DISTANCE OF 1372.13 FEET; THENCE N 89°55'52" W, A DISTANCE OF 1322.25 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 50 (A VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG SAID SOUTH RIGHT OF WAY LINE, CONTINUE N 89°55'52" W, A DISTANCE OF 60.00 FEET; THENCE N 89°27'07" W, A DISTANCE OF 184.98 FEET; THENCE S 89°30'08" W, A DISTANCE OF 42.24 FEET; THENCE S 89°24'19" W, A DISTANCE OF 1020.48 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN S 00°14'51" W, ALONG THE WEST LINE OF TRACTS 20 AND 29, A DISTANCE OF 824.65 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF HOOK STREET (A 100 FOOT WIDE PUBLIC RIGHT OF WAY); THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, RUN S 0°14'51" W, ALONG THE WEST LINE OF SAID TRACT 29, A DISTANCE OF 473.42 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 29; THENCE S 89°28'17" W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED TRACT 28; THENCE N 0°14'51" E, ALONG THE EAST LINE OF SAID TRACT 28, A DISTANCE OF 462.39 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF AFOREMENTIONED HOOK STREET, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 1650.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01 °06'54", A DISTANCE OF 32.11 FEET, TO THE POINT OF BEGINNING, SAID CURVE BEING SUBTENED BY A CHORD BEARING AND DISTANCE OF N 69°22'29" E, 32.11 FEET

CONTAINING 0.32 ACRES, MORE OR LESS.



C1
R=1650.00'
L=32.11'
Delta=001°06'54"
Chord=S69° 22' 29"W
Chord Length=32.11'

Revised Legal : 3-19-16

This is not a Boundary Survey *Bearings are based on a Boundary Survey, prepared by this firm*

Field Date: N/A		Date Completed: 3/15/16		-Notes- >Sketch is Based upon the Legal Description Supplied by Client. >Abutting Properties Deeds have <u>NOT</u> been Researched for Gaps, Overlaps and/or Hiatus. >Subject to any Easements and/or Restrictions of Record. >Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB". >Building Ties are <u>NOT</u> to be used to reconstruct Property Lines. >Fence Ownership is <u>NOT</u> determined. >Roof Overhangs, Underground Utilities and/or Footers have <u>NOT</u> been located <u>UNLESS</u> otherwise noted. >Septic Tanks and/or Drainfield locations are approximate and <u>MUST</u> be verified by appropriate Utility Location Companies. >Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified. >Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor. Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.	
Drawn By: GLG		File Number: IS-23822			
-Legend- C - Calculated CB - Concrete Block CM - Concrete Monument Conc. - Concrete D - Description DE - Drainage Easement Esmt. - Easement F.E.M.A. - Federal Emergency Management Agency FFE - Finished Floor Elevation Fnd. - Found IP - Iron Pipe L - Length (Arc) M - Measured N&D - Nail & Disk N.R. - Non-Radial ORB - Official Records Book P - Plat P.B. - Plat Book -O- - Wood Fence PC - Point of Curvature Pg. - Page PI - Point of Intersection P.O.B. - Point of Beginning P.O.L. - Point on Line PP - Power Pole PRM - Permanent Reference Monument PT - Point of Tangency R - Radius Rad. - Radial R&C - Rebar & Cap Rec. - Recovered Rfd. - Roofed Set - Set ½" Rebar & Cap "LB 7623" Typ. - Typical UE - Utility Easement WM - Water Meter Δ - Delta (Central Angle) -O- - Chain Link Fence				I hereby Certify that the Sketch of the above Described Property Is True and Correct to the Best of my Knowledge and Belief as of the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.	
				 FOR THE FIRM Patrick K. Ireland PSM 6637 LB 7623 This Survey is intended <u>ONLY</u> for the use of Said Certified Parties. This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal. <i>Ireland & Associates Surveying, Inc.</i> 1301 S. International Parkway Suite 2001 Lake Mary, Florida 32746 www.irelandsurveying.com Office-407.678.3366 Fax-407.320.8165	

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday, May 24, 2016 at 6:30 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2016-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CLOSING AND PERMANENTLY ABANDONING THE RIGHT-OF-WAY EASEMENTS NORTH/SOUTH ROADWAY BETWEEN TRACTS 20, 21, 28, AND 29 AS SHOWN ON THE PLAT OF CLERMONT, LAKE HIGHLANDS 28-22-26 PB 2 PG 28 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LESS RIGHT OF WAY FOR HOOKS ST.; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, PUBLICATION, RECORDING, AND FOR AN EFFECTIVE DATE.

This ordinance is available for public inspection in the Development Services Department, 685 W. Montrose Street, Clermont, Florida, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

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

Tracy Ackroyd Howe, MMC

City Clerk
Daily Commercial
May 10, 2016