



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
LOCATION: CLERMONT CITY HALL
685 WEST MONTROSE STREET
6:30 PM, Tuesday, February 4, 2025**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
MINUTES**

Approval of the January 7, 2025 Minutes

REPORTS

UNFINISHED BUSINESS

Item No. 1 - Ordinance No. 2025-003
Magnolia Center PUD Amendment
(Tabled from January 7, 2025 P&Z Meeting)

Consider an Amendment to the Magnolia Center Planned Unit Development (PUD) for an Increase in the Number of Fast Food Restaurants.

Item No. 2 - Ordinance No. 2025-001
Land Development Code Amendment - Permitted Uses
(Tabled from January 7, 2025 P&Z Meeting)

Consider an Amendment to the Land Development Code (LDC) Section 125-369 Permitted Uses, Section 125-370 Conditional Uses, and Section 125-373 Off-Street Parking.

Item No. 3 - Ordinance No. 2025-002
Land Development Code Amendment - Parking
(Tabled from January 7, 2025 P&Z Meeting)

Consider an Amendment to the Land Development Code (LDC) Section 115-14 Parking Space Requirements.

NEW BUSINESS

Item 4 - Resolution No. 2025-005R
Clermont Retail 935 W. Minneola Ave.

Consider a Conditional Use Permit to Allow for a Commercial Building Size to Exceed 3,000 Square Feet in the Central Business District (CBD).

DISCUSSION OF NON-AGENDA ITEMS

ADJOURN

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

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact Development Services at (352) 241-7335.

Please be advised that if you intend to show any document, picture, video or items to the 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 Clerk for the City's records.

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION
MINUTES
JANUARY 7, 2025

CALL TO ORDER

Planning Coordinator Heard called the meeting of the Planning and Zoning Commission to order on Tuesday, January 7, 2025 at 6:30 p.m.

MEMBERS PRESENT: Chair Bain, Vice-Chair Niemiec, Commissioner Colby, Commissioner Cramer, Commissioner Hoisington, Commissioner May

MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director Henschel, Planning Manager Kruse, Senior Planner McGruder, Interim City Attorney Waugh, and Planning Coordinator Heard

PLEDGE OF ALLEGIANCE

WELCOME NEW COMMISSIONERS CRAMER, HOISINGTON & MAY

Development Services Director Henschel introduced himself and welcomed the new commissioners and thanked the entire board for volunteering their time. He further introduced Interim City Attorney Waugh.

Interim City Attorney Waugh introduced himself and presented a brief overview of their duties, sunshine and public records laws.

Commissioner Hoisington asked if they can attain a city email address. **Interim City Attorney Waugh** indicated if the Board wishes, they can place the request on an upcoming agenda so it can be voted upon. **Development Services Director Henschel** said he will look into it.

ELECTIONS OF CHAIR AND VICE-CHAIR

Commissioner Niemiec, seconded by Commissioner Cramer, nominated Commissioner Bain for chair for a term ending January 2026. Motion passed 6-0.

Commissioner Niemiec, seconded by Commissioner Cramer, nominated himself for vice-chair for a term ending January 2026. Motion passed 6-0.

REPORTS

Commissioner May had no report and wished everyone a Happy New Year.

Commissioner Colby had no report and welcomed the new members.

Vice-Chair Niemiec welcome the new commissioners and asked staff to make sure that the P&Z meetings are on the City's calendar on the website.

Commissioner Cramer had no report and stated he is glad to be here.

Commissioner Hoisington had no report; and further, stated she is looking forward to serving on the commission and wished everyone a Happy New Year.

MINUTES

MOTION TO APPROVE the November 5, 2024 Minutes of the Planning and Zoning Commission meeting with a revision on Page 3 indicating the height of the building; Moved by Vice-Chair Niemiec, seconded by Commissioner Colby. Motion passed 6-0.

NEW BUSINESS

(Item heard out of agenda order.)

Item No. 2 - Ordinance No. 2025-003 Magnolia Center PUD Amendment

MOTION TO TABLE Ordinance No. 2025-003 Magnolia Center PUD Amendment to the February 4, 2025 Planning and Zoning Meeting; Moved by Commissioner Colby, Seconded by Vice-Chair Niemiec. Motion passed 6-0.

Item 1 - Resolution No. 2025-001R Lakes of Clermont Health and Rehabilitation Center CUP

Senior Planner McGruder presented as follows:

The applicant is requesting to amend a Conditional Use Permit (2017-50), to allow for a 14,350 square foot building addition that will provide a 40-Bed expansion for the existing health and rehabilitation center located at 1775 Hooks Street. The subject parcel is located at the southwest corner of Citrus Tower Boulevard and Hooks Street. The property zoning is C-2 General Commercial with a Commercial Future Land Use designation. City Code Section 125-337 allows nursing homes and rehabilitation medical facilities with an approved Conditional Use Permit.

The existing facility is 61,058 square foot and the 14,350 square foot addition will make the new total building area 75,408 square feet. The proposed addition will allow for a 40-bed expansion on the site. The facility is designed to operate 24 hours a day while patients recover. The medical staff is trained to facilitate medical services and therapy programs such as specialized orthopedic, cardiac, and stroke rehabilitation services. A patient's typical stay may last from 20 to 30 days at the facility, and this will not be considered a permanent housing facility. Other programs offered by the facility will include wound care programs, pain management, and dietitian services. The applicant has also submitted a request to allow for an Exemption from a Tier 1 Traffic Impact Analysis Study; the trip generation report dated September 5, 2024, which is based on the proposed 40-bed expansion that is anticipated to generate 122 new daily trips, 6 new trips during the AM peak hour (4 in and 2 out) and 6 new trips during the PM peak hours (2 in and 4 out).

Staff has reviewed the application and finds the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions as specified. Therefore, staff recommends approval of the request to allow for the Conditional Use Permit amendment for a 14,350 square foot addition to provide for a 40-bed expansion at the existing skilled nursing facility with up to 78,000 maximum square feet of building space in the C-2 zoning district with the conditions contained in Resolution 2025-001R.

Jason Alligood, P.E., Applicant, Kimley-Horn and Associates, Inc., 109 S. Kentucky Avenue, Lakeland, stated he has been working with staff through this process, and he is available for any questions.

The floor was opened for public comments. With no speakers present, the floor was closed.

Commissioner May asked how many parking spaces are available. **Mr. Alligood** stated this site requires 57, and the site plan has 107 parking spaces. **Commissioner May** further commented on their request for an exemption from a Tier 1 Traffic Impact Analysis Study stating the study is required at 100 peak hour trips, and they are adding 122. **Mr. Alligood** responded the 122 trips are daily trips, not peak hour.

Commissioner Colby asked if the addition will be similar in color and material. **Mr. Alligood** stated it will match the existing building.

Vice-Chair Niemiec stated a concern with the parking lot shown on the site plan and asked if this is a true depiction of the proposed plan. **Senior Planner McGruder** explained the site plan is only a conceptual site plan; and further, the site plan will be reviewed by an engineer, building and fire for accuracy and completeness. **Vice-Chair Niemiec** asked about the current size of the dumpsters on site and whether they are adequate. **Mr. Alligood** stated they are planning to use the existing dumpsters on site; and further, if an expansion is warranted, there is room to do so. **Vice-Chair Niemiec** inquired of the size of the current dumpsters. **Senior Planner McGruder** stated they do not have the size at hand. However, she emphasized that Environmental Services reviews the site plan; and if additional dumpsters are required, that will have to be addressed. **Vice-Chair Niemiec** stated this location, the corner at the Hooks Street intersection, is very busy at peak time.

Commissioner Cramer had no questions.

Commissioner Hoisington expressed a concern regarding not having all of the facts in order to make a decision such as the number of dumpsters. **Senior Planner McGruder** explained the Board is only making a recommendation on the use, to increase the size of the facility; and further, when the site plan goes through site plan review, then the engineer and staff will make comments regarding the details ensuring that the site plan meets code regulations. **Commissioner Hoisington** asked how she can make a recommendation on the use when she is not given all of the information that will go into the recommendation to approve the use.

Chair Bain asked the interim city attorney to explain a conditional use permit versus a site review permit. **Interim City Attorney Waugh** explained with every project there is a lot of information, and the consideration and discretion that every member puts into a project may be different; and further, dumpsters are not subject to this point in the review process, but they can still be considered.

Vice-Chair Niemiec stated he agrees with Commissioner Hoisington and explained his displeasure about the process in making a recommendation without all of the facts. He further stated his frustration when he sees an applicant present a project at this meeting, but at the City Council meeting the same applicant changes everything around.

Interim City Attorney Waugh explained this board is a quasi-judicial process just like trials in a courtroom which sometimes has an incomplete record and can be very frustrating.

Mr. Alligood clarified that conditions can be placed on items of concern, such as the number of dumpsters and trash pickup, to bring to staff's attention.

Chair Bain expressed this is a new commission and a consensus can be made to request more information within the presentation so that a) the board is more informed b) the public is more informed, and c) the board feels like a better decision can be made.

Vice-Chair Niemiec asked where the dumpster is located and what the average size of a dump truck is. With no answers given, he followed up with stating if the truck goes backwards, sideways or forwards to pick up the dumpster, they are in trouble; and further, this is how his decisions are based.

Chair Bain stated he looked at the original CUP 2017-50, which was approved up to 7,300 sf. This request is up to 7,800 sf, which is a 5,000 sf increase. He indicated the height restrictions were not stated in the presentation; and further, asked whether they will revert back to the original CUP. **Senior Planner McGruder** agreed the height restriction will revert back to the original CUP, which is 55 feet maximum by City code.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2025-001R Lakes of Clermont Health and Rehabilitation Center CUP; Moved by Commissioner Colby, Seconded by Commissioner May. Motion passed 4-2 with Vice-Chair Niemiec and Commissioner Hoisington opposing.

Item No. 3 - Ordinance No. 2025-001 Land Development Code Amendment - Permitted Uses

Development Services Director Henschel presented as follows:

City staff has received direction to proceed with processing amendments within the Land Development Code (LDC). Within the Central Business District (CBD) zoning, restaurants 3,000 square feet and greater and any other business establishment or structure 3,000 square feet and greater are required to obtain a Conditional Use Permit (CUP). The requested change is to increase the square footage requirement from 3,000 square feet to 6,000 square feet. Any restaurant, business establishment or structure over 6,000 square feet will be required to obtain a CUP. This change would occur under Section 125-369 and 125-370. The requested amendment would add this specific language under this section of the LDC.

- (6) Lodges and clubs.
- (7) Restaurants ~~less than 3,000 square feet.~~
- (8) Medical marijuana dispensaries.
- (b) *Floor space.* Any business establishment or structure proposing to occupy ~~more than 3,000~~ more than 36,000 square feet of total floor space or more shall require application for a conditional use permit.

Another change within the Central Business District is the removal of the duplication of off-street parking requirements. Parking requirements are captured in another reference within the LDC. It is contained in Section 115-14 “Table of Minimum Parking Space Requirements.” Therefore, due to duplication, Item (c) under Section 125-373 is being removed. Staff supports the requested changes.

The floor was opened for public comments. With no speakers present, the floor was closed.

Commissioner Hoisington had no questions.

Commissioner Cramer asked why this change is being proposed. **Development Services Director Henschel** stated there is a workshop tomorrow where he will learn more, but staff was directed by council.

Vice-Chair Niemiec asked what is replacing Section 115-14 Item (c). **Chair Bain** explained the section is not being replaced, because it is already in another section, Section 115-14.

Commissioner Colby had no questions.

Commissioner May recommended to leave Section 125-373 in the code with a reference to Section 115-14 and the date listed instead of removal.

Chair Bain asked if Clermont Main Street had been approached or is aware of this proposed change and whether they have provided any feedback. **Development Services Director Henschel** stated he is unaware if they have provided any input. **Chair Bain** stated two concerns: 1) this is before them prior to Council’s workshop, and he would like more information and what the intent is behind this, and 2) stated this is premature until they get additional information. He stated it is up to this commission on whether or not they would like to table this item to a future meeting in order to obtain more information.

MOTION TO TABLE Ordinance No. 2025-001 Land Development Code Amendment - Permitted Uses to the February 4, 2025, Planning and Zoning Commission meeting; Moved by Commissioner Hoisington, Seconded by Commissioner Colby. Motion passed 6-0.

Item No. 4 - Ordinance No. 2025-002 Land Development Code Amendment - Permitted Uses

Development Services Director Henschel stated this item is very similar to the last item in that it is being discussed by the City Council at tomorrow’s workshop. He inquired if this item should be presented.

Interim City Attorney Waugh informed the Board this item is on the agenda and is required to be heard.

Chair Bain explained he will open the public hearing and go from there.

The floor was opened for public comments. With no speakers present, the floor was closed.

Vice-Chair Niemiec stated he agrees that this item should be tabled as well.

MOTION TO TABLE Ordinance No. 2025-002 Land Development Code Amendment - Permitted Uses to the February 4, 2025, Planning and Zoning Commission meeting; Moved by Vice-Chair Niemiec, Seconded by Commissioner Hoisington.

Commissioner May explained the three proposed changes: 1) eliminate parking in the CBD retail/office use, and 2) any new development within the CBD that is unable to provide the required onsite parking can have the option to pay a downtown parking fee, and 3) an increase in required parking for specific land uses outside the CBD.

She further stated she has concerns with the third request involving an increase for multifamily use and rooming and boarding houses. She explained for the Board that rooming/boarding houses are multi-tenant homes with a room that shares a common space. Normally one to two people share a room, and this change is proposing three (3) parking spaces for each bedroom, which she does not understand why one (1) bedroom would need three (3) parking spaces.

After discussion, Motion passed 6-0.

Item No. 5 - Ordinance No. 2025-004 Land Development Code Amendment – C-2 Storage

Planning Manager Kruse introduced himself and welcomed the new members. He stated this item and the next, Item No. 6, are companion items. He presented as follows:

City staff has received direction to proceed with processing amendments within the Land Development Code (LDC). Within the C-2 General Commercial District, a residential storage warehouse is allowed as a conditional use. This is under Section 125-337(a)(2). In order to develop a residential storage warehouse within the C-2 General Commercial zoning, City Council must grant a Conditional Use Permit (CUP). The requested amendment would be to remove this use from the C-2 General Commercial District. See snippet of the strikethrough below. Staff supports this requested change.

~~_(2) Residential storage warehouses where storage facility uses are exclusively for storing excess personal property generally stored in residential accessory buildings. This shall not include the storage of manufacturing or commercial products.~~

Planning Manager Kruse further explained Agenda Item No. 6 is where this language is being proposed to be moved to in the code at Section 125-397 (6).

~~_(6) Residential storage warehouses where storage facility uses are exclusively for storing excess personal property generally stored in residential accessory buildings. This shall not include the storage of manufacturing or commercial products.~~

The floor was opened for public comments on Agenda Item No. 5, Ordinance No. 2025-004. With no speakers present, the floor was closed.

The floor was opened for public comments on Agenda Item No. 6, Ordinance No. 2025-005. With no speakers present, the floor was closed.

Commissioner May asked why only storage facilities; and further, asked for clarification on No. 3, Agricultural service operations, and No. 4, Public or semipublic facilities or structures not operated by the City and not listed as a permitted use. **Planning Manager Kruse** listed examples of No. 3 are sales of tractors, lawn mowers; and further, No. 4 is power transfer stations, telephones, etc. He informed her staff was only directed to specifically move storage facilities.

Commissioner May further questioned why this would not be a conditional use within the M-1 zoning, and would like to evaluate adding further conditions such as adding distance limitations between storage facilities if it is moved to the M-1 zoning. She stated her main goal is to preserve the highest quality of commercial parcels within the city. She would like to see more conditions and/or restrictions added to storage facilities within the code. **Chair Bain** recommended adding conditions into the motion.

Commissioner Colby asked if staff had any further information and whether this will be discussed at an upcoming workshop; and further, asked staff if there is any justifications as to why this is a good idea. **Planning Manager Kruse** stated no additional information was provided, and he had nothing more to add.

Vice-Chair Niemiec had no questions.

Commissioner Cramer asked for further clarification on the process of moving language in the code. **Planning Manager Kruse** explained the process in further detail; and further, informed the Board that there are a lot more C-2 parcels than M-1, Industrial, within the city.

Commissioner Hoisington echoed Commissioner May's concerns and questions and asked what brought this revision forward. **Chair Bain** explained he understood what staff stated was that a City Council member asked for this proposed change to be placed on the agenda, which is the only information staff received.

Chair Bain stated he also questioned the intent and motivation behind this. He shared a current city zoning map to show there is more C-2 zoning than M-1. He supports streamlining the code and supports zoning changes, but wants the rationale and clarification behind why it makes good sense and good practice. His only assumption is this is coming forward to limit locations of where self-storage facilities can go. He stated concerns regarding targeting specific businesses, limiting business opportunities; and further, he is confused as to why this proposed change is coming forward without any explanation.

Vice-Chair Niemiec asked if past approved self-storage facilities will be grandfathered in. City staff answered affirmatively.

Commissioner May explained her position of why she wants conditions and more uses added in order to not target only self-storage facilities.

Interim City Attorney Waugh advised the Board the City is already targeting all uses through the zoning code; and further, to feel free to use their own discretion solely based on this type of use.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2025-004 Land Development Code Amendment - C-2 Storage; Moved by Vice-Chair Niemiec, Seconded by Commissioner Cramer.

Chair Bain stated without better understanding of intent and clarity, he will vote no.

Motion passed 4-2 with Chair Bain and Commissioner Hoisington in opposition.

Item No. 6 - Ordinance No. 2025-005 Land Development Code Amendment – M-1 Storage

Chair Bain opened this item stating this is proposing to move language in LDC Section 125-337(a)(2) to the M-1 Industrial District under LDC Section 125-397 (6).

(6) Residential storage warehouses where storage facility uses are exclusively for storing excess personal property generally stored in residential accessory buildings. This shall not include the storage of manufacturing or commercial products.

The floor was opened for public comments previously under Item No. 5.

Commissioner May asked staff whether the upcoming comprehensive plan amendment will increase the M-1 zoning since it is a very small percentage within the city. **Planning Manager Kruse** stated that will have to be analyzed and discussed.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2025-005 Land Development Code Amendment - M-1 Storage; Moved by Commissioner Colby, Seconded by Vice-Chair Niemiec. Motion passed 4-2 with Chair Bain and Commissioner Hoisington in opposition.

Item No. 7 - Ordinance No. 2025-006 Land Development Code Amendment – Time Limit for Commencing Construction

Planning Manager Kruse presented as follows:

City staff has received direction to proceed with processing amendments within the Land Development Code (LDC). Under the current Land Development Regulations, the time limit to start construction has been ambiguous without a definitive, measurable task. The addition of language that documents an inspection within the building permit process captures progress with a measurable date. Language is being added to state “physical construction” would at a minimum, include a completed and approved footer inspection. This is a realistic time period within the two

years of a development order to move a project forward. See snippet below with the underlining of the additional language. Staff supports this requested change.

Sec. 101-216. Time limit for commencing construction.

When any conditional use permit is granted, physical construction, including items required to meet adopted levels of concurrency, must begin within the timeframe established in the conditional use permit, which may not exceed two years. Such timeframe shall begin the date the conditional use permit is signed and executed by the permittee. For purposes of this section, the term "physical construction" shall mean the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion. At a minimum, the footer inspection shall be completed and approved.

The floor was opened for public comments. With no speakers present, the floor was closed.

Commissioner May inquired if this is for all permits, because she would like to see all permits and developments have timelines; and further, asked for clarification on what a footer inspection entails. **Planning Manager Kruse** answered this is only for conditional use permits. He explained by the time the footer inspection is completed and approved, the applicant is vested, and staff agreed this was the most appropriate inspection to meet the two-year cutoff.

Commissioner Colby commented he thinks this makes sense and stated an example like the Mason Ridge project which was stalled for years. If this can keep projects moving along, he thinks it is a very good thing.

Vice-Chair Niemiec stated as a commissioner and a citizen he is tired of seeing projects approved by City Council only to see it sit there year after year. He identified one project out of many is the Hooks Street project next to the Tax Collector's Office, which was approved four years ago and just now is starting construction. He agrees with Commissioner Colby; and further, stated this ordinance is very good, very important, and is in favor of it.

Commissioner Cramer commented this is very personal for him as the president of the Yacht Club HOA where developers keep applying for conditional use permits on an adjacent parcel. He stated he appreciates this and thanked staff.

Commissioner Hoisington stated she also has been complaining for the past two years about this issue. She agrees with Commissioner May and believes all permitting should have this deadline. She further stated she would like some more conditions inserted with more timelines and consequences if the timelines are not adhered to. She commented she is very passionate about this issue, because nobody should be subjected to walking out of their home to see a construction site continue for two years or more.

Chair Bain informed he is in support at a minimum for this to be applied to conditional use permits. He encouraged the commission to contact city council members to inform them they would like to see provisions such as this in more permitting processes. He further stated he is in full support of this ordinance.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2025-006 Land Development Code Amendment - Time Limit for Commencing Construction; Moved by Vice-Chair Niemiec, Seconded by Commissioner Colby. Motion passed 6-0.

DISCUSSION OF NON-AGENDA ITEMS

Commissioner Colby advised Interim City Attorney Waugh of the disclosure forms that are due.

Interim City Attorney Waugh advised the chair that discussion of non-agenda items is not appropriate; and further, any items for discussion should be listed on the agenda. **Chair Bain** stated he would like some clarity on this item along with reports as they can be a cloudy area; and further, he believes in the past this was an opportunity for the public to speak to the commission. **Interim City Attorney Waugh** stated public comment is fine along with reports as long as no discussion with the commission is had.

MOTION TO ADJOURN; Moved by Commissioner Colby, Seconded by Vice-Chair Niemiec. Motion passed 6-0.

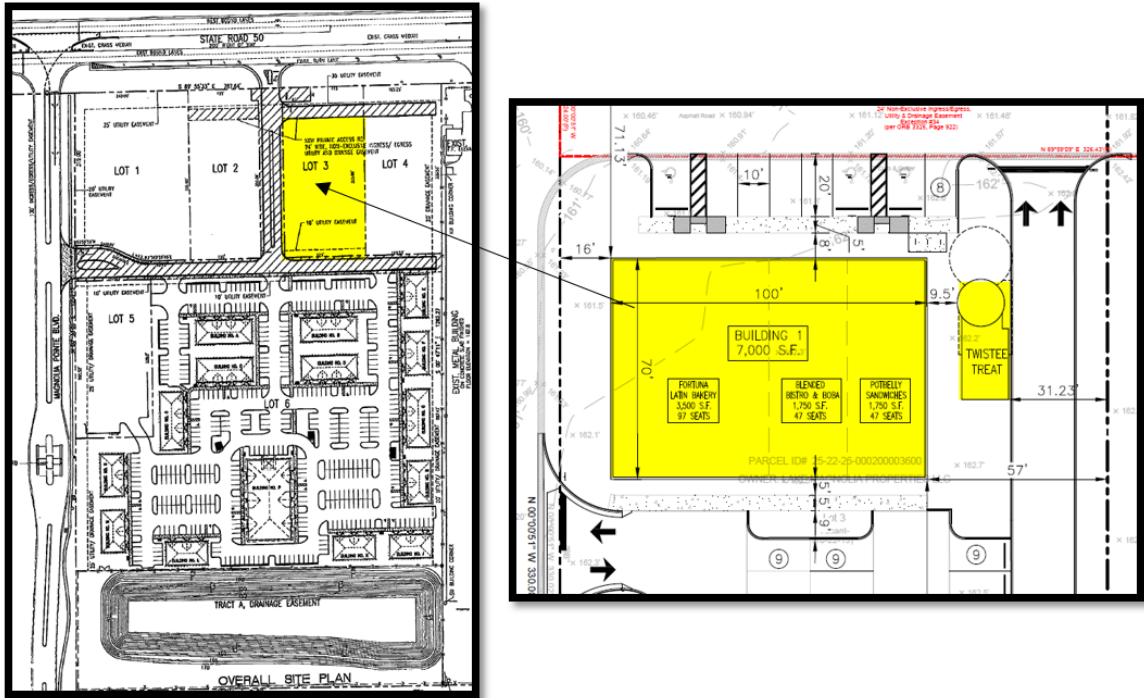
ADJOURNMENT – 7:57 pm

Chair Bain

ATTEST:

Kathy Heard, Planning Coordinator

AGENDA ITEM

Meeting Date	
Tuesday, February 4, 2025	
Agenda Item Name	
Ordinance No. 2025-003 Magnolia Center PUD Amendment (Tabled from January 7, 2025 P&Z Meeting)	
Requested Action	
Recommend approval of Ordinance No. 2025-003.	
Staff Report	
<i>This item was tabled from the January 7, 2025 P&Z Meeting.</i> The applicant, Jean Abi-Aoun, P.E., is requesting an amendment to the Magnolia Pointe Center PUD to allow up to five (5) fast food restaurants within the PUD, with four (4) of these located on Lot 3. Magnolia Pointe Center is located south of SR 50 and east of Magnolia Pointe Blvd. The property is approximately 22 acres in size with majority of the site built out. The PUD was approved in Lake County in 2009 under Ordinance No. 2009-8 with conditions limiting specific uses on certain lots. The City of Clermont annexed the property in 2018 keeping the original entitlements, which is document in the City's PUD Ordinance 2018-08. The allowable uses are C-1 Light Commercial and C-2 General Commercial with exclusion of certain uses and permissible uses throughout the site. The only remaining vacant pieces are Lot 3 and a few pads within Lot 6.	
	
On page 3 of the City's ordinance (Ordinance 2018-08) under section 3, A(2)(b)ii, it states "no more than three (3) Fast Food Restaurants shall be permitted." The applicant is requesting an amendment to increase the number to five (5) and to allow four (4) fast food restaurants within Lot 3. Currently, there exists a Dunkin Donut on Lot 2, which will be included in the count of five (5). The applicant has proposed a 7,000 square foot building that will be comprised of three (3) fast food restaurants. On the end of the building, a drive-thru fast food business (Twistee	

Treat) is also being proposed. Based upon the information provided, the project will be required to have a minimum of 57 spaces. The applicant is providing 58 spaces. The Twistee Treat will primarily be served via a drive-thru.

The applicant has indicated that the amendment will enable Magnolia Pointe Center to better serve community needs by increasing dining options, while maintaining compatibility with the PUD's overall design and operational guidelines. In consideration of support of the project, City staff requested documentation from the Magnolia Pointe Homeowners Association that the proposed amendment would be supported by the development. A letter from the Ellis Property Management Company is within the agenda packet indicating support of the amendment.

Staff has reviewed the application and proposed project in regards to Section 125-486 Review Criteria for a Planned Unit Development. The proposed amendment to allow the additional fast food restaurants does not appear to impact the surrounding property, and the uses are currently allowed within the PUD. Staff has no evidence that with this amendment the overall characteristics of the project will change, and it appears that it may better serve the surrounding community. The conceptual layout on Lot 3 appears to meet the Land Development Code. Staff is able to support the request and recommends approval of Ordinance 2025-003.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact	Fund Number and Description	Available Budget Amount
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Exhibits Attached (copies of original agreements)

1.	Ordinance	Ordinance.pdf
2.	Rendering C	Rendering C.jpg
3.	Concept	Concept.pdf
4.	Magnolia PUD Letter to City	Magnolia PUD Letter to City.pdf
5.	Magnolia Center PUD Ord. 2018-08	Magnolia Center PUD Ord. 2018-08.pdf
6.	Lake County 2009-08	Lake County 2009-08.pdf
7.	Application	Application.pdf
8.	Justification Narrative	Justification Narrative.pdf
9.	Legal Ad	2025-003 PUD Magnolia Pt Lot 3 - Legal Ad PZ.pdf

CITY OF CLERMONT
ORDINANCE NO. 2025-003

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 CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

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

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 22 SOUTH, RANGE 26, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

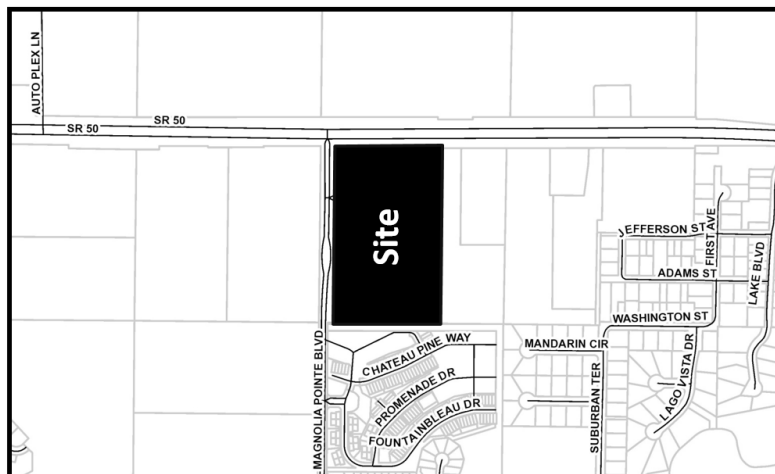
BEGINNING 448.6 FEET WEST OF SOUTHEAST CORNER OF NORTHWEST $\frac{1}{4}$, RUN NORTH $01^{\circ}00'01''$ EAST 1260.31 FEET TO SOUTH RIGHT-OF-WAY OF STATE ROAD 50, WESTERLY ALONG SAID RIGHT-OF-WAY TO WEST LINE OF SOUTHEAST $\frac{1}{4}$ OF NORTHWEST $\frac{1}{4}$ SOUTH TO SOUTHWEST CORNER OF SOUTHEAST $\frac{1}{4}$ OF NORTHWEST $\frac{1}{4}$, EASTERLY ALONG SOUTH LINE OF NORTHWEST $\frac{1}{4}$ TO POINT OF BEGINNING – LESS WEST 100 FEET, OFFICIAL RECORDS BOOK 2149, PAGE 0423

CONTAINING 22.78 ACRES, MORE OR LESS

LOCATION

Magnolia Center

Southeast corner of Highway 50 and Magnolia Pointe Boulevard





CITY OF CLERMONT
ORDINANCE NO. 2025-003

REQUESTED ACTION:

**Amendment to the existing Planned Unit Development (PUD)
Ordinance No. 2018-08 to allow for an increase in the number of
fast food restaurants.**

SECTION 2. GENERAL CONDITIONS

This application for a Planned Unit Development to allow for C-1 Light Commercial and C-2 General Commercial; 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 approved PUD Master Conceptual Site Plan, Exhibit A, as approved under Lake County Ordinance No. 2009-8, recorded in the Lake County Clerk of Courts, Official Records Book 3730, Pages 1624-1634. This PUD was annexed along with a large-scale comprehensive plan amendment and rezoning to a PUD by the City of Clermont City Council on April 24, 2018. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Planned Unit Development 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 final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
5. The combining of Buildings E and F on Lot 6 shall not require an amendment to this Planned Unit Development.
6. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
7. The transfer of ownership or lease of any or all of the property described in this PUD shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to 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 the procedures contained in the City of Clermont Land Development Code, as amended.



CITY OF CLERMONT
ORDINANCE NO. 2025-003

SECTION 3. LAND USE

A. Land Uses:

1. Permitted Uses: Development of the site shall be limited to uses permitted within the C-1 and C-2 zoning districts, as amended with the exception to the following uses:
 - a. Adult Use
 - b. Automotive Repair
 - c. Automotive Service Station/Convenience Store
 - d. Auto-parts or other auto-related uses, except as expressly permitted below
 - e. Bar or Tavern
 - f. Carwash
 - g. Hotel/Motel
 - h. Recreation, Commercial
 - i. Self-Service Laundry or Dry-Cleaning
 - j. Self-Service Storage
 - k. Theater
 - l. Recreational Vehicles
 - m. Truck Yard
 - n. Bingo Parlors and all other types of gambling establishments
 - o. Pawn Shops and establishments specializing in the resale of second hand goods
 - p. Vehicle Storage: No storage of commercial, disabled, abandoned or non-licensed vehicles shall be permitted for any purpose
2. Commercial Uses Permitted with Specific Conditions: The following uses shall be permitted subject to the specific criteria provided below:
 - a. Retail, Convenience: No fuel sales shall be permitted.
 - b. Restaurant, Fast Food:



CITY OF CLERMONT
ORDINANCE NO. 2025-003

- i. Shall be allowed only on Lots 1, 2, 3, and 4
 - ii. No more than five (5) Fast Food Restaurants shall be permitted, with four (4) of them located on Lot 3, as shown in Exhibit B.
 - iii. No more than one (1) stand-alone Fast Food Restaurant shall be permitted and it may have a drive-through window.
 - iv. Lot 1 shall not permit a stand-alone Fast Food Restaurant
 - v. No Fast Food Restaurant shall occupy an end cap suite or have a drive-thru on Lot 1
 - vi. No Fast Food Restaurant shall occupy an end cap suite or have a drive-through on Lot 1 if Lots 1 and 2 are combined into a single lot and developed within a common building. This condition does not apply to Lot 2 if combined
 - vii. Hours of operation shall be limited to 5:00am to 11:00pm
- c. Restaurant, General: Restaurants are permitted beer, wine, and alcohol sales in conjunction with sale of food.
- d. Vehicular Sales: Vehicular sales are prohibited, with the exception of Lot 4, which may allow a motorcycle dealership subject to the following regulations:
 - i. Inside sales only
 - ii. Daytime display of vehicles is permitted. All vehicles shall be moved inside at night.
 - iii. Test driving within the development or rental of vehicles is not permitted.
 - iv. Any service or repair work area shall be completely enclosed, including air compressors
 - v. Hours of operation shall be limited to 8:00am to 6:00pm
- e. Wholesale and Warehouse:
 - i. Gross leasable area shall not exceed 10,000 square feet
 - ii. Limited to wholesale consumer products only; such as wines, food, or restaurant supply
 - iii. Warehousing or wholesaling of building, hardware or manufacturing goods or products is prohibited
- f. Lot 5 shall be limited to medical and professional office uses.
- g. Buildings H, J, K, L, M, N, and P of Lot 6 shall be limited to:
 - i. Medical Service and Professional Office
 - ii. Personal Care Services; excluding self-service laundry mats, and laundry drop-off and pick-up stations.
 - iii. Retail sales of health and beauty products, including marketing and training
 - iv. The total square footage of Personal Care Services; including retail sales of health and beauty products, on Lot 6 shall not exceed 10,000 square feet.



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ORDINANCE NO. 2025-003

- v. Dance studio within Building P only. Hours shall be limited to 7:00am to 9:00pm
 - h. Lots 1 and 2 may be combined and developed with a common building or developed individually. Lots 3 and 4 may also be combined and developed with a common building or developed individually. If combined, common building(s) on Lots 1 and 2 and/or Lots 3 and 4 shall contain architectural enhancements to the facades on the front and rear sides.
 - 3. Manufacturing and industrial uses shall not be permitted.
- B. Open Space, Impervious Surface Ratio, and Intensity:
 - 1. Total development of the site shall not exceed a maximum gross square footage of 300,000 square feet.
 - 2. A minimum 25% open space shall be implemented with the development plan.
 - 3. A maximum impervious surface ratio of 65% over the entire commercial development shall be implemented into the design criteria for all development.
- C. Setbacks:
 - 1. All setbacks shall conform to the landscape buffering requirements outlined in the Lake County Land Development Regulations, as amended.
 - 2. Building structures shall maintain a 200-foot setback from the south property line of Lot 6.
 - 3. No loading docks or dumpsters shall be located within 400 feet of any property line of any lot of the Magnolia Pointe Subdivision.
- D. Buffering/Screening:
 - 1. Landscaping of Lot 6 shall be consistent with the approved landscape plan, approved May 8, 2007.
 - 2. A landscaped buffer shall be provided between all commercial, multifamily, right-of-way and residential land uses pursuant to the City of Clermont Land Development Code, as amended.
 - 3. Lake County Type “A” buffer shall be required along Magnolia Ponte Boulevard and the east boundary of Lot 4.



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4. A 25-foot buffer of solid pine trees shall be maintained along the south boundary of the Planned Unit Development; adjacent to Magnolia Pointe Condos. In the event that the 25-foot buffer of solid pine trees along the south boundary of the subject property is destroyed or removed for any reason, a 25-foot landscape buffer shall be installed within ninety (90) days thereafter.
5. A six-foot high masonry or brick wall shall be constructed along the west boundary line, starting south of the guard house to the southern boundary of the retention pond, then along said southern boundary line to the eastern boundary line of the property.
6. The wall or berm shall be constructed at the beginning of construction on Lot 6.
7. All outside storage shall be screened by a wooden fence and/or vegetative buffer substantial enough to screen the uses from adjacent properties.
8. Any additional landscape requirements not specifically outlined by items 1 through 7 of this Section shall be applied in accordance with the Land Development Regulations, as amended.

E. Architectural Design Standards:

1. Design:

- a. No pre-engineered metal buildings shall be permitted in the development.
- b. Buildings on Lot 6 shall be themed in a Mediterranean manner, and shall have tile roofs.
- c. Design shall comply with the City of Clermont commercial design guidelines and the Lake County Land Development Regulations, as amended.

2. Height:

- a. Any structure on Lots 1, 2, 3, 4 & 6 shall not be taller than 35 feet.
- b. Any structure on Lot 5 shall not be taller than 45 feet.

3. Orientation: The building on Lot 5 shall face west toward Magnolia Pointe Boulevard.

F. Lighting:

1. Lighting for parking lot, driveways, and utility areas; whether mounted on poles or walls of buildings, shall conform to Illuminating Engineering Society ("I.E.S.") standards for "cutoff" lighting fixtures.
2. Lighting "trespass" onto adjacent property shall not exceed 0.1 foot candles at the property line.



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3. Ornamental and spotlighting for aesthetic effect, landscape accent, signage, etcetera, shall be directed onto the subject property.

G. Access Standards:

1. Construction traffic shall access the property via State Road 50 and avoid Magnolia Pointe Boulevard unless prohibited by the Florida Department of Transportation or Lake County Public Works.
2. Access to the site will be limited to the existing private road; Magnolia Pointe Boulevard, a right in/out from State Road 50 near the middle of the property line as shown on "Exhibit A".

H. Water and Sewer: Connection to central water and central sewer shall be required with all development.

I. Concurrency Management Review: Prior to requesting approval, the Owner must undergo Lake County Concurrency Management Review or sign an affidavit of deferral, deferring concurrency management review.

J. Development Review and Approvals: Prior to the issuance of any permits, the Owner shall be required to submit a formal site plan; as applicable, for review and approval by City of Clermont. The site plan shall meet all submittal requirements and comply with all City codes and ordinances, as amended.

K. Future Development Orders: Any requested development order must comply with the City of Clermont Land Development Code, as amended, and the City of Clermont Comprehensive Plan, as amended.

L. Concurrency Management Review and Vested Development Rights: Future rights to develop the property are subject to a finding that the development will meet the concurrency standards contained in the Lake County Comprehensive Plan and Land Development Regulations through Concurrency Management Review; without such a Review, no vested development rights shall have been granted by the County or acquired by the Applicant.

M. Future Amendments to Statutes, Code, Plan and/or Regulations: The specific references in this Planned Unit Development to the Florida Statutes, Florida Administrative Code, City of Clermont Comprehensive Plan, and City of Clermont Land Development Code include any future amendments to the Statutes, Code, Plan, and/or Regulations.

SECTION 4: CONFLICT

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



CITY OF CLERMONT
ORDINANCE NO. 2025-003

SECTION 5: SEVERABILITY

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: ADMINISTRATIVE CORRECTION

This Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: RECORDING

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

SECTION 8: PUBLICATION AND EFFECTIVE DATE

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. 2025-003

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 11th day of March, 2025.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Christian W. Waugh, City Attorney

Site plan for Parcel ID# 25-22-26-000200003600, showing Building 1 (7,000 S.F.) and various food service areas. The plan includes dimensions, bearings, and easements.

Building 1 (7,000 S.F.)

- FORTUNA LATIN BAKERY**: 3,500 S.F., 97 SEATS
- BLENDED BISTRO & BOBA**: 1,750 S.F., 47 SEATS
- POTBELLY SANDWICHES**: 1,750 S.F., 47 SEATS

Other Areas:

- TWISTEE TREAT**
- 24' Non-Exclusive Ingress/Egress, Utility & Drainage Easement (Exception #34)**
- Utility Easement (Exception #34)**
- Drainage Easement (Exception #34)**

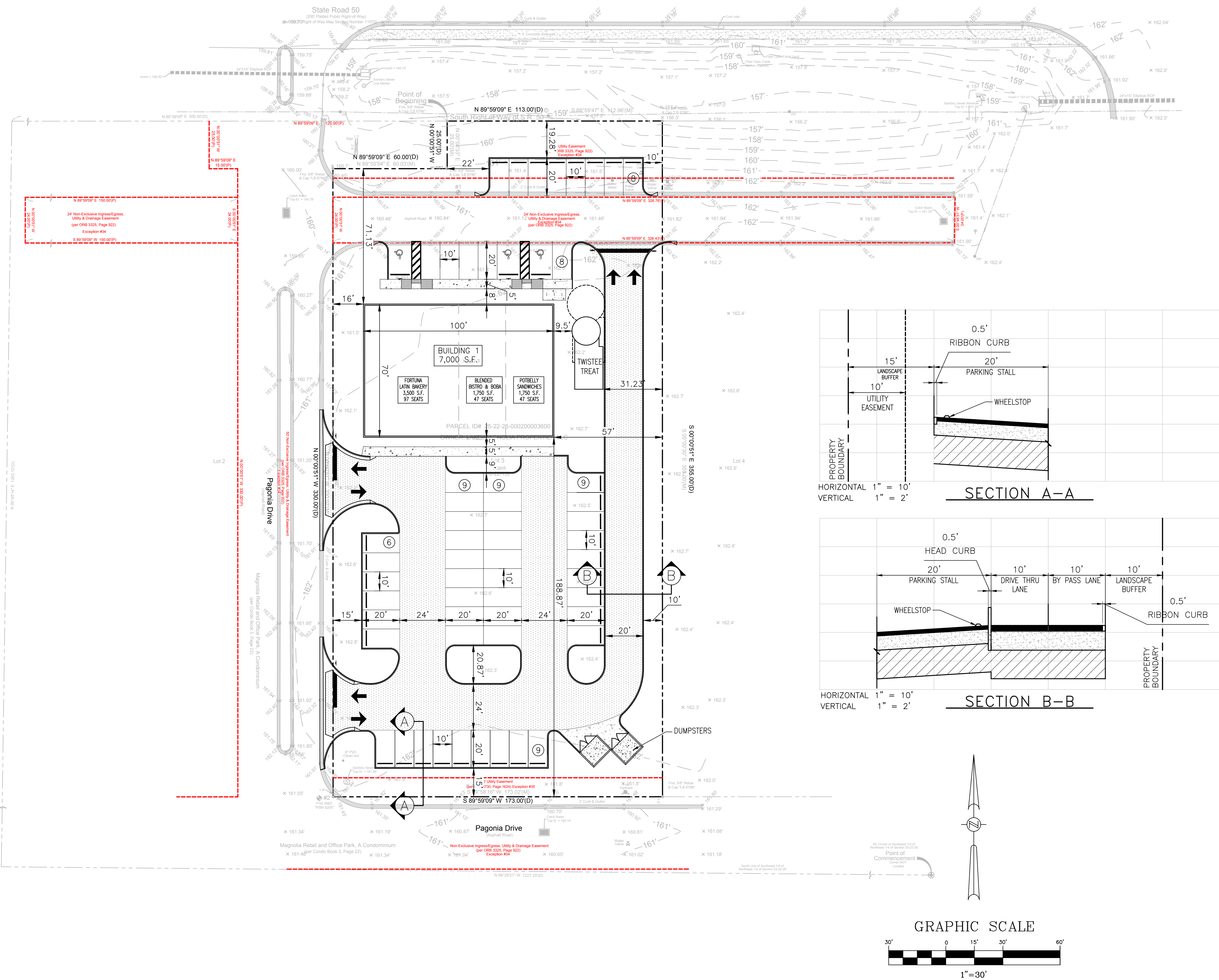
Dimensions and Bearings:

- Parcel ID# 25-22-26-000200003600
- Owner Labels: NOLIA PROPERTIES
- Parcel Dimensions: 100' x 70' (Building 1), 161.1' x 161.1' (Parcel)
- Parcel ID# 25-22-26-000200003600
- Owner Labels: NOLIA PROPERTIES
- Parcel Dimensions: 100' x 70' (Building 1), 161.1' x 161.1' (Parcel)

Other Features:

- Pagonia Drive (Asphalt Road)**
- Twistee Treat**
- Fortuna Latin Bakery**
- Blended Bistro & Boba**
- Potbelly Sandwiches**
- Utility Easement (Exception #34)**
- Drainage Easement (Exception #34)**





SITE NOTES

- ALL CURB RADII ARE TO BE 5.0', TYPICAL, UNLESS NOTED OTHERWISE. EXCEPTION: RADII Ⓢ ISLANDS ARE TO FIT ISLAND WIDTHS, UNLESS NOTED OTHERWISE.
- LANDSCAPE ISLAND NOSE NOT TO EXCEED THE PARKING STALL DEPTH &/OR PROTRUDE INTO DRIVE ISLES, TYPICAL.
- ALL DIMENSIONS ARE PARALLEL & PERPENDICULAR TO A BEARING OF S 89°59'09" W, UNLESS OTHERWISE INDICATED WITH A "A" OR BEARING.

SITE DATA

PROPERTY LOCATION: PAGONIA RD, CLERMONT FL, 34711

PROPERTY FUTURE LAND USE DESIGNATION: COMMERCIAL PUD

PROPERTY ZONING:

EXISTING USE: VACANT

PROPOSED USE: RESTAURANT

PROJECT AREA: 1.38 ACRES

PROPOSED GROSS FLOOR AREA: 7,530 S.F.

PROPOSED FLOOR AREA: 0.13

BUILDING SETBACKS (REQUIRED)			BUILDING SETBACKS (PROPOSED)		
FRONT (NORTH)(SR 50)	50'		FRONT (NORTH)	71'	
SIDE (EAST)	12'		SIDE (EAST)	31'	
SIDE (WEST)	12'		SIDE (WEST)	16'	
REAR (SOUTH)	12'		REAR (SOUTH)	188'	

BUFFER YARDS (REQUIRED)			BUFFER YARDS (PROPOSED)		
FRONT (SR 50)	20'	TYPE C	FRONT (SR 50)	20'	TYPE C
SIDE (EAST)	10'	TYPE A	SIDE (EAST)	10'	TYPE A
SIDE (WEST)	10'	TYPE A	SIDE (WEST)	10'	TYPE A
REAR (PAGONIA RD)	10'	TYPE A	REAR (PAGONIA RD)	15'	TYPE A

MAXIMUM ALLOWABLE BUILDING HEIGHT 35'

BUILDING HEIGHT PROPOSED 35'

PARKING

PARKING REQUIRED			
RESTAURANT	191 SEATS x (1 SPACE PER 4 SEATS)	48 SPACES	
	PLUS 12 EMPLOYEES x (1 SPACE PER 4 EMPLOYEES)	3 SPACES	
	530 S.F. x (1 SPACE PER 100 S.F.)	6 SPACES	
TOTAL PARKING REQUIRED		57 SPACES	
SPACES REQUIRED TO BE RESERVED FOR HANDICAP		3 SPACES	

PARKING PROVIDED			
STANDARD PARKING SPACES		55 SPACES	
HANDICAP PARKING		3 SPACES	
TOTAL PARKING PROVIDED		58 SPACES	
BICYCLE PARKING PROVIDED		6 SPACES	

SITE AREA CALCULATIONS

BUILDING FOOTPRINT	7,530 S.F.		
PAVING	32,521 S.F.		
SIDEWALK	1,080 S.F.		
IMPERVIOUS AREA	41,131 S.F.	0.95 AC.	68.84 %
PERVIOUS AREA	18,784 S.F.	0.43 AC.	31.16 %
TOTAL SITE AREA	59,915 S.F.	1.38 AC.	100.00 %

MAXIMUM IMPERVIOUS COVER ALLOWED (OVERALL PD)	65 %
IMPERVIOUS COVER PROPOSED (FOR THIS SITE)	68.84 %
IMPERVIOUS COVER PROPOSED (FOR THE OVERALL PD)	51 %

OPEN SPACE REQUIRED 25 %

FLOOD_ZONE

FLOOD_ZONE X PER FEMA F.I.R.M. PANEL 12069C0595E DATED: 18/12/2012.

SOILS

CANDLER SAND, 0 TO 5 PERCENT SLOPES

WETLAND STATEMENT

THERE ARE NO JURISDICTIONAL WETLANDS WITHIN THE PROJECT SITE.

FLOOR AREA & IMPERVIOUS SURFACE RATIO CALCULATIONS			
PROJECTS	SITE AREA/LOT AREA	FLOOR AREA	IMPERVIOUS AREA
APPROVED FOR ENTIRE MAGNOLIA CENTER	22.46 AC.	300,000 SF (6.89 AC.)	14.60 AC. (65%)
MAGNOLIA CENTER SITE IMPROVEMENT (AR #626)	22.46 AC.	0 SF	37,833 SF (0.87 AC.)
MAGNOLIA CENTER LOT 2 (AR #2032)	1.22 AC.	7,455 SF	38,511 SF (0.88 AC.)
MAGNOLIA CENTER LOT 5 (PINNACLE)(AR #819)	1.23 AC.	14,600 SF	35,870 SF (0.83 AC.)
MAGNOLIA CENTER LOT 6 (OFFICE CONDOS)(AR #819)	15.40 AC.	87,300 SF	216,322 SF (4.97 AC.)
MAGNOLIA CENTER LOT 1 (MATTRESS ONE)(AR #2895)	1.89 AC.	4,000 SF	41,268 SF (0.95 AC.)
2-STORY OFFICE BUILDING ON LOT 2	3.10 AC.	7,700 SF	41,268 SF (0.95 AC.)
PROPOSED 2-STORY OFFICE ON LOT 4 (ENVIROSTRUCT)	1.33 AC.	14,400 SF	43,784 SF (1.01 AC.)
MAGNOLIA CENTER LOT 3 (TWISTEE TREAT)	1.38 AC.	7,530 SF	41,131 SF (0.95 AC.)
TOTAL BUILT, APPROVED AND PROPOSED	N/A	142,985 SF	11.41 AC.
REMAINING	N/A	157,015 SF	3.19 AC.

LOT 3
MAGNOLIA POINT CENTER PUD
CLERMONT, FLORIDA



5127 S. Orange Avenue, Suite 200
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325

www.feg-inc.us

CONCEPT 1

DESIGNED BY JAA	DRAWN BY WA	CHECKED BY JAA	APPROVED BY JAA
--------------------	----------------	-------------------	--------------------

PROJECT NO. 24-060
SCALE 1"=30'
DATE OCTOBER 2, 2024
SHEET NO. C-1
SHEET 1 OF 1

FLORIDA ENGINEERING GROUP, INC. CERTIFICATE No. EB-0006595
JEAN M. ABIAOUN, P.E. LICENSE NO. 45128

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY (ENGINEER), P.E. ON (DATE) USING A DIGITAL SIGNATURE.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



ELLIS PROPERTY MANAGEMENT

1/21/2025

Ms. Regina McGruder, Senior Planner
City of Clermont
Planning and Development Services
685 W. Montrose St.
Clermont, FL 34711

RE: Magnolia Pointe HOA Rezoning Support Letter
Approval of Amending Magnolia Pointe Associates PUD – Ordinance #2009-8L PH#51-08-2

Dear Regina,

The owner/developer of Lot 3 within the Magnolia Pointe Center approached the Magnolia Pointe Homeowner Association (HOA) requesting a letter from the HOA supporting the amendment of the above-mentioned PUD to allow the addition of four fast food restaurant tenants on Lot 3, bringing the total number of fast-food restaurants permitted within the PUD to five. It is our understanding that the current PUD allows for three fast food restaurants where a Dunkin Donut is already built within this development thus two more fast food restaurants will be allowed under the current entitlement.

Based on the above facts, the Board of Directors for the Magnolia Pointe Homeowners Association is in support and recommends approval to amending the above-mentioned PUD to allow up to five fast food restaurants where four of them will be built on Lot 3. If you have any questions regarding this letter please do not hesitate to give me a call at 352-348-6213.

On behalf the Magnolia Pointe Master Homeowners Association and myself, we sincerely thank you and the City of Clermont for consulting with this project.

Sincerely,


Dave Ellis/CAM
Ellis Property Management, Inc.



CITY OF CLERMONT
ORDINANCE NO. 2018-08

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

A parcel of land lying in Section 25, Township 22 South, Range 26, Lake County, Florida, more particularly described as follows:

Beginning 448.6 feet West of Southeast corner of Northwest $\frac{1}{4}$, run North 01°00'01" East 1260.31 feet to South right-of-way of State Road 50, Westerly along said right-of-way to West line of Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ South to Southwest corner of Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$, Easterly along South line of Northwest $\frac{1}{4}$ to Point of Beginning – less West 100 feet, Official Records Book 2149, Page 0423

Containing 22.78 acres, more or less

LOCATION

Magnolia Center
Southeast corner of Highway 50 and Magnolia Pointe Boulevard

**From: Urban Estate
To: Planned Unit Development**

SECTION 2. General Conditions

This application for a Planned Unit Development to allow for C-1 Light Commercial and C-2 General Commercial; 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.



CITY OF CLERMONT
ORDINANCE NO. 2018-08

2. The property shall be developed in substantial accordance with the approved PUD Master Conceptual Site Plan, Exhibit B, as approved under Lake County Ordinance No. 2009-8, recorded in the Lake County Clerk of Courts, Official Records Book 3730, Pages 1624-1634. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Planned Unit Development 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 final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
5. The combining of Buildings E and F on Lot 6 shall not require an amendment to this Planned Unit Development.
6. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
7. The transfer of ownership or lease of any or all of the property described in this PUD shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to 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 the procedures contained in the City of Clermont Land Development Code, as amended.

SECTION 3. Land Use

A. Land Uses:

1. Permitted Uses: Development of the site shall be limited to uses permitted within the C-1 and C-2 zoning districts, as amended with the exception to the following uses:
 - a. Adult Use
 - b. Automotive Repair
 - c. Automotive Service Station/Convenience Store
 - d. Auto-parts or other auto-related uses, except as expressly permitted below



CITY OF CLERMONT
ORDINANCE NO. 2018-08

- e. Bar or Tavern
 - f. Carwash
 - g. Hotel/Motel
 - h. Recreation, Commercial
 - i. Self-Service Laundry or Dry-Cleaning
 - j. Self-Service Storage
 - k. Theater
 - l. Recreational Vehicles
 - m. Truck Yard
 - n. Bingo Parlors and all other types of gambling establishments
 - o. Pawn Shops and establishments specializing in the resale of second hand goods
 - p. Vehicle Storage: No storage of commercial, disabled, abandoned or non-licensed vehicles shall be permitted for any purpose
2. Commercial Uses Permitted with Specific Conditions: The following uses shall be permitted subject to the specific criteria provided below:
- a. Retail, Convenience: No fuel sales shall be permitted.
 - b. Restaurant, Fast Food:
 - i. Shall be allowed only on Lots 1, 2, 3, and 4
 - ii. No more than three (3) Fast Food Restaurants shall be permitted
 - iii. No more than one (1) stand-alone Fast Food Restaurant shall be permitted
 - iv. Lot 1 shall not permit a stand-alone Fast Food Restaurant
 - v. Drive-through windows shall not be permitted for any stand-alone Fast Food Restaurant
 - vi. No Fast Food Restaurant shall occupy an end cap suite or have a drive-thru on Lot 1
 - vii. No Fast Food Restaurant shall occupy an end cap suite or have a drive-through on Lot 1 if Lots 1 and 2 are combined into a single lot and developed within a common building. This condition does not apply to Lot 2 if combined
 - viii. Hours of operation shall be limited to 5:00am to 11:00pm



CITY OF CLERMONT
ORDINANCE NO. 2018-08

- c. Restaurant, General: Restaurants are permitted beer, wine, and alcohol sales in conjunction with sale of food.
 - d. Vehicular Sales: Vehicular sales are prohibited, with the exception of Lot 4, which may allow a motorcycle dealership subject to the following regulations:
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 - iv. Any service or repair work area shall be completely enclosed, including air compressors
 - v. Hours of operation shall be limited to 8:00am to 6:00pm
 - e. Wholesale and Warehouse:
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 - g. Buildings H, J, K, L, M, N, and P of Lot 6 shall be limited to:
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 - iv. The total square footage of Personal Care Services; including retail sales of health and beauty products, on Lot 6 shall not exceed 10,000 square feet
 - v. Dance studio within Building P only. Hours shall be limited to 7:00am to 9:00pm
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3. Manufacturing and industrial uses shall not be permitted.



CITY OF CLERMONT
ORDINANCE NO. 2018-08

B. Open Space, Impervious Surface Ratio, and Intensity:

1. Total development of the site shall not exceed a maximum gross square footage of 300,000 square feet.
2. A minimum 25% open space shall be implemented with the development plan.
3. A maximum impervious surface ratio of 65% over the entire commercial development shall be implemented into the design criteria for all development.

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1. All setbacks shall conform to the landscape buffering requirements outlined in the Lake County Land Development Regulations, as amended.
2. Building structures shall maintain a 200-foot setback from the south property line of Lot 6.
3. No loading docks or dumpsters shall be located within 400 feet of any property line of any lot of the Magnolia Pointe Subdivision.

D. Buffering/Screening:

1. Landscaping of Lot 6 shall be consistent with the approved landscape plan, approved May 8th, 2007.
2. A landscaped buffer shall be provided between all commercial, multifamily, right-of-way and residential land uses pursuant to the City of Clermont Land Development Code, as amended.
3. Lake County Type "A" buffer shall be required along Magnolia Ponte Boulevard and the east boundary of Lot 4.
4. A 25-foot buffer of solid pine trees shall be maintained along the south boundary of the Planned Unit Development; adjacent to Magnolia Pointe Condos. In the event that the 25-foot buffer of solid pine trees along the south boundary of the subject property is destroyed or removed for any reason, a 25-foot landscape buffer shall be installed within ninety (90) days thereafter.
5. A six-foot high masonry or brick wall shall be constructed along the west boundary line, starting south of the guard house to the southern boundary of the retention pond, then along said southern boundary line to the eastern boundary line of the property.
6. The wall or berm shall be constructed at the beginning of construction on Lot 6.



CITY OF CLERMONT
ORDINANCE NO. 2018-08

7. All outside storage shall be screened by a wooden fence and/or vegetative buffer substantial enough to screen the uses from adjacent properties.
8. Any additional landscape requirements not specifically outlined by items 1 through 7 of this Section shall be applied in accordance with the Land Development Regulations, as amended.

E. Architectural Design Standards:

1. Design:

- a. No pre-engineered metal buildings shall be permitted in the development.
- b. Buildings on Lot 6 shall be themed in a Mediterranean manner, and shall have tile roofs.
- c. Design shall comply with the City of Clermont commercial design guidelines and the Lake County Land Development Regulations, as amended.

2. Height:

- a. Any structure on Lots 1, 2, 3, 4, & 6 shall not be taller than 35 feet.
- b. Any structure on Lot 5 shall not be taller than 45 feet.

3. Orientation: The building on Lot 5 shall face west toward Magnolia Pointe Boulevard.

F. Lighting:

1. Lighting for parking lot, driveways, and utility areas; whether mounted on poles or walls of buildings, shall conform to Illuminating Engineering Society ("I.E.S.") standards for "cutoff" lighting fixtures.
2. Lighting "trespass" onto adjacent property shall not exceed 0.1 foot candles at the property line.
3. Ornamental and spotlighting for aesthetic effect, landscape accent, signage, etcetera, shall be directed onto the subject property.

G. Access Standards:

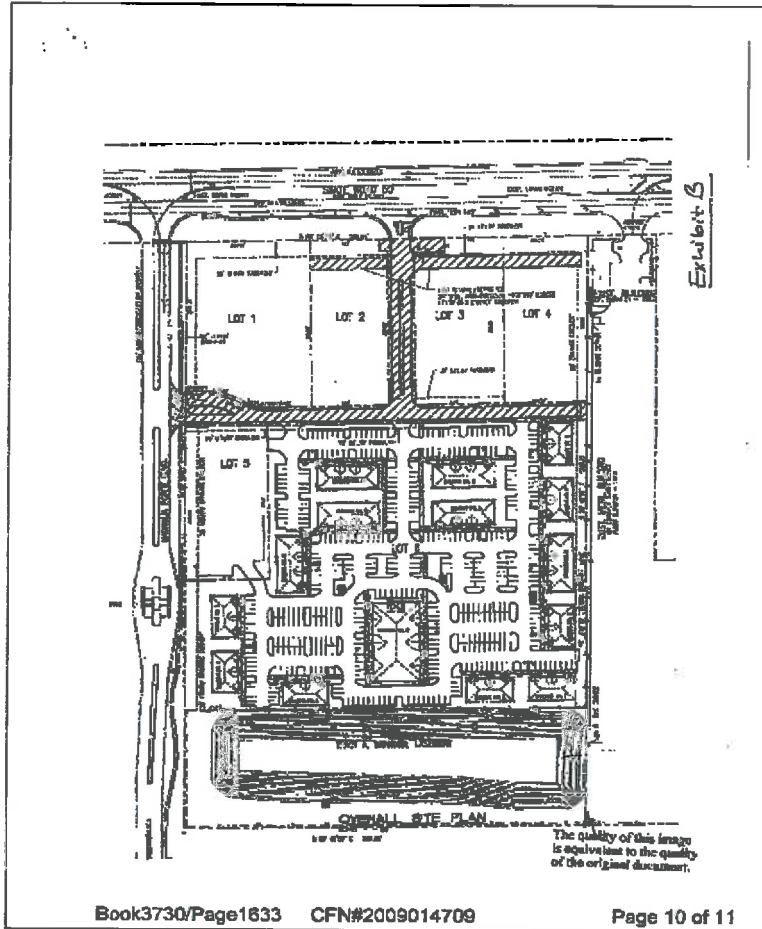
1. Construction traffic shall access the property via State Road 50 and avoid Magnolia Pointe Boulevard unless prohibited by the Florida Department of Transportation or Lake County Public Works.



CITY OF CLERMONT
ORDINANCE NO. 2018-08

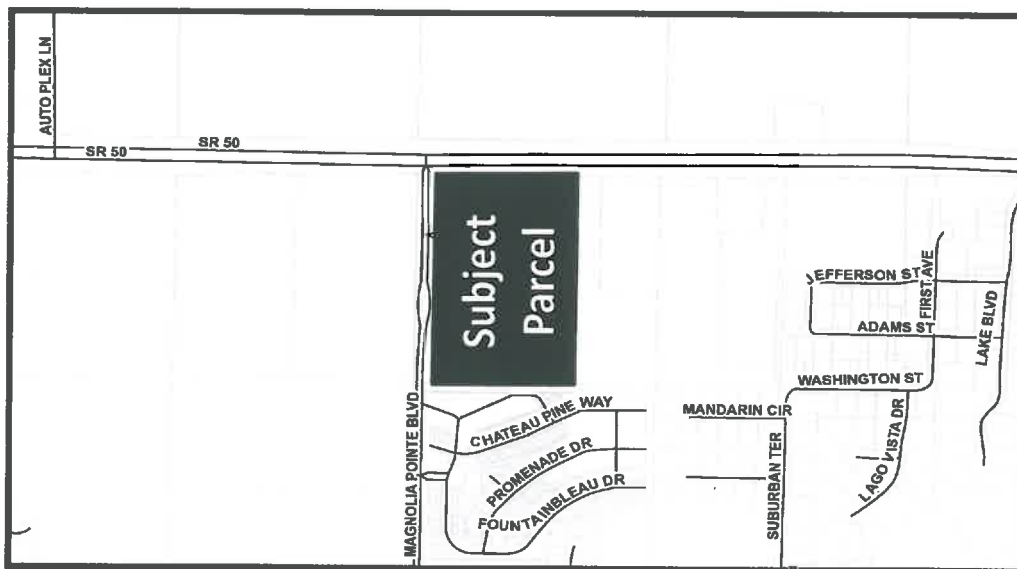
2. Access to the site will be limited to the existing private road; Magnolia Pointe Boulevard, a right in/out from State Road 50 near the middle of the property line as shown on "Exhibit B".
- H. Water and Sewer: Connection to central water and central sewer shall be required with all development.
- I. Concurrency Management Review: Prior to requesting approval, the Owner must undergo Lake County Concurrency Management Review or sign an affidavit of deferral, deferring concurrency management review.
- J. Development Review and Approvals: Prior to the issuance of any permits, the Owner shall be required to submit a formal site plan; as applicable, for review and approval by City of Clermont. The site plan shall meet all submittal requirements and comply with all City codes and ordinances, as amended.
- K. Future Development Orders: Any requested development order must comply with the City of Clermont Land Development Code, as amended, and the City of Clermont Comprehensive Plan, as amended.
- L. Concurrency Management Review and Vested Development Rights: Future rights to develop the property are subject to a finding that the development will meet the concurrency standards contained in the Lake County Comprehensive Plan and Land Development Regulations through Concurrency Management Review; without such a Review, no vested development rights shall have been granted by the County or acquired by the Applicant.
- M. Future Amendments to Statutes, Code, Plan and/or Regulations: The specific references in this Planned Unit Development to the Florida Statutes, Florida Administrative Code, City of Clermont Comprehensive Plan, and City of Clermont Land Development Code include any future amendments to the Statutes, Code, Plan, and/or Regulations.

Exhibit B:



Book3730/Page1633 CFN#2009014709

Page 10 of 11

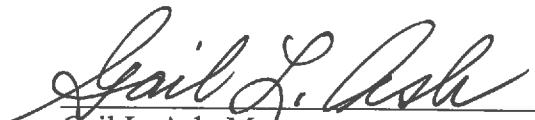




CITY OF CLERMONT
ORDINANCE NO. 2018-08

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of April, 2018.

CITY OF CLERMONT



Gail L. Ash, Mayor

ATTEST:



Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:



Daniel F. Mantzaris, City Attorney

CFN 2009014709
Bk 03730 Pgs 1624 - 1634; (11pgs)
DATE: 02/11/2009 11:31:36 AM
NEIL KELLY, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 95.00

ORDINANCE #2009-8

PH#51-08-2

Magnolia Property Associates, LLC

FILED
2009 FEB -5 AM 9:44
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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

WHEREAS, Lake County (the "Applicant"), pursuant to Section 125.66, Florida Statute, has initiated an amendment for property owned by Clermont-Falls Creek Development, Magnolia Property Associates LLC, B&L Properties LLC, and Magnolia Point Clermont I, LLC (the "Owner"),

AND with exception to Magnolia Point Clermont I, LLC, all property owners have joined on the County initiated application; and

WHEREAS, this petition will amend Planned Unit Development (PUD) Ordinance #2006-08 to revise allowable uses; and

WHEREAS, this petition will rescind and supersede Ordinances #2000-9 and #2006-8; and

WHEREAS, the subject property consists of roughly 22.5 acres and is located in the Clermont Joint Planning Area, along SR 50 at the southeast side of the intersection of SR 50 and Magnolia Pointe Boulevard, in Section 25 Township 22S Range 26E and having Alternate Keys #3866085, #3859724, #3871969, #1037450, #3860011, #3870740, #3870741, #3870742, #3870737, #3870739, #3870738, #3870736, #3870749, #3870750, #3870745, #3870744, #3870746, #3870747, #3870748, and #3860067, further described as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

WHEREAS, the property is located within the Urban Expansion, Community Activity Center, Employment Center Future Land Use Categories as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

1 **WHEREAS**, the Lake County Zoning Board, on the 7th day of January, 2009, reviewed petition PH#51-
2 08-2;

3 **AND**, after giving notice of hearing on petition for a change in the use of land, including a notice that
4 said would be presented to the Board of County Commissioners of Lake County, Florida, on the 27th day of
5 January, 2009; and

6 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the
7 Lake County Zoning Board, and any comments, favorable or unfavorable, from the Public and surrounding
8 property owners at a Public Hearing duly advertised; and

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

11 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
12 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
13 pertain to the above tract of land, as described in EXHIBIT "A", subject to the following terms:

14 **SECTION I. Terms.** This Ordinance shall mean and include the following land uses and rescinds and
15 supersedes any and all ordinances previously granted. The County Manager or designee shall amend the
16 Official Zoning Map to PUD zoning in accordance with this Ordinance. Development of the property shall be in
17 conformance with the approved PUD Master Conceptual Plan attached hereto as **Exhibit "B"**. To the extent
18 where there are conflicts between Exhibit B, Exhibit C and this Ordinance, this Ordinance shall take
19 precedence.

20
21 A. Land Uses:

- 22
23 1. Permitted Uses. Development of the site shall be limited to uses permitted within the C-1 and C-2
24 Zoning Districts as defined in the Lake County Land Development Regulations, as amended, with
25 exception to the following uses:
26
27 a. Adult Use
28 b. Automotive Repair
29 c. Automotive Service Station/Convenience Store

ORDINANCE NO. #2009-8

(PH#51-08-2) (Lake County)

- d. Auto-parts or other auto-related uses, except as expressly permitted below
 - e. Bar or Tavern
 - f. Carwash
 - g. Hotel/Motel
 - h. Recreation, Commercial
 - i. Self-Service Laundry or Dry-Cleaning
 - j. Self-Service Storage
 - k. Theater
 - l. Recreational Vehicles
 - m. Truck Yard
 - n. Bingo Parlors and all other types of gambling establishments
 - o. Pawn Shops and establishments specializing in the resale of second hand goods
 - p. Vehicle Storage: No storage of commercial, disabled, abandoned or non-licensed vehicles shall be permitted for any purpose
2. Commercial Uses Permitted with Specific Conditions. The following uses shall be permitted subject to the specific criteria provided below:
- a. Retail, Convenience: No fuel sales shall be permitted.
 - b. Restaurant, Fast Food:
 - i. Shall be allowed only on Lots 1, 2, 3 and 4.
 - ii. No more than three (3) Fast Food Restaurants shall be permitted.
 - iii. No more than one (1) stand-alone Fast Food Restaurant shall be permitted.
 - iv. Lot 1 shall not permit a stand-alone Fast Food Restaurant.
 - v. Drive-through windows shall not be permitted for any stand-alone Fast Food Restaurant.
 - vi. No Fast Food Restaurant shall occupy an end cap suite or have a drive-thru on Lot 1.
 - vii. No Fast Food Restaurant shall occupy an end cap suite or have a drive-through on Lot 1 if Lots 1 and 2 are combined into a single lot and developed within a common building. This condition does not apply to Lot 2 if combined.
 - viii. Hours of operation shall be limited to 5:00 AM to 11:00PM.
 - c. Restaurant, General: Restaurants are permitted beer, wine, and alcohol sales in conjunction with sale of food.
 - d. Vehicular Sales. Vehicular sales are prohibited, with the exception of Lot 4, which may allow a motorcycle dealership subject to the following regulations:
 - i. Inside sales only.
 - ii. Daytime display of vehicles is permitted. All vehicles shall be moved inside at night.
 - iii. Test driving within the development or rental of vehicles is not permitted.
 - iv. Any service or repair work area shall be completely enclosed, including air compressors.
 - v. Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.

- e. Wholesale and Warehouse:
 - i. Gross leasable area shall not exceed 10,000 square feet.
 - ii. Limited to wholesale consumer products only, i.e. wines, foods, or restaurant supply.
 - iii. Warehousing or wholesaling of building, hardware or manufacturing goods or products is prohibited.
 - f. Lot 5 shall be limited to medical and professional office uses.
 - g. Buildings H, J, K, L, M, N, and P of Lot 6 shall be limited to:
 1. Medical Service and Professional Office.
 2. Personal Care Services (excluding self-service laundry mats, and laundry drop-off and pick-up stations).
 3. Retail sales of health and beauty products, including marketing and training.
 4. The total square footage of Personal Care Services, including retail sales of health and beauty products, on Lot 6 shall not exceed 10,000 square feet.
 5. Dance studio within Building P only. Hours shall be limited to: 7:00 AM to 9:00 PM.
 - h. Lots 1 & 2 may be combined and developed with a common building or developed individually. Lots 3 & 4 may also be combined and developed with a common building or developed individually. If combined, common building(s) on Lots 1&2 and/or Lots 3&4 shall contain architectural enhancements to the facades on the front and rear sides similar to those depicted on Exhibit "C".
3. Manufacturing and industrial uses shall not be permitted.
- B. Open Space, Impervious Surface Ratio, and Intensity:
1. Total development of the site shall not exceed a maximum gross square footage of 300,000 square feet.
 2. A minimum 25% open space shall be implemented with the development plan.
 3. A maximum impervious surface ratio of 65% over the entire commercial development shall be implemented into the design criteria for all development.
- C. Setbacks:
1. All setbacks shall conform to the landscape buffering requirements outlined in the Lake County Land Development Regulations, as amended.
 2. Building structures shall maintain a 200-foot setback from the south property line of Lot 6.
 3. No loading docks or dumpsters shall be located within 400 feet of any property line of any lot of the Magnolia Pointe Subdivision.

ORDINANCE NO. #2009-8

(PH#51-08-2) (Lake County)

D. Buffering/Screening:

1. Landscaping of Lot 6 shall be consistent with the approved landscape plan, approved May 8th, 2007.
2. A landscaped buffer shall be provided between all commercial, multifamily, right-of-way and residential land uses pursuant to the Lake County Land Development Regulations, as amended.
3. Lake County Type "A" buffer shall be required along Magnolia Pointe Boulevard and the east boundary of Lot 4.
4. A 25-foot buffer of solid pine trees shall be maintained along the south boundary of the PUD (adjacent to Magnolia Pointe Condos). In the event that the existing 25-foot buffer of solid pine trees along the south boundary of the subject property is destroyed or removed for any reason, a Type "B" buffer shall be installed within ninety (90) days thereafter.
5. A six-foot high masonry or brick wall shall be constructed along the west boundary line, starting south of the guard house to the southern boundary of the retention pond, then along said southern boundary line to the eastern boundary line of the property.
6. The wall or berm shall be constructed at the beginning of construction on Lot 6.
7. All outside storage shall be screened by a wooden fence and/or vegetative buffer substantial enough to screen the uses from adjacent properties.
8. Any additional landscape requirements not specifically outlined by items 1 through 7 of this section shall be applied in accordance with the Land Development Regulations, as amended.

E. Architectural Design Standards:

1. Design:
 - a. No pre-engineered metal buildings shall be permitted in the development.
 - b. Buildings on Lot 6 shall be themed in a Mediterranean manner, and shall have tile roofs.
 - c. Design shall comply with the City of Clermont commercial design guidelines and the Lake County Land Development Regulations, as amended.
2. Height:
 - a. Any structure on Lot 1, 2, 3, 4, & 6 shall not be taller than 35 feet.
 - b. Any structure on Lot 5 shall not be taller than 45 feet.
3. Orientation: The building on Lot 5 shall face west toward Magnolia Pointe Boulevard.

F. Lighting:

1. Lighting for parking lot, driveways, and utility areas (whether mounted on poles or walls of building) shall conform to Illuminating Engineering Society ("I.E.S.") standards for "cutoff" lighting fixtures.
2. Lighting "trespass" onto adjacent property shall not exceed 0.1 foot candles at the property line.
3. Ornamental and spotlighting for aesthetic effect, landscape accent, signage, etc. shall be directed onto the subject property.

ORDINANCE NO. #2009-8
(PH#51-08-2) (Lake County)

G. Access Standards:

1. Construction traffic shall access the property via S.R. 50 and avoid Magnolia Pointe Boulevard unless prohibited by the Florida Department of Transportation or Lake County Public Works.
2. Access to the site will be limited to the existing private road (Magnolia Pointe Boulevard), a right in/right out from S.R. 50 near the middle of the property on the north property line as shown on "Exhibit B".

H. Water and Sewer: Connection to central water and central sewer shall be required with all development.

I. Concurrency Management Review: Prior to requesting approval, the Owner must undergo Lake County Concurrency Management Review or sign an affidavit of deferral, deferring concurrency management review.

J. Development Review and Approval: Prior to the issuance of any permits, the Owner shall be required to submit formal site plan, as applicable, for review and approval by Lake County. The site plan shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

K. Future Development Orders: Any requested development order must comply with the Lake County Land Development Regulations, as amended, and the Lake County Comprehensive Plan, as amended.

L. Concurrency Management Review and Vested Development Rights: Future rights to develop the property are subject to a finding that the development will meet the concurrency standards contained in the Lake County Comprehensive Plan and Land Development Regulations through Concurrency Management Review; without such a Review, no vested development rights shall have been granted by the County or acquired by the Applicant.

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

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

A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Zoning Board and the Board of County Commissioners.

B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner (except for normal maintenance activities – i.e. painting screening, etc.) within the boundaries of the above described land without first submitting the necessary plans in accordance with the Lake County Land Development Regulations, as

ORDINANCE NO. #2009-8
(PH#51-08-2) (Lake County)

amended, and obtaining approval from the County Manager or designee upon obtaining the permits required from the other appropriate governmental agencies.

C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof shall be binding upon the present owner and any successor, who shall be subject to each and every condition herein set out.

D. Prior to any amendment to this Ordinance, the Owner shall provide proof that a community meeting was held with all owners and the adjacent residential neighborhoods.

E. The combining of Buildings E and F on Lot 6 shall not require an amendment to this Ordinance.

F. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.

G. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the Lake County Land Development Regulations, as amended.

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

SECTION 4. Effective Date: This Ordinance shall become effective as provided by law.

ENACTED this 27 day of January, 2009.

FILED with the Secretary of State February 5, 2009.

EFFECTIVE February 5, 2009.

ORDINANCE NO. #2009-8

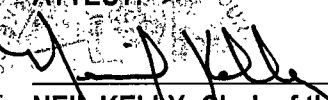
(PH#51-08-2) (Lake County)

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**



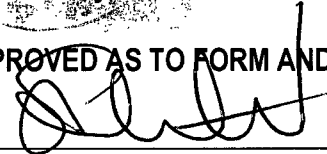
WELTON G. CADWELL, CHAIRMAN

ATTEST:



**NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida**

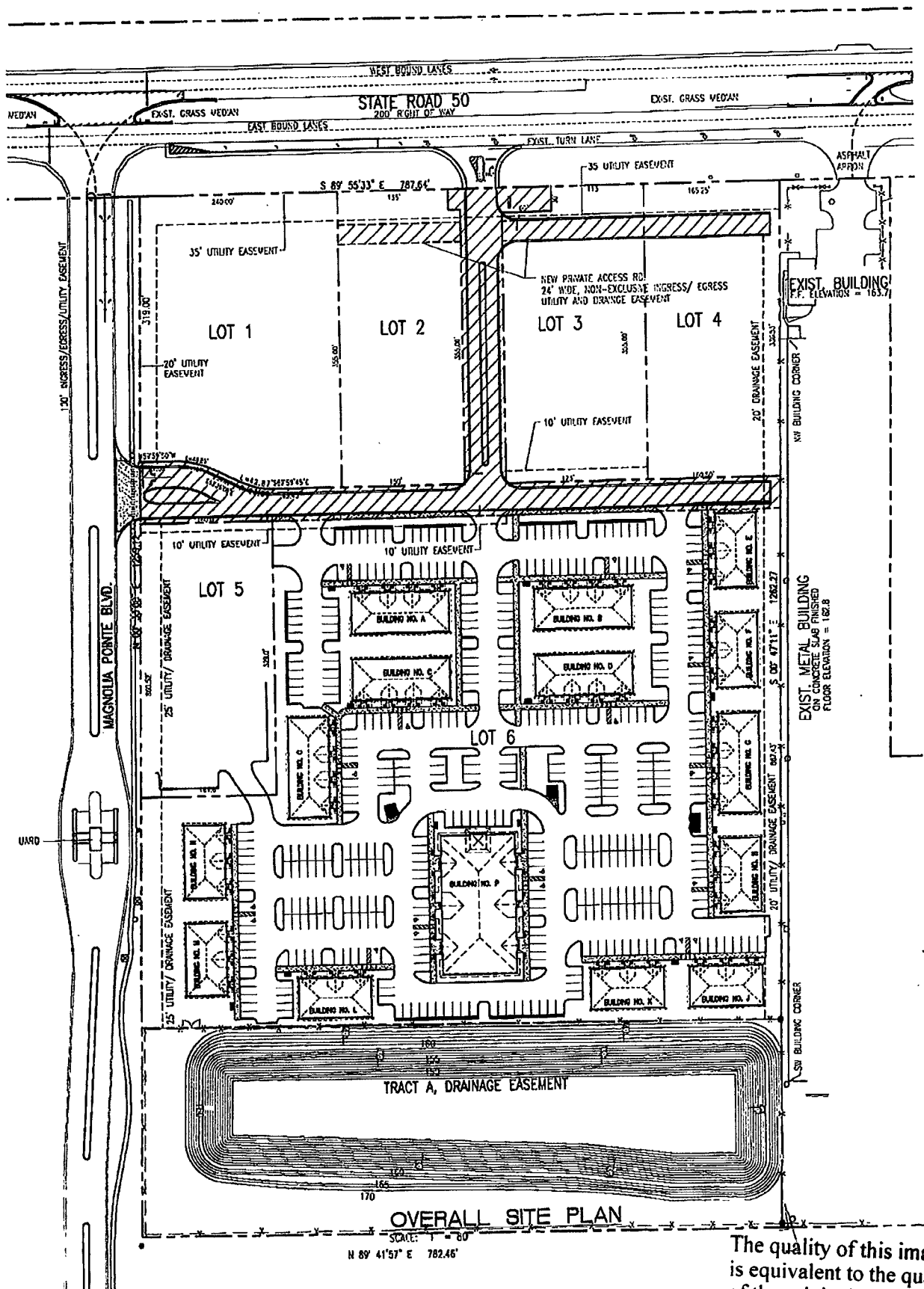
APPROVED AS TO FORM AND LEGALITY

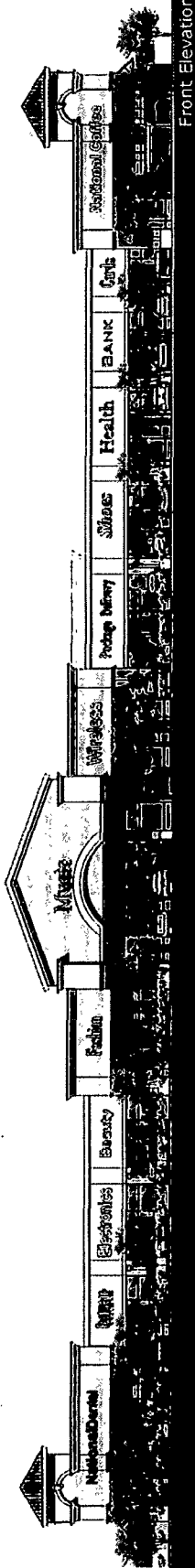


SANFORD A. MINKOFF, County Attorney

EXHIBIT "A"

THE SE ¼ OF NW ¼ OF SEC 25 TWP. 22S RGE. 26 E, LAKE COUNTY, FLORIDA; LESS AND EXCEPT THE FOLLOWING LANDS: R/W FOR SR 50; ALSO LESS AND EXCEPT: BEGIN AT THE SE CORNER OF THE NW ¼ OF SEC 25 TWP. 22S RGE. 26E, LAKE COUNTY, FLORIDA, THENCE N 89 DEG. 14'43" W, ALONG THE ¼ SECTION LINE, 448.64 FT; THENCE N 01 DEG 00'01" E 1260.31 FT TO THE S R/W LINE OF SR 50; THENCE S 89 DEG 45'47" E 448.64 FT ALONG SAID R/W LINE TO THE E LINE OF SAID ¼ SECTION; THENCE S 01 DEG 00'01" ALONG SAID ¼ SECTION LINE, 1,264.36 FT TO THE POB; ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED: THE W 100 FT OF THE SE ¼ OF NW ¼ OF SEC 25 TWP 22S RGE 26E, LAKE COUNTY, FLORIDA; PARCEL 2: (NON-EXCLUSIVE EASEMENT ESTATE) TOGETHER WITH THAT CERTAIN RESERVATION OF INGRESS AND EGRESS EASEMENT, OVER THE FOLLOWING DESCRIBED LAND: THE W 100 FT OF THE SE ¼ OF NW ¼ OF SEC 25 TWP. 22S RGE. 26E, LAKE COUNTY, FLORIDA, LESS AND EXCEPT THAT PART WITHIN THE R/W FOR SR 50.





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is equivalent to the quality
of the original document.

Multi-Tenant Retail
Carmont, FL
04-28-08

ARCHITECTS, INC.

Exhibit C



CITY OF CLERMONT REZONING APPLICATION

DATE Nov 7, 2024		FEE: \$542.00 + cost of advertisement + cost of traffic review, if necessary	
Project Name (if applicable) Magnolia Pointe Center PUD - Lot 3			
Applicant Jean M. Abi-Aoun, P.E.			
Contact Person Jean M. Abi-Aoun, P.E.			
Address 5127 S. Orange Avenue, Suite 200		City Orlando	State Florida
		Zip 32809	
Telephone 407-895-0324		Fax 407-895-0325	
Email JAbiAoun@feg-inc.us			
OWNER INFORMATION			
Owner's Name Lake Magnolia Properties, LLC			
Owner Address 7932 W. Sand Lake Road, Suite 300		City Orlando	State Florida
		Zip 32819	
Telephone N/A		Email bassel@maalienterprises.com	
PROPERTY INFORMATION			
Address of Subject Property Pagonia Road		City Clermont	State Florida
		Zip 34711	
Legal Description (include copy of survey) Attached.			
Acreage 1.38		Land Use (City verification required) Vacant	
Present Zoning (City verification required) PUD		Proposed Zoning PUD	



CITY OF CLERMONT REZONING APPLICATION

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

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

We are requesting an amendment to the PUD zoning for Magnolia Pointe Center to permit a total of five fast food restaurants within the PUD, with four of these located on Lot 3. Currently, there is one fast food restaurant, a Dunkin', on Lot 2. Our proposal includes four additional establishments on Lot 3, including a Twistee Treat with a drive-thru connected to the main building by a canopy, in alignment with PUD requirements under Ordinance #2009-8 PH#51-08-2. Please see attached full narrative.

Check box to indicate additional materials are provided via attachment. ☒

Jean M. Abi-Aoun, P.E.

Applicant Name (print)

x

Applicant Name (signature)

Bassel Maali

Owner Name (print)

x

Owner Name (signature)

Digitally signed by Bassel Maali
Date: 2024.11.26 09:49:32 -05'00'

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

5/22/2020



November 26, 2024

Kathy Heard, CMC
Planning and Development Coordinator
Planning and Development Services Department
685 W. Montrose St.
Clermont, FL 34711
khear@clermontfl.org

Subject: Magnolia Property Associates, PUD – Ordinance #2009-8 | PH#51-08-2
Narrative Letter for Rezoning for PUD Amendment
Magnolia Point Center - Lot 3
Clermont, Florida

Dear Kathy,

We are requesting an amendment to the PUD zoning for Magnolia Pointe Center, specifically for Lot 3, to meet the growing demand for diverse dining options within the community. The proposed amendment will allow the addition of four fast food restaurant tenants on Lot 3, bringing the total number of fast food restaurants permitted within the PUD to five.

Currently, one fast food restaurant exists on Lot 2 within the PUD. Our proposal would add four more on Lot 3, including a Twistee Treat establishment with a drive-thru, which will be connected to the main building by a canopy to align with current PUD requirements.

Per **Ordinance #2009-8 PH#51-08-2**, the relevant section and requested change are as follows:

- **A.2.b.ii.:** "No more than three (3) Fast Food Restaurants shall be permitted."
 - **Proposed Change:** Amend to permit a total of five (5) Fast Food Restaurants within the PUD, with four located on Lot 3.

Site Plan Details:

The site plan generally meets zoning requirements, with the following specifications:

Buffer Yards:

Location	Required	Proposed
North (SR 50)	20 ft (Type C)	19.28 ft (Type C)
Side (East)	10 ft (Type A)	10 ft (Type A)
Side (West)	10 ft (Type A)	10 ft (Type A)
Rear (South)	10 ft (Type A)	15 ft (Type A)

We are seeking staff approval for the north buffer along SR 50, which is proposed at 19.28 feet — a 3.6% deviation from the required 20 feet.

Building Setbacks:

Location	Required	Proposed
North (SR 50)	50 ft	71 ft
Side (East)	12 ft	31 ft
Side (West)	12 ft	16 ft
Rear (South)	12 ft	188 ft

All setbacks meet or exceed the zoning requirements, ensuring sufficient space between structures and adjacent properties.

Impervious Cover:

The overall PUD allows for a maximum impervious cover of 65%. For Lot 3 specifically, we are proposing an impervious cover of 68.84%, which results in a total impervious cover of 51% across the entire PUD.

Drive-Thru & Emergency Access:

The east side of the site includes a 20-foot-wide drive lane. A truck turn analysis confirms that the layout allows sufficient maneuverability for fire trucks .

Parking Requirements:

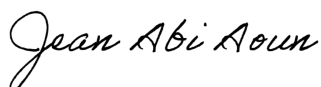
Category	Required	Provided
Total Spaces	57 spaces	58 spaces
Handicap Spaces	3 spaces	3 spaces
Bicycle Parking	3 spaces	6 spaces

This table shows that we meet and exceed parking requirements, providing sufficient capacity for patrons, employees, and alternative transportation options.

This amendment will enable Magnolia Pointe Center to better serve community needs by increasing dining options, while maintaining compatibility with the PUD's overall design and operational guidelines. We have enclosed with this submittal a rezone application, proof of ownership, legal description, building elevations, preliminary traffic report, and site plan.

I trust this letter and the attached documents provide you with the necessary information to review and approve our requests. Should you have any questions or concerns, please do not hesitate to contact me at 407-895-0324 or by email at jabiaoun@feg-inc.us.

Regards,
Florida Engineering Group, Inc.



Jean M. Abi-Aoun, P.E.
Vice President



FLORIDA
ENGINEERING
GROUP

5127 S. Orange Avenue, Suite
200 Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325



LEGAL NOTICE

On Tuesday, January 7, 2025 at 6:30 PM the Clermont Planning and Zoning Commission will consider the enactment of the following proposed ordinance.

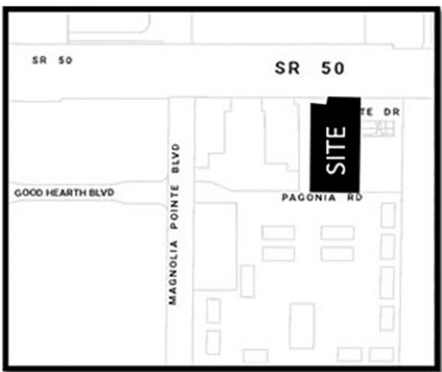
ORDINANCE NO. 2025-003

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 CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

LOCATION

Magnolia Pointe Commercial Center; 1.375 +/- acres located at the Southeast corner of Highway 50 and Magnolia Pointe Boulevard
Alternate Key 3871969

LOCATION MAP



REQUESTED ACTION:

Amendment to the existing Planned Unit Development (PUD) Ordinance No. 2018-08 to allow for an increase in the number of fast food restaurants.

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, THENCE NORTH 89° 29' 21" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, A DISTANCE OF 1227.25 FEET TO THE EAST LINE OF THE WEST 100.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 00° 48' 14" EAST, ALONG SAID EAST LINE, A DISTANCE OF 1253.12 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 50 BASED ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION NUMBER 11070; THENCE NORTH 89° 59' 09" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 59' 09" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 113.00 FEET; THENCE, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE; THENCE SOUTH 00° 00' 51" EAST A DISTANCE OF 355.00 FEET; THENCE SOUTH 89° 59' 09" WEST A DISTANCE OF 173.00 FEET; THENCE NORTH 00° 00' 51" WEST A DISTANCE OF 330.00 FEET; THENCE NORTH 89° 59' 09" EAST A DISTANCE OF 60.00 FEET; THENCE NORTH 00° 00' 51" WEST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.375 ACRES, MORE OR LESS.

All public hearings are held in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711.

This application is available for public inspection in the Development Services Department, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

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

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 4, 2025		
Agenda Item Name		
Ordinance No. 2025-001 <i>Land Development Code Amendment - Permitted Uses</i> (Tabled from January 7, 2025 P&Z Meeting)		
Requested Action		
Recommend approval of Ordinance 2025-001		
Staff Report		
City staff has received direction to proceed with processing amendments within the Land Development Code (LDC). Within the Central Business District (CBD) zoning, restaurants 3,000 square feet and greater and any other business establishment or structure 3,000 square feet and greater are required to obtain a Conditional Use Permit (CUP). The requested change is to increase the square footage requirement from 3,000 square feet to 6,000 square feet. Any restaurant, business establishment or structure over 6,000 square feet will be required to obtain a CUP. This change would occur under Section 125-369 and 125-370. See snippet of the changes below. The requested amendment would add this specific language under this section of the LDC. (7) Restaurants less than 3,000 square feet. (8) Medical marijuana dispensaries. (b) <i>Floor space.</i> Any business establishment or structure proposing to occupy more than 36,000 square feet of total floor space or more shall require application for a conditional use permit. Another change within the Central Business District is the removal of the duplication of off-street parking requirements. Parking requirements are captured in another reference within the LDC. It is contained in Section 115-14 "Table of Minimum Parking Space Requirements." Therefore, due to duplication, Item (c) under Section 125-373 is being removed. Staff supports this requested change.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance	Ordinance.pdf
2.	Legal Ad	2025-001 Legal Ad LDC - CBD Permitted Uses Change - PZ.pdf



CITY OF CLERMONT
ORDINANCE NO. 2025-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 125, “ZONING”, ARTICLE III “DISTRICTS”, DIVISION 12 “CBD CENTRAL BUSINESS DISTRICT” SECTION 125-369 “PERMITTED USES”, SECTION 125-370 “CONDITIONAL USES” AND 125-373 “OFF-STREET PARKING”; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on February 4, 2025, and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont shall amend the Land Development Code, Chapter 125, “Zoning”, Article III “Districts”, Division 12 “CBD Central Business District”, Section 125-369 “Permitted Uses”, Section 125-370 “Conditional Uses” and Section 125-373 “Off-Street Parking” and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, that Chapter 125, “Zoning”, Article III “Districts”, Division 12 “CBD Central Business District”, Section 125-369 “Permitted Uses”, Section 125-370 “Conditional Uses” and Section 125-373 “Off-Street Parking” of the Clermont Code of Ordinances shall be amended to make changes, as set forth in the following amendments shown in Section 2.

SECTION 1: AUTHORITY

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

SECTION 2:

Chapter 125, “Zoning”, Article III “Districts”, Division 12 “CBD Central Business District”, Section 125-369 “Permitted Uses”, Section 125-370 “Conditional Uses” and Section 125-373 “Off-Street Parking” of the Land Development Code of the City of Clermont is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

Sec. 125-369. Permitted uses.

(a) *Generally.* Permitted uses in the CBD district are as follows:

- (1) Retail businesses which supply commodities on the premises, such as, but not limited to, groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.

- (2) Personal service establishments, such as, but not limited to, beauty shops or barbershops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use (with a business tax receipt, and with medical supervision) within an existing salon, beauty shop, barbershop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
 - (3) Professional offices, doctors' offices, banks and loan companies (excluding drive-through facilities except with a conditional use permit), insurance and real estate offices and similar businesses.
 - (4) Dwelling units, single-family and two-family, permitted in the R-2 district, and other residential uses as permitted in the R-3 district, provided that lot size and coverage regulations of the respective district can be accommodated and the lot width of this district is met.
 - (5) Buildings, structures and uses maintained or operated by the city.
 - (6) Lodges and clubs.
 - (7) Restaurants ~~less than 3,000 square feet~~.
 - (8) Medical marijuana dispensaries.
- (b) *Floor space.* Any business establishment or structure proposing to occupy more than 36,000 square feet of total floor space or more shall require application for a conditional use permit.
- (c) *Uses to be enclosed, outdoor storage.* All uses must be within a completely enclosed building, except for outdoor storage, which must receive site plan approval and be screened from public streets and adjacent property.
- (d) *Sidewalk use.* Business establishments may utilize outside private or public sidewalk area for patron use to include non-fastened small tables and chairs, or benches during business hours only. Compact outside display areas may also be utilized provided the display has a maximum width of 25 percent of a retail store width or ten feet in width, whichever is less, four feet in depth, and six feet in height. Businesses which utilize this type of sidewalk use shall maintain at least a four-foot-wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act. Where such four-foot open space is not available, table and chairs or displays shall not be allowed. All such uses shall be approved by the city manager or designee.

Sec. 125-370. Conditional uses.

- (a) Conditional uses in the CBD district are as follows:
- (1) Retail businesses, personal service establishments and professional offices occupying more than 36,000 square feet of total floor area or more, provided, however, that no retail establishment may occupy more than 100,000 square feet.
 - (2) Public or semipublic facilities or structures not maintained or operated by the city and not listed under permitted uses (i.e., operated by any other governmental unit).

- (3) Utility facilities (i.e., electrical transformers, gas regulator stations, etc.).
 - (4) Hospitals, clinics, adult congregate living facilities and nursing homes that provide treatment of human ailments or personal care operations.
 - (5) Nursery schools, kindergartens or childcare centers, provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.
 - (6) Private schools.
 - (7) Funeral homes.
 - (8) Convenience stores and gas stations, provided on-site parking requirements are met.
 - (9) Laundries.
 - (10) Automotive service stations, provided on-site parking requirements are met.
 - ~~(11) Restaurants over 3,000 square feet.~~
 - (121) Lounges.
 - (132) Bed and breakfast inns as provided in article V of this chapter.
 - (143) Theaters, cinemas and auditoriums.
 - (154) Churches.
 - (165) Planned unit developments.
- (b) In case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval by the city council, are not more obnoxious to the district than uses provided in this section. All conditional uses must be provided per chapter 101, article III, division 3.

Sec. 125-373. Off-street parking.

- (a) *Principal use location; number of parking spaces.* Except as otherwise provided in this section, each principal use located within the designated central business district shall provide or be provided with the indicated number of off-street parking spaces according to the following schedule. Those uses which base required parking allocation on seating capacity, numbers of beds, numbers of employees and numbers of staff members shall submit specific data and calculations at the time of application for conditional use permit approval.
- (b) *Parking space credits.* In an effort to foster revitalization and enhancement of the central business district, parking space credits shall be granted to existing structures and vacant land in the following manner:
- (1) Existing structures located in the central business district shall be given a parking space credit equal to the parking space requirements for the current use of the structure. For structures with more than one use, calculation of the credit is based on the amount of square footage devoted to each particular use.
 - (2) For existing nonresidential structures, no additional parking spaces shall be required for a change in use to another nonresidential use, provided the square footage remains the same.

CITY OF CLERMONT
ORDINANCE NO. 2025-001

- (3) Residential uses changing to nonresidential must provide parking equivalent to those nonresidential uses as required by this section.
- (4) All vacant parcels changing to either residential or nonresidential must provide parking equivalent to those residential or nonresidential uses as required by this section.
- (5) Parking spaces and/or parking space credits shall remain the sole possession of the property for which they were initially provided. Parking space credits shall not be transferable from one business location to another business location.
- (6) Single-family residential structures and vacant parcels shall be given credit for two spaces and multifamily structures shall be given credit for 1.5 spaces per unit.

~~(c) Parking spaces developed for residential and nonresidential uses. Vacant property being developed for new residential or nonresidential uses shall be required to provide off-street parking spaces located on the same parcel as the use they are intended to serve. A parking plan shall be provided with all applications for individual development approval which shall clearly and accurately designate the required parking spaces, required landscaped areas and planter islands, access aisles and driveways and the relationship of the parking to the uses and structures the spaces are intended to serve. All off-street parking facilities shall be designed and constructed in accordance with the city's adopted engineering standards. Required parking spaces are as follows:~~

- ~~(1) Retail business, personal service and office establishments. One parking space for each 400 square feet of floor space.~~
- ~~(2) Hospitals, clinics, adult congregate living facilities and nursing homes. One parking space for each four beds, plus one space for each four employees, including staff members and nurses.~~
- ~~(3) Nursery schools, kindergartens or childcare centers, public, vocational and professional schools. One parking space for each 300 square feet of classroom space, plus one space for each staff member, plus one space for each four employees.~~
- ~~(4) Churches and funeral homes. One parking space for each four seats in the sanctuary or assembly room.~~
- ~~(5) Restaurants and lounges. One parking space for each 200 square feet of floor area devoted to patron use, plus one space for each four employees.~~
- ~~(6) Lodges and clubs. One parking space for each 50 square feet of floor area.~~
- ~~(7) Theaters, cinemas and auditoriums. One parking space for each eight seats in the assembly room.~~
- ~~(8) Bed and breakfast. One parking space for each accommodation.~~
- ~~(9) Automotive services. Four parking spaces for each bay, grease rack or similar facility, plus one space for each employee.~~
- ~~(10) All dwelling units. Two parking spaces per dwelling unit.~~
- ~~(11) Planned unit developments. Parking space requirements for planned unit developments shall be based upon the aggregate sum of all proposed uses.~~

~~(12) Hotels and motels. One parking space for each accommodation, plus one space for every three employees.~~

(d) *Determination for unlisted uses or alternative parking.* If the proposed use is not listed or compatible with a use listed in the table of minimum parking space requirements, the planning director, who after consultation with the site review committee, shall make a determination of the appropriate parking for the proposed use. In reaching the determination, the director shall consider and be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use, parking requirements of such uses in other jurisdictions, special conditions or situations of the proposed use, or a combination of sources.

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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 5: CODIFICATION

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

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

Regardless of whether such inclusion in the Code as described in Section 5 is accomplished, sections of the Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: PUBLICATION AND EFFECTIVE DATE

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. 2025-001

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 25th day of February, 2025.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Christian W. Waugh, City Attorney

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City of Clermont-Legals Po Box 120219 Clermont FL 34712-0219
Contact Name:	CityOf Clermont-Legals
Contact Phone:	
Contact Email:	nwisniewski@clermontfl.org
PO Number:	

Date:	12/12/2024
Order Number:	10856649
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	56.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	12/23/2024 - 12/23/2024	Govt Public Notices
LEE dailycommercial.com	1	12/23/2024 - 12/23/2024	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$90.48
Tax Amount	\$0.00
Service Fee 3.99%	\$3.61
Cash/Check/ACH Discount	-\$3.61
Payment Amount by Cash/Check/ACH	\$90.48
Payment Amount by Credit Card	\$94.09

Order Confirmation Amount	\$90.48
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Ad Preview

LEGAL NOTICE

On Tuesday, January 7, 2025 at 6:30 PM the Clermont Planning and Zoning Commission will consider the proposed ordinance to allow for the amendment of the Land Development Regulations, Chapter 125, Section 125-369-Permitted Uses, Section 125-370-Conditional Uses and 125-373-Off-Street Parking.

ORDINANCE NO. 2025-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 125, "ZONING", ARTICLE III "DISTRICTS", DIVISION 12 "CBD CENTRAL BUSINESS DISTRICT" SECTION 125-369 "PERMITTED USES", SECTION 125-370 "CONDITIONAL USES" AND 125-373 "OFF-STREET PARKING"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

All public hearings are held in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711.

This amendment is available for public inspection in the Development Services Department, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

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

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk
#10856649 12/23/2024



AGENDA ITEM

Meeting Date																					
Tuesday, February 4, 2025																					
Agenda Item Name																					
Ordinance No. 2025-002 <i>Land Development Code Amendment - Parking</i> (Tabled from January 7, 2025 P&Z Meeting)																					
Requested Action																					
Recommend approval of Ordinance 2025-002																					
Staff Report																					
City staff has received direction to proceed with processing amendments within the Land Development Code (LDC). Section 115-14 Table of minimum parking space requirements has two (2) distinctive columns requiring parking spaces for land uses within the City. One column is for areas within the City, and the other column is for areas specifically within the Central Business District (CBD). Below is a snippet of the table with the columns highlighted. (b) Minimum off-street parking space requirements. Minimum off-street parking space requirements are as follows: <table border="1"> <thead> <tr> <th>Land Use</th> <th>Minimum Number of Spaces per Indicated Unit</th> <th>Minimum Number of Spaces per Indicated Unit in the Central Business District</th> <th>Per Unit of Measure</th> </tr> </thead> <tbody> <tr> <td>Single-family</td> <td>2</td> <td>1</td> <td>Per dwelling unit</td> </tr> <tr> <td>Multifamily</td> <td>1.5</td> <td>1.25</td> <td>Per one-bedroom unit</td> </tr> <tr> <td>Multifamily</td> <td>2</td> <td>1.5</td> <td>Per two-bedroom unit</td> </tr> <tr> <td>Multifamily</td> <td>2.5</td> <td>2.0</td> <td>Per three-bedroom unit</td> </tr> </tbody> </table> The current parking requirements for the CBD is approximately half the requirement for some land uses versus other areas outside the CBD. Since the Central Business District is primarily the historical downtown area of Clermont, the parking requirements were reduced to encourage redevelopment and development in this area. The first change that is being proposed is to eliminate parking requirements for a subset area of the Central Business District for retail and/or office use. This would only be applicable to a single story building or the first floor of any structure within the subset area with retail and/or office use. The subset area is shown in red below. Any retail or office use in this area would not be required to provide parking.		Land Use	Minimum Number of Spaces per Indicated Unit	Minimum Number of Spaces per Indicated Unit in the Central Business District	Per Unit of Measure	Single-family	2	1	Per dwelling unit	Multifamily	1.5	1.25	Per one-bedroom unit	Multifamily	2	1.5	Per two-bedroom unit	Multifamily	2.5	2.0	Per three-bedroom unit
Land Use	Minimum Number of Spaces per Indicated Unit	Minimum Number of Spaces per Indicated Unit in the Central Business District	Per Unit of Measure																		
Single-family	2	1	Per dwelling unit																		
Multifamily	1.5	1.25	Per one-bedroom unit																		
Multifamily	2	1.5	Per two-bedroom unit																		
Multifamily	2.5	2.0	Per three-bedroom unit																		

The second change is if any new development within the CBD is unable to provide the required onsite parking, they would have the option to pay a downtown parking fee of \$3,000 per required space and move forward with their development. This payment would go into a dedicated fund designated for parking in the downtown area. The parking fee may be increased through a resolution passed by the City Council at any time. This would eliminate the need to seek a parking variance before City Council and allow the development to proceed with payment of the parking fee.

The third change is an increase in required parking for specific land uses outside the Central Business District. A moderate increase in multifamily parking is being proposed. The percentage of increase is anywhere from 20% up to 34% for multifamily use. In the hospital, clinics, ACLFs and nursing home land use, the ACLFs land use is being separated out with its own row indicating two (2) parking spaces for each four (4) beds, one (1) for each doctor and two (2) for each four (4) employees. One final parking increase is for rooming houses and boarding houses, which would go up from one (1) parking space for each bedroom to three (3) parking space for each bedroom. Staff supports the requested changes.

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance	Ordinance.pdf
2.	Legal Ad	2025-002 Legal Ad LDC - CBD Parking - PZ.pdf



CITY OF CLERMONT
ORDINANCE NO. 2025-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 115, “PARKING AND VEHICULAR USE AREAS”, SECTION 115-14 “TABLE OF MINIMUM PARKING SPACE REQUIREMENTS”; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on February 4, 2025, and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont shall amend the Land Development Code, Chapter 115, “Parking and Vehicular Use Areas”, Section 115-14 “Table of Minimum Parking Space Requirements”; and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, that Chapter 115, “Parking and Vehicular Use Areas”, Section 115-14 “Table of Minimum Parking Space Requirements” of the Clermont Code of Ordinances shall be amended to make changes, as set forth in the following amendments shown in Section 2.

SECTION 1: AUTHORITY

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

SECTION 2:

Chapter 115, “Parking and Vehicular Use Areas”, Section 115-14 “Table of Minimum Parking Space Requirements” of the Land Development Code of the City of Clermont is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

Sec. 115-14. Table of minimum parking space requirements.

- (a) *Determination for unlisted uses or alternative parking.* If the proposed use is not listed or compatible with a use listed in the table of minimum parking space requirements, the administrative official shall make a determination of the appropriate parking for the proposed use based on the standards and guidelines of the Institute of Transportation Engineers (ITE) or the latest Smart Code published by the Form Based Codes Institute. In reaching the determination, the director may consider and be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use, parking requirements of such uses in other jurisdictions, special conditions or situations of the proposed use, or a combination of sources.

CITY OF CLERMONT
ORDINANCE NO. 2025-002

- (b) *Minimum off-street parking space requirements.* Minimum off-street parking space requirements are as follows:

<i>Land Use</i>	<i>Minimum Number of Spaces per Indicated Unit</i>	<i>Minimum Number of Spaces per Indicated Unit in the Central Business District</i>	<i>Per Unit of Measure</i>
Single-family	2	1	Per dwelling unit
Multifamily	1.5 2	1.25	Per one-bedroom unit
Multifamily	2 2.5	1.5	Per two-bedroom unit
Multifamily	2.5 3	2.0	Per three-bedroom unit
Mobile home parks	2	N/A	Per dwelling unit
Churches and funeral homes	1	0.5	Per four permanent seats in the sanctuary or assembly room
Offices and veterinary clinics	1	0.5 *	Per 200 square feet of floor space
Hospitals, clinics, ACLFs and nursing homes	1	1	For each four beds
Plus	1	N/A	For each doctor
Plus	1	0.5	For each 4 employees
<u>ACLFs</u>	1 2	<u>1</u>	<u>For each four beds</u>
<u>Plus</u>	<u>1</u>	<u>N/A</u>	<u>For each doctor</u>
<u>Plus</u>	1 2	<u>0.5</u>	<u>For each 4 employees</u>
Rooming houses and boardinghouses	1 3	0.5 1	For each bedroom
Nursery schools, childcare centers, kindergartens, or public, vocational and professional schools	1	1	Per 300 square feet of classroom space
Plus	1	0.5	For each staff member

CITY OF CLERMONT
ORDINANCE NO. 2025-002

Plus	1	0.5	For each four employees
Wholesale business and personal services	1	0.5	Per 200 square feet of floor space
Retail	1	0.83 *	Per 333 square feet of floor space
Theaters, auditoriums and cinemas	1	0.5	For each four seats in the assembly rooms
Hotels, motels and Bed and Breakfast	1	1	For each accommodation
Plus	1	N/A	For each three employees
Restaurants, takeout only	1	0.5	Per 100 square feet of gross floor area
Restaurants and lounges	1	0.5	Per 4 seats (including outdoor seating)
Plus	1	1	For each four employees
Automotive services and gas stations	4	4	For each service bay or similar facility
Plus	1	0	For each employee
Recreation facilities	1	0.5	Per 200 square feet of floor area devoted to patron use
Golf course	6/1	N/A	Per green/per practice tee
Lodges and clubs	1	0.5	Per 50 square feet of floor space
Light manufacturing	1	1	Per 500 square feet of floor area
or	1	1	For each two employees based on the greatest number of employees at work on the

CITY OF CLERMONT
ORDINANCE NO. 2025-002

			largest shift, whichever is greater
Unmanned utility facilities	1	0	Per 1,000 square feet of floor area, with a minimum of two spaces required
Warehouse/Bulk Storage	1	0.5	Per 1,000 square feet of floor space, with a minimum of two spaces required
Warehouse/Showroom	1	1	Per 1,000 square feet of floor space, with a minimum of two spaces required

(c) Central Business District Parking: The following shall apply to uses within the Central Business District:

(1) For uses Retail, and Office as described in Sec. 115-14 (b) shall be exempt from any and all parking requirements; the boundary of the downtown exemption shall be as follows: Bounded by BLOCK 77 lot 20 and 18, BLOCK 80, BLOCK 81, BLOCK 91, BLOCK 92, BLOCK 93, BLOCK 94 Lots 1-6, BLOCK 95 Lots 1-3 and 10-12, of the official map of the City of Clermont, according to the map or plat thereof as recorded in plat book 8, page 17, public records of lake county. This exemption applies to single story, or a first floor of any structure within the abovementioned boundaries.

(2) As stipulated in Section 115, all new developments are required to provide adequate parking. Property or business owners may opt to pay a downtown parking fee of \$3,000.00 per required space, which will contribute to the CRA fund designated for parking. This fee will be calculated based on the total parking requirement for a specific use or uses. The downtown parking fee may be increased at any time through a Resolution passed by the Clermont City Council. Payment of these fees does not grant any property or business owner ownership, usage rights, occupancy, or claims to any city-owned parking spaces. All parking spaces will remain available for public use in accordance with the rules and ordinances of the City of Clermont, with the city council retaining the right to reserve any



CITY OF CLERMONT
ORDINANCE NO. 2025-002

or all spaces for emergency services, law enforcement, municipal functions, and special events.

(d) Note: Planned Unit Developments. Planned unit developments shall provide off-street parking based upon the aggregate sum of all proposed uses, discounted for any reduced parking benefit attributable to the unique mix of uses and offsetting peak hour parking demands.

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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 5: CODIFICATION

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

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

Regardless of whether such inclusion in the Code as described in Section 5 is accomplished, sections of the Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: PUBLICATION AND EFFECTIVE DATE

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. 2025-002

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 25th day of February, 2025.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Christian W. Waugh, City Attorney

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City of Clermont-Legals Po Box 120219 Clermont FL 34712-0219
Contact Name:	CityOf Clermont-Legals
Contact Phone:	
Contact Email:	nwisniewski@clermontfl.org
PO Number:	

Date:	12/12/2024
Order Number:	10856607
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	57.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	12/23/2024 - 12/23/2024	Govt Public Notices
LEE dailycommercial.com	1	12/23/2024 - 12/23/2024	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$92.06
Tax Amount	\$0.00
Service Fee 3.99%	\$3.67
Cash/Check/ACH Discount	-\$3.67
Payment Amount by Cash/Check/ACH	\$92.06
Payment Amount by Credit Card	\$95.73

Order Confirmation Amount	\$92.06
----------------------------------	----------------

Ad Preview

LEGAL NOTICE

On Tuesday, January 7, 2025 at 6:30 PM the Clermont Planning and Zoning Commission will consider the proposed ordinance to allow for the amendment of the Land Development Regulations, Chapter 115, Section 115-14-Table of Minimum Parking Space Requirements.

ORDINANCE NO. 2025-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 115, "PARKING AND VEHICULAR USE AREAS", SECTION 115-14 "TABLE OF MINIMUM PARKING SPACE REQUIREMENTS"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

All public hearings are held in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711.

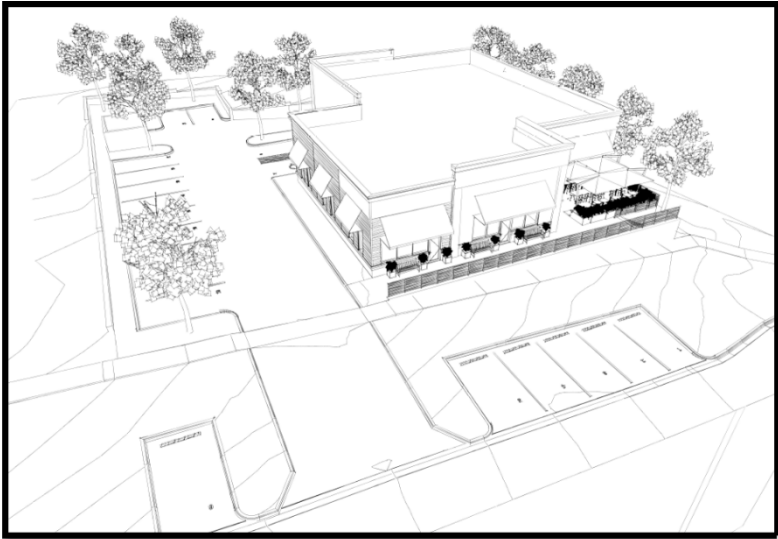
This amendment is available for public inspection in the Development Services Department, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

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

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk
10856607 12/23/2024

AGENDA ITEM

Meeting Date	
Tuesday, February 4, 2025	
Agenda Item Name	
Resolution No. 2025-005R <i>Clermont Retail 935 W. Minneola Ave.</i>	
Requested Action	
Recommend approval of Resolution No. 2025-005R.	
Staff Report	
The applicant, MEI Partners LLC, is requesting a Conditional Use Permit to allow for the construction of a 6,920 square foot retail, office and restaurant building in the Central Business District (CBD). The proposed building will replace an existing duplex at 935 W. Minneola Avenue and will be a single-story building. In addition to the new building, the project will also have a small outdoor patio area. The Land Development Code, Section 125-370, requires a Conditional Use Permit for any structure occupying more than 3,000 square feet of floor space. The total property area is 0.46+/- acres. The Land Use designation is Downtown Mixed-Use.	
	
In order to accommodate the necessary parking, the applicant would like to construct six (6) parking spaces within the right-of-way of Minneola Avenue adjacent to this project. This would be similar to the parking spaces constructed north of this property that was a part of the Victory Village project. Staff does not have any objection to this improvement, and this will need to be coordinated with City staff at the time of site review.	
Staff has reviewed the application and finds that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity and the use will be in compliance with the regulations and conditions specified. The building size and property size is very similar the property northeast of the site, which is formerly known as the Market. The surrounding area consists of commercial uses, and the Central Business District zoning is supportive of the proposed uses. Staff recommends approval of Resolution No. 2025-005R.	
Additional Analysis	
Fiscal Impact Summary	

Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	Resolution	Resolution.pdf	
2.	Location Map	Location Map.pdf	
3.	1 G0 Cover Sheet	1 G0 Cover Sheet.pdf	
4.	CSP3 141008 Clermont Retail 241230	CSP3 141008 Clermont Retail 241230.pdf	
5.	Survey	Survey.pdf	
6.	Application	Application.pdf	
7.	Legal Ad PZ	Legal Ad PZ.pdf	



CITY OF CLERMONT
RESOLUTION NO. 2025-005R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A COMMERCIAL BUILDING OCCUPYING MORE THAN 3,000 SQUARE FEET OF FLOOR AREA IN THE CENTRAL BUSINESS DISTRICT (CBD); PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Clermont Planning and Zoning Commission of Lake County, Florida, at a meeting held on February 4, 2025, recommended approval of the Conditional Use Permit to allow for a commercial building occupying more than 3,000 square feet of floor area in the Central Business District (CBD), at the following location:

LOCATION:

935 W. Minneola Avenue
South of W. Minneola Ave. and west of West Ave.
Adjacent to Victory Pointe Stormwater Project
(Alternate Key #2558245)

WHEREAS, from the evidence presented at the public hearing and after consideration of the factors set forth in Sec. 101-212 (c) of the Land Development Code, the City Council finds, that: (1) granting the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city; (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity; (3) The proposed use will comply with the regulations and conditions specified in the codes for such use; and (4) The proposed use may be considered desirable at the particular location.

WHEREAS, the City Council determines that the application for a conditional use permit meets the criteria set forth in the Land Development Code and otherwise it is in the interest of the general welfare of the City of Clermont, Lake County, Florida, to grant this Conditional Use Permit.

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

This application for a Conditional Use Permit to allow a commercial building to occupy more than 3,000 square feet of floor area in the Central Business District (CBD), be granted subject to the following conditions:

SECTION 1: GENERAL CONDITIONS

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.



CITY OF CLERMONT
RESOLUTION NO. 2025-005R

2. No expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The structure shall be inspected by the Fire Inspector for life safety requirements and all requirements must be met prior to any Certificate of Occupancy being issued.
5. The structure shall be inspected by the Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
6. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met and all impact fees have been paid per City standards.
7. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by Resolution.
8. The Conditional Use Permit must be executed and filed in the office of the City Clerk within 90 days of its date of grant by the City Council or the Permit shall become null and void.
9. The applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
10. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy, unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
11. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date of this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.



CITY OF CLERMONT
RESOLUTION NO. 2025-005R

SECTION 2: LAND USE

1. The property shall be developed to allow for a commercial building up to 7,500 square feet in the Central Business District (CBD) and in substantial accordance with the Conceptual Site Plan (Sheet CSP 3) prepared by MEI Partners, Exhibit A. The building shall be designed to comply with Clermont Architectural Design Standards and be similar to the elevations provided in Exhibit B. Any new development on the property shall be submitted for site plan review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
2. The site may also be used for any permitted use in the Central Business District (CBD) as indicated in the Land Development Code, Section 125-369.
3. The site shall be developed according to the City of Clermont Land Development Codes and all building must comply with the City of Clermont Architectural Design Standards.
4. Interior lighting on the site shall be directed downward into the site and shall not spill over onto adjacent properties.
5. All landscaping, drainage/water retention and site plan approval conditions must be maintained in perpetuity for the site.
6. A minimum five-foot-wide concrete sidewalk shall be constructed adjacent to any right-of-ways that meet Americans with Disabilities Act requirements and provide pedestrian access.
7. The applicant/developer shall be required to construct up to six parking spaces off-site within the West Minneola right-of-way that meet the Land Development Code in the areas shown on the Conceptual Site Plan. This will be coordinated with the City and will be required to be installed prior to receiving final certificate of occupancy for the project. These spaces will be offered to the public and will not be reserved for the project. If applicable, the applicant/developer may forego this requirement and pay into the Central Business District parking fund and would not be required to build these spaces, if the Land Development Code is permissible.

SECTION 3: CONFLICT

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.



CITY OF CLERMONT
RESOLUTION NO. 2025-005R

SECTION 4: SEVERABILITY

If any portion of this Resolution is declared invalid, the invalidated portion shall be severed from the remainder of the Resolution, and the remainder of the Resolution 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 Resolution as a whole.

SECTION 5: ADMINISTRATIVE CORRECTION

This Resolution may be re-numbered or re-lettered, and/or corrected for typographical and/or scrivener's errors which do not affect the intent of said resolution, as authorized by the City Manager or designee, without need of public hearing, by filing a corrected copy of same with the City Clerk.

SECTION 6: PUBLICATION AND EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.



CITY OF CLERMONT
RESOLUTION NO. 2025-005R

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 25th day of February, 2025.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Christian W. Waugh, City Attorney

**CITY OF CLERMONT
RESOLUTION NO. 2025-005R**

Exhibit A

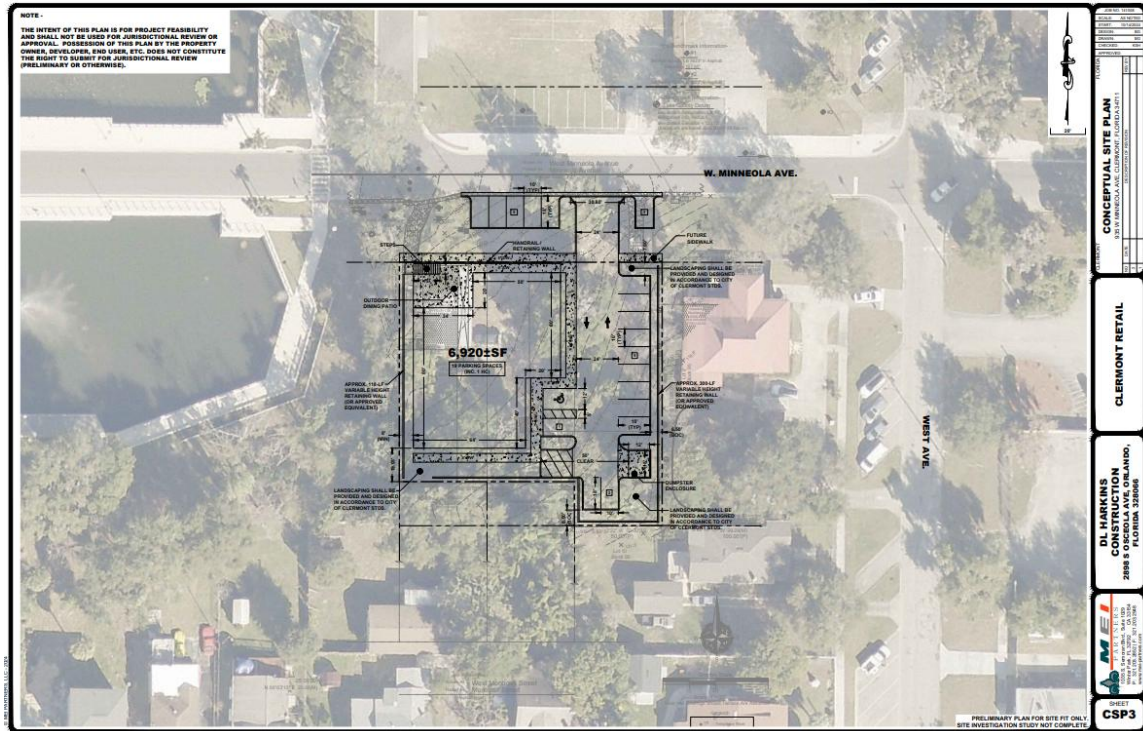
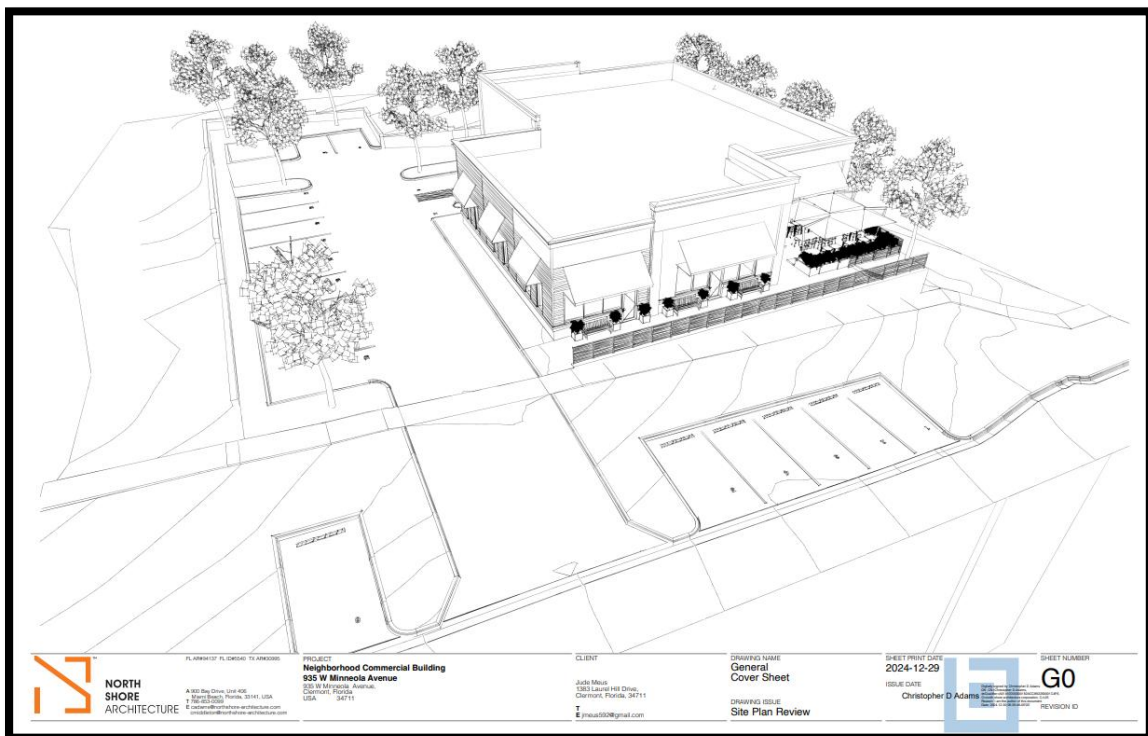


Exhibit B



935 W. Minneola Ave.





**NORTH
SHORE
ARCHITECTURE**

FL AR#94137 FL ID#5540 TX AR#30995

A 900 Bay Drive, Unit 406
Miami Beach, Florida, 33141, USA
T 786-853-0099
E cadams@northshore-architecture.com
cmiddleton@northshore-architecture.com

PROJECT
Neighborhood Commercial Building
935 W Minneola Avenue
935 W Minneola Avenue,
Clermont, Florida
USA 34711

CLIENT

Jude Meus
1383 Laurel Hill Drive,
Clermont, Florida, 34711

T
E jmeus592@gmail.com
Page 81

DRAWING NAME
**General
Cover Sheet**

DRAWING ISSUE
Site Plan Review

SHEET PRINT DATE
2024-12-29

ISSUE DATE

Christopher D Adams

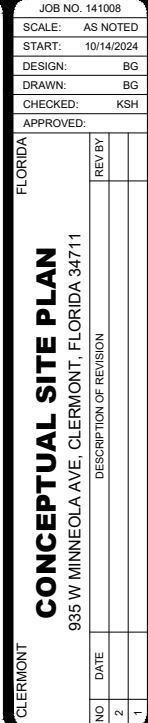
SHEET NUMBER

GO

REVISION ID

Digitally signed by Christopher D Adams
DN: CN=Christopher D Adams,
dnQualifier=A01410D00000182AC892250001C4F6,
O=north shore architecture corporation, C=US
Reason: I am the author of this document.
Date: 2024.12.30 09:39:46-05'00'

THE INTENT OF THIS PLAN IS FOR PROJECT FEASIBILITY AND SHALL NOT BE USED FOR JURISDICTIONAL REVIEW OR APPROVAL. POSSESSION OF THIS PLAN BY THE PROPERTY OWNER, DEVELOPER, END USER, ETC. DOES NOT CONSTITUTE THE RIGHT TO SUBMIT FOR JURISDICTIONAL REVIEW (PRELIMINARY OR OTHERWISE).

**CLERMONT RETAIL**

**DL HARKINS
CONSTRUCTION
2898 S OSCEOLA AVE, ORLANDO,
FLORIDA 328066**

MEL PARTNERS
1035 S. Semoran Blvd., Suite 1029
Winter Park, FL 32792 CA 33154
P: 321.203.2852 | F: 321.203.2948
www.mel-partners.com

SHEET
CSP3

PRELIMINARY PLAN FOR SITE FIT ONLY.
SITE INVESTIGATION STUDY NOT COMPLETE.

Boundary Survey

Legal Description:

ALL OF LOT 3 AND THE NORTH 125 FEET OF LOTS 4 AND 5, BLOCK 95 THE CITY OF CLERMONT ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 17 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

Flood Zone :

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF CLERMONT, COMMUNITY NUMBER 120133, DATED 12-18-2012.

CERTIFIED TO:

DL HARKINS CONSTRUCTION

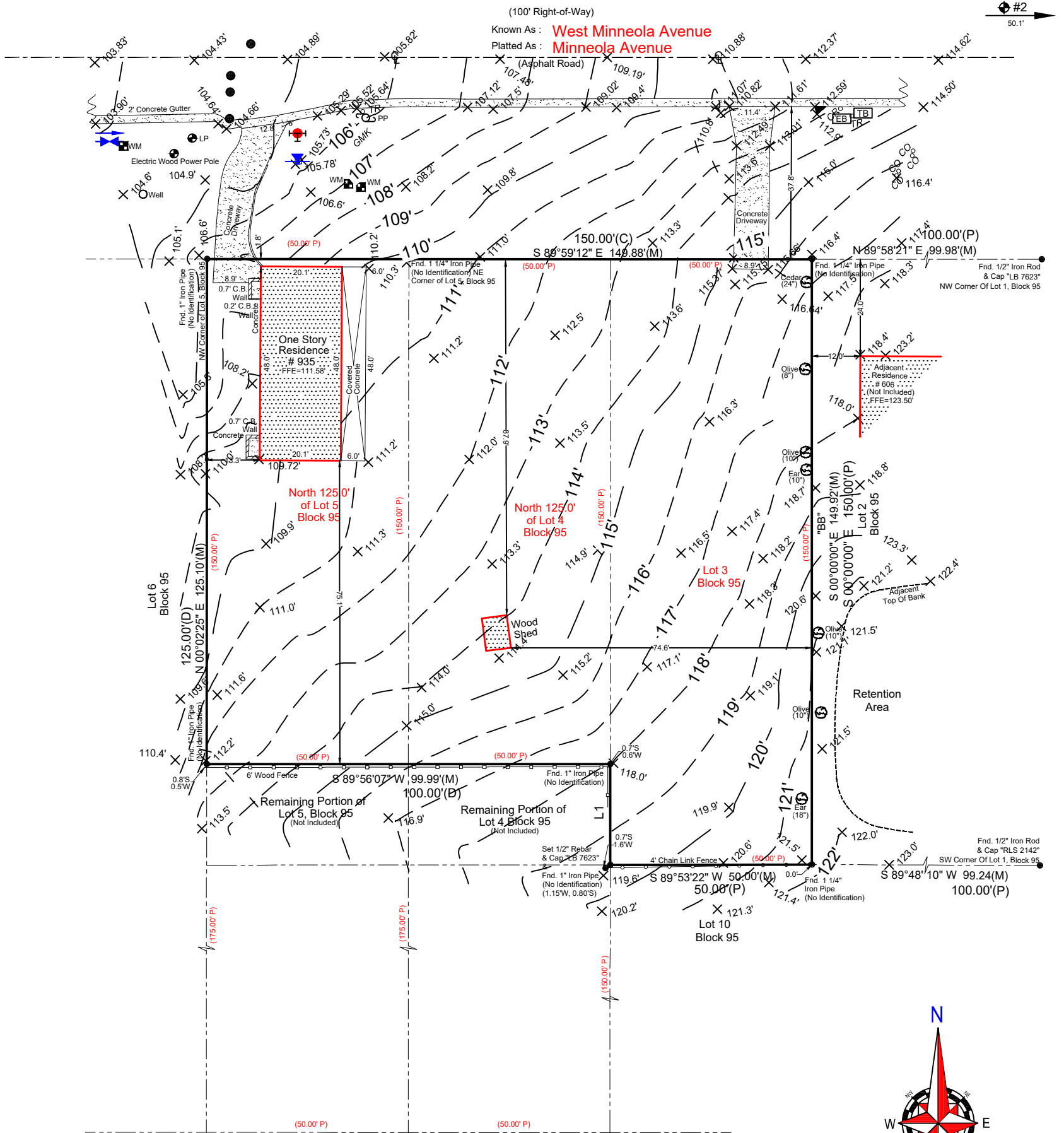
-Site Benchmark Information-

#1
Set Nail & Disk "LB 7623" in Asphalt
Elevation: 107.94'

#2
Set Nail & Disk "LB 7623" in Asphalt
Elevation: 119.63'

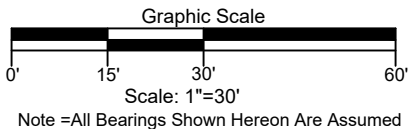
-Benchmark Information-

Lake County Datum
Benchmark Designation: LK 15
Benchmark PID: AB5269.
Benchmark Elevation = 123.72'.
(Elevations are based upon NAVD 88 Datum)



L1
N 00°03'13" E 25.00'(D)
25.00'(D)

(60' Right-of-Way)
Known As : West Montrose Street
Platted As : Montrose Street
(Asphalt Road)



Field Date: 11/25/24	Date Completed: 12/02/24
Drawn By: SMT	File Number: IS-136986
-Legend-	
C - Calculated	PC - Point of Curvature
CB - Concrete Block	Pg - Page
CM - Concrete Monument	PI - Point of Intersection
Conc. - Concrete	P.O.B. - Point of Beginning
D - Description	P.O.L. - Point on Line
DE - Drainage Easement	PP - Power Pole
Esmt. - Easement	PRM - Permanent Reference Monument
F.E.M.A. - Federal Emergency Management Agency	PT - Point of Tangency
FFE - Finished Floor Elevation	R - Radius
Fnd. - Found	Rad. - Radial
IP - Iron Pipe	R&C - Rebar & Cap
L - Length (Arc)	Rec. - Recovered
M - Measured	Rfd. - Roofed
N&D - Nail & Disk	Set - Set 1/2" Rebar & Cap "LB 7623"
N.R. - Non-Radial	Rebar - Typical
ORB - Official Records Book	UE - Utility Easement
P - Plat	WM - Water Meter
P.B. - Plat Book	Δ - Delta (Central Angle)
C - Chain Link Fence	-O- - Chain Link Fence

-Notes-
>Survey 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 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.

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standard 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, PSM 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.
800 Currency Circle Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

-Legend-	
TR	- Telephone Riser
F	- Fire Hydrant
V	- Water Valve
B	- Back Flow Preventor
G	- Storm Manhole
GMK	- Net Gas Marker
EB	- Electric Box
TB	- Telephone Box
C	- Cleanout
CR	- Cable Riser



CITY OF CLERMONT

CONDITIONAL USE PERMIT

APPLICATION

Date 12/27/2024		FEE: \$845 + cost of advertisement + cost of traffic review (if necessary)		
Project Name (if applicable) Clermont Retail				
Applicant MEI Partners, LLC				
Contact Person Kevin S. Hebert, PE, LEED AP				
Address 1035 S. Semoran Blvd., Suite 1029		City Winter Park	State FL	Zip 32792
Telephone 321-203-2852				
Email kevinh@mei-partners.com				
PROPERTY OWNER INFORMATION ☐ (Check box if owner information is same as applicant)				
Property Owner Name Jude Meus				
Owner Address 1383 Laurel Hill Drive		City Clermont	State FL	Zip 34711
Telephone		Email jmeus592@gmail.com		
PROPERTY INFORMATION				
Address of Subject Property 935 W. Minneola Ave., Clermont, FL 34711		Alternate Key 2558245		Zip
General Location Project site is generally located 250-ft west of West Avenue along the south side of W. Minneola Avenue in Clermont, Florida.				
Legal Description & Alternate Key (include copy of survey) ALL OF LOT 3 AND THE NORTH 125 FEET OF LOTS 4 AND 5, BLOCK 95 THE CITY OF CLERMONT ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 17 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.				
Land Use (City verification required) Downtown MU				
Zoning (City verification required) CBD / Central Business District				



CITY OF CLERMONT
**CONDITIONAL USE PERMIT
APPLICATION**

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

The project consists of the construction of a new one (1) story retail building, approximately 7,000-sf, with associated on-site parking, stormwater quality treatment system, potable/sanitary sewer connections, and landscaping on an approximate 0.46-ac (20,000-sf) site. Additional on-street parking, approximately six (6) spaces, is proposed along W. Minneola Avenue consistent with the neighboring property and recent developments. Due to existing topography which falls in elevation approximately 6-ft from southeast to northwest, perimeter retaining walls will be required. One (1) existing single story structure will be demolished along with two (2) existing concrete driveways as part of this work.

Kevin S. Hebert, PE

Applicant Name (print)

12/23/2024

Applicant Name (signature)

Owner Name (print)

Owner Name (signature)

12-23-24

*****NOTICE*****

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

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

02/08/2024

Order Confirmation

Not an Invoice

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City of Clermont-Legals Po Box 120219 Clermont FL 34712-0219
Contact Name:	Nicole Wisniewski
Contact Phone:	352.241.7334
Contact Email:	nwisniewski@clermontfl.org
PO Number:	2025-005R

Date:	01/13/2025
Order Number:	10944843
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	49.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	01/20/2025 - 01/20/2025	Govt Public Notices
LEE dailycommercial.com	1	01/20/2025 - 01/20/2025	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$79.42
Tax Amount	\$0.00
Service Fee 3.99%	\$3.17
Cash/Check/ACH Discount	-\$3.17
Payment Amount by Cash/Check/ACH	\$79.42
Payment Amount by Credit Card	\$82.59

Order Confirmation Amount	\$79.42
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Ad Preview

LEGAL NOTICE

On Tuesday, February 4, 2025 at 6:30 PM, the Clermont Planning and Zoning Commission will consider a request for a Conditional Use Permit (2025-005R) to allow for a commercial building size to exceed 3,000 square feet in the Central Business District.

LOCATION

935 W. Minneola Avenue
South of W. Minneola Ave.
and west of West Ave.
Adjacent to Victory Pointe
Stormwater Project
(Alternate Key #2558245)

All public hearings are held in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711.

This application is available for public inspection in the Development Services Department, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

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

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352)241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
Jan. 20, 2025

10944843