



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, July 26, 2016**

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

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

Florida Association of City Clerks

Audit Presentation Fiscal Year 2015

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

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

Item No. 1 - Meeting Minutes

Consider approval of the May 24, 2016 and June 14, 2016 Regular Council Meeting minutes.

Item No. 2 - Council Meeting Cancellation

Consider cancellation of the regularly scheduled second Council meeting in November.

Item No. 3 - Purchase Approval

Consider request to purchase telephone equipment from FL State WSCA contract with Verteks Consulting to provide ShoreTel IP telephone system in the quoted budgeted amount of \$62,410.95.

Item No. 4 - Purchase Approval

Consider request to purchase network switching equipment from FL State WSCA contract with CDW-G to provide HPE network switches in the quoted budgeted amount of \$68,960.00.

Item No. 5 - Resolution No. 2016-27

Consider Resolution restating the creation of the Clermont Fire Department.

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UNFINISHED BUSINESS

Item No. 6 - Ordinance No. 2016-19 *Final*
WaterBrooke

Consider ordinance for a comprehensive plan amendment to change the future land use from Lake County Regional Commercial to Low Density Residential for property located northeast of the corner of Hancock Road and Lost Lake Road.

Item No. 7 - Ordinance No. 2016-34 *Final*
Special Magistrate

Consider approval of Ordinance to establish a Special Magistrate.

NEW BUSINESS

Item No. 8 - Utility Service Agreement for Water & Wastewater
Extreme Grove Investments, LLC

Consider a Utility Service Agreement for Water and Wastewater for property located north of Hartwood Marsh Road, east of the Clermont City limits, and west of the Lake/Orange County border.

Item No. 9 - Variance Request
Kings Ridge Village Shopping Center

Consider a variance request to allow less than 1 parking space per 200 square feet for property located at 4279 S. Highway 27.

Item No. 10 - Proposed Ad Valorem Millage Rate

Consider approval of proposed ad valorem millage rate of 4.2061 for Fiscal Year 2017.

Item No. 11 - Ordinance No. 2016-35 *Introduction*
Fire Prevention Code

Consider ordinance introduction to add a chapter into the City of Clermont Code Book for Fire Prevention Code.

Item No. 12 - Ordinance No. 2016-36 *Introduction*
Mazda

Consider ordinance introduction to annex property located south of Highway 50, approximately 950 feet east of Magnolia Pointe Boulevard.

ADJOURN

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

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

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
May 24, 2016

The Clermont City Council met in a regular meeting on Tuesday, May 24, 2016 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Mullins, Bates, Goodgame, and Travis. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and Deputy City Clerk Noak.

INVOCATION

Pastor Kendal Anderson gave the invocation followed by the Pledge of Allegiance.

PRESENTATIONS

LakeXpress

Tomika Monterville; Lake County Community Services Transit Manager, introduced the Team Members from Ride Right. Ms. Monterville presented the new services which will begin on May 31, 2016. The Highway 50 route will be split, have 64 stops, and run from 6am until 7pm. LakeXpress will work with the City to identify locations for shelters.

Council Member Mullins asked if pets were allowed on the bus. Ms. Monterville stated only official service animals are allowed.

Council Member Mullins inquired of creating a special bus service during softball tournaments. Ms. Monterville stated there were federal regulations regarding deviated route services which would require future discussion.

Citizens Academy

Communications Director Bloodsworth provided an overview of the 6-week Citizens Academy program. Ms. Bloodsworth presented Certificates of Completion to the attendees.

Art Jones thanked the City for the program and spoke of the elderly having a long and healthy life when they are involved in their community.

Quarterly Budget Presentation

Finance Manager Smith-Castillo presented the quarterly budget update as of March 31, 2016.

PROCLAMTION

Mayor Ash read the Election Proclamation aloud.

PUBLIC COMMENTS

There were no public comments.

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REPORTS

City Manager Gray reported the City Council will hold a workshop in the Council Chambers at 9am on June 6, 2016. Mr. Gray announced Communications Director Bloodsworth will be inducted into the Lake County School Alumni Hall of Fame on June 10, 2016.

City Manager Gray stated a request for water and wastewater service needed to be addressed.

Economic Development Director Hitt presented a request for water and wastewater service at 12802 Magnolia Pointe Boulevard.

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

The applicants were not present.

Council Member Goodgame moved for approval; seconded by Council Member Mullins.
The motion passed with all members present voting aye.

City Attorney Mantzaris provided an update on the Bee's Auto case. Bee's Auto appealed the lower court's decision to the 11th Circuit Court, which upheld the lower court's decision. Bee's Auto requested the U.S. Supreme Court hear the case, and the U.S. Supreme Court denied the request to be heard.

Council Member Bates reported over 230 children received life jackets during Lake County Water Safety Day at Waterfront Park.

Council Member Goodgame commented he, Mayor Ash, and City Manager Gray attended the Wooten Temple appreciation for the City Council. The Metropolitan Planning Organization met on May 23, 2016 and agreed to move forward with hiring a financial person to handle grants. TJ Fish will remain in charge of the Metropolitan Planning Organization.

Council Member Mullins reported the Classic Car Show was a success.

Council Member Travis thanked the Lake County Sheriff's Office and Clermont Police Chief Broadway for their assistance at the Ride of Silence.

Mayor Ash stated she attended Representative Metz' Town Hall Meeting, the Citizens Academy at the Clermont Community Center, the Holocaust Memorial, the Cranes View Lodge presentation of the flag, Coffee with the Mayor at Moonlight Players, the Wootson Temple City Council recognition, and the Clermont Police Officer Swearing-in Ceremony. Ms. Ash reported on the Daughters of the American Revolution event at Waterfront Park on Monday, May 30 at 11am; with a second event following at 4pm.

CONSENT AGENDA

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

Item No. 1 – Plat Approval

Consider approval of The Moorings plat.

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- Item No. 2 – Event Fee Variance & Open Container** Consider a 100% fee variance of staff and grounds fees with an open container area to the Greater Clermont Cancer Foundation for the Music Festival. Recommend grounds fee waiver and open container; applicant pays staff fees.
- Item No. 3 – Even Road Closure & Open Container** Consider allowing the Clermont Downtown Partnership's Mega Food Truck Rally to be held in Downtown Clermont along with a road closure and an open container area on June 18, 2016 from 12:00 PM to 9:00 PM.
- Item No. 4 – Event & Road Closure** Consider allowing the Clermont Downtown Partnership's Farmer's Market to be held in Downtown Clermont along with a road closure every Sunday from 6:00 AM to 4:30 PM for 12 months.
- Item No. 5 – Resolution No. 2016-16** Consider approval of the revised Property Control Policy.
- Item No. 6 – Resolution No. 2016-17** Consider application of 2016 Florida Division of Cultural Affairs Facilities Program Grant in the amount of \$500,000 for the West Lake Wetlands (Victory Pointe) Event Area with a stipulation of matching funds.

Susan Taylor pulled Item 2.

Council Member Goodgame mentioned the original Moorings plat contained 13 houses and now contained 17 houses after the removal of the trees.

Mayor Ash commented the trees removed were diseased.

Council Member Bates moved to approve Consent Items 1, 3, 4, 5, and 6; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

City Manager Gray stated the Greater Clermont Cancer Foundation Music Festival has been held for several years. The event is scheduled for October and staff is recommending the Foundation pay all staff costs.

Susan Taylor; Greater Clermont Cancer Foundation Board of Directors Secretary, stated this will be the fourth year of the Music Festival and the Festival is the largest fundraiser for the Foundation. The Foundation is run by volunteers and funded through local business sponsors, organizations, individuals,

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and fundraising community events; with all funds disbursed to qualified recipients in the local area. Ms. Taylor requested Council support of the fee waiver request; including the waiver request for City staff fees.

Mayor Ash opened for public comments. There were no public comments. Mayor Ash closed public comments.

Council Member Mullins inquired of the City waiving the fees for the Foundation in the past. City Manager Gray stated the Foundation began holding their event at Waterfront Park two years ago and received fee waivers. There are many organizations requesting waivers, and at some point either additional funds will need to be authorized in the budget, or a new mechanism will need to be in place.

Mayor Ash commented the City is developing new policies which will go into effect in October 2016, and the City will no longer provide waivers. The Foundation is asking the City to absorb \$4,000. The number of events requesting waivers can amount to hundreds of thousands of dollars. The City has to look realistically and financially at the number of waivers being requested, which must be absorbed into the budget.

Council Member Travis was of the understanding future events of the Foundation would pay the not-for-profit fee. City Manager Gray stated the non-profit fee was one of the policies which will be placed in effect.

Mayor Ash stated the for-profit and not-for-profit fees will begin in October and waivers will no longer be available.

Council Member Travis stated the waiver request was not in the budget and was opposed to waiving the City's labor costs.

Kay Simpson; Greater Clermont Cancer Foundation Board of Directors Treasurer, spoke in support of the Foundation's request.

Council Member Travis commented the City has raised taxes in the past and the waivers are not in the budget.

Mayor Ash stated five to ten waiver requests a year would not have a great impact on the budget; however, the waiver requests have increased and the City can no longer continue to waive fees.

Council Member Mullins suggested setting a maximum amount for labor costs.

Council Member Travis was opposed to setting a maximum.

City Attorney Mantzaris advised Council was not addressing costs, only the waiver request.

Council Member Travis moved to approve as recommended by staff; seconded by Council Member Bates. The motion passed 4 to 1 with Council Member Goodgame opposed.

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UNFINISHED BUSINESS

The following three items were heard collectively and voted on separately.

Item No. 7 – Ordinance No. 2016-18 *Final; WaterBrooke*

Deputy City Clerk Noak read Ordinance 2016-18 aloud by title only.

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

Item No. 8 – Ordinance No. 2016-19 *Transmittal; WaterBrooke*

Deputy City Clerk Noak read Ordinance 2016-19 aloud by title only.

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

Item No. 9 – Ordinance No. 2016-20 *Final; WaterBrooke*

Deputy City Clerk Noak read Ordinance 2016-20 aloud by title only.

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

Senior Planner Kruse presented the request to annex 28.6 acres located on the southwestern corner of the existing WaterBrooke project. The property is adjacent to the City limits on the east, and fronts Hancock Road on the west. The applicant would like to include the property in the WaterBrooke project for residential use. Staff recommended approval of the annexation request.

Senior Planner Kruse presented the request to adopt a future land use change from Lake County's Regional Commercial to the City's Low Density Residential. Staff recommended approval of transmitting the Large Scale Comprehensive Plan Amendment.

Senior Planner Kruse presented the request to rezone the entire WaterBrooke property from Urban Estate to Planned Unit Development. Staff recommended approval of the rezoning to Planned Unit Development.

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Attorney Bonifay; Akerman, LLP, was present on behalf of Matamay Homes.

Mayor Ash opened the public hearing.

Jim Purvis expressed concern of the lack of an additional traffic signal and an increase in school traffic on Hancock Road.

Mayor Ash closed the public hearing.

Council Member Goodgame asked if an entrance would exist on Lost Lake Road. Attorney Bonifay commented there would be a separate entrance directly off of Hancock Road.

Mayor Ash asked of additional entrances for the property. Attorney Bonifay stated Lake County was opposed to multiple access points on Hartle Road. The developer will work with Lake County and a final plat will come before City Council.

Council Member Goodgame inquired of obtaining readings from the lots near the power lines due to health concerns. Attorney Bonifay commented there does not appear to be a link between health issues and power lines.

City Attorney Mantzaris stated the power lines were previously approved.

Council Member Bates expressed concern of additional traffic on Hartwood Marsh Road and Hancock Road.

Mayor Ash called for the question.

Council Member Mullins moved to approve Ordinance 2016-18; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

Council Member Mullins moved to transmit Ordinance 2016-19; seconded by Council Member Bates. The motion passed with all members present voting aye.

Council Member Mullins moved to approve Ordinance 2016-20; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

Mayor Ash recessed the meeting at 8:13pm. Mayor Ash reconvened the meeting at 8:26pm.

The following three items were heard collectively and voted on separately.

Item No. 10 – Ordinance No. 2016-17 *Final; The Vue*

Deputy City Clerk Noak read Ordinance 2016-17 aloud by title only.

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

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Item No. 11 – Ordinance No. 2016-21 *Final; The Vue*

Deputy City Clerk Noak read Ordinance 2016-21 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning the right-of-way easements north/south roadway between Tracts 20, 21, 28, and 29 as shown on the Plat of Clermont, Lake Highlands 28-22-26 PB 2 PG 28 Public Records of Lake County, Florida; less right-of-way for Hooks Street; repealing all ordinances in conflict herewith, providing for severability, publication, recording, and for an effective date.

NEW BUSINESS

Item No. 12 – Resolution No. 2016-15; *The Vue*

Deputy City Clerk Noak read Resolution 2016-15 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for multi-family residential.

Planning Manager Henschel stated the requests were originally scheduled to be heard in April 2016, but were postponed to allow additional time to refine the proposal. The property consists of 42 acres located south of Highway 50, west of Miss Florida Avenue, and north and south of Hooks Street.

The applicant requested a rezoning from C-2 General Commercial and Urban Estate to Planned Unit Development zoning for a mixed-use project consisting of a multi-family apartment complex, general commercial uses, a retention area, and open space.

The applicant proposes two options: Option A proposes 6 acres of C-2 General Commercial along a portion of Highway 50, with 324 multi-family units on 27 acres; and Option B proposes 10.5 acres of C-2 General Commercial along Highway 50, with 270 multi-family units on 22.5 acres.

The applicant is requesting the following waivers to the Land Development Code: allow retaining walls up to 25 feet in height; allow a maximum elevation change of up to 25 feet using cut and fill over 15 percent of the site; allow a reduced landscape buffer along Highway 50; and allow for parking spaces of 9 x 18 feet.

Staff recommended approval of Option B; however, staff did not support the proposed retaining wall heights, topography changes, reduced landscape buffer, and reduced parking space dimensions.

Planning Manager Henschel presented the request to abandon a 30-foot right-of-way running north and south near the middle of the proposed development. The right-of-way was platted in 1914 and was never developed. The parcels have several topography changes and the original lots have other access points. Staff recommended approval of the right-of-way abandonment.

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The applicant is requesting a Conditional Use Permit to allow a density of 12-units per acre for the project, not to exceed an overall count of 324 units. Staff recommended approval of the Conditional Use Permit.

Attorney Bonifay; Akerman, LLP., stated the variances include allowing 59-foot building height, up to 19 feet height for the retaining wall, up to 18 feet cut and fill, a reduced landscape buffer setback along Highway 50 with an increased amount of landscape material, 40 percent of the parking spaces reduced to 9 x 18 feet spaces, one retailer larger than 20,000 square feet. The applicant is agreeable to have a 'no automobile dealership' condition. Option A contains more residential and less commercial. Option B will have less residential and more commercial along Highway 50.

Mayor Ash opened the public hearing.

Jim Purvis; 4206 Hammersmith Drive, expressed concerns of the parking space size and the need for additional handicap parking spaces.

Mayor Ash closed the public hearing.

Council Member Mullins was opposed to the amount of cut and fill, the retaining walls, and the overall project density.

Council Member Goodgame was in agreement with Council Member Mullins. Mr. Goodgame commented the parking spaces should meet code and include additional handicap parking.

Council Member Travis asked of the zoning for Total Eye Care. Planning Manager Henschel stated Total Eye Care was zoned commercial.

Council Member Bates was in agreement with Council Member Mullins and Goodgame.

Mayor Ash expressed concerns of the cut and fill, retaining walls, and building height. Ms. Ash suggested using tiered terracing in between the commercial and residential areas.

Council Member Goodgame inquired of the number of parking spaces per residential unit. Mr. Moore stated the number of parking spaces would meet code.

Council Member Mullins asked of the building height as it related to fire protection. City Manager Gray stated the Fire Department would review the overall plans during the Site Review process.

Council Member Travis suggested excluding the residential portion of the proposed development.

Major Stacy; B&S Engineering Consultants, stated the variance on height is for the backside of the buildings. The smaller parking size works with the topography and open space area.

Mayor Ash inquired of the location of the retaining walls. Mr. Stacy stated the retaining walls would be located between the proposed commercial and multifamily development.

Council Member Mullins requested a conceptual of the proposed commercial plans showing actual ratios.

Jonathon Moore; applicant, requested Council delay the hearing to address concerns.

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Council Member Mullins moved to table all items to June 14, 2016; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 13 – Resolution No. 2016-12; *Walmart*

Deputy City Clerk Noak read Resolution 2016-12 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting an amendment to a Conditional Use Permit (Resolution 1316) to allow an expansion to the existing Wal-mart.

Planning Manager Henschel stated the applicant was not present.

Council Member Goodgame moved to table to the June 14, 2016 meeting; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 14 – Resolution No. 2016-13; *Real Life Christian Church*

Deputy City Clerk Noak read Resolution 2016-13 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting an amendment to a Conditional Use Permit (Resolution 2012-28) to allow for an additional vehicle access point.

Planning Manager Henschel presented the request to amend Resolution 2012-28 to allow an additional access point from Citrus Tower Boulevard onto the church property. The current access points are located on Cross Ridge Road and Steves Road. Staff recommended approval of the amendment request.

Steve Bush; Administrative Pastor, stated after the new auditorium opened, attendance levels increased and the current access points are creating congestion on Steves Road. The proposed additional access point preserves the integrity of the original site plan. Mr. Bush stated the proposal was supported by Clermont Fire Marshal Harrison and Clermont Police Chief Broadway.

Mr. Bush commented a meeting was held with the homeowners of Lost Lake Reserve and Tuscany. The residents of Lost Lake Reserve expressed concern of the additional traffic the proposed access point would have on Citrus Tower Boulevard. Operationally, the preferred traffic pattern during peak times would have Steves Road as the entrance and Citrus Tower Boulevard as the exit. Additional trees will be added to the berm on Steves Road.

Mayor Ash opened the public hearing.

Chris Mullaney, Tracey Vuolo, Jim Purvis, and Kemal Rahaman expressed concerns of the increased traffic on Citrus Tower Boulevard and Steves Road, possible U-turns on Citrus Tower Boulevard, traffic backups, difficulties in exiting the surrounding subdivisions and schools, lack of speed limit enforcement, the need for 4-laning Steves Road, the need for additional area parks, the need to decrease the speed limit on Citrus Tower Boulevard, and the need for an additional traffic signal.

Mayor Ash closed the public hearing.

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Council Member Goodgame asked of the plans for building the park. Mr. Bush stated the church is attempting to raise the funds for the park area.

Council Member Travis inquired of posting no U-turn signage on Citrus Tower Boulevard. City Manager Gray stated Citrus Tower Boulevard was under the jurisdiction of Lake County. Steves Road recently came under the jurisdiction of the City.

Council Member Mullins stated the City requested Lake County to have Steves Road a wider roadway when originally proposed. The widening of Steves Road can only be accomplished by decreasing the church property for the proposed ballfield. Mr. Mullins inquired if a prior verbal commitment was made by the church which excluded having an entrance on Citrus Tower Boulevard.

Mr. Bush stated the location of the proposed third access point prevents cutting into the berm and diminishes the conflict at the intersection on Citrus Tower Boulevard.

Mr. Rahman commented the prior verbal commitment was for a third access point to be used during special services only, such as Easter. Recently the homeowners were presented with the plan for a right-turn in from Steves Road and a right-turn out onto Citrus Tower Boulevard.

Mr. Bush clarified during peak service times and for large events, the proposed Citrus Tower Boulevard access would be marked Exit Only and the Steves Road access would be marked Entrance Only.

Council Member Mullins asked if the Citrus Tower Boulevard would be closed during non-peak service times. Mr. Bush stated there were no plans to close the access to Citrus Tower during non-peak service times.

Council Member Travis commented the residents have issues with the overall traffic situation and was not exclusively church traffic.

Council Member Travis moved to accept the proposed access point, with a request to the County for no U-Turn signage on Citrus Tower Boulevard; seconded by Council Member Goodgame.

Under discussion, Council Member Goodgame suggested having the access point as a permanent right-turn exit only. Council Member Mullins expressed concern of the limitation.

Council Member Goodgame restated the motion as proposed; seconded by Council Member Mullins.

The motion passed with all members present voting aye.

Council Member Mullins spoke of planning for the future widening of Steves Road. Mr. Bush indicated the church would be willing to assist and work with the City.

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Item No. 15 – Resolution No. 2016-14; *Magic Moments-Table to June 28, 2016*

Deputy City Clerk Noak read Resolution 2016-14 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for a daycare facility in the central business district.

Council Member Mullins moved to table Resolution 2016-14 to June 28, 2016; seconded by Council Member Travis. The motion passed with all members present voting aye.

Item No. 16 – Variance Request; *Hyundai of Central Florida*

Planning Manager Henschel presented the request for a variance to allow a building façade to exceed 100 feet without a minimum 3-foot architectural offset. The proposed dealership will be the second of two dealerships allowed within the Plaza Collina project site.

Hyundai dealerships in the United States are required to comply with the Global Dealership Space Identity program as part of their agreement with Hyundai Motor America. The design elements of the program conflict with the City’s architectural design standards. The City’s Architectural Standards contains a variance procedure allowing the City Council to grant a variance if a building is unable to comply with the Architectural Standards. Staff was not opposed to the variance request.

Jerry Mullinex; Dealership Owner, stated Hyundai has a new corporate image program which is required of all new dealerships.

Sarah Butler; Architect, presented photographs of the required architecture features.

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

Council Member Travis moved to approve the variance request; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 17 – Ordinance No. 2016-22; *Introduction; Parks and Recreation Areas*

Deputy City Clerk Noak read Ordinance 2016-22 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, creating City Code Chapter 55 “Park and Recreation Areas”, providing for purpose and intent; definitions; enforcement; penalties; conflict; severability; codification; and an effective date.

Council Member Mullins moved to introduce Ordinance 2016-22; seconded by Council Member Bates. The motion passed with all members present voting aye.

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ADJOURN: With no further comments, this meeting was adjourned at 10:11pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

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REGULAR COUNCIL MEETING
June 14, 2016

The Clermont City Council met in a regular meeting on Tuesday, June 14, 2016 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Mullins, Bates, Goodgame, and Travis. Other City officials present were: City Manager Gray, City Attorney Oyewale, and City Clerk Ackroyd Howe.

INVOCATION

Pastor Juan Rivera gave the invocation followed by the Pledge of Allegiance led by Boy Scout Derek Mahoy.

PRESENTATIONS

Legislative Update – Gray Robinson

City Manager Gray thanked Gray Robinson for lobbying on behalf of the City during the past legislative session.

Chris Carmody stated the budget passed was \$82 billion after the Governor's vetoes, which is the largest in Florida's history. The Senate passed the budget on a 40 to 0 vote, the House passed the budget on a 119 to 1 vote. \$23 billion was allotted for education; \$34.3 billion for health and human services; \$4.4 billion for criminal and civil justice; \$14.6 billion for natural resources, environment, growth management, and transportation; and the judicial branch received \$521 million. The City of Clermont received \$500,000 for the Sunburst alternative water supply, and an additional \$500,000 for the West Lake stormwater project. Mr. Carmody hopes to continue to obtain more funding for the City during the next legislative session.

The Governor received approval for tax cuts regarding the Manufacturing Tax Credit, and approval for a three-day Back-to-School Sales Tax Holiday. He did not receive approval for the Business Rent Tax deduction, or the full reduction for Corporate Income Tax. The roll-back of the required local effort for school funding on the State's end was reduced; however, the local school boards do not have to follow the funding reduction.

A water bill passed in the first week of the legislative session. Gray Robinson worked with other lobbyist groups to ensure communities such as Clermont were treated equitably when applying for water project funding.

A bill regarding public/private partnerships which passed three years ago contained some glitches, and a public records exemption was included which provided clarification regarding unsolicited bids. Unsolicited bids would be exempt as a public record until the City decides whether to reject the unsolicited bid or move forward with a bid process.

The state did not act on local regulations regarding Uber and Lift services. The issue is expected to go before the legislature next year.

The Backyard Firing Range law was changed by adopting regulations based on land acreage.

Fracking regulations did not pass during the session; however, the bill will return at the next session.

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The regulation regarding public records includes the wording ‘shall pay the legal fees’ if a court finds you did not acknowledge or provide a requested record in a timely manner. The wording is expected to be removed or changed in the next session.

Mr. Carmody commented several bills which did not pass included: Open Carry; Campus Carry; and Judicial Term Limits.

Council Member Bates asked of the bill regarding a tax benefit for bringing entertainment, film, and television productions into Florida. Mr. Carmody stated the tax benefit was wrapped into the Enterprise Florida Fund. The Senate and Governor see the value of pursuing these businesses to come to Florida; however, the funds are slowly dissipating and the tax credits no longer exist. The House does not have an interest in pursuing conversation on the issue.

City Manager Gray and Mayor Ash thanked Mr. Carmody.

PUBLIC COMMENTS

Mayor Ash opened for public comments.

Bob Peraza expressed frustration and concern of recent radical events and would like to share some ideas on what can be done on the local level. Mayor Ash suggested Mr. Peraza meet with City Manager Gray.

Jim Purvis thanked City Manager Gray, staff, and Council for the new audio/visual system in the Council Chambers.

Michelle Michnoff introduced Dave Colby, the new South Lake Chamber President. David Colby commented he was pleased to be in Clermont and serving as the South Lake Chamber President.

Tim Murry thanked Public Works Director Brunson and staff for the work accomplished in the Lincoln Park area with street lighting, and for the renovations at McKinney Park.

REPORTS

City Manager Gray commented the City reached out to the City of Orlando and Orange County to offer support regarding the incident at the Pulse nightclub. The City is offering grief counseling to any employee who may be affected by the incident. Mr. Gray stated one of the victims; Stanley Almodovar III, was from Clermont and the City has offered to provide a cemetery space.

Council Member Bates moved to approve providing the cemetery space for the victim; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

The family was offered use of the Arts and Recreation Center and the Clermont City Center. Several local individuals and businesses have offered assistance to the family. A vigil will be held at the Minneola Trailhead on Thursday, June 16, 2016 at 7pm.

Mayor Buddy Dyer has announced a fund called OneOrlando to assist the victims. The information is available on the City’s website.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
June 14, 2016

Attorney Lindsay Oyewale was present on behalf of City Attorney Mantzaris – No report.

Council Member Bates commented on the events in Orlando and how the community and Central Florida has joined together to support one another. He announced a Lake County Commissioner candidate forum will be held at the Tavares Civic Center on June 16, 2016 at 6:30pm.

Council Member Goodgame thanked City Manager Gray for emailing the information regarding the shooting which occurred at the Pulse nightclub in Orlando.

Council Member Goodgame reported a bear hunt protest will be held from 11am until 1pm on June 18, 2016 at Waterfront Park. He requested the City reinstate the bear hunt resolution issued last year.

Council Member Goodgame moved to reinstate the bear hunt resolution from last year;
seconded by Council Member Mullins.

Council Member Bates inquired if the Florida Wildlife Commission had made changes to the bear hunt program. City Manager Gray stated he was not aware of any changes.

The motion passed with all members present voting aye.

Council Member Goodgame announced Pig on the Pond held their scholarship awards dinner at the Clermont City Center. Scholarships were provided to two South Lake High School students, one East Ridge High School student, and one Lake Minneola High School student. He commented Pig on the Pond should be recognized for their contribution to the local schools.

Council Member Goodgame reported he, Mayor Ash, Council Member Bates, City Manager Gray, Assistant City Manager Kinzler, Purchasing Director Suarez, Executive Assistant Bennett, and Economic Development Director Hitt, attended the Lake County Alumni Hall of Fame induction of Public Information Officer Bloodsworth.

Council Member Mullins announced the Mega Food Truck event will be on Saturday, June 18, 2016 from 1pm to 8pm.

Council Member Travis reported she met with South Lake Chamber President Colby last week. The Chamber Breakfast will be held on Friday, June 17, 2016 at 7am and the new initiatives of the Chamber will be presented by Mr. Colby.

Mayor Ash commented she attended the Memorial Day service at Waterfront Park and VFW Post Commander Schuh presented a stained glass gold star to Ms. Miller in honor of her son, Alexander Miller. Mayor Ash reported she attended a meeting of the Coast-to-Coast Connector Leadership where Clermont introduced the City's trademark phrase 'Meet us in the Middle'. The phrase will be used as part of the City's promotion of the trail and will be used for our activities on the trail.

Mayor Ash stated she attended the South Lake High School graduation ceremony, the 100th anniversary of Clermont Elementary School, the Pig on the Pond Scholarship awards recognition, the Mayors and Managers meeting, the opening of the University of Florida Cancer Center at South Lake Hospital, the Lake County Alumni Hall of Fame induction of Public Information Officer Bloodsworth, and the Caribbean Jerk Festival.

City of Clermont
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REGULAR COUNCIL MEETING
June 14, 2016

CONSENT AGENDA

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

Item No. 1 – Meeting Minutes

Consider approval of the April 26, 2016 Regular Council Meeting minutes.

Item No. 2 – Surplus Request

Consider the surplus of inventory items from Environmental Services, Police Department, and Public Works which have reached their end of life service, is found or abandoned property.

Item No. 3 – Scope of Services and Budget Amendment

Consider approval of professional engineering services for phase two for the Victory Pointe (West Lake Wetlands) project by GAI Consultants, Inc., in the amount of \$486,155 and a budget amendment to the Stormwater Fund in the amount of \$486,155.

Item No. 4 – Resolution No. 2016-19

Consider Resolution approval of the Local Mitigation Strategy: Multi-jurisdictional Plan as part of the ongoing planning efforts of Lake County.

Item No. 5 – Resolution No. 2016-22

Consider Resolution approval of an agreement for downtown temporary parking and liability at 705 West Minneola Avenue.

Item No. 6 – Resolution No. 2016-24

Consider approval of 2016 Lake County Water Authority Grant Program Agreement and award in the amount of \$643,030 for the Victory Pointe (also known as West Lake Wetlands) project.

Item No. 7 – Event Fee Variance Request

Consider a 100% fee variance of grounds fees to Christian Men in Action for their Kick-It-Off 2016 Back to School Bash at McKinney Park on August 6, 2016.

Item No. 8 – Event Fee Variance and Open Container Request

Consider a 100% fee variance of grounds fees with an open container area request to Festivals of Florida, Inc. for their “Lake Water Sports & Seafood Festival” to be held at Waterfront Park on October 1 and October 2, 2016. Staff recommends the applicant pay for all grounds fees.

City of Clermont
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Joseph Steed pulled Item 8.

Council Member Goodgame moved to approve Consent Agenda Items 1 through 7; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Joseph Steed commented the Lake Water Sports & Seafood Festival will be presented by his company; Festivals of Florida, Inc., and will celebrate all of the water sports enjoyed in the area. The fee variance was withdrawn from the request.

Mayor Ash clarified the open container area request remained. Mr. Steed confirmed the open container area request remained.

Council Member Mullins requested clarification of the open container area. Mr. Steed commented the open container area consisted of the Highlander patio and outside theater area. City Manager Gray stated staff would work with Mr. Steed on establishing the open container area.

Council Member Travis inquired if the trail would be closed. City Manager Gray commented the trail would not be closed.

Mayor Ash asked of the hours of operation for the open container area. Events Coordinator Dudeck stated the open container area hours would be from 9am until 10pm.

Council Member Mullins inquired of the parking locations due to the Farmers Market and Community Yard Sale being held the same weekend. Mr. Steed stated they would look into shuttling people to the festival. City Manager Gray noted staff would work with Mr. Steed on parking.

Council Member Goodgame moved to approve the event and work with the city staff recommendations; seconded by Council Member Mullins. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 9 – Ordinance No. 2016-10 *Final; Hartle Grove Large Scale Comprehensive Plan Amendment*

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

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

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Planning Manager Henschel presented the ordinance to change the future land use from Lake County Urban Low Density to the City of Clermont's Master Planned Development designation. The 25-acre multi-family tract was annexed into the City in January 2016 and rezoned to Planned Unit Development. The 44-acre commercial and single-family tracts were annexed in April 2016 and rezoned to Planned Unit Development.

The City Council approved the transmittal of the proposed Comprehensive Plan Amendment to the Florida Department of Economic Opportunity on April 12, 2016. The proposed map amendment will change the future land use on all 69 acres from Lake County Urban Low Density to the City's Master Plan Development designation. The Florida Department of Economic Opportunity notified the City in May, 2016 of no objections to the requested amendment. Staff recommended approval of the Large Scale Comprehensive Plan Amendment.

City Manager Gray commented this was the transmittal sent to the State and was approved by the State. The City has to take final action to adopt the future land use change.

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

Council Member Goodgame asked if the applicant will construct and pave Hartle Road. City Manager Gray stated Hartle Road has been developed for the related parcel.

Council Member Mullins moved to adopt Ordinance 2016-10; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

Item No. 10 – Resolution No. 2016-12; Walmart

City Clerk Ackroyd Howe read Resolution 2016-12 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting an amendment to a Conditional Use Permit (Resolution 1316) to allow an expansion to the existing Wal-mart.

Planning Manager Henschel reported the request was tabled to the June 14, 2016 meeting to allow the applicant's representative to be in attendance. The applicant is requesting an amendment to the existing Conditional Use Permit to allow for an increase in building square footage. The proposed 3,905 square foot expansion will be for liquor sales and will not be accessible from inside the main building. The request was previously considered at the December 9, 2014 City Council meeting with a final decision of denial. Staff recommended approval of the request.

Attorney Tara Tedrow; Lowndes Drosdick Law Firm, apologized for not attending the June meeting and thanked Council for tabling the request. Attorney Tedrow was in agreement with staff recommendations. Matt Femal; Engineer, was present to answer any questions on the design and layout of the proposed addition.

Mayor Ash opened the public hearing.

Jim Purvis was opposed to the location, expressed concern for security, and expressed concern of the loading and unloading of inventory.

City of Clermont
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Mayor Ash closed the public hearing.

Council Member Mullins preferred placing the liquor store inside the existing building. Attorney Tedrow commented Florida law requires a separation from the retail store when selling alcohol.

Council Member Travis preferred a separated liquor store and inquired of the type of doors to be used. Matt Femal stated the doors are glass and the elevation was designed to match the existing building.

Council Member Mullins preferred a walled-off interior liquor store with an exterior exit, not an addition to the existing building. Attorney Tedrow stated with the retail demand, a walled-off interior liquor store would not be functional.

Council Member Goodgame inquired of handling money transfers and inventory restocking. Attorney Tedrow commented restocking occurs at a separate back entrance. Florida law requires a separation wall and the business cannot have a physical interior access door between the main retail area and the liquor store.

Mayor Ash expressed concerns of increased traffic. Attorney Tedrow stated the traffic study submitted to staff showed only a small traffic increase.

Council Member Goodgame moved for approval of Resolution 2016-12; seconded by Council Member Travis. The motion passed 3 to 2 on a roll call vote with Council Member Mullins and Mayor Ash in opposition.

Item No. 11 – Resolution No. 2016-15; *The Vue*
Table to June 28, 2016

City Clerk Ackroyd Howe read Resolution 2016-15 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for multi-family residential.

Council Member Goodgame moved to table Resolution 2016-15 to June 28, 2016; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 12 – Ordinance No. 2016-17 *Final; The Vue*
Table to June 28, 2016

City Clerk Ackroyd Howe read Ordinance 2016-17 aloud by title only.

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

Council Member Goodgame moved to table Ordinance 2016-17 to June 28, 2016; seconded by Council Member Bates. The motion passed with all members present voting aye.

City of Clermont
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Item No. 13 – Ordinance No. 2016-21 *Final; The Vue Table to June 28, 2016*

City Clerk Ackroyd Howe read Ordinance 2016-21 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning the right-of-way easements north/south roadway between Tracts 20, 21, 28, and 29 as shown on the Plat of Clermont, Lake Highlands 28-22-26 PB 2 PG 28 Public Records of Lake County, Florida; less right-of-way for Hooks Street; repealing all ordinances in conflict herewith, providing for severability, publication, recording, and for an effective date.

Council Member Goodgame moved to table Ordinance 2016-21 to June 28, 2016; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Item No. 14 – Ordinance No. 2016-22 *Final; Parks and Recreation*

City Clerk Ackroyd Howe read Ordinance 2016-22 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, creating City Code Chapter 55 “Park and Recreation Areas”, providing for purpose and intent; definitions; enforcement; penalties; conflict; severability; codification; and an effective date.

Parks and Recreation Director Davidoff stated the current City Code did not address the parks and recreation facilities within the City. The proposed ordinance addresses hours of operation, traffic control, pollution and litter, removal of natural resources, fireworks, fires, camping and sleeping, commercial activity, glass containers, paint ball guns, hunting, wildlife preservation, and provides the City Manager with the authority to adopt administrative rules as deemed necessary.

City Manager Gray commented Parks and Recreation Director Davidoff did an outstanding job researching rules and regulations. Commercial activity was covered in the ordinance due to people running businesses out of the City’s parks. Signage with the rules and regulations will be installed in the parks, and Park Rangers are in the process of being hired.

Council Member Travis asked if commercial activity operators and peddlers would be arrested. City Manager Gray stated violators would be notified of the regulation and would be trespassed should a violation continue.

Parks and Recreation Director Davidoff commented there were businesses which operate for free and the City does not want to prohibit those businesses; however, the City will require a Certificate of Insurance naming the City as an additional insured, as well as undergoing a background check.

Council Member Bates asked of the provisions regarding animal hunting. Parks and Recreation Director Davidoff stated there have been issues with the wild hogs at Lake Hiawatha Preserve, in addition to abandoning of animals in the parks.

City of Clermont
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June 14, 2016

Council Member Travis inquired of park open and closing hours, particularly at Waterfront Park. Parks and Recreation Director Davidoff commented the ordinance states all park hours are dawn to dusk unless otherwise posted. The hours for Waterfront Park would be limited to the parking area and the trail would remain open.

Council Member Travis commented individuals require use of the Waterfront parking area when using the trail. City Manager Gray stated the hours would be modified to accommodate trail users.

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

Council Member Bates moved to approve Ordinance 2016-22; seconded by Council Member Goodgame. The motion passed 5 to 0 on a roll call vote.

NEW BUSINESS

Item No. 15 – Ordinance No. 2016-23 *Introduction; Citrus Tower Self Storage Annexation*

City Clerk Ackroyd Howe read Ordinance 2016-23 aloud by title only.

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

Council Member Mullins moved for introduction of Ordinance 2016-23; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 16 – Ordinance No. 2016-24 *Introduction; Citrus Tower Self Storage Comprehensive Plan Amendment*

City Clerk Ackroyd Howe read Ordinance 2016-24 aloud by title only.

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

Council Member Mullins moved for introduction of Ordinance 2016-24; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

City of Clermont
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June 14, 2016

Item No. 17 – Ordinance No. 2016-25 *Introduction; Citrus Tower Self Storage Rezoning*

City Clerk Ackroyd Howe read Ordinance 2016-25 aloud by title only.

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

Council Member Mullins moved for introduction of Ordinance 2016-25; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 18 – Ordinance No. 2016-26 *Introduction; Field Monumentation*

City Clerk Ackroyd Howe read Ordinance 2016-26 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 110 Subdivisions, Section 110-263 Field Monumentation; providing for codification; severability; effective date; and publication.

Council Member Mullins moved for introduction of Ordinance 2016-26; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 19 – Ordinance No. 2016-27 *Introduction; Automotive Dealerships*

City Clerk Ackroyd Howe read Ordinance 2016-27 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 122 Zoning, Section 122-223 Permitted Uses; Section 122-224 Conditional Uses; providing for codification; severability; effective date; and publication.

Council Member Mullins moved for introduction of Ordinance 2016-27; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 7:59pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, July 26, 2016			
Agenda Item Name			
Council Meeting Cancellation			
Requested Action			
Recommend approval of cancelling the November 22, 2016 Council meeting.			
Staff Report			
The second meeting in November is requested to be cancelled which is November 22, 2016.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 26, 2016		
Agenda Item Name		
Purchase Approval		
Requested Action		
Recommend approval of telephone equipment purchase from FL State WSCA contract number 43220000-WSCA-14-ACS with Verteks Consulting to provide ShoreTel IP telephone system in the quoted amount of \$62,410.95.		
Staff Report		
The Information Technology Department recommends approval of the above action. The new Police Department Headquarters requires a telephone system. This equipment extends the integrated system currently in place at City Hall and Environmental Services to provide voicemail and direct extension dialing at the new facility. The WSCA contract 43220000-WSCA-14-ACS was obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy.		
Additional Analysis		
Fiscal Impact Summary		
The fiscal impact of \$62,410.95 is included in the current year approved budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$62,410.95	32521-66401-21101	\$0.00
Exhibits Attached (copies of original agreements)		
1. Telephone Quote VCIQ9487-01_QuoteValet_2016-07-01_2-41.48pm.pdf		



Verteks Consulting, Inc.
Voice and Data Networks
Phone: (352) 401-0909
Fax: (352) 401-0903
Web: www.verteks.com

QUOTE

Date	Quote #
07/01/16	VCIQ9487-01

Customer: City of Clermont
Tom Philbrick
685 W Montrose Street
Clermont, FL 34711
United States

Phone: (352) 241-7374
Fax:
E-Mail: tphilbrick@clermontfl.org

Terms	Rep	P.O. Number	Ship Via
	Matt		

Qty	Description	Unit Price	Ext. Price
Core UC System Addition			
1	Additional Site License One additional site license is required for each remote ShoreTel site connected to the system.	\$321.75	\$321.75
1	Kit, rack mounting tray For ShoreGear Switch 1U half width, holds two 1U half width switches	\$65.00	\$65.00
1	ShoreGear 90V The ShoreGear-90V is a 1U half-width voice switch that supports up to 90 IP phones, 90 voicemail mailboxes, and up to a maximum of 12 analog ports - 8 loop start trunk and 4 analog extension ports. This switch supports integrated voicemail capability with 56 hours of voicemail storage. The ShoreGear-90V communicates with IP phones, soft phones and other IP endpoints using the Media Gateway Control Protocol (MGCP). The ShoreGear-90V interfaces to standard analog trunks using loop start or wink start signaling as well as to standard analog telephones including CLASS feature phones with Caller ID Name and Number and Message Waiting.	\$2,401.75	\$2,401.75
1	ShoreGear 90 The ShoreGear-90 is a 1U half-width voice switch that supports up to 90 IP phones and up to a maximum of 12 analog ports - 8 loop start trunk and 4 analog extension ports. The ShoreGear-90 communicates with IP phones, soft phones and other IP endpoints using the Media Gateway Control Protocol (MGCP). The ShoreGear-90 interfaces to standard analog trunks using loop start or wink start signaling as well as to standard analog telephones including CLASS feature phones with Caller ID Name and Number and Message.	\$1,946.75	\$1,946.75
1	ShoreGear T1k The ShoreGear-T1k provides higher density trunking to the central office using T1 or PRI signaling. The ShoreGear-T1k can also be used as a gateway to legacy PBX systems.	\$2,271.75	\$2,271.75

Qty	Description	Unit Price	Ext. Price
120	Extension & Mailbox License An Extension and Mailbox license is required for each IP phone that will have voicemail. Enables the user to have access to all voicemail, find-me/follow-me and Office Anywhere features. Includes a license for Personal Communicator. Communicator gives users the equivalent of a desktop PBX-a powerful, all-purpose tool for managing voice communications. With ShoreTel Communicator, workers can quickly browse contacts and make calls from local directories or from Microsoft Outlook.	\$130.00	\$15,600.00
2	Extension-only License An Extension Only License is required for each IP or analog device that will connect to the system that does not require voicemail.	\$91.00	\$182.00
120	ShorePhone IP480 ShoreTel's advanced SIP phone, the IP 480 provides 8 line appearances, expanded call history and visual voice mail. The IP 480 has 8 line appearances, a backlit LCD screen, a full duplex speakerphone and an integrated Ethernet switch, allowing a network drop to be shared with a desktop PC. Features keys include: Transfer, Conference, Hold, Intercom, Redial (History), Voicemail, Options, Volume, Mute, Directory. Includes a headset jack with LED indicator.	\$194.35	\$23,322.00
2	ShorePhone IP655 ShoreTel's most advanced telephone, the IP 655 provides 12-line appearances, a large backlit touch color display and haptic (vibrational) feedback. Advanced microphone technology delivers superb speakerphone capability for offices and small and midsize conference rooms when used with the optional extension microphone accessories.	\$486.85	\$973.70
1	Installation & Configuration	\$9,000.00	\$9,000.00
1	ShoreCare Partner Support (1 Year, No Phones) Adds the listed ShoreTel equipment and software to the customer's existing support plan under the same terms and conditions.	\$1,051.65	\$1,051.65
	DVS Option		
1	(ShoreTel) Server - Rack Mount HP ProLiant DL160 Gen9 Base - Server - Rack-Mountable - 1U - 2-way - 1 x Xeon E5-2620V3 / 2.4 GHz - RAM 16 GB - SAS - hot-swap 2.5" - no HDD - GigE The HP ProLiant DL160 Gen9 is the next generation 2P 1U value server replacing DL360e Gen8. It delivers the right balance of performance, storage, reliability, manageability and efficiency in a dense and compact chassis, to meet the needs of a diverse set of customers- from SMBs and service providers with a wide range of workloads - from general purpose IT to the New Style of IT, such as, Big Data and Cloud.	\$4,598.00	\$4,598.00

Qty	Description	Unit Price	Ext. Price
	HP Internal DVD-Writer - Jack Black - DVD-RAM/±R/±RW Support - 24x CD Read/24x CD Write/24x CD Rewrite - 8x DVD Read/8x DVD Write/8x DVD Rewrite - Double-layer Media Supported - SATA/150 The DVD RW drive is capable of reading DVD 4.7 GB through 8.5 GB media. It can also read standard stamped, CD-R, and CD-RW media. This drive supports writing to CD-R, CD-RW, DVD +R/RW, and DVD -R/RW media via software utilities. For Microsoft® operating systems, this is available by installing the included Roxio software disk. For other operating systems, an operating system-specific software utility is required for writing to media. The DVD-ROM drive is designed to read not only CD-ROM and CD -R/RW discs but also DVD-ROM, DVD-RAM, DVD +R/RW and DVD -R/RW discs.		
	(2) HP 500 GB 2.5" Internal Hard Drive - SATA - 7200 rpm HP SATA hard drives are designed for reliability and mass storage demanded by today's server and storage environments. The SATA hard drive portfolio is categorized into two categories: Entry (ETY) and Midline (MDL) hard drives. HP SATA Entry hard drives are the lowest unit-cost solution for entry level servers. Designed for economical reliability and performance for non-mission critical applications, Entry and Midline SATA hard drives provide the best price advantage for these lower workload environments. These hard drives are available in Small Form Factor (2.5in) and Large Form Factor (3.5in) for both hot plug and non-hot plug environments.		
	HP Foundation Care - 3 Year Extended Service - 24 x 7 x 4 Hour - On-site - Maintenance - Parts & Labor - Physical Service		
	(4) [Filler SKU - Necessary if no Open MS Authorization] Microsoft Rental Rights Licensing - 1 License - Volume - MOLP: Open Business - PC - Single Language		
	VMware vSphere Essentials Kit (v. 6) - license 3 hosts - up to 2 processors per host VMware vSphere is a complete and robust virtualization platform on the market today for building cloud infrastructures. vSphere 6 enables higher consolidation ratios with unequaled performance by providing groundbreaking memory management technology, expanded resource pooling capabilities with more granular storage and network I/O controls, and major enhancements to overall scalability.		
	VMware vSphere Essentials Kit (v. 6) - subscription license (1 year)		
1	Distributed Voice Services License	\$646.75	\$646.75
1	ShoreCare Partner Support (1 Year, No Phones) Adds the listed ShoreTel equipment and software to the customer's existing support plan under the same terms and conditions.	\$29.85	\$29.85
		SubTotal	\$62,410.95
		Sales Tax	\$0.00
		Shipping	\$0.00
		Total	\$62,410.95

All invoices/statements/bills shall be due when rendered. Any amounts remaining unpaid after thirty (30) days from the date of the invoices/statements/bills shall bear interest at the highest lawful rate from the date of the invoices/statements/bills, including postjudgment, until paid in full. In the event this account is referred to an attorney for collection, customer and customer's agent signing this invoice agree to pay all costs of collection and a reasonable attorneys' fee, through the appellate proceedings, regardless of whether suit is initiated, and including bankruptcy attorneys fees and costs should the customer and agent, or any one of them, file bankruptcy.

Approved By: _____ Order Date: _____

Please sign and print name



AGENDA ITEM

Meeting Date		
Tuesday, July 26, 2016		
Agenda Item Name		
Purchase Approval		
Requested Action		
Recommend approval of network switching equipment purchase from FL State WSCA contract number 43220000-WSCA-14-A with CDW-G to provide HPE network switches in the quoted amount of \$68960.00.		
Staff Report		
The Information Technology Department recommends approval of the above action. The new Police Department Headquarters requires a data network for computers and IP telephones. The requested equipment will provide Local Area Network (LAN) switching capabilities in support of telephone, data, and security systems at the new facility. The WSCA contract 43220000-WSCA-14-A was obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy.		
Additional Analysis		
Fiscal Impact Summary		
The fiscal impact of \$68,960.00 is included in the current year approved budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$68,960.00	32521-66401-21101	\$0.00
Exhibits Attached (copies of original agreements)		
1. Network Switches Quote		HFND802.pdf

QUOTE CONFIRMATION



DEAR DON DENNIS,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
HFND802	7/8/2016	HFND802	6561575	\$68,960.00

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
HPE 5412R 92GT PoE+ / 4SFP+ (No PSU) v3 zl2 Switch - switch - 92 ports - ma Mfg. Part#: JL001A UNSPSC: 43222612 Contract: Florida HP NVP Data Communications (AR1464 43220000-WSCA-14-A)	2	3703104	\$10,074.00	\$20,148.00
HPE 5406R 8-port 1/2.5/5/10GBASE-T PoE+ / 8-port SFP+ (No PSU) v3 zl2 Switc Mfg. Part#: JL002A UNSPSC: 43222612 Contract: Florida HP NVP Data Communications (AR1464 43220000-WSCA-14-A)	1	3703110	\$6,055.00	\$6,055.00
HPE - expansion module Mfg. Part#: J9986A UNSPSC: 43201404 Contract: Florida HP NVP Data Communications (AR1464 43220000-WSCA-14-A)	16	3703028	\$2,270.00	\$36,320.00
HPE X450 4U/7U Universal - rack mounting kit Mfg. Part#: J9852A UNSPSC: 24102001 Contract: Florida HP NVP Data Communications (AR1464 43220000-WSCA-14-A)	3	3416614	\$251.00	\$753.00
HPE Management Module - network management device Mfg. Part#: J9827A UNSPSC: 43222634 Contract: Florida HP NVP Data Communications (AR1464 43220000-WSCA-14-A)	1	3388623	\$1,576.00	\$1,576.00
HPE - power supply - 1100 Watt Mfg. Part#: J9829A#ABA UNSPSC: 39121004 Contract: Florida HP NVP Data Communications (AR1464 43220000-WSCA-14-A)	4	3388619	\$775.00	\$3,100.00
HPE - power supply - 700 Watt Mfg. Part#: J9828A#ABA UNSPSC: 39121004 Contract: Florida HP NVP Data Communications (AR1464 43220000-WSCA-14-A)	2	3397419	\$504.00	\$1,008.00

PURCHASER BILLING INFO	SUBTOTAL	\$68,960.00
Billing Address: CITY OF CLERMONT (CTC) 685 W MONTROSE ST FL 3 CITY HALL CLERMONT, FL 34711-2119 Phone: (352) 241-7377 Payment Terms: Request Terms	SHIPPING	\$0.00
	GRAND TOTAL	\$68,960.00
	Please remit payments to:	
DELIVER TO		

Shipping Address:

CITY OF CLERMONT
685 W. MONTROSE STREET
CITY HALL, 3RD FLOOR
CLERMONT, FL 34711-2119

Phone: (352) 241-7377

Shipping Method: CEVA Deferred, 3-5 Days

CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

Need Assistance? CDW•G SALES CONTACT INFORMATION



Ryan Torres

(877) 500-3403

ryantor@cdwg.com

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CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, July 26, 2016			
Agenda Item Name			
Resolution No. 2016-27			
Requested Action			
Recommended approval of Resolution.			
Staff Report			
The Clermont Fire Department is applying for the Center for Public Safety Excellence's Accreditation and one of the justification is to ratify the existence of the Clermont Fire Department.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	2016-27 Fire Dept Estab Legal	2016-27 Fire Dept Estab Legal.doc	

**CITY OF CLERMONT
RESOLUTION NO. 2016-27**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RESTATING THE CREATION OF THE CITY OF CLERMONT FIRE DEPARTMENT, A LOCAL GOVERNMENT PUBLIC SAFETY ENTITY ORGANIZED FOR THE PREVENTION AND PROTECTION FROM FIRES AND DISASTERS, NATURAL OR MAN-MADE; RATIFYING ALL PAST ACTIONS OF SAID FIRE DEPARTMENT SINCE ITS CREATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clermont requires compliance by the fire protection service with local, state, and federal standards, rules, regulations, and laws; and

WHEREAS, the City of Clermont intends to expand and improve the fire protection services to better ensure the safety and protection of residents and non-residents alike, to include fire prevention, public safety education, inspections, and enforcement of state minimum fire standards; and

WHEREAS, the City of Clermont would like to ensure the health and safety of the members of the fire protection service through property application and documentation of training, suitable appropriation and maintenance of resources, and establishing a chain of command for accountability of and for personnel;

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

1. The first Volunteer Fire Department was organized in 1923.
2. On January 5, 1932, the City Council enacted a revised General Ordinance establishing a Fire Department known as “Clermont Fireman’s Company, establishing command, salary, and other purposes.
3. The official identification badge for the Clermont Volunteer Fire Department was adopted by Resolution on July 14, 1992.
4. On March 23, 1999, the City Council approved a budget amendment to move forward with a full-time Fire Chief, three firefighters, and one fire fighter/inspector.

CITY OF CLERMONT
RESOLUTION NO. 2016-27

5. The City Council does hereby further resolve that all past actions taken in reasonable furtherance of any and all lost resolutions, records, or documents are hereby ratified.
6. This Resolution shall take effect immediately upon its adoption.

CITY OF CLERMONT
RESOLUTION NO. 2016-27

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, on this 26th day of July, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date														
Tuesday, July 26, 2016														
Agenda Item Name														
Ordinance No. 2016-19 <i>Final</i> <i>WaterBrooke</i>														
Requested Action														
Recommend approval of Ordinance 2016-19.														
Staff Report														
The applicant, Mattamy Homes, is requesting adoption of a future land use change for 28.6 acres that was annexed on May 24, 2016 and added to its residential subdivision, WaterBrooke. The proposed map amendment will change the future land use from Lake County's Regional Commercial to the City's Low Density Residential. The City's Low Density Residential allows up to 3 dwelling units per acre. The City's Low Density Residential does not permit commercial or industrial uses, as allowed by Lake County's future land use. The conversion from commercial and industrial uses to residential uses would be more consistent in this area of the City since residential development has already occurred to the west of Hancock Road and is currently planned to the east of this parcel with the existing WaterBrooke development. The applicant now has approval for 1,100 units on a total of 568.6 acres, which equates to 1.93 units per acre. This density is below the 3 dwelling units per acre allowable under the City's Low Density Residential future land use. The Florida Department of Economic Opportunity (DEO) notified the City in July that it has no objections to the comprehensive plan amendment. Staff recommends approval of the adoption of the large-scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to the City's Low Density Residential.														
Additional Analysis														
Fiscal Impact Summary														
Fiscal Impact	Fund Number and Description	Available Budget Amount												
Exhibits Attached (copies of original agreements)														
<table><tr><td>1.</td><td>Ordinance</td><td>CPA ORD 2016-19.doc</td></tr><tr><td>2.</td><td>Maps</td><td>WaterBrooke Maps 2016.pdf</td></tr><tr><td>3.</td><td>Site plan</td><td>ANN Site plan.pdf</td></tr><tr><td>4.</td><td>DEO letter</td><td>DEO letter.pdf</td></tr></table>			1.	Ordinance	CPA ORD 2016-19.doc	2.	Maps	WaterBrooke Maps 2016.pdf	3.	Site plan	ANN Site plan.pdf	4.	DEO letter	DEO letter.pdf
1.	Ordinance	CPA ORD 2016-19.doc												
2.	Maps	WaterBrooke Maps 2016.pdf												
3.	Site plan	ANN Site plan.pdf												
4.	DEO letter	DEO letter.pdf												

5.	Application	CPA Application.pdf
6.	Legal Ad	CPA Ad WaterBrooke Amendment.docx

CITY OF CLERMONT
ORDINANCE No. 2016-19

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

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

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

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

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

Section 1.

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

LEGAL DESCRIPTION

LADD DEVELOPMENT PARCEL:

PARCEL 1:

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

PARCEL 2:

The South 1/2 of Tract C, MANLOW PARK, according to the plat thereof as recorded in

CITY OF CLERMONT
ORDINANCE No. 2016-19

Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

PARCEL 3:

That portion of the South 1575.00 feet of the West 1660.00 feet of the North 1/2 of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726.00 feet of the East 900.00 feet thereof, lying East of Lot 2 and Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and that is lying South of Easterly extension of the centerline of Tract C, MANLOW PARK, according to the plat thereof as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.
LESS Road Right-of-Way for Lost Lake Road.

TOGETHER WITH:

CLERMONT STORAGE MATTAMY PURCHASE PARCEL:

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

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

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

CITY OF CLERMONT
ORDINANCE No. 2016-19

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

Section 2.

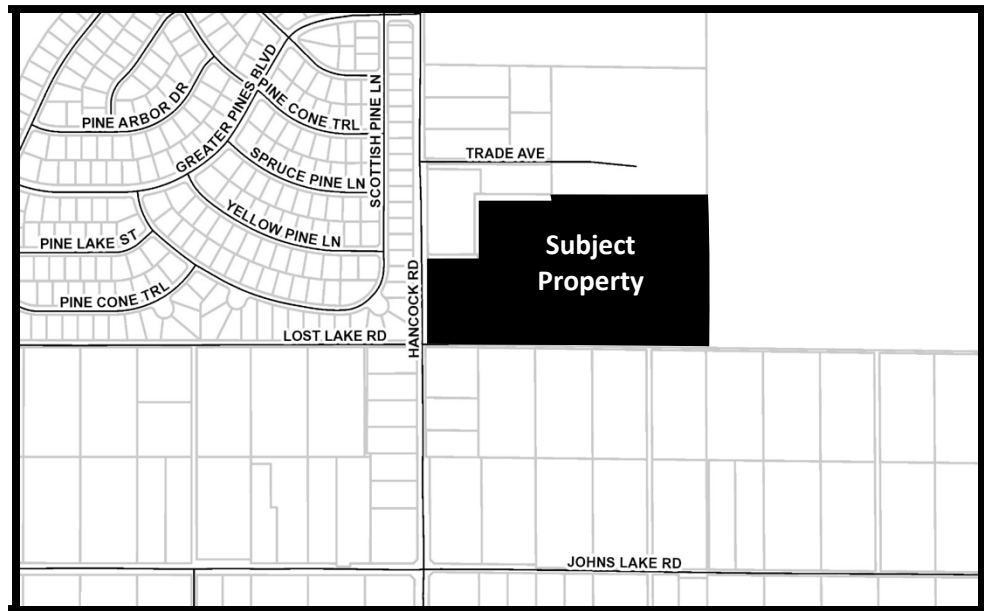
If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of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

Section 3.

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

Section 4.

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



CITY OF CLERMONT
ORDINANCE No. 2016-19

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of July, 2016.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map WaterBrooke Amendment 2016

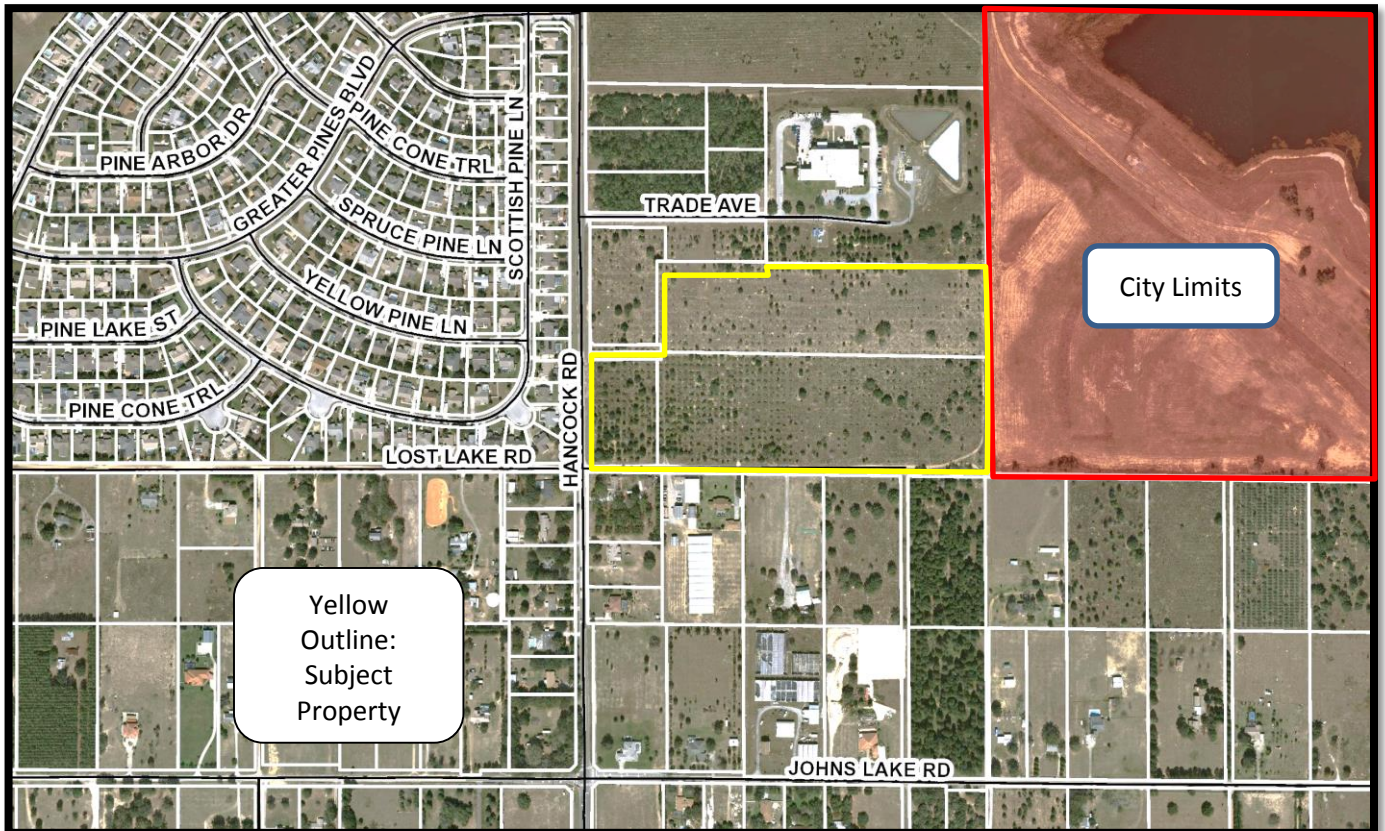
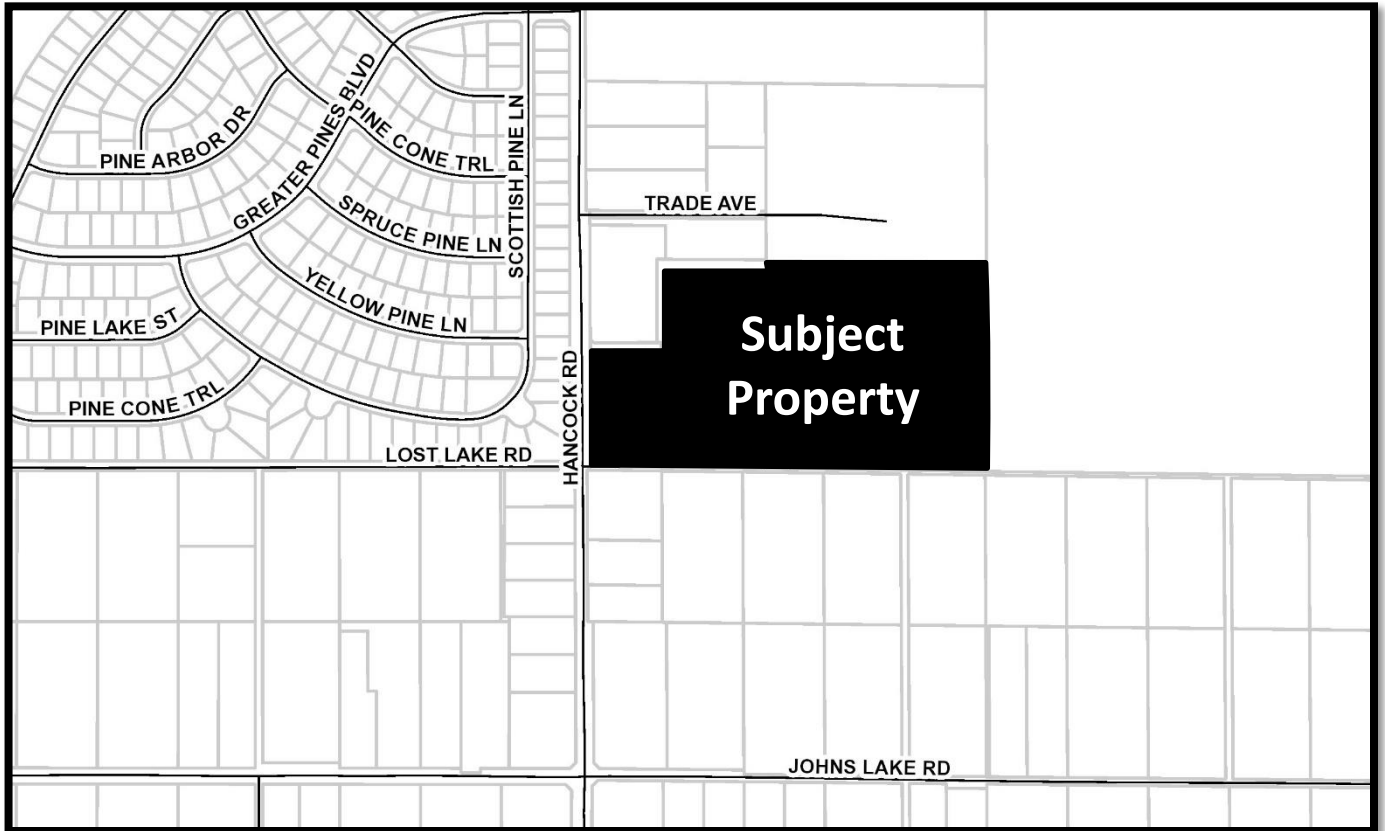


Exhibit – Future Land Use Map
WaterBrooke Amendment 2016

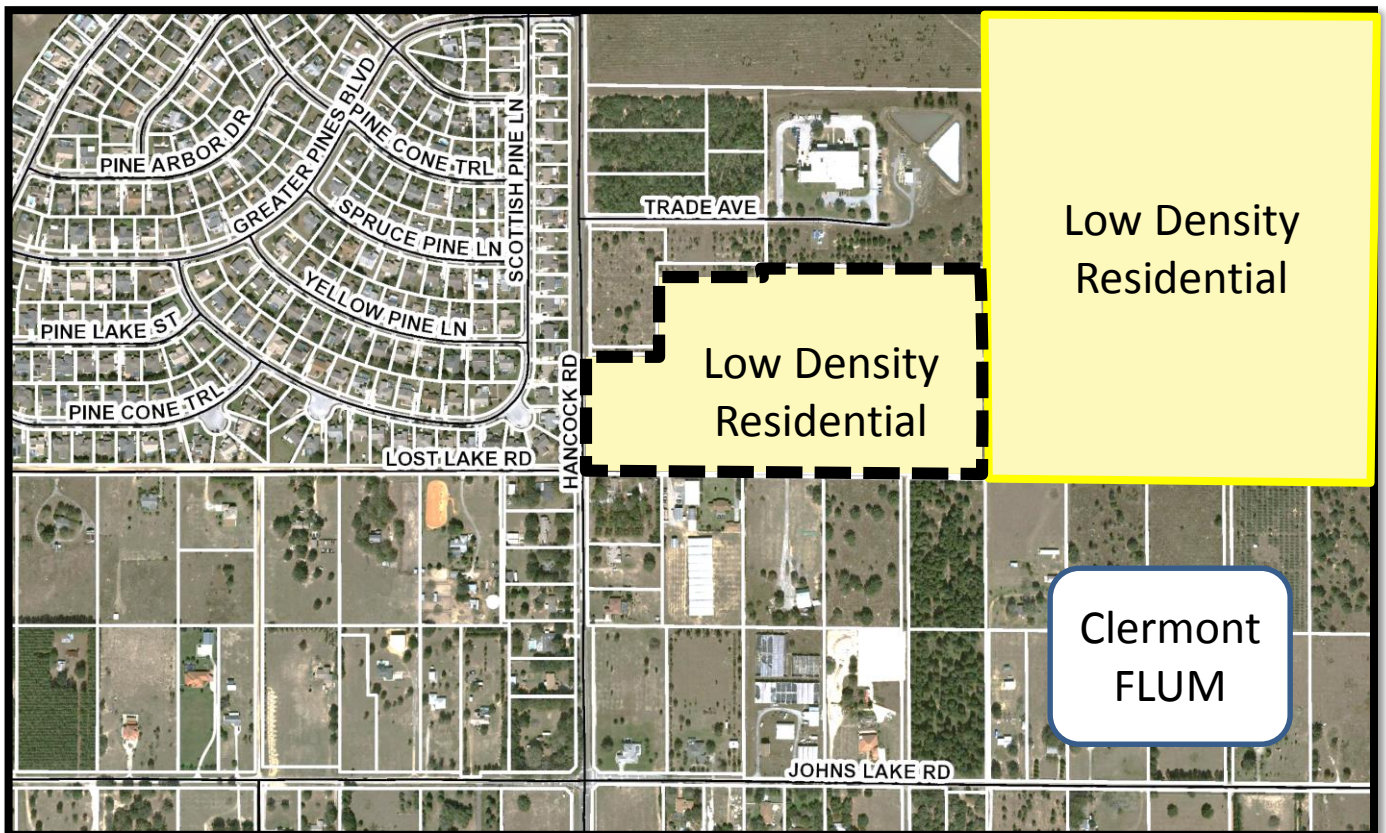
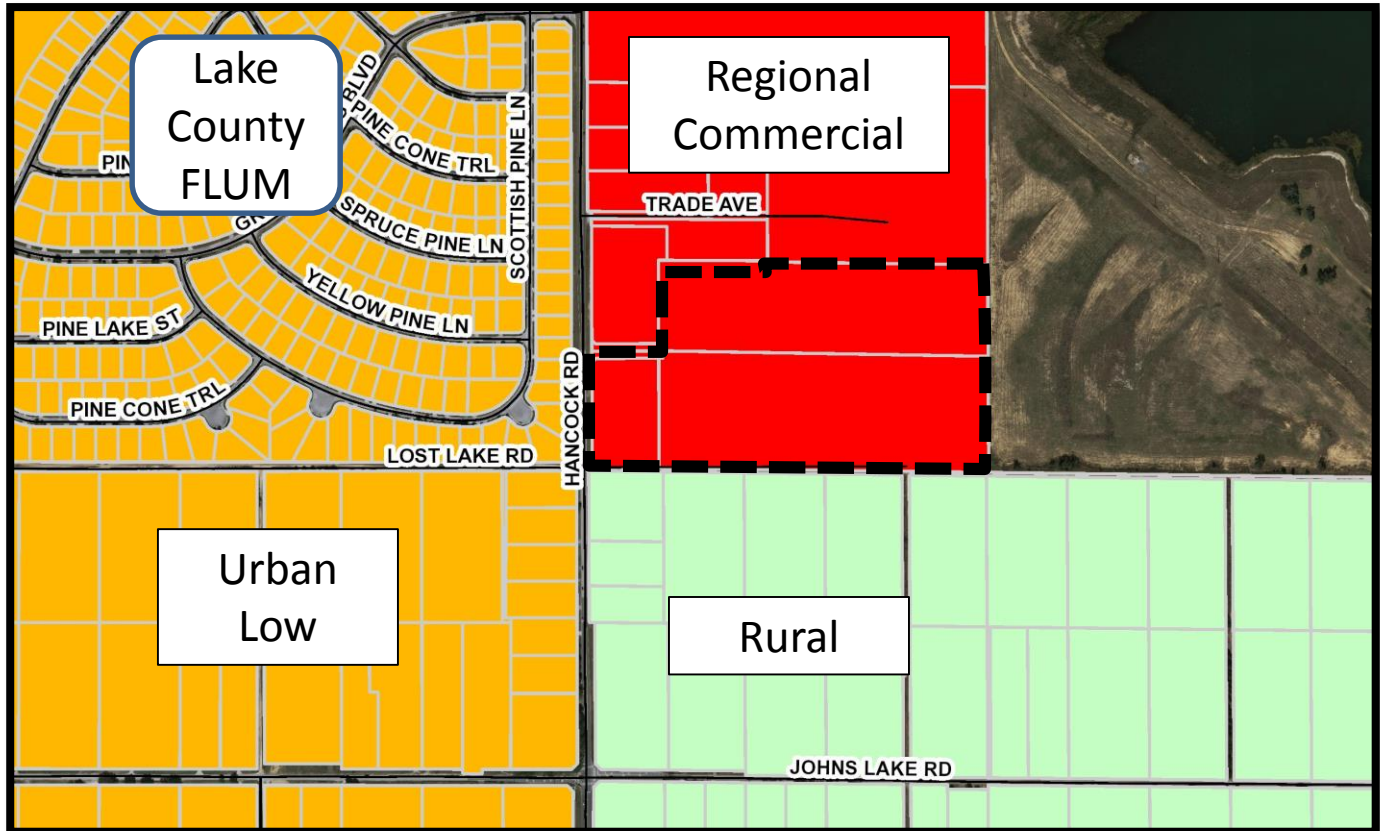


Exhibit – Zoning Map WaterBrooke Amendment 2016

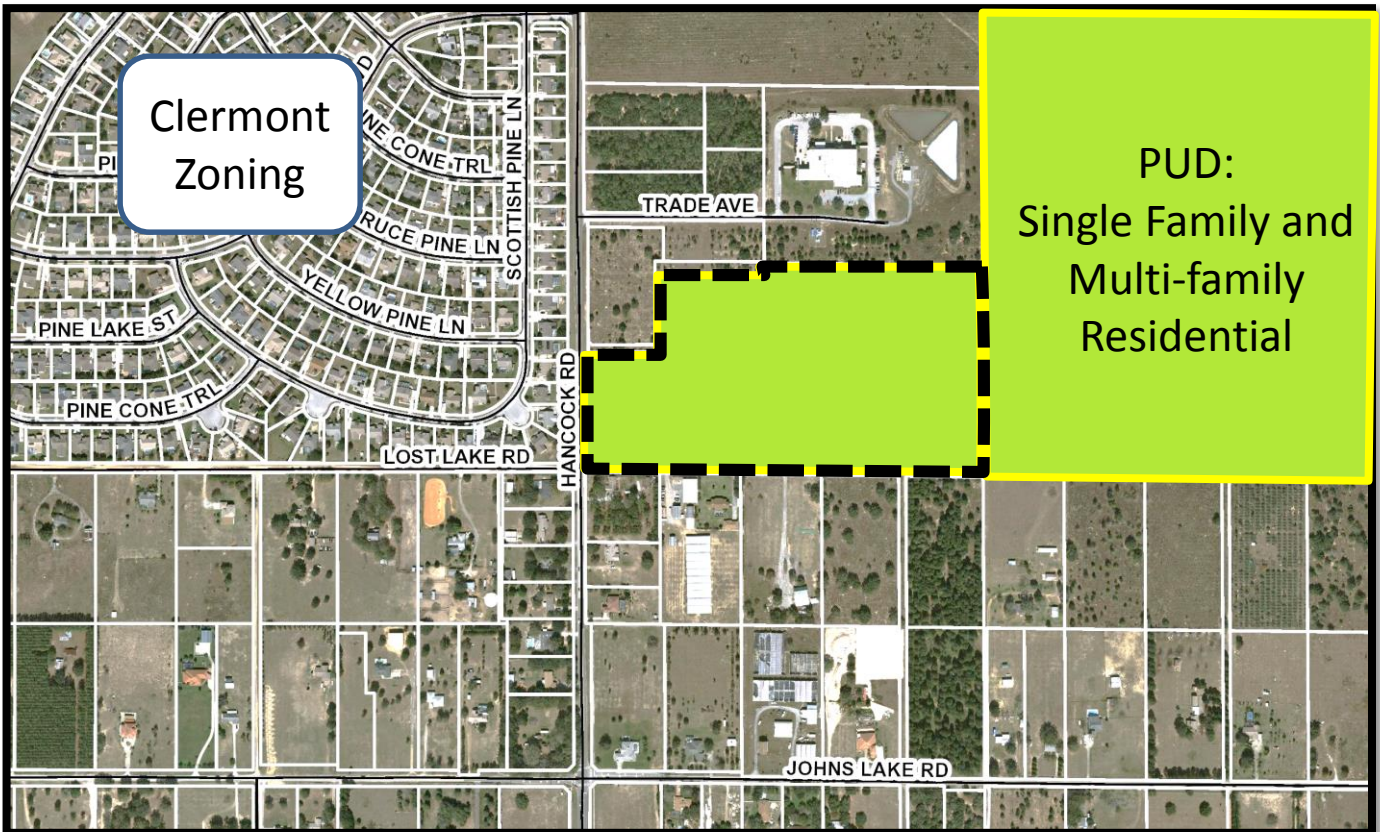
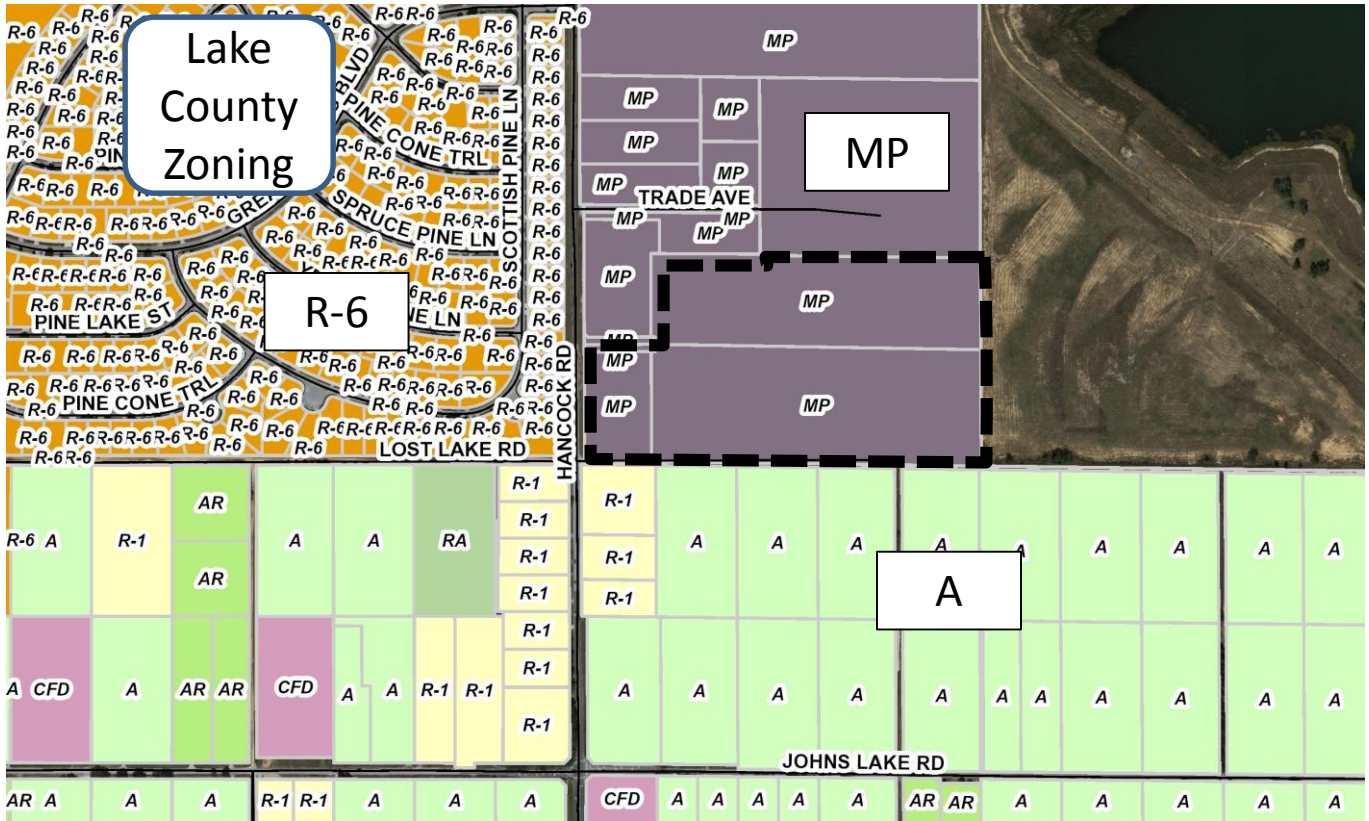
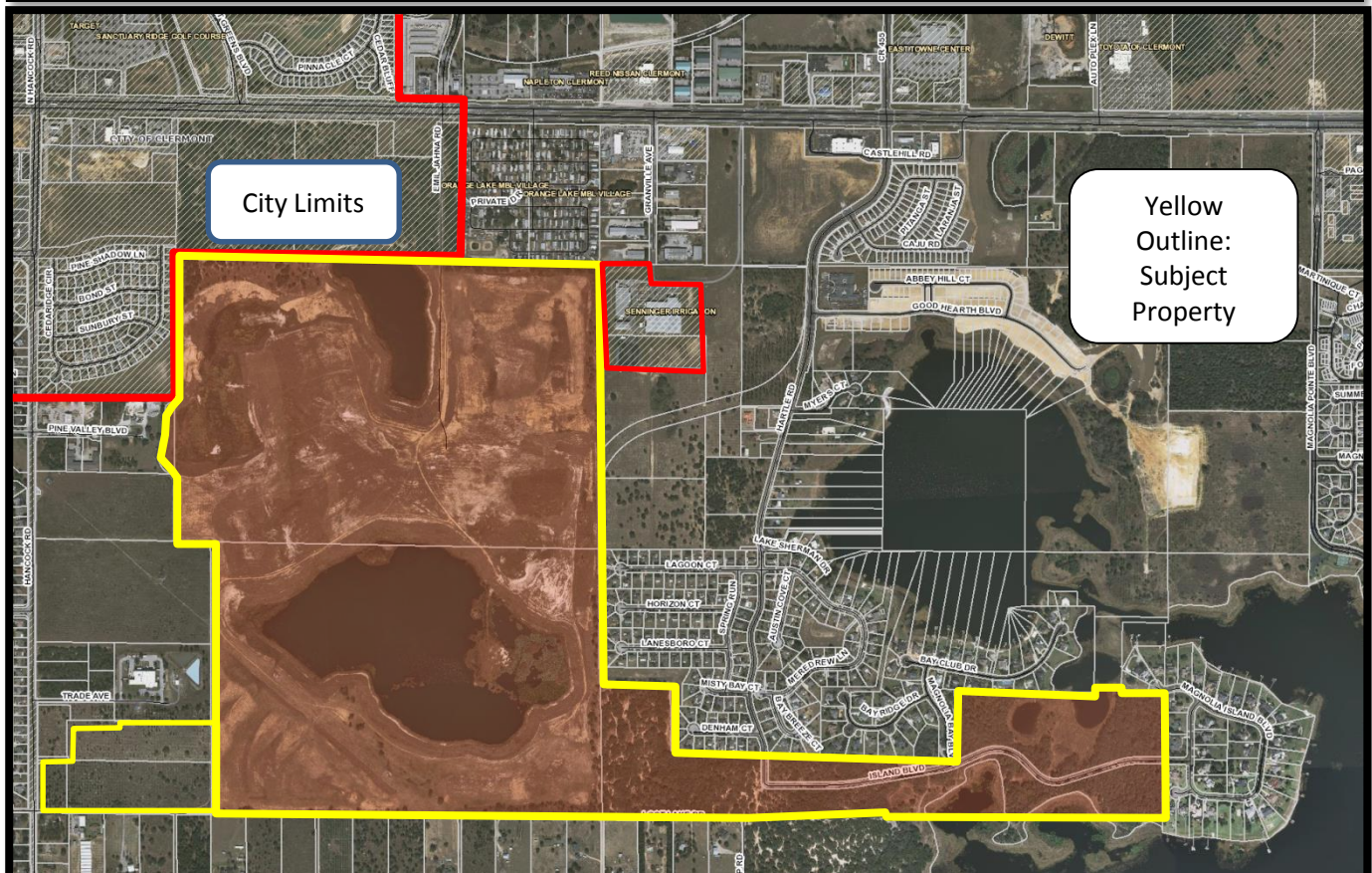
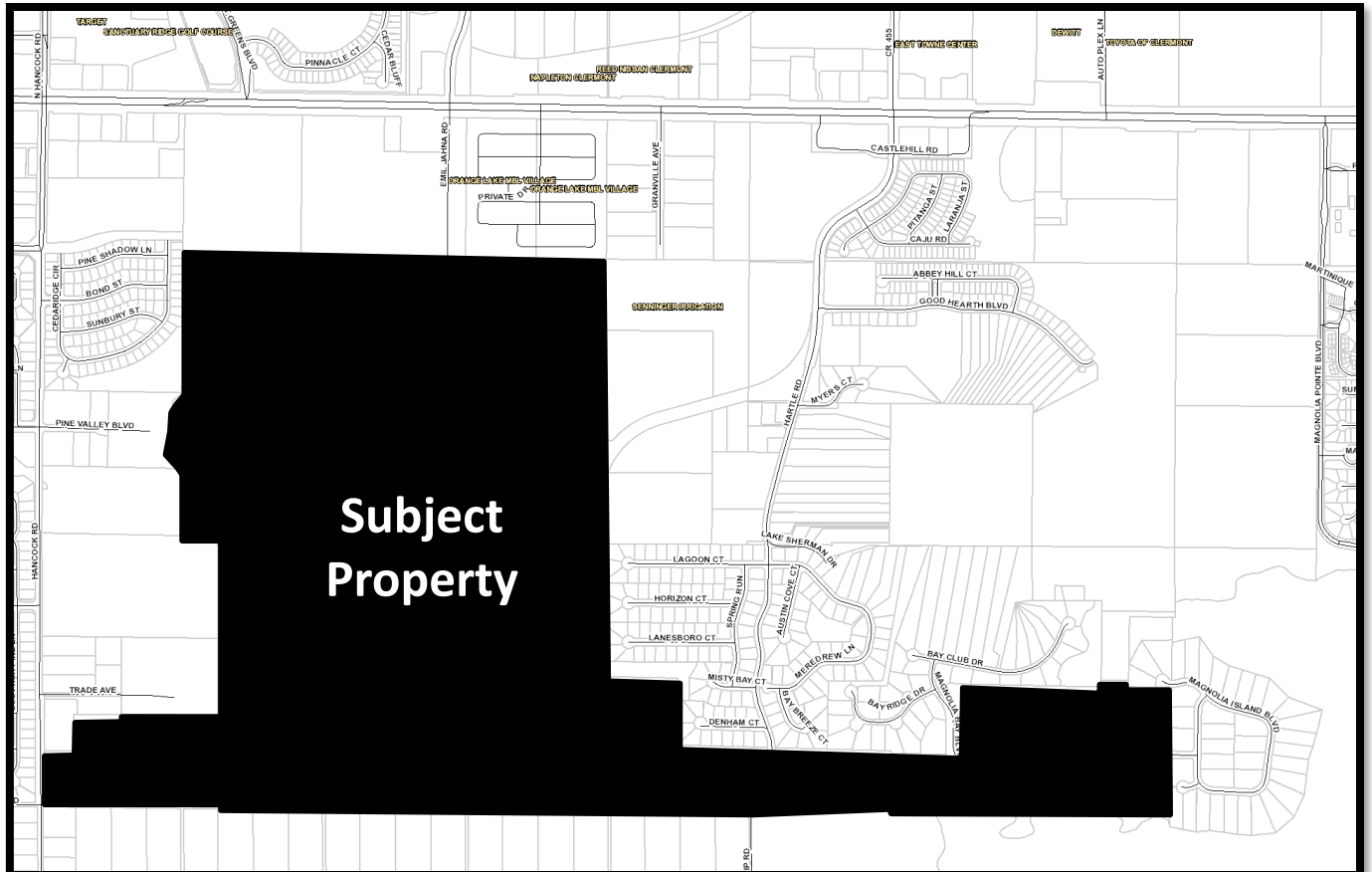


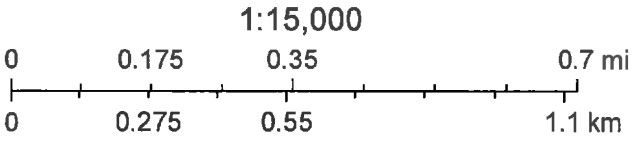
Exhibit - Location Map WaterBrooke





March 23, 2016

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



Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

July 1, 2016

The Honorable Gail L. Ash
Mayor, City of Clermont
685 West Montrose Street
Clermont, Florida 34711

Dear Mayor Ash:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Clermont, Amendment No. 16-3ESR (CP-2016-19) which was received on June 3, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

Pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City of Clermont. If other reviewing agencies provide comments, we recommend the City of Clermont consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

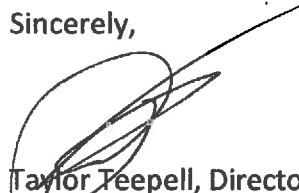
The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Dan Pennington, at (850) 717-8524, or by email at dan.pennington@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taylor Teepell', with a long, sweeping horizontal line extending to the right.

Taylor Teepell, Director
Division of Community Development

TT/dp

Enclosure: Procedures for adoption of comprehensive plan amendments

cc: Barbara Hollerand, Development Services Director, City of Clermont
Hugh W. Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council



CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: 4/1/16

FEE: \$1500.00

Project Name (if applicable): WaterBrooke PUD

Applicant: Mattamy Orlando LLC (agent)

Contact Person: Keith Trace

Address: 1900 Summit Tower Blvd., Suite 500

City: Orlando State: Florida Zip: 32810

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

E-Mail: Keith.Trace@mattamyhomes.com

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

Address: 1135 East Avenue

City: Clermont State: Florida Zip: 34711

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

E-Mail: mimi@highlandrealestate.biz

OWNER: Clermont Storage Center LLC - Attn: Richard Beavers

Address: 1041 Crown Park Circle

City: Winter Garden State: Florida Zip: 34787

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

E-Mail: rbeavers60@gmail.com

General Location: Northeast quadrant of the intersection of Hancock Road and Lost Lake Road

Legal Description (include copy of survey): See attached

Property size (in acres or square feet): ±28.61 acres

Flood hazard area (yes) ☐ and approx. acreage ☐ (no) ☒

Existing (Actual) Land Use: Vacant land

Existing Zoning: MP – Planned Industrial District (County)

Existing Future Land Use: Regional Commercial (County)

Proposed Future Land Use: Low Density Residential (City)



Type of development proposed: Expansion of WaterBrooke PUD (residential)

Proposed density (dwelling units/acre) or intensity: 1.9 dwelling units per gross acre across entire WaterBrooke PUD

Proposed Zoning District: PUD

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

Mattamy Orlando, LLC (Mattamy) is under contract to purchase approximately ±29 acres of land in unincorporated Lake County adjacent to the previously approved WaterBrooke PUD. Since the property is contiguous to the city limits, Mattamy is filing on behalf of the Owner an Application for Annexation, which requires that the City's Comprehensive Plan be amended to provide a City Future Land Use designation. Mattamy is also filing an Application for Rezoning in order to add the subject property to the WaterBrooke PUD. Mattamy is requesting a City Future Land Use designation of Low Density Residential, which is consistent with the Future Land Use of the WaterBrooke PUD and compatible with the surrounding Lake County Future Land Use designations.

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

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

* * * * * NOTICE * * * * *

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

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



APPLICANT'S AFFIDAVIT

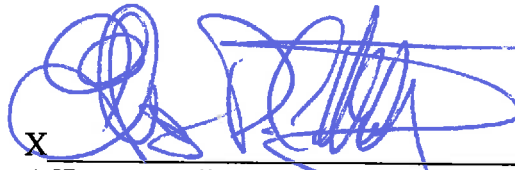
STATE OF FLORIDA

COUNTY OF LAKE:

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

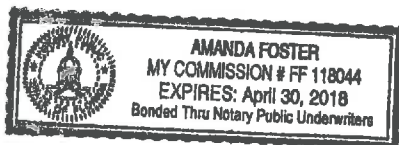
1. That he (she) affirms and certifies that he (she) understands and will comply with all ordinances, regulations and policies of Lake County, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his knowledge and belief, and further, that this application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

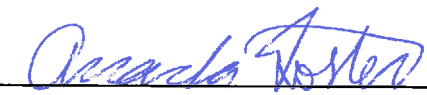
Thomas McCarthy, Vice President
Mattamy Orlando LLC (agent)
 Affiant - Applicant Name (print)

X 
 Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by Thomas McCarthy, produced FLDL.

or personally known by me this 1st day of April, 2016.



X 
 Notary Public, State of Florida at Large

My Commission Expires: 4/30/18



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

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

1. That he is the fee-simple owner of the property legally described on the attachment of this application.
2. That he desires a Future Land Use Amendment from Regional Commercial (County) to Low Density Residential (City) for the property legally described on the attachment of this application.
3. That the owner of said property has appointed Thomas McCarthy, Vice President of Mattamy Orlando LLC and Cecilia Bonifay of Akerman, LLP to act as agent(s) on his behalf to accomplish the above. The owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his (her) stead.

Dale J. Ladd
Ladd Development, Inc.
Affiant - Applicant Name (print)

X 
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 28 day of March, 2016.



X 
Notary Public, State of Florida at Large
My Commission Expires: 8-7-17



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

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

1. That he is the fee-simple owner of the property legally described on the attachment of this application.
2. That he desires a Future Land Use Amendment from Regional Commercial (County) to Low Density Residential (City) for the property legally described on the attachment of this application.
3. That the owner of said property has appointed Thomas McCarthy, Vice President of Mattamy Orlando LLC and Cecilia Bonifay of Akerman, LLP to act as agent(s) on his behalf to accomplish the above. The owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his (her) stead.

Richard Beavers
Clermont Storage Center LLC
Affiant - Applicant Name (print)

X Richard Beavers
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 15th day of April, 2016.



X Amanda Foster
Notary Public, State of Florida at Large
My Commission Expires: 4/30/18

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

This instrument was prepared
by and should be returned to:

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

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

WARRANTY DEED

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

WITNESSETH:

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

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

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

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

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

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

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

Signed, sealed and delivered
in the presence of:

Sandra K. Merchut
Name: SAUDRA K. MERCHUT

Roxane H. Stratton
Name: ROXANE H. STRATTON

MANLOW PROPERTIES, LLC
a Florida limited liability company

By: [Signature]
Name: Robert A. Mandell
Title: Managing Member

Address:
215 N. Eola Drive
Orlando, Florida 32801

STATE OF FLORIDA
COUNTY OF Seminole

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

(NOTARY SEAL)

Sandra K. Merchut
Notary Public Signature



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

EXHIBIT "A"

SUBJECT PROPERTY

Description - Parcel A:

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

AND

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

AND

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

AND

Description - Parcel C:

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

AND

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

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

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



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

SPECIAL WARRANTY DEED

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

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

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

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

AND

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

AND

The North Half of Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

The South Half of Tract B, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

AND

That portion of the South 1575.00 feet of the West 1660.00 feet of the North Half of Section 34, Township 22 South, Range 26 East, Lake County, Florida, LESS the North 726 feet of the East 900.00 feet thereof, lying East of Lot 1 and Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and North of an Easterly extension of the centerline of Tract C, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida and South of Tract A, MANLOW PARK, according to the Plat thereof, as recorded in Plat Book 50, Pages 86 and 87, Public Records of Lake County, Florida.

This Special Warranty Deed was made for and in consideration of the sum of \$10.00 and other good and valuable consideration paid to the undersigned by Grantee.

Grantor covenants with Grantee that Grantor specially warrants title to the Property conveyed here, and that Grantor will forever warrant and defend title to the Property for Grantee and Grantee's heirs and personal representatives and assigns, from and against the claims and demands of Grantor and all persons claiming by, through, or under Grantor, but not against the claims of any others.

The conveyance of the Property is made subject to the following exceptions, reservations or restrictions: Taxes for the year 2013, all easements, reservations, exceptions, and restrictions of record, but any reference in this Special Warranty Deed to any easement, reservation, exception, encumbrance or restriction shall not serve to or be deemed to reimpose or reinstate any such easement, reservation, exception, or restriction unless such reinstatement or reimposition is specifically set forth in this Special Warranty Deed.

The covenants made in this deed are legally binding on Grantor and all who lawfully succeed to Grantor's rights and responsibilities. These covenants can be enforced by Grantee and all future owners of the Property.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Sheri Ondercik

Witness

Sheri Ondercik

(Please Print or Type Name)

Kristina Sanders

Witness

Kristina Sanders

(Please Print or Type Name)

PNC BANK, NATIONAL ASSOCIATION

By: John R. Gassie

John R. Gassie, Senior Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 8th day of November, 2013, by JOHN R. GASSIE as Senior Vice President of PNC BANK, NATIONAL ASSOCIATION, who is personally known to me or has produced _____ as identification.

(SEAL)

Sharon E. Ondercik
Notary Public-State of Florida

SHARON E. ONDERCIK
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION# EE118511
EXPIRES 8/3/2015
BONDED THRU 1-888-NOTARY1

NOLA/MATTAMY
LADD DEVELOPMENT PARCEL

DESCRIPTION (Furnished by Client):

PARCEL 1:

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

PARCEL 2:

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

PARCEL 3:

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

LESS Road Right-of-Way for Lost Lake Road.

WATERBROOKE
Clermont Storage
(Mattamy Purchase Parcel)

DESCRIPTION (Prepared by Donald W. McIntosh Associates, Inc.):

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

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

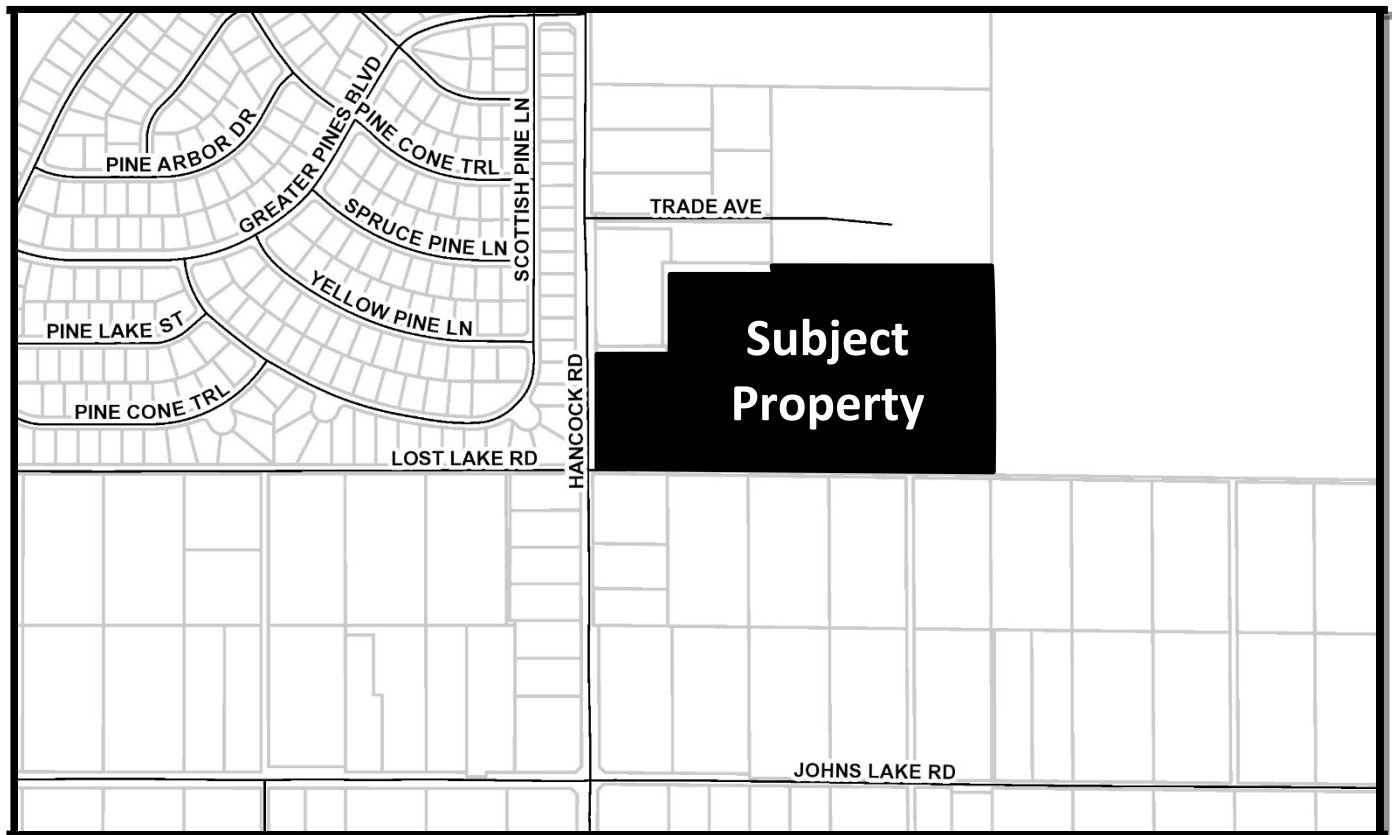
Containing 10.636 acres (463,314 square feet) more or less, and being subject to any easements, rights-of-way or restrictions of record.

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2016-19

The City of Clermont will hold public hearings Tuesday, May 3, 2016 at 6:30 p.m. before the Planning and Zoning Commission and Tuesday, May 24, 2016 at 6:30 p.m. before the City Council to consider transmittal of a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the parcel below from Lake County Regional Commercial to Low Density Residential.

The City of Clermont will hold public hearings on Tuesday, July 26, 2016 (final reading of the ordinance) beginning at 6:30 p.m. before the City Council to consider the adoption of the proposed change to the City's Future Land Use Map.



***Location: South of Trade Ave., East of Hancock Road,
and North of Johns Lake Road
WaterBrooke Amendment +/- 28.6 acres
Alternate Keys 2899191, 3823388, 3840014, 3840012***

Ordinance #2016-19:

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

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

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

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
April 22 & July 12, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 26, 2016		
Agenda Item Name		
Ordinance No. 2016-34 <i>Final</i> <i>Special Magistrate</i>		
Requested Action		
Recommend approval of Ordinance 2016-34.		
Staff Report		
The attached ordinance provides for changes to the City Code to allow the City Council to appoint a Special Magistrate for code enforcement.		
Additional Analysis		
Fiscal Impact Summary		
No fiscal impact to the city is anticipated.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2016-34 Special Magistrate w strikes.doc		
2. Ad 2016-34 Special Magistrate.doc		

CITY OF CLERMONT
ORDINANCE No. 2016-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING ARTICLE V, "CODE ENFORCEMENT", DIVISION 1, "GENERALLY", SECTION 2-186 "INTENT OF ARTICLE", PROVIDING THAT THE CITY COUNCIL SHALL APPOINT A CODE ENFORCEMENT SPECIAL MAGISTRATE; DELETING SECTION 2-187 "DEFINITIONS"; RENUMBERING AND AMENDING SECTION 2-188 "ALTERNATE CODE ENFORCEMENT SYSTEM"; RENUMBERING SECTION 2-189 "SUPPLEMENTAL ENFORCEMENT"; DELETING SECTION 2-190 "SPECIAL MASTER" AND AMENDING DIVISION II, "CODE ENFORCEMENT BOARD", SECTION 2-206, "CREATED; JURISDICTION; ENFORCEMENT BY COURTS"; AMENDING SECTION 2-207, "COMPOSITION; APPOINTMENT; TERMS OF MEMBERS"; DELETING SECTION 2-208, "APPOINTMENT OF MEMBERS"; DELETING SECTION 2-209, "RESIDENCY REQUIREMENTS; VACANCIES; FILLING OF VACANCIES; COMPOSITION"; DELETING SECTION 2-210, "OATH OF OFFICE"; DELETING SECTION 2-211, "ORGANIZATION; QUORUM; COMPENSATION"; AND AMENDING SECTION 2-212, "COUNSEL NAMED"; DELETING SECTION 2-213 "CONFLICT OF INTEREST"; DELETING SECTION 2-214 "POWERS OF THE CODE ENFORCEMENT BOARD"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICT AND EFFECTIVE DATE.

NOW, THEREFORE, be it ordained by the City Council of the City of Clermont, Lake County, Florida, as follows:

SECTION 1

Article V, "Code Enforcement", Division 1, "Generally", Sections 2-186 – 190 are hereby amended to read as follows: (note strikethrough indicates removed words and underlined indicates added)

Section 2-186 Intent of Article.

It is the intent of this Article to appoint ~~create~~ a Municipal Code Enforcement Special Magistrate ~~board~~ with the authority to impose administrative fines and other noncriminal penalties to promote, protect, and improve the health, safety, and welfare of the City and to provide an equitable, expeditious, effective, and an inexpensive method of enforcing any of the City's Codes and Ordinances in force where a pending of repeated violation exists or continues to exist. This Article has been enacted pursuant to the authority of Florida Statute Chapter 162.

CITY OF CLERMONT
ORDINANCE No. 2016-34

~~Section 2-187—Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Code means any of the several chapters of the city Code or its ordinances on zoning and development regulations or any other codes or technical codes of the city.~~

~~Code enforcement board means the city code enforcement board appointed by the city council.~~

~~Code enforcement board secretary means the city clerk or his designee.~~

~~Code inspector means any authorized agent or employee of the city whose duty it is to ensure code compliance.~~

~~Legal counsel means the city attorney who shall represent the code enforcement board.~~

~~Repeat violation means a violation of a provision of a code or ordinance by persons whom the code enforcement board has previously found to have violated the same provision within five years prior to the violations.~~

~~Violator means the property owner or business entity of the premises, or any combination thereof.~~

~~Section 2-188-187~~ Alternate Code Enforcement System.

The City hereby adopts an alternate code enforcement system which gives the Code Enforcement Special Magistrate boards appointed by the City Council the authority to hold hearings and assess fines against violators of the City Codes and Ordinances.

~~Section 2-189-188~~ Supplemental Enforcement.

Nothing contained in this Article shall prohibit the City from enforcing its codes by any other means.

~~Section 2-190—~~ Special Master.

~~The powers and duties of a special master, if a special master is appointed by the city council, shall be the same as that provided in this article for the code enforcement board.~~

CITY OF CLERMONT
ORDINANCE No. 2016-34

SECTION 2.

Article V, “Code Enforcement”, Division II, “Code Enforcement Board”, Sections 2-206-2-012 are hereby amended to read as follows: (note strikethrough indicates removed words and underlined indicates added)

Section 2-206 Created; Jurisdiction; Powers and Duties; Enforcement by Courts.

- (a) There is hereby created a municipal Code Enforcement Special Magistrate board pursuant to Florida Statutes Chapter 162.
- (b) The City Code Enforcement Special Magistrate board shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of the City Code and its ordinances.
- (c) The Code Enforcement Special Magistrate shall have all of the powers and duties granted under Florida Statute Chapter 162; as amended. The City hereby adopts such provision by reference as if set out fully herein.
- (d) Any alleged violations of such Code and Ordinances may also be enforced in any court of competent jurisdiction.
- (e) Wherever any Ordinance or provision of the City Code or the City Land Development Code shall reference the Code Enforcement Board, it shall be deemed to reference and apply to the Code Enforcement Special Magistrate as created herein.

Section 2-207 ~~Composition; appointment; terms of members~~ Appointment and Qualifications.

The Code Enforcement Special Magistrate shall be appointed by the City Council, shall be a member in good standing of The Florida Bar, and shall have such other qualifications as the Council may determine. The city code enforcement board shall consist of seven members and two alternate members, each to be appointed by the city council for a term of three years.

Section 2-~~212~~-208 Counsel Named.

The City Attorney shall serve as counsel to the City in all matters before the Code Enforcement Special Magistrate board.

CITY OF CLERMONT
ORDINANCE No. 2016-34

~~Section 2-208--Appointments of Members.~~

~~Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in subject matter jurisdiction of the respected code enforcement board. A member may be reappointed by a majority of the city council. Appointments to fill a vacancy shall be for the remainder of the unexpired term of office.~~

~~Section 2-209.--Residency requirements; vacancies; filling of vacancies; composition.~~

~~Members of the code enforcement board shall be residents of the city at the time of their appointments and throughout their terms of office. Any member who is no longer a resident of the city shall be automatically removed and the vacancy filled as provided in section 2-208. The members shall serve in accordance with this article and consistent with the requirements, if any, of the Charter and other Code sections. If any code enforcement board member fails to attend any two of three consecutive meetings, without prior approval of the chairperson of the code enforcement board, the board shall declare the member's office vacant and the vacancy filled as provided in section 2-208. Appointments shall be consistent with the Charter on the basis of demonstrated experience and interest in the fields of zoning and building control. The membership of the code enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor and a realtor.~~

~~Section 2-210.--Oath of office.~~

~~Each member of the code enforcement board, upon appointment, shall, before entering upon the discharge of his duties of office, take an oath of office.~~

~~Section 2-211.--Organization; quorum; compensation.~~

- ~~(a) The members of the code enforcement board shall elect a chairperson from among its members. The chairperson shall be allowed to vote on all matters appearing before the board.~~
- ~~(b) The members of the code enforcement board shall elect a vice-chairperson from among its members. The vice-chairperson shall preside over the public hearing in absence of the chairman.~~
- ~~(c) The presence of four or more members shall constitute a quorum.~~
- ~~(d) Members shall not be entitled to compensation; however, all members shall receive the reimbursement for mileage for any board related business, except travel to and from regularly scheduled and specially called board meetings. Such reimbursement shall be consistent with city policy.~~

CITY OF CLERMONT
ORDINANCE No. 2016-34

~~(e) The board may adopt such rules and regulations as are not inconsistent with the provisions of this article or F.S. Ch. 162, which rules and regulations the board finds necessary to carry out the provision of this article, subject to approval by the city council.~~

~~Section 2-213. Conflict of interest.~~

~~Conflict of interest provisions shall apply to members of the code enforcement board pursuant to F.S. §§ 112.3143 and 286.012.~~

~~Sec. 2-214. Powers of the code enforcement board.~~

~~The code enforcement board shall have the power to:~~

- ~~(1) Adopt rules for the conduct of its hearings.~~
- ~~(2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department of the city.~~
- ~~(3) Subpoena evidence to its hearings.~~
- ~~(4) Take testimony under oath.~~
- ~~(5) Issue an order having the force of law commanding whatever steps are necessary to bring the violation into compliance.~~

SECTION 3 Codification.

The text of Sections 1 and 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 4 Severability.

It is declared to be the intent of the City Council that, if any Section, Subsection, Sentence, Clause, Phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5 Conflict and Repeal.

Any portion of the City Code, the City Land Development Code or any ordinance or resolution or part thereof in conflict with this Ordinance is hereby repealed to the extent of such conflict.

CITY OF CLERMONT
ORDINANCE No. 2016-34

SECTION 6 Effective Date.

This Ordinance shall be published as provided by law and shall become law and shall take effect as of July 26, 2016

CITY OF CLERMONT
ORDINANCE No. 2016-34

PASSED AND ADOPTED by the City Council of the City of Clermont, this 26th day of July, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

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

ORDINANCE NO. 2016-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING ARTICLE V, "CODE ENFORCEMENT", DIVISION 1, "GENERALLY", SECTION 2-186 "INTENT OF ARTICLE", PROVIDING THAT THE CITY COUNCIL SHALL APPOINT A CODE ENFORCEMENT SPECIAL MAGISTRATE; DELETING SECTION 2-187 "DEFINITIONS"; RENUMBERING AND AMENDING SECTION 2-188 "ALTERNATE CODE ENFORCEMENT SYSTEM"; RENUMBERING SECTION 2-189 "SUPPLEMENTAL ENFORCEMENT"; DELETING SECTION 2-190 "SPECIAL MASTER" AND AMENDING DIVISION II, "CODE ENFORCEMENT BOARD", SECTION 2-206, "CREATED; JURISDICTION; ENFORCEMENT BY COURTS"; AMENDING SECTION 2-207, "COMPOSITION; APPOINTMENT; TERMS OF MEMBERS"; DELETING SECTION 2-208, "APPOINTMENT OF MEMBERS"; DELETING SECTION 2-209, "RESIDENCY REQUIREMENTS; VACANCIES; FILLING OF VACANCIES; COMPOSITION"; DELETING SECTION 2-210, "OATH OF OFFICE"; DELETING SECTION 2-211, "ORGANIZATION; QUORUM; COMPENSATION"; AND AMENDING SECTION 2-212, "COUNSEL NAMED"; DELETING SECTION 2-213 "CONFLICT OF INTEREST"; DELETING SECTION 2-214 "POWERS OF THE CODE ENFORCEMENT BOARD"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICT AND EFFECTIVE DATE.

A public meeting to introduce will be held before the City Council on Tuesday, July 12, 2016 at 6:30pm.

A meeting to consider the Ordinance will be held before the City Council on Tuesday, July 26, 2016 at 6:30pm for final enactment.

All meetings will be held in Clermont City Hall located at 685 West Montrose Street, Clermont, FL 34711.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
July 12, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, July 26, 2016	
Agenda Item Name	
Utility Service Agreement for Water & Wastewater <i>Extreme Grove Investments, LLC</i>	
Requested Action	
Recommend approval of the Utility Service Agreement for Water & Wastewater for the Extreme Grove Investment, LLC development.	
Staff Report	
This request is for a Utility Service Agreement for Water & Wastewater/Sewer service for the proposed Extreme Grove Investments, LLC development. The site is within the Interlocal Service Boundary Agreement (ISBA) area and the Joint Planning Area (JPA). In order to provide utilities or to annex land that is not directly adjacent to the City limits, a Utility Service Agreement has to be approved by the City Council. Owner: Extreme Grove Investments, LLC (Alexander M. Howell, rep.) Applicant: Meritage Homes (Andon Calhoun, rep.) Project: 122 Single Family Homes Size: 66.44 acres, residential Location: North of Hartwood Marsh Road, east of the Clermont City limits, west of the Lake/Orange County border. <u>Surrounding conditions:</u> North: Lake County Water Authority land South: 5 acres Single family homes East: Orange County, 5 acre tracts West: Lake County Water Authority access; 113.5 +/- acres of groves This development proposes the following: 122 single family homes on 66.44 acres = 1.83 du/ac This property is part Lake County's Wellness Way Urban Service Area (USA) - formally the Sector Plan. The maximum residential density in the USA is 1.85 du/ac. Projected Water Use: 58,560 gpd, residential Projected Wastewater/sewer Use: 26,531 gpd, residential Projected re-Use (Gray) Water: 51,550 gpd, residential The project will be developed pursuant to the attached Utility Service Agreement for Water & Wastewater. There	

are further conditions requiring that the development must be approved through the approval process and meet all applicable codes.

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

Exhibits Attached (copies of original agreements)	
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1.	Extreme Grove Investments USA for Water & Wastewater	Extreme Groves ~ Utility Services Agreement, CC7-26-16.pdf
2.	Extreme Groves USE application	Extreme Groves - Meritage updated USA app 7-15-16 (2).pdf

UTILITY SERVICE AGREEMENT FOR WATER & WASTEWATER

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

WITNESSETH

Whereas, OWNER is requesting service for a 66.44 acre single family residential subdivision with 122 lots which is located on real property (the "Property") described on Exhibit 'A', attached hereto and by this reference made a part hereof; and

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

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

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

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

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

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

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

- 1.1 CITY shall provide water and sewer service for the Property.
- 1.2 OWNER shall connect to the existing City system at connection point or points approved by CITY. The connection points will be those closest to the Property.
- 1.3 The route of any off site lines shall be according to engineering plans produced by OWNER and approved by the CITY.

- 1.4 The OWNER shall construct the facilities, lines and appurtenances necessary to serve the development and provide such documentation necessary for the CITY to ascertain that the lines shall meet the minimum line size requirements as specified by the CITY Land Development Regulations.
- 1.5 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans.
- 1.6 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No building permits shall be issued until water and sewer are provided to the site or until a bond or letter of credit, acceptable to CITY, is in place to guarantee completion of off-site improvements. No Certificate of Occupancy shall be issued until water and sewer extensions have been completed and accepted by the CITY.
- 1.7 The OWNER shall be responsible for all costs of on site and off site improvements, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property.
- 1.8 The OWNER shall construct or be responsible for all access to the site which may include turn lanes from Hartwood Marsh Road into the development.
- 1.9 The existing utilities must stay in service throughout construction. If the construction requires that the utilities be relocated or altered, the OWNER shall prepare plans, permit the project and construct the modifications at the OWNER's expense.
- 1.10 Irrigation shall be provided by private well for all non-residential area and common areas. Residential lots may only use reclaimed water for irrigation.
- 1.11 The CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY.
- 1.12 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
- 1.13 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
- 1.14 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1.12 and 1.13 from the CITY in the form of Impact Fee Credits.
- 1.15 The Impact Fee Credits shall be established subject to Sections 1.12 and 1.13 and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used.

- 1.16 Impact Fee Credits may not be transferred outside of the Property described on Exhibit "A" and as depicted in Exhibit "D" Location Map, but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property.
- 1.17 The OWNER shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees.
- 1.18 The City may require a looped system to provide reliability and redundancy to the property.
- 1.19 The point of water and sewer connection shall be coordinated with the existing utilities. The City will not accept ownership of utilities within the existing Hartwood Marsh Road right-of-way unless the utilities will not require relocation with the future Hartwood Marsh Road modifications. Utilities will not be permitted under private access roads.
- 1.20 Any fencing within public view, (including retention ponds), must be ornamental metal with complementing structural columns, as approved by the City's Site Review Committee. No chain link shall be used in public view areas.
- 1.21 The OWNER must coordinate with Lake County and the Metropolitan Planning Organization (MPO) for compliance with Transportation Concurrency, and the Transportation Concurrency Management System (TCMS).
- 1.22 The development shall be in substantial compliance with the Site Plan, Landscape Plan and Architectural Plan as shown in Exhibit "C". Major changes as determined by the Clermont Site Review Committee may require an amendment to this Agreement.
- 1.23 This Agreement shall be voided after five (5) years if building permits have not been issued and building construction has not started.
- 1.24 The Agreement shall be for a residential utility flow/demand for water at 58,560 gpd and sewer is 26,531 gpd, based on an annual average. Re-Use (Gray Water) Water is 51,550 gpd and can only be used for residential. Exceeding these amounts may require a new Utility Services Agreement. (gpd = gallons per day). Allowed overage of up to 10% allowed.

Section 2. DEVELOPMENT STANDARDS

- (a) The project shall be developed according to the JPA Land Development Regulations (Lake County Ordinance No. 2005-64). Items not addressed in the JPA Land Development Regulations must be developed to City standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- (b) The project shall be developed in substantial accordance with the Conceptual Site Plan as submitted with the Utility Service Agreement request, dated June 2016 by Daly Design Group, Inc. (Exhibit "C")

- (c) The overall density of the residential development shall be determined by the City of Clermont. Any assumptions by this Agreement based on the number of residential lots, development standards, and acres – are to be approved by the City of Clermont through the City approval process.

Section 3. ANNEXATION

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

Section 4. SEVERABILITY

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

Section 5. NOTICES

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

CITY

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

OWNER

Extreme Grove Investments, LLC
Alexander M. Howell
P.O. Box 1930
Clermont, FL 32755

Section 6. AMENDMENTS

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

Section 7. EFFECTIVE DATE

The effective date of this agreement shall be the day of execution of the agreement required hereunder. This Agreement shall be valid for no longer than five (5) years.

OWNER: Alexander M. Howell for Extreme Grove Investments, LLC

Signature Title: _____

Print Name

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 2016, by _____, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public _____ SEAL:

Type/print name _____

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

DATED this 26th day of July, 2016.

CITY OF CLERMONT

ATTEST:

Gail L. Ash, Mayor

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

EXHIBIT "A"

PROPERTY DESCRIPTION

Owner:

Extreme Grove Investments, LLC

Description:

The North 1/2 of the Northeast 1/4 of Section 1, Township 23 South, Range 26 East, Lake County, Florida. Less and except that part thereof lying within the plat of Prominent Pointe, recorded in Plat Book 41, Pages 74 and 75, Public Records of Lake County, Florida.

Together with and subject to that certain easement for ingress and egress described in Easement recorded in Deed Book 339, Page 142, Public Records of Lake County, Florida.

Less and except that portion of the land conveyed by Warranty Deed recorded in Official Records Book 2401, Page 2125, of the Public Records of Lake County, Florida, being more particularly described as follows:

That part of the Northeast 1/4 of Section 1, Township 23 South, Range 26 East, in Lake County, Florida, bounded and described as follows:

Commence at the Northwest corner of the Northeast 1/4 of said Section 1, Township 23 South, Range 26 East, and run S. 89 degrees 46'07" E., along the North line of the Northeast 1/4, a distance of 25.00 feet to the Point of Beginning of this description; from said Point of Beginning, continue S. 89 degrees 46'07" E., along the North line of the Northeast 1/4, a distance of 346.91 feet; thence S.00 degrees 27'22" W., 627.84 feet; thence N. 89 degrees 46'07" W., 346.91 feet to a point that is 25 feet East of, when measured at right angles thereto, the West line of the Northeast 1/4 of said Section 1; thence N. 00 degrees 27'22" E., parallel with the West line of the Northeast 1/4, a distance of 627.84 feet to the Point of Beginning.

Containing therein 66.44 acres, more or less.

Lake County Alternate Key Numbers:

3502027

EXHIBIT "B"

Notice of Encumbrance
to Annex to City of Clermont

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

THIS INSTRUMENT, Made this **26th day of July, 2016**, between Extreme Grove Investments, LLC (Alexander M. Howell), property owners in the County of Lake, State of Florida Grantor*, and the **CITY OF CLERMONT, FLORIDA**, A Municipal Corporation, Grantee*:

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

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

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

Exhibit "A" - Property Description
Exhibit "D" - Location Map

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

PROPERTY OWNER(S):

WITNESSES (Two required):

Extreme Grove Investments, LLC

Witnesses

By: _____
Signature

Alexander M. Howell
Type or print name

1. _____
Signature

Type or print name

2. _____
Signature

Type or print name

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 2016, by _____, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public _____ SEAL:

Type/print name _____

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

EXHIBIT "C"

EXTREME GROVE INVESTMENTS, LLC ~ Land Use Plan & Conceptual Site Plan (not approved)

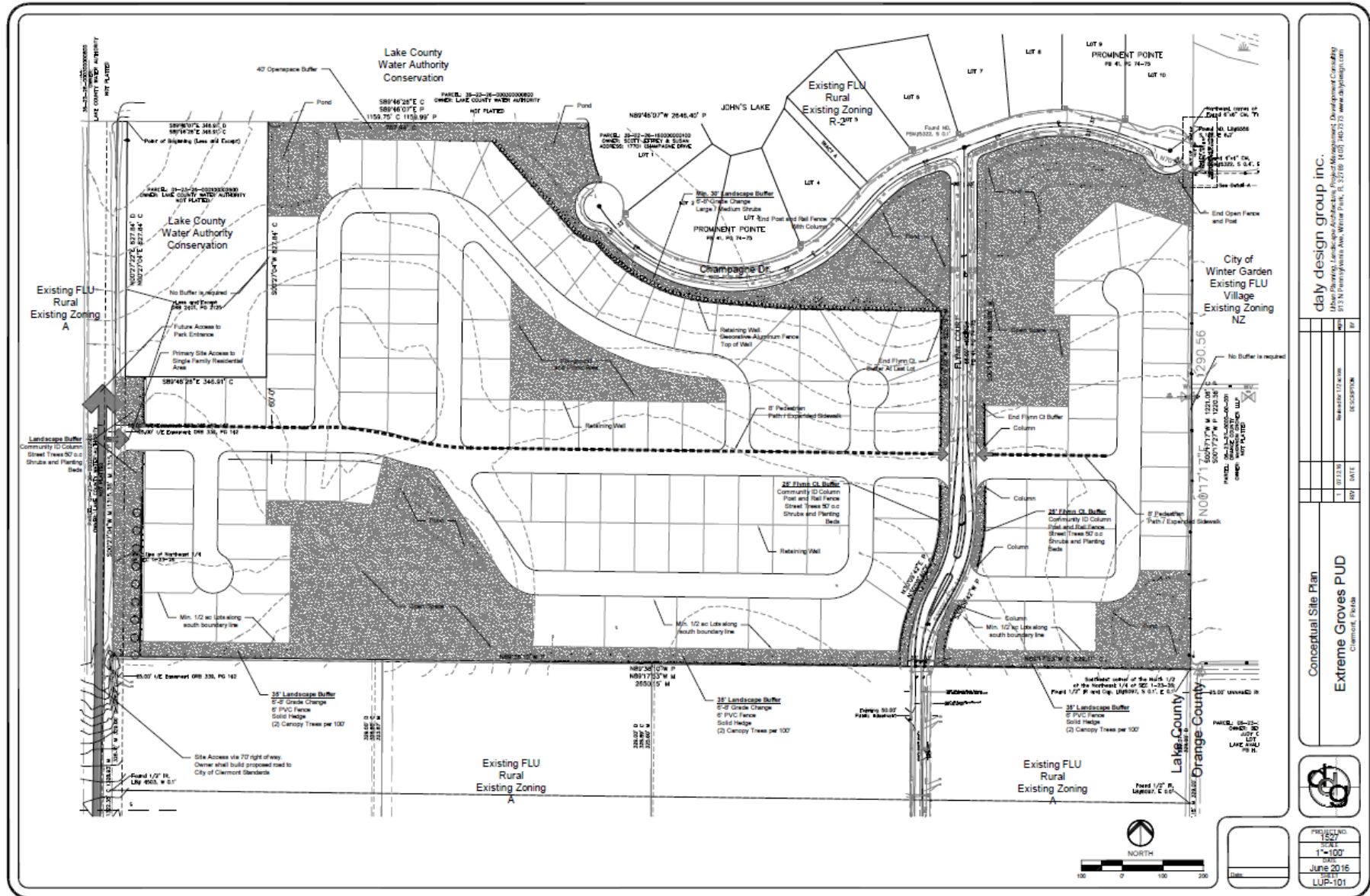


EXHIBIT "D"
LOCATION MAP

Extreme Grove Investments, LLC

Aerial view:



\\cityhall\\shares\\Economic Development\\JHITT\\JPA -Utility Agreements & Reviews\\Extreme Groves\\Extreme Groves ~ Utility Services Agreement, CC7-26-16.doc



CITY OF CLERMONT

UTILITY SERVICE AGREEMENT APPLICATION

For Utilities Outside of Municipal Boundaries &
Determination of Capacity

APPLICANT: Meritage Homes, Brian Kittle Date: 07/08/16

CONTACT PERSON: Andon Calhoun
Address: 5337 Millenia lakes Blvd. Suite 410
City: Orlando State: Florida Zip: 32839
Phone: 407-571-0959 Fax: _____
E-Mail: andon.calhoun@meritagehomes.com

OWNER: Extreme Grove Investments LLC
Address: P.O.Box 1930
City: Clermont State: Florida Zip: 32755
Phone: 352-394-8737 Fax: 352-394-1003
E-Mail: alex@unclematts.com

PARTY RESPONSIBLE FOR AGREEMENT: Meritage Homes

Address of the subject property: Flynn Court

General Location of the Property: east and west of Flynn Court, south of Champagne I
(Include Location Map)

Area of the property: 66.44 acres

Zoning: Agriculture County Future Land Use Rural
*Attach development orders, ordinances and staff reports by Lake County and the Florida
Dept. of Economic Opportunity (DEO).*

Estimated Water Consumption is 58,560 Gallons per day.
(excluding irrigation)

Estimated Sewer Consumption is 26,531 Gallons per day.
Detailed description of project: *(or attach)*

Estimated Re-Use (Gray Water) Water Consumption is 51,550 Gallons per day.

this application is based upon a maximum of 122 single family homes and associated
common areas.

Items required for submittal include one (1) copy of the following items:

- ☐ Signed original application and materials required for processing.
- ☐ Letter of capacity and utility line location from the City of Clermont Environmental Services Dept. Phone: (352) 241-0178
- ☐ Proposed Site Plan (if applicable)
- ☐ Lake County Property Appraiser - record card
- ☐ Location map
- ☐ Any applications currently on file with Lake County
- ☐ Any Lake County staff reports
- ☐ DEO or ECFRPC correspondence
- ☐ Any information needed for determination of the utility services requested

Brian Kittle

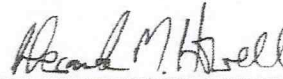
Applicant Name (print)

X 

Applicant Name (signature)

Alexander M. Howell

Owner Name (print)

X 

Owner Name (signature)

**Prior to submitting an application, a meeting with the City of Clermont is required.
To schedule a meeting with the City of Clermont please contact:**

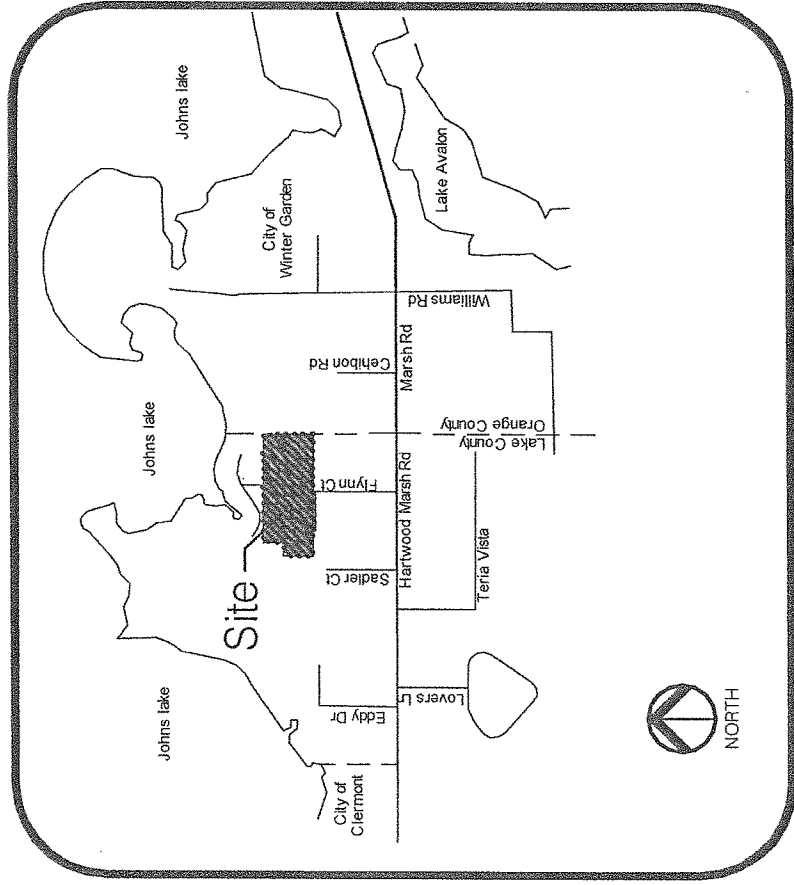
➤ **James Hitt, Economic Development Director:**

Phone: (352) 241-7305

Email: jhitt@clermontfl.org

A review by the *Site Review Committee* may be required, which would require 6 sets of site plans for review by staff. Upon the receipt of all necessary information and review by staff the request will be scheduled for the next available City Council regular meeting.

City of Clermont
Economic Development Department
685 W. Montrose St.
Clermont, FL. 34711
(352) 241-7305



Location Map



PAUL ROY
Environmental Services
Director

352-241-0178
Proy@clermontfl.org

December 9th, 2015

Alex Howell

Extreme Grove investment LLC.

Alt. Key 3502027

This letter is in response to your request regarding utility availability for the alt key #3502027 in Clermont, Florida. The property is located inside of the Clermont City's utility service area. The City is able to provide water and sewer services to this property.

The property owner must request service from the Clermont City Council. Please contact Barbara Hollerand, Director of Development Services, to proceed with requesting utility service for this project.

If you have any questions regarding the information provided, please contact me at (352) 241-7336.

Sincerely,

Paul Roy

Paul Roy
City of Clermont
Director of Environmental Services

Select Language ▼

PROPERTY RECORD CARD

General Information

Owner Name:	EXTREME GROVE INVESTMENTS LLC	Alternate Key:	3502027
Mailing Address:	PO BOX 1930 MINNEOLA, FL 34755-1930 Update Mailing Address	Parcel Number:	01-23-26-000100000100
		Millage Group and City:	0003 (UNINCORPORATED)
		Total Millage Rate:	15.41210
		Trash/Recycling /Water/Info:	My Public Services Map
Property Location:	Update Property Location	Property Name:	-- Submit Property Name
		School Locator:	School and Bus Map
Property Description:	N 1/2 OF NE 1/4--LESS PROMINENT POINTE PB 41 PG 74-75 & LESS FROM NW COR OF NE 1/4 RUN S 89-46-07 E 25 FT FOR POB, CONT S 89-46-07 E 346.91 FT, S 0-27-22 W 627.84 FT, N 89-46-07 W 346.91 FT, N 0-27-22 E 627.84 FT TO POB-- ORB 2290 PG 1515		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	ORANGE GROVE (6604)	0	0		65.72	AC	\$78,864.00	\$144,584.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
1261 / 806	10/1/1993	Warranty Deed	Multi-Parcel	Vacant	\$1.00
1261 / 809	10/1/1993	Warranty Deed	Multi-Parcel	Vacant	\$1.00
1261 / 812	11/1/1993	Warranty Deed	Multi-Parcel	Vacant	\$1.00
1268 / 921	12/1/1993	Warranty Deed	Multi-Parcel	Vacant	\$1,000,000.00
2290 / 1515	3/26/2003	Warranty Deed	Qualified	Vacant	\$652,100.00

[Click here to search for mortgages, liens, and other legal documents.](#)

Values and Estimated Ad Valorem Taxes

Tax Authority	Market	Assessed	Taxable	Millage	Estimated
---------------	--------	----------	---------	---------	-----------

	Value	Value	Value		Taxes
LAKE COUNTY BCC GENERAL FUND	\$144,584	\$78,864	\$78,864	5.30510	\$418.38
LAKE COUNTY MSTU AMBULANCE	\$144,584	\$78,864	\$78,864	0.46290	\$36.51
LAKE COUNTY MSTU FIRE	\$144,584	\$78,864	\$78,864	0.47040	\$37.10
SCHOOL BOARD STATE	\$144,584	\$78,864	\$78,864	5.69700	\$449.29
SCHOOL BOARD LOCAL	\$144,584	\$78,864	\$78,864	1.50000	\$118.30
LAKE COUNTY MSTU STORMWATER	\$144,584	\$78,864	\$78,864	0.49570	\$39.09
ST JOHNS RIVER FL WATER MGMT DIST	\$144,584	\$78,864	\$78,864	0.30230	\$23.84
LAKE COUNTY VOTED DEBT SERVICE	\$144,584	\$78,864	\$78,864	0.16000	\$12.62
LAKE COUNTY WATER AUTHORITY	\$144,584	\$78,864	\$78,864	0.25540	\$20.14
SOUTH LAKE HOSPITAL DIST	\$144,584	\$78,864	\$78,864	0.76330	\$60.20
			Total:	Total:	
			15.4121	\$1,215.47	

Exemptions Information

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

First Homestead Exemption (up to \$25,000)	Learn More View the Law
Additional Homestead Exemption (up to an additional \$25,000)	Learn More View the Law
Limited Income Senior Exemption (applied to county millage - up to \$50,000)	Learn More View the Law
Limited Income Senior Exemption (applied to city millage - up to \$25,000) 	Learn More View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More View the Law
Widow / Widower Exemption (up to \$500)	Learn More View the Law
Blind Exemption (up to \$500)	Learn More View the Law
Disability Exemption (up to \$500)	Learn More View the Law
Total Disability Exemption (amount varies)	Learn More View the Law
Veteran's Disability Exemption (\$5000)	Learn More View the Law
Veteran's Total Disability Exemption (amount varies)	Learn More View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More View the Law
Deployed Servicemember Exemption (amount varies)	Learn More View the Law
Surviving Spouse of First Responder Exemption (amount varies)	Learn More View the Law
Conservation Exemption (amount varies)	Learn More View the Law
Tangible Personal Property Exemption (up to \$25,000)	Learn More View the Law
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More View the Law
Government Exemption (amount varies)	Learn More View the Law

Exemption Savings

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

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

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

Save Our Homes Assessment Limitation (3% assessed value cap)

[Learn More](#) [View the Law](#)

Save Our Homes Assessment Transfer (Portability)

[Learn More](#) [View the Law](#)

Non-Homestead Assessment Limitation (10% assessed value cap)

[Learn More](#) [View the Law](#)

Conservation Classification Assessment Limitation

[Learn More](#) [View the Law](#)

✓ Agricultural Classification

[Learn More](#) [View the Law](#)

Assessment Reduction Savings ⓘ

The assessment reductions marked with a ✓ above are providing a tax dollar savings of: **\$1,012.88**

Copyright © 2014 Lake County Property Appraiser. All rights reserved.
Property data last updated on 12 June 2016.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 26, 2016		
Agenda Item Name		
Variance Request <i>Kings Ridge Village Shopping Center</i>		
Requested Action		
Recommend to deny variance request.		
Staff Report		
The applicant is proposing to open a 1,600-square-foot restaurant within a retail building located in Kings Ridge Village shopping center. This shopping center is a commercial development consisting of retail sales and professional offices. The applicant is requesting a variance for a total reduction of 9 parking spaces. When the parking calculations are determined for a restaurant, the ratio is higher than a standard retail store. The retail floor area required 8 parking spaces, and the proposed restaurant requires 17 parking spaces. In the applicant's case, the proposed patron use area within the restaurant will require 9 additional spaces than was originally accounted for. City Council has approved similar variance requests in the past, however, Section 86-174 of the land development code (LDC) requires a positive finding on eight items in order to grant a variance, and staff believes that there are two that do not meet these findings. Therefore, staff recommends denial of this variance request for reduced parking.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Location Map	Marcos Exhibit 1.docx	
2. Review Criteria	Exhibit 2 Findings.docx	
3. Site Plan	Site plan.pdf	
4. Application	Application.pdf	
5. Legal ad	VAR legal ad.doc	

Exhibit 1

DEVELOPMENT NAME: Marcos Pizza

Location Map:

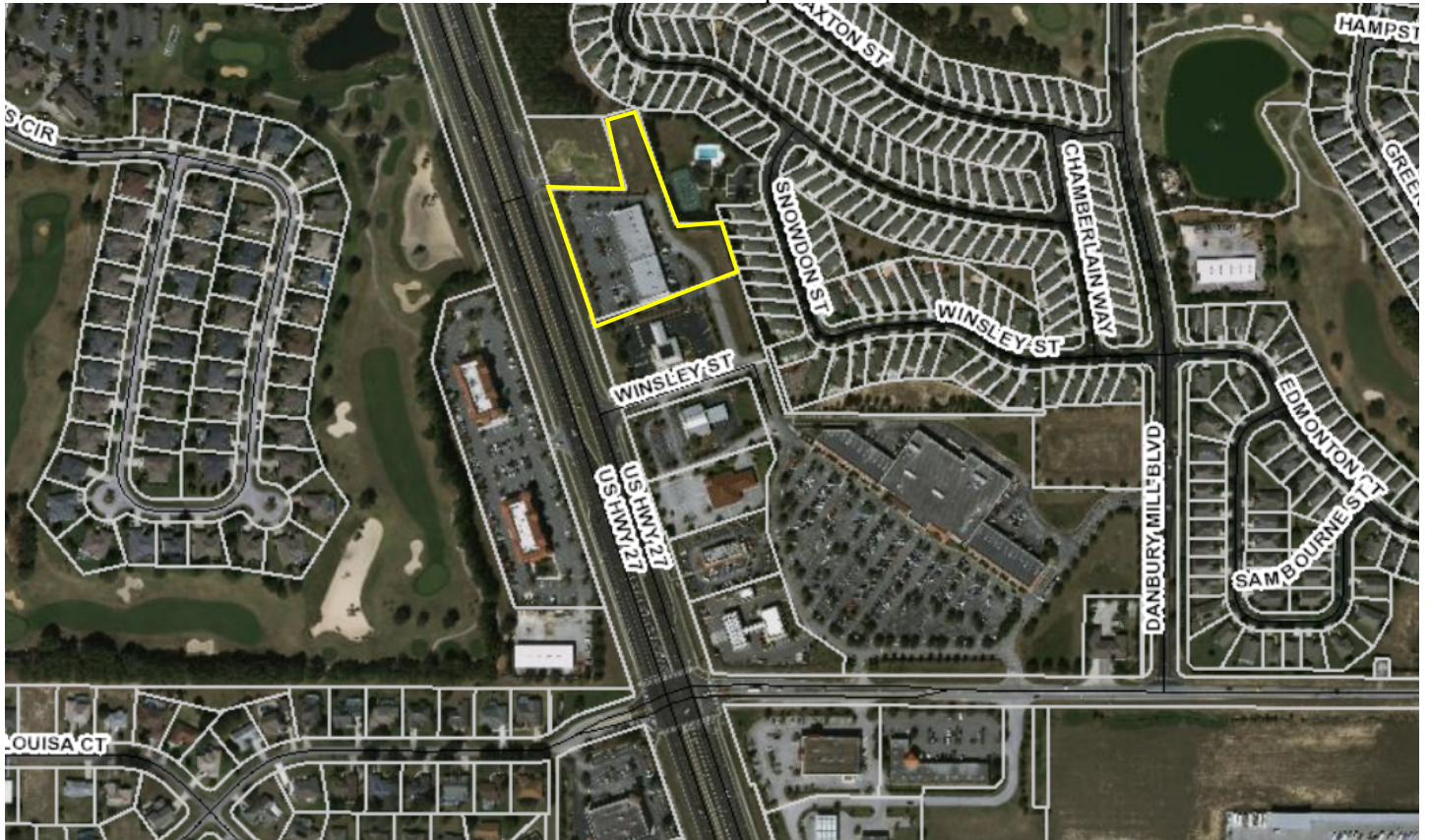


Exhibit 2
The requirements for a variance are as follows:

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

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

FINDINGS:

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

Applicant response: *The shopping center has excellent, well planned parking, access and visibility for the requested use. The Marcos Pizza restaurant is permitted in the existing C-2 zoning district.*

Staff comments: *Special conditions do not exist, the development was constructed with only retail and office in mind.*

Negative finding

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

Applicant response: *The property was professionally developed to local codes and shopping center industry standards. Ownership has done nothing to create any deficiencies requiring the variance.*

Staff comments: *The owner of the development maximized the square footage by not accounting for any food service space.*

Negative finding

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

Applicant response: *The Property would be deprived of a tenant mix which the neighboring Publix anchored Kings Ridge Shopping Center has due to its variances for parking to allow for the San Jose Mexican Restaurant, Subway, and Chinese take out Restaurants. Restaurants successfully co-exist with retail spaces in shopping centers with a 5 space per 1000 square foot parking ratio throughout Clermont and the surrounding areas.*

Staff comments: *Based on individual circumstances... parking stall reductions have been approved by city council in the past.*

Positive finding

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

Applicant response: *The property is currently professionally developed to meet both local codes and shopping center industry standards.*

Staff comments: *The site is completely built out. No additional cost would be spent developing the site.*

Positive finding

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

Applicant response: *The variance requested is for the minimal additional parking required by code for a 1600 sq ft Marcos Pizza restaurant and nothing else.*

Staff comments: *Staff feels this variance request would be the minimum necessary to open the proposed restaurant use.*

Positive finding

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

Applicant response: *The property through the grant of the variance will not have any more privileges than any of the shopping centers in Clermont.*

Staff comments: *Based on individual circumstances... parking stall reductions have been approved by city council in the past.*

Positive finding

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

Applicant response: *The Marcos Pizza restaurant is a 1600 square foot business which is professionally managed by a well trained and financed Franchisee. The additional traffic brought to the property is not significant as shown by the limited additional spaces which are the subject of the variance.*

Staff comments: *Staff does not feel the parking stall reduction will diminish any property values in the area.*

Positive finding

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

Applicant response: *The Property is located in Kings Ridge Commercial PD and is allowed C-2 uses which permits restaurants. The access to the property is via commercial driveways and Hwy 27.*

Staff comments: *Staff does not feel the requested variance will be detrimental to surrounding properties or to the public welfare.*

Positive finding

STAFF RECOMMENDATION for the Variance:

City council has approved similar variance requests in the past, however, Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that there are two that do not meet these findings. Therefore, staff must recommend denial of this variance request for reduced parking.

SITE NOTES:

NO WETLANDS ON SITE

DESIGNATED FLORA WERE NOT OBSERVED ON SITE.
DESIGNATED FAUNA WERE NOT OBSERVED ON SITE.

ALL DIMENSIONS ARE FROM E.O.P. TO E.O.P. UNLESS OTHERWISE NOTED

PARKING DATA:

PROPOSED BUILDING AREA: 16,800 SQ.FT.
RETAIL SPACE 16,800 SQ.FT./200 SQ.FT.=84 SPACES
TOTAL SPACES REQUIRED: 84

NUMBER OF 10' X 20' SPACES PROVIDED=72
NUMBER OF 9' X 20' SPACES PROVIDED=8
NUMBER OF HANDICAP SPACES PROVIDED=4

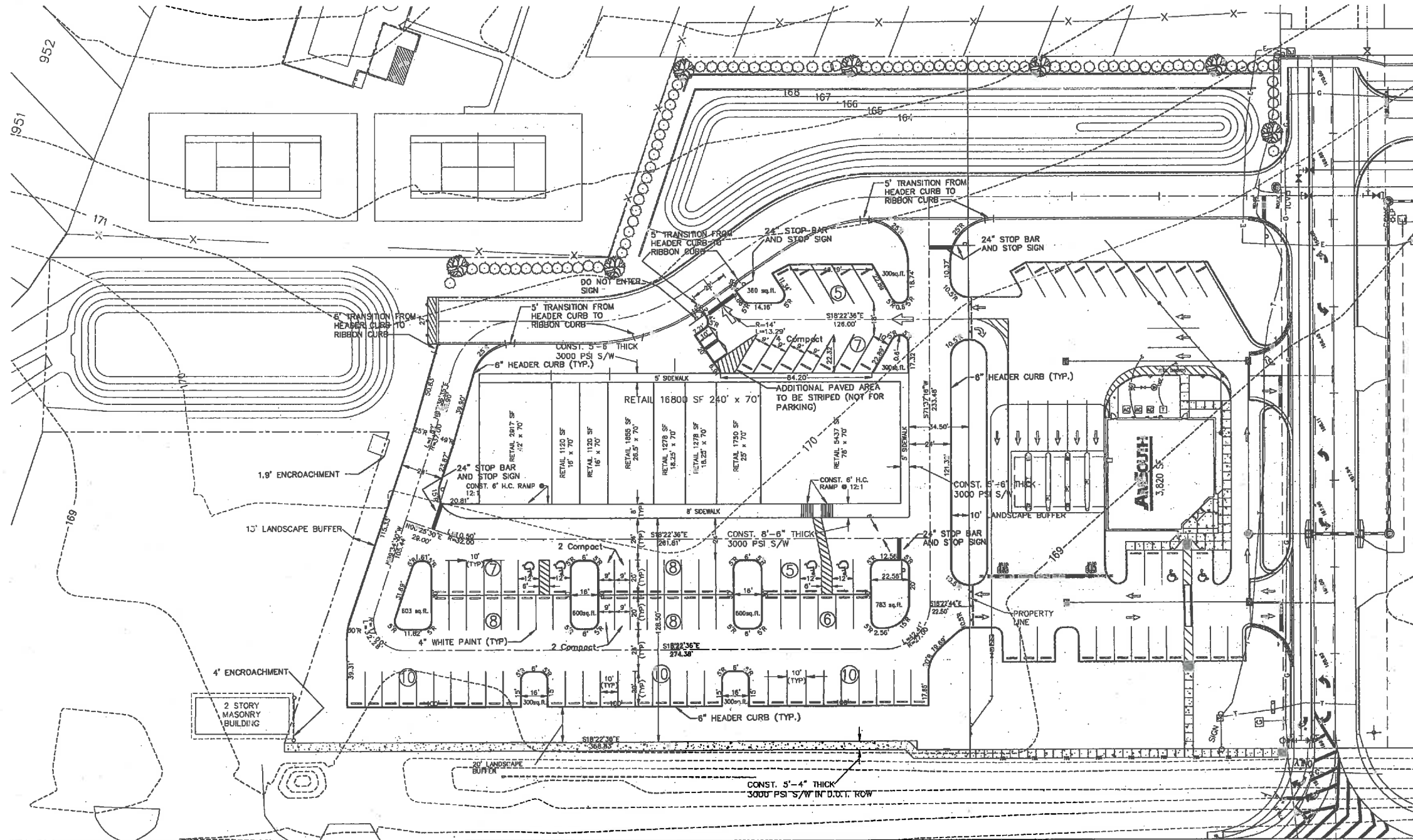
TOTAL SPACES PROVIDED: 84

NOTES:

1. ALL SITE PREPARATION-CLEARING, GRUBBING, STABILIZATION, ETC. SHALL BE IN ACCORDANCE WITH G.F.A. GEOTECHNICAL REPORT AND RECOMMENDATIONS. REPORT #00-0209.GEO; JAN 20, 2000.
2. ALL STRIPING ON SITE SHALL BE PAINT PER F.D.O.T.
3. ALL STOP BAR MARKINGS SHALL BE THERMO PLASTIC.
4. SIGNAGE FOR THE PROJECT SHALL BE PERMITTED SEPARATELY.

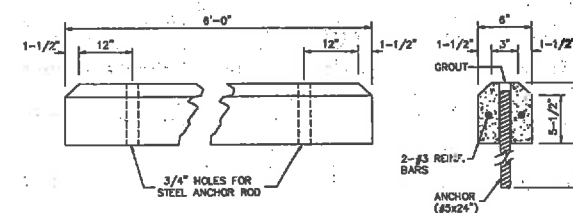


Scale: 1" = 30'
SCALE IN FEET



NOTES:

1. CONTRACTOR TO FIELD VERIFY UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
2. CONFLICTING EXISTING STRIPING SHALL BE REMOVED BY HYDRO-BLASTING METHOD. (NOT SHOWN)
3. ALL DISTURBED AREAS WITHIN THE DEPARTMENTS RIGHT-OF-WAY SHALL BE GRADED AND SOODED WITH ARGENTINE BAHIA SOD.
4. ALL CONSTRUCTION MATERIALS AND METHODS, SHALL MEET THE MOST CURRENT ADDITIONS OF THE DESIGN STANDARDS, THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND UTILITY ACCOMMODATION MANUAL.
5. SAW CUT 12" INSIDE OF EXISTING PAVEMENT EDGE FOR EVEN MATCH OF NEW PAVEMENT. EXISTING EDGE LINE TO REMAIN.
6. ALL EROSION CONTROL WITH SILT FENCE SHALL CONFORM TO F.D.O.T. INDEX 102 WITH FILTER FABRIC IN ACCORDANCE WITH SECTION 985 OF THE F.D.O.T. STANDARD SPECIFICATIONS.
7. ALL PIPES AFFECTED BY CONSTRUCTION SHALL BE DESILTED PRIOR TO FINAL CONSTRUCTION APPROVAL.



WHEEL STOP
NOT TO SCALE

DATE	REVISION	MISC. REVISIONS PER COC	RESPONSE TO CITY RAI	INCREASE/SE. # OF BAYS
1 3/2/04	1			
2 3-4-04	2			
3 12-15-04	3			
	4			
	5			
	6			
	7			

TITLE: KINGS RIDGE VILLAGE RETAIL CENTER (AS-BUILTS)
GEOMETRY
PROJECT LOCATION: SECTION 9, TOWNSHIP 23 SOUTH, RANGE 26 EAST
LAKE COUNTY, FLORIDA

ENGINEERS
SURVEYORS
PLANNERS
AND ASSOCIATES, INC.
330 North Brandon Avenue
Tampa, Florida 33607
(813) 485-7675
OWNER/DEVELOPER:
K2 DEVELOPMENT LTD.
5021 WEST LAUREL ST. SUITE 200
TAMPA, FLORIDA 33607
(813) 485-7675

DATE: AUGUST 2004
DRAWN BY: B.J.T.
CHECKED BY: D.K.B.
SCALE: 1" = 30'
Sht. 4 of 12
FILE NAME: 031073.002



CITY OF CLERMONT
VARIANCE
Application

DATE: June 22, 2016

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): Kings Ridge Village Shopping Center (the Property)

APPLICANT: Edens Kings Ridge Village, LLC

CONTACT PERSON: Robert J Barkett

Address: 10521 Oakview Pointe Terrace

City: Gotha State: Florida Zip: 34734

Phone: 407-574-3530 Fax: 407-574-6024

E-Mail: bob@barkettrealtygroup.com

OWNER: Edens Kings Ridge Village, LLC c/o David Curry

Address: 2805 East Oakland Park Boulevard

City: Ft Lauderdale State: Florida Zip: 33306

Phone: 917-349-1869 Fax: _____

Address of Subject Property: 4279 South US Highway 27, Clermont, Florida 34711

General Location: A part of the Kings Ridge Commercial PD at the
NEQ of South US 27 and Hartwood Marsh Road

Legal Description (include copy of survey): Legal is long, survey and legal is
attached

Land Use (City verification required): Commercial

Zoning (City verification required): PD with C-2 uses



CITY OF CLERMONT
VARIANCE
Application
Page 2

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief: Chapter 98 Parking and Vehicular Use Area, Section 98 - 14 table of minimum parking space requirements

What are you proposing to do that would require a variance and why? Leasing 1600 sf of shop space to a Marcos pizza restaurant in this 16,800 sf shopping center. The variance is requested for relief from the need for a few additional parking spaces

How does the Code create a hardship? The code limits the shopping center for uses enjoyed by the majority of shopping centers with the same or similar parking ratios in Clermont

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

Variance requested – subject and code section: Section 98 - 14 Table of minimum parking space requirements

Sec. 86-174. Review criteria and findings.

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

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

The shopping center has excellent, well planned parking, access and visibility for the requested use. The Marcos Pizza restaurant is permitted in the existing C-2 zoning district

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

The property was professionally developed to local codes and shopping center industry standards. Ownership has done nothing to create any deficiencies requiring the variance.



CITY OF CLERMONT

VARIANCE

Application

Page 3

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

see attachment

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

The Property is currently professionally developed to meet both local codes and shopping center industry standards

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

The variance requested is for the minimal additional parking required by code for a 1600 sq ft Marcos Pizza restaraunt and nothing else

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

The Property through the grant of the variance will not have any more privilidges than any of the shopping centers in Clermont

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

see attached



CITY OF CLERMONT
VARIANCE
Application
Page 4

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

The Property is located in the Kings Ridge Commercial PD and is allowed C-2 uses which permits restaurants. The access to the property is via commercial driveways and Hwy 27.

Robert Barkett

Applicant Name (print)

X

A blue ink signature of Robert Barkett, written in a cursive style.

Applicant Name (signature)

David Curry

Owner Name (print)

X

A black ink signature of David Curry, written in a cursive style.

Owner Name (signature)

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

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

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

Attachment for Application for Variance

Section 86-174 Review Criteria and Findings

3) The Property would be deprived of a tenant mix which the neighboring Publix anchored Kings Ridge Shopping Center has due to its variances for parking to allow for the San Jose Mexican Restaurant, Subway and Chinese Take Out Restaurants.

Restaurants successfully co-exist with retail spaces in shopping centers with a 5 spaces per 1000 square foot parking ratio throughout Clermont and the surrounding areas

7) The Marcos Pizza restaurant is a 1600 square foot business which is professionally managed by a well-trained and financed Franchisee. The additional traffic brought to the property is not significant as shown by the limited additional spaces which are the subject of the variance

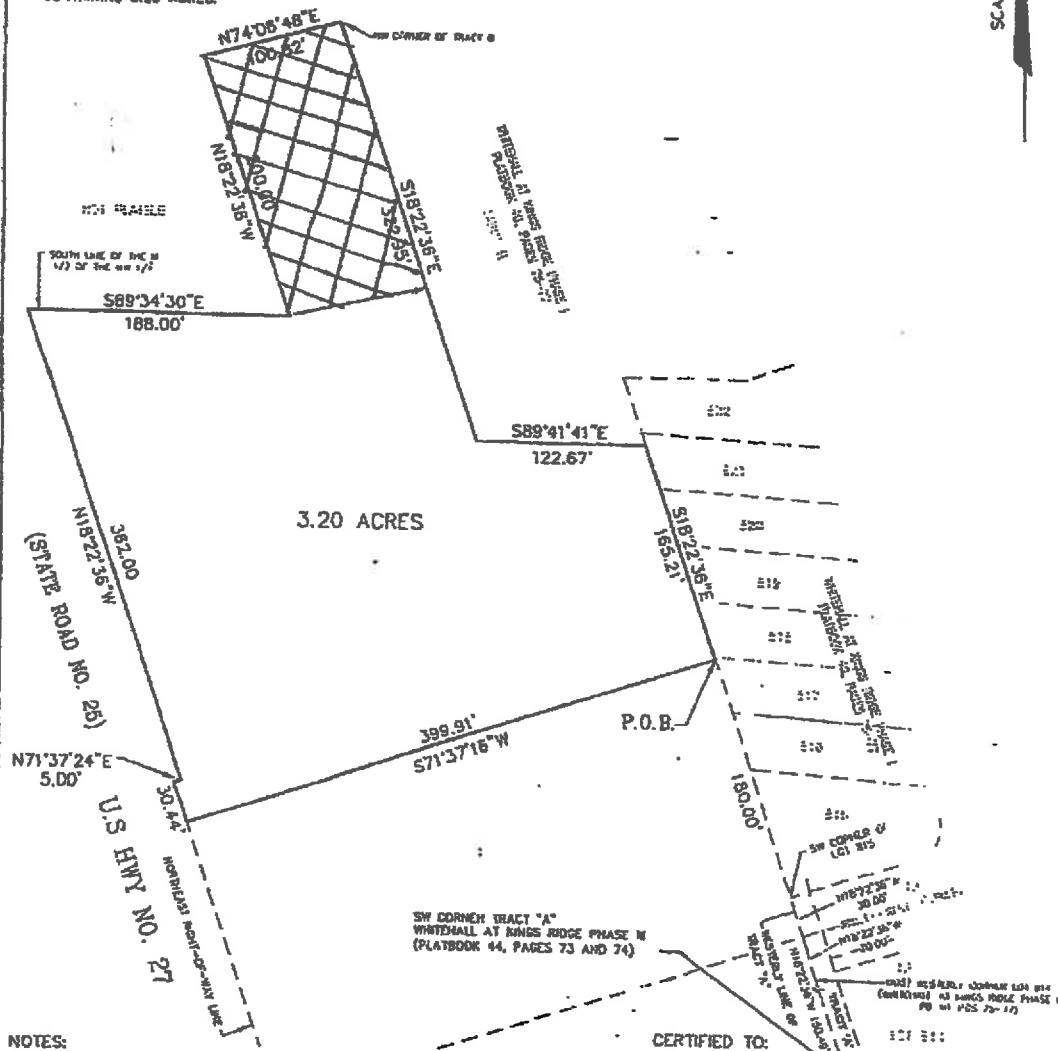
SKETCH OF DESCRIPTION

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN SECTION 9, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF TRACT "A", WHITEHALL AT KINGS RIDGE PHASE II AS RECORDED IN PLAT BOOK 44, PAGES 73-74, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID WHITEHALL PHASE II BEING A PARTIAL REPLAT OF WHITEHALL AT KINGS RIDGE PHASE I AS RECORDED IN PLAT BOOK 40, PAGE 75-77, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN N18°22'36"W ALONG THE WESTERLY LINE OF TRACT "A" A DISTANCE OF 180.49 FEET TO A POINT ON THE CENTERLINE OF WINSLEY STREET THAT IS N18°22'36"W 30.00 FEET FROM THE MOST WESTERLY CORNER OF LOT 814, OF THE ABOVE MENTIONED WHITEHALL AT KINGS RIDGE PHASE I; THENCE CONTINUE N18°22'36"W 30.00 FEET TO THE SOUTHWEST CORNER OF LOT 815, OF WHITEHALL AT KINGS RIDGE PHASE I; THENCE N18°22'36"W ALONG THE WESTERLY BOUNDARY OF SAID PLAT 180.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID PLATTED BOUNDARY RUN S71°37'16"W 399.91 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27; THENCE ALONG SAID RIGHT-OF-WAY LINE WITH THE FOLLOWING COURSES: N18°22'36"W 30.44 FEET; 1/4 OF SECTION 9; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN S89°34'30"E ALONG SAID SOUTH LINE A DISTANCE OF 188.00 FEET; THENCE N18°22'36"W 200.00 FEET; THENCE N74°08'48"E 100.82 FEET TO THE NORTHWEST CORNER OF TRACT B AND THE WESTERLY BOUNDARY OF SAID WHITEHALL AT KINGS RIDGE PHASE I; THENCE ALONG SAID WESTERLY BOUNDARY RUN S18°22'38"E 322.95 FEET; THENCE S89°41'41"E 122.67 FEET; THENCE RUN S18°22'38"E A DISTANCE OF 185.21 FEET TO THE POINT CONTAINING 3.20 ACRES.

SCALE 1" = 100'



NOTES:

- 1) Reproductions of this sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- 2) The description was created at the client's request.
- 3) The lands shown hereon were not abstracted for rights of way, easements or ownership by the surveyor.
- 4) This sketch does not constitute a boundary survey.
- 5) Certification is limited to the parties named hereon.
- 6) Bearings are based on the northeasterly right-of-way line of U.S. Hwy No. 27 (State Road No. 25) being N18°22'36"W, an assumed meridian.

CERTIFIED TO:
STEVE KELLY

John W. Sturgis
JOHN W. STURGIS, P.S.M. NO. 4373
STATE OF FLORIDA

DATE 2/10/03

SHEET 1 OF 1		SKETCH OF DESCRIPTION FOR KINGS RIDGE VILLAGE	
SURVEYED BY: [Signature] CHECKED BY: [Signature] DATE: 2/10/03		SECTION 9-23-20 LAKE COUNTY, FLORIDA	
PLAT BOOK 44, PAGES 73-74 PLAT BOOK 40, PAGE 75-77		A. B. [Signature] A. B. [Signature] A. B. [Signature]	

Select Language ▼

PROPERTY RECORD CARD

General Information

Owner Name: EDEN KINGS RIDGE VILLAGE LLC **Alternate Key:** 3861362

Mailing Address: 2805 E OAKLAND PARK BLVD # 356 FORT LAUDERDALE, FL 33306 **Parcel Number:** 09-23-26-000200002600

[Update Mailing Address](#) **Millage Group and City:** 000C (CLERMONT)

Property Location: 4279 SOUTH US HIGHWAY 27 CLERMONT FL 34711 **Total Millage Rate:** 18.65210

[Update Property Location](#) **Trash/Recycling /Water/Info:** [My Public Services Map](#)

Property Name: -- [Submit Property Name](#)

School Locator: [School and Bus Map](#)

Property Description: FROM SW COR OF TRACT A WHITEHALL AT KINGS RIDGE PHASE III | RUN N 18-22-36 W 360.49 FT FOR POB, RUN S 71-37-16 W 399.91 | FT TO NE'LY R/W LINE OF US HWY 27, N 18-22-36 W ALONG R/W | LINE 30.44 FT, N 71-37-34 E 5 FT, N 18-22-36 W 362 FT, S | 89-34-30 E 188 FT, N 18-22-36 W 200 FT, N 74-06-48 E 100.82 | FT TO NW COR OF TRACT B & W'LY BOUNDARY OF SAID WHITEHALL AT | KINGS RIDGE PHASE 1, S 18-22-36 E 322.95 FT, S 89-41-41 E | 122.67 FT, S 18-22-36 E 165.21 FT TO POB | ORB 3380 PG 1820 |

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	STRIP CENTER (1610)	0	0		139392	SF	\$0.00	\$906,048.00

Commercial Building(s)

Building 1

Commercial Building Value: \$949,503.00

Summary

Section(s)

Year Built:	2005	Section No.	Section Type	Wall Height	No. Stories	Ground Floor Area	Basement	Basement Finished	Map Color
Total Square Footage:	16899	1	FINISHED LIVING AREA (FLA)	14	1	16899	0%	0%	
Full Bathrooms:	0								
			Interior Finish		Percent		Sprinkler		A/C

Kings Ridge Village

DeLORME

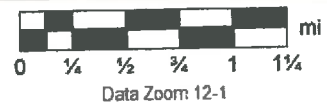
DeLorme Street Atlas USA® 2013



Data use subject to license

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www.delorme.com



LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following Variance: To allow less than 1 parking space per 200 square feet instead of a minimum of 1 space per 200 square feet – as required by Section 98-14 of the LDC, at the following location:

LOCATION

Kings Ridge Village Shopping Center
4279 S. Highway 27

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, July 26, 2016 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

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

Tracy Ackroyd Howe
City Clerk, MMC

Daily Commercial
July 19, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 26, 2016		
Agenda Item Name		
Proposed Ad Valorem Millage Rate		
Requested Action		
Consider approval of the proposed ad valorem millage rate of 4.2061 for Fiscal Year 2017.		
Staff Report		
Pursuant to Florida Statutes, the City must inform the Lake County Property Appraiser by August 4th of the proposed ad valorem millage rate for Fiscal Year 2017. The proposed millage rate will be included in the property tax notices mailed to all city residents by the Lake County Tax Collector's Office in August. The final millage rate for Fiscal Year 2017 will be approved by the City Council at a public hearing on September 22. The final millage rate may be lower than the proposed millage rate, but can not be higher. Based on the budget workshop held on July 20, staff is recommending a proposed millage rate of 4.2061, which represents an increase of 3.8620% over the rolled back rate of 4.0497.		
Additional Analysis		
Fiscal Impact Summary		
The proposed millage rate of 4.2061 will generate an additional \$884,324 in ad valorem tax revenues in Fiscal Year 2017.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 26, 2016		
Agenda Item Name		
Ordinance No. 2016-35 <i>Introduction</i> <i>Fire Prevention Code</i>		
Requested Action		
Recommend introduction of Ordinance 2016-35.		
Staff Report		
The Clermont Fire Department is applying for the Center for Public Safety Excellence's Accreditation and one of the justification is incorporating the Fire Prevention Code and Life Safety Code.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2016-35 Fire Safety Code Ord.docx		
2. ad 2016-35 Fire Code.doc		

CITY OF CLERMONT
ORDINANCE No. 2016-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CREATING CITY CODE CHAPTER 15 “FIRE SAFETY CODE”, PROVIDING FOR CONFLICTS; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, empowers the City of Clermont to adopt regulations which furthers a municipal purpose; and

WHEREAS, the State Fire Marshal has; pursuant to Chapter 633.025, Florida Statutes, adopted the “Florida Fire Prevention Code” and the “Life Safety Code” which shall be applicable to all local governments throughout the State of Florida; and

WHEREAS, the City Council has determined that creating Clermont City Code Chapter 15 bears a substantial relationship to the continued protection of the health, safety, and welfare of its citizens;

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

Section 1.

The above-stated Whereas Clauses are hereby adopted by the Council as findings in support of the provisions herein.

Section 2.

Chapter 15, “Fire Code and Standards” of the Code of the City of Clermont, Florida, is hereby created to read as follows:

CHAPTER 15

FIRE SAFETY CODE

Section 15-1. Title.

This Chapter shall be known as the Fire Safety Code of the City of Clermont, Lake County, Florida.

CITY OF CLERMONT
ORDINANCE No. 2016-35

Section 15-2. Adoption of Fire Prevention Code.

Pursuant to Florida Statutes 633.025, the most current edition of the Florida Fire Prevention Code; NFPA 1, adopted by the State Fire Marshal is adopted and enacted as the Fire Prevention Code of the City of Clermont as fully as if set out at length in this Section.

Section 15-3. Adoption of Life Safety Code.

Pursuant to Florida Statutes 633.025, the most current edition of the Life Safety Code; NFPA 101, adopted by the State Fire Marshal is adopted and enacted as the Life Safety Code of the City of Clermont as fully as if set out at length in this Section.

Section 3. 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 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Council that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Conflict.

All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

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

CITY OF CLERMONT
ORDINANCE No. 2016-35

PASSED AND ADOPTED by the City Council of the City of Clermont, this 9th day of August, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

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

ORDINANCE NO. 2016-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CREATING CITY CODE CHAPTER 15 "FIRE SAFETY CODE", PROVIDING FOR CONFLICTS; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

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

A meeting to consider the Ordinance will be held before the City Council on Tuesday, August 9, 2016 at 6:30pm for final enactment.

All meetings will be held in Clermont City Hall located at 685 West Montrose Street, Clermont, FL 34711.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
July 26, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 26, 2016		
Agenda Item Name		
Ordinance No. 2016-36 <i>Introduction Mazda</i>		
Requested Action		
Recommend approval of Ordinance 2016-36.		
Staff Report		
The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The Notice of Encumbrance to Annex with the City was executed on June 8, 2015. The property is under construction and is receiving water and sewer services from the City. The property, approximately 5 acres, is being developed as an auto dealership, Headquarter Mazda. A comprehensive plan amendment will be processed that will change the future land use from Lake County's Regional Commercial to the City's Commercial designation. A rezoning will also be processed to change the zoning from Urban Estate (currently Planned Industrial District in Lake County) to the City's C-2 General Commercial zoning classification. Staff recommends approval of the annexation.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	ANN ORD 2016-36.doc	
2. Location Map	Exhibit 1.docx	
3. Utility Agreement	Utility Agreement.pdf	
4. Legal Ad	ANN legal ad.docx	

CITY OF CLERMONT
ORDINANCE No. 2015-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND IN ACCORDANCE WITH THE INTERLOCAL SERVICE BOUNDARY AGREEMENT DATED DECEMBER 2, 2014; PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, RECORDING, AND PUBLICATION.

WHEREAS, the City Council of the City of Clermont, Florida approved a Utility Service Agreement for Water and Wastewater for the subject property that includes a Notice of Encumbrance to annex, dated June 8, 2015; and

WHEREAS, in accordance with the Clermont Interlocal Service Boundary Agreement dated December 2, 2014, the subject property is eligible to be annexed into the City; and

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

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

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

SECTION 1.

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

Legal Description

A parcel of land located in the Section 25; T22, R26, Lake County, Florida, more particularly described as follows:

From the southeast corner of the northwest $\frac{1}{4}$ run north 01° 00' 01" east 569.70 feet for point of beginning, run north 89° 45' 47" west 313.69 feet, north 01° 00' 01" east 694.68 feet to south right-of-way line of SR 50, south 89° 45' 47" east 313.63 feet to east line of northwest $\frac{1}{4}$, south 01° 00' 01" west, 694.66 feet to point of beginning. ORB 4641 PG 2328; (Alternate Key 2827068)

Containing 5.15 acres +/-

CITY OF CLERMONT
ORDINANCE No. 2015-36

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

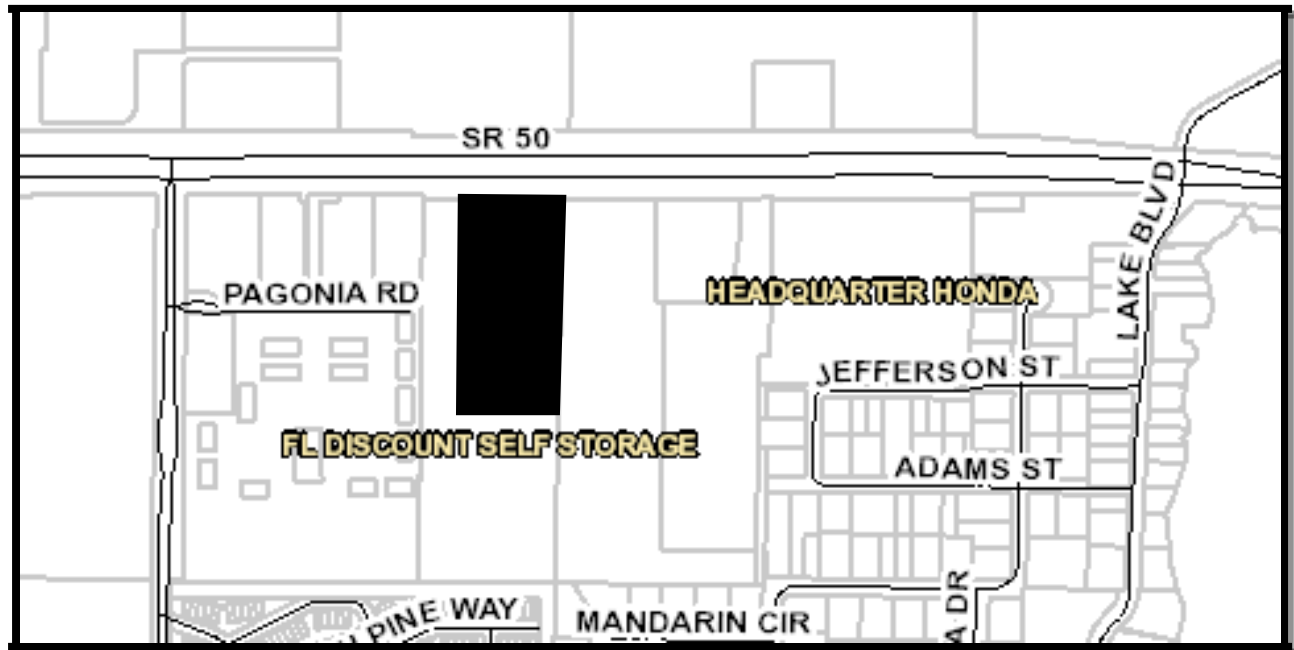
This Ordinance shall be recorded in the public records of Lake County, Florida.

SECTION 6.

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

CITY OF CLERMONT
ORDINANCE No. 2015-36

Location map:



CITY OF CLERMONT
ORDINANCE No. 2015-36

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 9th day of August, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit 1

DEVELOPMENT NAME: Headquarter Mazda

Location Map:





UTILITY SERVICE AGREEMENT FOR WATER & WASTEWATER

This document constitutes an agreement between the CITY of Clermont, hereby referred to as CITY, a municipality of the State of Florida, and Hamida F Battla and Naseem Bano Latif (Headquarter Auto Clermont, Ltd – a k a Headquarter Mazda), and any successors or assigns, hereby referred to as OWNER.

WITNESSETH

Whereas, OWNER is requesting service for a commercial establishment Automobile Dealership for uses to include sales, display, service, repair, paint, body work, storage, etc with up to 11,000 sq ft, which is located on real property (the "Property") described on Exhibit 'A', attached hereto and by this reference made a part hereof, and

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

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

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

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

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

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

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

- 1 1 CITY shall provide water and sewer service for the Property
- 1 2 OWNER shall connect to the existing City system at connection point or points approved by CITY The connection points will be those closest to the Property
- 1 3 The route of any off site lines shall be according to engineering plans produced by OWNER and approved by the CITY

INSTRUMENT #2015075302
OR BK 4650 PG 1516 - 1530 (15 PGS)
DATE 7/10/2015 2 25 46 PM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$129 00

- 1 4 The OWNER shall construct the facilities, lines and appurtenances necessary to serve the development and provide such documentation necessary for the CITY to ascertain that the lines shall meet the minimum line size requirements as specified by the CITY Land Development Regulations
- 1 5 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans
- 1 6 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No building permits shall be issued until water and sewer are provided to the site or until a bond or letter of credit, acceptable to CITY, is in place to guarantee completion of off-site improvements. No Certificate of Occupancy shall be issued until water and sewer extensions have been completed and accepted by the CITY
- 1 7 The OWNER shall be responsible for all costs of on site and off site improvements, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property
- 1 8 The OWNER shall construct or be responsible for all access to the site which may include turn lanes from S R 50 into the development, along the northern property boundary line
- 1 9 The existing utilities along State Road 50 must stay in service throughout construction. If the construction requires that the utilities be relocated or altered, the OWNER shall prepare plans, permit the project and construct the modifications at the OWNER's expense
- 1 10 The utilities in the commercial property shall be privately owned and maintained, but shall be constructed to City standards
- 1 11 Irrigation shall be provided by private well. Potable water is not allowed for irrigation
- 1 12 The CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY
- 1 13 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs
- 1 14 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction
- 1 15 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1 12 and 1 13 from the CITY in the form of Impact Fee Credits

- 1 16 The Impact Fee Credits shall be established subject to Sections 1 12 and 1 13 and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used
- 1 17 Impact Fee Credits may not be transferred outside of the Property described on Exhibit "A" and as depicted in Exhibit "D" Location Map, but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property
- 1 18 The OWNER shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees
- 1 19 The City may require a looped system to provide reliability and redundancy to the property
- 1 20 The point of sewer connection shall be coordinated with the existing utilities on the south side of State Road 50 The City will not accept ownership of utilities within the State Road 50 right-of-way
- 1 21 Any fencing within public view, (including retention ponds), must be ornamental metal with complementing structural columns, as approved by the City's Site Review Committee No chain link shall be used in public view areas
- 1 22 Parking of any vehicles outside the paved parking areas, or in any landscape buffers shall not be permitted Parking shall not be permitted on any State or local road right-of-ways
- 1 23 The OWNER must coordinate with Lake County and the Metropolitan Planning Organization (MPO) for compliance with Transportation Concurrency, and the Transportation Concurrency Management System (TCMS)
- 1 24 The development shall be in substantial compliance with the Site Plan, Landscape Plan and Architectural Plan as shown in Exhibit "C" Major changes as determined by the Clermont Site Review Committee may require an amendment to this Agreement
- 1 25 The OWNER must coordinate with Lake County and the Metropolitan Planning Organization (MPO) for compliance with Transportation Concurrency, and the Transportation Concurrency Management System (TCMS)
- 1 26 This Agreement shall be voided after five (5) years if building permits have not been issued and building construction has not started
- 1 27 The Agreement shall be for commercial utility flow/demand for water at 925 gpd and sewer is 925 gpd, based on an annual average Exceeding these amounts may require a new Utility Services Agreement (gpd = gallons per day) Allowed overage of up to 10% allowed

Section 2. DEVELOPMENT STANDARDS

- (a) The project shall be developed according to the JPA Land Development Regulations (Lake County Ordinance No 2005-64) Items not addressed in the JPA Land Development Regulations must be developed to City standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement
- (b) The project shall be developed in substantial accordance with the Master Site Plan as submitted with the Utility Service Agreement request, dated 1/20/151 by Tannath Design, Inc

Section 3. WAIVER REQUESTS FOR THE PROPERTY

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

- Perimeter shrub row around the site will not be required on the west and south where the wall exists on the adjacent site All other perimeter areas must have a shrub row, per City code
- Canopy trees are replaced within the right-of-way buffer of S R 50 to include Date Palms, Cabbage Palmetto and Crape Myrtles In the event that palm trees are not used, canopy trees per the City code will be utilized
- Parking areas in the non-customer location on the east side of the property may have up to 19 parking spaces without a landscape island as presented in Exhibit "C"

Section 4. ANNEXATION

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

Section 5. SEVERABILITY

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

Section 6. NOTICES

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

CITY

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

OWNER

Hamida F. Battla
Naseem Bano Latif
9502 Lavill Court
Windermere, FL 34786do, FL 32808

Section 6. AMENDMENTS

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

Section 7. EFFECTIVE DATE

The effective date of this agreement shall be the day of execution of the agreement required hereunder. This Agreement shall be valid for no longer than five (5) years.

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

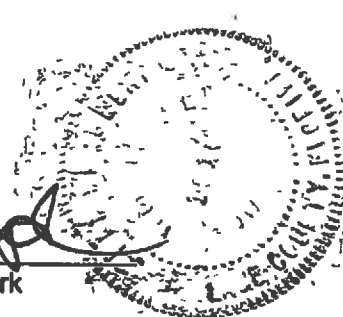
DATED this 26th day of May, 2015

CITY OF CLERMONT

Gail L. Ash
Gail L. Ash, Mayor

ATTEST

Tracy Ackroyd
Tracy Ackroyd, City Clerk



Approved as to form and legality

[Signature]
Daniel F. Mantzaris, City Attorney

OWNER: Hamida F. Battla (Headquarter Auto Clermont, Ltd – a k a Headquarter Mazda)

Hamida Battla Title Owner
Signature

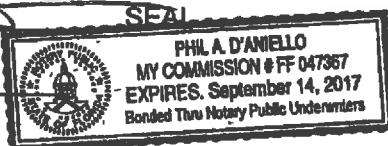
Hamida Battla
Print Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 8 day of June, 2015, by Hamida Battla, who is personally known to me or who has produced _____ as identification and who did not take an oath

Notary Public _____

Type/print name _____



OWNER: Naseem Bano Latif (Headquarter Auto Clermont, Ltd – a k a Headquarter Mazda)

Naseem Bano Latif Title owner
Signature

Naseem Bano Latif
Print Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 8 day of June, 2015, by Naseem Bano Latif, who is personally known to me or who has produced _____ as identification and who did not take an oath

Notary Public _____

SEAL

Type/print name _____

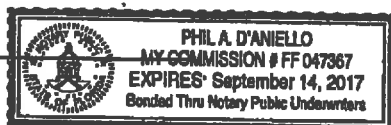


EXHIBIT "A"

PROPERTY DESCRIPTION

Owners:

Hamida F Battla and Naseem Bano Latif (Headquarter Auto Clermont, Ltd –
a k a Headquarter Mazda)

Description:

FROM SE COR OF NW 1/4 RUN N 01DEG 00MIN 01SEC E 569 70 FT FOR POB, RUN N
89DEG 45MIN 47SEC W 313 69 FT, N 01DEG 00MIN 01SEC E 694 68 FT TO S R/W LINE OF
SR 50, S 89DEG 45MIN 47SEC E 313 63 FT TO E LINE OF NW 1/4, S 01DEG 00MIN 01SEC
W 694 66 FT TO POB
ORB 1124 PG 632

Containing 5 0 acres, more or less

Lake County Alternate Key Numbers:

2827068

EXHIBIT "B"

Notice of Encumbrance
to Annex to City of Clermont

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

THIS INSTRUMENT, Made this 12th day of May 2015, between Hamida F. Battla and Naseem Bano Latif (Headquarter Auto Clermont, Ltd. - a.k.a. Headquarter Mazda), property owners in the County of Lake, State of Florida Grantor*, and the CITY OF CLERMONT, FLORIDA, A Municipal Corporation, Grantee*:

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

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

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

**Exhibit "A" - Property Description
Exhibit "D" - Location Map**

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

PROPERTY OWNER(S):

WITNESSES (Two required):

Witnesses

Hamida Battla

Signature

Hamida F. Battla

Type or print name

Naseem Bano Latif

Signature

Naseem Bano Latif

Type or print name

1.

Deborah M. Henderson

Signature

Deborah M. Henderson

Type or print name

2.

Phil D'Aniello

Signature

Phil D'Aniello

Type or print name

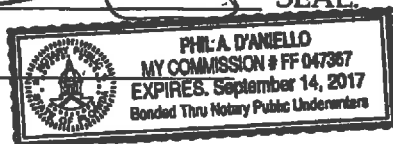
STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 8 day of June, 2015, by Hamida Battla, who is personally known to me or who has produced as identification and who did not take an oath.

Notary Public

SEAL:

Type/print name

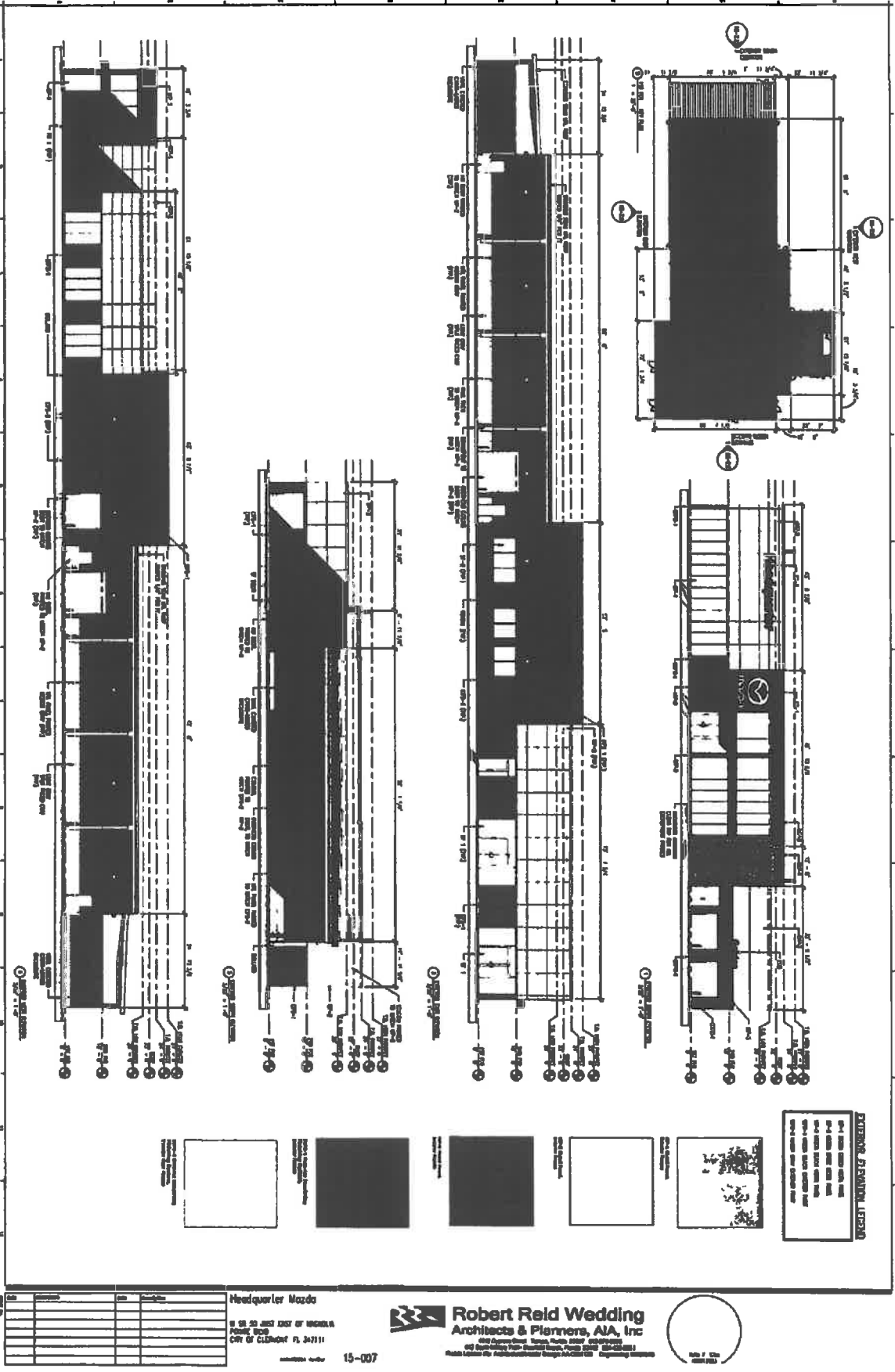


Pursuant to Section 695.29(3)(f) this instrument exempt from Chapter 695, F.S., Prepared by a Public Officer, City Attorney, City of Clermont, Florida 34712

SITE PLAN, BUILDING ARCHITECTURAL & LANDSCAPE PLAN

[illegible]

Headquarter Auto Clermont, Ltd. - a.k.a. Headquarter Mazda - ARCHITECTURAL:



Page 2 - Headquarter Mazda, Utility Service Agreement for Water & Wastewater

EXTENSION ELEVATIONS AS-2.0

NO.	REVISION	DATE	BY	CHKD.
1	AS-2.0	10/1/88	RS	RS
2				
3				
4				
5				
6				
7				
8				
9				
10				

Headquarter Mazda
 1000 JEFFERSON AVENUE
 CLEVELAND, OH 44111



Robert Reid Wedding
 Architects & Planners, AIA, Inc.
 1000 JEFFERSON AVENUE
 CLEVELAND, OH 44111
 (216) 521-1111

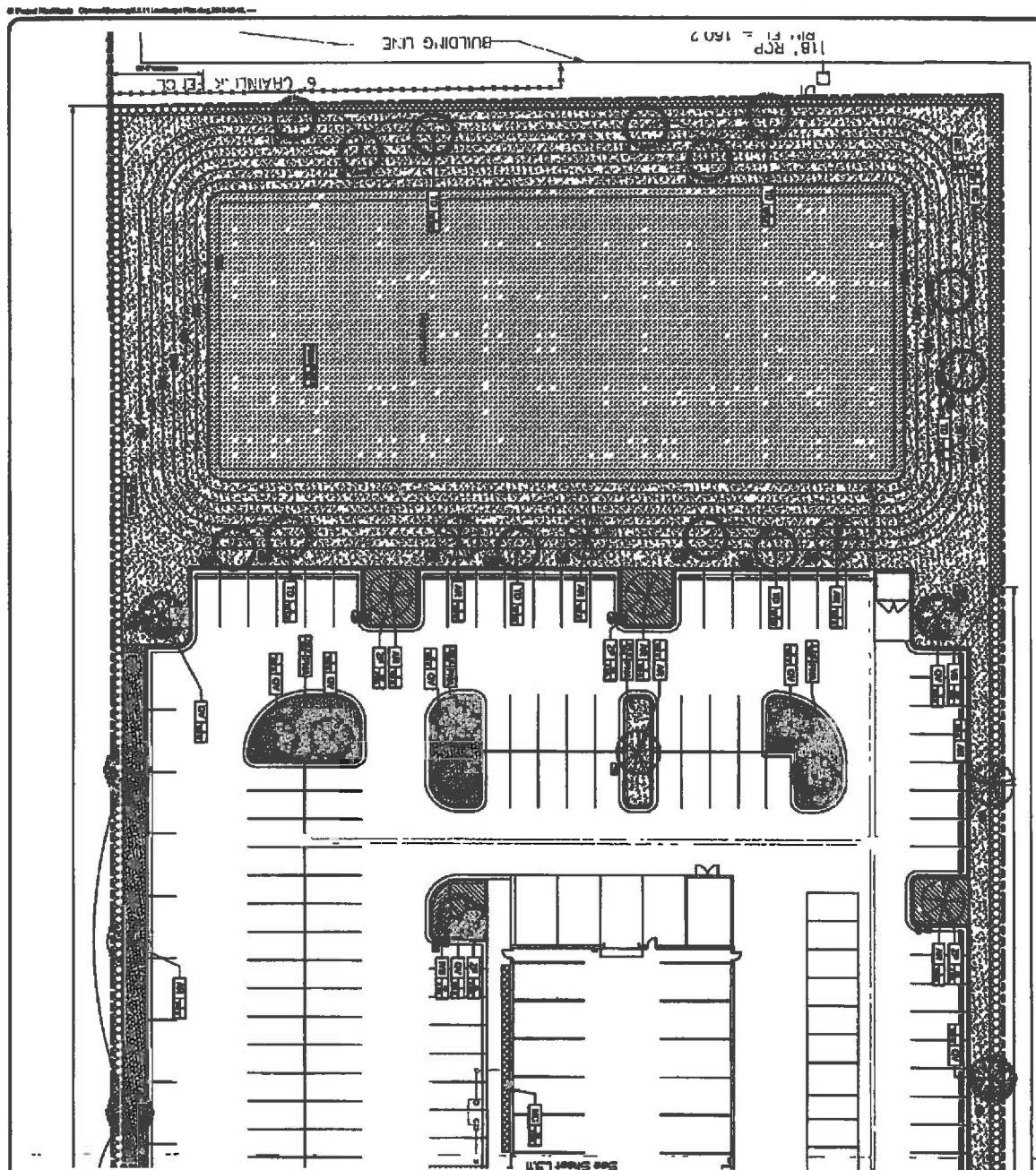
15-007

QUESTION 1. The following are the names of the four main types of cells in the human body. Which one is not a type of cell? a. Epithelial cell b. Connective tissue cell c. Muscle cell d. Nervous cell	ANSWER d. Nervous cell The nervous system is made up of neurons, which are specialized cells that transmit electrical signals. They are not considered one of the four main types of cells in the human body.
QUESTION 2. The following are the names of the four main types of cells in the human body. Which one is not a type of cell? a. Epithelial cell b. Connective tissue cell c. Muscle cell d. Nervous cell	ANSWER d. Nervous cell The nervous system is made up of neurons, which are specialized cells that transmit electrical signals. They are not considered one of the four main types of cells in the human body.
QUESTION 3. The following are the names of the four main types of cells in the human body. Which one is not a type of cell? a. Epithelial cell b. Connective tissue cell c. Muscle cell d. Nervous cell	ANSWER d. Nervous cell The nervous system is made up of neurons, which are specialized cells that transmit electrical signals. They are not considered one of the four main types of cells in the human body.
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[illegible]

Project Name Landscape Plan		Sheet 1		Project Name Headquarter Mazda		Rev. Date: Description 1 10/04 Change information		By 2		Check 1			
Client Name L311		Scale 1/8" = 1'-0"		Client Name Clement SR 50		Rev. Date: Description 1 10/04 Change information		By 2		Check 1			

Landscape Plan (page 2):

[illegible]

LANDSCAPE CODE REQUIREMENTS

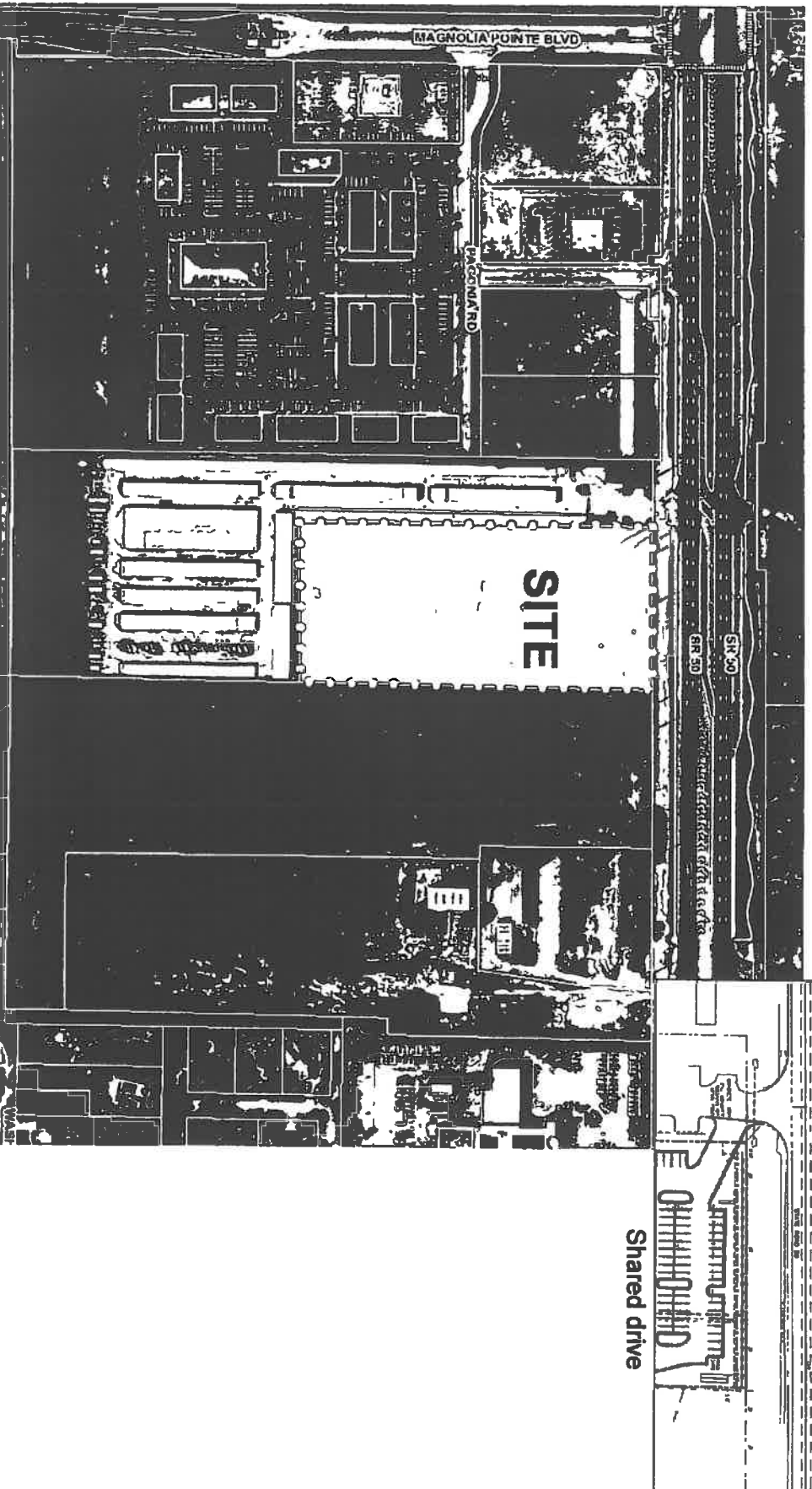
1. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
2. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
3. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
4. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
5. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
6. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
7. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
8. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
9. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**
10. **Lab 10-10-10** 10-10-10: **Chemical Waste** 10-10-10: **Waste Management**

[illegible]

EXHIBIT "D"

LOCATION MAP

Headquarter Auto Clermont, Ltd. – a.k.a. Headquarter Mazda
Aerial view



LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday August 9, 2016 at 6:30 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2016-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND IN ACCORDANCE WITH THE INTERLOCAL SERVICE BOUNDARY AGREEMENT DATED DECEMBER 2, 2014; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY; RECORDING, AND PUBLICATION.

LOCATION:

Mazda

(Alternate Key 2827068)

South of State Road 50, approximately 950 feet east of Magnolia Pointe Boulevard

LEGAL DESCRIPTION

A parcel of land located in the Section 25; T22, R26, Lake County, Florida, more particularly described as follows:

From the southeast corner of the northwest ¼ run north 01° 00' 01" east 569.70 feet for point of beginning, run north 89° 45' 47" west 313.69 feet, north 01° 00' 01" east 694.68 feet to south right-of-way line of SR 50, south 89° 45' 47" east 313.63 feet to east line of northwest ¼, south 01° 00' 01" west, 694.66 feet to point of beginning. ORB 4641 PG 2328

Containing 5.15 acres +/-

See Map Below

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
July 19 and 26, 2016

Location Map:

