



CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, February 7, 2017
City Hall – 685 W. Montrose Street, Clermont, FL

CALL TO ORDER
INVOCATION AND PLEDGE OF ALLEGIANCE
MINUTES

Approval of the January 3, 2017 Planning and Zoning Commission meeting minutes.

REPORTS
NEW BUSINESS

Item 1 - Ordinance No. 2017-11 West Lake
Small-Scale Comprehensive Plan Amendment

Request to change the future land use from Medium Density Residential to Downtown Mixed Use for a portion of West Lake lying south of Minneola Avenue.

Item 2 - Ordinance No. 2017-12
West Lake Rezoning

Request to change the zoning from R-3 Residential/Professional to Central Business District for a portion of West Lake lying south of Minneola Avenue.

Item 3 - Ordinance No. 2017-13 Victory Pointe,
LLC
Small-Scale Comprehensive Plan Amendment

Request to change the future land use from Medium Density Residential to Downtown Mixed Use for property located north of the intersection of 10th Street and W. Montrose Street.

Item 4 - Ordinance No. 2017-14 Victory Pointe,
LLC
Rezoning

Request to change the zoning from R-3 Residential/Professional to CBD Central Business District for property located north of the intersection of 10th Street and W. Montrose Street.

Item 5 - Ordinance No. 2017-16 Anderson Hill
Small-Scale Comprehensive Plan Amendment

Request to change the future land use from Lake County Urban Low Density to City of Clermont Commercial for property located at the northwest corner of U.S. Highway 27 and Anderson Hill Road.

Item 6 - Ordinance No. 2017-17
Anderson Hill Rezoning

Request to change the zoning from UE Urban Estate to C-2 General Commercial for property located at the northwest corner of U.S. Highway 27 and Anderson Hill Road.

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Item 7 - Resolution No. 2017-04 Anderson Hill
Conditional Use Permit

Request for a conditional use permit to allow for a structure more than 20,000 square feet in the C-2 General Commercial zoning district for property located at the northwest corner of U.S. Highway 27 and Anderson Hill Road.

Item 8 - Ordinance No. 2017-19 Tommy's of
Clermont
Small-Scale Comprehensive Plan Amendment

Request to change the future land use from Lake County Regional Commercial to City of Clermont Commercial for property located east of Granville Avenue and south of Highway 50.

Item 9 - Ordinance No. 2017-20
Tommy's of Clermont Rezoning

Request to change the zoning from UE Urban Estate to C-2 General Commercial for property located east of Granville Avenue and south of Highway 50.

Item 10 - Resolution No. 2017-05 Tommy's of
Clermont
Conditional Use Permit

Request for a conditional use permit to allow for a retail boat dealership and service center with up to 28,000 square feet of building space in the C-2 General Commercial zoning district for property located east of Granville Avenue and south of Highway 50.

Item 11 - Ordinance No. 2017-21
The Shops at WaterBrooke Rezoning

Request to change the zoning from UE Urban Estate to Planned Unit Development for property located at the southwest corner of Highway 50 and Emil Jahna Road.

Item 12 - Ordinance No. 2017-22
Density Bonus Criteria

Request to amend the Land Development Code by adding Section 122-249 Density Bonus Criteria.

Discussion of Non-Agenda Items

ADJOURN

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

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

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PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, February 7, 2017
City Hall – 685 W. Montrose Street, Clermont, FL

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

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
January 3, 2017

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The meeting of the Planning & Zoning Commission was called to order Tuesday January 3, 2017 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Judy Proli, and Cuqui Whitehead. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held December 6, 2016 were approved as written.

REPORTS

Commissioner Solis stated that his band will be playing at the Garden Theater on Friday, January 6, 2017.

Chairman Jones stated that the Florida Lakes Symphony will be playing on January 19, 2017 in Mount Dora and on January 20, 2017 at the First Methodist Church in Clermont.

Commissioner Whitehead stated that business, county, and city officials will be visiting the local high schools to instruct the junior class on how to interview for employment. She stated that colleges will be also there.

Commissioner Proli complimented how beautiful the downtown lights are and would like to see them year around.

1. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To establish a church in the C-2 General Commercial zoning district.

APPLICANT: Carlos Aviles/Calvary Chapel Clermont

Senior Planner Kruse presented the staff report as follows:

The applicant is requesting a conditional use permit to establish a church in the C-2 General Commercial zoning district. Under Section 122-224 (12) of the Land Development Code, churches are a conditional use in the C-2 zoning district with a conditional use permit. The location is in the existing Towerview Office Complex located at 194 US Highway 27. The church proposes to occupy the rear building within the plaza, which is approximately 3,700 square feet. The building will have a sanctuary, several offices, classrooms, storage areas, and restrooms. The space was previous used by a media production company and if the conditional use permit is approved, interior renovations will be required to accommodate the church's space needs.

Calvary Chapel Clermont currently has a congregation of approximately 30 people and plans to have meetings on Wednesday through Friday evenings (7:00 to 9:00 PM) and on Sundays. The church is not proposing any educational component or daycare. Since the church is in an

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January 3, 2017**

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established plaza and the hours of operation do not appear to occur at peak business hours for a majority of the other tenants, parking does not seem to be an issue. The parking provided for the overall project exceeds code with a ratio of 1 space for every 175 square feet. However, if parking does become an issue, the applicant understands and agrees that the City may require additional parking or rescind the conditional use permit for Calvary Chapel Clermont.

Staff has reviewed the application and believes that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified. Therefore, staff recommends approval of the request for a church in the C-2 General Commercial zoning district with the conditions contained in Resolution 2017-01.

Pastor Carlos Aviles, 13237 Long Pine Trail, stated that he has a five-year lease on the building.

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

2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a building to occupy more than 3,000 square feet.

APPLICANT: Paul Fallman/790 W. Minneola Avenue

Planning Manager Henschel presented the staff report as follows:

The applicant is requesting a Conditional Use Permit to allow a building to occupy more than 3,000 square feet of total floor area at 790 West Minneola Avenue in the Central Business District. Under Sec. 122-243 of the Land Development Code, the Central Business District zoning district allows a variety of uses, but buildings 3,000 square feet or greater require a conditional use permit. The applicant desires to construct a new 7,200 square foot building for use as a restaurant and brewery. Restaurants and breweries are permitted uses within the Central Business District zoning district.

Currently, 790 West Minneola Avenue is an older elevated building that will be demolished to make room for the newly proposed building. Inside, the proposed building will feature an overlook into the lower production area housing the vats used for brewery production. On the outside, the building will feature a large 80'x 20' outdoor patio adjacent to West Minneola Avenue.

Additional parking stalls will be added on site, however, the applicant will be seeking a variance for reduced overall parking count, and a reduced landscape buffer around the proposed parking area.

The applicant has been through site plan review with staff on the proposed project and multiple items have been addressed up to this point. The applicant and staff believe the project meets the

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intent of Land Development Code except for the conditional use permit requirement. Therefore, staff recommends approval of this conditional use permit request.

Paul Fallman, 1932 Brantley Circle, stated that he has owned the property for two years. He stated that he has received a positive response from the residents and business owners about this project. He stated that he had letters of intent within 30 days of announcing the project, and it is 100% leased.

Commissioner Whitehead asked if the property goes to the corner.

Mr. Fallman stated that the property stops at the hair salon. He stated that the property owner of that building understands that the buildings are joined to some extent, and he will protect the other building during the demolition of his building.

Commissioner Proli stated that she would like to see a lighter shade of stone on the façade.

Mr. Fallman stated that the façade is a red brick similar to the building in Winter Garden. He stated that it is not as dark as it shows on the rendering.

Commissioner Smith asked if there will be more than just pizza.

Mr. Fallman stated that there will be burgers and other bar-type foods offered.

Chairman Jones asked if this is a single tenant.

Mr. Fallman stated that there will be three tenants, one is the brewery that will occupy two spaces upstairs and below, a pizza company, and the third will be a local coffee roaster with retail in front of their area. He stated that the businesses will all be open so customers can flow through the businesses without going outdoors.

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

3. REQUEST FOR REZONING

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

APPLICANT: Major Stacy/The Addison

Senior Planner Kruse presented the staff report as follows:

The applicant, B&S Engineering Consultants, is requesting a rezoning from C-2 General Commercial to Planned Unit Development for 19.17+/- acres. The property is located at the northwest corner of Hooks Street and Citrus Tower Boulevard and extends west towards Oakley

**City of Clermont
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Seaver Drive. The property has been previously altered with mining activities and is currently vacant. The applicant desires to develop the site for a multi-family development with up to 12 dwelling units per acre, or a total of up to 230 dwelling units. The applicant has provided a conceptual site plan, prepared by B&S Engineering Consultants, dated 12-01-16, showing the layout of the buildings and parking on the site. The project will consist of 16 multi-story buildings with a clubhouse and other amenities for the residents. The proposal is for multi-family use only with no commercial aspects proposed.

Since the site has been previously disturbed, the applicant is requesting several waivers to deal with the existing conditions. The applicant is requesting cut and fill up to 25 feet over the project area. This is due to the existing manmade holes on the site from the mining activity and stock piling of roadway material (spoils) from Hooks Street and the surrounding road construction activities. This was permitted under the current SJRWMD Permit 89835. The applicant is requesting 4:1 grades to assist with transitioning the grade over the site. The 4:1 slope is also being requested in the landscape buffers, where needed. The applicant is requesting a maximum retaining wall height of 13 feet. When two wall segments are required, the applicant is requesting a 3-foot terrace instead of a 5-foot terrace. The applicant is requesting the project be gated with private streets. In regards to the driveway access and parking, the applicant is requesting it to be construct below the centerline of adjoining roads, with the City's Engineer approval. The applicant has indicated that they can serve the entire development with one central compactor for solid waste collection and is seeking a waiver to the Land Development Code.

Staff acknowledges that the site has been disturbed and the original topography has been altered, as evident from aerial photography over the years and the SJRWMD Permit. Staff understands that the site will be challenging to develop and the very nature of the Planned Unit Development zoning allows waivers to the Land Development in flexible development purposes. The submitted traffic report indicates that the proposed development will not require additional improvements to the surrounding roadway systems. The impact on the Lake County School System by the proposed development is still being evaluated and the applicant acknowledges that they will be required to participate in any mitigation that is warranted from the results.

Staff has reviewed the applicant's request for a rezoning from C-2 General Commercial to Planned Unit Development zoning. Staff believes the proposal meets the standards in regards to Section 122-315, Review Criteria for a Planned Unit Development. Therefore, staff recommends approval of Ordinance 2017-04 for a Planned Unit Development.

Major Stacey, 222 Lee Rd., Orlando, stated that they have full engineering and grading plans available. He stated that there will be no reduction for parking or landscaping.

Jayson Stringfellow, stated that there are three property owners adjacent to this property and asked about the location of the dumpster.

Mr. Kruse explained that the building adjacent to his property will be a garage.

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Mr. Stringfellow stated that he did not have any concerns.

Commissioner Whitehead stated that her concerns are with the fire trucks getting in and out of the property.

Mr. Stacy stated that they have coordinated with the fire department and the fire trucks will be able to maneuver on the property.

Commissioner Whitehead asked about the variance waivers.

Mr. Stacy stated that the waivers pertain to the hole that was created by previous owners. He stated that they will fill in that hole that has been created over the years.

Commissioner Proli asked why he decided on apartments. She asked if there is a need for apartments. She stated that she would prefer condominiums rather than apartments.

Mr. Stacy stated that apartments are not as transient as they were in the past. He stated that the millennials prefer apartment living as opposed to buying.

Commissioner Smith stated that he doesn't have an issue with the project.

Commissioner Solis stated that his only concern is the schools.

Mark Ogier, 237 SW Westmonte Dr. Altamonte Springs, showed an architectural rendering of the clubhouse.

Commissioner Whitehead moved to recommend approval of the rezoning; seconded by Commissioner Solis. The vote was 4-1 to recommend approval, with Commissioner Proli opposing.

There being no further business, the meeting was adjourned at 7:23 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date											
Tuesday, February 7, 2017											
Agenda Item Name											
Ordinance No. 2017-11 West Lake Small-Scale Comprehensive Plan Amendment											
Requested Action											
Recommend approval of Ordinance 2017-11.											
Staff Report											
This administrative request is being heard concurrently with a request for a rezoning. The City is requesting a small-scale comprehensive plan amendment for City property located south of W. Minneola Avenue known as West Lake. The property is approximately one acre in size. The City is in the process of developing the property into Victory Pointe, the regional stormwater pond and park. The small-scale comprehensive plan amendment would change the future land use from Medium Density Residential to the Downtown Mixed Use designation. The Downtown Mixed Use designation adjoins this property on three sides. Since this property is a part of the Victory Pointe project that will serve the downtown area, it is a logical extension of downtown. In addition, the change would promote the expansion of the Downtown Mixed Use future land use in the area. Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Medium Density Residential to Downtown Mixed Use.											
Additional Analysis											
Fiscal Impact Summary											
Fiscal Impact	Fund Number and Description	Available Budget Amount									
Exhibits Attached (copies of original agreements)											
<table border="0"><tr><td>1.</td><td>Ordinance 2017-11</td><td>CPA Ord. 2017-11.doc</td></tr><tr><td>2.</td><td>Maps</td><td>Maps.pdf</td></tr><tr><td>3.</td><td>Legal Ad</td><td>CPA West Lake legal ad.docx</td></tr></table>			1.	Ordinance 2017-11	CPA Ord. 2017-11.doc	2.	Maps	Maps.pdf	3.	Legal Ad	CPA West Lake legal ad.docx
1.	Ordinance 2017-11	CPA Ord. 2017-11.doc									
2.	Maps	Maps.pdf									
3.	Legal Ad	CPA West Lake legal ad.docx									

CITY OF CLERMONT
ORDINANCE No. 2017-11

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.

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

That portion of West Lake lying south of W. Minneola Ave
Containing 1 +/- Acres

Alternate Key 3883583

CITY OF CLERMONT
ORDINANCE No. 2017-11

CHANGE IN FUTURE LAND USE CLASSIFICATION
FROM MEDIUM DENSITY RESIDENTIAL
TO DOWNTOWN MIXED USE

Section 2.

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

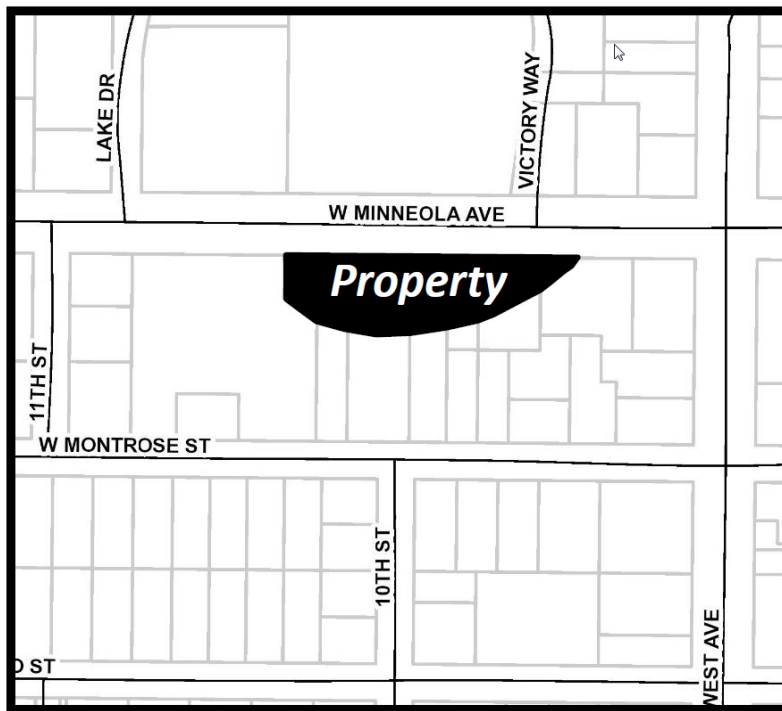
Section 3.

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

Section 4.

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

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-11

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 28th day of February, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – West Lake

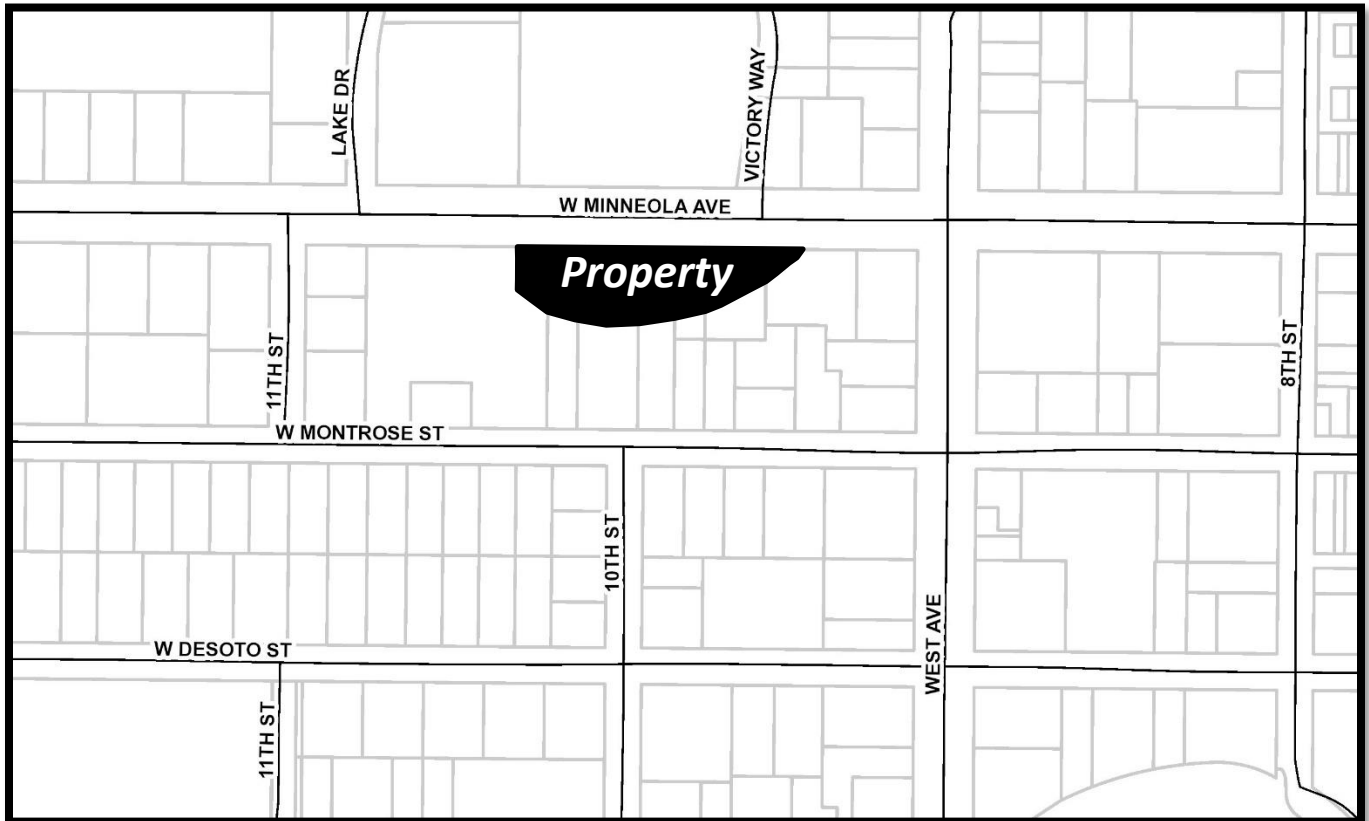


Exhibit – Future Land Use Map – West Lake

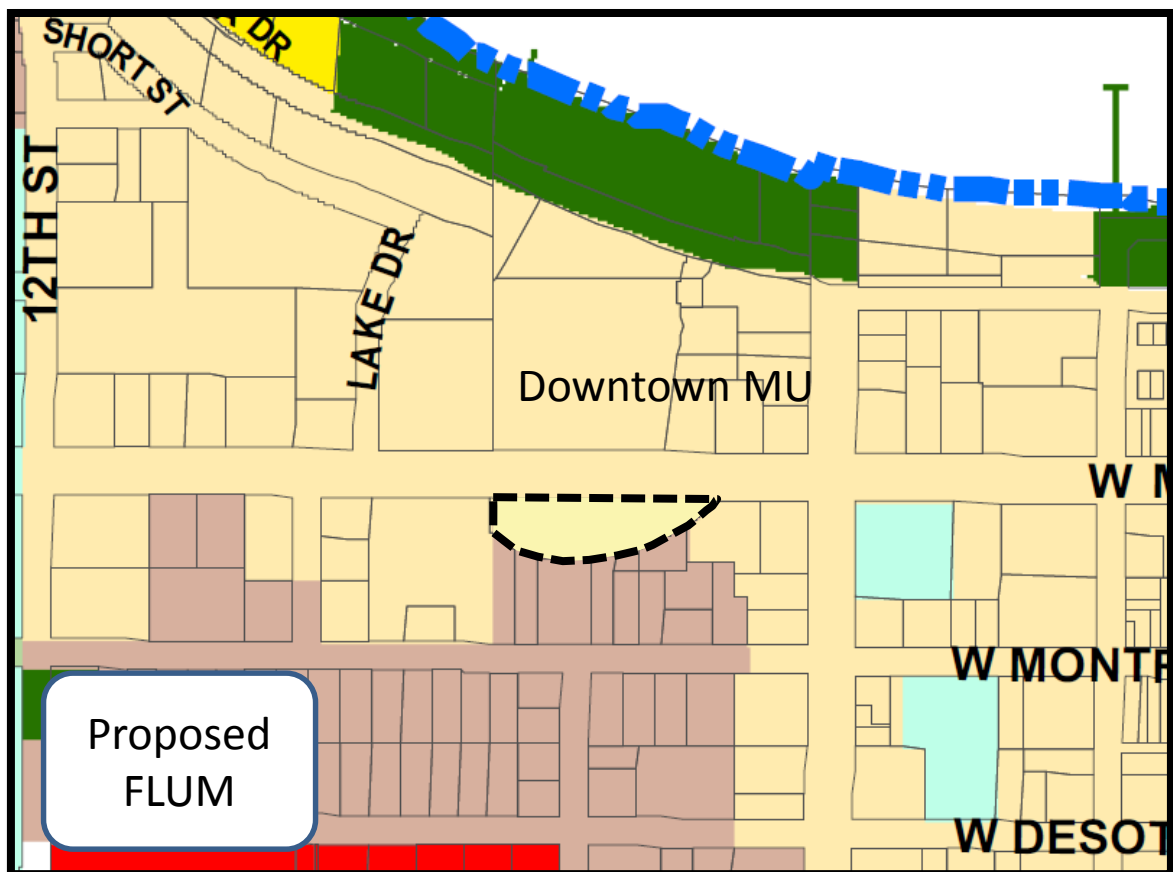
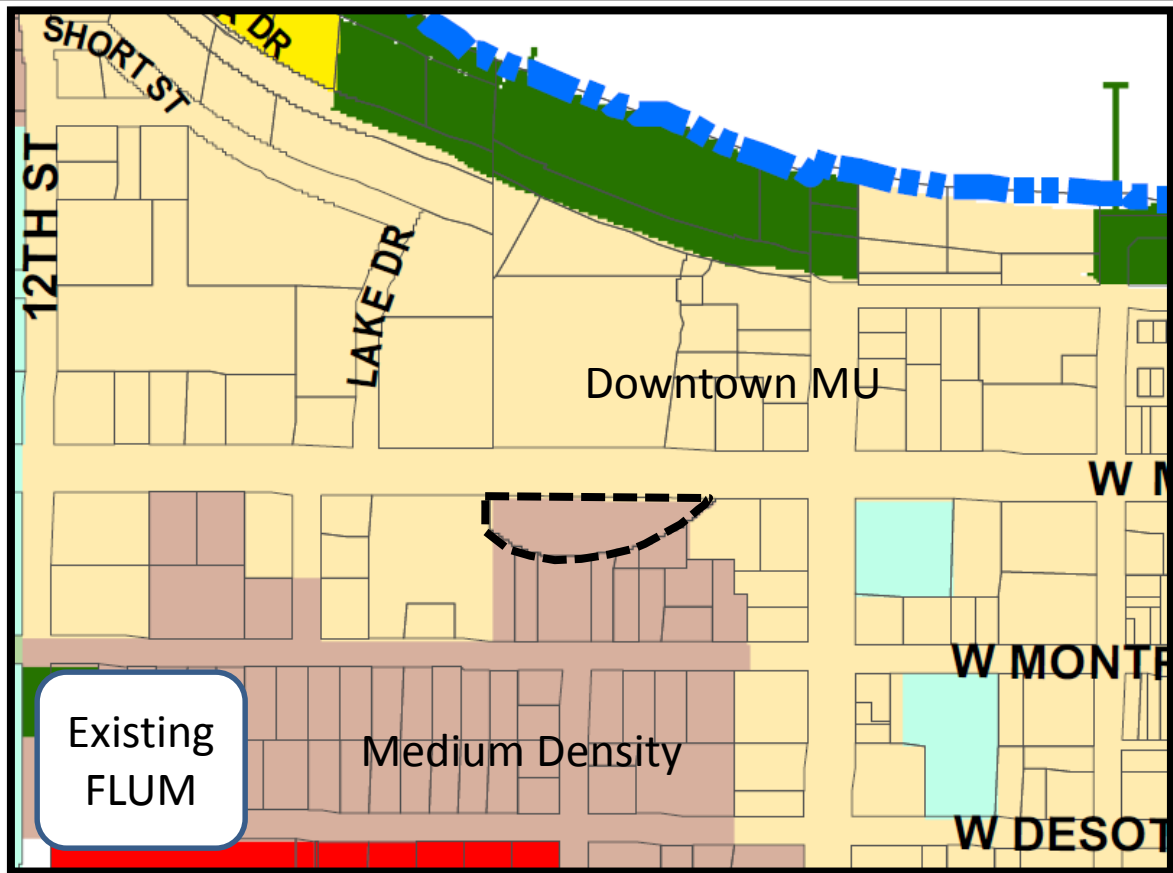


Exhibit – Zoning Map – West Lake



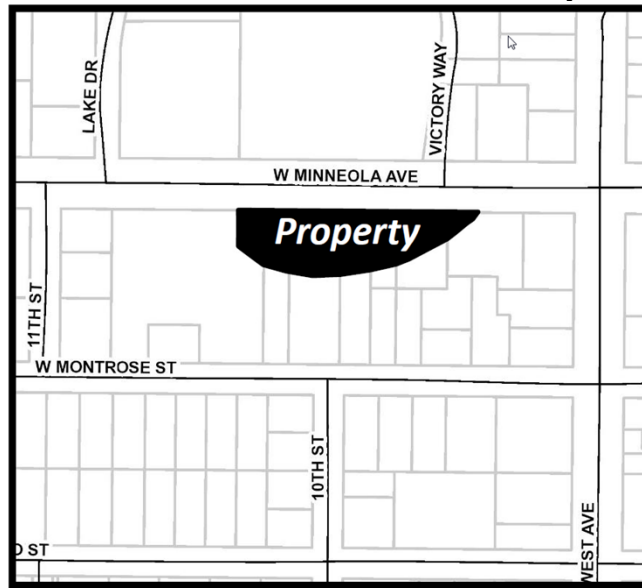
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2017-11

The City of Clermont will hold public hearings on Tuesday, February 7, 2017 at 6:30 p.m. before the Planning and Zoning Commission; and Tuesday, February 14, 2017 at 6:30 p.m. (1st reading of the adoption ordinance) and Tuesday, February 28, 2017 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 1 +/-acre parcel below from Medium Density Residential to Downtown Mixed Use. Alternate Key 3883583.



Location:
That portion of West Lake lying south of W. Minneola Ave

Ordinance #2017-11:

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.

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
January 27 and February 14, 2017



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, February 7, 2017		
Agenda Item Name		
Ordinance No. 2017-12 West Lake Rezoning		
Requested Action		
Recommend approval of Ordinance 2017-12.		
Staff Report		
This administrative request is being heard concurrently with a request for a small-scale comprehensive plan amendment. The City is requesting a change from the R-3 Residential/Professional District to CBD Central Business District. The property is approximately one acre in size, and the City is in the process of developing the property into Victory Pointe, the regional stormwater pond and park. The Central Business District adjoins this property on three sides. The Victory Pointe project would be permitted under Section 122-243 (5) of the land development code. The rezoning also promotes the expansion of the Central Business District in the area. Staff recommends approval of the rezoning to CBD Central Business District.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2017-12	REZ ORD 2017-12.doc	
2. Maps	Maps.pdf	
3. Legal Ad	REZ West Lake legal ad.docx	

CITY OF CLERMONT
ORDINANCE No. 2017-12

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

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

SECTION 1:

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

LEGAL DESCRIPTION

That portion of West Lake lying south of W. Minneola Ave
Containing 1 +/- Acres
Alternate Key 3883583

FROM R-3 Residential/Professional
TO CBD Central Business District

SECTION 2:

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

SECTION 3:

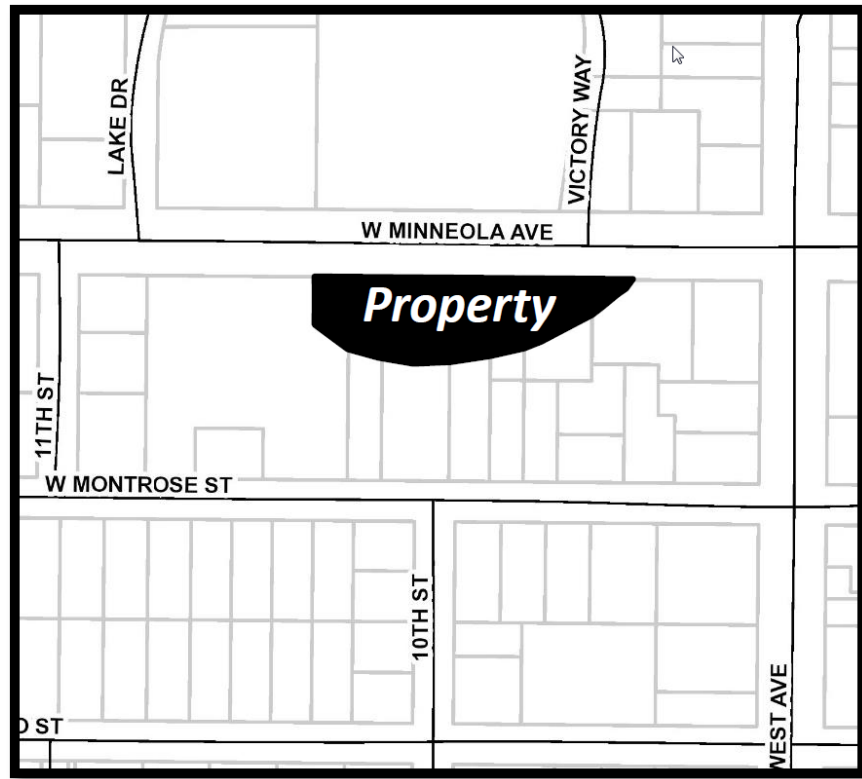
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

SECTION 4:

The provisions of this Ordinance shall be effective as provided by law.

CITY OF CLERMONT
ORDINANCE No. 2017-12

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-12

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of February, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – West Lake

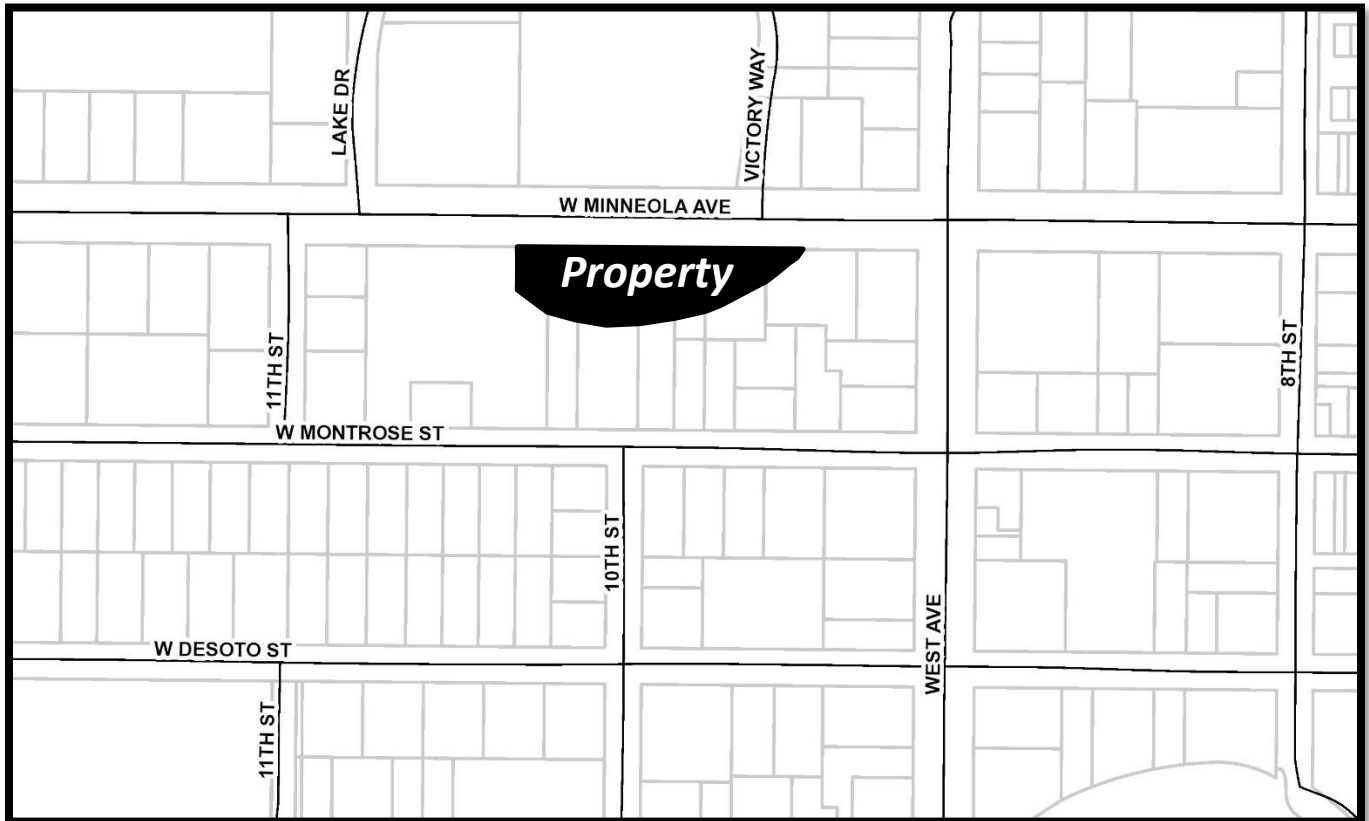


Exhibit – Future Land Use Map – West Lake

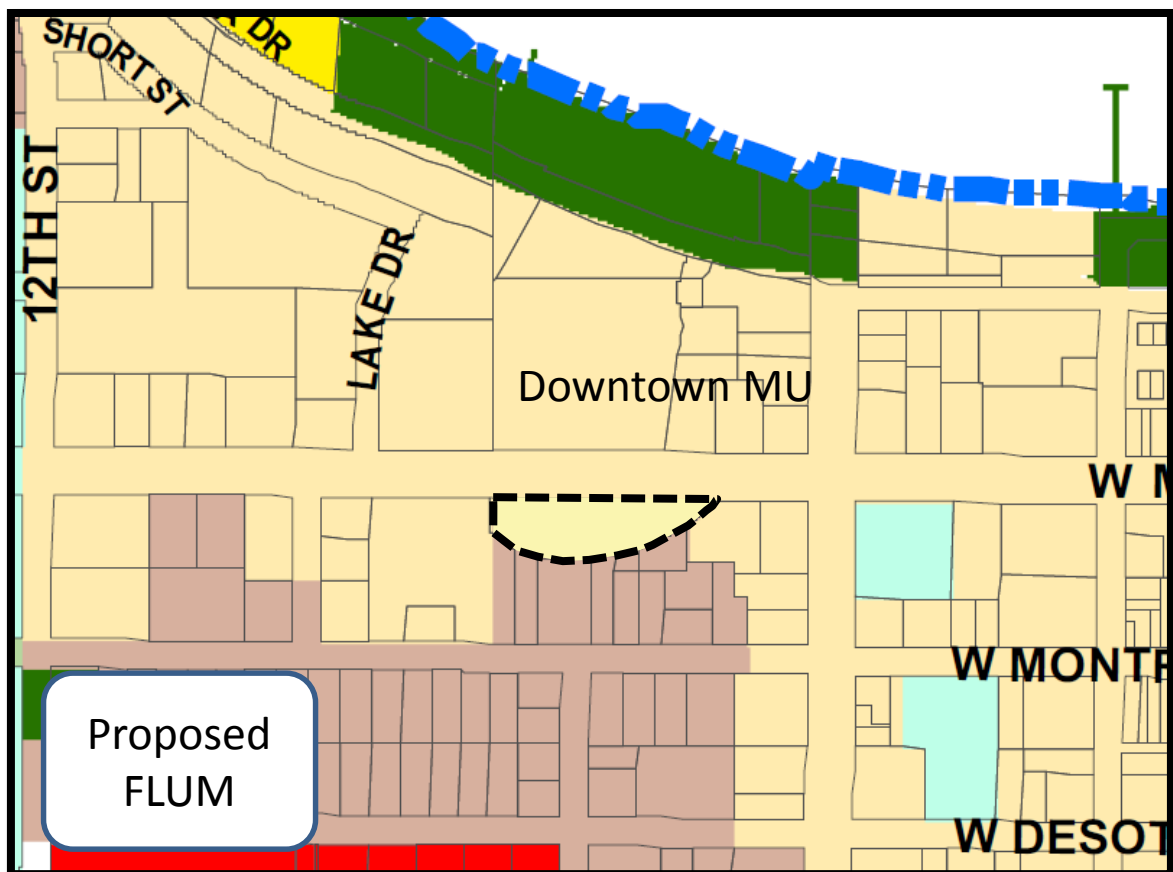
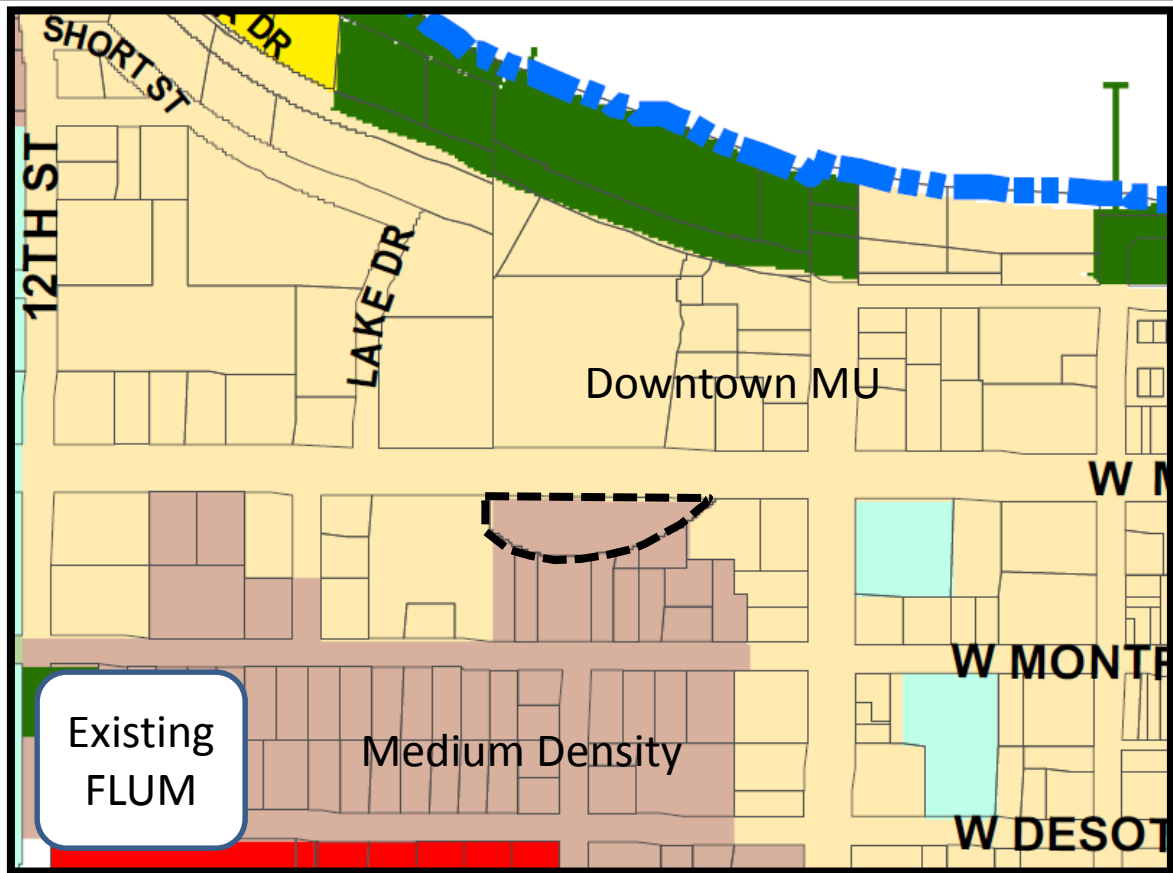


Exhibit – Zoning Map – West Lake



LEGAL NOTICE

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

ORDINANCE NO. 2017-12

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

LOCATION

That portion of West Lake lying south of W. Minneola Ave
Alternate Key 3883583

LEGAL DESCRIPTION

That portion of West Lake lying south of W. Minneola Ave
Containing 1 +/- Acres

FROM R-3 Residential/Professional
TO CBD Central Business District

This request will be considered by the Planning & Zoning Commission on Tuesday, February 7, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, February 28, 2017 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
January 31 and February 14, 2017



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date														
Tuesday, February 7, 2017														
Agenda Item Name														
Ordinance No. 2017-13 Victory Pointe, LLC Small-Scale Comprehensive Plan Amendment														
Requested Action														
Recommend approval of Ordinance 2017-13.														
Staff Report														
This request is being heard concurrently with a request for a rezoning. The applicant, Paul Gaynor, is requesting a small-scale comprehensive plan amendment to develop the subject property, located south of West Lake and north of 10th Street. The property is currently vacant and is approximately a half acre in size. The small-scale comprehensive plan amendment would change the future land use from Medium Density Residential to the Downtown Mixed Use designation. This property adjoins the City's West Lake property and would be a continuation of the Downtown Mixed Use district. This property will be adjacent to Victory Pointe, the City's regional stormwater pond and park. Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Medium Density Residential to Downtown Mixed Use.														
Additional Analysis														
Fiscal Impact Summary														
Fiscal Impact	Fund Number and Description	Available Budget Amount												
Exhibits Attached (copies of original agreements)														
<table border="0"> <tr> <td>1.</td> <td>Ordinance 2017-13</td> <td>CPA Ord. 2017-13.doc</td> </tr> <tr> <td>2.</td> <td>Maps</td> <td>Victory Pointe LLC Maps.pdf</td> </tr> <tr> <td>3.</td> <td>CPA Application</td> <td>CPA application.pdf</td> </tr> <tr> <td>4.</td> <td>Legal Ad</td> <td>CPA Victory Pointe LLC legal ad.docx</td> </tr> </table>			1.	Ordinance 2017-13	CPA Ord. 2017-13.doc	2.	Maps	Victory Pointe LLC Maps.pdf	3.	CPA Application	CPA application.pdf	4.	Legal Ad	CPA Victory Pointe LLC legal ad.docx
1.	Ordinance 2017-13	CPA Ord. 2017-13.doc												
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CITY OF CLERMONT
ORDINANCE No. 2017-13

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.

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

Lot 1, Block 114, Official Map of the City of Clermont, according to the plat thereof, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida.

AND

All that portion of Tenth Street, bounded on the South by the North right of way line of Montrose Street, and bounded on the North by the shores of West Lake, according to the Official Map of the City of Clermont, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida. (abandoned by Ordinance 112-M in ORB 654, Page 2171) Less the East 10.00 feet of Tenth Street.

CITY OF CLERMONT
ORDINANCE No. 2017-13

Containing 0.432 +/- Acres
Alternate Key 1789419

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM MEDIUM DENSITY RESIDENTIAL
TO DOWNTOWN MIXED USE

Section 2.

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

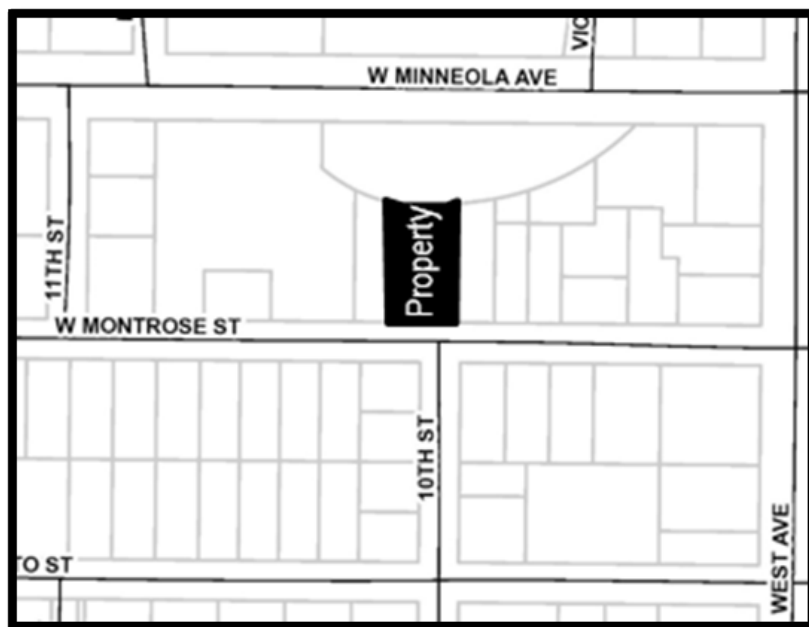
Section 3.

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

Section 4.

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

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-13

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 28th day of February, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Victory Pointe LLC

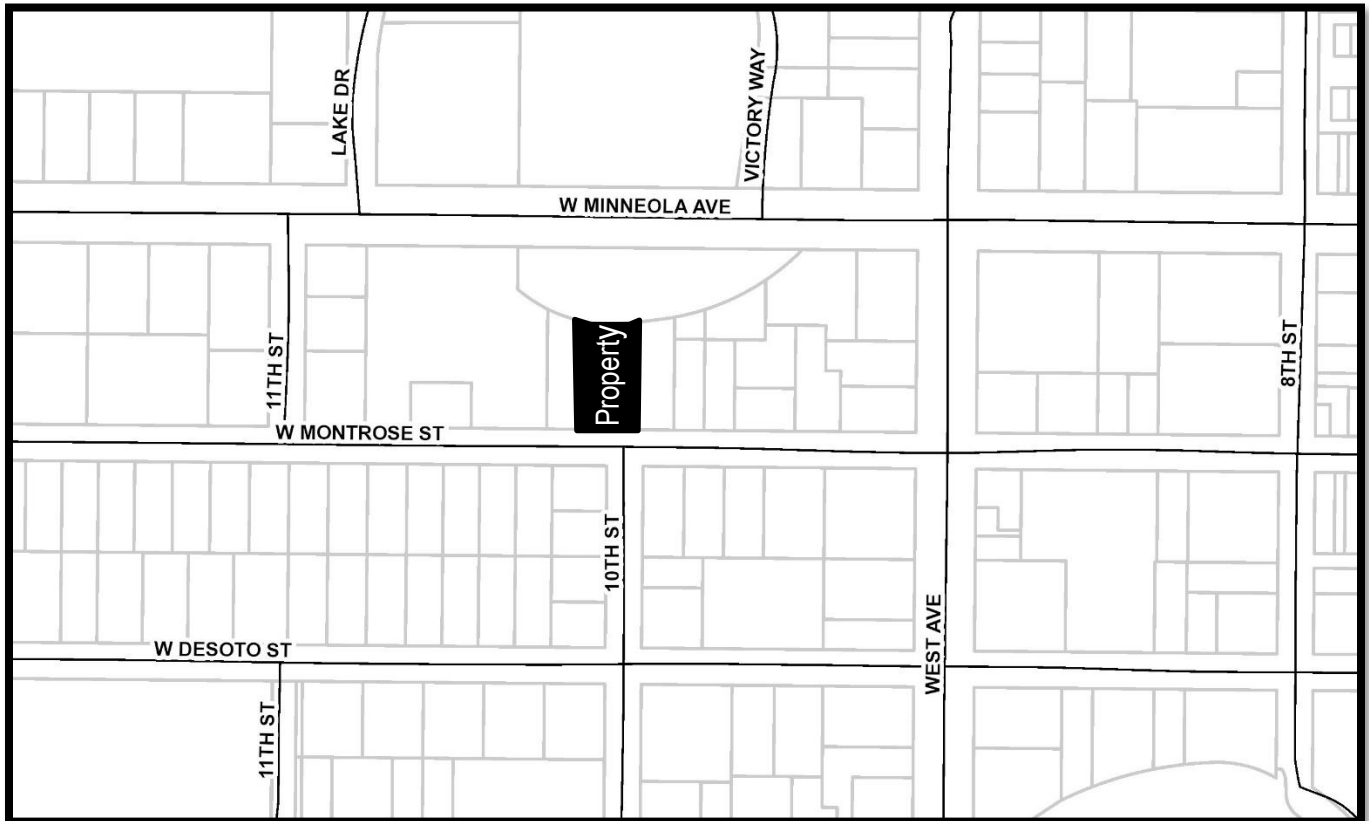


Exhibit – Future Land Use Map – Victory Pointe LLC

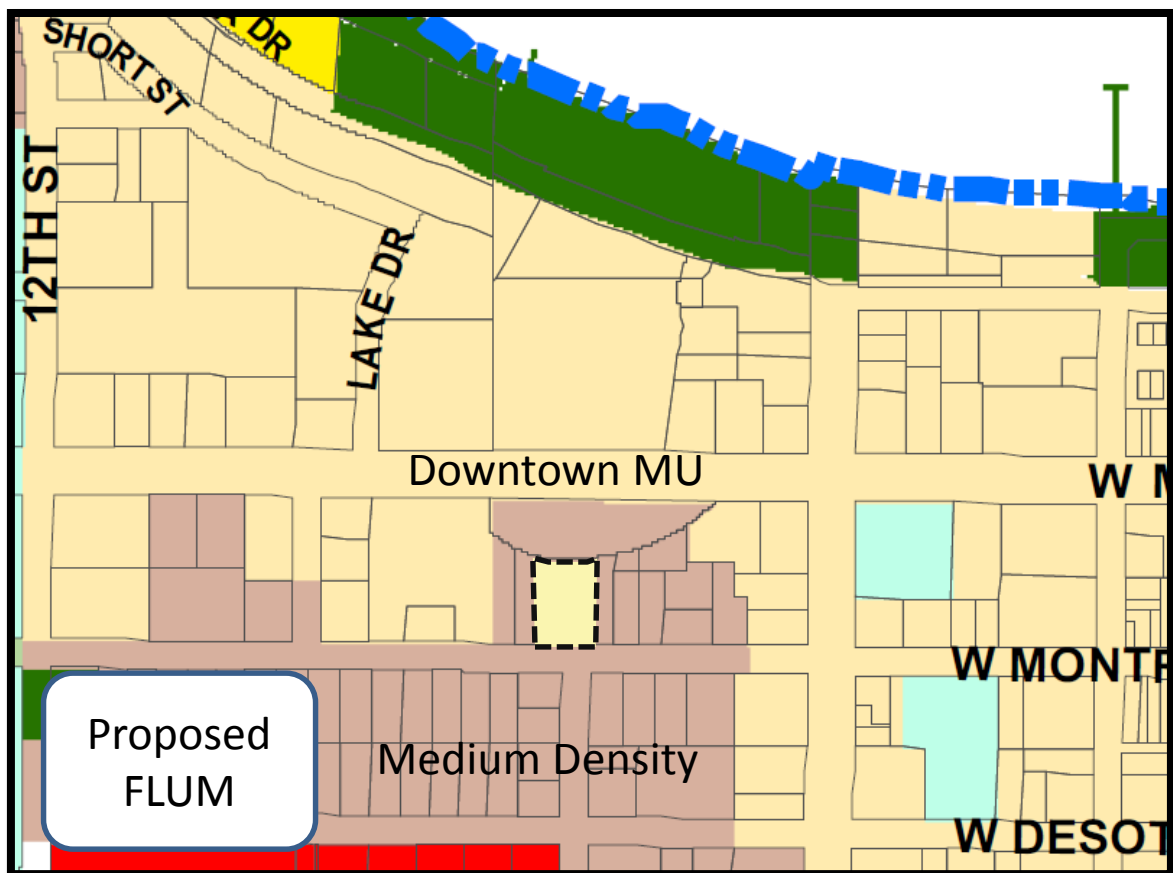
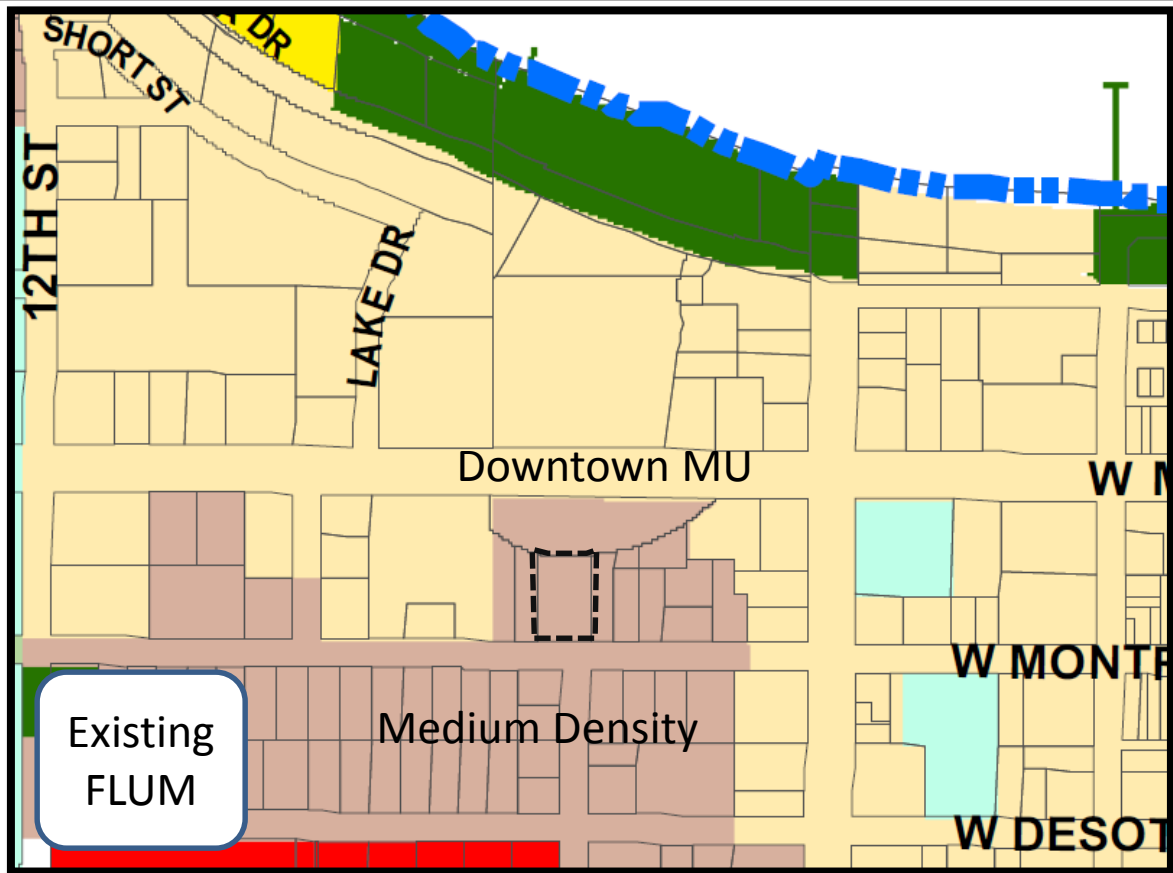


Exhibit – Zoning Map – Victory Pointe LLC





CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: 12/30/16

FEE: \$500

Project Name (if applicable): _____

Applicant: Paul Gaynor

Contact Person: Paul Gaynor

Address: 1200 Oakley Seaver Dr. Suite 203

City: Clermont State: FL Zip: 34711

Phone: 352-552-2623 Fax: _____

E-Mail: pgaynor@grattholdings.com

OWNER: Victory Pointe, LLC

Address: 1200 Oakley Seaver Dr. Suite 203

City: Clermont State: FL Zip: 34711

Phone: 352-552-2623 Fax: _____

E-Mail: pgaynor@grattholdings.com

General Location: W. Montrose St. and 10th St.

Legal Description (include copy of survey): Clermont lot 1 BIK 114
that part of tenth st lying E of lot
1 BIK 114 - LESS E 10 FT - PG 8 PG 17
ORB 4874 PG 488

Property size (in acres or square feet): 0.432

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

Existing (Actual) Land Use: ~~Medium Density Residential~~ Vacant

Existing Zoning: R-3

Existing Future Land Use: Medium Density Residential

Proposed Future Land Use: Downtown Mix Use

Type of development proposed: Build new custom, high end,
single family condos.



Proposed density (dwelling units/acre) or intensity: Maximum Downtown Mixed Use
Proposed Zoning District: CBD

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).

Utilizing vacant property around city
property as well as utilizing how close
the property is to the downtown area.

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



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Paul Gaynor, Victory Pointe, LLC, who being

by me first duly sworn on oath, deposes and says:

1. That he (she) is the fee-simple owner of the property legally described on the attachment of this application.
2. That he (she) desires a Future Land Use Amendment from Medium Density Residential to Downtown Mixed Use for the property legally described on the attachment of this application.
3. That the owner of said property has appointed _____ to act as agent on his (her) 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.

Paul Gaynor

Affiant - Applicant Name (print)

X

[Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by Paul David Gaynor
or personally known by me this 30 day of December, 2016.

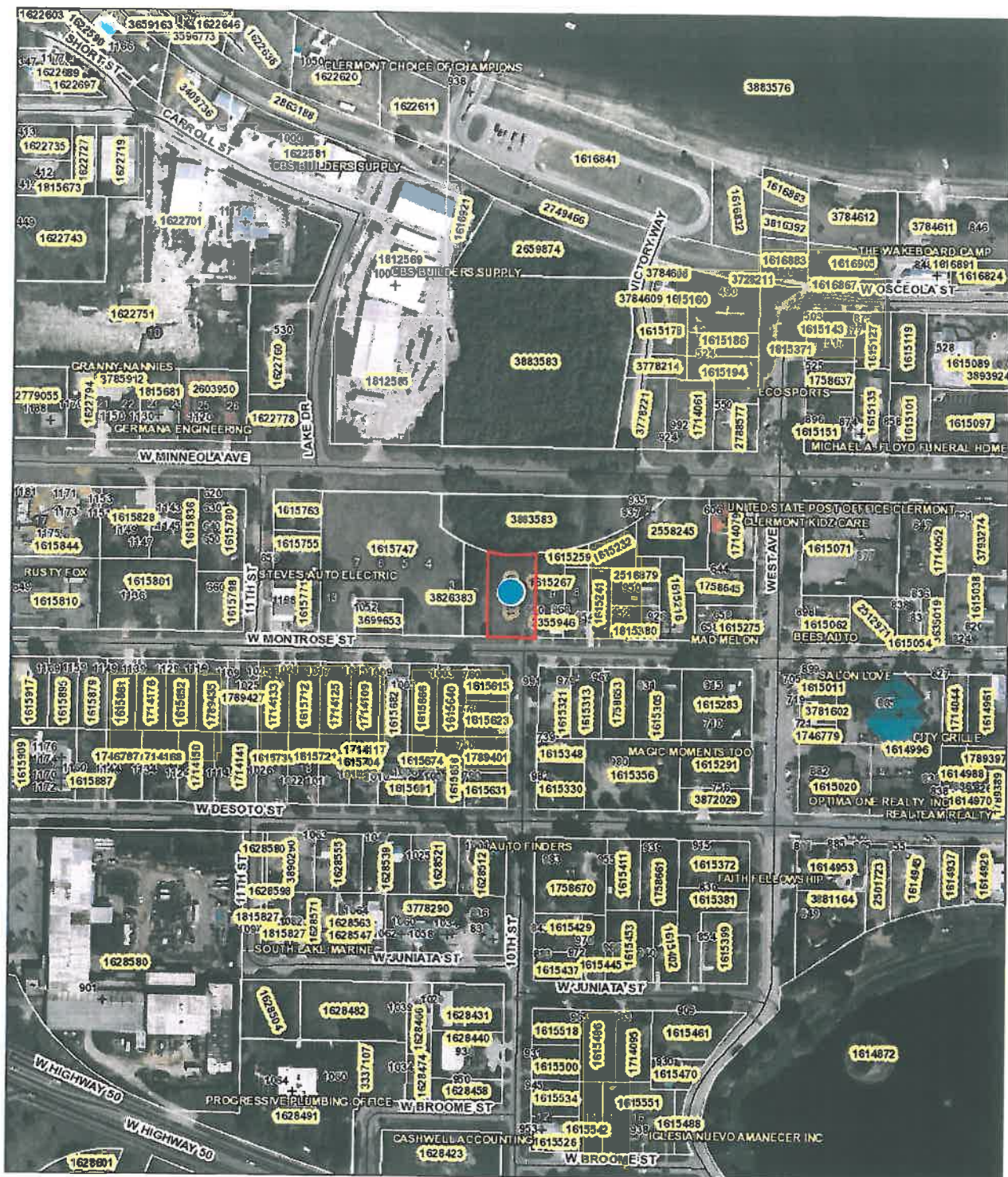
X

[Signature]
Notary Public, State of Florida at Large

My Commission Expires:



JOELL FOLMAR
MY COMMISSION # FF 009885
EXPIRES: June 26, 2017
Bonded Thru Budget Notary Services



December 30, 2016

pointLayer



Override 1

polygonLayer



Override 1

County Boundary

Street Names

Local Streets

Subdivision Lot Numbers

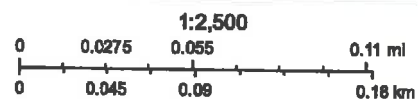
Address Locations

Property Name

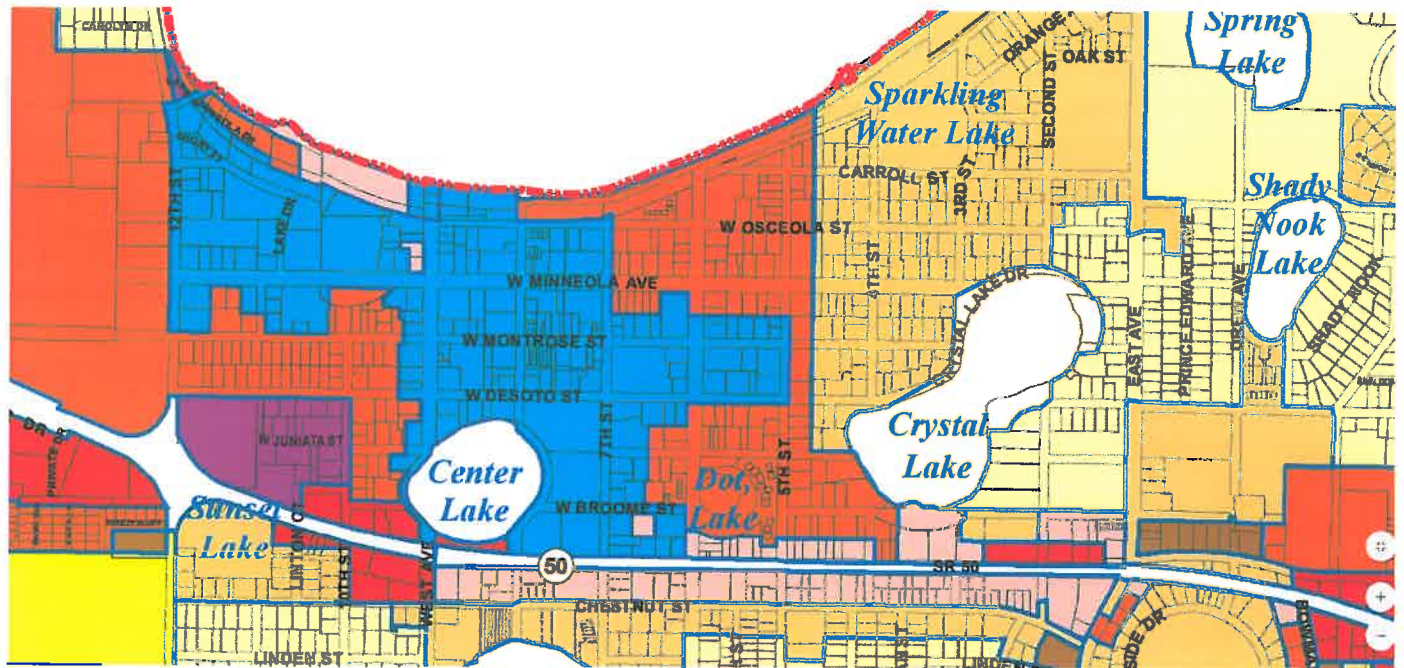
Tax Parcels Alternate Key

Tax Parcels

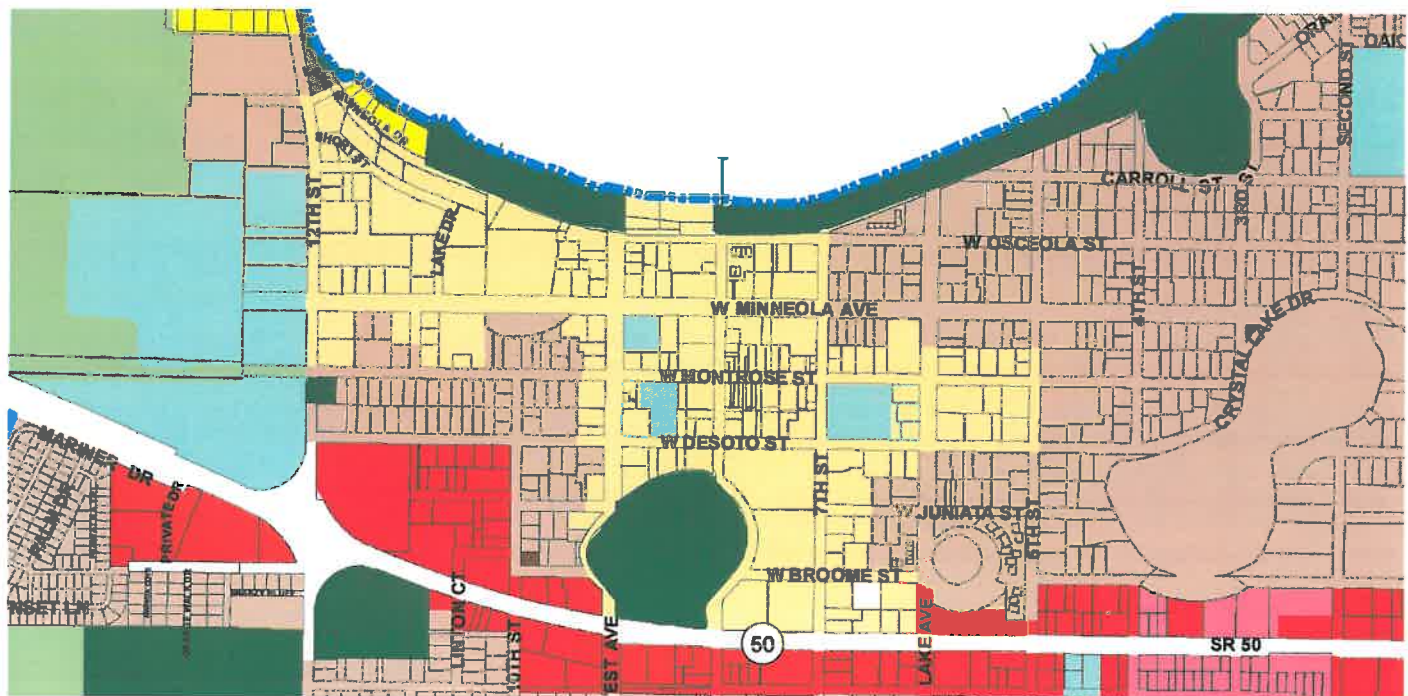
Surrounding Counties



Zoning: Change from R-3 to Central Business District (CBD)



Future Land Use: Change from Medium Density Residential to Downtown Mixed Use



PROPERTY RECORD CARD

General Information

Owner Name:	VICTORY POINTE LLC	Alternate Key:	1789419
Mailing Address:	1200 OAKLEY SEAVER DR STE 203 CLERMONT, FL 34711 Update Mailing Address	Parcel Number:	24-22-25-010011400100
		Millage Group and City:	00C1 (CLERMONT)
		Total Certified Millage Rate:	18.0915
		Trash/Recycling/Water/Info:	My Public Services Map ⓘ
Property Location:	CLERMONT FL 34711 Update Property Location ⓘ	Property Name:	--- Submit Property Name ⓘ
		School Locator:	School and Bus Map ⓘ
Property Description:	CLERMONT LOT 1 BLK 114, THAT PART OF TENTH ST LYING E OF LOT 1 BLK 114—LESS E 10 FT—PB 8 PG 17 ORB 4874 PG 488		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT RESIDENTIAL (0000)	100	170		100	FF	\$0.00	\$18,683.00

Miscellaneous Improvements

There is no Improvement information to display.

Sales History

Book/Page	Sale Date	Instrument	Qualified/Unqualified Vacant/Improved		Sale Price
4874 / 488	12/2/2016	Warranty Deed	Qualified	Vacant	\$53,500.00
4679 / 1544	9/11/2015	Warranty Deed	Unqualified	Vacant	\$15,000.00
4601 / 1995	3/18/2015	Quit Claim Deed	Multi-Parcel	Vacant	\$100.00
4546 / 2097	10/24/2014	Warranty Deed	Multi-Parcel	Vacant	\$70,000.00
4304 / 1243	3/20/2013	Warranty Deed	Multi-Parcel	Vacant	\$20,000.00
3966 / 898	10/25/2010	Warranty Deed	Multi-Parcel	Vacant	\$158,600.00
3470 / 959	7/5/2007	Quit Claim Deed	Multi-Parcel	Vacant	\$1.00



THIS INSTRUMENT PREPARED BY AND RETURN TO:

Vicki Burns

At Home Title, LLC

211 N. Market Blvd., Suite B

Webster, Florida 33597

Property Appraisers Parcel Identification (Folio) Numbers:

2422250100-114-00100

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 2nd day of December, 2016 by CHARLES ELLRODT, herein called the grantor, to VICTORY POINTE, LLC, a Florida Limited Liability Company, whose post office address is 1200 Oakley Seaver Drive, Suite 203, Clermont, FL 34711, hereinafter called the Grantee: (Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LAKE County, State of Florida, viz.:

Lots 1, Block 114, of Official Map of the City of Clermont, according to the plat thereof, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida.

All that portion of Tenth Street, bounded on the South by the North right of way line of Montrose Street, and bounded on the North by the shores of West Lake, according to the Official Map of the City of Clermont, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida, (as abandoned by Ordinance No. 112-M, City of Clermont, a copy of such ordinance being recorded in Official Records Book 654, Page 2171, Public Records of Lake County, Florida, LESS AND EXCEPT the East 10 feet thereof.

Subject to easements, restrictions and reservations of record and to taxes for the year 2017 and thereafter.

THE PROPERTY BEING CONVEYED HEREIN IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR. THE PROPERTY IS VACANT LAND.

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

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

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Deanna A. Alaniz
Witness #1 Signature

Deanna A. Alaniz
Witness #1 Printed Name

Chris Alaniz
Witness #2 Signature

Chris Alaniz
Witness #2 Printed Name

Charles Ellrodt
CHARLES ELLRODT
16891 RIDGEWOOD AVE., MONTVERDE, FLORIDA
34756

STATE OF FLORIDA
COUNTY OF LAKE

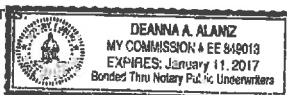
The foregoing instrument was acknowledged before me this 2nd day of December, 2016 by CHARLES ELLRODT who is personally known to me or has produced Driver's License as identification.

SEAL

Deanna A. Alaniz
Notary Public

Deanna A. Alaniz
Printed Notary Name

My Commission Expires



Map of Boundary Survey

Description:

Lot 1, Block 114, Official Map of The City of Clermont, according to the plat thereof, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida.

AND

All that portion of Tenth Street, bounded on the South by the North right of way line of Montrose Street, and bounded on the North by the shores of West Lake, according to the Official Map of The City of Clermont, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida. (abandoned by Ordinance 112-M in ORB 554, Page 2171)
Less the East 10.00 feet of Tenth Street.

Lake County

I hereby declare that based on my examination of the Flood Insurance Rate Map number 12069C 0570 E dated Dec. 18, 2012, and that to the best of my knowledge, belief and my professional opinion that the subject property lies within flood zones X & A.

Notes:

- Bearings based on the South line of Lot 1 as being N 89°28'40" W, an assumed meridian.
- Legal description supplied by client.
- No title commitment or abstract has been provided for the subject property. There may be recorded or unrecorded documents which could affect this parcel.
- No adjacent or underground improvements, other than those shown, located this date.
- Subject property contains 18,798 SF or 0.432 acres, more or less, and is subject to any rights of way or easements of record.

LEGEND:

- Denotes found 1/2" iron rod & cap marked "LB 7227"
- Denotes set 1/2" iron rod & cap marked "LB 6980"

Scale = 1"=30'

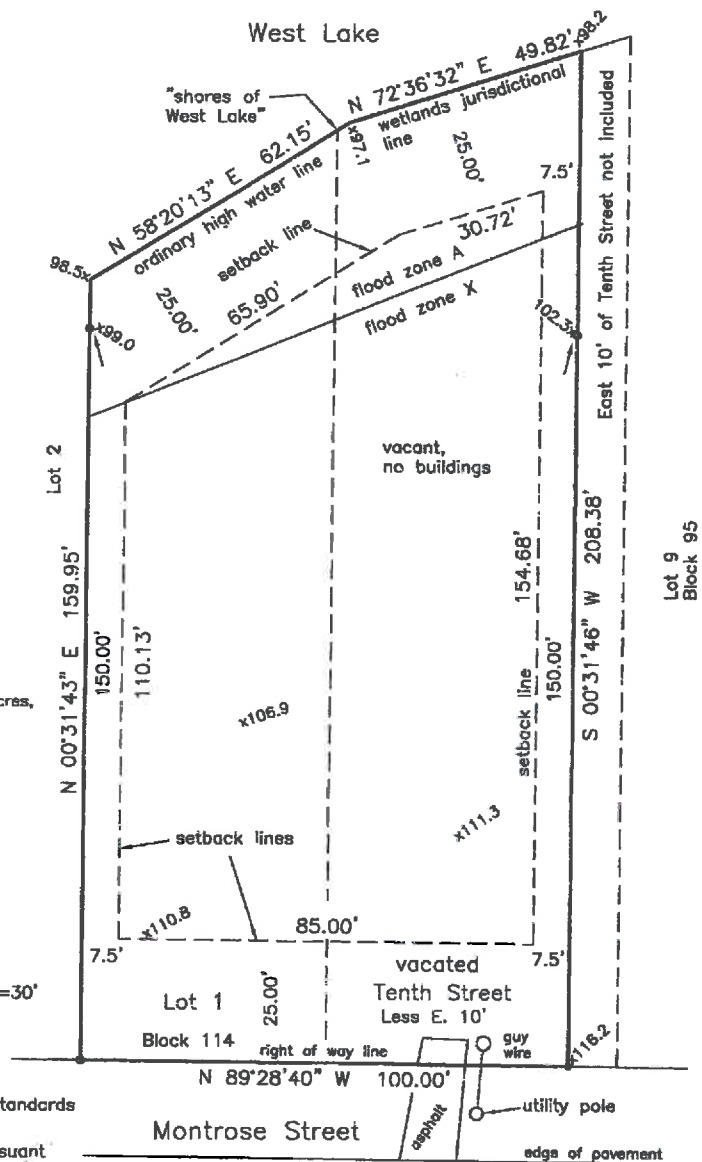
Surveyor's Certification

I hereby certify to Paul Gaynor

that this Map of Boundary Survey meets the Standards of Practice for surveys as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jeffrey P. Rhoden 11/14/16
JEFFREY P. RHODEN PSM #5322
STATE OF FLORIDA

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.



Montrose Street

Field Date 11/18/16	Prepared for: Paul Gaynor	18076.001
Drawn by: JPR	Rhoden Land Surveying, Inc.	
Scale: 1"=30'	LB #6980 420 E. Minnehaha Ave. Clermont, FL 34711 352-394-6255	

CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2017-13

The City of Clermont will hold public hearings on Tuesday, February 7, 2017 at 6:30 p.m. before the Planning and Zoning Commission; and Tuesday, February 14, 2017 at 6:30 p.m. (1st reading of the adoption ordinance) and Tuesday, February 28, 2017 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 0.43 +/-acre parcel below from Medium Density Residential to Downtown Mixed Use. Alternate Key 1789419.



Location:

Vacant parcel lying north of the intersection of 10th Street and W. Montrose Street

Ordinance #2017-13:

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.

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
January 27 and February 14, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date														
Tuesday, February 7, 2017														
Agenda Item Name														
Ordinance No. 2017-14 Victory Pointe, LLC Rezoning														
Requested Action														
Recommend approval of Ordinance 2017-14.														
Staff Report														
This request is being heard concurrently with a request for a small-scale comprehensive plan amendment. The applicant, Paul Gaynor, is requesting a change from the R-3 Residential/Professional District to CBD Central Business District. The property is approximately a half acre in size and is currently vacant. The Central Business District adjoins this property on its north side through Victory Pointe, the City's regional stormwater pond and park. The requested rezoning will promote the expansion of the Central Business District in the area. Although the Downtown Mixed Use future land use district currently allows for a maximum density of 12 units per acre, the Council approved transmittal of a comprehensive plan amendment in December 2016 that would increase the base density in the Downtown Mixed Use future land use district to a maximum of 25 units per acre and allow for a density bonus up to 40 units per acre if specific development criteria was met. The adoption of that proposed future land use change will be considered at the Feb. 28, 2017 Council meeting. The applicant has indicated that they would like to construct single-family condos at a density of up to 10 units, which is approximately 25 units per acre. Staff recommends approval of the rezoning to CBD Central Business District.														
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 2017-14</td><td>REZ ORD 2017-14.doc</td></tr><tr><td>2.</td><td>Maps</td><td>Victory Pointe LLC Maps.pdf</td></tr><tr><td>3.</td><td>Rezoning Application</td><td>REZ application.pdf</td></tr><tr><td>4.</td><td>Rezoning Legal ad</td><td>REZ Victory Pointe LLC legal ad.docx</td></tr></table>			1.	Ordinance 2017-14	REZ ORD 2017-14.doc	2.	Maps	Victory Pointe LLC Maps.pdf	3.	Rezoning Application	REZ application.pdf	4.	Rezoning Legal ad	REZ Victory Pointe LLC legal ad.docx
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3.	Rezoning Application	REZ application.pdf												
4.	Rezoning Legal ad	REZ Victory Pointe LLC legal ad.docx												

CITY OF CLERMONT
ORDINANCE No. 2017-14

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

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

SECTION 1:

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

LEGAL DESCRIPTION

Lot 1, Block 114, Official Map of the City of Clermont, according to the plat thereof, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida.

AND

All that portion of Tenth Street, bounded on the South by the North right of way line of Montrose Street, and bounded on the North by the shores of West Lake, according to the Official Map of the City of Clermont, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida. (abandoned by Ordinance 112-M in ORB 654, Page 2171) Less the East 10.00 feet of Tenth Street. Alternate Key 1789419.

Containing 0.432 +/- Acres

FROM R-3 Residential/Professional
TO CBD Central Business District

SECTION 2:

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

SECTION 3:

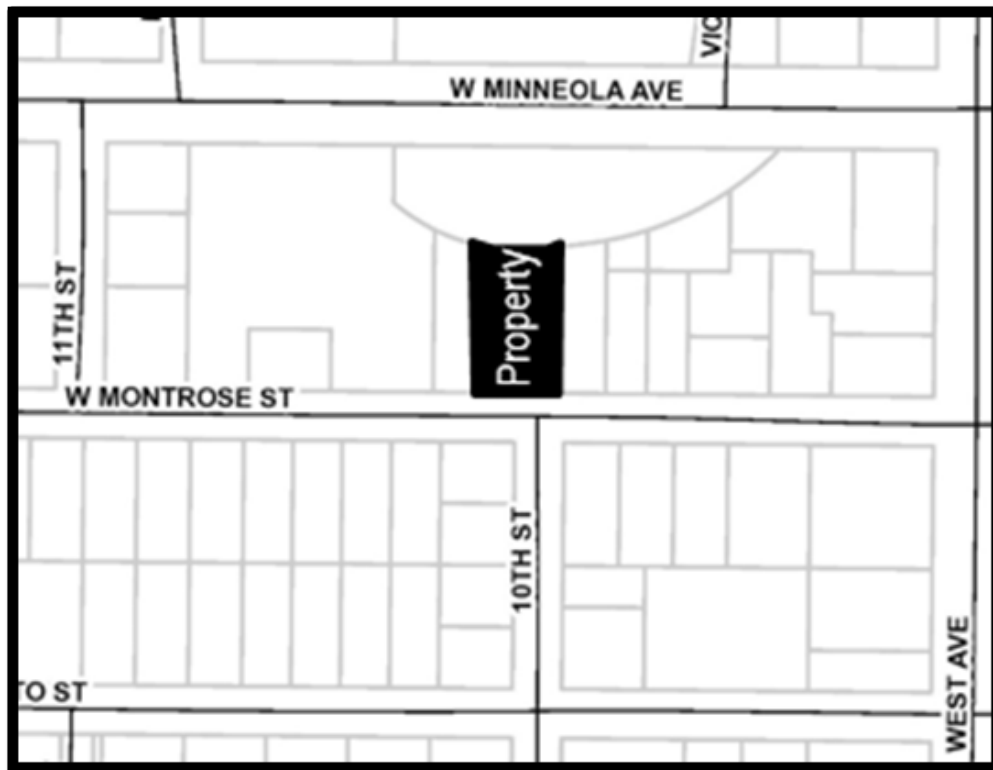
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

CITY OF CLERMONT
ORDINANCE No. 2017-14

SECTION 4:

The provisions of this Ordinance shall be effective as provided by law.

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-14

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of February, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Victory Pointe LLC

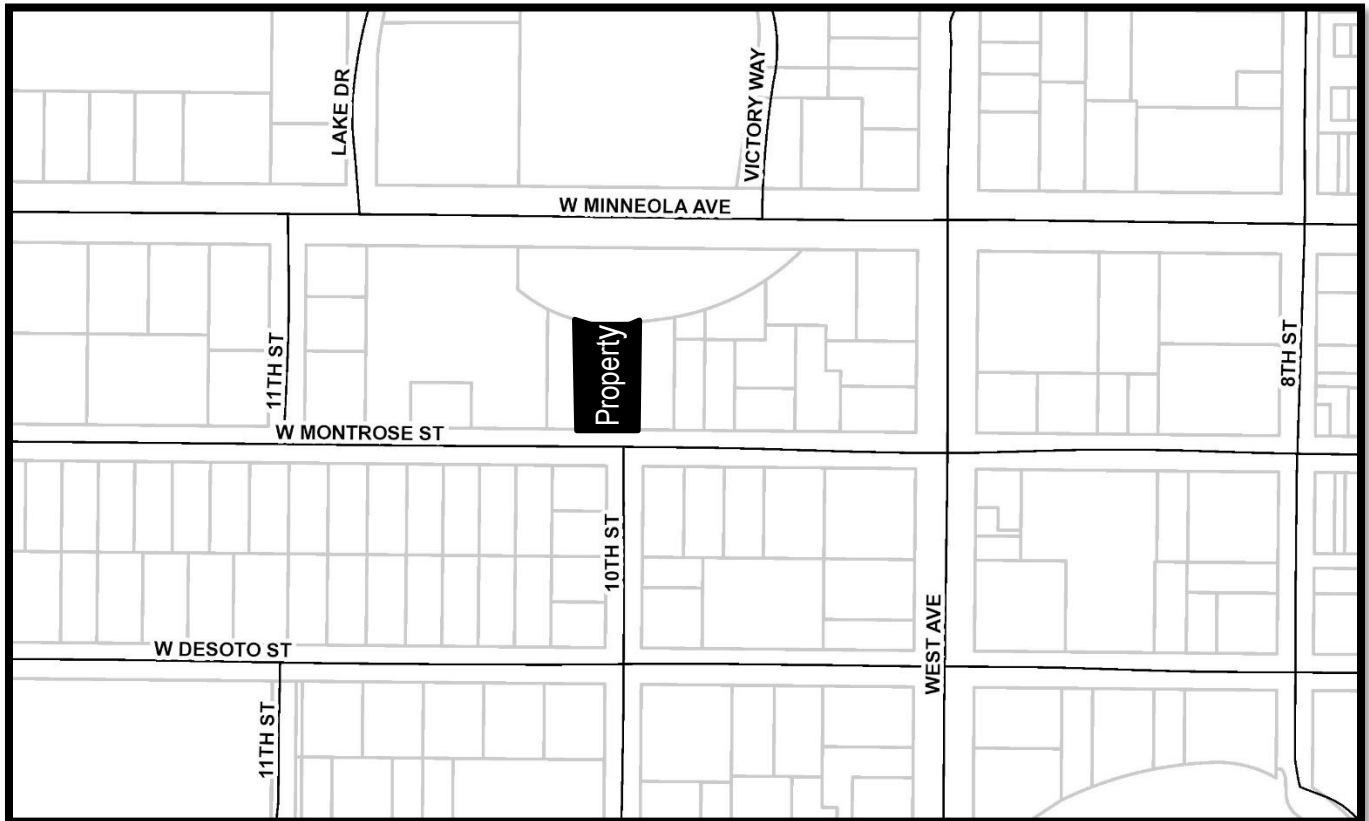


Exhibit – Future Land Use Map – Victory Pointe LLC

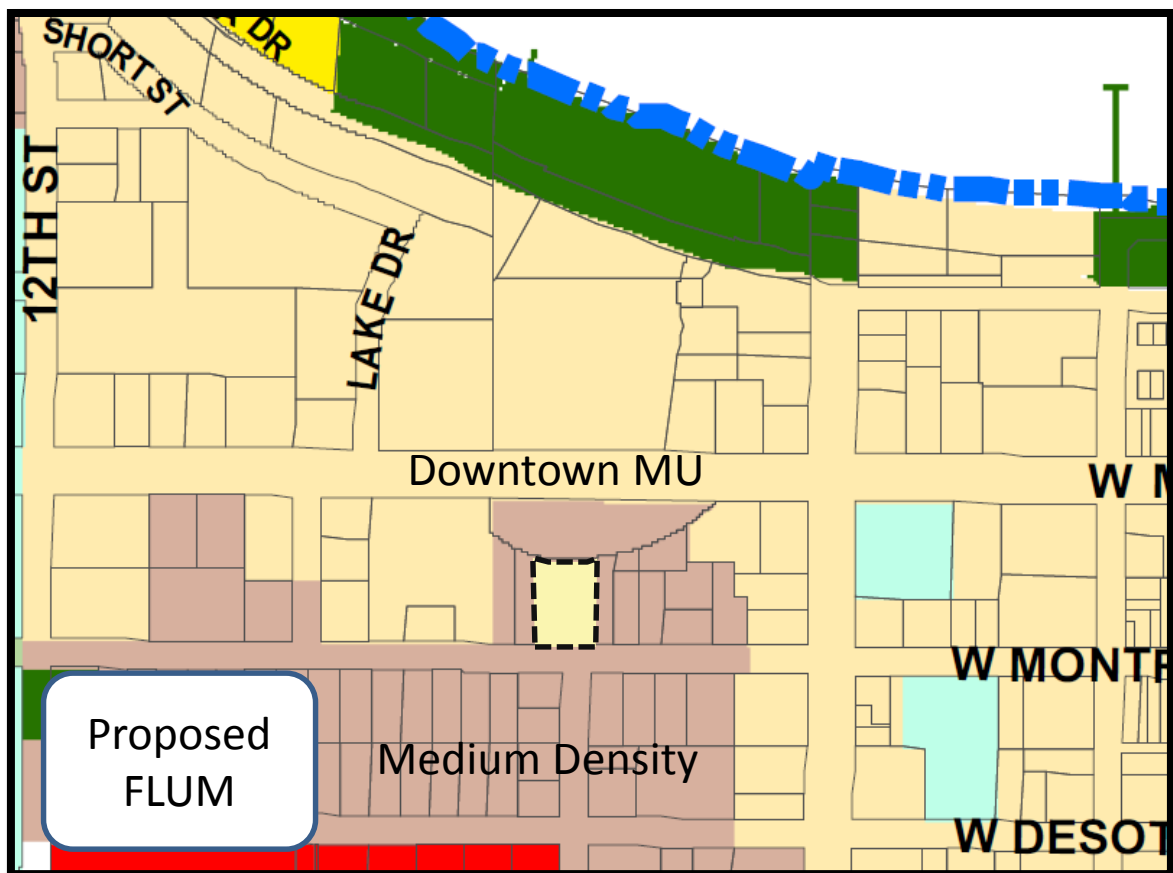
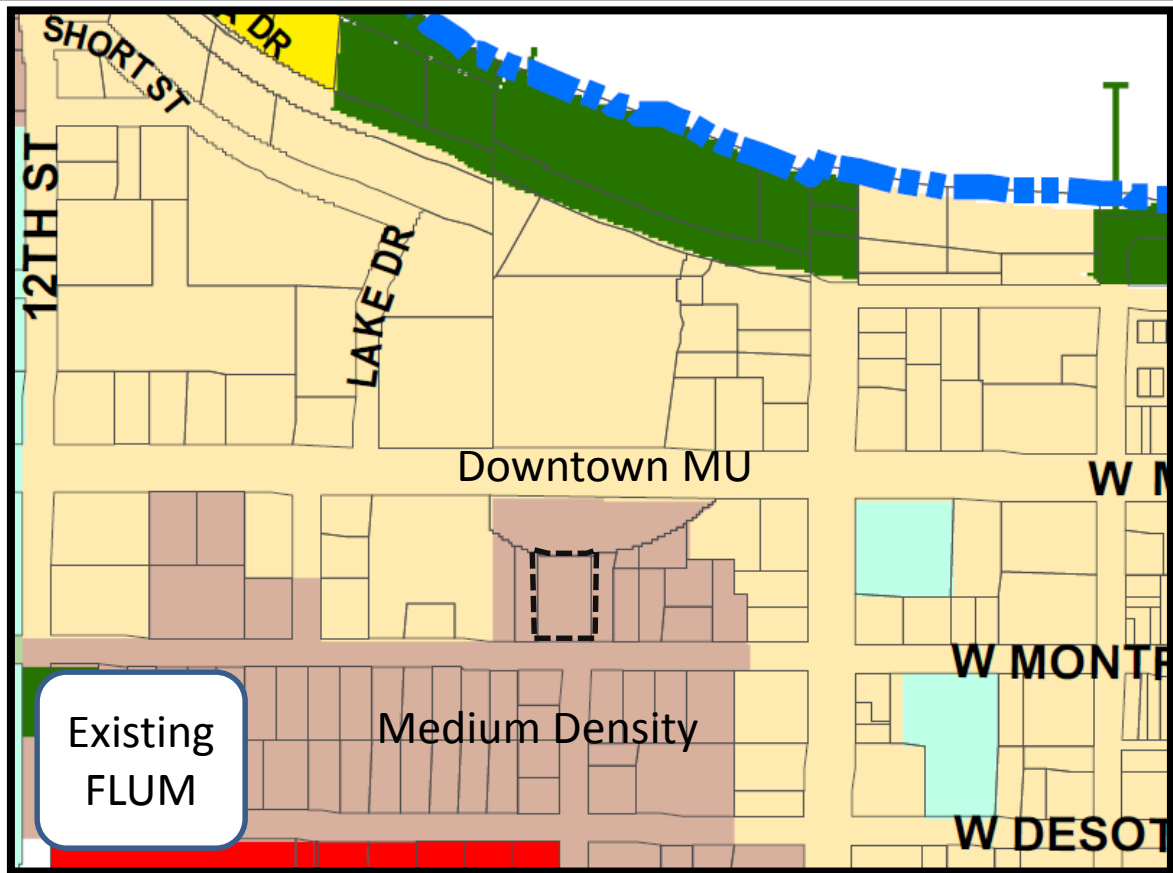


Exhibit – Zoning Map – Victory Pointe LLC





CITY OF CLERMONT
REZONING
APPLICATION

DATE: 12/30/16

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): _____

APPLICANT: Paul Graynor

CONTACT PERSON: Paul Graynor

Address: 1200 Oakley Seaver Dr. suite 203

City: Clermont State: FL Zip: 34711

Phone: 352-552-2623 Fax: _____

E-Mail: Pgraynor@graffholdings.com

OWNER: Victory Pointe, LLC.

Address: 1200 Oakley Seaver Dr. Suite 203

City: Clermont State: FL Zip: 34711

Phone: 352-552-2623 Fax: _____

Address of Subject Property: Northwest corner of W. Montrou Street and 10th Street

Legal Description (include copy of survey): Clermont lot 1 Blk 114,
that part of tenth st lying E of lot
1 Blk 114 - LESS E 10 FT - PB 8 PG 17
ORB 4874 PG 488

Acres: 0.432 Land Use: Medium Density Residential
(City verification required)

Present Zoning: R-3 Proposed Zoning: CBD
(City verification required)



**CITY OF CLERMONT
REZONING
APPLICATION**

Page 2

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

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

Build new custom, high end, single
family Condos.

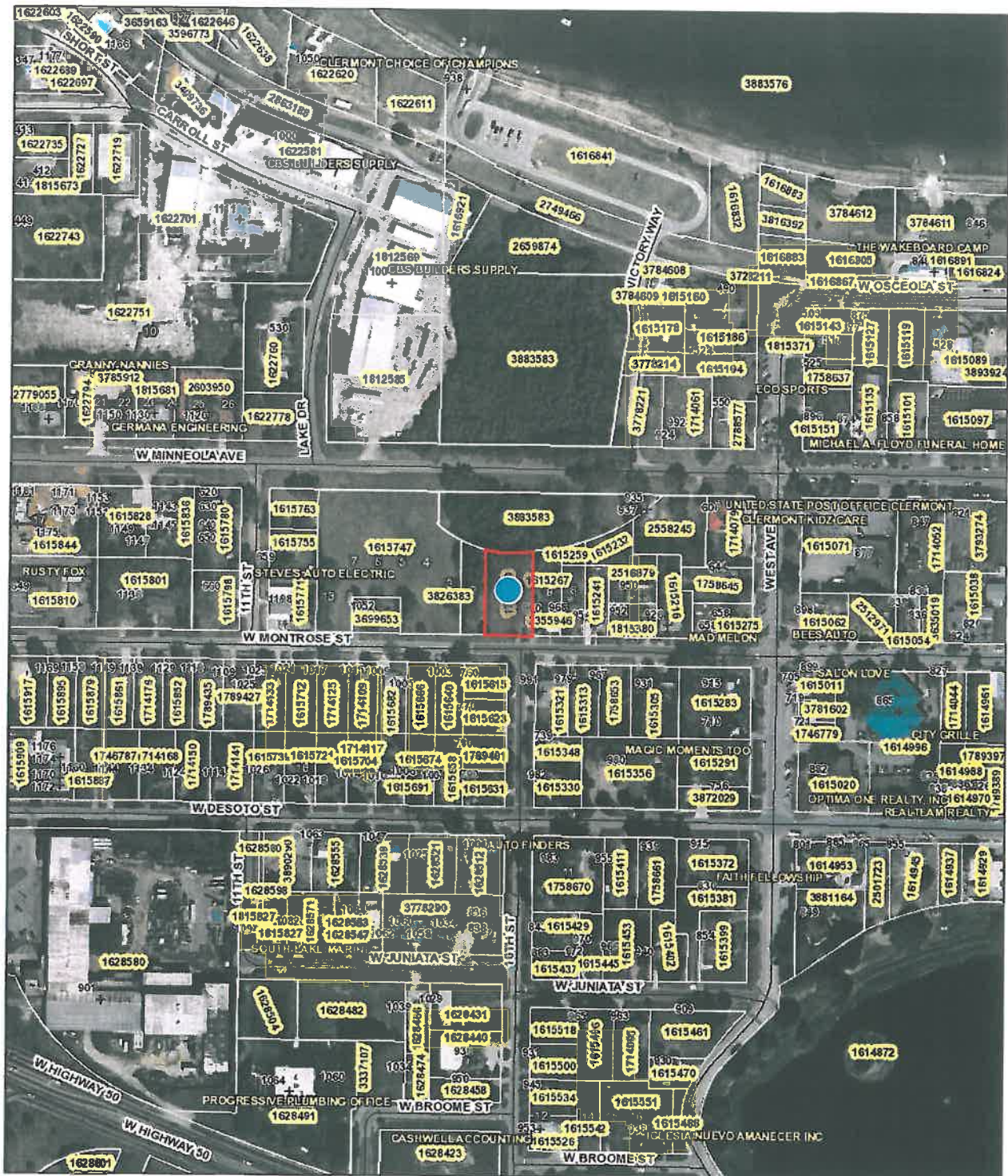
Paul Gaynor
Applicant Name (print)

x Paul Gaynor
Applicant Name (signature)

Paul Gaynor
Owner Name (print)

x Paul Gaynor
Owner Name (signature)

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



December 30, 2016

pointLayer



Override 1

polygonLayer



Override 1



County Boundary

Street Names



Local Streets

Subdivision Lot Numbers



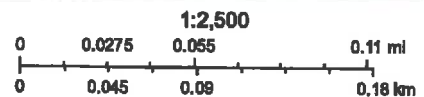
Address Locations

Property Name

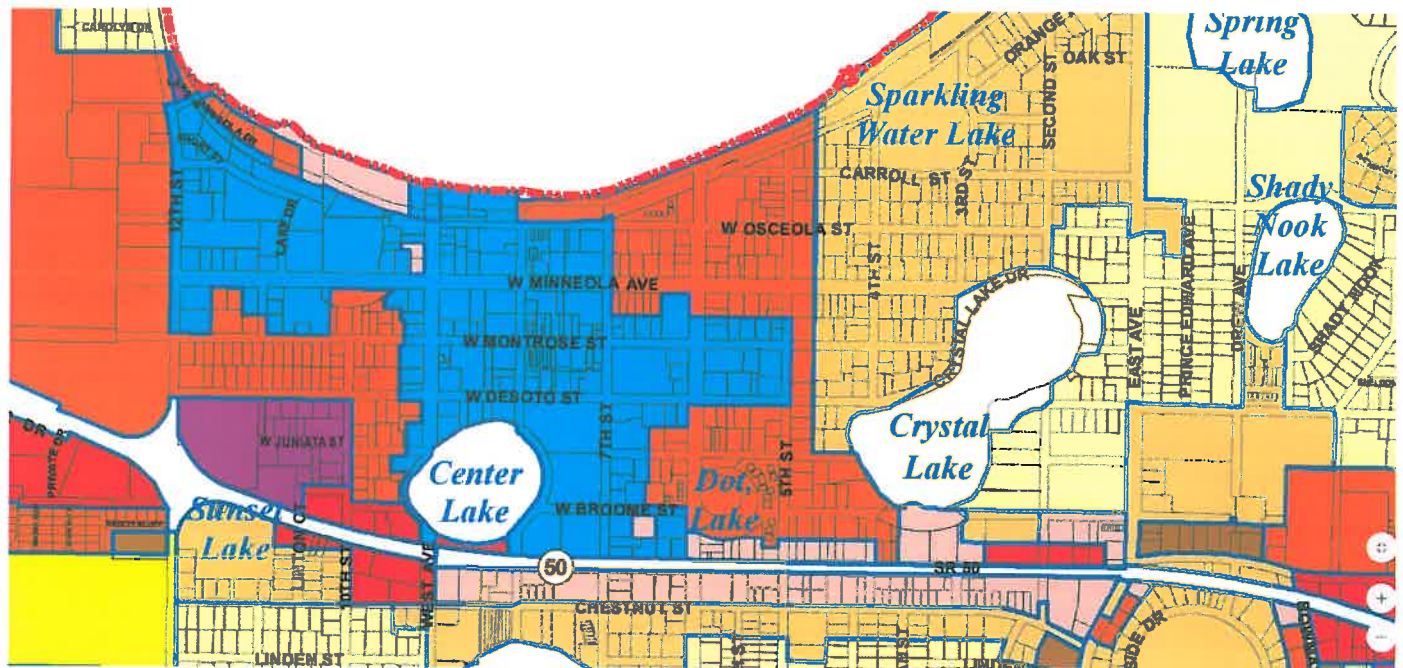
Tax Parcels Alternate Key

Tax Parcels

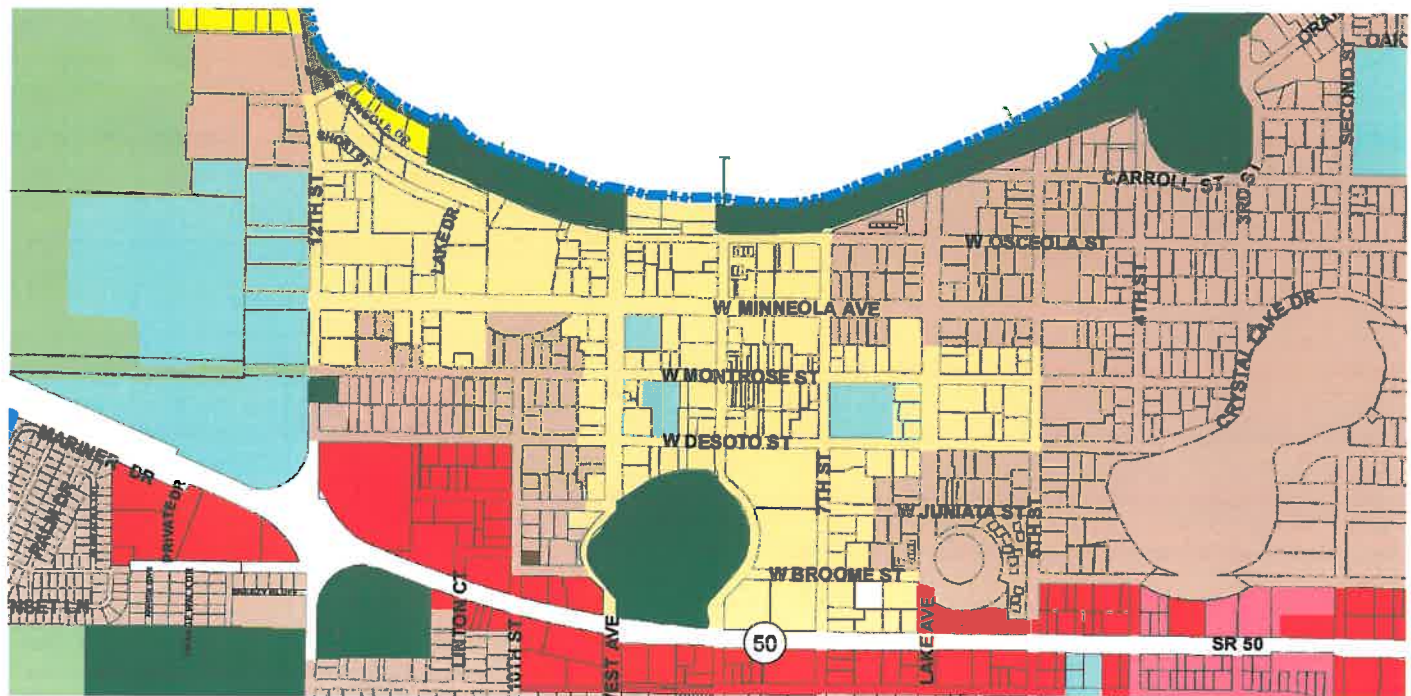
Surrounding Counties



Zoning: Change from R-3 to Central Business District (CBD)



Future Land Use: Change from Medium Density Residential to Downtown Mixed Use



PROPERTY RECORD CARD

General Information

Owner Name: VICTORY POINTE LLC
Alternate Key: 1789419
Mailing Address: 1200 OAKLEY SEAVER DR STE 203 CLERMONT, FL 34711
[Update Mailing Address](#)
Parcel Number: 24-22-25-010011400100
Millage Group and City: 00C1 (CLERMONT)
Total Certified Millage Rate: 18.0915
Trash/Recycling/Water/Info: [My Public Services Map](#) ⓘ
Property Location: CLERMONT FL 34711
[Update Property Location](#) ⓘ
Property Name: [Submit Property Name](#) ⓘ
School Locator: [School and Bus Map](#) ⓘ
Property Description: CLERMONT LOT 1 BLK 114, THAT PART OF TENTH ST LYING E OF LOT] 1 BLK 114—LESS E 10 FT—PB 8 PG 17 | ORB 4874 PG 488 |

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT RESIDENTIAL (0000)	100	170		100	FF	\$0.00	\$18,683.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
4874 / 488	12/2/2016	Warranty Deed	Qualified	Vacant	\$53,500.00
4679 / 1544	9/11/2015	Warranty Deed	Unqualified	Vacant	\$15,000.00
4601 / 1995	3/18/2015	Quit Claim Deed	Multi-Parcel	Vacant	\$100.00
4546 / 2097	10/24/2014	Warranty Deed	Multi-Parcel	Vacant	\$70,000.00
4304 / 1243	3/20/2013	Warranty Deed	Multi-Parcel	Vacant	\$20,000.00
3966 / 898	10/25/2010	Warranty Deed	Multi-Parcel	Vacant	\$158,600.00
3470 / 959	7/5/2007	Quit Claim Deed	Multi-Parcel	Vacant	\$1.00



THIS INSTRUMENT PREPARED BY AND RETURN TO:

Vicki Burns

At Home Title, LLC

211 N. Market Blvd., Suite B

Webster, Florida 33597

Property Appraisers Parcel Identification (Folio) Numbers:

2422250100-114-00100

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 2nd day of December, 2016 by CHARLES ELLRODT, herein called the grantor, to VICTORY POINTE, LLC, a Florida Limited Liability Company, whose post office address is 1200 Oakley Seaver Drive, Suite 203, Clermont, FL 34711, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LAKE County, State of Florida, viz.:

Lots 1, Block 114, of Official Map of the City of Clermont, according to the plat thereof, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida.

All that portion of Tenth Street, bounded on the South by the North right of way line of Montrose Street, and bounded on the North by the shores of West Lake, according to the Official Map of the City of Clermont, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida, (as abandoned by Ordinance No. 112-M, City of Clermont, a copy of such ordinance being recorded in Official Records Book 654, Page 2171, Public Records of Lake County, Florida, LESS AND EXCEPT the East 10 feet thereof.

Subject to easements, restrictions and reservations of record and to taxes for the year 2017 and thereafter.

THE PROPERTY BEING CONVEYED HEREIN IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR. THE PROPERTY IS VACANT LAND.

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

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

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness #1 Signature

Deanna A. Alaniz
Witness #1 Printed Name

Witness #2 Signature

Chris Alaniz
Witness #2 Printed Name

CHARLES ELLRODT
16891 RIDGEWOOD AVE., MONTVERDE, FLORIDA
34756

STATE OF FLORIDA
COUNTY OF LAKE

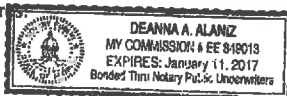
The foregoing instrument was acknowledged before me this 2nd day of December, 2016 by CHARLES ELLRODT who is personally known to me or has produced Driver's License as identification.

SEAL

Notary Public

Printed Notary Name

My Commission Expires



Map of Boundary Survey

Description:

Lot 1, Block 114, Official Map of The City of Clermont, according to the plat thereof, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida.

AND

All that portion of Tenth Street, bounded on the South by the North right of way line of Montrose Street, and bounded on the North by the shores of West Lake, according to the Official Map of The City of Clermont, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida. (abandoned by Ordinance 112-M in ORB 654, Page 2171)
Less the East 10.00 feet of Tenth Street.

Lake County

I hereby declare that based on my examination of the Flood Insurance Rate Map number 12069C 0570 E dated Dec. 18, 2012, and that to the best of my knowledge, belief and my professional opinion that the subject property lies within flood zones X & A.

Notes:

- Bearings based on the South line of Lot 1 as being N 89°28'40" W, an assumed meridian.
- Legal description supplied by client.
- No title commitment or abstract has been provided for the subject property. There may be recorded or unrecorded documents which could affect this parcel.
- No adjacent or underground improvements, other than those shown, located this date.
- Subject property contains 18,798 SF or 0.432 acres, more or less, and is subject to any rights of way or easements of record.

LEGEND:

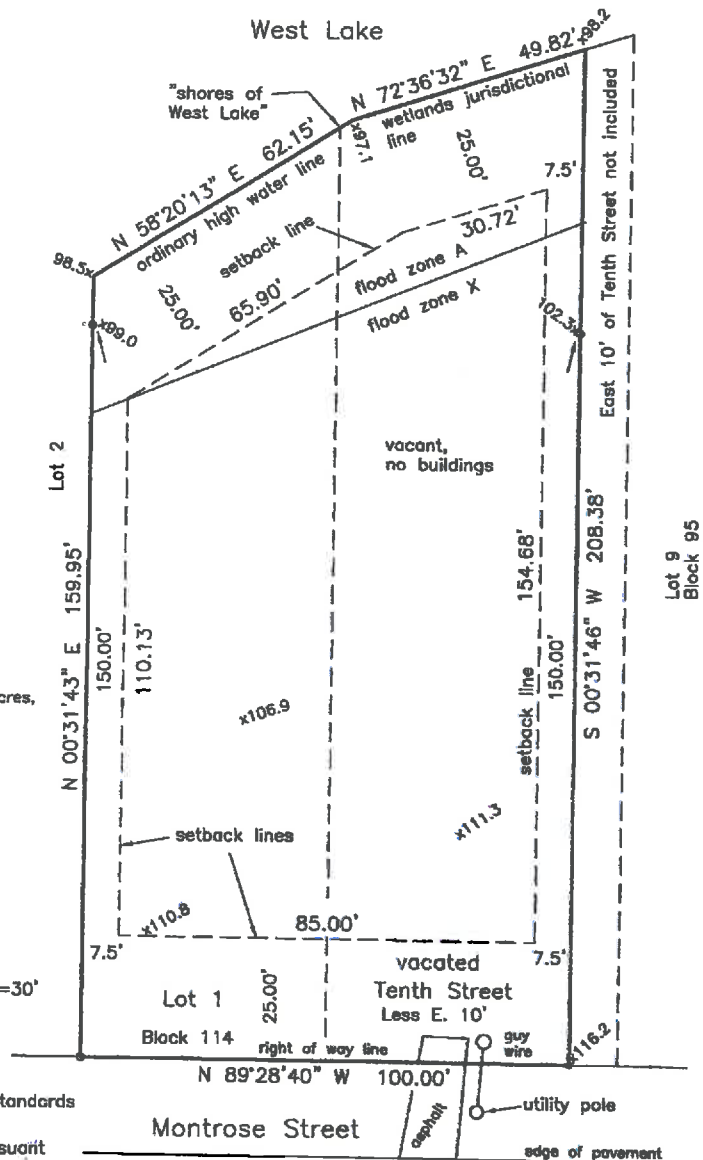
- Denotes found 1/2" iron rod & cap marked "LB 7227"
- Denotes set 1/2" iron rod & cap marked "LB 6980"

Scale = 1"=30'

Surveyor's Certification

I hereby certify to Paul Gaynor that this Map of Boundary Survey meets the Standards of Practice for surveys as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jeffrey P. Rhoden 11/19/16
JEFFREY P. RHODEN PSM #5322
STATE OF FLORIDA
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.



Field Date 11/18/16	Prepared for: Paul Gaynor
Drawn by: JPR	Rhoden Land Surveying, Inc. LB #6980 420 E. Minnehaha Ave. Clermont, FL 34711 352-394-6255
Scale: 1"=30'	

LEGAL NOTICE

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

ORDINANCE NO. 2017-14

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

LOCATION

Vacant parcel lying north of the intersection of
10th Street and W. Montrose Street
Alternate Key 1789419

LEGAL DESCRIPTION

Lot 1, Block 114, Official Map of the City of Clermont, according to the plat thereof, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida.

AND

All that portion of Tenth Street, bounded on the South by the North right of way line of Montrose Street, and bounded on the North by the shores of West Lake, according to the Official Map of the City of Clermont, as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida. (abandoned by Ordinance 112-M in ORB 654, Page 2171) Less the East 10.00 feet of Tenth Street.
Containing 0.432 +/- Acres

FROM R-3 Residential/Professional
TO CBD Central Business District

This request will be considered by the Planning & Zoning Commission on Tuesday, February 7, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, February 28, 2017 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
January 31 and February 14, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date														
Tuesday, February 7, 2017														
Agenda Item Name														
Ordinance No. 2017-16 Anderson Hill Small-Scale Comprehensive Plan Amendment														
Requested Action														
Recommend approval of Ordinance 2017-16.														
Staff Report														
The applicant, Avid Group, is requesting a small-scale comprehensive plan amendment for the subject property. The property is approximately 9.5 +/- acres in size. This request is being heard concurrently with requests for annexation, rezoning and a conditional use permit. The applicant wishes to develop the property and have City services available. The small-scale comprehensive plan amendment would change the future land use from Lake County's Urban Low to the City's Commercial designation. The Commercial designation is supported by the property's physical characteristics and its U.S. Highway 27 frontage. The property is adjacent to a major arterial roadway and has existing commercial uses to the north and across U.S. Highway 27 to the east. Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Lake County Urban Low to Commercial in the City.														
Additional Analysis														
Fiscal Impact Summary														
Fiscal Impact	Fund Number and Description	Available Budget Amount												
Exhibits Attached (copies of original agreements)														
<table border="0"> <tr> <td>1.</td> <td>Ordinance</td> <td>CPA Ord. 2017-16.doc</td> </tr> <tr> <td>2.</td> <td>Maps</td> <td>Anderson Hill Retail Maps.pdf</td> </tr> <tr> <td>3.</td> <td>Application</td> <td>CPA application.pdf</td> </tr> <tr> <td>4.</td> <td>Legal ad</td> <td>CPA Anderson Hill legal ad.docx</td> </tr> </table>			1.	Ordinance	CPA Ord. 2017-16.doc	2.	Maps	Anderson Hill Retail Maps.pdf	3.	Application	CPA application.pdf	4.	Legal ad	CPA Anderson Hill legal ad.docx
1.	Ordinance	CPA Ord. 2017-16.doc												
2.	Maps	Anderson Hill Retail Maps.pdf												
3.	Application	CPA application.pdf												
4.	Legal ad	CPA Anderson Hill legal ad.docx												

CITY OF CLERMONT
ORDINANCE No. 2017-16

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.

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

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, public records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to

CITY OF CLERMONT
ORDINANCE No. 2017-16

a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres, more or less.

Alternate Key 1453496, 3828239, and 2826541.

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM COUNTY URBAN LOW DENSITY
TO CITY OF CLERMONT COMMERCIAL

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.

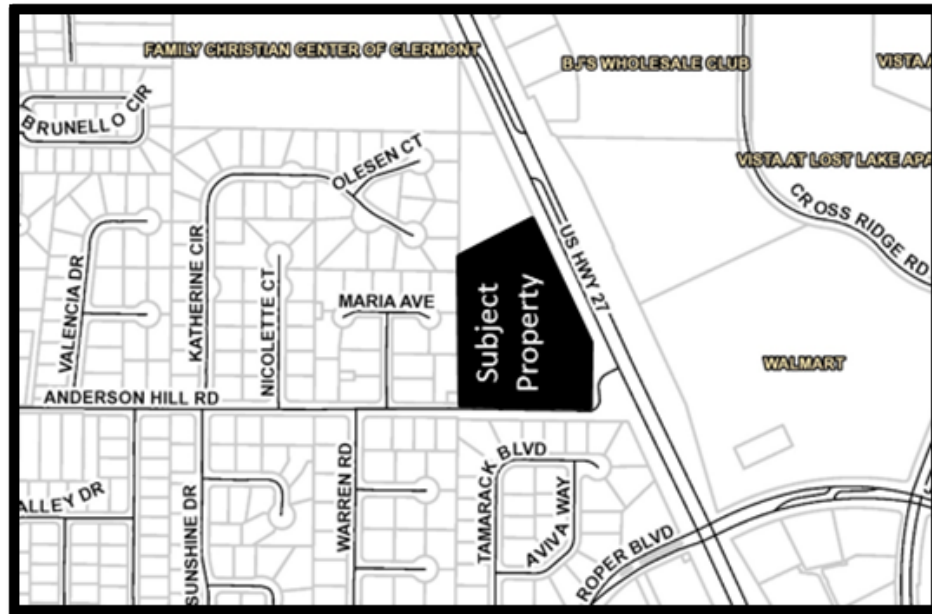
All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

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. 2017-16

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-16

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 14th day of March, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Anderson Hill Retail

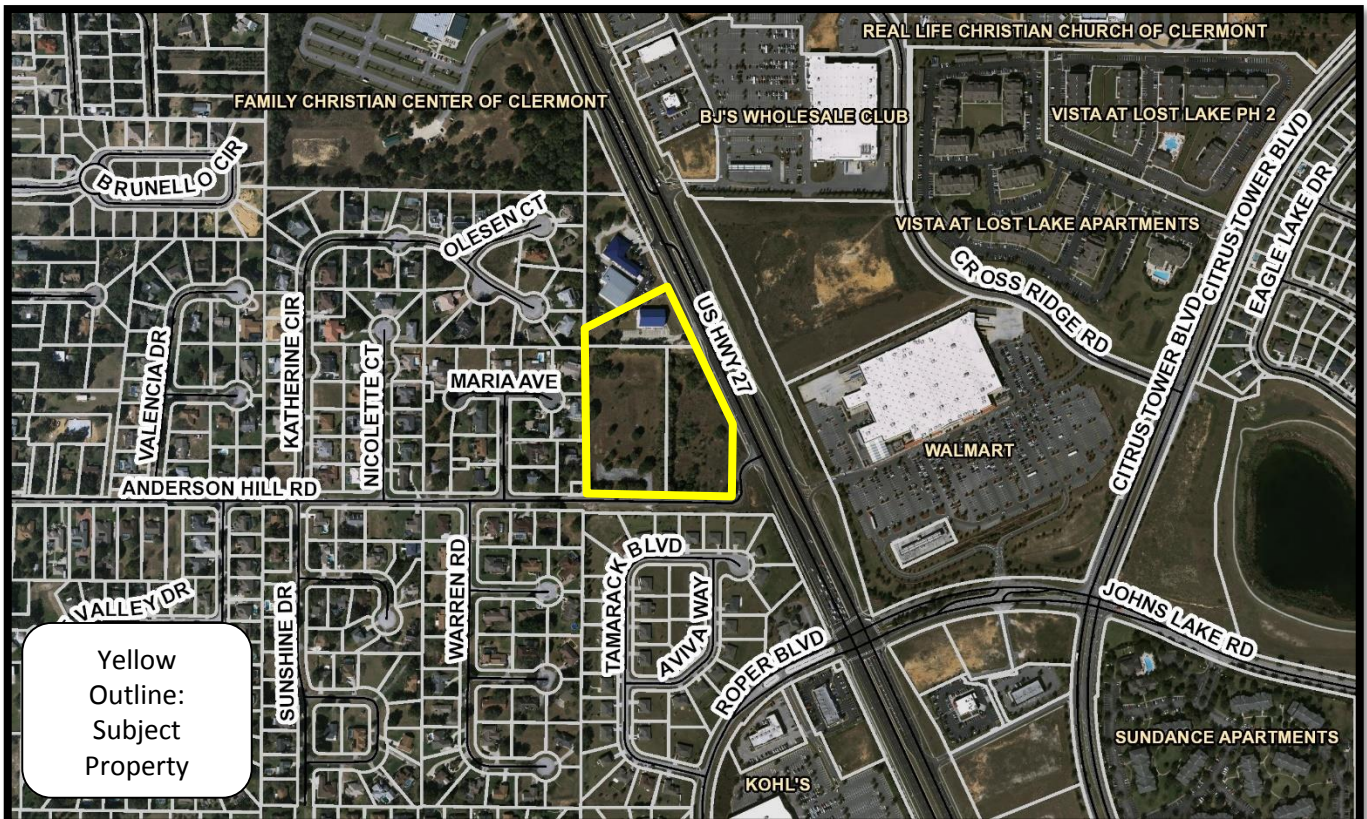
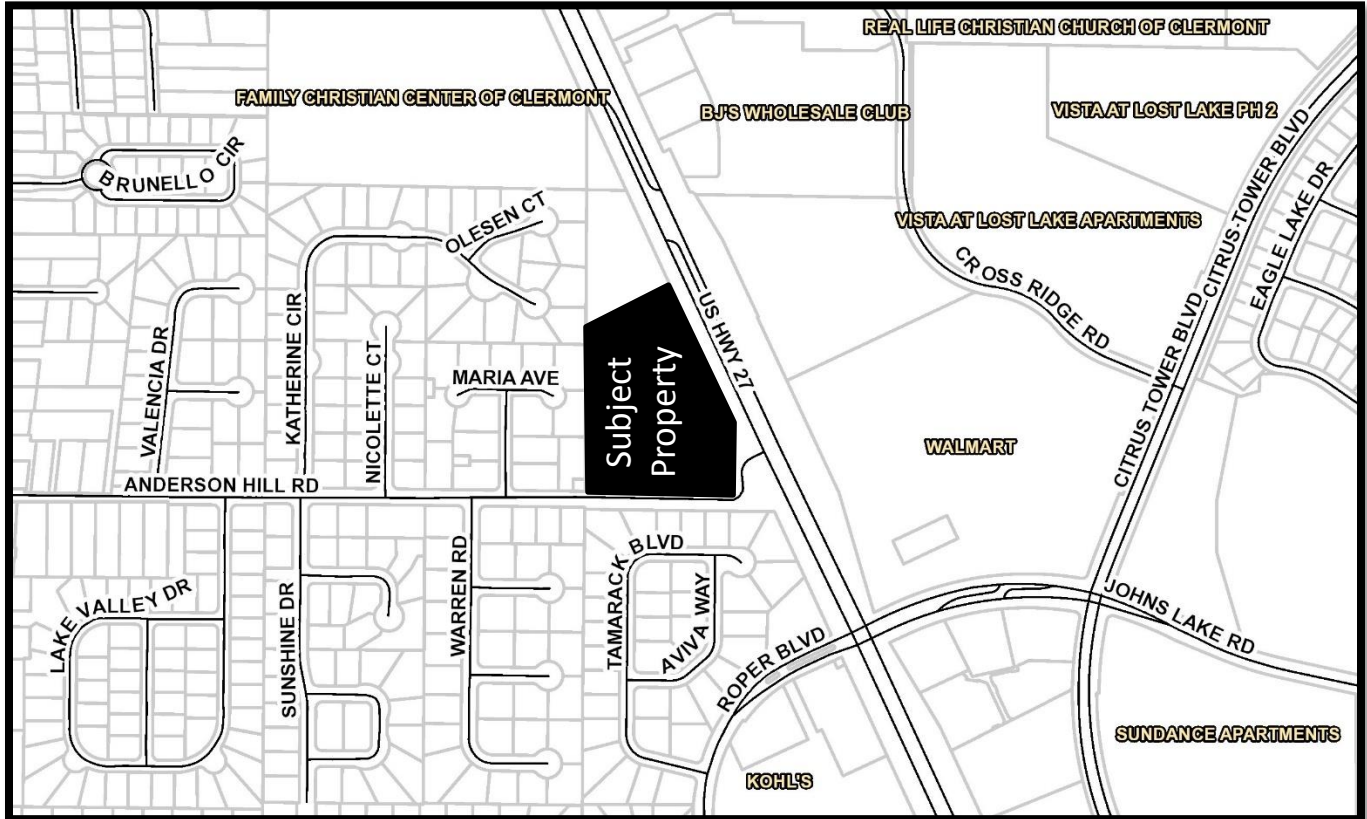


Exhibit – Future Land Use Map – Anderson Hill Retail

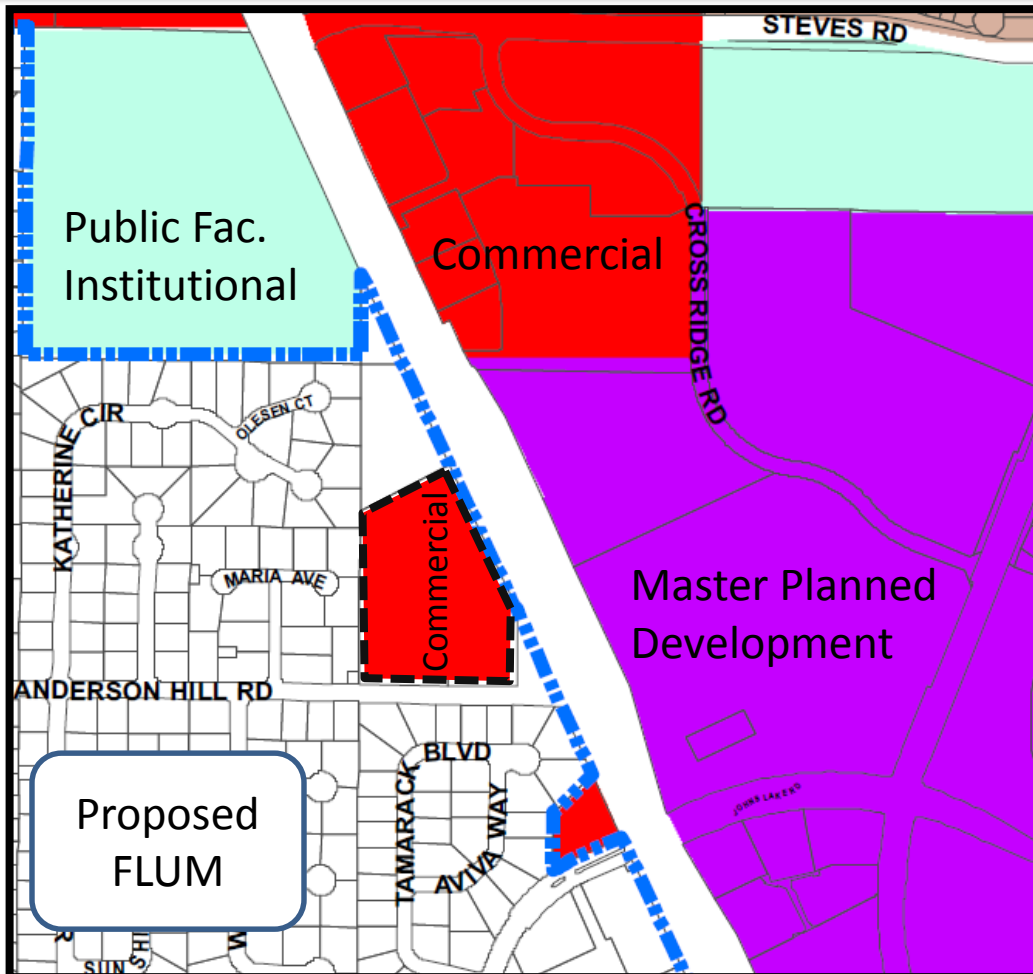


Exhibit – Zoning Map – Anderson Hill Retail

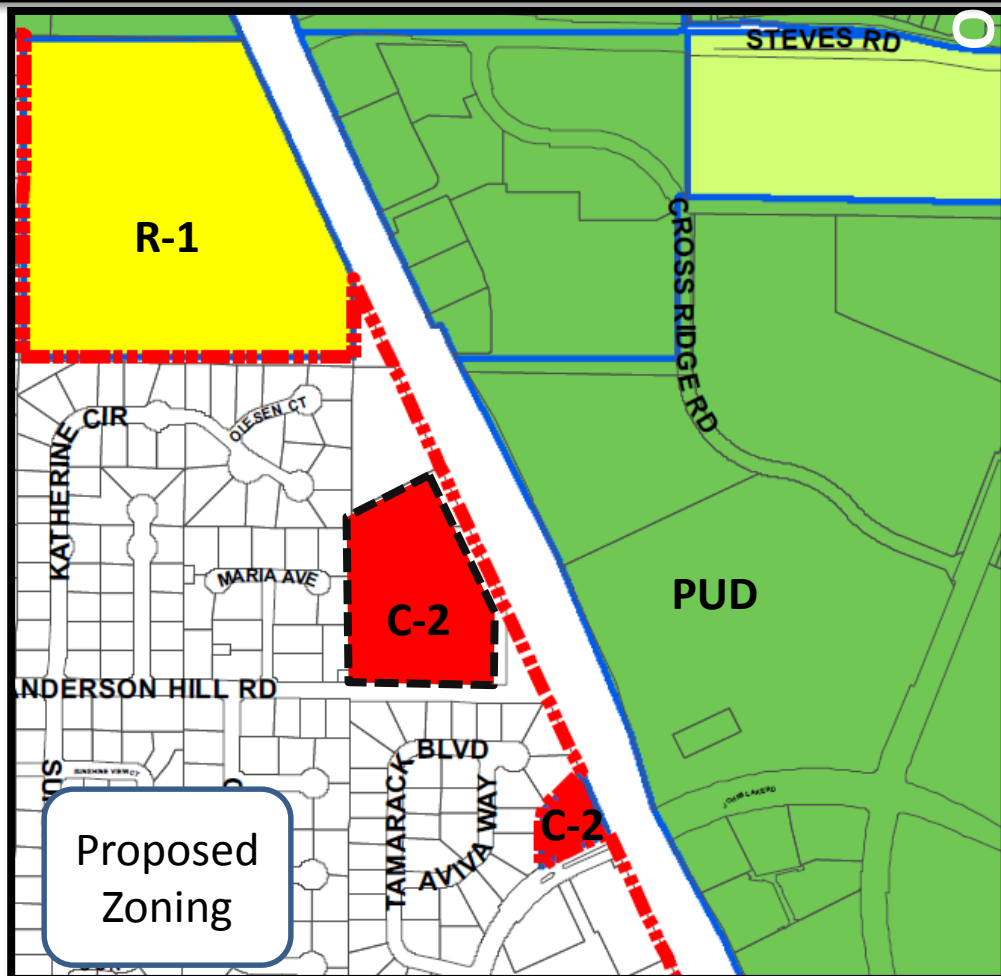
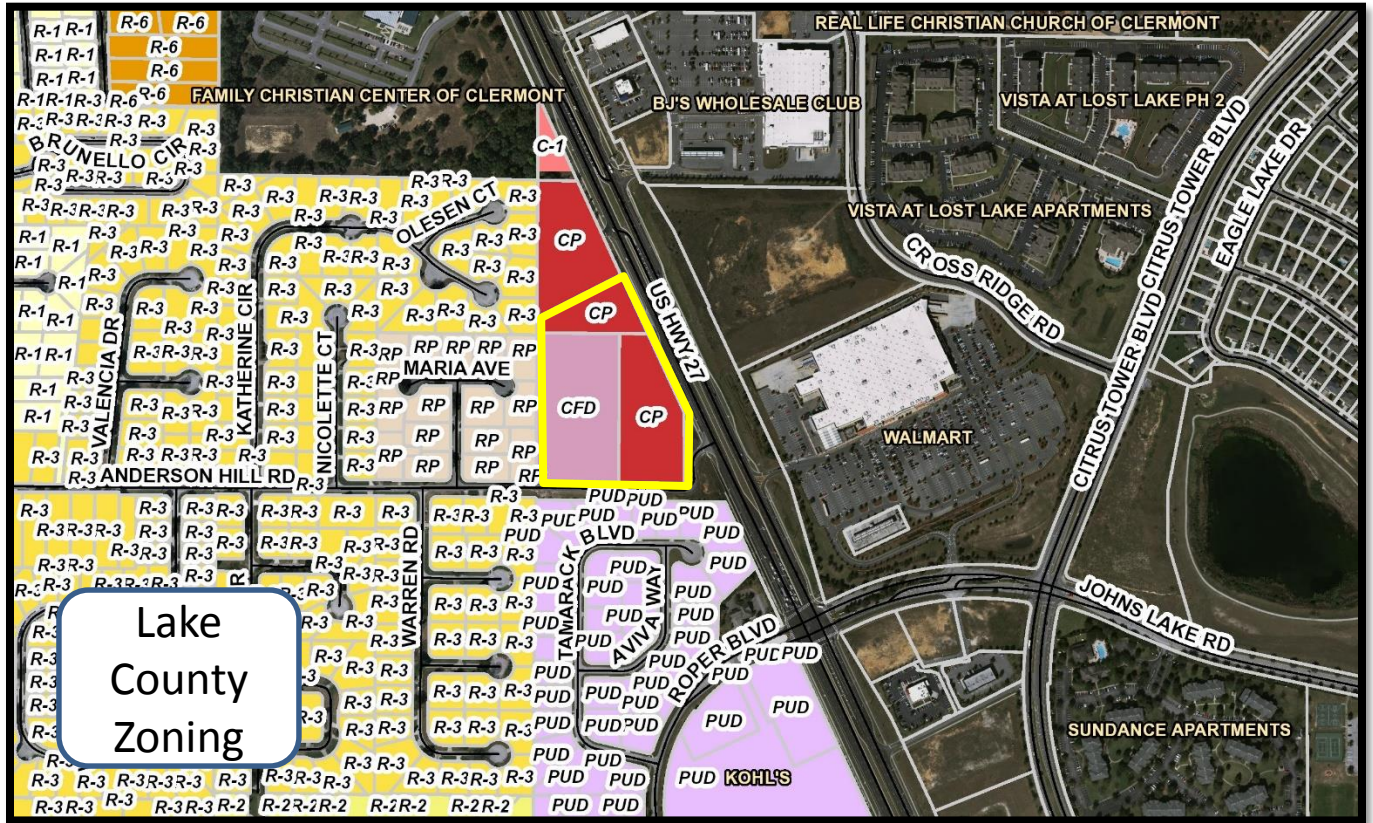
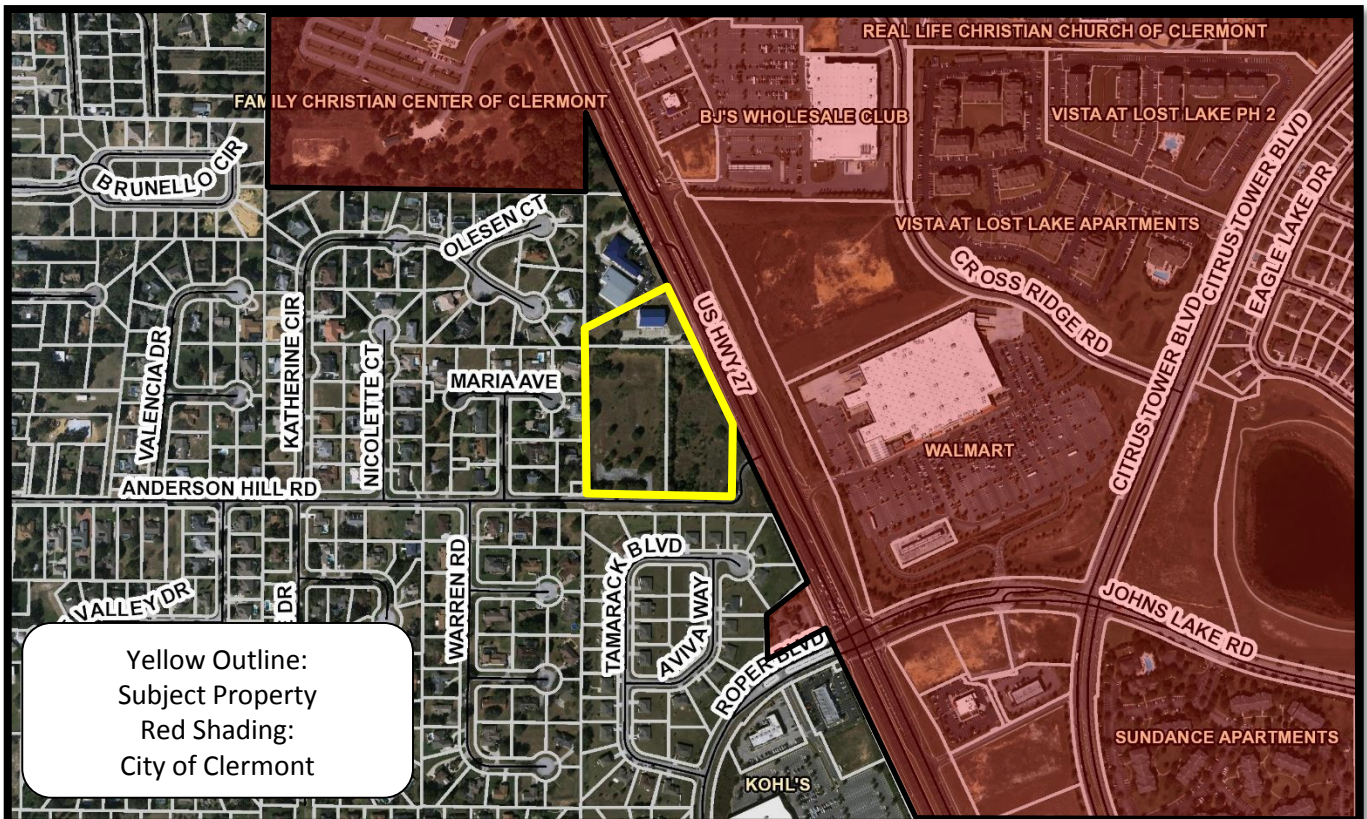
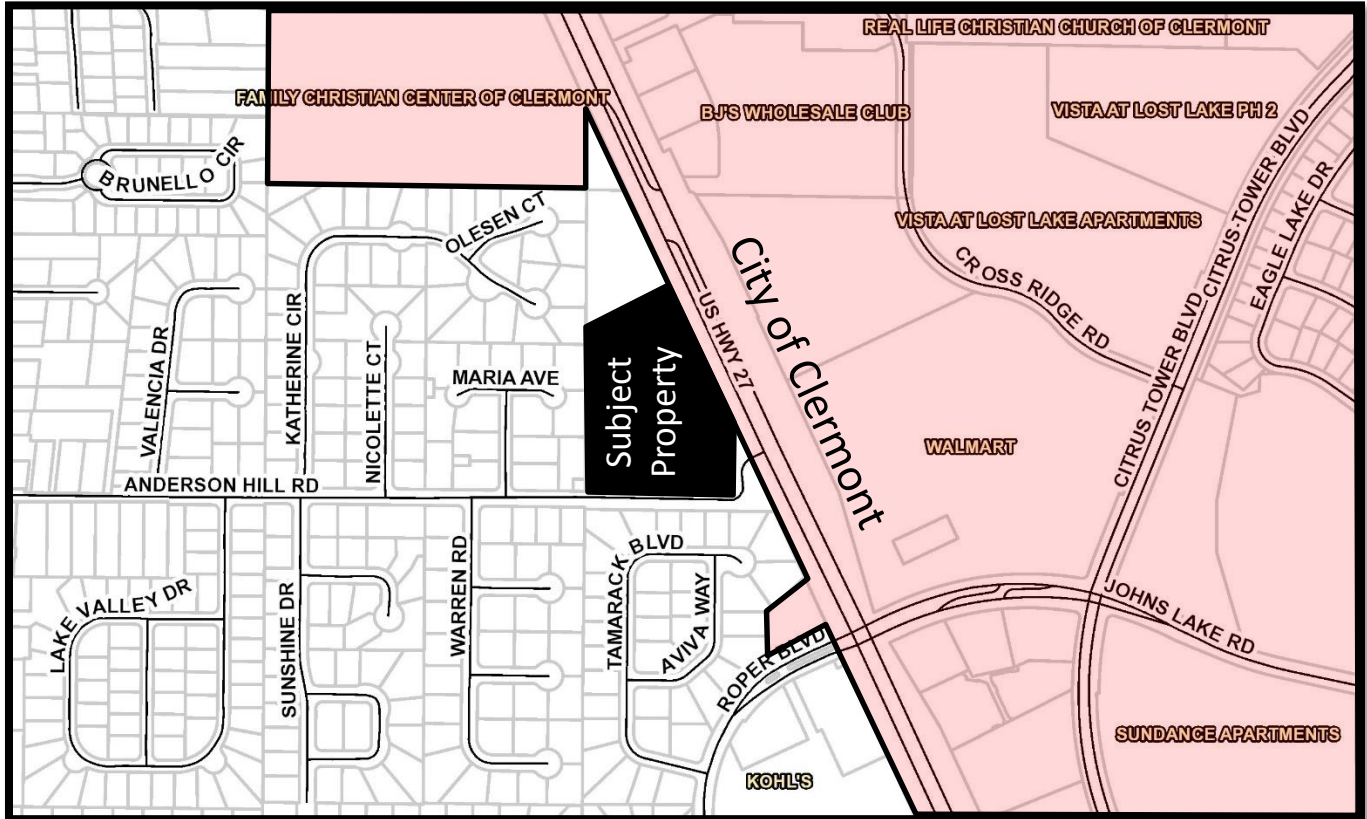


Exhibit - Annexation Map – Anderson Hill Retail





CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: Dec 21, 2016

FEE: \$500.00

Project Name (if applicable): Anderson Hill Commercial

Applicant: AVID Group

Contact Person: Peter Pensa, AICP

Address: 2300 Curlew Road, Suite 201

City: Palm Harbor State: FL Zip: 34683

Phone: 727-789-9500 x181 Fax: n/a

E-Mail: peter.pensa@avidgroup.com

OWNER: Anderson Hill DLSU, LLC

Address: 625 State Road 100

City: Palatka State: FL Zip: 32177

Phone: 386 329-4000 Fax: _____

E-Mail: qrobertscpi@yahoo.com

General Location: NWC of US Highway 27 & Anderson Hill Road

(no address - Parcel# 09-22-26140002700000; 13301 Anderson Hill Rd - Parcel#
09-22-26140002700001; & 12629 US Highway 27 - Parcel# 09-22-26140002200001)

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

Property size (in acres or square feet): 9.58 +/-

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

Existing (Actual) Land Use: _____

Existing Zoning: CP & CFD (County)

Existing Future Land Use: Urban Low Density (County)

Proposed Future Land Use: Commercial (City)

Type of development proposed: Commercial



Proposed density (dwelling units/acre) or intensity: _____

Proposed Zoning District: C-2 (General Commercial District)

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).

See attached project description and justification statement.

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

Peter R. Pensa, 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 (her) knowledge and belief, and further, that this application and attachments shall become part of the official records of the City of Clermont, Florida, and are not returnable.
2. That he (she) desires a Future Land Use Amendment from Urban Low Density (Lake County) to Commercial (City of Clermont) 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.

Peter R. Pensa

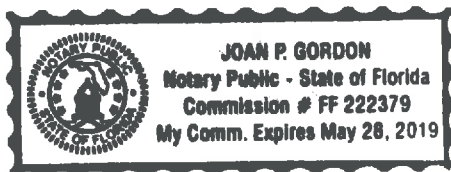
Affiant - Applicant Name (print)
Director of Planning
AVID Group

X

Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by Peter R. Pensa

or personally known by me this 23rd day of December, 2016.



X

Notary Public, State of Florida at Large

My Commission Expires: May 28, 2019



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Quintus I. Roberts, Sr., who being

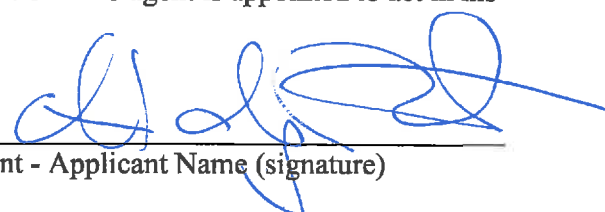
by me first duly sworn on oath, deposes and says:

1. That he (she) is the fee-simple owner of the property legally described on the attachment of this application.
2. That he (she) desires a Future Land Use Amendment from Urban Low Density (Lake County) to Commercial (City of Clermont) for the property legally described on the attachment of this application.
3. That the owner of said property has appointed AVID Group to act as agent on his (her) 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.

Quintus I. Roberts, Sr.

Affiant - Applicant Name (print)

X

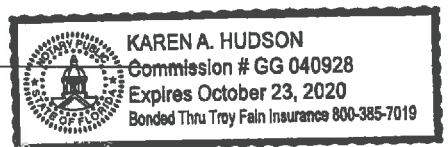

Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by Quintus I. Roberts, Sr.

or personally known by me this 22nd day of December, 2016.

X Karen A. Hudson
Notary Public, State of Florida at Large

My Commission Expires:



To Whom It May Concern:

Parcel ID Number:	Site Acreage	Street Address (if assigned):
09-22-26140002700000	3.24, acres m.o.l.	No Address, US Highway 27 Clermont, FL 34711
09-22-26140002700001	4.69, acres m.o.l.	13301 Anderson Hill Rd Clermont, FL 34711
09-22-26140002200001	1.55, acres m.o.l.	12629 US Highway 27 Clermont, FL 34711



STATE OF Florida COUNTY OF Putnam On
this the 22nd day of December 20 16 before me, the undersigned Notary Public of
the State of Florida, personally appeared Quintus I Roberts and whose
name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed
it. The individual(s) are X personally known to me, or presented the following
identification:

**NOTARY SEAL &
COMMISSION EXPIRATION:**

 **KAREN A. HUDSON**
Commission # GG 040928
Expires October 23, 2020
Bonded Thru Troy Fain Insurance 800-385-7019

**Narrative & Justification Statement
Annexation/Small-Scale Comp Plan/Rezoning/
Conditional Use Permit Applications**

**Anderson Hill Commercial
NWC of US Highway 27 & Anderson Hill Road, Clermont, FL**

Project Description:

Subject property is comprised of three parcels totaling 9.58 acres of land located at the northwest corner of US Highway 27 and Anderson Hill Road in unincorporated Lake County. The properties are owned by Anderson Hill DLSU, LLC, who will combine the properties for (re)development as a multi-tenant retail/commercial shopping center.

The two parcels fronting US Highway 27 are currently zoned CP (Commercial Parkway) and the rear parcel is zoned CFD (Community Facility District) in unincorporated Lake County. All three parcels have a future land use map designation of Urban Low Density. The property owner/developer seeks annexation of the three parcels into the City of Clermont with C-2 (General Commercial District) zoning and Commercial future land use map designation. The northern parcel is currently developed with a 9,472 sq.ft., two-story commercial building that was previously occupied by West Star fitness center. The existing building and some of the associated site improvements (parking and retention pond) will be retained as part of the redevelopment.

The conditional use site plan is attached, which shows the overall layout as anticipated but the building footprints may change somewhat depending on the needs of specific tenants. Permitted uses within the development shall be those that are permitted within the City's C-2 (General Commercial District) zoning district.

Small-Scale Comprehensive Plan Amendment and Rezoning Evaluation Criteria:

Pursuant to Land Development Code (LDC) Section 82-226, the Planning Commission and City Council shall consider the following criteria. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

Review Criteria

- 1. Consistency with the comprehensive plan, or, in the case of a plan amendment, consistency with the remainder of the plan and its goals, objective and policies.**

Applicant's finding: The properties can be (re)developed consistent with the goals, objectives and policies of the City's comprehensive plan. The conditional use permit site plan has been submitted for concurrent review and approval to demonstrate the developer's intent and ability to do so.

Subject property is being annexed into the City of Clermont and therefore needs to have a City future land use map designation and zoning district assigned. The proposed C-2 (General Commercial District) zoning and Commercial future land use map designation are appropriate given the physical characteristics and location of the property and the development pattern of the surrounding area. One of the subject parcels is already commercially developed, as is the majority of this segment of the US Highway 27 corridor (from State Road 50 to the north to Hammock Ridge Road/Citrus Tower Boulevard to the south). For example, the property across US Highway 27 is located in the City and is developed as a WalMart Super Center. And, the adjacent property to the north is located in the County and developed as an automobile repair shop.

2. Consistency with applicable sections of this land development code.

Applicant's finding: The properties can be (re)developed consistent with the applicable sections of the City's land development code. The conditional use permit site plan has been submitted for concurrent review and approval to demonstrate the developer's intent and ability to do so.

3. Additionally, as to rezoning amendments:

- a. Whether justified by changed or changing conditions.
- b. Whether adequate sites already exist for the proposed district uses.
- c. Whether specific requirements of this land development code are adequate to ensure compatibility with adjoining properties as required by the comprehensive plan.

Applicant's finding:

- a. The changing condition that triggered the need for this land use amendment and rezoning is the pending annexation of these properties in order to (re)develop and connect to the City's central sewer system. Thus, rezoning within the City of Clermont is both necessary and justified.
- b. Two of the three parcels are already zoned for commercial uses within Lake County. The third parcel is currently church owned and thus has master plan zoning in the County that allows for institutional uses. Consolidation of all three parcels for the proposed commercial development project makes sense because it provides adequate site area and depth to address changes in topography and it overcomes the irregular shapes and depths of the existing commercial parcels.
- c. The project can be developed consistent with the City's land development code requirements, which by design are intended to provide use-based compatibility measures such as minimum building setbacks and landscape buffering between different uses.

Conditional Use Permit Evaluation Criteria:

Pursuant to Land Development Code (LDC) Section 86.144.(c), the Planning Commission and City Council may grant by resolution a conditional use permit that meets the following four general criteria and seven specific development standards. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

General Criteria

- 1. The granting of the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city;**

Applicant's finding: The development will not adversely affect the City's comprehensive plan. The conditional use permit is requested for the purpose of annexing and (re)developing the property within the City of Clermont on central water and sewer service. Two of the three parcels are already zoned for commercial uses in Lake County.

- 2. Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity;**

Applicant's finding: The proposed commercial development will comprise of uses typically found in a shopping center such as retail businesses, personal service establishments, fitness centers, restaurants, and offices. The range of permitted uses shall be as allowed within the City's C-2 General Commercial District (LDC Sec. 122-223).

- 3. The proposed use will comply with the regulations and conditions specified in the codes for such use; and**

Applicant's finding: The development will comply with the regulations and conditions specified for said uses within the City's C-2 General Commercial District (LDC Sec. 122-223).

- 4. The proposed use may be considered desirable at the particular location.**

Applicant's finding: The proposed commercial uses are considered desirable at this location. There is a need for more shopping center tenant space in the area, as demonstrated by retailer interest in the project.

Specific Development Standards

1. ***Density or intensity, character and type of development.*** The density or intensity, character and type of development shall be in conformance with the city's comprehensive plan, future land use map, future land use district designation and zoning district classification.

Applicant's finding: The proposed commercial development is consistent with the character and type of development that is allowed within the requested City land use and zoning classifications of Commercial and C-2 General Commercial District, respectively, which allow a maximum density of 12 du/ac (none proposed) and a maximum intensity of 0.25 FAR and 0.80 ISR. There are no residential units proposed and the conditional use permit site plan shows the project's proposed intensity of 53,972 sq.ft. (0.13 FAR).

2. ***Compatibility of development.*** The compatibility of the development with terrain and surrounding development as to type and size of unit and height shall be considered. The development shall be so located and designed to avoid undue noise, odor, traffic or other nuisances and dangers to abutting property owners.

Applicant's finding: The development is compatible with the terrain and surrounding development pattern. Consolidation of the three parcels for redevelopment allows the property to be graded and developed consistent with the City's grading standards. In addition to traditional compatibility measures such as minimum building setback and landscape buffer requirements, the design further enhances compatibility because of the site needing to be terraced and lowered (relative to the residential lots to the west), which in turn further increases the building setbacks and buffering, further reduces light and noise associated with traffic circulation since vehicles will be below the abutting residential grade level, and ensures that stormwater runoff is directed away from the neighborhood.

3. ***Transportation.*** The city transportation system or streets must be of sufficient width and capacity to serve the demands created by the development. Dedication of rights-of-way, frontage or reverse frontage roads and other necessary improvements shall be considered and addressed.

Applicant's finding: The right-of-way width and streets are adequate to serve the project. There was previously a 40' right-of-way dedication along Anderson Hill Road. The developer is proposing to construct left and right turn lane access improvements on US Highway 27 as shown on the site plan to serve the demands of the development.

4. ***Utilities.*** Sanitary sewer, potable water, reuse water, fire hydrants and other utilities must be available and have capacity to serve the development. For commercial or industrial development, the quality of the wastewater must be in conformance with section 66-76 et seq.

Applicant's finding: Utilities are available to serve the development. Potable water is adjacent to the site and provided by Utilities Inc. The developer will install water and fire service connections as needed to serve the development. The developer will be installing an on-site lift station and an off-site sewer main extension in order to connect to the City of Clermont's existing sanitary sewer system. Wastewater discharge shall comply with the requirements of Code Section 66-76.

5. ***Stormwater management.*** The capability, capacity and location of the city storm sewer system for serving the development must be considered, as well as adequacy of project design to provide retention and positive outfall of stormwater.

Applicant's finding: The development does not outfall into a City-maintained system. It drains into the FDOT right-of-way. The project's design will abide by all of the stormwater release rate and volume criteria of FDOT, SJRWMD, and the City.

Due to the fact that the existing site contains significant depressional storage, the existing site does not release much of its stormwater runoff. The design of the proposed development will have to mimic the same low-discharge scenario. Very little runoff from the developed site is expected to leave the site. Almost all of the project's runoff will be retained and percolated.

The rates and volumes of water to be discharged from the property were anticipated in the design of FDOT's US 27 drainage system. The project is not anticipated to overburden any downstream drainage systems.

The project will include an outfall structure to allow its permitted discharges, as well as allowing runoff from storms greater than the design storm to exit the site without creating adverse on-site flooding conditions.

6. ***Site planning.*** The development shall be planned and designed to consider:
- a. Effectiveness of plotting or building layout (street patterns, required yards, etc.).
 - b. Orientation of units (setback, open space).
 - c. Avoidance of environmentally sensitive areas (floodplain, steep slopes, unstable soil, drainage or wetland areas).
 - d. Consideration of visual resources (view and aesthetics).
 - e. Landscaping, buffering and screening (for privacy and to screen parking or undesirable features).
 - f. Provision of open space areas or private recreation areas.
 - g. Off-street parking and loading areas, where required, with particular attention to noise, glare or odor as they may affect adjoining properties. Adequate off-street parking shall be provided in conformance with city codes. Residential construction must be provided with required off-street parking in all districts.

- h. Ingress and egress to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic flow and control and access in case of fire. Access to refuse collection areas shall be provided.

Applicant's finding: All of these items have been taken into consideration in the planning and design of the development. The buildings, drive-thru facilities, and outdoor patio areas are located toward the front of the site in order to orient activity toward the street and away from the neighborhood. The stormwater pond/open space and parking are primarily oriented toward the rear of the site for increased separation from the neighborhood. Site access is limited to one driveway per street to minimize impacts on traffic flow and there are multiple routes for safe and convenient vehicular circulation within the development. Sidewalks are provided for pedestrian safety and interconnectivity between all uses/buildings within the development and from the two abutting streets.

7. ***Solid waste disposal.*** For commercial and industrial development, the capacity to dispose of solid waste, with particular reference to any hazardous wastes generated.

Applicant's finding: There is adequate capacity to dispose of solid waste from the development. Hazardous waste generation is not anticipated since the development is a shopping center with typical uses such as retail businesses, personal service establishments, fitness centers, restaurants, offices, and bank/ATM facilities.

Prepared by:
AVID Group



Peter Pensa, AICP
Director of Planning



CIVIL ENGINEERING
LAND PLANNING
TRAFFIC/TRANSPORTATION
SURVEYING
GIS
2300 CURLEW ROAD STE 201
PALM HARBOR, FLORIDA
34683
PHONE (727) 789-9500
FAX (727) 784-6662
AVIDGROUP.COM

LOCATION MAP
ANDERSON HILL RETAIL
CLERMONT, FLORIDA
1"=500'

Anderson Hill Retail

Overall Legal Description:

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, Public Records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest Corner of Tract 22 as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22, N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the west right-of-way line of US Highway 27; thence along said west right-of-way line, S24°35'30"E, a distance of 269.86 feet to a point on the south line of Tract 22; thence continue along said west right-of-way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the north right-of-way line of Anderson Hill Road; thence N89°03'43"W along the said north right-of-way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the west line of Tract 27 as shown on said the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East; thence along said west line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres more or less.



THIS INSTRUMENT PREPARED BY AND RETURN TO:

Quintus Irving Roberts
625 State Road 100
Palatka, Florida, 32177

Property Appraisers Parcel Identification (Folio) Number: 092226-1400-027-00000

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 19th day of October, 2012 by Quintus Irving Roberts as Trustee of The V.S. Roberts Family Trust - QIR, a Simple Trust, whose post office address is 625 State Road 100, Palatka, Florida 32177 herein called the grantor, to Anderson Hill DLSU, LLC., a Florida Limited Liability Company whose post office address is 625 State Road 100, Palatka, Florida 32177, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LAKE County, State of Florida, viz.:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Subject to easements, restrictions and reservations of record and taxes for the year 2012 and thereafter.

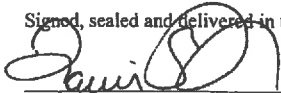
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:



Witness #1 Signature
TRAVIS S. THOMAS

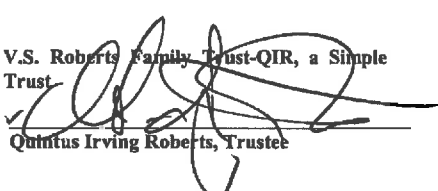
Witness #1 Printed Name



Witness #2 Signature
JOYCE C. NORRIS

Witness #2 Printed Name

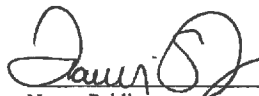
V.S. Roberts Family Trust-QIR, a Simple Trust


Quintus Irving Roberts, Trustee

STATE OF FLORIDA
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me this 19th day of October, 2012 by Quintus Irving Roberts as Trustee of The V.S. Roberts Family Trust - QIR a Simple Trust who is personally known to me or has produced driver's license as identification




Notary Public TRAVIS S. THOMAS

Printed Notary Name

My Commission Expires:

Exhibit "A"

TRACT 27, AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

LESS THE FOLLOWING:

BEGIN AT THE SOUTHWEST CORNER OF TRACT 27 AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA: THENCE NORTH $00^{\circ}31'46''$ EAST ALONG THE WEST LINE OF SAID TRACT 27, A DISTANCE OF 638.50 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTH $88^{\circ}53'09''$ EAST ALONG THE NORTH LINE OF SAID TRACT 27, A DISTANCE OF 341.41 FEET; THENCE SOUTH $00^{\circ}31'46''$ WEST 637.45 FEET TO THE SOUTH LINE OF SAID TRACT 27; THENCE NORTH $89^{\circ}03'43''$ WEST ALONG THE SAID SOUTH LINE OF SAID TRACT 27, A DISTANCE OF 341.40 FEET TO THE POINT OF BEGINNING.

LESS ROAD RIGHT OF WAYS.

AKERMAN SENTERFITT
PO BOX 231
ORLANDO FL 32802



PREPARED BY AND RETURN TO:
SCOTT M. PRICE, ESQUIRE
AKERMAN LLP
420 South Orange Avenue
Suite 1200
Orlando, Florida 32801

INSTRUMENT #2016114504
OR BK 4858 PG 593 - 594 (2 PGS)
DATE: 11/3/2016 9:50:50 AM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$18.50 DEED DOC \$8750.00

SPECIAL WARRANTY DEED

THIS WARRANTY DEED made this 21st day of October, 2016, between CLERMONT SYNERGY, LLC, a Florida limited liability company, whose post office address is 2345 West Sand Lake Road, Suite 100, Orlando, Florida 32809, hereinafter called the Grantor, to ANDERSON HILL DLSU, LLC, a Florida limited liability company, whose post office address is 625 State Road 100, Palatka, Florida 32177, hereinafter called the Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH:

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in LAKE County, Florida, viz:

A portion of that part of Tract 22, lying West of U.S. Highway No. 27 in "LAKE HIGHLANDS COMPANY", a Plat of record in Plat Book 3, Page 24, Public Records of Lake County, Florida, located in Section 32, Township 22 South, Range 26 East, Tallahassee Meridian, Lake County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Tract 22; thence along the West line thereof, North 00 degrees 12 minutes 07 seconds West, 61.46 feet; thence leaving said line, North 62 degrees 51 minutes 01 second East, 393.08 feet to the West right of way line of said U.S. Highway 27; thence along said line, South 25 degrees 21 minutes 30 seconds East, 270.00 feet to the South line of said Tract 22; thence along said line, North 89 degrees 36 minutes 41 seconds West, 465.20 feet to the Point of Beginning.

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

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

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other; and that said land is free of all encumbrances except for *ad valorem* taxes for 2016 and all subsequent years, and matters appearing of record in the Public Records of Lake County, Florida; provided, however, that this reference shall not serve to re-impose same.

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

Signed, sealed and delivered
in the presence of:

CLERMONT SYNERGY, LLC,
a Florida limited liability company

By: Twistee, LLC,
a Florida limited liability company,
as managing member

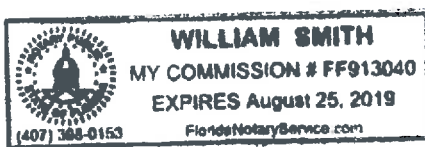
By: ALAN C. CHARRON
MANAGER

William Smith
Print Name: William Smith
Mike Charron
Print Name: MIKE CHARRON

STATE OF FLORIDA)
COUNTY OF Orange) ss:

The foregoing instrument was acknowledged before me this 26th day of October, 2016, by Alan C. Charron, as Manager of Twistee, LLC, a Florida limited liability company, as managing member of Clermont Synergy, LLC, a Florida limited liability company, on behalf of the company, who is:

- ☒ personally known to me; or
- ☐ produced a driver's license issued by the _____ Department of Highway Safety and Motor Vehicles as identification; or
- ☐ produced the following identification: _____



William Smith
NOTARY PUBLIC, STATE OF FLORIDA

(Print, Type or Stamp Commissioned Name of Notary Public)

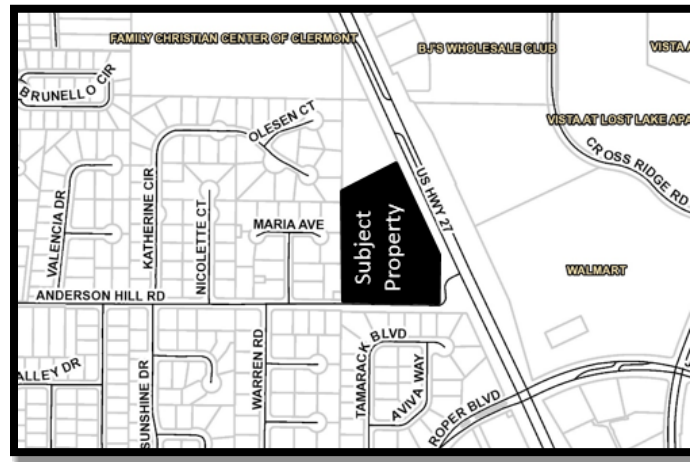
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2017-16

The City of Clermont will hold public hearings on Tuesday, February 7, 2017 at 6:30 p.m. before the Planning and Zoning Commission; and Tuesday, February 14, 2017 at 6:30 p.m. (1st reading of the adoption ordinance) and Tuesday, March 14, 2017 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 9.58 +/-acre parcel below from Lake County Urban Low Density to City of Clermont Commercial. Alternate Key 1453496, 3828239, and 2826541.



Location:

West and Northwest of the intersection of US Hwy 27 and Anderson Hill Rd
Ordinance #2017-16:

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.

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
January 27 and February 28, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 7, 2017		
Agenda Item Name		
Ordinance No. 2017-17 Anderson Hill Rezoning		
Requested Action		
Recommend approval of Ordinance 2017-17.		
Staff Report		
The applicant, Avid Group, is requesting a rezoning of the subject property. This request is being heard concurrently with requests for annexation, small-scale comprehensive plan amendment and a conditional use permit. Upon annexation, the zoning would default to Urban Estate. The applicant is requesting a change to C-2 General Commercial in order to develop the 9.5-acre property as a multi-tenant retail/commercial shopping center. Under Section 122-223 of the land development code, retail businesses and shopping centers are a permitted use in the C-2 General Commercial district. The applicant also has applied for a conditional use permit, since one of the buildings will occupy more than 20,000 square feet of floor space. The overall development will have up to 58,000 square feet of C-2 General Commercial use, of which approximately 3,500 square feet will be for outdoor patio use. Staff has reviewed the applicant's proposal and believes commercial uses at this location are compatible with the uses in the area. The single-family residential to the west is approximately 15 feet higher than the proposed development and will be buffered by the landscaping on top of the retaining walls. The stormwater pond will also be located in the western portion of the site. The property along U.S. Highway 27 is currently zoned Planned Commercial in Lake County, and the City's C-2 General Commercial is very similar to this use. Staff recommends approval of the rezoning to C-2 General Commercial.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance	REZ ORD 2017-17.doc
2.	Maps	Anderson Hill Retail Maps.pdf
3.	Application	REZ application.pdf
4.	Legal ad	REZ Anderson Hill legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2017-17

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

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

SECTION 1:

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

LEGAL DESCRIPTION

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, public records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres, more or less.

Alternate keys 1453496, 3828239, and 2826541

FROM Urban Estate
TO C-2 General Commercial

SECTION 2:

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

CITY OF CLERMONT
ORDINANCE No. 2017-17

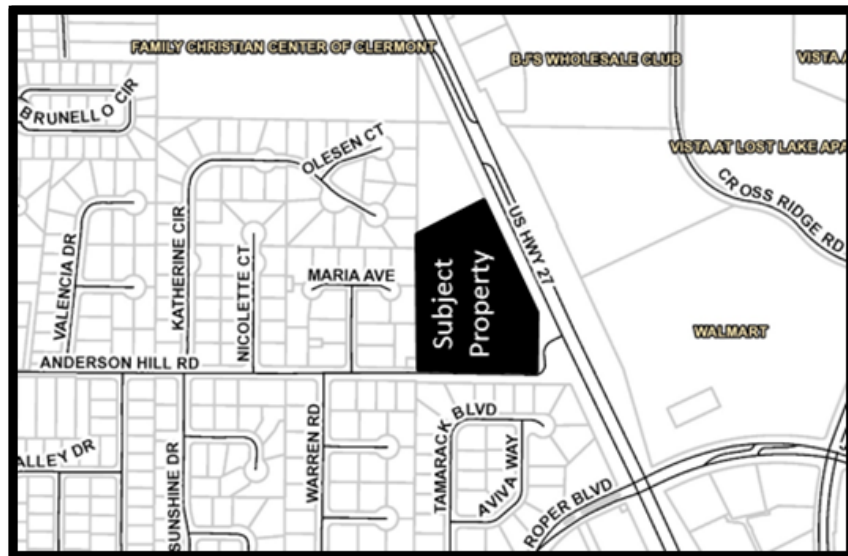
SECTION 3:

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

SECTION 4:

The provisions of this Ordinance shall be effective as provided by law.

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-17

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 14th day of March, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Anderson Hill Retail

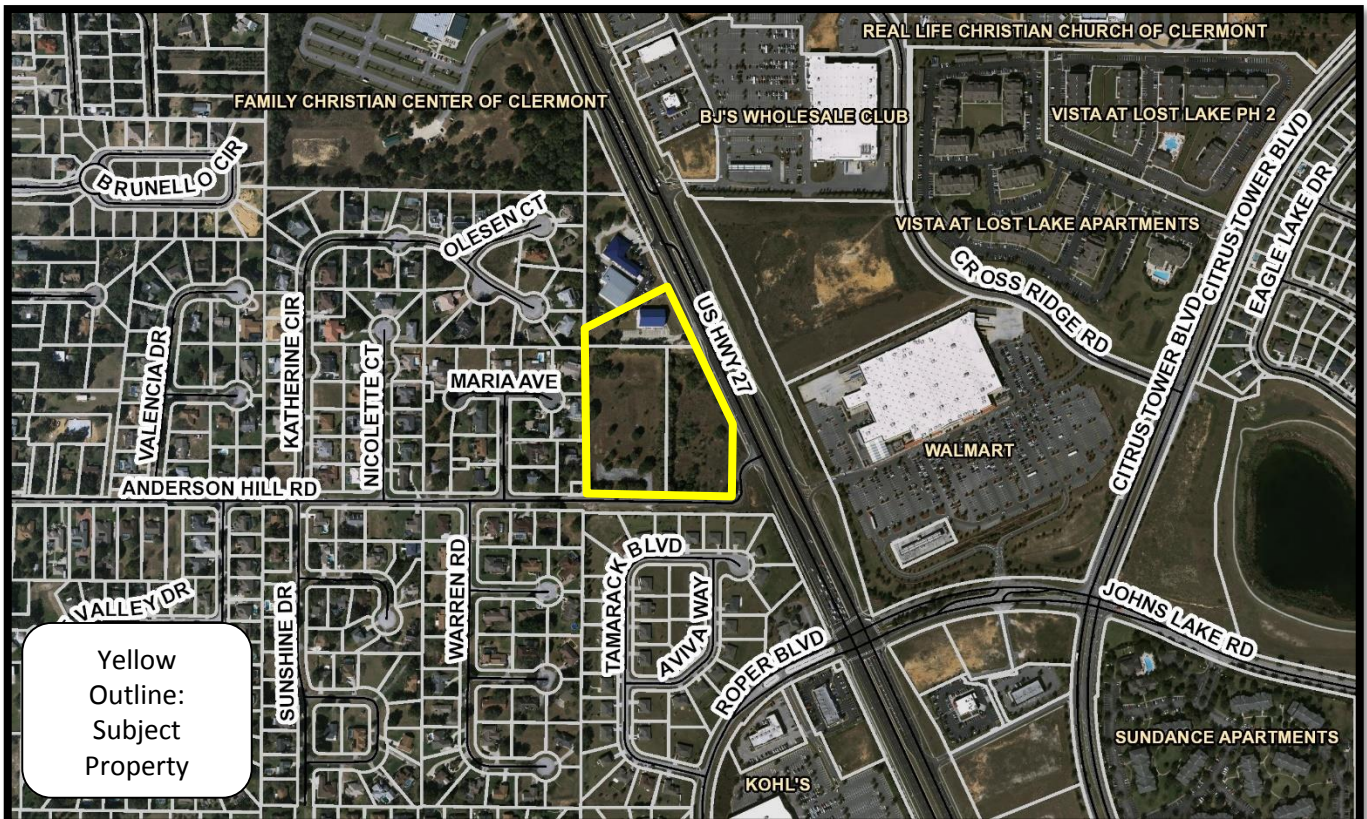
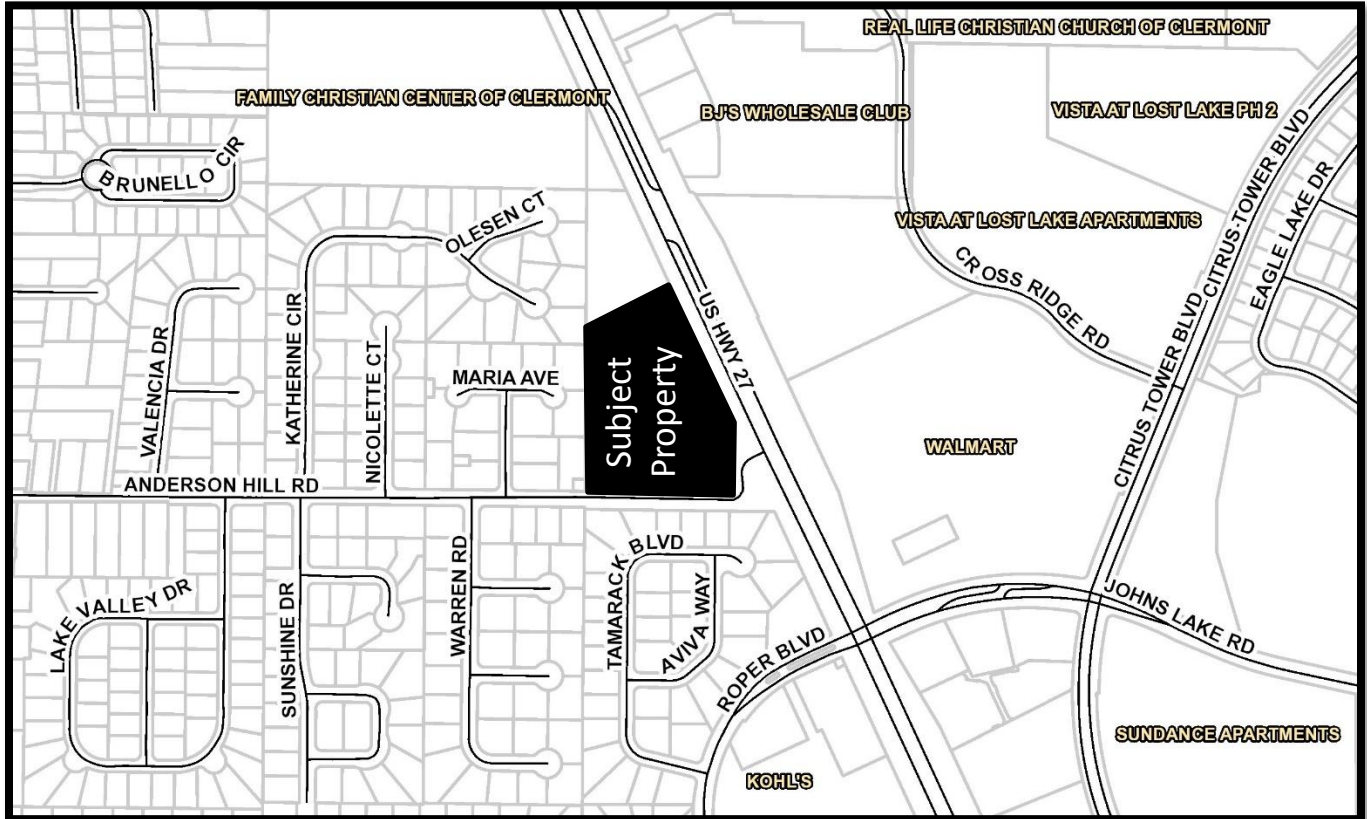


Exhibit – Future Land Use Map – Anderson Hill Retail

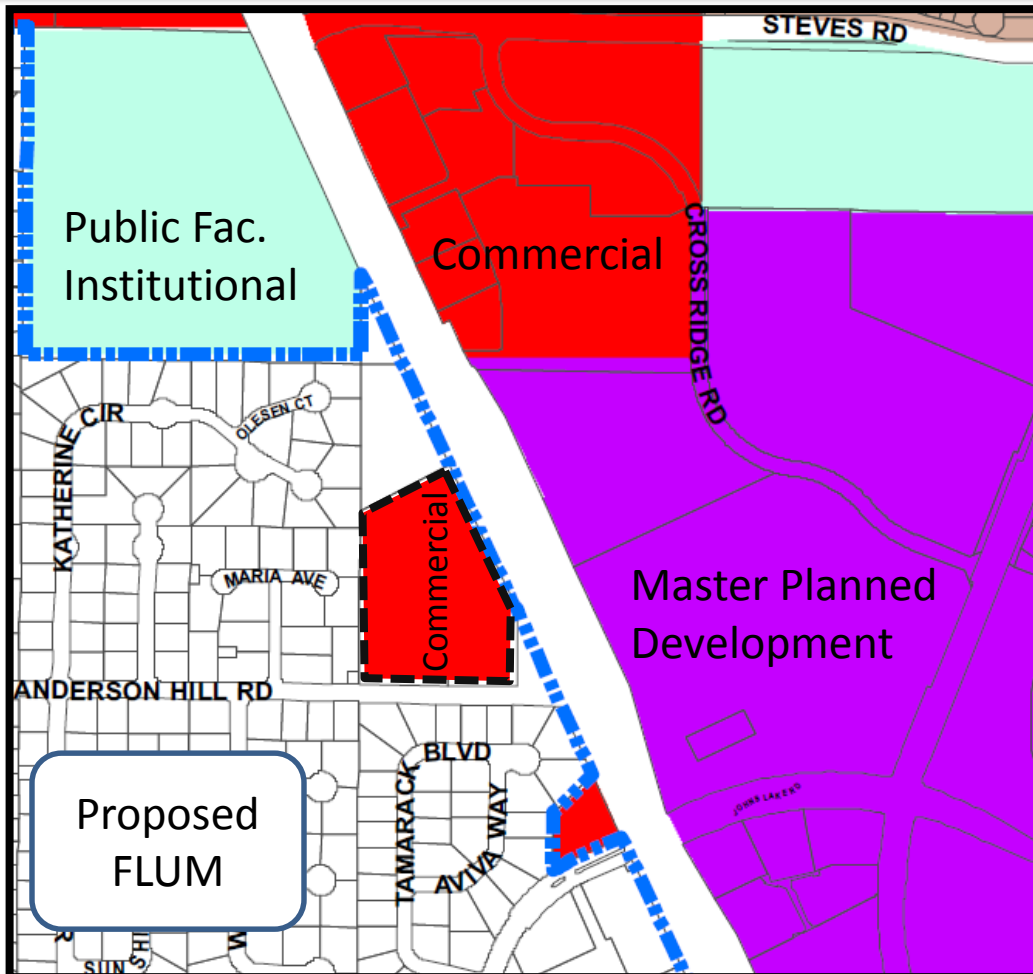


Exhibit – Zoning Map – Anderson Hill Retail

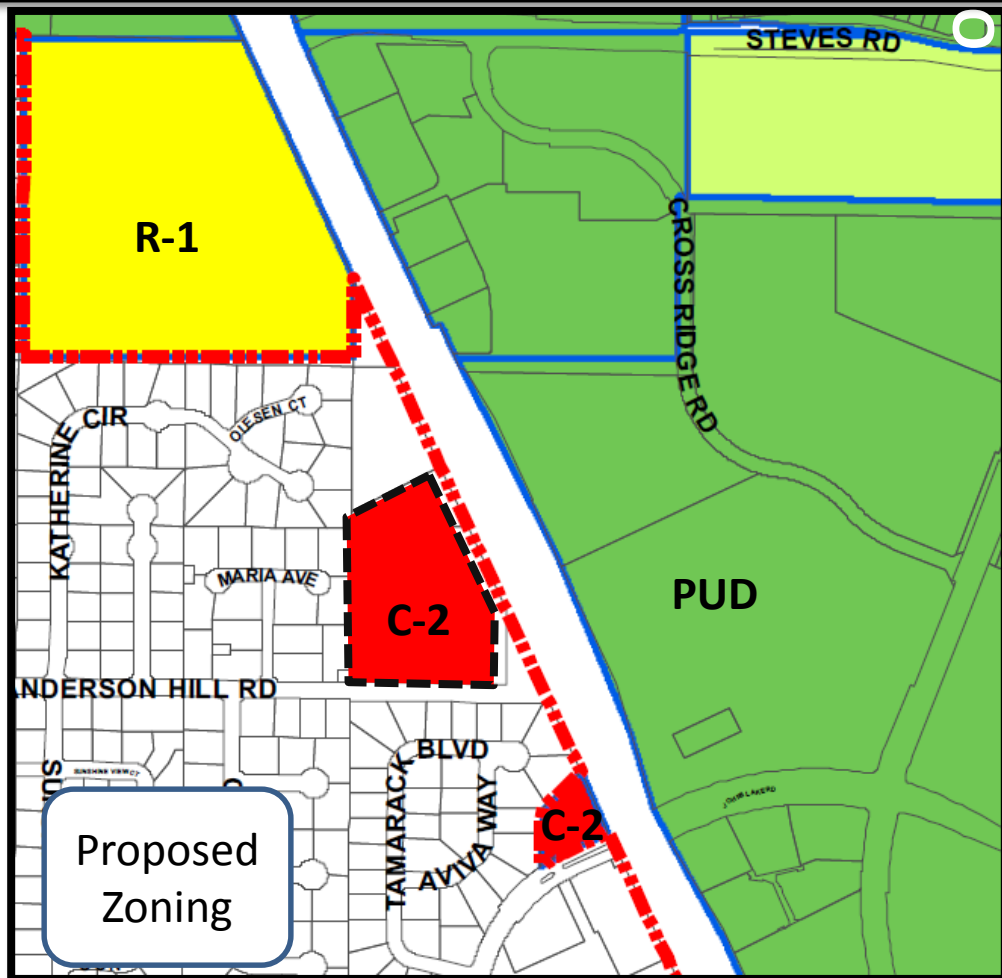
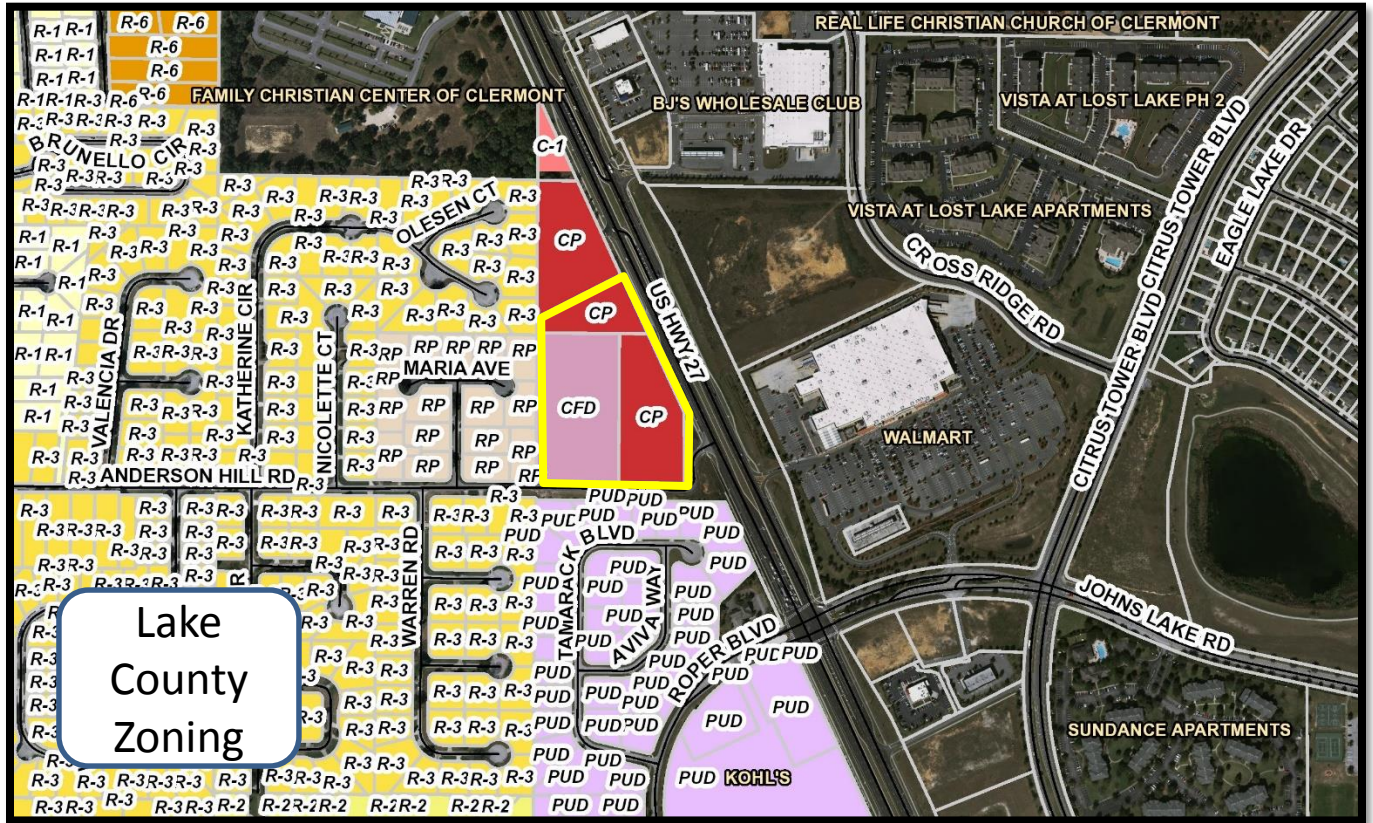
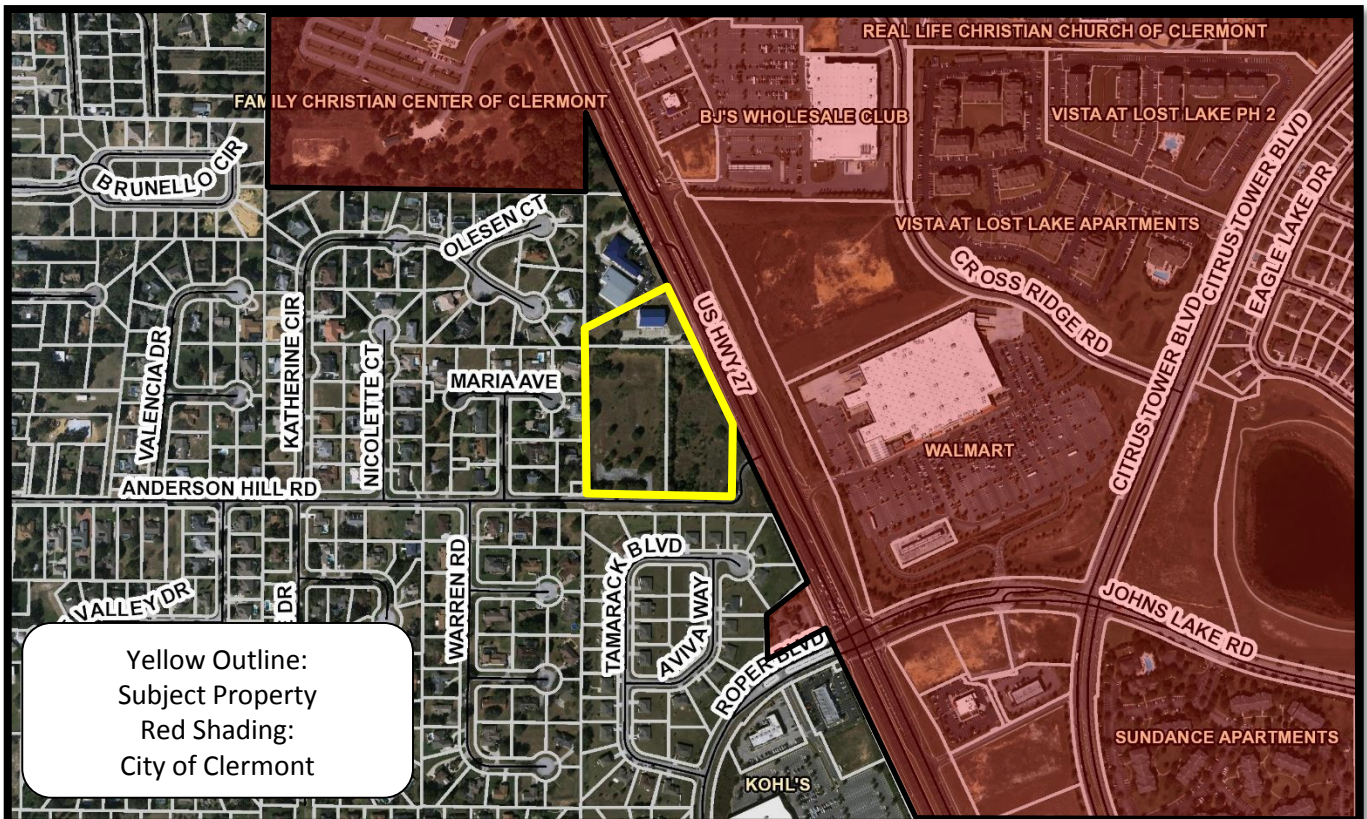
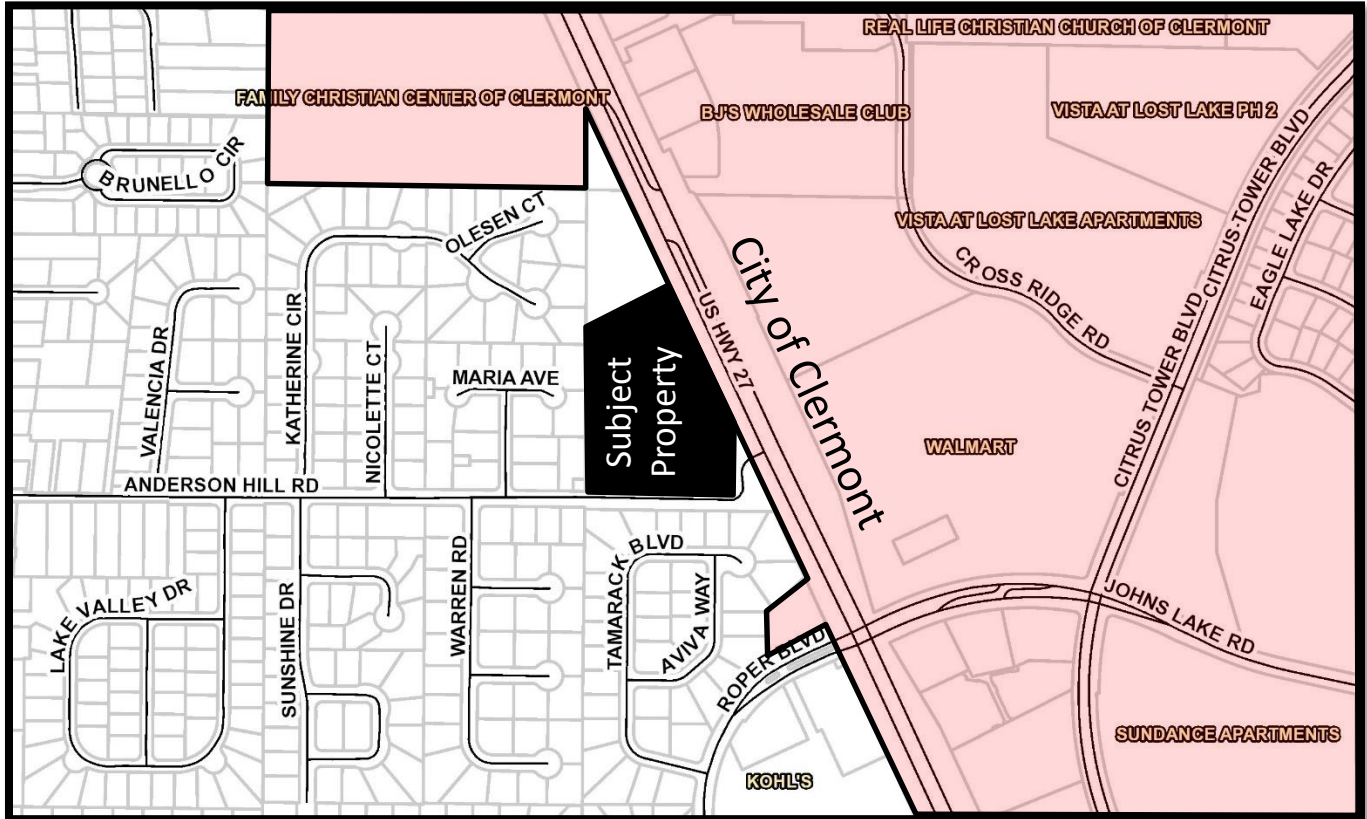


Exhibit - Annexation Map – Anderson Hill Retail





**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: Dec 21, 2016

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): Anderson Hill Commercial

APPLICANT: AVID Group

CONTACT PERSON: Peter Pensa, AICP

Address: 2300 Curlew Road, Suite 201

City: Palm Harbor State: FL Zip: 34683

Phone: 727-789-9500 x181 Fax: n/a

E-Mail: peter.pensa@avidgroup.com

OWNER: Anderson Hill DLSU, LLC

Address: 625 State Road 100

City: Palatka State: FL Zip: 32177

Phone: 386 329-4000 Fax: _____

Address of Subject Property: NWC of US Highway 27 & Anderson Hill Road
(no address - Parcel# 09-22-26140002700000;
13301 Anderson Hill Rd - Parcel# 09-22-26140002700001; and
12629 US Highway 27 - Parcel# 09-22-26140002200001)

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

Acreage: 9.58 +/- Land Use: Urban Low Density (County)
(City verification required)

Present Zoning: CP & CFD (County) Proposed Zoning: C-2 (City)
(City verification required)



**CITY OF CLERMONT
REZONING
APPLICATION
Page 2**

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

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

See attached project description and justification statement.

Peter R. Pensa

Applicant Name (print)

X

A blue ink signature of Peter R. Pensa.

Applicant Name (*signature*)

Quintus I. Roberts, Sr.

Owner Name (print)

Managing Member

Anderson Hill DLSU, LLC

X

A blue ink signature of Quintus I. Roberts, Sr.

Owner Name (*signature*)

City of Clermont

Development Services Department

685 W. Montrose St.

P.O. Box 120219

Clermont, FL. 34712-021 9

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

LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter does hereby authorize AVID Group to act as our agent for and with all regulatory agencies, departments, and their personnel for the City of Clermont, Lake County, Florida Department of Economic Opportunity, Florida Department of Transportation, St. Johns River Water Management District, Florida Department of Environmental Protection, US Army Corps of Engineers, and any other utility providers or regulatory agencies in an effort to receive all approvals necessary for developing the proposed project on an approximately 9.48 acres, m.o.l. tract that is generally located on the west side of U.S. Highway 27, north of Anderson Hill Road in the City of Clermont (annexation proposed), Lake County, Florida.

Parcel ID Number:	Site Acreage	Street Address (if assigned):
09-22-26140002700000	3.24, acres m.o.l.	No Address, US Highway 27 Clermont, FL 34711
09-22-26140002700001	4.69, acres m.o.l.	13301 Anderson Hill Rd Clermont, FL 34711
09-22-26140002200001	1.55, acres m.o.l.	12629 US Highway 27 Clermont, FL 34711

Property Owner:

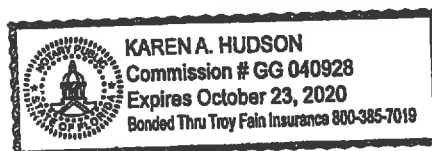
Name: Quintus I. Roberts, Sr.
Title: Managing Member
Anderson Hill DLSU, LLC
625 State Road 100
Palatka, FL 32177

STATE OF Florida COUNTY OF Putnam On
this the 22nd day of December 20 16 before me, the undersigned Notary Public of
the State of Florida, personally appeared Quintus I Roberts and whose
name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed
it. The individual(s) are X personally known to me, or presented the following
identification:

WITNESS MY HAND AND SEAL:

**NOTARY SEAL &
COMMISSION EXPIRATION:**

Karen A. Hudson
NOTARY SIGNATURE





CIVIL ENGINEERING
LAND PLANNING
TRAFFIC/TRANSPORTATION
SURVEYING
GIS
2300 CURLEW ROAD STE 201
PALM HARBOR, FLORIDA
34683
PHONE (727) 789-9500
FAX (727) 784-6662
AVIDGROUP.COM

LOCATION MAP ANDERSON HILL RETAIL CLERMONT, FLORIDA

1"=500'

Anderson Hill Retail

Overall Legal Description:

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, Public Records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest Corner of Tract 22 as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22, N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the west right-of-way line of US Highway 27; thence along said west right-of-way line, S24°35'30"E, a distance of 269.86 feet to a point on the south line of Tract 22; thence continue along said west right-of-way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the north right-of-way line of Anderson Hill Road; thence N89°03'43"W along the said north right-of-way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the west line of Tract 27 as shown on said the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East; thence along said west line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres more or less.

THIS INSTRUMENT PREPARED BY AND RETURN TO:
RETURN Quintus Irving Roberts
625 State Road 100
Palatka, Florida, 32177
Property Appraisers Parcel Identification (Folio) Number: 092226-1400-027-00000

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 19th day of October, 2012 by Quintus Irving Roberts as Trustee of The V.S. Roberts Family Trust - QIR, a Simple Trust, whose post office address is 625 State Road 100, Palatka, Florida 32177 herein called the grantor, to Anderson Hill DLSU, LLC., a Florida Limited Liability Company whose post office address is 625 State Road 100, Palatka, Florida 32177, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LAKE County, State of Florida, viz.:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART
HEREOF.

Subject to easements, restrictions and reservations of record and taxes for the year 2012 and
thereafter.

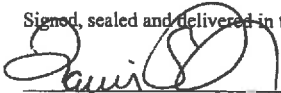
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise
appertaining.

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

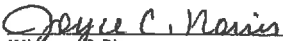
AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple;
that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said
land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above
written.

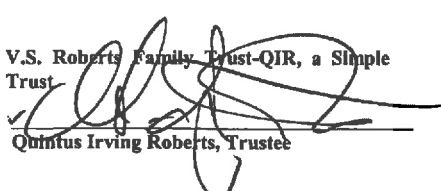
Signed, sealed and delivered in the presence of:


Witness #1 Signature
TRAVIS S. THOMAS

Witness #1 Printed Name


Witness #2 Signature
JOYCE C. NORRIS

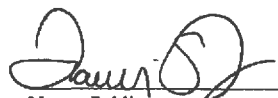
Witness #2 Printed Name

V.S. Roberts Family Trust-QIR, a Simple
Trust

Quintus Irving Roberts, Trustee

STATE OF FLORIDA
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me this 19th day of October, 2012 by Quintus Irving Roberts as
Trustee of The V.S. Roberts Family Trust - QIR a Simple Trust who is personally known to me or has produced
driver's license as identification




Notary Public TRAVIS S. THOMAS

Printed Notary Name

My Commission Expires:

Exhibit "A"

TRACT 27, AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

LESS THE FOLLOWING:

BEGIN AT THE SOUTHWEST CORNER OF TRACT 27 AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA: THENCE NORTH $00^{\circ}31'46''$ EAST ALONG THE WEST LINE OF SAID TRACT 27, A DISTANCE OF 638.50 FEET TO THE NORTHWEST CORNER OF SAID TRACT: THENCE SOUTH $88^{\circ}53'09''$ EAST ALONG THE NORTH LINE OF SAID TRACT 27, A DISTANCE OF 341.41 FEET; THENCE SOUTH $00^{\circ}31'46''$ WEST 637.45 FEET TO THE SOUTH LINE OF SAID TRACT 27; THENCE NORTH $89^{\circ}03'43''$ WEST ALONG THE SAID SOUTH LINE OF SAID TRACT 27, A DISTANCE OF 341.40 FEET TO THE POINT OF BEGINNING.

LESS ROAD RIGHT OF WAYS.

AKERMAN SENTERFITT
PO BOX 231
ORLANDO FL 32802



PREPARED BY AND RETURN TO:
SCOTT M. PRICE, ESQUIRE
AKERMAN LLP
420 South Orange Avenue
Suite 1200
Orlando, Florida 32801

INSTRUMENT #2016114504
OR BK 4858 PG 593 - 594 (2 PGS)
DATE: 11/3/2016 9:50:50 AM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$18.50 DEED DOC \$8750.00

SPECIAL WARRANTY DEED

THIS WARRANTY DEED made this 27th day of October, 2016, between CLERMONT SYNERGY, LLC, a Florida limited liability company, whose post office address is 2345 West Sand Lake Road, Suite 100, Orlando, Florida 32809, hereinafter called the Grantor, to ANDERSON HILL DLSU, LLC, a Florida limited liability company, whose post office address is 625 State Road 100, Palatka, Florida 32177, hereinafter called the Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH:

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in LAKE County, Florida, viz:

A portion of that part of Tract 22, lying West of U.S. Highway No. 27 in "LAKE HIGHLANDS COMPANY", a Plat of record in Plat Book 3, Page 24, Public Records of Lake County, Florida, located in Section 32, Township 22 South, Range 26 East, Tallahassee Meridian, Lake County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Tract 22; thence along the West line thereof, North 00 degrees 12 minutes 07 seconds West, 61.46 feet; thence leaving said line, North 62 degrees 51 minutes 01 second East, 393.08 feet to the West right of way line of said U.S. Highway 27; thence along said line, South 25 degrees 21 minutes 30 seconds East, 270.00 feet to the South line of said Tract 22; thence along said line, North 89 degrees 36 minutes 41 seconds West, 465.20 feet to the Point of Beginning.

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

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

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other; and that said land is free of all encumbrances except for *ad valorem* taxes for 2016 and all subsequent years, and matters appearing of record in the Public Records of Lake County, Florida; provided, however, that this reference shall not serve to re-impose same.

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

Signed, sealed and delivered
in the presence of:

CLERMONT SYNERGY, LLC,
a Florida limited liability company

By: Twistee, LLC,
a Florida limited liability company,
as managing member

By: ALAN C. CHARRON
MANAGER

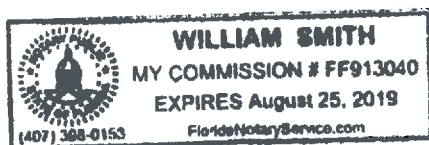
William Smith
Print Name: William Smith

Nike Charron
Print Name: NIKE CHARRON

STATE OF FLORIDA)
) ss:
COUNTY OF Orange)

The foregoing instrument was acknowledged before me this 26th day of October, 2016, by Alan C. Charron, as Manager of Twistee, LLC, a Florida limited liability company, as managing member of Clermont Synergy, LLC, a Florida limited liability company, on behalf of the company, who is:

- ☒ personally known to me; or
- ☐ produced a driver's license issued by the _____ Department of Highway Safety and Motor Vehicles as identification; or
- ☐ produced the following identification: _____



ALAN C. CHARRON
NOTARY PUBLIC, STATE OF FLORIDA

(Print, Type or Stamp Commissioned Name of Notary Public)

**Narrative & Justification Statement
Annexation/Small-Scale Comp Plan/Rezoning/
Conditional Use Permit Applications**

**Anderson Hill Commercial
NWC of US Highway 27 & Anderson Hill Road, Clermont, FL**

Project Description:

Subject property is comprised of three parcels totaling 9.58 acres of land located at the northwest corner of US Highway 27 and Anderson Hill Road in unincorporated Lake County. The properties are owned by Anderson Hill DLSU, LLC, who will combine the properties for (re)development as a multi-tenant retail/commercial shopping center.

The two parcels fronting US Highway 27 are currently zoned CP (Commercial Parkway) and the rear parcel is zoned CFD (Community Facility District) in unincorporated Lake County. All three parcels have a future land use map designation of Urban Low Density. The property owner/developer seeks annexation of the three parcels into the City of Clermont with C-2 (General Commercial District) zoning and Commercial future land use map designation. The northern parcel is currently developed with a 9,472 sq.ft., two-story commercial building that was previously occupied by West Star fitness center. The existing building and some of the associated site improvements (parking and retention pond) will be retained as part of the redevelopment.

The conditional use site plan is attached, which shows the overall layout as anticipated but the building footprints may change somewhat depending on the needs of specific tenants. Permitted uses within the development shall be those that are permitted within the City's C-2 (General Commercial District) zoning district.

Small-Scale Comprehensive Plan Amendment and Rezoning Evaluation Criteria:

Pursuant to Land Development Code (LDC) Section 82-226, the Planning Commission and City Council shall consider the following criteria. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

Review Criteria

- 1. Consistency with the comprehensive plan, or, in the case of a plan amendment, consistency with the remainder of the plan and its goals, objective and policies.**

Applicant's finding: The properties can be (re)developed consistent with the goals, objectives and policies of the City's comprehensive plan. The conditional use permit site plan has been submitted for concurrent review and approval to demonstrate the developer's intent and ability to do so.

Subject property is being annexed into the City of Clermont and therefore needs to have a City future land use map designation and zoning district assigned. The proposed C-2 (General Commercial District) zoning and Commercial future land use map designation are appropriate given the physical characteristics and location of the property and the development pattern of the surrounding area. One of the subject parcels is already commercially developed, as is the majority of this segment of the US Highway 27 corridor (from State Road 50 to the north to Hammock Ridge Road/Citrus Tower Boulevard to the south). For example, the property across US Highway 27 is located in the City and is developed as a WalMart Super Center. And, the adjacent property to the north is located in the County and developed as an automobile repair shop.

2. Consistency with applicable sections of this land development code.

Applicant's finding: The properties can be (re)developed consistent with the applicable sections of the City's land development code. The conditional use permit site plan has been submitted for concurrent review and approval to demonstrate the developer's intent and ability to do so.

3. Additionally, as to rezoning amendments:

- a. **Whether justified by changed or changing conditions.**
- b. **Whether adequate sites already exist for the proposed district uses.**
- c. **Whether specific requirements of this land development code are adequate to ensure compatibility with adjoining properties as required by the comprehensive plan.**

Applicant's finding:

- a. The changing condition that triggered the need for this land use amendment and rezoning is the pending annexation of these properties in order to (re)develop and connect to the City's central sewer system. Thus, rezoning within the City of Clermont is both necessary and justified.
- b. Two of the three parcels are already zoned for commercial uses within Lake County. The third parcel is currently church owned and thus has master plan zoning in the County that allows for institutional uses. Consolidation of all three parcels for the proposed commercial development project makes sense because it provides adequate site area and depth to address changes in topography and it overcomes the irregular shapes and depths of the existing commercial parcels.
- c. The project can be developed consistent with the City's land development code requirements, which by design are intended to provide use-based compatibility measures such as minimum building setbacks and landscape buffering between different uses.

Conditional Use Permit Evaluation Criteria:

Pursuant to Land Development Code (LDC) Section 86.144.(c), the Planning Commission and City Council may grant by resolution a conditional use permit that meets the following four general criteria and seven specific development standards. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

General Criteria

- 1. The granting of the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city;**

Applicant's finding: The development will not adversely affect the City's comprehensive plan. The conditional use permit is requested for the purpose of annexing and (re)developing the property within the City of Clermont on central water and sewer service. Two of the three parcels are already zoned for commercial uses in Lake County.

- 2. Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity;**

Applicant's finding: The proposed commercial development will comprise of uses typically found in a shopping center such as retail businesses, personal service establishments, fitness centers, restaurants, and offices. The range of permitted uses shall be as allowed within the City's C-2 General Commercial District (LDC Sec. 122-223).

- 3. The proposed use will comply with the regulations and conditions specified in the codes for such use; and**

Applicant's finding: The development will comply with the regulations and conditions specified for said uses within the City's C-2 General Commercial District (LDC Sec. 122-223).

- 4. The proposed use may be considered desirable at the particular location.**

Applicant's finding: The proposed commercial uses are considered desirable at this location. There is a need for more shopping center tenant space in the area, as demonstrated by retailer interest in the project.

Specific Development Standards

1. ***Density or intensity, character and type of development.*** The density or intensity, character and type of development shall be in conformance with the city's comprehensive plan, future land use map, future land use district designation and zoning district classification.

Applicant's finding: The proposed commercial development is consistent with the character and type of development that is allowed within the requested City land use and zoning classifications of Commercial and C-2 General Commercial District, respectively, which allow a maximum density of 12 du/ac (none proposed) and a maximum intensity of 0.25 FAR and 0.80 ISR. There are no residential units proposed and the conditional use permit site plan shows the project's proposed intensity of 53,972 sq.ft. (0.13 FAR).

2. ***Compatibility of development.*** The compatibility of the development with terrain and surrounding development as to type and size of unit and height shall be considered. The development shall be so located and designed to avoid undue noise, odor, traffic or other nuisances and dangers to abutting property owners.

Applicant's finding: The development is compatible with the terrain and surrounding development pattern. Consolidation of the three parcels for redevelopment allows the property to be graded and developed consistent with the City's grading standards. In addition to traditional compatibility measures such as minimum building setback and landscape buffer requirements, the design further enhances compatibility because of the site needing to be terraced and lowered (relative to the residential lots to the west), which in turn further increases the building setbacks and buffering, further reduces light and noise associated with traffic circulation since vehicles will be below the abutting residential grade level, and ensures that stormwater runoff is directed away from the neighborhood.

3. ***Transportation.*** The city transportation system or streets must be of sufficient width and capacity to serve the demands created by the development. Dedication of rights-of-way, frontage or reverse frontage roads and other necessary improvements shall be considered and addressed.

Applicant's finding: The right-of-way width and streets are adequate to serve the project. There was previously a 40' right-of-way dedication along Anderson Hill Road. The developer is proposing to construct left and right turn lane access improvements on US Highway 27 as shown on the site plan to serve the demands of the development.

4. ***Utilities.*** Sanitary sewer, potable water, reuse water, fire hydrants and other utilities must be available and have capacity to serve the development. For commercial or industrial development, the quality of the wastewater must be in conformance with section 66-76 et seq.

Applicant's finding: Utilities are available to serve the development. Potable water is adjacent to the site and provided by Utilities Inc. The developer will install water and fire service connections as needed to serve the development. The developer will be installing an on-site lift station and an off-site sewer main extension in order to connect to the City of Clermont's existing sanitary sewer system. Wastewater discharge shall comply with the requirements of Code Section 66-76.

5. ***Stormwater management.*** The capability, capacity and location of the city storm sewer system for serving the development must be considered, as well as adequacy of project design to provide retention and positive outfall of stormwater.

Applicant's finding: The development does not outfall into a City-maintained system. It drains into the FDOT right-of-way. The project's design will abide by all of the stormwater release rate and volume criteria of FDOT, SJRWMD, and the City.

Due to the fact that the existing site contains significant depressional storage, the existing site does not release much of its stormwater runoff. The design of the proposed development will have to mimic the same low-discharge scenario. Very little runoff from the developed site is expected to leave the site. Almost all of the project's runoff will be retained and percolated.

The rates and volumes of water to be discharged from the property were anticipated in the design of FDOT's US 27 drainage system. The project is not anticipated to overburden any downstream drainage systems.

The project will include an outfall structure to allow its permitted discharges, as well as allowing runoff from storms greater than the design storm to exit the site without creating adverse on-site flooding conditions.

6. ***Site planning.*** The development shall be planned and designed to consider:
- a. Effectiveness of plotting or building layout (street patterns, required yards, etc.).
 - b. Orientation of units (setback, open space).
 - c. Avoidance of environmentally sensitive areas (floodplain, steep slopes, unstable soil, drainage or wetland areas).
 - d. Consideration of visual resources (view and aesthetics).
 - e. Landscaping, buffering and screening (for privacy and to screen parking or undesirable features).
 - f. Provision of open space areas or private recreation areas.
 - g. Off-street parking and loading areas, where required, with particular attention to noise, glare or odor as they may affect adjoining properties. Adequate off-street parking shall be provided in conformance with city codes. Residential construction must be provided with required off-street parking in all districts.

- h. Ingress and egress to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic flow and control and access in case of fire. Access to refuse collection areas shall be provided.

Applicant's finding: All of these items have been taken into consideration in the planning and design of the development. The buildings, drive-thru facilities, and outdoor patio areas are located toward the front of the site in order to orient activity toward the street and away from the neighborhood. The stormwater pond/open space and parking are primarily oriented toward the rear of the site for increased separation from the neighborhood. Site access is limited to one driveway per street to minimize impacts on traffic flow and there are multiple routes for safe and convenient vehicular circulation within the development. Sidewalks are provided for pedestrian safety and interconnectivity between all uses/buildings within the development and from the two abutting streets.

7. ***Solid waste disposal.*** For commercial and industrial development, the capacity to dispose of solid waste, with particular reference to any hazardous wastes generated.

Applicant's finding: There is adequate capacity to dispose of solid waste from the development. Hazardous waste generation is not anticipated since the development is a shopping center with typical uses such as retail businesses, personal service establishments, fitness centers, restaurants, offices, and bank/ATM facilities.

Prepared by:
AVID Group



Peter Pensa, AICP
Director of Planning

LEGAL NOTICE

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

ORDINANCE NO. 2017-17

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

LOCATION

West and northwest of the intersection of US Highway 27 and Anderson Hill Road
Alternate keys 1453496, 3828239, and 2826541

LEGAL DESCRIPTION

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, public records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres, more or less.

FROM UE Urban Estate

TO City of Clermont C-2 General Commercial

This request will be considered by the Planning & Zoning Commission on Tuesday, February 7, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, March 14, 2017 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial

January 31 and February 28, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 7, 2017		
Agenda Item Name		
Resolution No. 2017-04 Anderson Hill Conditional Use Permit		
Requested Action		
Recommend approval of Resolution 2017-04.		
Staff Report		
The applicant, Avid Group, is requesting a conditional use permit for a single building with more than 20,000 square feet of floor space in the C-2 General Commercial district. Section 122-223 (b) of the land development code requires a conditional use permit for any building structure that occupies more than 20,000 square feet. The applicant is proposing to develop the 9.5-acre site into a multi-tenant retail/commercial shopping center. The applicant is proposing one building with 20,400 square feet. The other proposed buildings will be under the 20,000-square-foot threshold. The overall development will have up to 58,000 square feet of C-2 General Commercial uses. The site will be developed to meet the City's architectural standards and will be in substantial accordance with the preliminary site plan prepared by Avid Group, revision date January 27, 2017. Staff has reviewed the application and believes that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified. Therefore, staff recommends approval of the request for a building with more than 20,000 square feet in the C-2 zoning district with the conditions contained in Resolution 2017-04.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES 2017-04.docx	
2. Maps	Anderson Hill Retail Maps.pdf	
3. Site plan	REVISED Site Plan 1-27-17.pdf	
4. Application	CUP application.pdf	
5. CUP Legal Ad	CUP Anderson Hill legal Ad.docx	

**CITY OF CLERMONT
RESOLUTION NO. 2017-04**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A STRUCTURE OVER 20,000 SQUARE FEET IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held February 7, 2017 recommended approval of this Conditional Use Permit to allow for a structure over 20,000 square feet in the C-2 General Commercial zoning district, at the following location:

LOCATION:

West and northwest of the intersection of US Highway 27 and
Anderson Hill Road
Alternate keys 1453496, 3828239, and 2826541

WHEREAS, the granting of this Conditional Use Permit will not adversely affect the officially adopted Comprehensive Plan of the City; such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; the proposed use will comply with the regulations and conditions specified in the codes for such use; and the proposed use may be considered desirable at the particular location;

WHEREAS, the applicant has applied for a Conditional Use Permit for a structure over 20,000 square feet,

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

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

This application for a Conditional Use Permit to allow for a structure over 20,000 square feet in the C-2 General Commercial zoning district; be granted subject to the following conditions:

Section 1- General Conditions

1. This Resolution shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor in title or interest, and shall be subject to each and every condition herein set out.
2. Construction plans incorporating all conditions of this permit shall be submitted for review and approval by City staff prior to authorization and issuance of a development permit. The conceptual plan submitted with the Conditional Use Permit application is not an approved site plan.

CITY OF CLERMONT
RESOLUTION NO. 2017-04

3. Upon approval of the resolution the aforementioned property shall only be used for the purposes described herein. No further expansion of the use or additions to this project shall be permitted except as approved by another Conditional Use Permit. Any other proposed use shall be specifically authorized by amendment and approval of the City of Clermont City Council.
4. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
5. Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the City of Clermont Site Review Committee. The site plans shall meet all submittal requirements and comply with the conditions of this Resolution, applicable City Codes, Regulations, Ordinances, and provide compliance with the adopted City Comprehensive Plan, as amended.
6. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
7. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
8. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
9. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
10. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
11. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

CITY OF CLERMONT
RESOLUTION NO. 2017-04

12. This permit shall become null and void if substantial work has not begun within two (2) years of the date of issuance of this Conditional Use Permit.

Section 2 - Land Use

1. The proposed development may contain one structure greater than 20,000 square feet but no more than 25,000 square feet. This structure is identified as “Commercial F” on the preliminary site plan prepared by Avid Group, revision date January 27, 2017.

CITY OF CLERMONT
RESOLUTION NO. 2017-04

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 14th day of March, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Anderson Hill Retail

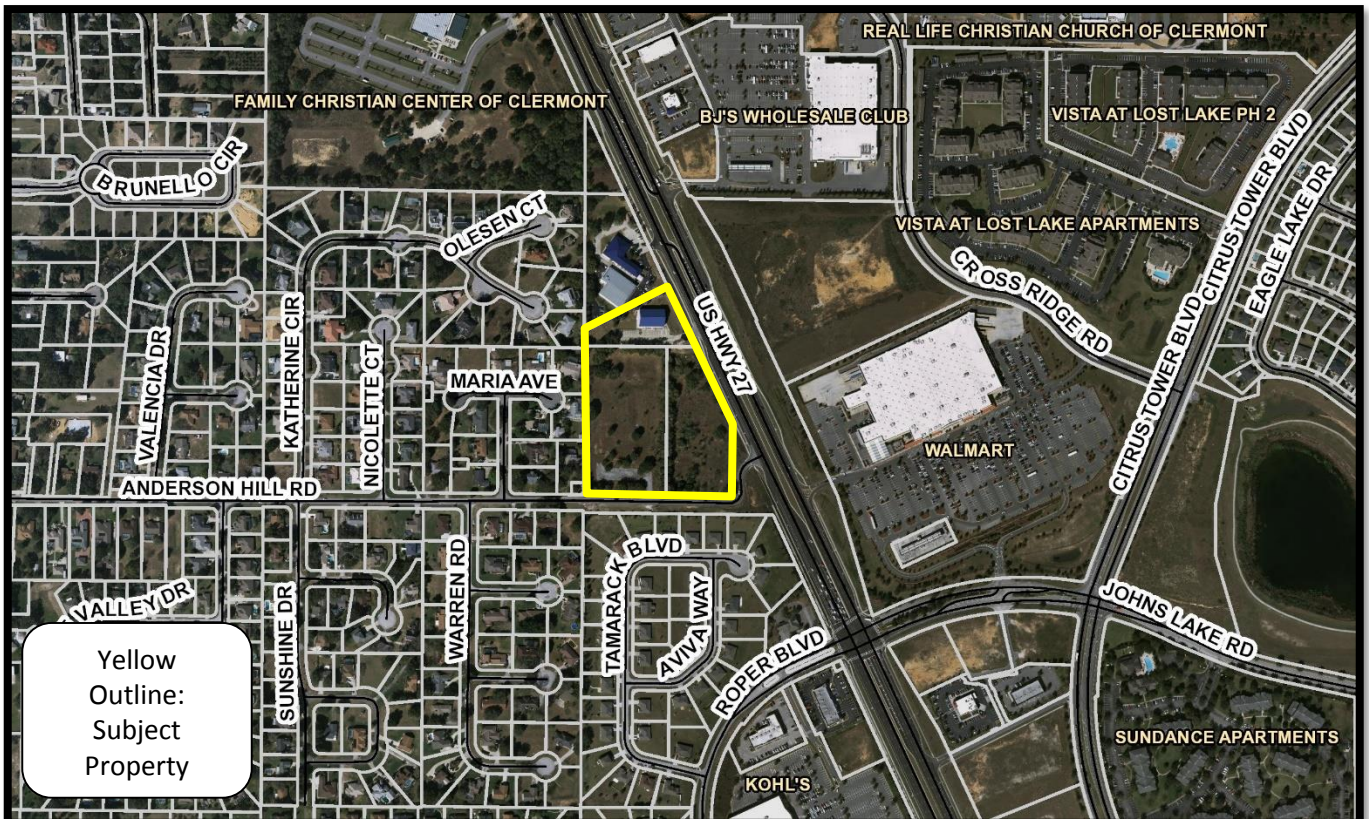
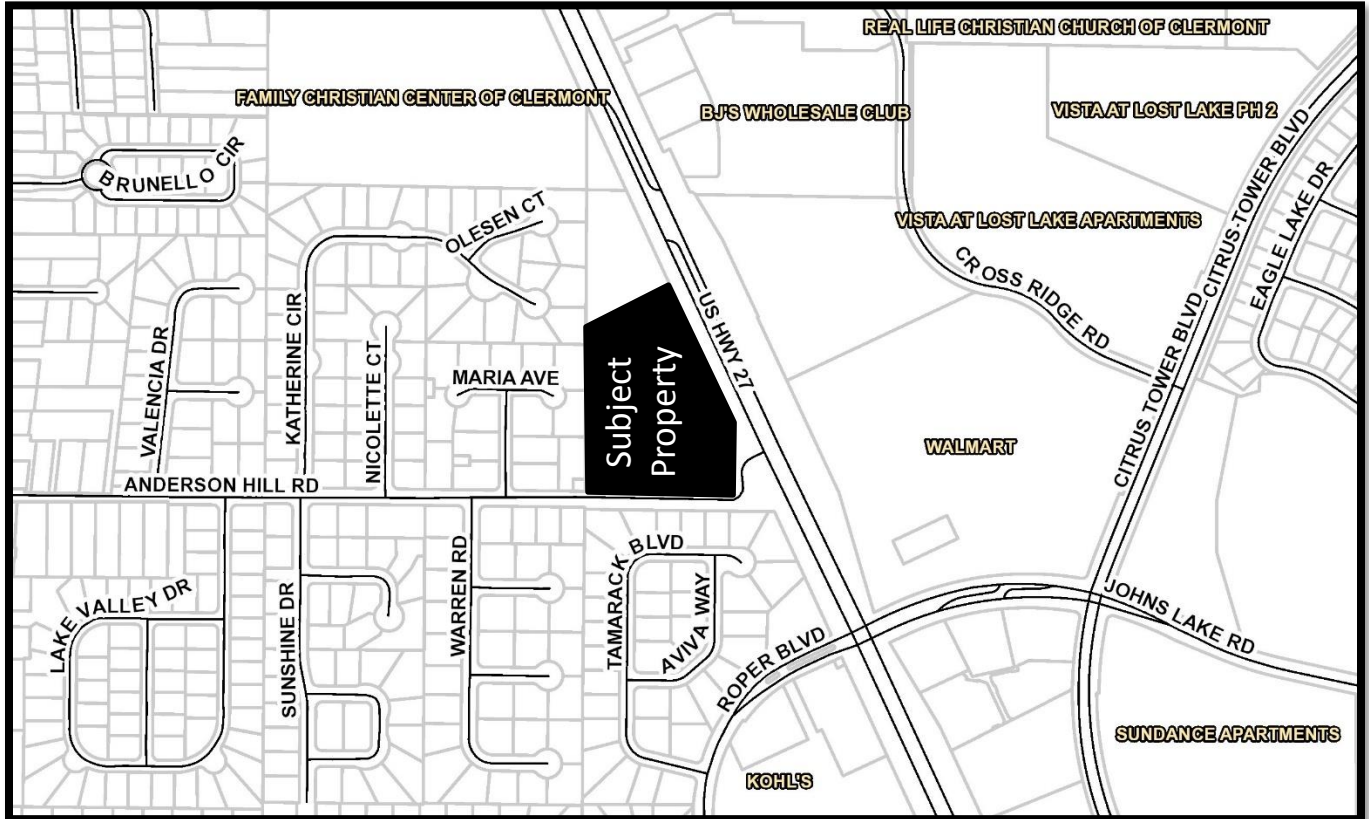


Exhibit – Future Land Use Map – Anderson Hill Retail

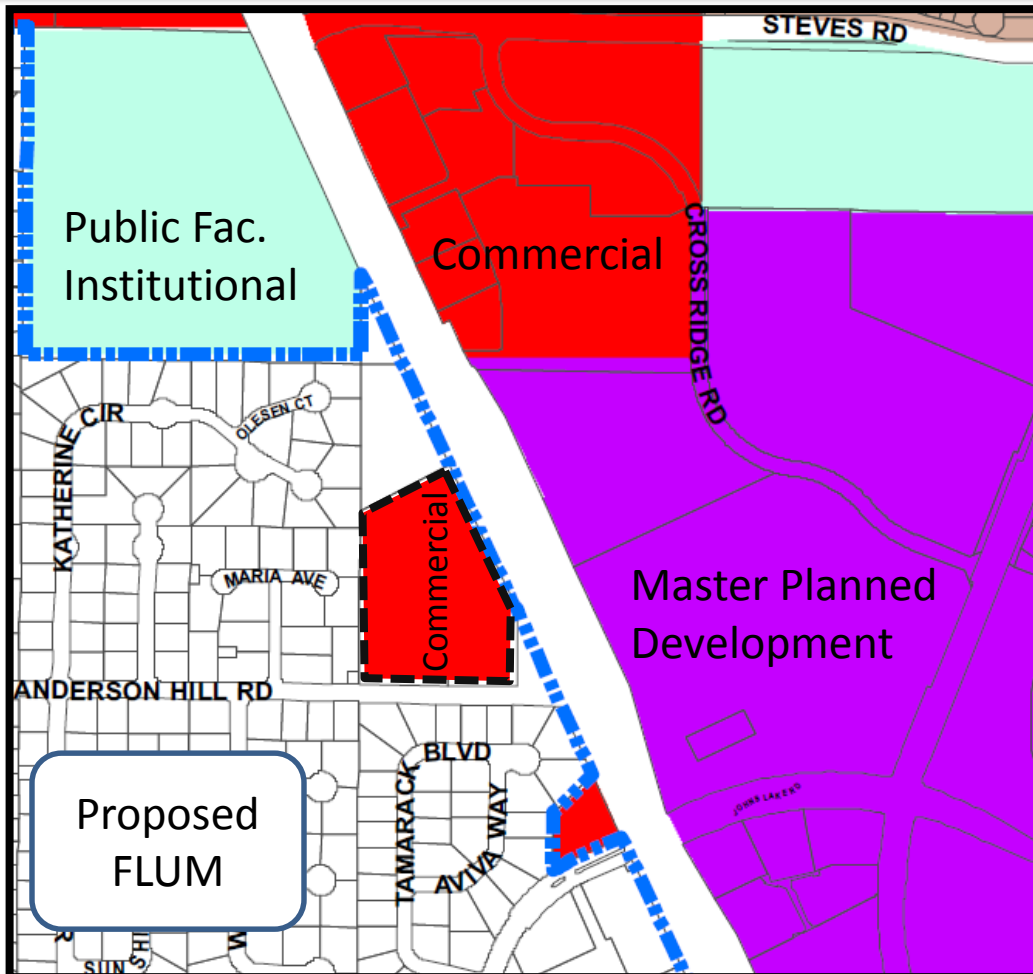


Exhibit – Zoning Map – Anderson Hill Retail

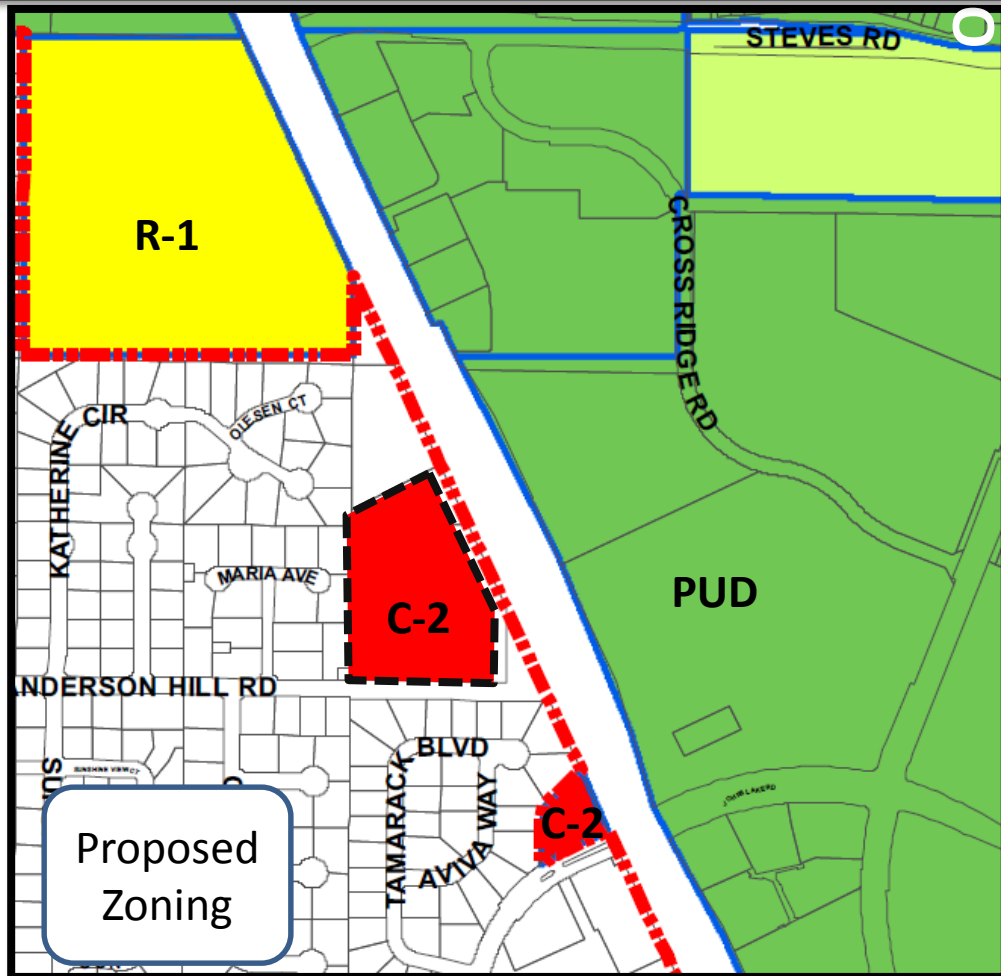
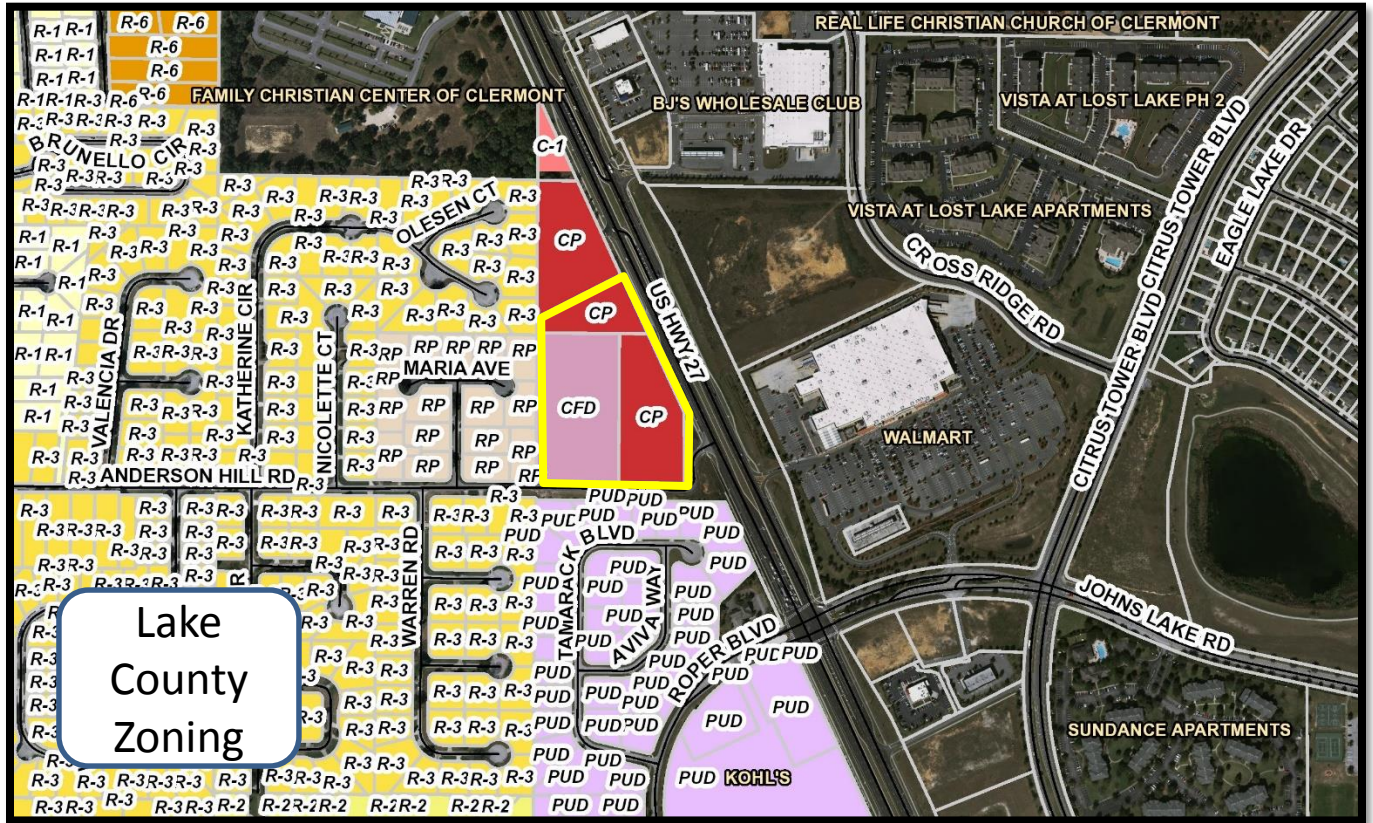
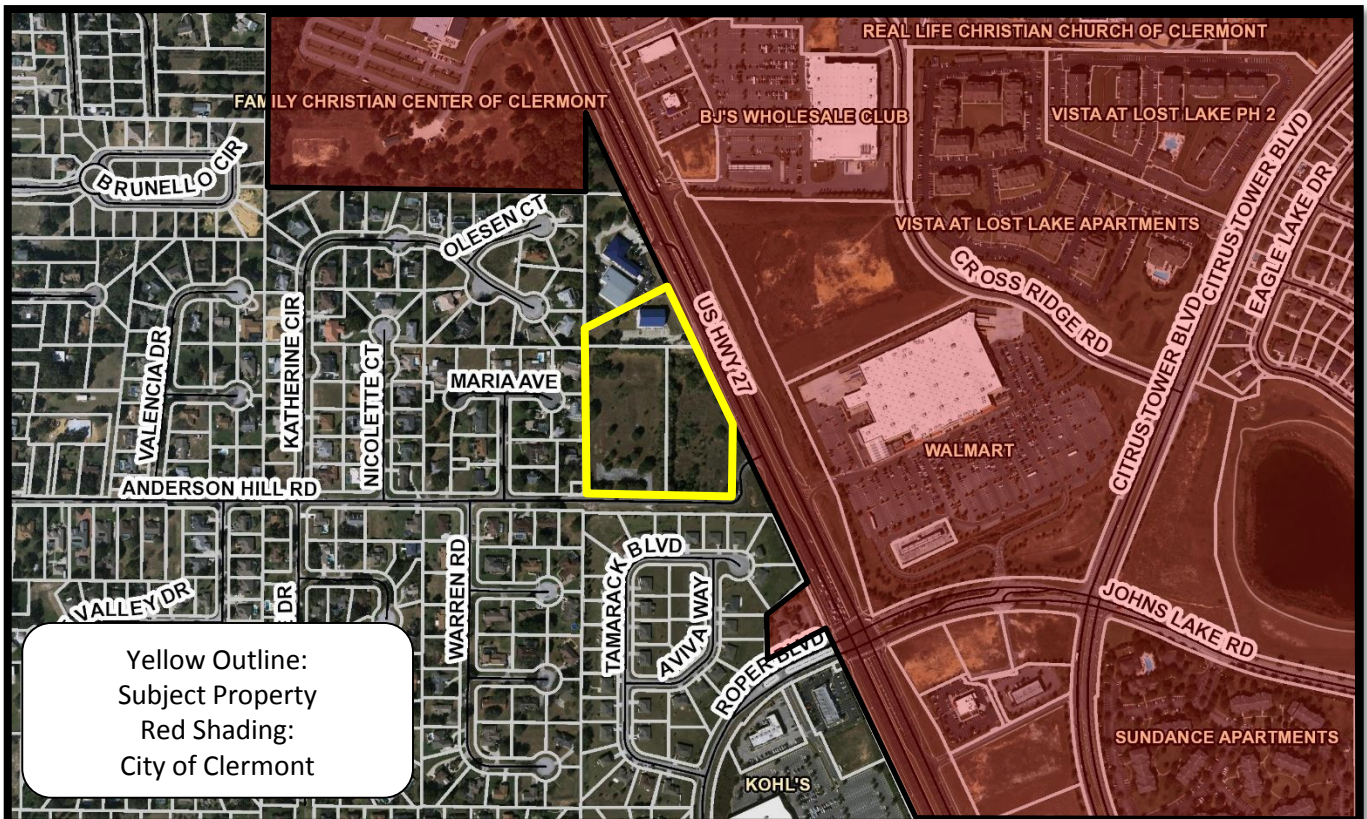
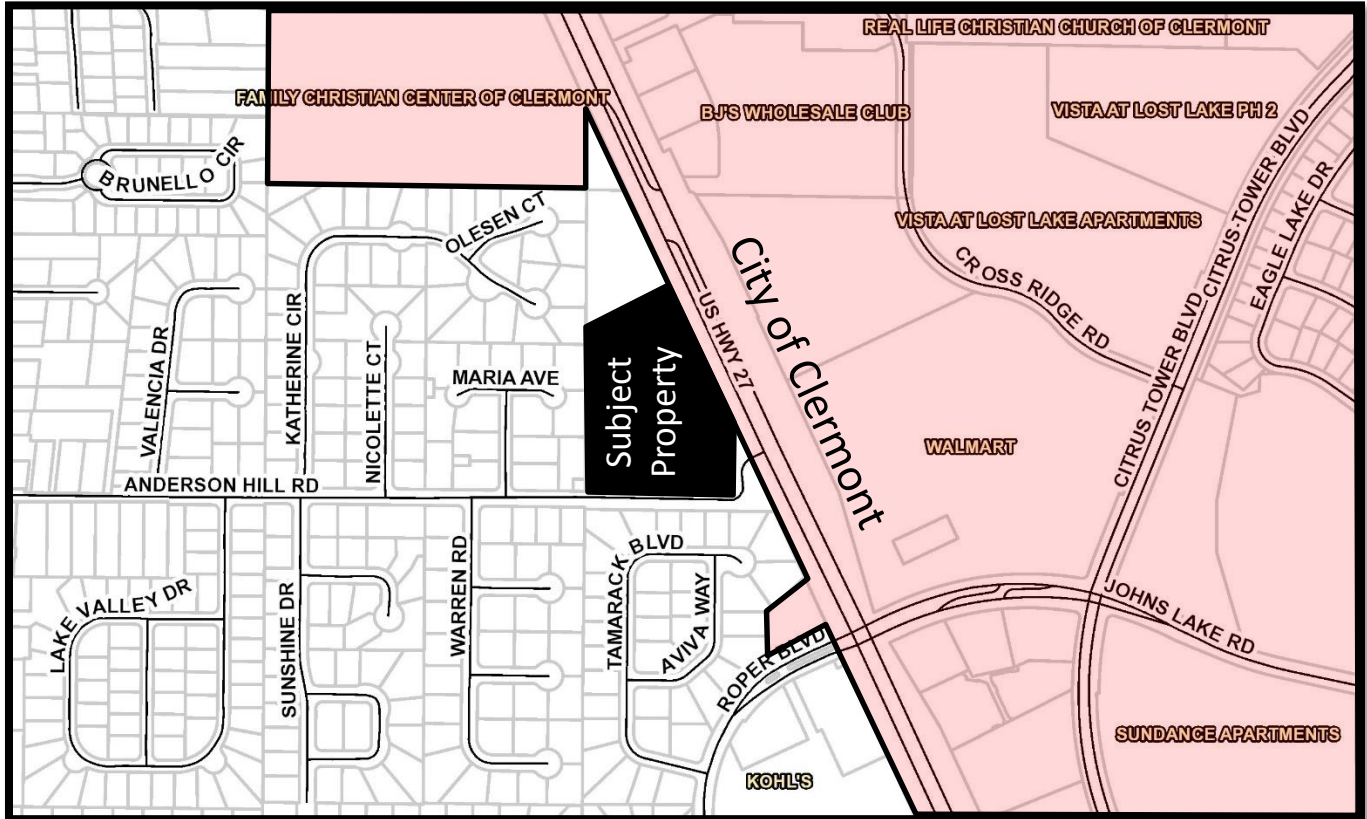


Exhibit - Annexation Map – Anderson Hill Retail





LEGAL DESCRIPTION

TRACT 22 TOGETHER WITH A PORTION OF TRACT 22, AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT 22 AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 3, PAGE 24, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID TRACT 22, A DISTANCE OF 266.03 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF ANDERSON HILL ROAD, A DISTANCE OF 620.93 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 27; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S24°35'30"E, A DISTANCE OF 269.86 FEET TO A POINT ON THE SOUTH LINE OF TRACT 22; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE S42°35'30"E, A DISTANCE OF 366.85 FEET, THENCE S00°27'49"W, A DISTANCE OF 266.03 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF ANDERSON HILL ROAD, THENCE N89°03'43"W ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF ANDERSON HILL ROAD, A DISTANCE OF 620.93 FEET TO A POINT ON THE WEST LINE OF TRACT 22 AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PLAT BOOK 3, PAGE 24, OF SAID TRACT 27, N00°31'46"E, A DISTANCE OF 598.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 22 AND THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 9.47 ACRES, MORE OR LESS.

ARCHITECT:

1 of 1



CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

DATE: Dec 21, 2016

FEE: \$800.00

PROJECT NAME (if applicable): Anderson Hill Commercial

APPLICANT: AVID Group

CONTACT PERSON: Peter Pensa, AICP

Address: 2300 Curlew Road, Suite 201

City: Palm Harbor State: FL Zip: 34683

Phone: 727-789-9500 x181 Fax: n/a

E-Mail: peter.pensa@avidgroup.com

OWNER: Anderson Hill DLSU, LLC

Address: 625 State Road 100

City: Palatka State: FL Zip: 32177

Phone: 386-329-4000 Fax:

Address of Subject Property: see below

General Location: NWC of US Highway 27 & Anderson Hill Road
(no address - Parcel# 09-22-26140002700000;
13301 Anderson Hill Rd - Parcel# 09-22-26140002700001; &
12629 US Highway 27 - Parcel# 09-22-26140002200001)

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

Land Use (City verification required): Urban Low Density (County)

Zoning (City verification required): CP & CFD (County)

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

LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter does hereby authorize AVID Group to act as our agent for and with all regulatory agencies, departments, and their personnel for the City of Clermont, Lake County, Florida Department of Economic Opportunity, Florida Department of Transportation, St. Johns River Water Management District, Florida Department of Environmental Protection, US Army Corps of Engineers, and any other utility providers or regulatory agencies in an effort to receive all approvals necessary for developing the proposed project on an approximately 9.48 acres, m.o.l. tract that is generally located on the west side of U.S. Highway 27, north of Anderson Hill Road in the City of Clermont (annexation proposed), Lake County, Florida.

Parcel ID Number:	Site Acreage	Street Address (if assigned):
09-22-26140002700000	3.24, acres m.o.l.	No Address, US Highway 27 Clermont, FL 34711
09-22-26140002700001	4.69, acres m.o.l.	13301 Anderson Hill Rd Clermont, FL 34711
09-22-26140002200001	1.55, acres m.o.l.	12629 US Highway 27 Clermont, FL 34711

Property Owner:

cd 22

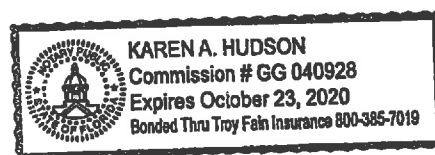
Name: Quintus I. Roberts, Sr.
Title: Managing Member
Anderson Hill DLSU, LLC
625 State Road 100
Palatka, FL 32177

STATE OF Florida COUNTY OF Putnam On
this the 22nd day of December 20 16 before me, the undersigned Notary Public of
the State of Florida, personally appeared Quintus I Roberts and whose
name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed
it. The individual(s) are X personally known to me, or presented the following
identification:

WITNESS MY HAND AND SEAL:

**NOTARY SEAL &
COMMISSION EXPIRATION:**

Karen A. Hudson
NOTARY SIGNATURE





CIVIL ENGINEERING
LAND PLANNING
TRAFFIC/TRANSPORTATION
SURVEYING
GIS
2300 CURLEW ROAD STE 201
PALM HARBOR, FLORIDA
34683
PHONE (727) 789-9500
FAX (727) 784-6662
AVIDGROUP.COM

LOCATION MAP
ANDERSON HILL RETAIL
CLERMONT, FLORIDA
1"=500'

Anderson Hill Retail

Overall Legal Description:

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, Public Records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest Corner of Tract 22 as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22, N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the west right-of-way line of US Highway 27; thence along said west right-of-way line, S24°35'30"E, a distance of 269.86 feet to a point on the south line of Tract 22; thence continue along said west right-of-way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the north right-of-way line of Anderson Hill Road; thence N89°03'43"W along the said north right-of-way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the west line of Tract 27 as shown on said the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East; thence along said west line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres more or less.

**Narrative & Justification Statement
Annexation/Small-Scale Comp Plan/Rezoning/
Conditional Use Permit Applications**

**Anderson Hill Commercial
NWC of US Highway 27 & Anderson Hill Road, Clermont, FL**

Project Description:

Subject property is comprised of three parcels totaling 9.58 acres of land located at the northwest corner of US Highway 27 and Anderson Hill Road in unincorporated Lake County. The properties are owned by Anderson Hill DLSU, LLC, who will combine the properties for (re)development as a multi-tenant retail/commercial shopping center.

The two parcels fronting US Highway 27 are currently zoned CP (Commercial Parkway) and the rear parcel is zoned CFD (Community Facility District) in unincorporated Lake County. All three parcels have a future land use map designation of Urban Low Density. The property owner/developer seeks annexation of the three parcels into the City of Clermont with C-2 (General Commercial District) zoning and Commercial future land use map designation. The northern parcel is currently developed with a 9,472 sq.ft., two-story commercial building that was previously occupied by West Star fitness center. The existing building and some of the associated site improvements (parking and retention pond) will be retained as part of the redevelopment.

The conditional use site plan is attached, which shows the overall layout as anticipated but the building footprints may change somewhat depending on the needs of specific tenants. Permitted uses within the development shall be those that are permitted within the City's C-2 (General Commercial District) zoning district.

Small-Scale Comprehensive Plan Amendment and Rezoning Evaluation Criteria:

Pursuant to Land Development Code (LDC) Section 82-226, the Planning Commission and City Council shall consider the following criteria. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

Review Criteria

- 1. Consistency with the comprehensive plan, or, in the case of a plan amendment, consistency with the remainder of the plan and its goals, objective and policies.**

Applicant's finding: The properties can be (re)developed consistent with the goals, objectives and policies of the City's comprehensive plan. The conditional use permit site plan has been submitted for concurrent review and approval to demonstrate the developer's intent and ability to do so.

Subject property is being annexed into the City of Clermont and therefore needs to have a City future land use map designation and zoning district assigned. The proposed C-2 (General Commercial District) zoning and Commercial future land use map designation are appropriate given the physical characteristics and location of the property and the development pattern of the surrounding area. One of the subject parcels is already commercially developed, as is the majority of this segment of the US Highway 27 corridor (from State Road 50 to the north to Hammock Ridge Road/Citrus Tower Boulevard to the south). For example, the property across US Highway 27 is located in the City and is developed as a WalMart Super Center. And, the adjacent property to the north is located in the County and developed as an automobile repair shop.

2. Consistency with applicable sections of this land development code.

Applicant's finding: The properties can be (re)developed consistent with the applicable sections of the City's land development code. The conditional use permit site plan has been submitted for concurrent review and approval to demonstrate the developer's intent and ability to do so.

3. Additionally, as to rezoning amendments:

- a. Whether justified by changed or changing conditions.
- b. Whether adequate sites already exist for the proposed district uses.
- c. Whether specific requirements of this land development code are adequate to ensure compatibility with adjoining properties as required by the comprehensive plan.

Applicant's finding:

- a. The changing condition that triggered the need for this land use amendment and rezoning is the pending annexation of these properties in order to (re)develop and connect to the City's central sewer system. Thus, rezoning within the City of Clermont is both necessary and justified.
- b. Two of the three parcels are already zoned for commercial uses within Lake County. The third parcel is currently church owned and thus has master plan zoning in the County that allows for institutional uses. Consolidation of all three parcels for the proposed commercial development project makes sense because it provides adequate site area and depth to address changes in topography and it overcomes the irregular shapes and depths of the existing commercial parcels.
- c. The project can be developed consistent with the City's land development code requirements, which by design are intended to provide use-based compatibility measures such as minimum building setbacks and landscape buffering between different uses.

Conditional Use Permit Evaluation Criteria:

Pursuant to Land Development Code (LDC) Section 86.144.(c), the Planning Commission and City Council may grant by resolution a conditional use permit that meets the following four general criteria and seven specific development standards. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

General Criteria

- 1. The granting of the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city;**

Applicant's finding: The development will not adversely affect the City's comprehensive plan. The conditional use permit is requested for the purpose of annexing and (re)developing the property within the City of Clermont on central water and sewer service. Two of the three parcels are already zoned for commercial uses in Lake County.

- 2. Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity;**

Applicant's finding: The proposed commercial development will comprise of uses typically found in a shopping center such as retail businesses, personal service establishments, fitness centers, restaurants, and offices. The range of permitted uses shall be as allowed within the City's C-2 General Commercial District (LDC Sec. 122-223).

- 3. The proposed use will comply with the regulations and conditions specified in the codes for such use; and**

Applicant's finding: The development will comply with the regulations and conditions specified for said uses within the City's C-2 General Commercial District (LDC Sec. 122-223).

- 4. The proposed use may be considered desirable at the particular location.**

Applicant's finding: The proposed commercial uses are considered desirable at this location. There is a need for more shopping center tenant space in the area, as demonstrated by retailer interest in the project.

Specific Development Standards

1. ***Density or intensity, character and type of development.*** The density or intensity, character and type of development shall be in conformance with the city's comprehensive plan, future land use map, future land use district designation and zoning district classification.

Applicant's finding: The proposed commercial development is consistent with the character and type of development that is allowed within the requested City land use and zoning classifications of Commercial and C-2 General Commercial District, respectively, which allow a maximum density of 12 du/ac (none proposed) and a maximum intensity of 0.25 FAR and 0.80 ISR. There are no residential units proposed and the conditional use permit site plan shows the project's proposed intensity of 53,972 sq.ft. (0.13 FAR).

2. ***Compatibility of development.*** The compatibility of the development with terrain and surrounding development as to type and size of unit and height shall be considered. The development shall be so located and designed to avoid undue noise, odor, traffic or other nuisances and dangers to abutting property owners.

Applicant's finding: The development is compatible with the terrain and surrounding development pattern. Consolidation of the three parcels for redevelopment allows the property to be graded and developed consistent with the City's grading standards. In addition to traditional compatibility measures such as minimum building setback and landscape buffer requirements, the design further enhances compatibility because of the site needing to be terraced and lowered (relative to the residential lots to the west), which in turn further increases the building setbacks and buffering, further reduces light and noise associated with traffic circulation since vehicles will be below the abutting residential grade level, and ensures that stormwater runoff is directed away from the neighborhood.

3. ***Transportation.*** The city transportation system or streets must be of sufficient width and capacity to serve the demands created by the development. Dedication of rights-of-way, frontage or reverse frontage roads and other necessary improvements shall be considered and addressed.

Applicant's finding: The right-of-way width and streets are adequate to serve the project. There was previously a 40' right-of-way dedication along Anderson Hill Road. The developer is proposing to construct left and right turn lane access improvements on US Highway 27 as shown on the site plan to serve the demands of the development.

4. ***Utilities.*** Sanitary sewer, potable water, reuse water, fire hydrants and other utilities must be available and have capacity to serve the development. For commercial or industrial development, the quality of the wastewater must be in conformance with section 66-76 et seq.

Applicant's finding: Utilities are available to serve the development. Potable water is adjacent to the site and provided by Utilities Inc. The developer will install water and fire service connections as needed to serve the development. The developer will be installing an on-site lift station and an off-site sewer main extension in order to connect to the City of Clermont's existing sanitary sewer system. Wastewater discharge shall comply with the requirements of Code Section 66-76.

5. ***Stormwater management.*** The capability, capacity and location of the city storm sewer system for serving the development must be considered, as well as adequacy of project design to provide retention and positive outfall of stormwater.

Applicant's finding: The development does not outfall into a City-maintained system. It drains into the FDOT right-of-way. The project's design will abide by all of the stormwater release rate and volume criteria of FDOT, SJRWMD, and the City.

Due to the fact that the existing site contains significant depressional storage, the existing site does not release much of its stormwater runoff. The design of the proposed development will have to mimic the same low-discharge scenario. Very little runoff from the developed site is expected to leave the site. Almost all of the project's runoff will be retained and percolated.

The rates and volumes of water to be discharged from the property were anticipated in the design of FDOT's US 27 drainage system. The project is not anticipated to overburden any downstream drainage systems.

The project will include an outfall structure to allow its permitted discharges, as well as allowing runoff from storms greater than the design storm to exit the site without creating adverse on-site flooding conditions.

6. ***Site planning.*** The development shall be planned and designed to consider:
- a. Effectiveness of plotting or building layout (street patterns, required yards, etc.).
 - b. Orientation of units (setback, open space).
 - c. Avoidance of environmentally sensitive areas (floodplain, steep slopes, unstable soil, drainage or wetland areas).
 - d. Consideration of visual resources (view and aesthetics).
 - e. Landscaping, buffering and screening (for privacy and to screen parking or undesirable features).
 - f. Provision of open space areas or private recreation areas.
 - g. Off-street parking and loading areas, where required, with particular attention to noise, glare or odor as they may affect adjoining properties. Adequate off-street parking shall be provided in conformance with city codes. Residential construction must be provided with required off-street parking in all districts.

- h. Ingress and egress to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic flow and control and access in case of fire. Access to refuse collection areas shall be provided.

Applicant's finding: All of these items have been taken into consideration in the planning and design of the development. The buildings, drive-thru facilities, and outdoor patio areas are located toward the front of the site in order to orient activity toward the street and away from the neighborhood. The stormwater pond/open space and parking are primarily oriented toward the rear of the site for increased separation from the neighborhood. Site access is limited to one driveway per street to minimize impacts on traffic flow and there are multiple routes for safe and convenient vehicular circulation within the development. Sidewalks are provided for pedestrian safety and interconnectivity between all uses/buildings within the development and from the two abutting streets.

7. ***Solid waste disposal.*** For commercial and industrial development, the capacity to dispose of solid waste, with particular reference to any hazardous wastes generated.

Applicant's finding: There is adequate capacity to dispose of solid waste from the development. Hazardous waste generation is not anticipated since the development is a shopping center with typical uses such as retail businesses, personal service establishments, fitness centers, restaurants, offices, and bank/ATM facilities.

Prepared by:
AVID Group



Peter Pensa, AICP
Director of Planning

RETURN

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Quintus Irving Roberts
625 State Road 100
Palatka, Florida, 32177

Property Appraisers Parcel Identification (Folio) Number: 092226-1400-027-00000

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 19th day of October, 2012 by Quintus Irving Roberts as Trustee of The V.S. Roberts Family Trust - QIR, a Simple Trust, whose post office address is 625 State Road 100, Palatka, Florida 32177 herein called the grantor, to Anderson Hill DLSU, LLC., a Florida Limited Liability Company whose post office address is 625 State Road 100, Palatka, Florida 32177, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LAKE County, State of Florida, viz.:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART
HEREOF.

Subject to easements, restrictions and reservations of record and taxes for the year 2012 and
thereafter.

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

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

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple;
that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said
land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above
written.

Signed, sealed and delivered in the presence of:

Witness #1 Signature

TRAVIS S. THOMAS

Witness #1 Printed Name

Witness #2 Signature

JOYCE C. NORRIS

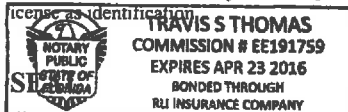
Witness #2 Printed Name

V.S. Roberts Family Trust-QIR, a Simple
Trust

Quintus Irving Roberts, Trustee

STATE OF FLORIDA
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me this 19th day of October, 2012 by Quintus Irving Roberts as
Trustee of The V.S. Roberts Family Trust - QIR a Simple Trust who is personally known to me or has produced
driver's



Notary Public TRAVIS S. THOMAS

Printed Notary Name

My Commission Expires:

Exhibit "A"

TRACT 27, AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

LESS THE FOLLOWING:

BEGIN AT THE SOUTHWEST CORNER OF TRACT 27 AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA: THENCE NORTH $00^{\circ}31'46''$ EAST ALONG THE WEST LINE OF SAID TRACT 27, A DISTANCE OF 638.50 FEET TO THE NORTHWEST CORNER OF SAID TRACT: THENCE SOUTH $88^{\circ}53'09''$ EAST ALONG THE NORTH LINE OF SAID TRACT 27, A DISTANCE OF 341.41 FEET; THENCE SOUTH $00^{\circ}31'46''$ WEST 637.45 FEET TO THE SOUTH LINE OF SAID TRACT 27; THENCE NORTH $89^{\circ}03'43''$ WEST ALONG THE SAID SOUTH LINE OF SAID TRACT 27, A DISTANCE OF 341.40 FEET TO THE POINT OF BEGINNING.

LESS ROAD RIGHT OF WAYS.

AKERMAN SENTERFITT
PO BOX 231
ORLANDO FL 32802



PREPARED BY AND RETURN TO:
SCOTT M. PRICE, ESQUIRE
AKERMAN LLP
420 South Orange Avenue
Suite 1200
Orlando, Florida 32801

SPECIAL WARRANTY DEED

THIS WARRANTY DEED made this 4th day of December, 2014, between **TWISTEE, LLC**, a Florida limited liability company, whose post office address is 2345 West Sand Lake Road, Suite 100, Orlando, Florida 32809, hereinafter called the Grantor, to **CLERMONT SYNERGY, LLC**, a Florida limited liability company, whose post office address is 2345 West Sand Lake Road, Suite 100, Orlando, Florida 32809, hereinafter called the Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH:

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in LAKE County, Florida, viz:

A PORTION OF THAT PART OF TRACT 22, LYING WEST OF U.S. HIGHWAY NO. 27 IN "LAKE HIGHLANDS COMPANY", A PLAT OF RECORD IN PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LOCATED IN SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, TALLAHASSEE MERIDIAN, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 22; THENCE ALONG THE WEST LINE THEREOF, NORTH 00 DEGREES 12 MINUTES 07 SECONDS WEST, 61.46 FEET; THENCE LEAVING SAID LINE, NORTH 62 DEGREES 51 MINUTES 01 SECOND EAST, 393.08 FEET TO THE WEST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 27; THENCE ALONG SAID LINE, SOUTH 25 DEGREES 21 MINUTES 30 SECONDS EAST, 270.00 FEET TO THE SOUTH LINE OF SAID TRACT 22; THENCE ALONG SAID LINE, NORTH 89 DEGREES 36 MINUTES 41 SECONDS WEST, 465.20 FEET TO THE POINT OF BEGINNING.

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

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

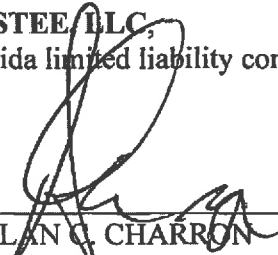
AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other; and that said land is free of all encumbrances except for *ad valorem* taxes for 2014 and all subsequent years, and matters appearing of record in the Public Records of Lake County, Florida; provided, however, that this reference shall not serve to re-impose same.

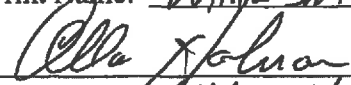
IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

TWISTEE, LLC,
a Florida limited liability company


Print Name: William Smith

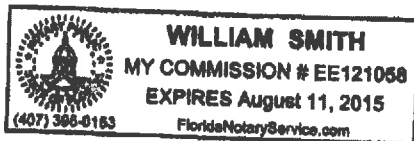
By: 
ALAN C. CHARRON
MANAGER

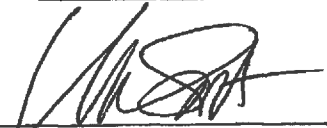

Print Name: Allan Holman

STATE OF FLORIDA)
) ss:
COUNTY OF Orange)

The foregoing instrument was acknowledged before me this 4 day of December, 2014, by ALAN C. CHARRON, as Manager of TWISTEE, LLC, a Florida limited liability company, on behalf of the company, who is:

- ☒ personally known to me; or
- ☐ produced a driver's license issued by the _____ Department of Highway Safety and Motor Vehicles as identification; or
- ☐ produced the following identification: _____





NOTARY PUBLIC, STATE OF FLORIDA

William Smith
(Print, Type or Stamp Commissioned Name of Notary Public)

REC 5.00
DOC 387.00

86 36092

86 36092 1237

This instrument was prepared by:

Jerome Bornstein
of the Law Office of
BORNSTEIN & PETREE
125 South Court Avenue
ORLANDO, FLORIDA 32801

Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 28TH day of August 1986, Between

CHARLOTTE ROTENBERG (formerly Charlotte Getz)

of the County of Dade, State of Florida, grantor*, and

ST. MATTHIAS EPISCOPAL CHURCH

whose post office address is 574 Montrose Street, Clermont 32711

of the County of Lake, State of Florida, grantee*,

Witnesseth, That said grantor, for and in consideration of the sum of TEN AND NO/100ths (\$10.00)

Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lake County, Florida, to-wit:

Begin at the Southwest Corner of Tract 27 as shown on the LAKE HIGHLAND COMPANY Plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page Public Records of Lake County, Florida; thence N.00°31'46" E. along the West line of said Tract 27, distance of 638.50 feet to the Northwest corner of said tract; thence S.88°53'09" E. along the North line of said Tract 27, a distance of 341.41 feet; thence S.00°31'46" W. 637.45 feet to the South line of said Tract 27; thence N.89°03'43" W. along the said South line 341.40 feet to the Point of Beginning, containing 5.00 acres, more or less: subject to a 40 foot County Road Easement along a South line and a 50 foot County Road and Utility Easement along the West line, which shall be dedicated as a public road by Grantee at any time when requested by an abutting property owner.

Return to:
TOM K. DOUGHERTY, P.A.
501 Almond Street
Clermont, FL 32711

SEP 5 11 59 AM '86

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof,

Signed, sealed and delivered in our presence:

Jerome Bornstein
Tom K. Dougherty

Grantor has hereunto set her hand and seal the day and year first above written.

Charlotte Rotenberg
by Leon Ettinger

CHARLOTTE ROTENBERG (formerly

Charlotte Getz), by LEON

ETTINGER, her Attorney in Fact.

(Seal)

(Seal)

STATE OF FLORIDA
COUNTY OF LAKE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

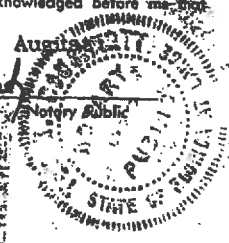
CHARLOTTE ROTENBERG (formerly Charlotte Getz), by LEON ETTINGER, her

Attorney in Fact, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 28TH day of August 1986.

My commission expires:

10/19/88



LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for a structure over 20,000 square feet in the C-2 General Commercial zoning district, at the following location:

LOCATION

West and Northwest of the intersection of US Hwy 27 and Anderson Hill Rd
AK 1453496, 3828239, and 2826541

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

A public meeting to consider the request will be held before the Planning and Zoning Commission on Tuesday, February 7, 2017 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, March 14, 2017 at 6:30pm.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
January 31 and March 7, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 7, 2017		
Agenda Item Name		
Ordinance No. 2017-19 Tommy's of Clermont Small-Scale Comprehensive Plan Amendment		
Requested Action		
Recommend approval of Ordinance 2017-19.		
Staff Report		
The applicant, MKB Florida Holdings, LLC, is requesting a small-scale comprehensive plan amendment for the subject property. The vacant property is approximately 9.8 +/- acres in size. This request is being heard concurrently with requests for annexation, rezoning and a conditional use permit. The applicant wishes to develop the property and have City services available. The small-scale comprehensive plan amendment would change the future land use from Lake County's Regional Commercial to the City's Commercial designation. The Commercial designation is supported by the physical characteristics of the site and its location adjacent to S.R. 50. The property fronts a major arterial roadway and has existing commercial uses to the north and industrial uses to the west. The City's Commercial designation is very similar to Lake County's Regional Commercial future land use category. Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to Commercial in the City.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	CPA Ord. 2017-19.doc	
2. Maps	Tommys of Clermont Maps.pdf	
3. Application	Comp_Plan_Application.pdf	
4. Legal ad	CPA Tommy's legal ad.docx	

CITY OF CLERMONT
ORDINANCE No. 2017-19

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.

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

The East 1/2 of Tracts 23 and 26. Less right of way for State Road #50; and the North 1/2 of Vacated Road per Resolution recorded in O.R. Book 4625, Page 754. in Section 26. Township 22 South. Range 26 East, according to the Plot of Lake Highlands Company, as recorded in Plat Book 3, Page 52, of the Public Records of Lake County, Florida.
Containing 9.814 Acres +/-
Alternate Key 1118204

CITY OF CLERMONT
ORDINANCE No. 2017-19

CHANGE IN FUTURE LAND USE CLASSIFICATION
FROM COUNTY REGIONAL COMMERCIAL
TO CITY OF CLERMONT COMMERCIAL

Section 2.

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

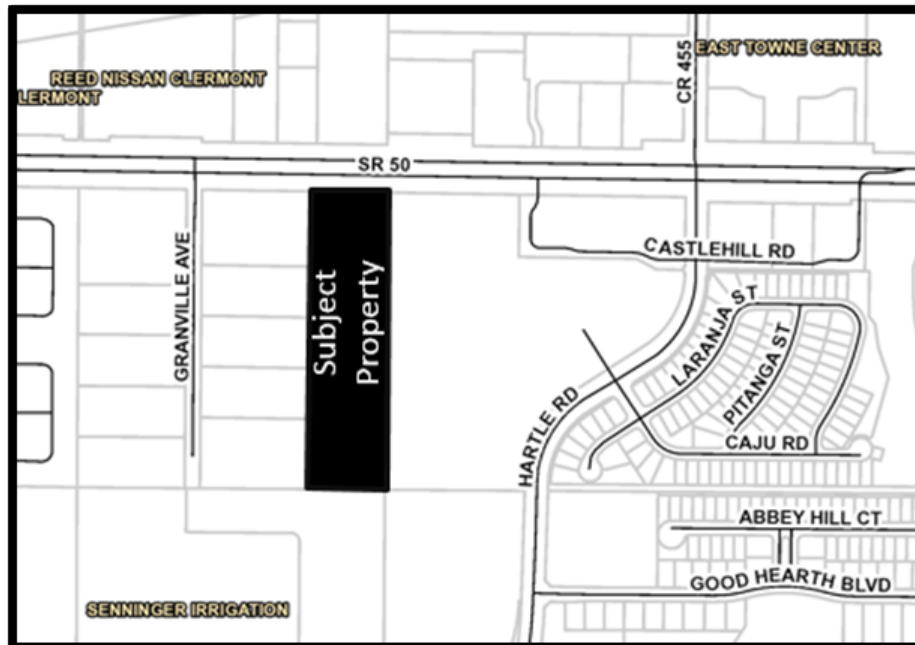
Section 3.

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

Section 4.

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

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-19

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 14th day of March, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Tommy's of Clermont

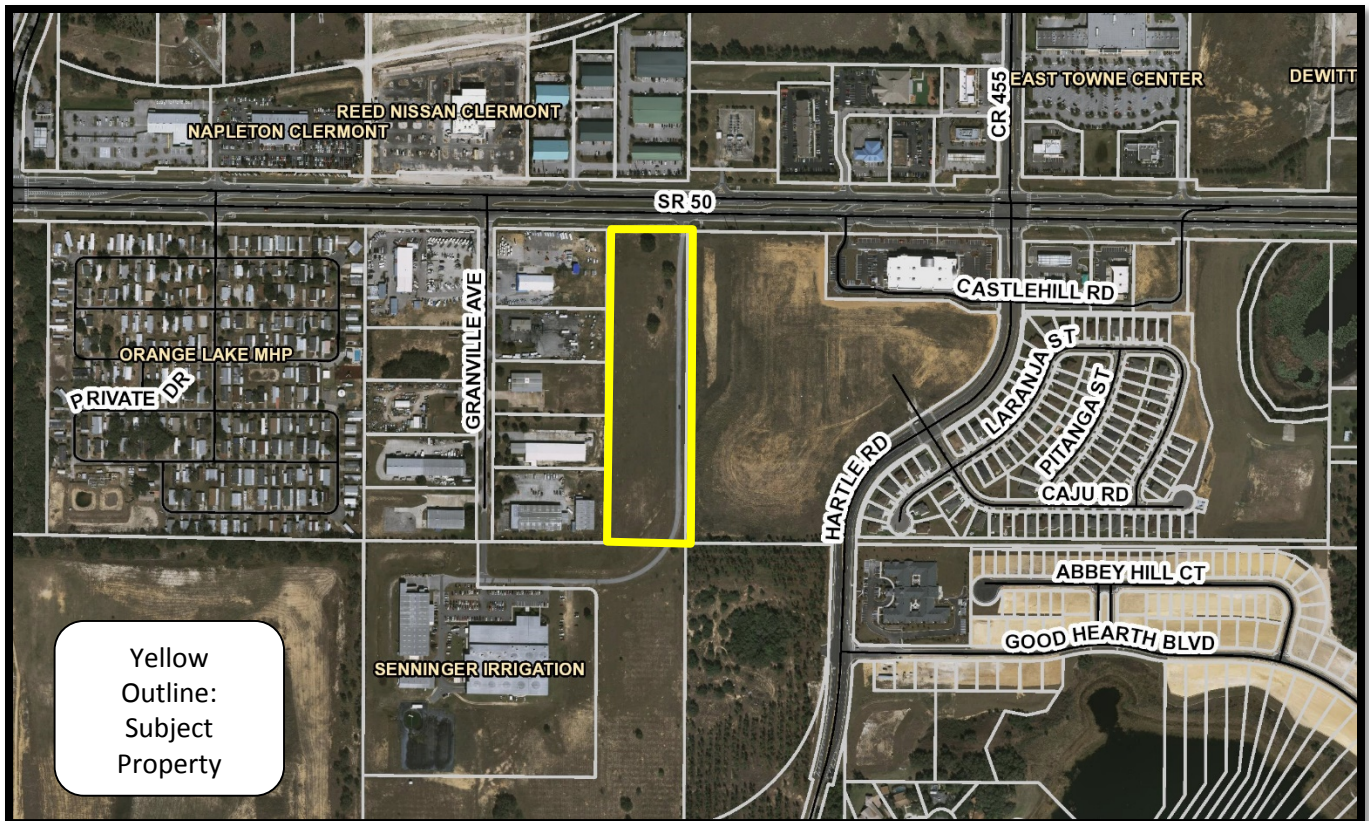
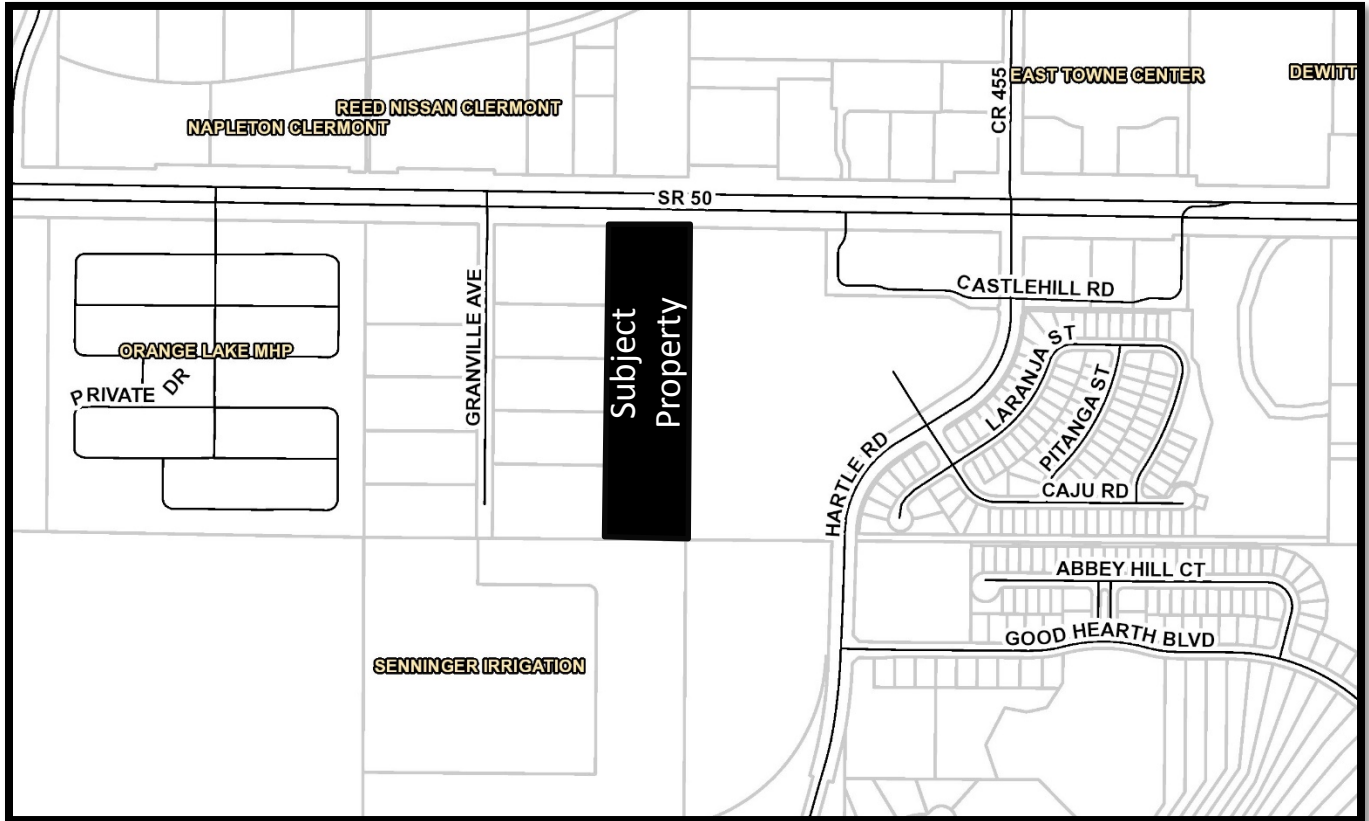


Exhibit – Future Land Use Map – Tommy's of Clermont

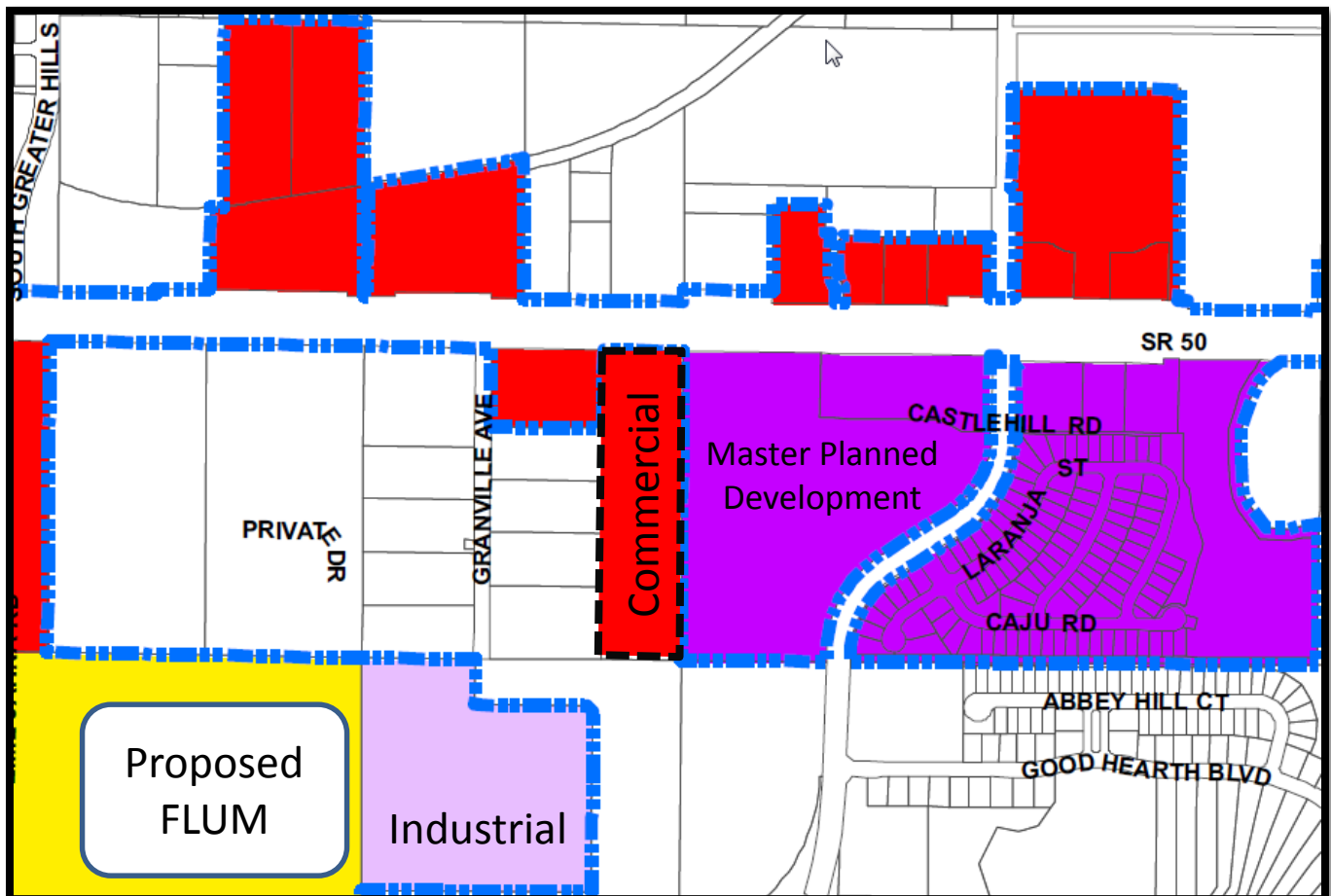
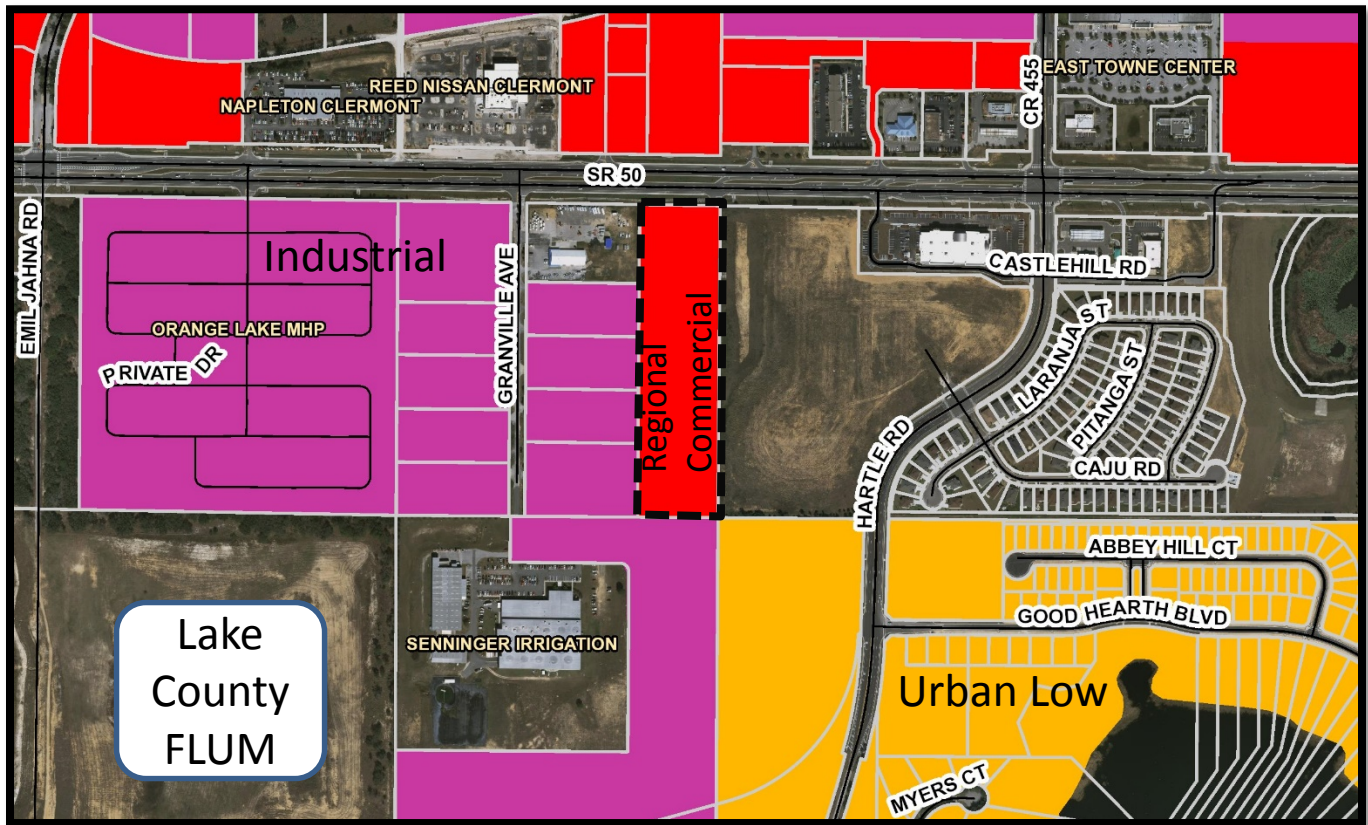


Exhibit – Zoning Map – Tommy's of Clermont

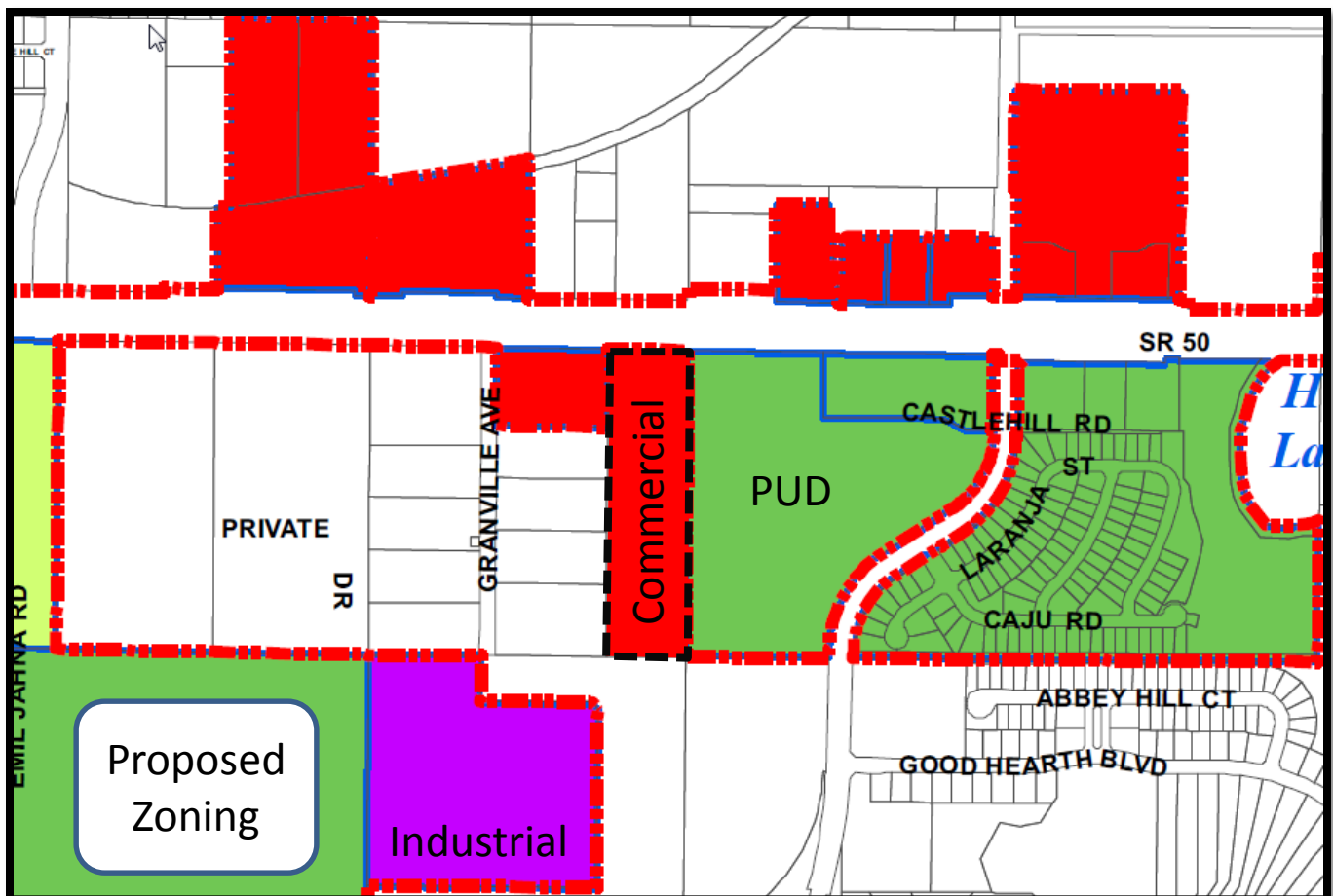
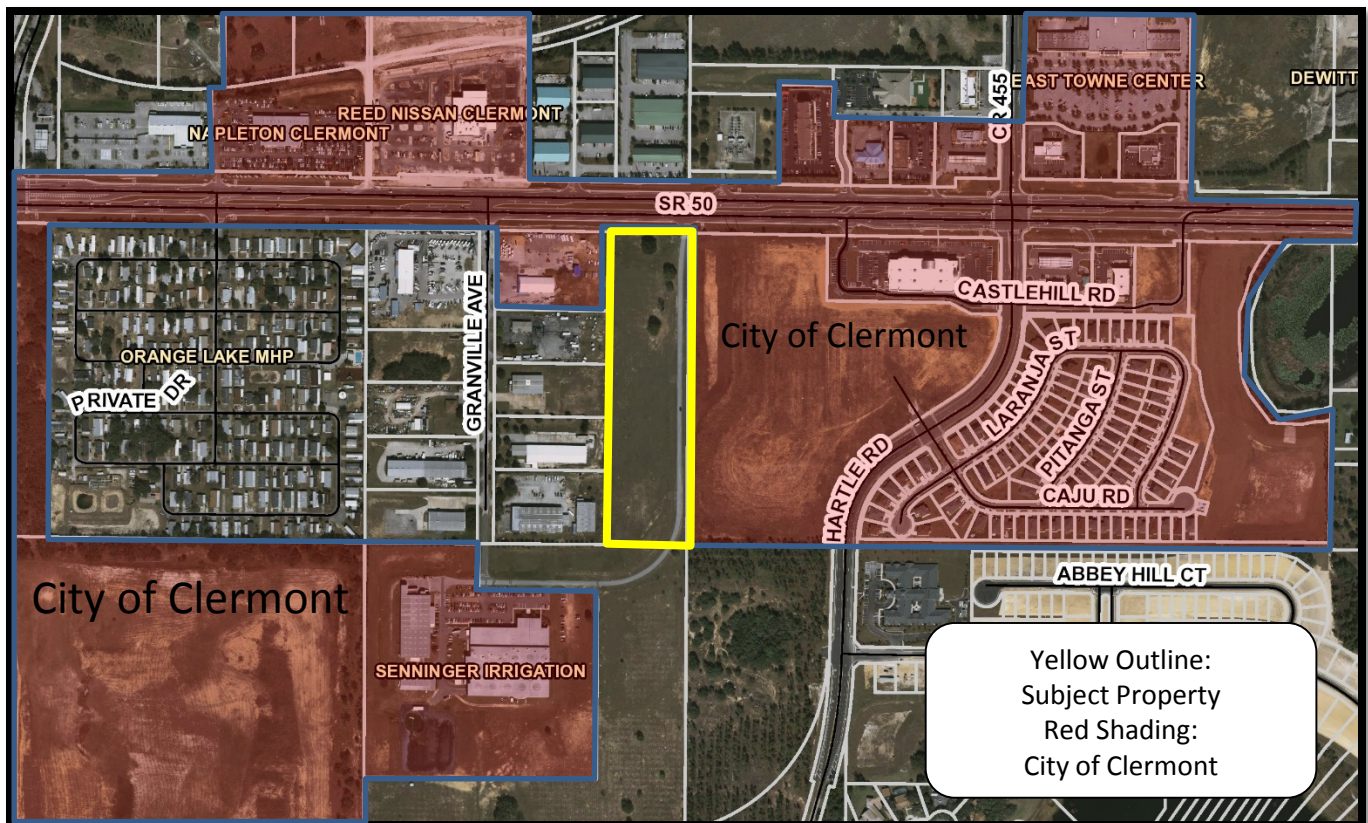
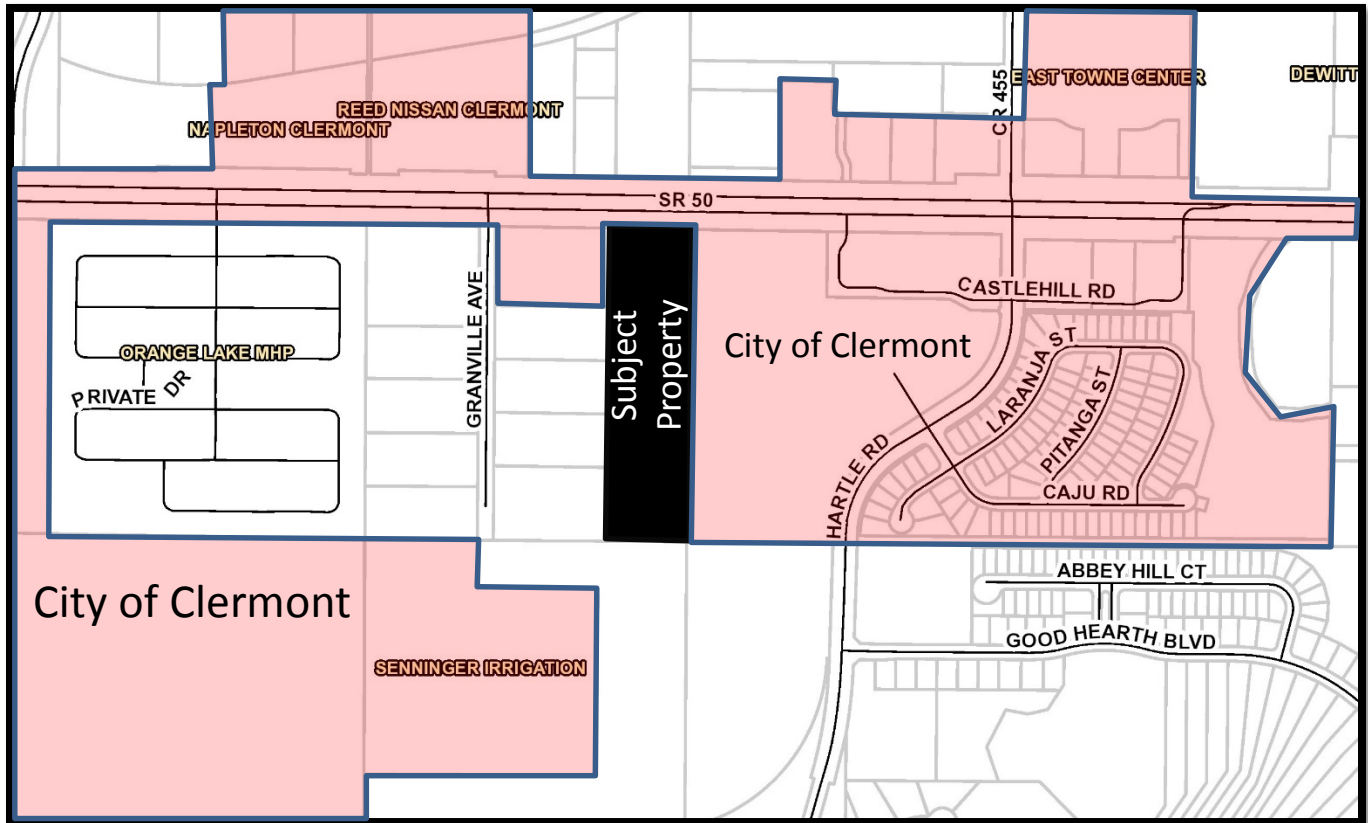


Exhibit - Annexation Map – Tommy's of Clermont





CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: December 16, 2016

FEE: \$500.00

Project Name (if applicable): Tommy's of Clermont

Applicant: MKB Florida Holdings, LLC

Contact Person: Matt Borisch, Manager

Address: 4020 West River Drive NE

City: Comstock Park

State: MI

Zip: 49321

Phone: 616-540-0447

Fax: _____

E-Mail: matt@steadfastllc.com

OWNER: HRP Holdings, Inc.

Address: P.O. Box 120853

City: Clermont

State: FL

Zip: 34712-0853

Phone: 407-905-8206

Fax: _____

E-Mail: _____

General Location: Southwest Quadrant State Road 50 & Hartle Road, unincorporated Lake County, Florida

Legal Description (include copy of survey): See Attached & Survey

Property size (in acres or square feet): _____

Flood hazard area (yes) _____ and approx. acreage 9.814

(no) X

Existing (Actual) Land Use: Vacant Commercial

Existing Zoning: Planned Commercial

Existing Future Land Use: Regional Commercial

Proposed Future Land Use: Commercial

Type of development proposed: Boat Dealership/Service Center

Proposed density (dwelling units/acre) or intensity: _____

Proposed Zoning District: Commercial

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).

Owner desires annexation in order to utilize city utilities for new business.

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
Planning & Zoning 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

Matthew Borisch

_____, 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 (her) knowledge and belief, and further, that this application and attachments shall become part of the official records of the City of Clermont, Florida, and are not returnable.
2. That he (she) desires a Future Land Use Amendment from
Lake County _____ to City of Clermont _____ 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.

Matthew Borisch, Manager

Affiant - Applicant Name (print)

X

MB

Affiant - Applicant Name (signature)

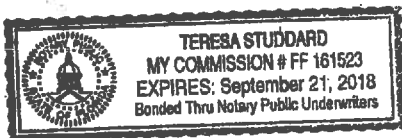
SWORN to and SUBSCRIBED before me by

or personally known by me this 20th day of December, 2016.

X

[Signature]
Notary Public, State of Florida at Large

My Commission Expires: 9/21/2018



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

James Burks, who being

by me first duly sworn on oath, deposes and says:

1. That he (she) is the fee-simple owner of the property legally described on the attachment of this application.
2. That he (she) desires a Future Land Use Amendment from Lake County to City of Clermont for the property legally described on the attachment of this application.
3. That the owner of said property has appointed _____ to act as agent on his (her) 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.

James Burks, President HRP Holdings, Inc.
Affiant - Applicant Name (print)

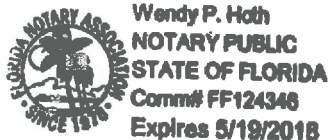
X James Burks
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 9th day of JANUARY, 2017.

X Wendy P. Hoth
Notary Public, State of Florida at Large

My Commission Expires: 5/19/2018



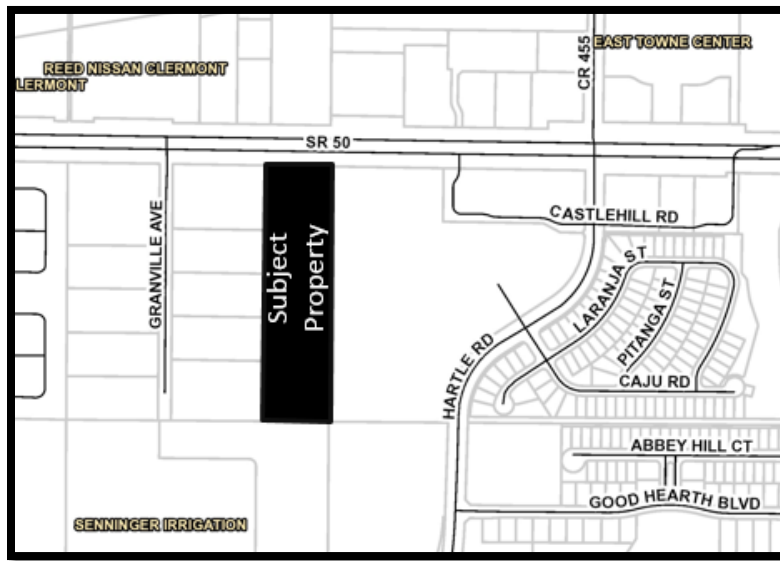
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2017-19

The City of Clermont will hold public hearings on Tuesday, February 7, 2017 at 6:30 p.m. before the Planning and Zoning Commission; and Tuesday, February 14, 2017 at 6:30 p.m. (1st reading of the adoption ordinance) and Tuesday, March 14, 2017 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 9.8 +/-acre parcel below from Lake County Regional Commercial to City of Clermont Commercial. Alternate Key 1118204.



Location:
East of Granville Ave. and South of SR 50
Ordinance #2017-19:

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.

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
January 27 and February 28, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 7, 2017		
Agenda Item Name		
Ordinance No. 2017-20 Tommy's of Clermont Rezoning		
Requested Action		
Recommend approval of Ordinance 2017-20.		
Staff Report		
The applicant, MKB Florida Holdings, LLC, is requesting a rezoning of the subject property. This request is being heard concurrently with requests for annexation, small-scale comprehensive plan amendment and a conditional use permit. Upon annexation, the zoning would default to Urban Estate. The applicant is requesting a change to C-2 General Commercial in order to develop the 9.8-acre property as a retail boat dealership and service center with up to 28,000 square feet of building space. Under Section 122-224 of the land development code, a retail boat dealership and service center are a conditional use in the C-2 General Commercial district. The applicant has applied for a conditional use permit for the proposed development. Staff has reviewed the applicant's proposal and believes commercial uses at this location are compatible with the uses in the area. The property fronts S.R. 50 and has industrial uses to the west and multi-family uses to the east. The adjacent multi-family project has its stormwater system adjacent to this parcel, and the buildings are more than 100 feet from the property line. In addition, the subject property is currently zoned Planned Commercial in Lake County, and the City's C-2 General Commercial is very similar to this use. Staff recommends approval of the rezoning to C-2 General Commercial.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance	REZ ORD 2017-20.doc
2.	Maps	Tommys of Clermont Maps.pdf
3.	Site Plan	Tommy's Conceptual Site Plan w FUTURE EXPANSION.pdf
4.	Application	Rezoning_Application.pdf
5.	Legal ad	REZ Tommy's legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2017-20

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

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

SECTION 1:

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

LEGAL DESCRIPTION

The East 1/2 of Tracts 23 and 26. Less right of way for State Road #50; and the North 1/2 of Vacated Road per Resolution recorded in O.R. Book 4625, Page 754. in Section 26. Township 22 South. Range 26 East, according to the Plot of Lake Highlands Company, as recorded in Plat Book 3, Page 52, of the Public Records of Lake County, Florida.

Containing 9.814 Acres +/-

Alternate Key 1118204

FROM: Urban Estate
TO: C-2 General Commercial

SECTION 2:

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

SECTION 3:

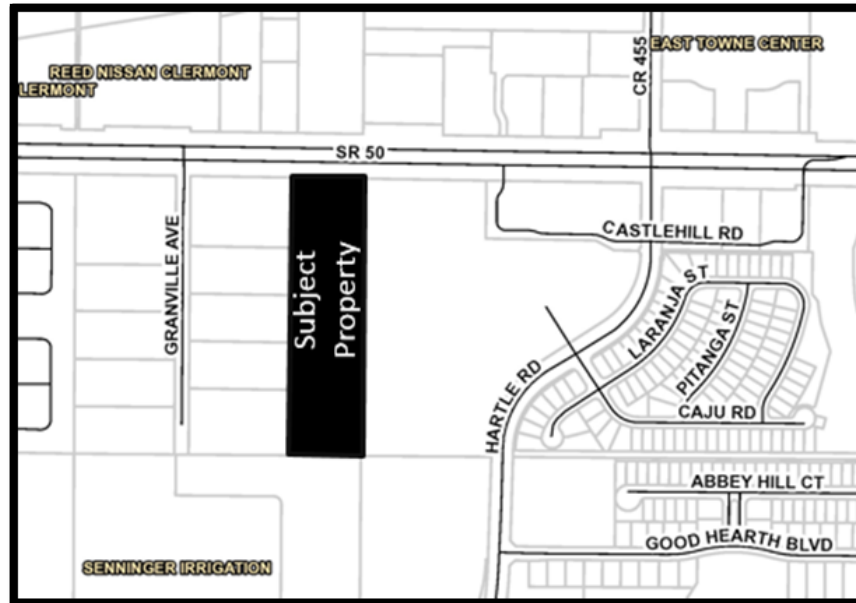
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

SECTION 4:

The provisions of this Ordinance shall be effective as provided by law.

CITY OF CLERMONT
ORDINANCE No. 2017-20

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-20

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 14th day of March, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Tommy's of Clermont

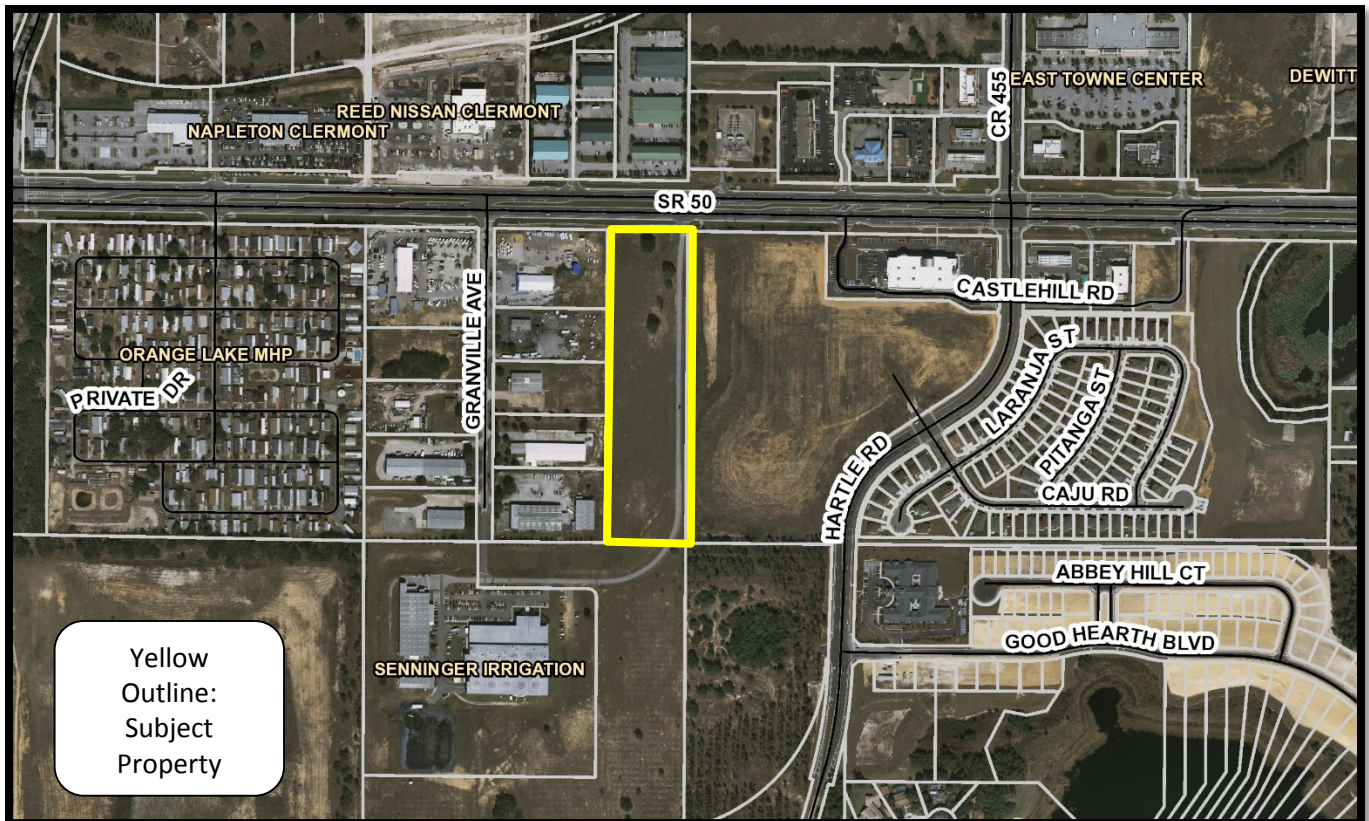
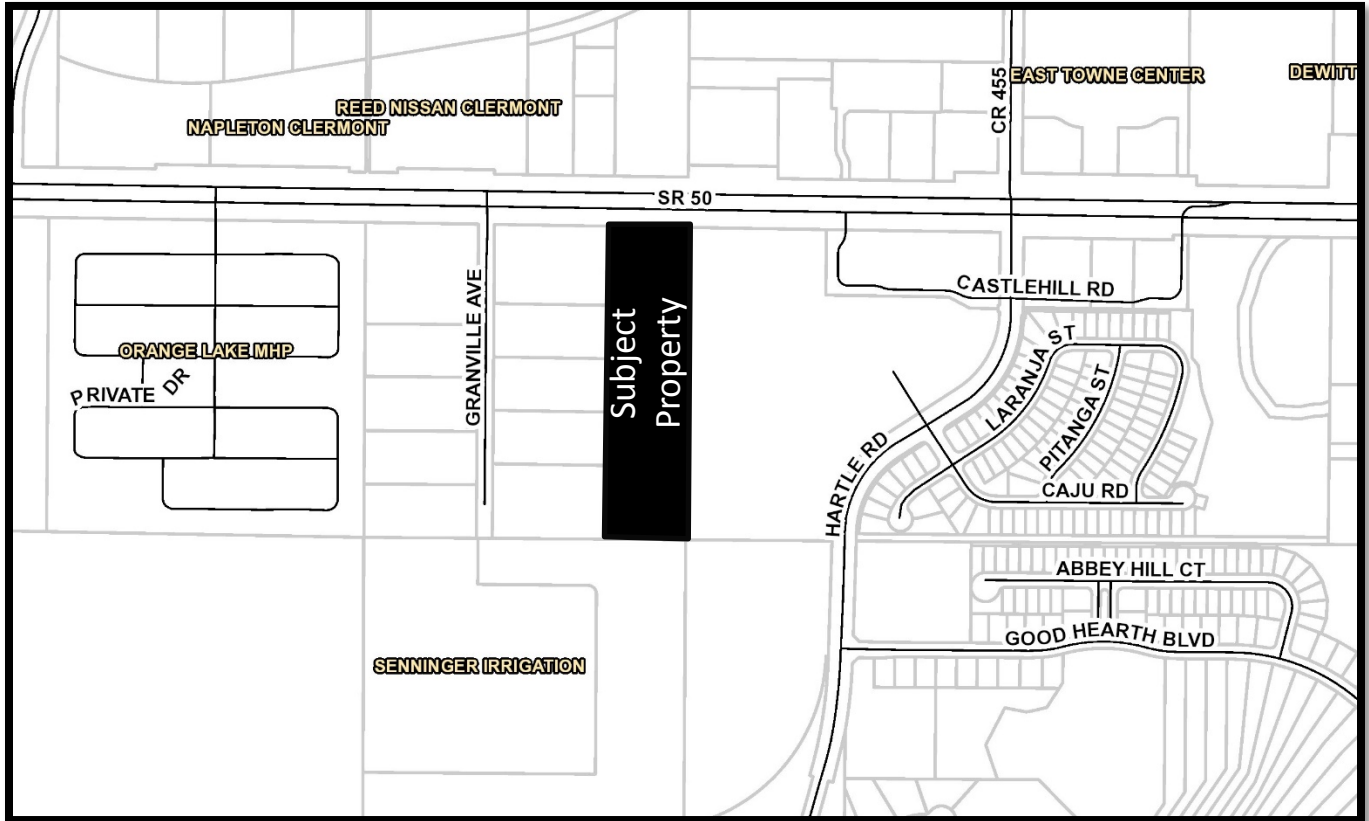


Exhibit – Future Land Use Map – Tommy's of Clermont

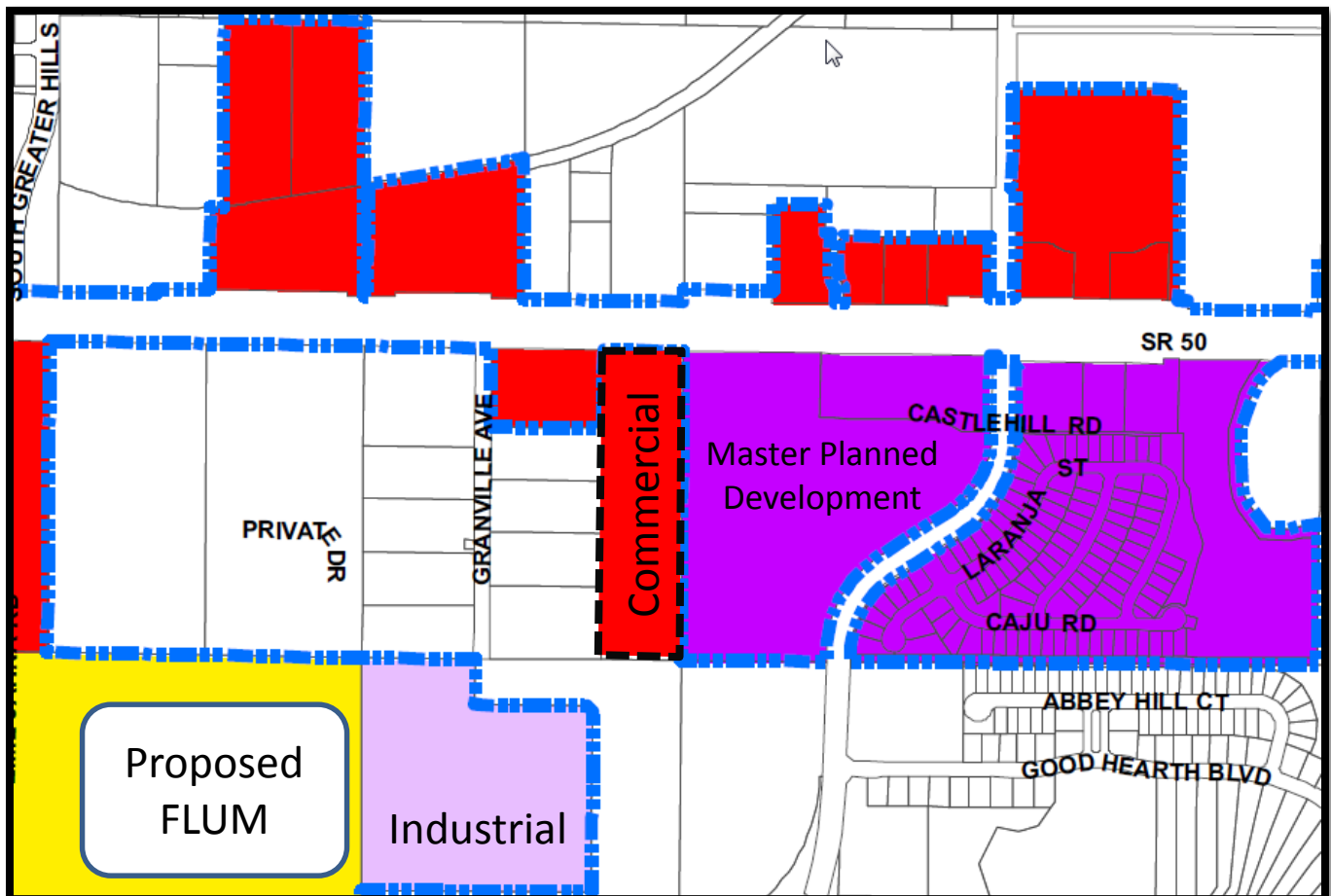
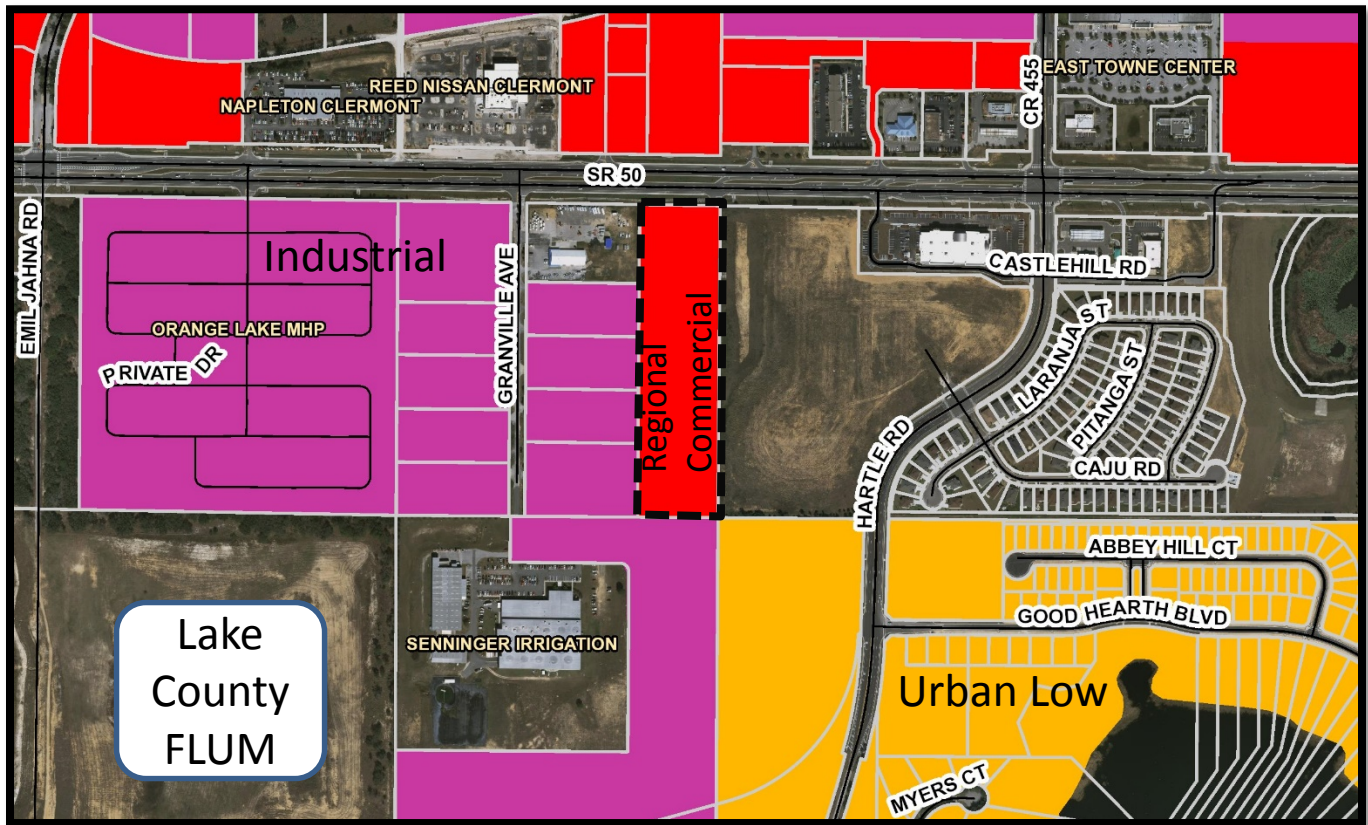


Exhibit – Zoning Map – Tommy's of Clermont

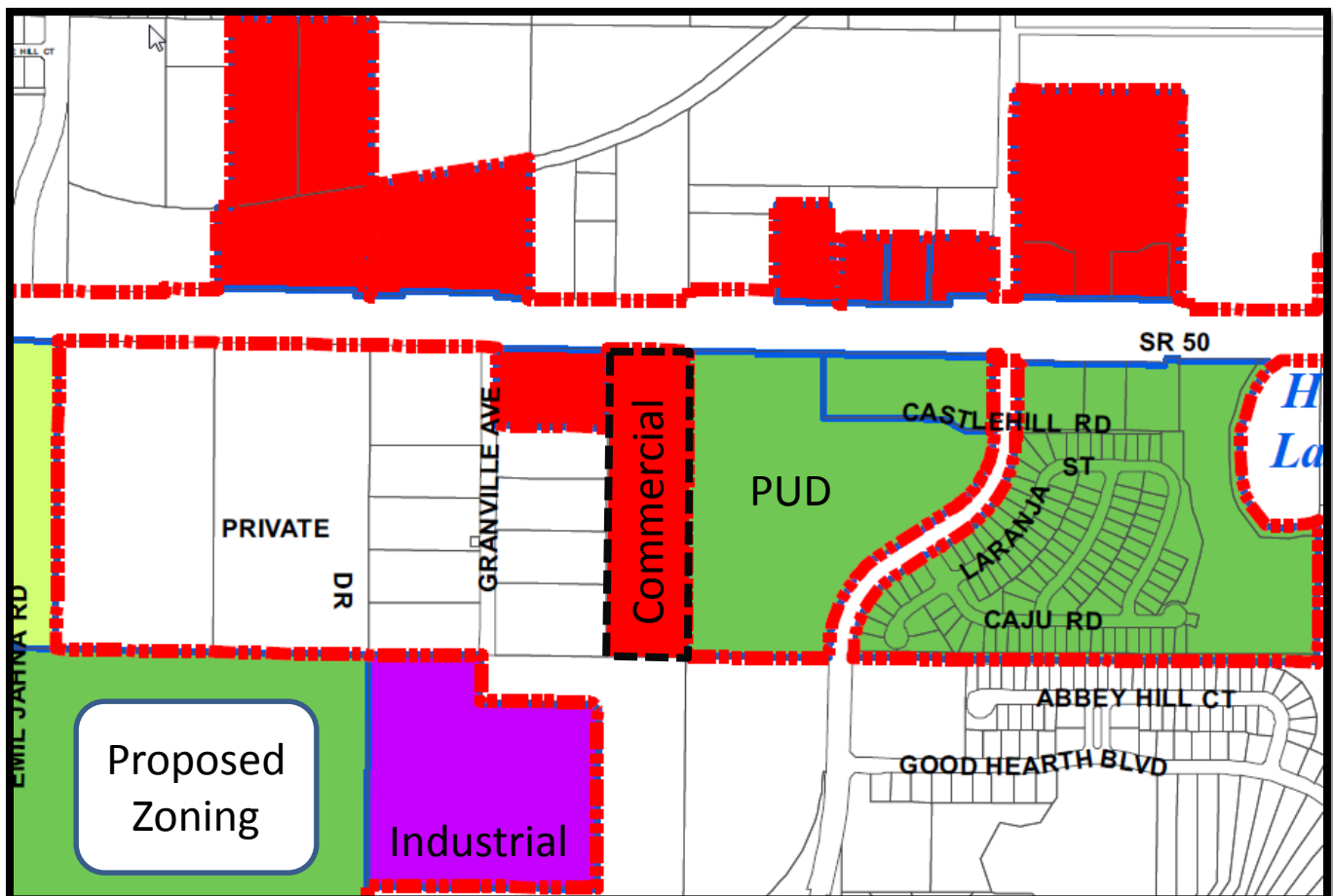
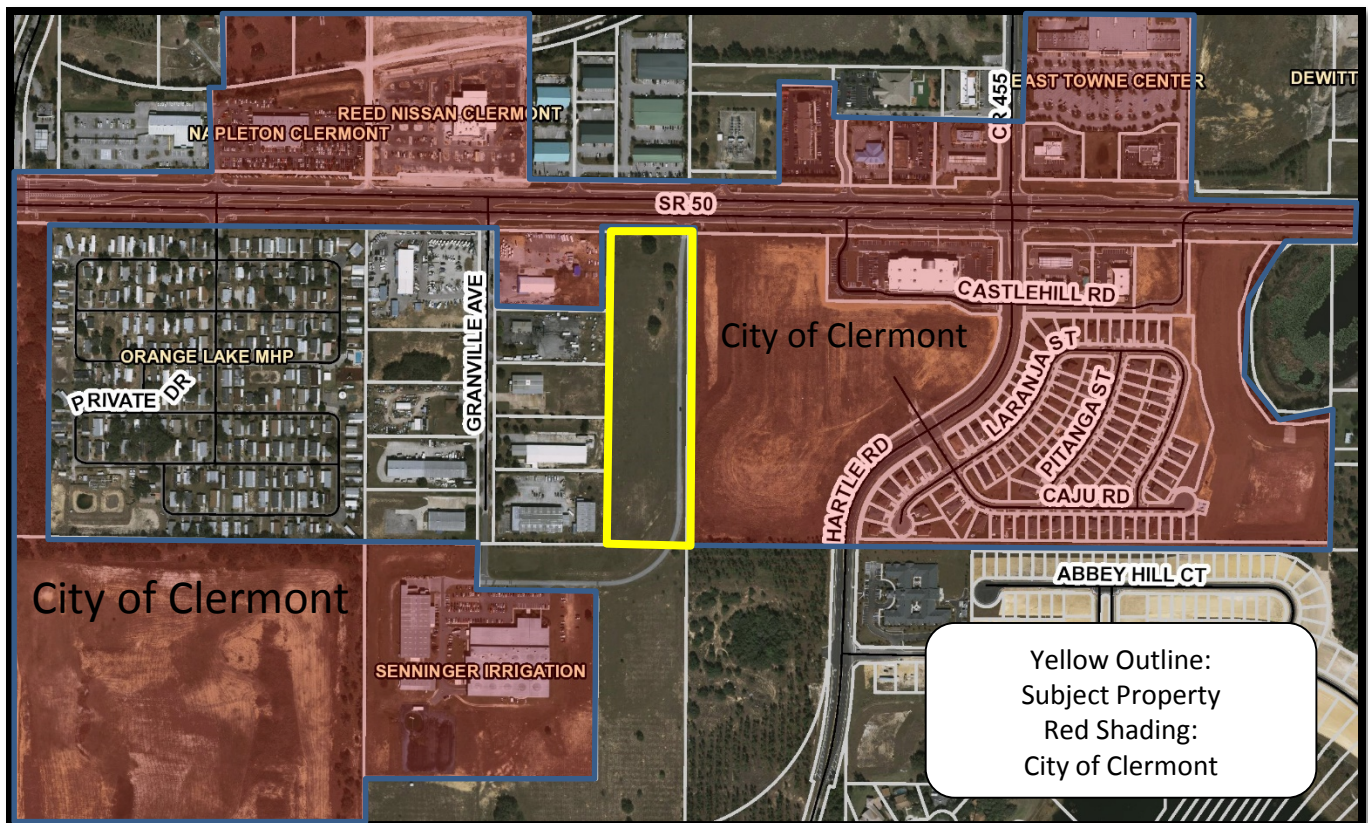
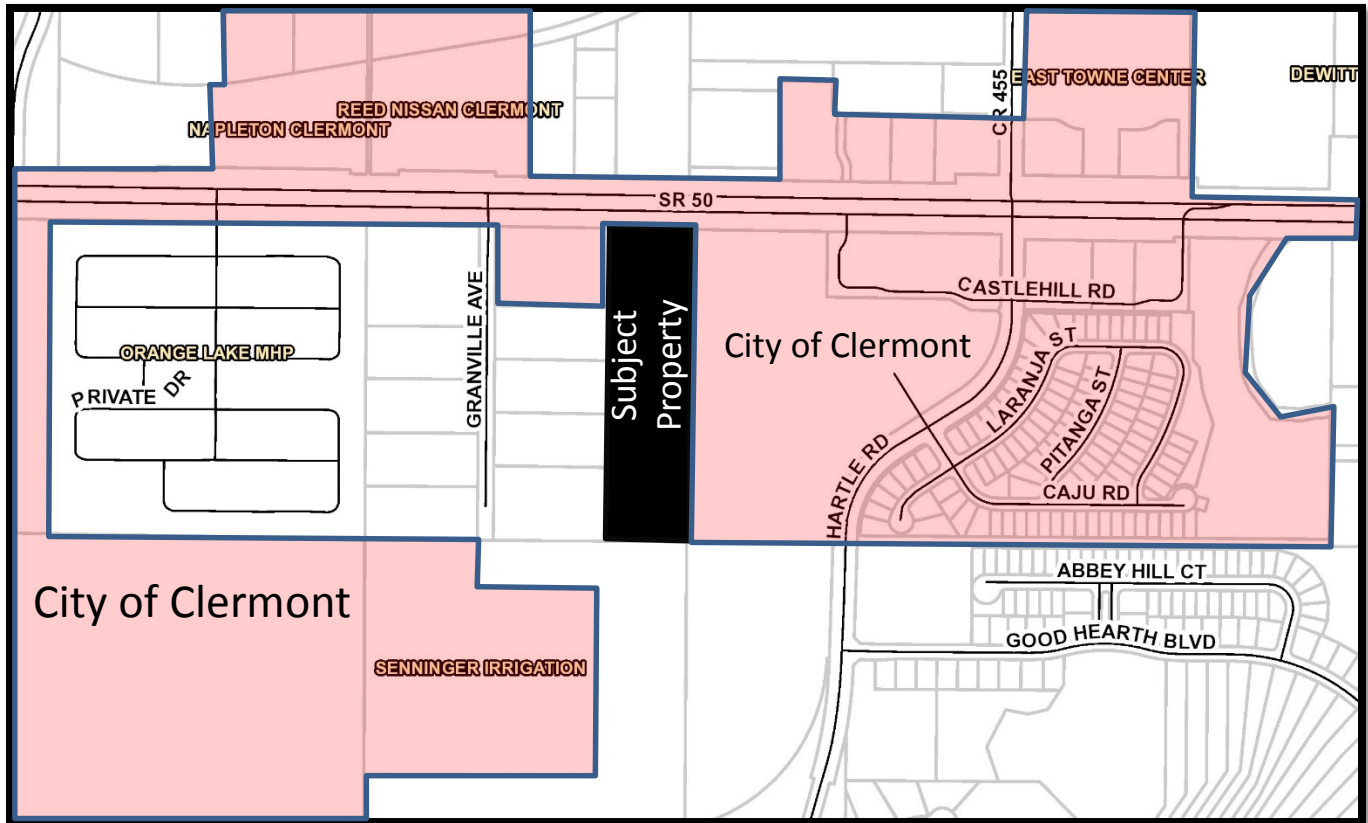


Exhibit - Annexation Map – Tommy's of Clermont





CITY OF CLERMONT
REZONING
APPLICATION

DATE: December 16, 2016

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): Tommy's of Clermont

APPLICANT: MKB Florida Holdings, LLC

CONTACT PERSON: Matt Borisch, Manager

Address: 4020 West River Drive NE

City: Comstock Park

State: MI

Zip: 49321

Phone: 616-540-0447

Fax: _____

E-Mail: matt@steadfastllc.com

OWNER: HRP Holdings, Inc.

Address: P.O. Box 120853

City: Clermont

State: FL

Zip: 34712-0853

Phone: 407-905-8206

Fax: _____

Address of Subject Property: SWQ SR 50 and Hartle Road, unincorporated Lake Co., FL

Legal Description (include copy of survey): See Attached & Survey

Acreage: 9.814 acres

Land Use: Regional Commercial

(City verification required)

Present Zoning: Planned Commercial

(City verification required)

Proposed Zoning: C-2, General Commercial

CITY OF CLERMONT
REZONING
APPLICATION
Page 2

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

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

Annexation from Lake County in order to utilize city utilities for new business.

Matthew Borisch, Manager

Applicant Name (print)

x MB
Applicant Name (signature)

James Burks, President HRP Holdings, Inc.

Owner Name (print)

x James E. Burks
Owner Name (signature)

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

LEGAL NOTICE

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

ORDINANCE NO. 2017-20

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

LOCATION

A vacant parcel of land lying south of SR 50
approximately 500 feet east of the Granville Ave. and SR 50 intersection.
AK 1118204

LEGAL DESCRIPTION

The East 1/2 of Tracts 23 and 26. Less right of way for State Road #50; and the North ½ of Vacated Road per Resolution recorded in O.R. Book 4625, Page 754. in Section 26. Township 22 South. Range 26 East, according to the Plat of Lake Highlands Company, as recorded in Plat Book 3, Page 52, of the Public Records of Lake County, Florida.

Containing 9. 814 +/- Acres

FROM Urban Estate

TO City of Clermont C-2 General Commercial

This request will be considered by the Planning & Zoning Commission on Tuesday, February 7, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, March 14, 2017 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial

January 31 and February 28, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 7, 2017		
Agenda Item Name		
Resolution No. 2017-05 Tommy's of Clermont Conditional Use Permit		
Requested Action		
Recommend approval of Resolution 2017-05.		
Staff Report		
The applicant, MKB Florida Holdings, LLC, is requesting a conditional use permit for a retail boat dealership and service center with up to 28,000 square feet of building space in the C-2 General Commercial district. This use is only permitted through a conditional use permit. The site will be developed to meet the City's architectural standards and land development code. The 9.8-acre site shall be developed in substantial accordance with the conceptual master site plan prepared by McCoy & Associates, dated December 2016. Staff has reviewed the application and believes that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified. Therefore, staff recommends approval of the request for a retail boat dealership and service center with up to 28,000 square feet of building space in the C-2 zoning district with the conditions contained in Resolution 2017-05.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES 2017-05.docx	
2. Maps	Tommys of Clermont Maps.pdf	
3. CUP Application	CUP_App__Instructions.pdf	
4. CUP Legal Ad	CUP Tommy's legal Ad.docx	

**CITY OF CLERMONT
RESOLUTION NO. 2017-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW FOR A BOAT
DEALERSHIP/SERVICE CENTER IN THE C-2 GENERAL
COMMERCIAL ZONING DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held February 7, 2017 recommended approval of this Conditional Use Permit to allow for a boat dealership/service center with up to 28,000 square feet of building space in the C-2 General Commercial zoning district, at the following location:

LOCATION:

A vacant parcel of land lying south of State Road 50
approximately 500 feet east of the Granville Avenue and State Road 50 intersection.
AK 1118204

WHEREAS, the granting of this Conditional Use Permit will not adversely affect the officially adopted Comprehensive Plan of the City; such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; the proposed use will comply with the regulations and conditions specified in the codes for such use; and the proposed use may be considered desirable at the particular location;

WHEREAS, the applicant has applied for a Conditional Use Permit for a boat dealership/service center;

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

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

This application for a Conditional Use Permit to allow for a boat dealership/service center in the C-2 General Commercial zoning district; be granted subject to the following conditions:

Section 1- General Conditions

1. This Resolution shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor in title or interest, and shall be subject to each and every condition herein set out.

CITY OF CLERMONT
RESOLUTION NO. 2017-05

2. Upon approval of the resolution the aforementioned property shall only be used for the purposes described herein. No further expansion of the use or additions to this project shall be permitted except as approved by another Conditional Use Permit. Any other proposed use shall be specifically authorized by amendment and approval of the City of Clermont City Council.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the City of Clermont Site Review Committee. The site plans shall meet all submittal requirements and comply with the conditions of this Resolution, applicable City Codes, Regulations, Ordinances, and provide compliance with the adopted City Comprehensive Plan, as amended.
5. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
9. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.
11. This permit shall become null and void if substantial work has not begun within two (2) years of the date of issuance of this Conditional Use Permit.

CITY OF CLERMONT
RESOLUTION NO. 2017-05

Section 2 - Land Use

1. This permit is for a boat dealership and service center not to exceed 28,000 square feet of building area. An outside boat storage yard south of the proposed building is also permitted with the proper buffering.
2. The property shall be developed in substantial accordance with the Conceptual Master Site Plan as prepared by McCoy & Associates, dated December 2016. Construction plans incorporating all conditions of this permit shall be submitted for review and approval by City staff prior to authorization and issuance of a development permit. The conceptual plan submitted with the Conditional Use Permit application is not an approved site plan.
3. The site may also be used for any permitted use in the C-2 General Commercial zoning district.

CITY OF CLERMONT
RESOLUTION NO. 2017-05

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 14th day of March, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Tommy's of Clermont

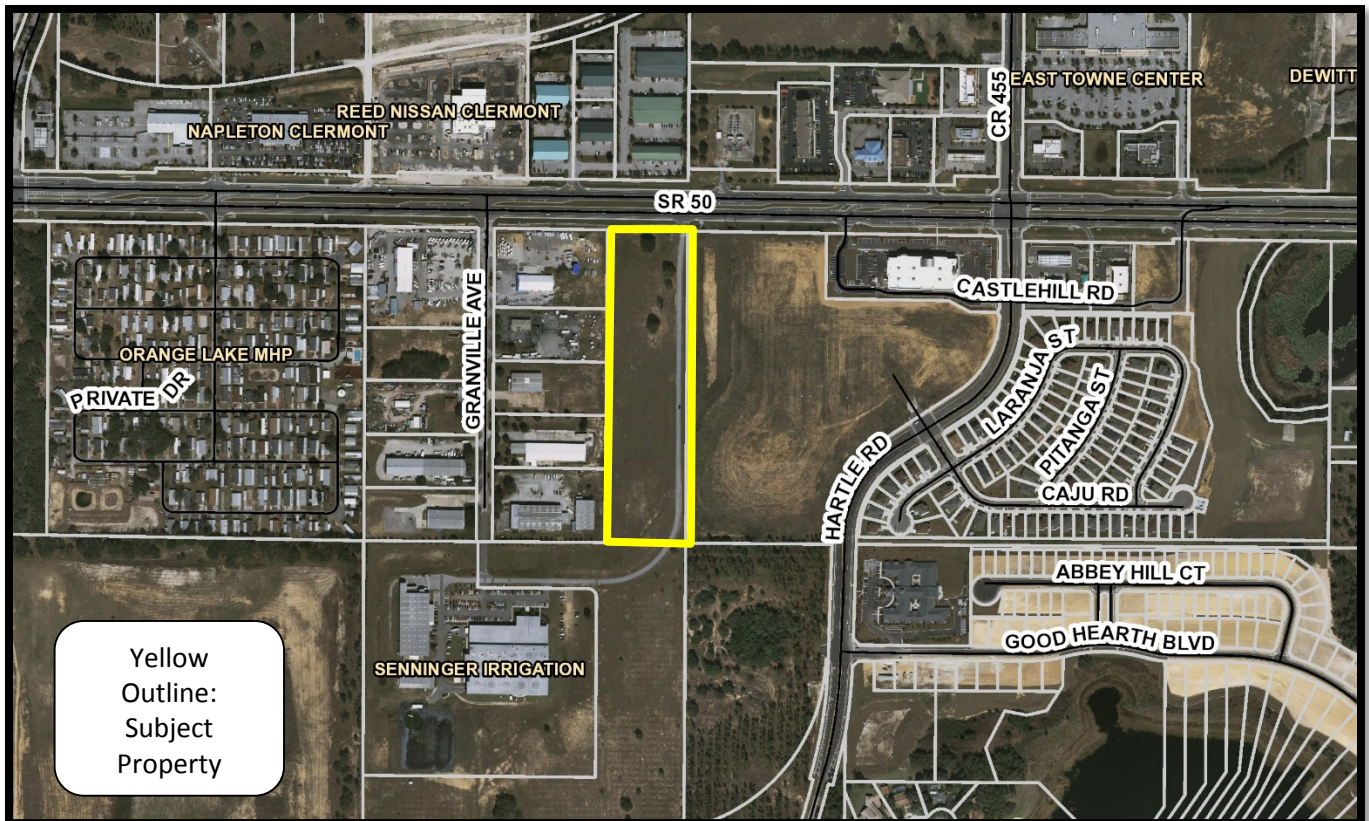
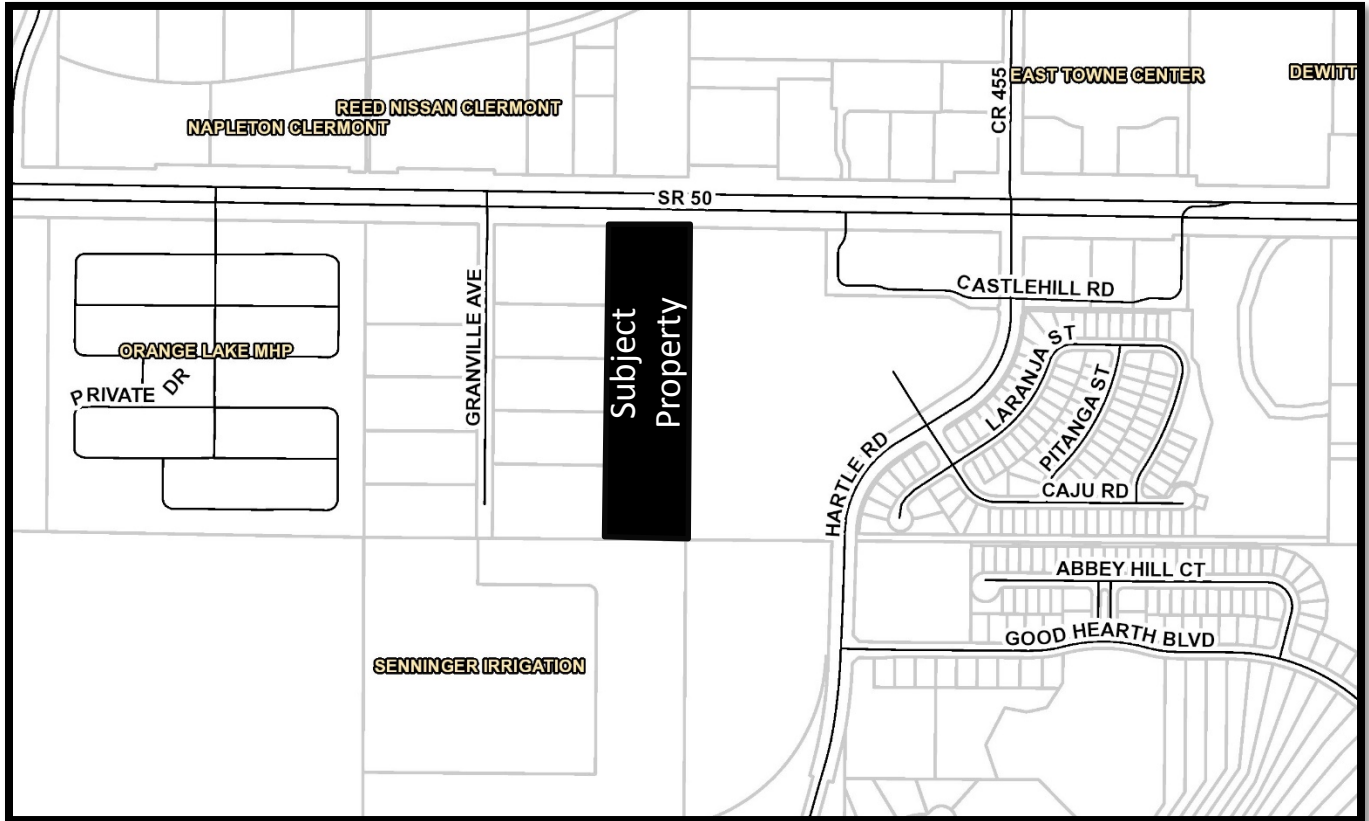


Exhibit – Future Land Use Map – Tommy's of Clermont

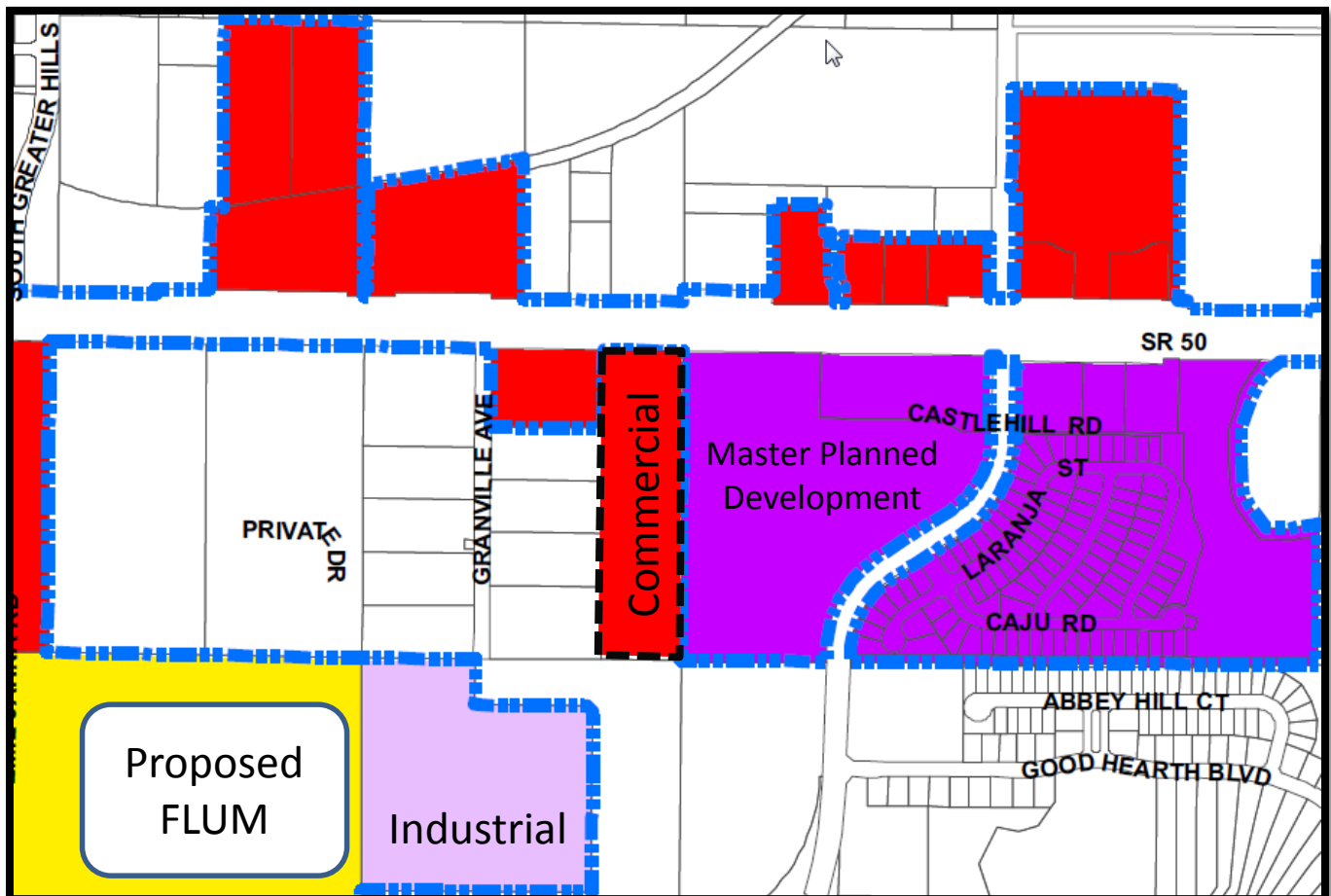
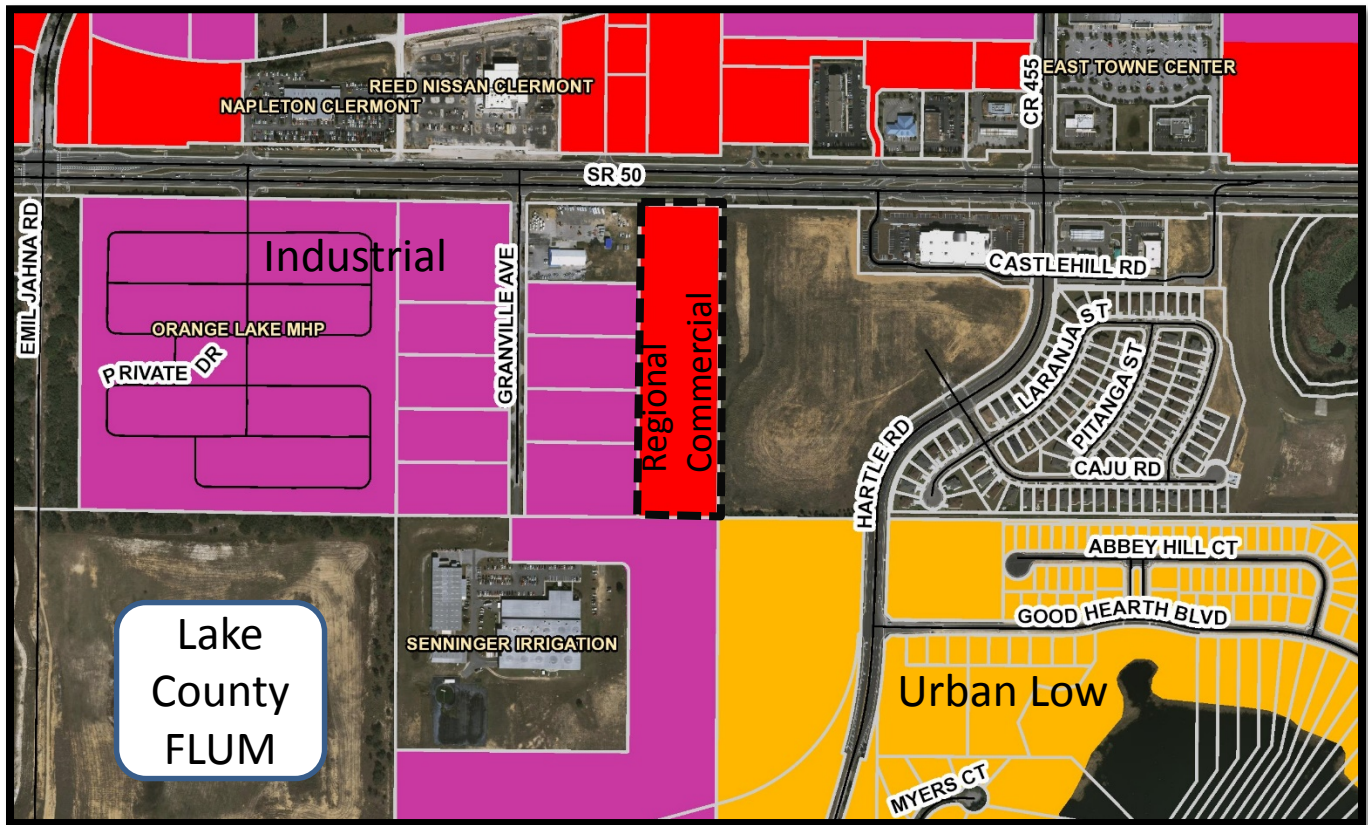


Exhibit – Zoning Map – Tommy's of Clermont

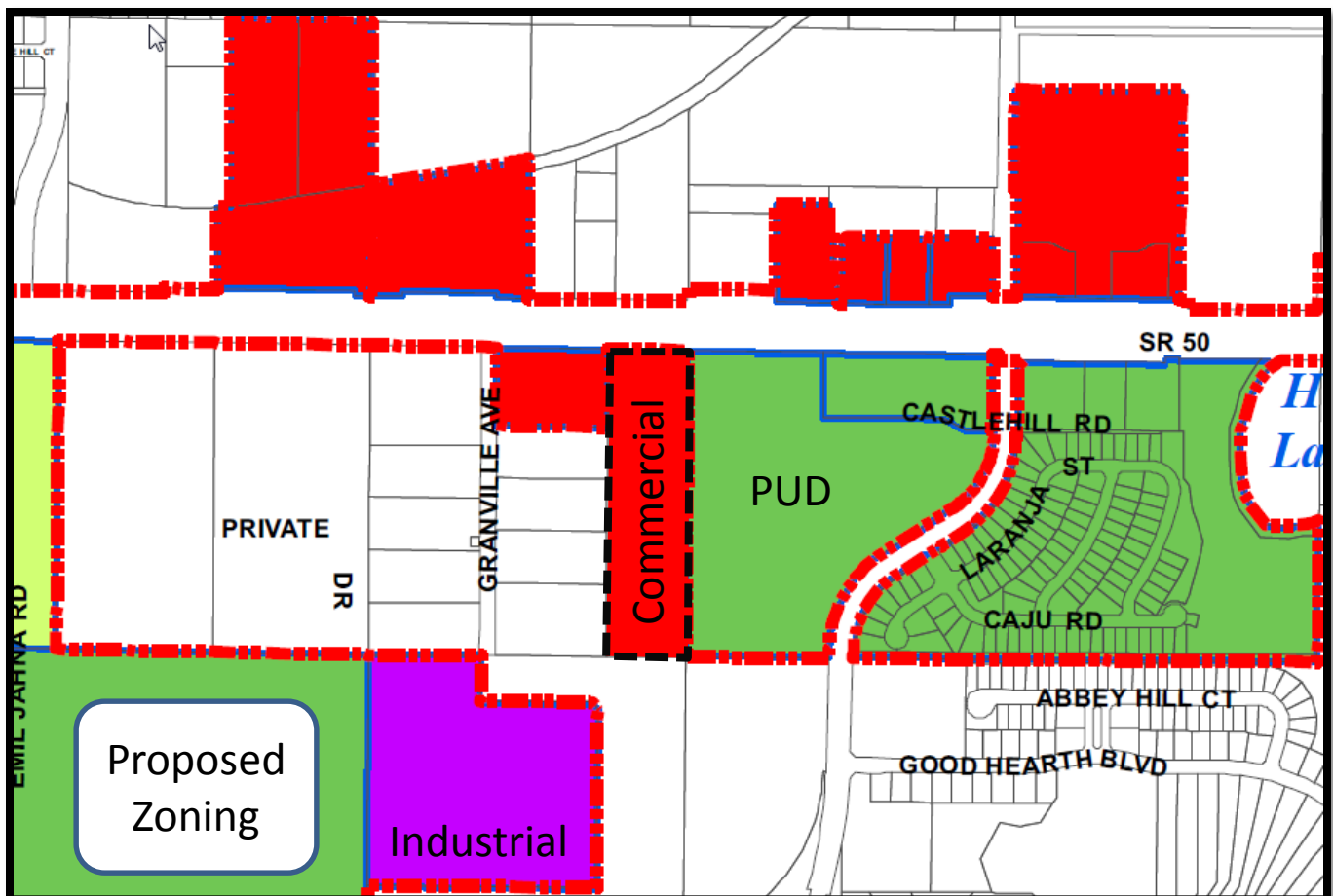
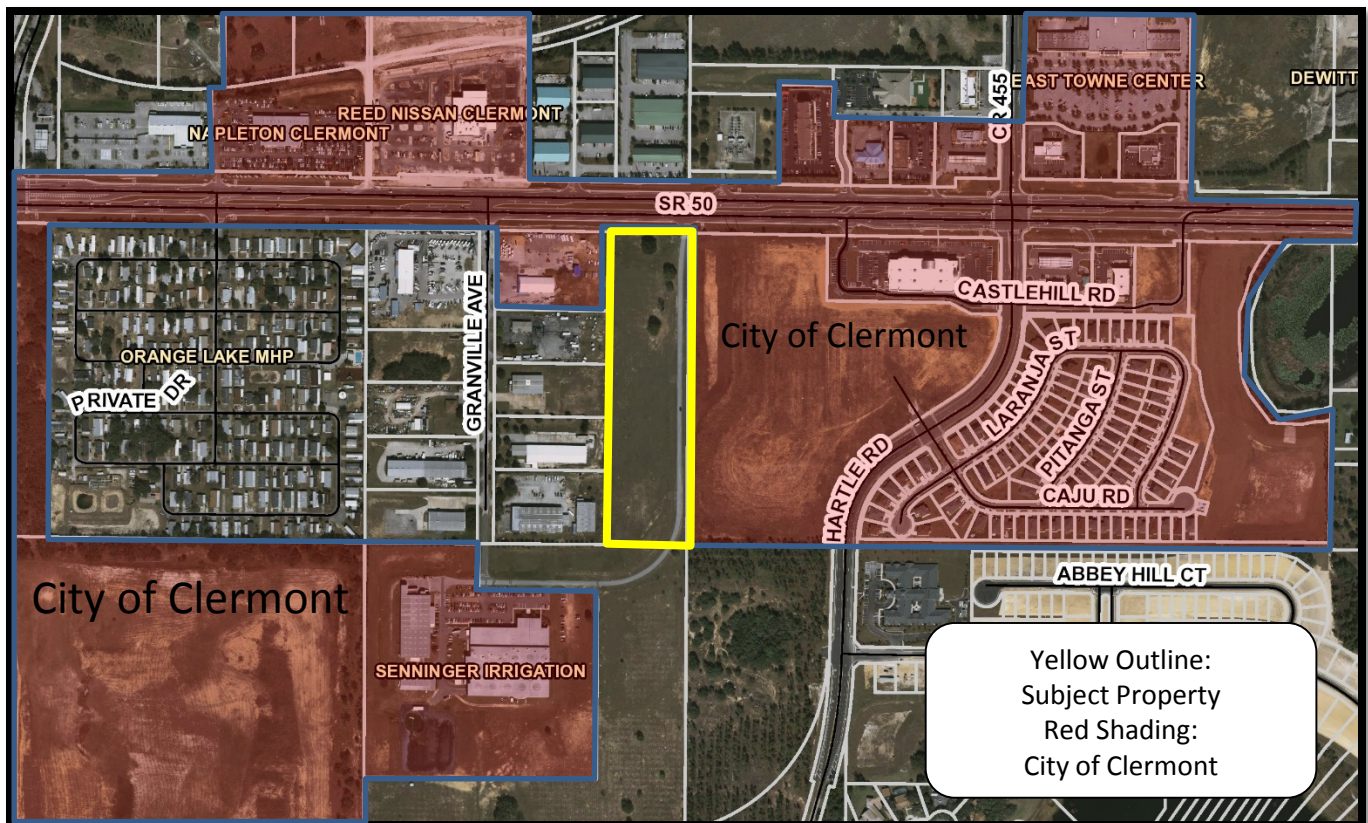
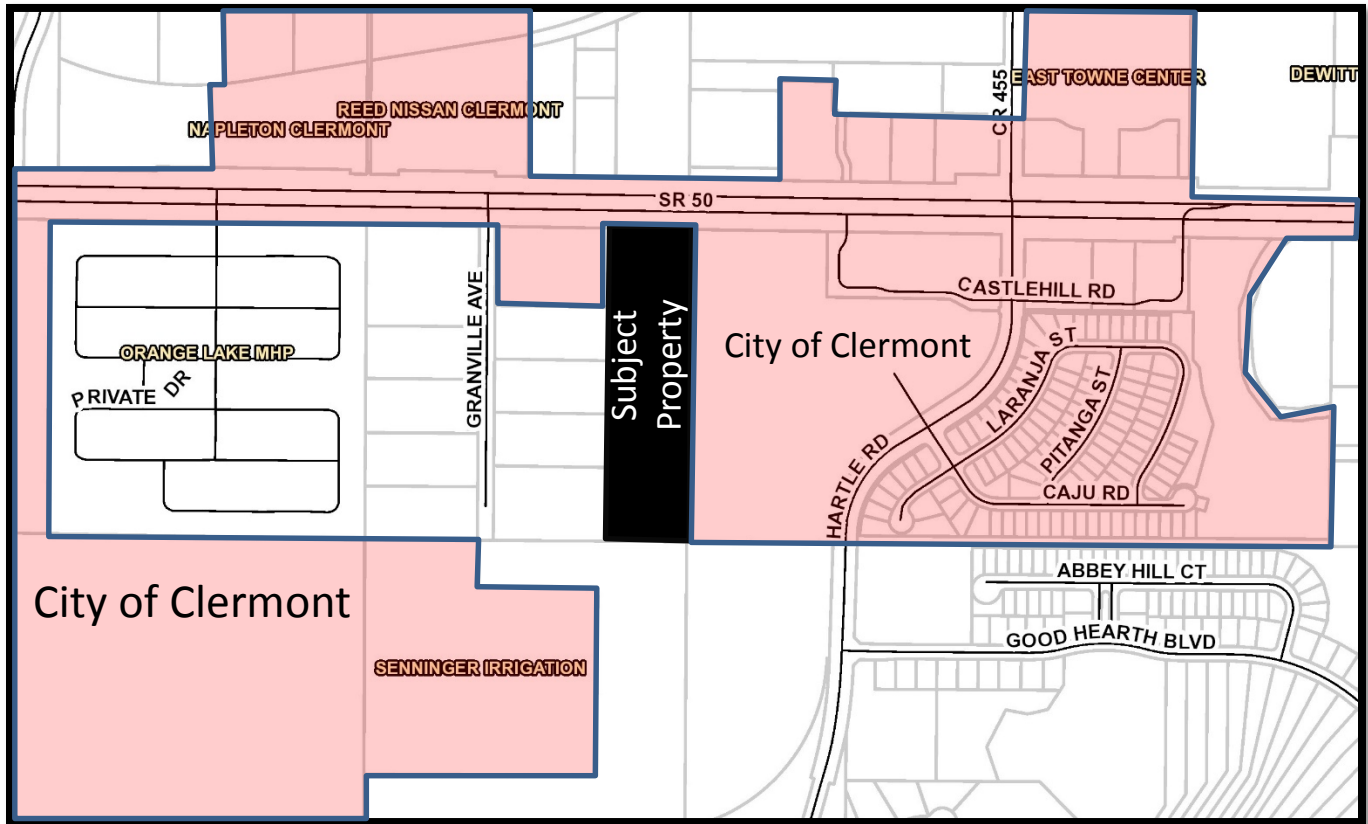


Exhibit - Annexation Map – Tommy's of Clermont





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

DATE: December 16, 2016

FEE: 750.00

PROJECT NAME (if applicable): Tommy's of Clermont

APPLICANT: MKB Florida Holdings, LLC

CONTACT PERSON: Matt Borisch, Manager

Address: 4020 West River Drive NE

City: Comstock Park

State: MI

Zip: 49321

Phone: 616-540-0447

Fax: _____

E-Mail: matt@steadfastllc.com

OWNER: HRP Holdings, Inc.

Address: P.O. Box 120853

City: Clermont

State: FL

Zip: 34712-0853

Phone: 407-905-8206

Fax: _____

Address of Subject Property: SW Quadrant SR 50 & Hartle Rd., unincorporated Lake

General Location: Same as Above

Legal Description (include copy of survey): _____

See Attached & Survey

Land Use (City verification required): Regional Commercial

Zoning (City verification required): Planned Commercial



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

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

The proposed boat dealership/service center will be located on the
State Road 50 commercial corridor.

Matthew Borisch, Manager
Applicant Name (print)

x MB
Applicant Name (signature)

James Burks, President HRP Holdings, Inc.
Owner Name (print)

x James E Burks
Owner Name (signature)

***** NOTICE *****

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

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

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for a boat dealership/service center in the C-2 General Commercial zoning district, at the following location:

LOCATION

A vacant parcel of land lying south of SR 50
approximately 500 feet east of the Granville Ave. and SR 50 intersection.

AK 1118204

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

A public meeting to consider the request will be held before the Planning and Zoning Commission on Tuesday, February 7, 2017 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, March 14, 2017 at 6:30pm.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
January 31 and March 7, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, February 7, 2017	
Agenda Item Name	
Ordinance No. 2017-21 The Shops at WaterBrooke Rezoning	
Requested Action	
Recommend approval of Ordinance 2017-21.	
Staff Report	
The applicant, UP Fieldgate US Investments – Clermont Hills, LLC, is requesting a rezoning to Planned Unit Development (PUD) for the subject property that consists of 18.38 acres. The property is south of S.R. 50 at the intersection of Emil Jahna Road and S.R. 50. The property has more than 1,500 lineal feet of frontage on S.R. 50. The subject property consists of the existing FDOT stormwater pond and a portion of the applicant's property. If the zoning is approved, the applicant will relocate the existing stormwater pond to the rear of the property. FDOT is aware of the applicant's proposal and has not objected. The applicant is requesting the northern portion of their site and FDOT's parcel to be rezoned to PUD for a commercial shopping center consisting of retail and restaurant uses. The proposed uses would be limited to the uses permitted under the C-2 General Commercial zoning. The applicant is proposing a total building area of 107,000 square feet for the project. The applicant has indicated several buildings that are greater than 20,000 square feet on the submitted plot plan, prepared by Thomas L. Knight, P.E., dated Dec. 31, 2016. The plan has a 42,000-square-foot building (Retail B), a 35,000-square-foot building (Retail A), a 25,000-square-foot building (Retail C-1/C-2), and a 5,000-square-foot building (Retail D). Not included in this total is the development that may occur on the 2.58 +/- acre "future parcel" indicated on the plot plan. The required number of parking spaces has been indicated on plan. The applicant has identified six waivers to the land development code (LDC) needed to develop the site. The waivers to be considered are: (1) a reduction in the required number of dumpster pads from 15 to 7; (2) a reduction in the required number of loading zones from 11 to 6; (3) an increase in the maximum number of parking spaces without a landscape break from 10 to 11; (4) maximum grade changes from 15 feet to 30 feet, primary due to the filling of the existing FDOT pond and relocation; (5) elimination of the 10-foot interior landscaping buffer between abutting property boundaries; and (6) allowing buildings to occupy more than 20,000 square feet of floor space, up to a maximum building floor space of 42,000 square feet. Staff understands that the very nature of the PUD zoning allows waivers to the LDC for flexible development purposes. Staff has reviewed the waivers and agrees that a majority of the waivers presented have been granted in the past with previous developments. However, staff believes that landscaping between the interior property boundaries should be done, such as sharing a buffer between properties or clustering landscaping within the lot. Staff has reviewed the applicant's request for a rezoning from Urban Estate to PUD zoning. The future land use is Commercial, and the applicant's proposal reflects uses appropriate in this future land use. Staff believes the proposal meets the standards with regard to Section 122-315, Review Criteria for a PUD. Therefore, staff recommends approval of Ordinance 2017-21 for a PUD.	

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance 2017-21	REZ Ord. 2017-21 P&Z Commission.doc
2.	Maps	Shops at WaterBrooke Maps.pdf
3.	Plot Plan/Site Plan	Site Plan PDF.pdf
4.	Application	Application.pdf
5.	FDOT Letter	FDOT Non Object Ltr.pdf
6.	Legal ad	REZ Shops at WaterBrooke legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2017-21

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

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

SECTION 1:

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

LEGAL DESCRIPTION

That portion of the East 222.00 feet of the Southeast 1/4 of Northwest 1/4 together with a portion of the Southwest 1/4 of Northeast 1/4, all lying in Section 27, Township 22 South, Range 26 East, Lake County Florida, being more particularly described as follows:

Commencing at the North 1/4 corner of Section 27, Township 22 South, Range 26 East, Lake County, Florida, run South 00°30'12" West, along the West line of the Northeast 1/4 of said Section 27, a distance of 1363.52 feet to a point on the South right way line of State Road 50, per F.D.O.T. right of way Map Section 11070-2505, this being the Point of Beginning; thence run South 89°06'29" East, along said South right of way line, a distance of 554.31 feet to the Westerly line of that parcel as described in Official Record Book 3153, Page 2149 of the Public Records of Lake County, Florida; thence run South 00°53'31" West, along said Westerly line, a distance of 325.00 feet; thence run South 89°06'29" East, along the Southerly line of said parcel and the parcel described in Official Record Book 591, Page 1222 of the Public Records of Lake County, Florida, a distance of 549.99 feet to the Easterly line of said parcel described in Official Record Book 591, Page 1222; thence run North 00°53'31" East, along said Easterly line, a distance of 325.00 feet; thence run South 89°06'29" East, along said South right of way line a distance of 203.70 feet to a point on the East line of the Southwest 1/4 of the Northeast 1/4 of Section 27; thence run South 00°25'59" West, along said East line, a distance of 1293.07 feet to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 27; thence run North 88°58'56" West, along the South line of the Southwest 1/4 of the Northeast 1/4 of said Section 27, a distance of 1309.61 feet to the Southwest corner of said Southwest 1/4 of the Northeast 1/4; thence run North 88°58'56" West, along the South line of the Southeast 1/4 of the Northwest 1/4 of said Section 27, a distance of 222.01 feet to a point, 222.00 feet, Westerly of, when measured perpendicular to the West line of the Southwest 1/4 of the Northeast 1/4 of said Section 27; thence run North 00°30'12" East, along a line parallel with the west line of the Southwest 1/4 of the Northeast 1/4 of said Section 27; a distance of 1289.70 feet to a point

CITY OF CLERMONT
ORDINANCE No. 2017-21

on the aforesaid South right of way line; thence run South 89°06'29" East, along said South right of way line, a distance of 222.00 feet to the Point of Beginning.
Alternate Key 3868854 and a portion of 3868851

FROM UE Urban Estate
TO Planned Unit Development

SECTION 2:

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

SECTION 3:

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

SECTION 4:

The provisions of this Ordinance shall be effective as provided by law.

SECTION 5: General Conditions:

This application is for a Planned Unit Development to allow for a commercial shopping center consisting of retail and restaurant uses; be granted subject to the following conditions:

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the Site Plan prepared by Thomas L. Knight, P.E., dated December 31, 2016. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

CITY OF CLERMONT
ORDINANCE No. 2017-21

2

SECTION 6: Land Uses and Specific Conditions:

1. A total of up 107,000 square feet of building area shall be allowed on the site. The overall site has a 2.58 acre outparcel that is not included in this allocation and will be developed independently.
2. The required number of dumpster pads have been reduced from 15 to 7.
3. The required number of loading zones have been reduced from 11 to 6.
4. Parking spaces before a required landscape break has been increased from 10 to 11 spaces.
5. The project may have elevation changes of up to 30 feet with regards to filling the existing FDOT stormwater system and relocation of it. These changes will be submitted to the City Engineer at the time of final engineering.
6. Interior landscape buffers between abutting property boundaries may be eliminated.
7. Buildings may be greater than 20,000 square feet but not more than 45,000 square feet.
8. The project shall be developed according to the C-2 General Commercial zoning designation in the Land Development Code, unless expressly stated above.

SECTION 7:

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

SECTION 8:

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

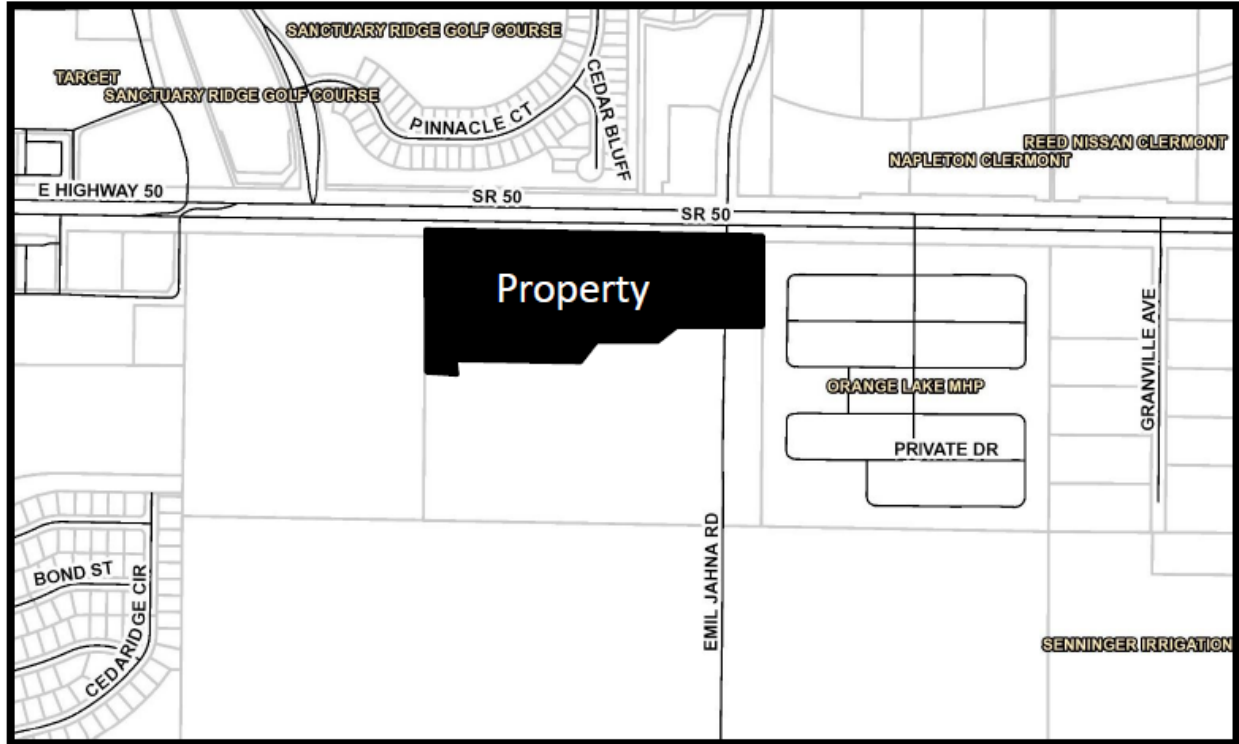
SECTION 9:

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. 2017-21

3

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-21

4

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of February, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map The Shops at WaterBrooke

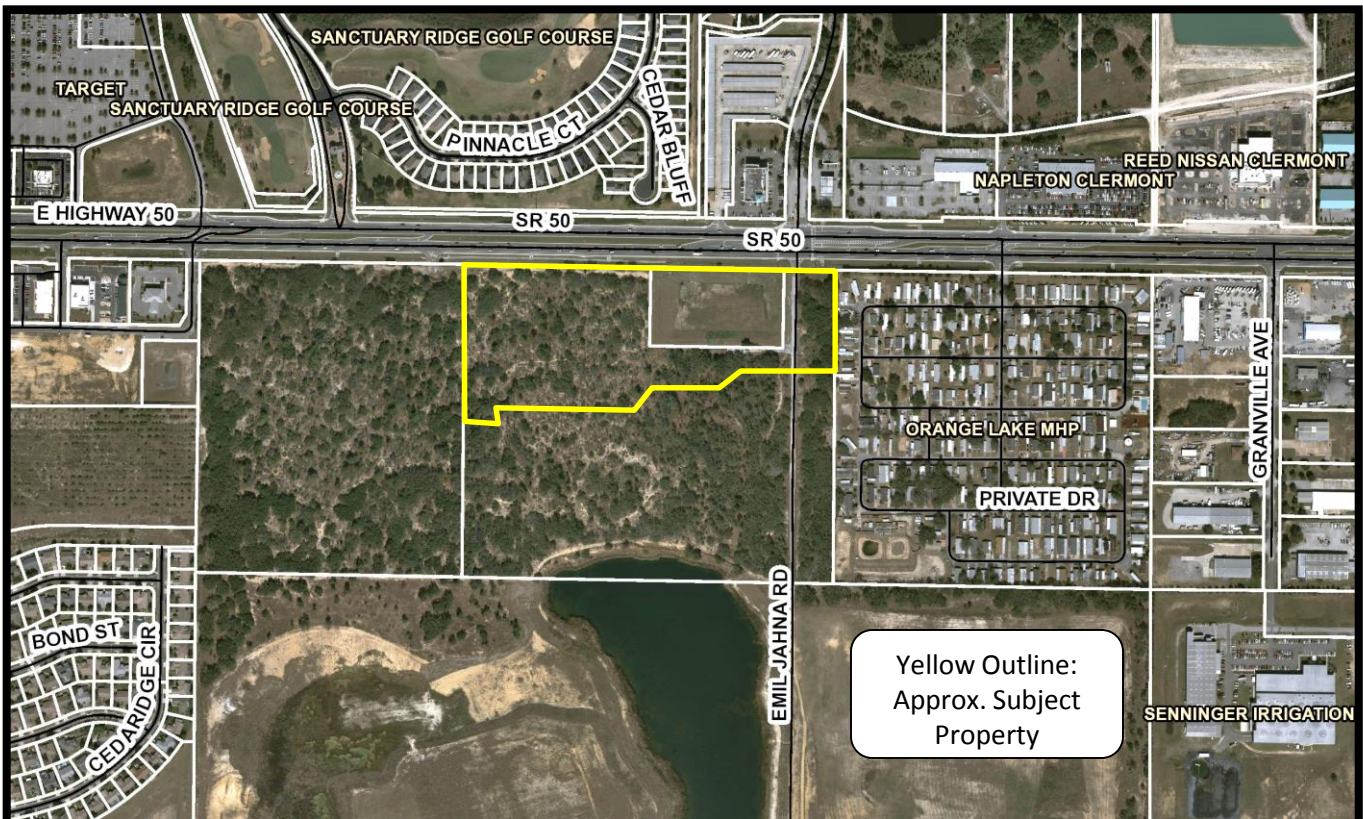
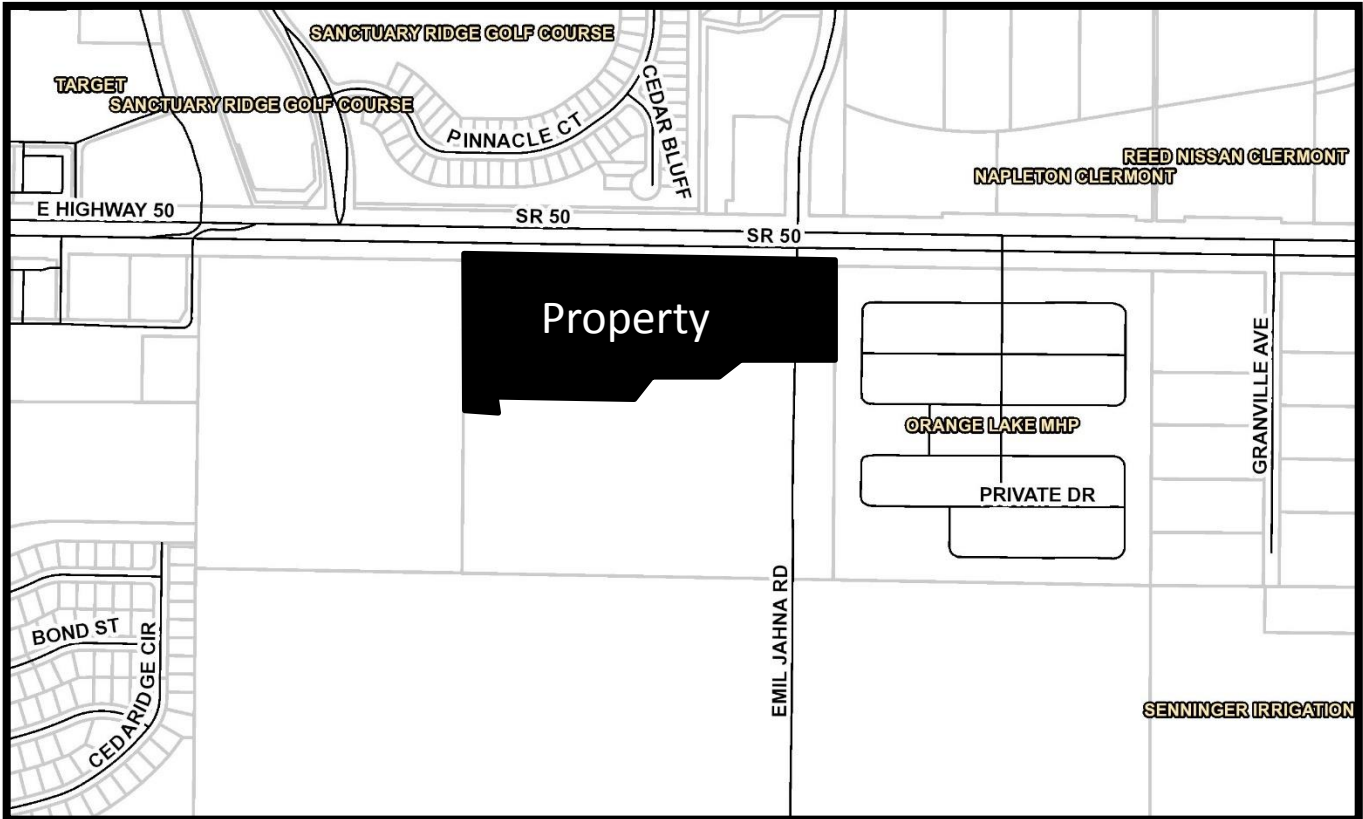
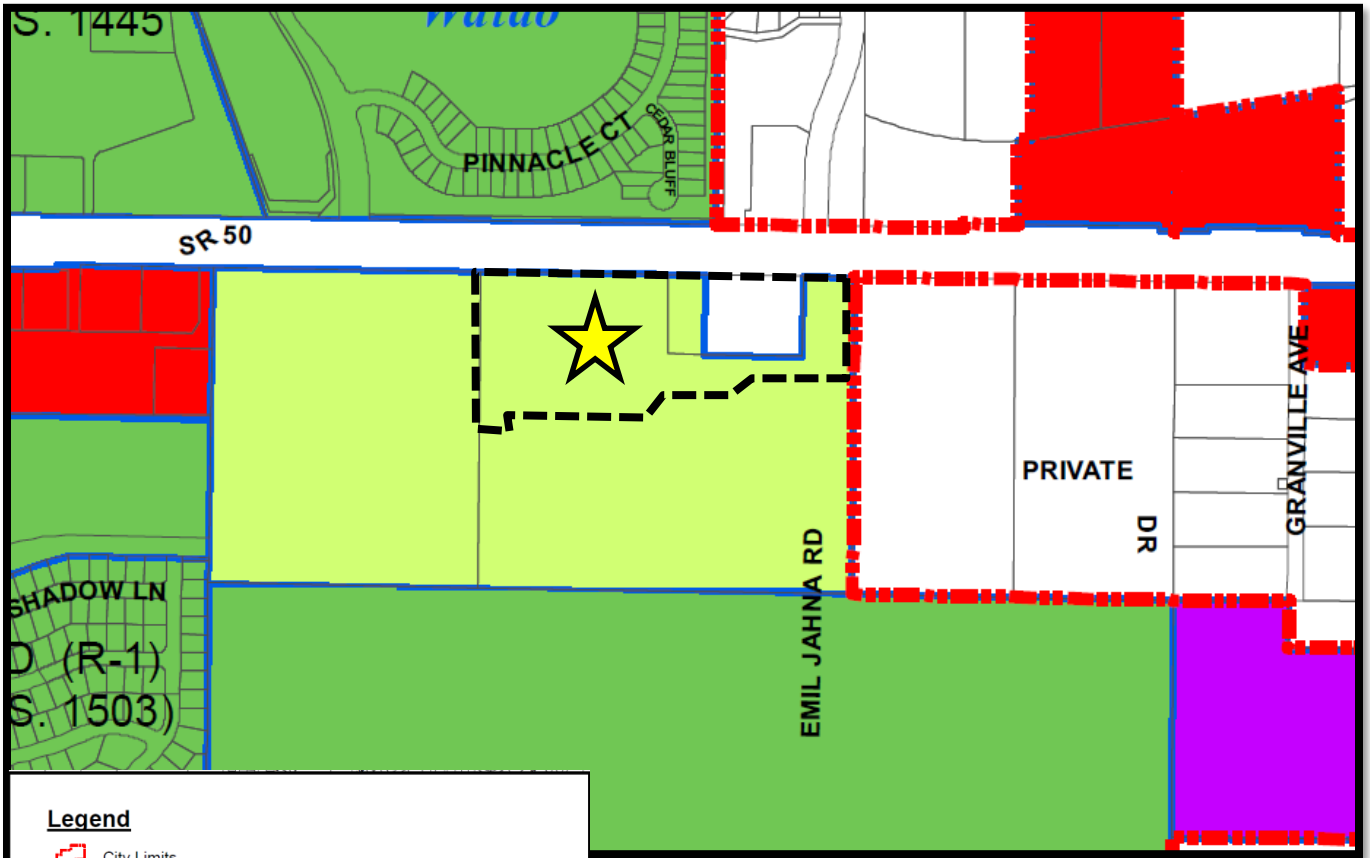


Exhibit – Zoning

The Shops at WaterBrooke



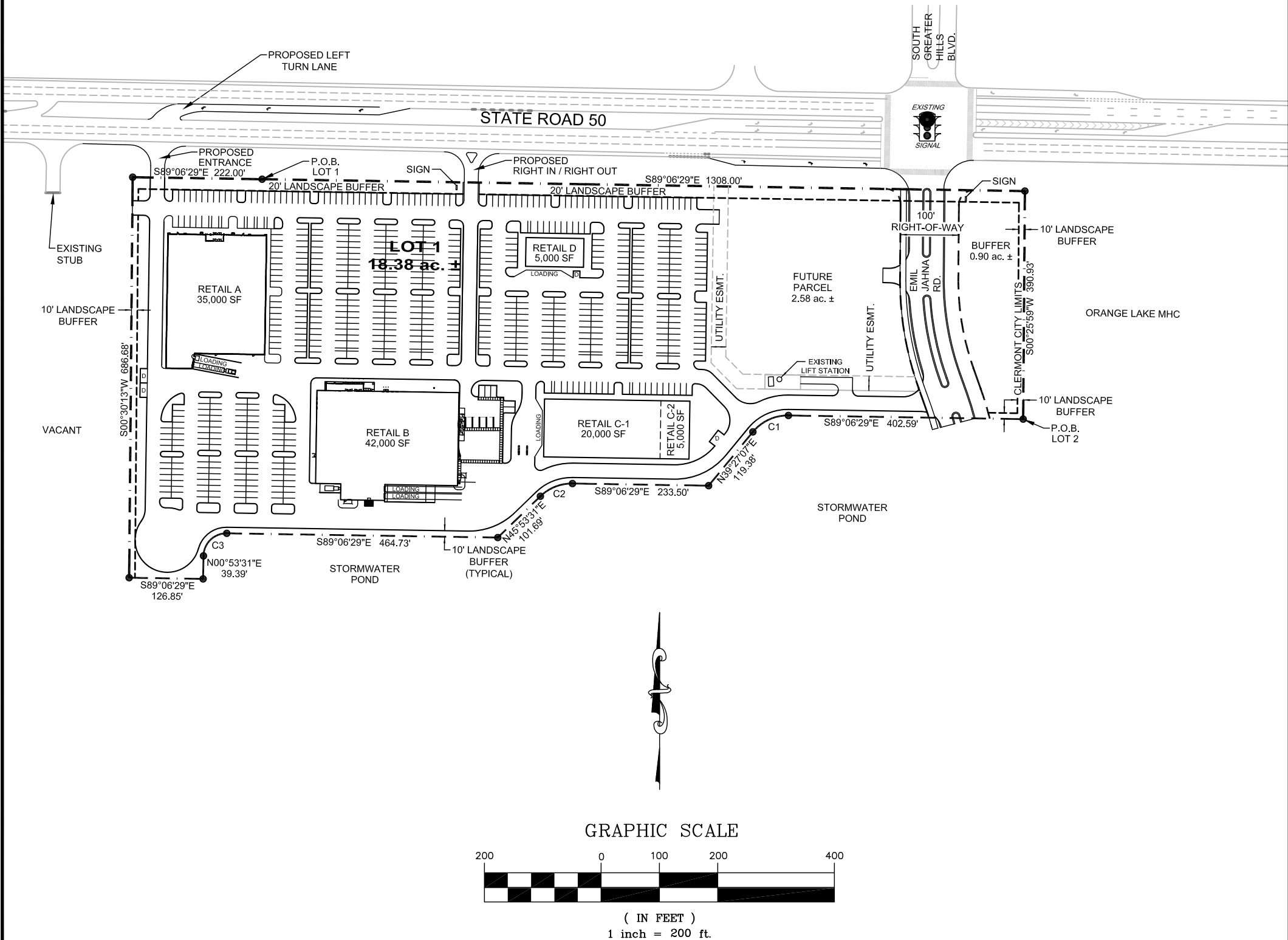
Legend

 City Limits

Zoning Designations

-  UT URBAN TRANSITION DISTRICT
-  UE URBAN ESTATE LOW DENSITY RESIDENTIAL DISTRICT
-  R-1-A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT
-  R-1 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT
-  R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
-  R-3-A RESIDENTIAL/PROFESSIONAL DISTRICT
-  R-3 RESIDENTIAL/PROFESSIONAL DISTRICT
-  O-1 OFFICE DISTRICT
-  C-1 LIGHT COMMERCIAL DISTRICT
-  C-2 GENERAL COMMERCIAL DISTRICT
-  CBD CENTRAL BUSINESS DISTRICT
-  M-1 INDUSTRIAL DISTRICT
-  CD COMMERCE DISTRICT
-  PR PARKS AND RECREATION DISTRICT
-  PUD PLANNED UNIT DEVELOPMENT
-  AREAS NOT WITHIN THE CITY LIMITS

CURVE TABLE			
	C1	C2	C3
Radius	77.33'	77.33'	39.33'
Central Angle	49°39'22"	45°00'00"	45°00'00"
Arc Length	69.42'	60.74'	61.78'
Chord Length	67.12'	59.19'	55.63'
Chord Bearing	N65°10'19"E	N68°23'31"E	N45°53'31"E



PROJECT DATA (LOT 1):
PROJECT AREA: 18.38 ac.
EXISTING ZONING: UE (URBAN ESTATES)
PROPOSED ZONING: PUD (PLANNED UNIT DEVELOPMENT)
EXISTING USE: VACANT
2030 FUTURE LAND USE: COMMERCIAL
EXISTING USE: VACANT
TOTAL PROPOSED BUILDING AREA: 107,000 sq.ft.
PROPOSED USES: RETAIL AND RESTAURANT
MAXIMUM PROPOSED IMPERVIOUS AREA: 80%
PROPOSED ISR: 0.80

PARKING REQUIREMENTS
RESTAURANT USES
MAXIMUM RESTAURANT PATRON SPACE: 9,650 sq.ft. (60%)
PARKING REQUIRED: 9,650/50 = 193 PARKING SPACES
NUMBER OF RESTAURANT EMPLOYEES: 32
PARKING REQUIRED: 32/4 = 8 PARKING SPACES
RETAIL USES
REMAINING RETAIL SPACE: 90,917 sq.ft.
REQUIRED PARKING: 90,917/200 = 455 PARKING SPACES
TOTAL REQUIRED PARKING: 193+8+455 = 656 PARKING SPACES
TOTAL PROVIDED PARKING: 656 PARKING SPACES
TOTAL REQUIRED HANDI-CAP PARKING: 14 PARKING SPACES (2.0%)
TOTAL PROVIDED HANDI-CAP PARKING: 37 PARKING SPACES (5.6%)

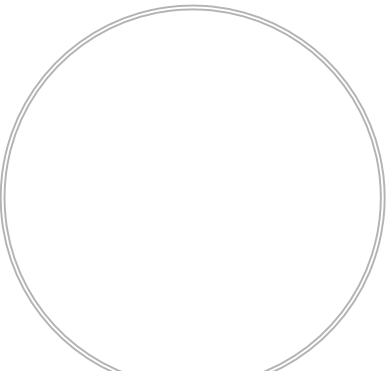
CITY OF CLERMONT CODE WAIVERS:
1. REQUIRED NUMBER OF DUMPSTER PADS - SECTION 114-6 (a)(2) REQUIRES ONE DUMPSTER PAD WITH AN APPROVED ENCLOSURE PER 7,500 SQ.FT. OF RETAIL SPACE. THE CODE REQUIRED NUMBER OF DUMPSTER PADS IS 15. THE PROPOSED NUMBER OF DUMPSTER PADS IS 7.
2. REQUIRED NUMBER OF LOADING ZONES - SECTION 98-8 (d) REQUIRES ONE LOADING BERTH PER 10,000 SQ.FT. OF RETAIL FLOOR AREA. THE CODE REQUIRED NUMBER OF LOADING BERTHS IS 11. THE PROPOSED NUMBER OF LOADING BERTHS IS 6.
3. MAXIMUM NUMBER OF CONTINUOUS PARKING SPACES - SECTION 118-38(b)(2) STATES THAT A MAXIMUM OF TEN CONTINUOUS PARKING SPACES ARE PERMITTED WITHOUT A LANDSCAPE BREAK. THE PROPOSED MAXIMUM NUMBER OF CONTINUOUS PARKING SPACES WITHOUT A LANDSCAPE BREAK IS 11.
4. MAXIMUM GRADE CHANGE - SECTION 94-195(d)(4) STATES THAT ELEVATION CHANGES IN TOPOGRAPHY SHALL BE LIMITED TO 15 FEET. PORTIONS OF THE EXISTING F.D.O.T. POND HAVE BEEN CUT APPROXIMATELY 30 FEET, THEREFORE, THE PROPOSED MAXIMUM ELEVATION CHANGE IN TOPOGRAPHY IS 30 FEET WHERE THE EXISTING F.D.O.T. POND IS LOCATED. THIS AREA IS TO BE FILLED AS NECESSARY TO DIVERT STORMWATER TO THE PROPOSED NEW STORMWATER POND.
5. INTERIOR LANDSCAPE BUFFERS - SECTION 118-37 (a)(1) STATES THAT A MINIMUM TEN FOOT WIDE LANDSCAPE BUFFER SHALL BE PROVIDED BETWEEN ABUTTING PROPERTY BOUNDARIES. ANY PARCEL WHICH MAY BE SPLIT IN THE FUTURE WILL NOT REQUIRE AN INTERIOR LANDSCAPE BUFFER BETWEEN THE ABUTTING PROPERTY BOUNDARIES.
6. MAXIMUM FLOOR SPACE - SECTION 122-223 STATES THAT ANY BUSINESS ESTABLISHMENT OR STRUCTURE PROPOSING TO OCCUPY MORE THAN 20,000 SQ.FT. OF FLOOR SPACE SHALL REQUIRE CONDITIONAL USE PERMIT. THE PROPOSED MAXIMUM BUILDING FLOOR SPACE IS 42,000 SQ.FT.

GENERAL NOTES (LOT 1):
1. SIDEWALKS NOT SHOWN. SIDEWALKS WILL BE PROVIDED PER CITY OF CLERMONT AND ADA CODE REQUIREMENTS.
2. BICYCLE RACKS NOT SHOWN. THE CITY OF CLERMONT CODE REQUIRES THE NUMBER OF BICYCLE RACKS TO BE 2% OF THE NUMBER OF REQUIRED PARKING SPACES. THE CODE REQUIRED NUMBER OF PARKING SPACES IS 656. THE CODE REQUIRED NUMBER OF BICYCLE RACKS IS 14. THE PROPOSED NUMBER OF BICYCLE RACKS IS 14.
3. THE PROJECT SITE, AS DEPICTED HEREON, CONSISTS OF TWO SEPARATE PARCELS. THE MAIN PARCEL IS OWNED BY THE APPLICANT AND HAS ALTERNATE KEY #3868851. THE SECOND PARCEL IS OWNED BY THE STATE OF FLORIDA AND HAS ALTERNATE KEY #3868854.

LOT 1 DESCRIPTION:
THAT PORTION OF THE EAST 222.00 FEET OF THE SE 1/4 OF NW 1/4 TOGETHER WITH A PORTION OF THE SW 1/4 OF NE 1/4, ALL LYING IN SECTION 27, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN S 00°30'12" W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 1363.52 FEET TO A POINT ON THE RIGHT OF WAY LINE OF STATE ROAD 50, PER F.D.O.T. RIGHT OF WAY MAP SECTION 11070-2505, THIS BEING THE POINT OF BEGINNING; THENCE RUN S 89°06'29" E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1308.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27; THENCE RUN S 00°25'59" W, ALONG SAID EAST LINE, A DISTANCE OF 390.93 FEET TO A POINT ON SAID EAST LINE; THENCE RUN S 89°06'29" E, A DISTANCE OF 402.59 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 77.33 FEET, A CENTRAL ANGLE OF 49°39'22", AN ARC LENGTH OF 69.42 FEET, A CHORD LENGTH OF 67.12 FEET, AND A CHORD BEARING OF N 65°10'19" E; THENCE RUN N 39°27'07" E, A DISTANCE OF 119.38 FEET; THENCE RUN S 89°06'29" E, A DISTANCE OF 233.50 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 77.33 FEET, A CENTRAL ANGLE OF 45°00'00", AN ARC LENGTH OF 60.74 FEET, A CHORD LENGTH OF 59.19 FEET, AND A CHORD BEARING OF N 68°23'31" E; THENCE RUN N 45°53'31" E, A DISTANCE OF 101.69 FEET; THENCE RUN S 89°06'29" E, A DISTANCE OF 464.73 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 39.33 FEET, A CENTRAL ANGLE OF 45°00'00", AN ARC LENGTH OF 61.78 FEET, A CHORD LENGTH OF 55.63, AND A CHORD BEARING OF N 45°53'31" E; THENCE RUN N 00°53'31" E, A DISTANCE OF 39.39 FEET; THENCE RUN S 89°06'29" E, A DISTANCE OF 126.85 FEET, TO A POINT, 222.00 FEET, WESTERLY OF, WHEN MEASURED PERPENDICULAR TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, THENCE RUN N 00°30'12" E, ALONG A LINE PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 886.68 FEET TO A POINT ON THE AFORESAID SOUTH RIGHT OF WAY LINE; THENCE RUN S 89°06'29" E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 222.00 FEET TO THE POINT OF BEGINNING OF LOT 1.

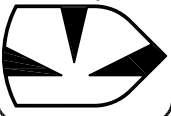
CONTAINING 18.38 ACRES, MORE OR LESS.



THOMAS L. KNIGHT
#47614

This is a preliminary plan for review only.

THOMAS L. KNIGHT, P.E.
PROFESSIONAL ASSOCIATION
Planning, Design, Permitting, Inspection
865 Tildenville School Rd., Winter Garden, FL 34787
Phone: (352) 394-8514
E-mail: tknight@tknighteng.com
Certificate of Authorization No. 00029972



THE SHOPS AT WATERBROKE
SECTION 27, TOWNSHIP 22S, RANGE 26E, LAKE COUNTY, FLORIDA
APPLICANT: UP FIELDGATE US INVESTMENTS - CLERMONT HILLS LLC
ADDRESS: 3201 E. COLONIAL DRIVE, ORLANDO, FLORIDA 32803

DATE:
12/31/2016
DRAWN BY:
TLK
APPROVED BY:
TLK
SCALE:
1" = 200'
REVISIONS:

TLK PROJECT NO.
T1701

PLOT
PLAN

SHEET # 1



**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: January 3, 2017

FEE: ~~\$350.00~~
\$542

PROJECT NAME (if applicable): The Shops at Waterbrooke

APPLICANT: UP Fieldgate US Investments - Clermont Hills, LLC

CONTACT PERSON: Paul "J.J." Johnson, Jr.

Address: 3670 Maguire Blvd, Ste 250

City: Orlando State: Florida Zip: 32803

Phone: (407) 622-6751 Fax: (866) 440-1211

E-Mail: jj.johnson@sloaneandjohnson.com

OWNER: UP Fieldgate US Investments - Clermont Hills, LLC

Address: 3660 Maguire Blvd, Ste 102

City: Orlando State: Florida Zip: 32803

Phone: (407) 896-1132 Fax: _____

Address of Subject Property: State Road 50, Clermont, Florida

Legal Description (include copy of survey): Refer to Plot Plan

Acreage: 18.38 Land Use: Commercial
(City verification required)

Present Zoning: UE Proposed Zoning: PUD
(City verification required)



**CITY OF CLERMONT
REZONING
APPLICATION
Page 2**

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

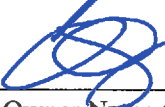
What are you proposing to do that would require a rezoning?

Commercial shopping center

Paul "J.J." Johnson, Jr.
Applicant Name (print)

X 
Applicant Name (signature)

Scott D. Fish, Manager
Owner Name (print)

X  **Richard Lee Brewster**
as attorney in fact
Owner Name (signature)

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

STATEMENT OF JUSTIFICATION FOR REZONING

UP FIELDGATE US INVESTMENTS – CLERMONT HILLS, LLC
SR 50 and Emil Jahna Rd/S Greater Hills Blvd, Clermont, Florida

I. INTRODUCTION

UP Fieldgate US Investments – Clermont Hills, LLC, a Florida limited liability company (the “Applicant”), is proposing to develop a site located at the intersection of State Road 50 and Emil Jahna Road/South Greater Hills Boulevard in the City of Clermont, Florida (the “Property”), for commercial/retail use with three to four large primary or anchor retail buildings and one to two smaller outlots and which may include, but will not be limited to, a smaller retailer, a convenience store, a gas station, a restaurant and a bank with drive through. The Altkeys of the parcels for which the rezoning is sought are 3868851 (belonging to the Applicant) and 3868854 (belonging to the State of Florida and to be acquired by Applicant). The Property is currently zoned UE (Urban Estate Low Density Residential District), and the Applicant respectfully requests to rezone the Property as PUD (Planned Unit Development). Applicant has formally requested the Florida Department of Transportation (“FDOT”) provide a “Letter of No Objection” to this application and to be delivered as soon as possible. With the following Statement of Justification, we submit the rezoning request is consistent with the City of Clermont Code of Ordinances, Land Development Code and is compatible with the surrounding development patterns.

About the Developer

Applicant, through its affiliated company, UP Development Company, LLC, a Florida limited liability company, is a premier retail developer focused predominately in the Southeastern United States. With over 20 years of experience. Applicant has positioned itself as a go-to shop for developers, financiers, and owners with troubled assets that require creative and unique workout solutions.

Applicant has successfully designed, permitted, and developed retail centers anchored by national retailers including but not limited to Whole Foods, Wal-mart, Home Depot, Lowe's, Target, Meijer, Kroger, Publix, Belk's, Toys-R-Us/Babies-R-Us, and Dick's Sporting Goods, among others. Within Lake County, Applicant built the Dick's Sporting Goods at 1325 Sandy Grove Avenue in Clermont, and that property is owned by UP Fieldgate US Investments - Clermont, LLC, a Florida limited liability company that is also under common control by Applicant.

II. Justification for Rezoning

The purpose of the rezoning is to develop the Property into an attractive commercial project that will serve the surrounding residents as well as the broader community. This part of the SR 50 corridor is ideally suited for such a project, as it has good automobile and transit access, and it is located near several residential developments (and planned residential developments) to be served by the Property's occupants as well as small commercial developments in the area. The Property's legacy of agricultural use is evident in the current zoning which only permits single-family estate dwellings and horticulture, which is no longer suitable in comparison to the residential and commercial uses nearby. Given the surrounding uses, it is unrealistic to expect the Property to redevelop as low density residential. The general area is

appropriate for PUD zoning, given the surrounding uses, as it would be entirely consistent with the overall local development pattern and within the criteria contained in Sections 122-313 and 122-315, Article IV – Planned Unit Developments, Chapter 122 – Zoning, Code of Ordinances.

Sec. 122-313 – General requirements.

- (1) *Minimum area.* **The Property is greater than one acre.**
- (2) *Unified control.* **The Applicant owns a majority of the Property, and has formally begun the process of obtaining ownership of the remaining land from the FDOT.**
- (3) *Development Approval.* **The Applicant is concurrently seeking a Conditional Use Permit for the proposed use of the Property.**

Sec. 122-315 – Review criteria.

- (1) *Location.*
 - a. *Relation to major transportation facilities.* **The Property fronts State Road 50, minimizing creation of traffic along local and collector streets outside the Property.**
 - b. *Relation to public utilities, facilities, and services.* **The Property will include a unified stormwater system, including the relocation of an existing FDOT pond and creation of a Joint Use Pond that will served the needs of the FDOT and the Property and to be maintained by Applicant. All other necessary utilities, facilities and services are readily available or shall be provided by Applicant such that the net costs for such services should not be greater than the current zoning.**
 - c. *Physical character of site and relation to surrounding property.* **The proposed development of the site is suitable to the physical character of the site and the surrounding properties, in Applicant's opinion.**
- (2) *Uses, density, open space, living area per family and other regulations.* **The planned uses of the Property are encompassed by permitted uses in existing zoning districts.**

III. CONCLUSION

Based on the foregoing analysis, the Applicant believes that the proposed request is justified and is consistent with the City of Clermont Land Development Code. Applicant respectfully requests that the Planning & Zoning Commission recommend approval to the City Council to rezone the Property from UE to PUD.

Exhibit "A"
(Legal Description)

THAT PORTION OF THE EAST 222.00 FEET OF THE SOUTHEAST 1/4 OF NORTHWEST 1/4 TOGETHER WITH A PORTION OF THE SOUTHWEST 1/4 OF NORTHEAST 1/4, ALL LYING IN SECTION 27, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN SOUTH 00°30'12" WEST, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 1363.52 FEET TO A POINT ON THE SOUTH RIGHT WAY LINE OF STATE ROAD 50, PER F.D.O.T. RIGHT OF WAY MAP SECTION 11070-2505, THIS BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89°06'29" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 554.31 FEET TO THE WESTERLY LINE OF THAT PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 3153, PAGE 2149 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 00°53'31" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 325.00 FEET; THENCE RUN SOUTH 89°06'29" EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL AND THE PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 591, PAGE 1222 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, A DISTANCE OF 549.99 FEET TO THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 591, PAGE 1222; THENCE RUN NORTH 00°53'31" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 325.00 FEET; THENCE RUN SOUTH 89°06'29" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 203.70 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27; THENCE RUN SOUTH 00°25'59" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1293.07 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN NORTH 88°58'56" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 1309.61 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE RUN NORTH 88°58'56" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27, A DISTANCE OF 222.01 FEET TO A POINT, 222.00 FEET, WESTERLY OF, WHEN MEASURED PERPENDICULAR TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN NORTH 00°30'12" EAST, ALONG A LINE PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; A DISTANCE OF 1289.70 FEET TO A POINT ON THE AFORESAID SOUTH RIGHT OF WAY LINE; THENCE RUN SOUTH 89°06'29" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 222.00 FEET TO THE POINT OF BEGINNING.



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

719 S. Woodland Blvd.
Deland, FL 32720

**JIM BOXOLD
SECRETARY**

January 11, 2017

RE: Relocation of Pond
State Road No.: 50
County: Lake

To whom it may concern:

The Florida Department of Transportation has received a request to consent to the rezoning land classification of the Department's property Parcel 2722260001-000-032000 intersection of SR 50 and Emil Jahna Rd in Lake County. While the Department does not have the legal authority to consent to such rezoning requests, this letter is to advise you that we have no objection to this rezoning and will take no action to prohibit or otherwise block your attempt to rezone this property.

We are currently entertaining a request from a private company, UP Fieldgate US Investments – Clermont Hills, LLC, wherein the DOT will convey the existing DOT Pond as described on the attached Exhibit "A". The new pond will be on the adjacent parcel and shared as a joint use pond with the DOT upon approval and completion of construction and certification.

Todd Moynihan
Property Management Administrator
Florida Department of Transportation – District 5
(386) 943-5082
todd.moynihan@dot.state.fl.us

LEGAL NOTICE

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

ORDINANCE NO. 2017-21

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

LOCATION

Southwest corner of Highway 50 and Emil Jahna Road
Alternate Key 3868854 and a portion of 3868851

LEGAL DESCRIPTION

That portion of the East 222.00 feet of the Southeast 1/4 of Northwest 1/4 together with a portion of the Southwest 1/4 of Northeast 1/4, all lying in Section 27, Township 22 South, Range 26 East, Lake County Florida, being more particularly described as follows: Commencing at the North 1/4 corner of Section 27, Township 22 South, Range 26 East, Lake County, Florida, run South 00°30'12" West, along the West line of the Northeast 1/4 of said Section 27, a distance of 1363.52 feet to a point on the South right way line of State Road 50, per F.D.O.T. right of way Map Section 11070-2505, this being the Point of Beginning; thence run South 89°06'29" East, along said South right of way line, a distance of 554.31 feet to the Westerly line of that parcel as described in Official Record Book 3153, Page 2149 of the Public Records of Lake County, Florida; thence run South 00°53'31" West, along said Westerly line, a distance of 325.00 feet; thence run South 89°06'29" East, along the Southerly line of said parcel and the parcel described in Official Record Book 591, Page 1222 of the Public Records of Lake County, Florida, a distance of 549.99 feet to the Easterly line of said parcel described in Official Record Book 591, Page 1222; thence run North 00°53'31" East, along said Easterly line, a distance of 325.00 feet; thence run South 89°06'29" East, along said South right of way line a distance of 203.70 feet to a point on the East line of the Southwest 1/4 of the Northeast 1/4 of Section 27; thence run South 00°25'59" West, along said East line, a distance of 1293.07 feet to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 27; thence run North 88°58'56" West, along the South line of the Southwest 1/4 of the Northeast 1/4 of said Section 27, a distance of 1309.61 feet to the Southwest corner of said Southwest 1/4 of the Northeast 1/4; thence run North 88°58'56" West, along the South line of the Southeast 1/4 of the Northwest 1/4 of said Section 27, a distance of 222.01 feet to a point, 222.00 feet, Westerly of, when measured perpendicular to the West line of the Southwest 1/4 of the Northeast 1/4 of said Section 27; thence run North 00°30'12" East, along a line parallel with the west line of the Southwest 1/4 of the Northeast 1/4 of said Section 27; a distance of 1289.70 feet to a point on the aforesaid South right of way line; thence run South 89°06'29" East, along said South right of way line, a distance of 222.00 feet to the Point of Beginning.

Containing 18.38 +/- Acres

From: Urban Estate
To: Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Tuesday, February 7, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, February 28, 2017 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
January 31 and February 14, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 7, 2017		
Agenda Item Name		
Ordinance No. 2017-22 Density Bonus Criteria		
Requested Action		
Recommend approval of Ordinance 2017-22.		
Staff Report		
At its Dec. 13, 2016 meeting, the Council approved the transmittal of Ordinance 2016-40, a proposed amendment to the future land use element of the comprehensive plan that would increase the maximum allowed density in the Downtown Mixed Use district from 12 units per acre to up to 25 units per acre. This proposed amendment also provided for a bonus density up to a maximum of 40 units per acre through a Community Benefit Agreement that would be detailed in the land development code (LDC). At the December hearing, the Council directed staff to prepare density bonus criteria for consideration at the Feb. 28, 2017 meeting along with the final adoption of Ordinance 2016-40, the related comprehensive plan amendment. Several criteria for receiving bonus density consideration were discussed at the December hearing, including fee simple ownership and quality building materials. These criteria, as well as others that address pedestrian improvements, trail connections and urban design/architecture, are proposed as mandatory requirements to be met when considering any densities exceeding the currently allowed 12 units per acre. Eight additional criteria are outlined in the proposed new code Section 122-249 Density Bonus Criteria that would provide a basis for consideration of additional density up to the maximum 40 units per acre. These criteria are streetscape elements, transit facilities, parking structures, public parking, environmental sustainability, public open space, public art/cultural facilities and enhanced landscaping. The LDC language also outlines a compatibility review process for projects proposing to use the bonus that would assess whether the projects have the potential to negatively impact adjacent properties abutting the CBD. Finally, Section 122-249 describes the Community Benefit Agreement (CBA) that would be required for final Council approval. The CBA is also referenced in the future land use element amendment.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)		
1.	Ordinance	2017-22 Density Bonus Criteria.doc
2.	Legal ad	2017-22 Density Bonus Criteria legal ad.doc

CITY OF CLERMONT
ORDINANCE No. 2017-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF CLERMONT BY ADDING SECTION 122-249, DENSITY BONUS CRITERIA; SETTING FORTH STANDARDS AND REGULATIONS FOR THE CRITERIA FOR THE DENSITY BONUS; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on February 7, 2017 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to add Section 122-249, Density Bonus Criteria, of the City of Clermont's Code of Ordinances;

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

SECTION 1.

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

SECTION 2.

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

Section 122-249 Density Bonus Criteria.

General Description

An applicant may request the use of a density bonus in the Central Business District by including a justification statement in the description of the project in their site plan application. The attainment of a bonus requires three separate components:

1. Compliance with the mandatory requirements;
2. Utilization of the density bonus criteria;
3. Compatibility with the planned character of adjacent and surrounding properties.

CITY OF CLERMONT
ORDINANCE No. 2017-22

A bonus shall not be considered an entitlement. The maximum available bonus under the proposed system below may not be appropriate in all situations. Neighborhood compatibility issues or lack of adequate infrastructure may not support the full bonus. The City Council may approve a requested bonus, approve a requested bonus with conditions to mitigate the impact of the bonus, approve a lesser bonus, approve a lesser bonus with conditions to mitigate the impact of the bonus, or deny a requested bonus.

Maximum Residential Density in the Central Business District

The maximum residential density permitted in the Central Business District is 25 dwelling units per acre. Through the use of the bonus provisions below, the total maximum allowed residential density may be increased to 40 dwelling units per acre in the Central Business District. At no time shall residential densities be increased above 40 dwelling units per acre.

Mandatory Requirements for Residential Development in the Central Business District

The following items are mandatory components for any project in the Central Business District that is greater than 12 dwelling units per acre, including any project utilizing the density bonus provisions of this section:

1) Ownership

The project must be designed, constructed and sold as fee simple or condominium ownership structure.

2) Construction Materials

Durable, high-quality materials, such as stone, steel, glass, precast concrete, or masonry shall be required. Such materials and associated architectural features must wrap around all sides of the building that are visible from the public realm. Traditional stucco may be appropriate in a historic context or for a Mediterranean-style building. Buildings incorporating EIFS (Exterior Insulation Finishing System) or other faux-stucco finish for more than 10 percent of a street-facing façade do not meet this criterion. Buildings constructed primarily of wood framing do not meet this criterion.

3) Urban Design/Architecture

Building placement must reinforce the walkability of downtown and embrace desired pedestrian/building relationships. The primary building entrance, if a singular entrance, must be a prominent feature that is defined and articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings, or other architecturally compatible elements. Buildings on corner lots and buildings that terminate views from the public realm must incorporate additional height or other features that emphasize their prominent location.

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4) Pedestrian Improvements

The project must include sidewalks in all public rights-of-way and a pedestrian access plan for the internal movement throughout the project.

5) Trail Connection

The project must be adjacent to or within 1,500 feet of a publicly dedicated trail. If not adjacent, a connection between the project site and public trail must be constructed. Any planned connection must meet the minimum design criteria for a publicly accessible trail.

Criteria for Density Bonus

Bonus density may be awarded to a project based upon successful compliance with one or more of the following criteria listed below. Each project must demonstrate that the inclusion of one or more of the following criteria justifies an increase in density. The City shall consider the entirety of the project and the manner in which the project exceeds minimum City standards for development within the Central Business District. Those projects exemplifying maximum and superior utilization of the bonus criteria below may be awarded a higher density. The determination of the final allowable maximum density includes consideration of the criteria below and compliance with the Compatibility Revisions of this section. The density bonus commitments proffered by the applicant and agreed to by the City shall be included in a Community Benefit Agreement described further in this section.

1. Streetscape

Streetscape treatment that meets the City's downtown streetscape plan or exceeds the minimum standards normally required of the development's location.

2. Transit

The site is proximate (1/4 to 1/2 mile) to a sheltered transit stop. This criterion may be waived until such time as transit service is more fully provided within the downtown corridor.

3. Parking Structure

Parking garage is located such that it is interior to the site or lined with habitable space along all street-facing facades.

4. Public Parking

The project provides parking beyond the minimum required by code to accommodate public parking in the downtown.

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5. Environmental Sustainability

Site design and building materials that exceed the minimum environmental sustainability requirements in place at the time of development. Such enhancements should consider energy efficiency, stormwater design, solar, solar roofs or other renewable energy sources, recycling, and sustainable materials options, all of which should be judged against the best-available technology and any relevant and generally accepted environmental certification programs.

6. Public Open Space

Publicly accessible and functional open space that is open to the sky and at least 2,500 square feet in area.

7. Public Art/Cultural Facilities

The project includes a prominent component of public art or provides space to support community cultural activities, all accessible to the public. The applicant may proffer a payment in lieu of this criterion subject to a fund established by the City for use consistent with the intent of this provision.

8. Landscaping

A landscaping plan that exceeds the minimum City requirements.

Compatibility Review

Projects that utilize this density bonus section to increase density above 25 dwelling units per acre, and are located adjacent to, or across a public street from, an adjoining zoning district other than the Central Business District, shall be required to undergo a Compatibility Review (CR). This review will ensure that the proposed density bonus results in a development that is compatible with the massing, scale, form, and design of adjoining and nearby development. The City Manager or designee responsible for administration of the Land Development Code shall consider the following factors in conducting the Compatibility Review:

1. The current and planned uses of the surrounding area as allowed by the current future land use category(s) of surrounding properties;
2. If the resulting use of the density bonus will have a substantially greater negative impact on the surrounding neighborhood than the project would have without utilizing a density bonus;
3. If proposed building setbacks significantly decrease site lines between building sites;

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4. If proposed landscaping/buffers provide sufficient screening to mitigate the negative effects of the incompatibility; and
5. If the resulting use of the density bonus decreases the level of service of any infrastructure below the adopted standards in the comprehensive plan.

Neighborhood Compatibility Report

The City Manager or designee shall produce a neighborhood compatibility report based on the proposed project. If the report results in a recommendation to reduce or eliminate the use of the density bonus for failure to meet the findings of the compatibility review, the City Manager or designee shall provide additional conditions on the project to mitigate those concerns. Those conditions may include, but are not limited to the following:

1. A reduction in the density bonus.
2. Increased building setbacks.
3. Increased landscaping/buffers.
4. Increased open space.
5. Off-site infrastructure improvements necessary to maintain adopted levels of service.

Community Benefit Agreement

An agreement between the City and the Applicant shall be required to memorialize the commitments proffered by the applicant, and shall be considered by the City Council at the time the application is considered in a public hearing. This agreement shall be known as a Community Benefit Agreement (CBA), and shall contain the terms and conditions by which the applicant will provide the density bonus elements of the project. The Community Benefit Agreement shall be presented to the City Council along with the application to increase residential density above 25 dwelling units per acre on any project in the Central Business District.

SECTION 3.

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

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SECTION 4.

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

SECTION 5.

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

SECTION 6.

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.

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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of February, 2017.

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. 2017-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF CLERMONT BY ADDING SECTION 122-249, DENSITY BONUS CRITERIA; SETTING FORTH STANDARDS AND REGULATIONS FOR THE CRITERIA FOR THE DENSITY BONUS; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, February 7, 2017 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, February 28, 2017 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe,
MMC
City Clerk

Daily Commercial
January 31 and February 14, 2017