



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, March 28, 2017**

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

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

Police Department Annual Awards

Ironman 70.3 Triathlon

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

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

Item No. 1 - Bid Award

Consider approval of Request for Proposals award to American Janitorial, Inc. for janitorial services for the Clermont Police Department in the budgeted amount of \$57,153.60.

Item No. 2 - Contract Award

Consider request to piggyback the Sheriffs Association contract number 16-VEF12.0 with Pierce Manufacturing Inc. to purchase one (1) Pierce Saber Pumper in the budgeted amount of \$425,000.00.

Item No. 3 - Contract Award

Consider request to piggyback the City of Orlando contract with Rush Truck Centers of Florida, Inc. to provide sublet vehicle repair services in the estimated annual amount of \$145,000. The projected cost is included in the current fiscal year budget.

Item No. 4 - Purchase Approval

Consider approval of request to purchase upgrades to LS 5's force mains in the budgeted amount of \$74,339.00 in the Sewer Fund for the on-going maintenance to the City's force main system.

CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, March 28, 2017

Item No. 5 - Event and Road Closure Request

Consider request to allow The Clermont Downtown Partnership to host their annual "Downtown Clermont Art Festival" on November 3,4, and 5, 2017 in Historic Downtown Clermont.

Item No. 6 - Interlocal Agreement
Lake Sumter MPO

Consider approval of an Interlocal Agreement with the Lake Sumter Metropolitan Planning Organization for transportation management coordination. The current year funding cost is \$6,259.79 and is available in the current year budget.

Item No. 7 - Resolution No. 2017-16
Fire Department Standards of Cover

Consider resolution adopting Fire Department Standards of Cover.

Item No. 8 - Resolution No. 2017-17
Business Tax Receipt

Consider approval of resolution opposing pending legislative bills limiting the amount that a city can charge for Business Tax Receipts.

Item No. 9 - Resolution No. 2017-18
Home Rule

Consider approval of resolution opposing pending bills preventing cities from enacting ordinances to regulate businesses.

UNFINISHED BUSINESS

Item No. 10 - Ordinance No. 2017-10 *Final*
Lake Shore Drive

Consider ordinance to vacate the right-of-way behind Lots 11 through 18, Block 117.

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

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

Item No. 12 - Ordinance No. 2017-23 *Final*
The Addison Rezoning

Consider ordinance to change the zoning from C-2 General Commercial to Planned Unit Development for property located at the northwest corner of Hooks Street and Citrus Tower Boulevard.

CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, March 28, 2017

NEW BUSINESS

Item No. 13 - Resolution No. 2017-14

Weatherbee CUP

Table to April 11, 2017

Consider tabling Conditional Use Permit to allow for an automotive service center in the Central Business District located at 898 West Desoto Street.

Item No. 14 - Variance Request

College Station

Consider variance requests to allow for a reduction of parking spaces, a reduction of landscape buffer, 20% of parking to be compact parking, and a reduced perimeter landscape buffer for a proposed commercial development located at the southwest corner of Hancock Road and State Road 50.

Item No. 15 - Variance Request

1644 Penzance Road

Consider variance requests for front-yard and rear-yard setbacks for property located at 1644 Penzance Road.

Item No. 16 - Ordinance No. 2017-08 *Introduction*

Firefighters Pension Plan

Consider ordinance introduction to amend the Firefighters Pension Plan.

Item No. 17 - Ordinance No. 2017-09 *Introduction*

Police Officers Pension Plan

Consider ordinance introduction to amend the Police Officers Pension Plan.

ADJOURN

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

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



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Bid Award		
Requested Action		
Recommend approval of contract between the City of Clermont and American Janitorial, Inc. to provide janitorial services at the Clermont Police Department.		
Staff Report		
The evaluation committee recommends approval of the above action. The Purchasing Department issued a Request For Proposal (RFP) number 17-023 on December 21, 2016 to obtain the services of a qualified company to provide janitorial services for the new Police Department Headquarters. The RFP was fully competed, advertised and complies with the City of Clermont Purchasing Policy. There were six (6) responses to the RFP. An evaluation committee composed of four (4) City staff members (three voting members and one non-voting member) reviewed, scored and ranked the proposals. American Janitorial, Inc. was the top ranked firm selected for their qualifications and experience of their managing staff, training, and quality assurance. The price was considered fair and reasonable based on other comparable contracts and square foot of cleaning area. It is recommended that the Council approve and execute a term contract with American Janitorial, Inc. The initial term contract consists of three (3) years period with up to three (3) additional one (1) year renewal periods at the option of the City.		
Additional Analysis		
Fiscal Impact Summary		
The estimated fiscal impact of \$23,814 for five months is included in the current year approved budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Cost of Services	Cost of Services.pdf	
2. RFP 17-023 Evaluation Summary	RFP 17-023 Evaluation Summary.pdf	
3. Ad	RFP 17-023 janitorial clermont pd.docx	

SECTION – K
COST OF SERVICES

L.N.	Description / Location	Price Per Month	Annual Price (Price Per Month x 12)
1	Police Department, 865 West Montrose Street, Clermont, FL 34711	Removed per Addendum 1	
2	New Police Department Headquarters, 3600 Hwy. 27, Clermont, FL 34711	\$4,762.80	\$57,153.60
Total Annual Price (add lines 1-2)			\$57,153.60

L.N.	Janitorial Services Excluding Office Areas	Price Per Month	Annual Price (Price Per Month x 12)
1	Police Department, 865 West Montrose Street, Clermont, FL 34711	Removed per Addendum 1	
2	New Police Department Headquarters, 3600 Hwy. 27, Clermont, FL 34711	\$4,462.80	\$53,553.60
Total Annual Price (add lines 1-4)			\$53,553.60

The price block above includes cleaning services as provided in Section B with the exception of office areas. An office area is defined as any office space to include cubicles, private work station, and file room.

SECTION – K
COST OF SERVICES

ADDITIONAL PRICING FOR NON-ROUTINE JANITORIAL SERVICES

L.N.	Description / Location	Unit	Unit Cost
1	Special Event Cleaning	Per Person – Per Hour	\$25.00
2	Carpet Cleaning	Per Square Feet	\$0.12
3	Floor Stripping/Sealing/Waxing	Per Square Feet	\$0.30
4	Tile and Grout Cleaning	Per Square Feet	\$0.30

Identify below the management facility/office from which services under this project will be supported.

Facility Type: Company HQ

Primary Point of Contact: Jeff Simmons Vice President
Name Title

Provide facility address, primary contact phone number, fax number and email address.

Address: 87 North Central Ave

Primary Contact: Jeff Simmons

Phone Number: 352-551-7941

Fax Number: 352-669-1408

Email Address: jeff.simmons@ajiclean.com

END OF SECTION K



City of Clermont Evaluation Summary

RFP No. 17-023 PROJECT TITLE: Janitorial Services for the Clermont Police Department

Meeting Location and Time:

March 3, 2017 at 2:00 PM 2nd Floor Conference Room

Evaluation Committee Members:

Kathy Johnston	Assistant Fire Chief
Aaron Grassi	Sergeant, Police Department
Joe McMahon	Operations Chief, Public Works
Freddy Suarez	Purchasing Director (non-voting member)

	Points Received	Points Received	Points Received	Total Points	Ranking
Lavender Construction	35	55	56	146	4
ALJ Services	0	29	42	71	6
American Janitorial	86	90	83	259	1
USSI	0	74	74	148	3
GCA Services Group	72	71	72	215	2
Gemilang Solutions	0	55	47	102	5

Notes:

The evaluation committee chose to rank the responses based on the scores. The committee chose to not have an informal meeting with the respondents and to negotiate a contract with the number one ranked respondent.

REQUEST FOR PROPOSAL

The City of Clermont is requesting proposals from qualified respondents to provide Janitorial Services to the Police Department (RFP 17-023). All responses must be received prior to **2:00 P.M. on Thursday, February 2, 2017**. Information may be obtained from the City's website at <http://www.clermontfl.gov/>

Publication Date: Newspaper
December 28, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Contract Award		
Requested Action		
Consider approval of request to purchase Pierce Saber Pumper fire truck.		
Staff Report		
The Purchasing Department and the Fire Department recommend approval of the action. At the request of the Fire Department, the Purchasing Department sought a contract from the Sheriffs Association to purchase one (1) Pierce Saber Pumper fire apparatus. In accordance with the direction of City Council, the Purchasing Department issued a Request for Interest (RFI) number 1703-002 to notify local vendors of the City's intent to utilize other governmental entities' contract. The RFI was posted on the City's website for seven (7) business days. At the completion of the RFI, the Purchasing Department received no interest. Based on this, staff recommends that Council approve to piggyback the Sheriffs Association contract. The Sheriffs Association contract was obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy.		
Additional Analysis		
Fiscal Impact Summary		
The fiscal impact of \$425,000.00 is included in the current year approved budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$425,000.00	12522-66400	\$425,000.00
Exhibits Attached (copies of original agreements)		
1. Proposal for Fire Apparatus	Proposal for Fire Apparatus.pdf	
2. RFI 1703-002	RFI 1703-002.pdf	

PROPOSAL FOR FURNISHING FIRE APPARATUS

March 10, 2017

CITY OF CLERMONT FIRE DEPARTMENT
439 WEST HIGHWAY 50
CLERMONT, FL 34711

The undersigned is prepared to manufacture for you, upon an order being placed by you, for final acceptance by Pierce Manufacturing, Inc., at its home office in Appleton, Wisconsin, the apparatus and equipment herein named and for the following prices:

One Pierce Saber Customer Pumper per FSA Contract FSA16-VEF12.0, Specification #19 Level I Custom Pumper.	\$ 316,231.00
Options to meet City of Clermont Fire Department Requirments.	148,765.00
Factory Concession and Fleet Discount.	(20,900.00)
Prefund contract at time of order entry, deduct from contract amount:	(19,096.00)
Final apparatus price:	Total \$ 425,000.00

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war, or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 8 months after receipt of this order and the acceptance thereof at our office at Appleton, Wisconsin, and to be delivered to you at the City of Clermont, Florida.

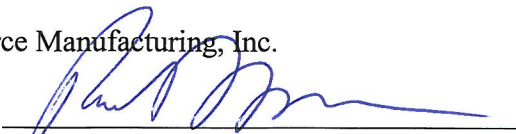
The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

The proposal for fire apparatus conforms with all Federal Department of Transportation (DOT) rules and regulations in effect at the time of bid, and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Unless accepted within 60 days from date, the right is reserved to withdraw this proposition.

Pierce Manufacturing, Inc.

By:


AUTHORIZED SALES REPRESENTATIVE
Robert F. Boggus



PERFORM. LIKE NO OTHER.



REQUEST FOR INFORMATION

Intent to Utilize the Florida Sheriffs Association Contract to Purchase Fire Rescue Vehicle.

CONTACT INFORMATION:	RFI No. 1703-002	ISSUED DATE: March 10, 2017
Bibi Boodram Senior Purchasing Agent EMAIL: bboodram@clermontfl.org Phone: (352) 241-7350	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>March 21, 2016 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	

SOLICITATION RESPONSE: Responses will be received until the notice end date specified above or as otherwise amended. No late responses will be accepted.

Responses may be submitted electronically to the Purchasing Director by email.

Hardcopy responses may be delivered to: City of Clermont Purchasing Department, 685 West Montrose Street, 2nd Floor, Clermont, FL 34711.

This Request for Information (RFI) is intended to notify local vendors of the City's intent to utilize other government entities' contract. **This is not an invitation to submit a bid or quote.** If no local vendor responds to the RFI, the Purchasing Department will proceed with utilizing the referenced contract. Local vendor is defined as businesses located in South Lake County, preferably located within the City limits. This notice will be posted for seven (7) business days.

1 – PIGGYBACK CONTRACT INFORMATION

(a) Department: Fire Department.

(b) Company Information: Pierce Manufacturing, Inc.

(c) Contract Number and Title: FSA16-VEF12.0, Specification #19 Level I Custom Pumper titled Fire Rescue Vehicles & other Equipment.

(d) Length of Contract: One (1) year from April 1, 2016 to March 31, 2017.

(e) Product or Service Provided: The City of Clermont is planning to purchase following vehicle:

Fire Department (FSA16-VEF12.0, Specification #19 Level I Customer Pumper)

One (1) Pierce Saber Customer Pumper, FSA16-VEF12.0

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Purchasing Director by email or by mail prior to the "Notice End Date" indicated above to advise whether your company can provide any of the product or service mentioned above.

Prospective local vendor respondents are requested to provide information regarding their ability to provide the product or serve described. **Respondents are not to provide pricing.** All responses will be evaluated by the Purchasing Department and the Department requesting the product or service which will be the sole determining power in establishing the approved equal status of the commodity offered by the respondent.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Contract Award		
Requested Action		
Motion to approve a piggyback contract number IFB17-0047 from the City of Orlando with Rush Truck Centers of Florida, Inc. to provide sublet vehicle repair services.		
Staff Report		
The Purchasing Department, Public Works Department and the Environmental Services Department recommend approval of the above action. At the request of Public Works and Environmental Services Department, the Purchasing Department sought a contract from the City of Orlando to obtain the services of sublet vehicle repair. In accordance with the direction of City Council, the Purchasing Department issued a Request for Interest (RFI) number 1703-003 to notify local vendors of the City's intent to utilize other governmental entities' contract. The RFI was posted on the City's website for seven (7) business days. At the completion of the RFI, the Purchasing Department received no interest. Based on this, staff recommends that Council approve to piggyback the City of Orlando contract. The City of Orlando contract was obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy.		
Additional Analysis		
Fiscal Impact Summary		
Annual projected cost of \$145,000 is included in the current year approved budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFI 1703-003 RFI 1703-003.pdf		



REQUEST FOR INFORMATION

Intent to Utilize City of Orlando Contract for Sublet Vehicle Repair

CONTACT INFORMATION: Freddy L. Suarez, MPA, CPPB Purchasing Director EMAIL: fsuarez@clermontfl.org Phone: (352) 241-7350	RFI No. 1703-003	ISSUED DATE: March 15, 2017
	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>March 23, 2017 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	

SOLICITATION RESPONSE: Responses will be received until the notice end date specified above or as otherwise amended. No late responses will be accepted.

Responses may be submitted electronically to the Purchasing Director by email.

Hardcopy responses may be delivered to: City of Clermont Purchasing Department, 685 West Montrose Street, 2nd Floor, Clermont, FL 34711.

This Request for Information (RFI) is intended to notify local vendors of the City's intent to utilize other government entities' contract. **This is not an invitation to submit a bid or quote.** If no local vendor responds to the RFI, the Purchasing Department will proceed with utilizing the referenced contract. Local vendor is defined as businesses located in South Lake County, preferably located within the City limits. This notice will be posted for seven (7) business days.

1 – PIGGYBACK CONTRACT INFORMATION

(a) Department: Public Works Department, Fleet Division

(b) Company Name: Rush Truck Center of Florida, Inc.

(c) Contract Number and Title: IFB 17-0047, Sublet Vehicle Repair

(d) Length of Contract: Expires February 28, 2019 w/optional three, 1-year renewal period.

(e) Product or Service Provided: Provides vehicle repair from small passenger vehicles to medium duty trucks, including garbage and fire trucks.

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Purchasing Director by email or by mail prior to the "Notice End Date" indicated above to advise whether your company can provide any of the product or service mentioned above.

Prospective local vendor respondents are requested to provide information regarding their ability to provide the product or serve described. **Respondents are not to provide pricing.** All responses will be evaluated by the Purchasing Department and the Department requesting the product or service which will be the sole determining power in establishing the approved equal status of the commodity offered by the respondent.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Purchase Approval		
Requested Action		
Request approval of the purchase of upgrades to LS 5's force mains.		
Staff Report		
Environmental Services is requesting approval to purchase upgrades to LS 5's force mains for the on-going maintenance to the City's force main system. The force mains are aging and need to be replaced due to the higher volume at this lift station.		
Additional Analysis		
Fiscal Impact Summary		
The requested approval amount of \$74,339.00 for LS 5 force main replacement is included in the approved FY16/17 budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$74,339.00	42535-66305-35103 Sewer System Force Main Replacement	\$350,000.00
Exhibits Attached (copies of original agreements)		
1. LS 5 Force Main	LS 5 Force Main.pdf	



Quote #: **010217-1R**
 Date: **1/2/2017**
 Company: **City of Clermont**
 Attention: **Mark Griffin**
 Job Name: **LS 5 Force Main**
 E-mail: Mgriffin@clermontfl.org

CUC # 1224744

PO Box 291671-32129, Port Orange, FL 32128
 Phone: 386-882-6200 email: danus1@cfl.rr.com

QYT	LS 5 Force Main Replacement	Price	TOTAL
880	Furnish & Install 6" HDPE SDR-11 pipe and fittings	\$44.40	\$39,072.00
16	Fusion time for 6" HDPE pipe 40' joints	\$150.00	\$2,400.00
80	Furnish & Install 6" Directional Drill	\$90.00	\$7,200.00
1	Furnish & Install Raven 405 coating, core hole, reform bench	\$5,500.00	\$5,500.00
1	Asphalt patch Col-De-Sac after force main tie in	\$3,517.00	\$3,517.00
1	Pressure test Force Main (water provided by City)	\$2,400.00	\$2,400.00
900	Dewatering as required to complete installation	\$6.00	\$5,400.00
1	Survey and red line drawings	\$2,750.00	\$2,750.00
1640	Grout fill old 4" force main with flowable fill & concrete pu	\$2.50	\$4,100.00
1	Restoration of disturbed areas	\$2,000.00	\$2,000.00
	TOTAL		\$74,339.00

Note: Permitting by others.

Water to fill force main provided by City of Clermont.

Scope of Work for Danus Utilities:

F&I 6" HDPE pipe and fittings, Directional drill under 12th St, Dewatering as required, MH coating, MH tie in, Asphalt patch disturbed Col-De-Sac, Survey work boundaries, Provide Red Lined drawings, Grout fill old 4" FM

Terms Net 30 Days

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. This proposal is subject to acceptance within 30 days and is void thereafter at the option of the undersigned.

Authorized Signature

Raymond Rogers
 386-882-6200



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Event and Road Closure Request		
Requested Action		
Recommend approval of The Clermont Downtown Partnership's annual Downtown Clermont Art Festival event with road closures.		
Staff Report		
The Clermont Downtown Partnership (CDP) requests to host their annual "Downtown Clermont Art Festival" in Historic Downtown Clermont on November 3, 4, and 5, 2017. The CDP is requesting road closures on Friday November 3 at 5:00 PM through Sunday November 5 at 7:00 PM. Road Closures would include: -Montrose Street from Lake Avenue to the driveway of the former Police Station -7th Street between Desoto Street and the entrance of the City Hall parking lot -8th Street from Montrose Street to Minneola Ave. -A small portion of the public parking lot between the South Lake Animal League and the Moonlight Players Attached is a map detailing the road closures as reference. The organization has agreed to comply with all personnel requirements from the City of Clermont.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. DCAF - Application & Road Closure DCAF 2017 - App and Map.pdf		



SPECIAL EVENTS PERMIT APPLICATION

PLEASE TYPE OR PRINT CLEARLY

Today's Date March 2, 2017

Name of Event 11th Annual Downtown Clermont Art Festival: Champions for the Arts

Date(s) of Event Nov 4 & 5, 2017 Estimated Attendance: 6,000 (3k ea day)

Event Start Time: Sat 10a; Sun 9a Event End Time: Sat 5p; Sun 5p

Before Event Setup Time: Fri Nov 3 after 5p until opening Sat 10a After Event Cleanup Time: 2 hrs - until 7pm

Name of Organization/Applicant Clermont Downtown Partnership Inc

The refundable deposit will be made payable and mailed to the name and address of the applicant listed

Check Type of Organization ☐ Resident ☐ Non Resident ☒ Non-Profit ☐ Business

Non-Profit documentation must be provided with application.

Tax Exempt ☐ Yes ☒ No If yes, provide Tax Exempt # 501-c-6 (IRS)

If Yes, you must provide your Tax Exempt Certificate with application.

Federal ID # or Driver's License # 59-3749760

Event Contact Ron Smart Email info@clermontdowntownpartnership.com

Day Phone 352-247-4640 Cell Phone 405-204-0839

Address P.O. Box 120734 City Clermont State FL Zip 34712-0734

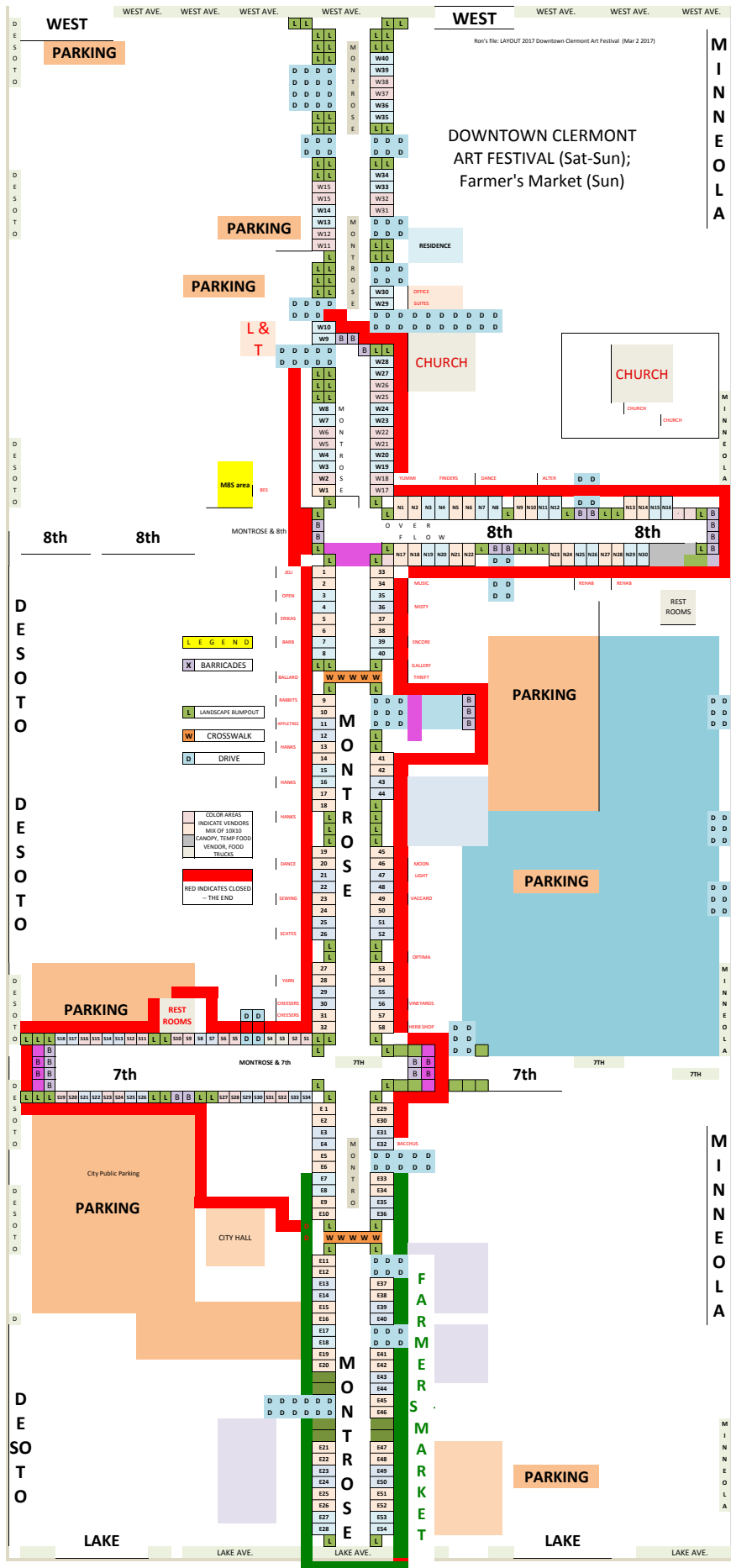
Secondary Contact Keith Mullins Phone # 352-394-5894

Briefly Describe Event: Free to the public Fine Art Festival w /artists from throughout USA including FL showing, selling work
and competing for cash awards. Red indoor/outdoor carpet from 8th to 7th on Montrose for Juried Artists. Non-juried crafters/artists also invited.
~~Food vendors (trucks, temps) from Desoto to Montrose as well as 8th to old police dept mixed with vendors, crafters~~
artists. Exhibitors, crafters on 8th toward Minneola. Free Kids Art & Craft Zone at City Hall Park by area elementary
teachers. Free Sidewalk chalk art contest at City Hall Park. Farmer's Market Sunday from City Hall to Lake Ave on Montrose Street.
Street musicians in 3 or 4 locations under tents (optional). Activities/entertainment stage in front of Livi & Tate.

Location of Event on City Property: ☐ A ☐ B ☐ C ☒ D ☐ Map 1 ☐ Map 2

Please choose A, B, C, or D on MAP 1 or MAP 2

Other Location: City Hall Park for free Kids Art Zone hosted by area teachers; Lake Ave to just west of Livi
& Tate on Montrose Street; 7th Street from Desoto to just south of driveway into public parking at 7th/Minneola.
8th Street from Montrose Street to Minneola Street. Portion of small parking lot adjacent to SL Thrift Store.





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, March 28, 2017			
Agenda Item Name			
Interlocal Agreement <i>Lake Sumter MPO</i>			
Requested Action			
Recommend approval of Interlocal Agreement with the Lake Sumter Metropolitan Planning Organization.			
Staff Report			
The Lake-Sumter Metropolitan Planning Organization was approved in 2003 by Governor Bush for the coordination of transportation planning and implementation with local cities for locally funded transportation concurrency. The Metropolitan Planning Organization is responsible for the comprehensive transportation planning of Lake and Sumter County. The interlocal agreement acknowledges the partnership.			
Additional Analysis			
Fiscal Impact Summary			
The current year funding cost is \$6,259.79. Funding is available in the current year budget.			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1. Interlocal Agreement		Clermont MPO.pdf	



Lake County

Sumter County

Town of Astatula

City of Bushnell

City of Center Hill

City of Clermont

City of Coleman

City of Eustis

City of Fruitland Park

City of Groveland

Town of
Howey-in-the-Hills

Town of Lady Lake

City of Leesburg

City of Mascotte

City of Minneola

Town of Montverde

City of Mount Dora

City of Tavares

City of Umatilla

City of Webster

City of Wildwood

Florida Central
Railroad

Lake County Schools

Sumter County Schools

February 24, 2017

Mr. Darren Gray
City Manager
City of Clermont
PO Box 120219
Clermont, FL 34711-0219

RE: Inter-local Agreement between the Lake~Sumter MPO
and the City of Clermont

Dear Mr. Gray,

Enclosed is a copy of the Lake~Sumter MPO FY2017-2018 Interlocal Agreement document. Please ensure that this item is placed on the City of Clermont Council meeting agenda for approval at their next scheduled meeting, then return the signed document to our office by Tuesday April 18, 2017.

This document will be presented to the Lake~Sumter MPO Governing Board at their April 26, 2017 meeting so please return the signed Interlocal Agreement to the Lake~Sumter MPO office (see address at the bottom of this page). If you have any questions please contact me using the information given below.

Thank you,

Brian R. Hutt
Lake-Sumter MPO
TMS Project Manager
(352) 375-0170 Ext. 3

**INTERLOCAL AGREEMENT BETWEEN
THE LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION (MPO),
LAKE COUNTY, FLORIDA, AND SUMTER COUNTY, FLORIDA,
AND THE MUNICIPALITIES OF ASTATULA, CLERMONT, EUSTIS,
FRUITLAND PARK, GROVELAND, HOWEY-IN-THE-HILLS, LADY LAKE,
LEESBURG, MASCOTTE, MINNEOLA, MONTVERDE,
MOUNT DORA, TAVARES, AND UMATILLA
FOR FUNDING AND IMPLEMENTATION OF THE TRANSPORTATION
MANAGEMENT SYSTEM AND FOR CREATION AND MANAGEMENT OF
A FUND FOR NON-GRANT-ELIGIBLE EXPENSES**

THIS INTERLOCAL AGREEMENT entered on the date indicated below is by and between the LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION, hereinafter referred to as the "MPO" and LAKE COUNTY, FLORIDA, a political subdivision of the State of Florida, SUMTER COUNTY, FLORIDA, a political subdivision of the State of Florida and ASTATULA, CLERMONT, EUSTIS, FRUITLAND PARK, GROVELAND, HOWEY-IN-THE-HILLS, LADY LAKE, LEESBURG, MASCOTTE, MINNEOLA, MONTVERDE, MOUNT DORA, TAVARES, AND UMATILLA, Florida municipal corporations, collectively referred to as the "parties". For purposes of this Agreement, the counties and municipalities that are parties to this Agreement are collectively referred to as "the local governments".

RECITALS

WHEREAS, the MPO was created through an interlocal agreement among Lake County, Sumter County, and the 14 municipalities of Lake County and was approved by Governor Jeb Bush on December 9, 2003; and

WHEREAS, in 2007, an interlocal agreement was approved by the MPO and the member local governments of the MPO to create a locally-funded Transportation Concurrency Management System, which evolved into the current Transportation Management System (TMS); and

WHEREAS, the MPO was re-designated in 2010 by Governor Charlie Crist to include all of Sumter County and Sumter County's five municipalities; and

WHEREAS, the MPO is responsible for managing a continuing, cooperative, and comprehensive transportation planning process for Lake County and Sumter County; and

WHEREAS, transportation management is a growth management principle which ensures that necessary transportation facilities and services are available concurrent with the impacts of development; and

WHEREAS, the local governments contemplating new development should assure that adequate roadway capacity is available concurrent with the impacts of the proposed

development and that the proposed development will not degrade the roadway below the adopted level of service standards; and

WHEREAS, the MPO and the local governments wish to ensure that level of service standards for transportation facilities are maintained throughout the counties and municipalities; and

WHEREAS, the MPO and the local governments are working together to develop a centralized TMS that will facilitate effective intergovernmental coordination on transportation facilities; and

WHEREAS, the MPO will, as part of the centralized TMS, maintain the data to be used by the local governments in making their development approval decisions; and

WHEREAS, local funds from the local governments are provided annually to the MPO for consultant and personnel expenditures associated with management of the TMS; and

WHEREAS, these local funds provided to the MPO are collected through an annual invoicing process that coincides with the local governments' fiscal years; and

WHEREAS, the MPO incurs certain costs that are not eligible for reimbursement through federal or state grants; therefore, the MPO requires a local funding source to cover non-grant-eligible expenses; and

WHEREAS, the MPO and the local governments entered into an Interlocal Agreement for the Creation, Funding and Implementation of a Master Transportation Management System Program dated November 5, 2012, and desire to continue the arrangement(s) for services made between the parties; and

WHEREAS, the MPO and the local governments seek to enter into a new agreement regarding the TMS by updating certain provisions and providing clarity concerning funding.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, understandings, conditions, and payments hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

Article 1. Recitals

1.1 The foregoing recitals are true and correct and incorporated herein by reference.

Article 2. Purposes

- 2.1** The purpose of this Agreement is to implement a centralized database of transportation information that all parties to this Agreement may utilize as part of their individual Transportation Management Systems (TMS) as prescribed within their individual comprehensive plans and land development regulations. Data on development applications, vested and existing development, and traffic count information will be provided to the MPO by the local governments. The MPO will maintain a database and model which will show impacts that proposed development will have on the transportation system and will provide results of such modeling to the local governments. Additionally, the purpose of this Agreement is to provide for the allocation of local funds paid into the TMS to include expenditures not eligible for reimbursement through any federal or state grants received by the MPO.

Article 3. TMS Procedure

- 3.1** In order for the centralized TMS to contain the most current information available, the local governments will provide to the MPO any legally vested trips, any formally reserved trips and certificate of occupancy information. Initial information, to the extent available, shall be provided within ninety (90) days of the effective date of this Agreement, and thereafter during the term of this Agreement on a monthly basis.
- 3.2** The local governments may submit data from any applicant who is seeking a development approval for a project, including the traffic impact analysis, the number of proposed residential units and amount of non-residential square footage by use in accordance with the Institute of Transportation Engineers (ITE) Trip Generation Manual, as amended.
- 3.3** Upon receipt of such data by the MPO, the following procedure shall be implemented in order to provide the certain local government with the information required in a timely fashion:
- 1) Provided the data received is determined to be sufficient to issue a report of findings, the MPO will evaluate the data based upon existing road capacity information, including adopted level of service, existing trips, reserved trips and vested trips, and submit a report of its findings within fifteen (15) business days of receipt of the request.
 - 2) If the local government determines that additional information should be factored into the analysis, it may submit its comments for evaluation to the MPO within fifteen (15) business days of the issuance of the MPO's report for that application.

- 3) The MPO will review additional information submitted by the local government and provide final comments within fifteen (15) calendar days of the submittal of new information.
 - 4) If the facility is designated by the State of Florida as a SIS (Strategic Intermodal System) facility or if the facility is a non-SIS state facility operating at 90 percent (90%) capacity or greater, the Florida Department of Transportation (FDOT) will be consulted for comments on proposed impacts. If no comments are received by the MPO from FDOT within thirty (30) days of the MPO's request, the MPO will issue its report based upon existing data.
- 3.4 The MPO will not make concurrency determinations on behalf of any local government. The MPO will issue a report of findings based on the data maintained by the MPO and the data submitted by the local government. The responsibility to make concurrency determinations and/or recommend approvals or denials of any development applications remains with the local government.
- 3.5 The MPO will, upon written request, assist the local governments in assessing needed changes to a comprehensive plan, policies or land development regulations related to transportation or transportation impacts.

Article 4. Term and Termination

- 4.1 This Agreement shall become effective upon that date of execution of this Agreement by the last party ("effective date").
- 4.2 This Agreement shall remain in effect until terminated by a mutual agreement of the parties to this Agreement, or as otherwise provided by law. Any party may withdraw from this Agreement after presenting, in written form, a notice of intent to withdraw presented to the other parties of this Agreement, at least ninety (90) days prior to the intended date of withdrawal. Upon receipt of the notice of intent to withdraw, the Chairman of the MPO is hereby authorized to enter into a written memorandum with the withdrawing party memorializing the withdrawal of the party from the responsibilities of and services to be provided under the terms of this Agreement. The withdrawing party shall record a copy of the memorandum in the Official Records, at its own cost. Upon execution of such memorandum the withdrawn party will receive no services under this Agreement.
- 4.3 If for any reason this Agreement is terminated in its entirety, the TMS and its associated data in the format at the time of termination will be provided to the member local governments at no additional cost.
- 4.4 The parties agree that the Interlocal Agreement dated November 5, 2012, by and between the parties shall be considered terminated as the effective date of this Agreement.

Article 5. Funding

- 5.1** Each of the local governments will pay the MPO to fund the TMS an amount based upon the local government's population percentage relative to the populations of all the other local governments per an annual budget approved by the MPO by May 31 of each year. Invoicing for local funds shall be conducted by the MPO after October 1 of each year.
- 5.2** The annual budget approved by the MPO by May 31 of each year shall include local funding amounts for the TMS and for the local funds that have been designated to cover the MPO's costs not eligible for federal or state grant reimbursement. The parties acknowledge and agree that local funds collected pursuant to this Agreement may be used by the MPO, at its discretion, to cover non-grant eligible costs and expenses.
- 5.3** In each odd numbered year, the population figures and related contributions will be reviewed and adjusted as necessary for population changes. Funding contributions will be adjusted based upon Bureau of Economic and Business Research (BEBR) population figures. The updated information will be provided to each of the local governments by May 31. The new contribution rates shall become effective October 1.

Article 6. TMS Annual Report

- 6.1** An Annual Report on the status of all facilities included in the TMS shall be published each year and may be used in the MPO annual project prioritization process.

Article 7. General Provisions

- 7.1** This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which executed shall be an original, and such counterparts together shall constitute one and the same instrument.
- 7.2** Amendments or modifications to this Agreement may only be made by written agreement signed by all parties hereto, with the same formalities as the original Agreement.
- 7.3** This Agreement shall be recorded in the official public records of each county.
- 7.4** If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, it shall be considered deleted, and shall not invalidate the remaining provisions. The Agreement shall be interpreted, construed and governed by the laws of the State of Florida and venue shall lie in Lake County, Florida.

Agreement between MPO, Lake County, Sumter County, et al. for Funding and Implementation of the Transportation Management System and for Creation and Management of a Fund for Non-Grant Eligible Expenses

IN WITNESS WHEREOF, the parties hereto have made and executed this Interlocal Agreement on the respective dates under each signature, each party by and through its authorized representative.

INTERLOCAL AGREEMENT BETWEEN THE LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION, THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS , THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS, AND THE MUNICIPALITIES OF ASTATULA, CLERMONT, EUSTIS, FRUITLAND PARK, GROVELAND, HOWEY-IN-THE-HILLS, LADY LAKE, LEESBURG, MASCOTTE, MINNEOLA, MONTVERDE, MOUNT DORA, TAVARES, AND UMATILLA FOR FUNDING AND IMPLEMENTATION OF THE TRANSPORTATION MANAGEMENT SYSTEM AND FOR CREATION AND MANAGEMENT OF A FUND FOR NON-GRANT-ELIGIBLE EXPENSES

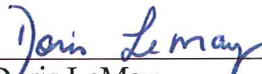
LAKE~SUMTER METROPOLITAN
PLANNING ORGANIZATION



Pat Kelley, Chairman

This 22 day of February, 2017

ATTEST:



Doris LeMay
Executive Assistant

Approved as to Form and Legality:



Melanie Marsh
MPO Attorney

INTERLOCAL AGREEMENT BETWEEN THE LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION, THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS , THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS, AND THE MUNICIPALITIES OF ASTATULA, CLERMONT, EUSTIS, FRUITLAND PARK, GROVELAND, HOWEY-IN-THE-HILLS, LADY LAKE, LEESBURG, MASCOTTE, MINNEOLA, MONTVERDE, MOUNT DORA, TAVARES, AND UMATILLA FOR FUNDING AND IMPLEMENTATION OF THE TRANSPORTATION MANAGEMENT SYSTEM AND FOR CREATION AND MANAGEMENT OF A FUND FOR NON-GRANT-ELIGIBLE EXPENSES

CITY OF CLERMONT

Gail L. Ash, Mayor

This _____ day of _____, 2017.

ATTEST:

City Clerk

Approved as to form and legality:

City Attorney



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, March 28, 2017			
Agenda Item Name			
Resolution No. 2017-16 <i>Fire Department Standards of Cover</i>			
Requested Action			
Recommend approval of Resolution 2017-16.			
Staff Report			
The Fire Department requests council acknowledge and approve the Standards of Cover report. Completion of the Standards of Cover is a required component of the Accreditation process. Standards of Cover is defined by the Commission on Fire Accreditation International (CFAI) as a document that details the “adopted written policies and procedures that determine the distribution, concentration and reliability of fixed and mobile response forces for fire, emergency medical services, hazardous materials and other technical types of response” (CFAI 2015) The Standards of Cover model provides a tested and standardized process to realistically assess community risk and assess the degree to which the fire department is able to respond to it. The benefit of utilizing an established and tested model is that it allows the Fire Chief and the City’s elected leaders to have confidence in the results of the Standards of Cover assessment so that decisions made about level of service are informed and educated.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1. Council resolution Standards of Cover			Council resolution re SOC.doc

CITY OF CLERMONT
RESOLUTION NO. 2017-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA ADOPTING THE FIRE DEPARTMENT STANDARDS OF COVER FOR YEARS 2017-2022; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Clermont desires to adopt the Fire Department Standards of Cover for years 2017-2022;

NOW, THEREFORE, BE IT RESOLVED, that the Fire Department Standards of Cover for years 2017-2022 is hereby adopted as follows:

SECTION 1.

The City Council does hereby adopt the Fire Department Standards of Cover for years 2017-2022 as set forth in Attachment A, attached hereto and incorporated herein. The City Council of the City of Clermont may amend the Fire Department Standards of Cover for years 2017-2022 by resolution when deemed necessary and in the best interest of the City of Clermont.

SECTION 2.

Any resolution previously adopted by the City Council and in conflict herewith is hereby repealed to the extent of the conflict.

SECTION 3.

This resolution shall take effect immediately upon its adoption.

CITY OF CLERMONT
RESOLUTION NO. 2017-16

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida this 28th day of March, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Denise Noak, Acting City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Resolution No. 2017-17 <i>Business Tax Receipt</i>		
Requested Action		
Request adoption of Resolution 2017-17.		
Staff Report		
Senate Bill 330 and House Bill 487 seek to significantly restrict the City's ability to levy new business tax receipts and to limit the amount of each business tax receipt to \$25.00. The effect of Senate Bill 330 and House Bill 487 will reduce the amount of funds collected from \$101,591.14 received in 2016, to \$43,375.00, representing a loss of approximately \$59,266.14. The loss may require the City to increase taxes, fees, and millage rate, or cut services to compensate for the financial loss. Staff recommends adoption of Resolution 2017-17.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	2017-17 BTR.doc	

CITY OF CLERMONT
RESOLUTION NO. 2017-17

A RESOLUTION OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA OPPOSING SENATE BILL 330 AND HOUSE BILL 487, WHICH RESTRICT THE ABILITY OF MUNICIPALITIES AND COUNTIES TO ISSUE BUSINESS TAX RECEIPTS AND AUTHORIZES TRANSMISSION OF THE RESOLUTION TO THE LAKE COUNTY LEGISLATIVE DELEGATION, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE FLORIDA LEAGUE OF CITIES, THE FLORIDA ASSOCIATION OF COUNTIES, AND OTHER INTERESTED PARTIES..

WHEREAS, the City of Clermont provides services and facilities to its citizens, which are not provided by either the State of Florida or Lake County; and

WHEREAS, these services include the provision of roads, sidewalks, police, fire, emergency services, code enforcement, zoning and permitting that are required for the continued operation of businesses within the City as well as for the health, safety and welfare of Clermont's residents; and

WHEREAS, the City of Clermont also provides economic development services to directly support existing businesses within the City, as well as broaden the economic base of the City; and

WHEREAS, these services are paid from a variety of General Fund revenues, including property taxes and business tax revenues; and

WHEREAS, general funds can be pledged by the City to pay for general obligation bonds to provide future infrastructure; and

WHEREAS, Senate Bill 330 and House Bill 487 seek to significantly restrict the City's ability to levy new business tax receipts, and to limit the amount of each business tax receipt to \$25.00 per taxpayer; and

WHEREAS, it is estimated that the effect of Senate Bill 330 and House Bill 487 will reduce the amount of funds collected to serve businesses within the City from \$101,591.14 received in 2016, to \$43,375.00, a loss of approximately \$59,266.14 in 2016, thus requiring the City to increase taxes, fees and millage or cut services to compensate for this financial loss; and

WHEREAS, Senate Bill 330 and House Bill 487 are inconsistent with the concept of home rule in that each municipality determines the levels of service to support businesses, as well as the appropriate level of local taxes, utilized to provide these services.

CITY OF CLERMONT
RESOLUTION NO. 2017-17

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

SECTION 1.

The City of Clermont opposes proposed Senate Bill 330 and House Bill 487 as the amount of business taxes, as well as the occupations and businesses on which the tax is imposed, are correctly determined by the local government; and reducing these vital sources of general revenue would require municipalities to increase taxes, fees and millage or cut services to make up for this significant financial loss.

SECTION 2.

The City Council directs that certified copies of this Resolution be transmitted to all members of the Lake County Legislative Delegation, Honorable Richard Corcoran, Speaker of the Florida House of Representatives, Honorable Joe Negron, President of the Florida Senate, the Florida League of Cities, the Florida Association of Counties, and other interested parties.

SECTION 3.

This resolution shall take effect immediately upon its adoption.

CITY OF CLERMONT
RESOLUTION NO. 2017-17

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida this 28th day of March, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Denise Noak, Acting City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Resolution No. 2017-18 <i>Home Rule</i>		
Requested Action		
Staff Report		
House Bill 17 prohibits counties and municipalities from adopting or imposing new regulations on a business, profession, or occupation; and requires the repeal of existing regulations. Senate Bill 1158 preempts to the Florida Legislature the City's authority to adopt and enforce certain ordinances or regulations relating to commerce, trade, or labor unless expressly authorized by law. The bills thwart the ability of the City of Clermont to respond in a timely manner to matters of local importance as expressed by local citizens.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution 2017-18 Home Rule.doc		

CITY OF CLERMONT
RESOLUTION NO. 2017-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 17 AND SENATE BILL 1158 WHICH PREEMPT THE CITY OF CLERMONT'S HOME RULE ABILITY TO ACT IN THE BEST INTEREST OF THE RESIDENTS OF THE CITY UNLESS EXPRESSLY AUTHORIZED BY THE LEGISLATURE; AND AUTHORIZES TRANSMISSION OF THE RESOLUTION TO THE LAKE COUNTY LEGISLATIVE DELEGATION, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE FLORIDA LEAGUE OF CITIES, THE FLORIDA ASSOCIATION OF COUNTIES, AND OTHER INTERESTED PARTIES.

WHEREAS, in 1968, Florida voters amended the state constitution conferring broad Home Rule powers to counties and municipalities, authorizing local officials to pass local ordinances and exercise all powers not specifically prohibited by law; and

WHEREAS, House Bill 17 prohibits counties and municipalities from adopting or imposing new regulations on a business, profession, or occupation; requires the repeal of existing regulations; and establishes a preemption of the City Council of the City of Clermont's ability to act on local problems and opportunities; and

WHEREAS, Senate Bill 1158 preempts to the Florida Legislature the City's authority to adopt and enforce certain ordinances or regulations relating to commerce, trade, or labor unless expressly authorized by law;

WHEREAS, Senate Bill 1158 and House Bill 17 thwart the ability of the City of Clermont to respond in a timely manner to matters of local importance as expressed by local citizens and shifts local matters to the Florida Legislature, a 160 member body that is constitutionally focused on matters of state-wide importance, which meets only once a year for 60 days, and is located outside the geographic limits of the City of Clermont and Lake County, making it difficult for local citizens to effectively petition the Florida Legislature for change;

WHEREAS, the City Council of the City of Clermont believes opposing House Bill 17 and Senate Bill 1158 is in the best interests of City residents and businesses.

CITY OF CLERMONT
RESOLUTION NO. 2017-18

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

SECTION 1.

The City Council urges and requests members of the Florida Legislature to oppose House Bill 17 and Senate Bill 1158.

SECTION 2.

The City Council directs that certified copies of this Resolution be transmitted to all members of the Lake County Legislative Delegation, Honorable Richard Corcoran, Speaker of the Florida House of Representatives, Honorable Joe Negron, President of the Florida Senate, the Florida League of Cities, the Florida Association of Counties, and other interested parties.

SECTION 3.

This resolution shall take effect immediately upon its adoption.

CITY OF CLERMONT
RESOLUTION NO. 2017-18

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida this 28th day of March, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Denise Noak, Acting City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Ordinance No. 2017-10 <i>Final Lake Shore Drive</i>		
Requested Action		
Recommend denial of Ordinance 2017-10.		
Staff Report		
The applicant had requested the postponement of the final hearing of Ordinance 2017-10 from February 28, 2017 to March 28, 2017. The Ordinance was introduced February 14, 2017. The applicants; Josef and Weena Trapp, are requesting the right-of-way vacation of the unimproved portion of Lake Shore Drive abutting lots 11-18 along Lake Minneola. The requested portion borders their property as well as the lots owned by Bruce and Janine Campbell; 1138 Lake Minneola Drive, and Kathy Wright; 1132 Lake Minneola Drive). The plat is from 1926. The right-of-way has not been improved and access to the lots is through an existing driveway. Staff is unable to support the request because vacating the right-of-way leaves no legal access to the lots. In addition, when the lots are transferred to another property owner in the future, not preserving a legal access point could be problematic. Therefore, staff recommends denial of the right-of-way vacation request. The City received additional information from the applicant on February 27, 2017 regarding access to the property that was acknowledged by the City in 1997. It is attached and labeled as "Exhibit A." However, even with this additional access agreement in place, staff cannot recommend approval of the right-of-way vacation because of the potential future use of the right-of-way for pedestrian and/or vehicular infrastructure improvements.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	2017-10 ROW closing.doc	
2. Postponement request	Request to postpone final hearing.pdf	
3. Aerial	Trapp ROW Drawing 12_12_16.pdf	
4. Plat	Lake Shore Drive ROW Map.pdf	
5. Exhibit A City of Clermont Agreement	Exhibit A City of Clermont Agreement.pdf	

6.	Application	ROW closing application.pdf
7.	Legal ad	Lake Shore Drive ROW legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2017-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CLOSING AND PERMANENTLY ABANDONING THE 40 FOOT RIGHT-OF-WAY OF LAKE SHORE DRIVE LYING NORTH OF LOTS 11 THRU 18, BLOCK 117, AS RECORDED IN THE PLAT OF JOHNSON'S REPLAT PLAT BOOK 8 PAGE 71 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, PUBLICATION, RECORDING, AND FOR AN EFFECTIVE DATE.

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

Section 1.

That any and all portions, closing and permanently abandoning the 40-foot wide right-of-way easement of Lake Shore Drive lying north of lots 11 thru 18, Block 117, as recorded in the plat of Johnson's Replat Plat Book 8 Page 71 Public Record of Lake County, Florida.

Section 2.

The closing is done pursuant to the authority of the Charter of the City of Clermont, Lake County, Florida and the general laws of the State of Florida.

Section 3.

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

Section 4.

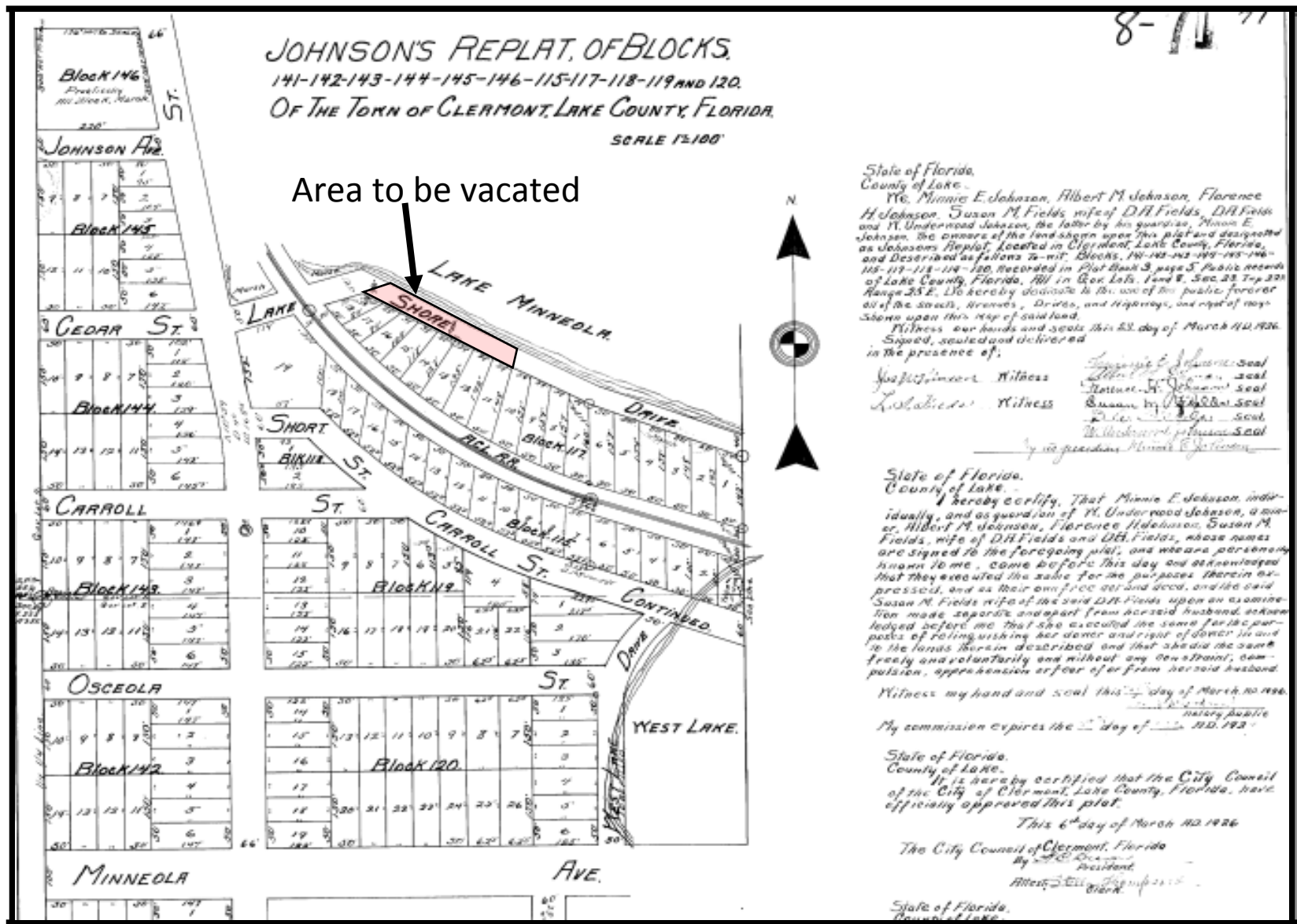
All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 5.

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

CITY OF CLERMONT
ORDINANCE No. 2017-10

Lake Shore Drive ROW Request



CITY OF CLERMONT
ORDINANCE No. 2017-10

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

Gail L. Ash, Mayor

ATTEST:

Denise Noak, Acting City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Barbara Hollerand

Subject: Ordinance 2017-10 Lake Shore Drive right-of-way vacation request

-----Original Message-----

From: John E. Kruse

Sent: Tuesday, February 14, 2017 11:48 AM

To: Barbara Hollerand <BHollerand@clermontfl.org>; Rae Chidlow <RChidlow@clermontfl.org>

Cc: 'Josef Trapp' <joseftrapp@gmail.com>

Subject: FW: ROW

Mr. Trapp would like to continue the final hearing for the Lake Minneola Drive ROW until March 28, 2017.

John

-----Original Message-----

From: Josef Trapp [mailto:joseftrapp@gmail.com]

Sent: Tuesday, February 14, 2017 11:14 AM

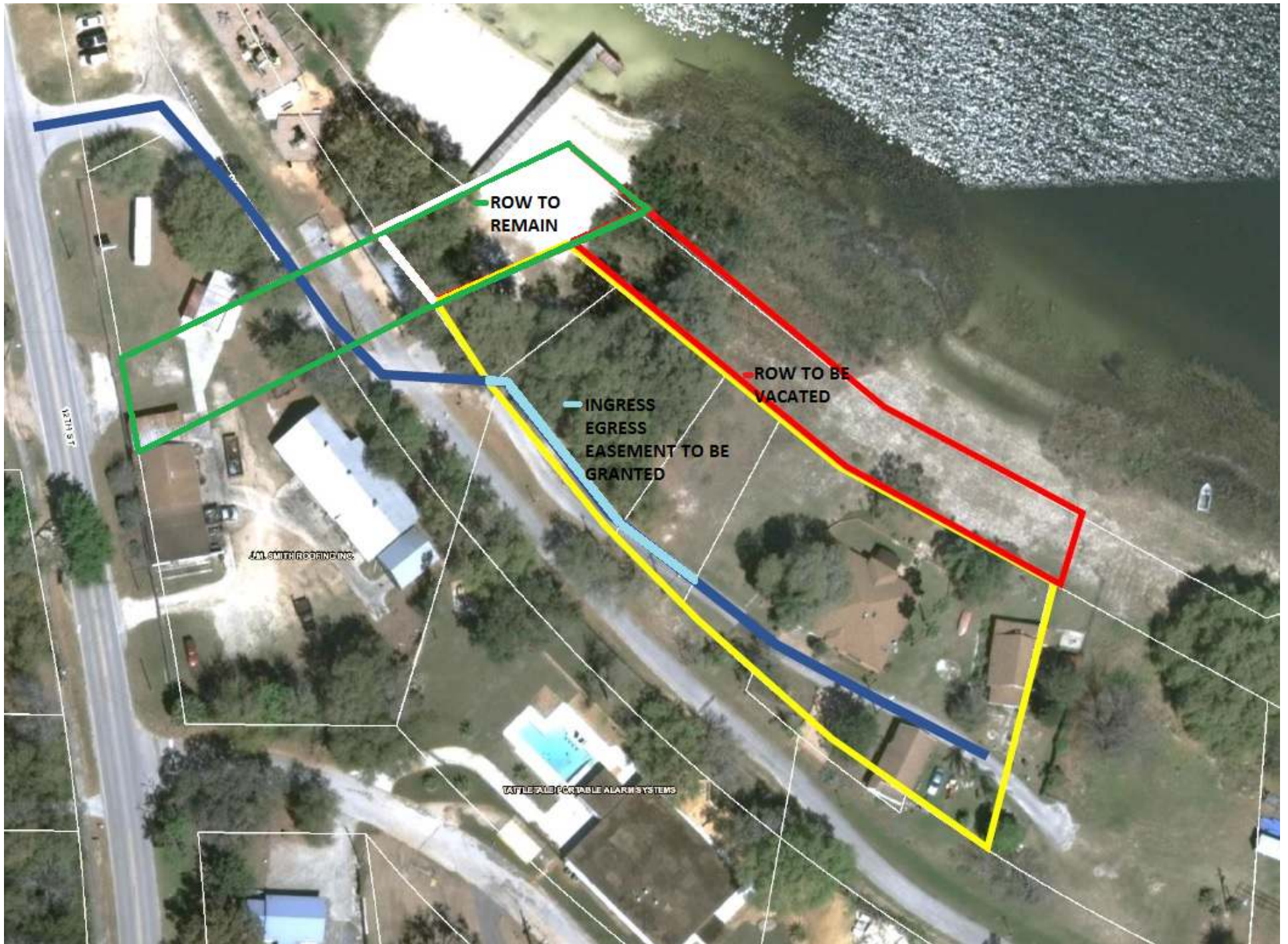
To: John E. Kruse <jekruse@clermontfl.org>

Subject: ROW

Good morning John,

We would like to continue this to March 28, 2017. Thank you.

Josef Trapp



Lake Shore Drive ROW Request

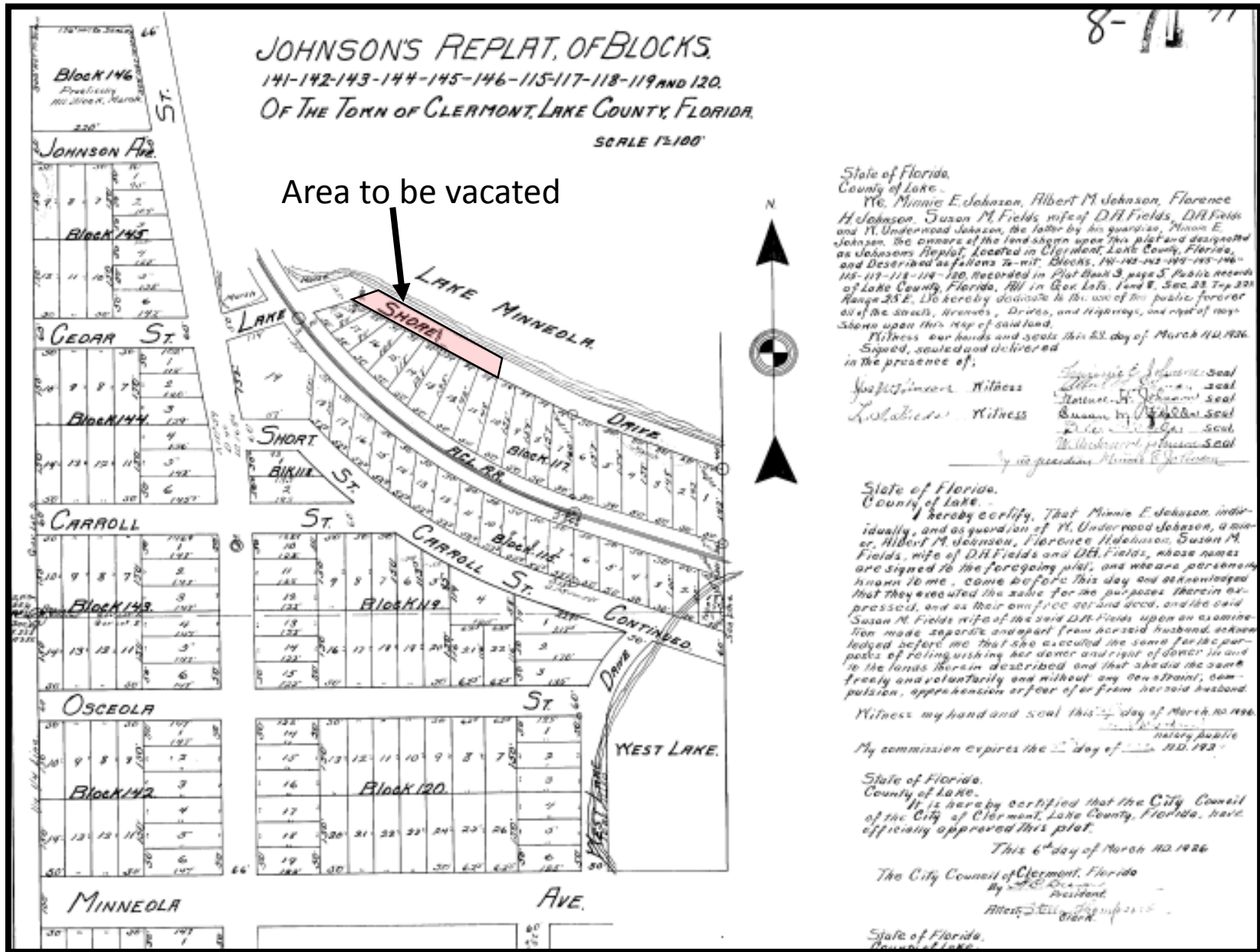


Exhibit A

Prepared by: Jimmy D. Crawford
1009 N. 14th Street
LEESBURG, FL 34749-2460

98 70544

O.P. BOOK 1644 PAGE 715

Return to City of Clermont
P.O. Box 120219
Clermont, FL 34712

AGREEMENT BETWEEN THE CITY OF CLERMONT AND

JOSEPH A. WRIGHT, JOHNNY CULPEPPER, JOSEPH WILLIAMS, JR.,
OZZIE AND JOYCE FREEMAN, and ALICE W. LOCKMILLER,

REC 45.00 RECEIVED FOR
TF 6.00 EXCISE TAXES
MORT. DOC
DEED DOC .70
INT
JAMES C. WATKINS, CLERK LAKE CO. FL
IND 3.00
BY *[Signature]* D.C.

THIS IS AN AGREEMENT by and between THE CITY OF CLERMONT, a political
subdivision of the State of Florida, hereinafter referred to as the "City";

AND

JOSEPH A. WRIGHT, JOHNNY CULPEPPER, JOSEPH WILLIAMS, JR., OZZIE
AND JOYCE FREEMAN, and ALICE W. LOCKMILLER, hereinafter referred to as the
"Owners";

WITNESSETH:

WHEREAS, on November 11, 1997, the City of Clermont City Commission voted
to pave and maintain a certain prescriptive public right-of-way providing access to the
property of the Owners; and

WHEREAS, in the interests of ensuring the protection of the public health and
welfare, and the rights of the citizens of the City to enjoy public access to and from their
properties; and

WHEREAS, the Property, which is the subject of this Developer's Agreement, is
more fully described in Exhibit "A"; and

WHEREAS, The Owners are voluntarily entering into this Agreement;

IN CONSIDERATION OF the mutual terms and conditions, promises, payments
and covenants hereinafter set forth, the parties agree as follows:

SECTION 1. Recitals Incorporated.

RECORDED
RECORD VERIFIED
LAKE COUNTY, FL
SEP 16 11 44 AM '98
CLERK OF COURT

The above recitals are true and correct and incorporated herein.

SECTION 2. City Obligations.

The City shall pave and maintain, at public expense, the public prescriptive right-of-way providing ingress and egress to the Owners' property, substantially in accordance with the attached Exhibit "B".

SECTION 3. Use of Right-of-Way.

The City recognizes and agrees that the public prescriptive right-of-way is no more than twenty (20) feet in width, and has been historically used for residential purposes. No increase or alteration in the type or amount of use is contemplated by this Agreement. Any such increase or alteration would be inconsistent with the residential nature of the right-of-way as well as a potential violation of the right-of-way and road improvement standards of the City, and as such is expressly prohibited.

SECTION 4. Entire Agreement.

This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein. The parties agree there are no commitments, agreements or understandings concerning the subject matter of this Agreement which are not contained in this document. Accordingly, it is agreed no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.

SECTION 5. Amendments.

It is further agreed no modification, amendment or alteration in the terms or conditions herein shall be effective unless contained in a written document executed with the same formality.

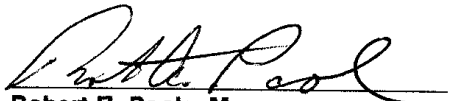
SECTION 6. Compliance With All Requirements.

Nothing herein shall relieve the City, the Owners or their successors or assigns from obtaining any local, regional, state or federal permits or compliance with any applicable ordinances, laws, rules or regulations necessary for the performance of this Agreement. **SECTION 7. Recordation.**

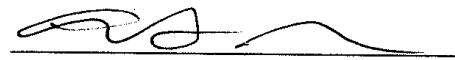
This Agreement shall be recorded in the Public Records of Lake County, Florida, at the Owners' expense.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective date under each signature. The City of Clermont through its Mayor authorized to execute same by Commission action on the 11th day of November, ~~1998~~ 1997.

CITY OF CLERMONT


Robert F. Pool Mayor
This 18th day of June, 1998

APPROVED AS TO FORM AND
LEGALITY:


Leonard H. Baird, Esquire
City Attorney

WITNESSES:

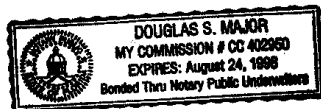
(1) Nadeleyn Chandler
(Type name) Nadeleyn Chandler
(2) Patricia B. Monroe
(Type name) Patricia B. Monroe

OWNER

Joseph Wright
JOSEPH WRIGHT

STATE OF FLORIDA
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 19th day of January, 1998, by Joseph Wright, who is personally known to me or has produced _____ as identification.



Douglas S. Major
Signature of Acknowledger

OWNER

WITNESSES:

(1) _____
(Type name) _____
(2) _____
(Type name) _____

JOHNNY CULPEPPER

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1998, by Johnny Culpepper, who is personally known to me or has produced _____ as identification.

Signature of Acknowledger

WITNESSES:

OWNER

(1) _____
(Type name)

JOSEPH WILLIAMS, JR.

(2) _____
(Type name)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1998, by Joseph Williams, Jr., who is personally known to me or has produced _____ as identification.

Signature of Acknowledger

WITNESSES:

OWNER

(1) Susan Potter
(Type name) Susan Potter

Ozzie Freeman
OZZIE FREEMAN

(2) Jeannette M. Young
(Type name) Jeannette M. Young

STATE OF Florida
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 12th day of February, 1998, by Ozzie Freeman, who is personally known to me or has produced Personally known as identification.



BETTY SUSAN POTTER
My Commission CC443468
Expires Mar. 06, 1999
Bonded by ANB
800-852-5878

Betty Susan Potter
Signature of Acknowledger

WITNESSES:

OWNER

(1) Susan Potter
(Type name) Susan Potter

Joyce Freeman
JOYCE FREEMAN

(2) Jeanne M. Young
(Type name) Jeanne M. Young

STATE OF Florida
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 12th day of February, 1998, by Joyce Freeman, who is personally known to me or has produced _____ as identification.

Jeanne M. Young
Signature of Acknowledger



OWNER

WITNESSES:

(1) _____
(Type name)

ALICE W. LOCKMILLER

(2) _____
(Type name)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1998, by Alice W. Lockmiller, who is personally known to me or has produced _____ as identification.

Signature of Acknowledger

WITNESSES:

(1) Rubie Sanders
(Type name) Rubie Sanders

(2) _____
(Type name)

STATE OF New Jersey
COUNTY OF Mercer

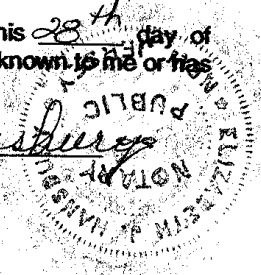
OWNER

Joseph Williams, Jr.
JOSEPH WILLIAMS, JR.

The foregoing instrument was acknowledged before me this 28th day of January, 1998, by Joseph Williams, Jr., who is personally known to me or has produced NJ Drivers License as identification.

Elizabeth J. Hansbury
Signature of Acknowledger

ELIZABETH J. HANSBURY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires October 26, 1999



WITNESSES:

OWNER

NOTARIAL SEAL

(1) _____
(Type name)

OZZIE FREEMAN

(2) _____
(Type name)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1998, by Ozzie Freeman, who is personally known to me or has produced _____ as identification.

Signature of Acknowledger

WITNESSES:

OWNER

(1) _____
(Type name)

JOSEPH WRIGHT

(2) _____
(Type name)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1998, by Joseph Wright, who is personally known to me or has produced _____ as identification.

Signature of Acknowledger

WITNESSES:

OWNER

(1) _____
(Type name)

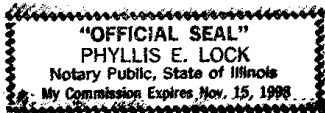
Johnny Culpepper
JOHNNY CULPEPPER

(2) _____
(Type name)

STATE OF *Ill*
COUNTY OF *Wak*

The foregoing instrument was acknowledged before me this *16th* day of *May*, 1998, by Johnny Culpepper, who is personally known to me or has produced *C417-424-3223* as identification.

[Signature]
Signature of Acknowledger



WITNESSES:

OWNER

(1) _____
(Type name)

JOYCE FREEMAN

(2) _____
(Type name)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1998, by Joyce Freeman, who is personally known to me or has produced _____ as identification.

Signature of Acknowledger

OWNER

WITNESSES:

(1) Sondra J. Brodock
(Type name) Sondra J. Brodock

Alice W. Lockmiller
ALICE W. LOCKMILLER

(2) Frances A. Stevens
(Type name) Frances A. Stevens

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 06 day of Feb, 1998, by Alice W. Lockmiller, who is personally known to me or has produced FL Dr Lic # as identification.

Sondra J. Brodock
Signature of Acknowledger

Sondra J. Brodock

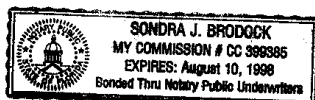


EXHIBIT "A"

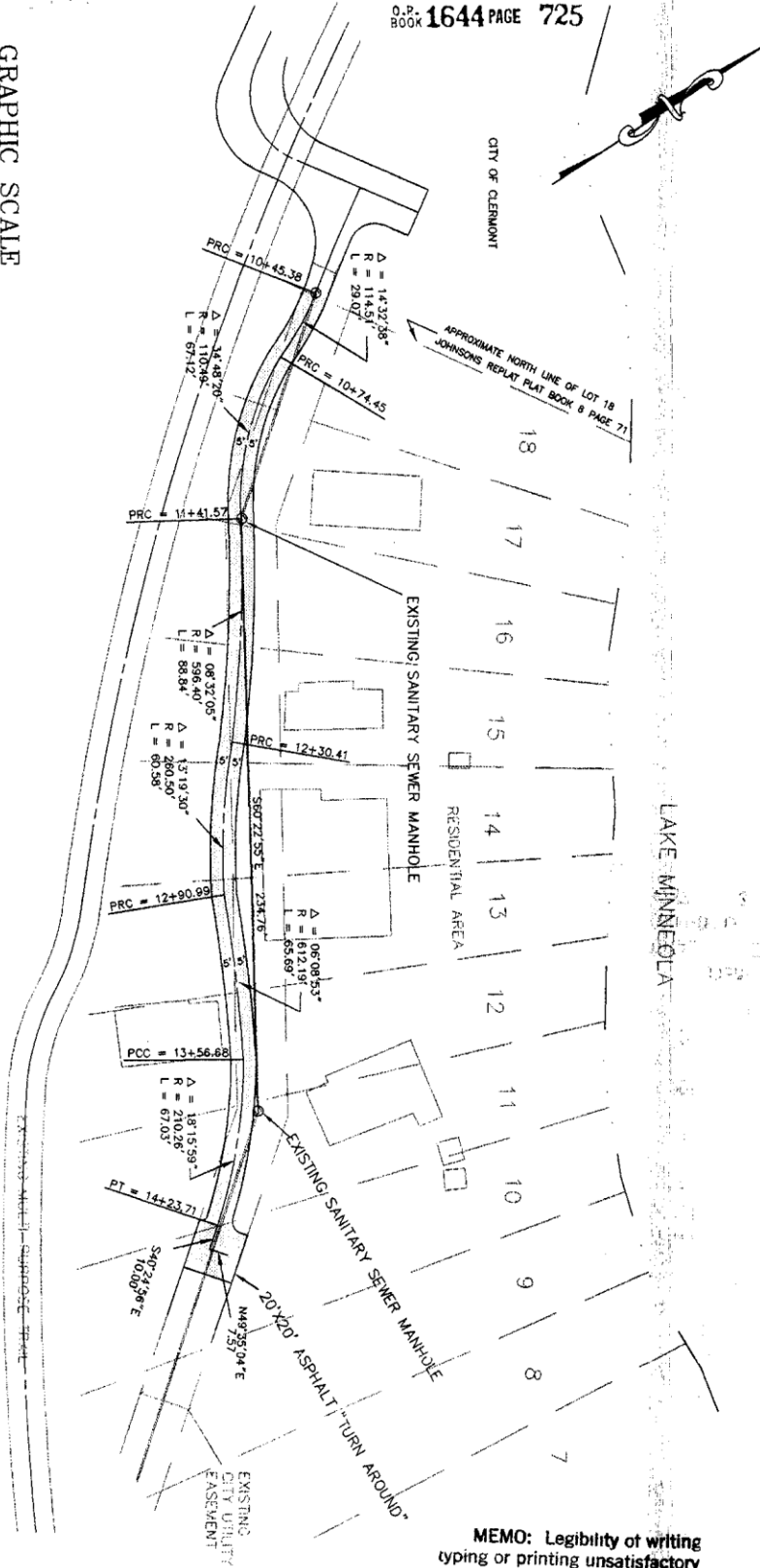
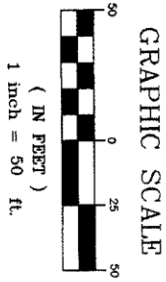
O.P.
BOOK 1644 PAGE 724

**LOTS 8 THROUGH 18, BLOCK 117, JOHNSON'S REPLAT, AS RECORDED IN PLAT
BOOK 8, PAGE 71, LAKE COUNTY, FLORIDA.**

**MEMO: Legibility of writing
typing or printing unsatisfactory
in this document.**

Exhibit "B"

O.P. BOOK 1644 PAGE 725



MEMO: Legibility of writing
typing or printing unsatisfactory
in this document.

**PETITION FOR RIGHT-OF-WAY/EASEMENT CLOSING
CITY OF CLERMONT**

DATE: December 19, 2016

PETITIONERS NAME: Josef & Weena Trapp

PHONE # 407-823-9642

ADDRESS: 436 Short Pine Circle Orlando, Florida 32807

LEGAL DESCRIPTION OF PETITIONERS PROPERTY ABUTTING STREET TO BE

CLOSED: CLERMONT, JOHNSON'S REPLAT LOTS 11, 12, 13, 14, BLK 117 PB 8, PG 71, ORB 2548 PG 248 AND LOT 15 BLK 117 PB 8 PG 71, ORB 2633 PG 2110 AND LOTS 16, 17, 18 BLK 117 PB 8 PG 71, ORB 2632 PG 631

IF NAMED - NAME OF STREET TO BE CLOSED: Lake Shore Drive (not improved or used)

LEGAL DESCRIPTION OF PORTION TO BE CLOSED (FROM - TO): _____

Road easement of Lake Shore Drive which borders north side of JOHNSON'S REPLAT LOT JOHNSON'S REPLAT LOTS 11, 12, 13, 14, BLK 117 PB 8, PG 71, ORB 2548 PG 248 AND LOT 15 BLK 117 PB 8 PG 71, ORB 2633 PG 2110 AND LOTS 16, 17, 18 BLK 117 PB 8 PG 71, ORB 2632 PG 631

PURPOSE FOR CLOSING: Construction of new single family residence and establishing legal access to all property owners on established Lake Minneola Rd. Note that utilities as well as sanitation are all located under existing Lake Minneola Rd. In addition addressing has been established based on the existing Lake Minneola Rd. Therefore no change to addresses will be required for the property owners. We, Weena and Josef Trapp as well as Mr. Bruce Campbell will record an Ingress Egress Easement across our properties to provide legal access to Ms. Kathy Wright's property as shown in attached drawing.

Any person requesting a Right-of-way or Easement Closing shall file a complete application in the office of the Director of Planning forty-five (45) days prior to the final hearing date of the City Council. A Right-of-way or Easement Closing requires two readings by the City Council. The City Council meetings are held the second and forth Tuesday of every month.

All applications must be complete, to include applicable site plans and/or other pertinent descriptive materials in order to be processed. **The applicant must supply fifteen (15) copies of the application and supplemental materials.**

The petitioner shall furnish the following information to accompany this application:

1. A plot plan showing the location of that portion of the right-of-way or easement requested to be closed and permanently abandoned. (A survey of the property and right-of-way or easement involved may be deemed necessary by the City Council or the City Attorney).

2. A fee of \$25.00.

Josef Trapp
Weena Trapp

Josef Trapp
Weena Trapp

Signature of Petitioner

Name of Petitioner (please print)

Josef Trapp

From: Kathy Wright <kathyewright@hotmail.com>
Sent: Saturday, December 24, 2016 11:17 PM
To: Josef Trapp
Subject: Re: Vacating ROW Lake Shore Drive Clermont

I am in support of vacating the ROW abutting my property located at 1132 Lake Minneola Drive located in Clermont, Florida.

Thanks.
Kathy Wright

On Dec 21, 2016, at 5:43 PM, Josef Trapp <joseftrapp@gmail.com> wrote:

Hi Kathy,

I wanted to follow up with you on our conversation. I am forwarding the email below that Bruce Campbell wrote to include with the petition application. Could you please send your email soon, so that we can make the deadline before the filing fee increases to \$1000. I have attached the updated petition which now includes all of our legal descriptions. We are looking forward to hear from you.

Wishing you and your family a Merry Christmas and a Happy New Year.

Thank you,

Josef and Weena Trapp
436 Short Pine Circle
Orlando, FL 32807
JosefTrapp@gmail.com
Cell 407-963-4902

From: Bruce Campbell [<mailto:campbellbc42@yahoo.com>]
Sent: Wednesday, December 21, 2016 3:23 PM
To: Josef Trapp
Subject: vacating ROW Lake Shore Drive Clermont

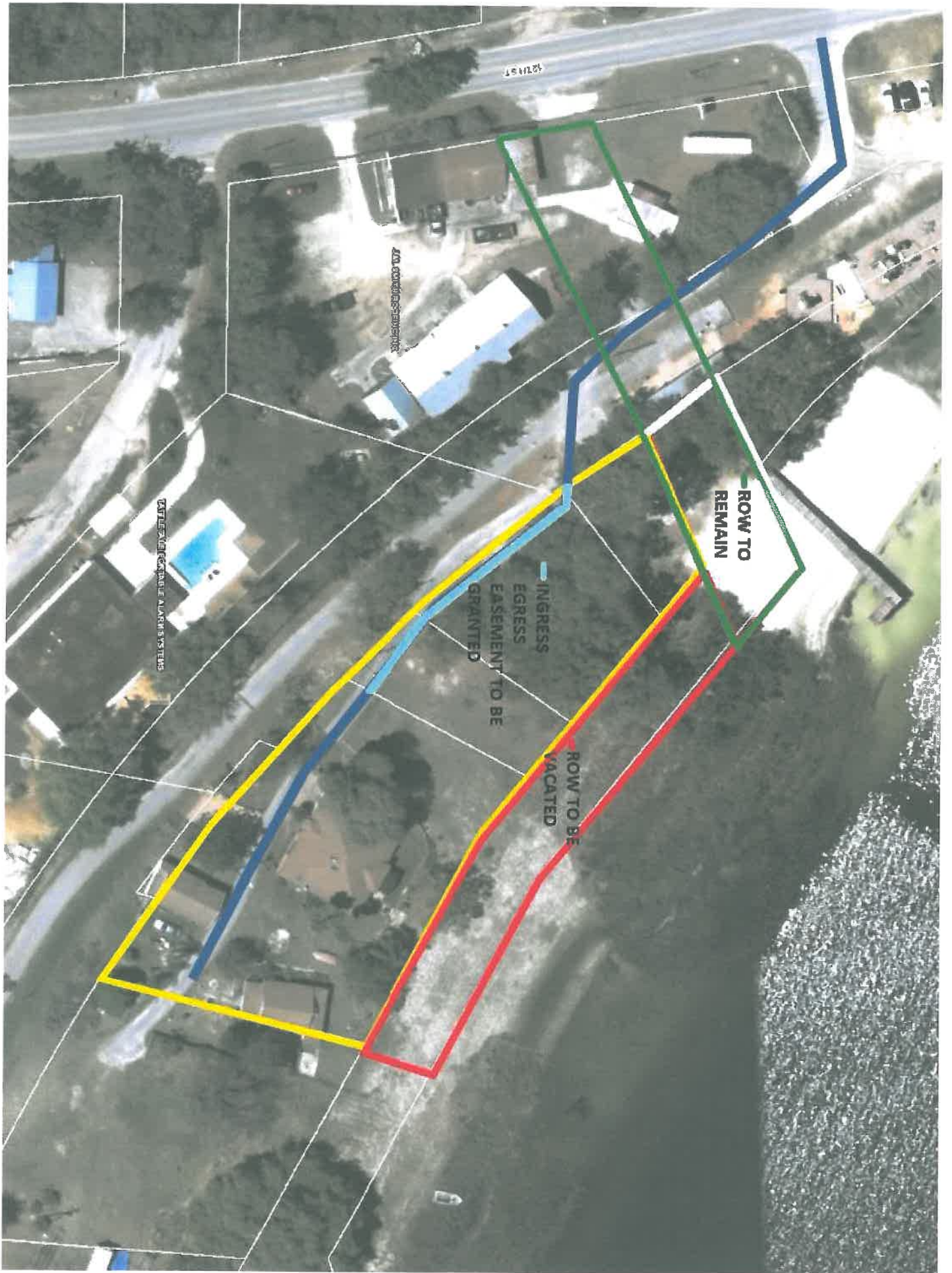
12/21/2016

We (Bruce and Janine Campbell) support vacating the ROW abutting our property at 1138 Lake Minneola Drive in Clermont FL. Legal description: CLERMONT, JOHNSON'S REPLAT LOT 15 BLK 117 PB 8 PG 710RB 2633 PG 2110 We will also record an Ingress Egress easement across our property to provide legal access to Ms. Kathy Wright's property.

Bruce Campbell
Janine Campbell

<Clermont Petition 12_19_16.pdf>

<Trapp ROW Drawing 12_12_16.pdf>



LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday, February 28, 2017 at 6:30 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2017-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CLOSING AND PERMANENTLY ABANDONING THE 40 FOOT RIGHT OF WAY OF LAKE SHORE DRIVE LYING NORTH OF LOTS 11 THRU 18, BLK 117, AS RECORDED IN THE PLAT OF JOHNSON'S REPLAT PLAT BOOK 8 PAGE 71 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, PUBLICATION, RECORDING, AND FOR AN EFFECTIVE DATE.

This ordinance is available for public inspection in the Development Services Department, 685 W. Montrose Street, Clermont, Florida, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
February 14, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, March 28, 2017	
Agenda Item Name	
Ordinance No. 2017-21 <i>Final</i> <i>The Shops at WaterBrooke Rezoning</i>	
Requested Action	
Recommend approval of Ordinance 2017-21.	
Staff Report	
This request was originally scheduled for its final public hearing on February 28, 2017, but was postponed at the applicant's request to the March 28, 2017 Council meeting. 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 State Road 50 at the intersection of Emil Jahna Road and State Road 50. The property has more than 1,500 lineal feet of frontage on State Road 50. The subject property consists of the existing Florida Department of Transportation's 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. The Florida Department of Transportation is aware of the applicant's proposal and has not objected. The applicant is requesting the northern portion of their site and the Florida Department of Transportation'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 December 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, primarily due to the filling of the existing Florida Department of Transportation 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 Planned Unit Development zoning allows waivers to the Land Development Code 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 Planned Unit Development (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.

At the February 7, 2017 Planning and Zoning Commission meeting, Commissioner Cuqui Whitehead moved to recommend approval of the rezoning with removing the landscape waiver; seconded by Commissioner Carol Thayer. The vote was unanimous to recommend approval.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|----------------------|--|
| 1. | Ordinance | 2017-21waterbrookerezone.doc |
| 2. | Postponement request | Request to postpone final hearing.pdf |
| 3. | Maps | Shops at WaterBrooke Maps.pdf |
| 4. | Plot Plan/Site Plan | Site Plan PDF.pdf |
| 5. | FDOT Letter | FDOT Non Object Ltr.pdf |
| 6. | Letter of Opposition | Mattamy letter.pdf |
| 7. | Minutes | P&Z Minutes.pdf |
| 8. | Application | Application.pdf |
| 9. | 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. By virtue of the transportation system needs for the project, the developer shall dedicate a minimum of 120 feet for right-of-way for Hooks Street within the 40 +/- acre parcel. This will be required within 90 days of City Council approval of Ordinance 2017-21. Failure to do so will make this Ordinance null and void.
9. The developer will agree to construct that segment of Hooks Street lying within the property boundaries in exchange for impact fee credits or other consideration as outlined in an agreement with the City and Lake County.
10. 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.

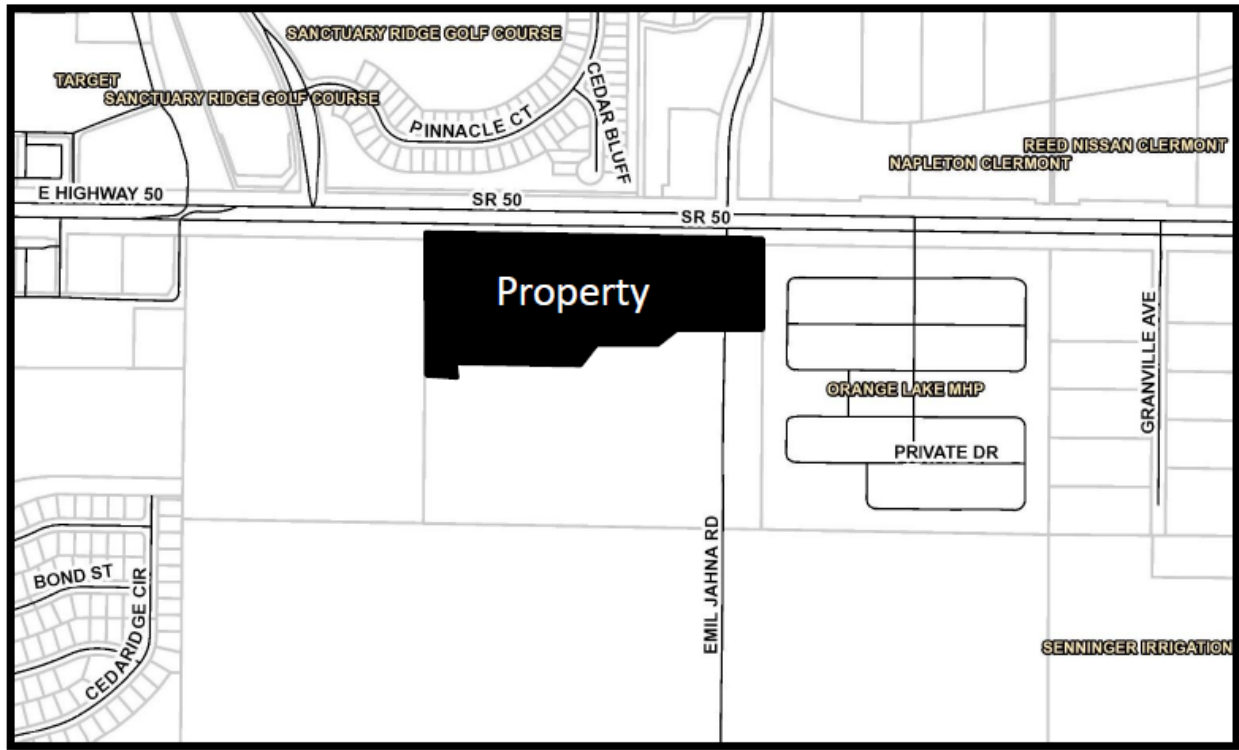
CITY OF CLERMONT
ORDINANCE No. 2017-21

3

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.

Location map:



4

CITY OF CLERMONT
ORDINANCE No. 2017-21

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

Barbara Hollerand

Subject: February 14 - Agenda Item No. 33 - Ordinance No. 2017-21 Introduction The Shops at WaterBrooke Rezoning

From: JJ Johnson [<mailto:jj.johnson@sloaneandjohnson.com>]

Sent: Thursday, February 23, 2017 4:04 PM

To: Barbara Hollerand <BHollerand@clermontfl.org>

Cc: Tracy Ackroyd <TAckroyd@clermontfl.org>

Subject: RE: February 14 - Agenda Item No. 33 - Ordinance No. 2017-21 Introduction The Shops at WaterBrooke Rezoning

Hi Barbara,

On behalf of UP Fieldgate US Investments Clermont Hills, LLC, we hereby request to be removed from the 2/28 agenda and placed on the March 28 agenda.

Thanks,

Paul "JJ" Johnson, Jr., Esq.

*****PLEASE NOTE NEW ADDRESS BELOW**



Sloane & Johnson, PLLC

3670 Maguire Boulevard, Suite 250

Orlando, Florida 32803

407.745.0019 (telephone)

407.278.4208 (facsimile)

Email: jj.johnson@sloaneandjohnson.com

Web: www.sloaneandjohnson.com

CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential information, and is intended only for the use of the intended recipient. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

ess released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Exhibit - Location Map The Shops at WaterBrooke

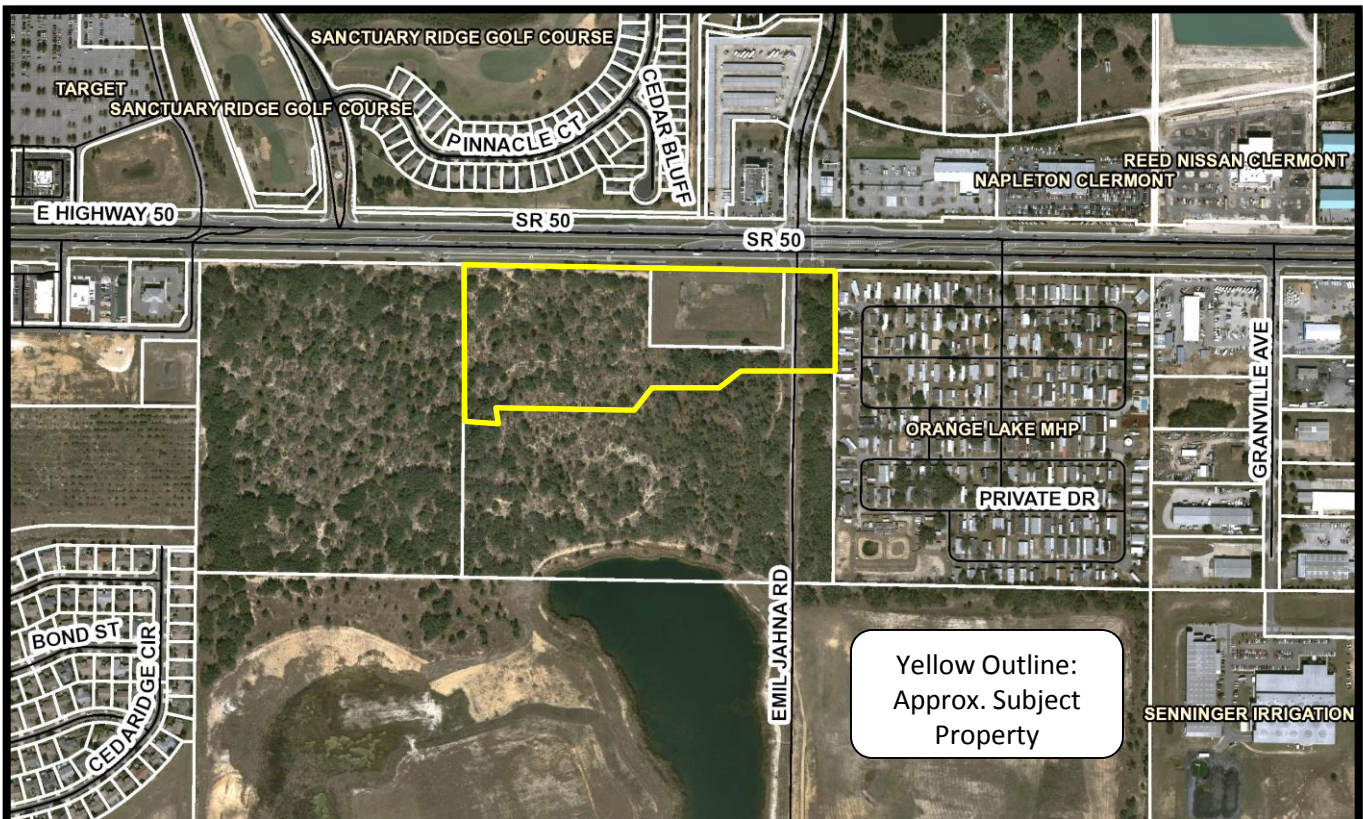
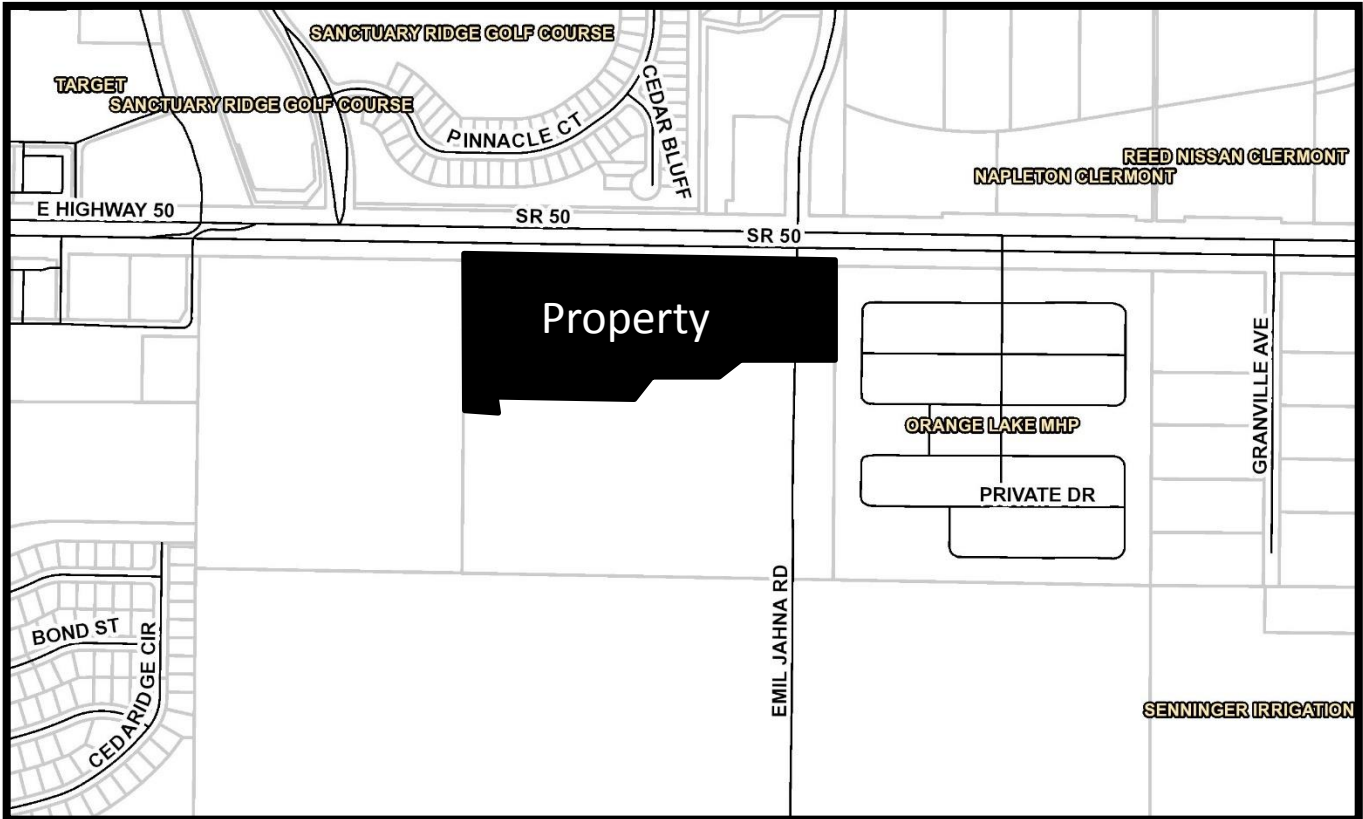
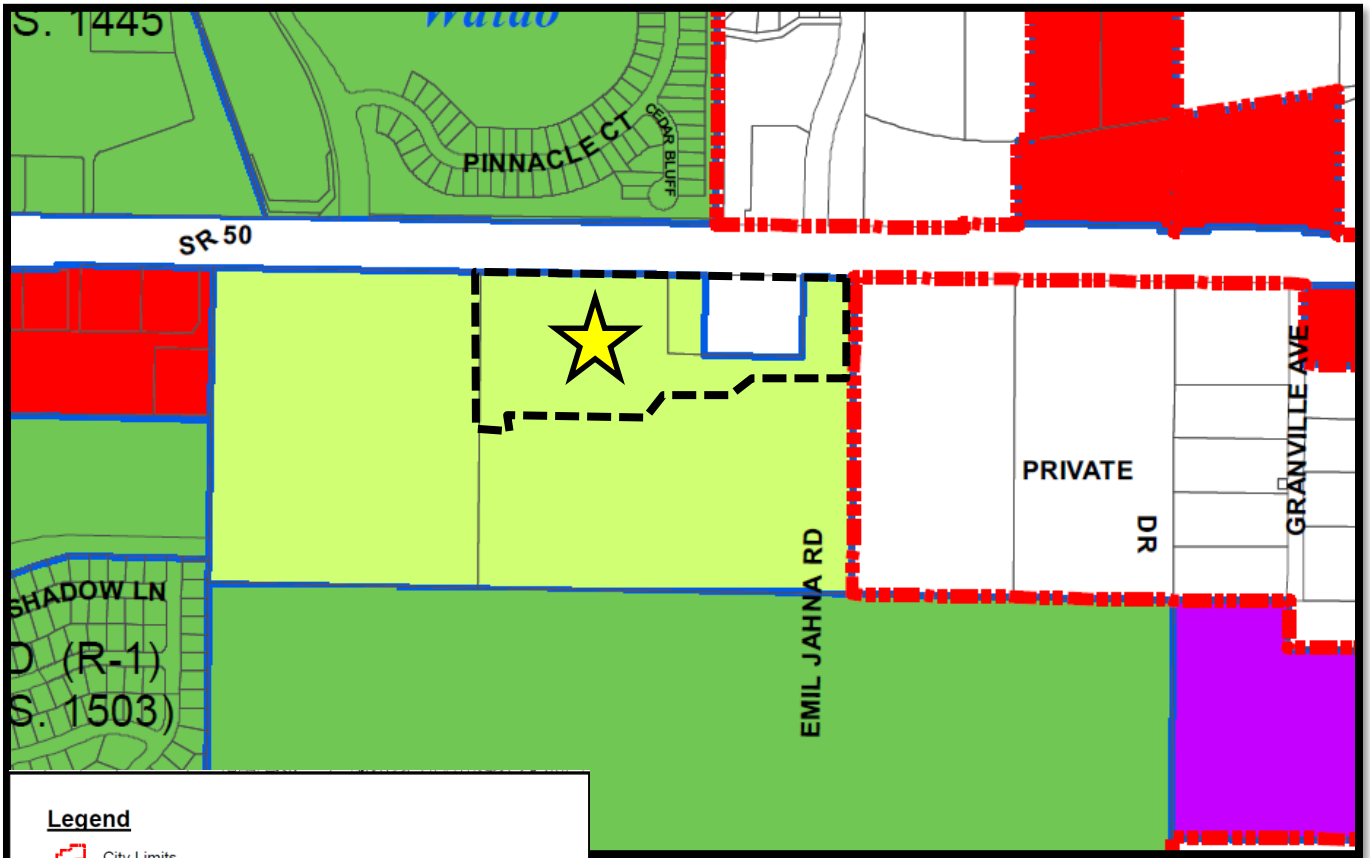


Exhibit – Zoning

The Shops at WaterBrooke



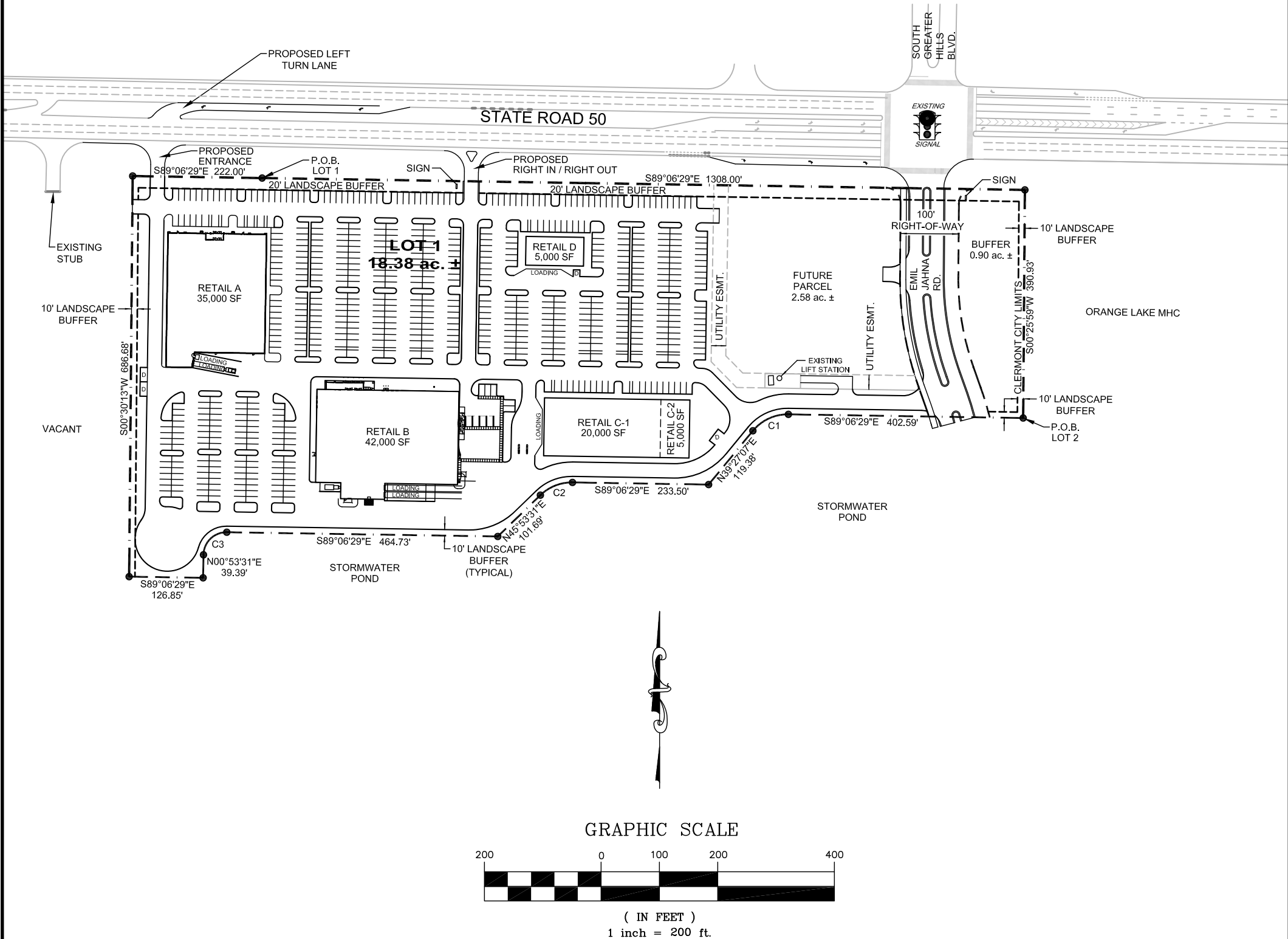
Legend

 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%)

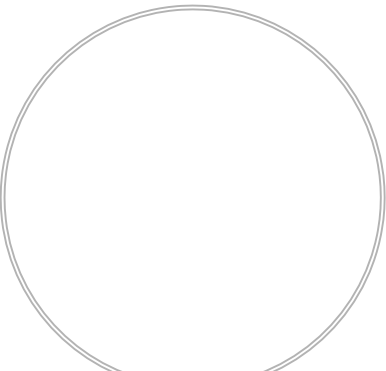
CITY OF CLERMONT CODE WAIVERS:
1. REQUIRED NUMBER OF DUMPSTER PADS - SECTION 114-6 (a)(2) REQUIRES ONE DUMPSTER PAD WITH AN APPROVED ENCLOSURE PER 7,500 SQ.FT. OF RETAIL SPACE. THE CODE REQUIRED NUMBER OF DUMPSTER PADS IS 15. THE PROPOSED NUMBER OF DUMPSTER PADS IS 7.
2. REQUIRED NUMBER OF LOADING ZONES - 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:

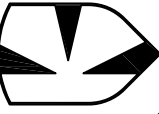
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN S 00°30'12" W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 1363.52 FEET TO A POINT ON THE RIGHT OF WAY LINE OF STATE ROAD 50, PER F.D.O.T. RIGHT OF WAY MAP SECTION 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

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 WATERBROOKE
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

This is a preliminary plan for review only.



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



Cecelia Bonifay

Akerman LLP
420 South Orange Avenue
Suite 1200
Orlando, FL 32801-4904
Tel: 407.423.4000
Fax: 407.843.6610

Dir: 407.419.8540
Dir Fax: 407.254.4230
cecelia.bonifay@akerman.com

February 14, 2017

VIA EMAIL

Darren Gray, City Manager
City of Clermont
685 W. Montrose St.
Clermont, FL 34711

Re: Ordinance No. 2017-21 Introduction/The Shops at WaterBrooke Rezoning

Dear Darren:

I am writing on behalf of Mattamy Orlando LLC ("Mattamy") in regard to the rezoning application of UP Fieldgate US Investments – Clermont Hills, LLC ("UP"). The UP rezoning is on first reading on the City Council agenda for today, February 14, 2017.

As you and the Council are aware, Mattamy has spent a great deal of time and money in the acquisition of the old Jahna mine site accessed from SR 50 via Emil Jahna Road and the planning of its new development WaterBrooke. As part of the development approvals, Mattamy has worked on the design and widening of Emil Jahna Road, the design of the extension of Hartle Road and the design and construction of utilities to serve the Mattamy site, which includes the design and construction of capital lines for water and sewer. Mattamy also dedicated right of way on its site for the future construction of Hooks Street, as required by the City.

Mattamy has been dealing in good faith with the predecessor in interest of the property now owned by UP as well as with the UP representatives. Given the interrelated nature of the two properties, Mattamy felt that total cooperation would be the best method for the developers of both properties to realize their objectives.

However, we now find that UP has taken occasion to renegotiate the terms of the agreement between the parties. Specifically, the items on which UP is withholding its approval are the expanded ROW for Emil Jahna Road as required by the City, the agreement as to the placement of utilities, the easement for signage, as well as the handling of the stormwater for both the Mattamy site and the UP site on the Mattamy property. Mattamy has already accounted

akerman.com

for the future stormwater capacity for UP's property, which is reflected in the approved ERP. This has greatly benefitted the UP property through the removal of any stormwater ponds on its site and the increase in developable acreage.

We do not want to debate these issues in front of the City Council through opposition to the UP rezoning, however, we find that we have no other position. We did not oppose the project before the P&Z Commission, as we were advised by the representatives of UP, that they would provide us with an agreement and negotiate in good faith. To date, we have not received the agreement or any other document on which we could move forward.

We, therefore, request that this item not be moved forward to a second and final hearing until the parties have worked through the issues recited above and can evidence to the City an agreement which documents how these items will be handled and by whom. An alternative solution would be to add some specific conditions to their approval, which would allow Mattamy to begin development in the WaterBrooke community.

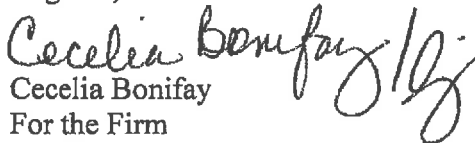
Summary:

i) UP commits to providing all needed Utility Easements and Right of Way needed to support Mattamy's plans as submitted. This needs to be done in writing, a recorded instrument which satisfies the single remaining Utility Comment on our plans; and

ii) UP will work with Mattamy to equitably cost share the shared improvements.

Your time and assistance is appreciated as always.

Regards,


Cecelia Bonifay
For the Firm

CB/lj

cc (via e-mail):

Mayor Gail L. Ash
Mayor Pro Tem Diane Travis
Council Member Ray Goodgame
Council Member Keith Mullins
Council Member Timothy Bates
Dan Mantzaris, Esq. – City Attorney
Barbara B. Hollerand – Development Services Director
John E. Kruse, AICP – Senior Planner

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
February 7, 2017**

Page 10

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.

Attorney Jimmy Crawford stated that he is representing Tommy's of Clermont.

Commissioner Whitehead moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Commissioner Thayer. The vote was unanimous to recommend approval.

Commissioner Whitehead moved to recommend approval of the rezoning; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

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

12. REQUEST FOR REZONING

REQUEST: To change the zoning from UE Urban Estate to Planned Unit Development

APPLICANT: The Shoppes at WaterBrooke/Paul "J.J." Johnson, Jr.

Senior Planner Kruse presented the staff report as follows:

The applicant, UP Fieldgate US Investments – Clermont Hills, LLC, is requesting a rezoning for the subject property that consists of 18.38 acres. The property is south of SR 50 at the intersection of Emil Jahna Road and SR 50. The property has over 1,500 lineal feet of frontage on SR 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 along with FDOT's parcel to be rezoned to Planned Unit Development (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 submitted plot plan, as prepared by Thomas L. Knight, P.E. dated 12/31/2016, has several buildings that are greater than 20,000 square feet. The plan has a 42,000 sf building (Retail B), 35,000 sf building (Retail A), 25,000 sf building (Retail C-1/C-2), and a 5,000 sf 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 have been indicated on plan.

The applicant has identified six waivers to the land development code in order to develop the site. The waivers to be considered are: (1) a reduction in the required number of dumpster pads

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
February 7, 2017**

Page 11

from 15 to 7, (2) a reduction in the required number of loading zones from 11 to 6, (3) increase in the maximum number of parking spaces without a landscape break from 10 to 11, (4) maximum grade change 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 landscaping between the interior property boundaries should be done, such as sharing a buffer between properties or a clustering of the 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 in regards to Section 122-315, Review Criteria for a PUD. Therefore, staff recommends approval of Ordinance 2017-21 for a PUD.

JJ Johnson representing UP Development stated that he was present to answer any questions.

Commissioner Thayer stated that the landscape needs to be included rather than eliminated.

Commissioner Whitehead stated that she does not agree with all the waivers included in the planned unit development.

Commissioner Whitehead moved to recommend approval of the rezoning with removing the landscape waiver; seconded by Commissioner Thayer. The vote was unanimous to recommend approval.

There being no further business, the meeting was adjourned at 8:27 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



**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.

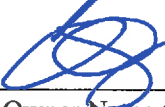
What are you proposing to do that would require a rezoning?

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.

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 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 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, March 28, 2017	
Agenda Item Name	
Ordinance No. 2017-23 <i>Final</i> <i>The Addison Rezoning</i>	
Requested Action	
Recommend approval of Ordinance 2017-23.	
Staff Report	
The Council previously heard a request by the applicant for this rezoning at its January 17, 2017 meeting. After discussion at that meeting, the applicant withdrew the request. The applicant has recently resubmitted the request, which must be re-heard by the Planning & Zoning Commission before being considered again by the City Council. The specifics of the proposed rezoning request has been slightly revised with the addition of commercial uses. The applicant; B&S Engineering Consultants, is requesting a rezoning from C-2 General Commercial to Planned Unit Development (PUD) to develop The Addison, an apartment community; formerly known as Palisades at Clermont. The 19.17-acre property is located at the northwest corner of Hooks Street and Citrus Tower Boulevard and extends west towards Oakley 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 units per acre, or a total of up to 230 units. The applicant has also included limited commercial uses on two mixed use pads at the entrance of the development. The applicant has provided a conceptual site plan, prepared by B&S Engineering Consultants, dated March 17, 2017, showing the layout of the buildings and parking on the site along with the mixed use pads. The project will consist of 13 multi-story buildings with a clubhouse and other amenities for the residents. Mixed Use Areas "A" and "B" will be limited to office, restaurant or retail use. If the commercial pads were not developed within a three (3) year timeframe, the owner would like the ability to convert these to accessory uses for the multi-family project. Accessory uses could include additional open space for the residents, additional garage parking, or another accessory use to the multi-family project, but no increase in density is allowed on the pads. Because 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 man-made 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 St. Johns River Water Management District (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 that the development be gated with private streets. The applicant is requesting that driveway access and parking be allowed to be constructed below the centerline of adjoining roads, with the City's engineer's 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 (LDC) for dumpsters. Since three buildings were exchanged for the addition of the mixed use pads, the height of the Type 1 building was increased to four stories to absorb the density. The applicant is requesting a maximum height of the Type 1 building up to 69 feet. The applicant has proposed elevators in	

buildings with a walkup of more than one story.

Staff acknowledges that the site has been disturbed and the original topography has been altered, as evident from historical aerial photography and from the St. Johns River Water Management District 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 Code. The traffic report indicates that the proposed development will not require additional improvements to the surrounding roadway systems. The applicant will be required to participate in any mitigation that is warranted by the Lake County School District for school concurrency.

Staff has reviewed the applicant's request for a rezoning from C-2 General Commercial to Planned Unit Development (PUD) zoning. In the ordinance, staff has highlighted the recent changes. Staff believes the proposal meets the standards with regard to Section 122-315, Review Criteria for a PUD. Therefore, staff recommends approval of Ordinance 2017-23.

At the March 7, 2017 Planning and Zoning Commission meeting, Commissioner Cuqui Whitehead moved to recommend approval of the rezoning; seconded by Commissioner Jack Martin. The vote was unanimous to recommend approval.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|-----------------------------|---|
| 1. | Ordinance | Updated 2017 REZ ORD 2017-23.docx |
| 2. | Maps | The Addison Maps.pdf |
| 3. | Elevation | Elevations.pdf |
| 4. | PUD Site Plan | 03-17-17 PALISADES AT CLERMONT CC Set.pdf |
| 5. | Colored Schematic Site Plan | Colored Schematic Site Plan.pdf |
| 6. | Addison Photos | The Addison at Universal__ Photos.pdf |
| 7. | Minutes | 3-7-2017.doc |
| 8. | Application | Application - March.pdf |
| 9. | Legal ad | 2017 The Addison PUD legal ad.docx |

CITY OF CLERMONT
ORDINANCE No. 2017-23

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

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

SECTION 1:

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

LEGAL DESCRIPTION

PARCEL A

Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 29, Township 22 South, Range 26 East, also described as Tract 32 of Section 29, Township 22 South, Range 26 East, according to the plat of Lake Highlands Company, filed January 10, 1914, and recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida, less and except a strip of land 15 feet wide along the East and also along the South side thereof, reserved for one-half of roadway, as shown on said plat of Lake Highland Company. Also Less and Except the land described in the Statutory Warranty Deeds in favor of Lake County recorded in Official Records Book 2360, Page 706 and Page 714 and Official Records Book 2646, Page 47, Public Records of Lake County, Florida.

AND

PARCEL B

A portion of the Northeast one-quarter (NE 1/4) of Section 29, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Begin at a one-half inch iron rod (LS# 2142) monumenting the Southwest corner of Lot 51, Summit Subdivision, recorded in Plat Book 8, Page 7 of the Public Records of Lake County, Florida; thence North 86°18'10" East along the monumented South line of said Summit Subdivision, 640.06 feet; thence South 04°06'36" East along a line 15.00 feet West of and parallel with the East line of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 116.58 feet; thence South 87°08'43" West along the South line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 643.56 feet; thence North 04°06'48" West along the West line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 107.12 feet; thence North 86°18'10" East, 3.36 feet to the Point of Beginning.

CITY OF CLERMONT
ORDINANCE No. 2017-23

Less and Except the land described in the Corrective Quit Claim Deed recorded in Official Records Book 2926, Page 2335, Public Records of Lake County, Florida.

PARCEL C

Tract 31, Section 29, Township 22 South, Range 26 East, Lake Highlands County, according to the map or plat thereof as recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida.

Less and Except the land described in the Corrective Deed recorded June 23, 2008 in Official Records Book 3643, Page 2021, Public Records of Lake County, Florida.

Together with that certain non-exclusive storm water drainage easement by and between Sandhill Commons Property Owners' Association and Dewitt Enterprises, Inc. recorded June 29, 2012, in Book 4181, Page 423, Public Records of Lake County, Florida.

Containing 19.17 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.

LOCATION

Northwest corner of Hooks Street and Citrus Tower Blvd
AK 3771657, 1114985, 1112192

**FROM: C-2 GENERAL COMMERCIAL
TO: PLANNED UNIT DEVELOPMENT**

SECTION 2 - General Conditions:

This application is for a Planned Unit Development to allow for a multi-family residential Planned Unit Development; 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, Sheet C-2.1, prepared by B&S Engineering Consultants, LLC, dated 3-17-17, Palisades at Clermont, LLC. 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. 2017-23

SECTION 3 - Land Uses and Specific Conditions:

1. A total of up to 230 multi-family dwelling units may be permitted on the site, not to exceed a density of 12 units per acre within the project.
2. Mixed Use Areas “A” and “B”, as shown on the site plan shall allow office, restaurant or retail use, exclusively, for three (3) years following the effective date of this Ordinance. During that time, Mixed Use Areas “A” and “B” shall be actively marketed as available for such office, restaurant or retail use. If Mixed Use Areas “A” or “B” are not developed, sold, or under contract for such office, restaurant or retail use at the end of the three (3) year period, despite good faith efforts on behalf of the owner of such property, accessory uses to the multi-family use may be allowed with no increase in density.
3. Setbacks for Multi-family
 - From Hooks Street: 25 feet from the property line
 - From Oakley Seaver: 25 feet from property line
 - From Citrus Tower: 25 feet from property line
 - Rear: 25 feet from the property line
4. The multi-family portion of the project will have private gated streets that will be maintained by the developer or designated party.
5. Driveway access and parking for the project may be below the centerline of adjoining roads and will be subject to the approval of the City Engineer.
6. The project may have elevation changes of up to 25 feet in height over the project site through the use of cut and fill. These changes will be submitted to the City Engineer at the time of final engineering.
7. Retaining wall heights up to 13 feet in height are allowed to deal with the extreme grades on the site. 3 foot terrace between walls can be utilized where two wall segments are required.
8. The project may have slopes of 4:1 on the pervious areas of the site, including the landscape buffer.
9. A trash compacter may be substituted for dumpsters for the project if the Applicant can demonstrate it can sufficiently meet the waste demands for the project. If this cannot be demonstrated, then one dumpster per 25 units shall be provided.
10. Type 1 buildings, as shown on the site plan, may be four-story buildings not to exceed 69 feet in height.
11. Elevators shall be installed for buildings with a walkup of more than one story.
12. The project shall be developed according to the C-2 General Commercial zoning designation in the Land Development Code, unless expressly stated above.

CITY OF CLERMONT
ORDINANCE No. 2017-23

SECTION 4:

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

SECTION 5:

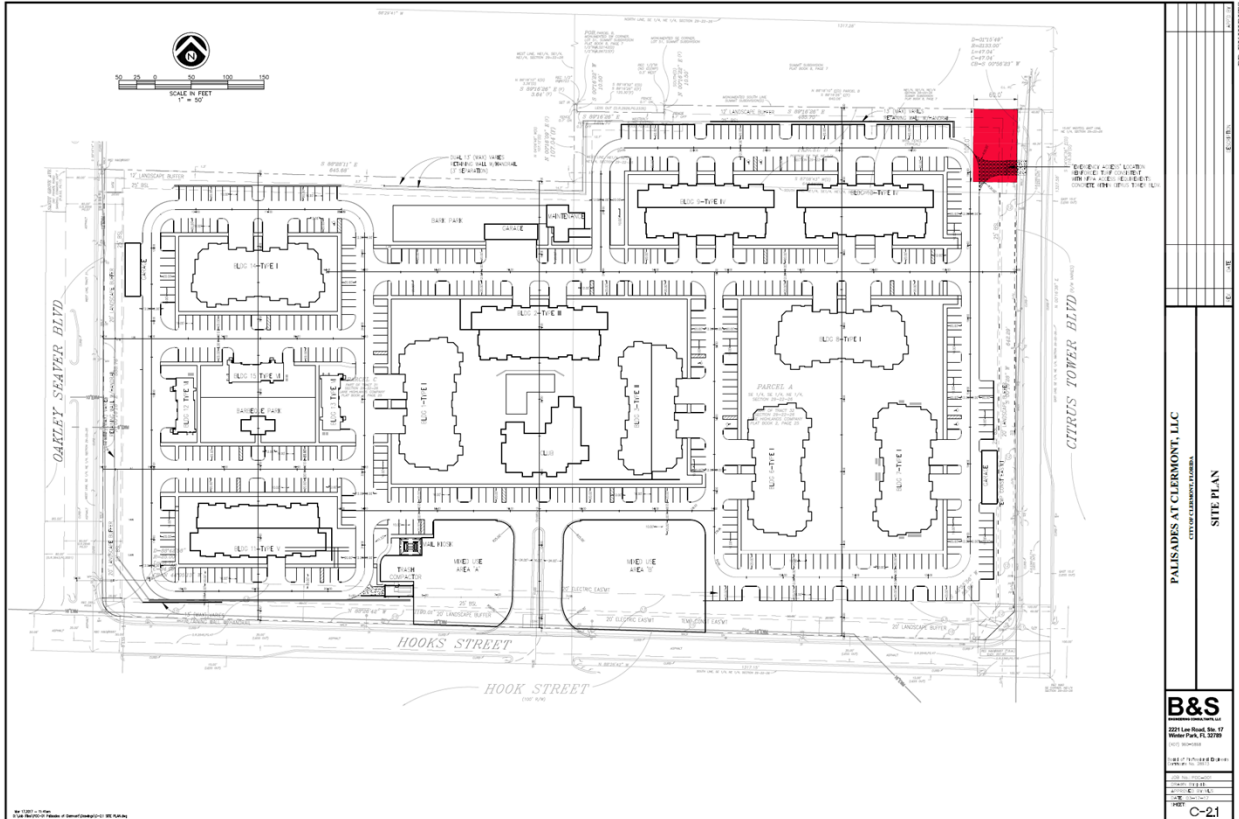
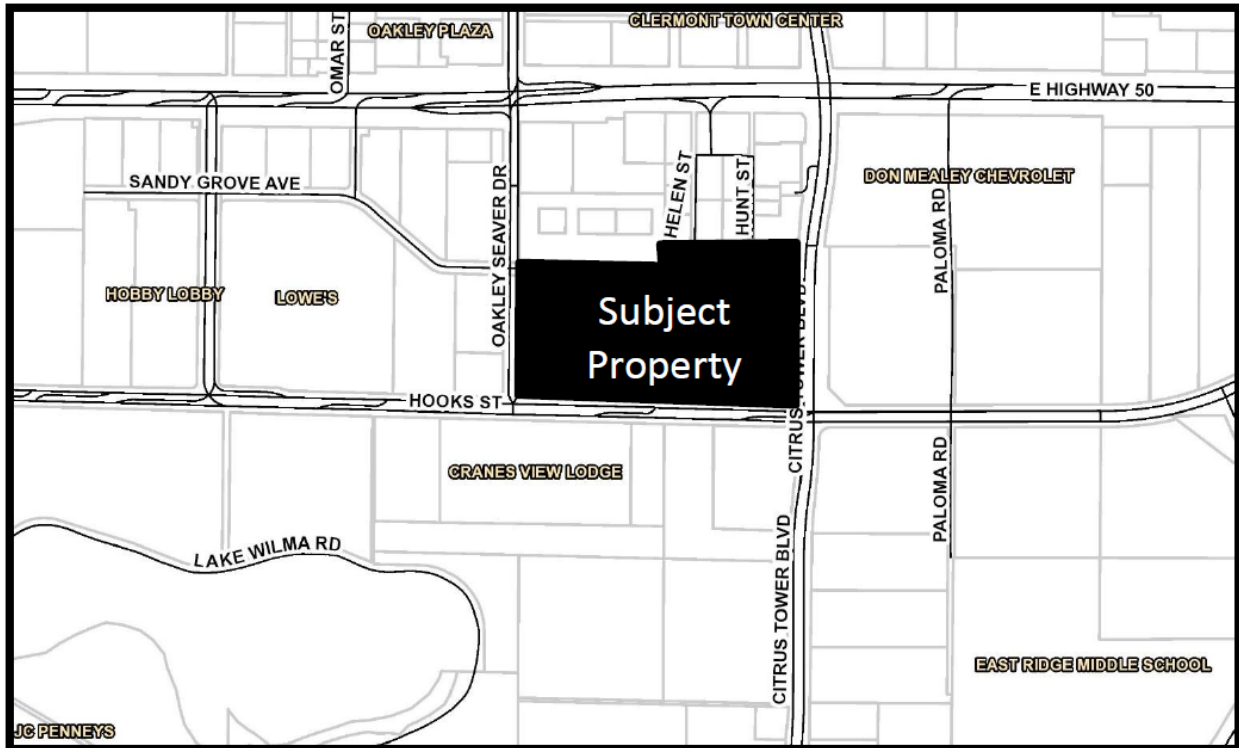
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

SECTION 6:

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

CITY OF CLERMONT
ORDINANCE No. 2017-23

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-23

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

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Denise Noak, Acting City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map The Addison

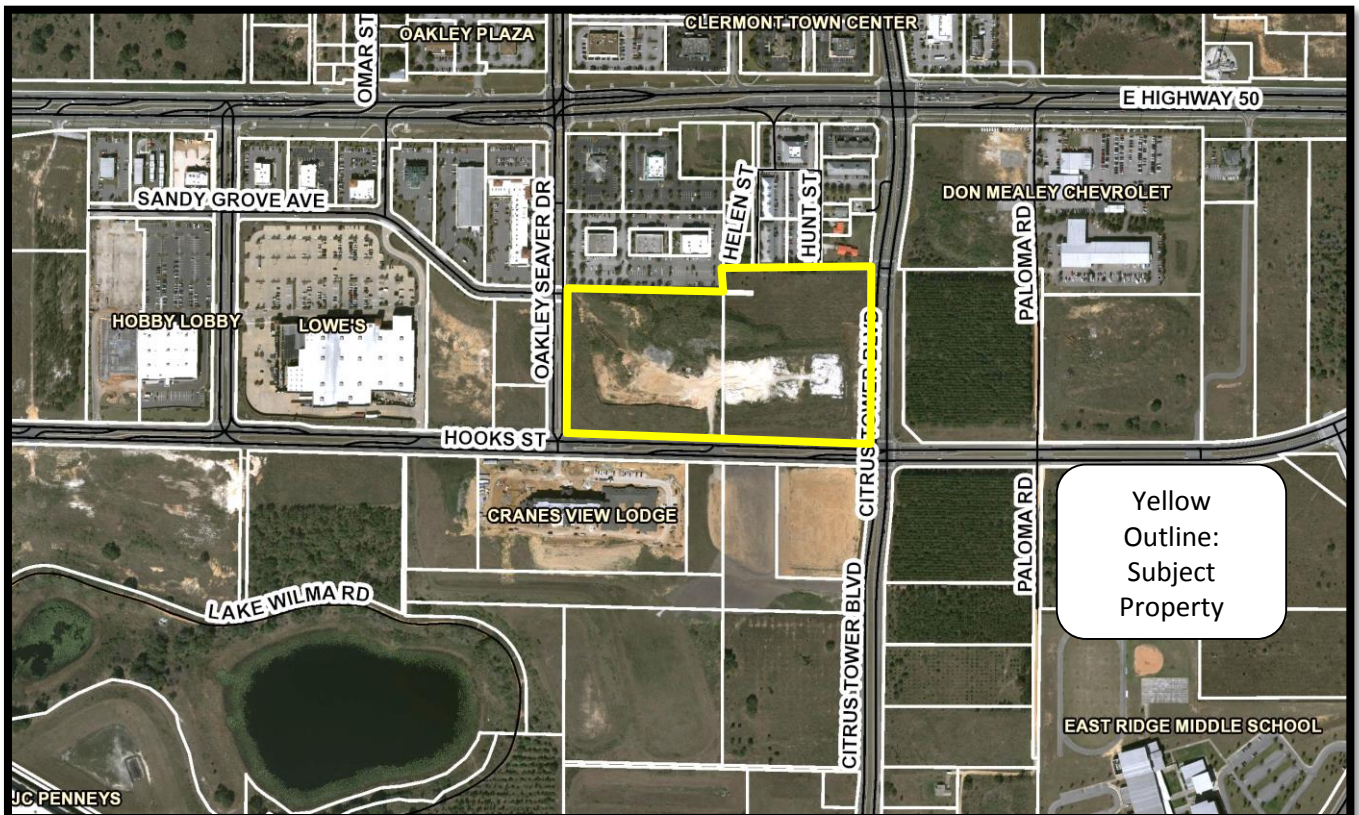
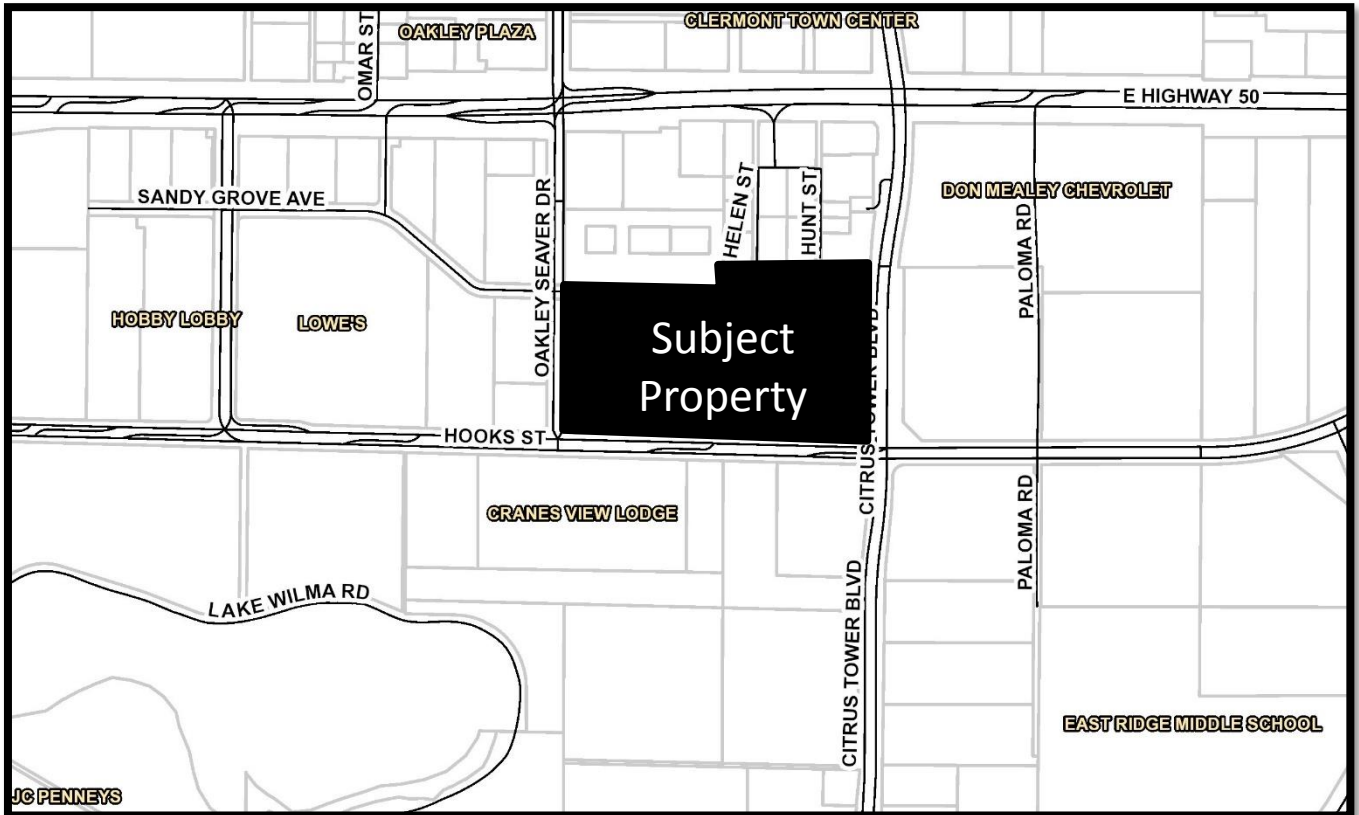
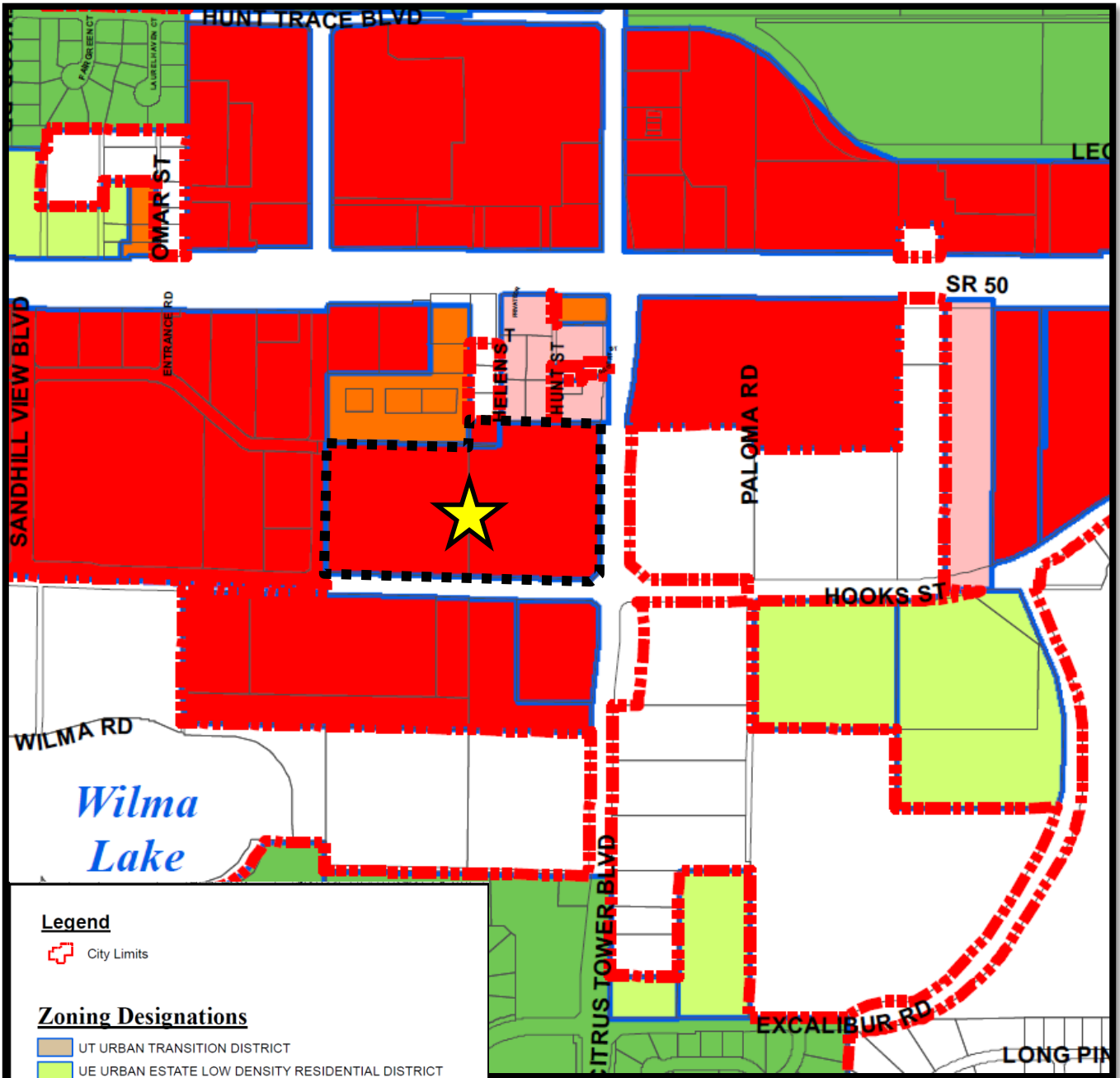


Exhibit – Zoning The Addison



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

The Palisades of Clermont, LLC
1556 Lake Whitney Drive - Windermere FL 34786.

THE PALISADES

Preliminary Design- December 01, 2016



MEP ENGINEER
MiGre Engineers, LLC
1200 West S.R. 434, Suite 301
Longwood, Florida 32750
PH. 407-636-7999, x122
www.migre-eng.com
CONTACT: Pat Rance
E-MAIL: Prance@migre-eng.com

ARCHITECT
c b a
charlan • brock • associates
architects • planners

1770 Fennell Street
Maitland, Florida 32751
PH. 407-660-8900
www.cbaarchitects.com
CONTACT: Jody Kizelewicz
E-MAIL: jody@cbaarchitects.com

STRUCTURAL ENGINEER
Structural Concepts & Design
2989 West S.R. 434, Suite 300
Longwood, Florida 32779
PH. 407-682-2086
FAX. 407-682-2386
CONTACT: Robert C. Scroggins, P.E.
E-MAIL: CScroggins@StructuralConcepts-Design.com



THE PALISADES
The Palisades of Clermont, LLC
1556 Lake Whitney Drive - Windermere FL 34786.

c b a
charlan • brock
associates
architects planners
1770 fennell street
maitland florida 32751-7208
407 660 8900 f: 407 675 9948
www.cbaarchitects.com

PROJECT
COVER SHEET

date: 12-01-16
job no: 3859.16
drawn by: JK
reviewed by: CBA
file: 3859A0.01
issue history:

A0.01

PRELIMINARY - NOT FOR CONSTRUCTION

charlan, brock & associates, inc. hereby reserves all rights in this preliminary design and other property rights in their plans, specifications and designs. these ideas, designs and plans are not to be used for any other purpose without the express written permission from charlan, brock & associates, inc. all written dimensions shall have precedence over scale dimensions.

ELEVATION KEY NOTES

- 1 CONCRETE ROOF TILE ON SELF ADHERED #10 MIL WATERPROOFING MEMBRANE ON ROOF SHEATHING OVER PRE-ENGINEERED ROOF TRUSSES
- 2 4" Reveal fiber cement lap siding over building wrap, over exterior wall per manufacturer's recommendations
- 3 10" reveal fiber cement lap siding over building wrap, over exterior wall per manufacturer's recommendations
- 4 Fiber cement panel vertical siding over rainscreen, over building wrap, over exterior wall per manufacturer's recommendations
- 5 STONE VENEER OVER 2-COAT STUCCO ON METAL LATH, OVER LAYER OF 30# BUILDING PAPER OVER BUILDING WRAP, INSTALL PER STONE MANUFACTURER'S RECOMMENDATIONS
- 6 Standing seam metal roofing with continuous hip and ridge vents, typical.
- 7 Light fixture
- 8 Aluminum railing
- 9 Aluminum cladding
- 10 Aluminum screen enclosure
- 11 Meter bank. Actual location may vary. Verify which end meters shall be located on with electrical plans / transformer layout.
- 12 Decorative bracket. See Detail S/A7.35.
- 13 METAL DRIP EDGE ON ALUMINUM WRAPPED 1X3 ON 2X8 FASCIA BOARD WITH ALUMINUM GUTTER PER ROOF PLAN.
- 14 Water diverter kickout flashing at slope roof to vertical wall intersection
- 15 Building signage

TYPICAL ELEVATION NOTES

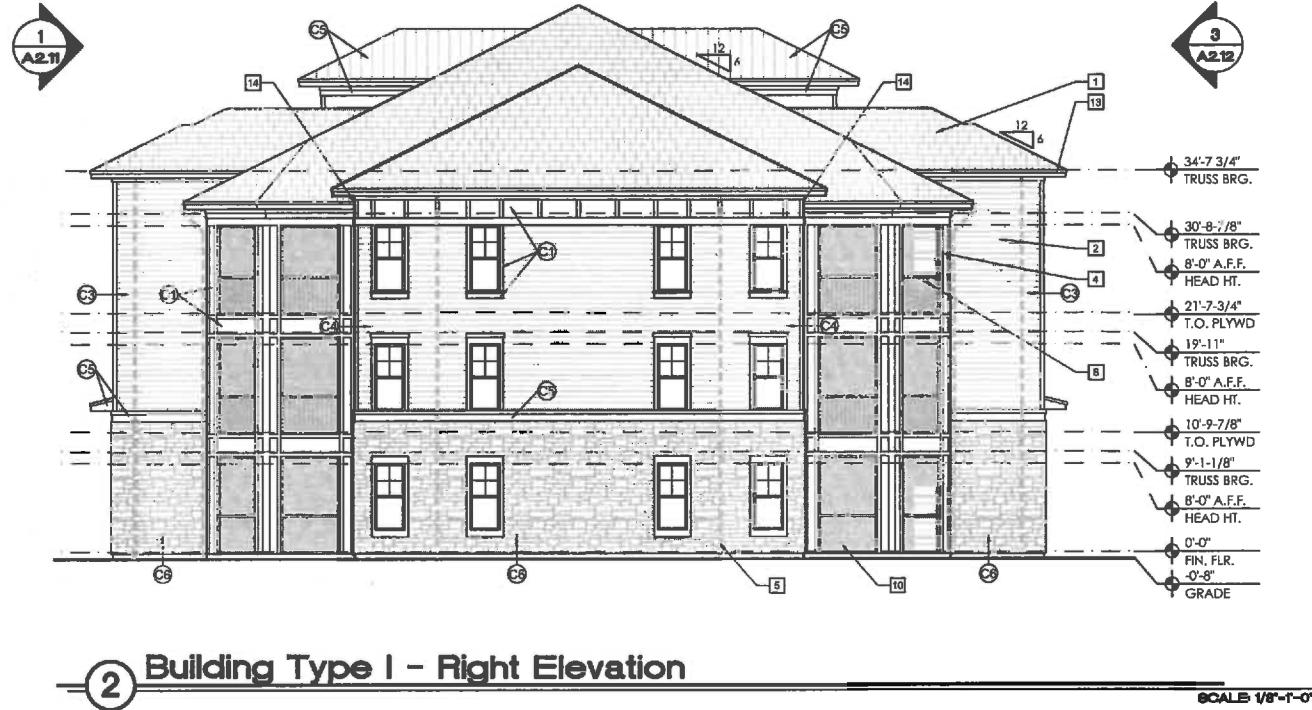
1. Typical exterior cladding: Combination of cementitious lapped siding, cementitious panel siding and cultured stone veneer. Entire building to be wrapped with building wrap. Inside and outside corners to be pre-wrapped with self-adhered membrane for 6" each side of corner. Stone veneer to be installed over stucco base with metal lath and 30# felt over building wrap.
2. All exterior trim to be 5/4" cementitious trim.
3. All penetrations must be properly flashed and/or sealed. Attachments through exterior skin shall be set in bead of sealant. Refer to sheets A7.41 & A7.42 for penetration details.
4. All building mounted equipment, panels, etc. shall be mounted after exterior finish is applied and painted. If sequencing of construction requires mounting prior to this, contractor shall submit method of mounting and waterproofing to architect for approval.
5. All unit balconies to have structural floor system sloped away from unit for drainage.
6. All exterior balcony rails to be factory finished aluminum.
7. All finish grade shall be minimum 8" below finish floor and slope away from building.
8. Provide urethane sealant at all inside corners.
9. Provide urethane sealant with bond breaker (to prevent 3-sided adhesion) at top and bottom of horizontal building bands.
10. Provide sealant joints at interface between dissimilar substrates, such as balcony ceilings, balcony exterior edges, exterior wall to soffit and ceiling conditions etc.
11. Provide positive slope 1:2 at top of trim bands, typical.
12. All attachment and penetration thru the exterior cladding system must be sealed against potential water intrusion.
13. Exterior walls to be painted prior to installation of downspouts. All downspouts to be 3"x5" factory finished aluminum.
14. All roof to wall intersections to have "L" flashing with vertical leg extending minimum 6" up the wall. All roof to wall eave terminations must have kick-out flashing.

COLOR SCHEDULE

Paint Scheme A	Paint Scheme B
(1) Pure White SW7005	(1) Pure White SW7005
(2) Network Gray SW7073	(2) Network Gray SW7073
(3) Special Gray SW6277	(3) Refuge SW6228
(4) Underspace SW6214	(4) Underspace SW6214
(5) Cyberspace SW7076	(5) Cyberspace SW7076

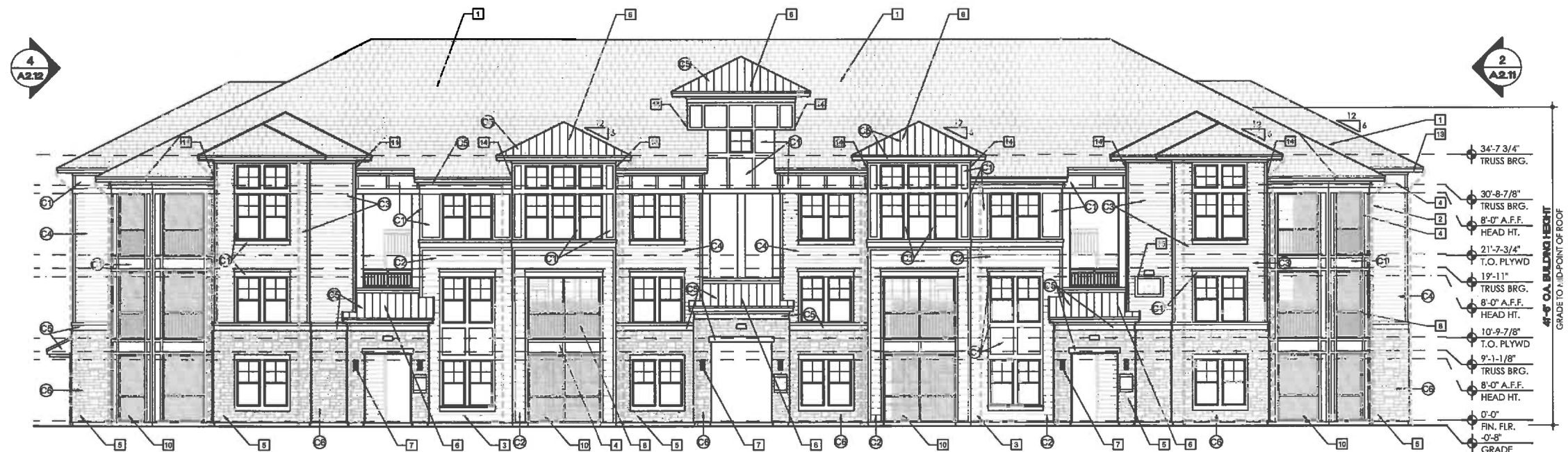
(6) Country LedgeStone, Echo Ridge Cultured Stone (Boral)

NOTE: All corbels, gutters, screen enclosure, metal roofs and fascias to be color: Cyberspace, SW7076



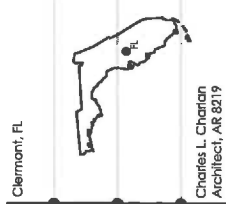
2 Building Type I - Right Elevation

SCALE: 1/8"=1'-0"



1 Building Type I - Front Elevation

SCALE: 1/8"=1'-0"



Clermont, FL

Charles L. Charlan
Architect, AIA 8219

THE PALISADES

The Palisades of Clermont, LLC
1556 Lake Whitney Drive - Windermere, FL 34786

cba
charlan • brock
associates

architects planners

1778 fennell street
maitland florida 32751-7208
407 660 8900 F: 407 875 9940
www.cbaarchitects.com

Building Type I

Exterior Elevations

Front and
Right Side

date: 12-01-16
job no: 3859.16
drawn by: RR
reviewed by: CBA
file: 3859A2.11
issue history:

A2.11

PRELIMINARY - NOT FOR CONSTRUCTION

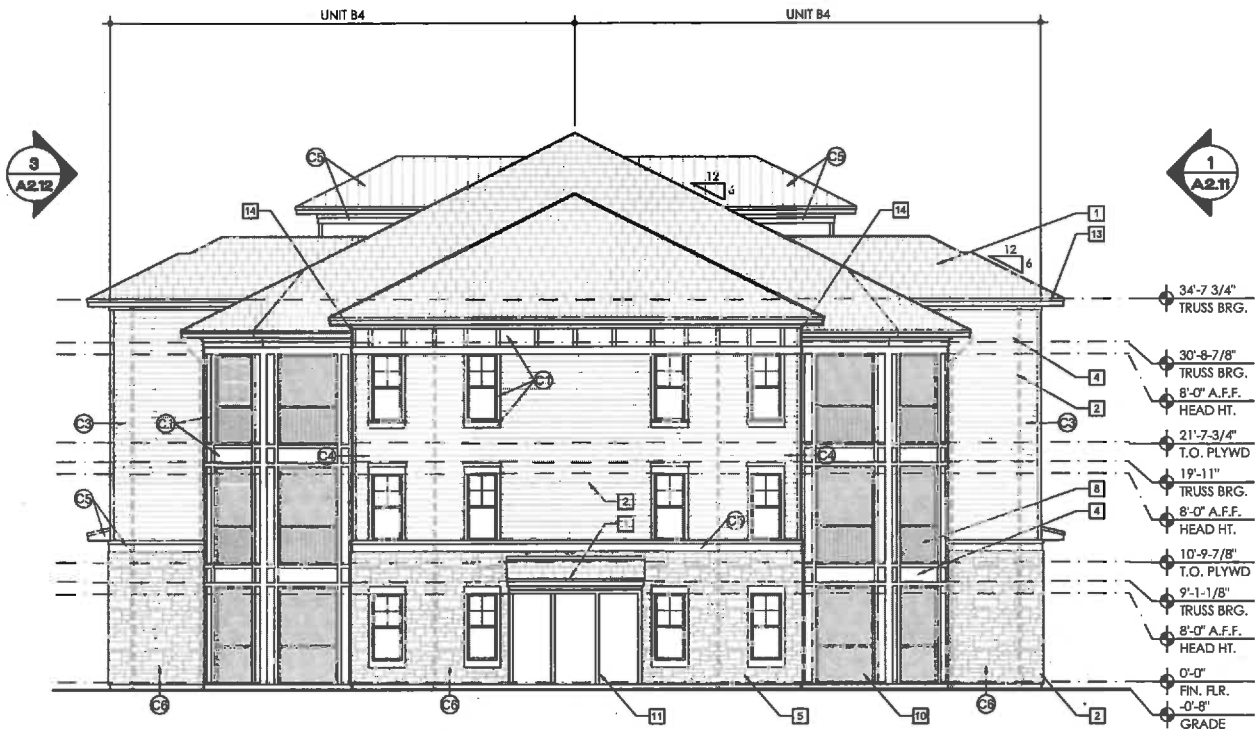
Charlan, Brock & Associates, Inc. hereby represents and warrants that the information contained herein is true and correct to the best of its knowledge and belief, and that it is not aware of any facts or circumstances which might materially and adversely affect the accuracy of the information contained herein. This document is not to be used for any purpose other than that for which it was prepared, and it is not to be relied upon for any other purpose. The information contained herein is not to be used for any purpose other than that for which it was prepared, and it is not to be relied upon for any other purpose. The information contained herein is not to be used for any purpose other than that for which it was prepared, and it is not to be relied upon for any other purpose.

- ELEVATION KEY NOTES**
1. CONCRETE ROOF TILE ON SELF ADHERED 40 MIL WATERPROOFING MEMBRANE ON ROOF SHEATHING OVER PRE-ENGINEERED ROOF TRUSSES
 2. 4" Reveal fiber cement lap siding over building wrap, over exterior wall per manufacturer's recommendations
 3. 10" reveal fiber cement lap siding over building wrap, over exterior wall per manufacturer's recommendations
 4. Fiber cement panel vertical siding over rainscreen, over building wrap, over exterior wall per manufacturer's recommendations
 5. STONE VENEER OVER 2-COAT STUCCO ON METAL LATH, OVER LAYER OF 30# BUILDING PAPER OVER BUILDING WRAP. INSTALL PER STONE MANUFACTURER'S RECOMMENDATIONS.
 6. Standing seam metal roofing with continuous hip and ridge vents, typical.
 7. Light fixture
 8. Aluminum railing
 9. Aluminum awning
 10. Aluminum screen enclosure
 11. Meter bank. Actual location may vary. Verify which end meters shall be located on with electrical plans / transformer layout.
 12. Decorative bracket. See Detail S/A7.35.
 13. METAL DRIP EDGE ON ALUMINUM WRAPPED 1X3 ON 2X8 FASCIA BOARD WITH ALUMINUM GUTTER PER ROOF PLAN.
 14. Water diverter kickout flashing at slope roof to vertical wall intersection
 15. Building signage

- TYPICAL ELEVATION NOTES**
1. Typical exterior cladding: Combination of cementitious lapped siding, cementitious panel siding and cultured stone veneer. Entire building to be wrapped with building wrap. Inside and outside corners to be pre-wrapped with self-adhered membrane for 6" each side of corner. Stone veneer to be installed over stucco base with metal lath and 30# felt over building wrap.
 2. All exterior trim to be 5/4" cementitious trim.
 3. All penetrations must be properly flashed and/or sealed. Attachments through exterior skin shall be set in bed of sealant. Refer to sheets A7.41 & A7.42 for penetration details.
 4. All building mounted equipment, panels, etc. shall be mounted after exterior finish is applied and painted. If sequencing of construction requires mounting prior to this, contractor shall submit method of mounting and waterproofing to architect for approval.
 5. All unit balconies to have structural floor system sloped away from unit for drainage.
 6. All exterior balcony rails to be factory finished aluminum.
 7. All finish grade shall be minimum 8" below finish floor and slope away from building.
 8. Provide urethane sealant at all inside corners.
 9. Provide urethane sealant with bond breaker (to prevent 3-sided adhesion) at top and bottom of horizontal building bands.
 10. Provide sealant joints at interface between dissimilar substrates, such as balcony ceilings, balcony exterior edges, exterior wall to soffit and ceiling conditions etc.
 11. Provide positive slope 1:2 at top of trim bands, typical.
 12. All attachment and penetration thru the exterior cladding system must be sealed against potential water intrusion.
 13. Exterior walls to be painted prior to installation of downspouts. All downspouts to be 3"x5" factory finished aluminum.
 14. All roof to wall intersections to have "L" flashing with vertical leg extending minimum 6" up the wall. All roof to wall eave terminations must have kick-out flashing.

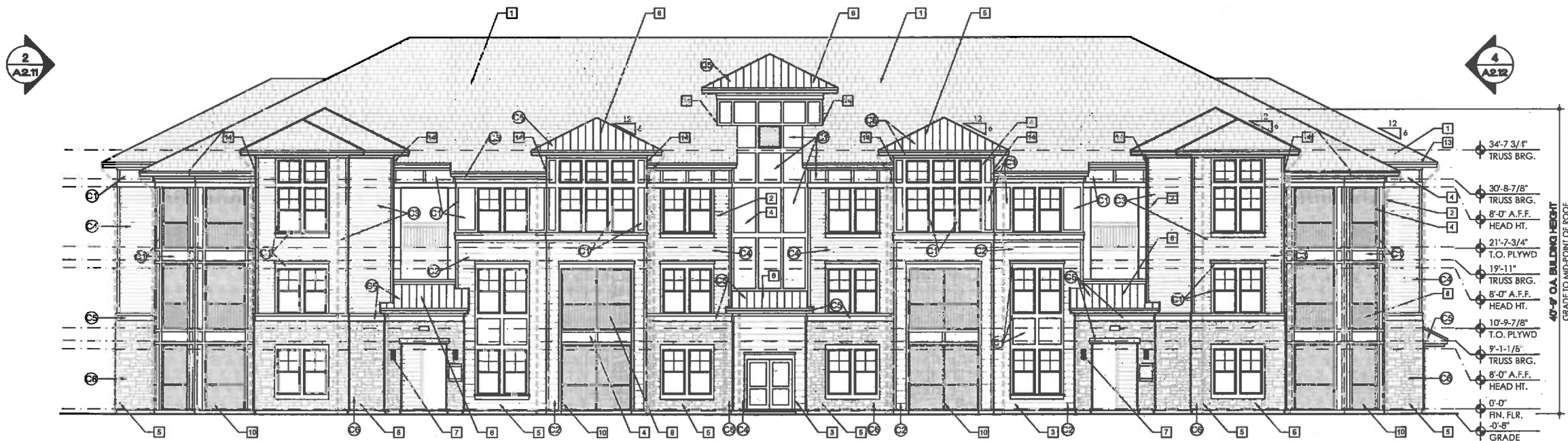
COLOR SCHEDULE	
Paint Scheme A	Paint Scheme B
(C1) Pure White SW7005	(C1) Pure White SW7005
(C2) Network Gray SW7073	(C2) Network Gray SW7073
(C3) Special Gray SW6277	(C3) Refuge SW6228
(C4) Underscas SW6214	(C4) Underscas SW6214
(C5) Cyberspace SW7076	(C5) Cyberspace SW7076
(C6) Country LedgeStone, Echo Ridge Cultured Stone (Boral)	

NOTE: All corbels, gutters, screen enclosure, metal roofs and fascias to be color: Cyberspace, SW7076



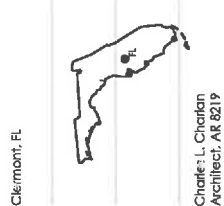
4 Building Type I - Left Elevation

SCALE 1/8"=1'-0"



3 Building Type I - Rear Elevation

SCALE 1/8"=1'-0"



The Palisades of Clemont, LLC
1556 Lake Whitney Drive - Windermere FL 34786.

cba
charlan • brock
associates

architects planners

1770 fennell street
maitland florida 32751-7208
407 660 8900 • 407 675 9948
www.cbaarchitects.com

Building Type I

Exterior Elevations

Rear, and
Left Side

date: 12-01-16
job no: 3859.16
drawn by: RR
reviewed by: CSA
file: 3859A2.12
issue history:

A2.12

PRELIMINARY - NOT FOR CONSTRUCTION

Charlan Brock & cba associates, Inc. hereby reserves its common law copyright and other proprietary rights in these plans, specs, and designs. These plans, specs, designs, and drawings are not to be reproduced, changed or copied in any form or manner whatsoever, nor are they to be assigned to any third party, without first obtaining the express written permission from cbaa, Inc. All other dimensions shall have precedence over scale dimensions.

Boundary Survey

DESCRIPTION AS FURNISHED: The land referred to herein below is situated in the County of Lake, State of Florida, and is described as follows:

PARCEL A

Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 29, Township 22 South, Range 26 East, also described as Tract 32 of Section 29, Township 22 South, Range 26 East, according to the plat of Lake Highlands Company, filed January 10, 1914, and recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida, less and except a strip of land 15 feet wide along the East and also along the South side thereof, reserved for one-half of roadway, as shown on said plat of Lake Highlands Company.

Also Less and Except the land described in the Statutory Warranty Deeds in favor of Lake County recorded in Official Records Book 2360, Page 706 and Page 714 and Official Records Book 2646, Page 47, Public Records of Lake County, Florida.

DESCRIPTION AS FURNISHED:

The land referred to herein below is situated in the County of Lake, State of Florida, and is described as follows:

PARCEL A

Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 29, Township 22 South, Range 26 East, also described as Tract 32 of Section 29, Township 22 South, Range 26 East, according to the plat of Lake Highlands Company, filed January 10, 1914, and recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida, less and except a strip of land 15 feet wide along the East and also along the South side thereof, reserved for one-half of roadway, as shown on said plat of Lake Highlands Company.

Also Less and Except the land described in the Statutory Warranty Deeds in favor of Lake County recorded in Official Records Book 2360, Page 706 and Page 714 and Official Records Book 2646, Page 47, Public Records of Lake County, Florida.

AND

PARCEL B

A portion of the Northeast one-quarter (NE 1/4) of Section 29, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Begin at a one-half inch iron rod (LS# 2142) monumenting the Southwest corner of Lot 51, Sunlit Subdivision, recorded in Plat Book 8, Page 7 of the Public Records of Lake County, Florida, thence North 86°18'10" East along the monumented South line of said Sunlit Subdivision, 681.06 feet; thence South 04°05'38" East along a line 15.90 feet West of and parallel with the East line of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 116.58 feet; thence North 87°08'45" West along the South line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 640.56 feet; thence North 04°05'48" West along the West line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 1071.2 feet; thence North 86°18'10" East, 336 feet to the Point of Beginning.

Less and Except the land described in the Corrective Deed recorded in Official Records Book 2956, Page 2335, Public Records of Lake County, Florida.

PARCEL C

Tract 31, Section 29, Township 22 South, Range 26 East, Lake Highlands County, according to the map or plat thereof as recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida.

Less and Except the land described in the Corrective Deed recorded June 23, 2008 in Official Records Book 3543, Page 202L Public Records of Lake County, Florida.

Together with that certain non-exclusive storm water drainage easement by and between Sandhill Commons Property Owners' Association and Rewitt Enterprises, Inc. recorded June 29, 2012, in Book 4181, Page 423, Public Records of Lake County, Florida.

PD EXHIBITS FOR

PALISADES AT CLERMONT

**PARCEL ID # 9-22-26-130501700000,
09-22-26-1305031000000 & 09-22-26-1305032000001**

PREPARED FOR

**PALISADES AT CLERMONT, LLC
1556 LAKE WHITNEY DRIVE
WINDERMERE, FLORIDA 32786**

PROJECT TEAM

OWNER

DEWITT ENTERPRISES, INC.
14463 W. COLONIAL DRIVE
WINTER GARDEN, FL 32787

APPLICANT

PALISADES AT CLERMONT, LLC
LAKE WHITNEY DRIVE
WINDERMERE, FLORIDA 32786

ENGINEER

B&S ENGINEERING CONSULTANTS, LLC
MAJOR STACY, P.E.
2221 LEE ROAD SUITE 17
WINTER PARK, FLORIDA 32789
PHONE: 407-960-5888

ARCHITECT

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

ENVIRONMENTALIST

UNIVERSAL ENGINEERING SCIENCES
3532 MAGGIE BOULEVARD
ORLANDO, FLORIDA 32811
PHONE: 407-423-0504

SITE DATA

SECTION/TOWNSHIP/RANGE:

PROPERTY AREA:

EXISTING ZONING:

EXISTING USE:

PROPOSED ZONING:

PROPOSED USE:

MAX BUILDING HEIGHT:

VEGETATION:

SETBACKS:

FRONT (HOOKS STREET)

SIDE (CITRUS TOWER BLVD)

(OAKLEY SEAVAR BLVD)

REAR

9/225/26E

±19.17 AC

C-2

BORROW PIT/MINE

PLANNED DEVELOPMENT

MULTI FAMILY / MIXED USE:

12 DU/AC MAX = 230 UNITS

3 STORIES

EXISTING BORROW PIT

MIXED USE AREA A = 0.42 AC (PARKING PER PROPOSED USE)

MIXED USE AREA B = 0.67 AC (PARKING PER PROPOSED USE)

VARIANCES:

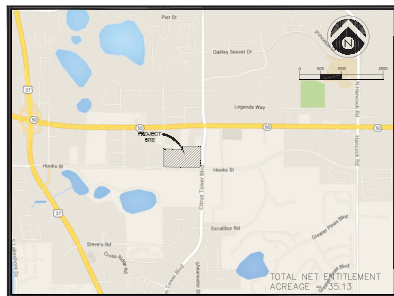
APPLY TO ENTIRE PROPERTY AS
DETAILED ON SHEET C-1.1

PARKING AS PROPOSED:

PER CITY CODE

MINIMUM PARKING REQ.	
TOTALS	FOOTAGE
1,800 - 56 (13)	84
2,800 - 102 (10)	144
3,800 - 52 (23)	132
REQUIRED	458
MINICAP REQUIRED	8
PROVIDED	
STANDARD 18'x42'	428
MINICAP 12'x20'	24
GARAGE	48
TOTAL	500

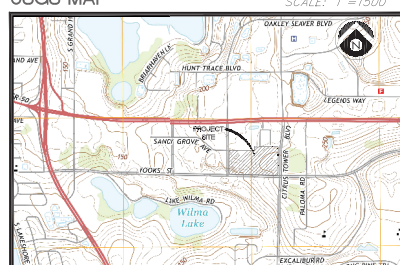
LOCATION MAP



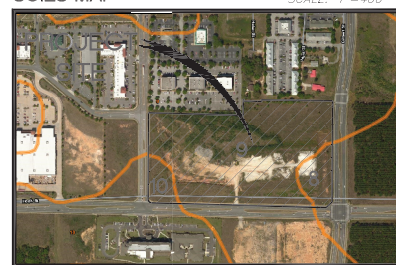
SECTION 9 TOWNSHIP 22S RANGE 26E LATITUDE 28° 32' 43"N LONGITUDE 81° 42' 54"W

Map 17-2017 - H&B
B:\Map Files\B&S\Palisades at Clermont\Drawings\C-01 COVER SHEET.dwg

USGS MAP



SOILS MAP



SOIL TYPE	SOIL NAME	HYDROLOGIC GROUP
8	CANDLER, 0 TO 5 PERCENT	A
9	CANDLER, 5 TO 12 PERCENT	A
37	CANDLER, 12 TO 40 PERCENT	A

UTILITY SERVICE PROVIDERS

WATER

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

PHONE

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

SEWER

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

CABLE

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

ELECTRIC

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

NOTES:

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



B&S
ENGINEERING, INC.

2221 Lee Road, Ste. 17
Winter Park, FL 32789

(407) 960-5888

Florida Engineer's
Board of Professional Engineers
Certificate No. 28973

JOB No: POC-001

DRAWN BY: JLC

APPROVED BY: JLC

DATE: 08/17/2017

SHEET:

C-0.1

Sec. 54-78. - Driveway construction standards.

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

Waiver Requests: We are requesting a variance from this code and defer to the city engineer to approve proposed grading to ensure adequate outfall and protection of the FFE.

Sec. 94-195. - Clearing and grading review criteria. (b)(3)
The maximum depth of cut or fill for construction of any roadway shall be 15 feet, as measured at the centerline of the roadway.

Waiver Requests: The site is an existing borrow pit and not in-situ soil. Due to the heavily modified topography over time, this site does not meet the intent of code to preserve natural elevation contouring.

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

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

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

Waiver Requests: is not until all final architectural, landscape and civil engineering design that the final grades and miscellaneous small retaining walls are located. Due to the historic use of the property, extensive geotechnical analysis will be performed and non-suitable soil layers or debris may need to be removed at varying depths. In addition, retaining walls will be required exceeding 6' in height. We are requesting a variance removing the 15' restriction of elevation change (the subsurface conditions can vary) and requesting a maximum wall height of 13' without a terrace throughout the development. A 3' terrace will be utilized where two wall segments are

required. A waiver is also requested allowing the use of 4:1 grading on all pervious areas of the site as needed.

Sec. 110-192 Gated development

Waiver Request: The proposed development will be gated and include emergency access in an easement coordinated with the City of Clermont and Lake County Public Works.

Waiver Request: The proposed development will utilized a central compactor for solid waste collection.

Sec. 122-126 Yards

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

(1) **Front Yard.** Property adjacent to Hartwood Marsh Road, SR 50 and U.S. 27 shall maintain a 50-foot setback. The setback on all other streets shall be 25 feet.

(2) Side Yard. The minimum side yard setback is 12 feet. On corner lots where a side yard setback of 50 feet shall be maintained on Hartwood Marsh Road, State Road 50 and U.S. Highway 27 and a side yard setback of 25 feet shall be maintained from all other streets and 12 feet on the interior side yard. However, a side setback of 25 feet shall be maintained on the side adjacent to property that is either zoned or used as residential.

(3) Rear Yard. The minimum rear yard setback is 25 feet except where a rear yard abuts Hartwood Marsh Road, SR 50 or U.S. 27, a setback of 50 feet shall be maintained. The rear building line of lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

(4) **Buffer Strip.** When a conditional or commercial use abuts a residential use, the conditional or commercial use shall provide a landscaped buffer strip along the abutting property line.

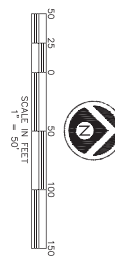
(5) Other Setbacks. All yard setbacks for principal buildings shall be a minimum of 25 feet from established high-water marks. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

Waiver Request: It is possible areas in the landscape buffer will need to be graded at a 4:1 slope to transition to existing grades.

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

Waiver Requests: The proposed buildings will be terraced so the maximum building height will vary depending on the grade and location of the measurement. In addition, to achieve a mixed use project 3 units were eliminated in exchange for commercial square footage. To prevent encroachment into the building and landscape setbacks, we are requesting 4 stories on the Type 1 buildings. Elevators will be installed for buildings with a walkup of more than one story."

SCALE:
HORZ: 1" = 50'
VERT: 1" = 5'

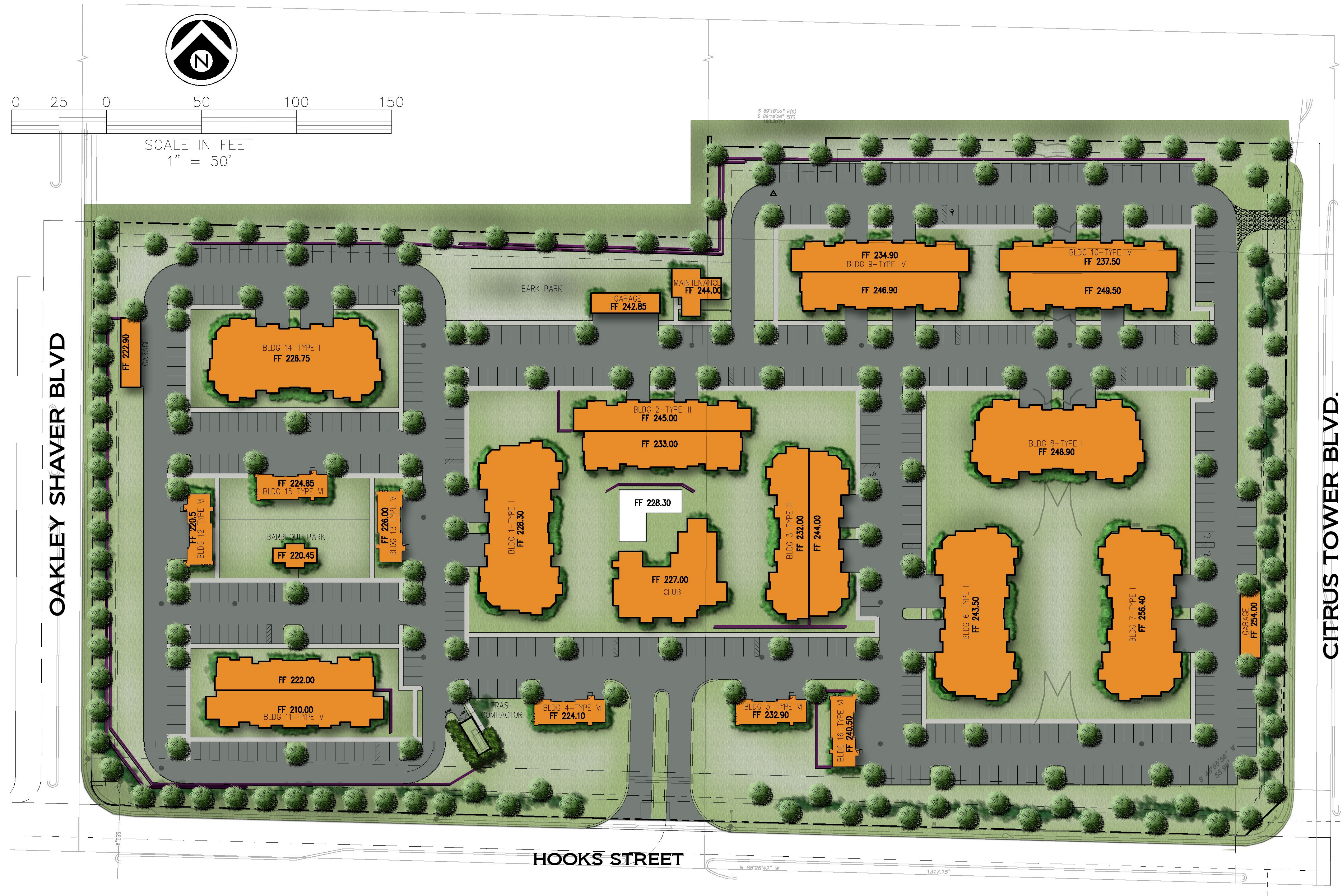




SCHEMATIC PROPOSED BUILDING TYPE I



SCHEMATIC PROPOSED CLUBHOUSE





THE **ADDISON**
AT UNIVERSAL BOULEVARD







City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
March 7, 2017

Page 1

The meeting of the Planning & Zoning Commission was called to order Tuesday March 7, 2017 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carol Thayer, Herb Smith, Judy Proli, Cuqui Whitehead, and Jack Martin. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Regina McGruder, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

Development Director Hollerand introduced Regina McGruder to the Planning and Zoning Commission.

MINUTES of the Planning and Zoning Commission meeting held February 7, 2017 were approved as written.

REPORTS

Commissioner Whitehead stated that Pig on the Pond was successful.

Mr. Mantzaris stated that it was estimated that 30,000 people were in attendance.

Commissioner Whitehead stated that The Caribbean American Association of Lake County is having a Mother's Day event at Gabby's banquet facility on Sunday, May 14, 2017 from 1:00 p.m. to 5:00 p.m.

Chairman Jones stated that he has tickets for the Florida Lakes Symphony Orchestra that is coming up on March 31, 2017. He stated that Film and Fantasy will performing at the First United Methodist Church. He stated that he is also raffling off a Remington 12-guage pump shot gun and 100% of the proceeds go to the Lions Club vision programs. He stated that they also collect glasses to recycle. He stated that two years ago they recycled 98,000 glasses worldwide.

Commissioner Whitehead made a motion to table Resolution 2017-14 to the April 4, 2017 Planning and Zoning Commission meeting; seconded by Commissioner Proli. The vote was unanimous.

1. 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
MINUTES
PLANNING AND ZONING COMMISSION
March 7, 2017

Page 2

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 2-14-17, 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.

Because 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. The applicant is requesting that driveway access and parking be allowed to be constructed below the centerline of adjoining roads, with the City's engineer's 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 for dumpsters.

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 Code. The traffic report indicates that the proposed development will not require additional improvements to the surrounding roadway systems. The applicant will be required to participate in any mitigation that is warranted by the Lake County School District for school concurrency.

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 2017-23 for a Planned Unit Development.

Attorney Jimmy Crawford stated that he is representing The Addison. He stated that there is very little that has changed from the previous application. He stated that they have provided more detail of the floor plans and finishes of the buildings.

Commissioner Whitehead asked if there was only one entrance to the apartments.

Major Stacy, 2221 Lee Road, Winter Park, stated that there is one primary entrance on Hooks Street with a secondary emergency access on Citrus Tower Boulevard. He stated that there is a

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
March 7, 2017**

Page 3

60 x 100 foot easement because there is an intersection not being used at this time, but it was required by Lake County.

Commissioner Whitehead asked about parking.

Mr. Stacy stated that parking meets code.

Chairman Jones asked about the school board concurrency requirements.

Mr. Kruse stated that the applicant would have to meet any school concurrency requirements in order to proceed with the project.

Mr. Crawford stated that the estimated new student generation count is 15 to 20 students and the applicant will have to do a capacity impact study prior to development.

Commissioner Whitehead asked what the largest floor plan for the apartments is.

Mr. Crawford stated that there would be three bedroom/two bath. He stated that he did a site visit to the sister project to this one and he was very impressed. He stated that they use up to four finishes on the exterior of the apartments.

Mr. Stacy stated that there are 56 1-bedroom units, 122 2-bedrooms units, and 52 3-bedrooms units in the apartments.

Commissioner Thayer expressed concerns about the project having only one main entrance.

Mr. Crawford stated that the project meets the access codes for development. He stated that there is an emergency entrance in the northeast corner of the parcel.

Commissioner Smith asked if the emergency exit would be blocked.

Mr. Stacy stated that there would be an access gate at that entrance.

Chairman Jones asked whether the emergency vehicles would be able to maneuver through the development.

Mr. Kruse stated that it was reviewed by the Fire Department at the preliminary review.

Commissioner Smith asked about there only being one trash compactor for the whole development.

Deion Lowery, developer, stated that the trash compactor is the typical compactor they use for projects such as this one. He stated that the residents prefer seeing only one unit rather than having compactors spread around the project. He stated that it might need to be serviced more

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
March 7, 2017

Page 4

than once a week. He stated that there is a valet service that will pick up the trash from the residents' door.

Commissioner Proli asked about a photo provided in the application.

Mr. Crawford stated that the apartment in the photo is the sister project on University Boulevard but this project will be a smaller version of that one. He stated that the sister project is 20 units to the acre, where in Clermont they are limited to 12 units to the acre. He stated that this project would also provide more green space between the buildings, rather than being connected.

Commissioner Proli asked where the pool was located.

Mr. Lowery stated that the pool is in the center. He stated that there is more green space between the buildings due to the elevation on the parcel.

Commissioner Proli asked why they wouldn't build condominiums rather than apartments.

Mr. Lowery stated that the apartments are built to condominium specs, however it is hard to get financing for condominiums. He stated that they are the owners, are financed for 40 years and they will overlook the property. He stated that they will not be flipped once built.

Commissioner Whitehead asked if there would be BBQs provided for the residents.

Mr. Lowery stated that there would be BBQs included in the project.

Commissioner Whitehead moved to recommend approval of the rezoning; seconded by Commissioner Martin. The vote was unanimous to recommend approval.

Commissioner Martin nominated Chairman Nick Jones for chairman for the upcoming year; seconded by Commissioner Smith. The vote was unanimous.

Commissioner Martin nominated Commissioner Whitehead for Vice-chair; seconded by Commissioner Proli. The vote was unanimous.

There being no further business, the meeting was adjourned at 7:10 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



**CITY OF CLERMONT
REZONING
APPLICATION**

FEE \$542 plus
advertising costs

~~FEE \$350.00~~

DATE: February 10 2017

PROJECT NAME (if applicable): The Addison (FKA Palisades)

APPLICANT: B&S Engineering Consultants, llc Attention: Major Stacy, P.E.

CONTACT PERSON: Major Stacy, P.E.

Address: 2221 Lee Road Suite 17

City: Winter Park State: FL Zip: 32789

Phone: 407-960-5868 Fax: _____

E-Mail: mstacy@bandseng.com

OWNER: Dewitt Enterprises, Inc.

Address: 14463 W Colonial Dr

City: Winter Garden State: FL Zip: 34787

Phone: 407-656-1799 Fax: 407-656-0552

Address of Subject Property: North of Hook East of Oakley Seaver West of Citrus Twr

Legal Description (include copy of survey): _____

09-22-26-130501700000 & 09-22-26-130503100000

Acreage: +/-19.17 Land Use: Commercial

(City verification required)

Present Zoning: Commercial Proposed Zoning: PD

(City verification required)



**CITY OF CLERMONT
REZONING
APPLICATION**
Page 2

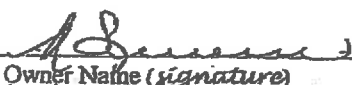
Answers to the following questions are required to complete this application.

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

Convert an existing borrow pit into a multi-family development at 12 DU/AC. The existing
borrow pit will require substantial grading as well as variances as this is not in-situ soil.
Variances requested include removing a minimum or maximum elevation change, up to 4:1
grades throughout all previous areas, 13' maximum wall height with a 3' terrace between
segments, gated community with a secondary emergency access and a single compactor for
solid waste collection.

Major Stacy
Applicant Name (print)

X 
Applicant Name (signature)

DEWitt Enterprises Inc. X 
Owner Name (print) Ann L. Severns Secy. 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

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. 2017-23

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

Northwest corner of Hooks Street and Citrus Tower Blvd
AK 3771657, 1114985, 1112192

LEGAL DESCRIPTION

PARCEL A

Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 29, Township 22 South, Range 26 East, also described as Tract 32 of Section 29, Township 22 South, Range 26 East, according to the plat of Lake Highlands Company, filed January 10, 1914, and recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida, less and except a strip of land 15 feet wide along the East and also along the South side thereof, reserved for one-half of roadway, as shown on said plat of Lake Highland Company. Also Less and Except the land described in the Statutory Warranty Deeds in favor of Lake County recorded in Official Records Book 2360, Page 706 and Page 714 and Official Records Book 2646, Page 47, Public Records of Lake County, Florida.

AND

PARCEL B

A portion of the Northeast one-quarter (NE 1/4) of Section 29, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows: Begin at a one-half inch iron rod (LS# 2142) monumenting the Southwest corner of Lot 51, Summit Subdivision, recorded in Plat Book 8, Page 7 of the Public Records of Lake County, Florida; thence North 86°18'10" East along the monumented South line of said Summit Subdivision, 640.06 feet; thence South 04°06'36" East along a line 15.00 feet West of and parallel with the East line of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 116.58 feet; thence South 87°08'43" West along the South line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 643.56 feet; thence North 04°06'48" West along the West line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 107.12 feet; thence North 86°18'10" East, 3.36 feet to the Point of Beginning.

Less and Except the land described in the Corrective Quit Claim Deed recorded in Official Records Book 2926, Page 2335, Public Records of Lake County, Florida.

PARCEL C

Tract 31, Section 29, Township 22 South, Range 26 East, Lake Highlands County, according to the map or plat thereof as recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida.

Less and Except the land described in the Corrective Deed recorded June 23, 2008 in Official Records Book 3643, Page 2021, Public Records of Lake County, Florida.

Together with that certain non-exclusive storm water drainage easement by and between Sandhill Commons Property Owners' Association and Dewitt Enterprises, Inc. recorded June 29, 2012, in Book 4181, Page 423, Public Records of Lake County, Florida.

Containing 19.17 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.

FROM C-2 General Commercial
TO Planned Unit Development

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

A public meeting to consider the request will be held before the City Council on Tuesday, March 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
February 28 and March 14, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, March 28, 2017			
Agenda Item Name			
Resolution No. 2017-14 <i>Weatherbee CUP</i> <i>Table to April 11, 2017</i>			
Requested Action			
Recommend tabling Resolution 2017-14.			
Staff Report			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1. Legal ad	2017 CUP legal ad.docx		

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for an automotive service center in the Central Business District.

LOCATION

898 West Montrose Street
Alternate Key 1615062 & 2512971

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

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

A public meeting to consider the request will be held before the City Council on Tuesday, March 28, 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
March 1 and March 21, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, March 28, 2017	
Agenda Item Name	
Variance Request <i>College Station</i>	
Requested Action	
Recommend denial of the variance requests.	
Staff Report	
The applicant requested additional time to refine the site plan and verify the requested variances prior to the March 14, 2017 City Council meeting. The applicant has updated the site plan along with the variance requests, which have been properly advertised and reflected in the staff report below. The applicant is requesting the following variances to the Land Development Code (LDC): (1) To allow for a reduction of seventeen (17) parking spaces for a proposed commercial development instead of as required by the LDC, Section 98-14. (2) To allow for a reduced perimeter landscape buffer between abutting properties instead of the minimum 10-foot-wide landscape buffer, as required by the LDC, Section 118-37. (3) To allow for a total of 20% compact parking spaces instead of the maximum 10% compact parking spaces, as required by the LDC, Section 98-6. The applicant is requesting variances to the parking and landscaping requirements for a new commercial building located at the southwest corner of Hancock Road and State Road 50 in the College Station plaza. The applicant is proposing to construct a 11,232-square-foot building with a 500 square foot outdoor patio. The uses of the building will consist both of retail and restaurant use with the outdoor patio used for restaurant use. The applicant has indicated that 6,500 square feet is designated for restaurant use while the remaining 4,732 square feet will be used for retail. The parking requirements based upon Section 98-14 of the LDC require a minimum of 117 onsite spaces to serve the proposed development. The applicant is providing 100 parking spaces onsite, which 20 of them will be compact spaces (9 feet wide and 20 feet deep) with the ability to park off-site through the establishment of a cross-parking easement with the adjacent projects. The applicant has submitted a parking study to support the request. The seventeen off-site parking spots are across the main access point that enters from Hancock Road, and staff is concerned about pedestrian safety when crossing this area. The applicant is also requesting a reduced landscape buffer between abutting properties, particularly to the south and west property line of the parcel. The property to the west is Chick-Fil-A, which has a 10-foot landscape buffer in place. The Land Development Code requires a 10-foot landscape buffer to be installed on the applicant's property at this location. The applicant has indicated that due to the configuration of the proposed building and parking, and the existing utilities and roads in the area, it is very difficult to establish a 10-foot buffer in this area. The applicant is proposing a varying buffer from 5-9 feet. This would create a 15-19 foot landscape buffer between the parcels. In addition, the landscape buffer along the southern property line is not the required 10 feet in width along the entrance drive to the parcel and the plaza. The applicant will have landscaping installed in this area, but only 5 feet of it will be	

on their parcel with the additional 5 feet located within the dedicated private drive.

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

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|--------------------------|--|
| 1. | Review Criteria | College Station Landscape and Parking Review Criteria.docx |
| 2. | College Station Exhibits | College Station Landscape Parking Variance Map.pdf |
| 3. | Site plan | Site plan.pdf |
| 4. | Proposed building | March 10 2017 Revised Site Plan.pdf |
| 5. | Parking Study | Parking study.pdf |
| 6. | Application | VAR application.pdf |
| 7. | Legal ad | UPDATED VAR Legal AD College Station.docx |

College Station Outparcel Variances

The requirements for a variance are as follows:

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

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

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: Subject site is constrained by adjacent development and public roads. Existing buffer adjacent to Chick-Fil-A varies from 5 feet to 9 feet on subject site. Chick-Fil-A has 10 feet for a total of 15 – 19 feet combined.

Staff comments: The subject parcel is currently vacant. The applicant can develop the property within the current zoning, C-2 General Commercial, if they revised the site plan to meet the LDC.

Negative finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: Requested variance is minor (difference of three (3) parking spaces). Parking “requirement” is too high given adjacent uses and probability of shared parking. Landscape buffer varies between 5 – 9 feet on subject site.

Staff comments: The applicant is requesting the variances for the proposed development that they intend to build. The applicant’s proposed site plan is creating the need for the variances.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: Literal interpretation would require parking that cannot reasonably fit on-site, while site is being developed at a reasonable FAR (proposed FAR 0.15). Other property owners may apply for similar variances.

Staff comments: The applicant is not prohibited from redesigning the proposed building and change the mixture of uses (less restaurant and more retail or all restaurant and no retail) that would allow them to meet the LDC for parking and landscaping.

Negative finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
Applicant response: It is not an economically driven request. There is ample parking available in adjacent retail parcel that can accommodate any overflow for adjacent site. See Parking Study.

Staff comments: *There appears to be a perception of decreased costs due to the variance requests. The reduction in landscaping and using the adjacent buffer, Chick-Fil-A, may result in lower landscaping costs for the applicant. In addition, using adjacent parking spots that someone else has developed and paid for could be debated.*

Negative finding

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

Applicant response: *The variances are minimal.*

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

Positive finding

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

Applicant response: *No special privilege is conferred that cannot be requested by any other user in the General Commercial District.*

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

Positive finding

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

Applicant response: *The surrounding uses are retail/restaurants. Ample parking is available in adjacent retail parcel and a cross-parking easement exists. The reduced buffer is interior between Chick-Fil-A and subject site and the combined landscape area is 15 – 19 feet total.*

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

Positive finding

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

Applicant response: *Variances will not materially impact surrounding properties and will not be detriment to the public welfare.*

Staff comments: *Staff feels that granting the variance may be injurious to the surrounding properties or detrimental to the public welfare. Staff has concern over the use of parking spots on adjacent properties that would require pedestrians to cross the drive isle that is the major access point into the plaza from Hancock Road.*

Negative finding

STAFF RECOMMENDATION:

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

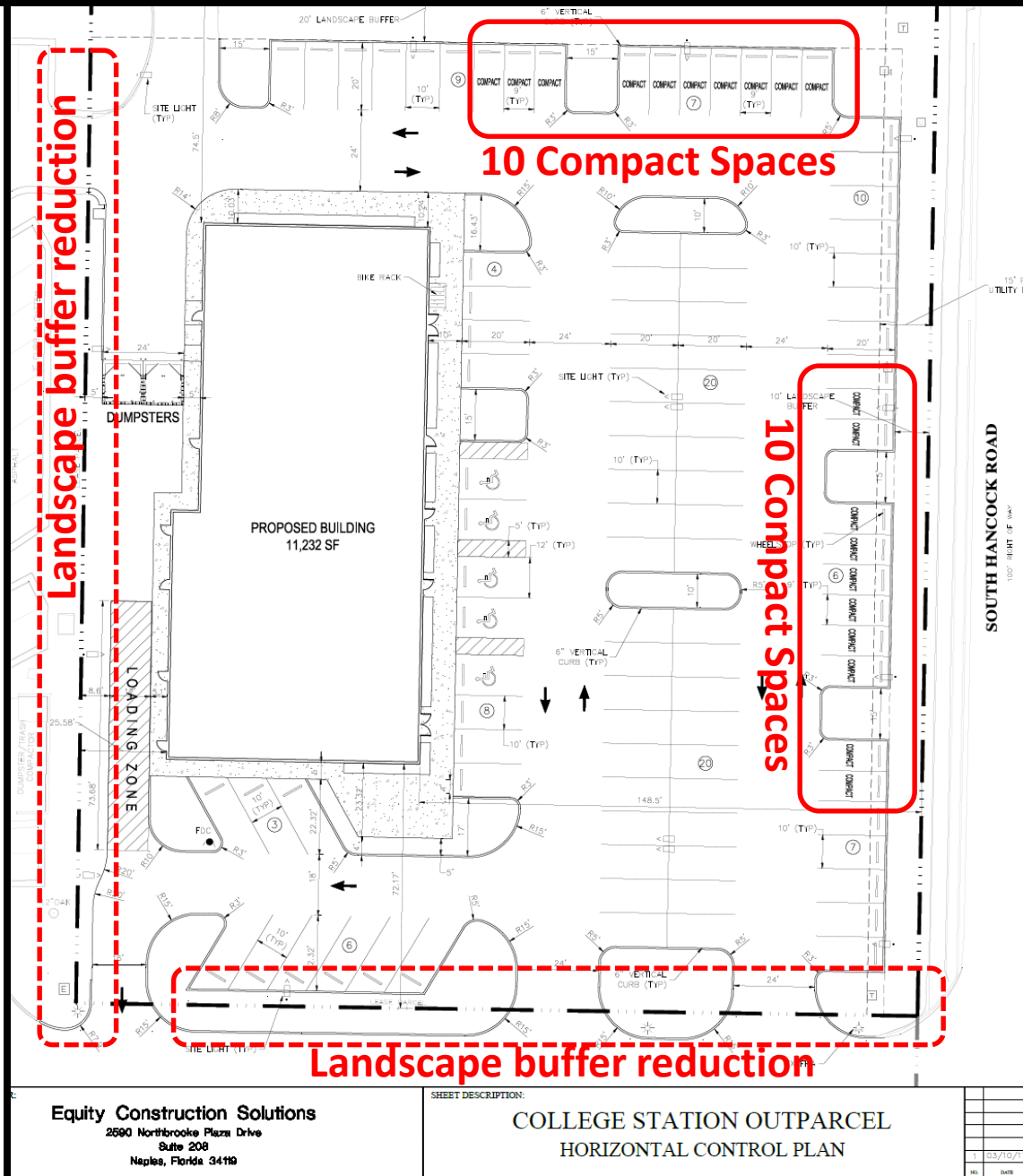
College Station Outparcel Variance

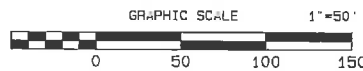


Variance:

- # 1: to allow for a reduction of seventeen (17) parking spaces for a proposed commercial development
- # 2: to allow for a reduced perimeter landscape buffer between abutting properties
- #3: to allow for 20% of compact parking instead of 10% compact parking

College Station Outparcel Variance





LINE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD	ARC
C1	50' 00"	33° 44' 02"	N69° 06' 12"E	29.02'	29.44'
C2	50' 07"	54° 32' 17"	S64° 38' 36"E	45.88'	47.86'
C3	60' 57"	22° 31' 54"	N76° 32' 14"E	9.77'	9.93'
C4	20' 00"	28° 38' 43"	S28° 37' 58"E	29.17'	31.26'
C5	42' 28"	28° 38' 43"	N75° 21' 52"E	19.86'	20.16'
C6	40' 00"	28° 34' 22"	N75° 49' 16"E	20.42'	20.65'
C7 230.00'	17' 50' 14"	N82° 08' 55"E	71.31'	71.60'	
C8 200' 55"	5° 23' 15"	N80° 56' 25"E	16.80'	18.81'	
C9 330' 30"	6° 16' 15"	N12° 00' 53"N	36.10'	36.32'	
C10 620.00'	15° 45' 24"	N07° 15' 20"E	60.31'	60.50'	

P.O.C.
FOUND 6" CONC. MON.
NO IDENTIFICATION
NE CORNER - NE 1/4
SECTION 28, T22N, R26E
LAKE COUNTY, FLORIDA



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 6)

ALTA/ACSM LAND TITLE SURVEY

CLERMONT COLLEGE STATION CENTER
LOCATED IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST
LAKE COUNTY, FLORIDA

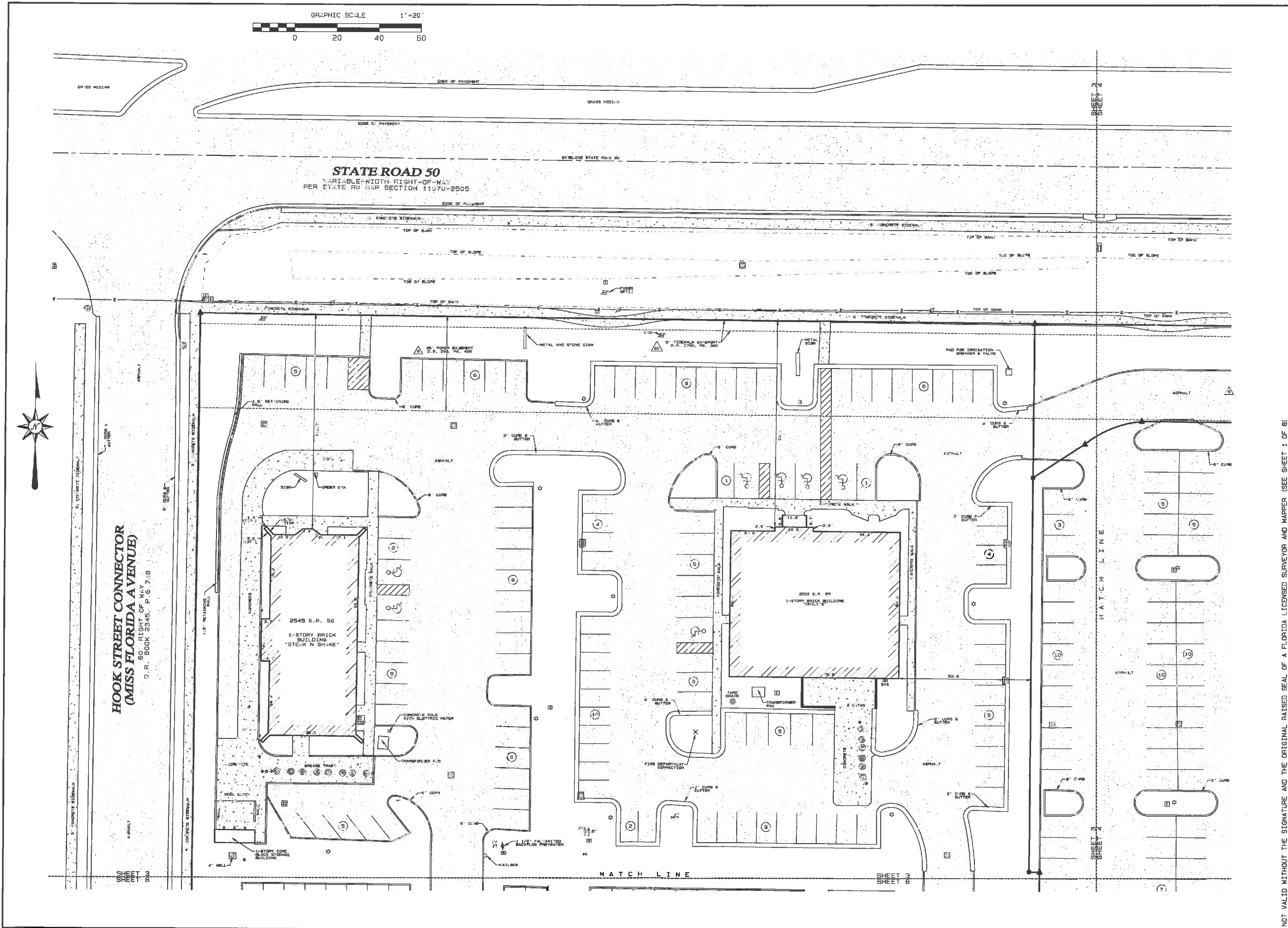
**FOR
EQUITY, INC.**

**LEADING EDGE
LAND SERVICES**

4551 SW 34th STREET
SUITE C
ORLANDO, FLORIDA 32811
PHONE: (407) 351-6730
FAX: (407) 351-9691
www.leadingedges.com

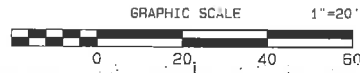
www.leadingedgels.com
FLORIDA LICENSED BUSINESS NUMBER LB 6946

DATE OF DRAWING: 10 JUL 2013	LAST FIELD WORK: 09 JUL 2013	
MANAGER: JON	CADD: EAC	CREW CHIEF(S): NAC, MSC
PROJECT NUMBER: 704-13001		
FIELD BOOK NUMBER: LE 920, 951	SCALES: 1" = 50'	
COMPUTER FILE: 704001AL T1.PRO		
SHEET 2 OF 8		



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 3)

LEADING EDGE LAND SERVICES INCORPORATED 3001 W. 34th STREET SUITE 200 FORT LAUDERDALE, FLORIDA 33311 PHONE: (407) 351-6730 FAX: (407) 351-9851 www.leadingedgegis.com FLORIDA LICENSED BUSINESS NUMBER LB 8845		ALTA/ACSM LAND TITLE SURVEY OF CLERMONT COLLEGE STATION CENTER LOCATED IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST LAKE COUNTY, FLORIDA FOR EQUITY, INC.		REVISIONS:
DATE OF DRAWING: 10 JUL 2013		LAST FIELD WORK: 05 JUL 2013		
DRAWN BY: JAY		CHECKED BY: JAY		
PROJECT NUMBER: 704-1201		COMPUTER FILE: 70401A17A.DWG		
FIELD BOOK NUMBER: LE 920, 951		SCALE: 1" = 20'		
		SHEET 1 OF 3		



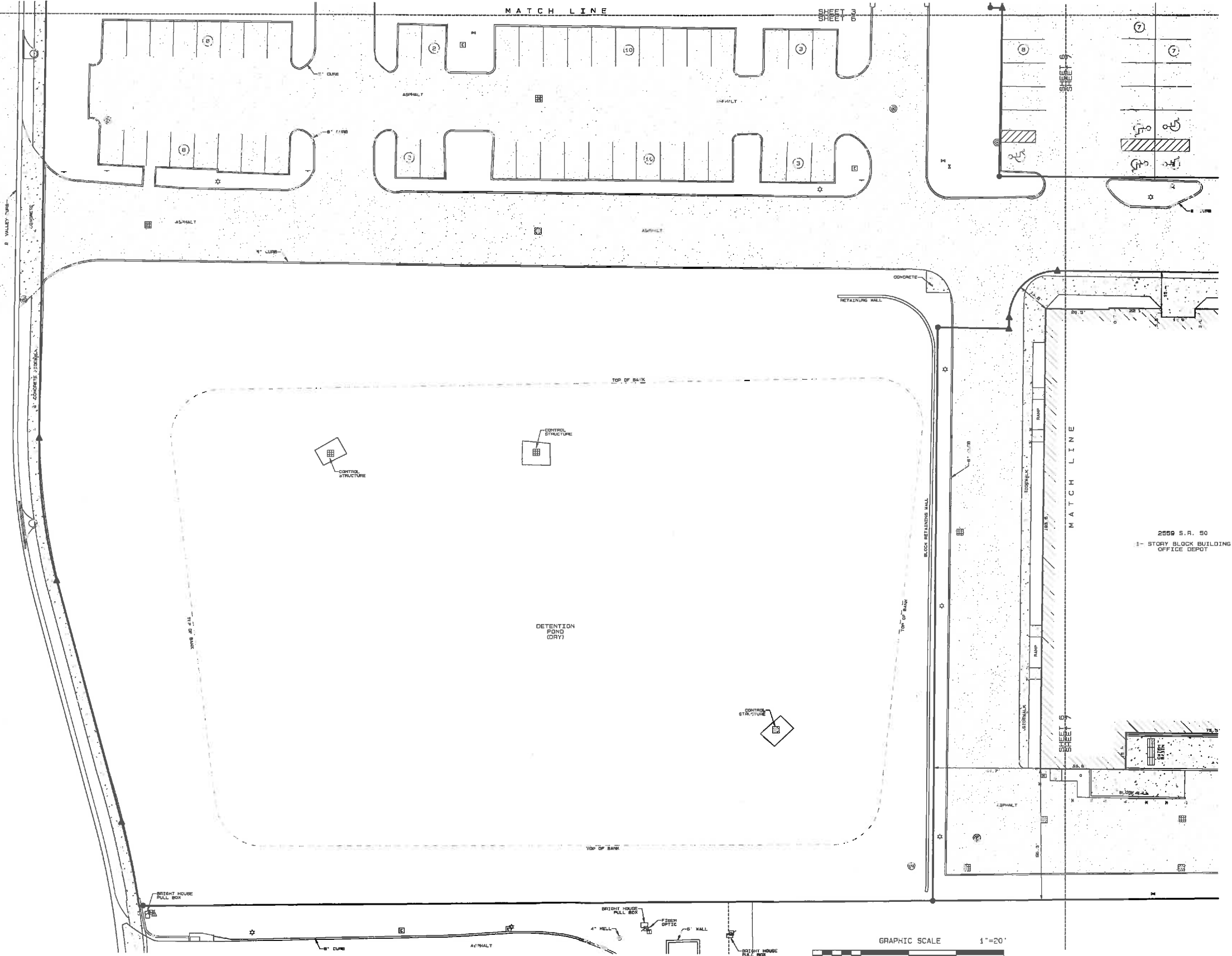
FLORIDA LICENSED BUSINESS NUMBER LB 6846

DATE OF DRAWING: 10 JUL 2013	LAST FIELD WORK: 05 JUL 2013
MANAGER: JQH	CREW CHIEF(S): NAC, NSC
PROJECT NUMBER: 704-13001	COMPUTER FILE: 70-0014.TA.PRO
FIELD BOOK NUMBER: LE 920, 951	SCALE: 1" = 40'
	SHEET 4 OF 8



**HOOK STREET CONNECTOR
(MISS FLORIDA AVENUE)**

80' RIGHT OF WAY
O.R. BOOK 2345, P.G. 748



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 8)

**LEADING EDGE
LAND SERVICES**
INCORPORATED

2515 W. 34th STREET
SUITE 200
ORLANDO, FLORIDA 32811
PHONE: (407) 351-6730
FAX: (407) 351-9651
www.leadingedge3a.com

FLORIDA LICENSED BUSINESS NUMBER LB 6846

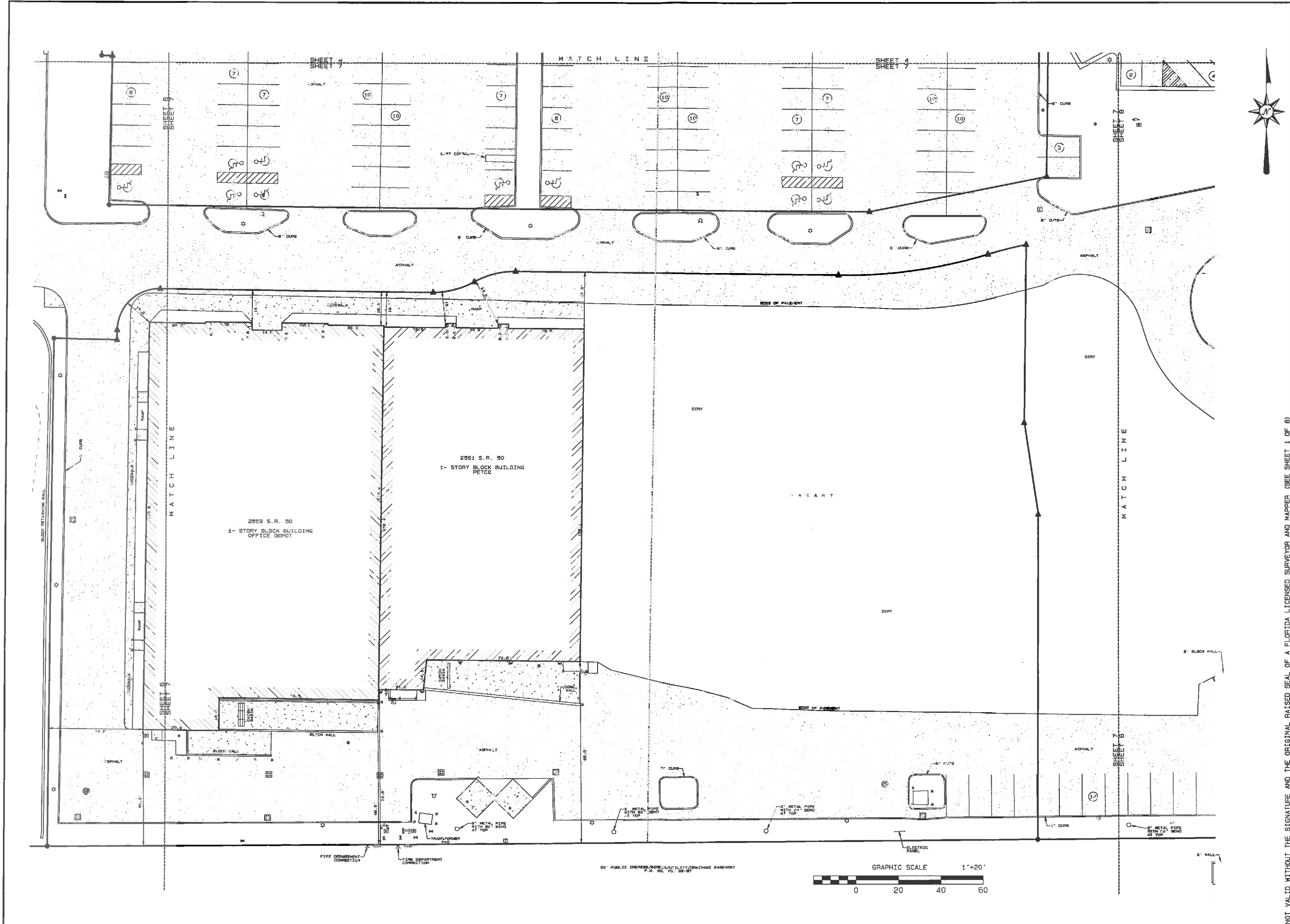
ALTA/ACSM LAND TITLE SURVEY

OR
CLERMONT COLLEGE STATION CENTER
LOCATED IN SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST
LAKE COUNTY, FLORIDA

FOR
EQUITY, INC.

REVISIONS:

DATE OF DRAWING: 10 JUL 2013	LAST FIELD WORK: 05 JUL 2013
DRAWN BY: JDN	CHECKED BY: NAC, RSC
PROJECT NUMBER: 704-13001	COMPUTER FILE: 704001A1A.DWG
FIELD BOOK NUMBER: LE 920, 951	SCALE: 1" = 20'
	SHEET 6 OF 8

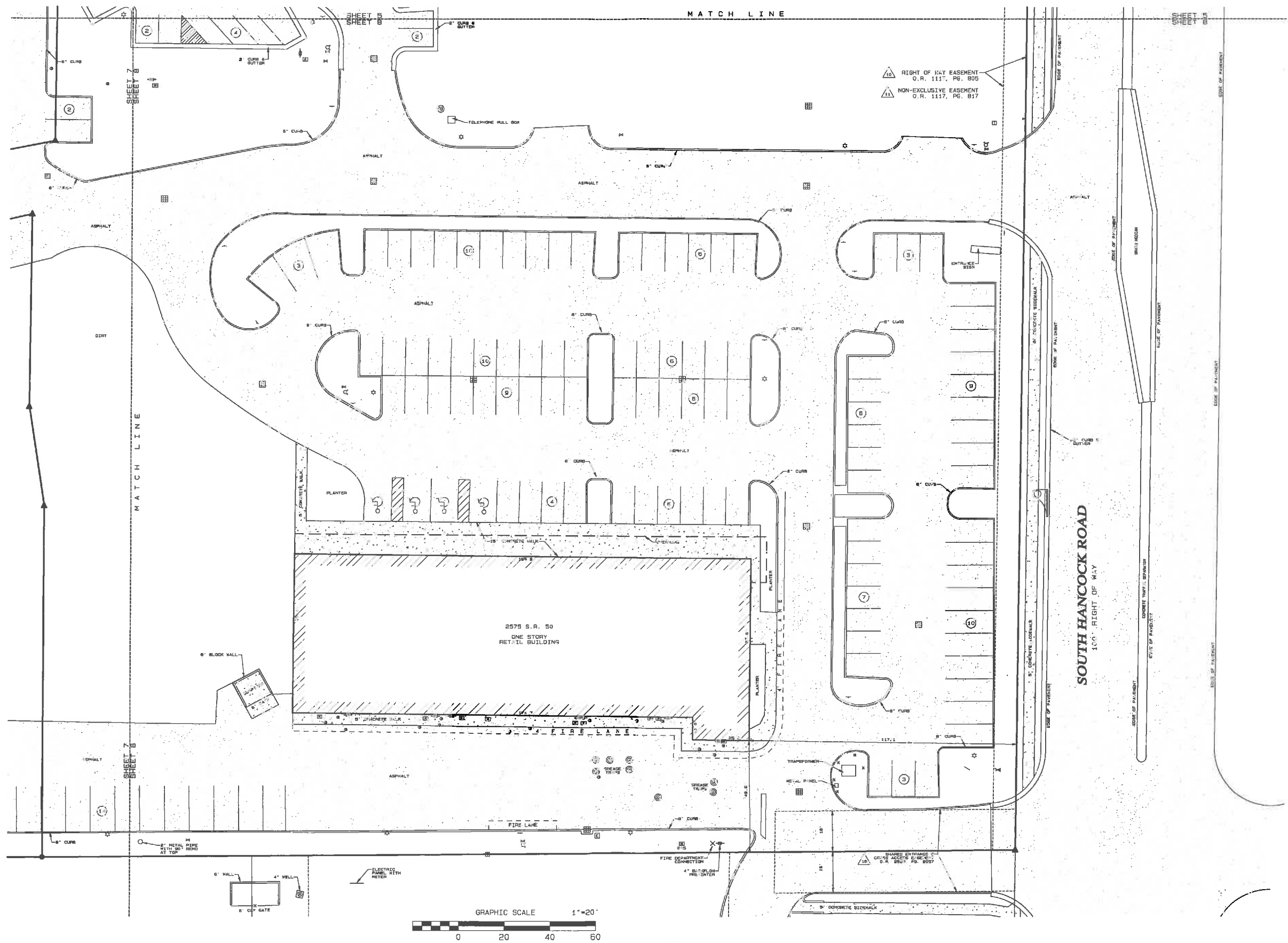


NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 8)

LEADING EDGE
LAND SERVICES
INCORPORATED
4051 SW 34th STREET
OCCIDENTAL, FLORIDA 33011
PHONE: (407) 351-6720
FAX: (407) 351-8651
www.leadingedge1.com
FLORIDA LICENSED BUSINESS NUMBER LB 8846

ALTA/ACSM LAND TITLE SURVEY
OF
CLERMONT COLLEGE STATION CENTER
LOCATED IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST
LAKE COUNTY, FLORIDA
FOR
EQUITY, INC.

DATE OF DRAWING: 10 JUL 2013
MANAGER: JON | CAD: EAC
PROJECT NUMBER: 704-13001
FIELD BOOK NUMBER: LE 620, 951
LAST FIELD WORK: 05 JUL 2013
CREW CHIEF: BIL MC, INC
COMPUTER FILE: 704001ALTA.PRG
SCALE: 1" = 20'
SHEET 7 OF 8



ALTA/ACSM LAND TITLE SURVEY

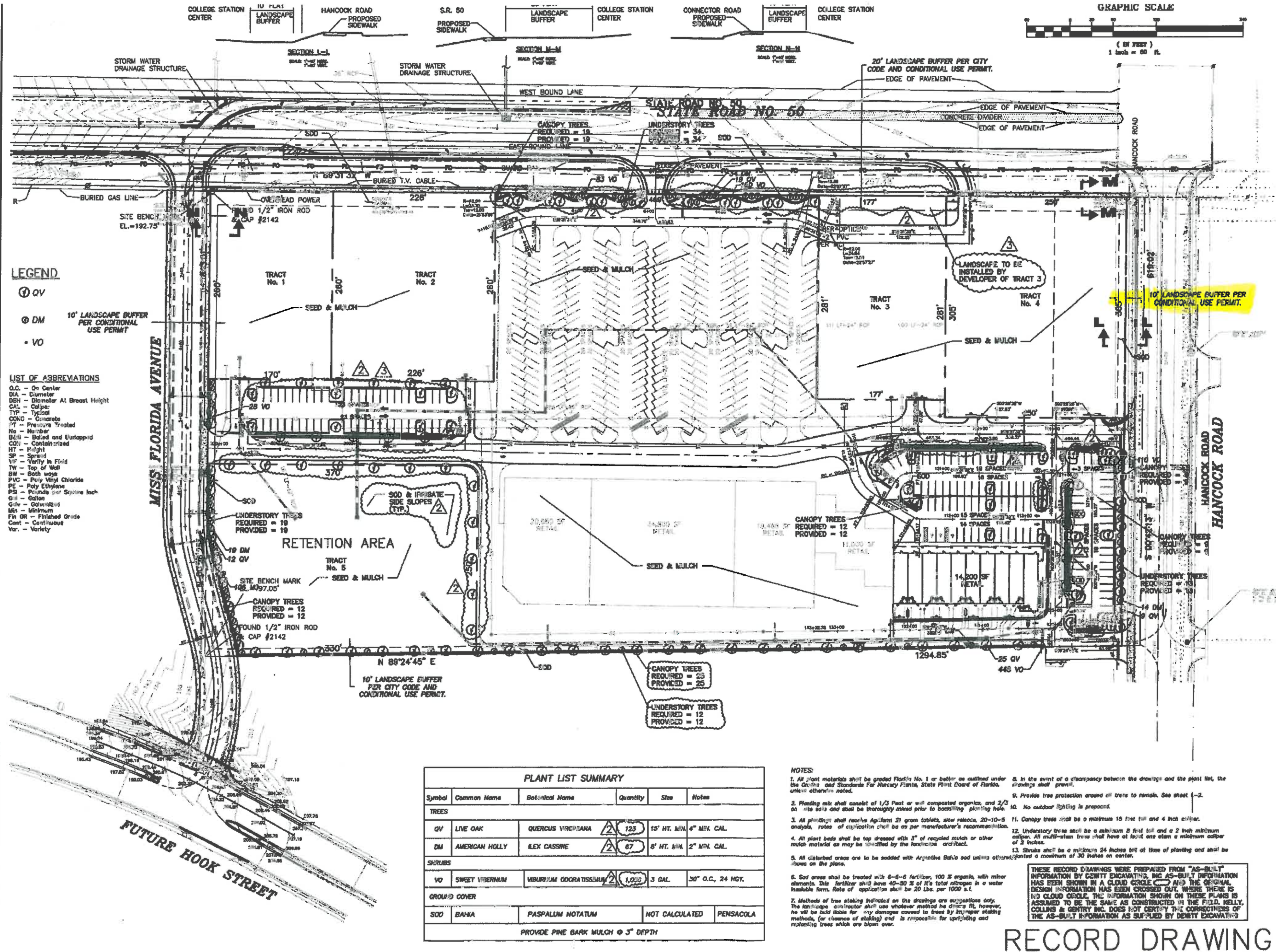
CLERMONT COLLEGE STATION CENTER
LOCATED IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST
LAKE COUNTY, FLORIDA

www.leadingedges.com
FLORIDA LICENSED BUSINESS NUMBER LB 6846

EQUITY, INC.

REVISIONS:

DATE OF DRAWING: 10 JUL 2013	LAST FIELD WORK: 05 JUL 2013
MANAGER: JCH	CADD: EAC
PROJECT NUMBER: 704-13001	CHEM CHIEF (S): NAC, MSC
FIELD BOOK NUMBER: LE 920, 951	COMPUTER FILE: 704001ALTA.PHO
	SCALE: 1" = 20' SHEET 8 OF 8



PLANT LIST SUMMARY					
Symbol	Common Name	Botanical Name	Quantity	Size	Notes
TREES					
QV	LIVE OAK	QUERCUS VIRGINIANA	123	15' HT. MIN. 4" MIN. CAL.	
DM	AMERICAN HOLLY	ILEX ASSINAE	67	8' HT. MIN. 2" MIN. CAL.	
SHRUBS					
VO	SWEET VIBURNUM	VIBURNUM DOORATISSIMUM	1,000	3 GAL. 30" O.C., 24 HGT.	
GROUND COVER					
SOD	BAHIA	PASPALUM NOTATUM	NOT CALCULATED	PENSACOLA	
PROVIDE PINE BARK MULCH @ 3" DEPTH					

- NOTES:
- All plant materials shall be graded Florida No. 1 or better as outlined under the Grades and Standards for Nursery Plants, State Plant Board of Florida, unless otherwise noted.
 - Planting mix shall consist of 1/3 Peat or well composted organics, and 2/3 soil. All soils shall be thoroughly mixed prior to backfilling planting hole.
 - All plantings shall receive Aquilant 21 gram tablets, slow release, 20-10-5 analysis, rates of application shall be as per manufacturer's recommendation.
 - All plant beds shall be top dressed with 3" of recycled mulch or other mulch material as may be specified by the landscape architect.
 - All disturbed areas are to be seeded with Argentine Bahia seed unless otherwise shown on the plans.
 - Soil areas shall be treated with 6-6-6 fertilizer, 100% organic, with minor elements. This fertilizer shall have 40-50% of it's total nitrogen in a water insoluble form. Rate of application shall be 20 lbs. per 1000 s.f.
 - Methods of tree staking indicated on the drawings are suggestions only. The landscape architect shall use whatever method he deems fit, however, he will be held liable for any damages caused to trees by improper staking methods, (or removal of staking) and is responsible for uprighting and replacing trees which are blown over.
 - In the event of a discrepancy between the drawings and the plant list, the drawings shall prevail.
 - Provide tree protection around all trees to remain. See sheet 1-2.
 - No outdoor lighting is proposed.
 - Canopy trees shall be a minimum 15 feet tall and 4 inch caliper.
 - Understory trees shall be a minimum 8 feet tall and a 2 inch minimum caliper. All multi-stem trees shall have at least one stem a minimum caliper of 2 inches.
 - Shrubs shall be a minimum 24 inches tall at time of planting and shall be planted a maximum of 30 inches on center.
- THESE RECORD DRAWINGS WERE PREPARED FROM "AS-BUILT" INFORMATION BY GENTY EXCAVATING, INC. AS-BUILT INFORMATION HAS BEEN SHOWN IN A CLOUD CIRCLE. AND THE ORIGINAL DESIGN INFORMATION HAS BEEN CROSSED OUT. WHERE THERE IS NO CLOUD CIRCLE, THE INFORMATION SHOWN ON THESE PLANS IS ASSUMED TO BE THE SAME AS CONSTRUCTED IN THE FIELD. KELLY, COLLINS & GENTRY INC. DOES NOT CERTIFY THE CORRECTNESS OF THE AS-BUILT INFORMATION AS SUPPLIED BY GENTY EXCAVATING.

RECORD DRAWING

CERTIFICATE OF AUTHORIZATION
NUMBER 00007320

KELLY, COLLINS & GENTRY, INC.

KCG

1700 NORTH GARDNER AVENUE, SUITE 400
STANFORD, TEXAS 76770
(407) 960-7555 FAX (407) 960-3488

PREPARED FOR:

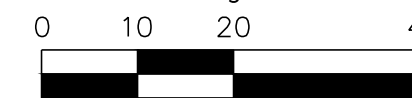
PRESCO ASSOCIATES, LLC

COLLEGE STATION
CENTER
LAKE COUNTY,
FLORIDA

LANDSCAPE
PLAN

DRAWN: CAG
DESIGN: CAG/MD
CHECKED: SAG
JOB NO.: 355-000
DATE: 11/11/03

SHEET
L-1



NOTE TO CONTRACTORS:
THE LOCATIONS OF ALL UTILITIES ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED. BEFORE BEGINNING SITE WORK THE CONTRACTOR IS REQUIRED TO FIELD VERIFY THE EXISTENCE, LOCATION & ELEVATION OF UNDERGROUND UTILITIES AND OTHER FEATURES, & CONTACT THE ENGINEER TO CONVEY ANY INFORMATION AND/OR DISCREPANCIES.



FLOOD ZONE NOTE:

THE SITE APPEARS TO BE IN FLOOD ZONE "X",
ACCORDING TO THE FEDERAL
EMERGENCY MANAGEMENT AGENCY, FLOOD
INSURANCE RATE MAP,
COMMUNITY PANEL NUMBER 12069C0590E
DATED DECEMBER 18, 2012.

DATUM NOTE :

ALL ELEVATIONS ARE BASED ON BENCHMARK,
NGS BRASS DISK STAMPED K 621 2005,
PUBLISHED ELEVATION = 233.24 FEET, NORTH
AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
CONVERSION: (NAVD + 0.879' = NGVD 1929
DATUM.)

LEGEND

- | | | | |
|---|--------------------------|---|----------------------|
|  | OAK TREE |  | MITERED END |
|  | BACKFLOW PREVENTER |  | SET IRON ROD AND CAP |
|  | BOLLARD |  | SET NAIL AND DISK |
|  | CATCH BASIN |  | SIGN |
|  | CLEANOUT |  | SANITARY MANHOLE |
|  | CONC POLE |  | SANITARY SEWER VALVE |
|  | ELECTRIC BOX |  | STORM MANHOLE |
|  | FOUND NAIL AND DISK |  | TELEPHONE PED |
|  | FIRE HYDRANT |  | UTILITY MARKER |
|  | GAS VALVE |  | WATER METER |
|  | IRRIGATION CONTROL VALVE |  | WOOD POWER POLE |
|  | EXISTING LIGHT POLE |  | WATER VALVE |
|  | PROPOSED LIGHT POLE | | |

DESIGNED	MDS		Gulf Coast Consulting, Inc. Land Development Consulting ENGINEERING TRANSPORTATION PLANNING PERMITTING 13825 ICOT BLVD., SUITE 605 Clearwater, Florida 33760 Phone: (727) 524-1818 Fax: (727) 524-6090 WWW.GULFCOASTCONSULTINGINC.COM
DRAWN	MDS		
CHECKED	SPC		
Q.C.			

PREPARED FOR:

Equity Construction Solutions
2590 Northbrooke Plaza Drive
Suite 208
Naples, Florida 34119

SHEET DESCRIPTION:

COLLEGE STATION OUTPARCEL
HORIZONTAL CONTROL PLAN

					SEAN P. CASHEN PROFESSIONAL ENGINEER LICENSE NO. #2595	THESE PLANS MAY NOT BE COPIED OR MODIFIED WITHOUT WRITTEN PERMISSION FROM GULF COAST CONSULTING, INC.	JOB NO. 16-068	DATE
					THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY SEAN P. CASHEN, P.E. ON 02/08/2017 USING A SHA-1 AUTHENTICATION CODE.			
1	03/10/17	REV PER CITY OF CLERMONT COMMENTS			PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA-1 AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.	SEAN P. CASHEN, P.E. #2595		
NO	DATE	REVISIONS				NOT VALID UNLESS SIGNED & EMBOSSED BY A REGISTERED ENGINEER GULF COAST CONSULTING, INC. CERTIFICATE OF AUTHORIZATION NO. 8774	DATE 02/06/17	

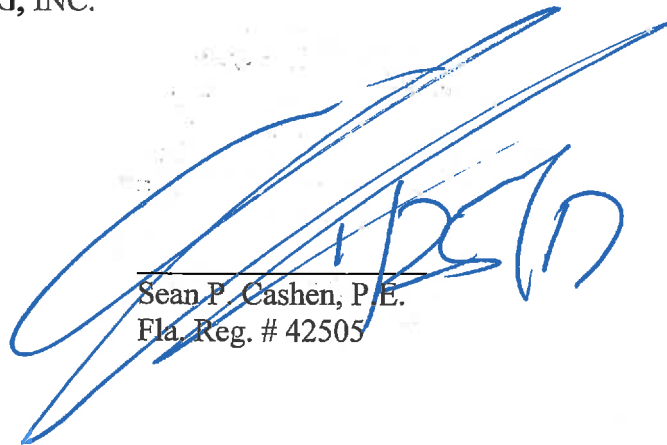
**PARKING STUDY
FOR
PROPOSED RETAIL OUTPARCEL
COLLEGE STATION SHOPPING CENTER
CLERMONT, FLORIDA**

PREPARED FOR:
EQUITY, INC.

PREPARED BY:
GULF COAST CONSULTING, INC.
JANUARY 2017
PROJECT # 16-068.01



Robert Pergolizzi, AICP/PTP
AICP #9023/PTP #133



Sean P. Cashen, P.E.
Fla. Reg. # 42505

I. INTRODUCTION

The applicant is seeking approval to develop a 1.75 acre site located at #2575 East SR 50 that is an out parcel of the College Station Shopping Center. The parcel is located directly on the southwestern corner of the SR 50 / Hancock Road intersection with direct access to SR 50 and internal access to a service road and other adjacent retail shops. (See Figure 1) The development of the property is the subject of a parking variance to utilize adjacent parking supply within College Station. This application requires an assessment of the parking adequacy for the operation and it was determined a parking study should be completed.

As part of the development a parking lot will be constructed to include a total of 103 parking spaces. The building is proposed to contain 11,232 square feet of floor space and will include two restaurants (3,500 SF + 3,000 SF) and 4,732 SF of retail shops. Under strict interpretation of the Clermont Code the project would require 106 parking spaces, and therefore reliance upon adjacent unused parking is required. A cross-parking easement exists between the two parcels.

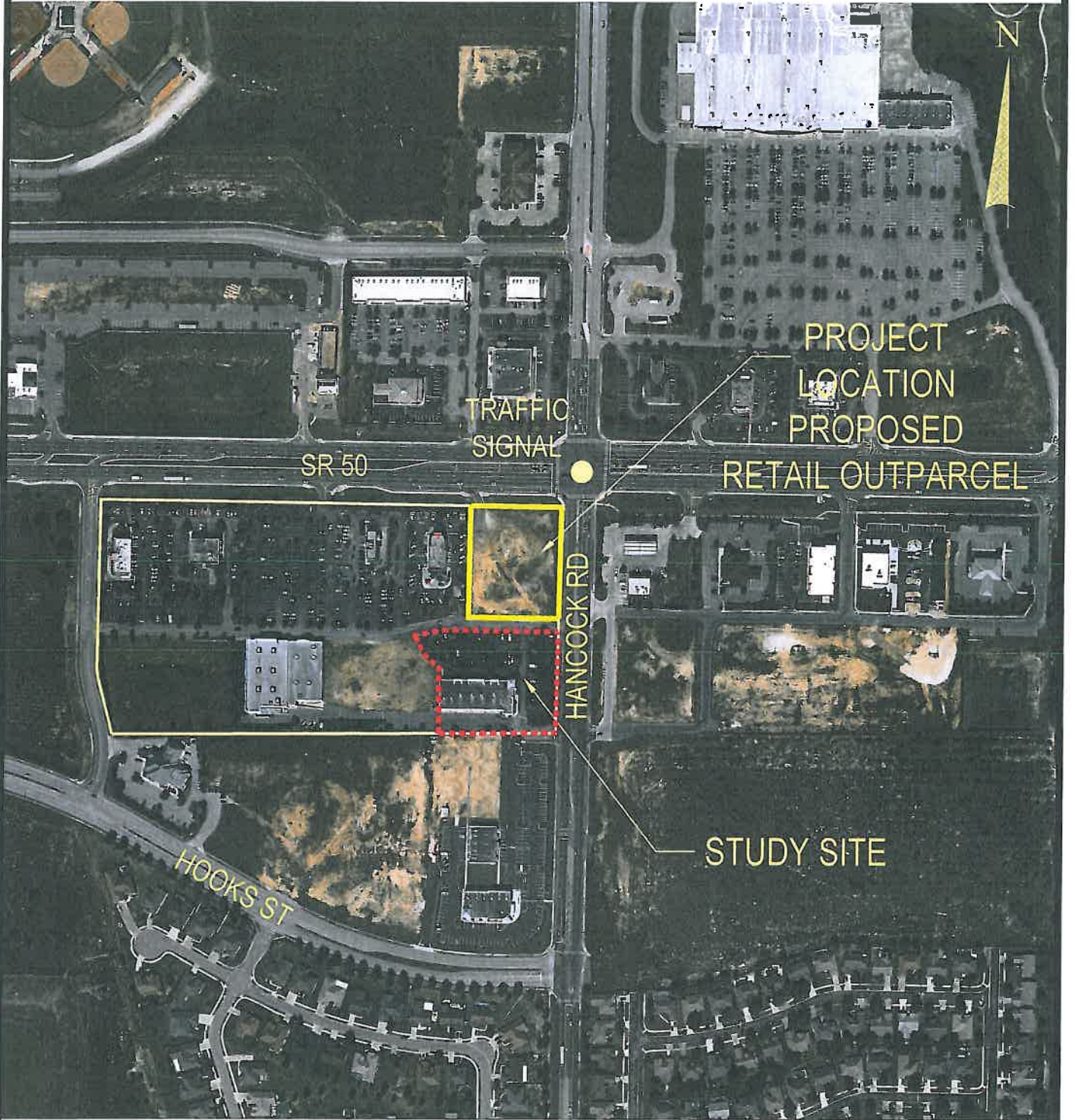
II. METHODOLOGY

This study is being prepared to ascertain the available parking spaces in the parcel immediately south of the proposed project site "subject site". This parcel "study site" contains 112 parking spaces and is under common ownership with the subject site. It was requested that GCC should conduct a parking accumulation study of the "study site" on a normal weekday between 7 AM and 9 PM. The study site observed is an existing retail plaza containing 14,200 SF and contains several small shops, restaurants, and personal service establishments. Hourly observations of accumulated parking demand were made and the data recorded.

Per the Clermont Code there is a minimum parking requirement of 5 spaces per 1,000 square feet of retail space and 1 space per 50 SF of restaurant space devoted to patron use + 1 space per 4 restaurant employees. According to strict interpretation of the code, the parking requirements are as follows:

4,737 SF of retail space =	24 parking spaces.
Restaurant "A" 3,500 SF (2,235 SF patron use) =	45 parking spaces
Restaurant "A" 12 employees=	3 parking spaces
Restaurant "B" 3,000 SF (1,500 SF patron use) =	30 parking spaces
Restaurant "B" 12 employees =	4 parking spaces
TOTAL CODE REQUIRED =	106 parking spaces

The applicant believes the nature of the proposed uses being located adjacent to an existing retail plaza with ample parking that there is excess parking available within easy walking distance to the proposed project.



PROJECT LOCATION

PROJECT NO:
16-068



Gulf Coast Consulting, Inc.
Land Development Consulting

DATE:
01/2017

DRAWN BY:
MKC

FIGURE:

1

III. EXISTING PARKING CONDITIONS OF STUDY SITE

Existing conditions were established by conducting parking lot counts between the hours of 7:00 AM and 9:00 PM on Wednesday January 18, 2017. The parking lot was checked every hour for the number of spaces that were occupied. The number of occupied spaces was noted and an accumulated total was obtained. The existing stores consist of Subway, MetroPCS, Ace Cash Express, Mattress Firm, South Lake Wellness Center (Chiropractic), and Regal Nails. The hours of operation are included in Appendix A and a survey of the study site showing parking spaces is included in Appendix A.

Wednesday January 18, 2017

On Wednesday (normal weekday) parking demand varied significantly throughout the study period from a low of 2 occupied spaces (2%) at 7 AM to a peak demand of 38 occupied spaces (34%) at 12 noon and again at 2 PM. Table 1 provides an hourly tabulation and Figure 2 provides a graph of hourly parking space occupancy.

Based on the data collected there are a minimum of 74 unused parking spaces at the adjacent site at the peak usage time. As such, the parking demand for the proposed development could be satisfied by these unused spaces.

IV. FUTURE CONDITIONS WITH REDEVELOPMENT

The proposed development would result in 103 on-site parking spaces. The code requirement is for 106 parking spaces for the proposed development resulting in a deficiency of 3 spaces. The proposed site plan is shown in Appendix A.

Using the data obtained from a the study site in Table 1, a minimum of 74 parking spaces are available at all times of the study period to satisfy any additional demand. Therefore, there is adequate parking available to support the proposed development on the subject site.

V. CONCLUSION

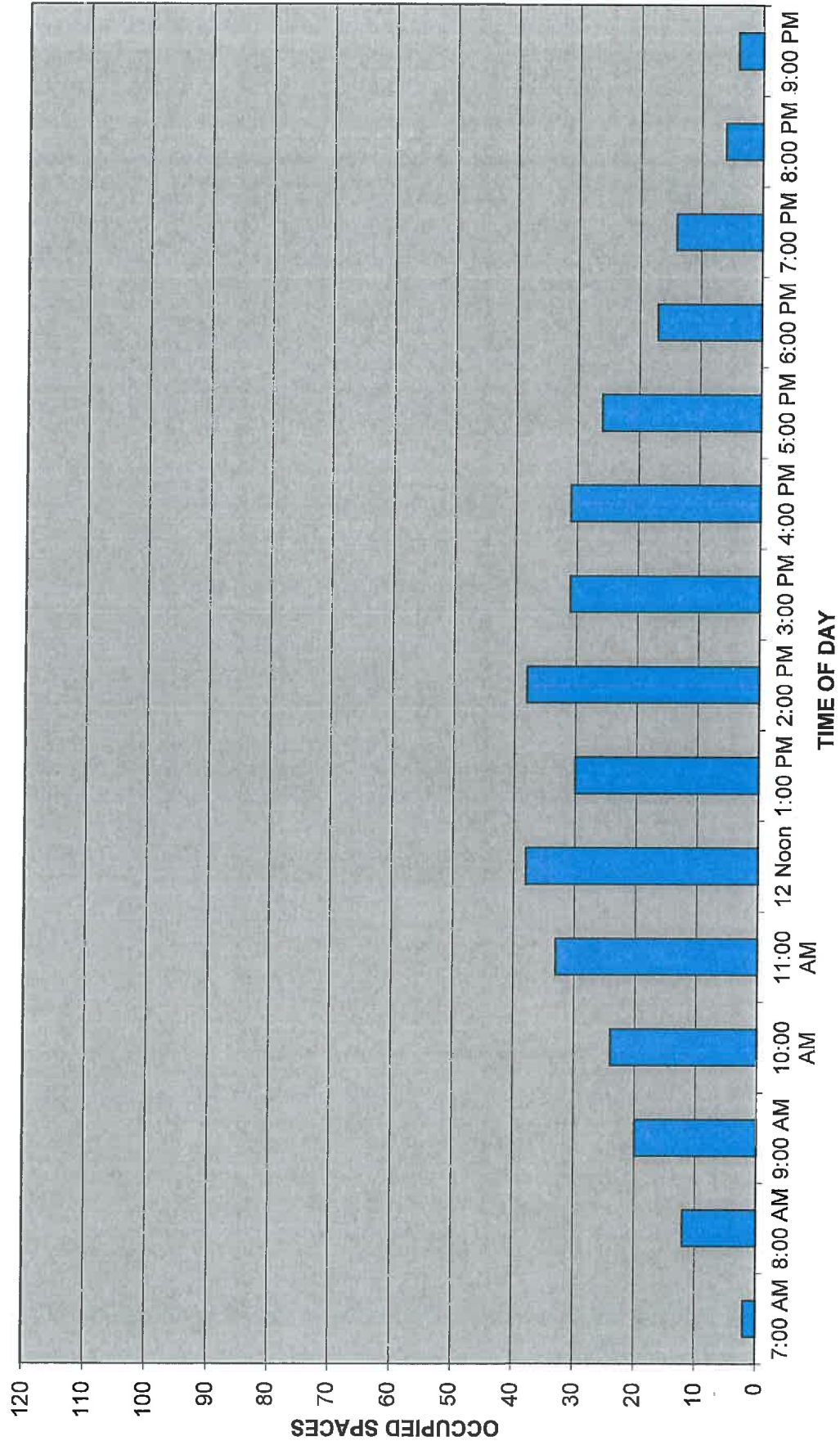
This analysis was conducted in accordance with a specific methodology used for parking studies by GCC throughout west central Florida. This analysis demonstrates a maximum of 38 parking spaces were occupied during any hour of the study period at the adjacent retail plaza “study site” which may be used to accommodate any overflow from the proposed development on the “subject site.”

With the development of the subject site providing 103 parking spaces, and the available parking on the adjacent retail parcel, the code required parking demand can easily be accommodated.

TABLE 1
WEDNESDAY JANUARY 18, 2017

TIME	RETAIL SHOPS PARKING LOT		
	OCC.	TOTAL	% OCCUPIED
7:00 AM	2	112	2%
8:00 AM	12	112	11%
9:00 AM	20	112	18%
10:00 AM	24	112	21%
11:00 AM	33	112	29%
12 Noon	38	112	34%
1:00 PM	30	112	27%
2:00 PM	38	112	34%
3:00 PM	31	112	28%
4:00 PM	31	112	28%
5:00 PM	26	112	23%
6:00 PM	17	112	15%
7:00 PM	14	112	13%
8:00 PM	6	112	5%
9:00 PM	4	112	4%

FIGURE 2 - JANUARY 18, 2017



APPENDIX A

Existing Stores Hours of Operation

Subway

**Mon-Thu 7a-10p
Fri 7a-11p
Sat 8a-11p
Sun 9a-10p**

Metro PCS

**Mon-Sat 9a-8p
Sun 10a-7p**

Ace Cash Express

**Mon-Thu 8a-8p
Fri 8a-9p
Sat 8a-6p
Sun 10a-4p**

Mattress Firm

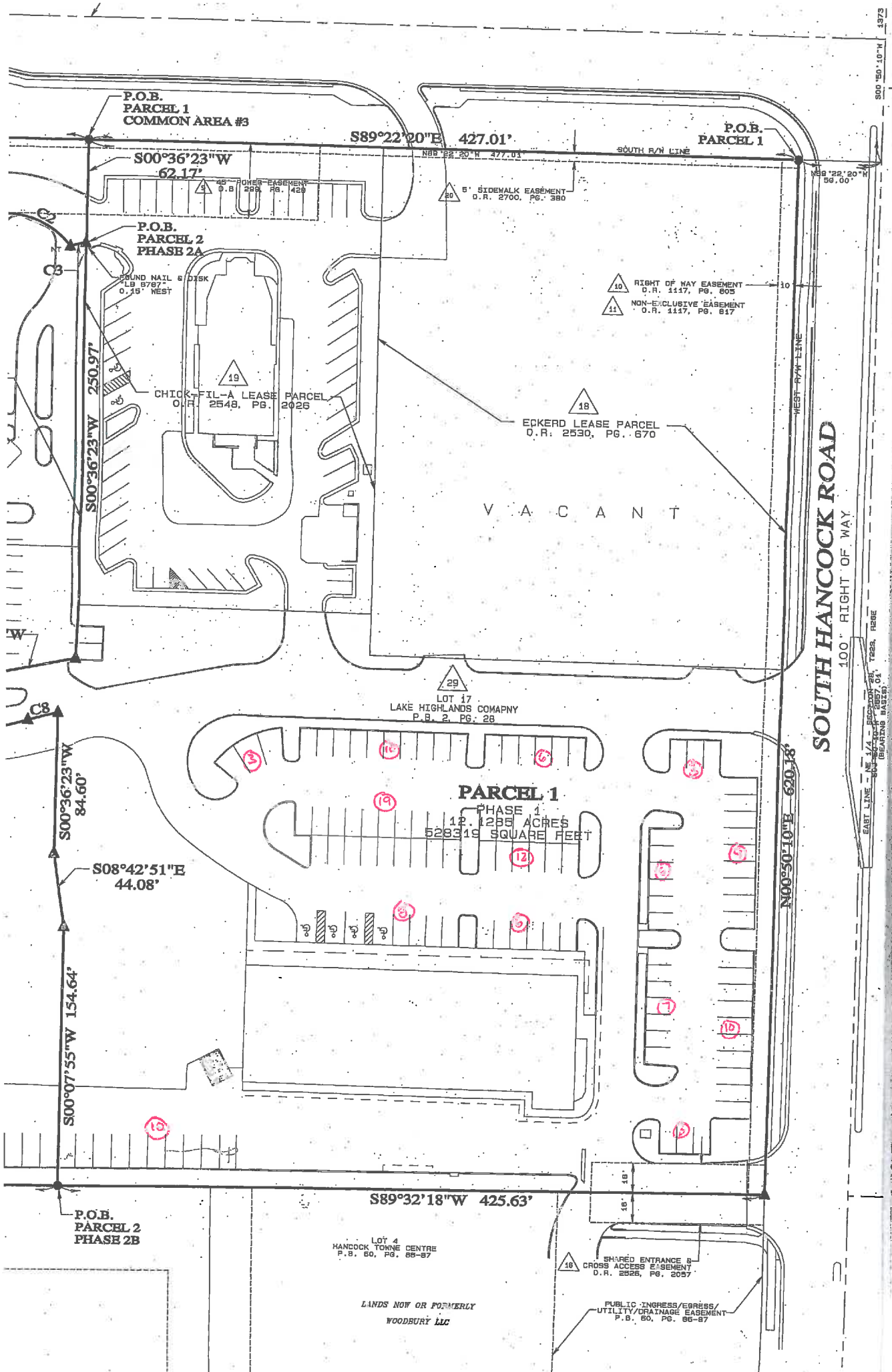
**Mon-Sat 10a-8p
Sun 12p-6p**

South Lake Wellness Center (Chiropractic)

**Mon 8a-1p & 2p-5p
Tue 1p-6p
Wed 8a-1p & 2p-5p
Thu 1p-6p
Fri 8a-1p**

Regal Nails

**Mon-Sat 9:30a-7:30p
Sun 11a-5p**



STUDY
SITE
PARKING LOT



CITY OF CLERMONT
VARIANCE
Application

DATE: _____

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): College Station Outparcel

APPLICANT: Clermont College Station, LLC c/o Equity, LLC

CONTACT PERSON: Mr. Phil Kirkpatrick

Address: 4107 W. Spruce Street, Suite 101

City: Tampa State: FL Zip: 33607

Phone: (813) 490-8903 Fax: _____

E-Mail: pkirkpatrick@equity.net

OWNER: John P. Adams and Ann D. Adams - Family Limited Partnership

Address: 2500 Dundee Road

City: Winter Haven State: FL Zip: 33884

Phone: (863) 324-4576 Fax: _____

Address of Subject Property: 2575 East Highway 50, Clermont

General Location: Southwest corner of SR 50/Hancock Road intersection - 1.75 acres

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

Subject site is 1.75 acres in the N.E. corner of the Clermont College Station Center

Land Use (City verification required): Commercial

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



CITY OF CLERMONT
VARIANCE
Application
Page 2

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:

Section 98-14 / Parking spaces

Section 118-37d / Perimeter Landscape buffer on interior site (west side)

What are you proposing to do that would require a variance and why? Development of outparcel with retail/restaurants for which "on-site" parking cannot be accommodated.

How does the Code create a hardship? Required parking per code exceeds amount that can fit on-site. Adjacent parking lot has unused parking spaces that can satisfy any overflow from subject site.

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

Variance requested – subject and code section: Parking / Section 98-14

Perimeter Landscape Buffers / Section 118-37d

Sec. 86-174. Review criteria and findings.

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

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

Subject site is constrained by adjacent development and public roads. Existing buffer adjacent to Chick-Fil-A varies from 5 feet to 9 feet on subject site. Chick-Fil A has 10 feet for a total of 15-19 feet combined.

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

Requested variance is minor (difference of three (3) parking spaces). Parking "requirement" is too high given adjacent uses and probability of shared parking. Landscape buffer varies between 5-9 feet on subject site.



CITY OF CLERMONT

VARIANCE

Application

Page 3

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

Literal interpretation would require parking that cannot reasonably fit on-site, while site is being developed at a reasonable FAR (proposed FAR 0.15). Other property owners may apply for similar variances.

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

It is not an economically driven request. There is ample parking available in adjacent retail parcel that can accommodate any overflow for adjacent site. See Parking Study.

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

The variances are minimal.

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

No special privilege is conferred that cannot be requested by any other user in the General Commercial District.

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

The surrounding uses are retail/restaurants. Ample parking is available in adjacent retail parcel and a cross-parking easement exists. The reduced buffer is interior between Chick-Fil-A and subject site and the combined landscape area is 15-19 feet total.



CITY OF CLERMONT
VARIANCE
Application
Page 4

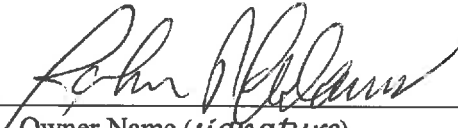
(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Variances will not materially impact surrounding properties and will not be a detriment to the public welfare.

Philip S. Kirkpatrick
Applicant Name (print)

X 
Applicant Name (*signature*)

John P. Adams
Owner Name (print)

X 
Owner Name (*signature*)

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

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

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

Select Language ▼

Property Record Card

General Information

Owner Name:	JOHN P ADAMS & ANN D ADAMS FAMILY LP	Alternate Key:	3540964
Mailing Address:	PO BOX 1667 WINTER HAVEN, FL 33882-1667 Update Mailing Address	Parcel Number:	09-22-26- 120501700000
		Millage Group and City:	000C (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, LAKE HIGHLANDS 28-22-26 FROM NE COR OF NE 1/4 RUN S 0-50-10 W 1373.53 FT, N 89-22-20 W 50 FT TO INTERSECTION OF S'LY R/W LINE OF SR 50 & W'LY R/W LINE OF SOUTH HANCOCK RD FOR POB, RUN S 0-50-10 W 305.69 FT, N 89-23-37 W 248.79 FT, N 0-36-23 E 281.78 FT, S 89-22-20 E 250.01 FT TO POB, BEING PART OF TRACT 17 PB 2 PG 28 ORB 1486 PG 856		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT COMMERCIAL (1000)	0	0		76251.78	SF	\$0.00	\$915,021.00

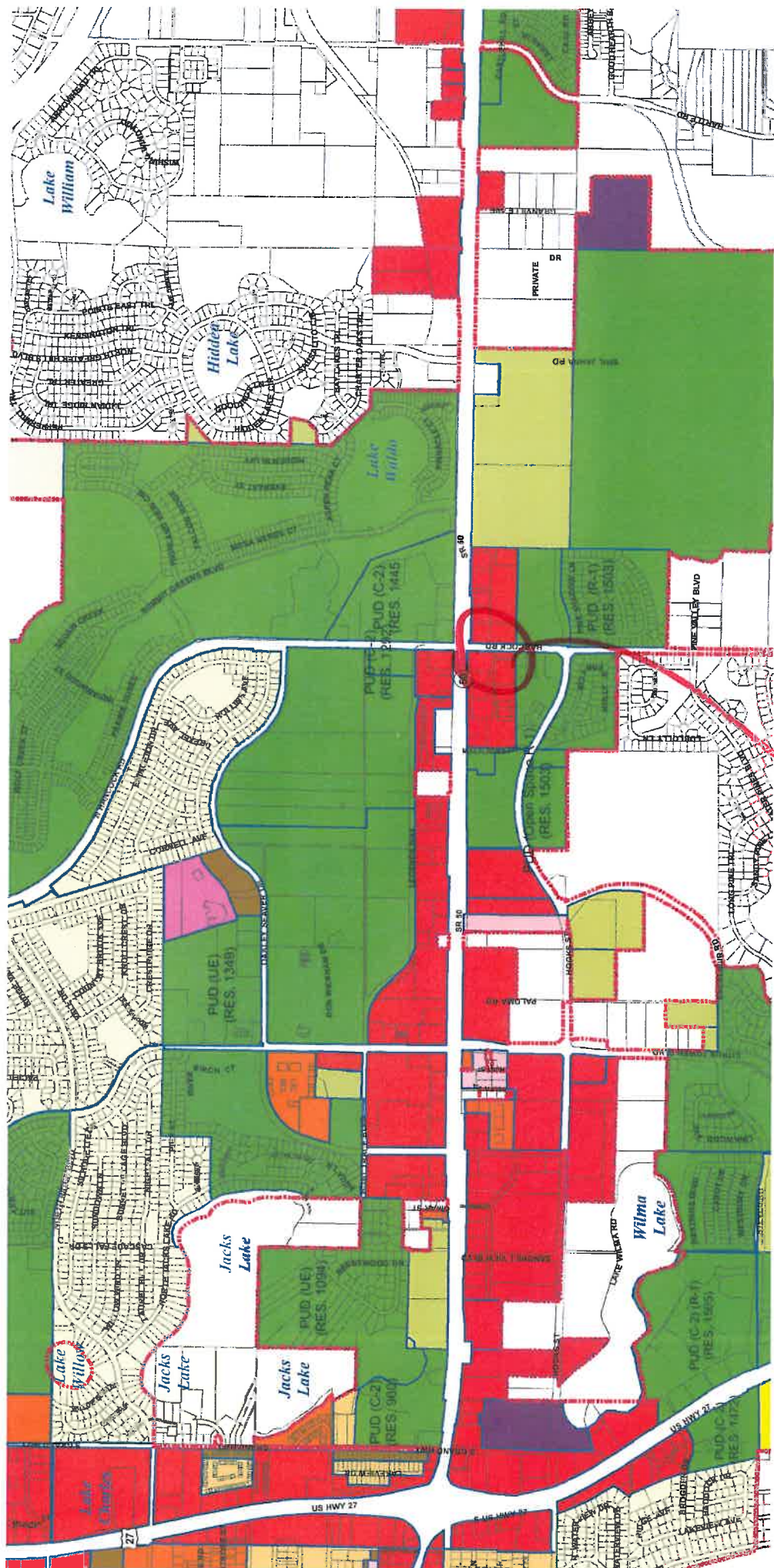
Miscellaneous Improvements

There is no improvement information to display.

Copyright © 2014 Lake County Property Appraiser. All rights reserved.
Property data last updated on 08 January 2017.
Site Notice

COLLEGE STATION OUTPARCEL
1.75 ACRES
LEGAL DESCRIPTION

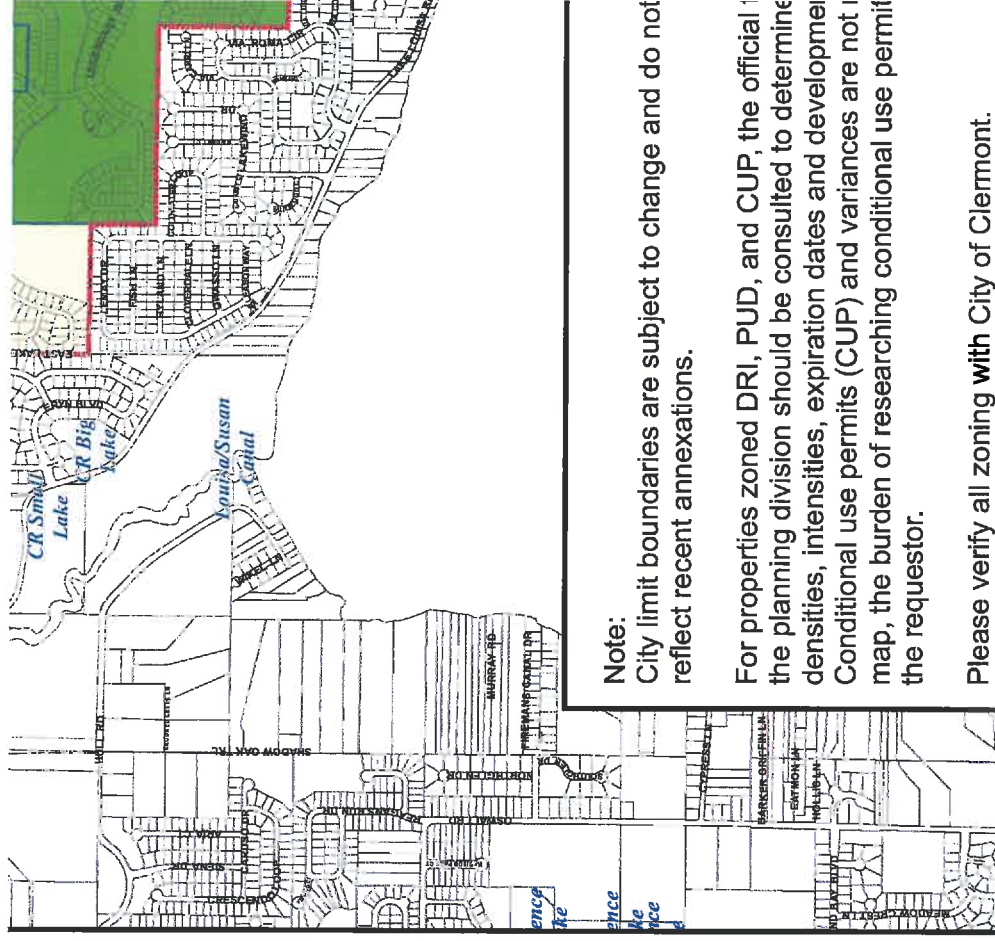
CLERMONT, LAKE HIGHLANDS 28-22-26 FROM NE COR OF NE 1/4 RUN |
S 0-50-10 W 1373.53 FT, N 89-22-20 W 50 FT TO INTERSECTION |
OF S'LY R/W LINE OF SR 50 & W'LY R/W LINE OF SOUTH HANCOCK |
RD FOR POB, RUN S 0-50-10 W 305.69 FT, N 89-23-37 W 248.79 |
FT, N 0-36-23 E 281.78 FT, S 89-22-20 E 250.01 FT TO POB, |
BEING PART OF TRACT 17 PB 2 PG 28 |
ORB 1486 PG 856 |



エ
ト
の

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



Note:

City limit boundaries are subject to change and do not reflect recent annexations.

For properties zoned DRI, PUD, and CUP, the official planning division should be consulted to determine densities, intensities, expiration dates and development Conditional use permits (CUP) and variances are not map, the burden of researching conditional use permit the requestor.

Please verify all zoning with City of Clermont.

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider the request for the following variances: (1) to allow for a reduction of seventeen (17) parking spaces for a proposed commercial development instead of the number as required by the Land Development Code, Section 98-14 – Minimum Parking Spaces, (2) to allow for a reduced perimeter landscape buffer between abutting properties instead of the minimum ten-foot wide landscape buffer, as required by the Land Development Code, Section 118-37 – Landscape Buffers, (3) to allow for a total of 20% compact parking spaces instead of 10% compact parking spaces as required by the Land Development Code, Section 98-6 Compact Parking Spaces Ratio at the following location:

LOCATION:

Vacant 1.75-acre lot
at the southwest corner of Hancock Road and SR 50
Portion of Alt. Key 3540964

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, March 28, 2017 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
March 21, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 28, 2017		
Agenda Item Name		
Variance Request 1644 Penzance Road		
Requested Action		
Recommend denial of variance requests.		
Staff Report		
The owner, Mark Brackert, is requesting the following variances to the Land Development Code (LDC): (1) To allow for a rear-yard setback of 1 foot instead of 25 feet as required by the LDC, Section 122-105 (2) To allow for an front-yard setback of 32 feet instead of 35 feet as required by the LDC, Section 122-105 The owner is requesting these two variances in order to construct two additions on an existing home located at 1644 Penzance Road. The home was constructed in 1950 and was not centered on the property. The current home is 32 feet from the front property line and the existing garage is 1 foot from the rear property line. The owner wishes to add two additions to the home, which is causing the need for the variances since it is an expansion of a non-conforming structure. The owner desires to add a one-story addition on the side of the home that is in line with the front of the house. This addition would be placed no closer than the existing front of the home, which is currently 32 feet from the front property line. The owner also desires to enclose an existing patio located toward the rear portion of the home. The owner would like to put a roof over the existing slab and to make the connection between the existing walls that currently wrap around the patio. This area of the home is approximately 20 feet from the rear property line. The property is zoned R-1-A, which has a 35-foot, front-yard setback and a 25-foot, rear-yard setback. The lot meets the requirements for the R-1-A zoning district including the minimum lot size, which is 13,000 square feet. The location of the existing home on the lot and the specific home configuration are challenges the owner is encountering when considering the proposed additions. Since the additions will be attached to the existing home, they would be an expansion to a non-conforming structure. Section 86-174 of the Land Development Code requires a positive finding on eight criteria in order to grant a variance, and staff believes that two of the eight do not meet these findings. Therefore, staff recommends denial of the variances.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)		
1.	Review Criteria	1644 Penzance Road Review Criteria.docx
2.	Map and Exhibit	1644 Penzance Rd Variance Maps.pdf
3.	Survey	Boundary Survey.pdf
4.	Application	VAR application.pdf
5.	Legal Ad	VAR Legal AD 1644 Penzance Rd.docx

1644 Penzance Road Variance

The requirements for a variance are as follows:

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

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

FINDINGS:

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

Applicant response: *The house was built in 1950 and has a rear alley, prior to any codes.*

Staff comments: *Staff agrees that the house was constructed in 1950 prior to the land development codes. The applicant would like to add additions onto the house, which increase the nonconformity. The increase in nonconformity also applies in every other zoning district.*

Negative finding

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

Applicant response: *N/A*

Staff comments: *The owner does have an interest in the property and is requesting the variances for the two additions to be constructed.*

Negative finding

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

Applicant response: *I will not be able to add on to my house.*

Staff comments: *Any additions made to the home would increase the nonconformity. Literal interpretation and enforcement of the code would prevent any additions to the home, even if the additions meet all the setbacks. This places undue hardship on the applicant.*

Positive finding

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

Applicant response: *No, I am investing in the property.*

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

Positive finding

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

Applicant response: Yes.

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

Positive finding

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

Applicant response: No.

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

Positive finding

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

Applicant response: It should increase the property value.

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

Positive finding

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

Applicant response: The addition will blend in with the existing home and homes in the area.

Staff comments: Staff feels that granting the variance will not be injurious to the surrounding properties or detrimental to the public welfare.

Positive finding

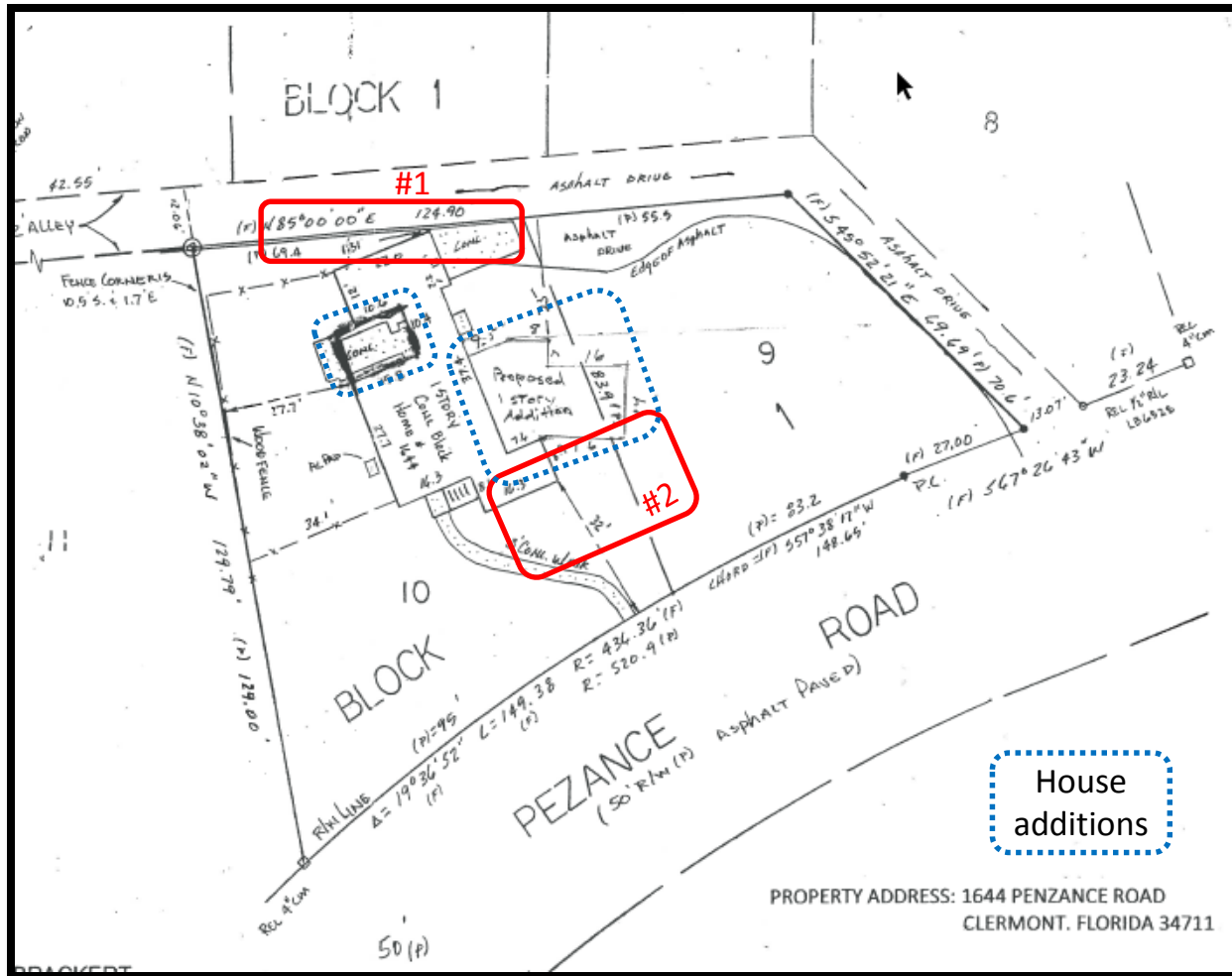
STAFF RECOMMENDATION:

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

1644 Penzance Road- Variance



1644 Penzance Road- Variance



Variance:

1: to allow for a rear yard setback of 1 foot – rather than a 25 feet setback

2: to allow for a front yard setback of 32 feet – rather than 35 feet setback

MAP OF BOUNDARY SURVEY

LEGAL DESCRIPTION

Lots 9 and 10, Block 1, Riviera Heights, according to the map or plat thereof, as recorded in Plat Book 8, Page(s) 49, of the Public Records of Lake County, Florida, and as further represented on the Official Map of the City of Clermont, as recorded in Plat Book 8, Pages 17 to 23, Public Records of Lake County, Florida.

subject to all right of ways, easements and restrictions of record.

FLOOD CERTIFICATION: according to the National Flood Insurance Rate Map Community Panel No.12069C0570E, this property lies in Flood Zone "X".

SURVEYORS NOTES:

1. Bearings are based on the South line of the NW 1/4 as being N 85° 00' 00" E assumed
2. No Underground Utilities or Improvements and No Aboveground Utilities are shown on this survey.
3. Ownership of fences shown hereon (if any) are not known.
4. This Survey is not Valid unless Signed and Sealed by the Undersigned Surveyor.
5. This Survey was made without benefit of abstract of Title. There may be other Easements or Restrictions other than shown.
6. This is a Survey of the Legal Description provided by the clients. Recording information to adjacent properties may be shown hereon for reference purpose only and is not intended to be a Survey of said adjacent properties. Any inconsistencies which may be found may be shown if known to undersigned Surveyor.

Legend:

- R/C = Iron Rod & Cap
- RW = Right-of-Way
- Δ = Delta
- R = Radius
- L = Length
- PC = Point of Curvature
- PT = Point of Tangent
- = Property corner
- CM = Concrete Monument
- CONC. = Concrete
- (F) = Field Measurement
- (P) = Plat Measurement
- (D) = Description Measurement
- REC. = Recovered
- P.O.B. = Point of Beginning
- P.O.C. = Point of commencement
- O.R.B./ = Official Records Book/page

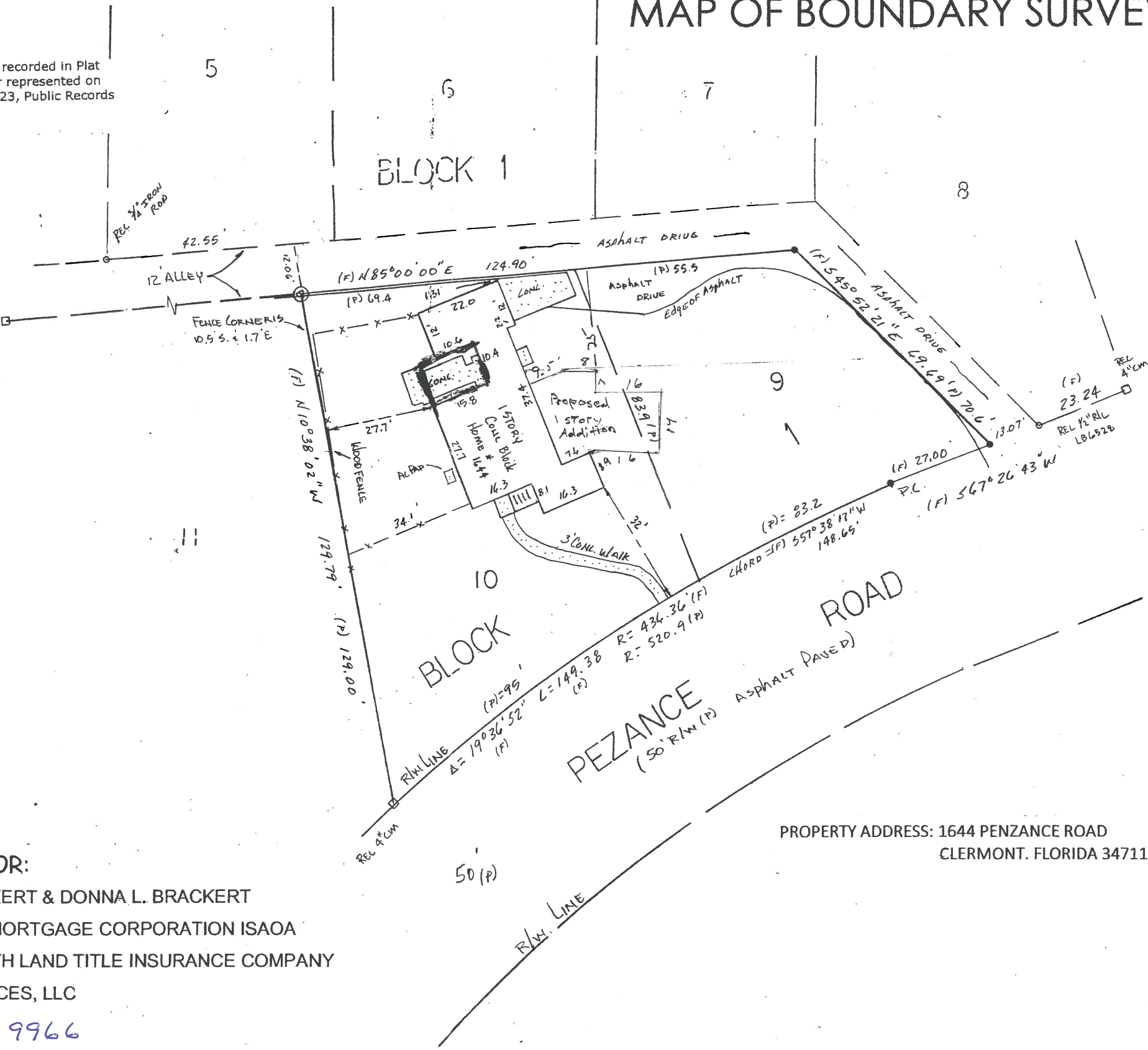


PREPARED FOR:

MARK T. BRACKERT & DONNA L. BRACKERT
WATERSTONE MORTGAGE CORPORATION ISAOA
COMMONWEALTH LAND TITLE INSURANCE COMPANY
LP TITLE SERVICES, LLC

352-408-9966

Steven Galassi / LAND SURVEYOR 7933 Ed Douglas Road Groveland, Florida 34736 Ph # (352)429-2074 e-mail steveneg60@aol.com	Date	Revisions
Lot Survey Date: JANUARY 16 th 2917		



PROPERTY ADDRESS: 1644 PENZANCE ROAD
CLERMONT, FLORIDA 34711

scale 1" = 30'

Steven Galassi
Prepared By: Steven Galassi
Florida Professional Land Surveyor & Mapper # 4904



CITY OF CLERMONT
VARIANCE
Application

DATE: 2-28-17

FEE: 300.00

PROJECT NAME (if applicable): _____

APPLICANT: MARK Brackert

CONTACT PERSON: Mark Brackert

Address: 1644 Penzance Road

City: Clermont State: FL Zip: 34711

Phone: 352.408.9966 Fax: _____

E-Mail: brackertconstruction@gmail.com

OWNER: SAME AS Above

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Address of Subject Property: 1644 Penzance Road

General Location: Between 4th & 5th STREET
on Penzance Road
AK (1625963)

Legal Description (include copy of survey): AK 1625963

Land Use (City verification required): LOW Density RESIDENTIAL



Zoning (City verification required): B-1-A Single Family Low Density

CITY OF CLERMONT

VARIANCE

Application

Page 2

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:

86-281 Nonconforming
122-105 Front YARD ; REAR YARD

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

Adding on to an existing home that increases
the nonconformity

How does the Code create a hardship? Unable to add on to the
existing house

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

Variance requested – subject and code section: 86-281 + 122-105
to allow expansion of existing house

Sec. 86-174. Review criteria and findings.

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

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

The house was built in 1950 ; has a rear
alley. Prior to any codes

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

N/A



CITY OF CLERMONT
VARIANCE
Application
Page 3

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

I will NOT be able to ADD on to my house.

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

NO, I AM INVESTING IN THE PROPERTY.

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

YES

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

NO

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

IT SHOULD INCREASE THE PROPERTY VALUE.



CITY OF CLERMONT
VARIANCE
Application
Page 4

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

The ADDITION will BLEND IN with the existing
home : homes in the AREA.

Mark Brackett
Applicant Name (print)

X [Signature]
Applicant Name (signature)

Mark Brackett
Owner Name (print)

X [Signature]
Owner Name (signature)

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

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

City of Clermont

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

PROPERTY RECORD CARD

* Purchased 2-24-17

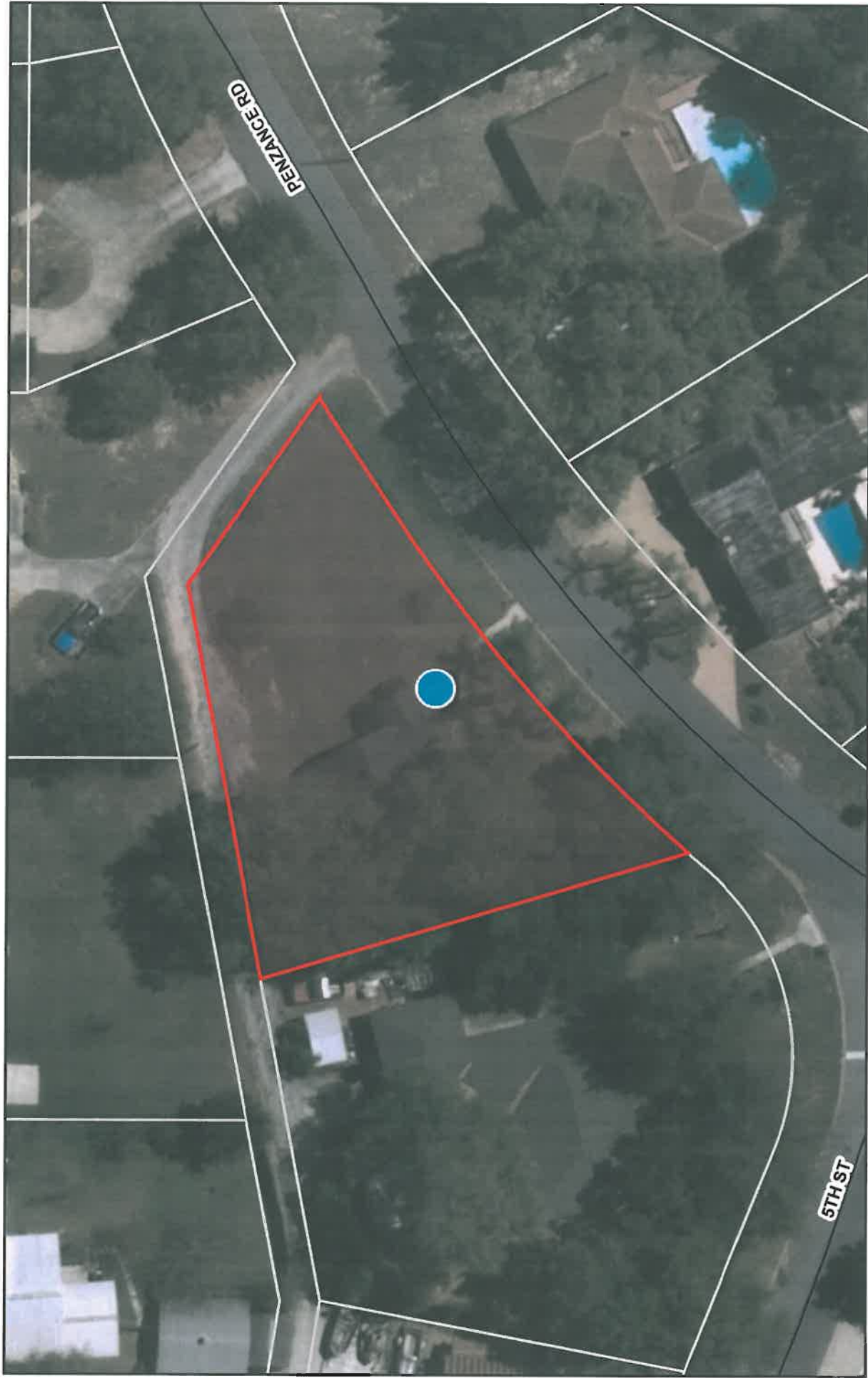
General Information

Owner Name:	LOVE GINA R	Alternate Key:	1625963
Mailing Address:	1644 PENZANCE RD CLERMONT, FL 34711 Update Mailing Address	Parcel Number:	25-22-25- 090000100900
		Millage Group and City:	000C (CLERMONT)
		Total Certified Millage Rate:	18.0915
		Trash/Recycling/Water/Info:	My Public Services Map ⓘ
Property Location:	1644 PENZANCE RD CLERMONT FL 34711 Update Property Location ⓘ	Property Name:	-- Submit Property Name ⓘ
		School Locator:	School and Bus Map ⓘ
Property Description:	CLERMONT, RIVIERA HEIGHTS LOTS 9, 10 BLK 1 PB 8 PG 49 ORB 1446 PG 1916		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class	Value	Land Value
1	SFR DRY LOT (0100)	106	105		106	FF		\$0.00	\$33,501.00

Residential Building(s)



February 28, 2017

pointLayer

polygonLayer



Override 1



Override 1



County Boundary

Street Names



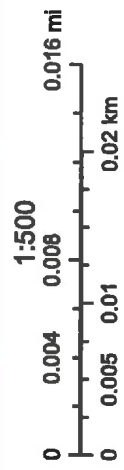
Local Streets

Property Name

Tax Parcels



Surrounding Counties



LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variances: (1) to allow for a rear yard setback of 1 foot instead of 25 feet as required by the Land Development Code, Section 122-105 – Yards and (2) to allow a front yard setback of 32 feet instead of 35 feet as required by the Land Development Code, Section 122-105 – Yards; at the following location:

LOCATION:

1644 Penzance Road
(Alt. Key 1625963)

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, March 28, 2017 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
March 21, 2017

**AGENDA ITEM**

Meeting Date	
Tuesday, March 28, 2017	
Agenda Item Name	
Ordinance No. 2017-08 <i>Introduction</i> <i>Firefighters Pension Plan</i>	
Requested Action	
Move to introduce Ordinance No. 2017-08.	
Staff Report	
Ordinance No. 2017-08 is proposed to amend the Firefighters Pension Plan as follows: Section E. (Credited Service) is proposed to be revised to provide clarity in respect to if prior credited service purchased by firefighters should count towards vesting service. After considerable discussion with the plan attorney, actuary and administrator, it was determined that purchased prior credited service should count towards vesting service. Since the cost of the prior credited service is paid totally by the firefighter, there is not cost impact to the city. Section H. (Disability Benefits) is proposed to be revised to clarify the disability benefit amounts available to firefighters and does not represent a change to the benefit eligibility or calculation language. Section I. (Death Benefits) is proposed to be revised to change the death benefits for an in line of duty death. Currently, the in line of duty death benefit for a non-vested firefighter is significantly less than a vested firefighter. In addition, the in line of duty death benefit for a vested firefighter is the payment of his monthly normal retirement benefit (based on years of service and annual earnings) to his beneficiaries at the firefighters early or normal retirement date. The revision provides for the following changes: 1) The in line of duty death benefit will be based on the same methodology for non-vested and vested firefighters. 2) The in line of duty death benefit the firefighter's beneficiaries will receive at the time of death, will be 100% of the firefighter's monthly salary. Since the plan actuary does not assume deaths, there is no cost impact to the plan for this change. This change is modeled after a recent change to the Florida Retirement System by the state legislature regarding in line of duty deaths of high risk employees. Section M. (Deferred Retirement Option Program - DROP) is proposed to be revised to clarify when firefighters may enter the DROP. Currently, the plan language suggests that firefighters may only enter the DROP at their normal retirement age. After considerable discussion with the plan attorney, actuary and administrator, it was determined that firefighters should be able to enter the DROP anytime after the attainment of normal retirement age. Section N. (Share Plan) is being added to the firefighters pension plan pursuant to the recently approved collective bargaining agreement with the firefighters union. The Share Plan allows for the distribution of the Florida Statutes Chapter 175 Insurance Premium Tax Revenues accumulated reserve and future distributions. The City Council approved the referenced collective bargaining agreement on January 24, 2017. Resolution No. 2017-08 was unanimously recommended for approval at the Firefighters Pension Board of Trustees	

meeting on March 15, 2017.		
Additional Analysis		
Fiscal Impact Summary		
No fiscal impact to the city.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	2017-08	2017-08 Firefighter Pension (Underlined) - 1-30-17.doc
2.	Ad	2017-08 Fire Pension.doc

CITY OF CLERMONT
ORDINANCE No. 2017-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF CLERMONT FIREFIGHTERS' PENSION TRUST FUND, AS ADOPTED BY ORDINANCE NO. 304-C; PROVIDING PLAN BENEFIT REVISIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clermont Firefighters' are presently provided pension and certain other benefits under Ordinance No. 304-C and;

WHEREAS, the City Council desires to amend the provisions of the Firefighters' Retirement Plan pursuant to the collective bargaining process;

SECTION 1.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Clermont, Lake County, Florida that the following sections of the Firefighters' Retirement Plan Adoption Agreement shall be amended to read as follows (note: strikethrough indicates removed words and underlined indicates added):

E. CREDITED SERVICE

Shall mean the total number of years and fractional parts of years of service as a participant during which the participant made required contributions to the plan, omitting intervening years or fractional parts of years when such participant is not employed by the City of Clermont. Credited service shall also include credited service purchased by a member in accordance with this section:

1. Participants who are employed in a position covered by the Plan may purchase up to a total of five (5) additional years of credited service under the Plan for:
 - a. The years and fractional parts of years that a member served as a full-time Firefighter for any other municipal, county or state firefighting department in the State of Florida, or for full time service as a federal or other state, county or municipal service as a Firefighter if the prior service is recognized by the Division of State Fire Marshal; as provided in Chapter 633, Florida Statutes, or the Firefighter provides proof to the Board that such service is equivalent to the service required to meet the definition of a Firefighter as defined herein; and/or

CITY OF CLERMONT
ORDINANCE No. 2017-08

- b. The years or fractional parts of years that a Firefighter serves or has served on active duty in the military service of the Armed Forces of the United States, the United States Merchant Marine, or the United States Coast Guard, voluntarily or involuntarily and honorably or under honorable conditions, prior to first and initial employment with the City. Any participant who elects to purchase credited service shall pay the full actuarial cost of such credited service on or before three (3) months from date of election to purchase such credited service, in accordance with Subsection 3 below. The calculation of the full actuarial cost shall be made using the assumptions contained in the actuarial valuation performed prior to the purchase of the service credits. The employee salary used as the initial salary for the projected salary shall be the salary for the year preceding the purchase of the service credits. The service credits shall be used for vesting benefit accrual, and for satisfying service requirements for benefits.
2. No additional service credit will be allowed if the participant is receiving or will receive any other retirement benefit based on the prior government service.
3. Payment for the purchase of credited service authorized in Subsection 1, above, shall be made in one of the following manners:
 - a. Cash lump sum payment.
 - b. Direct transfer or rollover of an eligible rollover distribution from a qualified plan.
 - c. Any reasonable method established by the Trustees provided; however, that participants similarly situated shall be similarly treated.

Full payment for the purchase of past service credit must be made before separation from City employment.

H. DISABILITY BENEFITS

1. Disability Benefits In-the-Line-Of-Duty

A member determined by the Board of Trustees to be totally and permanently disabled from a service connected injury or disease will receive the greater of a monthly pension equal to 42% of average monthly compensation or an amount equal to the accrued retirement benefit. (a) the member's accumulated contributions at 5% interest or (b) the greater of (i.) the member's accrued benefit or (ii.) 42% of the member's average final compensation.

CITY OF CLERMONT
ORDINANCE No. 2017-08

2. Disability Benefits Off-Duty

A member determined to be totally and permanently disabled by the Board of Trustees from a non-service connected injury or disease must have completed at least ten (10) years of service in order to be eligible for a non-service connected disability benefit. A member determined to be totally and permanently disabled from a non-service connected injury or disease and who has completed the required years of service will receive the greater of (a) the accrued benefit, (b) the accumulated contributions at 5% interest or (c) 25% of average compensation (a) the member's accumulated contributions at 5% interest or (b) the greater of (i.) the member's accrued benefit or (ii.) 25% of the member's average final compensation. A member determined to be totally and permanently disabled from a non-service connected injury or disease and who has not completed the required ten (10) years of service will shall receive a return of employee contributions with 5% interest.

I. DEATH BENEFITS

1. Death Prior to Vesting – In-Line-Of-Duty

If a member dies prior to retirement in-the-line-of-duty, and he is not vested, his beneficiary shall receive a refund of one hundred percent (100%) of the member's accumulated contributions; the benefit provided for in I.2. below.

2. Death After Vesting – In-Line-Of-Duty

If a member dies prior to retirement in the line of duty, and he is vested, having completed the required years of credited service, his beneficiary shall receive the benefits otherwise payable to the member at the member's early or normal retirement date.

If a member, other than a participant in the DROP under Section M, dies in-the-line-of-duty, the following benefits are payable:

- a. If the member dies leaving a surviving spouse, the surviving spouse may receive a monthly pension equal to one hundred percent (100%) of the monthly salary being received by the member at the time of the member's death for the rest of the surviving spouse's lifetime. Benefits provided by this paragraph supersede any other distribution that may have been provided by the member's designation of beneficiary. Such benefit ceases upon the surviving spouse's death unless the member's minor children survive the spouse as provided for in paragraph b of this subsection.

CITY OF CLERMONT
ORDINANCE No. 2017-08

- b. If the surviving spouse dies and the member's minor children survive the spouse, the monthly payments that otherwise would have been payable to such surviving spouse shall be paid for the use and benefit of the member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of the member's child if the child is unmarried and enrolled as a full-time student at an accredited institution. If there is more than one minor child, the benefits shall be divided equally among the children. As each child reaches the benefit termination age, the remaining eligible children will divide the benefits.
- c. If the member dies leaving no surviving spouse but is survived by a child or children under 18 years of age and unmarried, the benefits provided by subparagraph a., shall be paid for the use and benefit of such member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of any of the member's children if the child is unmarried and enrolled as a full-time student at an accredited institution. If there is more than one minor child, the benefits shall be divided equally among the children. As each child reaches the benefit termination age, the remaining eligible children will divide the benefits.
- d. If the member dies leaving no surviving spouse and no child or children under 18 years of age and unmarried or no child under age 25 and unmarried and enrolled as a full-time student, then the member's beneficiary shall receive the greater of (i) the member's accrued benefit or (ii) 42% of the member's average final compensation, with the applicable annuity amount payable for 10 years. If the named beneficiary dies before the full 10 years of payments are made, the remaining benefit payments will be paid in a lump sum to the estate of the beneficiary.
- e. For purposes of determining whether a death is in-the-line-of-duty, the presumption and additional presumption provided for in Section 8.01 (B) and (C) shall apply.
- f. In all cases, the benefits paid in paragraphs a., b. and c. above will be at least the member's accrued benefit paid for 10 years. In the event that the surviving spouse or children's benefits cease due to death or reaching the age of majority as provided for herein, the benefit will be paid to the estate of the survivor payee (i.e. the surviving spouse or surviving children).

M. DEFERRED RETIREMENT OPTION PROGRAM (DROP)

CITY OF CLERMONT
ORDINANCE No. 2017-08

1. Eligibility

A participant who reaches the normal retirement date as a Firefighter for the City of Clermont and is a member of the City of Clermont Firefighters' Pension Plan may enter into a Deferred Retirement Option Plan ("DROP") on the first day of ~~the any~~ month following the attainment of normal retirement date as defined in the Plan Adoption Agreement. ~~Participants who attained their normal retirement date prior to the enactment of the "DROP" shall be afforded the option of participating immediately or retroactively to the date that they actually attained their normal retirement date. This option must be exercised no later than (60) days after the Board provided notice of this option to the affected employee.~~

2. Written Election

An eligible participant electing to participate in the "DROP" must complete and execute the proper forms supplied by the plan and a resignation of employment. Election into the "DROP" is irrevocable once a participant completes the application to enter the "DROP".

3. Limitation and Disqualification for Other Benefits

A participant may participate in the "DROP" only once. After commencement of participation the employee shall no longer earn or accrue additional vesting credits or credited years of service toward retirement benefits and shall not be eligible for disability or pre-retirement death benefits in the City of Clermont Firefighters' Pension Plan.

4. Cessation or Reduction or Contributions

Upon the effective date of a participant's commencement of participation in the "DROP", the participant's contributions to the City of Clermont Firefighters' Pension Plan will be discontinued.

5. Benefit Calculations

For all City of Clermont Firefighters' Pension Plan purposes, the credited service and vesting credits of a participant participating in the "DROP" shall remain as they existed on the effective date of commencement of participation in the "DROP". The participant shall not earn or be credited with any additional vesting credits or credited service after beginning "DROP" participation. Service thereafter shall not be recognized by the City of Clermont Firefighters' Pension Plan or used for the calculation or determination of any benefits payable by such Plan.

The average final compensation of the participant shall remain as it existed on the effective date of commencement of participation in the "DROP". Payment for accrued unused leave (vacation, holiday, etc.) shall be made, at the option of the participant, from one of the following choices:

- a. when commencing participation in the "DROP", or
- b. as the leave is actually used during participation in the "DROP", or
- c. when the participant actually terminates employment with the City.

CITY OF CLERMONT
ORDINANCE No. 2017-08

Earnings thereafter shall not be recognized by the Plan or used for the calculation or determination of any benefits payable by the Plan. However, the value of any retirement gift provided by the City shall be based on the date that a participant actually leaves employment with the City, including the “DROP” participation period.

6. Payment of Drop Accounts

The monthly retirement benefits that would have been payable had the member elected to cease employment and receive normal retirement benefits shall be deposited in the participant’s “DROP” account.

7. DROP Account Earnings

After each Fiscal Year quarter, the average daily balance in a participant’s deferred retirement option account shall be credited at a rate of six and one-half percent (6.5%) annual interest compounded monthly. The Board of Trustees, along with the City, shall review the stated rate of return on an annual basis in order to determine the necessity of any adjustment for future “DROP” participants only.

8. Maximum Participation

A participant may participate in the “DROP” for a maximum of sixty (60) months. At the conclusion of the sixty (60) months, the participants’ covered City employment must terminate pursuant to the resignation submitted by the participant as part of the “DROP” application. The participant may terminate “DROP” participation by advancing their resignation from covered City employment to a date prior to that submitted by the participant as part of the “DROP” application.

9. Payout

Upon the termination of a member’s covered City employment (for any reason, whether by retirement, resignation, discharge or death), the retirement benefits payable to the participant or the participant’s beneficiary (if the participant selected an optional form of retirement benefit which provides for payments to the beneficiary) shall be paid to the member or beneficiary and shall no longer be deposited into the participant’s “DROP” account.

Within thirty (30) days after the end of any calendar quarter following the termination of a participant’s employment, the balance in the participant’s “DROP” account shall be payable at the participant’s option:

- a. In full in a single lump sum payment, all accrued “DROP” benefits, plus interest, less withholding taxes remitted to the Internal Revenue Services (IRS), paid to the “DROP” participant or surviving beneficiary, or;
- b. As a direct rollover, all accrued “DROP” benefits, plus interest, paid directly from the “DROP” to the custodian of an eligible retirement plan as defined in Section 402(c)(8)(B), Internal Revenue Code (IRC). If benefit is to be paid to a surviving beneficiary, the transfer shall be to an individual retirement account or

CITY OF CLERMONT
ORDINANCE No. 2017-08

annuity as described in Section 402(c) (9), IRC.

- c. Partial lump sum. A portion of the accrued “DROP” benefits shall be paid to the participant or surviving beneficiary; less IRS tax, and the remaining “DROP” benefits shall be transferred directly to the custodian of an eligible retirement plan as defined in Section 402 (c)(8)(B), IRC. However, in the case of an eligible rollover distribution to the surviving beneficiary of a deceased participant, an eligible retirement plan is an individual retirement account or annuity as described in Section 402(c) (9), IRC. The “DROP” participant or surviving beneficiary shall specify the proportions.

Regardless of the option selected by the participant, the Board of Trustees has the right to accelerate payments in order to comply with Section 401 (A) (9) of the Internal Revenue Code and the right to defer payments to comply with Section 415 of the Internal Revenue Code.

10. Death

If a “DROP” participant dies before their account balances are paid out in full, the participant’s designated beneficiary shall have the same rights as the participant to elect and receive the payout options set forth in paragraph nine (IX) above. “DROP” payments to a beneficiary shall be in addition to any retirement benefits payable to the participant. Participants who are or have been “DROP” participants are not eligible for pre-retirement death or disability benefits.

11. Forms

The forms and notices approved by the City shall be used in the administration of the “DROP” Plan.

12. Amendment

The Board of Trustees, upon approval by the City Council, can amend the “DROP” at any time. Such amendments shall be consistent with the provisions covering deferred retirement option plans set forth in any applicable collective bargaining agreement and shall be binding upon all future “DROP” participants and upon all “DROP” participants who have balances in their accounts. Such amendments may increase the expense, decrease the account earnings, or limit or restrict the payout options.

N. SHARE PLAN

The purpose of this Section is to implement the provisions of Chapter 175, Florida Statutes.

CITY OF CLERMONT
ORDINANCE No. 2017-08

and to provide a mechanism to pay required “extra benefits” to Firefighters based on the growth of premium tax revenue pursuant to Chapter 175. The monies shall be derived exclusively from monies received from the state and not from any additional taxes levied by the City.

Effective January 24, 2017, the City agrees to convert 100% of the Chapter 175 reserve fund to a Share Plan. The total amount shall be credited to each participant based on their completed months of credited service in proportion to the combined completed months of credited service of all participants.

Effective January 24, 2017, the Union agrees to allow the City to use 100% of all future Chapter 175 annual distributions up to the amount received in the 2012 calendar year (\$188,967) and 50% of any future annual amounts in excess of the 2012 calendar year distribution to fund the normal cost of the pension plan. The remaining 50% of any future annual amounts in excess of the 2012 calendar year distribution shall be credited to participant share accounts, with each participant’s account receiving an equal share of the total amount allocated.

All monies received will be placed in the fund, as outlined in Article 4 of the Basic Plan Document, and shall be commingled for investment purposes with the other assets of the City’s retirement pension funds. Separate accounting shall be maintained for all co-mingled assets.

In accordance with provisions of Chapter 175, Florida Statutes and such other required authority, a firefighter, who is a participant, shall be entitled to one share for each year of credited service, as defined below, as a firefighter of the City. Each participant shall thereupon have as many shares as years of credited service. The number of years of credited service rendered by each participant shall be determined and a record thereof shall be made on the participant's service record.

For purposes of this Section, the word, credited service shall mean all time served as a regularly appointed or employed firefighter of the City for which regular compensation is paid by the City and all times during which a participant is absent on military leave. It shall include all leave of absences with pay, but shall not include leave of absences during which no regular compensation is paid by the City, except military leave. Credited service for the purposes of the Share Plan only, shall include participants in the DROP.

Available funds shall be credited to active participant share accounts, or participants in the DROP, as of September 30th of the applicable plan year. Available funds shall be prorated to each qualifying firefighter in proportion to the number of individual shares for the plan year by credit to the fund.

The Board of Trustees shall pay all costs and expenses for the management and operation for

CITY OF CLERMONT
ORDINANCE No. 2017-08

the current fiscal year and shall set aside as much of the income as it considers advisable as a reserve for expenses for the next fiscal year. After deducting these monies, the remaining monies shall be allocated and credited to the fund on behalf of the respective participants. The City shall bear no expense in the operation of this Share Plan.

Upon termination of employment, a vested participant shall be paid the entire share balance as soon as administratively feasible following his termination of employment. In addition, a vested participant, or his designated beneficiary, shall be entitled to payment of the entire share balance when the participant or beneficiary becomes eligible for a disability or death benefit from the defined benefit plan.

Upon the separation from service of a non-vested participant (as defined in Section J, of the Adoption Agreement), shares shall revert back into this Share Plan and shall be reallocated to the membership unless the former participant returns to service prior to the September 30th allocation date.

If any provisions of this Section or the Plan hereby created shall conflict with the provisions of Chapter 175, Florida Statutes, such conflict shall be resolved in favor of the statutory provisions which are intended to control.

SECTION 2.

Any portion of the City of Clermont Code or any Ordinance or part thereof in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 3.

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

SECTION 4.

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. 2017-08

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 11th day of April 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Denise Noak, Acting City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT
ORDINANCE No. 2017-08

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. 2017-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF CLERMONT FIREFIGHTERS' PENSION TRUST FUND, AS ADOPTED BY ORDINANCE NO. 304-C; PROVIDING PLAN BENEFIT REVISIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

A meeting to consider the Ordinance will be held before the City Council on Tuesday, April 11, 2017 at 6:30pm for final enactment.

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

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

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

Denise Noak, CMC
Acting City Clerk

Daily Commercial
March 28, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, March 28, 2017	
Agenda Item Name	
Ordinance No. 2017-09 <i>Introduction</i> <i>Police Officers Pension Plan</i>	
Requested Action	
Recommend to Introduce Ordinance No. 2017-09	
Staff Report	
Ordinance No. 2017-09 is proposed to amend the Police Officers Pension Plan as follows: Section H. (Disability Benefits) is proposed to be revised to clarify the disability benefit amounts available to police officers and does not represent a change to the benefit eligibility or calculation language. Section I. (Death Benefits) is proposed to be revised to change the death benefits for an in line of duty death. Currently, the in line of duty death benefit for a non-vested police officer is significantly less than a vested police officer. In addition, the in line of duty death benefit for a vested police officer is the payment of his monthly normal retirement benefit (based on years of service and annual earnings) to his beneficiaries at the police officer's early or normal retirement date. The revision provides for the following changes: 1) The in line of duty death benefit will be based on the same methodology for non-vested and vested police officers. 2) The in line of duty death benefit the police officer's beneficiaries will receive at the time of death, will be 100% of the police officer's monthly salary. Since the plan actuary does not assume deaths, there is no cost impact to the plan for this change. This change is modeled after a recent change to the Florida Retirement System by the state legislature regarding in line of duty deaths of high risk employees. Section N. (Share Plan) is proposed to be revised to clarify that a police officer who is vested will receive their entire share balance as soon as administratively feasible following termination of employment.	
Additional Analysis	
Fiscal Impact Summary	
No fiscal impact to the city.	

Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	2017-09	2017-09 Police Officer Pension (marked up) - 1-30-17.doc	
2.	Ad	2017-09 Police Pension.doc	

CITY OF CLERMONT
ORDINANCE No. 2017-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF CLERMONT POLICE OFFICERS' PENSION TRUST FUND, AS ADOPTED BY ORDINANCE NO. 304-C; PROVIDING PLAN BENEFIT REVISIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clermont Police Officers' are presently provided pension and certain other benefits under Ordinance No. 304-C and;

WHEREAS, the City Council desires to amend the provisions of the Police Officers' Retirement Plan;

SECTION 1.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Clermont, Lake County, Florida that the following sections of the Police Officers' Retirement Plan Adoption Agreement shall be amended to read as follows (note: strikethrough indicates removed words and underlined indicates added):

H. DISABILITY BENEFITS

1. Disability Benefits In-the-Line-Of-Duty

A member determined to be totally and permanently disabled from a service connected injury or disease will receive the greater of ~~(a) the accrued benefit, (b) the accumulated contributions at 5% interest or (c) 42% of average compensation.~~ (a) the member's accumulated contributions at 5% interest or (b) the greater of (i.) the member's accrued benefit or (ii.) 42% of the member's average final compensation.

2. Disability Benefits Off-Duty

A member determined to be totally and permanently disabled from a non-service connected injury or disease must have completed at least ten (10) years of service in order to be eligible for a non-service connected disability benefit. A member determined to be totally and permanently disabled from a non-service connected injury or disease and who has completed the required years of service will receive the greater of ~~(a) the accrued benefit, (b) the accumulated contributions at 5% interest or (c) 25% of average compensation~~ (a) the member's accumulated contributions at 5% interest or (b) the greater of (i.) the member's accrued benefit or (ii.) 25% of the member's average final compensation. A member determined to be totally and permanently disabled from a non-service connected injury or disease and who has not completed the required ten (10) years of service shall receive a return of employee contributions with 5% interest.

CITY OF CLERMONT
ORDINANCE No. 2017-09

I. DEATH BENEFITS

1. Death Prior to Vesting – In-Line-Of-Duty

If a member dies prior to retirement in-the-line-of-duty, and he is not vested, his beneficiary shall receive a refund of one hundred percent (100%) of the member's accumulated contributions; the benefit provided for in I.2. below.

2. Death After Vesting – In-Line-Of-Duty

If a member dies prior to retirement in-the-line-of-duty, and he is vested, having completed the required years of credited service, his beneficiary shall receive the benefits otherwise payable to the member at the member's early or normal retirement date.

If a member, other than a participant in the DROP under Section M, dies in-the-line-of-duty, the following benefits are payable:

- a. If the member dies leaving a surviving spouse, the surviving spouse may receive a monthly pension equal to one hundred percent (100%) of the monthly salary being received by the member at the time of the member's death for the rest of the surviving spouse's lifetime. Benefits provided by this paragraph supersede any other distribution that may have been provided by the member's designation of beneficiary. Such benefit ceases upon the surviving spouse's death unless the member's minor children survive the spouse as provided for in paragraph b of this subsection.
- b. If the surviving spouse dies and the member's minor children survive the spouse, the monthly payments that otherwise would have been payable to such surviving spouse shall be paid for the use and benefit of the member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of the member's child if the child is unmarried and enrolled as a full-time student at an accredited institution. If there is more than one minor child, the benefits shall be divided equally among the children. As each child reaches the benefit termination age, the remaining eligible children will divide the benefits.
- c. If the member dies leaving no surviving spouse but is survived by a child or children under 18 years of age and unmarried, the benefits provided by subparagraph a., shall be paid for the use and benefit of such member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of any of the member's children if the child is unmarried and enrolled as a full-time student at an accredited institution. If there is more than one minor child, the benefits shall be divided equally among the children. As each child reaches the benefit termination age, the remaining eligible children will divide the benefits.

CITY OF CLERMONT
ORDINANCE No. 2017-09

- d. If the member dies leaving no surviving spouse and no child or children under 18 years of age and unmarried or no child under age 25 and unmarried and enrolled as a full-time student, then the member's beneficiary shall receive the greater of (i) the member's accrued benefit or (ii) 42% of the member's average final compensation, with the applicable annuity amount payable for 10 years. If the named beneficiary dies before the full 10 years of payments are made, the remaining benefit payments will be paid in a lump sum to the estate of the beneficiary.
- e. For purposes of determining whether a death is in-the-line-of-duty, the presumption and additional presumption provided for in Section 8.01 (B) and (C) shall apply.
- f. In all cases, the benefits paid in paragraphs a., b. and c. above will be at least the member's accrued benefit paid for 10 years. In the event that the surviving spouse or children's benefits cease due to death or reaching the age of majority as provided for herein, the benefit will be paid to the estate of the survivor payee (i.e. the surviving spouse or surviving children).

N. SHARE PLAN

The purpose of this Section is to implement the provisions of Chapter 185, Florida Statutes, and to provide a mechanism to pay required "extra benefits" to Police Officers based on the growth of premium tax revenue pursuant to Chapter 185. The monies shall be derived exclusively from monies received from the state and not from any additional taxes levied by the City.

Effective January 26, 2016, the City agrees to convert 100% of the Chapter 185 reserve fund to a Share Plan. The total amount shall be credited to each participant based on their completed months of credited service in proportion to the combined completed months of credited service of all participants.

Effective January 26, 2016, the Union agrees to allow the City to use 100% of all future Chapter 185 annual distributions up to the amount received in the 2012 calendar year (\$211,000) and 50% of any future annual amounts in excess of the 2012 calendar year distribution to fund the normal cost of the pension plan. The remaining 50% of any future annual amounts in excess of the 2012 calendar year distribution shall be credited to participant share accounts, with each participant's account receiving an equal share of the total amount allocated.

All monies received will be placed in the fund, as outlined in Article 4 of the Basic Plan Document, and shall be commingled for investment purposes with the other assets of the City's retirement pension funds. Separate accounting shall be maintained for all co-mingled assets.

In accordance with provisions of Chapter 185, Florida Statutes and such other required authority, a police officer, who is a participant, shall be entitled to one share for each year of

CITY OF CLERMONT
ORDINANCE No. 2017-09

credited service, as defined below, as a police officer of the City. Each participant shall thereupon have as many shares as years of credited service. The number of years of credited service rendered by each participant shall be determined and a record thereof shall be made on the participant's service record. 3

For purposes of this Section, the word, credited service shall mean all time served as a regularly appointed or employed police officer of the City for which regular compensation is paid by the City and all times during which a participant is absent on military leave. It shall include all leave of absences with pay, but shall not include leave of absences during which no regular compensation is paid by the City, except military leave. Credited service for the purposes of the Share Plan only, shall include participants in the DROP.

Available funds shall be credited to active participant share accounts, or participants in the DROP, as of September 30th of the applicable plan year. Available funds shall be prorated to each qualifying police officer in proportion to the number of individual shares for the plan year by credit to the fund.

The Board of Trustees shall pay all costs and expenses for the management and operation for the current fiscal year and shall set aside as much of the income as it considers advisable as a reserve for expenses for the next fiscal year. After deducting these monies, the remaining monies shall be allocated and credited to the fund on behalf of the respective participants. The City shall bear no expense in the operation of this Share Plan.

Upon termination of employment, ~~the a vested~~ Participant shall be paid the entire ~~amount standing to this credit in the Fund share balance in a lump sum to the Participant~~ as soon as administratively feasible following his termination of employment. ~~In addition, No a vested~~ Participant, or ~~his~~ designated beneficiary, shall be entitled to payment of the ~~entire~~ share balance ~~unless when~~ the Participant or beneficiary becomes eligible for a ~~normal, early,~~ disability or death benefit from the defined benefit plan.

Upon the separation from service of a non-vested participant (as defined in Section J, of the Adoption Agreement), shares shall revert back into this Share Plan and shall be reallocated to the membership unless the former participant returns to service prior to the September 30th allocation date.

If any provisions of this Section or the Plan hereby created shall conflict with the provisions of Chapter 185, Florida Statutes, such conflict shall be resolved in favor of the statutory provisions which are intended to control.

SECTION 2.

Any portion of the City of Clermont Code or any Ordinance or part thereof in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 3.

Should any Section or part of a Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply or affect any other provision of this Ordinance, except to the

CITY OF CLERMONT
ORDINANCE No. 2017-09

extent that the entire Section or part of the Section may in separable in meaning and effect from the section to which such holding shall apply.

4

SECTION 4.

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

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 11th day of April, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Denise Noak, Acting 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. 2017-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF CLERMONT POLICE OFFICERS' PENSION TRUST FUND, AS ADOPTED BY ORDINANCE NO. 304-C; PROVIDING PLAN BENEFIT REVISIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

A meeting to consider the Ordinance will be held before the City Council on Tuesday, April 11, 2017 at 6:30pm for final enactment.

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

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

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

Denise Noak, CMC
Acting City Clerk

Daily Commercial
March 28, 2017