



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, May 2, 2017
City Hall – 685 W. Montrose Street, Clermont, FL**

**CALL TO ORDER
INVOCATION AND PLEDGE OF ALLEGIANCE
MINUTES**

Approval of the April 4, 2017 Planning and Zoning Commission meeting minutes.

**REPORTS
NEW BUSINESS**

Item 1 - Resolution No. 2017-21
The Barn Brewery
Conditional Use Permit

Request for a Conditional Use Permit to allow for a building over 3,000 square feet in the Central Business District for property located at 750 W. Desoto Street.

Item 2 - Ordinance No. 2017-24
The Vue

Amend existing Planned Unit Development zoning by eliminating the apartments use for property located south of Highway 50, north of Hooks Street and west of Miss Florida Avenue.

Discussion of Non-Agenda Items

ADJOURN

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

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

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

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
April 4, 2017

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The meeting of the Planning & Zoning Commission was called to order Tuesday April 4, 2017 at 6:30 p.m. by Chairman Nick Jones. Other members present were Nick Jones, Carol Thayer, Herb Smith, Cuqui Whitehead, Tony Hubbard, and Judy Proli. Also in attendance were Curt Henschel, Planning Manager, Dan Mantzaris, City Attorney, and Jane McAllister, Planning Specialist.

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

REPORTS

Chairman Jones expressed disappointment that the City will not have a local theater in Clermont for the Moonlight Players.

Chairman Jones brought up the fact that the largest hotel in the world is “Airbnb,” where people rent out rooms in their homes. The properties are not zoned for that use, the owners do not pay any taxes or have the proper permits for that use. The reservations are typically made over the internet. Municipalities are unaware that this is occurring unless and until a neighbor complains because there is a commotion or parking in the area becomes a problem.

1. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow for an automotive service center in the Central Business District for property located at 898 W. Montrose Street.

APPLICANT: Bees Auto, Inc./Weatherbee

City Attorney Mantzaris gave a brief history about this property. He stated that the request was started in good faith and got on the wrong path. After negotiations, the property owner finally agreed to go through the conditional use permit (CUP) process.

Planning Manager Henschel presented the request by saying the applicant has requested to operate an automotive and small truck repair service center within the Central Business Zoning District (CBD). According to Sec. 122-244 of the land development code, this use requires approval of a CUP. An automotive and truck repair service has operated on this site in the past. However, because operation ceased, any new operations must attain a CUP.

The owner wishes to redevelop the site as shown by the attached site plan, which incorporates site improvements including a 1,345-square-foot building addition, buffer fencing, landscaping entrances, on-site retention, and parking spaces sized per code.

This automotive and light truck repair service would be limited strictly to cars, SUVs, vans, recreational vehicles, and small utility/light trucks. No semi-trailer, or heavy equipment such as bulldozers, repairs, parking or storage shall be permitted.

City of Clermont
MINUTES
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April 4, 2017

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There were no members of the public present.

Commissioner Whitehead commented she would like to see this go through quickly.

Commissioner Proli asked if Bee's will be restricted to doing repairs inside. Planning Manager Henschel assured her that would be the case.

Commissioner Smith said this property used to be an auto repair shop and gas station. He asked if the gas tanks will be removed. Planning Manager Henschel said that they would be removed.

Commissioner Smith asked if the City was waiving any parking regulations for this property. Planning Manager Henschel said there were no concessions made regarding parking regulations.

Commissioner Whitehead said she has been here a long time and knows the history of the property. She said that if the owner is now willing to cooperate, we should give him a chance.

Commissioner Whitehead made a motion to approve this conditional use permit; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

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

Nick Jones, Chairman

ATTEST:

Jane C. McAllister – Planning Specialist



CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, May 2, 2017
City Hall – 685 W. Montrose Street, Clermont, FL

Meeting Date		
Tuesday, May 2, 2017		
Agenda Item Name		
Resolution No. 2017-21 The Barn Brewery <i>Conditional Use Permit</i>		
Requested Action		
Motion to BLANK		
Staff Report		
The applicant is requesting a Conditional Use Permit (CUP) to allow a building occupy more than 3,000 square feet of total floor area at 750 West Desoto Street in the Central Business District (CBD). Under Sec. 122-243 of the Land Development Code, the CBD zoning district allows a variety of uses, but buildings 3,000 square feet or greater require a conditional use permit. The applicant proposes to enlarge the existing 2,500 square foot building by approximately 1,000 square feet, giving a total building square footage of approximately 3,500 square feet. The applicant proposes to use this building for use as a restaurant and brewery. Restaurants and breweries are permitted uses within the CBD zoning district. Additional parking stalls will be required, however, the applicant will be seeking a variance for reduced overall parking count. The applicant and staff believe the project meets the intent of LDC except for the CUP requirement. Therefore; staff recommends approval of this CUP request.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Resolution	CUP RES 2017-21.doc
2.	Location Map	Location Map.docx
3.	Pictures	Pictures.pdf
4.	CUP Conditions	CUP CONDITIONS.docx

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, May 2, 2017
City Hall – 685 W. Montrose Street, Clermont, FL

5.	Application	CUP App.pdf
6.	Legal ad	LEGAL NOTICE.docx

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

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**CITY OF CLERMONT
RESOLUTION NO. 2017-21**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN ONSITE BREWERY, FOOD SERVICE ESTABLISHMENTS, AND OTHER RETAIL USES TO OCCUPY MORE THAN 3,000 SQUARE FEET OF FLOOR SPACE IN THE CENTRAL BUSINESS DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held May 2, 2017 recommended approval of this Conditional Use Permit to allow for an onsite brewery, food service establishments, and other retail uses to occupy more than 3,000 square feet of floor space in the Central Business District; at the following location:

LOCATION:
750 West Desoto Street
AK 1614619

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

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

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

This application for a Conditional Use Permit to allow for an onsite brewery, food service establishments, and other retail uses to occupy more than 3,000 square feet of floor space in the Central Business District; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. 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,

CITY OF CLERMONT
RESOLUTION NO. 2017-21

obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

3. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
4. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.
5. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
6. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
7. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date of issuance of this Conditional Use Permit. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
8. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
9. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
10. Residential uses shall not be permitted.

Section 2 – Land Use

1. Permitted uses shall include a 3,500 square foot building. Other permitted uses in the CBD zoning district are also permitted.

CITY OF CLERMONT
RESOLUTION NO. 2017-21

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of May, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

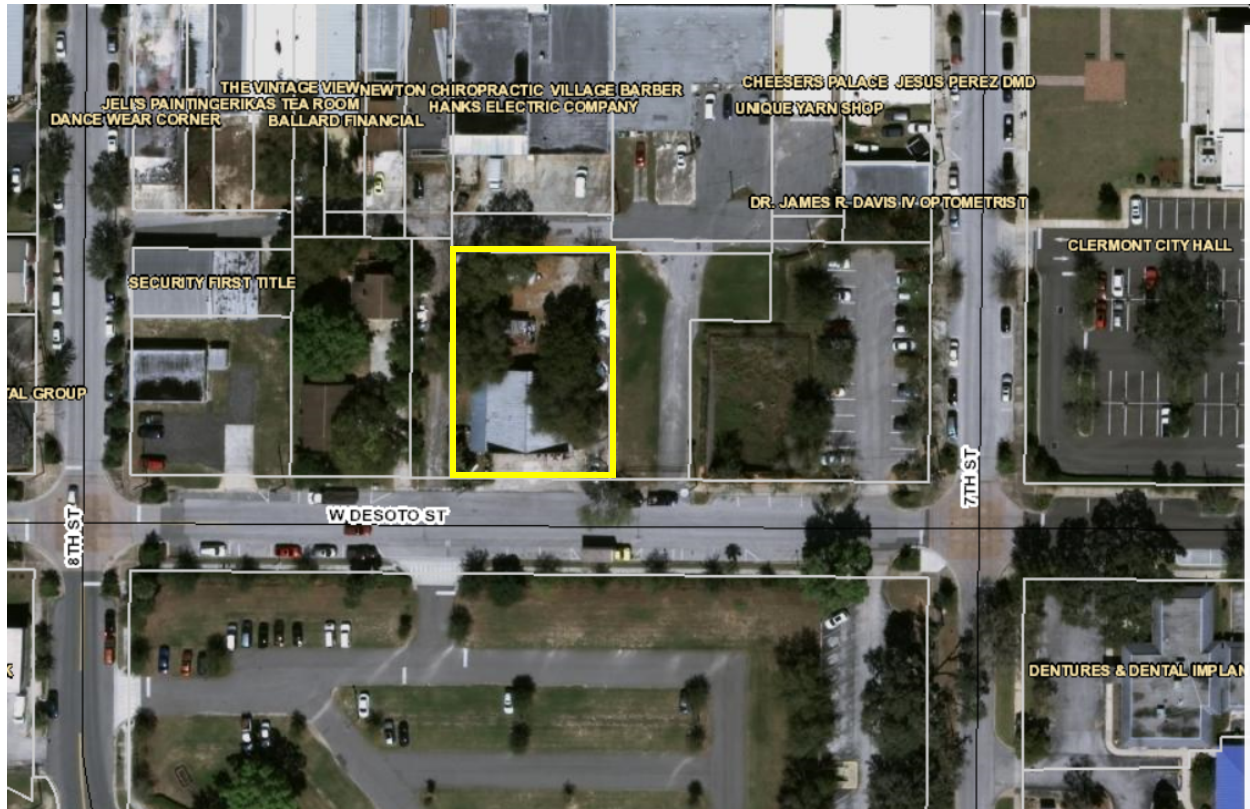
ATTEST:

Tracy Ackroyd Howe, City Clerk

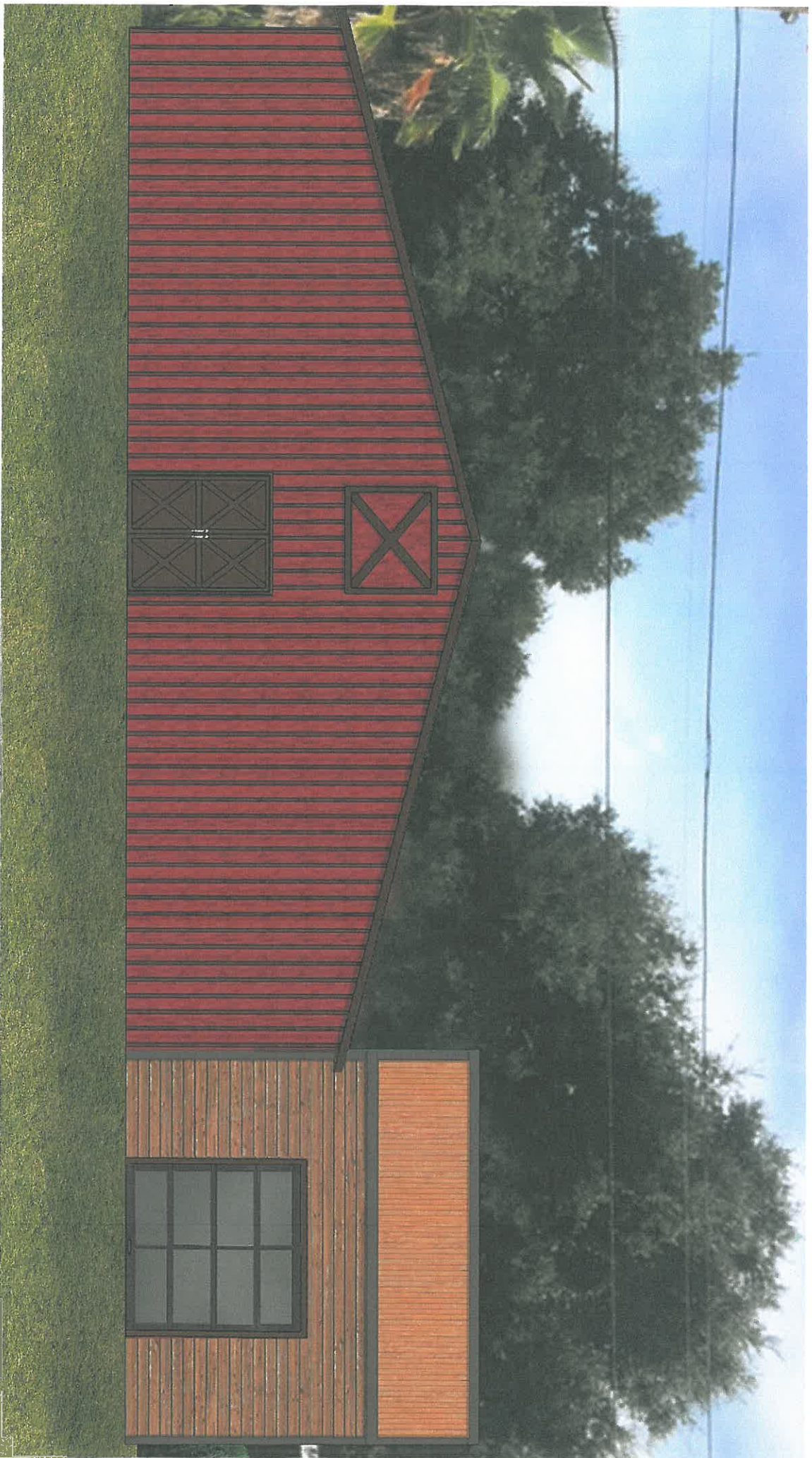
Approved as to form and legality:

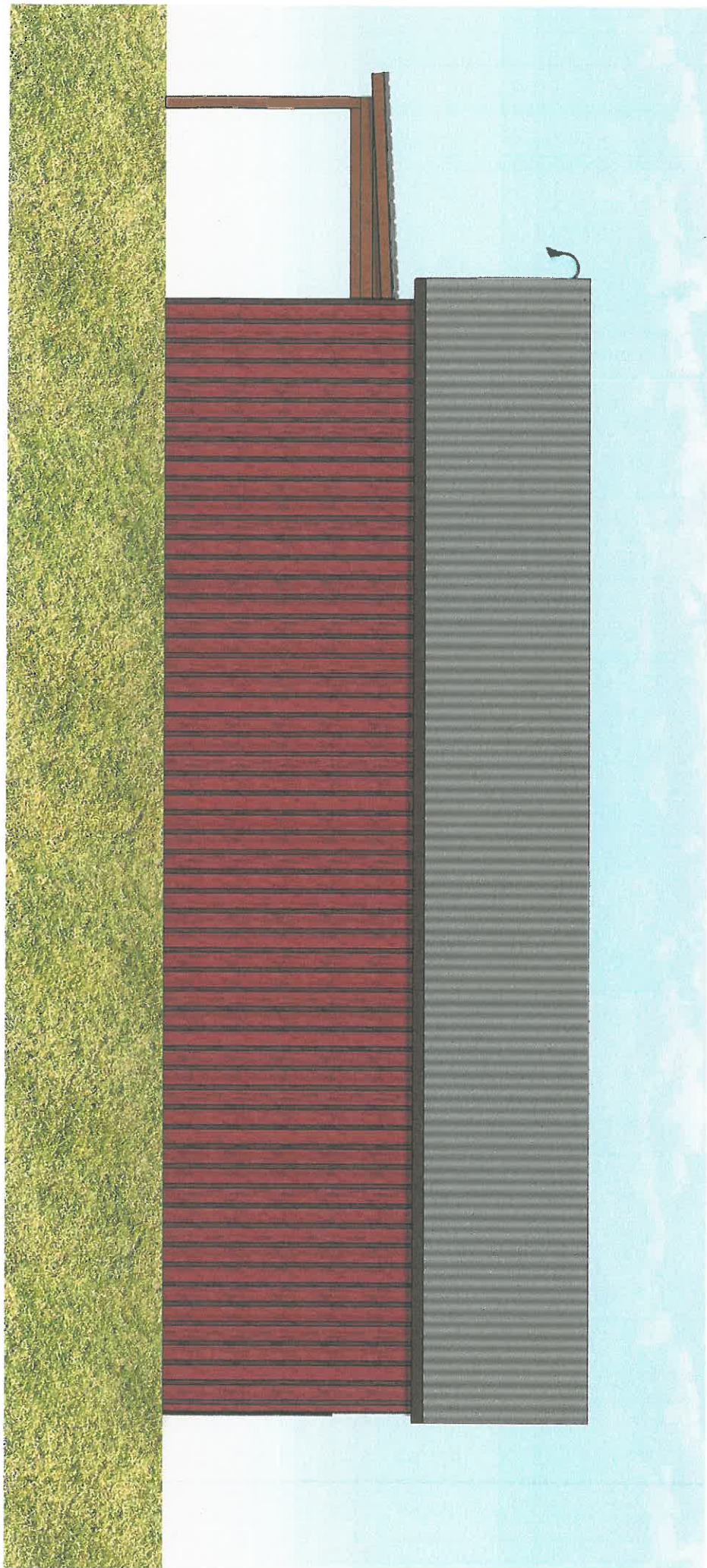
Daniel F. Mantzaris, City Attorney

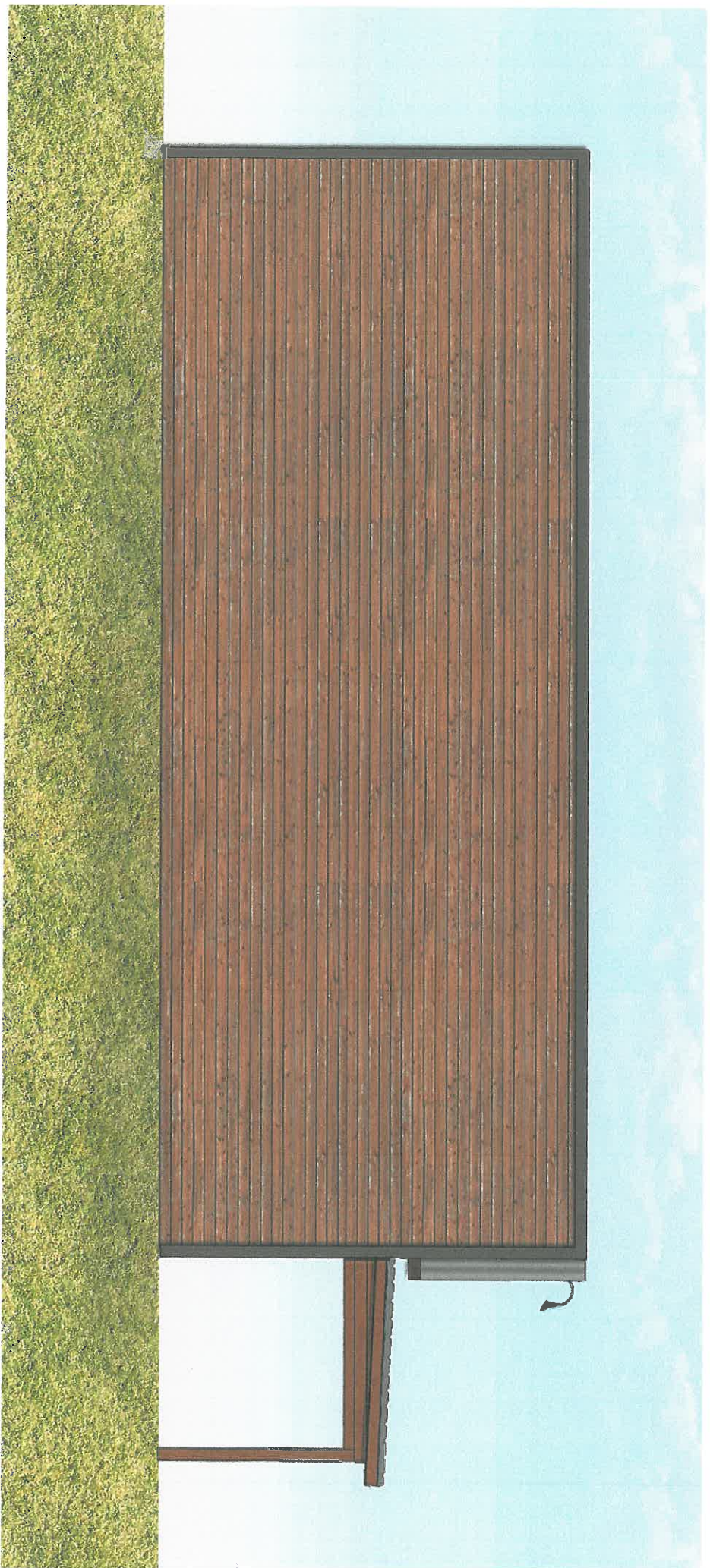
Location Map: 750 West Desoto Street







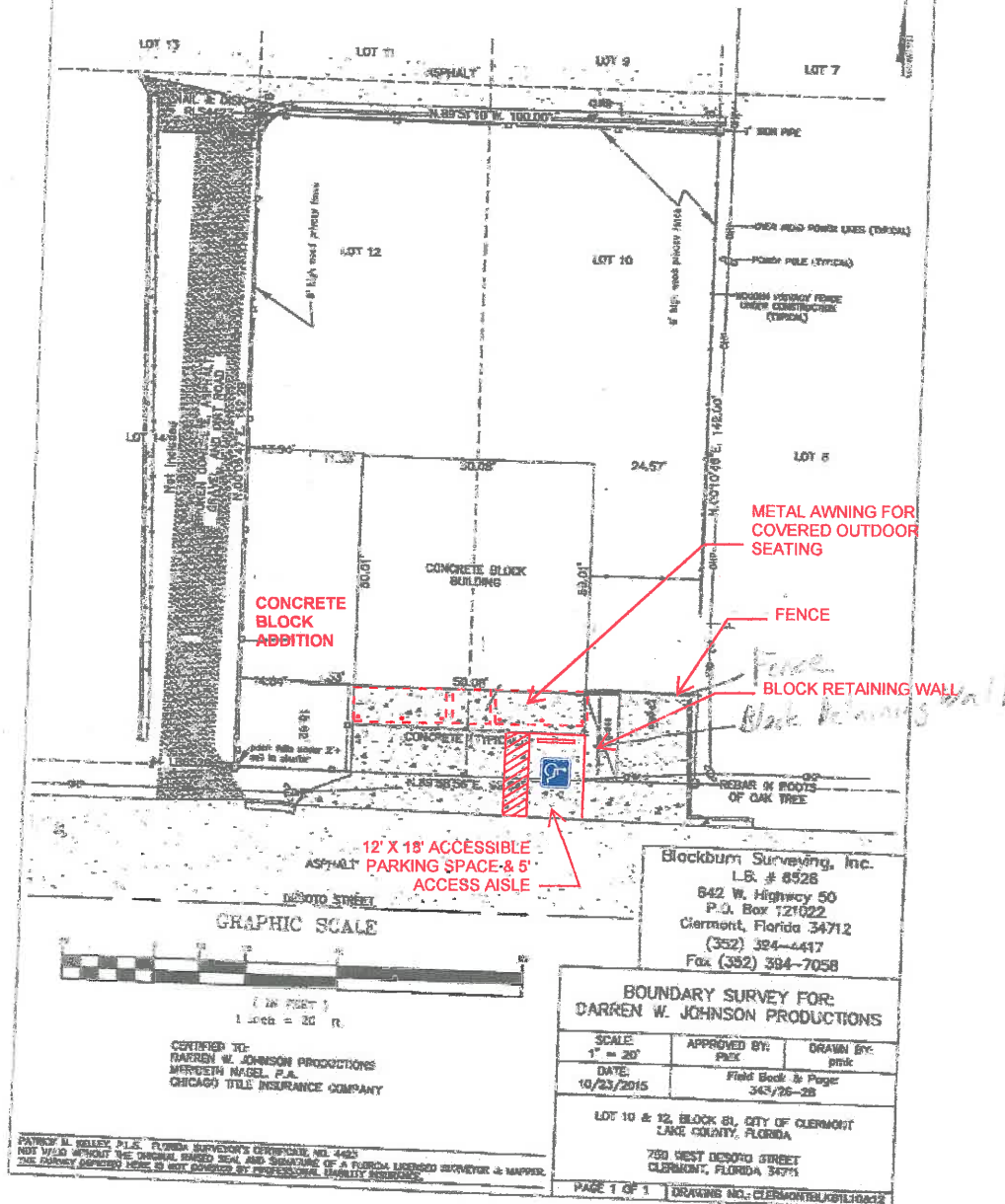


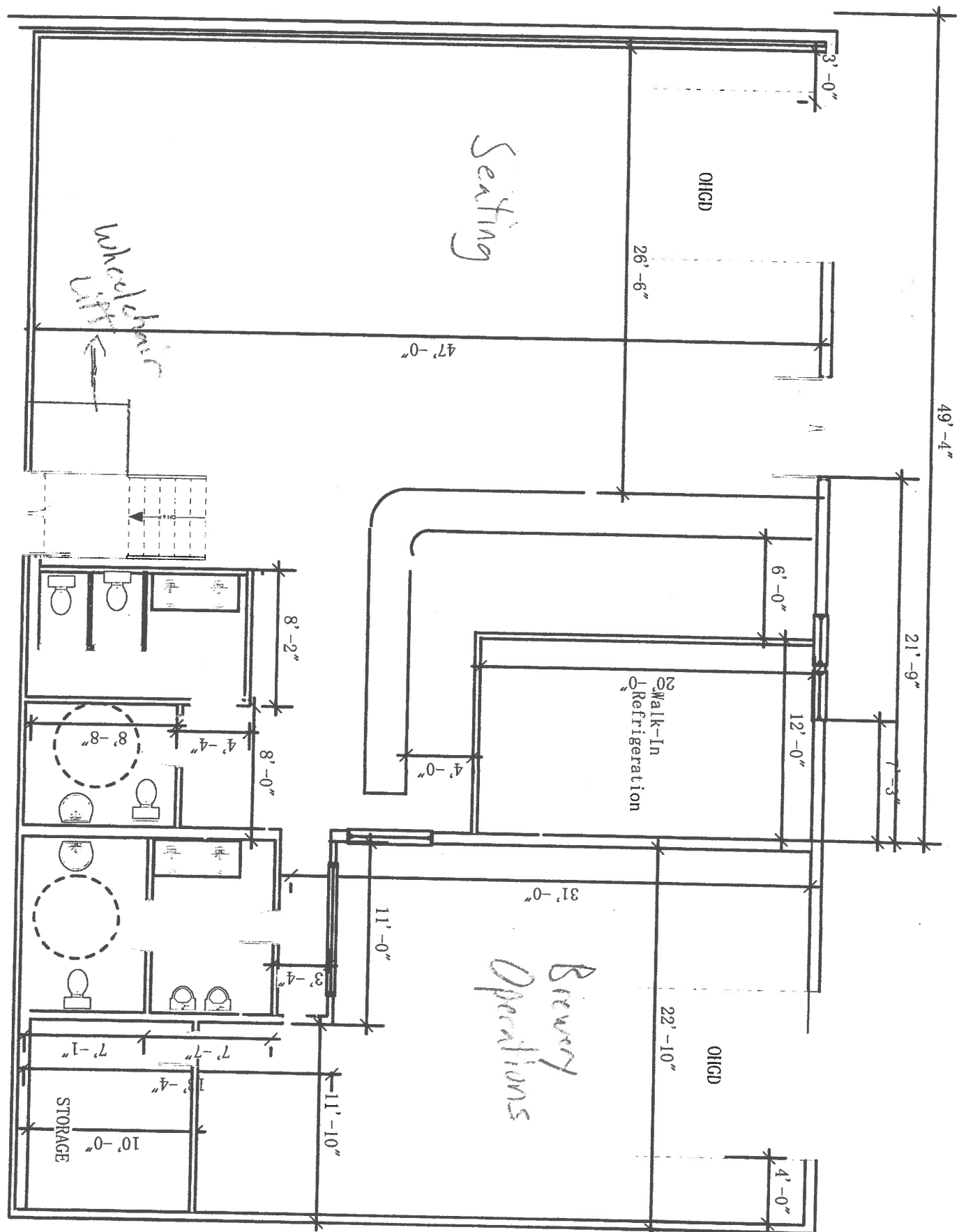


MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 17 THROUGH 23, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

NOTES:

1. BEARINGS BASED ON THE ASSUMED BEARING OF $N 89^{\circ} 58' 56'' E$ ALONG THE NORTHERLY RIGHT OF WAY LINE OF DESOTO STREET.
2. PROPERTY SHOWN HEREON CONTAINS 14,033 SQ. FT. 0.3238 ACRES.
3. APPARENT ABOVEGROUND ENCROACHMENTS, IF ANY, AS SHOWN.
4. UNDERGROUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED.
5. FENCE LINES SHOWN HEREON, IF ANY, MAY MEANDER ALONG SHOWN PATH.
6. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT OF WAY, SETBACKS OR RESTRICTIONS.
7. THIS SURVEY IS SUBJECT TO THE FACTS DISCLOSED BY TITLE COMMITMENT #0304023 ISSUED BY CHICAGO TITLE INSURANCE COMPANY.
8. ADDITIONS OR DELETIONS TO THE SURVEY SHOWN HEREON BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
9. THERE HAS BEEN NO ATTEMPT TO LOCATE ANIMAL OR PLANT SPECIES THAT MAY BE ENDANGERED, THREATENED, OR PROTECTED.
10. PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "C".
11. CURBS SHOWN HEREON ARE COVERED AND BROKEN IN AREAS.





CUP CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. 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.
3. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Planning & Zoning Department.
4. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.
5. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
6. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
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Section 2 – Land Use

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**CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 3/31/17

FEE: \$845
+ cost of advertisement

PROJECT NAME (if applicable): The Barn Brewery

APPLICANT: Darren Johnson

CONTACT PERSON: Darren Johnson

Address: 1075 W. Lakeshore Dr.

City: Clermont State: FL Zip: 34711

Phone: 352-205-6866 Fax: 352-242-3813

E-Mail: darren@dwj-p.com

OWNER: Darren Johnson

Address: 1075 W. Lakeshore Dr.

City: Clermont State: FL Zip: 34711

Phone: 352-205-6866 Fax: 352-242-3813

Address of Subject Property: 750 W. DeSoto

General Location: Between 8th & 7th

Legal Description (include copy of survey): Lot 10 & 12, Block 81, City of Clermont

Land Use (City verification required): _____

Zoning (City verification required): CDB - Mercantile



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

Page 2

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

Applicant is asking to renovate building on
750 W. De Soto & operate a brewery. Inside
would be a taproom & separate beer making operation.
The backyard would be used as a beer garden &
green space for pet owners.

Darren Johnson
Applicant Name (print)

Darren Johnson
Owner Name (print)

x Darren Johnson
Applicant Name (signature)

x Darren Johnson
Owner Name (signature)

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

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

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

Prepared by and return to:

Joni M Story

Employee

Merideth C. Nagel, P.A. Attorney at Law

1201 W. Hwy 50

Clermont, FL 34711

352-394-7408

File Number: N14SS-005

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 26th day of October, 2015 between Clermont Equestrian Saddlery & Tack, Inc., a dissolved Florida corporation, whose post office address is 750 W. Desoto St., Clermont, FL 34711, grantor, and Darren W. Johnson Productions, Inc., a Florida corporation, whose post office address is 1075 W. Lakeshore Dr., Clermont, FL 34711, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lake County, Florida to-wit:

Lots 10 and 12, Block 81, Less and Except the North 8 feet thereof, Official Map of the City of Clermont, according to the map or plat thereof, as recorded in Plat Book 8, Pages 17 through 23, inclusive, of the Public Records of Lake County, Florida.

Parcel Identification Number: 2422250100-081-01000

This Conveyance is associated with, and appropriate to, the winding up and liquidation of the affairs of the Grantor.

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

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2014**, and subject to restrictions, covenants, easements and other matters of record.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

., sealed and delivered in our presence:

[Signature]
Witness Name: _____

[Signature]
Witness Name: Mayra L. Gordon

Clermont Equestrian Saddlery & Tack, Inc., a Florida corporation

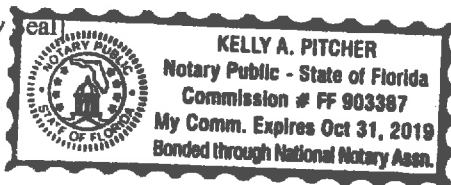
By: [Signature]
Carol McDaniel, President

(Corporate Seal)

State of Florida
County of Lake

The foregoing instrument was acknowledged before me this 26th day of October, 2015 by Carol McDaniel, President of Clermont Equestrian Saddlery & Tack, Inc., a Florida corporation, on behalf of the corporation. He/she ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



[Signature]
Notary Public

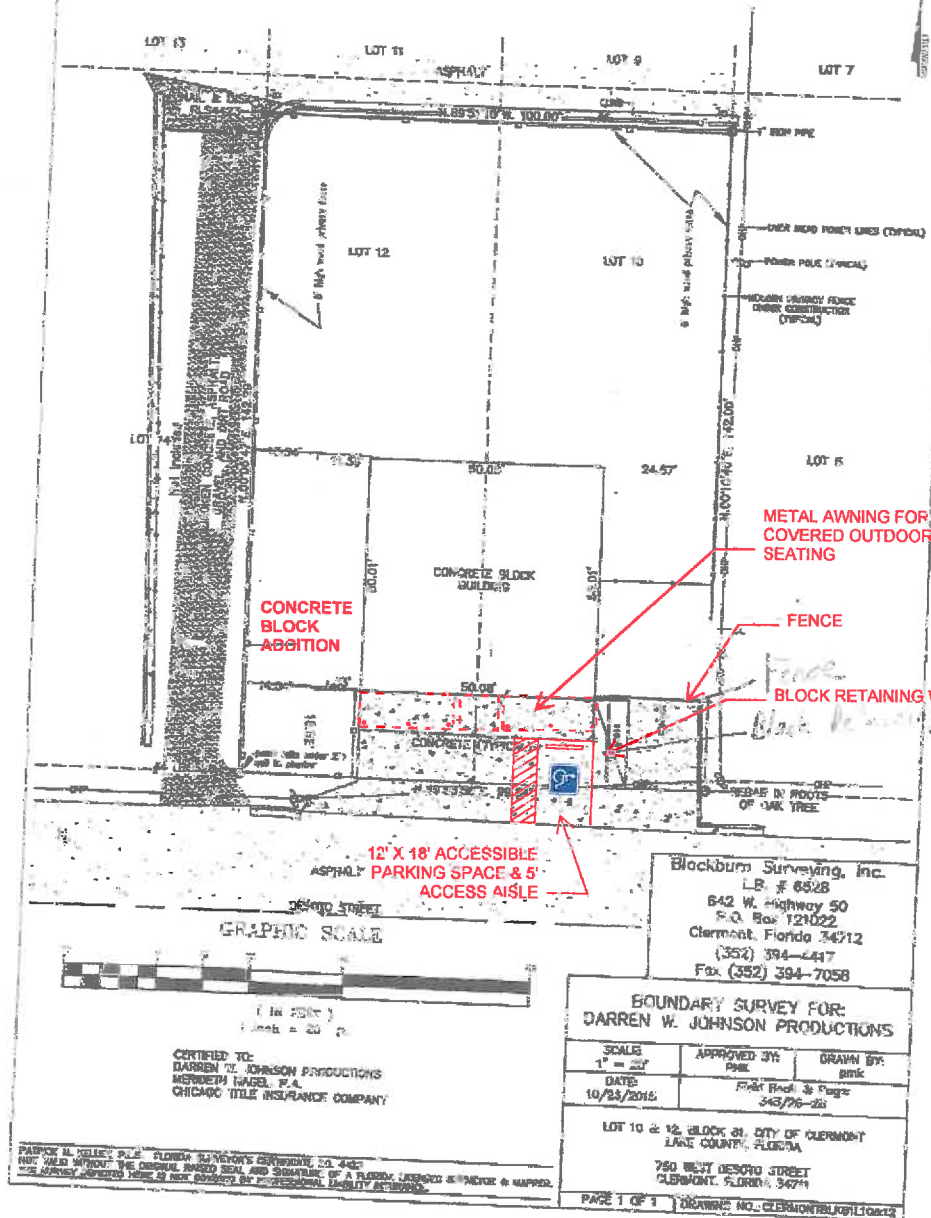
Printed Name: Kelly A. Pitcher

My Commission Expires: 10-31-15

MAP OF PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 17 THROUGH 24, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

NOTES:

1. BEARINGS BASED ON THE ASSUMED BEARING OF N89°58'56"E ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DESOTO STREET.
2. PROPERTY SHOWN HEREON CONTAINS 14,207 SQ. FT. (0.326 ACRES).
3. APPARENT ABOVEGROUND ENCROACHMENTS OF ANY, AS SHOWN.
4. UNDERGROUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED.
5. FENCE LINES SHOWN HEREON, IF ANY, MAY MEANDER ALONG SHOWN PAUL.
6. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY, SETBACKS OR RESTRICTIONS.
7. THIS SURVEY IS SUBJECT TO THE SURVEY DISCLOSED BY TITLE COMMITMENT #5324022 ISSUED BY CHICAGO TITLE INSURANCE COMPANY.
8. ADDITIONS OR DELETIONS TO THE SURVEY SHOWN HEREON BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
9. THERE HAS BEEN NO ATTEMPT TO LOCATE ANIMAL OR PLANT SPECIES THAT MAY BE ENDANGERED, THREATENED, OR PROTECTED.
10. PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "X".
11. CURBS SHOWN HEREON ARE COVERED AND BROKEN IN AREAS.

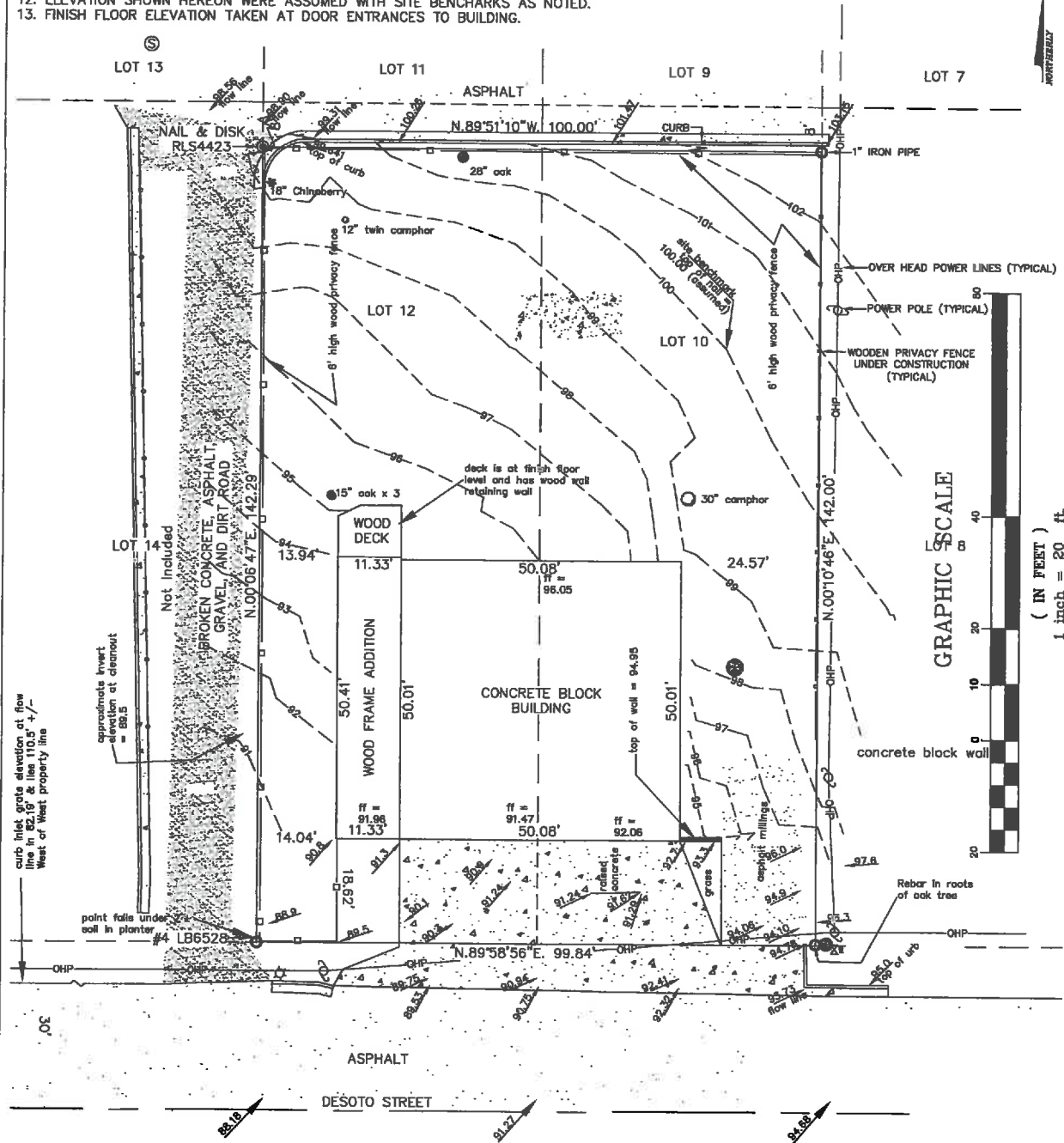


Conceptual Site Plan

LEGAL DESCRIPTION
 LOTS 10 AND 12, BLOCK 81, LESS AND EXCEPT THE NORTH 8 FEET THEREOF, OFFICIAL MAP OF THE CITY OF CLERMONT, ACCORDING TO THE
 MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 17 THROUGH 23, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE COUNTY,
 FLORIDA.

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9. THERE HAS BEEN NO ATTEMPT TO LOCATE ANIMAL OR PLANT SPECIES THAT MAY BE ENDANGERED, THREATENED, OR PROTECTED.
10. PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "X".
11. CURB IN NW CORNER IS COVERED. SOME CURBING IS BROKEN. THERE ARE CONCRETE WALLS THAT APPEAR TO BE COVERED IN THE SE CORNER OF PROPERTY.
12. ELEVATION SHOWN HEREON WERE ASSUMED WITH SITE BENCHMARKS AS NOTED.
13. FINISH FLOOR ELEVATION TAKEN AT DOOR ENTRANCES TO BUILDING.



- ☆ = Light pole
- ⊙ = Power pole
- ohp = overhead power lines
- = wood fence

CERTIFIED TO:
 DARREN W. JOHNSON PRODUCTIONS
 MERIDITH NAGEL, P.A.
 CHICAGO TITLE INSURANCE COMPANY

Blackburn Surveying, Inc.
 L.B. # 6528
 642 W. Highway 50
 P.O. Box 121022
 Clermont, Florida 34712
 (352) 394-4417
 Fax (352) 394-7058

BOUNDARY SURVEY FOR:
 DARREN W. JOHNSON PRODUCTIONS

SCALE: 1" = 20'	APPROVED BY: PMK	DRAWN BY: pmk
DATE: 10/23/2015	Field Book & Page: 343/26-28	

LOT 10 & 12, BLOCK 81, CITY OF CLERMONT
 LAKE COUNTY, FLORIDA

750 WEST DESOTO STREET
 CLERMONT, FLORIDA 34711

PATRICK M. KELLEY, P.L.S. FLORIDA SURVEYOR'S CERTIFICATE NO. 4423
 NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR & MAPPER.
 THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for an onsite brewery, food service establishments, and other retail uses to occupy more than 3,000 square feet of floor space in the Central Business District (CBD).

LOCATION

750 W. Desoto St.
Alternate Key 1614619

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, May 2, 2017 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, May 23, 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.

Denise Noak
Acting City Clerk

Daily Commercial
April 25, 2017 and May 15, 2017



AGENDA ITEM

Meeting Date	
Tuesday, May 2, 2017	
Agenda Item Name	
Ordinance No. 2017-24 The Vue	
Requested Action	
Recommend approval of Ordinance 2017-24.	
Staff Report	
The applicant, AC-Fulcrum, is requesting an amendment to a Planned Unit Development rezoning that was originally granted in June of 2016. The original approval is for 10.5 acres of C-2 General Commercial all along Highway 50 and up to 342 multi-family units on the south side of the project fronting Hooks St. The applicant has discovered the originally approved waivers will not allow for their development to be constructed as proposed. The 42 +/- acre property is located south of Highway 50, west of Miss Florida Avenue and north and south of Hooks Street. The applicant is proposing to give up the already approved 342 multi-family portion of the project in favor of developing this area as senior housing or age restricted with 342 units. The applicant believes the multi-family apartments were a source of contention and by alleviating the use of the previously approved apartments will ease the concern of the other needed waivers that are being requested. In order to develop the site as proposed, the applicant still needs waivers to the Planned Unit Development. These waivers are as follows: 1. The current approved ordinance allows for a cut and fill of up to 15 feet throughout the project. The applicant is now requesting up to a 28 foot fill, and up to a 28 foot cut in portions of the project area. 2. The applicant is also requesting taller monument signs than are allowed by code. Because of the existing DOT berm that runs parallel to Hwy. 50, the applicant does not feel the allowable 10 foot tall signs will be effective for the businesses. The applicant is requesting 5 "shopping center" signs to be a maximum height of 22 feet. 3. For the final amendment, the applicant is asking to amend the language for allowable uses on site. The applicant would like to add uses of: • veterinary use • self-storage use • assisted living facility • daycare • private and charter schools	

The existing PUD ordinance still remains in effect with the following waivers:

1. Maximum building height will be 55 feet, measured at the highest point for the multi-family portion.
2. Driveway access and parking for the C-2 General Commercial portion may be below the centerline of State Road 50 and will be subject to the approval of the City Engineer.
3. Retaining wall heights up to 13 feet in height are allowed to deal with the extreme grades on the site.
4. Parking space dimensions shall be allowed at a minimum 9 feet wide by 18 feet deep for 30% of parking requirements.
5. A reduced landscape buffer along Highway 50 is requested due to the presence of a large berm. The landscape buffer shall be a minimum of 10 feet in width and shall have the 30% more landscape required for Multi-family and C-2 uses.
6. Automotive dealerships and/or auto parts sales shall not be an allowed use within this Planned Unit Development without an amendment.
7. Required landscape buffering within the Duke Energy easement may be omitted with proper documentation from Duke Energy.

Staff acknowledges a portion of the project was identified in the "Strategic Economic Development Plan" (DEO grant funded study) citing topography as a challenge with over 100 feet of elevation change.

Staff cannot however support the proposed excessive topography changes and taller monument sign heights requested by the applicant.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|-------------|--------------------------------------|
| 1. | Ordinance | REZ ORD 2017-24 with Conditions.docx |
| 2. | Map | Map.pdf |
| 3. | Site plan | Site plan.pdf |
| 4. | Application | Application.pdf |
| 5. | Legal ad | REZ May legal ad.docx |

CITY OF CLERMONT
ORDINANCE No. 2017-24

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

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

SECTION 1:

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

LEGAL DESCRIPTION

PARCEL 1 (FEE SIMPLE ESTATE)

That part of Section 28, Township 22 South, Range 26 East, Lake County, Florida, described as follows: Commence at the east 1/4 corner of said Section 28; thence run north 00°42'51" east along the east line of the northeast 1/4 of said Section 28 for a distance of 664.12 feet to the northeast corner of the south 1/4 of the northeast 1/4 of said Section 28; thence run south 89°24'16" west along the north line of said south 1/4 for a distance of 1335.19 feet to a point on a non-tangent curve concave westerly having a radius of 270.00 feet and a chord bearing of south 01°23'58" west and the Point of Beginning; thence run southerly along the arc of said curve through a central angle of 23°36'59" for a distance of 111.29 feet to the point of compound curvature of a curve concave northwesterly having a radius of 25.00 feet and a chord bearing of south 63°07'26" west; thence run southwestly along the arc of said curve through a central angle of 99°49'56" for a distance of 43.56 feet to the point of reverse curvature of a curve concave southerly having a radius of 1750.00 feet and a chord bearing of north 87°56'35" west and the north right of way line of Hook Street, as described in ORB 2010, Page 316, of the Public Records of Lake County, Florida; thence run westerly along said north right of way line and the arc of said curve through a central angle of 41°57'58" for a distance of 1281.78 feet to a non-radial line and the east right of way line of an unnamed right of way, according to the plat of Lake Highlands Company, as recorded in PB 2, Page 28, of said Public Records; thence run north 00°10'52" east along said east right of way line for a distance of 718.43 feet to the south right of way line of Highway 50; thence run north 89°24'19" east along said south right of way line for a distance of 1127.57 feet; thence run south 89°29'29" east along said south right of way line for a distance of 150.11 (120.11) feet to the west line of the east 60 feet of Tract 19, of said Lake Highlands Company; thence run south 00°26'52" west along said west line for a distance of 445.90 feet to the point of curvature of a curve concave easterly having a radius of 280.00 feet; thence run southerly along the arc of said curve through a central angle of 15°45'47" for a distance of 77.03 feet to the point of tangency; thence run south 15°18'56" east for a distance of 105.46 feet to the point of curvature of a curve concave westerly

CITY OF CLERMONT
ORDINANCE No. 2017-24

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

LESS AND EXCEPT therefrom that parcel conveyed by Maynard K. Knapp, individually and as Trustee to Akram Ismail, M.D., by Special Warranty Deed recorded April 17, 2015, in ORB 4613, Page 945, described as follows: A portion of the southwest 1/4 of the northeast 1/4 of Section 28, Township 22 South, Range 26 East, Lake County, Florida, described as follows: Commence at the northeast corner of said Section 28; thence S01°07'06"W along the east line of said northeast 1/4, a distance of 1372.13 feet to a point; thence N89°06'23"W, a distance of 1322.25 to a point on the south right-of-way line of Highway 50. (Right-of-way varies per right-of-way map Section 11070); thence continue N89°06'23"W, a distance of 60.00 feet to the Point of Beginning; thence S00°51'39"W, along the west right-of-way line of Miss Florida Avenue (ORB 2345, Page 748), also being parallel to and 60.00 feet west of the east line of said southwest 1/4 of the northeast 1/4 of Section 28 and the east line of Tract 19 of Lake Highlands Company, according to the plat thereof as recorded in PB 2, Page 28, of the Public Records of Lake County, Florida, a distance of 369.94 feet to a point; thence N89°08'21"W, a distance of 291.58 feet to a point; thence N00°51'39"E, a distance of 230.29 feet to a point; thence S89°08'21"E, a distance of 64.35 feet to a point; thence N00°51'39"E, a distance of 139.00 feet to a point on the south line of an unnamed unimproved street, also being the north line of said Tract 19; thence N89°50'25"E, along the north line of said Tract 19, a distance of 42.23 feet to a point on said south right-of-way line of Highway 50; thence S89°06'23"E, along said south right-of-way line of Highway 50, a distance of 185.01 feet to the Point of Beginning.

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

PARCEL 2 (EASEMENT ESTATE)

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

PARCEL 3 (SOUTHERN PORTION)

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

SECOND SURVEY

That portion of the north/south roadway between Tracts 20, 21, 28, and 29 as shown on the Lake Highland's Company plat of Section 28, Township 22 South, Range 26 East, recorded in PB 2, Page 28, Public Records of Lake County, Florida; lying northerly of Hook Street, and southerly of Highway 50, being more particularly described as follow: Commence at the NE corner of Section 28, Township 22 South, Range 26 East, Lake County, Florida, thence S 0°17'37" W, a distance of 1372.13 feet; thence N 89°55'52" W, a distance of 1322.25 feet to a point on the south right of way line of Highway 50 (a variable width public right of way); thence the following four (4) courses and distances along said south right of way line, continue N 89°55'52" W, a distance of 60.00 feet; thence N 89°27'07" W, a distance of 184.98 feet; thence S 89°30'08" W, a distance of 42.24 feet; thence S 89°24'19" W, a distance of 1020.48 feet to the point of beginning: thence departing said south right of way, run S 00°14'51" W, along the west line of Tracts 20 and 29, a distance of 718.43 feet to a point on the northerly right of way line of Hook Street (A 100 foot wide public right of way) said point also being on a non-tangent curve, concave southeasterly, and having a radius of

CITY OF CLERMONT
ORDINANCE No. 2017-24

1750.00 feet; thence southwesterly along the arc of said curve, through a central angle of 01°02'34", a distance of 31.85 feet, said curve being subtended by a chord bearing and distance of S 70°37'05" W, 31.85 feet; thence departing said north right of way line, run N 0°14'51" E, a distance of 728.72 feet to a point on the aforementioned southerly right of way line of Highway 50; thence N 89°28'03" E, along said north right of way line, a distance of 30.00 feet to the point of beginning.

Containing 0.50 acre, more or less

THIRD SURVEY

That portion of the north/south roadway between Tracts 28, and 29 as shown on the Lake Highland's Company plat of Section 28, Township 22 South, Range 26 East, recorded in PB 2, Page 28, Public Records of Lake County, Florida; lying northerly of Hook Street, and southerly of Highway 50, being more particularly described as follow: commence at the NE corner of Section 28, Township 22 South, Range 26 East, Lake County, Florida; thence S 0°17'37" W, a distance of 1372.13 feet; thence N 89°55'52" W, a distance of 1322.25 feet to a point on the south right of way line of Highway 50 (A variable width public right of way); thence the following four (4) courses and distances along said south right of way line, continue N 89°55'52" W, a distance of 60.00 feet; thence N 89°27'07" W, a distance of 184.98 feet; thence S 89°30'08" W, a distance of 42.24 feet; thence S 89°24'19" W, a distance of 1020.48 feet; thence departing said south right of way, run S 00°14'51" W, along the west line of Tracts 20 and 29, a distance of 824.65 feet to a point on the southerly right of way line of Hook Street (A 100 foot wide public right of way); thence departing said southerly right of way line, run S 0°14'51" W, along the west line of said Tract 29, a distance of 473.42 feet to the southwest corner of said Tract 29; thence S 89°28'17" W, a distance of 30.00 feet to the southeast corner of aforementioned Tract 28; thence N 0°14'51" E, along the east line of said Tract 28, a distance of 462.39 feet to a point on the southerly right of way line of aforementioned Hook Street, said point also being on a non-tangent curve, concave southeasterly, and having a radius of 1650.00 feet; thence southwesterly along the arc of said curve, through a central angle of 01°06'54", a distance of 32.11 feet, to the point of beginning, said curve being subtended by a chord bearing and distance of N 69°22'29" E, 32.11 feet.

Containing 0.32 acres, more or less

FOURTH SURVEY

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

LOCATION

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

To amend the Planned Unit Development

CITY OF CLERMONT
ORDINANCE No. 2017-24

SECTION 2 - General Conditions:

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

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the Site Plan prepared by B&S Engineering Consultants, LLC, dated 6-20-16, Overall Site Plan. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

SECTION 3 - Land Uses and Specific Conditions:

1. A total of up to 324 multi-family dwelling units may be permitted on the site, not to exceed a density of 12 units per acre within the project.
2. The remaining property south of Highway 50 and north of Hooks Street will be permitted for C-2 General Commercial use with one (1) retailer greater than 20,000 square feet and less than 100,000 square feet.
3. Setbacks for Multi-family and Commercial
From Highway 50 50 feet from the property line
From Hooks Street: 50 feet from the property line
Side: 12 feet from the property line
Rear: 25 feet from the property line
4. The multi-family project will have private gated streets that will be maintained by the developer or designated party.
5. Maximum building height will be 55 feet, measured at the highest point for the multi-family portion.
6. Driveway access and parking for the C-2 General Commercial portion may be below the centerline of Highway 50 and will be subject to the approval of the City Engineer.

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7. The project may have elevation changes of up to 15 feet in height over the project site through the use of cut and fill. These changes will be submitted to the City Engineer at the time of final engineering.
8. Retaining wall heights up to 13 feet in height are allowed to deal with the extreme grades on the site.
9. Parking space dimensions shall be allowed at a minimum 9 feet wide by 18 feet deep for 30 percent of parking requirements.
10. A reduced landscape buffer along Highway 50 is requested due to the presence of a large berm. The landscape buffer shall be a minimum of 10 feet in width and shall have the 30 percent more landscape required for Multi-family and C-2 uses.
11. The project shall be developed according to the C-2 General Commercial zoning designation in the Land Development Code, unless expressly stated above.
12. Automotive dealerships and/or auto parts sales shall not be an allowed use within this Planned Unit Development without an amendment.
13. Cross-access easements with the adjoining eastern property owner from the existing Duke Energy curb cut along Highway 50 shall be provided subject to Duke Energy approval.
14. Required landscape buffering within the Duke Energy easement may be omitted with proper documentation from Duke Energy.

SECTION 4:

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

SECTION 5:

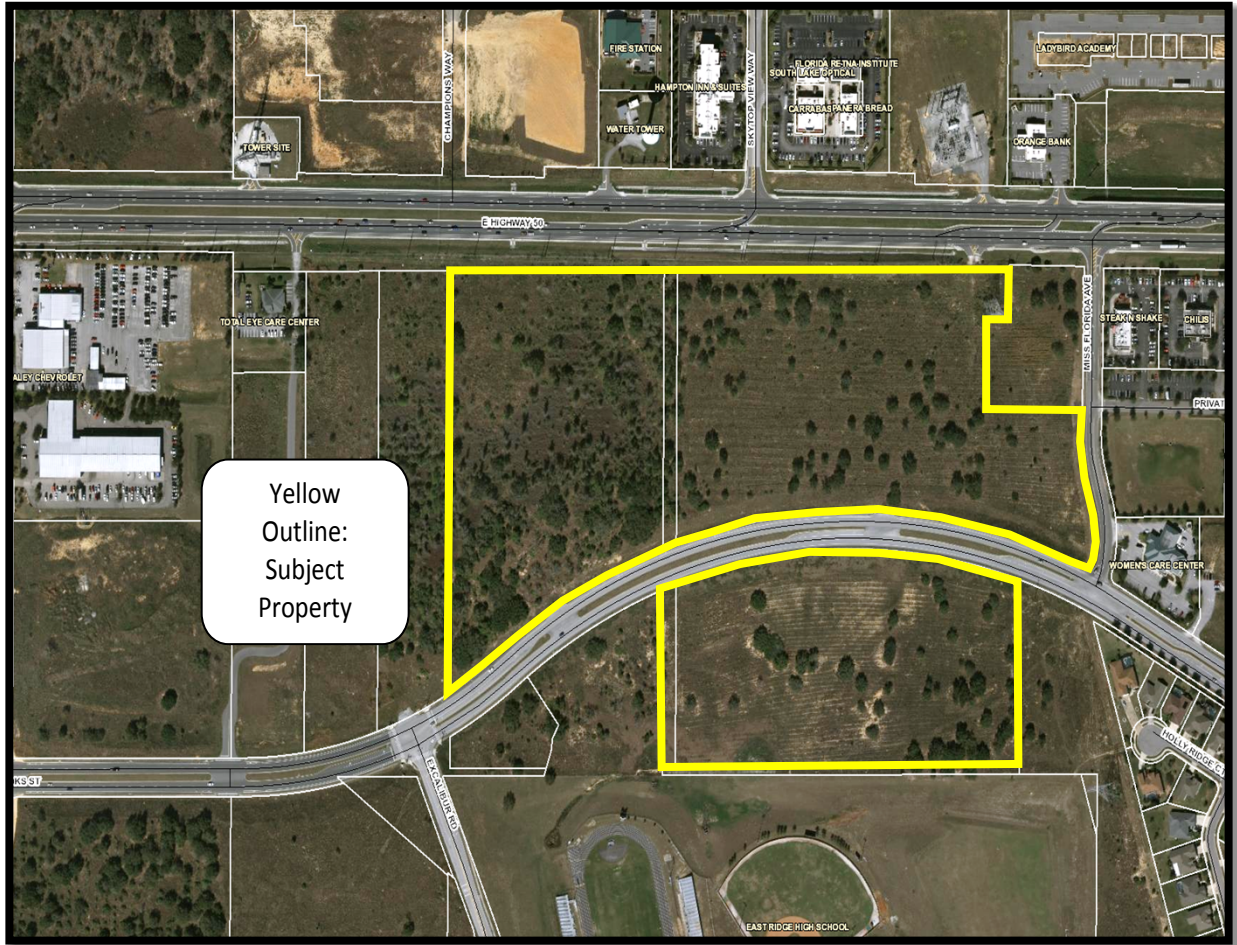
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from 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. 2017-24

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-24

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 13th day of June, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Denise Noak, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit "A"



Boundary Survey

LEGAL DESCRIPTION

PARCEL 1 (FEE SIMPLE ESTATE)

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

COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 28; THENCE RUN NORTH 00°42'51" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 28 FOR A DISTANCE OF 66412 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 28; THENCE RUN SOUTH 89°24'16" WEST ALONG THE NORTH LINE OF SAID SOUTH 1/4 FOR A DISTANCE OF 1335.19 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 27000 FEET AND A CHORD BEARING OF SOUTH 01°23'58" WEST AND THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°36'59" FOR A DISTANCE OF 11129 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2500 FEET AND A CHORD BEARING OF SOUTH 63°07'26" WEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 99°49'56" FOR A DISTANCE OF 43.56 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 175000 FEET AND A CHORD BEARING OF NORTH 87°56'39" WEST AND THE NORTH RIGHT OF WAY LINE OF HOOK STREET, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2010, PAGE 316, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°57'58" FOR A DISTANCE OF 1281.78 FEET TO A NON-RADIAL LINE AND THE EAST RIGHT OF WAY LINE OF AN UNNAMED RIGHT OF WAY, ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY, AS RECORDED IN PLAT BOOK 2, PAGE 28, OF SAID PUBLIC RECORDS; THENCE RUN NORTH 00°10'52" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 718.43 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NUMBER 50; THENCE RUN NORTH 89°24'19" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 1127.37 FEET; THENCE RUN SOUTH 89°29'29" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 150.11 (120.11) FEET TO THE WEST LINE OF THE EAST 60 FEET OF TRACT 19, OF SAID LAKE HIGHLANDS COMPANY; THENCE RUN SOUTH 00°26'52" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 445.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 28000 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°43'47" FOR A DISTANCE OF 77.03 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 15°18'56" EAST FOR A DISTANCE OF 105.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 27000 FEET AND A CHORD BEARING OF SOUTH 12°51'43" EAST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°34'24" FOR A DISTANCE OF 23.12 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THEREFROM THAT PARCEL CONVEYED BY MAYNARD K. KNAPP, INDIVIDUALLY AND AS TRUSTEE TO AKRAM ISMAIL, M.D., BY SPECIAL WARRANTY DEED RECORDED APRIL 17, 2015, IN OFFICIAL RECORDS BOOK 4613, PAGE 949, DESCRIBED AS FOLLOWS:

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

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 28; THENCE S01°07'06"W ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 13721.3 FEET TO A POINT; THENCE N89°06'23"W, A DISTANCE OF 1322.29 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50. RIGHT-OF-WAY VARIES PER RIGHT-OF-WAY MAP SECTION 10700; THENCE CONTINUE N89°06'23"W, A DISTANCE OF 6000 FEET TO THE POINT OF BEGINNING; THENCE S00°55'59"W, ALONG THE WEST RIGHT-OF-WAY LINE OF MISS FLORIDA AVENUE (CRB 2545, PAGE 748), ALSO BEING PARALLEL TO AND 60.00 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28 AND THE EAST LINE OF TRACT 19 OF LAKE HIGHLANDS COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 28, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, A DISTANCE OF 369.94 FEET TO A POINT; THENCE N89°08'21"W, A DISTANCE OF 291.59 FEET TO A POINT; THENCE N00°11'39"E, A DISTANCE OF 220.29 FEET TO A POINT; THENCE S89°08'21"E, A DISTANCE OF 64.35 FEET TO A POINT; THENCE N00°51'39"E, A DISTANCE OF 139.00 FEET TO A POINT ON THE SOUTH LINE OF AN UNNAMED UNIMPROVED STREET, ALSO BEING THE NORTH LINE OF SAID TRACT 19; THENCE N89°50'29"E, ALONG THE NORTH LINE OF SAID TRACT 19, A DISTANCE OF 42.23 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50; THENCE S89°06'12"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50, A DISTANCE OF 165.01 FEET TO THE POINT OF BEGINNING, ALSO SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50, A DISTANCE OF 165.01 FEET TO THE POINT OF BEGINNING, CONTAINING 744.665 SQ. FT. OF 17.100 ACRES MORE OR LESS.

PARCEL 2 (EASEMENT ESTATE)

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

PARCEL 3 (SOUTHERN PORTION)

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

Legal Description:

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

COMMENCE AT THE NE CORNER OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, THENCE S 01°17'37" W, A DISTANCE OF 13721.3 FEET; THENCE N 89°33'52" W, A DISTANCE OF 1322.29 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 50 (A VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE THE FOLLOWING FOUR (4) CURVES AND DISTANCES ALONG SAID SOUTH RIGHT OF WAY LINE, CONTINUE N 89°33'52" W, A DISTANCE OF 6000 FEET; THENCE N 89°27'07" W, A DISTANCE OF 184.98 FEET; THENCE S 89°30'08" W, A DISTANCE OF 4224 FEET; THENCE S 89°24'19" W, A DISTANCE OF 1028.48 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN S 00°14'51" W, A DISTANCE OF 1028.48 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN S 00°14'51" W, ALONG THE WEST LINE OF TRACTS 20 AND 29, A DISTANCE OF 718.43 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HOOK STREET (A 100 FOOT WIDE PUBLIC RIGHT OF WAY); SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 175000 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°06'54", A DISTANCE OF 32.11 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF S 70°37'08" W, 31.85 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN N 01°14'51" E, A DISTANCE OF 728.72 FEET TO A POINT ON THE AFORMENTIONED SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 50; THENCE N 89°28'03" E, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.50 ACRES, MORE OR LESS.

Legal Description:

TRACTS 21 AND 28 AS SHOWN ON THE LAKE HIGHLANDS COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LESS THAT PORTION OF TRACT 28, LYING SOUTH OF HOOK STREET, COUNTY DISTRICT NO. 2-13462.

Legal Description:

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

COMMENCE AT THE NE CORNER OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, THENCE S 01°17'37" W, A DISTANCE OF 13721.3 FEET; THENCE N 89°33'52" W, A DISTANCE OF 1322.29 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 50 (A VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE THE FOLLOWING FOUR (4) CURVES AND DISTANCES ALONG SAID SOUTH RIGHT OF WAY LINE, CONTINUE N 89°33'52" W, A DISTANCE OF 6000 FEET; THENCE N 89°27'07" W, A DISTANCE OF 184.98 FEET; THENCE S 89°30'08" W, A DISTANCE OF 4224 FEET; THENCE S 89°24'19" W, A DISTANCE OF 1028.48 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN S 00°14'51" W, ALONG THE WEST LINE OF TRACTS 20 AND 29, A DISTANCE OF 718.43 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF HOOK STREET (A 100 FOOT WIDE PUBLIC RIGHT OF WAY); THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, RUN S 01°14'51" W, ALONG THE WEST LINE OF SAID TRACT 29, A DISTANCE OF 473.42 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 29; THENCE S 89°28'17" W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF AFORMENTIONED TRACT 28; THENCE N 01°14'51" E, ALONG THE EAST LINE OF SAID TRACT 28, A DISTANCE OF 462.39 FEET TO A POINT ON THE SOUTHERLY RIGHT OF LINE OF AFORMENTIONED HOOK STREET, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 165000 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°06'54", A DISTANCE OF 32.11 FEET, TO THE POINT OF BEGINNING, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 69°22'29" E, 32.11 FEET.

CONTAINING 0.32 ACRES, MORE OR LESS.

Legal Description:

THAT PORTION OF TRACT 28 AS SHOWN ON THE LAKE HIGHLANDS COMPANY PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; LYING SOUTHERLY OF HOOK STREET, COUNTY DISTRICT NO. 2-13462.

PLANNED UNIT DEVELOPMENT

THE VUE AT CLERMONT

PARCEL ID #09-22-26-120501900000 & 09-22-26-120502100000



PREPARED FOR

AC-FULCRUM

710 EAST COLONIAL DRIVE
ORLANDO, FLORIDA 32803

PROJECT TEAM

OWNER/APPLICANT

AC-FULCRUM
710 EAST COLONIAL DRIVE
ORLANDO, FL 32803

ENGINEER

Z DEVELOPMENT SERVICES
708 EAST COLONIAL DRIVE
ORLANDO, FLORIDA 32803
PHONE: 407-271-8910
EMAIL: BOB@ZDEVELOPMENTSERVICES.COM
CONTACT: BOB ZIEGENFUSS, PE, LEED AP

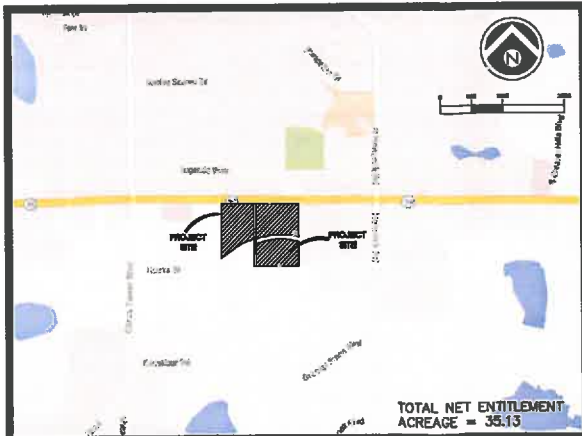
ENVIRONMENTALIST

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

ARCHITECT

CHARLAN BROCK AND ASSOCIATES
1770 FENNEL ST.
MAITLAND, FL 32751
PHONE: 407-860-8900

LOCATION MAP -
PROJECT AREA BREAKDOWN



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

SITE DATA

SECTION/TOWNSHIP/RANGE:
PROPERTY AREA:
PROJECT AREA:
EXISTING ZONING:
EXISTING USE:
PROPOSED PARCEL USE: (ENTIRE PARCEL)

9/22S/26E
±42.57 AC
(NET ACREAGE): 33 ACRES
C-2/JE
VACANT

PUD: ALL PERMITTED C2 USES (INCLUSIVE OF 1 RETAILER LESS THAN 100,000 S.F. BUT GREATER THAN 20,000 S.F.)

ADDITIONAL PERMITTED USES:
(SOUTH SIDE ALONG HOOKS STREET)

SELF-STORAGE, VET, ALL FORMS OF SENIORS HOUSING, PRIVATE SCHOOL, AND DAYCARE (SEE SHEET CUP-4)
*SELF-STORAGE SHALL BE LOCATED ON HOOKS STREET SIDE OF THE DEVELOPMENT

COMMERCIAL:
SENIOR'S HOUSING AREA
SENIOR'S/TOWNHOME/CONDOS DENSITY:

13 ACRES
20 ACRES
12 DU/AC MAX = 240 UNITS

*NOTE: TRADITIONAL APARTMENTS HAVE BEEN REMOVED

VARIANCES:

APPLY TO ENTIRE PROPERTY AS DETAILED ON FOLLOWING PAGES

ARCHITECTURE:

ANY PROPOSED SELF-STORAGE FACILITIES SHALL BE REQUIRED TO SUBMIT EXTERIOR ELEVATIONS TO CITY COUNCIL FOR AN AESTHETIC REVIEW PRIOR TO RELEASE OF BUILDING PERMITS

ELEVATORS:

ANY SENIORS HOUSING BUILDINGS WITH THREE (3) STORY UNITS OR GREATER SHALL REQUIRE ELEVATORS

NOTES:

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

UTILITY SERVICE PROVIDERS

WATER

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

SEWER

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

ELECTRIC

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

PHONE

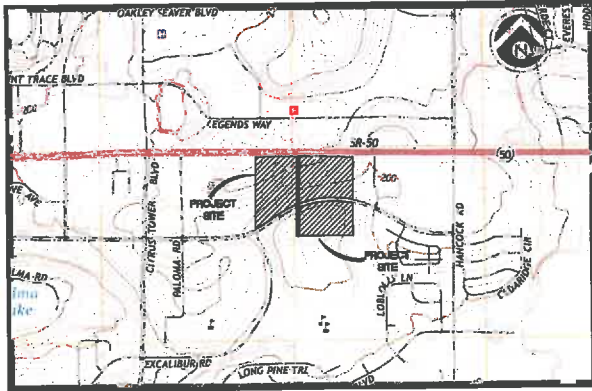
CENTURY LINK
260 CITRUS TOWER BOULEVARD
CLERMONT, FL 34711
PHONE: 800-672-6242

CABLE

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

USGS MAP

SCALE: 1"=1500'



POTENTIAL VARIANCE REQUESTS:

SEC. 54-78. - DRIVEWAY CONSTRUCTION STANDARDS.

(a) DRIVEWAYS CONSTRUCTED BELOW STREET GRADE MUST RISE TO AN ELEVATION AT LEAST TO THE TOP OF THE CURB HEIGHT ON CITY RIGHTS-OF-WAY BEFORE REACHING THE OWNER'S PROPERTY LINE. DRIVEWAYS CONSTRUCTED ABOVE THE STREET GRADE SHOULD NOT EXCEED A GRADE OF THREE-FOURTHS OF AN INCH PER FOOT FROM THE TOP OF THE CURB TO PROVIDE FOR VEHICULAR CLEARANCE, UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER.

WAIVER REQUESTS: IT MAY BE POSSIBLE THE RETAIL DRIVEWAY AND PARKING WILL BE BELOW THE CENTERLINE OF SR 50. WE ARE REQUESTING A VARIANCE FROM THIS CODE AND DEFER TO THE CITY ENGINEER TO APPROVE PROPOSED GRADING TO ENSURE ADEQUATE OUTFALL AND PROTECTION OF THE FINISHED FLOOR ELEVATION.

SEC. 94-195. - CLEARING AND GRADING REVIEW CRITERIA. (H)(3)

THE MAXIMUM DEPTH OF CUT OR FILL FOR CONSTRUCTION OF ANY ROADWAY SHALL BE 15 FEET, AS MEASURED AT THE CENTERLINE OF THE ROADWAY.

WAIVER REQUESTS: FINAL GRADES WILL BE DETERMINED AT THE TIME OF FINAL ENGINEERING. IT MAY BE POSSIBLE TO EXCEED THE MAXIMUM CUT AND/OR FILL IN PORTIONS OF THE SITE. WE ARE REQUESTING A MAXIMUM CUT OF UP TO 28 FEET AND A MAXIMUM FILL OF UP TO 28 FEET, AS DEPICTED ON SHEET CUP-6.

SEC. 94-195. - CLEARING AND GRADING REVIEW CRITERIA. (D)(4,5,7)

(4) ELEVATION CHANGES IN TOPOGRAPHY SHALL BE LIMITED TO 15 FEET.

(5) TRANSITIONS BETWEEN MULTI-LEVEL CONSTRUCTION SHALL BE ACCOMPLISHED USING SLOPES OF NO GREATER THAN 5:1 OR WITH RETAINING WALLS NOT TO EXCEED SIX FEET IN HEIGHT.

(7) TERRACES SHALL INCLUDE A MINIMUM FIVE-FOOT LANDSCAPE BUFFER ALONG THE BOUNDARY.

WAIVER REQUESTS: AS STATED ABOVE, WE ARE REQUESTING A MAXIMUM CUT OF 28 FEET AND A MAXIMUM FILL OF 28 FEET. WE ARE ALSO REQUESTING A MAXIMUM WALL HEIGHT OF 13 FEET PER SECTION AND USING 5 FEET WIDE TERRACES WHERE WALLS ARE NEEDED IN EXCESS OF 13 FEET. IF TOTAL WALL HEIGHT EXCEEDS 40 FEET, DEVELOPER SHALL INSTALL ONE 20 FT WIDE LANDSCAPE AREA SOMEWHERE WITHIN THE TOTAL WALL AREA.

SEC. 122-185 (4) BUILDING HEIGHT NOT TO EXCEED 45'

WAIVER REQUESTS: THE BUILDING HEIGHT WILL VARY DEPENDING ON THE GRADE AND LOCATION. ARCHITECTURAL FEATURES MAY EXTEND ABOVE 45'. THE MAXIMUM BUILDING HEIGHT WILL BE 55'.

SEC. 98-6. - RATIO OF FULL SIZE PARKING SPACES TO COMPACT AND OVERSIZED SPACES.

(a)THE RATIO OF FULL SIZE PARKING SPACES TO COMPACT SPACES SHALL BE 90 TO TEN. THIS RATIO SHALL BE MAINTAINED FOR THE TOTAL NUMBER OF PARKING SPACES PROVIDED AND SHALL APPLY ONLY TO BUILDINGS AND USES WHERE THE REQUIRED NUMBER OF PARKING SPACES IS 25 OR GREATER AND 300 OR LESS. DEVELOPERS MAY INCREASE THE RATIO, THUS INCREASING THE NUMBER OF FULL SIZE SPACES, HOWEVER, IN NO CASE SHALL THE RATIO OF COMPACT SPACES BE PERMITTED TO EXCEED THIS RATIO. COMPACT SPACES SHALL NOT BE PERMITTED FOR BUILDINGS AND USES REQUIRING LESS THAN 25 PARKING SPACES OR FOR RESIDENTIAL USES. PROJECTS REQUIRING MORE THAN 300 PARKING SPACES SHALL BE CONSIDERED THRESHOLD DEVELOPMENTS WHERE FINAL DECISION ON THE RATIO OF PARKING SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE IN CONSIDERATION OF TRAFFIC ENGINEERING AND PLANNING DATA THAT IS APPROPRIATE TO THE PROPOSED DEVELOPMENT AND INTENDED USE.

(b)THE PROVISION OF OVERSIZED PARKING SPACES TO ACCOMMODATE RECREATIONAL VEHICLES AND THE LIKE SHALL BE APPLIED TO RETAIL BUSINESS FACILITIES WHERE REQUIRED PARKING IS 100 SPACES OR MORE. THE RATIO OF THREE OVERSIZED PARKING SPACES PER EACH 100 REQUIRED SPACES OR PORTION THEREOF SHALL BE MAINTAINED FOR THE TOTAL NUMBER OF PARKING SPACES PROVIDED.

WAIVER REQUESTS: WE ARE REQUESTING A VARIANCE TO USE 9'x18' SPACES FOR 30% OF THE DEVELOPMENT COUNT. THIS WILL MINIMIZE CUT AND FILL OPERATIONS. THIS WILL ALSO MAXIMIZE AVAILABLE PARKING WHILE SIGNIFICANTLY REDUCING THE UNNECESSARY ENVIRONMENTAL POLLUTANT RUNOFF, INCREASING GREEN SPACES THROUGHOUT.

SEC. 122-226. - YARDS.

MINIMUM YARD REQUIREMENTS FOR THE C-2 DISTRICT ARE AS FOLLOWS:

(1) FRONT YARD. PROPERTY ADJACENT TO HARTWOOD MARSH ROAD, SR 50 AND U.S. 27 SHALL MAINTAIN A 50-FOOT SETBACK. THE SETBACK ON ALL OTHER STREETS SHALL BE 25 FEET.

(2) SIDE YARD. THE MINIMUM SIDE YARD SETBACK IS 12 FEET. ON CORNER LOTS WHERE A SIDE YARD SETBACK OF 50 FEET SHALL BE MAINTAINED ON HARTWOOD MARSH ROAD, STATE ROAD 50 AND U.S. HIGHWAY 27 AND A SIDE YARD SETBACK OF 25 FEET SHALL BE MAINTAINED FROM ALL OTHER STREETS AND 12 FEET ON THE INTERIOR SIDE YARD. HOWEVER, A SIDE SETBACK OF 25 FEET SHALL BE MAINTAINED ON THE SIDE ADJACENT TO PROPERTY THAT IS EITHER ZONED OR USED AS RESIDENTIAL.

(3) REAR YARD. THE MINIMUM REAR YARD SETBACK IS 25 FEET EXCEPT WHERE A REAR YARD ABUTS HARTWOOD MARSH ROAD, SR 50 OR U.S.27, A SETBACK OF 50 FEET SHALL BE MAINTAINED. THE REAR BUILDING LINE OF LAKEFRONT PROPERTY SHALL BE MEASURED FROM THE ESTABLISHED HIGH-WATER MARK. NO CONSTRUCTION ENCROACHMENT MAY OCCUR IN ANY DESIGNATED 100-YEAR FLOODPLAIN EXCEPT IN ACCORDANCE WITH POLICIES OF THE ADOPTED COMPREHENSIVE PLAN AND AFTER FORMAL APPROVAL OF A SITE DEVELOPMENT PLAN BY THE ADMINISTRATIVE OFFICIAL.

(4) BUFFER STRIP. WHEN A CONDITIONAL OR COMMERCIAL USE ABUTS A RESIDENTIAL USE, THE CONDITIONAL OR COMMERCIAL USE SHALL PROVIDE A LANDSCAPED BUFFER STRIP ALONG THE ABUTTING PROPERTY LINE.

(5) OTHER SETBACKS. ALL YARD SETBACKS FOR PRINCIPAL BUILDINGS SHALL BE A MINIMUM OF 25 FEET FROM ESTABLISHED HIGH-WATER MARKS. NO CONSTRUCTION ENCROACHMENT MAY OCCUR IN ANY DESIGNATED 100-YEAR FLOODPLAIN EXCEPT IN ACCORDANCE WITH POLICIES OF THE ADOPTED COMPREHENSIVE PLAN AND AFTER FORMAL APPROVAL OF A SITE DEVELOPMENT PLAN BY THE ADMINISTRATIVE OFFICIAL.

WAIVER REQUESTS: SEE EXHIBIT BELOW. THE LANDSCAPE BUFFER OF 15' IS PROPOSED ADJACENT TO SR 50 DUE TO THE PRESENCE OF A LARGE BERM WITHIN WHICH EXISTING UTILITIES ARE RUNNING THAT ARE IN THE RIGHT OF WAY. NOTE ALSO THE 83'± DISTANCE FROM THE FROM THE EDGE OF SR 50 PAVEMENT TO THE PROPOSED EDGE OF PARKING PROVIDING EXTENSIVE BUFFERING. GRADING CANNOT EXCEED 5:1 IN THE LANDSCAPE BUFFER. REDUCING THE LANDSCAPE BUFFER TO 15' WILL ALLOW ADDITIONAL GRADING WHICH WILL REDUCE THE WALL HEIGHT BY 3± VERTICAL FEET. NOTE THE EXISTING 5'± BERM ABOVE THE SR 50 GRADE PROVIDES MAXIMUM SOUND BUFFERING/ABSORPTION. PLEASE NOTE, HOOKS STREET LANDSCAPE BUFFER WILL BE INSTALLED ADJACENT TO THE STORMWATER CONVEYANCE SWALE ON THE NORTH SIDE OF HOOKS STREET.

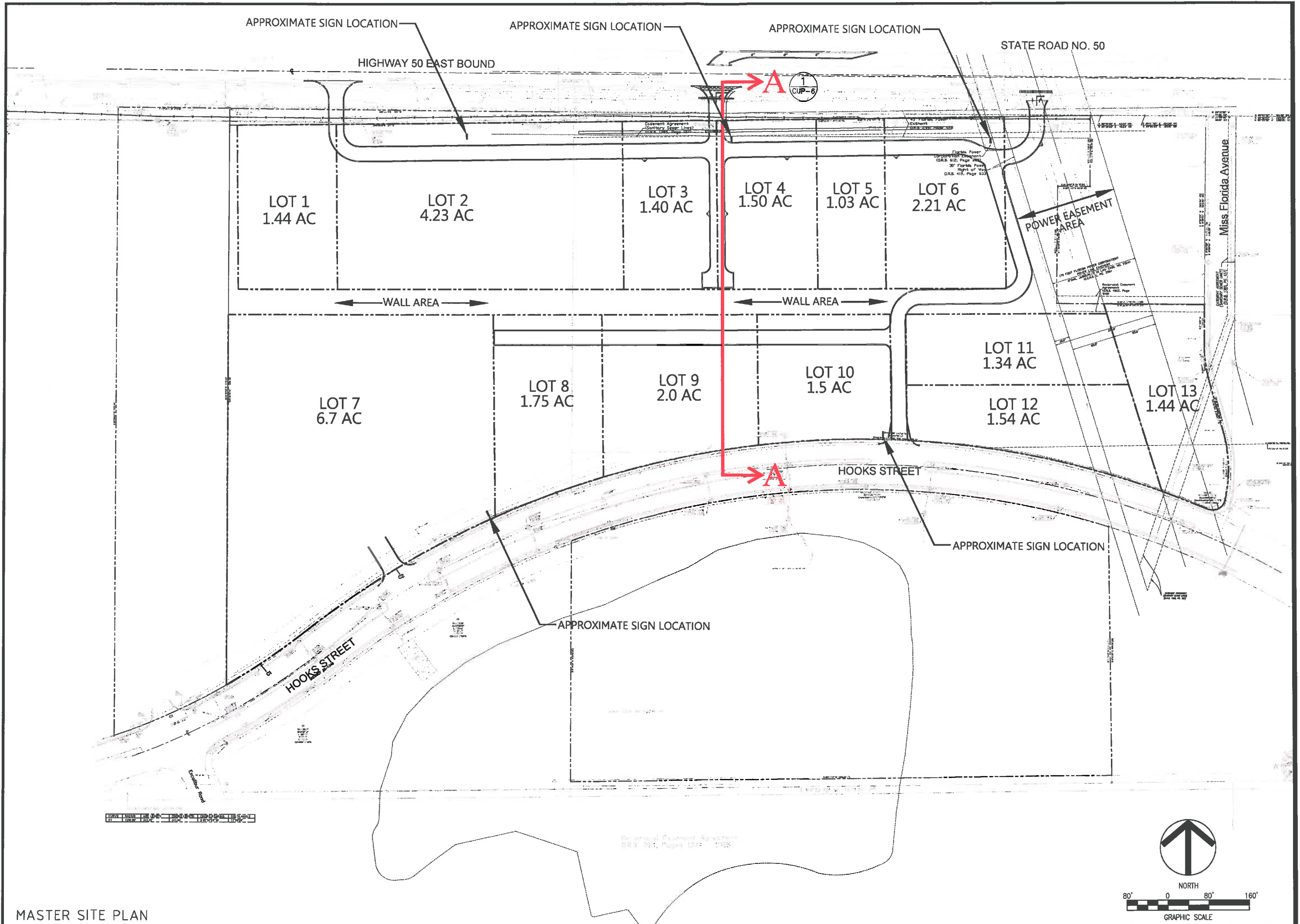
POWER LINE EASEMENT LANDSCAPE VARIANCE:

NO PLANTING OR IMPROVEMENTS WITHIN THE DUKE POWER EASEMENT AND/OR RIGHT-OF-WAY.

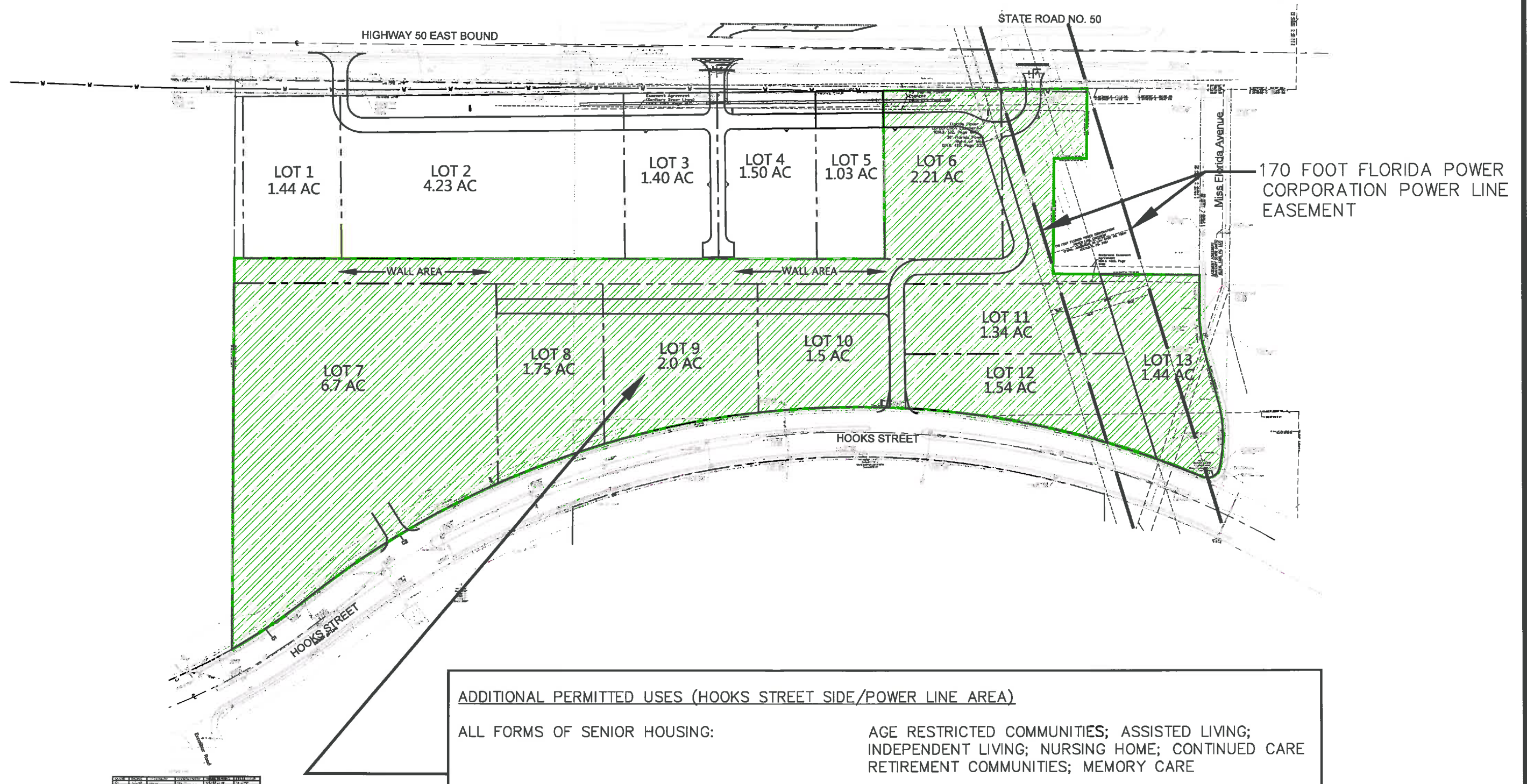
SEC. 102-15. - PERMITTED SIGNS

(a)(1)a. ALL SIGNS SHALL BE GROUND SIGNS.

WAIVER REQUEST: WE ARE REQUESTING THAT FIVE (5) MARQUEE SIGNS (MULTI-TENANT) WITH A MAXIMUM HEIGHT OF 22 FEET BE PERMITTED DUE TO THE EXISTING BERM ALONG SR 50 BLOCKING VISIBILITY. PLEASE REFER TO SHEET CUP-3 FOR THE APPROXIMATE SIGN LOCATIONS. OFFSITE SIGNAGE SHALL BE PERMITTED, AND WE ARE ALSO REQUESTING THAT THE SIGN AREA BE PERMITTED AT 175 SF PER SIGN IN LIEU OF THE PREVIOUSLY PROPOSED SINGLE TENANT SIGNS, WHICH WOULD HAVE BEEN A TOTAL OF 13 INDIVIDUAL SIGNS BASED ON THE CURRENT LOT PLAN (REFER TO SHEET CUP-3).



ADDITIONAL PERMITTED USES



ADDITIONAL PERMITTED USES (HOOKS STREET SIDE/POWER LINE AREA)

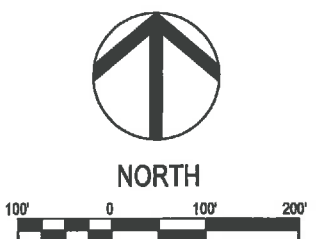
ALL FORMS OF SENIOR HOUSING:

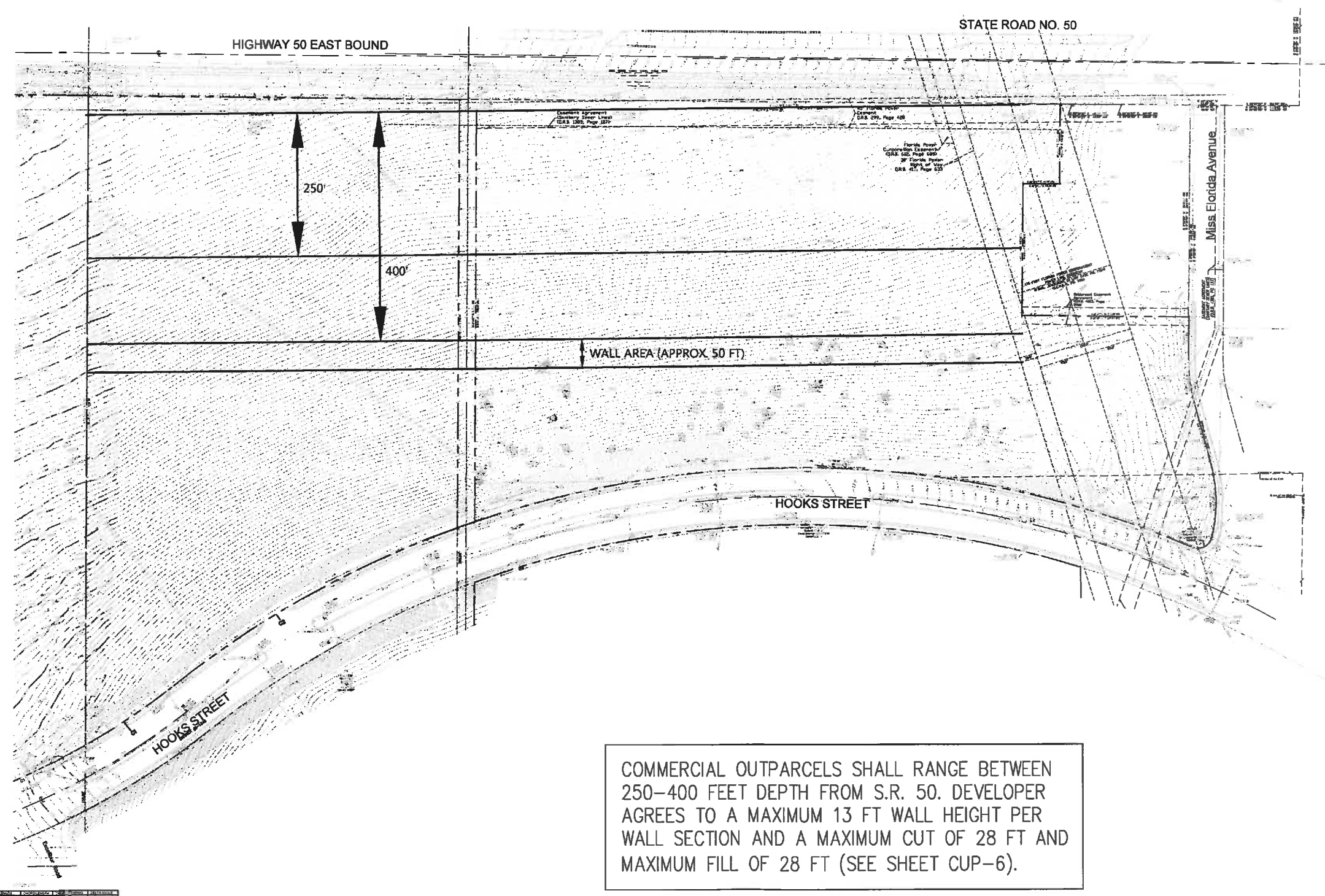
AGE RESTRICTED COMMUNITIES; ASSISTED LIVING;
INDEPENDENT LIVING; NURSING HOME; CONTINUED CARE
RETIREMENT COMMUNITIES; MEMORY CARE

OTHER PERMITTED USES:

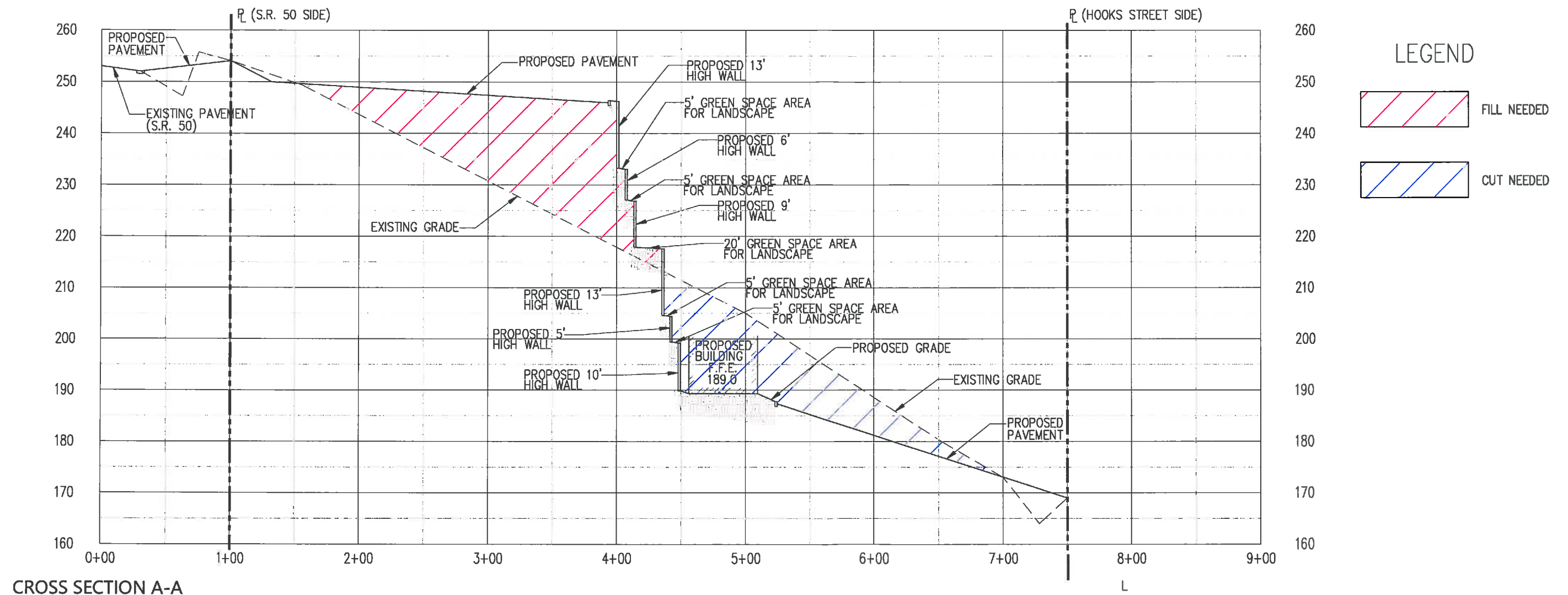
VETERINARIAN; PRIVATE SCHOOLS INCLUDING CHARTER
SCHOOLS; SELF STORAGE; DAYCARE
* SELF STORAGE CAN ONLY BE LOCATED ON HOOKS
STREET SIDE

LOCATION OF ADDITIONAL PERMITTED USES





PROJECT TOPOGRAPHY



CROSS SECTION A-A

SAMPLE CROSS SECTION AT MAXIMUM CUT/FILL OF 28 FEET



CITY OF CLERMONT
REZONING
APPLICATION

DATE: 3/28/17

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): The VUE at Clermont

APPLICANT: AC-Fulcrum

CONTACT PERSON: Jonathan Moore

Address: 710 East Colonial Drive

City: Orlando State: FL Zip: 32803

Phone: 407-373-0930 Fax: _____

E-Mail: jmoore@accommercial.com

OWNER: 14 Acres SR 50, LLC

Address: 1701 Spring Lake Drive

City: Orlando State: FL Zip: 32804

Phone: _____ Fax: _____

Address of Subject Property: Clermont, FL 34711

Legal Description (include copy of survey): _____

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

Present Zoning: PUD / C-2 Proposed Zoning: Amending existing 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?

AC-Fulcrum is assembling the parcels shown in Exhibit "A" attached. We are seeking to amend the previously approve PUD by removing the use of traditional apartments. This use has caused many concerns to the various city council members and we feel it is clear we should remove them entirely in trade for solving the much larger problem of tremendous grade changes on the parcel. We will retain the right to the various types of senior's housing, and include the additional uses of veterinary clinics, daycare, private and charter schools and self-storage facilities. Given the extreme elevation changes on the site, AC-Fulcrum is seeking variances for cut and fill and signage height requirements. The greater variances for cut and fill and signage are imperative to the viability of the project. Without approval of these it will render the property undevelopable.

AC-Fulcrum
Jonathan Moore
Applicant Name (print)

X [Signature]
Applicant Name (signature)

14 AC 5150, LLC
Owner Name (print)

X [Signature]
Owner Name (signature)

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

This Instrument Prepared By:
Jonathan D. Wallace, Esquire
DEAN, MEAD, EGERTON, BLOODWORTH,
CAPOUANO & BOZARTH, P.A.
Post Office Box 2346
Orlando, Florida 32802-2346
(407) 841-1200



ALTERNATE KEY: 1028272

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED is made effective as of the 22nd day of November, 2011, by RICHARD E. BOSSERMAN, as to an undivided one-half ($\frac{1}{2}$) interest as a tenant in common to the Property (as defined below), and CHARLES E. BOSSERMAN, III, as to an undivided one-half ($\frac{1}{2}$) interest as a tenant in common to the Property (as defined below), whose post office address is whose post office address is 125-A East Marks Street, Orlando, Florida 32803 (hereinafter collectively referred to as "Grantors"), to 14 ACRES SR 50, LLC, a Florida limited liability company, whose post office address is 125-A East Marks Street, Orlando, Florida 32803 (hereinafter referred to as the "Grantee").

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

WITNESSETH:

That Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all of Grantors' right, title and interest in and to their respective undivided one-half ($\frac{1}{2}$) interests as a tenant in common in that certain real property situate, lying and being in Lake County, Florida (hereinafter referred to as the "Property"), and being more particularly described as follows:

THAT PORTION OF TRACTS 21 AND 28 AS SHOWN ON THE LAKE HIGHLANDS COMPANY'S PLAT OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 2, PAGE 28, LYING NORTH OF HOOK STREET, AS RECORDED IN BOOK 2017, PAGE 1757, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

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

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

AND Grantors hereby covenant with Grantee that Grantors are lawfully seized of the Property in fee simple; that the Grantors have good right and lawful authority to sell and convey the Property, and hereby warrant the title to the Property and will defend the same against the lawful claims of all persons whomsoever. This conveyance is subject to taxes accruing subsequent to December 31, 2010, and to easements, restrictions, agreements, conditions, limitations, reservations and matters of record, if any, but this reference to the foregoing shall not operate to reimpose the same.

Grantors certifies that on the date of execution, delivery and recordation of this instrument, neither of the Grantors nor any member of Grantors' family resided upon any portion of the Property, or any property contiguous thereto. The Property is not the constitutional homestead of either of the Grantors.

The scrivener of this instrument has not examined title to the Property, has utilized legal descriptions provided by Grantors, and has relied upon the representation of Grantors as to the status of title to the Property. Accordingly, the scrivener disclaims any liability or responsibility which may result from the failure of Grantors to hold such title in the manner represented.

Note to Recorder: The conveyance being effectuated by this instrument is a conveyance of real property from the individuals collectively referred to as Grantors to a limited liability company which is owned by such individuals in the same proportion to which they currently own title to the Property. The Property is unencumbered and no consideration is being paid by Grantee to Grantors in exchange for this conveyance. Accordingly, this instrument is exempt from the imposition of Florida documentary stamp taxes in accordance with applicable case law.

[Signatures and notary acknowledgments appear on the following page.]

IN WITNESS WHEREOF, the persons named herein as "Grantors" have executed and delivered this instrument and has intended the same to be and become effective as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Print Name: LAUREN Y DETZEL

Richard E. Bosserman
RICHARD E. BOSSERMAN

Print Name: Brian M. Malick

Print Name: LAUREN Y DETZEL

Charles E. Bosserman III
CHARLES E. BOSSERMAN, III

Print Name: Brian M. Malick

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 16th day of Nov, 2011, by RICHARD E. BOSSERMAN. Said person (check one) ☒ is personally known to me, ☐ produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or ☐ produced other identification, to wit: _____

Lauren Y. Detzel
Print Name:

Notary Public, State of Florida

Commission No.: _____

My Commission Expires: 8/2/2014

STATE OF FLORIDA
COUNTY OF ORANGE

NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD982337
EXPIRES 8/2/2014
BONDED THRU 1-888-NOTARY1

The foregoing instrument was acknowledged before me this 16th day of Nov, 2011, by CHARLES E. BOSSERMAN, III. Said person (check one) ☐ is personally known to me, ☒ produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or ☐ produced other identification, to wit: _____

Lauren Y. Detzel
Print Name:

Notary Public, State of Florida

Commission No.: _____

My Commission Expires: _____

00643298v1

LAUREN Y. DETZEL
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD982337
EXPIRES 8/2/2014
BONDED THRU 1-888-NOTARY1

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. 2017-24

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

LOCATION

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

LEGAL DESCRIPTION

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

PARCEL 1 (FEE SIMPLE ESTATE)

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

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

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

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

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

PARCEL 2 (EASEMENT ESTATE)

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

PARCEL 3 (SOUTHERN PORTION)

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

SECOND SURVEY

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

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

Containing 0.50 acre, more or less

THIRD SURVEY

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

Containing 0.32 acres, more or less

FOURTH SURVEY

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

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

This request will be considered by the Planning & Zoning Commission on Tuesday, May 2, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, May 9, 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
April 26 and May 10, 2016