



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, September 26, 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. 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

PROCLAMATION

White Cane Safety Day

Fire Prevention Week Proclamation

PRESENTATIONS

Life Safety Achievement Award

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 - Special Event, Road Closure & Open Container Allowance

Consider allowing the Clermont Parks & Recreation Department to host their annual "Light Up Clermont" event in downtown Clermont with street closures and open container allowance

Item No. 2 - Special Event, Road Closure and addition to Season Sponsorship

Consider approval of additional race to the Sommer Sports 2017 season along with road closures.

Item No. 3 - Bid Award

Consider bid award to Marion Rock, Inc. to construct a twelve inch water main in the budgeted amount of \$217,150.90.

Item No. 4 - Resolution No. 2017-42

Recommend release of a City-owned well site through a quit claim deed in exchange for a utility easement on a half-acre parcel adjacent to Citrus Tower Boulevard in Lost Lake Reserve.

UNFINISHED BUSINESS

Item No. 5 - Boat Ramp Relocation Project Update

Postpone discussion to the October 10, 2017 Council meeting.

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Item No. 6 - Ordinance No. 2017-27; *Final*
Table to October 24, 2017

Consider ordinance to repeal and replace Chapter 102-Signs in the Land Development Code.

Item No. 7 - Ordinance 2017-32; *Final*

Consider ordinance to ban Medical Marijuana dispensaries in the City and repeal Ordinance 2016-48 which was allowed as a conditional use in the M-1 Industrial zoning district.

Item No. 8 - Ordinance No. 2017-33; *Final*
Anderson Hill Annexation

Consider ordinance to annex 9.47 +/- acres located west of U.S. Highway 27 and north of Anderson Hill Road.

Item No. 9 - Ordinance No. 2017-34; *Final*
Anderson Hill Small-Scale Comprehensive Plan Amendment

Consider ordinance to change the future land use from Lake County Urban Low Density to Commercial for 9.47 +/- acres located west of U.S. Highway 27 and north of Anderson Hill Road.

Item No. 10 - Ordinance No. 2017-35; *Final*
Anderson Hill Rezoning

Consider ordinance for a Planned Unit Development to allow 58,000 square feet of C-2 General Commercial uses on 9.47 +/- acres west of U.S. Highway 27 and north of Anderson Hill Road.

NEW BUSINESS

Item No. 11 - Resolution No. 2017-39
Clermont Hillside Terrace

Consider resolution to amend the conditional use permit to eliminate additional tree mitigation.

Item No. 12 - Variance Requests
Barn Brewery

Consider variance requests for reduction of parking and landscaping requirements for property at 750 W. Desoto Street.

Item No. 13 - Resolution No. 2017-49
Barn Brewery Conditional Use Permit

Consider resolution to allow a building to occupy more than 3,000 square feet of total floor area at 750 W. Desoto Street.

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

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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.



WHEREAS, according to the American Foundation for the Blind, nearly 500,000 of Florida's citizens have vision problems, ranging from serious difficulty seeing to being legally blind; and

WHEREAS, persons with disabilities are a part of the community and have the right to safe and functional use of the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, places of amusement and other places to which the public is invited; and

WHEREAS, the white cane gives persons who are blind and visually impaired the freedom to travel independently and to participate in the life of their communities and serves as a tangible reminder that persons who are blind and visually impaired are independent, self-reliant, mobile and capable; and

WHEREAS, the White Cane Law gives persons who are blind or visually impaired the same right as all citizens to the full and free use of the streets, highways, sidewalks and other public places; and

WHEREAS, by joint resolution approved on October 6, 1964, United States Congress designated October 15 of each year as White Cane Safety Day,

NOW, THEREFORE, I Gail L. Ash, Mayor of the City of Clermont, Florida, do hereby proclaim October 15, 2017, as

White Cane Safety Day

in the City of Clermont, Florida.

IN WITNESS WHEREOF, I, Gail L. Ash, Mayor of the City of Clermont, have hereunto set my hand this 26th day of September, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk



WHEREAS, the City of Clermont, Florida is committed to ensuring the safety and security of all those living in and visiting Clermont; and

WHEREAS, United States home fires resulted in 2,560 civilian deaths in 2015; and

WHEREAS, newer homes are built with lightweight materials that burn faster than older home constructions; and

WHEREAS, these conditions contribute to a much smaller window of time for people to escape a home fire safely, with people having as little as one to two minutes to escape from the time the smoke alarm sounds; and

WHEREAS, a home fire escape plan provides the skill set and know-how to quickly and safely escape a home fire situation; and

WHEREAS, the Clermont Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2017 Fire Prevention Week theme, "Every Second Counts: Plan 2 Ways Out!" effectively serves to educate the public about the vital importance of developing a home fire escape plan with all members of the household and practicing it twice a year;

NOW, THEREFORE, I, Gail L. Ash, Mayor of the City of Clermont do hereby proclaim the week of October 8 through October 14 as

FIRE PREVENTION WEEK 2017

and urge all the people of Clermont to develop a home fire escape plan with all members of the household and practice it twice a year, and to participate in the many public safety activities and efforts of the Clermont Fire Department during Fire Prevention Week 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Clermont to be affixed this twenty-sixth day of September, two thousand and seventeen.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk



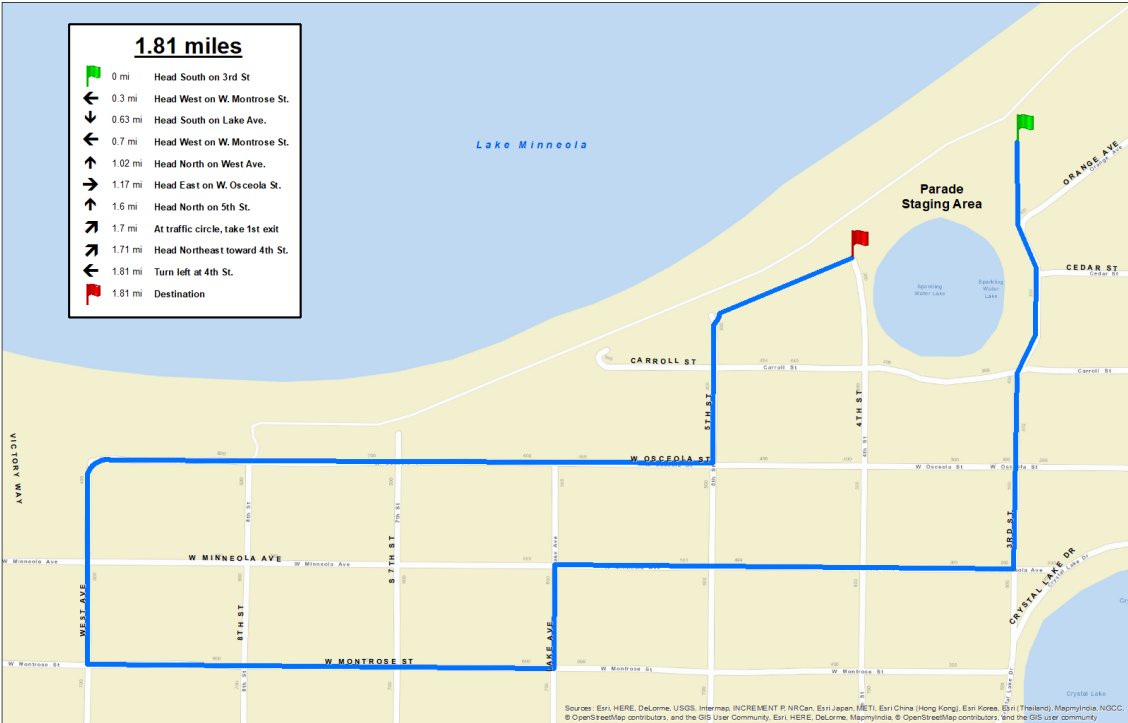
CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 26, 2017	
Agenda Item Name	
Special Event, Road Closure & Open Container Allowance	
Requested Action	
Recommend to approve the allowance of the Clermont Parks & Recreation Department's annual "Light Up Clermont" event in downtown Clermont with street closures and open container allowance.	
Staff Report	
The Clermont Parks and Recreation Department is requesting approval for multiple road closures and times to accommodate all events during "Light Up Clermont" on December 1st and 2nd 2017 in Downtown Clermont. Due to the development of Victory Pointe, a new parade route has had to be created. This new route will also allow for additional viewing areas along Osceola Street. The parade start time has been moved to 10:00am to address multiple resident requests. All businesses and residents impacted by the closures will be contacted individually prior to the special event. The Parks and Recreation department has worked with the Clermont PD, Fire, and Public Works to ensure that all elements and safety have been accounted for and will be staffed accordingly during the event. <u>Road Closure Part A</u> <u>Start: December 1, 2017 - 2:00 PM</u> <u>Finish and Reopen: December 2, 2017 - 3:00 PM</u> -Montrose Street between Lake Avenue and West Avenue -8th Street between Montrose Street and Minneola Avenue -7th Street between Montrose Street and West Desoto Street <u>Road Closure Part B (Parade Route with map attached)</u> <u>Start: December 2, 2017 - 9:30 AM</u> <u>Finish and Reopen: December 2, 2017 - 1:00 PM</u> Please note that as the parade participants pass through, parts of the parade route can start to open -3rd Street between Orange Avenue and West Minneola Avenue -West Minneola Avenue between 3rd Street and Lake Avenue -Lake Avenue between West Minneola Avenue & Minneola Avenue -Montrose Street between Lake Avenue & West Avenue -West Avenue between Montrose Street & West Osceola Street -West Osceola Street between West Avenue and 3rd Street -5th Street between West Osceola Street and the City Parking Lot at the South Lake Trail The department is also requesting for a City approved licensed catering service to serve and sell beer and wine within the special event grounds on Friday December 1, 2017 from 5:00 PM till 10:00 PM. The licensed catering service would be Premier Event Services.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Parade Route	Parade Route with Directions 2017.tif	





CITY OF CLERMONT

AGENDA ITEM

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Meeting Date			
Tuesday, September 26, 2017			
Agenda Item Name			
Special Event, Road Closure and addition to Season Sponsorship			
Requested Action			
Recommend to approve the additional race to the Sommer Sports 2017 season and road closures.			
Staff Report			
Sommer Sports is requesting approval for the Santa's Twilight 5K.. The race would utilize a portion of the trail and the start/finish would be downtown Clermont. They are requesting the following street closures: Lake Ave. and Montrose St. (entrance to City Hall)beginning at 8:30am until 11pm Lake Ave. to West Ave. on Montrose St. Lake Ave. and Desoto to 8th Street This race will be an addition to the 2017 season sponsorship which has already been approved. Sommer Sports has agreed to cover any and all costs for required police detail.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Sata's Twilight 5K	Council Packet-Santa's Twilight.pdf	



APPLICATION FOR SPECIAL EVENTS PERMIT

PLEASE TYPE OR PRINT CLEARLY

Today's Date 6/16/17
Name of Event Santas Twilight 5K
Date(s) of Event December 15, 2018 Estimated Attendance: 900
Event Start Time: 7:00 PM Event End Time: 9:00 PM
Before Event Setup Time: 10 AM After Event Cleanup Time: 11:30 PM
Name of Organization/Applicant TriAmerica Foundation Inc. / Sommer Sports

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 # _____

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

Federal ID # or Driver's License # 36-4612557
Event Contact Fred Sommer Email Fred@sommersports.com
Day Phone (352) 394-1320 Cell Phone (352) 636-2942
Address 1271 Commons Court City Clermont State FL Zip 34711
Secondary Contact Lisa Veres Phone # (407) 758-5743

Briefly Describe Event: Christmas themed 5K running event through the downtown area of Clermont. Start & Finish line TBD. Course TBD.

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: TBD.



QUICK FACTS

SANTA'S TWILIGHT 5K

NAME: Santa's Twilight 5K

DATE: December 16, 2017

START: 7:00pm

LOCATION: Downtown Clermont. Start/Finish at Clermont City Hall

COURSE: A scenic course throughout Clermont and along the South Lake Trail.

DESCRIPTION: A fun filled Holiday themed night run with activities for the entire family. Holiday costumes will be encouraged and awards for the best costumes will be presented in various categories. Portions of the course will be lined with luminaries and holiday themed entertainment will be stationed at pre-designated locations along the course. The event will be chip timed with age group awards presented to the top finishers.

BENEFICIARY: Local youth and/or civic groups and Houndhaven Dog Rescue.

ATHLETE AMENITIES: Commemorative shirt, medal, entertainment, glow necklace, chip timing, holiday cookies & hot chocolate.

OTHER ACTIVITIES IN ASSOCIATION WITH EVENT:

- Costume Contest
- Holiday Entertainment
- Pet Supply Drive for Houndhaven
- Free Kids Run (1/4 mile)



SANTA'S TWILIGHT 5K

CLERMONT TIMELINE

Saturday, December 16, 2017

- 9:00am - Buildout of Gingerbread House begins on Montrose St.
- 2:00pm - Build and decorate start/finish chute
- 4:00pm - Packet pick-up and late registration begins.
- 6:30pm - Preliminary costume judging
- 7:00pm - 5K START!
- 8:30pm - Last 5k Finisher
- 8:35pm - Free Kids Candy Cane Dash
- 8:45pm - Awards Ceremony
- 9:00pm - Teardown begins
- 11:00pm - Teardown complete

*Lake to
go*

Note: If Gingerbread house is needed for Saturday morning festival, construction would begin at 2:00pm on Friday.



PROPOSED 5K ROUTE
SANTA'S TWILIGHT 5K - DECEMBER 16
7:00pm START!



DIRECTIONS

- Start at City Hall on Montrose, running to the east
- Right on Lake Ave.
- Right on West Desoto Street
- Left on 8th Street
- Right on off road path prior to HWY 50
- Right on West Avenue
- Left on South Lake Trail
- Turnaround on South Lake Trail just after crossing the bridge
- Right on West Avenue
- Left of Montrose Street to Finish at City Hall



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Meeting Date		
Tuesday, September 26, 2017		
Agenda Item Name		
Bid Award		
Requested Action		
Recommend to approve contract between the City of Clermont and Marion Rock, Inc. for the construction of a twelve inch watermain.		
Staff Report		
The Purchasing Department and the Environmental Services Department recommend approval of the above action. The Purchasing Department issued a Request for Bid (RFB) number 17-042 to acquire a company for the construction of a twelve inch water main between Old Hwy. 50 and CR 455. The proposed water main will connect to existing City's water main at both ends of installation and shall include four fire hydrants. The estimated cost of this project was \$242,700 and the lowest bid was \$217,150.90, a difference of \$25,549.10 The RFB was fully competed, advertised, and complies with the City of Clermont Purchasing Policy. There were twelve (12) responses to the RFB. Award is being recommended to the low responsive and responsible bidder Marion Rock, Inc. at the total bid amount of \$217,150.90 who complied with all terms, conditions, and specifications stated in the RFB.		
Additional Analysis		
Fiscal Impact Summary		
The fiscal impact of \$217,150.90 is included in the current year approved budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFB 17-042 Response Tabulation	RFB 17-042 Response Tabulation.pdf	
2. RFB 17-042 Award Recommendation	RFB 17-042 Award Recommendation.pdf	
3. RFB 17-042 Newspaper Advertisement	RFB 17-042 Newspaper Advertisement.docx	



RESPONSE TABULATION

RFB 17-042, CONSTRUCTION OF TWELVE INCH WATERMAIN
DUE DATE/TIME: JULY 27, 2017 AT 2:00 P.M. (EST)

COMPANY NAME	BID BOND	ADDENDA 1, 2, 3	TOTAL PRICE
Marion Rock, Inc. – Ocala, FL	Y	N	\$217,150.90
Deeb Construction & Development Co. – New Port Richey, FL	Y	Y	\$238,748.69
Ciraco Underground, Inc. – Belleview, FL	Y	Y	\$251,573.30
Commercial Industrial Corp. – Ocala, FL	Y	Y	\$255,826.64
Carr & Collier, Inc. – Leesburg, FL	Y	Y	\$276,145.00
BBI Construction Management, Inc. – Gainesville, FL	Y	Y	\$285,705.00
Go Underground Utilities, LLC. – Lake Placid, FL	Y	Y	\$287,580.00
Hudson Site Construction, LLC. – Clermont, FL	Y	Y	\$288,525.00
MCG Services, LLC. – Orlando, FL	Y	Y	\$294,160.00
Hartman Civil Construction Co., Inc. – Ocala, FL	Y	Y	\$301,770.00
Valencia Construction Group, Inc. – Winter Garden, FL	Y	Y	\$321,123.00
Southern Underground Industries, Inc. – Oakland, FL	Y	Y	\$349,310.00

* Addenda 1, 2, and 3 were not mandatory submittals with bid response.



FREDDY L. SUAREZ
Purchasing Director
Purchasing Department

352-241-7350
fsuarez@clermontfl.org

AWARD RECOMMENDATION
AUGUST 4, 2017
RFB 17-042 – CONSTRUCTION OF TWELVE INCH WATERMAIN

Based on the results of the bid submittals, the Purchasing Department is recommending award to the low responsive and responsible bidder, Marion Rock, Inc. in the total amount of \$217,150.90.

REQUEST FOR BID

The City of Clermont is requesting bids from qualified respondents for the construction of a twelve inch watermain between Old Hwy. 50 and CR 455 (RFB 17-042). All responses must be received prior to **2:00 P.M. on Thursday July 27, 2017**. Information about the bid may be obtained from the City's website at <http://www.clermontfl.gov/> or through BidSync at <https://www.bidsync.com/>.

Publication Date: Newspaper
June 22, 2017



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, September 26, 2017		
Agenda Item Name		
Resolution No. 2017-42		
Requested Action		
Recommend approval of Resolution 2017-42.		
Staff Report		
As part of the Lost Lake Reserve Development of Regional Impact, the developer dedicated and transferred a 0.5-acre vacant parcel to the City to be used for a future well site. The transfer took place on January 18, 2002 between the City and Lost Lake Reserve, LC. The sole and exclusive purpose of the site was for the construction and operation of a potable water well for public consumption. No improvements have been made to the parcel during the last 15 years, and City staff has determined that the site will not be used for a well. Therefore, the developer is requesting to have it transferred back to them to become part of their adjoining property. The City's only requirement would be to have a 15-foot utility easement on the northern portion of the well property and on the developer's adjoining property due to the existing sewer lines. City staff recommends transferring the parcel back to the developer through a quit claim deed, with the developer granting a 15-foot utility easement to the City.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution 2017-42	2017-42 Lost Lake well surplus.doc	
2. Exhibit A - Well Site	Exhibit A - Well Site Sketch of Description.pdf	
3. Exhibit B - Utility Easement	Exhibit B - Utility Easement Sketch of Description.pdf	
4. Warranty Deed - Well Site Dedication	Well Site Warranty Deed.pdf	
5. Current Property Record Card 3809307	AK 3809307.pdf	
6. Quit Claim Deed	Quit Claim Deed Draft.docx	
7. Utility Easement	pub utility easement.doc	

CITY OF CLERMONT
RESOLUTION NO. 2017-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, DECLARING CERTAIN CITY OWNED REAL PROPERTY AS SURPLUS; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A QUIT CLAIM DEED TO THAT CERTAIN PROPERTY GENERALLY DESCRIBED AS A 151 FOOT WIDE 150 FOOT LONG PARCEL OF LAND APPROXIMATELY 0.5 +/- ACRES WEST OF CITRUS TOWER BOULEVARD; RESERVING AND ACCEPTING A 15 FOOT PUBLIC UTILITY EASEMENT ALONG AND WITHIN THE SUBJECT PROPERTY; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSFER OF THE SUBJECT PROPERTY AND THE ACCEPTANCE OF THE PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Warranty Deed (Well Site) dated January 18, 2002, the City accepted title at no cost to the City to that certain property generally described as a 151-foot-wide 150-foot-long portion of property west of Citrus Tower Boulevard to be used for a well site;

WHEREAS, the purpose of the site was for the sole and exclusive purpose of constructing, operating and maintaining a potable water well on the subject property; and

WHEREAS, the City Council has determined that the subject property is not needed for the sole and exclusive purpose of constructing, operating and maintaining a potable water well on the subject property and therefore has no value to the City; and

WHEREAS, it is in the best interest of the City of Clermont to transfer the subject property back to the original grantor, Lost Lake Reserve, LC., a Florida Limited Company, and to retain a public utility easement along and within the property.

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

SECTION 1.

The City Council does hereby find and determine that the property more particularly described in Exhibit "A" attached hereto and incorporated herein is surplus property and the continued ownership of the property by the City does not serve a public purpose.

SECTION 2.

In exchange for the granting of a public utility easement as set forth in Exhibit "B" attached hereto, the City Council does hereby approve and authorizes the Mayor to execute the Quit Claim Deeds set forth in Exhibit "A" and to accept the public utility easements.

CITY OF CLERMONT
RESOLUTION NO. 2017-42

SECTION 3.

The City Manager is further authorized to execute any additional documents as may be necessary to complete the aforementioned transaction.

SECTION 4.

This resolution shall take effect immediately upon its adoption.

CITY OF CLERMONT
RESOLUTION NO. 2017-42

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida this 26th day of September, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

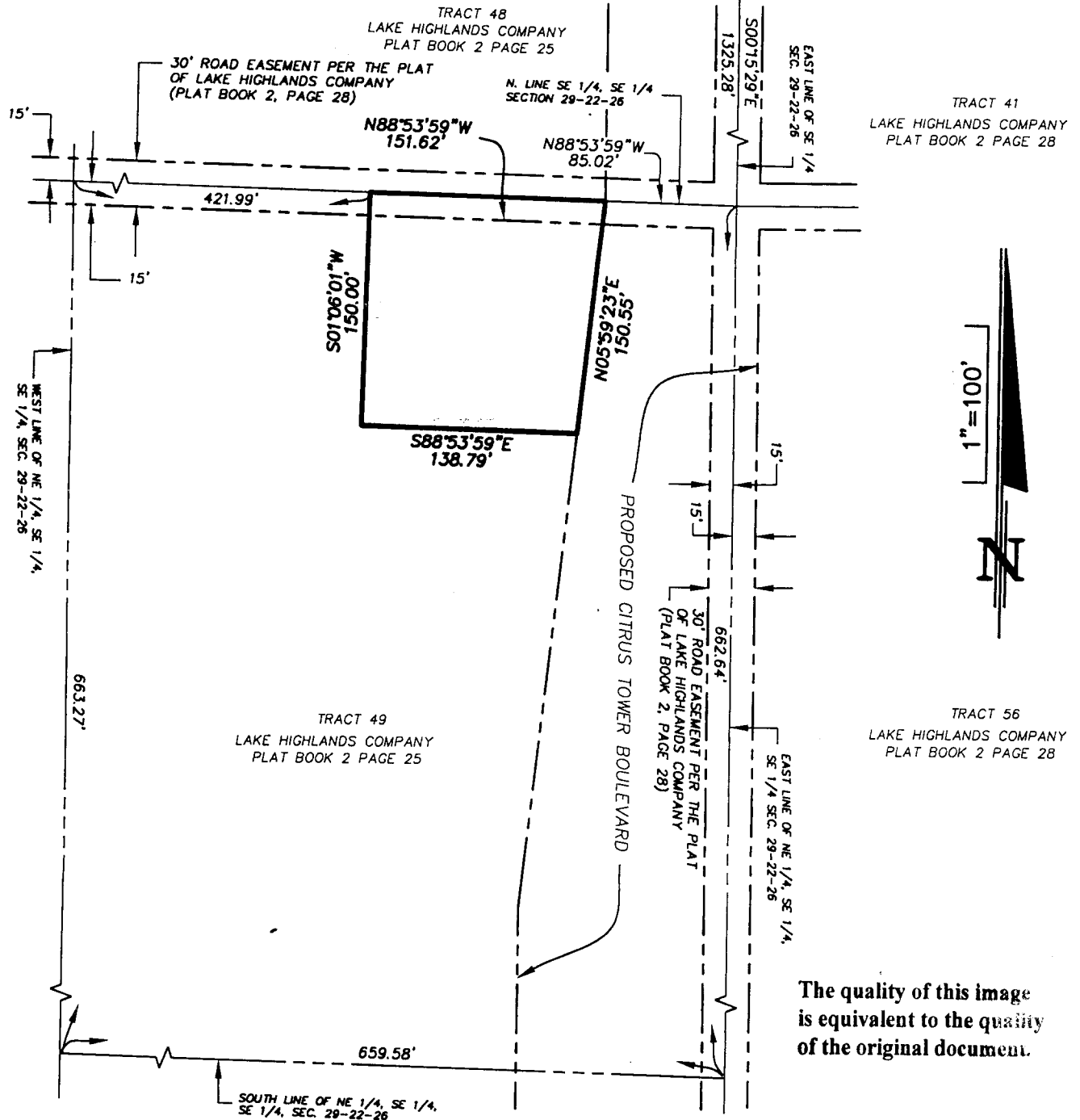
ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

EAST 1/4 CORNER OF SEC. 29-22-26
FND 3"X3" C.M. (NO I.D.)



**The quality of this image
is equivalent to the quality
of the original document.**

SEC 29-T 22-R 26	SECTION, TOWNSHIP, RANGE
FND	FOUND
ID	IDENTIFICATION
CM	CONCRETE MONUMENT
SEC.	SECTION

- THIS IS NOT A SURVEY.
- BEARINGS BASED ON THE E LINE OF SE 1/4 OF SEC. 29-22-26, LAKE COUNTY, FLORIDA, BEING S00°15'29"E AN ASSUMED MERIDIAN.

I hereby certify that this sketch, subject to the surveyor's notes contained hereon, meets the applicable Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 81G17-G, Florida Administrative Code, pursuant to Section 372.027, Florida Statutes.

DONALD W. MONTGOMERY ASSOCIATES, INC.

Rocky Carson
Florida Registered Surveyor and Mapper
Certificate No. 12345

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WESTSHORE DEVELOPMENT GROUP

LOST LAKE RESERVE - PROPOSED WELL SITE



DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
 CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: JSL
DATE: 01/11/02

CHECKED BY: RLC
DATE: 01/11/02

JOB NO.
21059.0025

SCALE
1"=100'

SHEET 1
OF 2

~~FIELD BOOK~~ _____ PG

SURVEY

~~FOUNDATION~~

~~FINAL~~

SKETCH OF DESCRIPTION

DESCRIPTION:

That part of Section 29, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

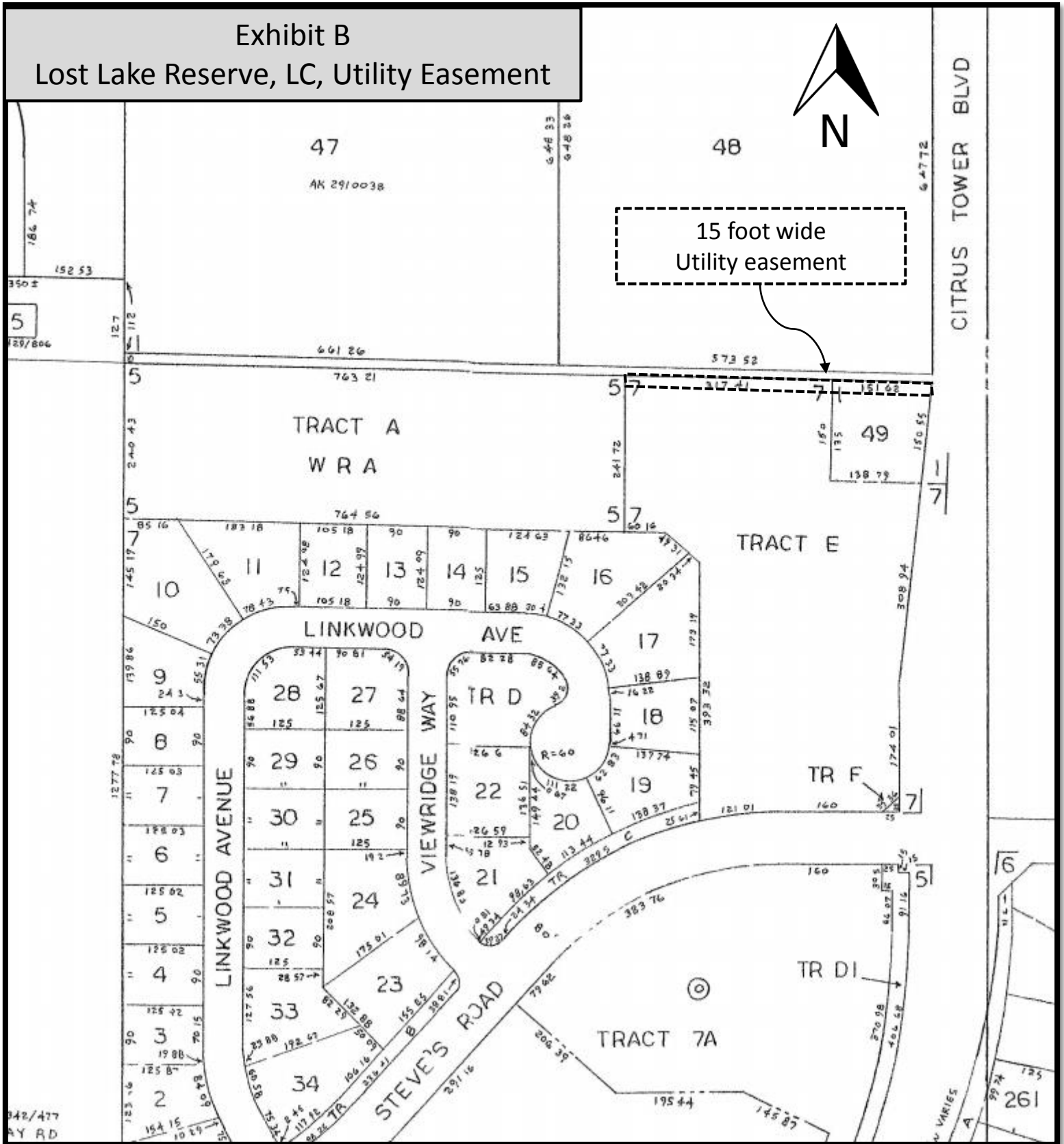
Commence at the East 1/4 corner of said Section 29; thence run S00°15'29"E along the East line of the Southeast 1/4 of said Section 29 for a distance of 1325.28 feet to the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 29; thence run N88°53'59"W along said North line for a distance of 85.02 feet to the POINT OF BEGINNING; thence continue N88°53'59"W along said North line for a distance of 151.62 feet; thence run S01°06'01"W for a distance of 150.00 feet; thence run S88°53'59"E for a distance of 138.79 feet; thence run N05°59'23"E for a distance of 150.55 feet to foresaid North line of said Southeast 1/4 of the Southeast 1/4 and the POINT OF BEGINNING.

Containing 0.500 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

The quality of this image is equivalent to the quality of the original document.

PREPARED FOR:					
WESTSHORE DEVELOPMENT GROUP					
LOST LAKE RESERVE - PROPOSED WELL SITE		N/A			
		DATE	BY	DESCRIPTION	
		REVISIONS			
		DONALD W. McINTOSH ASSOCIATES, INC.			
		ENGINEERS PLANNERS SURVEYORS			
		2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068			
		CERTIFICATE OF AUTHORIZATION NO. LB68			
DRAWN BY: JSL	CHECKED BY: RLC	JOB NO.	SCALE	SHEET	FIELD BOOK _____ PG _____
DATE: 01/11/02	DATE: 01/11/02	21059.0025	N/A	2	
				OF 2	SURVEY _____
					FOUNDATION _____
					FINAL _____

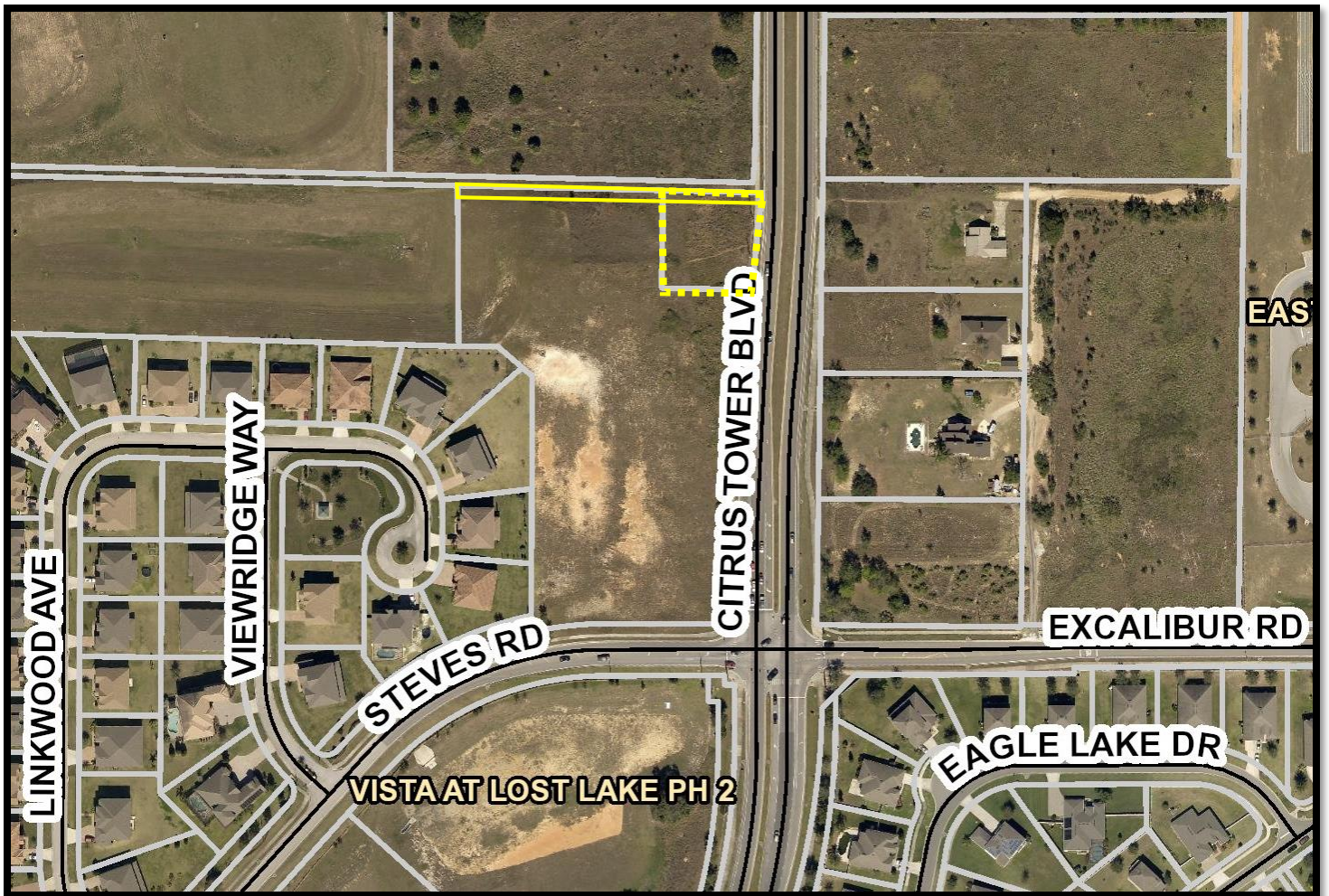
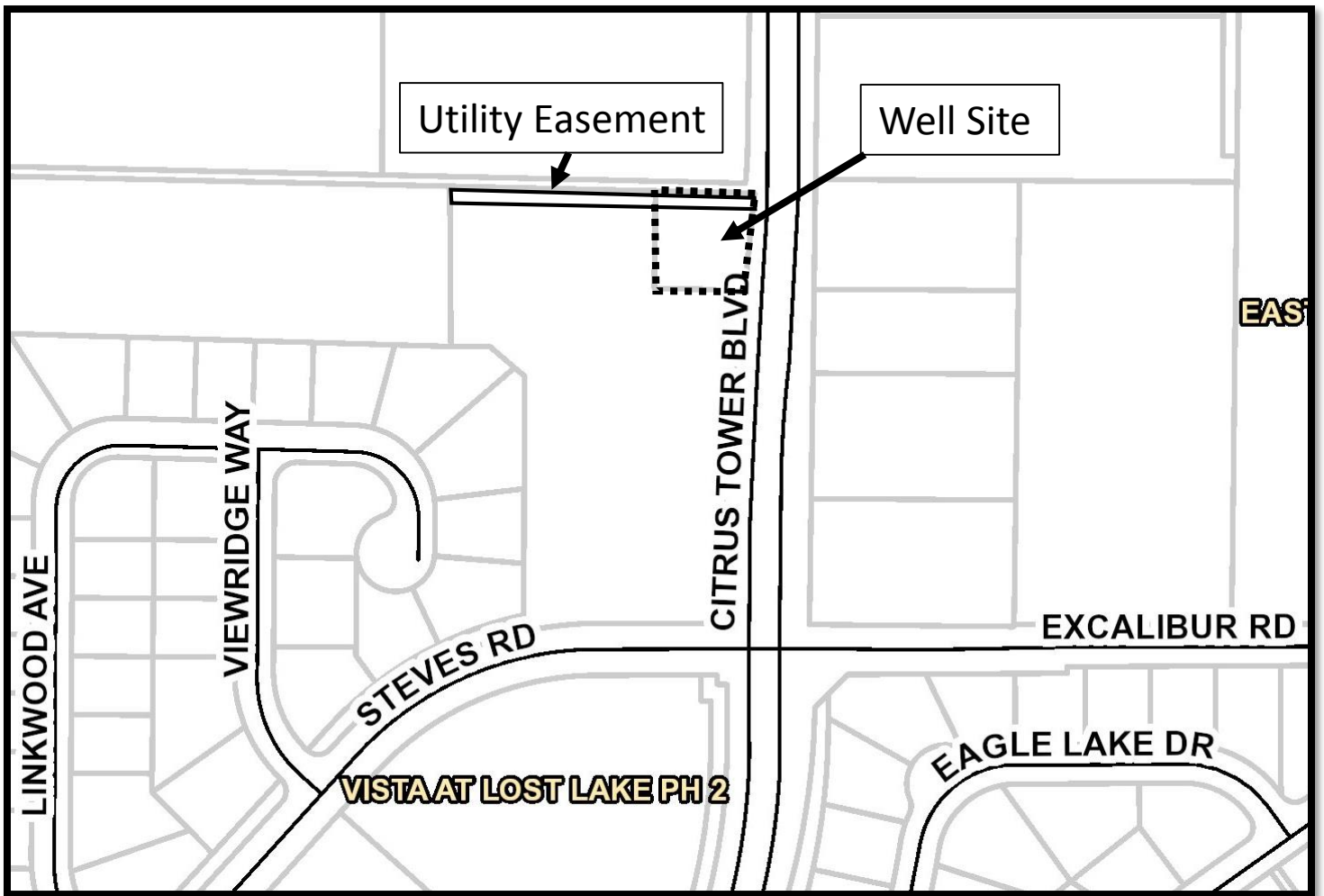
Exhibit B Lost Lake Reserve, LC, Utility Easement



DESCRIPTION:

That part of Section 29, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at the East $\frac{1}{4}$ corner of said Section 29: thence run $S00^{\circ}15'29''E$ along the East line of the Southeast $\frac{1}{4}$ of said Section 29 for a distance of 1325.28 feet to the North line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 29; thence run $N88^{\circ}53'59''W$ along said North line for a distance of 85.02 feet to the POINT OF BEGINNING; thence continue $N88^{\circ}53'59''W$ along said North line for a distance of 498.43 feet; thence run $S01^{\circ}06'01''W$ for a distance of 15.00 feet; thence continue $S88^{\circ}53'59''E$ for a distance to the west right of way line of Citrus Tower Boulevard; thence run North along west right of way line of Citrus Tower Boulevard to POB.



This instrument was prepared by:

Thomas N. Henderson, III, Esq.
Hill, Ward & Henderson, P.A.
Bank of America Plaza, Suite 3700
101 East Kennedy Boulevard
Tampa, Florida 33602

Return to:
CITY OF CLERMONT
T. Studdard
R- 21 Westgate Plaza
Clermont, FL 34711

CFN 2002056891
Bk 02120 Pgs 2103 - 2106; (4pgs)
DATE: 05/29/2002 09:17:09 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 17.00
TRUST FUND 2.50
DEED DOC 0.70

WARRANTY DEED
(Well Site)

THIS WARRANTY DEED is made to be effective as of the 18th day of January, 2002, by and between **LOST LAKE RESERVE, L.C.**, a Florida limited liability company, whose mailing address is c/o The Latt Maxcy Corporation, 33 East Wall Street, Frostproof, Florida 33843 (hereinafter referred to as the "**Grantor**"), and the **CITY OF CLERMONT**, a political subdivision of the State of Florida, whose mailing address is 1 Westgate Plaza, Clermont, FL 34711 (hereinafter referred to as the "**Grantee**").

W I T N E S S E T H:

The Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its successors and assigns, all that certain real property situate in Lake County, Florida, more fully described as follows (hereinafter referred to as the "**Property**"):

See **Exhibit A** attached hereto and incorporated herein by reference.

SUBJECT TO taxes and assessments for the year 2002 and all subsequent years, easements, restrictions, covenants, conditions, reservations and regulations of record, zoning ordinances and matters of survey.

Property Appraiser's Tax Folio Nos. _____.

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

The Grantor does hereby covenant (i) that it is lawfully seized of the Property in fee simple, (ii) that it has good right and lawful authority to sell and convey the Property, and (iii) that the Property is free of all liens and encumbrances except for those the aforesaid matters.

The purpose of this Deed is to grant fee simple title to the Grantee for the sole and exclusive purpose of constructing, operating and maintaining a potable water well on the Property (the "**Special Use**"), and the Grantee covenants and agrees that the Property shall be used solely for the

Special Use and for no other purposes whatsoever. It is further covenanted and agreed between the Grantee and the Grantor that, if additional rights-of-way are required for the design and construction of Citrus Tower Boulevard along the eastern boundary of the Property, the Grantee agrees to convey such rights-of-ways promptly upon demand by the Grantor provided that the Grantor conveys an equal amount of land to the Grantee along the western boundary of the Property.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered
the presence of:

LOST LAKE RESERVE, L.C., a Florida limited in
liability company

Nancy A. Theiss
Name: NANCY A THEISS
(Print or Type Name)

Terry L. Weeder
Name: TERRY L. WEEDER
(Print or Type Name)

By Its Managing Member:

LMC Clermont Development, Inc., a Florida
corporation

By: F. Hood Craddock
F. Hood Craddock, Vice-President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 18th day of January, 2002, by F. Hood Craddock, as Vice-President of LMC CLERMONT DEVELOPMENT, INC., a Florida corporation and the Managing Member of LOST LAKE RESERVE, L.C., a Florida limited liability company, on behalf of the corporation and the company. He is personally known to me or has produced _____ as identification.

Norma C. Cannon
Notary Public

NORMA C. CANNON
(Type, Print or Stamp Name)

My Commission Expires:

G:\TNH\Latt Maxcy\Lost Lake\City of Clermont\Warranty Deed (Well Site).DOC

NORMA C. CANNON
Notary Public, State of Florida
My Commission Expires March 28, 2003
Commission No. CC821339

**The quality of this image
is equivalent to the quality
of the original document.**

SKETCH OF DESCRIPTION

DESCRIPTION:

That part of Section 29, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at the East 1/4 corner of said Section 29; thence run S00°15'29"E along the East line of the Southeast 1/4 of said Section 29 for a distance of 1325.28 feet to the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 29; thence run N88°53'59"W along said North line for a distance of 85.02 feet to the POINT OF BEGINNING; thence continue N88°53'59"W along said North line for a distance of 151.62 feet; thence run S01°06'01"W for a distance of 150.00 feet; thence run S88°53'59"E for a distance of 138.79 feet; thence run N05°59'23"E for a distance of 150.55 feet to foresaid North line of said Southeast 1/4 of the Southeast 1/4 and the POINT OF BEGINNING.

Containing 0.500 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

The quality of this image is equivalent to the quality of the original document.

PREPARED FOR:					
WESTSHORE DEVELOPMENT GROUP					
LOST LAKE RESERVE - PROPOSED WELL SITE		N/A			
		DATE	BY	DESCRIPTION	
		REVISIONS			
		DONALD W. McINTOSH ASSOCIATES, INC.			
		ENGINEERS PLANNERS SURVEYORS			
		2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068			
		CERTIFICATE OF AUTHORIZATION NO. LB68			
DRAWN BY: JSL	CHECKED BY: RLC	JOB NO.	SCALE	SHEET	FIELD BOOK _____ PG _____ SURVEY _____ FOUNDATION _____ FINAL _____
DATE: 01/11/02	DATE: 01/11/02	21059.0025	N/A	OF 2	

Property Record Card

General Information

Owner Name:	CITY OF CLERMONT	Alternate Key:	3809307
Mailing Address:	PO BOX 120219 CLERMONT, FL 34712-0219 Update Mailing Address	Parcel Number:	09-22-26-130504900001
		Millage Group and City:	000C (CLERMONT)
		Total Certified Millage Rate:	18.0915
		Trash/Recycling/Water/Info:	My Public Services Map ⓘ
Property Location:	CITRUS TOWER BLVD CLERMONT FL 34711 Update Property Location ⓘ	Property Name:	-- Submit Property Name ⓘ
		School Locator:	School and Bus Map ⓘ
Property Description:	CLERMONT, LAKE HIGHLANDS 29-22-26 THAT PART OF TRACT 49 DESCRIBED AS FOLLOWS: FROM E 1/4 COR OF SEC 29 RUN S 00DEG 15MIN 29SEC E 1325.28 FT TO N LINE OF SE 1/4 OF SE 1/4, N 88DEG 53MIN 59SEC W 85.02 FT FOR POB, CONT N 88DEG 53MIN 59SEC W 151.62 FT, S 01DEG 06MIN 01SEC W 150 FT, S 88DEG 53MIN 59SEC E 138.79 FT, N 05DEG 59MIN 23SEC E 150.55 FT TO POB PB 2 PG 25 ORB 2120 PG 2103		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT GOVT MUNICIPAL (8089)	0	0		0.5	AC	\$0.00	\$1,650.00

Sales History

(This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/ or recorded and indexed with the Clerk of Court. [Follow this link to search all documents by owner's name.](#))

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
2120 / 2103	1/18/2002	Warranty Deed	Unqualified	Vacant	\$0.00

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

Copyright © 2014 Lake County Property Appraiser. All rights reserved.
Property data last updated on 31 July 2017.
[Site Notice](#)

This instrument prepared by and
after recording return to:

Daniel F. Mantzaris, City Attorney
c/o City Clerk
City of Clermont
685 West Montrose Street
Clermont, FL 34711

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, made effective the ____ day of _____ 2017 by **CITY OF CLERMONT**, a Florida Municipal Corporation whose address is 685 W. Montrose Street, Clermont, FL 34711 (“Grantor”), to **Lost Lake Reserve LC**, whose address is, PO Box 3737, Lake Wales, FL 33589 (“Grantee”):

(Wherever used herein the terms “Grantor” and “Grantee” shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), in hand paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the Grantor has in and to the following described easement affecting that certain lot, piece or parcel of land, situate, lying and being in the County of Lake, State of Florida, to-wit:

DESCRIPTION:

That part of Section 29, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at the East ¼ corner of said Section 29: thence run S00°15'29"E along the East line of the Southeast ¼ of said Section 29 for a distance of 1325.28 feet to the North line of the Southeast ¼ of the Southeast ¼ of said Section 29; thence run N88°53'59"W along said North line for a distance of 85.02 feet to the POINT OF BEGINNING; thence continue N88°53'59"W along said North line for a distance of 151.62 feet; thence run S01°06'01"W for a distance of 150.00 feet; thence continue S88°53'59"E for a distance 138.79 feet; thence run N05°59'23"E for a distance 150.55 feet to foresaid North line of said Southeast ¼ of the Southeast ¼ and the POINT OF BEGINNING.

Containing 0.500 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

And as depicted in the map attached hereto as Exhibit "A".

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee forever.

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

Signed, sealed and delivered
in the presence of:

City of Clermont, Florida

Signature
Print Name: _____

By: _____
Mayor Gail Ash
As approved and authorized by Council
Resolution 2017- __R

Signature
Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by Gail Ash, as the Mayor of the City of Clermont, who is ☐ is personally known to me or ☐ has produced _____ as identification.

Notary Stamp

Signature of Notary
Print Name: _____
Title: Notary Public
Serial No. (if any) _____
Commission Expires: _____

PUBLIC UTILITY EASEMENT

THIS EASEMENT made _____, 2017,

between Lost Lake Reserve LC,
whose interest is fee simple or if other than fee simple is:

For recording use only

(if none other, write none)

of Lake County, Florida, herein referred to as GRANTOR, and the CITY OF CLERMONT, a Florida Municipal Corporation, 685 W. Montrose St. Clermont, Florida, herein referred to as GRANTEE;

GRANTOR, in consideration of TEN DOLLARS (\$10.00), and other valuable consideration to GRANTOR paid by GRANTEES, receipt of which is acknowledged, does hereby grant an EASEMENT IN GROSS to GRANTEES forever, to have and to hold for all public uses traditionally made of a PUBLIC UTILITY EASEMENT, including, but not limited to, installation of public utility systems including water, sewer, drainage, and electric, and the right of ingress and egress to construct, maintain, repair and replace facilities necessary for said purpose; over, under, above and through the following described lands in Lake County, Florida, to-wit:

See Exhibit B – Utility Easement Sketch of Description

Parcel I.D. No. 3809307 Acres 0.5

Further, GRANTOR acknowledges and agrees that in the event GRANTOR requires the relocation of any utility systems installed by GRANTEES pursuant to this easement, said relocation shall be at the sole expense of GRANTOR and completed so as to not unreasonably interrupt the use of the utility system by GRANTEES.

Reserving to the GRANTOR all rights not inconsistent with said easement, including reversion upon release.

IN WITNESS WHEREOF, GRANTOR has hereunto set GRANTOR'S hands and seal the day and year first above written.

signed, sealed and delivered
in the presence of:

By: _____
(Grantor's Name)

(Print Name)

Print Name/Title: _____

(Print Name)

Address: _____

(Print Name)

(CORPORATE SEAL)

Attest: _____

(Print Name)

Print Name/Title: _____

(Print Name)

Address: _____

(Print Name)

ACKNOWLEDGEMENT ON PAGE 2

For recording use only

STATE OF FLORIDA

COUNTY OF LAKE

On _____, 20_____, the foregoing instrument was acknowledged before me by _____, and _____ and who are personally known to me or who have produced _____ and _____ as identification and who (did) (did not) take an oath.

Notary Public (Signature)

Notary Public (Typed, Printed, or Stamped)

ACCEPTED BY the City of Clermont by action of the City Council at its meeting of:

Mayor,

ATTEST:

City Clerk

Pursuant to Section 695.26 (3) (f), this instrument exempt from Chapter 695, F.S.: Prepared by and return to a Public Official: City Clerk, City of Clermont, 685 W. Montrose Street; Clermont, Florida 34711



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, September 26, 2017			
Agenda Item Name			
Ordinance No. 2017-27; <i>Final Table to October 24, 2017</i>			
Requested Action			
Recommend tabling of Ordinance 2017-27.			
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	Sign code amendment legal ad.pdf	

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. 2017-27

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 102 SIGNS, PROVIDING FOR CODIFICATION, SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

This ordinance will be considered by the Planning & Zoning Commission on Monday, September 11, 2017 at 6:30 p.m.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 12, 2017 at 6:30 p.m. for (introduction) and consideration on Tuesday, September 26, 2017 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
August 31, 2017
September 19, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 26, 2017		
Agenda Item Name		
Ordinance 2017-32; <i>Final</i>		
Requested Action		
Recommend approval of Ordinance 2017-32.		
Staff Report		
The City Council in September 2016 approved Ordinance 2016-48 which amended Section 82-12 of the land development code to include definitions of marijuana and marijuana dispensaries and amended Section 122-264 M-1 Conditional Uses to provide that medical marijuana dispensaries shall require a conditional use in the M-1 Industrial zoning district. Subsequent to the enactment of Ordinance 2016-48, the Florida Legislature passed preemptive legislation that would preclude local governments from regulating medical marijuana dispensaries any differently than pharmacies. However, Senate Bill 8A did provide that local governments could adopt a prohibition on the operation of medical marijuana dispensaries and cannabis farms within their jurisdictions. Based on the recent legislative action, staff recommends that the City move forward with a ban on medical marijuana dispensaries and cannabis farms and repeal Ordinance 2016-48.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance 2017-32	2017-32 Medical Marijuana Dispensaries ban 2017.doc
2.	Ordinance 2016-48	Ordinance 2016-48.pdf
3.	Legal Ad	2017-32 Medical Marijuana repeal ad.doc

CITY OF CLERMONT
ORDINANCE NO. 2017-32

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS, REPEALING IN ITS ENTIRETY ORDINANCE 2016-48 AND AMENDING CHAPTER 18 “BUSINESSES,” CREATING ARTICLE III “MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS”, PROVIDING FOR PURPOSE AND DEFINITIONS, DECLARING MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS UNLAWFUL AND PROHIBITING, PROVIDING FOR USE OF MEDICAL MARIJUANA, PROVIDING FOR EFFECT OF ANNEXATION, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in 2016 Amendment 2 to the Florida Constitution was adopted by vote of the electors of the State of Florida; and

WHEREAS, Amendment 2 legalized the cultivation and distribution of marijuana within the State of Florida for specified medical purposes; and

WHEREAS, the Legislature of the State of Florida adopted Senate Bill 8A which was signed into law by Governor Rick Scott and which provided and authorized among other things that the City could adopt a prohibition on the operation of medical marijuana dispensaries and cannabis farms within the jurisdictional limits of the City; and

WHEREAS, the City Council of the City of Clermont finds that it is in the best interests of the health, safety, welfare and morals of the citizens of Clermont to prohibit the operation of medical marijuana dispensaries within the municipal limits, along with the operation of any cannabis farms, and

WHEREAS, based on all of the foregoing, the City Council deems it necessary and in the best interest of the City to enact an ordinance prohibiting the operation of such businesses.

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

SECTION 1.

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent and findings supporting this Ordinance.

SECTION 2.

Ordinance 2016-48 adopted by action of the City Council on November 8, 2016, is hereby repealed in its entirety.

CITY OF CLERMONT
ORDINANCE NO. 2017-32

Section 3.

Chapter 18, “Businesses”, Article III “Medical Marijuana Dispensaries and Cannabis Farms Prohibited” of the City Code of the City of Clermont, Florida, is hereby created to read as follows:

Article III “Medical Marijuana Dispensaries and Cannabis Farm”

Sec. 18-85. Purpose and definitions.

- (a) *Purpose and intent.* The purpose and intent of this Article is to prohibit the maintenance or operation of a medical marijuana dispensary or cannabis farm as defined herein.
- (b) *Definitions.* For the purpose of this Article the following definitions shall apply:

Cannabis refer to the meaning given cannabis in Section 893.02(3), Florida Statutes, and shall include all forms of medical cannabis or low-THC Cannabis

Cannabis Farm shall mean any property used in whole or in part for the growing or cultivation of Cannabis plants, whether or not such growing or cultivation is lawful under the laws of Florida.

Marijuana shall mean and be synonymous with, Cannabis.

Medical Marijuana Dispensary shall mean any treatment center, entity, establishment, or portion thereof, which is lawfully licensed to acquire, cultivate, possess, process, transfer, transport, sell, dispense or administer marijuana, products containing marijuana, products derived from marijuana, related supplies, or educational materials. A pharmacy as defined in Section 465.003, Florida Statutes which employs a Florida Licensed pharmacist onsite shall not be considered a Medical Marijuana Dispensary.

Medical Use shall mean any use of any form of cannabis to treat a qualifying medical condition as provided in Amendment 2 and any legislation adopted to implement Amendment 2.

Non – Medical Use shall refer to any possession, sale, distribution, transfer, delivery, or use, of Cannabis or Cannabis based products when not associated with any Medical Use thereof.

Sec. 18-86. Medical Marijuana Dispensaries and Cannabis Farms Prohibited.

The maintenance or operation of a Medical Marijuana Dispensary or Cannabis Farm is declared to be unlawful within the City of Clermont and is prohibited in all applicable land use and zoning categories and districts within the City.

CITY OF CLERMONT
ORDINANCE NO. 2017-32

Sec. 18-87. Possession and Use of Cannabis for Medical Use.

Possession and use of Cannabis for Medical Use, by a person to whom the Cannabis was sold or distributed by a Medical Marijuana Dispensary operated in strict and full accordance with the laws of Florida, and located outside the municipal limits of Clermont, shall not be a violation of this Code, provided however that any person claiming to be entitled to the benefits of this Subsection shall bear the burden of establishing, by clear and convincing evidence, that he or she was legally prescribed the Cannabis for Medical Use in full compliance with Florida law, and acquired the Cannabis from a fully licensed Medical Marijuana Dispensary. Notwithstanding this Section, any sale, transfer, distribution, or delivery of Cannabis by the person claiming the benefits of this Subsection, to any other person whomsoever, whether or not for Medical Use, is prohibited, as is the act by the person claiming the benefit of this Subsection of permitting any other person to use the Cannabis of the person claiming such benefit.

Sec. 18-87. Effect of Annexation.

If a Medical Marijuana Dispensary or Cannabis Farm is lawfully located on property outside the municipal limits of Clermont, which is later annexed into the City of Clermont, such Medical Marijuana Dispensary or Cannabis Farm shall be allowed to continue its operations within the property so annexed, for a period not to exceed 180 days, after which further operation as a Medical Marijuana Dispensary or Cannabis Farm shall be unlawful under this article.

Sec. 18-87. Enforcement of violations; penalties.

- (a) Each violation of this Article shall constitute a separate offense punishable as provided in Section 1-15 of the City Code by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment.
- (b) Nothing in this Article shall be construed to prohibit the City from enforcing this Article by alternate means including, but not limited to: Code Enforcement or Code Citations pursuant to Florida Statute Chapter 162, Part I or II; by criminal action; by civil action, including petitions to enjoin persons violating this Article; or by any other means available by law.

Sec. 18-88-18-89. Reserved.

SECTION 4. Codification.

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

CITY OF CLERMONT
ORDINANCE NO. 2017-32

SECTION 5. Conflict.

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

SECTION 6. Severability.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 7. Effective Date.

This Ordinance shall take effect as provided by law upon its final adoption.

CITY OF CLERMONT
ORDINANCE NO. 2017-32

PASSED AND ADOPTED by the City Council of the City of Clermont, this 26th day of September, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT
ORDINANCE No. 2016-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF CLERMONT BY AMENDING SECTION 82-12, "LAND USE DEFINITIONS" PROVIDING FOR DEFINITIONS OF MARIJUANA AND MARIJUANA DISPENSARIES AND AMENDING SECTION 122-264 "M-1-CONDITIONAL USES" PROVIDING MEDICAL MARIJUANA DISPENSARIES SHALL REQUIRE A CONDITIONAL USE; SETTING FORTH STANDARDS AND REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact Ordinances in furtherance thereof; and

WHEREAS, the within the above referenced grant of powers, the City of Clermont (the "City") has the authority to regulate land development and the use of property within the City for the protection of the public health, safety and welfare; and

WHEREAS, the City Council has determined that given the potential impact on the surrounding areas, that Medical Marijuana Dispensaries, if allowed by law, should be a conditional use permitted in limited areas of the City; and

WHEREAS, the City Council has determined that it is in the public interest to set certain distance and other standards regarding the operation of Medical Marijuana Dispensaries; and

WHEREAS, the City Council has found that a high proportion of sales in such facilities are cash sales, necessitating additional security procedures and precautions; and

WHEREAS, consistent with the findings stated above, the City Council has determined that adoption of this Ordinance is in the best interest of the public health, safety and welfare;

CITY OF CLERMONT
ORDINANCE No. 2016-48

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

SECTION 1.

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent and findings supporting this Ordinance.

SECTION 2.

Section 82-12 "Land use definitions" of the Clermont Code of Ordinances is hereby amended to add the following definitions:

Section 82-12 - Land use definitions

Marijuana: The meaning given cannabis in Section 893.02(3), Florida Statutes, and shall include all forms of medical cannabis or low-THC Cannabis.

Medical Marijuana Dispensary: Any treatment center, entity, establishment, or portion thereof, which is lawfully licensed to acquire, cultivate, possess, process, transfer, transport, sell, dispense or administer marijuana, products containing marijuana, products derived from marijuana, related supplies, or educational materials. A pharmacy as defined in Section 465.003, Florida Statutes which employs a Florida License pharmacist onsite shall not be considered a Medical Marijuana Dispensary.

SECTION 3.

Section 122-264 "M-1 Conditional Uses" of the Clermont Code of Ordinances is hereby amended as follows: (underlined depicts added wording):

Section 122-264. M-1- Conditional uses.

(a) Conditional uses in the M-1 district are as follows:

- (1) Airports.
- (2) Junkyards.
- (3) Planned unit development per article IV of this chapter.
- (4) Utility facilities (i.e. electric transformers, gas regulator stations, etc.).
- (5) Adult entertainment establishments.
- (6) Medical Marijuana Dispensary.

CITY OF CLERMONT
ORDINANCE No. 2016-48

- (7) Conditional uses of the C-2 general commercial district not specifically listed as a permitted use in the M- 1 light commercial district, provided they meet the regulations of the C-2 district.
- (b) Other manufacturing or wholesale uses not listed as a permitted use may be considered as a conditional use, provided the requirements of Chapter 86, Article III, Division 3, and the following conditions are met:
- (1) The use is so located, site-planned and designed to avoid undue noise, odor, smoke, explosive hazards or any other nuisances or dangers to abutting properties.
 - (2) Adequate waste treatment, roadways and utilities can be provided.
 - (3) All applicable local, state and federal regulations regarding such use can be met.
 - (4) No wholesale or retail establishment may occupy more than 100,000 square feet.
- (c) Medical Marijuana Dispensary shall be subject to the following additional criteria:
- (1) Loitering. The Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees. The Medical Marijuana Dispensary shall not permit any patient or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, for any period of time longer than that reasonably required to arrive and depart.
 - (2) Security. The owners shall have a review of the site with the City Police Department prior to opening and annually. It shall be the responsibility of the owner to schedule the reviews with the Department.
 - (3) No Drive through Service. No Medical Marijuana Dispensary shall have a drive through or drive in service. All dispensing, payment for and receipt of medical marijuana shall occur from inside the Medical Marijuana Dispensary.
 - (4) Alcoholic Beverages or Marijuana. No sale of alcoholic beverages or consumption or use of alcoholic beverages or marijuana shall be allowed on the premises, including in the parking areas.
 - (5) Separation Distances. A Medical Marijuana Dispensary shall not operate within two hundred (200) feet of any residentially zoned or residentially used property, or school existing or approved by the City at the time of application. All distance requirements shall be measured

CITY OF CLERMONT
ORDINANCE No. 2016-48

by drawing a straight line from the nearest property line of the protected use to the nearest property line of the proposed Medical Marijuana Dispensary.

- (6) Operating Hours. Medical Marijuana Dispensaries shall not be allowed to operate between 7:00pm and 7:00am.
- (7) Compliance with Other Laws. All Medical Marijuana Dispensaries shall at all times be in compliance with all federal and state laws and regulations, and the City of Clermont Code of Ordinances, as may be amended from time to time.
- (d) In case of uncertainty of the classification of any public use, uses may be permitted which, after consideration by the Planning and Zoning Commission and approval of the City Council, are not more obnoxious to the district than the uses provided in this Section. All conditional uses must be provided per Chapter 86, Article III, Division 3.

SECTION 4. Conflict.

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

SECTION 5. Severability.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 6. Codification.

The text of Sections 2 and 3 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

SECTION 7. Effective Date.

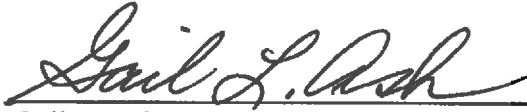
This Ordinance shall be published as provided by law and shall take effect immediately upon its Second Reading and Final Passage. Thereafter at the first regular council meeting after May 1, 2017, the Ordinance shall be reviewed by the City Council for consideration of possible changes as the Council may deem appropriate.

CITY OF CLERMONT
ORDINANCE No. 2016-48

PASSED AND ADOPTED by the City Council of the City of Clermont, this 8th day of November, 2016.



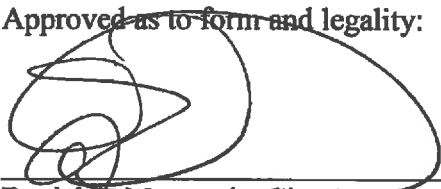
CITY OF CLERMONT


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:


Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

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

ORDINANCE NO. 2017-32

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS, REPEALING IN ITS ENTIRETY ORDINANCE 2016-48 AND AMENDING CHAPTER 18 "BUSINESSES," CREATING ARTICLE III "MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS", PROVIDING FOR PURPOSE AND DEFINITIONS, DECLARING MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS UNLAWFUL AND PROHIBITING, PROVIDING FOR USE OF MEDICAL MARIJUANA, PROVIDING FOR EFFECT OF ANNEXATION, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 26, 2017 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe,
MMC
City Clerk

Daily Commercial
September 12, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 26, 2017	
Agenda Item Name	
Ordinance No. 2017-33; <i>Final Anderson Hill Annexation</i>	
Requested Action	
Recommend approval of Ordinance 2017-33.	
Staff Report	
The applicant, Avid Group, is requesting annexation of the subject property. The City's comprehensive plan encourages requests for voluntary annexation into the City when those lands are logical extensions of the existing City limits, when services can be provided and when proposed uses are compatible with the City's comprehensive plan (Policy 1.12.3). This property was the subject of an annexation request earlier this year, but it was withdrawn in April by the applicant to further refine the development plan. The property is located west of U.S. Highway 27 and north of Anderson Hill Road. The City limits are across U.S. Highway 27 right-of-way to the east. This is considered contiguous under Chapter 171 of the Florida Statutes for annexation. The property is approximately 9.5 acres in size and is in the City's sewer service area. Water to the site will be provided by the private utility provider, Utilities Inc. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA). The applicant has requested to receive services from the City in order to develop the property into a commercial retail center with up to 58,000 square feet of C-2 General Commercial uses. The northern portion has a 10,000-square-foot vacant building, previously used as the West Star gym, which will undergo renovations. The southwest portion of the property was previously used by St. Mathias Episcopal Church and the parking lot is the only improvement remaining. The southeast portion fronts U.S. Highway 27 and is currently vacant. This request is being heard concurrently with requests for a small-scale comprehensive plan amendment and a rezoning to a Planned Unit Development (PUD). The related request for a comprehensive plan amendment would change the future land use from Lake County's Urban Low within a major commercial corridor to the City's Commercial designation. The rezoning request is to change the zoning from Urban Estate (currently Planned Commercial District and Community Facility District in Lake County) to the City's Planned Unit Development (PUD) zoning classification, allowing C-2 General Commercial uses. The applicant's request for annexation appears to be consistent with the City's comprehensive plan, and the City can provide the necessary services. Staff recommends approval of the annexation.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2017-33	ANN ORD 2017-33.doc	
2. Anderson Hill Maps	Anderson Hill Retail Maps 9-17.pdf	
3. Location Map	Anderson Hill 9-17 Annex location map.pdf	
4. Exhibit	Anderson Hill 9-17 annex Exhibit B.pdf	
5. Neighboring property owners letter	Neighbors letter_Aug 24 2017.pdf	
6. Application	Anderson Hill 9-17 Annexation App.pdf	
7. Legal Ad	ANN Anderson Hill legal ad 9-17.docx	

CITY OF CLERMONT
ORDINANCE No. 2017-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES; PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, RECORDING, AND PUBLICATION.

WHEREAS, the City Council of the City of Clermont, Lake County, Florida has received a Petition for Annexation of a parcel of land contiguous to the present corporate limits under Section 171.044, Florida Statutes; and

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

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

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

SECTION 1.

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

Legal Description

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

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

CITY OF CLERMONT
ORDINANCE No. 2017-33

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

Containing a total of 9.47 acres, more or less.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

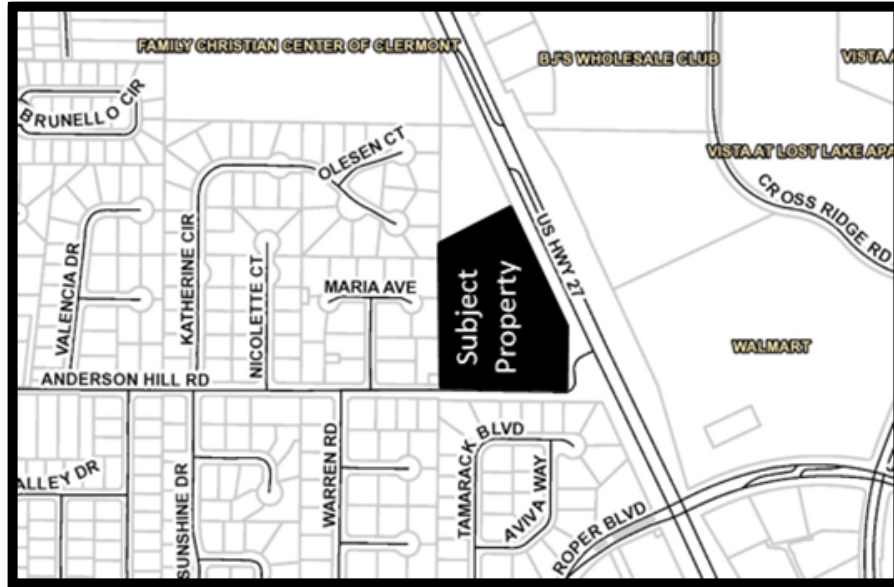
This Ordinance shall be recorded in the Public Records of Lake County, Florida.

SECTION 6.

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

CITY OF CLERMONT
ORDINANCE No. 2017-33

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-33

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 26th day of September, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Anderson Hill Retail

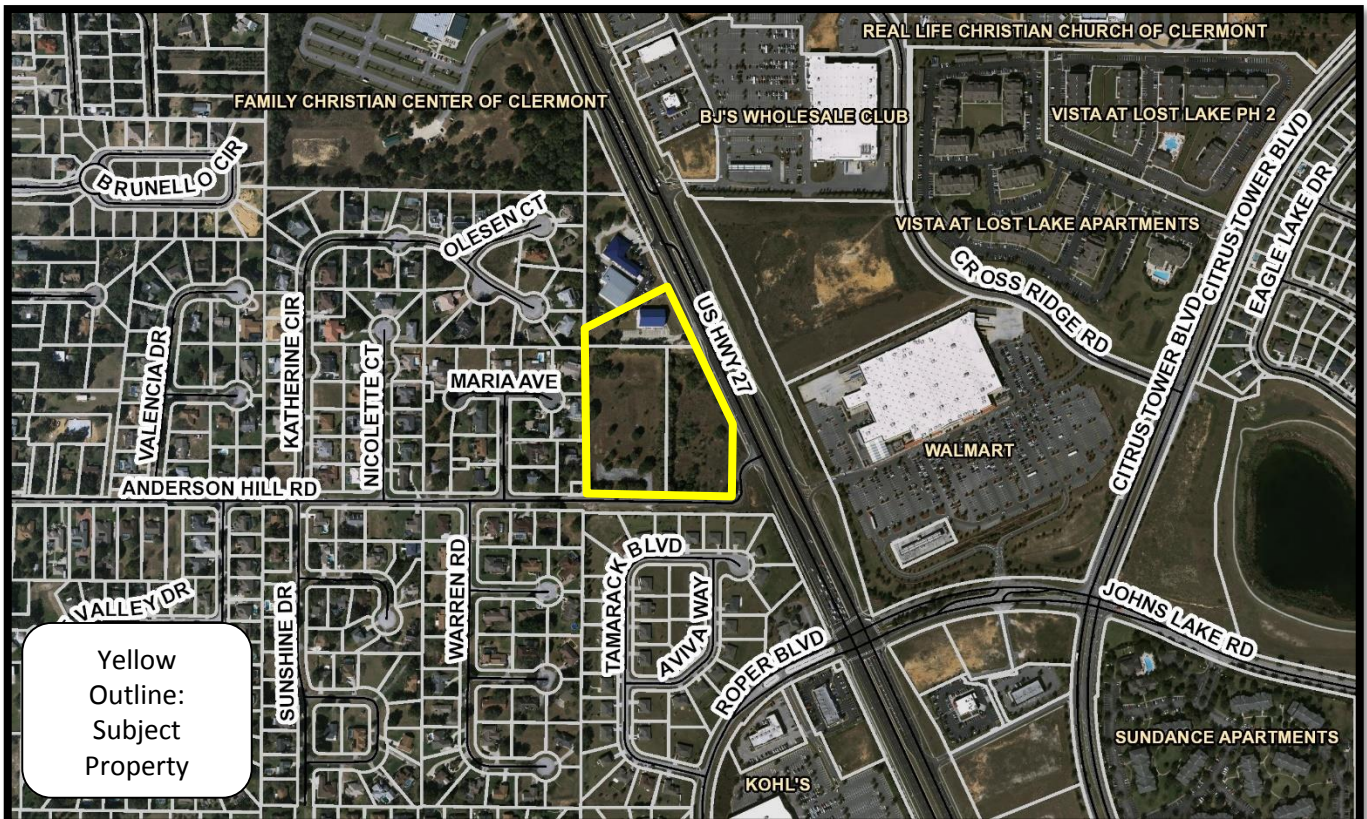
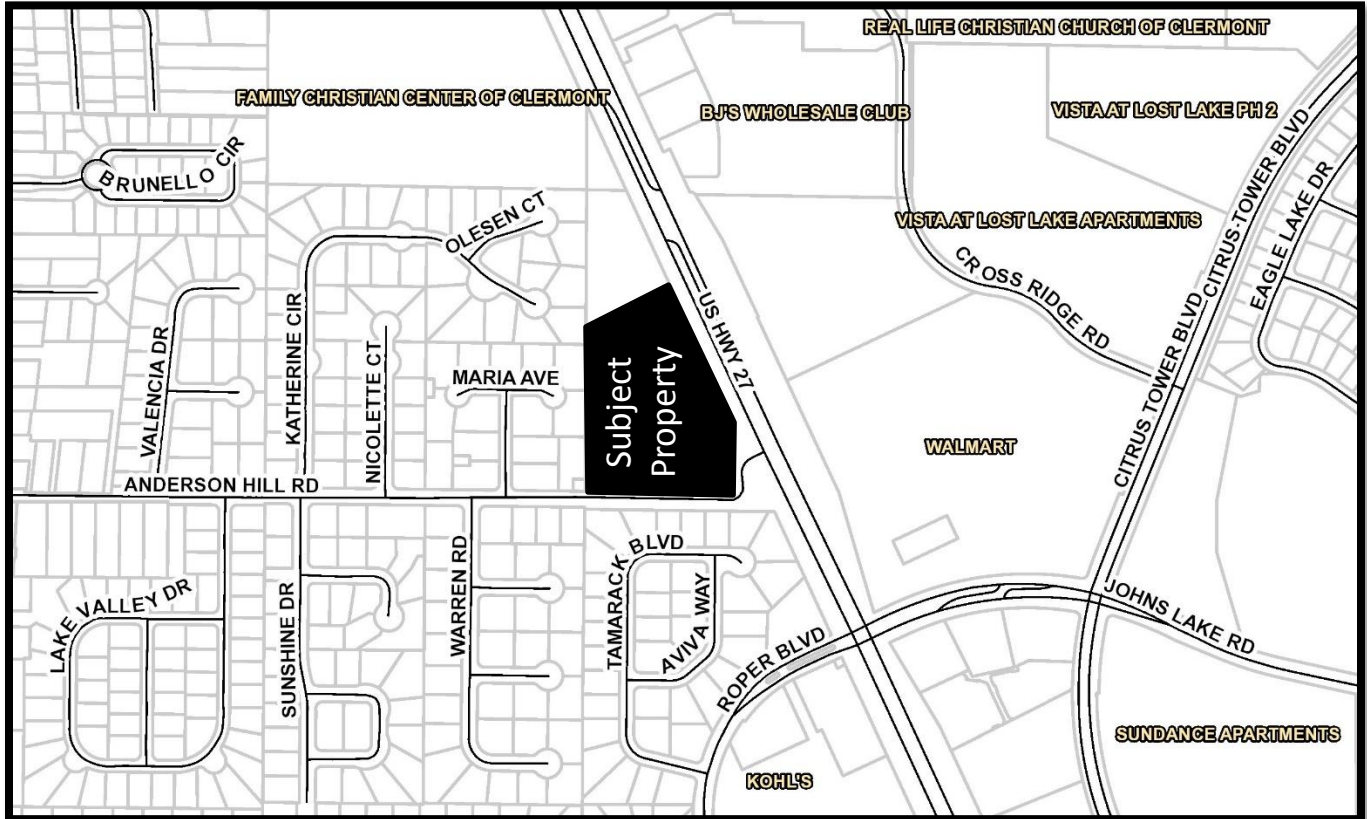


Exhibit – Future Land Use Map – Anderson Hill Retail

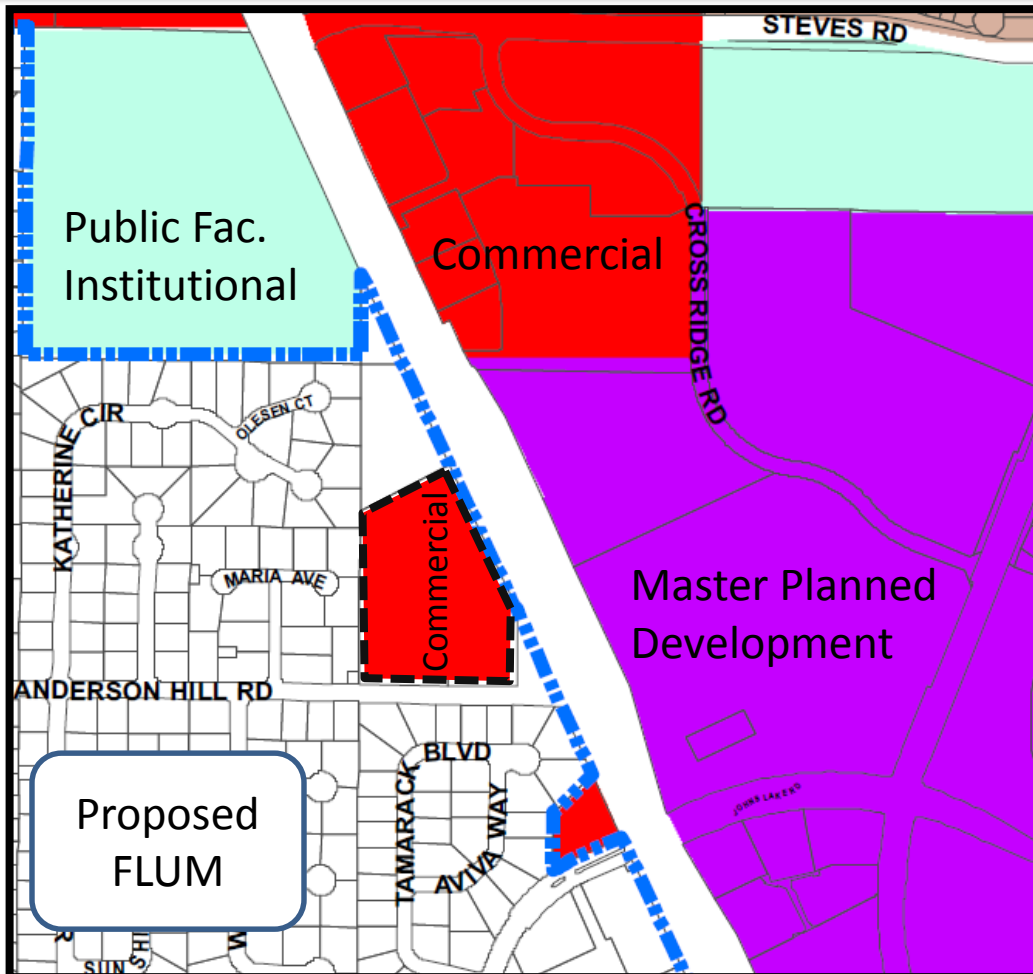


Exhibit – Zoning Map – Anderson Hill Retail

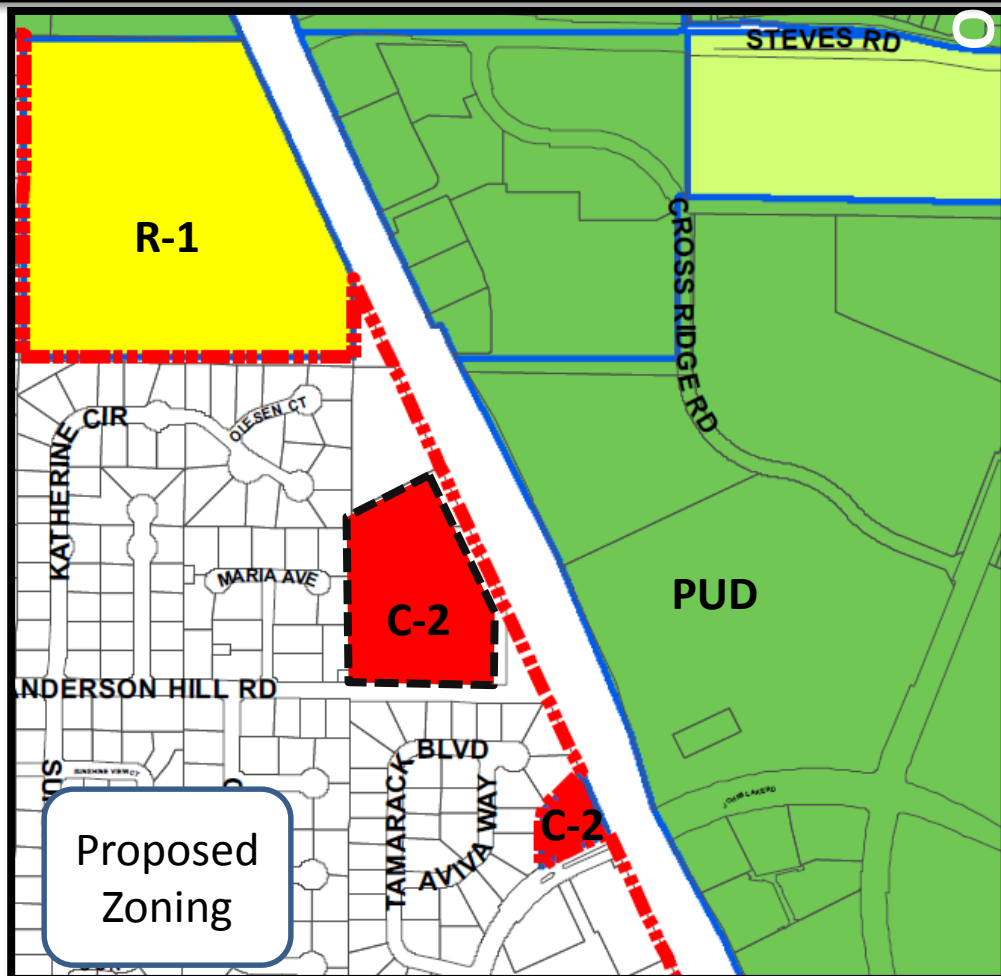
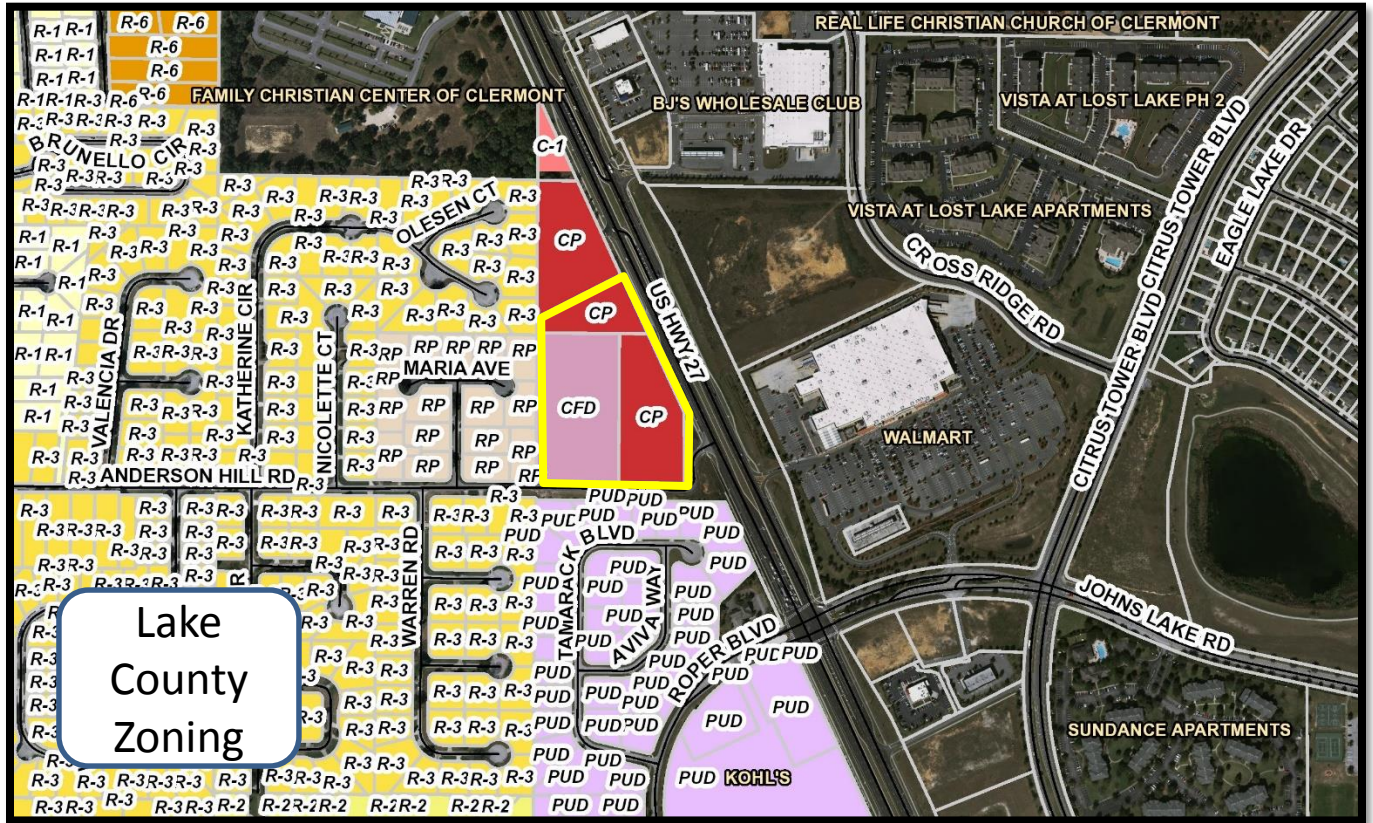


Exhibit - Annexation Map – Anderson Hill Retail

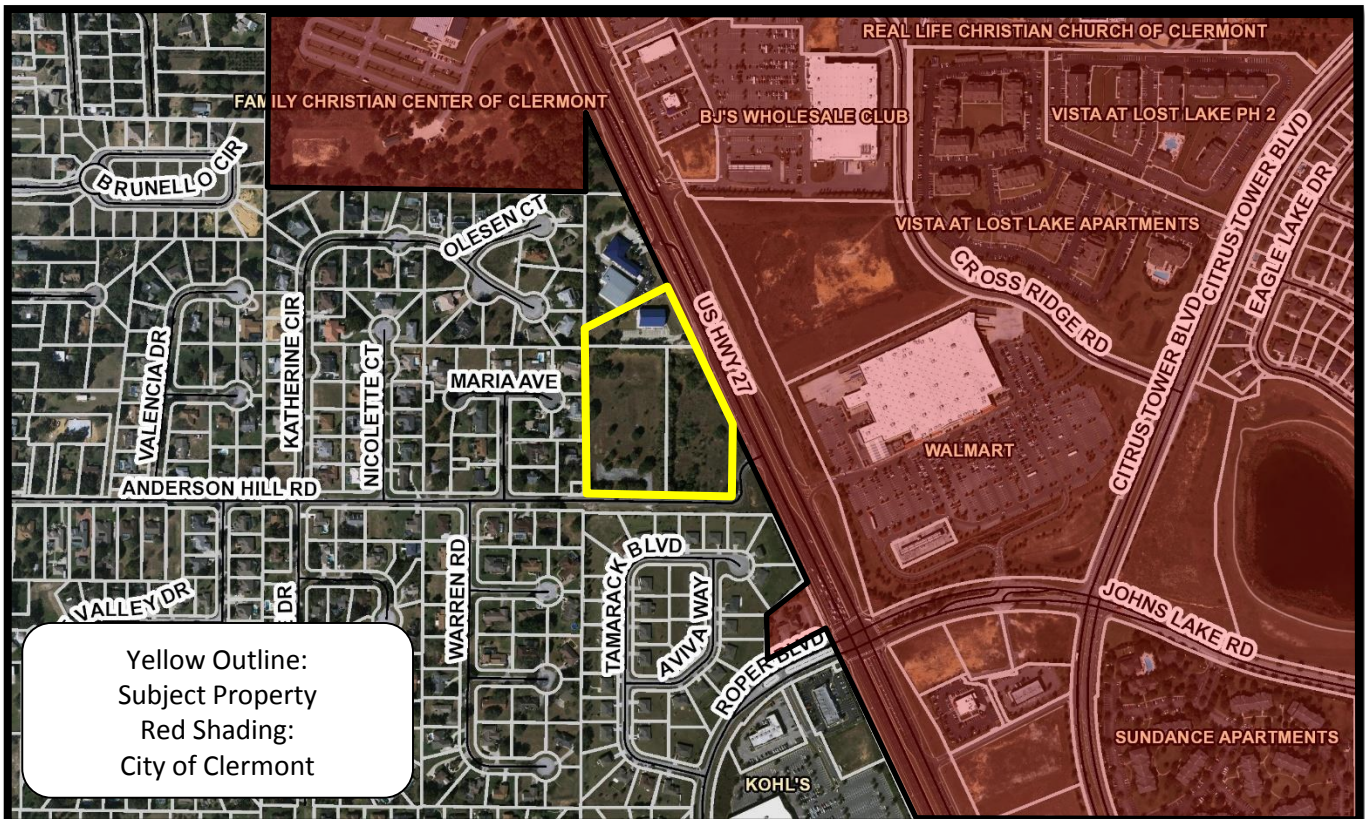
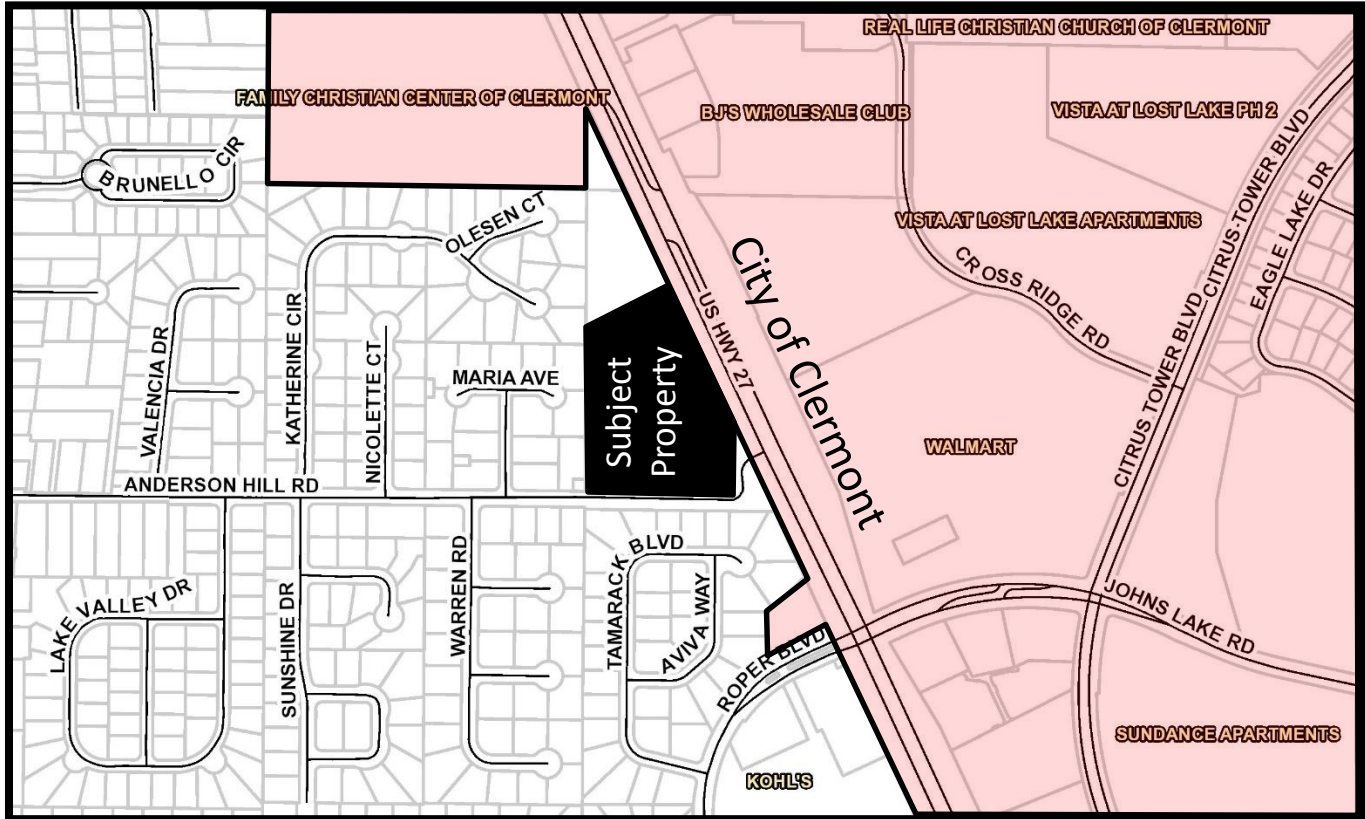
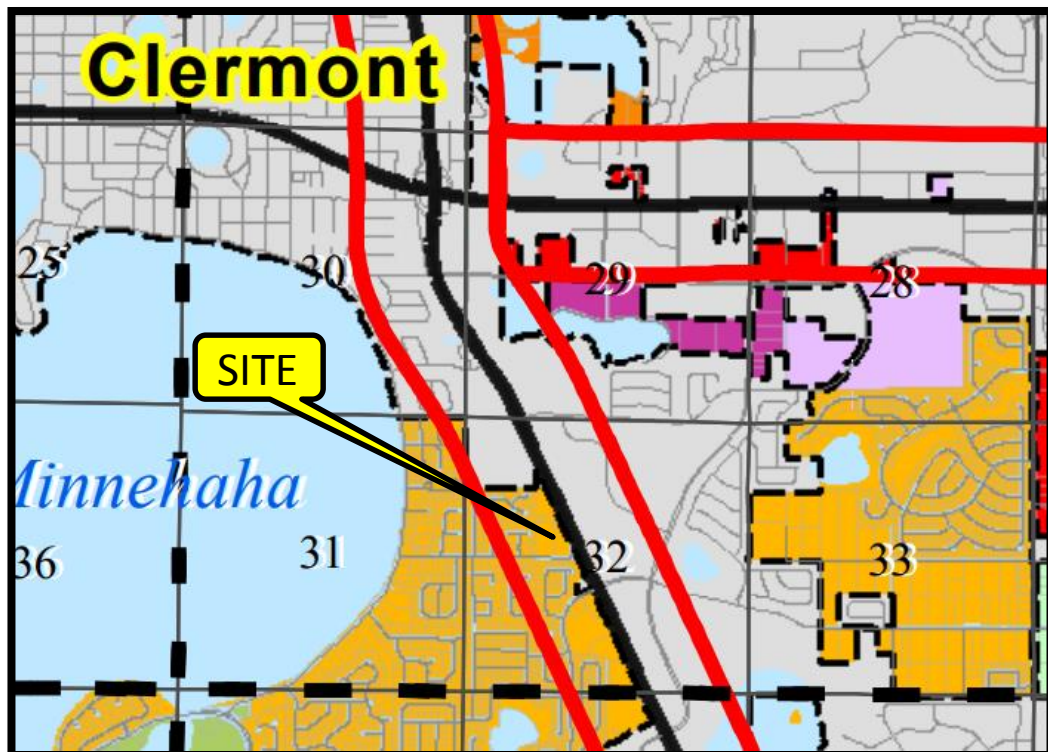
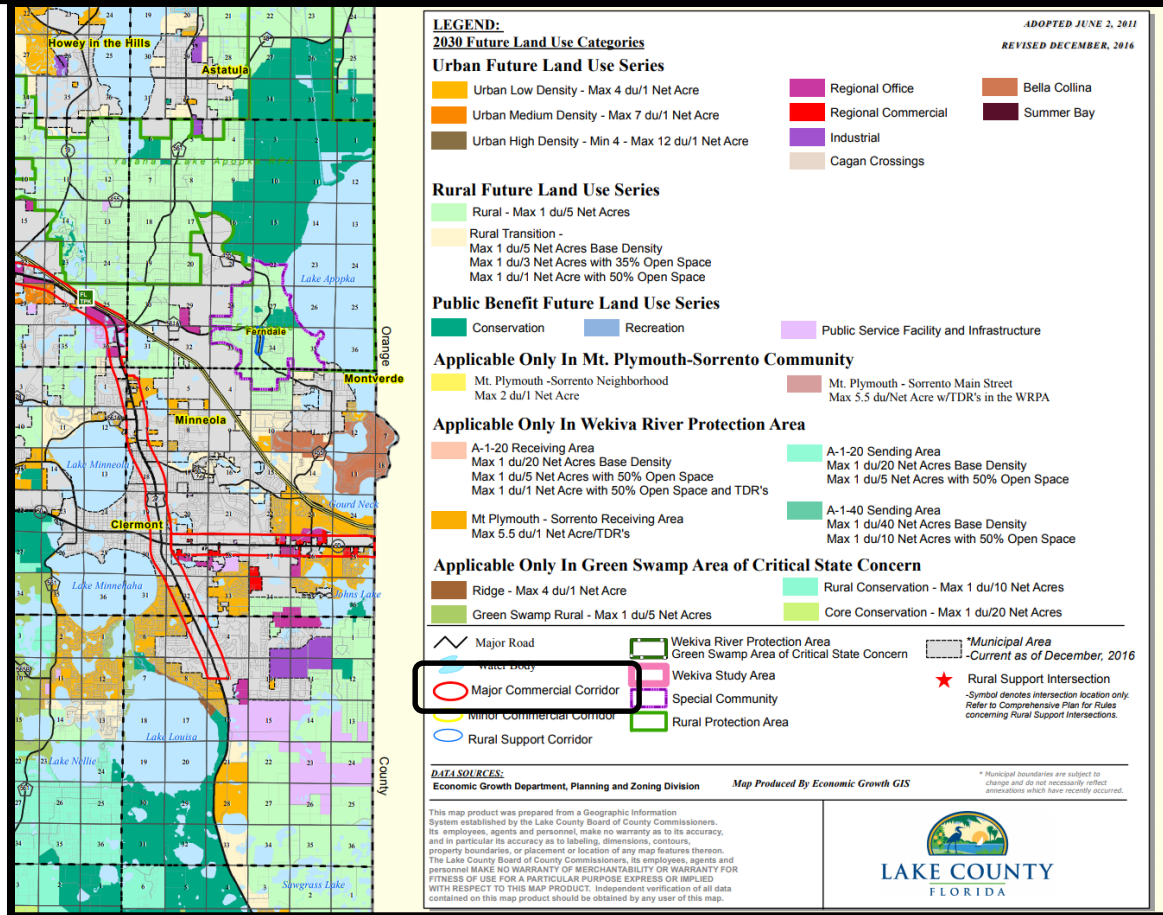


Exhibit – Lake County Future Land Use Map 2030 Anderson Hill Retail



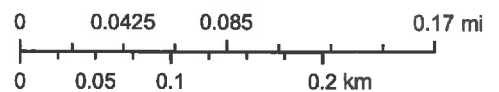
LOCATION MAP



July 27, 2017

1:5,000

- | | | | |
|--|-------------------------|--|---------------------------|
| | County Boundary | | Tax Parcels Alternate Key |
| | Street Names | | Tax Parcels |
| | Local Streets | | Surrounding Counties |
| | Subdivision Lot Numbers | | |
| | Property Name | | |



Narrative & Justification Statement
Annexation/Small-Scale Comp Plan/PUD Rezoning Applications

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

Project Description:

Subject property is comprised of three parcels totaling 9.47 acres of land located at the northwest corner of US Highway 27 and Anderson Hill Road in unincorporated Lake County. The properties are owned by Anderson Hill DLSU, LLC, who will combine the properties for (re)development as a multi-tenant retail/commercial shopping center.

The two parcels fronting US Highway 27 are currently zoned CP (Commercial Parkway) and the rear parcel is zoned CFD (Community Facility District) in unincorporated Lake County. All three parcels have a future land use map designation of Urban Low Density. The property owner/developer seeks annexation of the three parcels into the City of Clermont with PUD (Planned Unit Development) zoning and Commercial future land use map designation.

The northern parcel is currently developed with a 9,472 sq.ft., two-story commercial building that was previously occupied by West Star fitness center. The existing building and some of the associated site improvements (parking and retention pond) will be retained as part of the redevelopment. The eastern parcel was approved for a 33,000 sq.ft., 2-story retail/office building in Lake County. The western parcel was approved for a 25,913 sq.ft. church, office and daycare center. A total of 68,385 sq.ft. of nonresidential building area has been approved through the county for a gross Floor Area Ratio (FAR) of 0.17 on the 9.47-acre site.

The PUD site development plan is attached for the proposed development project. Including the existing building, the total building area will be 56,372 sq.ft. plus 1,400 sq.ft. of outdoor patios for a gross Floor Area Ratio (FAR) of 0.14 on the 9.47-acre site. Permitted uses within the development shall be those that are permitted within the City's C-2 (General Commercial District) zoning district.

As discussed in the "*Traffic Analysis Executive Summary*", prepared by Traffic Planning and Design, Inc., dated July 19, 2017, there is a de minimis difference between the above-described entitled/approved development and the proposed development. The difference is a decrease of 34 net new trips during the A.M. peak hour and an increase of 12 net new trips during the P.M. peak hour.

The three individual site plans included a total of three access driveways (one onto US Highway 27 and two onto Anderson Hill Road). By combining and master planning the three parcels through the City's PUD process, one of the driveways will be eliminated on Anderson Hill Road.

Small-Scale Comprehensive Plan Amendment and Rezoning Evaluation Criteria:

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

Review Criteria

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

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

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

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

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

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

Applicant's finding:

- a. The changing condition that triggered the need for this land use amendment and rezoning is the pending annexation of these properties in order to (re)develop and connect to the City's central sewer system. Thus, rezoning within the City of Clermont is both necessary and justified.
- b. Two of the three parcels are already zoned for commercial uses within Lake County. The third parcel was previously owned by a church and thus had obtained master plan zoning in the County to allow for institutional uses. Consolidation of all three parcels for the proposed commercial development project makes sense because it provides adequate site area and depth to address changes in topography and it overcomes the irregular shapes and depths of the existing commercial parcels.
- c. The project can be developed consistent with the City's land development code requirements, which by design are intended to provide use-based compatibility measures such as minimum building setbacks and landscape buffering between different uses. A neighborhood meeting was held on March 30, 2017 and based on feedback from the adjoining property owners, specific details of the proposed landscape buffer for the western boundary are provided on the PUD site development plan. The neighbors requested a wall (not a fence) be installed on top of or adjacent to the retaining wall, one neighbor requested that he not have any trees along his portion of the buffer because of the close proximity of his house and pool enclosure to the property line, and the other three neighbors requested additional privacy screening so the trees will be clustered along their lots instead.

Planned Unit Development Review Criteria:

Pursuant to Land Development Code (LDC) Section 122-315, the Planning Commission and City Council shall use the following standards in reaching recommendations and decisions to grant PUD approval. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

Review Criteria

1. Location

- a. **Relation to major transportation facilities.**

Applicant's finding: The development is located at the intersection of a state-maintained arterial roadway (US Highway 27) and a county-maintained collector road (Anderson Hill Road). Both roads are currently operating at an acceptable level of service (LOS), per the "2016 Lake County Annual Traffic Counts" report prepared by Lake County Public Works and the "Lake County TMS Segment Report – 2014/15 Level of Service" prepared by Lake-Sumter MPO.

The proposed project will not degrade the LOS on either road, per the *"Lake County Retail Project Traffic Impact Analysis"*, prepared by Traffic Planning and Design, Inc., dated June 5, 2017, which has been reviewed and approved by Lake-Sumter MPO. Included with this application is the *"Traffic Analysis Executive Summary"*, prepared by Traffic Planning and Design, Inc., dated July 19, 2017, which contains a general summary of the TIA and follow-up analysis conducted, as well as a copy of the MPO approval letter, dated June 20, 2017.

In addition, the public right-of-way width and streets are adequate to serve the project. There was previously an additional 40' of right-of-way dedication granted from subject property along Anderson Hill Road. The developer is proposing to construct safety upgrades to improve the shoulders along the curved section of Anderson Hill Road just west of US Highway 27, to add striping along Anderson Hill Road, and to construct a 5-ft. pedestrian sidewalk along the north side of Anderson Hill Road.

The three individual site plans previously approved in unincorporated Lake County included a total of one access driveway onto US Highway 27 and two access driveways onto Anderson Hill Road. By combining and master planning the three parcels through the City's PUD process, one of the driveways will be eliminated on Anderson Hill Road.

b. Relation to public utilities, facilities and services.

Applicant's finding:

Potable Water and Fire Service: Utilities are available to serve the development. Potable water is adjacent to the site and provided by Utilities Inc. (see attached service availability letter). The developer will install water and fire service connections as needed to serve the development.

Sanitary Sewer: The developer will be installing an on-site lift station and an off-site sewer main extension in order to connect to the City of Clermont's existing sanitary sewer system. Wastewater discharge shall comply with the requirements of Code Section 66-76.

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

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

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

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

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

c. Physical character of site and relation to surrounding property.

Applicant's finding: The site is suitable for development in the manner as approved under the Florida Building Code, and other applicable state, county and city laws. The proposed commercial development is consistent with the character and type of development that is allowed within the requested City land use and zoning classifications, which allow a maximum density of 12 du/ac (none proposed) and a maximum intensity of 0.25 FAR and 0.80 ISR. There are no residential units proposed and the PUD site development plan shows the project's proposed intensity of 57,772 sq.ft. (0.14 FAR).

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

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

2. Uses, density, open space, living area per family and other regulations.

Applicant's finding: The development is intended to comply with the standards for the City's C-2 General Commercial District in terms of both dimensional standards and permitted uses. The only potential design exceptions known to be requested are related to the western buffer yard. Approval is requested to allow the proposed 6' high screening wall to be constructed as an integral part of the top tier retaining wall, as shown on the PUD site development plan, or in close proximity to the retaining wall (less than 5' separation) if built as a separate a freestanding structure. It is not clear whether the code requires a separation or not, so specific approval is requested. This will allow a full 10' buffer width to maximize the root zone for healthy growth of the buffer trees. The other exception is to allow clustering of the trees within the western buffer, as shown on the PUD site development plan, to address one neighbor's request for no trees along his common property line and intensification of the tree density along the other three neighbor's common property lines.

Prepared by:
AVID Group

A handwritten signature in blue ink, appearing to read 'Peter Pensa', with a stylized flourish extending to the right.

Peter Pensa, AICP
Director of Planning

August 24, 2017

VIA E-MAIL CORRESPONDENCE

Re: Anderson Hill Commercial Project – Avid Group

Dear Mayor Ash and Members of Clermont City Council:

As you are aware, immediately prior to the April 11 Clermont City Council Meeting, Avid Group withdrew its applications for annexation, comprehensive plan amendment, rezoning and conditional use permit on the 9.5 acres located at the intersection of Anderson Hill Road and US Highway 27. Many residents contacted you via e-mail, letters and calls expressing concern about Avid Group's development plans. Their withdrawal letter noted the Applicant will "continue to engage the residents and to work with them on a proposal which deals with their concerns."

On June 30, 2017 Avid Group resubmitted their applications for annexation, comprehensive plan amendment, rezoning and conditional use permit with the City of Clermont. **Included in these applications and modified plans is language that may wrongly lead the City Council to believe that the concerns and issues the residents have with the proposed development have been addressed – they have not.**

We, the residents, wish to avoid any misrepresentation by the Applicant and/or its legal counsel. Therefore, we respectfully offer the following conditions and uses that would make development of this property **safe and compatible** with the surrounding area:

1. No access from Anderson Hill Road
2. Acceptable Uses:

Residential	• Single-family detached and attached units • Multi-family not to exceed 2-story (35-ft.)	
Community Facility Development	• Churches • K-12 schools	• Day care • Assisted Living Facility
Professional Offices (operating hours limited to 8 am to 8 pm)	• Law Offices • Executive Offices	• Travel Agent • Real Estate Offices

3. Install Stop signs at Katherine Circle, creating a 4-way stop (~half way down Anderson Hill Road)
4. Install sidewalks from Lakeshore Drive to US Highway 27 along at least one side of Anderson Hill Road
5. Along the western side of the site that abuts existing residential property:
 - a. Maintain a 40-foot wide buffer from the residential property lines to be landscaped with viburnum hedge to be maintained at no less than 6-ft in height – and trees to create privacy screen (per each resident request)
 - b. Construct an 8-foot masonry wall along entire existing grade, to be finished in real or faux stone on residence side, to be erected along the property line prior to beginning construction – including site preparation – to minimize noise, dust, etc.
 - c. Keep and maintain the existing mature landscape
6. Along the southern property line (along Anderson Hill Road):
 - a. Maintain a minimum 30-foot wide landscaped buffer – within the buffer, install and maintain a 4- ft. high viburnum hedge

We appreciate your consideration and believe you will find these requests are fair to ensure the safety and compatibility of the existing (decades old) residential environment with the development of the property.

Regards – Anderson Hill Area Homeowners

cc: Darren Gray, City Manager
Lake County Commissioner Sean Parks
Lake County Commissioner Leslie Campione
Lake County Commissioner Timothy Sullivan
Lake County Commissioner Wendy Breeden
Lake County Commissioner Josh Blake
Lake County Engineer Fred Schneider

NAME	ADDRESS	SIGNATURE
Keith McFarland	13117 Sunshine Cir Clermont, FL 34711	Keith McFarland
Elaine McFarland	13117 Sunshine Cir, Clermont	Elaine McFarland
TOM ENGLISH	12307 WARREN RD	TOM ENGLISH
ROSE FARRELL	13215 Maria Ave	Rose Farrell
Andrew D. Gilliam	13222 Palmer Dr.	Andrew D. Gilliam
SANDRA MARTIN	11925 ONE JUDIC DR	Sandra Martin
Richard Pendorgest	12708 Linda Rd., C.	Richard Pendorgest
FERNANDO L. WATSON	12816 Katherine Cir	Fernando Watson
YOSHIE MATEL	12816 Katherine Cir	Yoshie MATEL
James Roberts	13205 Plaza Ave	James Roberts
Patricia Roberts	13205 Plaza Ave.	Patricia Roberts
Mary C. Battersby	12535 El Viento St.	Mary C. Battersby
Rebecca B. Newsome	12211 Lake Valley Dr Clermont, FL 34711	Rebecca B. Newsome
David Hopkins	12100 Garnet Dr. Clermont FL 34711	David Hopkins
Alison Hopkins	12100 Garnet Dr. Clermont 34711	Alison Hopkins
PAUL BEIRNES	12340 LAKE VALLEY DR	PAUL BEIRNES
Lynne P. Beirnes	12340 Lake Valley Dr.	Lynne P. Beirnes
Vince Johnson	13145 PALMER Drive	Vince Johnson
Kelli Johnson	13145 Palmer Dr	Kelli Johnson
Nancy Srodes	12339 Warren Rd.	Nancy Srodes

Name	Address	Signature
Mary L. Ivanoff	12435 Lake View CLERMONT FL 34711	Mary Louise Ivanoff
Pat Colvin	12435 Lake Valley Dr CLERMONT FL 34711	Pat Colvin
Allen E. Colvin	12435 Lake Valley Dr CLERMONT FL 34711	Allen E. Colvin
Carol Colvin	12435 Kathleen Ave CLERMONT, FL 34711	Carol Colvin
Karen Albritton	12230 Lake Valley Dr CLERMONT FL 34711	Karen E. Albritton
JIM ALBRITTON	✓	James D. Albritton
CHRISTINE WHEELER	12580 Nicolette Ct 34711	Christine Wheeler
Scott Wheeler	12580 Nicolette Ct 34711	Scott Wheeler
Matthew Ledridge	1312 Anderson Hill Rd CLERMONT 34711	Matthew Ledridge
GARY CLARICE E YENOR	12200 Lake Valley Dr CLERMONT, FL 34711	Clarice E. Yenor
CHARLES & DIANNE RUSS	12512 LAKE SHORE CLERMONT, FL	Dianne Russ
BARBARA THOMPSON	12930 Amber Ave CLERMONT, FL	Barbara Thompson
Sharon Nichols	13728 Olsen Ct CLERMONT 34711	Sharon Nichols
Megan Jones	12303 Sunshine Drive CLERMONT, FL 34711	Megan Jones
Robin Cotch	12558 Nicolette Ct CLERMONT 34711	Robin Cotch
JACK FARRELL	13215 MARIA AVE CLERMONT 34711	Jack Farrell
Jennifer Cotch	12522 Valencia Dr CLERMONT FL 34711	Jennifer Cotch
Tim Snodes	12239 Warren Rd CLERMONT FL	Tim Snodes
Gunny Calfee	12811 Amber Ave	Gunny Calfee
David Calfee	12811 Amber Ave	David Calfee
Richard Newsome	12211 Lake Valley Pl	Richard Newsome



APPLICATION & PETITION

\$155.00 +

cost of advertisement

FEE: ~~\$50.00~~DATE: Jun 30, 2017

Please type or print – use black pen/ink only.

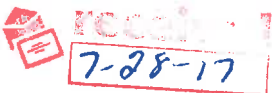
PROJECT NAME (if applicable): Anderson Hill CommercialAPPLICANT: AVID Group, ATTN: Peter Pensa, AICPAddress: 2300 Curlew Road, Suite 201City: Palm Harbor State: FL Zip: 34683Phone: 727-789-9500 x181 Fax: n/aApplicant is: Owner: ☐ Agent: ☒ Purchaser: ☐ Lessee: ☐ Optionee: ☐OWNER: Anderson Hill DLSU, LLCAddress: 625 State Road 100City: Palatka State: FL Zip: 32177Phone: 386 329-4000 Fax: AGENT NAME (Affidavit required): AVID Group, ATTN: Peter Pensa, AICPAddress: 2300 Curlew Road, Suite 201City: Palm Harbor State: FL Zip: 34683Phone: 727-789-9500 x181 Fax: n/aE-Mail: peter.pensa@avidgroup.com

Property address and/or general location: NWC of US Hwy 27 & Anderson Hill Rd
 (no address - Parcel# 09-22-26140002700000; 13301 Anderson Hill Rd - Parcel#
 09-22-26140002700001; & 12629 US Hwy 27 - Parcel# 09-22-26140002200001)

Area of property: 9.47 +/- acres, and/or 412,248 +/- sq. ft.

The property is PRESENTLY used for: Vacant commercial building (formerly a fitness center) and
vacant commercial/nonresidential land

The property is PROPOSED to be used for: Commercial development. See attached project
description and justification statement.





Existing Lake County Land Use* : Urban Low Density

Existing Lake County Zoning* : CP & CFD

*** NOTE: All property annexed into the City of Clermont is automatically zoned Urban Estate Residential (UE) Zoning District. A separate application for a Land Use Plan Amendment & Rezoning is required. Applicable fees shall apply.**

Number of existing structures on the property and their present use: _____
One parcel has a 9,472 SF, 2-story building that was previously occupied by a fitness center. The other two parcels are vacant commercial/nonresidential land. _____

State the reason or basis for this request: Commercial development. See attached project description and justification statement.

EXACT LEGAL DESCRIPTION as shown on the Tax Receipt or Warrant Deed.
(attach copy).

Section 32, Township 22 S, Range 26 E

See attached legal description

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



**PETITION OF LANDOWNER(S) FOR ANNEXATION
OF CERTAIN PROPERTY TO THE CITY OF CLERMONT**

WE, the undersigned landowner(s) pursuant to the provisions of Chapter 59-1497 (Senate Bill No. 912), Laws of Florida, Regular Session 1959, entitled

AN ACT TO AMEND CHAPTER 9820, LAWS OF FLORIDA, SPECIAL ACT OF 1923, AS AMENDED, BEING THE CHARTER OF THE CITY OF CLERMONT, FLORIDA, TO PROVIDE ENABLING LEGISLATION FOR THE FUTURE ANNEXATION OF CONTIGUOUS TERRITORY BY PETITION AND CONSENT OF THE LANDOWNER(S) IN THE AREA SOUGHT TO BE ANNEXED: PROVIDING THAT SAID PROVISIONS SHALL BE CUMULATIVE: PROVIDING THAT THE PROPERTY ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY, AND PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL OF SUCH TERRITORY HAD BEEN A PART OF THE CITY OF CLERMONT AT THE TIME OF THE PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES, AND FIXING EFFECTIVE DATE,

hereby petition that the hereinafter described real estate be annexed to, and become a part of the city limits of the City of Clermont, a municipal corporation in Lake County, Florida, created and existing pursuant to Chapter 9820, Laws of Florida, Special Acts of 1923, and amendatory and supplementary acts thereto, and we, jointly and severally, consent to such annexation of such area to said City of Clermont and upon annexation sought by this petition, all of the property, real and personal, within such area, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties and privileges of said City of Clermont, Florida and the said property shall be liable, proportionally, for all the present outstanding and existing, as well as future, indebtedness of the said City of Clermont; that all of the ordinances of the City of Clermont and all laws heretofore passed by the Legislature of the State of Florida, relating to and which now or hereafter constitute its Charter shall apply to have the same force and effect in such territory as may be annexed under the provisions hereof as if all of such territory had been part of the City of Clermont at the time of the passage and approval of said laws and ordinances.

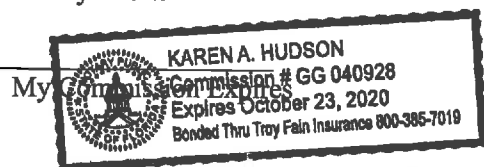
IN WITNESS WHEREOF, we, the undersigned landowners, as petitioners, have hereunto set our hands and seals as of the 30th day of June, 2017

Legal description of the property: (Type, print in black ink, or attach a copy of the warranty deed or current tax receipt).

Quintus I. Roberts, Sr.
Landowner (Petitioner)

6.30.2017
Date

Karen A. Hudson
Notary Public





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: Jun 30, 2017

Before me, the undersigned authority personally appeared Quintus I. Roberts, Sr. (owner(s) name), who being by me duly sworn on oath, deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.
2. That said authority desires an ANNEXATION to allow: commercial development of the property
3. That said authority (owner) has appointed (agent's name) AVID Group (Peter R. Pensa, AICP) to act in its behalf to accomplish the above, and before me the undersigned authorized agent personally appeared and being by me duly sworn on oath, deposes and says:

A. That he/she affirms and certifies that he/she understands and will comply with all Ordinances, Regulations, and Provisions of the City of Clermont, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Clermont, Florida, and are not returnable.

B. That the Submittal requirements for the application have been completed and attached hereto as part of that application.

X [Signature]
Owner (signature)

X [Signature]
Agent's (signature)

Sworn to and subscribed before me this 30th day of June, 20 17.

Karen A. Hudson

Notary Public, State of FL

My commission expires:

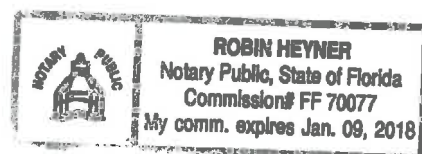
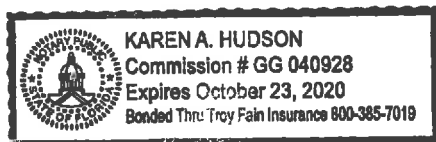
Sworn to and subscribed before me this 27 day of July, 20 17.

Robin Heyner

Notary Public, State of FL

My commission expires: 1-9-18

*Note: Owner must sign affidavit. When agent is representing case, both agent and owner must sign affidavit.



Anderson Hill Retail

Overall Legal Description:

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

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

Containing a total of 9.47 acres more or less.

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, September 26, 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. 2017-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY; RECORDING, AND PUBLICATION.

LOCATION:

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

LEGAL DESCRIPTION

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

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

Containing a total of 9.47 acres, more or less.

See Map Below

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

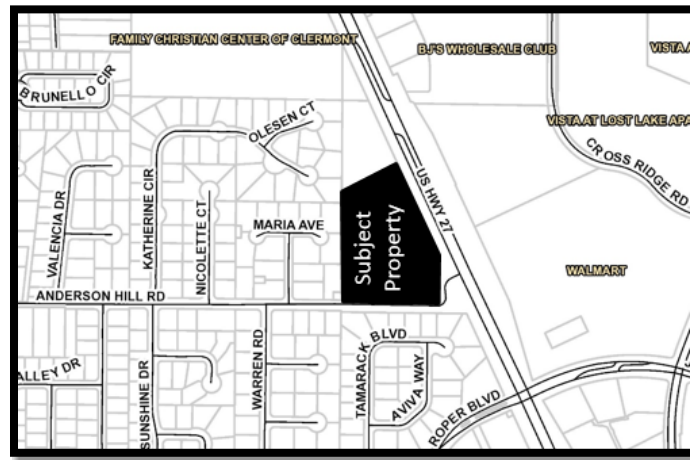
Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd Howe, MMC

City Clerk
Daily Commercial

September 12, 2017 & September 19, 2017

Location Map:





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date											
Tuesday, September 26, 2017											
Agenda Item Name											
Ordinance No. 2017-34; <i>Final</i> <i>Anderson Hill Small-Scale Comprehensive Plan Amendment</i>											
Requested Action											
Recommend approval of Ordinance 2017-34.											
Staff Report											
The applicant, Avid Group, is requesting a small-scale comprehensive plan amendment for the subject property. The request was before the Council earlier this year for consideration, but it was withdrawn in April by the applicant to further refine the development plan. The property is approximately 9.5 +/- acres in size. This request is being heard concurrently with requests for annexation and rezoning. The applicant wishes to develop the property and use City services. The small-scale comprehensive plan amendment would change the future land use from Lake County's Urban Low within a major commercial corridor to the City's Commercial designation. The property fronts a major six-lane arterial roadway encouraging commercial use and has existing commercial uses to the north and across U.S. Highway 27 to the east. The Commercial designation is supported by the proximity of the property to U.S. Highway 27 and the existing development pattern of comparable intensity in the area. In addition, Lake County's comprehensive plan, Policies I-1.3.2 & I-1.3.10.6, permits the proposed commercial activities and encourages infill development within commercial corridors. The City's Commercial future land use would be comparable with Lake County's Urban Low within the major commercial corridor designation. The Commercial future land use is the most appropriate based on the development pattern of the surrounding area, which is primarily commercial along the U.S. Highway 27 corridor. Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Lake County Urban Low to Commercial in the City.											
Additional Analysis											
Fiscal Impact Summary											
Fiscal Impact	Fund Number and Description	Available Budget Amount									
Exhibits Attached (copies of original agreements)											
<table border="0"><tr><td>1.</td><td>Ordinance 2017-34</td><td>CPA ORD 2017-34.doc</td></tr><tr><td>2.</td><td>Location map</td><td>Anderson Hill 9-17 Sm Sc location map.pdf</td></tr><tr><td>3.</td><td>Maps and Exhibits</td><td>Anderson Hill Retail Maps 9-17.pdf</td></tr></table>			1.	Ordinance 2017-34	CPA ORD 2017-34.doc	2.	Location map	Anderson Hill 9-17 Sm Sc location map.pdf	3.	Maps and Exhibits	Anderson Hill Retail Maps 9-17.pdf
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2.	Location map	Anderson Hill 9-17 Sm Sc location map.pdf									
3.	Maps and Exhibits	Anderson Hill Retail Maps 9-17.pdf									

4.	Neighboring property owners letter	Neighbors letter_Aug 24 2017.pdf
5.	Application	Anderson Hill 9-17 Small Scale app.pdf
6.	Legal Ad	CPA Anderson Hill legal ad 9-17.docx

CITY OF CLERMONT
ORDINANCE No. 2017-34

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

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

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

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

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

Section 1.

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

LEGAL DESCRIPTION

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

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

CITY OF CLERMONT
ORDINANCE No. 2017-34

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

Containing a total of 9.47 acres, more or less.

Alternate Key 1453496, 3828239, and 2826541.

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM COUNTY URBAN LOW DENSITY
TO CITY OF CLERMONT COMMERCIAL

Section 2.

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

Section 3.

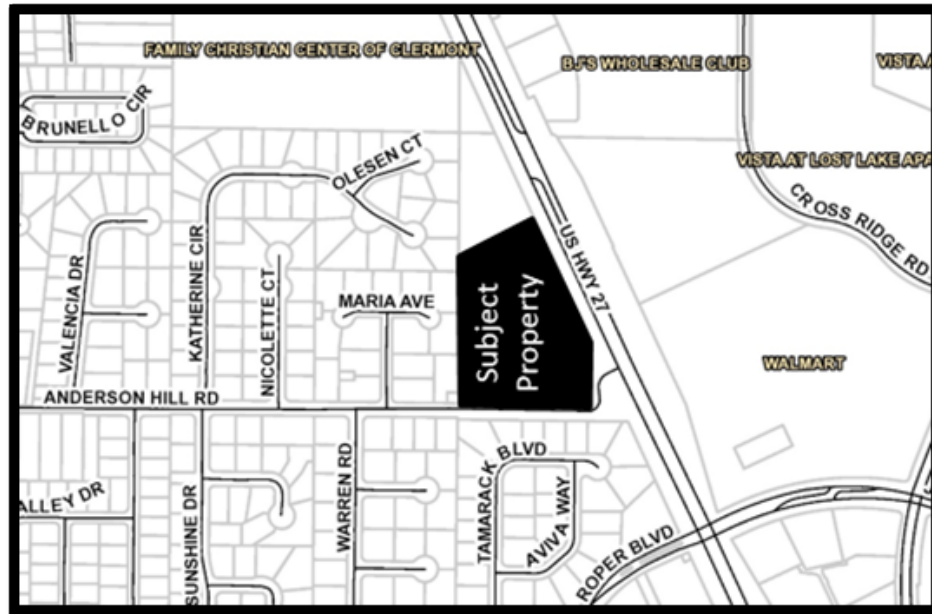
All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 4.

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

CITY OF CLERMONT
ORDINANCE No. 2017-34

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-34

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of September, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LOCATION MAP



July 27, 2017



County Boundary

Street Names

Local Streets

Subdivision Lot Numbers

Property Name

Tax Parcels Alternate Key



Tax Parcels



Surrounding Counties

1:5,000

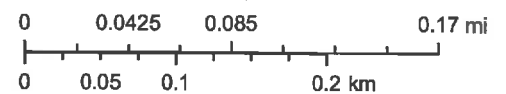


Exhibit - Location Map – Anderson Hill Retail

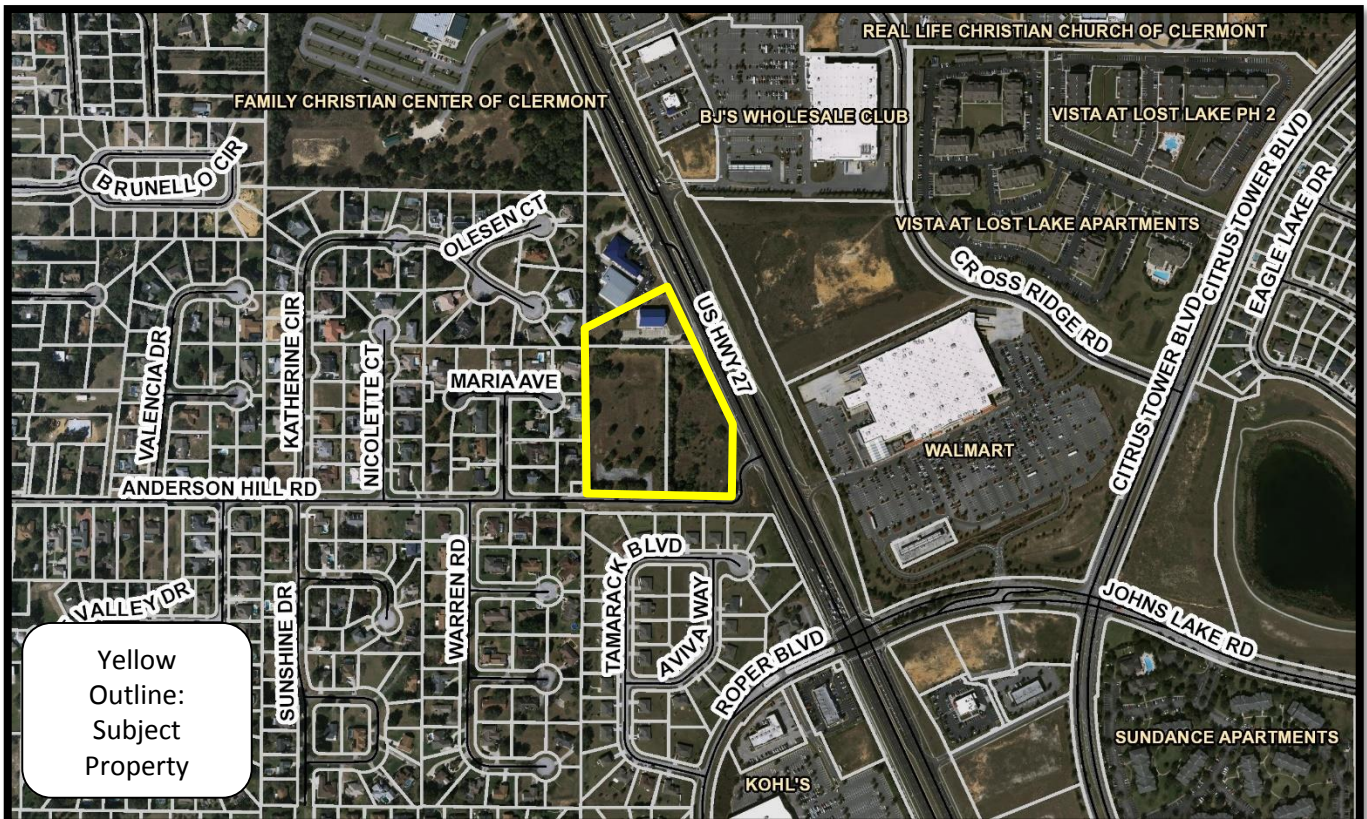
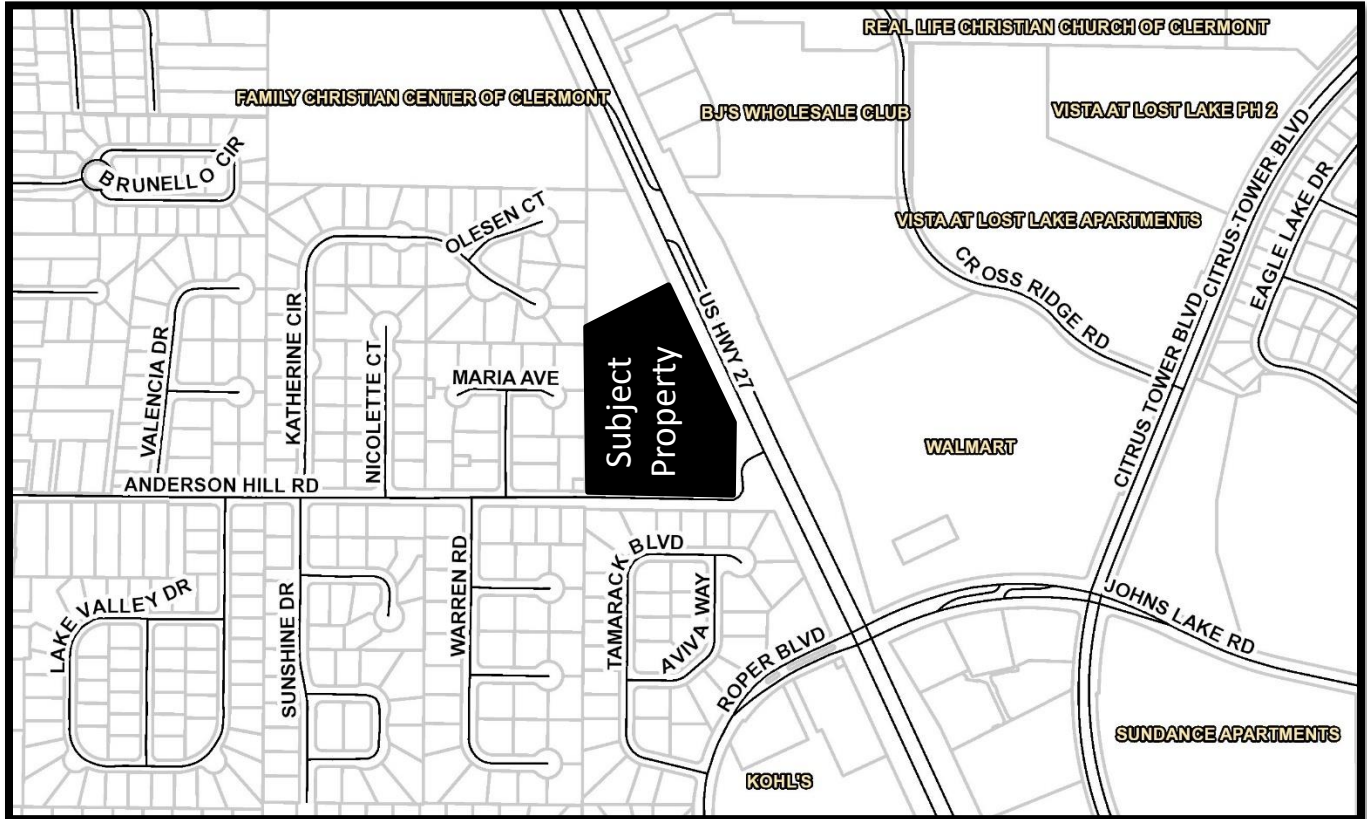


Exhibit – Future Land Use Map – Anderson Hill Retail

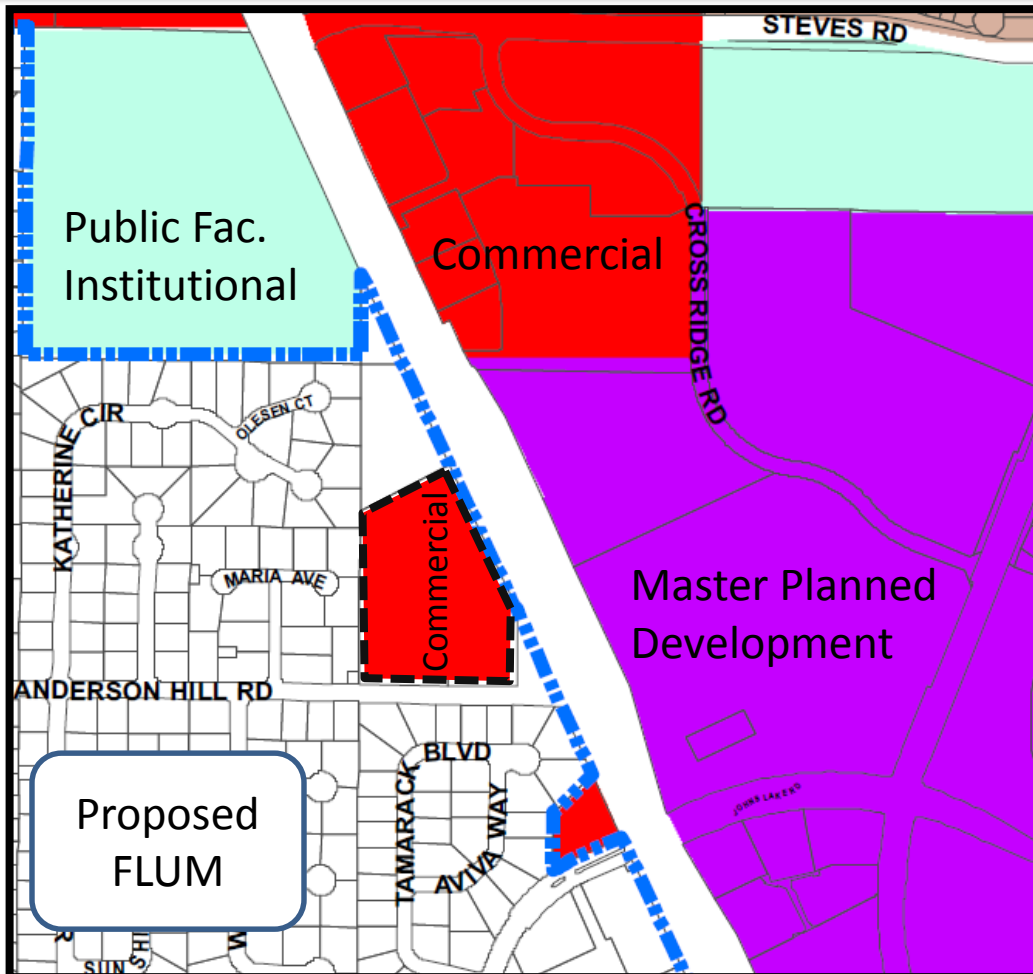


Exhibit – Zoning Map – Anderson Hill Retail

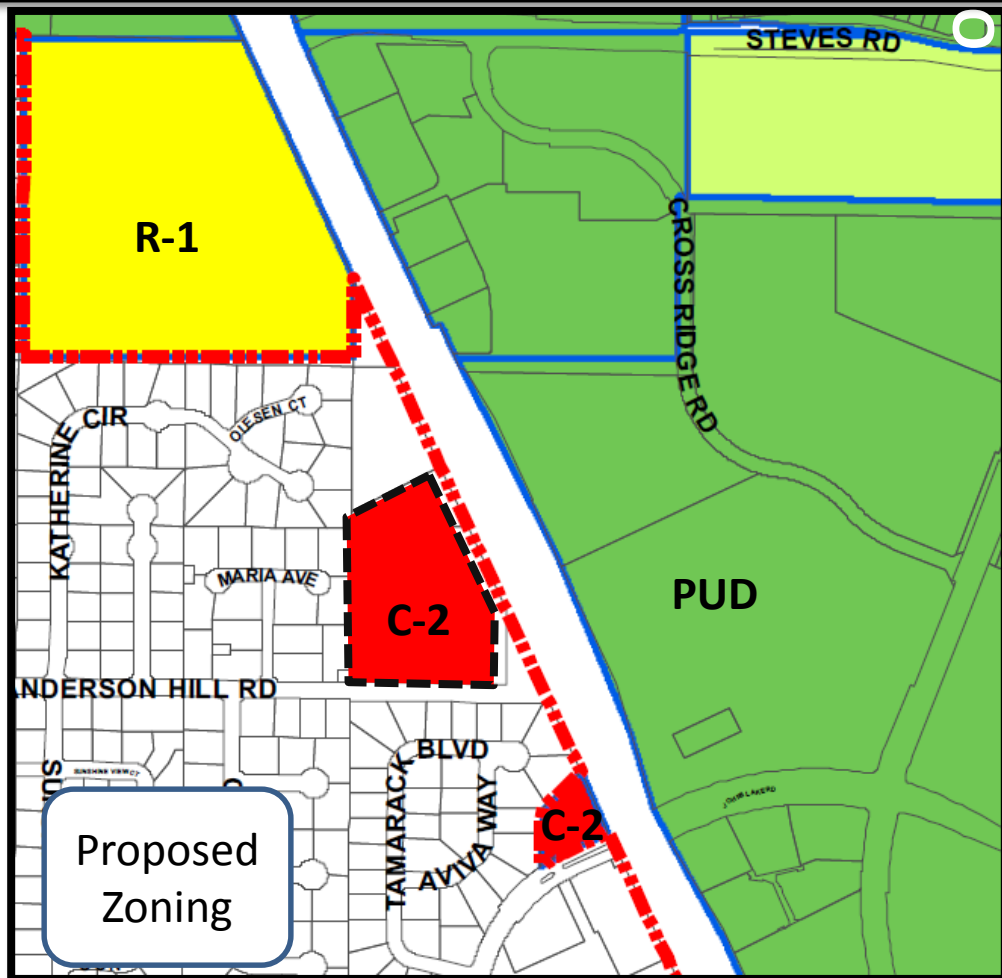
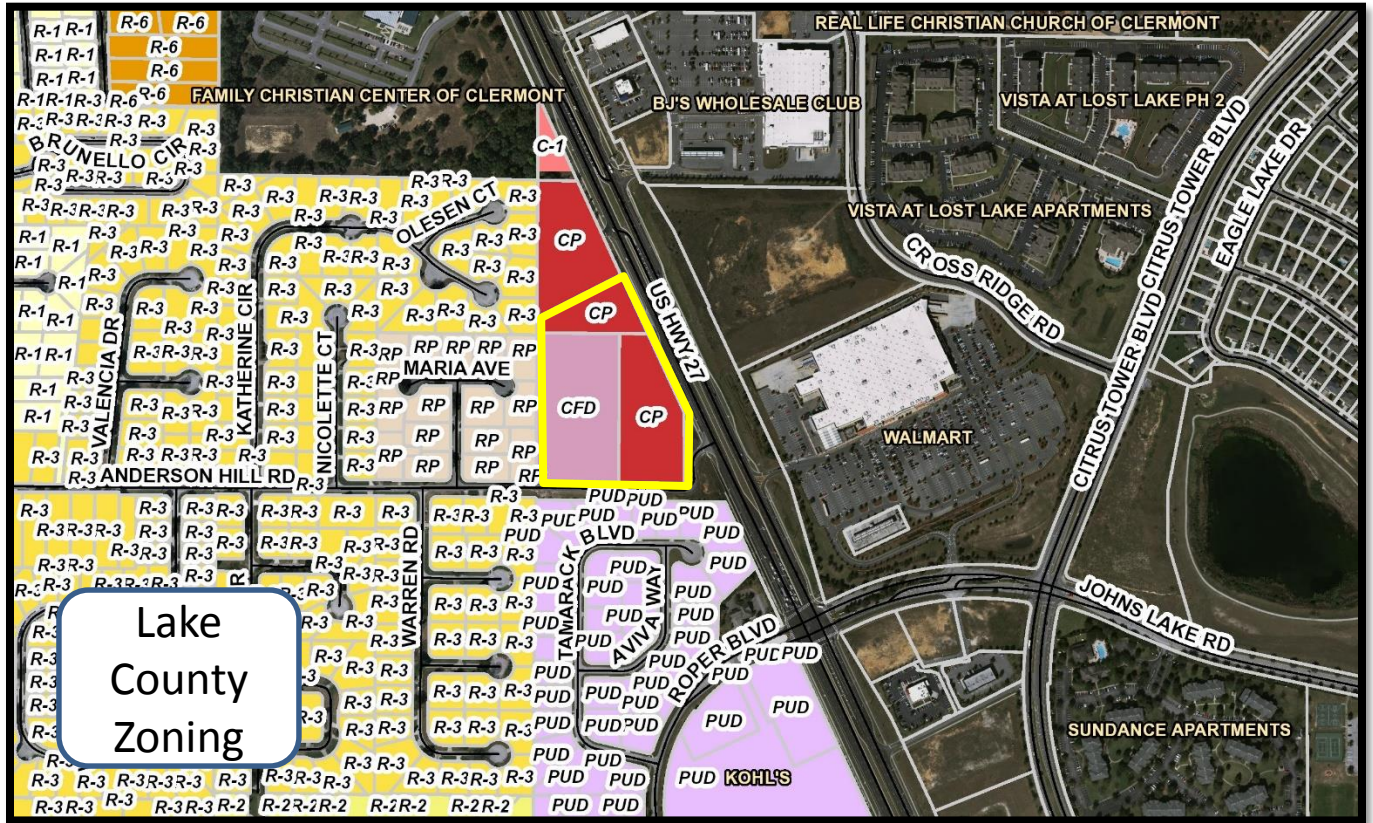


Exhibit - Annexation Map – Anderson Hill Retail

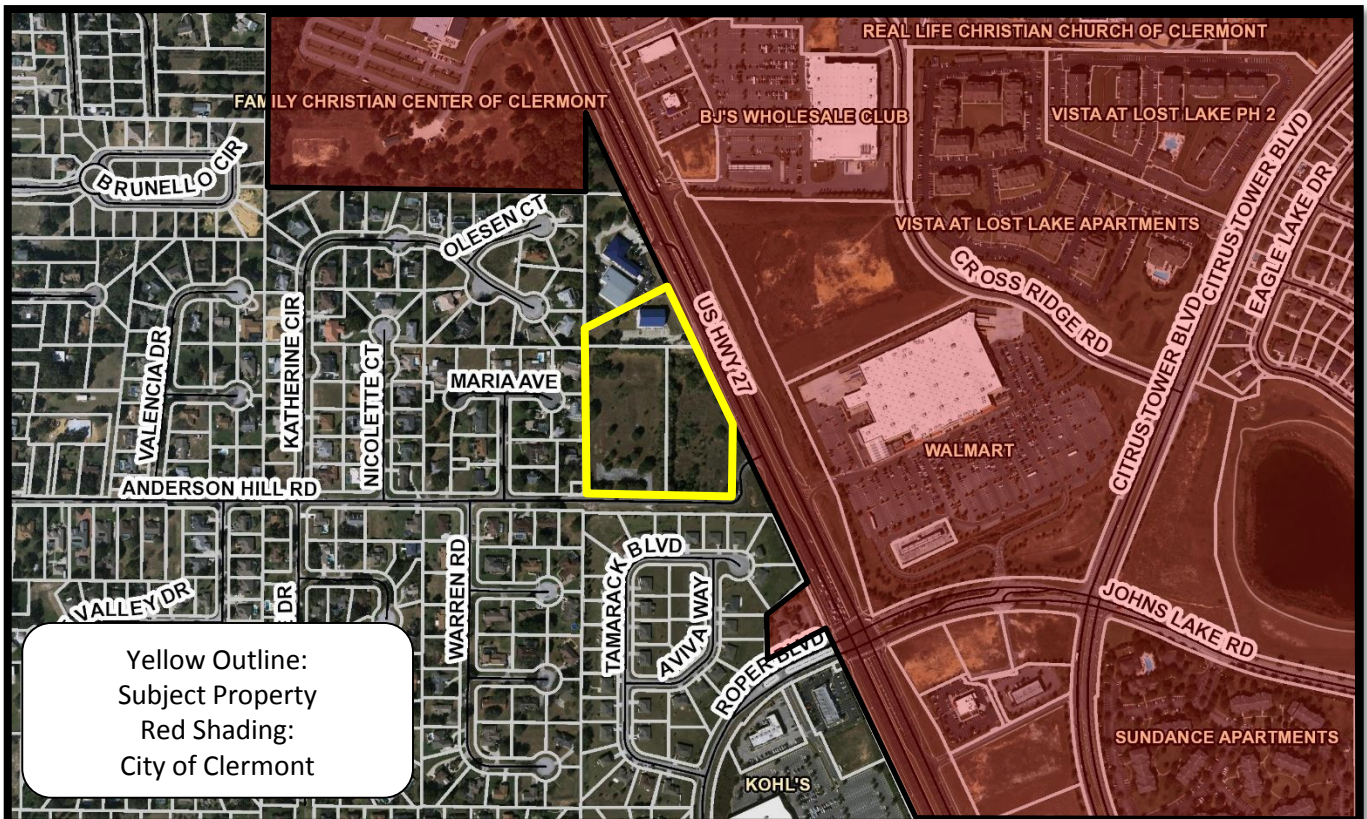
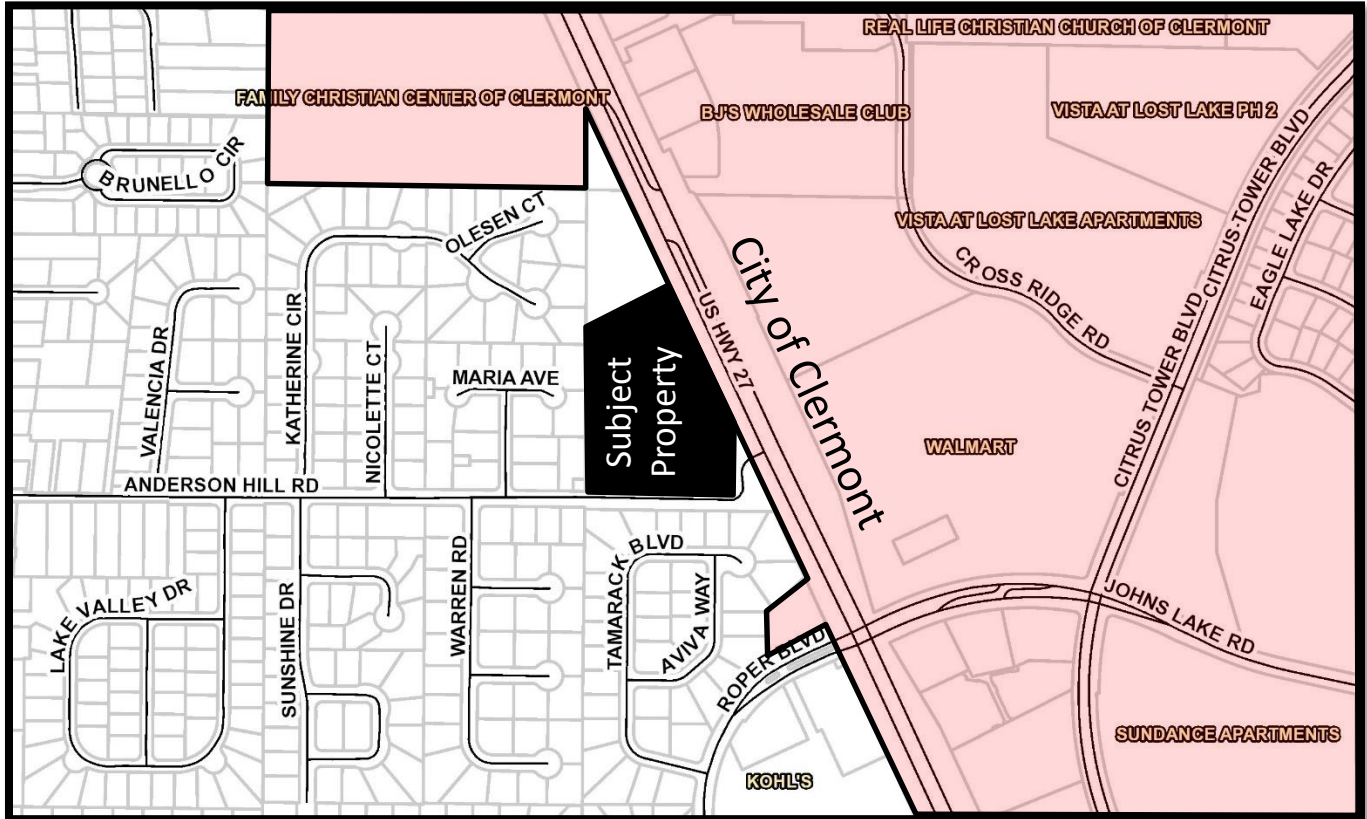
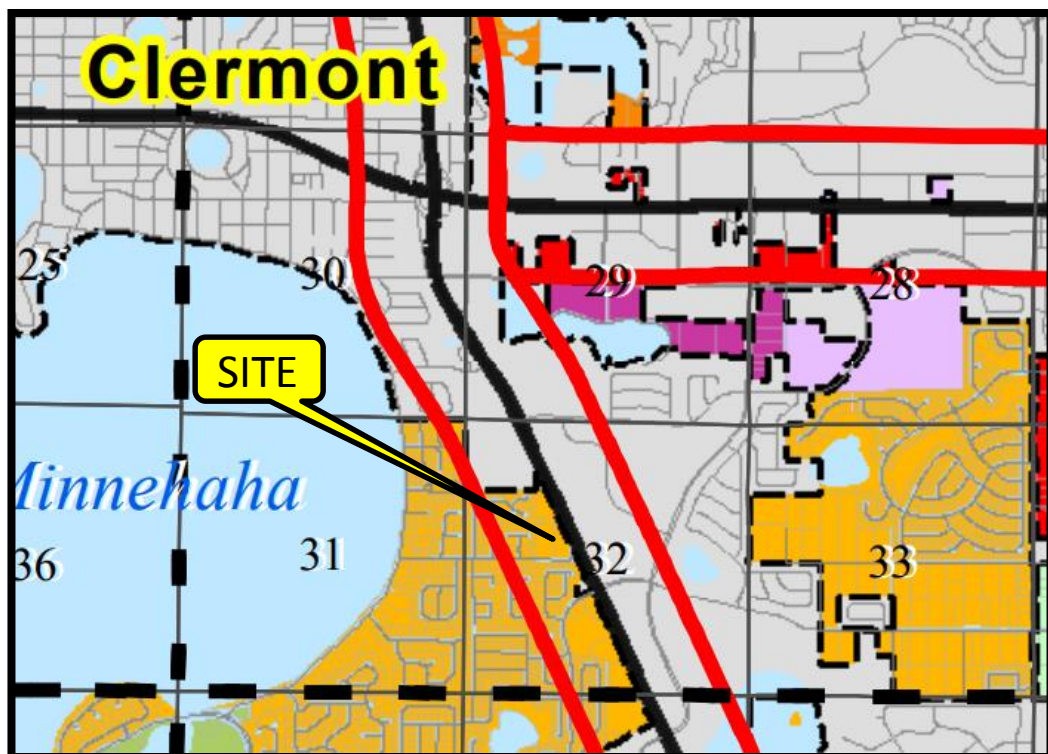
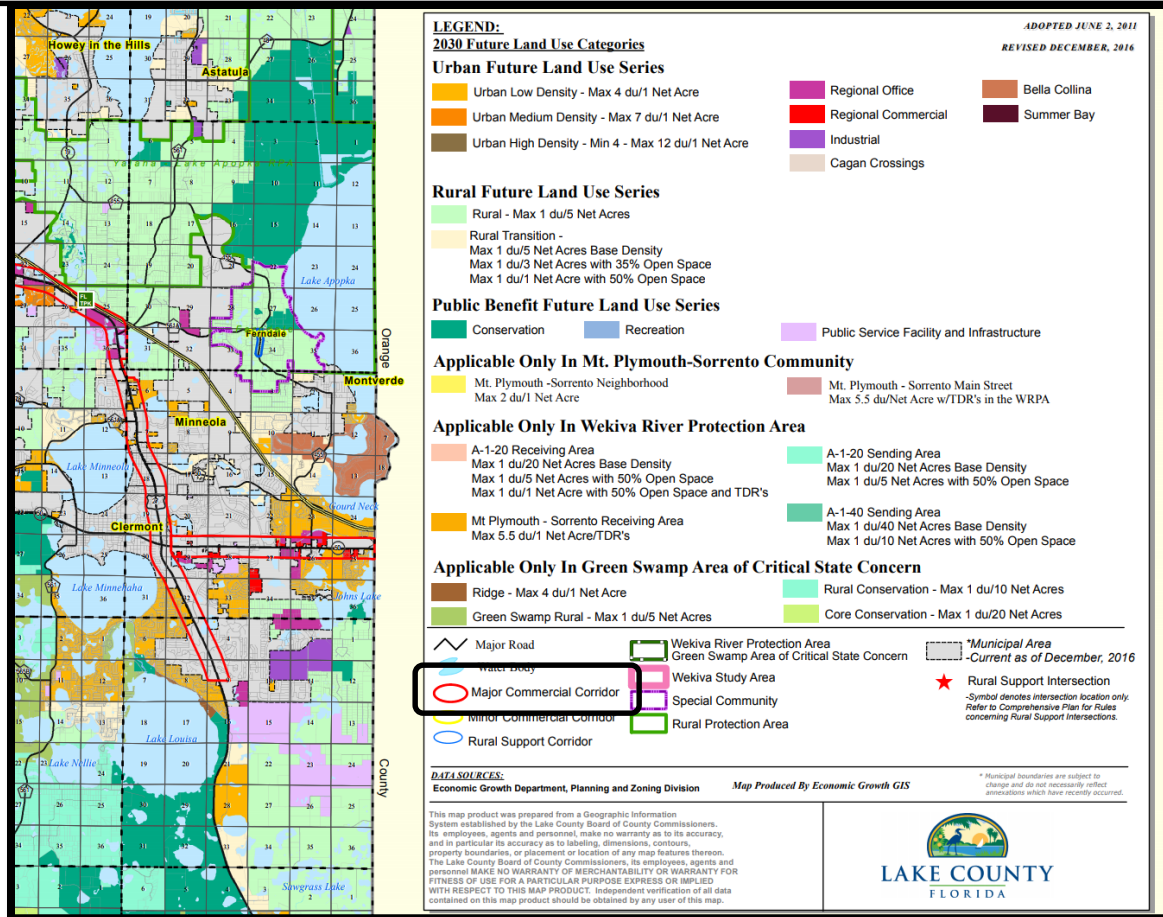


Exhibit – Lake County Future Land Use Map 2030 Anderson Hill Retail



August 24, 2017

VIA E-MAIL CORRESPONDENCE

Re: Anderson Hill Commercial Project – Avid Group

Dear Mayor Ash and Members of Clermont City Council:

As you are aware, immediately prior to the April 11 Clermont City Council Meeting, Avid Group withdrew its applications for annexation, comprehensive plan amendment, rezoning and conditional use permit on the 9.5 acres located at the intersection of Anderson Hill Road and US Highway 27. Many residents contacted you via e-mail, letters and calls expressing concern about Avid Group's development plans. Their withdrawal letter noted the Applicant will "continue to engage the residents and to work with them on a proposal which deals with their concerns."

On June 30, 2017 Avid Group resubmitted their applications for annexation, comprehensive plan amendment, rezoning and conditional use permit with the City of Clermont. **Included in these applications and modified plans is language that may wrongly lead the City Council to believe that the concerns and issues the residents have with the proposed development have been addressed – they have not.**

We, the residents, wish to avoid any misrepresentation by the Applicant and/or its legal counsel. Therefore, we respectfully offer the following conditions and uses that would make development of this property **safe and compatible** with the surrounding area:

1. No access from Anderson Hill Road
2. Acceptable Uses:

Residential	• Single-family detached and attached units • Multi-family not to exceed 2-story (35-ft.)	
Community Facility Development	• Churches • K-12 schools	• Day care • Assisted Living Facility
Professional Offices <i>(operating hours limited to 8 am to 8 pm)</i>	• Law Offices • Executive Offices	• Travel Agent • Real Estate Offices

3. Install Stop signs at Katherine Circle, creating a 4-way stop (~half way down Anderson Hill Road)
4. Install sidewalks from Lakeshore Drive to US Highway 27 along at least one side of Anderson Hill Road
5. Along the western side of the site that abuts existing residential property:
 - a. Maintain a 40-foot wide buffer from the residential property lines to be landscaped with viburnum hedge to be maintained at no less than 6-ft in height – and trees to create privacy screen (per each resident request)
 - b. Construct an 8-foot masonry wall along entire existing grade, to be finished in real or faux stone on residence side, to be erected along the property line prior to beginning construction – including site preparation – to minimize noise, dust, etc.
 - c. Keep and maintain the existing mature landscape
6. Along the southern property line (along Anderson Hill Road):
 - a. Maintain a minimum 30-foot wide landscaped buffer – within the buffer, install and maintain a 4- ft. high viburnum hedge

We appreciate your consideration and believe you will find these requests are fair to ensure the safety and compatibility of the existing (decades old) residential environment with the development of the property.

Regards – Anderson Hill Area Homeowners

cc: Darren Gray, City Manager
Lake County Commissioner Sean Parks
Lake County Commissioner Leslie Campione
Lake County Commissioner Timothy Sullivan
Lake County Commissioner Wendy Breeden
Lake County Commissioner Josh Blake
Lake County Engineer Fred Schneider

NAME	ADDRESS	SIGNATURE
Keith McFarland	13117 Sunshine Cir Clermont, FL 34711	Keith McFarland
Elaine McFarland	13117 Sunshine Cir, Clermont	Elaine McFarland
TOM ENGLISH	12307 WARREN RD	TOM ENGLISH
ROSE FARRELL	13215 Maria Ave	Rose Farrell
Andrew D. Gilliam	13222 Palmer Dr.	Andrew D. Gilliam
SANDRA MARTIN	11925 ONE JUDIC DR	Sandra Martin
Richard Pendorgest	12708 Linda Rd., C.	Richard Pendorgest
FERNANDO L. WATSON	12816 Katherine Cir	Fernando Watson
YOSHIE MATEU	12816 Katherine Cir	Yoshie Mateu
James Roberts	13205 Plaza Ave	James Roberts
Patricia Roberts	13205 Plaza Ave.	Patricia Roberts
Mary C. Battersby	12535 El Viento St.	Mary C. Battersby
Rebecca B. Newsome	12211 Lake Valley Dr Clermont, FL 34711	Rebecca B. Newsome
David Hopkins	12100 Garnet Dr. Clermont FL 34711	David Hopkins
Allison Hopkins	12100 Garnet Dr. Clermont 34711	Allison Hopkins
PAUL BEIRNES	12340 LAKE VALLEY DR	PAUL BEIRNES
Lynne P. Beirnes	12340 Lake Valley Dr.	Lynne P. Beirnes
Vince Johnson	13145 PALMER Drive	Vince Johnson
Kelli Johnson	13145 Palmer Dr	Kelli Johnson
Nancy Srodes	12339 Warren Rd.	Nancy Srodes

Name	Address	Signature
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Pat Colvin	12435 Lake Valley Dr Clermont FL 34711	Pat Colvin
Glenn E. Colvin	12435 Lake Valley Dr Clermont FL 34711	Glenn E. Colvin
Carol Colvin	12435 Kathleen Ave Clermont, FL 34711	Carol Colvin
Karen Albritton	12230 Lake Valley Dr Clermont FL 34711	Karen E. Albritton
JIM ALBRITTON	✓	James D. Albritton
CHRISTINE WHEELER	12580 Nicolette Ct 34711	Christine Wheeler
Scott Wheeler	12580 Nicolette Ct 34711	Scott Wheeler
Matthew Ledridge	1312 Anderson Hill Rd Clermont 34711	Matthew Ledridge
GARY CLARICE E YENOR	12200 Lake Valley Dr Clermont, FL 34711	Clarice E. Yenor
CHARLES & DIANNE RUSS	12512 LAKE SHORE CLERMONT, FL	Dianne Russ
BARBARA THOMPSON	12930 Amber Ave Clermont, FL	Barbara Thompson
Sharon Nichols	13728 Olsen Ct Clermont 34711	Sharon Nichols
Megan Jones	12303 Sunshine Drive Clermont, FL 34711	Megan Jones
Robin Cotch	12558 Nicolette Ct Clermont 34711	Robin Cotch
JACK FARRELL	13215 MARIA AVE CLERMONT 34711	Jack Farrell
Jennifer Cotch	12522 Valencia Dr Clermont FL 34711	Jennifer Cotch
Tim Snodes	12239 Warren Rd Clermont FL	Tim Snodes
Gunny Calfee	12811 Amber Ave	Gunny Calfee
David Calfee	12811 Amber Ave	David Calfee
Richard Newsome	12211 Lake Valley Pl	Richard Newsome



**CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application**

DATE: Jun 30, 2017

FEE: \$755.00

Project Name (if applicable): Anderson Hill Commercial

Applicant: AVID Group

Contact Person: Peter Pensa, AICP

Address: 2300 Curlew Road, Suite 201

City: Palm Harbor State: FL Zip: 34683

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

E-Mail: peter.pensa@avidgroup.com

OWNER: Anderson Hill DLSU, LLC

Address: 625 State Road 100

City: Palatka State: FL Zip: 32177

Phone: 386 329-4000 Fax: _____

E-Mail: qrobertscpi@yahoo.com

General Location: NWC of US Hwy 27 & Anderson Hill Rd

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

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

Property size (in acres or square feet): 9.47 +/-

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

Existing (Actual) Land Use: Commercial

Existing Zoning: CP & CFD (County)

Existing Future Land Use: Urban Low Density (County)

Proposed Future Land Use: Commercial (City)

Type of development proposed: Commercial





Proposed density (dwelling units/acre) or intensity: Approx. 0.14 FAR

Proposed Zoning District: PUD (Planned Unit Development)

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

See attached project description and justification statement.

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

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

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

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

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



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Quintus I. Roberts, Sr., who being

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

1. That he (she) is the fee-simple owner of the property legally described on the attachment of this application.
2. That he (she) desires a Future Land Use Amendment from Urban Low Density (Lake County) to Commercial (City of Clermont) for the property legally described on the attachment of this application.
3. That the owner of said property has appointed AVID Group to act as agent on his (her) behalf to accomplish the above. The owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his (her) stead.

Quintus I. Roberts, Sr.

Affiant - Applicant Name (print)

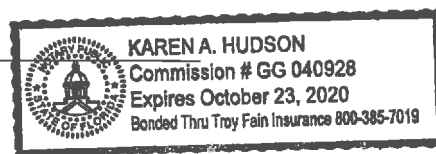
X [Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 30th day of June, 20 17.

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

My Commission Expires:





APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Peter R. Pensa, who being

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

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

Peter R. Pensa

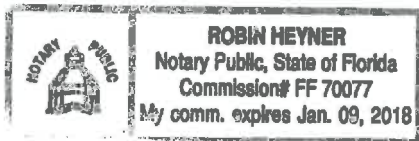
Affiant - Applicant Name (print)
Director of Planning
AVID Group

X

[Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 27 day of July, 2017.



X

Robin Heyner
Notary Public, State of Florida at Large

My Commission Expires: 1/9/18

Anderson Hill Retail

Overall Legal Description:

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

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

Containing a total of 9.47 acres more or less.

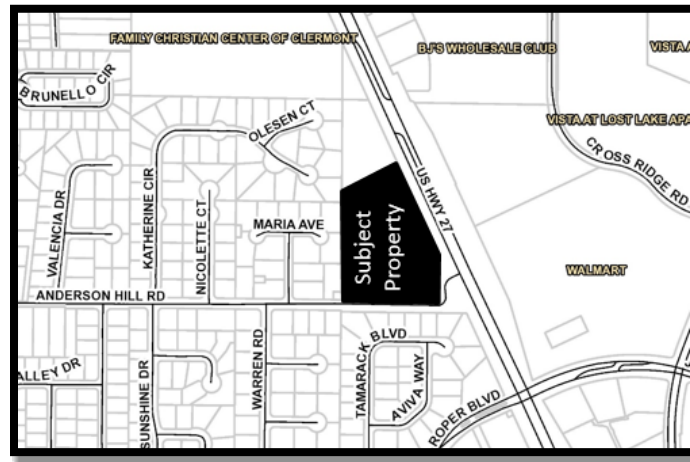
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2017-34

The City of Clermont will hold public hearings on Monday, September 11, 2017 at 6:30 p.m. before the Planning and Zoning Commission; and Tuesday, September 12, 2017 at 6:30 p.m. (1st reading of the adoption ordinance) and Tuesday, September 26, 2017 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 9.47 +/-acre parcel below from Lake County Urban Low Density to City of Clermont Commercial. Alternate Key 1453496, 3828239, and 2826541.



Location:

West and Northwest of the intersection of US Hwy 27 and Anderson Hill Rd
Ordinance #2017-34:

An ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the small-scale comprehensive plan amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the small-scale comprehensive plan amendment; setting forth the purpose and intent of the small-scale comprehensive plan amendment; providing for the adoption of the small-scale comprehensive plan amendment; establishing the legal status of the small-scale comprehensive plan amendment; providing a severability clause; and providing an effective date.

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

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
September 1, 2017 & September 12, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 26, 2017	
Agenda Item Name	
Ordinance No. 2017-35; <i>Final Anderson Hill Rezoning</i>	
Requested Action	
Recommend approval of Ordinance 2017-35.	
Staff Report	
The applicant, Avid Group, is requesting a rezoning of the subject property. The property is approximately 9.5 +/- acres in size. The project was before the Council earlier this year for consideration, but was withdrawn by the applicant to further refine the development plan. This request is being heard concurrently with requests for annexation and a small-scale comprehensive plan amendment. Upon annexation, the zoning would default to Urban Estate. The applicant is requesting a change to Planned Unit Development (PUD) zoning with C-2 General Commercial uses. The owner wishes to develop the property as a multi-tenant commercial shopping center with typical uses consisting of retail businesses, personal service establishments, fitness center, restaurants, office, and bank/ATM facilities. These uses are all permitted uses in the C-2 General Commercial district. The overall development will have up to 58,000 square feet of C-2 General Commercial use, including approximately 1,400 square feet for outdoor patio use. One of the buildings, the proposed fitness center, will occupy more than 20,000 square feet of floor space but not more than 22,000 square feet. This structure is identified as "Commercial F" on the PUD site development plan prepared by Avid Group, dated 6/30/17. The overall floor area ratio (FAR) of the development is 14%, well under the maximum amount allowable of 25% under the Commercial future land use. The site will be developed to meet the City's architectural standards and will be developed in a manner that closely resembles the architectural style and elevations as presented in the design concepts prepared by Empad Architecture and Design. The applicant has requested PUD zoning for the subject property to include permitted uses in the C-2 General Commercial zoning district with a request for a few waivers to the Land Development Code (LDC) that allows for a flexible development plan tailored to the site. The waivers requested by the applicant include the following: 1. A six-foot high decorative masonry or brick wall to be constructed as an integral part of the top tier of the retaining wall along the western property line. 2. A modified western landscape buffer that allows clustering of four canopy trees and two understory trees and the omission of these trees along the shared property line at 13220 Maria Avenue. 3. One structure greater than 20,000 square feet but not more than 22,000 square feet. Staff has reviewed the applicant's proposal and believes general commercial uses at this location are compatible with the uses in the area. The four single-family residential homes to the west are approximately 15 feet higher than the proposed development. Adjacent to the homes will be a 10-foot landscape buffer, a six-foot high decorative masonry or brick wall on top of the retaining wall, stormwater pond and the majority of the parking. This transition will keep the buildings pushed toward the front of the property along U.S. Highway 27. The existing building on the	

northern portion of the property will be the nearest building to the western property line, which is more than 200 feet away.

The applicant has submitted a traffic impact analysis and it has been reviewed by the Lake-Sumter MPO. The Lake-Sumter MPO is satisfied with the responses provided and is requesting monitoring of two intersections in the area to determine if the project causes the level of service of the intersections to deteriorate below acceptable standards. A condition has been placed in the ordinance that requires monitoring and the developer's proportionate fair-share for improvements if it becomes warranted.

Under previously approved ordinances and site plans granted by Lake County, development utilizing approximately 68,000 square feet of floor area could be constructed on the subject property. The St. Mathias Episcopal Church project was approved for approximately 26,000 square feet, the Pointe at Lost Lake was approved for approximately 33,000 square feet, and the existing building is approximately 9,000 square feet. The applicant is proposing 58,000 square feet under the terms of the PUD, or approximately 10,000 square feet less.

Staff has reviewed the application and believes that the proposed uses will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity and the proposed use will comply with the regulations and conditions specified. Staff believes the proposed PUD meets the review criteria in Section 122-315. Staff recommends approval of the request for a Planned Unit Development with C-2 General Commercial uses with the conditions outlined in Ordinance 2017-35.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|-----|--|--|
| 1. | Ordinance 2017-35 | 2017-35 Anderson Hill Rezone.docx |
| 2. | Maps and Exhibits | Anderson Hill Retail Maps 9-17.pdf |
| 3. | Elevation Board | Anderson Hill Color Elevation Board.pdf |
| 4. | Site Map | 3188001-PUD Site Development Plan 6-30-17.pdf |
| 5. | Lake-Sumter MPO Comment Letter | Lake Co Retail Proj TIA_MPO Comments_6-20-17.pdf |
| 6. | Lake Co - St Mathias Episcopal Site Plan | St Mathias Episcopal Church site plan Pg 1.pdf |
| 7. | Lake Co - Pointe at Lost Lake Site Plan | Point at Lost Lake Site Plan Pg 1 and 3.pdf |
| 8. | Neighboring property owners letter | Neighbors letter_Aug 24 2017.pdf |
| 9. | Exhibit A - Utilities Inc letter | Anderson Hill 9-17 rezoning exhibit A.pdf |
| 10. | Application | Anderson Hill 9-17 Rezoning app.pdf |
| 11. | Legal Ad | REZ Anderson Hill legal ad 9-17.docx |

CITY OF CLERMONT
ORDINANCE No. 2017-35

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

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

SECTION 1:

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

LEGAL DESCRIPTION

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

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.
Containing a total of 9.47 acres, more or less.

LOCATION

West and Northwest of the intersection of US Highway 27 and Anderson Hill Road
Alternate Keys 1453496, 3828239 & 2826541

From: Urban Estate (UE)
To: Planned Unit Development (PUD)

CITY OF CLERMONT
ORDINANCE No. 2017-35

SECTION 2 - General Conditions:

This application for a Planned Unit Development to allow for a multi-tenant commercial development 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 Planned Unit Development Site Development Plan prepared by Avid Group, dated June 30, 2017. 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. The project may consist of up to 58,000 square feet of C-2 General Commercial uses with one structure greater than 20,000 square feet but no more than 22,000 square feet. This structure is identified as "Commercial F" on the Planned Unit Development Site Development Plan prepared by Avid Group, dated June 30, 2017.
2. Setbacks
From US Highway 27 50 feet from the property line
From Anderson Hill Road 25 feet from the property line
North property line: 12 feet from the property line
West property line: 50 feet from the property line
3. Maximum building height will be 35 feet, measured at the highest point.
4. Driveway access and parking may be below the centerline of US Highway 27 or Anderson Hill Road and will be subject to the approval of the City Engineer.
5. 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.
6. Individual retaining wall heights up to 6 feet in height are allowed to deal with the changing grades on the site and may be stair stepped, not to exceed 15 feet of elevation change.

CITY OF CLERMONT
ORDINANCE No. 2017-35

7. A modified landscape buffer along the western property line is requested as a result of meeting with the adjoining property owners on Maria Avenue. The landscape buffer shall be a minimum of 10 feet in width and shall consist of a six-foot high decorative masonry or brick wall that may be incorporated onto the top of the retaining wall. In addition, the property owner at 13220 Maria Avenue has requested no trees to be planted along the property line due to an existing pool enclosure. The four canopy trees and two understory trees will be clustered within the rest of the western landscape buffer.
8. The existing billboard will be removed prior to building permit issuance on either parcel Alternate Key 1453496 or 2826541.
9. The developer will construct safety upgrades to improve the shoulders along the curved section of Anderson Hill Road just west of US Highway 27. In addition, the developer will add striping along Anderson Hill Road extending from US Highway 27 to the western property line and will construct a 5 foot pedestrian sidewalk along the north side of Anderson Hill Road the length of the property. Off-site improvements shall be eligible for transportation impact fee credits to the extent allowed pursuant to Lake County Code.
10. The developer shall submit an annual report to the City of Clermont, no later than February 15 of each year, on the monitoring of the intersections of US Highway 27 at John's Lake Road and Citrus Tower Boulevard at John's Lake Road. The results of the monitoring will be to see if the southbound left turns and eastbound left turns; respectively, cause the Level of Service (LOS) of the intersection to deteriorate below acceptable standards. If it is determined that additional traffic improvements are warranted, the developer will assist in the improvements through their proportional share. This annual report shall conclude two years after final build out of the development.
11. The buildings shall be constructed in a manner that closely resembles the architectural style and elevation as presented in the Anderson Hill Color Elevation Board labeled "Design Concepts" prepared by Empad Architecture and Design, dated February 6, 2017 and shall meet the City of Clermont's Architectural Standards.
12. Automotive dealerships and/or auto parts sales shall not be an allowed use within this Planned Unit Development without an amendment.
13. The project shall be developed according to the C-2 General Commercial zoning designation in the Land Development Code, unless expressly stated above.

SECTION 4:

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

CITY OF CLERMONT
ORDINANCE No. 2017-35

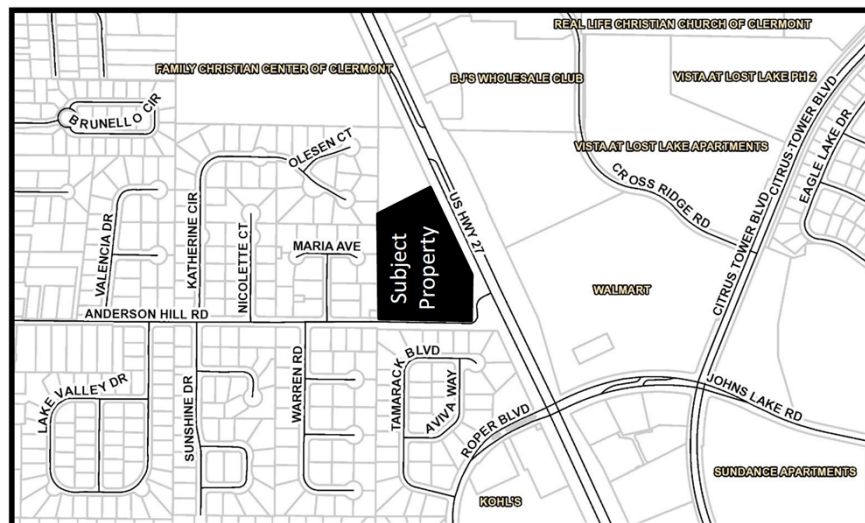
SECTION 5:

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.

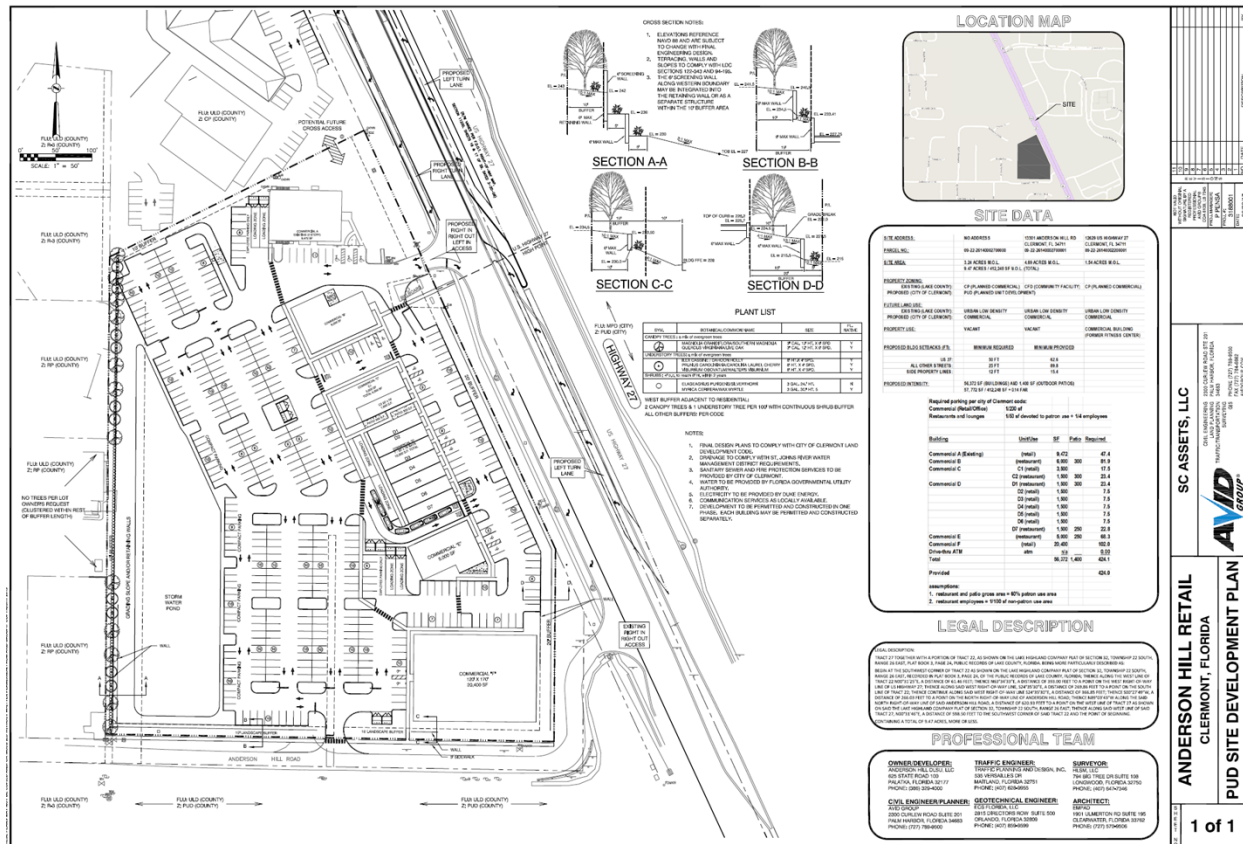
SECTION 6:

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

Location map:



ORDINANCE No. 2017-35



CITY OF CLERMONT
ORDINANCE No. 2017-35

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida
on this 26th day of September, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Anderson Hill Retail

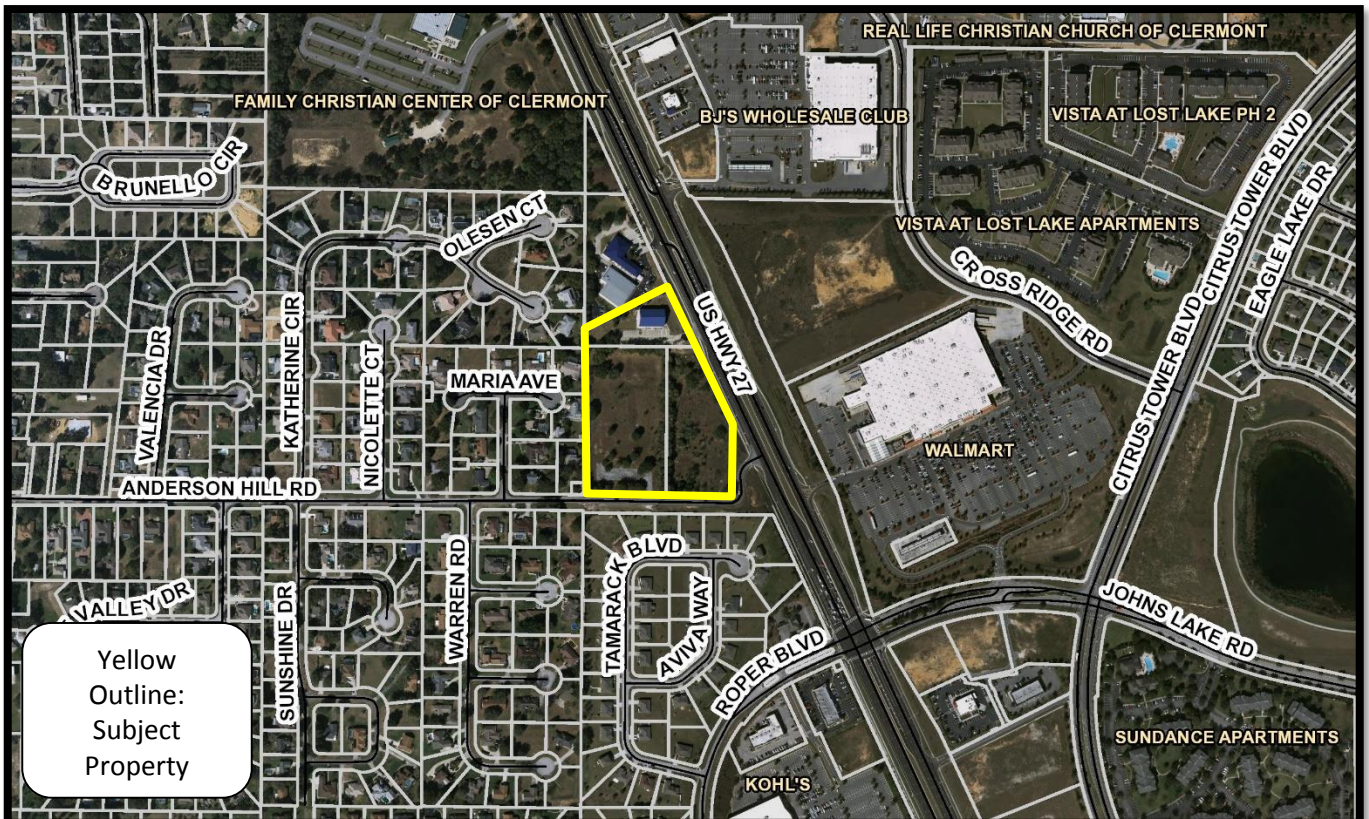
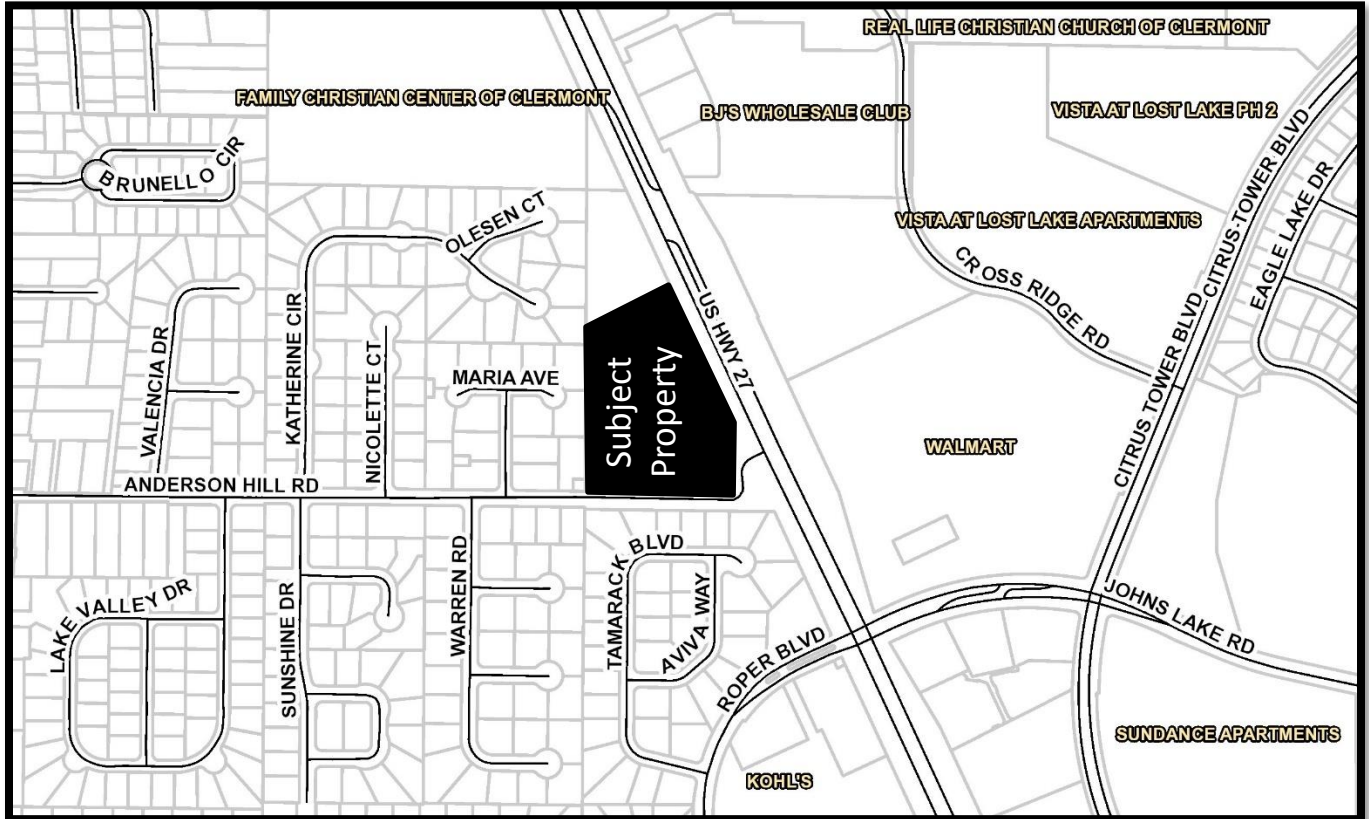


Exhibit – Future Land Use Map – Anderson Hill Retail

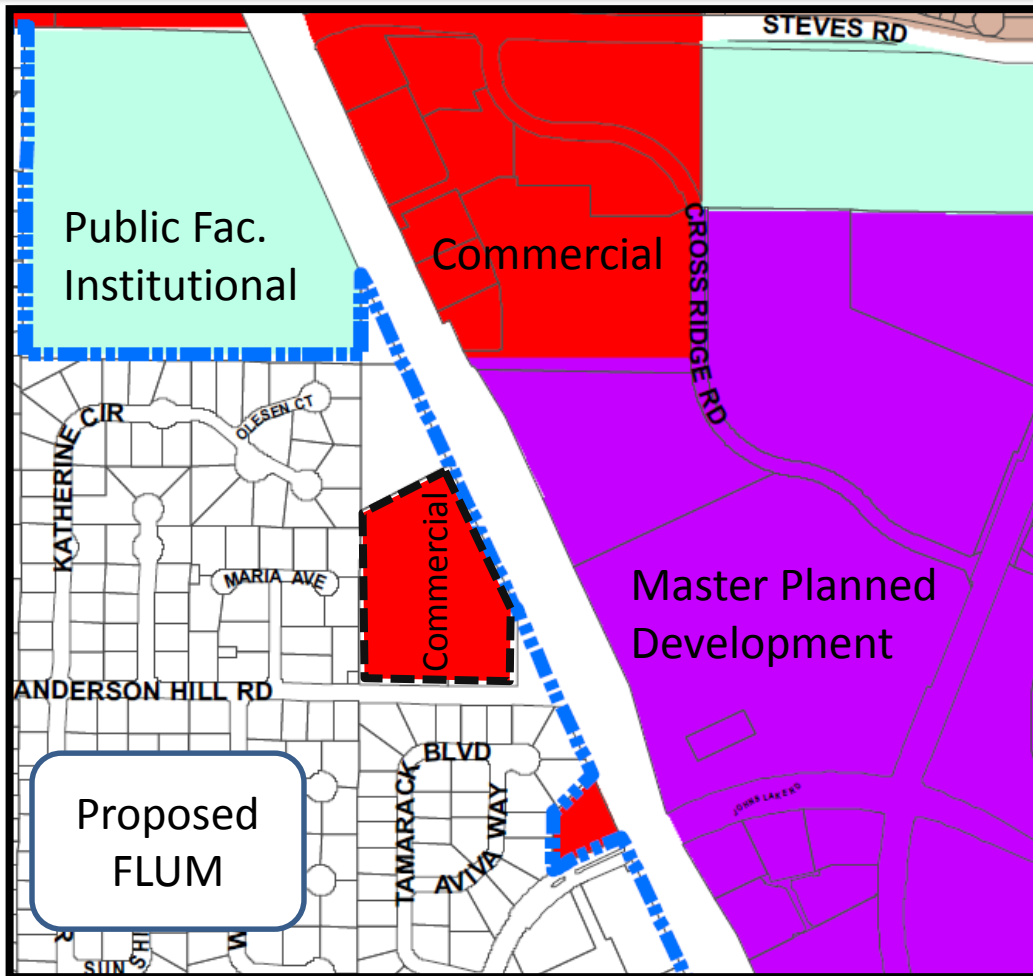


Exhibit – Zoning Map – Anderson Hill Retail

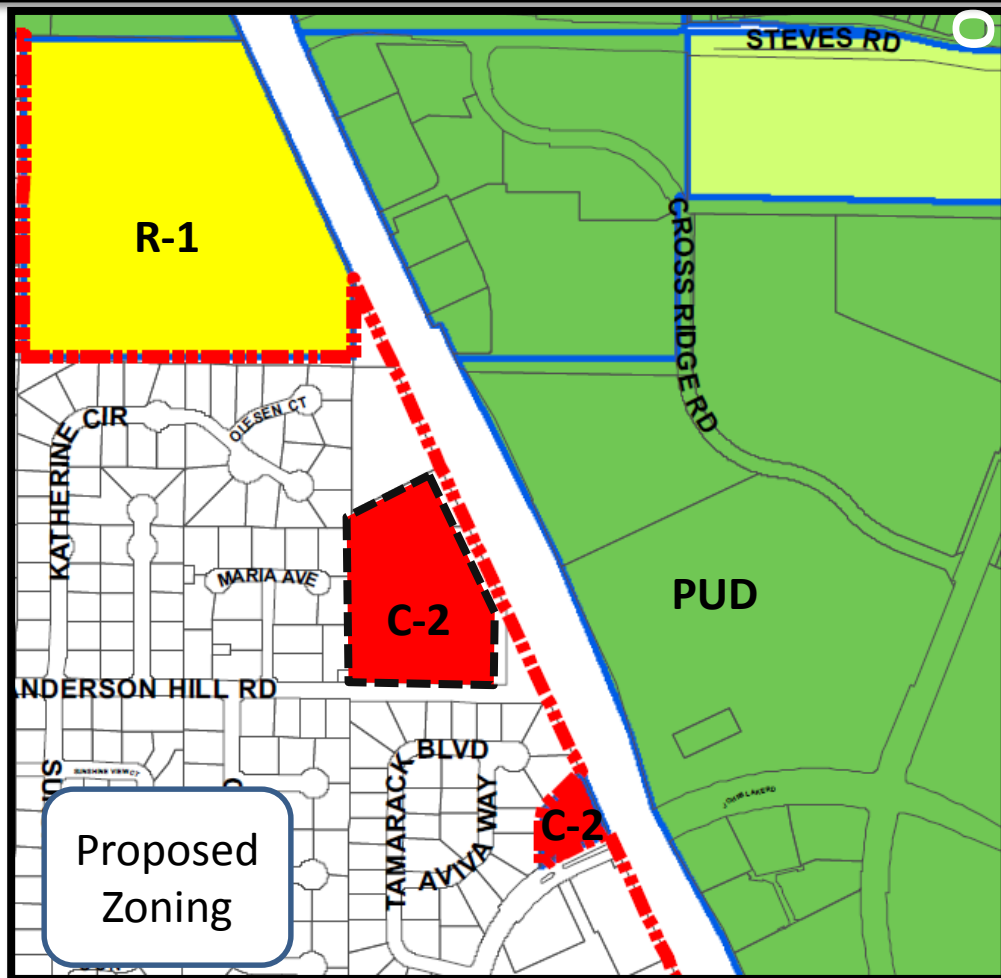
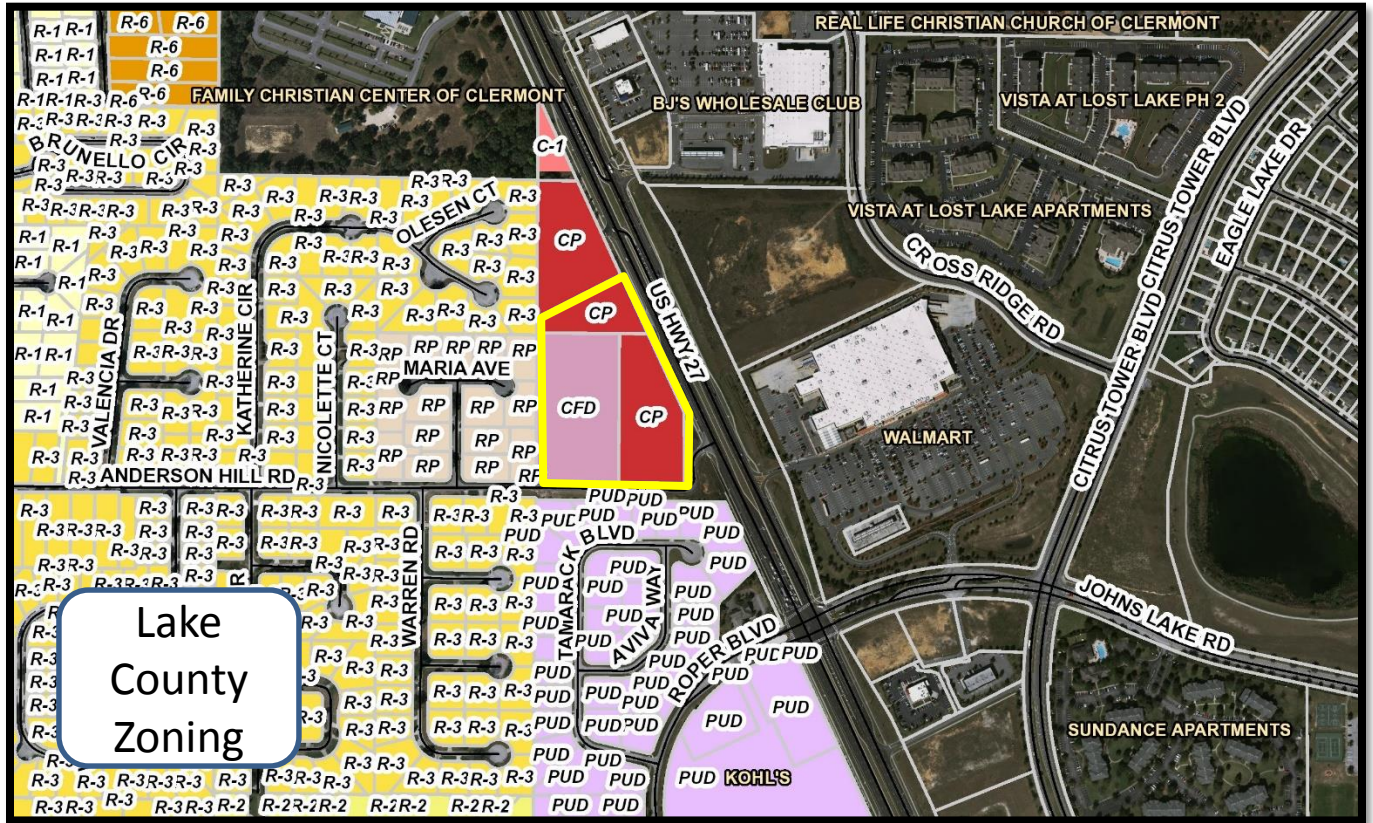


Exhibit - Annexation Map – Anderson Hill Retail

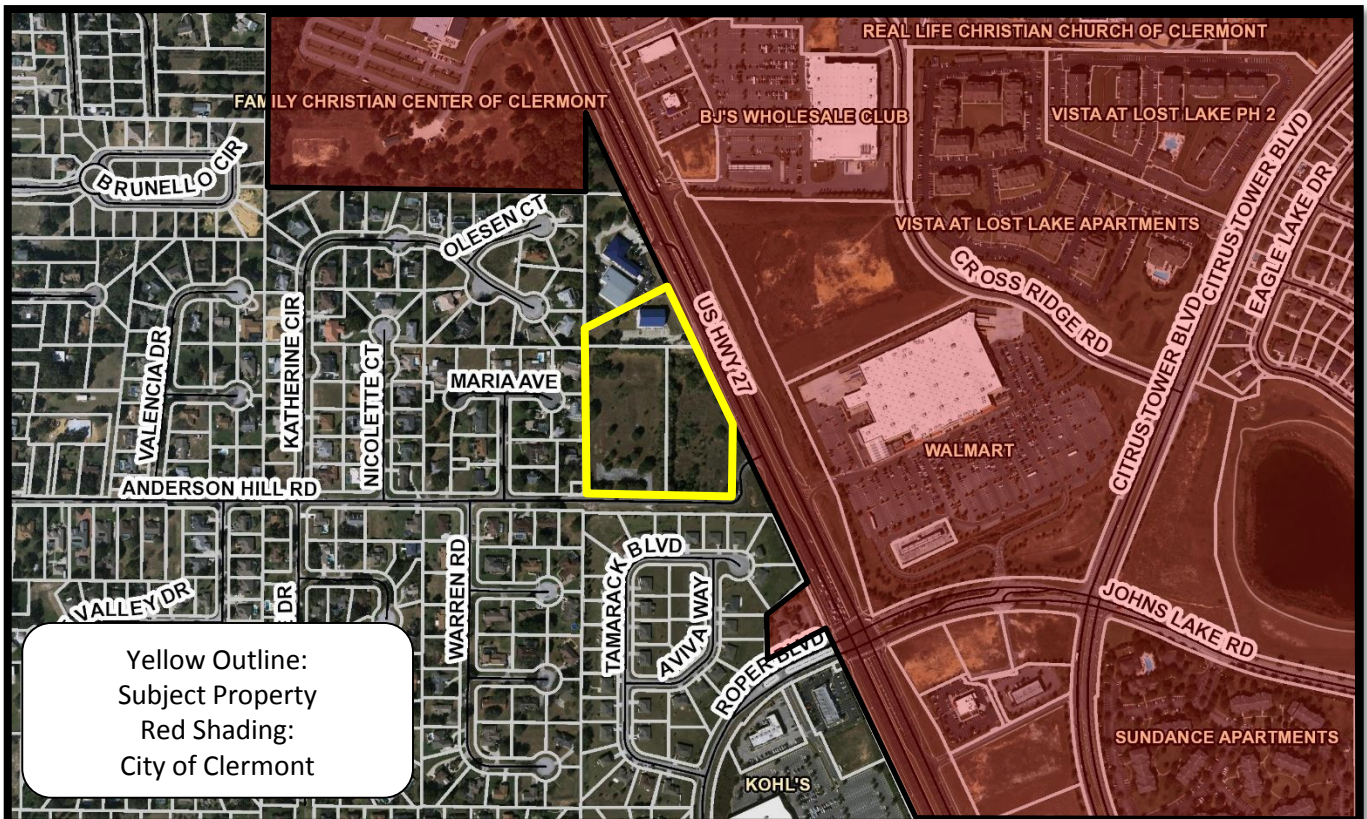
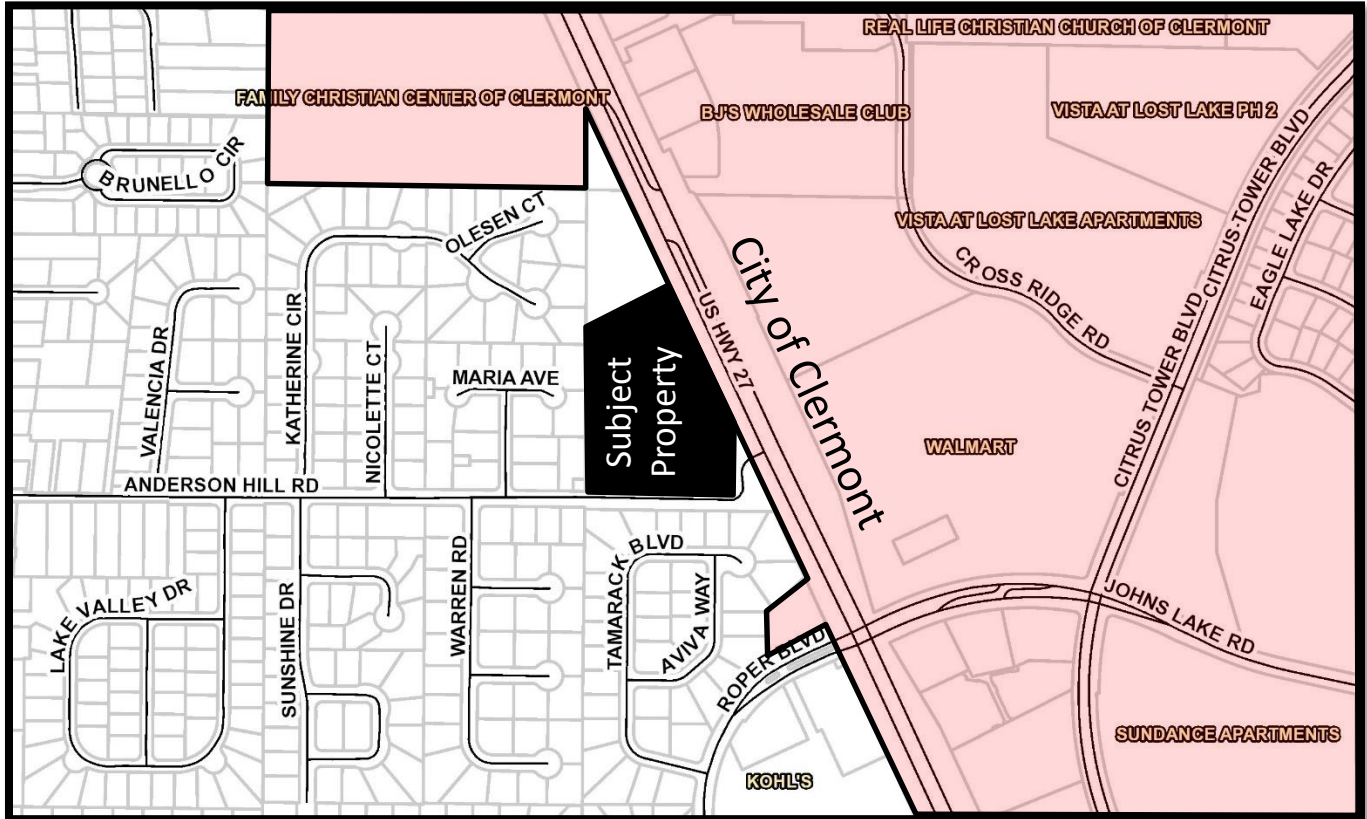
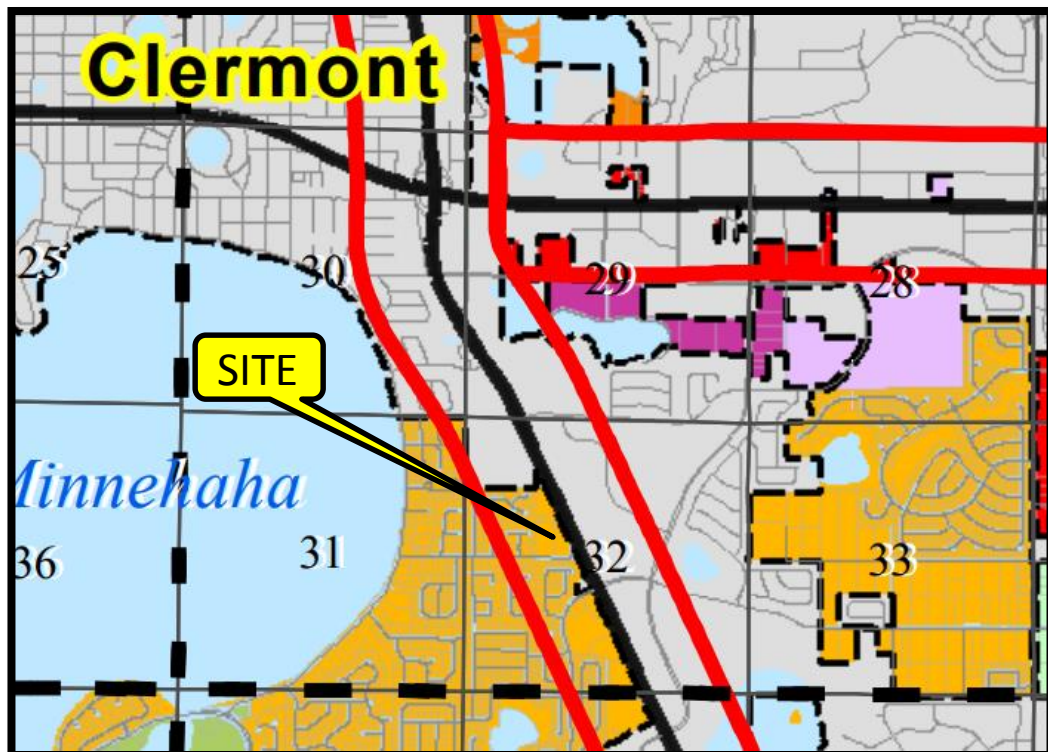
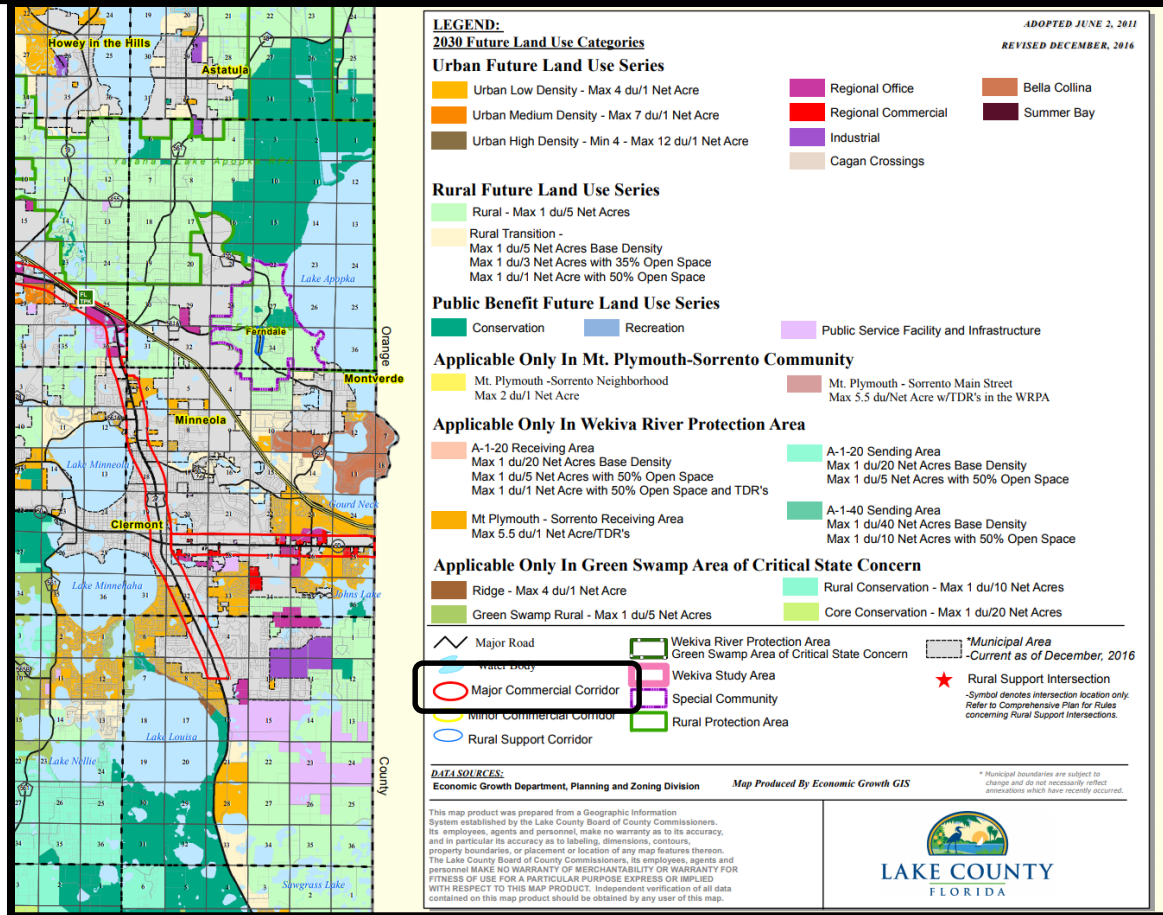


Exhibit – Lake County Future Land Use Map 2030 Anderson Hill Retail





Retail C & D HWY 27 (East) Elevation



Retail C & D Parking Lot (West) Elevation



EMPAD
 ARCHITECTURE AND DESIGN
 AA26000094
 1901 ULMERTON ROAD SUITE 195 CLEARWATER, FL

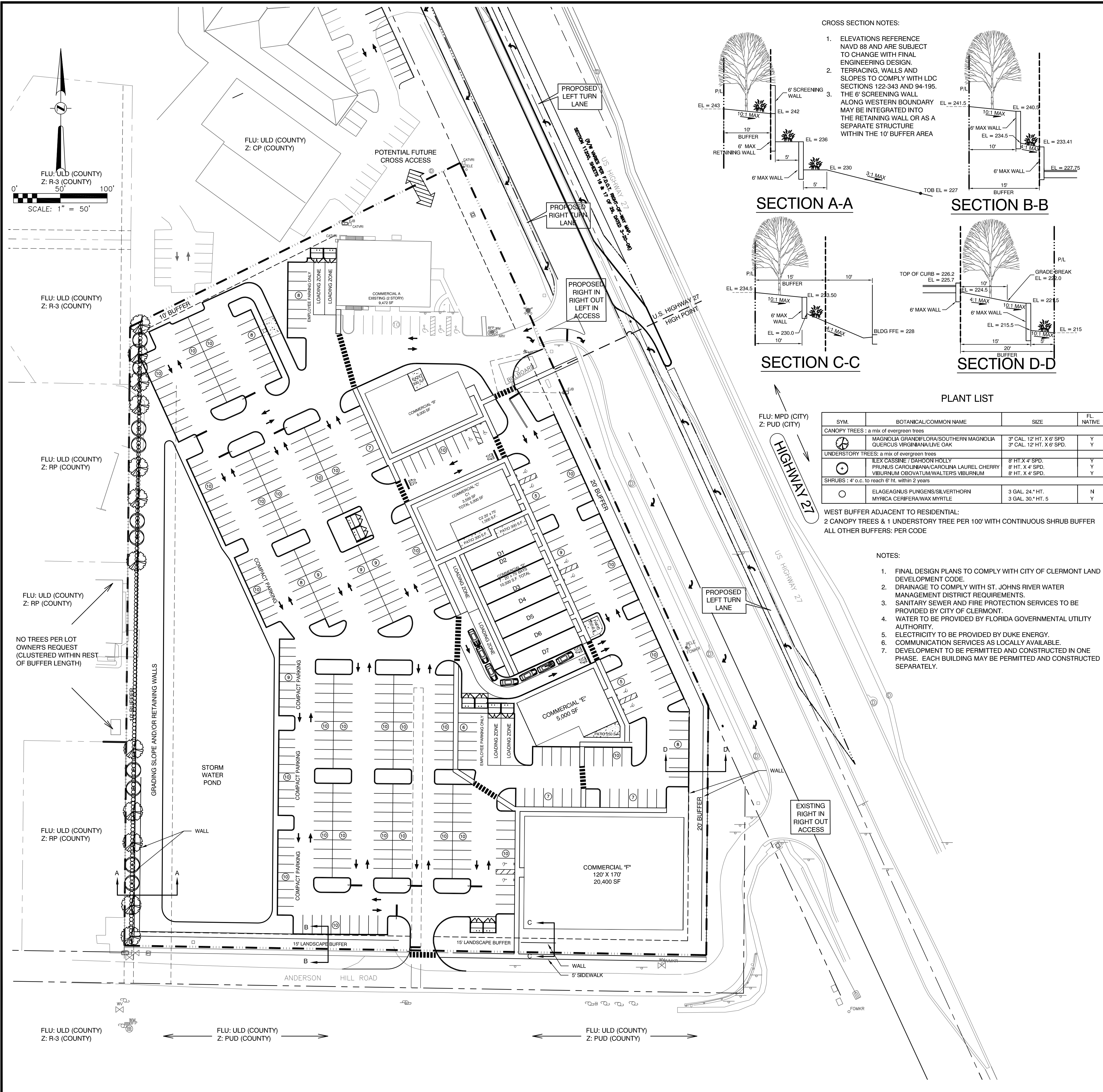
Design
 Concept

Anderson Hill Road Retail
 US HWY 27 & Anderson Hill RD. Clermont, FL

2-6-17

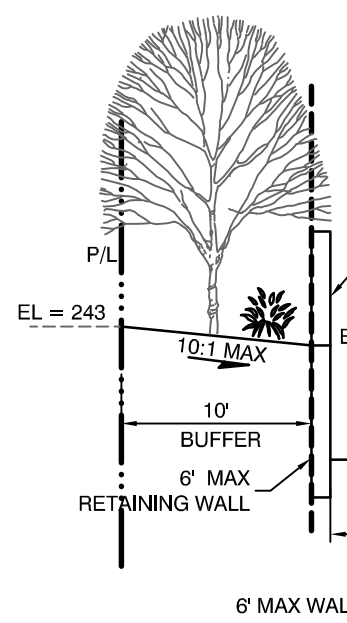


THESE PLANS MAY NOT BE COPIED AND/OR MODIFIED WITHOUT WRITTEN PERMISSION FROM AVID GROUP® COPYRIGHT 2013

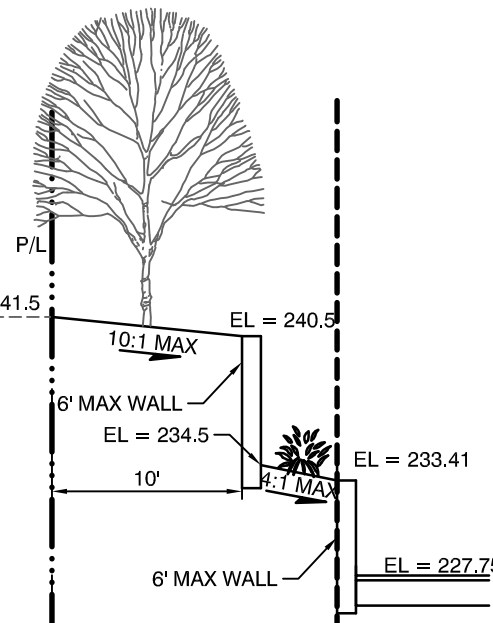


CROSS SECTION NOTES:

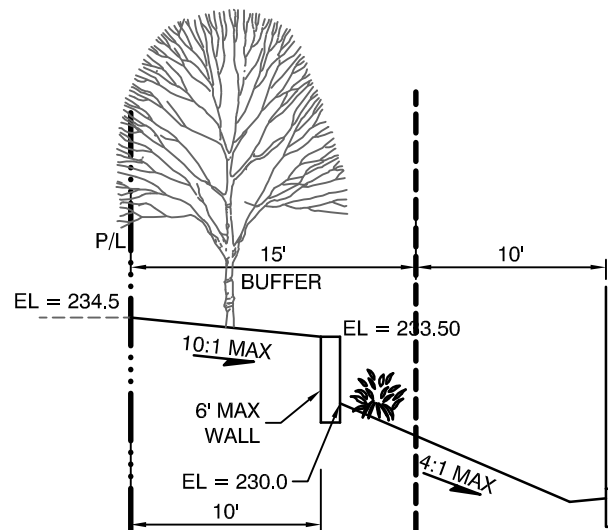
- ELEVATIONS REFERENCE NAVD 88 AND ARE SUBJECT TO CHANGE WITH FINAL ENGINEERING DESIGN.
- TERRACING, WALLS AND SLOPES TO COMPLY WITH LDC SECTIONS 122-343 AND 94-195.
- THE 6' SCREENING WALL ALONG WESTERN BOUNDARY MAY BE INTEGRATED INTO THE RETAINING WALL OR AS A SEPARATE STRUCTURE WITHIN THE 10' BUFFER AREA



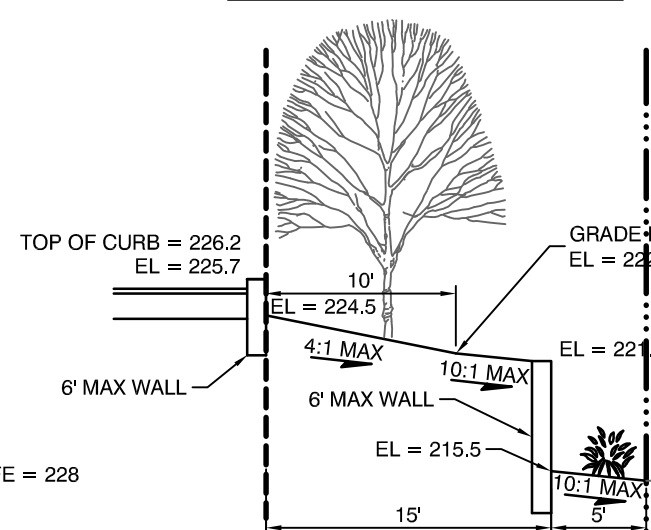
SECTION A-A



SECTION B-B



SECTION C-C



SECTION D-D

PLANT LIST

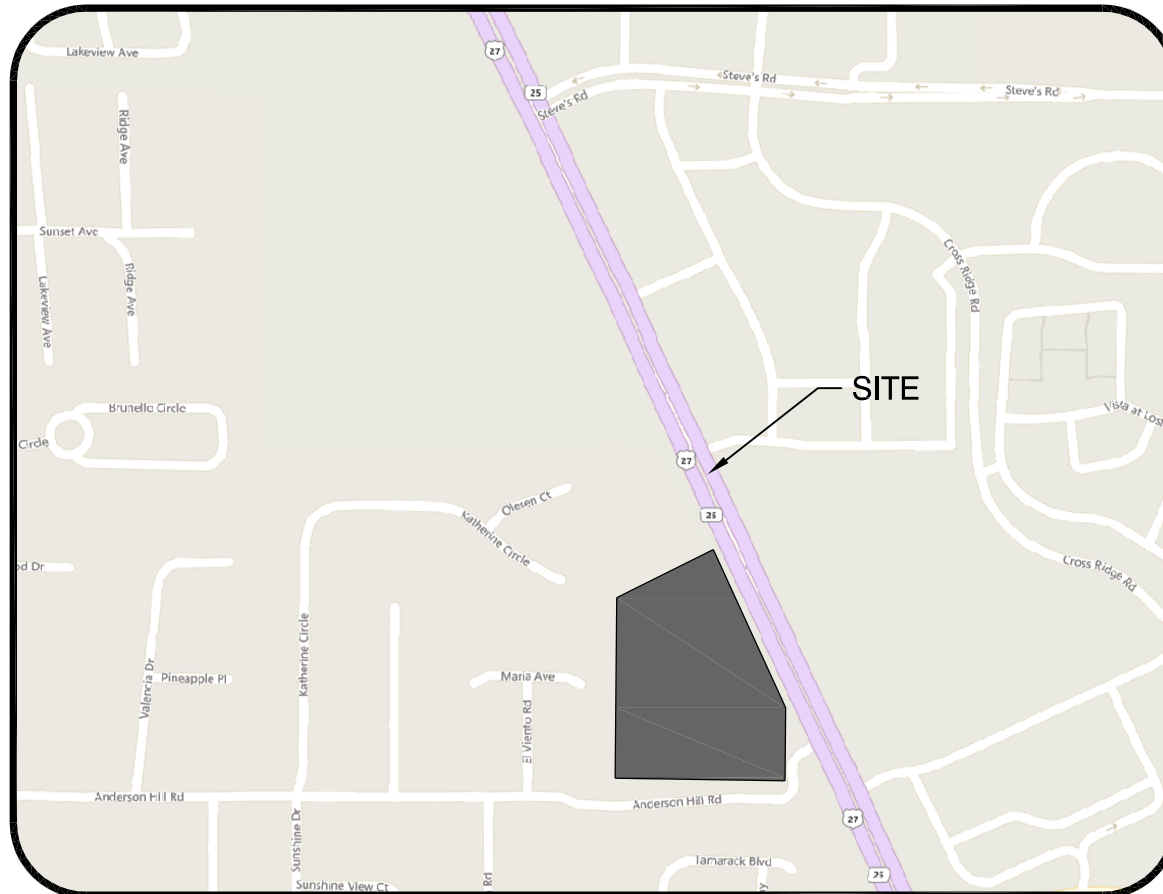
SYM.	BOTANICAL/COMMON NAME	SIZE	FL NATIVE
CANOPY TREES : a mix of evergreen trees			
☐	MAGNOLIA GRANDIFLORA/SOUTHERN MAGNOLIA	3" CAL. 12' HT. X 6" SPD	Y
☐	QUERCUS VIRGINIANA/LIVE OAK	3" CAL. 12' HT. X 6" SPD.	Y
UNDERSTORY TREES: a mix of evergreen trees			
○	ILEX CAESALPINIA/DARLON HOLLY	8' HT. X 4" SPD.	Y
○	PRUNUS CAROLINIANA/CAROLINA LAUREL CHERRY	8' HT. X 4" SPD.	Y
○	VIBURNUM OBOVATUM/WALTERS VIBURNUM	8' HT. X 4" SPD.	Y
SHRUBS : 4" o.c. to reach 6' ht. within 2 years			
○	ELAEAGNUS PUNGENS/SILVERTHORN	3 GAL. 24" HT.	N
○	MYRTICA CERIFERA/WAX MYRTLE	3 GAL. 30" HT. 5	Y

WEST BUFFER ADJACENT TO RESIDENTIAL:
2 CANOPY TREES & 1 UNDERSTORY TREE PER 100' WITH CONTINUOUS SHRUB BUFFER
ALL OTHER BUFFERS: PER CODE

NOTES:

- FINAL DESIGN PLANS TO COMPLY WITH CITY OF CLERMONT LAND DEVELOPMENT CODE.
- DRAINAGE TO COMPLY WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT REQUIREMENTS.
- SANITARY SEWER AND FIRE PROTECTION SERVICES TO BE PROVIDED BY CITY OF CLERMONT.
- WATER TO BE PROVIDED BY FLORIDA GOVERNMENTAL UTILITY AUTHORITY.
- ELECTRICITY TO BE PROVIDED BY DUKE ENERGY.
- COMMUNICATION SERVICES AS LOCALLY AVAILABLE.
- DEVELOPMENT TO BE PERMITTED AND CONSTRUCTED IN ONE PHASE. EACH BUILDING MAY BE PERMITTED AND CONSTRUCTED SEPARATELY.

LOCATION MAP



SITE DATA

SITE ADDRESS:	NO ADDRESS	13301 ANDERSON HILL RD CLERMONT, FL 34711 09-22-26140002700001	12629 US HIGHWAY 27 CLERMONT, FL 34711 09-22-26140002700001
PARCEL NO.:			
SITE AREA:	3.24 ACRES M.O.L. 9.47 ACRES / 412,248 SF M.O.L. (TOTAL)	4.69 ACRES M.O.L.	1.54 ACRES M.O.L.
PROPERTY ZONING:	EXISTING (LAKE COUNTY): PROPOSED (CITY OF CLERMONT):	CP (PLANNED COMMERCIAL) CFD (COMMUNITY FACILITY) PUD (PLANNED UNIT DEVELOPMENT)	CP (PLANNED COMMERCIAL)
FUTURE LAND USE:	EXISTING (LAKE COUNTY): PROPOSED (CITY OF CLERMONT):	URBAN LOW DENSITY COMMERCIAL	URBAN LOW DENSITY COMMERCIAL
PROPERTY USE:	VACANT	VACANT	COMMERCIAL BUILDING (FORMER FITNESS CENTER)
PROPOSED BLDG SETBACKS (FT):	MINIMUM REQUIRED	MINIMUM PROVIDED	
US 27:	50 FT	62.6	
ALL OTHER STREETS:	25 FT	89.8	
SIDE PROPERTY LINES:	12 FT	15.4	
PROPOSED INTENSITY:	56,372 SF (BUILDINGS) AND 1,400 SF (OUTDOOR PATIOS) 57,772 SF / 412,248 SF = 0.14 FAR		

Required parking per city of Clermont code:

Commercial (Retail/Office)	1/200 sf
Restaurants and lounges	1/50 sf devoted to patron use + 1/4 employees

Building	Unit/Use	SF	Patio	Required
Commercial A (Existing)	(retail)	9,472		47.4
Commercial B	(restaurant)	6,000	300	81.9
Commercial C	C1 (retail)	3,500		17.5
Commercial D	C2 (restaurant)	1,500	300	23.4
	D1 (restaurant)	1,500	300	23.4
	D2 (retail)	1,500		7.5
	D3 (retail)	1,500		7.5
	D4 (retail)	1,500		7.5
	D5 (retail)	1,500		7.5
	D6 (retail)	1,500		7.5
Commercial E	D7 (restaurant)	1,500	250	22.8
	(restaurant)	5,000	250	68.3
Commercial F	(retail)	20,400		102.0
Drive-thru ATM	atm	n/a		9.00
Total		56,372	1,400	424.1
Provided				424.0

assumptions:

- restaurant and patio gross area = 80% patron use area
- restaurant employees = 1/100 sf non-patron use area

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

TRACT 27 TOGETHER WITH A PORTION OF TRACT 22, AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:
BEGIN AT THE SOUTHWEST CORNER OF TRACT 22 AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 3, PAGE 24, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF TRACT 22, N00°31'25"E, A DISTANCE OF 61.46 FEET; THENCE N63°34'33"E, A DISTANCE OF 393.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 27; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S24°35'30"E, A DISTANCE OF 269.86 FEET TO A POINT ON THE SOUTH LINE OF TRACT 22; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE S24°35'30"E, A DISTANCE OF 366.85 FEET; THENCE S00°27'49"W, A DISTANCE OF 266.03 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF ANDERSON HILL ROAD; THENCE N89°03'43"W ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF SAID ANDERSON HILL ROAD, A DISTANCE OF 620.93 FEET TO A POINT ON THE WEST LINE OF TRACT 27 AS SHOWN ON SAID THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST; THENCE ALONG SAID WEST LINE OF SAID TRACT 27, N00°31'46"E, A DISTANCE OF 598.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 22 AND THE POINT OF BEGINNING.
CONTAINING A TOTAL OF 9.47 ACRES, MORE OR LESS.

PROFESSIONAL TEAM

OWNER/DEVELOPER:
ANDERSON HILL DLSU, LLC
625 STATE ROAD 100
PALATKA, FLORIDA 32177
PHONE: (386) 329-4000

TRAFFIC ENGINEER:
TRAFFIC PLANNING AND DESIGN, INC.
535 VERSAILLES DR
MAITLAND, FLORIDA 32751
PHONE: (407) 628-9555

SURVEYOR:
HLSM, LLC
794 BIG TREE DR SUITE 108
LONGWOOD, FLORIDA 32750
PHONE: (407) 647-7346

CIVIL ENGINEER/PLANNER:
AVID GROUP
2300 CURLEW ROAD SUITE 201
PALM HARBOR, FLORIDA 34683
PHONE: (727) 789-9500

GEOTECHNICAL ENGINEER:
ECS FLORIDA, LLC
2815 DIRECTORS ROW, SUITE 500
ORLANDO, FLORIDA 32809
PHONE: (407) 859-9599

ARCHITECT:
EMPAD
1901 ULMERTON RD SUITE 195
CLEARWATER, FLORIDA 33762
PHONE: (727) 570-9506

SC ASSETS, LLC

ANDERSON HILL RETAIL

CLERMONT, FLORIDA

PUD SITE DEVELOPMENT PLAN

SHEET NO.

1 of 1

NO.	DATE	DESCRIPTION	BY
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4			
3			
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1			

NOT VALID WITHOUT ORIGINAL SEAL OF REGISTERED PROFESSIONAL ENGINEER
FLORIDA LICENSE NO. 187345
PROJ. MANAGER: P PENSE
PROJ. #: 3188001
DATE: 06/30/17



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

Mr. John E. Kruse, AICP
Senior Planner
Development Services Dept.
685 W. Montrose St.
Clermont, FL 34711

June 20, 2017

RE: Lake County Retail Project Traffic Impact Analysis – Response to Review Comments

Mr. Kruse,

I have reviewed the applicant's response to the review comments prepared by the Lake~Sumter MPO dated March 23, 2017 regarding the Lake County Retail Project Traffic Impact Analysis document submitted by Traffic Planning and Design, Inc. dated June 5, 2017. The project is located on the northwest quadrant of the intersection of US-27 and Anderson Hill Road. Currently this is vacant land. The proposed development is 57,772 square feet of shopping center (ITE LU Code 820). Access to the site will be provided via two access points; 1) a limited access onto US-27 (right-in, right-out, and left-in); 2) a full access onto Anderson Hill Road.

The Lake~Sumter MPO is satisfied with the responses given, however it needs to be noted that the intersections included in Comment #8 (US-27 at John's Lake Road and Citrus Tower Blvd. at John's Lake Road) should be monitored to see if the southbound left turns and eastbound left turns (respectively) cause the LOS of the intersections to deteriorate below acceptable standards.

These comments provided to Lake County are advisory in nature. Any acceptance or revisions to the TIA are at the discretion of Lake County to make based on the comments presented.

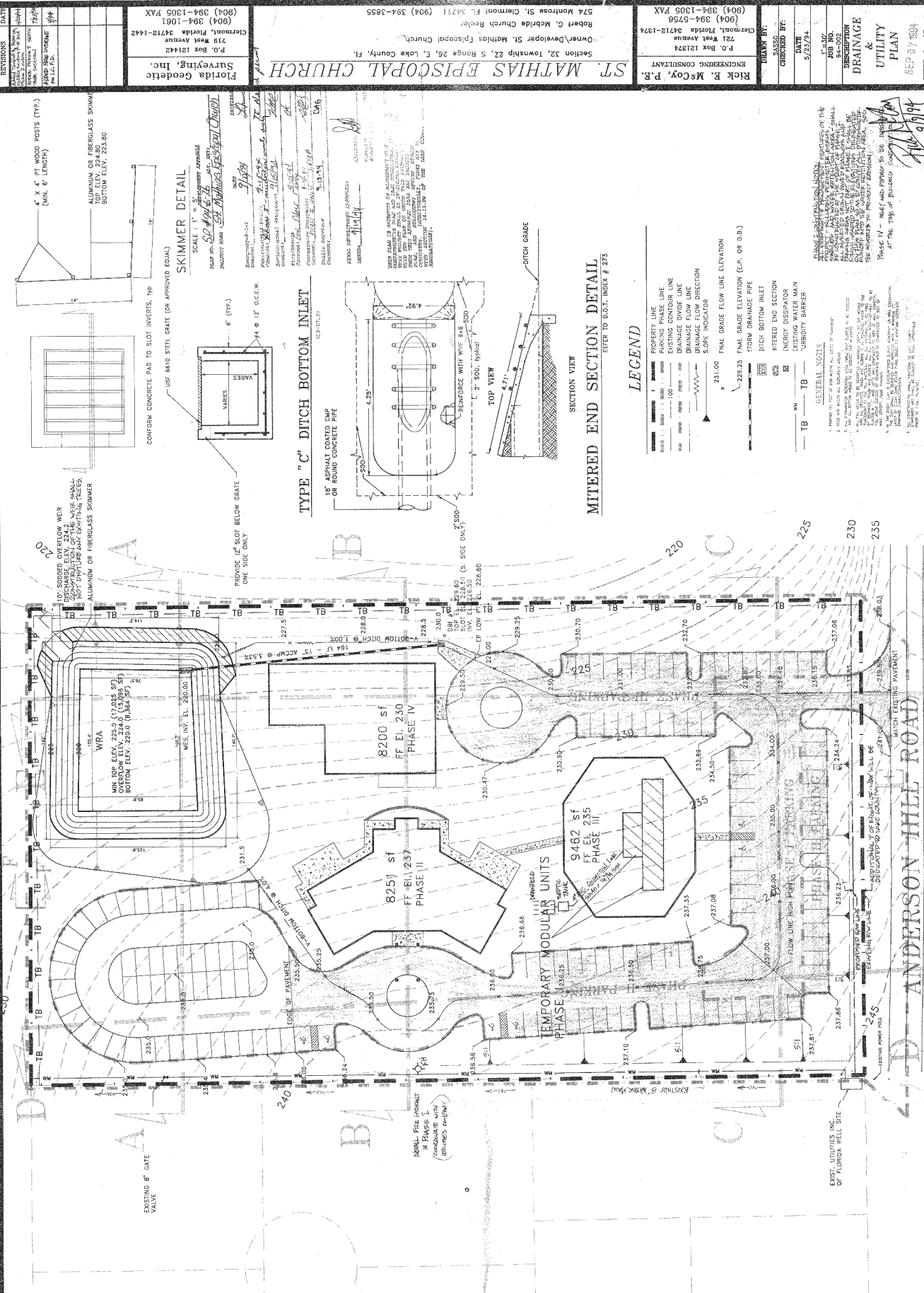
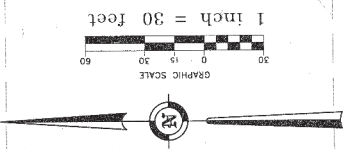
Sincerely,

Brian R. Hutt
Lake~Sumter MPO
TMS Project Manager
(352) 315-0170 Ext. 3

"Promoting Regional Transportation Partnerships"

www.LakeSumterMPO.com

1616 South 14th Street, Leesburg, Florida 34748
Phone (352) 315-0170 – Fax (352) 315-0993

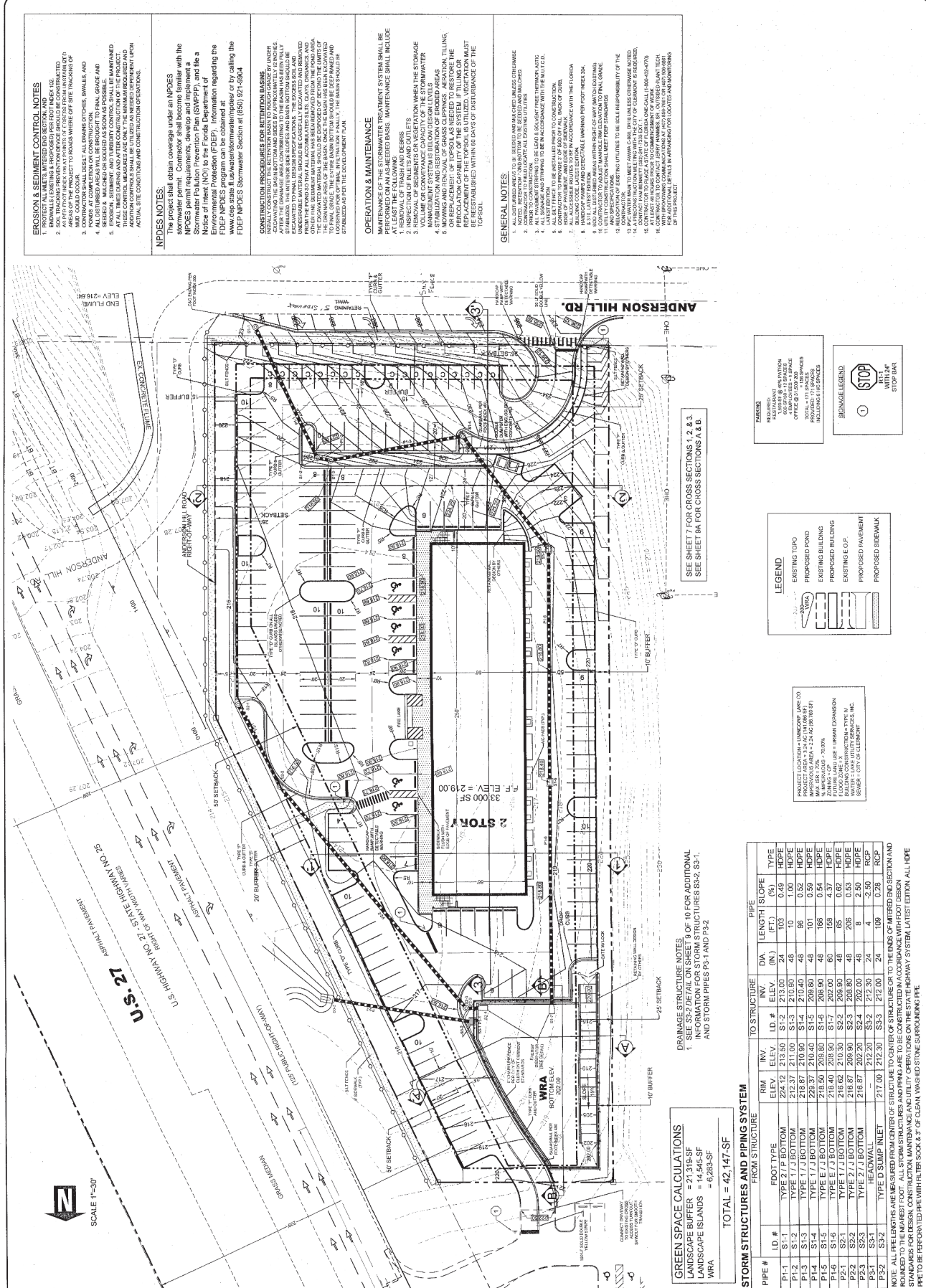


REVISIONS	DATE	BY	CHKD	APP'D
1. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
2. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
3. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
4. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
5. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
6. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
7. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
8. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
9. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY
10. AS NOTED	10/1/94	W.E. McCOY	W.E. McCOY	W.E. McCOY

ST. MATHIAS EPISCOPAL CHURCH	Section 32, Township 22, S Range 26, E, Lake County, FL
Robert C. McBride Church Rectory	574 Monroe St., Clermont, FL 34711 (904) 394-1855
Owner/Developer: St. Mathias Episcopal Church	
574 Monroe St., Clermont, FL 34711 (904) 394-1855	
Florida Geodetic Surveying, Inc.	P.O. Box 121422
619 West Avenue	Clermont, Florida 34712-1422
(904) 394-1001	(904) 394-1001 FAX

DRIVER BY	DATE	CHECKED BY	DATE
W.E. McCOY	10/1/94	W.E. McCOY	10/1/94
W.E. McCOY	10/1/94	W.E. McCOY	10/1/94
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UTILITY	NO. 489
PLAN	



GRIFFEY ENGINEERING
2001 OLD HWY 441, SUITE 2
MOUNT DORA, FLORIDA 32757
PHONE (352) 983-0878
FAX (352) 983-0878
FLORIDA CERT. OF AUTH. # 8082

OWNER:
POINTE AT LOST LAKE, LLC
111 KANE CONDOURSE, SUITE 401F
BAY HARBOR ISLANDS, FL 33154
PHONE (305) 865-1923
FAX (305) 865-9434

**POINTE AT LOST LAKE
COMMERCIAL SITE PLAN**

**PAVING, GRADING,
AND DRAINAGE PLAN**

DRAINAGE BY:
D.M.K.
CHECKED BY:
D.M.K.
DATE: 04-12-08
DRAWING #: 04-08-06
PROJECT #: 04-08-18
SCALE: 1"=50'
SHEET 3 OF 10

EROSION & SEDIMENT CONTROL NOTES

1. EXISTING EROSION & SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
2. EROSION & SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY EXCAVATION OR FILLING OPERATIONS.
3. CONSTRUCTION SHALL BE SCHEDULED TO MINIMIZE EROSION AND SEDIMENTATION.
4. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
5. EROSION & SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
6. EROSION & SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY EXCAVATION OR FILLING OPERATIONS.
7. EROSION & SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
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19. EROSION & SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
20. EROSION & SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY EXCAVATION OR FILLING OPERATIONS.

NPDES NOTES

The contractor shall obtain coverage under an NPDES stormwater permit. Contractor shall become familiar with the NPDES permit requirements, develop and implement a Stormwater Pollution Prevention Plan (SWPPP), and file a copy of the SWPPP with the local authority having jurisdiction. Environmental Protection (EPA) information regarding the NPDES permit can be obtained at www.epa.gov/npdes or by calling the NPDES permit hotline at (800) 424-6342.

OPERATION & MAINTENANCE

The stormwater treatment system shall be installed and maintained in accordance with the following:

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August 24, 2017

VIA E-MAIL CORRESPONDENCE

Re: Anderson Hill Commercial Project – Avid Group

Dear Mayor Ash and Members of Clermont City Council:

As you are aware, immediately prior to the April 11 Clermont City Council Meeting, Avid Group withdrew its applications for annexation, comprehensive plan amendment, rezoning and conditional use permit on the 9.5 acres located at the intersection of Anderson Hill Road and US Highway 27. Many residents contacted you via e-mail, letters and calls expressing concern about Avid Group's development plans. Their withdrawal letter noted the Applicant will "continue to engage the residents and to work with them on a proposal which deals with their concerns."

On June 30, 2017 Avid Group resubmitted their applications for annexation, comprehensive plan amendment, rezoning and conditional use permit with the City of Clermont. **Included in these applications and modified plans is language that may wrongly lead the City Council to believe that the concerns and issues the residents have with the proposed development have been addressed – they have not.**

We, the residents, wish to avoid any misrepresentation by the Applicant and/or its legal counsel. Therefore, we respectfully offer the following conditions and uses that would make development of this property **safe and compatible** with the surrounding area:

1. No access from Anderson Hill Road
2. Acceptable Uses:

Residential	• Single-family detached and attached units • Multi-family not to exceed 2-story (35-ft.)	
Community Facility Development	• Churches • K-12 schools	• Day care • Assisted Living Facility
Professional Offices (operating hours limited to 8 am to 8 pm)	• Law Offices • Executive Offices	• Travel Agent • Real Estate Offices

3. Install Stop signs at Katherine Circle, creating a 4-way stop (~half way down Anderson Hill Road)
4. Install sidewalks from Lakeshore Drive to US Highway 27 along at least one side of Anderson Hill Road
5. Along the western side of the site that abuts existing residential property:
 - a. Maintain a 40-foot wide buffer from the residential property lines to be landscaped with viburnum hedge to be maintained at no less than 6-ft in height – and trees to create privacy screen (per each resident request)
 - b. Construct an 8-foot masonry wall along entire existing grade, to be finished in real or faux stone on residence side, to be erected along the property line prior to beginning construction – including site preparation – to minimize noise, dust, etc.
 - c. Keep and maintain the existing mature landscape
6. Along the southern property line (along Anderson Hill Road):
 - a. Maintain a minimum 30-foot wide landscaped buffer – within the buffer, install and maintain a 4- ft. high viburnum hedge

We appreciate your consideration and believe you will find these requests are fair to ensure the safety and compatibility of the existing (decades old) residential environment with the development of the property.

Regards – Anderson Hill Area Homeowners

cc: Darren Gray, City Manager
Lake County Commissioner Sean Parks
Lake County Commissioner Leslie Campione
Lake County Commissioner Timothy Sullivan
Lake County Commissioner Wendy Breeden
Lake County Commissioner Josh Blake
Lake County Engineer Fred Schneider

NAME	ADDRESS	SIGNATURE
Keith McFarland	13117 Sunshine Cir Clermont, FL 34711	Keith McFarland
Elaine McFarland	13117 Sunshine Cir, Clermont	Elaine McFarland
TOM ENGLISH	12307 WARREN RD	TOM ENGLISH
ROSE FARRELL	13215 Maria Ave	Rose Farrell
Andrew D. Gilliam	13222 Palmer Dr.	Andrew D. Gilliam
SANDRA MARTIN	11925 ONE JUDK DA	Sandra Martin
Richard Pendergast	12708 Linda Rd., C.	Richard Pendergast
FERNANDO L. WATSON	12816 Katherine Cir	Fernando Watson
YOSHIE MATEU	12816 Katherine Cir	Yoshie Mateu
James Roberts	13205 Plaza Ave	James Roberts
Patricia Roberts	13205 Plaza Ave.	Patricia Roberts
Mary C. Battersby	12535 El Viento St.	Mary C. Battersby
Rebecca B. Newsome	12211 Lake Valley Dr Clermont, FL 34711	Rebecca B. Newsome
David Hopkins	12100 Garnet Dr. Clermont FL 34711	David Hopkins
Alison Hopkins	12100 Garnet Dr. Clermont 34711	Alison Hopkins
PAUL BEIRNES	12340 LAKE VALLEY DR	PAUL BEIRNES
Lynne P. Beirnes	12340 Lake Valley Dr.	Lynne P. Beirnes
Vince Johnson	13145 PALMER Drive	Vince Johnson
Kelli Johnson	13145 Palmer Dr	Kelli Johnson
Nancy Srodes	12339 Warren Rd.	Nancy Srodes

Name	Address	Signature
Mary L. Ivanoff	12435 Lake View Clermont FL 34711	Mary Louise Ivanoff
Pat Colvin	12435 Lake Valley Dr Clermont FL 34711	Pat Colvin
Allen E. Colvin	12435 Lake Valley Dr Clermont FL 34711	Allen E. Colvin
Carol Colvin	12435 Kathleen Ave Clermont, FL 34711	Carol Colvin
Karen Albritten	12230 Lake Valley Dr Clermont FL 34711	Karen E. Albritten
JIM ALBRIGHT	✓	James D. Albritten
CHRISTINE WHEELER	12580 Nicolette Ct 34711	Christine Wheeler
Scott Wheeler	12580 Nicolette Ct 34711	Scott Wheeler
Matthew Ledridge	1312 Anderson Hill Rd Clermont 34711	Matthew Ledridge
GARY CLARICE E YENOR	12200 Lake Valley Dr Clermont, FL 34711	Clarice E. Yenor
CHARLES & DIANNE RUSS	12512 LAKE SHORE CLERMONT, FL	Dianne Russ
BARBARA THOMPSON	12930 Amber Ave Clermont, FL	Barbara Thompson
Sharon Nichols	13728 Olsen Ct Clermont 34711	Sharon Nichols
Megan Jones	12303 Sunshine Drive Clermont, FL 34711	Megan Jones
Robin Cotch	12558 Nicolette Ct Clermont 34711	Robin Cotch
JACK FARRELL	13215 MARIN AVE CLERMONT 34711	Jack Farrell
Jennifer Cotch	12522 Valencia Dr. Clermont FL 34711	Jennifer M. Cotch
Tim Snodes	12239 Warren Rd Clermont FL	Tim Snodes
Gunny Calfee	12811 Amber Ave	Gunny Calfee
David Calfee	12811 Amber Ave	David Calfee
Richard Newsome	12211 Lake Valley Pl	Richard Newsome



May 19, 2017

Mr. Quint Roberts
ANU Management, Inc.
625 State Road 100
Palatka, FL 32177

RE: Anderson Hill Retail
Potable Water Service Availability

Dear Mr. Roberts:

This office has received and reviewed your request dated May 16, 2017 in regards to the above referenced project. This letter serves to advise you that the proposed project is located within the Utilities Inc. of Florida - Lake Utility Services. FPSC certificated service area for the provision of potable water. Utilities Inc. of Florida has the available capacity to serve the proposed project and is ready and willing to do so contingent upon the execution of a mutually acceptable agreement between the Developer/Owner and the Utility.

Should the Owner decide to move forward with the project, please contact me directly at 866.842.8432, extension 1360 or by email at bkgongre@uiwater.com

Sincerely,
UTILITIES INC. OF FLORIDA

A handwritten signature in cursive script that reads "Bryan K. Gongre".

Bryan K. Gongre
Regional Manager

RE21707-0002



**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: Jun 30, 2017

\$542.00 +
cost of advertisement
FEE: ~~\$350.00~~

PROJECT NAME (if applicable): Anderson Hill Commercial

APPLICANT: AVID Group

CONTACT PERSON: Peter Pensa, AICP

Address: 2300 Curlew Road, Suite 201

City: Palm Harbor State: FL Zip: 34683

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

E-Mail: peter.pensa@avidgroup.com

OWNER: Anderson Hill DLSU, LLC

Address: 625 State Road 100

City: Palatka State: FL Zip: 32177

Phone: 386 329-4000 Fax: _____

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

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

Acreage: 9.47 +/- Land Use: Urban Low Density (County)
(City verification required)

Present Zoning: CP & CFD (County) Proposed Zoning: PUD (City)
(City verification required)





**CITY OF CLERMONT
REZONING
APPLICATION
Page 2**

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

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

Commercial development of the property. See attached project description and justification statement.

Peter R. Pensa

Applicant Name (print)
Director of Planning
AVID Group

Quintus I. Roberts, Sr.

Owner Name (print)
Managing Member
Anderson Hill DLSU, LLC

X

A blue ink signature of Peter R. Pensa, written in a cursive style.

Applicant Name (signature)

X

A black ink signature of Quintus I. Roberts, Sr., written in a cursive style.

Owner Name (signature)

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

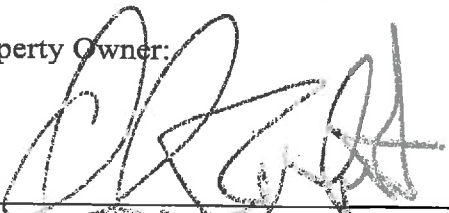
LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter does hereby authorize AVID Group to act as our agent for and with all regulatory agencies, departments, and their personnel for the City of Clermont, Lake County, Florida Department of Economic Opportunity, Florida Department of Transportation, St. Johns River Water Management District, Florida Department of Environmental Protection, US Army Corps of Engineers, and any other utility providers or regulatory agencies in an effort to receive all approvals necessary for developing the proposed project on an approximately 9.47 acres, m.o.l. tract that is generally located on the west side of U.S. Highway 27, north of Anderson Hill Road in the City of Clermont (annexation proposed), Lake County, Florida.

Parcel ID Number:	Site Acreage	Street Address (if assigned):
09-22-26140002700000	3.24, acres m.o.l.	No Address, US Highway 27 Clermont, FL 34711
09-22-26140002700001	4.69, acres m.o.l.	13301 Anderson Hill Rd Clermont, FL 34711
09-22-26140002200001	1.54, acres m.o.l.	12629 US Highway 27 Clermont, FL 34711

Property Owner:

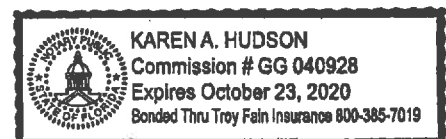

Name: Quintus I. Roberts, Sr.
Title: Managing Member
Anderson Hill DLSU, LLC
625 State Road 100
Palatka, FL 32177

STATE OF Florida COUNTY OF Putnam On
this the 30th day of June 2017 before me, the undersigned Notary Public of
the State of Florida, personally appeared Quintus I Roberts Sr and whose
name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed
it. The individual(s) are ☒ personally known to me, or ☐ presented the following
identification: _____.

WITNESS MY HAND AND SEAL:

NOTARY SEAL &
COMMISSION EXPIRATION:


NOTARY SIGNATURE



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. 2017-35

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

LOCATION:

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

LEGAL DESCRIPTION

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

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

Containing a total of 9.47 acres, more or less.

FROM Urban Estate
TO Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Monday, September 11, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, September 26, 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.

Daily Commercial
September 1, 2017 & September 12, 2017

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 26, 2017	
Agenda Item Name	
Resolution No. 2017-39 <i>Clermont Hillside Terrace</i>	
Requested Action	
Recommend approval of Resolution 2017-39.	
Staff Report	
The applicant is requesting a conditional use permit (CUP) to amend Resolution 2014-19 for Clermont Hillside Terrace. When the site was originally developed in 2003, the City approved a tree mitigation plan with the developer to address the removal of trees from the site, which was heavily wooded with many large oak trees. The plan involved a payment for trees that could not be replanted on site. A total value of 469 trees were to be paid into the City's tree fund. The developer made a payment for 200 of the 469 trees at the time the development started. The remaining amount was then made a condition of Resolution 2014-19 and detailed the outstanding amount to be paid to the City's tree fund. The original developer/owner is no longer associated with the property, and the current applicant is requesting to remove this condition from the conditional use permit. Below is section 3 (1) of Resolution 2014-19 that is requested to be removed from the CUP: Tree Replacement: As part of the development for the site, a total of 1,407 tree inches were deficient from the overall site which included Parcel B - buildings A, B, C and D, and Parcel C. 1,407 inches equals a minimum of 469 trees at the Code required three inch (3") caliper. The costs for the deficient inches/trees were to be paid into the City's tree fund. To date 600 inches (200 trees) have been paid for (based on replacement tree costs as agreed on with the City). Prior to the permitting of any of the remaining proposed buildings E, F, G or H, or any further development on the site, the remaining tree inches must be paid for in full. Tree costs for the remaining 807 inches (269 trees) and payment timeline is recommended to be negotiated with the City Manager's office.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution 2017-39	2017-39 Hillside Terrace resolution.docx	
2. Location Map	Aerial Map.docx	
3. Site plan	Seal Swim School Site Plan.pdf	
4. Exhibit	Seal Swim School exhibit.pdf	
5. Conditions	CONDITIONAL USE PERMIT CONDITIONS.docx	
6. Application	Seal Swim School App.pdf	
7. Legal Ad	Clermont Hillside Terr 2017 CUP legal ad.docx	

**CITY OF CLERMONT
RESOLUTION NO. 2017-39**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING AN
AMENDMENT TO A CONDITIONAL USE PERMIT (RESOLUTION 2014-
19) TO REMOVE A CONDITION REQUIRING TREE MITIGATION.**

LOCATION:

(Alternate Keys 3880843, 3880844, 3864451, 3800457, 3800456)
2400 Highway 27.

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 the amendment to a Conditional Use Permit; Resolution 2014-19, for a Conditional Use Permit to allow the removal of the tree mitigation requirements 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 further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. For the remaining pads E, F, G & H, all formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
4. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

CITY OF CLERMONT
RESOLUTION NO. 2017-39

5. 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 or require further conditions as deemed appropriate.
6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. For the remaining pads E, F, G & H, the final Certificate of Occupancy shall not be issued for each building/pad until each of the stated conditions have been met. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by resolution.
9. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Clermont Planning & Zoning Department.
10. Should all approved uses cease operation for more than one year, a new Conditional Use Permit shall be required for the same or similar operations.
11. In the event that parking at this site proves inadequate the City reserves the right to open the Conditional Use Permit for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.
12. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the Conditional Use Permit for further review and additional conditions.
13. For the remaining pads E, F, G & H, all backflows must be brought up to code when each individual building is completed in conjunction with the Certificate of Occupancy.
14. All grease traps must be pumped at a minimum of once per quarter, unless otherwise approved by the Director of Utilities. The City reserves the right to open the Conditional Use Permit for further review and additional conditions if violation of this CUP condition occurs, which may include revocation of the Conditional Use Permit and Code Enforcement actions.

CITY OF CLERMONT
RESOLUTION NO. 2017-39

15. All other conditions as previously approved in Resolution No. 1472 (Exhibit A) shall remain in effect where applicable, with the exception of Parcel C, which will be removed from the Conditional Use Permit along with the residential use originally allowed.
16. Parcel C from the original Conditional Use Permit (Res. No. 1472) shall be provided access as provided by State, County and City requirements.
17. Student drop-off and pick-up locations and access to and from the site, if determined to be unsafe or inadequate due to: backed up conditions into public right-of-way; interference with neighboring businesses or property; pedestrian access or accidents; police/fire response interference; or other public safety or general welfare conditions; the City reserves the right to open the Conditional Use Permit for further review and additional conditions which may include additional requirements, revocation of those uses listed in Section 2 Land Use #2 below, or revocation of the Conditional Use Permit.

Section 2 — Land Use

1. The property is approved for the following uses within the C-2 General Commercial zoning District: retail, professional & medical offices, personal service, lounge, church, children's daycare, financial institution, restaurant uses and residential uses on pads E, F, G & H. All uses must adhere to the requirements of the Land Development Code.
2. Other uses may include pre-school, day care, nursery schools, churches and related activities as approved by the Site Review Committee.
3. Should a business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of those uses listed in Section 2 Land Use #2, those uses would not contest a variance application to allow said business within 500 feet of those uses.

Section 3 — Landscaping

1. All further landscaping shall adhere to the current Land Development Code.

Section 4 - Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont.
2. All fencing within public view shall be ornamental metal or brick, as approved by the Site Review Committee.

CITY OF CLERMONT
RESOLUTION NO. 2017-39

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County,
Florida, this 26th day of September, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

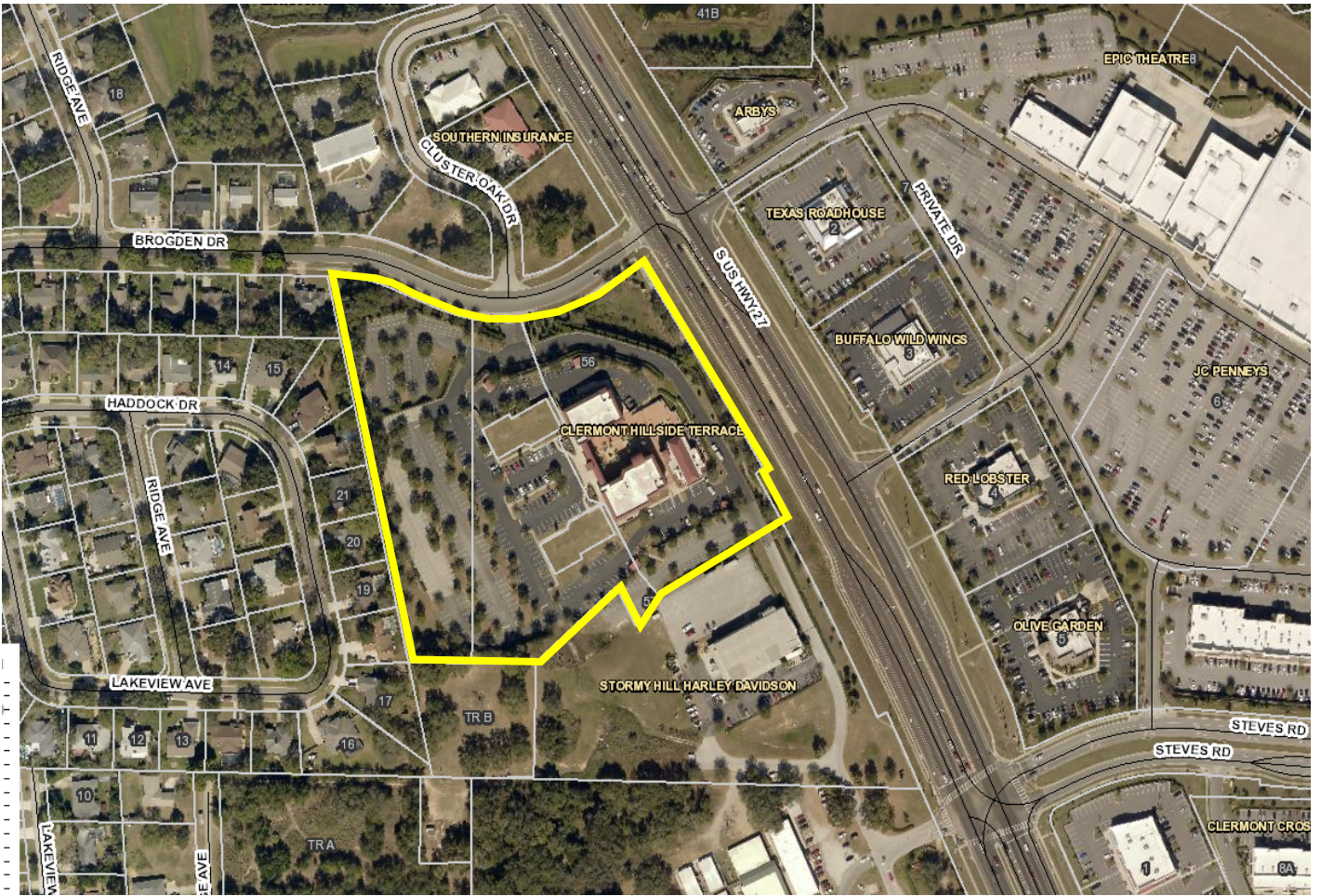
ATTEST:

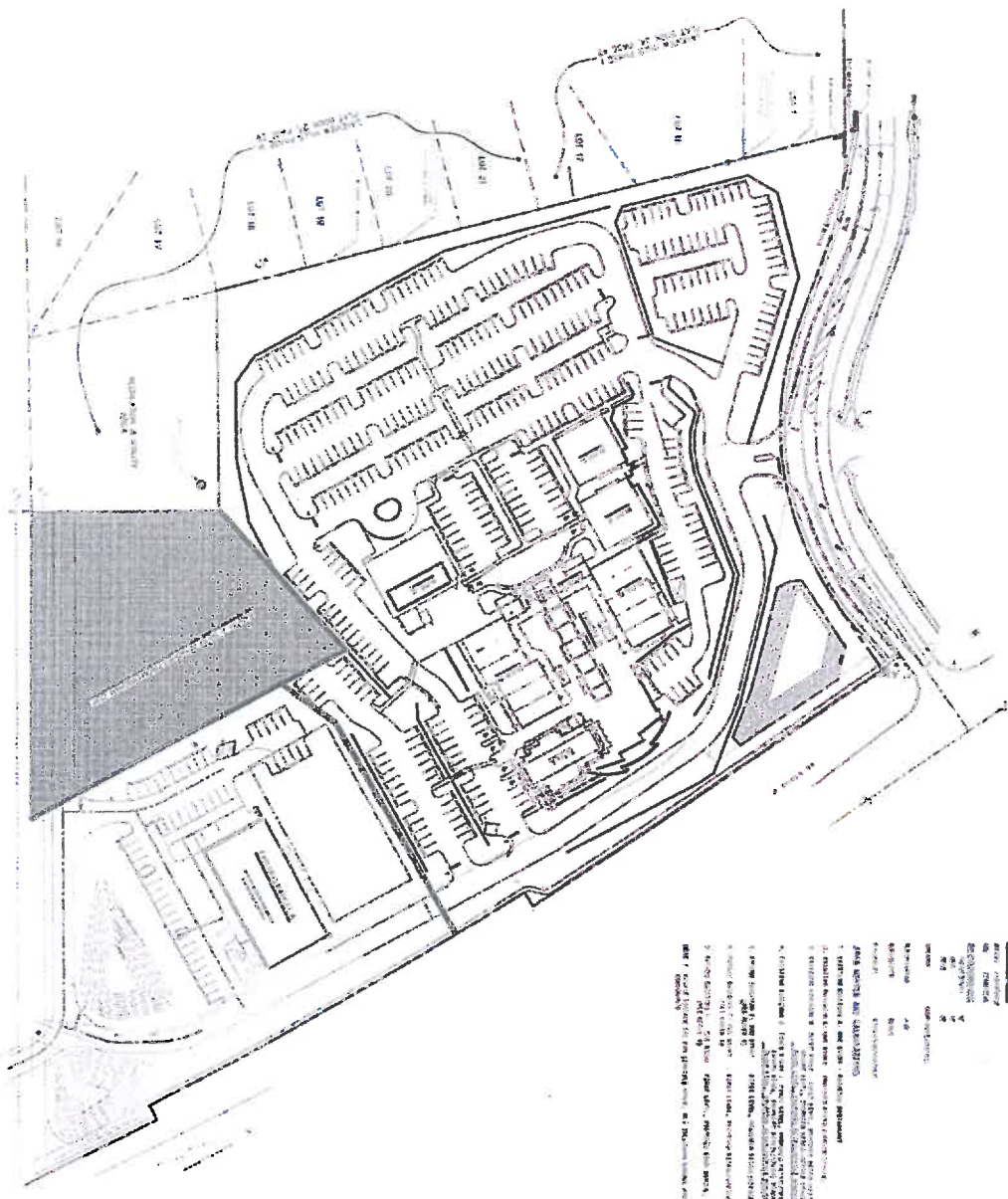
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

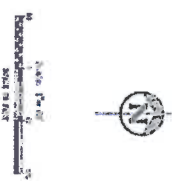
Location Map





GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE DEVELOPER SHALL PROVIDE ADEQUATE DRAINAGE FOR THE ENTIRE SITE.
5. THE DEVELOPER SHALL PROVIDE ADEQUATE LIGHTING FOR THE ENTIRE SITE.
6. THE DEVELOPER SHALL PROVIDE ADEQUATE SECURITY FOR THE ENTIRE SITE.
7. THE DEVELOPER SHALL PROVIDE ADEQUATE MAINTENANCE FOR THE ENTIRE SITE.
8. THE DEVELOPER SHALL PROVIDE ADEQUATE LANDSCAPING FOR THE ENTIRE SITE.
9. THE DEVELOPER SHALL PROVIDE ADEQUATE UTILITIES FOR THE ENTIRE SITE.
10. THE DEVELOPER SHALL PROVIDE ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.



DATA:

1. TOTAL SITE AREA: 10.5 ACRES

2. TOTAL BUILDING AREA: 150,000 SQ. FT.

3. TOTAL PARKING AREA: 10,000 SQ. FT.

4. TOTAL LANDSCAPING AREA: 5,000 SQ. FT.

5. TOTAL UTILITIES AREA: 2,000 SQ. FT.

6. TOTAL ACCESS AREA: 1,000 SQ. FT.

7. TOTAL MAINTENANCE AREA: 1,000 SQ. FT.

8. TOTAL SECURITY AREA: 1,000 SQ. FT.

9. TOTAL LIGHTING AREA: 1,000 SQ. FT.

10. TOTAL DRAINAGE AREA: 1,000 SQ. FT.

Seal Swim School

Founded over 35 years ago by Therese Seal her desire was simple; teach children to swim. In the beginning Seal Swim leased a variety of outdoor seasonal locations until opening our first-year-round location in Lutz, FL 2005. On this 1.3 acres we began to sell retail, operate a summer camp and developed the 'Learn to Swim' program. Today this property generates approximately \$1,600,000 in revenue yearly.

In 2014 Seal Swim opened its Meadow Pointe location, continuing the services of retail, 'Learn to Swim' program and now including birthday parties. This location is now our second highest performing. Riverview is our up and coming location with an expected opening date of Spring of 2018.

As the business has grown we have continued to perfect our indoor pool's mechanical systems. Today Seal Swim uses state of the art equipment when building our Indoor locations: Pool equipment UV system, Vexus System with 24-hour monitoring, 90-minute turnover rates, with just pool equipment our costs average \$100,000.00. In addition, having a Dehumidification System that heats the water, maintains the humidity and air temp is an additional cost of approximately \$90,000.

Our Team members maintain their CPR and First Aid, Life guarding, Water Safety Instructor and have many AFO's (Aquatic Facilities Operators) on staff. We are members of the United States Swim School Association, American Red Cross, and National Drowning Prevention Alliance. Each of our instructors also undergoes our 45 hour Seal Swim School Training Program. Over the years we have been honored to teach thousands of children to swim and look forward to teaching the children in Clermont area the essential life safety of knowing how to swim.

All our best,

The Swim Seal School Team

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 further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. For the remaining pads E, F, G & H, all formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
4. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
5. 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 or require further conditions as deemed appropriate.
6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. For the remaining pads E, F, G & H, the final Certificate of Occupancy shall not be issued for each building/pad until each of the stated conditions have been met. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by resolution.

9. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Clermont Planning & Zoning Department.
10. Should all approved uses cease operation for more than one year, a new Conditional Use Permit shall be required for the same or similar operations.
11. In the event that parking at this site proves inadequate the City reserves the right to open the Conditional Use Permit for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.
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Section 2 — Land Use

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2. Other uses may include pre-school, day care, nursery schools, churches and related activities as approved by the Site Review Committee.
3. Should a business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of those uses listed in Section 2 Land Use #2, those uses would not contest a variance application to allow said business within 500 feet of those uses.

Section 3 — Landscaping

1. All further landscaping shall adhere to the current Land Development Code.

Section 4 - Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont.
2. All fencing within public view shall be ornamental metal or brick, as approved by the Site Review Committee.



CONDITIONAL USE PERMIT (CUP) APPLICATION

DATE: 7-20-17FEE: \$845
+ cost of advertisementPROJECT NAME (if applicable): Seal Swim SchoolAPPLICANT: Charles C. HiottCONTACT PERSON: Darand WilliamsAddress: 902 N Sinclair AveCity: Tavares State: Florida Zip: 32778Phone: 352-343-8481 Fax: _____E-Mail: chiott@besandh.comOWNER: Clermont Hillside Terrace Orlando LLCAddress: 18305 Biscayne Blvd Suite 302City: Aventura State: Florida Zip: 33160Phone: 407-654-7545 Fax: _____Address of Subject Property: 2400 US Hwy 27 Clermont Fl. 34711General Location: SW corner of Brogden Road and US Hwy 27Legal Description (include copy of survey): See attachedLand Use (City verification required): commercialZoning (City verification required): PUD with CUP



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.

Construct 6300 sf Seal Swim School on existing building pads G and H of Clermont Hillside Terrace. This location is appropriate because it will be highly utilized by the surrounding housing subdivisions.

Charles C. Hiott
Applicant Name (print)

X [Signature]
Applicant Name (signature)

Darand Williams
Owner Name (print)

X [Signature]
Owner Name (signature) 7/28/17

***** NOTICE *****

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

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

LEGAL DESCRIPTION:

THAT PORTION OF TRACTS 56 AND 57, ALSO THAT PORTION OF A 15.00 FEET OF RIGHT-OF-WAY EASEMENT ABUTTING THE WESTERLY BOUNDARY OF TRACTS 56 AND 57 ACCORDING TO `LAKE HIGHLANDS PLAT OF SECTION 29, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 25, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THAT PORTION OF GOVERNMENT LOT 4, SECTION 30, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE NORTH 89°22'53" EAST ALONG THE SOUTH LINE OF SECTION 29 FOR 122.81 FEET TO THE EASTERLY BOUNDARY OF `LAKEVIEW HILLS, PHASE III', AS RECORDED IN PLAT BOOK 27, PAGES 28 AND 29, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTH 01°00'07" WEST ALONG SAID EASTERLY BOUNDARY FOR 213.28 FEET TO THE POINT OF BEGINNING; THENCE NORTH 46°57'13" EAST FOR 210.24 FEET; THENCE SOUTH 29°13'18" EAST FOR 82.75 FEET; THENCE NORTH 40°43'19" EAST FOR 71.68 FEET; THENCE NORTH 58°08'42" EAST FOR 276.10 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27 AND AN INTERSECTION WITH A CIRCULAR CURVE CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF NORTH 32°17'03" WEST, A RADIUS OF 5,631.58 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES: RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°54'50", A DISTANCE OF 89.83 FEET; THENCE NORTH 57°15'32" EAST FOR 18.00 FEET TO AN INTERSECTION WITH A CIRCULAR CURVE CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF NORTH 33°48'22" WEST, A RADIUS OF 5,649.58 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°07'47", A DISTANCE OF 210.00; THENCE NORTH 34°50'49" WEST FOR 267.15 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BROGDEN DRIVE AS DELINEATED ON THE PLAT OF `LAKEVIEW HILLS, PHASE I', AS RECORDED IN PLAT 24, PAGES 41 AND 42, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING AFORESAID WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27 RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BROGDEN DRIVE THE FOLLOWING COURSES: RUN SOUTH 55°06'47" WEST FOR 100.05 FEET TO AN INTERSECTION WITH A CIRCULAR CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 82°43'45" WEST, A RADIUS OF 340.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 55°15'20", A DISTANCE OF 327.89; THENCE NORTH 69°33'13" WEST FOR 99.44 FEET TO AN INTERSECTION WITH A CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING A CHORD BEARING OF NORTH 80°16'35" WEST, A RADIUS OF 260.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 21°19'53", A DISTANCE OF 96.80; THENCE SOUTH 89°04'57" WEST FOR 25.16 FEET TO THE EASTERLY BOUNDARY OF AFORESAID `LAKEVIEW HILLS, PHASE I'; THENCE DEPARTING AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF BROGDEN DRIVE RUN ALONG SAID EASTERLY BOUNDARY OF `LAKEVIEW HILLS, PHASE I' AND THE EASTERLY BOUNDARY OF AFORESAID `LAKEVIEW HILLS, PHASE III' THE FOLLOWING COURSES: RUN SOUTH 14°38'13" EAST FOR 732.42 FEET; THENCE NORTH 88°59'54" EAST FOR 250.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.03 ACRES, MORE OR LESS.

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a Conditional Use Permit to amend Resolution 2014-19 for the Clermont Hillside Terrace to allow the removal of the remaining tree mitigation plan.

LOCATION

Clermont Hillside Terrace, southwest corner of Highway 27 and Brogden Dr.
Alternate Key 3880844, 3880843

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, September 11, 2017 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, September 26, 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
September 1, 2017
September 19, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 26, 2017		
Agenda Item Name		
Variance Requests <i>Barn Brewery</i>		
Requested Action		
Recommend approval of variance requests.		
Staff Report		
The applicant is requesting variances to the parking and landscaping requirements for property located 750 W. Desoto Street. In May 2017, the applicant obtained a parking variance for the reduction of six parking stalls. This variance was based on the expansion of the existing building on site. After the approval and upon further consideration, however, the applicant decided to construct a new 7,200-square-foot building to operate the brewery/restaurant establishment. The owner recently demolished the 3,000-square-foot building on the parcel that had eight "grandfathered" parking stalls. Per section 122-247 of the land development code (LDC), the new building will require 16 parking spaces on site. Two parking stalls will be placed on site, and these two spaces will be handicap stalls. By City and state codes, only one handicap stall is required. With the two parking stalls on site, the remaining deficit is 14 parking stalls. Installing the two proposed handicap stalls on site creates two additional variance requests, however, the first is to allow the parking stalls adjacent to the property line. Per code, there is a backing distance of 24 feet that is required. In this case, the applicant does not have any property behind the stalls. The stalls are adjacent to the right-of-way that has room for backing distance, it is just not on the site, as the code requires. The second requested variance is a similar situation. Per code, there is a 15-foot landscape buffer required for parking lots adjacent to the right-of-way. Again, because the stalls are positioned adjacent to the right-of-way, there will not be any room left for a landscape buffer. Adjacent to this parcel is Desoto Street, which has approximately 19 on-street parallel parking stalls, and is located approximately 140 feet from the City public parking lot at the southwest corner of Desoto Street and Seventh Street. Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes all eight meet these findings. Therefore, staff recommends approval 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.	Location map	Location Map.docx
2.	Review Criteria	Findings.docx
3.	Application	Barn Brewery 2 Var App.pdf
4.	Legal ad	Barn Brewery Variance Ad.docx

Location Map: 750 West Desoto Street

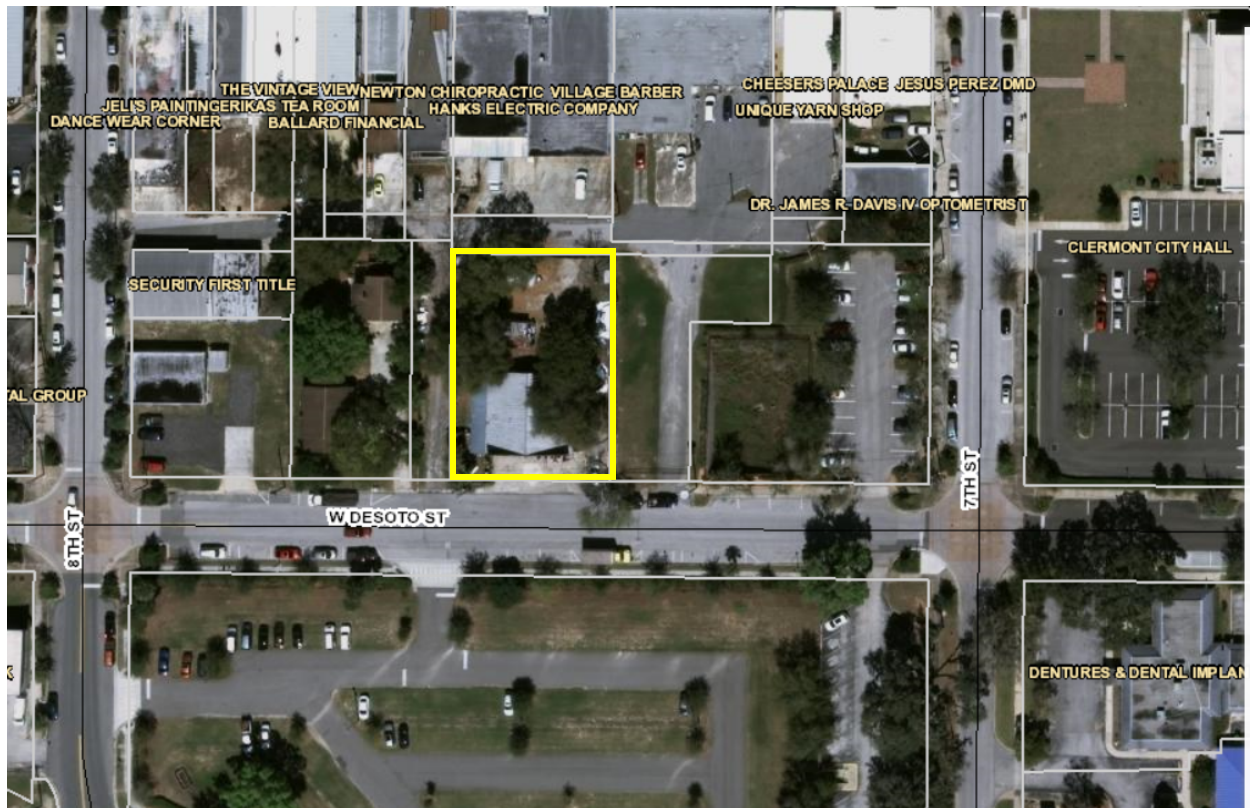


Exhibit 2

The requirements for a variance are as follows:

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

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

FINDINGS:

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

Applicant response:

Staff comments: This building was constructed before the current code requirements. A parking lot was not considered as a requirement when the building was constructed.

Positive 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:.

Staff comments: The current owner did not create this site that has limited parking on site.

Positive 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:

Staff comments: Other nearby parcels have been granted similar parking variances.

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:

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:

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

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:

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

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:

Staff comments: *The proposed variance does not seem to substantially diminish property values or alter the essential character of the area. The proposed development fits the character of the surrounding community and is compatible with the adjacent uses.*

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:

Staff comments: *Staff feels that the proposed project will be in harmony with the general intent and purpose of the land development code.*

Positive finding



**CITY OF CLERMONT
VARIANCE
Application**

DATE: 8/17/17FEE: 600.⁰⁰PROJECT NAME (if applicable): Clermont Brewing Co.APPLICANT: Darren JohnsonCONTACT PERSON: Darren JohnsonAddress: 1075 W. Lakeshore Dr.City: Clermont State: FL. Zip: 34711Phone: 352-205-6866 Fax: _____E-Mail: darren@dwj-pr.comOWNER: Darren W Johnson ProductionsAddress: 1075 W. Lakeshore Dr.City: Clermont State: FL. Zip: 34711Phone: 352-205-6866 Fax: _____Address of Subject Property: 750 W. DeSoto St.General Location: between 7th & 8th St. ClermontLegal Description (include copy of survey): Lot 10 & 12, Block 81, City of Clermont

Land Use (City verification required): _____





Zoning (City verification required): _____

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:

What are you proposing to do that would require a variance and why? Reduction of required
on site parking

How does the Code create a hardship? Property does not allow for current
code parking requirement

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

Variance requested – subject and code section: _____

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;

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

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variance: (1) to allow for a reduction of parking spaces for a proposed restaurant establishment instead of the required amount by the Land Development Code, Section 122-247 – Central Business District-Off Street Parking and (2) to allow for a reduction of parking standards as required by the Land Development Code, Section 98-15A, and (3) to allow for no landscape buffer as required by the Land Development Code, Section 118-37 at the following location:

LOCATION:

750 West Desoto Street
The Barn Brewery
(Alt. Key 1614619)

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, September 26th 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, MMC
City Clerk

Daily Commercial
September 19, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 26, 2017		
Agenda Item Name		
Resolution No. 2017-49 <i>Barn Brewery Conditional Use Permit</i>		
Requested Action		
Recommend approval of Resolution 2017-49.		
Staff Report		
The applicant is requesting a conditional use permit (CUP) to allow a building to 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 (LDC), the CBD zoning district allows a variety of uses, but buildings 3,000 square feet or greater require a conditional use permit. In May 2017, the applicant was approved to expand the original building by 1,000 square feet, for a total of 3,500 square feet. The applicant has since made revisions and has established a new plan that called for the demolition of the existing building and construction of a 7,200 square-foot building. The applicant had determined that the condition and structural integrity of the previously existing building would not support the modifications needed to reoccupy the building. The new structure will enhance the aesthetics of the block and increase the property's taxable value for the CRA increment. The applicant proposes to use this building as a restaurant and brewery, which 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 2017-49	Resolution 2017-49 (2).doc	

2.	Location Map	Location Map.docx
3.	Site map	Barn Brewery 2 site map.pdf
4.	Map	Barn Brewery 2 map.pdf
5.	Application	Barn Brewery 2 CUP App.pdf
6.	Legal Ad	Barn Brewery 2 legal ad.pdf

**CITY OF CLERMONT
RESOLUTION NO. 2017-49**

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.

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, 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.

CITY OF CLERMONT
RESOLUTION NO. 2017-49

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 7,300 square foot building. Other permitted uses in the CBD zoning district are also permitted.

CITY OF CLERMONT
RESOLUTION NO. 2017-49

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of September, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

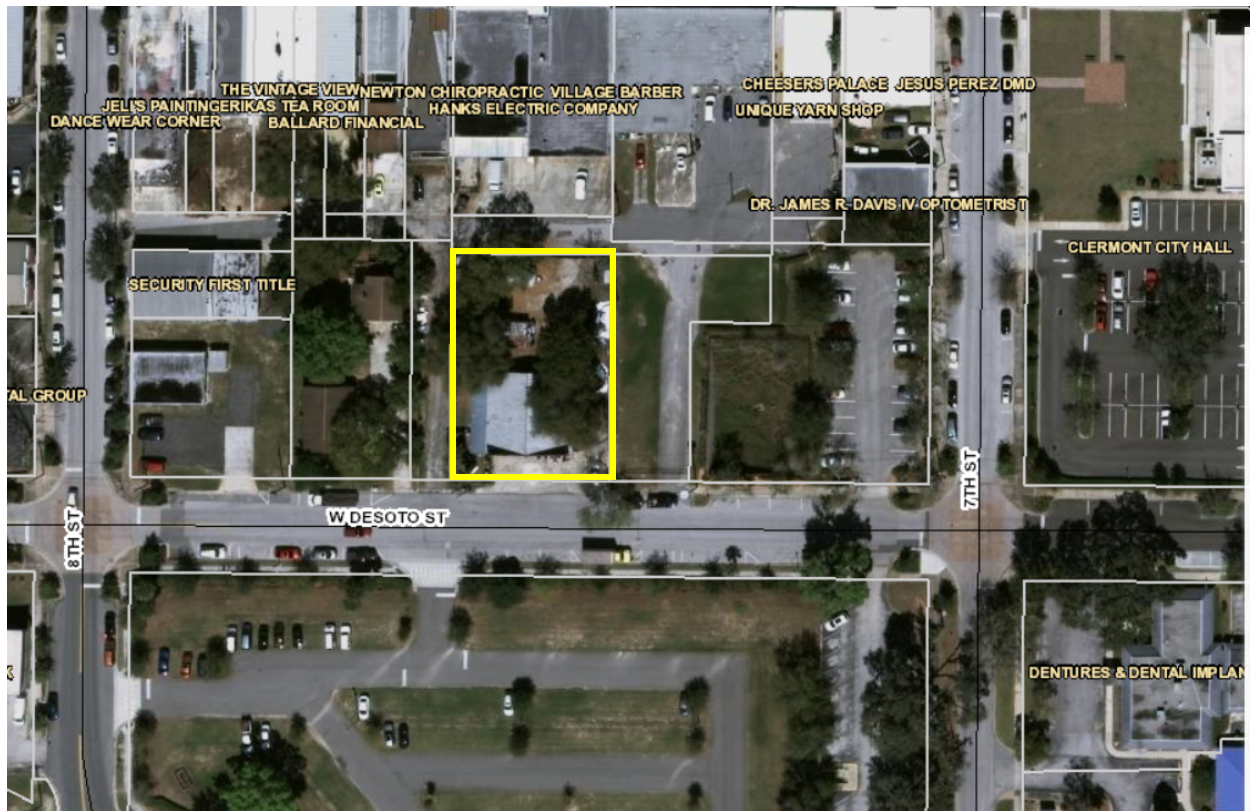
ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Location Map: 750 West Desoto Street





BOUNDARY SURVEY FOR:
DARREN W. JOHNSON PRODUCTIONS

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

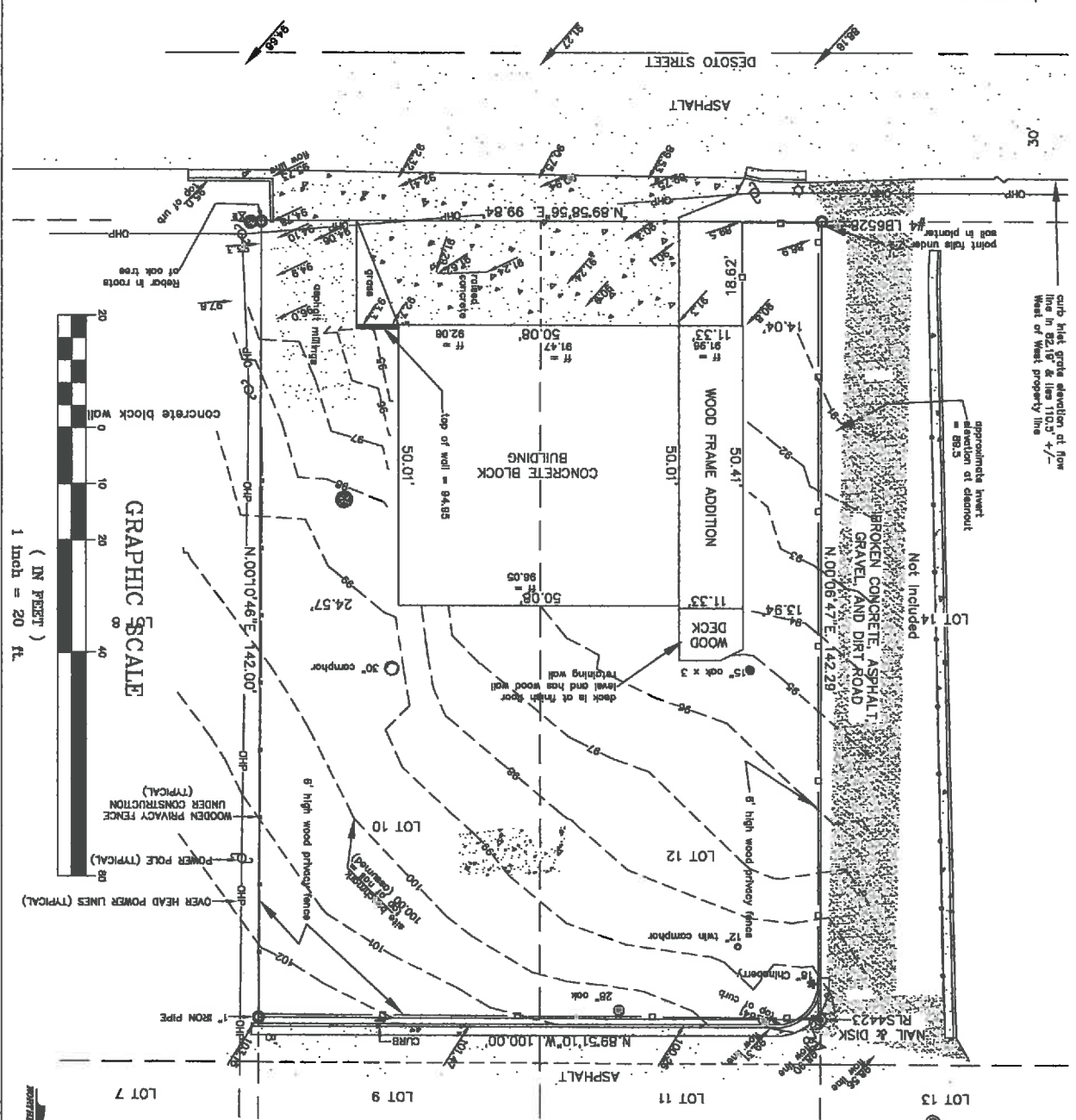
LOT 10 & 12, BLOCK 81, CITY OF CLEMONT
LAKE COUNTY, FLORIDA
750 WEST DESOTO STREET
CLEMONT, FLORIDA 34711

PAGE 1 OF 1
DRAWING NO.: CLEMONTBLK81LOT10&12

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

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

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 DESCRIPTION
LOTS 10 AND 12, BLOCK 81, LESS AND EXCEPT THE NORTH 8 FEET THEREOF, OFFICIAL MAP OF THE CITY OF CLEMONT, 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.

NOTES:
1. BEARINGS BASED ON THE ASSUMED BEARING OF N.89°58'56"E. ALONG THE NORTHERLY RIGHT OF WAY LINE OF DESOTO STREET.
2. PROPERTY SHOWN HEREON CONTAINS 14.203 SQ. FT. 0.33± 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 SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHT OF WAY, SETBACKS OR RESTRICTIONS.
7. THIS SURVEY IS SUBJECT TO THE FACTS DISCLOSED BY TITLE COMMITMENT #5324023 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.
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.



**CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 8/17/17

FEE: \$845
+ cost of advertisement

PROJECT NAME (if applicable): Clermont Brewing Co.

APPLICANT: Darren Johnson

CONTACT PERSON: Darren Johnson

Address: 1075 W. Lakeshore Dr.

City: Clermont State: FL. Zip: 34711

Phone: 3522056866 Fax: _____

E-Mail: darren@dwj-p.com

OWNER: Darren W. Johnson Productions, Inc.

Address: 1075 W. Lakeshore Dr.

City: Clermont State: FL. Zip: 34711

Phone: 3522056866 Fax: _____

Address of Subject Property: 750 W. DeSoto St.

General Location: Between 7th + 8th St.

Legal Description (include copy of survey): Lot 10412, 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 seeking to increase new building
Size from 3500 sq. ft. to 7204 sq. ft.

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

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 Monday, September 11, 2017 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, September 26, 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.

Daily Commercial
September 1, 2017
September 19, 2017