



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, August 11, 2015**

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

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

Lake County Rowing Association Presentation

Quarterly Budget Update

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

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

Item No. 1 - Meeting Minutes

Consider request to approve minutes of the April 28, 2015 Regular Council meeting.

Item No. 2 - Resolution No. 2015-27

Consider approval of FRDAP Grant Application for Palatlakaha Park - Phase I

Item No. 3 - Resolution No. 2015-28

Consider approval of FRDAP grant application for Palatlakaha Park Phase II.

Item No. 4 - Contract Renewal

Consider renewal of Dispatch Services Contract provided by the Lake County Sheriff's Office.

UNFINISHED BUSINESS

Item No. 5 - Variance Request
Sundar Investments

Consider a variance request to allow for a rear yard setback of 20 feet, located at 4444 Harts Cove Way.

Item No. 6 - Resolution No. 2015-23
Harvest Landing

Consider an amendment to a Conditional Use Permit (Resolution No. 2015-07) to allow a Planned Unit Development.

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Item No. 7 - Ordinance No. 2015-68; *Final*

Consider an Ordinance to amend Chapter 86, Section 86-52, Granting of Variances.

NEW BUSINESS

Item No. 8 - Ordinance No. 2015-73; Introduction

Consider introduction of Ordinance to adopt a Fire Rescue Services Assessment.

ADJOURN

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

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

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 28, 2015

The Clermont City Council met in a regular meeting on Tuesday, April 28, 2015 in the Council Chambers at City Hall. Mayor Ash called the meeting to order at 6:00 pm with the following Council Members present: Council Members Goodgame, Mullins, Bates and Travis. Other City officials present were: City Manager Gray, City Attorney Mantzaris and City Clerk Ackroyd.

INVOCATION

Pastor Jeff Barnes; Real Life Christian Church, gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS

City Clerk Ackroyd read the Motorcycle Awareness Month proclamation aloud. Mayor Ash presented the proclamation to Bruce Suther, A.B.A.T.E. of Florida, Lake County Chapter.

City Clerk Ackroyd read the Water Safety Month proclamation aloud. Mayor Ash presented the proclamation to Ginny and Jim Harrison.

City Clerk Ackroyd read the Drinking Water Week proclamation aloud. Mayor Ash presented the proclamation to Interim Environmental Services Director Roy.

City Clerk Ackroyd read the World Lupus Day proclamation aloud.

PUBLIC COMMENTS

Ginny Harrison; representing Swimming for Life and Water Safety Education, announced on May 16 there will be a Champion Safety Day event which includes Water Safety Day. Water Safety Day has been part of Clermont for four years. She requested the City include Water Safety Day as part of the advertisement for future Champion Safety Day events.

Jim Harrison; Swimming for Life, thanked the City for recognizing Water Safety Month and requested the City sponsor the event in the future.

REPORTS

City Manager Gray – No report.

City Attorney Mantzaris – No report.

Council Member Bates – No report.

Council Member Goodgame reported John Moore provided a tour of the new rehabilitation center at South Lake Hospital. Commissioner Parks presented a Resolution to Shannon Hilling on behalf of the Lake County Board of County Commissioners for her work as a member of the South Lake Chamber Sports and Tourism Committee.

Council Member Mullins announced the Clermont Downtown Partnership will hold Music on Montrose on Friday, May 1.

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Council Member Travis reported Thursday, April 30 the South Lake Chamber's Business After Hours will be held at the Blueberry Farm. May is Bicycle Safety Month and on May 20 at 7pm there will be a seven-mile ride around Lake Minnehaha to honor those who have been killed or injured on bicycles.

Mayor Ash announced the Dragon Boat Festival will be held at Waterfront Park on May 2.

CONSENT AGENDA

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

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| Item No. 1 – Resolution No. 2015-12 | Consider request to approve Fiscal Year 2015 Budget Amendments. |
| Item No. 2 – Resolution No. 2015-19 | Consider approval of Interlocal Agreement with Lake County regarding updating responsibilities relating to the NG9-1-1 System. |
| Item No. 3 – Surplus, Replacement Purchase and Budget Amendment | Consider request to declare surplus current Police Dept. K9 dog and kennel, transfer ownership of dog and kennel to current handler, purchase replacement dog and a budget amendment in the amount of \$14,500. |
| Item No. 4 – Contract Award | Consider request to piggyback the Florida Sheriff's Association contract to purchase one garbage/recycling truck in the amount of \$292,098. |
| Item No. 5 – Bid Award | Consider approval of bid award to JPR Universal Construction, LLC to provide Pitt Street sidewalk improvements. |
| Item No. 6 – Interlocal Agreement | Consider proposed Interlocal Agreement with Lake County regarding the one-cent sales tax. |

Council Member Goodgame commented that Item 6 regarding the One-cent Sales Tax expires in December 2017. Lake County will place a fifteen year extension for the tax on the November ballot. The City receives \$2.6 million from the tax and urged citizen support of the extension.

Council Member Goodgame moved to accept the Consent Agenda as written; seconded by Council Member Mullins. The motion passed with all members present voting aye.

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UNFINISHED BUSINESS

Items 7 through 9 were heard collectively and voted on individually.

Item No. 7 – Ordinance No. 2015-13; *Final, Plaza Collina*

City Clerk Ackroyd read Ordinance 2015-13 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Item No. 8 – Ordinance No. 2015-14; *Transmittal, Plaza Collina*

City Clerk Ackroyd read Ordinance 2015-14 aloud by title only.

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

Item No. 9 – Resolution No. 2015-08; *Plaza Collina*

City Clerk Ackroyd read Resolution 2015-08 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow a mixed use Planned Unit Development in the UE Urban Estate Zoning District.

Development Services Director Hollerand presented the request for annexation, Comprehensive Plan Amendment, and Conditional Use Permit for a Planned Unit Development. Plaza Collina consists of 142 acres and is located on the north side of State Road 50, west of the Orange County line. The property is owned by Avanti.

The Interlocal Service Boundary Agreement between Lake County and the City allows for annexation of non-contiguous property. The City is the applicant and is exercising the option to annex the Plaza Collina property as provided for in a 2006 Utility Services Agreement.

The Lake County Development of Regional Impact Development Order and the Lake County Planned Unit Development allows for 1.2 million square feet of commercial space and 200 multi-family units. A mass grading permit was approved by Lake County; which included a site plan, mass grading, master stormwater, roadway, and utility development construction. The mass grading is currently in progress

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and construction plans were submitted to Lake County for a 36,000 square foot automotive dealership. Lake County approval was dependent on a Notice of Proposed Change to ensure the Development of Regional Impact conditions were met. The property owner began the process with the East Central Florida Regional Planning Council with the primary purpose of making changes to the build-out dates and to the transportation, transit, and bicycle facility requirements. The Notice of Proposed Change was withdrawn in February 2015 due to the City moving forward with annexation.

The land use designation is currently Lake County Regional Commercial and the City's Master Plan Development is the requested change. The Planned Unit Development designation is currently Lake County Urban Estate and the City is requesting a Conditional Use Permit for a Planned Unit Development with C-2 uses. The conceptual master plan for the property is an addition to the Conditional Use Permit with the City.

The entitlements from Lake County for automotive dealerships are included in the allowed retail commercial uses to the property. There are no prohibitions on the number or locations of automotive dealerships on the property. There are no prohibitions on the maximum size of the retail building and no architectural guideline details in the current Lake County approvals. A conceptual plan was presented during the 2006 Lake County hearings; however the plan was not included as an attachment to the Planned Unit Development Ordinance or the Development of Regional Impact Ordinance.

The City and owners agreed to limit the number of automotive dealerships at two on the western side of the property. Additional automotive dealerships would require public hearings and City Council approval. One single-use retail building of 187,000 square feet will be allowed. The City will have two gateways from the property owner; one at State Road 50 on the eastern side of the property and another at Old Highway 50 adjacent to the South Lake Trail.

The landscaping requirements in the City's Conditional Use Permit for a Planned Unit Development meet or exceed the Lake County requirements. The transportation conditions from the Development of Regional Impact Order were transferred to the City's Conditional Use Permit for the Planned Unit Development and school concurrency was added as a condition.

The property owner is requesting the Development of Regional Impact be rescinded upon annexation into the City, as provided for by Florida Statute.

The Planning and Zoning Commission recommended approval of the transmittal of the Large Scale Comprehensive Plan Amendment. The Planning and Zoning Commission did not make a recommendation on the Conditional Use Permit for a Planned Unit Development. Staff recommended approval of the annexation, the transmittal of the Large Scale Comprehensive Plan Amendment, and the Conditional Use Permit for a Planned Unit Development.

Rebecca Wilson; on behalf of Avanti, was available to answer any questions.

Mayor Ash opened the public hearing.

Dave Ellis, Joe Ausley, Joe Buckman, and Tim Staab expressed concern regarding the automotive dealerships.

Tom Dozier supported the automotive dealerships.

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Glenn Burns spoke in opposition of the Plaza Collina project.

Toby Janice and Casey Kesselring spoke in support of the Plaza Collina project.

Judy Proli suggested a workshop discussion regarding zoning codes.

Jim Purvis supported the gateway signs.

Mayor Ash closed the public hearing.

Rebecca Wilson; Avanti representative, commented the decision before Council regarded annexation of the property. Avanti purchased an entitled piece of property with an annexation agreement with the City of Clermont. The owners are in favor of annexing into the City and developing the property.

Council Member Mullins inquired if the protection for the Green Mountain Scenic Trail was part of the Conditional Use Permit. Ms. Wilson stated the permit for the infrastructure was approved based on a settlement agreement.

Council Member Mullins asked how the proposed landscaping plan compared to other landscaping in Clermont. Planning Manager Henschel commented the property was unique. The property was developed in Lake County and contains a 10 foot buffer along Highway 50 and has a meandering sidewalk in the right-of-way, along with an additional 10 foot right-of-way which will be buffered.

Council Member Mullins favored annexation due to the City's diligence in enforcing City Code and is a good use of the property. He requested a 'go dark' clause in the Conditional Use Permit to prevent a business from prohibiting the same type of business from using the vacated structure.

Council Member Travis asked if there were walkways or bike paths coming into Plaza Collina. Ms. Wilson displayed the site plan indicating the sidewalk connection into the site from Old Highway 50.

Council Member Travis inquired if the City previously agreed to two automobile dealerships. City Attorney Mantzaris stated a water and sewer utility agreement was negotiated with the City and included entitlements adopted by the Lake County Board of County Commissioners in 2006. The agreement states when exercising the right to annex, the annexation includes accepting what is spelled out in the Lake County ordinances. The issue is the entitlement. City staff researched the Lake County approvals from 2006 and the approvals did not limit the number of automotive dealerships. Two automotive dealerships have been negotiated since this process has started. It is the City's position that there is no number of limitation related to automotive dealerships or restaurants. There is only a limitation on commercial square footage which cannot be exceeded.

Council Member Goodgame requested information about the transit system for passengers to go to Orlando. Ms. Wilson stated in 2006 Lynx had requested a 'super stop' at an undetermined location for an undetermined number of buses to park for an undetermined amount of time to pick up an undetermined amount of passengers to take them to Orlando. Subsequent conversations with Lynx and Lake County Connection concluded both entities would agree to a bus stop on the Plaza Collina property. A financial contribution of \$200,000 is also required in the Conditional Use Permit to assist in a transit connection.

Council Member Goodgame moved for adopt of Ordinance 2015-13; seconded by Council Member Mullins. The motion passed 5 to 0 on a roll call vote.

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Council Member Goodgame moved for adoption of Ordinance 2015-14; seconded by Council Member Mullins. The motion passed to transmit, with all members present voting aye.

Council Member Goodgame moved to approve Resolution 2015-08 with the land use addition; seconded by Council Member Mullins.

Council Member Mullins asked about including a 'go dark clause'. City Attorney Mantzaris stated 'go dark' clauses are difficult to enforce. A 'go dark' clause could be addressed with any potential new use.

The motion passed with all members present voting aye.

Mayor Ash recessed the meeting at 7:31pm. Mayor Ash reconvened the meeting at 7:40pm.

Items 10 and 11 were heard concurrently and voted on separately.

Item No. 10 – Ordinance No. 2015-20; Final; Don Mealey Chevrolet

City Clerk Ackroyd read Ordinance 2015-20 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Item No. 11 – Ordinance No. 2015-22; Final; Don Mealey Chevrolet

City Clerk Ackroyd read Ordinance 2015-22 aloud by title only.

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

Senior Planner Kruse presented the administrative request for a Large Scale Comprehensive Plan Amendment and rezoning the existing Don Mealey Chevrolet automotive dealership at 14138 State Road 50. The property receives water and sewer services from the City. The Large Scale Comprehensive Plan Amendment changes the future land use from Lake County's Regional Commercial to the City's Commercial designation. The rezoning request changes the current zoning from Lake County's Planned Commercial District to the City's C-2 General Commercial zoning classification. Staff recommended approval of the annexation, Large Scale Comprehensive Plan Amendment, and rezoning.

Mayor Ash opened the public hearing.

Joe Buckman inquired if Council voted on the Resolution for Plaza Collina. Mayor Ash stated Council approved the Resolution.

Mayor Ash closed the public hearing.

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Council Member Goodgame moved to adopt Ordinance 2015-20; seconded by Council Member Mullins. The motion passed 5 to 0 on a roll call vote.

Council Member Goodgame moved to adopt Ordinance 2015-22; seconded by Council Member Mullins. The motion passed 5 to 0 on a roll call vote.

Items 12 through 14 were heard collectively and voted on individually.

Item No. 12 – Ordinance No. 2015-23; Final; Clermont Nissan

City Clerk Ackroyd read Ordinance 2015-23 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Item No. 13 – Ordinance No. 2015-24; Final; Clermont Nissan

City Clerk Ackroyd read Ordinance 2015-24 aloud by title only.

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

Item No. 14 – Ordinance No. 2015-25; Final, Clermont Nissan

City Clerk Ackroyd read Ordinance 2015-25 aloud by title only.

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

Senior Planner Kruse presented the administrative request for annexation, future land use change, and rezoning of the Clermont Nissan automotive dealership located at 16005 State Road 50. The property receives water and sewer services from the City. The Small Scale Comprehensive Plan Amendment changes the future land use from Lake County's Regional Commercial to the City's Commercial designation. The rezoning request changes the zoning from Lake County's Planned Commercial District to the City's C-2 General Commercial zone. Staff recommended approval of the annexation, Small Scale Comprehensive Plan Amendment, and rezoning.

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

Council Member Mullins asked if the property to the north was owned by the same owner. Senior Planner Kruse stated the owner was the same; however when the utility agreement was written, the north parcel was not included.

Council Member Mullins inquired if the parcel to the north could be utilized as a water reuse source. Assistant City Manager Kinzler stated the area was not large enough to meet St Johns River Water Management District requirements.

Council Member Goodgame moved to adopt Ordinance 2015-23; seconded by Council Member Mullins. The motion passed 5 to 0 on a roll call vote.

Council Member Mullins moved to adopt Ordinance 2015-24; seconded by Council Member Travis. The motion passed 5 to 0 on a roll call vote.

Council Member Mullins moved to adopt Ordinance 2015-25; seconded by Council Member Travis. The motion passed 5 to 0 on a roll call vote.

Items 15 through 17 were heard concurrently and voted on separately.

Item No. 15 – Ordinance No. 2015-26; *Final, Headquarter Honda*

City Clerk Ackroyd read Ordinance 2015-26 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Item No. 16 – Ordinance No. 2015-27; *Final, Headquarter Honda*

City Clerk Ackroyd read Ordinance 2015-27 aloud by title only.

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

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Item No. 17 – Ordinance No. 2015-28; *Final, Headquarter Honda*

City Clerk Ackroyd read Ordinance 2015-28 aloud by title only.

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

Senior Planner Kruse presented the administrative request for annexation, future land use change, and rezoning of the Headquarter Honda automotive dealership located at 17700 State Road 50. The property receives water and sewer services from the City. The Small Scale Comprehensive Plan Amendment changes the future land use from Lake County's Regional Commercial to the City's Commercial designation. The rezoning request changes the zoning from Lake County's Planned Commercial District to the City's C-2 General Commercial zoning classification. Staff recommended approval of the annexation, Small Scale Comprehensive Plan Amendment, and rezoning. Staff received citizen comments regarding annexation of the parcel.

Mayor Ash opened the public hearing.

Charley Carlson inquired if the Conditional Use Permit would change. City Attorney Mantzaris stated the property did not have a Conditional Use Permit. City Manager Gray commented any agreements would remain in place.

Charley Carlson expressed concern regarding loud music and noise. City Manager Gray stated Code Enforcement would address the issues.

Gail Harris expressed concern regarding noise, loud music, and the development not meeting the standards presented to Council.

Council Member Goodgame stated the conditions Council provided at the time should be included.

Mayor Ash commented upon annexation, the property would have to adhere to City codes and regulations.

City Attorney Mantzaris commented the only action the City took was approving a water and sewer agreement in 2008. The project went through a Joint Planning Agreement review and the City provided comments; however the City had no authority to force Lake County to attach conditions.

Al Koehnlein requested the same conditions currently in place remain in place.

Council Member Goodgame moved to table Ordinance 2015-26 to May 12; seconded by Council Member Mullins.

Council Member Mullins stated tabling the Ordinance would delay addressing the noise issues and staff can research the conditions after annexation.

Council Member Travis was in agreement with Council Member Mullins.

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The motion failed 1 to 4 on a roll call vote with Council Members Bates, Mullins, Travis and Mayor Ash opposing.

Council Member Mullins moved to adopt Ordinance 2015-26; seconded by Council Member Travis. The motion passed 4 to 1 on a roll call vote with Council Member Goodgame opposing

Council Member Mullins moved to adopt Ordinance 2015-27; seconded by Council Member Travis. The motion passed 4 to 1 on a roll call vote with Council Member Goodgame opposing.

Council Member Mullins moved to adopt Ordinance 2015-28; seconded by Council Member Travis. The motion passed 4 to 1 on a roll call vote with Council Member Goodgame opposing.

Items 18 and 19 were heard concurrently and voted on separately.

Item No. 18 – Ordinance No. 2015-38; *Final, East Towne*

City Clerk Ackroyd read Ordinance 2015-38 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Item No. 19 – Ordinance No. 2015-40; *Final, East Towne Center*

City Clerk Ackroyd read Ordinance 2015-40 aloud by title only.

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

Senior Planner Kruse presented the administrative request for annexing and rezoning East Towne Center located at 13900 County Road 455, 13910 State Road 50, and 16705 State Road 50. The property receives water and sewer services from the City. The rezoning request changes the zoning from the Lake County Planned Commercial District to the City's C-2 General Commercial zoning classification. Staff recommended approval of the annexation and rezoning request.

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

Council Member Goodgame moved to adopt Ordinance 2015-38; seconded by Council Member Goodgame. The motion passed 5 to 0 on a roll call vote.

Council Member Goodgame moved to adopt Ordinance 2015-40; seconded by Council Member Mullins. The motion passed 5 to 0 on a roll call vote.

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Item No. 20 – Ordinance No. 2015-29; *Napleton Clermont and Lake County Sheriff's Office*

This item was withdrawn by staff.

Item No. 21 – Ordinance No. 2015-31; *Napleton Clermont and Lake County Sheriff's Office*

This item was withdrawn by staff.

NEW BUSINESS

Item No. 22 – Resolution No. 2015-15; *Kirby*

City Clerk Ackroyd read Resolution 2015-15 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for a professional office use in R-3-A Residential/Professional zoning district

Senior Planner Kruse presented the request to allow for an office use in an existing building located at 176 East Highland Avenue. The applicant is requesting to use the existing building for a professional office. The building is approximately 1,600 square feet with 10 on-site parking stalls. Staff recommended approval of the request.

The applicant was not present.

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

Council Member Bates moved to approve Resolution 2015-15; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 23 – Resolution No. 2015-16; *Land of Lakes Montessori School*

City Clerk Ackroyd read Resolution 2015-16 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for a private school use in the C-2 General Commercial zoning district

Planning Manager Henschel presented the request to allow a private school facility within a C-2 General Commercial District located on the southwest corner of Sandy Grove Avenue and Oakley Seaver Drive. The proposed building will contain 7,200 square feet and two playgrounds. The school will provide space for 120 students, 12 teachers, and three staff members. The hours of operation will be Monday through Friday from 8am until 4pm. A long internal driveway and staggered starting times is proposed to prevent traffic issues. Staff recommended approval of the request.

Ignacio Quintana, applicant, was present to answer questions.

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

Council Member Goodgame asked if the location was part of the Lowe's overflow parking area. Planning Manager Henschel stated it was not the Lowe's overflow parking area.

Council Member Mullins moved to adopt Resolution 2015-16; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 24 – Ordinance No. 2015-41; Introduction, BP

City Clerk Ackroyd read Ordinance 2015-41 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Council Member Mullins moved to introduce Ordinance 2015-41; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 25 – Ordinance No. 2015-42; Introduction, BP

City Clerk Ackroyd read Ordinance 2015-42 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-42; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 26 – Ordinance No. 2015-43; Introduction, BP

City Clerk Ackroyd read Ordinance 2015-43 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-43; seconded by Council Member Bates. The motion passed with all members present voting aye.

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Item No. 27 – Ordinance No. 2015-44; *Introduction, Discount Tire*

City Clerk Ackroyd read Ordinance 2015-44 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Council Member Mullins moved to introduce Ordinance 2015-44; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Item No. 28 – Ordinance No. 2015-45; *Introduction, Discount Tire*

City Clerk Ackroyd read Ordinance 2015-45 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-45; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 29 – Ordinance No. 2015-46; *Introduction, Discount Tire*

City Clerk Ackroyd read Ordinance 2015-46 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-46; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 30 – Ordinance No. 2015-47; *Introduction, Harbor Federal*

City Clerk Ackroyd read Ordinance 2015-47 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 28, 2015

Council Member Mullins moved to introduce Ordinance 2015-47; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 31 – Ordinance No. 2015-48; *Introduction, Harbor Federal*

City Clerk Ackroyd read Ordinance 2015-48 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-48; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 32 – Ordinance No. 2015-49; *Introduction, Harbor Federal*

City Clerk Ackroyd read Ordinance 2015-49 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-49; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 33 – Ordinance No. 2015-50; *Introduction, Value Place Hotel*

City Clerk Ackroyd read Ordinance 2015-50 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Council Member Mullins moved to introduce Ordinance 2015-50; seconded by Council Member Bates. The motion passed with all members present voting aye.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 28, 2015

Item No. 34 – Ordinance No. 2015-51; *Introduction, Value Place Hotel*

City Clerk Ackroyd read Ordinance 2015-51 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-51; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 35 – Ordinance No. 2015-52; *Introduction, Value Place Hotel*

City Clerk Ackroyd read Ordinance 2015-52 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-52; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 36 – Ordinance No. 2015-53; *Introduction, U-Haul*

City Clerk Ackroyd read Ordinance 2015-53 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land in accordance with the Interlocal Service Boundary Agreement dated December 2, 2014; providing for an effective date, severability, recording, and publication.

Council Member Mullins moved to introduce Ordinance 2015-53; seconded by Council Member Bates. The motion passed with all members present voting aye.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 28, 2015

Item No. 37 – Ordinance No. 2015-54; *Introduction, U-Haul*

City Clerk Ackroyd read Ordinance 2015-54 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-54; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 38 – Ordinance No. 2015-55; *Introduction, U-Haul*

City Clerk Ackroyd read Ordinance 2015-55 aloud by title only.

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

Council Member Mullins moved to introduce Ordinance 2015-55; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 8:40pm

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, August 11, 2015		
Agenda Item Name		
Resolution No. 2015-27		
Requested Action		
Move to approve Resolution No. 2015-27		
Staff Report		
- Palatlakaha Park FRDAP Grant Application - Phase I The City of Clermont proposes to submit two \$50,000 grant applications for improvements to Palatlakaha Park. The grants are through the Florida Recreation Development Assistance Program (FRDAP). FRDAP grants are available for land acquisition, construction of new parks, and for development within existing parks. No match is required		
Additional Analysis		
Fiscal Impact Summary		
The grant does not require any matching funds from the City.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution No. 2015-27	2015-27 FRDP Palatlakaha Park Phase I.doc	
2. Palatlakaha Park FRDAP - Grant Appplication Phase I	Grant Phase I.pdf	

**CITY OF CLERMONT
RESOLUTION NO. 2015-27**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN
APPLICATION FOR THE FLORIDA RECREATION
DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR FEDERAL FISCAL YEAR 2016-2017.**

WHEREAS, the City of Clermont desires to submit an application to the Florida Department of Environmental Protection for a Florida Recreation Development Assistance Program Grant to benefit the local residents.

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City limits of the City of Clermont, Florida and among those visiting the area, and

WHEREAS, the City recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for, recreation opportunities can best be met with the development of Palatlahaka Park Phase I as detailed in the application for funding in which the City is submitting an application in the August 14, 2015 application cycle requesting \$50,000.00 in grant funds.

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

1. That the City of Clermont hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor of The City of Clermont is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on August 14, 2015.
3. That as part of the application for the Florida Recreational Development Assistance Program (FRDAP) grant, the Capital Improvements Element of the Comprehensive Plan of The City of Clermont, Florida will be amended to include the development of Palatlahaka Park Phase I in the City Limits of the City of Clermont, if the project is funded in the 2016 – 2017 application cycle.

CITY OF CLERMONT
RESOLUTION NO. 2015-27

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 11th day of August, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FEDERAL FISCAL YEAR 2016-2017.

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City limits of the City of Clermont, Florida and among those visiting the area, and

WHEREAS, meeting the increasing demand for, recreation opportunities can best be met with the development of Palatklaha Park Phase I as detailed in the application for funding in which the City is submitting an application in the August 14, 2015 application cycle requesting \$50,000.00 in grant funds.

1. That the City of Clermont hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor of The City of Clermont is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on August 14, 2015.
3. That as part of the application for the Florida Recreational Development Assistance Program (FRDAP) grant, the Capital Improvements Element of the Comprehensive Plan of The City of Clermont, Florida will be amended to include the development of Palatlakaha Park Phase I in the City Limits of the City of Clermont, if the project is funded in the 2016 – 2017 application cycle.

City Clerk Date

FRDAP Grants

Grant 1 - Palatlahaha Park

Project Elements	Description	Cost	Points
Restroom	Repaint and dividers	\$ 600.00	6
Playground	repair main support posts, stain, and seal	\$ 6,000.00	6
	replace damaged wood decking with recycled plastic	\$ 8,400.00	
Tennis Court	resurface	\$15,000.00	5
Baseball field	Repaint Concession Stand inside/outside	\$ 2,500.00	5
Basketball Court	Resurface and Re-line	\$ 3,500.00	5
Picnic Facilities	Replace 20 tables and 5 benches	\$14,000.00	4
Totals		\$50,000.00	31

Grant 2 - Palatlahaha Park

Project Elements	Description	Cost	Points
Baseball Field	Replace Bases	\$ 1,500.00	6
Fishing Pier	replace rotted wood	\$ 1,000.00	2
Concrete Hiking Trail	Replace areas damaged by roots	\$ 600.00	2
Basketball	Replace backboards/goals/nets	\$ 1,500.00	5
restroom	re-roof two restrooms	\$ 5,000.00	6
pavilion	re-roof	\$ 4,500.00	4
Playground	Repair Wood Framing	\$15,000.00	6
	Replace hand rails with recycled plastic	\$10,000.00	
	Replace wood balusters with composite balusters	\$10,900.00	
Total		\$50,000.00	31

Palatlakaha Park FRDAP Grant Application

The City of Clermont proposes to submit two \$50,000 grant applications for improvements to Palatlakaha Park. The grants are through the Florida Recreation Development Assistance Program (FRDAP). FRDAP grants are available for land acquisition, construction of new parks, and for development within existing parks. No match is required for the \$50,000 grants.

The proposed improvements are described in the attached Project Element table.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, August 11, 2015		
Agenda Item Name		
Resolution No. 2015-28		
Requested Action		
Move to approve Resolution No. 2015-28		
Staff Report		
Palatlakaha Park FRDAP Grant Application The City of Clermont proposes to submit two \$50,000 grant applications for improvements to Palatlakaha Park. The grants are through the Florida Recreation Development Assistance Program (FRDAP). FRDAP grants are available for land acquisition, construction of new parks, and for development within existing parks. No match is required for the \$50,000 grants. The proposed improvements are described in the attached Project Element table.		
Additional Analysis		
Fiscal Impact Summary		
The grant does not require any matching funds from the City.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution No. 2015-28	2015-28 FRDP Palatlakaha Park Phase II.doc	
2. Palatlakaha Park FRDAP Grant Application - Phase II	Grant Phase II.pdf	

**CITY OF CLERMONT
RESOLUTION NO. 2015-28**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN
APPLICATION FOR THE FLORIDA RECREATION
DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR FEDERAL FISCAL YEAR 2016-2017.**

WHEREAS, the City of Clermont desires to submit an application to the Florida Department of Environmental Protection for a Florida Recreation Development Assistance Program Grant to benefit the local residents.

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City limits of the City of Clermont, Florida and among those visiting the area, and

WHEREAS, the City recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for, recreation opportunities can best be met with the development of Palatlakaha Park Phase II as detailed in the application for funding in which the City is submitting an application in the August 14, 2015 application cycle requesting \$50,000.00 in grant funds.

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

1. That the City of Clermont hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor of The City of Clermont is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on August 14, 2015.
3. That as part of the application for the Florida Recreational Development Assistance Program (FRDAP) grant, the Capital Improvements Element of the Comprehensive Plan of The City of Clermont, Florida will be amended to include the development of Palatlakaha Park Phase I in the City Limits of the City of Clermont, if the project is funded in the 2016 – 2017 application cycle.

CITY OF CLERMONT
RESOLUTION NO. 2015-28

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 11th day of August, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FEDERAL FISCAL YEAR 2016-2017.

WHEREAS, the City of Clermont desires to submit an application to the Florida Department of Environmental Protection for a Florida Recreation Development Assistance Program Grant to benefit the local residents.

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City limits of the City of Clermont, Florida and among those visiting the area, and

WHEREAS, the City recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for, recreation opportunities can best be met with the development of Palatlahaka Park Phase II as detailed in the application for funding in which the City is submitting an application in the August 14, 2015 application cycle requesting \$50,000.00 in grant funds.

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

1. That the City of Clermont hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor of The City of Clermont is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on August 14, 2015.
3. That as part of the application for the Florida Recreational Development Assistance Program (FRDAP) grant, the Capital Improvements Element of the Comprehensive Plan of The City of Clermont, Florida will be amended to include the development of Palatlahaka Park Phase II in the City Limits of the City of Clermont, if the project is funded in the 2016 – 2017 application cycle.

ADOPTED by the City of Clermont City Council, Lake County, Florida on this ____ day of _____, 2015.

_____, Mayor

Date

ATTESTED:

_____, City Clerk

Date

FRDAP Grants

Grant 1 - Palatlahaha Park

Project Elements	Description	Cost	Points
Restroom	Repaint and dividers	\$ 600.00	6
Playground	repair main support posts, stain, and seal	\$ 6,000.00	6
	replace damaged wood decking with recycled plastic	\$ 8,400.00	
Tennis Court	resurface	\$15,000.00	5
Baseball field	Repaint Concession Stand inside/outside	\$ 2,500.00	5
Basketball Court	Resurface and Re-line	\$ 3,500.00	5
Picnic Facilities	Replace 20 tables and 5 benches	\$14,000.00	4
Totals		\$50,000.00	31

Grant 2 - Palatlahaha Park

Project Elements	Description	Cost	Points
Baseball Field	Replace Bases	\$ 1,500.00	6
Fishing Pier	replace rotted wood	\$ 1,000.00	2
Concrete Hiking Trail	Replace areas damaged by roots	\$ 600.00	2
Basketball	Replace backboards/goals/nets	\$ 1,500.00	5
restroom	re-roof two restrooms	\$ 5,000.00	6
pavilion	re-roof	\$ 4,500.00	4
Playground	Repair Wood Framing	\$15,000.00	6
	Replace hand rails with recycled plastic	\$10,000.00	
	Replace wood balusters with composite balusters	\$10,900.00	
Total		\$50,000.00	31

Palatlakaha Park FRDAP Grant Application

The City of Clermont proposes to submit two \$50,000 grant applications for improvements to Palatlakaha Park. The grants are through the Florida Recreation Development Assistance Program (FRDAP). FRDAP grants are available for land acquisition, construction of new parks, and for development within existing parks. No match is required for the \$50,000 grants.

The proposed improvements are described in the attached Project Element table.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, August 11, 2015		
Agenda Item Name		
Contract Renewal		
Requested Action		
Staff is requesting approval of the dispatching services renewal agreement with the Lake County Sheriff's Office.		
Staff Report		
The current agreement with the Lake County Sheriff's office providing dispatching services to the city is set to expire September 30, 2015. The Sheriff has provided a renewal agreement which would cover the period October 1, 2015 - September 30, 2020. The renewal agreement provides the same level of dispatching services to the city. The total annual amount of the renewal agreement is \$488,733.80, which is an increase of \$81,680.74 over the annual amount currently paid. The increase is primarily due to salaries and benefits of the assigned dispatchers. The proposed FY 2016 budget that has been discussed with the Council during the recent budget workshops was based on the current year contract amount. The FY 2016 budget that will be distributed to the Council in September will include the renewal agreement amount.		
Additional Analysis		
Fiscal Impact Summary		
No impact to the current year approved budget. The FY 2016 budget will include the renewal agreement amount.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Dispatching Services Agreement Lake County Sheriff's Dispatching Services Agreement - 10-1-15.pdf		

**RENEWAL OF LAW ENFORCEMENT DISPATCH
SERVICES AGREEMENT**

This Renewal of Law Enforcement Dispatch Services Agreement (hereinafter RENEWAL) is made and entered into by and between Gary S. Borders, as Sheriff of Lake County, Florida, a constitutional officer of the State of Florida (hereinafter SHERIFF) and The City of Clermont, a municipal corporation existing pursuant to the laws of the State of Florida, its successors and assigns through its City Council (hereinafter CITY) (collectively the CITY and the SHERIFF hereinafter the PARTIES).

WITNESSETH:

WHEREAS, the PARTIES entered into that certain 2010 – 2015 Law Enforcement Dispatch Services Agreement (hereinafter the AGREEMENT) on August 26, 2010 for the rendition of law enforcement dispatch services;

WHEREAS, section 9 of the AGREEMENT provided for subsequent renewal of the AGREEMENT between the PARTIES subject to negotiations of relative terms, conditions, and consideration; and

WHEREAS, the PARTIES mutually desire to renew the AGREEMENT for a subsequent five (5) year term based upon agreed upon terms.

NOW THEREFORE, in consideration of the mutual promises, covenants, conditions and payments hereinafter contained, the PARTIES agree as follows:

1. Recitals. The above recitals are true and correct and incorporated herein.

2. Law Enforcement Dispatch Service. The SHERIFF shall continue provide to the CITY, for the term indicated or as it may be extended in accordance with the provisions of this RENEWAL, competent professional law enforcement dispatch services within and throughout the corporate limits of the CITY under the authority given the SHERIFF by the laws of the State of Florida, by providing police dispatch service each day of the year on a twenty-four (24) hour per day basis from October 1, 2015 to September 30, 2020.

3. Consideration. The CITY shall pay to the SHERIFF the following sums in consideration of the services and responsibilities to be performed during the term of this RENEWAL:

a. The sum of at least Four Hundred Seventy Seven Thousand Forty Five Dollars and Twenty Cents (\$477,045.20) each year for the 5 year term of this contract for salaries and benefits for eight (8) dispatchers employed by the SHERIFF. This sum shall be payable in advance in quarterly payments as follows:

- i. One Hundred Nineteen Thousand Two Hundred Sixty One Dollars and Thirty Cents (\$119,261.30) to be paid on or before October 1st of 2015, 2016, 2017, 2018 and 2019;
- ii. One Hundred Nineteen Thousand Two Hundred Sixty One Dollars and Thirty Cents (\$119,261.30) to be paid on or before January 1st of 2016, 2017, 2018, 2019 and 2020;
- iii. One Hundred Nineteen Thousand Two Hundred Sixty One Dollars and Thirty Cents (\$119,261.30) to be paid on or before April 1st of 2016, 2017, 2018, 2019 and 2020; and

iv. One Hundred Nineteen Thousand Two Hundred Sixty One Dollars and Thirty Cents (\$119,261.30) to be paid on or before July 1st of 2016, 2017, 2018, 2019 and 2020.

v. The PARTIES agree that they may attempt in good faith to renegotiate the above stated total payments for the 2nd, 3rd, 4th, and 5th years of this agreement (i.e. quarterly payments beginning October 1, 2016 and continuing through a final quarterly payment due on or before July 1, 2020), however, unless otherwise agreed to in writing, all payments stated in this AGREEMENT shall remain due as stated herein.

b. Additional sums for needed dispatch equipment. Any equipment purchased hereunder is and shall remain the SHERIFF'S property. The PARTIES further agree that the SHERIFF reserves the right to determine when the dispatch equipment is to be purchased. The amount of the additional sums are as follows:

i. The sum of Eleven Thousand Six Hundred Eighty Eight Dollars and Sixty Cents (\$11,688.60) to be paid on or before October 1, 2015.

ii. The following four (4) reoccurring payments of \$11,688.60:

1. Eleven Thousand Six Hundred Eighty Eight Dollars and Sixty Cents (\$11,688.60) to be paid on or before October 1, 2016,

2. Eleven Thousand Six Hundred Eighty Eight Dollars and Sixty Cents (\$11,688.60) to be paid on or before October 1, 2017,

3. Eleven Thousand Six Hundred Eighty Eight Dollars and Sixty Cents (\$11,688.60) to be paid on or before October 1, 2018, and

4. Eleven Thousand Six Hundred Eighty Eight Dollars and Sixty Cents (\$11,688.60) to be paid on or before October 1, 2019.

iii. The PARTIES agree that they may attempt in good faith to renegotiate the above stated four (4) reoccurring payments to be paid on or before October 1st of 2016, 2017, 2018 and 2019, however, unless otherwise agreed to in writing, all payments stated in this RENEWAL shall remain due as stated herein.

4. Appointment of Personnel. The SHERIFF shall retain and/or hire said dispatchers as employees of the SHERIFF to provide adequate and professional service as he sees fit and proper. All benefits, training and promotional opportunities for such persons shall be provided by the SHERIFF. The CITY shall not be required to assume any liability for direct payment for any salaries, wages or other compensation, contributions to pension funds, insurance premiums, workers compensation funds, vacation or compensatory time, sick leave benefits, or any other amenities or employment to any personnel of the SHERIFF performing the services, duties and responsibilities pursuant to this RENEWAL for the benefit of the CITY and its residents or any other liabilities whatsoever unless otherwise specifically provided herein. However, the CITY shall remain responsible for any and all damages, actions, suits, claims and demands of whatsoever kind made by or on behalf of any person or entity which are alleged to have arisen out of, in connection with, or by

reason of all law enforcement services and administrative actions taken by the CITY'S Police Department and the CITY prior to the inception of this RENEWAL and the AGREEMENT. Nothing contained in this RENEWAL shall be construed to limit or modify the provisions of law for the sovereign immunity of the SHERIFF or the CITY, including but not limited to Chapter 768, Florida statute as it applies to the CITY and to the SHERIFF.

5. Performance of Services by SHERIFF. The SHERIFF shall have and maintain the responsibility for the control and rendition of all law enforcement services, duties and responsibilities described and contemplated in this RENEWAL. Nothing in this RENEWAL shall be construed to mean that the CITY is contracting away its constitutional authority. Furthermore, the SHERIFF shall designate a radio channel as the communications channel for the Clermont Police Department to use and no other agency shall use said channel unless emergency and/or exigent circumstances exist where utilization of the channel is for the safety of any deputy or officer. The PARTIES agree that the determination of the CITY to provide police dispatch services by this RENEWAL is an exercise of the legislative planning function of the CITY and that at no time shall the CITY exercise any specific operational control over the activities of any of the telecommunicators, their supervisors, deputy sheriffs or other personnel of the SHERIFF nor shall the CITY perform or undertake any acts that are over and above a planning level function with regard to the administration of law enforcement dispatch services within the CITY during the term of this RENEWAL.

6. Sovereign Immunity. The SHERIFF and the CITY are state agencies or political subdivisions as defined in §768.28, Fla.Stat., and agree to be fully responsible for acts and omissions of their own agents or employees to the extent permitted by law. Nothing herein shall operate as a waiver of the PARTIES' sovereign immunity pursuant to the Florida Constitution and §768.28, Fla.Stat. There are no intended third party beneficiaries to this agreement, and nothing herein shall be construed to grant any person, firm, or other entity which is not a signatory to this RENEWAL any rights, benefits, or privileges to rely on or demand performance of any provision of this RENEWAL.
7. Liability Insurance For Official Acts. The personnel appointed and employed by the SHERIFF shall be covered in all respects, as are other members of the SHERIFF'S office either through the SHERIFF'S self-insurance fund or through a private company with comparable coverage.
8. Term. This RENEWAL shall take effect on the October 1, 2015 and shall terminate at midnight on September 30, 2020 regardless of the dates on which this agreement is signed by the PARTIES.
9. Renewal. For and in consideration of the mutual benefits herein contained, the sufficiency of which is hereby acknowledged it is agreed between the PARTIES that the SHERIFF and the CITY may extend the term of this RENEWAL past September 30, 2020 subject to negotiations relative to the terms, conditions and consideration between the PARTIES. If the PARTIES elect to extend this RENEWAL, an agreement to do so shall be executed by the PARTIES ninety (90) days prior to September 30, 2020 or later as scheduling may permit.

10. Governing Law. This RENEWAL and all of the rights and obligations of the PARTIES hereto shall be governed both procedurally and substantively by and construed according to the laws of the State of Florida. The PARTIES further agree that venue regarding the rights and obligations of either party under this RENEWAL and any litigation resulting therefrom, whether by arbitration or otherwise, shall lie exclusively in the Fifth Judicial Circuit Court in and for Lake County, Florida.

11. Notices.

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

SHERIFF

CITY

Gary S. Borders, Sheriff
Lake County Sheriff's Office
360 West Ruby Street
Tavares, FL 32778

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

- b. All notices required, or which may be given hereunder shall be considered properly given if: (1) personally delivered, (2) sent by certified United States Mail, return receipt requested, or (3) sent by private overnight letter delivery company.
- c. The effective date of such notices shall be the date personally delivered, or if sent by mail, the date of the postmark, or if sent by overnight letter delivery company, the date the notice was picked up by the overnight letter delivery company.

d. The PARTIES may designate other parties or addresses to which notice shall be sent by notifying, in writing, the other party in the manner designated for the filling of notice hereunder.

12. Amendments. No modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document by the PARTIES with the same formality and of equal dignity of this RENEWAL.

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

IN WITNESS WHEREOF, the PARTIES have made and executed this RENEWAL on the respective dates under each signature. The CITY, through its City Council, signing by and through its City Manager, authorized to execute same by council on the _____ day of _____, 2015, and Gary S. Borders, as SHERIFF of Lake County, Florida.

CITY

On this ____ day of _____, 2015

BY: _____

Gail Ash, Mayor,
City of Clermont

SHERIFF

On this ____ day of _____, 2015

BY: _____

Gary S. Borders, as Sheriff
of Lake County, Florida

Attest:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel Mantzaris, Esq.
City Attorney for
The City of Clermont

Approved as to form and legality:

David W. Porter, Esq.
General Counsel for
Lake County Sheriff's Office



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, August 11, 2015		
Agenda Item Name		
Variance Request <i>Sundar Investments</i>		
Requested Action		
Move to deny variance request.		
Staff Report		
This request, which was considered by the City Council on July 14, 2015, was tabled to Aug. 11, 2015 to allow additional information to be presented. The applicant has provided a letter from the Hartwood Reserve Homeowners Association indicating approval of the 36' x 16' screened porch. Sundar Investments, the owner of a home in the Hartwood Reserve subdivision at 4444 Harts Cove Way, is requesting to allow for a rear-yard setback of 20 feet from the property line rather than 25 feet as required by the land development code. The applicant is requesting a variance to install a 32-foot wide by 16-foot deep porch with a solid roof and screened walls in the rear of the existing home. The property is zoned R-1 Single-Family Medium Density Residential and has a rear-yard setback of 25 feet. The applicant has indicated that the porch would intrude 5 feet into the setback line. The applicant would like to have the ability to build the screen porch to allow them to enjoy the outdoors and provide a large enough area for mobility devices used by the elderly in the home. Section 86-174 of the land development code requires a positive finding on eight items in order to grant a variance, and staff believes that three of the eight do not meet these findings. Therefore, staff recommends denial of the variance request.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Location Map	Sundar Location.pdf	
2. Sec 86-174 Review Criteria	Sec 86-174 Review.docx	
3. Application	Application.pdf	
4. Legal ad	VAR Legal AD Sundar.docx	

5. HOA ACB Letter

HOA ACB App screen room.pdf

[illegible]

Area in blue is the proposed porch. Area in red is within the setback.

Sec. 86-174, Review Criteria and Finding

The requirements for a variance are as follows:

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

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

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: The back yard is very steep and makes it difficult to use, especially since it is for my elderly mother-in-law, who has difficulty walking.

Staff comments: The current owner has not demonstrated a special condition exists which is peculiar to the land, structure, or building involved. Several lots in the area have similar elevation changes.

Negative finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: No

Staff comments: Staff agrees that the applicant did not create a condition giving rise to the requested variance request. However, the applicant does have an interest in the property and the variance is being requested by applicant.

Negative finding

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

Staff comments: The applicant can still develop the property in conformance with the LDC, with modifications to the overall proposed project. The porch could be constructed to a depth of approximately 10 feet instead of 16 feet and not intrude in the setback line.

Negative finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
Applicant response: No

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

Positive finding

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

Applicant response: Yes

Staff comments: The applicant is trying to maximize the potential use of the site by requesting the variance for placement of covered porch in the rear of the property.

Positive finding

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

Applicant response: No

Staff comments: The City Council has granted similar variance requests in the past for a reduction in rear yard setbacks. The house directly behind this home was granted a variance in 2009 for a rear yard setback.

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: No

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

Positive finding

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

Applicant response: No

Staff comments: Staff feels that granting the variance will be in harmony with the general intent and purpose of the land development code. A few properties in the area have pools and decks that are placed closer to the property line than what is being requested by the applicant. The home directly behind the applicant has a screened porch that is closer to the property line than what is being requested by the applicant.

Positive finding

STAFF RECOMMENDATION:

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



CITY OF CLERMONT
VARIANCE
Application

DATE: 6/16/15

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): _____

APPLICANT: Suseema Basdeo / Sundar Investments LLC

CONTACT PERSON: Suseema Basdeo

Address: ~~4444 Harts Cove Way~~ 3365 Tumbling River Drive

City: Clermont State: FL Zip: 34711

Phone: 352-874-4351 Fax: _____

E-Mail: suseema.basdeo@gmail.com

OWNER: Sundar Investments LLC

Address: 3365 Tumbling River Drive

City: Clermont State: FL Zip: 34711

Phone: 352-874-4351 Fax: _____

Address of Subject Property: 4444 Harts Cove Way Clermont FL 34711

General Location: Harts Cove Way in Hartwood
Reserve Subdivision off of Hartwood Marsh Road

Legal Description (include copy of survey): ~~Lot~~

Hartwood Reserve Phase I Sublot 114 PB 54 PG 88-98
ORR 4576 PG 586

Land Use (City verification required): Residential

Zoning (City verification required): R-1



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:

Sec 122-125 - Yards rear yards minimum rear yard setback shall be 25 feet

What are you proposing to do that would require a variance and why? build a solid roof covered porch that exceeds leaving a rear yard setback of 25 feet.

How does the Code create a hardship? please see attached letter. Thank you.

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

Variance requested - subject and code section: Sect 122-125 - Yards
#3 Rear yard ... the minimum rear yard setback shall be 25 feet

Sec. 86-174. Review criteria and findings.

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

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

The back yard is very steep & makes it difficult to use especially since it is for my elderly mother in law who has difficulty walking

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

NO



CITY OF CLERMONT
VARIANCE
Application
Page 3

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

yes

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

no

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

yes

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

no

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

no



CITY OF CLERMONT
VARIANCE
Application
Page 4

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

no

Suseema Basdeo

Applicant Name (print)

x

[Signature]

Applicant Name (signature)

Suseema Basdeo

Owner Name (print)

x

[Signature]

Owner Name (signature)

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

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

City of Clermont

Development Services Department.

685 W. Montrose St.

P.O. Box 120219

Clermont, FL. 34712-0219

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

6/16/2015

To whom it may concern,

I am requesting the opportunity to build a ^{solid roof covered} screened porch in the back of the home that my husband and I purchased for my mother-in-law. The back yard is very steep and my mom would be unable to manage moving around and enjoy the yard as she has a difficult time walking. Building the porch to the ten feet allowed would be a very small area especially as we anticipate with her deteriorating health that she may need further devices to help her to be mobile. We are hoping to enable her to be independent for as long as possible as this is her wish and we wish to make her happy. We thank you for your kind consideration and hope that you will approve our request.

Sincerely,
Suseema Basdeo
~~Basdeo~~

Suseema Basdeo
Khemraj Basdeo

[illegible]

1-11-50

HARTWOOD RESERVE LOT #114 PHASE 1

FILE COPY
Lake County Building Division
DO NOT REMOVE

PART OF SECTION 11
TOWNSHIP 23 SOUTH,
RANGE 26 EAST, CITY OF CLERMONT
LAKE COUNTY, FLORIDA

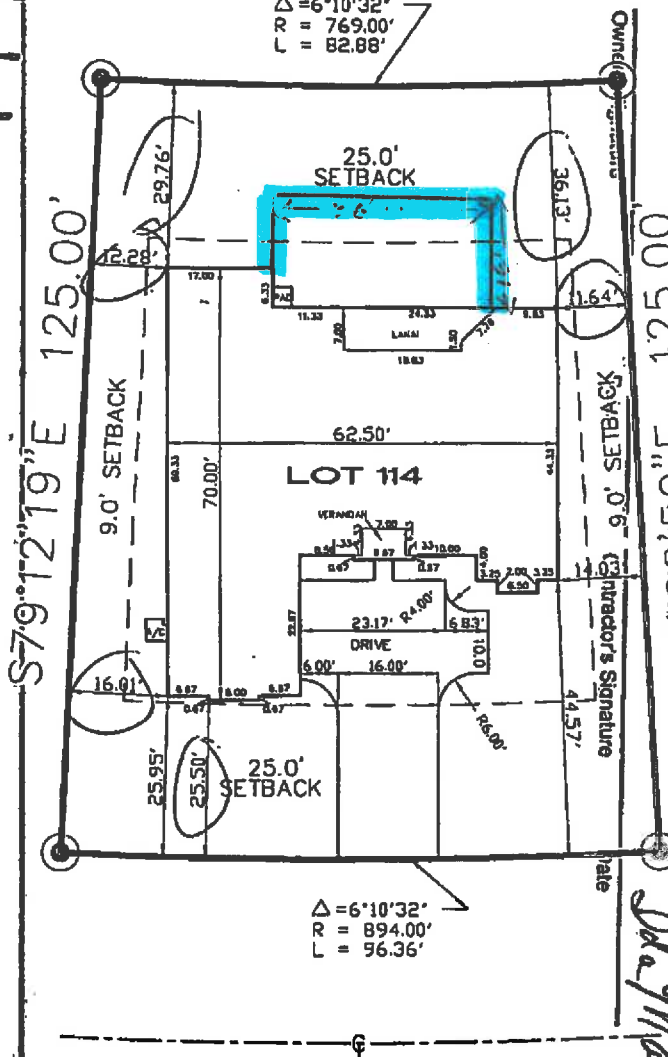
PLOT PLAN
APPROVED

ZONING DEPT. 05-11-05

HEALTH DEPT. _____

BUILDING DEPT. _____

$\Delta = 6^{\circ}10'32''$
 $R = 769.00'$
 $L = 82.88'$



$\Delta = 6^{\circ}10'32''$
 $R = 894.00'$
 $L = 96.36'$

HARTS COVE WAY

NOTICE TO OWNER AND CONTRACTOR

The issuance of zoning clearance, building permit, or mobile home setup permit does not assure that building setbacks have been met or that the structure does not encroach on an easement. The owner and/or contractor have the sole responsibility of determining compliance with setbacks and non-encroachment of easements. If the structure does not meet applicable setbacks or improperly encroaches on an easement, the owner and contractor will be responsible for correcting the situation and bringing the property into compliance with applicable County setbacks and other land requirements.

I hereby acknowledge that I have read and understand this notice. I understand that the costs associated with meeting setbacks or restoring easements are my responsibility.

NOTE: This notice must be signed by the owner and the contractor.

00521 the owner at 0504/05/05

Adm. polinski 5/1/05

DATE: 4/26/05
SCALE: 1"=30'
STREET: HARTS COVE WAY
PURCHASER: NGUYEN RESIDENCE

MINIMUM SETBACKS:
FRONT SETBACK: 25.0'
REAR SETBACK: 25.0'
SIDE SETBACK: 9.0'
SIDE STREET SETBACK: N/A

AREA TOTALS

LOT AREA: 11202.59 SQ.FT.
HOUSE TOTAL: 3189 SQ.FT.
DRIVE/ WALK: 934.83 SQ.FT.
TOT. IMPERVIOUS: 4123.83 SQ.FT.

ARCHITECTS

Design Group

ARCHITECT:
STATE OF FLORIDA

APR 27 2005



PROPERTY RECORD CARD

General Information

Owner Name:	SUNDAR INVESTMENTS LLC	Alternate Key:	3838458
Mailing Address:	3365 TUMBLING RIVER DR CLERMONT, FL 34711 Update Mailing Address	Parcel Number:	11-23-26-080000011400
		Millage Group and City:	000C (Clermont)
		Total Millage Rate:	18.31860
		Trash/Recycling/Water/Info:	My Public Services Map
Property Location:	4444 HARTS COVE WAY CLERMONT FL 34711 Update Property Location	Property Name:	Submit Property Name
		School Locator:	School and Bus Map
Property Description:	CLERMONT, HARTWOOD RESERVE PHASE 1 SUB LOT 114 PB 54 PG 88-98 ORB 4576 PG 586		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	DRY SFR LOT (0100)	0	0		1	LT	\$0.00	\$32,250.00

Residential Building(s)

Building 001

Residential	Single Family	Building Value: \$154,614.00						
Summary								
Year Built: 2005	Total Living Area: 2510	Central A/C: Yes	Attached Garage: Yes					
Bedrooms: 4	Full Bathrooms: 3	Half Bathrooms: 0	Fireplaces: 0					
Incorrect Bedroom, Bath, or other information? Click here to Update My Information.								
Section(s)								
Section No.	Section Type	Ext. Wall Type	No. Stories	Floor Area	Finished Attic	Basement	Basement Map Finished	Color
1	FINISHED LIVING AREA (FLA)	Stucco/Brick (003)	1	2510	N	0%	0%	
2	OPEN PORCH (OPF)	No Wall Type (000)	1	32	N	0%	0%	
3	GARAGE (GCF)	Stucco/Brick (003)	1	491	N	0%	0%	

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 rear yard setback of less than 25 feet – rather than the 25 feet required in the Land Development Code, Section 122-125 (3); at the following location:

LOCATION

Alt. Key 3838458
4444 Harts Cove Way

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, July 14, 2015 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
July 7, 2015

V.O - 6 months Krishbasdeo@hotmail.com
Hartwood Reserve Homeowners Association, Inc
APPLICATION TO THE ARCHITECTURAL CONTROL BOARD

This is a request form to be completed by the homeowner and submitted to the Architectural Control Board (ACB) for approval **BEFORE** any work commences. Please refer to your Declaration of Covenants and Restrictions for a description of the ACB and its purpose.

THIS SECTION TO BE COMPLETED BY HOMEOWNER

NAME: Sundar Investments LLC

ADDRESS: 4444 Harts Cove Way

PHONE (Home) 352-874-4351 (Work) _____ (Cell) 352-255-4461

DESCRIBE THE CHANGE/ADDITION INSTALLATION AND ITS LOCATION: (i.e. fence installation, repaint exterior, screen enclosure, pool, etc. A plat of the property is needed for all fences, pools, landscape, etc showing location of improvement.)

Screen room with solid roof & shingles that match existing roof

SPECIFICATIONS: (attach copies of plans, estimates or pictures)

Dimensions: 36' x 16'

Material(s): Bronze metal, screen & white insulated roof

Paint Colors: Scheme # _____ Body: _____ Trim: _____ Doors/Shutters: _____

Note: All requests must conform to all local Zoning and Building Regulations and you must obtain all necessary permits if your request is approved by the Architectural Control Board.

Homeowner Signature: [Signature] Date: 05/22/15

THIS SECTION TO BE COMPLETED BY ARCHITECTURAL CONTROL BOARD

- ☐ Denied (incomplete submission, see notes below, if you choose to resubmit you must use a new form)
☐ Denied (see notes below, if you choose to resubmit you must use a new form)
☒ Approved as Submitted
☐ Approved with Required Changes (see notes below or on attached plans, drawings or survey)

Review Notes/Comments: You have 6 months to complete your project.

Committee Member's Signature: [Signature] DATE: 7-8-15

Completed Work Reviewed By: _____ DATE: _____

Forward to:
Sentry Management, Inc.
1645 E. Highway 50, Suite 201
Clermont, FL 34711
Tel. (352) 243-4595 or Fax (352) 243-4597



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, August 11, 2015	
Agenda Item Name	
Resolution No. 2015-23 <i>Harvest Landing</i>	
Requested Action	
Move to approve Resolution 2015-23.	
Staff Report	
This agenda item was advertised for consideration by the City Council on July 28, 2015 but was postponed to August 11, 2015 at the applicant's request. Beazer Homes is requesting an amendment to a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) consisting of 33+ acres with 104 single family homes. The previous CUP amendment, approved April 14, 2015, granted the applicant the ability to increase the impervious surface ratio (ISR) from 45% to 50% for buildings, sidewalks, and driveways on 26 lots. During the Council meeting, an exhibit was displayed showing the specific location of the 26 lots on the overall site plan. Upon further examination by staff and the applicant, it was noted that a majority of the 26 lots were designated along one street. This could result in one model, known as the Aspen, potentially dominating this street, which would not provide a break in the visual surroundings. The applicant would like to remove the exhibit showing the lot designations from the conditional use permit. The applicant has indicated that it was not their intention when presenting the exhibit during the Council meeting to specifically lock-in the lot location, but rather, to show how the 26 lots could accommodate the single-story Aspen model. Staff has reviewed this request and does not oppose the removal of the exhibit designating each lot location. In order to alleviate the 26-lot requirement and the tracking of it, staff would be in favor of allowing the ISR for buildings, sidewalks, and driveways up to 50%, and a total lot ISR up to 55% for all impervious areas on the lot. This could limit pool sizes, decks, and other impervious areas to be added to the lots at a later date, but this could be dealt with on a case-by-case basis, should that occur. If the CUP amendment is approved, staff recommends that the developer be very clear to home buyers that limitations may exist for future improvements. Staff recommends approval of the amendment to the conditional use permit to eliminate the exhibit, to allow the lots to be designated throughout the development, and to clarify the ISR maximum. <i>At the July 7, 2015 Planning and Zoning Commission meeting, Commissioner Cuqui Whitehead made a motion to recommend approval of the conditional use permit; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval.</i>	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES. 2015-23 harvest landing.docx	
2. Location map	Harvest Landing map.doc	
3. Exhibit	Exhibit A.pdf	
4. Application	Application to Amend CUP.pdf	
5. P&Z minutes	P&Z minutes 2015-23.pdf	
6. Request to postpone	Request to postpone.pdf	
7. Legal ad	Beazer CUP Legal AD July 2015.docx	

**CITY OF CLERMONT
RESOLUTION NO. 2015-23**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT (RESOLUTION 2015-07) TO ALLOW A PLANNED UNIT DEVELOPMENT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held July 7, 2015 recommended approval of this amendment to a Conditional Use Permit (Resolution 2015-07) to allow a Planned Unit Development; at the following location:

LOCATION:

Harvest Landing Subdivision, north of Steve's Road
Between Highway 27 and Citrus Tower Boulevard

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 an amendment to a Conditional Use Permit (Resolution 2015-07) to allow a Planned Unit Development; 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. The property shall be developed in substantial accordance with the approved site plans dated September 30, 2014 prepared by Denham Engineering.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. 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.

CITY OF CLERMONT
RESOLUTION NO. 2015-23

5. 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.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. 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.
9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2- Land Use

1. This Planned Unit Development is for a single family development with up to 104 dwelling units on 33.3 acres. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
2. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.

CITY OF CLERMONT
RESOLUTION NO. 2015-23

3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the final site review process.
4. The permittee/developers shall provide both temporary and permanent grassing, including fertilizer application on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with Best Management Practices (BMP) of the United States Department of Agriculture Soil Conservation Service.
5. All platting must be completed in accordance with City Codes.

Section 4 – Transportation Improvements

1. Sidewalks shall be required along Steve’s Road and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on-site and off-site transportation designs are the sole responsibility of the developer.
3. A traffic study in accordance with City Codes shall be required to address Level of Service (LOS) for the area. The applicant/owner must coordinate with Lake County and the Lake-Sumter Metropolitan Planning Organization (MPO) for compliance with the Transportation Management System (TMS).

Section 5 – Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire hydrants within the project. They shall be installed according to City Code.
2. The project shall be plumbed for reuse water with purple piping. Irrigation in common areas shall be provided for by well.

Section 6 – Landscaping

1. The landscape design for all parking areas, buffers, rights-of-way, pedestrian ways and focal points shall be unified and complementary to the ambiance of the center.
2. All landscape plans and plantings shall meet or exceed the City of Clermont code.

Section 7 – Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont.

CITY OF CLERMONT
RESOLUTION NO. 2015-23

2. All fencing within public view shall be ornamental metal or brick as approved by the Site Review Committee.

Section 8 – Fire Design Standards

1. Any residential structures not meeting the separation distances set forth in table R302.1 will be required to provide a residential sprinkler system meeting the standards of National Fire Protection Association 13D.

Section 9 – Special PUD Conditions

1. To allow for private streets with gates.
2. To allow a minimum lot width of 55 feet.
3. A grading request for up to 15 feet of cut/fill rather than 10 feet per code.
4. Allowing retaining walls to be 10 feet in height rather than a maximum of 6 feet.
5. To allow lot sizes smaller than one acre, down to 6,600 square feet.
6. Reduce front yard setbacks from 35 feet to 25 feet.
7. Reduce the side yard setback from 15 feet to 7.5 feet.
8. Increase the Impervious Surface Ratio (ISR) from 45% to 50% for buildings, driveways, and walkways ~~for 26 lots only~~

CITY OF CLERMONT
RESOLUTION NO. 2015-23

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 11th day of August, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

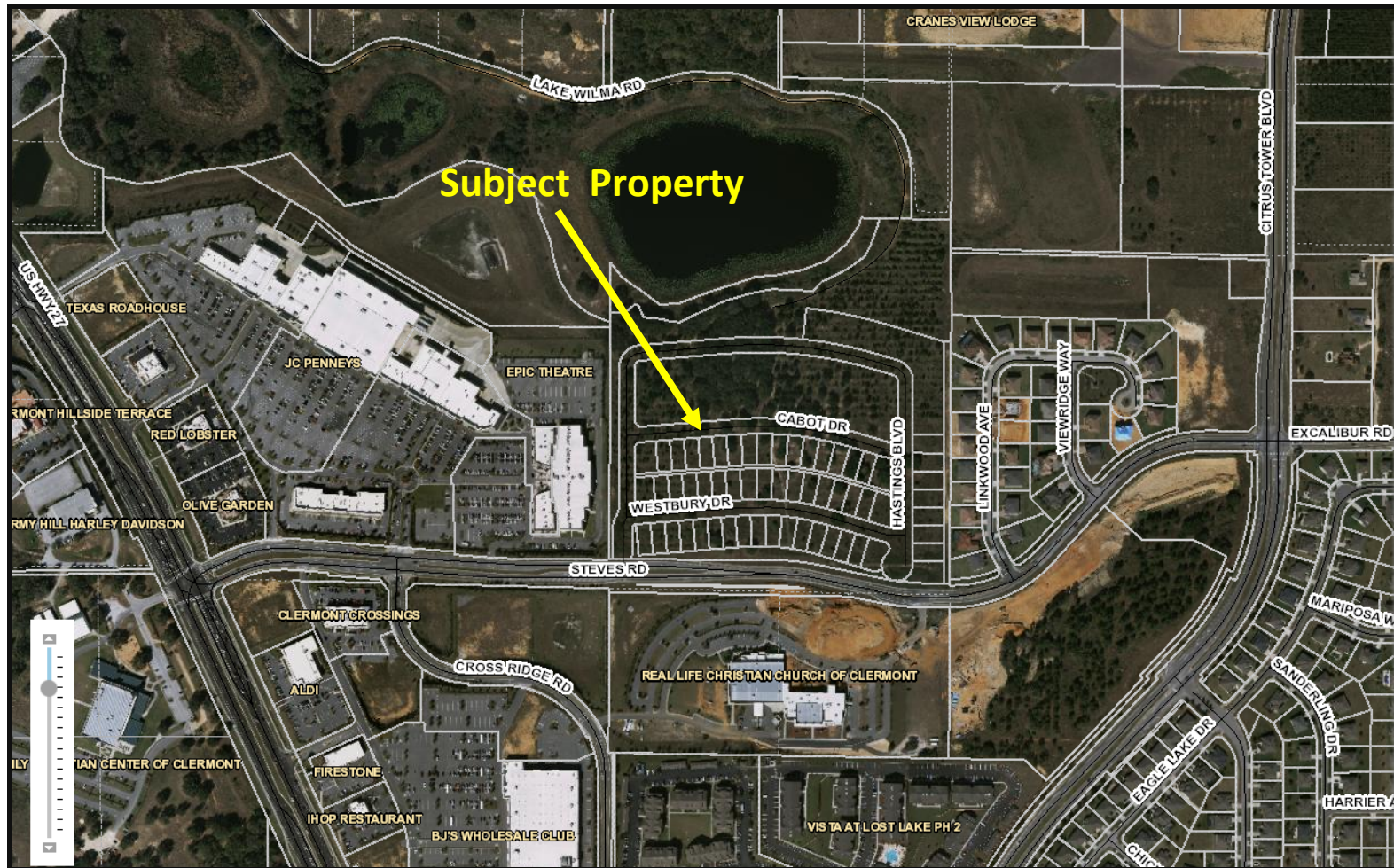
ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Harvest Landing





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

DATE: 6-5-15

FEE: \$1,000.00

PROJECT NAME (if applicable): Harvest Landing

APPLICANT: Jimmy D. Crawford

CONTACT PERSON: "

Address: 1201 West Highway 50

City: Clermont State: Florida Zip: 34711

Phone: (352) 394-7408 Fax: (352) 394-7298

E-Mail: jimmy.crawford@mngellaw.com

OWNER: Beazer Homes Corp. - Dallas Austin, Rep.

Address: 2600 Maitland Center Pkwy, Ste 265

City: Maitland State: Florida Zip: 32751

Phone: 407-619-6870 Fax:

Address of Subject Property: 1500 Steve's Road

General Location: N side of Steve's Road, E. of US 27,
W. of Citrus Tower Blvd.

Legal Description (include copy of survey): See attached.

Land Use (City verification required): Urban Low

Zoning (City verification required): CUP -

02/02/2015



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).

A CUP Amendment was approved by the City Council on March 3, 2015, to allow 50% ISR for Buildings, Driveways and Walkways, leaving 5% additional ISR for accessory uses. There was an Exhibit attached that erroneously showed 26 Lots, and the amendment limited the ISR change to those lots. In reality, the "Aspen" Model, which is the impetus for the change, will fit on any lot with the 50% ISR, therefore Beasor wishes to correct the mistake and remove the exhibit, allowing 50% ISR for buildings, driveways and walkways for the entire subdivision.

Jimmy D. Crawford
Applicant Name (print)

x [Signature]
Applicant Name (signature)

Dallas Austin Land
Owner Name (print) Entitlements Professional

x [Signature]
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

02/02/2015

Jimmy Crawford

From: Dallas Austin <dallas.austin@beazer.com>
Sent: Friday, April 17, 2015 2:25 PM
To: Jimmy Crawford
Subject: FW: Harvest Landing - Aspen - Impervious Calculations
Attachments: Harvest Landing_Lot_Typical - Aspen Impervious Calcs.pdf

As we discussed, the attached is a typical lot in Harvest Landing with the Aspen model. The exhibit I provided earlier with the 27 lots highlighted was the Aspen on a typical lot, plus maxing out the remainder of the backyard space with impervious (pool, deck, etc.) that met the 55%. As it was approved, the Aspen fits on every lot and the Aspen with a maxed out impervious backyard would only fit on 27. The owners could potentially do an Aspen on the lot and a pool, as long as the total impervious didn't exceed 55% for the entire lot (lap pool or something similar).

Thanks Jimmy!

****Please note our suite number has changed.****

Dallas Austin - Land Entitlements Professional
Beazer Homes - Orlando
2600 Maitland Center Pkwy., S-265 | Maitland, FL 32751
Office: 407.339.4114 x255 | Cell: 407.619.6870



PARTNER OF THE YEAR Building 100% ENERGY STAR Certified homes since 2011

Read real homeowner [reviews of Beazer Homes](#)



From: Darae Watters [<mailto:darae@herx.com>]
Sent: Tuesday, March 10, 2015 1:12 PM
To: Dallas Austin
Subject: Harvest Landing - Aspen - Impervious Calculations

Hey Dallas,
Please see attached typical lot drawing with the Aspen and the Impervious Calculations requested.

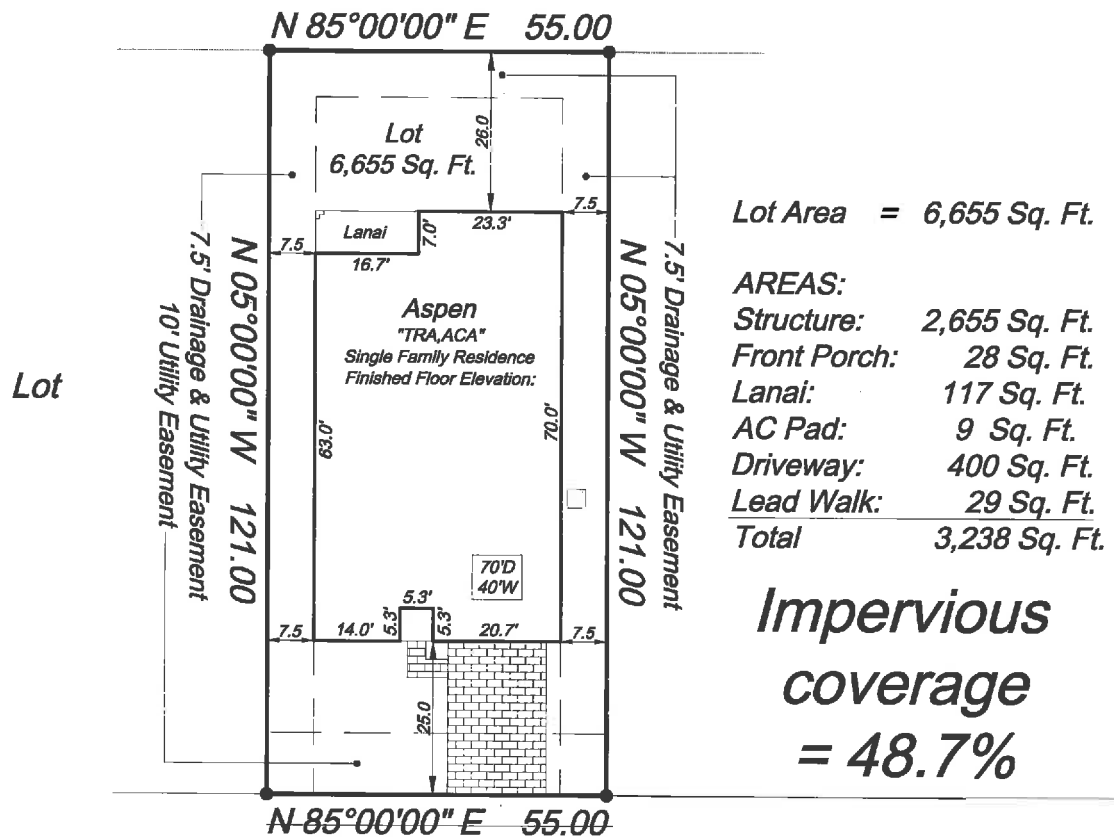
Thank you,
Darae L Watters, PSM
Herx & Associates, Inc.
769 Douglas Avenue
Altamonte Springs, FL 32714
Phone 407.788.8808

ExchangeDefender Message Security: [Check Authenticity](#)

Harvest Landing - Typical Lot - Aspen Impervious Calculation

03-09-15

Tract



PCP

N 85°00'00" E 436.74

C/L Westbury Drive (60' R/W)

Tract H Access, Utility & Drainage

PCP

Jimmy Crawford

From: Jimmy Crawford
Sent: Friday, June 05, 2015 12:42 PM
To: 'Curt Henschel'
Cc: 'Dallas Austin'; Joshua Rosenberg
Subject: Harvest Landing REVISED CUP Amendment Application

Curt; thanks for speaking with me today regarding this case. I will hand deliver the application we discussed between 2 and 3 p.m. this afternoon, and will print this email and include it as a part of the application package.

To boil down a complex fact scenario to its simplest terms, and in support of the revised CUP Amendment Application, I offer the following:

In February of this year, Beazer Homes “rolled out” a new one-story model home, called the “Aspen”. The Aspen is an ideal model for the Harvest Landing community, however, the Aspen, on typical lot in Harvest Landing, takes up just over 48% ISR, for the building, driveway and walkways. Beazer applied for a CUP amendment to allow 50% ISR for the building, driveways and walkways, instead of the normally-allowed 45%. The “overall” ISR for the lots would remain the same, at 55%.

At the hearing on March 3, Beazer, after talking with City staff, Beazer asked the City Council to consider a “blanket” ISR of 55% for the lots, eliminating the distinction between building, driveway and sidewalk ISR and “accessory” use ISR. City Council members did not look favorably on that request, as at least some members believe strongly that after the home is built, there should remain additional ISR allowed for extra patios, after-installed pools, and similar uses.

In attempting to fashion a CUP amendment that would meet City Council approval and Beazer’s needs, an Exhibit was introduced, and attached to the CUP Amendment, purporting to show 26 lots (although it is identified as 27 lots at other times) that “the Aspen would fit on” with the 50% ISR. However, that **is not correct**. As the new application and supporting documents indicate, the Aspen will fit on ANY lot in the Harvest Landing community with the 50% ISR for building, driveway and walkways. The 26 lots shown on the Exhibit are actually lots on which the Aspen will fit with a standard sized pool, within the 55% “overall” ISR. This was our mistake at the hearing, and I apologize for the confusion that ensued.

Therefore, we are requesting an “Amendment” (which I would more accurately call a clarification) to the Amendment approved on March 3, to indicate that the ISR for building, driveway and walkways for the entire community shall be 50%, and the “overall” ISR of 55% shall remain unchanged. This will eliminate an unusual and potentially problematic tracking requirement of City staff, and enable Harvest Landing to be constructed in the most efficient and customer-friendly manner.

Thank you for your help. Of course, if you have any questions or we can provide anything further at this time, please let us know.

Jimmy

JIMMY D. CRAWFORD
MERIDETH NAGEL, P.A.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
July 7, 2015**

Page 1

The meeting of the Planning & Zoning Commission was called to order Tuesday July 7, 2015 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Judy Proli, and Cuqui Whitehead. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Jack Morgeson, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held May 5, 2015 were approved as written.

REPORTS

1. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To amend a conditional use permit (2015-07) to allow a planned unit development in the UE Urban Estate zoning.

APPLICANT: Beazer Homes

Senior Planner Kruse presented the staff report as follows:

Beazer Homes is requesting an amendment to a conditional use permit for a planned unit development consisting of 33+ acres with 104 single family homes. The previous conditional use permit amendment, approved April 14, 2015, granted the applicant the ability to increase the impervious surface ratio from 45% to 50% for buildings, sidewalks, and driveways on 26 lots. During the Council meeting, an exhibit was displayed showing the specific location of the 26 lots on the overall site plan.

Upon further examination by staff and the applicant, it was noted that a majority of the 26 lots were designated along one street. This could result in one model, known as the Aspen, potentially dominating this street, which would not provide a break in the visual surroundings. The applicant would like to remove the exhibit showing the lot designations from the conditional use permit. The applicant has indicated that it was not their intention when presenting the exhibit during the Council meeting to specifically lock-in the lot location, but rather, to show how the 26 lots could accommodate the single-story Aspen model.

Staff has reviewed this request and does not oppose the removal of the exhibit designating each lot location. In order to alleviate the 26-lot requirement and the tracking of it, staff would be in favor of allowing the ISR for buildings, sidewalks, and driveways up to 50%, and a total lot ISR up to 55% for all impervious areas on the lot. This could limit pool sizes, decks, and other impervious areas to be added to the lots at a later date, but this could be dealt with on a case-by-case basis, should that occur. If the conditional use permit amendment is approved, staff recommends that the developer be very clear to home buyers that limitations may exist for future improvements.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
July 7, 2015**

Page 2

Staff recommends approval of the amendment to the conditional use permit to eliminate the exhibit, to allow the lots to be designated throughout the development, and to clarify the ISR maximum.

Attorney Jimmy Crawford, stated that he is representing Beazer Homes. He stated that they are requesting to not be limited to 26 lots for the increased impervious area. He stated that they will not change the overall impervious service for the subdivision. He stated that this will increase the number of one-story homes rather than having large two-story homes.

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

2. REQUEST FOR A CODE AMENDMENT

REQUEST: To amend Chapter 86, Section 86-52

APPLICANT: Staff

Planning Manager Henschel presented the staff report as follows:

Changes to Chapter 86-52, Granting of Variances, include adding language to the City code that will allow the City Manager or designee to allow a deviation of standards for a variance request. The added language will only allow the City Manager to approve the deviation of standard when it is no more than a 5 percent change from the current land development code. An example would be where an as-built survey indicates that a 25-foot front-yard setback has not been met by 3 inches (24 feet 9 inches). In such a case, the City Manager could approve the substandard setback without bringing a variance request before City Council.

The intent of this ordinance change is not to allow site plans to deviate from the minimum code requirements, but to allow small adjustments when a true error has been discovered and proven. The City Manager would still have the ability to deny the deviation of standard and to direct the applicant to apply for a variance that would go before City Council.

Staff recommends approval of Ordinance 2015-68, which updates the land development code section dealing with the granting of variances.

Commissioner Whitehead made a motion to recommend approval of the code amendment; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

3. REQUEST FOR REZONING

REQUEST: To change zoning from UE Urban Estate to C-2 General Commercial

APPLICANT: Staff

Senior Planner Kruse presented the staff report as follows:

Barbara Hollerand

From: Jimmy Crawford [jimmy.crawford@mnagellaw.com]
Sent: Tuesday, July 28, 2015 2:33 PM
To: Jack Kruse; Barbara Hollerand
Subject: Request for Postponment - Beazer Homes CUP Amendment.

John and Barbara; please consider this a request for a two-week postponement for Item No. 19 on tonight's agenda (Resolution No. 2015-23, Harvest Landing).

Several council members have asked us to supply a written disclosure form for buyers of the lots subject to the changed ISR – acknowledging that while they are getting an increased ISR for their home and driveway, there will be a more limited ISR than normal for additional structures, such as a pool, extra patio, etc.

This disclosure isn't finished and approved (Beazer is a large company that has a structure that takes a while to make sure the disclosure is approved up the line).

I want to present the disclosure to the council to guarantee we do what we say we will.

Therefore, I would request a postponement until the August 11, 2015 City Council Meeting.

Please let me know if I can provide anything else at this time.

Jimmy

JIMMY D. CRAWFORD
MERIDETH NAGEL, P.A.



1201 West Highway 50
Clermont, FL 34711
Jimmy.Crawford@MNagellaw.com
(352) 394-7408 (phone)
(352) 394-7298 (facsimile)

www.mnagellaw.com

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LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for an amendment to a Conditional Use Permit (Resolution 2015-07) to allow a Planned Unit Development, at the following location:

LOCATION

Harvest Landing Subdivision
North side of Steve's Road between
Highway 27 and Citrus Tower Boulevard

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, July 7, 2015 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, July 28, 2015 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, MMC
City Clerk

Daily Commercial
June 30 and July 21, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, August 11, 2015		
Agenda Item Name		
Ordinance No. 2015-68; <i>Final</i>		
Requested Action		
Move to approve Ordinance 2015-68.		
Staff Report		
A proposed change to Chapter 86-52, Granting of Variances, adds language to the City code that will allow the City Manager or designee to allow a deviation of standards for a variance request. The added language will only allow the City Manager to approve the deviation of standard when it is no more than a 5 percent change from the current land development code. An example would be where an as-built survey indicates that a 25-foot front-yard setback has not been met by 3 inches (24 feet 9 inches). In such a case, the City Manager could approve the substandard setback without bringing a variance request before City Council. The intent of this code change is not to allow site plans to deviate from the minimum code requirements, but to allow small adjustments when a true error has been discovered and proven. The City Manager would still have the ability to deny the deviation of standard and to direct the applicant to apply for a variance that would go before City Council. Staff recommends approval of Ordinance 2015-68, which updates the land development code section dealing with the granting of variances. <i>At the July 7, 2015 Planning and Zoning Commission meeting, Commissioner Cuqui Whitehead made a motion to recommend approval of the code amendment; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval.</i>		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	Deviation Ord. 2015-68.doc	
2. P&Z minutes	P&Z minutes Ord. 2015-68.pdf	
3. Legal ad	Deviation LDC amendments -2015-68 legal ad.doc	
4. Legal ad for Aug. 11	2015-68 legal ad(2).doc	

CITY OF CLERMONT
ORDINANCE No. 2015-68

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 86 ADMINISTRATION, SECTION 86-52 GRANTING OF VARIANCES; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on July 7, 2015 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to amend Chapter 86 Administration; of the City of Clermont's Code of Ordinances;

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

SECTION 1.

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

SECTION 2.

The Land Development Code of the City of Clermont Code of Ordinances is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

CHAPTER 86 ADMINISTRATION

Section 86-52 Granting of Variances

1. The term "variance," used in connection with the provisions of this land development code, means a modification of the zoning regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the land development code would result in unnecessary and undue hardship. The board of adjustment shall not grant use variances or exceptions. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards. Any violation of such conditions or safeguards which have been made a part of the terms under which the variance is granted shall be deemed a violation of this land development code.

CITY OF CLERMONT
ORDINANCE No. 2015-68

2. Administrative variances. The city manager or his designee shall have authority to grant a variance to required setbacks, maximum heights and lot coverage contained in this land development code for any approved development provided said variance does not exceed the required setback or height by more than five (5) percent. No administrative variance shall be granted unless the applicant can demonstrate that the variance was caused by a factor beyond his/her control, such as a verifiable survey error. Consideration of the variance shall be at the sole discretion of the city manager or his designee.

CITY OF CLERMONT
ORDINANCE No. 2015-68

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 11th day of August, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
July 7, 2015

Page 2

Staff recommends approval of the amendment to the conditional use permit to eliminate the exhibit, to allow the lots to be designated throughout the development, and to clarify the ISR maximum.

Attorney Jimmy Crawford, stated that he is representing Beazer Homes. He stated that they are requesting to not be limited to 26 lots for the increased impervious area. He stated that they will not change the overall impervious service for the subdivision. He stated that this will increase the number of one-story homes rather than having large two-story homes.

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

2. REQUEST FOR A CODE AMENDMENT

REQUEST: To amend Chapter 86, Section 86-52

APPLICANT: Staff

Planning Manager Henschel presented the staff report as follows:

Changes to Chapter 86-52, Granting of Variances, include adding language to the City code that will allow the City Manager or designee to allow a deviation of standards for a variance request. The added language will only allow the City Manager to approve the deviation of standard when it is no more than a 5 percent change from the current land development code. An example would be where an as-built survey indicates that a 25-foot front-yard setback has not been met by 3 inches (24 feet 9 inches). In such a case, the City Manager could approve the substandard setback without bringing a variance request before City Council.

The intent of this ordinance change is not to allow site plans to deviate from the minimum code requirements, but to allow small adjustments when a true error has been discovered and proven. The City Manager would still have the ability to deny the deviation of standard and to direct the applicant to apply for a variance that would go before City Council.

Staff recommends approval of Ordinance 2015-68, which updates the land development code section dealing with the granting of variances.

Commissioner Whitehead made a motion to recommend approval of the code amendment; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

3. REQUEST FOR REZONING

REQUEST: To change zoning from UE Urban Estate to C-2 General Commercial

APPLICANT: Staff

Senior Planner Kruse presented the staff report as follows:

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
July 7, 2015

Page 3

The subject parcel is approximately four acres in size and is located at the southwest corner of the Hooks Street and Citrus Tower Boulevard intersection. The property was purchased by the City in June 2012 for construction of a new police station. The currently zoning, Urban Estate, would permit the site to be used for the police station. Since the time of purchase, the City has decided another location would be more suited for the new police station. The City is currently marketing the subject property for sale. In order to allow the highest and best use of the property, a rezoning to the C-2 General Commercial zoning district is proposed. This zoning designation is consistent with the current future land use designation, which is Commercial. The property has City utilities available. The proposed C-2 zoning is consistent with the existing development pattern that surrounds the property and its location at the intersection of two collector roads. In addition, the future land use of Commercial supports the C-2 zoning district. Staff recommends approval of the rezoning change from UE Urban Estate Low Density Residential to C-2 General Commercial Zoning District.

Commissioner Whitehead made a motion to recommend approval of the rezoning; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

There being no further business, the meeting was adjourned at 6:57 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist

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. 2015-68

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 86 ADMINISTRATION, SECTION 86-52 GRANTING OF VARIANCES; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, July 7, 2015 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, July 28, 2015 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
City Clerk

Daily Commercial
June 30, and July 14, 2015

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. 2015-68

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 86 ADMINISTRATION, SECTION 86-52 GRANTING OF VARIANCES; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, August 11, 2015 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
City Clerk

Daily Commercial
July 28, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, August 11, 2015			
Agenda Item Name			
Ordinance No. 2015-73; Introduction			
Requested Action			
Request introduction of ordinance to adopt a Fire Rescue Services Assessment.			
Staff Report			
Ordinance No. 2015-73 provides for the adoption of a Fire Rescue Services Assessment that has been discussed with the City Council recently.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Ordinance No. 2015-73	Ordinance No. 2015-73 - Fire Assessment - 8-25-15.docx	
2.	Ad	2015-73.docx	

CITY OF CLERMONT
ORDINANCE No. 2015-73

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA PROVIDING FOR THE ESTABLISHMENT OF A FIRE SERVICE NON-AD VALOREM ASSESSMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Clermont has constitutional home rule authority, as well as authority under Chapters 170 and 197, Florida Statutes, to impose valid non-ad valorem assessments for the benefits against all benefitted real property within its territorial bounds, including but not limited to the benefits provided by fire protection services; and

WHEREAS, the City Council of the City of Clermont also has the authority under Section 197.3632, Florida Statutes to utilize the Uniform Method for collecting special non-ad valorem assessments; and

WHEREAS, the City Council of the City of Clermont has the authority to utilize the collection and assessment methods authorized by Chapter 170, Florida Statutes; and

WHEREAS, the City Council of the City of Clermont finds and determines that real property is specially benefitted by the availability of fire protection services, including such benefits as enhanced property value, decreased fire insurance rates, and the protection of said properties from damage or destruction caused by uncontrolled fires; and

WHEREAS, the City Council of the City of Clermont has determined that it is equitable and appropriate to levy an annual non-ad valorem assessment upon all benefited property within its jurisdiction for the purpose of providing high quality fire rescue service including basic life support capability; and

WHEREAS, the City Council of the City of Clermont has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the City;

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

1. FINDINGS OF FACT.

The WHEREAS clauses set forth above are adopted herein as findings of fact.

CITY OF CLERMONT
ORDINANCE No. 2015-73

2. ESTABLISHMENT OF ASSESSMENT.

An annual Fire Service Non-Ad Valorem Assessment is hereby authorized and shall be fairly and reasonably apportioned among those real properties that will be specially benefitted by the Fire Service.

3. DEFINITIONS.

The following words, terms, and phrases; when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions in this section apply to both the singular and plural forms of the defined words.

- (1) *Benefit Area* means the incorporated area of the City of Clermont.
- (2) *Benefitted Property* means real property within the Benefit Area not otherwise exempt from assessments for Fire Service.
- (3) *Fire Service* means Fire Rescue Services and Basic Life Support provided by the Clermont Fire Department. The term does not include Advanced Life Support.
- (4) *Land Use Category* means the land use category of the real property to be assessed as determined by the Department of Revenue codes used by the Lake County Property Appraiser and the National Fire Incident Reporting System.
- (5) *Non-Ad Valorem Assessment* means the Fire Service Non-Ad Valorem Assessment that may be used to pay for all and or a portion of the cost to the City for providing Fire Service within the Benefit Area.

4. PURPOSE.

It is the purpose of this Ordinance to authorize the Non-Ad Valorem Assessment of Benefitted Properties in order to fund the Fire Service and to fund expenditures related to providing Fire Service in order to ensure the proper health, safety and welfare of each citizen, visitor and their properties. It is the further purpose of this Ordinance to declare that the Non-Ad Valorem Assessment will fairly and reasonably apportion costs among the Benefitted Properties according to the special benefit received by each Benefitted Property.

CITY OF CLERMONT
ORDINANCE No. 2015-73

5. FINDINGS AND DETERMINATIONS. It is hereby found, determined, and declared as follows:

- (1) All real property within the Benefit Area that is specially benefitted by the availability the Fire Service, including such benefits as enhanced property value, decreased fire insurance rates, and the protection of said properties from damage or destruction caused by uncontrolled fires, may be assessed non-ad valorem assessments for such services.
- (2) It is equitable and appropriate to levy the Non-Ad Valorem Assessment upon all Benefitted Property for the purpose of providing high quality fire rescue service, including basic life support capabilities, to Benefitted Properties.
- (3) The apportionment and assessment methodologies used by the City of Clermont will fairly and reasonably distribute the costs of Fire Service among all the Benefitted Properties; and specifically, the apportionment and assessment methodologies will fairly and reasonably apportion the Fire Service Non-Ad Valorem Assessment among the property categories subject to the Non-Ad Valorem Assessment in accordance with the benefits conferred by the availability of Fire Service. The apportionment and assessment methodologies will conform to the requirements of Section 197.3632, Florida Statutes or Chapter 170, Florida Statutes; as applicable.
- (4) It is fair and reasonable to use criterion such as but not limited to Land Use Categories to determine the assessment level for each Benefitted Property because historical demand for fire protection services indicates that the demand for fire protection services varies between Land Use Categories, and the non-ad valorem assessments were calculated based on the historical demand for fire protection services by each type of land use, taking into account the number of incidents, incident duration, vehicle time, and staff time. Other fair and reasonable criterion that equitably distribute the assessment level for each Benefitted Property may also be used, including but not limited to fire station runs and size of parcels.

6. ASSESSMENT – IMPOSED.

A non-ad valorem assessment may be imposed upon each Benefitted Property pursuant to the City's constitutional home rule authority, Section 197.3632, Florida Statutes and/or Chapter 170, Florida Statutes.

CITY OF CLERMONT
ORDINANCE No. 2015-73

7. SEVERABILITY.

In the event any section, paragraph, sub-paragraph, sentence, clause, phrase or word of this Ordinance shall be declared invalid, illegal or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

8. REPEAL OF ORDINANCES.

Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

9. CODIFICATION.

This Ordinance shall be incorporated in and shall be included in the City's Code of Ordinances.

10. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption.

CITY OF CLERMONT
ORDINANCE No. 2015-73

PASSED AND ADOPTED on the second and final reading in public session by the City Council of the City of Clermont, Florida this 25th day of August, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday, August 25, 2015 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. 2015-73

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT,
LAKE COUNTY, FLORIDA PROVIDING FOR THE ESTABLISHMENT OF A
FIRE SERVICE NON-AD VALOREM ASSESSMENT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT;
AND PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
August 11, 2015