



**CITY OF CLERMONT
CITY COUNCIL MEETING
LOCATION: CLERMONT CITY CENTER
MEETING AGENDA
6:30 PM, Tuesday, July 14, 2020**

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

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

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 - Minutes Approval

Consider minutes of June 16, 2020 City Council Workshop and June 23, 2020 City Council Meeting

Item No. 2 - Surplus Request

Consider declaring end of life inventory as surplus from Environmental Services, Building Services, Information Technology, and the Police Department and dispose of in accordance with the Purchasing Policy.

Item No. 3 - Piggyback Contract

Consider City of Port Orange contract piggyback with Danus Utilities, Inc. to provide rehabilitation of sanitary sewer manholes in the anticipated budgeted contract value of \$100,000.

Item No. 4 - Bid Award

Consider award to Northeast II, Inc. d/b/a TC Delivers to provide utility bill mailing and printing services in the estimated annual budget amount of \$140,000.

Item No. 5 - Professional Consultant Services Agreement Amendment

Consider first amendment of agreement with Kinz Consulting, LLC in the budgeted amount of \$45,000.

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| Item No. 6 - Interlocal Agreement | Consider agreement with Lake County for Traffic Sign Maintenance and Emergency Repairs for regulatory sign maintenance in the estimated annual budgeted amount of \$24,000. |
| Item No. 7 - Resolution No. 2020-37R | Consider resolution amending the Fiscal Year 2020 Budget. |

UNFINISHED BUSINESS

- | | |
|--|---|
| Item No. 8 - Variance Request - <i>Table to July 28
Mirror Lake Subdivision</i> | Consider request to allow for six variances to the Land Development Code for vacant property located on Old Highway 50, and west of the Greater Hills Subdivision. |
| Item No. 9 - Ordinance No. 2020-15 <i>Final
Elyksian Hotel</i> | Consider a Planned Unit Development for a 50 room hotel on 1.07+/- acres at the southwest corner of 8th Street and W. Osceola Street. |
| Item No. 10 - Ordinance No. 2020-16 <i>Final
Hartwood Marsh Assisted Living Facility CPA</i> | Consider Future Land Use change from low density residential to high density residential for property located at the southeast corner Hartwood Marsh and Hancock Road. |
| Item No. 11 - Ordinance No. 2020-17 <i>Final
Hartwood Marsh Assisted Living Facility</i> | Consider rezoning from R-1 Single Family Medium Density Residential to Planned Unit Development for property located at the southeast corner of Hartwood Marsh Road and Hancock Road. |
| Item No. 12 - Ordinance No. 2020-25 <i>Final
Medical Marijuana Dispensary</i> | Consider ordinance allowing Medical Marijuana Dispensaries as a permitted use in designated zoning districts. |

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NEW BUSINESS

Item No. 13 - Resolution No. 2020-29R
Woodhouse Spa

Consider a Conditional Use Permit to allow for a structure to be more than 3,000 square feet in the Central Business District for property located at the southeast corner of West Ave. and Osceola Street.

Item No. 14 - Variance Request
Woodhouse Spa

Consider two variance requests for a redevelopment project in the CBD for property located at the southeast corner of Osceola Street and West Ave.

Item No. 15 - Ordinance No 2020-24 *Introduction*
Governor's Lake

Consider ordinance to amend a Planned Unit Development for property located at the southeast corner of US Highway 27 and Citrus Tower Blvd.

Item No. 16 - Ordinance No 2020-28 *Introduction*
School Concurrency Amendment

Consider ordinance to amend Clermont Code of Ordinances, Chapter 90 Concurrency Management, Section 90-31 School Concurrency.

ADJOURN

Public Notice

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Please note that Governor DeSantis' Executive Order 20-69 suspended the requirement of a quorum to be present in person or requires a local government body to meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

This meeting may be broadcast live on the City's YouTube Channel accessible at the following URL:
<http://www.youtube.com/cityofclermontgovernment>

Meeting agendas are available on the city website and are posted within the first floor of City Hall.

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Should any person desire to appeal any decision of the City Council with respect to any matter to be considered at this meeting, that person shall ensure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in this proceeding may contact the Office of the City Clerk at (352) 241-7331 (Voice) no later than two (2) business days prior to the proceeding or by contacting the City Clerk's Office at cityclerk@clermontfl.org. TTY users may call via 711 (Florida Relay Service) no later than two (2) business days prior to the proceeding.

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
COUNCIL WORKSHOP
June 16, 2020

The Clermont City Council met at a workshop on Tuesday, June 16, 2020, in the City Council Chambers at City Hall. Mayor Ash opened the workshop at 6:30pm with the following Council Members present: Brishke, Purvis, and Bates. The following council members were absent: Council Member Travis.

Other City officials present were City Manager Gray, City Attorney Mantzaris and City Clerk Howe.

1. Waterfront Activation Zone RFP Review

City Manager Gray informed the Council that this discussion was regarding the Request for Proposals the City started a couple years ago, which is also a part of the 2015 adopted master plan. The purpose of the RFP was to identify an opportunity to collaborate with a project that would activate more development on the waterfront in relation to the City's master plan.

He informed the Council that the workshop tonight is information gathering, as the Council cannot meet one on one to discuss the options. Representatives from the three (3) proposals that were received and reviewed by the staff evaluation committee are all present to answer any questions. He then introduced Dr. Richard Levey to provide an unbiased summary of each of the proposals.

Dr. Richard Levey, City Consultant - Reviewed each of the proposals. He also informed the Council that as an unbiased advisor to the City he was not a member of the evaluation committee. He presented a summary of the process and review of the proposals including the timeline. The evaluation committee ranked the proposals in February 2020. He reminded the Council that the intent of the RFP was not to prescribe a particular use, but rather to challenge respondents to offer development ideas that focus on the greatest catalytic impact for the downtown.

The evaluation committee reviewed each proposal using the eight (8) evaluation criteria:

1. Consistency with Downtown/Waterfront Master Plan
2. Catalytic Value
3. Economic Viability/Sustainability
4. Visitation – Volume and duration of stay
5. Increase in lane value
6. Parking Solution
7. Architectural/Urban Design
8. Price

The evaluation committee provided the following rankings of the proposals:

1. Victory Coast, LLC – Event Center
2. VP Development Enterprises, LLC – The Boardwalk
3. Peacock Capital, LLC – Upscale Apartments

This concluded Dr. Levey's presentation.

Mayor Ash asked for more information and stated she would like to hear from the representatives of each proposal.

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Each of the representatives presented to the Council summaries of their proposals.

Darren Johnson. Victory Cost LLC – Mr. Johnson gave an overview of his proposal. He informed the Council that the event center is intended to be a site that supports large events. It will have a dramatic design, include a rooftop restaurant, and lounge as well for day-to-day use.

Council Member Purvis asked if seaplanes would be accommodated as in the rendering. Mr. Johnson replied that if the opportunity presented itself than yes.

Council Member Briske asked if the rooftop restaurant/lounge was to be open air. Mr. Johnson replied that they are thinking 50% open and under cover with a mixed use of cabanas. It will not be air-conditioned.

Victor Berriel. VP Development Enterprises, LLC – Mr. Berriel gave an overview of their proposal. He informed the Council that they are proposing a mixed-use of lodging, retail and entertainment similar to the Disney style outdoor boardwalk. They have proposed 7,000 sq. ft. of retail intended for small shops with lodging above, which either can be as a hotel or privately owned short-term stay locations.

Mr. Berriel stated that their proposal pays homage to downtown Clermont and is consistent with the historic downtown. They feel that new businesses will be more attracted to downtown.

Council Member Purvis asked if this is a 2-story or 3-story structure. Mr. Berriel stated that the architectural design has it as 3-story because a hotel wants larger units. Council Member Purvis expressed a concern that that may lead to a conversion to condominiums. Mr. Berriel stated that they are very much against a condominium project.

Council Member Bates asked if they would have issues with being on the water. City Manager Gray stated that they would need to be permitted through the Water Authority and the State as the City only has jurisdiction on the land.

Mayor Ash asked about rental rooms. Mr. Berriel replied that they are aesthetically pleasing, but are only an added amenity to the boardwalk and should not be considered a focal point.

Council Member Bates asked about parking. Mr. Berriel stated that they are relying on the City to activate the parking portion of their master plan. City Manager Gray stated that the master plan calls for a centralized parking garage, but that the Central Business District allows for offsite parking agreements currently.

Council Member Brishke asked if there is an event area. Mr. Berriel stated they do not have an event center in the plan.

Bob Mosser. Peacock Capital LLC – Mr. Moser gave an overview of his firm's proposal. He informed the Council their proposal is the best proposal as it is achievable in 12 months, has the financial support with letters of interest from the banks.

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They feel that providing livability close to downtown will increase the foot traffic for the existing retail businesses in downtown Clermont.

Council Member Purvis stated that while he agrees with many of Mr. Moser's points, at the end of the day, they would only be making 24 to 30 people happy on City owned land. He asked if they went with this plan if it would be better to sell the land. Mr. Moser stated that the ownership of the land would not alter their plan, but he would be open to it as there are advantages to owning land outright. Council Member Purvis stated he is not happy with the idea of selling city-owned lakefront property.

Council Member Purvis asked if there was an elevator. Mr. Moser stated they were not planning an elevator and that ground floor units would be reserved and marketed to the disabled.

Council Member Brishke stated that she is disappointed in the lack of diversity of use with this plan. Mr. Moser stated they shopped this heavily to retail and no one wanted it. The daily vehicle traffic does not compare to locations on SR 50. He informed the Council that vehicle traffic will not save the downtown and they need residential to be the new building block for the business district.

City Manager Gray clarified for the Council that financial information was not required of the respondents and that staff normally would not recommend housing on the waterfront.

Mayor Ash recessed the workshop at 7:48pm; the workshop reconvened at 7:55pm.

9. Fire Station #2 Update

City Manager Gray told the Council that Fire Station #2 reached capacity and needs to expand.

James Kinzler. City Consultant – Mr. Kinzler provided an update on the status of Fire Station #2 located behind Kings Ridge Publix on Hartwood Marsh Road. Originally constructed in 2002. Service area has grown tremendously as well as the number of apparatus. He identified three options:

Option 1 - Relocation to alternate site \$4 to \$4.5 million.

Option 2 – Expansion and renovation of existing facility - \$2 to \$2.5 million.

Option 3 – Demo and rebuild on existing site \$3 to \$3.5 million.

City staff recommended option 3. Mr. Kinzler provided an overview of the timeline for implementation.

City Manager Gray stated that during construction the fire station would be given a temporary location.

Council Member Bates asked why Option 3 and not Option 2 was being recommended as it is less costly. City Manager Gray responded that the existing facility has been piecemealed together and is simply not functional.

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Adjourn: The workshop concluded at 8:10 pm with no further comments.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

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REGULAR COUNCIL MEETING
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The City Council met in a regular meeting on Tuesday, June 23, 2020 in the Clermont City Center. Mayor Ash called the meeting to order at 6:30 pm with the following Council Members present: Council Members Brishke, Travis, Bates, and Purvis.

Other City officials present were City Manager Gray, City Attorney Mantzaris, and City Clerk Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Ben Bond of First Baptist Church of Clermont followed by the Pledge of Allegiance gave the invocation.

PROCLAMATION

City Clerk Howe read the following proclamation into the record: Parks and Recreation Month. Parks and Recreation Director Scott Davidoff accepted the proclamation.

PUBLIC COMMENTS

Sandy Farnsworth. Downtown Partnership. – Asked the Council for permission for the food truck night to start Friday, July 3. Ms. Farnsworth gave a brief overview of the restrictions they have made to prevent the spread of Covid-19.

Kimberly Grogan. 518 South Distance Avenue, Minneola. – Stated she is a business owner in Downtown Clermont. She wanted to bring the Council's attention to parking issues on Montrose, specifically with employees parking on the Main Street. She suggested implementing a 3 to 4 hour parking limit to negate them from doing that.

REPORTS

CITY ATTORNEY REPORT – No report.

CITY MANAGER REPORT

City Manager Gray began by introducing an agenda change to agenda item number 10 to be tabled.

City Manager Gray stated that Lake County requested the formal reappointment to the Arts and Cultural Alliance of Chris Dudeck as the representative and Shirley Draper as the alternate.

MOTION TO REAPPOINT to the Lake County Arts and Cultural Alliance, Chris Dudeck as the primary representative and Shirley Draper as the alternate made by Council Member Bates. Seconded by Council Member Travis. Passed unanimously with all members present voicing aye.

City Manager Gray also responded to the public comment request for the food truck event to restart. He informed the Council that the City has decided to provide permission for that event when the Governor announces phase 3 of reopening. Staff has recommended events that bring people together wait until phase 3. Currently, 50 people or less are allowed to congregate together.

City Manager Gray informed the Council that the City has allowed a few events to occur, but under strict conditions and submitted Covid-19 plans for social distancing. He gave an example of Fred Sommer who has a triathlon this weekend. He submitted a Covid-19 plan with no more than 25 running at a time. There is also the Freedom 5k on July 4 who have also submitted a Covid-19 plan of 25 or less and it will not be awarding any medals.

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City Manager Gray concluded by telling the Council that the next Friday, July 3, City offices will be closed in observance of Independence Day.

CITY COUNCIL REPORT

Council Member Bates

- Met with downtown partnership about parking concerns. Would like to see additional signage for free parking at City Hall.
- City Manager Gray stated that the parking issue in downtown would be on the August Workshop agenda.

Council Member Purvis

- Was shocked to learn about the sudden passing of Jim Hanks.
- Stated he has also been talking to the City Manager about signage for parking throughout the city.

Council Member Brishke

- Inquired as to the date of the budget workshops.
- City Manager Gray stated that the workshops would be on July 21 and 22.

Council Member Travis

- Attended the Tourism Development Commission (TDC) meeting. Provided the Council with statistics about negative economic impact of Covid-19.
- Attended the Lake Apopka Natural Gas Board meeting. Discussed expansion of services into Minneola.
- Supported the idea of better utilizing the City Hall parking area.

Mayor Ash

- Wants the Council to be aware that if they open up the parking lot, they need to ensure that city staff still have enough parking.

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.

Item No. 1 – Meeting Minutes

Consider approval of the May 26 and June 9 City Council Meeting minutes.

Item No. 2 – Plat Approval

Consider plat approval of Lakeview Preserve Subdivision Phase 2 for 133 lots.

Item No. 3 – Resolution No. 2020-32R

Consider Inter-local Agreement transferring a thirty-foot (30') platted right of way that runs parallel to SR 50 in front of the Advent Health property.

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Mayor Ash opened the floor for comments from the public; seeing no one come forth, the floor was closed.

MOTION TO APPROVE the Consent Agenda of June 23, 2020 made by Council Member Bates.
Seconded by Council Member Brishke. Passed unanimously with all members present voicing aye.

UNFINISHED BUSINESS

City Manager Gray informed the Council that the next three (3) agenda items were related so with the Council's permission, they would read all three items into the record and then have one (1) presentation by staff.

City Clerk Howe read each items legal title into the record. John Kruse, Planning Manager, made the staff presentation utilizing a PowerPoint.

Item No. 4 – ORDINANCE NO. 2020-12 FINAL – *Hartle Road IP Annexation*

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

Item No. 5 – ORDINANCE NO. 2020-13 FINAL – *Hartle Road IP CPA*

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. 6 – ORDINANCE NO. 2020-14 FINAL – *Hartle Road IP PUD*

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

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City Planner Kruse's presentation highlighted the proposed map amendment will change land use from Lake County Regional Office to the City's Industrial Use. Since the annexation of the property affects the City's comprehensive plan, the ordinance was transmitted to the state in February 2020 for review and has since been approved with no additional comments.

City Planner Kruse concluded his presentation by stating that the City is able to serve this zoning and staff recommended approval. He also informed the council that the Planning & Zoning Commission recommended approval.

Mayor Ash asked if the applicant was present.

Allison Turble. Winter-Medley Law Firm – *Applicants Representative*. Stated that the applicant agrees with staff's recommendations and they are available if there are any questions.

Mayor Ash opened the floor for comments from the public; seeing none, the floor was closed.

Council Member Purvis disclosed that he had an email exchange with the applicant, but has no further questions.

MOTION TO APPROVE and adopt Ordinance No. 2020-12 made by Council Member Bates. Seconded by Council Member Travis. Passed 5-0 on a roll call vote with all members present voicing aye.

MOTION TO APPROVE and adopt Ordinance No. 2020-13 made by Council Member Bates. Seconded by Council Member Travis. Passed 5-0 on a roll call vote with all members present voicing aye.

MOTION TO APPROVE and adopt Ordinance No. 2020-14 made by Council Member Bates. Seconded by Council Member Travis. Passed 5-0 on a roll call vote with all members present voicing aye.

Item No. 7 – ORDINANCE NO. 2020-19 FINAL – Affordable Housing Density Bonus

City Clerk Howe read aloud the title only.

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 122 ZONING;
AMENDING SECTION 122-358 AFFORDABLE HOUSING DENSITY BONUS;
PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE;
AND PUBLICATION.

City Clerk Howe read the legal title of the ordinance. City Planning Manager John Kruse provided the staff report via a PowerPoint presentation. Planner Kruse highlighted that the rental rates will be based on 2019-area median income with data updated annually. This largest group in need are those within 30% of the poverty line. He concluded the presentation by stating that staff recommends approval of ordinance 2020-19, and the Planning and Zoning Commission recommends approval.

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City Manager Gray informed the Council that this is one of the largest issues facing the City and reminded the Council they have had multiple workshops on the issue. He also reminded them that they put a moratorium in place which was due to be lifted in April, but was extended to July 10 as allowed in the adopting ordinance. City Manager Gray expressed that he felt this is a good product and will only be utilized if a developer wants the density bonus. Under normal zoning, a developer could develop at twelve (12) dwelling units per acre, under the density bonus; they could go to twenty (20) dwelling units per acre.

He added that as a safety measure, a developer would need to return to the City Council for approval, as they would have to apply for the bonus as a Planned Unit Development.

Mayor Ash opened the public hearing for comments from the public; seeing none, the floor was closed.

Council Member Bates asked if there are any current applications. City Manager Gray stated there are no current applications, but there is interest from several developers depending on the outcome of these ordinances.

Council Member Purvis asked about the Hooks Street Corridor. Planner Kruse clarified that under the current ordinance the density bonus is allowed along Hooks Street, but it requires direct connection to Hooks Street. Under the revised ordinance, the overlay map will be eliminated and replaced with the text changes.

MOTION TO APPROVE and adopt Ordinance No. 2020-19 made by Council Member Bates. Seconded by Council Member Travis. Passed 5-0 on a roll call vote with all members present voicing aye.

Item No. 8 – ORDINANCE NO. 2020-20 FINAL – Accessory Dwelling Unit (ADU)

City Clerk Howe read aloud the title only.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT,
LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE
OF THE CITY OF CLERMONT BY ADDING SECTION 122-365, ACCESSORY
DWELLING UNITS; SETTING FORTH STANDARDS AND REGULATIONS
FOR THE CRITERIA FOR ACCESSORY DWELLING UNITS; AND
PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN
EFFECTIVE DATE.

City Clerk Howe read the legal title into the record. City Planning Manager John Kruse provided the staff presentation via a PowerPoint presentation. Planner Kruse highlighted that this ordinance is supported by the City's Youth Council as part of their research into tiny homes. Under this ordinance, the accessory dwelling unit (ADU) would need to be permitted in any residential neighborhood unless restricted by a Home Owners Association. He concluded by stating that staff recommends approval and the Planning and Zoning Commission recommended approval on a 6-1 vote.

City Manager Gray commended the Youth Council and City Clerk Howe for their work that brought this project forth.

Mayor Ash opened the floor for public comments.

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Charlene Forth, 939 W. Desoto Street, Clermont. – Asked for clarification on what the ordinance would do.

City Manager Gray explained that this topic came up during several City Council workshops regarding workforce housing. He further explained that this a tool to add to the city's toolbox to address the shortage in workforce housing. The accessory dwelling units will primarily be on the west side of the city; could be used to qualify an addition such as a mother-in-law suite.

Ms. Forth asked if this could be a rental on top of residence. City Manager Gray replied yes and that Lake County just approved a similar ordinance.

Seeing no further comments, Mayor Ash closed the floor from additional public comments.

Council Member Purvis stated that he is in full support, but does have a concern with constructing as an Airbnb. He does not believe it is the intent of the ordinance to develop spaces to be used for short-term housing and asked City Attorney Mantzaris if there is anything that could be done to restrict use.

City Attorney Mantzaris replied that the City is preempted from doing any restrictions.

Council Member Purvis asked about water and sewer connections and if the expansion of the use would mean increased impact fees. City Planner Kruse responded that adding an ADU would be no different from if a property owner was adding on to the home. Attorney Mantzaris clarified that as long as the construction did not add additional impact to the system there would be no fee. If there were an impact, a fee would be appropriate.

City Manager Gray stated that staff is currently not proposing to change the fee structure for impact fees in this ordinance. Council Member Purvis further inquired if the ADU would get its own meter and tap. City Manager Gray said he did not think so. City Planner Kruse restated that is no different than if an owner created an additional bedroom, unless it is detached from the home, then Environmental Services would have to look at the situation separately.

Council Member Purvis stated he has a concern about charging a full fee if the addition is not getting its own meter and sewer tap. City Manager Gray said staff would look at the issue when it reviews the city fee structures.

Council Member Travis asked if the ADU would get a separate address and tax bill. City Attorney Mantzaris stated that the ADU would share the principal dwellings address. Council Member Travis expressed a concern about EMS calls when the emergency is in the ADU and not the primary residence. City Manager Gray stated that responders would respond to the primary residence and then be directed from there. Council Member Travis asked what if no one was home at the primary residence. City Manager Gray stated that the first responders have procedures in place for these situations as there are currently homes in the City that have mother-in-law suites.

Attorney Mantzaris reminded the Council that this ordinance does not alleviate a homeowner from building and fire codes as well as setback requirements, which all must be met by the structure.

MOTION TO APPROVE and adopt Ordinance No. 2020-20 made by Council Member Bates. Seconded by Council Member Brishke. Passed 5-0 on a roll call vote with all members present voicing aye.

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Item No. 9 – ORDINANCE NO. 2020-22 FINAL – CBD Density Bonus Amendment

City Clerk Howe read aloud the title only.

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 122 ZONING; AMENDING SECTION 122-249 DENSITY BONUS CRITERIA; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

City Clerk Howe read the legal title of the ordinance into the record. City Planning Manager John Kruse provided the staff presentation via a PowerPoint presentation. City Planner Kruse highlighted that in 2017, the City increased density in the Central Business District (CBD), which allowed for a maximum of 12 dwelling units per acre. However, it was required that there be fee simple ownership and that construction materials be consistent throughout the building and be made of masonry block or steel. Since the adoption in 2017, there have been no developments greater than 12 units per acre. After speaking with the developers, it was determined that the fee simple ownership and construction material provisions were hampering efforts. City staff proposing the removal of these two (2) provisions based on feedback from the builders. He concluded by informing the Council that staff recommends approval and the Planning and Zoning Board recommends approval.

City Manager Gray told the Council that this ordinance came out of workshops held to discover means to provide more density in downtown while balancing cost effectiveness and the workforce needs.

Mayor Ash opened the floor for comments from the public.

Jayson Stringfellow. W Lakeshore Drive, Clermont. – Asked for clarification. He believed that there was to be a compromise that the first floor would be block or masonry, but the above levels could be other materials. Planner Kruse responded that the intent of the ordinance was as Mr. Stringfellow had stated and that a sentence could be added to the ordinance to clarify this requirement.

Charles Forth, 939 W. Desoto Street – Stated that he had also spoke at a workshop; Mr. Forth feels that most entry points come from the ground and move up. He strongly recommends that the Council keep the first floor metal framing.

Charlene Forth, 939 W. Desoto Street – Felt that a building should be block. Opposed the ordinance.

Seeing no further comments, Mayor Ash closed the floor to the public.

MOTION TO APPROVE and adopt Ordinance No. 2020-22 as amended made by Council Member Bates. Seconded by Council Member Travis. Passed 5-0 on a roll call vote with all members present voicing aye.

Item No. 10 – ORDINANCE NO. 2020-24 FINAL – Governor's Lake PUD Amendment

City Clerk Howe read aloud the title only.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
June 23, 2020

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 CONFLICT, SEVERABILITY, RECORDING, AN EFFECTIVE DATE, AND PUBLICATION.

This item was voted on out of order and was considered during the City Manager's report.

MOTION TO TABLE until July 14, 2020 consideration of Ordinance No. 2020-24 for Governor's Lake PUD by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

NEW BUSINESS

Item No. 11 – LIEN REDUCTION REQUEST

Development Services Director Curt Henschel presented a lien request from the Legends Golf Course. The applicant is the homeowners association (HOA) who is a pending buyer of the Golf Course. The HOA has issued a Letter of Intent to purchase the golf course for \$750,000. Director Henschel stated that staff supports the reduction request, but asks that it be conditioned to be good for only 60 days in case the sale does not go through.

Council Member Bates stated that as a property owner of the Legends Homeowners Association, he has to recuse himself from the discussion and vote.

William Garbarino. Legends HOA President – *Applicant*. Asking to reduce or eliminate the lien.

Laurel Beckel. LGCC Representative – *Property owner representative*. Informed the Council that there was extensive litigation regarding the golf course and that the lessee of the golf course was the issue. They have since been removed and have worked to correct the code enforcement issues.

Mayor Ash opened the floor for comments from the public; seeing no one come forth the floor was closed.

Council Member Travis asked if the property was currently in compliance. Director Henschel replied that it was.

Mayor Ash asked what the property sold for originally. Ms. Beckel stated that it was sold for \$840,000 two (2) years ago.

Council Member Purvis asked Ms. Beckel if there were any other existing liens or fines. Ms. Beckel explained that once sold to the HOA, the HOA would get a fresh start, so upon sale; it would not be an issue. Attorney Mantzaris explained that fines do not carry over to a new owner, only liens do.

City Manager Gray stated that the Legends community has 867 residents of the city and that staff recommends wiping the fines clean. He added that these residents have stepped up and dealt with this issue and they are buying it themselves.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
June 23, 2020

The Council asked how much the City was in for enforcement action. Director Henschel stated between \$5,000 - \$10,000. Council Member Purvis stated that he would compromise down to \$5,000. Council Member Travis agreed.

MOTION TO REDUCE the lien amount to \$5,000 good for 60 days made by Council Member Travis. Seconded by Council Member Brishke. Passed 3-1-1 with Council Member Purvis opposing and Council Member Bates abstaining.

Item No. 12 – ORDINANCE NO. 2020-16 INTRODUCTION – Hartwood Marsh ALF CPA

To clarify, there was a typo on the original published agenda. This is Ord. 2020-16

City Clerk Howe read the title aloud.

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.

MOTION TO INTRODUCE for further consideration Ordinance No. 2020-16 made by Council Member Bates. Seconded by Council Member Brishke. Passed unanimously with all members present voicing aye.

Item No. 13 – ORDINANCE NO. 2020-17 INTRODUCTION – Hartwood Marsh Rezoning

To clarify, there was a typo on the original published agenda. This is Ord. 2020-17.

City Clerk Howe read the title aloud.

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, RECORDING, AND PUBLICATION.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
June 23, 2020

MOTION TO INTRODUCE for further consideration Ordinance No. 2020-17 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 14 – ORDINANCE NO. 2020-25 INTRODUCTION – *Medical Marijuana Dispensary*

City Clerk Howe read aloud the title only.

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AND, AMENDING CHAPTER 18 “BUSINESSES”, ARTICLE III, “MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS”, SECTIONS 18-85, “PURPOSE AND DEFINITIONS”, 18-86 “MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS PROHIBITED” AND 18-88 “EFFECT OF ANNEXATION” DELETING AND REPEALING THE PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER 82 “GENERAL PROVISIONS”, SECTION 82-12 “LAND USE DEFINITIONS” TO ADD A DEFINITION OF “MEDICAL MARIJUANA DISPENSARY”; AMENDING CHAPTER 122 “ZONING”, ARTICLE III ‘DISTRICTS’, DIVISION 10 “C-1 LIGHT COMMERCIAL DISTRICT”, SECTION 122-203 “PERMITTED USES”, DIVISION 11 “C-2 GENERAL COMMERCIAL DISTRICT”, SECTION 122-223 “PERMITTED USES”, DIVISION 12 “CBD CENTRAL BUSINESS DISTRICT”, SECTION 122-243 “PERMITTED USES” TO ESTABLISH MEDICAL MARIJUANA DISPENSARIES AS PERMITTED USES; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

MOTION TO INTRODUCE for further consideration Ordinance No. 2020-25 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
June 23, 2020

ADJOURN: With no further comments, this meeting adjourned at 8:01pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

**AGENDA ITEM**

Meeting Date		
Tuesday, July 14, 2020		
Agenda Item Name		
Surplus Request		
Requested Action		
Request to approve and declare end of life inventory as surplus from the Environmental Services Department, Building Services Department, Information Technology Department and Police Department, and dispose of in accordance with the Purchasing Policy.		
Staff Report		
The Purchasing Department, on behalf of Environmental Services Department, Building Services Department, Information Technology Department and Police Department recommends approval of the above action.		
Environmental Services Department		
<u>Qty.</u>	<u>Property Description</u>	
(2)	Network Switch	
(2)	Wireless Access Point	
(8)	Office Phones	
Building Services Department		
<u>Qty.</u>	<u>Property Description</u>	
(1)	Broken Office Chair	
Information Technology Department		
<u>Qty.</u>	<u>Property Description</u>	
(4)	Dell Rack Mount Server	
Police Department		
<u>Qty.</u>	<u>Property Description</u>	
(1)	2012 Dodge Charger 95,000 miles	
Additional Analysis		
Fiscal Impact Summary		
Surplus property is anticipated to be sold for approximately \$2,000.00.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Environmental Services Disposal Form	Environmental Services Disposal Form.pdf

2.	Building Services Disposal Form	Building Services Disposal Form.pdf
3.	Information Technology Disposal Form	Information Technology Disposal Form.pdf
4.	Police Disposal Form	Police Disposal Form.pdf

Property Disposal Form

Attachment 1 of 1

6/5/2020

1. Network Switch- HP Procurve 2824 Switch J4903A, From Env. Services, Server Room,
Serial Number SG705SJ0CZ, MAC 00:18:71:92:7D:80
2. Network Switch- HP Procurve 2910al-24G Switch J9145A, From Env. Services, Server Room
Serial Number SG024IP09P, MAC 00:26:F1:3F:D0:80
3. Wireless Access Point- Cisco AIR-CAP1602I-A-K9, From Env. Services, Server Room
Serial Number FCW1907NHFC, MAC A8:9D:21:03:1C:CC,
4. Wireless Access Point- Cisco AIR-CAP1602I-A-K9, From Env. Services, North-East Hallway
Serial Number FCW1907NHE8, MAC A8:9D:21:03:1C:E4,
5. Office Phone- IP 480G 0010493E2201, From Env. Services Offices
Serial Number 105807FW14483E2201
6. Office Phone- IP 480G 0010493E2210, From Env. Services Offices
Serial Number 105807FW14483E2210
7. Office Phone- IP 480G 00104940BB72, From Env. Services Offices
Serial Number 105807FW151740BB72
8. Office Phone- IP 480G 0010493E2216, From Env. Services Offices
Serial Number 105807FW14483E2216
9. Office Phone- IP 480G 0010493E211C, From Env. Services Offices
Serial Number 105807FW14483E211C
10. Office Phone- IP 480G 00104940C356, From Env. Services Offices
Serial Number 105807FW151740C356,
11. Office Phone- IP 480G 0010493E2213, , From Env. Services Offices
Serial Number 105807FW14483E2213
12. Office Phone- IP 480 001049494B7A, From Env. Services Offices,
Serial Number 105708FW1619494B7A



PROPERTY DISPOSAL FORM

Dept. / Division: DEV. SERVICES/BLDG SVCS

Property Tag #: _____

Contact Person: LISA WIDICAN

Phone: 241-7301

Year / Make / Model: _____

Vehicle No. _____

Miles / Hours: _____

Serial / VIN: _____

Description of Property CHAIR

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.

☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).

☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.

☒ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.

☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.

☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.

☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☐ **OTHER:** _____

Director Signature: LISA WIDICAN

Date: 6/4/2020

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: _____



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 10191
Contact Person: Don Dennis Phone: 352-241-7377
Year / Make / Model: Dell R710 Vehicle No.
Miles / Hours: Serial / VIN: 2YLVKN1
Description of Property rack mount server

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:**

Director Signature: Donald C. [Signature]

Date: Jun 9, 2020

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number:



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 10192
Contact Person: Don Dennis Phone: 352-241-7377
Year / Make / Model: Dell R710 Vehicle No.
Miles / Hours: Serial / VIN: 2YNTKN1
Description of Property rack mount server

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:**

Director Signature: 

Date: Jun 9, 2020

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number:



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 10194
Contact Person: Don Dennis Phone: 352-241-7377
Year / Make / Model: Dell R710 Vehicle No.
Miles / Hours: Serial / VIN: 2YNWKN1
Description of Property rack mount server

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.

☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).

☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.

☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.

☒ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.

☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.

☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☐ **OTHER:**

Director Signature: 

Date: Jun 16, 2020

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number:



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 10195
Contact Person: Don Dennis Phone: 352-241-7377
Year / Make / Model: Dell R710 Vehicle No.
Miles / Hours: Serial / VIN: 2YMXKN1
Description of Property rack mount server

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:**

Director Signature: 

Date: Jun 16, 2020

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

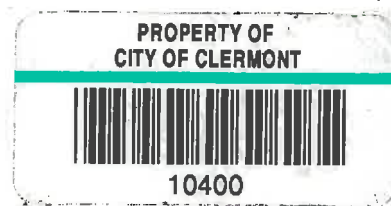
Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number:



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: 10400
Contact Person: Sgt. Nick Bloom Phone: 352-536-8442
Year / Make / Model: 2012 DODGE CHARGER Vehicle No. 2182
Miles / Hours: 95,000 (approx) Serial / VIN: 2C3CDXAG2CH200162
Description of Property POLICE PATROL VEHICLE

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☒ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:** _____

Director Signature: [Signature]

Date: 6-16-20

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: _____



CHARLES L. BROADWAY
Police Chief



Inter Office Memorandum

TO: Chief Broadway

DATE:

6/16/2020

FILE:

SUBJECT:

Surplus Patrol Vehicle 2182

FROM: Sgt. N. Bloom #217

ENCLOSURES:

CC:

Chief Broadway,

This memo is to request approval to begin the surplus process for one marked patrol vehicle, unit 2182. The vehicle is a 2012 model year with currently around 95,000 miles on it. The transmission has gone out on this vehicle and would need a complete rebuild, which would cost thousands of dollars. Due to the age, amount of miles and condition of the vehicle, it would not be worth spending that amount of money on repairs.

At this time, we would still have enough vehicles in our fleet to maintain one spare vehicle for each patrol squad, as well as one for each specialized unit.

Supervisor (Print)	Initial's	Action	Comments	Date
Captain Joyner	BT	Recommend		6-16-20
Chief Broadway	CB	Approved		6-16-20

Actions: Approved / Denied, Recommended / Not Recommended, Reviewed and Forwarded, Received-No Action



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 14, 2020		
Agenda Item Name		
Piggyback Contract		
Requested Action		
Recommend to approve a piggyback contract number #ITB 19-19 from City of Port Orange with Danus Utilities, Inc to provide rehabilitation of sanitary sewer manholes.		
Staff Report		
The Purchasing Department and the Environmental Services Department recommend approval of the above action. At the request of the Environmental Services Department, the Purchasing Department sought a contract from the city of Port Orange number ITB 19-19, to provide rehabilitation of sanitary sewer manholes. In accordance with the direction of City Council, the Purchasing Department issued a Request for Information (RFI) number 2006-001 to notify local vendors of the City's intent to utilize other governmental entities' contract. The RFI was posted on the City's website for seven (7) business days. At the completion of the RFI, the Purchasing Department received no interest. Based on this, staff recommends that Council approve to piggyback the city of Port Orange number ITB 19-19 The City of Port Orange contract with Danus Utilities Inc. expires October 30, 2020. The contract may be extended for two additional one-year periods. The City of Port Orange contract was obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy.		
Additional Analysis		
Fiscal Impact Summary		
The anticipated overall contract value is \$100,000. Annual funding under this contract is included in the Environmental Services budget. Department Account Code: 42535-66305		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFI 2006-001		RFI 2006-001.pdf
2. ITB 19-19 REHABILITATION OF SANITARY SEWER MANHOLES Bid Tabulation Fin		ITB 19-19 REHABILITATION OF SANITARY SEWER MANHOLES Bid Tabulation Fin.pdf



REQUEST FOR INFORMATION

Intent to Utilize the City of Port Orange Contract for Manhole Rehabilitation

CONTACT INFORMATION: Freddy L. Suarez, MPA, CPPB Purchasing Director EMAIL: fsuarez@clermontfl.org Phone: (352) 241-7350	RFI No. 2006-001	ISSUED DATE: June 18, 2020
	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>June 26, 2020 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	

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

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

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

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

1 – PIGGYBACK CONTRACT INFORMATION

- (a) Department: Environmental Services
- (b) Company Information: Danus Utilities, Inc
- (c) Contract Number and Title: ITB 19-19 / Rehabilitation of Sanitary Sewer Manholes
- (d) Length of Contract: 1 Year w/optional two 1-year renewals.
- (e) Product or Service Provided: Manhole Rehabilitation

2 – ACTION TO BE TAKEN

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

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

OPENING DATE/TIME: 8/13/2019 2:30 P.M. BID Tabulation FORM ITB # 19-19 REHABILITATION OF SANITARY SEWER MANHOLES							
				Roland Inc		Danus Utilities	
				Pinellas Park, FL		Sanford, FL	
ITEM #	DESCRIPTION	Annual Est Qty	UNIT	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
A	GENERAL BASE BID						
1	Mobilization	10	EA	\$100.00	\$1,000.00	\$1,000.00	\$10,000.00
2	Maintenance of Traffic	10	EA	\$100.00	\$1,000.00	\$400.00	\$4,000.00
	Subtotal - GENERAL BASE BID:			\$200.00	\$2,000.00	\$1,400.00	\$14,000.00
B	CONSTRUCTION BASE BID						
1	Lining of Manholes/Wet Wells using Urethane/Epoxy-Based Lining	2000	SF	\$31.00	\$62,000.00	\$22.50	\$45,000.00
2	Lining of Manholes/Wet Wells using Cured in Place Lining System - Single Layer	1000	SF	\$34.00	\$34,000.00	\$40.00	\$40,000.00
3	Lining of Manholes/Wet Wells using Cured in Place Lining System - Multiple Layers	500	SF	\$38.00	\$19,000.00	\$51.00	\$25,500.00
4	Replacement of Manhole Ring and Cover in Grass	10	EA	\$650.00	\$6,500.00	\$1,000.00	\$10,000.00
5	Replacement of Manhole Ring and Cover in Pavement	10	EA	\$1,050.00	\$10,500.00	\$1,500.00	\$15,000.00
6	Salvaging Manhole Ring and Cover	10	EA	\$50.00	\$500.00	\$1.00	\$10.00
7	Raising of Existing Manhole Ring and Cover	20	EA	\$250.00	\$5,000.00	\$300.00	\$6,000.00
8	Inflow Dish HDPE	10	EA	\$100.00	\$1,000.00	\$100.00	\$1,000.00
9	Inflow Dish Stainless Steel	10	EA	\$220.00	\$2,200.00	\$300.00	\$3,000.00
10	Chimney Seal	20	EA	\$1,200.00	\$24,000.00	\$300.00	\$6,000.00
11	Manholes Lacking Benches and Inverts	20	EA	\$350.00	\$7,000.00	\$500.00	\$10,000.00
12	Lining of Manholes/Wet Wells using Fiberglass Manhole Liners						
a	FRP Liner 42-in Diameter	200	VF	\$600.00	\$120,000.00	\$650.00	\$130,000.00
b	FRP Liner 48-in Diameter	200	VF	\$650.00	\$130,000.00	\$650.00	\$130,000.00
c	FRP Liner 54-in Diameter	100	VF	\$725.00	\$72,500.00	\$750.00	\$75,000.00
d	FRP Liner 60-in Diameter	50	VF	\$800.00	\$40,000.00	\$750.00	\$37,500.00
e	FRP Liner 72-in Diameter	20	VF	\$1,280.00	\$25,600.00	\$850.00	\$17,000.00
f	FRP Liner 96-in Diameter	20	VF	\$1,450.00	\$29,000.00	\$1,000.00	\$20,000.00
	Subtotal - CONSTRUCTION BASE BID:				\$588,800.00		\$571,010.00
	Subtotal - GENERAL BASE BID				\$2,000.00		\$14,000.00
	Subtotal - CONSTRUCTION BASE BID				\$588,800.00		\$571,010.00
	Total - GENERAL & CONSTRUCTION BASE BIDS				\$590,800.00		\$585,010.00
	CONTINGENCY (10%)				\$59,080.00		\$58,501.00
	Required Forms Submitted:			Yes		Yes	
	Bid Bond Submitted:			Yes		Yes	
	Responsive & Responsible Bidder:			Yes		Yes	
DISCLAIMER: THIS BID TABULATION INDICATES ONLY THE BIDS AS RECEIVED. ALL BIDS ARE SUBJECT TO VERIFICATION FOR ACCURACY, AND FOR SPECIFICATION AND CONTRACT COMPLIANCE. NO CONCLUSIONS ABOUT CONTRACT AWARDS SHOULD BE DRAWN FROM THESE PRELIMINARY TABULATIONS							



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, July 14, 2020			
Agenda Item Name			
Bid Award			
Requested Action			
Recommend to approve contract between the City of Clermont and Northeast II, Inc. d/b/a TC Delivers to provide utility bill mailing and printing services.			
Staff Report			
The Purchasing Department and the Finance Department recommend approval of the above action. The current contract for utility bill and printing services expired May 30th with no additional renewal options. The City is continuing to use the contractor services on a month-to-month basis until a new contract is established. The Purchasing Department issued a Request for Bid (RFB) number 20-020 to acquire a company to outsource the utility bill design, printing and mailing services. The RFB was fully competed, advertised, and complies with the City of Clermont Purchasing Policy. There were ten (10) responses to the RFB. The scope of work will consist of printing and mailing complete utility bills, reminder letters and any other communication the City may have with its 20,000 plus utility account holders. This total may amount to over 28,000 communications per month. Award is being recommended to low responsive and responsible bidder Northeast II, Inc. d/b/a TC Delivers in the annual estimated amount of \$140,000 who complied with all terms, conditions, and specifications stated in the RFB.			
Additional Analysis			
Fiscal Impact Summary			
The estimated annual amount of this contract is anticipated to be \$140,000 and is included in the current FY approved budget.			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	RFB 20-020 Response Tabulation without postage	RFB 20-020 Response Tabulation without postage.pdf	
2.	RFB 20-020 Award Recommendation	RFB 20-020 Award Recommendation.pdf	



RESPONSE TABULATION

RFB 20-020, UTILITY BILL MAILING AND PRINTING SERVICES

DUE DATE/TIME: APRIL 16, 2020 AT 2:00 P.M. (EST)

COMPANY NAME	ADDN. 1	ADDN. 2	TOTAL PRICE (Without Postage Cost)
Northeast II, Inc. d/b/a TC Delivers – Jacksonville, FL	Y	Y	\$2,446.52
Sebis Direct, Inc. – Bedford Park, IL	Y	Y	\$2,984.00
Level One, LLC. – Malvern, PA	Y	Y	\$3,108.00
VariVerge, LLC – Amarillo, TX	Y	Y	\$3,500.00
InfoSend, Inc. – Anaheim, CA	Y	Y	\$3,628.00
Envelopes and Forms Inc., d/b/a SureBill – Duluth, GA	Y	Y	\$4,218.80
Direct Impressions, Inc. – Cape Coral, FL	Y	Y	\$4,320.00
Moonlight BPO, LLC. – Bend, OR	Y	Y	\$4,720.00
Cathedral Corporation – Orlando, FL	Y	Y	\$4,796.00
Original Impressions, LLC. – Weston, FL	Y	Y	\$6,840.00



FREDDY L. SUAREZ
Purchasing Director
Purchasing Department

352-241-7350
fsuarez@clermontfl.org

AWARD RECOMMENDATION
JUNE 12, 2020
RFB 20-020 UTILITY BILL MAILING AND PRINTING SERVICES

Based on the results of the bid submittals, the Purchasing Department is recommending award to the low responsive and responsible bidder, Northeast II, Inc. d/b/a TC Delivers, in the total price (without postage cost) of \$2,446.52



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 14, 2020		
Agenda Item Name		
Professional Consultant Services Agreement Amendment		
Requested Action		
Recommend approval of a First Amendment to the Professional Consultant Services Agreement with Kinz Consulting, LLC to perform professional consulting services on a task basis.		
Staff Report		
On February 25, 2020, City Council approved a Professional Consulting Services Agreement with Kinz Consulting LLC to assist the City of Clermont in multiple services to include: General consulting services pertaining to Water, Wastewater, Reclaimed Stormwater and Master Plan, including but not limited to providing strategic guidance, facility operations, long term planning and associated utility related services for and on behalf of the City of Clermont and providing general services to the City's Environmental Services and Public Works Departments. Staff is requesting to amend that agreement to provide for additional specific services on a task order basis.		
Additional Analysis		
Fiscal Impact Summary		
The cost for the First Amendment to the Professional Consultant Services Agreement will be \$45,000 and funding is available in the current year approved budget. Department Account Code: 41533-53100 Department Account Code: 42535-53100		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Kinz Consulting Agreement First Amend	Kinz Consulting Agreement First Amend.doc
2.	KINZ Consulting Task Order #1	KINZ Consulting Task Order #1.pdf

FIRST AMENDMENT TO
PROFESSIONAL
CONSULTANT SERVICES
AGREEMENT

THIS FIRST AMENDMENT is made this ___ day of _____, 2020 between the City of Clermont, a Municipal Corporation of the State of Florida, (hereinafter referred to as the "CITY") and Kinz Consulting, LLC, whose address is 235 Harbour Cove Way, Clermont, FL 34711 (hereinafter referred to as "CONSULTANT") and is to that certain agreement dated the 25th day of February, 2020, hereinafter the Agreement. The parties, in exchange for the mutual covenants contained herein and, in the Agreement, agree as follows:

1. This Amendment expressly modifies the Agreement and in the event of a conflict, the terms and conditions of this Amendment shall prevail.

2. In addition to the Scope of services set forth in Exhibit "A" to the Agreement, the parties agree as follows:

a. It is expressly understood and acknowledged that nothing herein shall obligate or guarantee to CONSULTANT any agreement or task authorization and CITY expressly reserves the right to exercise its option to issue any such agreements to any qualified firm or entity in accordance with all applicable laws, ordinances, policies and/or regulations.

b. The CITY may make request of CONSULTANT to perform professional consulting services on a task basis. The CITY will communicate with CONSULTANT, verbally or in writing, a general description of the task to be performed. The CONSULTANT will generate a detailed Scope of Work document, prepare a Schedule, add a not-to-exceed-budget to accomplish the task, and provide the developed "Task Proposal" to the CITY. If a site visit by CONSULTANT is needed to generate the scope document, CONSULTANT shall request approval prior to visiting the site. The CITY will review the proposal, and if the description is mutually acceptable, the parties will enter into a written task authorization in a form acceptable to both parties.

c. CONSULTANT shall not be authorized to proceed until the CITY has issued a Notice to Proceed to the CONSULTANT. Upon receipt of the signed Task Authorization and a Notice to Proceed from the CITY, the CONSULTANT shall perform the services set forth in the task authorization.

d. CONSULTANT shall perform services in conformance with the mutually agreed upon schedule set forth in the negotiated task authorization. CONSULTANT shall complete all of said services in a timely manner and will keep CITY fully informed of the status of work on a reasonable basis in relation to the scope of the project or at least monthly.

e. CONSULTANT shall be compensated by CITY for all completed and accepted services provided in accordance with the terms set forth in the written task

authorization.

3. All other terms and conditions set forth in the Agreement shall remain in full force and effect and unchanged as agreed to by the parties.

IN **WITNESS WHEREOF**, the parties hereto have made and executed this agreement for the purposes herein expressed on the date first above written.

Attest:

CITY OF CLERMONT, FLORIDA

BY: _____

Tracy Ackroyd Howe, City Clerk

BY: _____

Gail L. Ash, Mayor

Kinz Consulting, LLC

BY: _____

James Kinzler, EA, CPM

Managing Director



May 22, 2020

Mr. Darren Gray
City Manager
City of Clermont
685 W. Montrose Street
Clermont, FL 24711

Subject: Task Order #1-Proposal for Community Water System Risk and Resilience Assessment
in Compliance with America's Infrastructure Act of 2018

Dear Mr Gray:

Kinz Consulting, LLC is pleased to provide this proposal for professional consulting services to complete the City of Clermont's Community Water System Risk and Resilience Assessment.

On October 23, 2018, America's Water Infrastructure Act (AWIA) was signed into law. AWIA Section 2013 requires community (drinking) water systems serving more than 3,300 people to develop or update risk assessments and emergency response plans (ERPs). The law specifies the components that the risk assessments and ERPs must address, and establishes deadlines by which water systems must certify to EPA completion of the risk assessment and ERP.

Each community water system serving more than 3,300 persons shall submit to the EPA Administrator a certification that the system has conducted a risk and resilience assessment in accordance with the Act prior to-

- March 31, 2020, in the case of systems serving a population of 100,000 or more;
- December 31, 2020, in the case of systems serving a population of 50,000 or more, but less than 100,000; and
- June 30, 2021, in the case of systems serving a population greater than 3,300, but less than 50,000.

Each community water system serving more than 3,300 persons is also required to certify its completion of an emergency response plan as soon as reasonably possible, but no later than six months after certifying completion of its risk and resilience assessment. Clermont's projected population is approximately 40,000, with a utility service area of approximately 43,000. Therefore the completion date is mandated as June 30, 2021 for the risk and resilience assessment and December 31, 2021 for the ERP. It is the intent of this proposal that ERP compliance be addressed at a later date and task order.

Task 1a - Risk and Resilience Assessments

Section 1433(a) of the Safe Drinking Water Act (SDWA) outlines the requirements for risk and resilience assessments as follows: Such an assessment must include—

- (1) the risk to the system from malevolent acts and natural hazards;
- (2) the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems) which are utilized by the system;
- (3) the monitoring practices of the system;
- (4) the financial infrastructure of the system;
- (5) the use, storage, or handling of various chemicals by the system; and
- (6) the operation and maintenance of the system.

The assessment may also include an evaluation of capital and operational needs for risk and resilience management for the system.

To assist utilities, the AWIA directs the EPA to provide baseline information on malevolent acts of relevance to community water systems no later than August 1, 2019. This information must include consideration of acts that may—

- (1) substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water; or
- (2) otherwise present significant public health or economic concerns to the community served by the system.

Kinz Consulting will visit and assess all major components of the City of Clermont's two Public Water Systems (PWS) – City of Clermont 3350215 and City of Clermont East 3354779.

Components include:

- All active potable raw water wells
- Both Water Plants and Elevated Storage tanks
- Water system Interconnect locations
- Chemical and Fuel storage sites
- Review of Major transmission pipes
- SCADA, Security and IT Networks
- Administrative and Financial Installations
- Other major assets and vulnerabilities as identified by staff.

Task 1b – Certification Process

Each community water system serving a population of 3,301 people or greater, must certify the completion of its risk and resilience assessment for every individual PWSID number - City of Clermont 3350215 and Cit of Clermont East 3354779, either collectively or individually as required by EPA.

Exclusions-

No later than six months after certifying completion of its risk and resilience assessment, each system must prepare or revise, where necessary, an emergency response plan that incorporates the findings of the assessment. This scope does not include services to prepare the emergency response plan.

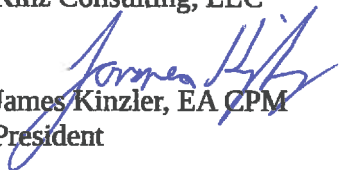
Fees for Service-

Professional Fees for consulting services detailed in Task 1a & 1b for a total of \$45,000 lump sum to be billed monthly based on percentage of project completion.

We appreciate the opportunity to serve the Clermont Community and will provide the exceptional service that is expected and deserved by the City.

Sincerely,

Kinz Consulting, LLC


James Kinzler, EA CPM
President

Authorized by:

City of Clermont

By: _____

Date: _____



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 14, 2020		
Agenda Item Name		
Interlocal Agreement		
Requested Action		
Request approval of Interlocal agreement between the City of Clermont and Lake County for Traffic Sign Maintenance and Emergency Repairs for regulatory sign maintenance in the estimated annual amount of \$24,000.		
Staff Report		
The attached agreement between Lake County and the City of Clermont is for traffic sign maintenance and emergency repairs. This agreement is a continuation of a contractual relationship that was established in 2011. The Public Services Department finds the services that the County provides to be effective and economical.		
Additional Analysis		
Fiscal Impact Summary		
The anticipated overall amount for the interlocal agreement is \$28,000.		
Annual Funding under this agreement is included in the Public Services Department-Transportation budget. Department Account Code: 10541-53406		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$24,000.00	10541-53406	\$24,000.00
Exhibits Attached (copies of original agreements)		
1. Agr Clermont_3.30.2020 Agr Clermont_3.30.2020.pdf		

**INTERLOCAL AGREEMENT
BETWEEN CITY OF CLERMONT AND LAKE COUNTY
FOR TRAFFIC SIGN MAINTENANCE AND EMERGENCY REPAIRS**

THIS INTERLOCAL AGREEMENT is by and between the City of Clermont, Florida, a municipal corporation organized under the laws of Florida, hereinafter referred to as “CITY”, and Lake County, Florida, a political subdivision of the State of Florida, hereinafter referred to as “COUNTY”, collectively the “parties”.

RECITALS

WHEREAS, the COUNTY operates its own sign shop and has staff who inspect and maintain traffic and street signs; and

WHEREAS, signs need to be inspected regularly and repaired and replaced when necessary, and it is in the best interests of both the COUNTY and the CITY to develop a coordinated program for the inventory and assessment of traffic and street signs to facilitate the CITY’s compliance with the Manual on Uniform Traffic Control Devices, and to promote the safe and efficient flow of traffic in and about Lake County; and

WHEREAS, the CITY and the COUNTY entered into an Interlocal Agreement for Traffic Sign Maintenance and Emergency Repairs on October 6, 2011, whereby the COUNTY agreed to provide traffic sign inspection, assessment, and maintenance services for all traffic signs on CITY-maintained streets (“2011 Agreement”); and

WHEREAS, the 2011 Agreement was amended by the parties by way of a First Amendment dated January 9, 2013; and

WHEREAS, the 2011 Agreement was subsequently amended by the parties by a second Amendment dated September 9, 2014; and

WHEREAS, on November 21, 2019, the COUNTY and the CITY entered into an Amended and Restated Interlocal Agreement for Traffic Sign Maintenance and Emergency Repairs that provides limited obligations on the COUNTY related to CITY stop signs and yield signs, and such agreement expires on September 30, 2020; and

WHEREAS, the COUNTY and the CITY seek to now enter into a new agreement that would expand the responsibilities of the parties and provide for a continuing term.

NOW, THEREFORE, in consideration of the foregoing recitals, promises and mutual covenants contained herein, the parties hereto agree as follows:

1. **Recitals.** The foregoing recitals are incorporated herein.
2. **Purpose.** The purpose of this Agreement is for the COUNTY to inspect and maintain traffic and street signs on CITY-maintained streets, and for CITY to secure COUNTY’s

on-call services for emergency and non-emergency repair work to such signs.

3. **Definitions.** As used in this Agreement:

- A. “Deficient Sign” means a sign that does not meet the minimum retroreflectivity requirement, or a sign that is missing, damaged or vandalized.
- B. “Deficient Sign Assembly” means that the support post holding a sign or signs is damaged and must be reinstalled or replaced, or that one or more of the signs on the support post do not meet the minimum retroreflectivity requirement, or that one or more of the signs on the support post are missing, damaged or vandalized.
- C. “Emergency Repair” generally means work required to remedy any condition that impairs the functionality and/or visibility of a “stop” or “yield” sign, and specifically means work performed under the accelerated time frame described in Section 4.C. of this Agreement.
- D. “Sign Assembly” means a support post and all signs attached to that post.
- E. “Street Name Sign” means a sign indicating the name of a street, as opposed to a traffic or directional sign.
- F. “Traffic Sign” means a sign that controls traffic and that is referenced in the Manual on Traffic Control Devices (MUTCD) and the Florida Department of Transportation (FDOT) Design Standards manual. Non-standard signs not referenced within or recommended by the MUTCD or FDOT Design Standards, including but not limited to decorative signs, novelty signs such as ‘Slow - Children at Play’, ‘Deaf Child Area’, ‘Blind Child Area’, and advertising signs, shall not be considered Traffic Signs for purposes of this Agreement. The following signs are also excluded from this definition and from this Agreement: “No Parking” signs, parking lot signs, and trail signs.

4. **COUNTY Obligations.** COUNTY and CITY agree as follows:

- A. **Inspection, Inventory and Initial Repair or Replacement Phase.** The COUNTY will inspect and inventory all Traffic Signs and Street Name Signs, on CITY-maintained streets. During the initial inspection and inventory, should the COUNTY find a deficient Traffic Sign or Street Name Sign, the COUNTY will repair or replace it. The COUNTY will prepare and maintain a sign inventory for CITY with the information contained in **Attachment “A”**, attached hereto and incorporated herein by reference. It is anticipated that the inspection, inventory, and initial repair or replacement phase will take approximately twelve (12) months.
- B. **Maintenance Phase.** During or after the inspection, inventory and initial repair or replacement phase, the COUNTY shall continue to maintain all of the Traffic Signs and Street Name Signs in the inventory. Each sign in the

inventory shall be inspected at least once every twelve (12) months. COUNTY shall repair or replace any Traffic Sign and Street Name Sign which becomes deficient for any reason upon becoming aware of such deficiency, whether observed through inspection or upon being notified by CITY. Unless an emergency described in Section 4.C. below exists, such repair or replacement shall take place within seven (7) days from COUNTY becoming aware of the need for repair or replacement. The COUNTY shall maintain and update the inventory by adding any new signs or deleting any signs no longer within the CITY's jurisdiction.

- C. **On-Call Emergency Repair for Stop and Yield Signs.** The COUNTY shall provide the CITY a twenty-four (24) hour point of contact, to include name and phone number, who may be contacted by CITY at any time for Emergency Repair to "stop" and "yield" signs. The COUNTY shall respond to emergency calls within a maximum of three (3) hours, with response time within one (1) hour by phone to the CITY designated representative and with COUNTY staff on-site within two (2) hours after telephone contact, except when compliance with any government law or regulation, acts of nature, fires, strikes, national disasters, wars, riots, transportation problems and/or any other cause whatsoever beyond the reasonable control of the COUNTY renders such timely performance impossible. In such case, the COUNTY shall respond to such emergency call as soon as possible.
- D. **MUTCD Compliance and Standards.** All work performed by the COUNTY shall be performed in accordance with the most current MUTCD manual, and in compliance with standards promulgated by the State Department of Transportation and the Florida Statutes.
- E. **Qualified Employees.** The COUNTY will provide qualified employees and materials to perform all tasks and work under this Agreement.
- F. **Charges for Service.** For the services, signs and materials to be provided by the COUNTY to the CITY pursuant to this Agreement, the CITY agrees to pay the COUNTY as follows:
 - i. There shall be a labor charge calculated at the rate of **\$16.12** per Sign Assembly per year. The COUNTY will be paid for Sign Assemblies within the current inventory. Effective October 1, 2021, and each twelve (12) month period thereafter, the COUNTY may increase the labor charge, but in no event will there be an increase of more than three percent (3%) of the labor charge for the previous twelve (12) month period. As signs are added to the inventory during the yearly term, the COUNTY will bill the CITY on a prorated basis for the remainder of the year in which the sign was added. The COUNTY shall provide a prorated refund for any signs that are deleted from the inventory.

- ii. If the CITY requests the COUNTY repair, replace, or fabricate a Traffic Sign or a Street Name Sign, the COUNTY will charge the CITY, and the CITY agrees to pay to the COUNTY, a rate of **\$49.48** per sign assembly, plus actual cost of materials. If the CITY supplies to the COUNTY adequate sign materials, the COUNTY agrees not to charge the CITY cost of materials received.
 - iii. The COUNTY may bill the CITY monthly for the charges, rates and costs and will provide a detailed invoice to CITY.
 - G. **Return of Removed or Replaced Signs.** The COUNTY will promptly return to the CITY any Traffic Signs and Street Name Signs, regardless of their condition, it removes and replaces.
- 5. **CITY'S Obligations.** The COUNTY and the CITY agree as follows:
 - A. **Payment.** The CITY will pay the COUNTY the charges for services provided in paragraph 4(F) above. The CITY agrees to promptly review all invoices transmitted by the COUNTY and to remit payment within thirty (30) days of receipt.
 - B. **Changes to Inventory.** The CITY will provide the COUNTY with information regarding the installation of new signs, removal of existing signs, or removal of existing signs from the CITY's jurisdiction, during the period of this Agreement.
 - C. **Additional Costs to CITY.** The CITY acknowledges that the COUNTY is using its own, existing equipment, software and database for purposes of creating and maintaining the inventory contemplated herein. The CITY agrees that if the CITY wants its own digital copy of the database at any point during the term of this Agreement, the CITY will obtain the necessary software at its sole cost. The COUNTY agrees to provide paper copies to CITY upon request if CITY so desires, with CITY paying the copy costs for such work.
- 6. **Term of Agreement.** This Agreement shall become effective upon October 1, 2020, and will remain in full force until terminated by either party pursuant to the provisions below:
 - A. **Written Notice of Termination.** Either party may terminate this Agreement without cause by providing written notice to the other one hundred and eighty (180) days prior to termination.
 - B. **General Termination Terms.** Notice of termination shall be sent to the addresses shown below and shall be considered properly given as of the date received. However, notice of termination, regardless of the party initiating, shall not relieve the CITY of its obligation to fully compensate the COUNTY for all services rendered by the COUNTY up to and including

the date of termination of the Agreement. Upon termination of the Agreement by either party, COUNTY shall transmit to CITY a paper printout of the inventory of Traffic Signs and Street Name Signs and paper printouts of all associated data with printing or copy costs paid for by CITY, unless the CITY has obtained its own software and database capabilities pursuant to Section 5.C. of this Agreement, in which case the COUNTY shall transmit to CITY the electronic data itself at no cost to CITY.

8. **Assignment.** Neither party may assign this Agreement without the express, prior, and written consent of the other party.

9. **Notices.** Wherever provision is made in this Agreement for the giving, serving or delivering of any notice, statement, or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail, addressed as follows:

COUNTY

Lake County Manager
315 W. Main Street
P.O. Box 7800
Tavares, Florida 32778

CITY

Clermont City Manager
685 W. Montrose Street
Clermont, Florida 34711

10. **Entire Agreement.** This document embodies the entire agreement between the parties, and that neither party has made any statement, promise or agreement, or taken upon itself any engagement whatsoever that it is not fully capable of honoring to its fullest.

11. **Severability.** If any provision, condition, promise, or part of this Agreement is found or held to be invalid, it is the intent of the parties that the remaining provisions are unaffected and will be honored by the parties. To this end, the provisions of this Agreement are declared severable.

12. **Modification.** No modification, amendment or alternation of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

IN WITNESS WHEREOF the parties hereto have made and executed this Interlocal Agreement on the respective dates under each signature: Lake County, Florida, through its Board of County Commissioners, signing by and through its Chairman, and the City of Clermont, Florida, through its Mayor.

**INTERLOCAL AGREEMENT BETWEEN CLERMONT & LAKE COUNTY FOR TRAFFIC SIGN
MAINTENANCE AND EMERGENCY REPAIRS_2020**

CITY OF CLERMONT, FLORIDA

Gail L. Ash, Mayor

This ____ day of _____, 2020.

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

**INTERLOCAL AGREEMENT BETWEEN CLERMONT & LAKE COUNTY FOR TRAFFIC SIGN
MAINTENANCE AND EMERGENCY REPAIRS_2020**

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Leslie Campione, Chairman

This ____ day of _____, 2020.

ATTEST:

Gary J. Cooney, Clerk
Board of County Commissioners of
Lake County, Florida

Approved as to form and legality:

Melanie Marsh, County Attorney

ATTACHMENT “A”

Sign Inventory Includes:

- Record sign information
- Record location, road ahead, road back, travel direction, side of the road
- Record setback and height
- Record sign legend
- Record sign size
- Record sign sheeting material
- Record post type and size
- Assign and attached support number
- Assign sign ID
- Record sign retroreflectivity reading
- Take Picture
- Assess condition, assess compliance with MUTCD and make repairs or replacements.

Street Name Sign Fabrication Pricing:

Size: 9' x 24", 30", 36", 42", 48", or 54"

Type: Two signs single faced back to back will be considered one street name sign

Number: Usually two street name signs per location

Pricing: **\$49.48** per sign plus cost of materials



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 14, 2020		
Agenda Item Name		
Resolution No. 2020-37R		
Requested Action		
Request approval of Resolution No. 2020-37R to amend the FY 2020 Budget.		
Staff Report		
Resolution No. 2020-37R is proposed to amend the FY 2020 Budget. The resolution formally amends the annual budget primarily for FY 2019 ending reserves, FY 2019 carryforwards and council actions since March 2020.		
Additional Analysis		
Fiscal Impact Summary		
Total increase to fund balance for all funds is \$13,348,524.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution No 2020-37R	Resolution No 2020-37R.pdf	

**CITY OF CLERMONT
RESOLUTION NO. 2020-37R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, AUTHORIZING BUDGET
AMENDMENTS FOR THE CITY OF CLERMONT FOR FISCAL YEAR
2019-2020**

WHEREAS, it is hereby found and determined by the City Council of the City of Clermont, Lake County, Florida, that the following budget amendments are necessary for the Fiscal Year October 1, 2019 to September 30, 2020:

GENERAL FUND

1. Increase Capital Equipment – Justice Funds (10521-66401-21900)	\$	6,321
To amend the Police Department budget for SWAT rifle expenditures related to Federal Forfeiture Funds.		
2. Increase Regular Salaries (10512-12100)	\$	52,276
Increase FICA (10512-12220)	\$	3,264
Increase DC Pension (10512-12240)	\$	3,857
Increase Group Medical Insurance (10512-12300)	\$	7,073
Increase Life Insurance (10512-12305)	\$	5
Increase EAP (10512-12315)	\$	6
Increase Workers Comp (10512-12400)	\$	29
Decrease Regular Salaries (10515-12100)	\$	53,300
Decrease FICA (10515-12220)	\$	3,300
Decrease DC Pension (10515-12240)	\$	1,482
Decrease Group Medical Insurance (10515-12300)	\$	26,480
Decrease Life Insurance (10515-12305)	\$	184
Decrease EAP (10515-12315)	\$	28
Increase Regular Salaries (10516-12100)	\$	47,850
Increase FICA (10516-12220)	\$	4,440
Increase DC Pension (10516-12240)	\$	3,887
Increase Group Medical Insurance (10516-12300)	\$	613
Increase Life Insurance (10516-12305)	\$	146
Increase EAP (10516-12315)	\$	9
Increase Workers Comp (10516-12400)	\$	35
Decrease Regular Salaries (10565-12100)	\$	19,258
Decrease FICA (10565-12220)	\$	1,182
Decrease DC Pension (10565-12240)	\$	7,097
Decrease Group Medical Insurance (10565-12300)	\$	11,088
Decrease Life Insurance (10565-12305)	\$	77
Decrease EAP (10565-12315)	\$	14

CITY OF CLERMONT
RESOLUTION NO. 2020-37R

To amend the City Manager, Planning & Development Services,
Information Technology and Purchasing Department budgets for
personnel changes approved by the City Manager.

3. Increase Regular Salaries (10521-12100)	\$ 149,751
Increase FICA (10521-12220)	\$ 11,456
Increase DB Pension (10521-12245)	\$ 20,561
Increase Life Insurance (10521-12305)	\$ 393
Increase Workers Comp (10521-12400)	\$ 3,069

To amend the Police Department budget for an MOU Agreement related
to Police Department wages approved by the City Council on April 14,
2020.

4. Increase Fund Balance: Beginning Reserves (10399-39900)	\$ 682,342
To amend the budget to reflect actual reserves at October 1, 2019.	
5. Increase Fund Balance: Ending Reserves (10599-59900)	\$ 490,791

BUILDING SERVICES FUND

1. Increase Fund Balance: Beginning Reserves (11399-39900)	\$ 611,578
To amend the budget to reflect actual reserves at October 1, 2019.	
2. Increase Fund Balance: Ending Reserves (11599-59900)	\$ 611,578
Total Building Services Fund Adjustments.	

INFRASTRUCTURE SALES TAX FUND

1. Increase Fund Balance: Beginning Reserves (12399-39900)	\$ 601,103
To amend the budget to reflect actual reserves at October 1, 2019.	
2. Increase Capital Outlay – Other Improvement Fiber (12516-66300)	\$ 2,899
Increase Capital Outlay – Fiber Optic Network Expan (12516-66300-16000)	\$ 221,231
Increase Capital Outlay - Pro Services Fiber Optic (12516-66900-16000)	\$ 11,224
To amend the Information Technology Department budget for the carryforward of unexpended FY 2019 funds for fiber network improvements and related professional services.	
3. Increase Capital Outlay – Sidewalks (12541-66303)	\$ 72,155
To amend the Public Services Department budget for the carryforward of unexpended FY 2019 funds for sidewalks.	
4. Increase Capital Outlay – Other Improvement (12542-66303-72113)	\$ 95,000

CITY OF CLERMONT
RESOLUTION NO. 2020-37R

To amend the Public Services Department budget for the carryforward of unexpended FY 2019 funds for Lake Hiawatha floating dock.

- | | | |
|---|----|---------|
| 5. Increase Fund Balance: Ending Reserves (12599-59900) | \$ | 198,594 |
| Total Infrastructure Sales Tax Fund adjustments. | | |

CEMETERY FUND

- | | | |
|--|----|--------|
| 1. Increase Fund Balance: Beginning Reserves (13399-39900) | \$ | 45,827 |
| To amend the budget to reflect actual reserves at October 1, 2019. | | |
| 2. Increase Fund Balance: Ending Reserves (13599-59900) | \$ | 45,827 |
| Total Cemetery Fund adjustments. | | |

RECREATION IMPACT FEE FUND

- | | | |
|--|----|---------|
| 1. Increase Fund Balance: Beginning Reserves (14399-39900) | \$ | 681,043 |
| To amend the budget to reflect actual reserves at October 1, 2019. | | |
| 2. Increase Fund Balance: Ending Reserves (14599-59900) | \$ | 681,043 |
| Total Recreation Impact Fee Fund adjustments. | | |

POLICE IMPACT FEE FUND

- | | | |
|--|----|---------|
| 1. Increase Fund Balance: Beginning Reserves (15399-39900) | \$ | 193,531 |
| To amend the budget to reflect actual reserves at October 1, 2019. | | |
| 2. Increase Fund Balance: Ending Reserves (15599-59900) | \$ | 193,531 |
| Total Police Impact Fee Fund adjustments. | | |

FIRE IMPACT FEE FUND

- | | | |
|---|----|---------|
| 1. Increase Fund Balance: Beginning Reserves (16399-39900) | \$ | 356,192 |
| To amend the budget to reflect actual reserves at October 1, 2019. | | |
| 2. Increase Capital Outlay – Equipment (16522-66401) | \$ | 5,500 |
| To amend the Fire Department budget to fund additional costs for a special operations trailer. | | |
| 3. Increase Capital Outlay – Building (16522-66201) | \$ | 9,000 |
| To amend the Fire Department budget to fund additional costs for a storage building at fire station #4. | | |

CITY OF CLERMONT
RESOLUTION NO. 2020-37R

- | | |
|--|------------|
| 4. Increase Fund Balance: Ending Reserves (16599-59900)
Total Fire Impact Fee Fund adjustments. | \$ 341,692 |
|--|------------|

DEBT SERVICE FUND

- | | |
|--|----------|
| 1. Increase Fund Balance: Beginning Reserves (22399-39900)
To amend the budget to reflect actual reserves at October 1, 2019. | \$ 5,147 |
| 2. Increase Fund Balance: Ending Reserves (22599-59900)
Total Debt Service Fund Adjustments. | \$ 5,147 |

CAPITAL PROJECTS FUND

- | | |
|--|--------------|
| 1. Increase Fund Balance: Beginning Reserves (32399-39900)
To amend the budget to reflect actual reserves at October 1, 2019. | \$ 1,145,312 |
| 2. Increase Fund Balance: Ending Reserves (32599-59900)
Total Capital Project Fund Adjustments. | \$ 1,145,312 |

WATER FUND

- | | |
|--|--------------|
| 1. Increase Fund Balance: Beginning Reserves (41399-39900)
To amend the budget to reflect actual reserves at October 1, 2019. | \$ 1,153,235 |
| 2. Increase Fund Balance: Ending Reserves (41599-59900)
Total Water Fund Adjustments. | \$ 1,153,235 |

SEWER FUND

- | | |
|--|--------------|
| 1. Increase Fund Balance: Beginning Reserves (42399-39900)
To amend the budget to reflect actual reserves at October 1, 2019. | \$ 3,799,178 |
| 2. Increase Fund Balance: Ending Reserves (42599-59900)
Total Sewer Fund Adjustments. | \$ 3,799,178 |

CITY OF CLERMONT
RESOLUTION NO. 2020-37R

WATER IMPACT FEE FUND

- | | | |
|--|----|---------|
| 1. Increase Fund Balance: Beginning Reserves (43399-39900)
To amend the budget to reflect actual reserves at October 1, 2019. | \$ | 634,542 |
| 2. Increase Fund Balance: Ending Reserves (43599-59900)
Total Water Impact Fund Adjustments. | \$ | 634,542 |

SEWER IMPACT FEE FUND

- | | | |
|--|----|-----------|
| 1. Increase Fund Balance: Beginning Reserves (44399-39900)
To amend the budget to reflect actual reserves at October 1, 2019. | \$ | 4,063,256 |
| 2. Increase Fund Balance: Ending Reserves (44599-59900)
Total Sewer Impact Fund Adjustments. | \$ | 4,063,256 |

STORMWATER FUND

- | | | |
|---|----|-----------|
| 1. Decrease Fund Balance: Beginning Reserves (45399-39900) | \$ | 1,216,411 |
| 2. Decrease Capital Outlay - Stormwater Improvements (45538-66306)
To amend the Public Services Department budget for stormwater capital
projects to be constructed during FY 2021. | \$ | 450,000 |
| 3. Decrease Fund Balance: Ending Reserves (45599-59900)
Total Stormwater Fund Adjustments | \$ | 766,411 |

SANITATION FUND

- | | | |
|--|----|---------|
| 1. Increase Fund Balance: Beginning Reserves (49399-39900)
To amend the budget to reflect actual reserves at October 1, 2019. | \$ | 496,704 |
| 2. Increase Fund Balance: Ending Reserves (49599-59900)
Total Sanitation Fund adjustments. | \$ | 496,704 |

GROUP SELF INSURANCE FUND

- | | | |
|--|----|---------|
| 1. Increase Fund Balance: Beginning Reserves (52399-39900)
To amend the budget to reflect actual reserves at October 1, 2019. | \$ | 80,490 |
| 2. Increase City OAP Health Contribution (52341-34127)
To amend the budget for additional city contributions. | \$ | 130,995 |

CITY OF CLERMONT
RESOLUTION NO. 2020-37R

3. Increase Fund Balance: Ending Reserves (52599-59900)	\$ 211,485
Total Group Self Insurance Fund adjustments.	

CRA FUND

1. Increase Fund Balance: Beginning Reserves (60399-39900)	\$ 43,020
To amend the budget to reflect actual reserves at October 1, 2019.	

2. Increase Fund Balance: Ending Reserves (60599-59900)	\$ 43,020
Total CRA Fund adjustments.	

Net Increase to Fund Balance – All Funds	\$ 13,348,524
--	---------------

CITY OF CLERMONT
RESOLUTION NO. 2020-37R

NOW, THEREFORE, BE IT RESOLVED, that the above said budget amendments of the City of Clermont for the Fiscal Year 2019-2020 are hereby adopted.

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 14th day of July, 2020.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, July 14, 2020	
Agenda Item Name	
Variance Request - <i>Table to July 28</i> <i>Mirror Lake Subdivision</i>	
Requested Action	
Recommend denial of the variance requests.	
Staff Report	
The applicant, Cameron Bradford is requesting six (6) variances to the Land Development Code to allow for construction of a 21 lot single-family residential subdivision. The vacant parcel is located on the south side of Old Highway 50, just west of the Greater Hills Subdivision. The zoning is R-1 Single Family Medium Density Residential with Low Density Residential Land Use. The applicant is requesting the following six (6) variances: 1) To allow for a private street, rather than public – variance is required pursuant to the Clermont Land Development Code, Section 110-192(1). 2) To construct only one cul-de-sac at the end of the street with no intermediate cul-de-sac – as required by Section 110-192 (8). 3) To reduce the landscape buffer along the east property line to 5 feet instead of the 10 feet required by Section 118-37. 4) To reduce the street right-of-way width to 50 feet, rather than 60 feet - as required by Section 110-193. 5) To construct a sidewalk on only one side of the street where homes will be located, rather than both sides of the street – as required by Section 110-194(3). 6) To reduce the front yard building setback to 20 feet, rather than 25 feet - as required by Section 122-125. The proposed 21-lot subdivision as designed would provide one access point off Old Highway 50. The applicant has indicated that because of existing topography changes and construction constraints, the six (6) variances are required to allow for development. The Council previously approved eight (8) variances in 2000, 2007 and 2008, to allow for a 24 lot single-family development that was never constructed. City Code Section 86-171 indicates a variance to the Land Development Code may be granted as a hardship relief when strict compliance to the code would render a parcel incapable of reasonable use and development. Staff finds the subject parcel is vacant therefore could be designed with a less intense development, which may not require variances to the land development code. The property as designed may provide a challenge for fire and emergency vehicles access because the the street and cul-de-sac widths does not meet the code. The request to reduce the landscape buffer from 10 feet to five feet would provide less screening to the east side properties and may be seen as undesirable and intrusive to adjacent property owners. Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as submitted and finds the application does not meet a positive finding. Therefore, staff recommends denial of the variance request to the Land Development Code.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	MIRROR LAKE VARIANCE AD	MIRROR LAKE VARIANCE.pdf

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10095441
Phone: (352) 241-7331
Date: 03/10/20
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the Clermont City Council will con	03/16/2020	03/16/2020	\$118.46

LEGAL NOTICE

hours prior to the public hearings.

Notice is hereby given that the Clermont City Council will consider a request for the following variances: (1) to allow five variances to the minimum requirements of the Land Development Code, Chapter 1.10 Subdivisions, (2) to allow a reduced landscape buffer instead of requirements for the Land Development Code, Chapter 1.18 - Vegetation and (3) to allow a reduced front yard setback instead of requirements for Section 122-125, and (4) To allow a topographical elevation change to exceed the maximum allowed of 10 feet, as required by the Code, Section 94-195, at the following location:

Tracy Ackroyd, MMC
City Clerk

Ad No: 10095441
March 16, 2020

LOCATION:

Vacant parcel located on Old Highway 50, east of Blackstill Lake Road (Alternate Key #2665459)

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

The Clermont City Council will consider this request at a public hearing on Tuesday, March 24, 2020 at 6:30 P.M. in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street, Clermont FL

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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7331, at least 48

Payment Info

Ad Price	\$118.46
Tax	\$0.00
Sub Total	\$118.46
Prepaid Amount	\$0.00
Balance Due	\$118.46



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, July 14, 2020	
Agenda Item Name	
Ordinance No. 2020-15 <i>Final</i> <i>Elyksian Hotel</i>	
Requested Action	
Recommend approval of Ordinance No. 2020-15.	
Staff Report	
<i>At the June 9, 2020 City Council meeting, the applicant presented the project before Council. It was determined after much discussion, the Council directed the applicant to look at some changes and bring it back for the July 14th City Council meeting. The applicant has submitted a revised plan and elevation. The most notable changes are: (1) one floor of the hotel was removed, resulting in a reduction of height down to 75 feet maximum and (2) increase in floor area while maintaining the 50 room count.</i> The owner, Elyksian Hotels Clermont, LLC, is requesting a rezoning from Central Business District (CBD) to a Planned Unit Development (PUD) to allow for the construction of a 50-room boutique hotel with additional meeting space, a rooftop amenity for its guests, and ground floor parking for the project. The site is located southwest of the intersection of W. Osceola Street and 8th Street. The property consists of the current Epic Bike location and the adjacent vacant parcel to the west. The proposed hotel will be built adjacent and connected to the existing Epic Bike building and will share ingress/egress and off hours parking with the existing Epic Bike business. The entire project is approximately 1.07 +/- acres. The applicant is requesting PUD zoning to allow for flexibility in site design via certain waivers to the Land Development Code. The Development Plan shows the proposed hotel to have a square footage of approximately 68,000 square feet with a maximum height of 80 feet. The structure will consist of parking on the ground floor, five stories of hotel rooms and meeting space above the parking and a roof top amenity on top. The height is measured from the ground floor parking entrance of the structure on W. Osceola Street to the top of the highest point of the structure on the rooftop amenity, which would be the elevator shaft. This is 25 feet higher than the maximum finished height allowed in the CBD, which is 55 feet. For comparison, City Hall is currently at 53 feet in height. The proposed 68,000 square foot hotel with the existing Epic Cycle building of 8,500 square feet has an approximate overall total of 76,500 square feet within the project boundary. The maximum permitted Floor Area Ratio (FAR) in the Central Business District is 3.0. The project will develop at approximately 1.66+/- FAR, which is less than the maximum. The building setbacks in the CBD allows buildings to be constructed up to the property line with a zero setback. The proposed hotel is seeking to build up to the property line, which includes the Porte-Cochere. The maximum impervious surface ratio (ISR) of the project is 96%. Under Section 122-245 (1), the CBD allows projects up to 100% if the stormwater retention can be satisfied. The development will connect into the City's Victory Pointe Master Stormwater System for the drainage and retention requirements.	

The overall parking demand from the project is calculated to be 76 parking spaces. This is one space per hotel room and one space per 333 square feet of retail space from the Epic Bike shop. The applicant is proposing 54 parking spaces, with 22 spaces within the covered ground floor parking area of the hotel and 32 within the Epic Bike shop parking lot.

The applicant was seeking a public-private partnership to develop 22 on-street parking spaces using a portion of the City' right-of-way along W. Osceola Street. However, recent changes by the applicant have removed this request. To satisfy the parking shortfall, a remote parking agreement will be required to make up the parking shortfall. The applicant is in discussions with the City and other property owners on different off-site parking options. Section 98-17 of the Land Development Code allows off-site parking options when in the Central Business District.

One of the key elements of the Downtown-Waterfront Master Plan is to maximize the number of people who live, work and visit downtown. The establishment of the proposed project is consistent with that concept and would provide lodging for visitors in the downtown area. The project will be required to comply with the Land Development Regulations for the Central Business District, except for the two waivers, and Architectural Design Standards.

The requested waivers to the code consist of:

1. Overall height exceeding 55 feet up to a final height of 80 feet. Section 122-245 (3)
2. The use of trash compactors to reduce the number of dumpsters for the project. Section 114-8

Staff has reviewed the application as submitted and finds the proposed use is compatible with the surrounding areas, is consistent with the Comprehensive Plan and a key component in the vision of the Downtown-Waterfront Master Plan. The proposed development meets the provisions of Section 122-315, Review Criteria for a PUD. Therefore, staff recommends approval of Ordinance No. 2020-15. The Planning and Zoning Commission recommended unanimously for approval, 7-0.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|--------------------------------------|---|
| 1. | Ord 2020-15 Elyksian Hotel Final PUD | Ord 2020-15 Elyksian Hotel Final PUD July 14.docx |
| 2. | 6-26-20 Rendering with floor removed | 6-26-20 Rendering with floor removed.jpg |
| 3. | Revised 6-26-20 Site Plan | Revised 6-26-20 Site Plan.pdf |
| 4. | Maps | Maps.pdf |
| 5. | Final.2.28.20 Site Plan | 2.28.20 No-Onstreet Site Plan.pdf |
| 6. | PUD Application | PUD Application.pdf |
| 7. | Supporting Material | Supporting Material.pdf |
| 8. | Legal Ad Proof | Virtual Meeting Legal Ad Hotel.pdf |



CITY OF CLERMONT
ORDINANCE NO. 2020-15

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, RECORDING, AND PUBLICATION.

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

SECTION 1.

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

LEGAL DESCRIPTION

Clermont Lots 1, 3, 5, 7, 9, N 10 Ft Of Lots 2, 4, 6, 8, N |
10 Ft Of E 40 Ft Of Lot 10 Blk 93--Less Beg At Se Cor Of Lot |
1 Blk 93, Run S 0-29-46 W 10 Ft To Se Cor Of N 10 Ft Of Lot |
2 Blk 93, N 89-23-28 W 75 Ft, N 0-29-46 E 60.01 Ft, S |
89-23-28 E 75 Ft To E Line Of Lot 1, S 0-29-46 W Along E |
Line Of Lot 1 A Dist Of 50.01 Ft To Pob--Pb 8 Pg 17 |
Orb 4605 Pg 1746 |

AND

Clermont Lot 11, E 1/2 Of Lot 13, Blk 93 Pb 8 Pg 17 |
Orb 5298 Pg 1904 |

LOCATION

Southwest corner of W. Osceola Street and 8th Street
Alternate Key 1615119 & 1615089
Approx. 1.07 acres

**From: Central Business District
To: Planned Unit Development (PUD)**

SECTION 2. General Conditions

This application for a Planned Unit Development to allow a hotel, meeting space, rooftop amenity, ground floor structured parking, and retail uses; be granted subject to the following conditions:

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.



CITY OF CLERMONT
ORDINANCE NO. 2020-15

2. The property shall be developed in substantial accordance with the Development Plan prepared by Stringfellow Planning and Design, dated June 23, 2020. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a Zoning Clearance or other development permits.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. Fiber optic conduit and pull boxes may be required to be installed by the developer in the utility easements to extend the City's fiber optic network. The City will reimburse the developer at 100 percent for all costs including design, permitting, materials, and construction of the fiber optic conduit and pull boxes. At the time of site plan review, the City's Information Technology Director or authorized designee will make this determination.
5. Easements shall be provided on any existing and proposed utilities that the City will own and maintain at no expense to the City.

SECTION 3. Land Uses and Specific Conditions

1. The project may consist of up to 71,000 square feet of Hotel and associated hotel uses. In addition, up to 8,500 square feet of retail uses in the existing building (Epic Bike) is permitted along with any other CBD permitted uses.
2. The hotel building height may be greater than 55 feet but no more than 75 feet, measured at the highest point.
3. An off-site parking agreement shall be executed prior to site plan approval. The parking agreement shall meet the requirements in Section 98-17 (c) of the Land Development Code.
4. The project may use trash compactors for solid waste collection in conjunction with dumpsters.
5. This Planned Unit Development shall become null and void if substantial construction work has not begun within two (2) years of the date that this Planned Unit Development is executed and signed by the permittee. The property will revert back to the Central Business District zoning. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.

CITY OF CLERMONT
ORDINANCE NO. 2020-15

6. The project shall be developed according to the CBD Central Business District zoning designation in the Land Development Code, unless expressly stated above.

SECTION 4.

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

SECTION 5.

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

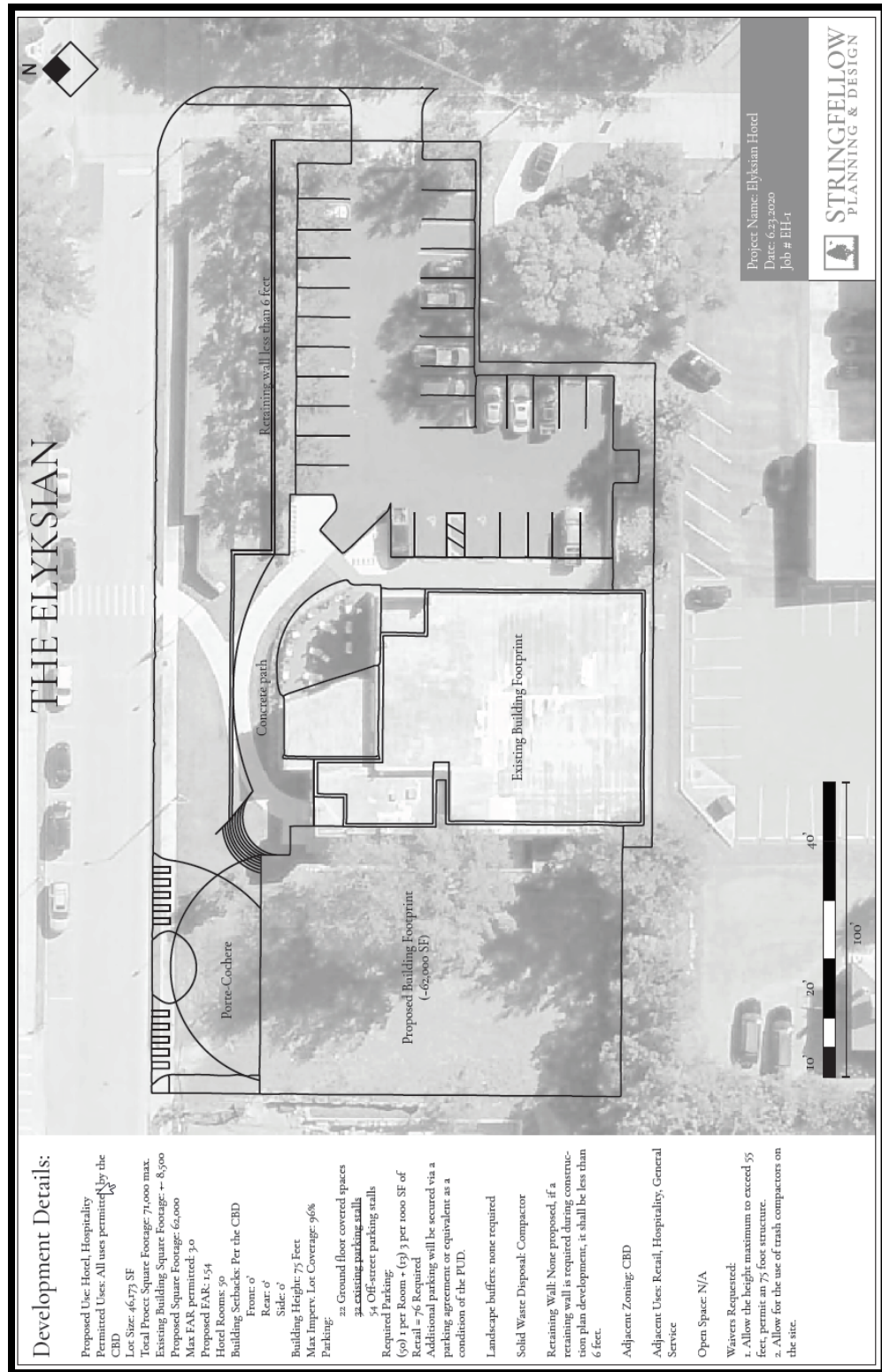
SECTION 6.

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

Location map:



Development Plan:





CITY OF CLERMONT
ORDINANCE NO. 2020-15

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 14th day of July, 2020.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



Development Details:

Proposed Use: Hotel, Hospitality
Permitted Uses: All uses permitted by the CBD

Lot Size: 46,173 SF
Total Proect Square Footage: 71,000 max.
Existing Building Square Footage: +- 8,500
Proposed Square Footage: 62,000
Max FAR permitted: 3.0
Proposed FAR: 1.54
Hotel Rooms: 50

Building Setbacks: Per the CBD
Front: 0'
Rear: 0'
Side: 0'

Building Height: 75 Feet
Max Imperv. Lot Coverage: 96%
Parking:
22 Ground floor covered spaces
32 existing parking stalls
54 Off-street parking stalls

Required Parking:
(50) 1 per Room + (13) 3 per 1000 SF of Retail = 76 Required
Additional parking will be secured via a parking agreement or equivalent as a condition of the PUD.

Landscape buffers: none required

Solid Waste Disposal: Compactor

Retaining Wall: None proposed, if a retaining wall is required during construction plan development, it shall be less than 6 feet.

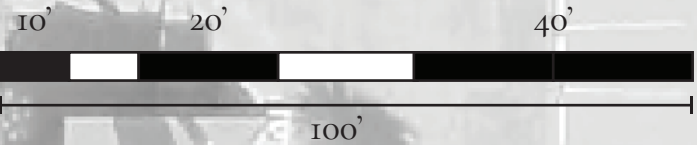
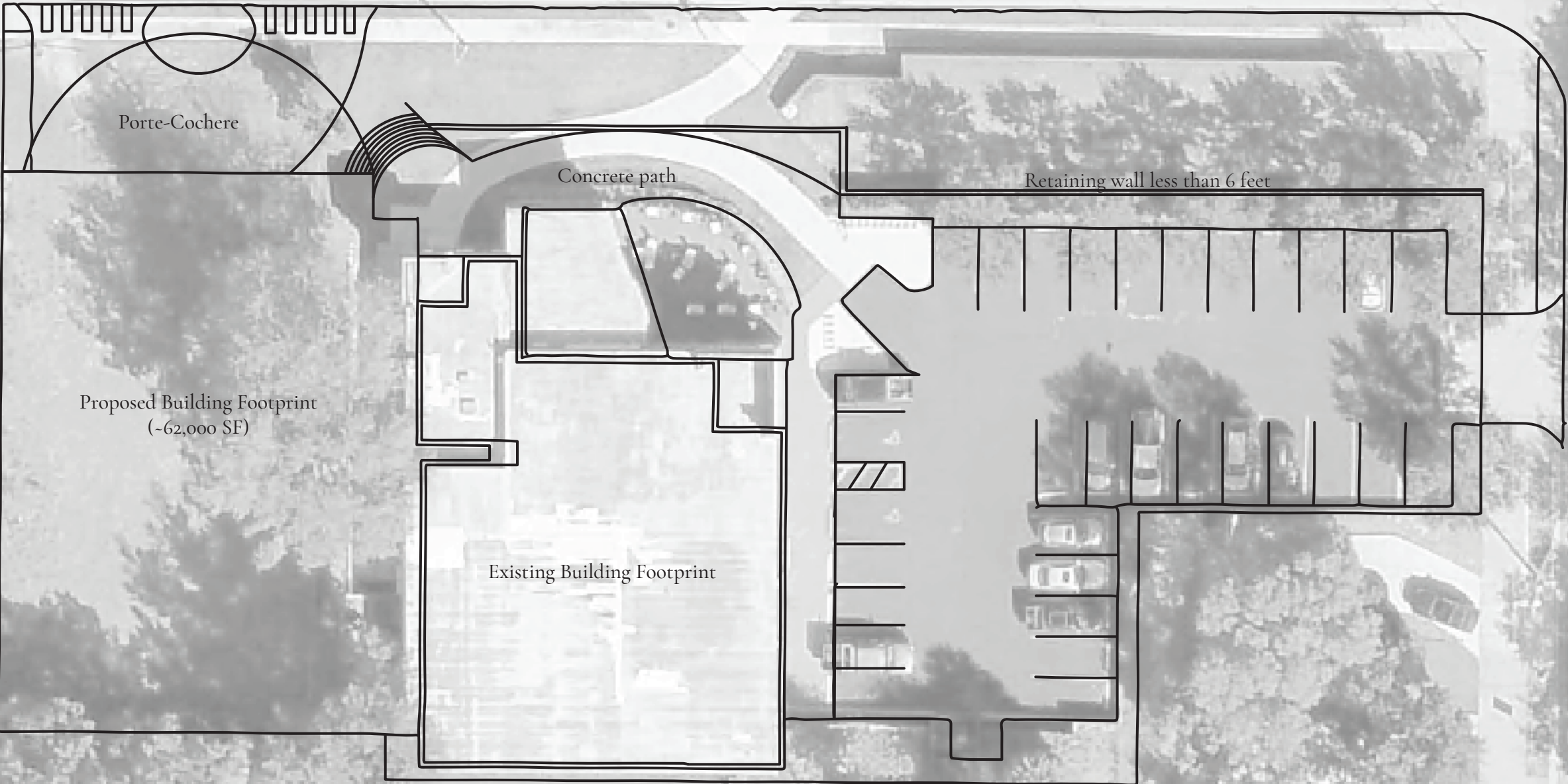
Adjacent Zoning: CBD

Adjacent Uses: Retail, Hospitality, General Service

Open Space: N/A

Waivers Requested:
1. Allow the height maximum to exceed 55 feet, permit an 75 foot structure.
2. Allow for the use of trash compactors on the site.

THE ELYKSIAN

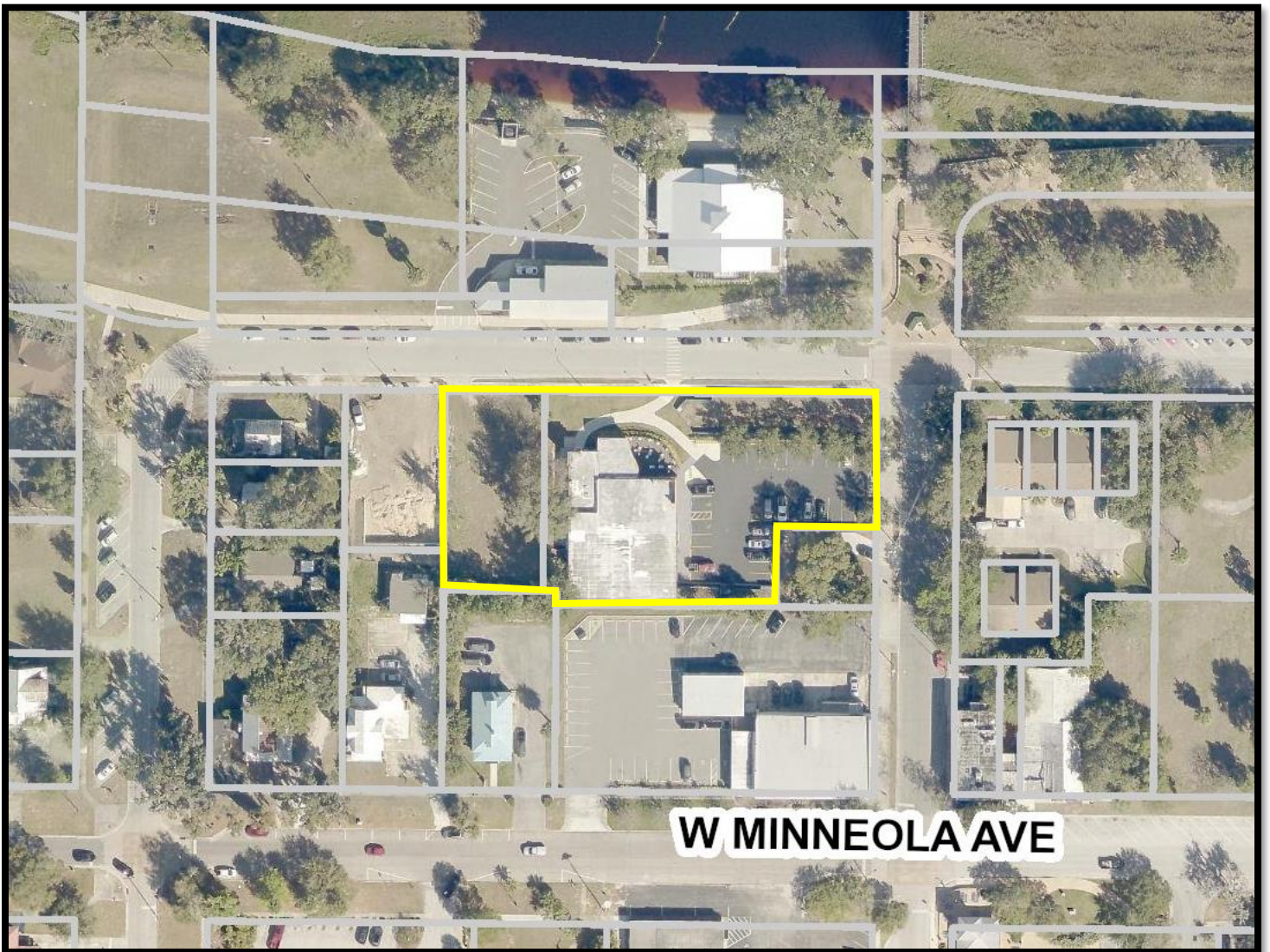


Project Name: Elyksian Hotel
Date: 6.23.2020
Job # EH-1

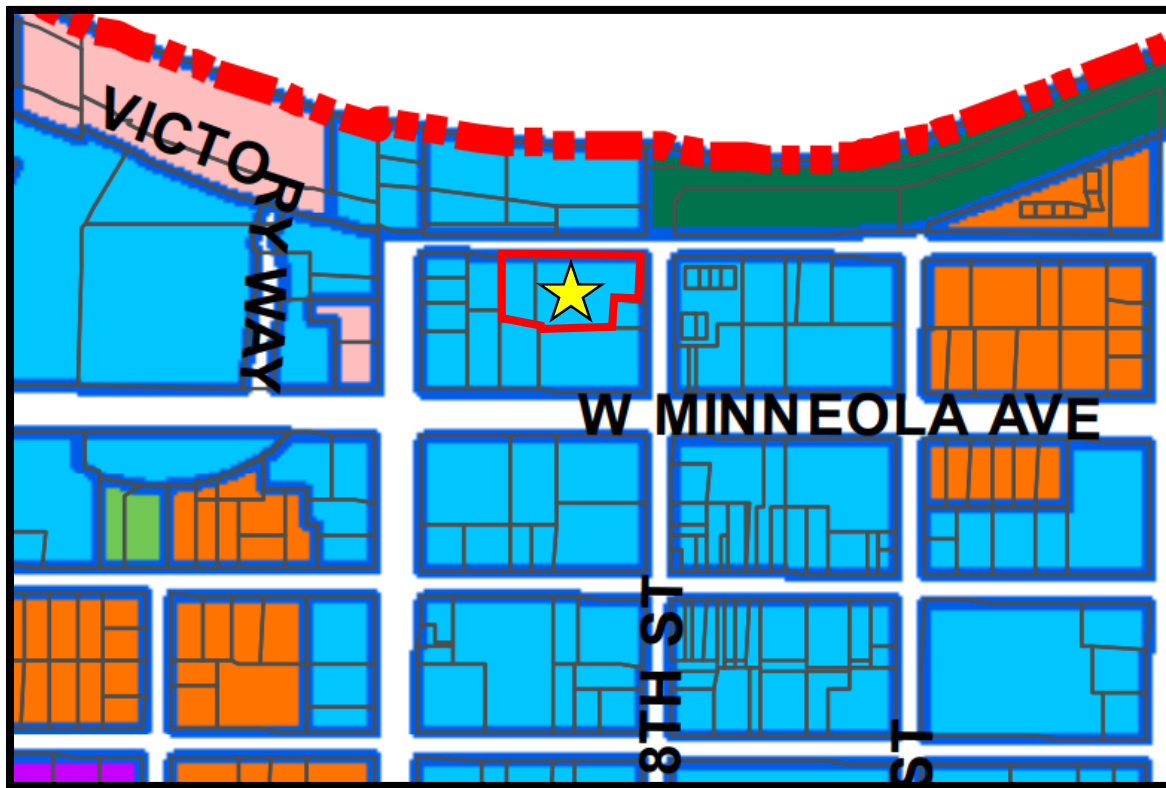


STRINGFELLOW
PLANNING & DESIGN

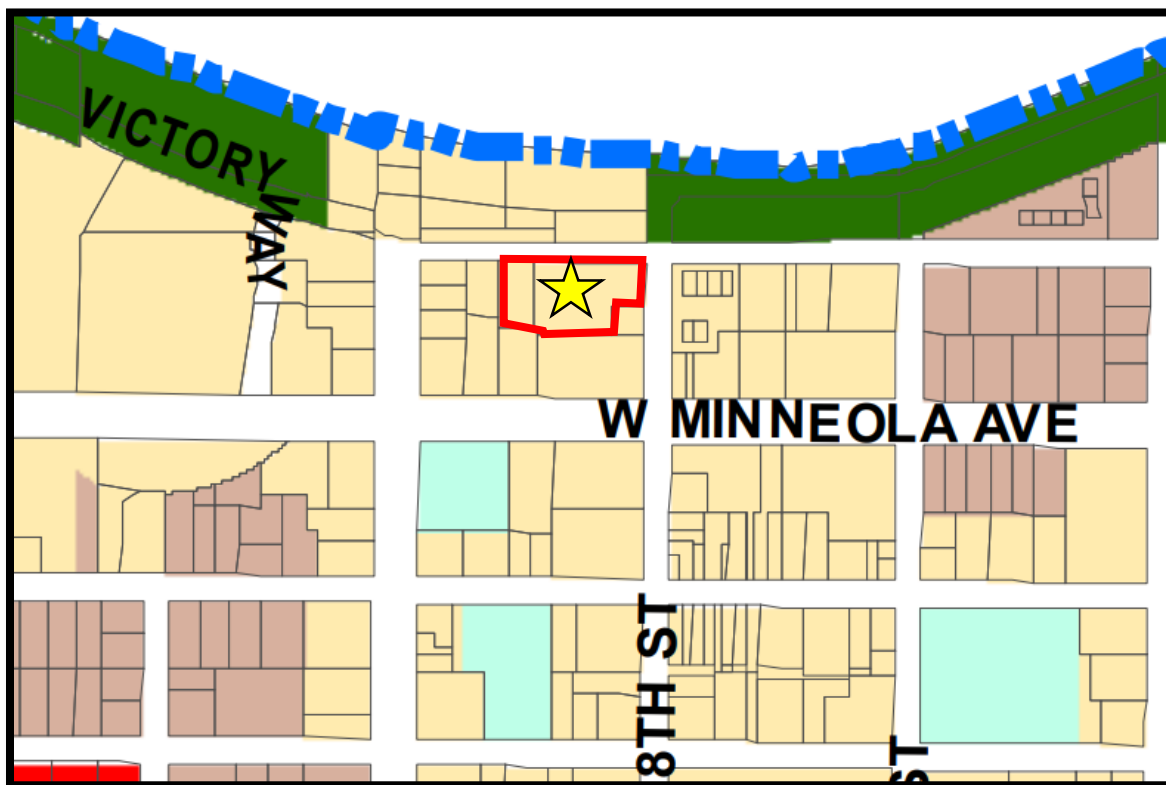
Location - Elyksian Hotel PUD



Zoning & Future Land Use- Elyksian Hotel PUD



Zoning



Future Land Use



Development Details:

Proposed Use: Hotel
Permitted Uses: All uses permitted by the CBD
Lot Size: 46,173 SF
Building Square Footage: 68,000 max.
Existing Building Square Footage: +- 8,500
Max FAR permitted: 3.0
Proposed FAR: 1.66
Hotel Rooms: 50
Building Setbacks: Per the CBD
 Front: 0'
 Rear: 0'
 Side: 0'
Building Height: 80 Feet
Max Imperv. Lot Coverage: 96%
Parking:
 22 Ground floor covered spaces
 32 existing parking stalls
 54 Off-street parking stalls
Required Parking:
(50) 1 per Room + (13) 3 per 1000 SF of Retail = 76 Required
Additional parking will be secured via a parking agreement or equivalent as a condition of the PUD.

Landscape buffers: none required

Solid Waste Disposal: Compactor

Retaining Wall: Existing or less than 6 feet

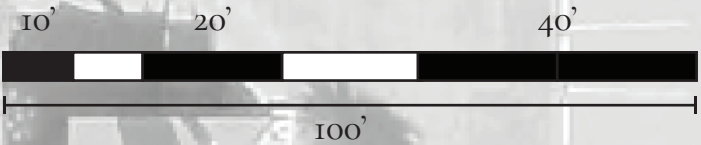
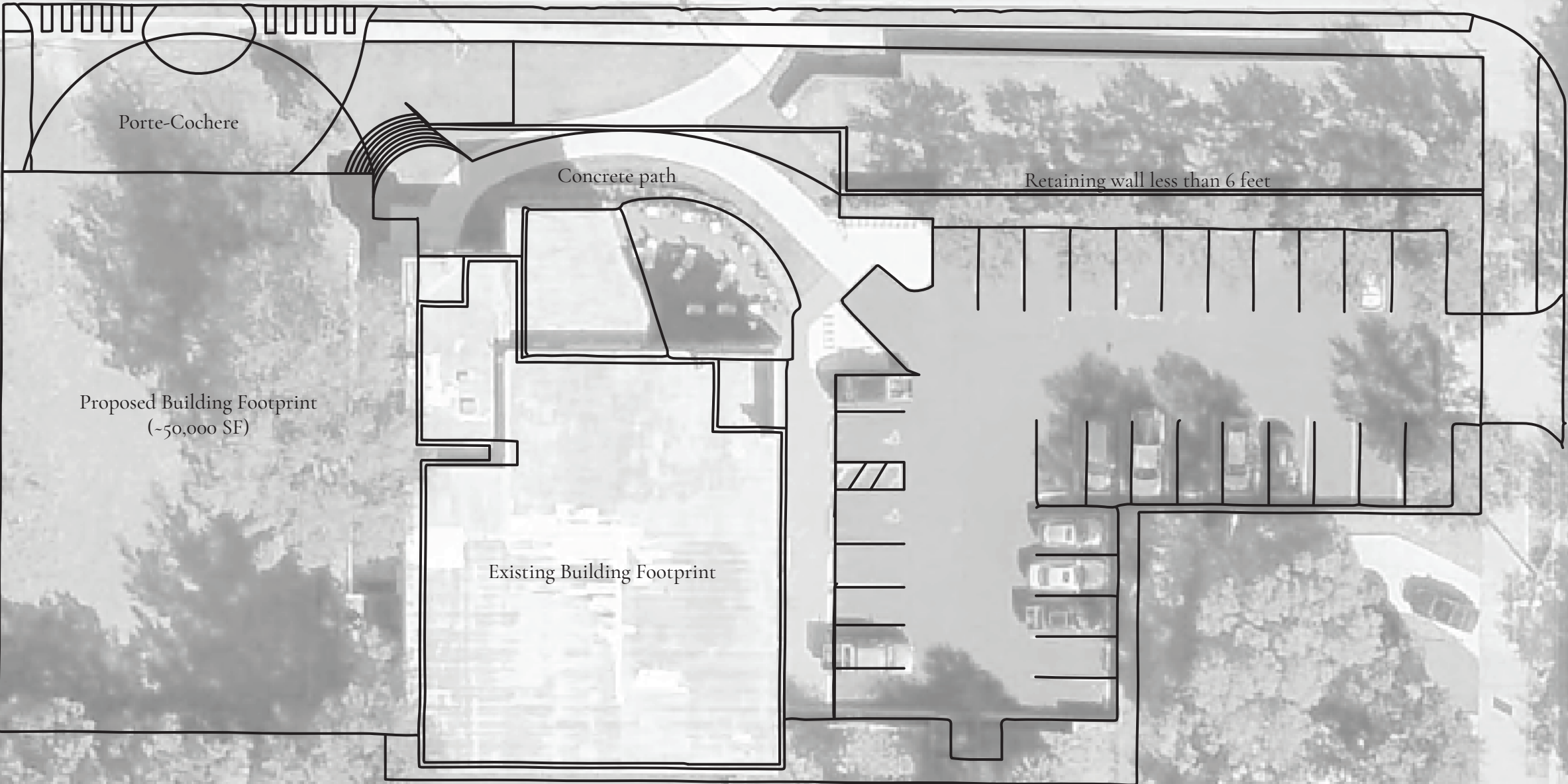
Adjacent Zoning: CBD

Adjacent Uses: Retail, Hospitality, General Service

Open Space: N/A

Waivers Requested:
1. Allow the height maximum to exceed 55 feet, permit an 80 foot structure.
2. Waive the 1 per room parking requirement.
3. Allow for the use of trash compactors on the site.

THE ELYKSIAN



Project Name: Elyksian Hotel
Date: 1.31.2020
Job # EH-1

STRINGFELLOW
PLANNING & DESIGN



PUD 2002-0001

**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: 02-04-2020

Paid CK # 1003

FEE: \$542.⁰⁰

+ cost of advertisement

PROJECT NAME (if applicable): Elyksian Hotel

APPLICANT: Stringfellow Planning & Design

CONTACT PERSON: Alex Stringfellow

Address: 705 W. Minneola Ave.

City: Clermont State: FL Zip: 34711

Phone: 352.217.7710 Fax: _____

E-Mail: alex@stringfellowplanning.com

OWNER: Elyksian Hotels Clermont, LLC

Address: 857 W. Osceola Street

City: Clermont State: Florida Zip: 34711

Phone: 407-267-1726 Fax: _____

Address of Subject Property: 857 WEST OSCEOLA ST CLERMONT FL 34711

Legal Description (include copy of survey):

CLERMONT LOTS 1, 3, 5, 7, 9, N 10 FT OF LOTS 2, 4, 6, 8, N |
10 FT OF E 40 FT OF LOT 10 BLK 93--LESS BEG AT SE COR OF LOT |
1 BLK 93, RUN S 0-29-46 W 10 FT TO SE COR OF N 10 FT OF LOT |
2 BLK 93, N 89-23-28 W 75 FT, N 0-29-46 E 60.01 FT, S |
89-23-28 E 75 FT TO E LINE OF LOT 1, S 0-29-46 W ALONG E |
LINE OF LOT 1 A DIST OF 50.01 FT TO POB--PB 8 PG 17 |
ORB 4605 PG 1746 |

AND
CLERMONT LOT 11, E 1/2 OF LOT 13, BLK 93 PB 8 PG 17 |
ORB 5298 PG 1904 |

Acreage: 1.07 Land Use: Downtown MU

(City verification required)

Present Zoning: CBD Proposed Zoning: PUD

(City verification required)



**CITY OF CLERMONT
REZONING
APPLICATION**
Page 2

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

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

The Elyksian Hotel is a boutique hotel proposed to be located adjacent to the existing Epic Cycles building on West Osceola Street in downtown Clermont. The hotel is proposed to have 50 rooms, with additional meeting space, ground floor covered parking and rooftop amenities for its guests. The property is approximately one (1) acre and includes the existing Epic Cycles building and parking lot. The clientele attracted by Epic Cycles has been voicing their desire to near downtown Clermont, as they attend cycling events or travel to the area for various reasons. This project proposes to meet that demand, in part, and to provide additional taxable value in the downtown. The proposed use is consistent with similar historic downtowns in the Central Florida region and will provide additional economic activity for adjacent businesses already located in downtown. The hotel proposes to exceed the current height maximum in the current CBD zoning district.

Alex Stringfellow
Applicant Name (print)

x [Signature]
Applicant Name (signature)

Roman Brana Gonzalez
Owner Name (print)

x [Signature]
Owner Name (signature)

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



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Roman Brana Gonzalez, who being

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

1. That he (she) is the fee-simple owner of the property legally described on the attachment of this application.

2. That he (she) desires

PUD

for the property legally described on the attachment of this application.

3. That the owner of said property has appointed Alex Stringfellow to act as agent on his (her) behalf to accomplish the above. The owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his (her) stead.

Roman Brana Gonzalez

Affiant - Applicant Name (print)

X

[Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 11th day of February, 2020.



X Dawn Stalaker

Notary Public, State of Florida at Large

My Commission Expires: 8-30-20

ELYKSIAN HOTEL PUD

857 WEST OSCEOLA ST CLERMONT FL 34711

1. **Application:** Attached
2. **Application fee:** Attached
3. **Power of Attorney:** N/A
4. **Lake County Property Record Cards:** Attached
5. **Proof of Ownership:** Attached
6. **Narrative:** The Elyksian Hotel is a boutique hotel proposed to be located adjacent to the existing Epic Cycles building on West Osceola Street in downtown Clermont. The hotel is proposed to have 50 rooms, with additional meeting space, ground floor covered parking and rooftop amenities for its guests. The property is approximately one (1) acre and includes the existing Epic Cycles building and parking lot. The clientele attracted by Epic Cycles has been voicing their desire to near downtown Clermont, as they attend cycling events or travel to the area for various reasons. This project proposes to meet that demand, in part, and to provide additional taxable value in the downtown. The proposed use is consistent with similar historic downtowns in the Central Florida region and will provide additional economic activity for adjacent businesses already located in downtown.
7. **Legal Description:** CLERMONT LOTS 1, 3, 5, 7, 9, N 10 FT OF LOTS 2, 4, 6, 8, N |
10 FT OF E 40 FT OF LOT 10 BLK 93--LESS BEG AT SE COR OF LOT |
1 BLK 93, RUN S 0-29-46 W 10 FT TO SE COR OF N 10 FT OF LOT |
2 BLK 93, N 89-23-28 W 75 FT, N 0-29-46 E 60.01 FT, S |
89-23-28 E 75 FT TO E LINE OF LOT 1, S 0-29-46 W ALONG E |
LINE OF LOT 1 A DIST OF 50.01 FT TO POB--PB 8 PG 17 |
ORB 4605 PG 1746 |

AND

CLERMONT LOT 11, E 1/2 OF LOT 13, BLK 93 PB 8 PG 17 |
ORB 5298 PG 1904 |
8. **Location Map:** Attached
9. **Adequate Public Facilities:** N/A
10. **Cut/Fill of the Property:** The property will not cut nor fill equal to or greater than 15'

STRINGFELLOW
PLANNING & DESIGN

11. Traffic Impact Analysis: Per ITE Handbook, 10th Addition

No.	Land Use	Unit	Daily Rate	Peak Hour of Adjacent Street Rate					
				AM (7-9)			PM (4-6)		
				Total	In	Out	Total	In	Out
310	Hotel	rooms	8.36	.47	59%	41%	0.60	51%	49%
Proposed Rooms		50							
* Daily Rate		8.36							
= Total Trips		418							

12. Lake County Schools Adequate School Facilities Determination: N/A

13. Phasing Plan: N/A

14. Aerial Photo: Attached

15. Boundary Survey: Attached

16. Topographical Survey: Attached

17. PUD Restrictions: None Proposed

18. Proposed Conceptual Site Plan: Attached

19. Architectural/Elevations: Attached

20. Pre-Application Meeting with Staff: Complete January 15, 2020

PROPERTY RECORD CARD

General Information

Owner Name:	LAKE PHOENIX HOLDINGS LLC	Alternate Key:	1615089
Mailing Address:	528 8TH ST CLERMONT, FL 34711 Update Mailing Address	Parcel Number:	24-22-25-0100-093-00100
		Millage Group and City:	00C1 (CLERMONT)
		2019 Total Certified Millage Rate:	17.9211
		Trash/Recycling/Water/Info:	My Public Services Map
Property Location:	528 8TH ST CLERMONT FL 34711 Update Property Location	Property Name:	-- Submit Property Name School Locator & Bus Stop Map School Boundary Maps
Property Description:	School Information: CLERMONT LOTS 1, 3, 5, 7, 9, N 10 FT OF LOTS 2, 4, 6, 8, N 10 FT OF E 40 FT OF LOT 10 BLK 93--LESS BEG AT SE COR OF LOT 1 BLK 93, RUN S 0-29-46 W 10 FT TO SE COR OF N 10 FT OF LOT 2 BLK 93, N 89-23-28 W 75 FT, N 0-29-46 E 60.01 FT, S 89-23-28 E 75 FT TO E LINE OF LOT 1, S 0-29-46 W ALONG E LINE OF LOT 1 A DIST OF 50.01 FT TO POB--PB 8 PG 17 ORB 4605 PG 1746		

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	STORE 1 STORY FREE STANDING (1100)	0	0		34499.25 SF		\$0.00	\$379,492.00

[Click here for Zoning Info](#)
[FEMA Flood Map](#)

Commercial Building(s)

Building 1

Commercial Building Value: \$389,656.00

Summary			Section(s)						
Year Built:	1968	Section No.	Section Type	Wall Height	No. Stories	Ground Floor Area	Basement	Basement Finished	Map Color
Total Square Footage:	8473	1	FINISHED LIVING AREA (FLA)	16	1	4080	0%	0%	
Full Bathrooms:	2		Interior Finish (11C)		Percent		Sprinkler		A/C
					100.00 %		Yes		Yes
Half Bathrooms:	0	2	FINISHED LIVING AREA (FLA)	12	1	4393	0%	0%	
Elevators:	0								
Elevator Landings:	0		Interior Finish (11C)		Percent		Sprinkler		A/C
					83.00 %		Yes		Yes



This Document Prepared By and Return to:
Law Office of Anita Geraci-Carver, P.A.
1560 Bloxam Avenue
Clermont, FL 34711
(352) 243-2801

Parcel ID Number: 24-22-25-010009300100

Warranty Deed

This Indenture, Made this 25th day of March, 2015 A.D., Between OMBS, LLC, a Florida limited liability company of the County of Lake, State of Florida, grantor, and LAKE PHOENIX HOLDINGS, LLC, a Florida limited liability company whose address is: 2507 S. U.S. Highway 27, Clermont, FL 34711 of the County of Lake, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Lake State of Florida to wit:

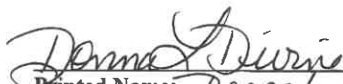
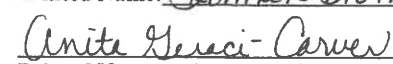
Lots 1, 3, 5, 7 and 9; the North 10 feet of Lots 2, 4, 6 and 8; and the North 10 feet of the East 40 feet Lot 10, Block 93, Official Map of the City of Clermont, according to the plat thereof as recorded in Plat Book 8, Page 17 through 23, Public Records of Lake County, Florida, LESS Parcel B described as: Begin at the Southeast corner of Lot 1, Block 93, Official Map of the City of Clermont, according to the plat thereof as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida, thence run S 00°29'46" W along the East line of said Lot 1 for a distance of 10.00 feet to the Southeast corner of the North 10.00 feet of Lot 2, Block 93 of said plat of the City of Clermont; thence run N 89°23'28" W along the South lines of the North 10.00 feet of Lots 2 and 4 of said plat for a distance of 75.00 feet; thence run N 00°29'46" E for a distance of 60.01 feet; thence run S 89°23'28" E for a distance of 75.00 feet to the East line of aforesaid Lot 1; thence run S 00°29'46" W along said East line of Lot 1 for a distance of 50.01 feet to the Point of Beginning.

DOCUMENTARY STAMPS IN THE AMOUNT OF \$3,850.00 HAVE BEEN PAID. THE PURCHASE PRICE IS \$550,000.00.

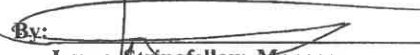
and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

WITNESSES:

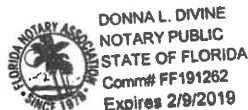

Printed Name: Donna L. Divine

Printed Name: Anita Geraci-Carver

OMBS, LLC, a Florida limited liability company

By: 
Jayson Stringfellow, Manager
P. O. Address: 1455 W. Lakeshore Drive
Clermont, FL 34711

STATE OF Florida
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 25th day of March, 2015 by Jayson Stringfellow, Manager of OMBS, LLC, a Florida limited liability company who is personally known to me or who has produced his Florida driver's license as identification.




Printed Name: Donna L. Divine
Notary Public
My Commission Expires:

Prepared by and return to:
Bret Jones, Esquire
Bret Jones, P.A.
700 Almond Street
Clermont, Florida 34711

[Space Above This Line For Recording Data]

THIS INSTRUMENT WAS PREPARED FROM INFORMATION FURNISHED BY THE PARTIES.
NO TITLE ASSURANCE WAS REQUESTED OR GIVEN.
THIS INSTRUMENT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.

Quit Claim Deed

This Quit Claim Deed made on 30 day of January 2020, between **Lake Phoenix Holdings, LLC a Florida Limited Liability Company** whose address is 528 8th Street, Clermont, Florida 34711 ("Grantors"), and **Elyksian Hotels Clermont, LLC a Florida Limited Liability Company**, ("Grantee"), whose post office address is 528 8th Street, Clermont, Florida 34711.

WITNESSETH, that Grantors, for and in consideration of the sum of \$10.00, and other good and valuable consideration in hand paid by Grantee, the receipt of which is acknowledged, quitclaims to Grantee and Grantee's heirs, personal representatives, and assigns forever all of the right, title, and interest of Grantors in the following described land situated in **Lake County, Florida**:

Lake County Parcel ID No. 24-22-25-0100-093-01100

Lot 11 and the East 1/4 of Lot 13, Block 93, The City of Clermont according to the plat thereof as recorded in Plat Book 8, Page 17-S, Public Records of Lake County, Florida ,

together with all appurtenances, privileges, rights, interests, dower, reversions, remainders and easements thereto appertaining Grantor warrants against only the lawful claims of all persons claiming by, through or under Grantor.

Said property is not the homestead of the Grantors under the laws and Constitution of the State of Florida.

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

In Witness Whereof, Grantors have hereunto set Grantors' hands and seal the day and year first above written.

Signed, sealed and delivered in our presence:

By: Lake Phoenix Holdings LLC

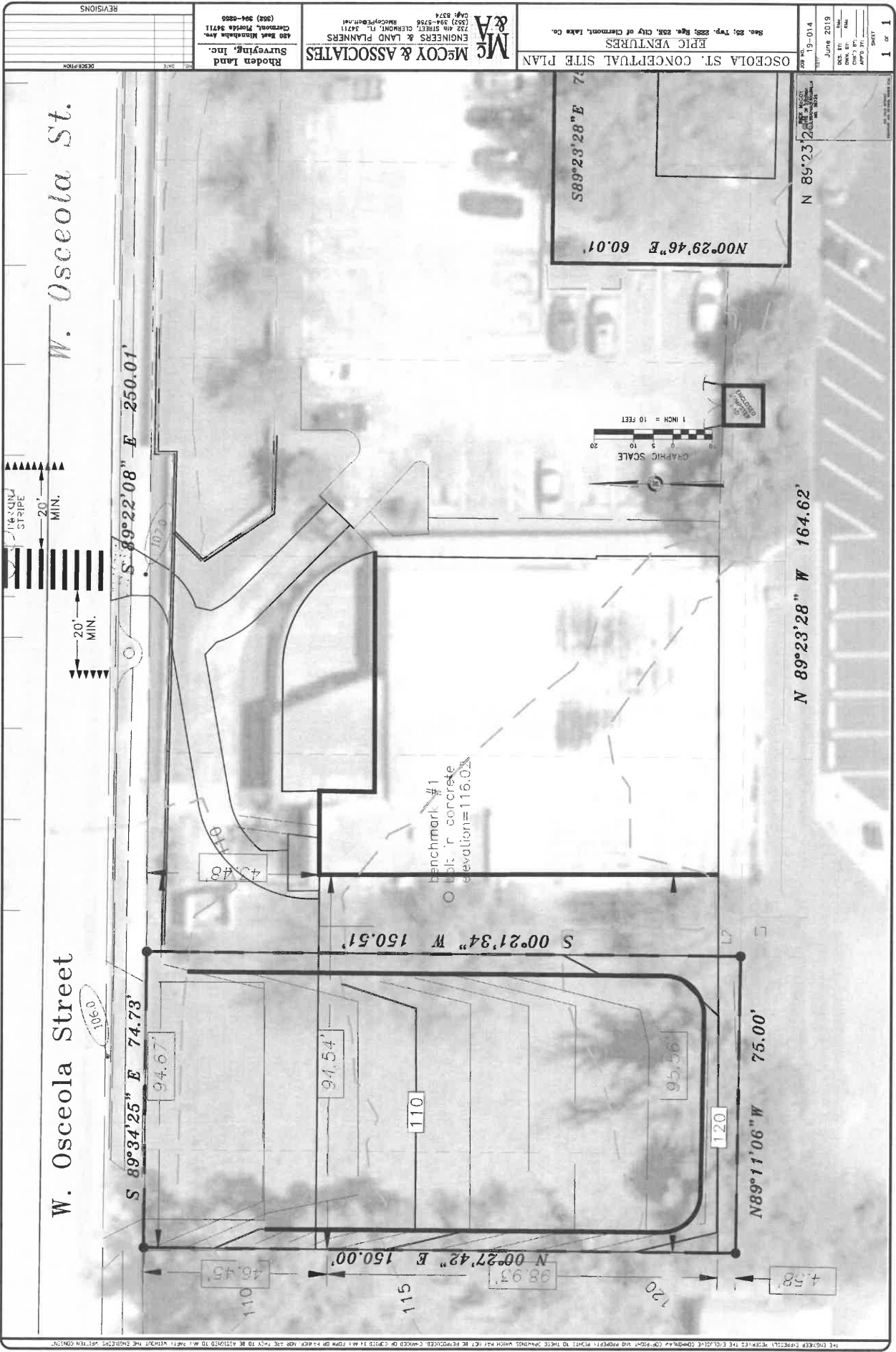
Witness: Lisa N. Welling
Kay S. Walls
Witness: Kay S. Walls
STATE OF FLORIDA
COUNTY OF LAKE

Roman Gonzalez
Roman Gonzalez it's Manager

The foregoing instrument was acknowledged before me by physical appearance this 30 day of January, 2020 by **Roman Gonzalez Manager of Lake Phoenix Holdings LLC**, who produced Florida Driver's Licenses as identification.

[Signature]
Notary Public – State of Florida





Description:

Lots 1, 3, 5, 7, 9; the North 10 feet of Lots 2, 4, 6 and 8; and the North 10 feet of the East 40 feet of Lot 10, Block 93, OFFICIAL MAP OF THE CITY OF CLERMONT, according to the plat thereof, as recorded in Plat Book 8, Page 17 through 23, Public Records of Lake County, Florida, LESS Parcel B described as:

BEGIN at the Southeast corner of Lot 1, Block 93, Official Map of the City of Clermont, according to the plat thereof as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida, thence run S 00°29'46" W along the East line of said Lot 1 for a distance of 10.00 feet to the Southeast corner of the North 10.00 feet of Lot 2, Block 93 of said plat of the City of Clermont; thence run N 89°23'28" W along the South lines of the North 10.00 feet of Lots 2 and 4 of said plat for a distance of 75.00 feet; thence run N 00°29'46" E for a distance of 60.01 feet; thence run S 89°23'28" E for a distance of 75.00 feet to the East line of aforesaid Lot 1; thence run S 00°29'46" W along said East line of Lot 1 for a distance of 50.01 feet to the Point of Beginning.

Scale = 1"=30'

Notes:

- Bearings based on the South line of Osceola Street as being S 89°34'25" E, an assumed meridian.
- Legal description from Exhibit A in title commitment.
- Title commitment by Old Republic National Title Insurance Company file No. 12-2014-125043A1 dated Jan. 11, 2015 @ 11:00 PM was provided for this Survey.
- No adjacent or underground improvements, other than those shown, located this date.
- Subject property contains 0.815 acres, more or less, and is subject to any rights of way or easements of record.

Property address:
528 8th Street
Clermont, FL 34711

Surveyor's Certification

I hereby certify to Lake Phoenix Holding, LLC, Law Office of Anita Geraci-Carver, P.A., First Green Bank, Epic Cycles Worldwide, LLC, and Stone and Gerkin, P.A. that this Map of Boundary Survey meets the Standards of Practice for surveys as set forth in Chapter 5U-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

03/18/15

JEFFREY P. RHODEN PSM #5322

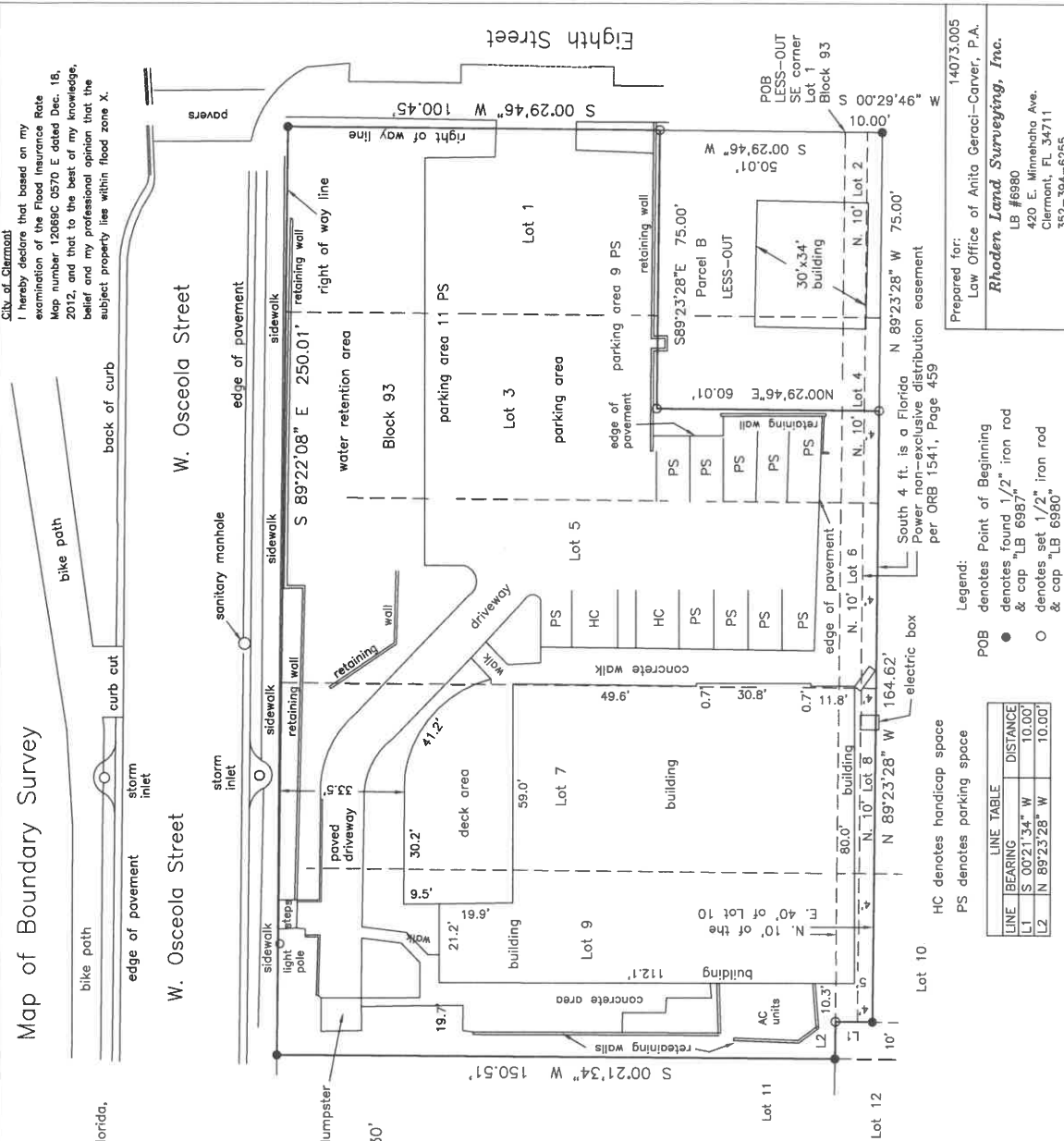
STATE OF FLORIDA

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

Map of Boundary Survey

City of Clermont

I hereby declare that based on my examination of the Flood Insurance Rate Map number 12068C 0570 E dated Dec. 16, 2012, and that to the best of my knowledge, belief and my professional opinion that the subject property lies within flood zone X.



Prepared for:

Law Office of Anita Geraci-Carver, P.A.

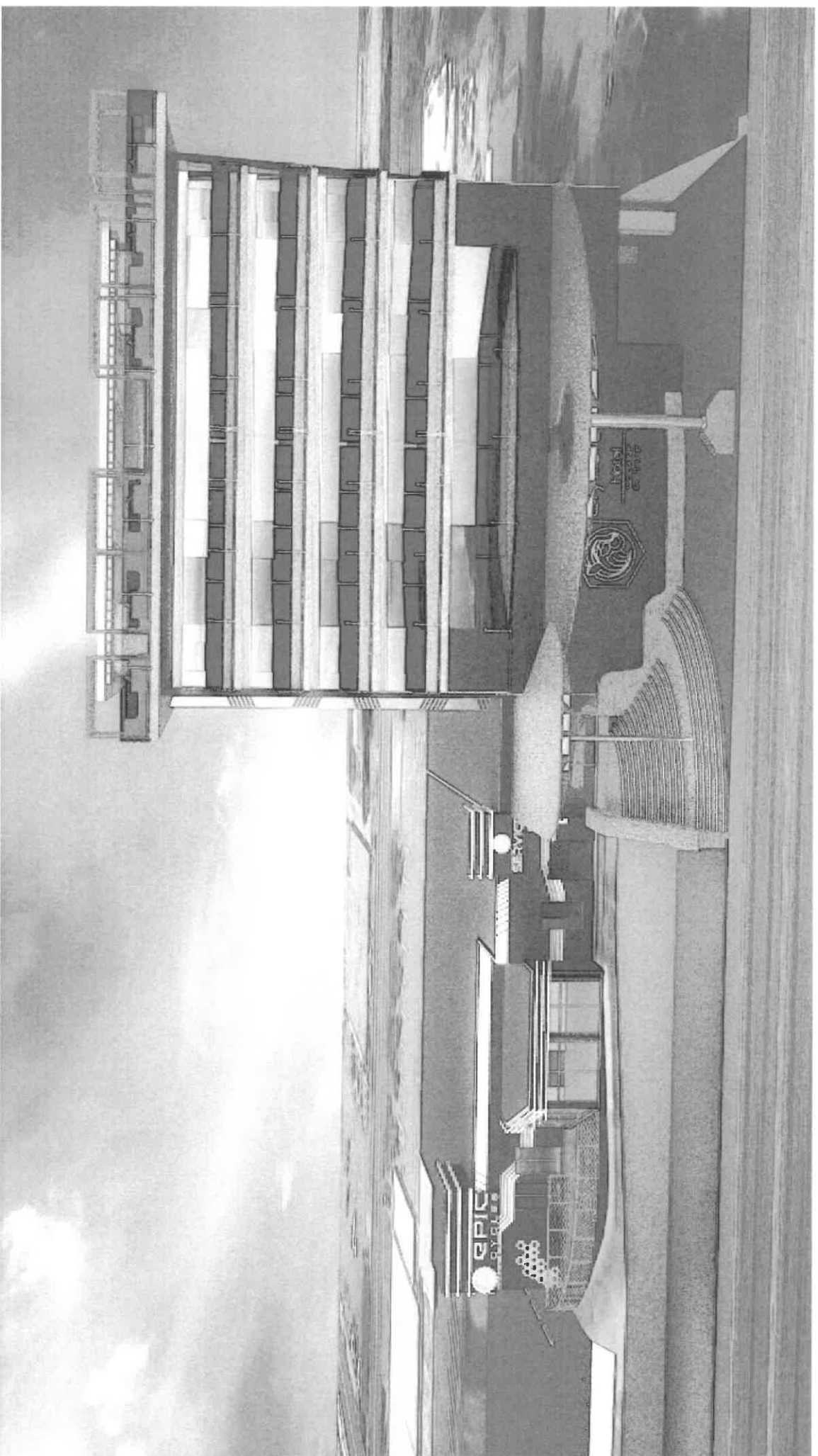
14073.005

Rhoden Land Surveying, Inc.

LB #6980

420 E. Minnehaha Ave.
Clermont, FL 34711

352-394-6255



Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10095943
Phone: (352) 241-7331
Date: 04/06/20
Ad Taker: Joanne French

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	04/13/2020	04/13/2020	\$163.34

LEGAL NOTICE

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

ORDINANCE NO. 2020-15

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

LOCATION

Southwest corner of W. Osceola Street and 8th Street
Alternate Key 1615119 & 1615089
Approx. 1.07 acres

LEGAL DESCRIPTION

CLERMONT LOTS 1, 3, 5, 7, 9, N 10 FT OF LOTS 2, 4, 6, 8, N |
10 FT OF E 40 FT OF LOT 10 BLK 93--LESS BEG AT SE COR OF LOT |
1 BLK 93, RUN S 0-29-46 W 10 FT TO SE COR OF N 10 FT OF LOT |
2 BLK 93, N 89-23-28 W 75 FT, N 0-29-46 E 60.01 FT, S |
89-23-28 E 75 FT TO E LINE OF LOT 1, S 0-29-46 W ALONG E |
LINE OF LOT 1 A DIST OF 50.01 FT TO POB--PB 8 PG 17 |
ORB 4605 PG 1746 |

AND

CLERMONT LOT 11, E 1/2 OF LOT 13, BLK 93 PB 8 PG 17 |
ORB 5298 PG 1904 |

From: Central Business District (CBD)

To: Planned Unit Development (PUD) for a hotel

A virtual meeting to consider the request will be held before the City Council on Tuesday, April 28, 2020 at 6:30 pm for final enactment and livestreamed from Clermont City Hall Council Chambers.

This ordinance is available for public inspection on the City of Clermont website.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10095943
April 13, 2020

Payment Info	
Ad Price	\$163.34
Tax	\$0.00
Sub Total	\$163.34
Prepaid Amount	\$0.00
Balance Due	\$163.34



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date

Tuesday, July 14, 2020

Agenda Item Name

Ordinance No. 2020-16 *Final*
Hartwood Marsh Assisted Living Facility CPA

Requested Action

Recommend approval of Ordinance No 2020-16.

Staff Report

The applicant, First Baptist Church of Clermont, is requesting a Future Land Use change from Low Density Residential to High Density Residential on 6.056 acres of the subject property. The parcel is located on the southeast corner of Hartwood Marsh and Hancock Road. This request is being heard concurrently with a rezoning from R-1, Single Family Residential to a Planned Unit Development (PUD) to allow for construction of a three (3) buildings Assisted Living Facility on site. The six (6) acre parcel is part of the 38 acre master parcel owned by the First Baptist Church and approved for a church facility and supportive accessory uses to the church, with a Conditional Use Permit (Resolution No 2018-03). The church Master Concept Plan, which is not an approved site plan; required an amendment to the CUP for the Assisted Living Facility; because the use is not permitted in Low Density Residential Land Use.

The proposed map amendment will change the future land use from City of Clermont Low Density Residential, which allows up to three (3) units per acre, to City of Clermont High Density Residential, which allows up to twelve (12) units per acre, and a variety of housing types with a (PUD) Planned Unit Development.



The Goal of the Future Land Use is to ensure that the character, magnitude and location of all land use provide a system for orderly growth and development achieve a balanced natural environment; that enhances the quality of life of all residents.

The Clermont Comprehensive Plan Objective 1.2: The City shall consider the compatibility of adjacent future land use categories during the land use plan amendment process. The City shall consider potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.

The Clermont Comprehensive Plan Policy 1.6.3: High Density Residential Land Use Category: Areas delineated on the Future Land Use Map for high-density residential development shall accommodate a maximum of 12 dwelling units per acres; however, densities higher than eight units per acre shall require a conditional use permit. Nursing homes, assisted living facilities and independent living facilities shall be permitted in high-density residential land use as a planned unit development (PUD) consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Section 86-226, Review Criteria requires specific requirements and provisions of the land development code are met to ensure adequate compatibility with adjoining properties as required by the comprehensive plan. Staff has reviewed the application as submitted and finds the requested amendment to the comprehensive plan is consistent with the surrounding areas. The proposed commercial development will provide a less intense use than other commercial uses, and because most residents living at the Assisted Living Facility may have limited mobility and the need to use a vehicle, may provide less traffic impacts to the local transportation systems. The Comprehensive Plan allows some less intense commercial uses that can provide low impact and critical support services to the surrounding neighborhoods; and are consistent with the general character of the adjacent residential uses.

Staff recommends approval of Ordinance No. 2020-16.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	Ord 2020-16 Hartwood Marsh Senior Living CPA (2)	Ord 2020-16 Hartwood Marsh Senior Living CPA (2).pdf
2.	New Location Map	New Location Map.pdf
3.	2020-16 FLU Before	2020-17 FLU Before.pdf
4.	2020-16 FLU After	2020-17 FLU After.pdf
5.	Hartwood Marsh Senior Housing Community- DETAILED CONCEPT	Hartwood Marsh Senior Housing Community- DETAILED CONCEPT.pdf
6.	First Baptist Church of Clermont- MASTER PLAN (reduced file size)	First Baptist Church of Clermont- MASTER PLAN (reduced file size).pdf
7.	Elevations-Concept Plan	Elevations-Concept Plan.pdf
8.	HOA letter to Planning and Zoning Commission	HOA letter to Planning and Zoning Commission.pdf
9.	Public Comments	Public Comments.pdf
10.	CPA Application	CPA Application.pdf
11.	ORD 2020-16-Legal AD	ORD 2020-16-Legal AD.pdf



CITY OF CLERMONT
ORDINANCE NO. 2020-16

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

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

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

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

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

SECTION 1.

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

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 10, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LESS ANY ROAD RIGHT OF WAY CONTAINED THEREIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE N89°59'29"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 1336.68 FEET TO A POINT; THENCE S00° 37'09"W ALONG THE EAST



CITY OF CLERMONT
ORDINANCE NO. 2020-16

LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 67.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°37'09"W ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10. A DISTANCE OF 437.68 FEET TO A POINT; THENCE S89°59'04"W, A DISTANCE OF 464.18 FEET TO A POINT; THENCE N3°7'19'57"W, A DISTANCE OF 319.99 FEET TO A POINT; THENCE N00°00'00"W, A DISTANCE OF 181.31 FEET TO A POINT; THENCE N89°49'25"E, A DISTANCE OF 662.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 263, 808 SQUARE FEET OR 6.056 ACRES, MORE OR LESS.

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM: LOW DENSITY RESIDENTIAL
TO: HIGH DENSITY RESIDENTIAL

SECTION 2.

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

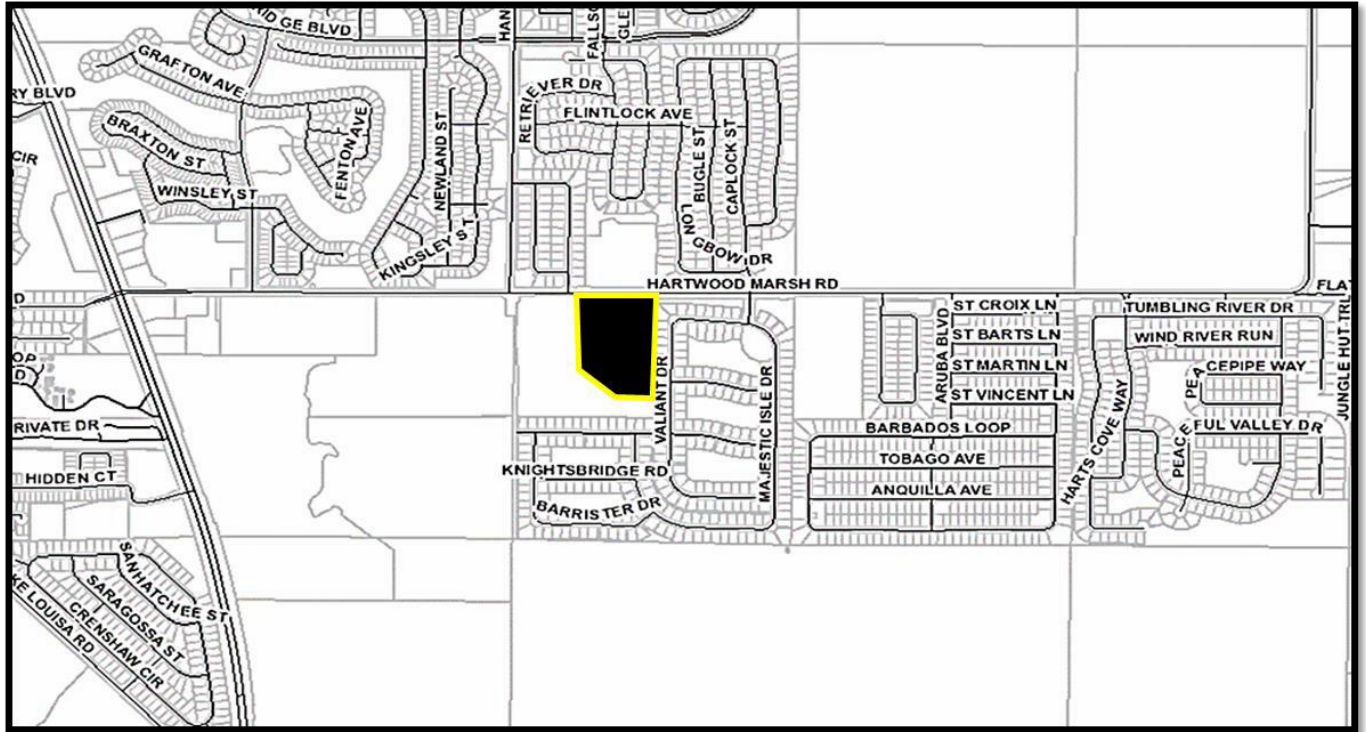
SECTION 3.

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

SECTION 4.

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

Location map:





CITY OF CLERMONT
ORDINANCE NO. 2020-16

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this _____ day of July 2020.

Gail L. Ash, Mayor

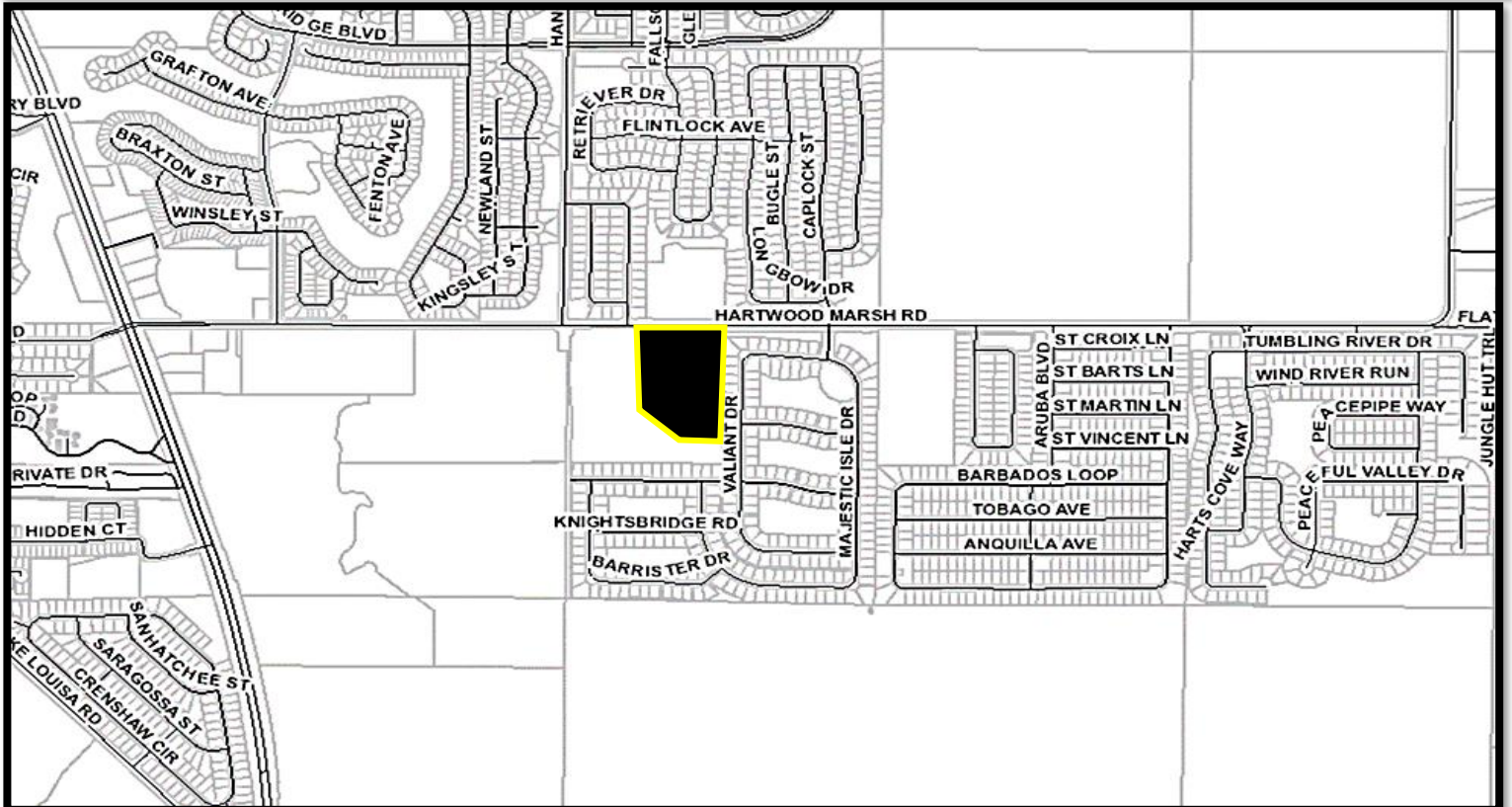
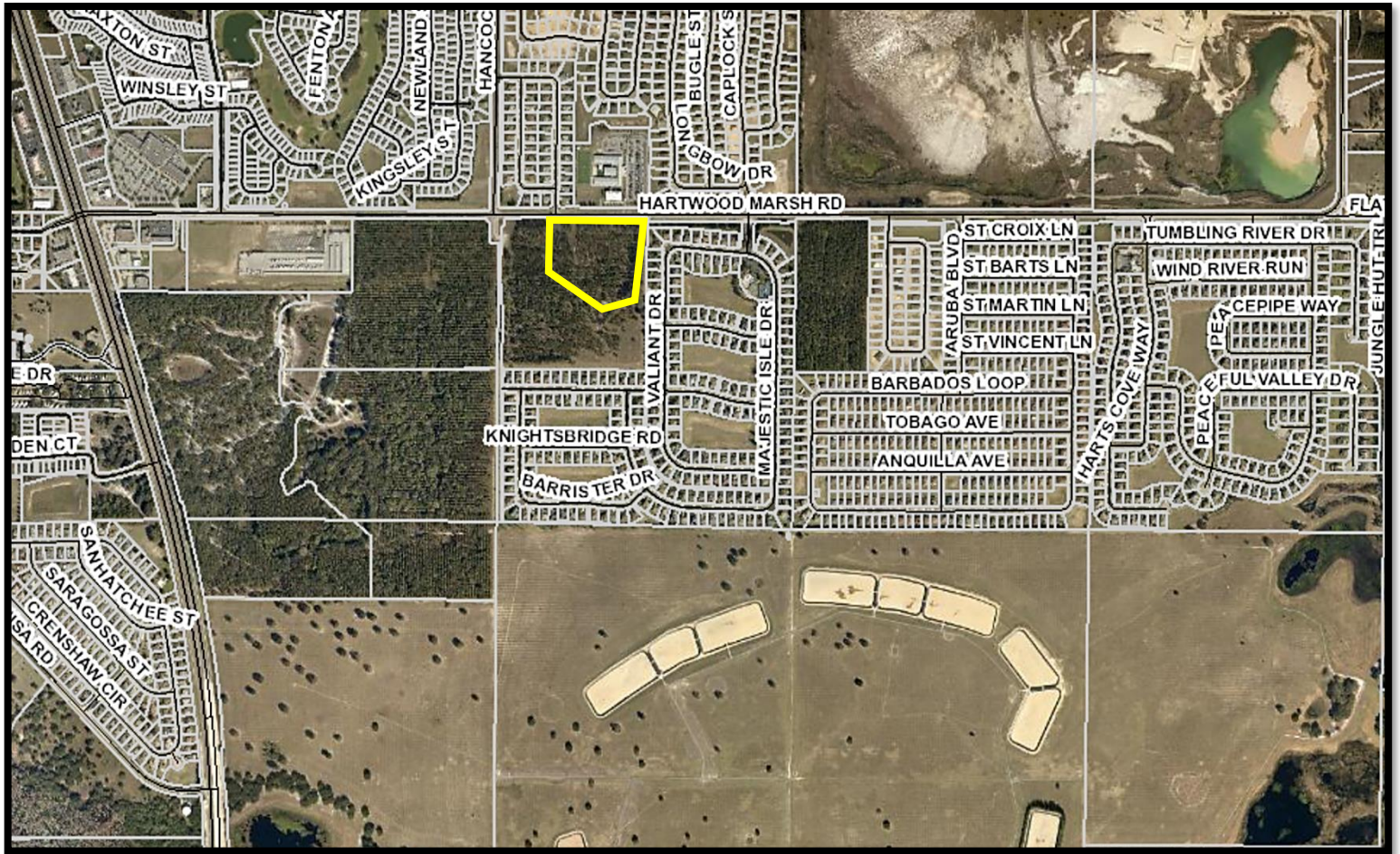
ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LOCATION MAP





Future Land Use
2020 - 18

Before

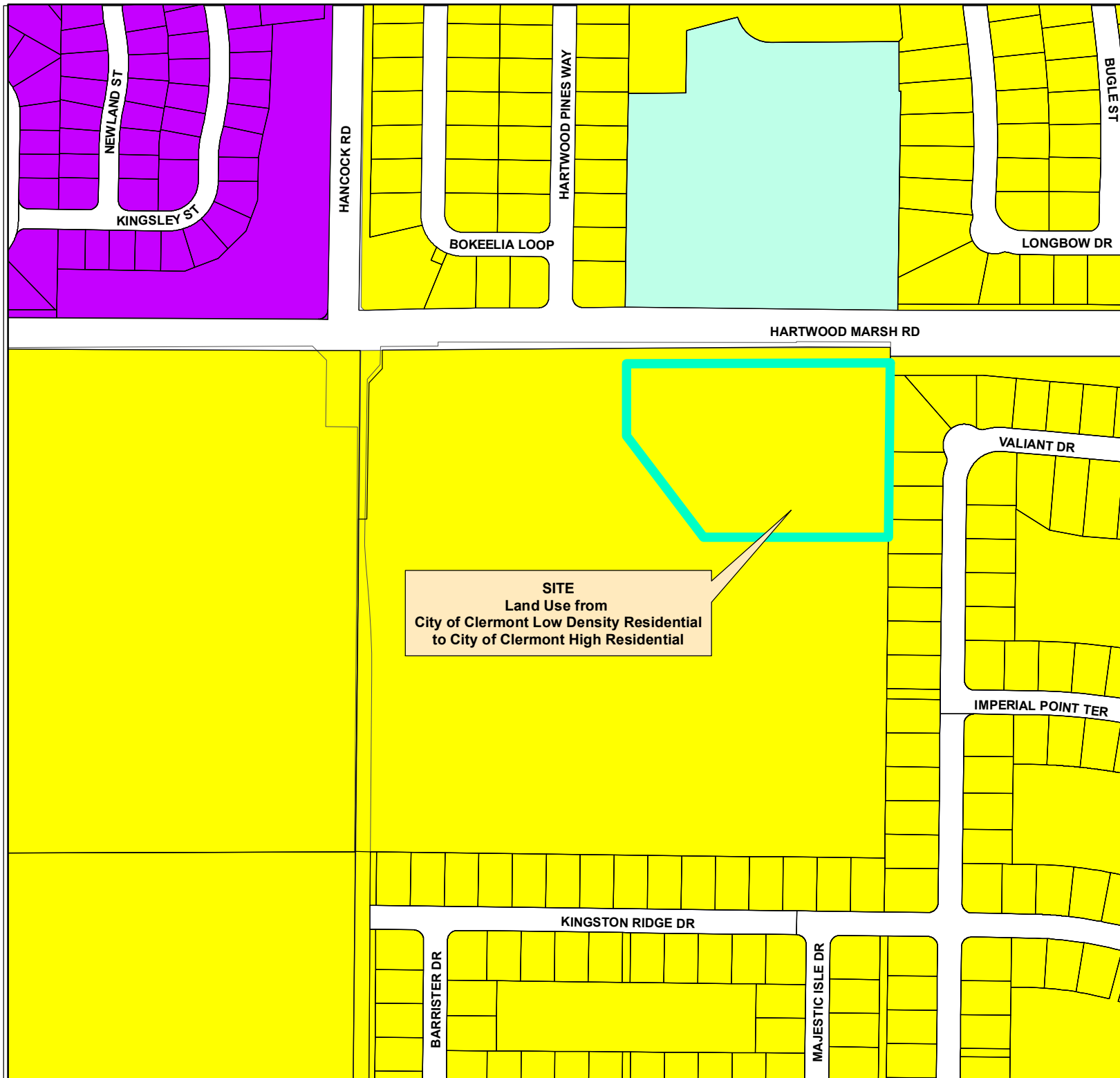
Legend

City Limits

Clermont FLU

Land Use

- Commercial
- Conservation
- Downtown MU
- High Density Residential
- Industrial
- Low Density Residential
- Master Planned Development
- Medium Density Residential
- Office
- Parks
- Public Fac/Institutional
- Residential/Office





Future Land Use
2020 - 18

After

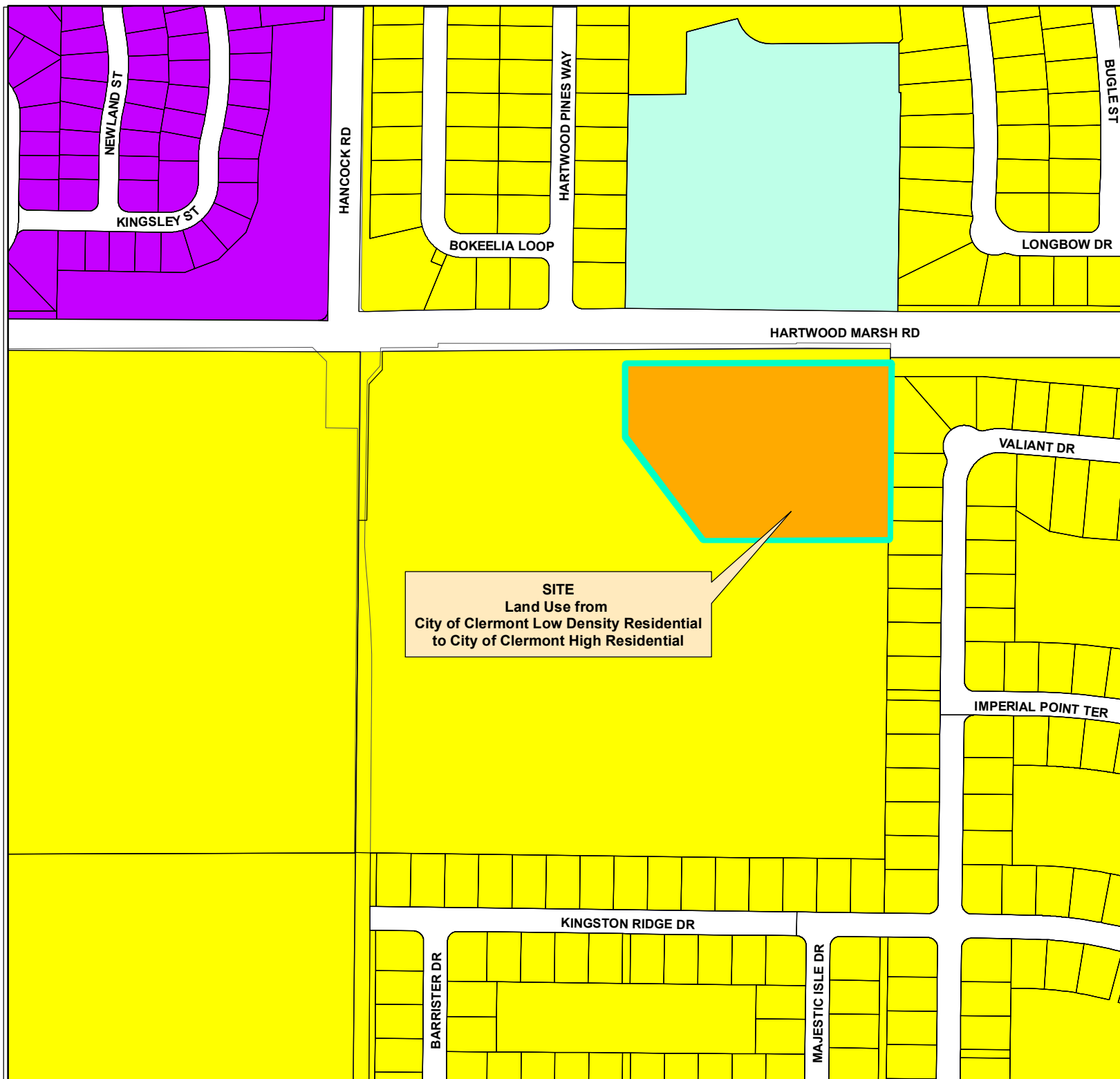
Legend

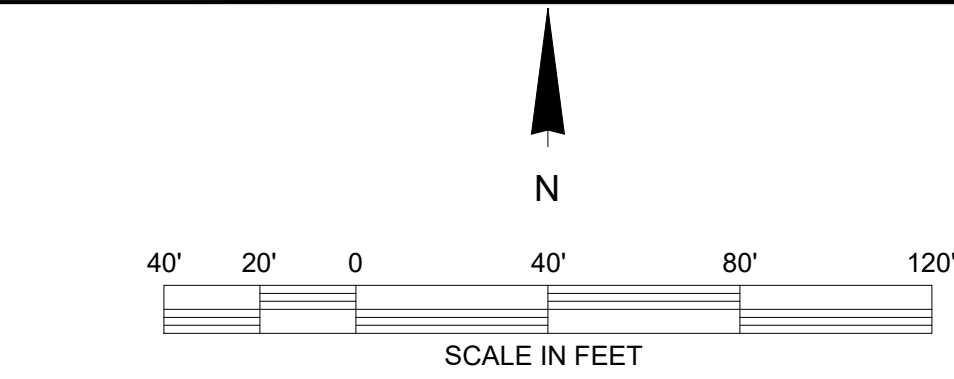
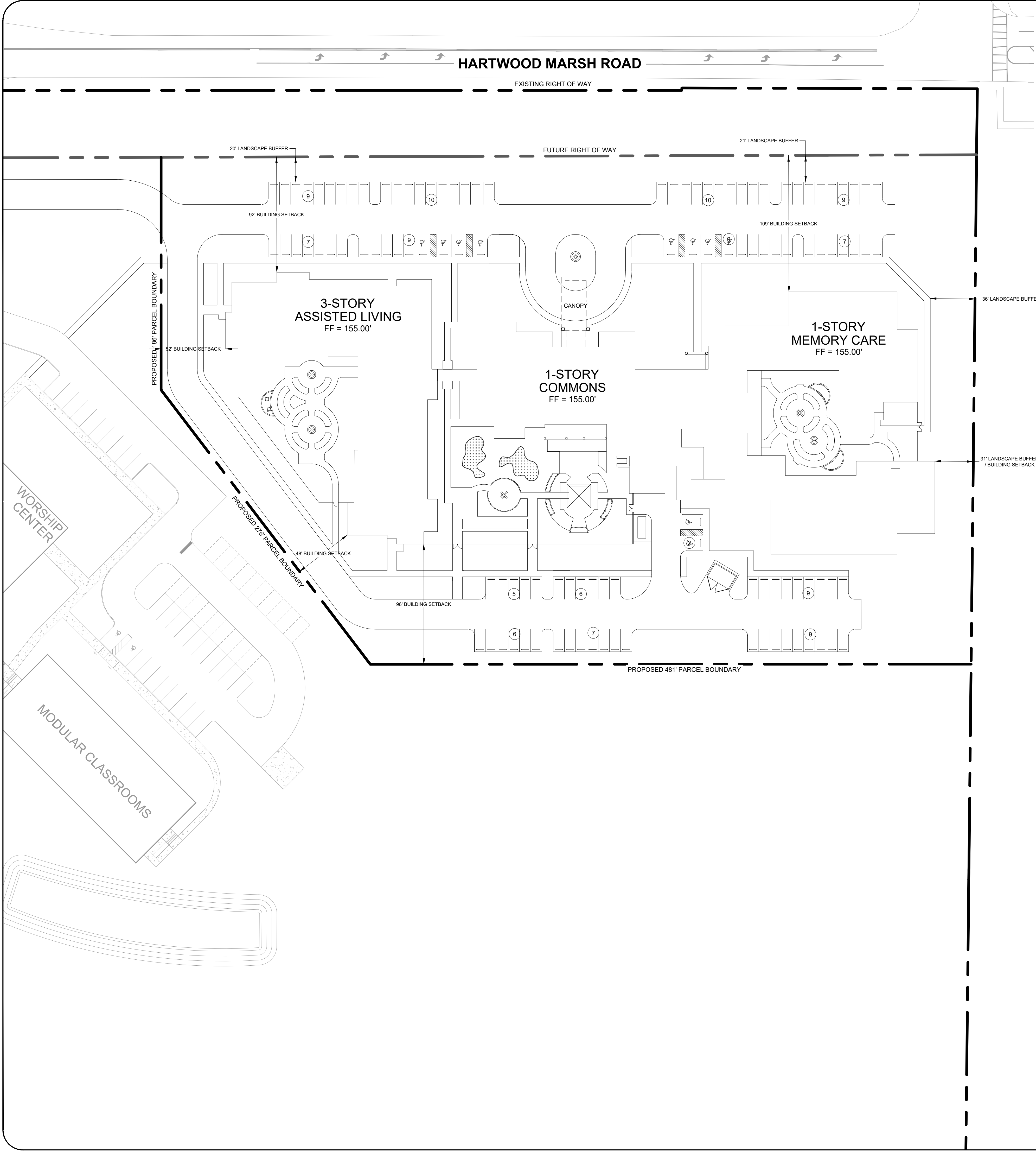


Clermont FLU

Land Use

- Commercial
- Conservation
- Downtown MU
- High Density Residential
- Industrial
- Low Density Residential
- Master Planned Development
- Medium Density Residential
- Office
- Parks
- Public Fac/Institutional
- Residential/Office





LEGEND

- PROPERTY LINE
- PROPOSED CONCRETE
- (10) PARKING COUNT
- - - PAVEMENT CENTERLINE

NOTES

- PROJECT SITE SHALL COMPLY WITH THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION, 2017 EDITION.

SITE DATA

- SITE AREA = 5.64 AC / 245,768 SF (DOESN'T INCLUDE FUTURE R/W DEDICATION)
- SITE LOCATION
HANCOCK ROAD AND HARTWOOD MARSH
CLERMONT, FLORIDA 34711
SECTION 10, TOWNSHIP 23 SOUTH, RANGE 26 EAST
- SITE DESCRIPTION
TAX PARCEL (ALT KEY): 1593905
ZONING: PUD
- SETBACK AND LANDSCAPE BUFFER INFORMATION
FUTURE R/W SETBACK: 92'
SIDE SETBACK (NEIGHBORHOOD): 31'
SIDE SETBACK (FBCC): 48'
REAR SETBACK (FBCC): 96'
FUTURE R/W LANDSCAPE BUFFER: 20'-21'
EAST NEIGHBORHOOD LANDSCAPE BUFFER: 31'/36'
- BUILDING DATA
BUILDING TYPE: 1-STORY / 3-STORY ASSISTED LIVING FACILITY
FINISHED FLOOR: 155.00'
BUILDING HEIGHT: 48' - 0"
BUILDING AREA (TOTAL): 61,542 SF
- PARKING CALCULATIONS
REQUIRED PARKING (ADULT CONGREGATE LIVING FACILITY)
(1 SPACE / 4 BEDS) * (132 BEDS) = 33 SPACES REQUIRED
(1 SPACE / 4 EMPLOYEES) * (48 EMPLOYEES) = 12 SPACES REQUIRED
TOTAL PARKING REQUIRED = 45 SPACES
PROVIDED PARKING = 112 SPACES PROVIDED

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
03-06-20

CHRISTOPHER M. GERMANA, P.E.
FLORIDA PROFESSIONAL ENGINEER # 61682
FIRM CERTIFICATE OF AUTHORIZATION # 29279

REVISIONS		DATE
No.		
CONCEPT SITE PLAN		
HARTWOOD MARSH SENIOR HOUSING COMMUNITY		
CLERMONT, FLORIDA		
PROJECT # GE0152019		
GERMANA ENGINEERING AND ASSOCIATES, LLC		
1120 WEST MINNEOLA AVENUE		
CLERMONT, FLORIDA 34711		
TEL: 352/242-9329		
WWW.GERMANAENGINEERING.COM		
CERTIFICATE OF AUTHORIZATION NUMBER: 29279		
COPYRIGHT © 2019		
SCALE: 1" = 40'		
DATE: -		
SHEET		
CONCEPT		



GERMANA ENGINEERING AND ASSOCIATES, LLC 1120 WEST ANNIEOLA AVENUE CLERMONT, FL 34711 WWW.GERMANAENGINEERING.COM CERTIFICATE OF AUTHORIZATION NUMBER: 26279 COPYRIGHT © 2019		HARTWOOD MARSH SENIOR HOUSING COMMUNITY CLERMONT, FLORIDA		CONCEPT RENDERING MASTER PLAN		REVISIONS		DATE	
SCALE: 1" = 50'		DATE: 12-12-19		SHEET		No.		No.	
MASTER									











Richard E. Larsen *†
Thomas R. Slaten, Jr †
Charles L. Eldredge, Jr.
Cheryl C. Slaten



LARSEN®
& ASSOCIATES, P. L.
ATTORNEYS AT LAW

MAIN OFFICE

5323 Millenia Lakes Blvd, Ste 300
Orlando, FL 32839
P 407.841.6555
Collections F 407.841.4349
General F 407.841.6686

† Shareholder
* Admitted in Florida and Illinois

May 28, 2020

City of Clermont
Development Services Department
685 W. Montrose Street
Clermont, Florida 34711
cityclerk@clermontfl.org

Re: Project: Clermont-Hartwood Marsh Senior Housing Community
Applicant: First Baptist Church of Clermont
Hearings: June 2 Planning and Zoning and June 23 City Council

Dear City of Clermont City Council:

I am writing on behalf of the 265 home Regency Hills of Clermont Homeowners Association, Inc. ("Association") to strongly oppose the Clermont-Hartwood Marsh Senior Housing Community project ("Project") proposed by First Baptist Church of Clermont. The Association's objections are similar to those raised last year when City staff and the Planning and Zoning Board recommended denial of the Project.

The Association consists of 265 single-family homes immediately adjacent to the east and south sides of the proposed Project. The Association is zoned R-1, meaning low density residential, as is the parcel for the proposed Project. The Project requires changing to high-density residential use to allow for a three story assisted living facility and related infrastructure. The Association and its homeowners strongly object to this change and the Project's likely impact on the Association and its residents for the following reasons:

- The proposed Project is not permitted and is not compatible or allowed in R-1 low-density residential land use.
- The requested change to high-density residential use does not meet the intent of Section 122-315 Review Criteria for a PUD as detailed immediately below.
- The Project's development intensity is not consistent with the surrounding low-density residential communities, especially Regency Hills of Clermont.
- The proposed three-story building is not suitable for the parcel's location and its size and character is in conflict with the surrounding development, especially Regency Hills of Clermont.

140 South Beach Street
Suite 310
Daytona Beach, FL 32114

10752 Deerwood Park Blvd. South
Suite 100
Jacksonville, FL 32256

Woodland Corporate Center
8270 Woodland Center Blvd
Tampa, FL 33614

- The Project will generate increased traffic from residents, visitors, employees and vendors, exacerbating already existing congestion on Hartwood Marsh Road, which all 265 homes use to enter and exit the community, and Hancock Road.
- City staff and the Planning and Zoning Board previously recommended denial of the Project, including rezoning the parcel.

For these reasons, the Association strongly opposes the proposed Project. Please let us know if you have any questions or desire additional information. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Slaten", with a long horizontal flourish extending to the right.

Thomas R. Slaten, Jr.

Richard E. Larsen *†
Thomas R. Slaten, Jr †
Charles L. Eldredge, Jr.
Cheryl C. Slaten

† Shareholder
* Admitted in Florida and Illinois



MAIN OFFICE

5323 Millenia Lakes Blvd, Ste 300
Orlando, FL 32839
P 407.841.6555
Collections F 407.841.4349
General F 407.841.6686

June 29, 2020

City of Clermont
Development Services Department
685 W. Montrose Street
Clermont, Florida 34711
cityclerk@clermontfl.org

Re: Project: Clermont-Hartwood Marsh Senior Housing Community
Applicant: First Baptist Church of Clermont
Hearings: July 7th Planning and Zoning

Dear City of Clermont City Council:

I am writing on behalf of the 265 home Regency Hills of Clermont Homeowners Association, Inc. ("Association") to strongly oppose the Clermont-Hartwood Marsh Senior Housing Community project ("Project") proposed by First Baptist Church of Clermont. The Association's objections are similar to those raised last year when City staff and the Planning and Zoning Board recommended denial of the Project.

The Association consists of 265 single-family homes immediately adjacent to the east and south sides of the proposed Project. The Association is zoned R-1, meaning low density residential, as is the parcel for the proposed Project. The Project requires changing to high-density residential use to allow for a three story assisted living facility and related infrastructure. The Association and a majority of its homeowners strongly object to this change and the Project's likely impact on the Association and its residents for the following reasons:

- The proposed Project is not permitted and is not compatible or allowed in R-1 low-density residential land use.
- The requested change to high-density residential use does not meet the intent of Section 122-315 Review Criteria for a PUD as detailed immediately below.
- The Project's development intensity is not consistent with the surrounding low-density residential communities, especially Regency Hills of Clermont.
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- City staff and the Planning and Zoning Board previously recommended denial of the Project, including rezoning the parcel.

For these reasons, the Association strongly opposes the proposed Project. Please let us know if you have any questions or desire additional information. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Slaten", with a long horizontal flourish extending to the right.

Thomas R. Slaten, Jr.

To: Chairperson Herb Smith
Clermont Planning and Zoning Board

As 14 year residents of Hartwood Reserve, my wife and I warmly welcome the First Baptist Church of Clermont to the neighborhood. This part of the city has long needed a vibrant, growing worship community nearby; one that takes an active part in meeting our spiritual and educational needs. However, we are vehemently opposed to a third party owned and operated for profit assisted living facility on the same property owned by the 1st Baptist Church of Clermont.

In addition to potentially contributing to reducing the prices of real estate in this local area, please consider the following.

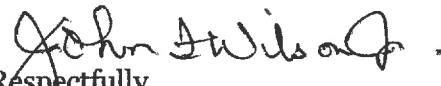
There is already a plethora of assisted living and senior independent living facilities in the Clermont area. There are six within a 5 mile radius and 16 within a 12 mile area. There are more units being built currently in the Hooks Road area to greatly increase the 150+ residential units that Cranes View Lodge already accommodates. In less than one mile is Orchard Heights, another large facility.

Realizing these are high profit centers and would potentially enhance the church's revenue stream, etc.; the support infrastructure consisting of maintenance, on-site staff; vendors would negatively affect the area. Additionally, when these facilities fail, they often turn into rehab centers, and other less desirable multi-dwellings (MDUs) etc.

The traffic at the Hancock-Hartwood Marsh intersection is already heavily impacted during the school year by the public and charter schools with huge morning and evening backups to Highway 27 and all the way to the Lake/Orange County line (and beyond). These delays and congestion:

- (1) block/impede my access to and from Harwood Marsh from my subdivision;
- (2) exacerbate morning and evening rush-hour commutes by as much as 30+ minutes on the weekdays;
- (3) greatly hinder emergency responders because of the narrow road often forcing vehicles off the roadway;
- (4) will necessitate the city spending large sums for the necessary modifications to the roadway;
- (5) will likely hamper the Lake County plans for the Wellness Way projects, and
- (6) necessitate severe changes to the County's approved Hartwood Marsh Road widening and alignments from 27 to Lake/Orange county line

We believe a better use of the property is for a long term enhancement plan for the church to grow by adding youth athletic fields, a private school, more worship facilities for adults and youth.


Respectfully,
John and Annie Wilson
4517 Powderhorn Place Drive
Clermont, FL 34711
(352) 897-7157 Home
John.f.wilson.jr@gmail.com

To: The City of Clermont City Council and Planning and Zoning Commission

Re: Proposed Assisted Living & Memory Care Facility

Hartwood Marsh Road near Hancock Rd.

Date: June 29, 2020

I see a zoning change request is coming before Zoning & Planning and The City Commission in July.

I ask you to approve this request for the good of the community.

There are I believe thousands of homes within 2 miles of this location that are in 55+ communities. I live in one...Kings Ridge. Should I, my wife, or another family member or friend find it necessary to move to an Assisted Living or Memory Care facility, having one so close would be a major benefit for visitation. Many Kings Ridge residents have siblings that have moved to Clermont from all over the country to be near each other. Having a senior care facility so close would help keep these family connections strong. Of course an additional benefit to those future senior residents who desire it would be the close proximity to a church that could provide additional spiritual support.

I am sure you will hear objections from some to this zoning change.

"It will increase traffic on Hartwood Marsh Rd and Hancock Rd substantially" they may say. Remember these residents cannot drive anywhere, and at a previous zoning meeting last fall, it was stated that shift changes for workers at the facility could be scheduled to fall during lower traffic periods. Most traffic in this area is generated by the residential building nearby.

"It will damage property values" they may say. This is not a gas station or shopping center, but a thoughtfully designed property that will fit in nicely in the area.

"What if the church wants to build apartments someday?" they may say. I doubt that is the church's mission and I suspect that could be limited in some way.

"It will increase noise from emergency vehicles" they may say. Obviously they are unaware that almost always emergency vehicles enter neighborhoods without sirens and horn.

Again I **urge you to approve the construction of this Senior Living facility** on this site. Have you ever seen a traffic jam caused by one of these? It will not burden the community and will even benefit younger families living nearby should they need to find care for their parents in the future.

Albert Bohn
2233 Kingsmill Way
Clermont, FL 34711

Michael Sheahan

2737 Valiant Drive ▪ Clermont, FL 34711-5248

e-mail: sheahanm51@gmail.com ▪ Cell phone: 407-401-0012

June 1, 2020

Attn: City Clerk of Clermont, FL

I'm writing to provide my feedback on the assisted living facility that the First Baptist Clermont Church is proposing. As plans for the church (now being built at Hartwood Marsh and Hancock Roads) have been developing over the years, let me offer my reactions during that timeframe.

The inclusion of soccer fields: I initially understood that the campus would include a series of soccer fields. I expressed my feedback about that, as I suspected that anticipated daily practices and games would add additional traffic and noise to the neighborhood.

The inclusion of the assisted living facility: Likewise, I understand that the assisted living facility, planned closer to my neighboring Regency Hills subdivision, may now be moved farther west within the parcel of land. As such, I again question how much traffic and noise would be added by such a facility. At the very least, it would probably make traffic at the intersection of the two roads substantially busier.

Moreover, does it make economic and health-wise sense? I also understand that studies within the community suggest there is already a sufficient local supply of such facilities. One need only drive along Hooks Street to see the steady growth of nearby competitors.

And though I certainly don't presume to hold any expertise about healthcare planning in the midst of a global pandemic, I do wonder about the wisdom of such an investment. That is, as some assisted living facilities have been associated with the spread of the Covid-19 virus, might such facilities eventually become a last choice for the elderly? I could see home healthcare replacing consumer desire for assisted living services, akin to the many home-delivery options fostered by the virus and its sheltering-in-place.

And finally... I don't mean to come across as taking umbrage with the aspirations of a dedicated faith community, nor with the city's progressive plans for continuing development. However, the concern over additional traffic and noise in the neighborhood always reemerges, especially in light of the conspicuous development along Hartwood Marsh Road over the past fifteen years.

I don't mean to come across as a curmudgeon, but I must admit that I'll be monitoring the noise level once the church begins its worship services. I hope that our subdivision won't be dealing with an issue reported in another area county, where a church's music ministry included an amped-up bass guitar, causing that municipality to eventually revisit its noise ordinances. And lest this concern be dismissed as curmudgeonly, I already have a relevant example, which ties together the various points raised above.

The Imagine South Lake Charter Middle School festival: In just the past year, my wife and I were jostled out of bed one morning, as the school was holding an outdoor festival. Various announcements and music were woefully loud (as is often the case, those given a microphone forget that sound systems don't require yelling into it). Worse yet, the event persisted through much of the morning.

Needless to say, we registered our displeasure, my wife on the Nextdoor Regency Hills Website, me in a direct e-mail to the school's principal. To my surprised disappointment, I didn't receive an acknowledgement that my e-mail was read or even received.

But moreover, to my point in providing this feedback in the first place, my wife and I concluded that day why the noise was especially annoying and irritating. That is, the church's new parcel of land had already been cleared of much of its trees. As such, the noise from the school had nowhere to go but down into our increasingly more wide-open subdivision.

As such, I strongly encourage our Planning and Zoning decision-makers to be their most proactively careful and thoughtful when considering a change that may significantly impact our subdivision and our quality of life.

Cordially,

A handwritten signature in black ink, appearing to read "Mike Abraham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicholas Gonzalez

Sent: Tuesday, June 09, 2020 10:43 AM

From: robert nealy <apr.rigging@gmail.com>

Sent: Wednesday, June 3, 2020 12:42 AM

To: City Clerk

Subject: The First Baptist Church Of Clermont project

The Regency hills HOA has made many statements about the Assisted Living facilities and when asked to see the data to back this up I was told that the lawyer looked it over and it is fine. All that tells me is OK its all lies but we will not get sued. Here is a list of some of the statements that they have said.

"the excess capacity of existing Assisted Living facilities in Clermont which shows no need for the center and that sometimes when these types of facilities fail they are turned into rehab centers."

I would like to no how the HOA has more info then the developer and the financial backers that this project will fail and will most likely become a rehab center.

Please answer this my HOA will not

"If the Clermont City Council changes the zoning of this parcel to high-density, what's to stop them from changing any of the other low-density zoning along Hartwood Marsh to high-density zoning for apartment buildings? Wouldn't that have a negative effect on the quality of life and property values of all the single-family home communities along Hartwood Marsh?"

Is this statement true or just a scare tactic and isn't this project and every other future project judged on its own merit.

It is impossible to be for this or against this due to all the miss information that the HOA has told everyone, without any data to prove what they are saying. It makes it hard to listen to any RH resident with all the miss information with no data to back up what the HOA has said. It is sad that the HOA has made all the residents opinion void because of false or misleading info that they will not confirm.

Maybe the HOA will give you the info to help you make a fair decision. I have attached the letter for you also.

Thanks

Bob Nealy

Cell 407-619-7683

From: andyj7000@gmail.com <andyj7000@gmail.com>

Sent: Saturday, May 30, 2020 8:54 AM

To: City Clerk <CityClerk@clermontfl.org>

Subject: FBC of Clermont Zoning

To whom it may concern,

If this zoning is approved, it would increase traffic on an already very busy Harwood March Road and would ultimately decrease property values and overall quality of life. I am strongly voting against this plan.

Best Regards,
Andy

From: Darrell Delikat <sunny34711@gmail.com>
Sent: Friday, May 29, 2020 1:17 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Rezoning of property at Hartwood Marsh and Hancock (Assisted Living Center)

Hi,

My name is Darrell Delikat. I live at 2762 Valiant Dr. (Regency Hills). I am asking that the council turns down the proposal to REZONE the property to a high density property. Once a property is rezoned apartment buildings could be built. When we look out of our back patio now all we see is a Huge gray wall of the church. We don't need more commercial building's put in the middle of beautiful homes. This is a very nice area with very nice homes. Clermont is a very nice place to live and it doesn't need a large 3 story complex in and around these great neighborhoods. Another issue is that Hancock road and Hartwood Marsh can't handle any more traffic. Another issue is if this monstrosity of a building is built there would be trucks coming and going all night long making deliveries. There would be lights on most of the night. I know first hand that seniors for the most part don't sleep much. Between their aches and pains and losing melatonin, why we age there would be lights on all hours of the night. Please keep our area as beautiful as it is now. NO HIGH DENSITY rezoning.

Sincerely,
Darrell Delikat

From: kari34711@gmail.com <kari34711@gmail.com>
Sent: Friday, May 29, 2020 9:54 AM
To: City Clerk <CityClerk@clermontfl.org>
Subject: FW: Regency Hills HOA-Assisted Living Center Again!

Dear Council,

See attached map... 2762 Valiant Drive

We voiced our disgust at the last meeting, and our feelings have not changed. Again, we are respectfully asking that the zoning and building of this project be rejected by City of Clermont. My husband and I have a lot of money invested into our home. We do not wish to have our property value decrease due to lack of privacy and beauty of our backyard.

When we used to go out on our patio, we had such a quiet wooded view. We could see the sun set while sitting back there. Now all we see is this Huge Church in our back yard being built. There is dust blowing into our patio not to mention the they have already dug up more of the beauty of Clermont.

This area has been reserved for housing developments and beautiful, tasteful homes have been built up around us, actually increasing the value of our homes.

It is unacceptable as homeowners to have a business complex behind our home, and if the zoning is changed, what would stop them from putting more commercial buildings. There isn't even enough trees to block our view or the noise of the Church being erected! They destroyed so much of Clermont's beauty.

Just changing the location of the buildings on the property does NOT change the fact that our area of Clermont should be sanctioned to family homes NOT commercial buildings. As it is, we are not happy with the church being back there.

The noise, lights and traffic will be unacceptable to us homeowners.

Yours In Health,

Kari Delikat
352-432-8073 – Office
352-353-4717 – Fax
www.kdbilling.com



From: Ri <ridymon@hotmail.com>
Sent: Sunday, May 31, 2020 11:14 AM
To: City Clerk <CityClerk@clermontfl.org>
Subject: First Baptist church June 2

I would like to express my opinion regarding the zoning change Request for the first Baptist Church at your meeting on June 2 at 7 PM.

I live on that road and cannot pass because of the traffic congestion each day. Adding another building there that requires increased traffic flow and will need infrastructure. It is not productive for my residential property.

Now, I would like to add that I believe this property is acres large and has access to route 27 from the other side. The state and county spent billions to widen it. Why can't they produce a plan that will allow them to build whatever they want on their acres as long as they exit and enter on 27 A Road clearly ready to handle any increase in traffic they may create.

I was really hoping that the actual church would utilize 27 as well and stay away from the intersection of our rumors and you got all together Thanks

Sent from my iPad

From: lifepak12man <lifepak12man@yahoo.com>
Sent: Thursday, May 28, 2020 12:36 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Hartwood Marsh Senior Loving Community

Zoning Board and Clermont City Council members,

I am writing to voice my objection to and ask that you deny the request from First Baptist Church of Clermont for the zoning change from low density occupancy to high density occupancy for their property located at the SE corner of Hartwood Marsh Rd and Hancock Rd.

As I'm sure you are all aware, the traffic on Hartwood Marsh Rd is more than the road can handle at this time. It is near impossible to exit our Regency Hills subdivision and attempt to go westbound in the mornings when the school is in session, as well as in the afternoon when school lets out and early evenings during people's commutes home.

Approving this zoning change and approving this project will only add to the traffic issues we are experiencing, as well as result in further destruction of the green space buffering our subdivision from the First Baptist Church that is currently being built. This initial construction has resulted in an influx of rats, snakes, coyotes, squirrels and other rodents and pests, resulting in added costs to property owners to pay pest control companies to help eliminate this influx.

Enough of nature has been destroyed for high density units and new subdivisions and Clermont is outgrowing it's current infrastructure as it is. It's time the City of Clermont stop future projects like these and build a plan for improving what we already have, before taxing our systems further. I have to assume the fact since this is a church owned/planned facility, that they will be tax exempt?

Having worked in the public safety field for over 30 years, I know the burden these facilities have on our public safety departments in responding to an increased number of medical calls, thus further taxing an already over taxed fire and EMS system. Is the City of Clermont going to increase the number of firefighters and apparatus to help handle the increased call volume? Is Lake EMS going to station more ambulances in Clermont to help cover these added medical calls? All this with no tax subsidy from First Baptist of Clermont, which means all residents of Clermont will suffer from delayed medical responses and/or an increase in property taxes to cover these vital services.

Clermont is a beautiful place to live, let's not destroy that. Let's slow down and work on building up our infrastructure, to include road congestion issues, public safety, water and sewer and increasing the green spaces rather than continually destroying more and more for the greed of property owners making a quick buck.

Thank you for taking the time to consider my email and my families position on this and future projects, not only on Hartwood Marsh Rd, but the Hancock Rd extension and other roads and neighborhoods around Clermont.

Timothy L. Gray
2716 Kingston Ridge Dr.
Clermont, FL. 34711
(352) 988-3441
lifepak12man@yahoo.com

From: crichard69@aol.com <crichard69@aol.com>
Sent: Monday, June 01, 2020 7:03 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Zoning of Hancock & Harwood Marsh

The proposed re-zoning of the area would have an adverse affect to the immediate area with no possible solution once the change has been implemented. Traffic in the area has been severely impacted already by the construction of new developments and with the new construction of the church and school traffic will naturally increase. The roads cannot accommodate any more traffic due to them being a 2 lane road with no possibility of expansion. It seems apparent that a detailed traffic study was not conducted especially during the school year and at rush hour(both AM and PM). If one was conducted it would reveal that the area cannot handle any more traffic. By re-zoning the area it would have an extreme negative impact to both housing prices and quality of life and safety of residents located on Hartwood Marsh. If an emergency were to occur during peak traffic hours any emergency responders and vehicles would not be able to navigate the road due to traffic blocking the road and entrances to subdivisions and school currently in the area. This could result in a potentially catastrophic incident where loss of life could occur all for the sake of profit. It is also extremely unfair to taxpayers in the area to have to sacrifice their quality of life and suffer the negative affects of increased traffic, pollution and safety. I speak from experience due to being in law enforcement for 20 years and have seen the adverse affects that increased traffic does to residents and communities. I myself was forced to increase my response time to emergency calls due to traffic issues which forced me to take indirect routes because of poorly planned construction. Just ask yourself if you or your family's safety is worth sacrificing for the sake of someone else's profit and I'm sure you will reject any notion of re-zoning.

Hunter's Run Resident

From: Anthoeth Leckie <tannyleck@yahoo.com>
Sent: Sunday, May 31, 2020 11:46 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Re: Proposed Plan to Change Zoning

Dear Sir/Madam,

As a resident of the Hartwood Reserve community for the past ten years, we have seen several changes to the existing Hartwood Marsh road over these years. These changes have been disadvantageous to us as residents because of the significantly increased traffic along this two-way road. This problem has become even more exacerbated during the period when school is in session. As parents of a child who attends Imagine South Lake school, it has become more and more challenging taking our child to and from school, even with the police directing traffic.

Changing the zoning of this area from low-density to high-density will increase the traffic of visitors and vendors that the project would put onto the already over-loaded Hartwood Marsh Road, it would signal to other developers opportunities to build other facilities that fall under the high-density category negatively impacting residents of this area. Finally, there is already an excess capacity of existing Assisted Living facilities in Clermont and if one is truly needed, there are other high-density zone areas left in Clermont that can be utilized.

My husband and I are joining in solidarity with the other members of the surrounding community of the corner of Hancock Road and Hartwood Marsh Road, in requesting that you once again deny, the proposal to rezone this area to facilitate the building of an assisted living facility.

We thank you for the opportunity for our voices to be heard and we do hope that you will hold to your previous decision and keep this area a low density zoned area.

Sincerely,
Trevor & Anthoeth Leckie
Residents of Hartwood Reserve

From: Kelly McKee <kwm2090@yahoo.com>

Sent: Friday, May 29, 2020 10:41 AM

To: City Clerk <CityClerk@clermontfl.org>

Subject: Re: Important Neighborhood Meeting June 2nd Zoning Change for Assisted Living Facility on Hancock and Hartwood Marsh

I don't mind the assisted living facility at Hartwood Marsh and Hancock, so long as Hartwood Marsh and Hancock streets are expanded with lights, sidewalks, etc. to accommodate the growing traffic as part of the project (not after). This will also be crucial given the planned Olympus development nearby.

All building projects in Clermont/Lake county should require comparable updates to surrounding car, bus, bike and pedestrian traffic routes with appropriate green space.

Thanks
Kelly McKee
2738 Retriever Dr
Clermont, FL 34711
720-629-1185

From: Claudio Moraes <crmoraes@icloud.com>

Sent: Friday, May 29, 2020 5:43 PM

To: City Clerk <CityClerk@clermontfl.org>

Subject: Zoning Change for Assisted Living Facility on Hancock and Hartwood Marsh - June 2nd Meeting

Hello

I became aware of a meeting that will be held on June 2nd to discuss the "Zoning Change for Assisted Living Facility on Hancock and Hartwood Marsh".

I would like to express my thoughts and concerns related to this proposed change:

- This proposed change will add additional traffic of visitors and vendors onto an already over-loaded Hartwood and Marsh Lane roads
- There is already an excess capacity of existing Assisted Living facilities in Clermont which shows no need for the new center. In addition, if this facility fail and based on history they are turned into re-hab centers which brings more concerns and other unplanned issues that will need to be addressed
- The current planned structure and zoning of the area does not support more high-density constructions which would directly impact the quality of life for all people living in the area
- There are several high-density zones in other areas of Clermont that could be leverage for this project and are placed in strategic locations to support it

Please understand and know that this project will impact the future of not only the area where hundreds are currently living but the future of Clermont as well when people look at the area for a possible place to live without having the certainty of what will happen.

Thank you for your consideration.

God bless you all,
Claudio

As a resident of Hunter's Run of Lake County who has concerns for the quality of life for my family and for the value of our home along Hartwood Marsh, we oppose the possible change in zoning proposed by The First Baptist Church of Clermont concerning its plan to build an Assisted Living Center.

Richard & Ingrid Nolan

From: Steve Rea <reastx@yahoo.com>
Sent: Friday, May 29, 2020 10:02 AM
To: City Clerk <CityClerk@clermontfl.org>
Subject: The First Baptist Church Of Clermont

Hello,

We were recently informed of an upcoming zoning change meeting which unfortunately we will not be able to attend but I wanted to inform you that we are opposed to any zoning changes in this area. Since moving in 5 years ago we've seen a substantial amount of new homes being built along Hartwood Marsh road as well as on Hancock Road. When we moved in we did expect and understand this growth in single family homes in this area but certainly did not expect any zoning changes to high density housing. We also fear that this will open the door to further zoning changes in this area. So please vote against this!

Thank you!

Stephen & Maria Rea
4225 Foxhound Dr

From: Dan Scott <dan@danscottsound.com>
Sent: Friday, May 29, 2020 1:29 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: First Baptist Church of Clermont Rezoning

To Whom it May Concern,
I'm writing ahead of the Planning and Zoning Commission meeting scheduled for June 2, 2020 to oppose changing the zoning at the intersection of Hartwood Marsh Rd. and Hancock Rd.

As a longtime resident of Clermont, I know this area has always had traffic issues, but as a new resident in the Hunter's Run neighborhood I now see first hand everyday that the stretch of Hartwood Marsh leading toward US 27 is at its max capacity and is dangerous to navigate for a good portion of every day. The Imagine elementary school at that same

intersection already causes backups on both sides of Hartwood Marsh and also on Hancock Rd. The new church and its additional facilities certainly won't help this and a large assisted living facility on the same plot would make things exponentially worse.

In addition, this stretch of Hartwood Marsh Rd. has become a hot spot of some of Clermont's nicest family neighborhoods. We, and almost all of our neighbors, moved here because the school zoning is good and the lots in these neighborhoods are more spacious than many other developments in the area. But one of the biggest reasons is that we are close to everything in town but not directly combating traffic on 50 or 27. By rezoning that parcel to high-density zoning you would be opening the gates to spread the traffic overload problems that we see in other parts of Clermont, surrounding these neighborhoods and driving down our property values. Not to mention the other problems with building a three-story eye-sore to intrude on the peace and privacy of Clermont's premiere neighborhoods.

I know I speak for most of the 320 homes in Hunter's Run and the hundreds of homes in the surrounding neighborhoods when I ask that you please deny the rezoning of this area.

Sincerely,
Dan Scott
Cell: (716) 310-9687

From: Mike & Sue Stenzel <mstenzel@cfl.rr.com>
Sent: Sunday, May 31, 2020 9:18 PM
To: Tracy Ackroyd <TAckroyd@clermontfl.org>
Cc: mstenzel@cfl.rr.com
Subject: Ordinances No 2020-17 & 2020-18

Tracy,

I'm sending you this email to let you know that I and my Wife disagree with these changes. We moved to the Hunters Run development in July of 2019 because of the surrounding area was Low Density Residential. This change will cause a large increase in traffic on a road that already is overwhelmed.

The requested changes in zoning fail to meet the criteria established by the City Of Clermont in the "CITY OF CLERMONT COMPREHENSIVE PLAN"

The nearest Low Density housing is well over a mile away.

This change would have a negative impact on hundreds of tax paying property owners in the immediate area. A impact that cannot be changed once the zoning changes have been made.

This can only be stopped now, by following the guidelines put forth by the City of Clermont in the Comprehensive Plan. This development would be better placed in a current Low Density authorized zone or somewhere in a new area that has not yet been determined and or developed within a mile of the structure.

Thank you for your time

Respectfully

Mike and Sue Stenzel
4200 Foxhound DR
Clermont FL 34711

From: John Wilson <john.f.wilson.jr@gmail.com>
Sent: Sunday, May 31, 2020 4:16 PM
To: City Clerk <CityClerk@clermontfl.org>
Cc: John Wilson <John.f.wilson.jr@gmail.com>
Subject: June 2nd Panning and Zoning Board Input

To: Chairperson Herb Smith
Clermont Planning and Zoning Board

Please read the following at the June 2nd meeting.

As 14 year residents of Hartwood Reserve, my wife and I warmly welcome the First Baptist Church of Clermont to the neighborhood. This part of the city has long needed a vibrant, growing worship community nearby; one that takes an active part in meeting our spiritual and educational needs. However, we are vehemently opposed to a third party owned and operated for profit assisted living facility on the same property owned by the 1st Baptist Church of Clermont.

In addition to potentially contributing to reducing the prices of real estate in this local area, please consider the following.

There is already a plethora of assisted living and senior independent living facilities in the Clermont area. There are six within a 5 mile radius and 16 within a 12 mile area. There are more units being built currently in the Hooks Road area to greatly increase the 150+ residential units that Cranes View Lodge already accommodates. In less than one mile is Orchard Heights, another large facility.

Realizing these are high profit centers and would potentially enhance the church's revenue stream, etc.; the support infrastructure consisting of maintenance, on-site staff; vendors would negatively affect the area. Additionally, when these facilities fail, they often turn into rehab centers, and other less desirable multi-dwellings (MDUs) etc.

The traffic at the Hancock-Hartwood Marsh intersection is already heavily impacted during the school year by the public and charter schools with huge morning and evening backups to Highway 27 and all the way to the Lake/Orange County line (and beyond). These delays and congestion already :

- (1) block/impede my access to and from Harwood Marsh from my subdivision;
- (2) exacerbate morning and evening rush-hour commutes by as much as 30+ minutes on the weekdays; minimal impact on weekends
- (3) greatly hinder emergency responders because of the narrow road often forcing vehicles off the roadway;
- (4) will necessitate the city spending large sums for the necessary modifications to the roadway;
- (5) will likely hamper the Lake County plans for the Wellness Way projects, and
- (6) necessitate costly changes to the County's approved Hartwood Marsh Road widening and alignments from Hiway 27 to Lake/Orange county line

We believe a better use of the property is for a long term enhancement plan for the church to grow by adding youth athletic fields, a private school, more worship facilities for adults and youth.

Respectfully,
John and Annie Wilson
4517 Powderhorn Place Drive
Clermont, FL 34711
(352) 897-7157 Home
John.f.wilson.jr@gmail.com

From: Desiree Titone BURRELL <restorationatdesireeswellness@gmail.com>
Sent: Tuesday, June 30, 2020 1:08 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Living Facility on Hardwood Marsh and Hancock Clermont

Good Afternoon,

I am 100%for having a living facility for the elderly in this neighborhood. It will bring security for those who need a facility for their aging parents. There are many in this predicament that live in Hunters Run, Heritage Hills and Kings Ridge. I have spoken personally with numerous people always looking for a facility for their mom or dad. Please, let's think of our elderly and offer another alternative for them by allowing this facility to exist.

Thank you for your time and consideration

Desiree T Burrell
407 756 5216

From: Walt burel <flyrodz@yahoo.com>
Sent: Tuesday, June 30, 2020 1:40 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: To the attention of city council

This is a concise and sincere plea that you will allow for the construction of the senior living facility off Hardwood Marsh and Hancock.

We all, (God willing) will be seniors one day and we all as well have a obligation to care for and love our seniors! The proximity to Kings Ridge among many adult communities local is all the more reason as this facility would no doubt be immediately utilized by countless in our community.

I thank you for your time and consideration.

Walter Burrell

**CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application**

DATE: 02-11-2020

FEE: \$755.00

Project Name (if applicable): Clermont- Hartwood Marsh Senior Housing Community

Applicant: First Baptist Church of Clermont

Contact Person: William Lawson

Address: 498 W. Montrose Street

City: Clermont State: Florida Zip: 34711

Phone: 352-394-4221 Fax: _____

E-Mail: billy@progressiveplumbing.com

OWNER: First Baptist Church of Clermont

Address: 498 W. Montrose Street

City: Clermont State: Florida Zip: 34711

Phone: 352-394-4221 Fax: _____

E-Mail: billy@progressiveplumbing.com

General Location: Hartwood Marsh Road east of Hancock Road

Legal Description (include copy of survey): See Attached

Property size (in acres or square feet): 6.19 Acres (Approximate)

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

Existing (Actual) Land Use: Undeveloped. Approved Church campus project

Existing Zoning: R-1

Existing Future Land Use: Low Density Residential

Proposed Future Land Use: High Density Residential

Type of development proposed: Senior Housing Community

Proposed density (dwelling units/acre) or intensity: 139 Residents

Proposed Zoning District: PUD

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

The proposed project will consist of a Senior Living Facility. A single building will be provided consisting of a 1-Story Memory Care wing for approximate 32 residents, a 1 1/2 story amenity wing, and a 3 story Assisted Living wing for approximately 100 residents. The exterior of the project encompasses residential style material for enhance compatibility with the surrounding neighborhood.

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

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

***** NOTICE *****

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

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

OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

William E. Lawson

, who being

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

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

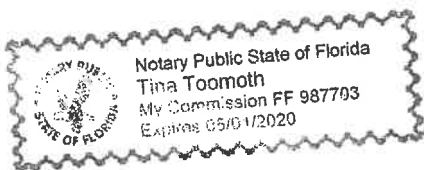
WILLIAM E. LAWSON
Affiant - Applicant Name (print)

X Will. Lawson
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 12th day of February, 2020.

X Tina Toomoth
Notary Public, State of Florida at Large



My Commission Expires: 05/01/2020

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

William E. Lawson

_____, who being

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

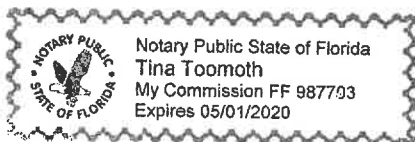
1. That he (she) affirms and certifies that he (she) understands and will comply with all ordinances, regulations and policies of Lake County, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his (her) knowledge and belief, and further, that this application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

WILLIAM E LAWSON X William E Lawson
Affiant - Applicant Name (print) Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 12th day of February, 2020.

X Tina Toomoth
Notary Public, State of Florida at Large



My Commission Expires: 05/01/2020

**AGENDA ITEM**

Meeting Date	
Tuesday, July 14, 2020	
Agenda Item Name	
Ordinance No. 2020-17 <i>Final</i> <i>Hartwood Marsh Assisted Living Facility</i>	
Requested Action	
Recommend approval of Ordinance No 2020-17.	
Staff Report	
The owner, First Baptist Church, is requesting to rezone approximately six (6) acres of the 38 acre master parcel to a Planned Unit Development (PUD) to allow for development of an Assisted Living Facility. The current zoning of the property is R-1 Single Family Medium Density Residential, which allows a church use with a Conditional Use Permit. The City Council approved on February 27, 2018 a CUP with Resolution No. 2018-03 to allow a Master Planned Church Facility with ancillary uses to support the church ministry. The Master Development Plan included a Concept Plan with different uses such as a school, recreation field, multi-purpose buildings and parking garage that was to be used in conjunction with the church ministry. The plan also included an Assisted Living Facility, which required a separate approval process. The Assisted Living Facility is not a permitted use in the R-1 zoning district and not allowed by the Comprehensive Plan for Low Density Residential Land Use. The applicant is also requesting a land use change from Low Density Residential to High Density Residential.  The applicant has provided a conceptual site plan prepared by Germana Engineering, showing the proposed layout of the Assisted Living Facility. The project as proposed will be developed and operated by a private developers or company and is not part of the church facility. The applicant in 2019; presented a similar concept plan that would consist of three (3) buildings; which includes a three story building for up to 100 residents and a one (1) story Memory Care building/wing for up to 32 residents and another one (1) story Commons/Amenity building/wing for the residents. The conceptual plan has been redesigned to reconfigure the site to provide a layout which allows the three (3) story building be located interior to the site, adjacent to the church and away from the residential developments, which will be less intrusive	

and provide the least impact to the surrounding residential neighborhoods. The total maximum building area shall not exceed 62,000 square feet. The applicant is not requesting any waivers to the Land Development Code and all development must comply with Clermont Architectural Standards and Regulations. The applicant will be required to provide a Traffic Impact Analysis (TIA) for the proposed project and any traffic deficiencies identified will require mitigation at the applicants expense. To alleviate and help minimize traffic congestion the applicant has dedicated land for rights-of way for future road improvements to Hartwood Marsh Road and also on Hancock Road.

Staff has reviewed the application as submitted and finds the proposed development plan does meet the standards and intent of Section 122-314, Review Criteria for a Planned Unit Development (PUD). Staff finds the requested use will not be detrimental to the health, safety and general welfare of the surrounding areas. Staff recommends approval of Ordinance No. 2020-17, rezoning the subject property to Planned Unit Development (PUD).

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|-----|---|---|
| 1. | Ord. 2020-17 Hartwood Marsh Senior Living Facility PUD | Ord. 2020-17 Hartwood Marsh Senior Living Facility PUD.pdf |
| 2. | New Location Map | New Location Map.pdf |
| 3. | Zoning Map Before | Zoning Map Before.pdf |
| 4. | Zoning Map After | Zoning Map After.pdf |
| 5. | Concept Site Plan - Hartwood Marsh Senior Housing Community | Concept Plan - Hartwood Marsh Senior Housing Community.pdf |
| 6. | Color Render Master Plan- Hartwood Marsh Senior Housing Community | Color Render Master Plan- Hartwood Marsh Senior Housing Community.pdf |
| 7. | Elevations-Concept Plan | Elevations-Concept Plan.pdf |
| 8. | HOA letter to Planning and Zoning Commission | HOA letter to Planning and Zoning Commission.pdf |
| 9. | Public Comments | Public Comments.pdf |
| 10. | REZ Application | REZ Application.pdf |
| 11. | ORDINANCE NO 2020-17 (1) | ORDINANCE NO 2020-17 (1).pdf |



CITY OF CLERMONT
ORDINANCE NO. 2020-17

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

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

SECTION 1.

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

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 10, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LESS ANY ROAD RIGHT OF WAY CONTAINED THEREIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE N89°59'29"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 1336.68 FEET TO A POINT; THENCE S00° 37'09"W ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 67.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°37'09"W ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10. A DISTANCE OF 437.68 FEET TO A POINT; THENCE S89°59'04"W, A DISTANCE OF 464..18 FEET TO A POINT; THENCE N3'7°19'57"W, A DISTANCE OF 319.99 FEET TO A POINT; THENCE N00°00'00"W, A DISTANCE OF 181.31 FEET TO A POINT; THENCE N89°49'25"E, A DISTANCE OF 662.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 263, 808 SQUARE FEET OR 6.056 ACRES, MORE OR LESS.

LOCATION

Vacant property located at the northeast corner of Hartwood Marsh Road and Hancock Road
(Eastern portion of Alternate Key 1593905)

**From: (R-1) Single Family Medium Density Residential
To: Planned Unit Development (PUD)**



CITY OF CLERMONT
ORDINANCE NO. 2020-17

SECTION 2. General Conditions

This application for a Planned Unit Development (PUD) to allow for a three (3) story Assisted Living Facility, with up to 100 residents and a one (1) story Memory Care building/wing for up to 32 residents and a one (1) story Commons/Amenity building/wing for the residents. The total maximum building area shall not exceed 62,000 square feet, be granted subject to the following conditions:

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

SECTION 3. Land Uses and Specific Conditions

1. The project may consist of a three (3) story Assisted Living Facility for up to 100 residents and a one (1) story Memory Care building/wing for up to 32 residents and a one (1 and ½ half) story Commons/Amenity building/wing for the residents. The maximum building area (Total) shall not exceed 62,000 square feet.
2. Building Setbacks

From Hartwood Marsh Road	70 feet from the property line
Side Setback (Neighborhood)	30 feet from the property line
Side Setback (Church)	25 feet from the property line
Rear Setback	50 feet from the property line
3. Landscape Buffers

Hartwood Marsh Road	20 feet wide Landscape Buffer
East Buffer (Neighborhood)	30 feet wide Landscape Buffer
South Buffer (Rear)	15 feet wide Landscape Buffer
West Buffer	15 feet wide Landscape Buffer



CITY OF CLERMONT
ORDINANCE NO. 2020-17

4. All landscape buffers shall provide an additional 30% percent more plant material, which includes trees and shrubs, to enhance the site and provide the appropriate buffers for the adjacent less intense residential zoning and uses.
5. Architectural features and building height shall not exceed 50 feet, measured at the highest point. Elevators are required for the three (3) - story building.
6. The buildings shall be designed and constructed in a manner that is similar to the architectural style and elevations as presented in Exhibit B – Elevations and shall meet the City of Clermont's Architectural Standards. The exterior of the project shall encompass residential style materials and façade treatments to enhance compatibility with the surrounding residential neighborhoods.
7. The project shall be developed according to the C-1 Light Commercial zoning district in the Land Development Code, unless expressly stated above.
8. A Traffic Impact Analysis/Study is required for the Assisted Living Facility, any traffic deficiencies identified will require traffic concurrency mitigation at the owner/applicant's cost for compliance. The applicant will be responsible for reimbursement of any cost and fees associated with the review and analysis of the traffic impact study by the City's Traffic Engineer Consultant.
9. Improvements at the intersection of Hancock, South Hancock and Hartwood Marsh roads within the existing or to be dedicated right-of-way will be required (as approved by Lake County) to allow for the extension of South Hancock Road. This may include turn lane(s), sidewalk, trail, and sign modifications.
10. If required by Lake County, the developer shall be responsible to coordinate the modification of the existing traffic signal at Hartwood Marsh Road and Hancock Road, as needed with Lake County, to accommodate safe and efficient traffic flow from the project entrances.

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

Exhibit A – Conceptual Plan

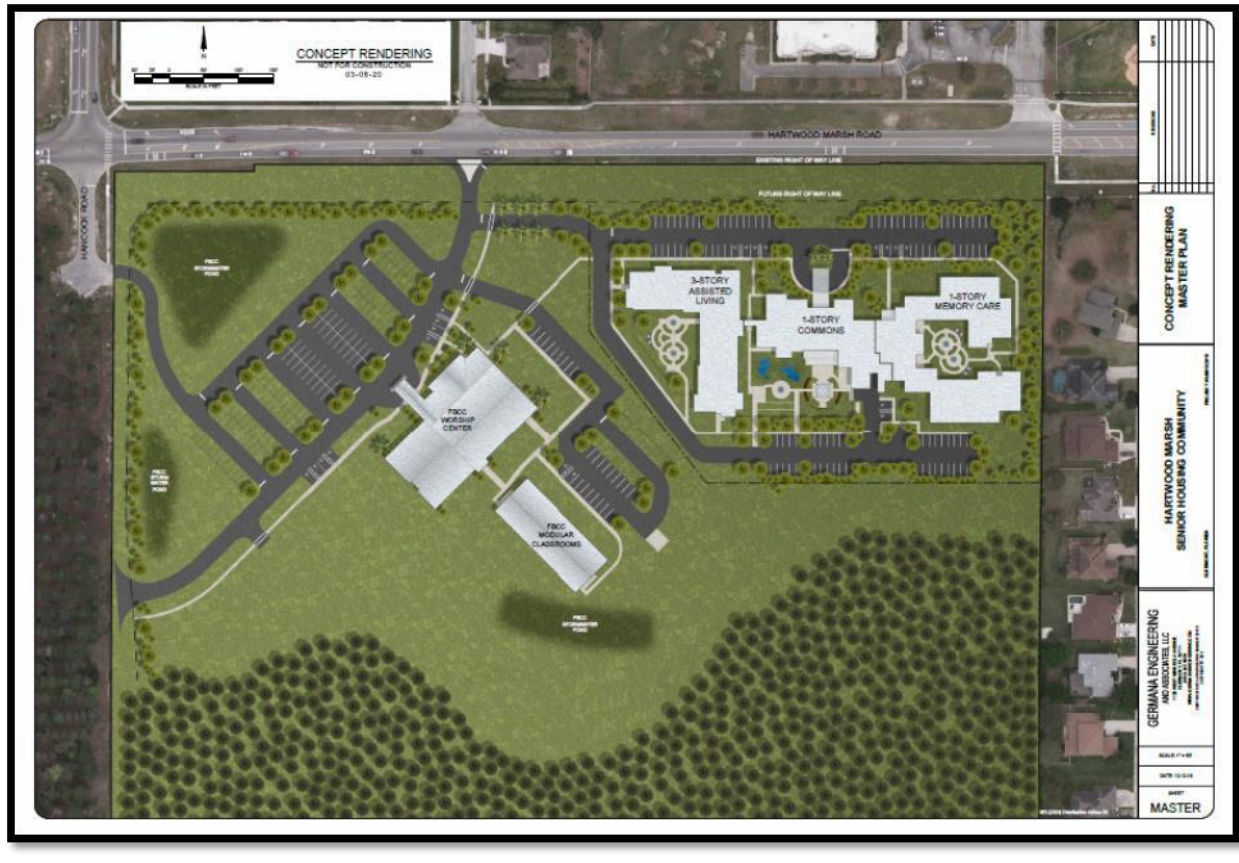


Exhibit B:





CITY OF CLERMONT
ORDINANCE NO. 2020-17

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this _____ day of July 2020.

CITY OF CLERMONT

Gail L. Ash, Mayor

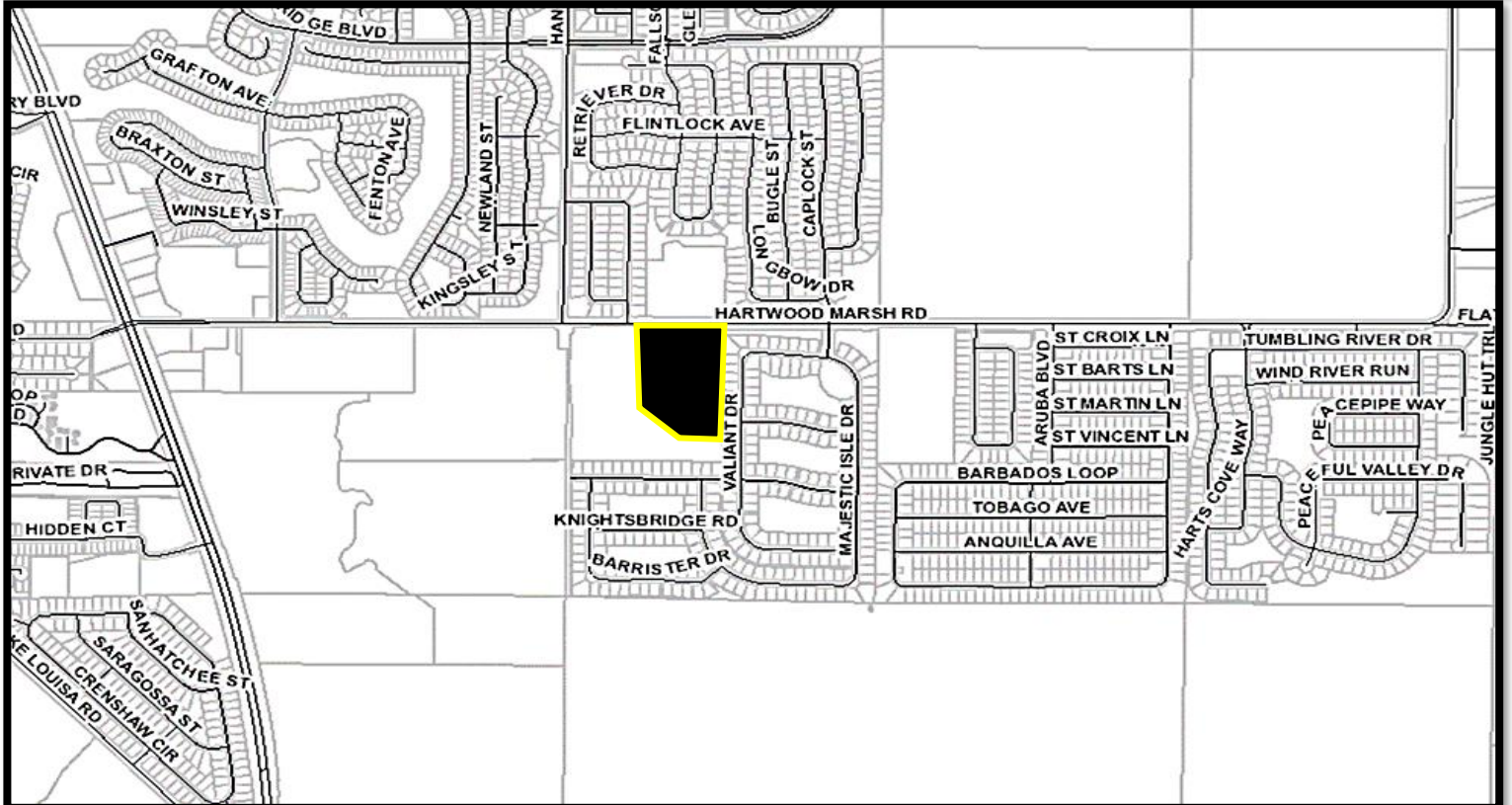
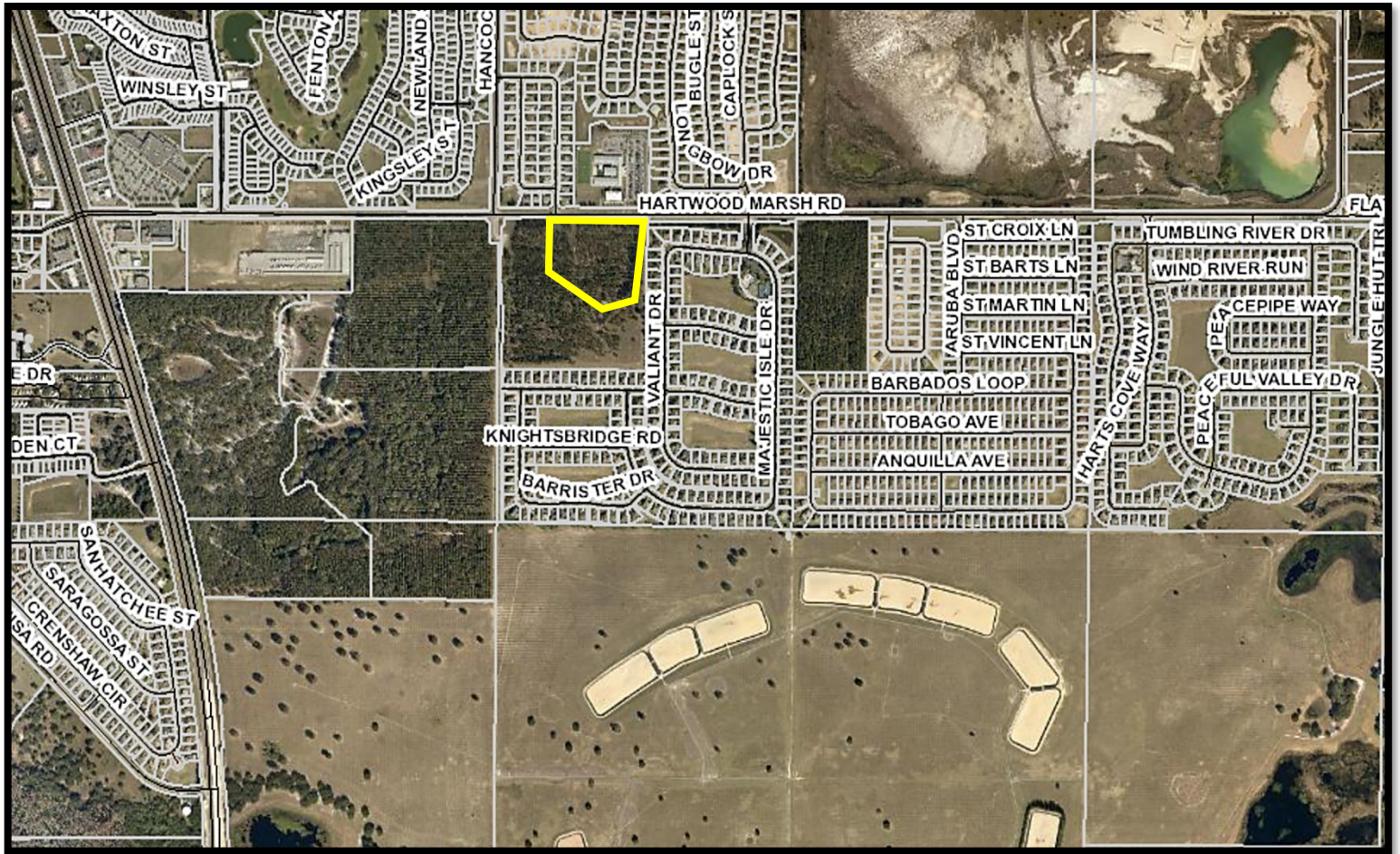
ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

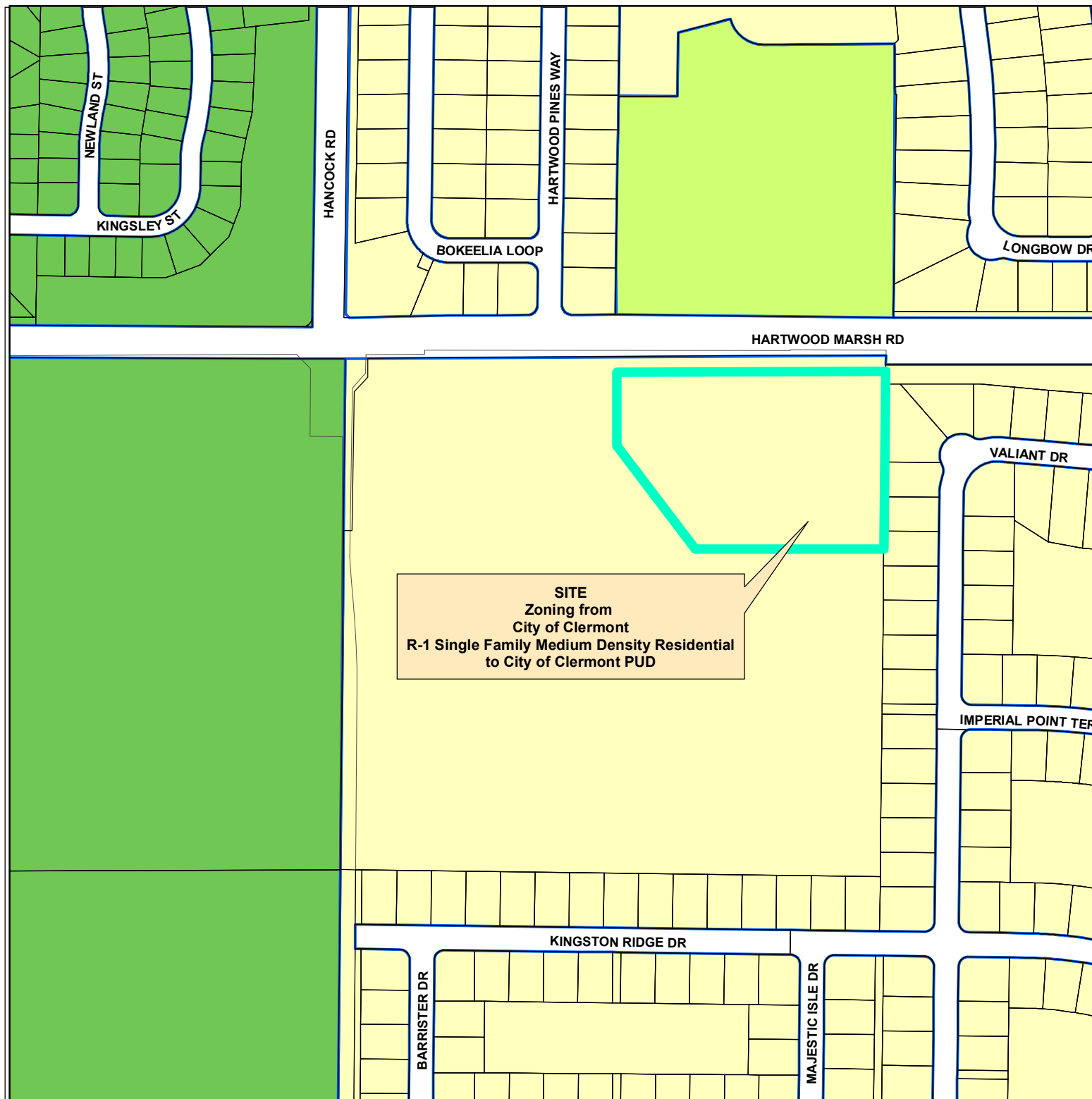
Daniel F. Mantzaris, City Attorney

LOCATION MAP





Zoning
Before



Legend

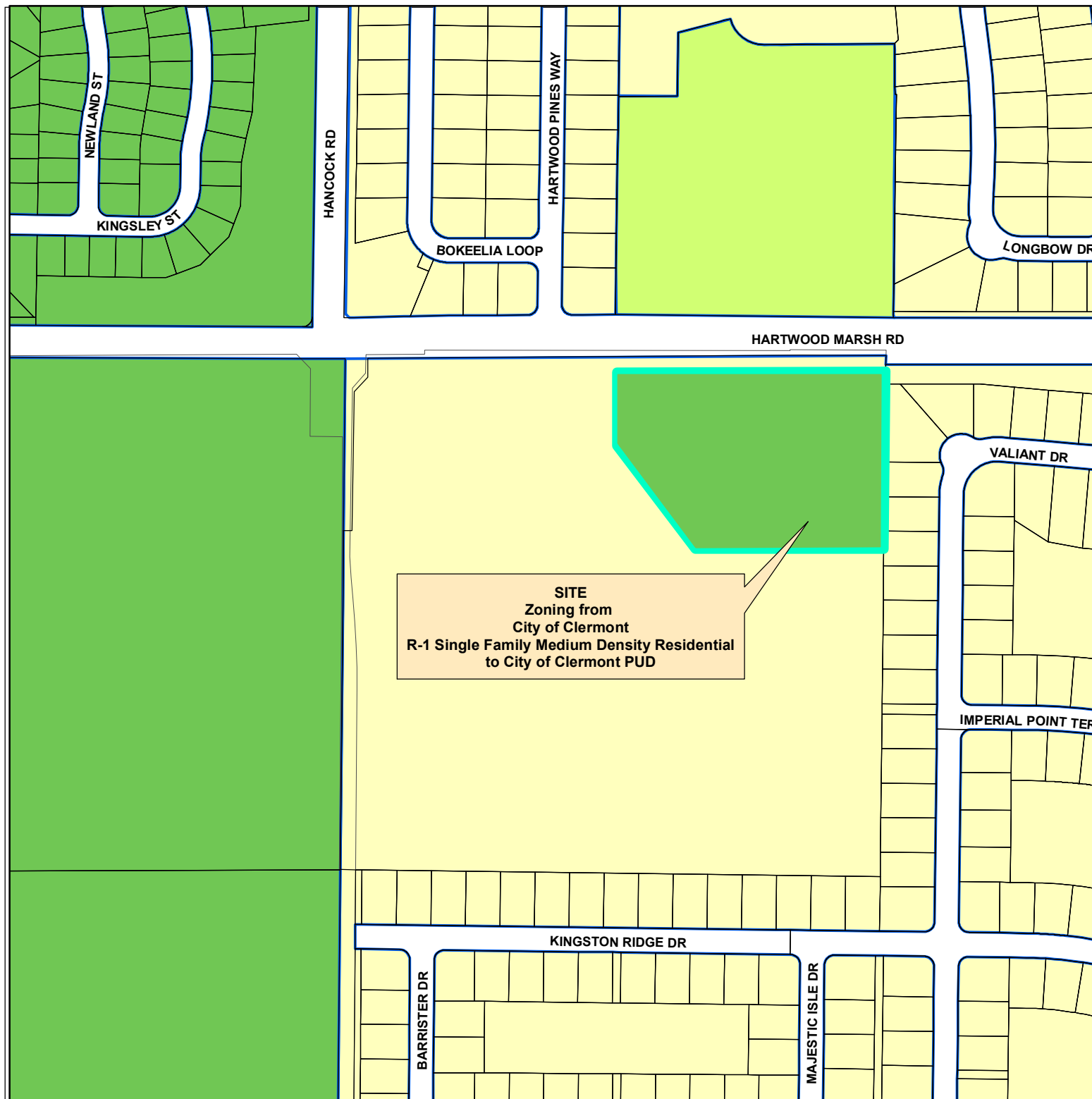
- City Limits
- CBD CENTRAL BUSINESS DISTRICT
- CD COMMERCE DISTRICT
- CDD COMMUNITY DEVELOPMENT DISTRICT
- C-1 LIGHT COMMERCIAL DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- M-1 INDUSTRIAL DISTRICT
- O-1 OFFICE DISTRICT
- PR PARKS AND RECREATION DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- R-1-A SINGLE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





Zoning

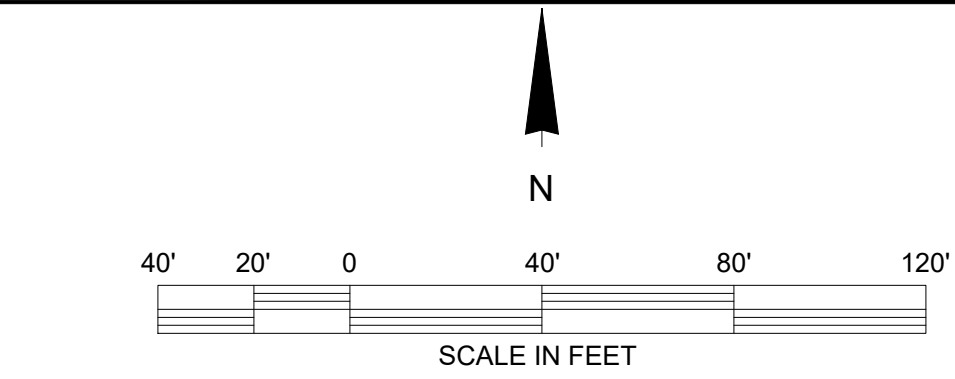
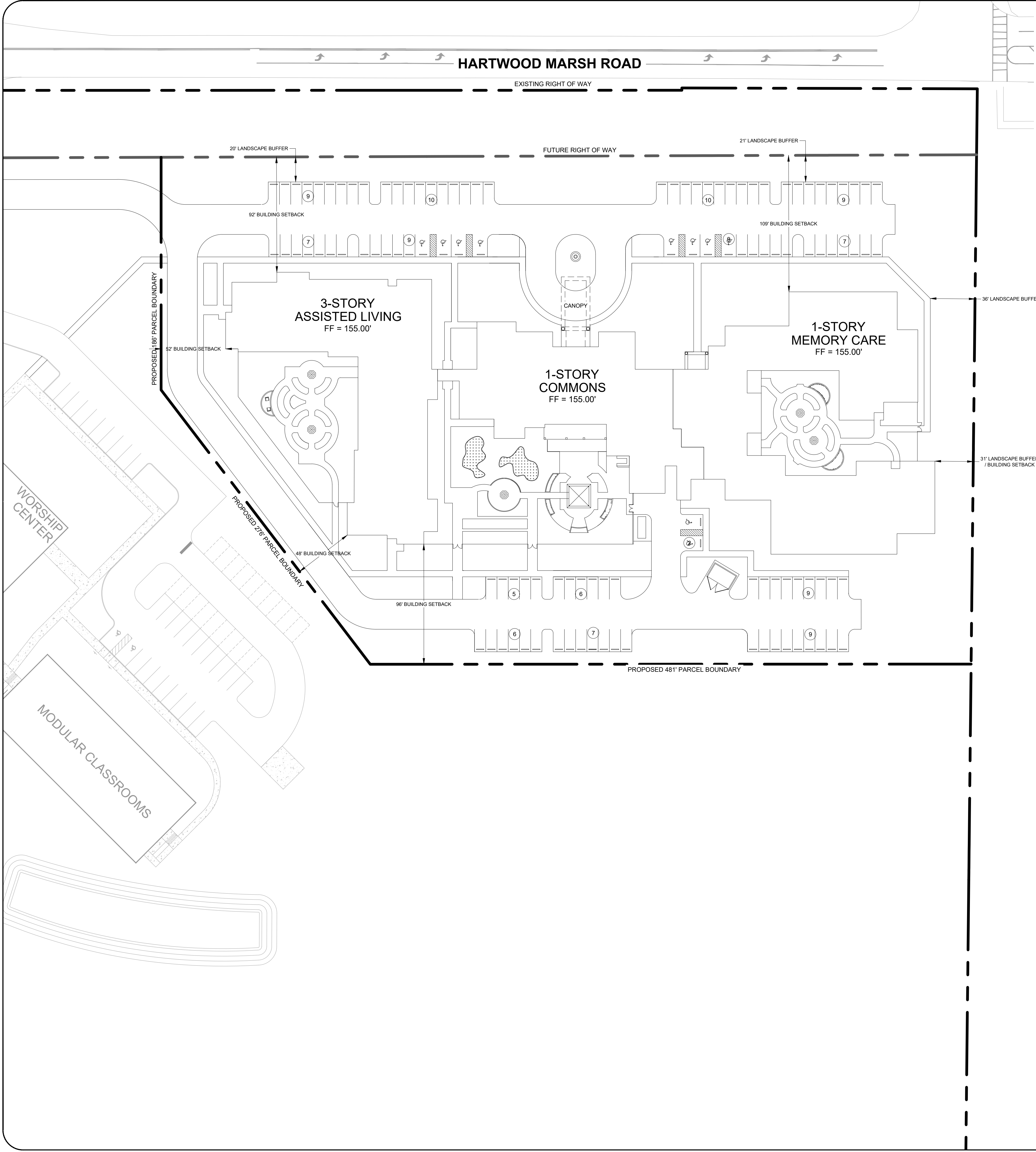
After



Legend

- City Limits
- CBD CENTRAL BUSINESS DISTRICT
- CD COMMERCE DISTRICT
- CDD COMMUNITY DEVELOPMENT DISTRICT
- C-1 LIGHT COMMERCIAL DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- M-1 INDUSTRIAL DISTRICT
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- UE URBAN ESTATE LOW DENSITY RESIDENTIAL DISTRICT
- UT URBAN TRANSITION DISTRICT
- AREAS NOT WITHIN THE CITY LIMITS





LEGEND

- PROPERTY LINE
- PROPOSED CONCRETE
- (10) PARKING COUNT
- - - PAVEMENT CENTERLINE

NOTES

1. PROJECT SITE SHALL COMPLY WITH THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION, 2017 EDITION.

SITE DATA

1. SITE AREA = 5.64 AC / 245,768 SF (DOESNT INCLUDE FUTURE R/W DEDICATION)

2. SITE LOCATION

HANCOCK ROAD AND HARTWOOD MARSH
CLERMONT, FLORIDA 34711
SECTION 10, TOWNSHIP 23 SOUTH, RANGE 26 EAST

3. SITE DESCRIPTION

TAX PARCEL (ALT KEY): 1593905
ZONING: PUD

4. SETBACK AND LANDSCAPE BUFFER INFORMATION

FUTURE R/W SETBACK: 92'
SIDE SETBACK (NEIGHBORHOOD): 31'
SIDE SETBACK (FBCC): 48'
REAR SETBACK (FBCC): 96'

FUTURE R/W LANDSCAPE BUFFER: 20'-21'
EAST NEIGHBORHOOD LANDSCAPE BUFFER: 31'/36'

5. BUILDING DATA

BUILDING TYPE: 1-STORY / 3-STORY ASSISTED LIVING FACILITY
FINISHED FLOOR: 155.00'
BUILDING HEIGHT: 48' - 0"
BUILDING AREA (TOTAL): 61,542 SF

6. PARKING CALCULATIONS

REQUIRED PARKING (ADULT CONGREGATE LIVING FACILITY)

(1 SPACE / 4 BEDS) * (132 BEDS) = 33 SPACES REQUIRED

(1 SPACE / 4 EMPLOYEES) * (48 EMPLOYEES) = 12 SPACES REQUIRED

TOTAL PARKING REQUIRED = 45 SPACES

PROVIDED PARKING = 112 SPACES PROVIDED

DATE

REVISIONS

No.

CONCEPT
SITE PLAN

HARTWOOD MARSH
SENIOR HOUSING COMMUNITY

PROJECT # GE0152019

CLERMONT, FLORIDA

GERMANA ENGINEERING
AND ASSOCIATES, LLC

1120 WEST MINNEOLA AVENUE
CLERMONT, FLORIDA 34711
CL#850 242-9329
WWW.GERMANAENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER: 26279
COPYRIGHT © 2019

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
03-06-20

CHRISTOPHER M. GERMANA, P.E.
FLORIDA PROFESSIONAL ENGINEER # 61682
FIRM CERTIFICATE OF AUTHORIZATION # 29279

SCALE: 1" = 40'

DATE: -

SHEET

CONCEPT











Richard E. Larsen *†
Thomas R. Slaten, Jr †
Charles L. Eldredge, Jr.
Cheryl C. Slaten



LARSEN[®]
& ASSOCIATES, P. L.
ATTORNEYS AT LAW

MAIN OFFICE

5323 Millenia Lakes Blvd, Ste 300
Orlando, FL 32839
P 407.841.6555
Collections F 407.841.4349
General F 407.841.6686

† Shareholder
* Admitted in Florida and Illinois

May 28, 2020

City of Clermont
Development Services Department
685 W. Montrose Street
Clermont, Florida 34711
cityclerk@clermontfl.org

Re: Project: Clermont-Hartwood Marsh Senior Housing Community
Applicant: First Baptist Church of Clermont
Hearings: June 2 Planning and Zoning and June 23 City Council

Dear City of Clermont City Council:

I am writing on behalf of the 265 home Regency Hills of Clermont Homeowners Association, Inc. ("Association") to strongly oppose the Clermont-Hartwood Marsh Senior Housing Community project ("Project") proposed by First Baptist Church of Clermont. The Association's objections are similar to those raised last year when City staff and the Planning and Zoning Board recommended denial of the Project.

The Association consists of 265 single-family homes immediately adjacent to the east and south sides of the proposed Project. The Association is zoned R-1, meaning low density residential, as is the parcel for the proposed Project. The Project requires changing to high-density residential use to allow for a three story assisted living facility and related infrastructure. The Association and its homeowners strongly object to this change and the Project's likely impact on the Association and its residents for the following reasons:

- The proposed Project is not permitted and is not compatible or allowed in R-1 low-density residential land use.
- The requested change to high-density residential use does not meet the intent of Section 122-315 Review Criteria for a PUD as detailed immediately below.
- The Project's development intensity is not consistent with the surrounding low-density residential communities, especially Regency Hills of Clermont.
- The proposed three-story building is not suitable for the parcel's location and its size and character is in conflict with the surrounding development, especially Regency Hills of Clermont.

140 South Beach Street
Suite 310
Daytona Beach, FL 32114

10752 Deerwood Park Blvd. South
Suite 100
Jacksonville, FL 32256

Woodland Corporate Center
8270 Woodland Center Blvd
Tampa, FL 33614

- The Project will generate increased traffic from residents, visitors, employees and vendors, exacerbating already existing congestion on Hartwood Marsh Road, which all 265 homes use to enter and exit the community, and Hancock Road.
- City staff and the Planning and Zoning Board previously recommended denial of the Project, including rezoning the parcel.

For these reasons, the Association strongly opposes the proposed Project. Please let us know if you have any questions or desire additional information. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Slaten", with a long horizontal flourish extending to the right.

Thomas R. Slaten, Jr.

Richard E. Larsen *†
Thomas R. Slaten, Jr †
Charles L. Eldredge, Jr.
Cheryl C. Slaten



LARSEN[®]
& A S S O C I A T E S, P. L.
ATTORNEYS AT LAW

† Shareholder
* Admitted in Florida and Illinois

MAIN OFFICE

5323 Millenia Lakes Blvd, Ste 300
Orlando, FL 32839
P 407.841.6555
Collections F 407.841.4349
General F 407.841.6686

June 29, 2020

City of Clermont
Development Services Department
685 W. Montrose Street
Clermont, Florida 34711
cityclerk@clermontfl.org

Re: Project: Clermont-Hartwood Marsh Senior Housing Community
Applicant: First Baptist Church of Clermont
Hearings: July 7th Planning and Zoning

Dear City of Clermont City Council:

I am writing on behalf of the 265 home Regency Hills of Clermont Homeowners Association, Inc. ("Association") to strongly oppose the Clermont-Hartwood Marsh Senior Housing Community project ("Project") proposed by First Baptist Church of Clermont. The Association's objections are similar to those raised last year when City staff and the Planning and Zoning Board recommended denial of the Project.

The Association consists of 265 single-family homes immediately adjacent to the east and south sides of the proposed Project. The Association is zoned R-1, meaning low density residential, as is the parcel for the proposed Project. The Project requires changing to high-density residential use to allow for a three story assisted living facility and related infrastructure. The Association and a majority of its homeowners strongly object to this change and the Project's likely impact on the Association and its residents for the following reasons:

- The proposed Project is not permitted and is not compatible or allowed in R-1 low-density residential land use.
- The requested change to high-density residential use does not meet the intent of Section 122-315 Review Criteria for a PUD as detailed immediately below.
- The Project's development intensity is not consistent with the surrounding low-density residential communities, especially Regency Hills of Clermont.
- The proposed three-story building is not suitable for the parcel's location and its size and character is in conflict with the surrounding development, especially Regency Hills of Clermont.

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Suite 310
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- The Project will generate increased traffic from residents, visitors, employees and vendors, exacerbating already existing congestion on Hartwood Marsh Road, which all 265 homes use to enter and exit the community, and Hancock Road,
- City staff and the Planning and Zoning Board previously recommended denial of the Project, including rezoning the parcel.

For these reasons, the Association strongly opposes the proposed Project. Please let us know if you have any questions or desire additional information. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Slaten", with a long horizontal flourish extending to the right.

Thomas R. Slaten, Jr.

To: Chairperson Herb Smith
Clermont Planning and Zoning Board

As 14 year residents of Hartwood Reserve, my wife and I warmly welcome the First Baptist Church of Clermont to the neighborhood. This part of the city has long needed a vibrant, growing worship community nearby; one that takes an active part in meeting our spiritual and educational needs. However, we are vehemently opposed to a third party owned and operated for profit assisted living facility on the same property owned by the 1st Baptist Church of Clermont.

In addition to potentially contributing to reducing the prices of real estate in this local area, please consider the following.

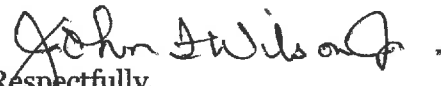
There is already a plethora of assisted living and senior independent living facilities in the Clermont area. There are six within a 5 mile radius and 16 within a 12 mile area. There are more units being built currently in the Hooks Road area to greatly increase the 150+ residential units that Cranes View Lodge already accommodates. In less than one mile is Orchard Heights, another large facility.

Realizing these are high profit centers and would potentially enhance the church's revenue stream, etc.; the support infrastructure consisting of maintenance, on-site staff; vendors would negatively affect the area. Additionally, when these facilities fail, they often turn into rehab centers, and other less desirable multi-dwellings (MDUs) etc.

The traffic at the Hancock-Hartwood Marsh intersection is already heavily impacted during the school year by the public and charter schools with huge morning and evening backups to Highway 27 and all the way to the Lake/Orange County line (and beyond). These delays and congestion:

- (1) block/impede my access to and from Harwood Marsh from my subdivision;
- (2) exacerbate morning and evening rush-hour commutes by as much as 30+ minutes on the weekdays;
- (3) greatly hinder emergency responders because of the narrow road often forcing vehicles off the roadway;
- (4) will necessitate the city spending large sums for the necessary modifications to the roadway;
- (5) will likely hamper the Lake County plans for the Wellness Way projects, and
- (6) necessitate severe changes to the County's approved Hartwood Marsh Road widening and alignments from 27 to Lake/Orange county line

We believe a better use of the property is for a long term enhancement plan for the church to grow by adding youth athletic fields, a private school, more worship facilities for adults and youth.


Respectfully,
John and Annie Wilson
4517 Powderhorn Place Drive
Clermont, FL 34711
(352) 897-7157 Home
John.f.wilson.jr@gmail.com

To: The City of Clermont City Council and Planning and Zoning Commission

Re: Proposed Assisted Living & Memory Care Facility

Hartwood Marsh Road near Hancock Rd.

Date: June 29, 2020

I see a zoning change request is coming before Zoning & Planning and The City Commission in July.

I ask you to approve this request for the good of the community.

There are I believe thousands of homes within 2 miles of this location that are in 55+ communities. I live in one...Kings Ridge. Should I, my wife, or another family member or friend find it necessary to move to an Assisted Living or Memory Care facility, having one so close would be a major benefit for visitation. Many Kings Ridge residents have siblings that have moved to Clermont from all over the country to be near each other. Having a senior care facility so close would help keep these family connections strong. Of course an additional benefit to those future senior residents who desire it would be the close proximity to a church that could provide additional spiritual support.

I am sure you will hear objections from some to this zoning change.

"It will increase traffic on Hartwood Marsh Rd and Hancock Rd substantially" they may say. Remember these residents cannot drive anywhere, and at a previous zoning meeting last fall, it was stated that shift changes for workers at the facility could be scheduled to fall during lower traffic periods. Most traffic in this area is generated by the residential building nearby.

"It will damage property values" they may say. This is not a gas station or shopping center, but a thoughtfully designed property that will fit in nicely in the area.

"What if the church wants to build apartments someday?" they may say. I doubt that is the church's mission and I suspect that could be limited in some way.

"It will increase noise from emergency vehicles" they may say. Obviously they are unaware that almost always emergency vehicles enter neighborhoods without sirens and horn.

Again I **urge you to approve the construction of this Senior Living facility** on this site. Have you ever seen a traffic jam caused by one of these? It will not burden the community and will even benefit younger families living nearby should they need to find care for their parents in the future.

Albert Bohn
2233 Kingsmill Way
Clermont, FL 34711

Michael Sheahan

2737 Valiant Drive ▪ Clermont, FL 34711-5248

e-mail: sheahanm51@gmail.com ▪ Cell phone: 407-401-0012

June 1, 2020

Attn: City Clerk of Clermont, FL

I'm writing to provide my feedback on the assisted living facility that the First Baptist Clermont Church is proposing. As plans for the church (now being built at Hartwood Marsh and Hancock Roads) have been developing over the years, let me offer my reactions during that timeframe.

The inclusion of soccer fields: I initially understood that the campus would include a series of soccer fields. I expressed my feedback about that, as I suspected that anticipated daily practices and games would add additional traffic and noise to the neighborhood.

The inclusion of the assisted living facility: Likewise, I understand that the assisted living facility, planned closer to my neighboring Regency Hills subdivision, may now be moved farther west within the parcel of land. As such, I again question how much traffic and noise would be added by such a facility. At the very least, it would probably make traffic at the intersection of the two roads substantially busier.

Moreover, does it make economic and health-wise sense? I also understand that studies within the community suggest there is already a sufficient local supply of such facilities. One need only drive along Hooks Street to see the steady growth of nearby competitors.

And though I certainly don't presume to hold any expertise about healthcare planning in the midst of a global pandemic, I do wonder about the wisdom of such an investment. That is, as some assisted living facilities have been associated with the spread of the Covid-19 virus, might such facilities eventually become a last choice for the elderly? I could see home healthcare replacing consumer desire for assisted living services, akin to the many home-delivery options fostered by the virus and its sheltering-in-place.

And finally... I don't mean to come across as taking umbrage with the aspirations of a dedicated faith community, nor with the city's progressive plans for continuing development. However, the concern over additional traffic and noise in the neighborhood always reemerges, especially in light of the conspicuous development along Hartwood Marsh Road over the past fifteen years.

I don't mean to come across as a curmudgeon, but I must admit that I'll be monitoring the noise level once the church begins its worship services. I hope that our subdivision won't be dealing with an issue reported in another area county, where a church's music ministry included an amped-up bass guitar, causing that municipality to eventually revisit its noise ordinances. And lest this concern be dismissed as curmudgeonly, I already have a relevant example, which ties together the various points raised above.

The Imagine South Lake Charter Middle School festival: In just the past year, my wife and I were jostled out of bed one morning, as the school was holding an outdoor festival. Various announcements and music were woefully loud (as is often the case, those given a microphone forget that sound systems don't require yelling into it). Worse yet, the event persisted through much of the morning.

Needless to say, we registered our displeasure, my wife on the Nextdoor Regency Hills Website, me in a direct e-mail to the school's principal. To my surprised disappointment, I didn't receive an acknowledgement that my e-mail was read or even received.

But moreover, to my point in providing this feedback in the first place, my wife and I concluded that day why the noise was especially annoying and irritating. That is, the church's new parcel of land had already been cleared of much of its trees. As such, the noise from the school had nowhere to go but down into our increasingly more wide-open subdivision.

As such, I strongly encourage our Planning and Zoning decision-makers to be their most proactively careful and thoughtful when considering a change that may significantly impact our subdivision and our quality of life.

Cordially,

A handwritten signature in black ink, appearing to read "Mike Abraham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicholas Gonzalez

Sent: Tuesday, June 09, 2020 10:43 AM

From: robert nealy <apr.rigging@gmail.com>

Sent: Wednesday, June 3, 2020 12:42 AM

To: City Clerk

Subject: The First Baptist Church Of Clermont project

The Regency hills HOA has made many statements about the Assisted Living facilities and when asked to see the data to back this up I was told that the lawyer looked it over and it is fine. All that tells me is OK its all lies but we will not get sued. Here is a list of some of the statements that they have said.

"the excess capacity of existing Assisted Living facilities in Clermont which shows no need for the center and that sometimes when these types of facilities fail they are turned into rehab centers."

I would like to no how the HOA has more info then the developer and the financial backers that this project will fail and will most likely become a rehab center.

Please answer this my HOA will not

"If the Clermont City Council changes the zoning of this parcel to high-density, what's to stop them from changing any of the other low-density zoning along Hartwood Marsh to high-density zoning for apartment buildings? Wouldn't that have a negative effect on the quality of life and property values of all the single-family home communities along Hartwood Marsh?"

Is this statement true or just a scare tactic and isn't this project and every other future project judged on its own merit.

It is impossible to be for this or against this due to all the miss information that the HOA has told everyone, without any data to prove what they are saying. It makes it hard to listen to any RH resident with all the miss information with no data to back up what the HOA has said. It is sad that the HOA has made all the residents opinion void because of false or misleading info that they will not confirm.

Maybe the HOA will give you the info to help you make a fair decision. I have attached the letter for you also.

Thanks

Bob Nealy

Cell 407-619-7683

From: andyj7000@gmail.com <andyj7000@gmail.com>

Sent: Saturday, May 30, 2020 8:54 AM

To: City Clerk <CityClerk@clermontfl.org>

Subject: FBC of Clermont Zoning

To whom it may concern,

If this zoning is approved, it would increase traffic on an already very busy Harwood March Road and would ultimately decrease property values and overall quality of life. I am strongly voting against this plan.

Best Regards,
Andy

From: Darrell Delikat <sunny34711@gmail.com>
Sent: Friday, May 29, 2020 1:17 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Rezoning of property at Hartwood Marsh and Hancock (Assisted Living Center)

Hi,

My name is Darrell Delikat. I live at 2762 Valiant Dr. (Regency Hills). I am asking that the council turns down the proposal to REZONE the property to a high density property. Once a property is rezoned apartment buildings could be built. When we look out of our back patio now all we see is a Huge gray wall of the church. We don't need more commercial building's put in the middle of beautiful homes. This is a very nice area with very nice homes. Clermont is a very nice place to live and it doesn't need a large 3 story complex in and around these great neighborhoods. Another issue is that Hancock road and Hartwood Marsh can't handle any more traffic. Another issue is if this monstrosity of a building is built there would be trucks coming and going all night long making deliveries. There would be lights on most of the night. I know first hand that seniors for the most part don't sleep much. Between their aches and pains and losing melatonin, why we age there would be lights on all hours of the night. Please keep our area as beautiful as it is now. NO HIGH DENSITY rezoning.

Sincerely,
Darrell Delikat

From: kari34711@gmail.com <kari34711@gmail.com>
Sent: Friday, May 29, 2020 9:54 AM
To: City Clerk <CityClerk@clermontfl.org>
Subject: FW: Regency Hills HOA-Assisted Living Center Again!

Dear Council,

See attached map... 2762 Valiant Drive

We voiced our disgust at the last meeting, and our feelings have not changed. Again, we are respectfully asking that the zoning and building of this project be rejected by City of Clermont. My husband and I have a lot of money invested into our home. We do not wish to have our property value decrease due to lack of privacy and beauty of our backyard.

When we used to go out on our patio, we had such a quiet wooded view. We could see the sun set while sitting back there. Now all we see is this Huge Church in our back yard being built. There is dust blowing into our patio not to mention the they have already dug up more of the beauty of Clermont.

This area has been reserved for housing developments and beautiful, tasteful homes have been built up around us, actually increasing the value of our homes.

It is unacceptable as homeowners to have a business complex behind our home, and if the zoning is changed, what would stop them from putting more commercial buildings . There isn't even enough trees to block our view or the noise of the Church being erected! They destroyed so much of Clermont's beauty.

Just changing the location of the buildings on the property does NOT change the fact that our area of Clermont should be sanctioned to family homes NOT commercial buildings. As it is, we are not happy with the church being back there.

The noise, lights and traffic will be unacceptable to us homeowners.

Yours In Health,

Kari Delikat

352-432-8073 – Office

352-353-4717 – Fax

www.kdbilling.com



From: Ri <ridymon@hotmail.com>

Sent: Sunday, May 31, 2020 11:14 AM

To: City Clerk <CityClerk@clermontfl.org>

Subject: First Baptist church June 2

I would like to express my opinion regarding the zoning change Request for the first Baptist Church at your meeting on June 2 at 7 PM.

I live on that road and cannot pass because of the traffic congestion each day. Adding another building there that requires increased traffic flow and will need infrastructure. It is not productive for my residential property.

Now, I would like to add that I believe this property is acres large and has access to route 27 from the other side. The state and county spent billions to widen it. Why can't they produce a plan that will allow them to build whatever they want on their acres as long as they exit and enter on 27 A Road clearly ready to handle any increase in traffic they may create.

I was really hoping that the actual church would utilize 27 as well and stay away from the intersection of our rumors and you got all together Thanks

Sent from my iPad

From: lifepak12man <lifepak12man@yahoo.com>
Sent: Thursday, May 28, 2020 12:36 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Hartwood Marsh Senior Living Community

Zoning Board and Clermont City Council members,

I am writing to voice my objection to and ask that you deny the request from First Baptist Church of Clermont for the zoning change from low density occupancy to high density occupancy for their property located at the SE corner of Hartwood Marsh Rd and Hancock Rd.

As I'm sure you are all aware, the traffic on Hartwood Marsh Rd is more than the road can handle at this time. It is near impossible to exit our Regency Hills subdivision and attempt to go westbound in the mornings when the school is in session, as well as in the afternoon when school lets out and early evenings during people's commutes home.

Approving this zoning change and approving this project will only add to the traffic issues we are experiencing, as well as result in further destruction of the green space buffering our subdivision from the First Baptist Church that is currently being built. This initial construction has resulted in an influx of rats, snakes, coyotes, squirrels and other rodents and pests, resulting in added costs to property owners to pay pest control companies to help eliminate this influx.

Enough of nature has been destroyed for high density units and new subdivisions and Clermont is outgrowing it's current infrastructure as it is. It's time the City of Clermont stop future projects like these and build a plan for improving what we already have, before taxing our systems further. I have to assume the fact since this is a church owned/planned facility, that they will be tax exempt?

Having worked in the public safety field for over 30 years, I know the burden these facilities have on our public safety departments in responding to an increased number of medical calls, thus further taxing an already over taxed fire and EMS system. Is the City of Clermont going to increase the number of firefighters and apparatus to help handle the increased call volume? Is Lake EMS going to station more ambulances in Clermont to help cover these added medical calls? All this with no tax subsidy from First Baptist of Clermont, which means all residents of Clermont will suffer from delayed medical responses and/or an increase in property taxes to cover these vital services.

Clermont is a beautiful place to live, let's not destroy that. Let's slow down and work on building up our infrastructure, to include road congestion issues, public safety, water and sewer and increasing the green spaces rather than continually destroying more and more for the greed of property owners making a quick buck.

Thank you for taking the time to consider my email and my families position on this and future projects, not only on Hartwood Marsh Rd, but the Hancock Rd extension and other roads and neighborhoods around Clermont.

Timothy L. Gray
2716 Kingston Ridge Dr.
Clermont, FL. 34711
(352) 988-3441
lifepak12man@yahoo.com

From: crichard69@aol.com <crichard69@aol.com>
Sent: Monday, June 01, 2020 7:03 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Zoning of Hancock & Harwood Marsh

The proposed re-zoning of the area would have an adverse affect to the immediate area with no possible solution once the change has been implemented. Traffic in the area has been severely impacted already by the construction of new developments and with the new construction of the church and school traffic will naturally increase. The roads cannot accommodate any more traffic due to them being a 2 lane road with no possibility of expansion. It seems apparent that a detailed traffic study was not conducted especially during the school year and at rush hour(both AM and PM). If one was conducted it would reveal that the area cannot handle any more traffic. By re-zoning the area it would have an extreme negative impact to both housing prices and quality of life and safety of residents located on Hartwood Marsh. If an emergency were to occur during peak traffic hours any emergency responders and vehicles would not be able to navigate the road due to traffic blocking the road and entrances to subdivisions and school currently in the area. This could result in a potentially catastrophic incident where loss of life could occur all for the sake of profit. It is also extremely unfair to taxpayers in the area to have to sacrifice their quality of life and suffer the negative affects of increased traffic, pollution and safety. I speak from experience due to being in law enforcement for 20 years and have seen the adverse affects that increased traffic does to residents and communities. I myself was forced to increase my response time to emergency calls due to traffic issues which forced me to take indirect routes because of poorly planned construction. Just ask yourself if you or your family's safety is worth sacrificing for the sake of someone else's profit and I'm sure you will reject any notion of re-zoning.

Hunter's Run Resident

From: Anthoeth Leckie <tannyleck@yahoo.com>
Sent: Sunday, May 31, 2020 11:46 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Re: Proposed Plan to Change Zoning

Dear Sir/Madam,

As a resident of the Hartwood Reserve community for the past ten years, we have seen several changes to the existing Hartwood Marsh road over these years. These changes have been disadvantageous to us as residents because of the significantly increased traffic along this two-way road. This problem has become even more exacerbated during the period when school is in session. As parents of a child who attends Imagine South Lake school, it has become more and more challenging taking our child to and from school, even with the police directing traffic.

Changing the zoning of this area from low-density to high-density will increase the traffic of visitors and vendors that the project would put onto the already over-loaded Hartwood Marsh Road, it would signal to other developers opportunities to build other facilities that fall under the high-density category negatively impacting residents of this area. Finally, there is already an excess capacity of existing Assisted Living facilities in Clermont and if one is truly needed, there are other high-density zone areas left in Clermont that can be utilized.

My husband and I are joining in solidarity with the other members of the surrounding community of the corner of Hancock Road and Hartwood Marsh Road, in requesting that you once again deny, the proposal to rezone this area to facilitate the building of an assisted living facility.

We thank you for the opportunity for our voices to be heard and we do hope that you will hold to your previous decision and keep this area a low density zoned area.

Sincerely,
Trevor & Anthoeth Leckie
Residents of Hartwood Reserve

From: Kelly McKee <kwm2090@yahoo.com>

Sent: Friday, May 29, 2020 10:41 AM

To: City Clerk <CityClerk@clermontfl.org>

Subject: Re: Important Neighborhood Meeting June 2nd Zoning Change for Assisted Living Facility on Hancock and Hartwood Marsh

I don't mind the assisted living facility at Hartwood Marsh and Hancock, so long as Hartwood Marsh and Hancock streets are expanded with lights, sidewalks, etc. to accommodate the growing traffic as part of the project (not after). This will also be crucial given the planned Olympus development nearby.

All building projects in Clermont/Lake county should require comparable updates to surrounding car, bus, bike and pedestrian traffic routes with appropriate green space.

Thanks
Kelly McKee
2738 Retriever Dr
Clermont, FL 34711
720-629-1185

From: Claudio Moraes <crmoraes@icloud.com>

Sent: Friday, May 29, 2020 5:43 PM

To: City Clerk <CityClerk@clermontfl.org>

Subject: Zoning Change for Assisted Living Facility on Hancock and Hartwood Marsh - June 2nd Meeting

Hello

I became aware of a meeting that will be held on June 2nd to discuss the "Zoning Change for Assisted Living Facility on Hancock and Hartwood Marsh".

I would like to express my thoughts and concerns related to this proposed change:

- This proposed change will add additional traffic of visitors and vendors onto an already over-loaded Hartwood and Marsh Lane roads
- There is already an excess capacity of existing Assisted Living facilities in Clermont which shows no need for the new center. In addition, if this facility fail and based on history they are turned into re-hab centers which brings more concerns and other unplanned issues that will need to be addressed
- The current planned structure and zoning of the area does not support more high-density constructions which would directly impact the quality of life for all people living in the area
- There are several high-density zones in other areas of Clermont that could be leverage for this project and are placed in strategic locations to support it

Please understand and know that this project will impact the future of not only the area where hundreds are currently living but the future of Clermont as well when people look at the area for a possible place to live without having the certainty of what will happen.

Thank you for your consideration.

God bless you all,
Claudio

As a resident of Hunter's Run of Lake County who has concerns for the quality of life for my family and for the value of our home along Hartwood Marsh, we oppose the possible change in zoning proposed by The First Baptist Church of Clermont concerning its plan to build an Assisted Living Center.

Richard & Ingrid Nolan

From: Steve Rea <reastx@yahoo.com>
Sent: Friday, May 29, 2020 10:02 AM
To: City Clerk <CityClerk@clermontfl.org>
Subject: The First Baptist Church Of Clermont

Hello,

We were recently informed of an upcoming zoning change meeting which unfortunately we will not be able to attend but I wanted to inform you that we are opposed to any zoning changes in this area. Since moving in 5 years ago we've seen a substantial amount of new homes being built along Hartwood Marsh road as well as on Hancock Road. When we moved in we did expect and understand this growth in single family homes in this area but certainly did not expect any zoning changes to high density housing. We also fear that this will open the door to further zoning changes in this area. So please vote against this!

Thank you!

Stephen & Maria Rea
4225 Foxhound Dr

From: Dan Scott <dan@danscottsound.com>
Sent: Friday, May 29, 2020 1:29 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: First Baptist Church of Clermont Rezoning

To Whom it May Concern,
I'm writing ahead of the Planning and Zoning Commission meeting scheduled for June 2, 2020 to oppose changing the zoning at the intersection of Hartwood Marsh Rd. and Hancock Rd.

As a longtime resident of Clermont, I know this area has always had traffic issues, but as a new resident in the Hunter's Run neighborhood I now see first hand everyday that the stretch of Hartwood Marsh leading toward US 27 is at its max capacity and is dangerous to navigate for a good portion of every day. The Imagine elementary school at that same

intersection already causes backups on both sides of Hartwood Marsh and also on Hancock Rd. The new church and its additional facilities certainly won't help this and a large assisted living facility on the same plot would make things exponentially worse.

In addition, this stretch of Hartwood Marsh Rd. has become a hot spot of some of Clermont's nicest family neighborhoods. We, and almost all of our neighbors, moved here because the school zoning is good and the lots in these neighborhoods are more spacious than many other developments in the area. But one of the biggest reasons is that we are close to everything in town but not directly combating traffic on 50 or 27. By rezoning that parcel to high-density zoning you would be opening the gates to spread the traffic overload problems that we see in other parts of Clermont, surrounding these neighborhoods and driving down our property values. Not to mention the other problems with building a three-story eye-sore to intrude on the peace and privacy of Clermont's premiere neighborhoods.

I know I speak for most of the 320 homes in Hunter's Run and the hundreds of homes in the surrounding neighborhoods when I ask that you please deny the rezoning of this area.

Sincerely,
Dan Scott
Cell: (716) 310-9687

From: Mike & Sue Stenzel <mstenzel@cfl.rr.com>
Sent: Sunday, May 31, 2020 9:18 PM
To: Tracy Ackroyd <TAckroyd@clermontfl.org>
Cc: mstenzel@cfl.rr.com
Subject: Ordinances No 2020-17 & 2020-18

Tracy,

I'm sending you this email to let you know that I and my Wife disagree with these changes. We moved to the Hunters Run development in July of 2019 because of the surrounding area was Low Density Residential. This change will cause a large increase in traffic on a road that already is overwhelmed.

The requested changes in zoning fail to meet the criteria established by the City Of Clermont in the "CITY OF CLERMONT COMPREHENSIVE PLAN"

The nearest Low Density housing is well over a mile away.

This change would have a negative impact on hundreds of tax paying property owners in the immediate area. A impact that cannot be changed once the zoning changes have been made.

This can only be stopped now, by following the guidelines put forth by the City of Clermont in the Comprehensive Plan. This development would be better placed in a current Low Density authorized zone or somewhere in a new area that has not yet been determined and or developed within a mile of the structure.

Thank you for your time

Respectfully

Mike and Sue Stenzel
4200 Foxhound DR
Clermont FL 34711

From: John Wilson <john.f.wilson.jr@gmail.com>
Sent: Sunday, May 31, 2020 4:16 PM
To: City Clerk <CityClerk@clermontfl.org>
Cc: John Wilson <John.f.wilson.jr@gmail.com>
Subject: June 2nd Panning and Zoning Board Input

To: Chairperson Herb Smith
Clermont Planning and Zoning Board

Please read the following at the June 2nd meeting.

As 14 year residents of Hartwood Reserve, my wife and I warmly welcome the First Baptist Church of Clermont to the neighborhood. This part of the city has long needed a vibrant, growing worship community nearby; one that takes an active part in meeting our spiritual and educational needs. However, we are vehemently opposed to a third party owned and operated for profit assisted living facility on the same property owned by the 1st Baptist Church of Clermont.

In addition to potentially contributing to reducing the prices of real estate in this local area, please consider the following.

There is already a plethora of assisted living and senior independent living facilities in the Clermont area. There are six within a 5 mile radius and 16 within a 12 mile area. There are more units being built currently in the Hooks Road area to greatly increase the 150+ residential units that Cranes View Lodge already accommodates. In less than one mile is Orchard Heights, another large facility.

Realizing these are high profit centers and would potentially enhance the church's revenue stream, etc.; the support infrastructure consisting of maintenance, on-site staff; vendors would negatively affect the area. Additionally, when these facilities fail, they often turn into rehab centers, and other less desirable multi-dwellings (MDUs) etc.

The traffic at the Hancock-Hartwood Marsh intersection is already heavily impacted during the school year by the public and charter schools with huge morning and evening backups to Highway 27 and all the way to the Lake/Orange County line (and beyond). These delays and congestion already :

- (1) block/impede my access to and from Harwood Marsh from my subdivision;
- (2) exacerbate morning and evening rush-hour commutes by as much as 30+ minutes on the weekdays; minimal impact on weekends
- (3) greatly hinder emergency responders because of the narrow road often forcing vehicles off the roadway;
- (4) will necessitate the city spending large sums for the necessary modifications to the roadway;
- (5) will likely hamper the Lake County plans for the Wellness Way projects, and
- (6) necessitate costly changes to the County's approved Hartwood Marsh Road widening and alignments from Hiway 27 to Lake/Orange county line

We believe a better use of the property is for a long term enhancement plan for the church to grow by adding youth athletic fields, a private school, more worship facilities for adults and youth.

Respectfully,
John and Annie Wilson
4517 Powderhorn Place Drive
Clermont, FL 34711
(352) 897-7157 Home
John.f.wilson.jr@gmail.com

From: Desiree Titone BURRELL <restorationatdesireeswellness@gmail.com>
Sent: Tuesday, June 30, 2020 1:08 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: Living Facility on Hardwood Marsh and Hancock Clermont

Good Afternoon,

I am 100%for having a living facility for the elderly in this neighborhood. It will bring security for those who need a facility for their aging parents. There are many in this predicament that live in Hunters Run, Heritage Hills and Kings Ridge. I have spoken personally with numerous people always looking for a facility for their mom or dad. Please, let's think of our elderly and offer another alternative for them by allowing this facility to exist.

Thank you for your time and consideration

Desiree T Burrell
407 756 5216

From: Walt burel <flyrodz@yahoo.com>
Sent: Tuesday, June 30, 2020 1:40 PM
To: City Clerk <CityClerk@clermontfl.org>
Subject: To the attention of city council

This is a concise and sincere plea that you will allow for the construction of the senior living facility off Hardwood Marsh and Hancock.

We all, (God willing) will be seniors one day and we all as well have a obligation to care for and love our seniors! The proximity to Kings Ridge among many adult communities local is all the more reason as this facility would no doubt be immediately utilized by countless in our community.

I thank you for your time and consideration.

Walter Burrell



CITY OF CLERMONT
REZONING
APPLICATION

DATE: 02-11-2020

FEE: \$542.⁰⁰
+ cost of advertisement

PROJECT NAME (if applicable): Hartwood Marsh Senior Living

APPLICANT: First Baptist Church of Clermont

CONTACT PERSON: William Lawson

Address: 498 W. Montrose Street

City: Clermont State: Florida Zip: 34711

Phone: 352-394-4221 Fax: _____

E-Mail: billy@progressiveplumbing.com

OWNER: First Baptist Church of Clermont

Address: 498 W. Montrose Street

City: Clermont State: Florida Zip: 34711

Phone: 352-394-4221 Fax: _____

Address of Subject Property: 2751 Hartwood Marsh Road

Legal Description (include copy of survey): See Attached

Acreage: 6.19 (Approx) Land Use: Low Density Residential

(City verification required)

Present Zoning: R-1 Proposed Zoning: PUD

(City verification required)



**CITY OF CLERMONT
REZONING
APPLICATION**

Page 2

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

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

The proposed project will consist of a Senior Living Facility. A single building will be provided consisting of a 1-story Memory Care wing for approximately 32 residents, and 1-1/2 story community amenity wing, and a 3-story Assisted Living wing for approximately 100 residents. The exterior of the project encompasses residential style materials for enhance compatibility with the surrounding neighborhood.

WILLIAM E. LALSON x Will E. Lason, Pres.
Applicant Name (print) Applicant Name (signature)

WILLIAM E. LALSON x Will E. Lason, Pres.
Owner Name (print) Owner Name (signature)

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

Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10097076
Phone: (352) 241-7331
Date: 06/23/20
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	06/22/2020	06/29/2020	\$357.48

LEGAL NOTICE

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

ORDINANCE NO. 2020-17

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

LOCATION

Vacant parcel located at the southeast corner of Hartwood Marsh Road and Hancock Road
(eastern portion of Alternate Key 1593905, 6.056 acres +/-)

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 10, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LESS ANY ROAD RIGHT OF WAY CONTAINED THEREIN. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE N89°59'29"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 1336.68 FEET TO A POINT; THENCE S00° 37'09"W ALONG THE EAST LINE OF THE

NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 67.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°37'09"W ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 437.68 FEET TO A POINT; THENCE S89°59'04"W, A DISTANCE OF 464.18 FEET TO A POINT; THENCE N37°19'57"W, A DISTANCE OF 319.99 FEET TO A POINT; THENCE N00°00'00"W, A DISTANCE OF 181.31 FEET TO A POINT; THENCE N89°49'25"E, A DISTANCE OF 662.97 FEET TO THE POINT OF BEGINNING. CONTAINING 263, 808 SQUARE FEET OR 6.056 ACRES, MORE OR LESS.

FROM: (R-1) Single Family Medium Density Residential Zoning District
TO: Planned Unit Development (PUD) District

The Clermont Planning & Zoning Commission will consider this request on Tuesday, July 7, 2020 at 6:30 P.M.

A public meeting to consider the request will be held before the City Council on Tuesday, June 23, 2020 at 6:30 P.M. for Introduction and a meeting for Final Adoption on Tuesday, July 14, 2020.

All meetings will be held at Clermont City Hall, Council Chamber, located at 685 W. Montrose Street, and are open to public comment. Please call (352) 394-4083, ext. 3 if you have any questions.

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

Please be advised that under state law, any person deciding to appeal a decision made at the public hearings will need a record of the proceedings and may need to ensure a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10097076
June 22, 2020 &
June 29, 2020

Payment Info

Ad Price	\$357.48
Tax	\$0.00
Sub Total	\$357.48
Prepaid Amount	\$0.00
Balance Due	\$357.48



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 14, 2020		
Agenda Item Name		
Ordinance No. 2020-25 <i>Final Medical Marijuana Dispensary</i>		
Requested Action		
Recommend approval of Ordinance No 2020-25.		
Staff Report		
This is a staff initiated Ordinance to amend the Clermont Code of Ordinances, Chapter 18, Businesses” of the City Code, Article III. “Medical Marijuana Dispensaries and Cannabis Farms”: In November 2016, the Florida voters approved Amendment 2, a constitutional amendment that legalized the cultivation and distribution of marijuana within the State of Florida for specified medical purposes. The State Legislature adopted Senate Bill 8A, which was signed into law by Governor Rick Scott, this Bill authorized local cities and counties the ability to prohibit the operation of medical marijuana dispensaries and cannabis farms within their jurisdictional limits and boundaries. The Clermont City Council on September 26, 2017, approved and adopted (Ordinance No. 2017-32), which prohibited the operation of medical marijuana dispensaries and cannabis farms in Clermont. At that time, the Council deemed it necessary and in the best interest of the citizens and community to prohibit this use. The proposed code amendment would allow medical marijuana dispensaries as a permitted use in designated zoning districts that include C-1 Light Commercial, C-2 General Commercial and M-1 Industrial and certain Planned Unit Development (PUD) developments with a commercial or industrial component. Medical Marijuana Dispensaries also known as Medical Marijuana Treatment Centers are approved and regulated by the Florida Department of Health and must comply with certain laws and criteria that are similar to the operation of a Pharmacy. Staff recommends approval of Ordinance No. 2020-25.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2020-25 - Medical Marijuana Text Amendment - PROOFED AND FORMATED BL	Ordinance 2020-25 - Medical Marijuana Text Amendment - PROOFED AND FORMATED BL.pdf	
2. ORDINANCE NO 2020-25 Final AD	ORDINANCE NO 2020-25 Final AD.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AND, AMENDING CHAPTER 18 “BUSINESSES”, ARTICLE III, “MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS”, SECTIONS 18-85, “PURPOSE AND DEFINITIONS”, 18-86 “MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS PROHIBITED” AND 18-88 “EFFECT OF ANNEXATION” DELETING AND REPEALING THE PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER 82 “GENERAL PROVISIONS”, SECTION 82-12 “LAND USE DEFINITIONS” TO ADD A DEFINITION OF “MEDICAL MARIJUANA DISPENSARY”; AMENDING CHAPTER 122 “ZONING”, ARTICLE III ‘DISTRICTS’, DIVISION 10 “C-1 LIGHT COMMERCIAL DISTRICT”, SECTION 122-203 “PERMITTED USES”, DIVISION 11 “C-2 GENERAL COMMERCIAL DISTRICT”, SECTION 122-223 “PERMITTED USES”, DIVISION 12 “CBD CENTRAL BUSINESS DISTRICT”, SECTION 122-243 “PERMITTED USES” TO ESTABLISH MEDICAL MARIJUANA DISPENSARIES AS PERMITTED USES; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the City Council of the City of Clermont finds that it is in the best interests of the health, safety, welfare and morals of the citizens of Clermont to permit the operation of medical marijuana dispensaries in all zoning districts in which retail pharmacies are permitted within the municipal limits; and

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

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



CITY OF CLERMONT
ORDINANCE NO. 2020-25

SECTION 1. RECITALS

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

SECTION 2. CODE AMENDMENT(S)

Chapter 18 “Businesses”, Article III “Medical Marijuana Dispensaries and Cannabis Farms”, Sections 18-85 “Purpose and Definitions”, 18-86 “Medical Marijuana Dispensaries and Cannabis Farms” and 18-88, “Effect of annexation”, are hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

Article III “~~Medical Marijuana Dispensaries and Cannabis Farm~~ Prohibited”

Sec. 18-85. Purpose and definitions.

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

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

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

Marijuana shall mean and be synonymous with, Cannabis.

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

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

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



CITY OF CLERMONT
ORDINANCE NO. 2020-25

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

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

Sec. 18-87. ~~Effect of Annexation.~~

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

SECTION 3. CODE AMENDMENT(S)

Chapter 82 “General Provisions”, Section 82-12 “Land Use Definitions” is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

Sec. 82-12. ~~Land Use Definitions.~~

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

SECTION 4. CODE AMENDMENT(S)

Chapter 122 “Zoning”, Article III “Districts”, Division 10 “C-1 Light Commercial District”, Section 122-203 “Permitted Uses”; Division 11 “C-2 General Commercial District”, Section 122-223 “Permitted Uses”; Division 12 “CBD Central Business District”, Section 122-243 “Permitted Uses” are hereby amended to read as follows: (note strikethrough indicates removed words and underlined indicates added):

Sec. 122-203. ~~Permitted uses.~~

(a) *Generally.* Permitted uses in the C-1 district are as follows:

(1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods,



CITY OF CLERMONT
ORDINANCE NO. 2020-25

clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.

(2) Personal service establishments, such as but not limited to beauty shops or barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use; with a business tax receipt and with medical supervision, within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.

(3) Professional offices, doctor offices, banks, loan companies, insurance and real estate offices, and similar businesses.

(4) Dwelling units permitted in the R-3 district, provided that they meet the regulations of the R-3 district.

(5) Buildings, structures and uses maintained or operated by the city.

(6) Lodges and clubs.

(7) Churches and places of religious worship, less than one acre or 5,000 square feet or less.

(8) Restaurants.

(9) Shopping centers. Any group of businesses with shared parking or in which the total land area of the development less than five acres.

(10) Medical Marijuana Dispensaries.

(b) *Floor space.* Any business establishment or structure proposing to occupy more than 5,000 square feet of floor space shall require a conditional use permit. The floor area ratio for any structure shall not exceed that identified by policies of the adopted comprehensive plan.

(c) *Uses to be enclosed; outdoor storage.* All uses must be within a completely enclosed building, except for outdoor storage, which must be screened from public streets and adjacent property.

(d) *Sidewalk use.* Restaurant or food service business establishments may utilize outside private sidewalk area adjacent to the business for patron use to include non-fastened small tables and chairs or benches during business hours only. Businesses which utilize this type of sidewalk use shall maintain at least a four-foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act (ADA). Where such four-foot open space is not available, table or chairs shall not be allowed. All such uses shall be approved by the applicable city administrator. Number and size limitations are as follows:

(1) Limited to 50 percent of restaurant frontage as approved by the planning and zoning department.



CITY OF CLERMONT
ORDINANCE NO. 2020-25

- (2) Maximum number of tables and chairs; four tables with maximum four chairs each.
- (3) Maximum table width; four feet.
- (4) Umbrellas may be utilized provided they adhere to the four-foot clearance for Americans with Disabilities Act (ADA) access and do not have any advertising unless approved by the planning and zoning department.
- (e) Restaurants or similar food service business establishments with larger outdoor seating area available that can be isolated may be permitted with the following provisions:
 - (1) Site plan approval is required by the site review committee. Location and any separation from other uses; sidewalks, parking, landscape, and so forth, must be demonstrated and maintained.
 - (2) Separation or isolation from other uses may be provided with decorative fencing; no chain link is permitted, landscaping, or similar materials as approved by the site review committee.
 - (3) Outdoor seating cannot exceed more than half the total square feet or number of seats; whichever is less, of the indoor seating area.
 - (4) Any outdoor seating shall be provided for with approved parking spaces according to the Land Development Code.
 - (5) All sidewalks and pedestrian access areas shall maintain Americans with Disabilities Act (ADA) accessibility.
 - (6) No advertising shall be permitted on table umbrellas or fencing material unless approved by the planning and zoning department.
 - (7) Required landscaping must be maintained in accordance with the city Land Development Code.

Sec. 122-223. Permitted uses.

- (a) *Generally.* Permitted uses in the C-2 district are as follows:
 - (1) Retail businesses: Any retail business or service, including the sale of goods and services for resale, as long as it is incidental to and in conjunction with a retail business.
 - (2) Personal service establishments, such as but not limited to beauty shops or barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaning establishments. Permanent makeup service may be allowed as an accessory use; with a business tax receipt and with medical supervision, within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.



CITY OF CLERMONT
ORDINANCE NO. 2020-25

- (3) Professional offices, doctors' offices, banks, loan companies, insurance and real estate offices, and similar businesses.
- (4) Recreation facilities, theaters, including drive-ins, bowling alleys, skating rinks, billiard halls, miniature golf courses, driving ranges and tourist attractions.
- (5) Restaurants and lounges.
- (6) Buildings, structures or uses maintained or operated by the City.
- (7) No retail establishment may occupy more than 100,000 square feet.
- (8) Lodges and clubs.
- (9) Laundries.
- (10) Hotels and motels.
- (11) Convenience stores and gas stations.
- (12) Shopping centers; Any group of businesses with shared parking or in which the total land area of the development is less than ten acres.
- (13) Nursery schools, kindergartens or child care centers; provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.
- (14) Medical Marijuana Dispensaries

(b) *Floor space.* Any business establishment or structure proposing to occupy more than 20,000 square feet of floor space shall require a conditional use permit. The floor area ratio for any structure shall not exceed that identified by policies of the adopted comprehensive plan.

(c) *Uses to be enclosed; outdoor storage.* All uses must be conducted within a completely enclosed building; except for outdoor storage, which must be screened from a public street and adjacent property.

(d) *Sidewalk use.* Restaurant or food service business establishments may utilize the outside private sidewalk area adjacent to the business for patron use, to include non-fastened small tables and chairs or benches during business hours only.

Businesses which utilize this type of sidewalk use shall maintain at least a four-foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act. Where such four-foot open space is not available, table or chairs shall not be allowed. All such uses shall be approved by the applicable City administrator. Number and size limitations are as follows:

- (1) Limited to 50 percent of restaurant frontage as approved by the development services department.
- (2) Maximum number of tables and chairs; four tables with a maximum of four chairs each.



CITY OF CLERMONT
ORDINANCE NO. 2020-25

- (3) Maximum table width; four feet.
- (4) Umbrellas may be utilized provided they adhere to the four-foot clearance for Americans with Disabilities Act access and do not have any advertising.
- (e) Restaurants or similar food service business establishments with larger outdoor seating area available that can be isolated may be permitted with the following provisions:
 - (1) Site plan approval is required by the site review committee. Location and any separation from other uses; sidewalks, parking, and landscape for example, must be demonstrated and maintained.
 - (2) Outdoor seating cannot exceed more than half the total square feet or number of seats, whichever is less, of the indoor seating area.
 - (3) All sidewalks and pedestrian access areas shall maintain Americans with Disabilities Act accessibility.
 - (4) No advertising shall be permitted on table umbrellas or fencing material unless approved by the city administrative official.
 - (5) Required landscaping must be maintained in accordance with the city Land Development Code.

Sec. 122-243. Permitted uses.

- (a) *Generally* . Permitted uses in the central business district are as follows:
 - (1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.
 - (2) Personal service establishments, such as but not limited to beauty shops or barbershops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use (with a business tax receipt, and with medical supervision) within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
 - (3) Professional offices, doctors' offices, banks and loan companies (excluding drive-through facilities except with a conditional use permit), insurance and real estate offices and similar businesses.
 - (4) Dwelling units, single-family and two-family, permitted in the R-2 district, and other residential uses as permitted in the R-3 district, provided that lot size and coverage regulations of the respective district can be accommodated and the lot width of this district is met.



**CITY OF CLERMONT
ORDINANCE NO. 2020-25**

- (5) Buildings, structures and uses maintained or operated by the city.
- (6) Lodges and clubs.
- (7) Restaurants less than 3,000 square feet.
- (8) Medical Marijuana Dispensaries .

(b) *Floor space* . Any business establishment or structure proposing to occupy 3,000 square feet of total floor space or more shall require application for a conditional use permit.

(c) *Uses to be enclosed, outdoor storage* . All uses must be within a completely enclosed building, except for outdoor storage, which must receive site plan approval and be screened from public streets and adjacent property.

(d) *Sidewalk use* . Business establishments may utilize outside private or public sidewalk area for patron use to include non-fastened small tables and chairs, or benches during business hours only. Compact outside display areas may also be utilized provided the display has a maximum width of 25 percent of a retail store width or ten feet in width, whichever is less, four feet in depth, and six feet in height. Businesses which utilize this type of sidewalk use shall maintain at least a four-foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act. Where such four-foot open space is not available, table and chairs or displays shall not be allowed. All such uses shall be approved by the city manager or his designee.

SECTION 5. CODIFICATION

The text of Section 2, 3 and 4 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

SECTION 6. CONFLICT

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

SECTION 7. SEVERABILITY

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



CITY OF CLERMONT
ORDINANCE NO. 2020-25

SECTION 8. EFFECTIVE DATE

This Ordinance shall be published as provided by law and shall become law and shall take effect on the date of its Second Reading and Final Passage.

First Reading this 23rd day of June, 2020.

Second Reading this 14th day of July, 2020.



CITY OF CLERMONT
ORDINANCE NO. 2020-25

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 14th day of July, 2020.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10097093
Phone: (352) 241-7331
Date: 06/17/20
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	06/22/2020	06/29/2020	\$264.04

LEGAL NOTICE

Notice is hereby given that the City Council of 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. 2020-25

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AND, AMENDING CHAPTER 18 "BUSINESSES", ARTICLE III, "MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS", SECTIONS 18-85, "PURPOSE AND DEFINITIONS", 18-86 "MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS PROHIBITED" AND 18-88 "EFFECT OF ANNEXATION" DELETING AND REPEALING THE PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER 82 "GENERAL PROVISIONS", SECTION 82-12 "LAND USE DEFINITIONS" TO ADD A DEFINITION OF "MEDICAL MARIJUANA DISPENSARY"; AMENDING CHAPTER 122 "ZONING", ARTICLE III "DISTRICTS", DIVISION 10 "C-1 LIGHT COMMERCIAL DISTRICT", SECTION 122-203 "PERMITTED USES", DIVISION 11 "C-2 GENERAL COMMERCIAL DISTRICT", SECTION 122-223 "PERMITTED USES", DIVISION 12 "CBD CENTRAL BUSINESS DISTRICT", SECTION 122-243 "PERMITTED USES" TO ESTABLISH MEDICAL MARIJUANA DISPENSARIES AS PERMITTED USES; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Planning and Zoning Commission will consider this ordinance at a pub-

lic hearing on Tuesday, July 7, 2020 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, July 14, 2020 at 6:30 P.M. for final enactment.

All meetings will be held at Clermont City Hall, inside the first floor Council Chambers, located at 685 West Montrose Clermont, FL 34711.

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

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10097093
June 22, 2020 &
June 29, 2020

Payment Info	
Ad Price	\$264.04
Tax	\$0.00
Sub Total	\$264.04
Prepaid Amount	\$0.00
Balance Due	\$264.04



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date

Tuesday, July 14, 2020

Agenda Item Name

Resolution No. 2020-29R
Woodhouse Spa

Requested Action

Recommend approval of Resolution 2020-29R.

Staff Report

The owner, Victory Coast LLC, is requesting a Conditional Use Permit in the Central Business District (CBD) to construct a 6,000 square foot building to be used for personal services. The site is located southeast of the intersection of W. Osceola Street and West Avenue. The property consists of two parcels that consisted of older structures that will be redeveloped into a new two story building with parking and landscape. The entire project is approximately 0.25 +/- acres.



The project, as proposed on the Condition Use Site Plan prepared by Highland Engineering, shows the proposed building to have an estimated total square footage of approximately 6,000 square feet with each floor consisting of approximately 3,000 square feet. The CBD district allows buildings to be placed to the property line and limits height to 55 feet. The proposed building will not be built to the property line and will be under the 55 feet height limitation. The maximum permitted Floor Area Ratio (FAR) in the Central Business District is 3.0. The project will develop at approximately 0.58 +/- FAR, which is less than the maximum. The impervious surface ratio (ISR) of the project is 74%, which is under the allowable 100% in the CBD and the project will connect to the Victory Pointe Regional Stormwater System. Under Section 122-243 (b) of the Land Development Code, the CBD states any business establishment or structure proposing to occupy 3,000 square feet of total floor space or more shall require application for a conditional use permit. The proposed spa use is permitted under personal services.

The applicant has requested two variances in the construction of the building. The variances are not considered under this Conditional Use Permit request and will be considered by City Council. The two variances are a reduced drive isle from 24 feet to 22 feet and a reduced landscape buffer.

Staff has reviewed the application as submitted and finds the proposed building will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity. The proposed use is a permitted use. Staff recommends approval of the Conditional Use Permit Amendment with the conditions contained in Resolution No. 2020-29R.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	2020-29R Woodhouse Spa - Reviewed and Formatted BL	2020-29R Woodhouse Spa - Reviewed and Formatted BL.pdf
2.	Woodhouse Spa Maps	Woodhouse Spa Maps.pdf
3.	Woodhouse Spa SCHEM ELEV 042820 V1 (002)	Woodhouse Spa SCHEM ELEV 042820 V1 (002).pdf
4.	Wood House Spa CUP Site Plan-4-24-20	Wood House Spa CUP Site Plan-4-24-20.pdf
5.	Woodhouse Spa Justification Letter	Woodhouse Spa Justification Letter.pdf
6.	Woodhouse Spa Application	Woodhouse Spa Application.pdf
7.	WOODHOUSE SPA CUP Legal Ad Proof	WOODHOUSE SPA CUP Legal Ad Proof.pdf



CITY OF CLERMONT
RESOLUTION NO. 2020-29R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW A BUSINESS TO OCCUPY MORE THAN 3,000 SQUARE FEET OF FLOOR SPACE IN THE CENTRAL BUSINESS DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held July 7, 2020 recommended approval of this Conditional Use Permit to allow for a business to occupy more than 3,000 square feet of floor space in the Central Business District; at the following location:

LOCATION:

Southeast corner of the intersection of Osceola Street and West Avenue
(Alternate Key # 1615143 & 1815371)

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

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

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

This application for a Conditional Use Permit to allow for a business to occupy more than 3,000 square feet of floor space in the Central Business District be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

SECTION 1: GENERAL CONDITIONS

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.



CITY OF CLERMONT
RESOLUTION NO. 2020-29R

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

SECTION 2: LAND USE

1. Permitted uses shall include personal services in a building not to exceed 6,300 square feet of floor area. Other permitted uses in the CBD zoning district are also permitted.



CITY OF CLERMONT
RESOLUTION NO. 2020-29R

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 14th day of July, 2020.

CITY OF CLERMONT

Gail L. Ash, Mayor

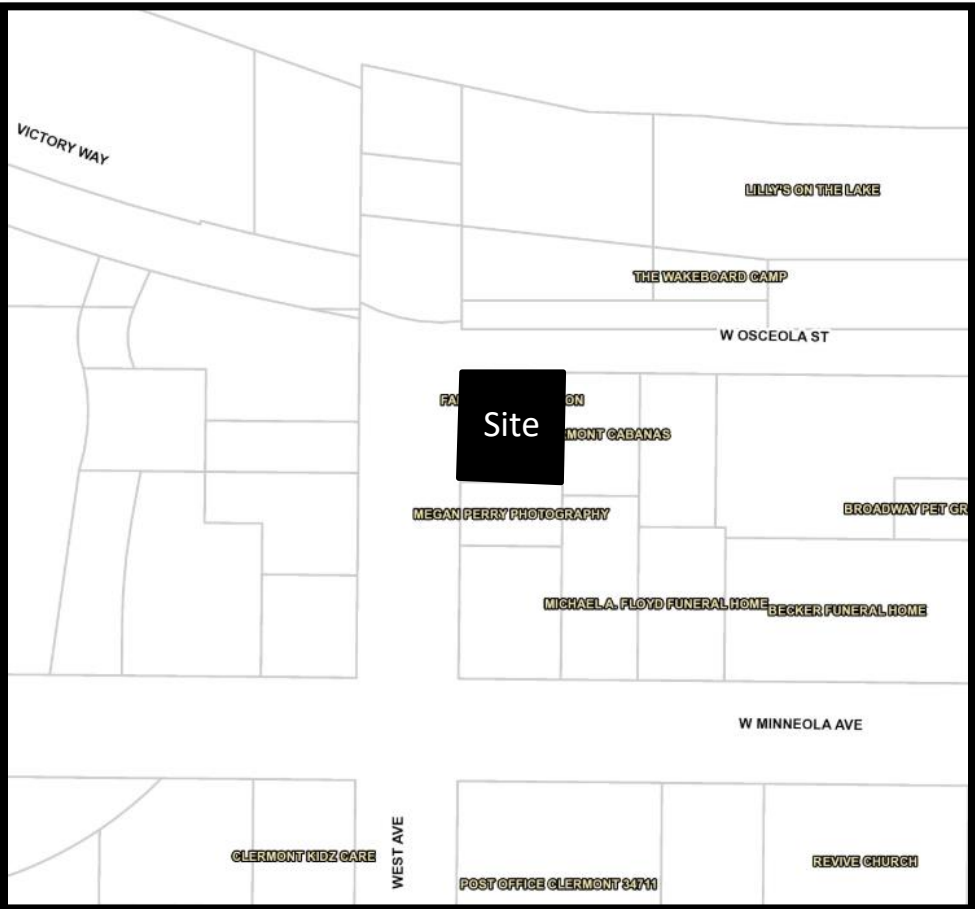
ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

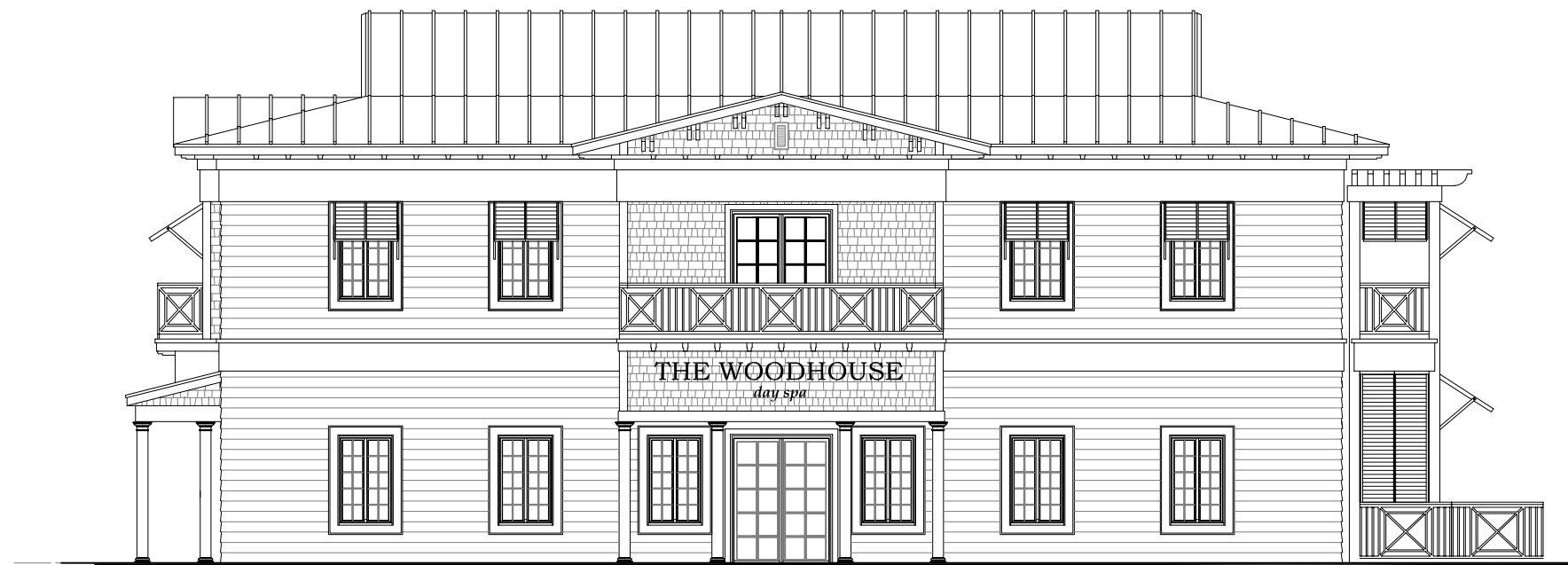
Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Woodhouse Spa





SCHEMATIC ELEVATION - OSCEOLA STREET



SCHEMATIC ELEVATION - PARKING AREA

PROJECT NAME:
WOODHOUSE SPA
CLERMONT, STATE

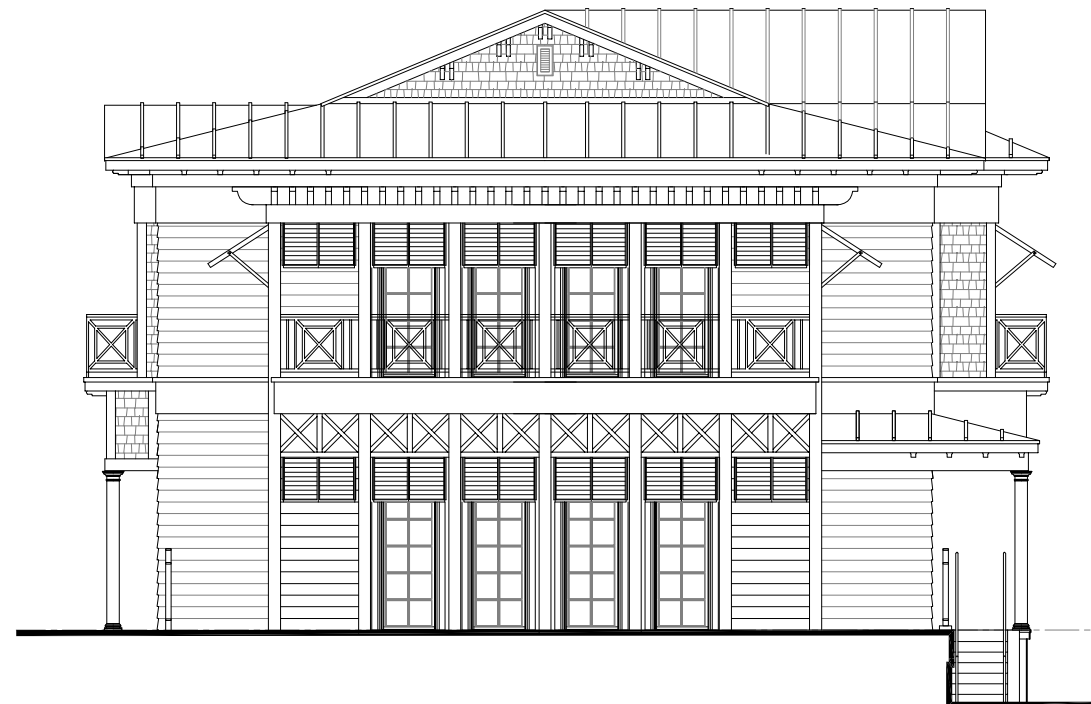
DRAWING TITLE:
SCHEMATIC ELEVATIONS
SCALE: 3/32" = 1'-0"

DATE:
04-27-2020

SHEET NO:
SFP-01



SCHEMATIC ELEVATION - WEST AVENUE



SCHEMATIC ELEVATION - COURTYARD

PROJECT NAME:

WOODHOUSE SPA
CLERMONT, STATE

DRAWING TITLE:

SCHEMATIC ELEVATIONS
SCALE: 3/32" = 1'-0"

DATE:

04-27-2020

SHEET NO:

SFP-02

CONDITIONAL USE SITE PLAN
WOODHOUSE SPA
CLERMONT, FLORIDA
PARCEL NO. 24-22-25-0100-093-01700
PARCEL NO. 24-22-25-0100-093-01701

SITE DATA

OWNER: VICTORY COAST, LLC
PO BOX 120607
CLERMONT, FL 34712

PARCEL NO: 24-22-25-0100-093-01700
24-22-25-0100-093-00701

ALTERNATE KEY: 1615143
1815371

EXISTING ZONING: CBD - CENTRAL BUSINESS DISTRICT

EXISTING USE: SALON (EXISTING BUILDING AREA: 961 SQ.FT.)
VACANT

EXISTING FLU: DOWNTOWN MIXED USE

PROPOSED USE: SPA

PROPOSED BUILDING AREA: 6,000 SQ.FT. (TWO STORY, 3,000 SQ.FT± PER FLOOR)

TOTAL AREA: 0.25 ACRES

ZONING/FUTURE LAND USE:

	ZONING	FLU
NORTH:	CBD - CENTRAL BUSINESS DISTRICT	DOWNTOWN MIXED USE
SOUTH:	CBD - CENTRAL BUSINESS DISTRICT	DOWNTOWN MIXED USE
EAST:	CBD - CENTRAL BUSINESS DISTRICT	DOWNTOWN MIXED USE
WEST:	CBD - CENTRAL BUSINESS DISTRICT	DOWNTOWN MIXED USE

IMPERVIOUS AREA SUMMARY:

EXISTING IMPERVIOUS:

PROPOSED IMPERVIOUS: 3,000 SQ.FT. BUILDING FOOTPRINT
5,000 SQ.FT. PAVEMENT AND SIDEWALKS
8,000 SQ.FT. TOTAL (74%)

SETBACKS:

FRONT: 0'
SIDE: 0'
REAR: 0'

WATER: CITY OF CLERMONT

SEWER: CITY OF CLERMONT

BUILDING HEIGHT: 55' MAXIMUM

PARKING REQUIRED:

1 SPACE/400 SQ.FT. = 6,000 SQ.FT. / 400 SQ.FT. = 15 SPACES
WITH 1 ADA SPACE

PARKING CREDIT: EXISTING BUILDING: 964 SQ.FT / 400 SQ.FT. = 2.4 SPACES

TOTAL REQUIRED PARKING = 12.6 => 13 PARKING SPACES

PARKING PROVIDED:

5 SPACES ONSITE / 8 SPACES OFFSITE (STREETSIDE/HISTORIC VILLAGE)

STANDARD SPACES SHALL BE: 10' x 18' W/ 2' BUMPER OVERHANG
ADA SPACES SHALL BE: 12' x 18' WITH 5' ACCESSIBLE AISLE

VARIANCES REQUESTED:

- LANDSCAPE BUFFERS REQUESTED:

	REQUIRED	PROVIDED
NORTH:	15'	3'
SOUTH:	10'	5' WITH 6' PRIVACY FENCE
EAST:	10'	VARIES 0'-5' WITH 6' PRIVACY FENCE
WEST:	15'	7' ADJACENT TO PARKING AND 4' ADJACENT TO BUILDING

- PARKING: A PARKING VARIANCE IS BEING REQUESTED TO ALLOW THE USE OF 8 OFFSITE
PARKING SPACES. THESE SPACES WILL BE BOTH STREETSIDE AND AT THE HISTORIC
VILLAGE.

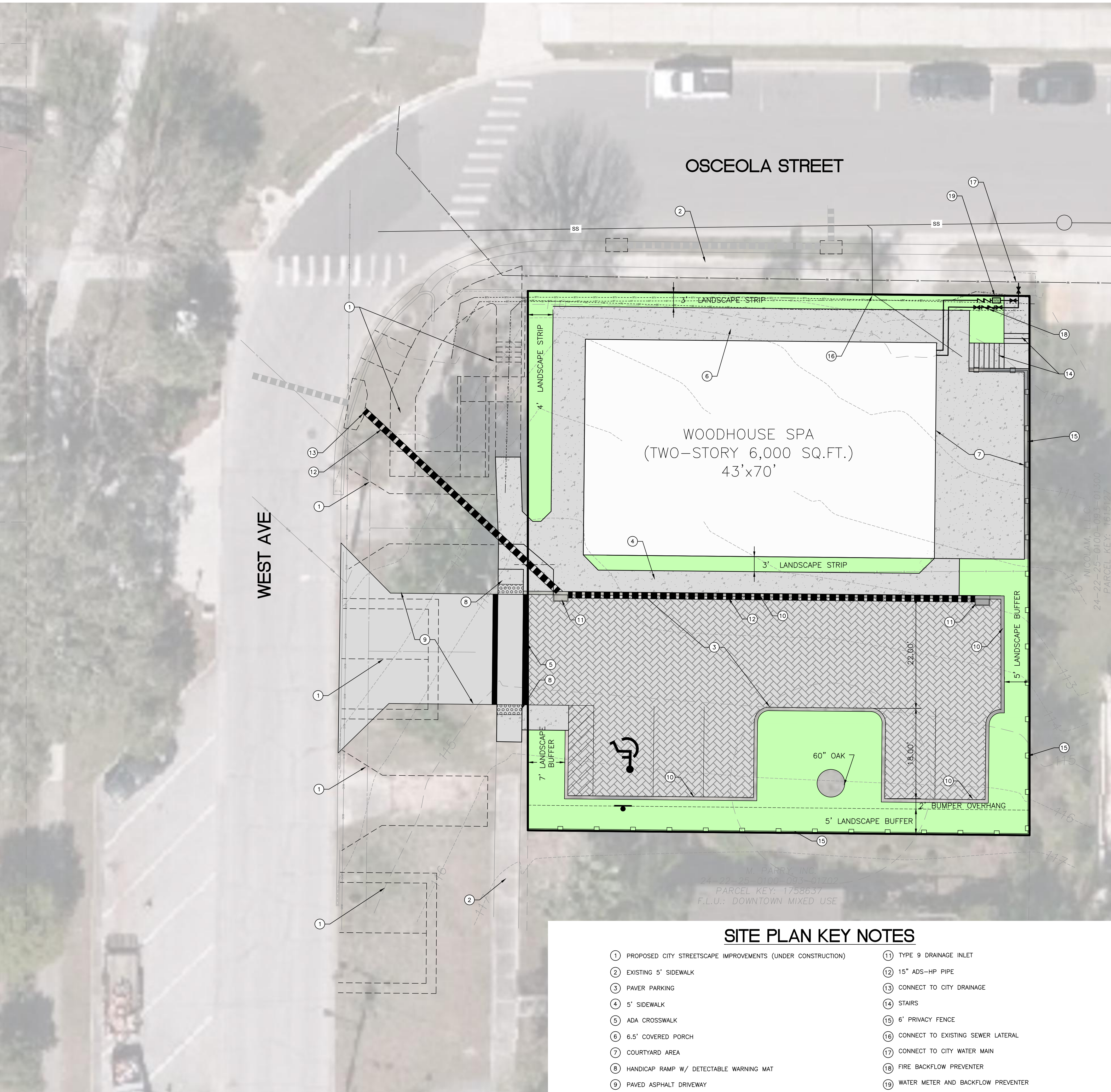
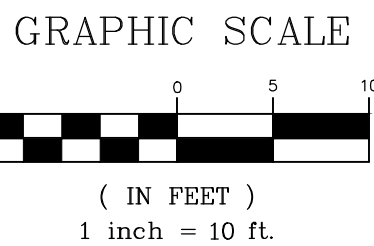
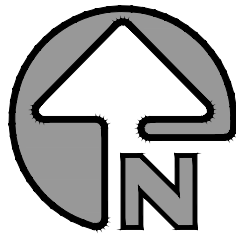
- DRIVE AISLE WIDTH: A WAIVER IS REQUESTED FOR THE REDUCTION OF THE STANDARD
DRIVEWAY PARKING ISLE WIDTH FROM 24' to 22' TO MINIMIZE IMPACTS TO THE ROOT
SYSTEM OF THE EXISTING OAK TREE LOCATION ON SITE.

PROPERTY DESCRIPTION

THE NORTH 55 FEET OF LOTS 17 AND 19, BLOCK 93, OFFICIAL MAP OF THE CITY OF CLERMONT,
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE S 17-23, PUBLIC RECORDS OF
LAKE COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH 52.5 FEET OF THE SOUTH 95 FEET OF LOTS 17 AND 19, BLOCK 93, CITY OF CLERMONT,
ACCORDING TO THE THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGES 17-23, INCLUSIVE, OF
THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



SITE PLAN KEY NOTES

- PROPOSED CITY STREETSCAPE IMPROVEMENTS (UNDER CONSTRUCTION)
- EXISTING 5' SIDEWALK
- PAVER PARKING
- 5' SIDEWALK
- ADA CROSSWALK
- 6.5' COVERED PORCH
- COURTYARD AREA
- HANDICAP RAMP W/ DETECTABLE WARNING MAT
- PAVED ASPHALT DRIVEWAY
- TYPE D CURB
- TYPE 9 DRAINAGE INLET
- 15" ADS-HP PIPE
- CONNECT TO CITY DRAINAGE
- STAIRS
- 6' PRIVACY FENCE
- CONNECT TO EXISTING SEWER LATERAL
- CONNECT TO CITY WATER MAIN
- FIRE BACKFLOW PREVENTER
- WATER METER AND BACKFLOW PREVENTER

WOODHOUSE SPA

CONDITIONAL USE SITE PLAN



JOB No.: DWJ-001
DESIGNED BY: J.B. & J.K.
DRAWN BY: J.B. & J.K.
APPROVED BY: J.B.
DATE: 04-24-2020
SHEET: 1 OF 1

NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

DATE: _____



HIGHLAND ENGINEERING, INC.

May 1, 2020

City of Clermont

RE: Woodhouse Spa
CUP / Variance Application
Parcel No. 24-22-25-0100-093-01700 and 24-22-25-0100-093-00701

This justification letter has been prepared in support of the pending Conditional Use Permit and Variance Applicants for the above referenced properties. The applicant, Victory Coast, LLC, would like to construct a two story 6,000 Sq.Ft. (3,000 Sq.Ft. per floor) building to be used as a day spa. The Woodhouse Day Spa was voted the Number One day spa chain in America by Day Spa Magazine and the proposed building size is very typical of their standards to provide a peaceful and relaxing environment for its clients.

In regards to the CUP application, the proposed spa is an allowed use in the CBD district, however a conditional use permit is required because the building square footage exceeds 3,000 Sq.Ft.

In regards to the variance application, the applicant would like to save the existing 60" oak tree located on the south end of the property and in order to provide sufficient separation from the tree, several variances are required to the required landscape buffers as specified in Sec. 122-248 and 118-37. A 15 foot landscape buffer is required along the street frontage of Osceola Street and West Avenue and a 10 foot landscape buffer is required along the east and south property lines. The applicant is requesting these buffers be reduce to 7' where adjacent to the parking along west avenue, 4' where adjacent to the building façade on west avenue, 3' where adjacent to the building on Osceola Street, zero feet where adjacent to the courtyard, and 5' where adjacent to the parking on the east and south property line. In order to minimize impacts to the adjoining property owners, the applicant is proposing a 6' foot tall privacy fence for the entire length of the east and south property line.

In addition to the landscape buffers, the applicant is also requesting a variance for parking as required by Sec. 122-247 and Sec. 98-15 to allow the use of 6 off-site parking spaces and to reduce the standard parking lot isle width from 24 foot wide to 22 foot wide. This request is being made in order to maximize the amount of provided parking in consideration of the property size, property grade changes, and existing 60" oak tree. The proposed project would require 15 parking spaces, however, the subject property area consists of a vacant parcel with is intitled to a two parking space credit and an existing 961 Sq.Ft. building on the adjoining parcel in which a 2.4 parking space credit is allowed. This reduces the required parking down to 11 parking spaces in which the applicant has made every attempt to maximize parking on-site by providing 5 spaces and the remaining 6 spaces can be accommodated streetside and at the Historic Village located across the street on West Ave. In addition to the reduction in parking, we feel the reduction of the standard parking lot isle width for this small parking lot provides additional landscape areas and does not cause any inefficiency with the function of the parking lot.

We feel that the requested variances in conjunction with the cup application represent the minimum variance required, are consistent with the city's comprehensive plan and uphold the intent of the CBD district to enhance the harmonious mixture of residential, commercial, professional, institutional and governmental enterprises while providing a unique and enjoyable shopping and activity center for the city.

Please advise should you have any additional questions concerning the above responses.

Sincerely,

Highland Engineering, Inc.

A handwritten signature in black ink, appearing to read "Jeffery W. Banker", written in a cursive style.

Jeffery W. Banker, P.E.
Principal



**CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 4-27-2020

FEE: \$845
+ cost of advertisement

PROJECT NAME (if applicable): Woodhouse Spa

APPLICANT: Victory Coast, LLC

CONTACT PERSON: Darren Johnson

Address: PO Box 120607

City: Clermont State: Florida Zip: 34711

Phone: 352-242-3870 Fax: _____

E-Mail: darren@dwj-p.com

OWNER: Same

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Address of Subject Property: 503 WEST AVE and 517 WEST AVE CLERMONT FL 34711

General Location: Southeast corner of the intersection of Osceola Street and West Avenue

Legal Description (include copy of survey): _____

Parcel No. 24-22-25-0100-093-01700 and 24-22-25-0100-093-00701, see survey attached

Land Use (City verification required): Downtown Mixed Use

Zoning (City verification required): CBD - Central Business District



CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

Page 2

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

The proposed project will include a new two-story 6,000 Sq.Ft. building (3,000 Sq.Ft. per floor) to replace the existing 964 Sq.Ft. structure that is currently used as a salon. 5 parking spaces will be provided on-site and the remaining 8 parking spaces will be off-site in the adjoining street-side parking areas and at the Historic Village. Additional parking cannot be provided on-site due to the property configuration and the location of a large 60" oak tree that the applicant would like to save. The building will be located as close to the street-side as possible as possible, however, a landscape strip along Osceola Street and West Avenue is being provided to provide perimeter building landscaping. The applicant is also proposing a minimum 5' landscape buffer along the east, south and west property lines where adjacent to the parking facilities. This 5' buffer is proposed instead of the required 10' landscape buffer and 15' street-side landscape buffer in order to maximize parking on-site to the fullest extent possible. The applicant is also proposing to reduce the standard driveway isle width of 24' wide to 22' wide in order to maximize landscape buffer areas to the fullest extent possible and to provide as much separation as possible around the existing 60" oak tree and to minimize impacts to the root structure. Waivers/Variations requested with this application are as follows:

1. Reduction of the required landscape buffers as shown on the provided site plan.
2. Allow for the use of 8 off-site parking spaces.
3. Reduction in the standard driveway width of 24' wide to 22' wide.

Darren Johnson

Applicant Name (print)

Darren Johnson

Owner Name (print)

X Darren Johnson

Applicant Name (signature)

X Darren Johnson

Owner Name (signature)

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

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

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

Daily Commercial

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10097245
Phone: (352) 241-7331
Date: 06/19/20
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City of Clermont will consider a	06/30/2020	07/07/2020	\$173.52

LEGAL NOTICE

City Clerk

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow a business to occupy more than 3,000 square feet of floor space in the Central Business District.

Ad No: 10097245
June 30, 2020 &
July 07, 2020

LOCATION

Southeast corner of the intersection
of Osceola Street and West Avenue
(Alternate Key # 1615143 &
1815371)

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

The Planning & Zoning Commission will consider the request at a public hearing on Tuesday, July 7, 2020 at 6:30 P.M., and

The City Council will consider the request at a public hearing on Tuesday, July 14, 2020 at 6:30 P.M.

All meetings will be held in the Clermont City Hall, first floor Council Chambers, located at 685 West Montrose Street Clermont, FL 34711.

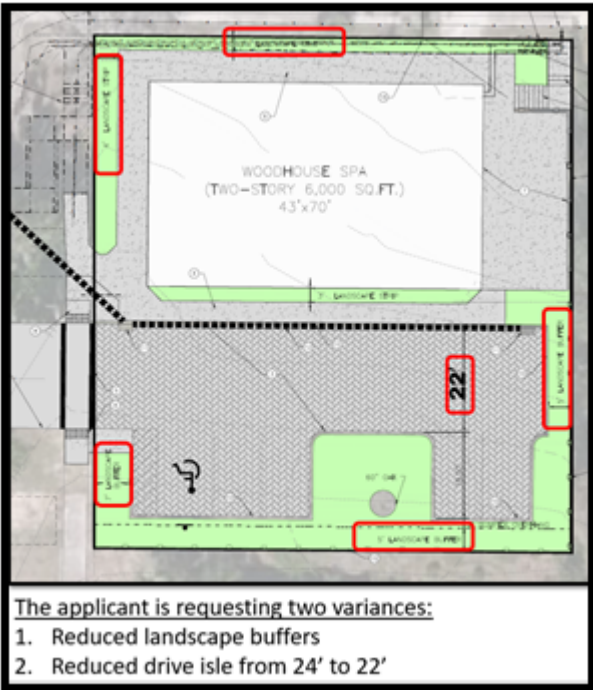
All interested parties will be given an opportunity to express their views on this matter.

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

Tracy Ackroyd Howe, MMC

Payment Info	
Ad Price	\$173.52
Tax	\$0.00
Sub Total	\$173.52
Prepaid Amount	\$0.00
Balance Due	\$173.52

AGENDA ITEM

Meeting Date	
Tuesday, July 14, 2020	
Agenda Item Name	
Variance Request <i>Woodhouse Spa</i>	
Requested Action	
Recommend approval of the variance requests.	
Staff Report	
The owner, Victory Coast LLC, has plans to construct a 6,000 square foot building in the Central Business District for personal services. The site is located southeast of the intersection of W. Osceola Street and West Avenue. The property consists of two parcels that consisted of older structures that will be redeveloped into a new two-story building with parking and landscape. The entire project is approximately 0.25 +/- acres. In order to accommodate the proposed building, parking, and preservation of an existing 60-inch oak tree, the applicant has requested two variances for the project: (1) reduced landscape buffers (Section 122-248 & 118-37) and (2) reduction in the drive isle width (Section 98-15).	
 The applicant is requesting two variances: 1. Reduced landscape buffers 2. Reduced drive isle from 24' to 22'	
The applicant is requesting a reduction in the landscape buffer width for the project. The applicant will still be installing the landscaping around the site, but will not be at the width of the code. In addition, a six (6) foot high privacy fence incorporated into the landscaping around the parking area along the southern and eastern boundary will be installed. The privacy fence will minimize impacts to the adjoining property. The northern and western boundaries are adjacent to public streets and will have the elevation of the building with the incorporated	

landscaping as a view. The reduction in the landscape buffer width will still allow landscaping to be installed and provide for a visual appeal. As for the reduction in drive isle width from 24 feet to 22 feet, this will not cause any inefficiency with the function of the parking lot. This was reviewed by the City's Fire Department and was not a concern.

Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as submitted and finds the application does meet a positive finding. Therefore, staff recommends approval of the variance requests to the Land Development Code.

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Woodhouse Spa Justification Letter	Woodhouse Spa Justification Letter.pdf
2.	Wood House Spa CUP Site Plan-4-24-20	Wood House Spa CUP Site Plan-4-24-20.pdf
3.	Woodhouse Spa Variance Locations	Woodhouse Spa Variance Locations.pdf
4.	New 86-174 Review Criteria- Woodhouse Spa VAR	New 86-174 Review Criteria- Woodhouse Spa VAR.pdf
5.	Woodhouse Spa Variance Application	Woodhouse Spa Variance Application.pdf
6.	WOODHOUSE SPA VARIANCE Legal Ad	WOODHOUSE SPA VARIANCE Legal Ad.pdf



HIGHLAND ENGINEERING, INC.

May 1, 2020

City of Clermont

RE: Woodhouse Spa
CUP / Variance Application
Parcel No. 24-22-25-0100-093-01700 and 24-22-25-0100-093-00701

This justification letter has been prepared in support of the pending Conditional Use Permit and Variance Applicants for the above referenced properties. The applicant, Victory Coast, LLC, would like to construct a two story 6,000 Sq.Ft. (3,000 Sq.Ft. per floor) building to be used as a day spa. The Woodhouse Day Spa was voted the Number One day spa chain in America by Day Spa Magazine and the proposed building size is very typical of their standards to provide a peaceful and relaxing environment for its clients.

In regards to the CUP application, the proposed spa is an allowed use in the CBD district, however a conditional use permit is required because the building square footage exceeds 3,000 Sq.Ft.

In regards to the variance application, the applicant would like to save the existing 60" oak tree located on the south end of the property and in order to provide sufficient separation from the tree, several variances are required to the required landscape buffers as specified in Sec. 122-248 and 118-37. A 15 foot landscape buffer is required along the street frontage of Osceola Street and West Avenue and a 10 foot landscape buffer is required along the east and south property lines. The applicant is requesting these buffers be reduce to 7' where adjacent to the parking along west avenue, 4' where adjacent to the building façade on west avenue, 3' where adjacent to the building on Osceola Street, zero feet where adjacent to the courtyard, and 5' where adjacent to the parking on the east and south property line. In order to minimize impacts to the adjoining property owners, the applicant is proposing a 6' foot tall privacy fence for the entire length of the east and south property line.

In addition to the landscape buffers, the applicant is also requesting a variance for parking as required by Sec. 122-247 and Sec. 98-15 to allow the use of 6 off-site parking spaces and to reduce the standard parking lot isle width from 24 foot wide to 22 foot wide. This request is being made in order to maximize the amount of provided parking in consideration of the property size, property grade changes, and existing 60" oak tree. The proposed project would require 15 parking spaces, however, the subject property area consists of a vacant parcel with is intitled to a two parking space credit and an existing 961 Sq.Ft. building on the adjoining parcel in which a 2.4 parking space credit is allowed. This reduces the required parking down to 11 parking spaces in which the applicant has made every attempt to maximize parking on-site by providing 5 spaces and the remaining 6 spaces can be accommodated streetside and at the Historic Village located across the street on West Ave. In addition to the reduction in parking, we feel the reduction of the standard parking lot isle width for this small parking lot provides additional landscape areas and does not cause any inefficiency with the function of the parking lot.

We feel that the requested variances in conjunction with the cup application represent the minimum variance required, are consistent with the city's comprehensive plan and uphold the intent of the CBD district to enhance the harmonious mixture of residential, commercial, professional, institutional and governmental enterprises while providing a unique and enjoyable shopping and activity center for the city.

Please advise should you have any additional questions concerning the above responses.

Sincerely,

Highland Engineering, Inc.

A handwritten signature in black ink, appearing to read "Jeffery W. Banker", written in a cursive style.

Jeffery W. Banker, P.E.
Principal

CONDITIONAL USE SITE PLAN
WOODHOUSE SPA
CLERMONT, FLORIDA
PARCEL NO. 24-22-25-0100-093-01700
PARCEL NO. 24-22-25-0100-093-01701

SITE DATA

OWNER: VICTORY COAST, LLC
PO BOX 120607
CLERMONT, FL 34712

PARCEL NO: 24-22-25-0100-093-01700
24-22-25-0100-093-00701

ALTERNATE KEY: 1615143
1815371

EXISTING ZONING: CBD - CENTRAL BUSINESS DISTRICT

EXISTING USE: SALON (EXISTING BUILDING AREA: 961 SQ.FT.)
VACANT

EXISTING FLU: DOWNTOWN MIXED USE

PROPOSED USE: SPA

PROPOSED BUILDING AREA: 6,000 SQ.FT. (TWO STORY, 3,000 SQ.FT± PER FLOOR)

TOTAL AREA: 0.25 ACRES

ZONING/FUTURE LAND USE:

	ZONING	FLU
NORTH:	CBD - CENTRAL BUSINESS DISTRICT	DOWNTOWN MIXED USE
SOUTH:	CBD - CENTRAL BUSINESS DISTRICT	DOWNTOWN MIXED USE
EAST:	CBD - CENTRAL BUSINESS DISTRICT	DOWNTOWN MIXED USE
WEST:	CBD - CENTRAL BUSINESS DISTRICT	DOWNTOWN MIXED USE

IMPERVIOUS AREA SUMMARY:

EXISTING IMPERVIOUS:

PROPOSED IMPERVIOUS: 3,000 SQ.FT. BUILDING FOOTPRINT
5,000 SQ.FT. PAVEMENT AND SIDEWALKS
8,000 SQ.FT. TOTAL (74%)

SETBACKS:

FRONT: 0'
SIDE: 0'
REAR: 0'

WATER: CITY OF CLERMONT

SEWER: CITY OF CLERMONT

BUILDING HEIGHT: 55' MAXIMUM

PARKING REQUIRED:

1 SPACE/400 SQ.FT. = 6,000 SQ.FT. / 400 SQ.FT. = 15 SPACES
WITH 1 ADA SPACE

PARKING CREDIT: EXISTING BUILDING: 964 SQ.FT / 400 SQ.FT. = 2.4 SPACES

TOTAL REQUIRED PARKING = 12.6 => 13 PARKING SPACES

PARKING PROVIDED:

5 SPACES ONSITE / 8 SPACES OFFSITE (STREETSIDE/HISTORIC VILLAGE)

STANDARD SPACES SHALL BE: 10' x 18' W/ 2' BUMPER OVERHANG
ADA SPACES SHALL BE: 12' x 18' WITH 5' ACCESSIBLE AISLE

VARIANCES REQUESTED:

- LANDSCAPE BUFFERS REQUESTED:

	REQUIRED	PROVIDED
NORTH:	15'	3'
SOUTH:	10'	5' WITH 6' PRIVACY FENCE
EAST:	10'	VARIES 0'-5' WITH 6' PRIVACY FENCE
WEST:	15'	7' ADJACENT TO PARKING AND 4' ADJACENT TO BUILDING

- PARKING: A PARKING VARIANCE IS BEING REQUESTED TO ALLOW THE USE OF 8 OFFSITE
PARKING SPACES. THESE SPACES WILL BE BOTH STREETSIDE AND AT THE HISTORIC
VILLAGE.

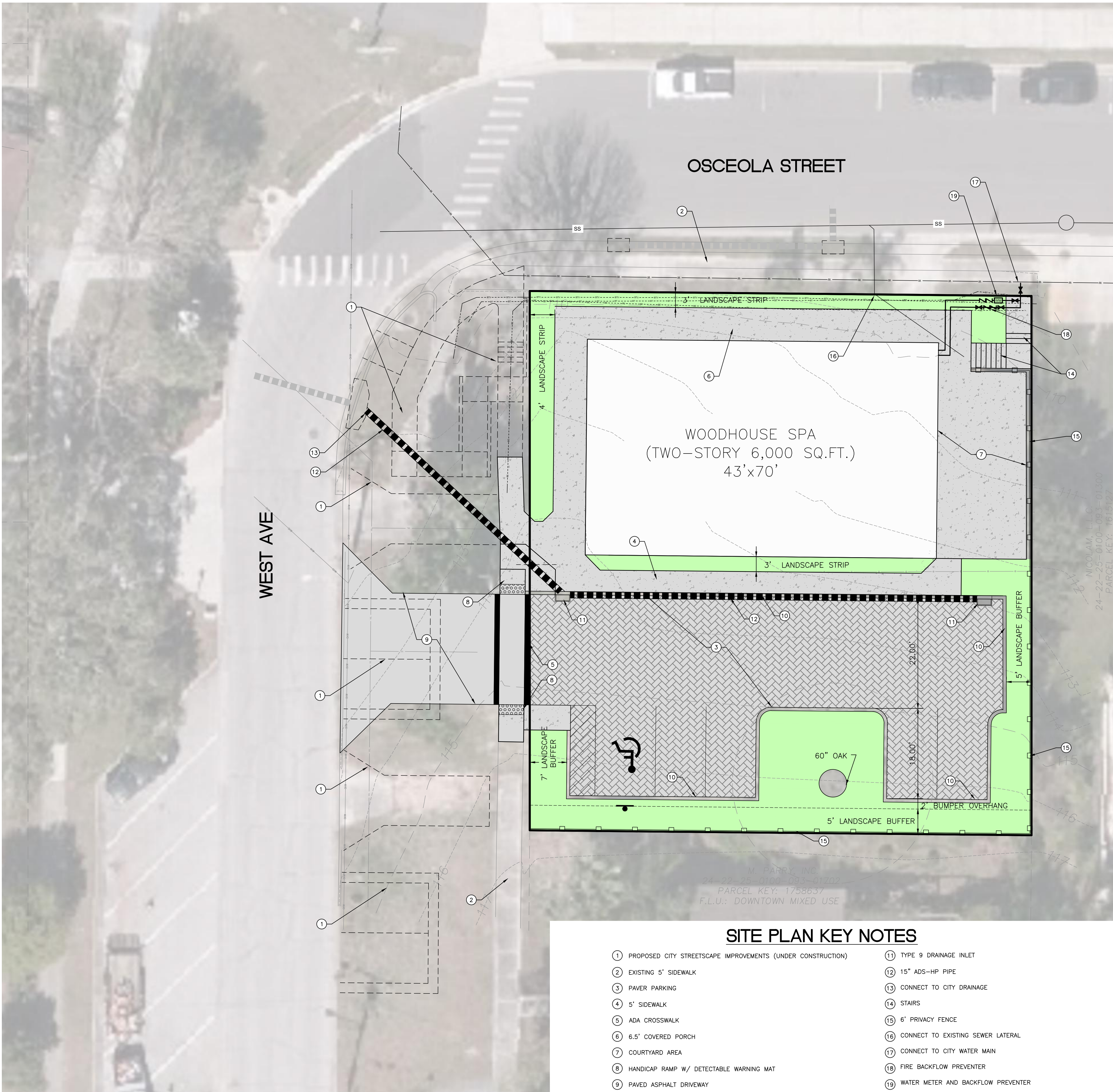
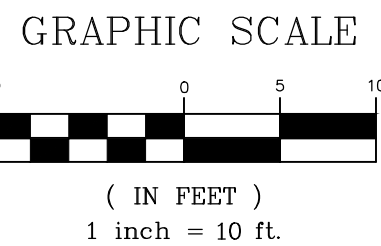
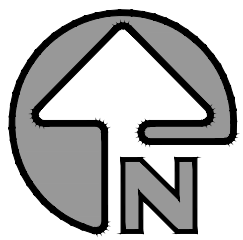
- DRIVE AISLE WIDTH: A WAIVER IS REQUESTED FOR THE REDUCTION OF THE STANDARD
DRIVEWAY PARKING ISLE WIDTH FROM 24' to 22' TO MINIMIZE IMPACTS TO THE ROOT
SYSTEM OF THE EXISTING OAK TREE LOCATION ON SITE.

PROPERTY DESCRIPTION

THE NORTH 55 FEET OF LOTS 17 AND 19, BLOCK 93, OFFICIAL MAP OF THE CITY OF CLERMONT,
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE S 17-23, PUBLIC RECORDS OF
LAKE COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH 52.5 FEET OF THE SOUTH 95 FEET OF LOTS 17 AND 19, BLOCK 93, CITY OF CLERMONT,
ACCORDING TO THE THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGES 17-23, INCLUSIVE, OF
THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



SITE PLAN KEY NOTES

- PROPOSED CITY STREETSCAPE IMPROVEMENTS (UNDER CONSTRUCTION)
- EXISTING 5' SIDEWALK
- PAVER PARKING
- 5' SIDEWALK
- ADA CROSSWALK
- 6.5' COVERED PORCH
- COURTYARD AREA
- HANDICAP RAMP W/ DETECTABLE WARNING MAT
- PAVED ASPHALT DRIVEWAY
- TYPE D CURB
- TYPE 9 DRAINAGE INLET
- 15" ADS-HP PIPE
- CONNECT TO CITY DRAINAGE
- STAIRS
- 6' PRIVACY FENCE
- CONNECT TO EXISTING SEWER LATERAL
- CONNECT TO CITY WATER MAIN
- FIRE BACKFLOW PREVENTER
- WATER METER AND BACKFLOW PREVENTER

WOODHOUSE SPA
CONDITIONAL USE SITE PLAN

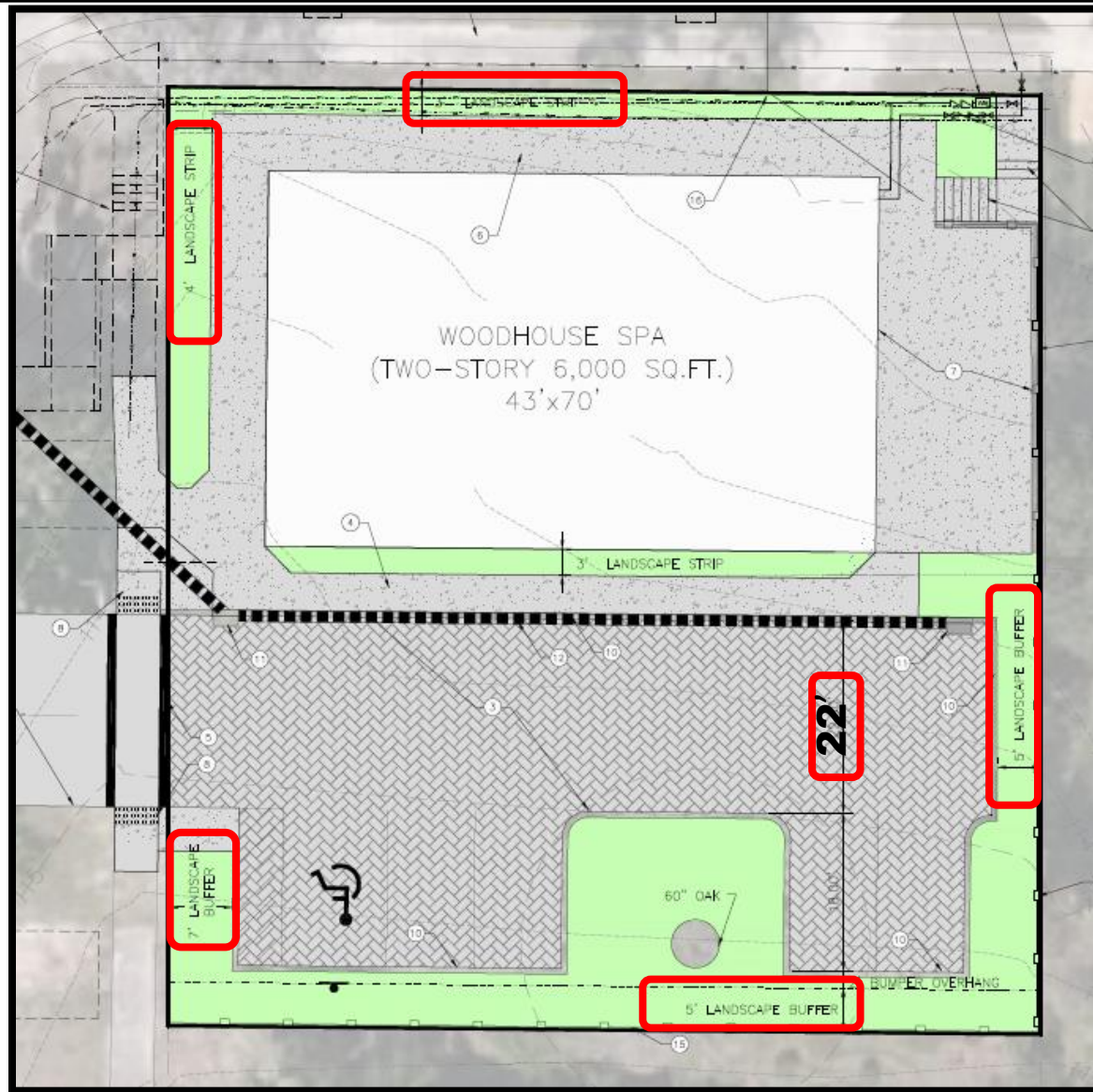


JOB No.: DWJ-001
DESIGNED BY: J.B. & J.K.
DRAWN BY: J.B. & J.K.
APPROVED BY: J.B.
DATE: 04-24-2020
SHEET: 1 OF 1

NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

DATE: _____

Exhibit – Variances – Woodhouse Spa



The applicant is requesting two variances:

1. Reduced landscape buffers
2. Reduced drive isle from 24' to 22'

Woodhouse Spa Variance

The requirements for a variance are as follows:

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

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners of negatively impact the standard of living of the citizens of the city;
Applicant response: There is no evidence that the proposed development will cause interference with the reasonable enjoyment of adjacent or nearby property owners.

Staff comments: The applicant is requesting two (2) variances to the Land Development Code. The applicant will still provide landscaping with screening in areas that are adjacent to adjoining property owners and along public rights-of-way. Since the landscaping will still be installed, the reduction in buffer width would not negatively affect the standard of living of citizens of the city. As for the drive isle reduction, there is no evidence that adjacent property owners will be impacted.

Positive Finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: The proposed reduced landscape buffer and reduced drive isle will uphold the intent of the CBD district.

Staff comments: The project will be developed with a reduced landscape buffer width. In the CBD, the property could entirely be covered with impervious surface (building) with no landscaping. The applicant has designed the site with preservation of the 60-inch oak tree in mind, which is a desirable characteristic in the downtown area. The variances will allow reasonable use of the property.

Positive Finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: Without the variances, this development is not possible within current code. This development will benefit the surrounding properties and enhance the overall area.

Staff comments: The owner is redeveloping the site that had structures built in the early 1900's. The redevelopment of properties in a city are very beneficial and is a sign of gentrification.

Positive Finding

- (4) The granting of the variance is consistent with the city's comprehensive plan:
Applicant response: The proposed development is consistent with the City's Comprehensive Plan.

Staff comments: The requested variances are not in conflict with the Clermont Comprehensive Plan.

Positive Finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

Applicant response: The request variances would represent the minimum variances required in order to provide ample landscaping and drive isle.

Staff comments: The requested variances allow redevelopment of the site in a harmonious way that would complement the Central Business District and the Downtown Master Plan.

Positive Finding

STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as submitted and finds the application does meet a positive finding. Therefore, staff recommends **approval** of the variance request to the Land Development Code.



CITY OF CLERMONT VARIANCE

Filing Instructions

Any person requesting a Variance shall file a complete application in the Development Services Department at least thirty (30) days prior to the hearing date of the City Council. All applications must be complete, to include applicable site plans and/or other pertinent descriptive materials in order to be processed.

A Pre-Application meeting with the Development Services Director (or designated staff) is required prior to submittal of the application. The Development Services Director shall determine if the application is complete and properly filed.

APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST

Notification of Public Hearing

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- (1) The City shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time and place of the public hearing before the City Council, along with a clear and concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties within 150 feet of the subject property even when separated from the subject property by a road, canal, easement, right-of-way or similar barrier.
- (2) Notice of public hearing shall be published in a newspaper of general circulation within the City no less than five (5) days prior to the date set for hearing the variance request.

Conditions of Approval and Denial

- (1) When any variance is granted, construction of the structure or other variance item must be started within one year from the date the variance is granted. It shall be the obligation of the owner to file written notice with the Administrative Official and the Development Services Director that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.
- (2) A variance in the zoning regulations may be transferred along with the transfer of the property ownership, but only for the specific use and approved plan originally granted.
- (3) Variance requests which have been denied may not be resubmitted for a period of two (2) years.



CITY OF CLERMONT
VARIANCE
Filing Instructions
Page 2

Check List

The following information shall be provided:

- _____ Proof of ownership, (i.e. Lake County Property record card, tax receipt, or deed.
- _____ Legal description of the property – may be on information above.
- _____ Plot plan (drawn to scale) of the property involved showing the location of existing buildings or structures and the location of proposed buildings or structures which specifically delineates and illustrates the extent of the variance request. Maximum size for plans is 11" x 17" (two full size copies for detail as needed, depending on the Variance).
- _____ A written justification based on Sec. 86-174, which explains the conditions and circumstances of the alleged hardship and the necessity of the action. Staff will review the application based on the review criteria. Therefore, it is in the applicant's best interest to submit the application with those eight (8) items in mind to justify the variance request.
- _____ Visual aids that may clarify the variance request such as overhead projections, large scale drawings, etc. A location map must be included that identifies the location of the property. These will be presented by the applicant at the public hearing.
- _____ The original application and all supplemental materials.
- _____ Fee: \$300.⁰⁰ plus cost of advertisement for existing single-family residential
\$600.⁰⁰ plus cost of advertisement for all others

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



CITY OF CLERMONT
VARIANCE
Application

DATE: 4-27-2020

FEE: _____

PROJECT NAME (if applicable): Woodhouse Spa

APPLICANT: Victory Coast, LLC

CONTACT PERSON: Darren Johnson

Address: PO Box 120607

City: Clermont State: Florida Zip: 34711

Phone: 352-242-3870 Fax: _____

E-Mail: darren@dwj-p.com

OWNER: Same

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Address of Subject Property: 503 WEST AVE and 517 WEST AVE CLERMONT FL 34711

General Location: Southeast corner of the intersection of Osceola Street and West Avenue

Legal Description (include copy of survey): _____

Parcel No. 24-22-25-0100-093-01700 and 24-22-25-0100-093-00701, see survey attached

Land Use (City verification required): Downtown Mixed Use

Zoning (City verification required): CBD - Central Business District



CITY OF CLERMONT
VARIANCE
Application
Page 2

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

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

Sec. 122-248. - Landscaping, buffers and tree protection and Sec. 118-37. - Landscape buffers.
Sec. 122-247. - Off-street parking and Sec. 98-15. - Parking illustrations

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

Sec. 122-248 and Sec. 118-37, requires a 10' landscape buffer along the east and south property lines and a 15' landscape buffer along the streetside of Osceola Street and the streetside of West Ave. A variance is required in order to maximize the provided on-site parking and to provide sufficient area to save the existing 60" oak tree located on the south side of the property. Sec. 122-247 and Sec. 98-15 requires a total of 15 parking spaces, in order to save the existing 60" oak tree a variance is required to reduce the number of parking spaces provided on-site to 5 and to reduce the parking isle width from 24' to 22' wide. Considering the 2 parking space credit for the vacant parcel and the 2.4 parking space credit for the existing building, 6 parking spaces are required off-site.

How does the Code create a hardship?

The size of the property, location of the existing 60" oak tree and nearly 9 foot vertical grade difference of the property restricts the ability to develop the subject property in full conformance with the requirements of the CBD district. In consideration of the standards of the CBD district, the applicant has made significant accommodations on the site plan to maximize both landscape buffers and parking while still upholding the intent of the CBD district to enhance the harmonious mixture of residential, commercial, professional, institutional and governmental enterprises while providing a unique and enjoyable shopping and activity center for the city.

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

Variance requested – subject and code section:

Sec. 122-248. - Landscaping, buffers and tree protection and Sec. 118-37. - Landscape buffers.
Sec. 122-247. - Off-street parking and Sec. 98-15. - Parking illustrations

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) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

In consideration of the landscape buffers which will provided adjacent to the south and east property lines, the applicant is proposing a 5' tall privacy fence to further buffer the adjoining properties from the proposed use. In order to save the existing 60" oak tree, the applicant has reduced on-site parking to the fullest extent possible and has reduced the internal pavement drive isle width to make every effort to save the existing tree. Off-site parking will be provided both streetside and on the Historical Village parking lot located directly across West Ave. These minor variance accommodations do not cause any negative impact to the adjoining property owners or to the standards of living in the city.



- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

The proposed use is consistent with both the existing use of the property and the standards for development of the property, proposed landscape buffers, and reduction in parking are consistent with the character of other projects in the CBD district.

CITY OF CLERMONT VARIANCE

Application

Page 3

- 3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

Strict compliance with the land development regulations would reduce the development potential of the subject property which is not consistent with the intent of the CBD district as specified in Sec. 122-241, in which lot and building regulations are intended to allow intensive development and encourage uses requiring a central location.

-
- (4) The granting of the variance is consistent with the city's comprehensive plan; and

The granting of the variance for the reduction in the required landscape buffers, reduction in the required on-site parking, and reduction the the pavement drive isle width are consistent with the city's comprehensive plan and uphold the intent of the CBD district to enhance the harmonious mixture of residential, commercial, professional, institutional and governmental enterprises while providing a unique and enjoyable shopping and activity center for the city.

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

The variance request is the minimum variance needed to make reasonable use of the property in consideration of the property size, property grade changes, and existing 60" oak tree. If the variance were to be denied, the applicant would need to reduce both the size of the proposed parking facilities further and reduce the building perimeter landscape areas on both Osceola and West Ave. We feel the building perimeter landscaping is required in order to add to the overall aesthetic appeal of the property and to soften the facade of the proposed building.



CITY OF CLERMONT
VARIANCE
Application
Page 4

Darren Johnson
Applicant Name (print)

X Darren Johnson
Applicant Name (signature)

Darren Johnson
Owner Name (print)

X Darren Johnson
Owner Name (signature)

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

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

City of Clermont

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

ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

(a) *Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape,



surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.

(b) *Exclusions.* Requests for variances from requirements of the land development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. The following request for variances shall not be considered:

(1) Requests for variances to the adopted comprehensive plan.

(2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.

(3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building or structure which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.

(c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.

(Ord. No. 281-C, § 1(ch. 8, § 1), 11-8-94)

Sec. 86-172. Application.

Sec. 86-173. Notice of public hearing.

Sec. 86-174. Review criteria and findings.

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:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;



- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;
- (4) The granting of the variance is consistent with the city's comprehensive plan; and
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

(Ord. No. 281-C, § 1(ch. 8, § 2(C)), 11-8-94)

Sec. 86-175. Time limit for commencing construction.

When any variance is granted, construction of the structure or other variance item must begin within one year from the date of grant. It shall be the obligation of the owner to file written notice with the administrative official and director of planning that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.

(Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-94; Ord. No. 294-C, § 2, 9-28-99)

Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10097287
Phone: (352) 241-7331
Date: 06/24/20
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the Clermont City Council will con	07/07/2020	07/07/2020	\$116.59

LEGAL NOTICE

Tracy Ackroyd, MMC
City Clerk

Notice is hereby given that the Clermont City Council will consider a request for the following two (2) variances to the Land Development Code: (1) To allow for a reduced minimum width landscape buffer, rather than fifteen feet (15'), as required by Section 122-248 & 118-37, (2) to allow for a reduced drive isle width of twenty-two (22) feet instead of twenty-four (24) feet, as required by the Land Development Code, Section 98-15 at the following location:

Ad No: 10097287
July 07, 2020

LOCATION:

Southeast corner of the intersection
of Osceola Street and West Avenue
(Alternate Key # 1615143 &
1815371)

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

The Clermont City Council will consider this request at a public hearing on Tuesday, July 14, 2020 at 6:30 P.M. in the Clermont City Hall, first floor Council Chambers, located at 685 West Montrose Street, Clermont FL 34711.

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

Payment Info	
Ad Price	\$116.59
Tax	\$0.00
Sub Total	\$116.59
Prepaid Amount	\$0.00
Balance Due	\$116.59



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 14, 2020		
Agenda Item Name		
Ordinance No 2020-24 <i>Introduction Governor's Lake</i>		
Requested Action		
Recommend approval of Ordinance No 2020-24		
Staff Report		
The owner, South Lake Connector, LLC is requesting to amend a Planned Unit Development PUD (Ordinance No 2017-02); the property is also known as (Kings Crossing Commercial), this amendment request will allow the subject property be removed from the Lost Lake DRI Master Development Order, (Ordinance No. 464-M); which was approved on November 26, 2002. The property is located at the southeast corner of Citrus Tower Blvd. and US Hwy 27. The current PUD zoning allows C-1 Light Commercial permitted uses. The City Council approved on January 10, 2017 (Ordinance No 2017-02) rezoning the property from C-1 to Planned Unit Development. At that time, the existing stormwater pond (labeled Tract F) in the Master Development Plan was relocated as part of the platting process and approved by Lake County. The conceptual plan submitted and approved with the PUD identified the pond relocation and allocated C-1 uses over the former pond tract. Currently that portion of the property identified as (Lost Lake Tract F) Is being sold to the Veterans Administration for the new VA outpatient clinic, currently under review for final site plan approval and construction. There is a legal issue with the title insurance and closing of the property, which is requiring the former (Lost Lake Tract F) be removed from the DRI Master Development Plan. There are no other changes to the Planned Unit Development (PUD). Staff has reviewed the applicant's request and is currently working with the City's Attorney regarding the legal process for this matter. Staff recommends approval of Ordinance 2020-24 amending the Planned Unit Development as permitted by the City Attorney.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	2020-24 - PUD Govenors Lake PUD Amendment (FORMATTED)	2020-24 - PUD Govenors Lake PUD Amendment (FORMATTED).pdf
2.	Kings Crossing Commercial PUD Maps	Kings Crossing Commercial PUD Maps.pdf

3.	2020 PUD Amendment Application	2020 PUD Amendment Application.pdf
4.	ORDINANCE NO 2020-24-Legal AD	ORDINANCE NO 2020-24-Legal AD.pdf



CITY OF CLERMONT
ORDINANCE NO. 2020-24

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

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

SECTION 1:

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

LEGAL DESCRIPTION

Parcel 1 (Existing C-1 Zoning):

The northeast quarter of the northeast quarter of Section 5, Township 23 South, Range 26 East, Lake County, Florida, and that portion of the northwest quarter of the northeast quarter lying east and north of U.S. Highway 27 of Section 5, Township 23 South, less the right-of-way for U.S. Highway 27; also less the right-of-way for South Lake Connector as shown in deed to Lake County recorded in O.R. Book 2595, Page 1130; also less retention pond as shown in easement recorded in O.R. Book 2899, Page 1262, Public Records of Lake County, Florida. Parcel Identification Number: 05-23-26-000100000100 (AK 1707307)

AND

Parcel 2 (Acquired Lost Lake Reserve Tract):

Clermont, Lost Lake Sub Tract F--less from southwest corner of SE 1/4 of Sec 32-22-26 runs 89-56-38E 1449.42 ft. to easterly right-of-way line of Citrus Tower Blvd for Point of Beginning, said point being on a on-tangent curve concave southwesterly having a radius of 400 ft., a central angle of 11-39-40, an arc length of 81.41 ft. & a chord bearing of north 19-11-15 west to a point of cusp of said curve, thence south 5-01-05 E 84.71 ft. to south line of SE 1/4 of Sec. 32, north 89-56-38 west 9.12 ft. to Point of Beginning of road right-of-way-- PB 50 PGS 64- 69 and Tract 4, Lost Lake, according to the map or plat thereof as recorded in Plat Book 50, Page 64, Public Records of Lake County, Florida. Parcel Identification Numbers: 2822261200-004-00000 & 2822261200-00F-00000 (AK 3821839 & 3821852)

Containing 80.45 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.



CITY OF CLERMONT
ORDINANCE NO. 2020-24

LOCATION

Southeast corner of South US Hwy 27 and Citrus Tower Blvd

To amend the Planned Unit Development (PUD), Ordinances No 2017-02

SECTION 2: GENERAL CONDITIONS

This application for an amendment to the Planned Unit Development (PUD – Ordinance No 2017-02) to allow for a mixed-use development with C-1 Light Commercial uses; be granted subject to the following conditions:

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

SECTION 3: LAND USES AND SPECIFIC CONDITIONS

1. The property will be permitted for C-1 Light Commercial use. Buildings may be greater than 5,000 square feet but no more than 20,000 square feet.
2. Setbacks for Commercial buildings
From US Hwy 27: 50 feet from the property line
From Citrus Tower Blvd: 25 feet from the property line
Side: 12 feet from the property line
Rear: 25 feet from the property line
3. Driveway access and parking for the project may be below the centerline of US 27 or Citrus Tower Blvd. and will be subject to the approval of the City Engineer.
4. Parking stall reduction from 20 feet deep to 18 feet deep with an additional 2 foot grassed/mulched section in lieu of wheelstops may be used in parking areas, where appropriate.
5. Retaining wall height up to 18 feet in height may be allowed to deal with the extreme



CITY OF CLERMONT
ORDINANCE NO. 2020-24

grades on the site between the building area and the lakefront swale area adjacent to Lake Felter.

6. A reduced 10 foot wide landscape buffer, approximately 210 lineal feet along US Hwy 27, is requested due to the additional 10 feet of right of way in this area. The 10 foot landscape buffer will start at the southwest corner of the project and run northward for approximately 210 feet and then resume the required 20 foot wide landscape buffer.
7. Use of existing canopy trees/planted pines in lieu of a planted buffer in the southeast portion of the project adjacent to Lake Felter, where appropriate, may be used.
8. The project may have three commercial center ground identification signs, one at each entrance, for multi-tenant use. The sign on US Highway 27 may be up to 15 feet high, 10 feet wide, and have a signage area up to 75 square feet. The two ground identification signs along Citrus Tower Boulevard may be up to 10 feet high, 10 feet wide and have a signage area up to 60 square feet.
9. Interior perimeter landscape buffers between properties ~~is not required~~ shall be 10 feet shared or placed within the lot. The project will still have to be developed in accordance of Chapter 118, Vegetation.
10. Any fencing viewed by the public shall be an ornamental metal type.
11. The project shall be developed according to the C-1 Light Commercial zoning designation in the Land Development Code, unless expressly stated above.

SECTION 4: CONFLICT

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

SECTION 5: SEVERABILITY

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

SECTION 6: RECORDING

This Ordinance shall be recorded in the public records of Lake County, Florida.



CITY OF CLERMONT
ORDINANCE NO. 2020-24

SECTION 7: EFFECTIVE DATE

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

Location map:





CITY OF CLERMONT
ORDINANCE NO. 2020-24

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 14th day of July, 2020.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map
Kings Crossing Commercial PUD

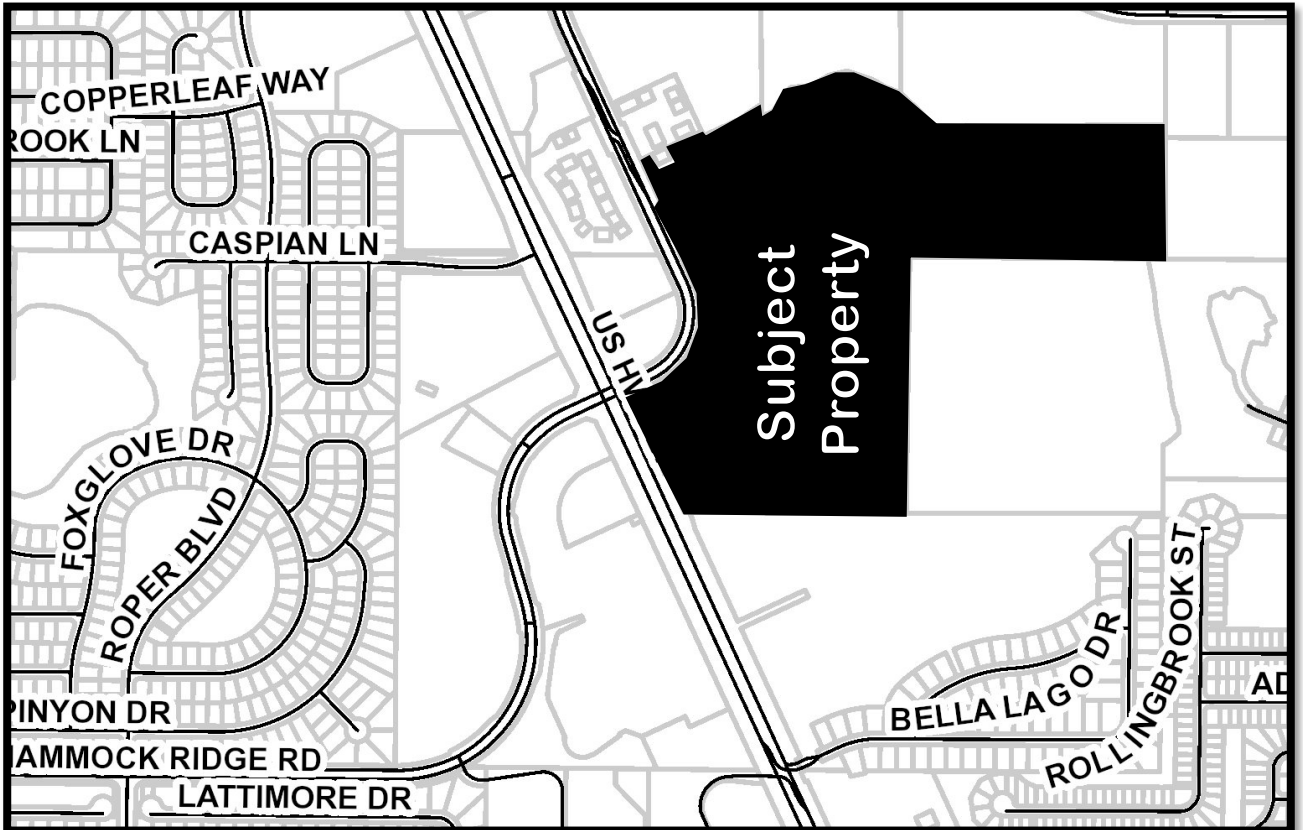
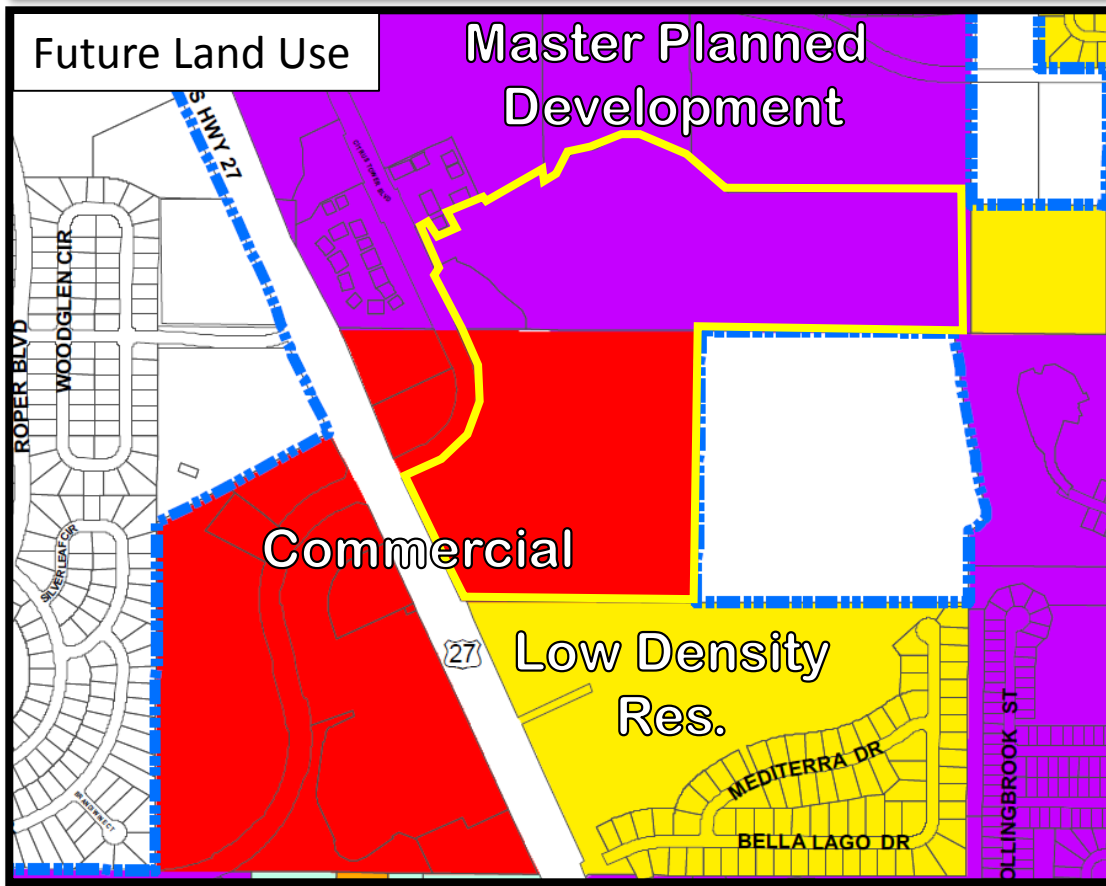
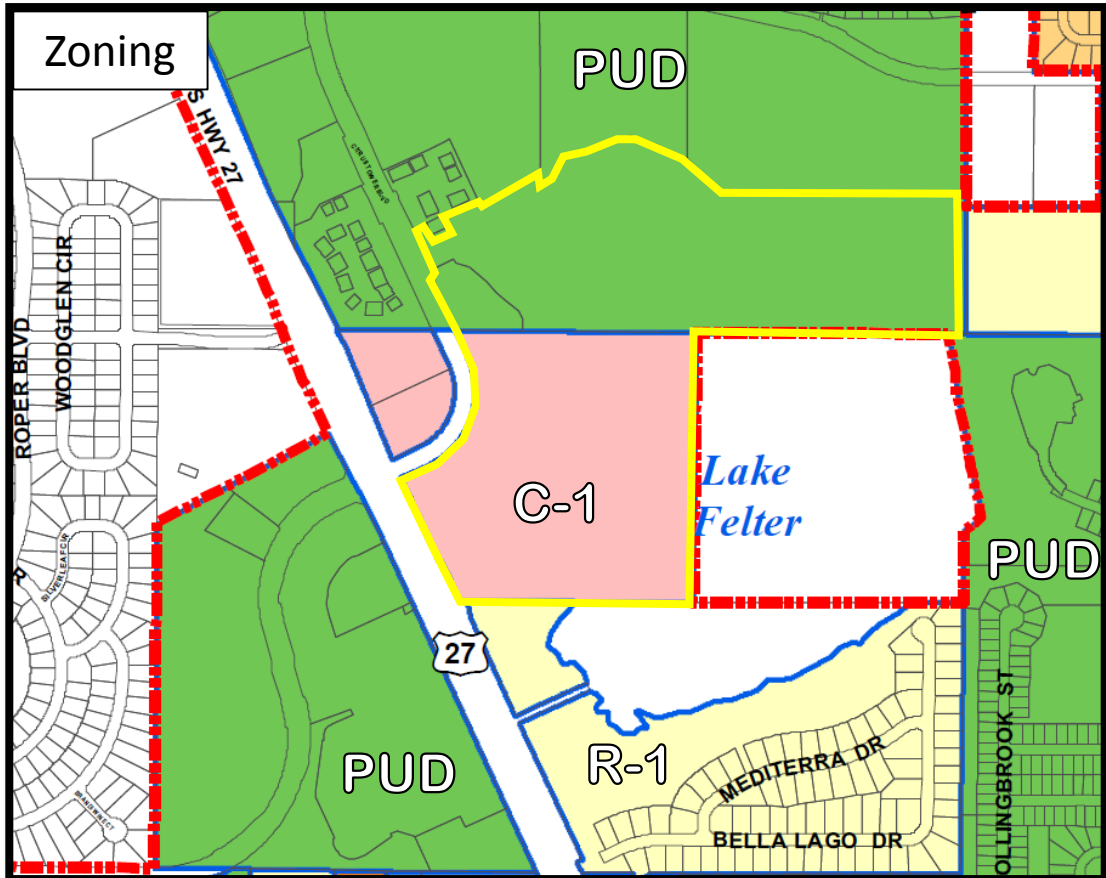


Exhibit – Zoning and Future Land Use Map
Kings Crossing Commercial PUD





**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: 5-1-20

FEE: \$542.⁰⁰
+ cost of advertisement

PROJECT NAME (if applicable): Governors' Lake F/K/a Kings Crossing Commercial

APPLICANT: Jimmy D. Crawford

CONTACT PERSON: " "

Address: 702 West Montrose Street

City: Clermont State: Florida Zip: 34711

Phone: 352 432-8644 Fax: (352) 432-8699

E-Mail: j.crawford@cmhlawyers.com

OWNER: South Lake Connector, LLC

Address: PO Box 120355

City: Clermont State: Florida Zip: 34712

Phone: 352 432 8644 Fax: 352 432 8699

Address of Subject Property: N/A - SE Corner of U.S. 27 & Citrus Tower Blvd (South)

Legal Description (include copy of survey): SEE ATTACHED

Acres: 80.45 total Land Use: Commercial
11.07 Useable (City verification required)

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



**CITY OF CLERMONT
REZONING
APPLICATION
Page 2**

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

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

See attached Statement in Support.

Jimmy D. Crawford
Applicant Name (print)

X [Signature]
Applicant Name (signature)

Randall B. Langley
Owner Name (print)

X [Signature]
Owner Name (signature)

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



**CITY OF CLERMONT
REZONING
APPLICATION
Page 2**

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

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

See attached Statement in Support.

Jimmy D. Crawford
Applicant Name (print)

X [Signature]
Applicant Name (*signature*)

Randall B. Langley
Owner Name (print)

X _____
Owner Name (*signature*)

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

STATEMENT IN SUPPORT
AMENDMENT TO ORDINANCE 2017-2

City of Clermont Ordinance 2017-2 rezoned the King's Crossing (Now, Governors' Lake) property ("Property") at the southeast corner of U.S. Hwy 27 and Citrus Tower Blvd. (south) from C-1 to PUD. At that time, there was an existing stormwater pond near the northern edge of the Property, which handled wastewater from Citrus Tower Road, and was covered by a Lake County drainage easement. The pond was also included in the Lost Lake DRI (labeled Tract F, no development classification).

The Lake County drainage easement allowed the owner/developer to relocate the pond, which the owner/developer has done as a part of the current platting process (See Partial Release of Easement, OR Book 5455, Pages 1699-1703, Public Records of Lake County, Florida – copy attached for your convenience). The concept plan approved by Ordinance 2017-2 recognized this pond relocation, and allocated C-1 uses over the former pond location.

It was our intention and belief at the time that Ordinance 2017-2 removed the small portion of the Property that was included in the Lost Lake DRI from the DRI, which was approved by City of Clermont PUD/DRI DO. The statutory process involved at that time was governed by Section 380.06(19), Florida Statutes, and required a Notice of Proposed Change form to be completed (it was, copy attached) and the local government to approve the change as a zoning matter (it was – Ordinance 2017-2).

Currently the portion of the Property formerly designated as Lost Lake Tract F is being sold to a developer of a Veterans' Administration Health Clinic, which is badly needed in South Lake County and the City of Clermont. An issue has arisen with the title insurance issuer, which is requiring a clarification or verification that the former Tract F is removed from the Lost Lake DRI. Ordinance 2017-2 did not specifically state so.

Therefore, we are requesting amendment to Ordinance 2017-2 ONLY to clarify this issue.

We would suggest that a new sentence/provision be added to Section 4 of Ordinance 2017-2 to state: "The property is removed from the jurisdiction of City of Clermont Ordinance No. 461-M (and any amendments thereto), also known as the "Lost Lake Development of Regional Impact". This language is a suggestion only, we would defer to the City's language drafting, as needed.

Thank you for your assistance and attention to this very important matter.



Jimmy D. Crawford



**CITY OF CLERMONT
REZONING
FILING INSTRUCTIONS**

Any person requesting a Rezoning shall file a complete application and pay a fee as established by resolution of the City Council in the Development Services Department on or before the 1st day of the month; Complete applications may then be scheduled for Public Hearings the following month - on the 1st Tuesday (Planning & Zoning Commission), 2nd Tuesday (City Council first reading only) and 4th Tuesday (City Council adoption). All applications must be complete, and include applicable site plans and/or pertinent descriptive materials in order to be processed. Dependent upon the scope and/or magnitude of a particular project, scheduling of one or more City Council workshop(s) may also be necessary and additional time may be required prior to being scheduled for public hearings.

A Pre-Application meeting with the Development Services Director (or designated staff) may be required prior to submittal of the application. Please check with the Development Services Department staff.

The Applicant shall provide the following information with this application:

- ▶ Completed application. Include all signatures:
 - ◇ Applicant's signature (if different from owner of record)
 - ◇ Owner's signature (owner of record) unless power of attorney or notarized letter authorizing the applicant to act as the duly authorized agent for the owner is submitted with the application.
- ▶ Proof of ownership – (i.e. Lake County Property record card, tax receipt, deed, or tax receipt)
- ▶ Plot plan (drawn to scale) of the property involved showing the location of existing buildings or structures and the location of proposed buildings or structures which specifically delineates and illustrates the extent of the rezoning request. Maximum size for plans is 11" x 17" (two full size copies for detail as needed, depending on rezoning)
 - a. Name, address and phone number of the applicant.
 - b. North arrow, date and scale.
 - c. Property lines, existing structures, proposed structures and contiguous streets.
 - d. A short description of the proposed structural usage.
 - e. A topographical map with five (5) foot contour lines (if deemed necessary for clarification purposes by City staff).
- ▶ Fee: \$542.⁰⁰ plus the cost of the advertisement

Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10096490
Phone: (352) 241-7331
Date: 05/08/20
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	05/18/2020	06/08/2020	\$357.48

LEGAL NOTICE

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

ORDINANCE NO. 2020-24

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

LOCATION

Southeast corner of South
US Hwy 27 and Citrus Tower Blvd

LEGAL DESCRIPTION

Parcel 1 (Existing C-1 Zoning):
The Northeast Quarter of the Northeast Quarter of Section 5, Township 23 South, Range 26 East, Lake County, Florida, and that portion of the Northwest Quarter of the Northeast Quarter lying East and North of U.S. Highway Number 27 of Section 5, Township 23 South, less the Right of Way for U.S. Highway Number 27; also less the Right of Way for South Lake Connector as shown in Deed to Lake County recorded in O.R. Book 2595, Page 1130; also less Retention Pond as shown in Easement recorded in O.R. Book 2899, Page 1262, Public Records of Lake County, Florida. Parcel Identification Number: 05-23-26-000100000100 (AK 1707307)

AND

Parcel 2 (Acquired Lost Lake Reserve Tract):

Clermont, Lost Lake Sub Tract F-less from SW Cor of SE 1/4 of Sec 32-22-26 runs 89-56-38E 1449.42 ft to E'ly r/w line of Citrus Tower Blvd for POB, said point being on a on-tangent curve concave Sw'ly having a radius of 400 ft, a central angle of 11-39-40, an arc length of 81.41 ft & a chord bearing of N 19-11-15 W to a point of cusp of said curve, thence S 5-01-05 E 84.71 ft to S line of SE 1/4 of Sec 32, N 89-56-38 W 9.12 ft to POB of rd r/w- PB 50 PGS 64- 69 and Tract 4, Lost Lake, according to the map or plat thereof as recorded in Plat Book 50, Page 64, Public Records of Lake County, Florida. Parcel Identification Numbers: 2822261200-004-00000 & 2822261200-00F-00000 (AK 3821839 & 3821852)

Containing 80.45 acres more or less, and being subject to any easements, rights-of-way or restrictions of record.

FROM C-1 Light Commercial
TO Planned Unit Development
(PUD Amendment)

The Planning & Zoning Commission will consider this request on Tuesday, June 2, 2020 at 6:30 p.m.; a public meeting to consider the request will be held before the City Council on Tuesday, June 9, 2020 at 6:30 p.m. (Introduction) and on Tuesday, June 23, 2020 at 6:30 p.m. for (Final Enactment).

All meetings will be held at Clermont City Hall, Council Chambers, located at 685 W. Montrose Street. This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose St., Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7331, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10096490
May 18, 2020 &
June 08, 2020

Payment Info	
Ad Price	\$357.48
Tax	\$0.00
Sub Total	\$357.48
Prepaid Amount	\$0.00
Balance Due	\$357.48



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, July 14, 2020		
Agenda Item Name		
Ordinance No 2020-28 <i>Introduction</i> <i>School Concurrency Amendment</i>		
Requested Action		
Recommend approval of Ordinance No 2020-28.		
Staff Report		
This is a staff initiated Ordinance to amend the Clermont Code of Ordinances, Chapter 90 Concurrency Management, Article III, Section 90-31. School Concurrency, The City of Clermont's Comprehensive Plan goals, objectives and policies for the Public School Facilities Element implemented an inter-local agreement between Lake County, Lake County Public School Board and Municipalities for School Facilities Planning and Siting. The agreement requires all final development orders with any residential uses to the extent that generate student seats; must comply with concurrency management requirements to ensure the capacity of schools are sufficient to support student growth at the adopted level of service for each year of the long range planning period. Staff has amended this section of the code to provide clarification of when school concurrency shall be deemed to have adequate public facilities to serve the future residential development in the City. A capacity reservation shall be required prior to formal approval of the subdivision plat and/or final site plan approval for any development orders with a residential use and not considered exempt from the requirements of school concurrency. This amendment is consistent with the requirements of Lake County, Lake County School Board and other surrounding jurisdictions. Staff recommends approval of Ordinance No. 2020-28.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord 2020-28 - School Concurrency Draft Ordinance - Reviewed and Formatted BL 2. ORDINANCE NO 2020-28 Legal AD		
Ord 2020-28 - School Concurrency Draft Ordinance - Reviewed and Formatted BL.pdf ORDINANCE NO 2020-28 Legal AD.pdf		



CITY OF CLERMONT
ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY FLORIDA, RELATED TO CONCURRENCY MANAGEMENT, AND AMENDING THE CODES OF ORDINANCES, CHAPTER 90 CONCURRENCY MANAGEMENT, ARTICLE III, SECTION 90-31. SCHOOL CONCURRENCY; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on July 7, 2020 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 90 Concurrency Management, Section 90-31 School Concurrency, 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: AUTHORITY

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: AMENDMENTS

Chapter 90 Concurrency Management, Article III, Section 90-31. School Concurrency, of the Clermont Code of Ordinances is hereby amended to read as follows (underlined indicates added text and strikethrough indicates text deletion):

Sec. 90-31. – School concurrency

- (d) The following procedures will be utilized to obtain a school concurrency determination from the Lake County School Board and to allow for mitigation if a development proposal is determined not to be in compliance.
- (e) A completed application provided by and delivered to the Lake County School Board must be submitted concurrent with a final development order by an applicant proposing residential development. The application at a minimum shall include the following information:
 - (1) Proposed development name
 - (2) Application type
 - (3) Intake date
 - (4) Signature of agent
 - (5) Number of residential units broken down by unit type



CITY OF CLERMONT
ORDINANCE NO. 2020-28

- (6) Property deed
 - (7) Consent form
 - (8) Phasing plan (if applicable)
 - (9) Site plan
 - (10) Survey
 - (11) Justification statement
 - (12) Location map
- (f) Within three days of submitting to the school board, the applicant must present a copy of the application to the City. The City shall provide a determination of authenticity to the school board within three days of receiving the application.
- (g) The school board shall review the application in accordance with the provisions of section 5.5.2 of the agreement and base the concurrency determination on standards outlined in section 5.5.3 of the agreement.
- (h) No development order shall be approved unless a letter of determination of concurrency has been issued by the school board finding the development in compliance.
- (i) Once the school board has reviewed the application it shall issue a letter of determination of concurrency within 30 days if the impact of the proposed developments student growth does not cause the adopted level of service to be exceeded.
- (j) If the development is not in compliance, the letter of determination of concurrency shall detail why the development is not in compliance and shall offer the applicant the opportunity to enter into a 90-day negotiation period in accordance with the provisions of section 5.6 of the agreement.
- (k) During the 90-day negotiation period the applicant shall meet with the school board in an effort to mitigate the impact from the development.
- (1) Mitigation shall be limited to those options, which the school board recognizes and assumes the responsibility to operate and which will maintain the adopted level of service standards for the first five years from receipt of the school boards letter of determination of concurrency.
 - (2) The City of Clermont shall have the opportunity to review the mitigation options.
 - (3) The City Council shall approve all proportionate share agreements.
- (l) If mitigation is not agreed to, the letter of determination of concurrency shall detail why mitigation proposals were rejected and detail why the development is not in compliance. In this case, no development order shall be issued.
- (m) If the school board and the applicant agree to mitigation, the letter of determination of concurrency shall be issued based on the agreed mitigation measures and an agreement between the school board, the city and the applicant.



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- (n) A letter of determination for school concurrency, finding the development in compliance, issued by the school board shall be valid for one year from the date of issuance unless extended by the school board. Once the development order is issued, the concurrency determination shall run with the development order.
- (o) If the letter of determination of concurrency requires conditions or mitigation to be placed on the development, the development order issued by the City of Clermont shall incorporate conditions as set forth by the school board.
- (p) If the letter of determination of concurrency requires the development to be phased to school construction or other mitigation, the conditions of approval of the development order shall reflect the phasing requirements by withholding subsequent development orders for building permits.
- (q) In no case shall a development order be issued unless provisions are made through conditions of approval or by agreement between the school board, the city and the applicant to provide performance security when required.
- (r) An Adequate Public Facilities Determination is an analysis of the assigned school facility capacities for a residential development. It is not binding and does not reserve or encumber capacity. The Adequate Public Facilities Determination is obtained from Lake County School Board at the start of the development process. This review shall be performed at the initial development order stage and is used to determine if there are adequate public facilities/schools to serve the future residential development.
- (s) School concurrency is based on service areas and shall be reserved for the residential development to determine if school capacity is available or will be made available concurrent with the impact of the development. A capacity reservation shall be required prior to formal approval of the subdivision final plat and/or formal site plan approval for all development orders with any residential component and not considered exempt from the requirements of school concurrency.

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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



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SECTION 5: CODIFICATION

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

SECTION 6: ADMINISTRATIVE CORRECTION

Regardless of whether such inclusion in the Code as described in Section 6 is accomplished, sections of the Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: EFFECTIVE DATE

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



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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of July 2020.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10097238
Phone: (352) 241-7331
Date: 06/19/20
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	06/22/2020	07/13/2020	\$202.72

LEGAL NOTICE

Notice is hereby given that the City Council of 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.

matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

ORDINANCE NO. 2020-28

Tracy Ackroyd Howe, MMC
City Clerk

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY FLORIDA, RELATED TO CONCURRENCY MANAGEMENT, AND AMENDING THE CODES OF ORDINANCES, CHAPTER 90 CONCURRENCY MANAGEMENT, ARTICLE III, SECTION 90-31 SCHOOL CONCURRENCY; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

Ad No: 10097238
June 22, 2020 &
July 13, 2020

The Planning and Zoning Commission will consider this ordinance at a public hearing on Tuesday, July 7, 2020 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the Clermont City Council on Tuesday, July 14, 2020 at 6:30 P.M. for (Introduction), and a public meeting will be held on Tuesday, July 28, 2020 at 6:30 P.M. for (final enactment).

All meetings will be held at Clermont City Hall, first floor Council Chambers, located at 685 West Montrose Clermont, FL 34711.

This ordinance is available for public inspection in the office of the City Clerk, 2nd Floor, located at 685 W. Montrose Street Clermont, FL 34711, 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

Payment Info	
Ad Price	\$202.72
Tax	\$0.00
Sub Total	\$202.72
Prepaid Amount	\$0.00
Balance Due	\$202.72