



**CITY OF CLERMONT
CITY COUNCIL MEETING
LOCATION: CLERMONT ARTS & RECREATION CENTER
AGENDA
6:30 PM, Tuesday, April 27, 2021**

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 extended by the Mayor or by majority vote of the Council. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PROCLAMATION

Public Service Recognition Week
Occupational Health and Safety Week

PRESENTATIONS

Drop Savers Poster Contest Winners

PUBLIC COMMENTS

REPORTS

Chairman Parks, Lake County Board of County Commissioners, District 2

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 the April 6, 2021 Workshop and April 13, 2021 Council Meeting Minutes. |
| Item No. 2 - Piggyback Agreement | Consider request to piggyback State of Florida contract with WEX Bank to provide Fuel Card Services in the estimated annual budgeted amount of \$285,000. |
| Item No. 3 - Event and Open Container Request | Consider request for Clermont's Sips & Salsa cultural event co-hosted by the South Lake Chamber of Commerce at Waterfront Park on Sept. 18, 2021. |

UNFINISHED BUSINESS

- | | |
|---|---|
| Item No. 4 - Ordinance No. 2020-16 <i>Final Hartwood Marsh Assisted Living Facility CPA</i> | Consider a Future Land Use change from Low Density Residential to High Density Residential for (6) six acres. |
|---|---|

CITY OF CLERMONT
CITY COUNCIL MEETING
LOCATION: CLERMONT ARTS & RECREATION CENTER
AGENDA
6:30 PM, Tuesday, April 27, 2021

Item No. 5 - Ordinance No. 2020-17 *Final*
Hartwood Marsh Assisted Living Facility

Consider rezoning from R-1 Single Family Medium Density Residential to Planned Unit Development for property located at the southeast corner of Hartwood Marsh and Hancock Road.

Item No. 6 - Ordinance No. 2021-010
Table to May 11, 2021
Graff Building

Consider rezoning from Central Business District (CBD) to Planned Unit Development (PUD) for a Mixed-use Residential and Office project located at 872 West Minneola Avenue.

Item No. 7 - Ordinance 2021-013
Table to May 11, 2021
Disston Duplexes PUD Rezoning

Consider rezoning from R-3 Residential, C-1 Light Commercial and C-2 General Commercial to a Planned Unit Development for vacant parcels located at the corner of Disston Avenue and Almond Street.

NEW BUSINESS

Item No. 8 - Variance Request
Sonic at Governors Lake

Consider request to allow a canopy structure setback less than 30-feet and allow for encroachment into the 12-foot side yard setback for the vacant property located at the Southeast corner of Highway 27 and Citrus Tower Blvd.

Item No. 9 - Resolution No. 2021-015
Florida Discount Self Storage CUP

Consider Conditional Use Permit to allow for the expansion of an existing self-storage facility located at 2300 Hartwood Marsh Road.

Item No. 10 - Variance Request
Florida Discount Self-Storage

Consider request to allow for topography elevation changes that exceed the maximum permitted for commercial development for property located at 2300 Hartwood Marsh Road.

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

CITY OF CLERMONT
CITY COUNCIL MEETING
LOCATION: CLERMONT ARTS & RECREATION CENTER
AGENDA
6:30 PM, Tuesday, April 27, 2021

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.

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

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.

PROCLAMATION

Whereas, during Public Service Recognition Week, we express our gratitude to our Nation's civil servants for their dedication to mission, service, and stewardship; and

Whereas, each day, millions of government employees serve their fellow citizens from law enforcement officers to those who work in education, healthcare, transportation, and other public service careers, civil servants ensure government works for the American people; and

Whereas, our civil servants respond to natural disasters, search for cures for diseases, protect information networks, and improve quality of life for their fellow Americans; and

Whereas, civil servants remain focused on their mission of serving and protecting; and

Whereas, we acknowledge the work our civil servants do for the American people on a daily basis and appreciate their willingness to dedicate their experience and expertise, and sometimes even their lives, to serving their fellow citizens.

Now, Therefore, I, Tim Murry, Mayor of the City of Clermont in the State of Florida, do hereby proclaim the Week of May 2nd-8th , Two Thousand and Twenty One as:

Public Service Recognition Week

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Clermont to be affixed this 27th Day of April in the year Two Thousand and Twenty One.

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

PROCLAMATION

Whereas, the residents of Clermont, Lake County, Florida value safe and healthy workplaces for all of our citizens; and

Whereas, the majority of workplace injuries and fatalities are preventable, however more than 5,000 U.S. workers die each year from job related injuries, and millions more suffer occupational injuries and illnesses; and

Whereas, businesses spend \$170 billion a year on costs tied to occupational injuries, illnesses and healthcare, as well as facing intangible costs of losing a loved one, friend or coworker; and

Whereas, safer organizations enjoy increased productivity, higher employee satisfaction and a better reputation while recording less lost time and lower workers' compensation and healthcare costs; and

Whereas, during the week of May 2 - 8, 2021, members of the American Society of Safety Engineers, Canadian Society of Safety Engineering, the Occupational Safety and Health Administration, and corporate and association partners representing thousands of businesses will mobilize throughout North America in an effort to increase public awareness of the value of following safe practices and staying safe at work while helping companies and organizations enhance their workplace safety efforts; and

Whereas, on May 5, 2021, occupational safety and health professionals across North America will be recognized on Occupational Safety and Health Professionals Day for their commitment to protecting people and property in their communities.

Now, Therefore, I, Tim Murry, Mayor of the City of Clermont in the State of Florida, encourage all organizations, community leaders, employers and employees to support activities designed to increase awareness of the importance of safe workplaces for all, and do hereby proclaim the Week of May 2nd – 8th, Two Thousand and Twenty One as:

North American Occupational Safety & Health Week

AND FURTHER, do I hereby proclaim Wednesday, May 5 as:

Occupational Safety and Health Professionals Day

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Clermont to be affixed this 27th Day of April in the year Two Thousand and Twenty One.

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
COUNCIL WORKSHOP
April 6, 2021

The Clermont City Council met in a Council Workshop on Tuesday, April 6, 2021, in the Council Chambers. Mayor Murry opened the workshop at 6:30pm with the following Council Members present: Pines, Entsuah, Purvis, and Bates. Other City officials present were Interim City Manager Dauderis, City Attorney Mantzaris and City Clerk Howe.

OPENING STATEMENTS

City Attorney Mantzaris provided an overview of the workshop and will be looking for direction from the Council. There are four presentations that will be given in alphabetical order.

AGENDA

City Manager Recruitment - Executive Search Consultant Presentations

Mercer Group

Dona Higginbotham presented on behalf of Mercer Group via Zoom. She provided an overview of their services to include position analysis, candidate search, resume review and screen based upon criteria. Prior to presenting recommendations, they will do preliminary background work. Once selection is made, they will do complete background check. The projected timeline is 12 weeks or less with a 30 or 45 day recruitment. She reviewed fees and will only charge what is necessary to do job. In addition, she reviewed the guarantees. If the selected candidate leaves for any reason, they will perform another search at only their expenses. They have been in business for 30 plus years. The home office is in Daytona. They have never placed anyone with the City of Clermont in the past.

City Attorney Mantzaris stated the Council would like to hear all presentations first then circle back with questions.

S. Renee Narloch & Associates

Renee Narloch presented on behalf of S. Renee Narloch & Associates via Zoom. She is the President and owner located in Tallahassee, Florida. She reviewed the proposal to include company experience and qualifications. She outlined the recruitment process and reviewed references. There have been a number of repeat clients to include the City of St. Cloud and the City of Tallahassee.

Council Member Pines inquired about the number of current searches. Ms. Narloch responded they have 8 ongoing searches in various stages. Two of the clients are kicking off this week and the others are at interviews.

City of Clermont
MINUTES
COUNCIL WORKSHOP
April 6, 2021

Slavin Management Consultants

Robert Slavin was present to provide a PowerPoint presentation. The company was founded in 1991 and reincorporated in 1998. Primarily does executive searches in local government. Placement of 800 to 900 local government and nonprofit executives in 48 states. The company is based in Atlanta, Georgia.

Ninety-five percent of placed candidates have stayed in positions for more than five years. The average tenure for a City Manager is 5 to 6 years. The majority is women. Mr. Slavin has more than 40 years' experience. He reviewed the past and present Florida clients. The process is designed to fit the city's needs. It is tailored to each jurisdiction and designs a strategic process. He reviewed the process to include spending time with staff and community leaders, determine expectations and visit with candidates to see how they interact with people, background and referencing. The progress meeting and design profile is based on the city's interest in a potential candidate. Interview questions will be provided to the Council. Also, they will schedule public meet and greets. Facilitate employment agreement with the City Attorney as well as facilitate performance goals in the first year. There will be annual follow-ups. He provided a two year commitment. He reviewed professional fees and expenses.

Council Member Entsuh commented on the City of Clermont and Lake County as listed clients. Mr. Slavin remarked the City of Clermont hired him to assist in the recruitment of the Police Chief position and Lake County hired him to recruit for the County Manager position.

Council Member Purvis requested explanation of the expenses. Mr. Slavin reviewed expenses.

Council Member Purvis asked his professional opinion to limit it to state wide. Mr. Slavin remarked the Council would be missing an opportunity.

City Attorney Mantzaris suggested asking that question to all candidates.

Strategic Government Resources

Douglas Thomas provided a PowerPoint presentation on behalf of Strategic Government Resources. He spent his career in local government and is located in Lakeland, Florida. The firm is based in Keller, Texas. SGR is a full service recruitment firm and leadership development training. Mr. Thomas reviewed his background to include 35 years in municipal management. He described the keys to a successful search. Then, reviewed the process, marketing the position, services provided, challenges and opportunities, as well as identifying ideal candidate attributes. Mr. Thomas discussed the search process, interview process, background, media search, reference checks, project methodology, and targeted outreach. He reviewed the fee schedule and guarantee in replacement is 18 months with only paying incurred expenses.

Mayor Murry inquired about retention. Mr. Thomas commented the average tenure is 5 to 7 years. The fits are strong and guarantees are rarely used. He typically meets with Council Members individually and staff. Within two to three weeks of contract execution, he will be able to launch the job.

City of Clermont
MINUTES
COUNCIL WORKSHOP
April 6, 2021

Mayor Murry asked about interview questions for the Council. Mr. Thomas stated he will work with Council and prepare standard questions of interest. He will make sure the questions are worded properly with no legal issues.

Mayor Murry asked the other representatives how they would assist in the interview process and guidance to Council.

Ms. Higginbotham will provide an interview guide and a list of 25 to 30 suggested questions. She will personally sit down with each of the Council Members and determine criteria for a City Manager. Then, develop a brochure. She will also work with Directors. The interview process is 3 days.

Ms. Norlach will guide through the interview process and set up a process to your liking as well as advice and prepare suggested questions to create a dialogue. Facilitate the process and share a list of items that are not allowed including protective class. Council will review the questions in advance.

Mayor Murry inquired about fees and the outlined 16 week process. Ms. Norlach stated once the contract is in place, that 16 weeks is standard. The fees are included in the proposal.

Council Member Entsuaah inquired about the number of staff members and turnover.

Ms. Norlach has 6 full time staff as well as part-time staff; 1 person left in December.

Ms. Higginbotham has had four members of staff for 11 years. Also, contracts with an outside firm that will do the complete background search.

Mr. Slavin has 8 staff members that have been employed there for more than 10 years; the last person left 5 years ago and retired.

Mr. Thomas stated there are 20 full time employees and continue adding employees. The most recent person left last year and relocated. There are a variety of recruiters and contractors.

CLOSING COMMENTS

City Attorney Mantzaris stated direction is needed from Council. The goal is to have a contract presented to Council at the next meeting.

The Council Members reviewed their top choices with Strategic Government Resources as the top choice of the City Council.

City Attorney Mantzaris reviewed the next process to include working with Strategic Government Resources to bring back an agreement for consideration at the April 13 Council Meeting.

City of Clermont
MINUTES
COUNCIL WORKSHOP
April 6, 2021

Mayor Murry is the Council had any further comments.

Council Member Pines expressed concerns with jet skiers on the lake and rental companies.

City Attorney Mantzaris stated in regards to rental companies, it is difficult to control with the use of a public boat ramp.

Police Chief Broadway commented there are officers patrolling every weekend and will have someone at the gate.

Interim City Manager Dauderis noted that parking is not limited to individuals using the boat ramp. She remarked there will be a discussion on the policy of the boat ramp as well as parking at the April 20 Council Workshop.

City of Clermont
MINUTES
COUNCIL WORKSHOP
April 6, 2021

Adjourn: The workshop concluded at 8:14pm with no further comments.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

The City Council met in a regular meeting on Tuesday, April 13, 2021 in the Clermont City Council Chambers. Mayor Murry called the meeting to order at 6:30pm with the following Council Members present: Council Members Pines, Entsuah, Bates, and Purvis.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was provided by Jocelyn Williamson of the Central Florida Free Thought Community, followed by the Pledge of Allegiance.

PRESENTATION

The following presentation was heard out of order after public comments.

City Lobbyist Chris Carmody provided a legislative update via Zoom to the Council on matters regarding the State legislature. Due to technical difficulties with the audio system, Council Member Bates requested that the City Manager reschedule the presentation for another meeting.

PUBLIC COMMENTS

Dani Page, Tuscan Ridge, Clermont – Informed the Council about the “Roland Strong” organization formed for Lake County Firefighter Jenn Roland. She also informed the Council about a fundraising event on May 3.

Council Member Purvis stated that while the City cannot get financially involved, he asked if the City could post a flyer on the City website and social media. City Attorney Mantzaris replied that staff can review, but cautioned the City against starting this practice as if it is promoted for one it would be open to all. Council Member Purvis suggested that councilmembers use their own means to promote the event.

Vincent Niemiec, Barrister Drive, Clermont – Provided the Council with an update on Hartwood Marsh Road since Winter Garden has passed an ordinance banning truck traffic on Marsh Road. Mr. Niemiec informed the Council he attended a meeting of the Lake County Board of County Commissioners (BOCC). He asked the BOCC why Hartwood Marsh was still in a design phase, but the Hooks Street extension was moving forward. He also informed the Council that while the City requested a four (4) lane road, the BOCC voted to go with a two (2) lane road. He expressed concern where that money was coming from.

REPORTS

INTERIM CITY MANAGER REPORT

Interim City Manager Dauderis reviewed several agenda changes, and then announced that there would be a City Council Workshop on April 20 in the Council Chambers. She also informed the Council that due to the expected crowd size, the April 27 City Council Meeting will be held at the Arts & Recreation Center.

Interim City Manager Dauderis stated that in December 2020, the Council implemented a 90 day review of all upcoming events. Staff is requesting that the Council discontinue that process as events have shown themselves to be relatively safe and the Council has not made any changes to the approved list since implementation. These are for events that are already approved.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

MOTION TO DISCONTINUE the 90 day Covid-19 review of events by the City Council made by Council Member Purvis. Seconded by Council Member Bates. Passed unanimously with all members present voicing aye.

Interim City Manager Dauderis added that the City is currently operating at 75 percent capacity, and staff is reviewing when to resume at 100 percent. A recommendation will be brought back to Council for review.

Interim City Manager Dauderis informed the Council that the City has closed on the Trapp property, and it is now the owner.

Regarding the Winter Garden truck ban, Interim City Manager Dauderis told the Council that the Winter Garden Council adopted their ordinance last Thursday and will start implementing in a week. They are allowing further negotiations by not implementing enforcement of the ordinance while the conversation is ongoing. She told the Council that staff had a discussion with Lake County and they are working to brainstorm additional ideas on how to mitigate the truck traffic. Some of those ideas include:

1. Putting restrictions on Hartwood Marsh Road, but that would be up to the County as they are County roads.
2. Putting up signs on US 27 to keep other trucks off of Hartwood Marsh. Additional signs could be used to direct truck traffic to Hooks Street and then SR 50.
3. A circular one way only for truck. Split the trucks 50/50.
4. Talked about permits. Hard to implement and enforce.
5. Review speed limit.

She concluded by informing the Council that the City will be discussing more options with the county and reaching out to Winter Garden.

City Attorney Mantzaris added that the City has received correspondence from Titan Inc who has asked the City to join them in a lawsuit against Winter Garden; Lake County was also asked to join. He informed the Council that the BOCC would be placing it on an agenda to discuss. He is hesitant to join the lawsuit until the City is fully aware of the potential claims. Additionally, there are issues with the City joining the lawsuit as state law says that when there exists conflict between governments, they need to go through a pre-suit resolution process. He stated that he will bring back additional information at the next Council meeting.

CITY ATTORNEY REPORT

City Attorney Mantzaris – No report.

CITY COUNCIL REPORT

Council Member Bates –

- Thanked the Mayor and staff for attending meetings in Winter Garden.
- He has a goal of keeping trucks off of Hancock.

Council Member Purvis –

- Reported on the Lake County Commission meeting. He said the Lake County Board has chosen to do a Hooks Street Extension with two (2) lanes and the acquiring of right of way for future expansion. He said that County staff justified this because it is \$2.1 million less. However, he believes that they did not include the cost to acquire the retention pond area.
- The Hooks Street intersection is still up in the air as to whether it will be a traffic circle or light.
- Suggested a health and safety checkpoint on Hartwood Marsh Road.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

Council Member Entsua –

- Received an email regarding incidents at the waterfront. He stated that the City is receiving more unruly visitors at the boat ramp and asked that the Police Department address the issue.
- Attended first Tourism Development Council meeting. He did not receive an agenda until the day of the meeting. He has a goal of increasing the amount of meetings.
- Thrive Clermont had their event this past weekend. It was a success.

Regarding the boat ramp, Chief Broadway stated that they will have officers in the water starting on May 15, 2021.

Council Member Pines – No report.

Mayor Murry –

- Attended the Thrive Clermont 5th anniversary event at Waterfront Park.
- Talked to Interim City Manager Dauderis about street signs on Dr. Martin Luther King. Asked staff to look into how they can put signs at the Bloxom and SR50 intersection.
- Asked about the East Lake trees, benches, and fountain request.
- Attended the ground breaking of Cancer Specialists next to Watson Realty.
- Asked that Workforce Housing and Affordable Housing be readdressed at a workshop.

Regarding East Lake, Interim City Manager Dauderis replied that the fountain is not easy to do. There is an estimated cost of \$35,000 and the City would have to run the electrical. She is adding it to the Fiscal Year 2022 budget.

Regarding Workforce Housing, Interim City Manager Dauderis replied that staff is ready, but the topic has not been brought up due to external circumstances that the City is currently addressing.

CONSENT AGENDA

Mayor Murry 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 – Minutes Approval

Consider approval of the minutes of the March 16, 2021 Workshop and the March 23, 2021 City Council Meeting.

Item No. 2 – Surplus Request

Consider declaring end of life inventory as surplus from Parks and Recreation, Fire, Police, Information Technology, and Public Services and dispose of in accordance with the Purchasing Policy.

Item No. 3 – Bid Award & Budget Amendment

Consider award to Johnson-Laux Construction, LLC to provide construction of a new Public Works Operations Facility in the lump sum price of \$10,515,667. Consider the approval of contingency fund in the amount of \$229,335. Consider budget amendment to the Water Impact Fund, Sanitation Fund, Infrastructure Fund and Capital Projects Fund in the amount of \$1,083,104.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

- | | |
|---|--|
| Item No. 4 – Event & Open Container Request | Consider allowing Sea’s Your Day Events LLC to have an open container area for their “Toucan Lake Days Customer Appreciation Event” event on May 22, 2021 at Waterfront Park. |
| Item No. 5 – Event & Open Container Request
4th of July – Red, White & Boom | Consider City event request and open container and open container at Waterfront Park between 3 rd Street and 4 th Street on July 4 th , 2021 from 5:00 PM to 9:30 PM. |
| Item No. 6 – Event & Road Closure Request | Consider the “Mega Food Truck Event” with road closures June 19, 2021 from 2:00PM to 11:00PM. |
| Item No. 7 – Event & Road Closure Request | Consider the Clermont Downtown Partnership request to host the annual “Harvest Festival” on October 30, 2021. |
| Item No. 8 – Event & Road Closure Request | Consider the Clermont Downtown Partnership request to host the “Candy Cane Lane Craft and Gift Show” on November 13, 2021. |
| Item No. 9 – Special Events Review | City Council review of upcoming special events in April, May, June and July due to Covid-19. |
| Item No. 10 – Resolution No. 2021-022R | Consider adoption of the Lake County Multi-Jurisdictional Local Hazard Mitigation Strategy. |

MOTION TO APPROVE the consent agenda for April 13, 2021 made by Council Member Bates. Seconded by Council Member Pines. Passed unanimously with all members present voicing aye.

UNFINISHED BUSINESS

- Item No. 11 – Ordinance No. 2020-16 *FINAL – Hartwood Marsh Assisted Living Facility CPA***

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.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

The following was heard out of order and was considered during the City Manager's Report.

City Clerk Howe read Ordinance 2020-16 into the record by legal title only.

MOTION TO TABLE consideration of Ordinance No. 2020-16 until April 27, 2021 made by Council Member Bates. Seconded by Council Member Pines. Passed unanimously with all members present voicing aye.

Item No. 12 – Ordinance No. 2020-17 FINAL – Hardwood Marsh Assisted Living Facility Rezoning

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 following was heard out of order and was considered during the City Manager's Report.

City Clerk Howe read Ordinance 2020-17 into the record by legal title only.

MOTION TO TABLE consideration of Ordinance No. 2020-17 until April 27, 2021 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

NEW BUSINESS

Item No. 13 – Variance Request – 13552 Pitanga Street

Planning Manager Kruse presented the variance request. The applicant is requesting a variance of a rear yard setback of 12 ft. in the Terrace Grove subdivision. The applicant intends to add a screen to a concrete area already in existence so there will not be an increase to the impervious surface area. Upon review, staff believes the applicant has met the criteria for a variance and recommends approval.

Barbara Matthews – *Applicant*. Ms. Matthews informed the Council that she would appreciate an approval as the screen addition would add enjoyment to their home.

Mayor Murry opened the floor for questions from the public; seeing no public come forth, the floor was closed.

Council Member Bates asked if they had received approval from the Homeowner's Association (HOA). Ms. Matthews indicated that had not made a request to their HOA.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

MOTION TO APPROVE the variance request for 13552 Pitanga Street conditioned on approval of the HOA made by Council Member Purvis. Seconded by Council Member Bates. Passed unanimously with all members present voicing aye.

Prior to the vote, City Attorney Mantzaris indicated the HOA could still prohibit if it violates the community covenants. Council Member Purvis amended his motion to state that the pulling of the permit would be conditioned on HOA approval. The amendment was not seconded. City Attorney Mantzaris cautioned against the permit amendment and suggested returning to the original motion. Council Member Purvis returned to his original motion which was already seconded by Council Member Bates.

Council Member Entsuh asked why this was before the Council. Planner Kruse explained that an enclosed space with a solid roof requires Council approval.

Seeing no further discussion, Mayor Murry called the question.

Item No. 14 – Variance Request – 1605 Oak Hollow Road

Development Services Director Henschel presented the staff presentation. The applicant is requesting one setback variance in the rear of single family home for a pool located within the Indian Shores subdivision south of 561 off of 12th Street. The applicant has received HOA approval and has also gathered five (5) letters of support from his surrounding neighbors. Upon review, staff determined that the variance request is not out of character with the neighborhood and recommends approval.

Todd Shappard – *Applicant*. Mr. Shappard informed the Council that his neighbors are supportive. He appreciates staff's recommendation and hopes the Council will approve.

Council Member Entsuh asked if it will be an enclosed pool. Mr. Shappard stated that it would be screened in. Director Henschel stated that the cage approval is part of the request.

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

MOTION TO APPROVE the variance request for 1605 Oak Hollow Road made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 15 – Variance Request – 2534 Stargrass Circle

City Planner John Kruse presented the staff presentation. The applicant is requesting one (1) setback variance in order to allow the conversion of an existing screened patio. The applicant is requesting the removal of the screened roof portion and having it replaced with an insulated solid roof. Under the current code, solid roofs are considered a structure and they are required to meet the setbacks for primary structures. Screened roof enclosures are accessory structures and are required to meet a reduced rear yard setback. The setback in this subdivision is 20 feet from the rear property line for primary structures and 5 feet for accessory structure. The applicant has provided seven (7) letters of support from the adjoining property owners and has received HOA approval. The impervious surface area will not be increased since the existing patio floor will now be covered by a solid roof. Upon review, staff found that the request meets the criteria for the granting of a variance and recommends approval.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

Zalie and Robert Myers – *Applicants*. Thanked staff for the recommendation and requested approval from the Council.

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

MOTION TO APPROVE the variance request for 2534 Stargress Circle made by Council Member Bates. Seconded by Council Member Pines. Passed unanimously with all members present voicing aye.

Item No. 16 – Selection of Executive Search Firm

City Attorney Mantzaris presented the agenda item. He explained that at the workshop, the Council heard presentations from four (4) perspective search firms to fill the vacant City Manager position. Based on the direction of the Council, staff worked on an agreement with SGR Inc. which is before them for consideration. The total not to exceed is \$24,900 for expenses. Staff is recommending approval based on discussion at the workshop. Mr. Doug Thomas is present on behalf of SGR should the Council have additional questions.

Mayor Murry opened the floor for comments from the public.

Vincent Niemiec, Barrister Drive, Clermont – Asked for clarification on the \$24,900. City Attorney Mantzaris clarified that expenses are not to exceed \$24,900.

Dani Page, Tuscany Hills, Clermont – Asked for the name of the company again as she was unable to hear where she was sitting.

Seeing no further comments, Mayor Murry closed the public hearing.

Council Member Bates asked for the effective date of the agreement. City Attorney Mantzaris said he believes it will begin upon their approval.

Doug Thomas – *SGR Representation*. Mr. Thomas informed the Council that they are ready to start the process in 15 days.

Council Member Purvis asked Mr. Thomas to give a brief history of himself and the company. Mr. Thomas stated that he is a Senior Vice President with Strategic Government Resources Inc. which has been in the business of recruiting senior city management positions for over 35 years. They most recently assisted with the recruitment of the City Manager of Lakeland.

MOTION TO APPROVE the contract with SGR Inc. made by Council Member Bates. Seconded by Council Member Pines. Passed unanimously with all members present voicing aye.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

Item No. 17 – Ordinance No. 2021-010 *INTRODUCTION – Graff Building Rezoning*

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, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

City Clerk Howe read Ordinance 2021-010 into the record by legal title only.

MOTION TO INTRODUCE for future consideration Ordinance No. 2021-010 with a final reading on May 11, 2021, made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 18 – Ordinance No. 2021-013 *INTRODUCTION – Disston Duplexes PUD Rezoning*

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, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, AN EFFECTIVE DATE AND PUBLICATION.

City Clerk Howe read Ordinance 2021-013 into the record by legal title only.

MOTION TO INTRODUCE for future consideration Ordinance No. 2021-013 with a final reading on May 11, 2021, made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

ADJOURN: With no further comments, this meeting adjourned at 7:46 pm.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 13, 2021

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, April 27, 2021		
Agenda Item Name		
Piggyback Agreement		
Requested Action		
Recommend to approve a piggyback contract number 78181701-21-NASPO-ACS from the State of Florida with WEX Bank to provide fuel card services.		
Staff Report		
The Procurement Services Department recommends approval of the above action. The Procurement Services Department sought a contract from the State of Florida number 78181701-21-NASPO-ACS, to obtain fuel cards services. In accordance with the direction of City Council, the Procurement Services Department issued a Request for Interest (RFI) number 2104-001 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 Procurement Services Department received no interest. Based on this, staff recommends that Council approve to piggyback the State of Florida contract number 78181701-21-NASPO-ACS. The State of Florida contract was obtained through a fully competitive solicitation and complies with the City of Clermont Procurement Services Policy. The award includes an initial 4-year agreement with 1 additional 2-year renewal at the option of the city.		
Additional Analysis		
Fiscal Impact Summary		
The estimated annual amount of this contract is \$285,000 and is included in the current year approved budget for each city department.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFI 2104-001	RFI 2104-001.pdf	
2. Fuel Card Services 78181701-21-NASPO-ACS	Fuel Card Services 78181701-21-NASPO-ACS.pdf	



REQUEST FOR INFORMATION

Intent to Utilize the State of Florida Contract for Fuel Card Services

CONTACT INFORMATION: Freddy L. Suarez, MPA, CPPB Procurement Services Director EMAIL: fsuarez@clermontfl.org Phone: (352) 241-7350	RFI No. 2104-001	ISSUED DATE: April 8, 2021
	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>April 16, 2021 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 Procurement Services Director by email.

Hardcopy responses may be delivered to: City of Clermont Procurement Services 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 Procurement Services 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: All City Departments
- (b) Company Information: WEX Bank
- (c) Contract Number and Title: 78181701-21-NASPO-ACS/ Fuel Card Services
- (d) Length of Contract: 4 Year(s) w/1 optional 2-year renewal.
- (e) Product or Service Provided: Fuel card services
- (f) Annual Expenditure: \$285,000

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Procurement Services 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 Procurement Services 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.



**Alternate Contract Source (ACS)
No. 78181701-21-NASPO-ACS
For
Fuel Card Services**

This Alternate Contract Source (“ACS” or “Contract”) No. 78181701-21-NASPO-ACS; for Fuel Card Services, is between the Department of Management Services (Department), an agency of the State of Florida (State), located at 4050 Esplanade Way, Tallahassee, FL 32399 and WEX Bank, 1 Hancock Street, Portland, Maine 04101 (Contractor), registered to do business in Florida as Wex Inc., collectively referred to herein as the “Parties.”

WHEREAS, the Department is authorized by section 287.042(16), Florida Statutes:

To evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, if it is determined in writing to be cost-effective and in the best interest of the state, to enter into a written agreement authorizing an agency to make purchases under such contract;

WHEREAS, the Department evaluated the Master Agreement and determined that use of the Master Agreement is cost-effective and in the best interest of the State.

NOW THEREFORE, in consideration of the mutual promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Term and Effective Date.

The Master Agreement became effective October 1, 2020, and its term currently ends on December 31, 2025. The Master Agreement has five years of renewals available. The ACS will become effective on April 6, 2021, or on the date signed by all Parties, whichever is later. The ACS will expire on December 31, 2025, unless terminated earlier or renewed in accordance with Exhibit B, Special Contract Conditions.

2. Order of Precedence.

This Contract document and the attached exhibits constitute the Contract and the entire understanding of the Parties. Exhibit A, Exhibit B, Exhibit C, and this Contract document constitute the Participating Addendum to the Master Agreement, and modify or supplement the terms and conditions of the Master Agreement (Exhibit D). All exhibits

**Alternate Contract Source (ACS)
No. 78181701-21-NASPO-ACS
For
Fuel Card Services**

listed below are incorporated by reference into, and form part of, this Contract. In the event of a conflict, the following order of precedence shall apply:

- a) This ACS document and amendments, with the latest issued having priority.
- b) Exhibit A: Additional Special Contract Conditions (Florida)
- c) Exhibit B: Special Contract Conditions (Florida)
- d) Exhibit C: Schedule of Points and Fees
- e) Exhibit D: Cooperative Purchasing Master Agreement No. 00819, Fleet Card Services

Where the laws and regulations of a state other than the State of Florida are cited or referenced in the Master Agreement, such citation or reference shall be replaced by the comparable Florida law or regulation.

3. National Annual Volume

The National Annual Volume Incentive will be applied as an ancillary credit for each Customer.

4. Purchases off this ACS.

Upon execution of this ACS, agencies, as defined in section 287.012, Florida Statutes, may purchase products and services under this Contract. Any entity making a purchase off of this Contract acknowledges and agrees to be bound by the terms and conditions of this Contract. The Contractor shall adhere to the terms included in any contract or purchase orders issued pursuant to this Contract.

5. Primary Contacts

Department's Contract Manager:

Christopher McMullen
Division of State Purchasing
Florida Department of Management Services
4050 Esplanade Way, Suite 360
Tallahassee, Florida 32399-0950
Telephone: (850) 922-9867
Email: Christopher.McMullen@dms.fl.gov

Contractor's Contract Manager:

Denise Baumgart
Strategic Relationship Manager
WEX Inc.
1 Hancock Street
Portland, ME 04101
Telephone: (913) 538-6781
Email: denise.baumgart@wexinc.com

**Alternate Contract Source (ACS)
No. 78181701-21-NASPO-ACS
For
Fuel Card Services**

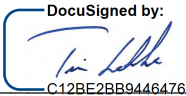
6. Modifications.

Any amendments to this Contract must be in writing and signed by the Parties. If amendments are made to the Master Agreement after the effective date of this Contract, the Contractor shall: 1) notify the Department of such amendments; and 2) provided the Department is amenable to incorporating the amendments into this Contract, enter into a written amendment with the Department reflecting the addition of such amendments to this Contract.

IN WITNESS THEREOF, the Parties hereto have caused this Contract to be executed by their duly authorized undersigned officials.

**CONTRACTOR
Wex Bank**

DocuSigned by:


C12BE2BB9446476

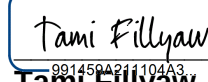
Tim Laukka, President

4/5/2021 | 12:28 PM PDT

Date:

**STATE OF FLORIDA,
DEPARTMENT OF
MANAGEMENT SERVICES**

DocuSigned by:


991459A211104A3

Tami Fillyaw, Chief of Staff

4/5/2021 | 5:35 PM EDT

Date:



ADDITIONAL SPECIAL CONTRACT CONDITIONS Exhibit A

The Contractor and Customers acknowledge and agree to be bound by the terms and conditions of the Master Agreement except as otherwise specified in the Department's Contract as modified and supplemented by the Special Contract Conditions and these Additional Special Contract Conditions.

Contractor acknowledges that the Participating State is an agency of the State of Florida and as such, the Contract will include the terms and conditions in these Additional Special Contract Conditions. All references to the Contract in these Additional Special Contract Conditions include the terms and conditions herein.

- A. Contractor and applicable subcontractors, affiliates, partners, resellers, distributors, and dealers: By execution of a Contract, the Contractor acknowledges that it will not be released of its contractual obligations to the Department or state agencies because of any failure of a subcontractor, reseller, distributor, or dealer. The Contractor is fully responsible for satisfactory completion of all work performed under the Contract.

- B. Purchases Prerequisites: Before fulfilling any Customer purchases and receiving payment, the Contractor and applicable subcontractors, affiliates, partners, resellers, distributors, and dealers must have met the following requirements, unless further notated below:
 - Have an active registration with the Florida Department of State, Division of Corporations (www.sunbiz.org), or, if exempt from the registration requirements, provide the Department with the basis for such exemption.
 - Be registered in the MFMP Vendor Information Portal (<https://vendor.myfloridamarketplace.com>) *only required if receiving payment.
 - Not be on the State's Convicted, Suspended, or Discriminatory Vendor lists (http://www.dms.myflorida.com/business_operations/State_purchasing/vendor_information/convicted_suspended_discriminatory_complaints_vendor_lists)
 - Comply with E-Verify requirements set forth in section 448.095, F.S, if applicable.
 - Have a current W-9 filed with the Florida Department of Financial Services (<https://flvendor.myfloridacfo.com>) *only required if receiving payment.
 - For subcontractors, affiliates, partners, resellers, distributors, and dealers (Third Party Entities) fulfilling any Customer purchases and receiving payment from a Customer, Contractor shall include in any agreement with such Third Party Entities that they shall adhere to the requirements set forth above, if applicable, prior to fulfilling any Customer purchases.

- C. Contract Reporting: The Contractor shall provide the following reports associated with this Contract.

- 1) **Contract Quarterly Sales Reports.** The Contractor shall submit Quarterly Sales Reports to the Department's Contract Manager within 60 calendar days after the close of each State fiscal quarter (the State's fiscal quarters close on September 30, December 31, March 31, and June 30). The Contractor's first Quarterly Sales Report will be due 60 calendar days after the first full quarter following Contract execution.

Reports must be submitted in MS Excel format in a format agreed upon between contractor and the Department's contract manager. The report shall include all Customer sales received and associated with this Contract during the quarter. Initiation and submission of the Quarterly Sales Report is the responsibility of the Contractor without prompting or notification from the Department's Contract Manager. If no orders are received during the period, the Contractor must submit a report stating that there was no activity. If the Contractor fails to submit two consecutive quarterly sales reports, the Contract may be terminated, or the Department may choose to not renew the Contract.

- 2) **Certified and Minority Business Enterprises Reports.** Upon Customer request, the Contractor shall report to each Customer, spend with certified and other minority business enterprises in the provision of commodities or services related to the Customer orders. These reports shall include the period covered; the name and minority code of each minority business enterprise utilized during the period; commodities and services provided by the minority business enterprise; and the amount paid to each minority business enterprise on behalf of the Customer.

- 3) **Ad Hoc Sales Reports.** The Department may require additional Contract sales information such as copies of purchase orders or ad hoc sales reports. The Contractor shall submit these mutually agreed upon documents and reports within the timeframe specified by the Department and the contractor.

- D. **Financial Consequences:** The following financial consequences will apply for the Contractor's non-performance of the provision of the Quarterly Sales Reports and the MFMP Transaction Fee Reports. The State of Florida reserves the right to withhold payment or implement other appropriate remedies, such as Contract termination or nonrenewal, when the Contractor has failed to comply with these provisions of the Contract. The Contractor and the Department agree that the financial consequences for non-performance are an estimate of damages which are difficult to ascertain and are not penalties.

The financial consequences will be paid via check or money order and made out to the Department of Management Services in U.S. dollars within 30 calendar days after the required report submission date. These consequences are individually assessed for failures over each target period beginning with the first full month or quarter of the contract performance and every month or quarter, respectively, thereafter.

Financial Consequences Chart

Deliverable	Performance Metric	Performance Due Date	Financial Consequence for Non-Performance (Per Calendar Day Late/Not Received by the Contract Manager)
Contractor will timely submit complete Quarterly Sales Reports	All Quarterly Sales Reports will be submitted timely with the required information	Reports are due on or before the 60 th calendar day after the close of each State fiscal quarter	\$250

Quarterly reporting timeframes coincide with the State Fiscal Year as follows:

- Quarter 1 - (July-September) – due 60 calendar days after close of the period
- Quarter 2 - (October-December) – due 60 calendar days after close of the period
- Quarter 3 - (January-March) – due 60 calendar days after close of the period
- Quarter 4 - (April-June) – due 60 calendar days after close of the period

The Department may not consider renewal of a Contract or price adjustments if the Contractor is late on submitting required reports or for outstanding fees owed.

- E. Business Review Meetings: Both the Department and Customer reserve the right to schedule business review meetings. The Department or Customer will provide the format for the Contractor's agenda. In the event the Department or Customer schedules a business review meeting, the Contractor shall submit the completed agenda to the Department or Customer for review and acceptance prior to the meeting. The Contractor shall address the agenda items and any of the Department's or Customer's additional concerns at the meeting. At a minimum, the agenda items may include:
- a. Contract compliance
 - b. Savings report (in dollar amount and cost avoidance)
 - c. Spend reports by Customer
 - d. Recommendations for improved compliance and performance

Failure to comply with this section may result in the Contractor being placed on a Corrective Action Plan and possible termination of the Contract.

- F. The following sections of Exhibit B, Special Contract Conditions are hereby deleted in their entirety:
- Section 3.1 Pricing
 - Section 3.2 Pricing Decreases
 - Section 3.4 Purchase Order
 - Section 3.7 Transaction Fees
 - Section 6.4 Inspection and Acceptance of Commodities

Section 6.5 Safety Standards
Section 6.8 Waiver
Section 7.1 Workers' Compensation Insurance
Section 7.2 General Liability
Section 7.3 Florida Authorized Insurers
Section 7.4 Performance Bond
Section 7.5 Indemnification
Section 7.6 Limitation of Liability
Section 11.3 Performance Delay
Section 11.4 Force Majeure , Notice of Delay, and No Damages for Delay.

G. The following sections of Exhibit B, Special Contract Conditions are hereby replaced in their entirety:

a. Section 2.3.1, Suspension of Work

The Department may, at its sole discretion, suspend any or all activities under the Contract, at any time, when it is in the best interest of the State of Florida to do so. The Customer may suspend a resulting contract or purchase order, at any time, when in the best interest of the Customer to do so. The Department or Customer will provide advance written notice of no fewer than 30 days outlining the particulars of the suspension. After receiving a suspension notice, the Contractor must comply with the notice and will cease the performance of the Contract or purchase order. Suspension of work will not entitle the Contractor to any additional compensation. The Contractor will not resume performance of the Contract or purchase order until so authorized by the Department.

b. Section 2.3.2, Termination of Convenience

The Contract may be terminated by the Department in whole or in part at any time subject to advance written notice of no fewer than 30 days, in the best interest of the State of Florida. If the Contract is terminated before performance is completed, the Contractor will be paid only for that work satisfactorily performed for which costs can be substantiated. Such payment, however, may not exceed an amount which is the same percentage of the Contract price as the amount of work satisfactorily performed. All work in progress will become the property of the Customer and will be turned over promptly by the Contractor

c. Section 3.5, Travel

Travel expenses are not reimbursable.

d. Section 5.2, Dispute Resolution, Governing Law, and Venue

In the event there is a dispute concerning performance of the Contract, except for disputed transactions, the parties shall discuss and seek to arrive at a resolution in good faith. In the event the parties are unable to arrive at a resolution, then the Department's designated Contract Manager shall reduce State's decision as to such dispute to writing and serve a copy on the Contractor. Exhaustion of this administrative remedy is an absolute condition precedent to the Contractor's ability to pursue legal action related to the Contract or any other form of dispute resolution. The laws of the State of Florida govern the Contract. The Parties submit to the jurisdiction of the courts of the State of Florida exclusively for any legal action related to the Contract. Further, the Contractor hereby waives all privileges and rights relating to venue it may have under Chapter 47, F.S., and all

such venue privileges and rights it may have under any other statute, rule, or case law, including, but not limited to, those based on convenience. The Contractor hereby submits to venue in the county chosen by the Department.

e. Section 6.2, Assignment

The Contractor will not sell, assign, or transfer any of its rights, duties, or obligations under the Contract without the prior written consent of the Department. However, the Contractor may waive its right to receive payment and assign same upon notice to the Department. In the event of any assignment, the Contractor remains responsible for performance of the Contract, unless such responsibility is expressly waived by the Department. The Department may assign the Contract upon prior written notice to the Contractor.

f. Section 8.1.2(d)

Upon completion of the Contract, transfer, at no cost, to the public agency all public records in possession of the Contractor or keep and maintain public records required by the public agency to perform the service. If the Contractor transfers all public records to the public agency upon completion of the Contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. Subject to any retention of data required by applicable taxing authorities. If the Contractor keeps and maintains public records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

g. Section 9, Data Security

Contractor hereby represents, warrants and covenants that it shall cause and ensure that all measures set forth in Section 9.6 and Exhibit G, Section 7 of the Master Agreement be provided and delivered to the State, and all representations, warranties and covenants made in such sections are hereby also made to State.

h. Section 13.1, Background Check

The Department or Customer may request the Contractor to conduct background checks of its employees providing services under this Contract (directly or indirectly) and/or perform appropriate screening of all agents, representatives, and subcontractors providing services under this Contract (directly or indirectly). The cost of the background checks will be borne by the Contractor. The Department or Customer may require the Contractor to exclude the Contractor's employees, agents, representatives, or subcontractors should they fail a background check and/or screening process. In addition, the Contractor must ensure that all persons have a responsibility to self-report to the Contractor within five (5) calendar days (or sooner as directed by the relevant Contractor policy) any conviction (or plea of no contest) for any disqualifying offence listed in 13.3 below, that triggers reporting obligations pursuant to the relevant Contractor policies. The Contractor must promptly notify the Contract Manager of all details concerning any reported conviction. Upon the reasonable request of the Department or Customer, the Contractor will re-screen any of its employees providing services under this contract (directly or indirectly) or request re-

screening of any agents, representatives, and subcontractors providing services under this contract (directly or indirectly) in each case during the term of the Contract.

i. Section 13.2, E-Verify

The Contractor (and its subcontractors) have an obligation to utilize the U.S. Department of Homeland Security's (DHS) E-Verify system for all newly hired employees. By executing this Contract, the Contractor certifies that it is registered with, and uses, the E-Verify system for all newly hired employees. The Contractor must obtain an affidavit from its subcontractors in accordance with paragraph (2)(b) of section 448.095, F.S., and maintain a copy of such affidavit for the duration of the Contract. In order to implement this provision, the Contractor shall provide a copy of its DHS Memorandum of Understanding (MOU) to the Department's Contract Manager within five (5) days of Contract execution. This section serves as notice to the Contractor regarding the requirements of section 448.095, F.S., specifically sub-paragraph (2)(c)1, and the Department's obligation to terminate the Contract if it has a good faith belief that the Contractor has knowingly violated section 448.09(1), F.S. If terminated for such reason, the Contractor will not be eligible for award of a public contract for at least one (1) year after the date of such termination. The Department reserves the right to order the immediate termination of any contract between the Contractor and a subcontractor performing work on its behalf should the Department develop a good faith belief that the subcontractor has knowingly violated section 448.095(1), F.S. This section shall only be deemed to apply to the extent Contractor is subject to the applicable State E-Verify laws

j. Section 13.3 Disqualifying Offenses

If at any time it is determined that a person directly or indirectly providing commodities and services under this Contract has been found guilty of a misdemeanor or felony offense as a result of a trial or has entered a plea of guilty or nolo contendere, regardless of whether adjudication was withheld, within the last six (6) years from the date of the court's determination for the crimes listed below, or their equivalent in any jurisdiction, the Contractor is required to immediately remove that person from any position with access to State of Florida data or directly performing services under the Contract. The disqualifying offenses are as follows:

- (a) Computer related crimes;
- (b) Information technology crimes;
- (c) Fraudulent practices;
- (d) False pretenses;
- (e) Frauds;
- (f) Credit card crimes;
- (g) Forgery;
- (h) Counterfeiting;
- (i) violations involving checks or drafts;
- (j) Misuse of medical or personnel records; and
- (k) Felony theft.

k. Section 13.4, Confidentiality

The Contractor must maintain confidentiality of all confidential data, files, and records related to the commodities or contractual services provided pursuant to the Contract and must comply with all state and federal laws, including, but not limited to sections 381.004, 384.29, 392.65, and 456.057, F.S. The Contractor hereby represents, warrants and covenants that it shall cause and ensure that all measures set forth in Section 9.6 and Exhibit G, Section 7 of the Master Agreement be provided and delivered to the State, and all representations, warranties and covenants made in such sections are hereby also made to State. The Contractor must also comply with any applicable professional standards with respect to confidentiality of information.

**SPECIAL CONTRACT CONDITIONS
JULY 1, 2019 VERSION**

Table of Contents

SECTION 1. DEFINITION..... 2

SECTION 2. CONTRACT TERM AND TERMINATION 2

SECTION 3. PAYMENT AND FEES..... 3

SECTION 4. CONTRACT MANAGEMENT..... 4

SECTION 5. COMPLIANCE WITH LAWS..... 6

SECTION 6. MISCELLANEOUS..... 7

SECTION 7. LIABILITY AND INSURANCE..... 9

SECTION 8. PUBLIC RECORDS, TRADE SECRETS, DOCUMENT MANAGEMENT, AND INTELLECTUAL
PROPERTY..... 10

SECTION 9. DATA SECURITY..... 12

SECTION 10. GRATUITIES, LOBBYING, AND COMMUNICATIONS..... 13

SECTION 11. CONTRACT MONITORING..... 14

SECTION 12. CONTRACT AUDITS..... 15

SECTION 13. BACKGROUND SCREENING AND SECURITY..... 16

SECTION 14. WARRANTY OF CONTRACTOR’S ABILITY TO PERFORM..... 17

In accordance with Rule 60A-1.002(7), F.A.C., Form PUR 1000 is included herein by reference but is superseded in its entirety by these Special Contract Conditions.

SECTION 1. DEFINITION.

The following definition applies in addition to the definitions in Chapter 287, Florida Statutes (F.S.), and Rule Chapter 60A-1, Florida Administrative Code (F.A.C.):

1.1 Customer.

The agency or eligible user that purchases commodities or contractual services pursuant to the Contract.

SECTION 2. CONTRACT TERM AND TERMINATION.

2.1 Initial Term.

The initial term will begin on the date set forth in the Contract documents or on the date the Contract is signed by all Parties, whichever is later.

2.2 Renewal.

Upon written agreement, the Department and the Contractor may renew the Contract in whole or in part only as set forth in the Contract documents, and in accordance with section 287.057(13), F.S.

2.3 Suspension of Work and Termination.

2.3.1 Suspension of Work.

The Department may, at its sole discretion, suspend any or all activities under the Contract, at any time, when it is in the best interest of the State of Florida to do so. The Customer may suspend a resulting contract or purchase order, at any time, when in the best interest of the Customer to do so. The Department or Customer will provide the Contractor written notice outlining the particulars of the suspension. After receiving a suspension notice, the Contractor must comply with the notice and will cease the performance of the Contract or purchase order. Suspension of work will not entitle the Contractor to any additional compensation. The Contractor will not resume performance of the Contract or purchase order until so authorized by the Department.

2.3.2 Termination for Convenience.

The Contract may be terminated by the Department in whole or in part at any time, in the best interest of the State of Florida. If the Contract is terminated before performance is completed, the Contractor will be paid only for that work satisfactorily performed for which costs can be substantiated. Such payment, however, may not exceed an amount which is the same percentage of the Contract price as the amount of work satisfactorily performed. All work in progress will become the property of the Customer and will be turned over promptly by the Contractor.

2.3.3 Termination for Cause.

If the performance of the Contractor is not in compliance with the Contract requirements or the Contractor has defaulted, the Department may:

- (a) immediately terminate the Contract;
- (b) notify the Contractor of the noncompliance or default, require correction, and specify the date by which the correction must be completed before the Contract is terminated; or
- (c) take other action deemed appropriate by the Department.

SECTION 3. PAYMENT AND FEES.

3.1 Pricing.

The Contractor will not exceed the pricing set forth in the Contract documents.

3.2 Price Decreases.

The following price decrease terms will apply to the Contract:

3.2.1 Quantity Discounts. Contractor may offer additional discounts for one-time delivery of large single orders;

3.2.2 Preferred Pricing. The Contractor guarantees that the pricing indicated in this Contract is a maximum price. Additionally, Contractor's pricing will not exceed the pricing offered under comparable contracts. Comparable contracts are those that are similar in size, scope, and terms. In compliance with section 216.0113, F.S., Contractor must annually submit an affidavit from the Contractor's authorized representative attesting that the Contract complies with this clause.

3.2.3 Sales Promotions. In addition to decreasing prices for the balance of the Contract term due to a change in market conditions, the Contractor may conduct sales promotions involving price reductions for a specified lesser period. The Contractor must submit documentation identifying the proposed: (1) starting and ending dates of the promotion, (2) commodities or contractual services involved, and (3) promotional prices compared to then-authorized prices.

3.3 Payment Invoicing.

The Contractor will be paid upon submission of invoices to the Customer after delivery and acceptance of commodities or contractual services is confirmed by the Customer. Invoices must contain sufficient detail for an audit and contain the Contract Number and the Contractor's Federal Employer Identification Number.

3.4 Purchase Order.

A Customer may use purchase orders to buy commodities or contractual services pursuant to the Contract and, if applicable, the Contractor must provide commodities or contractual services pursuant to purchase orders. Purchase orders issued pursuant to the Contract must be received by the Contractor no later than the close of business on the last day of the Contract's term. The Contractor is required to accept timely purchase orders specifying delivery schedules that extend beyond the Contract term even when such extended delivery will occur after expiration of the Contract. Purchase orders shall be valid through their specified term and performance by the Contractor, and all terms and conditions of the Contract shall survive the termination or expiration of the Contract and apply to the Contractor's performance. The duration of purchase orders for recurring deliverables shall not exceed the expiration of the Contract by more than twelve months. Any purchase order terms and conditions conflicting with these Special Contract Conditions shall not become a part of the Contract.

3.5 Travel.

Travel expenses are not reimbursable unless specifically authorized by the Customer in writing and may be reimbursed only in accordance with section 112.061, F.S.

3.6 Annual Appropriation.

Pursuant to section 287.0582, F.S., if the Contract binds the State of Florida or an agency for the purchase of services or tangible personal property for a period in excess of one fiscal year, the State of Florida's performance and obligation to pay under the Contract is contingent upon an annual appropriation by the Legislature.

3.7 Transaction Fees.

The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide eProcurement system pursuant to section 287.057(22), F.S. All payments issued by Customers to registered Vendors for purchases of commodities or contractual services will be assessed Transaction Fees as prescribed by rule 60A-1.031, F.A.C., or as may otherwise be established by law. Vendors must pay the Transaction Fees and agree to automatic deduction of the Transaction Fees when automatic deduction becomes available. Vendors will submit any monthly reports required pursuant to the rule. All such reports and payments will be subject to audit. Failure to comply with the payment of the Transaction Fees or reporting of transactions will constitute grounds for declaring the Vendor in default and subject the Vendor to exclusion from business with the State of Florida.

3.8 Taxes.

Taxes, customs, and tariffs on commodities or contractual services purchased under the Contract will not be assessed against the Customer or Department unless authorized by Florida law.

3.9 Return of Funds.

Contractor will return any overpayments due to unearned funds or funds disallowed pursuant to the terms of the Contract that were disbursed to the Contractor. The Contractor must return any overpayment within forty (40) calendar days after either discovery by the Contractor, its independent auditor, or notification by the Department or Customer of the overpayment.

SECTION 4. CONTRACT MANAGEMENT.

4.1 Composition and Priority.

The Contractor agrees to provide commodities or contractual services to the Customer as specified in the Contract. Additionally, the terms of the Contract supersede the terms of all prior agreements between the Parties on this subject matter.

4.2 Notices.

All notices required under the Contract must be delivered to the designated Contract Manager in a manner identified by the Department.

4.3 Department's Contract Manager.

The Department's Contract Manager, who is primarily responsible for the Department's oversight of the Contract, will be identified in a separate writing to the Contractor upon Contract signing in the following format:

Department's Contract Manager Name

Department's Name
Department's Physical Address
Department's Telephone #
Department's Email Address

If the Department changes the Contract Manager, the Department will notify the Contractor. Such a change does not require an amendment to the Contract.

4.4 Contractor's Contract Manager.

The Contractor's Contract Manager, who is primarily responsible for the Contractor's oversight of the Contract performance, will be identified in a separate writing to the Department upon Contract signing in the following format:

Contractor's Contract Manager Name
Contractor's Name
Contractor's Physical Address
Contractor's Telephone #
Contractor's Email Address

If the Contractor changes its Contract Manager, the Contractor will notify the Department. Such a change does not require an amendment to the Contract.

4.5 Diversity.

4.5.1 Office of Supplier Diversity.

The State of Florida supports its diverse business community by creating opportunities for woman-, veteran-, and minority-owned small business enterprises to participate in procurements and contracts. The Department encourages supplier diversity through certification of woman-, veteran-, and minority-owned small business enterprises and provides advocacy, outreach, and networking through regional business events. For additional information, please contact the Office of Supplier Diversity (OSD) at osdinfo@dms.myflorida.com.

4.5.2 Diversity Reporting.

Upon request, the Contractor will report to the Department its spend with business enterprises certified by the OSD. These reports must include the time period covered, the name and Federal Employer Identification Number of each business enterprise utilized during the period, commodities and contractual services provided by the business enterprise, and the amount paid to the business enterprise on behalf of each agency purchasing under the Contract.

4.6 RESPECT.

Subject to the agency determination provided for in section 413.036, F.S., the following statement applies:

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES THAT ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT SHALL BE PURCHASED FROM A NONPROFIT AGENCY FOR THE BLIND OR FOR THE SEVERELY HANDICAPPED THAT IS QUALIFIED PURSUANT TO CHAPTER 413, FLORIDA STATUTES, IN THE SAME MANNER AND UNDER THE SAME PROCEDURES SET FORTH IN SECTION 413.036(1) AND (2), FLORIDA STATUTES;

AND FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THE STATE AGENCY INsofar AS DEALINGS WITH SUCH QUALIFIED NONPROFIT AGENCY ARE CONCERNED.

Additional information about RESPECT and the commodities or contractual services it offers is available at <https://www.respectofflorida.org>.

4.7 PRIDE.

Subject to the agency determination provided for in sections 287.042(1) and 946.515, F.S., the following statement applies:

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES WHICH ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT SHALL BE PURCHASED FROM THE CORPORATION IDENTIFIED UNDER CHAPTER 946, F.S., IN THE SAME MANNER AND UNDER THE SAME PROCEDURES SET FORTH IN SECTION 946.515(2) AND (4), F.S.; AND FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THIS AGENCY INsofar AS DEALINGS WITH SUCH CORPORATION ARE CONCERNED.

Additional information about PRIDE and the commodities or contractual services it offers is available at <https://www.pride-enterprises.org>.

SECTION 5. COMPLIANCE WITH LAWS.

5.1 Conduct of Business.

The Contractor must comply with all laws, rules, codes, ordinances, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and authority. For example, the Contractor must comply with section 274A of the Immigration and Nationality Act, the Americans with Disabilities Act, Health Insurance Portability and Accountability Act, if applicable, and all prohibitions against discrimination on the basis of race, religion, sex, creed, national origin, handicap, marital status, or veteran's status. The provisions of subparagraphs 287.058(1)(a)-(c), and (g), F.S., are hereby incorporated by reference.

5.2 Dispute Resolution, Governing Law, and Venue.

Any dispute concerning performance of the Contract shall be decided by the Department's designated Contract Manager, who will reduce the decision to writing and serve a copy on the Contractor. The decision of the Contract Manager shall be final and conclusive. Exhaustion of this administrative remedy is an absolute condition precedent to the Contractor's ability to pursue legal action related to the Contract or any other form of dispute resolution. The laws of the State of Florida govern the Contract. The Parties submit to the jurisdiction of the courts of the State of Florida exclusively for any legal action related to the Contract. Further, the Contractor hereby waives all privileges and rights relating to venue it may have under Chapter 47, F.S., and all such venue privileges and rights it may have under any other statute, rule, or case law, including, but not limited to, those based on convenience. The Contractor hereby submits to venue in the county chosen by the Department.

5.3 Department of State Registration.

Consistent with Title XXXVI, F.S., the Contractor and any subcontractors that assert status, other than a sole proprietor, must provide the Department with conclusive evidence of a certificate of status, not subject to qualification, if a Florida business entity, or of a certificate of authorization if a foreign business entity.

5.4 Suspended, Convicted, and Discriminatory Vendor Lists.

In accordance with sections 287.042, 287.133, and 287.134, F.S., an entity or affiliate who is on the Suspended Vendor List, Convicted Vendor List, or Discriminatory Vendor List may not perform work as a contractor, supplier, subcontractor, or consultant under the Contract. The Contractor must notify the Department if it or any of its suppliers, subcontractors, or consultants have been placed on the Suspended Vendor List, Convicted Vendor List, or Discriminatory Vendor List during the term of the Contract.

5.5 Scrutinized Companies - Termination by the Department.

The Department may, at its option, terminate the Contract if the Contractor is found to have submitted a false certification as provided under section 287.135(5), F.S., or been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria, or to have been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel.

5.6 Cooperation with Inspector General and Records Retention.

Pursuant to section 20.055(5), F.S., the Contractor understands and will comply with its duty to cooperate with the Inspector General in any investigation, audit, inspection, review, or hearing. Upon request of the Inspector General or any other authorized State official, the Contractor must provide any information the Inspector General deems relevant to the Contractor's integrity or responsibility. Such information may include, but will not be limited to, the Contractor's business or financial records, documents, or files of any type or form that refer to or relate to the Contract. The Contractor will retain such records for the longer of five years after the expiration of the Contract, or the period required by the General Records Schedules maintained by the Florida Department of State, at the Department of State's Records Management website. The Contractor agrees to reimburse the State of Florida for the reasonable costs of investigation incurred by the Inspector General or other authorized State of Florida official for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the State of Florida which results in the suspension or debarment of the Contractor. Such costs will include but will not be limited to: salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor agrees to impose the same obligations to cooperate with the Inspector General and retain records on any subcontractors used to provide goods or services under the Contract.

SECTION 6. MISCELLANEOUS.

6.1 Subcontractors.

The Contractor will not subcontract any work under the Contract without prior written consent of the Department. The Contractor is fully responsible for satisfactory completion of all its subcontracted work. The Department supports diversity in its procurements and contracts, and requests that the Contractor offer subcontracting opportunities to certified woman-, veteran-, and minority-owned small businesses. The

Contractor may contact the OSD at osdhelp@dms.myflorida.com for information on certified small business enterprises available for subcontracting opportunities.

6.2 Assignment.

The Contractor will not sell, assign, or transfer any of its rights, duties, or obligations under the Contract without the prior written consent of the Department. However, the Contractor may waive its right to receive payment and assign same upon notice to the Department. In the event of any assignment, the Contractor remains responsible for performance of the Contract, unless such responsibility is expressly waived by the Department. The Department may assign the Contract with prior written notice to the Contractor.

6.3 Independent Contractor.

The Contractor and its employees, agents, representatives, and subcontractors are independent contractors and not employees or agents of the State of Florida and are not entitled to State of Florida benefits. The Department and Customer will not be bound by any acts or conduct of the Contractor or its employees, agents, representatives, or subcontractors. The Contractor agrees to include this provision in all its subcontracts under the Contract.

6.4 Inspection and Acceptance of Commodities.

6.4.1 Risk of Loss.

Matters of inspection and acceptance are addressed in section 215.422, F.S. Until acceptance, risk of loss or damage will remain with the Contractor. The Contractor will be responsible for filing, processing, and collecting all damage claims. To assist the Contractor with damage claims, the Customer will: record any evidence of visible damage on all copies of the delivering carrier's bill of lading; report damages to the carrier and the Contractor; and provide the Contractor with a copy of the carrier's bill of lading and damage inspection report.

6.4.2 Rejected Commodities.

When a Customer rejects a commodity, Contractor will remove the commodity from the premises within ten (10) calendar days after notification of rejection, and the risk of loss will remain with the Contractor. Commodities not removed by the Contractor within ten (10) calendar days will be deemed abandoned by the Contractor, and the Customer will have the right to dispose of such commodities. Contractor will reimburse the Customer for costs and expenses incurred in storing or effecting removal or disposition of rejected commodities.

6.5 Safety Standards.

Performance of the Contract for all commodities or contractual services must comply with requirements of the Occupational Safety and Health Act and other applicable State of Florida and federal requirements.

6.6 Ombudsman.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this office are found in section 215.422, F.S., which include disseminating information relative to prompt payment and assisting contractors in receiving their payments in a timely manner from a Customer. The Vendor Ombudsman may be contacted at (850) 413-5516.

6.7 Time is of the Essence.

Time is of the essence regarding every obligation of the Contractor under the Contract. Each obligation is deemed material, and a breach of any such obligation (including a breach resulting from untimely performance) is a material breach.

6.8 Waiver.

The delay or failure by the Department or the Customer to exercise or enforce any rights under the Contract will not constitute waiver of such rights.

6.9 Modification and Severability.

The Contract may only be modified by written agreement between the Department and the Contractor. Should a court determine any provision of the Contract is invalid, the remaining provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if the Contract did not contain the provision held invalid.

6.10 Cooperative Purchasing.

Pursuant to their own governing laws, and subject to the agreement of the Contractor, governmental entities that are not Customers may make purchases under the terms and conditions contained herein, if agreed to by Contractor. Such purchases are independent of the Contract between the Department and the Contractor, and the Department is not a party to these transactions. Agencies seeking to make purchases under this Contract are required to follow the requirements of Rule 60A-1.045(5), F.A.C.

SECTION 7. LIABILITY AND INSURANCE.

7.1 Workers' Compensation Insurance.

The Contractor shall maintain workers' compensation insurance as required under the Florida Workers' Compensation Law or the workers' compensation law of another jurisdiction where applicable. The Contractor must require all subcontractors to similarly provide workers' compensation insurance for all of the latter's employees. In the event work is being performed by the Contractor under the Contract and any class of employees performing the work is not protected under Workers' Compensation statutes, the Contractor must provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of employees not otherwise protected.

7.2 General Liability Insurance.

The Contractor must secure and maintain Commercial General Liability Insurance, including bodily injury, property damage, products, personal and advertising injury, and completed operations. This insurance must provide coverage for all claims that may arise from performance of the Contract or completed operations, whether by the Contractor or anyone directly or indirectly employed by the Contractor. Such insurance must include the State of Florida as an additional insured for the entire length of the resulting contract. The Contractor is responsible for determining the minimum limits of liability necessary to provide reasonable financial protections to the Contractor and the State of Florida under the resulting contract.

7.3 Florida Authorized Insurers.

All insurance shall be with insurers authorized and eligible to transact the applicable line of insurance business in the State of Florida. The Contractor shall provide Certification(s) of Insurance evidencing that all appropriate coverage is in place and showing the Department to be an additional insured.

7.4 Performance Bond.

Unless otherwise prohibited by law, the Department may require the Contractor to furnish, without additional cost to the Department, a performance bond or irrevocable letter of credit or other form of security for the satisfactory performance of work hereunder. The Department shall determine the type and amount of security.

7.5 Indemnification.

To the extent permitted by Florida law, the Contractor agrees to indemnify, defend, and hold the Customer and the State of Florida, its officers, employees, and agents harmless from all fines, claims, assessments, suits, judgments, or damages, including consequential, special, indirect, and punitive damages, including court costs and attorney's fees, arising from or relating to violation or infringement of a trademark, copyright, patent, trade secret, or intellectual property right or out of any acts, actions, breaches, neglect, or omissions of the Contractor, its employees, agents, subcontractors, assignees, or delegates related to the Contract, as well as for any determination arising out of or related to the Contract that the Contractor or Contractor's employees, agents, subcontractors, assignees, or delegates are not independent contractors in relation to the Customer. The Contract does not constitute a waiver of sovereign immunity or consent by the Customer or the State of Florida or its subdivisions to suit by third parties. Without limiting this indemnification, the Customer may provide the Contractor (1) written notice of any action or threatened action, (2) the opportunity to take over and settle or defend any such action at Contractor's sole expense, and (3) assistance in defending the action at Contractor's sole expense.

7.6 Limitation of Liability.

Unless otherwise specifically enumerated in the Contract or in the purchase order, neither the Department nor the Customer shall be liable for special, indirect, punitive, or consequential damages, including lost data or records (unless the Contract or purchase order requires the Contractor to back-up data or records), even if the Department or Customer has been advised that such damages are possible. Neither the Department nor the Customer shall be liable for lost profits, lost revenue, or lost institutional operating savings. The Department or Customer may, in addition to other remedies available to them at law or equity and upon notice to the Contractor, retain such monies from amounts due Contractor as may be necessary to satisfy any claim for damages, penalties, costs, and the like asserted by or against them. The State may set off any liability or other obligation of the Contractor or its affiliates to the State against any payments due the Contractor under any contract with the State.

SECTION 8. PUBLIC RECORDS, TRADE SECRETS, DOCUMENT MANAGEMENT, AND INTELLECTUAL PROPERTY.

8.1 Public Records.

8.1.1 Termination of Contract.

The Department may terminate the Contract for refusal by the Contractor to comply with this section by not allowing access to all public records, as defined in Chapter 119, F. S., made or received by the Contractor in conjunction with the Contract.

8.1.2 Statutory Notice.

Pursuant to section 119.0701(2)(a), F.S., for contracts for services with a contractor acting on behalf of a public agency, as defined in section 119.011(2), F.S., the following applies:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT THE TELEPHONE NUMBER, EMAIL ADDRESS, AND MAILING ADDRESS PROVIDED IN THE RESULTING CONTRACT OR PURCHASE ORDER.

Pursuant to section 119.0701(2)(b), F.S., for contracts for services with a contractor acting on behalf of a public agency as defined in section 119.011(2), F.S., the Contractor shall:

- (a) Keep and maintain public records required by the public agency to perform the service.
- (b) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S., or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure are not disclosed except as authorized by law for the duration of the Contract term and following the completion of the Contract if the Contractor does not transfer the records to the public agency.
- (d) Upon completion of the Contract, transfer, at no cost, to the public agency all public records in possession of the Contractor or keep and maintain public records required by the public agency to perform the service. If the Contractor transfers all public records to the public agency upon completion of the Contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

8.2 Protection of Trade Secrets or Otherwise Confidential Information.

8.2.1 Contractor Designation of Trade Secrets or Otherwise Confidential Information. If the Contractor considers any portion of materials to be trade secret under section 688.002 or 812.081, F.S., or otherwise confidential under Florida or federal law, the Contractor must clearly designate that portion of the materials as trade secret or otherwise confidential when submitted to the Department. The Contractor will be

responsible for responding to and resolving all claims for access to Contract-related materials it has designated trade secret or otherwise confidential.

8.2.2 Public Records Requests.

If the Department receives a public records request for materials designated by the Contractor as trade secret or otherwise confidential under Florida or federal law, the Contractor will be responsible for taking the appropriate legal action in response to the request. If the Contractor fails to take appropriate and timely action to protect the materials designated as trade secret or otherwise confidential, the Department will provide the materials to the requester.

8.2.3 Indemnification Related to Confidentiality of Materials.

The Contractor will protect, defend, indemnify, and hold harmless the Department for claims, costs, fines, and attorney's fees arising from or relating to its designation of materials as trade secret or otherwise confidential.

8.3 Document Management.

The Contractor must retain sufficient documentation to substantiate claims for payment under the Contract and all other records, electronic files, papers, and documents that were made in relation to this Contract. The Contractor must retain all documents related to the Contract for five (5) years after expiration of the Contract or, if longer, the period required by the General Records Schedules maintained by the Florida Department of State available at the Department of State's Records Management website.

8.4 Intellectual Property.

8.4.1 Ownership.

Unless specifically addressed otherwise in the Contract, the State of Florida shall be the owner of all intellectual property rights to all property created or developed in connection with the Contract.

8.4.2 Patentable Inventions or Discoveries.

Any inventions or discoveries developed in the course, or as a result, of services in connection with the Contract that are patentable pursuant to 35 U.S.C. § 101 are the sole property of the State of Florida. Contractor must inform the Customer of any inventions or discoveries developed or made through performance of the Contract, and such inventions or discoveries will be referred to the Florida Department of State for a determination on whether patent protection will be sought. The State of Florida will be the sole owner of all patents resulting from any invention or discovery made through performance of the Contract.

8.4.3 Copyrightable Works.

Contractor must notify the Department or State of Florida of any publications, artwork, or other copyrightable works developed in connection with the Contract. All copyrights created or developed through performance of the Contract are owned solely by the State of Florida.

SECTION 9. DATA SECURITY.

The Contractor will maintain the security of State of Florida data including, but not limited to, maintaining a secure area around any displayed visible data and ensuring data is stored and secured when not in use. The Contractor and subcontractors will not perform any of the services from outside of the United States, and the Contractor will not allow any State of Florida data to be sent by any medium, transmitted, or accessed outside the United States due to Contractor's action or inaction. In the event of a security breach involving State of Florida data, the Contractor shall give notice to the Customer and the Department within one business day. "Security breach" for purposes of this section will refer to a confirmed event that compromises the confidentiality, integrity, or availability of data. Once a data breach has been contained, the Contractor must provide the Department with a post-incident report documenting all containment, eradication, and recovery measures taken. The Department reserves the right in its sole discretion to enlist a third party to audit Contractor's findings and produce an independent report, and the Contractor will fully cooperate with the third party. The Contractor will also comply with all HIPAA requirements and any other state and federal rules and regulations regarding security of information.

SECTION 10. GRATUITIES, LOBBYING, AND COMMUNICATIONS.

10.1 Gratuities.

The Contractor will not, in connection with this Contract, directly or indirectly (1) offer, give, or agree to give anything of value to anyone as consideration for any State of Florida officer's or employee's decision, opinion, recommendation, vote, other exercise of discretion, or violation of a known legal duty, or (2) offer, give, or agree to give to anyone anything of value for the benefit of, or at the direction or request of, any State of Florida officer or employee.

10.2 Lobbying.

In accordance with sections 11.062 and 216.347, F.S., Contract funds are not to be used for the purpose of lobbying the Legislature, the judicial branch, or the Department. Pursuant to section 287.058(6), F.S., the Contract does not prohibit the Contractor from lobbying the executive or legislative branch concerning the scope of services, performance, term, or compensation regarding the Contract after the Contract is executed and during the Contract term.

10.3 Communications.

10.3.1 Contractor Communication or Disclosure.

The Contractor shall not make any public statements, press releases, publicity releases, or other similar communications concerning the Contract or its subject matter or otherwise disclose or permit to be disclosed any of the data or other information obtained or furnished in compliance with the Contract, without first notifying the Customer's Contract Manager and securing the Customer's prior written consent.

10.3.2 Use of Customer Statements.

The Contractor shall not use any statement attributable to the Customer or its employees for the Contractor's promotions, press releases, publicity releases, marketing, corporate communications, or other similar communications, without first notifying the Customer's Contract Manager and securing the Customer's prior written consent.

SECTION 11. CONTRACT MONITORING.

11.1 Performance Standards.

The Contractor agrees to perform all tasks and provide deliverables as set forth in the Contract. The Department and the Customer will be entitled at all times, upon request, to be advised as to the status of work being done by the Contractor and of the details thereof.

11.2 Performance Deficiencies and Financial Consequences of Non-Performance.

11.2.1 Proposal of Corrective Action Plan.

In addition to the processes set forth in the Contract (e.g., service level agreements), if the Department or Customer determines that there is a performance deficiency that requires correction by the Contractor, then the Department or Customer will notify the Contractor. The correction must be made within a time-frame specified by the Department or Customer. The Contractor must provide the Department or Customer with a corrective action plan describing how the Contractor will address all performance deficiencies identified by the Department or Customer.

11.2.2 Retainage for Unacceptable Corrective Action Plan or Plan Failure.

If the corrective action plan is unacceptable to the Department or Customer, or implementation of the plan fails to remedy the performance deficiencies, the Department or Customer will retain ten percent (10%) of the total invoice amount. The retainage will be withheld until the Contractor resolves the performance deficiencies. If the performance deficiencies are resolved, the Contractor may invoice the Department or Customer for the retained amount. If the Contractor fails to resolve the performance deficiencies, the retained amount will be forfeited to compensate the Department or Customer for the performance deficiencies.

11.3 Performance Delay.

11.3.1 Notification.

The Contractor will promptly notify the Department or Customer upon becoming aware of any circumstances that may reasonably be expected to jeopardize the timely and successful completion (or delivery) of any commodity or contractual service. The Contractor will use commercially reasonable efforts to avoid or minimize any delays in performance and will inform the Department or the Customer of the steps the Contractor is taking or will take to do so, and the projected actual completion (or delivery) time. If the Contractor believes a delay in performance by the Department or the Customer has caused or will cause the Contractor to be unable to perform its obligations on time, the Contractor will promptly so notify the Department and use commercially reasonable efforts to perform its obligations on time notwithstanding the Department's delay.

11.3.2 Liquidated Damages.

The Contractor acknowledges that delayed performance will damage the Department/Customer, but by their nature such damages are difficult to ascertain. Accordingly, the liquidated damages provisions stated in the Contract documents will apply. Liquidated damages are not intended to be a penalty and are solely intended to compensate for damages.

11.4 Force Majeure, Notice of Delay, and No Damages for Delay.

The Contractor will not be responsible for delay resulting from its failure to perform if neither the fault nor the negligence of the Contractor or its employees or agents contributed to the delay, and the delay is due directly to fire, explosion, earthquake, windstorm, flood, radioactive or toxic chemical hazard, war, military hostilities, terrorism, civil emergency, embargo, riot, strike, violent civil unrest, or other similar cause wholly beyond the Contractor's reasonable control, or for any of the foregoing that affect subcontractors or suppliers if no alternate source of supply is available to the Contractor. The foregoing does not excuse delay which could have been avoided if the Contractor implemented any risk mitigation required by the Contract. In case of any delay the Contractor believes is excusable, the Contractor will notify the Department in writing of the delay or potential delay and describe the cause of the delay either (1) within ten (10) calendar days after the cause that created or will create the delay first arose, if the Contractor could reasonably foresee that a delay could occur as a result, or (2) if delay is not reasonably foreseeable, within five (5) calendar days after the date the Contractor first had reason to believe that a delay could result. The foregoing will constitute the Contractor's sole remedy or excuse with respect to delay. Providing notice in strict accordance with this paragraph is a condition precedent to such remedy. No claim for damages will be asserted by the Contractor. The Contractor will not be entitled to an increase in the Contract price or payment of any kind from the Department for direct, indirect, consequential, impact or other costs, expenses or damages, including but not limited to costs of acceleration or inefficiency, arising because of delay, disruption, interference, or hindrance from any cause whatsoever. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this paragraph, after the causes have ceased to exist the Contractor will perform at no increased cost, unless the Department determines, in its sole discretion, that the delay will significantly impair the value of the Contract to the State of Florida or to Customers, in which case the Department may (1) accept allocated performance or deliveries from the Contractor, provided that the Contractor grants preferential treatment to Customers and the Department with respect to commodities or contractual services subjected to allocation, or (2) purchase from other sources (without recourse to and by the Contractor for the related costs and expenses) to replace all or part of the commodity or contractual services that are the subject of the delay, which purchases may be deducted from the Contract quantity, or (3) terminate the Contract in whole or in part.

SECTION 12. CONTRACT AUDITS.

12.1 Performance or Compliance Audits.

The Department may conduct or have conducted performance and/or compliance audits of the Contractor and subcontractors as determined by the Department. The Department may conduct an audit and review all the Contractor's and subcontractors' data and records that directly relate to the Contract. To the extent necessary to verify the Contractor's fees and claims for payment under the Contract, the Contractor's agreements or contracts with subcontractors, partners, or agents of the Contractor, pertaining to the Contract, may be inspected by the Department upon fifteen (15) calendar days' notice, during normal working hours and in accordance with the Contractor's facility access procedures where facility access is required. Release statements from its subcontractors, partners, or agents are not required for the Department or its designee to conduct compliance and performance audits on any of the Contractor's contracts relating to this Contract. The Inspector General, in accordance with section 5.6, the State of Florida's Chief Financial Officer, the Office of the Auditor General also have authority to perform audits and inspections.

12.2 Payment Audit.

Records of costs incurred under terms of the Contract will be maintained in accordance with section 8.3 of these Special Contract Conditions. Records of costs incurred will include the Contractor's general accounting records, together with supporting documents and records of the Contractor and all subcontractors performing work, and all other records of the Contractor and subcontractors considered necessary by the Department, the State of Florida's Chief Financial Officer, or the Office of the Auditor General.

SECTION 13. BACKGROUND SCREENING AND SECURITY.

13.1 Background Check.

The Department or Customer may require the Contractor to conduct background checks of its employees, agents, representatives, and subcontractors as directed by the Department or Customer. The cost of the background checks will be borne by the Contractor. The Department or Customer may require the Contractor to exclude the Contractor's employees, agents, representatives, or subcontractors based on the background check results. In addition, the Contractor must ensure that all persons have a responsibility to self-report to the Contractor within three (3) calendar days any arrest for any disqualifying offense. The Contractor must notify the Contract Manager within twenty-four (24) hours of all details concerning any reported arrest. Upon the request of the Department or Customer, the Contractor will re-screen any of its employees, agents, representatives, and subcontractors during the term of the Contract.

13.2 E-Verify.

The Contractor must use the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired during the term of the Contract for the services specified in the Contract. The Contractor must also include a requirement in subcontracts that the subcontractor must utilize the E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the Contract term. In order to implement this provision, the Contractor must provide a copy of its DHS Memorandum of Understanding (MOU) to the Contract Manager within five (5) calendar days of Contract execution. If the Contractor is not enrolled in DHS E-Verify System, it will do so within five (5) calendar days of notice of Contract award and provide the Contract Manager a copy of its MOU within five (5) calendar days of Contract execution. The link to E-Verify is <https://www.uscis.gov/e-verify>. Upon each Contractor or subcontractor new hire, the Contractor must provide a statement within five (5) calendar days to the Contract Manager identifying the new hire with its E-Verify case number.

13.3 Disqualifying Offenses.

If at any time it is determined that a person has been found guilty of a misdemeanor or felony offense as a result of a trial or has entered a plea of guilty or nolo contendere, regardless of whether adjudication was withheld, within the last six (6) years from the date of the court's determination for the crimes listed below, or their equivalent in any jurisdiction, the Contractor is required to immediately remove that person from any position with access to State of Florida data or directly performing services under the Contract. The disqualifying offenses are as follows:

- (a) Computer related crimes;
- (b) Information technology crimes;

- (c) Fraudulent practices;
- (d) False pretenses;
- (e) Frauds;
- (f) Credit card crimes;
- (g) Forgery;
- (h) Counterfeiting;
- (i) Violations involving checks or drafts;
- (j) Misuse of medical or personnel records; and
- (k) Felony theft.

13.4 Confidentiality.

The Contractor must maintain confidentiality of all confidential data, files, and records related to the commodities or contractual services provided pursuant to the Contract and must comply with all state and federal laws, including, but not limited to sections 381.004, 384.29, 392.65, and 456.057, F.S. The Contractor's confidentiality procedures must be consistent with the most recent version of the Department security policies, protocols, and procedures. The Contractor must also comply with any applicable professional standards with respect to confidentiality of information.

SECTION 14. WARRANTY OF CONTRACTOR'S ABILITY TO PERFORM.

The Contractor warrants that, to the best of its knowledge, there is no pending or threatened action, proceeding, or investigation, or any other legal or financial condition, that would in any way prohibit, restrain, or diminish the Contractor's ability to satisfy its Contract obligations. The Contractor warrants that neither it nor any affiliate is currently on the Suspended Vendor List, Convicted Vendor List, or the Discriminatory Vendor List, or on any similar list maintained by any other state or the federal government. The Contractor shall immediately notify the Department in writing if its ability to perform is compromised in any manner during the term of the Contract.

EXHIBIT C
SCHEDULE OF POINTS AND FEES

1. **Incentive Share #1 – Standard Volume Incentive** – Each Customer will receive a basis point (percentage) of their quarterly standard sales volume. The formula for calculating the Standard Volume Incentive is:

Quarterly Total Volume x basis points = Quarterly Standard Volume Incentive.

Basis Points Offered: 170 basis points (1.70%)

2. **Incentive Share #2 – Prompt Payment Incentive** – Each Customer will receive a basis point (percentage) of their Quarterly Total Volume based on the entity's average speed of pay. The formula for calculating the Prompt Payment Incentive is:

Quarterly Total Volume x Basis Points for Entity average file turn days = Quarterly Prompt Payment Incentive.

Note: The payment terms for the Master Agreement is forty-five (45) days.

Basis Points Offered:

Avg File Turn Days	Basis Point
1	20
2	19
3	18
4	17
5	16
6	15
7	14
8	13.5
9	13
10	12.5
11	12
12	11.5
13	11
14	10.5
15	10
16	9.5
17	9
18	8.5
19	8.125
20	7.75

Avg File Turn Days	Basis Point
21	7.375
22	7
23	6.625
24	6.25
25	5.875
26	5.5
27	5.125
28	4.75
29	4.375
30	4
31	3.75
32	3.5
33	3.25
34	3
35	2.75
36	2.5
37	2.25
38	2
39	1.75
40	1.5

Avg File Turn Days	Basis Point
41	1.25
42	1
43	0.75
44	0.5
45	0.25
46	0
47	0
48	0
49	0
50	0
51	0
52	0
53	0
54	0
55	0
56	0
57	0
58	0
59	0
60	0

3. **Incentive Share #3 – National Annual Volume Incentive** – Each Participating State will receive an incentive based on the total National Annual Volume (total annual sales for all Participating States/Participating Entities). The formula for calculating the National Annual Sales Volume Incentive is:

National Annual Volume (for all Fleet products) x basis points = National Annual Sales Volume Incentive.

Basis Points Offered:

Total Annual Spend	Basis Points
\$50,000,000 – \$100,000,000	10
\$100,000,001– \$200,000,000	15
\$200,000,001– \$300,000,000	20
\$300,000,001– \$400,000,000	25
\$400,000,001+	30

FEES

Below is a list of fees allowed under this Master Agreement. If choosing to charge these fees throughout the agreement, indicate the amount and/or rates here.

Fee Type	Fee Amount
Foreign Transaction Fee	1.5% of the total transaction value
Overnight Delivery Fee	\$15.00 per occurrence



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, April 27, 2021		
Agenda Item Name		
Event and Open Container Request		
Requested Action		
Recommend to approve the cultural event "Clermont Sips & Salsa" event at Waterfront Park with open container allowance.		
Staff Report		
Requesting approval for "Clermont Sips & Salsa" on September 18th at Waterfront Park. The South Lake Chamber will provide a temporary license to sell beer, wine & spirits from 2:00 PM to 9:30 PM at the event and provide liquor & liability insurance. The Parks and Recreation department will work with Clermont Police, Fire, and Public Works to ensure that all elements of safety have been accounted for and will be staffed accordingly during the event. The event will run from 2:00 p.m. to 10:00 p.m.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Sips & Salsa Open Container Map 2021	Sips & Salsa Open Container Map 2021.pdf	



CLERMONT
Choice of Champions
**SIPS
& Salsa**
FESTIVAL

**SEPTEMBER 18, 2021
WATERFRONT PARK**

BAR

BAR



Fencing for Open containment



Two Bar locations

AGENDA ITEM

Meeting Date	
Tuesday, April 27, 2021	
Agenda Item Name	
Ordinance No. 2020-16 <i>Final</i> <i>Hartwood Marsh Assisted Living Facility CPA</i>	
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 for (6) six acres of the 38 acres 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; requires a separate public hearing approval process for the Assisted Living Facility; because the use is not permitted in the Comprehensive Plan for 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. <u>The Clermont Comprehensive Plan Objective 1.2:</u> 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 consistency with the comprehensive plan goals, objectives and policies and specific requirements 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; and finds the application can meet the provision of the code. The Comprehensive Plan allows less intense commercial uses and other uses may be permitted that provides some critical services and low impact transitional uses that are consistent with the general character of the adjacent residential uses.

Staff recommends approval of Ordinance No. 2020-16.

The Planning and Zoning Commission voted 4-2 to recommend denial 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.	Final Hartwood Marsh ALF CPA Staff Report	Final Hartwood Marsh ALF CPA Staff Report.pdf
2.	Ord 2020-16 Hartwood Marsh Senior Living CPA (04.19.2021 V3) - R&F BL	Ord 2020-16 Hartwood Marsh Senior Living CPA (04.19.2021 V3) - R&F BL.pdf
3.	New Location Map	New Location Map.pdf
4.	2020-16 FLU Before	2020-17 FLU Before.pdf
5.	2020-16 FLU After	2020-17 FLU After.pdf
6.	Hartwood Marsh Senior Housing Community- DETAILED CONCEPT	Hartwood Marsh Senior Housing Community- DETAILED CONCEPT.pdf
7.	First Baptist Church of Clermont- MASTER PLAN (reduced file size)	First Baptist Church of Clermont- MASTER PLAN (reduced file size).pdf
8.	Elevations-Concept Plan	Elevations-Concept Plan.pdf
9.	HOA letter to Planning and Zoning Commission	HOA letter to Planning and Zoning Commission.pdf
10.	Public Comments	Public Comments.pdf
11.	CPA Application	CPA Application.pdf
12.	Legal AD- Ordinance 2020-16	Legal AD-2020-16.pdf
13.	April 13 2021 Continuance Letter Bonifay	April 13 2021 Continuance Letter Bonifay.pdf



CITY OF CLERMONT Staff Analysis Report

OWNER: First Baptist Church of Clermont

APPLICANT: First Baptist Church of Clermont

PROJECT NAME: Hartwood Marsh Assisted Living Facility

REQUESTED ACTION: To change the Future Land Use from Low Density Residential to High Density Residential

SIZE OF PARCEL: 6.056 +/- acres

LOCATION/ADDRESS: Vacant parcel located at the southeast corner of Hartwood Marsh Road and Hancock Road (Eastern portion of Alternate Key #15939205)

EXISTING ZONING: R-1 Single Family Medium Density Residential

EXISTING PROPERTY USE: Approved Church Campus

FUTURE LAND USE CATEGORY: Low Density Residential

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The applicant, First Baptist Church of Clermont, is requesting to change the Future Land Use designation from Low Density Residential to High Density Residential on six acres of the 38-acre parcel. The subject 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 an Assisted Living Facility. The First Baptist Church received approval for a Conditional Use Permit (Resolution No 2018-03). The church Master Concept Plan, which is not an approved site plan; required a separate public hearing process to allow the Assisted Living Facility; because the Comprehensive Plan does not allow that use in the Low Density Residential Land Use Category.

The proposed map amendment will change the future land use from Clermont Low Density Residential, which allows up to a maximum of three (3) units per acre, to 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 Clermont Comprehensive Plan goals, objectives and policies 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 FLUM 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 the land development regulations and may have a maximum intensity of 3.0 FAR.

STAFF RECOMMENDATIONS:

Section 86-226, Review criteria requires consistency with the comprehensive plan goals, objectives and policies and specific requirements 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; and finds the application can meet the provision of the code. The Comprehensive Plan allows less intense commercial uses and other uses may be permitted includes supportive accessory uses with low impacts that provides critical services; and are consistent with the general character of the adjacent residential uses.

Staff recommends approval of Ordinance No. 2020-16.



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.

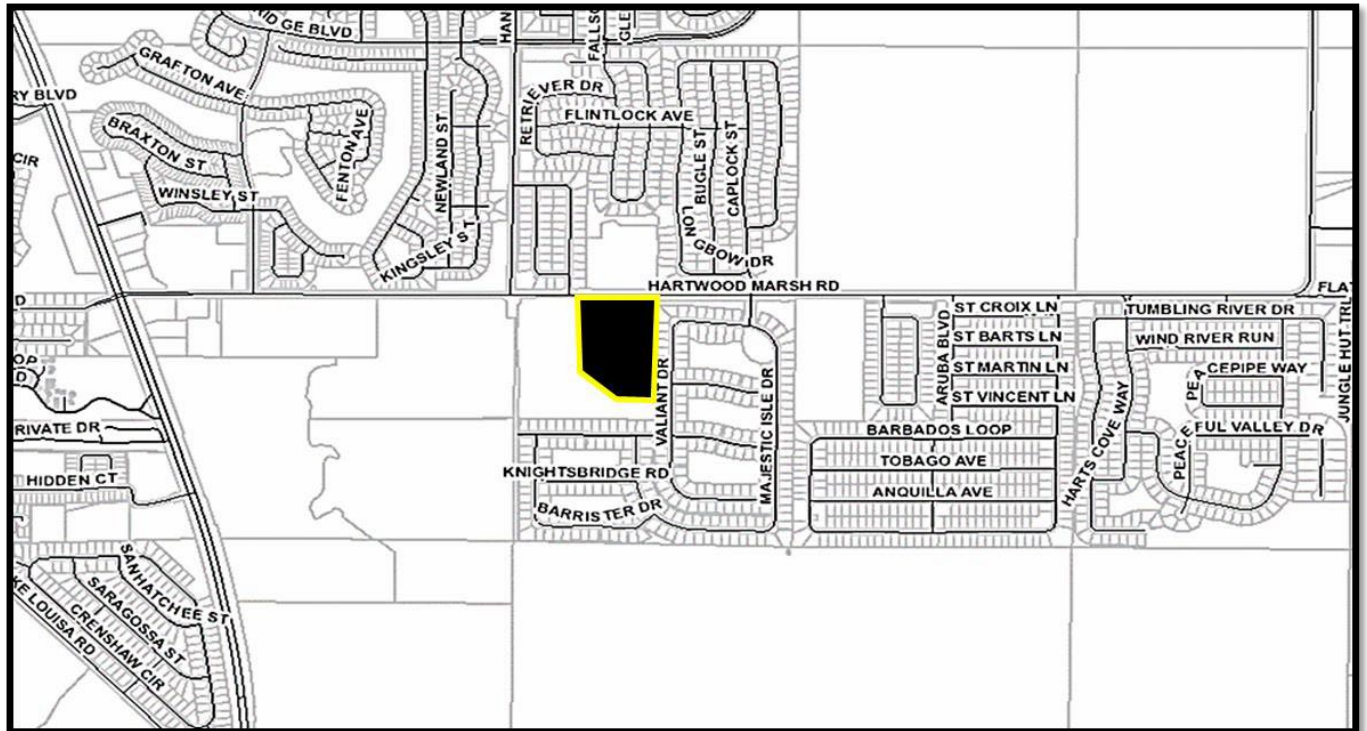
SECTION 3.

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 27th day of April 2021.

Tim Murry, Mayor

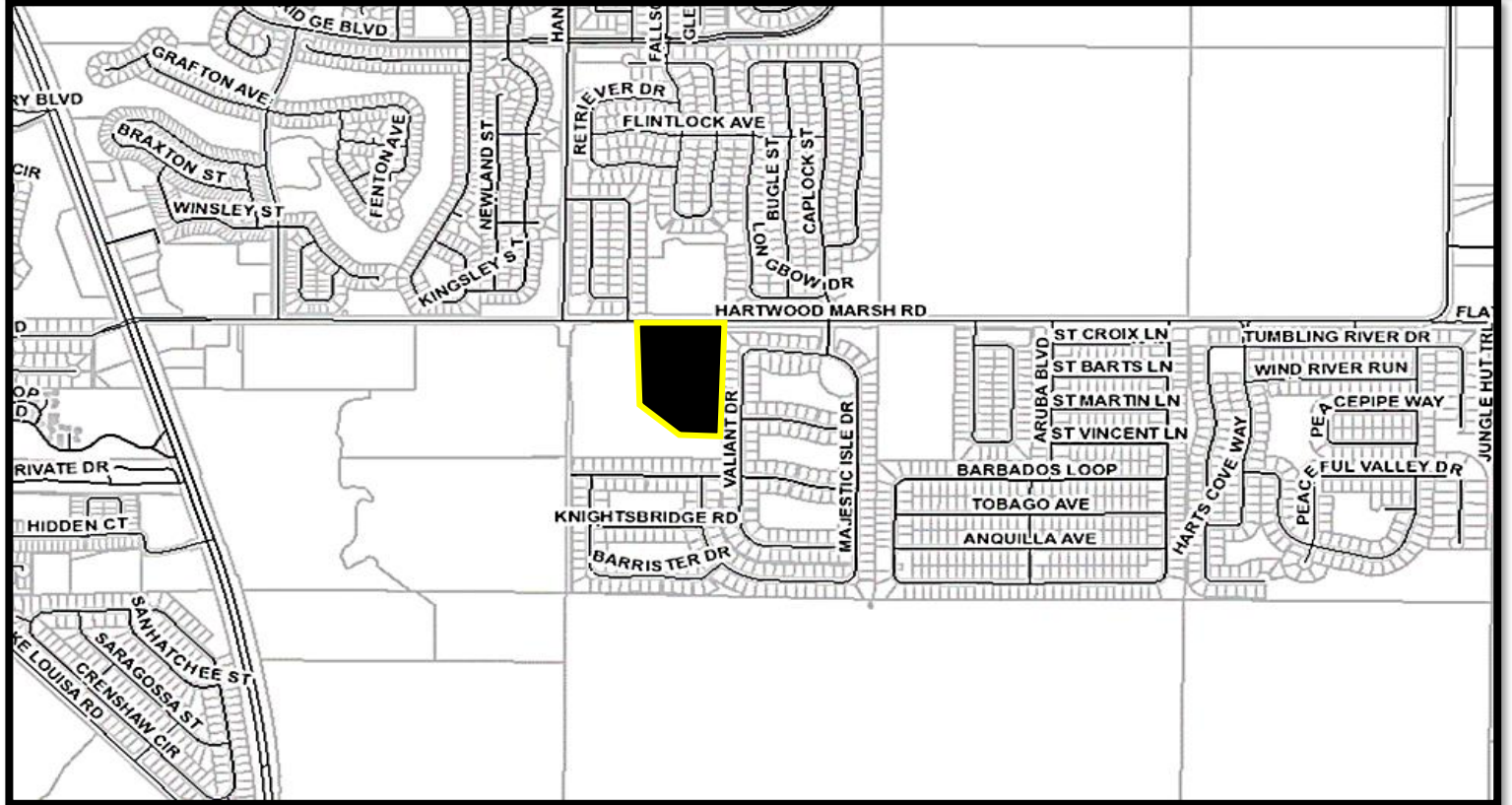
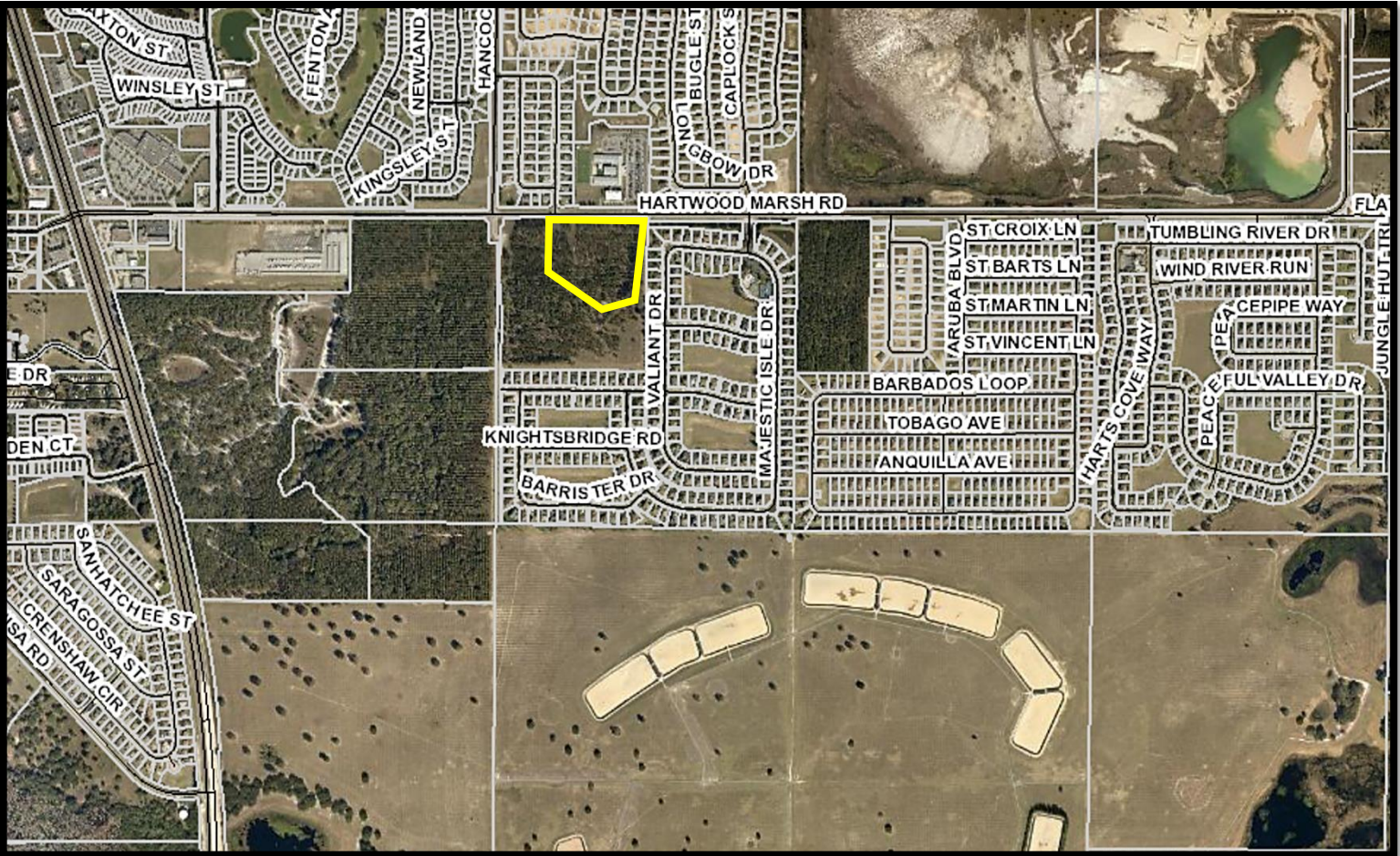
ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LOCATION MAP





Future Land Use
2020 - 18

Before

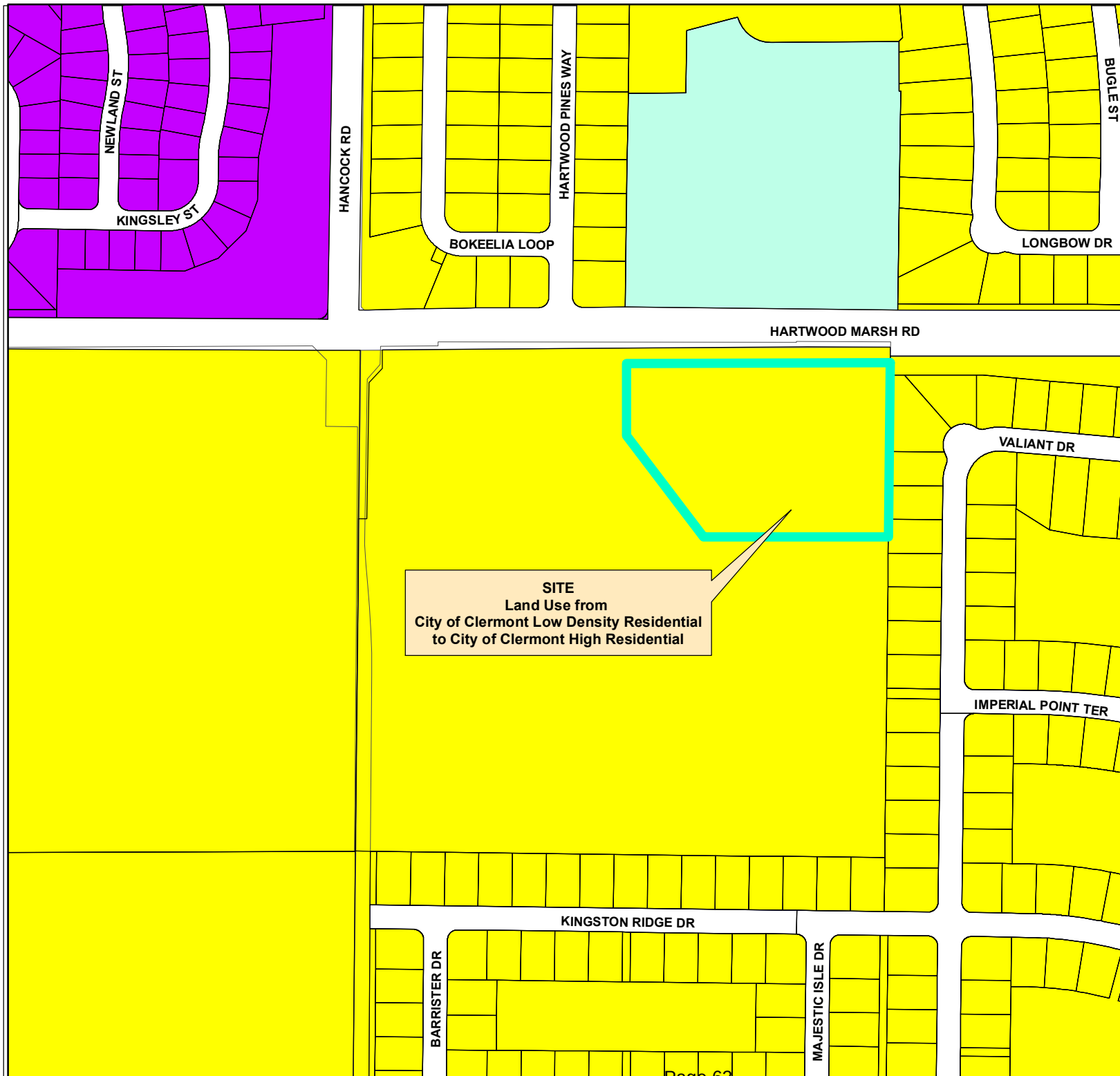
Legend

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



SITE
Land Use from
City of Clermont Low Density Residential
to City of Clermont High Residential



Future Land Use
2020 - 18

After

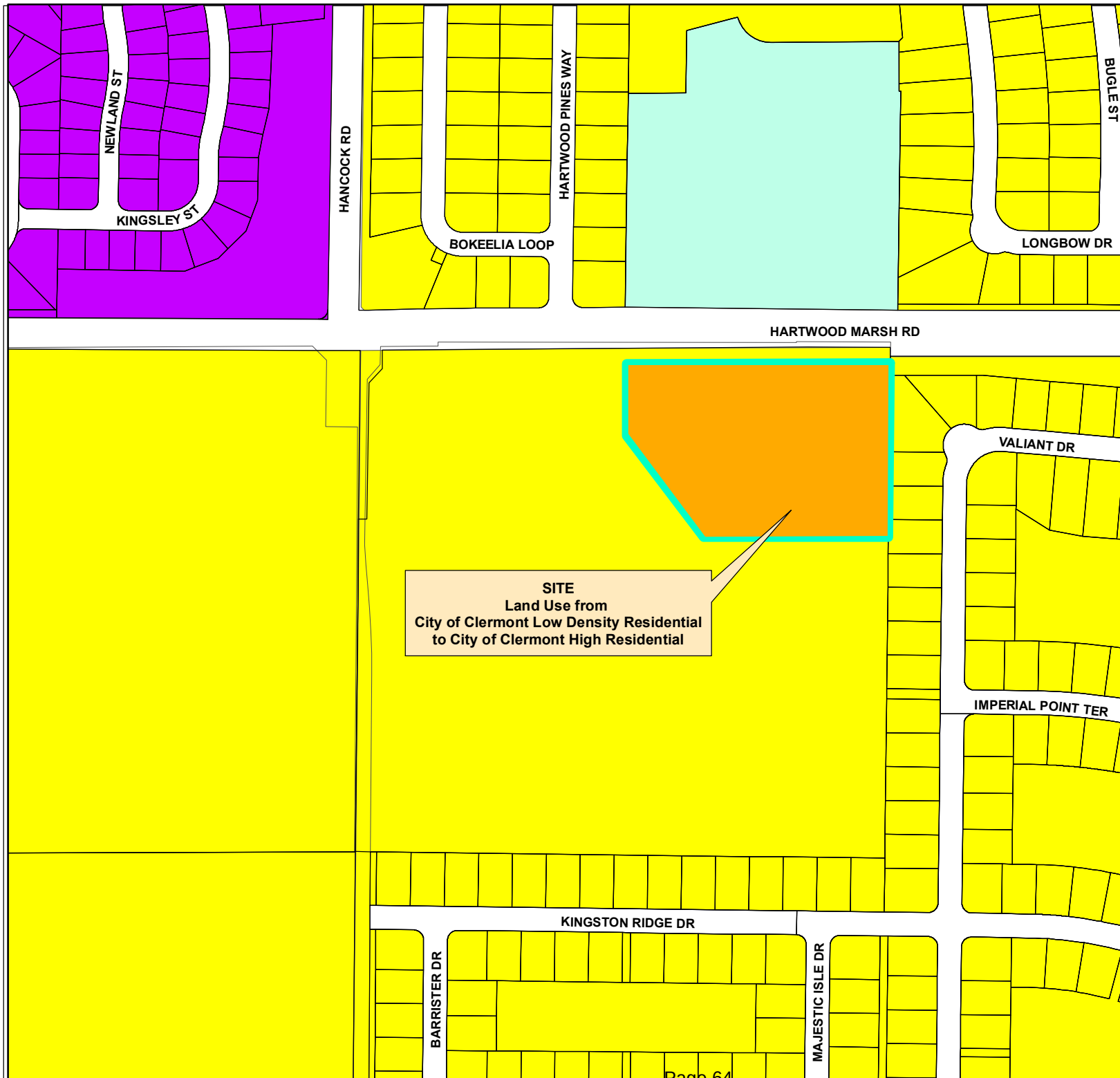
Legend

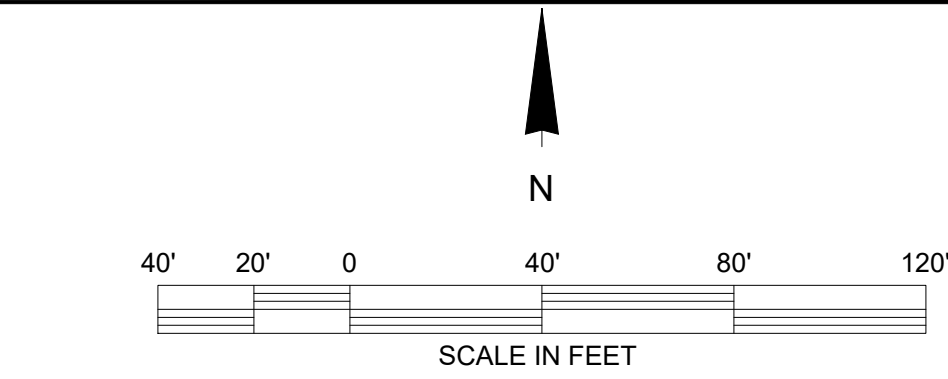
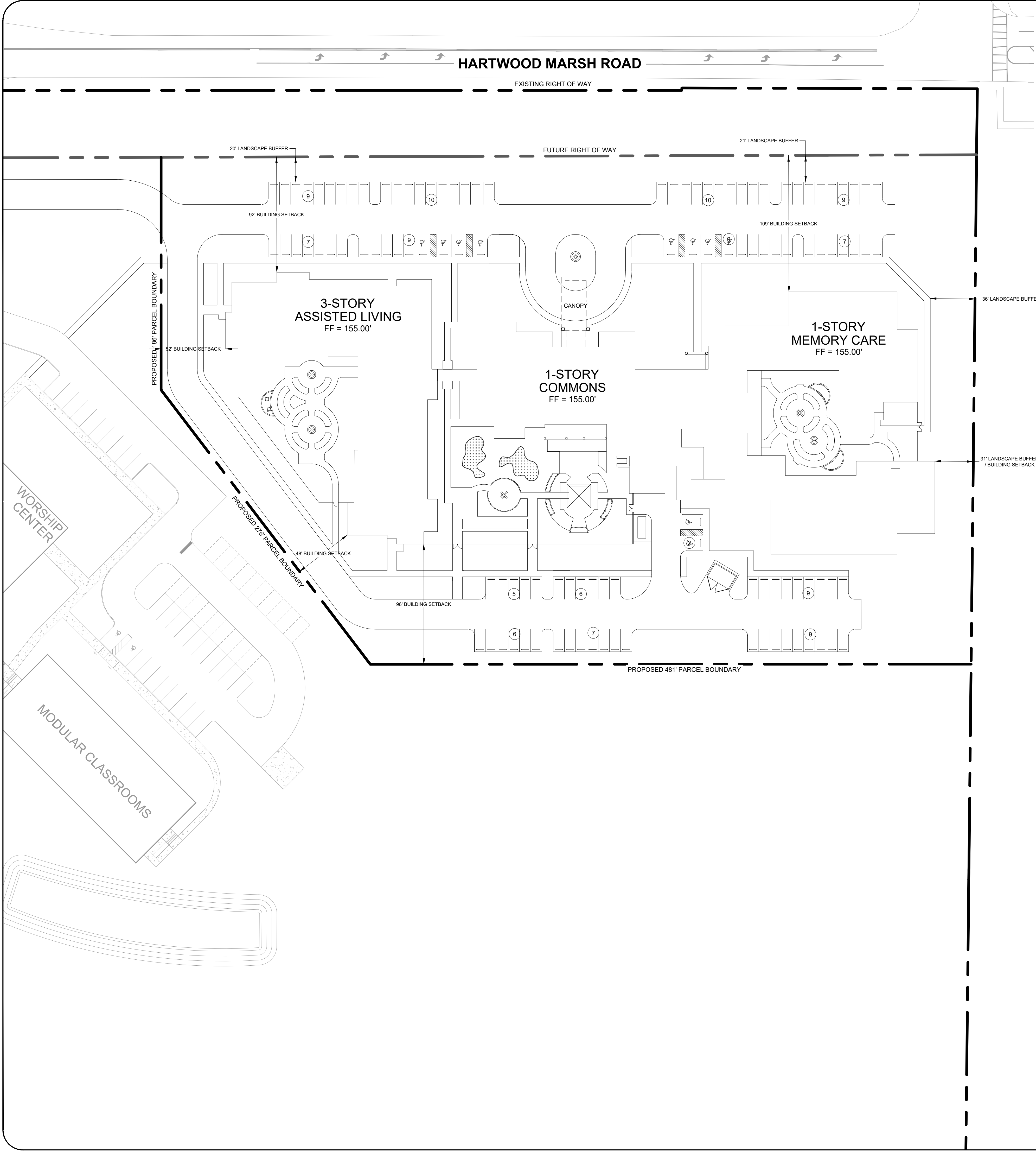


Clermont FLU

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

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 (DOESN'T 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

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



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.
- 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.

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:

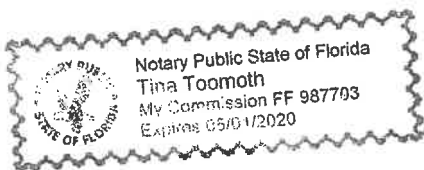
1. That he (she) is the fee-simple owner of the property legally described on the attachment of this application.
2. That he (she) desires a Future Land Use Amendment from Low Density Residential to High Density Residential for the property legally described on the attachment of this application.
3. 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:

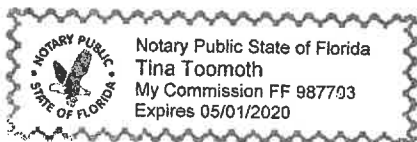
1. That he (she) affirms and certifies that he (she) understands and will comply with all ordinances, regulations and policies of Lake County, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his (her) knowledge and belief, and further, that this application 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

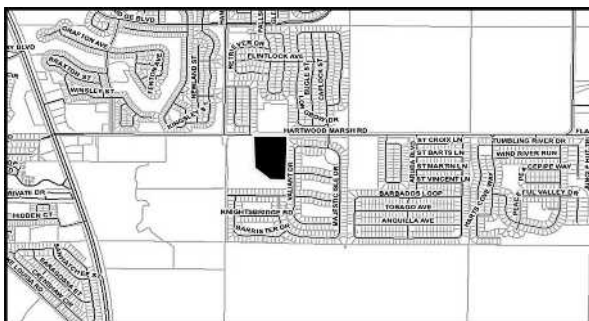


My Commission Expires: 05/01/2020

CITY OF CLERMONT NOTICE OF PROPOSED LAND USE CHANGE Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2020-16

The Clermont City Council will hold a public hearing on Tuesday, February 23, 2021 at 6:30 P.M. for the (final reading of the adoption ordinance) to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 6.056 +/- acre parcel below from Clermont Low Density Residential to Clermont High Density Residential. Eastern part of Alternate Key 1593905.



Location:

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

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY OF CLERMONT, 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 CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

The public hearing will be held at Clermont City Hall, inside the first floor City Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711 and are open to public comment. Please call (352) 241-7305 if you have any questions.

The proposed amendment may be inspected at the City's Development Services Department (located on the first floor of City Hall) between the hours of 8 A.M. and 5 P.M. Monday through Friday.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

John E. Kruse

From: cecelia.bonifay@akerman.com
Sent: Thursday, March 25, 2021 9:52 AM
To: Curt Henschel; John E. Kruse
Cc: lisa.jefferson@akerman.com
Subject: Assisted Living Facility and Memory Care Center/First Baptist Church

Importance: High

Curt and John,

This is to request that our hearing on the above project be held on April 27, 2021. This is due to the fact that I have to be out of town unexpectedly on April 13, 2021. Please let me know what additional information that you need, if any.

Cecelia

Cecelia Bonifay

Chair, Land Use and Development Practice
Akerman LLP | 420 South Orange Avenue, Suite 1200 | Orlando, FL 32801
D: 407 419 8540 | C: 407 758 0192 | F: 407 254 4230
cecelia.bonifay@akerman.com

[vCard](#) | [Profile](#)

akerman

700+ Lawyers

25 Offices

akerman.com

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

AGENDA ITEM

Meeting Date	
Tuesday, April 27, 2021	
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 and access points for the development. The Assisted Living Facility is not part of the church and will be developed and operated by a company. The applicant, in 2019 presented a similar project layout for a three story Assisted Living Facility building, for up to 100 residents and a one story Memory Care building/wing for up to 32 residents and a single story Amenity building for the residents. After consideration of the impacts to the surrounding neighborhoods, the proposed development layout has been changed and reconfigured to allow the three-story building be located interior to the project and away from the 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. The applicant will be required to provide a Traffic Impact Analysis (TIA) for the proposed project and any recommended traffic insufficiencies will require mitigated at the owner's expense. The applicant has also dedicated land for rights-of way to Lake County for future road improvements to Hartwood Marsh Road and the Hancock Road extension, to help alleviate and minimize future traffic congestion.	

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).

The Planning and Zoning Commission voted 4-2 to recommend denial of Ordinance No. 2020-17.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	Final Hartwood Marsh ALF PUD Staff Report	Final Hartwood Marsh ALF PUD Staff Report.pdf
2.	Ord. 2020-17 Hartwood Marsh Senior Living Facility PUD (04.19.2021 V3) - R&F BL	Ord. 2020-17 Hartwood Marsh Senior Living Facility PUD (04.19.2021 V3) - R&F BL.pdf
3.	New Location Map	New Location Map.pdf
4.	Zoning Map Before	Zoning Map Before.pdf
5.	Zoning Map After	Zoning Map After.pdf
6.	Concept Site Plan - Hartwood Marsh Senior Housing Community	Concept Plan - Hartwood Marsh Senior Housing Community.pdf
7.	Color Render Master Plan- Hartwood Marsh Senior Housing Community	Color Render Master Plan- Hartwood Marsh Senior Housing Community.pdf
8.	Elevations-Concept Plan	Elevations-Concept Plan.pdf
9.	HOA letter to Planning and Zoning Commission	HOA letter to Planning and Zoning Commission.pdf
10.	Public Comments	Public Comments.pdf
11.	REZ Application	REZ Application.pdf
12.	Legal AD-Ordinance 2020-17	Legal AD-Ordinance 2020-17.pdf
13.	April 13 2021 Continuance Letter Bonifay	April 13 2021 Continuance Letter Bonifay.pdf



CITY OF CLERMONT Staff Analysis Report

OWNER: First Baptist Church of Clermont

APPLICANT: First Baptist Church of Clermont

PROJECT NAME: Hartwood Marsh Assisted Living Facility

REQUESTED ACTION: To change the zoning from R-1 Single Family Medium Density Residential to Planned Unit Development (PUD).

SIZE OF PARCEL: 6.056 +/- acres

LOCATION/ADDRESS: Vacant parcel located at the southeast corner of Hartwood Marsh Road and Hancock Road (Eastern portion of Alternate Key #15939205)

EXISTING ZONING: R-1 Single Family Medium Density Residential

EXISTING PROPERTY USE: Approved Church Campus

FUTURE LAND USE CATEGORY: Low Density Residential

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The owner, First Baptist Church, is requesting to rezone six (6) of the 38-acre vacant parcel from R-1 Single Family Medium Density to Planned Unit Development (PUD) to allow for development of an Assisted Living Facility. The existing R-1 zoning category allows a church use with a Conditional Use Permit. The City Council approved on February 27, 2018 a CUP (Resolution No. 2018-03) to allow a Master Planned Church Facility with ancillary uses to support the church ministry. The Master Plan included a Conceptual Plan, which identified several different uses such as a school, recreation field, multi-purpose buildings and a parking garage. The plan also included an Assisted Living Facility, which required a separate public hearing approval process. The Assisted Living Facility (ALF) is not a permitted use in the R-1 zoning district and not allowed by the Comprehensive Plan for Low Density Residential Future Land Use. The applicant is also requesting a change of the future land use 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 and access points for the development. The Assisted Living Facility is not part of the church and will be developed and operated by a company. The applicant, in 2019 presented a similar project layout for a three story Assisted Living Facility building, for up to 100 residents and a one story Memory Care building/wing for up to 32 residents and a single story Amenity building for the residents. After consideration of the impacts to the surrounding neighborhoods, the proposed development layout has been changed and reconfigured to allow the three-story building be located interior to the project and away from the 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. The applicant will be required to provide a Traffic Impact Analysis (TIA) for the proposed project and any recommended traffic insufficiencies will require mitigated at the owner's expense. The applicant has also dedicated land for rights-of way to Lake County for future road improvements to Hartwood Marsh Road and the Hancock Road extension, to help alleviate and minimize future traffic congestion.

STAFF RECOMMENDATIONS:

Staff has reviewed the application and finds the proposed development plan can meet the requirements and provisions 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).



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

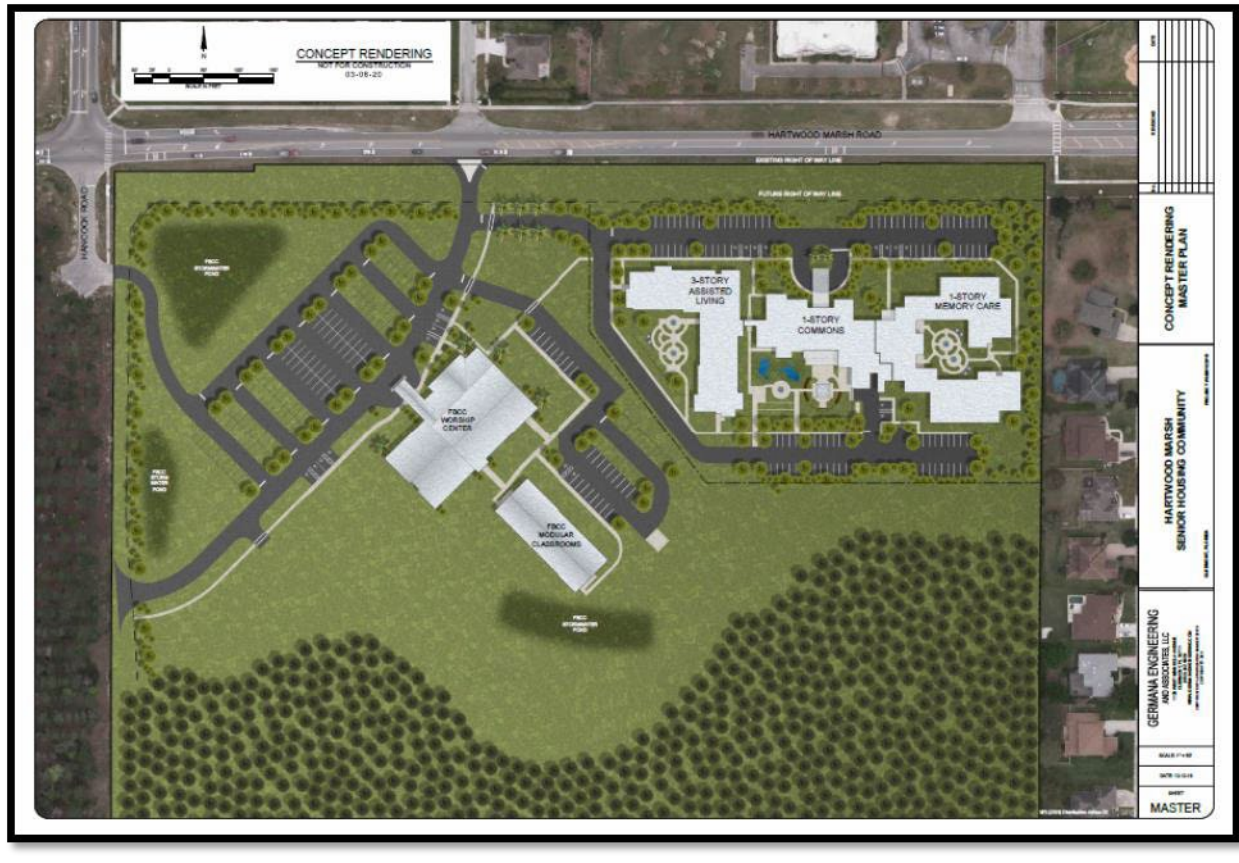


Exhibit B:





CITY OF CLERMONT
ORDINANCE NO. 2020-17

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 27th day of April 2021.

CITY OF CLERMONT

Tim Murry, Mayor

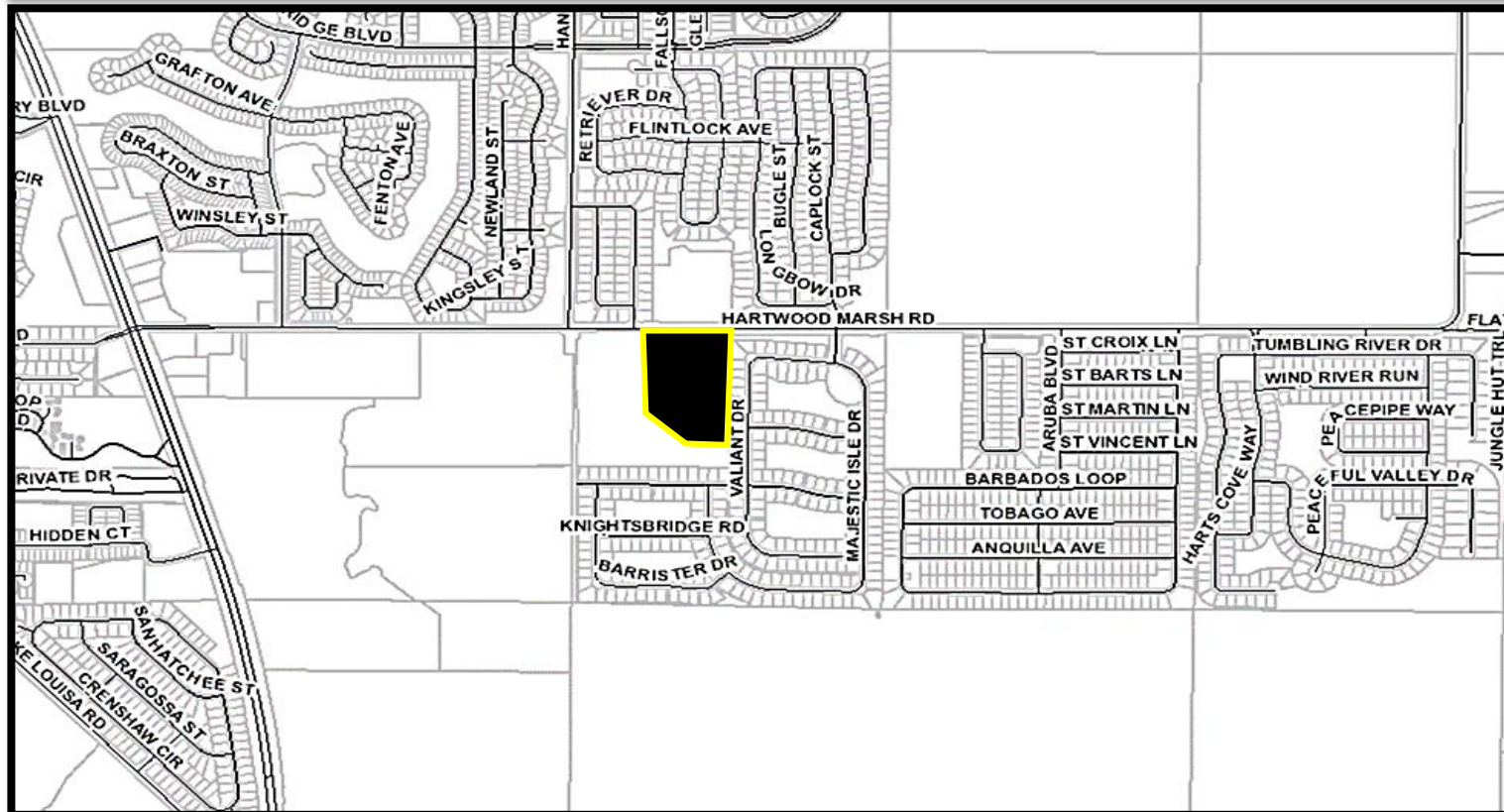
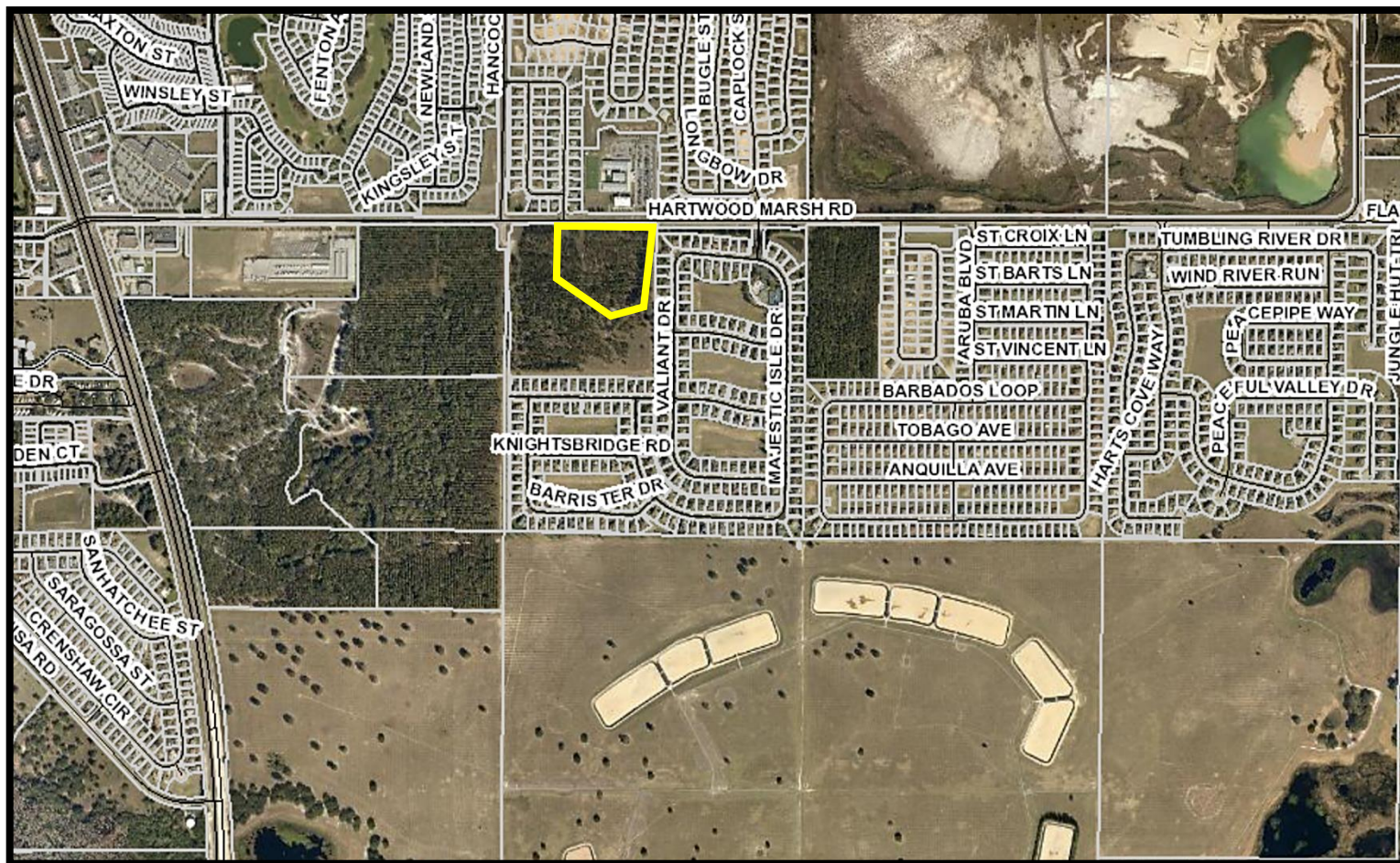
ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

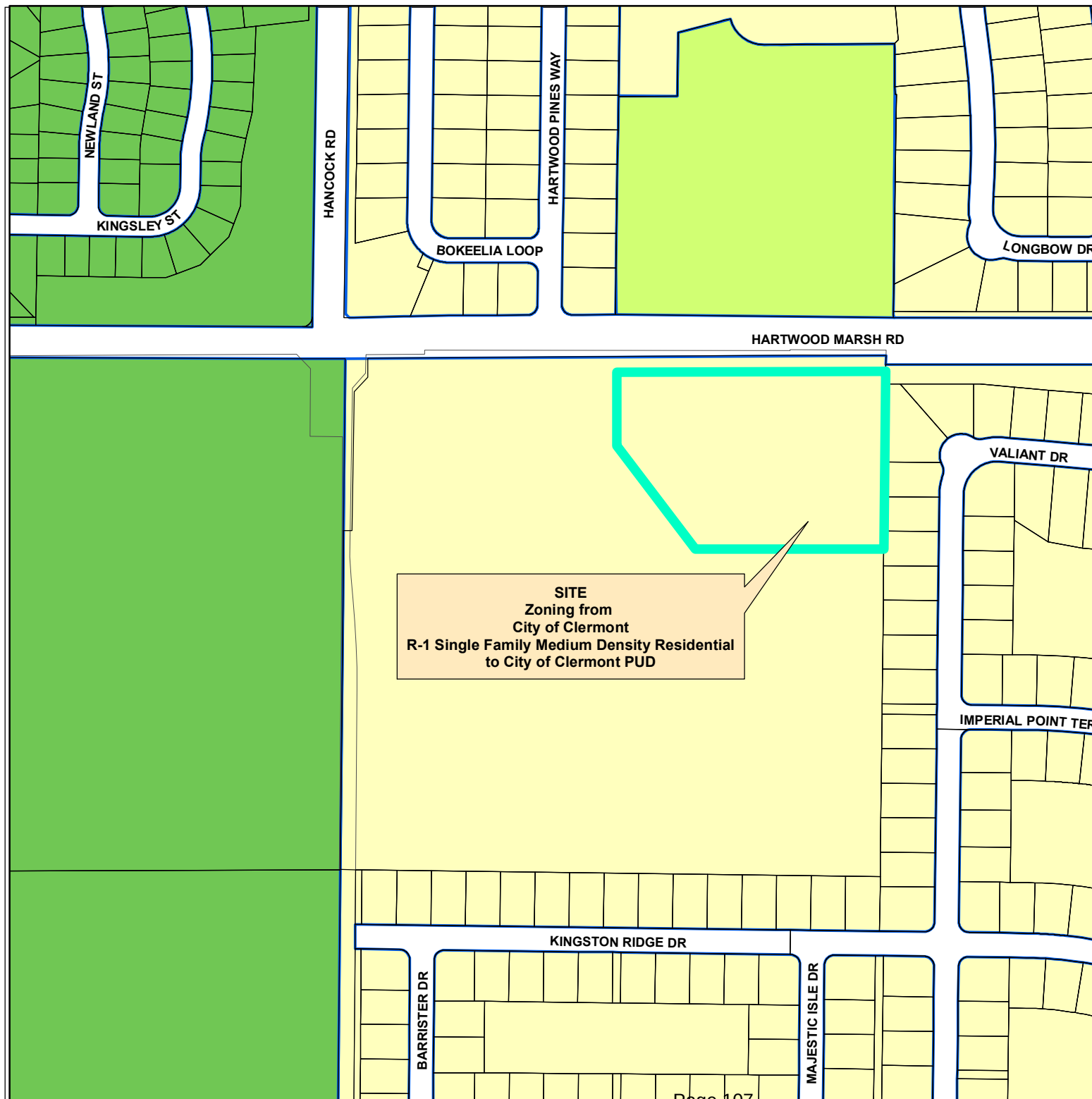
Daniel F. Mantzaris, City Attorney

LOCATION MAP





Zoning
Before



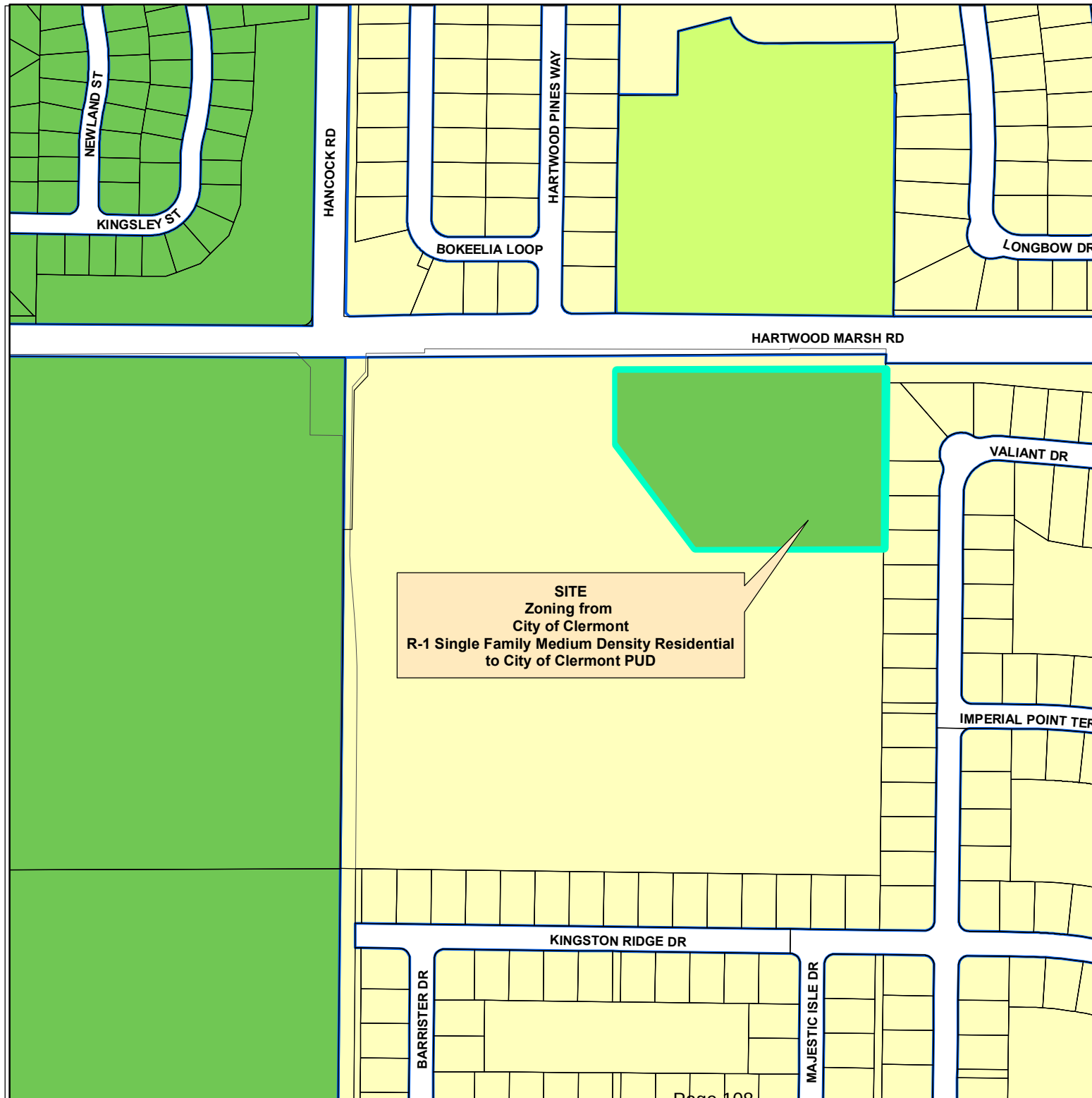
Legend

- 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





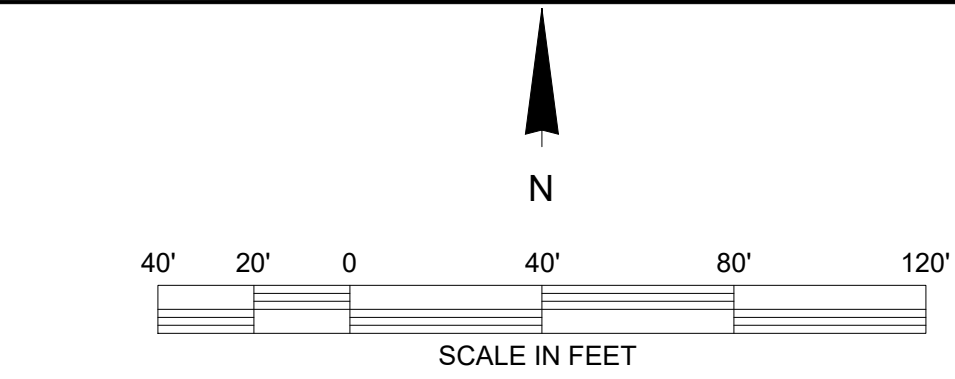
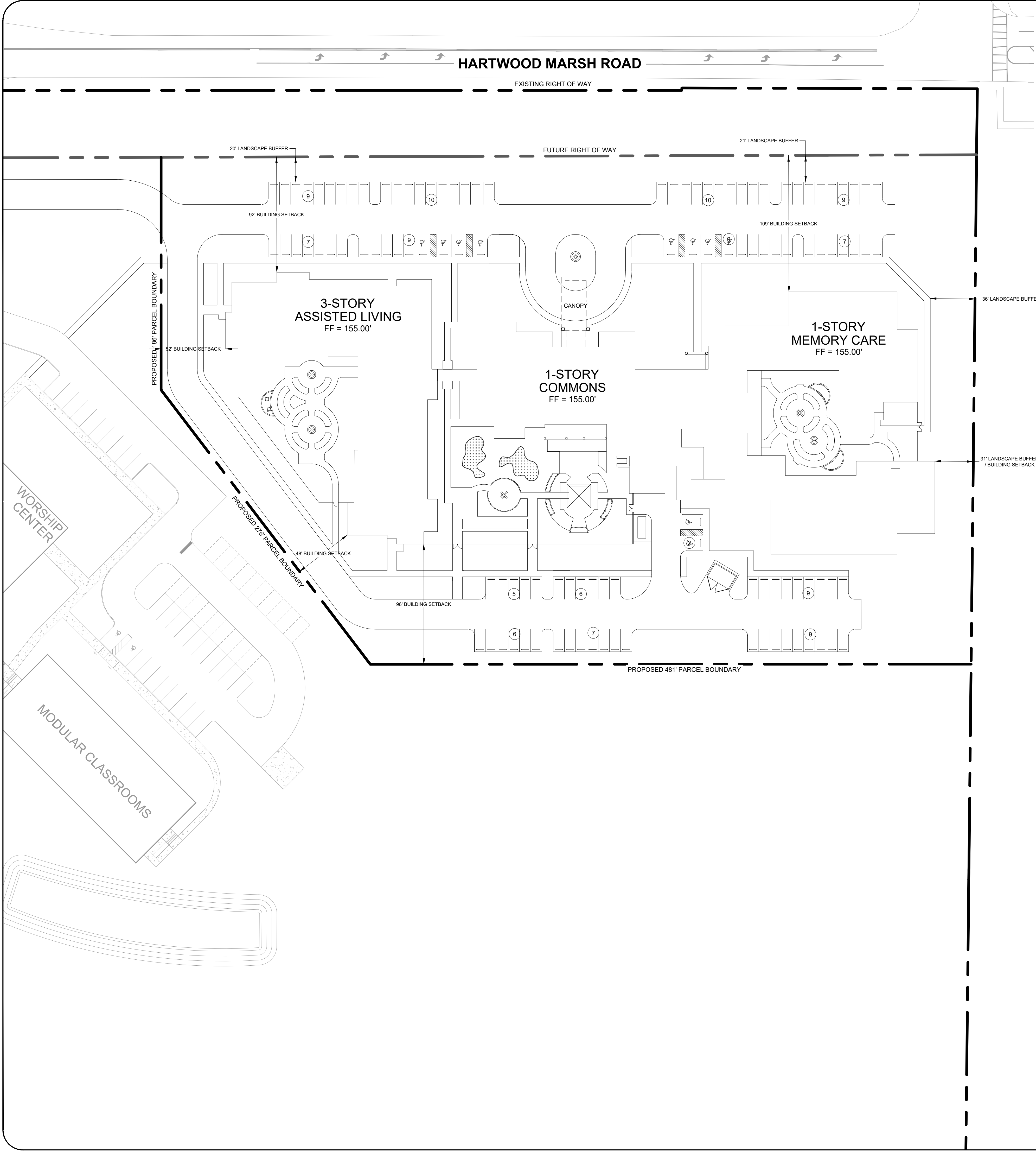
Zoning After



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
- 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





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 (DOESN'T 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 # GEO152019

CLERMONT, FLORIDA

GERMANA ENGINEERING
AND ASSOCIATES, LLC

1120 WEST MINNEOLA AVENUE
CLERMONT, FLORIDA 34711
CL 8530 242-9329
WWW.GERMANAENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER: 26279
COPYRIGHT © 2019

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

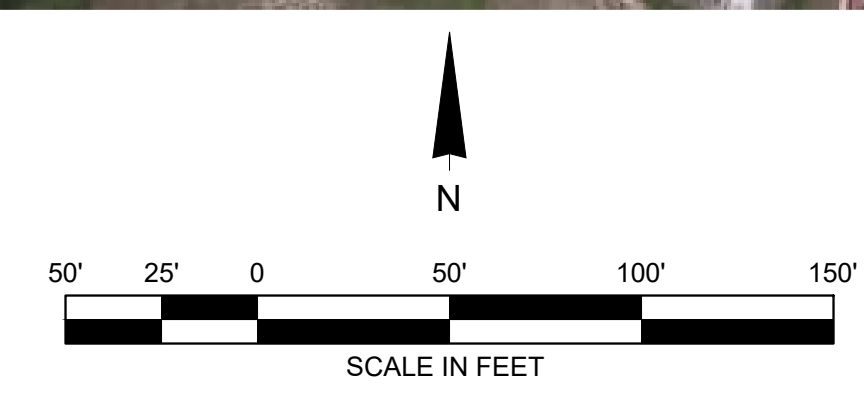
CHRISTOPHER M. GERMANA, P.E.
FLORIDA PROFESSIONAL ENGINEER # 61682
FIRM CERTIFICATE OF AUTHORIZATION # 29279

SCALE: 1" = 40'

DATE: -

SHEET

CONCEPT



CONCEPT RENDERING
NOT FOR CONSTRUCTION
03-06-20

GERMANA ENGINEERING AND ASSOCIATES, LLC 1120 WEST MINNEOLA AVENUE CLERMONT, FL 34711 (852) 242 9329 WWW.GERMANAENGINEERING.COM CERTIFICATE OF AUTHORIZATION NUMBER: 26279 COPYRIGHT © 2018		HARTWOOD MARSH SENIOR HOUSING COMMUNITY CLERMONT, FLORIDA		CONCEPT RENDERING MASTER PLAN		No.	REVISIONS	DATE
SCALE: 1" = 50'		DATE: 12-12-19		SHEET		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.
- 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.

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
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

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 CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

LOCATION:

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

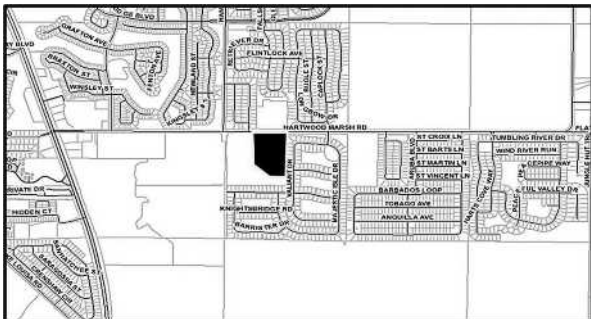
LEGAL DESCRIPTION

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 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.

**FROM: Single Family Medium Density Residential (R-1)
Zoning District
TO: Planned Unit Development (PUD) District**



A public meeting to consider the request will be held before the Clermont City Council on Tuesday, February 23, 2021 at 6:30 P.M. for Final Adoption of this Ordinance.

All meetings will be held in the City Council Chamber inside Clermont City Hall, located at 685 West Montrose Street, Clermont, FL.

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 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

John E. Kruse

From: cecelia.bonifay@akerman.com
Sent: Thursday, March 25, 2021 9:52 AM
To: Curt Henschel; John E. Kruse
Cc: lisa.jefferson@akerman.com
Subject: Assisted Living Facility and Memory Care Center/First Baptist Church

Importance: High

Curt and John,

This is to request that our hearing on the above project be held on April 27, 2021. This is due to the fact that I have to be out of town unexpectedly on April 13, 2021. Please let me know what additional information that you need, if any.

Cecelia

Cecelia Bonifay

Chair, Land Use and Development Practice
Akerman LLP | 420 South Orange Avenue, Suite 1200 | Orlando, FL 32801
D: 407 419 8540 | C: 407 758 0192 | F: 407 254 4230
cecelia.bonifay@akerman.com

[vCard](#) | [Profile](#)

akerman

700+ Lawyers

25 Offices

akerman.com

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



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, April 27, 2021		
Agenda Item Name		
Ordinance No. 2021-010 Table to May 11, 2021 <i>Graff Building</i>		
Requested Action		
Table to May 11, 2021		
Staff Report		
The applicant has requested to table until the May 11, 2021 City Council meeting.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Graff Building Continuance to May 11	Graff Building Continuance to May 11.pdf	
2. Ord 2021-010 - Graff Building PUD (04.19.2021 V5) - R&F BL	Ord 2021-010 - Graff Building PUD (04.19.2021 V5) - R&F BL.pdf	
3. Legal Ad	Legal Ad.pdf	

John E. Kruse

From: Mark Graff <mgraff@graffholdings.com>
Sent: Wednesday, March 31, 2021 11:47 AM
To: John E. Kruse
Cc: 'Mark Askins'; 'Christopher Germana'; Andrew Sechler; 'Paul Gaynor'; Curt Henschel
Subject: Continuance for the Graff Building

Good morning John. I hereby request a continuance for the rezoning of the Graff Building from the 4/27/21 City Council Meeting to the 5/11/21 City Council Meeting. Thanks.

Mark J. Graff
President

Graff Development
mgraff@graffholdings.com
352-242-2888



CITY OF CLERMONT
ORDINANCE NO. 2021-010

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, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

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

The South 30 feet of the West 1/2 of Lot 13, the West 1/2 of Lot 14, the South 30 feet of Lot 15, and all of Lot 16, Block 93, THE CITY OF CLERMONT, according to the map or plat thereof as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida

LOCATION

872 West Minneola Ave.
AK 1615135
0.31 +/- Acres

**FROM: Central Business District (CBD)
TO: Planned Unit Development (PUD) for a
Mixed-use Residential and Commercial Project**

SECTION 2: GENERAL CONDITIONS

This application for a Planned Unit Development (PUD) to allow for a mixed-use project consisting of ten residential units and CBD Central Business District 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 Exhibit A – Concept Site Plan prepared by Germana Engineering, dated 3-29-2021. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved

CITY OF CLERMONT
ORDINANCE NO. 2021-010

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. The development shall comply with all applicable City, County and Florida Department of Transportation access management requirements. The Developer shall timely complete all required mitigation and other improvements as may be applicable.

SECTION 3: LAND USES AND SPECIFIC CONDITIONS

1. A total of up to 10 residential dwelling units (d.u) may be permitted on the site, not to exceed a base density of 32.5 dwelling units/acre. A separate Community Benefit Agreement shall be required since the project has exceeded the 25 dwelling units per acre and is presented in Exhibit C – Community Benefit Agreement. If the Community Benefit Agreement is not properly fulfilled, this PUD becomes null and void.
2. The project shall be constructed in a manner that closely resembles the architectural style and elevations as presented in Exhibit B – Elevations, and shall meet the City of Clermont's Architectural Standards.
3. Maximum building height shall be up to 55 feet, measured at the highest point.
4. The applicant is requesting a waiver to Section 98-14 to allow a reduction in parking for the project by five on-site parking spaces.
5. The applicant is requesting a waiver to Section 118-37 (d) to allow a reduced landscape buffer of seven (7) feet around the parking area consisting of shrubs and understory trees meeting Section 118-37 (3).
6. The applicant is requesting a waiver to Section 114-4 to allow landscape irrigation from the City's potable supply.



CITY OF CLERMONT
ORDINANCE NO. 2021-010

7. The developer shall be fully responsible for any and all costs associated with moving the trail and the addition of the four parking spaces adjacent to the project. These incurred costs (change orders, etc.) shall include, but not limited to; design, engineering, construction, landscaping and any other costs associated with utilities, street lighting, driveway, and parking spaces due to modification of the existing City of Clermont Streetscape Plans, Phase Two.
8. The project shall be developed according to the Central Business District (CBD) zoning designation in the Land Development Code, unless expressly stated above.
9. School concurrency shall be met before final site plan approval in accordance with the Comprehensive Plan and Land Development Code.
10. 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. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion. If the Planned Unit Development becomes null and void, the property will revert to the CBD Central Business District Zoning Designation.

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: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

Sections of this 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: RECORDING

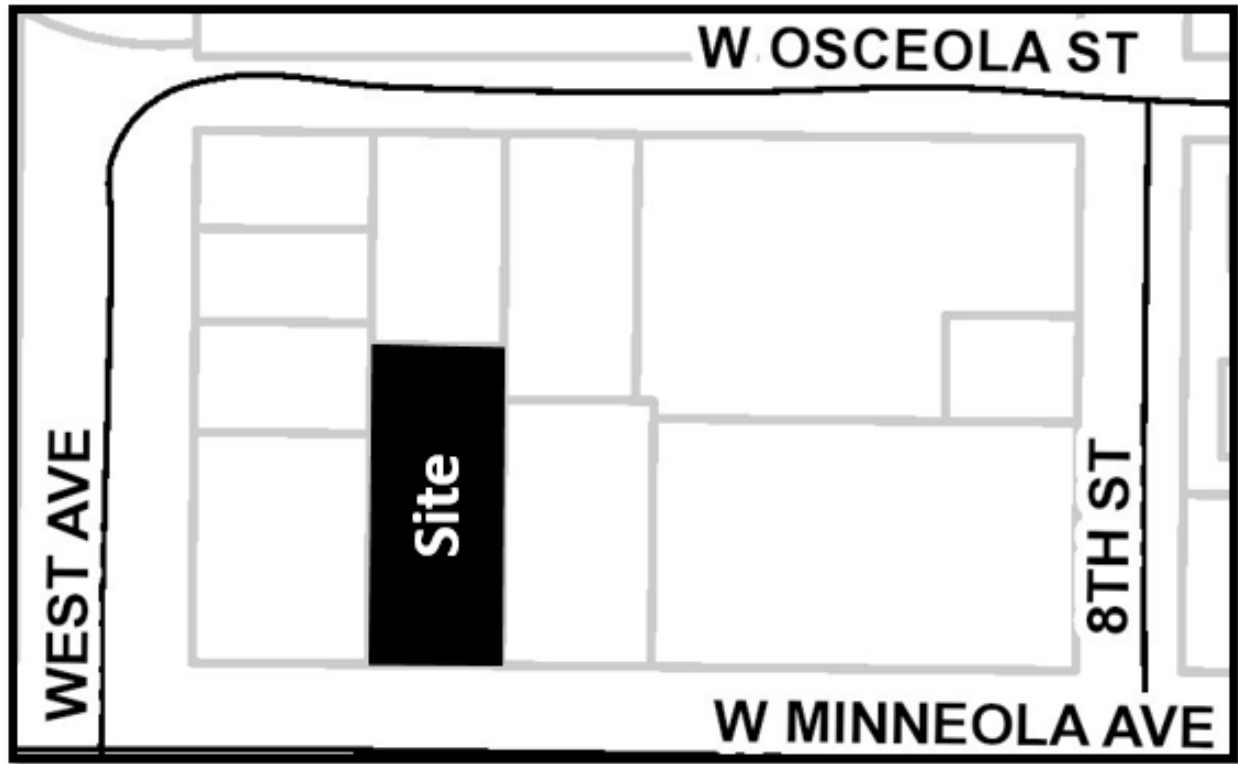
This Ordinance shall be recorded in the Public Records of Lake County, Florida.

SECTION 8: PUBLICATION AND 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.

CITY OF CLERMONT
ORDINANCE NO. 2021-010

Location Map:





CITY OF CLERMONT
ORDINANCE NO. 2021-010

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 11th day of May, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

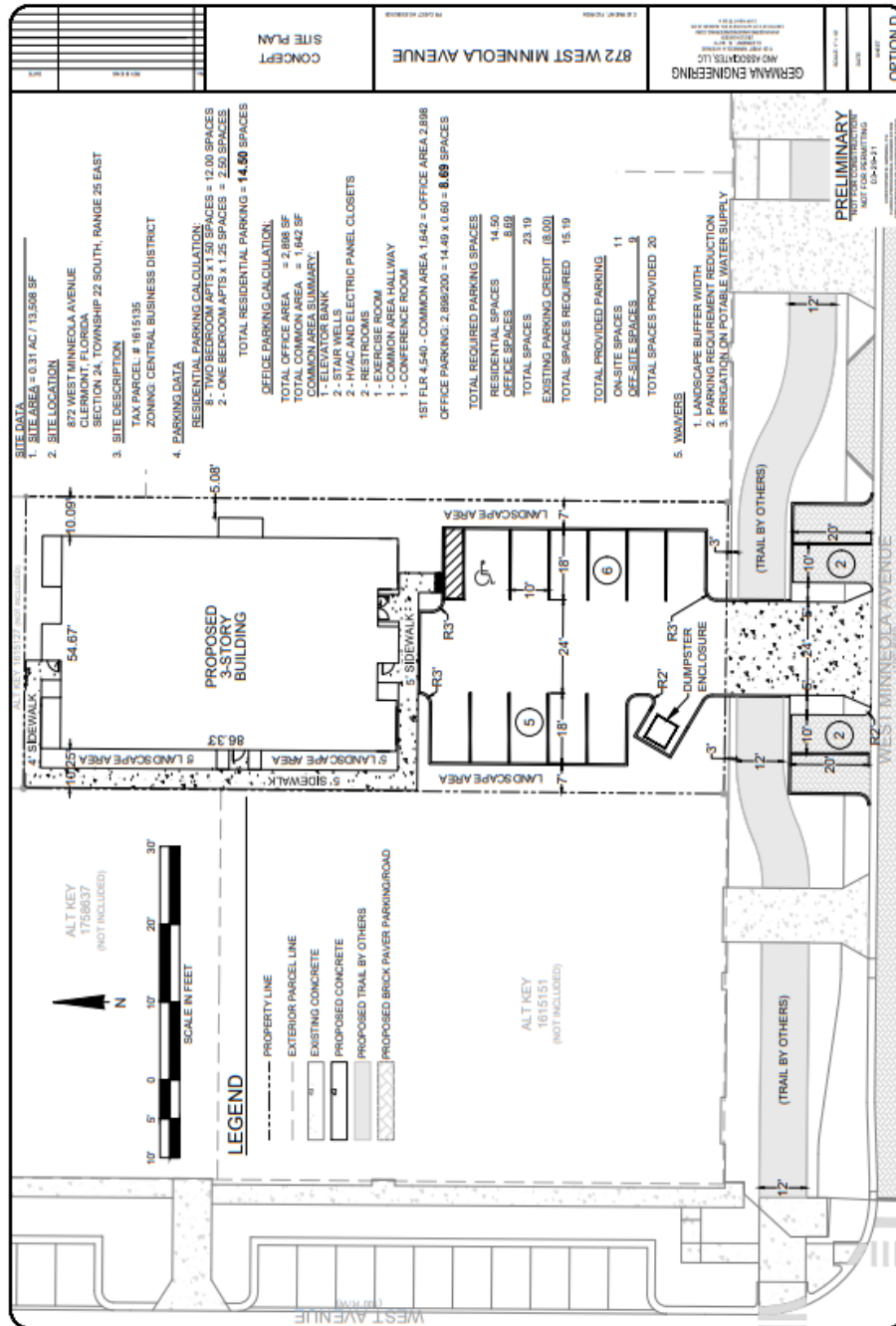
Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT
ORDINANCE NO. 2021-010

Exhibit A – Concept Plan



CITY OF CLERMONT
ORDINANCE NO. 2021-010

Exhibit B – Elevations



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. 2021-010

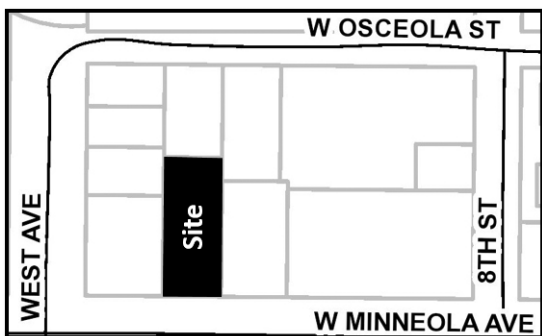
AN ORDINANCE UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLERMONT, REFERRED TO IN CHAPTER 122 OF ORDINANCE NO. 289-C, CODE OF ORDINANCES; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW, PROVIDING FOR CONFLICT,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

LOCATION:

872 West Minneola Ave.
AK 1615135
0.31 +/- Acres

LEGAL DESCRIPTION

THE SOUTH 30 FEET OF THE WEST 1/2 OF LOT 13, THE WEST 1/2 OF LOT 14, THE SOUTH 30 FEET OF LOT 15, AND ALL OF LOT 16, BLOCK 93, THE CITY OF CLERMONT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 17, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



REQUESTED ACTION - CHANGE THE ZONING

FROM: Central Business District (CBD)

**TO: Planned Unit Development (PUD) for a
Mixed-use Residential and Commercial Project**

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, March 2, 2021 at 6:30 P.M.

A public meeting to consider this request will be held before the City Council on Tuesday, March 23, 2021 for final enactment.

All meetings will be held at City Hall, first floor Council Chambers, located at 685 W. Montrose Street, Clermont FL 34711.

This Ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Clermont FL, 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) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, April 27, 2021	
Agenda Item Name	
Ordinance 2021-013 Table to May 11, 2021 <i>Disston Duplexes PUD Rezoning</i>	
Requested Action	
Recommend denial of Ordinance No. 2021-013	
Staff Report	
The applicant is requesting a rezoning to a Planned Unit Development (PUD) to allow for development of six (6) two-family styled housing units, with the maximum not to exceed 12 units for the entire site. The applicant has provide a Conceptual Site Plan prepared by Germana Engineering, showing the proposed buildings, parking, landscape areas and access points for the property. The conceptual site plan identifies that each unit will be two bedrooms with an attached single car garage and provide approximately 1,300 square feet of living space. The Land Development Code, Section 98-14 requires two parking spaces for each two-bedroom residential unit. The applicant has identified the garages and a driveway to meet the parking requirements. The proposed project layout as designed does not comply with the Land Development Codes. The Future Land Use is Commercial, which allows the maximum of 12 units per acre. The proposed project is similar in design and comparable to a smaller apartment community, which is required to provide onsite dumpsters with enclosures to meet the refuse and collection needs of the proposed housing development. The project as designed does not provide any onsite dumpsters. The applicant is requesting the 12 units use curbside pickup from the adjacent streets, therefore, each week the residents would be required to place City trash containers and recycling bins at the curbside of the local streets for collection. The very large containers located curbside each week may be considered a nuisance to adjacent property owners and the community. In addition, the proposed development concept plan has proposed the internal access streets and curbs are 21 feet wide, and the code requires all internal access streets/egress points including the curb must be a minimum of 24 feet wide. The proposed 21 feet width for the internal streets are less than the permitted development standards and may not be able to accommodate large trucks and emergency vehicles in the community. The code requirements for the minimum 24 feet width for streets and access points will provide a safe traffic flow pattern, which allows vehicles the ability to safely maneuver and exit the property. <u>STAFF RECOMMENDATION:</u> Staff has reviewed the application and proposed project in regards to Section 122-315 Review Criteria for a Planned Unit Development. The proposed project as designed does not comply with the Land Development Regulations and general requirements for granting a Planned Unit Development (PUD). The Code requires all PUD Site Development Plans be designed in a manner that provide a complete living environment that is designed to provide quality development that will enhance and creates a uniform development pattern that complies with the general requirements and regulatory process for approval of the project. Staff recommends <u>denial</u> of Ordinance No. 2021-013, or Staff can make a recommendation to approve the PUD with the conditions contained in the PUD Ordinance which requires the proposed development must be designed and constructed in compliance with all building and fire safety code requirements and all provision of the Land Development Regulations including parking, onsite dumpster requirements, access driveways and streets widths and internal/external sidewalks that meet the code.	

The Planning and Zoning Commission at their meeting, voted 7-0 to make a recommendation of denial for Ordinance No. 2021-013.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	Staff Analysis Disston Duplexes PUD -	Staff Analysis Disston Duplexes PUD -.pdf
2.	Ord 2021-013 - Disston Duplexs PUD (03.31.2021 V1)	Ord 2021-013 - Disston Duplexs PUD (03.31.2021 V1).pdf
3.	Disston Duplexes Maps	Disston Duplexes Maps.pptx
4.	Final Almond Street Multi-Family - Concept Plan	Final Almond Street Multi-Family - Concept Plan.pdf
5.	Boundary Survey	Boundary Survey.pdf
6.	Elevation - Disston ST. DUPLEX-OPTION 03.24.21	Elevation - Disston ST. DUPLEX-OPTION 03.24.21.pdf
7.	Application	Application.pdf
8.	Disston Duplexes Legal Ad PROOF	Disston Duplexes Legal Ad PROOF.pdf



CITY OF CLERMONT

Staff Analysis Report

OWNER: Lake Acquisitions Inc.

APPLICANT: Robert Thompson

PROJECT NAME: Disston Duplexes PUD

REQUESTED ACTION: Consider a request for a rezoning to Planned Unit Development (PUD) for six (6) two-family duplex-style housing units, not to exceed the maximum of 12 units for the site.

SIZE OF PARCEL: 1.39 +/- acres

LOCATION: Vacant parcel located at the corner of Disston and Almond Street, adjacent to the Suntrust Bank Building.

EXISTING ZONING: R-3 Residential/Professional, C-1 Light Commercial and C-2 General Commercial.

EXISTING LAND USE: Vacant property

FUTURE LAND USE CATEGORY: Commercial

ANALYSIS:

The applicant is requesting a rezoning to a Planned Unit Development (PUD) to allow for development of six (6) two-family styled housing units, with the maximum not to exceed 12 units for the entire site. The applicant has provide a Conceptual Site Plan prepared by Germana Engineering, showing the proposed buildings, parking, landscape areas and access points for the property.

The conceptual site plan identifies that each unit will be two bedrooms with an attached single car garage and provide approximately 1,300 square feet of living space. The Land Development Code, Section 98-14 requires two parking spaces for each two-bedroom residential unit. The applicant has identified the garages and a driveway to meet the parking requirements. The proposed project layout as designed does not comply with the Land Development Codes. The Future Land Use is Commercial, which allows the maximum of 12 units per acre. The proposed project is similar in design and comparable to a smaller apartment community, which is required to provide onsite dumpsters with enclosures to meet the refuse and collection needs of the proposed

housing development. The project as designed does not provide any onsite dumpsters. The applicant is requesting the 12 units use curbside pickup from the adjacent streets, therefore, each week the residents would be required to place City trash containers and recycling bins at the curbside of the local streets for collection. The very large containers located curbside each week may be considered a nuisance to adjacent property owners and the community.

In addition, the proposed development concept plan has proposed the internal access streets and curbs are 21 feet wide, and the code requires all internal access streets/egress points including the curb must be a minimum of 24 feet wide. The proposed 21 feet width for the internal streets are less than the permitted development standards and may not be able to accommodate large trucks and emergency vehicles in the community. The code requirements for the minimum 24 feet width for streets and access points will provide a safe traffic flow pattern, which allows vehicles the ability to safely maneuver and exit the property.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to Section 122-315 Review Criteria for a Planned Unit Development. The proposed project as designed does not comply with the Land Development Regulations and general requirements for granting a Planned Unit Development (PUD). The Code requires all PUD Site Development Plans be designed in a manner that provide a complete living environment that is designed to provide quality development that will enhance and creates a uniform development pattern that complies with the general requirements and regulatory process for approval of the project.

Staff recommends denial of Ordinance No. 2021-013, or Staff can make a recommendation to approve the PUD with the conditions contained in the PUD Ordinance that requires the proposed project complies with the Land Development Regulations for parking, onsite dumpster requirements, street width and other requirements as identified in Ordinance No. 2021-013.



CITY OF CLERMONT
ORDINANCE NO. 2021-013

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, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, 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

Lots 127 and 128, CLERMONT HEIGHTS, according to the plat thereof, as recorded in Plat Book 4, Page 1, Public Records of Lake County, Florida AND

Lots 11 and 12 and the West 1/2 of Lot 10, FAIRVIEW PLACE, according to the plat thereof, as recorded in Plat Book 9, Page 6, Public Records of Lake County, Florida

LOCATION

Vacant property Southeast of Almond Street and
Disston Avenue Intersection, adjacent to SunTrust Bank
(Alternate Key 1617995, 1618002, and 2827092)
1.393+/- acres

**FROM: “R-3” Residential /Professional, “C-1” Light Commercial
And “C-2” General Commercial**

**TO: Planned Unit Development (PUD)
To allow up to six (6) two-family style dwelling units (duplex)**

SECTION 2: GENERAL CONDITIONS

This application is for a Planned Unit Development (PUD) to allow up to six (6) two-family duplex style-housing units; that may be developed on the 1.393 +/-acre parcels, not to exceed the maximum of 12 dwelling units for the entire site; shall 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. 2021-013

2. The property shall be developed in substantial accordance with the Conceptual Site Plan prepared by Germana Engineering and Associates, identified as (Exhibit A). Formal construction plans incorporating all conditions stated in this permit must be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The Conceptual Site Plan does not grant any development entitlements.
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. This application is for a Planned Unit Development (PUD) to allow up to six (6) two-family duplex style-housing units; and not to exceed the maximum allowed of 12 dwelling units for subject property.
2. All Building setbacks shall comply with R-3-A Residential/Professional zoning Land Development Regulations.
3. The maximum building height shall be up to 35 feet, measured at the highest point.
4. The developer will be required to comply with City vehicular and pedestrian circulation requirements for the project. Internal streets and access points must meet the minimum pavement width (including curb) of 24 feet as required in the Land Development Code, Section 110. The City Engineer will review any required driveway permits at the time of final Engineering.
5. The maximum height of any retaining walls shall be up to 6 feet in height as allowed by the Land Development Regulations. Any fences shall be decorative and meet the requirements of the code.
6. The project will be required to comply with Clermont Solid Waste Collection and Disposal requirements for any onsite dumpsters and refuse collection to meet the solid waste demands for the project. The project will require a minimum of one (1) onsite dumpster and enclosure that comply with the Land Development Regulations.
7. The site may be developed to allow up to six (6) two family (duplex) style housing units, not to exceed the maximum of 12 units per acre. The two family one bedroom dwelling units must provide a minimum of 700 square feet of living space per dwelling unit, exclusive of any garages, carports, and screened areas. The two bedroom units must provide a minimum of 1,000 square foot of living space for each unit, exclusive of any garages, carports, and screened areas.



CITY OF CLERMONT
ORDINANCE NO. 2021-013

8. The buildings shall be constructed to meet the City of Clermont's Architectural Design Standards.
9. The developer may be required to provide installation of fiber optic conduit and pull boxes in the utility easements to extend the City's fiber optic network. The City's Information Technology Director will work with the developer at the time of site plan review to determine the extent of fiber optic conduit. 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.
10. The residential project must meet school concurrency requirements before final site plan approval in accordance with the Comprehensive Plan and Land Development Codes for Concurrency Management.
11. The project shall be developed according to the R-3-A Residential/Professional zoning designation in the Land Development Code, unless expressly stated above. The site may be used for any other permitted uses in the R-3 A Residential/Professional zoning district.
12. Sidewalks and pedestrian cross access shall be designed and constructed to meet ADA requirements and provide pedestrian safety within the project. Sidewalks are required for all street rights of way for the entire length of the subject parcels.
14. Street lighting is required for this project to provide pedestrian safety. A photometric plan that includes the location and foot candle at ground level will be reviewed during final site plan approval.

SECTION 4: CONFLICT

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

SECTION 5: 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.

SECTION 6: ADMINISTRATIVE CORRECTION

This 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: RECORDING

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



CITY OF CLERMONT
ORDINANCE NO. 2021-013

SECTION 8: PUBLICATION & 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.

CITY OF CLERMONT
ORDINANCE NO. 2021-013

Location map:





CITY OF CLERMONT
ORDINANCE NO. 2021-013

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

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Disston Duplexes

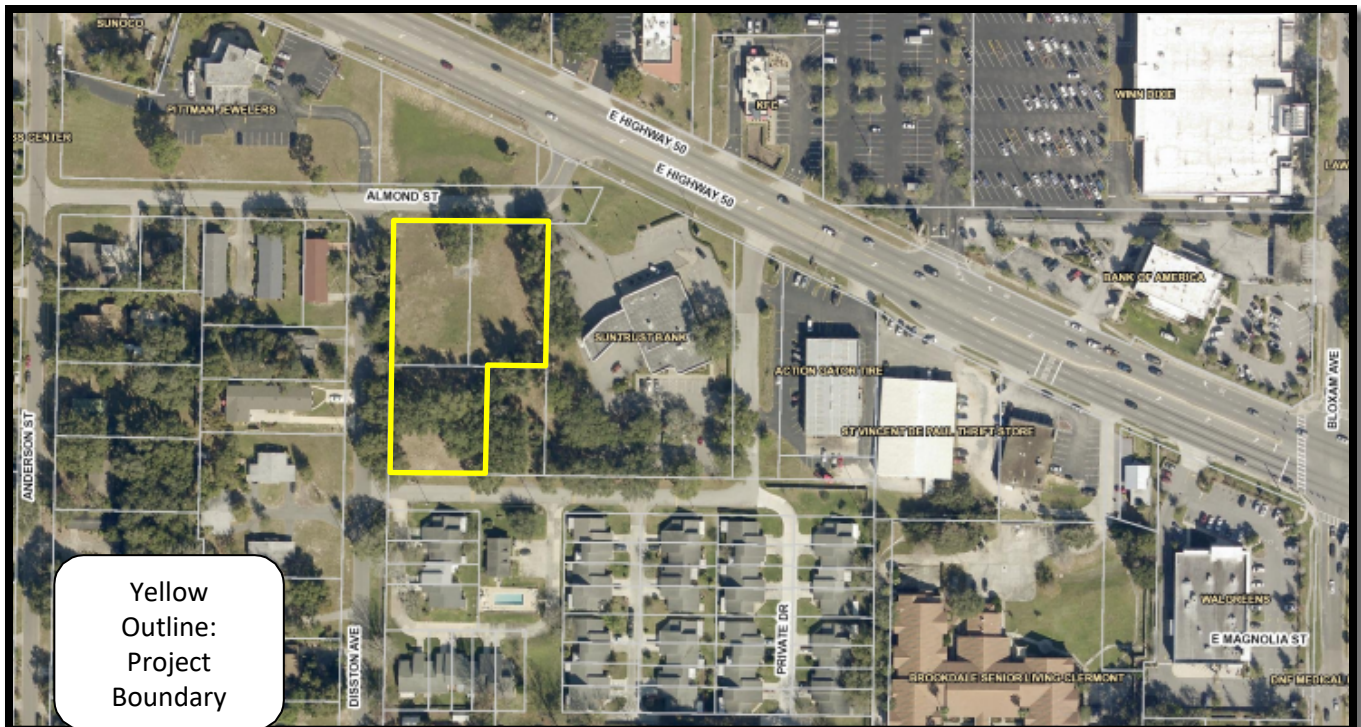
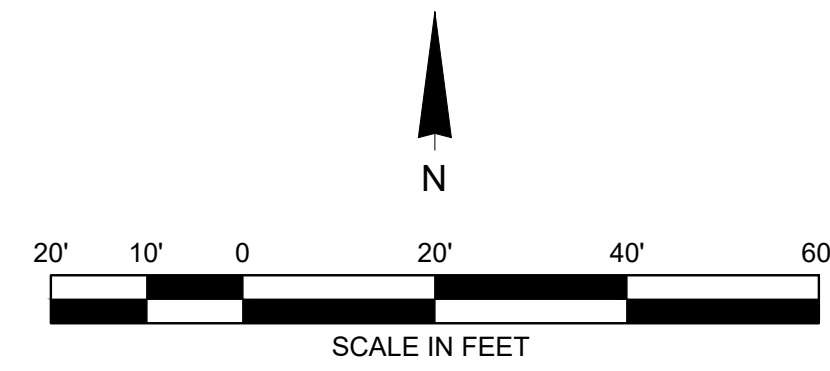


Exhibit – Zoning – Disston Duplexes

Current
Zoning

Proposed
Zoning

ALMOND STREET
(50' RIGHT OF WAY)



NOTES

1. THE SITE CONSTRUCTION STAKEOUT SHALL BE PERFORMED UNDER THE DIRECTION OF A FLORIDA REGISTERED SURVEYOR. AUTOCAD FILE WILL BE PROVIDED TO AID IN THE SITE CONSTRUCTION STAKEOUT. ANY DISCREPANCIES FOUND BETWEEN THE AUTOCAD FILES SHALL BE BROUGHT TO THE ENGINEERS ATTENTION FOR CLARIFICATION PRIOR TO THAT STAKEOUT.
2. PROJECT SITE SHALL COMPLY WITH THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION (FBC) 2017 EDITION

SITE DATA

1. **TOTAL SITE AREA** = 60,683 SF (1.39 AC)
2. **SITE LOCATION**
501 ALMOND STREET
CLERMONT, FLORIDA 34711
TAX PARCEL: ALT KEY # 1617995 / # 1618002 / # 2827092 / # 2795425
SECTION 30, TOWNSHIP 22 SOUTH, RANGE 26 EAST
3. **SITE DESCRIPTION**
EXISTING ZONING: C-1 LIGHT COMMERCIAL / C-2 GENERAL COMMERCIAL / R-3 RESIDENTIAL/PROFESSIONAL
FUTURE LAND USE: COMMERCIAL
PROPOSED ZONING: PUD
4. **SITE REQUIREMENTS**
MAXIMUM ISR: 80%
MAXIMUM BUILDING HEIGHT: 55 FEET
ALMOND STREET LANDSCAPE BUFFER: 15 FEET
DISSTON AVENUE (WEST) LANDSCAPE BUFFER: 15 FEET
DISSTON AVENUE (SOUTH) LANDSCAPE BUFFER: 10 FEET
EAST LANDSCAPE BUFFER: 10 FEET
SOUTH LANDSCAPE BUFFER: 10 FEET
ALMOND STREET SETBACK: 25 FEET
DISSTON AVENUE (WEST) SETBACK: 25 FEET
DISSTON AVENUE (WEST) SETBACK: 25 FEET
EAST SETBACK: 12 FEET
SOUTH SETBACK: 12 FEET
5. **BUILDING DATA**
USE TYPE: DUPLEX RESIDENTIAL
UNIT COUNT: 12 UNITS
CONSTRUCTION TYPE:
FINISHED FLOOR: TBD
BUILDING AREA: 1,330 SF PER UNIT
MAXIMUM HEIGHT: 25'
6. **PARKING DATA**
(2 SPACES PER TWO BEDROOM UNIT)
REQUIRED PARKING = 24 SPACES
PROVIDED PARKING = 26 SPACES
7. **IMPERVIOUS DATA**
BUILDING FOOTPRINT = 15,960 SF
ASPHALT (PARKING) = 9,429 SF
CONCRETE = 420 SF
TOTAL IMPERVIOUS = 25,809 SF (42.53% ISR)
TOTAL OPEN SPACE = 34,874 SF (57.47% ISR)

LEGEND

- PROPERTY LINE
- EXTERIOR PARCEL LINE
- BUILDING SETBACK
- LANDSCAPE BUFFER
- PROPOSED CONCRETE

DISSTON AVENUE
(50' RIGHT OF WAY)

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
03-29-21

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

CONCEPT PLAN

ALMOND STREET
MULTI-FAMILY

CLERMONT, FLORIDA

PROJECT # GE0312020

GERMANA ENGINEERING
AND ASSOCIATES, LLC

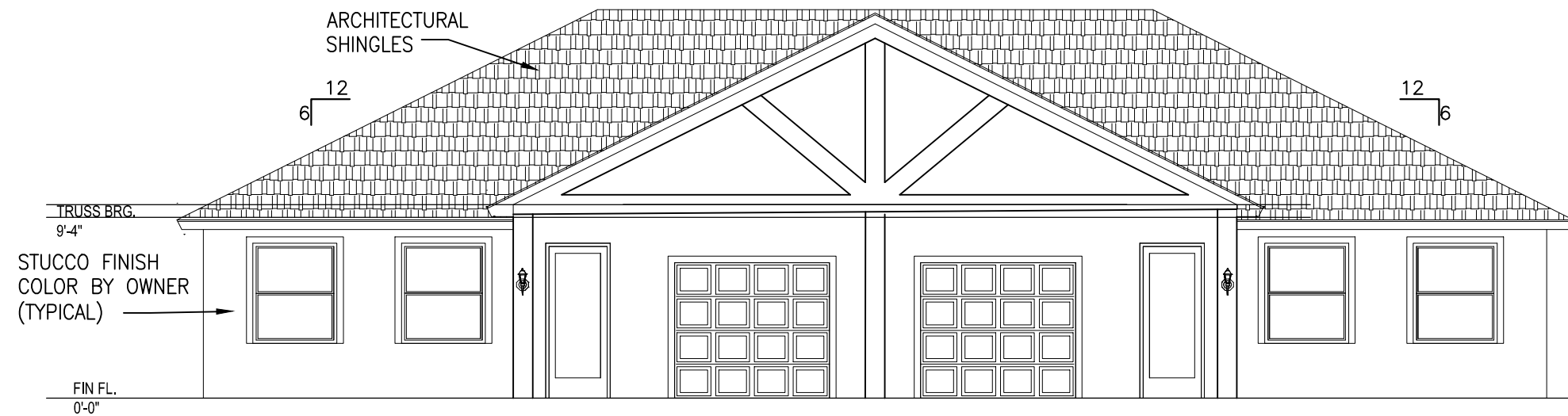
1120 WEST MINNEOLA AVENUE
CLERMONT, FL 34711
(352) 242-9329
WWW.GERMANAENGINEERING.COM
CERTIFICATE OF AUTHORIZATION # 26719
COPYRIGHT © 2018

SCALE: 1" = 20'

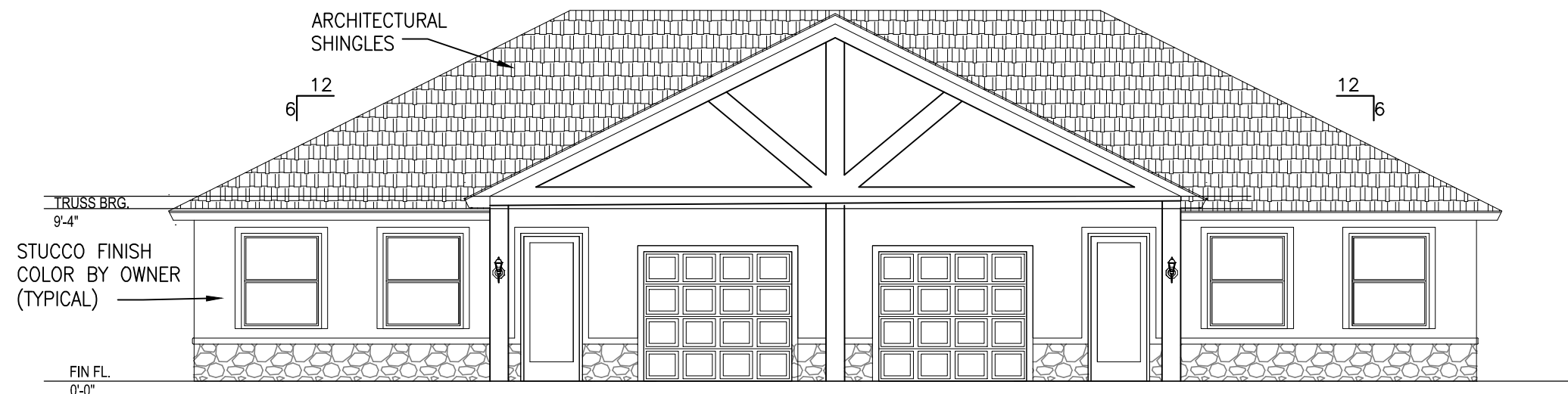
DATE:

SHEET

CONCEPT



FRONT ELEVATION (OPTION A) 1



FRONT ELEVATION (OPTION B) 2



CITY OF CLERMONT REZONING APPLICATION

DATE 2-17-2021		FEE: \$542.00 + cost of advertisement	
Project Name (if applicable) Disston Duplexes			
Applicant Robert Thompson			
Contact Person Brandi Stewart			
Address 11905 Egret Bluff	City Clermont	State FL	Zip 34711
Telephone 321-689-5785 / 321-689-5789		Fax 689-5789	
Email robertdavisonthompson@gmail.com ; brandi.realtor@gmail.com			
OWNER INFORMATION			
Owner's Name Lake Acquisitions Inc.			
Owner Address 11905 Egret Bluff	City Clermont	State FL	Zip 34711
Telephone 352-394-5477	Fax		
PROPERTY INFORMATION			
Address of Subject Property 501 Almond St.	City Clermont	State FL	Zip 34711
Legal Description (include copy of survey) Clermont, Clermont Heights Lot 127 PB4 PG1 ORB 649 PG 2004			
Alt Key #'s 1618002, 1617995, 2827092			
Acreage 1.39	Land Use (City verification required)		
Present Zoning (City verification required) C2-C1-R3	Proposed Zoning PUD		



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 schedule 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 submitter with the application.
- Proof of ownership – (i.e. Lake County Property record card, tax receipt, or deed)
- Plot plan (drawn to scale) of the property involved showing the location of existing building or structures and the location of proposed building or structures which specifically delineates and illustrates the extent of the rezoning request. Maximum size for plans 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



CITY OF CLERMONT
REZONING
APPLICATION

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

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

Construction of Duplexes.

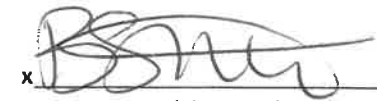
Brandi Stewart

Applicant Name (print)

x 
Applicant Name (signature)

Lake Acquisitions

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

03/04/2020

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. 2021-013

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, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, AN EFFECTIVE DATE AND PUBLICATION.

LOCATION:

Vacant property southeast of Almond Street and Disston Avenue Intersection,
Adjacent to Suntrust Bank
AK 1617995, 1618002, 2827092
1.39 +/- Acres

LEGAL DESCRIPTION

LOTS 127 AND 128, CLERMONT HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 1, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

AND

LOTS 11 AND 12 AND THE WEST 1/2 OF LOT 10, FAIRVIEW PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 6, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA



FROM: R-3 Residential/Professional, C-1 Light Commercial, and C-2 General Commercial

**TO: Planned Unit Development (PUD) for
6 two-family units (duplex) for 12 living units total.**

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, April 6, 2021 at 6:30 P.M.

A public meeting to consider this ordinance will be held before the City Council on Tuesday, April 27, 2021 for final enactment.

All meetings will be held in the City Council Chamber inside Clermont City Hall, located at 685 W. Montrose Street, Clermont FL 34711.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Clermont FL, 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.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, April 27, 2021	
Agenda Item Name	
Variance Request <i>Sonic at Governors Lake</i>	
Requested Action	
Recommend approval of requested variance.	
Staff Report	
The applicant is requesting a variance to allow for a canopy structure setback less than the 30-foot requirements of the Land Development Code, Section 122-342, Special Setbacks, the proposed canopy structure overhang will encroach into the 12-foot side yard setback. The applicant is requesting the variances to allow for construction of a Sonic Restaurant with outside ordering and drive up dining services. The vacant parcel is located on the Southeast corner of US Highway 27 and Citrus Tower Blvd. The current zoning is Planned Unit Development (PUD) with C-1 Light Commercial permitted uses. The Sonic Restaurant provides a unique dining experience that allows patrons to park in designated areas and order from the outdoor menu boards, with food delivery services to their vehicles. The applicant has indicated the two proposed canopy structures will provide protection and shelter for the employees, customers, and patrons from the weather elements as they enjoy their dining experience. The subject property was originally part of the Lost Lake Reserve Master Development Plan, but later sold to a different developer. The City Council approved the Planned Unit Development (PUD) amendment on January 10, 2017 with (Ordinance No. 2017-02), to allow C-1 Light Commercial zoning permitted uses. The project as designed will provide one access point off US Highway 27 and have two drive up/outdoor menu board areas with canopy structures for shelter and convenience. The variance request allows the northern canopy structure overhang be located 7.5 feet from the side yard (interior) property line instead of the requirements of the code. All other proposed canopy structures are in compliance to the code. The proposed development shall be required to provide an opaque landscape buffer at planting to ensure adequate screening for the proposed canopy structures from the adjacent properties. Staff finds the requested variance is the minimum variance allowed to make reasonable use of the property, and the proposed canopy structure is not intrusive and out of character with other similar restaurant canopy structures permitted in the city. The proposed development is consistent with the Clermont Comprehensive Plan goals, objective and polices for Commercial Land Use. <u>STAFF RECOMMENDATION:</u> 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 presented and finds the application can meet a positive finding. Therefore, staff recommends approval of the requested variance to the Land Development Code. Staff recommends <u>approval</u> of requested variance.	
Additional Analysis	
Fiscal Impact Summary	

Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	Sonic @ Govenors Lake Variance-Staff Analysis Report	Sonic @ Govenors Lake Variance-Staff Analysis Report.pdf	
2.	New 86-174 Review Criteria-Sonic at Governors Lake-final	New 86-174 Review Criteria-Sonic at Governors Lake-final.pdf	
3.	LOCATION MAP	LOCATION MAP.pdf	
4.	Sonic Concept Plan-SS 3-30-2021	Sonic Concept Plan-SS 3-30-2021.pdf	
5.	Canopy Picture - Existing Site	Canopy Picture - Existing Site.pdf	
6.	Color Rendering of Detached Canopy	Color Rendering of Detached Canopy.pdf	
7.	Sonic at GLCC Variance-Applicationsigned	Sonic at GLCC Variance-Applicationsigned.pdf	
8.	SONIC CANOPY VARIANCE	SONIC CANOPY VARIANCE.pdf	



CITY OF CLERMONT

Staff Analysis Report

OWNER: South Lake Connector, LLC.

APPLICANT: Watkins Investment Ventures, L.P.

PROJECT NAME: Sonic Drive-In at Governors Lake

REQUESTED ACTION: A variance request to allow a canopy structure setback to be less than the 30-feet special setback requirements of the code.

SIZE OF PARCEL: TBD+/-

LOCATION: Vacant parcel located on the Southeast corner of US Highway 27 and Citrus Tower Blvd.

EXISTING ZONING: Planned Unit Development (PUD) – with “C-1” Light Commercial permitted uses.

EXISTING LAND USE: Vacant Commercial

FUTURE LAND USE CATEGORY: Commercial

SITE UTILITIES: City of Clermont Water and Sewer

STAFF ANALYSIS:

The applicant is requesting a variance to allow for a canopy structure setback less than the 30-foot requirements of the Land Development Code, Section 122-342, Special Setbacks, the proposed canopy structure overhang will encroach into the side yard setback. The applicant is requesting the variances to allow for construction of a Sonic Restaurant with outside ordering and drive up dining services. The vacant parcel is located on the Southeast corner of US Highway 27 and Citrus Tower Blvd. The current zoning is Planned Unit Development (PUD) with C-1 Light Commercial permitted uses. The Sonic Restaurant provides a unique dining experience that allows patrons to park in designated areas and order from the menu, with food delivery services to their vehicles. The applicant has indicated the two proposed canopy structures will provide protection and shelter for the employees, customers, and patrons from the weather elements as they enjoy their dining experience.

The subject property was originally part of the Lost Lake Reserve Master Development Plan, but later sold to a different developer. The City Council approved the Planned Unit Development (PUD) amendment on January 10, 2017 with (Ordinance No. 2017-02), to allow C-1 Light Commercial zoning permitted uses. The project as designed provides one access point off US Highway 27 and have two drive up/outdoor menu board areas with canopy structures for shelter and convenience. The variance request allows the northern canopy structure overhang be located 7.5 feet from the side yard (interior) property line instead of the 30-foot setback requirements of the code. All other proposed canopy structures are in compliance to the code. The proposed development shall be required to provide an opaque landscape buffer at planting to ensure adequate screening for the proposed canopy from the adjacent properties.

Staff finds the requested variance is the minimum variance allowed to make reasonable use of the property, and the proposed canopy structure is not intrusive and out of character with other similar canopy structures in the city. The proposed development is consistent with the Clermont Comprehensive Plan goals, objective and policies for Commercial Land Use.

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 presented and finds the application can meet a positive finding. Therefore, staff recommends **approval** of the requested variance to the Land Development Code.

Staff recommends approval of requested variance.

Sonic @ Governors Lake – Canopy 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 or negatively impact the standard of living of the citizens of the city;

Applicant response: *The sole intent of this request is to provide protection to customers, food and employees from the elements; therefore, it intends to positively impact the development and restaurant patrons. Further, the required landscape buffer between adjacent lots will be provided and the setback encroachment will have no measurable impact on the adjacent parcel.*

Staff comments: *The applicant is requesting a variance to allow the installation of Canopy Structure that is located 15 foot from the side yard setback instead of the 30-foot setback requirements of the Land Development Code, Section 122-342. The proposed canopy is part of the restaurant branding and outside dining experience because the patrons use the Canopy for shelter of the elements during their dining experience. The development is proposing two canopies for the restaurant, the canopy located on the east side of the building will be able to meet the setback requirements.*

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: *Regarding Section 122-342-Special Setbacks for Canopies, it appears that the intent of the section is for larger, service station type canopies. These canopies are typically at least 15-20 feet high. Whereas our request is for a much smaller canopy to partially cover the drive up parking area. 100% of Sonic Business takes place via the drive-up service, the drive thru and the outdoor patio area; the canopy proposed is intended for the comfort, convenience and safety of patrons and employees.*

Staff comments: *The requested variance will allow reasonable use of the property for a restaurant with a drive thru window canopy. The proposed canopy structure is not out of character with other properties in this zoning category.*

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: *The literal interpretation of the code section aims to provide separation between restaurant facility and other properties. The separation is being provided by the required setbacks in all other areas of the site, including the required landscape buffer between the adjacent lots. The encroachment is only for the construction of shelter for customers, food and employees working outside the restaurant.*

Staff comments: *The proposed canopy structure will not be out of character with other restaurant canopies permitted to enhance the customer's dining experience. The proposed canopy will provide an outside shield and protection for the employees and patrons and enhance the customers visit to the establishment.*

Positive finding

- (4) The granting of the variance is consistent with the city's comprehensive plan;

Applicant response: The construction of a canopy over the drive thru is consistent with the City's comprehensive plan, as there is still the required landscape buffer separation between the adjacent lots; it causes no harm to public welfare and improves the operational activities for the new development.

Staff comments: The variance request is not in conflict with the Clermont Comprehensive Plan goals, objectives and policies for Commercial Land Use.

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;

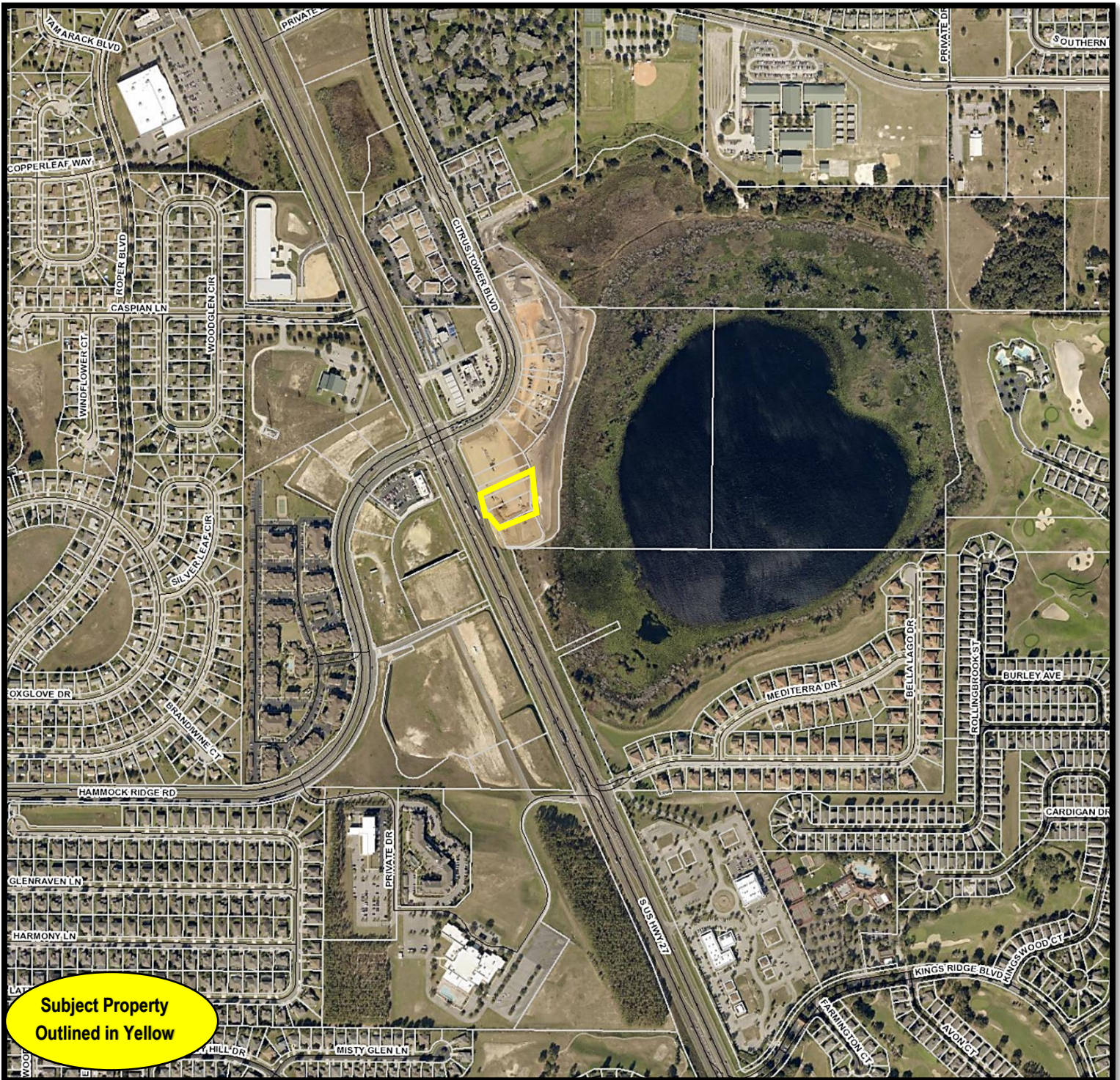
Applicant response: All required setbacks and landscape buffers are being met by all the other structures. The applicant is only requesting partial relief of the setback requirements to construct the drive up service canopy to protect customers, employees and food from Florida's unpredictable weather. The benefit for the employees working outdoors and shelter and shelter for customers utilizing the drive up service arguably outweighs any possible detriment to the setback encroachment.

Staff comments: The variance request is the minimum variance that will allow reasonable use of the canopy structure; and the benefits achieved under granting of the variance outweigh the benefits of the denial of this request. The proposed canopy will be located adjacent to commercial development and the landscape buffer will provide a buffer from the adjacent parcel.

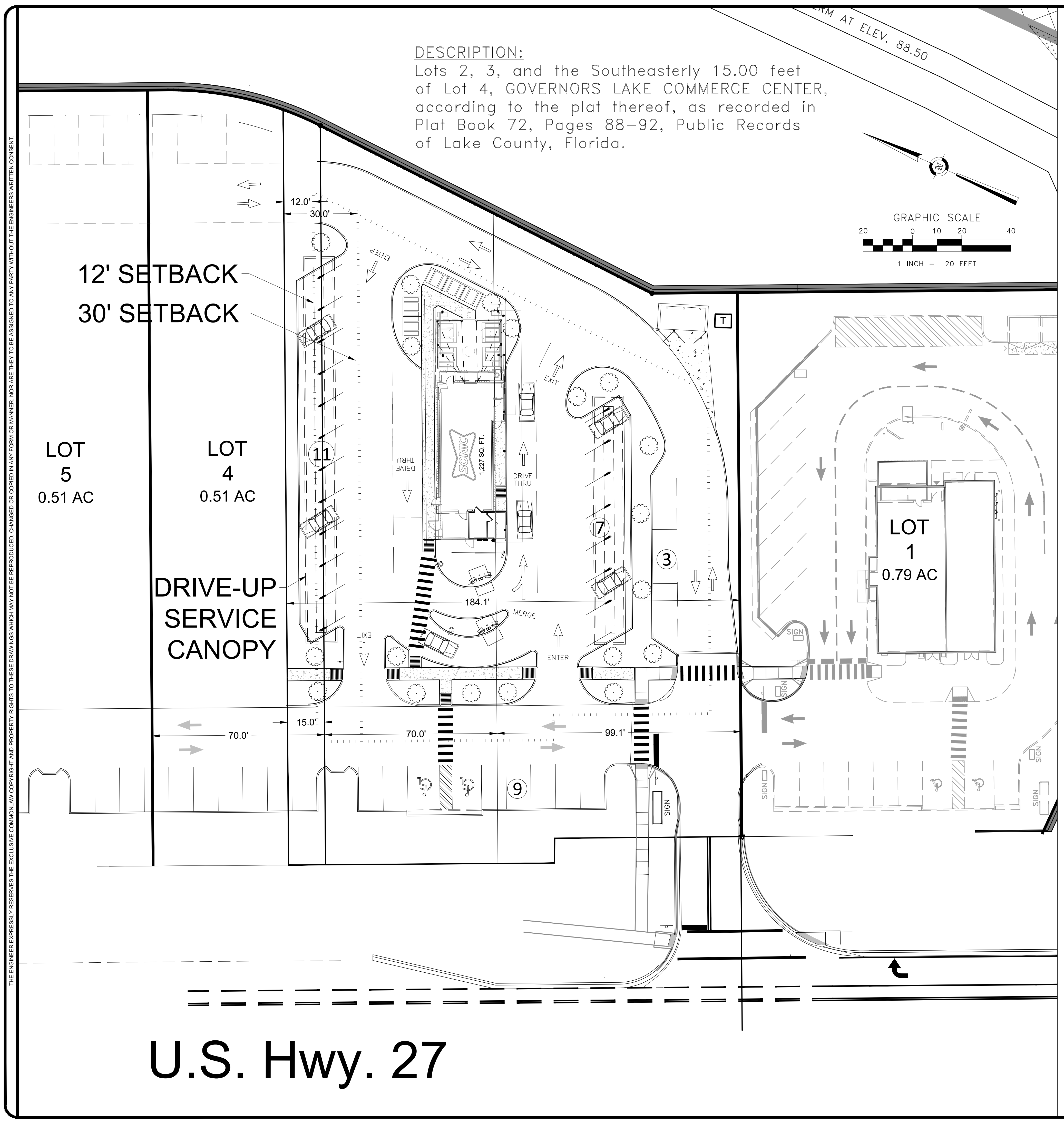
Positive finding

STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on Review Criteria and Findings in order to grant a variance, staff has reviewed the application as submitted and finds that four of the five review criteria meet a positive finding. Therefore, staff recommends **approval** of variance request to the Land Development Code.

LOCATION MAP



Lots 2, 3, and the Southeasterly 15.00 feet of Lot 4, GOVERNORS LAKE COMMERCE CENTER, according to the plat thereof, as recorded in Plat Book 72, Pages 88-92, Public Records of Lake County, Florida.



CITY of CLERMONT CODE OF ORDINANCES – August 18, 2020

Minimum yard requirements for the C-1 district are as follows:

- (1) Front yard. Property adjacent to Hartwood Marsh Road, SR 50 and U.S. Highway 27 shall maintain a 50-foot setback. The setback on all other streets shall be 25 feet.
- (2) Side yard. The minimum side yard setback shall be 12 feet. On corner lots, a side yard setback of 50 feet shall be maintained on Hartwood Marsh Road, State Road 50 and U.S. Highway 27 and a side yard setback of 25 feet shall be maintained from all other streets and 12 feet on the interior side yard. However, a side setback of 25 feet shall be maintained on the side adjacent to property that is either zoned or used as residential.
- (3) Rear yard. The minimum rear yard setback shall be 25 feet except where a rear yard abuts Hartwood Marsh Road, SR 50 or U.S. Highway 27, a setback of 50 feet shall be maintained. The rear building line of lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.
- (4) Buffer strip. When a conditional or commercial use abuts a residential use, the conditional or commercial use shall provide a landscaped buffer strip along the abutting property line.
- (5) Other setbacks. All yard setbacks for principal buildings shall be a minimum of 25 feet from established high-water marks. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

- (a) This section provides for specific accessory structures and architectural appurtenances and features to be located within required building setback areas. Recorded easements and required landscaped buffers shall supersede the minimum dimensions permitted by this section.
- (b) Special setbacks are as follows:

Canopies, commercial (i.e., service stations) 30-foot setback from all property lines.

**Mc
& A**

McCOY & ASSOCIATES

ENGINEERS & LAND PLANNERS
644 WEST AVENUE, CLERMONT, FL. 34711
RMCoyPE@att.net
CA #: 8374

CONCEPTUAL MASTER SITE PLAN
SONIC DRIVE-IN at GOVERNOR'S LAKE
Sect. 28; Twp. 22 S; Rge 26 E, City of Clermont, Lake County, Fl.

OB NO. 20-019
DATE March 2021
DES. BY: RMc
DWN. BY:
CHK'D BY:
APP'D BY:
SHEET
1 OF 1

Digitally signed
by Rick E McCoy
Date:
2021.03.30 14:

RICK McCOY, P.E.
STATE OF FLORIDA
PROFESSIONAL ENGINEER
11026 DANCE MNR 10730



The seal is circular with a double-lined border. The outer ring contains the text "RICK McCOY" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by two stars. The inner circle contains the text "LICENSE" at the top, "No. 38725" in the center, and "STATE OF FLORIDA" at the bottom, also separated by two stars.

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY RICK WOOD, PE NO. 36725,
ON THE DATE INDICATED HEREON.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED.
THE DIGITAL SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

NOT VALID WITHOUT SIGNATURE AND
EMBOSSED SEAL OR DIGITAL SEAL

Sonic Restaurant Canopy Picture



Sloped remote Canopy



Drive Thru Views
SONIC B-15 2020 VE Prototype



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 Serves 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 one (1) year.



CITY OF CLERMONT **VARIANCE** FILING INSTRUCTIONS

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 five (5) 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. All materials can be submitted in PDF format on a CD or via email to planning@clermontfl.org
- ☒ Fee: \$300.⁰⁰ plus advertisement for existing single-family residential.
\$600.⁰⁰ plus advertisement for all others.

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
VARIANCE
APPLICATION

DATE 03/23/2021		FEE: \$600.00	
Project Name (if applicable) Sonic Drive-In at Governors Lake			
Applicant Watkins Investment Ventures, L.P. / PWT Asset Holdings, Inc. (General Partner)			
Contact Person Trent Watkins, President of PWT Asset Holdings, Inc.			
Address 3212 Blossom Lane	City Odessa	State TX	Zip 79762
Telephone (615)306-2418	Fax		
Email trentwatkins@gmail.com			
OWNER INFORMATION ☐ (Check box if information is same as Applicant)			
Owner's Name South Lake Connector, LLC			
Owner Address 6680 Gulf of Mexico Drive	City Longboat Key	State FL	Zip 34228
Telephone (407)948-6229	Email mlcitrusinc@aol.com		
PROPERTY INFORMATION			
Address of Subject Property Lots 2 & 3 & the Southern 15 feet of Lot 4, Governors Lake Commerce Center	City Clermont	State FL	Zip 34711
General Location Southeast Corner North U.S. Highway 27 & Citrus Tower Boulevard, Clermont, FL 34711			
Legal Description & Alternate Key (include copy of survey) Alternate Key Numbers 3921296 & 3921297. Legal Description: Lots 2, 3 & the southern 15 feet of Lot 4, Governors Lake Commerce Center, PB 72, Pgs 88-92, Public Records of Lake County, Florida			
Land Use (City verification required) Commercial			
Zoning (City verification required) PUD Ordinance 2018-10 (Governors Lake Commerce Center)			



CITY OF CLERMONT VARIANCE APPLICATION

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
Section 122-342. Special Setbacks for Canopies &
Section 122-206. Yards

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

The proposed canopy over the northern drive-up service area must be covered to protect employees, customers and their food from the elements. This would encroach into the setbacks. All other proposed structures are in compliance with the code specified setback requirements.

How does the Code create a hardship?

Sonic Drive-In does not provide an indoor seating area. As such, Sonic provides a coronavirus-friendly environment with safe separation measures in a family oriented atmosphere. In order for the drive-up service to be successful it must be covered to protect employees, customers and their food from the elements. Sonic Drive-In is reliant upon approval of this canopy protection in order to make their home in Clermont.

The following justifications must be completed for any variance requested:

Variance requested – subject and code section:

[Section 122-342. Special Setbacks for Canopies & Section 122-206. Yards](#)

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;

The sole intent of this request is to provide protection to customers, food and employees from the elements; therefore it intends to positively impact the development and restaurant patrons. Further, the required landscape buffer between the adjacent lots will be provided and the setback encroachment will have no measurable impact on the adjacent parcel.

- (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;

Regarding Section 122-342- Special Setbacks for Canopies, it appears that the intent of the section is for larger, service station type canopies. These canopies are typically at least 15 - 20 feet high. Whereas our request is for a much smaller canopy to partially cover the drive-up parking area. 100% of Sonic business takes place via the drive-up service, the drive-thru and the outdoor patio area; the canopy proposed is intended for the comfort, convenience and safety of patrons and employees.

- (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;

The literal interpretation of the code section aims to provide separation between the restaurant facility and other properties. This separation is being provided by required setbacks in all other areas of the site, including the required landscape buffer between the adjacent lots. The encroachment is only for the construction of shelter for customers, food and employees working outside the restaurant.



CITY OF CLERMONT
VARIANCE
APPLICATION

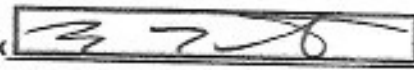
(4) The granting of the variance is consistent with the city's comprehensive plan; and The construction of a canopy over the drive-up service area is consistent with the City's comprehensive plan, as there is still the required landscape buffered separation between the adjacent lots, it causes no harm to public welfare and improves the operational activities for the new development.

(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 was denied.

All required setbacks and landscape buffers are being met by all other structures. The applicant is only requesting partial relief of the setback requirements to construct the drive-up service canopy to protect customers, employees and food from Florida's unpredictable weather. The benefit for the employees working outdoors and shelter for customers utilizing the drive-up service arguably outweighs any possible detriment to the setback encroachment.

Trent Watkins

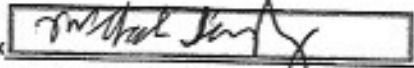
Applicant Name (print)

x 

Applicant Name (signature)

Michael Langley

Owner Name (print)

x 

Owner Name (signature)

NOTICE

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

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



ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

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 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 was 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, 9-28-9)

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: 10101630
Phone: (352) 241-7331
Date: 04/15/21
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	04/20/2021	04/20/2021	\$114.72

LEGAL NOTICE

Tracy Ackroyd Howe, MMC
City Clerk

Notice is hereby given that the Clermont City Council will consider a request for the following two (2) variances: (1) To allow for canopy structure setbacks that are less than the 30-foot special setback requirement of Section 122-342; and (2) To allow for side yard (interior) setbacks to be less than the 12-foot minimum yard requirement for the C-1 Light Commercial Zoning District, Section 122-206, at the following location:

Ad No: 10101630
April 20, 2021

LOCATION:

Vacant parcel located at the Southeast Corner of U.S. Highway 27 and Citrus Tower Blvd
(Alternate Key 3921296 & 3921297)

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 to be held on Tuesday, April 27, 2021 at 6:30 P.M. in the Clermont City Hall 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) 241-7330, at least 48 hours prior to the public hearings.

Payment Info	
Ad Price	\$114.72
Tax	\$0.00
Sub Total	\$114.72
Prepaid Amount	\$0.00
Balance Due	\$114.72



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, April 27, 2021	
Agenda Item Name	
Resolution No. 2021-015 <i>Florida Discount Self Storage CUP</i>	
Requested Action	
Recommend approval of Resolution No. 2021-015R.	
Staff Report	
The applicant is requesting a Conditional Use Permit (CUP) to allow for the expansion of an existing self-storage facility. The proposed expansion to the site would include four additional warehouse/storage buildings and outside parking/storage for large vehicles including recreational vehicles, boats and other commercial vehicles. The C-2 General Commercial zoning category, Section 122-224 of the Land Development Code requires a Conditional Use Permit to allow a residential self-storage permitted use, including any expansions to the site. The City Council approved a Utility Service Agreement in February 2005, as part of the JPA review process and the property was granted final approval for a development permit in Lake County's jurisdiction. On July 25, 2006 the subject parcel was annexed into the City of Clermont's boundaries (Ordinance No. 559) as approved and existing with Lake County development entitlements. The applicant is also requesting a variance to allow up to 20 feet of cut and fill because of the existing topography grade changes on the parcel. The Land Development Code, Section 94-195, allows elevation changes in topography shall be limited to a 15 feet maximum for commercial development, the applicant has indicated the maximum cut and fill that exceed the code requirements will be approximately 18.7 percent of the overall total parcel. The request for a variance shall be presented concurrently with the Conditional Use Permit at a meeting before the City Council. The proposed project will be required to comply with Clermont Land Development Regulations and all buildings shall be designed in accordance to Clermont Architectural Standards. Staff has reviewed the application and proposed project in regards to Section 86-144 Review Criteria for a Conditional Use Permit. The self-storage facility is existing and the proposed expansion to the site will not be detrimental to the health, safety and general welfare of the community. The use of the site is not changing and the proposed expansion will allow the maximum development intensity for the property. The self-storage facility is considered a low traffic generator and because there are no request for a change of use, any additional traffic impacts should provide a minimum increase to the existing traffic on Hartwood Marsh Road. The Conditional Use Permit will not be in conflict to the Clermont Comprehensive Plan and is consistent with the goals, objectives and policies for Commercial Land Use. The property has access to major road networks and the applicant will be required to coordinate with Lake County Public Works for the installation of future sidewalks along any right of ways. The City's water and sewer service has sufficient capacity to serve the proposed expansion to the site. Staff recommends approval of Resolution No. 2021-015R. <i>The Planning and Zoning Commission at their meeting, voted unanimously to recommend approval of Resolution No. 2021-015R.</i>	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Florida Discount CUP-Staff Report	Florida Discount CUP-Staff Report.pdf
2.	2021-015R (03.31.2021 V1)	2021-015R (03.31.2021 V1).pdf
3.	Florida Discount Storage-Map	Florida Discoun Storage-Map.pdf
4.	Self-Storage Layout C3 Phase 3-Model	Self-Storage Layout C3 Phase 3-Model.pdf
5.	Self-Storage Layout C2 Phase 3 - Shaded-Model	Self-Storage Layout C2 Phase 3 - Shaded-Model.pdf
6.	Building Elevations - B6362	Building Elevations - B6362.pdf
7.	Application	Application.pdf
8.	FLORIDA DISCOUNT STORAGE CUP AD	FLORIDA DISCOUNT STORAGE CUP.pdf



CITY OF CLERMONT

Staff Analysis Report

OWNER: Florida Discount Storage No. 4 LLC.

APPLICANT: Frith & Associates, Inc.

PROJECT NAME: Florida Discount Storage, Phase 3 Expansion

REQUESTED ACTION: A Conditional Use Permit (CUP) to allow for the expansion of an existing self-storage facility.

SIZE OF PARCEL: 23.6 acres +/-

LOCATION: 2300 Hartwood Marsh Road, property located on the south side of Hartwood Marsh Road and east of Highway 27

EXISTING ZONING: C-2 General Commercial District

EXISTING LAND USE: Self-Storage Facility

FUTURE LAND USE CATEGORY: Commercial

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The applicant is requesting a Conditional Use Permit (CUP) to allow for the expansion of an existing self-storage facility. The proposed expansion to the site would include four additional warehouse/storage buildings and additional outside parking/storage for large vehicles including recreational vehicles, boats and other commercial vehicles.

The "C-2" General Commercial zoning district, Land Development Code Section 122-224 requires a Conditional Use Permit for any residential self-storage facility uses, including any expansions to the site. The City Council approved a Utility Service Agreement in February 2005, as part of the JPA review process and received final site plan approval for a development permit in Lake County's jurisdiction. On July 25, 2006, the subject parcel was annexed into the City of Clermont boundaries (Ordinance NO. 559), as approved and existing with Lake County development entitlements.

The applicant is also requesting a variance to allow up to a maximum 20 feet of cut and fill because of the existing topography and grade changes on the site. The Land Development Code, Section 94-195, allows a maximum 15 feet of topography changes for commercial development. The applicant has indicated the overall topography changes that exceed the code requirements will only affect approximately 18.7 percent

of the entire site. The request variance will be presented to the City Council concurrently with this Conditional Use Permit.

The proposed project will be required to comply with Clermont Land Development Regulations and all buildings shall be designed in accordance to Clermont Architectural Standards.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to Section 86-144 Review Criteria for a Conditional Use Permit. The self-storage facility is existing and the proposed expansion to the site will not be detrimental to the health, safety and general welfare of the community. The use of the site is not changing and the proposed expansion will allow the maximum development intensity for the site. The proposed changes to site will not be out of character with the surrounding neighborhoods or adjacent properties. The Conditional Use Permit will not be in conflict to the Clermont Comprehensive Plan goals, objective and policies. The property has access to major road networks and will be required to work with Lake County Public Works for the installation of future sidewalks along the property boundaries on Hartwood Marsh Road. The City's water and sewer service has sufficient capacity to serve the proposed expansion.

Staff recommends approval of Resolution No. 2021-015R.



**CITY OF CLERMONT
RESOLUTION NO. 2021-015R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE EXPANSION OF AN EXISTING SELF-STORAGE FACILITY IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT; AND, PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held on April 6, 2021 recommended approval of this Conditional Use Permit to allow for the expansion of an existing self-storage facility located in the C-2 General Commercial zoning district, at the following location:

LOCATION:
Florida Discount Self-Storage
2300 Hartwood Marsh Road
Alternate Key 1462401

WHEREAS, from the evidence presented at the public hearing and after consideration of the factors set forth in Sec. 86-144 (d) of the Land Development Code, the city council finds, that: (1) granting the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city; (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity; (3) The proposed use will comply with the regulations and conditions specified in the codes for such use; and (4) The proposed use may be considered desirable at the particular location

WHEREAS, the City Council determines that the application for a conditional use permit meets the criteria set forth in the Land Development Code and otherwise it is 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 based on the findings stated above and incorporated herein:

1. This application for a Conditional Use Permit to allow for the expansion of an existing self-storage facility in the C-2 General Commercial zoning district shall 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 expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.



**CITY OF CLERMONT
RESOLUTION NO. 2021-015R**

3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Fire Inspector shall provide building inspections for life safety requirements and all fire code regulations must be in compliance prior to the issuance of any Building Certificate of Occupancy.
5. The Building Inspector shall inspect all structures and building for compliance and any building code violations shall be corrected before the issuance of the Certificate of Occupancy.
6. The final Certificate of Occupancy shall not be issued until each of the stated conditions are in compliance and all impact fees and outstanding obligations have been paid according to City regulations.
7. 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.
8. The Conditional Use Permit must be signed and recorded with Lake County Clerk of Courts and returned to the Clermont City Clerk's office within 90 days of the approval date by the City Council or this Permit will become null and voided.
9. 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.
10. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy, unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
11. The property shall be developed in substantial accordance with the Conceptual Site Plan (Exhibit A) prepared by John Frith & Associates Inc, submitted with the CUP application. All new development and/or changes to the subject property must submit for site plan approval by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved and final construction plans. The conceptual site plan does not grant any development entitlements.



**CITY OF CLERMONT
RESOLUTION NO. 2021-015R**

12. This permit shall become null and void if substantial construction work has not begun within two (2) years of the approval date of this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.

SECTION 2: LAND USE

1. This Conditional Use permit is to allow for the expansion of an existing self-storage facility. This Conditional Use Permit will allow the construction of additional warehouse/storage buildings and outside parking of recreational vehicles, commercial vehicles and boats on site.
2. The subject property may also be used for any other permitted uses in the C-2 General Commercial zoning district.
3. The site shall be developed according to the City of Clermont Land Development Regulations and all building must comply with Clermont Architectural Design Standards.
4. The self-storage facility shall be gated and will be secured from the General Public. Any fencing shall be ornamental metal or decorative PVC/vinyl.
5. Any outside storage and/or parking of recreational vehicles, boats and commercial vehicles shall be completely screened from public view and any streets. All screening materials must be decorative and approved by the Clermont Site Review Committee.
6. Site lighting shall be installed and operated to reflect downward onto the site and shall not spill over onto adjacent properties.
7. No outside speaker systems shall be allowed.
8. Sidewalks are required adjacent to any streets right of way for the entire length of subject parcel; any required sidewalk installation for Hartwood Marsh Road shall be coordinated with Lake County Public Works Department.

SECTION 3: CONFLICT

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4: SEVERABILITY

If any portion of this Resolution is declared invalid, the invalidated portion shall be severed from the remainder of the Resolution, and the remainder of the Resolution shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued



**CITY OF CLERMONT
RESOLUTION NO. 2021-015R**

validity of the remainder would clearly and without doubt contradict or frustrate the intent of the Resolution as a whole.

SECTION 5: ADMINISTRATIVE CORRECTION

This Resolution may be re-numbered or re-lettered, and/or corrected for typographical and/or scrivener's errors which do not affect the intent of said resolution, as authorized by the City Manager or designee, without need of public hearing, by filing a corrected copy of same with the City Clerk.

SECTION 6: PUBLICATION AND EFFECTIVE DATE

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



**CITY OF CLERMONT
RESOLUTION NO. 2021-015R**

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of April 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

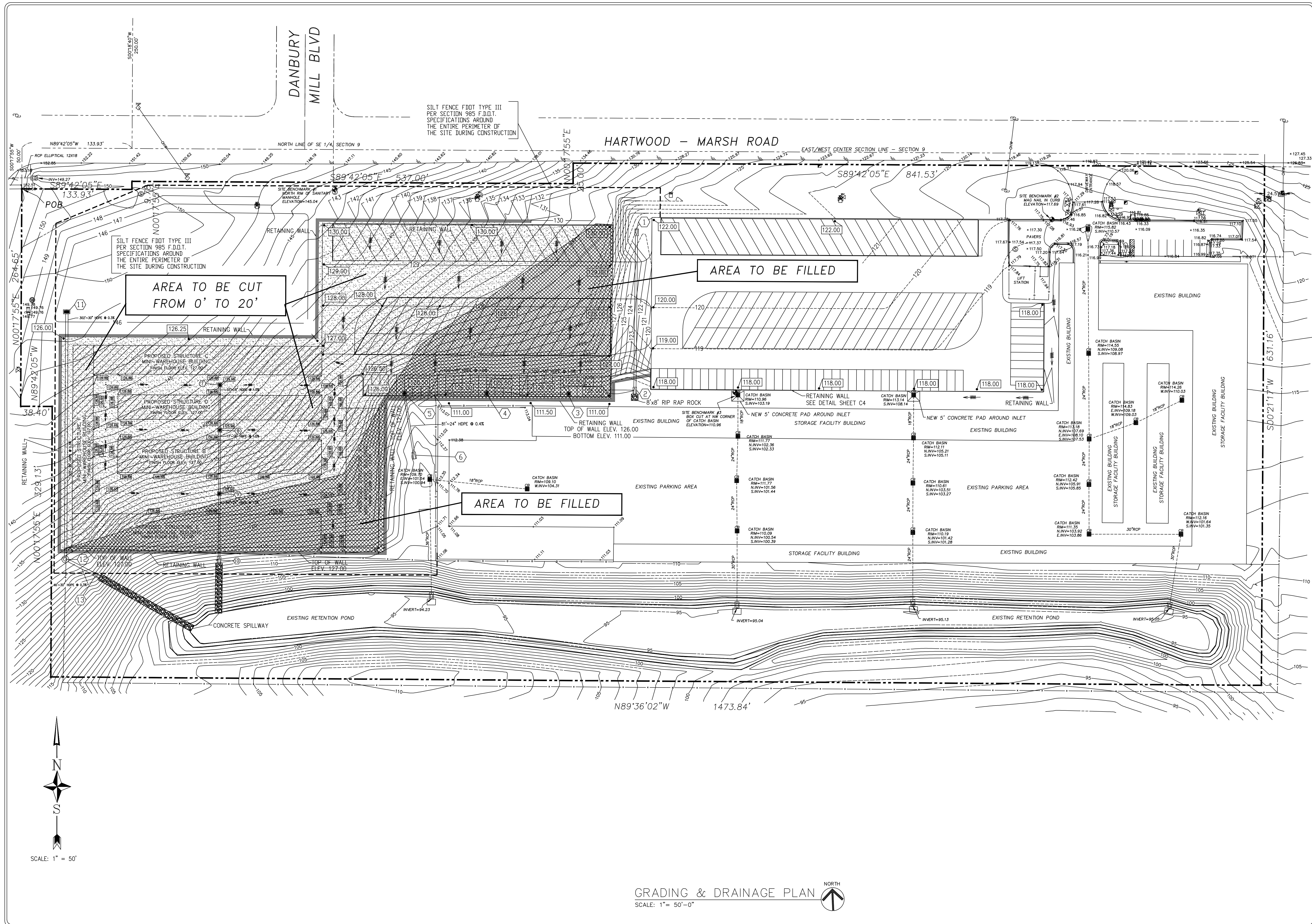
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

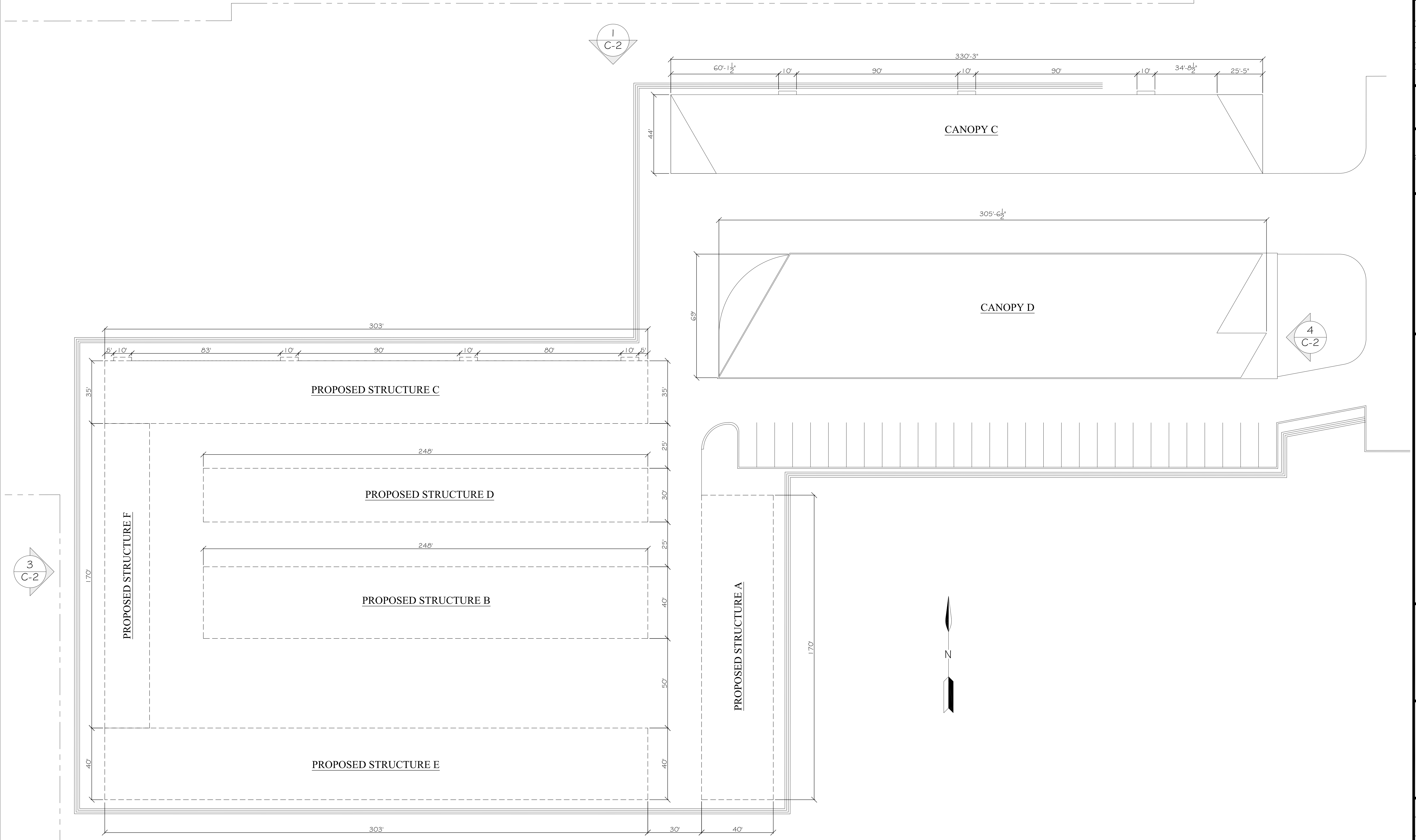
Daniel F. Mantzaris, City Attorney

LOCATION MAP



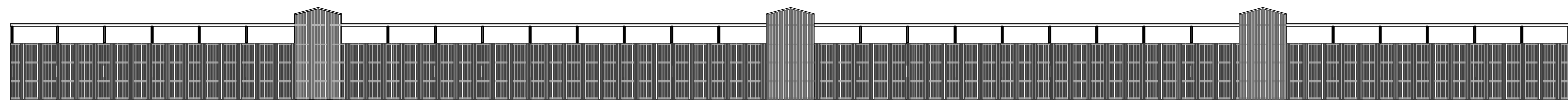


DISCOUNT STORAGE
CLERMONT, FL 34711

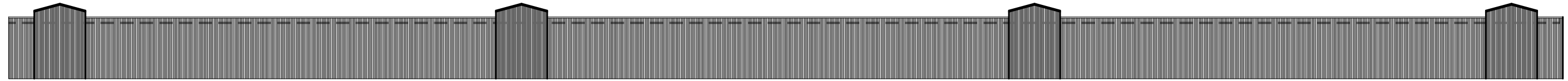


SITE PLAN

MARKUPS		
#1	BY:	DATE:
REVISIONS		
#	BY:	DATE:
COVER SHEET		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
DRAWING SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 10411 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE N.T.S.		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET C-1		



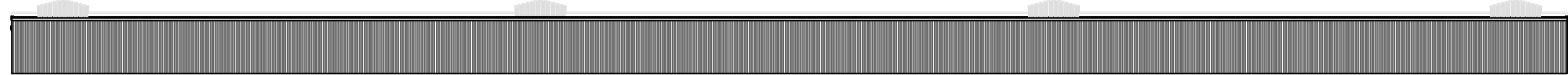
CANOPY C
NORTH ELEVATION
(BEYOND)



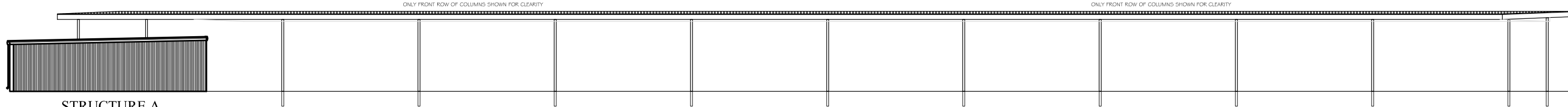
STRUCTURE C
NORTH ELEVATION

1 NORTH SITE ELEVATION

SCALE: N.T.S.



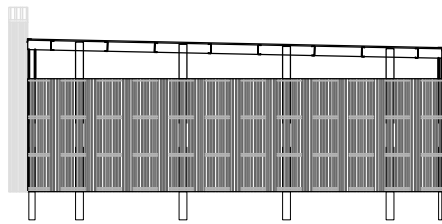
STRUCTURE E
SOUTH ELEVATION



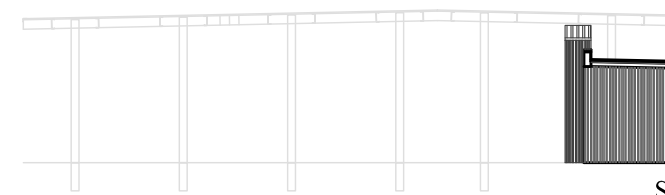
STRUCTURE A
SOUTH ELEVATION

2 SOUTH SITE ELEVATION

SCALE: N.T.S.



CANOPY C
WEST ELEVATION



CANOPY D
WEST ELEVATION



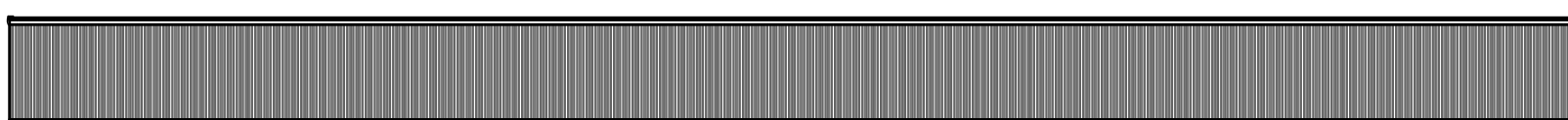
STRUCTURE C
WEST ELEVATION

STRUCTURE F
WEST ELEVATION

STRUCTURE E
WEST ELEVATION

3 WEST SITE ELEVATION

SCALE: N.T.S.



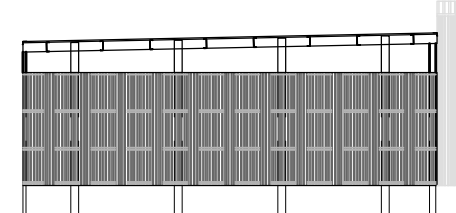
STRUCTURE A
EAST ELEVATION

STRUCTURE D
EAST ELEVATION
(BEYOND)

STRUCTURE F
EAST ELEVATION
(BEYOND)

STRUCTURE C
EAST ELEVATION
(BEYOND)

CANOPY D
EAST ELEVATION

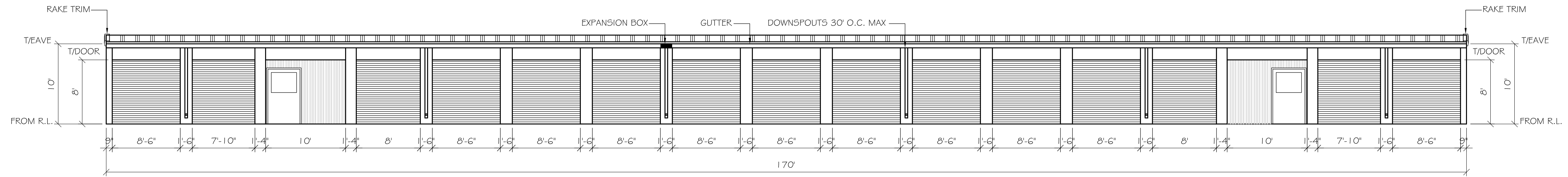


CANOPY C
EAST ELEVATION

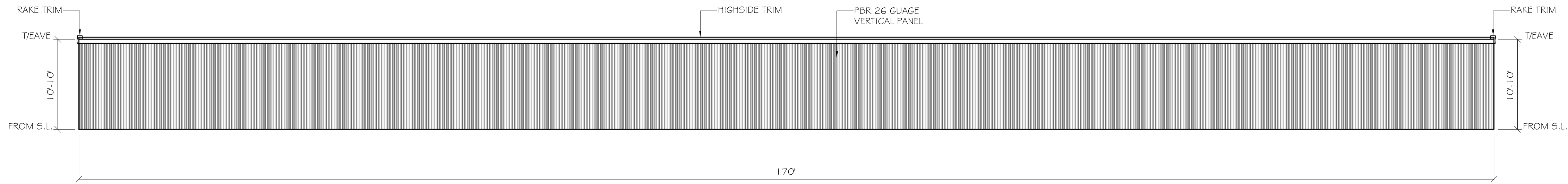
4 EAST SITE ELEVATION

SCALE: N.T.S.

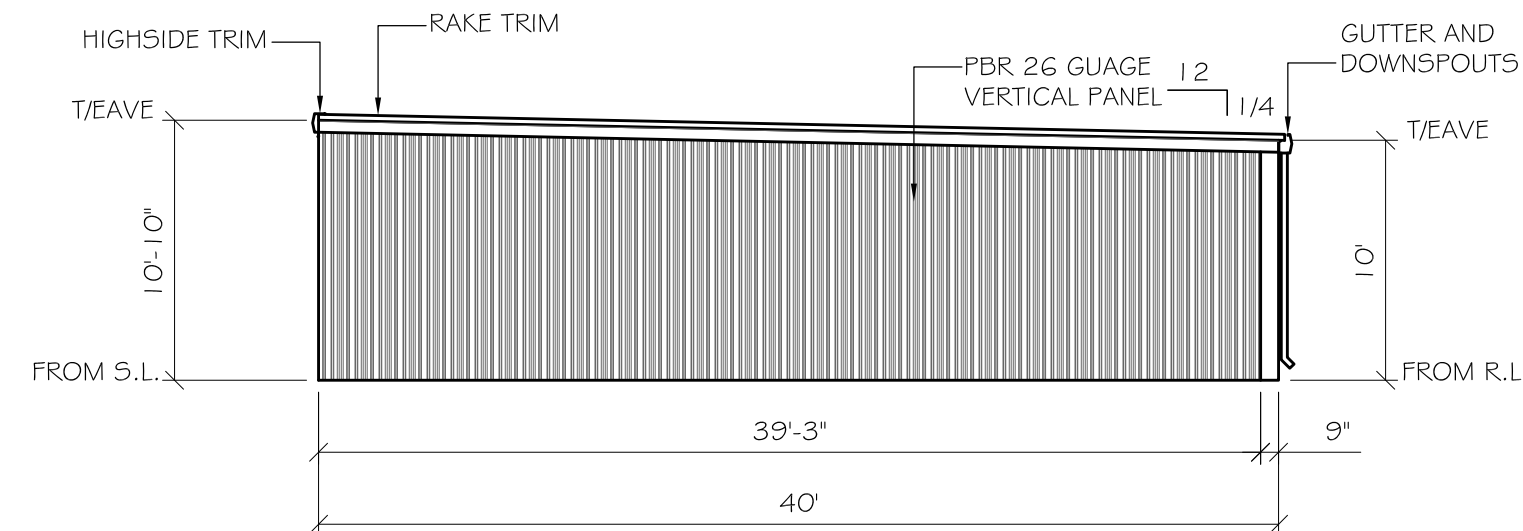
MARKUPS	
#1	BY: DATE:
REVISIONS	
Δ	BY: DATE:
SITE ELEVATIONS	
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY	
	CANONS SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47763 Fax: 407/877-9065	
DATE 02-18-21	
SCALE N.T.S.	
JOB NUMBER PHASE III	
FILE NAME B6362.dwg	
SHEET C-2	



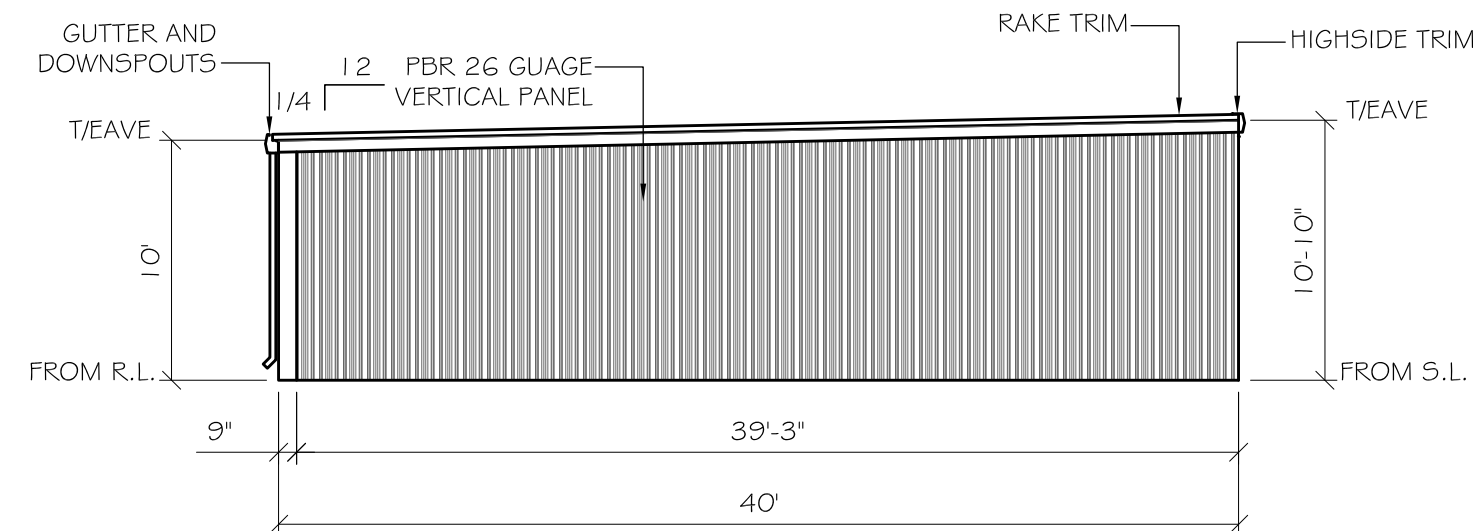
STRUC. A WEST ELEVATION 1/8" = 1'



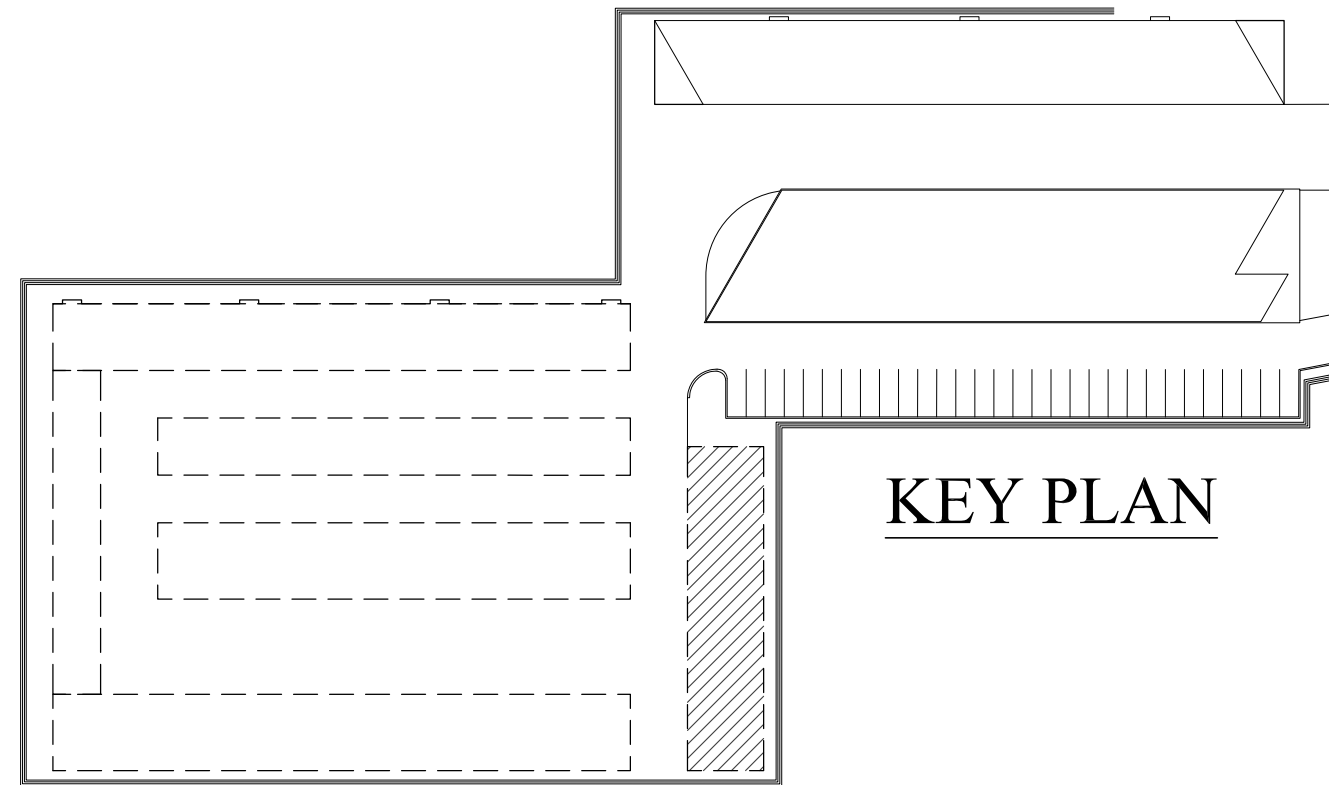
STRUC. A EAST ELEVATION 1/8" = 1'



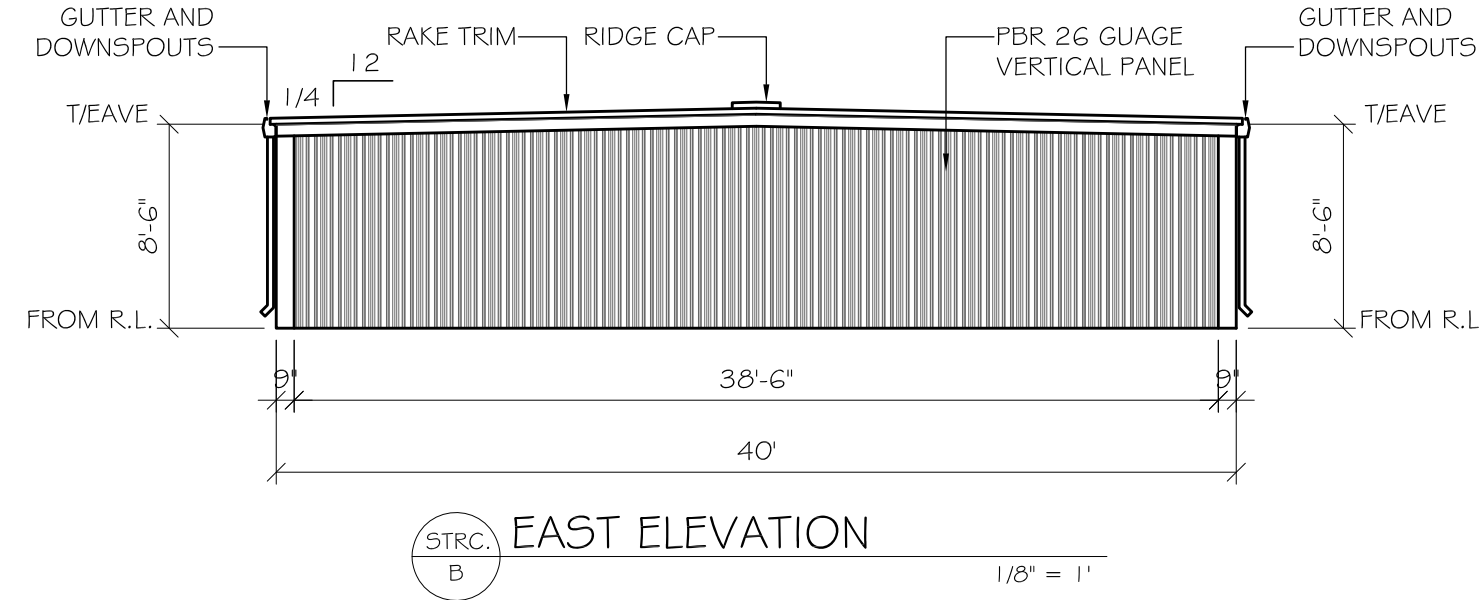
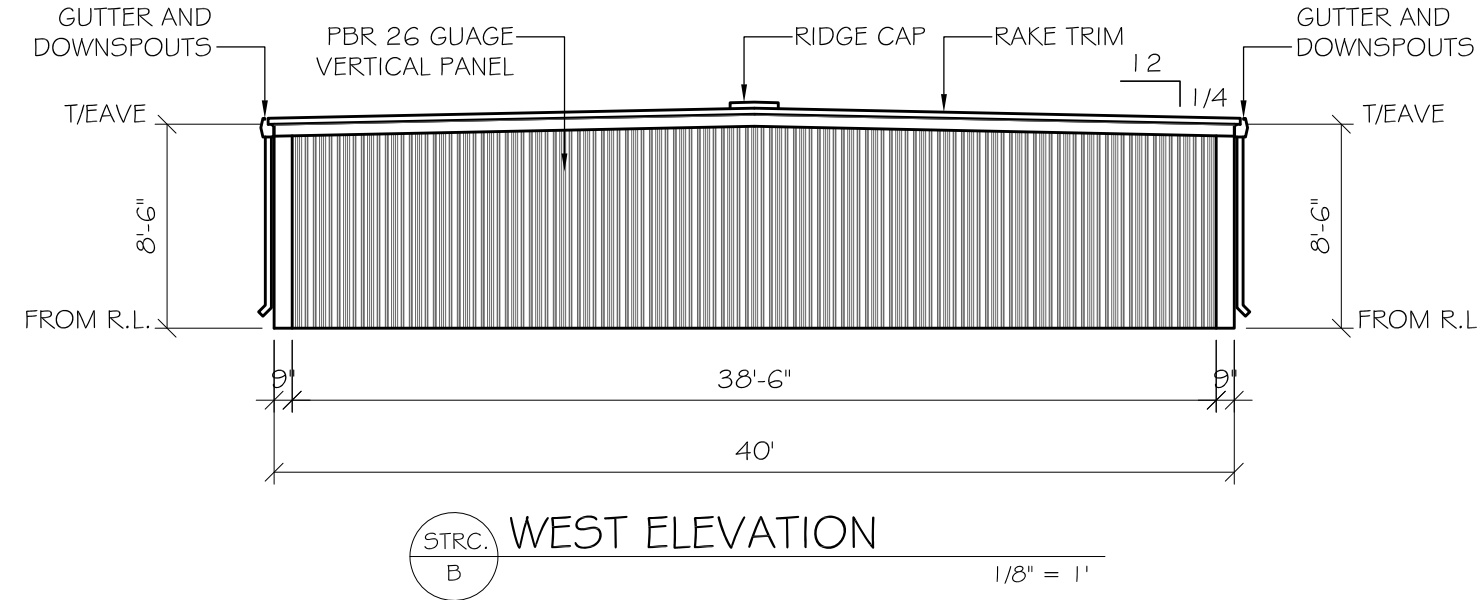
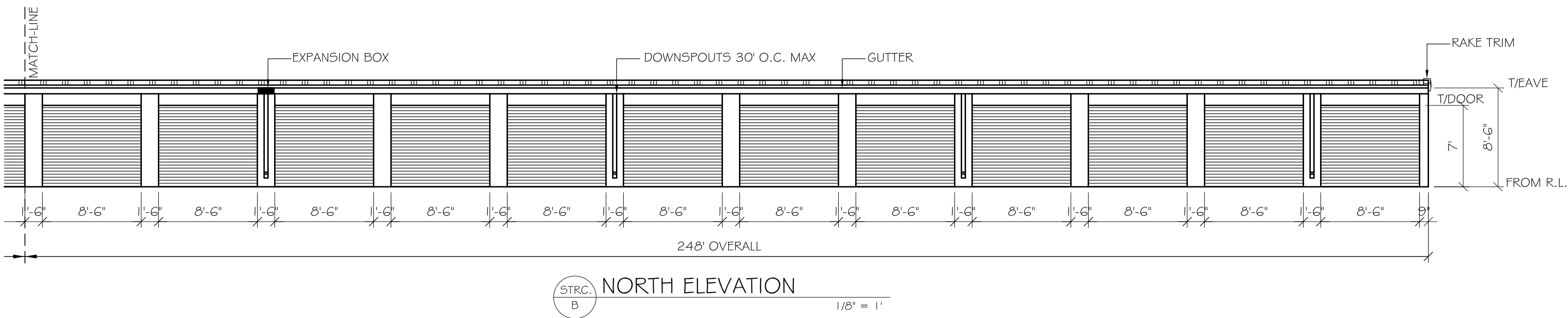
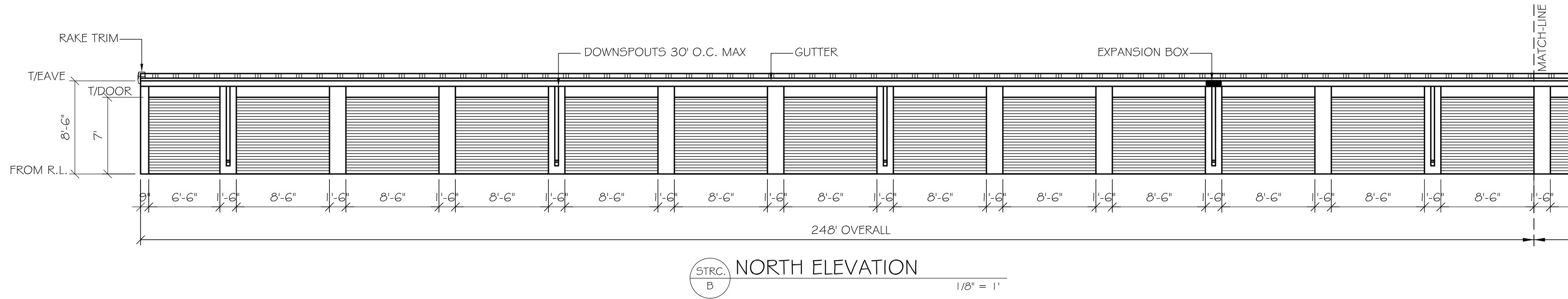
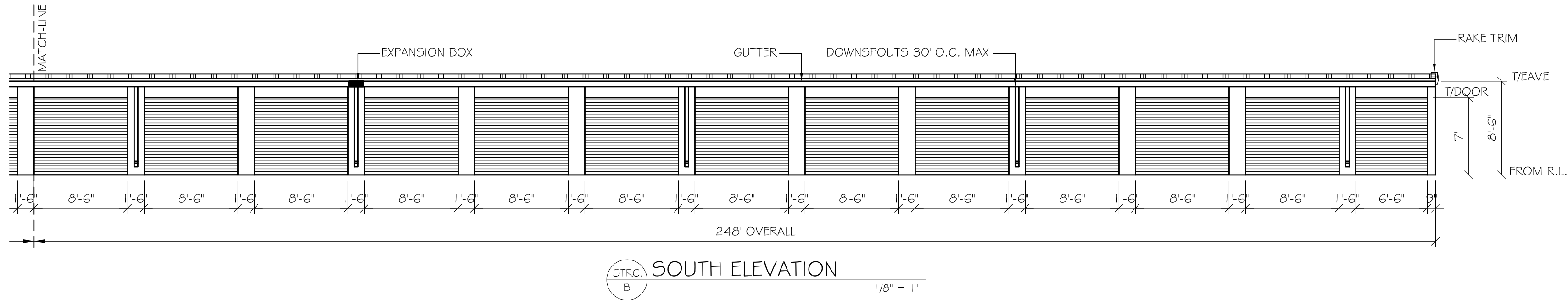
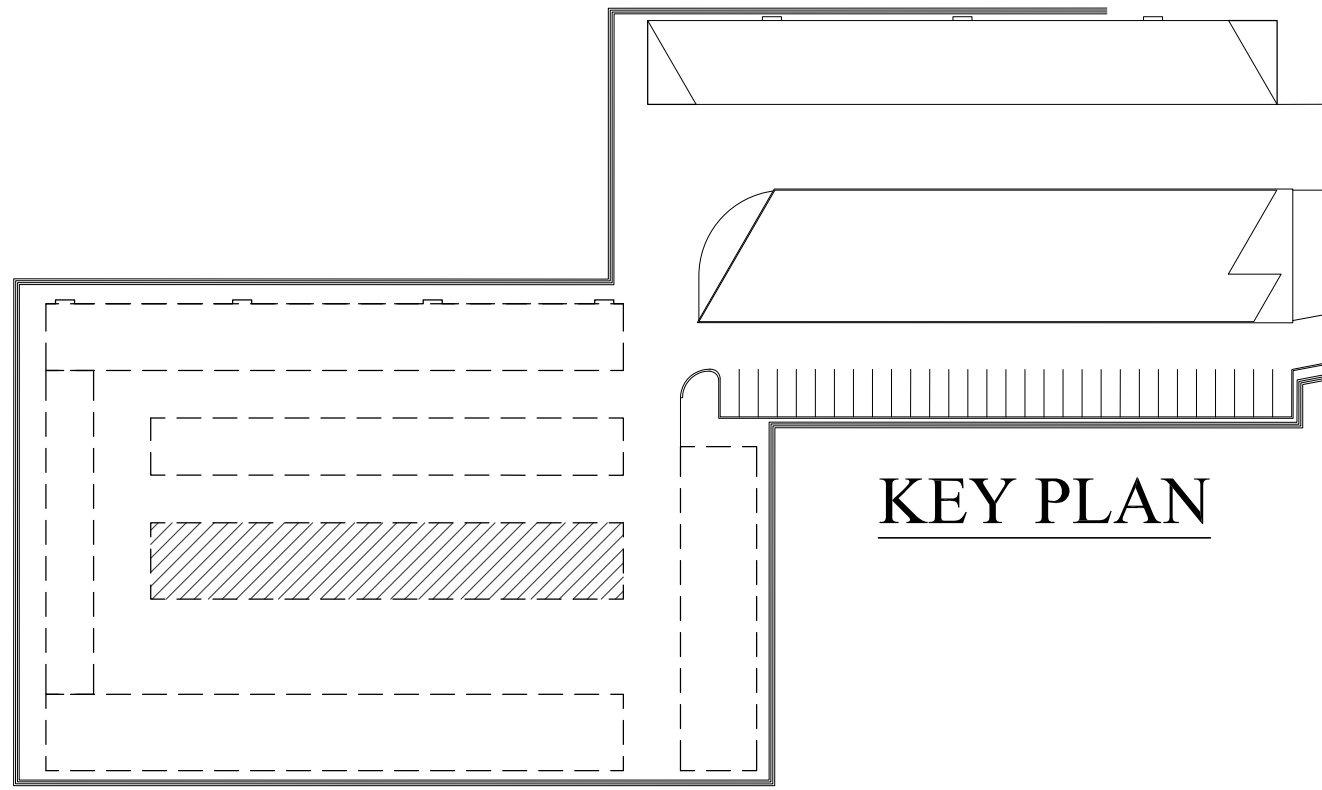
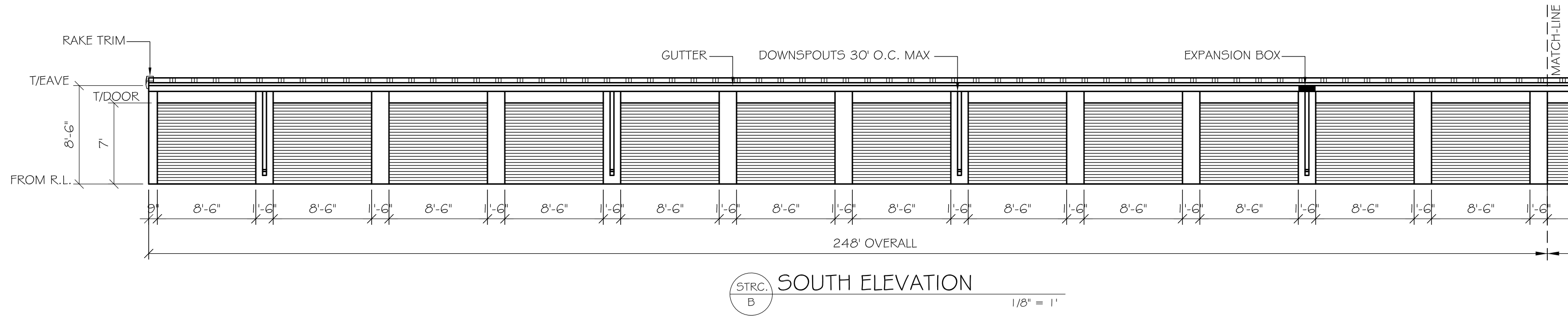
STRUC. A NORTH ELEVATION 1/8" = 1'



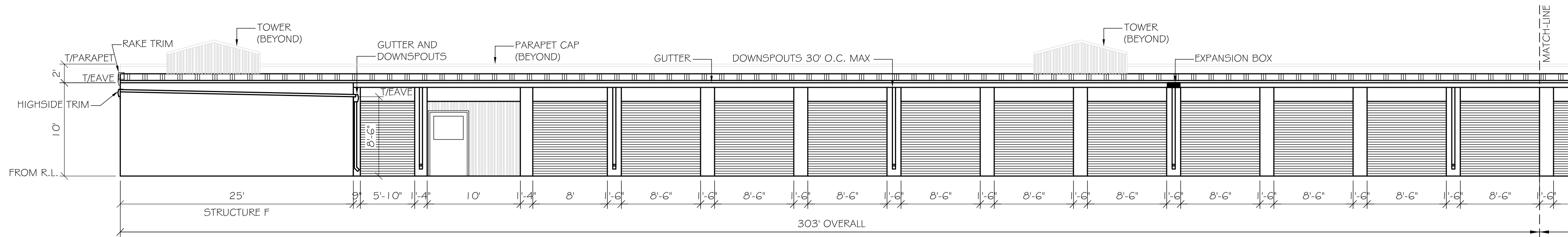
STRUC. A SOUTH ELEVATION 1/8" = 1'



MARKUPS	BY:	DATE:
REVISIONS	BY:	DATE:
STRUCTURE A ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 10411 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET S-1		

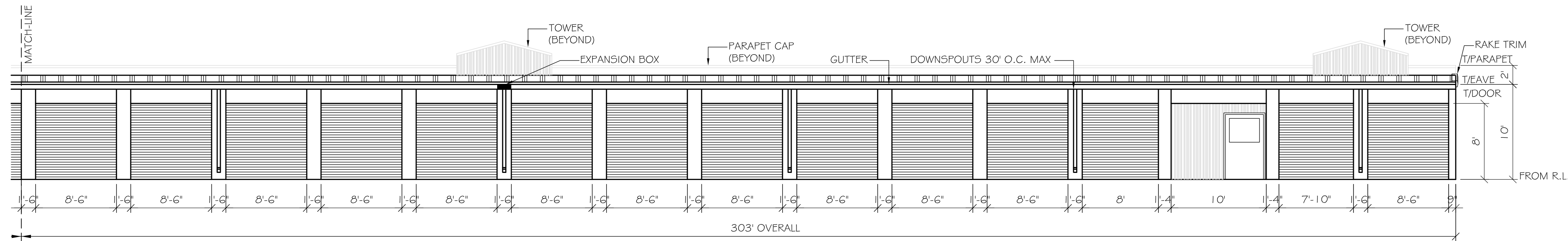


MARKUPS		
#1	BY:	DATE:
REVISIONS		
Δ	BY:	DATE:
STRUCTURE B ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNERS SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET S-1-1		



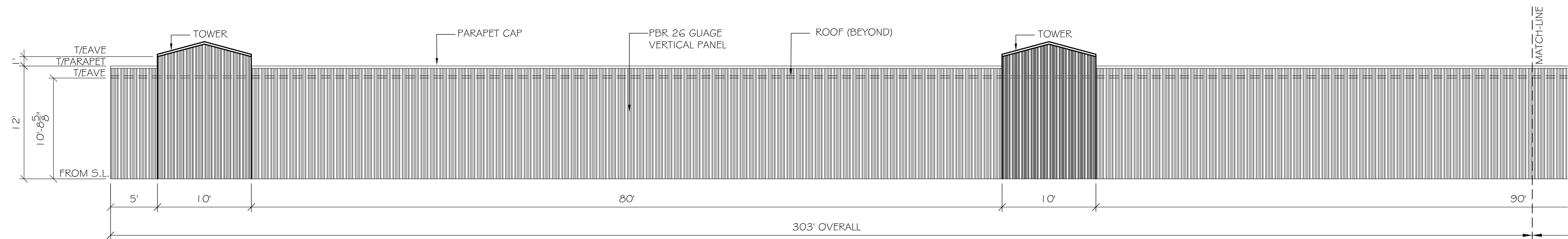
STRUC. C SOUTH ELEVATION

1/8" = 1'



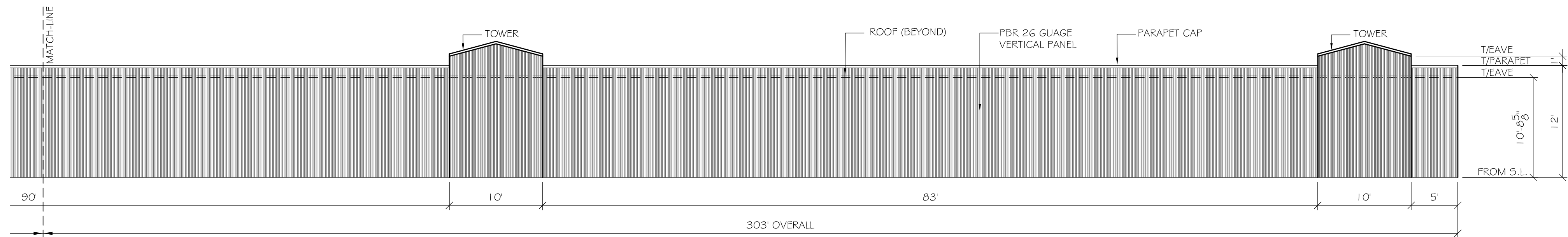
STRUC. C SOUTH ELEVATION

1/8" = 1'



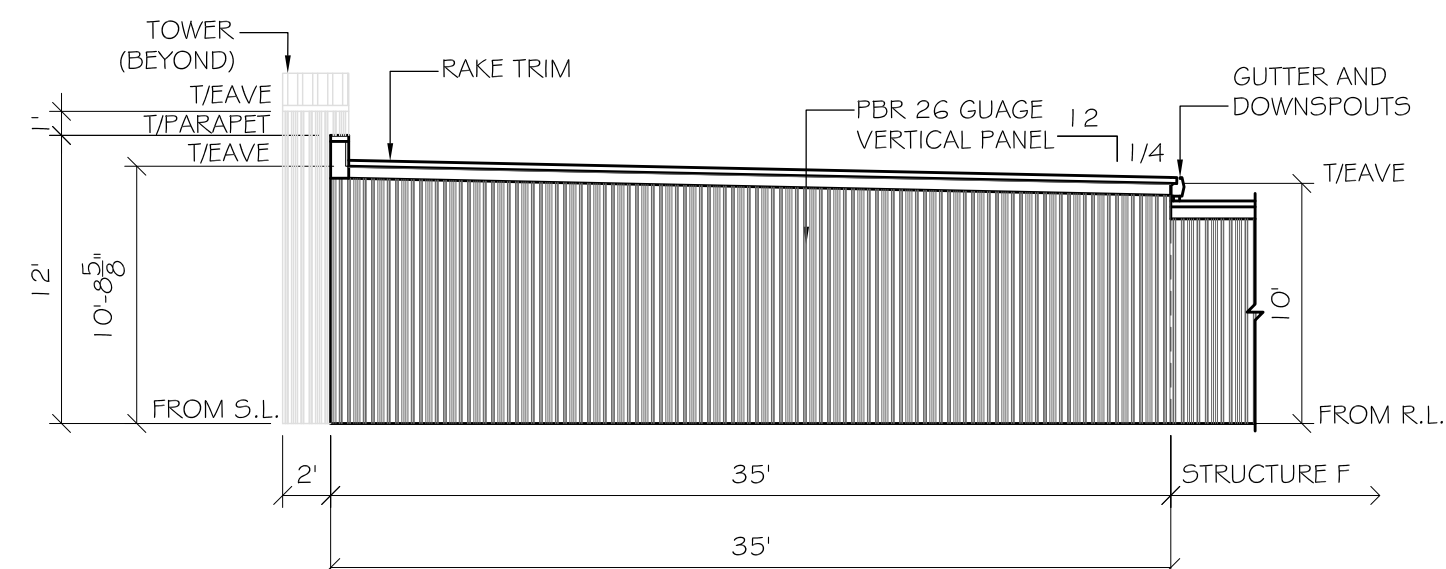
STRUC. C NORTH ELEVATION

1/8" = 1'



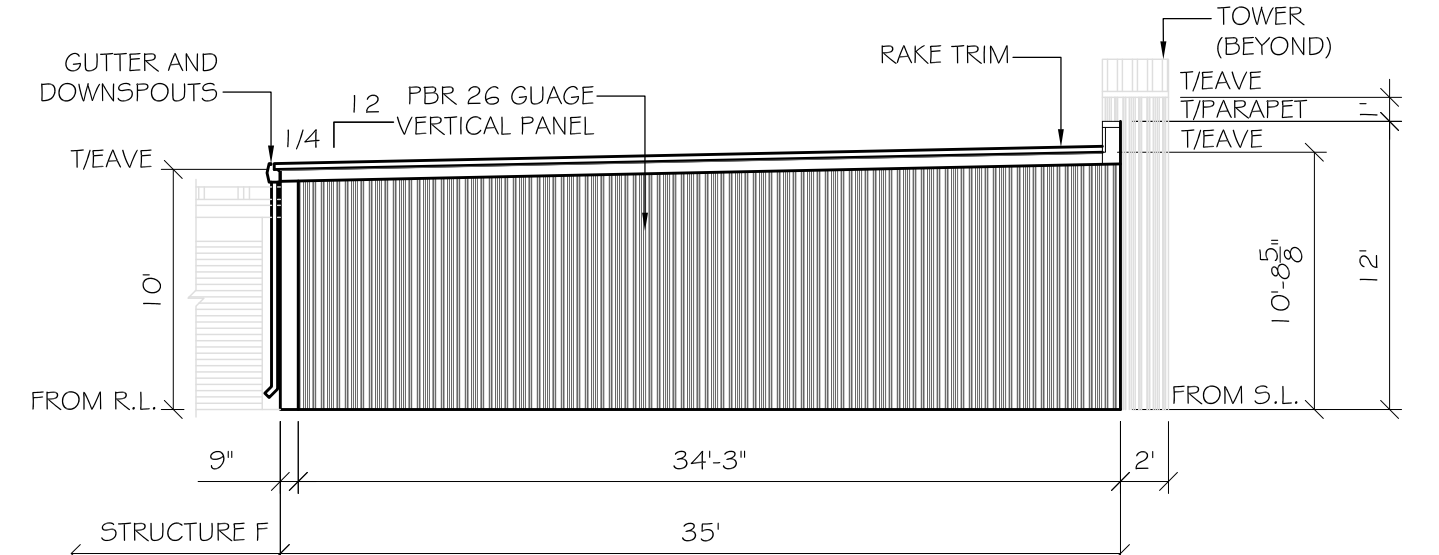
STRUC. C NORTH ELEVATION

1/8" = 1'



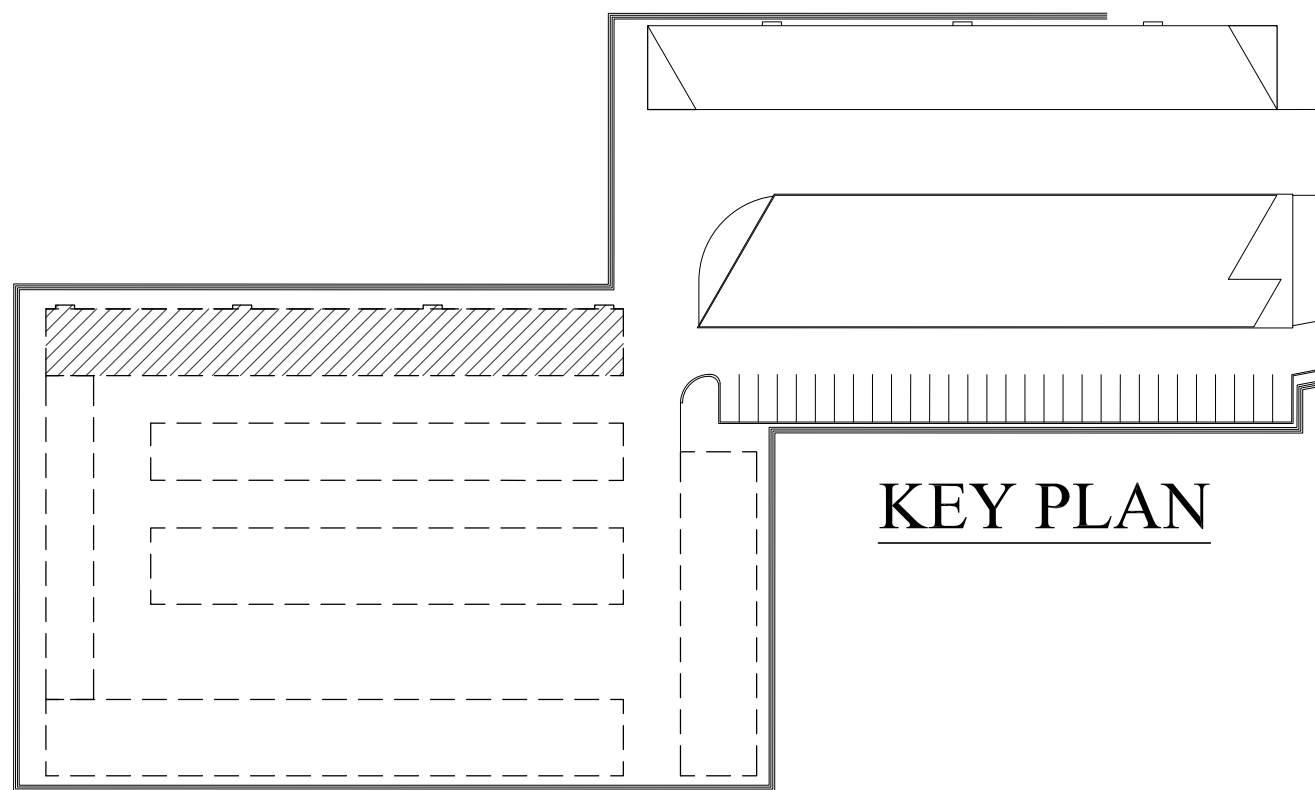
STRUC. C WEST ELEVATION

1/8" = 1'



STRUC. C EAST ELEVATION

1/8" = 1'



MARKUPS
BY: DATE:

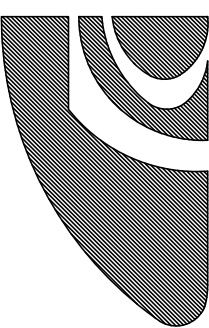
REVISIONS
BY: DATE:

STRUCTURE C
ELEVATIONS

DISCOUNT STORAGE
2300 HARTWOOD MARSH RD
CLERMONT, FL 34711
LAKE COUNTY

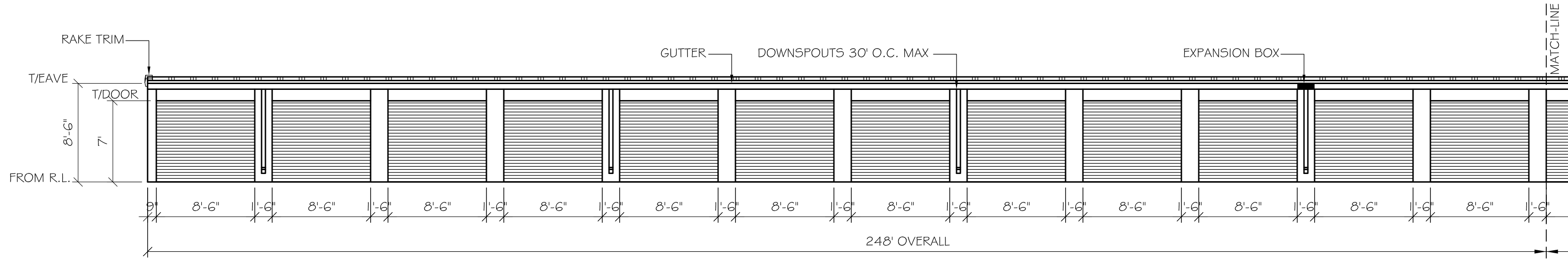
OWNER'S SIGNATURE
FINAL APPROVED DRAWINGS
MANUFACTURING RELEASE

THE RABCO CORPORATION
1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787
800/999-0220 CB CO47783 Fax: 407/877-9065

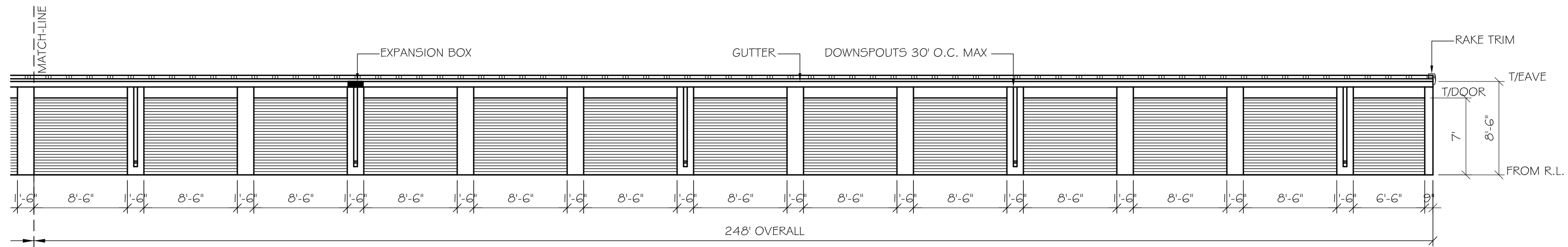


DATE
02-18-21
SCALE
JOB NUMBER
PHASE III
FILE NAME
Bg362.dwg
SHEET

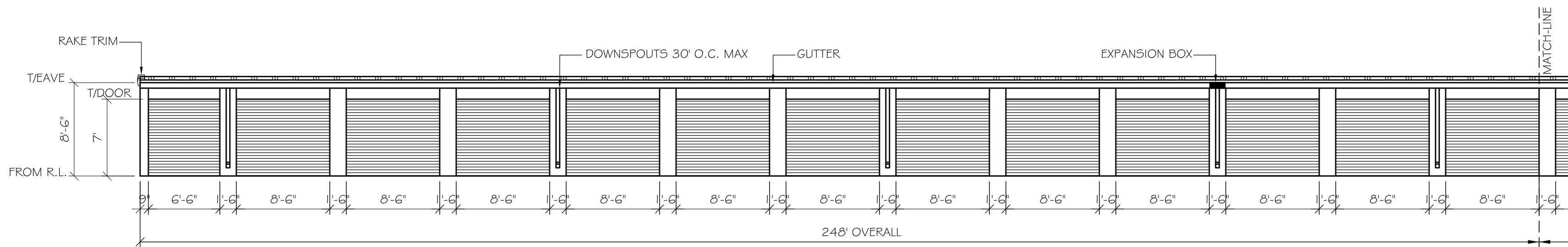
S-1-2



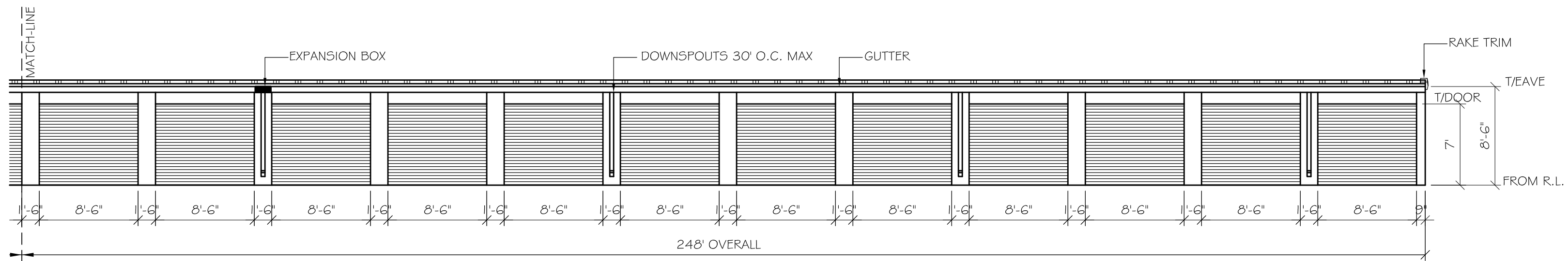
STRUC. D SOUTH ELEVATION
1/8" = 1'



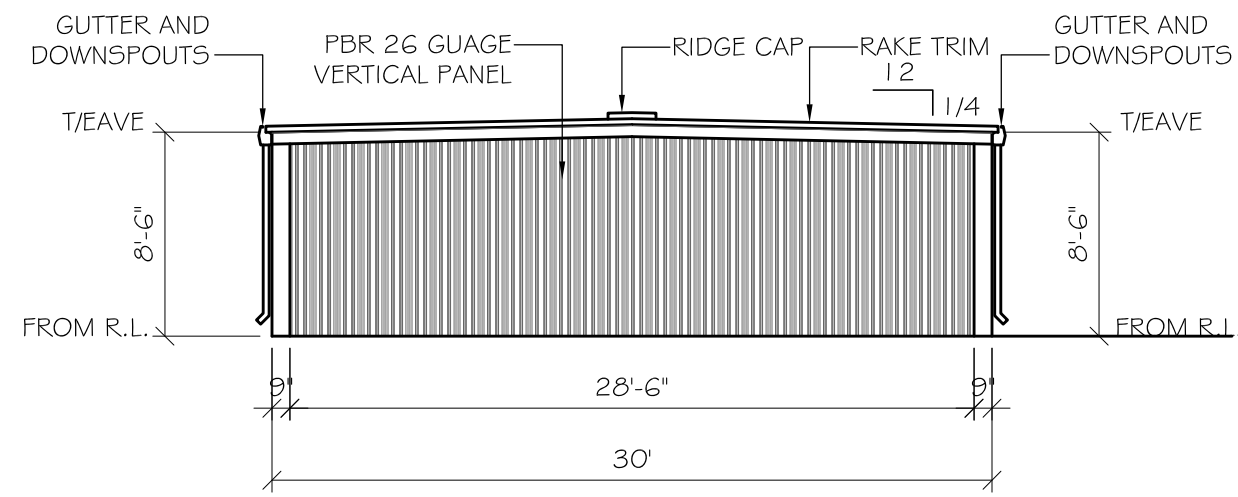
STRUC. D SOUTH ELEVATION
1/8" = 1'



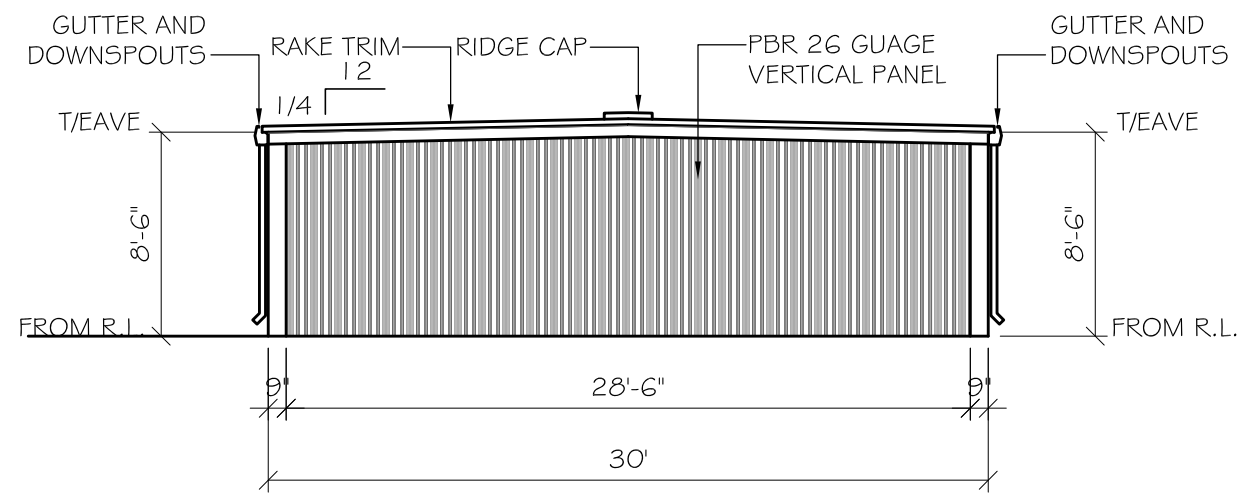
STRUC. D NORTH ELEVATION
1/8" = 1'



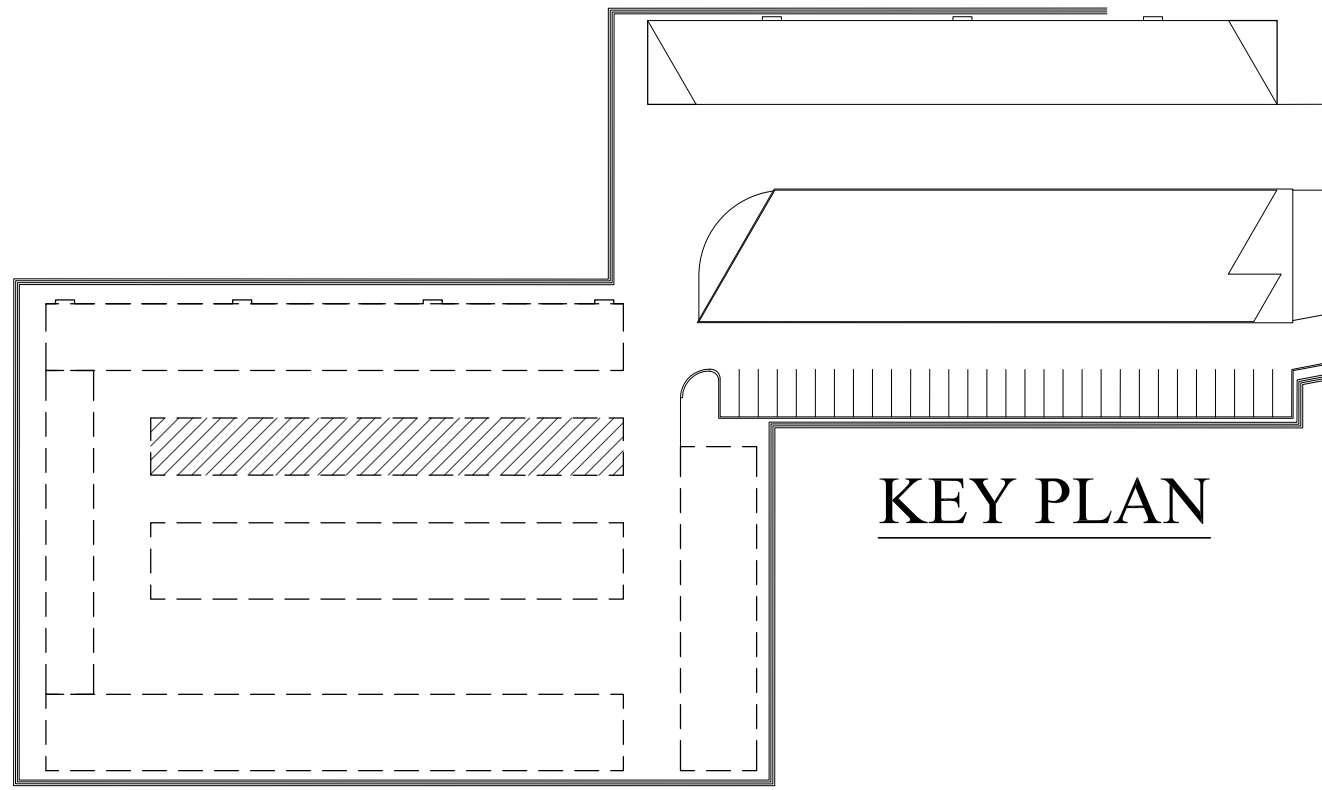
STRUC. D NORTH ELEVATION
1/8" = 1'



STRUC. D WEST ELEVATION
1/8" = 1'

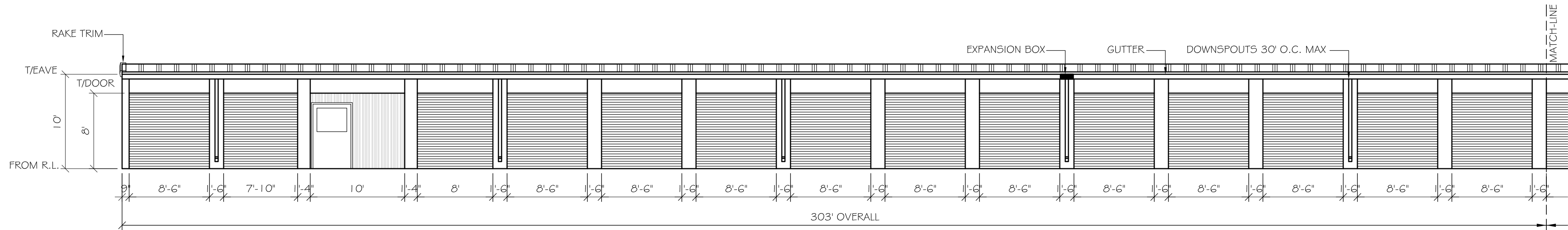


STRUC. D EAST ELEVATION
1/8" = 1'

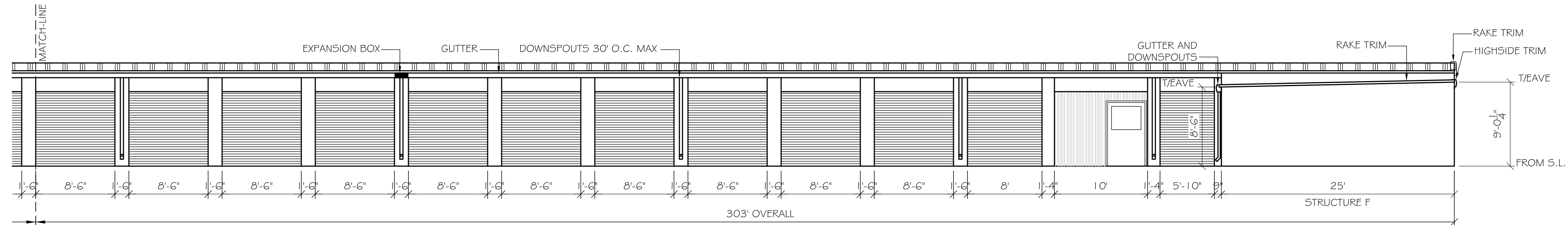


KEY PLAN

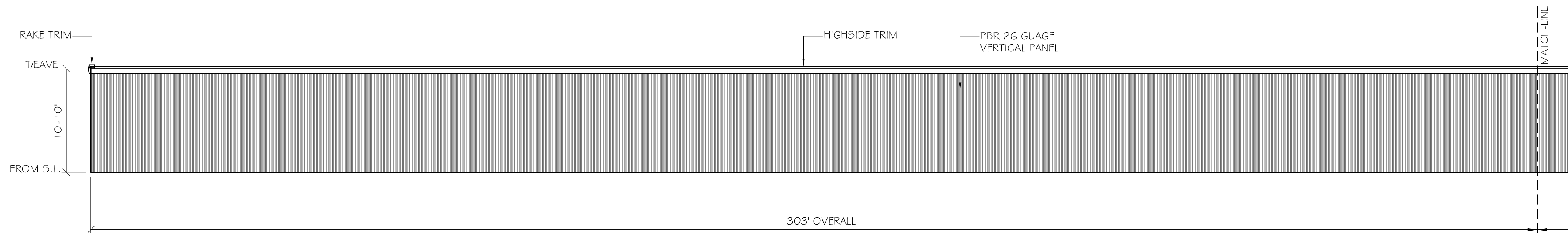
MARKUPS		
#1	BY:	DATE:
REVISIONS		
Δ	BY:	DATE:
STRUCTURE D ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET		
S-1-3		



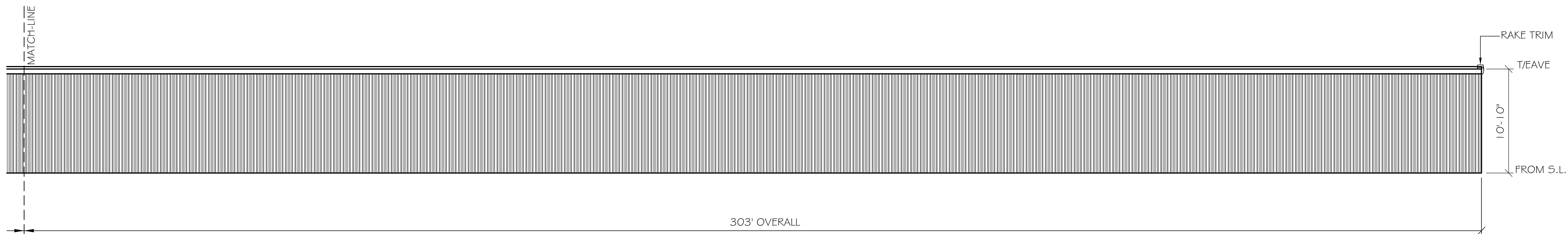
STRUC. E
SOUTH ELEVATION
1/8" = 1'



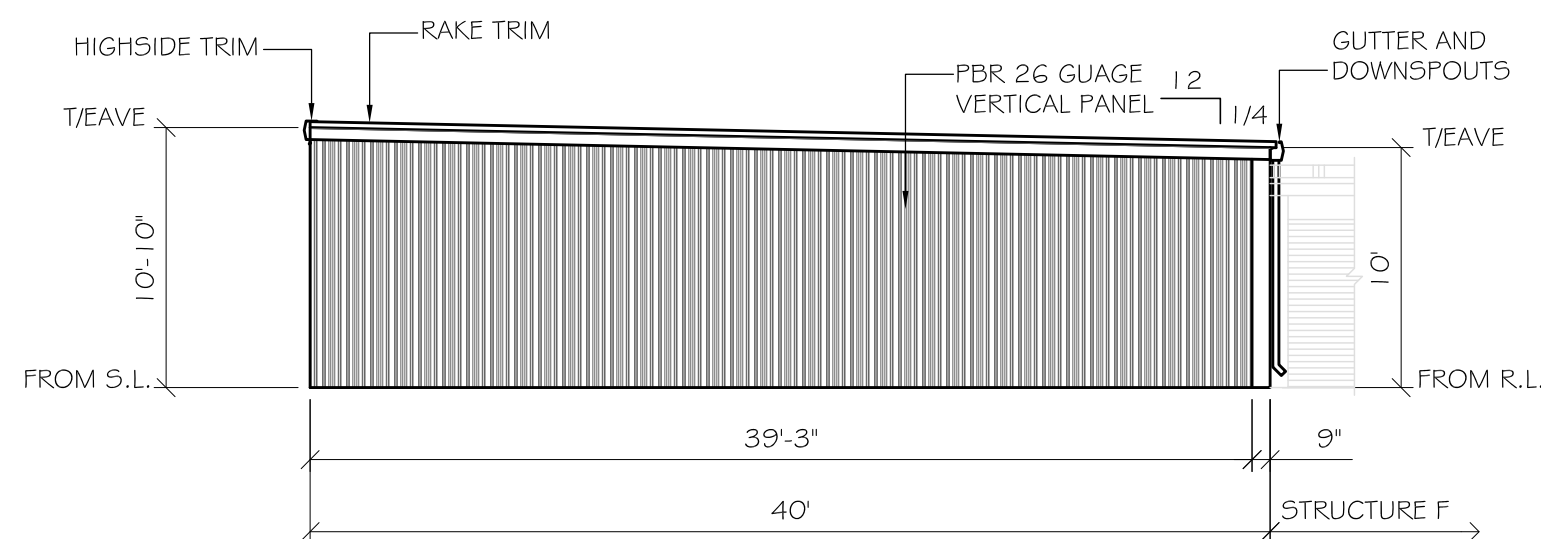
STRUC. F
SOUTH ELEVATION
1/8" = 1'



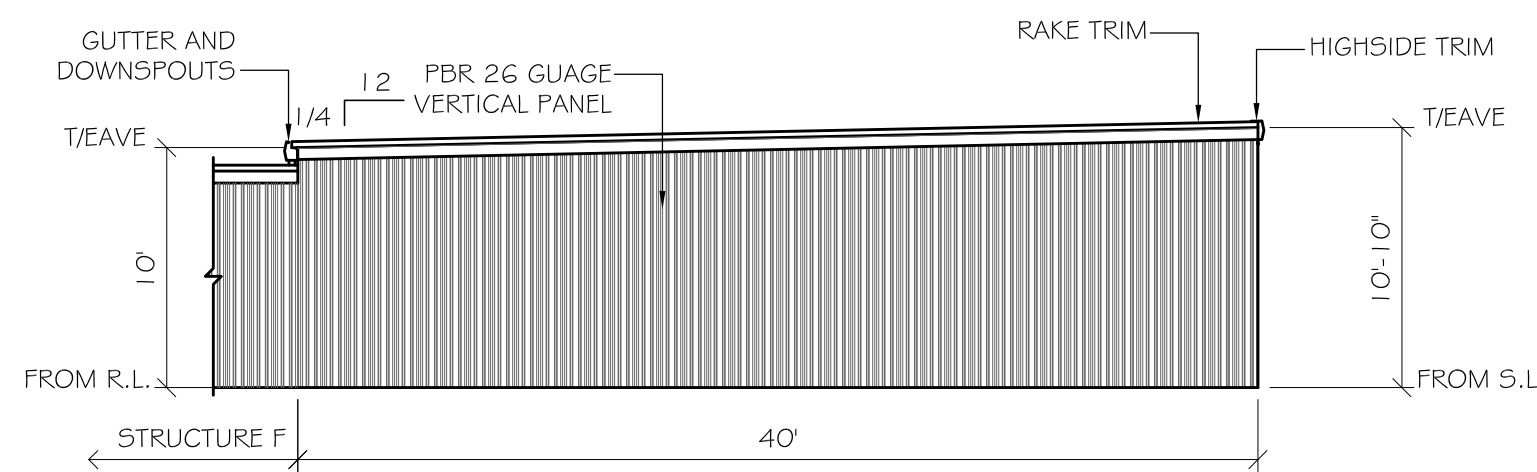
STRUC. E
SOUTH ELEVATION
1/8" = 1'



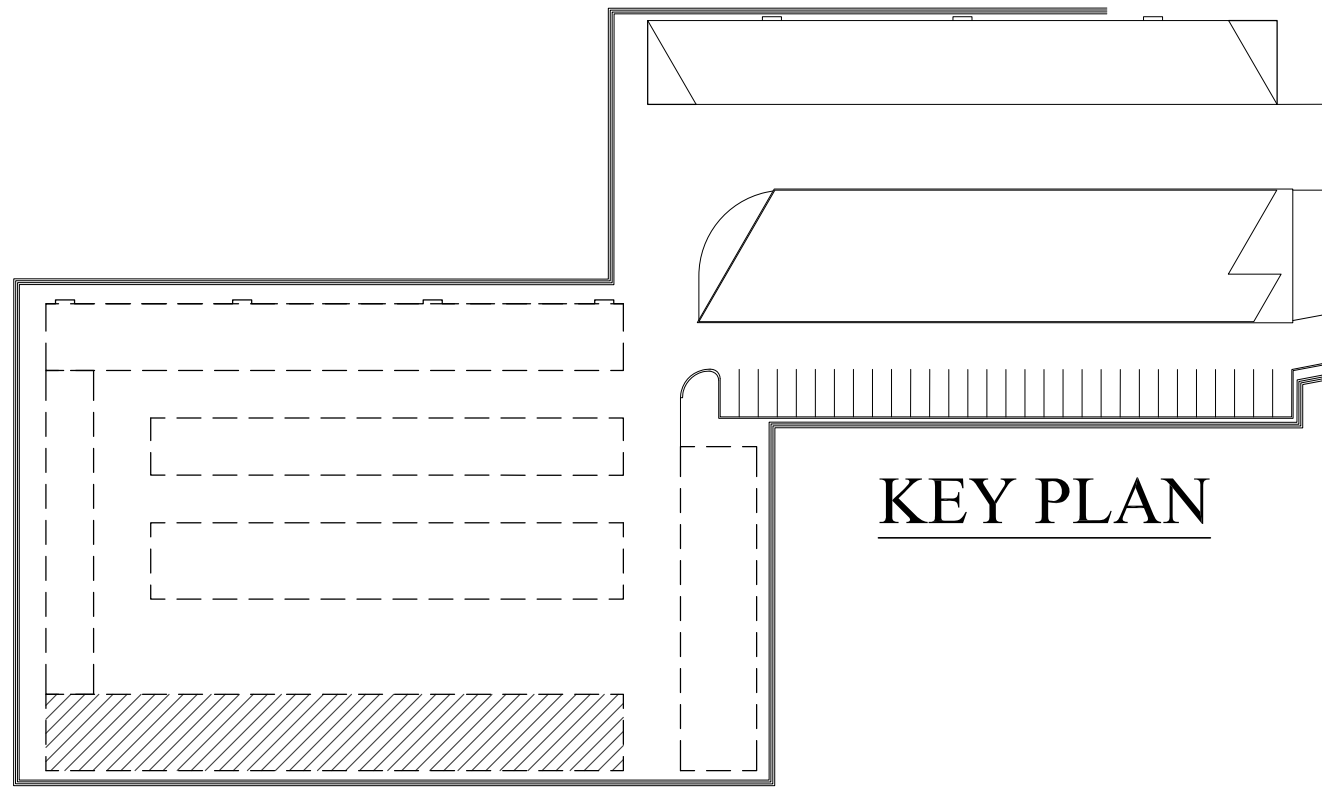
STRUC. F
SOUTH ELEVATION
1/8" = 1'



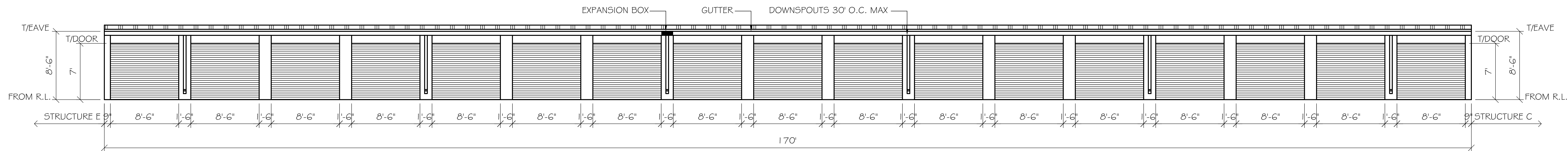
STRUC. A
EAST ELEVATION
1/8" = 1'



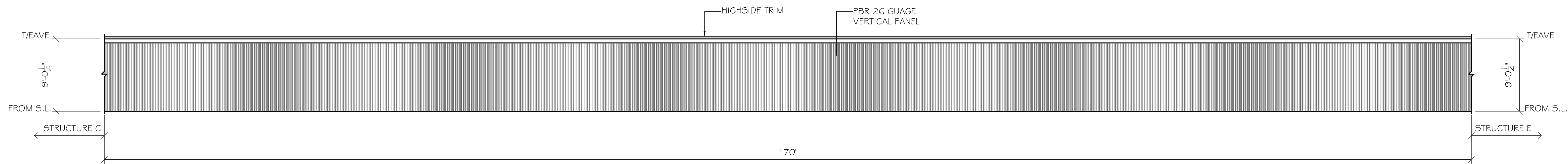
STRUC. A
WEST ELEVATION
1/8" = 1'



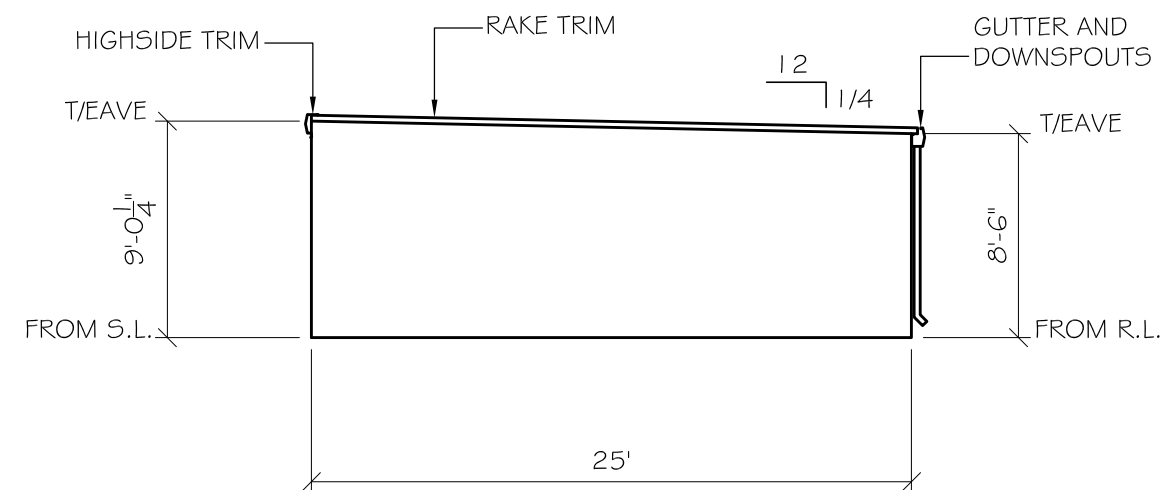
MARKUPS	BY:	DATE:
REVISIONS	BY:	DATE:
STRUCTURE E ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET		
S-1-4		



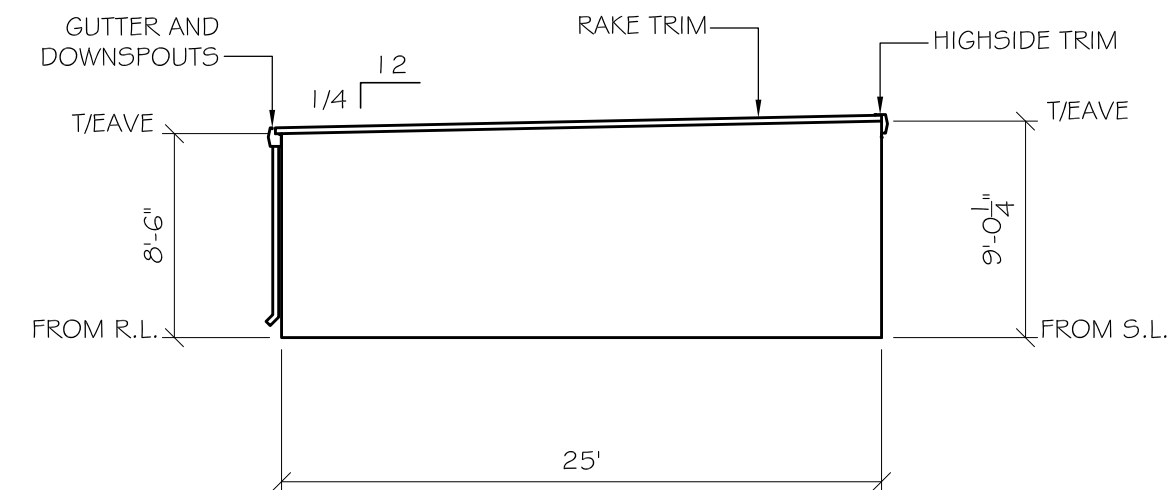
STRUC. F EAST ELEVATION
1/8" = 1'



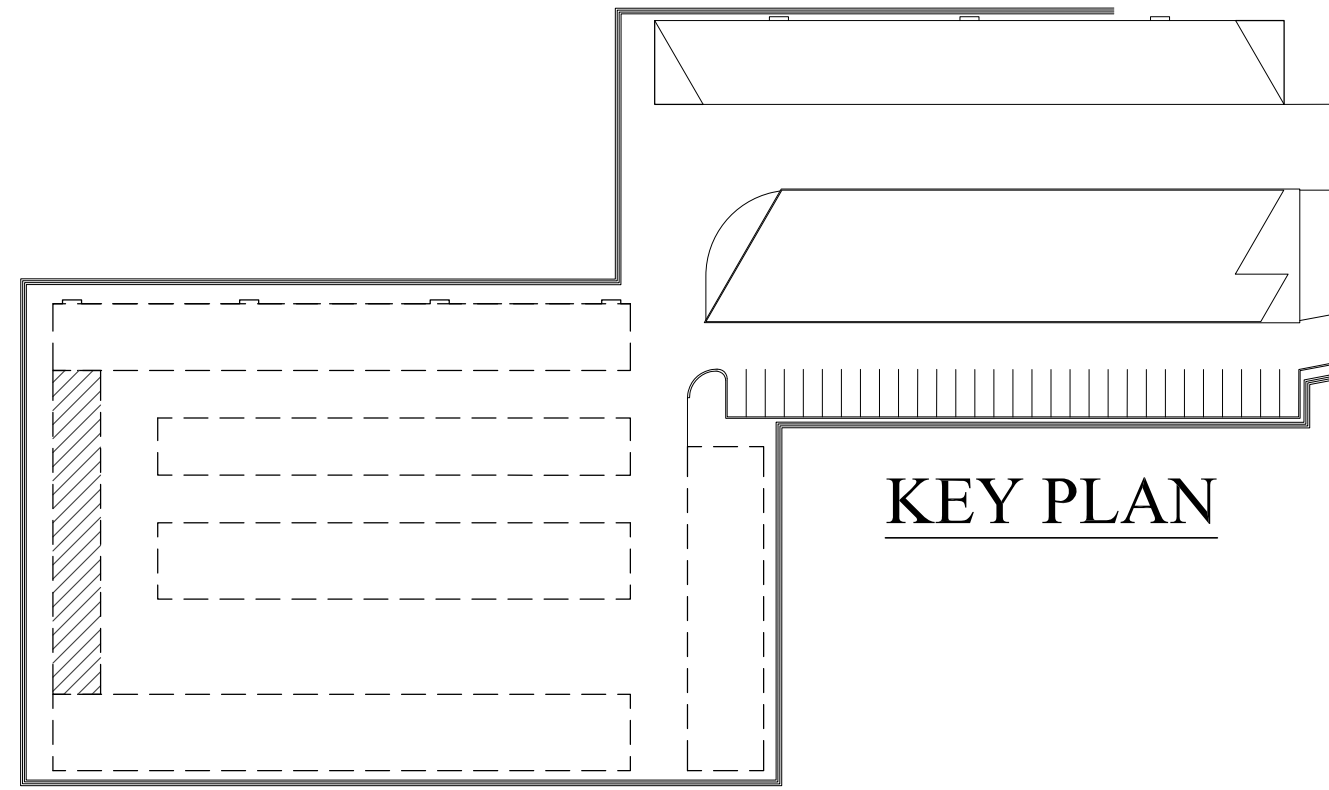
STRUC. F WEST ELEVATION
1/8" = 1'

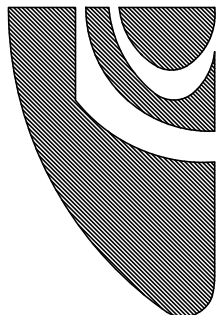


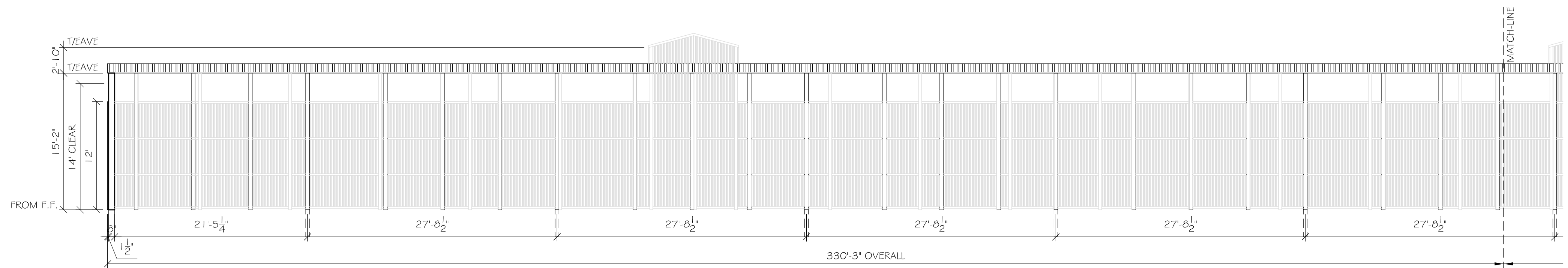
STRUC. F SOUTH ELEVATION
1/8" = 1'



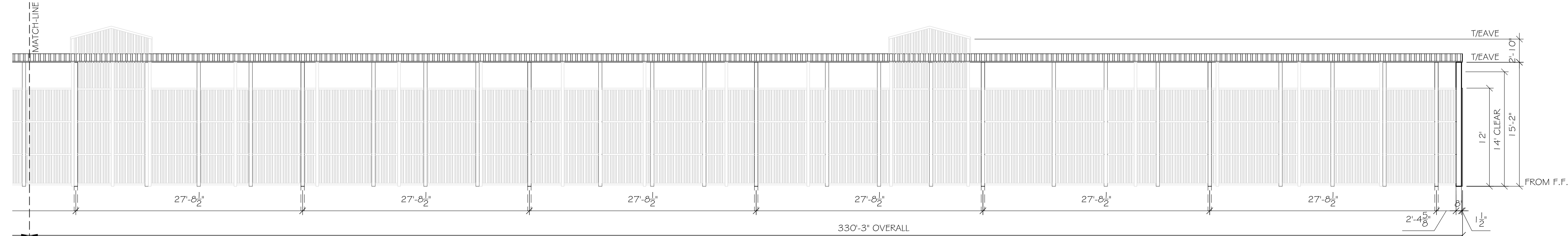
STRUC. F NORTH ELEVATION
1/8" = 1'



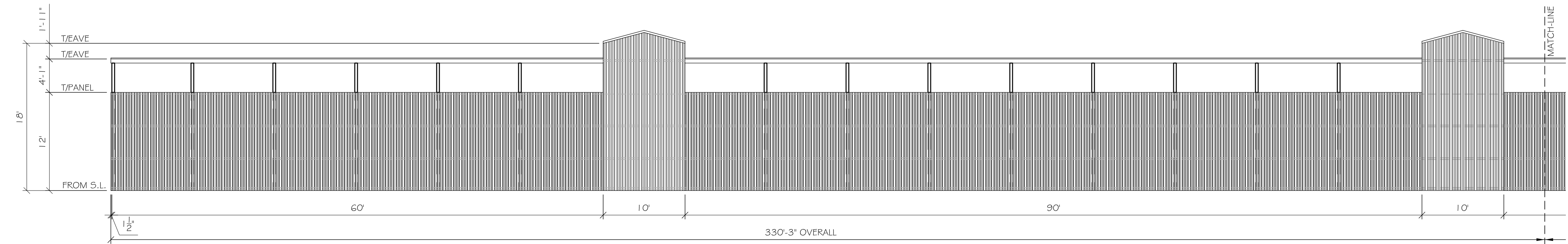
MARKUPS	
#1	BY: DATE:
REVISIONS	
Δ	BY: DATE:
STRUCTURE F ELEVATIONS	
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY	
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE	
 THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065	
DATE 02-18-21	
SCALE	
JOB NUMBER PHASE III	
FILE NAME B6362.dwg	
SHEET S-1-5	



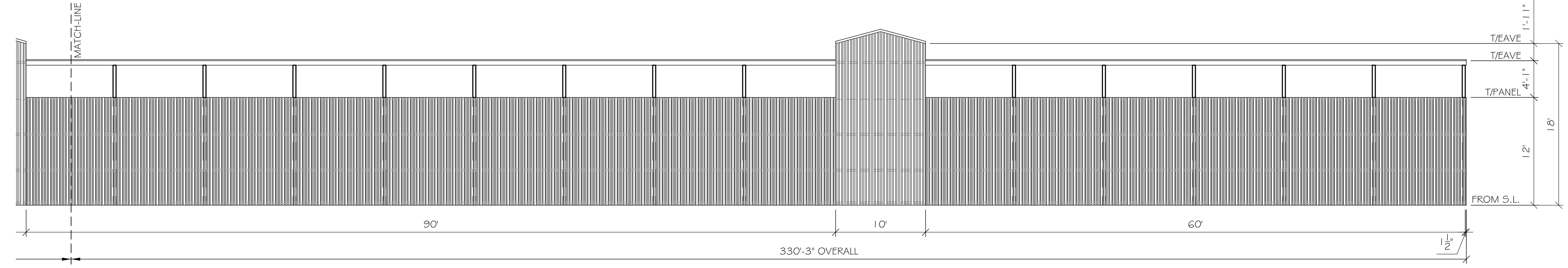
SOUTH CANOPY ELEVATION
1/8" = 1'



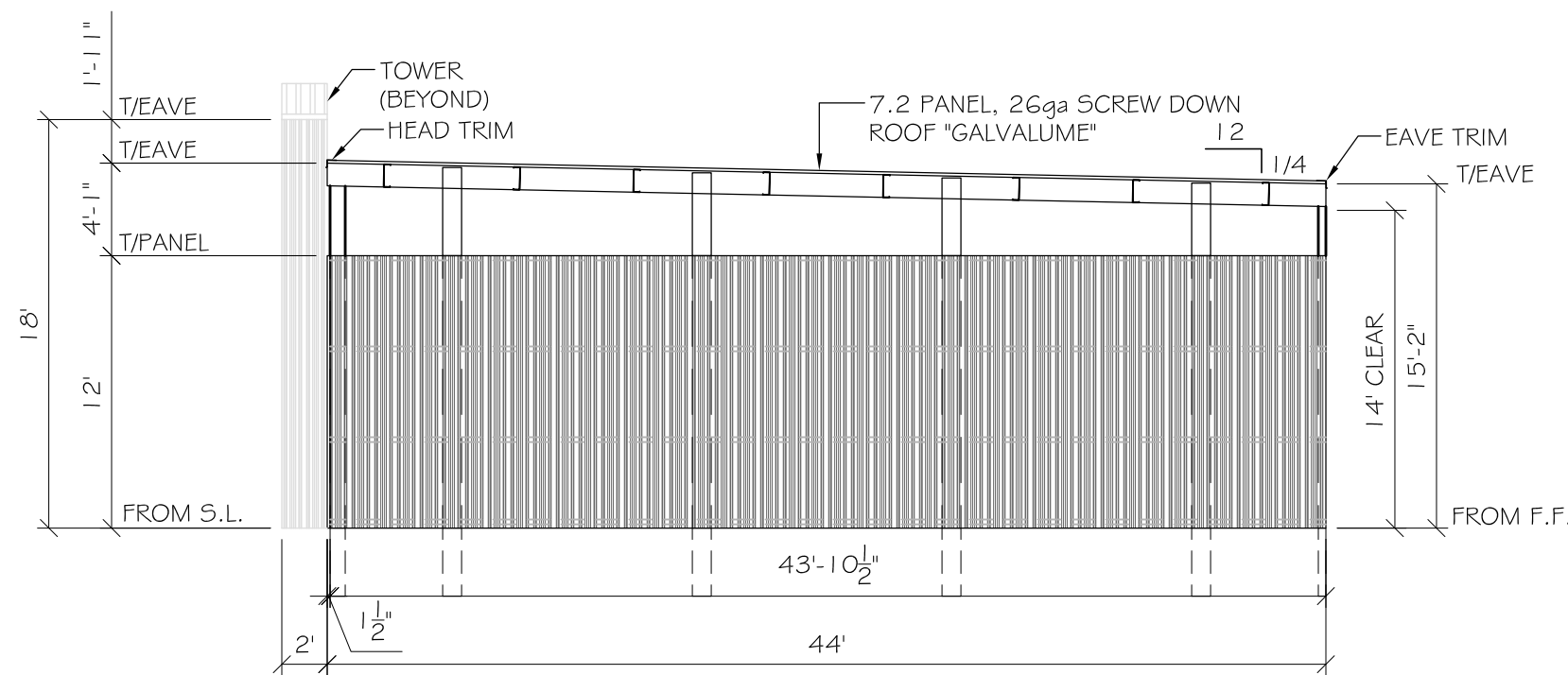
SOUTH CANOPY ELEVATION
1/8" = 1'



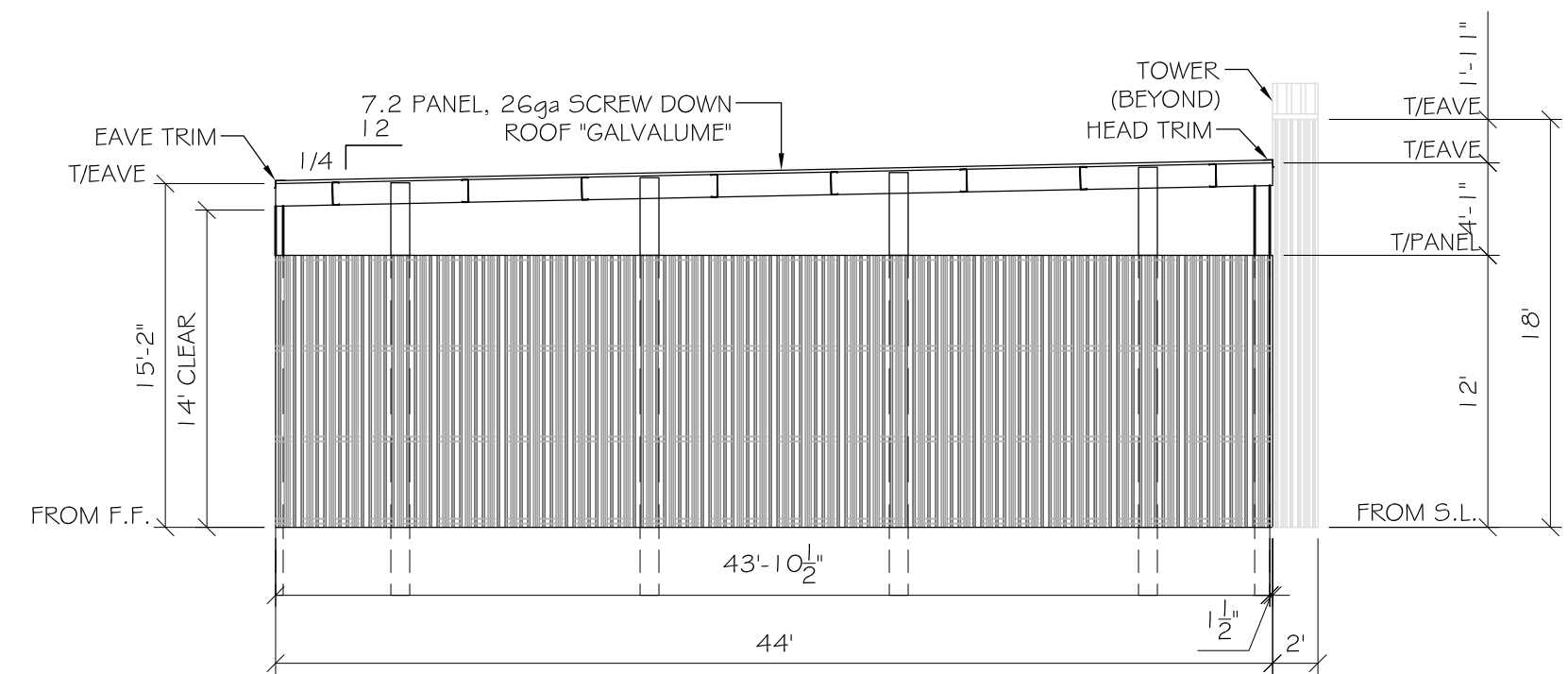
NORTH CANOPY ELEVATION
1/8" = 1'



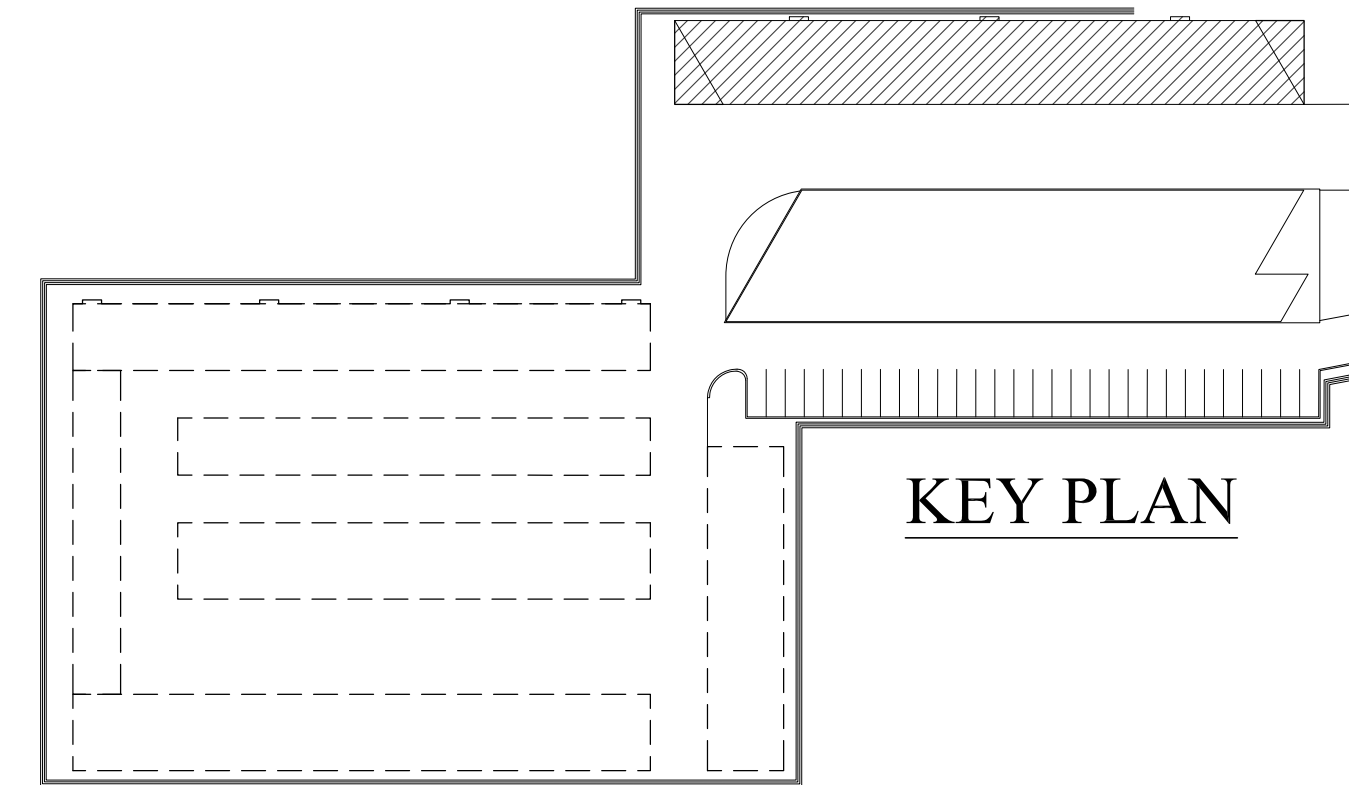
NORTH CANOPY ELEVATION
1/8" = 1'



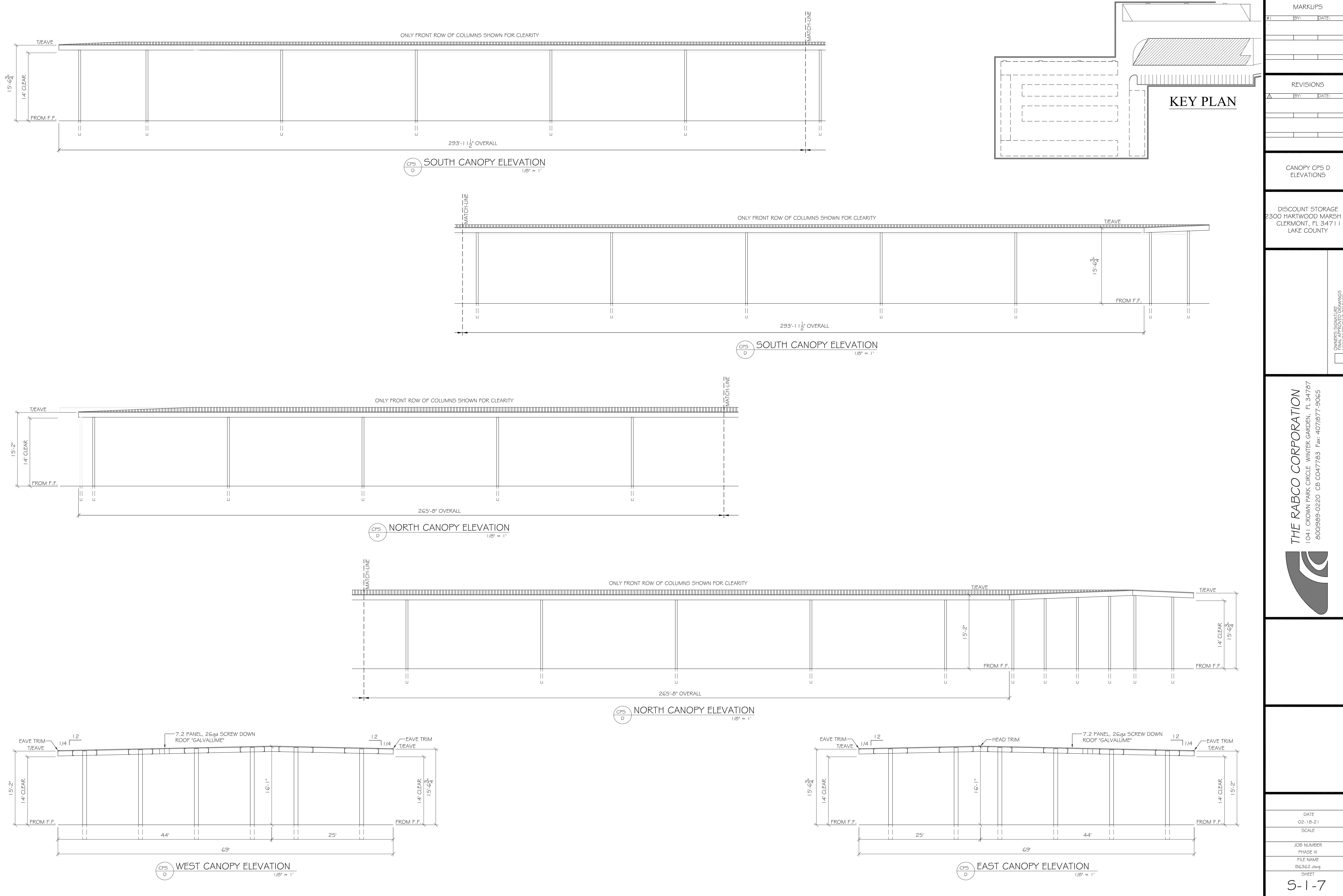
WEST CANOPY ELEVATION
1/8" = 1'

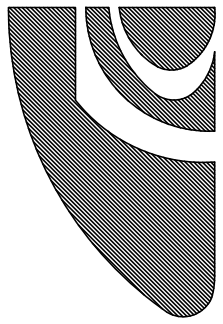


EAST CANOPY ELEVATION
1/8" = 1'



MARKUPS	BY:	DATE:
REVISIONS	BY:	DATE:
CANOPY CPS C ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET		
S-1-6		



MARKUPS	
BY:	DATE:
REVISIONS	
BY:	DATE:
CANOPY CPS D ELEVATIONS	
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY	
OWNER: SIGNATURE DATE: FINAL APPROVED DRAWINGS MANUFACTURING RELEASE	
THE RABCO CORPORATION 10411 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 8009999-0220 CB CO47783 Fax: 407877-9065	
DATE 02-18-21	
SCALE	
JOB NUMBER PHASE III	
FILE NAME B6362.dwg	
SHEET	
S-1-7	



CITY OF CLERMONT
**CONDITIONAL USE PERMIT
APPLICATION**

Date January 30, 2021		FEE: \$845 + cost of advertisement + cost of traffic review (if necessary)	
Project Name (if applicable) Florida Discount Self Storage No. 4 - Phase 3			
Applicant John Frith, P.E., Frith & Associates, Inc.			
Contact Person John Frith			
Address 8811 Great Cove Drive		City Orlando	State FL
		Zip 32819	
Telephone 407-363-0739		Fax	
Email jfrith@aol.com			
☐			
Owner's Name Florida Discount Self Storage No. 4 , LLC ; Mr. Charles Bailes, Jr			
Owner Address 6424 Pinecastle Blvd., Suite A		City Orlando	State FL
		Zip 32809	
Telephone 407-816-0100		Fax	
Address of Subject Property 2300 Hartwood Marsh Road		City Clermont	State FL
		Zip 34711	
General Location South Side of Hartwood Marsh Road, 0.5 mile east of Highway 27			
Legal Description & Alternate Key (include copy of survey) See Attached Sheet			
Land Use (City verification required) Commercial - Existing Self Storage Facility			
Zoning (City verification required) C-2 General Commerical			



CITY OF CLERMONT
**CONDITIONAL USE PERMIT
APPLICATION**

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

WE ARE PLANNING ON ADDING ADDITIONAL SELF STORAGE BUILDINGS AND ADDITIONAL COVERED PARKING. THERE IS AN EXISTING FACILITY AT THE CURRENT LOCATION AND THIS ADDITION WOULD BE EXACTLY AS WHAT IS CURRENTLY THERE. THIS WOULD BE CONSIDERED A PHASE 3 ADDITION.

JOHN FRUTH

Applicant Name (print)

x [Signature]
Applicant Name (signature)

CHARLES BAILES, JR.

Owner Name (print)

x Charles E Bailes Jr
Owner Name (signature)

*****NOTICE*****

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

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

5/26/2020



CITY OF CLERMONT CONDITIONAL USE PERMIT APPLICATION

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

We are planning on adding additional self storage buildings and additional covered parking. There is an existing facility at the current location and this addition would be exactly as what is currently there. This would be considered a Phase 3 addition.

Applicant Name (print)

X _____
Applicant Name (signature)

Owner Name (print)

X _____
Owner Name (signature)

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

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

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

5/26/2020

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: 10101310
Phone: (352) 241-7331
Date: 03/18/21
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	03/30/2021	03/30/2021	\$110.98

LEGAL NOTICE

Ad No: 10101310
March 30, 2021

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for the expansion of an existing self-storage facility.

LOCATION

Florida Discount Self-Storage Facility
2300 Hartwood Marsh Road
Alternate Key 1462401

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 on Tuesday, April 6, 2021 at 6:30 PM.

The Clermont City Council will consider this request at a public meeting to be held on Tuesday, April 27, 2021 at 6:30 PM.

All meetings will be held in the City Council Chamber inside Clermont City Hall, 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
City Clerk

Payment Info	
Ad Price	\$110.98
Tax	\$0.00
Sub Total	\$110.98
Prepaid Amount	\$0.00
Balance Due	\$110.98



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, April 27, 2021		
Agenda Item Name		
Variance Request <i>Florida Discount Self-Storage</i>		
Requested Action		
Recommend approval of requested variance.		
Staff Report		
The applicant is requesting a Variance (1) to allow for topography elevation changes up to a 20-foot maximum instead of the requirements of the Land Development Code, Section 94-195, which allows topography elevation changes not to exceed 15-feet for commercial development. The subject property is located at 2300 Hartwood Marsh Road, with C-2 General Commercial zoning, and a Future Land Use designation of Commercial. The "C-2" General Commercial zoning district, Land Development Code Section 122-224 requires a Conditional Use Permit for any residential self-storage uses, including any expansions to the site. The variance request would allow an expansion to the existing self-storage facility to allow for the construction of four (4) additional warehouse/storage buildings and to increase the outside parking/storage area for large vehicles including recreational vehicles, boats and other commercial vehicles. The applicant indicates the existing topography elevation changes constraints have restricted the ability to utilize the maximum development intensity for the site. The variance to allow up to the maximum 20 feet cut and fill would allow the potential use of the entire site and the ability to grow the existing business. The applicant indicates the overall topography changes that exceeds the 15 feet maximum permitted; will only affect approximately 18.7 percent of the entire site. The City Council approved a Utility Service Agreement in February 2005, as part of the JPA review process and the proposed project received approval for a site development permit in Lake County's jurisdiction. On July 25, 2006, the property was annexed into the City of Clermont boundaries with (Ordinance NO. 559), and as approved and existing with Lake County development entitlements. The applicant is also requesting a Conditional Use Permit (CUP) to allow the expansion of the self-storage use in the C-2 General Commercial zoning district. The CUP and variance request will be presented concurrently for consideration. 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 presented and finds the application can meet a positive finding. Therefore, staff recommends approval of the requested variance to the Land Development Code. Staff recommends approval of requested variance.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)		
1.	Florida Discount Variance-Staff Analysis Report	Florida Discount Variance-Staff Analysis Report.pdf
2.	New 86-174 Review Criteria-Florida Discount Storage	New 86-174 Review Criteria-Florida Discount Storage.pdf
3.	NEW LOCATION MAP	NEW LOCATION MAP .pdf
4.	Self-Storage Layout C1 Phase 3-Model	Self-Storage Layout C1 Phase 3-Model.pdf
5.	Self-Storage Layout C2 Phase 3 - Shaded-Model	Self-Storage Layout C2 Phase 3 - Shaded-Model.pdf
6.	Building Elevations - B6362	Building Elevations - B6362.pdf
7.	Application	Application.pdf
8.	VARIANCE FLORIDA DISCOUNT STORAGE	VARIANCE FLORIDA DISCOUNT STORAGE.pdf



CITY OF CLERMONT

Staff Analysis Report

OWNER: Florida Discount Storage No. 4 LLC.

APPLICANT: Frith & Associates, Inc.

PROJECT NAME: Florida Discount Storage, Phase 3 Expansion

REQUESTED ACTION: A variance request to allow for topography elevation changes that exceeds the 15-feet maximum permitted for commercial development.

SIZE OF PARCEL: 23.6 acres +/-

LOCATION: 2300 Hartwood Marsh Road, property located on the south side of Hartwood Marsh Road and east of Highway 27

EXISTING ZONING: C-2 General Commercial District

EXISTING LAND USE: Self-Storage Facility

FUTURE LAND USE CATEGORY: Commercial

SITE UTILITIES: City of Clermont Water and Sewer

STAFF ANALYSIS:

The applicant is requesting a Variance (1) to allow for topography elevation changes up to a 20-feet maximum instead of the requirements of the Land Development Code, Section 94-195, which allows topography elevation changes not to exceed 15-feet for commercial development. The subject property is located at 2300 Hartwood Marsh Road, with C-2 General Commercial zoning, and a Future Land Use designation of Commercial. The "C-2" General Commercial zoning district, Land Development Code Section 122-224 requires a Conditional Use Permit for any residential self-storage uses, including any expansions to the site. The variance request would allow an expansion to the existing self-storage facility to allow for the construction of four (4) additional warehouse/storage buildings and to increase the outside parking/storage area for large vehicles including recreational vehicles, boats and other commercial vehicles. The applicant indicates the existing topography elevation changes constraints has restricted the ability to utilize the maximum development intensity. The variance to allow up to the maximum 20 feet cut and fill would allow the potential use of the entire site and the ability to grow the existing business. The applicant indicates the overall topography

changes that exceeds the 15 feet maximum permitted; will only affect approximately 18.7 percent of the entire site.

The City Council approved a Utility Service Agreement in February 2005, as part of the JPA review process and the proposed project received approval for a site development permit in Lake County's jurisdiction. On July 25, 2006, the property was annexed into the City of Clermont boundaries with (Ordinance NO. 559), and as approved and existing with Lake County development entitlements.

The applicant is also requesting a Conditional Use Permit (CUP) to allow the expansion of the self- storage use in the C-2 General Commercial zoning district. The CUP and the variance request will be presented concurrently for consideration.

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 presented and finds the application can meet a positive finding. Therefore, staff recommends **approval** of the requested variance to the Land Development Code.

Staff recommends approval of requested variance.

Florida Discount Storage Phase 3 - 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 or negatively impact the standard of living of the citizens of the city;
Applicant response: *Granting the variance will not affect adjacent property owners. The site will be hidden from view at the north and west sides. It will allow storage for adjacent neighborhoods.*

Staff comments: *The applicant is requesting a variance to allow topography elevation changes that exceed the maximum allowed of 15 feet for commercial development. The existing business is existing and the expansion would allow the maximum development intensity allowed for the site, and should not negatively affect the surrounding properties because of no proposed changes to the existing use of the site.*

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 variance will allow expansion of the existing facility.*

Staff comments: *The variance request is the minimum allowed for expansion of the site. Because of the existing property topography constraints and elevations changes, the applicant would not be able to utilize the full development opportunities for the property. The requested variance will not be out of character with other properties in the C-2 zoning district.*

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: *The site cannot be developed without the variance, the 50-foot elevation changes requires a variance, if the variance is denied the owner cannot use the property.*

Staff comments: *The requested variance will not further any city objectives, and will allow the ability to utilize the site at the maximum development intensity permitted for commercial development.*

Positive finding

- (4) The granting of the variance is consistent with the city’s comprehensive plan;
Applicant response: *Allow the owner to develop the property and expand the facility.*

Staff comments: *The variance request is consistent with the comprehensive plan goals, objectives and policies for the Commercial Land Use Designation.*

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: Asking for Variance to grade the site for development to allow building pads, and parking.

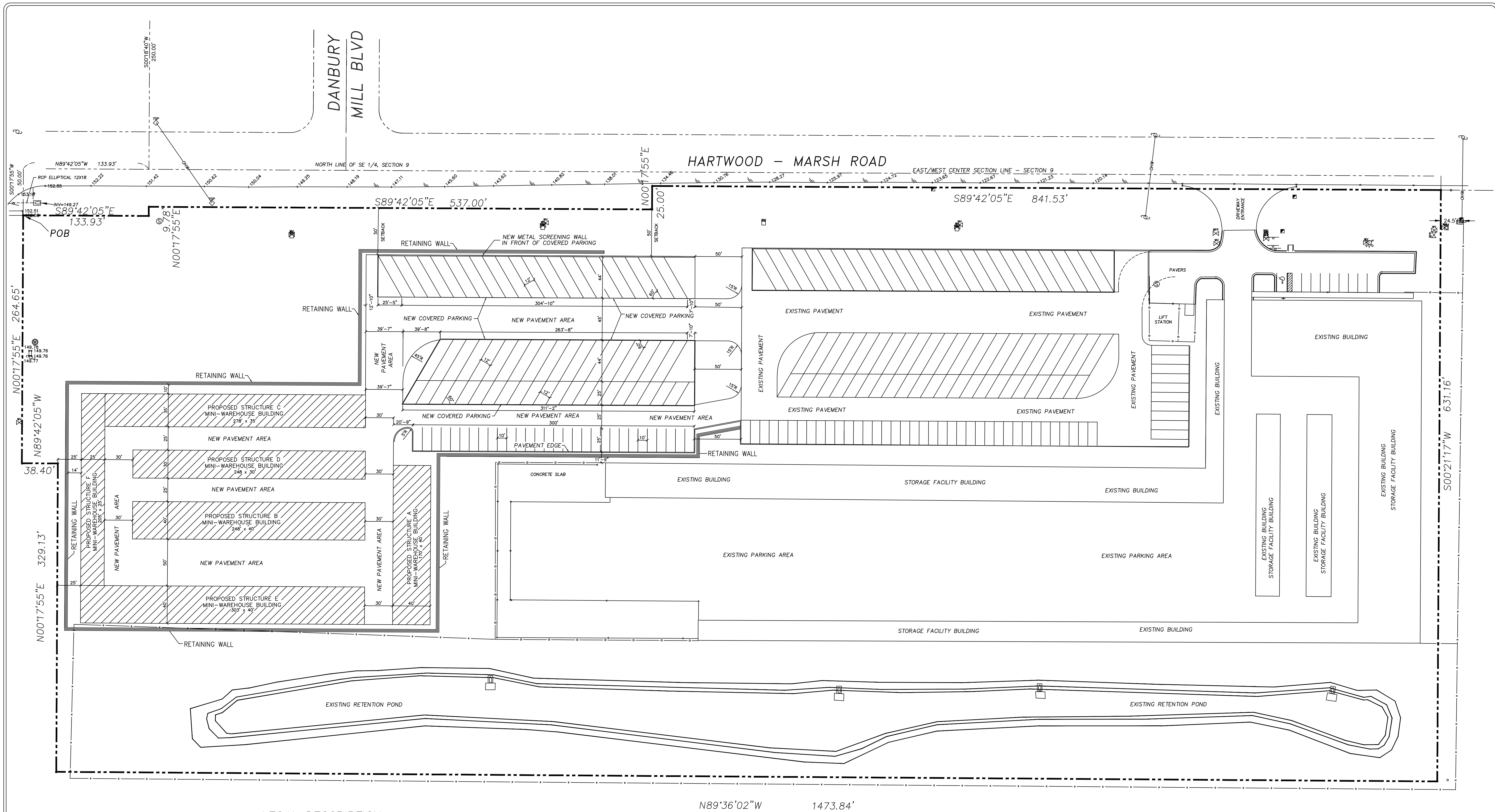
Staff comments: The requested variance is the minimum to allow reasonable use of the land. The existing use of the property is not changing and the requested site expansion would allow development to the maximum intensity allowed for Commercial development. The property will be consistent with other development in the community and will not be out of character with the surrounding neighborhoods.

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 presented and finds the application can meet a positive finding. Therefore, staff recommends **approval** of the variance request to the Land Development Code.

LOCATION MAP



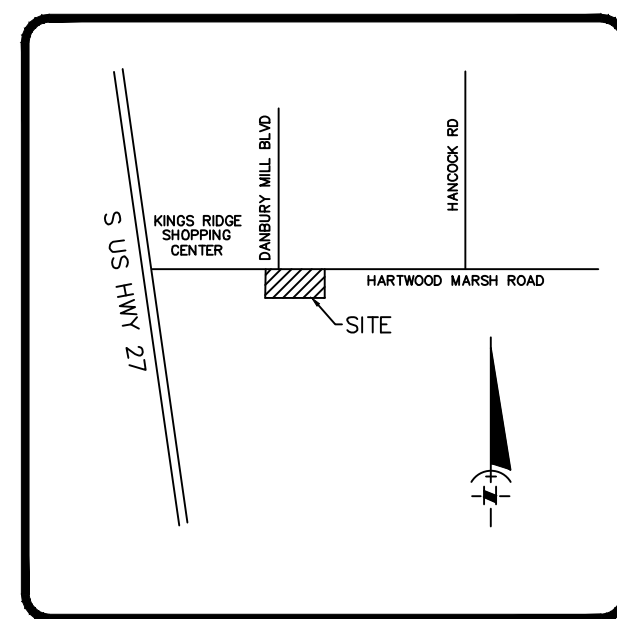


LEGAL DESCRIPTION:

THOSE PARTS OF TRACTS 35 THROUGH 37, INCLUSIVE, OF MONTE VISTA PARK FARMS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 27, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 26 EAST, SAID LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 1, WHITEHALL AT KINGS RIDGE PHASE I, AS RECORDED IN PLAT BOOK 40, PAGES 75 THROUGH 77, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN N89°42'05"W, 25.00 FEET; THENCE S00°18'40"W, 285.56 FEET; THENCE N89°42'05"W, 150.00 FEET; THENCE S00°18'40"W, 250.00 FEET TO THE NORTH LINE OF SAID SOUTHEAST 1/4; THENCE N89°42'05"W, ALONG SAID NORTH LINE, 133.93 FEET; THENCE RUN S00°17'55"W, PERPENDICULAR TO THE LAST DESCRIBED COURSE, 50.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF HARTWOOD MARSH ROAD AND THE POINT OF BEGINNING; THENCE RUN EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HARTWOOD MARSH ROAD THE FOLLOWING COURSES; S89°42'05"E, 133.93 FEET; THENCE RUN N00°17'55"E, 9.78 FEET; THENCE RUN S89°42'05"E, 537.00 FEET; THENCE RUN N00°17'55"E, 25.00 FEET; THENCE RUN S 89°42'05" E, 841.53 FEET, TO THE EAST LINE OF TRACT 35; THENCE RUN S00°21'17"W, ALONG SAID EAST LINE, 631.16 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT 35; THENCE RUN N89°36'02"W, ALONG THE SOUTH LINE OF TRACTS 35 THROUGH 37, 1473.84 FEET; THENCE RUN N00°22'03"E, 329.13 FEET; THENCE RUN N89°42'05"W, 38.40 FEET; THENCE RUN N00°17'55"E, 264.65 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 21.160 ACRES MORE OR LESS.



VICINITY MAP
N.T.S.

N89°36'02"W 1473.84'

LAND AREA: Total Site 21.26 Acres

ZONING: C-2

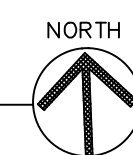
SETBACKS: Front: 50 ft.
Side: 25 ft.
Rear: 12 ft.

TAX PARCEL I.D. NUMBER

13-23-25-080503500000

SITE PLAN

SCALE: 1"= 50'-0"



SITE DATA

OWNER: Bailes Properties, Inc.
6424 Pinecrest Blvd., Suite A
Orlando, Florida 32809
(407) 816-0100
Contact: Mr. Charles Bailes

ENGINEER: Frith & Associates, Inc.
8811 Great Cove Drive
Orlando, Florida 32819
(407) 363-0739
Contact: Mr. John Frith, P.E.

SURVEYOR: Bishman Surveying & Mapping, Inc.
32 West Plant Street
Winter Garden, Florida 34787
(407) 647-7346
Contact: Mr. Donald Bishman, R. L. S.

SITE PLAN

FLORIDA DISCOUNT SELF STORAGE
2300 HARTWOOD MARSH ROAD
CLERMONT, FLORIDA 34711

Frith & Associates, Inc.

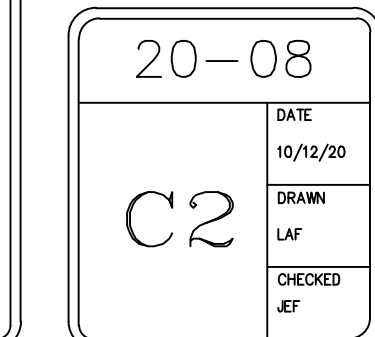
CIVIL ENGINEERING & LAND PLANNING
8811 Great Cove Drive
Orlando, FL 32819
Office: (407) 363-0739
Fax: (407) 363-2978

ENGINEERING LICENSE NO. 5273

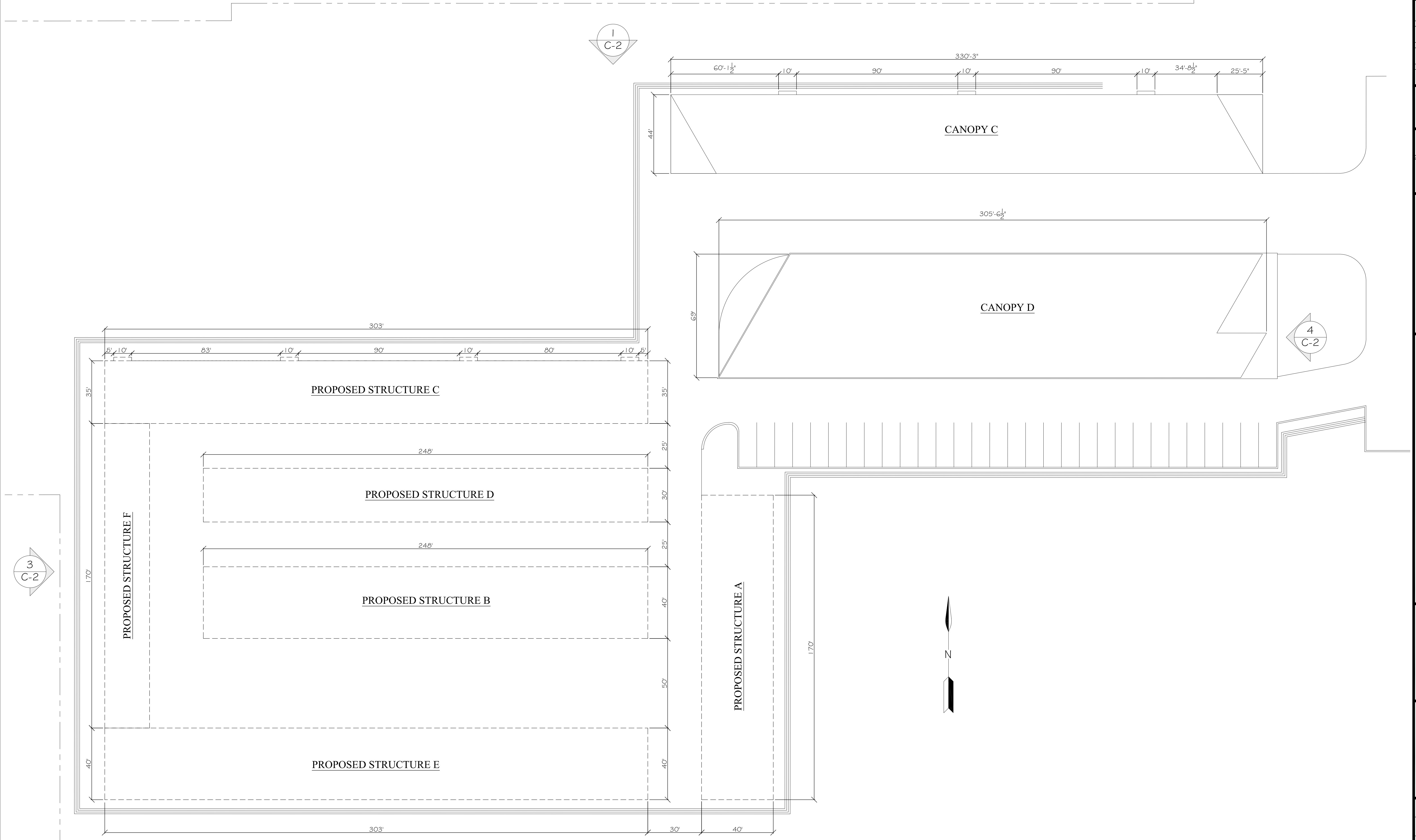
JOHN FRITH, P.E.
LICENSE NO.
PE 37927

20-08

C1
DATE
10/12/20
DRAWN
LAF
CHECKED
JEF

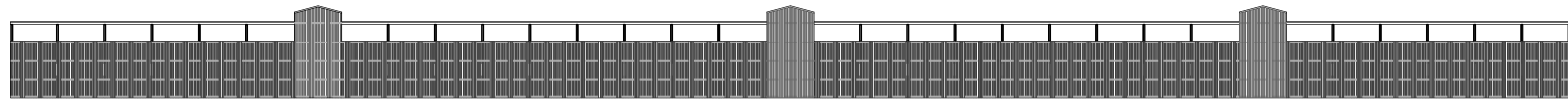


DISCOUNT STORAGE
CLERMONT, FL 34711

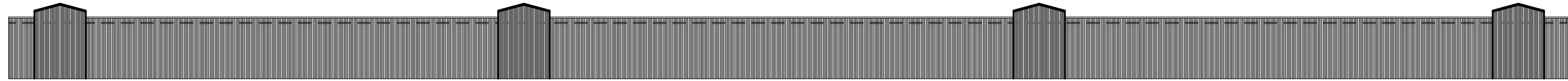


SITE PLAN

MARKUPS		
#1	BY:	DATE:
REVISIONS		
#	BY:	DATE:
COVER SHEET		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
		OWNER'S SIGNATURE FINAL APPROVED DRAWINGS ☐ MANUFACTURING RELEASE
THE RABCO CORPORATION 10411 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE N.T.S.		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET C-1		



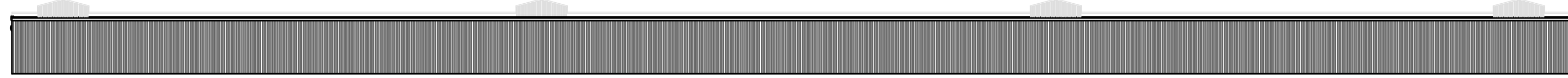
CANOPY C
NORTH ELEVATION
(BEYOND)



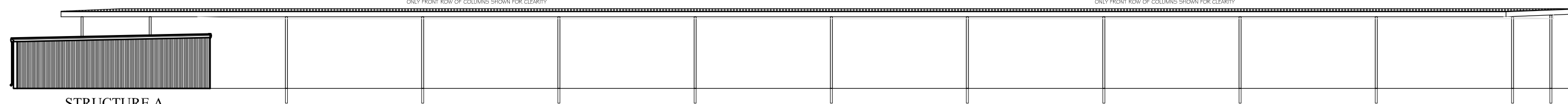
STRUCTURE C
NORTH ELEVATION

1 NORTH SITE ELEVATION
C-2

SCALE: N.T.S.



STRUCTURE E
SOUTH ELEVATION

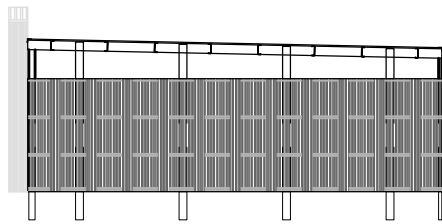


STRUCTURE A
SOUTH ELEVATION

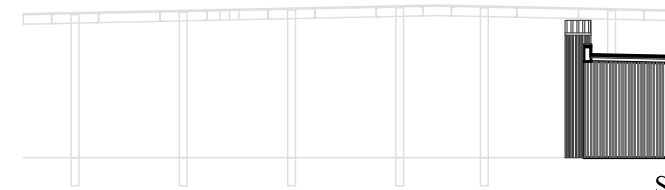
2 SOUTH SITE ELEVATION
C-2

SCALE: N.T.S.

CANOPY D
SOUTH ELEVATION
(BEYOND)



CANOPY C
WEST ELEVATION



CANOPY D
WEST ELEVATION



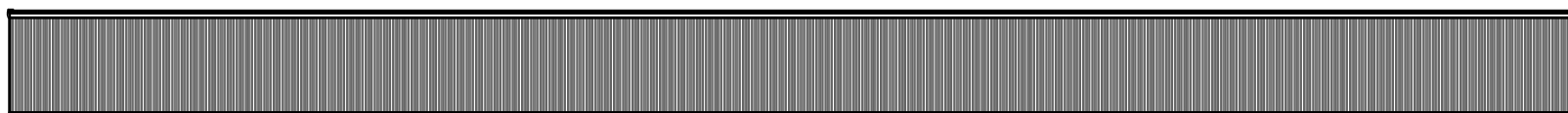
STRUCTURE C
WEST ELEVATION

STRUCTURE F
WEST ELEVATION

STRUCTURE E
WEST ELEVATION

3 WEST SITE ELEVATION
C-2

SCALE: N.T.S.



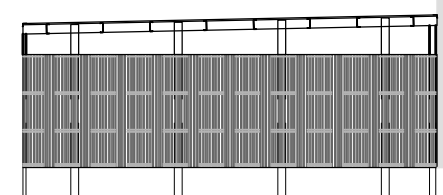
STRUCTURE A
EAST ELEVATION

STRUCTURE D
EAST ELEVATION
(BEYOND)

STRUCTURE F
EAST ELEVATION
(BEYOND)

STRUCTURE C
EAST ELEVATION
(BEYOND)

CANOPY D
EAST ELEVATION



CANOPY C
EAST ELEVATION

4 EAST SITE ELEVATION
C-2

SCALE: N.T.S.

MARKUPS

#	BY:	DATE:

REVISIONS

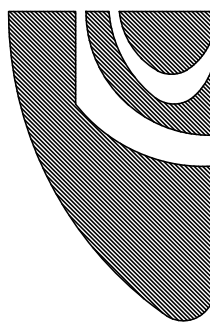
#	BY:	DATE:

SITE ELEVATIONS

DISCOUNT STORAGE
2300 HARTWOOD MARSH RD
CLERMONT, FL 34711
LAKE COUNTY

CANOPY SIGNATURE
FINAL APPROVED DRAWINGS
MANUFACTURING RELEASE

THE RABCO CORPORATION
1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787
800/999-0220 CB CO47763 Fax: 407/877-9065



DATE

02-18-21

SCALE

N.T.S.

JOB NUMBER

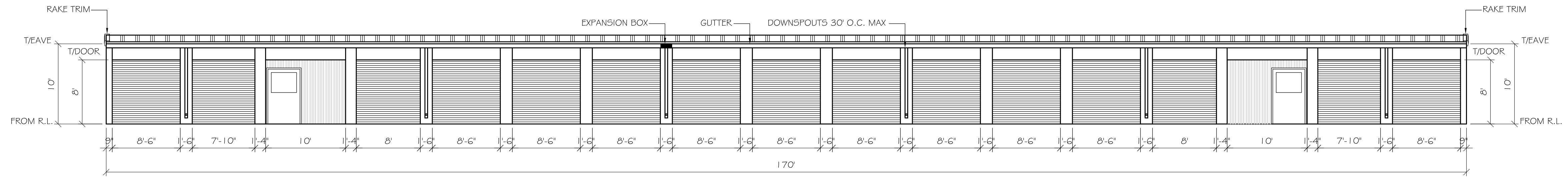
PHASE III

FILE NAME

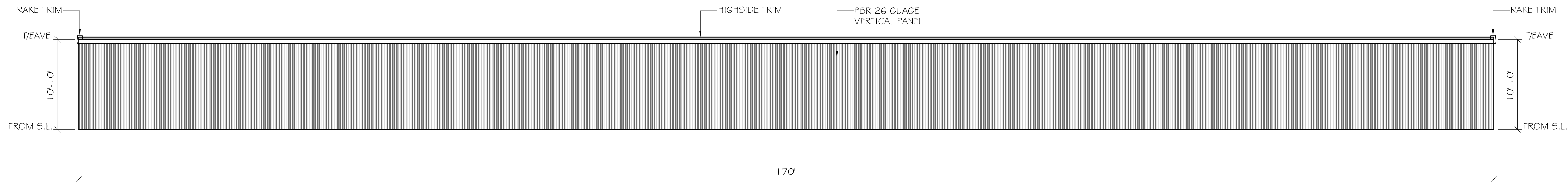
B6362.dwg

SHEET

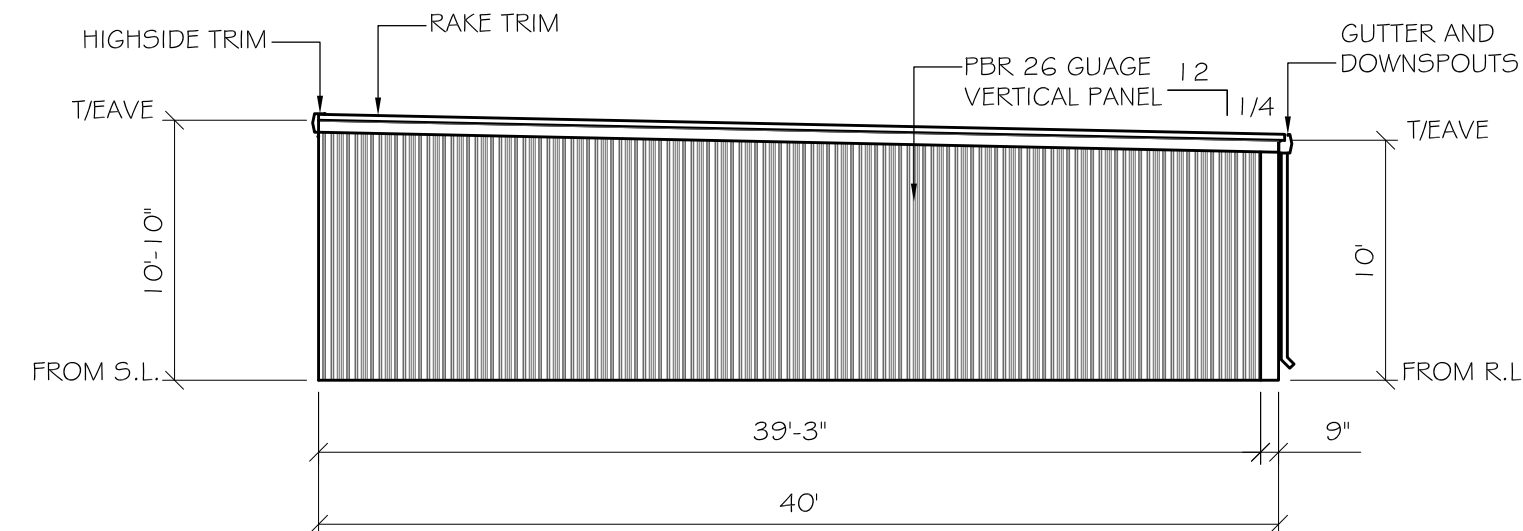
C-2



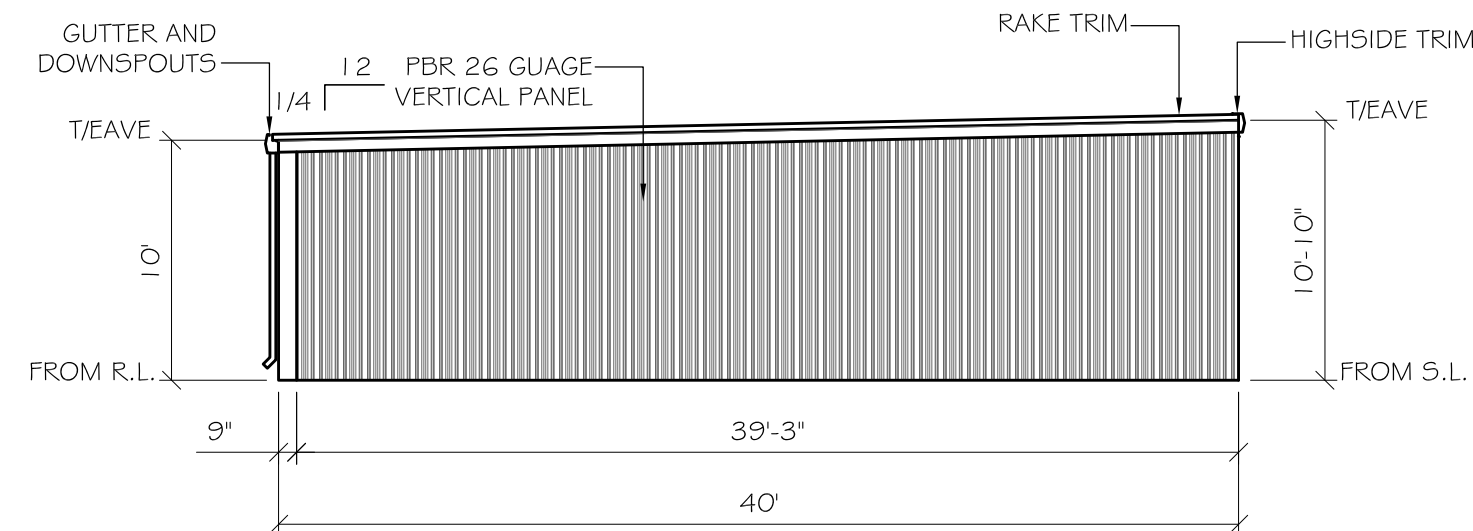
STRUC. A WEST ELEVATION
1/8" = 1'



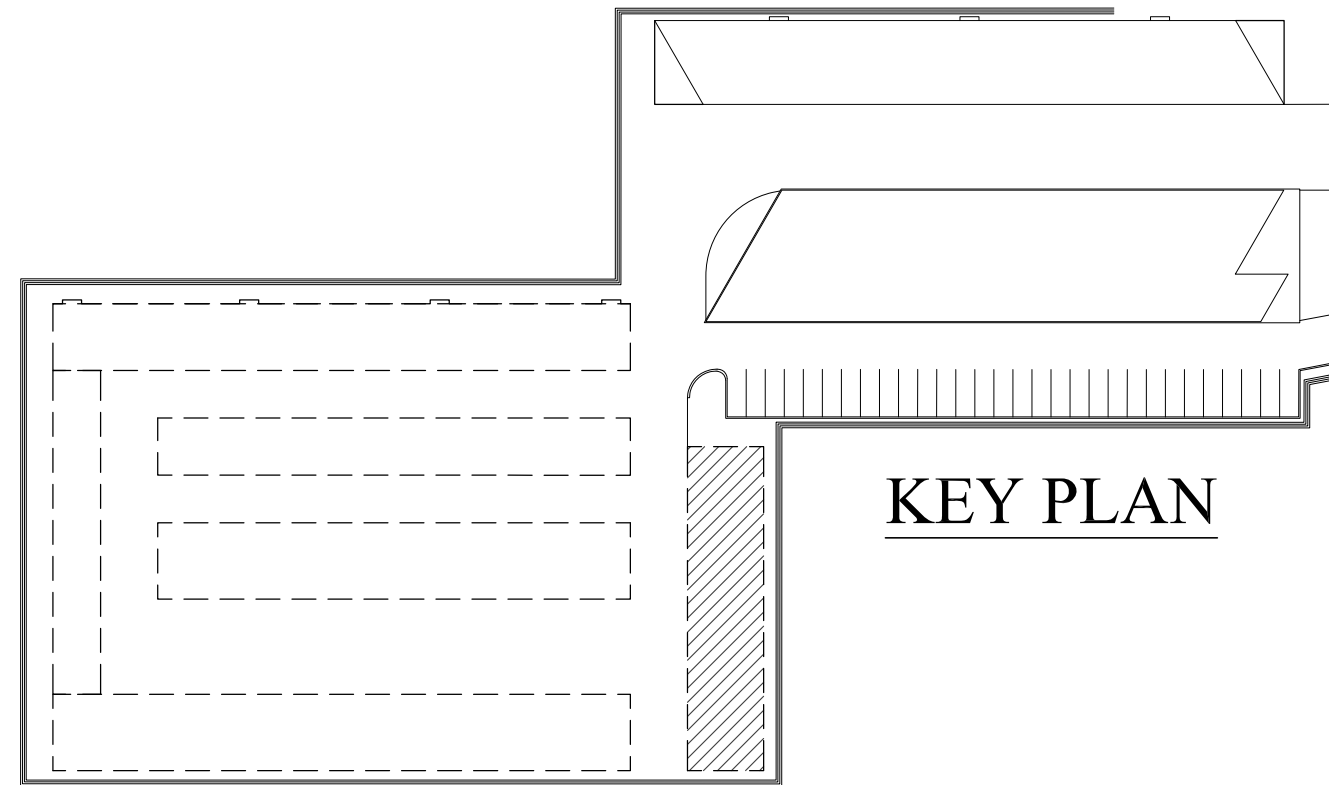
STRUC. A EAST ELEVATION
1/8" = 1'



STRUC. A NORTH ELEVATION
1/8" = 1'



STRUC. A SOUTH ELEVATION
1/8" = 1'



MARKUPS	
#1	BY: DATE:

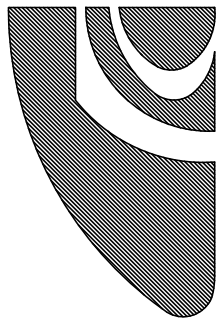
REVISIONS	
#	BY: DATE:

STRUCTURE A ELEVATIONS

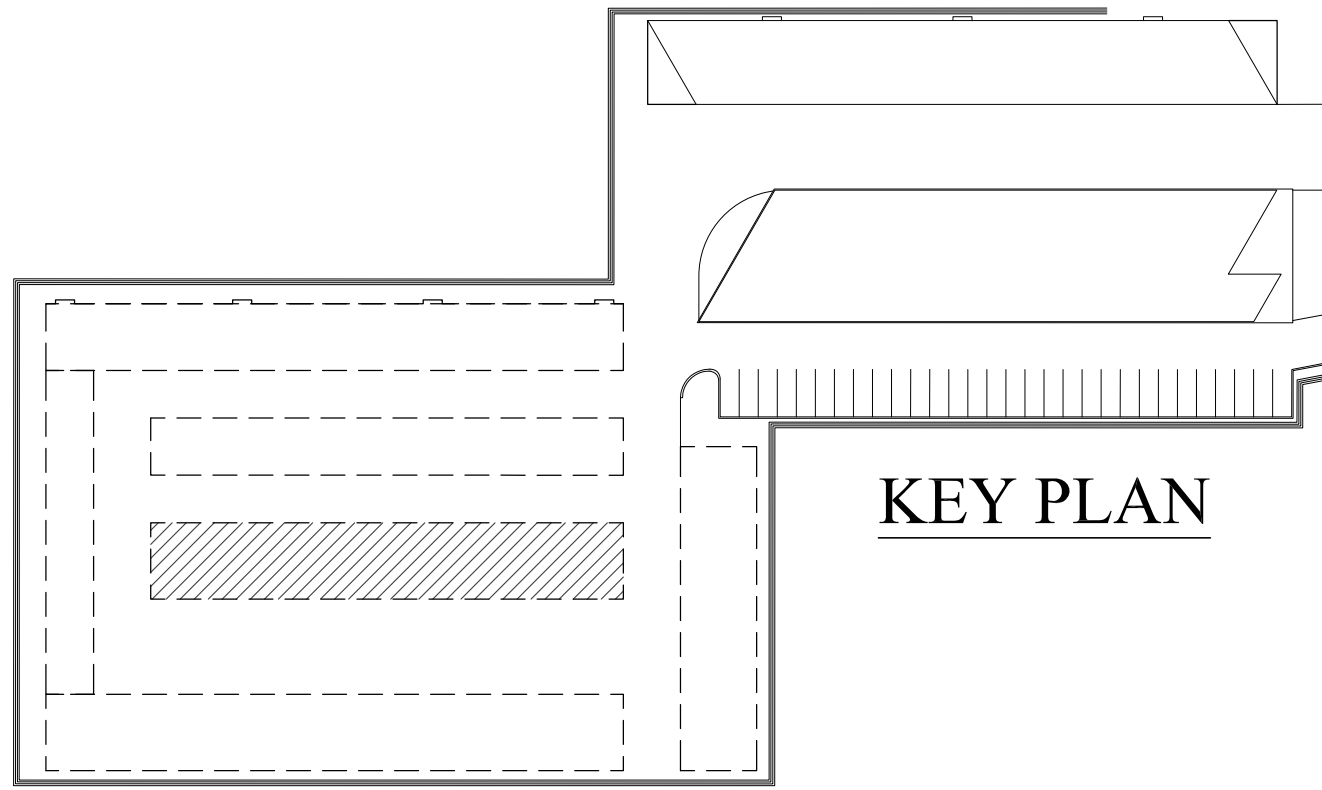
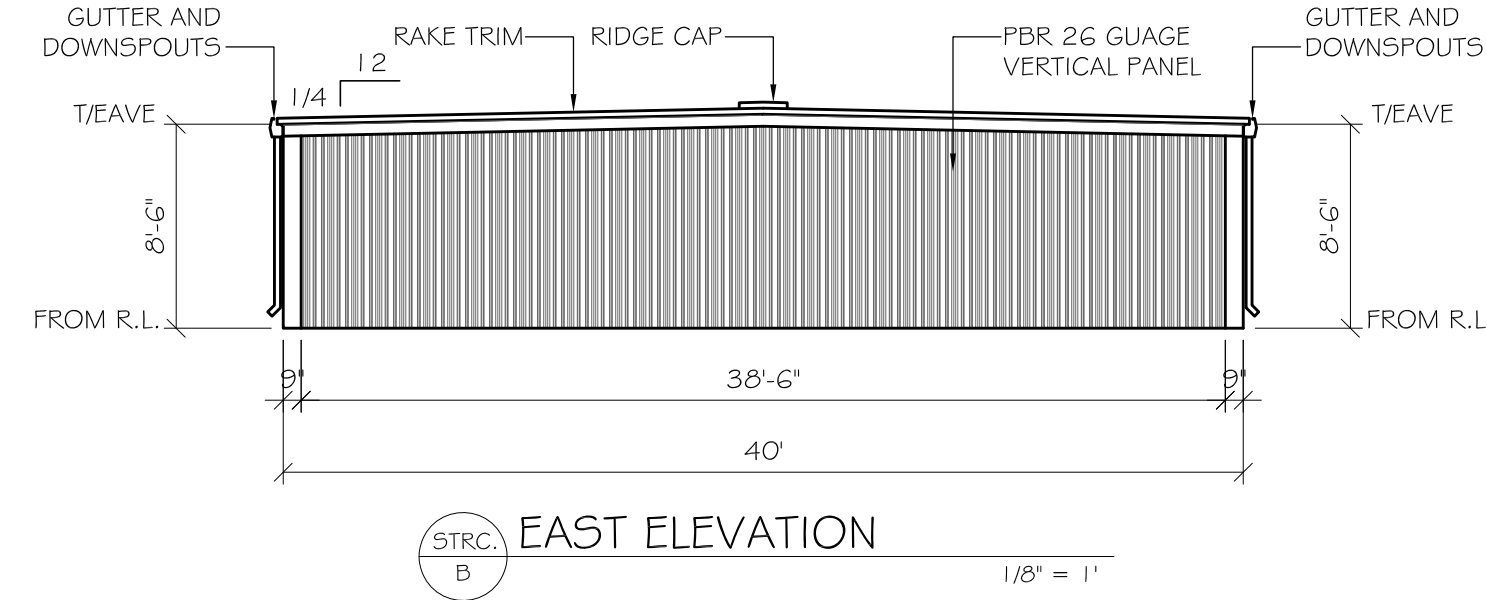
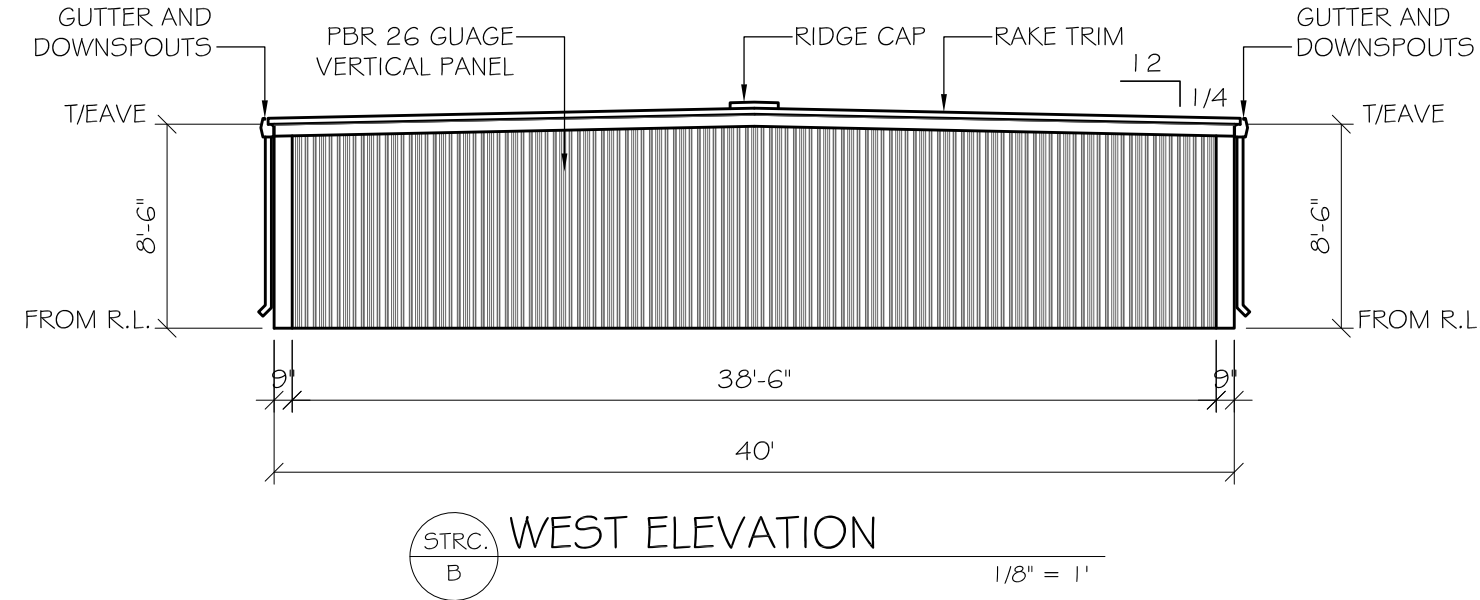
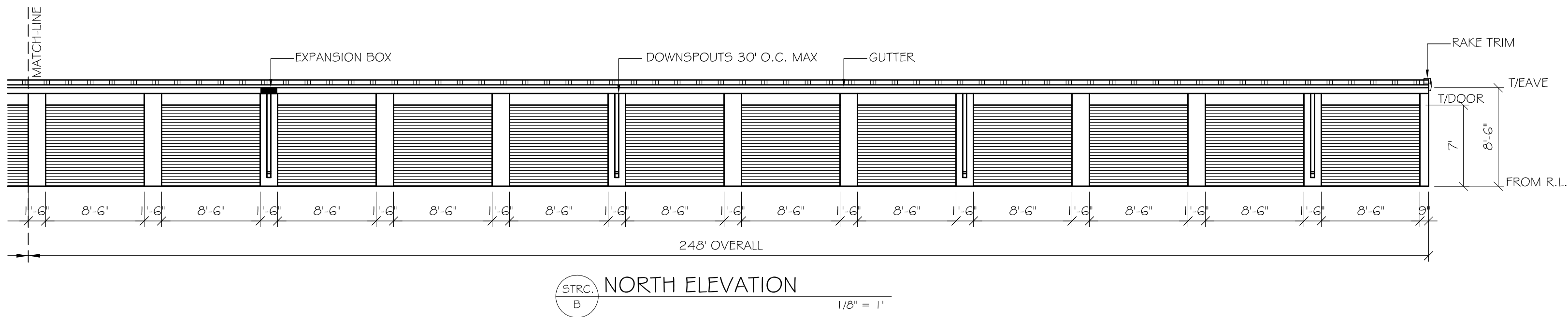
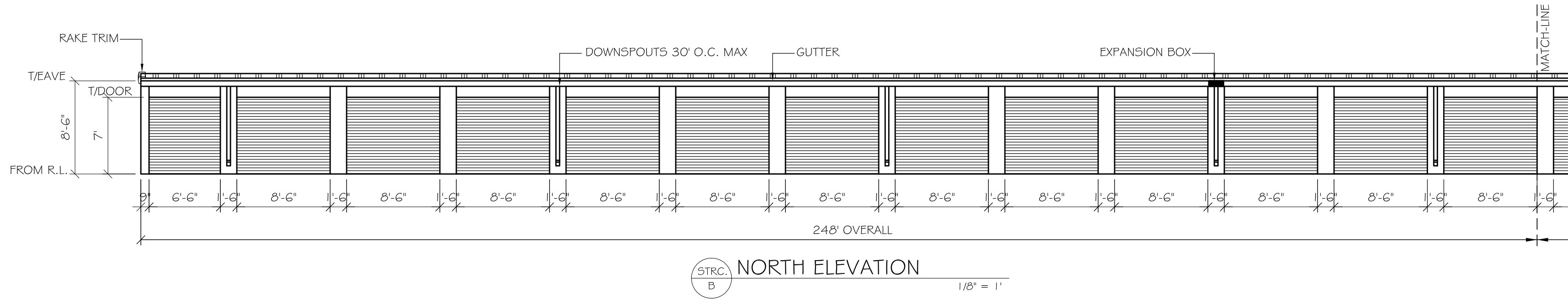
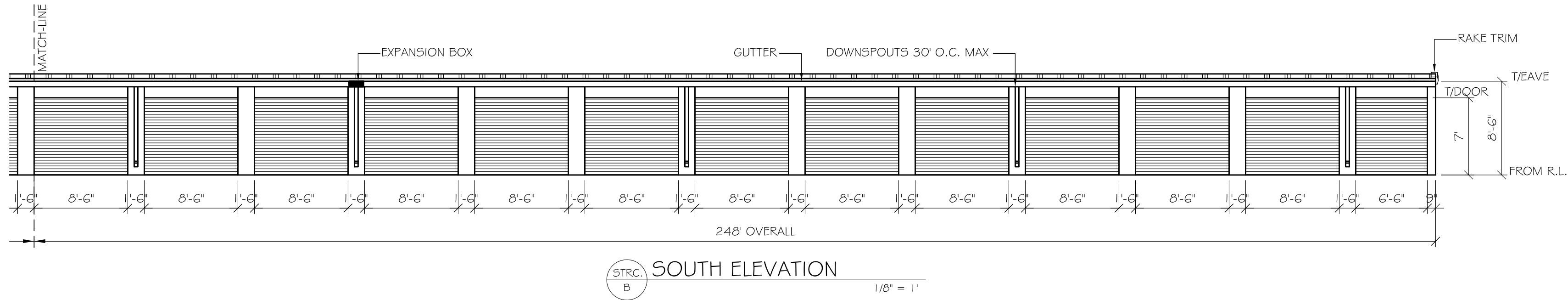
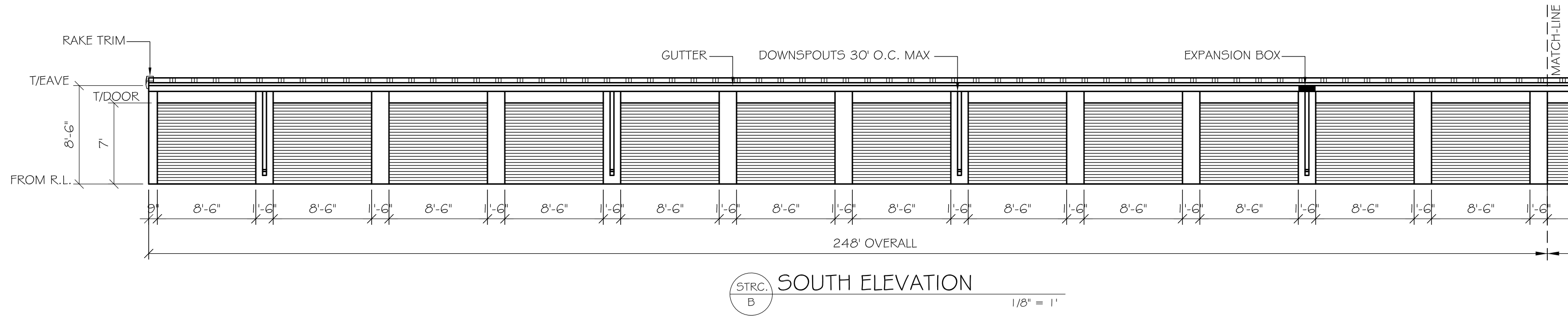
DISCOUNT STORAGE
2300 HARTWOOD MARSH RD
CLERMONT, FL 34711
LAKE COUNTY

OWNER'S SIGNATURE
FINAL APPROVED DRAWINGS
MANUFACTURING RELEASE

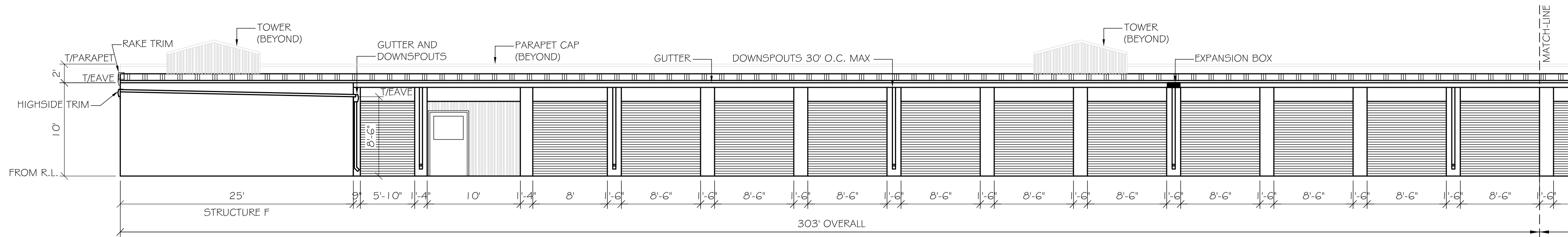
THE RABCO CORPORATION
10411 CROWN PARK CIRCLE WINTER GARDEN, FL 34787
800/999-0220 CB CO47783 Fax: 407/877-9065



DATE
02-18-21
SCALE
JOB NUMBER
PHASE III
FILE NAME
B6362.dwg
SHEET
S-1

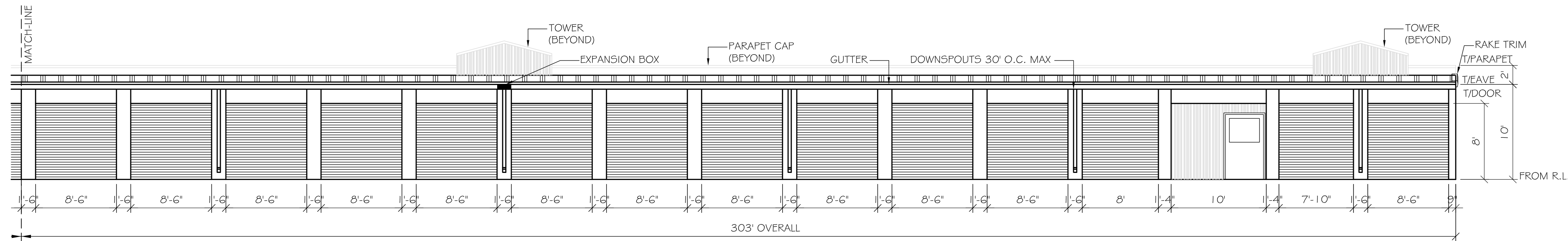


MARKUPS	BY:	DATE:
REVISIONS	BY:	DATE:
STRUCTURE B ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNERS SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET S-1-1		



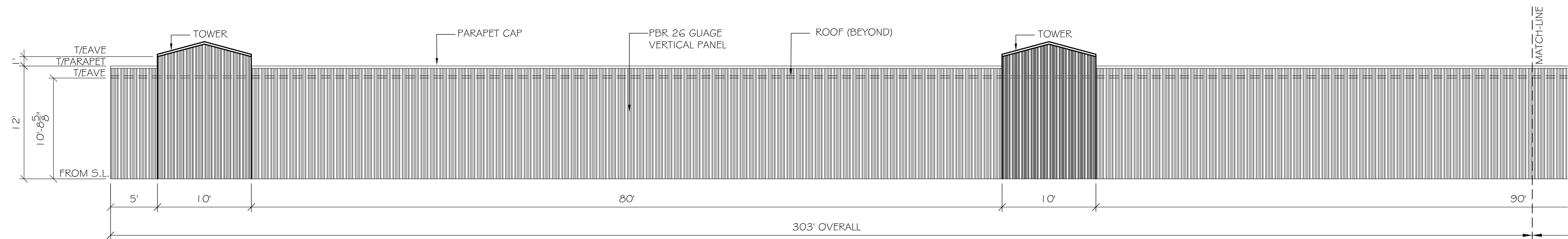
STRUC. C SOUTH ELEVATION

1/8" = 1'



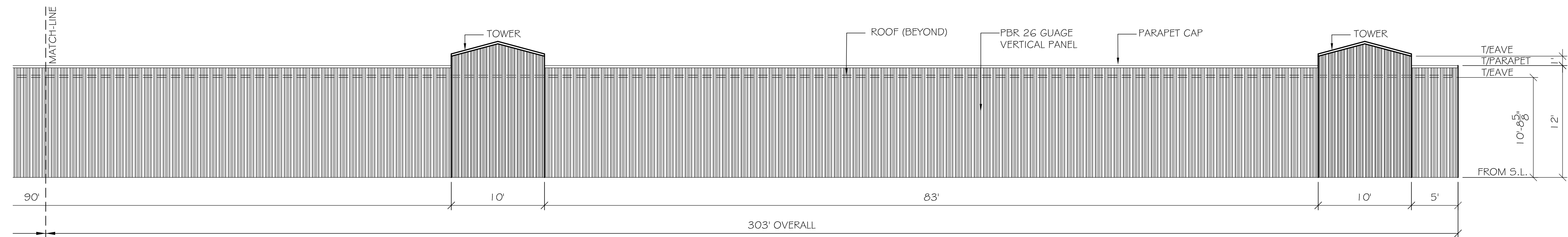
STRUC. C SOUTH ELEVATION

1/8" = 1'



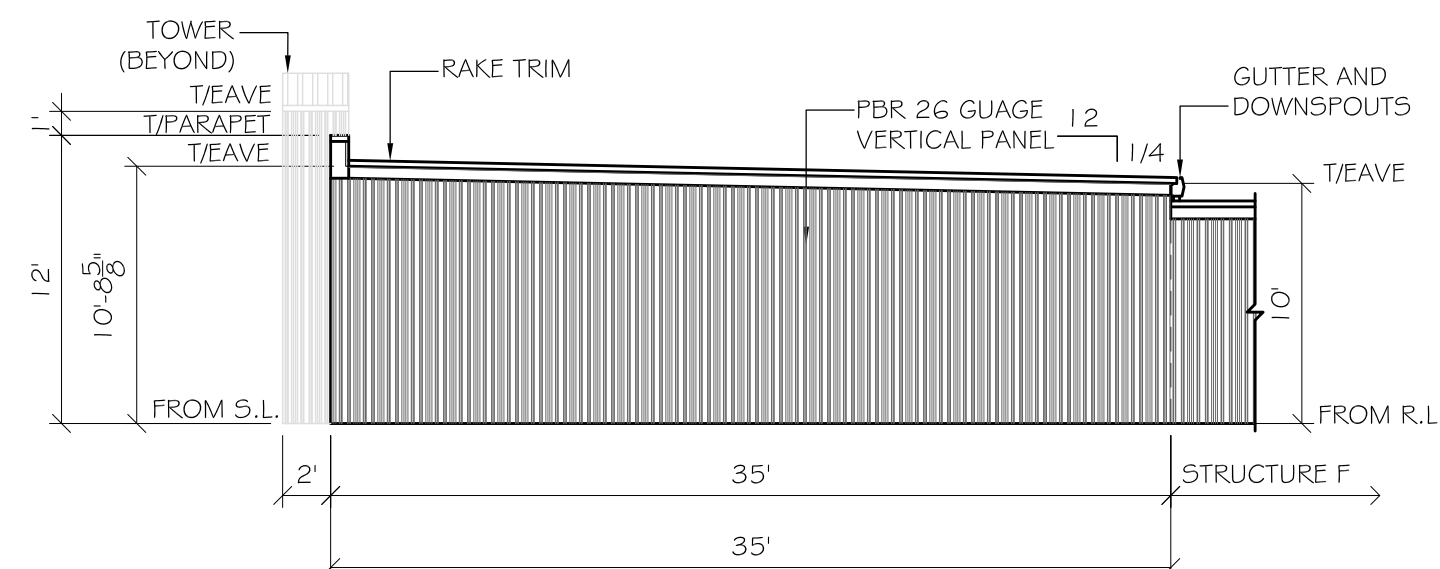
STRUC. C NORTH ELEVATION

1/8" = 1'



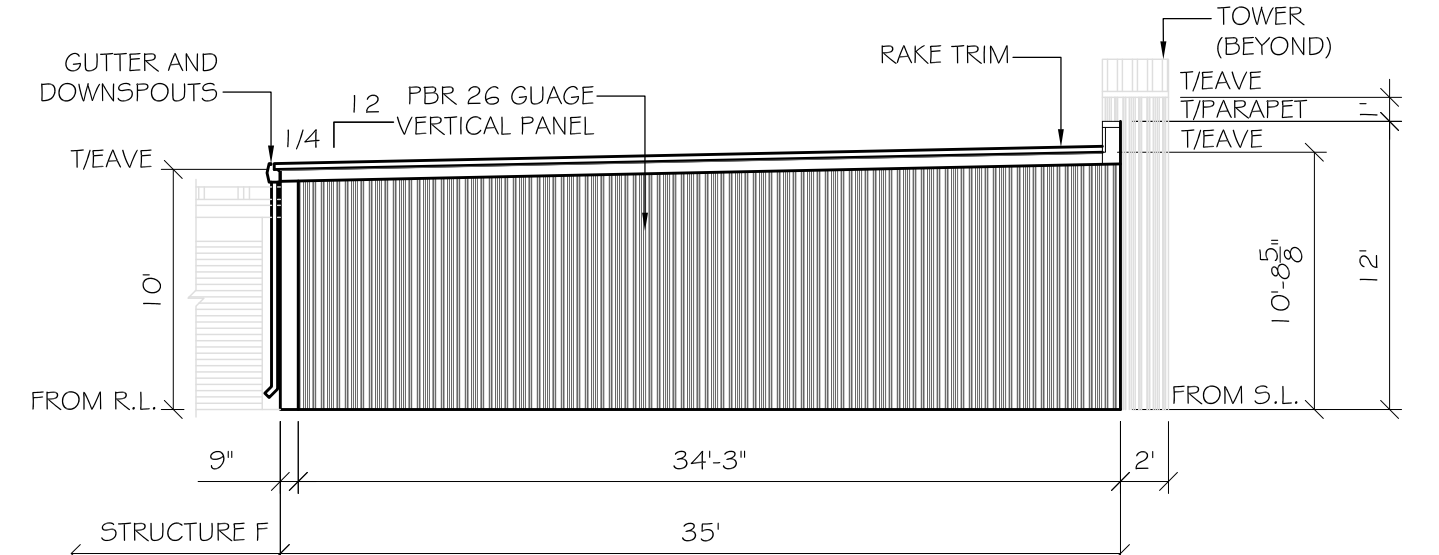
STRUC. C NORTH ELEVATION

1/8" = 1'



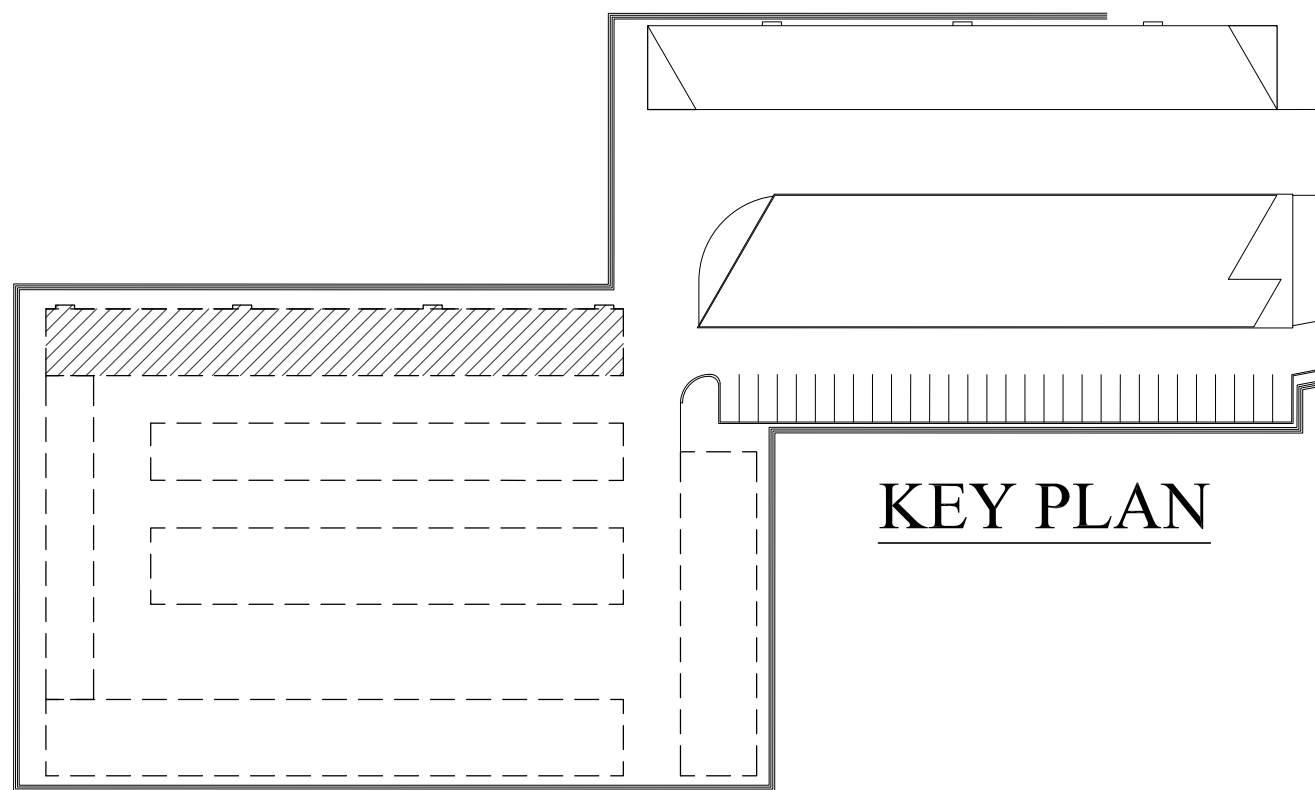
STRUC. C WEST ELEVATION

1/8" = 1'



STRUC. C EAST ELEVATION

1/8" = 1'



MARKUPS
BY: DATE:

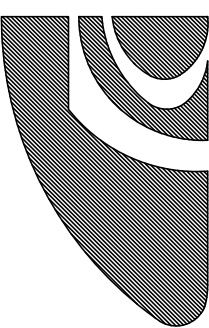
REVISIONS
BY: DATE:

STRUCTURE C
ELEVATIONS

DISCOUNT STORAGE
2300 HARTWOOD MARSH RD
CLERMONT, FL 34711
LAKE COUNTY

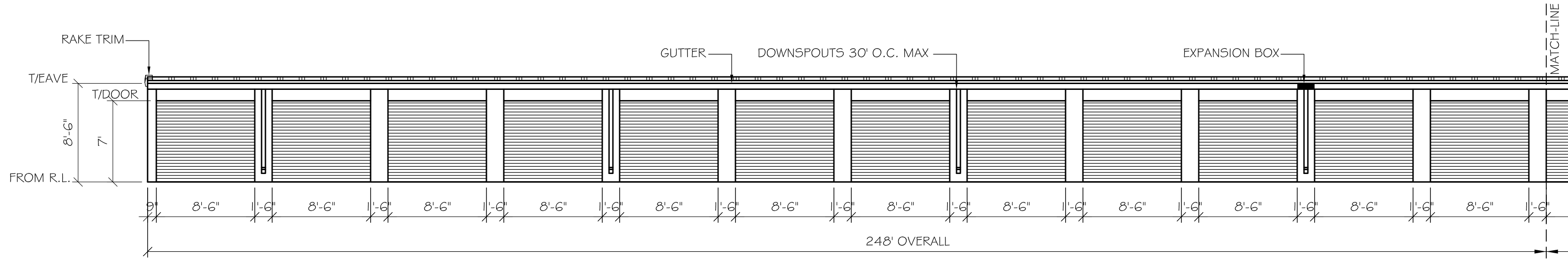
OWNER'S SIGNATURE
FINAL APPROVED DRAWINGS
MANUFACTURING RELEASE

THE RABCO CORPORATION
1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787
800/999-0220 CB CO47783 Fax: 407/877-9065

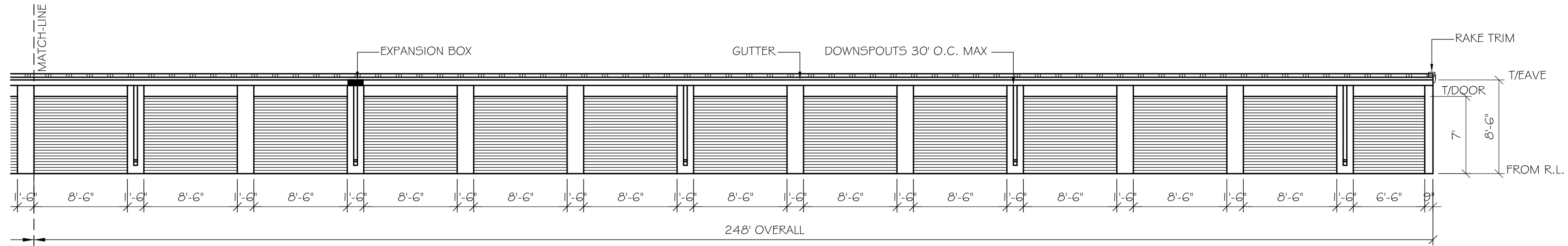


DATE
02-18-21
SCALE
JOB NUMBER
PHASE III
FILE NAME
Bg362.dwg
SHEET

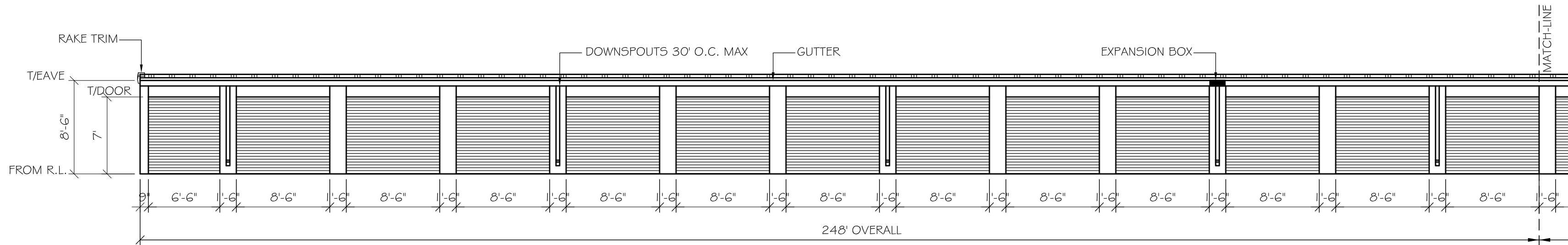
S-1-2



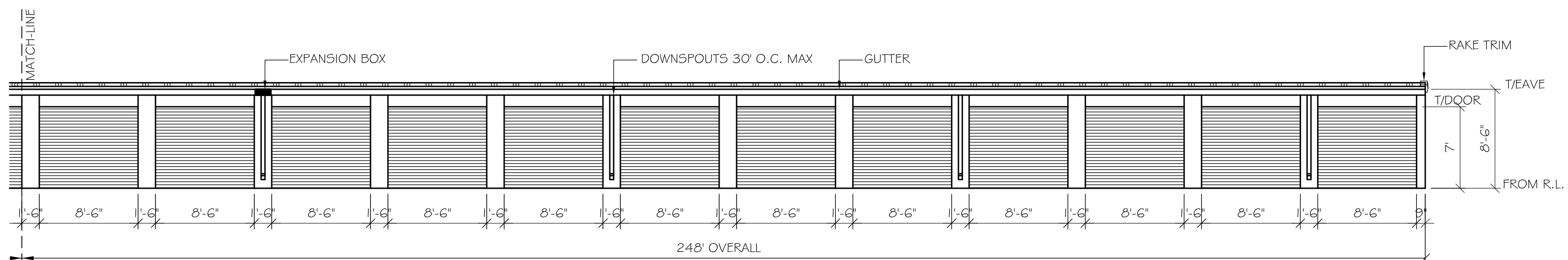
STRUC. D SOUTH ELEVATION
1/8" = 1'



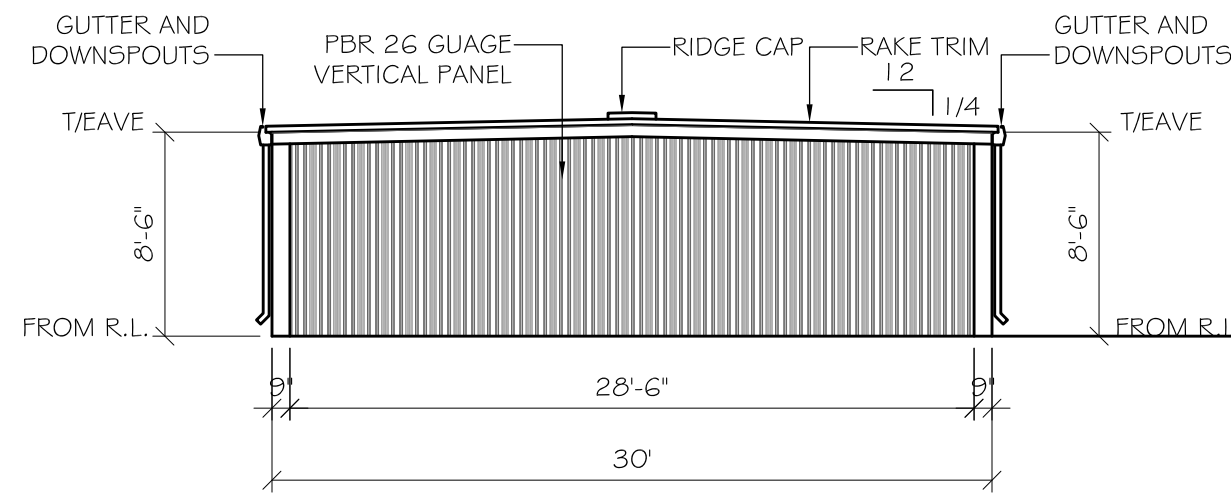
STRUC. D SOUTH ELEVATION
1/8" = 1'



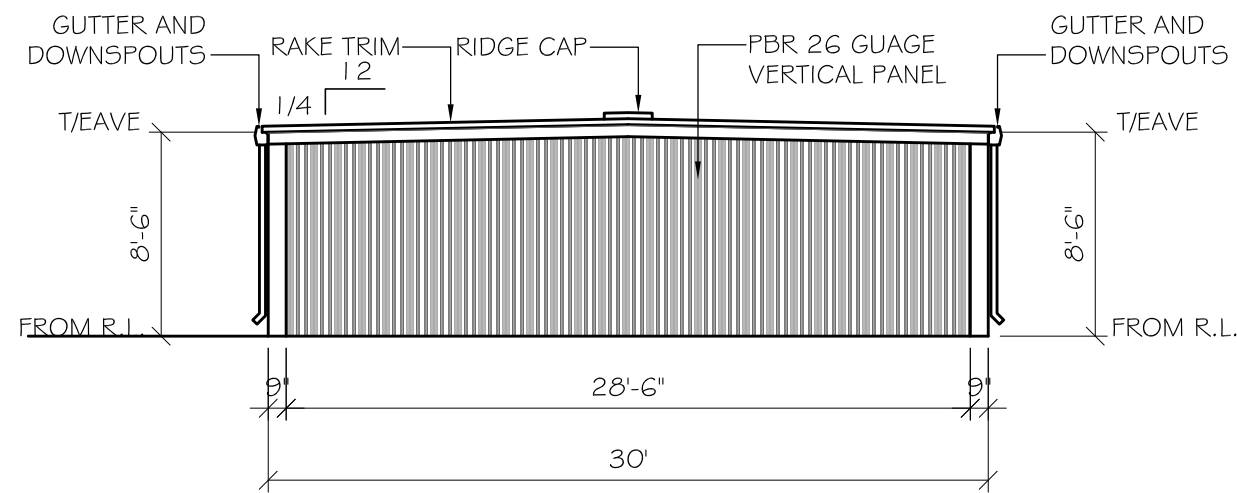
STRUC. D NORTH ELEVATION
1/8" = 1'



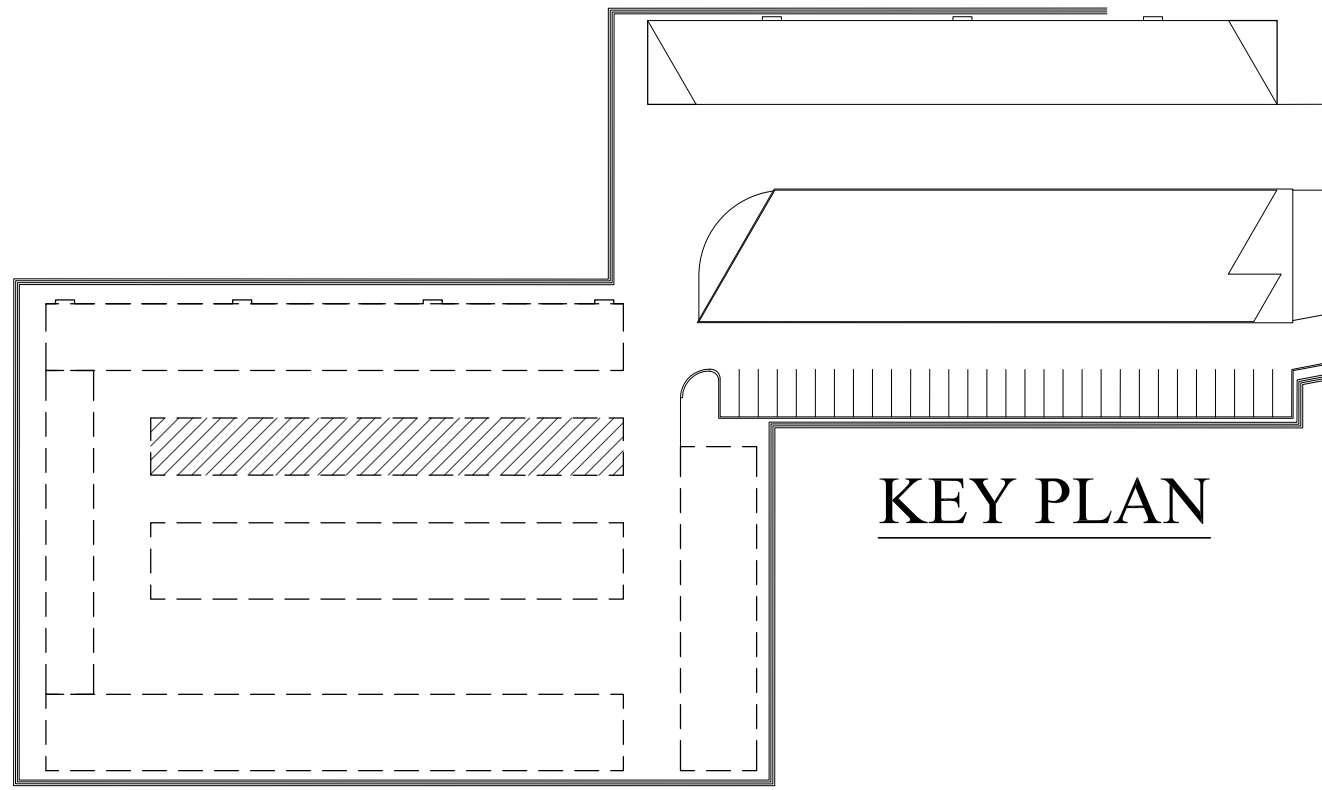
STRUC. D NORTH ELEVATION
1/8" = 1'



STRUC. D WEST ELEVATION
1/8" = 1'

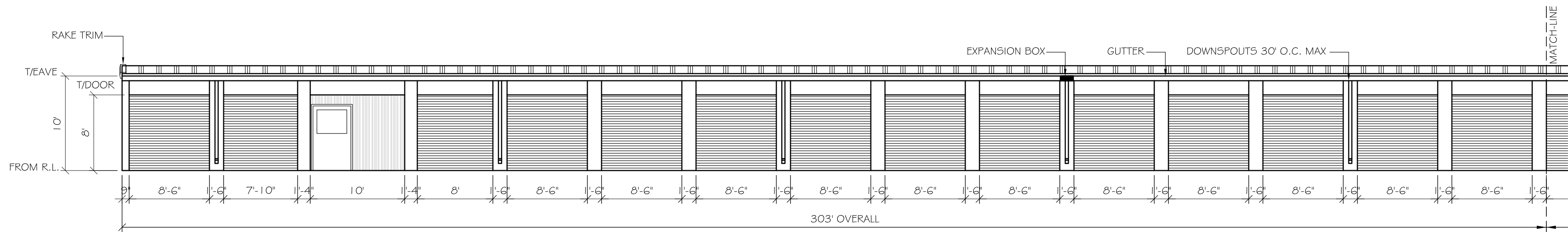


STRUC. D EAST ELEVATION
1/8" = 1'

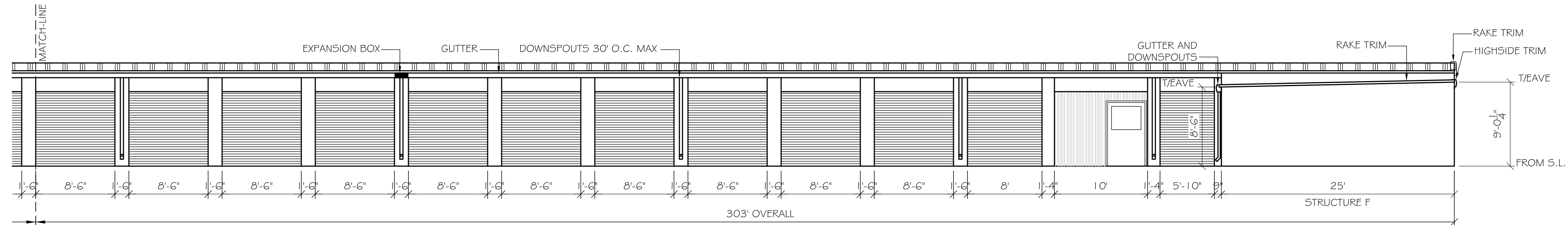


KEY PLAN

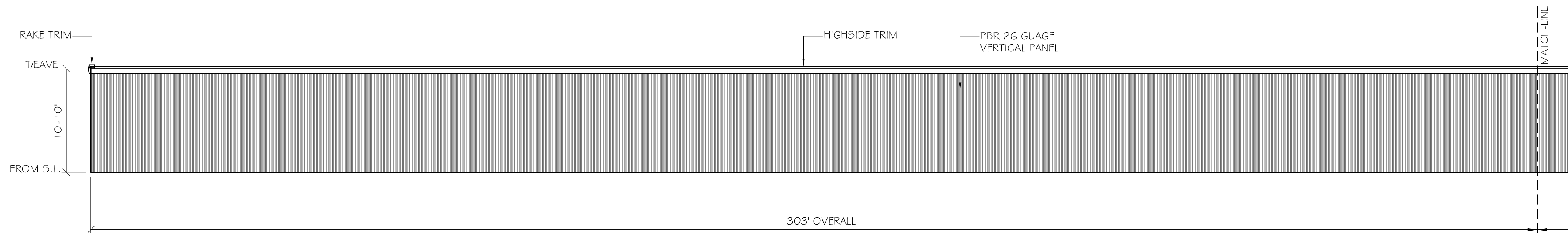
MARKUPS	BY:	DATE:
REVISIONS	BY:	DATE:
STRUCTURE D ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET		
S-1-3		



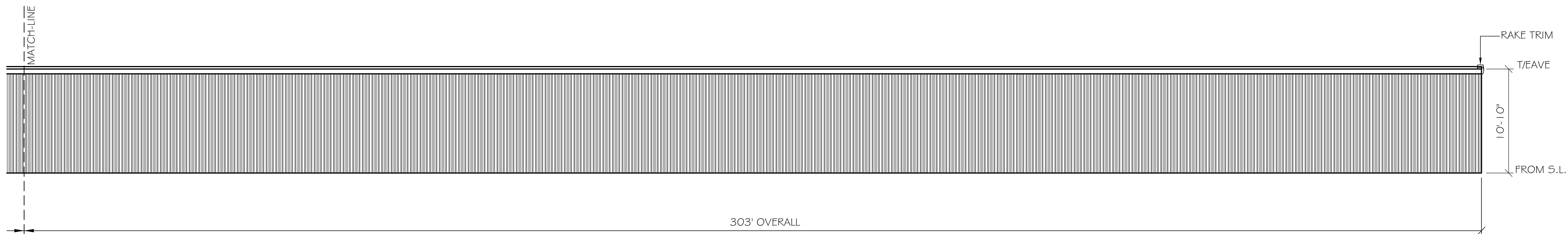
STRUC. E
SOUTH ELEVATION
1/8" = 1'



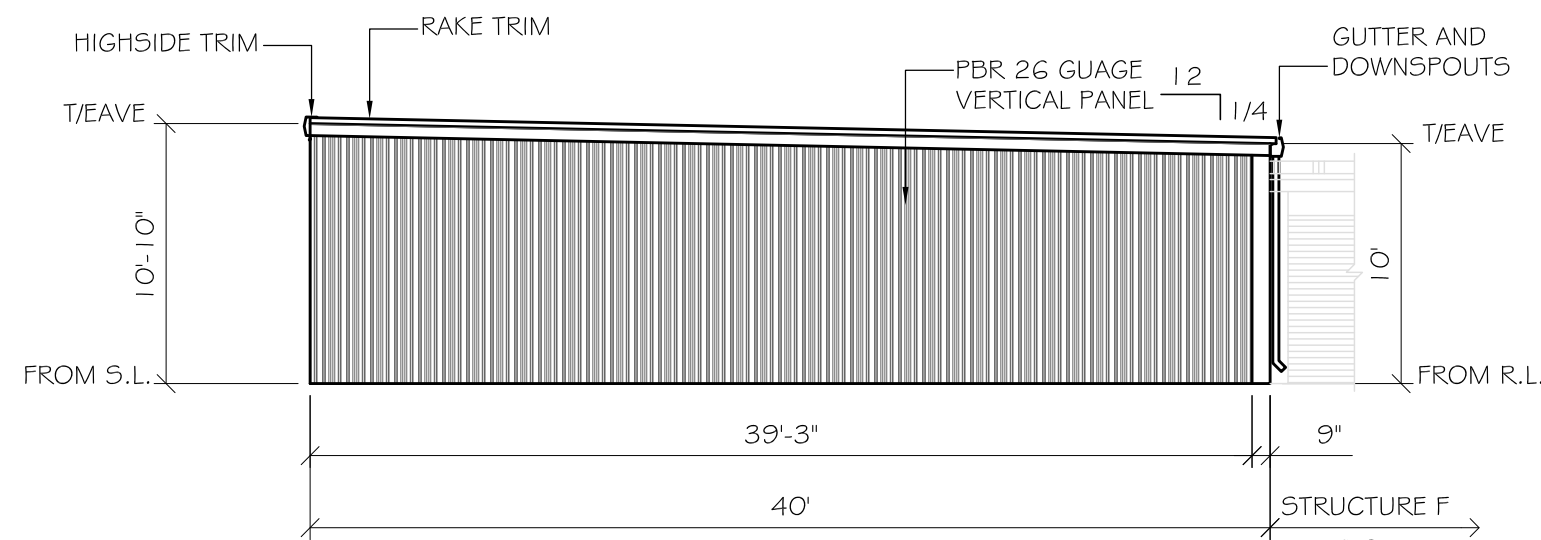
STRUC. F
SOUTH ELEVATION
1/8" = 1'



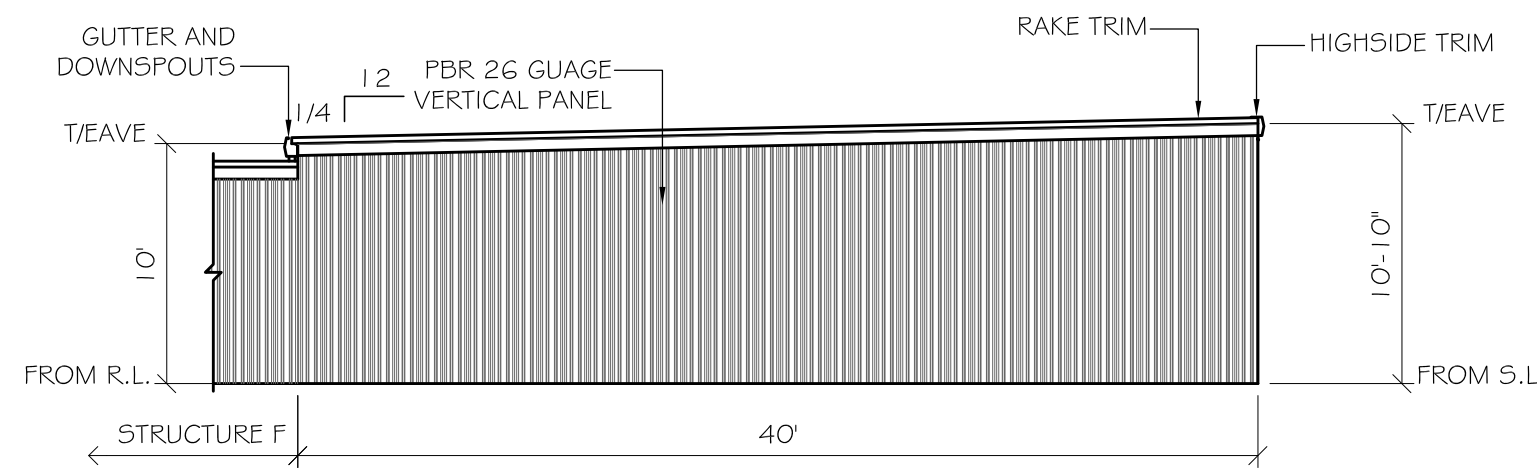
STRUC. E
SOUTH ELEVATION
1/8" = 1'



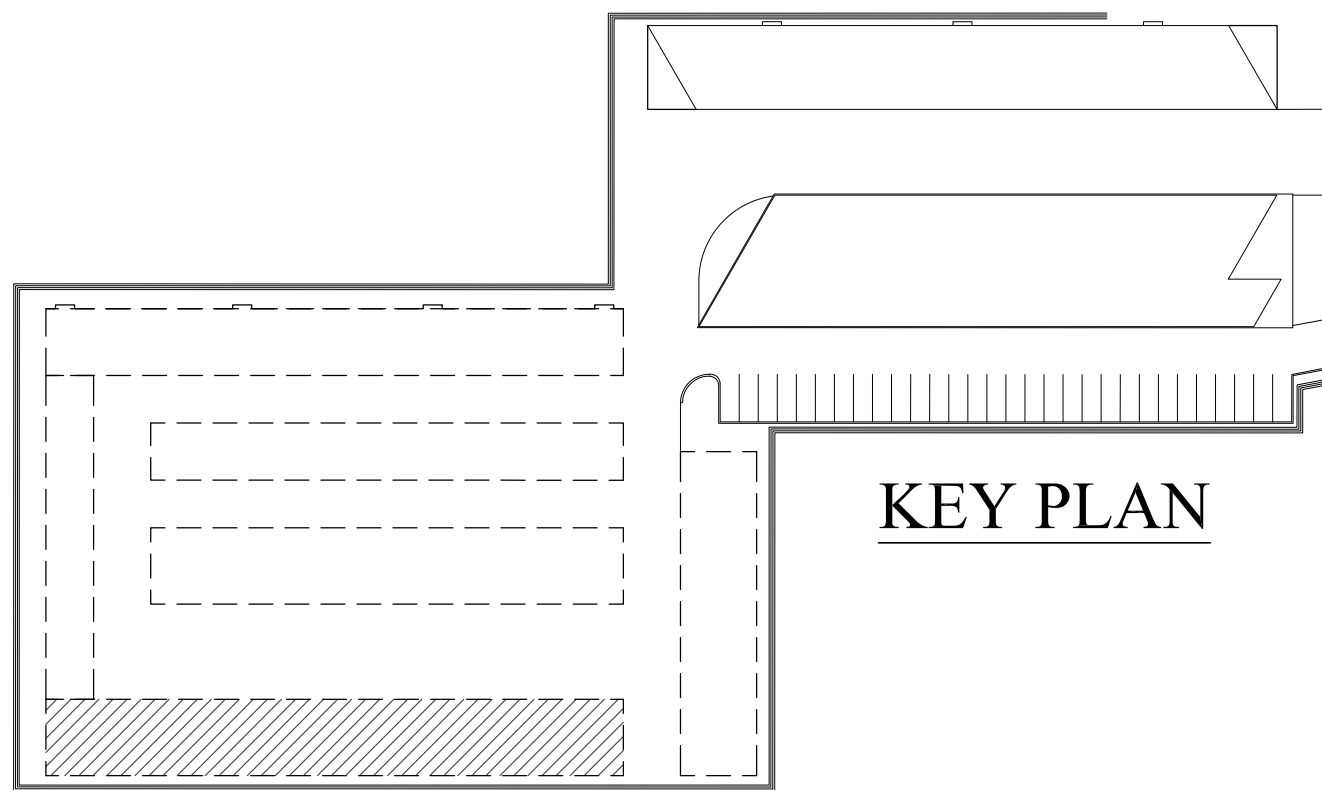
STRUC. F
SOUTH ELEVATION
1/8" = 1'



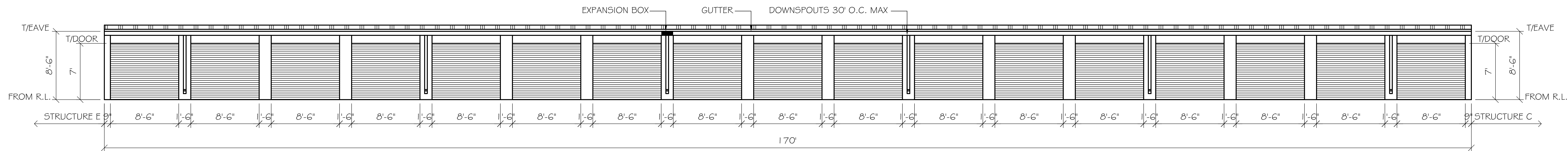
STRUC. A
EAST ELEVATION
1/8" = 1'



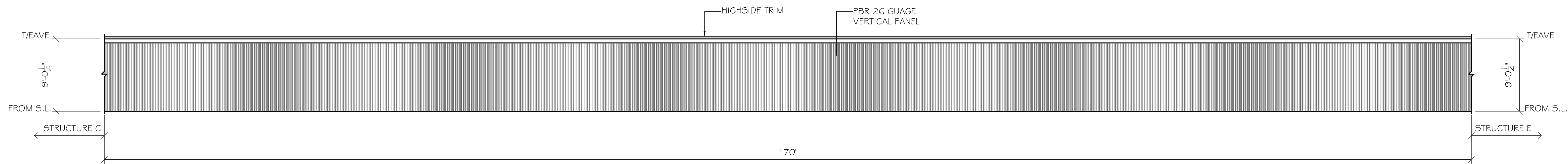
STRUC. A
WEST ELEVATION
1/8" = 1'



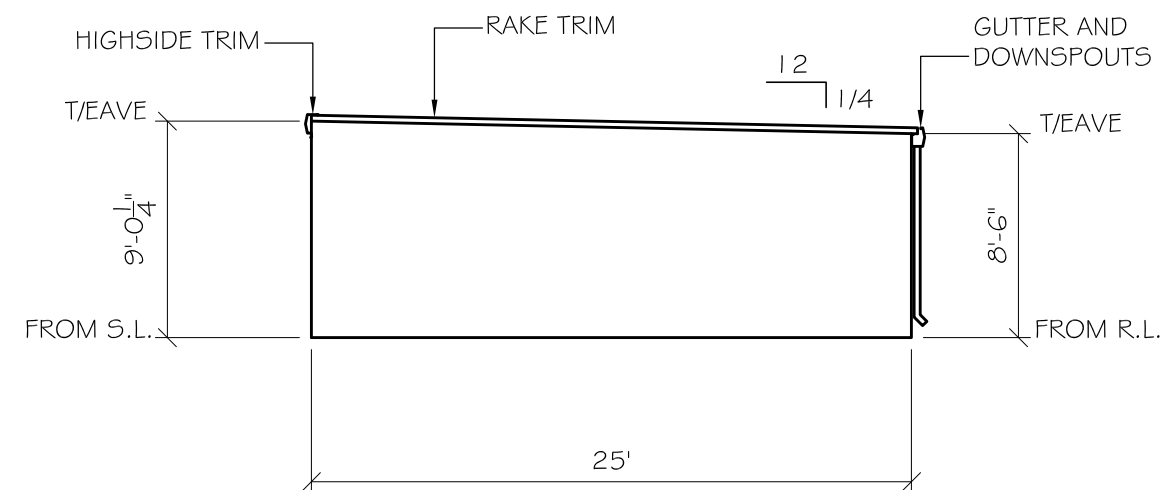
MARKUPS		
#1	BY:	DATE:
REVISIONS		
Δ	BY:	DATE:
STRUCTURE E ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET		
S-1-4		



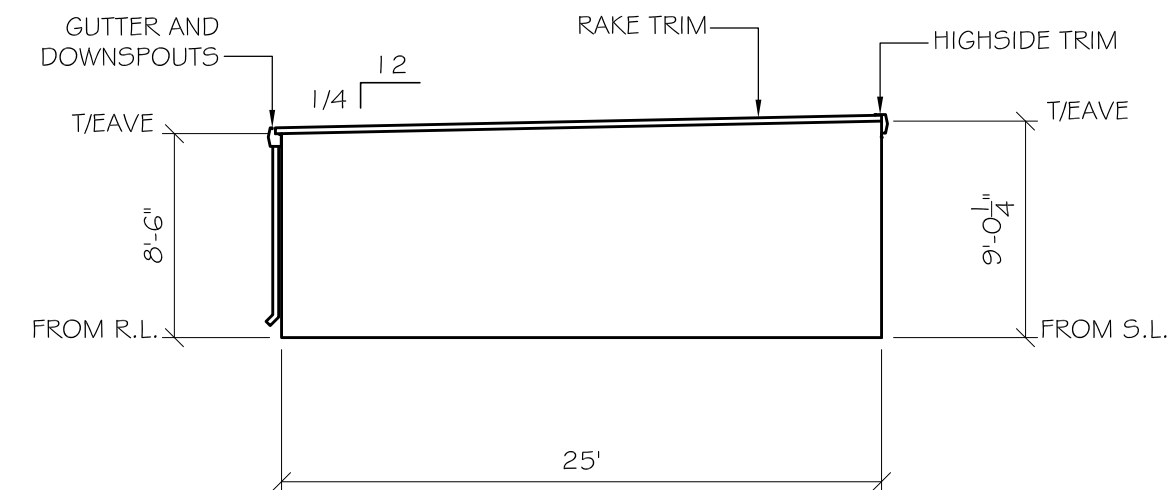
STRUC. F EAST ELEVATION
1/8" = 1'



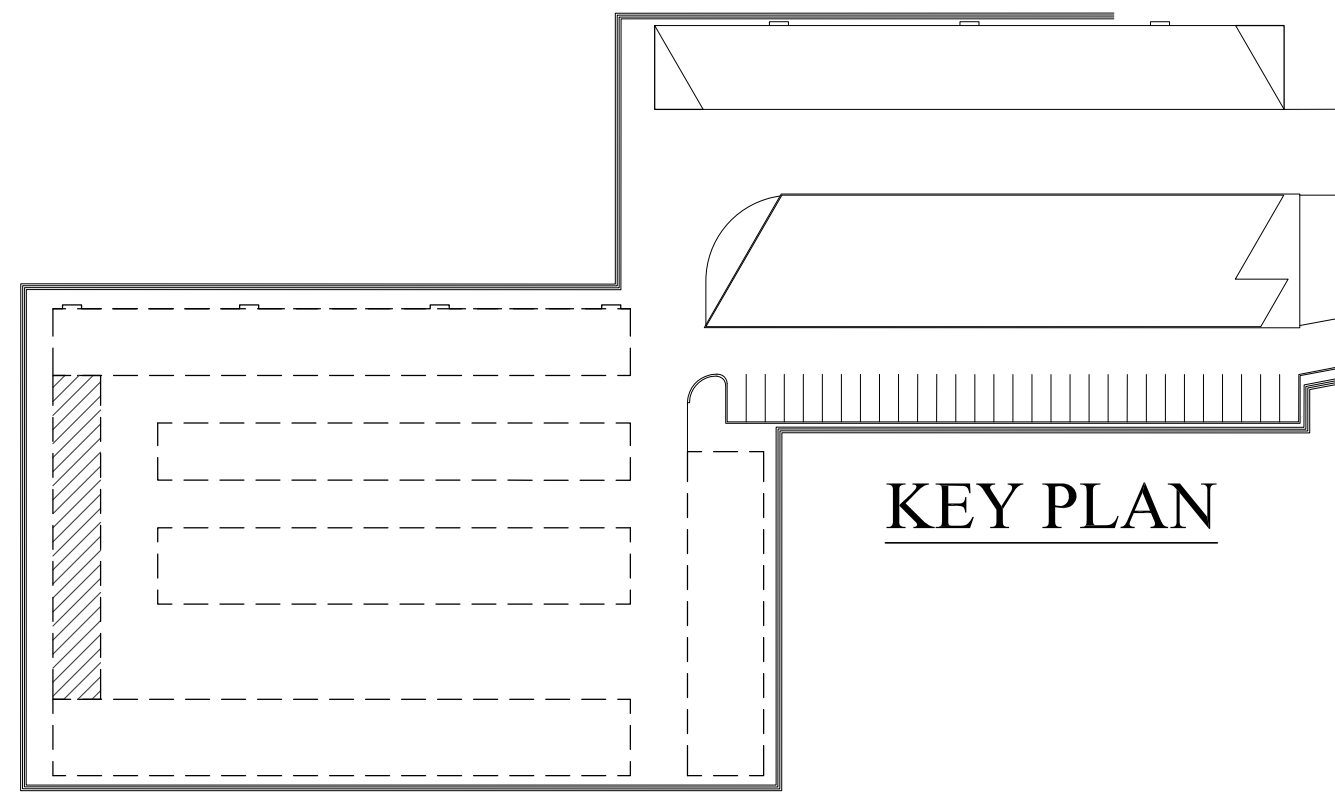
STRUC. F WEST ELEVATION
1/8" = 1'



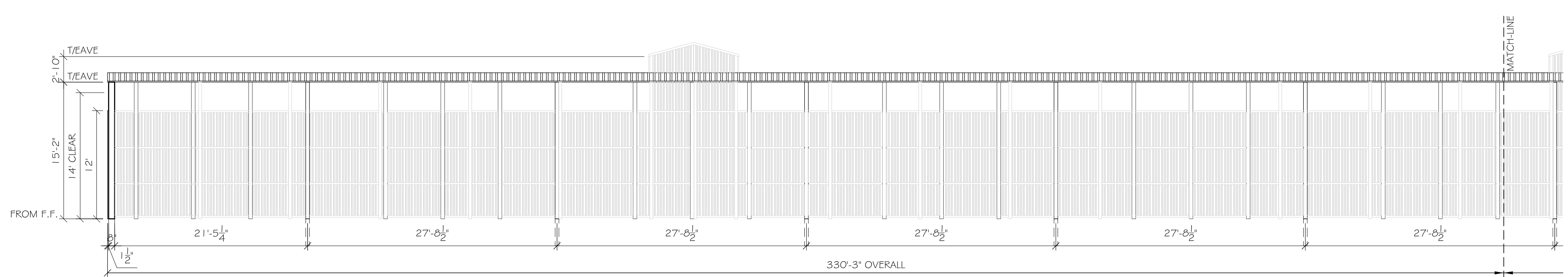
STRUC. F SOUTH ELEVATION
1/8" = 1'



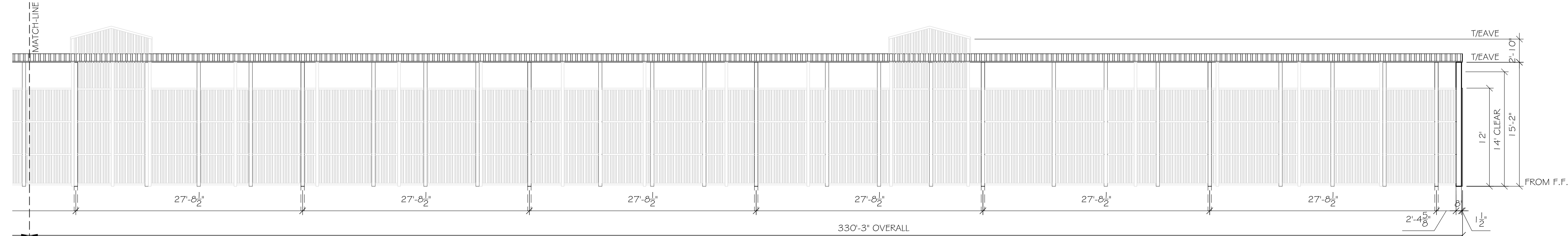
STRUC. F NORTH ELEVATION
1/8" = 1'



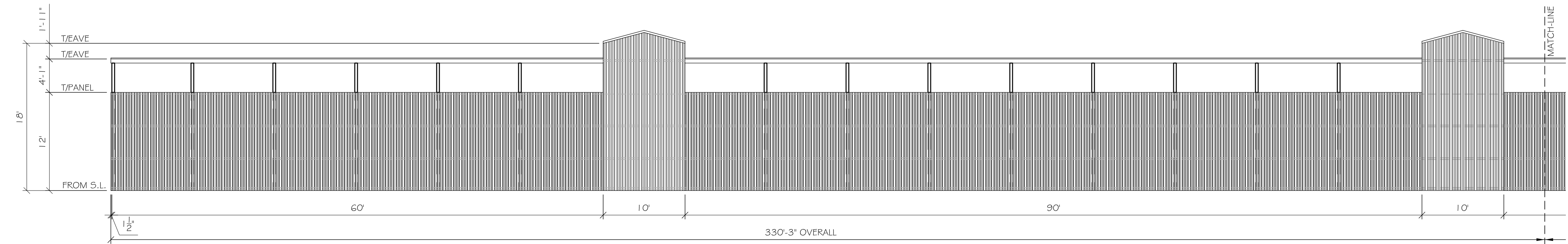
MARKUPS		
#1	BY:	DATE:
REVISIONS		
Δ	BY:	DATE:
STRUCTURE F ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		
THE RABCO CORPORATION 1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787 800/999-0220 CB CO47783 Fax: 407/877-9065		
DATE 02-18-21		
SCALE		
JOB NUMBER PHASE III		
FILE NAME B6362.dwg		
SHEET S-1-5		



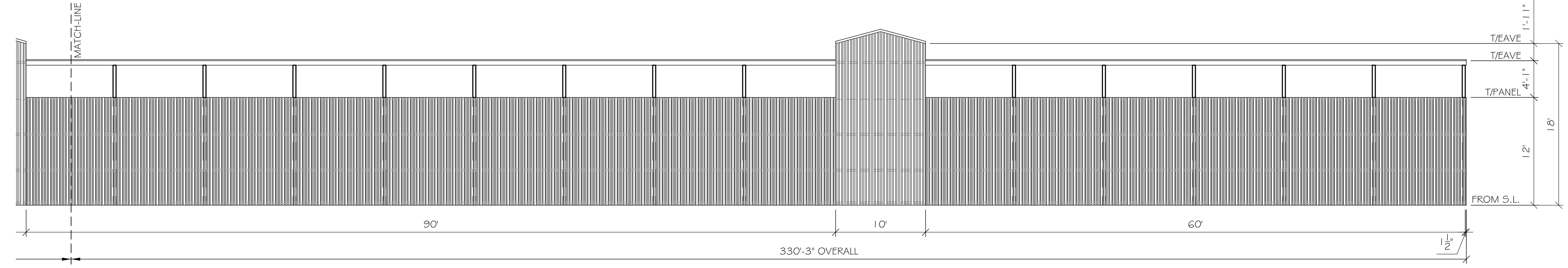
SOUTH CANOPY ELEVATION
1/8" = 1'



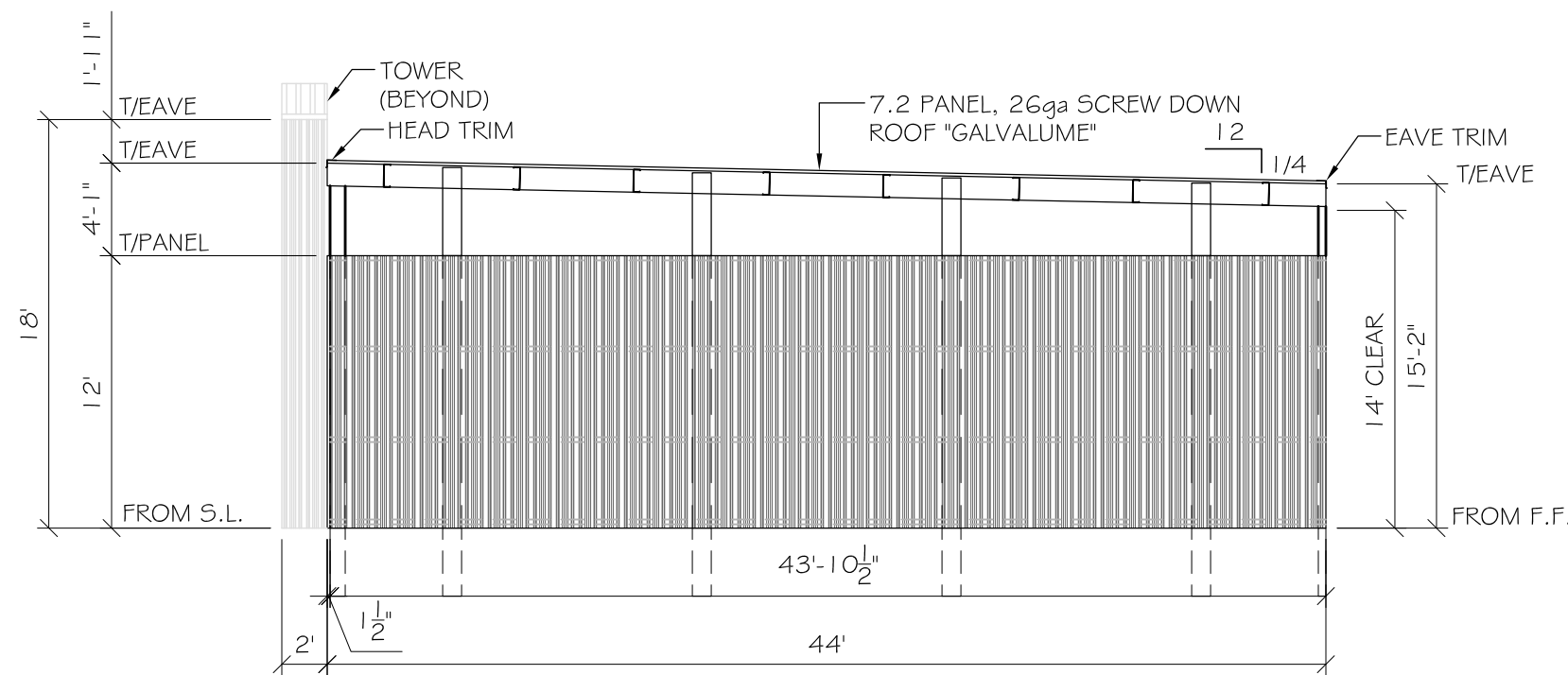
SOUTH CANOPY ELEVATION
1/8" = 1'



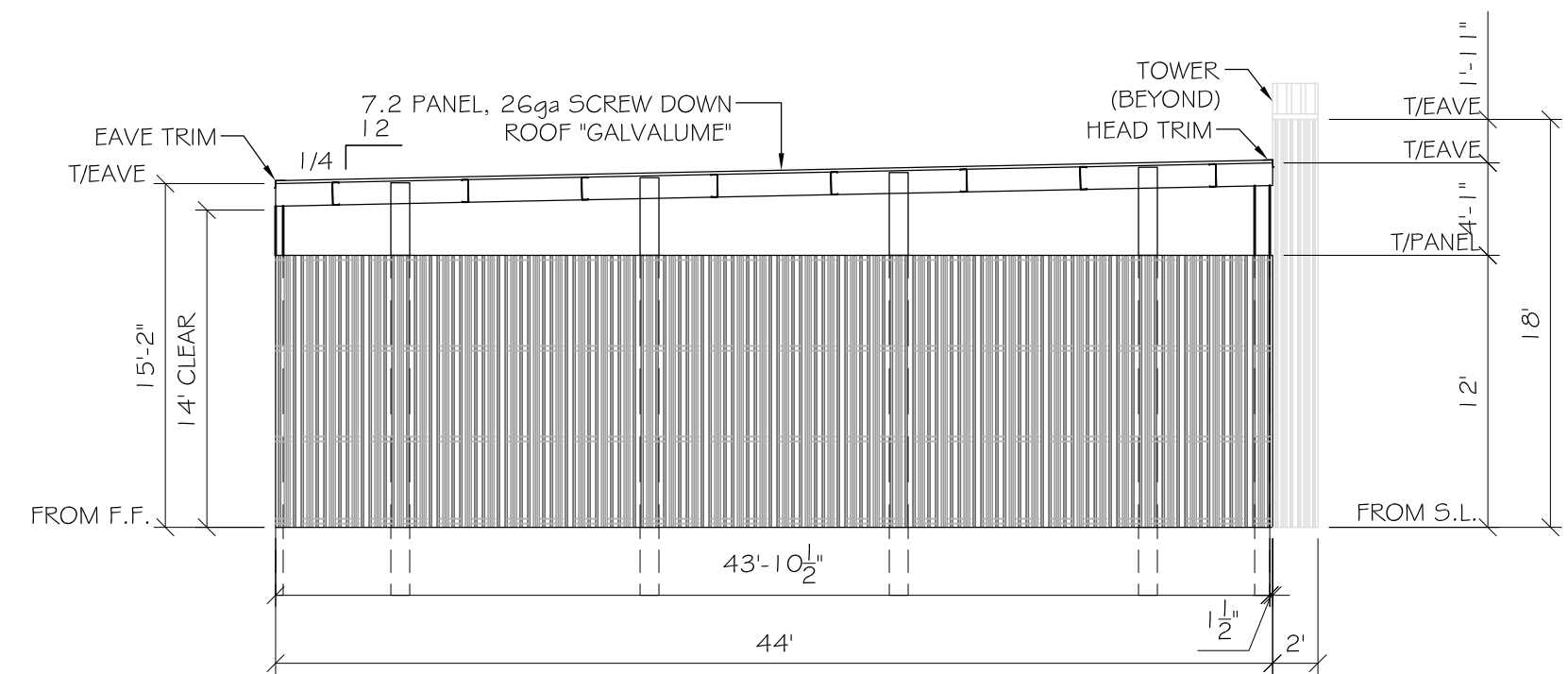
NORTH CANOPY ELEVATION
1/8" = 1'



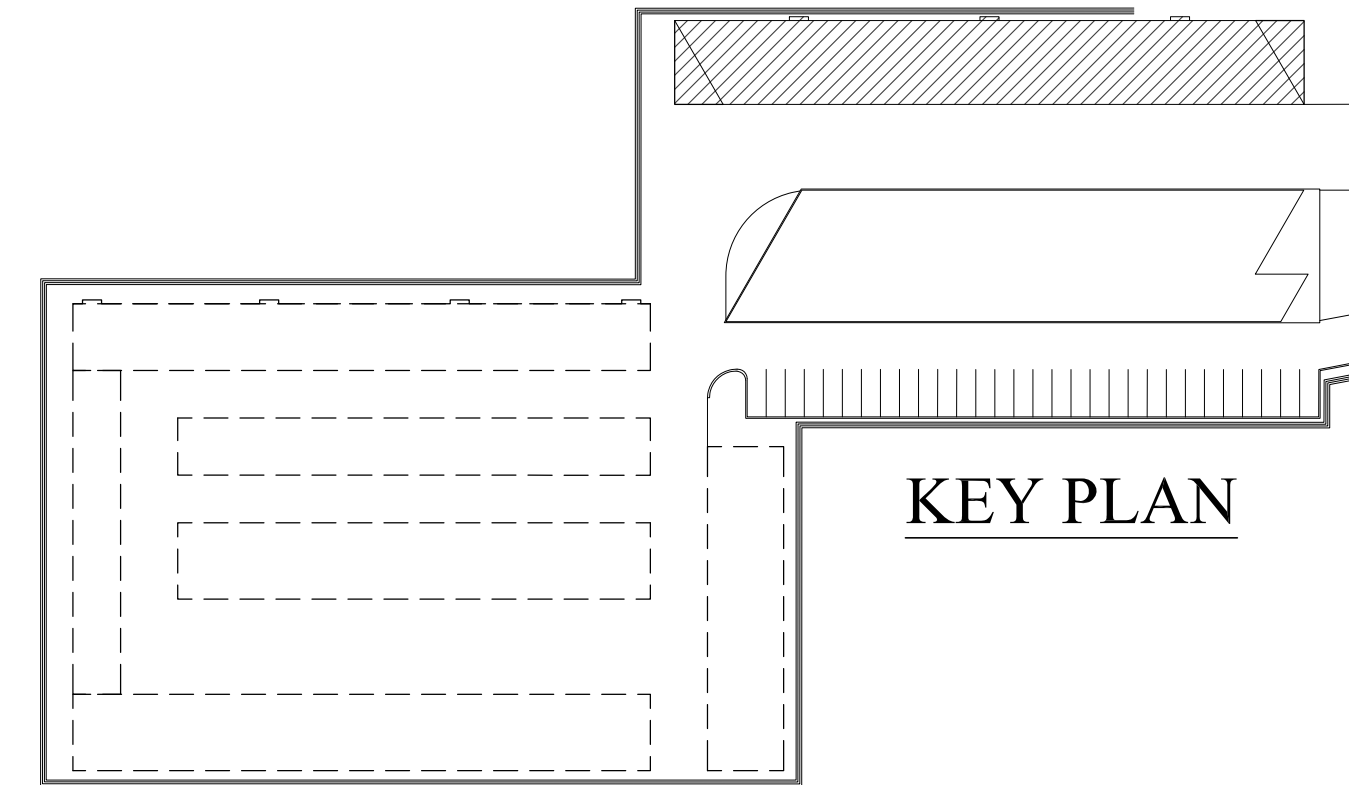
NORTH CANOPY ELEVATION
1/8" = 1'



WEST CANOPY ELEVATION
1/8" = 1'



EAST CANOPY ELEVATION
1/8" = 1'



KEY PLAN

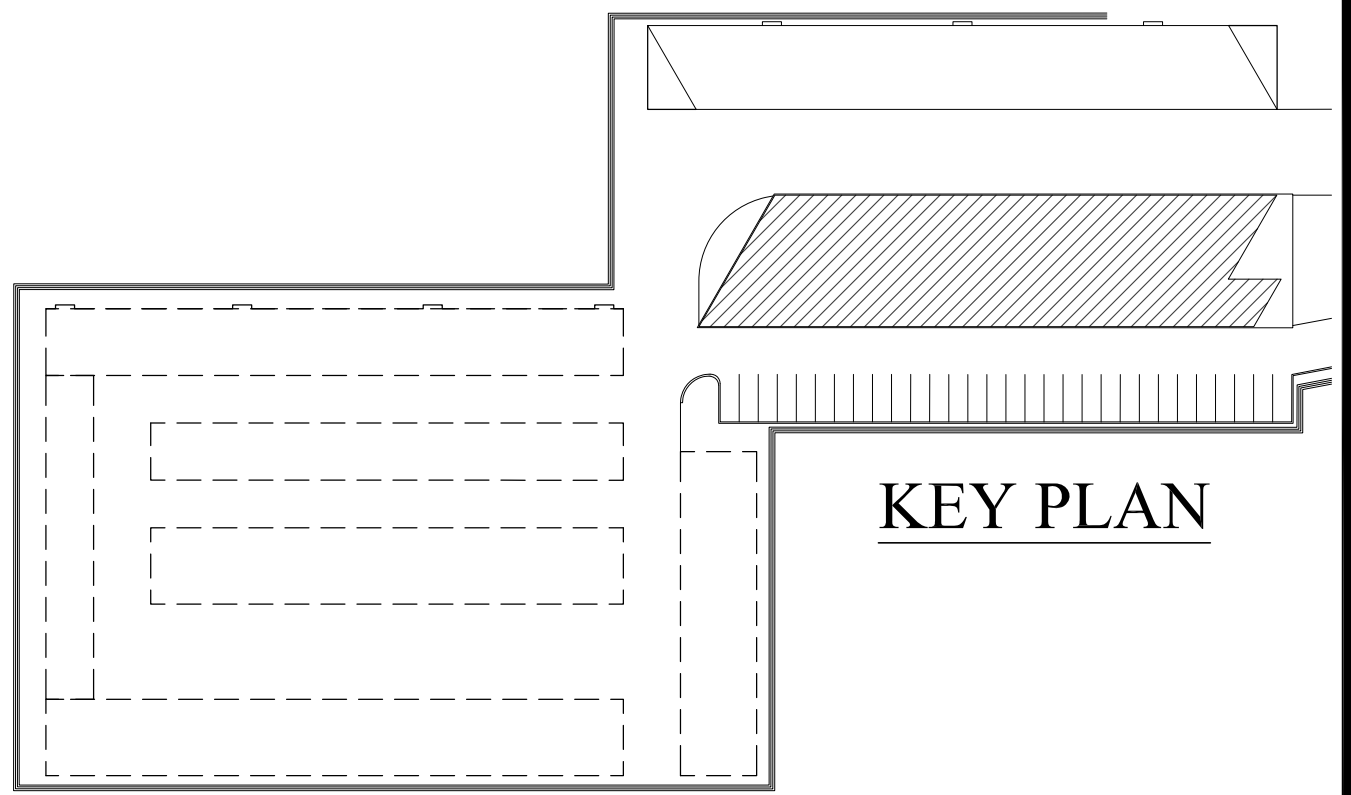
MARKUPS		
#1	BY:	DATE:
REVISIONS		
Δ	BY:	DATE:
CANOPY CPS C ELEVATIONS		
DISCOUNT STORAGE 2300 HARTWOOD MARSH RD CLERMONT, FL 34711 LAKE COUNTY		
OWNER'S SIGNATURE FINAL APPROVED DRAWINGS MANUFACTURING RELEASE		

THE RABCO CORPORATION
1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787
800/999-0220 CB CO47783 Fax: 407/877-9065

--

--

DATE 02-18-21
SCALE
JOB NUMBER PHASE III
FILE NAME B6362.dwg
SHEET



MARKUPS		
#	BY:	DATE:

REVISIONS		
Δ	BY:	DATE:

CANOPY CPS D
ELEVATIONS

DISCOUNT STORAGE
2300 HARTWOOD MARSH RD
CLERMONT, FL 34711
LAKE COUNTY

OWNER'S SIGNATURE
FINAL APPROVED DRAWINGS
MANUFACTURING RELEASE



 SOUTH CANOPY ELEVATION



CPS NORTH CANOPY ELEVATION
D 1/8" = 1'



 NORTH CANOPY ELEVATION



WEST CANOPY ELEVATION



 EAST CANOPY ELEVATION 1/8" = 1'



THE RABCO CORPORATION
1041 CROWN PARK CIRCLE WINTER GARDEN, FL 34787
800/989-0220 CB C047783 Fax: 407/877-9065



CITY OF CLERMONT
VARIANCE
Application

DATE: JAN. 30, 2021

FEE: \$600.00

PROJECT NAME (if applicable): FLORIDA DISCOUNT SELF STORAGE NO. 4 - PHASE 3

APPLICANT: JOHN FRITH, P.E. ; FRITH & ASSOCIATES, INC.

CONTACT PERSON: JOHN FRITH

Address: 8811 GREAT COVE DR.

City: ORLANDO State: FL. Zip: 32819

Phone: 407-363-0739 Fax: _____

E-Mail: jfrith@asl.com

OWNER: FLORIDA DISCOUNT SELF STORAGE NO. 4, LLC ; MR. CHARLES BAILEY, JR.

Address: 6424 PINECASTLE BLVD., SUITE A

City: ORLANDO State: FL. Zip: 32809

Phone: 407-816-0100 Fax: _____

Address of Subject Property: 2300 HANTWOOD MARSH ROAD

General Location: SOUTH SIDE OF HANTWOOD MARSH ROAD
0.5 MILE EAST OF HIGHWAY 27

Legal Description (include copy of survey): SEE ATTACHED SHEET

Land Use (City verification required): COMMERCIAL - EXISTING SELF STORAGE FACILITY



Zoning (City verification required): C-2 GENERAL COMMERCIAL

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. 94-195 (d) ; SEC. 122-343 (c)

What are you proposing to do that would require a variance and why? THERE IS A 50 FT. ELEVATION CHANGE OVER THE SITE WHICH WILL REQUIRE EARTHWORK AND TERRACING CHANGES AND RETAINING WALLS GREATER THAN 6 FT.

How does the Code create a hardship? THE CODE DOES NOT ALLOW THE SITE TO BE GRADED FOR BUILDING PADS, PARKING LOTS, ACCESS DRIVES. IT LIMITS THE ELEV. CHANGE TO 15 FEET AND RETAINING WALLS AT 6 FEET.

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

Variance requested – subject and code section: SEC. 94-195 (d) ;
SEC. 122-343 (c)

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;

GRANTING THE VARIANCE WILL NOT AFFECT ANY ADJACENT PROPERTY OR PROPERTY OWNERS. THE SITE WILL BE HIDDEN FROM VIEW AT THE NORTH & WEST SIDES. IT WILL ALLOW STORAGE FOR CITIZENS IN DEED RESTRICTED NEIGHBORHOODS



(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 VARIANCES WILL ALLOW EXPANSION (PHASE 3) OF AN EXISTING FACILITY ON SITE.

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;

THE SITE CAN NOT BE DEVELOPED WITHOUT THE VARIANCES.
THE 50 FOOT ELEVATION CHANGE REQUIRES A VARIANCE.
IF THE VARIANCE IS DENIED, THE OWNER CANNOT USE HIS PROPERTY.

(4) The granting of the variance is consistent with the city's comprehensive plan; and

ALLOWS THE OWNER TO DEVELOP HIS PROPERTY AND EXPAND AN EXISTING FACILITY.

(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.

ASKING FOR A VARIANCE TO GRADE THE SITE FOR DEVELOPMENT WITH ELEVATION CHANGES GREATER THAN 15 FEET AND ALLOW RETAINING WALLS UP TO 20 FEET IN HEIGHT. THE SITE HAS TO BE GRADED FLAT FOR BUILDING PADS, PARKING AREAS, 1/2 ACCESS DRIVES AND HAVE RETAINING WALLS INSTALLED AT THE ELEVATION CHANGES.



CITY OF CLERMONT

VARIANCE

Application

Page 4

JOHN FRITH

Applicant Name (print)

X

[Signature]

Applicant Name (signature)

CHARLES BAILES, JR

Owner Name (print)

X

Charles E Bailes Jr

Owner Name (signature)

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

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

City of Clermont

Development Services Department.

685 W. Montrose St.

P.O. Box 120219

Clermont, FL. 34712-0219

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

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,

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: 10101412
Phone: (352) 241-7331
Date: 03/26/21
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	04/19/2021	04/19/2021	\$103.50

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variance: (1) to allow topography elevation changes that exceed the maximum allowed for commercial development instead of requirements by the Land Development Code, Section 94-195, at the following location:

LOCATION:

Florida Discount Self-Storage
2300 Hartwood Marsh Road
(Alternate Key #1462401)

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 to be held on Tuesday, April 27, 2021 at 6:30 P.M. in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street.

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

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

Ad No: 10101412
April 19, 2021

Payment Info	
Ad Price	\$103.50
Tax	\$0.00
Sub Total	\$103.50
Prepaid Amount	\$0.00
Balance Due	\$103.50