

Josh Hemingway

June 12th, 2017

1177 East 5th Ave, Mount Dora, FL 32757

Mount Dora City Management and City Council,

I would like voice my disapproval of the sidewalk cafe extension located at 425 Alexander St. aka, Giannis Italiano Restaurant, in the City of Mount Dora, owned by Main Street Leasing.

Firstly, I do not object to improvements in the city, when it is acceptable and especially when it helps small business' and merchants survive. However the recent addition appears to have been constructed by not following the standard method of applying for permits to alter the front of an historic building and the public sidewalk.

It appears that two qualified professionals in Mount Dora, City Public Works and Main Street Leasing, have colluded in an attempt to force a change to 425 Alexander Street, and had it gone through the standard process of review, it would more than likely have been denied its present construction. The "License and Hold Harmless" agreement (see document 1) issued to Larry Baker of Main Street Leasing on October 5th 2016, by Stephen Kerkhoff, witnessed by Michelle Middleton of Main Street Leasing and ~~Misty Elder~~ of the City of Mount Dora, clearly states the guidelines concerning the Sidewalk Cafe Seating application.

In my opinion this is a blatant disregard for a process that is designed to prevent things like this from happening.

No permits were pulled for the current design, there are no technical designs submitted for construction or drainage and I do not believe in any way that this is an improvement to the ADA on this stretch of Alexander Street. Furthermore, it DOES change the front of the buildings entrance and appearance as well as the value, as the patio is now a direct, undivided parcel, not divided by a city sidewalk and not compliant with the permit for "Side Walk Cafe Seating".

I would suggest that both the City of Mount Dora's Public Works Department and Main Street Leasing should be held solely responsible for this, in that, I presume both parties knew what they were doing, and that the wall should be removed and the sidewalk be reconstructed in its original form and that proper application and procedures should be followed with regards to the Sidewalk Cafe Seating guidelines, especially since the design drawing filed, by Gianni Livermore, on June 6th 2017 (see document 2) with the application/permit, depicts a raised wooden structure on the opposite side of the SIDEWALK at 425 Alexander St....not a wall and repositioning of a public right of way.

And lastly, if this current construction was designed and forwarded to city management for approval by Public Works Director, Jon Peters, I would hope that appropriate actions be taken regarding his bad judgement that was not in the best interest of the city and its citizens as a whole.

Thank you for your time in addressing this matter,



**CITY OF
MOUNT
DORA**

PLANNING AND DEVELOPMENT

City Hall
510 N. Baker St.
Mount Dora, FL 32757

Office of the City Manager
352-735-7126
Fax: 352-383-4801

Customer Service
352-735-7105
Fax: 352-735-2892

Finance Department
352-735-7118
Fax: 352-735-1406

Human Resources
352-735-7106
Fax: 352-735-9457

Planning and Development
352-735-7112
Fax: 352-735-7191

City Hall Annex
900 N. Donnelly St.
Mount Dora, FL 32757

Parks and Recreation
352-735-7183
Fax: 352-735-3681

Public Safety Complex
1300 N. Donnelly St.
Mount Dora, FL 32757

Police Department
352-735-7130
Fax: 352-383-4623

Fire Department
352-735-7140
Fax: 352-383-0881

Public Works Complex
1250 N. Highland St.
Mount Dora, FL 32757
352-735-7151
Fax: 352-735-1539

W. T. Bland Public Library
1995 N. Donnelly St.
Mount Dora, FL 32757
352-735-7180
Fax: 352-735-0074

Website:
www.cityofmountdora.com

October 04, 2016

MAIN STREET LEASING COMPANY
699 E 5TH AVE
MOUNT DORA FL 32757

Re: SIDEWALK CAFE PERMIT CSC16-0009
425 N ALEXANDER ST
MOUNT DORA, FL 32757


Dear Applicant:

Attached for your records is a copy of the Sidewalk Cafe permit for the above-referenced business. This permit is conditional at all times. This permit authorizes the use of the sidewalk for cafe purposes as depicted on the application drawing. This permit to be displayed on-site and accessible for City inspection upon request.

The terms and conditions of this permit are enumerated in Section 3.5.29 of the City's Land Development Code.

Should you have any questions or require further information, please contact the Planning and Development Department at (352) 735-7112.

Sincerely,


Vince Sandersfeld
Interim/Planning Director



CITY OF
MOUNT
DORA

PERMIT

SIDEWALK CAFE' **CSC16-0009**

BUSINESS NAME: Gianni's Italiano

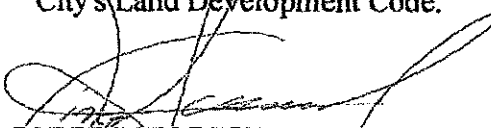
APPLICANT/PERMITTEE: Gianni's Italiano

TELEPHONE NUMBER: (352) 516 5671

FOR THE PREMESIS LOCATED AT: 425 N ALEXANDER ST

Permit Conditions and Restrictions:

- Placement of tables, chairs, and related equipment shall be a minimum five (5) feet (straight) pathway on the sidewalks is maintained at all times as an unobstructed path. Minimum two (2) feet setback from street/curbing
- Tables are to be located in front of the business only, as depicted on the permit drawing.
- All furniture shall be stored inside the restuarant whenever the business is closed.
- City sidewalk trash can receptables are not to be used associated with the Cafe Permit Operation.
- Sidewalk Cafes shall not be allowed to operate during special events, unless authorized by the event sponsor.
- Sidewalk Cafe Permit is conditional at all times.
- Complete Sidewalk Cafe conditions and requirements are listed in Section 3.5.29 of the City's Land Development Code.



Authorized
Planning & Development Dept. Signature

10/5/2016

Date Issued



RETURN TO:

City of Mount Dora -Planning and Dev. Dept.
PO Box 176
510 N. Baker Street
Mount Dora, FL 32756

LICENSE AND HOLD HARMLESS AGREEMENT

This **LICENSE AGREEMENT** is made by and between the City of Mount Dora, a municipal corporation organized under the laws of the State of Florida (hereinafter referred to as "CITY"), 510 North Baker Street and Main Street Leasing Co., a commercial establishment located at, 425 N. Alexander Street, Mount Dora, Florida (hereinafter referred to as "LICENSEE.")

RECITALS

WHEREAS, CITY owns property, including the street and sidewalk right-of-way adjacent to LICENSEE's commercial establishment; and

WHEREAS, LICENSEE seeks to construct its facility over CITY's sidewalk right-of-way; and

WHEREAS, CITY approves the use of the public thoroughfare in such a manner; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of CITY to enter into this License Agreement.

WITNESSETH:

CITY and LICENSEE enter into the following License Agreement:

1. **TERM.** The term of this license is one (1) year from the date of execution by the parties and may be automatically renewed at the request of the LICENSEE.
2. **LOCATION.** LICENSEE may use and maintain out-door dining over or within the public right-of-way approved by the CITY.
3. **MAINTENANCE.**
 - a. LICENSEE shall maintain the City sidewalk, sidewalk furnishings, and encroachments in proper condition.
 - b. LICENSEE shall be responsible for the maintenance and upkeep of the encroachments and any damage to the City sidewalk and sidewalk furnishings is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the City sidewalk and sidewalk furnishings, this License Agreement is revocable on notice by CITY to LICENSEE of a violation of this section; however, LICENSEE shall have 14 days to cure any problem if it notifies CITY in writing within three (3) days of its intent to cure the violation.
 - c. The seating and decking shall be placed in accordance with all conditions set by the Department of Planning and Development and shall not impede

CITY's ability to maintain the road, sidewalk, utilities and appurtenances thereto.

- d. The seating and decking shall not cause an obstruction or inconvenience to members of the public using the sidewalk, utilities and appurtenances thereto.
- e. LICENSEE shall remove any debris created by its use of the public right-of-way.

4. **REVOCATION.** This License Agreement is immediately revocable should LICENSEE discontinue use of the seating and decking. In any event, this License Agreement is revocable by CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove, at its own expense, the seating and decking and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove the seating and decking, other materials or obstructions, they may be removed by CITY and LICENSEE shall be liable for all expenses. CITY will remain under no obligation to replace or reimburse for the removed seating and decking pursuant to this provision.

5. **INDEMNIFICATION.** LICENSEE agrees to indemnify, defend and hold harmless and free from liability arising out of LICENSEE's use of CITY's right-of-way, and LICENSEE agrees to make no claim against CITY or any of its officers, employees, agents or representatives for any loss or damage caused by CITY's use or maintenance of its right-of-way.


6. **PERMITS.** LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits, including building permits, prior to placement of the seating and decking.

7. **NUISANCE PROHIBITED.** LICENSEE shall not, during the term hereof, on or in the premises maintain, commit or permit the maintenance or commission of any nuisance or violation of any applicable City of Mount Dora ordinance, State or Federal statute, or controlling bylaw, regulation, or condition imposed whether existing at the time of commencement of this License Agreement or enacted, amended, or otherwise put into effect during the term of this License Agreement.

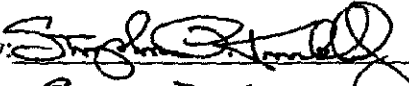
8. **LIMITATION OF RIGHTS.** LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this License Agreement.

Dated this 20th day of September, 2016.

(CITY OF MOUNT DORA, FLORIDA)



 Witness

By: 

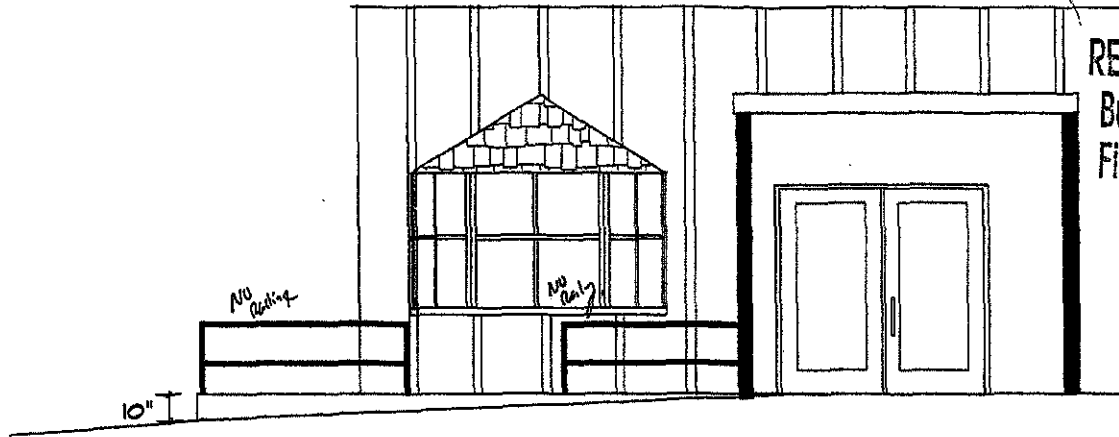
 Print: Stephen P. KARKHOF

SEP 20 2016
PLAN REVIEW

16-09-0079

Front Elevation ①

JOB SITE



REVIEWED FOR CODE COMPLIANCE
 Building Official *m*
 Fire Official *m*

1011 Street Leasing
 699 East 5th Ave.
 Mt. Dora Florida

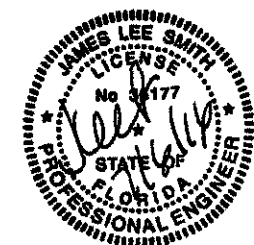
REVIEWED FOR CODE COMPLIANCE
ANY ERRORS OR OMISSIONS IN THESE PLANS SHALL BE MADE TO CORRECT THEM WITH APPLICABLE CODE REQUIREMENTS PER SECTION 106.3 OF THE FLORIDA BUILDING CODE, SETBACKS FROM BUILDING LINE

REVIEWED PLANS
 ARE TO BE KEPT ON JOB SITE
 MOUNT DORA BUILDING DEPARTMENT

ZONING: ①
 HISTORIC: _____

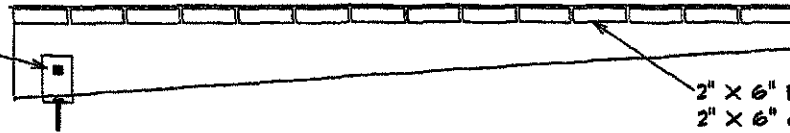
DATE: 9.20.16
 DATE: _____

Decking and Tie Down Detail



Date:
January 24th 2016

2" X 3" X 1/4"
 90 Degree Angle
 W/1/2" X 1 1/2" Lag
 Into P.T. and a
 4 5/8" Redhead
 Into Existing Curb or
 Sidewalk, Max. Spacing
 Every 6'



2" X 6" PT Decking Fasten to
 2" X 6" or 2" X 8" PT Rafters Every
 16"OC W/2 - 3" Primed Decking Screws
 Note: Rafters Shall be Tapered to
 Existing Curb or Sidewalk to Keep
 Decking Area Level

Elevation
 1
A-2

16-09-0079

10/1/16

16-09-0079

Wood Deck 425 North Alexander St.

Main Street Leasing
699 East 5th Ave.
Mt. Dora Florida

ENGINEERING SERVICES GROUP, LLC
391 W. ALFRED ST.
TAMPA, FL 33618
PHONE: (882)988-1738
J. LEE SMITH, P.E. #98117

16-09-0079

Date:

January 24th
2016

Floor Plan

A-1

PER FIG. 2016

