



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
7:00 PM, Tuesday, February 3, 2015
City Hall – 685 W. Montrose Street, Clermont, FL**

**CALL TO ORDER
INVOCATION AND PLEDGE OF ALLEGIANCE
MINUTES**

Approval of minutes for the January 6, 2015 Planning and Zoning meeting.

**REPORTS
NEW BUSINESS**

Item 1 - Resolution 2015-04, Westgate Plaza
Conditional Use Permit

Request for a conditional use permit to
allow an outdoor commercial ice
machine/vending unit in the C-2
General Commercial zoning district.

Discussion of Non-Agenda Items

ADJOURN

Any person wishing to appeal any decision made by the Planning and Zoning Commission at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Planning and Zoning Department at 352-241-7302.

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 Recording Clerk for the City's records.

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January 6, 2015

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The meeting of the Planning & Zoning Commission was called to order Tuesday January 6, 2015 at 7:00 p.m. by Chairman Nick Jones. Other members present were Herb Smith, Judy Proli, Cuqui Whitehead, Jack Martin, and Tony Hubbard. Also in attendance were Barbara Hollerand, Development Services Director, Dan Mantzaris, City Attorney, Marivon Adams, Planning Tech, and Rae Chidlow, Planning Specialist.

Chairman Nick Jones introduced the new commission members, Cuqui Whitehead and Jack Martin.

MINUTES of the Planning and Zoning Commission meeting held December 2, 2014 were approved as written.

REPORTS

Development Services Director Barbara Hollerand welcomed Commissioners Jack Martin and Cuqui Whitehead. She stated that Commissioners Herb Smith and Carlos Solis were also reappointed. She stated that she encourages the commissioners to contact her if they have any questions or information they would like to share.

Chairman Nick Jones stated that on January 17, 2015 the Florida Lake Symphony Orchestra will be performing at the Clermont City Center at 5:30 pm for a dinner fundraiser and dance. He stated that the dinner will be served on the veranda of the Clermont City Center.

1. REQUEST FOR AMENDMENT TO DRI

REQUEST: Lost Lake Reserve DRI 2nd Amendment to Developers Order

APPLICANT: Lerner Real Estate Advisors

Development Services Director Barbara Hollerand presented the staff report as follows:

The applicant, Lerner Real Estate Advisors/Maxey Development Group, is requesting a second amendment to the Lost Lake Reserve Development of Regional Impact (DRI) Development Order to reflect a commitment for a transportation proportionate fair share payment to the City.

As a DRI, the Lost Lake Reserve development was required to complete a transportation monitoring and modeling study through the East Central Florida Regional Planning Council and the Florida Department of Transportation prior to starting its second phase. The study concluded that the intersection of SR 50 and Citrus Tower Boulevard was adversely impacted by the project from the cumulative traffic impacts of Phase 1 and Phase 2. The applicant has offered a proportionate fair share contribution of \$60,000 toward mitigation of the intersection. The City, in cooperation with the applicant, Lake County and FDOT, has agreed to accept the payment and apply it toward the widening of Johns Lake Road from Lost Lake Elementary to N. Hancock Road. This option is allowed in the current development order, which permits funds to be allocated toward alternate mitigation options that address project impacts. The Johns Lake

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Road project, which will also include sidewalks and bicycle lanes, is also consistent with language in the development order pertaining to the construction of these amenities adjacent to educational facilities.

With the City Council's adoption of the second amendment to the Development Order for the Lost Lake Reserve DRI, the applicant will be allowed to begin development of Phase 2, which is the final phase of Lost Lake Reserve. The Lost Lake Reserve DRI was approved by the City in 2002. The first amendment to the development order was approved by the City in 2010. The DRI includes 335 approved single-family residential units, 768 multifamily units, 537,910 square feet of commercial, 135,750 square feet of office space, 54.9 acres of recreation and open space and 5 acres of institutional uses. Built developments within the DRI include The Reserve at Lost Lake single-family residential, Walmart, Bob Evans, Sundance Apartments, The Vistas Apartments and Lake Felter Park, among others. The remaining approved uses in Phase 2 include 63,750 square feet of professional office space, the 5 acres of institutional and 298,610 square feet of commercial/retail. The Phase 2 parcels include H, R, I, K2 (north of Walmart), L and N.

As an approved Development of Regional Impact that has satisfied the requirements of the monitoring and modeling study, staff recommends approval of the second amendment to the DRI development order.

Cecilia Bonifay, Akerman, LLC, 420 S. Orange Ave., Orlando, stated that she is representing the applicant. She stated that there have been a lot of changes since this project started in 2002 and the modification in 2010. She stated that because this is an existing DRI, according to Florida Statutes, before moving from Phase I to Phase II, they are required to amend the Developer's Order. She stated that a lot of the connector roads were done due to this project. She stated that they have agreed to use their proportionate share payment of \$60,000 toward the expansion of John's Lake Road from Citrus Tower Boulevard to Hancock Road.

Mike Dady, Lerner Real Estate Advisors 5020 W. Linebaugh Ave., Tampa, stated that they have been the developers since the beginning of the development of Lost Lake Reserve. He stated that once the amendment has been approved they will be looking for a buyer for Parcel K, development of Parcel L with offices possibly, and Parcel I which is an institutional use.

Bob Peraza, 2322 Fenton Ave., stated that he does not understand the map because Parcel H isn't shown.

Barbara Hollerand stated that she used the original map that was submitted with the original application. She stated that this was used to show the parcels that were undeveloped.

Chairman Nick Jones asked if the proportionate share funds have been agreed upon.

Commissioner Jack Martin asked what the total cost of the road improvement was for John's Lake Road.

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Brent Lacy, Transportation Consultant, 1650 Edgewater Drive, Orlando, stated that he is not sure of the cost; however, he stated that a rough estimate to widen from two lanes to four lanes is \$4 - \$4.5 million a mile.

Commissioner Herb Smith asked why Johns Lake Road was chosen for the improvement.

Mr. Lacy stated that it was recommended by Lake County. He stated that improving a road would be more beneficial to the community, rather than a small improvement to an intersection that is operating satisfactorily.

Commissioner Judy Proli asked whose responsibility is it to widen the road, the county or the city.

Barbara Hollerand stated that it is Lake County's responsibility to make the improvements, and they have already completed the studies for that improvement.

Commissioner Cuqui Whitehead moved to recommend approval of the 2nd amendment to the Developer's Order; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the 2nd amendment to the Developer's Order.

Commissioner Judy Proli moved to nominate Commissioner Nick Jones as Chairman; seconded by Commissioner Tony Hubbard. The vote was unanimous for Commissioner Nick Jones as Chairman.

Commissioner Judy Proli moved to nominate Commissioner Cuqui Whitehead as Vice-Chair; seconded by Commissioner Tony Hubbard. The vote was unanimous for Commissioner Cuqui Whitehead as Vice-Chair.

There being no further business, the meeting was adjourned at 7:39 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, February 3, 2015			
Agenda Item Name			
Resolution 2015-04, Westgate Plaza Conditional Use Permit			
Requested Action			
Motion to approve Resolution 2015-04.			
Staff Report			
Westgate Plaza Outdoor Commercial Ice Vending Machine – Conditional Use Permit (CUP)			
The applicant is requesting a Conditional Use Permit (CUP) to allow for an outdoor commercial ice machine/vending unit in the C-2 General Commercial zoning district. Under Sec. 122-224 (b) of the Land Development Code, the C-2 zoning district may permit this type of use through a conditional use permit since the classification of a use is uncertain. The applicant desires to place a self-serve ice vending machine in the parking lot on the existing parcel. Currently, the property is used for permitted C-2 uses along with a conditional use for a church that was granted under Resolution 2014-20. The ice machine area will be 6 feet by 11 feet. The height of the unit will not exceed 10 feet. The applicant has provided a preliminary site plan prepared by GatorSkitch, dated December 18, 2014. The applicant has agreed to update the parking stalls along with installing additional landscaping in the area of the ice machine and along SR 50. The addition of the self-serve ice vending machine in the parking lot could be viewed as consistent with the area as a whole and would provide the applicant with an opportunity to redevelop a portion of the site and to generate income. Staff believes that the proposal meets the intent of the C-2 General Commercial zoning district. Staff believes that the self-serve ice vending machine can co-exist with the other existing uses on site. Based upon the information presented, staff recommends approval of this request.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Resolution	CUP Res 2015-04.docx	
2.	CUP Conditions	Ice Machine Vending Conditions.docx	

3.	Map of Location	Ice Machine CUP Map.pdf
4.	Site Plan	Site Plan.pdf
5.	Application	Application.pdf
6.	Legal Ad	CUP Legal AD Ice Machine.docx

**CITY OF CLERMONT
RESOLUTION NO. 2015-04**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN OUTDOOR COMMERCIAL ICE MACHINE/VENDING UNIT IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held February 3, 2015 recommended approval of this Conditional Use Permit to allow for an outdoor commercial ice machine/vending unit in the C-2 General Commercial zoning district; at the following location:

LOCATION:

1 Westgate Plaza
AK 1615569

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

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

This application for a Conditional Use Permit is to allow for an outdoor commercial ice machine/vending unit in the C-2 General Commercial zoning district; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this conditional use permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another conditional use permit. Conditional use permit granted under Resolution 2014-20 will be null and void upon approval of this resolution. Resolution 2014-20 permitted a church to use the building on the property and is incorporated into this conditional use permit.
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.

CITY OF CLERMONT
RESOLUTION NO. 2015-04

4. The conditional use permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
5. The applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this conditional use permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the conditional use permit.
6. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the conditional use permit for further conditions or revoke this conditional use permit by resolution.
7. No business can occupy any portion of the building(s) after construction and final certificate of occupancy unless the proposed business has applied for and obtained a local business tax receipt from the Clermont Development Services Department.
8. Should approved uses cease operation for more than one year, a new conditional use permit shall be required for the same or similar operations.
9. In the event that parking at this site proves inadequate the City reserves the right to open the conditional use permit for further review and additional conditions which may include additional parking requirements or revocation of the conditional use permit.
10. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the conditional use permit for further review and additional conditions.
11. Should a new business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of the church, the church would not contest said use within 500 feet of the church.
12. The site shall be limited to one outdoor commercial ice machine/vending unit that must meet all the setbacks required for the C-2 General Commercial building setbacks.
13. The outdoor commercial ice machine/vending unit may be placed on the site and would be exempt from Section 122-223 (c) that prohibits outdoor uses.
14. Wall type signage may be place only on the commercial ice machine and sized in accordance with the Land Development Code for the ice machine side and/or ends.
15. The applicant shall be required to submit a formal site plan for review and approval by Site Review Committee (SRC). The project shall be designed in substantial accordance

CITY OF CLERMONT
RESOLUTION NO. 2015-04

with the conceptual site plan prepared by GatorSkitch Corporation, dated December 18, 2014.

Section 2 – Land Use

1. The property is approved for a house of worship on the top floor of the building located at 1 Westgate Plaza.
2. The property is approved for one (1) outdoor commercial ice machine/vending unit not to exceed the dimensions of 6 feet wide by 11 feet long by 10 feet high.
3. The property is approved for any approved C-2 commercial uses permitted under Section 122-223 of the City's Land Development Code.

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RESOLUTION NO. 2015-04

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of February, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

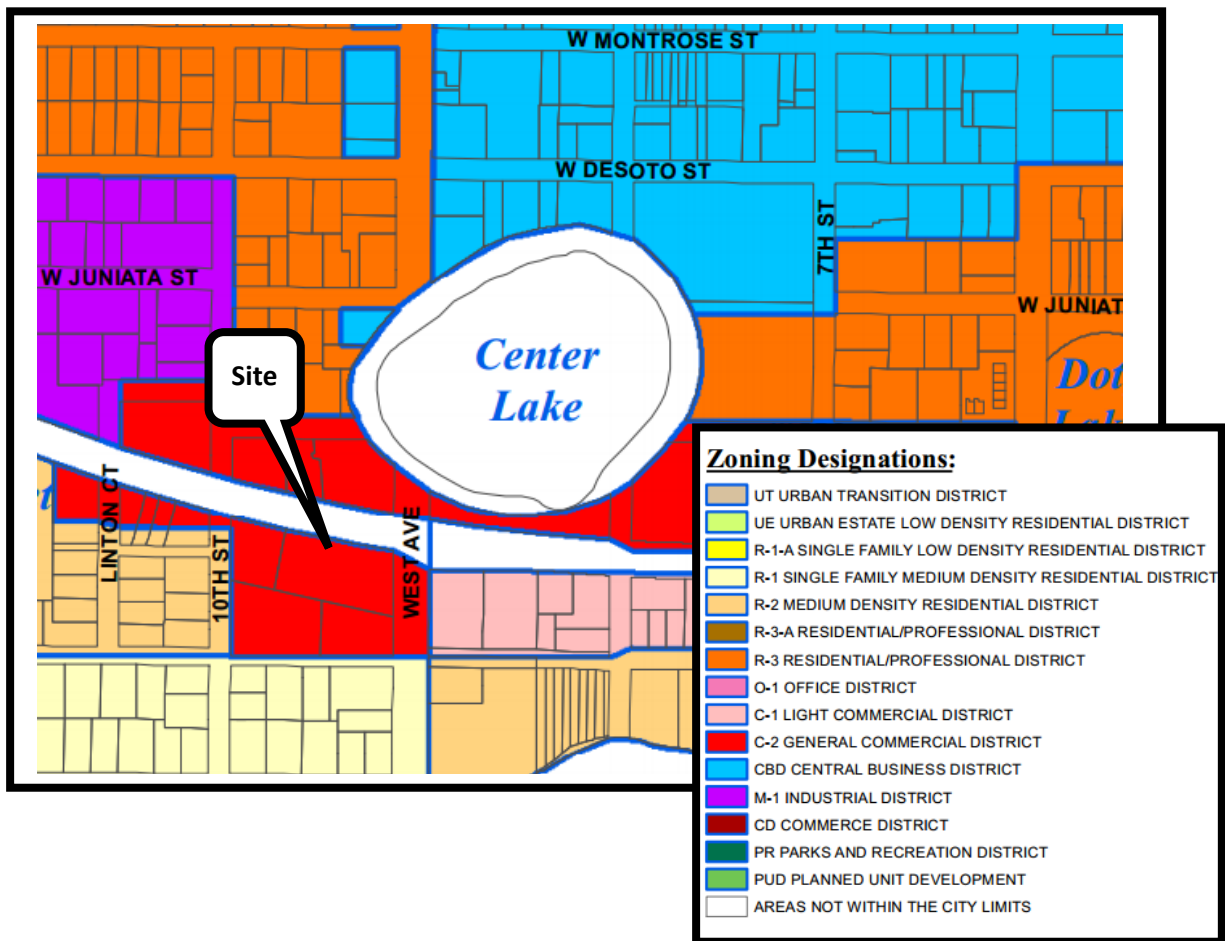
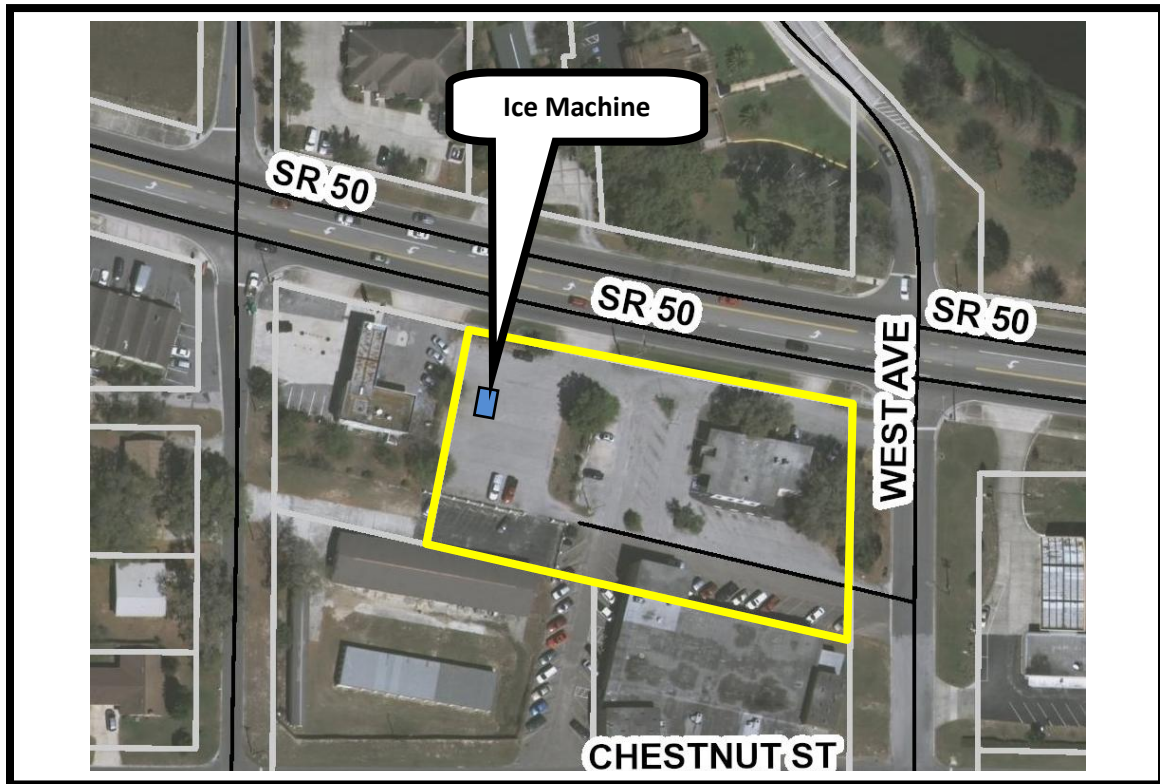
1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit. Conditional Use Permit granted under Resolution 2014-20 will be null and void upon approval of this resolution. Resolution 2014-20 permitted a church to use the building on the property and is incorporated into this CUP.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by resolution.
7. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Clermont Development Services Department.
8. Should approved uses cease operation for more than one year, a new Conditional Use Permit shall be required for the same or similar operations.
9. In the event that parking at this site proves inadequate the City reserves the right to open the Conditional Use Permit for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.

10. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the Conditional Use Permit for further review and additional conditions.
11. Should a new business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of the church, the church would not contest said use within 500 feet of the church.
12. The site shall be limited to one outdoor commercial ice machine/vending unit that must meet all the setbacks required for the C-2 General Commercial building setbacks.
13. Wall type signage may be placed only on the commercial ice machine and sized in accordance with the LDC for the ice machine side and/or ends.
14. The applicant shall be required to submit a formal site plan for review and approval by Site Review Committee (SRC). The project shall be designed in substantial accordance with the conceptual site plan prepared by GatorSketch Corporation, dated December 18, 2014.

Section 2 – Land Use

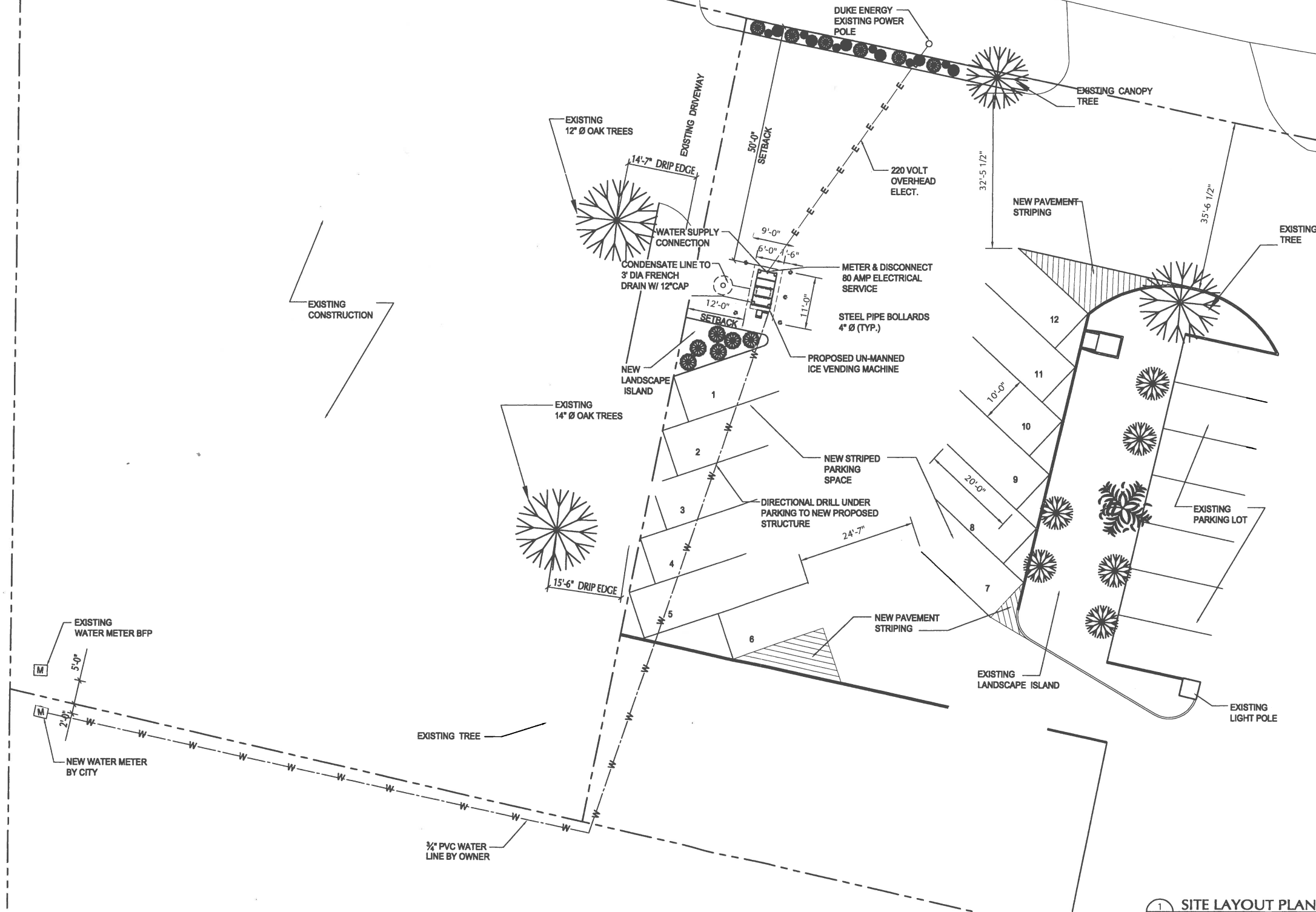
1. The property is approved for a house of worship on the top floor of the building located at 1 Westgate Plaza.
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3. The property is approved for any approved C-2 commercial uses permitted under Section 122-223 of the City's Land Development Code.

Ice Vending Machine
1 Westgate Plaza - CUP



10TH ST

SR 50



1 SITE LAYOUT PLAN
AS-2 SCALE: 3/32 = 1'-0"

REVISIONS

CLERMONT ICE VENDING MACHINE
WESTGATE PLAZA
CLERMONT, FL 34711

CONDITIONAL
USE PERMIT
SET

GatorSketch
CORPORATION
A000002310
808 W. MONTROSE ST. CLERMONT, FL 34711
PH: (877)808-5077 FAX: (888)998-4814
Web Site: www.gatorsketch.com

SIGN DATE

CONSTRUCTION DOCUMENTS

COPYRIGHT ©2014
GATORSKETCH CORP.
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PROFESSIONAL. VIOLATORS WILL
BE SUBJECT TO LEGAL
PROSECUTION TO THE FULLEST
EXTENT OF THE LAW.

SITE LAYOUT
PLAN

AS-2

ISSUE
DATE 12-18-14

JOB # GC 14-051



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

DATE: 12-20-2014

FEE: _____

PROJECT NAME (if applicable): _____

APPLICANT: Tracy Waalewyn

CONTACT PERSON: Tracy Waalewyn

Address: 10870 Lantana Creat

City: Clermont State: FL Zip: 34711

Phone: 4079243518 Fax: _____

E-Mail: TJDSP1@GMAIL.COM

OWNER: Ed Augustine

Address: P.O. Box 120881

City: Clermont State: FL Zip: 34711

Phone: 352-267-8576 Fax: _____

Address of Subject Property: 1 Westgate Plaza

General Location: Northwest corner of parking lot
along Hwy 50.

Legal Description (include copy of survey): See Property Card

Land Use (City verification required): Commercial

Zoning (City verification required): C2

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

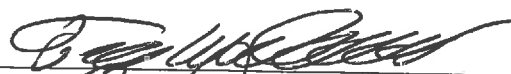
Locate a self contained Ice machine to this site.
The Ice machine owner, tenant is willing to make
Landscape Improvements per proposed plan.

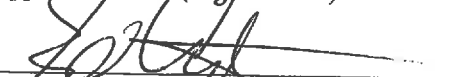
Tracy Waalewyn

Applicant Name (print)

Ed Augustine

Owner Name (print)

x 
Applicant Name (signature)

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
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

Kooler **ICE** | KI810

fresh and ready when you are®

Ice and Water Vending Machine

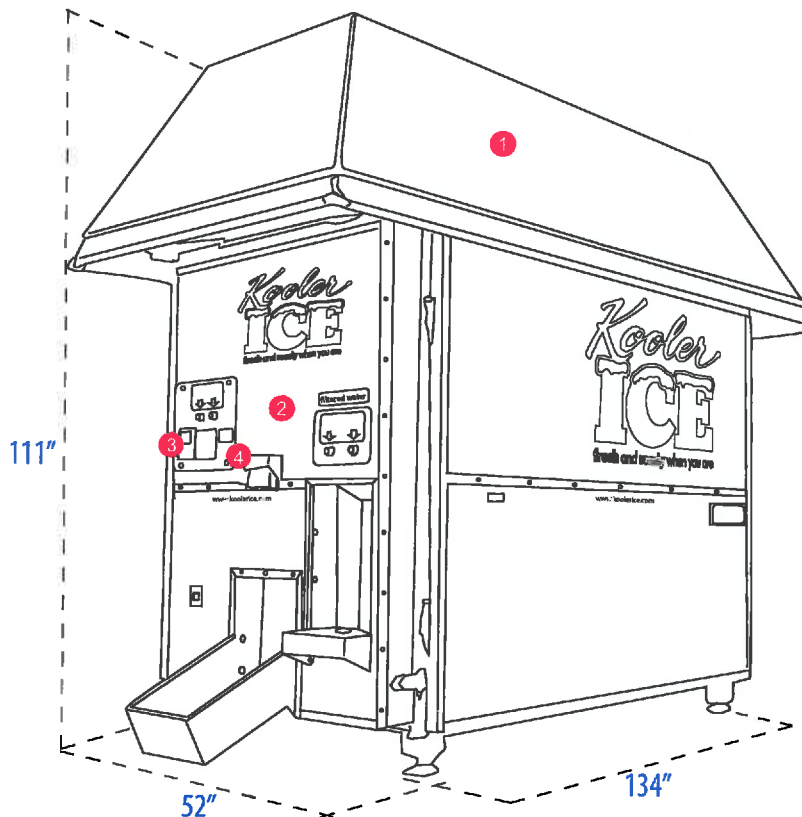


Intertek

**NAMA
LISTED**

Machine Specifications...

The KI810 is the original Cooler Ice Machine. After watching other manufacturer's develop and introduce larger, more complex and operationally expensive ice vending machines, we set out to design a more efficient and owner friendly machine. Our goal was to offer a machine that was cost efficient to operate, with more than adequate production to handle most locations, but one that could do so with a small footprint and low operation costs. The money our owners do not have to spend on setup and operating costs allows them to increase their bottom line profits.



Additional Standard Features

- High Strength Aluminum Alloy Corrosion Free Frame
- Food Grade Plastic Storage Bin and Drawer
- 220 Volt Single Phase Power, 80 Amp Service
- 3/4" Supply and Drain Line Hook Ups
- Easy Access to All Components (Each Panel is a Door!)
- Bag Tracking System on All Cooler Ice Bags
- Adjustable Vend Rate Allows You To Set and Change Pricing
- Easy Water Filter Changing Operation (Replace Every 6 Months)
- Easy Bag Changing Operation (Done in Less Than 2 Minutes)
- Machine has two buttons:
Button A offers a 10 lb bag of ice
Button B (Bulk Feature) offers (2) 10 lb bags of ice
- Dispenses One 10lb Bag of Ice in 10 Seconds

The KI810 design is compact, yet very productive. With its 850 lbs. of bin storage capacity, you will have 70+ bags of ice ready to vend each morning. The unit comes standard with (1) C1848 Ice Maker and is capable of producing an additional 84 bags of ice every 24 hours. The KI810 can be equipped with (2) C1848 icemakers to increase daily production to upwards of 200+ bags every day.

Scotsman Model #	LBS of Production	Maximum Production	Storage Bin Capacity	Unit Width	Unit Depth	Unit Height	Unit Weight
(1) C1848	1909 lbs	100-120 Bags	850 lbs	52"	134"	111"	2,400 lbs
(2) C1848	3818 lbs	180-210 Bags	850 lbs	52"	134"	111"	2,760 lbs

* Production estimates are based on optimum operating temperatures of 70 F Air / 50 F Water.

"Free Vend" Switch



Standard on the machine, this feature allows the owner to offer free dispensing of ice for special events & promotions.

"Plug & Play" Connections



Weather proof, labeled electrical quick connectors are used for safety and offer understandable & easy machine servicing.

Proximity Switches



Used with the Siemens "Smart System", proximity switches are used to monitor various machine functions.

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to locate an outdoor commercial ice machine/vending unit in the C-2 General Commercial zoning district, at the following location:

LOCATION

1 Westgate Plaza
AK 1615569

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

This request will be considered by the Planning & Zoning Commission on Tuesday, February 3, 2015 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, February 24, 2015 at 7:00pm.

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

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
January 27, 2015 and February 17, 2015