

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

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The meeting of the Planning & Zoning Commission was called to order Tuesday September 2, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Harry Mason, Judy Proli, and Tony Hubbard. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

Chairman Nick Jones introduced new Commissioner Tony Hubbard.

MINUTES of the Planning and Zoning Commission meeting held August 5, 2014 were approved as written.

REPORTS

There were no reports.

1. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: House of Deliverance

APPLICANT: Samuel D. Arthur, Sr.

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting a conditional use permit to operate a house of worship in the C-2 zoning district and to allow monthly outdoor fund raising events.

The applicant/ church originally obtained a conditional use permit in July 2012 to be located in Sunnyside Plaza. They are now seeking to relocate to 1203 Highway 50 within the Emerald Lakes Shopping Plaza (Unit F, 1,300 square feet).

The church has a congregation of 25 for Sunday service, and holds a Tuesday evening bible study at 7:00 p.m.

The applicant would also like to continue the fundraising events approved in 2013 for the previous location. These events are held one day per month on Saturday or Sunday and are centered on food sales during lunch hours (10am to 3pm). A small area with a tent and portable grill will be set up within the parking lot for this event.

Staff recommends approval.

Samuel Arthur, Pastor of House of Deliverance, stated that they are looking to open a new location in the Emerald Lakes Plaza.

Commissioner Herb Smith asked about the restrictions pertaining to selling of alcohol.

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Mr. Henschel stated that there is a condition in the conditional use permit that states that the church will not contest any business opening or existing within 500 feet that serves alcohol.

Commissioner Carlos Solis moved to recommend approval of the conditional use permit; seconded by Commissioner Harry Mason. The vote was unanimous to recommend approval for the conditional use permit.

2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: River of Glory

APPLICANT: David Young

Senior planner John Kruse presented the staff report as follows:

The applicant is requesting a conditional use permit for a house of worship in the C-2 zoning district.

The church proposes to occupy a 1,000 square foot office space available at 341 North Highway 27. The church has a congregation of approximately 45 people and plans to have meetings on Friday evening, Saturday evening and on Sundays.

Staff recommends approval.

David Young, 701 Wurst Road, Ocoee, stated that they have about 30 to 40 people who meet on a regular basis and they are hoping to open up a church in this location.

Commissioner Judy Proli asked about the facility only having one restroom.

Mr. Kruse stated that when the church submits for permitting, they may be required to add a restroom. The church will have to meet code and health regulations.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

REQUEST: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

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Staff recommends approval of Ordinance No. 2014-24, which includes updates to the Land Development Code dealing with Home Occupations and Restaurants within the Central Business District.

Under Section 122-349, Home Occupations, a change that has been brought to staff's attention is a request to delete Real Estate Sales and Brokerage under the prohibited home occupation use listed under Section 122-349 (c)(7). With the advance in technology and the use of smart phones and the internet, real estate agents can conduct business at home for consultation with their clients. The actual transactions by real estate professionals will still need to be done in a general office setting through the licensed broker's commercial office. This change would also provide consistency with Lake County's Land Development Regulations, Chapter 10.

Staff recommends approval.

Commissioner Harry Mason asked if the language "Lounge" includes a bar.

Mr. Henschel stated that "Lounge" could be removed from that section of the code.

Commissioner Judy Proli asked if the restaurant will still have to come before City Council.

Mr. Henschel stated that with this ordinance change, they would not need to come before City Council.

Commissioner Harry Mason stated that he has reservations about allowing realtors to operate from their homes. He feels it will bring traffic to the home due to signing contracts.

Chairman Nick Jones stated that typically contracts are signed at a title company or a lawyer's office.

Mr. Henschel stated that the home business restrictions do not allow clients to come to residential homes. He stated that it would become a code enforcement issue if this was to happen.

Commissioner Carlos Solis stated that many people conduct business from their homes.

Commissioner Tony Hubbard stated that he thinks that the Florida Real Estate Commission requires realtors to work from a Brokers office.

Commissioner Harry Mason moved to recommend approval of the restaurants portion without the language of "lounges" and to deny the Real Estate portion of the Land Development Code amendment. The motion fails due to lack of a second.

Judy Proli moved to recommend approval of the land development code amendment, without the language of "lounges"; seconded by Commissioner Harry Mason. The vote was 5-1 to

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recommend approval of the land development code amendment, with Commissioner Herb Smith opposing.

4. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

DEVELOPMENT NAME: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

Staff recommends approval of Ordinance 2014-25, which is an update to the Land Development Code dealing with property maintenance.

Changes to Chapter 122 Zoning include maintenance details to unimproved property that is left natural or is planted with agricultural crops. The existing City code does not provide direction on maintaining the aesthetics of these types of unimproved parcels.

This administrative request was advertised as including changes to both Chapter 94 (Section 94-52) and to Chapter 122 (Section 122-344); however, only changes to Chapter 122-344 are being brought forward at this time.

Staff recommends approval.

City Attorney Dan Mantzaris stated that the way the code reads now, the property owner would be required to mow the entire piece of property regardless of how large the property is. He stated that this could be a financial burden for those property owners.

Commissioner Carlos Solis moved to recommend approval of the land development code amendment; seconded by Herb Smith. The vote was unanimous to recommend approval for the land development code amendment.

There being no further business, the meeting was adjourned at 7:40 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist