CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
LOCATION: CLERMONT CITY HALL
685 WEST MONTROSE STREET
6:30 PM, Tuesday, June 1, 2021

CALL TO ORDER

PLEDGE OF ALLEGIANCE

REPORTS

NEW BUSINESS

Item 1 - Resolution No. 2021-030R *Costco Wholesale CUP*	The applicant, Costco Wholesale, is requesting a Conditional Use Permit (CUP) to allow tire sales/service as an ancillary allowable use.

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 Development Services 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 Committee Clerk for the City's records.

CITY OF CLERMONT

AGENDA ITEM

Meeting Date
Tuesday, June 1, 2021
Agenda Item Name
Resolution No. 2021-030R *Costco Wholesale CUP*
Requested Action
Recommend approval of Resolution 2021-030R.
Staff Report

The applicant, Costco Wholesale, is requesting a Conditional Use Permit to allow an internal tire store as a service to its club members in the proposed Costco building. The five (5) service bays for this use are located on the eastern side of the proposed building.

East Elevation

The tire service is an ancillary use to the primary use of retail sales of the club. The Land Development Code, Section 122-224 (17), requires a Conditional Use Permit for any automotive services in the C-2 zoning district. The current Plaza Collina PUD permits the proposed size of the Costco Wholesale building. The location of the service bays within the building are almost centered on the 20 acre parcel and do not face toward any public right-of-way, such as SR 50 or Old Highway 50. The nearest single-family residence is over 1,000 feet away. The two existing automotive dealerships to the west within Plaza Collina also provides this type of automotive service.

When evaluating a request for a Conditional Use Permit, the Land Development Code, Section 86-144 requires specific development standards are met. Staff has reviewed the application as submitted in accordance with the development standards criteria and finds the proposed use can meet the general criteria for granting a Conditional Use Permit. The proposed use will not be detrimental to the health, safety and welfare of the surrounding community. Staff recommends approval of the Conditional Use Permit with the conditions contained in Resolution No. 2021-030R.

Additional Analysis
Fiscal Impact Summary

Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)	
1. 2021-030R - Costco Tire (V1 05.25.2021) - RF BL	2021-030R - Costco Tire (V1 05.25.2021) - RF BL.pdf
2. Costco Maps	Costco Maps.pdf
3. Staff Analysis-Costco CUP	Staff Analysis-Costco CUP.pdf
4. CUP-Application	CUP-Application.pdf
5. COSTCO TIRE CUP Legal Ad Proof	COSTCO TIRE CUP Legal Ad Proof.pdf

CITY OF CLERMONT

RESOLUTION NO. 2021-030R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A TIRE STORE WITH FIVE SERVICE BAYS WITHIN COSTCO AS PART OF THE MIXED-USE PLANNED UNIT DEVELOPMENT OF PLAZA COLLINA WITHIN THE URBAN ESTATE ZONING. PROVIDING FOR CONFLICT, SEVERABILITY, THE 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 June 1, 2021 recommended _____ of this Conditional Use Permit to allow for a tire store with five service bays within the Costco, at the following location:

LOCATION:
Vacant parcel within the Plaza Collina Development
Directly north of SR 50 and West of the Orange County Line
Alternate Key 1037433

WHEREAS, the granting of this Conditional Use Permit will not adversely affect the officially adopted Comprehensive Plan of the City; such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; the proposed use will comply with the regulations and conditions specified in the codes for such use; and the proposed use may be considered desirable at the particular location;

WHEREAS, the applicant has applied for a Conditional Use Permit to allow a tire store within the Costco building, which is a conditional use under the C-2 General Commercial uses, the subject parcel is part of the Plaza Collina Planned Unit Development Master Plan (Resolution No. 2015-08);

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:

This application for a Conditional Use Permit to allow for a tire store with five automotive service bays in the Mixed-Use Planned Unit Development in the UE Urban Estate zoning district, be granted subject to the following conditions:

SECTION 1: GENERAL CONDITIONS

1. This Resolution shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor in title or interest, and shall be subject to each and every condition herein set out.

2. Upon approval of the resolution the aforementioned property shall only be used for the purposes described herein. No further expansion of the use or additions to this project shall be permitted except as approved by another Conditional Use Permit. Any other proposed use shall be specifically authorized by amendment and approval of the City of Clermont City Council.

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. Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the City of Clermont Site Review Committee. The site plans shall meet all submittal requirements and comply with the conditions of this Resolution, applicable City Codes, Regulations, Ordinances, and provide compliance with the adopted City Comprehensive Plan, as amended.

5. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.

6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.

7. 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.

8. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.

9. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.

10. 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.

11. This permit shall become null and void if substantial work has not begun within two (2) years of the date of issuance of this Conditional Use Permit.

SECTION 2: LAND USES AND SPECIFIC CONDITIONS

1. This Conditional Use Permit is for an internal tire store with five (5) service bays located in the Plaza Collina Mixed Use Development Master Plan (Resolution No. 2015-08). The Planned Unit Development allows C-2 General Commercial permitted uses.

2. The property shall be developed in substantial accordance with the Preliminary Conceptual Site Plan (Exhibit A) prepared by Maser Consulting with a date of 07/31/2020. The conceptual plan submitted with the Conditional Use Permit application is not an approved site plan. Formal construction plans incorporating all conditions stated in this Permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a Zoning Clearance or other development permits. The site will be required to comply with the City's Architectural Design Standards and Land Development Codes.

3. The orientation of the bay doors shall be directed to the East, as shown on the East Elevation, and will be internal to the site and towards Plaza Collina Blvd.

4. No outside storage of any tires will be allowed. Any tire storage shall be completely enclosed and screened from public view and any public streets. All enclosures shall be designed to be compatible and complement the architecture color and materials of the primary building.

5. No outside auto service operations shall be permitted.

6. The hours of operation of the tire sales/service will coincide with the general operating hours of the Costco Wholesale club. This use shall not be allowed to operate without the club being open.

6. In the event the operation of the use as authorized herein results in three (3) documented violations of City Code Chapter 34, Article II, "Noise" as may be amended or revised, in any thirty (30) consecutive-day period as verified by staff, this Conditional Use Permit shall be presented to the City Council for consideration of further conditions or revocation of this Conditional Use Permit.

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 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 become law and shall take effect immediately upon its Final Passage.

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 22nd day of June, 2021.

CITY OF CLERMONT

_____
Tim Murry, Mayor

ATTEST:

_____
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

_____
Daniel F. Mantzaris, City Attorney

Exhibit A – Preliminary Conceptual Site Plan

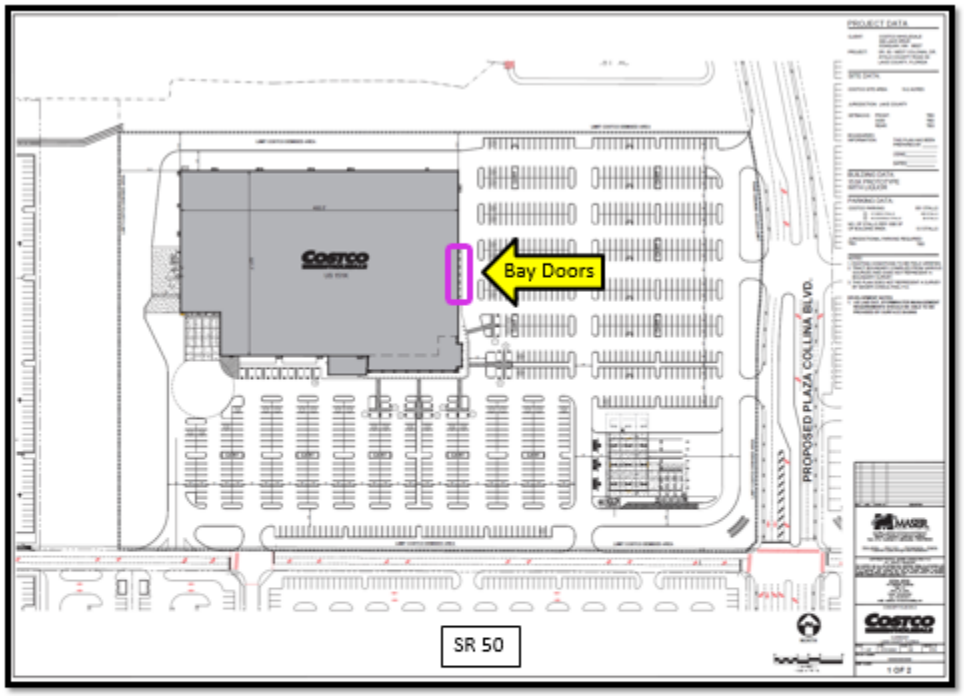


Exhibit - Location Map – Costco

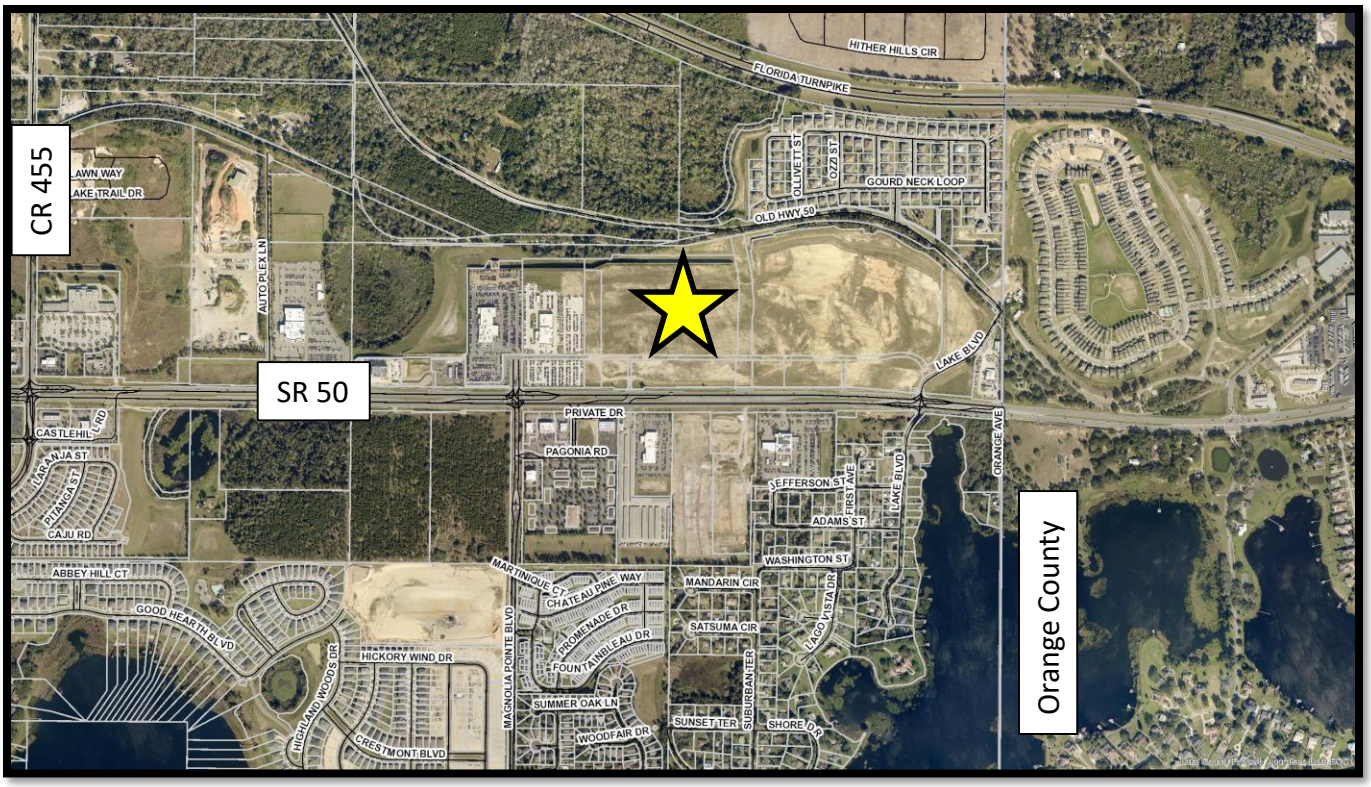
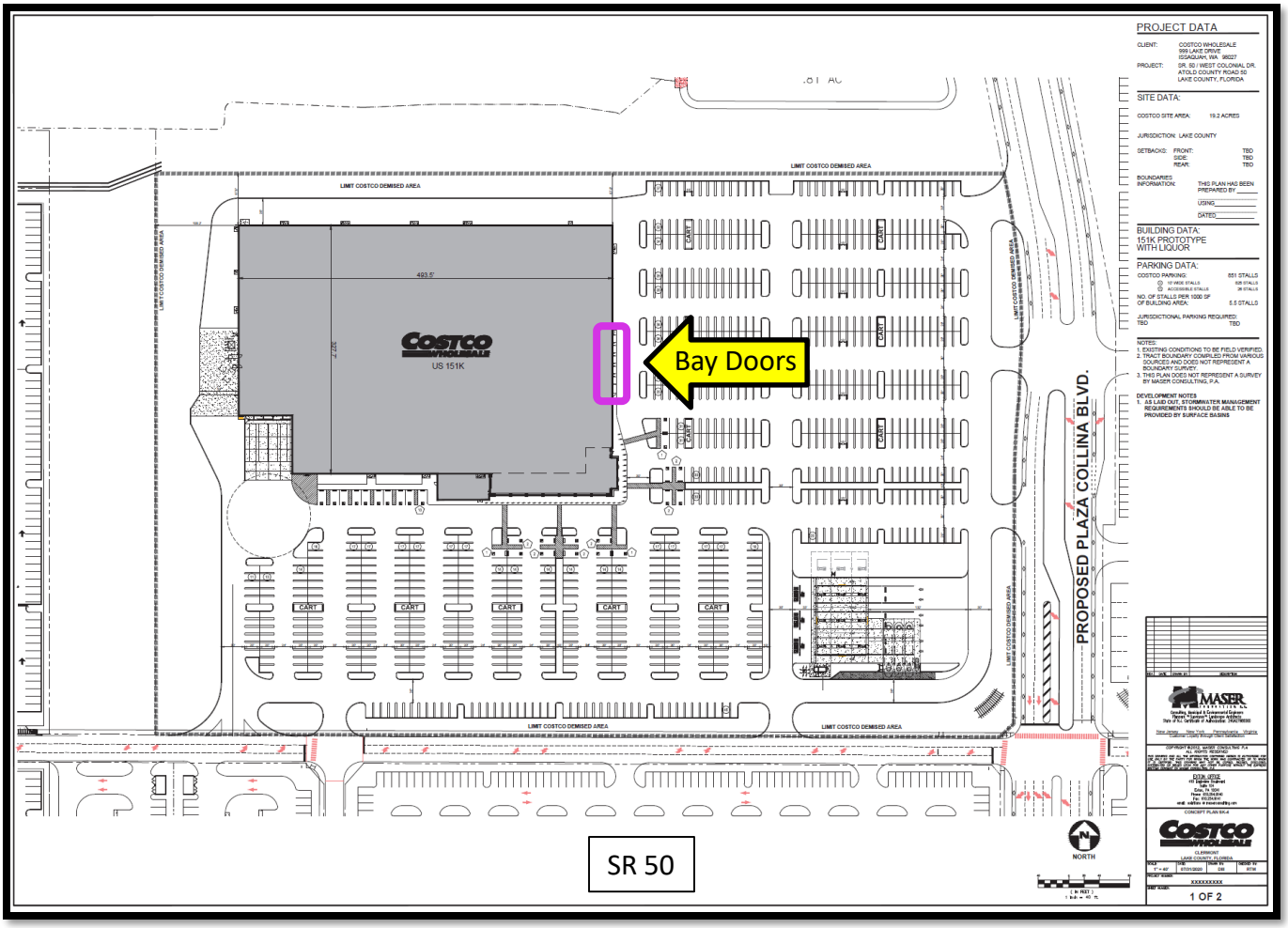
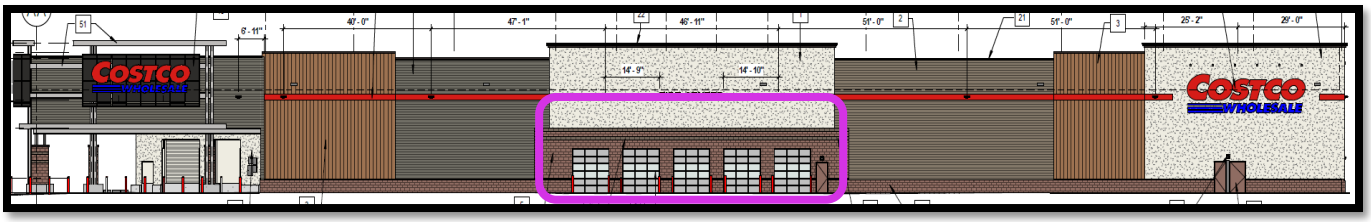


Exhibit – Conceptual Site Plan - Costco





East Elevation

CITY OF CLERMONT
Staff Analysis Report

OWNER: Plaza Collina (Orlando) ASLI VI LLLP

APPLICANT: Brad Wester for Costco Wholesale

PROJECT NAME: Costco Wholesale Tire Service/Sales

REQUESTED ACTION: Consider a Conditional Use Permit (CUP) for automotive services as required by the Land Development Code, Section 122-224 (a)(17).

SIZE OF PARCEL: 19.2 +/- acres

LOCATION: AK 1037433 – Vacant parcel east of Central Florida Hyundai

EXISTING ZONING: Resolution No. 2015-08 - PUD with C-2- General Commercial Uses

EXISTING LAND USE: Vacant

FUTURE LAND USE CATEGORY: Master Planned Development

ANALYSIS:

The applicant, Costco Wholesale, is requesting a Conditional Use Permit to allow an internal tire store as a service to its club members in the proposed Costco building. The five (5) service bays for this use are located on the eastern side of the proposed building.

The proposed site is a vacant portion, approximately 20 acres in size, within the Plaza Collina Mixed Use project that consists of C-2 General Commercial uses. The tire service is an ancillary use to the primary use of retail sales of the club. The Land Development Code, Section 122-224 (17), requires a Conditional Use Permit for any automotive services in the C-2 zoning district. The current Plaza Collina PUD permits the proposed size of the Costco Wholesale building. The location of the service bays within the building are almost centered on the 20 acre parcel and do not face toward any public right-of-way, such as SR 50 or Old Highway 50. The nearest single-family residence is over 1,000 feet away. The two existing automotive dealerships to the west within Plaza Collina also provides this type of automotive service.

When evaluating a request for a Conditional Use Permit, the Land Development Code, Section 86-144 requires specific development standards are met. Staff has reviewed the application as submitted in accordance with the development standards criteria and finds the proposed use can meet the general criteria for granting a Conditional Use Permit. All tires shall be stored within the building with no outside storage. The hours of operation will coincide with the hours of the club. The proposed use will not be detrimental to the health, safety and welfare of the surrounding community. Staff recommends approval of the Conditional Use Permit with the conditions contained in Resolution No. 2021-030R.

CITY OF CLERMONT

CONDITIONAL USE PERMIT

FILING INSTRUCTIONS

1. Prior to submitting an application, a meeting with the Development Services Director or appointed designee, is required. Call 352-394-4083 to schedule a meeting.

2. After meeting with the Development Services Director or appointed designee, the applicant shall prepare and submit one set of preliminary site plans and one PDF on CD for review by the Site Review Committee (SRC) (if required). The material can also be emailed to planning@clermontfl.org. The preliminary site plan shall clearly depict the proposed project, showing the location and dimension of the side, topographic features including floodplains and wetlands, all existing and proposed structures, architectural elevations (all sides), signs, driveways, parking areas and landscaping, etc.

3. After the preliminary site plans are reviewed by the Site Review Committee (SRC), a list of review comments will be forwarded to the applicant. The applicant will then revise the preliminary site plan, addressing the comments from the SRC. The revised plans must be approved by the SRC prior to submitting the Conditional Use Permit (CUP) application.

4. Upon preliminary site plan approval, the applicant will submit a complete CUP application, including the revised preliminary site plan. The revised preliminary site plan is for purposes of the conditional use permit only, **and is not an approved site plan for construction.**

5. Complete CUP applications that are submitted to and accepted by the Development Services Director on or before the 1st of the month will be tentatively scheduled for public hearing the following month, pending City Manager approval. Public hearings are scheduled for the 1st and 4th Tuesdays of the following month for the Planning and Zoning Commission and the City Council respectively.

6. Your presence at the Public Hearings is strongly recommended. Staff will present the application, but it is the applicant's responsibility to make a case for their request.

**The site plan submitted with the CUP application is not the final site plan approved for construction. After the CUP is approved by the Council, site plans and the site review application shall be submitted to the Site Review Committee for review and approval, pursuant to Chapter 86 of the City of Clermont's Land Development Regulations. Construction can commence only after the final site plans have been approved and a zoning clearance has been issued.*

CITY OF CLERMONT

CONDITIONAL USE PERMIT

FILING INSTRUCTIONS

In addition to the attached application, the applicant shall provide the following information:

1. Proof of ownership, i.e. tax receipt, deed, or Lake Country Property record card.

2. A complete legal description and survey of the subject property provided in a word document to be used for the legal advertising and in the CUP. It may be included on the CD as a word document or emailed to planning@clermontfl.org

3. A preliminary site plan clearly depicting the proposed project, showing the location and dimensions of the site, topographic features including floodplains and wetlands, all existing and proposed structures, architectural elevations (all sides), signs, driveways, parking areas and landscaping, etc. Maximum size for plans is 11" x 17" (if provided electronically, applicant does not need to provide paper copies)

4. One PDF copy of the Site Plan on disk, as directed by City staff. This will depend if the project borders a Lake County right-of-way.

5. Plans for the provision of services and infrastructure, and if required, traffic studies, Transportation Proportionate Fair Share information, or School Concurrency information.

6. Landscape plans in conformance with Chapter 118 of the Code. (see #3 above)

7. Original signature application

APPLICATION FEE: $845.00 plus the cost of advertisement, plus the cost of traffic review fee*, if necessary.

*If the conditional use impacts traffic, a third party review through the City's traffic consultant will be necessary. The cost of review will be the responsibility of the applicant.

CITY OF CLERMONT

CONDITIONAL USE PERMIT APPLICATION

Date April 8, 2021	**FEE: $845 + cost of advertisement + cost of traffic review (if necessary)**		
Project Name (if applicable) Costco Wholesale			
Applicant Brad Wester (Driver McAfee) for Costco			
Contact Person Brad Wester			
Address One Independent Dr, Suite 1200	**City** Jacksonville	**State** FL	**Zip** 32202
Telephone 904-294-3768	**Fax** N/A		
Email bwester@drivermcafee.com			
OWNER INFORMATION ☐ **(Check box if owner information is same as applicant)**			
Owner's Name PLAZA COLLINA (ORLANDO) ASLI VI LLLP			
Owner Address 923 N PENNSYLVANIA AVE	**City** WINTER PARK,	**State** FL	**Zip** 32789
Telephone N/A	**Fax** N/A		
PROPERTY INFORMATION			
Address of Subject Property Old Highway 50 (25-22-26-0001-000-00300)	**City** Clermont	**State** FL	**Zip** 34711
General Location North of SR50, West of the Orange County line, South of Old Highway 50 (2015-08).			
Legal Description & Alternate Key (include copy of survey) See attached legal description from property records.			
Land Use (City verification required) Master Planned Development			
Zoning (City verification required) PUD in a Urban Estate (UE) Zoning (2015-08)			

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.

The request is for a tire sales and services center as part of a Costco Wholesale. As a follow up to the March 31 pre-application meeting with staff, it was determined that a Conditional Use Permit is required for the tire service component of the Costco Wholesale. Resolution 2015-08 allows only two services facilities. The tire sales and service facility is integrated into the Costco Wholesale building as shown on the enclosed site plans.

Brad Wester
Applicant Name (print)

x_____
Applicant Name (*signature*)

See attached auth.
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

Daily Commercial

Advertising Receipt

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

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

Account Number: 7101866
Order Number: 10102143
Phone: (352) 241-7331
Date: 05/21/21
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 r	05/25/2021	06/15/2021	**$182.28**

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow tire sales/service in five service bays within Costco at the following location:

LOCATION

Vacant parcel within the Plaza Collina Development
Directly north of SR 50 and West of the Orange County Line
Alternate Key 1037433

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,
June 1, 2021 at 6:30 PM.

The City Council will consider the request at a public hearing on Tuesday, June 22, 2021 at 6:30 PM.

All meetings will be held in City Hall, first floor Council Chambers, located at 685 West Montrose Street, Clermont FL

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

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10102143
May 25, 2021 &
June 15, 2021

Payment Info	
Ad Price	**$182.28**
Tax	**$0.00**
Sub Total	**$182.28**
Prepaid Amount	**$0.00**
Balance Due	**$182.28**