

**CITY OF CLERMONT
SPECIAL PLANNING AND ZONING
COMMISSION AGENDA
6:30 PM, Tuesday, January 18, 2022**



CALL TO ORDER

NEW BUSINESS

Request for Revocation of July 24, 2012 Conditional Use Permit and July 24, 2015 Certificate of Occupancy for Lilly's on the Lake located at 846/848 W. Osceola Street

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) 241-7335.

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

Page 1 of 2

Meeting Date		
Tuesday, January 18, 2022		
Agenda Item Name		
Request for Revocation of July 24, 2012 Conditional Use Permit and July 24, 2015 Certificate of Occupancy for Lilly's on the Lake located at 846/848 W. Osceola Street		
Requested Action		
Staff Report		
The owner of the property has allowed it to be used or caused it to be used on repeated occasions in such a manner that it violates the Conditional Use Permit and/or fails to comply with the codes of the City of Clermont or the Florida Fire Prevention Code, specifically, but not limited to the following: July 24, 2012 Conditional Use Permit: - Section 1, Subsection 13: outdoor music allowed past permitted hours - Section 2, Subsection 1: allowed uses not permitted (adult entertainment) - Section 2, Subsection 3: unauthorized use of storage structure Clermont City Code: Chapter 42, Article III, "Nudity": - Section 42-81, "In Public Places"; - Section 42-82, "Prohibited Acts" - Section 42-83, "Employment of Persons to Perform Prohibited Acts" Chapter 95, Article II, "General requirements for all adult entertainment establishments": - Section 95-31, "Generally" - Section 95-34, "Adult performance establishment" - Section 95-37, "Prohibited acts" Florida Fire Prevention Code: - NFPA 101:13.2 Required means of egress locked or inaccessible. - NFPA 101:13.2 Chairs and/or seating were arranged in a manner not approved by the Fire Marshal. - This included the arrangement of temporary fencing in or corralling of attendees. - NFPA 101:13.7.6 Certified crowd managers were not assigned for the event.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Signed Resolution 2012-21	Signed Resolution 2012-21.pdf	
2. CO	CO.pdf	
3. Notice of Revocation of Lilly's on the Lake CUP 1.4.22 Amended	Notice of Revocation of Lilly's on the Lake CUP 1.4.22 Amended.pdf	
4. Notice of Revocation of Lilly's on the Lake CO 1.4.22 Amended	Notice of Revocation of Lilly's on the Lake CO 1.4.22 Amended.pdf	

5. Amended Legal ad

Amended Legal ad.pdf

**CITY OF CLERMONT
RESOLUTION NO. 2012-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT IN THE
CBD CENTRAL BUSINESS DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held July 3, 2012 recommended for approval of this Conditional Use Permit to allow a restaurant in the CBD Central Business District; at the following location:

LOCATION:

848 West Osceola Street

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 to allow a restaurant in the CBD Central Business 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 the Site Review Committee. An amendment to the Conditional Use Permit may be required.
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 Code and those of other appropriate jurisdictional entities.

CITY OF CLERMONT
RESOLUTION NO. 2012-21

4. 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 Planning and Zoning Department.
5. 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.
6. 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 in the form set forth in Exhibit "A" 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.
7. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date the Conditional Use Permit is executed and signed by the appropriate parties. Substantial construction work means the commencement and continuous construction of required improvements ultimately finalized at completion.
8. The restaurant use shall be required to install and maintain any required grease trap for food services in accordance with the Clermont Code of Ordinances and other local or state regulations. Installation and size are to be determined by the Utility Director.
9. The applicant shall be required to submit a formal site plan for review and approval by the City staff. The project shall be designed in substantial accordance with the site plan (Exhibit "A") presented at the preliminary site review meetings and public hearings with the exception of modifications necessary to comply with final Conditional Use Permit conditions and State, County or City Codes.
10. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met. 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.
11. Should the restaurant use cease operations for a period greater than one year, a new Conditional Use Permit shall be required.

CITY OF CLERMONT
RESOLUTION NO. 2012-21

12. 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. Recurring documented complainants related to noise or other disturbances emanating from the operation shall be considered prima facie evidence of a violation of this provision. The owner shall be given written notice of such violations and shall have seven (7) days after receipt of such notice within which to demonstrate that adequate measures have been taken to alleviate the source of the disturbance which gave rise to the recurring complaints. If in the opinion of the Planning and Zoning Director, the disturbances have not been corrected, the owner will be scheduled for the next available City Council meeting to determine the appropriate action necessary to alleviate the disturbance, including any additional restrictions on the operation of the business deemed necessary to alleviate the complaints.
13. No outdoor music shall be allowed past 11:00 P.M. on Friday or Saturdays, and 10:00 P.M. Sunday thru Thursday.
14. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
15. 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.
16. 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.

Section 2 – Land Use

1. Permitted uses shall include a restaurant at 848 West Osceola St., as well as uses permitted with the CBD Central Business District. Additional uses, events and activities permitted in direct association with the restaurant operation may include the following:
 - a) Weddings, holiday parties, special event venues.
 - b) Live music (on the restaurant deck and outdoor area)
 - c) Public movie night and poetry night.
 - d) Contests – talent show, hot dog eating, competition hosting for Miss Clermont and Lake County, dancing, singing, music, karate, high school cheer/dance, sand castle, doggie dress-up parades, and similar functions.
 - e) Children playground area, beach volleyball, horseshoe, corn hole and similar activities.
 - f) Bicycle and water sport rental area, ice/vending machines and bait sales.
2. No outdoor storage or display shall be permitted without obtaining City approvals (see variance) in accordance with the Land Development Code.

**CITY OF CLERMONT
RESOLUTION NO. 2012-21**

3. Once construction has commenced, the existing 4,040 square foot building shall only be permitted for storage and a 150 square foot office space, directly associated with the restaurant use. Any warehouse rental operations or similar use shall not be permitted. No other uses shall be permitted without a Conditional Use Permit amendment.

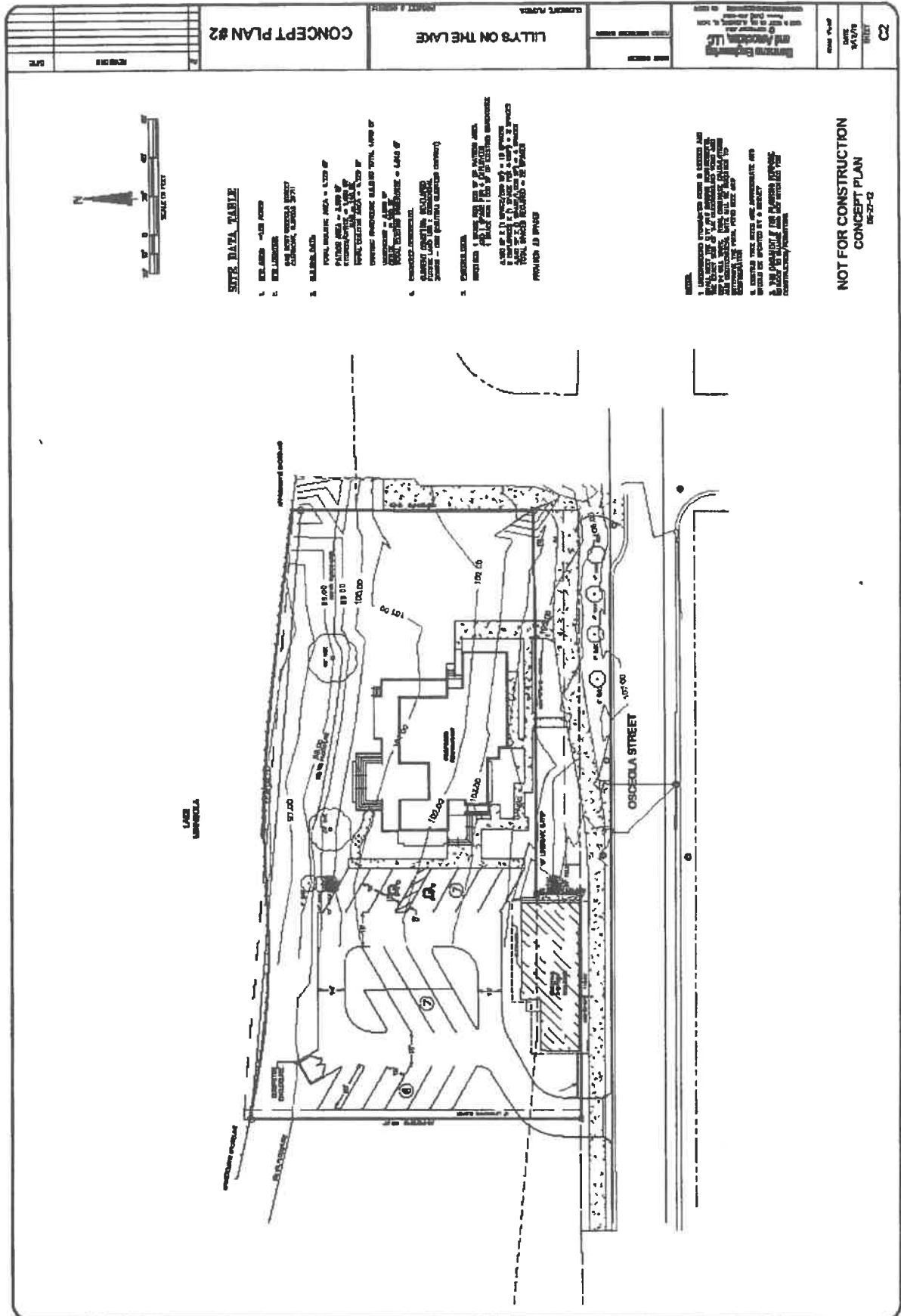
Section 3 - Architectural Design and signage:

All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont. In addition, the following shall be required:

1. All fencing within public view shall be ornamental metal or brick, as approved by the City's Site Review Committee. Chain link fencing shall be prohibited.
2. Direct exposed view neon tubing and scrolling text message boards are prohibited. Neon tubing shall not be utilized for building trim or accent areas.
3. No signage shall be permitted on the existing 4,040 square foot building.
4. All other signage shall comply with applicable codes.

CITY OF CLERMONT
RESOLUTION NO. 2012-21

Exhibit "A"



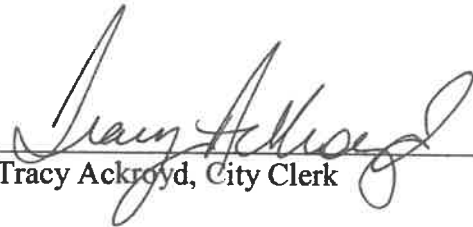
**CITY OF CLERMONT
RESOLUTION NO. 2012-21**

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of July, 2012.

CITY OF CLERMONT


Harold S. Turville, Jr., Mayor

ATTEST:


Tracy Ackroyd, City Clerk

Approved as to form and legality:


Daniel F. Mantzaris, City Attorney



CERTIFICATE OF OCCUPANCY

City of Clermont
Development Services

PERMIT NUMBER: **201400705**

ISSUED DATE: 9/22/2014

OWNER: LILLY PAD LODGE, LLC
CO ALEJANDRO KABA
CLERMONT, FL 34711-

This Certificate is issued pursuant to the requirements of the Florida Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City of Clermont regulating building construction to use. For the Following:

OCCUPANCY TYPE:	STORES/CUSTOMER SERVICE	CO ISSUED DATE:	7/24/2015
DESCRIPTION	CONSTRUCT LILLY'S RESTAURANT	ALTERNATE KEY:	24222501750000
SUBDIVISION:	CLERMONT	LOT:	00019
SITE ADDRESS:	846 W OSCEOLA	BLOCK:	000
CONTRACTOR:	CLASSIC STRUCTURES INC. 1465 ANDERSON STREET CLERMONT, FL		

NOTE:

This Certificate of Occupancy is issued to the above named. For the building at the above named location only upon the express provision that the applicant will abide by and comply with all the conditions of the zoning ordinances and all ordinances or Building Codes of the City of Clermont. The issuance of this Certificate grants permission to occupy and use the property described herein only for the use indicated. Any change in use will require a new certificate of occupancy.

To: Lilly Pad Lodge, LLC
2635 Camino Del Rio, Ste 109
San Diego, CA 92108

Lilly Pad Lodge, LLC
c/o Registered Agent
KABA Consulting, Inc.
1655 E. Hwy 50, Ste 203
Clermont, FL 34711

Erik Strom, Mgr
11427 Waterstone Loop Dr.
Windermere, FL 34786

AMENDED
NOTICE OF HEARINGS ON REVOCATION OF
LILLY'S ON THE LAKE CUP
(Providing notice of new hearing dates before the
Planning & Zoning Commission and City Council)

As an owner of property that is subject to a July 24, 2012 Conditional Use Permit (the "CUP") issued by the City of Clermont related to and encompassing the entire property known as Lilly's on the Lake, you are advised that the City of Clermont intends to request the City Council revoke the above-stated conditional use permit in accordance with Clermont City Code Section 86-146(b). A copy of the subject CUP is provided herewith. The reason for the revocation request is the owner of the property has allowed it to be used or caused it to be used on repeated occasions in such manner that violates the Conditional Use Permit and/or fails to comply with the codes of the City of Clermont or the Florida Fire Prevention Code, specifically, but not limited to the following:

July 24, 2012 Conditional Use Permit:

Section 1, Subsection 13: outdoor music allowed past permitted hours
Section 2, Subsection 1: allowed uses not permitted (adult entertainment)
Section 2, Subsection 3: unauthorized use of storage structure

Clermont City Code:

Chapter 42, Article III, "Nudity":

Section 42-81, "In Public Places";
Section 42-82, "Prohibited Acts"
Section 42-83, "Employment of Persons to Perform Prohibited Acts"

Chapter 95, Article II, "General requirements for all adult entertainment establishments":

Section 95-31, "Generally"
Section 95-34, "Adult performance establishment"
Section 95-37, "Prohibited acts"

Florida Fire Prevention Code:

NFPA 101:13.2 Required means of egress locked or inaccessible.

NFPA 101:13.2 Chairs and/or seating were arranged in a manner not approved by the Fire Marshal. This included the arrangement of temporary fencing in or corralling of attendees.

NFPA 101:13.7.6 Certified crowd managers were not assigned for event.

The revocation process requires a public hearing before the Planning & Zoning Commission at which the Commission will be asked to make a recommendation to the City Council. The hearing before the Planning & Zoning Commission will take place on **Tuesday, January 18, 2022 at 6:30 PM in Council Chambers, First Floor, Clermont City Hall, 685 W. Montrose Street, Clermont, Florida.**

A public hearing to consider final action on the City request to revoke the conditional use permit will be held by the City Council on **Monday, January 24, 2022 at 6:30 PM in Council Chambers, First Floor, Clermont City Hall, 685 W. Montrose Street, Clermont, Florida.**

You are advised that if the City Council revokes the subject conditional use permit, that the continued use of the property by you or by any tenant you may have on the property shall be without required permit approval and in violation of the Clermont City Code and therefore subject to enforcement by the City through all available means including but not limited to City Code Section 1-15 and Chapter 2, Article V and the imposition of a fine up to \$250 per day for an initial violation and \$500 per day for a repeat violation.

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 Commission in support or opposition to this item, a copy of the document,

picture, video or item must be provided to the City Clerk for the City's records.

I HEREBY CERTIFY that on this 4th day of January, 2022, a true and correct copy of this Notice has been furnished by certified and regular mail to Lilly Pad Lodge, LLC 2635 Camino Del Rio, Ste 109, San Diego, CA 92108, c/o KABA Consulting, Inc., Registered Agent, 1655 E. Highway 50, Ste 203, Clermont, FL 34711 and c/o Erik Strom, Manager, 11427 Waterstone Loop, Windermere, FL 34786.



~~Tracy Aekroyd, City Clerk~~
Brian Lueth, Deputy City Clerk

Issued To: Lilly Pad Lodge, LLC
2635 Camino Del Rio, Ste 109
San Diego, CA 92108

Lilly Pad Lodge, LLC
c/o Registered Agent
KABA Consulting, Inc.
1655 E. Hwy 50, Ste 203
Clermont, FL 34711

Erik Strom, Mgr
11427 Waterstone Loop Dr.
Windermere, FL 34786

AMENDED
NOTICE OF REVOCATION OF
LILLY'S ON THE LAKE CERTIFICATE OF OCCUPANCY
(Providing notice of new hearing dates before
the Planning & Zoning Commission and City Council)

As an owner of property that is subject to a Certificate of Occupancy issued July 24, 2015 (the "CO") issued by the City of Clermont related to and encompassing the structures located on the property known as Lilly's on the Lake, you are advised that in as authorized by Clermont City Code Section 14-62 the above referenced certificate of occupancy is hereby revoked. A copy of the subject Certificate of Occupancy is provided herewith. The reason for the revocation is the owner of the property has allowed it to be used or caused it to be used on repeated occasions so that the occupancy and use of the buildings has become detrimental to the public health, safety or welfare or that traffic constitutes a nuisance. The actions that warrant this determination, include, but are not limited to the following:

Failing to comply with the following provisions of the July 24, 2012 Conditional Use Permit issued for the property:

Section 1, Subsection 13: outdoor music allowed past permitted hours
Section 2, Subsection 1: allowed uses not permitted (adult entertainment)
Section 2, Subsection 3: unauthorized use of storage structure

Failing to comply with the following provisions of the Clermont City Code:

Chapter 42, Article III, "Nudity":
Section 42-81, "In Public Places";
Section 42-82, "Prohibited Acts"
Section 42-83, "Employment of Persons to Perform Prohibited Acts"

Chapter 95, Article II, "General requirements for all adult entertainment establishments":

Section 95-31, "Generally"
Section 95-34, "Adult performance establishment"

Section 95-37, "Prohibited acts"

Failing to comply with the following provisions of the Florida Fire Prevention Code:

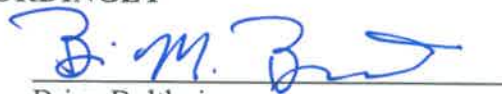
NFPA 101:13.2 Required means of egress locked or inaccessible.
NFPA 101:13.2 Chairs and/or seating were arranged in a manner not approved by the Fire Marshal. This included the arrangement of temporary fencing in or corralling of attendees.
NFPA 101:13.7.6 Certified crowd managers were not assigned for event.

Clermont City Code Section 14-62 affords you the right to appeal the City Manager's determination as stated above. For your benefit and for that purpose, the appeal hearing has been schedule to be heard at a public hearing before the Planning & Zoning Commission at which the Commission will be asked to make a recommendation to the City Council. The hearing before the Planning & Zoning Commission will take place on **Tuesday, January 18, 2022 at 6:30 PM in Council Chambers, First Floor, Clermont City Hall, 685 W. Montrose Street, Clermont, Florida.**

Thereafter the public hearing to consider final action on your appeal of the City Manager's determination will be held by the City Council on **Monday, January 24, 2022 at 6:30 PM in Council Chambers, First Floor, Clermont City Hall, 685 W. Montrose Street, Clermont, Florida.**

You are advised that if the City Council denies your appeal and the Certificate of Occupancy is revoked the continued use of the property by you or by anyone else shall be without a required Certificate of Occupancy and in violation of the Clermont City Code and therefore subject to enforcement by the City through all available means including but not limited to City Code Section 1-15 and Chapter 2, Article V and the imposition of a fine up to \$250 per day for an initial violation and \$500 per day for a repeat violation.

PLEASE GOVERN YOURSELF ACCORDINGLY



Brian Bulthuis

Clermont City Manager

Date: January 4, 2022

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 Commission in support or opposition to this item, a copy of the document, picture, video or item must be provided to the City Clerk for the City's records.

I HEREBY CERTIFY that on this 4th day of January, 2022, a true and correct copy of this Notice has been furnished by certified and regular mail to Lilly Pad Lodge, LLC 2635 Camino Del Rio, Ste 109, San Diego, CA 92108, c/o KABA Consulting, Inc., Registered Agent, 1655 E. Highway 50, Ste 203, Clermont, FL 34711 and c/o Erik Strom, Manager, 11427 Waterstone Loop, Windermere, FL 34786.


Tracy Ackroyd, City Clerk
Brian Wells, Deputy City Clerk



The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

Order Confirmation

Not an Invoice

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City Of Clermont-Legals P.O. BOX 120219 CLERMONT FL 34712
Contact Name:	City Clerk
Contact Phone:	(352) 708-5997
Contact Email:	
PO Number:	

Date:	01/04/2022
Order Number:	6738885
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	47.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	2	01/10/2022 - 01/17/2022	Govt Public Notices
LEE dailycommercial.com	2	01/10/2022 - 01/17/2022	Govt Public Notices

Total Order Confirmation	\$147.24
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LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for Revocation of a Conditional Use Permit (Resolution No. 2012-21) to allow a restaurant in the CBD Central Business District, at the following location:

LOCATION

846/848 West Osceola Street

Alternate Key 3784611/1616891

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 this request on Tuesday, January 18, 2022 at 6:30 PM.

A public meeting to consider the request will be held before the City Council on Monday, January 24, 2022 at 6:30 PM.

All public meetings are held at the Clermont City Hall, first floor 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 Howe, MMC

City Clerk

Daily Commercial

January 10, 2022 and January 17, 2022

01/10, 01/17 6738885