City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
May 2, 2023

Chairman Max Krzyminski called the meeting of the Planning & Zoning Commission to order on Tuesday, May 2, 2023 at 6:30 p.m. Members present were: Jane McAllister, Dieter Grube, David Colby, Vincent Niemiec and Ariel Guerrero. Matthew Norton was not present. Also, present for City staff was City Attorney Dan Mantzaris, Curt Henschel, Planning Director, Planning Manager John Kruse, Senior Planner Regina McGruder, and Planning Coordinator Rae Chidlow.

MINUTES:

MOTION TO APPROVE the March 7, 2023 minutes of the Planning & Zoning Commission made by Commissioner McAllister; seconded by Commissioner Colby. Passed unanimously.

REPORTS FROM THE COMMISSION:

Chairman Krzyminski thank staff for the work they do. He reminded everyone that this Friday is the first Friday Food Truck event.

NEW BUSINESS

Item #1: Resolution No. 2023-011R – Salt Shack Conditional Use Permit

Planning Manager John Kruse presented as follows:

The applicant, Jimmy Crawford, Esq. is requesting a Conditional Use Permit (CUP) amendment to revise existing restaurant restrictions applied within Resolution 2022-003R to allow outdoor dining use for the restaurant operation. The property is located at 846 West Osceola Street, formerly known as Lilly's on the Lake. The property owner in 2012 received a conditional use permit, Resolution 2012-21, for a building greater than 3,000 square feet to be used as a restaurant within the Central Business District with certain conditions that allowed outdoor uses.

The 6,000 plus square foot building was constructed in 2015 and was opened as a restaurant. In 2021, City Staff received complaints that the restaurant was violating their conditional use permit due to having events that were not approved under Resolution 2012-21. The City Council, on January 24, 2022, found the property owner and permittee had violated the City Code, the Florida Fire Prevention Code, and Conditional Use Permit Resolution 2012-21. As a result of the violations, the 2012-21 Resolution was amended to only allow restaurant operations within the confines of the existing building, no outdoor activities and no outdoor music played on the premises. This resulted in the current Resolution 2022-003R. Condition 5 in Resolution 2022-003R prohibited the agent or assigns from seeking an amendment for a period of one year from January 24, 2022. This timeframe has been met.

The applicant has indicated a new long-term lessee, the Salt Shack, will be occupying the restaurant and controlling the property as part of their lease. The company has experience with a successful waterfront restaurant in Tampa and they would like to be able to use the full potential of the current property for outdoor dining. Several restaurants within the Central Business District use outdoor dining and entertainment areas as an integral and essential option.

Staff has reviewed the CUP amendment in accordance to Sec. 86-144 (d) of the Land Development Code. The proposed intensity, character and type of development is comparable to other restaurant uses within the Central Business District. Several restaurants have outdoor dining options. The site lends itself through the waterfront views and an open area adjacent to the east of the existing restaurant to offer outdoor dining. Staff recommends approval of Resolution 2023-011R and reinstatement of the outdoor dining area.

Jimmy Crawford, 702 W. Montrose St., stated that the name of the company is SS2, LLC which stands for Salt Shack 2. He stated that they are working on interior renovations currently prior to opening. He stated that they intend to come back with improvements to expand the outdoor deck and table space. They will need to work on parking prior to that. He stated that they will have outdoor music like the other downtown restaurants.

Commissioner Guerrero asked about the outdoor space.

Mr. Crawford stated that they are asking to use the outdoor space for dining and music, but not asking to expand at this time.

Commissioner Niemiec asked if they are asking to have music.

Mr. Crawford stated that they are asking to resume the original conditional use permit but not the events or amplified music. He stated that they may do trivia or events inside

Commissioner Niemiec asked what the noise level that is allowed.

Mr. Kruse stated that Mr. Henschel would have to look it up.

Commissioner Niemiec asked that the music speakers face the lake and not towards the residents.

City Attorney Dan Mantzaris stated that the application before the Commission allows outdoor dining but does not allow outdoor music.

Mr. Crawford stated that he did not realize the resolution did not include music. He stated that they do want limited outdoor live music. He stated that they do not want to include weddings, special events, or holiday parties. He stated that they are not looking to hold competitions but maybe allow corn hole.

Mr. Kruse stated that there is not a condition pertaining to music because there is a noise ordinance in place to cover that issue.

Commissioner Colby asked if staff is wanting a recommendation based on what was presented or if they were considering to allow live music.

Mr. Kruse stated that staff is looking for a recommendation based on what was presented for outdoor dining. He stated that this is similar to other downtown establishments that have outdoor music playing but it's not included in the resolution because of the noise ordinance that is currently in place.

Commissioner McAllister asked if the outdoor seating will be covered.

Mr. Crawford stated that they will be covered with umbrellas for now but in the second phase it will more than likely be covered.

Commissioner McAllister asked how long the lease was.

Mr. Crawford stated that it is a 20-year lease with a 10-year renewal.

Chairman Krzyminski asked if he was the owner or partners with the previous owners.

Mr. Crawford stated that he is just the attorney presenting the application. He stated that SS2, LLC is the lessor and Lily Pad Lodge is still the owners.

Chairman Krzyminski asked if there will be any tents.

Mr. Crawford stated that it will only be tables with umbrellas.

Action:

> **MOTION TO APPROVE** Resolution No. 2023-011R was made by Commissioner Grube, seconded by Commissioner Niemiec. Passed unanimously, 6-0.

With no further comments, Chairman Krzyminski adjourned the meeting at 6:55 P.M.

Max Krzyminski, Chairman

ATTEST:

Rae Chidlow, Planning Coordinator