



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, April 4, 2017
City Hall – 685 W. Montrose Street, Clermont, FL**

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

Approval of the March 7, 2017 Planning and Zoning Commission meeting minutes.

**REPORTS
NEW BUSINESS**

Item 1 - Resolution No. 2017-14
Bees Auto, Inc./Weatherbee Conditional Use
Permit

Request for a Conditional Use Permit to
allow for an automotive service center in
the Central Business District located at
898 W. Montrose 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 the 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 Recording Clerk for the City's records.

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The meeting of the Planning & Zoning Commission was called to order Tuesday March 7, 2017 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carol Thayer, Herb Smith, Judy Proli, Cuqui Whitehead, and Jack Martin. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Regina McGruder, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

Development Director Hollerand introduced Regina McGruder to the Planning and Zoning Commission.

MINUTES of the Planning and Zoning Commission meeting held February 7, 2017 were approved as written.

REPORTS

Commissioner Whitehead stated that Pig on the Pond was successful.

Mr. Mantzaris stated that it was estimated that 30,000 people were in attendance.

Commissioner Whitehead stated that The Caribbean American Association of Lake County is having a Mother's Day event at Gabby's banquet facility on Sunday, May 14, 2017 from 1:00 p.m. to 5:00 p.m.

Chairman Jones stated that he has tickets for the Florida Lakes Symphony Orchestra that is coming up on March 31, 2017. He stated that Film and Fantasy will performing at the First United Methodist Church. He stated that he is also raffling off a Remington 12-guage pump shot gun and 100% of the proceeds go to the Lions Club vision programs. He stated that they also collect glasses to recycle. He stated that two years ago they recycled 98,000 glasses worldwide.

Commissioner Whitehead made a motion to table Resolution 2017-14 to the April 4, 2017 Planning and Zoning Commission meeting; seconded by Commissioner Proli. The vote was unanimous.

1. REQUEST FOR REZONING

REQUEST: To change the zoning from C-2 General Commercial to Planned Unit Development

APPLICANT: Major Stacy/The Addison

Senior Planner Kruse presented the staff report as follows:

The applicant, B&S Engineering Consultants, is requesting a rezoning from C-2 General Commercial to Planned Unit Development for 19.17+/- acres. The property is located at the northwest corner of Hooks Street and Citrus Tower Boulevard and extends west towards Oakley

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Seaver Drive. The property has been previously altered with mining activities and is currently vacant. The applicant desires to develop the site for a multi-family development with up to 12 dwelling units per acre, or a total of up to 230 dwelling units. The applicant has provided a conceptual site plan, prepared by B&S Engineering Consultants, dated 2-14-17, showing the layout of the buildings and parking on the site. The project will consist of 16 multi-story buildings with a clubhouse and other amenities for the residents. The proposal is for multi-family use only with no commercial aspects proposed.

Because the site has been previously disturbed, the applicant is requesting several waivers to deal with the existing conditions. The applicant is requesting cut and fill up to 25 feet over the project area. This is due to the existing manmade holes on the site from the mining activity and stock piling of roadway material (spoils) from Hooks Street and the surrounding road construction activities. This was permitted under the current SJRWMD permit 89835. The applicant is requesting 4:1 grades to assist with transitioning the grade over the site. The 4:1 slope is also being requested in the landscape buffers, where needed. The applicant is requesting a maximum retaining wall height of 13 feet. When two wall segments are required, the applicant is requesting a 3-foot terrace instead of a 5-foot terrace. The applicant is requesting the project be gated with private streets. The applicant is requesting that driveway access and parking be allowed to be constructed below the centerline of adjoining roads, with the City's engineer's approval. The applicant has indicated that they can serve the entire development with one central compactor for solid waste collection and is seeking a waiver to the land development code for dumpsters.

Staff acknowledges that the site has been disturbed and the original topography has been altered, as evident from aerial photography over the years and the SJRWMD Permit. Staff understands that the site will be challenging to develop and the very nature of the Planned Unit Development zoning allows waivers to the Land Development Code. The traffic report indicates that the proposed development will not require additional improvements to the surrounding roadway systems. The applicant will be required to participate in any mitigation that is warranted by the Lake County School District for school concurrency.

Staff has reviewed the applicant's request for a rezoning from C-2 General Commercial to Planned Unit Development zoning. Staff believes the proposal meets the standards in regards to Section 122-315, Review Criteria for a Planned Unit Development. Therefore, staff recommends approval of Ordinance 2017-23 for a Planned Unit Development.

Attorney Jimmy Crawford stated that he is representing The Addison. He stated that there is very little that has changed from the previous application. He stated that they have provided more detail of the floor plans and finishes of the buildings.

Commissioner Whitehead asked if there was only one entrance to the apartments.

Major Stacy, 2221 Lee Road, Winter Park, stated that there is one primary entrance on Hooks Street with a secondary emergency access on Citrus Tower Boulevard. He stated that there is a

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60 x 100 foot easement because there is an intersection not being used at this time, but it was required by Lake County.

Commissioner Whitehead asked about parking.

Mr. Stacy stated that parking meets code.

Chairman Jones asked about the school board concurrency requirements.

Mr. Kruse stated that the applicant would have to meet any school concurrency requirements in order to proceed with the project.

Mr. Crawford stated that the estimated new student generation count is 15 to 20 students and the applicant will have to do a capacity impact study prior to development.

Commissioner Whitehead asked what the largest floor plan for the apartments is.

Mr. Crawford stated that there would be three bedroom/two bath. He stated that he did a site visit to the sister project to this one and he was very impressed. He stated that they use up to four finishes on the exterior of the apartments.

Mr. Stacy stated that there are 56 1-bedroom units, 122 2-bedrooms units, and 52 3-bedrooms units in the apartments.

Commissioner Thayer expressed concerns about the project having only one main entrance.

Mr. Crawford stated that the project meets the access codes for development. He stated that there is an emergency entrance in the northeast corner of the parcel.

Commissioner Smith asked if the emergency exit would be blocked.

Mr. Stacy stated that there would be an access gate at that entrance.

Chairman Jones asked whether the emergency vehicles would be able to maneuver through the development.

Mr. Kruse stated that it was reviewed by the Fire Department at the preliminary review.

Commissioner Smith asked about there only being one trash compactor for the whole development.

Deion Lowery, developer, stated that the trash compactor is the typical compactor they use for projects such as this one. He stated that the residents prefer seeing only one unit rather than having compactors spread around the project. He stated that it might need to be serviced more

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than once a week. He stated that there is a valet service that will pick up the trash from the residents' door.

Commissioner Proli asked about a photo provided in the application.

Mr. Crawford stated that the apartment in the photo is the sister project on University Boulevard but this project will be a smaller version of that one. He stated that the sister project is 20 units to the acre, where in Clermont they are limited to 12 units to the acre. He stated that this project would also provide more green space between the buildings, rather than being connected.

Commissioner Proli asked where the pool was located.

Mr. Lowery stated that the pool is in the center. He stated that there is more green space between the buildings due to the elevation on the parcel.

Commissioner Proli asked why they wouldn't build condominiums rather than apartments.

Mr. Lowery stated that the apartments are built to condominium specs, however it is hard to get financing for condominiums. He stated that they are the owners, are financed for 40 years and they will overlook the property. He stated that they will not be flipped once built.

Commissioner Whitehead asked if there would be BBQs provided for the residents.

Mr. Lowery stated that there would be BBQs included in the project.

Commissioner Whitehead moved to recommend approval of the rezoning; seconded by Commissioner Martin. The vote was unanimous to recommend approval.

Commissioner Martin nominated Chairman Nick Jones for chairman for the upcoming year; seconded by Commissioner Smith. The vote was unanimous.

Commissioner Martin nominated Commissioner Whitehead for Vice-chair; seconded by Commissioner Proli. The vote was unanimous.

There being no further business, the meeting was adjourned at 7:10 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



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AGENDA ITEM

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Meeting Date		
Tuesday, April 4, 2017		
Agenda Item Name		
Resolution No. 2017-14 Bees Auto, Inc./Weatherbee Conditional Use Permit		
Requested Action		
Recommend approval of Resolution 2017-14.		
Staff Report		
<i>This request was originally advertised for March public hearings.</i> The applicant has requested to operate an automotive and truck repair service center within the Central Business Zoning District (CBD). According to Sec. 122-244 of the land development code, this use requires approval of a conditional use permit (CUP). An automotive and truck repair service center has operated on this site in the past. However, because operation ceased, any new operations must attain a CUP. The owner wishes to redevelop the site as shown by the attached site plan, which incorporates site improvements including: • 1,345-square-foot building addition • Buffer fencing • Landscaping • Entrances • On-site retention • Parking spaces sized per code This automotive and light truck repair service would be limited strictly to cars, SUVs, vans, recreational vehicles, and small utility (light) trucks. No semi-trailer, or heavy equipment (e.g. bulldozers), repairs, parking or storage shall be permitted.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	2017 CUP RES 2017-14.docx	
2. Location Map	Location Map for 898 West Montrose St.docx	
3. Site Plan	CONCEPT PLAN- BEE'S AUTO.pdf	
4. Legal ad	2017 CUP legal ad.docx	

**CITY OF CLERMONT
RESOLUTION NO. 2017-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW FOR AN AUTOMOTIVE
SERVICE CENTER IN THE CENTRAL BUSINESS DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held April 4, 2017 recommended approval of this Conditional Use Permit to allow for an automotive service center in the Central Business District, at the following location:

LOCATION:

898 West Montrose Street
AK 1615062 & 2512971

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 for an automotive service center in the Central Business District.

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 for an automotive service center in the Central Business 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.

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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.

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Section 2 – Land Use

1. This automotive and light truck repair service would be limited strictly to cars, SUVs, vans, recreational vehicles, and small utility (light) trucks. No semi-trailer, or heavy equipment (e.g. bulldozers), repairs, parking or storage, shall be permitted.
2. 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 Development Services 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.
3. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revisit and/or revoke the Conditional Use Permit by Resolution.
4. Any and all signage, appendage, attachments, displays, depictions or the like, attached to the building or placed on the premises, shall be in accordance with City of Clermont Codes.
5. All repairs must be done within an enclosed building, or within the enclosed fence or wall area of the site.
6. Display sales of any vehicle(s) shall not be allowed.
7. No outside storage of any vehicles shall be allowed on site, except for vehicles awaiting immediate repair.
8. No parking, storage of vehicles or equipment, or other uses of any kind are allowed on any adjacent right-of-way.
9. A six-foot privacy fence and associated opaque gates shall be provided per the site plan drawn by Germana Engineering. Said fencing shall be generally described as being along the eastern side of the site; portions of the northern rear of the site; the Montrose St. entrance driveway area; and the western exit drive area on West Ave.

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DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 11th day of April, 2017.

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Gail L. Ash, Mayor

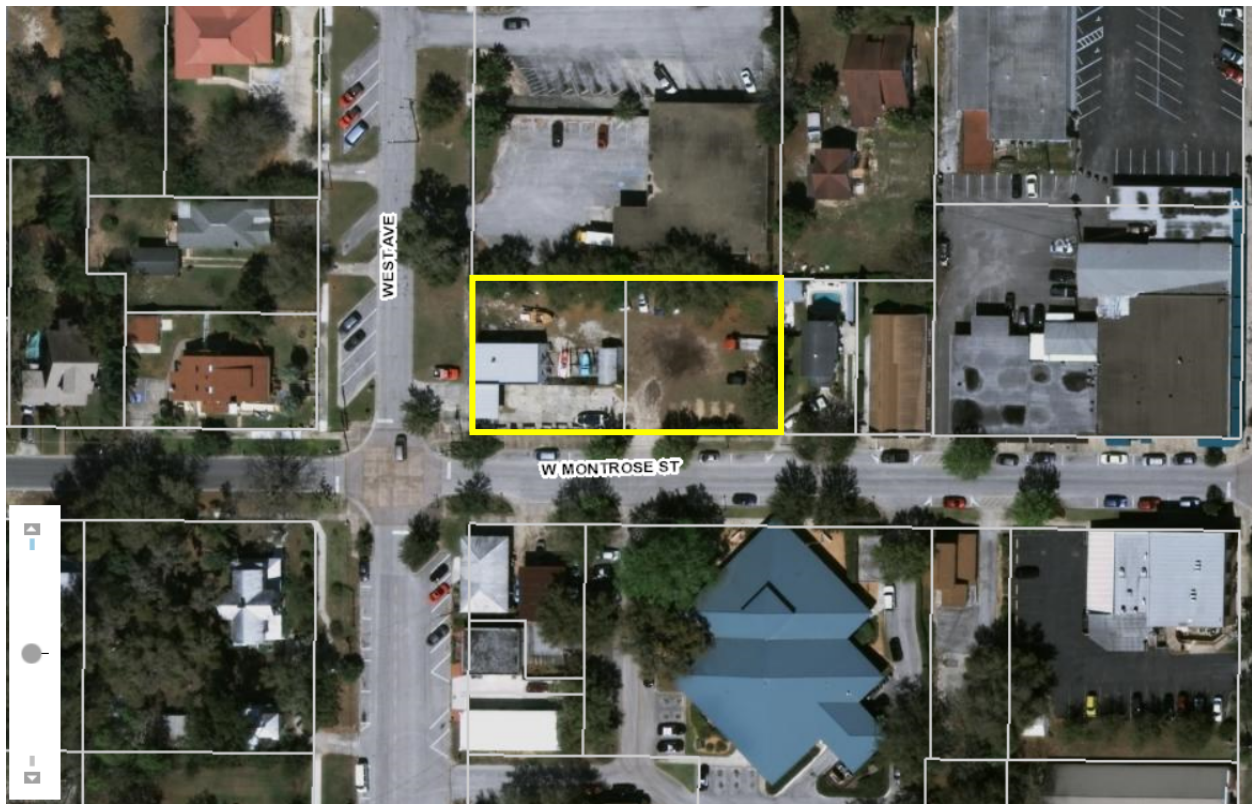
ATTEST:

Denise Noak, Acting City Clerk

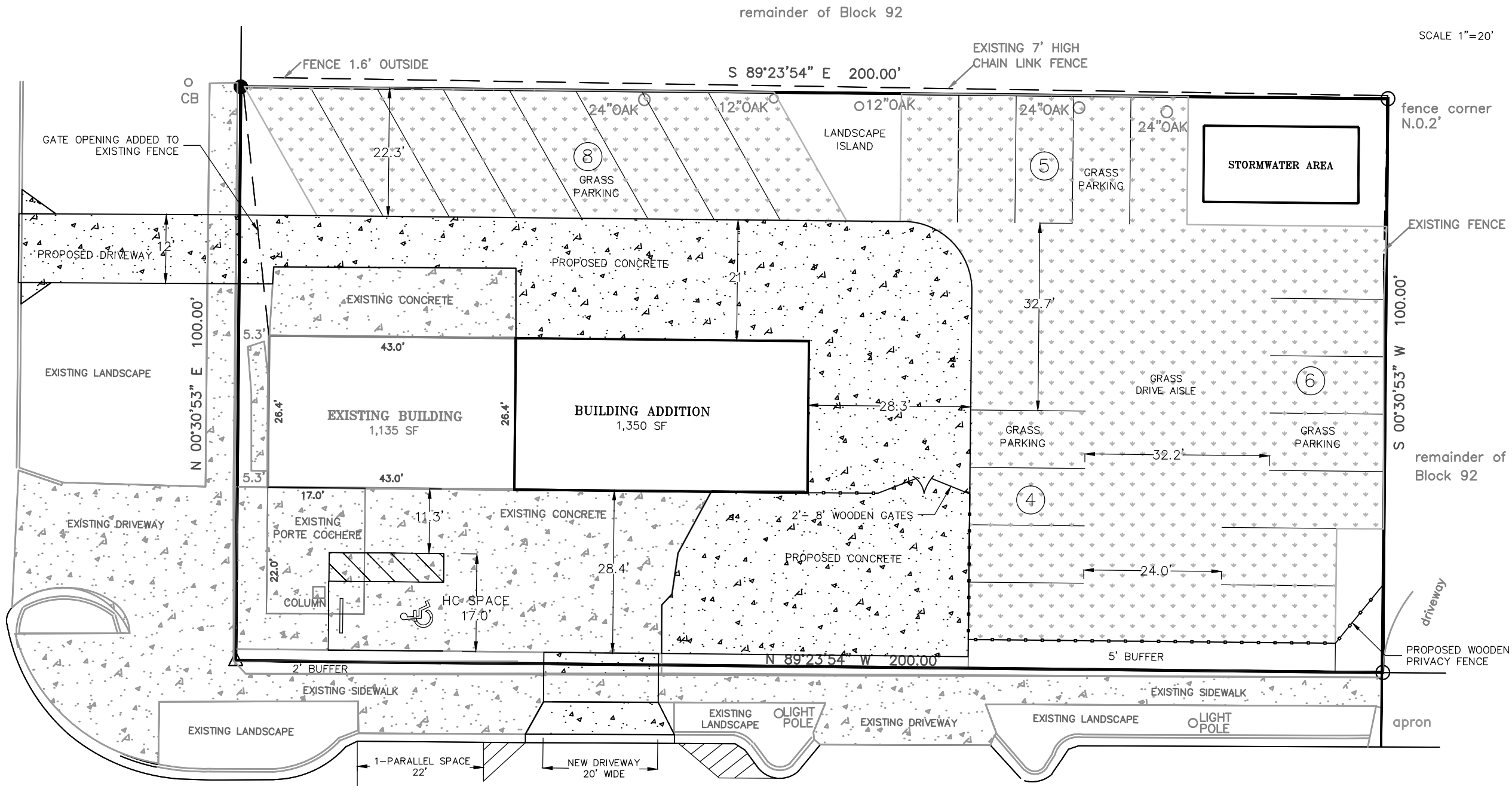
Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Location Map for 898 West Montrose St.



WEST AVENUE



SCALE 1"=20'



W. MONTROSE STREET

CONCEPT PLAN
NOT FOR CONSTRUCTION OR PERMITTING
03-30-17

REVISIONS		DATE
No.		
CONCEPT PLAN		
BEE'S AUTO ADDITION		
CLERMONT, FLORIDA PROJECT # GE0082017		
Germana Engineering and Associates, LLC CERTIFICATE OF AUTHORIZATION # 29279 1120 W. MINNEOLA AVENUE Phone: (352) 242-9529 WWW.GERMANAENGINEERING.COM © COPYRIGHT 2017		
SCALE: 1"=20'		
DATE 03/30/17		
EXHIBIT		

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for an automotive service center in the Central Business District.

LOCATION

898 West Montrose Street
Alternate Key 1615062 & 2512971

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, March 7, 2017 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, March 28, 2017 at 6:30pm.

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 Howe, MMC
City Clerk

Daily Commercial
March 1 and March 21, 2017