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PLANNING AND ZONING COMMISSION
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The meeting of the Planning & Zoning Commission was called to order Tuesday October 7, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Bernadette Dubuss, 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.

MINUTES of the Planning and Zoning Commission meeting held September 2, 2014 were approved as written.

REPORTS

Chairman Nick Jones stated that the 10th season for the Florida Lakes Symphony will open Friday, November 14, 2014.

Commissioner Carlos Solis stated that the CD release concert for his band will be on October 25 at the Clermont Arts and Recreation Center.

1. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: 1107 W. Minneola Avenue

APPLICANT: Richard Lemley

Senior Planner John Kruse presented the staff report as follows:

The owner is requesting a future land use amendment to change from Medium Density Residential to Downtown Mixed Use land use category. The 0.4 +/- acre parcel is located along the south side of W. Minneola Ave. and west of 11th Street. The subject property is entirely contained within the city limits and utilities are available.

The proposed Downtown Mixed Use future land use fits the character of the surrounding community and is compatible with the area. The parcel has the Downtown Mixed Use designation adjoining to the north and east of the site. The current underlying zoning of R-3 Residential/Professional is not in conflict with the proposed Downtown Mixed land use and allows the owner the opportunity to develop it into a four unit townhome project. The City of Clermont's comprehensive plan policies support this request.

Based upon the above information, staff recommends approval of the future land use map amendment from Medium Density Residential to Downtown Mixed Use land use category.

Richard Lemley, 221 N. Highway 27, stated that they plan to build a modest 4-unit townhome. He stated that they have recently built a duplex at the corner of Third Street and Osceola Avenue that is aesthetically pleasing. He stated that they keep all their properties maintained.

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Commissioner Carlos Solis asked if it is the city's plan is to change the land use on the surrounding properties next to this property.

Mr. Kruse stated that it is not the city's plan to change the land use at this time; however the City will be looking at some parcels in the near future.

Commissioner Harry Mason suggested this would be spot zoning.

Mr. Kruse stated that the properties across the street are the same zoning as being requested.

Chairman Nick Jones stated that this is not considered spot zoning when there is comparable zoning there.

Commissioner Bernadette Dubuss moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval for the small-scale comprehensive plan amendment.

2. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Silver Fox

APPLICANT: Dale Ladd

Senior planner John Kruse presented the staff report as follows:

The owner is requesting a future land use amendment to change from Office to Commercial future land use category. The 1+/- acre parcel is located along the north side of SR 50, between 4th and 2nd Street. The subject property is entirely contained within the city limits and utilities are available.

The proposed Commercial future land use may not be contiguous with other Commercial future land use, but it fits the character of the surrounding community and is compatible with the area. The current underlying zoning of C-1 Light Commercial is not in conflict with the proposed Commercial land use and allows the owner the opportunity to develop it for C-1 uses. The City of Clermont's comprehensive plan policies support this request.

Based upon the above information, staff recommends approval of the future land use map amendment from Office to Commercial future land use category.

Dale Ladd, 1135 East Ave., stated that he wants a land use change so that he can have commercial as opposed to office use on this parcel.

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Commissioner Carlos Solis moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the small-scale comprehensive plan amendment.

3. REQUEST FOR REZONING

REQUEST: Silver Fox
APPLICANT: Dale Ladd

Senior planner John Kruse presented the staff report as follows:

The owner is requesting a rezoning change from C-1 Light Commercial to C-2 General Commercial. The owner has indicated on the application that the zoning change request is due to the property being developed and operated as a used car sales lot. The current C-1 zoning district does not allow this type of use, even with a conditional use permit. The C-2 zoning district permits this type of use. The 1+/- acre parcel is located along the north side of SR 50, between 4th and 2nd Street. The subject property is entirely contained within the city limits and utilities are available.

The purpose of the C-1 district is to provide light retail sales and services. The C-2 district is intended for full-scale retail sales and service needs of the community. The C-2 zoning district allows more intensive commercial uses, including, but not limited to: lounges, laundries, hotels and motels, convenience stores and gas stations. In addition, conditional uses in the C-2 zoning district offers a larger variety of uses that are not applicable in the C-1 zoning district with conditional uses. The zoning change from C-1 to C-2 provides the applicant with a larger range of options to develop the site, including the used car sales lot. However, staff believes the C-2 zoning district does not fit the character of the surrounding community and is not compatible with the area. The majority of this area along SR 50 has the C-1 zoning designation. Very few parcels in the area have the C-2 zoning designation and uses, and many are on parcels that have had these uses prior to adoption of the Land Development Code. In addition, the traffic volume of the C-2 related uses is generally more demanding and the site is located on a main arterial roadway, SR 50. The site does not appear to have any other ingress/egress options, such as a local road or side street, and the only access point is SR 50.

Based upon the above information, staff recommends denial of the rezoning change from C-1 Light Commercial to C-2 General Commercial.

Harold Graham, 639 Groves End Lane, Winter Garden, stated that he is the lead consultant. He stated that they are a unique themed small 25 to 30 car lot. He stated that this is a family friendly sales experience in purchasing affordable reliable pre-owned vehicles in the \$3000 to \$5000 range with on site financing, regardless of credit history. He stated that they have determined that this type of themed family friendly purchasing experience was unavailable to distressed credit customers in the Orlando market. He stated that they have received feedback from the local dealerships who have stated that they wish they had a family friendly place that they can send

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customers who were turned down for traditional credit. He stated that their business hours would not exceed the hours in the vicinity and they would never be open on Sunday. He stated that they are looking to add value to the local economy and providing Clermont residents an opportunity to own reliable pre-owned vehicles at a reasonable cost. He stated that there would be an auto reconditioning facility on site, but that would only be used for vehicles in house.

Commissioner Carlos Solis asked if they checked the sign code.

Mr. Graham stated they have not looked at the sign code.

Commissioner Herb Smith asked what square footage the building is.

Mr. Graham stated that it is 3000 square foot.

Commissioner Herb Smith asked if they could fit the building, cars, and parking on this lot and does the lot drop down.

Mr. Graham stated that it does, and that they will be using new technology that will allow the parking lot to drain under the building.

Commissioner Harry Mason stated that this is considered a boutique lot but they are going to be serving those who are denied credit.

Mr. Graham stated not entirely, but that is the market they are looking to serve because it is underserved in the area.

Commissioner Bernadette Dubuss asked about the ingress and egress.

Mr. Graham stated that that the driveway would be at the far west end of the property and would be wide enough for two vehicles to enter and exit from that entrance.

Chairman Nick Jones asked if the applicant would have to come back for a conditional use permit.

Mr. Kruse stated that if the property kept the C-1 zoning then the applicant would need to request a conditional use permit, however with the C-2 zoning they would not need a conditional use permit.

Commissioner Tony Hubbard asked if the right-of-way for Broome Street was still open.

Mr. Kruse stated that he believes that section is vacated and owned by Florida Department of Transportation.

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Commissioner Carlos Solis stated that he is concerned about noise.

Commissioner Harry Mason moved to recommend denial of the rezoning; seconded by Commissioner Judy Proli. The vote was unanimous to recommend denial for the rezoning.

4. REQUEST FOR LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Hartwood Marsh Subdivision

APPLICANT: D.R. Horton

Senior planner John Kruse presented the staff report as follows:

The applicant is requesting a future land use amendment to change from Lake County Urban Low Density to the City's Low Density Residential land use category. The subject parcel is located on the south side of Hartwood Marsh Road approximately $\frac{3}{4}$ mile east of the Hancock Road and Hartwood Marsh Road intersection. The property is currently in planted pines. The property has been previously included in the Wellness Way Sector Plan. However, the applicant would like to move forward on this request due to timing of the market. The applicant is proposing to develop the eastern half of the overall site, or 19.94 +/- acres. The applicant has submitted several applications in regards to this property. These include annexation, large scale comprehensive plan, and rezoning.

The subject parcel is surrounded by the City of Clermont and is adjoined on two sides by the City. The existing future land use in this area is predominantly City of Clermont Low Density Residential. Under Lake County's Urban Low Density future land use designation, the maximum density allowable is 4 dwelling units per acre. The city's Low Density Residential land use is 3 dwelling units per acre. The city's future land use caps density at a lower level. The density proposed by the applicant is 2.66 units per acre. The property has city utilities available and would be developed to city standards. The City of Clermont's comprehensive plan policies support this request.

Staff recommends approval of the future land use map amendment from Lake County Urban Low to City of Clermont's Low Density Residential future land use category.

Matt Young, 2300 Maitland Center Blvd., Maitland, stated that he agrees with staff's recommendation.

Commissioner Bernadette Dubuss moved to recommend approval of the large-scale comprehensive plan amendment; seconded by Commissioner Herb Smith. The vote was unanimous to recommend approval for the large-scale comprehensive plan amendment.

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5. REQUEST FOR REZONING

REQUEST: Hartwood Marsh Subdivision

APPLICANT: D. R. Horton

Senior planner John Kruse presented the staff report as follows:

The applicant is proposing a single-family residential development consisting of 53 lots on 19.94 +/- acres. The subject parcel is located on the south side of Hartwood Marsh Road approximately $\frac{3}{4}$ mile east of the Hancock Road and Hartwood Marsh Road intersection. The property is currently in planted pines and is in Lake County. The applicant is proposing to develop the eastern half of the site. The applicant has submitted several applications in regards to this property. These include annexation, large scale comprehensive plan amendment, and rezoning.

The subject parcel has existing developments to the west, south, and east. The single-family development to the west is called Regency Hills Subdivision and the lot sizes consist of 85 foot wide lots. The single-family development to the south and east is called Southern Fields and consist of 75 foot wide lots. The surrounding zoning is R-1 Single-Family Medium Density Residential. The applicant would like to develop the property with 75 foot wide lots to be consistent with the existing development to the south and east. However, R-1 zoning requires 85 foot wide lots. Therefore, the applicant is requesting R-2 Medium Density Residential zoning in order to accomplish the 75 foot wide lots. The Southern Fields development was annexed into the city with the approved lot sizes in place. The density proposed is 2.66 units per acre. The property has city utilities available.

Staff feels that the proposed R-2 zoning would be consistent with the existing development pattern that surrounds the property to the east and south and would provide infill to the existing development. Based upon the above information, staff recommends approval of the rezoning change from UE Urban Estate Low Density Residential to R-2 Medium Density Residential district.

Chairman Nick Jones asked if the applicant would be coming back with conditional use permit.

Mr. Kruse stated that they requested R-2 Medium Density Residential was to have the 85 foot wide lots. He stated that there are no variance requests at this time.

Commissioner Carlos Solis asked what the density would be for R-2 zoning.

Mr. Kruse stated that based on the future land use it would be three units per acre.

Commissioner Harry Mason asked if the applicant would be willing to change their request to R-1 zoning.

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Mr. Young stated that they will not change the zoning request to R-1. He stated that the R-2 allows them a more intense use, but they will still be governed by future land use category, and they want to restrict themselves to what is consistent with the surrounding properties.

Commissioner Harry Mason asked where the two entrances to the subdivision were going to be.

Mr. Young showed the Commission where the entrances were going to be. He stated that the main entrance will have a wider right-of-way with a median and the second emergency entrance would consist of a 20 foot right-of-way with a stabilized access and would not be accessible for the public.

Commissioner Harry Mason said that he reads the code to state that two public road accesses are required.

Planning Manager Curt Henschel stated that staff has not interpreted the code to be that the second entrance has to be a public access entrance. He stated that this is a fire department requirement to have a secondary access.

Commissioner Harry Mason asked for the opinion of the City Attorney.

City Attorney Dan Mantzaris stated that the code has been interpreted as Mr. Henschel presented.

Commissioner Harry Mason stated that he does not interpret the code that way.

Mr. Mantzaris stated that this would be a site review issue. He stated that this is a zoning application for the property and they are not talking about the design of the property and it will have to meet the code.

Commissioner Harry Mason stated that he believes the code states that it requires two public accesses.

Mr. Mantzaris stated that it has been interpreted by the city that the second access for emergency access meets the city code.

Commissioner Harry Mason moved to recommend denial of the rezoning; seconded by Commissioner Judy Proli. The vote failed with 2-5 to recommend denial for the rezoning, with Commissioners Carlos Solis, Herb Smith, Bernadette Dubuss, Tony Hubbard, and Chairman Nick Jones opposing.

Commissioner Bernadette Dubuss moved to recommend approval of the rezoning; seconded by Commissioner Carlos Solis. The vote passed with 5-2 to recommend approval for the rezoning, with Commissioners Harry Mason and Judy Proli opposing.

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6. REQUEST FOR CONDITIONAL USE PERMITS

REQUEST: Heritage Hills Subdivision

APPLICANT: Lennar

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting to amend the existing conditional use permit (Resolution #2013-10) to allow for adjustments to the roadway connection points and to allow for a non-age restricted phase.

The existing resolution depicts road way connection points that connect the internal right-of-way to the proposed Hartle Road extension, which is currently undeveloped. Because Hartle Road is undeveloped and not programmed for construction, the applicant/developer is left with altering the connection points to the right-of-way. Currently, the site plan shows access to Hartle Road north of Hartwood Marsh Road. The new proposed plan shows the eastern portion on the project accessing directly to Hartwood Marsh Rd.

The applicant is also requesting to create a non-age-restricted portion of the project on Phase 7. Currently, all of Heritage Hills is designated as age-restricted by the original approved Conditional Use Permit. Heritage Hills is also part of the Kings Ridge Development of Regional Impact (DRI), which also includes Kings Ridge, Legends, and their associated office, commercial and institutional use properties. Within this DRI development order, an equivalency matrix was created and approved by the state that allows for substitutions of uses within the DRI without further state and regional agency approval. This matrix allows for non-age-restricted homes to be substituted for previously approved commercial and age-restricted homes. The applicant wishes to exercise the use of the equivalency matrix to eliminate 8,400 square feet of remaining commercial development within the DRI as well as 94 of the approved 1,223 age-restricted homes in exchange for up to 67 non-age-restricted homes to develop in Phase 7 of the project.

The applicant stated that the request is based on three physical site characteristics that make it impractical for Phase 7 to be included in the age-restricted, gated community. These include a 200-foot-wide Duke Energy easement, Hartle Road, and two isolated wetlands all located between Phase 6 and Phase 7. The applicant stated that these barriers create 220 feet to 550 feet of separation between the two phases and make a connection by an internal roadway system impossible to design.

The applicant has also included an updated "Exhibit B" for the conditional use permit, which depicts the actual development phases and boulevard alignment, the changes to the roadway connections in the new request, and all the previously approved changes from the conditional use permit amendments in 2009 and 2013.

Staff recommends approval of the conditional use permit amendment.

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Duane Booth, 209 Sinclair Ave., Tavares, stated that they had a meeting with the homeowner's association. He stated that there was a great turn out and they had several questions and concerns from the homeowners. He stated that the request for Phase 7 to be non-age-restricted is similar to the situation they had with Kings Ridge subdivision and the Somerset Estates subdivision where a road was dividing the properties.

Regina Anderson, 3636 Solana Circle, Unit D, stated that Phase 7 has been part of Heritage Hills subdivision from the beginning as well as the power line easement and the wetlands. She stated that Lennar knew there were separations when they bought the property. She stated that she chose to live there because she does not want to live in a mixed-age community.

Eric Sorkin, 3948 Sanibel Street, stated that there was a lot of discussion at the Monday evening meeting. He stated that there was discussion of the cost and maintenance of Phase 7, the extra gates, and they explained that there would be no access to the club. He stated that there was discussion of a solid wall to separate the age-restricted from the non-age-restricted. He stated that he asked that this is part of the conditions for the conditional use permit amendment.

Ed Barnhill, 3743 Sanibel Street, stated that he was also at the meeting the prior night. He stated that most residents enjoy Heritage Hills and want to maintain the lifestyle they have there. He stated he personally does not have an issue with Phase 7 being non-age-restricted. He stated that taking away a number of homes out of the totals for homeowner's association fees would make their dues go up. He stated that the numbers are not accurate, because they keep getting told different number of homes that would be affected. He stated that Lennar said they would put lights up at the entrance of Heritage Hills Boulevard and Hartwood Marsh Road, and he wants to see this and the wall included in the conditional use permit. He stated that Lennar needs to provide the correct financials before this conditional use permit is approved.

Milton Andrade, Land Development Manager for Lennar, stated that the total lots for Phase 7 on the conceptual site plan shows 34 homes. He stated that the total number of homes for the homeowner's association will be 1,117. He stated that they will put the wall up, however they cannot go all the way along Hartle Road due to two wetlands. He stated that Lennar will be putting up street lights up at the Heritage Hills Boulevard and Hartwood Marsh Road entrance.

Gail Ash, 3365 Saloman Lane, asked if the wall was going to have gaps in it. She stated that if there is going to be a four-lane road, there is going to be noise issues. She stated that if there are gaps in the wall then the noise issues will be worse.

Mr. Andrade stated that there will be gaps because they cannot put the wall through the wetlands.

Commissioner Harry Mason stated that more information is needed, and he feels they should table this agenda item and allow Lennar to come back with a revised plan.

Commissioner Herb Smith stated that he agrees.

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Commissioner Harry Mason moved to table the condition use permit to November 4, 2014; seconded by Commissioner Judy Proli. The vote was unanimous to table the conditional use permit to November 4, 2014.

7. REQUEST FOR LAND DEVELOPMENT CODE

REQUEST: Amend Chapter 118, Section 118-35

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

Staff is proposing language to the landscape code to clarify issues with required canopy trees. The existing code is not clear regarding what shall happen to existing canopy trees that have been damaged by severe pruning. If the lot has additional canopy trees above and beyond the minimum code requirement, the removal of a severely pruned tree would not be required under the amended language. An example of this situation would be when a homeowner has three canopy trees on their lot, and they are only required to maintain two of them. The homeowner decides to create topiary out of the third canopy tree and to maintain that tree as a sub-standard tree that is not part of the minimum code requirement. This proposal would allow the sub-standard tree to remain, provided all other tree requirements on the lot are met.

City Attorney Dan Mantzaris stated that from a code enforcement perspective, if a property owner severely prunes a tree and they still have enough required trees by code, then code enforcement will not need to require the homeowner to remove the severely pruned tree.

Commissioner Bernadette Dubuss moved to recommend approval of the land development code amendment; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the land development code amendment.

There being no further business, the meeting was adjourned at 8:41 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist