

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 4, 2014

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The meeting of the Planning & Zoning Commission was called to order Tuesday November 4, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Herb Smith, Bernadette Dubuss, Harry Mason, and Tony Hubbard. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held October 7, 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 at the Family Christian Center.

1. 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 separate non-age-restricted portion of the project with 67 units. Currently, 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.

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Lennar has 106 approved age restricted units remaining of the 1,223 conditional use permit maximum allowable units. Using the equivalency matrix table, Lennar proposes to convert 106 age restricted units to 29 SFR units. In order to obtain a total of 67 SFR units, they need an additional 38 SFR units which can be obtained from 4,700 square feet of unused retail space.

This conversion and modification of the conditional use permit will allow Lennar to develop the former Phase 7 of Heritage Hills as a stand-alone community that is separated from Heritage Hills. Lennar has reassured the residents of Heritage Hills that Lennar does not plan to grant any access from the proposed community to the existing amenities of Heritage Hills. The site plans and related approvals have been revised in "Exhibit B and C" to eliminate any connections from Hartle Road to Heritage Hills. All previously approved changes from the conditional use permit amendments in 2009 and 2013 are included in the current proposed conditional use permit amendment.

The applicant has stated the request is based on three physical site characteristics that make it impractical for the new community area 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 the new community area. The applicant stated that these barriers create 220 feet to 550 feet of separation between the two developments and make a connection by an internal roadway system impractical to design.

Lennar held a community meeting with the residents on October 6, 2014 to address questions and concerns raised by the residents.

Staff recommends approval of the conditional use permit.

Milton Andrade, Project Manager for Lennar Homes, stated that he was present to answer any questions.

Commissioner Harry Mason asked if the 67 non-aged restricted lots will put Heritage Hills over the 80/20 rules for age restrictions.

Mr. Andrade stated that the 80/20 rule is determined on a community-by-community basis.

Commissioner Harry Mason asked about the Kings Ridge DRI as a whole, including all the communities.

Mr. Andrade stated that the 67 non-aged restricted lots would be 5% of non-age restricted for the whole community. He stated that this would be considered a separate community so that rule would not apply.

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Mr. Henschel stated that the 80/20 rule is on a community-by-community basis. He stated that if you were to add all the communities together they would already be at a third of non-age restricted lots and would already be over the requirements for the DRI.

Chairman Nick Jones asked that if the Commission recommended approval of the conditional use permit, would the non-age restrictions apply only to the eastern parcel.

Mr. Henschel stated that was correct.

City Attorney Dan Mantzaris stated that the 80/20 rule is calculated by each individual community.

Commissioner Harry Mason stated that he would like to have more specific wording stating that Heritage Hills shall not allow access for Phase 7.

Mr. Henschel suggested adding language to number 11 under section 1 of the conditional uses. He stated that it relates to number 12.

Commissioner Harry Mason asked to add that Phase 7 shall not have access to the clubhouse.

Ed Barnhill, 3743 Sanibel St., stated that he is one of the residents who does not want the third access into Heritage Hills from Hartle Road. He stated that a letter went out from Lennar that they will be putting the wall up along Hartle Road. He stated that they also agreed to put street lights at Heritage Hills Boulevard and Hartwood Marsh Road entrance.

Rob Bonin, Lennar Homes, stated that Lennar will provide a 6 foot pre-cast wall and 4 street lights at the entrance.

Commissioner Harry Mason moved to recommend approval of the conditional use permit with the additional language pertaining to the clubhouse access, wall, and street lights; seconded by Commissioner Tony Hubbard. The vote was unanimous to recommend approval for the conditional use permit.

2. REQUEST FOR CONDITIONAL USE PERMITS

REQUEST: East Ridge Village

APPLICANT: David Stimmell

Planning Manager Curt Henschel presented the staff report as follows:

The East Ridge Village Apartments project is a proposed multi-family development consisting of 103 apartments located just off the north side of Hooks Street and just west of Hancock Rd.

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The 11.5 acre parcel is part of the Hills of Clermont conditional use permit (Parcel #3) that was originally approved in 2001. Since then, several parcels have had conditional use permit amendments and many have never materialized. The existing conditional use permit Resolution 1208 allowed for this parcel to be converted from Single Family Residential to Commercial in July of 2001. The existing resolution 1208 specifically prohibits the use of multi-family on this parcel, along with several other prohibited uses.

The 11.5 acre parcel has had two parcels develop, one being a church facility on the corner of Hooks and Hancock, and the other parcel originally developed as a bank. This has left a 7 acre parcel in the middle that has been undeveloped. The applicant is proposing to change the allowable uses to include multifamily on this remaining 7 acre parcel.

In the original Hills of Clermont conditional use permit, densities were given to individual parcels. For example, the original multi-family that was approved to the south (Parcel #4) had a maximum density of 6.5 units per acre. This parcel never developed as multifamily and was developed as single family units (South Ridge Subdivision) equaling 2 dwelling units per acre. Parcel #2 was given a maximum density of 6 units per acre and remains undeveloped.

Since several parcels remain undeveloped and others were developed well under the maximum densities, the applicant is requesting a higher density for the proposed parcel. Calculated alone, 103 units on 7 acres equates to 14.7 units per acre, however, if calculated into the overall Hills of Clermont planned unit development (including open spaces and retention area) the total acreage would equal 8.6 acres, and the density would fall to 12 units per acre meeting the maximum allowable by the future land use.

Staff recommends approval of the conditional use permit.

David Stimmell, 902 Johns Pointe, Oakland, stated that the Planned Unit Development originally called for mixture of residential uses to go along with the commercial uses for this area. He stated that this property was originally scheduled for 164 units but they have only built 54 units. He stated that water and transportation improvements are in place, the site is to grade, and sidewalks are constructed. He stated that multi-family is a transition from single family to commercial. He stated that there is a four-lane road separating single family from this parcel. He stated that they plan to build workforce housing units. He stated that the rent is restricted to 30% of the median income. He stated that there are jobs, a bus stop, two schools, and shopping near this location.

Commissioner Harry Mason asked if there are two public access points to this property.

Mr. Henschel stated that there are three public access points to this property.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the conditional use permit.

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3. REQUEST FOR CONDITIONAL USE PERMITS

REQUEST: Walmart

APPLICANT: Kimley-Horn and Associates, Inc.

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting an amendment to the existing Resolution #1316 to allow for an increase in building square footage. Currently the existing Wal-Mart located at 1450 Johns Lake Rd. is limited to 218,685 square feet (resolution 1316). The applicant is requesting to create 3,905 square foot expansion to the east side of the building. The proposed expansion will be for liquor sales that will not be accessible from inside the main building. Combining the existing allowable square footage of 218,685 and the proposed addition of 3,905 square feet, the new proposed building size will be limited to 222,590 square feet.

Staff recommends approval of the conditional use permit.

The applicant was not present.

Commissioner Harry Mason moved to postpone the Walmart application until the applicant is present. The motion failed due to lack of a second.

Commissioner Tony Hubbard moved to recommend approval of the conditional use permit; seconded by Commissioner Bernadette Dubuss. The vote was 4-1 to recommend approval for the conditional use permit, with Commissioner Harry Mason opposing.

4. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

The Florida Right to Medical Marijuana Initiative Amendment 2 is on the November 4, 2014 ballot in Florida as an initiated Constitutional Amendment. The measure, upon voter approval, would legalize medical marijuana.

The City of Clermont has prepared an ordinance that would provide definitions in the City's code for marijuana and marijuana dispensaries. The ordinance would regulate that a medical marijuana dispensary could locate only on properties with M-1 Industrial zoning, and would require a conditional use permit with restrictions as specified in the ordinance. The proposed ordinance, upon introduction, would move forward to a final hearing on November 12, 2014.

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

Development Services Director Barbara Hollerand asked the Commission's opinion of changing the meeting start time from 7:00 pm to 6:00 pm.

Commissioner Harry Mason stated that 6:00 pm would be too early for the residents who work outside of Clermont.

Chairman Nick Jones, along with Commissioners Tony Hubbard and Bernadette Dubuss, prefer 6:00 pm. Commissioners Herb Smith and Harry Mason prefer the meeting to begin at 7:00 pm.

There being no further business, the meeting was adjourned at 8:05 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist