

City of Clermont
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PLANNING AND ZONING COMMISSION
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The meeting of the Planning & Zoning Commission was called to order Tuesday March 3, 2015 at 7:00 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Judy Proli, Cuqui Whitehead, Jack Martin, 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 February 3, 2015 were approved as written.

Development Services Director Barbara Hollerand stated that staff is still working with the Plaza Collina items, number 5 and 6 on the agenda. She requested the items be tabled until the April 7, 2015 Planning and Zoning meeting.

Commissioner Martin moved to table items 5 and 6 to the April 7, 2015 meeting; seconded by Commissioner Whitehead. The vote was unanimous to recommend to table the Plaza Collina large-scale comprehensive plan amendment and conditional use permit.

REPORTS

Development Services Director Barbara Hollerand stated that the City Council is considering changing the meeting time to 6:30 p.m. for the Planning and Zoning Commission. She stated that the March, April and May agendas will be longer than normal due to the ISBA annexations. She stated that these properties will be annexed prior to June 1, 2015 so that the City can benefit from the additional tax money.

Cuqui Whitehead stated that Ted DeWitt had died. She stated that he has donated so much to the South Lake area.

Chairman Nick Jones stated that Pig on the Pond is Friday, March 13, Saturday, March 14 and Sunday, March 15, 2015.

1. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow an amendment to a conditional use permit to allow a Planned Unit Development

APPLICANT: Beazer Homes

Senior Planner John Kruse presented the staff report as follows:

Beazer Homes is requesting an amendment to a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) consisting of 33+ acres with 104 single family homes. The applicant wishes to reduce the rear yard setback from 30 feet to 25 feet and increase the impervious surface ratio from 45% to 50% for building, sidewalks, and driveways. The project is located north of Steve's Road between Highway 27 and Citrus Tower Blvd. The project was approved

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by the City Council on December 10, 2013 under Resolution 2013-25. The project is known as Harvest Landing.

The applicant has platted the project and infrastructure is being installed along with the construction of model homes. The project received seven waivers to those sections of the Code that deal with lot sizes in the conventional UE zoning district and standards for grading. Because this is a Planned Unit Development, these considerations or variances are considered to be part of the “zoning parameters” for the PUD rather than an actual variance request.

Approved specific considerations/variances granted under Resolution 2013-25 within the PUD are as follows:

- 1) To allow for private streets with gates.
- 2) To allow a minimum lot width of 55’
- 3) A grading request for up to 15 feet of cut/fill rather than 10 feet per code.
- 4) Allowing retaining walls to be 10 feet in height rather than a maximum of 6 feet.
- 5) To allow lot sizes smaller than one acre, down to 6,600 square feet.
- 6) Reduce front yard setbacks from 35 feet to 25 feet.
- 7) Reduce the side yard setback from 15 feet to 7.5 feet.

The applicant is requesting two more specific considerations/variances to be considered within the PUD:

- 8) Reduce the rear yard setback from 30 feet to 25 feet.
- 9) Increase the impervious surface ratio (ISR) from 45% to 50% for the buildings, driveways, and walkways.

Staff believes the considerations/variances associated with this request are not consistent with other approved planned unit developments of this acreage and recommends denial of the proposed amendment to the PUD request.

Attorney Jimmy Crawford, stated that he is representing Beazer Homes. He stated that they are asking for minor changes that will help the community. He stated that the original rear setback is 30 feet and 45% building impervious service ratio. He stated that in January, Beazer Homes rolled out the Aspen model due to the increase in demand for a larger one-story home. He stated that the Aspen model is a 2,236 square foot home with three or four bedrooms. He stated that the demographics of the area support this type of home. He stated that the Aspen model does not fit the lots with the setbacks that are in the conditional use permit. He stated that they are asking for what other zonings allow, which is 25-foot rear setbacks. He stated that the stormwater pond can handle the increase of the impervious for 26 lots.

Jeremy Camp, Beazer Homes, 2600 Maitland Center Pkwy, Maitland, stated that there were a lot of constraints on this property, mainly topography. He stated that there is 130 feet of elevation

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difference on this property. He stated that the Aspen model was not around when they originally began this project. He stated that what they see in the market is that three out of four sales are one-story homes.

Commissioner Martin asked if the overall impact will increase the density.

Mr. Kruse stated that the total number of units would stay the same.

Commissioner Martin asked if 50% of the 33 acres would be impervious.

Mr. Kruse stated that impervious is based on the lot size.

Brian Denham, 9507 Castleford Point, Orlando, stated that impervious surface is allowed at 45%. He stated that their increase would bring the impervious to 46.6% per lot.

Commissioner Smith asked where the location of the 26 lots will be within the subdivision.

Mr. Camp stated that the buyer will have a choice of their lot, so they have not designated the 26 lots.

Commissioner Smith asked how far back the retaining walls are.

Mr. Camp stated that they are 30 feet behind the houses.

Commissioner Whitehead asked where it is stated that the 25-foot rear setback is limited to 26 lots. She stated that this should be included in the conditions.

Mr. Crawford stated that the applicant would agree that it should be included in the conditions of the conditional use permit.

City Attorney Dan Mantzaris stated that the Commission can make that recommendation as part of the motion. He stated that it would be included in Section 9, number 9 of the conditions.

Commissioner Martin asked that if the reduction is so insignificant, then why request the reduction of the rear setback and increase of impervious.

Mr. Crawford stated that the Aspen model was developed after the approval of the original conditional use permit and there is an increased demand for this model. He stated that the requests are because the house is a larger model and will not fit in the current setbacks.

Commissioner Proli asked if there are buyers ready to purchase the Aspen model.

Mr. Camp stated that they have not marketed the Aspen model because they need approval of the requests prior to selling that model.

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Chairman Jones asked why this project has a requirement for a 30-foot setback when other zoning areas are 25-foot setbacks.

Mr. Kruse stated that when the parcel was annexed into the city it was given the zoning of Urban Estate which has a setback of 30 feet.

Chairman Jones asked if the applicant would be willing to rescind their request for the increase on the impervious.

Mr. Crawford stated that the increase in the impervious is necessary to be allowed to build the house. He stated that they are limiting it to 26 lots because that is what the current stormwater pond is designed to handle.

Commissioner Whitehead stated that she wants condition numbers 8 and 9 to be restricted to the 26 lots for the Aspen model.

Mr. Crawford stated that was the intention.

Mr. Kruse stated that staff was unaware that this request was limited to the 26 lots when the staff report was drafted.

Commissioner Whitehead moved to recommend approval of the conditional use permit and to limit numbers 8 & 9 in conditions to 26 lots; seconded by Commissioner Hubbard. The vote was 5-2 to recommend approval of the conditional use permit with Commissioners Proli and Martin opposing.

2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a structure that is more than 20,000 sq. ft. in the C-2 General Commercial zoning district

APPLICANT: SLV13, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant is requesting a Conditional Use Permit (CUP) to allow a business establishment, Hilton Suites Hotel, to occupy more than 20,000 square feet of total floor space in the General Commercial District (C-2). Under Sec. 122-223 of the Land Development Code, the C-2 zoning district permits a hotel, but limits it to 20,000 square feet or less. The conditional use permit allows the applicant to occupy more than 20,000 square feet. The applicant desires to construct a new four-story hotel building. The proposed building will be 56,000 square feet, which includes 107 rooms and other hotel amenities. The proposed location is a vacant lot located south of Legends Way, west of Champions Way (under construction), and north of SR 50. The site is approximately 5.64 acres in size, with 2.23 acres devoted to the hotel site. The remaining 3.41 acres of the overall site will be developed with other C-2 permitted uses. The applicant has not

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applied for any variances and has indicated that they can develop the site according to the Land Development Code.

The proposed hotel is consistent with the area as a whole and would be located in an area that would generate demand for overnight lodging. The square footage and height of the proposed hotel would be very similar to the existing Hampton Inn Suites located approximately 1,000 feet to the east of the site. The applicant has been through the City's preliminary site plan review with staff on the proposed project. The applicant and staff believe the project meets the LDC with the exception of the CUP requirement. Therefore, staff recommends approval of this request.

Rick McCoy, 732 Fourth St., stated that he was representing the applicant. He stated that the zoning allows hotels but wouldn't allow over 20,000 square feet, which would only allow a one-story motel. He stated that this would be a good project for the area. To allow more flexibility for suites, the proposed square footage was adjusted from 56,000 to 68,000.

Commissioner Whitehead stated that our community really needs this with all the athletes and the new boat house.

Commissioner Martin asked how many floors the Hampton Inn had.

Mr. Kruse stated that he believes the Hampton Inn is four floors.

Commissioner Whitehead moved to recommend approval of the conditional use permit with the 68,000 square foot building; seconded by Commissioner Solis. The vote was unanimous to recommend approval of the conditional use permit.

3. REQUEST FOR LARGE-SCALE COMP PLAN AMENDMENT

REQUEST: To change future land use from Lake County Regional Commercial to City of Clermont Commercial

APPLICANT: Staff (Toyota of Clermont)

Senior Planner John Kruse presented the staff report as follows:

This administrative request is being heard concurrently with requests for annexation and rezoning. The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The Notice of Encumbrance to Annex with the City was executed on November 27, 2012. The property is improved and is receiving water and sewer services from the City of Clermont. The property, approximately 28 acres, has been developed as an auto dealership, Toyota of Clermont.

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The proposed map amendment will change the future land use from Lake County's Regional Commercial to the City's Commercial. The related rezoning request will change the zoning from Urban Estate (currently Planned Commercial District in Lake County) to the City's C-2 General Commercial zoning classification.

Upon approval by the City Council, the proposed amendment would be transmitted to the Florida Department of Economic Opportunity (DEO) and the reviewing agencies for review. DEO would then issue an Objections, Recommendations and Comments letter to the City, and the amendment would then be scheduled for a final public hearing in May.

Staff recommends approval of the transmittal of the large scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to Commercial in the City.

4. REQUEST FOR REZONING

REQUEST: To change the zoning from UE Urban Estate to C-2 General Commercial

APPLICANT: Staff (Toyota of Clermont)

Senior Planner John Kruse presented the staff report as follows:

This administrative request is being heard concurrently with requests for annexation and a large-scale comprehensive plan amendment. The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The Notice of Encumbrance to Annex with the City was executed on November 27, 2012. The property is improved and is receiving water and sewer services from the City. The property, approximately 28 acres, has been developed as an auto dealership, Toyota of Clermont.

The proposed rezoning is from Urban Estate (currently zoned Lake County's Planned Commercial District) to the City's C-2 General Commercial zoning classification. The related request for a comprehensive plan amendment would change the future land use from Lake County's Regional Commercial to the City's Commercial designation.

Staff recommends approval of the rezoning to C-2 General Commercial.

Commissioner Solis asked if the county properties will be required to meet City code.

City Attorney Dan Mantzaris stated that this is a newer building and they have a utility agreement, which means they had to build to the City's standards.

Commissioner Martin moved to recommend approval of the large-scale comprehensive plan amendment and rezoning; seconded by Commissioner Whitehead. The vote was unanimous to recommend approval of the large-scale comprehensive plan amendment and rezoning.

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5. REQUEST FOR LARGE SCALE COMP PLAN AMENDMENT

REQUEST: To change future land use from Lake County Regional Commercial to City of Clermont Commercial

APPLICANT: Staff (Plaza Collina)

Item tabled to April 7, 2015 meeting.

6. REQUEST FOR REQUEST

REQUEST: To change the zoning from UE Urban Estate to C-2 General Commercial

APPLICANT: Staff (Plaza Collina)

Item tabled to April 7, 2015 meeting.

7. REQUEST FOR SMALL-SCALE COMP PLAN AMENDMENT

REQUEST: To change future land use from Lake County Regional Commercial to City of Clermont Commercial

APPLICANT: Dougherty

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting a future land use amendment to change the 7+/- acre parcel from Lake County Regional Commercial to the City's Commercial future land use category. The subject parcel is located on south side of Highway 50 approximately a half mile east of Highway 27. The property is currently vacant with planted pines. The applicant is proposing to develop the parcel as a commercial development fronting Highway 50. The applicant has also submitted applications for annexation and rezoning to C-2 Commercial.

The subject parcel is contiguous to the City on three sides. The existing future land use in this area is predominantly Commercial. The property has City utilities available and would be developed to City standards. The City's comprehensive plan policies support this request.

Staff recommends approval of the future land use map amendment from Lake County Regional Commercial to Commercial.

8. REQUEST FOR REZONING

REQUEST: To change the zoning from UE Urban Estate to C-2 General Commercial

APPLICANT: Dougherty

Planning Manager Curt Henschel presented the staff report as follows:

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The applicant is proposing a commercial development consisting of 7 +/- acres on the south side of Highway 50, approximately a half mile east of Highway 27. The property currently has planted pines and is in unincorporated Lake County. The applicant has also submitted applications for annexation and a small-scale comprehensive plan amendment to assign a City future land use of Commercial.

The subject parcel is between existing C-2 General Commercial properties within the City. The applicant would like to develop the property with similar uses and is requesting a rezoning to the same C-2 General Commercial zoning district. City utilities are available to serve the development.

Staff believes the proposed C-2 zoning would be consistent with the existing development pattern that surrounds the property to the east and west and would provide infill development. Staff recommends approval of the rezoning change from UE Urban Estate Low Density Residential to C-2 General Commercial zoning district.

Rick McCoy, 732 Fourth St., stated that he is representing the applicant.

Commissioner Proli asked if the applicant knows what will be built on the property.

Mr. McCoy stated that without a rezoning they can't market the property.

Commissioner Hubbard asked what is happening to the back half of the property.

Mr. McCoy stated that there is no interest in those parcels at this time.

Commissioner Whitehead moved to recommend approval of the small-scale comp plan amendment and rezoning; seconded by Commissioner Proli. The vote was unanimous to recommend approval of the small-scale comprehensive plan amendment and rezoning.

There being no further business, the meeting was adjourned at 8:10 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist