

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
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The meeting of the Planning & Zoning Commission was called to order Tuesday May 6, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Harry Mason, Bernadette Dubuss, and Thomas Spencer. Also in attendance were Barbara Hollerand, Planning and Zoning 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 March 4, 2014 were approved as written.

REPORTS

Chairman Nick Jones stated that a Jazz Festival will be held at the Celebration Center. He stated that it will be held on Friday, May 9, 2014 with a cost of \$15. He stated that the proceeds will support the three high school band programs and the Florida Lakes Symphony Orchestra.

1. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: TD Weaponry
APPLICANT: Aaron Collins

Senior Planner John Kruse presented the staff report as follows:

The applicant, Aaron Collins, is requesting to renew an expired Conditional Use Permit for an indoor gun range in the C-2 General Commercial zoning district. The gun range consists of 12 shooting stations and will also have a retail gun store. The gun range is not listed in the Land Development Code as a permitted use and therefore would require a Conditional Use Permit. The gun store is considered retail and would not require a Conditional Use Permit. The overall square footage will be approximately 7,000 square feet. This project was previously approved by the City Council under Resolution No. 2010-26 (October 26, 2010) and amended by Resolution No. 2012-01 (January 10, 2012). The previous applicant, David Heck, did not start construction on the project within the two (2) year time frame, as indicated in item 10 under General Conditions of Resolution No. 2012-01. This resulted in the Conditional Use Permit becoming null and void. The two (2) year time frame expired on January 10, 2014. Mr. Heck passed away prior to starting the project, and the property has finally cleared probate. The new applicant is proposing no changes to the previously approved Conditional Use Permit. He is simply seeking to reset the two year time frame to complete the project.

Staff has reviewed the Conditional Use Permit application and has not observed any changes from the originally approved Conditional Use Permit and Conceptual Site Plan. Based upon this, staff recommends approval.

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Aaron Collins, 552 Nicole Marie St., Apopka, stated that he owns Clermont Computers in Clermont and opened a gun shop next door. He stated that he wants to complete this project as presented before. He stated that he is prepared to pull permits and begin work immediately.

Tim Murry, 574 E. Desoto St., stated that he was opposed to this project before and he opposes it now. He stated that in the community within fifty feet from this property are homes, playgrounds, and schools. He stated that he has spent a lot of time getting the guns out of this area. He stated that he is not opposed to a gun range coming in to Clermont, however, this is not a good location.

John Hill, 14515 Rain Dance Court, he stated that he understands the concerns, however, this is an indoor range and they would not allow anyone to have a gun in his facility that he did not feel comfortable with even if they passed the background checks. He stated that he feels this would be an excellent location for the gun range.

Al Hoffman stated that he oversees the Twistee Treat. He stated that the retention area that is being shown as their off-site retention area belongs to Twistee Treat. He stated that he contacted St. Johns River Water Management District and was told that their retention pond is the required size for their lot and TD Weaponry would need to provide their own retention area. He stated that since the property is higher than the Twistee Treat property, they do not want any run-off coming from the TD Weaponry property and creating erosion on their property.

Mr. Kruse stated that TD Weaponry would have the ability to do an underground filtration. He stated that there was a note that referenced the water running off-site which is the same note that was on the site plan presented two years ago. He stated that the applicant has the ability to put a retention pond on their own property. He stated that the city does not regulate the retention ponds; this is done through St. Johns River Water Management District.

Commissioner Carlos Solis asked if they approve this conditional use permit, are they approving the site plan presented.

Mr. Kruse stated that conceptually they will be approving the site plan, but it can be clarified with the applicant.

Chairman Nick Jones stated that the applicant will not get approval unless they satisfy the regulations by the St. Johns River Water Management District.

Commissioner Herb Smith asked if there was enough room on the property to build a retention pond.

Geoff Summitt, 3667 Simonton Place, Lake Mary, stated that when he was working on this property two years ago, Mr. Heck was looking to do a joint-use retention facility. He stated that

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they proposed to extend the existing retention pond to accommodate both the Twistee Treat and the TD Weaponry property. He stated that they not only have to receive approval from St. Johns River Water Management District, they also have to get approval from Florida Department of Transportation. He stated that they do not plan to allow the water to dump into the Twistee Treat retention pond without approval.

Gladys Carthon, 791 E. Montrose St., stated that she does not agree with a gun range in Clermont. She stated that she has children, and she would rather see something else besides a gun range at this location.

Kathleen Krauss, 3607 Limestone St., stated that she is new in the area and wasn't sure where the location was.

Chairman Nick Jones explained the location.

Commissioner Harry Mason moved to recommend approval of the conditional use permit subject to approval from St. Johns Water River Management District and Florida Department of Transportation; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the conditional use permit to City Council.

2. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Robbins

APPLICANT: Staff

Senior Planner John Kruse presented the staff report as follows:

Staff recommends approval of Ordinance No. 2014-12, an administrative small-scale comprehensive plan amendment for the properties located southeast of 4th Street and SR 50.

This amendment to the Future Land Use map of the City's comprehensive plan assigns a City future land use of Commercial. The City inadvertently changed the future land use of the property to Office when it rewrote its Comprehensive Plan in 2009. These properties, Alternate Key 1612349 & 1612365, were previously approved for a future land use change from Residential/Professional to Commercial in 2001 under Ordinance No. 427-M. If approved by the City Council, the small-scale comprehensive plan amendment will be submitted to the Florida Department of Economic Opportunity but will not be reviewed.

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 to City Council.

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3. REQUEST FOR CAPITAL IMPROVEMENTS ELEMENT AMENDMENT

DEVELOPMENT NAME: Capital Improvement Element
APPLICANT: Staff

Senior Planner John Kruse presented the staff report as follows:

Florida Statutes require annual updates to local governments' Capital Improvements Elements of their comprehensive plans. Enclosed is the supporting documentation for Ordinance No. 2014-13, adopting changes to the Capital Improvements Element of the comprehensive plan. Staff recommends approval of this request.

Commissioner Harry Mason moved to recommend approval of the Capital Improvement Element; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the Capital Improvements Element to City Council.

4. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

DEVELOPMENT NAME: Tree Ordinance
APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

Section 118-36 Plant Material

(a) *Quality.* Plant materials used in conformance with provisions of this article shall meet specifications of Florida No. 1 grade or better, according to the current edition of Grades and Standards for Nursery Plants of the state department of agriculture.

(b) *Trees.*

(1) Trees shall be species having an average mature spread of crown of greater than 15 feet and having trunks which can be maintained in clean condition over five feet of clear wood. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of 15 feet of crown spread.

(2) Canopy tree species shall be container grown in a minimum 65-gallon container. Canopy trees shall be a minimum of three inches in caliper, have a minimum six-foot spread, and be a minimum of 12 feet in overall height immediately after planting. Canopy trees shall meet the standards as specified in section 118-2. The location of trees of any species known to have a root system capable of causing damage to roadways or utilities shall require staff approval.

(3) Upon planting, palm trees must have 6 feet clear trunk height as measured from the ground to the base of the heart leaf.

(4) ~~(3)~~ Understory tree species shall be a minimum of eight feet in overall height immediately after planting with a four foot spread, and shall meet the standards as specified in section 118-2

(5) ~~(4)~~ Sixty percent of required canopy trees in parking lots shall be live oak trees.

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Section 118-71 Minimum Tree Requirements

No certificate of occupancy shall be issued by the city on the following types of construction unless the underlying parcel has not less than the indicated minimum number of approved trees. All required landscaping is to be maintained in perpetuity.

(1) General requirements for the number of trees on residential and nonresidential development shall be as follows:

a. Any new single-family or duplex dwelling unit on a single lot shall not have less than three trees. Any new single-family or duplex dwelling unit on a single lot shall have at least the following minimum number of approved trees. Trees shall be from the preferred canopy and understory tree list.

1. Lots with less than 2500 square feet of landscape space: 2 understory trees

2. Lots between 2500-4000 square feet of landscape space: 1 canopy tree required and either 1 understory tree or 2 palm trees

3. Lots with 4000 square feet or more of landscape space: Two canopy trees required and either one understory tree or two palm trees

b. No required canopy tree may be planted within 6 feet of the primary structure, driveway, sidewalk, street, or the property line on a single-family lot.

c. For existing properties that have 3 canopy trees but may qualify for a reduction in the number of required trees, the criteria in paragraph a. above will apply. A tree removal permit must be obtained prior to removal of any canopy trees.

d. For single family and duplex lots, 2 palm trees may be substituted for 1 required understory trees.

d e. Any new multifamily development shall have not less than one tree per unit.

e f. Any single commercial, industrial or other structure requiring site plan approval under the zoning regulations, chapter 122, or the subdivision regulations, chapter 110, shall provide not less than four trees per acre, with a minimum of four trees. Trees required under article II of this chapter, other than buffer or perimeter trees, may be counted to meet this requirement.

Darryl Murray, 3341 Saloman Lane, asked for clarification on the setbacks for the landscape.

Mr. Henschel stated that the trees will have a six foot setback from the property line.

Roger Krauss, 3607 Limestone St., asked the difference between a canopy tree and an understory tree.

Mr. Henschel explained the difference between the two.

Len Terrell, 2215 Elverson Ave., asked what is considered landscape space.

Chairman Nick Jones stated that anything that is not hard surface would be considered landscape space.

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Ernest Raia, 3616 Matira Ct., stated that he is concerned with the setback lines being included in the landscape space. He feels that by including the landscape setback area into the equation will make someone have to plant a tree where there is not room for trees.

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 to City Council.

5. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

DEVELOPMENT NAME: CBD

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

Sec. 122-243. Permitted uses.

(a) *Generally.* Permitted uses in the central business district are as follows:

(1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.

(2) Personal service establishments, such as but not limited to beauty shops or barbershops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use (with a business tax receipt, and with medical supervision) within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.

(3) Professional offices, doctors' offices, banks and loan companies (excluding drive-through facilities except with a conditional use permit), insurance and real estate offices and similar businesses.

(4) Dwelling units, single-family and two-family, permitted in the R-2 district, and other residential uses as permitted in the R-3 district, provided that lot size and coverage regulations of the respective district can be accommodated and the lot width of this district is met.

(5) Buildings, structures and uses maintained or operated by the city.

(6) Lodges and clubs.

(7) Restaurants and lounges 4,000 square feet and under.

(b) *Floor space.* Any business establishment or structure proposing to occupy 3,000 square feet of total floor space or more shall require application for a conditional use permit.

(c) *Uses to be enclosed; outdoor storage.* All uses must be within a completely enclosed building, except for outdoor storage, which must receive site plan approval and be screened from public streets and adjacent property.

(d) *Sidewalk use.* Business establishments may utilize outside private or public sidewalk area for patron use to include non-fastened small tables and chairs, or benches during business hours

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only. Compact outside display areas may also be utilized provided the display has a maximum width of 25 percent of a retail store width or ten feet in width, whichever is less, four feet in depth, and six feet in height. Businesses which utilize this type of sidewalk use shall maintain at least a four foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the American with Disabilities Act. Where such four-foot open space is not available, table and chairs or displays shall not be allowed. All such uses shall be approved by the city manager or his designee.

Sec. 122-244. Conditional uses.

(a) Conditional uses in the CBD district are as follows:

- (1) Retail businesses, personal service establishments and professional offices occupying 3,000 square feet of total floor area or more; provided, however, that no retail establishment may occupy more than 100,000 square feet.
- (2) Public or semipublic facilities or structures not maintained or operated by the city and not listed under permitted uses (i.e., operated by any other governmental unit).
- (3) Utility facilities (i.e., electrical transformers, gas regulator stations, etc.).
- (4) Hospitals, clinics, adult congregate living facilities and nursing homes that provide treatment of human ailments or personal care operations.
- (5) Nursery schools, kindergartens or child care centers, provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.
- (6) Private schools.
- (7) Funeral homes.
- (8) Convenience stores and gas stations, provided on-site parking requirements are met.
- (9) Laundries.
- (10) Automotive service stations, provided on-site parking requirements are met.
- (11) Restaurants and lounges over 4,000 square feet.
- (12) Bed and breakfast inns as provided in article V of this chapter.
- (13) Theaters, cinemas and auditoriums.
- (14) Churches.
- (15) Planned unit developments.

(b) In case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval by the city council, are not more obnoxious to the district than uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.

Commissioner Harry Mason asked if someone wanted to put in a 1,000 square foot bar in the downtown area would they be allowed to open without a conditional use permit. He stated that he is worried about the language stating lounges are allowed.

Mr. Henschel stated that staff could move forward with removing the word lounges from that section.

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City Attorney Dan Mantzaris stated that the intent with staff was to allow restaurants. He suggested that if the Commission is in agreement with Mr. Mason, then they could request to remove the word lounges from this section.

Commissioner Harry Mason moved to recommend approval of the Land Development Code amendment with removing the word lounges from number 7; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the Land Development Code amendment to City Council.

There being no further business, the meeting was adjourned at 8:13 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Administrative Assistant