

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 August 5, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Bernadette Dubuss, Herb Smith, Harry Mason, and Judy Proli. Also in attendance were Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Denise Noak, Deputy City Clerk.

MINUTES of the Planning and Zoning Commission meeting held June 3, 2014 were approved as written.

REPORTS

Commissioner Judy Proli suggested that when hiring anyone to do work around your home, make sure the contractor has insurance as well as a license to do the work.

1. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Lifestyle Community Church

APPLICANT: David Rosa

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting an amendment to include a house of worship and daycare to the existing Clermont Hillside Terrace conditional use permit located at 2400 South Highway 27. The current conditional use permit for Clermont Hillside Terrace includes retails sales, lounges, restaurants, personal services, professional & medical offices, and residential uses on pads E, F, G & H.

The church currently has a congregation of 50 members and plans to meet in the 2,145 square foot space available at Clermont Hillside Terrace. Their plans are to hold service on Sundays, and to hold bible class on Thursday evenings. They also would like to operate a daycare center for children Monday through Friday when the church is not in service.

Staff recommends approval.

David Rosa, 1823 Rachels Ridge Loop, Ocoee, stated that this is a bilingual church that wants to help the community.

Commissioner Harry Mason asked about the qualifications the church had for a daycare operation and playground arrangements.

Pastor Rosa stated that the daycare will be implemented later to help single mothers to work. He stated that the daycare will be for two or three year olds and they will provide an indoor play

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area. He stated that the property owner has agreed to an outdoor playground if that need is required in the future. He stated that he has contacted the State for their regulations.

Commissioner Harry Mason stated that there is a single bathroom that would not meet the requirements for a church and daycare.

Pastor Rosa stated that they would be required to add an additional bathroom.

Commissioner Harry Mason asked Pastor Rosa if he was going to remove the daycare from the application, since it did not meet code.

Pastor Rosa stated that the daycare was not a priority at this time; however, when he decides to open the daycare, the codes and requirements would be met at that time.

City Attorney Dan Mantzaris stated that the daycare could not operate without state approval.

Commissioner Harry Mason moved to recommend approval of the conditional use permit with denial of daycare; seconded by Commissioner Judy Proli.

Commissioner Judy Proli stated that on prior request for that location, there was a charter school that wanted to go in the plaza and the surrounding businesses did not want a daycare or playground.

Pastor Rosa stated that he could do an indoor playground and would like to have that option available so that he can help young single mothers.

Commissioner Herb Smith stated that he sees the business owner has signed the application, but there is a liability issue on the property owner as it is a three story building.

Chairman Nick Jones asked if the surrounding property owners were notified.

Planning Manager Curt Henschel stated that the property owners have been notified and there were no concerns brought forward by any of them.

Commissioner Harry Mason called the vote to recommend approval of the conditional use permit with denial of daycare; seconded by Commissioner Judy Proli. The vote was 3-2 to recommend approval for the conditional use permit without the daycare to City Council, with Commissioner Dubuss and Chairman Jones opposing.

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2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Clermont Central Church

APPLICANT: Arthur Eaton

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting a Conditional Use Permit for a house of worship at 1 Westgate Plaza.

The church currently has a congregation of 50 members and plans to meet in the upper level of the building with approximately 2,300 square feet of available space. Their plans are to hold service on Sundays and Wednesday evenings.

Staff recommends approval.

Arthur Eaton, 12037 Cypress Lane, stated that this would be a standard house of worship and it has plenty of parking.

Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Woodwinds

APPLICANT: Steve Smith

Senior Planner John Kruse presented the staff report as follows:

The Woodwinds Apartments project is a proposed multi-family development consisting of 108 apartments with onsite amenities that include a community center. The apartment project will consist of four 3 story buildings with parking located in front of the units and around the access drive. Each building will house from 24 apartments up to 36 apartments each. A mix of 1, 2, and 3 bedroom apartments will be offered in each building. The proposal consists of 24 – 1 bedroom units, 72 – 2 bedroom units, and 12 – 3 bedroom units. Based upon the ratio of apartment bedroom mix and the 259 parking stalls provided, the average is 2.40 parking stalls per unit, with a surplus of 49 parking stalls over the required 210 for the project.

The total land area of the project is 10.12 acres. With the proposed 108 apartments on the 10.12 acres, this provides for a total density of 10.67 units per acre. The proposed density is below the allowable density of 12 dwelling units per acre in the high density residential future land use

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category in the R-3 zoning district. The conditional use permit request for a planned unit development is based upon the development proposal consisting of multi-family developments having 12 or more units in the R-3 zoning district and the project consisting of 10 acres or more.

This subject parcel has had multiple resolutions granted by the City of Clermont regarding development proposals. A similar conditional use permit request was previously approved on August 22, 2006 (Res. No. 1475); September 23, 2008 (Res. No. 1592); October 26, 2010 (Res. No. 2010-23) and January 22, 2013 (Res. No. 2013-01) for a 108 unit condominium development. Because of market conditions, the owner has not started construction within the required two years and a subsequent conditional use permit was sought to retain the development rights for the project. The owner is requesting to convert the 108 condominiums to 108 apartment units with the latest proposal. In addition, the owner is seeking variances for: (1) retaining walls greater than six feet high, up to a height of 12 feet in height, (2) cut/fill of more than 15 feet with a maximum of 24 feet, and (3) building height to exceed 45 feet, up to 60 feet.

Staff feels this use is consistent with the uses in the area and the conversion from condominiums to apartments with no increase in density is very similar to the previously approved development proposals. Therefore, staff recommends approval of the proposed conditional use permit request for a planned unit development with 108 apartments.

Steve Smith, 1323 Briarhaven Lane, stated that there is a need for affordable apartments in the Clermont area for the working class family. He stated that these will be designed for people who make less than \$12 per hour. He stated that these would be low density with one, two, and three bedroom units.

Ed Freeman, 226 Pleasant Hill Dr., stated that he is against the project and so are the neighbors. He stated that they already have a problem with crime in the area and this will add to the problem. He stated that with condos that are owned by the tenants they would take better care of the property and would be paying taxes in the city. He stated that there are a lot of trees and wildlife in that area that will be taken out due to the apartments.

Kerry Harris, 202 Pleasant Hill Dr., stated that they are looking to lessen the buffer. He stated that they have children that cut through their yards already. He stated that the police can't keep up with the amount of people who are moving into Clermont.

Mr. Freeman stated that they have Southridge Apartments down the road, and they already listen to loud music and parties. He asked if these will become low income units funded by the federal government.

Steve Smith stated that these apartments will not be federally funded. He stated that he has checked with Clermont Police Department, and they said there is no difference with apartments

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and crime verses subdivisions and crime. He stated that the tenants will be people who work here in Clermont. He stated that the apartment complex pays the taxes rather than the tenants.

Commissioner Bernadette Dubuss stated that she has worked previously with lower income facilities and the crime was not any higher. She stated that she believes there is a need for these types of apartments in Clermont.

Commissioner Judy Proli asked how much the rent will be for the apartments.

Steve Smith stated that it will be \$550 for the one bedroom, \$650 for the two bedrooms, and \$750 for the three bedroom apartments. He stated that it is governed by the county.

Commissioner Judy Proli stated that she would like for them to come to an agreement with the nearby residents.

Commissioner Harry Mason asked if this is low income housing.

Steve Smith said medium to low income housing.

Commissioner Harry Mason asked if this was part of New Beginnings.

Steve Smith stated that this is completely separate from New Beginnings.

Commissioner Harry Mason asked what kind of background checks will be done on the tenants.

Steve Smith stated that there will be credit, police, and drug background checks and they would be required to be employed.

Chairman Nick Jones stated that there are no zoning issues for this project.

Senior Planner John Kruse stated that this is correct.

Commissioner Herb Smith asked what the prior zoning was.

Planning Manager Curt Henschel stated that is has always been R-3.

Commissioner Herb Smith stated that he has never heard of a tax deal on rental homes. He asked if this was in writing or speculation.

City Attorney Dan Mantzaris stated that there is a program in place called workforce housing and there are certain financing arrangements that are available for projects like this.

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Commissioner Herb Smith asked if this will be built out or built in phases.

Steve Smith stated that this will be built out.

Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; Chairman passed the gavel; seconded by Chairman Nick Jones. The vote failed with a 2-3 to recommend approval for the conditional use permit; with Commissioners Smith, Mason, and Proli opposing.

Commissioner Harry Mason moved to recommend denial of the conditional use permit; seconded by Commissioner Herb Smith. The vote passed with a 3-2 to recommend denial for the conditional use permit; with Chairman Jones and Commissioner Dubuss opposing.

4. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant and owner, RM Plus, LLC, is requesting a future land use amendment to change from Lake County Urban Medium Density to the City's Medium Density Land Use Category. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south, with the east property across Jacks Lake in the City. The City of Clermont's Future Land Use Map, Map 1.2, has the High Density Residential Land Use abutting the property to the west and south, and the Low Density Residential across the lake. A few properties in this area are still in Lake County and it appears this area is an enclave surrounded by the City. All the properties in the enclave have Lake County's Urban Medium Density Residential Future Land Use.

This future land use application is being submitted along with requests for annexation, rezoning to the R-3 Residential/Professional zoning classification, a conditional use permit to allow a townhome community in the R-3 zoning classification, and a variance request.

The proposed medium density future land use fits the character of the surrounding community and is compatible with the area. The proposed townhome project would provide a transition from the commercial to the south to the single family residences to the north. The project would resemble the existing multifamily projects in the immediate area, including the apartment community to the west and the condominiums to the northwest. This project would remove a portion of the existing property in the enclave since it would be served by City utilities and

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would provide an opportunity for infill. 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 Medium Density Residential to City of Clermont's Medium Density Future Land Use Category.

Jonathon Huels, 215 N. Eola Dr., Orlando, gave short presentation. He stated that they are requesting to annex into the City of Clermont. He stated that they are looking to have a three level residence that will be 1600 to 1900 square feet in size, with a two car garage. He stated that due to the elevation, all the units will be partially subterranean. He stated that there will be a homeowner's association for this project. He stated that the project will be compatible with the surrounding properties.

Judy Granucci, 14236 South Grand Highway, stated that she has enjoyed the environmental aspects and wildlife in the area. She stated that she walks around the lake. She stated that there are not many places left in Clermont for the wildlife. She asked if any environmental assessment has been done.

Mr. Kruse stated that environmental aspects are assessed during site review.

Mr. Huels stated that they have attained an environmental consultant and they have stated that there are no wetlands plans and they will have to comply with St. John's River Water Management District.

Commissioner Harry Mason asked if they found any environmental issues.

Mr. Huels stated that they have not found any environmental issues and over 50% will be kept natural and green space.

Commissioner Judy Proli asked if the building height will interfere with the view of the lake from the surrounding properties.

Mr. Huels stated that due to slope and building orientation, the view will stay the same.

Commissioner Judy Proli asked if there is a homeowner's association.

Mr. Huels stated that there is a homeowner's association that will maintain the pool, roads, sidewalks, pedestrian trail, and dock.

Commissioner Herb Smith said he thinks this is a great idea and very low density for apartments.

Commissioner Bernadette Dubuss asked about the floodplain and setback variances.

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Mr. Huels stated that there will be no pervious structures in the 100 year flood plain. He stated that the retention will encroach in the 100 year flood plain. He stated that they are seeking to reduce front yard setback requirements.

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

5. REQUEST FOR REZONING

DEVELOPMENT NAME: Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant and owner, RM Plus, LLC, is requesting a rezoning change from Lake County Agricultural to the City's R-3 Residential/Professional District. The subject parcel, when annexed into the City, comes in with the default city zoning of Urban Estate Low Density Residential. From there, the zoning request will be to change it from the City's Urban Estate to the City's R-3. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south. The City of Clermont's zoning map, Map 2, has R-2 Medium Density Residential District abutting the property to the south and C-2 General Commercial to the west.

The proposed project of 28 townhomes on 7.95 acres equates to a density of 3.52 units per acre.

The R-3 zoning designation allows for more than 12 townhomes within a project with the granting of a conditional use permit. The proposed future land use designation of medium density residential allows a maximum density of 8 dwelling units per acre. The proposed R-3 Residential/Professional District fits the character of the surrounding community and is compatible with the area. Section 122- 81 of the Land Development Code outlines the intent of the R-3 Residential/Professional District. It indicates that the purpose of the R-3 district is to provide medium density townhomes and multiple-family housing in an urban area where needed, and where urban conveniences and facilities can be provided. Central water and sewer services are available and the future land use map of this area does indicate this to be an urban area.

Staff recommends approval of the rezoning to the City of Clermont's R-3 Residential/Professional District.

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

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6. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Lakeview Village Townhomes
APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The Lakeview Village Townhome project is a proposed multi-family development consisting of 28 townhomes with onsite amenities that include a clubhouse and pool. The townhome project will consist of seven multi-story buildings with garages incorporated into the structure. Each building will have 4 units each. Each unit will have a 2 car garage with parking available in front of the garage.

The total land area of the project is 7.95 acres. With the proposed 28 townhomes on the 7.95 acres, this provides for a total density of 3.52 units per acre, well under the allowable density of 8 dwelling units per acre in the R-3 zoning district. The conditional use permit request is based upon the development proposal consisting of multi-family developments having 12 or more units in the R-3 zoning district. Sec. 122-184 (a)(7) of the Land Development Code requires a conditional use permit for these uses in the R-3 zoning district.

The applicant has indicated that the proposed development fits the character of the surrounding community and is compatible with the adjacent parcels, which include a shopping center (south), apartment complex (west), single family residential (north), and Jacks Lake (east). As infill development, the project will serve as a buffer between the intensive commercial uses established along SR 50 and the residential uses located further north along Grand Highway. The multi-family project and appropriate buffering would provide for a step down of intensities. The site has city utilities adjoining the property. The major challenge in developing the site is the existing 100-year floodplain. The applicant proposes to overcome this challenge by seeking variances for a reduction in front yard and rear yard setbacks and a reduction in roadway width.

In addition, the applicant is proposing development activity partially within a flood hazard area that is subject to St. Johns River Water Management District permitting and permissible under Sec. 94-50 of the Land Development Code. Upon approval of this conditional use permit, the floodplain permit would be approved for the construction of a stormwater retention area.

Staff feels this use is consistent with the uses in the area and would provide an opportunity for infill and buffering of the existing uses. Therefore, staff recommends approval of the proposed conditional use permit request.

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

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7. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Intergovernmental Coordination Element
APPLICANT: Staff

Senior Planner John Kruse presented the staff report as follows:

The Intergovernmental Coordination Element of the City of Clermont's Comprehensive Plan is being amended to include the recent adoption of the Interlocal Service Boundary Agreement (ISBA) between the City and Lake County. The ISBA addresses lands that may be annexed, water and sewer service delivery, maintenance of right-of-way, land development regulations, solid waste, sharing of equipment and resources, and fire and rescue services. The ISBA was first introduced to the Council on May 13, 2014 with approval on June 10, 2014. The ISBA was sent to Lake County for approval and was approved by the Lake County Board of County Commissioners on July 8, 2014 with changes. The changes were incorporated into the revised ISBA document that was introduced to the Council on July 22, 2014. Since the ISBA is an intergovernmental agreement between the City and Lake County, it must be referenced in the City's Comprehensive Plan. This proposed amendment is to incorporate the ISBA into the Intergovernmental Coordination Element.

Transmittal to the Florida Department of Economic Opportunity (formally Department of Community Affairs) for review will be done to satisfy the requirements to add this amendment to the Comprehensive Plan. A request for Council adoption of the ordinance will follow in the fall of 2014.

Commissioner Judy Proli moved to recommend approval of the transmittal of the Intergovernmental Coordination Element; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval of the transmittal.

There being no further business, the meeting was adjourned at 8:25 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Administrative Assistant