

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
May 5, 2015

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The meeting of the Planning & Zoning Commission was called to order Tuesday May 5, 2015 at 6:30 p.m. by Chairman Nick Jones. Other members present were Herb Smith, Judy Proli, Cuqui Whitehead, Tony Hubbard, and Jack Martin. Also in attendance were Barbara Hollerand, Development Services Director, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held April 7, 2015 were approved as written.

MINUTES of the Special Planning and Zoning Commission meeting held April 27, 2015 were approved as written.

REPORTS

Commissioner Whitehead stated that on Saturday, May 16, 2015 between 10:00 a.m. and 2:00 p.m. the Clermont Fire Department will hold a Champion Safety Day at Waterfront Park. She stated that there will be activities and food trucks.

Chairman Jones stated that the Clermont/Minneola Lions Club has a golf tournament on May 16, 2015 for their charities.

Senior Planner Kruse stated that Items 1 and 2 on the agenda, John's Lake Landing large-scale comprehensive plan and the conditional use permit, have been withdrawn.

1. REQUEST FOR REZONING

REQUEST: To change zoning from R-1 Single Family Medium Residential Density to R-2 Medium Residential

APPLICANT: Vicki Thomas

Senior Planner Kruse presented the staff report as follows:

The owner is requesting a rezoning from R-1 Single Family Medium Density Residential District to R-2 Medium Density Residential District. The owner has indicated on the application that the zoning change request is to allow the opportunity to construct a duplex on the lot. The current R-1 zoning district does not allow this type of use. The R-2 zoning district, under Section 122-143(2) permits this type of housing structure. The parcel consists of 4 lots in the Clermont Hillcrest Subdivision. The lots are located along Prince Edward Avenue half way between East Desoto Street and East Minneola Avenue. The subject property is approximately 25,000 square feet in size. The owner desires to build one duplex on combined lots 40 and 41 and a second duplex on combined lots 42 and 43. The owner is aware that the lot lines would have to be reconfigured in order to do this along with meeting the requirements in Section 122 of the LDC for lot requirements and yard setbacks. Based upon an initial layout and discussions with the owner, it appears that it may be done.

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The subject parcel is surrounded by the R-1 Single Family zoning designation on all sides. The nearest R-2 Medium Density zoning is located at the end of the street and is a few parcels away. The future land use, Medium Density, would allow the R-2 Medium Density zoning district. However, the rezoning of the parcel to R-2 would create an enclave or a parcel with different zoning surrounding it completely. While the R-2 zoning is compatible with the future land use in this area and the lots dimensions can support the construction of a duplex, the idea of allowing this use in the middle of an area consisting of predominately single family homes is not a particularly good planning practice. In addition, staff has received a signed letter of opposition from 31 people in the area. If the parcel was adjacent to existing R-2 Medium Density zoning, then it could be viewed as an extension of this use.

Based upon analysis, staff recommends denial of the rezoning change from R-1 Single Family to R-2 Medium Density.

Vicki Thomas, 1040 Twelfth Street, stated that she purchased the lot in October of 2014. She stated that she knows they can build two separate single-family homes. She stated that she is aware that this would be considered spot zoning. She stated that they take good care of all of their properties and would appreciate the Commission's consideration of this zoning.

Linda Brett-Kell, 3235 Callerton Road, stated that she owns the property next to these lots. She stated that zoning a lot in the middle of the block as R-2 Medium Density Residential will negatively impact the value of their property.

Rick Shollenbarger, 654 Prince Edward Avenue, stated that he has lived there for 20 years. He stated that they have received 33 signatures from neighbors who oppose this rezoning. He stated that he would gladly welcome single-family homes.

Ralph Vandemark, 661 Prince Edward Avenue, stated that he enjoys the neighborhood and has lived there since 1996. He stated that he encourages the Commission to not rezone the property to R-2 Medium Density Residential.

Commissioner Hubbard stated that Ms. Thomas works for him and asked if he should abstain from voting.

City Attorney Mantzaris stated that yes he should abstain from voting.

Commissioner Proli stated that she agrees that spot zoning can possibly decrease the value of the surrounding properties.

Commissioner Whitehead stated that she does not feel they should make exceptions for this property.

Chairman Jones stated that there is not a hardship with this request.

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Commissioner Proli made a motion to recommend denial of the rezoning; seconded by Commissioner Whitehead. The vote was unanimous to recommend denial with Commissioner Hubbard abstaining.

2. REQUEST FOR REZONING

REQUEST: To change from R-1 Single Family Residential Density to R-2 Medium Residential Density

APPLICANT: Daryl Piora

Senior Planner John Kruse presented the staff report as follows:

The owner is requesting a rezoning from R-1 Single Family Medium Density Residential District to R-2 Medium Density Residential District. The owner has indicated on the application that the zoning change request is to allow the opportunity to construct a duplex on a portion of the lot. The current R-1 zoning district does not allow this type of use. The R-2 zoning district, under Section 122-143(2) permits this type of housing structure. The parcel is a corner lot located at the southwest corner of Chestnut Street and West Avenue. The subject property is approximately 21,000 square feet in size and has an existing home on part of the lot. The owner desires to keep the existing home and split off a portion of the lot and build the duplex. The owner is aware that the lot lines would have to be reconfigured in order to do this along with meeting the requirements in Section 122 of the Land Development Code for lot requirements and yard setbacks. Based upon an initial layout and discussions with the owner, it appears that it may be done.

The subject parcel is surrounded by the following zoning designations: C-2 General Commercial to the north, R-1 Single Family to the west and south, and R-2 Medium Density to the east. Since the parcel is adjoined by the existing R-2 Medium Density zoning, the expansion of this designation could be viewed as a logical growth pattern and would not create an enclave. Existing R-2 Medium Density abuts C-2 General Commercial zoning in the area along 10th Street and SR 50. The existing uses, zoning, and the proposed use appear to be compatible.

Based upon the analysis, staff recommends approval of the rezoning from R-1 Single Family to R-2 Medium Density.

Daryl Piora, 921 Lakeshore Dr., stated that he is requesting to put a duplex on a split lot.

Commissioner Whitehead asked if the property is adjacent to R-2 Medium Density Residential zoning.

Mr. Kruse stated that the property across the street is R-2 Medium Density Residential.

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Commissioner Whitehead made a motion to recommend approval of the rezoning; seconded by Commissioner Martin. The vote was 4-2 to recommend approval, with Commissioners Proli and Hubbard opposing.

3. REQUEST FOR LARGE-SCALE COMP PLAN AMENDMENT

REQUEST: To change the future land use to Commercial.

APPLICANT: Staff

Senior Planner 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 agreement with the City was executed on April 19, 2005. Approximately one-half of the property is improved and is receiving water and sewer services from the City of Clermont. The remainder of the site is vacant and will be developed. The property, approximately 22.78 acres, is being developed as a shopping center and professional offices.

The proposed map amendment will change the future land use from Lake County's Regional Commercial to the City's Commercial. The related request for a conditional use permit will create a City Planned Unit Development with limited C-1 & C-2 uses.

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 July.

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.

Commissioner Whitehead made a motion to recommend approval of the large-scale comprehensive plan amendment; seconded by Commissioner Martin. The vote was unanimous to recommend approval.

4. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a conditional use permit for a mixed-use Planned Unit Development with limited C-1 Light Commercial and C-2 General Commercial uses.

APPLICANT: Staff

Senior Planner Kruse presented the staff report as follows:

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The proposed request is to grant a conditional use permit (CUP) for a mixed-use planned unit development (PUD) with a retail shopping center and outparcels for office use. This development is currently approved in Lake County. Staff has reviewed the Lake County PUD (Ordinance # 2009-8) and has transferred over to the new CUP/PUD those conditions and entitlements contained within the document.

Upon annexation, the property will receive the City's default zoning of Urban Estate (currently Planned Unit Development District in Lake County.) 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 conditional use permit for a mixed-use planned unit development zoning classification with limited C-1 & C-2 uses.

Commissioner Whitehead moved to recommend approval of the conditional use permit; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

There being no further business, the meeting was adjourned at 7:00 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist