

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 1, 2015

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The meeting of the Planning & Zoning Commission was called to order Tuesday September 1, 2015 at 6:30 p.m. by Chairman Nick Jones. Other members present were Herb Smith, Judy Proli, 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 August 4, 2015 were approved as written.

REPORTS

There were no reports.

1. REQUEST FOR LDC AMENDMENT

REQUEST: To amend Article IV Planned Unit Developments; Chapter 122 Zoning, Section 122-311 through Section 122-318.

APPLICANT: City Staff

Senior Planner Kruse presented the staff report as follows:

Staff is initiating this proposed change to add a new zoning district, Planned Unit Development (PUD). Section 122 of the Land Development Code has 14 zoning districts that a property may be assigned for a zoning designation. Historically, a planned unit development has been approved through a Conditional Use Permit with the specific conditions contained in the document, but with an underlying zoning district such as Urban Estate. This has caused some confusion when a planned unit development is processed and finally recorded after approval. Additionally, processing annexations for properties under the Interlocal Service Boundary Agreement (ISBA) process is also more complex if the existing zoning in Lake County is planned unit development. The City would typically process the related administrative requests for rezoning and a future land use change at the time of the annexation hearings. However, because the city is the applicant with ISBA annexations, the property owner would not sign the related conditional use permit for a planned unit development. Because a rezoning to a planned unit development would be by ordinance, it would be signed by city officials and not the property owner.

A majority of other governmental jurisdictions have a planned unit development zoning district. For the new planned unit development zoning, the application would still be processed the same way, including the majority of the requirements as outlined in Article IV, Planned Unit Developments, of Section 122. A few changes in this article have been proposed, such as reducing the contiguous area of property from 10 acres down to one acre. This recommendation recognizes that land costs have increased significantly, and there are fewer parcels containing 10 contiguous acres. This reduction also encourages redevelopment and infill on smaller sites with

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some flexibility. The planned unit development would still have to be presented to the Planning and Zoning Commission and the City Council for review and approval.

Staff recommends approval of Ordinance No. 2015-75 to create a new zoning district, Planned Unit Development (PUD).

Commissioner Proli asked why the acreage is being lowered from 10 acres to 1 acre.

Mr. Kruse stated that the 10 acres in the current code have to be contiguous. He stated that due to the city's growth, the parcels that are being brought before the city are less than 10 acres.

Commissioner Proli asked if they approve this, does this mean the developer can add more units on that acreage.

Mr. Kruse stated that the developer is limited to what is required in the comprehensive plan and the city is not changing that.

Commissioner Hubbard stated that he still has concerns that property can be annexed into the city without being contiguous.

City Attorney Mantzaris stated that the County and City negotiated an agreement to allow the annexations based on the encumbrances of the utility agreements, since they are going to become part of the city anyway.

Commissioner Martin stated that he likes this planned unit development zoning, but he's not sure he is ready to vote on it. He stated that he's concerned there are questions he hasn't thought about to ask. He stated that he would like another month to think about this zoning designation.

Mr. Mantzaris stated that any violation within the planned unit development can be enforced through code enforcement or the city can seek an injunction through the court to enforce the provisions of the city's codes.

Commissioner Martin asked if the wording pertaining to the performance bond should say "shall be required" rather than "may be required." He also suggested changing the wording on page 8 of the document to say "schedule a public hearing" rather than "hold a public hearing."

Chairman Jones asked if there was an urgency to have the planned unit development zoning in place.

Director Barbara Hollerand stated that if they need another month to look at this proposed change, that would be fine.

Commissioner Martin stated that he would like to see this item tabled for another month.

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Commissioner Martin moved to table the land development code amendment to the October meeting; seconded by Commissioner Proli. The vote was 5-1 to table, with Commissioner Hubbard opposing.

City Attorney Dan Mantzaris gave an explanation of the recent Supreme Court decision that could affect zoning issues in the future.

Chairman Jones requested a follow-up on projects that have been brought before the Commission and what the outcome was for these projects. He hopes this could help them make better decisions based on previous outcomes.

There being no further business, the meeting was adjourned at 7:21 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist