

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
October 6, 2015

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

REPORTS

There were no reports.

1. REQUEST FOR LARGE-SCALE COMP PLAN AMENDMENT

REQUEST: To change the future land use from Lake County Urban Low Density to City of Clermont Low Density Residential.

APPLICANT: Mattamy Homes

Senior Planner Kruse presented the staff report as follows:

The applicant, Mattamy Homes, is requesting a Future Land Use change on the parcels. This request is being heard concurrently with requests for annexation and a Conditional Use Permit for a Planned Unit Development (PUD). The property was previously mined and is now vacant. The applicant desires to develop the property for residential use and has previously received approval from Lake County. The applicant is requesting City services for the 540 acre project.

The proposed map amendment will change the future land use from Lake County's Urban Low Density to the City's Low Density Residential. Lake County's Urban Low Density allows up to 4 dwelling units per acre. The City's Low Density allows up to 3 dwelling units per acre. The change in future land use would decrease the total number of units by 1/4 if the project was built at full capacity in the City. The applicant is requesting 950 units on 540 acres, which equates to 1.76 units per acre. This number is well below the 3 dwelling units per acre allowable under the City's Low Density Future Land Use.

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 December.

Staff recommends approval of the transmittal of the large scale comprehensive plan amendment to change the future land use from Lake County Urban Low Density to Low Density Residential in the City.

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Attorney Cecelia Bonifay, 420 S. Orange Ave., Orlando, stated that this property was previously known as the Jahna property. She stated that they moved forward with a comp plan amendment in the county about a year ago. She stated that they updated an old planned unit development with Lake County in 2008. She stated that the previous developers walked away from the project. She stated that they now have a new developer and they know they will need to annex into the city in order to gain utilities.

Jan James, 15845 Johns Lake Rd., asked if this will change her agricultural designation for her property and will she be annexed into the city limits.

Mr. Kruse stated that her property is not included within the planned unit development so it would not be annexed into the property and her property's land use would not be affected.

Mike Megler, 17341 Magnolia Island Blvd., has concerns that this is going to create an enclave and asked how will it affect their services that they receive from the county.

City Attorney Dan Mantzaris stated that anyone who is located in the county will continue to receive their services from the county. He stated the only change may be that the Clermont Fire Department may respond due to the joint fire service agreement.

Mr. Megler said he wants to make sure the conservation area will not be changed with the development.

Ms. Bonifay stated that there is an agreement in place by Nola Land, Island Bay and Magnolia Island Homeowner Associations that includes a conservation easement that will follow the state statutory requirements for conservation easements. She stated that the conservation easement is recorded into the records of Lake County. She stated that nothing within the planned unit development can modify the conservation easement. She stated that Island Bay Boulevard will connect to Hartle Road.

Mr. Megler requested that all home owners be notified when the closing for the roadway hearing comes up.

Mr. Mantzaris stated that the typical procedure is to notify the abutting property owners.

Ms. Bonifay stated that maybe the right thing to do is for the applicant to have a meeting with the homeowners prior to the city council meeting.

Craig Hildebrandt, 16520 Bay Ridge Dr., stated that his property abuts the property where the relocated road will be. He asked that when his property abuts the city limits would he be forced to annex into the city.

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Mr. Mantzaris stated that the Planning and Zoning Commission has no authority regarding annexations so they could not respond as to whether there are any intentions to annex other properties or not.

Steve Moras, 15845 Johns Lake Road, asked if Lost Lake Road will be opened due to this annexation.

Mr. Kruse stated that Hartle Road is being handled through the county. He stated that he does not know of any improvements to Lost Lake Road.

Chairman Jones stated that they should contact Lake County and talk to their road planners.

Mike Salvi, 15100 Lost Lake Road, asked about future plans for Lost Lake Road.

Ms. Bonifay stated that their plans only deal with Hartle Road, Hooks Street and Emil Jahna Road off State Road 50. She stated that their development has nothing to do with Lost Lake Road.

Alan Bellamy, 16101 Johns Lake Road, asked about the alignment of the future Hartle Road.

Mr. Kruse stated that the alignment is being designed by Lake County and they would have more information about the alignment.

Katlin Musial, 2701 Pine Shadow Lane, asked what type of multi-family development is planned for this area, where Hooks Street will extend to and how soon the construction will start.

Ms. Bonifay stated that these are questions are more for the conditional use permit. She stated that they will do their part with dedicating Hooks Street right-of-way through their development. She stated that as soon as they get through the development approval process, Mattamy will start building. She stated that there will be 175 multi-family townhomes.

Craig Hildebrandt, 16520 Bayridge Dr., asked for a more specific start time for the development.

John Townsend, 2200 Park Ave., Winter Park, stated that construction will begin just as soon as they can get through permitting. He stated that once the conditional use permit is approved they will begin site review and permitting which will take four to six months for that process.

Commissioner Hubbard moved to recommend approval of the large-scale comp plan amendment; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

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2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow for a planned unit development to allow for single and multi-family residential in the UE Urban Estate zoning district.

APPLICANT: Mattamy Homes

Senior Planner Kruse presented the staff report as follows:

The applicant, Mattamy Homes, is requesting a conditional use permit for a planned unit development consisting of 950 residential units. The development will be comprised of a majority of single family dwelling units with multifamily units also being offered. The applicant has received approval from Lake County for 894 dwelling units under PUD Ordinance #2014-80. The applicant desires to increase the number of dwelling units by 56 (6 percent) to offset the additional easements and rights-of-way that will be required for road improvements/re-alignment.

City staff, the applicant, their representatives, and Lake County staff have met to work through the current ordinance and to incorporate the conditions into the City's conditional use permit. The applicant has requested additional changes that are not included in the approved Lake County ordinance. These changes have necessitated the applicant requesting waivers to the City's code. Upon discussion and review, staff was able to support six of the requested waivers. These staff-supported waivers are contained in the conditional use permit and include the following:

1. Allow private streets within the subdivision with gated entry/exits. Section 110-192(1).
2. Allow construction of Emil Jahna Road without bikeways and incorporate a 10-foot trail on the west side instead. Section 110-194(3) and (4).
3. Allow construction of 20-foot wide, one-way alleys with 12 feet of pavement as long as 20 feet of unobstructed emergency access is maintained. Section 110-195(b).
4. Allow cut and fill of up to 20 feet in the construction of Hartle Road to accommodate required road grades. Section 94-195(b)(3).
5. Allow street trees within the frontage of a residential lot to count toward the minimum number of required trees on the lot and to allow such trees to be less than 6 feet from curbs and sidewalks as long as a minimum of 5 feet of clearance is provided between the tree and any public potable water, wastewater or reclaimed water main. Section 118-71(1).
6. Allow community amenity buildings with a maximum building height of 55 feet. Section 122-84(4).

Staff was not able to support the following two requested waivers and has not included them in the conditional use permit:

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1. Allow one single off-site ground sign identifying the subdivision at the southeast corner of the intersection of Emil Jahna Road and SR 50. Section 102-15(e)(4).
2. Allow the one single off-site ground sign to have following standards: (a) Maximum sign area = 50 square feet with a height of 15 feet, (b) Maximum height of sign's architectural feature, consisting of tower/column, to be up to 30 feet with no more than 25% of the sign width and (c) Sign setback of 20 feet from SR 50 and 20 feet from Emil Jahna Road. Section 102-12(b)(1).

The applicant has agreed to remove these two waivers.

Additionally, the applicant has challenged several of the utilities provisions called out in the conditional use permit. Staff's position is that these conditions are per code, and therefore, apply to the proposed project. With this being stated, staff recommends approval of the conditional use permit for a planned unit development as written.

Ms. Bonifay presented the preliminary drawings for the WaterBrooke conditional use permit.

Tom McCarthy, 1900 Summit Tower Blvd., Orlando, stated that Mattamy Homes is Canada's largest home builder and they are located in four states. He stated that they have been building in Orlando for the past 8 years. He stated that they mix the multi- and single-family homes together, rather than separating them. He stated that there will be an amenity center that will include an activity center, media center, pool, and splash pad. He stated that there will be trails around the lakes.

Frank Cervino, 16339 Meredrew Lane, asked about the egress from the subdivision.

Brent Lacy, Little John Associates, stated that they are the traffic planners. He stated there will not be only a right-in and right-out for the subdivision. He stated you would be able to enter and exit either direction.

Mr. Cervino stated that this will cause some safety issues.

Jan James asked if there will be a wall on the southern boundary along Lost Lake Road.

Mr. McCarthy stated that they have not made a decision on a wall.

Ms. James asked if Hartle Road will be four lanes with a grass medium with a bike lane.

Mr. McCarthy stated that it may get constructed as a two-lane road and add a lane as needed later.

Mike Megler asked if there is a crash gate near Island Boulevard.

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Mr. McCarthy stated that there is an intersection at Hartle Road in the future. He stated that if the drawings show a crash gate, it would be for emergency access only.

Commissioner Smith asked about the home sizes.

Mr. McCarthy stated that the size of the homes will be between 1600 and 3800 square feet.

Commissioner Smith asked if the ponds are acidic.

Mr. McCarthy stated they have not recently tested the water but they will. He stated the lakes are clear.

Commissioner Proli said she read that this area is a flood zone.

Mr. Townsend stated that they do not anticipate anyone being required to have flood insurance.

Commissioner Proli stated that she has concerns about the impact to the schools.

Ms. Bonifay stated that in March they received a concurrency letter from the Lake County Schools, and that they met concurrency. She stated she was surprised to see the concurrency report in the packet showing they would exceed capacity.

Commissioner Proli stated that she does not approve of multi-family being next to single-family.

Mr. McCarthy stated that they have several successful communities that have multi- and single-family homes. He stated that they don't put single-family homes next to townhomes. He stated that there will be a block of townhomes, then a block of single-family.

Commissioner Hubbard moved to recommend approval of the conditional use permit; seconded by Commissioner Solis. The vote was 4-1 to recommend approval with Commissioner Proli opposing.

3. 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

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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 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 Solis moved to recommend approval of the land development code amendment; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

There being no further business, the meeting was adjourned at 8:29 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist