

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 3, 2015

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The meeting of the Planning & Zoning Commission was called to order Tuesday November 3, 2015 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Judy Proli, Tony Hubbard, and Cuqui Whitehead. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Hector Guerrero Intern Planner, Jim Hitt Economic Development Director, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held October 6, 2015 were approved as written.

REPORTS

There were no reports.

1. REQUEST FOR REZONING

REQUEST: To change the zoning for properties located within the Downtown Mixed Use Future Land Use District boundaries from R-3 Residential/Professional, C-1 Light Commercial, C-2 General Commercial, and M-1 Industrial to Central Business District.

APPLICANT: City Staff

Senior Planner Kruse presented the staff report as follows:

On March 23, 2015, the City Council approved the Downtown and Waterfront Master Plan, prepared by GAI Consultants. This plan has strategies that will drive redevelopment and infill in and around the downtown area. As a result of developing this plan, it was noted that some of the zoning in the downtown area was not consistent with the master plan's goals and did not match the current future land use of Downtown Mixed Use. For properties with Downtown Mixed Use future land use, the matching zoning designation would be the Central Business District (CBD). In an effort to set the framework for the goals outlined in the plan, staff is requesting a zoning change to CBD for all properties not currently zoned CBD that are contained within the boundary of the Downtown Mixed Use future land use designation. Properties that will be affected by the change currently have one of the following zoning designations: R-3 Residential/Professional, C-1 Light Commercial, C-2 General Commercial, or M-1 Industrial. This change to CBD will allow more permitted uses, zero lot lines, and increased building heights. Staff believes this change is consistent with the intent of the master plan and with the Downtown Mixed Use future land use. One example of where this would be beneficial, as outlined in the master plan, would be the "Lumberyard Redevelopment" area. This property, currently M-1 Industrial, would still have to follow the CBD requirements in Chapter 122, Article III, Division 12 as it redevelops. By matching the zoning and future land use now, future projects can be developed at a more efficient pace.

Staff recommends approval of the rezoning to CBD Central Business District.

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Franklin Forth, 959 W. Desoto St., stated that he has concerns about height of buildings near residential homes. He stated that he wants clarification about parking requirements on West Avenue.

Charles Forth, 939 W. Desoto St., stated that the city has adopted a set of specific goals and objectives that need to be followed. He stated that he has concerns about zero lot lines and parking.

Charlene Forth, 939 W. Desoto St., stated that the Central Business District keeps encroaching on their residence. She stated that she wants wording included to prevent the encroachment.

Mark Ball, 660-680 Eleventh St., asked if his property could be included in the CBD rezoning.

Mr. Kruse stated that the purpose of the CBD rezoning is to match the future land use of Downtown Mixed Use. He stated that the properties included in the CBD rezoning have been advertised with the legal description so the city could not include his property with this rezoning.

Franklin Forth, 959 W. Desoto St., stated that the city should consider wording about the increase in height next to residential areas.

Mr. Kruse stated that the city would have to do a land development code change in order to do that.

Commissioner Solis stated that he would be concerned about building height as well if he lived in the CBD District.

Commissioner Proli stated that she can empathize with the residents in the CBD District. She stated that a parking garage needs to be built in the downtown area.

Commissioner Whitehead stated that the downtown parking has been a concern of hers for many years.

Chairman Jones stated that you can require businesses in the downtown district to provide the same parking as in other areas of the city.

Commissioner Whitehead moved to recommend approval of the CBD rezoning and recommend City Council directs staff to require residents to comply with city code; seconded by Commissioner Proli. The vote was unanimous to recommend approval with added statement.

2. REQUEST FOR REALIGNMENT OF THE CRA

REQUEST: To realign the CRA boundaries to conform with the Comprehensive Plan
APPLICANT: Staff

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Economic Development Director Hitt presented the staff report as follows:

The Downtown Clermont Redevelopment Agency (CRA) and 157 acre district were created in 1997 by adoption of Resolution No. 950. Updates to the plan were completed in 2005 and 2010. The CRA district has experienced significant redevelopment efforts through various streetscape projects and the incentive grant programs. The CRA district is also the heart of the recently approved the Downtown & Waterfront Master Plan.

In order to grow the district and continue the design and improvements of the recently approved *Downtown & Waterfront Master Plan*, an amendment to the CRA district and plan is needed at this time.

The redevelopment plan must continue to remain flexible enough to enable the CRA to work on various projects within the parameters of the plan, and supported by the annual budget.

This request is to approve the expansion of the CRA District and the Plan as presented. The CRA district will total 379 acres and will include the following new areas:

- * The northeast - Waterfront Park beach area and the old Bell Ceramics site off East Ave.;
- * The west area - CBS Builders Supply , Exceletech (recently demolished site) and Clermont Public Works.
- * South of State Road 50 - this frames in the downtown approach off SR 50.

The approach, or entrance areas leading into the downtown and waterfront are vital to the CRA district, and the expansion areas capitalize on those areas, in addition to adding properties to the CRA district. These help with the growth of the core part of Clermont and the master plan area.

The new CRA redevelopment plan continues the 5-year cycle for revisions that reflect the changes needed for our growth in the downtown and waterfront.

Charlene Forth 939 W. Desoto St., stated that there are residents on West Desoto and West Montrose who are here. She stated that they take CRA taxes from the residents in this area; however the residents don't get any of those back. She stated that the opportunities are only available for businesses. She stated that there are residents who need assistance to help beautify their homes as well.

Mr. Hitt stated that the residents do benefit from the tax because the businesses who have utilized the grant money making improvements to their businesses. He stated the streetscapes, lights, benches, and new trash cans that have been put in the CRA district also benefit the residents. He stated that the CRA would need to develop a program for residents.

Rose Cheese, 1169 12th St., stated that the bench at the park by her home is dry rotted and needs to be replaced. She stated that the bushes need to be trimmed at the park. She stated that the street sweeper passes her home every day; however they never clean the street in front of her home.

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Mr. Hitt stated that the city is in the process of replacing the benches and picnic tables throughout the city. He stated that he will talk to Public Works about the bushes and street sweeper.

Charles Forth, 939 W. Desoto St., stated that he questioned why the areas being included weren't included previously. He stated that we need to do everything we can to include the residents with the grant money to help improve their properties.

Commissioner Whitehead moved to recommend approval of the realignment of the CRA District; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

3. REQUEST FOR CAPITAL IMPROVEMENTS ELEMENT AMENDMENT

REQUEST: To amend the Goals, Objectives and Policies of the Capital Improvements Element of the comprehensive plan to update the five-year schedule of capital improvements.

APPLICANT: City Staff

Senior Planner 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. 2015-76, adopting changes to the Capital Improvements Element of the comprehensive plan.

Staff recommends approval.

Commissioner Whitehead moved to recommend approval of the Capital Improvements Element amendment; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

4. REQUEST FOR LDC AMENDMENT

REQUEST: To amend Chapter 54 Streets, Sidewalks and Other Public Places, Section 54-78 Driveway Construction Standards; Chapter 98 Parking and Vehicular Use Areas, Section 98-9 Access, 98-10 Driveway Construction Standards; and Chapter 110, Section 110-274 Illustrations

APPLICANT: City Staff

Planner Guerrero presented the staff report as follows:

Staff is proposing language to the Land Development Code (LDC) to allow an increase in driveway width leading into garages that face the street. Recent demand for single family homes with three vehicle garages has led to an increased interest to alter driveway width in order to provide feasible and safe vehicle access. Current code allows driveways up to 20 feet in width. This width can accommodate two car garages in a reasonable manner. To accommodate single family residential structures with three vehicular garage openings, City staff recommends adjusting driveway width standards for front-loaded garages to be up to 30 feet in width for lots

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60 feet or greater. For lots less than 60 feet, a variance will be required in order to grant an applicant's request. Staff believes the additional width would also reduce the demand for on-street parking by providing more area to park on the lot. Lake County's land development regulations do not limit driveway width standards for three vehicular front-load garages, as shown in the included exhibit.

While recommending code changes to the driveway width, the City's Engineering Department also recommends making two additional changes that deal with driveway construction. The City engineer has recommended adjusting the maximum slope for driveways above street grade to one inch per foot from the top of the curb and to allow fiber-reinforced concrete with a strength of 3,000 psi to be used as well as 6x6 wire-welded mesh with strength of 2,500 psi concrete.

Staff is in support of the above recommended changes for the increase in driveway width, change in slope, and the fiber-reinforced concrete option. If approved, changes in the LDC would occur in Sec. 54-78 - Driveway construction standards, Sec. 98-9 – Access, Sec. 98-10 – Driveway construction standards, and Sec. 110-274 – Illustrations.

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

5. REQUEST FOR LDC AMENDMENT

REQUEST: To amend Chapter 34 Environment, Sections 34-31 Loud, Disturbing and Unnecessary; Enumeration; 34-32 Business Noises Adjacent to Residential Sections of the City; 34-33 maintaining Noisy Premises; and adding Sections 34-34 Findings of Fact; 34-35 Prohibited Acts; 34-36 Maximum Permissible Sound Level Limits; 34-37 Sound Measurement; 34-38 Exceptions; 34-39 Conflicts in Restrictive Standard; 34-40 Enforcement; 34-41 Other Remedies; 34-42 Liability of Enforcement Officer;; 34-43 Administration, 34-44 Measurement of Noise.

APPLICANT: City Staff

Planning Manager Henschel presented the staff report as follows:

Staff recommends approval of Ordinance 2015-79, which revises the existing Land Development Code sections dealing with noise and adds new provisions. These sections dealing with noise pollution have been the subject of recent code enforcement cases that have come before the Code Enforcement Board and City Council for resolution.

The proposed changes to Chapter 34 Environment include measurements for sound levels, added definitions, additional time allotments for individual users, and exemptions. The current City code allows the individual officer to make the determination that the disturbing noise is in violation of the code. The proposed changes and additions provide for a more precise level of measurement in determining if the audible nuisance is in fact a code violation.

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Charlene Forth, 939 W. Desoto St., stated that she is looking forward to this land development code amendment. She asked what guidelines the police officers will have to go on.

City Attorney Mantzaris stated that the officers will have the equipment and will base their decision according to the city code.

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

Senior Planner Kruse presented an update of the projects that were previously brought before the Planning and Zoning Commission.

There being no further business, the meeting was adjourned at 8:23 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist