

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
January 5, 2016

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The meeting of the Planning & Zoning Commission was called to order Tuesday January 5, 2016 at 6:30 p.m. by Chairman Nick Jones. Other members present were 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, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held November 3, 2015 were approved as written.

REPORTS

Chairman Jones stated that the Florida Lakes Symphony Orchestra will be playing at the First United Methodist Church on January 15, 2016.

Vice-Chair Whitehead reminded everyone that this is the first Friday coming up with Music on Montrose along with the food trucks.

1. REQUEST FOR REZONING

REQUEST: To change the zoning from R-1 Single-family Medium Density Residential to C-1 Light Commercial for property located at the southeast corner of Citrus Tower Blvd. and S. Highway 27.

APPLICANT: Randy Langley

Planning Manager Henschel presented the staff report as follows:

The owner is requesting a rezoning from R-1 Single-family Medium Density Residential district to C-1 Light Commercial zoning district. The property has 6.55 acres of upland developable property and is located at the southeast corner of Highway 27 and Citrus Tower Blvd.

The parcel has a future land use of Commercial which is compatible with the proposed C-1 Light Commercial zoning district.

Currently, the owner does not have a site plan ready for review, but does anticipate retail and restaurant uses for the parcel.

With the commercial future land use and the location of the parcel on Highway 27, staff recommends approval of the rezoning from R-1 Single-family Residential to C-1 Light Commercial.

Randy Langley, 725 Norton St., Longboat Key, stated that he was here to answer any questions.

Commissioner Proli asked if a gas station was planned for this site.

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Mr. Langley stated that all rights for gas stations were given up when the Racetrac was sold. Commissioner Smith asked if there will be an entrance off of Highway 27.

Mr. Langley stated that they have previously had two conditional use permits on this property and they were approved with a right-in and right-out.

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

2. REQUEST FOR REZONING

REQUEST: To change the zoning from UE Urban Estate to Planned Unit Development for the Hartle Grove multi-family parcel.

APPLICANT: Staff

Senior Planner Kruse presented the staff report as follows:

This administrative request is being heard concurrently with a request for annexation. 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 September 16, 2011. The property is vacant and is under consideration for development.

The property is approximately 25 acres and had entitlements granted by Lake County for a multifamily project. Only a portion of the original Planned Unit Development will be annexed and rezoned at this time and the remaining portion, approximately 44 acres, will be annexed and rezoned at a future date. A related administrative comprehensive plan amendment request also will be processed at a future date.

The rezoning request is to change the zoning from Urban Estate (was Planned Unit Development in Lake County) to the city's Planned Unit Development zoning classification. The project received entitlements through Lake County with approval of Ordinance No. 2011-50. This permitted up to 103 single family homes, 380 multifamily units, and commercial uses on 69 acres. The single family portion and a majority of the commercial have been developed. The multifamily project will be developed according to the conditions in the existing Planned Unit Development that have been carried forth to the city's Planned Unit Development with a few minor additions. Staff has met with the property owner on the proposed multifamily project and has provided comments to the developer through the site review process.

Based upon the above information, staff recommends approval of the rezoning from Urban Estate to the City's Planned Unit Development zoning classification with the conditions outlined in Planned Unit Development Ordinance 2016-03.

Emery Rosenbluth, Broad & Cassel P.A., Orlando, attorney representing the property owner BFG Lakeshore, LTD, stated that BFG feels that this hearing should not proceed this evening

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due to the property not being within the city's jurisdiction. He stated that BFG has not had sufficient time to prepare a presentation due to insufficient notice for the hearing and required information necessary for a response from BFG. He requested to defer this hearing for 30 days.

City attorney Mantzaris stated that there is a utility agreement between the property owner and the city that states the city can annex the property. He stated that this commission does not hear annexations, however the city has traditionally processed the zoning and land use applications at the same time as the annexation which requires it to come before the commission prior to annexation. He stated that the city's planned unit development allows the identical entitlements as the county's planned unit development. He stated that the city agreed that the owner can develop the property with a multifamily use back in 2011.

Mr. Rosenbluth stated that the property is not in the city's jurisdiction so the rezoning should not be heard.

Commissioner Whitehead stated that the rezoning is being heard concurrently with the annexation. She stated that this commission does not make the final approval, only a recommendation.

Mr. Mantzaris stated that the reason local government does the procedures like they do is to allow the property owner to know what the zoning will be prior to annexing into the city.

Tom Lawler, 9 Pine St., Windermere, stated that he is the potential new owner of the property. He wanted clarification on the entitlements because Mr. Mantzaris stated that the entitlements are the same; however Mr. Kruse stated that there will be minor modifications. He stated that he is concerned that the property will not have the multi-family use should the property deal fall through.

Chairman Jones asked staff to elaborate on the differences between the planned unit developments.

Mr. Kruse stated that the date on Exhibit A in the City's planned unit development was December 18, 2015. He stated that on the county's planned unit development it allows for a trash compactor, however the city's code says for every 25 units it requires a dumpster which was added as a condition. He stated that the project is gated and by city code it has to have approval so the condition was added to allow for a gated community. He stated that the parking was modified and the maximum building height was not clear in the county's planned unit development, however it has been included in the city's planned unit development.

Mr. Lawler stated that he approves of the comments that the city has added to the planned unit development.

James Fant, BFG Lakeshore, LTD, stated that he is the owner of the property and that Mr. Lawler is the potential new owner who submitted the proposed site plan. He stated that as the

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owner of the property, if the property is annexed in and approved with Mr. Lawler's site plan but the sale falls through, he will lose his ability to do townhomes which is included in the county's planned unit development. He stated that he does understand that he did sign the utility agreement that states the city has the right to annex the property. He stated that this is the wrong time to annex.

Commissioner Whitehead moved to recommend approval of the rezoning; seconded by Commissioner Hubbard. The vote was unanimous to recommend approval.

3. REQUEST FOR LDC AMENDMENT

REQUEST: To amend Chapter 62, Section 62-39 Parking for Certain Purposes

APPLICANT: City Staff

Senior Planner Kruse presented the staff report as follows:

This land development code amendment to Section 62-39 Parking for Certain Purposes, includes a minor amendment to Article II, Section 62-39 (2) which clarifies that parking regulations must be adhered to.

Upon annexation of the remaining portion of SR 50 from the South Greater Hills Blvd. to the Lake/Orange County line, parking on the right-of-way would not be permitted and various businesses will all have to comply with applicable laws, both local and state.

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

Commissioner Hubbard nominated Commissioner Jones as Chairman, seconded by Commissioner Proli. The vote was unanimous to accept Commissioner Jones as Chairman.

Commissioner Proli nominated Commissioner Whitehead as Vice-Chair, seconded by Commissioner Smith. The vote was unanimous to accept Commissioner Whitehead as Vice-Chair.

There being no further business, the meeting was adjourned at 7:24 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist