

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
December 5, 2023

CALL TO ORDER

Vice-Chair Niemiec called the meeting of the Planning and Zoning Commission to order on Tuesday, December 5, 2023 at 6:30 p.m.

MEMBERS PRESENT: Vice-Chair Niemiec, Member Colby, Member Grube, Member Guerrero, Member McAllister, and Member Norton

MEMBER ABSENT: Chairman Krzyminski

ALSO PRESENT: City Attorney Mantzaris, Development Services Director Henschel, Senior Planner McGruder, and Planning Coordinator Heard

PLEDGE OF ALLEGIANCE

MINUTES

MOTION TO APPROVE the November 7, 2023 minutes of the Planning and Zoning Commission made by Commissioner Colby, seconded by Commissioner Grube. Motion passed 6-0 with Chairman Krzyminski absent.

REPORTS FROM THE COMMISSION

Commissioner Norton said Light Up Clermont was very nice, crowded and hot.

Development Services Director Henschel announced the next meeting has been changed to Thursday, January 4th at 6:30 pm.

City Attorney Mantzaris explained to the board there were four (4) members present at the last meeting on November 7th in which they thought they met the quorum. However, when researching Ordinance No. 2010-01-C that changed the quorum from five (5) members to four (4) members, that specific language was not in the body of the ordinance. As a result of this discovery all items heard and voted on at the November 7th public hearing will be brought back to be heard again at a public hearing on Thursday, January 4, 2024.

Vice-Chair Niemiec asked if a letter of intent should be provided to staff for the members whose terms are expiring. Development Services Director Henschel explained staff is working on revising the process and those members will be contacted.

NEW BUSINESS

Item 1 Resolution No. 2023-047R The Learning Experience at Hammock Ridge CUP

Senior Planner McGruder presented as follows:

The applicant, Planeng, Inc., is requesting a Conditional Use Permit to allow for a childcare center in a Planned Unit Development (PUD) zoning district. The vacant parcel is located west of US Highway 27 and Bella Lago Drive. The property is part of the Tuscany Village PUD (Resolution No. 1532) also known as The Shoppes of Hammock Ridge. The PUD allows C-1 Light Commercial permitted uses and the Future Land Use designation is Commercial. The Land Development Code, Section 125-313(5), requires a Conditional Use Permit for any childcare centers in the C-1 zoning district.

The applicant is proposing a 12,272 square foot childcare center with an outdoor playground area. The daycare will provide up to the maximum of 232 children and the parents will be required to park their vehicles and sign their children into the center. The project is not proposing any pick and drop off areas, which is stated in the resolution. In 2019 a Traffic Impact Study was provided that required certain traffic improvements for the overall project, which have been completed. The City's traffic consultant determined the proposed daycare center trip generation does not exceed the maximum trips and no further study is required. The daycare center will be required to completely screen the playground area from public view and streets. The proposed use will not be detrimental to the health, safety and welfare of the surrounding community.

When evaluating a request for a Conditional Use Permit, the Land Development Code Section 101-212, the general criteria for granting a permit requires specific development standards are met. Staff has reviewed the application as submitted and finds the proposed use can meet the general criteria for granting a Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the provisions contained in Resolution No. 2023-047R.

Russell Ottenberg, Applicant, Planeng, Inc., 3737 Lake Joyce Drive, Land O Lakes, FL, handed out a letter of support from the property owner's association, TVSMA. He clarified the location, Lot 12 of the plat, is not the lot adjacent to US Highway 27. He concurred with staff's recommendations. He stated the developer who is also the franchisee/operator was present to answer any questions. He further explained the check in/check out process wherein a parent or guardian will be required to park and walk the children to sign in/sign out for security and proper supervision.

The floor was opened for public comments. As no one came forward, the floor was closed.

Commissioner Norton inquired where the facility is being proposed to be located in reference to US Highway 27, and further asked for clarification on the access ways.

Commissioner McAllister inquired if 232 students is the maximum and what the hours of operation will be. **Mr. Ottenberg** said the maximum enrollment would be 232 students, and the hours of operation are 6:00 am to 6:00 or 6:30 pm. **Commissioner McAllister** asked when the facility is at full capacity, where are all of the parents going to park their cars. **Mr. Ottenberg** explained the drop-off and pick-up times are staggered unlike an elementary school. He further clarified that 41 parking spaces are required per code, and they are providing 61 parking spaces.

Commissioner Grube verified that 232 students would be the maximum allowed in the building and inquired what the staff count would be. **Mr. Ottenberg** clarified that 232 students is the maximum; and further, if the facility is approved for 232, that would require 24 employees.

Commissioner Colby asked about the safety of the parking lot and whether there will be crosswalks or sidewalks. **Mr. Ottenberg** said currently there is not and explained the parking lot in further detail. **Commissioner Colby** said he believes there definitely is a need in the community for a project like this; and further, it looks like a good project.

Commissioner Guerrero said he supports this; and further, asked whether the employee parking will reduce the overall 61 parking spaces. **Mr. Ottenberg** explained the 61 parking spaces being provided is including employee parking.

Commissioner Niemiec asked for validation that there will be no access ways onto US Hwy 27; and further, inquired what the peak hours are normally for daycare centers. **Mr. Ottenberg** verified that no exit or entry will be from US Hwy 27. He clarified that the average peak hours of childcare centers are 6am to 6pm and some open earlier. He further explained this childcare facility will have to get licensed which ultimately is the deciding factor on capacity; however, per this CUP, the capacity cannot exceed 232 students.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2023-047R The Learning Experience; Moved by Commissioner McAllister, Seconded by Commissioner Colby. Motion passed 6-0 with Chairman Krzyminski absent.

Item 2 - Ordinance No. 2023-026 Lumbervard District Planned Unit Development (PUD)

Development Services Director Henschel presented as follows:

The applicant, Wolfe and Wallace Properties, Inc., is requesting a rezoning from Central Business District (CBD) to Planned Unit Development (PUD) in order to develop a mixed-use project consisting of residential and non-residential uses on 12.3 +/- acres located adjacent to Victory Pointe and the South Lake Trail along Carroll Street. Majority of the property has historically been used as a lumberyard and is still in operation today under the name American Builders Supply. In addition, the property consists of an older storage facility, W&W Storage, and some smaller outparcels with older homes and structures constructed in the 1950's. The applicant is proposing a major redevelopment project that will consist of 392 apartments, a two-story parking garage, an amenity/clubhouse building and a pool, along with 53,100 square feet of non-residential use (commercial, office, restaurant, and retail). As part of this redevelopment, the City's existing lift station #6 will also be relocated and reconstructed by the applicant. This area within the Central Business District is the last large area of private ownership with a focal point on Lake Minneola and Victory Pointe. The project would front the South Lake Trail and have access to and from the trail. The project could be considered a major focal point in downtown Clermont.

A conceptual site plan prepared by Kimley-Horn, dated 11-22-2023, shows the layout of the development. The project will be developed in two (2) distinct phases, a Multifamily Phase and a Commercial Phase.

Multifamily Phase

The multifamily phase will consist of 7.14 acres with 262 apartment units, at a density of 36.69 dwelling units per acre. The applicant is requesting the use of the density bonus provision in the Land Development Code, Section 125-375. The density bonus units in this phase is 84 additional units. The multifamily phase will consist of four (4) apartment buildings, including a clubhouse and swimming pool. The apartment buildings will be four (4) stories high and will be located on the southern and western portion of the site. These buildings are Numbered 1 through 4 on the conceptual site plan.

Commercial Phase

The commercial phase will consist of residential and non-residential uses on 5.16 acres. The applicant is proposing 130 units within this phase, which is 25.19 dwelling units per acre. The applicant is utilizing the density bonus provision in this phase for 1 additional unit. This phase will consist of a parking structure, two (2) live-work buildings, and three (3) commercial buildings. The total square footage of commercial shall not exceed 55,000 square feet. These buildings are Numbered 5 through 10 on the conceptual site plan. The uses would consist of office, retail, restaurant, entertainment and other permitted uses within the Central Business District.

Community Benefit and Density Bonus

The applicant has proposed the following items for consideration in receiving the total density bonus of 85 dwelling units. The estimated total of the improvements is \$2.14 million, as estimated by their engineer. The specific details are contained in the Community Benefit Agreement, and below is an overview of the items.

1. Asphalt paving of the Row House Parking Lot.
2. Permanent access to the Row House and Lift Station acreage.
3. Repair and reconfiguration of Carroll Street and Lake Drive.
4. Sidewalk improvements surrounding the project.
5. Concession of encroachment lands to adjacent neighbors.
6. Lift station and utility infrastructure.

Community Benefit		% applicable	Cost		
1	\$	325,000	100%	\$	325,000 Row House Parking Lot 32,500 SF @ \$10 PSF
2	\$	513,315	100%	\$	513,315 Permanent Access to Row House & Lift Station acreage. 19,000 SF area less 1,800 SF existing row house @ \$1.3mm/AC contract land value
3	\$	374,400	100%	\$	374,400 Repair of Carroll Street and Lake Drive 1,040 LF x 24' wide of roadway repaired and reconfigured @ \$15 per SF.
4	\$	21,600	100%	\$	21,600 Sidewalk Improvement 2,400 SF of 4" sidewalk at \$9 PSF
5	\$	53,719	100%	\$	53,719 Land to Adjacent Neighbors 1,800 SF @ \$1.3mm/AC contract land value
6	\$	850,000	100%	\$	850,000 Lift Station and Utility Infrastructure Civil Engineer opinion of value
\$		2,138,034	Total Community Benefit Value		

It is the City Council's discretion to determine if the Community Benefit Value and improvements warrant the Density Bonus units.

Waivers

The applicant is requesting the following waivers to the Land Development Code in order to develop the project.

1. Increase maximum building heights from 55 feet to 65 feet for the multifamily and commercial development.
2. Increase the number of compact spaces from 10% to 40% in the project.

3. Reduce the minimum landscape island square footage from 300 square feet to 200 square feet throughout the project and 160 square feet within areas of compact parking spaces.
4. Remove the requirement of construction material to be masonry or other non-wood material for construction of the first floor of the buildings.

The applicant is requesting these waivers in order to redevelop the property. The maximum building height is due to the four-story buildings having a 5/12 roof pitch that would provide a better roof drainage system and improved aesthetics. The increase in compact spaces, which are 9 feet by 18 feet, is being requested within the multifamily phase (54%) and the commercial phase (21%). The applicant has indicated the reduced spaces is to have an end goal of maximizing parking for the commercial and multifamily developments. The internal landscape island reduction from 300 square feet to 160 square feet is being requested as well. This request is essentially a compact parking space converted into a landscape island, thus possibly maximizing parking. The first floor masonry or block construction waiver is being requested since the applicant is able to construct using timber, is able to meet the architectural and building codes as well as a 50-year useful life.

Compatibility Review

Section 125-375 Density in the Land Development Code requires a review of the proposed project and the compatibility with the planned character of adjacent and surrounding properties. The property is located within the Central Business District (CBD). Below is a chart listing the surrounding properties with zoning/land use along with compatibility.

	Zoning	Land Use	Compatible
North	Parks/Recreation	S Lake Trail & Rowing Boat House	Yes
East	Parks/Recreation	Victory Pointe Stormwater System	Yes
South	Central Business District	1 residence* and 4 office properties	Yes
West	R-3 Residential/Professional	City's Public Works Facility	Yes

**The residence is located at the corner of 12th Street and W. Minneola Avenue with Central Business District Zoning. This use can be converted to a non-residential use in the future and the nearest proposed building will be well over 150 feet away.*

The nearest proposed building placement, Building #3, to an existing structure offsite will be approximately 70 feet from the building located at 1120 W. Minneola Avenue. Staff is unable to determine if the placement of Building #3 at that location may affect property owner at 1120 W. Minneola Avenue. As for the proposed uses and existing uses in this area, staff has no evidence that the project would be incompatible with the surrounding land uses.

Summary

The applicant is proposing a mix-used redevelopment project within the Central Business District (CBD). The applicant is seeking the use of a density bonus to achieve an additional 85 dwelling units within the project over the 307 permitted units at 25 dwelling units/acre, for a total of 392 dwelling units. The proposed non-residential uses, consisting up to 55,000 square feet, is acceptable within the CBD. A transportation impact analysis (TIA) has been completed and it identified road improvements will be required on 12th Street, including the installation of turn lanes. The applicant has proposed several items for consideration for a Community Benefit with a value estimated by the applicant's engineer to be up to \$2.14 million dollars. It is City Council's discretion to determine if the Community Benefit is acceptable for the density bonus. The City

Council may approve a requested bonus, approve a requested bonus with conditions to mitigate the impact of the bonus, approve a lesser bonus, approve a lesser bonus with conditions to mitigate the impact of the bonus, or deny a requested bonus.

The redevelopment of this area and the incorporation of a denser, walkable project is welcomed in downtown, along with being advocated by Strong Towns philosophy. Staff is supportive of the concept, with the integrated mixed-use options and livability. However, staff has some concerns with how the entire project will be tied together cohesively from an architectural standpoint. Staff has added conditions within the Ordinance that addresses the commercial phase architecture with a plan to come back to City Council for approval. Staff recommends approval of Ordinance 2023-026 with the requested waivers; and further with a condition of a Community Benefit to be considered.

Jimmy Crawford, Esq., Applicant, 702 W. Montrose St., introduced himself and his clients, Wolfe and Wallace properties, Inc., who are the owners of the Lumberyard property. He gave a brief history of this site, which entails a lumberyard that was established in 1930 prior to any environmental regulations. He provided a PowerPoint and emphasized their overall goal is to rejuvenate the site, prioritize walkability and connectivity to the adjacent downtown and improve the environmental impact. He explained the traffic study indicated that a right-turn lane will be needed on 12th Street, which the developer intends to construct along with any other traffic improvements that are required. He stated some prepayment of impact fees for schools will be required and provided by the developer. He stated approximately 70% of the units will be one-bedroom units; and further, the developer plans to demolish, grade and add the new infrastructure for all phases at the same time. He provided information on the proposed infrastructure, roads and sidewalks, parking and retail within the multiuse. He stated the impact fees are approximately three million dollars with a property tax increase of roughly \$466,000 a year.

The floor was opened for public comments.

Mary Lou Wieloszynski, 1150 W. Minneola Avenue, asked where the apartments are compared to her property on West Minneola Avenue. **Mr. Crawford** showed her where Buildings 3 & 4 are located. **David Wallace, 995 W. Lakeshore Drive,** explained her fence is encroaching on the Lumberyard property, which they have decided give her that infringement. He further stated landscaping is planned for the Lumberyard side of the fence.

Myra Eskeli, 11222 Elderberry Court, commented that they have been waiting for this to happen on the lake and were hoping condos would be built instead of apartments.

The floor was closed for public comments.

Commissioner Guerrero stated he has no concerns with this project and supports it.

Commissioner Colby said he really likes the project and concept. He asked if they talked to the fire department about the height of the building. **Mr. Crawford** deferred to staff, but if there is an issue, they need to know about it now. **Development Services Director Henschel** explained the height is not an issue for the fire department, because they have two (2) ladder trucks, and the units are required to have sprinklers installed.

Commissioner Grube asked if the apartment parking will be available to the general public; and further, how many parking spaces will be provided for the commercial use. **Mr. Crawford** explained the parking garage will be open to the multi-users; however, the parking around the apartment buildings will be restricted to residents only. He stated 330 parking spaces will be dedicated to the commercial, and 317 parking spaces will be for the residents in the multifamily. **Commissioner Grube** stated he loves this project and believes it will be a great addition to downtown Clermont.

Commissioner McAllister asked for clarification on the 10 foot buffer from the fence. After some discussion, it was determined that the waiver stating "Reduce landscape buffer requirements between multifamily and existing residential units along the southwest side of the project" can be removed. **Development Services Director Henschel** stated that waiver was not in his presentation and concluded that it had already been removed. **Commissioner McAllister** stated she does not like the proposed construction materials. **Brian Metzler, Penler**, explained this project will be built with very high quality construction materials such as hardie board and board and batten with a stone water table.

Commissioner Norton asked for clarification on the building materials, the management ownership and whether the property will be gated. **Brian Metzler** explained the building materials, property management, and stated this property will not be gated. **Commissioner Norton** asked why parking is fronting Minneola instead of a multiuse commercial retail, which would be more accessible to the community. **Brian Metzler** explained they thought it would be better to have the buildings closer to the activity center and commercial with keeping view corridors in place.

Commissioner Niemiec inquired about the ceiling heights. **Brian Metzler** explained they believe the aesthetics of a pitched roof would be better than not, which will require more than the regular 55 feet of height.

Commissioner McAllister questioned if the parking garage will be two stories and open to the public. **Mr. Crawford** stated that is correct.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2023-026 Lumberyard District Planned Unit Development (PUD). Moved by Commissioner Guerrero, Seconded by Commissioner Grube. Motion passed 6-0 with Chairman Krzyminski absent.

UNFINISHED BUSINESS - None

DISCUSSION OF NON-AGENDA ITEMS - None

ADJOURNMENT – 8:01 pm

MOTION TO ADJOURN Moved by Commissioner McAllister, Seconded by Commissioner Guerrero. Motion passed 6-0 with Chairman Krzyminski absent.



Max Krzyminski, Chair

ATTEST:



Kathy Heard, Planning Coordinator