

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 7, 2023

CALL TO ORDER

Vice-Chair Niemiec called the meeting of the Planning and Zoning Commission to order on Tuesday, November 7, 2023 at 6:47 p.m.

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

MEMBERS ABSENT: Chairman Krzyminski, Member Guerrero, Member Norton

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

PLEDGE OF ALLEGIANCE

MINUTES

MOTION TO APPROVE the October 3, 2023 minutes of the Planning and Zoning Commission made by Commissioner Colby, seconded by Commissioner Grube. Motion passed 4-0 with Chairman Krzyminski, Commissioner Guerrero, and Commissioner Norton absent.

REPORTS FROM THE COMMISSION - None

NEW BUSINESS

Item 1 & Item 2 – Ordinance No. 2023-030 Waterbrooke Phase 7 SSCPA & Ordinance No. 2023-031 Waterbrooke Phase 7 Rezoning

Planning Manager Kruse presented as follows:

The applicant, Mattamy Orlando LLC, is requesting a Small Scale Comprehensive Plan Amendment (SSCPA) and Rezoning through a Planned Unit Development (PUD) for approximately 23.95 +/- acres adjacent to the Waterbrooke subdivision. The property is currently in Lake County with a future land use of Rural. The applicant is requesting a future land use map change from Rural to Low Density Residential once it is annexed into the City of Clermont. Low Density Residential allows up to three dwelling units per acre. The applicant is proposing an additional phase, Phase 7, to the existing Waterbrooke subdivision. The Low Density Residential future land use is consistent with the existing future land use for the entire Waterbrooke PUD. The property will be accessed from within the existing Waterbrooke development, and an amendment to the existing PUD is being sought. The development proposal for this parcel does not conflict with the Low Density Residential future land use within the City's Comprehensive Plan. Staff recommends approval of Ordinance No. 2023-030.

The applicant is also requesting to add this 23.95 +/- acres to the existing residential subdivision, Waterbrooke, through a Planned Unit Development (PUD) Amendment. The applicant is

requesting a rezoning to allow 62 additional single family homes within this parcel. The internal lots will be a minimum of 60 feet in width and 75 feet on the perimeter. The Waterbrooke subdivision was annexed by the City in 2016. The project was approved by Lake County in 2006 for a residential development consisting of 894 age-restricted single family homes. The PUD has been amended several times prior to being annexed.

With the additional acreage added to the Waterbrooke subdivision, the applicant is requesting an increase from 1100 units to 1165 units on a total of 592.7 acres, which equates to 1.97 units per acre overall. The only permitted site access will be from within the existing Phase 6, which connects to Ray Goodgame Parkway. There will be no access from Island Boulevard or any other access point. All the conditions in the existing PUD ordinance have conveyed with the exception of a change in an increase of the total number of units, an updated location map to show the additional acreage within the overall project and an updated master site plan. The applicant originally requested townhomes and higher density in this phase, but staff was unable to support the request since it was not consistent with the approved development in Phase 6.

Staff has reviewed the applicant's request for a rezoning from Urban Estate (default zoning upon annexation) to be included in the Waterbrooke PUD. Staff has also reviewed the project according to Section 125-486, Review Criteria for a PUD. The proposed parcel is adjacent to public utilities, and the access point is within the existing subdivision. The property is adjacent to the City limits, and the City is able to provide services in this area. The density is similar to what is existing within Phase 6 and larger lots (75 feet wide) are on the perimeter of this phase. Staff recommends approval of Ordinance No. 2023-031.

Alex Stringfellow, 2733 Woodside Avenue, Winter Park, Applicant, agreed with staff's presentation. He showed pictures of the existing Waterbrooke community and explained this proposed Phase 7 will be connecting directly to Phase 6A & 6B. He provided some history of the work that went into creating this phase.

The floor was opened for public comments.

Curtis Binney, 16324 Johns Lake Road, spoke in opposition due to the amount of trees that will potentially be removed in order to build out this phase. He further stated this application is inconsistent with Clermont Code, the application is defective; and therefore, this proposed application should be returned to staff.

Timothy Hart, 16211 Johns Lake Road, spoke in opposition stating there is no recreation area for the kids who will bring trash down the street to his property. He is concerned with the gopher tortoises, and would like to see the entire development fenced. He further showed a concept of ten houses that he said was proposed to them in June of 2021 wherein he gave them a five (5) foot easement for installing lines, and he is requesting that easement to be terminated. He requested the surrounding roads be cutoff to construction vehicles, because the roads are already in bad shape.

Steve Dinkin, 3372 Florigold Grove Street, stated he currently lives in Waterbrooke, and asked whether the developer is considering adding more amenities with this phase. He listed out the current amenities and further stated on many weekends they are nearing capacity on the amenities. He feels the City Council should consider requiring an amenities center to ease the burden for the rest of the community.

City Attorney Morgeson advised the commission is to hear public comments, but is not required to answer any questions. Any questions can be addressed by the applicant or city staff.

Angela Thomas, 12008 CW Harrell Road, spoke in opposition explaining the residents in the new Waterbrooke development are using Lost Lake Road and Friendship Road to Johns Lake Road attributing to a lot more traffic in her vicinity and tearing up the roads.

The floor was closed for public comments.

Alex Stringfellow, *Applicant*, stated there will be a tree survey, landscape plans, and tree protection mitigation done on this site that comes after the public hearings. He explained typically when there are large lots within a development, those homeowners build pools and playgrounds on their large lots, which will ease overcrowding at the amenities. He further explained any environmental permits for protected species will come at a later date and will be permitted at that time with the appropriate agencies.

Commissioner Colby inquired about the trees being removed and whether there could be a fence placed on the perimeter of the development. Mr. Stringfellow explained a tree survey needs to be done and calculated in order to determine how many trees are required to be replanted; and further, he stated he needs to ask Mattamy about fencing the perimeter of the development.

Planning Manager Kruse explained a tree survey is required during site plan review which lists the health, size and type of the tree. There is a calculation made based on the survey, which gives the developer the ability to remove the trees and replant; however, there is nothing that prevents developers from removing the trees for the project.

Vice-Chair Niemiec asked if the environmental and tree survey will be presented prior to going to City Council. Planning Manager Kruse indicated the environmental assessments are not done this far in advance because they expire within six months.

City Attorney Morgeson advised the issues before this commission are the small scale comprehensive plan amendment and rezoning. The environmental assessments will have to be vetted at a later date by the applicant and staff.

Commissioner Grube asked for clarification on the timeline of a site plan. Planning Manager Kruse explained the work entailed with a site plan is very costly. So a developer needs to know beforehand whether or not the City Council will allow the site to come into the city for infrastructure purposes.

Commissioner McAllister stated the vote tonight is only for a small scale comprehensive plan amendment and rezoning. The vote is not on adding 62 homes to this site.

City Attorney Morgeson announced these two items will be heard by City Council on November 14th for the first reading and November 28th for the second reading public hearing.

Vice-Chair Niemiec asked how many units the amenity center can serve, the pool occupancy and how many tennis and/or basketball courts the development has. Mr. Stringfellow answered the

amenity center can serve approximately 800 homes, but it is a complicated calculation. Discussion ensued regarding lot size and traffic impacts.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2023-030 Waterbrooke Phase 7 Small Scale Comprehensive Plan Amendment (SSCPA); Moved by Commissioner Colby, Seconded by Commissioner McAllister.

Discussion ensued regarding recommending a condition that the developer add more amenities.

After discussion, Motion passed 3-1 with Vice-Chair Niemiec opposing, and Chairman Krzyminski, Commissioner Guerrero, and Commissioner Norton absent.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2023-031 Waterbrooke Phase 7 Rezoning; Moved by Commissioner Colby, Seconded by Commissioner Grube. Motion passed 3-1 with Vice-Chair Niemiec opposing, and Chairman Krzyminski, Commissioner Guerrero, and Commissioner Norton absent.

Item 3 - Resolution No. 2023-041R Plaza Collina PUD Amendment Conditional Use Permit (CUP)

Senior Planner McGruder presented as follows:

The applicant, KPM Franklin, is requesting to amend the Plaza Collina Planned Unit Development (Resolution 2015-08) to allow for internal shared drive isles and reduced landscape buffers for parcels identified as Pods F and H within the parent parcel. The property is located on the north side of State Road 50 and east of Magnolia Pointe Boulevard, west of Lake Boulevard.

The proposed site is a vacant portion within the Plaza Collina Mixed Use project that consists of C-2 General Commercial uses. The Land Development Code requires an amendment to the Planned Unit Development for any uses or site changes not identified in the Master Development Plan or permitted by the land development regulations for the C-2 General Commercial zoning district. The site is proposing restaurants, offices and other commercial uses. The applicant indicates the shared driveways will allow interconnectivity to the maximum extent feasible and decrease the number of driveway cuts along the north frontage road.

When evaluating a request for a Conditional Use Permit, the Land Development Code, Section 101-212 requires specific development standards that are required to be met. Staff has reviewed the application as submitted in accordance with the development standards criteria and finds the proposed use can meet the general criteria for granting a Conditional Use Permit. The proposed use will not be detrimental to the health, safety and welfare of the surrounding community. Staff recommends approval of the Conditional Use Permit with the conditions contained in Resolution No. 2023-041R.

Jonathan Huels, Esq., *Lowndes Law, Applicant*, stated he is present with the development team, and they concur with staff's recommendation, and he is happy to answer any questions.

The floor was opened for public comments. With no speakers present, the floor was closed.

Commissioner McAllister stated she likes that you can drive from lot to lot without having to get onto the road.

Commissioner Grube stated he had no issues.

Commissioner Colby agreed with Commissioner McAllister stating this should make the project flow well, and he had no issues.

Vice-Chair Niemiec asked how many entrance ways there will be onto State Road 50. Mr. Huels explained the various access drives onto the site.

MOTION TO RECOMMEND APPROVAL of Resolution 2023-041R Conditional Use Permit (CUP) to the Plaza Collina PUD Amendment. Moved by Commissioner McAllister, Seconded by Commissioner Grube. Motion passed 4-0 with Chairman Krzyminski, Commissioner Guerrero, and Commissioner Norton absent.

Item 4 - Resolution No. 2023-042R 7th Street Commercial Conditional Use Permit (CUP)

Senior Planner McGruder presented as follows:

The applicant, Nexbiz LLC, is requesting a Conditional Use Permit to allow for construction of a 4,950 square foot retail and restaurant building in the Central Business District (CBD). The Land Development Code, Section 125-370, requires a Conditional Use Permit for any structure occupying more than 3,000 square feet of floor space. The total site area is 0.217+/- acres. The Land Use designation is Downtown Mixed-Use. The proposed building shall be designed to comply with Clermont Architectural Design Standards, and the site shall be developed in accordance with the provisions of the Land Development Regulations.

Staff has reviewed the application and finds that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the use will be in compliance with the regulations and conditions specified. Therefore, staff recommends approval of the Conditional Use Permit to allow for a restaurant and commercial building occupying more than 3,000 square feet to be permitted in the CBD with the conditions contained in Resolution No. 2023-042R.

Jayson Stringfellow, 1455 Lakeshore Drive, Applicant, explained the two (2) different elevations that were submitted, and specified the site is currently impervious and no impervious space will be added. He further stated he is present to answer any questions.

The floor was opened for public comments. With no speakers present, the floor was closed.

Commissioner Colby stated he thinks this is a great addition to downtown.

Commissioner Grube asked about parking, and Mr. Stringfellow answered the adjacent parking is open to anyone.

Commissioner McAllister asked if this is a shell building and whether he knows anything that may be going in, and Mr. Stringfellow stated he does not know what business may go in at this time.

Vice-Chair Niemiec stated the building will be taking over a lot of parking spaces, and inquired whether buildings are required to have handicap parking. Senior Planner McGruder explained the building official will look at that to make sure the building meets all of the ADA requirements.

Vice-Chair Niemiec asked where the garbage receptacle will be located. Mr. Stringfellow explained where the trash will be located, and containers will be utilized instead of dumpsters.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2023-042R 7th Street Commercial CUP; Moved by Commissioner Colby, Seconded by Commissioner Grube. Motion passed 3-1 with Vice-Chair Niemiec opposing and Chairman Krzyminski, Commissioner Guerrero, and Commissioner Norton absent.

Item 5 – Ordinance No. 2023-032 Land Development Code Amendment (LDC) – Tree Removal & Replacement

Development Services Director Henschel presented as follows:

Staff is proposing an amendment to the landscape code, Section 123-102. Currently, the mediation plan for heavily wooded property allows the owner to pay the City for trees that are not able to be replanted on the site. The City can then use these funds to plant trees on public properties around the city. This amendment will allow the City to include landscape materials (plants, shrubs and associated materials) to these projects throughout the city.

The proposed amendment is to read as follows (note: underlined indicates added):

Sec. 123-102. - Issuance; criteria for tree removal; tree replacement standards.

(6) Replacement trees shall, if practicable, be planted on the development site. If not practicable, ~~replacement trees may be donated, or~~ a fee in lieu of replacement may be paid to the city for purposes of planting trees and landscaping on public property. The fee in lieu of replacement shall be based on the average retail cost of purchasing the requisite size and number of replacement trees.

The floor was opened for public comments. With no speakers present, the floor was closed.

Commissioner McAllister had no comments.

Commissioner Grube asked for clarification on what the funds can be used for. Development Services Director Henschel explained currently the funds can only be used towards the City to replant trees; however, the City is attempting to change it to trees and landscaping (shrubs, mulch, etc.).

Commissioner Colby asked how this affects and replaces large trees. Development Services Director Henschel explained the code does not address heritage trees; however, a large tree has to be replaced with a larger replacement tree. There are specified calculations for tree replacements within the code.

Vice-Chair Niemiec stated he is concerned about the landscaping because of its expense, and he feels the city is losing a lot of trees. He stated if a tree is removed, a tree should replace it.

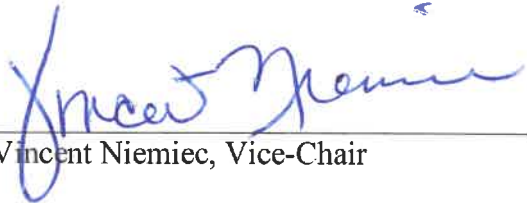
MOTION TO RECOMMEND APPROVAL of Ordinance No. 2023-032 Land Development Code Amendment (LDC) – Tree Removal & Replacement, as amended; Moved by Commissioner Colby, Seconded by Commissioner McAllister. Motion passed 4-0 with Chairman Krzyminski, Commissioner Guerrero, and Commissioner Norton absent.

UNFINISHED BUSINESS - None

DISCUSSION OF NON-AGENDA ITEMS - None

ADJOURNMENT – 7:54 pm

MOTION TO ADJOURN: Moved by Commissioner McAllister, Seconded by Commissioner Colby. Motion passed 4-0 with Chairman Krzyminski, Commissioner Guerrero, and Commissioner Norton absent.



Vincent Niemiec, Vice-Chair

ATTEST:



Kathy Heard, Planning Coordinator