

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
October 3, 2023

CALL TO ORDER

Chairman Krzyminski called the meeting of the Planning and Zoning Commission to order on Tuesday, October 3, 2023 at 6:30 p.m.

MEMBERS PRESENT: Chairman Krzyminski, Member Grube, Member Guerrero, Member McAllister, Member Norton, and Member Colby

MEMBER ABSENT: Vice-Chair Niemiec

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 August 1, 2023 minutes of the Planning and Zoning Commission made by Commissioner McAllister; seconded by Commissioner Colby. Motion passed 6-0 with Vice-Chair Niemiec absent.

MOTION TO APPROVE the September 5, 2023 minutes of the Planning and Zoning Commission made by Commissioner Grube; seconded by Commissioner Guerrero. Motion passed 6-0 with Vice-Chair Niemiec absent.

REPORTS FROM THE COMMISSION

Chairman Krzyminski thanked city staff for the work they put into this, and thanked the residents who were present for being part of this meeting.

NEW BUSINESS

Item 1 - Resolution 2023-026R Hancock Commons Apartments Conditional Use Permit (CUP)

Planning Manager Kruse presented as follows:

The applicant, Clermont 15 LLC, is requesting a Conditional Use Permit (CUP) in order to develop an apartment complex consisting of 230 multi-family units on 20 +/- acres located adjacent to the intersection of Hooks Street and Hancock Road. The proposed project is being presented as a combination of multi-story buildings, attached townhome type units and two-family units. In addition, the applicant is proposing amenities, such as a clubhouse, swimming pool and dog park. The underlying zoning on the property currently is C-2 General Commercial. Section 125-337 of the Land Development Code may permit dwelling units through a Conditional Use Permit. In addition, the applicant will also have 3.75 acres of commercial abutting this proposal along Hancock Road that is not part of the CUP. The future land use of the property is Commercial.

A conceptual site plan prepared by Germana Engineering, dated 09-08-2023, shows the layout of the development. The proposed density of the project is 11.5 dwelling units per acre. The conceptual plan shows the project as being gated and served by four (4) ingress/egress locations. Two (2) of the access points are along the north property line, and the other two (2) are on the western edge of the development. Two (2) other potential access points are shown along the future Hooks Street corridor. The proposed parking consists of 472 spaces. The required parking is 470 spaces, which leaves two (2) additional spaces for visitors and guests.

The applicant has prepared a traffic impact analysis, which has been reviewed by the City's traffic consultant, the Florida Department of Transportation, and Lake County. Several operational deficiencies were noted as a result of the proposed development within the current transportation network. These operational deficiencies would restrict ingress and egress to the site, especially along the two (2) western access points from Hancock Road due to vehicles blocking the access points and the inability to leave the proposed site and head southbound on Hancock Road. Lake County has plans to modify the medians to prohibit any traffic turning left (southbound) on Hancock Road leaving the site. In addition, no U-turn signage will be installed at SR 50. State Road 50 is over capacity and retiming of the traffic signals at SR 50 and Hancock Road will not alleviate this issue.

In order for safe and efficient movement of traffic, the additional traffic from the proposed site would be best served with access to the traffic signal on Hancock Road at Hooks Street. The traffic signal and full intersection will allow traffic movement in all directions. In 2020, Lake County and the City agreed upon the alignment of Hooks Street. This was made known to all property owners along the Hooks Street corridor. If approved, the developer will be required to replace or modify the traffic signal to provide for the westbound approach. The construction of Hooks Street is a critical aspect of safety serving this project. In a previous multi-family application in 2019 presented before the City on this parcel, the Hooks Street access was also a critical point of discussion and necessity. The applicant did not agree to this, and the project did not move forward. The current project does not allow for the full Hooks Street alignment previously approved in 2020. In a recent Lake County approved 2024-2028 Transportation Program, the Hooks Street extension has been funded for construction in 2025.

Section 101-212 (b) of the Land Development Code has specific requirements in order to grant a Conditional Use Permit. This application fails to fully meet: (1) the compatibility of development, (2) transportation, and (3) site planning aspects of the review. The compatibility of development will impact the traffic to abutting property owners. With the current transportation network, the project demands will not be served. This section of the code requires dedication of rights-of-way, frontage or reverse frontage roads and other necessary improvements that will be considered and addressed. The applicant has failed to address these issues. Site planning has not fully addressed consideration of: (1) visual resources (view and aesthetics) with no cross-sectional view of the project, (2) off-street parking with parking inadequate for guests and location of parking nearby to serve the residents, and (3) ingress and egress that will safely serve the property with particular reference to automobile and pedestrian safety, traffic flow and control and access in case of fire. Staff recommends denial of Resolution 2023-026R.

Jimmy Crawford, Esq., Applicant, 702 W. Montrose St., Clermont, introduced the applicants and owner's representatives who are present to answer questions. He explained reasons why this project should not be denied due to demands from the City and County such as donating additional right-of-way and installation of a traffic light at Hooks Street and Hancock Road. He further explained the parking is sufficient and meets the Code, cross-sections are not required at this point in the application process, and the transportation deficiencies will be addressed by the engineer. He addressed the reasons why this is a good project such as it would create less traffic than what is currently allowed by Code, and the townhouse/duplex rental scenario with front and backyards, which he believes is a missing component within the community. He further explained exaction requirements such as the City demanding them to construct an intersection at Hooks Street and Hancock Road, which he stated does not meet the Rational Nexus Test.

James Taylor, PE, Kimley-Horn, 189 S. Orange Ave., Suite 1000, Orlando, stated traffic engineering is his specialty. Mr. Crawford asked Mr. Taylor various questions with regards to traffic surrounding this proposed project. In response to Mr. Crawford's questions, Mr. Taylor answered the proposed access ways are safe and are not an issue because of the current existing operational deficiencies. Mr. Crawford stated the current operational deficiencies are the failing of Hancock Road and part of the intersection at Hancock Road and State Road 50; and further, asked Mr. Taylor whether the roads are failing due to this proposed project to which Mr. Taylor answered no.

Mr. Crawford recited FL Statutes 163.3180 regarding proportionate fair-share mitigation, and concluded that this proposed project has not caused the current road problems. However, if approved, the applicant will contribute a small amount, but the applicant is happy to pay their fair share for the construction updates. He shared what other types of uses could be built on this site and compared it to this proposal; and further, compared traffic trip calculations, which could be 60 percent more traffic with full retail on this site.

The floor was opened for public comments.

Damaris Moraza, 2698 Pine Shadow Lane, Clermont, stated residents living in the Hills of Clermont have numerous issues every day accessing their subdivision, and daily accidents at Hooks Street and Hancock Road. She is concerned about students getting to and from school from this proposed site, and hopes the board denies this project.

Jay Bolton, 3670 Peace Pipe Way, Clermont, spoke about current traffic conditions on surrounding roadways, and said Hancock Road and Hartwood Marsh Road needs to be widened to four-lane roads. She stated she has witnessed accidents happen all the time; and further, this proposed project is dangerous.

Marlise Gorgone, 2706 Pine Shadow Lane, Clermont, stated she has numerous concerns for their privacy and safety being adjacent to this proposed project.

Glenn Gerchman, 2686 Pine Shadow Lane, Clermont, expressed his strong opposition to this proposed project due to a number of negative impacts to the surrounding communities.

Bryant Klohr, 13034 Short Leaf Court, Clermont, spoke about the current traffic conditions on Hancock Road and State Road 50; and further, stated adding this proposed project in this vicinity is inconceivable to him without making necessary road improvements first. He asked the Commission to consider turning the right-turn lane at Hancock and SR 50 back to a right-turn only lane as it was in years past. He stated Hancock Road needs to be widened.

The floor was closed for public comments.

Mr. Crawford acknowledged the current road failures and deficiencies; however, he stated this proposed project meets school concurrency, and the State has limited the City's ability to deny projects based upon traffic and schools. He concluded by saying the applicant is willing to meet the statutory requirements and work with the City in any way, but they cannot be held responsible for problems that were not of their making.

Commissioner Guerrero stated he does not believe the roads will support this project, because of the amount of traffic. He likes the concept, but the timing is bad.

Commissioner Colby stated he is concerned with accessibility and safety, and further, believes a traffic light is warranted. He stated he has not been convinced that this is a safe project that is in the best interest of the community, and he agrees with staff's recommendation.

Mr. Crawford asked if it would make any difference to say that this proposal is 60 percent less traffic than what could be built on this site with no approval by the City Council. Commissioner Colby responded that is not a reason to approve a project because another substantially worse project may come along.

Commissioner Grube asked who would want to rent from a community where you cannot access it and have no parking for guests. He further questioned who would want to visit a retail establishment when it is difficult to access. He stated it does not make sense.

Commissioner McAllister asked about the height of the three-story apartment with regards to the adjacent neighborhood, because it will take away their privacy. She further inquired if dumpsters will be used or trash cans. She stated she travels Hancock Road to SR 50 daily for work and cannot support this because of the amount of traffic already traveling the roadways.

Commission Norton thanked the public for coming out and speaking. He understands traffic is a nightmare, but growth is going to happen, and the citizens need to prepare for growth in this town. He asked staff to clarify why they are recommending denial, and Planning Manager Kruse explained 1) operational deficiencies; 2) lack of cross-sectional view; 3) lack of parking. Discussion ensued regarding future construction of Hancock Road. He commented that it would make more sense to have the apartments located near the commercial side instead of the residential.

Chair Krzyminski asked how the two million dollar figure came about for the donated land, and Mr. Crawford explained. He further asked if there are any traffic lights planned for any of the access points. Mr. Crawford answered there are not any traffic lights planned. He inquired about student transportation, and Mr. Crawford said they anticipate the school busses picking up

internally on the site. Discussion ensued regarding the possible future extension of Hooks Street to Emil Jahana Road.

MOTION TO RECOMMEND DENIAL of Resolution 2023-026R Conditional Use Permit (CUP) for Hancock Commons Apartments: Moved by Commissioner Colby, Seconded by Commissioner McAllister. Motion passed 6-0 with Vice-Chair Niemiec absent.

Item 2 - Resolution 2023-039R – Take 5 Oil Change Conditional Use Permit (CUP)

Senior Planner McGruder presented as follows:

The applicant, CSC Properties, LLC is requesting a Conditional Use Permit to allow for an automotive quick lube oil change service business with three service bays in the "C-2" General Commercial zoning district. The Future Land Use designation is Industrial. The vacant parcel is located between Roper Boulevard and Caspian Lane on the west side of US Highway 27. The Land Development Code, Section 125-337, requires a Conditional Use Permit for any automotive repair service business in the "C-2" zoning district.

The project is proposing a 1,421 square feet automotive facility with three (3) repair service bays. In 2016, the City of Clermont annexed the parcel into Clermont boundaries to allow for the development of a self-storage facility with a vacant parcel to be developed in the future. The proposed development will be constructed on that vacant outparcel site. The property fronts US Highway 27, a major arterial roadway, which has sufficient traffic capacity to support the proposed use. The project will be designed in a manner that provides decorative architectural building elements and features that are compatible with the existing buildings and current development patterns to enhance a positive visual ambiance that promotes quality commercial development.

The project includes a waiver to allow the existing billboard on the south side of the property to remain in place for the duration of the current lease agreement with Lamar Outdoor Advertising. The billboard shall be removed no later than July 15, 2043.

When evaluating a request for a Conditional Use Permit, the Land Development Code, Section 86-144, requires specific development standards 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. 2023-039R.

Steve Sloan, P.E., Sloan Engineering Group, Bartow, introduced himself and stated he is available for any questions.

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

Commissioner McAllister inquired about the access ways to this site off of US 27, and discussion ensued.

Commissioner Colby stated he likes this, and it seems compatible.

Commissioner Guerrero asked about the entrance.

Chairman Krzyminski asked about the demand, which it was stated there is a demand.

City Attorney Morgeson clarified that the billboard lease expires July 13, 2043.

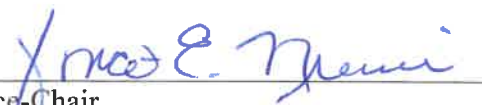
MOTION TO RECOMMEND APPROVAL of Resolution 2023-039R Conditional Use Permit (CUP) for the Take 5 Oil Change, as presented by staff; Moved by Commissioner McAllister; Seconded by Commissioner Colby. Motion passed 6-0 with Vice-Chair Niemiec absent.

UNFINISHED BUSINESS - None

DISCUSSION OF NON-AGENDA ITEMS - None

ADJOURNMENT

Chairman Krzyminski adjourned the meeting at 7:56 p.m.



Vice-Chair

ATTEST:



Kathy Heard, Planning Coordinator