City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
January 4, 2024

CALL TO ORDER

Chair Krzyminski called the meeting of the Planning and Zoning Commission to order on Thursday, January 4, 2024 at 6:32 p.m.

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

MEMBER ABSENT: None

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

PLEDGE OF ALLEGIANCE

MINUTES

MOTION TO APPROVE the December 5, 2023 minutes of the Planning and Zoning Commission made by Commissioner Grube, seconded by Commissioner Niemiec. Motion passed 7-0.

REPORTS FROM THE COMMISSION

Vice-Chair Niemiec wished all a Happy New Year and welcomed the Chairman back.
Chairman Krzyminski said he appreciates all the work city staff and the folks do behind the scenes; and further, he hopes this year will bring great progress for the city.

NEW BUSINESS

Item 1 Resolution No. 2024-002R Patio Food Truck Park CUP

Senior Planner McGruder presented as follows:

The applicant is requesting a Conditional Use Permit for a patio food truck park business in the Planned Unit Development (PUD) with C-2 General Commercial permitted uses. Currently the Land Development Codes (LDC) does not allow this type of requested use. Section 125-337 of the LDC requires this type of use only through a Conditional Use Permit. The property is located at 2531 South US Highway 27, and is part of the Clermont Crossing Master Development Plan. The vacant parcel is approximately 2.45 acres. The applicant is proposing an open air food truck park business with up to sixteen (16) food trucks, outdoor seating, a bar and live entertainment. The proposed business will be open seven (7) days a week with various operation hours. The applicant has not identified any variance requests and will develop the site to meet the City's Architectural Standards and Land Development Codes.

The property current zoning is Planned Unit Development with C-2 General Commercial permitted uses. The intent of the C-2 General Commercial is to allow retail, office and indoor restaurant permitted uses. Although the outdoor food truck concept is very unique and popular in other jurisdictions. The code requires all uses must be conducted within a completely enclosed building. Staff finds the use may not be a good fit at the proposed location because of parking issues. The applicant is proposing a total of 76 spaces, which includes 15 existing spaces. Because the food truck park is not a permitted use, the parking code does not provide a parking formula for this type of business. Therefore, staff researched other local jurisdictions and found the proposed parking formula requires 5 spaces per 1,000 square feet. The 17,775 square foot would require a minimum of 89 spaces to be comparable to other local jurisdictions which allow this type of use.

Staff has reviewed the application as submitted, and determined the proposed use will be detrimental to the health, safety or general welfare of persons residing or working in the vicinity. Therefore, staff recommends denial of the request for an open air food truck park establishment in the C-2 General Commercial zoning district.

Dustin Culver, PE, *Culver Engineering, 2064 Farnham Drive, Ocoee,* explained he has researched similar projects where their parking is 40 spaces for eight (8) food trucks. He further explained and showed pictures of the proposed plans for the food truck park, and stated they believe the 76 parking spaces are adequate for the 16 food trucks.

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

Commissioner Guerrero said he likes the concept, but is concerned about the open space and parking spaces. He asked what they propose the foot traffic would be like. **Mr. Culver** explained the parking around the perimeter controls the pedestrian traffic keeping visitors safe in the interior park. He added they are contemplating installing some fencing.

Vice-Chair Niemiec shared his concern of people parking in the BJ's parking lot and walking over and what a hazard that could be. He asked what the outdoor music might entail.

Nicoletta Buonaccordo, *Applicant, 735 Oakdale St., Windermere,* explained there will be a stage for live music, but anticipates having activities for all ages; and further stated it will be family oriented.

Vice-Chair Niemiec inquired if there will be any lighting systems. **Ms. Buonaccordo** replied maybe for movie night. **Vice-Chair Niemiec** asked if that would be a visible distraction for US Highway 27. **Senior Planner McGruder** explained there currently is a lighting ordinance.

Commissioner Colby asked staff if there are any concerns for safety besides the limited parking, and further asked for more clarification on the limited parking. **Senior Planner McGruder** explained the parking formula came from the City of Orlando which is five (5) spaces per 1,000 square feet. The total area is 17,775 square feet, which requires approximately 89 parking spaces. **Commissioner Colby** said he likes the concept and renderings and would like to see this open space be put to good use.

Vice-Chair Niemiec asked for clarification on the parking requirements and further inquired if there are any concerns with the stage. **Senior Planner McGruder** stated this proposed plan is unique with the open air concept, but the parking requirements should be met. **Development Services Director Henschel** stated the stage will not be seen from US Highway 27. **Vice-Chair Niemiec** stated his concern is with regard to the stage lighting distracting traffic on US Highway

27. **Development Services Director Henschel** said staff can address the stage lighting in the resolution.

Commissioner Grube asked if there would be onsite supervision. **Ms. Buonaccordo** answered in the affirmative. **Commissioner Grube** stated three restroom stalls are inadequate.

Commissioner McAllister stated she thinks this is a great concept and would like to see that parcel put to good use, but does not think this project is the right one for this parcel. She believes it is unfair to the adjacent restaurants.

Commissioner Norton asked staff if this project is detrimental to surrounding businesses as far as parking and food service. **Senior Planner McGruder** answered she is unable to answer that. **Commissioner Norton** stated he believes this might be a good fit for the surrounding businesses and understands parking is an issue. He further asked the applicant how they intend to bring in customers because of the location. **Ms. Buonaccordo** said they have a marketing plan and marketing manager who will promote the business and events.

Chairman Krzyminski said this is a unique concept and does not think it would be detrimental to the neighboring businesses. He is more concerned with the parking. He asked staff about the applicant applying for a cross-access agreement with BJ's to utilize their parking lot as an overflow parking lot. **Senior Planner McGruder** indicated getting a cross-access agreement would be a legal process. **Chairman Krzyminski** asked if shipping containers are allowed for restrooms. **Senior Planner McGruder** explained shipping containers are not in the City's code and would require a variance.

Chairman Krzyminski asked the applicant where the waste from the site will be going and whether the trucks are semi-permanent. **Mr. Culver** said existing utilities will be utilized; however, the trucks and grease traps will be determined at a later point. **Ms. Buonaccordo** stated they will be renting the spaces to the food trucks for a minimum of six (6) months.

City Attorney Mantzaris asked staff for clarification on the resolution as it states recommendation of approval of eight (8) food trucks in the resolution. **Senior Planner McGruder** explained staff does recommend approval for eight (8) food trucks, because it would meet the parking requirements and be more manageable. *Discussion ensued regarding the recommendation.*

MOTION TO RECOMMEND APPROVAL of Resolution No. 2024-002R Patio Food Truck Park CUP with a stipulation that the project shall meet the parking formula; Moved by Commissioner Grube, Seconded by Commissioner Norton. Motion passed 5-2 with Commissioner McAllister and Vice-Chair Niemiec opposing.

Item 2 - Ordinance No. 2024-002 Palm Plaza Development SSCPA
Item 3 - Ordinance No. 2024-003 Palm Plaza Development Rezoning
Item 4 - Resolution No. 2024-001R Palm Plaza Development CUP

Planning Manager Kruse presented as follows:

Small-Scale CPA Development

The applicant, Clermont Hotels LLC, is requesting a Small Scale Comprehensive Plan Amendment of approximately four (4) acres for property located northwest and northeast of SR 50 and Omar Street. The property currently has a Future Land Use Designation of Lake County Regional Commercial and City of Clermont Residential/Professional. The applicant is requesting an amendment to change to the City of Clermont Commercial Future Land Use Designation. The applicant is proposing a commercial development consisting of a hotel and restaurant. The property fronts on SR 50, which consists of commercial uses along this corridor. The property consists of a few older residential homes, a law office, and vacant property. These uses will be discontinued.

Policy 1.9.3 within the Future Land Use Element of the City's Comprehensive Plan allows a hotel with a conditional use within the Commercial Future Land Use and shall be limited to a maximum intensity of 3.0 Floor Area Ratio (FAR). The applicant has applied for a Conditional Use Permit along with this application to be considered for a hotel. The proposed Commercial Future Land Use is compatible with the existing adjoining Commercial future land use and similar to Lake County's Regional Commercial. Staff recommends approval of Ordinance 2024-002.

Rezoning

The applicant, Clermont Hotels LLC, is requesting a rezoning of approximately 4.07 acres for property located northwest and northeast of SR 50 and Omar Street. The property is currently zoned Urban Estate Low Density Residential UE (through the annexation)/R-3 Residential/Professional District and a portion of the north is already zoned C-2 General Commercial. The applicant is requesting the entire site to have the C-2 General Commercial zoning in order to develop the site with a 112 room hotel and sit-down restaurant. The current zoning of Urban Estate and R-3 Residential/Professional does not allow this type of use. Section 125-336 C-2 General Commercial of the Land Development Code lists restaurants and hotels as a permitted use. The applicant will be required to follow all the requirements of the C-2 General Commercial zoning district such as setbacks, height, and impervious surface coverage. Due to the hotel's building square footage of over 20,000 square feet, a conditional use permit will be required.

Majority of the zoning along the SR 50 corridor is C-2 General Commercial, which is expected along an arterial highway. The property to the west is currently undeveloped and has Urban Estate zoning. Once a development proposal is sought, this property will more than likely request a rezoning to C-2 General Commercial as well. The C-2 General Commercial zoning and the Commercial future land use are compatible. Staff recommends approval of Ordinance 2024-003.

Conditional Use Permit (CUP)

The applicant, Clermont Hotels LLC, is requesting a Conditional Use Permit (CUP) to allow a hotel, Towneplace Suites by Marriott, to occupy more than 20,000 square feet of total floor space within the C-2 General Commercial zoning district. The applicant is proposing up to a 70,000 square foot, four-story hotel with associated parking within the 4.07 +/- acre site. The hotel will include 112 rooms and outdoor amenities. The applicant has requested one variance to the Land Development Code as part of this project. They are requesting to allow up to 12 parking spaces and then a landscape island instead of the required 10 spaces and a landscape island. This is being requested in order to ensure enough parking is available for the hotel and restaurant use along with providing a single row of parking fronting the hotel building.

The proposed hotel is consistent with the surrounding area as a whole. The property is in close proximity of the South Lake Hospital, National Training Center and Lake-Sumter State College Campus. There are four (4) hotels within a mile of the site; which include Fairfield Inn, Holiday Inn, Home2Suites and Hampton Inn. The square footage and height of the proposed hotel would be very similar to the recently approved Staybridge Suites and the existing Hampton Inn Suites and Home2Suites.

Staff has reviewed the CUP application in accordance to Sec. 101-212 of the Land Development Code. The proposed intensity, character and type of development is in compliance with the City's comprehensive plan for Commercial future land use. The location of the hotel along the SR 50 corridor is acceptable based upon several other hotels along SR 50 within the C-2 General Commercial zoning district. A traffic impact study has been performed for the project and it has been determined that the site is estimated to generate 50 A.M. peak hour two-way trips and 74 P.M. peak hour two-way trips at buildout, which would be considered a "de minimis" impact on the transportation network under Lake-Sumter MPO guidelines. The project will be required to provide a cross-access connection to the east that will allow traffic to enter and exit at Oakley Seaver and SR 50 signalized intersection. Staff recommends approval of Resolution 2024-001R.

Rick McCoy, *Applicant, McCoy & Associates, 106 S. Palm Ave., Howey-in-the-Hills,* introduced himself and said this is a great location for a hotel, and stated he is happy to answer any questions.

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

Commissioner Norton asked for clarification on the project's location in relation to the law office. **Mr. McCoy** explained this project will demolish the existing law office and further pointed out the pedestrian access from the proposed hotel to the adjacent restaurant.

Commissioner McAllister said she likes this project, and an additional hotel is needed.

Commissioner Grube stated he has no issues and thinks this is a great idea.

Commissioner Colby likes this project and asked what, if anything, will be done to minimize the impact to the adjacent residential neighborhood in the back. **Mr. McCoy** explained the heavily wooded steep grade between the proposed hotel and the adjacent residential neighborhood in the back of the parcel; and further stated retaining walls and a berm will be going in along with landscape buffering.

Vice-Chair Niemiec inquired whether outdoor entertaining will be happening at the tiki bar. **Mr. McCoy** stated the owner was unable to attend to answer this; however, the tiki bar is adjacent to hotel rooms. He expressed the tiki bar is more of an entertainment area to sit down and eat/drink by the pool, which will be enclosed between the 10 foot retaining wall and the hotel. He does not feel this will disturb the neighbors which are approximately 30 feet higher in elevation from the property line.

Vice-Chair Niemiec asked staff whether there is language in the resolution prohibiting a PA system. He further shared he likes this project, but he gets very concerned when there may be bright lights and loud music interfering with an adjacent residential area.

City Attorney Mantzaris explained the resolution contains language with regard to lighting, and language can be added with regard to outdoor amplified music.

Commissioner Guerrero stated he has no concerns, and believes a buffer between the hotel and the adjacent neighbors is warranted.

Chairman Krzyminski asked how far back the adjacent neighbors are and whether or not they will see the top of the hotel. **Mr. McCoy** stated they may see the top of the hotel. **Chairman Krzyminski** asked if the neighbors will be notified prior to this going to City Council, because this type of situation has been a problem in the past. He further stated this is a good project, and the hotel can certainly be used.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-002 Palm Plaza Development SSCPA; Moved by Commissioner McAllister, Seconded by Commissioner Colby. Motion passed 7-0.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-003 Palm Plaza Development Rezoning; Moved by Commissioner Grube, Seconded by Commissioner McAllister. Motion passed 7-0.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2024-001R Palm Plaza Development CUP with a condition to add language in the resolution prohibiting outside speaker systems, sound amplifications systems and/or broadcasting devices within the outdoor tiki bar and pool deck area; Moved by Commissioner Grube, Seconded by Commissioner McAllister. Motion passed 7-0.

Item 5 - Ordinance No. 2023-025 Lennar Swap PUD Rezoning

Planning Manager Kruse presented as follows:

The applicant, VHB, is requesting a rezoning to a Planned Unit Development (PUD) and requesting up to 699 dwelling units and up to 229,000 square feet of non-residential uses, in which a portion will be a new elementary school site. The property is within the Wellness Way Area Plan. The subject site is 247 +/- acres in size and is located just east of US Hwy 27 and 1.5 miles south of Hartwood Marsh Road. The property has historically been used for agricultural purposes.

The project was reviewed under the Wellness Way Comprehensive Plan Goal, Objectives and Policies along with the Wellness Way Design Guidelines. The residential portion of the project has a base density of 605 dwelling units. The applicant has the ability to enter into a Community

Benefit Agreement (CBA) for offsite improvements and to seek additional units. Under Policy 2.3.2, the applicant can receive up to a 20% increase in density over the original Wellness Way Area Plan designation. The applicant has agreed to contribute $15,000 per dwelling unit at 86 additional units for a total of $1,290,000 to be used for offsite improvements designated by the City of Clermont. The Community Benefit Agreement will memorialize the terms and conditions of the contribution. In addition, the applicant is donating right-of-way for the Hancock Road improvements and will also receive an additional eight (8) units. The total dwelling unit count will be limited to 699 dwelling units. The residential portion is planned to be a gated, active adult community, 55 plus.

The PUD Site Plan, prepared by VHB with a revised date of December 14, 2023, was also reviewed under the Wellness Way Guidelines and Standards. The property has the future land use designation of Wellness Way Neighborhood District and Multi Use W District. The applicant has elected to use Policy 2.3.4.1 in the City's Comprehensive Plan that allows the development to reallocate land uses within the boundary of the PUD. The required 30% for Open Space shall be maintained within the project. The applicant is proposing 10 acres of Green Space and 59 acres of Wellness Space, which meets the requirement of 69 acres of open space. On Sheet C-8, Park Plan of the Swap PUD Plan, it is demonstrated through the park service area boundary that the proposed amenities will meet the requirements of Close-to-Home parks. These open spaces are owned and maintained by an HOA or other non-City entity.

The non-residential portion of the project will consist of a 15 acre elementary school site and the remaining acreage in commercial uses. Lake County School Board is under contract for the elementary school site, and is also in early discussions with the land owner of the western portion of the site to possibly be used as a portion of a future high school site. Establishment of public schools in this area is significant. In addition, as part of this development Lake County and the developer are working towards a Development Agreement to complete Hancock Road to the north, Segment E, in order to complete the connection of Hancock Road from Hartwood Marsh to Wellness Way.

The applicant is requesting two waivers to the Land Development Code. These consist of (1) private streets with gates and (2) cut/fill to exceed ten (10) feet up to 17.2% (42.5 acres) of the site. The area of cut/fill will be in the residential portion of the site, east of Hancock Road. Staff has no objections to the waiver requests.

Staff has reviewed the application and proposed project in regards to Section 125-486 Review Criteria for a Planned Unit Development. The proposed project is in conformance with the Neighborhood and Multi Use W Future Land Use of the Wellness Way Goal, Objectives and Policies in the City's Comprehensive Plan. The project meets the requirements of the Wellness Way Guidelines and Standards in the City's Land Development Code. The project has the necessary percentages of Commercial, Residential, and Open Space incorporated into the project. The City's water and sewer service will be required in order to develop the property, and capacity is available to serve the project. The developer is offering a Community Benefit Agreement for offsite improvements that will be used by the City for public facilities within the Wellness Way area. The project will have the mix of uses and residential types that are envisioned in the Wellness Way Area and is in conformance of the code. Staff is able to support the request and recommends approval of Ordinance 2023-025.

Erika Hughes, *Applicant, VHB, 225 E. Robinson, Orlando*, explained the comprehensive plan amendment was approved a few months back by the City Council; and further, as required by the Wellness Way Comp Plan, rezoning to PUD is required. She expressed they have worked very hard to get to this point and thanked staff for their assistance. She advised her team is present for any questions.

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

Vice-Chair Niemiec inquired about the lot sizes and the breakdowns. **Ms. Hughes** stated because they are in the early zoning stages, a complete breakdown is not available; however, it may be close to a 50/50 split including the villas.

Vice-Chair Niemiec asked staff whether Hancock Road will be a one-lane road in each direction. **Planning Manager Kruse** stated within the Wellness Way design standards there are different cross-sections; however, this has to be worked out with Lake County.

Lane Register, *Lennar,* stated they are currently in discussions with Lake County with Segment E & F. He further explained they are in negotiations to complete the additional two lanes of Segment F, four lanes south to Segment E and transition back to a two-lane design to where Lake County will have the opportunity and right-of-way to build the inside two lanes in the future.

Commissioner Colby confirmed that there will be gates at this community and asked whether the roads will be public or private. **Planning Manager Kruse** answered the roads will be private.

Commissioner McAllister commented that she finds it amusing that they are constructing a 55 plus community next to an elementary school.

Chairman Krzyminski commented that he likes the addition of several things such as the $1.29 million dollars going towards the fire station. He stated the HOA will be responsible for the maintenance of the streetlights. He asked who will be responsible for the costs of the traffic signal. **Planning Manager Kruse** stated that is a proportionate share to the developer. **Chairman Krzyminski** asked if irrigation will be installed. **Mr. Register** stated there are no reclaim water facilities in the surrounding area; and further, they are working on a well system to irrigate the residential and common areas.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2023-025 Lennar Swap PUD Rezoning; Moved by Commissioner McAllister, Seconded by Vice-Chair Niemiec. Motion passed 7-0.

(Recess from 7:57 pm – 8:01 pm)

UNFINISHED BUSINESS

Item 6 - 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, 215 N. Eola Drive, Orlando*, stated he is present with the development team, 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.

Chairman Krzyminski stated his concern is safety with the traffic flow. **Senior Planner McGruder** explained this proposed CUP is utilizing an internal driveway and shared landscape buffers. **Mr. Huels** stated this proposal creates a more efficient traffic flow within the outparcels.

MOTION TO RECOMMEND APPROVAL of Resolution 2023-041R Conditional Use Permit (CUP) to the Plaza Collina PUD Amendment: Moved by Commissioner Colby, Seconded by Commissioner Niemiec. Motion passed 7-0.

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

Development Services Director Henschel 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, *Applicant, 1455 West Lakeshore Drive,* explained the only difference with this application is he submitted one elevation instead of two. 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 Guerrero stated he saw some parking was taken away. **Development Services Director Henschel** explained there is a parking agreement that states no additional parking is needed.

Vice-Chair Niemiec asked about the parking agreement. **Development Services Director Henschel** explained the City bought the adjacent parking lot, and the settlement agreement allows the applicant to use those spaces.

Chairman Krzyminski asked staff if the building will be 5,500 square feet. **Development Services Director Henschel** explained the max is 5,500 square feet.

Discussion ensued regarding parking in the downtown area.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2023-042R 7th Street Commercial CUP; Moved by Commissioner McAllister, Seconded by Commissioner Grube. Motion passed 6-1 with Commissioner Niemiec opposing.

Item 8 – 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 <u>and landscaping</u> 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.

Vice-Chair Niemiec asked what the allocation of funds may be. **Development Services Director Henschel** surmised maybe 80 percent.

Chairman Krzyminski asked what specifically is "associated materials". **Development Services Director Henschel** stated planting material related to landscaping projects.

Chairman Krzyminski asked the attorney whether there may be better terminology instead of "associated materials" so that the City stays within the guidelines of this ordinance. **City Attorney Mantzaris** explained the intent of this ordinance is to replace the permanent vegetation that is taken out of the ground. In order to be consistent with this ordinance, the City would need to use the funds on living, breathing vegetation.

Discussion ensued regarding the term "associated materials" and what is deemed as such.

The floor was opened for public comments.

Otis Taylor, *3686 Caladesi,* expressed the board is discussing some good points, and stated the language should be clarified with line-by-line items.

The floor was closed for public comments.

<u>**MOTION TO RECOMMEND APPROVAL** of Ordinance No. 2023-032 Land Development Code Amendment (LDC) – Tree Removal & Replacement with the condition that "associated materials" is revised to say "associated materials necessary for the health of planting live material"; Moved by Commissioner Norton, Seconded by Commissioner Colby. Motion passed 7-0.</u>

<u>**DISCUSSION OF NON-AGENDA ITEMS**</u> - None

<u>**ADJOURNMENT**</u> – 8:33 pm

Max Krzyminski, Chair

ATTEST:

Kathy Heard, Planning Coordinator