

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
February 6, 2024

CALL TO ORDER

Chair Krzyminski called the meeting of the Planning and Zoning Commission to order on Tuesday, February 6, 2024 at 6:30 p.m.

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

MEMBER ABSENT: None

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

PLEDGE OF ALLEGIANCE

REPORTS FROM THE COMMISSION

Chairman Krzyminski welcomed new member Commissioner Bain to the Board and returning members, Commissioner Colby and Vice-Chair Niemiec.

Vice-Chair Niemiec reported that he was very impressed with the residents who submitted applications to volunteer on the boards, and stated there are a lot of talented residents living in Clermont.

Commissioner Colby welcomed new member Commissioner Bain, and is excited to see projects such as the Salt Shack come to fruition.

Commissioner Bain thanked the Board for the welcome and stated he looks forward to serving the residents of Clermont.

Commissioner Norton welcomed Commissioner Bain and is also excited about the opening of Salt Shack.

Chairman Krzyminski reported he was excited to see the amount of interest there is to be on a City board, and stated he volunteered at the Mega Food Truck event, which had a good crowd.

MINUTES

MOTION TO APPROVE the January 4, 2024 minutes of the Planning and Zoning Commission made by Commissioner Colby, seconded by Commissioner Grube. Motion passed 7-0.

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:

Small-Scale CPA

The applicant, Mattamy Orlando LLC, is requesting a small scale comprehensive plan amendment 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 2023-030.

Rezoning

The applicant is also requesting to add 23.95 +/- acres to the existing residential subdivision, Waterbrooke, through a Planned Unit Development (PUD) Amendment. The property is located at the southeast corner of the approved subdivision, adjacent to Phase 6B. The property is currently in Lake County with a future land use of Rural and Agriculture zoning. The applicant is requesting annexation, small scale comprehensive plan amendment and 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 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 2023-031.

Alex Stringfellow, Applicant, 705 W. Minneola Avenue, stated this project was brought before this board in November where it was recommended for approval. He explained the proposed

addition to the Waterbrooke development. He noted that at the initial application they were proposing 102 units, and now they are down to 62 units. He agreed with staff's presentation and recommendation for approval.

The floor was opened for public comments.

Timothy Hoban, Esq., 2752 Dora Avenue, Tavares, stated he is assisting some of the surrounding neighbors. He showed photographs of the proposed Phase 7 site. He explained the adjacent homeowners are requesting a 50 foot buffer made up of the natural oak trees and bushes on the south and west boundaries of Phase 7. He further stated they are requesting no cutting, irrigation, fertilizing, and no bush hogging for 50 feet on the south and west sides of Phase 7. **Vice-Chair Niemiec** inquired about the costs of installing a wall. **Mr. Stringfellow** indicated it is very, very expensive, but he was unable to state an exact amount. **Mr. Hoban** stated it is in the six figures.

Jose Dominguez, 16615 Johns Lake Road, spoke in opposition to the rezoning indicating nature must be preserved as much as possible, and Phase 7 should remain as is.

Randy Brazell, 16550 Johns Lake Road, spoke in opposition and asked for development to slow down. He further requested a 50 foot barrier without a fence and asked to preserve as many trees as possible.

Suzi Westbrook, 16131 Johns Lake Road, spoke in opposition due to wildlife, too much traffic, overcrowding of schools, and disruption of peace and quiet.

Timothy Hart, 16211 Johns Lake Road, spoke in opposition, and stated his property borders this site. He asked what will stop the kids and neighbors from coming on his property. He said only a fence will keep them away. He announced he has a meeting with the County tomorrow to close off Friendship Road and the last 400 feet of Lost Lake Road in order to close access to this proposed project.

Adil Kaiyum, 15743 Johns Lake Road, spoke in opposition due to traffic, wildlife and the wildlife eating their goats.

Fazana Kaiyum, 15743 Johns Lake Road, spoke in opposition due to the wildlife, disruption of peace and quiet and too much traffic. She further stated after the prior phases were developed the coyotes and foxes ate their goats on three separate occasions.

Ann Valenti, 16017 Johns Lake Road, spoke in opposition asking where the parks and the schools are for her community and this development.

Victor Alezones, 12435 Friendship Road, inquired if the tree survey was done and what the outcome of that was. He further stated he does not believe the developers are taking the trees into consideration due to how the other phases were developed.

The floor was closed for public comments.

Alex Stringfellow stated he appreciates the public comments and they do not disagree with the intent of what the neighbors are asking. He clarified that there are limited trees within the 50 foot buffer. He proposed that they will go above the minimum of the code requirements on the west and the south with a 25 foot enhanced buffer and provide a canopy tree every 40 feet with shrubs that comes with warranties and irrigation.

Commissioner Bain asked what the lot depth minimums are, the timeline and routes for construction traffic. **Mr. Stringfellow** answered the minimum lot depths are 120 feet, and, if approved, they anticipate breaking ground beginning of 2025. Further, he stated the routes for construction traffic will be the same as Phase 6A and 6B. A representative from Mattamy Homes shared the construction access is off of Ray Goodgame Pkwy, and this phase would be accessing through Phase 6.

Commissioner Grube shared he can understand why everyone is upset, but growth is inevitable. He commended the developers on working with staff and coming up with a less dense plan.

Commissioner Colby commended staff and the developers for making this site less dense and thanked the developer for going above code. He stated he supported this project before and he still does.

Vice-Chair Niemiec stated he did not support this project before, and he is trying to change his mind with a compromise in order to make both sides happy. The tree mitigation, buffer and infrastructure were discussed; however, he further stated he is not in support of this project.

Commissioner Guerrero asked whether the developer would consider a larger buffer than the 25 foot. **Mr. Stringfellow** explained the challenges regarding increasing the buffers.

Chairman Krzyminski asked about the setbacks and what is not buildable out of the 592.7 acres of open space. **Mr. Stringfellow** answered the setbacks are 7.5; and further, he explained they have met the capacity with the proposed additional units to meet the amenity needs. *Further discussion ensued regarding the lot sizes, open space, and affordability.*

Commissioner Bain inquired whether the board needed to make a motion at this point in time if they wanted the landscaping to remain as-is as much as possible within the 25 foot buffer. **City Attorney Mantzaris** explained the Board can make recommendations to the City Council. **Commissioner Bain** stated he proposes an amendment to require the developer to leave as much current landscape as possible and only remove what is necessary for engineering and add landscaping to enhance the 25 foot buffer on the southern and western boundaries. *Discussion ensued regarding an enhanced buffer, saving the trees on the site, and the necessary grading.*

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2023-030 Waterbrooke Phase 7 Small Scale Comprehensive Plan Amendment (SSCPA): Moved by Commissioner Bain. Seconded by Commissioner Colby. Motion passed 5-2 with Chairman Krzyminski, and Vice-Chair Niemiec opposing.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2023-031 Waterbrooke Phase 7 Rezoning with a condition to maintain the current landscape within the 25 foot enhanced buffer on the southern and western boundaries of Phase 7 where feasibly possible engineering-wise: Moved by Commissioner Bain. Seconded by Commissioner Norton. Motion passed 4-3 with Chairman Krzyminski, Vice-Chair Niemiec, and Commissioner Norton opposing.

Item 3 – Resolution No. 2024-003R JSI European Auto Repair CUP

Senior Planner McGruder presented as follows:

The applicant is requesting to amend a Conditional Use Permit (Resolution No. 2010-08) to allow for a covered drop-off and remodel of the existing automotive repair and detail business. The property is located in the C-1 Light Commercial zoning district with a Commercial Future Land Use designation. The Land Development Code, Section 125-313, requires a Conditional Use Permit for any automotive services business in the C-1 zoning district.

The building was constructed in 1961, when the code requirements were different and any improvements or changes would require compliance with the current codes. The applicant is proposing to add a covered vehicle drop off area and remodel the existing facade, which is considered an enhancement to the existing site and will be designed with decorative architectural features that are compatible with the existing development pattern to provide a more positive visual ambiance that promotes quality commercial development.

When evaluating a request for a Conditional Use Permit, the Land Development Code, Section 101-212 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. 2024-003R.

Dan Hunter, Applicant, 1155 Shady Palm Cove, Oviedo, stated the owners wish to improve the current site to the proposed improved rendering which entails improved storefronts, garage doors, and adding a covered drive-thru with improved landscaping.

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

Commissioner Guerrero asked if there is a change to how the site is accessed. **Mr. Hunter** answered there is no change.

Vice-Chair Niemiec said he likes the project, and stated this project is only a facelift and no additional bays will be added. **Mr. Hunter** agreed.

Commissioner Colby indicated this is a great enhancement, and asked whether they are retaining the same number of parking spaces. **Mr. Hunter** answered nine (9) parking spaces are required, and they have ten (10) along with parking spaces within the garage.

Commissioner Bain asked if a gate is being installed off of Chestnut Street. **Mr. Hunter** explained there will be two gates with fencing in the entire back.

Vice-Chair Niemiec asked what type of gate they are proposing; and further, asked staff if that is acceptable. **Mr. Hunter** said a wooden fence, and **Senior Planner McGruder** indicated that is acceptable.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2024-003R JSI European Auto Repair Conditional Use Permit (CUP); Moved by Commissioner Grube, Seconded by Vice-Chair Niemiec. Motion passed 7-0.

Item 4 - Ordinance No. 2024-010 Hooks Street Self-Storage Small-Scale CPA

Item 5 - Ordinance No. 2024-011 Hooks Street Self-Storage Rezoning

Item 6 - Resolution No. 2024-004R Hooks Street Self-Storage Conditional Use Permit (CUP)

Senior Planner McGruder presented as follows:

The applicant is requesting a voluntary annexation, small scale comprehensive plan amendment, rezoning and Conditional Use Permit for a vacant parcel located east of US Highway 27 and north of Hooks Street. The subject property is contiguous to the City of Clermont boundaries and is approximately 2.29 +/- acres, which is located within the City's utility service area, ISBA, and JPA.

Small-Scale CPA

The small scale comprehensive plan amendment would change the Future Land Use designation from Lake County's Regional Commercial to City Commercial. The proposed development is consistent with the comprehensive plan goals, objective and policies and the intent of the Commercial Land Use Category. The Future Land Use Policy 1.9.5 indicates, Residential Self-Storage Facilities shall be allowed as a Conditional Use Permit and shall be limited to 1.00 Floor Area Ratio. This shall not include the storage of manufactured or commercial products. The commercial land use category is established to assure the availability of sufficient office and commercial sites to serve the needs of the existing and projected population.

Rezoning

The proposed rezoning request would change the current zoning from Lake County R-6 Urban Residential District to City C-2 General Commercial zoning. The C-2 Commercial zoning category is compatible with the uses and improvements of the surrounding area, and is consistent with the City's Comprehensive Plan goals, objectives and policies. The applicant proposes the rezoning to allow for a self-storage facility with a Conditional Use Permit. The project will be compatible with the surrounding development pattern and not out of character with the adjacent properties. The adjacent parcel zoning located to the north is Planned Unit Development (PUD) with C-2 General Commercial permitted uses, and R-6 Urban Residential. The project will be required to meet all the land development regulations, and any buildings must be designed to comply with the Clermont Architectural Design Standards.

Conditional Use Permit (CUP)

The applicant is also requesting a conditional use permit (CUP) to allow for a self-storage facility with more than 20,000 square feet of floor space. The Land Development Code, Section 125-337 requires a conditional use permit for any building structure that occupies more than 20,000 square feet and to allow for residential storage facilities in the C-2 General Commercial zoning district. The applicant has requested an exemption to a Tier 1 Traffic Impact Analysis Report by Walsh Engineering indicating the proposed self-storage facility is projected to generate 108 daily trips, of which 11 trips will occur during the PM Peak Hour.

The proposed development will provide an enclosed three-story building that will be up to 74,400 square feet with 453 units. The building will be designed to comply with the Clermont Architectural Design Standards. The proposed self-storage facility will be gated and secured. Any fencing along or adjacent to roadways shall be ornamental metal or decorative vinyl/pvc. No outside storage will be allowed.

Staff Recommendation

Staff has reviewed the application and proposed project in regards to compliance with the Clermont Codes of Ordinances and Comprehensive Plan. The proposed use is consistent with the goals, objectives and policies of the comprehensive plan and intent of the land development regulations for commercial zoning. Staff has reviewed the CUP application and believes 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 proposed use will comply with the regulations and conditions specified.

Staff recommends approval of Ordinance No. 2024-010 to change the future land use designation from Lake County Regional Commercial to City Commercial. Staff recommends approval of Ordinance No. 2024-011 to change the zoning from Lake County R-6 Urban Residential District to City C-2 General Commercial zoning. Staff also recommends approval of the Conditional Use Permit for a self-storage facility over 20,000 square feet in the C-2 zoning district with the conditions contained in Resolution No. 2024-004R.

Michael Rankin, LPG, 1162 Camp Avenue, Mount Dora, stated he is representing the applicant, Eduardo Bontempo. He explained the proposed climate controlled storage facility with no exterior storage, vinyl or decorative fencing with approximately five architectural building enhancements. He further stated the traffic study shows 108 trips per day with a requirement of seven (7) parking spaces, but they currently are proposing ten (10). He stated this proposed use is compatible with the surrounding properties; and, once approved, the applicant is ready to build.

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

Commissioner Bain asked where the parking spaces and office will be, and he further asked some questions of staff. **Mr. Rankin** explained there will be loading/unloading spots around the building, but the parking spaces are in the front by the office.

Commissioner Colby asked what the hours of operation may be. **Mr. Rankin** said the office will be business hours, but the storage will be accessible at any time of the day.

Vice-Chair Niemiec said he likes the project, and believes it is the perfect building for this site. However, he shared his concerns regarding traffic on Hooks Street and the distance from the nearby Wawa, which he believes contributes to a lot of car accidents.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-010 Hooks Street Self-Storage Small-Scale CPA; Moved by Vice-Chair Niemiec, Seconded by Grube. Motion passed 7-0.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-011 Hooks Street Self-Storage Rezoning; Moved by Commissioner Bain, Seconded by Commissioner Colby. Motion passed 7-0.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2024-004R Hooks Street Self-Storage Conditional Use Permit (CUP); Moved by Commissioner Grube, Seconded by Commissioner Norton. Motion passed 7-0.

Item 7 - Ordinance No. 2024-012 LCD Change – Section 125-527 “Live Local Act”

Planning Manager Kruse presented as follows:

On August 22, 2023, the City Council passed Resolution 2023-031R that provided a six (6) month window for City staff to prepare and process an ordinance to create city code and/or land development regulations to address Chapter 2023-17, Laws of Florida, known as the Live Local Act (LLA). The LLA will preempt some provisions of the City’s local comprehensive plan, zoning and land development regulations for certain mixed-use projects and multi-family projects having at least 40 percent of residential units within a project having affordable housing units for at least a 30-year period.

Senate Bill 102 was signed by the governor and went into effect July 1, 2023. In order to provide a process to review LLA projects, staff researched many different jurisdictions to see how they dealt with the State’s preemption on this matter. Staff drafted procedures, and they are being proposed as a revision to Section 125-527 in the Land Development Code. This language is replacing language that provided projects an opportunity to develop workforce housing in a very similar way. Since this new law affects all of the State of Florida and preempts existing land development codes that deal with affordable housing, staff is proposing to repeal the existing language and replacing with the proposed language. The LLA takes the public hearing process of decision-making out of the local government’s hand.

Staff has explored many different options; and in an effort to inform the residents and community, staff is recommending a neighborhood workshop as a requirement in the LLA process. An applicant will be responsible for conducting a workshop and informing the neighbors and provide an avenue for any other interested parties to discuss the project. An application form will be part of the process along with a sworn affidavit that the project meets all the requirements of the LLA.

The following whereas clause was incorporated into the ordinance in order to be compliant with the LLA, “WHEREAS, the Live Local Act requires the City to adopt and maintain a written process outlining procedures for expediting building permits and development orders for affordable housing projects.” Staff recommends approval of Ordinance 2024-012 with the addition of the whereas clause.

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

Commissioner Colby asked about the review procedures.

Commissioner Bain shared it is frustrating that local control is being taken away from local government. He hopes staff will require public comment at the workshops; and further, that staff will be in attendance. He recommended the City advertise the workshops.

Commissioner Norton asked whether the Live Local Act would exempt a project from building requirements such as the city’s architectural standards. **City Attorney Mantzaris** answered in the negative explaining the LLA addresses three aspects: density, height and parking. He further explained if a project complies with the City’s LDC on all aspects but density and/or height and qualifies for the Live Local Act, it does not need to go before the Planning and Zoning Commission or City Council.

Commissioner Colby asked City Attorney Mantzaris if he is aware of any city not complying with the LLA. **City Attorney Mantzaris** indicated there are some cities challenging it and there may be some litigation from it. *Discussion ensued regarding the process of what other cities are doing.*

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-012 LCD Change of Section 125-527 “Live Local Act” with the addition of the proposed Whereas clause as stated: Moved by Commissioner Bain. Seconded by Commissioner Norton. Motion passed 7-0.

Item 8 - Ordinance No. 2024-013 Comprehensive Plan Text Amendment - Density

Planning Manager Kruse presented as follows:

This is a staff initiated text amendment to modify language within Chapter 1 - Future Land Use Element of the City’s Comprehensive Plan. In 2017, a text amendment was presented and approved by City Council under Ordinance 2016-40 to allow an increase in density through a density bonus program within the Downtown Mixed-Use District. This amendment provided a density ranging from 12 dwelling units per acre up to 40 dwelling units per acre. In 2018, another text amendment was presented and approved by City Council under Ordinance 2018-27 to allow an increase in density to encourage workforce housing in particular areas of the City. The dwelling unit (du) count increased from 12 du up to 25 du for projects that utilized the Workforce Housing initiatives within a project. A specific number of workforce housing units had to be included in an overall project if a developer requested an increase over the 12 du per acre. The City has not processed a Workforce Housing initiative project and only two density bonus projects within the Downtown Mixed-Use District. The two that have been received and processed are the Graff Building at 32.5 dwelling units per acre and Clermont Lumberyard at 36 dwelling units per acre.

Due to the lack of projects using the Workforce Housing initiative and limited projects seeking the density bonus, staff is recommending the maximum density to be reduced and the program requirements eliminated. This is also in conjunction with the recent legislative changes of the adoption of Senate Bill 102, also known as the “Live Local Act.” Staff is requesting these reductions to be reflected in the City’s Comprehensive Plan, particularly in Policy 1.2.4 that shows a chart of the maximum density in each future land use. Staff recommends approval of Ordinance 2024-013.

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

Commissioner Norton inquired what the density requirement is with the Live Local Act. **Planning Manager Kruse** explained the LLA allows the highest dwelling unit count permitted within the City’s comprehensive plan. **City Attorney Mantzaris** clarified that the density bonus within the City’s comprehensive plan is not necessary due to the recent legislative changes with the LLA.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-013 Comprehensive Plan Text Amendment - Density: Moved by Commissioner Grube, Seconded by Commissioner Colby. Motion passed 6-1 with Commissioner Norton opposing.

ELECTION OF CHAIRMAN AND VICE-CHAIR

Vice-Chair Niemiec, seconded by Commissioner Grube, nominated Max Krzyminski for chairman for a term ending January 2025. Motion passed 7-0.

Chairman Krzyminski, seconded by Commissioner Norton, nominated Vincent Niemiec for vice-chair for a term ending January 2025. Motion passed 7-0.

DISCUSSION OF NON-AGENDA ITEMS

Robert Myers, 2239 Timber Creek Lane, addressed the board regarding a proposed water tower.

Patrick Peters, 2207 Timber Creek Lane, asked the city attorney a zoning question.

ADJOURNMENT – 8:39 pm



Max Krzyminski, Chair

ATTEST:



Kathy Heard, Planning Coordinator