

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION
MINUTES
AUGUST 6, 2024

CALL TO ORDER

Vice-Chair Niemiec called the meeting of the Planning and Zoning Commission to order on Tuesday, August 6, 2024 at 6:30 p.m.

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

MEMBERS ABSENT: Chair Krzyminski and Member Guerrero

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

MOMENT OF SILENCE – In Honor of Fallen Master Deputy Sheriff Bradley Link

PLEDGE OF ALLEGIANCE

MINUTES

MOTION TO APPROVE the July 2, 2024 Minutes of the Planning and Zoning Commission meeting made by Commissioner Grube, seconded by Commissioner Bain. Motion passed 5-0 with Chair Krzyminski and Member Guerrero absent.

NEW BUSINESS

Item 1 – Resolution No. 2024-027R The Dream Academy Conditional Use Permit

Senior Planner McGruder presented as follows:

The applicant is requesting a Conditional Use Permit to allow for a private school in the C-2 General Commercial Zoning District as required by the Land Development Code, Section 125-337. The private school will be located at 102 South US Highway 27, an existing vacant building previously used for a retail establishment. The Dream Academy currently operates at another location in Clermont and would like to relocate to expand and increase the student enrollment for the school. The private school maximum enrollment shall not exceed 80 special needs students per academic year. The Dream Academy is a therapeutic school servicing students from Kindergarten to 8th grade. The school currently has 15 employees and will be required to ensure parking is sufficient for any future growth. A Trip Generation Analysis was conducted by Traffic Planning and Design, Inc., which concludes that the previous use of retail generates a total PM Peak Hour Trips of 82 trips and the private school total PM Peak Hour generates 26 trips. Therefore, the applicant is requesting an exemption from the required Traffic Impact Analysis.

The hours of operation will be 8:30 am to 2:30 pm, Monday through Friday. The students will be transported by their parents and utilize the existing onsite parking. The parents will be required to park their vehicles and safely walk the students to the building. The academy will operate on a

calendar which is consistent with the Lake County Public Schools. The applicant will be required to obtain all local, state, and federal permits required for the private school.

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 proposed use will comply with the regulations and conditions specified. Therefore, staff recommends approval of the Conditional Use Permit to allow for a private school facility in the C-2 General Commercial zoning district with the conditions contained in Resolution No. 2024-027R.

Luzel Garcia, Applicant, *The Dream Academy, 2400 S. Hwy 27, Suite 4111*, stated their school serves children with moderate to severe autism and neurological disorders. They have been servicing the community since 2017, and they want to continue providing for children with disabilities.

The floor was opened for public comments.

Auston Pownall, 665 Villa Court, asked questions with regard to the age of the children, the location of pick up/drop off, and the vicinity of the outdoor recess area. He stated his primary concerns are the noise level and traffic on Bloxam Avenue.

With no further speakers present, the floor was closed.

Luzel Garcia answered the age range of the students are kindergarten through eighth grade, the parents normally drop off and pick up which creates no traffic, and the recess will be indoors.

Commissioner Colby had no questions, and stated this is a really good project needed in the community.

Commissioner Grube asked staff how many parking spaces there currently are. **Senior Planner McGruder** stated 40 to 45 spaces. **Commissioner Grube** indicated he sees no problems.

Commissioner Bain asked the applicant what their current enrollment numbers are for students and staff, and what the anticipated count will be if the enrollment number goes up to 80 students. **Luzel Garcia** said currently they have 52 students enrolled with 15 staff members. If they reach the maximum 80 students, they would anticipate a total of 20 staff members. Discussion ensued regarding the access points.

Commissioner Norton asked about the cross-access points. **Dale Ladd**, 1135 East Avenue, said he is the current owner of this property and the adjacent property. He explained the frontage road on US Hwy 27 does not have an access to US Hwy 27. However, in the future US Hwy 27 is planned to intersect with Hunt Street, which will provide access to US Hwy 27. He further clarified that there are 62 parking spaces. **Commissioner Norton** discussed the frontage road and whether there is a way to regulate it in the future. **Dale Ladd** clarified the back part of the building is 5,000 square feet with elevated ceilings, which is compatible for an indoor playground.

Vice-Chair Niemiec asked where their current location is, and how long they have been there. **Luzel Garcia** answered they are currently in Hillside Terrace and have been there since 2017.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2024-027R The Dream Academy Conditional Use Permit (CUP); Moved by Commissioner Colby. Seconded by Commissioner Grube. Motion passed 5-0 with Chair Krzyminski and Member Guerrero absent.

REPORTS FROM THE COMMISSION – Vice-Chair Niemiec stated he missed the reports at the beginning of the agenda and asked the commissioners whether they have any reports. No reports were stated.

Item 2 – Ordinance No. 2024-031 Old Highway 50 LSCPA for Transmittal

Planning Manager Kruse presented as follows:

The applicant, Daly Design Group, is requesting an amendment to the Future Land Use Map as part of the annexation process into the City of Clermont. This will go along with a rezoning request to the R-3 zoning designation. The property, 123 +/- acres, is located entirely within the Clermont Utility Service Area and is adjacent to the City limits. The project is located within the City's Joint Planning Area (JPA) and Interlocal Service Boundary Agreement (ISBA). The City can provide adequate public facilities and services, with water and wastewater service being available at the end of the fourth quarter of 2025.

The applicant previously proposed several different development layouts with increased intensities and densities, which did not meet the City's requirements or the requirements within the JPA with Lake County. These proposals did not receive approval within Lake County or the City. The applicant has revised the development plan and has submitted for annexation, a large scale comprehensive plan amendment and a rezoning for the property that is located south of the Florida Turnpike and is bisected by Old Highway 50, just north of Plaza Collina.

The applicant is requesting the City to designate the property with a future land use of Clermont Low Density Residential, which permits up to 3 dwelling units per acre (3 du/ac). The property currently is designated as Urban Low Density within Lake County, which permits up to 4 dwelling units per acre (4 du/ac). This amendment would be an overall reduction in density.

The property has historically been used for agricultural purposes. The applicant has provided a conceptual site layout showing the lots would conform to the R-3 Residential/Professional District. The lots will be a minimum of 75 feet wide and 100 feet deep, with a minimum square footage of 7,500 square feet per lot. Since the property consists of approximately 53 acres of wetlands and 70 acres of uplands, the total number of lots will be 130 single-family lots, with a density of 1.85 dwelling units per acre within the upland portion. The applicant is not requesting any variance requests as part of the proposed development.

Due to the required review by the State of Florida Department of Economic Opportunity (DEO) for the amendment to the Comprehensive Plan, this application is being presented to the Planning and Zoning Commission and the City Council to make a recommendation for transmittal. If transmitted, then DEO and other State agencies will review and provide comments prior to a public hearing on the adoption of this amendment. The anticipated adoption hearing will be in November of 2024.

The development proposal for this parcel does not conflict with the Low Density Residential future land use within the City's Comprehensive Plan. The application is consistent with Objective 1.1, Policy 1.6.1, 1.12.3, and 1.16.2 of the City of Clermont Comprehensive Plan. The property is within the City's service area, and the City is able to provide services. Staff supports the applicant's request for a change from Lake County Urban Low Density to City of Clermont Low Density Residential and recommends approval of Ordinance 2024-031.

Tom Daly, Applicant, Daly Design Group, 913 N. Pennsylvania Ave., Winter Park, stated this is the initial step to process a land use change to be consistent with the City's designation, and said he is present to answer any questions.

The floor was opened for public comments.

Doug Richter, 17351 Winter Road, Montverde, asked questions regarding the following: Traffic impacts for the three villages, turn lanes, increased water usage, impervious surface areas and retention, open space, and further inquired who will maintain the roads.

Tom Daly answered a Traffic Impact Analysis was submitted, which has three points of access off of Old Hwy 50. The stormwater system will meet all requirements. At this point no homebuilder has been selected. He is not aware if this proposed development will be gated for private road maintenance or not.

With no further speakers present, the floor was closed.

Commissioner Colby stated there are some very valid concerns; however, the project needs to move to the next steps in order to further develop. He had no questions.

Commissioner Grube stated this should be transmitted to bring it back for further discussion.

Commissioner Bain indicated he believes reducing the size from County, four (4) dwellings per acre, to City, three (3) dwellings per acre, is beneficial for the city and the community. He pointed out for the public to look at Page 63 from the Daly Design Group's report for information on the stormwater report. He had no questions for the applicant.

Commissioner Norton asked for clarification on the dwellings per acre, and if Old Highway 50 would stay within the County. **Planning Manager Kruse** stated Old Highway 50 will stay within the County.

Vice-Chair Niemiec stated he likes the three (3) dwellings per acre and is in support of this project.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-031 Old Highway 50 LSCPA for Transmittal; Moved by Commissioner Grube. Seconded by Commissioner Bain. Motion passed 5-0 with Chair Krzyminski and Member Guerrero absent.

Item 3 – Ordinance No. 2024-035 Hooks Street Self-Storage Phase 2 SSCPA

Item 4 – Ordinance No. 2024-036 Hooks Street Self-Storage Phase 2 Rezoning

Item 5 – Resolution No. 2024-025R Hooks Street Self-Storage Phase 2 Conditional Use

Permit *(Items 3 - 5 were heard together.)*

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.

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. Staff recommends approval of Ordinance 2024-035 to change the future land use designation from Lake County Regional Commercial to City Commercial.

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. Staff recommends approval of Ordinance 2024-036 to change the zoning from Lake County R-6 Urban Residential District to City C-2 General Commercial zoning.

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. On February 27, 2024, the City Council approved a Conditional Use Permit for a self-storage facility on the adjacent parcel located to the west. The applicant is requesting to combine the two parcels and construct a larger building on the properties.

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 218 daily trips,

of which 23 trips will occur during the PM Peak Hour. The proposed development will provide an enclosed three-story building that will be up to 150,000 square feet with approximately 1,150 units for the collective lots. 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 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. Therefore, staff 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. 2024-025R.

Michael Rankin, *Representing the Applicant, LPG Urban & Regional Planners LLC, 1162 Camp Ave., Mt. Dora*, explained after the City Council approved their prior application for the self-storage adjacent to this property, the applicant wanted to buy this parcel in order to develop both parcels to create a larger self-storage facility. He further explained the project in more detail, and stated the developer wants to build a landscaped, well-maintained facility where people want to bring their stuff, not have to bring their stuff.

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

Commissioner Norton asked if this site will have to be replatted if this site is ever sold. **Michael Rankin** stated it should not have to be required to be replatted.

Commissioner Bain asked staff why the three-story building, parking lot and retention wall are not in the resolution. He further asked whether the special condition in the applicant's report requesting the retaining walls be allowed greater than six feet, but no higher than 8 or 12 feet are allowed in the C-2 zoning or whether that is a special exception. **Senior Planner McGruder** explained those regulations are contained in the C-2 zoning; and further, the special condition is a waiver that is permitted as a condition.

Commissioner Grube stated he does not see any issues with this.

Commissioner Colby asked what their intentions are with outdoor lighting, 24 access, cameras and the like. **Michael Rankin** explained dark sky lighting will be utilized along with cameras and a decorative gate. He clarified the facility could be a 24-hour facility, but that has not been decided at this time.

Vice-Chair Niemiec asked staff what the maximum height is allowed to be for this building. **Senior Planner McGruder** stated the maximum height is 55 feet.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-035 Hooks Street Self-Storage Phase 2 Small Scale Comprehensive Plan Amendment (SSCPA); Moved by Commissioner Bain. Seconded by Commissioner Grube. Motion passed 5-0 with Chair Krzyminski and Member Guerrero absent.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-036 Hooks Street Self-Storage Phase 2 Rezoning to Clermont C-2 General Commercial District; Moved by Commissioner Bain. Seconded by Commissioner Grube. Motion passed 5-0 with Chair Krzyminski and Member Guerrero absent.

Commissioner Bain asked whether staff is in support of the special condition six (6) to 12 foot retention wall. **Development Services Director Henschel** stated staff is in support.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2024-025R Hooks Street Self-Storage Phase 2 Conditional Use Permit (CUP); and further, recommend approval of a special condition of an eight (8) foot retention wall; Moved by Commissioner Bain. Seconded by Commissioner Grube. Motion passed 5-0 with Chair Krzyminski and Member Guerrero absent.

Item 6 – Ordinance No. 2024-037 Land Development Code (LDC) Amendment Chapter 117 Signs – To Allow Murals in the Central Business District (CBD)

Development Services Director Henschel presented as follows:

Staff is proposing changes to the Land Development Code for mural signs. Currently, murals are only allowed within the Downtown Central Business District (CBD). This area does not extend south of Highway 50. This code change would allow murals to be located within the Community Redevelopment Agency (CRA) district, which is an area slightly larger than the CBD district. The CRA district does extend to the south side of Highway 50 encompassing approximately 30 additional businesses fronting Highway 50. No other changes to the code are proposed.

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

Commissioner Norton asked if there are any parcels in the CBD that are not within the CRA. **Development Services Director Henschel** stated all CBD parcels are within the CRA. He explained the City Council directed city staff to bring this amendment forward because of a recent variance that was brought before them.

Commissioner Bain stated he supports this amendment and thinks murals are good for the community and for the city.

Commissioner Grube stated he is fine with this.

Commissioner Colby stated he has no questions.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-037 Land Development Code (LDC) Amendment Chapter 117 Signs to Allow Murals in the Central Business District (CBD); Moved by Commissioner Grube. Seconded by Commissioner Colby. Motion passed 5-0 with Chair Krzyminski and Member Guerrero absent.

UNFINISHED BUSINESS

Item 7 – Resolution No. 2024-021R US Highway 27 Self-Storage & Car Wash Conditional Use Permit (CUP)

MOTION TO TABLE Resolution No. 2024-021R US Highway 27 Self-Storage & Car Wash Conditional Use Permit (CUP) to the October 1, 2024 Planning and Zoning Commission meeting: Moved by Commissioner Bain. Seconded by Commissioner Grube. Motion passed 5-0 with Chair Krzyminski and Member Guerrero absent.

DISCUSSION OF NON-AGENDA ITEMS – *None*

ADJOURNMENT – 7:41 pm



Max Krzyminski, Chairman

ATTEST:



Kathy Heard, Planning Coordinator