

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
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The meeting of the Planning & Zoning Commission was called to order Tuesday April 5, 2016 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Judy Proli, Tony Hubbard, and Cuqui Whitehead. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held March 1, 2016 were approved as written.

REPORTS

Commissioner Whitehead read an email from Heather Gelb at Sawgrass Bay Elementary about donating to a fund for the son of a teacher who has passed.

Commissioner Solis stated that he will be playing Saturday, April 9, 2016 at the Wayne Densch Performing Arts Center in Sanford. He stated that a portion of the proceeds will benefit the wounded officers initiative.

Chairman Jones stated that the last performance for this season of the Florida Lakes Symphony Orchestra will be Friday, April 15, 2016 at Family Christian Center.

1. REQUEST FOR LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT

REQUEST: To change the future land use from Lake County Regional Commercial and Regional Office to Commercial for Napleton.

Senior Planner Kruse presented the staff report as follows:

The owner, The Napleton Group, is requesting a large scale comprehensive plan amendment for the subject property. The property consists of approximately 15 acres, 5 acres used for an existing automotive dealership and an additional 10 acres that the dealership would like to expand on, mainly for inventory parking. This request is being heard concurrently with requests for annexation and rezoning. The property is currently being served with City water and sewer services.

The large scale comprehensive plan amendment would change the Future Land Use from Lake County's Regional Commercial and Regional Office to the City's Commercial designation. The City's Commercial designation would allow the continuance of the automotive dealership and also allow for expansion of it.

Upon approval by the City Council, the proposed amendment would be transmitted to the Florida Department of Economic Opportunity (DEO) and the reviewing agencies for review. DEO would then issue an Objections, Recommendations and Comments letter to the City, and the amendment would then be scheduled for a final public hearing in June.

Staff recommends approval of the transmittal of the large scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial and Regional Office to Commercial in the City.

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2. REQUEST FOR REZONING

REQUEST: To change the zoning from UE Urban Estate to C-2 General Commercial for Napleton.

Senior Planner Kruse presented the staff report as follows:

The owner, The Napleton Group, is requesting a rezoning for the existing automotive dealership and vacant property to the north. This request is being heard concurrently with requests for annexation and a large scale comprehensive plan amendment. The property consists of approximately 15 acres, 5 acres used for an existing automotive dealership and an additional 10 acres that the dealership would like to expand on, mainly for inventory parking.

The property is currently zoned Planned Commercial in Lake County for the developed portion of the site and Agriculture for the undeveloped portion of the site. The corresponding zoning in the City for the automotive dealership would be C-2, General Commercial. The additional vacant property would also be zoned C-2. This property is located north of the existing dealership and has no Highway 50 road frontage. Access and use of the site would be through the existing automotive dealership. The current stormwater pond will be relocated further back on the property and redesigned to treat the additional impervious surface on the site. No formal site plans have been submitted at this time, but the overall design elements have been discussed with the owner's representative. The expansion of the site will be required to meet the City's Land Development Code.

The proposed rezoning is from Urban Estate (currently zoned Lake County's Planned Commercial District and Agriculture District) to the City's C-2 General Commercial zoning classification. The Future Land Use, once adopted by the City, would support this request.

Staff recommends approval of the rezoning to C-2 General Commercial.

The applicant's attorney, Scott Glass, 300 S. Orange Ave., Orlando, stated that he supports staff's recommendation.

There was no public input.

Commissioner Whitehead moved to recommend approval of the comprehensive plan amendment; seconded by Commissioner Proli. The vote was unanimous to recommend approval.

Commissioner Whitehead moved to recommend approval of the rezoning; seconded by Commissioner Proli. The vote was unanimous to recommend approval.

3. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a themed event venue with off-site parking in the Central Business District.

Planning Manager Henschel presented the staff report as follows:

The applicant is requesting a conditional use permit to allow a banquet facility in the Central Business District zoning district. Banquet facilities would be considered a conditional use within the CBD zoning district.

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The applicant is proposing to renovate an existing commercial building of approximately 3,000 square feet, located at 750 West Desoto St. The remodel will create a themed wedding/ banquet destination in downtown Clermont. The applicant states this location will be a one of a kind venue.

The applicant also has an agreement with the First United Methodist Church across the street to allow for parking on their parcel. Staff has included a condition for this Conditional Use Permit to maintain a parking agreement with the church in order to address their parking needs (Section 1 #11). If this agreement is voided by either party, the owner would be required to amend the Conditional Use Permit to address their parking needs.

Michael Latham, GatorSketch Architects, 609 W. Montrose Street, stated that he agrees with staff's recommendation.

Darren Johnson, 1075 W. Lakeshore Dr., stated that he plans to convert the old feed store into a rustic chic wedding venue. He stated that this will allow people to get married in a barn setting. He stated that it will be a focal point for downtown Clermont.

Commissioner Whitehead asked if there is sufficient land for the outdoor events.

Mr. Latham stated that the space is limited to 150 people for inside and outdoors.

Commissioner Proli asked about handicapped parking.

Mr. Latham stated that there will be one handicapped parking space in front of the building and the events will have valet parking.

Jim Hanks, 757 W. Montrose St., stated that he wants to make sure there will be a separation of the properties such as fencing.

Mr. Latham stated that there is fencing there currently, and there will be a landscape buffer inside the fencing area.

Commissioner Whitehead moved to recommend approval of the conditional use permit; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

4. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow an amendment to Resolution 2014-35 for a planned unit development to allow the removal of a condition for a sidewalk along Hartwood Marsh Road, reduce right-of-way width from 60 feet to 50 feet in Phase 7, private and gated streets in Phase 7, and street construction of brick pavers instead of asphalt in Phase 7 for the Heritage Hills Subdivision.

Planning Manager Henschel presented the staff report as follows:

Request for a Conditional Use Permit amendment to allow for the removal of a required sidewalk along Hartwood Marsh Rd, and to allow for amendments to Phase 7 to include brick paver streets, a 50-foot right-of-way, and to allow for a sidewalk on only one side of the right-of way.

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The applicant is requesting to amend the existing conditional use permit (Resolution #2014-35) to allow for the elimination of the public sidewalk on Hartwood Marsh Rd., and to allow for adjustments to the non-age restricted Phase 7 of Heritage Hills.

The existing resolution requires a public sidewalk to be constructed along the north side of Hartwood Marsh right-of-way. This is a typical requirement for any development within the city. When this requirement was included as part of the resolution it was assumed the right-of-way for Hartwood Marsh would remain as is. The Lake County engineering office has informed city staff that this is now not the case anymore. Lake County staff is now working with the Center Lake sand mine to relocate Hartwood Marsh Rd. to the eastern side of their property. This would leave a cul-de-sac just to the west of the Heritage Hills entrance on Hartwood Marsh Rd. For this reason, the applicant is requesting not to construct the sidewalk in this area. Lake County staff has also included a letter that states this sidewalk will be of no use because of the internal connectivity of the existing development.

The second amendment request is to allow for brick paver streets within phase 7. The developer is seeking a themed look within this section and is looking to provide either stamped asphalt (to create a paver look) or install actual brick pavers. Pavers have been accepted for driveways in the past, but a hold harmless agreement has been executed prior to any construction.

The third amendment request is to allow for 50 foot rights-of-way for phase 7. Current city code requires 60 foot rights-of-way for all developments. The developer seeks to create a subdivision brand set apart from other subdivisions. This is strictly for enhancing the look and feel for the community.

The final amendment request is to allow a sidewalk on only one side of the right-of-way. City code requires a sidewalk on both sides of the right-of-way. Again, the developer is seeking to create an overall brand for this community and enhancing the landscape.

Staff can support the request for eliminating the Hartwood Marsh sidewalk based on the proposed realignment of Hartle/Hartwood Marsh Road, and the request for paved streets within the development for a themed look. Staff agrees these two requests do make sense for the development, however, the request for narrower rights-of-way, and sidewalks on only one side of the street do not create a development that staff can agree with. Staff recommends denial of these two requests for the Conditional Use Permit amendment.

All previously approved changes from the conditional use permit amendments in 2009 and 2013 are included in the current proposed Conditional Use Permit amendment.

Dwayne Booth, 902 N. Sinclair Ave., Tavares, stated that they anticipate Lake County widening Hartwood Marsh Road to the west of the Hartle Road right-of-way changing the grade where the sidewalk is proposed. He stated that he would not meet grade in the curve of the right-of-way. He stated that it would be challenge to put a handicap accessible sidewalk in that area. He stated that since Lake County will eventually realign Hartwood Marsh Road at some point, they are asking to eliminate the sidewalk for that section of the road.

Mark McDonald, Lennar Homes, 6750 Forum Dr., Orlando, stated that being there are only 42 homes they are wanting to build an upscale high-end community with limited floor plans and elevations. He stated that having sidewalks only on one side encourages the people that live in the community to meet their neighbors. He stated that they haven't decided if they are going with brick pavers or a brick stamped

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roads. He stated that because they will eventually hand the homeowner's association over to the residents in two years, they are reluctant to agree to the hold harmless agreement.

Ed Barnhill, 3743 Sanibel St., asked about the portion of Hartwood Marsh Road where the sidewalk is proposed not to go.

Mr. Henschel stated that there is no sidewalk at this time. He stated that Heritage Hills is requesting to not put the sidewalk in on the north side of the road which is required as part of their development.

Mr. Booth stated that if Lake County follows through with four laning Hartwood Marsh Road, they would tear out the sidewalk and replace it.

Harry Mason, 3667 Caladesi Road, stated that he has been elected to the HOA as an elected community representative. He stated that there are provisions to expand the sand mine into what the residents thought was their backyards. He stated that they are moving the chain link fence closer to the backyards. He stated that there is no money budgeted for the widening of Hartwood Marsh Road.

Sally Majoros, 3621 Serena Lane, stated that her concern is how pleasant the living conditions will be for Phase 7 with the sand mine being so close.

Michael Sail, 3788 Serena Lane, stated that at the residents advisory committee meeting the residents were told that Lennar is moving the existing fence between Heritage Hills and the sand mine. He stated that the fence is a rusty chain link with barred tops. He stated that the fence will be within 20 feet of the walking path. He stated that the residents paid a premium for that lot. He stated that they need to replace the fence with better quality material. He stated there is landscaping between the property owners and the fence, however some of it is thin and dying or already dead.

Ed Barnhill, 3743 Sanibel, stated that if the Council chooses to eliminate the sidewalk then maybe Lennar could possibly replace the fence with a better looking fence.

Rob Bonin, Lennar Homes, Land Development, stated that the fence is the mine's fence that happened to come up at the same time as this application. He stated that Lennar got an easement agreement that allowed Lennar to use that property during construction. He stated that Lennar is holding up their obligation to move the fence back to the property line.

Debbie Running, 3649 Corsica Lane, stated that she is concerned about the sidewalks being proposed in Phase 7. She stated that it's a safety issue if the sidewalks are only on one side of the road.

Commissioner Whitehead stated that sidewalks are needed on both sides of the road not only for children, but also for the handicapped who utilize motorized chairs. She stated that she has an issue with the 50-foot right-of-way and the stamping of the roads. She stated that it will not hold up with Florida's weather and the cost will be passed onto the homeowners.

Commissioner Proli stated that they need to put sidewalks on both sides of the road. She stated that she is in agreement with staff's recommendation.

Chairman Jones asked if the sidewalks are a cost issue.

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Mr. Bonin stated that eliminating the sidewalk west of Hartle Road is not a cost issue, it was to disconnect the two communities.

Chairman Jones expressed his concerns about communities being too restrictive with codes, and that we are inhibiting true creative talent that engineers and architects can give the community through something beautiful and outstanding.

Commissioner Proli stated that she agrees with being artistic and creative, however she believes they should still follow the city codes.

Commissioner Smith stated that he agrees the sidewalks are needed in Phase 7, however he agrees that the sidewalk along Hartwood Marsh Road should be eliminated.

Commissioner Whitehead moved to recommend approval of the brick paved streets and denial of the elimination of the sidewalk along Hartwood Marsh Road and denial of sidewalks on one side of the street in Phase 7 for this conditional use permit; seconded by Commissioner Proli. The vote was unanimous to recommend approval.

5. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To amend Resolution 2013-17 for a planned unit development to allow an updated site plan, remove conditions that have been completed, decrease minimum lot size and allow a two-family dwelling product, shared sidewalk entry on the property lines between two-family dwellings, new minimum side yard setbacks for two-family dwellings, reduced yard setbacks for select lots, and extend waiver to allow existing billboards to remain until January 31, 2025 for the Highland Ranch Subdivision.

Senior Planner Kruse presented the staff report as follows:

The owner, Taylor Morrison of Florida, is requesting several amendments to an existing Planned Unit Development known as Highland Ranch. The project is currently permitted under Resolution 2013-17. The owner wishes to make adjustments to the conditional use permit due to market changes and buyer preferences. One of the main changes is the demand for a smaller, clustered single-family detached dwelling and the addition of a two-family dwelling (duplex), known as a “twin villas” product. The proposed amendments will not increase the total number of residential units within the Highland Ranch Planned Unit Development, which will stay at the current 1,200 dwelling units. The owner would like to offer these market driven products in the development and has indicated that these changes are desired along with a few other changes to remove language on items that have been completed or otherwise been extended. The proposed amendments have been addressed in the attached Resolution 2013-17 language. Strikethroughs indicate deletions and underlines indicate additions.

The proposed amendments to the existing Planned Unit Development are as follows:

Under Section 1, General Conditions, update the Planned Unit Development site plan to show the addition of the typical lot layout for the twin villa and smaller lot, as prepared by Waldrop Engineering, dated March 14, 2016.

Remove conditions under Section 3, Site Development, that have been completed in the Planned Unit Development.

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Remove conditions under Section 4, Transportation Improvements, that have been completed in the Planned Unit Development.

Under Section 9, allow lot sizes smaller than one acre, down to 4,000 square feet. This modification will allow for a lot type "A-1", a two-family dwelling unit with a 35-foot minimum lot width and a lot type "A-2" with a single-family detached dwelling with a 45-foot minimum lot width. This lot type is only applicable to Phases AR-1 through AR-4, as shown on the Planned Unit Development site plan.

Under Section 9, allow shared sidewalks to be located on the property lines between the two-family dwellings.

Under Section 9, add a new minimum side yard setback of 0'/7.5' for the two-family dwellings.

Under Section 9, allow a rear yard setback of 8 feet for the principal structure and 5 feet for accessory structures for lots 43-48 and 60-63 within Highland Ranch Esplanade Phase 1 only. This is being requested to develop a model center for prospective customers to visit and see the available models.

Under Section 9, to extend the waiver to allow the existing billboard to remain until January 31, 2025.

The request for the two-family dwelling and smaller detached dwelling is seen in other developments, such as Heritage Hills, Kings Ridge (4,000 sf lot) and WaterBrooke. The spacing between the dwellings will still maintain full compliance with the fire and building codes. The proposed changes appear to be consistent with other developments in the area and allow the flexibility within the Planned Unit Development. The only exception is the extension of the billboard timeframe. The billboard is an existing nonconforming sign that was granted approval to exist until the year 2021. Therefore, staff is unable to support the request for the billboard extension timeframe. Staff is able to support the requests for the other amendments sought by the owner.

Staff recommends approval of the proposed changes with the exception of the billboard timeframe extension.

Alexis Crespo, 429 S. Keller Rd., Orlando, representing Taylor Morrison, stated that when Taylor Morrison acquired the property there was a lease already in place for the billboards. She stated that request is to allow the condition to run with the time-frame of the lease agreement. She presented the two-family villas. She stated that the owner will own the property along with the dwelling. She stated that they are not increasing the density in the community. She stated that they did have an HOA meeting to explain to the residents. She stated that they will agree to add a condition to preclude the two-family villas from being built in those areas already being developed, so that these villas will only go in the new phases that have not been developed.

Mario Impellizeri, 2568 Orange Ridge Road, stated that he just bought his house. He stated that he bought in Highland Ranch because he was impressed with the community. He stated that he is asking for the denial of the two-family dwellings.

The Commission received a letter in opposition to the request from George Rector, 2562 Sawgrass Circle.

John Nelson, 2666 Stargrass Circle, stated that he has been a resident of Highland Ranch for the past four months. He stated that none of the residents were informed that there would be two-family dwellings put in Highland Ranch. He is opposed to allowing them.

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Jill Ogden, 2550 Stargrass Circle, stated that they were the fourth family that moved in. She stated that they were told the gates and amenity center would be in by October when they purchased their home. She stated that they are now working on those items, however it's not fair to the newer residents. She stated that the Commission needs to consider what the real motivation is for them doing this.

Doug Ruisseau, 1038 Timbervale Trail, stated that he was the first resident in the community. He stated that they were told certain things and commitments are broken on a regular basis. He stated that the residents are uneasy with this idea.

Commissioner Proli stated that people trust developers and once they buy their homes the developers always seem to make changes to the communities.

Commissioner Hubbard stated that he is against the villas.

Ms. Crespo stated that there will not be any multi-family.

Commissioner Solis stated that the whole parcel was brought before them before as single-family detached homes. He stated that he has less problems with the billboards than he does with the villas.

Commissioner Proli moved to recommend denial of the conditional use permit; seconded by Commissioner Whitehead. The vote was unanimous to recommend denial.

6. REQUEST FOR REZONING

REQUEST: To change the zoning from C-2 General Commercial to Planned Unit Development for The Vue.

Commissioner Solis moved to table the rezoning to May 3, 2016; seconded by Commissioner Whitehead. The vote was unanimous to table the rezoning.

Chairman Jones stated that he would not be present for the May Planning and Zoning Commission meeting.

There being no further business, the meeting was adjourned at 8:32 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist