

**City of Clermont
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PLANNING AND ZONING COMMISSION
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The meeting of the Planning and Zoning Commission was called to order Tuesday May 3, 2016 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Judy Proli, Cuqui Whitehead, Tony Hubbard, and Jack Martin. 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 15, 2016 were approved as written.

MINUTES of the Planning and Zoning Commission meeting held April 5, 2016 were approved as written.

REPORTS

Commissioner Whitehead stated that she has been elected as President of the Caribbean American Association of Lake County. She stated that she would like to invite everyone to a festival on June 11, 2016 at Waterfront Park.

Chairman Jones stated that there has been a request to postpone the Magic Moments conditional use permit to the June meeting.

Development Services Director Hollerand stated that the June meeting will be held on Monday, June 13, 2016 due to the renovations to the a/v system in the Council Chambers.

Commissioner Whitehead moved to table the Magic Moments conditional use permit to Monday, June 13, 2016; seconded by Commissioner Proli. The vote was unanimous to recommend tabling the request.

1. REQUEST FOR REZONING

REQUEST: To change the zoning from C-2 General Commercial and Urban Estate to Planned Unit Development

PROJECT: The Vue

Planning Manager Henschel presented the staff report as follows:

The applicant, AC-Fulcrum, is requesting a rezoning on 42 +/- acres from C-2 General Commercial and Urban Estate to a Planned Unit Development zoning for a mixed use, Planned Unit Development project consisting of a multi-family apartment complex, general commercial uses, retention area and open space. The property is located south of Highway 50, west of Miss Florida Avenue and north and south of Hooks Street. The eastern 17 acres of the project, north of Hooks Street, was contained in a previously approved Conditional Use Permit for a Planned Unit Development known as Hills of Clermont, and was permitted for C-2 General Commercial uses within Urban Estate zoning. The property is currently vacant. The property south of Hooks Street

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is currently used as retention and open space. The western 13-acre portion, also vacant, is not part of the Hills of Clermont Planned Unit Development and is currently zoned C-2 General Commercial.

The applicant has requested 12 units per acre for the multi-family portion of the project. The allowing of the 12 units per acre will be addressed in the related Conditional Use Permit, Resolution 2016-15, since Planned Unit Development zoning is currently not recognized in Policy 1.9.2 of the City's Comprehensive Plan as a way to permit residential units greater than 8 units per acre. Staff will be making a text amendment to the policy to allow Planned Unit Development zoning under this policy.

The applicant has proposed two options, Option A and Option B. Option A proposes 6 acres of C-2 General Commercial along a portion of Highway 50, with 324 multi-family units on 27 acres. Option B proposes 10.5 acres of C-2 General Commercial all along Highway 50 with 270 multi-family units on 22.5 acres.

The characteristics of the site, with site elevation changes over 100 feet from Highway 50 south to Hooks Street, make it very challenging to develop. A portion of the project was even identified in the "Strategic Economic Development Plan" (DEO grant funded study) citing topography as a challenge.

The applicant has identified several waivers to the Land Development Code to make the site developable to their proposal. The multi-family units will be constructed in buildings that will have multi-level construction that may have heights up to 63 feet (18 feet above code maximum) and retaining walls up to 25 feet in height (19 feet above code maximum). The applicant is requesting a maximum elevation change, through cut and fill, of up to 25 feet over the site due to excessive grades on the site. The applicant has identified cut changes over 15% of the site exceeding greater than 10 feet for the multi-family portion.

The applicant is asking for a reduced landscape buffer along Highway 50 due to the severe topography of the site dropping off towards Hooks Street. The applicant has indicated a 7-foot-wide buffer with 30% more plantings will be installed. Staff has not seen evidence that the proposed landscape buffer will accomplish the visual and noise attenuation of a required 20-foot buffer. The applicant is requesting the driveways from Highway 50 to be below the centerline of Highway 50 due to the elevation change on the site for the commercial portion. The applicant has indicated they will work with the City Engineer to approve proposed grading to ensure adequate outfall and protection is in place to prevent runoff into the finished floor of the buildings.

The applicant is also requesting a variance to utilize 9 feet by 18 feet parking spaces instead of 10 feet by 20 feet. The applicant indicated the request was due to maximizing available parking while significantly reducing unnecessary environmental pollutant runoff, increasing green spaces throughout. The applicant is proposing to gate the multi-family portion of the project and is requesting a variance to allow the gating of this area of the project.

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On the coversheet, it was noted that the Planned Unit Development will allow all permitted C-2 uses (inclusive of 1 retailer less than 100,000 square feet but greater than 20,000 square feet). Staff has not seen any proposed buildings with square footages attached to the uses. Without further details of the building exceeding 20,000 square feet, staff is unable to support this request.

A large portion of the existing commercial area is changing to multi-family use, which warrants a traffic study and school concurrency report. The applicant did supply an initial growth impact report from the Lake County School Board indicating the project would have an estimated impact of 92 students for the 324-unit Option A. A traffic study and school reservation would be performed prior to site plan approval.

The conceptual overall site plans prepared by B&S Engineering Consultants, LLC, dated April 22, 2016, shows Option A (Sheet C-2.2) with 10 large buildings and some smaller buildings along with the parking areas and the commercial portion of the site. Option B (Sheet C-2.3) shows 8 large buildings and some smaller buildings along with the parking areas and the larger commercial portion of the site.

The applicant has proposed two options for the site for consideration. After reviewing both options, staff believes Option B is more consistent with the existing comprehensive plan and development in the area. Staff recommends approval of Option B, however; staff cannot support the excessive retaining wall heights, topography changes, reduced landscape buffer, and reduced parking stall dimensions, as requested by the applicant.

2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a conditional use permit to allow for multi-family residential

PROJECT: The Vue

Planning Manager Henschel presented the staff report as follows:

The applicant, AC-Fulcrum, is requesting a rezoning on 42 +/- acres for a mixed use, Planned Unit Development project consisting of a multi-family apartment complex, general commercial uses, retention area and open space. The applicant has requested 12 units per acre for the multi-family portion of the project. With the recent addition of the Planned Unit Development zoning to the City's Land Development Code, this request may have been handled through that process. However, it was brought to staff's attention that an incompatibility exists in the City's Comprehensive Plan that needs to be addressed. Policy 1.9.2 states "Residential development shall be limited to 12 units per acre; however, densities higher than eight units per acre shall require a conditional use permit." This policy does not state Planned Unit Development zoning.

Staff has concluded that the policy can be easily amended to make the Planned Unit Development zoning compatible with this policy. The addition of "or Planned Unit Development." at the end of the policy would correct the incompatibility. Unfortunately, the time

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necessary to make this change is a several months long process since it is a text amendment to the Comprehensive Plan. Staff will be moving forward on making this change.

In order to assist with the applicant's request in a timely manner, it was noted that the applicant could still seek a Conditional Use Permit for the 12 units per acre. Therefore, the applicant is requesting a conditional use permit to allow 12 units per acre for the project while all the other details of the project will be contained in the Planned Unit Development zoning ordinance. This would allow the applicant to move forward on the project and be consistent with the Comprehensive Plan.

Staff has reviewed the Planned Unit Development proposal and the total number of units for the multi-family portion is 324 units. Staff has placed this cap on the multi-family portion in the Conditional Use Permit and will also be in the Planned Unit Development ordinance. Staff recommends approval of Resolution 2016-15 to allow 12 units per acre for the project, not to exceed an overall unit count of 324 units.

Cecelia Bonifay, 420 S. Orange Avenue, Orlando, attorney with Akerman representing The Vue, stated that the City received a grant to create a strategic plan to help property owners develop difficult topography sites. She stated that although the City codes are good requirements, they do not fit a site such as this one. She stated that waivers are necessary to develop this property. She stated that on Option A and Option B drawing, the yellow coloring shows the portion of the site that will need additional cut and fill. She stated that the applicant wants to make The Vue senior housing which will decrease the trip generation on traffic and eliminate the demand on the schools. She stated that there are no potential tenants for the commercial uses at this time.

Commissioner Whitehead asked if the applicant is preferring Option A or Option B.

Ms. Bonifay stated that the applicant is open to the decision and staff is recommending Option B. She stated that the difference is Option A has six acres of commercial, two units of multi-family near Highway 50 with the remaining eight units below. She stated that Option B has a 10 acres of commercial area, removing the two multi-family units near Highway 50 and all the multi-family located below the commercial area.

Commissioner Solis asked if the rest of the area meets the City's cut and fill code.

Mr. Henschel stated that the cut and fill area that is not meeting City's code is highlighted in yellow on both Option A and Option B site plans.

Major Stacy, B&S Engineering Consultants, 2221 Lee Road, Winter Park, stated that the site is a challenge. He stated that they are experienced with topographic challenges. He stated that the 25-foot retaining walls and grade difference is between the commercial and multi-family. He stated that the wall preserves the character of the landscape. He stated that with senior living they have to meet ADA requirements and reduce significant elevation changes. He stated that they have to be able to get a fire truck in and out of the site which is a governing factor for what they are

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doing with this site. He stated that the reason for the reduced parking stalls is to allow more open space to transition between the grade levels.

Commissioner Proli asked why develop this type of project for this property rather than going with single family homes. She stated that she is concerned about over-crowding the schools, traffic, police, and fire due to the growth in the city. She stated that the citizens would rather have more commercial than residential.

Commissioner Solis stated that the city needs more residential in order to get more commercial.

Commissioner Smith asked if the applicant is willing to proceed with Option B.

Ms. Bonifay stated that the applicant is willing to proceed with Option B. She stated that they have received a capacity letter from the school board and there is capacity. She stated that there is a requirement for a traffic study to be completed.

Jonathan Moore, 2419 Albert Lee Pkwy, Winter Park, stated that the site is difficult. He stated that the cost would be enormous to do single-family units on this property. He stated that the multi-family buildings are laid out to match the topography.

Commissioner Solis asked if this property could be developed at all following the City's standards.

Mr. Henschel stated that it would be very difficult.

Commissioner Solis stated that it's a question of do we want a vacant piece of property for a long time or do we want to work with someone who is willing to work with the property.

Commissioner Smith suggested to allow smaller parking stalls at the top portion of the site and make them larger as they build down the site.

Janet Justice McKenzie, 2546 Holly Berry Circle, Southridge Subdivision, stated that she had the same issue a year ago with another development wanting to build apartments across from their subdivision. She spoke in opposition to the development.

Pastor Sandy Edwards, 2554 Holly Berry Circle, stated that she is opposed to the development and is requesting the Commission to deny the application.

Sam Durance, 2466 Holly Berry Circle, stated that the project that was denied a year ago was much smaller than this project. He stated that they are not opposed to commercial, however he doesn't agree with multi-family. He submitted letters of opposition from his neighbors.

Ms. Bonifay stated that the property south of Hooks Street next to their subdivision will not be developed so there will be a buffer between this project and their subdivision.

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Commissioner Solis asked if there is an entrance from Highway 50.

Ms. Bonifay stated that there will be a right-in, right-out from Highway 50. She stated that the gated entrance for the multi-family will be from Hooks Street.

Commissioner Hubbard asked if the density count included the parcel to the south of Hooks Street.

Mr. Henschel stated that a portion of that property was prorated to be included.

Ms. McKenzie stated that she wanted to state again that the neighbors were assured that this property would remain commercial.

Commissioner Smith stated that was for a different parcel.

Mr. Henschel stated that was for a parcel in Hills of Clermont PUD for workforce housing.

Commissioner Proli stated that she has concerns about the height.

Commissioner Martin stated that there are two things he has been thinking about lately. He stated that one is the character and nature of Clermont and the other is about specific parcels such as this one. He stated that the character and nature of Clermont has been changing over the years. He stated that the City has developed a good downtown master plan. He stated that Clermont's character and nature seems to be flowing toward a Winter Park, Windermere, Pebble Beach, California character. He stated that now there are numerous auto sales along Highway 50. He stated that he sees more and more high density residential, however high density isn't the character and nature that Clermont was growing into. He stated that they have to help shape the character of Clermont. He stated that if they don't have an image, then they are allowing the character and nature to change into something they don't want. He stated that he is not in favor of this project because he wants something more like Winter Park, Windermere, or Pebble Beach.

Chairman Jones asked the applicant if they would compromise on the waivers that are being requested.

Mr. Moore stated this Commission has given him feedback as to what they want so he can now go back to see where they can compromise on requests. He stated that with this property it will be impossible to develop without any waivers.

Commissioner Whitehead moved to recommend approval of the rezoning for Option B and to negotiate the waivers; seconded by Commissioner Solis. The vote was 4-3 to recommend approval, with Commissioners Proli, Hubbard, and Martin opposing.

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Commissioner Whitehead moved to recommend approval of the conditional use permit; seconded by Commissioner Solis. The vote was 4-3 to recommend approval, with Commissioners Proli, Hubbard, and Martin opposing.

3. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

REQUEST: To change the future land use from Lake County Regional Commercial to Low Density Residential

PROJECT: WaterBrooke

Senior Planner Kruse presented the staff report as follows:

The applicant, Mattamy Homes, is requesting adoption of a future land use change for 28.6 acres that would be added to its residential subdivision, WaterBrooke. The proposed map amendment will change the future land use from Lake County's Regional Commercial to the City's Low Density Residential. The City's Low Density Residential allows up to 3 dwelling units per acre. The City's Low Density Residential does not permit commercial or industrial uses, as allowed by the County's future land use. The conversion from commercial and industrial uses to residential uses would be more logical in this area of the City since residential development has already occurred to the west of Hancock Road and is currently planned to the east of this parcel with the existing WaterBrooke development. Existing commercial uses are located a little more than 1-mile north along SR 50.

With the additional acreage added to the WaterBrooke subdivision, the applicant is requesting 1100 units on total 568.6 acres, which equates to 1.93 units per acre. This number is below the 3 dwelling units per acre allowable under the City's Low Density Residential future land use.

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 July.

Staff recommends approval of the transmittal of the large scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to the City's Low Density Residential.

4. REQUEST FOR REZONING

REQUEST: To change the zoning from UE Urban Estate to Planning Unit Development

PROJECT: WaterBrooke

Senior Planner Kruse presented the staff report as follows:

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The applicant, Mattamy Homes, is requesting to add 28.6 +/- acres to the existing residential subdivision, WaterBrooke. The property is located at the southwest corner of the approved subdivision and fronts Hancock Road. The property is currently in Lake County with a future land use of Regional Commercial and a Planned Industrial zoning. The applicant is requesting annexation and a change in zoning to allow single family and multi-family residential in the City. In addition, with the City's recent adoption of Planned Unit Development zoning, the applicant is requesting a change in zoning from a Conditional Use Permit for a Planned Unit Development in Urban Estate to Planned Unit Development zoning for the entire WaterBrooke subdivision. The WaterBrooke subdivision was approved by Council in October of 2015.

With the additional acreage added to the WaterBrooke subdivision, the applicant is requesting an increase from 950 units to 1100 units on a total of 568.6 acres, which equates to 1.93 units per acre. The additional land has allowed the applicant the ability to rearrange some of the units in the overall project and provide another access point. In doing so, the overall density will increase from 1.76 units per acre to 1.93 units per acre, or approximately 9% increase. This number is still below the 3 dwelling units per acre allowable under the City's Low Density Residential future land use. The applicant has provided a school concurrency report for the additional units indicating school capacity is available. All the conditions in the existing Conditional Use Permit will be in the Planned Unit Development ordinance with the exception of a change for an increase in total number of units and an updated Exhibit B to show the additional acreage to the overall project.

Staff has reviewed the applicant's request for a rezoning from Urban Estate (default zoning upon annexation) and the existing Conditional Use Permit in Urban Estate to Planned Unit Development zoning. Staff believes the proposal meets the standards in regards to Section 122-315, Review Criteria for a Planned Unit Development. Staff recommends approval of Ordinance 2016-20 for a Planned Unit Development.

Cecelia Bonifay, Akerman, representing Mattamy Homes, stated that the applicant is requesting to add 28.6 acres to expand the boundaries to WaterBrooke subdivision. She stated that they are requesting to increase the number of units to 1100, but will still be below 3 units per acre at 1.93 units per acre. She stated that this will complement the existing residential that is already in the area.

Commissioner Proli stated that she is concerned about the traffic that will be added to the area.

Ms. Bonifay talked about the various locations where entrances and exits for WaterBrooke will be located and the expansion of Hartle Road.

Commissioner Martin moved to recommend approval of the large-scale comprehensive plan amendment; seconded by Commissioner Whitehead. The vote was unanimous to recommend approval.

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

5. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow an amendment to conditional use permit (Resolution 1316) to allow for an expansion to the existing Wal-Mart building.

PROJECT: Wal-Mart

Senior Planner Kruse presented the staff report as follows:

The applicant is requesting an amendment to the existing Wal-Mart Conditional Use Permit (Resolution 1316) to allow for an increase in building square footage. Currently, the existing Wal-Mart located at 1450 Johns Lake Rd. is limited to 218,685 square feet. The applicant is requesting to build a 3,905 square foot expansion to the east side of the building. The proposed expansion, which will be for liquor sales, will not be accessible from inside the main building. Combining the existing allowable square footage of 218,685 and the proposed addition of 3,905 square feet, the new proposed building size will be limited to 222,590 square feet.

The proposed use is a permitted use under the Land Development Code, Section 122-223, for C-2 uses and requires an amendment to the Conditional Use Permit for the increased square footage of the project. The proposed amendment has been addressed in the attached Resolution 2016-12 language. Strikethroughs indicate deletions and underlines indicate additions.

This same request was previously considered at the December 9, 2014 City Council meeting with a final decision of denial. The applicant has the right to reapply after a period of one year for this location. The year timeframe has been completed and the applicant is reapplying for the same amendment as before. Based upon the submitted information and the Land Development Code, staff recommends approval of Resolution 2016-12 for an increase of 3,905 square feet.

Jonathan Huels, 215 N. Eola Drive, Orlando, an attorney with Lowndes law firm, stated that they concur with staff's recommendation.

Commissioner Proli asked what the hours will be for the liquor store.

City Attorney Mantzaris stated that they will have to follow city code which is from 7 a.m. to 2 a.m.

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

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6. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow an amendment to a conditional use permit (2012-28) to allow for an additional vehicle access point.

PROJECT: Real Life Christian Center

Planning Manager Henschel presented the staff report as follows:

The applicant is requesting an amendment to the existing Resolution # 2012-28 to allow an additional access point onto their church facility. The large church parcel fronts on approximately 2,700 feet of right away frontage along three rights-of-way with only two access points. One access driveway is located on Cross Ridge Rd., and the other access driveway is located on Steves Road. The original site plan approved with Resolution 2012-28 only allowed these two access points.

With the church growing and having large services, there are times when these access points are very congested, both on site, and within the rights-of-way. The church has identified a way to alleviate much of these traffic concerns by adding a third driveway on Citrus Tower Blvd.

Currently the church has approximately 1,500 feet along Citrus Tower Blvd without any driveways. By allowing one driveway to be located along their southern border, access onto their site will allow a flow-through traffic pattern that will ease the traffic congestion on the other two rights-of-way.

Steve Bush, 11532 Lake Katherine Circle, Clermont, stated that he is the administrative minister of Real Life Church. He stated that the attendance has increased by at least 15%. He stated that the two access points are becoming congested and they propose a new access point to relieve the other entrances. He stated that it will have a right-in and right-out access.

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

Chairman Jones requested staff to research other communities' ordinances for zoning codes to improve Clermont's land use regulations. He stated that he would like to see changes made to help the development of the severely sloped properties and hold a workshop in the future.

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

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist