

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2016

Page 1

The meeting of the Planning and Zoning Commission was called to order Monday, June 13, 2016 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Judy Proli, 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 Joell Folmar, Planning and Zoning Technician.

MINUTES of the Planning and Zoning Commission meeting held May 3, 2016 were approved as written.

REPORTS

Commissioner Martin made a motion to authorize a resolution for the Orlando Police Department; seconded by Commissioner Solis. The vote was unanimous to recommend the City draft a resolution.

Development Services Director Barbara Hollerand stated that there are no applications for the July 5, 2016 meeting, so that meeting will be cancelled.

1. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a daycare facility in the Central Business District

PROJECT: Magic Moments

Planning Manager Henschel presented the staff report as follows:

This request was originally scheduled for May hearings, but due to an issue with adjacent property owner notifications, it was tabled to the June 13, 2016 Planning & Zoning Commission meeting.

The applicant is requesting a conditional use permit (CUP) to allow a daycare facility in the Central Business District (CBD). Childcare centers are designated as a conditional use within the CBD zoning district.

The proposed location of 756 West Avenue was previously approved in 2009 for a CUP for an "at risk" youth counseling center to operate seven days a week from 9 a.m. to 9 p.m.

Magic Moments, the current applicant, is proposing to occupy the 2,100-square-foot building for their Schooler Program (ages 5-12) which is currently operated at 855 West DeSoto Street. The 855 West DeSoto Street location is also the home of the Veterans of Foreign Wars (VFW) building. The VFW currently has an agreement with Magic Moments to allow this Schooler Program to operate out of their building. The VFW is also growing and would like to occupy more of their building space, thereby displacing the Magic Moments Schooler Program.

Magic Moments has identified this new location and building as an ideal location to relocate

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2016**

Page 2

their Schooler Program of approximately 46 students. A condition in the CUP will require that the student count be provided to the City upon request to ensure compliance with a cap of 48 students.

One improvement with this location will be that the bus pick up and drop off will be handled on site within the parking lot rather than on DeSoto Street as is currently done at the VFW building. Hours of operation will remain from 12 p.m. to 6:30 p.m. Monday through Friday during the school year and from 9 a.m. to 6:30 p.m. during summer months.

Attorney Jimmy Crawford stated that he represents Sam and Nancy Allison. He stated that the state has limited their occupancy and will not have more than 45 children. He stated that the drop off and pick up will be on the lot and from the street as it is at the VFW now. He stated that they are asking for this application because their lease is up with the VFW. He stated that they are in agreement with staff's recommendation.

Victoria Schulte, Victoria's Home and Garden at 721 West Ave., stated that they have spent a lot of money to improve their property. She stated that parking is her biggest issue because it's already a problem.

Charlene Forth, 939 W. DeSoto St., read a letter written by Chase Forth into the record. She expressed her concerns about the parking in the area.

Mr. Crawford stated that the daycare is not expanding or adding to the use. He stated that they are only asking to move the use to a new location that has off-street drop off and pick up. He stated that the street parking is for public parking.

Nancy Allison, Magic Moments, stated that they can't have events that include parents due to no parking. She stated that the traffic and parking are already there.

Ms. Forth stated that there are only 5 or 6 parking spaces behind the building for employees and there will be no room for parents to park.

Mr. Crawford stated that there are 6 parking spaces that will be used for the employees. He stated that the drop off will be done at the existing Magic Moments School located behind this new location.

Chairman Jones asked for clarification of future buildings in the CDB district.

Mr. Henschel stated that buildings in the CDB district are allowed zero lot lines.

Commissioner Proli stated that there are parking issues in the area. She stated that she has asked that the City build a parking garage on the empty lot.

Commissioner Solis stated that he is not for this application.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2016**

Page 3

Commissioner Smith asked if the building was replaced, would parking be required.

Mr. Henschel stated that it would have to include the required parking per code.

Commissioner Martin asked about the condition pertaining to parking in the conditional use permit. He asked who decides if the parking is adequate or not adequate.

Attorney Mantzaris stated that the City Council would decide if the parking is adequate.

Commission Hubbard asked how many parking spaces the VFW has on site.

Mr. Henschel stated that the VFW has no parking on site.

Commissioner Hubbard moved to recommend approval of the conditional use permit to limit hours of operation and a maximum of 45 kids; seconded by Commissioner Smith. The vote was 4-2 to recommend approval, with Commissioners Proli and Solis opposing.

2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a church in the C-2 General Commercial zoning district.

PROJECT: Redemption Worship Center

Senior Planner Kruse presented the staff report as follows:

The applicant is requesting a conditional use permit (CUP) to establish a church in the C-2 General Commercial zoning district. Under Section 122-224 (12) of the land development code, churches are an allowable use in the C-2 district with a CUP. The location is in the existing Emerald Lakes Shopping Plaza. The church proposes to occupy Unit A within the plaza. The unit is approximately 3,280 square feet, including an office, storage room and restrooms. This unit was previously approved for a church facility under Resolution 1560, which expired in 2011.

The Redemption Worship Center currently has a congregation of approximately 30 and plans to have meetings on Wednesday evenings and Sundays. Since the church is in an established plaza and the hours of operation do not occur at peak business hours for a majority of the other tenants, parking does not seem to be a main concern. In addition, half of the businesses are closed on Sundays. However, if parking does become an issue, the applicant understands and agrees that the City may require additional parking or rescind the CUP.

Staff has reviewed the 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

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2016**

Page 4

recommends approval of the request for a church in the C-2 zoning district with the conditions contained in Resolution 2016-20.

Commissioner Hubbard stated that he had a conflict with this item.

Attorney Mantzaris agreed and stated that Mr. Hubbard would need to fill out the conflict form.

Yvette and Pastor Reuben stated that they are requesting a church at this location.

Chairman Jones asked if there was already a church there.

Pastor Reuben stated that there has been a church at this location. He stated that this is a non-denominational church.

Commissioner Proli moved to recommend approval of the conditional use permit; seconded by Commissioner Solis. The vote was unanimous to recommend approval. Commissioner Hubbard did not vote on this application.

3. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a school facility in the M-1 Industrial zoning district.

PROJECT: Pinecrest Lakes Academy

Planning Manager Henschel presented the staff report as follows:

The applicant is requesting to allow a private school facility within the M-1 Industrial zoning district. School facilities are designated as requiring a conditional use permit (CUP) within the M-1 zoning district.

The applicant is proposing to utilize 1,600 square feet (Suite 103) of retail/office space available at 205 Hatteras Ave. This building was constructed as a 7,000-square-foot retail/office building within the M-1 Industrial zoning district.

The school program is part of a recently approved charter issued to Pinecrest Academy Inc. by Lake County Schools. The proposed location will allow for 18 to 20 students and a staff of four. School hours are proposed as Monday through Friday, 8 a.m. to 4 p.m.

Staff recommends approval of the CUP.

Tiffany Ward stated that she is the administrator of the school. She stated that this will be a Charter School for K-8th grade.

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

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2016**

Page 5

4. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

REQUEST: To change the future land use from Lake County Regional Office to Industrial
PROJECT: Citrus Tower Blvd. Self-storage

Senior Planner Kruse presented the staff report as follows:

The applicant, Jan-Mar, LLC, is requesting a small-scale comprehensive plan amendment for the subject property. The property is approximately five acres in size. This request is being heard concurrently with requests for annexation, rezoning and a conditional use permit. The applicant wishes to redevelop the property and have city services available.

The small-scale comprehensive plan amendment would change the future land use from Lake County's Regional Office to the City's Industrial designation. While the applicant and staff initially looked at the Commercial future land use designation for the parcel, due to limitations in the floor area ratio of 0.25 and the end use of a self-storage facility being greater than this, this would have been inconsistent with the comprehensive plan for Commercial. The Industrial future land use allows up to a 1.0 floor area ratio and is consistent with the existing adjacent future land use to the north and partially to the west. The High Density Residential to the southwest and south is also a consistent use with the Industrial future land use.

Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Lake County Regional Office to Industrial in the City.

5. REQUEST FOR REZONING

REQUEST: To change the zoning from UE Urban Estate to C-2 General Commercial
PROJECT: Citrus Tower Blvd. Self-storage

Senior Planner Kruse presented the staff report as follows:

The applicant, Jan-Mar, LLC, is requesting a rezoning of the subject property. This request is being heard concurrently with requests for annexation, small-scale comprehensive plan amendment, and a conditional use permit. Upon annexation, the zoning would default to Urban Estate. The applicant is requesting a change to C-2 General Commercial in order to redevelop the property as a self-storage facility. Under Section 122-224, self-storage facilities are a conditional use in the C-2 district. The property historically has been used for industrial uses, such as a truss manufacturing plant, and was zoned Planned Industrial in Lake County. Because the applicant's intention is to use the property for commercial instead of industrial uses, the requested zoning is C-2.

The Industrial future land use allows general commercial activities, as stated in Policy 1.10.2 of the comprehensive plan. The applicant has applied for a conditional use permit for the self-

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2016**

Page 6

storage facility since it is a conditional use under the C-2 district and will have one building with more than 20,000 square feet of floor space.

Staff has reviewed the applicant's proposal and concurs that general commercial at this location is consistent with the uses in the area, such as Family Dollar across the street and other commercial uses along Citrus Tower Boulevard in the vicinity. Therefore, staff recommends approval of the rezoning to C-2 General Commercial.

6. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a self-storage facility occupying more than 20,000 square feet of floor space

PROJECT: Citrus Tower Blvd. Self-storage

Senior Planner Kruse presented the staff report as follows:

This request is being considered concurrently with requests for annexation, rezoning and a comprehensive plan amendment.

The applicant, Jan-Mar, LLC, is requesting a conditional use permit (CUP) for a self-storage facility with more than 20,000 square feet of floor space. Section 122-224 of the land development code (LDC) requires a CUP for residential storage facilities. The applicant is proposing to redevelop the site to include seven buildings, ranging in size from 3,900 square feet up to 24,750 square feet. The overall square footage is 90,900. The lot size is a little over five acres. The floor area ratio, based upon the conceptual plan, is approximately 42 percent (or FAR of 0.42).

The site will be developed to the LDC and will meet the architectural standards. The applicant has indicated that the site will be gated and secured. Fencing along or adjacent to roadways shall be ornamental metal or decorative vinyl/pvc. No outside storage will be allowed. Interior lighting to the site will be available, but will be constructed to stay within the site. The site shall be developed in substantial accordance with the conceptual plan prepared by Rabco Corporation, dated May 10, 2016.

Staff has reviewed the 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 request for a self-storage facility over 20,000 square feet in the C-2 zoning district with the conditions contained in Resolution 2016-23.

Rick McCoy stated that he was present to answer any questions.

Commissioner Smith moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Commissioner Proli. The vote was unanimous to recommend approval.

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2016

Page 7

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

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

7. REQUEST FOR LAND DEVELOPMENT CODE CHANGE

REQUEST: To amend Chapter 110 Subdivisions, Section 110-263 Field Monumentation

PROJECT: Field Monumentation

Planning Manager Henschel presented the staff report as follows:

This administrative request is to update the Land Development Code (LDC) section pertaining to the setting of concrete markers to mark lots in subdivisions.

Under Section 110-263, Field Monumentation, a request has been made to allow developers to set metal rods instead of concrete markers to mark lots in subdivisions. The use of concrete markers is not only an added expense in material, but also increases the time to set the concrete markers for developers. This change is consistent with the standards in other municipalities.

Developers are required to comply with Chapter 177, Florida Statutes, that states the monument must be composed of a durable material, a minimum length of 18 inches, a minimum cross-section area of 0.2 square inches, identified with a durable marker or cap bearing registration number, and be detectable with conventional instruments for locating ferrous or magnetic objects.

Staff believes the added time and expense of the concrete markers are not justified, and therefore recommends approval of this LDC change.

Commissioner Proli moved to recommend approval of the land development code amendment; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

8. REQUEST FOR LAND DEVELOPMENT CODE CHANGE

REQUEST: To amend Chapter 122 Zoning, Section 122-223 Permitted Uses; Section 122-224 Conditional Uses

PROJECT: Auto Dealerships

Planning Manager Henschel presented the staff report as follows:

This administrative request is to update the Land Development Code (LDC) section pertaining to automotive dealerships.

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2016

Page 8

Currently, the General Commercial C-2 zoning Section 122-223 of the LDC allows for automobile and truck services, carwashes, and automobile, truck, boat and farm equipment sales as permitted uses within the zoning district. Permitted uses do not require City Council approval when developing a site. Staff is proposing to move these permitted uses to conditional uses within the code.

With the recent influx of automotive dealerships in the area, staff believes City Council review is appropriate and recommends approval of Ordinance 2016-27.

Commissioner Martin moved to recommend approval of the land development code amendment; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

Chairman Jones made a request for a workshop to discuss development on land with hills. He expressed concerns that Clermont's hills are being compromised. He stated that he wants research done on other communities with hills, their development regulations, and actual developments in a hilly area. Commissioner Proli made a motion for a workshop; seconded by Commissioner Solis. The vote was unanimous to have a workshop.

There being no further business, the meeting was adjourned at 7:54 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist