

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
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The meeting of the Planning and Zoning Commission was called to order Tuesday, November 1, 2016 at 6:30 p.m. by Vice-Chair Cuqui Whitehead. Other members present were Herb Smith, Judy Proli, and Tony Hubbard. 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 October 4, 2016 were approved as written.

REPORTS

Vice-Chair Whitehead mentioned the Citizens Academy that the City provides for residents to give them the opportunity to learn how the business of the City operates.

1. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

REQUEST: To change the future land use from Office to Residential//Office.

PROJECT: South Lake Medical Arts Center

Planning Manager Henschel presented the staff report as follows:

The owner, Belgian Capital Fund, LLC, is requesting a future land use change for 12.01 +/- acres from the Office Future Land Use category to the Residential/Office Future Land Use category. The owner is requesting this change to allow the development of residential units in the project. The project is known as the South Lake Medical Arts Center and is located at the southwest corner of Oakley Seaver Drive and Citrus Tower Blvd. It was originally approved for 116,000 square feet of professional office space, under Resolution 1485. The owner has decided that the demand for professional office space has been replaced with a demand for residential rental units in association with the professional needs of the hospital and the National Training Center (NTC), which is across the street. The owner is also seeking an amendment to Resolution 1485 to allow residential units up to 12 dwelling units per acre. The owner wishes to construct these units on the vacant building pads F & G, as shown on the conceptual plan.

Under Policy 1.8.1, residential uses are not allowed in the Office Future Land Use category. The Residential/Office Future Land Use category allows up to 12 units per acre and a 0.25 floor area ratio for office use. The total office use at this time is 50,245 square feet, or a FAR of 0.10. There are no additional building pads remaining other than the 2 proposed for the residential use. The change in traffic demand, based upon the 8th Edition of the International Traffic Engineers (ITE) Manual, is a reduction in daily trips from Office use to Residential use by over ½ the volume. The change to residential units may have an effect on the Lake County School System and a school capacity report will be required prior to site plan approval. The applicant has indicated that the majority of the units will be one bedroom units, thus lowering the probability

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of school aged children from the project. The project is being geared towards working medical professionals and individuals with a focus on training at the NTC.

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 January.

Staff has reviewed the applicant's request and believes that the residential/office future land use would provide opportunities for a residential component in the project that encourages walkability and reduce external vehicle trips with its proximity to the hospital and the NTC. The proposed project is also located along a public transit route and commercial uses are nearby. The residential/office provides residential uses in an urban setting, especially adjacent to the South Lake Hospital and the professional offices within the project. Therefore, staff recommends approval of the transmittal of the large scale comprehensive plan amendment to change the future land use from Office to Office/Residential.

Today, the site is mostly developed with professional offices with the exception of two 14,000 square foot building pads that were proposed to be three story buildings. The applicant does not foresee the development of these building pads to be professional offices since there appears to ample opportunities surrounding the hospital. The owner is requesting to convert the use to a multi-family development to serve the medical community.

In order to convert these pads to multifamily, the code requires a Conditional Use Permit for any multifamily development with more than 12 units. In this case, the applicant is proposing 144 multifamily units. The majority of the units will be one bedroom units (54 units), followed by studio units. There are also 12 two bedroom units proposed.

Since city staff would consider this an amendment to the existing resolution #1485, staff would propose the reduction of the two building pads from the overall permitted 116,000 square feet of office space. The new total office space allotted would be 50,245 square feet along with the 144 multi-family units.

Jimmy Crawford, 1201 W. Highway 50, stated that he is representing the owners, Belgian Capital Fund, LLC. He stated that this project started prior to the real estate crash and has not been completed since. He stated that the two 60,000 square feet anchor buildings that were proposed are still not there and they were supposed to provide 50% of the association fees. He stated that the parking garage has been a target of graffiti and other code enforcement issues. He stated that the owners have tried to build the medical offices without success. He stated that the developer is now proposing to build an urban concept with interior hallways with key fobs, rather than a walk up apartment. He stated that they are mostly one bedroom studios designs for young professionals.

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John DiGiovanni, Inland Atlantic Development, 50 Biscayne Dr. Atlanta GA, stated that they are proposing to build a multi-level condo style multi-family building. He stated that they have built one in Lake Mary, FL recently. He stated that there is employment base in the area to allow walkability to and from work. He stated that the parking will be blocked and secured. He presented a drawing of an existing project they recently finished. He stated that this project will benefit the current doctors who already own buildings on this property as well as the City of Clermont.

Anthony Saranita, 12907 Tiger Lilly Ct., stated that his concerns are that owners bought into a medical art center not into a hybrid community. He stated that they worry about the progress of any building that is put in there. He stated that the short-falls did not come from the owners in the community, the property manager did not pay the contractors that provided the services for lawn maintenance, utilities, and other necessities. He stated that everything has been cared for since the management company no longer exists. He stated that the reason why the property owner can't sell the buildings that are currently proposed is because doctors don't need that large of an area.

Julio Paez, 845 Oakley Seaver Dr., stated that he is an owner in South Lake Medical Art Center. He stated that the new owners changed the by-laws. He stated that one owner was allowed to participate in the community meetings. He stated that they have not been invited to sit in the association meetings. He stated that the developers are the ones who have not paid the bills, not the doctors. He stated that they were notified two weeks ago about the changes that were being proposed. He stated that this is a medical area, not a residential area.

Christopher Johnson, 855 Oakley Seaver Dr., stated that he is against the project.

Amit Aggarwal, Lot L, 865 Oakley Seaver Dr., stated that this is one of the most desired area for most doctors. He stated that it has always been overpriced. He stated that doctors don't have the money to purchase 60,000 square foot buildings. He stated that he purchased in this community because he wants his office in a medical center. He stated that he is against this project.

Vipin Mendiratta, 861 Oakley Seaver Dr., stated that he is also a recent addition to South Lake Medical Center and he also purchased there to be a part of a medical community, not a mixed use community. He stated that he is also against this project.

Sanjeev Bhatta, 835 Oakley Seaver Dr., stated that he was the first one to purchase in the South Lake Medical Center. He stated that the medical center is functioning well. He stated that if you have a community that is functioning and now they want to make changes, he has issues with that.

Aashiv Hari, 825 Oakley Seaver Dr., stated that he is against this project. He stated he has letters from other doctors who are also against this project.

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Charla Hurst, 871 Oakley Seaver Dr., stated that they agree with all the other comments and are against this project.

Mr. Crawford stated that turn-over of the community will happen as soon as the buildings will be sold. He stated that the project is half built out which is why they have financial issues. He stated that they have approached the hospital and John Moore about two months ago about purchasing the property and they declined. He stated that he disagrees that the mixed use will not work. He stated that this developer has done hundreds of projects like this and they feel it will be a benefit to the medical center.

Commissioner Smith stated that he does not see any issues with the plan.

Commissioner Proli stated that the lack of medical facilities is a concern of hers. She stated that the project should be kept as a medical center. She stated that Clermont desperately need medical facilities and there are plenty of other multi-family units in Clermont.

Commissioner Hubbard stated that he has clients looking for medical pads and does not believe there is a lack of need.

Mr. Crawford stated that the pads are large. He stated that there is a pad that is smaller that has been for sale for 10 years. He stated that these buildings have been sitting empty since 2004.

Commissioner Proli moved to recommend denial of the comprehensive plan amendment; Commissioner Hubbard seconded. The vote was 3-1 to recommend denial of the comprehensive plan amendment, with Commissioner Smith opposing.

2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To amend Resolution 1485 to allow for multi-family use.

PROJECT: South Lake Medical Arts Center

Commissioner Proli moved to recommend denial of the conditional use permit; Commissioner Hubbard seconded. The vote was 3-1 to recommend denial of the conditional use permit, with Commissioner Smith opposing.

3. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

REQUEST: To change the future land use from Lake County Urban Low to City of Clermont Industrial.

PROJECT: Huber Self-Storage

Senior Planner Kruse presented the staff report as follows:

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The applicant, The Huber Group, LLC, is requesting a small scale comprehensive plan amendment for the subject property. The property is approximately 6.89 +/- acres in size. This request is being heard concurrently with requests for annexation, rezoning, variance, and a conditional use permit. The applicant wishes to develop the property and have City services available.

The small scale comprehensive plan amendment would change the Future Land Use from Lake County's Urban Low to the City's Industrial designation. The applicant and staff looked at the Commercial future land use designation for the parcel since the end use of the site would be a self-storage facility and a commercial outparcel. The proposed FAR for the project is 0.36. However, due to limitations in the floor area ratio of 0.25 for the Commercial future land use, this choice would have been inconsistent with the comprehensive plan for Commercial. Therefore, the Industrial future land use was chosen since it allows up to a 1.0 floor area ratio. While the Industrial Future Land Use category may permit more intense land uses, the property will have a conditional use permit limiting the uses and intensity along with C-2 General Commercial uses. The property fronts on a major arterial roadway, thus encouraging commercial use.

The Industrial future land use has been previously used for self-storage facilities and it also allows commercial uses. Staff recommends approval of the small scale comprehensive plan amendment to change the future land use from Lake County Urban Low to Industrial in the City.

Upon annexation, the zoning would default to Urban Estate. The applicant is requesting a change to C-2 General Commercial in order to develop the property as a self-storage facility with a commercial outparcel. Under Section 122-224, self-storage facilities are a conditional use in the C-2 district. The applicant's intention of using the property for commercial uses prevail over industrial type uses. Therefore, the applicant has requested the C-2 zoning designation.

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-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, with a final square footage slightly over 100,000 square feet.

Staff has reviewed the applicant's proposal and believes general commercial uses at this location with the proposed self-storage facility is compatible with the uses in the area. The self-storage facility has a very low trip generation rate for traffic and would produce approximately 253 daily trips. This use would buffer the commercial outparcel from the existing single family residential. Several other areas in the City have the self-storage use between the C-2 general commercial uses and the residential uses with very little conflicts. Staff recommends approval of the rezoning to C-2 General Commercial.

The applicant is requesting a conditional use permit for a self-storage facility with more than 20,000 square feet of floor space. Section 122-223 requires a conditional use permit for any

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building structure that occupies more than 20,000 square feet and section 122-224 requires residential storage facilities to obtain a Conditional Use Permit. The applicant is proposing to develop the site into a self-storage facility with a commercial outparcel. The applicant is proposing one building for the self-storage facility. The facility will be 2 story with a small office. The total square footage for this use will be 101,500 square feet. The commercial outparcel intends to have a 6,000 square foot building that may be used for permitted C-2 uses. This may also include a restaurant and the applicant seems to have provided more parking than required for a retail commercial use. The overall square footage of the buildings on the entire project is 107,500. The lot size is approximately 6.89 acres. The floor area ratio, based upon the conceptual site plan, is approximately 35.8 percent (or FAR of 0.36).

The site will be developed to meet the City's Architectural Standards. The 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. 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 Traffic Engineering Data Solutions, Inc., dated 9/26/2016.

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 of a self-storage facility over 20,000 square feet in the C-2 zoning district with the conditions contained in Resolution 2016-45.

Jimmy Crawford, stated that it's a quiet use to for the residential area. He stated that the use is currently allowed in the County. He stated that they would rather bring it into the City for development.

Jim Fox, 21341 Marsh View Ct., stated that he feels this use will be a good fit for the area.

Annette Ciappi, 12313 Woodglen Circle, stated that she disagrees with the storage unit built nine feet from her fence. She stated that the noise and lighting will be an issue.

Commissioner Smith stated that it's already zoned commercial in the county and he sees no issues with this project.

Robert Kane, 12316 Woodglen Circle, stated that he is the vice-president of the homeowner's association. He stated that he would like for the applicant to have a meeting with the homeowner's association to provide some specifics about the project.

Commissioner Hubbard stated that he does not have any issues with the project.

Commissioner Proli stated that there are several storage facilities in the area and asked why he feels another storage facility is needed.

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Mr. Fox stated that there was a feasibility study done and it came back favorable for a project like this.

Commissioner Smith stated that it's already zoned commercial and if they leave the project in the county, they can build it.

Vice-Chair Whitehead stated that she tried to rent a storage unit and she could not find one. She stated that the county can allow this to be built. She stated that she is for this project.

Commissioner Hubbard moved to recommend approval of the comprehensive plan amendment; Commissioner Smith seconded. The vote was unanimous to recommend approval of the comprehensive plan amendment.

4. REQUEST FOR REZONING

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

PROJECT: Huber Self-Storage

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

5. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow for a self-storage facility that occupies more than 20,000 square feet in the C-2 General Commercial

PROJECT: Huber Self-Storage

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

6. REQUEST FOR REZONING

REQUEST: To amend the Planned Unit Development.

PROJECT: The Vue

Planning Manager Henschel presented the staff report as follows:

The applicant, AC-Fulcrum, is requesting an amendment to a Planned Unit Development rezoning that was originally granted in June of 2016. The original approval is for 10.5 acres of C-2 General Commercial all along Highway 50 and up to 342 multi-family units on the south

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side of the project fronting Hooks St. The applicant has discovered the originally approved waivers will not allow for their development to be constructed as proposed.

The 42 +/- acre property is located south of Highway 50, west of Miss Florida Avenue and north and south of Hooks Street.

The applicant already has waivers for 13-foot-tall retaining walls, but is now requesting a smaller buffer area between the walls. City code calls for a minimum 5-foot buffer area in between walls. This area is intended to allow shrubs and tree plantings to buffer the tall monolithic walls. The applicant is now requesting a 3-foot buffer area between walls.

The current approved ordinance allows for a cut and fill of up to 15 feet throughout the project. The applicant is now requesting up to a 40-foot fill, and up to a 30 foot cut in portions of the project area.

The applicant is also requesting taller monument signs than are allowed by code. Because of the existing DOT berm that runs parallel to Hwy. 50, the applicant does not feel the allowable 10-foot-tall signs will be effective for the businesses. The applicant is requesting these signs to be a maximum height of 15 feet.

For the final amendment, the applicant is asking to amend the language for allowable uses on site. Currently, the existing ordinance does not allow any automotive dealerships, and or any parts sales on site. The applicant would like to leave the dealerships as a prohibited use, but would like to allow parts sales and service only in the parcels adjacent to the Duke power easement. The applicant would also like to add veterinary use, self-storage use, and allow for an assisted living facility.

The existing PUD ordinance still remains in effect with the following waivers:

1. Maximum building height will be 55 feet, measured at the highest point for the multi-family portion.
2. Driveway access and parking for the C-2 General Commercial portion may be below the centerline of State Road 50 and will be subject to the approval of the City Engineer.
3. Retaining wall heights up to 13 feet in height are allowed to deal with the extreme grades on the site.
4. Parking space dimensions shall be allowed at a minimum 9 feet wide by 18 feet deep for 30% of parking requirements.
5. A reduced landscape buffer along Highway 50 is requested due to the presence of a large

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berm. The landscape buffer shall be a minimum of 10 feet in width and shall have the 30% more landscape required for Multi-family and C-2 uses.

6. Automotive dealerships and/or auto parts sales shall not be an allowed use within this Planned Unit Development without an amendment.
7. Required landscape buffering within the Duke Energy easement may be omitted with proper documentation from Duke Energy.

Staff acknowledges a portion of the project was identified in the “Strategic Economic Development Plan” (DEO grant funded study) citing topography as a challenge with over 100 feet of elevation change.

Staff cannot however support the proposed excessive topography changes, reduced landscape buffer between walls, taller monument signs height, and the added automotive uses as requested by the applicant.

Jonathon Moore, 2419 Albert Lee Pkwy., Winter Park, stated that due to the slope of the property, he would not be able to build anything.

Commissioner Smith stated that this is a challenging parcel to develop.

Commissioner Hubbard stated that you were aware of the issues before you purchased.

Vice-Chair Whitehead stated that she is not for the sign waiver.

Commissioner Proli asked if he has looked at doing something other than apartments because of the terrain.

Mr. Moore stated that even after they cut down on the hills, there will still be hills. He stated that they are wanting to keep the view that is already there.

Bob Ziegenfuss, Z Development Services, 708 E. Colonial Dr., Orlando, stated that they have taken a closer look at the property since the previous approval. He stated since then they have spoken to the City’s fire department and one of the main issues is getting the fire trucks in and out of the property with the slopes. He stated that they have to meet the ADA requirements.

Commissioner Proli asked if they would consider downsizing.

Mr. Moore stated that there would be no way to spread the cost. He stated that he is asking for a practical request so that the project does not fail.

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

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There being no further business, the meeting was adjourned at 8:22 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist