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PLANNING AND ZONING COMMISSION
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The meeting of the Planning & Zoning Commission was called to order Tuesday February 7, 2017 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carol Thayer, Herb Smith, Cuqui Whitehead, Tony Hubbard, and Jack Martin. Also in attendance were Shannon Schmidt, Economic Development Director, Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

Chairman Jones introduced and welcomed Commissioner Thayer to the Planning and Zoning Commission.

MINUTES of the Planning and Zoning Commission meeting held January 3, 2017 were approved as written.

REPORTS

Chairman Jones stated that Hungarian Rhapsody from the Florida Lakes Symphony Orchestra would be here February 23, 2017 at 7:30 pm at the First United Methodist Church.

Commissioner Whitehead thanked Chairman Jones and Ms. Schmidt for attending the local high schools program for Job Readiness. She stated that there were 550 students at East Ridge and Lake Minneola high schools and 400 students at South Lake High School.

1. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

REQUEST: To amend the Land Development Code by adding section 122-249 Density Bonus Criteria.

APPLICANT: Staff

Development Services Director Hollerand presented the staff report as follows:

At its Dec. 13, 2016 meeting, the Council approved the transmittal of Ordinance 2016-40, a proposed amendment to the future land use element of the comprehensive plan that would increase the maximum allowed density in the Downtown Mixed Use district from 12 units per acre to up to 25 units per acre. This proposed amendment also provided for a bonus density up to a maximum of 40 units per acre through a Community Benefit Agreement that would be detailed in the land development code (LDC).

At the December hearing, the Council directed staff to prepare density bonus criteria for consideration at the Feb. 28, 2017 meeting along with the final adoption of Ordinance 2016-40, the related comprehensive plan amendment.

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Several criteria for receiving bonus density consideration were discussed at the December hearing, including fee simple ownership and quality building materials. These criteria, as well as others that address pedestrian improvements, trail connections and urban design/architecture, are proposed as mandatory requirements to be met when considering any densities exceeding the currently allowed 12 units per acre.

Eight additional criteria are outlined in the proposed new code Section 122-249 Density Bonus Criteria that would provide a basis for consideration of additional density up to the maximum 40 units per acre. These criteria are streetscape elements, transit facilities, parking structures, public parking, environmental sustainability, public open space, public art/cultural facilities and enhanced landscaping.

The LDC language also outlines a compatibility review process for projects proposing to use the bonus that would assess whether the projects have the potential to negatively impact adjacent properties abutting the CBD.

Finally, Section 122-249 describes the Community Benefit Agreement (CBA) that would be required for final Council approval. The CBA is also referenced in the future land use element amendment.

The City's consultant, Richard Levey, Levey Consulting, LLC, stated that this ordinance was constructed based on comments from the Planning and Zoning Commission and from the testimony from the public. He stated that they met with developers and builders of higher density housing to make sure the criteria being proposed is appropriate for the industry standards.

Mark Graff, 1944 Brantley Circle, stated that this should have been done sooner. He stated that he is in full support of the Density Bonus Criteria.

Commissioner Martin asked about criteria 7 and if the fund has been established.

Ms. Hollerand stated the fund has not been created at this time.

Commissioner Whitehead stated that she agrees with the limitations with the Density Bonus Criteria.

Commissioner Smith asked about rentals in the area.

Mr. Levey stated that they did not evaluate every parcel. He stated that it would be up to the developer to make a decision if it's market appropriate for that parcel.

Chairman Jones stated that this is long overdue. He asked about criteria 2 and providing a building that meets the National Building Code.

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Mr. Mantzaris stated that the developer could still build, however they would be restricted to 12 units or less. He stated if they wanted over 12 units, they would need to adhere to the criteria.

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

2. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

REQUEST: To change the future land use from Medium Density Residential to Downtown Mixed Use

APPLICANT: Staff

3. REQUEST FOR REZONING

REQUEST: To change the zoning from R-3 Residential/Professional to Central Business District

APPLICANT: Staff

Senior Planner Kruse presented the staff report as follows:

The City is requesting a small-scale comprehensive plan amendment for City property located south of W. Minneola Avenue known as West Lake. The property is approximately one acre in size. The City is in the process of developing the property into Victory Pointe, the regional stormwater pond and park.

The small-scale comprehensive plan amendment would change the future land use from Medium Density Residential to the Downtown Mixed Use designation. The Downtown Mixed Use designation adjoins this property on three sides. Since this property is a part of the Victory Pointe project that will serve the downtown area, it is a logical extension of downtown. In addition, the change would promote the expansion of the Downtown Mixed Use future land use in the area.

The City is requesting a change from the R-3 Residential/Professional District to CBD Central Business District. The property is approximately one acre in size, and the City is in the process of developing the property into Victory Pointe, the regional stormwater pond and park. The Central Business District adjoins this property on three sides. The Victory Pointe project would be permitted under Section 122-243 (5) of the land development code. The rezoning also promote the expansion of the Central Business District in the area.

Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Medium Density Residential to Downtown Mixed Use and approval of the rezoning to CBD Central Business District.

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

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

4. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

REQUEST: To change the future land use from Medium Density Residential to Downtown Mixed Use

APPLICANT: Paul Gaynor

5. REQUEST FOR REZONING

REQUEST: To change the zoning from R-3 Residential/Professional to Central Business District

APPLICANT: Paul Gaynor

Senior Planner Kruse presented the staff report as follows:

The applicant, Paul Gaynor, is requesting a small-scale comprehensive plan amendment to develop the subject property, located south of West Lake and north of 10th Street. The property is currently vacant and is approximately a half acre in size.

The small-scale comprehensive plan amendment would change the future land use from Medium Density Residential to the Downtown Mixed Use designation. This property adjoins the City's West Lake property and would be a continuation of the Downtown Mixed Use district. This property will be adjacent to Victory Pointe, the City's regional stormwater pond and park.

They are also requesting a change from the R-3 Residential/Professional District to CBD Central Business District.

The requested rezoning will promote the expansion of the Central Business District in the area. Although the Downtown Mixed Use future land use district currently allows for a maximum density of 12 units per acre, the Council approved transmittal of a comprehensive plan amendment in December 2016 that would increase the base density in the Downtown Mixed Use future land use district to a maximum of 25 units per acre and allow for a density bonus up to 40 units per acre if specific development criteria was met. The adoption of that proposed future land use change will be considered at the Feb. 28, 2017 Council meeting.

The applicant has indicated that they would like to construct single-family condominiums at a density of up to 10 units, which is approximately 25 units per acre.

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Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Medium Density Residential to Downtown Mixed Use and approval of the rezoning to CBD Central Business District.

Mark Graff, 1944 Brantley Circle, stated that he is looking to be the first project to make use of the Density Bonus Criteria.

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

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

6. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

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

APPLICANT: Anderson Hill Commercial/AVID Group

7. REQUEST FOR REZONING

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

APPLICANT: Anderson Hill Commercial/AVID Group

8. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow for a structure more than 20,000 square feet in the C-2 General Commercial zoning district.

APPLICANT: Anderson Hill Commercial/AVID Group

Senior Planner Kruse presented the staff report as follows:

The applicant, Avid Group, is requesting a small-scale comprehensive plan amendment for the subject property. This request is being heard concurrently with requests for annexation, rezoning 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 Commercial designation. The property's physical characteristics and its U.S. Highway 27 frontage support the Commercial designation. The property is adjacent to a major arterial roadway and has existing commercial uses to the north and across U.S. Highway 27 to the east.

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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 9.5-acre property as a multi-tenant retail/commercial shopping center. Under Section 122-223 of the land development code, retail businesses and shopping centers are a permitted use in the C-2 General Commercial district.

Staff believes commercial uses at this location are compatible with the uses in the area. The single-family residential to the west is approximately 15 feet higher than the proposed development and will be buffered by the landscaping on top of the retaining walls. The stormwater pond will also be located in the western portion of the site. The property along U.S. Highway 27 is currently zoned Planned Commercial in Lake County, and the City's C-2 General Commercial is very similar to this use.

The applicant also has applied for a conditional use permit, since one of the buildings will occupy more than 20,000 square feet of floor space. The overall development will have up to 58,000 square feet of C-2 General Commercial use, of which approximately 3,500 square feet will be for outdoor patio use. Section 122-223 (b) of the land development code requires a conditional use permit for any building structure that occupies more than 20,000 square feet. The applicant is proposing one building with 20,400 square feet. The other proposed buildings will be under the 20,000-square-foot threshold.

The site will be developed to meet the City's architectural standards and will be in substantial accordance with the preliminary site plan prepared by Avid Group, revision date January 27, 2017.

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 building with more than 20,000 square feet in the C-2 zoning district with the conditions contained in Resolution 2017-04. Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Lake County Urban Low to Commercial and approval of the rezoning to C-2 General Commercial.

Peter Pensa, Avid Group, stated that the idea is to create a pedestrian-oriented location for various shops and services. He stated they anticipate five restaurants on the parcel including a drive-thru.

Carol Colvin, 12815 Katherine Circle, stated that she lives directly behind this project. She stated that she is concerned that the property is being rezoned from Urban Low to Commercial. She stated that there would be noise issues. She stated that there is no way to prevent people from gaining access to their neighborhood from the shopping center. She stated that the access from Anderson Hill Road would greatly impact their neighbor. She stated that there is already plenty of vacant retail space in Clermont. She stated that she disagrees with the annexation and rezoning request.

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Rose Farrell, 13215 Maria Ave., stated that she is opposed to the C-2 General Commercial zoning. She is concerned with the increased traffic.

Jennifer Cotch, 12522 Valencia Dr., stated that her main concern is the traffic. She stated she is asking that the access to Anderson Hill Road be removed from the development. She stated that she would like to see the landscape buffer expanded. She stated that she wants the lighting and hours of operation for the commercial site regulated, and she does not want the drive-thru approved.

Hector Serrano, 13106 Tamarack Blvd., stated that he is the president of the HOA. He stated that they already have issues with lighting, noise and people crossing through their yards.

Commissioner Whitehead asked about the lighting.

Mr. Kruse stated there is standard language in the code that restricts lighting to the site only. He stated that when developers come in for site review, they are required to submit a photometric plan.

Commissioner Martin asked about the height of the light pole.

Mr. Kruse stated he believes the height limit is 12 to 15 feet.

Commissioner Whitehead stated that she is concerned about the landscape buffer and people having access to the residents' properties.

Mr. Kruse stated that at this time the developer meets code.

Mr. Mantzaris stated that the Commission could request a condition for additional buffering.

Commissioner Smith asked if commercial would be allowed if the property stayed in the County.

Mr. Kruse stated that the parcels are Lake County Urban Low, which is the same as Kohl's zoning.

Commissioner Smith stated that he suggests closing the access to and from Anderson Hill Road.

Mr. Kruse stated that the access would be determined by Lake County.

Mr. Pensa stated that FDOT would not allow two entrances from U.S. Highway 27 because it does not meet the spacing requirements. He stated that they would be providing sidewalks along Anderson Hill Road in front of the development out to U.S. Highway 27.

Commissioner Martin asked about the retaining walls.

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Mr. Pensa stated that the retaining wall will be a six-foot wall along Anderson Hill Road and would be about three feet tall closer to U.S. Highway 27. He stated that on the rear and western side of the property there will be a double retaining wall.

Commissioner Hubbard asked about acquiring access from Gerber Collision since they already have an entrance on U.S. Highway 27.

Mr. Pensa stated that if each building was developed independently, then FDOT would have to allow access if you could not obtain access from your neighbor.

Chairman Jones stated that his concerns is the loading zone for Commercial F.

Mr. Pensa stated that the loading zone is next to Commercial E. He stated that the idea is that the user for Commercial F will not receive deliveries.

Carole Campbell, 13112 Tamarack Blvd., stated that she lives directly across the road from the proposed development. She stated that she can hear the noises from Walmart and Harley Davidson.

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

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

Commissioner Hubbard moved to recommend approval of the conditional use permit with the elimination of the access to Anderson Hill Road; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

9. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

REQUEST: To change the future land use from Lake County Regional Commercial to City of Clermont Commercial

APPLICANT: Tommy's of Clermont/Matt Borisch

10. REQUEST FOR REZONING

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

APPLICANT: Tommy's of Clermont/Matt Borisch

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11. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow for a retail boat dealership and service center with up to 28,000 square feet of building space in the C-2 General Commercial zoning district.

APPLICANT: Tommy's of Clermont/Matt Borisch

Senior Planner Kruse presented the staff report as follows:

The applicant, MKB Florida Holdings, LLC, is requesting a small-scale comprehensive plan amendment for the subject property. The vacant property is approximately 9.8 +/- acres in size. This request is being heard concurrently with requests for annexation, rezoning 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 Regional Commercial to the City's Commercial designation. The Commercial designation is supported by the physical characteristics of the site and its location adjacent to S.R. 50. The property fronts a major arterial roadway and has existing commercial uses to the north and industrial uses to the west. The City's Commercial designation is very similar to Lake County's Regional Commercial future land use category.

Upon annexation, the zoning would default to Urban Estate. The applicant is requesting a change to C-2 General Commercial under Section 122-224 of the land development code. A retail boat dealership and service center are a conditional use in the C-2 General Commercial district.

Staff has reviewed the applicant's proposal and believes commercial uses at this location are compatible with the uses in the area. The property fronts S.R. 50 and has industrial uses to the west and multi-family uses to the east. The adjacent multi-family project has its stormwater system adjacent to this parcel, and the buildings are more than 100 feet from the property line. In addition, the subject property is currently zoned Planned Commercial in Lake County, and the City's C-2 General Commercial is very similar to this use.

The applicant is requesting a conditional use permit for a retail boat dealership and service center with up to 28,000 square feet of building space in the C-2 General Commercial district. The site will be developed to meet the City's architectural standards and land development code. The site shall be developed in substantial accordance with the conceptual master site plan prepared by McCoy & Associates, dated December 2016.

Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to Commercial in the City and approval of the rezoning to C-2 General Commercial.

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

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recommends approval of the request for a retail boat dealership and service center with up to 28,000 square feet of building space in the C-2 zoning district with the conditions contained in Resolution 2017-05.

Attorney Jimmy Crawford stated that he is representing Tommy's of Clermont.

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

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

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

12. REQUEST FOR REZONING

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

APPLICANT: The Shoppes at WaterBrooke/Paul "J.J." Johnson, Jr.

Senior Planner Kruse presented the staff report as follows:

The applicant, UP Fieldgate US Investments – Clermont Hills, LLC, is requesting a rezoning for the subject property that consists of 18.38 acres. The property is south of SR 50 at the intersection of Emil Jahna Road and SR 50. The property has over 1,500 lineal feet of frontage on SR 50. The subject property consists of the existing FDOT stormwater pond and a portion of the applicant's property. If the zoning is approved, the applicant will relocate the existing stormwater pond to the rear of the property. FDOT is aware of the applicant's proposal and has not objected. The applicant is requesting the northern portion of their site along with FDOT's parcel to be rezoned to Planned Unit Development (PUD) for a commercial shopping center consisting of retail and restaurant uses. The proposed uses would be limited to the uses permitted under the C-2 General Commercial zoning.

The applicant is proposing a total building area of 107,000 square feet for the project. The submitted plot plan, as prepared by Thomas L. Knight, P.E. dated 12/31/2016, has several buildings that are greater than 20,000 square feet. The plan has a 42,000 sf building (Retail B), 35,000 sf building (Retail A), 25,000 sf building (Retail C-1/C-2), and a 5,000 sf building (Retail D). Not included in this total is the development that may occur on the 2.58 +/- acre future parcel indicated on the plot plan. The required number of parking spaces have been indicated on plan.

The applicant has identified six waivers to the land development code in order to develop the site. The waivers to be considered are: (1) a reduction in the required number of dumpster pads

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from 15 to 7, (2) a reduction in the required number of loading zones from 11 to 6, (3) increase in the maximum number of parking spaces without a landscape break from 10 to 11, (4) maximum grade change from 15 feet to 30 feet, primary due to the filling of the existing FDOT pond and relocation, (5) elimination of the 10 foot interior landscaping buffer between abutting property boundaries, and (6) allowing buildings to occupy more than 20,000 square feet of floor space, up to a maximum building floor space of 42,000 square feet.

Staff understands that the very nature of the PUD zoning allows waivers to the LDC for flexible development purposes. Staff has reviewed the waivers and agrees that a majority of the waivers presented have been granted in the past with previous developments. However, staff believes landscaping between the interior property boundaries should be done, such as sharing a buffer between properties or a clustering of the landscaping within the lot.

Staff has reviewed the applicant's request for a rezoning from Urban Estate to PUD zoning. The future land use is Commercial and the applicant's proposal reflects uses appropriate in this future land use. Staff believes the proposal meets the standards in regards to Section 122-315, Review Criteria for a PUD. Therefore, staff recommends approval of Ordinance 2017-21 for a PUD.

JJ Johnson representing UP Development stated that he was present to answer any questions.

Commissioner Thayer stated that the landscape needs to be included rather than eliminated.

Commissioner Whitehead stated that she does not agree with all the waivers included in the planned unit development.

Commissioner Whitehead moved to recommend approval of the rezoning with removing the landscape waiver; seconded by Commissioner Thayer. The vote was unanimous to recommend approval.

There being no further business, the meeting was adjourned at 8:27 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist