

**Minneola Planning & Zoning Commission
Minutes**

**January 9, 2023 at 6:30 PM
Minneola City Hall**

The City of Minneola Planning & Zoning Commission was called to order by Chairman Paul Giacalone. Also present were Commissioner Leonard Jackson, Commissioner William McCoy, Alternate Commissioner Nathan Focht, Councilor Debbie Flinn (Council Liaison), Mark Johnson (City Manager), Scott Gerken (City Attorney), Tim McClendon (City Planner), and Corey DeVogel (Planning Technician).

Vice-Chairman Jeff Henderson was initially not present.

Commissioner Oscar Trujillo was absent.

CALL TO ORDER

Chairman Paul Giacalone called the meeting to order.

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

A moment of silence was observed, and the Pledge of Allegiance was led by **Commissioner William McCoy**.

Chairman Giacalone asked Scott Gerken about the Sunshine State Law regarding discussing agenda items outside of Planning & Zoning Commission Meetings.

Scott Gerken reiterated that P&Z members are allowed to speak to each other outside of P&Z meetings about personal or non-city items or about city items that won't come before them for consideration. However, they are strictly prohibited from speaking about any items that foreseeably may come before their P&Z Commission for action. He also cautioned them about public perception (if they are speaking together outside of a meeting....even if it's allowable) and encouraged them to use discretion. He also reminded them about "quasi-judicial" procedures, which requires them to disclose at a subsequent meeting if they speak to the applicant or another person about a quasi-judicial matter outside of the meeting.

Chairman Giacalone reiterated that it is the Commission's duty is to go by facts and not by feelings.

Scott Gerken replied that it may not be a development that they love, but it is their duty to approve it if it meets code. They are making a recommendation to council, but they review it as council would as well.

MOTION by Commissioner McCoy, SECONDED by Commissioner Jackson to excuse Commissioner Trujillo from the January 9, 2023 Planning & Zoning Commission Meeting.

AYE: McCoy, Giacalone, Jackson, Focht

NAY:

MOTION PASSED: 4-0

AGENDA REVIEW

No Comments.

MOTION by Commissioner McCoy, SECONDED by Commissioner Jackson to approve the January 9th, 2022 Planning & Zoning Commission Agenda.

AYE: McCoy, Giacalone, Jackson, Focht

NAY: None

MOTION PASSED: 4-0

MINUTES

No comments.

MOTION by Commissioner McCoy, SECONDED by Commissioner Jackson to approve the December 5th, 2022 Planning & Zoning Commission Minutes.

AYE: McCoy, Giacalone, Jackson, Focht

NAY: None

MOTION PASSED: 4-0

PUBLIC COMMENTS

Chairman Giacalone called for public comment.

Monica Luna requested the backyard chicken code be discussed at the next commission meeting.

Alternate Commissioner Focht inquired about the process of getting an item onto the agenda.

MOTION by Alternate Commissioner Focht, SECONDED by Commissioner McCoy to bring backyard chicken discussion to the next P&Z Commission Meeting.

AYE: McCoy, Giacalone, Jackson, Focht

NAY: None

93
94 **MOTION PASSED: 4-0**
95

96 **DISCUSSION ITEMS**
97

98 **Scott Gerken** swore in all that were going to speak on the planning & zoning commission meeting
99 items.
100

101 **Item 1: Resolution 2021-20 CUP Carwash and Site Design Variances**
102

103 **Tim McClendon** provided a briefing on the item, stating that the item had requests made for it in
104 order to be better received by the Commission in September, 2022. The revisions had been
105 received in late November and staff could not recommend approval due to the number of variances
106 that would be needed along with the building not meeting the architectural standards.
107

108 **Vice-Chairman Jeff Henderson** arrived.
109

110 **Vivien Monaco**, applicant's attorney from Watson Sloane, PLLC, approached the podium to
111 provide a response to staff's comments and answer any questions regarding Item 1.
112

113 **Alternate Commissioner Focht** expressed a positive view of the north-south alignment, helping
114 solve community issues around noise, and the westward location towards Highway 27, getting the
115 noise away from nearby residents. He stated that he did not like the note that the billboard was on
116 the plans. He noted that the architectural design appeared more industrial. He inquired about the
117 number of pre-wash spots.
118

119 **Greg Crawford**, applicant's project engineer, stated that the billboard is under control of the
120 property owner, and it was worked out between the property owner and the City as to how the
121 location would be handled. Regarding the pre-wash spots, they would be preliminary spots that
122 drivers would use for deeper vehicle detailing.
123

124 **Alternate Commissioner Focht** inquired about the draining of biodegradable soaps getting into
125 the retention area and its impact.
126

127 **Greg Crawford** confirmed that it would be with biodegradable soaps.
128

129 A discussion regarding parking spots and road facings followed.
130

131 **Vivien Monaco** confirmed that the applicant would be willing to reduce the number of parking
132 spots.
133

134 **Alternate Commissioner Focht** inquired about the matching of architectural design with
135 neighboring businesses.
136

137 **Tim McClendon** replied that the architectural design matching is to be similar to that of a domino
138 effect, somewhat matching the building next to it and that the building next that. There is to be
139 some conformity, but buildings are not required to match exactly.

140
141 **Alternate Commissioner Focht** stated that the grade is up compared to Highway 27 and asked
142 what the grading is intended to be, expressing concerns with people firing water off onto the
143 highway.

144 **Greg Crawford** replied that the intention is to drop the grade down to prevent flowing into
145 Highway 27. He also stated it would only be brushes on the side that faces Highway 27.

146
147 **Alternate Commissioner Focht** noted the extensive list of variances and asked which variances
148 can be done away with and which would be needed to match the company's branding.

149
150 **Vivien Monaco** stated that there has to be a variance for parking because there is an impossibility
151 of being able to have less than that percentage of parking on a frontage road. Staff had told them
152 that they are treating these parcels as outparcels, and that these are just individual tracts and parcels.

153
154 **Alternate Commissioner Focht** replied that there is a large field behind the parcels, so it could
155 become something bigger in the future.

156
157 **Greg Crawford** responded that due to the property being surrounded by roads on 3 sides, no more
158 than 80% of parking can face the road.

159
160 **Vivien Monaco** stated that Section 94-1b says that no particular style is prohibited and style should
161 be consistent with buildings around it. Her interpretation for style is that it is a retail commercial
162 similar to AutoZone and Dollar Tree. It is designed by a prominent architectural firm, and it
163 follows a corporate look. To her, pantone colors aren't required, but they meet the requirements
164 based upon section 94-3.

165
166 **Brett Dargis**, applicant's representative from V3 Capitol spoke regarding the architectural design,
167 stating that it was Vision Car Wash's corporate prototype, similar to other business properties in
168 the area along Highway 27. He followed up that since the City allowed the other businesses to use
169 their corporate colors, they should be allowed to as well.

170
171 **Alternate Commissioner Focht** asked if there were any other variances they had to keep.

172
173 **Brett Dargis** replied that the colors and the parking are the big situations that affect the site. He
174 followed up regarding the large tract of land previously mentioned that could turn them into an
175 outparcel. He stated that it is a retention pond so nothing could be done with it.

176
177 **Alternate Commissioner Focht** asked if the rest of the items were voted as a no or required a
178 modification, would the applicant fight it and would they would go to staff in order to fix it.

179
180 **Vivien Monaco** confirmed that they would need a variance for the windows along the façade since
181 the building is a garage.

183 **Alternate Commissioner Focht** noted the usage of false windows to meet the code requirement.

184
185 **Commissioner Jackson** inquired regarding the section of staff comments regarding missing
186 information.

187
188 **Tim McClendon** replied that it may have been the previous recommendation, but the current
189 recommendation is that staff recommends that they meet code and move forward.

190 **Vivien Monaco** stated that the window code would not be possible based on the use by using a
191 tunnel for the building. She then provided a presentation on the project.

192
193 **Chairman Giacalone** called for public comment.

194
195 **Brad Maxam**, city resident, expressed concerns regarding the noise from traffic and trucks idling
196 and asked that they recommend denial.

197
198 **Brandon Peterson**, Vision Car Wash owner, expressed an understanding of the concerns that had
199 been stated. In order to address the noise concerns, he would be putting up silencers for the blowers
200 and the tunnel runs parallel to the road, so it faces north and south. They will also be playing music
201 at a low rate and there will be signs that ask for patrons to not play music because they are playing
202 theirs. There would also be attendants that go around asking people not to play music if they are,
203 in order to control the noise. They had also performed a noise study that found gas stations are
204 louder than carwashes.

205
206 **Chairman Giacalone** noted that it would be a very busy carwash due to frequent inquiries
207 regarding it from residents.

208
209 **Alternate Commissioner Focht** said that if they approve or deny, it still goes to council with their
210 recommendation, so asking for a continuance would be the only way it comes back to the
211 Commission.

212
213 **Scott Gerken** explained that the primary issue is the Conditional Use Permit and whether or not a
214 carwash is an appropriate use for the location, which would be the main thing council would be
215 looking for a recommendation on. He then informed that a carwash is neither a permitted nor a
216 prohibited use.

217
218 **Alternate Commissioner Focht** noted that he could not think of a better road for a carwash. He
219 brought up the idea of doing a sound study and that a sound wall would cause issues further back
220 due to sound bouncing off of the wall.

221
222 **MOTION by Alternate Commissioner Focht, SECONDED by Vice-Chairman Henderson to**
223 **deny Item 1: Resolution 2021-20 CUP Carwash and Site Design Variances denying for the**
224 **variances only with the hope that they fix it for council.**

225
226 **AYE:** McCoy, Giacalone, Henderson, Jackson, Focht

227
228 **NAY:** None

229
230 **MOTION PASSED: 5-0**
231

232 **Chairman Giacalone** asked Tim McClendon when it would go to council.
233

234 **Tim McClendon** replied February 7th 2023.
235

236 **Tim McClendon** asked that Items 2, 3, and 4 be discussed together.
237

238 **Scott Gerken** replied that Item 2 and Item 4 go together for the variance going along with the
239 proposed plat, but the items can be discussed together and voted on separately.
240

241 **Item 2: Preliminary Subdivision Plat Lookout Ridge at Sugarloaf Mountain**
242

243 **Item 3: Ordinance Sugarloaf PUD Amendment**
244

245 **Item 4: Resolution 2022-23 City Of Minneola Lookout Ridge At Sugarloaf Mountain Block**
246 **Length Variance**
247

248 **Tim McClendon** provided details regarding Items 2, 3, and 4. It is 170 acres in size and the
249 proposed subdivision contains 344 lots for a single family subdivision and a part of the original
250 1991 Sugarloaf PUD. The applicant is requesting to shift some existing entitlements, roughly 44
251 units, into this specific P.S.P. This project would also be exempt from school concurrency
252 requirements since it had been vested before school concurrency had been implemented in Lake
253 County.
254

255 **Chairman Giacalone** inquired if the fire department had any issues regarding the block length.
256

257 **Major Stacey**, project engineer, presented a slideshow along with **Matt Young** detailing the
258 project location, home lot locations, and access points.
259

260 **Matt Young** stated that they are not doing a P.U.D. amendment but instead, a design development
261 standards change.
262

263 **Scott Gerken** reaffirmed that it is not a P.U.D. amendment, and instead a design development
264 standards change which would be allowed.
265

266 **Major Stacey** detailed a discussion as to who could gain access to Sugarloaf. He stated that the
267 residents around the project would not allow it and he then checked with Minneola Fire Chief Jan
268 Otero. The main issue being the northeast entrance and emergency access in order to have two
269 access points in the development. He followed up that the issue came about with not being allowed
270 to create a second standard access passing through the nearby Del Webb development due to their
271 concern of traffic passing through their age restricted community.
272

273 **Vice-Chairman Henderson** asked that if the County has limited them to one spot for emergency
274 access, why is it important for Minneola to do a variance.

275
276 **Major Stacey** responded that the emergency access is not part of the applied variances.
277

278 **Alternate Commissioner Focht** said that he liked how the Sugarloaf development looked on the
279 east side but not how the west side looked. He then stated that there would not be a road length
280 issue if the forty-four extra houses were not being placed in the development.
281

282 **Major Stacey** replied that the extra density had been added because they could not cross connect.
283 They are also looking at the possibility of connecting through other properties.
284

285 **Alternate Commissioner Focht** asked if getting rid of houses, by the eyebrow, would be a
286 solution.
287

288 **Major Stacey** replied that it is a solution but the density would still be an issue. Without an extra
289 access point, they did not have the ability to cross connect, leading to the block designs proposed.
290

291 **Matt Cuarta**, applicant representative, addressed page three of the P.U.D. design standards
292 regarding recommendations for numbers of units, suggesting that it is not steadfast within the
293 development allowing it to shift. Using a shifting table on the P.S.P., there would be a way to track
294 the shifts.
295

296 **Alternate Commissioner Focht** asked about Mountain View Road (a dirt road on the north of the
297 property) and how it would be addressed if approved, noting that the road had been eroding onto
298 their property.
299

300 **Matt Cuarta** replied that had worked with the County to stabilize the road and create a fire access.
301 They would also stabilize for the density of the fire trucks.
302

303 **Alternate Commissioner Focht** noted that if it is used with crash gate only, they should allow it.
304 He then commented on the drawing quality of the digital plans and noticed that it looks as though
305 the rear fences are right on the property line giving almost no setbacks on the rear.
306

307 **Major Stacey** replied that any buffers that would be put in would be consistent with the P.U.D.
308 guidelines. He noted that the traffic study stated that there would be zero increase in traffic for
309 Sugarloaf Mountain from the project. He stated that part of their interconnectivity plan is extending
310 Hancock Road up towards Lake Apopka. Richland Builders is asking for variances on the front
311 setbacks making the front porch fifteen feet (15'), front building twenty feet (20'), and the garage
312 would have to be twenty-five feet (25').
313

314 **Alternate Commissioner Focht** asked how moving the houses closer together, breaks it up. Since
315 it ends up giving the roads a pencil-like appearance.
316

317 **Matt Young** provided an example street view.
318

319 **Alternate Commissioner Focht** asked Tim McClendon if the Commission allowed a design
320 section change, would there be anything else that needed changing.

321
322 **Tim McClendon** replied that there was not any that staff was aware of, but it did not mean the
323 Commission couldn't consider any other design standards.

324
325 **Alternate Commissioner Focht** suggested widening lots in order to not worry about setbacks.

326
327 **Matt Young** responded that it does away with the monotony of streetscape but also provides better
328 living space indoor and outdoor. He followed up that they are still holding up their seven and one-
329 half foot (7.5') side yard setbacks, giving fifteen feet (15) between homes. He followed up that not
330 everybody would want to live in Del Webb or on a ranch style home, so they are providing diverse
331 options for potential residents.

332
333 **Alternate Commissioner Focht** made note that he would like low-cost houses in the future and
334 that getting rid of the forty-four extra houses would eliminate the need for the variance.

335
336 **Chairman Giacalone** called for public comment.

337
338 **Kevin Cary**, unincorporated Sugarloaf Mountain resident, inquired about the emergency access
339 and eyebrow section of Sugarloaf Mountain Rd. He then commented on population density along
340 with streetlighting of the Dark sky models noting that they still causes too much light pollution.

341
342 **Ossie Penny**, unincorporated county resident, asked for the general location of the proposed
343 project after receiving a mailer for the meeting.

344
345 **Commissioner McCoy** inquired about Item 2, saying that the project is exempt from school
346 concurrency and asked when that will no longer happen.

347
348 **Major Stacey** replied that when they do school concurrency, they take into account the previously
349 approved dwelling units.

350
351 **Matt Young** stated that the land uses that are in place at the time the concurrency is implemented.
352 They look at the max density that is accounted for within that land use and incorporate it into their
353 current vesting. It does take into account certain future growth elements. They work with the
354 County and City to verify that their project is verified even though it hadn't been built yet. It will
355 take into account future development.

356
357 **Vice-Chairman Henderson** asked what the main reason for the variance was.

358
359 **Matt Young** responded that on the road extension for eyebrows, they had met with staff and it
360 was a fire safety issue, limiting the length of the road that the fire department would have to travel
361 in order to provide room for trucks to turn around.

362
363 **Major Stacey** stated that the reason for the extra houses was because they needed more houses to
364 justify the longer road.

Chairman Giacalone stated that the block length code is a city code and not a fire code. Twelve hundred feet (1200') is the city code length.

Scott Gerken recommended voting on Item 4 first.

Alternate Commissioner Focht commented that he can't go for this one thinking that they can put in one of the other P.U.D.s, making a blocky neighborhood more blocky.

Matt Young recommended that with the Commission's consideration that if the motion were to be an approval, they would be willing to look at it with the condition on the impacted lots before it went to the Council and do what they can to remove those, and if the Commission's condition was to remove the variance.

Scott Gerken asked if they are thinking about withdrawing the variance request and revising the plat so that they won't need the variance and taking it to council if P&Z would recommend approval with that condition.

Alternate Commissioner Focht said that he would be more prone to approving it if the variance wasn't there and if it came to the Council.

Scott Gerken said they can continue to Council even if they recommend denial.

Matt Young said that it is something they would consider.

Commissioner Jackson asked if they are withdrawing, saying that if they approved the other items, the applicant would withdraw it.

Matt Young said yes.

No Motion on Item 4.

Scott Gerken recommended that any plat that they approve, they would need to reduce the lots to not need the variance.

MOTION by Alternate Commissioner Focht, SECONDED by Commissioner McCoy to approve Item 2: Preliminary Subdivision Plat Lookout Ridge at Sugarloaf Mountain on the condition that they do not get a variance for the roads.

AYE: McCoy, Giacalone, Henderson, Jackson, Focht

NAY: None

MOTION PASSED: 5-0

MOTION by Commissioner Jackson, SECONDED Commissioner McCoy by to approve Item 3: Ordinance Sugarloaf PUD Amendment for approval by the city council at large

412
413 **AYE:** McCoy, Giacalone, Henderson, Jackson

414
415 **NAY:** Focht

416
417 **MOTION PASSED: 4-1**

418
419 **Item 5: Resolution 2022-18 Surface Road Parking**

420
421 **Tim McClendon** detailed Item 5, saying that the applicant had applied for a C.U.P. requesting the
422 ability to do overnight trailer parking. Most of the conditions would be requested by the County,
423 dealing with improving the road and limiting the number of trailers to ten (10) at a time.

424
425 **Joe Zagami**, applicant, supported the staff recommendation for approval.

426
427 **Alternate Commissioner Focht** inquired as to why the retention pond was as large as it was. He
428 also expressed concern regarding the property being improved in five (5) years and the amount of
429 usage the road would experience.

430
431 **Joe Zagami** stated that the limited number of trucks is a compromise to the request to get use out
432 of the property since the County wants them to improve the road, via designing, paving, applying
433 right of way, putting in swales, etc.

434
435 **Vice-Chairman Henderson** asked if anything would be worked on or if it would just be storage.

436
437 **Joe Zagami** replied that it would just be used for parking.

438
439 **MOTION by Commissioner Henderson, SECONDED by Alternate Commissioner Focht to**
440 **approve Item 5: Resolution 2022-18 Surface Road Parking.**

441
442 **AYE:** McCoy, Giacalone, Henderson, Jackson, Focht

443
444 **NAY:** None

445
446 **MOTION PASSED: 5-0**

447
448 **Item 6: Ordinance 2023-01 To Limit Structures Within Side Yards**

449
450 **Tim McClendon** detailed Item 6 and its objective to clarify defining pavers, A.C. units, and pool
451 equipment within setbacks, not allowing them along the sides of houses.

452
453 A discussion regarding side yard setback interpretation ensued.

454
455 **Alternate Commissioner Focht** noted issues regarding disallowing anything within side yard
456 setbacks.

458 **Chairman Giacalone** agreed and asked why the ordinance being proposed.

459
460 **Tim McClendon** responded that it had been an issue that has been run into. From his
461 understanding, it had been written to clarify some interpretations that can be considered.

462
463 **Commissioner Jackson** asked Scott Gerken what would happen if someone had a side A.C. unit
464 and they sought to put a water softener in their side yard.

465
466 **Scott Gerken** responded that it would not be allowed with the updated ordinance.

467
468 **Commissioner McCoy** noted that you would not be within setbacks, but restricting things in side
469 yards altogether and he noted that he is not okay with it.

470
471 **Mark Johnson** said that in a lot of side yards, there are stormwater easements, so you don't have
472 the full side yards to work with in a lot of places. The Commission could recommend approval
473 denial, or make some adjustments to the proposed ordinance.

474
475 **Commissioner McCoy** asked if they had enough space to not even come close to the five foot (5')
476 setback.

477
478 **Mark Johnson** responded that it is an option that they could consider.

479
480 **Commissioner McCoy** suggested that if they put anything in the side yard, they can't go into the
481 easement. So if they are not outside that easement, then it is no go, and he does not see why it
482 should be banned.

483
484 **Anne Kelley**, resident, said that she does not believe anything should be allowed within easements,
485 but property owners should still be allowed to have something on the side yard as long as it is not
486 within the easement and with space to get by. If that space is there, then it should be allowed. There
487 should be a footage, hence why there are property lines and space to the house. It is taking land
488 rights away.

489
490 **Chairman Giacalone** agreed.

491
492 **Alternate Commissioner Focht** inquired about having a walkable space and still allowing things
493 in the side yard.

494
495 **MOTION by Commissioner McCoy, SECONDED by Commissioner Jackson to table Item**
496 **6: Ordinance 2023-01 To Limit Structures Within Side Yards.**

497
498 **AYE:** McCoy, Giacalone, Henderson, Jackson, Focht

499
500 **NAY:** None

501
502 **MOTION PASSED: 5-0**

Item 7: Ordinance 2023-02 To Provide For Class E Landscape Buffer

Tim McClendon provided details on Item 7, following up that it was born out of an omission from the last time the landscape code was modified. Class E was left out of the chart description. It is listed in the buffer type chart. Class E would apply, however the description was left out and so it would bring it back into code.

MOTION by Vice-Chairman Henderson, SECONDED by Commissioner Jackson to approve Item 7: Ordinance 2023-02 To Provide For Class E Landscape Buffer

AYE: McCoy, Giacalone, Henderson, Jackson, Focht

NAY: None

MOTION PASSED: 5-0

Item 8: Ordinance 2023-03 To Require Car Lots As A Special Exception in Certain Zoning Districts.

Tim McClendon detailed Item 8, seeking to define established criteria and regulate the number of car lots in the City by requiring them to go through the special exception process in the B-1 zoning.

Alternate Commissioner Focht inquired as to how many car lots are in the City.

Mark Johnson confirmed that there are two within the City.

Alternate Commissioner Focht said that it should be clear as to when the next one would be allowed.

MOTION by Alternate Commissioner Focht, SECONDED by Commissioner McCoy to approve Item 8: Ordinance 2023-03 To Require Car Lots As A Special Exception in Certain Zoning Districts contingent on staff making it clear when the next one will be allowed in that increment.

AYE: McCoy, Giacalone, Henderson, Jackson, Focht

NAY: None

MOTION PASSED: 5-0

Scott Gerken stated that a third would be through special exception after reaching 20,000 residents.

FINAL PUBLIC COMMENTS

Chairman Giacalone called for final public comments.

No Comments

FINAL REPORTS

Councilor Flinn did not have any reports but expressed appreciation for the P. & Z. Commission on the City Council's behalf.


MOTION by Commissioner Jackson, SECONDED by Commissioner McCoy to adjourn.

AYE: McCoy, Focht, Giacalone, Henderson, Jackson

NAY: None

MOTION PASSED: 5-0

(Meeting adjourned at 9:35 P.M.)



Paul Giacalone, Chairman

ATTEST:



Corey DeVogel, Planning Technician