

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION
MINUTES
May 7, 2024

CALL TO ORDER

Chairman Krzyminski called the meeting of the Planning and Zoning Commission to order on Tuesday, May 7, 2024 at 6:30 p.m.

MEMBERS PRESENT: Chairman Krzyminski, Vice-Chair Niemiec, Member Bain, Member Grube and Member Norton

MEMBERS ABSENT: Member Colby and Member Guerrero

ALSO PRESENT: Development Services Director Henschel, Planning Manager Kruse, City Attorney Mantzaris, and Planning Coordinator Heard

PLEDGE OF ALLEGIANCE

MINUTES

MOTION TO APPROVE the April 2, 2024 minutes of the Planning and Zoning Commission meeting made by Commissioner Bain, seconded by Commissioner Norton. Motion passed 5-0 with Commissioners Colby and Guerrero absent.

REPORTS FROM THE COMMISSION - None

NEW BUSINESS

Item 1 – Ordinance No. 2024-018 First Baptist Church Small Scale Comp Plan Amendment

Item 2 – Ordinance No. 2024-019 First Baptist Church PUD Rezoning

Chairman Krzyminski announced Items 1 & 2 have been requested to be tabled to the next Planning and Zoning Commission meeting scheduled for June 4, 2024.

MOTION TO TABLE Ordinance No. 2024-018 First Baptist Church Small Scale Comprehensive Plan Amendment (SSCPA) to the June 4, 2024 Planning and Zoning Commission meeting; Moved by Vice-Chair Niemiec. Seconded by Commissioner Grube. Motion passed 5-0 with Commissioners Colby and Guerrero absent.

MOTION TO TABLE Ordinance No. 2024-019 First Baptist Church Planned Unit Development Rezoning (PUD) to the June 4, 2024 Planning and Zoning Commission meeting; Moved by Vice-Chair Niemiec. Seconded by Commissioner Bain. Motion passed 5-0 with Commissioners Colby and Guerrero absent.

Item 3 – Ordinance No. 2024-023 FEC (the Market) PUD Amendment

Planning Manager Kruse presented as follows:

The applicant, Victory Coast Land Company LLC, is requesting an amendment to an existing Planned Unit Development, Ordinance 2021-003. This project known as Victory Village and Market is located on the northwest corner of West Avenue and Minneola Avenue. The non-residential component, the Market, has been constructed and was operational. The Market has

since closed and a new operator/tenant is desiring the space. The applicant is requesting the removal of Condition 11 under Section 3 within the current ordinance that states, “Any market operating on site shall be continuously operated by one single operator.” The applicant would like the ability to offer a variety of uses within the Central Business District (CBD), and this condition has placed a burden on doing so. This condition is not applicable in a majority of existing PUDs, and the condition was made as part of the motion for approval by a former Council member. Staff is in support of the removal of this condition.

The applicant is also requesting clarification of non-residential uses on the site. A condition under Section 3, Item 3 has been added stating, “The permitted non-residential uses will be in accordance with Section 125-369 Permitted Uses within the Central Business District along with indoor recreational facilities.” The property is located in the Central Business District. The condition allows the building to be used for indoor recreational uses. The proposed operator offers indoor recreational opportunities with the goal of bringing it to downtown Clermont. Another clarification that was made is that the existing shade structure is not included in the total square footage of the commercial uses. The shade structure is an accessory use to businesses on the site.

The applicant also received a variance from City Council on May 23, 2023 for signage affixed to the lower roof edge of the building. City Council approved this variance with specific conditions such as only two roof signs, specific locations and wording of the signs. A requirement was if any of these items were changed, a new variance would be required. Since this is a Planned Unit Development, special conditions can be placed into the Ordinance to address variances within a project. The applicant is requesting the change in wording from “Market” to “Ax-Caliber”. The sign locations will not change, and the dimensions will be slightly smaller in height but will remain the same length. Any future signs shall adhere to the existing parallelograms square footage along with location. The signage wording may be changed for a future tenant as long as the same type and style of individual letters is used.

Staff has reviewed the application and proposed project in regards to Section 125-487 Review Criteria for a Planned Unit Development. The proposed amendment deal with specific conditions in the original approval. The residential component has not been amended, and the non-residential portion has been constructed and is operational. The proposed operator will be making some interior changes to the building; however, the use of the property will still be a mixed-use project with residential and non-residential uses. The applicant’s requested changes are not in conflict with the City’s Comprehensive Plan, and the proposed changes are in accordance with the Land Development Code. Staff is able to support the request and recommends approval of Ordinance 2024-023.

Marvin Puryear, *SVN Saunders, representing the applicant and potential tenant, Ax-Caliber*, stated he was present to answer any questions the board may have.

The floor was opened for public comments. With no speakers present, the floor was closed.

Commissioner Norton asked for further clarification on what the use may be. **Marvin Puryear** explained Ax-Caliber is an ax throwing entertainment company. Discussion ensued regarding the current condition stating the use must be operated by a single operator.

Commissioner Bain asked what the hours of operation of Ax-Caliber may be compared to the Market. **Marvin Puryear** stated the hours could be noon to 9pm and maybe later dependent upon downtown activities. **Planning Manager Kruse** informed that the applicant has not asked for any special exceptions. Discussion ensued regarding the shade structure and permitted CBD uses.

Commissioner Grube asked whether food and drinks will be served in the building. **Marvin Puryear** indicated the proposed use will most likely utilize the outside food trucks.

Commissioner Niemiec inquired about the ax throwing; and further, stated he has a problem with ax throwing mixed with alcohol. **Marvin Puryear** explained the safety measures surrounding the ax throwing. Discussion ensued regarding the building of the adjacent apartments.

Chairman Krzyminski inquired about the timeline with regards to building the apartments. **Planning Manager Kruse** indicated site plans have been submitted for the apartments. Discussion ensued regarding the shade structure.

Kara Puryear, explained Ax-Caliber does not sell hard liquor; and further, patrons throwing axes are limited to two alcoholic drinks per hour. Discussion ensued regarding Ax-Caliber's protocols.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-023 FEC (the Market) Planned Unit Development (PUD) Amendment; Moved by Commissioner Grube. Seconded by Commissioner Norton. Motion passed 4-1 with Commissioner Niemiec opposing and Commissioners Colby and Guerrero absent.

Item 4 – Ordinance No. 2024-020 Land Development Code (LDC) Amendment, Section 119-229 (Layout) & Section 121-4 (Water), Fire Department

Chairman Krzyminski announced staff has withdrawn this item.

Item 5 – Ordinance No. 2024-026 Land Development Code (LDC) Amendment, Chapter 117-Signs; Section 117-23 Changeable Copy Signs

Development Services Director Henschel presented as follows:

Staff is proposing changes to the Land Development Code to allow for electronic messages on monument signs. This ordinance allows for the use of electronic message signage within 25 percent of the permitted sign areas. These message signs will be able to provide various display content on a timed basis. The intent is not to allow flashing lights to create distractions, but to allow expanded content/messages for commercial uses. The message displays will be limited to a minimum 10-second display period before switching to the next message.

The floor was opened for public comments.

Jon Nordberg, 1020 Everest St., stated digital signs are distractions to drivers.

With no further speakers present, the floor was closed.

Commissioner Niemiec asked staff why there are electronic signs already in place. **Development Services Director Henschel** stated they were approved by Lake County, because the parcel is not in the City limits. Discussion ensued regarding commercial entities utilizing electronic signs.

Commissioner Grube inquired if all signs have to be permitted and approved. **Development Services Director Henschel** answered in the affirmative.

Commissioner Bain asked what the standard duration is with the electronic messages. **Development Services Director Henschel** stated eight seconds is the standard.

Chairman Krzyminski clarified that the LED signs cannot be a standalone sign, but must be an addition to a monument sign. **Development Services Director Henschel** stated he is correct.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-026 Land Development Code (LDC) Amendment, Chapter 117-Signs; Section 117-23 Changeable Copy Signs: Moved by Commissioner Bain, Seconded by Commissioner Norton. Motion passed 4-1 with Commissioner Niemiec opposing and Commissioners Colby and Guerrero absent.

Item 6 – Resolution No. 2024-013R The River Church Conditional Use Permit (CUP)

Chairman Krzyminski asked for a motion to table Item 6.

MOTION TO TABLE Resolution No. 2024-013R The River Church Conditional Use Permit (CUP) to the June 4, 2024 Planning and Zoning Commission meeting; Moved by Commissioner Bain, Seconded by Commissioner Grube. Motion passed 5-0 with Commissioners Colby and Guerrero absent.

UNFINISHED BUSINESS – None

DISCUSSION OF NON-AGENDA ITEMS

Sammie Taylor Yakovetic, 4480 Powderhorn Place Drive, stated the following concerns regarding Firehouse 2: gridlocks, response times, and adjacent properties as well as where the diesel tank will be located on site. **City Attorney Mantzaris** responded this is beyond the scope of this board.

Commissioner Bain requested staff advertise when items are tabled.

Vice-Chair Niemiec asked about the timeline with regards to public hearing notifications.

ADJOURNMENT – 7:21 pm


Max Krzyminski, Chairman

ATTEST:


Kathy Heard, Planning Coordinator