

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION
MINUTES
JUNE 4, 2024

CALL TO ORDER

Chairman Krzyminski called the meeting of the Planning and Zoning Commission to order on Tuesday, June 4, 2024 at 6:32 p.m.

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

MEMBERS ABSENT: Commissioners Guerrero and Norton

ALSO PRESENT: Planning Manager Kruse, Senior Planner McGruder, City Attorney Mantzaris, and Planning Coordinator Heard

PLEDGE OF ALLEGIANCE

MINUTES

MOTION TO APPROVE the May 7, 2024 minutes of the Planning and Zoning Commission meeting made by Commissioner Grube, seconded by Commissioner Bain. Motion passed 5-0 with Commissioners Guerrero and Norton absent.

REPORTS FROM THE COMMISSION – *None*

NEW BUSINESS - *None*

UNFINISHED BUSINESS

Item 1 – Resolution No. 2024-013R The River Church Conditional Use Permit (CUP)

Planning Manager Kruse announced this item has been requested to be tabled to the next Planning and Zoning Commission meeting scheduled for July 2, 2024.

MOTION TO TABLE Resolution No. 2024-013R The River Church Conditional Use Permit (CUP) to the July 2, 2024 Planning and Zoning Commission meeting; Moved by Commissioner Bain; Seconded by Commissioner Grube.

Vice-Chair Niemiec asked what will happen if the July 2nd meeting is canceled. City Attorney Mantzaris said it will roll over to the next meeting scheduled for August.

After discussion, Motion passed 5-0 with Commissioners Guerrero and Norton absent.

Item 2 – Ordinance No. 2024-018 First Baptist Church Small Scale Comp Amendment

Item 3 – Ordinance No. 2024-019 First Baptist Church PUD Rezoning

Planning Manager Kruse presented as follows:

The applicant/owner, First Baptist Church of Clermont, Inc., would like to develop an assisted living facility within their campus. Approximately eight (8) acres has been designated as a site in order to accomplish this. In order to be in compliance with the Comprehensive Plan, the land use

must align with the request. The subject parcel is located on the southeast corner of Hartwood Marsh Road and Hancock Road. This request is being heard concurrently with a request for rezoning from the R-1 Single Family Residential to a Planned Unit Development (PUD) to allow for construction of an assisted living facility with a memory care unit with an independent living component.

On February 27, 2018, the City Council approved a Conditional Use Permit (Resolution No. 2018-03), which allowed for the construction of the church sanctuary, multipurpose buildings, Pre-K - 5th grade school, outdoor recreation fields and a parking garage to be used for the church facility. The approved Conditional Use Permit required a separate public hearing process for the assisted living facility. The existing Low Density Residential land use does not permit assisted living facilities and the applicant is requesting to change the land use designation from low density to high density residential.

The proposed map amendment will change the future land use from Clermont Low Density Residential, which allows up to three (3) dwelling units per acre, to High Density Residential, which allows up to twelve (12) units per acre, and a variety of housing types with a Planned Unit Development (PUD), which includes an assistant living facility. The requested PUD ordinance will have specific conditions to limit density to 53 independent living units.

The Clermont Comprehensive Plan Objective 1.2: The City shall consider the compatibility of adjacent future land use categories during the land use plan amendment process. The City shall consider potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.

The Clermont Comprehensive Plan Policy 1.6.3: High Density Residential Land Use Category: Areas delineated on the Future Land Use Map for high-density residential development shall accommodate a maximum of 12 dwelling units per acre; however, densities higher than eight units per acre shall require a conditional use permit. Nursing homes, assisted living facilities and independent living facilities shall be permitted in high-density residential land use as a planned unit development (PUD) consistent with the land development regulations and may have a maximum intensity of 3.0 FAR.

With the companion Planned Unit Development Ordinance 2024-019, the applicant is requesting a change from Low Density to High Density with the end result of developing the 8.44 acre parcel for an assisted living, memory care and independent living facility. Policy 1.6.3 permits the applicant to develop this project in conformance with the City's Comprehensive Plan. The City has the ability to serve the project with applicable City services. The traffic impacts from this project are considered "de minimis". The project is not in conflict with any provision of the City's Comprehensive Plan. Staff recommends approval of Ordinance 2024-018.

The owner and applicant, First Baptist Church of Clermont, Inc., is also requesting to rezone the 8.44+/- acre parcel from R-1 Single Family Medium Density to Planned Unit Development (PUD) to allow for the development of an assisted living facility. The current use of the property is a Master Planned Church Facility and Campus. The applicant is requesting the Planned Unit

Development zoning in order to comply with the land use policy and to also ensure the project is held to specific conditions within the PUD ordinance.

The applicant has provided a conceptual site plan, prepared by Highland Engineering, Inc., which identifies a maximum of 160,000 total building square feet within this project. The proposed parking layout provides 31 spaces for 124 beds located in the assistant living and memory care buildings. The independent living portion will have a total of 53 units, and will be constructed in two phases. Phase one will be 27 units and future phase 2 will have 26 units. The one bedroom units are calculated at 1.5 parking space per unit, for a total of 80 parking spaces. The total project provides 112 onsite parking spaces. The maximum building height shall not exceed 55 feet at the highest elevation point. The project has been redesigned to provide lesser impact on the surrounding neighborhoods than the previous conceptual site plan that had the proposed project in the northeast corner of the site. The proposed development has been shifted to a more central portion of the overall church site, with the 8.44 acre parcel not directly adjacent to any residential uses.

Staff has reviewed the application and proposed project in regard to Section 125-486 Review Criteria for a Planned Unit Development. The proposed project will be accessed from Hancock Road, which is a County Urban Collector roadway, and capacity is available. The project's traffic impact is considered "de minimis" under Lake Sumter's MPO guidelines and the applicant has requested an exemption from the required Traffic Impact Analysis Report. The City's utilities services have sufficient capacity to service the project. The placement of the three-story buildings to be located in the interior of the project and the 50-foot building setbacks will help minimize any impacts on adjoining properties. Staff recommends approval of Ordinance 2024-019.

Robin Drage, Esq., Applicant, *Shuffield Lowman*, introduced herself and the applicants/representatives with this project; Bill Lawson, Don Lawson, and Dave Wright. She informed the commission that the church recently had a community meeting to discuss this proposed project. She explained some confusion with neighboring residents concerning the future land use designation of high density residential. She stated they are requesting a Planned Unit Development (PUD) with high density residential zoning; however, the PUD will have very strict requirements of what will be allowed, and any modifications will have to come back before the Planning and Zoning Commission and City Council.

Don Lawson, *Lawson Group Architects (LGA) & CEO N21 Group*, stated the church is not developing this proposed project. The church is intending to sell their land to LGA in order for them to develop a senior housing project, which will place it back on the tax roll from a nonprofit land designation. He explained LGA develops faith-based senior communities with a focus towards faith, activities and engagement. This proposed project includes an independent living facility, assisted living facility and memory care. He concluded by expressing this facility will be a very low traffic generator, because the residents rarely drive, and the facility transports the residents.

Dave Wright, *Traffic Impact Group*, stated he was asked to look at the traffic generation that this type of project may create. He expressed this project will not generate a lot of traffic, because most

of the residents in this type of facility do not drive. He explained this type of use will generate approximately half of what a single family development allowed on a parcel this size would generate. And further, his research resulted in 30 cars in the peak AM hours and 40 cars in the peak PM hours, which he stated is a very low traffic generator.

The floor was opened for public comments.

Randy Mohundro, *Clermont*, read a letter in favor from George McMillan, a lifelong Clermont resident and member of First Baptist Church.

Nina Bedworth, *4453 Davos Drive*, spoke in opposition stating concerns with traffic on Hartwood Marsh Road, and the rezoning to a higher density.

Michelle Bedford, *4453 Davos Drive*, spoke in opposition stating concerns with traffic cutting and speeding through their neighborhood to get to this proposed facility.

Betty Ann Jones, *3205 E. Sonesta Court*, spoke in favor stating she would like to move to this proposed facility to be close to her church family.

Amber Welch, *2712 Kingston Ridge Drive*, spoke in opposition stating concerns with changing the zoning to high density, urban sprawl, traffic congestion, and noise.

Doug Daniels, *2807 May Port Street*, spoke in favor stating this project is necessary for our residents with these types of needs and will generate a lot of tax revenue for the community.

Michael Zorn, *4532 Barristor Drive*, spoke in opposition stating no zoning changes should be made until the surrounding roadways are finished.

Kirk Morse, *15622 Paddock Drive*, spoke in favor stating the explosion of our older generation needs this assistance.

Brad Welch, *2712 Kingston Ridge Drive*, spoke in opposition stating there are currently six senior facilities in Clermont with only two at capacity. He stated concerns with overburdened infrastructure and traffic.

Ron Wells, *3940 Liberty Hills Drive*, spoke in favor stating with our aging population services of these types must be increased as well.

Dustin Williams, *4278 Caplock Street*, spoke in opposition questioning the ability of firefighters being able to control a possible fire with the current setbacks and height of the proposed building with a 100-foot tower truck. He further stated there is currently an emergency response problem in the county with ambulances, and some form of action for more ambulances would need to be taken if this project is approved.

Matt Feeney, *4282 Caplock Street*, spoke in opposition with regard to surrounding traffic, and lack of community engagement with the church.

Bob Lawson, *Lead Pastor of First Baptist Church, 2751 Hartwood Marsh Road*, stated their mission as a church is loving, serving, and disciplining. Since 2001 when the church purchased the land, they always planned to have an assisted living in order to provide faith-based senior living. He stated various community outreaches the church provides and closed with saying he supports this rezoning.

Sammi Yakovetic, *4480 Powderhorn Place Drive*, spoke in opposition with regard to the rezoning citing articles, resolutions and meeting minutes.

Kimberly Day, *2646 Hartwood Pines Way*, spoke in opposition stating concerns with traffic on Hartwood Marsh Road and infrastructure.

Cindy Emely, *2633 Hartwood Pines Way*, spoke in opposition stating not enough notices were sent to surrounding neighbors and concerns with infrastructure and traffic.

Jon Nordberg, *1020 Everest Street*, spoke in opposition with regard to the surrounding traffic stating one more car makes a difference everywhere.

Gail Brown, *4084 Foxhound Drive*, spoke in opposition with regard to the surrounding infrastructure and traffic.

Darlene Niemiec, *4569 Barrister Drive*, spoke in opposition with regard to infrastructure, noise and light pollution.

With no further speakers present, the floor was closed.

Don Lawson addressed some public comments and clarified that over 65 percent of the building is one-story. He explained how the buildings would be built with stringent standards for hurricane protection, and the fire department would have no issues with the proposed buildings. He shared a virtual model of the entire campus with the topography. Their goal is to save every tree possible for buffering.

Robin Drage summarized with explaining they are not seeking a rezoning to high density residential. They are seeking a rezoning to a Planned Unit Development (PUD), which encompasses various conditions that must be met. She further expressed currently 96 single-family homes could be built on this parcel, which would greatly impact the surrounding traffic more than this proposed use. She further clarified that the proposed project would be owned and operated as a for-profit facility which would add additional tax revenue to the City. She stated this project is consistent with the City's comprehensive plan and asked the board for recommendations of approval.

Commissioner Bain stated this project has been before the City Council three separate times in the past, and he summarized each proposed project: (1) The first rezoning proposal was in 2019 for 6.19 acres, one three-story ALF for 100 residents and one one-story memory care for 32 residents and one one-story common area, which was denied by the Planning and Zoning Commission 7-0. (2) The second proposal was in July of 2020 for six acres, three three-story buildings with a total building square footage not to exceed 62,000 square feet, and a traffic analysis was required, which

was denied by the Planning and Zoning Commission 4-2. (3) Today's proposal is for 8.4 acres, three three-story buildings (two independent, one assisted living facility), one one-story memory care, and one one-story common area, which is an increase of 2.5 acres, two additional buildings with a 55 foot max height with a total building square footage not to exceed 160,000 square feet.

Commissioner Bain read staff's reasons for denying the projects in the past, and asked staff why this current project is being supported today. Planning Manager Kruse stated it is because of the relocation on the site; and further, he explained the 62,000 square feet did not account for the entire three stories. Commissioner Bain asked what could be built there today on this site with the current zoning. Planning Manager Kruse stated a multipurpose building, an outdoor recreational field and parking garage. Discussion ensued surrounding what would happen if this rezoning was approved and never developed, the tax ramifications, impact fees, and placement of the buildings.

Commissioner Bain closed by stating he does not know if this project in this location makes sense; and further, he does not believe the current proposed ordinances address conflicts that were brought up with the initial iterations in 2019. He addressed the dilemma at hand that the property owners have rights as well. He further expressed he cannot support the ordinances.

Commissioner Grube stated the population is growing and aging. This type of facility is necessary now and even more in the future. He emphasized traffic is a big problem all over the city. He explained he believes this project has a minimum impact for a necessary structure in the community. He stated he supports the ordinances and likes the project.

Commissioner Colby stated he was on this board with the initial application in 2019. He explained he would love to support a project like this, but this one has too many negative impacts to the surrounding neighbors. He expressed his three main concerns being the size, the use being like a commercial use, and infrastructure issues; and further, stated he cannot support it.

Vice-Chair Niemiec asked staff to explain the rezoning with regards to the future land use. He disclosed that he did attend the community meeting where he spoke on his behalf only. He asked the applicant what changes were made in consideration for the surrounding neighbors since the last time this project was proposed. Robin Drage stated the location of the facility was changed to a different portion on the parcel.

Bill Lawson explained he thought the current location would be more acceptable to the neighboring residents. Vice-Chair Niemiec asked why the facility needs to be three stories and asked for their definition of faith-based. Don Lawson stated some differences in the buildings from 2019 to the current layout and explained their faith-based ministry and outreach. Vice-Chair Niemiec asked about deliveries, public services, taxes, public notification and surrounding sidewalks, trees and landscaping.

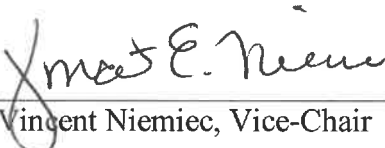
Chair Krzyminski questioned the trees on the site with the placement of the proposed fire station. Planning Manager Kruse explained the trees on the fire station site will have to be removed in order to build the fire station. Chair Krzyminski asked about the taxes, impact fees, public notices, access and traffic surrounding this proposed project, sidewalks and insurance.

MOTION TO RECOMMEND DENIAL of Ordinance No. 2024-018 First Baptist Church Small Scale Comprehensive Plan Amendment (SSCPA); Moved by Commissioner Colby, Seconded by Vice-Chair Niemiec. Motion passed 4-1 with Commissioner Grube opposing and Commissioners Guerrero and Norton absent.

MOTION TO RECOMMEND DENIAL of Ordinance No. 2024-019 First Baptist Church Planned Unit Development Rezoning (PUD); Moved by Commissioner Colby, Seconded by Vice-Chair Niemiec. Motion passed 4-1 with Commissioner Grube opposing and Commissioners Guerrero and Norton absent.

DISCUSSION OF NON-AGENDA ITEMS – None

ADJOURNMENT – 8:55 pm



Vincent Niemiec, Vice-Chair

ATTEST:



Kathy Heard, Planning Coordinator