

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION
MINUTES
SEPTEMBER 3, 2024

CALL TO ORDER

Chair Krzyminski called the meeting of the Planning and Zoning Commission to order on Tuesday, September 3, 2024 at 6:30 p.m.

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

MEMBERS ABSENT: Members Colby, Guerrero and Norton

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

PLEDGE OF ALLEGIANCE

MINUTES

MOTION TO APPROVE the August 6, 2024 Minutes of the Planning and Zoning Commission meeting made by Commissioner Grube, seconded by Vice-Chair Niemiec. Motion passed 4-0 with Members Colby, Guerrero and Norton absent.

REPORTS FROM THE COMMISSION

Vice-Chair Niemiec welcomed the Chair back.

Chair Krzyminski mentioned he enjoyed attending the Farmers Market on Sunday.

NEW BUSINESS

(Items heard out of agenda order.)

Item 2 – Resolution No. 2024-028R Fine Ink Studios Conditional Use Permit

Planning Manager Kruse announced the applicant has requested this item to be tabled to the next Planning and Zoning Commission meeting scheduled for October 1, 2024.

MOTION TO TABLE 2024-028R Fine Ink Studios Conditional Use Permit to the October 1, 2024 Planning and Zoning Commission meeting; Moved by Commissioner Bain; Seconded by Commissioner Grube. Motion passed 4-0 with Members Colby, Guerrero and Norton absent.

Item 1 – Ordinance No. 2024-038 Family Christian Center of Clermont Rezoning

Planning Manager Kruse presented as follows:

The applicant, Family Christian Center (FCC), is in the process of seeking a loan in order to facilitate the construction of improvements and buildings within their 36 acre property located west of the Steve's Road and US 27 intersection. In the process of securing a loan, it was noted that if the property was allowed C-2 General Commercial uses, the appraised value of the property would increase and the loan terms would be more favorable for the church. FCC has no plans to

utilize the property for any C-2 General Commercial uses, but is seeking a rezoning to allow C-2 General Commercial uses in order to secure a more favorable loan. The planned improvements consist of an additional recreational facility, repurpose the current recreational buildings, and expand the church sanctuary. These improvements and uses have already been approved by City Council through issuance of various Conditional Use Permits the church has obtained the past 26 years.

The church was originally approved by City Council under CUP Resolution 1045 in December 1998. Since that time, the church facility has expanded and amended their CUP several times (Resolutions 1365, 1384, 1434, and 2010-04) to include additional uses and buildings on the property. These include, but not limited to; educational components (K-12 school and Pastor College), public park, multi-use building, recreational fields, multi-level parking garage and a 90,000 square foot sanctuary.

A Planned Unit Development (PUD) zoning is being requested since it would allow development flexibility for the project. The proposed PUD Ordinance 2024-038 has applicable conditions from the Conditional Use Permits along with the addition of specific conditions for protection of the City and neighbors. The specific conditions include a 75 foot natural buffer be maintained along the southern and western property boundary along with any C-2 General Commercial uses will have to be reviewed and approved by the City Council at a public hearing. In addition, the building height will be limited to the height under the current zoning at 45 feet. No additional uses or new buildings are being requested as part of this application. The property would also be regulated under the City's Land Development Code.

While this application request is uncommon, a review of the City's Land Development Code reveals that churches can be allowed in any zoning district, either permitted, such as C-1 Light Commercial; or through a conditional use permit. The current zoning of the property is R-1-A Single Family Low Density with a conditional use permit to allow the existing church facility. A rezoning to a Planned Unit Development with the existing applicable conditions included along with C-2 General Commercial uses and specific conditions do not appear to change the overall characteristics or function of the church facility. The property does front and access from an arterially roadway, US 27, and it is currently signalized. C-2 General Commercial uses line the US 27 roadway. The proposed rezoning is not inconsistent with any provision of the Comprehensive Plan. With the addition of the specific condition that any C-2 General Commercial use site plan be required to go through the public hearing process and be approved by City Council adds a level of protection to the City and neighbors. Staff recommends approval of Ordinance 2024-038.

Jimmy Crawford, Esquire, Crawford, Modica & Holt, Clermont, stated he is present representing the owner/applicant, Pastor Rick Van Wagner, who was present. He explained the applicant reached out to the surrounding neighbors who expressed concerns that are addressed as conditions in the ordinance. One of the concerns were the tree buffers on the south and western portion of the lot to which the applicant has now increased the buffers to 75 feet. He further stated the applicant would only utilize the C-2 option if that commercial site plan is approved by City Council at a public hearing. He further shared a Letter of Support from an adjacent neighborhood called Tuscany Estates at the Lakes. He asked the Board for their support.

The floor was opened for public comments.

Pastor Rick Van Wagner, Applicant, 4228 Palm Meadow Circle, stated he has been the pastor at the church for almost 31 years. They bought this property in 1999, and they are seeking to increase the appraised value in order to build a new gymnasium and cafeteria for the school. He stated he is in support of bringing forth any commercial projects through the public hearing process.

Sami Yakovetic, 4480 Powderhorn Place Drive, stated she supports this project because it is already surrounded by commercial zoning. She further stated if an assisted living facility were to be brought forth, she asked the City of Clermont to create some type of oversight to oversee residents from being abused or neglected.

Steven Miller, 12933 Sunset Avenue, stated they live adjacent to the west side where the parking garage was approved to be located, and he asked if this zoning change has anything to do with the parking garage. **Chair Krzyminski** stated it does not. **Pastor Van Wagner** explained the parking garage was approved years ago, which the church is not currently pursuing.

With no further speakers present, the floor was closed.

Commissioner Bain asked staff if this parcel is ever sold, could the buyer put in any commercial use that is allowed. **Planning Manager Kruse** explained it is stated in the ordinance that the applicant must apply and go through the public hearing process with City Council for approval. **Commissioner Bain** asked the attorney whether the gymnasium is allowed under the current zoning. **Jimmy Crawford** answered in the affirmative. **Commissioner Bain** concluded that the C-2 zoning makes sense for this parcel; however, whether or not the City should have a role in a business gaining better loan terms is a question he is unsure of. **City Attorney Mantzaris** stated almost every rezoning request provides a financial benefit to the property owner; and further, staff's recommendation of approval stems from the surrounding zonings being C-2.

Commissioner Grube asked the city attorney what power the City would have to deny a commercial site plan after the property is zoned C-2. **City Attorney Mantzaris** explained the City Council would have authority to adjust the site plan for compatibility.

Vice-Chair Niemiec stated he likes the extra setbacks and asked whether notices were mailed to surrounding homes. **Planning Manager Kruse** explained notices were mailed out to adjacent neighbors within 200 feet, which exceeds the City's requirements. **Vice-Chair Niemiec** asked what the loan is for. **Pastor Van Wagner** stated the loan will go towards the existing buildings and a new gymnasium and cafeteria for the school.

City Attorney Mantzaris asked the applicant how they intend to show the 75 foot buffer expansion. **Jimmy Crawford** said it will be specified in the ordinance; and further, when they submit the site plan for review, it will be shown on the site plan.

Chair Krzyminski asked about the terms of the loan in value between the current zoning and if it were a C-2 zoning. **Pastor Van Wagner** said the loan is reduced in half if the parcel is changed to C-2 zoning; and further, he stated the church has taken this through a rigorous process and has

explored other banks. **Chair Krzyminski** indicated he is trying to find a way to feel more comfortable about this, and asked the applicant if they would be willing to do a deed restriction for 25 years or for the duration of the loan. **Pastor Van Wagner** stated he would need to consult with the bank; and further, as an alternative, he asked for consideration of 31 years of service and loyalty to the community. **Jimmy Crawford** expressed he has never seen that type of restriction placed on a zoning request and was opposed to it. **Chair Krzyminski** stated he has never seen a zoning change without a site plan.

Pastor Van Wagner announced he notified adjacent neighbors by email, because he cares about their neighbors, and he wants to be a good neighbor. **Steven Miller**, 12933 Sunset Avenue, adjacent neighbor to the west, stated they are not opposed to this request; and further, the first he heard of this was from the postcard from the City.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2024-038 Family Christian Center of Clermont Rezoning: Moved by Vice-Chair Niemiec. Seconded by Commissioner Bain. Motion denied 2-2 with Chair Krzyminski and Member Grube opposing and Members Colby, Guerrero and Norton absent.

DISCUSSION OF NON-AGENDA ITEMS – None

ADJOURNMENT – 7:22 pm



Max Krzyminski, Chairman

ATTEST:



Kathy Heard, Planning Coordinator