

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION
MINUTES
JANUARY 7, 2025

CALL TO ORDER

Planning Coordinator Heard called the meeting of the Planning and Zoning Commission to order on Tuesday, January 7, 2025 at 6:30 p.m.

MEMBERS PRESENT: Chair Bain, Vice-Chair Niemiec, Commissioner Colby, Commissioner Cramer, Commissioner Hoisington, Commissioner May

MEMBERS ABSENT: None

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

PLEDGE OF ALLEGIANCE

WELCOME NEW COMMISSIONERS CRAMER, HOISINGTON & MAY

Development Services Director Henschel introduced himself and welcomed the new commissioners and thanked the entire board for volunteering their time. He further introduced Interim City Attorney Waugh.

Interim City Attorney Waugh introduced himself and presented a brief overview of their duties, sunshine and public records laws.

Commissioner Hoisington asked if they can attain a city email address. **Interim City Attorney Waugh** indicated if the Board wishes, they can place the request on an upcoming agenda so it can be voted upon. **Development Services Director Henschel** said he will look into it.

ELECTIONS OF CHAIR AND VICE-CHAIR

Commissioner Niemiec, seconded by Commissioner Cramer, nominated Commissioner Bain for chair for a term ending January 2026. Motion passed 6-0.

Commissioner Niemiec, seconded by Commissioner Cramer, nominated himself for vice-chair for a term ending January 2026. Motion passed 6-0.

REPORTS

Commissioner May had no report and wished everyone a Happy New Year.

Commissioner Colby had no report and welcomed the new members.

Vice-Chair Niemiec welcome the new commissioners and asked staff to make sure that the P&Z meetings are on the City's calendar on the website.

Commissioner Cramer had no report and stated he is glad to be here.

Commissioner Hoisington had no report; and further, stated she is looking forward to serving on the commission and wished everyone a Happy New Year.

MINUTES

MOTION TO APPROVE the November 5, 2024 Minutes of the Planning and Zoning Commission meeting with a revision on Page 3 indicating the height of the building; Moved by Vice-Chair Niemiec, seconded by Commissioner Colby. Motion passed 6-0.

NEW BUSINESS

(Item heard out of agenda order.)

Item No. 2 - Ordinance No. 2025-003 Magnolia Center PUD Amendment

MOTION TO TABLE Ordinance No. 2025-003 Magnolia Center PUD Amendment to the February 4, 2025 Planning and Zoning Meeting; Moved by Commissioner Colby, Seconded by Vice-Chair Niemiec. Motion passed 6-0.

Item 1 - Resolution No. 2025-001R Lakes of Clermont Health and Rehabilitation Center CUP

Senior Planner McGruder presented as follows:

The applicant is requesting to amend a Conditional Use Permit (2017-50), to allow for a 14,350 square foot building addition that will provide a 40-Bed expansion for the existing health and rehabilitation center located at 1775 Hooks Street. The subject parcel is located at the southwest corner of Citrus Tower Boulevard and Hooks Street. The property zoning is C-2 General Commercial with a Commercial Future Land Use designation. City Code Section 125-337 allows nursing homes and rehabilitation medical facilities with an approved Conditional Use Permit.

The existing facility is 61,058 square foot and the 14,350 square foot addition will make the new total building area 75,408 square feet. The proposed addition will allow for a 40-bed expansion on the site. The facility is designed to operate 24 hours a day while patients recover. The medical staff is trained to facilitate medical services and therapy programs such as specialized orthopedic, cardiac, and stroke rehabilitation services. A patient's typical stay may last from 20 to 30 days at the facility, and this will not be considered a permanent housing facility. Other programs offered by the facility will include wound care programs, pain management, and dietitian services. The applicant has also submitted a request to allow for an Exemption from a Tier 1 Traffic Impact Analysis Study; the trip generation report dated September 5, 2024, which is based on the proposed 40-bed expansion that is anticipated to generate 122 new daily trips, 6 new trips during the AM peak hour (4 in and 2 out) and 6 new trips during the PM peak hours (2 in and 4 out).

Staff has reviewed the application and finds 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 as specified. Therefore, staff recommends approval of the request to allow for the Conditional Use Permit amendment for a 14,350 square foot addition to provide for a 40-bed expansion at the existing skilled nursing facility with up to 78,000 maximum square feet of building space in the C-2 zoning district with the conditions contained in Resolution 2025-001R.

Jason Alligood, P.E., Applicant, Kimley-Horn and Associates, Inc., 109 S. Kentucky Avenue, Lakeland, stated he has been working with staff through this process, and he is available for any questions.

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

Commissioner May asked how many parking spaces are available. **Mr. Alligood** stated this site requires 57, and the site plan has 107 parking spaces. **Commissioner May** further commented on their request for an exemption from a Tier 1 Traffic Impact Analysis Study stating the study is required at 100 peak hour trips, and they are adding 122. **Mr. Alligood** responded the 122 trips are daily trips, not peak hour.

Commissioner Colby asked if the addition will be similar in color and material. **Mr. Alligood** stated it will match the existing building.

Vice-Chair Niemiec stated a concern with the parking lot shown on the site plan and asked if this is a true depiction of the proposed plan. **Senior Planner McGruder** explained the site plan is only a conceptual site plan; and further, the site plan will be reviewed by an engineer, building and fire for accuracy and completeness. **Vice-Chair Niemiec** asked about the current size of the dumpsters on site and whether they are adequate. **Mr. Alligood** stated they are planning to use the existing dumpsters on site; and further, if an expansion is warranted, there is room to do so. **Vice-Chair Niemiec** inquired of the size of the current dumpsters. **Senior Planner McGruder** stated they do not have the size at hand. However, she emphasized that Environmental Services reviews the site plan; and if additional dumpsters are required, that will have to be addressed. **Vice-Chair Niemiec** stated this location, the corner at the Hooks Street intersection, is very busy at peak time.

Commissioner Cramer had no questions.

Commissioner Hoisington expressed a concern regarding not having all of the facts in order to make a decision such as the number of dumpsters. **Senior Planner McGruder** explained the Board is only making a recommendation on the use, to increase the size of the facility; and further, when the site plan goes through site plan review, then the engineer and staff will make comments regarding the details ensuring that the site plan meets code regulations. **Commissioner Hoisington** asked how she can make a recommendation on the use when she is not given all of the information that will go into the recommendation to approve the use.

Chair Bain asked the interim city attorney to explain a conditional use permit versus a site review permit. **Interim City Attorney Waugh** explained with every project there is a lot of information, and the consideration and discretion that every member puts into a project may be different; and further, dumpsters are not subject to this point in the review process, but they can still be considered.

Vice-Chair Niemiec stated he agrees with Commissioner Hoisington and explained his displeasure about the process in making a recommendation without all of the facts. He further stated his frustration when he sees an applicant present a project at this meeting, but at the City Council meeting the same applicant changes everything around.

Interim City Attorney Waugh explained this board is a quasi-judicial process just like trials in a courtroom which sometimes has an incomplete record and can be very frustrating.

Mr. Alligood clarified that conditions can be placed on items of concern, such as the number of dumpsters and trash pickup, to bring to staff's attention.

Chair Bain expressed this is a new commission and a consensus can be made to request more information within the presentation so that a) the board is more informed b) the public is more informed, and c) the board feels like a better decision can be made.

Vice-Chair Niemiec asked where the dumpster is located and what the average size of a dump truck is. With no answers given, he followed up with stating if the truck goes backwards, sideways or forwards to pick up the dumpster, they are in trouble; and further, this is how his decisions are based.

Chair Bain stated he looked at the original CUP 2017-50, which was approved up to 7,300 sf. This request is up to 7,800 sf, which is a 5,000 sf increase. He indicated the height restrictions were not stated in the presentation; and further, asked whether they will revert back to the original CUP. **Senior Planner McGruder** agreed the height restriction will revert back to the original CUP, which is 55 feet maximum by City code.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2025-001R Lakes of Clermont Health and Rehabilitation Center CUP; Moved by Commissioner Colby, Seconded by Commissioner May. Motion passed 4-2 with Vice-Chair Niemiec and Commissioner Hoisington opposing.

Item No. 3 - Ordinance No. 2025-001 Land Development Code Amendment - Permitted Uses

Development Services Director Henschel presented as follows:

City staff has received direction to proceed with processing amendments within the Land Development Code (LDC). Within the Central Business District (CBD) zoning, restaurants 3,000 square feet and greater and any other business establishment or structure 3,000 square feet and greater are required to obtain a Conditional Use Permit (CUP). The requested change is to increase the square footage requirement from 3,000 square feet to 6,000 square feet. Any restaurant, business establishment or structure over 6,000 square feet will be required to obtain a CUP. This change would occur under Section 125-369 and 125-370. The requested amendment would add this specific language under this section of the LDC.

- (6) Lodges and clubs.
- (7) Restaurants ~~less than 3,000 square feet~~.
- (8) Medical marijuana dispensaries.
- (b) *Floor space.* Any business establishment or structure proposing to occupy ~~more than 3,000~~ **more than 36,000** square feet of total floor space or more shall require application for a conditional use permit.

Another change within the Central Business District is the removal of the duplication of off-street parking requirements. Parking requirements are captured in another reference within the LDC. It is contained in Section 115-14 "Table of Minimum Parking Space Requirements." Therefore, due to duplication, Item (c) under Section 125-373 is being removed. Staff supports the requested changes.

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

Commissioner Hoisington had no questions.

Commissioner Cramer asked why this change is being proposed. **Development Services Director Henschel** stated there is a workshop tomorrow where he will learn more, but staff was directed by council.

Vice-Chair Niemiec asked what is replacing Section 115-14 Item (c). **Chair Bain** explained the section is not being replaced, because it is already in another section, Section 115-14.

Commissioner Colby had no questions.

Commissioner May recommended to leave Section 125-373 in the code with a reference to Section 115-14 and the date listed instead of removal.

Chair Bain asked if Clermont Main Street had been approached or is aware of this proposed change and whether they have provided any feedback. **Development Services Director Henschel** stated he is unaware if they have provided any input. **Chair Bain** stated two concerns: 1) this is before them prior to Council's workshop, and he would like more information and what the intent is behind this, and 2) stated this is premature until they get additional information. He stated it is up to this commission on whether or not they would like to table this item to a future meeting in order to obtain more information.

MOTION TO TABLE Ordinance No. 2025-001 Land Development Code Amendment - Permitted Uses to the February 4, 2025, Planning and Zoning Commission meeting: Moved by Commissioner Hoisington, Seconded by Commissioner Colby. Motion passed 6-0.

Item No. 4 - Ordinance No. 2025-002 Land Development Code Amendment - Permitted Uses

Development Services Director Henschel stated this item is very similar to the last item in that it is being discussed by the City Council at tomorrow's workshop. He inquired if this item should be presented.

Interim City Attorney Waugh informed the Board this item is on the agenda and is required to be heard.

Chair Bain explained he will open the public hearing and go from there.

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

Vice-Chair Niemiec stated he agrees that this item should be tabled as well.

MOTION TO TABLE Ordinance No. 2025-002 Land Development Code Amendment - Permitted Uses to the February 4, 2025, Planning and Zoning Commission meeting: Moved by Vice-Chair Niemiec, Seconded by Commissioner Hoisington.

Commissioner May explained the three proposed changes: 1) eliminate parking in the CBD retail/office use, and 2) any new development within the CBD that is unable to provide the required onsite parking can have the option to pay a downtown parking fee, and 3) an increase in required parking for specific land uses outside the CBD.

She further stated she has concerns with the third request involving an increase for multifamily use and rooming and boarding houses. She explained for the Board that rooming/boarding houses are multi-tenant homes with a room that shares a common space. Normally one to two people share a room, and this change is proposing three (3) parking spaces for each bedroom, which she does not understand why one (1) bedroom would need three (3) parking spaces.

After discussion, Motion passed 6-0.

Item No. 5 - Ordinance No. 2025-004 Land Development Code Amendment – C-2 Storage

Planning Manager Kruse introduced himself and welcomed the new members. He stated this item and the next, Item No. 6, are companion items. He presented as follows:

City staff has received direction to proceed with processing amendments within the Land Development Code (LDC). Within the C-2 General Commercial District, a residential storage warehouse is allowed as a conditional use. This is under Section 125-337(a)(2). In order to develop a residential storage warehouse within the C-2 General Commercial zoning, City Council must grant a Conditional Use Permit (CUP). The requested amendment would be to remove this use from the C-2 General Commercial District. See snippet of the strikethrough below. Staff supports this requested change.

~~(2) Residential storage warehouses where storage facility uses are exclusively for storing excess personal property generally stored in residential accessory buildings. This shall not include the storage of manufacturing or commercial products.~~

Planning Manager Kruse further explained Agenda Item No. 6 is where this language is being proposed to be moved to in the code at Section 125-397 (6).

~~(6) Residential storage warehouses where storage facility uses are exclusively for storing excess personal property generally stored in residential accessory buildings. This shall not include the storage of manufacturing or commercial products.~~

The floor was opened for public comments on Agenda Item No. 5, Ordinance No. 2025-004. With no speakers present, the floor was closed.

The floor was opened for public comments on Agenda Item No. 6, Ordinance No. 2025-005. With no speakers present, the floor was closed.

Commissioner May asked why only storage facilities; and further, asked for clarification on No. 3, Agricultural service operations, and No. 4, Public or semipublic facilities or structures not operated by the City and not listed as a permitted use. **Planning Manager Kruse** listed examples of No. 3 are sales of tractors, lawn mowers; and further, No. 4 is power transfer stations, telephones, etc. He informed her staff was only directed to specifically move storage facilities.

Commissioner May further questioned why this would not be a conditional use within the M-1 zoning, and would like to evaluate adding further conditions such as adding distance limitations between storage facilities if it is moved to the M-1 zoning. She stated her main goal is to preserve the highest quality of commercial parcels within the city. She would like to see more conditions and/or restrictions added to storage facilities within the code. **Chair Bain** recommended adding conditions into the motion.

Commissioner Colby asked if staff had any further information and whether this will be discussed at an upcoming workshop; and further, asked staff if there is any justifications as to why this is a good idea. **Planning Manager Kruse** stated no additional information was provided, and he had nothing more to add.

Vice-Chair Niemiec had no questions.

Commissioner Cramer asked for further clarification on the process of moving language in the code. **Planning Manager Kruse** explained the process in further detail; and further, informed the Board that there are a lot more C-2 parcels than M-1, Industrial, within the city.

Commissioner Hoisington echoed Commissioner May's concerns and questions and asked what brought this revision forward. **Chair Bain** explained he understood what staff stated was that a City Council member asked for this proposed change to be placed on the agenda, which is the only information staff received.

Chair Bain stated he also questioned the intent and motivation behind this. He shared a current city zoning map to show there is more C-2 zoning than M-1. He supports streamlining the code and supports zoning changes, but wants the rationale and clarification behind why it makes good sense and good practice. His only assumption is this is coming forward to limit locations of where self-storage facilities can go. He stated concerns regarding targeting specific businesses, limiting business opportunities; and further, he is confused as to why this proposed change is coming forward without any explanation.

Vice-Chair Niemiec asked if past approved self-storage facilities will be grandfathered in. City staff answered affirmatively.

Commissioner May explained her position of why she wants conditions and more uses added in order to not target only self-storage facilities.

Interim City Attorney Waugh advised the Board the City is already targeting all uses through the zoning code; and further, to feel free to use their own discretion solely based on this type of use.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2025-004 Land Development Code Amendment - C-2 Storage; Moved by Vice-Chair Niemiec, Seconded by Commissioner Cramer.

Chair Bain stated without better understanding of intent and clarity, he will vote no.

Motion passed 4-2 with Chair Bain and Commissioner Hoisington in opposition.

Item No. 6 - Ordinance No. 2025-005 Land Development Code Amendment – M-1 Storage

Chair Bain opened this item stating this is proposing to move language in LDC Section 125-337(a)(2) to the M-1 Industrial District under LDC Section 125-397 (6).

(6) Residential storage warehouses where storage facility uses are exclusively for storing excess personal property generally stored in residential accessory buildings. This shall not include the storage of manufacturing or commercial products.

The floor was opened for public comments previously under Item No. 5.

Commissioner May asked staff whether the upcoming comprehensive plan amendment will increase the M-1 zoning since it is a very small percentage within the city. **Planning Manager Kruse** stated that will have to be analyzed and discussed.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2025-005 Land Development Code Amendment - M-1 Storage; Moved by Commissioner Colby, Seconded by Vice-Chair Niemiec. Motion passed 4-2 with Chair Bain and Commissioner Hoisington in opposition.

Item No. 7 - Ordinance No. 2025-006 Land Development Code Amendment – Time Limit for Commencing Construction

Planning Manager Kruse presented as follows:

City staff has received direction to proceed with processing amendments within the Land Development Code (LDC). Under the current Land Development Regulations, the time limit to start construction has been ambiguous without a definitive, measurable task. The addition of language that documents an inspection within the building permit process captures progress with a measurable date. Language is being added to state “physical construction” would at a minimum, include a completed and approved footer inspection. This is a realistic time period within the two

years of a development order to move a project forward. See snippet below with the underlining of the additional language. Staff supports this requested change.

Sec. 101-216. Time limit for commencing construction.

When any conditional use permit is granted, physical construction, including items required to meet adopted levels of concurrency, must begin within the timeframe established in the conditional use permit, which may not exceed two years. Such timeframe shall begin the date the conditional use permit is signed and executed by the permittee. For purposes of this section, the term "physical construction" shall mean the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion. At a minimum, the footer inspection shall be completed and approved.

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

Commissioner May inquired if this is for all permits, because she would like to see all permits and developments have timelines; and further, asked for clarification on what a footer inspection entails. **Planning Manager Kruse** answered this is only for conditional use permits. He explained by the time the footer inspection is completed and approved, the applicant is vested, and staff agreed this was the most appropriate inspection to meet the two-year cutoff.

Commissioner Colby commented he thinks this makes sense and stated an example like the Mason Ridge project which was stalled for years. If this can keep projects moving along, he thinks it is a very good thing.

Vice-Chair Niemiec stated as a commissioner and a citizen he is tired of seeing projects approved by City Council only to see it sit there year after year. He identified one project out of many is the Hooks Street project next to the Tax Collector's Office, which was approved four years ago and just now is starting construction. He agrees with Commissioner Colby; and further, stated this ordinance is very good, very important, and is in favor of it.

Commissioner Cramer commented this is very personal for him as the president of the Yacht Club HOA where developers keep applying for conditional use permits on an adjacent parcel. He stated he appreciates this and thanked staff.

Commissioner Hoisington stated she also has been complaining for the past two years about this issue. She agrees with Commissioner May and believes all permitting should have this deadline. She further stated she would like some more conditions inserted with more timelines and consequences if the timelines are not adhered to. She commented she is very passionate about this issue, because nobody should be subjected to walking out of their home to see a construction site continue for two years or more.

Chair Bain informed he is in support at a minimum for this to be applied to conditional use permits. He encouraged the commission to contact city council members to inform them they would like to see provisions such as this in more permitting processes. He further stated he is in full support of this ordinance.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2025-006 Land Development Code Amendment - Time Limit for Commencing Construction; Moved by Vice-Chair Niemiec, Seconded by Commissioner Colby. Motion passed 6-0.

DISCUSSION OF NON-AGENDA ITEMS

Commissioner Colby advised Interim City Attorney Waugh of the disclosure forms that are due.

Interim City Attorney Waugh advised the chair that discussion of non-agenda items is not appropriate; and further, any items for discussion should be listed on the agenda. **Chair Bain** stated he would like some clarity on this item along with reports as they can be a cloudy area; and further, he believes in the past this was an opportunity for the public to speak to the commission. **Interim City Attorney Waugh** stated public comment is fine along with reports as long as no discussion with the commission is had.

MOTION TO ADJOURN; Moved by Commissioner Colby, Seconded by Vice-Chair Niemiec. Motion passed 6-0.

ADJOURNMENT – 7:57 pm


Chair Bain

ATTEST:


Kathy Heard, Planning Coordinator