

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION
MINUTES
FEBRUARY 4, 2025

CALL TO ORDER

Chair Bain called the meeting of the Planning and Zoning Commission to order on Tuesday, February 4, 2025 at 6:30 p.m.

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

MEMBERS ABSENT: None

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

PLEDGE OF ALLEGIANCE

MINUTES

MOTION TO APPROVE the January 7, 2025 Minutes of the Planning and Zoning Commission meeting made by Commissioner Hoisington, seconded by Commissioner Cramer. Motion passed 7-0.

REPORTS

Commissioner Hoisington stated she attended the MLK day festivities and welcomed others to attend next year.

Commissioner Cramer stated he had no report.

Vice-Chair Niemiec stated he had no report.

Commissioner Colby stated he also attended the MLK day festivities and gave the City kudos for a great event.

Commissioner May stated she had no report.

Commissioner Tidona thanked everyone for the opportunity to serve.

Chair Bain stated he also attended the MLK events. He shared there is a Safe Streets meeting on Thursday, February 6th at 6:00 pm at the Tavares Civic Center.

Development Services Director Henschel handed out the board list, and asked the members to let him know if anything needs to be updated.

City Attorney Waugh stated training will be coming at the next meeting on March 4th.

Commissioner Hoisington asked what the deadline is to place an item on the agenda. **Chair Bain** explained the Planning and Zoning agenda items are normally presented by staff or council. Discussion ensued regarding the agenda process and procedures for this board. **Chair Bain** stated he will look into the code and procedures regarding this request.

Commissioner Hoisington stated she would like to see the rule or procedure that prohibits the City from providing city email addresses to board members. **Chair Bain** stated he does not know the rationale; however, he does know there are IT security concerns; and further, he will research this as well. **Commissioner Colby** clarified that discussion is not to be had by email; and further, it is only a receptacle to receive agendas and information.

City Attorney Waugh explained he looked at the code for this board, and there are no provisions outlining whether or not a commissioner can add an item to the agenda. He believes it is acceptable for commissioners to add reasonable ministerial items while working with staff.

Development Services Director Henschel welcomed Commissioner Tidona.

UNFINISHED BUSINESS

Item No. 1 - Ordinance No. 2025-003 Magnolia Center PUD Amendment

Planning Manager Kruse presented as follows:

The applicant, Jean Abi-Aoun, P.E., is requesting an amendment to the Magnolia Pointe Center PUD to allow up to five (5) fast food restaurants within the PUD, with four (4) of these located on Lot 3. Magnolia Pointe Center is located south of SR 50 and east of Magnolia Pointe Blvd. The property is approximately 22 acres in size with majority of the site built out. The PUD was approved in Lake County in 2009 under Ordinance No. 2009-8 with conditions limiting specific uses on certain lots. The City of Clermont annexed the property in 2018 keeping the original entitlements, which is document in the City's PUD Ordinance 2018-08. The allowable uses are C-1 Light Commercial and C-2 General Commercial with exclusion of certain uses and permissible uses throughout the site. The only remaining vacant pieces are Lot 3 and a few pads within Lot 6.

On Page 3 of the City's ordinance (Ordinance 2018-08) under section 3, A(2)(b)ii, it states "no more than three (3) Fast Food Restaurants shall be permitted." The applicant is requesting an amendment to increase the number to five (5) and to allow four (4) fast food restaurants within Lot 3. Currently, there exists a Dunkin Donut on Lot 2, which will be included in the count of five (5). The applicant has proposed a 7,000 square foot building that will be comprised of three (3) fast food restaurants. On the end of the building, a drive-thru fast food business (Twistee Treat) is also being proposed. Based upon the information provided, the project will be required to have a minimum of 57 spaces. The applicant is providing 58 spaces. The Twistee Treat will primarily be served via a drive-thru.

The applicant has indicated that the amendment will enable Magnolia Pointe Center to better serve community needs by increasing dining options, while maintaining compatibility with the PUD's overall design and operational guidelines. In consideration of support of the project, City staff requested documentation from the Magnolia Pointe Homeowners Association that the proposed amendment would be supported by the development. A letter from the Ellis Property Management Company is within the agenda packet indicating support of the amendment.

Staff has reviewed the application and proposed project in regards to Section 125-486 Review Criteria for a Planned Unit Development. The proposed amendment to allow the additional fast food restaurants does not appear to impact the surrounding property, and the uses are currently allowed within the PUD. Staff has no evidence that with this amendment the overall

characteristics of the project will change, and it appears that it may better serve the surrounding community. The conceptual layout on Lot 3 appears to meet the Land Development Code. Staff is able to support the request and recommends approval of Ordinance 2025-003.

Jean Abi-Aoun, P.E., Applicant, Florida Engineering Group, concurred with staff's recommendations and respectfully asked for approval, and said he is present for any questions.

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

Commissioner Tidona stated concerns regarding the drive-thru, traffic access, walkability, and lack of parking spaces. **Mr. Abi-Aoun** stated currently there are 58 parking spots, which does not interfere with the drive-thru. He clarified that the Twistee Treat drive-thru is 400 feet long; and further, the master site plan has already been negotiated and agreed to with FDOT.

Commissioner May stated concerns regarding parking, the design of Twistee Treat, adding a dedicated drive-thru entrance for Twistee Treat, and customer access at the back of the building. **Mr. Abi-Aoun** explained the application and site review processes; and further, stated he will let the developer know of the recommendations concerning the building design and access.

Commissioner Colby said the front of the building needs to face SR 50. He stated concerns with the parking and possibly congestion; and further, asked staff where traffic concerns are addressed during review. **Planning Manager Kruse** answered the engineer reviews traffic flow through the site during the site review process.

Vice-Chair Niemiec asked about the timeline on construction and what type of restaurants may go in. **Mr. Abi-Aoun** stated they are ready to go as soon as they get approval; and further, shared the following establishments are being considered: Fortuna Bakery & Café, Blended Bistro & Boba, Potbelly Sandwich Shop. **Vice-Chair Niemiec** established the width of the traffic lanes for emergency vehicles; and further, one sign is proposed with all tenants listed.

Commissioner Cramer asked whether the plans were shared with the Johns Lake community. **Mr. Abi-Aoun** stated they were not.

Commissioner Hoisington stated she had no questions or comments.

Mr. Abi-Aoun thanked the commission for their valuable input; and further, assured them that there is another step in order to reach final approval, and the plan may have to be revised. **Vice-Chair Niemiec** expressed due to past meetings, he foresees issues with the concept.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2025-003 Magnolia Center PUD Amendment: Moved by Commissioner Colby, Seconded by Commissioner Cramer.

Chair Bain explained he is looking at this project from a conceptual perspective in building out the PUD with a similarly-situated footprint. He stated the ultimate question should be whether the PUD should expand from three (3) restaurants to five (5); and further, he shared he prefers one (1) building over three (3) separate buildings due to visual perspective and costs.

Motion passed 7-0.

Item No. 2 - 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. See snippet of the changes below. 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 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 this requested change.

The floor was opened for public comments.

Ronaldo Camargo, 1212 S. Grand Highway, commented on the required number of parking spots for businesses and whether employees are taken into account.

With no further speakers present, the floor was closed.

Chair Bain explained this board tabled this item and the next item (2025-002), because the city council was taking them to a workshop in which this board wanted to hear from the city council. He summarized the proposed revisions with the first being a substantive change increasing the square footage requirement to 6,000 square feet for any restaurant, business establishment or structure within the CBD. And further, the second revision is striking a portion of the code, because it is duplicated within the code.

Commissioner Hoisington thanked staff for taking the duplicative language out.

Commissioner Cramer stated he attended the workshop and has a clear understanding of this; and further, he is in support and wants to promote business downtown.

Vice-Chair Niemiec stated he also attended the workshop, and his questions were answered.

Commissioner Colby stated he attended the workshop, this is business friendly, and is in support.

Commissioner May stated she also attended the workshop, and did provide language that she would like added. Her recommendations were as follows: (1) Under Section 125-370, Conditional Uses, revising (11) to state “Restaurants over 6,000 square feet;” (2) Amending Section 125-373, Off-Street Parking, revising (c) to state “Refer to Section 115-14, Table of Minimum Parking Space Requirements.”

Commissioner Tidona asked some questions for clarity.

MOTION TO RECOMMEND APPROVAL WITH CONDITIONS of Ordinance No. 2025-001 Land Development Code Amendment - Permitted Uses with the following conditions: Amending the proposed ordinance under Section 125-370, Conditional Uses, revising (11) to state “Restaurants over 6,000 square feet”; and further, Amending Section 125-373, Off-Street Parking, revising (c) to state “Refer to Section 115-14, Table of Minimum Parking Space Requirements.”; Moved by Commissioner Hoisington, Seconded by Vice-Chair Niemiec. Motion passed 7-0.

Item No. 3 - Ordinance No. 2025-002 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). Section 115-14 Table of minimum parking space requirements has two (2) distinctive columns requiring parking spaces for land uses within the City. One column is for areas within the City, and the other column is for areas specifically within the Central Business District (CBD). Below is a snippet of the table with the columns highlighted.

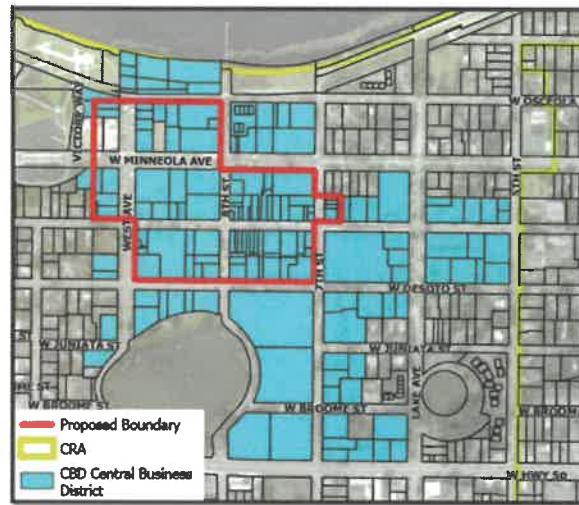
(b) *Minimum off-street parking space requirements.* Minimum off-street parking space requirements are as follows:

<i>Land Use</i>	<i>Minimum Number of Spaces per Indicated Unit</i>	<i>Minimum Number of Spaces per Indicated Unit in the Central Business District</i>	<i>Per Unit of Measure</i>
Single-family	2	1	Per dwelling unit
Multifamily	1.5 2	1.25	Per one-bedroom unit
Multifamily	2 2.5	1.5	Per two-bedroom unit
Multifamily	2.5 3	2.0	Per three-bedroom unit

The current parking requirements for the CBD is approximately half the requirement for some land uses versus other areas outside the CBD. Since the Central Business District is primarily the historical downtown area of Clermont, the parking requirements were reduced to encourage redevelopment and development in this area.

The first change that is being proposed is to eliminate parking requirements for a subset area of the Central Business District for retail and/or office use. This would only be applicable to a single

story building or the first floor of any structure within the subset area with retail and/or office use. The subset area is shown in red below. Any retail or office use in this area would not be required to provide parking.



The second change is if any new development within the CBD is unable to provide the required onsite parking, they would have the option to pay a downtown parking fee of \$3,000 per required space and move forward with their development. This payment would go into a dedicated fund designated for parking in the downtown area. The parking fee may be increased through a resolution passed by the City Council at any time. This would eliminate the need to seek a parking variance before Council and allow the development to proceed with payment of the parking fee.

The third change is an increase in required parking for specific land uses outside the Central Business District. A moderate increase in multifamily parking is being proposed. The percentage of increase is anywhere from 20% up to 34% for multifamily use. In the hospital, clinics, ACLFs and nursing home land use, the ACLFs land use is being separated out with its own row indicating two (2) parking spaces for each four (4) beds, one (1) for each doctor and two (2) for each four (4) employees. One final parking increase is for rooming houses and boarding houses, which would go up from one (1) parking space for each bedroom to three (3) parking space for each bedroom. Staff supports the requested changes.

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

Commissioner May stated she agrees with the parking and ACLF; however, she does not understand why and is not comfortable with requiring four (4) parking spaces for rooming and boarding houses. She agrees with the rest of the revisions.

Commissioner Colby stated he agrees with the revisions and is open to Commissioner May's amendment.

Vice-Chair Niemiec stated he agrees with the revisions as is.

Commissioner Cramer stated he concurs with the revisions and the clarifications he heard from the workshop.

Commissioner Hoisington stated she had no questions.

Commissioner Tidona explained his insights regarding the value of a parking spot and is concerned, because it does not specify whether this is an annual or one-time fee. He shared he thinks developers should want to pay for parking spaces. He concluded by stating he does not agree with this, is very concerned about new establishments under 6,000 square feet who may take advantage of not paying for parking; and further, stated his biggest concern is this is a big area to not include parking.

Chair Bain inquired if the \$3,000 fee is a one-time fee, the costs of building a parking spot, and what would happen in the event that the use changed. **Development Services Director Henschel** answered it is a one-time fee, a garage parking spot cost roughly \$15-25,000 per space, and staff will recommend a five-year change-of-use period. **Chair Bain** further stated he feels the red area is very arbitrary, and he does not understand why that area is being selected. He concluded with stating his concerns surrounding all aspects of the increased parking within the table and understanding the rationale behind it.

Discussion ensued regarding the red outlined areas and **Commissioner May** asked why Suncreek Brewery is not included within the red outlined area and recommended all existing businesses be included in the red outlined area.

Commissioner May further inquired what the asterisks means in the table under “Offices and Veterinary Clinics” and “Retail.” **Development Services Director Henschel** stated he would have to look into that.

MOTION TO RECOMMEND APPROVAL of Ordinance No. 2025-002 Land Development Code Amendment - Permitted Uses; Moved by Commissioner Cramer. Seconded by Vice-Chair Niemiec.

Chair Bain asked if there were any recommended conditions.

MOTION TO RECOMMEND APPROVAL WITH CONDITIONS of Ordinance No. 2025-002 Land Development Code Amendment - Permitted Uses with the following conditions: Amending the proposed ordinance under Section 115-14, Table of Minimum Parking Space Requirements (a) Adding a note explaining the asterisks; and amending (c) (1) Adding in Blocks 94, 95, and 96 to square off the map; and further, add a five-year limitation period; Moved by Commissioner Cramer. Seconded by Vice-Chair Niemiec.

Chair Bain stated he is in opposition due to his concerns regarding the red subset area along with the dramatic increases in some categories.

Motion passed 4-3 with Chair Bain, Commissioners May and Tidona in opposition.

NEW BUSINESS

Item No. 4 - Resolution No. 2025-005R Clermont Retail 935 W. Minneola Avenue

Planning Manager Kruse presented as follows:

The applicant, MEI Partners LLC, is requesting a Conditional Use Permit to allow for the construction of a 6,920 square foot retail, office and restaurant building in the Central Business District (CBD). The proposed building will replace an existing duplex at 935 W. Minneola Avenue and will be a single-story building. In addition to the new building, the project will also have a small outdoor patio area. The Land Development Code, Section 125-370, requires a Conditional Use Permit for any structure occupying more than 3,000 square feet of floor space. The total property area is 0.46+/- acres. The Land Use designation is Downtown Mixed-Use.

In order to accommodate the necessary parking, the applicant would like to construct six (6) parking spaces within the right-of-way of Minneola Avenue adjacent to this project. This would be similar to the parking spaces constructed north of this property that was a part of the Victory Village project. Staff does not have any objection to this improvement, and this will need to be coordinated with City staff at the time of site review.

Staff has reviewed the application and finds that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity and the use will be in compliance with the regulations and conditions specified. The building size and property size is very similar the property northeast of the site, which is formerly known as the Market. The surrounding area consists of commercial uses, and the Central Business District zoning is supportive of the proposed uses. Staff recommends approval of Resolution No. 2025-005R.

Kevin Hebert, P.E., Applicant, MEI Partners, Winter Park, stated this project is providing sufficient parking, and he is present for any questions.

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

Commissioner Cramer asked for clarification on the parking spaces. **Mr. Hebert** clarified there are six (6) proposed parking spaces which mimic what was approved across the street.

Vice-Chair Niemiec asked what their timeline is of when they expect to go vertical; and further, he inquired about the restaurant's hours of operations and stated concerns regarding noise coming from the patio. **Mr. Hebert** said he expects the regular turnaround with permitting; once permitted, they are ready to begin construction. **Planning Manager Kruse** stated the restaurant will be subject to the noise ordinance for that vicinity.

Commissioner Colby stated this looks like a great project and he had no questions.

Commissioner May stated she likes this project and inquired about the existing trees on the property and the layout of the parking. **Planning Manager Kruse** explained within the CBD, property owners have the right to cover one hundred percent and the only landscaping required is around the site. He stated the parking is driven by the right-of-way width; and further, parking will be determined during the site review process. **Mr. Hebert** explained the parking and elevation differences on the parcel.

Commissioner Tidona stated his concerns regarding parking, the outdoor patio, the adjacent daycare, and the encroachment on the adjacent properties. He stated his biggest concern is he believes the parking should be self-contained. He asked the applicant how he can guarantee this will not become an absolute nightmare. **Mr. Hebert** answered there are no guarantees, and explained with the elevation differences a wall will have to be put in place and the daycare will be fenced off.

Commissioner Hoisington stated she had no questions.

Chair Bain stated he appreciates the infill in this vicinity, and asked staff what terms are used with mixed uses. **Planning Manager Kruse** explained the mixed use gives the developer the ability to design and scale the site appropriately.

MOTION TO RECOMMEND APPROVAL of Resolution No. 2025-005 Clermont Retail 935 W. Minneola Avenue; Moved by Vice-Chair Niemiec. Seconded by Commissioner Colby. Motion passed 6-1 with Commissioner Tidona opposing.

DISCUSSION OF NON-AGENDA ITEMS - None

MOTION TO ADJOURN; Moved by Commissioner Cramer. Seconded by Vice-Chair Niemiec. Motion passed 7-0.

ADJOURNMENT – 8:47 pm


Chair Bain

ATTEST:


Kathy Heard, Planning Coordinator