



**CITY OF MOUNT DORA, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES**

July 19, 2023

Call to Order

Having been duly advertised as required by law Chairman, Harmon Massey called the regular meeting of the Planning and Zoning Commission to order at 10:00 a.m. on Wednesday, July 19, 2023.

Roll Call with Determination of Quorum

Present: Harmon Massey, Miles Beach, Tom Dring, Kris Haukoos, Adrian Coombes, James Homich and Barbara Tietmeyer

City Staff and Attorney: Vince Sandersfeld, Planning Director; Michele Janiszewski, Senior Planner; Ryan Winkler, Senior Planner ; Whitney Scott, Administrative Coordinator; Sherry Sutphen, City Attorney

Presenters: Ms. Janiszewski, Senior Planner; Timothy Green, Green Consulting Group; Chuck Hiott, Half Engineering & Associates; Matt Britten, Brightwork Acquisitions, LLC; Ms. Eschete, Adjacent Property Owner on Baker Street ; Mr. Austen Guenther, G3 Development

Approval of Minutes

Mr. Dring motioned to approve the meeting minutes dated June 21, 2023. Mr. Coombes seconded the motion and the minutes were approved unanimously with a 6- 0 vote.

Public participation/hearing for non-agenda items

None

New Business

A. Request for Site Plan; Inspire Donnelly Woods (Project Name); East of Donnelly Street and North of Limit Ave (Location); Liberty Senior Properties of Mt Dora, LLC (Owner); Green Consulting Group, Inc. (Applicant); Half Associates, Inc. (Engineer).Green Consulting (Landscape Architect); Meeks Partners (Architect). Project No. SP23-03.

1. Swearing in of witnesses by City Attorney
2. Ex Parte Communication regarding this item
3. Staff/Applicant presentation
4. Public Input
5. Commission deliberation and action



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City Attorney, Sherry Sutphen addressed the swearing in of witnesses.
No Ex Parte Communication regarding these agenda items.

Mr. Massey disclosed that as a prior council member, he recalled a past agenda item pertaining to the area. Ms. Sutphen stated no conflict

Ms. Janiszewski provided a summary of the proposed application and stated that Staff recommends approval of the above-referenced Site Plan with conditions. Approval is subject to satisfactorily addressing engineering requirements prior to the issuance of the City Development Permit. Approval conditioned the applicant to provide a contribution to the City's sidewalk bank.

Ms. Haukoos arrived at 10:03 a.m. Ms. Sutphen asked that Ms. Haukoos's arrival be noted for the record.

Mr. Dring asked for clarification on staff's recommendations/conditions for approval. Ms. Janiszewski stated there were a few outstanding engineering comments from CPH Consulting.

Discussion on the project location and entrance when entering Mount Dora.

Mr. Beach expressed his concerns with the lack of landscaping buffer. Mr. Beach stated that he would like to see the buffer maintained and further landscaped.

Conversation regarding traffic impact, topography, sidewalks/ walkability and number of handicap parking spaces.

Ms. Janiszewski stated that the applicant is providing more parking than our code requires and is compliant with ADA standards. When considering the traffic pattern, she also explained that the public will have the option of utilizing either access points.

The applicant, Mr. Green stated that the buffer was kept natural and the building won't be visible from Donnelly. He further clarified that due to the slope, adding a sidewalk would take away from the buffer. Walkability is difficult because of the slope, but a sidewalk will be available in future development.

Discussion on the possibility of adding a right turn only, accessing onto Donnelly Street. Mr. Green confirmed that due to the traffic impact studies, the second entrance was added.

Engineer, Mr. Hiott stated it is possible but would they would like to keep it full access unless required by the City.

Further conversation regarding adding amendment for a right turn only onto Donnelly Street and adding sidewalks/pedestrian crosswalks, for accommodation.



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Mr. Green stated there will be sidewalks when Phase 1 is developed.

Ms. Janiszewski stated staff can further review entrance off of Donnelly Street with applicant and any other concerns.

Continuing conversation pertaining to landscape buffer. Mr. Green reiterated that there is a thirty-foot wide natural landscape buffer remaining, building will not be visible except from the driveway.

Mr. Beach stated that he would like to see additional landscaping within the buffer.

Discussion on shifting the money in the tree bank, to put more towards landscaping.

Mr. Homich made a motion to approve, with conditions to improve the landscape buffer significantly on Donnelly Street side with additional trees; rather than carrying into the tree bank, improving walkability by adding sidewalks on the Eastern and Western side and implementing a right turn only exit on Donnelly Street.

Mr. Green stated that they aren't allowed to put anything east of the driveway, due to utilities on Limit Avenue.

Mr. Homich amended his motion by removing adding sidewalks on the Eastern side due to utilities on Limit Avenue.

On a motion by Mr. Homich, seconded by Mr. Coombes, the Board voted to approve with conditions to improve the landscape buffer significantly on the Donnelly Street side with additional trees; rather than carrying into the tree bank, improving walkability by adding a sidewalk on the Western side and implementing a right turn only exit on Donnelly Street with a 7-0 vote.

**FOR: Massey, Dring, Haukoos, Coombes, Homich,
Beach & Tietmeyer**

AGAINST:

MOTION CARRIED: 7-0

B. Request for Site Plan; Yardery (Project Name); 221 North Baker Street (Site Address); GC Development of Lake County, Inc. (Owner); Gaslight MDF 2, LLC (Applicant); Halfff (Engineer); Green Consulting Group, Inc. (Landscape Architect); Powell Studio Architecture (Architect). Project No, SP23-06Minor.

1. Swearing in of witnesses by City Attorney
2. Ex Parte Communication regarding this item
3. Staff/Applicant presentation



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4. Public Input
5. Commission deliberation and action

City Attorney, Sherry Sutphen addressed the swearing in of witnesses.
No Ex Parte Communication regarding these agenda items.

Mr. Massey disclosed that as a prior City Council member, a previous application regarding this property was brought to council.

Mr. Coombes stated that he previously attended a Historic Preservation board meeting and discussed the project with board members and residents.

Ms. Sutphen stated that Mr. Coombes needed to disclose the nature of conversation and names of those he discussed the project with for the record.

Mr. Coombes clarified that he spoke to Mr. Gordon, Ms. Sands and Mr. Smith regarding the esthetics design of the project.

Ms. Sutphen stated no conflict.

Ms. Janiszewski provided a summary of the proposed application and stated that Staff recommends approval of the above-referenced Site Plan with conditions. Approval is subject to satisfactorily addressing engineering requirements, including attached CPH Inc. items memo dated July 11, 2023, prior to issuance of the Site Development Permit.

Ms. Janiszewski clarified that there are minor comments, no significant conditions from staff.

Conversations on trees remaining on site. Ms. Janiszewski stated the three in the City right away will remain. Discussion regarding turf purposes, due to outdoor gaming.

Mr. Massey asked for more information regarding the house on the other side of project.

Ms. Janiszewski clarified that the house doesn't belong to the applicant and that there is access/walkway easement, along the southern portion of the property.

Discussion on noise level and proposed landscaping. Ms. Janiszewski clarified that the first floor of the building will be for office use and the second floor will be residential, so it is a mixed use building.

Ms. Janiszewski clarified the landscaping plan and stated that due to it being in the downtown exempt district, it doesn't have to adhere to the full site plan standards/review and approval.



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Conversation about adding tree buffer to separate properties and adopting landscaping to soften the impact of the apex roof in the historic district.

Mr. Homich recommended using a flat roof for functional space. The applicant Mr. Guenther, stated there are safety concerns and it wouldn't be functional for them.

The adjacent owner, Ms. Eschete, expressed her concerns regarding the type of use, topography, ADA parking, grease trap, erosion control, demolition plan, silt fence and etc.

Mr. Massey asked for the current use of Ms. Eschete's adjacent property. She stated that it is an Air B&B.

Discussions of pedestrian easements/access easement.

Ms. Sutphen clarified that the pedestrian/access easement is a private matter amongst owners.

Ms. Janiszewski addressed some of Ms. Eschete's concerns pertaining to type of use, setbacks and windows. Regarding the easements, Ms. Janiszewski clarified that the plat does include a five-foot sidewalk easement and ten-foot access easement.

Mr. Hiott clarified that the gravel and silt fence is required to keep construction contained within property, the drainage has been fixed and everything flows south to the retention pond. All comments have been addressed with CPH.

Mr. Homich expressed his concerns for the location of smoker, due to it being in the bike rack area. He also recommended adding flow arrows to properly show the draining flow on the plans.

Mr. Guenther stated the smoker is open air for ventilation and will meet the code. Will address concerns for location of smoker, interfering with bike rack.

Discussion on regulations for smoker. Ms. Janiszewski stated that there are currently no regulations specific to smokers within the Land Development Code but there is for the Florida Building Code.

Ms. Sutphen clarified, the regulations for the Florida Building Code/Building Department are not within this board purview.

Discussion on adding trees, connectivity to the trails/railroad tracks and retention pond.

Mr. Hiott re-stated that the drainage slopes from North to South and will place it into the retention pond.



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Conversation about approving project that potentially may have a negative effect on the adjacent properties. Ms. Janiszewski stated that the property meets code and is zoned for type of use.

Ms. Eschete reiterated her initial concerns.

Mr. Beach moved to approve, Ms. Tietmeyer seconded the motion.

Mr. Homich asked to amend the motion to address the drainage, bike rack issue and adding more trees to the site plan; if feasible.

Ms. Janiszewski helped to clarify the motion by stating, recommendation for approval as presented to staff with further discussion on drainage patterns, review of the bike rack conflict and adding more trees to the site plan; if feasible.

Ms. Sutphen clarified that the applicant has met the code with respect to the trees. Only necessary if the applicant agrees, not a requirement.

On a motion by Mr. Beach, seconded by Ms. Tietmeyer, the Board voted to approve as presented to staff with further discussion on drainage patterns, review of the bike rack conflict and adding more trees to the site plan if the applicant is willing with a 7-0 vote.

**FOR: Massey, Dring, Haukoos, Coombes, Homich,
Beach & Tietmeyer**

AGAINST:

MOTION CARRIED: 7-0

Mr. Massey motioned to take a short recess at 11:30 a.m. Mr. Massey called the meeting back to order at 11:40 a.m.

C. Request for Site Plan; Big Dan's Car Cash (Site Plan); 17580 US 441 (Location); Frat House, LLC (Owner); Brightwork Acquisitions, LLC (Applicant); Infinity Engineering Group, LLC (Engineer); Patrick D. Cunningham, LLC. (Landscape Architect); Oliveri Architects. Project No. SP23-04.

1. Swearing in of witnesses by City Attorney
2. Ex Parte Communication regarding this item
3. Staff/Applicant presentation
4. Public Input
5. Commission deliberation and action



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City Attorney, Sherry Sutphen addressed the swearing in of witnesses. No Ex Parte Communication regarding these agenda items.

Mr. Homich stated for the record that he previously represented the prior owner regarding an easement issue. Ms. Sutphen clarified no conflict.

Ms. Janiszewski provided a summary of the proposed application and stated that Staff recommends approval of the above-referenced Site Plan with conditions. Approval is subject to satisfactorily addressing engineering requirements prior to the issuance of the City Development Permit, and public shares cross-easement agreement being amending with new driveway and access configuration.

Ms. Sutphen stated for the record that the access/easement agreement has been completed/agreed to.

Discussion on the pedestrian access connecting to Wawa.

Applicant, Mr. Britten stated there is a pedestrian connection to the sidewalk on U.S. Hwy 441. He clarified there will be no detailing and will be self-servicing.

On a motion by Mr. Coombes, seconded by Ms. Tietmeyer, the Board voted to approve as presented to staff with a 7-0 vote.

**FOR: Massey, Dring, Haukoos, Coombes, Homich,
Beach & Tietmeyer**

AGAINST:

MOTION CARRIED: 7-0

D. Request for Ordinance Amendment Update; Land Development Code

1. Public Input
2. Commission deliberation and action

Ms. Janiszewski provided the amendment updates for the Land Development Code and stated that Staff recommends approval of the attached Ordinance which amends the Land Development Code in multiple sections.

Discussion on language in section 3.4.5 regarding "substantial "relating to building height.

Concerns with wording being non-objective.



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Ms. Janiszewski stated regarding PUD, it will be left up to whoever is on City Council to make the final decision.

Ms. Janiszewski and Mr. Massey stated that the intent of our PUD zoning district, is to provide flexibility in our standards.

Ms. Sutphen stated if the board wants to add parameters, it will be passed on to City Council to decide if they want specific language vs. more generalized.

Conversation to remove "substantial". Ms. Janiszewski stated that staff can make adjustment to remove.

Discussion regarding section 3.4.2 regarding language "two homes on either side of the subject property", revise to four closest homes and include a side yard setback.

Mr. Homich inquired about section 3.5.1, regarding code for home occupations. Ms. Janiszewski stated that this verbiage is from the Florida statues. The city is preempted from regulating home occupations, language is drafted after what's in the statues.

Ms. Sutphen clarified that there are only certain things that we can regulate, can't regulate things that aren't enumerated.

Ms. Haukoos asked for clarification whether she can vote on the matter, due to her having a home occupation. Ms. Sutphen stated there is no conflict.

Ms. Janiszewski notated that staff did include lot grading limitation on ten and fifteen feet. There is significant terrain difference within the Wolf Branch Innovation District. This was modeled after Clermont, ten feet is for residential/fifteen for commercial. Waiver requests will be granted by Planning & Zoning at their discretion.

On a motion by Mr. Homich, seconded by Mr. Dring, the Board voted to approve with revisions to sections 3.4.5 removing the word "substantial" and amending 3.4.2 to "four closest homes and include a side yard setback", with a 7-0 vote.

**FOR: Massey, Dring, Haukoos, Coombes, Homich,
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AGAINST:

MOTION CARRIED: 7-0



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Discussion on progress of Amco project. Ms. Sutphen stated she has requested a shade meeting with counsel for mediation.

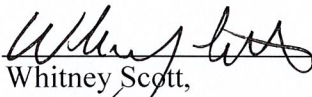
Ms. Haukoos left the meeting at 11:59 am.

Announcement of next scheduled meeting date

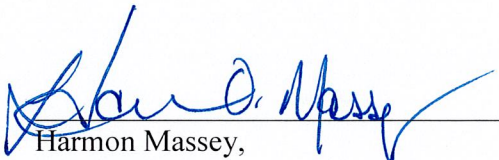
A. Next regularly scheduled meeting date: August 16, 2023

Adjournment

On a motion by Mr. Coombes, seconded by Mr. Dring, the meeting was adjourned at 12:04 p.m.



Whitney Scott,
Administrative Coordinator



Harmon Massey,
Commission Chair