

CITY OF MOUNT DORA, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES
January 17, 2024

I. Call to Order

Having been duly advertised as required by law Senior Planner, Ms. Janiszewski called the regular meeting of the Planning and Zoning Commission to order at 10:00 a.m. on Wednesday, January 17, 2024.

II. Roll Call with Determination of Quorum

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

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

Presenters: Ms. Janiszewski; Senior Planner, Mr. Colin Johnson; CMC Auto Group, Mr. Andrew Hand; City Attorney

III. Election

A. Chairperson

On motion by Mr. Coombes, seconded by Ms. Haukoos, the board voted to nominate Mr. Beach as Commission Chair with a 7-0 vote. Mr. Beach accepted.

B. Vice-Chair

On a motion by Ms. Tietmeyer, seconded by Ms. Haukoos, the board voted to nominate Mr. Coombes as Vice-Chair with a 7-0 vote. Mr. Coombes accepted.

IV. Approval of Minutes

Mr. Coombes motioned to approve the meeting minutes dated December 20, 2023. Ms. Tietmeyer seconded the motion and the minutes were approved unanimously with a 7- 0 vote.

V. Public participation/hearing for non-agenda items

None



CITY OF MOUNT DORA, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES
January 17, 2024

VI. New Business

A. Request for Conditional Use Permit; CMC Auto Group (Project Name); 2800 Old Highway 441 (Location); WUW Properties, LLC (Owner); CMC Auto Group, LLC (Applicant). Project No. CUP23-04.

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

Ms. Janiszewski provided a brief summary of the proposed project and stated that staff recommends approval the above-referenced request to allow for indoor automobile sales and vehicle display facility within the C-3 zoning district and issuance of the development order.

Discussion on indoor/outdoor auto sales, per the code. Ms. Janiszewski clarified that the draft Development Order specifically states indoor automotive sales/vehicle display facility.

Discussion on how vehicles will be moved in and out of the building.

Applicant, Collin Johnson stated there is a garage in the back of the building with roll-up doors. Proposed space will be for boutique purposes, vehicles will be indoors.

Conversation regarding co-ownership amongst Cross-Fit Unmatched gym and proposed application. Applicant stated that he and Mr. Thomas Ruggie own the building.

On a motion by Mr. Coombes, seconded by Ms. Tietmeyer, the board voted to approve the application with a 7-0 vote.

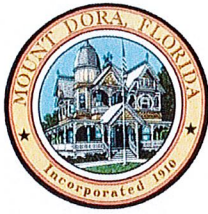
VII. City Attorney Report

A. Legal Review Presentation (30 minutes)

City Attorney, Mr. Hand provided a presentation on the Quasi-Judicial process.

Board members and Mr. Hand discussed legislative vs. quasi -judicial hearings.

Conversation clarifying what is considered quasi-judicial regarding project types.



CITY OF MOUNT DORA, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES
January 17, 2024

Clarification on the weight of the board's final vote vs. City Council. Mr. Hand stated sometimes the board is able to make the final decision, other times their vote is considered as a recommendation to Council.

Ms. Janiszewski clarified that the board makes final decisions on Site Plans, Conditional Use Permits and Variances.

Mr. Hand clarified the Florida Sunshine Law, and stated that board members should not be discussing projects, etc. outside of the meetings.

Discussion on ex-parte communications and board members disclosing site visits. Mr. Hand stated board members should disclose during ex-parte communications.

Conversation on rebuttal process through quasi-judicial hearing process.

Mr. Hand stated that public comments are not always evidence and not something the board should entirely consider. Further stated comments should be considered on case by case situation.

Mr. Hand clarified Competent Substantial Evidence.

Ms. Janiszewski and Mr. Hand discussed the weight of staff recommendations and approvals/denials, stating staff/board will have the final decision per the Land Development Code on some occasions. When this is not the case, City Council can choose to not adhere to staff/board decisions and proceed accordingly.

Discussion regarding staff/board's recommendations for a proposed project not being adhered to. Ms. Janiszewski stated if this is the case, it will be handed over to Code Enforcement.

Mr. Hand further elaborated on site visits pertaining to ex-parte and prejudice. He stated that if the site visit is disclosed, it won't be presumed to be prejudicial.

Further conversation regarding considering public comment as factual evidence.

Mr. Hand elaborated, public comments can be obtained from affected parties/staff to be considered as evidence. Asking informative questions is best suited when considering.

Mr. Sandersfeld stated that the topics are categorized and reviewed by necessary parties/staff to provide necessary information. By the time it reaches the board it has been vetted. Staff is open to providing additional information if needed.



CITY OF MOUNT DORA, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES
January 17, 2024

Discussion relating to school concurrency. Staff stated the City does send out notices to the school board but Mount Dora does not have an adopted standard.

Board members expressed their concerns regarding the City not having school concurrency and the necessity of schools.

Mr. Sandersfeld stated we can revisit these elements for the “Comprehensive Plan Evaluation Appraisal Report” in 2026. Stated it’s important to advocate to the school board.

Mr. Sandersfeld clarified that within the JPA, there is only 1,000 acres left of vacant land. The majority of this is supposed to be used for non-residential. Reiterated that the school board is aware of development in Mount Dora, due to the notifications.

Ms. Janiszewski reiterated that although the City doesn’t have an adopted standard, the public is still free to go voice their concerns/opinions. From the Planning & Zoning aspect, this cannot be used as a reason to deny an application.

Mr. Hand stated board members are encouraged to go to school board to voice their concerns and advocate.

Conversation on status of A.M.C.O. project. Mr. Sandersfeld stated it’s anticipated to be brought to the City Council meeting on February 6th. If council accepts, it will be necessary to come back with the ordinance for a PUD.

Discussion on possible Sunshine Law violations when speaking at City Council meetings.

Mr. Hand recommended if speaking at a City Council meeting, members should acknowledge their role on the Planning & Zoning Commission. It’s also important to state their own interest as the general public, in an effort to share their thoughts on a particular topic.

VIII. Announcement of next scheduled meeting date

A. Next regularly scheduled meeting date: February 21, 2024

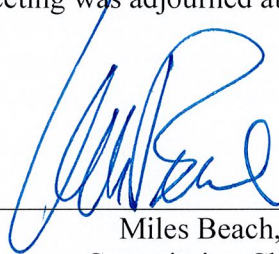


**CITY OF MOUNT DORA, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES
January 17, 2024**

IX. Adjournment

On a motion by Mr. Turner, seconded by Ms. Tietmeyer, the meeting was adjourned at 11:47 a.m.

Whitney Scott,
Administrative Coordinator



Myles Beach,
Commission Chair