



CITY OF MOUNT DORA, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES
October 16, 2024

I. Call to Order

Having been duly advertised as required by law Chairman, Miles Beach called the regular meeting of the Planning and Zoning Commission to order at 10:01 a.m. on Wednesday, October 16, 2024.

II. Roll Call with Determination of Quorum

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

Absent:

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

Presenters: Michele Janiszewski, *Senior Planner*; Chuck Hiott, *Halff*; Mark Miller, *City Urban Forester*

III. Approval of Minutes

On a motion by Mr. Coombes, seconded by Ms. Tietmeyer, the board motioned to approve the meeting minutes dated September 18, 2024, unanimously with a 6- 0 vote.

IV. Public participation/hearing for non-agenda items

None

Ms. Haukoos arrived to the meeting at 10:03 a.m.

V. New Business

- A. **Request for Site Plan;** Fifth Third Bank (Project Name) SEC US Hwy 441 & JW Simpson Way (Site Address); BDG Architects LLP (Applicant); One Oak MD Groves, LLC (Property Owner); Infinity Engineering Group, LLC (Engineer); Infinity Engineering Group, LLC (Architect); Infinity Engineering Group, LLC (Landscape Architect). Project No. SP-2408.

Ms. Janiszewski provided a brief summary of the proposed application and stated that staff recommends approval of the above-referenced Site Plan request, subject to modification of proposed bicycle racks.

Discussion on proposed projects on the right side of the property.



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Ms. Janiszewski stated the first lot is Texas Roadhouse, the second is First Watch, which staff hasn't seen a site plan for. The third is a three unit commercial development with a dentist office, Mission Barbecue and an undetermined retailer. Lot 6 is Chick fil la, which is currently under Site Plan review.

Ms. Janiszewski clarified lot one is under contract with a gas station, no submittal has been received at this time. Lot 7 is a storm water retention pond and staff said it should be a tract, not a lot. Lot 8 is undetermined. There will be a traffic light at Fiddler and it will be in place prior to the businesses opening. One of the developers will be installing

Discussion on a Master's Development Agreement.

Conversation on landscape plan. Ms. Janiszewski clarified landscaping will be held to city requirements. Lots three, four and five are approved pursuant to the county standards.

Ms. Janiszewski stated that proposed are seven live oaks, four mark oak, five canopy, six understory and a continuous hedge.

Further clarification of proposed landscaping plan for lots approved by county vs. city.

Applicant stated that the overall development did not include the landscaping for their lot, landscaping plan for this Site Plan is based on the city's code.

Discussion on tabling/approving with conditions, pending board members and staff review of the landscape plan.

Conversation on irrigation well/reclaimed water. Ms. Janiszewski stated she will check with Public Works/Utilities.

Discussion regarding if all DRC comments have been resolved. Ms. Janiszewski stated they have been.

Ms. Janiszewski acknowledged board member concerns, regarding bicycle racks not being up to city standards. Board members proposed that we stick with the standard.

Board members asked for applicant to point out where the six sable palms are going to be in the landscaping plan.

Discussion on stipulations regarding ten/twelve feet plantings being in compliance. Ms. Janiszewski stated staff will review.

Board members and Ms. Janiszewski discussed being mindful of verbiage on staff reports and etc., which state "staff reviewed the application and finds it generally consistent vs. consistent/not consistent".



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Ms. Janiszewski stated staff will review and notate approval with conditions/etc.

Conversation on adding handicap space, next to existing. Board members stated that they understand that is not a requirement, just a suggestion.

Applicant stated that they will take into consideration, as well as making sure that the landscaping meets the city's expectations.

On a motion by Ms. Haukoos, seconded by Mr. Dring, the board voted to table the Site Plan application with a 6-0 vote.

B. Request for Site Plan; 1518 Donnelly New Building (Project Name); 1518 Donnelly New Building (Project Name); (33 MD, LLC (Owner); (33 MD, LLC (Applicant); Gooden Designs (Architect). Project No, SP24-05Minor.

Ms. Janiszewski provided a brief summary of the proposed application and stated that staff recommends approval of the above reference request, subject to Development Review Committee (DRC) and engineering comments.

Board members inquired with staff about outstanding DRC comments that haven't been resolved.

Discussion on impact fees. Ms. Janiszewski stated impact fees will have to be paid, when applying for the building permit.

Discussion on concerns regarding different paving materials.

Mr. Chuck Hiott from Halff, stated they are working with CPH to try and resolve. They are seeking the least expensive resolution, by using what's already existing.

Board stated that they would like to see it asphalt all the way through.

Conversation on asphalt milling being pervious vs. impervious.

Mr. Hiott stated it would be impervious. If it was changed to full asphalt, it would still meet the requirements for pervious/impervious.

Discussion on swale. Board members asked if there is anything the developer can do to avoid possibly damaging utility lines.

Mr. Hiott stated that the swale is six inches deep. He can have the contractor put in at forty-eight inches, giving a minimum of three feet.

Discussion on property to the east of the lots shown on aerial map. Ms. Janiszewski stated that it's a vacant residential lot, that isn't being developed.



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Conversation on detailing comments in the motion for approval.

Ms. Janiszewski clarified that the Site Plans don't go before City Council. Any outstanding comments would have to be addressed before receiving the Site Development Permit.

On a motion by Mr. Beach, seconded by Mr. Coombes, the board voted to approve pending all outstanding comments from DRC and CPH dated on October 4, 2024 be resolved; as well as changing the portion of drive aisle from asphalt millings to asphalt paving's.

Mr. Hand stated for the record, that the conditions are included in the Development Order.

Ms. Janiszewski clarified that generally these are public record.

C. LDC Amendment: Landscaping (Discussion Only)

Ms. Janiszewski provided updates/changes to the Landscaping Amendment. She clarified that staff has not met with other departments to review and they haven't been advertised.

Discussion on pruning, preservation/mitigation and tree removal.

Conversation regarding buffers in various developments. Board members asked staff to amend, to distinguish between infill and new development.

Discussion on which width options are applicable. Ms. Janiszewski stated it's up to the applicant, the city doesn't have a requirement.

Board members stated they want to maintain more green space in areas, instead of brick walls. In addition to removing/editing provisions on buffer types with five foot options, which include walls to reduce the buffer. Suggested possibly changing to fifteen /twenty- five.

Conversation on proposed changes and how it changes what the buffer would be, compared to the current regulations vs. the proposed.

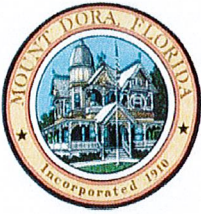
Ms. Janiszewski stated that she can provide that information in the future.

Ms. Janiszewski provided clarification on the seventy-five percent transparent fence/wall. She stated it will still need to meet our design standards.

Board members shared their concerns regarding the five foot buffer requirements.

Ms. Janiszewski stated she mirrored the recommended buffer code from the city of Apopka but she can remove the five foot width option.

Board members recommended a wider buffer and a fence in these circumstances. They also proposed removing five foot option.



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Mr. Hand stated options are good if there is a reason and there is criteria for a particular waiver/performance standard, which the developer is meeting. It is important to make sure that the criteria is clear, can provide conditions on enhanced buffer reverse. Potential legal challenges can arise when code is too strict or vague.

Board recommend providing multiple options that are stringent and a waiver process. Reiterated that the five foot buffer is too little.

Discussion on ordinances/laws that require maintenance of landscaping and enforcement.

Conversation on irrigation requirement. The city does not require every single family dwelling unit to have an irrigation system.

Board recommended differentiating buffer requirements between commercial construction vs. residential.

Board members stated that they would like a special section for residential, to maintain the city's special character. They are seeking a better retention of existing foliage, as well as wider/denser buffers.

Discussion on adding hardship provisions.

Further discussion on dead, dying, deceased trees and arborist certification.

Ms. Janiszewski stated staff will have to look into. There currently is a Florida statute that preempts tree removal from a residential lot, if they have a letter from an arborist. Staff would need to incorporate in. In others cases, the intent would be provided on a sealed tree survey.

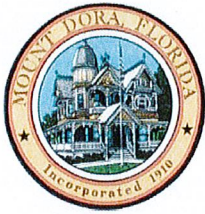
Conversation on emergency tree removal process and what is required for the letter.

Mr. Miller stated the homeowner needs a letter from a landscape architect or certified arborist.

Mr. Miller stated that the individual who gives the letter, should do a tree assessment of all three. The letter should indicate that the owner has a high risk tree based on the assessments, giving the owner the decision to choose how they want to proceed. Letter should also include logo, landscape architect's/certified arborist certification number, and a physical signature.

Mr. Miller explained that there is a caveat assessment, with three phases. He offers assessment one and a partial assessment two. Does not offer assessment three because it puts the liability back on him and the city.

Mr. Miller clarified permit to remove a tree is not required if the owner has this letter, this supersedes the permit. All of this information is available on the city website.



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Mr. Hand left the meeting at 11:30 a.m.

Discussion on clear cutting on previous projects, regarding verifying the developer's arborists.

Ms. Janiszewski stated we rely on the information that is provided to staff on the site and review it based on that.

Conversation on modifying landscaping plan to include, identifying specimen trees that are going to be preserved and taking due-diligence to review trees proposed for removal.

Ms. Janiszewski stated that the two definitions.

Discussion on tree species list.

Ms. Janiszewski stated how the code defines protected trees.

Conversation on changing verbiage in section D: 6.6.5, regarding offsite donations. The board stated that the City should make standards when contributions to tree bank can be made, making it more difficult for this to be viable option.

Discussion on tree bank contribution amount. Board members expressed that we should take into consideration the caliper, type of tree, installation, two years of maintenance on the tree and an environmental penalty of a flat rate.

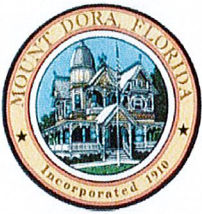
The Board elaborated that the criteria to determine the cost of the tree bank contribution should be set out and not a dollar amount, due to inflation. It should not be left up to applicant to determine whether or not they can meet the standard.

Ms. Janiszewski stated that this provision isn't really used for off-site donations, essentially utilized as the tree bank. It's the verbiage that was included because we don't accept donations for offsite, we refer to the tree bank.

Ms. Janiszewski clarified the existing verbiage. She stated in the past we've required a letter from their landscape architect stating based on the tree sizes and buffers, that it would be healthy to add additional trees into the buffer.

Ms. Janiszewski stated that staff has reviewed and it would be more efficient to have a fee that incorporates one standard fee. It would be adopted into the yearly fee schedule.

Discussion on adding a requirement for independent architect, who isn't associated to the project to provide an assessment. Board members also inquired about having Mr. Miller, to assist as a third party review.



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Mr. Miller stated the importance of implementing defendable and appeasable numbers for caliper inch.

Conversation on language pertaining to buffer zone requirements. Board members agree “generally: should be replaced with “must be”.

Discussion on pruning and building codes not being accessible. Mr. Miller stated we can make it accessible online.

Discussion on not requiring irrigation, implementing xeriscape irrigation.

D. LDC Amendment: Minor Edits (Discussion Only)

Ms. Janiszewski stated she still needs to meet with the Utility and Public Works department for their input on some of the highlighted sections.

Ms. Janiszewski stated as of lately, DRC has not held in-person meetings but may meet in person in the future, as required.

Discussion on as-built’ s. Staff is looking to establish as-built section of code or to apply a standard definition.

Conversation on ESV forms and process. Ms. Janiszewski clarified the process and stated it applies to commercial and residential, is completed before the slab is poured.

Discussion on accessory structures and front porch screening.

Ms. Janiszewski clarified the intention for not having permanent screening. She stated that screening would be okay but the intent is, we don’t want it enclosed to be made a part of the house. If it’s encroaching in the front setback, public safety can be affected due to obstructing vehicular light of sight.

Ms. Janiszewski stated staff is contemplating allowing screening.

Discussion on porch screening in historic district. Ms. Janiszewski clarified the process of what’s required for existing vs. new installations.

Conversation on setbacks extending eight feet.

Ms. Janiszewski stated that staff can increase the provision and make it a ten foot setback and change the verbiage.

Discussion on accessory units complying with the architecture of the existing buildings. Board members stated that it should be, as long as it can’t be seen from the street, it can vary.



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Conversation on off-street parking requirements. Board members stated that they would like to see unused parking utilized as landscaping.

Ms. Janiszewski stated that we can apply the provision that, providing parking spaces more than the minimum required must be pervious.

Discussion on compact parking spaces. Board stated that we don't need additional compact spaces and should eliminate.

Ms. Janiszewski defined Accessory Dwelling Unit.

Ms. Janiszewski clarified the difference between an Accessory Dwelling vs. Cottage apartment.

Board expressed their concerns eliminating R-1 zoning. Discussed establishing standards on duplexes being under separate owners vs. single owners.

Conversation on providing the definition of kitchen. Ms. Janiszewski stated we currently do not define, but we can add.

Board members suggested calling it cooking facility.

Discussion on kitchen/cooking facilities regarding, Accessory Dwelling Units.

Ms. Janiszewski stated she will look up common definitions.

Conversation on requiring less square footage in the main dwelling unit.

Ms. Janiszewski stated a recorded signed affidavit would be required, stating that the dwellings units can't be separated. The property appraisers would continue to tax as one property.

Board members inquired about adding a provision that ADU's not be used as an Airbnb's.

Ms. Janiszewski stated we can't regulate the length of time something is being utilized, she will have to check with legal.

Ms. Janiszewski elaborated on accessory dwelling units. She stated that the property will not be allowed to be separated and staff is purposing a recorded affidavit, stating that the property owner will either reside in the principal dwelling unit or the accessory dwelling unit.

Discussion on parking and HOA/ Deed restrictions.

Conversation on houses being required to have a garage.



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Ms. Janiszewski stated that garages are required. If the garage is converted, another must be provided.

Ms. Janiszewski stated in the historic district, it would have to go to the Historic Preservation Board.

Discussion on how this could effect Next Gen housing.

Ms. Janiszewski and the board, discussed whether an existing duplex can be redefined as a primary with an ADU.

Ms. Janiszewski stated it will be reviewed at the staff level.

Board members recommended continuing discussion at a “special meeting”.

Mr. Homich stated that due to him running for Mayor and the upcoming election, this may be his last meeting. Mr. Homich thanked the board and staff for his time served.

E. Staff Presentation: DRC 101

Board and staff decided to table, to discuss at future meeting.

VI. Announcement of next scheduled meeting date

A. Next regularly scheduled meeting date: November 20, 2024

VII. Adjournment

On a motion by Mr. Turner, seconded by Mr. Coombes, the meeting was adjourned at 12:37p.m.

Miles Beach
Commission Chair

Whitney Scott
Administrative Coordinator