

OCOEE PLANNING AND ZONING COMMISSION

Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

September 10, 2024

MINUTES

6:30 PM

REGULAR PLANNING AND ZONING COMMISSION MEETING

• CALL TO ORDER

Chair Lomneck called the regular session to order at 6:30 PM in the Commission Chambers of City Hall. The invocation was led by **Chair Lomneck**, followed by the Pledge of Allegiance to the Flag. **Recording Clerk Justice** called the roll and declared a quorum present.

Present: Chair Lomneck, Member Keller, Member Chacon, Member Galvan, Alternate Member Butler

Absent: Vice-Chair Forges

Also present: Zoning Manager Whitfield, Concurrency & Commitment Coordinator McFarlane, Acting Assistant City Manager Rumer, Board Attorney Johnson, and Recording Clerk Justice

• CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting held on August 13, 2024.

(6:31 pm)

Motion for Approval of the Consent Agenda: Moved by Member Keller, Seconded by Member Chacon; Motion carried 5-0, with Vice-Chair Forges absent.

• OLD BUSINESS - None

• NEW BUSINESS

1. Shoppes on the Bluff Small-Scale Comprehensive Plan Future Land Use Map Amendment & Rezoning; Project No. CPA-2024-003 & RZ-24-03-05 (**Zoning Manager Whitfield**)

Zoning Manager Whitfield presented a brief overview of the proposed project. The applicants would like to rezone the property from R-1AA (Single-Family Dwelling District) to PUD (Planned Unit Development District). The proposal is to construct two buildings totaling 23,052 SF of commercial space that would comprise uses within C-2 zoning, with primarily retail and restaurant tenants, and a list of "included" and "not included" uses. A sit-down restaurant with outdoor courtyard seating is planned, along with a connection to the West Orange Trail. To meet design criteria in consideration of the property's proximity to the trail, the applicants propose an open-to-the-public picnic pavilion near the connection point that will

satisfy the integration and activation of the West Orange Trail. The applicant is requesting a waiver to reduce the required 10-foot building perimeter landscaping to 5-feet in certain areas to allow for increased pedestrian access and improve the aesthetics of the building.

The Board had no comments or questions.

Chair Lomneck invited the applicant team to speak.

Chris Thompson, Z Development Services, expressed that the applicant team held a community meeting on September 3rd to discuss residents' concerns for the proposed development. The meeting was primarily positive; the residents that attended shared their concerns for the potential uses, for example, tattoo establishments. As a result of the meeting, the applicant team is happy to exclusively exclude tattoo establishments from the project. He explained that this development is intended to be an amenity for the community and surrounding residential uses. He further advised that the applicant is happy to cap the Floor Area Ratio (FAR) so if the property were to change hands, the surrounding residents can be assured that there is a limit to what could be developed there in the future.

Chair Lomneck inquired about excluding smoke shops. **Mr. Thompson** advised that this would not be an issue.

Chair Lomneck opened the public hearing. As there were no speaker forms received, Chair Lomneck closed the public hearing.

(6:46 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of the Shoppes on the Bluff Small-Scale Comprehensive Plan Future Land Use Map Amendment, with the condition that tattoo parlor and smoke shop uses be excluded, Project Number CPA-2024-003; Moved by Member Keller, Seconded by Member Galvan; motion carried 5-0, with Vice-Chair Forges absent.

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of the Shoppes on the Bluff Rezoning with the condition that tattoo parlor and smoke shop uses be excluded, Project Number RZ-24-03-05; Moved by Member Keller, Seconded by Member Galvan; motion carried 5-0, with Vice-Chair Forges absent.

2. HomeTowne Studios Special Exception; Project No. 5-24-SE-032 (Concurrency & Commitment Coordinator McFarlane)

Concurrency & Commitment Coordinator McFarlane introduced himself to the Board and presented a brief overview of the proposed project, which encompasses a hotel on a 3.71-acre parcel that is part of the Ladybird Academy PUD, to include C-2 zoning uses. In accordance with Permitted Use Regulations Table 5-1, Section 5-8A of Article V, a Special Exception approval is required to place a hotel on property zoned C-2. The 30-foot rear

landscape buffer between the proposed hotel and the West Orange Trail will be evaluated for sufficient trail protection at the time of site plan review. At that time, potential wetlands on the property will be evaluated as well.

Chair Lomneck inquired about the Land Development Code as it relates to a hotel and extended stay use. **Acting Assistant City Manager Rumer** addressed his question.

Acting Assistant City Manager Rumer introduced applicant representative Russell Maynard of *Central Florida Engineering Consultants*.

Chair Lomneck opened the public hearing.

Kellie Beck, 2551 Sweet Viburnum Way, spoke in opposition of the project.

Sherri Beach, 703 Marotta Loop, spoke in opposition of the project.

Natalie Lopez, 638 Fortanini Circle, spoke in opposition of the project.

Chris Adkins, 606 Ridgefield Avenue, spoke in opposition of the project.

Keith Hadley, 1024 Robin Holly Street, spoke in opposition of the project.

Lauren Gangl, 928 Robin Holly Street, spoke in opposition of the project.

Jessica Soto, Westyn Bay resident, spoke in opposition of the project.

Chair Lomneck closed the public hearing.

Russell Maynard, *Central Florida Engineering Consultants*, addressed residents' concerns with respect to the extended stay aspect of the proposed hotel, noting that the location for this project is not intended to be an extended stay product. He advised that a limit of a two-week lease, for example, could be implemented.

Alternate Member Butler inquired about the provision Mr. Maynard mentioned regarding limiting lease terms to two weeks. **Acting Assistant City Manager Rumer** addressed his question.

Chair Lomneck inquired about the difference between this project and the existing former Red Roof Inn property on S.R. 50. **Acting Assistant City Manager Rumer** addressed his question. Discussion ensued.

Chair Lomneck handed the gavel to Member Keller.

(7:29 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Denial of the HomeTowne Studios Special Exception, Project Number 5-24-SE-032; Moved by Chair Lomneck, Seconded by Member Chacon; motion carried 4-1 with Alternate Member Butler opposed and Vice-Chair Forges absent.

Chair Lomneck commented on the future need for hotels, including those with suites, and mentioned he does not believe the proposed site is the correct location for them.

3. Temporary Moratorium Ordinance on the Processing and Consideration of Development Approvals (Acting Assistant City Manager Rumer)

Acting Assistant City Manager Rumer presented a brief overview of the City's efforts to update the current Comprehensive Plan and Land Development Code. There are currently several character area overlays in place and the City wants to create one complete Code to facilitate what needs to be accomplished in each area. The purpose of the temporary, six-month moratorium is to pause new submittals coming in for consideration after September; it will not stop projects that are already in the pipeline for review and discussion. This will allow the City time to focus on finalizing the Comprehensive Plan and Land Development Code.

Member Galvan requested a sidebar with Board Attorney Johnson. He also disclosed that he would abstain from voting due to his involvement in a development project impacted by the moratorium. Additionally, he requested a copy of Form 8B related to voting conflicts.

Chair Lomneck opened the public hearing.

Chris Adkins, 606 Ridgely Avenue, asked when the Land Development Code and Comprehensive Plan were last changed, and further inquired about associated costs and the number of special exceptions that have been approved. **Acting Assistant City Manager Rumer** addressed his questions. Discussion ensued.

Chair Lomneck closed the public hearing.

(7:43 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of the Temporary Moratorium Ordinance on the Processing and Consideration of Development Approvals; Moved by Member Keller, Seconded by Member Chacon; motion carried 4-0 with Vice-Chair Forges absent and Member Galvan abstaining. (Form 8B on file in the City Clerk's Office)

Chair Lomneck bespoke the need for changes to the Code and commended staff for their great communication with the Board.

• **MISCELLANEOUS**

1. Project Status Report

Acting Assistant City Manager Rumer updated the Board with the following:

- The Large-Scale Site Land Use Amendment for Regional Sports Complex will be presented in October
- Two (2) new roads are under construction in the Crown Pointe area (both were approved in 2003 as part of the Crown Pointe development)
- Two (2) additional east-west roads are being built along Ocoee-Apopka Road, both will terminate at a future Pine Street
- The Regency mixed-use center in CRA Target Area 1 has broken ground

Member Keller inquired about Clarke Road. **Acting Assistant City Manager Rumer** addressed his question.

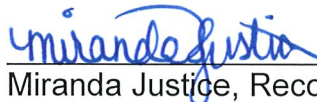
Member Keller further inquired about April Planning Board conference, specifically the group planning board membership previously discussed. **Acting Assistant City Manager Rumer** addressed his question.

Chair Lomneck inquired about the fence around Hardee's. **Acting Assistant City Manager Rumer** addressed his question.

Chair Lomneck also inquired about the Palm Drive realignment. **Acting Assistant City Manager Rumer** addressed his question.

• **ADJOURNMENT – 7:51 PM**

ATTEST:



Miranda Justice, Recording Clerk

APPROVED:


Brad Lomneck, Chair

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME GALVAN JOAQUIN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING AND ZONING
MAILING ADDRESS 1389 SPRING LAKE TERRACE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY OCOE	COUNTY ORANGE
DATE ON WHICH VOTE OCCURRED SEP 10 2024	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JOAQUIN GALVAN, hereby disclose that on SEPTEMBER 17, 20 24 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, of my self _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I HAVE PRIVATE PROPERTY I WAS PLANING ON SUBMITTING TO THE CITY TO START BUILDING SO
THAT WHY I RECUSED MY SELF FROM VOTING BUT IT WOULD DIRECTLY AFFECT ME FROM
SUBMITTING

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9/17/2024

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.