

OCOEE PLANNING AND ZONING COMMISSION

Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

November 12, 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, Vice-Chair Forges, Member Keller, Member Chacon, Member Galvan, Alternate Member Butler

Absent: None

Also present: Zoning Manager Whitfield, Acting Development Services Director Corless, Board Attorney Johnson, and Recording Clerk Justice

• **CONSENT AGENDA**

1. Minutes of the Planning and Zoning Commission Meeting held on October 8, 2024.

(6:30 pm)

Motion for Approval of the Consent Agenda: Moved by Member Keller, Seconded by Vice-Chair Forges; Motion carried unanimously.

• **OLD BUSINESS - None**

• **NEW BUSINESS**

1. MDTL Enterprise LLC Property (Conservation Tract) Annexation; Project No. AX-10-24-01 (**Zoning Manager Whitfield**)

Vice-Chair Forges announced that he will abstain from voting on this item due to a conflict.

Zoning Manager Whitfield provided a brief overview of the subject parcel, explaining that the property is eligible for annexation. She advised that the proposed annexation aims to support the protection and preservation of conservation and wetland areas, and will be dedicated to the City for wetlands mitigation and inclusion with floodplains.

Member Chacon asked if there were any financial implications for the City. **Zoning Manager Whitfield** addressed his question.

Chair Lomneck inquired about the timeframe the applicant would have in which to transfer

ownership of the property to the City. **Zoning Manager Whitfield** addressed his question.

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

(6:34 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of the MDTL Enterprise LLC Property (Conservation Tract) Annexation, Project Number AX-10-24-01, with the condition that a timeframe be set in which the applicant must dedicate the property to the City when the project commences; Moved by Member Keller, Seconded by Member Chacon; motion carried 4-0, with Vice-Chair Forges abstaining. (Form 8B on file in the City Clerk's Office)

Member Keller inquired about **Alternate Member Butler's** voting eligibility due to **Vice-Chair Forges'** abstention. A discussion followed with **Board Attorney Johnson**. **Chair Lomneck** called for a new motion.

(6:37 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of the MDTL Enterprise LLC Property (Conservation Tract) Annexation, Project Number AX-10-24-01, with the condition that a timeframe be set in which the applicant must dedicate the property to the City when the project commences; Moved by Member Keller, Seconded by Member Chacon; motion carried 5-0, with Vice-Chair Forges abstaining. (Form 8B on file in the City Clerk's Office)

2. Annual Comprehensive Plan Text Amendment to Adopt Five-Year Schedule of Capital Improvements and Update the Capital Improvement Element (CIE); Project No. CPA-2024-007 (**Zoning Manager Whitfield**)

Zoning Manager Whitfield explained that, per Section 163.3177(3) of the Florida Statutes, the Comprehensive Plan must include a Five-Year Schedule of Capital Improvements. She then presented an overview of the proposed Five-Year Capital Improvements Plan, which aligns with the Fiscal Year 2024/2025 – 2028/2029 Budget approved by the City Commission on September 18th. This plan includes only projects and improvements previously authorized by the City Commission.

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

(6:39 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of the Annual Comprehensive Plan Text Amendment to Adopt Five-Year Schedule of Capital Improvements and Update the Capital Improvement (CIE), Project Number CPA-2024-007; Moved by Member Keller, Seconded by Member Galvan; motion carried

unanimously.

• **MISCELLANEOUS**

1. Project Status Report

Acting Development Services Director Corless updated the Board with the following:

- The Commerce 429 project is no longer allowed early morning and late-night concrete pours after numerous citizens voiced their concerns about the noise to staff.

Chair Lomneck inquired if the 7-11 located on Lakewood Avenue is facing any permitting issues that might be causing a delay in its opening. **Acting Development Services Director Corless** and **Zoning Manager Whitfield** addressed his question.

Chair Lomneck requested clarification regarding The Backyard project, specifically whether the plan involves hosting food trucks or establishing a food hall. **Zoning Manager Whitfield** addressed his question.

Vice-Chair Forges asked if there are any updates regarding the Goodwill project at Fountains West. **Zoning Manager Whitfield** addressed his question.

Member Galvan inquired about early morning and late-night concrete pours with respect to the upcoming regional sports complex. **Acting Development Services Director Corless** addressed his question.

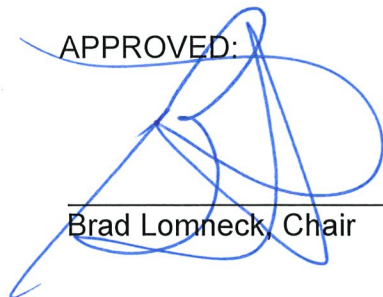
Chair Lomneck commended Acting Development Services Director Corless and the Planning team for their outstanding work on the memorial unveiled at Unity Park.

• **ADJOURNMENT – 6:46 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 FORGES Lou	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning and Zoning
MAILING ADDRESS 1125 Blufford AVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY OCFEE	COUNTY ORANGE
DATE ON WHICH VOTE OCCURRED 11/12/24	NAME OF POLITICAL SUBDIVISION: District 1
	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, LOU FORGES, hereby disclose that on November 12, 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, _____;

☒ inured to the special gain or loss of MDTL Enterprise LLC, 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:

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.

Date Filed

11/12/2024

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.