



**MEETING MINUTES
SESSION OF THE PLANNING ADVISORY
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
WEDNESDAY, MARCH 16, 2022 AT 6:00 PM**

Board Members Present: Chairman Robert Bussiere, Vice Chairman Wolff, Member Diana Marrero-Pinto, Member Robert Spalding, Member Jackie Espinosa (**Absent**), Member Fatima Santiago, School Board Member Jason Lindsey (**Absent**)

Staff Members Present: Douglas Etheredge, Assistant Director, Brenda Ryan, Planning Manager, Cristian Arias, Senior Planner, Yolanda Hazley, Planning Technician

1. **MEETING CALLED TO ORDER**
2. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
3. **MINUTES**

3.A APPROVAL OF THE FEBRUARY 16, 2022 PLANNING ADVISORY BOARD MEETING MINUTES.

ACTION: Member Spalding made a motion to approve the minutes of the February 16, 2022, Planning Advisory Board Meeting. Seconded by Member Marrero-Pinto

Chairman Bussiere	AYE	Member Santiago	AYE
Vice Chairman Wolff	AYE	Member Marrero-Pinto	AYE
Member Spalding	AYE		

MOTION CARRIED 5-0

4. **OLD BUSINESS**
5. **NEW BUSINESS**

5.A PUBLIC HEARING: CU-22-0001 - OPPORTUNITY CENTER MURAL: AUTHORIZATION OF A TRUE WORK OF ART

Planning Manager Ryan stated that this is a request for an Authorization of A True Work of Art to allow a mural installation on a portion of a building façade wall. The subject property is located at 310 N. Clyde Ave.

Staff recommends approval for the following reasons:

1. Compliance with Section 14-11-16 of the Land Development Code as the mural is a true work of art and is not intended to be used as a sign as defined by Section 14-2. The additional logos and others have no direct association with the business that occupies the building where the mural will be established and the proposed mural is compatible with the character of the surrounding area in terms of size, style, colors, materials, general appearance and location.

Staff recommends approval subject to the following 4 conditions:

1. The murals and subject building walls shall be conducted in accordance with the attachments.
2. No signage or direct association of the establishments shall be permitted within the murals.
3. Existing or proposed signage shall not be incorporated into the murals.
4. Subject to review and approval of Right-Of-Way/Easement Utilization permits and conditions.

Marilyn Cortes-Lovato, representing the applicant, stated that this mural would be a vibrant addition to the community.

Kristen Lafferty, Executive Director for the applicant, stated that she hopes that the Board will approve this request.

Scott Pool, President of the Board representing the applicant, stated that this mural would bring more awareness to the building and the clients by increasing the visibility to the building.

**ACTION: Member Spalding made a motion for approval subject to 4 conditions
Seconded by Member Santiago**

1. The murals and subject building walls shall be conducted in accordance with the attachments.
2. No signage or direct association of the establishments shall be permitted within the murals.
3. Existing or proposed signage shall not be incorporated into the murals.
4. Subject to review and approval of Right-Of-Way/Easement Utilization permits and conditions.

Chairman Bussiere	ABSTAIN	Member Santiago	AYE
Vice Chairman Wolff	AYE	Member Marrero-Pinto	AYE
Member Spalding	AYE		

MOTION CARRIED 4-0-1

5.B PUBLIC HEARING: CU-21-0001 - MLK COMMERCIAL: CONDITIONAL USE WITH SITE PLAN (RETAIL SALES, RESTAURANT, BUSINESS SERVICES, OFFICE, & INDOOR PRIVATE RECREATION)

Planning Manager Ryan stated that this request is a Conditional Use with Site Plan to allow approval of a retail sales, restaurant, business service, office and indoor private recreation uses on approximately 0.674 acres of land.

Planning Manager Ryan stated that Staff wants to add the condition of personal services to this request.

Planning Manager Ryan stated that this request would consist of 3 multi-tenant buildings totaling of about 6,050 square feet with two of the buildings fronting along Martin Luther King Blvd with one building along Person St with a right in and right

out connection.

Staff recommends approval for the following reasons:

1. Compliance with the intent of the Neighborhood Open (T4-O) transect zoning standards as outlined in Section 14-5-4(D) of the Land Development Code.
2. Compliance with Section 14-5-6, Table 5-1, as retail sales, restaurant, business services, office, and indoor private recreation are uses listed as potential conditional use allowances in the Neighborhood Open (T4-O) transect zoning district.
3. Compliance with Section 14-3-29(G)(1)-(13) general review criteria for conditional use approval as the subject property, layout, compatibility, and public facility impacts of the project are in compliance with the Land Development Code.
4. Compliance with Comprehensive Plan Future Land Use Element Policy 1.2.9.2, Mixed Use - Downtown (MU-D), intended to mirror the sub-areas outlined in the Strategic Investment Map in the Downtown Kissimmee Community Redevelopment Area (CRA) Plan. The property is located in the Medical Campus sub-area centered on the hospital and medical uses that includes residential uses and support uses with a maximum project density of 40 dwelling units per acre (du/ac) and up to 6.0 Floor Area Ratio (F.A.R.)

Staff recommends approval subject to the following 2 conditions with 1 added Condition:

1. The establishment of uses on this site will be limited by the total amount of off-street parking spaces available to accommodate all uses. Parking calculations shall be required for each unit prior to Business License and/or Building Permit issuance to confirm parking requirements can be met.
2. A landscaped buffer shall be provided on the north side consisting of a 6ft fence, canopy, and understory trees.
3. **Personal services is also included as a use included with this Conditional Use approval.**

Todd Hudson, Hudson Engineering representing the applicant stated that he agrees with Staff's recommendation and was available for any questions.

ACTION: Member Marrero-Pinto made a motion for approval subject to 2 conditions with one added condition. Seconded by Member Spalding.

1. **The establishment of uses on this site will be limited by the total amount of off-street parking spaces available to accommodate all uses. Parking calculations shall be required for each unit prior to Business License and/or Building Permit issuance to confirm parking requirements can be met.**
2. **A landscaped buffer shall be provided on the north side consisting of a 6ft fence, canopy, and understory trees.**
3. **Personal services is also included as a use included with this Conditional Use approval.**

Chairman Bussiere
Vice Chairman Wolff
Member Spalding

AYE
ABSTAIN
AYE

Member Santiago
Member Marrero-Pinto

AYE
AYE

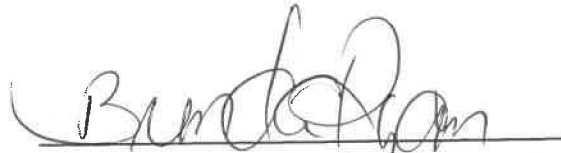
MOTION CARRIED 4-0-1

6. PUBLIC HEARINGS
7. DISCUSSION
8. HEAR CHAIRMAN AND BOARD MEMBERS
9. ADJOURNMENT

Meeting Adjourned at 6:18 p.m.



Robert Bussiere, Chairman
Planning Advisory Board



Brenda Ryan, Planning Manager
Development Services Dept.

In accordance with Florida Statute 286.0105, any person wishing to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is made.

In accordance with Florida Statute 286.26, persons needing assistance to participate in any of these proceedings should contact the office of the City Clerk at (407) 518-2309 prior to the meeting.

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Bussiere Robert Allen</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Kissimmee Planning Advisory Board</i>
MAILING ADDRESS <i>3551 Maple Ridge Loop</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY <i>Kissimmee Osceola</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Kissimmee</i>
DATE ON WHICH VOTE OCCURRED	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, Robert A. Bussiere, hereby disclose that on 3/16, 20 22:

(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 The Opportunity Center, Inc (non-profit), by whom I am retained; or serve as Vice President of Board of Directors
- ☐ 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:

True work of Art painted on Facade

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.

11/2/2022
Date Filed

Robert A. Bussiere
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.

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

LAST NAME—FIRST NAME—MIDDLE NAME Wolff, Jeffrey		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning Advisory Board	
MAILING ADDRESS		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY	COUNTY	☒ CITY	☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED March 16, 2022		NAME OF POLITICAL SUBDIVISION: City of Kissimmee	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

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.

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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 private 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.

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 _____:

(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 or agency, _____;
- _____ inured to the special gain or loss of my relative, _____;
- _____ 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:

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

Signature

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