



**MEETING MINUTES
SESSION OF THE PLANNING ADVISORY BOARD
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
WEDNESDAY, SEPTEMBER 6, 2023 AT 6:00 PM**

1. MEETING CALLED TO ORDER

Members Present: Chairman Robert Bussiere, Board Member Robert Spalding, Board Member Fatima Santiago, Vice-Chair Diana Marrero-Pinto, Board Member Melissa Thacker, Board Member Sylvette Santos, Board Member Alex Alemi

Staff Present: Planning Manager Brenda Ryan, Senior Planner Cristian Arias, Deputy City Attorney Kalanit Oded, Planning Technician Yolanda Hazley.

Members Absent: None

Chairman Robert Bussiere called the meeting to order at 6 p.m.

- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE** After a Moment of Silence, Chairman Bussiere led the audience in the Pledge of Allegiance.

3. MINUTES

- 3.A** Approval of the July 19, 2023 Planning Advisory Board (PAB) Meeting Minutes.
Approval of the July 19, 2023 Planning Advisory Board (PAB) meeting minutes. Board Member Robert Spalding made a motion to Approve. Board Member Melissa Thacker seconded the motion.

AYE: Chairman Robert Bussiere, Board Member Robert Spalding, Board Member Fatima Santiago, Vice-Chair Diana Marrero-Pinto, Board Member Melissa Thacker, Board Member Sylvette Santos, Board Member Alex Alemi
NAY: None

Motion to Approve with Conditions Passed 7 - 0.

4. OLD BUSINESS

- 4.A** Public Hearing - Conditional Use with Site Specific Redevelopment Plan to develop a new commercial car wash - Big Dan's Car Wash - CU-23-0006
Planning Manager Ryan stated that this is a request for approval of a Conditional Use with Site Specific Redevelopment Plan for a new commercial car wash facility on approximately 1.28 acres of land within a Mixed Use Planned Unit Development (MUPUD) Zoning designation. The subject property is located at 51 and 53 W. Vine St.

Staff recommends approval for the following reasons:

1. Compliance with Chapter 171 of the Florida Statutes as it meets all the criteria for voluntary annexation as the subject property is contiguous to the City Limits along the north, east, and southern boundaries of the parcel. Adequate public facilities, including water, sewer, drainage, and emergency protection are already provided to surrounding properties. The subject property is reasonably compact and will not result in the creation of enclaves if annexed.

2. Compliance with Section 14-2-12 annexation regulations outlined in the Land Development Code.
3. Compliance with Land Development Code Section 14-3-27, Zoning Map and Land Development Code Amendments, in regards to the submittal and review procedures and criteria to support an amendment. Compliance with Land Development Code Section 14-4-4(A), Agriculture and Conservation District (AC) Zoning District, that is compatible with the Single-Family Low Density Residential (SF-LDR) Future Land Use designation that can be considered a holding zone which will permit appropriate rural development until such time new urban development is appropriate.

Staff recommends approval subject to the following 8 conditions amending conditions 1&2:

1. Car wash facility must incorporate Form Based Code (FBC) standards.
2. No washing or detailing can occur outside of the main car wash building.
3. Street wall with landscaping must be maintained throughout the entire extent of the drive through.
4. Noise levels at all property lines must comply with the City's Noise Ordinance.
5. A 9ft. streetscape zone easement on N. Main St. must be dedicated to the City. The easement must be accompanied by a sketch legal description and reviewed by the Florida Department of Transportation (FDOT) prior to receiving approval by City Commission. This easement must be approved by the City Commission prior to issuance of the Certificate of Occupancy (CO).
6. Applicant will continue to work with City staff regarding the existing obstructions (e.g., LYNX bus stop, trees, mast arm, electrical/utilities) within the Vine St. ROW along the frontage of the car wash.
7. Perpetual cross-access/drainage easements or a replat may be required with this development.
8. Fire Flow Requirements shall be provided per FFPC NFPA 1 18.3. This will determine if additional fire hydrants are needed.

Revised Conditions

1. **Car wash facility must meet Form Based Code (FBC) standards for: landscaping; building facade transparency and articulation, including windows and doors; and entry and exit roll-up doors material and transparency. All other applicable Land Development Code and PUD standards apply.**
2. **No washing or detailing can occur outside of the main car wash building. Self-service vacuuming may be conducted outside of the main car wash building in the areas designated for such purpose.**
3. **Street wall with landscaping must be maintained throughout the entire extent of the drive through.**
4. **Noise levels at all property lines must comply with the City's Noise Ordinance.**
5. **A 9ft. streetscape zone easement on N. Main St. must be dedicated to the**

City. The easement must be accompanied by a sketch legal description and reviewed by the Florida Department of Transportation (FDOT) prior to receiving approval by City Commission. This easement must be approved by the City Commission prior to issuance of the Certificate of Occupancy (CO).

- 6. Applicant will continue to work with City staff regarding the existing obstructions (e.g., LYNX bus stop, trees, mast arm, electrical/utilities) within the Vine St. ROW along the frontage of the car wash.**
- 7. Perpetual cross-access/drainage easements or a replat may be required with this development.**
- 8. Fire Flow Requirements shall be provided per FFPC NFPA 1 18.3. This will determine if additional fire hydrants are needed.**

Matt Britten, 3708 W. Swann Ave., Tampa, FL representing the applicant stated that they agree with Staff's recommendation and are available for any questions.

Board Member Melissa Thacker made a motion to approve with revised conditions . Board Member Robert Spalding seconded the motion.

AYE: Chairman Robert Bussiere, Board Member Robert Spalding, Board Member Fatima Santiago, Vice-Chair Diana Marrero-Pinto, Board Member Melissa Thacker, Board Member Sylvette Santos, Board Member Alex Alemi
NAY: None

Motion to Approve with Conditions Passed 7 - 0.

5. NEW BUSINESS

- 5.A Public Hearing - Ordinance to annex 556.33 acres of land - AX-22-0003 - Proposed Ordinance #23-19

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN HEREIN DESCRIBED LAND TO THE CITY OF KISSIMMEE, FLORIDA, FURTHER PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH LAND AFTER ITS ANNEXATION, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

Board Member Melissa Thacker stated that there would be a conflict of interest and would abstain from this request.

Senior Planner Cristian Arias stated that this is a request for an approval of an Annexation to annex approximately 556 acres of property into the City. The subject property is located east of Simpson Road and west of East Lake Tohopekaliga.

Senior Planner Cristian Arias stated that there was an error in the legal ad that was corrected prior to the meeting.

Staff recommends approval for the following reasons:

1. Compliance with Chapter 171 of the Florida Statutes as it meets all the criteria for voluntary annexation as the property is contiguous, or adjacent, to the City Limits along the northern and southern boundaries of the parcel. Public services, including water, sewer, drainage, and emergency services are already provided to these adjacent City parcels. The subject property is reasonably compact and will not result in the creation of an enclave if annexed.
2. Compliance with Section 14-3-25 annexation regulations outlined in the Land Development Code that refers to Chapter 171, Florida Statutes, and the general annexation procedures in the City's Comprehensive Plan utilizing either the City's land use conversion table in Future Land Use Policy 1.1.10.5, an Annexation Agreement, or a Future Land Use Map amendment. A concurrent Future Land Use Amendment (LUPA-23-0002) will be utilized to establish the Future Land Use designation on this property.

Senior Planner Arias read an email for the record sent by Lisa Gonzales 2332 Ventura Ct., Kissimmee, FL stated that will her property be annexed into the City.

Senior Planner Arias stated that the properties that will be annexed will not affect her property.

Eric Rodge, 4767 New Broad St. Orlando, FL 32814 stated that they agree with Staff's recommendation and provided a presentation to the Board.

Tony Samotas, 1730 Lee Jansen Dr., Kissimmee, FL stated that they had concerns regarding flooding.

Lisa Gonzales, 2372 Aurora Ct., Kissimmee, FL stated that she has concerns with flooding and would this project affect her property.

Thomas Vacek, 2620 Cahokia Ct., Kissimmee, FL expressed concerns with traffic.

Board Member Robert Spalding made a motion to Approved. Board Member Alex Alemi seconded the motion.

AYE: Chairman Robert Bussiere, Board Member Robert Spalding, Board Member Fatima Santiago, Vice-Chair Diana Marrero-Pinto, Board Member Sylvette Santos, Board Member Alex Alemi
NAY: None

Motion Passed 6 – 0 – 1 (Board Member Melissa Thacker Abstained).

5.B Public Hearing - An Ordinance amending the Future Land Use Map designation from County Low Density Residential (LDR), City Multiple Family Medium Density (MF-MDR), and City Single Family Low Density (SF-LDR) to City Single Family Low Density (SF-LDR), Commercial General (CG), Multiple Family Medium Density (MF-MDR), and Conservation Area (CONS): Hilliard Isle, LUPA-22-0006 - Proposed Ordinance #23-20

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE

PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE;
PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL
ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Board Member Melissa Thacker stated that there would be a conflict of interest and would abstain from this request.

Senior Planner Cristian Arias stated that this is a request for a Future Land Use Map designation from County Low Density Residential (LDR), City Multiple Family Medium Density (MF- MDR), and City Single Family Low Density (SF-LDR) to City Single Family Low Density (SF-LDR), Commercial General (CG), Multiple Family Medium Density (MF- MDR), and Conservation Area (CONS) on approximately 883.27 acres of land.

Staff recommends approval for the following reasons:

1. Compliance with Policy 1.2.3.2, Commercial General (CG): Future Land Use Designation, that is intended to accommodate office uses, general retail sales, and service uses that are highly accessible and adjacent to major thoroughfares and transit facilities and possess necessary location, site, and market requirements. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 2.5 FAR.
2. Compliance with Policy 1.2.1.2, Single Family Low Density Residential (SF-LDR) Land Use Designation as areas designated primarily for single family low density residential uses, which shall accommodate single family detached dwelling units with a maximum density of up to six-dwelling units per acre.
3. Compliance with Policy 1.2.1.3, Multi Family Medium Density Residential (MF- MDR) intended to accommodate multi-family structures with a density of 10-20 units per acre.
4. Compliance with Policy 1.2.8.2, Conservation (CONS), intended for lands that, because of their environmental quality and/or sensitivity, are intended for protection and are not intended for development activities, and therefore have no allocable FAR.
5. Compliance with Land Development Code Section 14-3-26, Comprehensive Plan Text and Map Amendments, in regards to the submittal and review procedures and criteria to support an amendment.

Staff recommends approval subject to the following 1 condition.

1. Subject to the approval of the Hilliard Isle Annexation (AX-22-0003).

Board Member Robert Spalding made a motion to Approve. Board Member Alex Alemi seconded the motion.

AYE: Chairman Robert Bussiere, Board Member Robert Spalding, Board Member Fatima Santiago, Vice-Chair Diana Marrero-Pinto, Board Member Sylvette Santos, Board Member Alex Alemi

NAY: None

Motion to Approve with Conditions Passed 6 – 0 – 1 (Board Member Melissa Thacker Abstained).

6. PUBLIC HEARINGS

9/6/2023

7. **DISCUSSION**
8. **HEAR CHAIRMAN AND BOARD MEMBERS**
9. **ADJOURNMENT** A motion to adjourn by Board Member Melissa Thacker and seconded by Board Member Robert Spalding.

There being no further business to come before the Planning Advisory Board, Chairman Robert Bussiere adjourned the meeting at 6:49 p.m.


Board Chairman

ATTEST:


Board Secretary

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

LAST NAME—FIRST NAME—MIDDLE NAME Thacker, Melissa Morgan		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning Advisory Board	
MAILING ADDRESS 704 Canterbury Lane		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Kissimmee	COUNTY Osceola	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 9/6/2023		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, Melissa Thacker, hereby disclose that on September 6th, 20 23 :

(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, Celia Dorn _____ ;
- ☐ 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:

ITEMS 5.A and 5.B

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.

9/6/2023

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.