



CITY COMMISSION WORKSHOP MINUTES

MONDAY, MAY 6, 2019 AT 6:30 PM

CITY HALL - COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

CALL TO ORDER

The Workshop of Monday, May 6, 2019 of the City Commission was called to Order by Mayor Charles Lacey at 6:30 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Mayor Charles Lacey, present
Deputy Mayor Kevin Cannon, present
Commissioner Jean Hovey, present
Commissioner Ted Johnson, present
Commissioner TiAnna Hale, present
Commissioner Geoff Kendrick, present
Interim City Manager Shawn Boyle, present
City Attorney Anthony A. Garganese, present
City Clerk Andrea Lorenzo-Luaces, present

A moment of silence was held, followed by the Pledge of Allegiance.

Referencing the Agenda, Mayor Lacey asked, "May I count it as approved?" Deputy Mayor Cannon said, "No objection." Mayor Lacey then remarked, "Without objection, the Agenda is adopted."

PUBLIC INPUT

Mayor Lacey opened "Public Input".

There were no Speakers at this time.

Mayor Lacey closed "Public Input".

DISCUSSION ITEMS

1) Draft Ordinance for Amending the Application, Notice, and Review Criteria Procedures for Special Zoning Permits

Deputy Mayor Kevin Cannon referenced Sec. 20-27. as shown on page 2 of the draft Ordinance and spoke of his concerns with the suggested Advisory Hearing Officer.

Deputy Mayor Cannon stated, "My suggestion would be, that the last two (2) sentences where it says, 'The city commission may decide the application based upon the hearing officer's report, with or without taking additional evidence...' I think that is a dangerous precedent." Deputy Mayor Cannon added that he recommended removing the last two (2) sentences in [Sec.] 20-27. (b).

Discussion.

City Attorney Anthony A. Garganese stated, "We can work around that." With further comments, Attorney Garganese then spoke of possible last minute scenarios and noted that he could remove those two (2) sentences as suggested. Mayor Lacey inquired as to what would be the effect if those two (2) sentences were removed.

Attorney Garganese explained, "You still go through the Hearing, you'd still get the Hearing Officer's Report, however the Commission may find that after the Report is issued and the Commissioners have said, 'Okay, we want to rely on it'; then you could end up with more individuals showing up at the last minute to present additional evidence and the Hearing goes on and on." Attorney Garganese further mentioned some possible issues and said that there should be an orderly process.

Further, regarding the two (2) sentences in question, Attorney Garganese pointed out, "That's in there just to protect the Commission if they wanted to rely solely on the Report. Regardless if that language is in there, the Commission could still rely on the Report as competent and substantial evidence."

Discussion continued.

Commissioner Ted Johnson suggested, "Would it be wise to wordsmith those last two (2) to reflect that the City Commission will take into account all evidence presented by such an Officer as well as the public prior to making a final decision." Commissioner Johnson thought such wording would close out the section better.

Mayor Lacey asked if there were any more remarks. Hearing none, Mayor Lacey commented, "I think we have got Consensus."

Deputy Mayor Cannon added that he thought Commissioner Johnson's transition sentence would work. Attorney Garganese added, "I'll wordsmith it."

Much discussion followed on Applications, timelines, noticing the public, and related logistics.

In terms of providing notice, Commissioner Jean Hovey asked Attorney Garganese how many days were legally required by *Florida Statutes*.

Attorney Garganese responded, "A lot of the Applications don't have a minimum notice requirement. Rezoning and Comprehensive Plan Amendments do, but Waivers, Variances, Conditional Uses - there are no statutory minimum notice requirements."

Comments ensued on large projects and small projects for a homeowner and that sixty (60) days may cause an undue burden in some situations. A tiered approach was then suggested.

Remarks followed that some projects have been challenging, a suggestion from Commissioner Johnson regarding thirty (30) days for lower level requests and sixty (60) days for more complex projects, and that not all projects go to the Planning and Zoning Board/Local Planning Agency.

Discussion continued that five (5) days was too short a timeline to which Attorney Garganese said that he agreed and added that he thought sixty (60) days was too long. Further, Attorney Garganese pointed out, "Keep in mind, we're building in additional public notice in this Ordinance. One (1), the Applications are going to be put on the website within five (5) days of being filed. In addition, before an Application gets filed for certain types of complex Applications, which I revised the language, a Developer will be required to have a Community Workshop before they even file the Application." Attorney Garganese mentioned that social media language had also been added.

Attorney Garganese was asked what timeframe other cities use. Attorney Garganese mentioned it was typically ten to thirty (10-30) days. Remarks continued.

Commissioner Hovey then suggested twenty-one (21) days/three (3) weeks could be used. Commissioner Geoff Kendrick referenced staff deadlines/staff meetings, and suggested perhaps a ten (10) or twenty (20) day timeline could be considered. Commissioner Hovey recommended that business days could be specified. Commissioner TiAnna Hale hoped that projects could be announced at Commission meetings so people would know what was expected to be addressed at an upcoming meeting.

Mr. Bryant Smith, III, P.E., CFM, City Engineer, Interim Community Development Department Director referenced when Agenda Items were due to the City Manager and said to that regard, a twenty (20) day timeline might work best. Mr. Smith then noted, "Right around fourteen to twenty (14 - 20) days before a meeting, that project is pretty much finalized if it is going to come before you."

Furthermore, Mr. Smith noted that the Planning and Zoning Board/Local Planning Agency typically has a little tighter time for turnaround.

Comments ensued on not making the process more difficult for residential homeowner projects.

Attorney Garganese stated, "Let me go back and wordsmith it and do maybe a tiered approach, depending on the complexity of the development."

Deputy Mayor Cannon and Commissioner Johnson said they were agreeable to ten (10) days and longer periods for more complex projects. Mayor Lacey and Commissioner Kendrick spoke of their concern to not cause undue hardship on homeowners. Attorney Garganese said he would look into this and suggested perhaps for homeowner type projects around ten (10) days, and for a 300 unit type residential subdivision, the timeline would be around twenty-one (21) days.

Continuing, Attorney Garganese noted, "Do you want that same notice both for the P&Z and the Commission or do you want to have a different notice, because the way the current Code reads, "Any public notice required by this Chapter 20 requires a minimum of five (5) days both for P&Z and the City Commission'."

Mayor Lacey summarized, "Anthony (Garganese) has heard the comments; he is going to try to draft it into some kind of a spectrum of things." Mayor Lacey added that he would also include consideration of homeowners.

Commissioner Hovey spoke of the reference to posting on the City's website and asked, "Can that be on the City's Facebook page also?" Attorney Garganese responded, "Done. I added social media platforms."

Regarding Sec. 20-28., Commissioner Johnson asked about the reference to 150 feet and inquired if Attorney Garganese changed it to which Attorney Garganese stated, "I changed it to 500." Comments followed regarding if that number was moved to 1000 feet. Attorney Garganese explained, "500 is very common. If you wanted to do an in lieu of statutory mailing for a Rezoning, the *Florida Statutes* is 500 feet on a Rezoning."

Continuing, Attorney Garganese noted, "Some of the actions requiring a Special Permit like a Rezoning actually require two (2) Readings of an Ordinance so there's even more notice to that - I have got to take that into account when I rewrite this too; because you want to do twenty-one (21) days before First Reading of a Rezoning and then wait twenty-one (21) days before you have Second and Final Reading - that doesn't seem to make sense." Attorney Garganese added, "I'll wordsmith it."

Commissioner Kendrick commented on his concern with not placing an undue burden on residents and existing single-family homes.

Attorney Garganese mentioned he could craft some wording and suggested on "Existing single-family homes, they want to come in for a Variance or - a Conditional Use..." Commissioner Kendrick added, "...You want to encourage that..." Attorney Garganese continued, "...Then maybe we have a shorter time period to actually put it on the Agenda, keeping in mind that we're still going to provide notice to the surrounding neighbors in the neighborhood so everybody is going to know."

Deputy Mayor Cannon said, "I am okay with 500 feet for the notice." Commissioner Kendrick added that he was in agreement. No objections were voiced.

Referring to Sec. 20-28. (b)(4), comments followed on courtesy notices. Attorney Garganese explained the courtesy notice language and pointed out, "We do our best to provide constructive notice and all these different notices."

Discussion continued.

Regarding Sec. 20-29. (7) e., Deputy Mayor Cannon mentioned he would like to remove the words "established level of service". With further remarks, Attorney Garganese suggested the word "and" be placed in front of the words "established level of service".

Attorney Garganese added, "The way I wrote it was to take into account previous Commission meetings where some project may actually meet the adopted level of service which is required by law to be put into your Comprehensive Plan, but may have such an adverse impact on the neighborhood, shouldn't that be a separate consideration; so, if I add the 'and', maybe that clarifies it better. That was the intent for the Commission to consider two (2) things relative..." Deputy Mayor Cannon noted, "...So you would remove 'as well as' and just insert the word 'and'." Attorney Garganese responded, "Yes."

Comments continued.

Commissioner Johnson referenced Sec. 20-29.1. and regarding the wording, "located within 400 feet of the subject property...", suggested that "500" should be used. Attorney Garganese said, "I changed that."

In terms of 20-29. as shown on page 5, Deputy Mayor Cannon referred to paragraph (8), "residential development..." and stated, "We need to be able to consider the capacity of the schools in the City and in proximity or something. Do you have some projected language on that?"

Attorney Garganese pointed out, "A school concurrency letter is great. It tells you whether the school district has adequate capacity at some school."

Attorney Garganese noted, "If you want to broaden that so you could consider the proximity - your SCALD (School Capacity Availability Letter of Determination) letter will tell you where the capacity is and what school they're most likely going to be zoned for." Deputy Mayor Cannon suggested, "Something where we can at least look at the schools in proximity within the City and the existing capacity there, or something like that." Further remarks continued.

Attorney Garganese commented, "I could add some language."

Discussion continued that criteria should be tracked and should be reflected in Staff Reports, to which Attorney Garganese said this had been included.

Deputy Mayor Cannon spoke of Sec. 20-31. (d) (4) as shown on page 8 and remarked, "The proposed zoning change is not contrary to prevailing land uses and characteristics and the land use pattern established by the City's Comprehensive Plan. So, I just think we should insert 'prevailing land uses and characteristics' in there because the Comp[rehensive] Plan is prospective and does not always take it into consideration."

Mayor Lacey asked Attorney Garganese if there were any legal issues. Attorney Garganese responded, "No."

Deputy Mayor Cannon then asked about incorporating aesthetics. Attorney Garganese noted, "It's a separate Ordinance as you know for aesthetic review of buildings. Typically, you don't tie aesthetics of a future building to the decision of whether or not to rezone a property; because, once you rezone, and then theoretically there's enumerated land uses that could be one or one of all of them, right? You don't know and you don't know what the building is going to look like, most of the time."

Comments followed on making sure the Commission was aware of what Rezoning projects would look like, consistency with Master Plans, not restricting future Commissions, and safeguards.

Attorney Garganese said, "I understand what your point is. Let me just go back and think about it a little bit more because we have got the Application requirements to tie into it."

Next, Attorney Garganese noted, "Subparagraph (e) is intended to deal with a Rezoning request in conjunction with the proposed project, but it's not as broad as to what some of your comments that you have made; so, let me go back." Attorney Garganese added, "I'll try to tie it all together."

Master Plans were addressed next to which Attorney Garganese mentioned that the Town Center started off as a Master Plan and that there was also a Master Plan for the City's parks.

Regarding Conditional Uses, Deputy Mayor Cannon said, "Those numerous criteria that you had from 20-29. Anthony (Garganese), those should be memorialized in here again unless I'm missing something. It's one thing to have them in the Staff Report but I think it's another thing for us to have all of those enumerated criteria for us to consider when making our decision for a Conditional Use." Attorney Garganese suggested, "It's the Application requirement that you seem to want to tie into." Deputy Mayor Cannon agreed and mentioned school capacity as an example.

Attorney Garganese said, "Let me think about that a little bit. I know what you are saying but the Application requirements are one thing, now that's the submittal of information that you need in which to make a determination on the criteria in the first place - maybe the criteria. I need to look at it a little bit more, maybe broaden the criteria to make sure it clearly addresses consideration of the information that you are requiring as part of the Application." Deputy Mayor Cannon said, "Exactly."

Referencing Sec. 20-35. (b) (3), Commissioner Johnson mentioned the number of feet and that he thought it had already been changed from 400 to 500 feet.

Then, in section (b)(c), Commissioner Johnson noted that, "A number of days needs to stay the same in that particular item or were there adjustments made." Deputy Mayor Cannon added that his preference would be for thirty (30) days. Attorney Garganese stated, "I could put it back to thirty (30)."

Commissioner Hovey commented, "In the last sentence, it says within twenty (20) calendar days but the two (2) above aren't defined. Is it calendar or is it business or does it matter?" Attorney Garganese stated, "We probably need to add the word 'calendar' so it's within thirty (30) calendar days and then we'll stick with that." Commissioner Kendrick inquired, "Are we sticking with calendar days for everything?" Attorney Garganese responded by saying, "Yes."

Discussion ensued on Waivers, setbacks, dimensional requirements, Special Exceptions, percentage ranges, and Administrative Waivers.

Attorney Garganese pointed out, "This type of Limited Administrative Waiver has to go in conjunction with an overall package of information..." Deputy Mayor Cannon added, "...We are not tying our hands on fifteen percent (15%) anyway, right? It just would be a more formal process above fifteen percent (15%)?" Attorney Garganese explained, "Fifteen percent (15%) will require separate Application for a Waiver and then meet all the Waiver conditions." Deputy Mayor Cannon said, "I think we should go to twenty percent (20%)." Commissioner Kendrick remarked, "Agreed." Commissioner Johnson also noted his agreement. With further comments, no objections were voiced.

With continued remarks, Deputy Mayor Cannon stated, "We still have the control protection where we have got to approve the Site Plan." Commissioner Johnson noted, "I think that is a good idea." Attorney Garganese pointed out this gave Staff the chance to work with the Applicant and asked Mr. Smith if it would be helpful with processing an Application. Mr. Smith said, "Yes."

Commissioner Kendrick spoke of preemptions, cellular applications, and asked that Staff keep the City Commission informed. Commissioner Kendrick suggested, "Whoever make those Applications, bring them to the next Commission Meeting." Deputy Mayor Cannon added, "We need to know that." No one noted any disagreement.

Discussion ensued on Neighborhood Street Sign Light Improvement Agreement[s] (NSSLIA), decorative lighting, and signage.

Deputy Mayor Cannon then referenced signage in the Town Center and stated, "To require every single sign for every business in the Town Center to have to come before the Commission with a Special Exception or Conditional Use is a problem. So, how do we fix that?" Attorney Garganese pointed out, "We have to modify 20-327.1. which is just below that on page 22."

Discussion followed on signage, Neighborhood Street Sign Light Improvement Agreement[s] (NSSLIA), opening up islands in front of the Town Center to accommodate better signage, stipulations that Publix requires others to follow, and why didn't any businesses take advantage of the City Commission's past offer for help with improved signage.

Commissioner Hovey suggested, "Maybe we could look back and figure out why it didn't get done or is there notification that needs to be sent to the businesses or what, but we spent a lot of time and money on that." Deputy Mayor Cannon mentioned that the roads were torn up to help with this effort. Commissioner Hale thought that a lack of signage was a hindrance for businesses.

Commissioner Kendrick inquired, "Do we have some sort of on the clock provision when it comes to permanent signs. We see temporary signs up and that is fine, I completely understand that there is a lot going on; but I would like to see those permanent monument signs, sooner rather than later. Sixty (60), ninety (90) days or something like that. Do we have any time frame with when they need to get the permanent sign up?" Commissioner Kendrick then referenced the new Starbucks business.

Mr. Smith commented on that signage situation and pointed out, "We generally don't have a timeframe. I think it would follow our standard Permit. I believe he has got about two (2) years." Commissioner Kendrick then said, "I think that needs to be tightened up somehow."

Deputy Mayor Cannon added, "I think that this sign issue really needs to be kind of explored more thoroughly."

Attorney Garganese suggested a separate action could address this matter and noted, "The only change that I made was procedural and that was because we changed the nomenclature from Special Exception to Waiver and whether or not you want to allow monument signs for businesses in the Town Center, as a matter of right, would require you all to make that policy decision, but it's not really procedural."

Commissioner Johnson stated, "So, the way this reads currently, we are okay for now?" Attorney Garganese replied, "For now, it makes the proper procedural change regarding monument signs in the Town Center; they would be permitted by Waiver."

Commissioner Kendrick remarked, "I think we might all need to think about that and figure out the best way to proceed on that."

Deputy Mayor Cannon added, "I think that probably from a signage approach, we really need to look along the entire commercial corridor - from one side of the City to the other, that we ought to take kind of a holistic approach to it."

Interim City Manager Shawn Boyle commented that since he had been with the City, he thought that this matter had come up twice before and remarked, "You guys gave us the direction to investigate. It's the chief complaint over in the Town Center from the business owners. I think it would be prudent if Bryant (Smith) and I went back and see if we can reconstruct what happened and then bring back some language investigating, for the entire [State Road] 434 corridor." No objections were voiced.

Next, Deputy Mayor Cannon mentioned some concerns he had heard and suggested the City Commission should review the Master Lease for Publix. Mayor Lacey noted he might have that document.

Further comments followed on electronic signs.

Discussion ensued on Conditional Uses, Special Exceptions, past historical references, monument signage, clock towers, and signage.

Deputy Mayor Cannon asked if a roundtable Workshop could be held with the landlords and businesses in the Town Center.

Interim Manager Boyle mentioned checking past records to see what had been addressed previously.

Comments continued.

Deputy Mayor Cannon thanked Attorney Garganese for his efforts with this Ordinance.

Commissioner Kendrick added, "We have given Staff a little bit of direction; talked about bringing back the signs specifically how we want it handled; and I think it's aligned with what we have been talking about; the Town Center signage current and future signage."

Continuing, Commissioner Kendrick added, "Along [State Road] 434, just so we could memorialize maybe a couple of specific - directives for anyone who's going to do it; so, everyone understands what they're getting into when they do it. You have the timeframe, setbacks, height, everything."

Attorney Garganese said, "I have got some wordsmithing to do and if the Commission is okay with this Ordinance. We'll put it on a Land Planning Agency Agenda in the near future and let them take a look at it, and provide recommendation and comments."

PUBLIC INPUT

Mayor Lacey opened "Public Input".

No one spoke.

Mayor Lacey closed "Public Input".

ADJOURNMENT

Mayor Lacey adjourned the Workshop at 8:17 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK.

APPROVED:



MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the June 10, 2019 City Commission Regular Meeting.