

Land Planning Agency
Longwood City Commission Chambers
175 West Warren Avenue
Longwood, Florida

MINUTES
July 13, 2022
6:00 P.M.

Present: JoAnne Rebello, Chair
Judy Putz, Vice Chair
Michael Dodane, Member
John Blum II, Member
Chris Kintner, Community Development Director
Anjum Mukherjee, Senior Planner
Kristin Zack-Bowen, Planner
Rachel Seliber, Recording Secretary

Absent:

1. CALL TO ORDER

Chair Rebello called the meeting to order at 6:01 p.m.

2. ADDITIONS AND DELETIONS

None

3. APPROVAL OF THE MINUTES FOR

A. Regular Meeting held May 11, 2022

Vice Chair Putz moved to approve, seconded by Member Blum and carried by a unanimous voice vote.

4. PUBLIC COMMENT

None

5. PUBLIC HEARING

A. ORDINANCE NO. 22-2225

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, AMENDING THE LONGWOOD DEVELOPMENT CODE ARTICLE I GENERAL PROVISIONS, ARTICLE II LAND USE DISTRICTS AND OVERLAY DISTRICTS, ARTICLE V SUPPLEMENTAL STANDARDS, ALLOWING

ACCESSORY ENTERTAINMENT USES, PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND EFFECTIVE DATE.

Mr. Kintner explained the larger premise of this Ordinance which was the approval of multi-purpose venues in the Longwood Development Code. A meeting was held in November of 2021 with Ms. Trippy's Emporium, currently at 275 S HWY 17-92. They were operating as a legal retail operation but expanded the back to become a multi-purpose area which included dance parties. Staff determined that was not an appropriate use based on the Land Use table. Biggest concern was that there was no allowance in the code for night clubs and it appeared as if that's what they intended to do.

Mr. Kintner mentioned the applicant considered appealing the decision and met with the Commission separately and spoke of their vision for the property, which was that a night club was not their intent and they wanted to do a multipurpose facility.

Mr. Kintner further explained the ordinance itself did not approve Ms. Trippy's or any similar business, but did create a path for that to be approved through the Commission through a Conditional Use process. Mr. Kintner explained that via the ordinance itself, this could be a pathway where the Commission has the ability to approve it with conditions. The ordinance contained definitions for live performance venue, multipurpose event facility, nightclub and reception facility. Live performance and multipurpose event venues both appear as conditional uses, which require a commission review and approval and allow the commission to enact certain conditions as part of their approval beyond what's in the code. And conditional use for applications require CAPP meetings and the city's Development Review Committee, which includes planning, engineering, building and utilities as well as the review from police and fire. Furthermore, a public hearing would also be required before the City Commission, which included mailed notice to adjacent property owners, newspaper advertisement and site posting. And in this case, being a conditional use, the onus would be on the applicant to demonstrate that they meet some of these different standards. In this particular case, if residents surrounding the property had an issue with it, they could go to the commission with those concerns.

Mr. Kintner also stated as a part of the standard conditions there was language that says if they are found guilty of a code violation by a special magistrate, their conditional use permit would be revoked.

Vice Chair Putz inquired if it was possible to throw a party without having to get a permit.

Mr. Kintner responded that it's not the intent for that now. And gave the example, "if you were having an art gallery opening one night and then the next night you were having a rave or something like that."

Member Dodane inquired about the current classification or land use for the property. And if they are classified as general commercial, could they request for a live venue?

Mr. Kintner replied that per 2.7.5. is general commercial and would be a conditional use.

Member Dodane further asked if it was conditional then would the event have to be indoors.

Mr. Kintner explained that in addition to the standards in the ordinance there are broader requirements of the conditional use section that require it to be consistent with the existing neighborhood, the existing properties.

Member Blum commented that the ordinance was definitely well thought out to make sure the Commission would have a checks and balance. He asked about the breakdown in the areas for Longwood that were not classified, did that mean that none of those areas were applicable? Mr. Kintner agreed and said that if the use was not allowed the applicant would have to petition the Commission to change the code to allow them.

Member Blum also mentioned that he noticed in the ordinance that emergency services and police services would have to get access within 20 minutes of their request. And wondered what the specificity of 20 minutes was for. Mr. Kintner replied that there would be an expectation that wherever the public would be allowed to go, officers would be allowed to go as well.

Member Blum expressed appreciation for the explanation.

Chair Rebello shared that she had discussed with Mr. Kintner her concern that this could create a possible loophole for adult entertainment. Mr. Kintner assured Chair Rebello that the adult entertainment ordinance was still in effect and this ordinance was specifically for those types of venues where a particular venue could be a lot of different things on any given night where the impact could vary, for example, on the community of a dance party on one night versus an art gallery the next night. The biggest concern was protection for the neighbors and the community as a whole. This ordinance also would not change the adult entertainment portion. The only thing that changed at all, was in the definition for nightclub. Also, adult entertainment could only go in Industrial land use but then not within 500 feet of government building. There were five or six different locational standards and nightclubs would just get put into that restriction.

Member Dodane moved to approve, seconded by Member Blum and the motion was carried by a unanimous voice vote.

B. ORDINANCE NO. 22-2220

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, AMENDING THE LONGWOOD DEVELOPMENT CODE ARTICLE I GENERAL PROVISIONS AND ARTICLE VI "SIGNS" TO UPDATE STANDARDS FOR SIGNAGE; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Chair Rebello motioned to open Ordinance number 22-2220.

Mr. Kintner discussed the need for the ordinance as the United States Supreme Court found that any distinction with regard to the content of a sign could be a violation of the First

Amendment. Bottomline was that if one had to read the sign to know what type of sign it was, then we were not being content neutral. The Supreme Court said that if as a city, there was reference to a political sign, and it was treated differently than any other type of sign, then a violation of the First Amendment was taking place and the sign code was unenforceable. During the qualifying election period, residential and non-residential properties have a certain allowance for signage, and Mr. Kintner said he tried to transfer the current code over as much as possible, in terms of the size and number of signs. Mr. Kintner explained the difference in the current code between political signage allowed for a residential versus a non-residential property and the dilemma of the regulation of each without reading the content and therefore violating the first amendment. Mr. Kintner further explained that under the new proposed code political signs would be allowed through a permit which a campaign would need to pull.

Vice Chair Putz questioned that if a particular property had up to 11 signs-it could be a mixture of political and other signs and not necessarily 11 signs for one candidate. Mr. Kintner agreed. Vice Chair Putz inquired if the city could still fine the property owner. Mr. Kintner replied that the property owner would get cited. From an enforcement perspective, it could be helpful because the City could contact the property owner and get easier compliance.

Member Blum asked for clarification "I'm looking at the chart and so if we can't read the sign to determine whatever it is, whether it's you know, grand opening or candidates or what have you, is there going to be an issue if we're looking at a sign to determine if it's a candidate or not?" Mr. Kintner explained that the City would just go by the number of signs and if those were exceeded and not by what's on the signs.

Vice Chair Putz asked if the political signs were still not allowed until 30 days prior to the election. Mr. Kintner stated that was still applicable. If someone tried to put more than the allowed number of signs before it was allowed, that would not be permitted.

Discussion ensued on sign regulations in right-of-way, number of signs allowed on property, enforcement of sign and HOA involvement/enforcement of signs.

Mr. Kintner agreed to confirm that HOA policies superseded City policies for signs.

Chair Rebello requested a motion to approve the Ordinance.

Vice Chair Putz moved to approve, seconded by Member Blum and the motion was carried by a unanimous voice vote.

6. DISCUSSION AND SCHEDULE FOR FUTURE AGENDA ITEMS

None

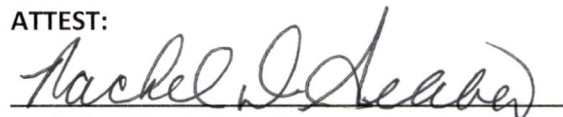
7. ADJOURNMENT

Meeting was adjourned at 7:05 p.m.

Minutes approved by the Land Planning Agency: August 10, 2022


JoAnne Rebello, Chair

ATTEST:


Rachel Seliber, Recording Secretary