

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
 2 Wednesday, April 05, 2017 at 6:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City,
 3 Florida.

4
 5 **1. CALL TO ORDER**

6
 7 The meeting was called to order at 6:00 p.m. by Chair Schwartz and roll call was taken.

8
 9 **ROLL CALL:**

10
 11 **PRESENT:** Chair Fran Schwartz, Commissioners: Amy Campbell, Vernon Stafford, Michelle
 12 Polgar, Kathaline Salzano, Tom Laputka, Staff Members: Rebecca Mendez,
 13 Development Service Director; Carol McFarlane City Planner, William Reischmann
 14 City Attorney, Melani Brown, Deputy City Clerk.

15
 16 **ABSENT:** Commissioner Martin Harper

17
 18 **2. PLEDGE OF ALLEGIANCE**

19
 20 **3. APPROVAL OF MINUTES March 1, 2017**

21
 22 **Commissioner Laputka moved to approve the minutes of the**
 23 **March 1, 2017 Planning Commission meeting, as presented,**
 24 **seconded by Commissioner Salzano, and approved by a consensus**
 25 **voice vote of the Planning Commission.**

26
 27 **4. PUBLIC HEARINGS -**

28
 29 **A. COND-10-16-1222:** a conditional use application by Michael Wojtuniak, agent
 30 for owner James Grealis, to allow a 195-unit mini-warehouse to be constructed
 31 and operated on a 2.6-acre parcel identified as parcel number 8002-00-00-
 32 0260, located at 2400 N. Volusia Ave. in the CG-1, General Commercial
 33 Restricted zoning classification.

34
 35 William Reischmann read the title of COND-10-16-1222 into the record. He advised that this is a
 36 quasi-judicial public hearing and asked that any ex-parte communication on this topic must be
 37 disclosed at this time. Mr. Reischmann noted for the record there were no disclosures.

38
 39 Carol McFarlane, City Planner, came forward and referred to a PowerPoint presentation (a copy of
 40 which is attached and becomes a permanent part of these minutes) describing the conditional use
 41 application to allow a 195-unit mini warehouse located at 2400 North Volusia Ave. This conditional
 42 use application does not require City Council approval because it is less than 5 acres. Ms. McFarlane
 43 noted that this project was originally scheduled for March 1st however; it was rescheduled due to
 44 notice requirements. Staff recommends that the Planning Commission approve the conditional use
 45 application with the recommended conditions.

1 Ms. McFarlane discussed in detail the 10 criteria the applicant must meet. She advised that staff is
2 recommending the Planning Commission approve COND-10-16-1222 with the following conditions:

- 3
- 4 1. Prior to the commencement of any site work, a site plan application shall be approved
5 consistent with the conditional use site plan received on March 14, 2017, by Michael
6 Wojtuniak, P.E., as may be modified by further technical review and/or other permitting
7 requirements, attached.
- 8 2. An accessory dwelling unit may be located within Building A, as long as this conditional
9 use is valid, in accordance with the approved plans, on the condition that the dwelling unit
10 is in support of the principal mini-warehouse use (such as to provide housing for a
11 manager or security guard).
- 12 3. Garage sales, vehicles sales, leasing, rental, repair or washing of vehicles is prohibited.
- 13 4. A maximum of 17 Boat and RV parking spaces shall be permitted as an ancillary use to
14 the mini-storage, and shall be located within the parking spaces to the south of Building D.
15 Semi-tractor trailers shall not be parked on the premises.
- 16 5. The metal wrought iron and white vinyl fencing along the entire perimeter shall be
17 installed with phase 1 improvements and maintained.
- 18 6. A waiver to section 10.5.2.B, *Interior islands*, to allow the 17 parking spaces along the
19 southern property to be constructed without an interior landscape island, is approved.
- 20 7. A waiver to section 10.5.3, *Perimeter building landscaping*, to waive the requirements for
21 landscaping along the perimeter of buildings to allow for the roll-up doors on the
22 condition that landscaping be provided around those areas of the buildings that do not
23 have roll-up doors, as approved by the TRC on November 1, 2016
- 24 8. Removal of the highlighted specimen trees indicated in the attached tree exhibit shall not
25 be removed without review and approval by the City's Tree Preservation Board.
- 26 9. Prior to site plan approval, the architectural plans for Buildings A and B shall be revised to
27 meet the requirements of Chapter 10, and more specifically, the following requirements
28 will be reviewed by the Technical Review Committee:
 - 29 1. Section 10.4.2.E, *Building design*, which requires projections and recesses to
30 prevent uninterrupted façade lengths to have a minimum of three feet of depth.
 - 31 2. Section 10.4.3.A, *Design detail*, which requires a minimum of four exterior design
32 treatments.
 - 33 3. Section 10.4.4.A, *Entryways/customer entrance design*, which requires that
34 entryways shall be differentiated from the remainder of the façade through the use
35 or color, change in materials, application of architectural features, setbacks,
36 offsets, level changes and the like.
 - 37 4. Section 10.4.4.B, which requires that the entryway design incorporate hardscape
38 features such as low walls, decorative paving, water features and the like.
 - 39 5. Section 10.4.4.D, which requires that the entryways provide structural or vegetative
40 shading features and benches or other seating components.
 - 41 6. Section 10.4.6, *Exterior materials and colors*, which required a color rendering of
42 the building elevations and a material board that demonstrates compliance with
43 section to be provided with the site plan application.
- 44 10. Planning Commission approval with conditions satisfies the Land Development Code
45 requirement of section 7.5.2, and no further public hearing is required.
46

1 Commissioner Laputka asked Ms. McFarlane to elaborate on the description of the driveways. Ms.
2 McFarlane replied the new owners will improve the condition of the driveway located in the middle
3 of the property and staff is requesting that the second driveway be eliminated.
4

5 Commissioner Polgar inquired on the location of the VOTRAN bus stop. Ms. McFarlane replied that
6 the bus stop will be on either side of the driveway and that VOTRAN will make the final decision
7 about its location.
8

9 Michael Wojtuniak, 311 S. Woodland Blvd, representative for property owner James Grealis, stated
10 he was present on behalf of the property owner and available to answer any questions from the
11 Commissioners or citizens.
12

13 **Commissioner Laputka moved to approve COND-10-16-1222, with the**
14 **recommended conditions listed above, seconded by Commissioner**
15 **Salzano, and passed with a 6/0 roll call vote of the Planning Commission.**
16

- 17 B. **VARI-2-17-1248**: a variance application by Peggy Fludd, owner, to allow
18 two (2) existing structures to remain on the property identified as parcel
19 number 8010-14-02-0140, located at 351 West Virginia Ave. in the R-1,
20 Low Density Residential zoning district.
21

22 William Reischmann read the title of VARI-2-17-1248 into the record. He advised that this is a
23 quasi-judicial public hearing and asked that any ex-parte communication on this topic must be
24 disclosed at this time. Mr. Reischmann noted for the record there were no disclosures.
25

26 Ms. McFarlane came forward and referred to a PowerPoint presentation (a copy of which is attached
27 and becomes a permanent part of these minutes) that described a variance application for the
28 property on 351 West Virginia Ave. She advised about the three structures that were built after 2010
29 without permits and stated two do not meet the required setbacks. The applicant is requesting four
30 (4) variances. Staff finds that the variance application does not meet the criteria required for
31 approval. However, if the Planning Commission finds that the application does meet the criteria;
32 staff has recommended the four (4) following conditions of approval:

- 33 1. Structure 1 (10-foot by 12-foot metal shed) shall be relocated to meet the required setbacks
34 or be removed within 6 months of variance rendition.
- 35 2. The requested setback variances are granted for Structure 2 (16 foot by 15.5 screened
36 porch) in its existing configuration as indicated on the site plan dated February 8, 2017
37 (attached). The structure must be permitted and inspected through the building permit
38 review process as an after-the-fact permit within 6 months of the date of rendition.
- 39 3. The existing perimeter privacy fence must be maintained in good repair. If not, the
40 variance becomes void and Structure 2 must be removed.
- 41 4. The variance is limited to Structure 2 as shown on the variance site plan. If Structure 2 is
42 ever demolished (either by act of God or not) in excess of 50% of its appraised value, this
43 variance shall expire.
44

45 Commissioner Laputka asked about the process if structure 2 did not pass inspection. Ms. McFarlane
46 replied that a review cannot be completed without engineer drawings however the structure may

1 need to be tied down.

2
3 Mr. Reischman advised that the Commissioners would only be approving the location of the
4 structure number 2.

5
6 Chair Schwartz asked if notification was sent out to the neighbors surrounding the property. Ms.
7 McFarlane replied in the affirmative. She advised that an ad was placed in the local newspaper,
8 certified letters were sent to surrounding property owners, and signs were posted on the property.

9
10 Demond Fludd, 351 West Volusia Ave, property owner stepped forward to explain that he spoke
11 with his neighbors about the structures on his property and stated that structure 1 has been removed.

12

13 **Commissioner Laputka moved to approve VARI-2-17-1248,**
14 **seconded by Chair Schwartz, and passed with a 6/0 roll call vote of**
15 **the Planning Commission.**

16

17 C. **COND-2-17-1251**: a conditional use application by Joseph Gregg, business
18 owner of Sparkle & Shine, LLC, to allow the property to continue as a car wash
19 under new ownership on the .89-acre parcel identified as parcel number 8011-11-
20 04-0010, located at 1050 S. Volusia Ave. in the CG-2, General Commercial
21 zoning classification.

22

23 William Reischmann read the title of COND-2-17-1251 into the record. He advised that this is a
24 quasi-judicial public hearing and that any ex-parte communication on this topic must be disclosed at
25 this time. Mr. Reischmann noted for the record there were no disclosures.

26

27 Ms. McFarlane came forward and referred to a PowerPoint presentation (a copy of which is attached
28 and becomes a permanent part of these minutes) explaining that the conditional application will
29 allow the new owners to continue to operate as a car wash at 1050 South Volusia Ave. She
30 continued to explain the conditional use criteria:

31

32 Ms. McFarlane described staff recommendations for approval with the following seven (7)
33 conditions:

34

35 1. The conditional use must be substantially compliant with the site plan dated March 12,
36 2003, by Daniel Johns Engineering PE and with the landscape plan dated February 12,
37 2003, by The Stern Design Group, PA (attached). Any expansion or alteration of the wash
38 facility will require approval of a separate conditional use application.

39 2. All detailing and washing must be done within the automatic car wash tunnel, washing
40 bays, or vacuum stations. No washing of cars may take place in the parking spaces or
41 other areas not indicated as a washing facility on the attached site plan.

42

43 3. No new outside structures shall be constructed.

44 4. No mobile detailing or erection of temporary tents permitted onsite.

45 5. Within three months of rendition, applicant shall submit engineering specifications for the
46 existing recycled water system, system maintenance procedures, and an annual
maintenance schedule to ensure the run-off water from the car wash will be taken to a

1 recycling center; a contaminated material handler will regularly remove sediment from
 2 system traps and dispose of the debris in a certified landfill; and no run-off car wash water
 3 shall be allowed to enter the storm water system on-site/off-site.

4 6. An employee shall visit the site daily to perform routine maintenance and ensure
 5 trash/debris does not accumulate onsite.

6 7. No future driveway connections to 17-92 will be allowed.

7
 8 Chair Schwartz suggested 24/7 security surveillance cameras be included as a condition.
 9 Commissioner Laputka agreed with Chair Schwartz.

10
 11 **Commissioner Laputka moved to approve COND-2-17-1251, with**
 12 **the condition that 24/7 camera surveillance be included seconded**
 13 **by Commissioner Campbell,**

14
 15 Commissioner Polgar commented that she does not agree that the security cameras be included as a
 16 condition.

17
 18 **Motion passed with a 5/1 roll call vote of the Planning Commission**
 19 **with Commissioner Polgar voting “no”.**

20
 21 D. **COND-2-17-1252:** a conditional use application by Jerry Cutrona, owner, to
 22 modify the existing conditional use to allow an increase in the number of paved
 23 parking spaces at an existing assisted living facility on the .45-acre parcel
 24 identified as parcel number 8012-00-00-0139, located at 1801 Monastery Rd. in
 25 the MX-2, Mixed Use Suburban zoning classification.

26
 27 William Reischmann read the title of COND-2-17-1252 into the record. He advised that this is a
 28 quasi-judicial public hearing and that any ex-parte communication on this topic must be disclosed at
 29 this time. Mr. Reischmann noted for the record there were no disclosures.

30
 31 Ms. McFarlane came forward and referred to a PowerPoint presentation (a copy of which is attached
 32 and becomes a permanent part of these minutes) to explain the modification of the driveway at the
 33 assisted living facility located at 1801 Monastery Rd. She continued to explain the criteria in order to
 34 approve the conditional use application.

35
 36 Ms. McFarlane advised that staff recommends that the Planning Commission approve the
 37 conditional use application with the following conditions:

- 38
 39 1. The parking area shall be permitted, inspected, and comply with the setbacks of the Land
 40 Development Code.
 41 2. The paved area shall not exceed the footprint size necessary to accommodate two vehicle
 42 parking spaces.
 43 3. All other provisions of the 2016 Conditional Use site plan remain in effect, including, but
 44 not limited to the front and side yard landscaping hedge abutting the proposed paved
 45 parking area.
 46

1 Attorney Reischmann reminded the Commission of the past conditional use application of this
2 property.

3
4 Jerry Cutrona, 248 Via Tuscan Loop Lake Mary, came forward and commented that he has already
5 paid half of the full cost for the concrete pad and would like an approval of the conditional use
6 permit.

7
8 **Commissioner Laputka moved to approve COND-2-17-1252,**
9 **seconded by Commissioner Polgar, and passed with a 6/0 roll call**
10 **vote of the Planning Commission.**

11
12 **E. COND-2-17-1253:** a conditional use application by Michael Wood, Esq.,
13 attorney for Beachcomber Wellness Center, LLC, to locate a 25-bed assisted living
14 facility at what is currently the Alling House Bed and Breakfast on the 2.35-
15 acre parcel identified as parcel numbers 8011-08-22-0082 and 8011-08-22- 0085,
16 located at 215 E. French Ave. in the OT, Office Transitional zoning classification.

17
18 William Reischmann read the title of COND-2-17-1253 into record. He advised that this is a quasi-
19 judicial public hearing and that any ex-parte communication on this topic must be disclosed at this
20 time.

21
22 Commissioner Laputka announced that he received communication from the applicant's attorney
23 weeks prior to his appointment to the Planning Commission. Chair Schwartz replied that she also
24 received an email from attorney Cobb Cole. Mr. Reischmann stated for the record there was
25 correspondence, an email from the attorney to all of the Commissioners.

26
27 Becky Mendez, Director Development Services came forward and referred to a PowerPoint
28 presentation (a copy of which is attached and becomes a permanent part of these minutes) that
29 explained the conditional use application of 215 French Ave AKA "The Alling House". She reported
30 that the property is zoned "Office Transitional". Ms. Mendez continued to explain the criteria the
31 Commission must consider in order to approve or deny the conditional use application.

32
33 Staff recommends that the Planning Commission approve the Conditional Use for the Beachcomber
34 Assisted Living Facility with the following 11 conditions of the staff report and added a 12th
35 condition:

- 36
37 1. The use is described as a residential drug and alcohol addiction treatment facility where
38 adult clients stay for a 28-day program, licensed through the Department of Children and
39 Families, and shall not allow any outpatient treatment services or uses.
40 2. The maximum number of clients served at any one time on the property shall not exceed
41 20.
42 3. The uses permitted on property include counseling, group sessions, exercise and other
43 holistic treatment opportunities, with the exception that all outdoor group activities are
44 limited to the hours of 8am to 8pm daily.

- 1 4. The Beachcomber facility must be licensed with the Florida State Department of Children
2 and Family Services before beginning to serve clients and receive Joint Commission
3 accreditation within 12 months of rendition.
- 4 5. The facility will not begin to service clients until a minimum of 13 outdoor surveillance
5 cameras are properly permitted in accordance with the attached location map.
- 6 6. At least one employee shall be present on premises 24 hours a day, including an overnight
7 employee to monitor the premises and surveillance cameras.
- 8 7. The existing chain link and stockade fencing shall be replaced with white picket and/or
9 white panel fencing that is consistent with the Florida Vernacular architectural style of the
10 buildings and existing picket fence on property. A separate fence building permit shall be
11 reviewed and approved by the Historic Preservation Board before issuance.
- 12 8. Any new or existing structure repair or replacement shall comply with a Florida
13 Vernacular architectural style and requires approval from the City's Historic Preservation
14 Board.
 - 15 • The buildings, fencing and landscaping must be maintained to avoid demolition by
16 neglect.
 - 17 • The detached garage shall only be used for storage and vehicle parking.
 - 18 • The wellhouse shall only be used for storage and maintained in its current location
19 along the east property line.
 - 20 • The third floor of the main house shall not be used as patient lodging.
- 21 9. Permanent ground or wall signs shall not contain any commercial message. The ground
22 sign is limited to a hanging-panel blade style sign, not to exceed nine square feet in copy
23 area. One wall sign, not to exceed 2 square feet in copy area is allowed. Temporary signs
24 are not permitted.
- 25 10. Maintain a maximum of 14 parking spaces (including one handicapped parking space) in
26 accordance with the parking plan attached.
- 27 11. The property owner shall connect to central sanitary sewer if it becomes available
- 28 12. A Department of Health permit to upgrade the existing septic system is required before
29 the business can begin serving clients.

30
31 Mr. Reischmann advised that the Planning Commission must make their decision based on the rules
32 and laws of the evidence heard and the factors of the Land Development Code. He stated that signed
33 petitions have been deemed not to be substantial evidence. They are not a legal basis to approve or
34 deny an application.

35
36 Michael Woods, Attorney for Cobb Cole 351 N. New York Ave. DeLand, came forward and
37 referred to a PowerPoint presentation (a copy of which is attached and becomes a permanent part of
38 these minutes) discussing the details of the Beachcomber Wellness Center, LLC application. He
39 addressed concerns from the neighbors of the Alling House. He requested a number of revisions to
40 the staff recommendations.

41
42 Commissioner Campbell asked Mr. Woods to clarify the response to condition seven (7) pertaining
43 to the installation of a white picket fence on the Alling House property. Mr. Woods replied that he
44 would prefer to not have to install a chain link fence but is willing to do whatever is required to get a
45 conditional use permit for the property. Commissioner Campbell asked the purpose for a six foot
46 white picket fence. Mr. Woods replied that the fencing would mainly serve for visual screening.

1
2 Commissioner Stafford asked about the procedure if a patient were to cancel their service. Mr.
3 Woods replied that the patient would have to vacate the property if they chose to cancel their
4 treatment.

5
6 Commissioner Salzano asked if the patients were court ordered to attend the program. Mr. Woods
7 replied that most of the clients are professionals and do not have to be court ordered to attend. It is a
8 medical facility.

9
10 Commissioner Polgar asked for the definition of “given cycle” referring to the number of clients
11 allowed on the property at one time. Mr. Woods replied that clients will be cycled in and out of the
12 facility. She also asked for clarification of the 28 day cycle. Mr. Woods replied with a detailed
13 definition of the patient’s admission cycle.

14
15 Commissioner Campbell asked for clarification about the maximum number of fourteen parking
16 spaces. Mr. Woods replied that the original plan was assuming there would be twenty five patients
17 and additional parking would be needed.

18
19 Ms. Mendez clarified that the definition of the fourteen parking spaces is the maximum amount
20 allowed on the property. Mr. Reischmann commented that the number of parking spaces is adequate
21 for the amount of patients.

22
23 Commissioner Campbell asked how many staff members would be present during the day. Mr.
24 Woods replied there would be fifteen to twenty-five employees present.

25
26 Commissioner Laputka asked for the minimum age of the clientele. Mr. Woods replied adulthood is
27 the threshold age and that the clientele were mostly professionals.

28
29 Ms. Mendez explained in detail the staff recommended conditions. She addressed the requirement to
30 obtain a fence permit.

31
32 Commissioner Stafford commented that drugs do not discriminate, it doesn’t matter the profession.

33
34 Commissioner Campbell asked how the patients were funded. Mr. Wood replied that most of the
35 clients were covered under their own insurance and 15% were self paid.

36
37 Chair Schwartz opened the public hearing by asking if anyone wanted to speak for or against the
38 proposed conditional use application.

39
40 Speaking in opposition to the Beachcomber Wellness Center, LLC:

41 Colleen Atkinson, 555 Sumner Ave, Orange City
42 Tom Abraham, 1930 Hillside Ave, Orange City
43 Kim Fontaine, 540 N. Thorpe Ave, Orange City
44 Phil Larson, 439 E French Ave, Orange City
45 Dave Parker, 350 French Ave, Orange City
46 Deveda Prochilo, 238 E. Rose Ave, Orange City

- 1 Mary Waits, 343 E. Graves Ave, Orange City
- 2 Karin West, 575 Sumner Ave, Orange City
- 3 Dianne Wodz, 535 Sumner Ave, Orange City
- 4 Mark Wodz, 535 Sumner Ave, Orange City
- 5 Leanna Panish, 349 E. Graves Ave, Orange City
- 6 Charles Harry, 11 N Oak, Orange City
- 7 Richard Kriter, 225 E Lansdowne, Orange City

8
9 Speaking in support of the Beachcomber Wellness Center, LLC

10 Gerald and Nan Hill, 215 French Ave, Orange City, current owners of the Alling House.

11
12 There being no further requests to speaker, Chair Schwartz closed the public hearing.

13
14 Commissioner Polgar asked for clarification on the traffic study. Ms. Mendez responded that
15 according to the ITE Trip Generation Manual that the new facility would have eighteen average
16 daily trips. She also asked about visitor hours to the applicant. Mr. Woods responded that the visitor
17 hours were not yet defined.

18
19 Commissioner Laputka asked the current owner of the Alling House to step forward and explain
20 why she wanted to sell the business. Ms. Hill spoke in favor of the Wellness Facility. Commissioner
21 Laputka asked Mr. Woods if he was comfortable with the adjustments of the conditions stated in the
22 application. Ms. Mendez replied that they were in agreement with everything except for the
23 accreditation due date.

24
25 Referring to the Land Development Code, Mr. Reischmann reiterated the zoning requirement for the
26 property, stating that it is Office Transitional.

27
28 Commissioner Campbell stated that she disagrees with staff recommendations for Conditions F, G,
29 and H.

30
31 Mr. Reischmann stated what the courts have determined to be relevant in this matter. The courts
32 have stated that we have to rely on the expertise and professional opinions as far as property values
33 and the impact of traffic.

34
35 Commissioner Polgar stated a concern about the number of employees and the number of parking
36 spaces. She questioned where everyone will park.

37
38 Mr. Woods replied that the number of employees is a rolling number with shift changes throughout
39 the day. He suggested that 14 parking spaces are sufficient.

40
41 Commissioner Salzano stated her disapproval for the proposed center.

42
43 **Commissioner Laputka moved to approve COND-2-17-1253, with the 12**
44 **conditions of approval recommended by staff and the following revisions,**
45 **Condition 2. Increase number of patients to 21; Condition 3. Outdoor group**
46 **activity limited to 9 p.m.; Condition 7. Add “the fence permit must be installed**

1 **within 3 months of obtaining the Certificate of Occupancy;” Condition 11.**
2 **Add “within one hundred feet of the property”, seconded by Commissioner**
3 **Salzano.**

4
5 Commissioner Polgar expressed concerns about increasing the number of clients from 20 to 21. She
6 questioned how staff came up with that number. Mr. Reischmann pointed out the number of clients
7 allowed is stipulated in the zoning matrix of the Land Development Code.

8
9 **Commissioner Polgar moved to amend the motion to change Condition 2. to**
10 **reduce the number of clients from 21 to 20, the motion to amend died for the**
11 **lack of a second.**

12
13 A discussion between the Commissioners, Mr. Reischmann and Ms. Mendez ensued discussing the
14 conditions of approval.

15
16 **Motion failed by a 2/4 roll call vote of the Planning Commission with**
17 **Commissioners Salzano, Polgar, Campbell and Stafford voting “no”.**

18
19 **Commissioner Campbell moved to deny CON-2-17-1253, Conditional Use**
20 **Application, on the basis the application does not meet Criteria F***(It will not*
21 *generate undue traffic congestion or it will be able to offset any transportation*
22 *impacts with appropriate mobility enhancement)***-concluding the conditional use**
23 **WOULD generate undue traffic congestion, Criteria G** *(It will not create a*
24 *hazard or a public nuisance, or be dangerous to individuals or to the public)*
25 **concluding the conditional use WOULD create a nuisance and be dangerous to**
26 **the public, and Criteria H** *(It will materially alter the character of surrounding*
27 *neighborhoods or adversely affect the value of surrounding land, structure or*
28 *buildings)* **concluding the conditional us WOULD materially alter the character**
29 **of the surrounding neighborhood, in Chapter 3.7.4 of the Land Development**
30 **Code, seconded by Commissioner Stafford, motion failed with a 3/3 roll call**
31 **vote with Commissioners Laputka, Stafford and Chair Schwartz voting “no.”**

32
33 Mr. Reischmann noted that a 4/2 majority vote of the Planning Commission is required to deny this
34 conditional use application. He suggested a motion to reconsider and a motion to deny the
35 application is appropriate at this time.

36
37 Ms. Mendez point out that if the motion is to deny the application, Commissioners must vote in the
38 affirmative.

39
40 **Commissioner Polgar motioned to reconsider CON-2-17-1253 Conditional Use**
41 **Application, seconded by Commissioner Salzano, motion passed with a 6/0 roll**
42 **call vote of the Planning Commission.**

43
44 **Commissioner Campbell moved to deny CON-2-17-1253, Conditional Use**
45 **Application, on the basis the application does not meet Criteria F,** *(It will not*
46 *generate undue traffic congestion or it will be able to offset any transportation*

1 *impacts with appropriate mobility enhancement)-concluding the conditional use*
 2 **WOULD** generate undue traffic congestion, Criteria G *(It will not create a*
 3 *hazard or a public nuisance, or be dangerous to individuals or to the public)*
 4 concluding the conditional use **WOULD** create a nuisance and be dangerous to
 5 the public, and Criteria H *(It will materially alter the character of surrounding*
 6 *neighborhoods or adversely affect the value of surrounding land, structure or*
 7 *buildings)* concluding the conditional us **WOULD** materially alter the character
 8 of the surrounding neighborhood, of Chapter 3.7.4 of the Land Development
 9 Code, seconded by Commissioner Polgar and passed by a 4/2 roll call vote with
 10 Commissioner Laputka, and Chair Schwartz voting “no.”

11

12 **5. DISCUSSION ITEMS** None at this time

13

14 **6. STAFF/COMMISSION COMMENTS**

15

16 Commissioner Polgar thanked the City staff and Mr. Reischmann for a great job.

17

18 Chair Schwartz reported on upcoming events in the City.

19

20 **7. CITIZEN COMMENTS**

21

22 **8. ADJOURNMENT**

23

24 There being no further business to discuss, Chair Schwartz adjourned the meeting at 10:08 p.m.

25 **RESPECTFULLY SUBMITTED:**

26

27

28

29 _____
Melani Brown
30 Deputy City Clerk

APPROVED ON

_____ 05/03/2017
Date