

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
2 Wednesday, May 03, 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, Martin Harper Staff Members: Rebecca
13 Mendez, Development Service Director; Carol McFarlane City Planner, City
14 Attorney, William Reischmann, Deputy City Clerk, Melani Brown.

15
16 **ABSENT:** None at this time

17
18 **2. PLEDGE OF ALLEGIANCE**

19
20 **3. APPROVAL OF MINUTES** April 5, 2017

21
22 **Commissioner Laputka moved to approve the minutes of the April**
23 **5, 2017 Planning Commission meeting, as presented, seconded by**
24 **Commissioner Campbell.**

25
26 Commissioner Polgar stated that she would like more highlighted information about the comments
27 each citizens made with regard to the Beachcomber Wellness Center.

28
29 A discussion ensued between the Commission and staff about summary versus verbatim minutes.
30 Mr. Reischmann explained that the only requirement to transcribing minutes is to record the actions
31 that were taken. He talked about the pros and cons of using summary minutes.

32
33 Ms. Polgar maintained that she would like to see more information with regard to the comments
34 citizen make at these meetings.

35
36 **Motion approved by a consensus vote of the Planning Commission.**

37
38 Chair Schwartz noted that she would like to move Agenda Item 6, Staff/Commission Comments
39 forward on the agenda. Ms. Schwartz advised that she is stepping down as the chair of the Planning
40 Commission at this time. She suggested that someone more knowledgeable about the Code of
41 Ordinances and the Land Development Code would better serve as chair of the commission.

42
43 **Commissioner Salzano moved to nominate Commissioner Laputka**
44 **as Chair, seconded by Commissioner Schwartz, and passed with a**
45 **7/0 roll call vote of the Planning Commission.**
46

1 Commissioner Schwartz passed the gavel to Chair Laputka and the meeting format resumed.

2
3 **4. PUBLIC HEARINGS**

4
5 A. **COND-3-17-1260:** a conditional use application by Artemio Ramirez, owner, to allow
6 single family residences in the historic houses located on 4.55-acres identified as parcel
7 numbers 8011-08-05-0010, 8011-08-25-0240, and 8011-08-25-0250, located at 239 and
8 257 S. Volusia Ave. in the CG-1, General Commercial Restricted zoning classification.

9
10 William Reischmann read the title of COND-3-17-1260 into the record. He advised that this is a
11 quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed at
12 this time. Mr. Reischmann noted for the record there were no disclosures.

13
14 Carol McFarlane, City Planner, came forward and referred to a PowerPoint presentation (a copy of
15 which is attached and becomes a permanent part of these minutes) describing the conditional use
16 application. Ms. McFarlane noted that the properties are historic homes and are on the National
17 Register of Historic Places. The new property owner wishes to reestablish the abandoned residential
18 uses for the properties. The applicant plans to live at the 239 S. Volusia Avenue location and
19 remodel the house and cabins at 257 S. Volusia Avenue. The property is zoned General Commercial
20 Restricted (CG-1), which allows residential uses with conditional use approval.

21
22 Ms. McFarlane discussed in detail the 11 criteria the applicant must meet. She advised that staff is
23 recommending the Planning Commission approve COND-3-17-1260 with the following conditions:

- 24
- 25 1. The five residential structures indicated on the site survey dated March 3, 2017 and attached
- 26 herein, may be used as single family dwellings in their current size and configuration. The three
- 27 existing accessory structures may continue to exist for storage purposes only. The
- 28 nonconforming provisions of the Land Development Code apply to all structures.
- 29 2. The Low Density Residential (R-1) zoning classification shall apply to the property for the
- 30 purposes of administering the Land Development Code.
- 31 3. The individual structures may not be sold to another party and must remain in common
- 32 ownership, regardless of property line boundaries; unless another conditional use is approved.
- 33 4. All building permits must be reviewed and approved in accordance with Ordinance No. 572
- 34 regarding the renovation and/or demolition of historic structures.
- 35 5. The owner may apply for an owner-builder building permit for the internal renovations of the
- 36 residence located at 239 S. Volusia Avenue, and receive final Certificate of Completeness from
- 37 the Building Official before any permanent residence is established.
- 38 6. A general contractor is required to apply for building permits for the remaining four residential
- 39 structures and accessory structures, and shall receive final Certificate of Completeness from the
- 40 Building Official before any permanent residence may be established.
- 41 7. The owner shall provide a paved driveway, a minimum of 12 feet wide and measured from the
- 42 front property line to a parking area designed to accommodate two parking spaces for each
- 43 residence abutting Volusia Avenue (239 and 257 S. Volusia Avenue).
- 44 8. A driveway extension and one paved parking space are required to serve each cabin.
- 45 9. A temporary property security and maintenance plan must be submitted and approved by
- 46 Development Services staff within 30 days of rendition.

- 1 10. Specimen trees must be preserved, or the owner shall submit a tree removal permit application
2 for review and approval by the city's Tree Preservation Board.
- 3 11. Exterior paint colors shall be consistent with the requirements of Section 10.4.7.D, Land
4 Development Code.

5
6 Ms. McFarlane noted that in addition the above 11 conditions staff is also recommending the
7 following three (3) additional conditions:

- 8
9 1. Comply with Floodplain Management regulations.
10 2. Provide 25-foot wetland buffers in compliance with applicable wetland regulations.
11 3. Grant a stormwater easement to the City for the Marshall Pond facility.

12
13 Chair Laputka asked why a stormwater easement to the City for Marshall Pond was required.

14
15 Becky Mendez, Development Services Director, explained that the City owns part of the property
16 but does not have stormwater discharge rights. The surrounding neighbors own property rights to
17 the dirt under the pond and if those property owners do not allow easement rights to the City the
18 planned stormwater projects will not be able to move forward.

19
20 Chair Laputka opened the public hearing by asking if anyone wanted to speak for or against the
21 proposed condition.

22
23 Bill Road, 220 S Carpenter Ave., came forward and asked how this project could go any further
24 without the consent for the City's easement rights from the surrounding property owners.

25
26 Mr. Reischmann replied that the conditional use criteria granting stormwater easement to the City
27 for the Marshall Pond facility only pertains to this conditional use application.

28
29 Becky Duncan, 300 S. Carpenter Ave., came forward to ask about the plan for stormwater runoff, if
30 the City obtains the easement from Mr. Ramirez. She also asked if he was planning to convert any
31 of the buildings on the property into vacation homes.

32
33 Mr. Reischmann referred back to condition number 1 noting that the "accessory structures may
34 continue to exist for storage purposes only."

35
36 The Chair closed the public hearing.

37
38 Artemio Ramirez, property owner, came forward and thanked the City. He stated that he and his
39 family will be living on 239 S. Volusia Ave. property and that he plans to open a drywall business.
40 Chair Laputka asked about Mr. Ramirez's plans for the Dickinson home that was recently affected
41 by a fire. Mr. Ramirez replied that he plans to hire a contractor to restore the home within the next
42 year.

43
44 Chair Laputka asked what would happen if the Dickinson home could not be saved and how that
45 would affect the status of this project. Ms. Mendez replied that the conditional use is to allow a
46 single family residential use of the three cabins and two principle structures. If demolition is

1 required it must comply with the new demolition ordinance and must be reviewed by the Historic
2 Preservation Board.

3
4 Commissioner Polgar asked how long the project will take. Mr. Ramirez replied that he is planning
5 to have a contractor for the Dickinson house by next year but will begin renovations at 239 S.
6 Volusia Ave right away.

7
8 Chair Laputka expressed concerns regarding the width and span of the driveway on the property
9 suggesting that it could cause an issue with traffic on U.S. 17-92. Ms. Mendez commented that there
10 is already a paved driveway connection to U.S. 17-92. The condition is that the connection needs to
11 be continued to the back of property providing parking spaces for the two principle dwellings.

12
13 **Commissioner Harper moved to approve COND-3-17-1260, with**
14 **the 11 recommended conditions and the 3 additional conditions**
15 **listed above, seconded by Commissioner Schwartz, and passed with**
16 **a 7/0 roll call vote of the Planning Commission.**

17
18 B. **VARI-4-17-1264:** a variance application by Paul Krinjak, owner, to allow a proposed
19 detached garage that will exceed 50% of the size of the principal structure to be located
20 on the property identified as parcel number [REDACTED] located at [REDACTED]
21 [REDACTED] in the OT, Office Transitional zoning district.

22
23 William Reischmann read the title of VARI-4-17-1264 into the record. He advised that this is a
24 quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed at
25 this time.

26
27 Chair Laputka noted that he had prior discussions with the owner about this matter.

28
29 Mr. Reischmann stated that Chair Laputka will be making his decision based on the evidence
30 presented. Chair Laputka agreed.

31
32 Ms. McFarlane came forward and referred to a PowerPoint presentation (a copy of which is attached
33 and becomes a permanent part of these minutes) that described a variance application for the
34 property on [REDACTED] to allow a proposed detached garage to exceed 50% of the size of
35 the principal structure. Ms. McFarlane explained that the applicant has been planning this structure
36 since 2008, and was not able to obtain a building permit prior to adoption of the Ordinance 571,
37 regarding residential accessory structures.

38
39 Ms. McFarlane advised that staff finds that the variance application can meet the five criteria
40 required to be granted with the following conditions:

41
42 1. The variance is limited to the proposed detached garage as indicated on the variance site plan
43 date stamped "received" on April 10, 2017. Any expansion to the size of the accessory structure,
44 or encroachments into the required setbacks would require approval of a new variance
45 application.

- 1 2. The proposed structure must be permitted and inspected through the building permit review
- 2 process.
- 3 3. The plans for the detached garage must include at least one window on the west and south sides.
- 4 4. No other accessory structures such as sheds or garages are allowed without approval of a
- 5 separate variance.
- 6 5. The detached garage must be painted the same color of the principal structure and contain the
- 7 materials indicated in the attached drawings.

8
9 Chair Laputka noted that he is familiar with this home and endorses this project.

10
11 Chair Schwartz asked for clarification of the five foot rear set back. Ms. McFarlane explained that
12 the exception in the code for detached garages on corner lots states the garage may be five feet from
13 a side yard setback.

14
15 Chair Laputka opened the public hearing by asking if anyone wanted to speak for or against the
16 proposed condition. There being no requests to speak, the Chair closed the public hearing.

17
18 Chair Laputka read an email from David Hodges, [REDACTED] to Development Services
19 supporting the variance application.

20
21 Paul Krinjak, the applicant, came forward and stated he received a variance back in 2008 but did not
22 build the garage at that time. He explained what his current plans are for the garage.

23
24 **Commissioner Polgar moved to approve VARI-4-17-1264 with the 5**
25 **conditions recommended by staff and listed above, seconded by**
26 **Commissioner Harper, and passed with a 7/0 roll call vote of the**
27 **Planning Commission.**

28 29 5. DISCUSSION ITEMS

30
31 Commissioner Polgar stated that she would like to have more details of citizens comments included
32 in the minutes. A discussion between the Commission and Mr. Reischmann ensued. It was
33 concluded that this matter would be brought forth to the City Clerk for more discussion.

34 35 6. STAFF/COMMISSION COMMENTS

36
37 Ms. Mendez reported that the Florida Planning and Zoning monthly luncheon will be held on May
38 19th at the Deland City Chambers.

39
40 Chair Laputka asked for an update of the CRA plans. Ms. Mendez stated the CRA board chose S.
41 Holly Ave. and the Façade improvement grant as a priority. She stated a draft for the façade
42 improvement grant program will be brought back to the CRA board in June. The CRA board
43 approved a twenty year loan to install streetscaping, and utility extension and stormwater
44 improvements on S. Holly. She stated the City needs to be at 60% design by June 30th or lose
45 potential for a state revolving fund loan at 0% interest.

46

1 Commissioner Salzano asked for an update about the parking of commercial vehicles in residential
2 areas. Ms. Mendez reported that Council approved an ordinance with limited changes to address the
3 matter.

4
5 Commissioner Schwartz asked for an update about the Food Trucks Bazaar. Ms. Mendez responded
6 that Mark Baratelli, publisher of the Daily City Blog, did not have a special event permit and was
7 currently searching for a new location to continue with the event.

8
9 **7. CITIZEN COMMENTS**

10
11 **8. ADJOURNMENT**

12 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:26 p.m.

13
14 **RESPECTFULLY SUBMITTED:**

APPROVED ON

07/05/2017
Date

15
16
17 _____
18 Melani Brown
19 Deputy City Clerk