

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
2 Wednesday, September 06, 2017 at 6:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange
3 City, Florida.

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5 **1. CALL TO ORDER**

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

8
9 **ROLL CALL:**

10
11 **PRESENT:** Chair, Tom Laputka, Commissioners: Amy Campbell, Vernon Stafford, Martin Harper
12 Staff Members: Rebecca Mendez, Development Service Director; Carol McFarlane,
13 City Planner, Joseph Ruiz, City Planner, City Attorney, William Reischmann, Deputy
14 City Clerk, Melani Brown.

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16 Absences: Commissioner Polgar, Commissioner Salzano and Commissioner Schwartz.

17
18 **2. PLEDGE OF ALLEGIANCE**

19
20 **3. APPROVAL OF MINUTES** July 05, 2017

21
22 **Commissioner Harper moved to approve the minutes of the July 05,**
23 **2017 Planning Commission meeting as presented, seconded by**
24 **Commissioner Stafford and passed by a 4/0 roll call vote of the**
25 **Planning Commission.**

26
27 **4. PUBLIC HEARINGS**

- 28
29 A. **COND-7-17-1272:** A conditional use application by Carlos Barrios, agent
30 for Sunshine Real Estate, Inc., to allow a Checker's restaurant with a drive-
31 through (automobile oriented use) on the property located on ±.64-acres
32 identified as parcel number 8015-02-00-0060, located at 1625 S. Volusia
33 Ave. in the CG-2, General Commercial zoning classification.

34
35 Mr. Reischmann read the title of COND-7-17-1272. He advised that this is a quasi-judicial public
36 hearing and asked that any ex-parte communication on this topic be disclosed at this time. Mr.
37 Reischmann noted for the record there were no disclosures.

38
39 Joseph Ruiz, Senior Planner, presented a detailed PowerPoint presentation (a copy of which is
40 attached and becomes a final part of these minutes.) Mr. Ruiz explained that the application is to allow
41 construction of a new 842 square foot Checkers fast food restaurant with a drive-through. This
42 location is currently the site of an abandoned 497 square foot gas station with 13 pumps. He stated that
43 the applicant intends to demolish the existing structures and realign driveway connections and parking
44 areas with construction of the new restaurant. The zoning code requires that restaurants with
45 automobile oriented uses be reviewed as a conditional use.

1 Mr. Ruiz stated that staff recommends the Planning Commission approve the conditional use
 2 application with the following conditions:

- 3 1. The applicant is authorized to submit for a final site plan application that generally complies with
 4 the conceptual site and landscape plan received by Development Services on July 31, 2017 and
 5 complies with the Technical Review Committee (TRC) comments dated September 5, 2017.
- 6 2. The proposed restaurant building architecture shall conform to the Architectural Elevations dated
 7 June 5, 2017, and are attached herein.
- 8 3. The final site plan shall provide stamped/colored concrete at the driveway connection to Cedar
 9 Avenue, at the driveway connection to S. Volusia Avenue, and at the internal crosswalk leading to
 10 the building, as may be approved by the City’s TRC and the Florida Department of Transportation.
- 11 4. FDEP approval of a tank abatement plan is required before the City will issue any site development
 12 order, or as may be otherwise required from FDEP. The existing underground petroleum tanks must
 13 be properly abated before the City issues a building permit.

14
 15 Chris Stevens, representative for the engineering firm, stated that he was available for questions from the
 16 Commission.

17
 18 Chair Laputka opened the public hearing by asking if anyone wanted to speak for or against the
 19 application, no one appeared. The chair closed the public hearing.

20
 21 Commissioner Campbell stated that she thought having a Checkers in that location was a great idea. She
 22 voiced her concern about the gas tanks located on the property and the removal of the gas tanks.

23
 24 Mr. Stevens replied that the property is owned by APEK.

25
 26 **Commissioner Campbell moved to approve COND-7-17-1272, with**
 27 **the 4 recommended conditions listed above, seconded by**
 28 **Commissioner Harper, and passed with a 4/0 roll call vote of the**
 29 **Planning Commission.**

- 30
 31 B. **ORDINANCE 580:** An amendment to the Official Zoning Map to
 32 rezone the approximately ±6.66 acres of property known as Orange City
 33 Mobile Home Park from General Commercial (CG-2) and Medium Density
 34 Residential (R-2) to the Residential Planned Unit Development (RPUD)
 35 zoning classification.

36
 37 Chair Laputka suggested moving Agenda Item 4B to the October 4th Planning Commission meeting.

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 39 **Commissioner Harper motioned to move Ordinance 580 to the**
 40 **October 4th Planning Commission meeting, seconded by**
 41 **Commissioner Campbell, and passed with a 4/0 roll call vote of the**
 42 **Planning Commission.**

- 43
 44 C. **ORDINANCE 581:** A text amendment to Chapter 2, *Definitions* and Chapter
 45 8, *Zoning Regulations* of the Land Development Code regarding
 46 pharmacies, medical marijuana treatment centers, and to provide minor

housekeeping items to the supplementary regulations of the zoning code and the zoning matrix for consistency and clarity.

Mr. Reischmann read the title of Ordinance 581. He advised that this is a quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed at this time. Mr. Reischmann noted for the record there were no disclosures.

Becky Mendez, Development Services Director presented a detailed PowerPoint presentation (a copy of which is attached and becomes a final part of these minutes) that defined a “pharmacy” use. She stated that a text amendment is needed to revise the zoning matrix allowing pharmacies in the CG-1 and CG-2 zoning classifications as a permitted use. Ms. Mendez stated that the amendment also provides minor housekeeping items to the supplementary regulations of the zoning code and the zoning matrix for consistency and clarity. She stated that staff recommends the Commission find Ordinance No. 581 consistent with the Comprehensive Plan and forward to the City Council for approval.

Commissioner Campbell stated that she was in favor of the dispensaries.

Chair Laputka opened the public hearing by asking if anyone wanted to speak for or against Ordinance 581, no one appeared. The chair closed the public hearing.

Commissioner Stafford moved to approve Ordinance 581 seconded by Commissioner Harper, and passed with a 4/0 roll call vote of the Planning Commission.

5. DISCUSSION ITEMS

Ms. Mendez reported that Holly Ave is progressing. She announced that sand bags were being dispersed at the dog park.

Commissioner Harper communicated some informative medical marijuana facts.

6. STAFF/COMMISSION COMMENTS

7. CITIZEN COMMENTS

8. ADJOURNMENT

There being no further business to discuss, Chair Laputka adjourned the meeting at 7:15 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON

Melani Brown
Deputy City Clerk

October 04, 2017
Date