

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
 2 Wednesday, December 06, 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 Laputka and roll call was taken.

8
 9 **ROLL CALL:**

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

15
 16 Absences: Kathaline Salzano

17
 18 **2. PLEDGE OF ALLEGIANCE**

19
 20 **3. APPROVAL OF MINUTES** October 4, 2017

21
 22 **Commissioner Polgar moved to approve the minutes of the October**
 23 **04, 2017 Planning Commission meeting as presented, seconded by**
 24 **Commissioner Schwartz and passed by a 6/0 roll call vote of the**
 25 **Planning Commission.**

26
 27 **4. PUBLIC HEARINGS**

28
 29 **A. ORDINANCE 594:** an application by Joe Rudolph of John Knox Village to rezone the
 30 property located on ±27.72 acres known as Pine Forest Mobile Home Park and
 31 identified as parcel numbers 8011-00-00-0020, 8011-10-07-0010, and a portion of 8011-00-
 32 00-0010, located at 12 Westlake Drive, from MH-1, Mobile Home Park to the R-2, Medium
 33 Density Residential zoning classification.

34
 35 William Reischmann, City Attorney, read the title of Ordinance 594 into the record. Mr. Reischmann
 36 advised that this is a quasi-judicial public hearing and asked that any ex-parte communication on this
 37 topic be disclosed at this time. He noted for the record there were no disclosures.

38
 39 Carol McFarlane, City Planner, presented a detailed PowerPoint presentation (a copy of which is
 40 attached and becomes a permanent part of these minutes). She explained that this application is a
 41 rezoning request from Mobile Home Park (MH-1) to Medium Density Residential (R-2) zoning
 42 classification for the property known as the Pine Forest Mobile Home Park. Ms. McFarlane noted that
 43 John Knox Village purchased the property in 2014 and wishes to phase out the mobile home park and
 44 construct a duplex development with amenities consistent with the R-2 zoning.

1 Ms. McFarlane stated that staff recommends the Planning Commission find the rezoning request
2 consistent with the comprehensive plan and forward Ordinance No. 594 to the City Council for approval.
3 The first reading with City Council is tentatively scheduled for January 9, 2018.

4
5 Joe Rudolph, representative for John Knox Village, came forward and stated that he is available for any
6 questions from the Commission.

7
8 Tracy Lipkins and Wayne Malcolm, 480 S. Leavitt Ave., came forward to voice their concern about any
9 plans for privacy fences that would block the current breeze onto their residence.

10
11 Commissioner Campbell commented that this was a positive move for John Knox Village and she is
12 looking forward to the change.

13
14 **Commissioner Schwartz moved based upon competent substantial**
15 **evidence as presented, the Planning Commission recommends that the**
16 **City Council of the City of Orange City adopt Ordinance No. 594,**
17 **seconded by Commissioner Campbell and passed with a 6/0 roll call**
18 **vote of the Planning Commission.**

19
20 **B. ORDINANCE 595:** an administrative action by The City of Orange City to rezone the
21 property located on ±1.33 acres identified as parcel numbers 8011-10-02-0010 and
22 8011-10-03-0010, located at 940 and 1000 East Rose Avenue, from MH-1, Mobile
23 Home Park to the R-2, Medium Density Residential zoning classification.

24
25 Mr. Reischmann read the title of Ordinance 595 into the record. Mr. Reischmann advised that this is a
26 quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed at
27 this time. He noted for the record there were no disclosures.

28
29 Ms. McFarlane presented a detailed PowerPoint presentation (a copy of which is attached and becomes
30 a permanent part of these minutes). She explained that this application is an administrative rezoning
31 request from Mobile Home Park (MH-1) to Medium Density Residential (R-2) zoning classification for
32 the property just north of the Pine Forest Mobile Home Park. There is a companion case, REZO-10-17-
33 1294, for John Knox Village to rezone the Pine Forest Mobile Home Park. Ms. McFarlane noted that
34 rezoning would leave a remnant of MH-1 applied to lands that are not part of the mobile home park. The
35 subject properties are two parcels with single-family residences, and portions of a right-of-way. This
36 administrative rezoning is consistent with the existing land use, corrects the nonconforming issue, and
37 is compatible with the adjacent rezoning request.

38
39 Ms. McFarlane stated that staff recommends the Planning Commission find the rezoning request
40 consistent with the comprehensive plan and forward Ordinance No. 595 to the City Council for approval.
41 The first reading with City Council is tentatively scheduled for January 9, 2018.

42
43 Chair Laputka stated that this was a benefit to the homeowners.

44
45 Conrad Stone, 1000 E. Rose Ave., came forward and asked why was the zoning changed to mobile
46 homes and what is the delay to have the zoning back to the original zoning classification. He inquired
47 about a future add-on to his home.

48
49 Becky Mendez, Development Services Director, responded that Mr. Stone could add on to the back of

1 the home but not in the front.

2
3 **Commissioner Polgar moved based upon competent substantial**
4 **evidence as presented, the Planning Commission recommends that the**
5 **City Council of the City of Orange City adopt Ordinance No. 595,**
6 **seconded by Commissioner Harper and passed with a 6/0 roll call vote**
7 **of the Planning Commission.**
8

9 C. **ORDINANCE 596:** a request by David Eastman, attorney for Sun Orange City, LLC, to
10 rezone the property located on ±38.7 acres known as Orange City RV Park and
11 identified as parcel number 8017-00-00-0030, located at 2300 East Graves Avenue, from
12 MX-2, Mixed Use Suburban to the PUD, Planned Unit Development zoning classification.
13

14 Mr. Reischmann read the title of Ordinance 596 into the record. Mr. Reischmann advised that this is a
15 quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed at
16 this time. He noted for the record there were no disclosures.
17

18 Ms. McFarlane, presented a detailed PowerPoint presentation (a copy of which is attached and becomes
19 a permanent part of these minutes). She explained that this application is a rezoning request from Mixed
20 Use Suburban (MX-2) to a Planned Unit Development (PUD) zoning classification for the property
21 known as the Orange City RV Park. The park consists of a mix of RV lots and mobile home dwellings
22 (525 total). Ms. McFarlane noted that neither mobile home dwelling units nor RV lot rentals are allowed
23 in the MX-2 zoning classification. Therefore, the park is currently a non-conforming use, and is not
24 eligible for building permits for new or replacement structures. She stated that the owner of the park
25 wishes to rezone the property to make it compliant with the Land Development Code and to make
26 improvements to the site, with the goal to gradually phase out the permanent mobile home dwellings.
27

28 Ms. McFarlane stated that staff recommends that the Planning Commission find the Official Zoning
29 Map amendment consistent with the comprehensive plan and forward Ordinance No. 596 to the City
30 Council for approval, with the following two (2) conditions:

- 31 1. Approve the Development Agreement, as drafted.
- 32 2. The Development Agreement shall be executed and recorded in the Volusia County Official
33 records, with recommended changes, as well as any changes requested by the City Council, within
34 six months of approval.
35

36 Commissioner Polgar asked for clarification for the definition of a parked trailer.
37

38 Ms. McFarlane responded that parked trailers are permanent RV homes owned by Sun Communities,
39 AKA Sun RV resort LLC, and are rented out to visitors.
40

41 David Eastman, representative for Sun RV resort LLC, clarified that a parked trailer is a parked
42 recreational vehicle with the intention to rent. The park is intended to be a destination resort and have
43 some units available for returning customers. They do not wish to have full time residents in the RV
44 Park. However, there are some that are grandfathered into fulltime residency.
45

46 Jane Chrischensen, 2332 Willow Village, noted that she as well as her daughter and sister are permanent
47 residents of the Sun RV Park. Ms. Chrischensen voiced her concerns about the phasing out of her
48 property and future add on to her home.

1 Ms. Mendez responded that the rezoning establishes standards for the accessory structures. She noted
2 that the mobile home will become a conforming use and eligible for permits in accordance with the
3 standards in the development agreement.
4

5 Mr. Eastman came forward and clarified that the agreement with the property owners state they are not
6 evicting any permanent residents. When the residents sell their unit then the lease for that unit will
7 become a transient lease.
8

9 Mr. Reischmann clarified that the duties of the Planning Commission are to view the rezoning and the
10 contractual relationship between the City and the property owners.
11

12 Cadisha Forward, 262 Cedar Village St., voiced her concern about the future of her newly purchased
13 home in the RV Park. She asked who she would sell her home to.
14

15 Commissioner Schwartz recommended that Sun RV resort LLC should hold a meeting with the property
16 owners to clear up any confusion.
17

18 Commissioner Polgar asked Ms. Forward for her lot number. She responded 262. Commissioner Polgar
19 asked Ms. Chrischensen what lot numbers she owned. She responded 2332, and 2378.
20

21 Mr. Reischmann reminded the commission that this was an issue they need not get involved.
22

23 Commissioner Polgar addressed Mr. Reischmann and asked if this issue would have impact over the
24 development agreement, Mr. Reischmann responded no.
25

26 **Commissioner Polgar moved based upon competent substantial**
27 **evidence as presented, the Planning Commission recommends that the**
28 **City Council of the City of Orange City adopt Ordinance No. 596,**
29 **seconded by Commissioner Schwartz and passed with a 6/0 roll call**
30 **vote of the Planning Commission.**
31

32 **D. RESOLUTION 887-17:** a preliminary plat application by Suresh Gupta of Park Square
33 Homes to develop a 154-lot single-family subdivision known as Sparkman Ridge to be located
34 on ±48.92 acres identified as parcel number 8010-00-00-0020, located at the northwest corner
35 of the West Rhode Island Avenue and South Sparkman Avenue intersection in the PUD,
36 Planned Unit Development zoning classification.
37

38 William Reischmann, City Attorney, read the title of Resolution 887-17 into the record. Mr. Reischmann
39 advised that this is a quasi-judicial public hearing and asked that any ex-parte communication on this
40 topic be disclosed at this time.
41

42 Commissioner Polgar noted that she was tagged in a post on Facebook in reference to Resolution 887-
43 17.
44

45 Mr. Reischmann noted that the decision that is made on Resolution 887-17 should be made based on the
46 evidence presented tonight, not on Facebook posts.
47

1 Joseph Ruiz, City Planner, presented a detailed PowerPoint presentation (a copy of which is attached
2 and becomes a permanent part of these minutes). Mr. Ruiz explained that this application is a preliminary
3 plat application for the Sparkman Ridge subdivision, a 154-lot single-family residential subdivision on
4 a 48.92-acre property. The subdivision proposes 154 lots, with a typical lot being 52 feet by 115 feet
5 which is consistent with the Sparkman Ridge PUD Developer's Agreement. Mr. Ruiz noted that roads
6 will be dedicated to the city, and a homeowner's association will be formed for the maintenance of the
7 common areas. Potable water and sanitary sewer will be provided by the City of Orange City as well as
8 reclaimed water service will be provided by Volusia County Utilities.

9
10 Mr. Ruiz noted that staff recommends that the Planning Commission forward Resolution Number 887-
11 17 to the City Council with a recommendation of approval with the following conditions:

- 12 1. The preliminary plat and construction drawings shall be revised to comply with the TRC comments
13 dated November 7, 2017.
- 14 2. A traffic mitigation agreement, if required, must be approved by the City Council prior to final plat
15 approval.
- 16 3. The minor amendment to the PUD shall be recorded before a preliminary plat development order is
17 issued.
- 18 4. The applicant shall update the school board's concurrency approval to reflect 154 single-family
19 dwelling units.

20
21 Commissioner Stafford asked if Resolution 887-17 will have any effect on Lincoln's cemetery.

22
23 Ms. Mendez responded "no."

24
25 Commissioner Harper asked about the impact on City-services that a development will have.

26
27 Mr. Reischmann responded that those issues have already been addressed and calculated.

28
29 Ms. Mendez noted that the technical review committee consists of three voting members including the
30 Development Services Director, the building official and the police sergeant. A design of the
31 development will receive input from the fire department as well as the police department.

32
33 Commissioner Polgar asked for clarification about when the traffic counts occurred.

34
35 Ms. Mendez responded that p.m. peak counts were at 4:00-6:00 p.m. and the a.m. peaks were at 7:00-
36 9:00 p.m. Transportation concurrency is not based on peak school times.

37
38 Commissioner Polgar stated that she would like to know why the traffic counts are studied in June. Ms.
39 Mendez replied that there is no rule stating not to do it June.

40
41 Ms. Mendez replied that there are no time restraints of when a traffic count study must be done.

42
43 David Evans, representative for David's Engineering, 719 Irma Ave. Orlando, stated he is available for
44 any questions from staff and citizens.

45
46 Commissioner Campbell asked if there were any specimen trees on the 48 acres.

47
48 Ms. Mendez responded that it has been checked and the specimen tree list is very species specific.
49 Commissioner Campbell stated that the property is closely located to a transmitter tower and asked if
50 any of the homes would have be metal roofs and be affected by ~~due to~~ the electromagnetic radiation

1 ~~affect~~ (amended 01/03/18). She also asked if there would be a home owners association and if so who would
2 handle the roads.

3
4 Commissioner Campbell stated that the property is closely located to a transmitter tower and asked if
5 any of the homes with metal roofs would be affected by electromagnetic radiation.

6
7 Ms. Mendez responded that if it is an open road and not a gated community then they are privately
8 maintained but if they are open to the public then they are dedicated to the public for maintenance.

9
10 Stephanie Taylor, 485 Park Ave., came forward and voiced her concern about the traffic surrounding
11 the schools. She stated that a subdivision being developed in the area would have a tremendous effect
12 on the traffic.

13
14 Mike Catarini, 125 Buford Ave., came forward and voiced his concern about the traffic and growth in
15 the City on US 17-92.

16
17 Patricia Jones Cooper, 1000 S. Sparkman, came forward and voiced her concerns about the traffic issue
18 surrounding the schools.

19
20 Commissioner Harper noted that he lives in the area and voiced his concern about the traffic issues on
21 Rhode Island Ave. and US 17-92.

22
23 Commissioner Polgar asked for clarification about the mitigation agreement for the road issue concerns.

24
25 Ms. Mendez responded that there is a level of service classification assigned to thorough fares.

26
27 Mr. Reischmann noted that the developer will be responsible for the traffic impact on local roads.

28
29 Mr. Ruiz noted on page one of the staff report the date should read January 9, 2018 instead of 2017.

30
31 Mr. Evans came forward to address the traffic impact study. He stated that the mitigation part is not
32 absolute at this time.

33
34 **Commissioner Polgar moved based upon competent substantial**
35 **evidence as presented, the Planning Commission recommends that the**
36 **City Council of the City of Orange City adopt Resolution 887-17,**
37 **seconded by Commissioner Stafford and failed with a 3/3 roll call vote**
38 **of the Planning Commission with Commissioner Campbell, Schwartz**
39 **and Harper voting “no”.**

40
41 Mr. Reischmann advised that another vote was needed to be made.

42
43 Commissioner Campbell asked for a clearer definition of the traffic mitigation agreement.

44
45 Ms. Mendez clarified that the City council just approved a traffic mitigation agreement for the Parc Hill
46 rezoning. She provided a detailed explanation of the traffic impact analysis process.

47
48 Commissioner Campbell stated that the traffic study does not represent reality.

49
50 Mr. Reischmann clarified that the property owner has vested rights to develop 154 homes. The complaint

1 is not how the homes are set up. The complaint is the impact the extra vehicles will have on local roads.
2 He advised the Commission of their legal responsibilities to follow the law for this application.

3
4 Mark Jacobson, Parksquare homes, 5200 Vineland Ave. Orlando, FL, noted that the traffic methodology
5 is clearly thought out and calculated and they are agreeing to the conditions.

6
7 Commissioner Polgar stated that when she originally made the motion she was referring to the four
8 conditions noted.

9
10 Commissioner Schwartz asked if she was obligated by law to approve this application.

11
12 Mr. Reischmann responded that the City could be sued.

13
14 **Commissioner Polgar moved based upon competent substantial**
15 **evidence as presented, the Planning Commission recommends that the**
16 **City Council of the City of Orange City adopt Resolution 887-17,**
17 **seconded by Commissioner Stafford and passed with a 5/1 roll call vote**
18 **with Commissioner Campbell voting “no” of the Planning Commission.**

19
20 Chair Laputka recessed the meeting at 8:26 p.m. and reconvened at 8:31 p.m.

21
22 **E. COND-10-17-1279:** a conditional use application by Brad Lehman, representative for the
23 company Two Men and a Truck, to allow a courier/delivery service to be located on ±2.87
24 acres identified as parcel number 8001-00-00-0310, located at 1895 E. Graves Avenue in
25 the MX-2, Mixed Use, Suburban zoning classification.

26
27 Mr. Reischmann read the title of Cond-10-17-1279 into the record. Mr. Reischmann advised that this is
28 a quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed at
29 this time. He noted for the record there were no disclosures.

30
31 Mr. Ruiz, City Planner, presented a detailed PowerPoint presentation (a copy of which is attached and
32 becomes a permanent part of these minutes). He explained that this is an application to allow the Two
33 Men and a Truck company to operate a courier/delivery service. Mr. Ruiz noted that the applicant
34 intends to purchase the property and occupy the existing structures, realign driveway connections, and
35 install parking area improvements. The zoning code requires that courier/delivery service uses in CG-1
36 districts be approved as a conditional use.

37
38 Mr. Ruiz stated that staff recommends that the Planning Commission approve the conditional use
39 application with the following conditions:

- 40 1. The applicant is authorized to submit for a final site plan application that generally complies with
41 the conceptual site plan received by Development Services on November 13, 2017 and dated
42 November 11, 2017. The final site plan must address the TRC comments provided on November 21,
43 2017.
- 44 2. The existing driveway connections to E. Graves Ave must be removed and returned to a
45 sod/landscape area.
- 46 3. The applicant shall provide a tree survey and a landscape plan depicting the proposed and existing
47 vegetation which will be used to screen the truck parking area from view.

4. The ingress and egress of trucks on site shall be limited between the hours of 7:00 a.m. – 7:00 p.m. The morning and afternoon truck traffic provided in the use narrative may be monitored and evaluated by City staff for compliance.
5. The number of trucks permitted on site at one time, shall be no more eight.
6. The applicant shall provide a truck route map/plan with the final site plan for staff to review.
7. A moving and storage use may not be allowed on site, unless otherwise proposed and approved with a rezoning application.

Commissioner Campbell asked about the purpose of the tree survey. Ms. Mendez responded to determine the types of tree species that are present on the property.

Brad Lehman, representative for Two Men and a Truck, came forward to answer any questions.

Chair Laputka asked if Mr. Lehman was comfortable with the conditions. Mr. Lehman responded “yes”.

A question and answer forum ensued between the commission and Mr. Lehman.

Commissioner Campbell moved based upon competent substantial evidence as presented, the Planning Commission recommends that the City Council of the City of Orange City adopt Cond-10-17-1279, seconded by Commissioner Schwartz and passed with a 6/0 roll call vote of the Planning Commission.

- F. **COND-10-17-1293**: a conditional use application by Thomas Engineering Group, LLC to allow a restaurant with a drive-thru to be located on ±2.11 acres identified as parcel number 8023-00-00-0150, generally located on the southeast corner of Enterprise Road and Harley Strickland Boulevard in the MX-2, Mixed Use, and Suburban zoning classification.

Mr. Reischmann read the title of Cond-10-17-1279 into the record. Mr. Reischmann advised that this is a quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed at this time. He noted for the record there were no disclosures.

Mr. Ruiz presented a detailed PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes). He explained that this application is to allow a restaurant with a drive-through at the proposed outparcel on the existing Target site. The applicant intends to subdivide the property and construct a new 14,302 square foot building at the northwest corner of the site, containing a mix of office, retail, and restaurant uses. The zoning code requires that restaurants with drive through uses in CG-1 districts be approved as a conditional use.

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

1. The applicant is authorized to submit a revised final site plan that generally complies with the attached conditional use site plan. Minor adjustments may occur to the conditional use site plan.
2. The revised final site plan must comply with the TRC staff comments dated November 21, 2017.
3. The proposed building architecture shall conform to the TRC comments and Chapter 10 of the City’s Land Development Code.
4. The applicant shall coordinate with the City to provide the proper off-site right-of-way improvements to offset the traffic impacts generated by the proposed outparcel.

1 Eddie McDonald, Thomas Engineering, 4950 W. Kennedy Blvd Tampa, FL, representative for the
 2 developer, came forward and noted that there will not be a fence around the retention pond.

3
 4 **Commissioner Harper moved based upon competent substantial**
 5 **evidence as presented, the Planning Commission recommends that the**
 6 **City Council of the City of Orange City adopt Cond-10-17-1293,**
 7 **seconded by Commissioner Schwartz and passed with a 6/0 roll call**
 8 **vote of the Planning Commission.**
 9

10 **5. DISCUSSION ITEMS**

11
 12 **6. STAFF/COMMISSION COMMENTS**

13
 14 Ms. Mendez reported on the Florida Planning and Zoning Association, Surf Coast Chapter annual
 15 awards gala being held on Friday. Orange City is receiving an award for the Historic Preservation
 16 ordinance.

17
 18 Mr. Reischmann reported on the bills pending in Tallahassee preempting local governments to have any
 19 regulations of trees and landscaping.

20
 21 Commissioner Harper reported that he and Commissioner Schwartz attended a gun legislation
 22 workshop. He stated that he added his opinions were published in the News Journal.

23
 24 Commissioner Polgar commented that she was pleased to see Council member Evelyn Robinson present
 25 in the audience. She noted that a way to be heard begins with voicing opinions at city government
 26 meetings.

27
 28 Commissioner Campbell wished everyone a Merry Christmas.

29
 30 Commissioner Stafford noted that a 15 year old palm grove at Mill Lake was cut down and has died and
 31 he was ~~upset about that~~ disappointed (amended 01/03/18). He also wished everyone a Merry Christmas.

32
 33 Commissioner Schwartz wished everyone a Merry Christmas.

34
 35 Chair Laputka thanked everyone for attending the meeting. He also thanked staff and wished everyone
 36 a Merry Christmas.

37
 38 **7. CITIZEN COMMENTS**

39
 40 **8. ADJOURNMENT**

41
 42 There being no further business to discuss, Chair Laputka adjourned the meeting at 9:20 p.m.

43
 44 **RESPECTFULLY SUBMITTED:**

APPROVED ON

45
 46 _____
 47 Melani Brown
 48 Deputy City Clerk

_____ 01/03/2018

 Date