

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
 2 Wednesday, June 06, 2018 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:, Martin Harper, Fran Schwartz, Vernon Stafford,
 12 Sarah Mazzie, Michelle Polgar, Staff Members: Rebecca Mendez, Development
 13 Services Director, Carol McFarlane, City Planner, Joseph Ruiz, Senior Planner, William
 14 Reischmann, City Attorney, Melani Beringer, Deputy City Clerk.

15
 16 Absent: Commissioner Amy Campbell

17
 18 **2. PLEDGE OF ALLEGIANCE**

19
 20 **3. APPROVAL OF MINUTES** May 2, 2018

21
 22 **Commissioner Schwartz moved to approve the minutes of the May 2, 2018**
 23 **Planning Commission meeting, seconded by Commissioner Harper and passed**
 24 **by a 6/0 roll call vote of the Planning Commission.**

25
 26 **4. PUBLIC HEARINGS**

27
 28 **A. COND-4-18-1322:** A conditional use request by Christopher Wrenn of DR Horton
 29 to allow an Innovative Residential Development of 175 dwelling units in accordance
 30 with section 8.7.17 of the Land Development Code on approximately 65.71 acres of
 31 property located at 1650 Westside Parkway, identified as parcel number 8015-00-
 32 00-0180 in the R-1, Low Density Residential zoning classification.

33
 34 William Reischmann, City Attorney, read the title of COND-4-18-1322 into the record. Mr. Reischmann
 35 advised that this is a quasi-judicial public hearing and asked that any ex-parte communication on this
 36 topic be disclosed at this time. He noted for the record there were no disclosures.

37
 38 Carol McFarlane, City Planner, presented a detailed PowerPoint presentation (a copy of which is
 39 attached and becomes a permanent part of these minutes). Ms. McFarlane reported that this is a
 40 conditional use application to allow an Innovative Residential Development in accordance with Section
 41 8.7.17 of the Land Development Code. She noted that an Innovative Residential Development allows a
 42 reduction in individual lot area and width as long as the reduced lot area is dedicated as common open
 43 space within the subdivision.

1 Ms. McFarlane stated that staff recommends that the Planning Commission forward Resolution No. 907-
2 18 to the City Council with a recommendation of denial.

3
4 However, if the Planning Commission finds that this application meets the criteria of Sections 3.7.4 and
5 8.7.17, staff recommends the following conditions of approval, as reflected in Resolution No. 907-18:

6 A. No more than 175 single-family lots allowed.

7 B. Minimum lot dimensions allowable are 60 feet wide by 120 length, for a total area of 7,200 square
8 feet per lot.

9 C. Minimum building separation of 15 feet. May allow zero setback or any other combination, so long
10 as 10 feet is maintained between buildings.

11 D. No residential accessory structures, other than rear or side yard fences permitted.

12 E. Minimum 25-foot wide landscape and/or natural vegetative buffer required along the entire property
13 perimeter. Landscape buffers shall meet the planting requirements of the LDC.

14 F. Entry-way features and perimeter landscape buffers shall be designed to accommodate any current
15 or future right-of-way dedications required for the Westside Parkway. Revise the conditional use
16 site plan to comply.

17 G. In addition to the 15% minimum tree preservation area, the developer shall dedicate a minimum of
18 7.23 acres as common open space for use by the residents (1,800 square foot lot size reduction x 175
19 lots = 7 acres).

20 H. Preliminary plat application shall include on and off-site construction and dedication of right of-
21 way for the Westside Parkway extension and connection alignment to be approved by Volusia
22 County.

23 I. Revise the layout to address TRC comments of the May 1, 2018 meeting, and the updated comments
24 from Development Services dated May 25, 2018.

25 J. Building coverage on each 7,200 square foot lot shall not exceed 30%. Pools may be allowed in
26 accordance with the minimum setbacks specified in section 8.7.3 of the LDC.

27 K. No preliminary plat development order will be issued until a no-objection letter or equivalent from
28 Florida Power and Light is received.

29 L. Design the subdivision to provide for designated on-street parking, and revise the typical road cross-
30 sections on sheet 9 of 10 to show where the on-street parking will be allowed, and the location of
31 the no parking signs.

32 M. Only allow on-street parking on one side of the street. Provide “no parking” signs on the other side
33 of the street. The HOA documents shall explain that it is the HOAs responsibility to maintain those
34 signs and replace them when they are destroyed or go missing. The city may take immediate
35 abatement action if the HOA fails to maintain the signs.

36 N. The HOA documents shall state that converting garages to living area is not allowed.

37 O. The HOA documents shall include language that very clearly states that “no home owner may store
38 an RV, boat, or trailer at any place on their property other than inside their garage. A property owner
39 may locate an RV, boat or trailer in their front yard driveway only for no more than a 24-hour period
40 for trip preparation, loading or unloading.”

41 P. The property is located within the Central Florida Management Unit for Florida Black Bears that are
42 known to frequent the general area. The FFWCC Plan outlines planning and coordination tips for
43 local government and land owners prior to development phase to help prevent human-bear
44 interactions. Integrate best management practices into the design of the subdivision during
45 preliminary plat application, which shall also include restrictions to be outlined in HOA documents.

46 Q. A gopher tortoise relocation permit will be required prior to construction.

- 1 R. The environmental report submitted with this plan indicates that a complete scrub-jay survey will
2 likely be required by USFWS. This study will be required at the time of preliminary plat review and
3 habitat property mitigated by State requirements, if applicable.
- 4 S. An application for concurrency review must be submitted to the Volusia County School Board at
5 the time of preliminary plat application. A certificate of concurrency must be issued before a
6 preliminary plat development order can be issued.
7
- 8 Ms. McFarlane noted corrections to the staff report. On page 4 under paragraph 4, the size of the lots
9 changed from "6,000 sq. ft. lots" to "7,200 sq. ft. lots" and paragraph 3 on page 13, staff recommendation
10 is "3 feet" instead "10 feet".
11
- 12 Mr. Reischmann discussed the process for denial of Resolution No. 907-18 and swore in those from the
13 public that wished to speak.
14
- 15 Mark Watts, 231 N. Woodland Blvd, Deland, attorney for the applicant came forward to deliver a
16 presentation and requested the Planning Commission approve the application.
17
- 18 Chair Laputka opened the public hearing.
19
- 20 Cy Butts, 425 W. Holly Dr., came forward and stated his concern about the congestion that the new
21 development would cause.
22
- 23 Doug Bishop, 452 W. Holly Dr., came forward and noted that the idea for a curve on Holly Ave will not
24 slow traffic. He asked where the utility lines will be placed to access the new development.
25
- 26 David Muster, 278 Miller Rd., addressed the issue of altering Miller Rd.
27
- 28 Stephen P. Gensel Jr., 716 Briarcliff Dr., voiced his concern that the new development could cause an
29 increase in traffic.
30
- 31 Anna Pelletier, 800 Briarcliff Dr., would like the new development to build a fence in order to separate
32 the property from hers.
33
- 34 Richard Robinson, 1675 Fine Ave., would like the new development to build a masonry buffer to divide
35 his property from the new property.
36
- 37 Ester Hosler, 755 Briarcrest Dr., voiced her concern about foot traffic destroying her neighborhood.
38
- 39 Chair Laputka closed the public hearing.
40
- 41 Mr. Watts came forward and addressed the citizen's comments. He noted that the developers were
42 working on zero lot lines and that there would be a minimum of 10 ft. separation between the buildings.
43 He stated that the design of the driveways would be at 25 feet and the developer could include that as a
44 condition.
45
- 46 Mr. Reischmann reviewed the process, standards and guidelines for denial of the application.

1 A lengthy discussion ensued between the Planning Commissioners which included the property
2 locations and the traffic concerns.

3
4 **Commissioner Harper moved that based upon competent substantial**
5 **evidence as presented, the Planning Commission recommends that the**
6 **City Council of the City of Orange City deny COND-4-18-1322 based**
7 **on criteria A, B, C, G and H, seconded by Commissioner Stafford.**
8

9 Ms. Mendez noted that this will be presented to City Council on June 26, 2018.

10
11 Mr. Watts again came forward to suggest the Planning Commission approve the application.

12
13 **Commissioner Polgar motioned to amend the original motion striking**
14 **condition A from the denial, leaving B, C, G, and H. Motion failed due**
15 **to lack of a second.**
16

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

20 Chair Laputka called a recess at 8:14 p.m. The meeting was reconvened at 8:20 p.m.

21
22 **B. REZO-14-18-1325:** A rezoning request by Idamir Perez Gonzalez, owner, for
23 approximately 2.5 acres of property located at 578 South Sparkman Avenue,
24 identified as parcel number 8011-08-30-004A from Low Density Residential (R-1)
25 to the Rural Residential (RR) zoning classification.
26

27 Mr. Reischmann read the title of REZO-14-18-1325 into the record. Mr. Reischmann advised that this
28 was a quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed
29 at this time. He noted for the record there were no disclosures.
30

31 Ms. McFarlane presented a detailed PowerPoint presentation (a copy of which is attached and becomes
32 a permanent part of these minutes). Ms. McFarlane reported that this matter is a rezoning request to
33 “downzone” the property from a Low-Density Residential, R-1 zoning which allows 9,000 square-foot
34 single-family lots, to a Rural Residential, RR zoning which allows 2.5-acre single-family lots. The
35 purpose of the rezoning is to permit horses for personal use on the property. This rezoning is requested
36 to satisfy a code enforcement violation.
37

38 Ms. McFarlane stated that staff recommends the Planning Commission find the Official Zoning Map
39 amendment inconsistent with the rezoning review criteria of the Land Development Code and forward
40 Ordinance No. 604 to the City Council with a recommendation of denial.
41

42 Chair Laputka opened the public hearing.

43
44 Idamir Perez, 578 S. Sparkman Dr., applicant, came forward to state that he will build a privacy fence
45 surrounding his property to keep the horses on the property and does not intend on taking the horses off

1 of the property.

2
3 A question and answer forum ensued between the Commission and Ms. Mendez concerning the
4 rezoning, and the number of horses that are on the property.

5
6 Tim Aaron Coffey, 566 Lynn Ave., came forward and expressed his concern about future owners of the
7 property being able to obtain more animals if the zoning changes.

8
9 Joy Legates, 555 Lynn Ave., stated her concern with livestock odors, rodents or flies on the property.

10
11 Elizabeth Blanchard, 526 Lynn Ave., stated that she was concerned about the sinkhole on the property
12 and whether the horses will have enough room to eat and roam.

13
14 Chair Laputka closed the public hearing.

15
16 Commissioners Mazzie and Polger both stated that a motion to deny the application would be given
17 with a heavy heart.

18
19 **Commissioner Mazzie moved that based upon competent substantial**
20 **evidence as presented, the Planning Commission recommends that the**
21 **City Council of the City of Orange City deny REZO-14-18-1325, based**
22 **on failure to meet criteria 2, 3, 4, 8 and 9 seconded by Commissioner**
23 **Polgar and passed with a 5/1 roll call vote of the Planning Commission**
24 **with Commissioner Harper voting “no.”**

25
26 **C. VARI-5-18-1327:** A variance request by Wesley Kihlmire, agent for owner Todd
27 Kihlmire, to allow a reduction in the rear yard setback within the Blue Springs Villas
28 subdivision from 20 feet to 10 feet on the approximately 5,000 square feet of property
29 located at 562 Blue Park Road, identified as parcel number 8011-16-03-0040 in the R-
30 2, Medium Density Residential zoning classification.

31
32 Mr. Reischmann read the title of VARI-5-18-1327 into the record.

33
34 Ms. McFarlane presented a PowerPoint presentation (a copy of which is attached and becomes a
35 permanent part of these minutes). Ms. McFarlane reported that this is a variance request within the Blue
36 Springs Villas subdivision to allow a reduction in the rear yard setback for construction of a 10 foot by
37 16 foot screen porch on an existing slab. The Blue Springs Villas Development Agreement lists the rear
38 setback as 20 feet; however, multiple building permits have been issued within the subdivision to allow
39 screen porch additions up to 10 feet from the rear property line.

40
41 Ms. McFarlane stated that staff recommends that the Planning Commission approve the variance to
42 reduce the minimum rear yard setback of 20 feet to 10 feet to allow for construction of a screen porch
43 addition, with the following conditions:

- 44 1. The variance is limited to the attached site plan, date stamped received on April 24, 2018, by the
45 Development Services Department. Any further encroachments into the required yards will require
46 approval of a separate variance application.

1 2. The requested screen porch must be permitted and inspected through the building permit review
2 process.

3 3. Comply with the Blue Springs Villas Architectural Review Board's recommendation of approval
4 dated April 13, 2018, and attached herein.

5 Wesley Kilmyer, 2061 Friartuck Ln., requested the Planning Commission approve VARI-5-18-1327.

6
7 John Goland, 538 Blue Park Ave., commented that a porch addition was part of the original options
8 prior to the homes being built.

9
10 **Commissioner Mazzie moved that based upon competent substantial**
11 **evidence as presented, the Planning Commission recommends that the**
12 **City Council of the City of Orange City adopt VARI-5-18-1327,**
13 **seconded by Commissioner Schwartz and passed with a 6/0 roll call**
14 **vote of the Planning Commission.**

15
16 **5. DISCUSSION ITEMS**

17
18 A. Kathaline Salzano Public Service Recognition

19
20 Chair Laputka noted for the record and recognized Kathaline Salzano's service to the Planning
21 Commission board.

22
23 **6. PRESENTATIONS**

24
25 None at this time

26
27 **6. DISCUSSION ITEMS**

28
29 Commissioner Harper commented that he attended the past Council meeting and noted that there are no
30 tree removal guidelines within the code.

31
32 **7. STAFF/COMMISSION COMMENTS**

33
34 Commissioner Harper stated that this was a fun night and he enjoys being on the Commission.

35
36 Commissioner Polgar noted that staff did a great job.

37
38 Commissioner Mazzie stated that staff did a great job.

39
40 **8. CITIZEN COMMENTS**

41
42 **9. ADJOURNMENT**

43
44 There being no further business to discuss, Chair Laputka adjourned the meeting at 9:06 p.m.

45
46 **RESPECTFULLY SUBMITTED:**

APPROVED ON

1
2 _____
3 Melani Beringer
4 Deputy City Clerk

07/11/2018
Date