

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
 2 Wednesday, July 11, 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:, Fran Schwartz, Vernon Stafford, Sarah Mазzie,
 12 Michelle Polgar, Amy Campbell Staff Members: Rebecca Mendez, Development
 13 Services Director, Joseph Ruiz, Senior Planner, Neysa Borkert, City Attorney, Melani
 14 Beringer, Deputy City Clerk.

15
 16 Absent: Commissioner Harper

17
 18 **2. PLEDGE OF ALLEGIANCE**

19
 20 **3. APPROVAL OF MINUTES** June, 06 2018

21
 22 Commissioner Polgar and Chair Laputka requested to have more of the Planning Commissioners
 23 comments to be included into the minutes.

24
 25 **Commissioner Polgar moved to approve the minutes of the June 06, 2018**
 26 **Planning Commission meeting, seconded by Commissioner Schwartz and passed**
 27 **by a 6/0 roll call vote of the Planning Commission.**

28
 29 **4. PUBLIC HEARINGS**

30
 31 **A. Ordinance No. 605:** An application by Paul Missigman of Southern Investment
 32 Group, LLC to amend the Development Agreement for the West Volusia Retail Centre
 33 Planned Unit Development (PUD) located on the northeast corner of Harley Strickland
 34 Boulevard and Junior Street, identified as parcel number 8023-00-00-0010 in the West
 35 Volusia Retail Centre PUD zoning classification.

36
 37 Neysa Borkert, City Attorney, read the title of Ordinance No. 605 into the record. Ms. Borkert advised
 38 that this is a quasi-judicial public hearing and asked Commissioners to disclose any ex-parte
 39 communications on this matter. She noted, for the record, there were no disclosures.

40
 41 Becky Mendez, Development Services Director, presented a detailed PowerPoint presentation (a copy
 42 of which is attached and becomes a permanent part of these minutes). Ms. Mendez reported that this is
 43 an application to amend the Development Agreement for the West Volusia Retail Centre (WVRC)
 44 Planned Unit Development (PUD). The WVRC PUD was adopted in 2008 to allow construction of three
 45 retail buildings, for a total of 112,286 square feet on 14.45 acres. Since 2008, only one of the retail
 46 buildings has been constructed, the Goodwill Building. In 2015, the property was rezoned from a BPUD

1 to MPUD, and a new Development Agreement was executed and recorded, which reduced the total retail
2 square foot building area to 75,000, and added a 72-unit age-restricted multifamily building.

3
4 Ms. Mendez stated that staff recommends the Planning Commission find the amendment to the PUD
5 Development Agreement consistent with the comprehensive plan and forward to the City Council for
6 approval, with the following conditions:

- 7 1. Approve the Development Agreement as drafted.
- 8 2. The Development Agreement must be executed within 6 months of approval.

9
10 Michael Woods, Representative for the applicant, Cobb Cole, Deland, came forward to answer any
11 questions the commission or the public may have.

12
13 Commissioner Campbell inquired about the original age restriction concept and asked for a full
14 description of the units.

15
16 Chair Laputka opened the public hearing for public comments, seeing no one wishing to speak, Chair
17 Laputka closed the public hearing.

18
19 Ms. Mendez clarified that Section D in the first amendment requires that the final plat and site plan
20 application comply with the June 19 TRC meeting comments.

21
22 Commissioner Polgar asked for clarification about the maximum intensity size of a multifamily unit
23 totaling 18 dwellings per acre.

24
25 Ms. Mendez clarified that the underlying future land use is the Mixed Use Future Land Use Designation,
26 which allows up to 18 dwelling units per acre. She noted that the applicant could potentially ask for
27 another rezoning.

28
29 Commissioner Polgar voiced her concern about the increase in population and the affect this will have
30 on the water usage in the City.

31
32 Commissioner Campbell asked for clarification about the rezoning application.

33
34 Ms. Mendez replied that this rezoning caps the maximum number of dwelling units at 106.

35
36 **Commissioner Mazzie moved that based upon competent substantial**
37 **evidence as presented, the Planning Commission recommends that the**
38 **City Council of the City of Orange City approve Ordinance No. 605**
39 **with staff recommendations including conditions mentioned above,**
40 **seconded by Commissioner Polgar.**

41
42 Commissioner Polgar stated that she would like clarification about the amount of rental units and again
43 voiced her concerns about the impact that the increased population will have on the City.

44
45 Mr. Woods provided a detailed description of the environmental and community impacts that the new
46 complex could present.

1
2 Commissioner Schwartz voiced her concerns about the multifamily use of the complex due to the traffic
3 around the area.

4
5 Chad Moorehead, Project Engineer, stated that the majority of the units are one bedroom and only
6 accommodate up to two residents.

7
8 Chair Laputka mentioned that he is not concerned about the increase in numbers and that the
9 Commission still controls the changes.

10
11 **Motion tied with a 3/3 roll call vote of the Planning Commission with**
12 **Commissioner Schwartz, Polgar and Campbell voting “no”.**

13
14 Ms. Borkert clarified the Commission's concerns. She noted that the increase in population is
15 categorized under condition 6. Staff and the applicant do not feel there is a level of service issue. She
16 noted that the second concern was the lack of total parking spaces. Ms. Borkert advised that she will
17 include the Commission’s concerns in the review criteria for the City Council. She suggested that the
18 Commission state their concerns for clarity and for the record.

19
20 Commissioner Polgar stated that she disagrees with criteria number 3.

21
22 Commissioner Mazzie asked if the number of the units decreased would the size of the building stay the
23 same.

24
25 Mr. Wood replied that the unit count is dropped then project dies.

26
27 Commissioner Campbell noted that she originally voted “no” due to criteria 3.

28
29 **Commissioner Mazzie moved that based upon competent substantial**
30 **evidence as presented, the Planning Commission recommends that the**
31 **City Council of the City of Orange City approve Ordinance No. 605**
32 **with staff recommendations, including with the amended first**
33 **amendment included, seconded by Commissioner Polgar and motion**
34 **passed with a 6/0 roll call vote of the Planning Commission.**

35
36 **5. DISCUSSION ITEMS**

37
38 A. Tree preservation and landscaping requirements discussion

39
40 Ms. Mendez presented a PowerPoint presentation (a copy of which is attached and becomes a permanent
41 part of these minutes) discussing tree preservation and landscaping requirements throughout the City.
42 Ms. Mendez stated that currently the City does require a removal permit for a “tree”. She noted that the
43 Code defines a “tree” as any self-supporting woody plant of a species that measures no less than six
44 inches diameter at breast height (DBH).

45
46 Ms. Mendez stated that the Code also provides a list of “specimen trees”, which requires replacement

1 stock, if removed. Ms. Mendez stated that the most common specimen tree is the Live Oak 18” DBH
2 or larger. The Code does not prohibit removal of specimen trees, simply requires replacement, or
3 payment into the City’s Tree Bank. She noted that the Code does not define a “historic tree” in any way.
4

5 Ms. Mendez asked the Planning Commission for direction on the following two threshold questions;

- 6 1. Should the definition of a historic tree be defined?
 - 7 2. If so, what would the definition be?
- 8

9 The Planning Commission discussed defining Live Oak tree and the different types of trees around the
10 City of a specific size, as historic trees, clarification of whether to keep DBH measurements or if to use
11 caliper, and what the minimum size should be; and specimen tree protection and replacement stock.
12

13 Ms. Mendez reiterated that the Land Development Code does not define a historic tree, does not specify
14 minimum protection for specimen trees, nor require replacement when historic trees are removed as
15 there is an option to pay into the tree bank. In addition, the Code does not have minimum tree planting
16 sizes for side or rear buffers, and no perimeter landscape buffer requirements for single-family
17 residential subdivisions. Ms. Mendez asked the Planning Commission if they would be interested
18 pursuing these suggested revisions.
19

20 Commissioner Stafford recommended changing the measuring requirement from DBH to calipers and
21 that 2.5” be the requirement for trees required within the buffers, stating this size tree is more
22 realistically found in nurseries and provides for a better Grade 1 quality tree.
23

24 Chair Laputka stated that he would be interested in pursuing this matter and requested it be presented
25 at a later date. Ms. Mendez replied “yes”.
26

27 Ms. Mendez stated that her recommendation would be for Planning Commission to define a live oak
28 tree of a significant size, to be determined, as a historic tree.
29

30 Commissioner Campbell asked for clarity regarding the tree bank formula. The Planning Commission
31 discussed the cost, policies, and formula for removal of the specimen trees.
32

33 Commissioner Polgar asked if an older tree on an existing residential lot would be under the umbrella
34 of a historic tree.
35

36 Ms. Mendez replied that existing family dwellings are exempt.
37

38 **6. PRESENTATIONS**

39 None at this time
40
41

42 **7. DISCUSSION ITEMS**

43 A. 2018 attendance report

44
45

46 Ms. Mendez provided the Commission with a 2018 attendance report. She advised the Planning

1 Commission pay attention to their attendance.
 2
 3 Commissioner Polgar asked if absences can be excused.
 4
 5 Ms. Mendez replied “yes”.
 6
 7 Chair Laputka announced Commissioner Harper was elected unopposed to the City Council.
 8 Commissioner Polgar asked if the excuse of absences could be included into the next agenda.
 9
 10 Chair Laputka announced that the Historic Preservation Board is in need of members.

7. STAFF/COMMISSION COMMENTS

11
 12
 13
 14 Commissioner Stafford asked if the Fire Department used a Knox box. Ms. Mendez replied “yes”.
 15
 16 Commissioner Polgar noted that the deadline to register to vote in the August primary election is July
 17 30th.
 18
 19 Commissioner Mazzie thanked staff.
 20
 21 Commissioner Campbell asked where the commission stood on subject of trees. Ms. Mendez stated
 22 that recommendations will be presented to the Commission at a later date.
 23

8. CITIZEN COMMENTS

9. ADJOURNMENT

24
25
26
27
28 There being no further business to discuss, Chair Laputka adjourned the meeting at 8:24 p.m.

29
30 **RESPECTFULLY SUBMITTED:**

APPROVED ON

31
 32 _____
 33 Melani Beringer
 34 Deputy City Clerk

 Date