

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on Wednesday,
2 January 02, 2019, at 6:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City, Florida.

3
4 **1. CALL TO ORDER**

5
6 The meeting was called to order at 6:00 p.m. by Chair Laputka and roll call was taken.

7
8 **ROLL CALL:**

9
10 **PRESENT:** Chair: Tom Laputka; Commissioners:, Fran Schwartz, Vernon Stafford, Gaea Nunez, Amy
11 Campbell, Sarah Mazzie, Wesley Kihlmire, Staff Members: Rebecca Mendez,
12 Development Services Director, Carol McFarlane, City Planner, William Reischmann,
13 City Attorney, Melani Beringer, Deputy City Clerk.

14
15 Absent: None at this time

16
17 **2. PLEDGE OF ALLEGIANCE**

18
19 **3. PRESENTATIONS**

20
21 A. Michelle Polgar Public Service Recognition

22
23 This item was tabled to the next Commission meeting due to Ms. Polgar's absence.

24
25 B. Gaea Nunez Planning Commissioner Welcome

26
27 Chair Laputka welcomed Gaea Nunez to the Planning Commission. Commissioner Nunez thanked
28 everyone and stated that she was happy to serve on the Commission.

29
30 **4. APPROVAL OF MINUTES** December 05, 2018

31
32 **Commissioner Kihlmire moved to approve the minutes of the December 5, 2018**
33 **Planning Commission meeting, seconded by Commissioner Mazzie and passed by a**
34 **7/0 roll call vote of the Planning Commission**

35
36 **5. PUBLIC HEARINGS**

37
38 **A. ORDINANCE NO 611: An ordinance of the City Council of the city of Orange**
39 **City, 39 Florida, amending the Land Development Code, section 10.5-**
40 **landscaping and chapter 11- tree protection; repealing all ordinances or parts of**
41 **ordinances in conflict herewith; and providing for an effective date.**

42
43 Neysa Borkert, City Attorney, read the title of Ordinance No. 611 into the record.

44
45 Becky Mendez, Development Services Director, provided a Power Point presentation (a copy of which is
46 attached and becomes a permanent part of these minutes) that described the landscaping and tree

1 protection requirements. She noted that this item has previously been brought before the Planning
2 Commission and City Council.

3
4 Ms. Mendez stated that Ordinance No. 611 was brought before the City Council on October 23, 2018.
5 Council accepted the Planning Commission's recommendation, however requested additional information
6 regarding; alleyway buffer widths, sand pines, rounding, penalty and historic tree definitions.

7
8 After discussing the revisions on December 11, 2018, the City Council directed staff to advertise the
9 amendment for public hearing.

10
11 Ms. Mendez reviewed the amendment for the new Commission members.

12
13 Ms. Mendez stated that staff recommends the Planning Commission find the amendment consistent with
14 the Comprehensive Plan and forward to City Council for approval at first reading scheduled for
15 February 12, 2019.

16
17 Chair Laputka requested the meaning of policy 3.1.1. Ms. Mendez replied that it is a policy from the
18 conservation element of the Comprehensive Plan.

19
20 Commissioner Mazzie asked if only the Live Oak and Bald Cypress trees were being categorized as
21 historic. Ms. Mendez replied that was correct.

22
23 Commissioner Mazzie asked if the two trees chosen were the only trees in the City. Ms. Mendez
24 responded that the trees chosen were due to the life expectancy. Other jurisdictions were also naming
25 Live Oak and Bald Cypress as historic due to the life expectancy.

26
27 Chair Laputka opened the public hearing by asking if anyone would like to speak, no one appeared, the
28 Chair closed the public hearing.

29
30 Commissioner Campbell recommended including the Hickory tree as a historic tree.

31
32 Ms. Mendez stated that a Hickory tree is a specimen tree that requires protection if removed.

33
34 Commissioner Nunez asked if the City's historical registry compared to adjacent cities pertaining to
35 Hickory trees. She asked if the City added Hickory tree to the historical tree registry would that be
36 reflective and consistent with surrounding cities historical registries. (Amended February 6, 2019)

37
38 Ms. Mendez replied that while doing comparisons, Hickory tree was not included on any of the adjacent
39 cities historical registries, only Live Oak and Bald Cypress. (Amended February 6, 2019)

40
41 Commissioner Campbell responded that a Hickory tree is a specimen tree that should be added to the
42 Historic tree list joining the Live Oak and Bald Cypress.

43
44 **Commissioner Campbell moved that based upon competent substantial evidence as**
45 **presented, and being consistent with the Comprehensive Plan, the Planning Commission**
46 **approves Ordinance No 611 with a modification to Section 11.20, adding the Hickory**

1 **Tree to the historic tree category and recommends approval to the City Council,**
2 **seconded by Commissioner Schwartz, motion passed by a 6/1 roll call vote of the**
3 **Planning Commission with Commissioner Nunez voting “no.”**
4

5 **6. DISCUSSION ITEMS**

6

7 Ms. Mendez provided a PowerPoint presentation (a copy of which is attached and becomes a permanent
8 part of these minutes) that discussed a text amendment in the Land Development Code that would
9 regulate donation bins within the City.
10

11 Ms. Mendez advised that donation bins are small containers for the sole purpose of collecting discarded
12 materials for reuse. Donation bins can either be for profit or non-profit businesses to collect charitable
13 donations. The City historically does not allow temporary accessory structures and/or uses such as
14 donation bins in commercial areas, unless it is a customarily accessory to the principle permitted use. Ms.
15 Mendez noted that there are four US District Court cases that have ruled charitable solicitation via
16 donation bins protected free speech. Ms. Mendez suggested regulating donation bins because the bins
17 cannot be prohibited outright.
18

19 A discussion ensued regarding suggested regulations for the donation bins.
20

21 Ms. Mendez reiterated that the Planning Commission agrees to regulate the donation bins. Ms. Mendez
22 advised that the following aspects of the donation bins should be included.

- 23 1. Screening
- 24 2. Zoning classifications
- 25 3. Owner authorization, application, fees
- 26 4. Size
- 27 5. Number
- 28 6. Location
- 29 7. Setbacks
- 30 8. Safety hazards
- 31 9. Maintenance
- 32 10. Time frame
- 33 11. ID/sign
34

35 The Planning Commission discussed each item and provided their suggestions. Ms. Mendez suggested
36 that staff will draft recommendations for the Land Development Code text amendment for the
37 Commission’s consideration. Staff will then forward the text amendment to City Council with
38 Commission’s recommendations.
39

40 **7. STAFF/COMMISSION COMMENTS**

41

42 Ms. Mendez announced that the Florida Hospital sign looked great. She complimented the Commission
43 for handling the sign request.
44

45 Commissioner Kihlmire enjoyed the discussion about the donation bins. He stated this is something that is
46 needed in the City.

1
2 Commissioner Nunez stated that it was exciting to sit through her first meeting. She appreciated the
3 conversation from the other Commissioner's. Commissioner Mazzie wished everyone a Happy New Year.
4
5 Commissioner Schwartz asked if Good Will would receive a violation for the mess in their drive thru. Ms.
6 Mendez responded that the staff was out cleaning up the mess at last review. Commissioner Schwartz
7 wished everyone a Happy New Year.
8 Chair Laputka thanked Ms. Borkert for attending the meeting. He thanked everyone and appreciated the
9 dialog.

10
11 **8. CITIZEN COMMENTS**

12
13 Martin Harper, 970 Citrus Tree Dr., came forward and noted that Publix has several of the recycling
14 boxes in front of the store. He mentioned that he would like a motion detector camera over the bins.

15
16 Council Member Harper made suggestions for the donation bins. He complimented the Planning
17 Commission.

18
19 **9. ADJOURNMENT**

20
21 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:33 p.m.

22
23 **RESPECTFULLY SUBMITTED:**

APPROVED ON

24
25 _____
26 Melani Beringer
27 Deputy City Clerk

02-06-2019
Date