

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
2 Wednesday, March 06, 2019, 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, Gaea Nunez, Amy Campbell,
12 Wesley Kihlmire, Vernon Stafford and Sarah Mazzie; Staff Members: Rebecca Mendez,
13 Development Services Director, Carol McFarlane, City Planner, William Reischmann,
14 City Attorney, Melani Beringer, Deputy City Clerk.

15
16 **ABSENT**-None at this time

17
18 **2. PLEDGE OF ALLEGIANCE**

19
20 **3. APPROVAL OF MINUTES** February 06, 2019

21
22 **Commissioner Mazzie moved to approve the minutes of the February 06, 2019**
23 **Planning Commission meeting, seconded by Commissioner Schwartz and passed**
24 **by a 7/0 roll call vote of the Planning Commission.**

25
26 **4. PUBLIC HEARINGS**

27
28 A. **COND-1-19-1355.** Conditional Use application to allow a Home Occupation on
29 residential property located at 265 E. Graves Avenue.

30
31 William Reischmann, City Attorney, read the title of Cond-1-19-1355 into the record. He advised that
32 this is a quasi-judicial public hearing and asked the Commissioners to disclose any ex-parte
33 communications on this matter. He noted, for the record, there were no disclosures.

34
35 Carol McFarlane, City Planner discussed a PowerPoint presentation (a copy of which is attached and
36 becomes a permanent part of these minutes) that described a conditional use application to allow a home
37 occupation in an existing single-family residence. Ms. McFarlane advised that the property is located
38 within the Mixed Use Urban zoning classification (MX-1), in an area where other historic houses have
39 home occupations or have been entirely converted to offices. She noted that the applicant wishes to use
40 part of the residence as an office to provide counseling services to clients in one hour increments.

41
42 Staff recommends that the Planning Commission approve conditional use application COND-1-19- 1355,
43 to allow a Home Occupation at 265 East Graves Avenue, with the following conditions:

44
45 1. Conditional use approval shall comply with the conditional use site plan submitted on January 7, 2019.

- 1 2. The home occupation shall meet the requirements of Section 8.7.13.A of the Land Development Code,
2 as it may be amended from time to time, with the exception that one business sign shall be allowed in
3 the front yard facing Graves Avenue.
- 4 3. Only one business sign shall be allowed on Graves Avenue to advertise the location of the business.
5 The sign shall be sized in accordance with Chapter 9, Signs, of the LDC, as may be amended from
6 time to time, or 18 feet maximum copy area and 6 feet maximum height for a monument or post and
7 panel sign, or 10 square feet of copy area and 8 feet maximum height for a hanging panel blade sign.
8 The sign shall be setback a minimum of 5 feet, or the height of the sign, whichever is greater.
- 9 4. All client parking shall be accommodated on site, including one handicapped-accessible parking space
10 that must be paved with the required signage.
- 11 5. The office area will be limited to 30% of the residence, exclusive of the area of any open porch or
12 attached garage or similar space not suited or intended for occupancy as living quarters.
- 13 6. A Business Tax Receipt must be approved through the City Clerk’s office, and documentation of state
14 licensing must be provided, before business may be conducted at this address.

15
16 Chair Laputka voiced his concerns about potential clients parking on Graves Ave.

17
18 Ms. McFarlane stated that parking is addressed in the conditions for approval of the application.

19
20 David Spellman, 265 E. Graves Ave., the applicant stated that he is looking forward to starting his own
21 business in his home.

22
23 Commissioner Mazzie thanked the applicant for preserving his historic home.

24
25 Chair Laputka opened the public hearing, seeing no one, the chair closed the public hearing.

26
27 **Commissioner Nunez moved that based upon competent substantial**
28 **evidence as presented, the Planning Commission approves COND-1-19-**
29 **1355 with staff recommendations including the six conditions mentioned**
30 **above, seconded by Commissioner Mazzie, motion passed by a 7/0 roll**
31 **call vote of the Planning Commission.**
32

33 B. **COND-1-19-1358.** Conditional Use application to expand the existing Dale’s Ales
34 Bar on property located at 2400 N. Volusia Avenue.
35

36 Mr. Reischmann read the title of Cond-1-19-1358 into the record. He advised that this is a quasi-judicial
37 public hearing and asked the Commissioners to disclose any ex-parte communications on this matter. He
38 noted, for the record, there were no disclosures.
39

40 Carol McFarlane, City Planner discussed a PowerPoint presentation (a copy of which is attached and
41 becomes a permanent part of these minutes) that described the conditional use application to allow the
42 Dales Ales bar to expand their footprint by adding a 4,420 square-foot, two-story deck to the existing bar
43 and to allow special events. Ms. McFarlane advised that the expansion also includes new parking areas,
44 driveway improvements, a stormwater retention pond, new bathrooms and a secondary septic system.
45 She noted that last year the Planning Commission approved a conditional use to allow Dales Ales to re-

1 open after being vacant for 6 years, however, the conditional use was limited to the existing footprint and
2 prohibited special events on the property.

3
4 Ms. McFarlane advised that staff finds that the proposed conditional use does not meet criteria A, B, C,
5 G and H, of the Land Development Code and should be denied. However, with the following
6 modifications and conditions, it meets the required criteria:

7 1. The conditional use site plan is limited to what is shown on the conditional use site plan received by
8 the Development Services Department on January 29, 2019, as it may be modified by this Planning
9 Commission action or conditions, and as modified by the Technical Review Committee during site
10 plan review. Any further increase in the footprint of the building or customer use area will require
11 approval of a separate conditional use application.

12 2. The expansion of the bar requires approval of a site plan application, in accordance with the LDC, that
13 is substantially similar to the attached conditional use site plan received by the Development Services
14 Department on January 29, 2019.

15 a. The building/deck expansion and the new bathroom building must meet the architectural
16 requirements of Chapter 10 of the Land Development Code (LDC). Provide building elevations for
17 all four sides that show all existing and proposed features, and how they will be tied into each other.

18 b. Provide a landscape and irrigation plan demonstrating compliance with the LDC.

19 c. The site plan shall include a noise plan that identifies ways in which sound will be insulated to the
20 residents to the north.

21 3. The deck expansion shall be limited to one story, ground level, only.

22 4. The conditional use shall expire if the conditional use does not begin to serve the purpose for which it
23 was granted within 12 months from the date of rendition, or if the site plan review process does not
24 continue in good faith for a period of 12 consecutive months.

25 5. There are two trees on site that are considered historic, a 36" live oak, and a 40" live oak, that must be
26 preserved throughout the development process. Removal of these historic trees requires approval via
27 City Council, in accordance with Ordinance No. 611.

28 6. An FDOT permit is required for work done within the US 17-92 right-of-way. Code enforcement case
29 CASE-1-19-8378 must be resolved prior to any special events and before any site plan applications
30 can be submitted.

31 7. Mobility enhancements must be provided in accordance with policy 1.6.6 of the Capital Improvements
32 Element of the Comprehensive Plan during site plan review for the new additions.

33 8. Previous condition: There shall be no parking or customer use area on the eastern half of the site,
34 without approval of a separate conditional use application.

35 9. Previous condition: The primary structure is a nonconforming structure per section 8.2.4 of the LDC,
36 and the provisions of that code section still apply (if the building is destroyed in Page 9 of 32

37 Dales Ales III Conditional Use March 6, 2019 excess of 50%, any reconstruction must comply with
38 the LDC). The building cannot be extended any further into the front yard abutting Volusia Avenue
39 (US 17-92) without approval of a separate variance application, and a new conditional use application.

40 10. Special events can be allowed with submittal and approval of a special event application, and with
41 the following conditions:

42 a. No overnight camping or RV parking.

43 b. No special event parking allowed east of the residential zoning line.

44 c. One outdoor stage is allowed, the location of which should be directed away from the adjacent
45 residential uses.

46 d. Outdoor amplified music is only allowed until 10pm each night of the special event.

- 1 e. Indoor amplified music must adhere to the city's adopted noise ordinance.
- 2 f. Limit the maximum number of outdoor vendors to 10.
- 3 g. Limit events to those that coincide with Speedweeks, Biketoberfest, Pepsi 440 (Coke Zero 400),
- 4 and Bike Week events only, and may commence three days before, during and three days after the
- 5 events.
- 6 h. All other special event application requirements apply.
- 7 i. The City Manager may deny any future special event applications for previous violation of these
- 8 conditions.
- 9

10 A discussion ensued between Commissioner Kihlmire and Ms. McFarlane concerning the non-
11 conforming building and size of the proposed deck, provisions in the code, and noise abatement within
12 the City.

13
14 A question and answer forum ensued between the Commission and Ms. McFarlane including the special
15 events application process, clarification for the special event site plan drawing pertaining to the location
16 of the music stage, noise ordinances within the City and the number of special event vendors allowed.

17
18 Michael Wojtuniak, project engineer, reviewed the conditions placed on the conditional use application
19 and provided solutions. He stated he was available to answer any questions the Commission may have.

20
21 A discussion ensued that included amending the original plan of a second story deck to a single story
22 deck in order to comply with the Land Development Code.

23
24 Richard Hudson, owner of Dales Ales, 2400 N. Volusia Ave., came forward and agreed to a single story
25 deck attached to the non-conforming building.

26
27 A lengthy discussion ensued between the Commission and the applicant concerning the noise levels that
28 could potentially affect the residents in the mobile home park next door and the special event permit.

29
30 Mr. Hudson requested a conditional use permit for a special event application be approved as a limited
31 permit due to the upcoming Bike Week event.

32
33 Ms. Mendez stated that staff recommends the Commission accept all the conditions with the suggested
34 changes. She reviewed all the recommended updates. Ms. Mendez clarified that the deck is to remain one
35 story in order to allow the deck to be covered or uncovered.

36
37 A discussion ensued including the requested special event permit.

38
39 Mr. Reischmann clarified for the record that if it is the decision of the Commission to approve the
40 conditional use request for special events that will require the property owner to apply for a special event.

41
42 Chair Laputka opened the public hearing.

43
44 Larry Henderson, 25 N. Volusia Ave., stated that there are currently six vacant units in the mobile home
45 park adjacent to the property. He noted that during the summer months the mobile home park has very
46 few residents.

1 Chair Laputka closed the public hearing.

2
3 A discussion ensued between the Commission that included clarification about the application process
4 and suggested changes to item 10 of the conditions. As well as amendments to the following conditions:

5 Condition 3. "The deck may be covered or uncovered (a roof over the one-story deck is allowed)."

6 Condition 6. The second sentence was removed and replaced with "Code enforcement case CASE-1-
7 19-8378 must be resolved within 12 months of this approval."

8 Condition 7. A disclaimer was added to the end of the sentence "as it may be modified by the Technical
9 Review Committee."

10
11 **Commissioner Campbell moved that based upon competent substantial**
12 **evidence as presented, the Planning Commission approves COND-1-19-**
13 **1358 with staff recommendations including the ten conditions**
14 **mentioned above and with the listed amendments to conditions 3, 6, and**
15 **7, seconded by Commissioner Nunez, motion passed by a 7/0 roll call**
16 **vote of the Planning Commission.**

17
18 Chair Laputka recessed the meeting at 8:06 p.m. The meeting was reconvened at 8:09 p.m.

19
20 **C. Ordinance No. 612.** Text amendment to the Land Development Code to add a
21 definition for "collection bin" and provide regulations for placement of collection
22 bins within the city limits.

23
24 Mr. Reischmann read the title of Ordinance No. 612 into the record.

25
26 Ms. Mendez provided a PowerPoint presentation (a copy of which is attached and becomes a permanent
27 part of these minutes.) Ms. Mendez stated that the purpose of the amendment is to define and regulate the
28 placement of collection bins within the city limits. Ms. Mendez provided a background history of
29 Ordinance No. 612.

30
31 Ms. Mendez stated that staff recommends that the Commission find the amendment consistent with the
32 Comprehensive Plan and forward it to the City Council for approval. She noted that first reading is
33 tentatively scheduled for April 9, 2019.

34
35 Chair Laputka opened the public hearing, seeing no one, Chair Laputka closed the public hearing.

36
37 **Commissioner Mazzie moved that based upon competent substantial**
38 **evidence as presented, the Planning Commission finds Ordinance No.**
39 **612 consistent with the Comprehensive Plan, and recommends**
40 **forwarding to City Council for approval, seconded by Commissioner**
41 **Schwartz, motion passed by a 7/0 roll call vote of the Planning**
42 **Commission.**

43 44 **5. DISCUSSION ITEMS**

45
46 Ms. Mendez advised the City is experiencing ADA issues with some items on the website. She noted

1 that items that are not ADA compliant have been removed for the City’s website until further notice.
 2

3 **6. STAFF/COMMISSION COMMENTS**
 4

5 Commissioner Kihlmire stated the importance of having a public hearing. He noted that his biggest
 6 concern is the noise factor on the Dales Ales property. He stated it was encouraging to know that there
 7 are few residents in the mobile home adjacent to the property.
 8

9 Commissioner Nunez stated that she was excited to have provided the owners of Dales Ales an
 10 opportunity to proceed forward. She wished everyone a happy National Women’s History month. She
 11 noted that she is happy to serve on the Commission with fellow women. She stated that she attended the
 12 groundbreaking at Colin’s dream park with Ms. Sprague and was encouraged by her pursuing force for
 13 the park. She stated that one motivated person can move mountains.
 14

15 Commissioner Mazzie agreed with Commissioner Nunez. She stated that it is encouraging to see the City
 16 developing and growing. She voiced her excitement to see Dales Ales property improve and open soon.
 17

18 Commissioner Campbell thanked staff for the hard work on agenda item 2.
 19

20 Commissioner Stafford stated that it is the time of year to begin a garden.
 21

22 Commissioner Schwartz stated that she visited the Subculturez Tattoo Parlor, across the street from Dales
 23 Ales, with a friend. The parlor stated that Dales Ales has provided the store with more business. She
 24 reported that she too attended the Colin’s Dream Park groundbreaking and the Mayor’s Fitness Challenge
 25 walk around Mill Lake.
 26

27 Chair Laputka announced that Ms. Beringer completed her courses for Municipal City Clerk
 28 Certification. He commented about the incident leading up to Colin’s Dream Park. He noted that year
 29 there were 26 traffic accidents in Volusia County concerning school children. Eleven accidents were in
 30 Orange City and 8 attended middle school.
 31

32 **8. CITIZEN COMMENTS**
 33

34 **9. ADJOURNMENT**
 35

36 There being no further business to discuss, Chair Laputka adjourned the meeting at 8:25 p.m.
 37

38 **RESPECTFULLY SUBMITTED:**
 39

APPROVED ON

04/17/2019

Date

41 Melani Beringer
 42 CMC, Deputy City Clerk