

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
2 Wednesday, May 01, 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, Amy Campbell, Wesley Kihlmire,
12 Vernon Stafford; Staff Members: Rebecca Mendez, Development Services Director,
13 Carol McFarlane, City Planner, Joe Ruiz, Senior Planner, Neysa Borkert, City Attorney,
14 Melani Beringer, Deputy City Clerk.

15
16 **ABSENT**-Commissioner Nunez and Commissioner Mazzie

17
18 **2. PLEDGE OF ALLEGIANCE**

19
20 Gloria Thomas, City Clerk, came forward to explain the new email sign-on procedure.

21
22 **3. APPROVAL OF MINUTES** April 17, 2019

23
24 **Commissioner Kihlmire moved to approve the minutes of the April 17, 2019**
25 **Planning Commission meeting, seconded by Commissioner Schwartz and passed**
26 **by a 5/0 roll call vote of the Planning Commission.**

27
28 **4. PUBLIC HEARINGS**

- 29
30 A. VARI-04-19-1421. A Variance request by Michael Kinney, property owner, to the
31 maximum fence height to allow a six-foot tall fence in the front yard of an existing
32 single family residence located at 741 Willowcrest Street, identified as parcel
33 number 8014-23-00-0050 located in the R-2, Medium Density Residential zoning
34 classification.

35
36 Chair Laputka read the title of VARI-04-19-1421 into the record.

37
38 Joe Ruiz, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and becomes
39 a permanent part of these minutes). Mr. Ruiz stated that this is a variance request to allow a six-foot white
40 vinyl PVC privacy fence in the front yard of an existing single-family residence located in Shadow Ridge
41 Phase 1. Mr. Ruiz provided a brief history of the property.

42
43 Mr. Ruiz acknowledged that the property does not meet the five criteria needed for approval of a variance.
44 Staff recommends the Planning Commission deny the application. Mr. Ruiz added that an objection letter
45 by the Shadow Ridge Homeowner's Association (HOA) will be submitted into the file.

46

1 Chair Laputka questioned who enforces the HOA rules. Mr. Ruiz responded that the HOA enforces the
2 HOA rules.

3
4 Ms. Borkert advised that the HOA and the City, have an enforcement system. She advised that the
5 PowerPoint presentation has been submitted into the record for the hearing.

6
7 Michael Kenney, 741 Willowcrest St., came forward to request Commission's approval of the variance
8 application. Mr. Kenney indicated that he put up a six foot fence so his service dog would have an
9 enclosed area to run and to assure more privacy around the pool area.

10
11 Hector Gonzalez, Willowcrest St. Shadow Ridge HOA president, indicated that the HOA does not object
12 the height of the fence, the location of the fence is the issue. Mr. Gonzalez explained that the HOA bylaws
13 state a fence should be erected 25 feet in from the edge of the yard. The yard begins at the edge of the
14 sidewalk.

15
16 Ms. Borkert advised that the Commission should make their decision based on the variance criteria and
17 whether the request meets that criteria.

18
19 Chair Laputka opened the public hearing, seeing no one the chair closed the public hearing.

20
21 **Commissioner Kihlmire moved that based upon competent substantial evidence**
22 **as presented, the Planning Commission deny VARI-04-19-1421, seconded by**
23 **Commissioner Schwartz, the motion passed by a 5/0 roll call vote of the Planning**
24 **Commission.**

25 26 **5. DISCUSSION ITEMS**

- 27
28 A. Discussion on a large scale Comprehensive Plan Amendment to the Future Land Use
29 Map (FLUM) Ordinance No. 614, and amendment to the Official Zoning Map,
30 Ordinance No. 615.

31
32 Carol McFarlane, City Planner, provided a PowerPoint Presentation (a copy of which is attached and
33 becomes a permanent part of these minutes) and noted that the purpose of the presentation was to inform
34 on proposed changes to Future Land Use and Zoning maps. No formal action will be made, the meeting
35 is for informational and discussion purposes only. The City invited recently annexed property owners to
36 this Planning Commission meeting via letters sent by USPS.

37
38 Ms. McFarlane explained voluntary annexations, future land use maps, non-residential intensity, and
39 county to city future land use correlations. She also discussed existing future land uses, and provided a
40 detailed level of service analysis.

41
42 Ms. McFarlane commented that the ordinances will be presented to the Planning Commission at the July
43 3, 2019 meeting (tentative) and to City Council at the August 13, 2019 meeting. Ms. McFarlane indicated
44 that if approved at first reading, the ordinance will be transmitted to the Florida Department of Economic
45 Opportunity, and the Volusia Growth Management Commission in August 2019. Second reading of the
46 ordinances will occur in November 2019.

1 Commissioner Kihlmire questioned the “like for like” five non-conforming use properties.

2
3 Ms. Mendez replied that the County zoning classification will stay “like for like” with the City’s new
4 annexed classifications.

5
6 Commissioner Campbell asked about the increase in residents in the new mixed use areas.

7
8 Ms. McFarlane explained the classification changes from nonresidential commercial to mixed use
9 residential areas.

10
11 Ed Bowman, resident, came forward to voice his concern about the growth in the City.

12
13 Pamela Knash-Ward, 727 Briarcliff Dr., asked if monies have been allotted to assure water connection
14 to all fire hydrants in the City.

15
16 Ms. Mendez replied that the Briarcliff development is in the Volusia County service area. County potable
17 water lines are connected to those fire hydrants. The City Fire Department tests the fire hydrants within
18 the City.

19
20 Nick Demas, 601 Monastery Rd., voiced concerns about speeding traffic through his neighborhood,
21 future connection to the City’s water lines, and if eminent domain was inevitable from John Knox Village
22 to his neighborhood.

23
24 Ms. Mendez responded that the Orange City police department has been responsible for monitoring the
25 speed limit on Monastery Rd. since December 2018. She advised that connection to the City water supply
26 will be addressed at an upcoming City Council meeting. Ms. Mendez responded that individual properties
27 will not be taken by eminent domain on behalf of commercial developers.

28
29 Bonnie Carry, 660 Bonnie Lane, inquired about the criteria concerning multi use designation. Ms. Carry
30 voiced concerns regarding conserving greenspace located in high density areas and racing traffic on
31 Veterans Memorial Boulevard.

32
33 Ms. Mendez responded that there are criteria concerning multi-use designations. Ms. Mendez stated that
34 the City does not have the authority to take away entitlements on private property. The City adds
35 greenspace by building pocket parks where available.

36
37 Commissioner Campbell asked Ms. Carry if she preferred her property as residential low density or mixed
38 use. Ms. Carry replied that she would prefer her property to be rural residential.

39
40 Les Hammond, Massachusetts Rd., voiced his concerns about racing motorcycles, loud music on
41 Veterans Memorial and increasing taxes due to zoning changes on his property.

42
43 Ms. Borkert replied that the tax amount is based on actual use of the property. Ms. Mendez replied that
44 neither the annexation nor the rezoning triggers a reassessment of property values.

45
46 Council Member Harper came forward to report that he and the City Manager have been to several places

1 informing the public of the proposed ½ cent sales tax. He mentioned that due to the public’s reaction, he
2 assumes it will not pass.

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

5
6 Ms. Mendez advised that the June meeting may be cancelled, due to a lack of agenda items.

7
8 Commissioner Kihlmire commented and thanked staff for an excellent job and stated that he is very
9 impressed.

10
11 Commissioner Campbell commented on Ordinance No. 615, she stated that it was very well thought out
12 and voiced her concerns about the future view. She recommended keeping area four at low density and
13 the large acreage off of Veterans Memorial Boulevard at low rural classification.

14
15 Commissioner Stafford stated that the City’s welcome signs need attention. Ms. Mendez stated that the
16 signs were a subject of conversation earlier in the day.

17
18 **8. CITIZEN COMMENTS**

19
20 **9. ADJOURNMENT**

21
22 There being no further business to discuss, Chair Laputka adjourned the meeting at 8:34 p.m.

23
24 **RESPECTFULLY SUBMITTED:**

APPROVED ON

25
26 _____
27 Melani Beringer
28 CMC, Deputy City Clerk

07/03/2019
Date