

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on Monday,  
2 September 23, 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: Wesley Kihlmire, Fran Schwartz, Sarah Mazzie.  
11 Staff Members: Rebecca Mendez, Development Services Director, Carol McFarlane, City  
12 Planner, Neysa Borkert, City Attorney, Melani Beringer, Deputy City Clerk.

13  
14 **ABSENT:** Commissioner Amy Campbell, Gaea Nunez, and Vernon Stafford.

15  
16 **2. PLEDGE OF ALLEGIANCE**

17  
18 **3. APPROVAL OF MINUTES** August 7, 2019

19  
20 **Commissioner Schwartz moved to approve the minutes of the August 7, 2019**  
21 **Planning Commission meeting, seconded by Commissioner Kihlmire, the motion**  
22 **passed by a 4/0 voice vote of the Planning Commission.**

23  
24 **4. PUBLIC HEARINGS**

25  
26 **A. COND-8-19-1608: A conditional use application by Samuel Bongiovanni of Oak**  
27 **Village ALF to allow the Monastery Oaks Assisted Living Facility (ALF) located**  
28 **at 1801 Monastery Road, identified as parcel number 8012-00-00-0139, to**  
29 **continue to operate after a change of ownership.**

30  
31 Neysa Borkert, City Attorney, read the title of COND-8-19-1608 into the record.

32  
33 Carol McFarlane, City Planner, provided a PowerPoint presentation (a copy of which is attached and  
34 becomes a permanent part of these minutes). Ms. McFarlane reported that a conditional use application  
35 is necessary with MX-2 zoning.

36  
37 Ms. McFarlane provided a brief history of the property as well as the conditions needed going forward.

38  
39 Ms. McFarlane stated that staff recommends that the Planning Commission approve the requested  
40 conditional use application to allow an Assisted Living Facility to continue under new ownership with  
41 the following conditions:

42 1. This residential dwelling unit is licensed to serve clients of the Department of Elderly Affairs or  
43 licensed by the Agency of Health Care Administration to provide a living environment for no more  
44 than 12 unrelated residents who operate as the functional equivalent of a family, including such  
45 supervision and case by supportive staff as may be necessary to meet the physical, emotional, and  
46 social needs of the residents. Any increase to the number of residents will require approval of a

- 1 separate conditional use application.
- 2 2. The conditional use is approved, as it is currently developed. Any building additions, alterations, or  
3 new structures that vary from what the site plan shows will require approval of a separate conditional  
4 use application.
- 5 3. The ALF shall comply with the requirements of Section 8.7.19. Assisted living facility, of the Land  
6 Development Code.
- 7 4. No wall or ground sign advertising the facility is permitted.
- 8 5. The landscaping areas depicted on the conditional use site plan shall be maintained in healthy  
9 condition.
- 10 6. The rear yard shall remain fully enclosed with a privacy fence. Any damage to the privacy fence shall  
11 be repaired in a timely manner.
- 12 7. The imposition of any liens by Orange City Hearing Officer (Special Magistrate) for code enforcement  
13 violations relating to Chapter 9 of the Orange City Code of Ordinances, Property Maintenance, could  
14 result in revocation of the conditional use approval, subject to code enforcement procedures set forth  
15 in Chapter 2, Article IV, Division 1, Code Enforcement Through Hearing Officer Process, as it may  
16 be amended from time to time.

17  
18 Chair Laputka inquired about any code enforcement liens on the property. Ms. McFarlane responded that  
19 there were no liens on the property.

20  
21 Commissioner Schwartz asked for clarity pertaining to the seven conditions listed on page 7 of 22. Ms.  
22 McFarlane stated that in the PowerPoint presentation six conditions are listed however seven should be  
23 listed in order to simulate agenda item 4A.

24  
25 Jerry Cutrona, stated that his business has stayed successful and been compliant with the City since  
26 opening. He stated that he is available for any questions.

27  
28 Samuel Bongiovanni, President of Oak Village ALF, came forward to state that his company is looking  
29 forward to purchasing the business and to sustain the functions of the property as-is.

30  
31 Dale Atchley, 1825 Monastery Rd., came forward to state his concern about traffic on Monastery Rd.  
32 caused by the facility. Mr. Atchley suggested that the street should be improved to commercial grade and  
33 provisions made to accommodate turn-around. He said that a sign and a white PVC fence should be added  
34 to the property.

35  
36 Mr. Atchley provided pictures of the neighborhood to the Planning Commission (copies of which are  
37 attached and becomes a permanent part of these minutes).

38  
39 Ronnie Robinson, 1751 Monastery Rd., came forward to state that the road should be widened and the  
40 speed limit should be lowered.

41  
42 Ertha Robinson, 1751 Monastery Rd., stated that frequent trips of large garbage trucks are causing  
43 damage to the road.

44  
45 Nancy Boise, 1731 Monastery Rd., came forward and agreed with Mr. Atchley's comments.

46

1 Jerry Cutrona came forward to address the complaints made by the neighbors.

2  
3 Commissioner Schwartz recommended speed bumps to control the speeding issue.

4  
5 Commissioner Kihlmire recommended that a sign be placed in the front of the business.

6  
7 A discussion ensued between the Commission and staff concerning the prior conditions and to add a new  
8 sign condition.

9  
10 Ms. Mendez recommended that the Planning Commission classify a sign as the traditional neighborhood  
11 sign district. She read the sign ordinance from Chapter 9. –Signs, Section 9.7.3 of the Land Development  
12 Code.

13  
14 **Commissioner Mazzie moved that based upon competent substantial evidence,**  
15 **as presented, the Planning Commission finds COND-8-19-1608 consistent with**  
16 **the Comprehensive Plan with the seven conditions outlined by staff. With an**  
17 **added condition to erect a sign that is consistent with the Land Development**  
18 **Code, Chapter 9. -Signs, Section 9.7.3, traditional neighborhood sign district,**  
19 **seconded by Commissioner Kihlmire, the motion passed by a 4/0 roll call vote of**  
20 **the Planning Commission.**

21  
22 **B. ORDINANCE NO. 618:** A rezoning request by Kurt Dye, owner of DeLand  
23 Motorsports, Inc., for the ±4.33-acre vacant property located at 1420 N. Volusia  
24 Avenue and identified as parcel number 8002-02-00-0050, from General Commercial  
25 Restricted (CG-1) to the Planned Unit Development (PUD) zoning classification.

26  
27 Neysa Borkert, City Attorney, read the title of Ordinance No. 618 into the record.

28  
29 Ms. McFarlane provided a PowerPoint presentation (a copy of which is attached and becomes a  
30 permanent part of these minutes). Ms. McFarlane explained that sales of motorsports is not a permitted  
31 or conditional use in the CG-1 zoning area. The owner of DeLand Motorsports purchased said property  
32 and is now required to apply for a PUD in order to have a motorsports business on the property.

33  
34 Ms. McFarlane provided a layout of the preliminary plan, the building layout plans, the development  
35 agreement, and the rezoning review criteria.

36  
37 Chair Laputka asked what the advantage is for the applicant and the City relative to the CRA area.

38  
39 Ms. Mendez replied that the surrounding properties tax increment finance monies stay within the CRA  
40 area, therefore all the business owners benefit at some point from infrastructure improvements.

41  
42 Ms. McFarlane stated that staff recommends the Planning Commission find the Official Zoning Map  
43 amendment consistent with the comprehensive plan and forward Ordinance No. 618 to the City Council  
44 for approval, with the following conditions:

45 1. Approved the Development Agreement, along with the attached staff recommendations, and any  
46 changes as recommended by the Planning Commission.

1 2. The Development Agreement shall be executed and recorded in the Volusia County Official Records,  
2 with recommended changes, as well as any changes required by the City Council, within six months  
3 of approval.  
4

5 Chair Laputka requested clarification regarding the trees located on the property, for the record.  
6

7 Ms. McFarlane replied that each property is required to have fifteen percent area set aside for a tree  
8 preservation area. The plan presented does meet the tree preservation area requirement. Within that tree  
9 preservation area, fifty percent of the existing trees are supposed to be saved. She noted that due to  
10 grading, a couple of the trees along the northern property line may be saved.  
11

12 Kurt Dye, Owner of Deland Motorsports, stated that this project will be beneficial to the company as well  
13 as the City.  
14

15 David Cook, Engineer for Deland Motorsports, thanked staff and stated that the trees on the property will  
16 be evaluated. He provided an example of the plans for the building to the Commission.  
17

18 Commissioner Kihlmire inquired of the types of products being sold. Mr. Dye responded that  
19 motorcycles, boats, watercraft, tractors and ATV's will be sold.  
20

21 **Commissioner Mazzie moved that based upon competent substantial evidence as**  
22 **presented, the Planning Commission finds Ordinance No. 618 consistent with the**  
23 **Comprehensive Plan and recommends forwarding to the City Council with a**  
24 **recommendation of approval, with the two conditions outlined by staff, seconded**  
25 **by Commissioner Kihlmire, the motion passed by a 4/0 roll call vote of the**  
26 **Planning Commission.**  
27

## 28 5. DISCUSSION ITEMS

29

30 None at this time.  
31

## 32 6. STAFF/COMMISSION COMMENTS

33

34 Ms. Mendez announced the Council meeting on September 25, 2019.  
35

36 Ms. Borkert suggest that the Planning Commission be given a draft of the standard motions. She advised  
37 that a recent change to the Florida Statutes requires development orders for decision making bodies that  
38 vote on final approvals.  
39

40 Commissioner Kihlmire complimented staff on an excellent job.  
41

42 Commissioner Mazzie stated that staff does a wonderful job. She noted that DeLand Motorsports will  
43 be a great addition to the City.  
44

45 Commissioner Schwartz reported that she attended the soft opening at the Blue Springs Brewery.  
46

1 Chair Laputka stated that the Monastery Assisted Living Facility has been a success since they have  
2 opened. Coming up with a solution would be helpful to the owner as well as the neighbors. He thanked  
3 staff for a great job.

4

5 **8. CITIZEN COMMENTS**

6

7 **9. ADJOURNMENT**

8

9 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:52 p.m.

10

11 **RESPECTFULLY SUBMITTED:**

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13

14 \_\_\_\_\_  
15 Melani Beringer  
CMC, Deputy City Clerk

**APPROVED ON**

\_\_\_\_\_

11-06-2019  
Date