

1    **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on  
2    Wednesday, October 02, 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: Wesley Kihlmire, Fran Schwartz, Amy Campbell,  
12                    Gaea Nunez, and Vernon Stafford. Staff Members: Rebecca Mendez, Development  
13                    Services Director, Carol McFarlane, City Planner, Joseph Ruiz, Senior Planner, Neysa  
14                    Borkert, City Attorney, Melani Beringer, Deputy City Clerk.

15  
16    **ABSENT:**    Commissioner Sarah Mazzie

17  
18    **2. PLEDGE OF ALLEGIANCE**

19  
20    **3. APPROVAL OF MINUTES**

21  
22    None at this time.

23  
24    **4. PUBLIC HEARINGS**

25  
26            **A. SITE-6-18-1337:** A final site plan application by Sheyanna Day of Interplan, LLC,  
27            representative for John Knox Village of Central Florida, for a proposed 34-duplex (68-  
28            dwelling unit) community located on 25.87 acres located at 12 W. Lake Drive, identified  
29            as parcel number 8011-00-00-0020, and located in the R-2, Medium Density Residential  
30            zoning classification.

31  
32    Neysa Borkert, City Attorney, read the title of SITE-6-18-1337 into the record.

33  
34    Joseph Ruiz, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and  
35    becomes a permanent part of these minutes). Mr. Ruiz reported that this is a final site plan application  
36    for a proposed 34-duplex (68-dwelling unit) community located on 25.87 acres formally known as the  
37    Pine Forest Mobile Home Park. The property is owned by John Knox Village as an expansion to their  
38    adjacent facilities.

39  
40    Mr. Ruiz provided a brief history of the property as well as the conditions needed going forward, the  
41    Valencia Landing site plan, the clubhouse rendering and the Valencia Landing concurrency.

42  
43    Mr. Ruiz stated that staff recommends forwarding Resolution 970-19 to the City Council with a  
44    recommendation of approval with the following conditions:

- 45    1. The site plan and construction drawings shall be revised to comply with the Notice of Intent (NOI) to  
46    Issue Development Order, dated August 27, 2019, except as otherwise amended by this resolution.

1 2. The proposed Right-of-Way vacation application (VACA-07-19-1555) shall be approved by City  
2 Council prior to issuance of a development order.

3  
4 Commissioner Kihlmire asked if the project was within the John Knox Village property.

5  
6 Mr. Ruiz replied “yes”.

7  
8 Chris Blurton, Representative for the Applicant, Interplan LLC, came forward to state that this will be a  
9 self-contained project and an excellent addition to the City.

10  
11 Chair Laputka opened the public hearing, seeing no one the Chair closed the public hearing.

12  
13 Commissioner Campbell stated that this is a good addition to the City and she is looking forward to the  
14 expansion.

15  
16 Pursuant to Chapter §112.3143, Fla. Stat., Commissioner Nunez withdrew herself from the vote due to a  
17 conflict of interest, Form 8B Memorandum of Voting Conflict is attached to these minutes.

18  
19 **Commissioner Campbell moved that based upon competent substantial evidence as**  
20 **presented, the Planning Commission finds SITE-6-18-1337 consistent with the**  
21 **Comprehensive Plan with the two conditions outlined by staff, and recommend**  
22 **forwarding to the City Council, seconded by Commissioner Kihlmire, the motion**  
23 **passed by a 5/0 roll call vote of the Planning Commission.**

24  
25 **B. PLAT-04-19-1449:** A preliminary plat application by Chris Wrenn of D.R. Horton,  
26 representative for Frank A. Ford Trust, for a proposed 148-lot single family residential  
27 subdivision on 65.71 acres located at 1650 Westside Parkway, identified as parcel number  
28 8015-00-00-0180, and located within the R-1, Low Density Residential zoning  
29 classification.

30  
31 Neysa Borkert, City Attorney, read the title of PLAT-04-19-1449 into the record.

32  
33 Mr. Ruiz provided a PowerPoint presentation (a copy of which is attached and becomes a permanent part  
34 of these minutes). Mr. Ruiz explained that this is a preliminary plat application for the Blue Springs Ridge  
35 Subdivision, a proposed 148-lot single-family residential subdivision located on 65.71 acres at 1650  
36 Westside Parkway. The subdivision proposes typical 75’x120’, 9,000 square-foot lots compliant with the  
37 Low Density Residential (R-1) zoning classification.

38  
39 Mr. Ruiz provided the properties previous actions, the preliminary plat, and the preliminary plat  
40 concurrency.

41  
42 Mr. Ruiz stated that staff recommends forwarding Resolution No. 977-19 to the City Council with a  
43 recommendation of approval with the following conditions:

44 1. The construction plans shall be revised to comply with the TRC comments as reported at the August  
45 20, 2019 TRC meeting, and as otherwise amended hereafter.

46 2. A copy of the Florida Fish and Wildlife Conservation Commission (FFWCC) gopher tortoise

- 1 relocation permit (Conservation Permit) shall be provided prior to issuance of a development order.
- 2 3. A copy of the Volusia County Use Permit for the extension of and connection to Westside Parkway
- 3 shall be provided prior to issuance of the development order.
- 4 4. City Council must approve the Volusia County School Board Right-of-Way dedication for W. Holly
- 5 Drive extension prior to issuance of the development order.
- 6 5. City Council must approve the Transportation Mitigation Agreement and the developer must execute
- 7 and pay the proportionate-share contribution before the development order is issued.
- 8 6. Provide a copy of the no-objection letter from Florida Power & Light for construction within their
- 9 easement prior to issuance of a development order

10

11 Chair Laputka inquired about the sidewalk placement on Holly Dr.

12

13 Mr. Ruiz replied that the applicant is proposing to provide a sidewalk in front of the homes. The applicant

14 will extend the existing sidewalks into the new development.

15

16 Chair Laputka inquired about the traffic pattern during construction.

17

18 Mr. Ruiz replied that as part of the overall preliminary plat, civil plans include an erosion control plan.

19 This plan also provides ingress and egress during construction. He noted there would not be construction

20 access through Holly Dr.

21

22 Commissioner Kihlmire inquired about the traffic pattern out of the development onto the 17-92 highway.

23

24 Mr. Ruiz replied that there will be two exits which include Westside Parkway and Holly Dr.

25

26 A discussion ensued that included the traffic patterns of the residents in the new development, the traffic

27 patterns that the new residents will have access to, the trip analysis, traffic flow from Westside parkway

28 and Rhode Island Ave. and W. Holly Dr.

29

30 Mark Watts, Cobb Cole Representative, spoke on behalf of the applicant and provided a brief history of

31 the application process. Mr. Watts stated that the preliminary plat is consistent with the terms of the R-1

32 zoning. He stated that therefore, the inquiry should be one of technical compliance. Mr. Watts reviewed

33 the staff report, the concurrency analysis, impact fees, utilities, and parks impact fees.

34

35 Mr. Watts stated that the staff report includes six conditions and recommended adding a seventh. He

36 stated that an additional condition could be added to recommend Westside Parkway as a construction

37 entry into the property.

38

39 Mr. Watts spoke in regards to the roadways surrounding the property. He stated that since University

40 High School has been constructed the deal has been to extend Rhode Island Ave. to Westside Parkway.

41 Mr. Watts stated that if the County does not grant the connection rights to Westside Parkway, then the

42 two connection points the City code requires include Briarcrest and Holly Dr. He stated that the applicant

43 is following the City's and the County's code.

44

45 Commissioner Campbell inquired about the property's previous construction, tree preservation

46 requirements and a Florida scrub jay presence. Commissioner Campbell requested a new environmental

- 1 assessment survey to be done on the property.  
2
- 3 Mr. Watts replied that the conditions listed required the applicant to comply with those standards. Mr.  
4 Watts stated that the applicant is prepared to do everything required to comply with the law.  
5
- 6 Christopher Wrenn, Representative with DR Horton, came forward to state that the most recent survey  
7 was completed recently and showed no scrub jay activity on the property.  
8
- 9 Rebecca Arata, 321 W. Holly Dr., voiced concerns about the traffic that the new development may cause.  
10
- 11 Ron Knutson, 417 W. Holly, inquired about the width of the road, sidewalks, curbs, impact to traffic, and  
12 the safety of the roads.  
13
- 14 Margaret Iglesias, 426 W. Holly Dr., stated concerns for the black bears and other wildlife on the  
15 property.  
16
- 17 Joan O'Brien-Singer, 418 W. Holly Dr., stated that she is disabled and uses a motorized chair to travel  
18 around town. She stated that she is concerned for her safety due to the traffic increase that the new  
19 development could cause on Holly Dr.  
20
- 21 Shanna Halfon, 300 Shady Ln., voiced her concern of water runoff that the new development could cause  
22 on her property.  
23
- 24 Marie Youngken, 449 W. Holly Dr., stated that the property is a monetary concern that could be  
25 redirected into a conservation area. She voiced concerns about the traffic impact caused by the new  
26 development.  
27
- 28 Travis Herring, 106 W. Fern Dr., stated his concern of the traffic impact that the development will cause  
29 on W. Holly Dr.  
30
- 31 Monica Emerson, 365 Miller Rd. voiced her concern about the school capacity and if a plan exists for  
32 future schools within the City.  
33
- 34 Janella Cattarini, 445 Miller Rd., stated that there should be higher compromise about the traffic issue.  
35
- 36 Jerry Vaughn, 331 W. Holly Dr., voiced his concern of the traffic impact north of Sparkman Ave. He  
37 voiced his concern about the suggested access roads.  
38
- 39 Jonell Hanson, 341 W. Holly Dr., voiced her concern about traffic and inquired about widening Rhode  
40 Island Ave. She stated that this development is "mean spirited" against the residents of W. Holly Dr.  
41
- 42 Clark Briggs, 481 W. Holly Dr., voiced his concerns about the exit from the new development onto W.  
43 Holly Dr. He suggested providing an exit on to Rhode Island Ave.  
44
- 45 Richard Guindon, 490 W. Holly Dr., He stated that the environmental impact study provided an improper  
46 result. He requested to have the fire department review the end of Holly Dr. to verify if it in fact is a cul-

1 de-sac.  
2  
3 Doug Bishop, 452 W. Holly Dr., voiced his concern for his son's safety riding his bike to and from  
4 school.  
5  
6 Seyed "Sam" Jamali, 489 W. Holly Dr., stated that he retired 15 years ago and moved to the City due to  
7 the quiet neighborhood. He voiced his concern about the traffic that the development will cause.  
8  
9 Bart Hannahs, 402 W. Holly Dr., voiced his concern about the safety for the children that play in the  
10 street.  
11  
12 Rick Whitten, 451 W. Gardenia Dr., stated his concern about the traffic. He asked about plumbing  
13 placement and requested a traffic light as opposed to a round-a-bout.  
14  
15 Stephanie Bradford, 433 W. Holly Dr., voiced her concern about sidewalk expansions and the traffic.  
16  
17 Diane Craparotta, 768 Briarcliff Dr., voiced her concern about the traffic.  
18  
19 Jeff Kunkle, 450 W. Holly Ave., voiced his concerns about the traffic patterns that need to be considered.  
20  
21 Roberto Jimenez, 320 W. Holly Dr., stated that his family moved from Sanford to live in a safer quieter  
22 neighborhood. He voiced his concern about property crime that this development could cause.  
23  
24 Karen Allebach, 482 W. Holly Dr., stated that an extension of W. Holly Dr. will cause major issues.  
25  
26 Chair Laputka closed the public hearing for public comments.  
27  
28 Mr. Watts came forward to address the concerns raised by the residents.  
29  
30 Ms. Borkert asked if any sidewalks were being removed on Holly Dr.  
31  
32 Mr. Watts replied that the current sidewalks would not be removed. He stated that the proposal is to  
33 connect the existing sidewalks to the new sidewalks.  
34  
35 Ms. Borkert asked about the standards that needed to be met for traffic lights.  
36  
37 Mr. Watts responded that the connection of Holly Dr. and 17-92 is a county road. He stated that at this  
38 time the development does not trip any warrants that would allow a signal to be installed at that location.  
39  
40 Commissioner Kihlmire stated that he was impressed by all the residents comments however, growth  
41 occurs in all neighborhoods. He stated that the City or this project meets the technical requirements.  
42  
43 Commissioner Nunez stated unfortunately meeting the technical requirements does not make this  
44 decision feel right. She heard all the comments about the resident's safety concerns and is concerned  
45 about traffic safety, as well.  
46

1 Ms. Mendez clarified that there are plans for a stop sign inside the new subdivision. She stated that the  
2 portions of Holly Dr. from the project boundary East to Sparkman Ave. are City roads and there are  
3 sidewalks on the North and South side of the road.

4  
5 A discussion ensued between Commissioner Nunez and Ms. Mendez concerning traffic concerns.

6  
7 Commissioner Stafford stated that every homeowner voiced a legitimate concern.

8  
9 Commissioner Schwartz stated concern about fire exit issues on Holly Dr..

10  
11 Chair Laputka stated that the responsibility of the Commission is to determine if the Code presented is  
12 correct regardless of personal issues. He stated that he agrees that the applicant is in compliance with the  
13 Code.

14  
15 **Commissioner Kihlmire moved that based upon competent substantial evidence**  
16 **as presented, the Planning Commission finds PLAT-04-19-1449 consistent with**  
17 **the Comprehensive Plan and recommends forwarding to the City Council with a**  
18 **recommendation of approval, with the six conditions outlined by staff, seconded**  
19 **by Commissioner Stafford, the motion passed by a 5/1 roll call vote of the**  
20 **Planning Commission with Commission Campbell voting “no”.**

21  
22 Chair Laputka called a ten minute recess at 8:39 p.m. The meeting was reconvened at 8:47 p.m.

23  
24 **C. ORDINANCE NO. 621:** An Administrative Small Scale Future Land Use Map  
25 amendment for the 9.5 acre property located at 1351 N. Volusia Avenue, and identified  
26 as parcel number 8003-00-00-0700, changing the future land use from Volusia County  
27 Commercial (COM), Urban Medium Intensity (UMI), and Urban Low Intensity (ULI) to  
28 Orange City General Commercial (CG).

29  
30 Neysa Borkert, City Attorney, read the title of Ordinance No. 621 into the record.

31  
32 Ms. McFarlane provided a PowerPoint presentation (a copy of which is attached and becomes a  
33 permanent part of these minutes). Ms. McFarlane explained that this property is known as the Dunton  
34 property with three separate future land use designations. The City needs to change the zoning of the  
35 property from county to city zoning land use designations.

36  
37 Ms. McFarlane provided the previous actions of the property and the FLU review criteria.

38  
39 Ms. McFarlane stated that staff recommends the Planning Commission find the Official Zoning Map  
40 amendment consistent with the rezoning review criteria and forward Ordinance No. 622 to the City  
41 Council with a recommendation of approval, with the following condition:

- 42 1. Ordinance 622 cannot be finalized until Ordinance 621, amending the Future Land Use of the  
43 property to Commercial General, CG, is also approved.

44  
45 Commissioner Campbell asked if it was possible to split the property into two land use designations  
46 instead of three.

1 Ms. McFarlane responded that the property owners are requesting that the property be changed to one  
 2 land use designation. The property owners are concerned about the sale of the property with three zoning  
 3 classifications.

4  
 5 Chair Laputka opened the public hearing to the public, seeing no one, the Chair closed the public  
 6 hearing.

7  
 8 **Commissioner Nunez moved that based upon competent substantial evidence as**  
 9 **presented, the Planning Commission finds ORDINANCE NO. 621 consistent**  
 10 **with the Comprehensive Plan and recommends forwarding to the City Council**  
 11 **with a recommendation of approval, with the condition outlined by staff,**  
 12 **seconded by Commissioner Schwartz, the motion passed by a 5/1 roll call vote of**  
 13 **the Planning Commission with Commissioner Campbell voting “no”.**

14  
 15 **D. ORDINANCE NO. 622:** An Administrative rezoning request for the 9.5 acre property  
 16 located at 1351 N. Volusia Avenue, and identified as parcel number 8003-00-00-0700,  
 17 changing the zoning classification from Volusia County Commercial General (B-4) and  
 18 Urban Single Family Residential (R-4) to Orange City Mixed Use Suburban (MX-2).

19  
 20 Neysa Borkert, City Attorney, read the title of ORDINANCE NO. 622 into the record.

21  
 22 Ms. McFarlane provided a PowerPoint presentation (a copy of which is attached and becomes a  
 23 permanent part of these minutes). Ms. McFarlane explained that Ordinance No. 622 was part of  
 24 Ordinance No. 615, the administrative rezoning for all of the enclave annexed properties.

25  
 26 Ms. McFarlane provided a brief history of the property, the previous actions, the rezoning review  
 27 criteria, the rezoning criteria, and the review criteria.

28  
 29 Ms. McFarlane stated that staff recommends the Planning Commission find the Official Zoning Map  
 30 amendment consistent with the rezoning review criteria and forward Ordinance No. 622 to the City  
 31 Council with a recommendation of approval, with the following condition:

- 32 1. Ordinance 622 cannot be finalized until Ordinance 621, amending the Future Land Use of the property  
 33 to Commercial General, CG, is also approved. First reading is tentatively scheduled for October 22,  
 34 2019.

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

37  
 38 **Commissioner Kihlmire moved that based upon competent substantial evidence**  
 39 **as presented, the Planning Commission finds ORDINANCE NO. 622 consistent**  
 40 **with the Comprehensive Plan and recommends forwarding to the City Council**  
 41 **with a recommendation of approval, with the condition outlined by staff,**  
 42 **seconded by Commissioner Schwartz, the motion passed by a 5/1 roll call vote**  
 43 **of the Planning Commission with Commissioner Campbell voting “no”.**

44  
 45 **5. DISCUSSION ITEMS**  
 46

1 None at this time.

2

3 **6. STAFF/COMMISSION COMMENTS**

4

5 Ms. Mendez stated that the special meeting originally scheduled for October 16<sup>th</sup> was cancelled and the  
6 regular planning commission meeting will be scheduled on November 6<sup>th</sup>.

7

8 Ms. Borkert stated that a recent change to the Florida Statutes was made that pertains to final action  
9 verbiage in the motions.

10

11 Commissioner Kihlmire stated that tonight’s meeting was a tough one but the commission is here to  
12 determine the technicality of the issues. He commented on a Facebook group that helped an elderly  
13 woman find her way back home.

14

15 Commissioner Nunez stated that she is not pleased with the decision tonight however, technical issues  
16 were met. She stated that she feels she made the right decision.

17

18 Commissioner Campbell stated that she felt she chose the right votes for tonight’s items.

19

20 Commissioner Stafford stated Good Night!

21

22 Commissioner Schwartz stated that she appreciated the way Ms. Borkert led the meeting with order.

23

24 Chair Laputka wished Commissioner Schwartz a Happy Birthday!

25

26 **8. CITIZEN COMMENTS**

27

28 **9. ADJOURNMENT**

29

30 There being no further business to discuss, Chair Laputka adjourned the meeting at 9:24 p.m.

31

32 **RESPECTFULLY SUBMITTED:**

33

34 \_\_\_\_\_

35 Melani Beringer  
36 CMC, Deputy City Clerk

**APPROVED ON**

11-06-2019

Date