

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

15  
16 **ABSENT:** Commissioner Kihlmire

17  
18 **2. PLEDGE OF ALLEGIANCE**

19  
20 **3. APPROVAL OF MINUTES**

21  
22 A. Minutes Dated September 23, 2019

23  
24 **Commissioner Schwartz moved to approve the September 23, 2019 Planning**  
25 **Commission meeting minutes, seconded by Commissioner Mazzie, the motion passed**  
26 **by a 6/0 roll call vote of the Planning Commission.**

27  
28 B. Minutes Dated October 2, 2019

29  
30 **Commissioner Schwartz moved to approve the October 02, 2019 Planning**  
31 **Commission meeting minutes, seconded by Commissioner Mazzie, the motion passed**  
32 **by a 6/0 roll call vote of the Planning Commission.**

33  
34 **4. PUBLIC HEARINGS**

35  
36 **A. NEW BUSINESS**

37  
38 **1. VARI-09-19-1655:** A variance request by David Pittman, property owner, to  
39 reduce the required setbacks to allow construction of a screened porch addition on  
40 the .13-acre developed single-family property located at 683 Gilmore Stage Road  
41 and identified as parcel number 8011-16-08-0010 located within the R-2, Medium  
42 Density Residential zoning classification.

43  
44 William Reischmann, City Attorney, read the title of VARI-09-19-1655 into the record. He advised that  
45 this was a quasi-judicial public hearing and asked the Commissioners to disclose any ex-parte  
46 communications on this matter. He noted, for the record, there were no disclosures.

1 Carol McFarlane, City Planner, provided a PowerPoint presentation (a copy of which is attached and  
2 becomes a permanent part of these minutes). Ms. McFarlane reported that this is a variance request to  
3 reduce the minimum required setbacks to allow for construction of a 414 square foot screened porch  
4 addition to the rear of an existing residence. Ms. McFarlane noted that the property is located on a corner  
5 lot in the Blue Springs Villas subdivision.

6  
7 Ms. McFarlane provided the variance criteria and the proposed porch addition. She advised that two  
8 variances were being requested:

- 9 1. Reduce the minimum side yard from the required 10 feet to 8 feet.
- 10 2. Reduce the minimum side yard abutting a street from the required 25 feet to 20 feet along Spring  
11 Cavern Avenue for the construction of a screened porch addition.

12  
13 Ms. McFarlane stated that the variance application meets the five criteria required for granting a variance.  
14 She advised that staff recommends that the Planning Commission approve the request with the following  
15 conditions:

- 16 1. Variance is limited to what is shown on the variance site plan.
- 17 2. Construction must comply with the Architectural Review Board's recommendation.

18  
19 Chair Laputka asked if precedent has already been set or is the City setting precedent.

20  
21 Mr. Reischmann replied that granting a variance does not create any precedent.

22  
23 Commissioner Campbell inquired about the location of the porch pertaining to the side of the house.

24  
25 Ms. McFarlane clarified the measurements and where the porch will be located.

26  
27 Commissioner Schwartz observed that the property is surrounded by a white privacy fence.

28  
29 David Bittman, 683 Gilmore Stage Rd., the applicant, came forward to state that the screened-in porch  
30 will be mostly screened from view of the road by the privacy fence.

31  
32 Commissioner Nunez voiced her concerns that Blue Springs Villa is non-conforming and the City may  
33 want to consider this with future variation requests.

34  
35 **Commissioner Nunez moved that based upon competent substantial evidence as**  
36 **presented, the Planning Commission finds VARI-09-19-1655 consistent with the**  
37 **Comprehensive Plan, with the two conditions outlined by staff, seconded by**  
38 **Commissioner Schwartz, the motion passed by a 6/0 roll call vote of the Planning**  
39 **Commission.**

## 40 41 B. OLD BUSINESS

- 42  
43 **1. ORDINANCE NO. 618:** A rezoning request by Kurt Dye, owner of DeLand  
44 Motorsports, Inc., for the ±4.33-acre vacant property located at 1420 N. Volusia  
45 Avenue and identified as parcel number 8002-02- 00-0050, from General Commercial  
46 Restricted (CG-1) to the Planned Unit Development (PUD) zoning classification.

1 Mr. Reischmann, City Attorney, read the title of Ordinance No. 618 into the record. He advised that this  
2 was a quasi-judicial public hearing and asked the Commissioners to disclose any ex-parte  
3 communications on this matter. He noted, for the record, there were no disclosures.  
4

5 Mr. Reischmann clarified for the record, the unusual circumstances regarding this matter. Ordinance No.  
6 618 was originally heard and approved, at a public hearing, on September 23, 2019 and because the  
7 matter was not properly noticed this is a repeat public hearing. The Planning Commission have not had  
8 any ex-parte communications outside of the previous or this public hearing.  
9

10 Ms. McFarlane, City Planner, provided a PowerPoint presentation (a copy of which is attached and  
11 becomes a permanent part of these minutes). Ms. McFarlane reported that the request is a rezoning from  
12 the current city Commercial General 1(CG1) to a Business Planned Unit Development (BPUD). She  
13 noted that the rezoning is to allow the sales of automobile, motorcycles, boats and the like, which is not  
14 a permitted use in the current zoning classification. The applicant has requested a BPUD to allow the use  
15 to occur.  
16

17 Ms. McFarlane described the previous and future actions, the preliminary plan, and the rezoning review  
18 criteria.  
19

20 Ms. McFarlane stated that staff recommends the Commission approve Ordinance No. 618 and forward it  
21 to City Council for approval with the following conditions:

- 22 1. Approve the Development Agreement, as drafted.
- 23 2. The Development Agreement shall be executed and recorded within 6 months of final approval.  
24

25 Chair Laputka asked if there were any changes from the first reading. Ms. McFarlane replied that there  
26 have been no changes since the first reading.  
27

28 A conversation ensued between Ms. McFarlane and the Planning Commission concerning the area  
29 allotted for wall signs and a slope located on the property.  
30

31 David Cooke, Dewberry Engineering, came forward to provide a description of the properties  
32 topography. He stated that staff has done a wonderful job with everything.  
33

34 Steven Sanders, 623 Swan Range Rd., commented about the trees, the vacant buildings, empty lots and  
35 the traffic concerns within the City.  
36

37 Mr. Cooke responded that the trees have been considered during the planning process.  
38

39 **Commissioner Mazzie moved that based upon competent substantial evidence as**  
40 **presented, the Planning Commission finds Ordinance No. 618 consistent with the**  
41 **Comprehensive Plan with the two conditions outlined by staff, and recommends**  
42 **forwarding to the City Council, seconded by Commissioner Nunez, the motion**  
43 **passed by a 6/0 roll call vote of the Planning Commission.**  
44

- 45 **2. COND-8-19-1608:** A conditional use application by Samuel Bongiovanni of Oak Village  
46 ALF to allow the Monastery Oaks Assisted Living Facility (ALF) located at 1801

1 Monastery Road, identified as parcel number 8012-00-00-0139, to continue to operate  
2 after a change of ownership.

3  
4 Mr. Reischmann, City Attorney, read the title of COND-8-19-1608 into the record. He advised that this  
5 was a quasi-judicial public hearing and asked the Commissioners to disclose any ex-parte  
6 communications on this matter. He noted, for the record, there were no disclosures.

7  
8 Mr. Reischmann clarified for the record, the unusual circumstances regarding this matter. Ordinance No.  
9 618 was originally heard and approved, at a public hearing, on September 23, 2019 and because the  
10 matter was not properly noticed this is a repeat public hearing. The Planning Commission have not had  
11 any ex-parte communications outside of the previous or this public hearing.

12  
13 Ms. McFarlane provided a PowerPoint presentation (a copy of which is attached and becomes a  
14 permanent part of these minutes). Ms. McFarlane explained that a conditional use application is necessary  
15 with MX-2 zoning.

16  
17 Ms. McFarlane provided a brief history of the property as well as the conditions needed going forward.

18  
19 Ms. McFarlane stated that staff recommends that the Planning Commission approve the requested  
20 conditional use application to allow an Assisted Living Facility to continue under new ownership with  
21 the following conditions:

- 22 1. This residential dwelling unit is licensed to serve clients of the Department of Elderly Affairs or  
23 licensed by the Agency of Health Care Administration to provide a living environment for no more  
24 than 12 unrelated residents who operate as the functional equivalent of a family, including such  
25 supervision and case by supportive staff as may be necessary to meet the physical, emotional, and  
26 social needs of the residents. Any increase to the number of residents will require approval of a  
27 separate conditional use application.
- 28 2. The conditional use is approved, as it is currently developed. Any building additions, alterations, or  
29 new structures that vary from what the site plan shows will require approval of a separate conditional  
30 use application.
- 31 3. The ALF shall comply with the requirements of Section 8.7.19. Assisted living facility, of the Land  
32 Development Code.
- 33 4. A ground sign shall be installed consistent with section 9.7.3 of the Land Development Code, to be  
34 considered within the Traditional Neighborhood Sign District as a residential use with 4-8 residential  
35 units with a maximum copy area of 4 square feet, and a maximum height of 4 feet.
- 36 5. The landscaping areas depicted on the conditional use site plan shall be maintained in healthy  
37 condition.
- 38 6. The rear yard shall remain fully enclosed with a privacy fence. Any damage to the privacy fence shall  
39 be repaired in a timely manner.
- 40 7. The imposition of any liens by Orange City Hearing Officer (Special Magistrate) for code enforcement  
41 violations relating to Chapter 9 of the Orange City Code of Ordinances, Property Maintenance, could  
42 result in revocation of the conditional use approval, subject to code enforcement procedures set forth  
43 in Chapter 2, Article IV, Division 1, Code Enforcement Through Hearing Officer Process, as it may  
44 be amended from time to time.

45

1 **Commissioner Schwartz moved that based upon competent substantial evidence as**  
2 **presented, the Planning Commission finds COND-8-19-1608 consistent with the**  
3 **Comprehensive Plan with the seven conditions outlined by staff, and recommend**  
4 **forwarding to the City Council, seconded by Commissioner Mazzie, the motion**  
5 **passed by a 6/0 roll call vote of the Planning Commission.**

6  
7 **5. DISCUSSION ITEMS**

8  
9 None at this time.

10  
11 **6. STAFF/COMMISSION COMMENTS**

12  
13 Melani Beringer, Deputy City Clerk, mentioned the Ethics Training for council members on November  
14 16, 2019. The Planning Commission is not required to attend, but are invited.

15  
16 Commissioner Nunez had no comment.

17  
18 Commissioner Mazzie wished everyone a Happy Thanksgiving.

19  
20 Chair Laputka reported that his son was here visiting from Fairbanks, Alaska.

21  
22 Commissioner Campbell had no comment.

23  
24 Commissioner Stafford stated that it is the season to plant a winter garden.

25  
26 Commissioner Schwartz wished everyone a Merry Christmas.

27  
28 Ms. Mendez announced that as of this date there are no agenda items for the December meeting. She  
29 will inform the Commission if the meeting will be cancelled.

30  
31 **8. CITIZEN COMMENTS**

32  
33 **9. ADJOURNMENT**

34  
35 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:05 p.m.

36  
37 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

38  
39 \_\_\_\_\_  
40 Melani Beringer  
41 CMC, Deputy City Clerk

12-04-2019

\_\_\_\_\_  
Date