

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
 2 Wednesday, March 04, 2020, 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, Wesley Kihlmire and, Vernon
 12 Stafford and Amy Campbell, Gaea Nunez, Sarah Mazzie; Staff Members: Senior Planner
 13 Joseph Ruiz, Senior Planner, Kim Reading, Neysa Borkert, City Attorney, Gloria Thomas,
 14 City Clerk.

15
 16 **ABSENT:** None at this time.

17
 18 **2. PLEDGE OF ALLEGIANCE**

19
 20 **3. APPROVAL OF MINUTES**

21
 22 A. Minutes Dated February 5, 2020

23
 24 **Commissioner Kihlmire moved to approve the February 5, 2020 Planning**
 25 **Commission meeting minutes, seconded by Commissioner Nunez, the motion**
 26 **passed by a unanimous voice vote of the Planning Commission.**

27
 28 **4. PUBLIC HEARINGS**

29
 30 A. NEW BUSINESS

31
 32 1. **VARI-01-20-1859:** A Variance request by Diana Ford, property owner, to
 33 increase the maximum living space for a garage apartment from 575 square feet to
 34 846 square feet on the property located at 260 Jarvis Avenue, identified as parcel
 35 number 8003-12-02-0150 and located within the R-1, Low Density Residential
 36 zoning classification.

37
 38 Neysa Borkert, City Attorney, read VAR-01-20-1859 into the record.

39
 40 Kimberly Reading, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and
 41 becomes a permanent part of these minutes) that described a variance request for the property located at
 42 260 Jarvis Avenue. Ms. Reading advised that the applicant applied for a variance request to increase the
 43 maximum living space for a garage apartment from 575 to 846 square feet. Ms. Reading addressed the
 44 accessory dwelling units and concerns relating to garage apartments additions.

45
 46 Staff recommends that the Planning Commission approve the variance to increase the maximum living
 47 space for a garage apartment from 575 to 846 square feet, with the following conditions:
 48

- 1 1. The variance is limited to the attached survey, date stamped received on January 15, 2020 by the
- 2 Development Services Department. The garage apartment shall not exceed a gross square-footage
- 3 of 846 square feet of living space.
- 4 2. The applicant shall obtain a building permit for the renovation of the accessory structure before
- 5 commencing work.
- 6 3. Any further expansion of living space for the proposed garage apartment will require a separate
- 7 variance application.
- 8 4. No driveway connection shall be established to the unimproved Pearl Avenue right-of-way.
- 9

10 Diana Ford, 260 Jarvis Ave, the applicant, came forward to explain to the Commission of her reasons
11 for requesting the variance.

12
13 Chair Laputka opened the public hearing. There being no requests to speak, Chair Laputka closed the
14 public hearing.

15
16 Commission Campbell commented that these are the instances that she would like to see for the City.
17 She stated that this is a nice solution for the applicant.

18
19 Ms. Mendez noted there are several issues with the Land Development Code. Such as the Code allows
20 accessories but then restricts the use. She asked the Commission to set aside some time to discuss
21 possible changes to the Land Development Code.

22
23 **Commissioner Nunez moved that based upon competent substantial evidence**
24 **as presented, the Planning Commission finds VARI-01-20-1859 consistent with**
25 **the Comprehensive Plan with the four conditions outlined by staff, seconded by**
26 **Commissioner Schwartz, the motion passed by a 7/0 roll call vote of the**
27 **Planning Commission.**

- 28
29 2. **COND-01-20-1862:** A Conditional Use application by Robert A. Merrell III,
30 Esquire, of Cobb Cole, for approval of the Orange City Card Room recreation
31 and entertainment establishment use, eliminating the 297-seat cardroom
32 limitation located at 822-4 Saxon Boulevard, identified as parcel number 8023-
33 08-00-0020, within the MX-2, Mixed Use Suburban zoning classification.

34
35 Ms. Borkert read COND-01-20-1862 into the record.

36
37 Joseph Ruiz, Senior Planner, provided a PowerPoint presentation (a copy of which is
38 attached and becomes a permanent part of these minutes) that described a conditional use
39 application for the Orange City cardroom eliminating the 297 seat card room limitation.

40
41 Mr. Ruiz stated that staff recommends the Planning Commission forward Resolution No.
42 996-20 to the March 24, 2020 City Council meeting with the following conditions:

- 43
44 1. The following uses are permitted within the 29,237 square-foot tenant space: A
45 cardroom, pari-mutuel wagering facility, restaurant, type A with outdoor seating, bar
46 or cocktail lounge, and other recreation or entertainment uses, such as a comedy club,
47 karaoke facility or live music. The uses may occupy any space within the 29,237
48 square-foot tenant area. This conditional use does not allow any of the following uses:

- 1 sweepstakes centers, slot machines, live racing or adult entertainment as defined and
- 2 regulated in the City’s Code of Ordinances, Chapter 2.5.
- 3 2. If the applicant increases the tenant space area beyond the approved 29,237 square-
- 4 foot tenant space, a new Conditional Use application will be required.
- 5 3. The City Council action of approving a conditional use application for recreation and
- 6 entertainment establishment, which allows continued use of a cardroom and pari-
- 7 mutuel wagering facility among other things, is intended to meet Florida State
- 8 requirements of local government approval and specifically, F.S. 849.086 (16),
- 9 thereby distributing eligible revenue to the City of Orange City.
- 10 4. If at any time the West Volusia Racing, Inc.’s, State pari-mutuel, or cardroom license
- 11 is revoked, the City’s Conditional Use approval shall also be revoked.
- 12 5. Security and surveillance of the facility and the Market Place shopping center parking
- 13 lot shall occur in accordance with the internal control procedures approved by the
- 14 State’s designated division or law enforcement agency.
- 15 6. The applicant shall maintain the landscaping and building façade improvements in
- 16 accordance with the plans attached in Attachment B of Resolution No. 821-16.
- 17

18 Rob Merrell, Cobb Cole Law Firm, came forward to state that the Card room has been successful and
 19 more seating is greatly needed.

20
 21 Commissioner Campbell asked if an expansion had any relevance to the greyhound racing ending in
 22 Daytona, the loss limit for the patrons, and the number of seats added to the expansion.

23
 24 Steven Sanders, 623 Swan Range Road, came forward to request that the applicant consider handicap
 25 accessibility improvements as well.

26
 27 Commissioner Nunez commented that she has always had a wonderful experience every time her
 28 family visited the Card Room.

29
 30 **Commissioner Nunez moved that based upon competent substantial evidence as**
 31 **presented, the Planning Commission finds COND-01-20-1862 consistent with the**
 32 **Comprehensive Plan with the six conditions outlined by staff, and recommend**
 33 **forwarding it to the City Council, seconded by Commissioner Kihlmire, the motion**
 34 **passed by a 7/0 roll call vote of the Planning Commission.**

35
 36 **5. DISCUSSION ITEMS**

37
 38 Chair Laputka commented that he would like to discuss the Planning Commission attendance report
 39 for July 2019 to January 2020. He noted that there were several absences. He stated that although the
 40 Commission is a voluntary position, the purpose is to serve the City and full participation is needed..

41
 42 Ms. Mendez reviewed the criteria outlined in the code that pertains to attendance requirements for
 43 members on a City board. She stated that if a member misses three consecutive meetings, or they miss
 44 three within seven consecutive meetings, the member is considered automatically resigned from the
 45 Commission. Those provisions may be waived by a majority vote of the Commission with the
 46 discretion of the Commission.

47
 48 She advised that a formal motion for the three Commissioners who have met this criteria is needed.

1 Commissioner Nunez commented that three commissioner missed the off date meeting in September
2 which may or may not have been administrative. She stated that the meeting posed a challenge. She
3 stated everyone on the board provides value to each meeting.
4

5 **Commissioner Schwartz moved to waive the Planning Commission By-laws Article**
6 **4 Section 4 as it may be applied to Vernon Stafford and Sarah Mazzie, seconded**
7 **by Commissioner Nunez, the motion passed by a 7/0 roll call vote of the Planning**
8 **Commission.**
9

10 **Commissioner Nunez moved to waive the attendance requirements for the**
11 **meetings held on September 23, 2019 and July 03, 2019, seconded by Commissioner**
12 **Kihlmire, the motion passed by a 7/0 roll call vote of the Planning Commission.**
13

14 Ms. Mendez stated that there are many items in the Land Development Code that need to be reviewed
15 and or revised. She stated that these items will be brought forward at a future date for approval.
16

17 Mr. Sanders voiced concerns about the growth in the school system and requested the Commission
18 consider that when making decisions pertaining to continued growth.
19

20 Council Member Harper commented about the absence report.
21

22 **6. STAFF/COMMISSION COMMENTS**

23

24 Commissioner Schwartz announced the BackPack for Buddies event will be held at the Mooselodge on
25 March 20, 2020 from 4:00 p.m. to 8:00 p.m.
26

27 Commissioner Kihlmire complimented staff and stated that the Commission is there to solve problems
28 and make good decisions for the community.
29

30 Commissioner Nunez invited everyone to the VIA event on March 04, 2020 at 6:00 p.m. at the First
31 Congregational Church. A representative from the Helpers of People Enslaved will discuss Human
32 Trafficking.
33

34 Commissioner Mazzie congratulated Ms. Reading on her new position with the City. She stated that today
35 was a day of helping the citizens within the City. She commented that it is great to see Commission
36 decisions making difference within the City.
37

38 Commissioner Campbell asked Ms. Mendez about Council's decision regarding Blue Springs Ridge
39 subdivision.
40

41 Ms. Mendez replied that Council denied the application from the date of rendition. Ms. Mendez provided
42 a status update of the application.
43

44 Commissioner Stafford stated that the City should consider joining the Tiny Home trend.

45 Commissioner Schwartz stated that she is very proud of being a part of the Planning Commission.
46

47 Chair Laputka thanked Ms. Reading for being a part of the Planning Commission. He announced that he
48 will have a ninth grandchild shortly. He stated that it is important to him to be a part of the Planning

1 Commissions.

2

3 **7. ADJOURNMENT**

4

5 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:25 p.m.

6

7 **RESPECTFULLY SUBMITTED:**

8

9

10 _____
11 Melani Beringer
CMC, Deputy City Clerk

APPROVED ON

07-01-2020

Date