

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
 2 Wednesday, February 03, 2021, at 6:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City,
 3 Florida.

4
 5 **1. SWEARING-IN OF: Commissioner Crumpton**

6
 7 Kaley Burleson, Deputy Clerk, presented the Oath of Office to newly appointed Michael Crumpton, and
 8 reappointed Commissioners Wesley Kihlmire, Amy Campbell, and Theodore (Ted) Marsolek.
 9

10 **2. CALL TO ORDER/ROLL CALL**

11
 12 The meeting was called to order at 6:00 p.m. by Chair Laputka and roll call was taken.
 13

14 **PRESENT:** Chair: Tom Laputka; Commissioners: Theodore (Ted) Marsolek, Wesley Kihlmire, Amy
 15 Campbell, Gaea Nunez, Sarah Mazzie, Michael Crumpton; Staff Members: Development
 16 Services Director Rebecca Mendez, Senior Planner Joseph Ruiz, Senior Planner Kim
 17 Reading, City Attorney Neysa Borkert, Deputy City Clerk Kaley Burleson.
 18

19 **ABSENT:** None at this time.
 20

21 **3. PLEDGE OF ALLEGIANCE**

22
 23 **4. APPROVAL OF MINUTES**

24
 25 A. Minutes Dated October 07, 2020
 26

27 **Commissioner Kihlmire moved to approve the October 07, 2020 Planning**
 28 **Commission meeting minutes, seconded by Commissioner Nunez, the motion**
 29 **passed by a unanimous voice vote of the Planning Commission.**
 30

31 B. Minutes Dated November 04, 2020
 32

33 **Commissioner Nunez moved to approve the November 04, 2020 Planning**
 34 **Commission meeting minutes, seconded by Commissioner Kihlmire, the motion**
 35 **passed by a unanimous voice vote of the Planning Commission.**
 36

37 C. Minutes Dated December 02, 2020
 38

39 **Commissioner Kihlmire moved to approve the December 02, 2020 Planning**
 40 **Commission meeting minutes, seconded by Commissioner Mazzie, the motion**
 41 **passed by a unanimous voice vote of the Planning Commission.**
 42

43 **5. PUBLIC HEARINGS**

44
 45 A. **NEW BUSINESS**

46
 47 1. **VARI-12-20-2345:** A variance request to reduce the required minimum yards and
 48 minimum lot width for two existing principal dwelling units and an accessory

1 dwelling unit to allow subdivision of the parent parcel (parcel number 8011-13-00-
2 0010) located at 101 South Leavitt Avenue in the Low Density Residential (R-1)
3 zoning classification.

4
5 Neysa Borkert read the title of VARI-12-20-2345 into the record.
6

7 Kimberly Reading, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and
8 becomes a permanent part of these minutes) that described a variance request for the property located at
9 101 South Leavitt Avenue. Ms. Reading stated that the property listed above contains two single-family
10 homes and an accessory dwelling unit (ADU). She reported that this existing configuration is considered
11 non-conforming to the current zoning code.
12

13 Ms. Reading stated that the owner, Karen Hrkach has requested a variance to certain yard requirements
14 that will allow the property to be subdivided into two lots.
15

16 Ms. Reading stated that the applicant has had issues obtaining adequate insurance coverage due to the
17 current zone classifications. She also reported that the owner has stated that they experienced difficulty
18 securing financing on the property with the existing non-conforming status.
19

20 Ms. Reading advised that this variance request will allow reduction of the required front and side yard
21 setbacks for two existing principle structures, the minimum rear yard setback for one relocated ADU,
22 and the minimum lot width for a corner lot. She stated that specifically, the applicant is seeking the
23 following variances:
24

- 25 1. Reduce the minimum side yard abutting a street from 25 to 9.8 feet on Parcel A
- 26 2. Reduce the minimum lot width of a corner lot from 86.25 to 66.95 feet for Parcel A
- 27 3. Reduce the minimum side yard of an interior lot from 10 to nine feet for Parcel B
- 28 4. Reduce the minimum rear yard for a relocated ADU on an interior lot from 30 to 10
29 feet on Parcel B
30

31 Ms. Reading stated that staff recommends that the Planning Commission approve the variance to the
32 minimum yard required yards and the minimum lot width to allow a subdivision of the parent parcel into
33 two lots with the following conditions:
34

- 35 1. The variance is limited to the attached survey, date stamped received on December 30,
36 2020 by the Development Services Department.
- 37 2. Allow the variance to reduce the minimum side yard abutting a street from 25 to 9.8
38 feet on Parcel A.
- 39 3. Allow the variance to reduce the minimum lot width of a corner lot from 86.25 to 66.95
40 feet on Parcel A.
- 41 4. Allow the variance to reduce the minimum side yard of an interior lot from 10 to 9 feet
42 for Parcel B.
- 43 5. Deny the variance to reduce the minimum rear yard for an ADU (accessary dwelling
44 unit) on an interior lot from 30 to 10 feet.
45

46 A discussion ensued between Commission Members, Ms. Reading, and Ms. Mendez that pertained to the
47 code for ADU's and parking.
48

1 Neysa Borkert advised the Commission that renting the ADU does not pertain to the said variance criteria.

2
3 Commissioner Campbell stated that the two previous owners of the property applied for a variance to
4 subdivide the property and both were denied.

5
6 Ms. Reading replied that a previous owner of the property applied for a variance for sub-division and it
7 was approved and conditioned with a 90 day action, which was never fulfilled, and expired.

8
9 Jody, Karen, and Sean Hrkach, 101 South Leavitt Avenue, the applicant, came forward to state that they
10 would like to sub-divide the property and relocate the ADU. Mr. Jody Hrkach stated that he would like
11 to have access to the ADU with a vehicle and stated that if they move it away from the property line by
12 30 feet it would restrict vehicle access.

13
14 A discussion ensued between the Commissioners and the applicants that pertained to the location of drain
15 fields, future intended use of the property, insurance, and financing.

16
17 Commissioner Nunez inquired about parking locations on the said property should condition #4 be
18 approved.

19
20 Mr. Hrkach replied that the goal is to install a driveway and have an area for a car to safely turn around.
21 He stated that they do not want to encourage parking on the street.

22
23 Chair Laputka opened the public hearing. There being no requests to speak, Chair Laputka closed the
24 public hearing.

25
26 Commissioner Kihlmire stated that he approved of the idea of separating the lots and that the issue seemed
27 to be with the ADU and parking. He stated that he understands wanting distance between the structures
28 on the property but thinks that a 10 foot setback is too close to the property line. He stated he would be
29 in favor of a 15 foot setback.

30
31 Commissioner Marsolek stated that he agreed with Commissioner Kihlmire that a 15 foot setback is
32 acceptable.

33
34 Commissioner Crumpton stated that he agreed with a 15 foot setback as well.

35
36 **Commissioner Kihlmire moved to approve the variance to the required**
37 **minimum yards and minimum lot widths to allow the subdivision of the parent**
38 **parcel into two lots with the following conditions; one, two, three, and four as**
39 **stated and revise condition five to approve a variance of a 15 foot rear yard**
40 **setback as opposed to 30 feet and including the staff recommended conditions**
41 **requiring a city use permit to improve the point of access and two additional**
42 **parking spaces on parcel C minimum of 10x20 in size, seconded by**
43 **Commissioner Crumpton, the motion passed by a 6/1 roll call vote of the**
44 **Planning Commission with Commissioner Campbell voting “no”.**

- 45
46 2. **SITE-10-20-2297:** An application for a Final Site Plan to allow the construction
47 of a 25,956 square-foot medical office building and a future 13,750 square-foot

1 office building on 4.84 acres located at 2824 Enterprise Road in the Commercial
2 General (CG-2) zoning classification.

3
4 Neysa Borkert read the title SITE-10-20-2297 into the record.

5
6 Joseph Ruiz, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and
7 becomes a permanent part of these minutes). Mr. Ruiz stated that the property located at 2824 Enterprise
8 Road is within a 4.84 acre parcel, which is currently vacant and wooded. Mr. Ruiz stated that the site has
9 no history of development or use, and the property is zoned CG- Commercial General.

10
11 Mr. Ruiz reported on the layout of the site plan, Traffic Impact Analysis (TIA), environmental assessment
12 report, utilities, and impact fees.

13
14 *(Commissioner Campbell left the meeting at 7:08pm.)*

15
16 Commissioner Kihlmire inquired about how stormwater will be handled.

17
18 Mr. Ruiz replied that they will have an exfiltration system located under the building.

19
20 Mr. Ruiz stated that staff recommends that the Planning Commission approve SITE-10-20-2297 with the
21 following conditions/waivers:

- 22
23 1. Revise the final site plan dated December 23, 2020 to comply with the TRC conditions
24 and waivers granted on December 1, 2020.
25 2. Prior to issuance of a Development Order, the applicant shall provide a draft cross-
26 access easement for staff review. Proof of recordation of said easement shall be
27 provided to the City prior to issuance of Certificate of Occupancy.
28 3. A waiver to Section 11.8 – Area protection requirements, to allow a reduction of the
29 required 15% (31,624 square feet) Tree Preservation Area to 13.6% (28,687 square
30 feet).
31 4. Prior to issuance of a development order, the applicant shall provide the minimum
32 required 793”-DBH inches or provide Tree Bank Fund payment to cover the deficit.

33
34 Commissioner Crumpton inquired about the placement of a stop bar in the parking lot and expressed his
35 concerns regarding traffic.

36
37 Christopher Blurton, representative for the applicant, Interplan LLC, came forward to address the inquiry
38 regarding the stop bar. He stated the stop bar is located approximately 10-15 feet north of the inbound
39 lane coming from Enterprise Road. He stated that he would research the location of the stop bar.

40
41 Ms. Mendez stated that she would address the location of the stop bar with the City’s traffic engineer.

42
43 Commissioner Mazzie inquired about the specimen tree rate located on the property.

44
45 Mr. Blurton replied that approximately 33% of the specimen trees on site will be preserved.
46 Unfortunately, the remaining specimen trees are located in the middle of the planned parking lot and
47 would be difficult to preserve. He suggested instead of replacing the specimen trees at a 50% rate to
48 replace the trees at a 100% rate.

1 Chair Laputka opened the public hearing. There being no requests to speak, Chair Laputka closed the
 2 public hearing.

3
 4 Pursuant to Chapter §112.3143, Fla. Stat., Commissioner Nunez withdrew herself from the vote due to a
 5 conflict of interest, Form 8B Memorandum of Voting Conflict is attached to these minutes.

6
 7 **Commissioner Mazzie moved to approve staff recommendations 1 through 4**
 8 **with the conditions and waivers as provided for in the staff report, seconded**
 9 **by Commissioner Kihlmire, the motion passed by a 5/0 roll call vote of the**
 10 **Planning Commission.**

11
 12 **6. DISCUSSION ITEMS**

13
 14 **7. STAFF/COMMISSION COMMENTS**

15
 16 Ms. Mendez welcomed Commissioner Crumpton to the Planning Commission. She stated that his
 17 credentials are spectacular and that he is going to bring a lot to the table. She informed The Commission
 18 to bring snacks to the March 3, 2021 meeting and stated that it will be a long meeting due to a full agenda.

19
 20 Commissioner Marsolek stated that today's meeting turned out shorter than expected.

21
 22 Commissioner Kihlmire thanked Mr. Ruiz for helping with a parking situation in his subdivision. He
 23 stated that Mr. Ruiz was extremely helpful.

24
 25 Commissioner Nunez welcomed Commissioner Crumpton and stated that he had great questions and that
 26 he showed his credentials without even having to read his resume.

27
 28 Commissioner Mazzie welcomed Commissioner Crumpton and apologized for getting up during the
 29 meeting. She stated her allergies were bothering her and she cannot wait for warmer weather.

30
 31 Commissioner Crumpton stated that he really enjoyed being part of the meeting tonight and that it was
 32 fun. He stated that he looks forward to future meetings and will do everything he can to help Orange City.

33
 34 Chair Laputka thanked staff and welcomed Deputy Clerk Kaley Burleson. He stated that he will have two
 35 additional grandchildren born in the coming months.

36
 37 **8. ADJOURNMENT**

38
 39 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:31 p.m.

40
 41 **RESPECTFULLY SUBMITTED:**

APPROVED ON

42
 43 _____
 44 Kaley Burleson
 45 Deputy City Clerk

 03/03/2021
 Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| | |
|---|---|
| LAST NAME—FIRST NAME—MIDDLE NAME <i>Nunez Gaea Marie</i> | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Orange City Planning Commission</i> |
| MAILING ADDRESS <i>1515 Brendon Lake Dr #111</i> | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY COUNTY <i>Orange City Volusia</i> | NAME OF POLITICAL SUBDIVISION: <i>Orange City</i> |
| DATE ON WHICH VOTE OCCURRED <i>2/8/2021</i> | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Gaea Nunez, hereby disclose that on February 3rd, 2021:

(a) A measure came or will come before my agency which (check one or more)

- Inured to my special private gain or loss;
- Inured to the special gain or loss of my business associate, _____;
- Inured to the special gain or loss of my relative, _____;
- Inured to the special gain or loss of _____, by whom I am retained; or
- Inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I work for Interplan LHC who appeared as an applicant for case number SITE-10-20-2297

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2-3-2021
Date Filed

Gaea Nunez
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.