

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

**1. SWEARING-IN OF: Commissioner Gensel**

Kaley Burleson, Deputy City Clerk, presented the Oath of Office to newly appointed Commissioner Stephen Gensel.

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

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

**PRESENT:** Chair: Tom Laputka; Commissioners: Theodore (Ted) Marsolek, Wesley Kihlmire, Stephen Gensel, Gaea Nunez, Michael Crumpton; Staff Members: Development Services Director Rebecca Mendez, Senior Planner Joseph Ruiz, Senior Planner Kim Reading, City Attorney Neysa Borkert, Deputy City Clerk Kaley Burleson.

**ABSENT:** Commissioner Sarah Mazzie.

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF MINUTES**

A. Minutes Dated February 03, 2021

**Commissioner Nunez moved to approve the February 03, 2021 Planning Commission meeting minutes, seconded by Commissioner Marsolek, the motion passed by a 6/0 vote of the Planning Commission.**

**5. PUBLIC HEARINGS**

A. **NEW BUSINESS**

1. **ORDINANCE NO. 646:** An application by Mark Watts, representative for Orange Dale Venture, LLC for a second amendment to the Parc Hill Planned Unit Development to allow mini warehouse as a permitted use.

Neysa Borkert read the title of Ordinance No. 646 into the record.

Kim Reading, Senior Planner, came forward to present a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes). Ms. Reading stated that this is a second amendment to the Parc Hill Planned Unit Development (PUD) to allow incorporation of additional parcels equaling 3.65 acres, amend the Development Agreement (DA) by adding a new mini-warehouse use and revise the trip equivalency matrix

Ms. Reading stated that the current DA provides a list of permitted uses and does not include mini-

1 warehouse. She provided a comparison of staff's recommended text and the applicant's draft text and  
2 reported on trip generation equivalency matrix and review criteria.

3  
4 A discussion ensued between Chair Laputka and Ms. Reading regarding maximum height requirements  
5 and outdoor storage.

6  
7 Ms. Reading stated that staff recommends to deny the Parc Hill PUD Second Amendment as drafted by the  
8 applicant because it does not further the goals, objectives and policies of the comprehensive plan; (or)  
9 Approve the Parc Hill PUD Second Amendment as described in Ordinance No. 646, because it is consistent  
10 with comprehensive plan and compatible with the existing Parc Hill PUD development pattern.

11  
12 A discussion ensued between Commissioner Kihlmire, Ms. Reading, and Ms. Mendez regarding the  
13 location of the proposed mini-storage.

14  
15 Robert Doan, on behalf of Cobb Cole, came forward to state that there were some details that they were  
16 not able to confirm before the meeting. He thinks it is in the best interest of the application to request a  
17 continuance until the next Planning Commission Meeting on April 7, 2021.

18  
19 **Commissioner Kihlmire moved to continue Ordinance No. 646 until the April 7,**  
20 **2021 Planning Commission Meeting, seconded by Commissioner Crumpton, the**  
21 **motion passed by a 6/1 roll call vote of the Planning Commission, with**  
22 **Commissioner Nunez voting "no".**

23  
24 Chair Laputka opened the public hearing.

25  
26 Andre Vidrine on behalf of Orange Dale Venture, LLC, came forward to introduce himself and let the  
27 public know that he is looking forward to hearing from them and conversing with them.

28  
29 Ms. Nereida Williamson, 811 Gunnison Dr., came forward to express her concerns for unwanted traffic,  
30 safety, security, cleanliness, and property value if the mini-warehouse units are approved.

31  
32 Mr. Joe Zimmerman, 882 Katmai Dr., came forward and stated that he agrees with Ms. Williamson. Mr.  
33 Zimmerman stated he also has concerns for construction traffic in the neighborhood.

34  
35 Ms. Sara Staggs, 806 Gunnison Dr., came forward to state her concerns regarding obtaining insurance,  
36 traffic, lighting, and increase in crime.

37  
38 William Cliff, 954 Guadalupe Dr., came forward to state his concerns regarding construction traffic and  
39 fencing.

40  
41 Herbert Torres, 862 Gunnison Dr., came forward to state his concerns regarding Orange Dale Venture,  
42 LLC, being a non-profit organization and traffic.

43  
44 John Mangelluzzi, 803 Gunnison Dr., came forward to state that he agrees with all the other home owner's  
45 concerns.

46

1 Scott Phinney, 939 Guadalupe Dr., came forward to state his concerns with transients and location of phase  
2 4 of Parc Hill.

3  
4 Ms. Mendez wanted to clarify that the next item on the Agenda will address Parc Hill Phase 4.

5  
6 Chair Laputka closed the public hearing.

7  
8 Commissioner Kihlmire stated that when you buy a piece of property you must do your due diligence, this  
9 was platted in 2017 and approved as presented with the residential, assisted living, apartments, and future  
10 commercial use. He stated the only change would be to add the mini-storage use.

11  
12 Commissioner Nunez thanked the public for coming to the meeting. She stated that she is beyond  
13 disappointed in the applicant for wasting staff, residents, and the Planning Commission's time by not being  
14 ready and having to continue this item until the next meeting. She stated she looks forward to the next  
15 presentation.

16  
17 Commissioner Marsolek thanked the public for attending the meeting and stated that he appreciated all the  
18 comments and understands the concerns for their families. He stated that he appreciated the public taking  
19 time out of their day to attend the meeting,

20  
21 Commissioner Gensel thanked everyone for taking the time out of their day to attend the meeting. He stated  
22 that it is important to hear from the residents because it is going to directly impact them. He added that the  
23 developer has a lot of information that they need to present to create a blanket of transparency for their  
24 present and future homeowners and stated that he would like to see this happen at the next meeting on April  
25 7, 2021. He expressed that it is so important to have an understanding of buffers, and the overall design  
26 and exact location of the mini-warehouse. He stated that it is very important to hear from the public  
27 regarding this type of matter.

28  
29 Commissioner Crumpton stated that he would like to apologize to everyone for postponing this matter. He  
30 is happy that everyone that wanted to speak had a chance to express their concerns. He stated that he likes  
31 win-win type of situations and he does not think that would have been achieved tonight due to City staff  
32 and the developer not being in agreement. He thinks staff provided some good recommendations and that  
33 the developer needs to come to future meetings fully prepared.

34  
35 Chair Laputka stated this item will be continued until the April 7, 2021 Agenda. He thanked the public for  
36 coming to the meeting and expressing their concerns. He stated that he appreciates the honesty from the  
37 representation of the developer. He noted that all of the public's concerns are now part of the public record  
38 and will be available to The City Council for their review. He stated that our City is growing and the  
39 concerns presented are very real. He stated that he was appreciative of everyone for attending the meeting.

- 40  
41 2. **PLAT-06-20-2046:** A preliminary plat application by Andre Vidrine of Orange  
42 Dale Venture, LLC for the Parc Hill Phase 4 Single-Family Residential  
43 Subdivision to allow the addition of 112 lots on the 30.83-acre property located at  
44 1000 Big Bend Avenue.

45  
46 Neysa Borkert read the title of PLAT-06-20-2046 into the record.

1  
2 Joseph Ruiz, Senior Planner, came forward to present a PowerPoint presentation (a copy of which is  
3 attached and becomes a permanent part of these minutes). Mr. Ruiz presented the Parc Hill Phase 4  
4 Preliminary Plat Site Plan. He also reported on the existing and proposed PUD, the Subdivision  
5 Concurrence, and impact fees.

6  
7 Mr. Ruiz stated that there were failures to the storm water system that was built in phase two. He stated  
8 that staff has been going through extensive inspections, review, and working with the developer to mitigate  
9 these storm water system issues. Mr. Ruiz stated that Robert Lawler, Orange City Construction Manager,  
10 and Raul Palenzuela, Deputy Public Works Director, have made the decision that until all the problems in  
11 phase 2 are resolved, that a development order for phase 4 will not be issued.

12  
13 Mr. Ruiz stated that staff recommends to approve PLAT-06-20-2046 with the following conditions:

- 14 1. The construction plans shall be revised to comply with TRC comments as noted herein.
- 15 2. Provide a letter of no objection from FPL allowing the extension of Big Bend Avenue and proposed  
16 improvements through the power line easement.
- 17 3. Provide a copy of the Volusia County Use Permit for the connection to Junior Street.
- 18 4. Phase 2 prop share improvements are required and must be completed or guaranteed before final plat  
19 approval.
- 20 5. Utility impact fees must be paid in full prior to issuance of the development order.
- 21 6. Comply with the environmental assessment report recommendations dated February 2, 2020 for the  
22 protection of the Eastern Indigo Snake and Gopher Tortoise.
- 23 7. Final plat application must include the 1) Declaration of Temporary Access and Utility Easements, 2)  
24 Access, Utility and Drainage Easement Agreement, and 3) License Agreement for Use of City Right-of-  
25 Way for concurrent approval by City Council.

26  
27 A question and answer forum ensued between Commissioner Kihlmire and Ms. Mendez regarding prop  
28 share.

29  
30 A discussion ensued between Commissioner Marsolek, Commissioner Crumpton and Mr. Ruiz regarding  
31 the type of fence that will be used around the playground area, and boundary lines.

32  
33 Robert Doan, on behalf of Cobb Cole, came forward to state that this is part of the vision that was approved  
34 in 2017, and that a lot of time and effort goes into getting to this phase. He stated that he is here to answer  
35 any questions.

36  
37 Andre Vidrine on behalf of Orange Dale Venture, LLC, came forward to thank residents for attending and  
38 sharing their concerns.

39  
40 Chair Laputka opened the public hearing.

41  
42 Manuel Ramos, 851 Katmai Dr., came forward to state his concerns for construction traffic through the  
43 finished phase of Parc Hill.

44  
45 A discussion ensued between The Planning Commission, Ms. Mendez, Mr. David Stokes, Engineer from  
46 Madden engineering, and Mr. Ramos regarding the location of the temporary construction entrances.

1 William (Bill) Cliff, 954 Guadalupe Dr., came forward to state his concerns with the uniformity of fencing  
2 and construction traffic.

3  
4 Nereida Williamson, 811 Gunnison Dr., came forward to state her concerns regarding drugs and vandalism  
5 in the area. She requested that the developer build higher fences around the park and pool areas.

6  
7 Chair Laputka closed the public hearing.

8  
9 Mr. Ruiz came forward to clarify the need for see-through fences due to safety reasons.

10  
11 **Commissioner Marsolek moved to approve PLAT-06-20-2046, Resolution No.**  
12 **151-21, including staff's recommendations, seconded by Commissioner**  
13 **Crumpton, the motion passed by a 6/0 roll call vote of the Planning**  
14 **Commission.**

15  
16 Chair Laputka called a recess at 7:49pm. Chair Laputka reconvene the meeting at 8:00pm.

- 17  
18 3. **ORDINANCE NO. 645:** An administrative text amendment to the Land  
19 Development Code providing for the regulation of Mobile Food Dispensing  
20 Vehicles (food trucks) within the city limits.

21  
22 Neysa Borkert read the title of Ordinance No. 645 into the record.

23  
24 Ms. Rebecca Mendez, Development Services Director, came forward to present a PowerPoint presentation  
25 (a copy of which is attached and becomes a permanent part of these minutes). Ms. Mendez provided a  
26 history of food trucks in the City. She reported on food truck pre-emption and provided a brief history of  
27 previous food truck discussions at the August and November 2020, Planning Commission Meetings and  
28 the December 2020, and January 2021, City Council Meetings.

29  
30 Ms. Mendez stated that staff recommends to find the amendment consistent with the comprehensive plan  
31 and forward Ordinance No. 645 to City Council for approval, first reading is scheduled for March 23, 2021.

32  
33 A discussion ensued between the Planning Commission, Ms. Mendez and Ms. Borkert regarding COVID-  
34 19 safety regulations, requiring brick and mortar restaurants to have an active business tax receipt to be  
35 considered for distant restrictions and how food truck events invite residents and visitors to enjoy the City.

36  
37 Ms. Mendez stated that this Ordinance specifically exempts special event permits.

38  
39 **Commissioner Kihlmer moved to approve Ordinance No. 645, seconded by**  
40 **Commissioner Nunez, the motion passed by a 6/0 roll call vote of the Planning**  
41 **Commission.**

## 42 43 **6. DISCUSSION ITEMS**

44  
45 Chair Laputka inquired if there have been any complaints regarding Dales Ales and when their six month  
46 review would be.

1 Ms. Mendez stated there have been no new complaints or police reports. She stated that they submitted  
2 an application for a permit for a fire pit and a section of fence but they have not applied for a permit for  
3 any other structures. Ms. Mendez stated that she did receive a package with audio and video recordings  
4 that were all dated before the Planning Commission took action. She noted that their six month review  
5 will be at the May 5, 2021 Planning Commission Meeting.

6  
7 Chair Laputka also inquired about the status of the new 7-11 at the corner of Rhode Island and 1792.

8  
9 Ms. Mendez replied that they just called in for one of their inspections and that the gas tanks are now in  
10 the ground.

11  
12 Ms. Mendez also stated that Deland Motor Sport's new location is currently under construction.

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

15  
16 Ms. Mendez wished Mr. Ruiz all the best at his new job.

17  
18 Commissioner Kihlmire congratulated Mr. Ruiz on his new baby and new job. He stated Mr. Ruiz was a  
19 wonderful asset to the City and that he will be missed.

20  
21 Commissioner Nunez congratulated Mr. Ruiz on his new job. She stated it was a good meeting. She  
22 commended staff on their hard work and great reports. She stated that she was upset the the first applicant  
23 pulled their presentation at the last minute.

24  
25 Commissioner Marsolek congratulated Mr. Ruiz on his new baby and wished him the best of luck at his  
26 new job. He stated it was a good meeting and stated the staff reports were well done.

27  
28 Commissioner Gensel stated it was nice meeting Mr. Ruiz and congratulated him on his new baby and  
29 new job. He thanked everyone for a warm welcome and stated that he looks forward to working with  
30 everyone.

31  
32 Commissioner Crumpton welcomed Commissioner Gensel. He wished Mr. Ruiz the best of luck at his  
33 new job. He thanked Ms. Mendez for her prompt response to questions regarding the Agenda. He stated  
34 that he really appreciates staff.

35  
36 Ms. Mendez stated that she appreciates the comments and stated if anybody has a technical problem or  
37 any questions that staff is always available.

38  
39 Ms. Mendez also provided a traffic update for the location of the stop bar from SITE-10-20-2297 that was  
40 presented at the February 3, 2021 Planning Commission meeting.

41  
42 Chair Laputka congratulated Mr. Ruiz on his new baby and new job. He stated that he would be missed.  
43 He thanked staff and stated they are doing a great job.

## 44 45 **8. ADJOURNMENT**

46

1 There being no further business to discuss, Chair Laputka adjourned the meeting at 8:50 p.m.

2

3 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

4

5 \_\_\_\_\_

03-03-2021

6 Kaley Burleson

Date

7 Deputy City Clerk