

**MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on Wednesday, January 03, 2018 at 6:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City, Florida.

**1. CALL TO ORDER**

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

**ROLL CALL:**

**PRESENT:** Chair: Tom Laputka; Commissioners: Amy Campbell, Vernon Stafford, Martin Harper, Fran Schwartz, Michelle Polgar, Staff Members: Rebecca Mendez, Development Service Director; Carol McFarlane, City Planner, Joseph Ruiz, City Planner, William Reischmann, City Attorney, Melani Brown, Deputy City Clerk.

Absences: None at this time

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES** December 06, 2017

**Commissioner Polgar moved to approve the minutes of the December 06, 2017 Planning Commission meeting, seconded by Commissioner Schwartz.**

Commissioner Campbell noted a correction on page 5, line 50, the sentence should read... “Commissioner Campbell stated that the property is closely located to a transmitter tower and asked if any of the homes would have be metal roofs and be affected by ~~due to~~ the electromagnetic radiation ~~affect~~.”

Commissioner Stafford requested a correction on page 8, line 31, the sentence should read... “Commissioner Stafford noted that a 15 year old palm grove at Mill Lake was cut down and has died and he was ~~upset about that~~ disappointed.”

**Motion passed by a 6/0 roll call vote of the Planning Commission.**

**4. PUBLIC HEARINGS**

**A. COND-10-17-1299:** A conditional use application to allow a real estate office to be located on ±0.8 acres located at 235 West French Avenue in the OT, Office Transitional zoning classification.

William Reischmann, City Attorney, read the title of Cond-10-17-1299 into the record. Mr. Reischmann advised that this is a quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed at this time. He noted for the record there were no disclosures.

1 Carol McFarlane, City Planner, presented a detailed PowerPoint presentation (a copy of which is  
2 attached and becomes a permanent part of these minutes). She explained that this application is for a  
3 conditional use at 235 W. French Ave. located in Office Transitional zoning and in the Historic district  
4 that was converted to a business office in 1995.

5  
6 Ms. McFarlane reported that staff finds the application meets conditional use criteria A-I and  
7 recommends approval as long as the applicant meets the following four conditions:

- 8 1. The site is maintained as it currently shows on the survey. The survey would be incorporated  
9 into the public record. Any additional changes to the exterior would require an amendment to  
10 the conditional use.
- 11 2. The parking area would be limited as shown in the existing survey.
- 12 3. The vegetative screening be maintained, if at some point the screening is destroyed then some  
13 new form of screening is to be provided.
- 14 4. Any changes to the exterior of the building would be in accordance with Historic Preservation  
15 Ordinance 572.

16  
17 Chair Laputka asked if anything has changed as far as the use. Ms. McFarlane responded “no”.

18  
19 Chair Laputka asked why the City requires a conditional use application with an ownership change but  
20 the use remains the same. Mr. Reischmann responded that the City’s code contemplates that conditional  
21 uses are not vested property rights, attached to the land. The property rights belong with the current  
22 owner of the land.

23  
24 Sherry Price, Broker/Owner for Remax Corp., noted her intentions are to improve the property.

25  
26 **Commissioner Harper moved based upon competent substantial**  
27 **evidence as presented, the Planning Commission approve, Cond-10-17-**  
28 **1299, with the 4 recommended conditions, seconded by Commissioner**  
29 **Campbell and passed with a 6/0 roll call vote of the Planning**  
30 **Commission.**

- 31  
32 **B. COND-12-17-1301:** a conditional use application to allow continued use of a restaurant with a  
33 drive-through on 0.80 acres located at 914 Saxon Boulevard KFC (Kentucky Fried Chicken) in  
34 the CG-1, Commercial General Restricted zoning classification.

35  
36 Mr. Reischmann read the title of COND-12-17-1301 into the record. Mr. Reischmann advised that this  
37 is a quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed  
38 at this time. He noted for the record there were no disclosures.

39  
40 Joseph Ruiz, City Planner, presented a detailed PowerPoint presentation (a copy of which is attached  
41 and becomes a permanent part of these minutes). Mr. Ruiz explained that this is a conditional use  
42 application. The new owners Triple Net has acquired the land and FQSR has acquired the business for  
43 KFC. Mr. Ruiz noted that the restaurant is in CG-1 zoning district, with new ownership the City requires  
44 a new conditional use permit. Mr. Ruiz stated that staff has reviewed the conditional use criteria A-I  
45 and confirmed that the application meets the criteria.

46

1 Mr. Ruiz stated that staff recommends approval of the conditional use application with the following  
2 condition:

- 3 1. The approval shall comply with the survey dated November 13, 2017, which complies with  
4 the original supplemental use site plan approved on September 4, 2002.  
5

6 **Commissioner Polgar moved based upon competent substantial**  
7 **evidence as presented, the Planning Commission approves COND-12-**  
8 **17-1301, with the 4 recommended conditions, seconded by**  
9 **Commissioner Harper and passed with a 6/0 roll call vote of the**  
10 **Planning Commission.**  
11

12 **C. Ordinance No. 585.** Small Scale Future Land Use Map amendment for 0.15 acres located at  
13 915 Joe Street from Volusia County Urban Medium Intensity (UMI) to Orange City  
14 Commercial General (CG). Case # COMP-10-17-1284.  
15

16 Mr. Reischmann read the title of Ordinance 585 into the record. Mr. Reischmann advised that this is a  
17 legislative matter.  
18

19 Mr. Ruiz, presented a detailed PowerPoint presentation (a copy of which is attached and becomes a  
20 permanent part of these minutes). He explained that this application is a future land use amendment for  
21 915 Joe St. The property currently has a future land use designation of UMI (Urban Medium Intensity)  
22 within Volusia County. Mr. Ruiz noted that the property was recently annexed into the City on  
23 November 14, 2017 via Ordinance 584.  
24

25 Mr. Ruiz stated that staff recommends that the Planning Commission find the Official Zoning Map  
26 amendment consistent with the comprehensive plan and forward Ordinance No. 585 to the City Council  
27 for a transmittal hearing. The first reading is scheduled for February 13, 2018.  
28

29 **Commissioner Harper moved based upon competent substantial**  
30 **evidence as presented, the Planning Commission recommends that the**  
31 **City Council of the City of Orange City adopt Ordinance No. 585,**  
32 **seconded by Commissioner Schwartz and passed with a 6/0 roll call**  
33 **vote of the Planning Commission.**  
34

35 **D. Ordinance No. 586.** Rezoning for 0.15 acres located at 915 Joe Street from Volusia County  
36 Urban Single-Family Residential (R-4) to Orange City General Commercial (CG-2). Case #  
37 REZO-10-17-1283.  
38

39 Mr. Reischmann read the title of Ordinance No. 586 into the record. Mr. Reischmann advised that this  
40 is a quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed  
41 at this time.  
42

43 Mr. Ruiz, presented a detailed PowerPoint presentation (a copy of which is attached and becomes a  
44 permanent part of these minutes). Mr. Ruiz explained that this is an administrative rezoning for 915 Joe  
45 St. which is currently zoned R-4. The property was annexed November 14, 2017 and the owner has  
46 agreed to combine the lots, annex and change the zoning to be compatible with the parent parcel.

47 Mr. Ruiz reported that staff has reviewed criteria 1-10 for rezoning's and the application complies with  
48 the criteria. Mr. Ruiz stated that staff recommends that the Planning Commission find the Official

1 Zoning Map amendment consistent with the comprehensive plan and forward Ordinance No. 586 to the  
2 City Council for approval. The first reading is scheduled for February 13, 2018.

3  
4 **Commissioner Polgar moved based upon competent substantial**  
5 **evidence as presented, the Planning Commission recommends that the**  
6 **City Council of the City of Orange City adopt Ordinance No. 586,**  
7 **seconded by Commissioner Harper and passed by a 6/0 roll call vote of**  
8 **the Planning Commission.**

9  
10 **E. Ordinance No. 590.** Small Scale Future Land Use Map amendment for 1.78 acres, plus  
11 adjacent right-of-way located at 2873 Enterprise Road from Volusia County Commercial  
12 (COMM) to Orange City Commercial General (CG). Case # COMP-10-17-286.

13  
14 Mr. Reischmann read the title of Ordinance No. 590 into the record. Mr. Reischmann advised that this  
15 is a legislative matter.

16  
17 Mr. Ruiz, City Planner, presented a detailed PowerPoint presentation (a copy of which is attached and  
18 becomes a permanent part of these minutes). He explained that this is an application to allow a future  
19 land use map amendment. Mr. Ruiz reported that the property has a future land use zoned COMM within  
20 Volusia County and was annexed into the City on November 14, 2017 via Ordinance 589.

21  
22 Mr. Ruiz noted that staff has reviewed criteria A-E for the future land use amendments and has  
23 determined that the application meets this criteria. Staff has also deemed that it is a decrease to all  
24 potential levels of service and the application is required to comply with Florida statutes and the  
25 comprehensive plan.

26  
27 Mr. Ruiz stated that staff recommends that the Planning Commission find the application consistent  
28 with the comprehensive plan and forward Ordinance 590 to City Council for a transmittal hearing. The  
29 first reading is scheduled for February 13, 2018.

30  
31 **Commissioner Harper moved based upon competent substantial**  
32 **evidence as presented, the Planning Commission recommends that the**  
33 **City Council of the City of Orange City adopt Ordinance No. 590,**  
34 **seconded by Commissioner Schwartz and passed with a 6/0 roll call**  
35 **vote of the Planning Commission.**

36  
37 **F. Ordinance No. 591.** Rezoning of 1.78 acres, plus adjacent right-of-way located at 2873  
38 Enterprise Road from Volusia County General Commercial (B-4) to Orange City General  
39 Commercial (CG-2). Case # REZO-10-17-1285.

40  
41 Mr. Reischmann read the title of Ordinance No. 591 into the record. Mr. Reischmann advised that this  
42 is a quasi-judicial public hearing and asked that any ex-parte communication on this topic be disclosed  
43 at this time. He noted for the record there were no disclosures.

44  
45 Mr. Ruiz presented a detailed PowerPoint presentation (a copy of which is attached and becomes a  
46 permanent part of these minutes). He explained that this application is for a conditional rezoning of  
47 Ordinance 591 for 2873 Enterprise Road. The property was annexed into the City on November 14,  
48 2017 via Ordinance 589. Mr. Ruiz noted that Ordinance No. 591 is the companion to Ordinance 590.

1  
 2 Mr. Ruiz reported that staff has reviewed the application and finds that it complies with criteria 1-10 for  
 3 rezoning. He stated that staff recommends that the Planning Commission find the rezoning consistent  
 4 with the comprehensive plan and forward Ordinance 591 to the City Council for approval. First reading  
 5 is scheduled for February 13, 2018.

6  
 7 **Commissioner Harper moved based upon competent substantial**  
 8 **evidence as presented, the Planning Commission recommends that the**  
 9 **City Council of the City of Orange City adopt Ordinance No. 591,**  
 10 **seconded by Commissioner Schwartz and passed with a 6/0 roll call**  
 11 **vote of the Planning Commission.**

12  
 13 **5. DISCUSSION ITEMS**

14  
 15 **A. July 4th Planning Commission meeting schedule**

16  
 17 Ms. Mendez stated that staff is requesting to move the scheduled July 4, 2018 Planning Commission  
 18 meeting to the following Wednesday July 11<sup>th</sup> due to the July 4<sup>th</sup> holiday.

19  
 20 The Planning Commission agreed by a consensus voice vote to move the July 4, 2018 to July 11, 2018.

21  
 22 **6. STAFF/COMMISSION COMMENTS**

23  
 24 Commissioner Campbell thanked staff for their diligent work.

25  
 26 Commissioner Polgar suggested that the Land Development Code needs modifications.

27  
 28 Ms. Mendez clarified the process to making changes and updates to the Land Development Code.

29  
 30 Chair Laputka suggested that a meeting to discuss changes to the Land Development code be a priority.

31  
 32 A conversation ensued between Ms. Mendez and the Commission discussing updates to the Land  
 33 Development Code. The Commission agreed to discuss this subject at a future meeting.

34  
 35 Commissioner Stafford commented that 360 Orange Ave. on Mill Lake would benefit from a retaining  
 36 wall. He voiced that he is pleased with Mill Lakes' appearance.

37  
 38 **7. CITIZEN COMMENTS**

39  
 40 **8. ADJOURNMENT**

41  
 42 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:05 p.m.

43  
 44  
 45  
 46 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

47

1  
2 \_\_\_\_\_  
3 Melani Brown  
4 Deputy City Clerk

02/07/2018  
Date