

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
2 Wednesday, October 03, 2018, 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, Vernon Stafford, Michelle Polgar,
12 Amy Campbell, Martin Harper Sarah Mazzie, Staff Members: Rebecca Mendez,
13 Development Services Director, Carol McFarlane, City Planner, William Reischmann,
14 City Attorney, Melani Beringer, Deputy City Clerk.

15
16 Absent: None at this time

17
18 **2. PLEDGE OF ALLEGIANCE**

19
20 Chair Laputka presented Commission Harper with a certificate of appreciation for service.

21
22 **3. APPROVAL OF MINUTES** September 5, 2018

23
24 **Commissioner Polgar moved to approve the minutes of the September 5, 2018**
25 **Planning Commission meeting, seconded by Commissioner Mazzie and passed by**
26 **a 7/0 vote of the Planning Commission.**

27
28 **4. PUBLIC HEARINGS**

- 29
30 **A. COND-5-18-1330:** A conditional use request by Richard Hudson, property owner,
31 to allow a bar, cocktail lounge, or saloon on the approximately 2.6 acres of property
32 located at 2400 North Volusia Avenue, identified as parcel number 8002-00-00-0260
33 in the CG-1, General Commercial Restricted zoning classification.

34
35 William Reischmann, City Attorney, read the title of COND-5-18-1330 into the record. He advised that
36 this is a quasi-judicial public hearing and asked the Commissioners to disclose any ex-parte
37 communications on this matter. He noted, for the record, there were no disclosures.

38
39 Carol McFarlane, City Planner, presented a detailed PowerPoint presentation (a copy of which is attached
40 and becomes a permanent part of these minutes). Ms. McFarlane reported that the application presented
41 is for a conditional use to allow the property, previously known as Dales Ales, to reopen as a bar. Ms.
42 McFarlane reported that the principal structure was constructed in 1947 and has been vacant since 2012.
43 The applicant purchased the 2.6-acre site in January and intends to re-open the bar after interior
44 remodeling is completed and handicapped accessibility is improved. She stated that no site improvements
45 are proposed. The subject property is less than 5 acres; therefore, the Planning Commission has final
46 approval authority.

1 Staff recommends that the Planning Commission approve conditional use application COND-5-18-1330,
2 to allow a bar at 2400 N. Volusia Avenue, with the following conditions:

- 3 1. Conditional use approval shall comply with the survey dated January 30, 2018 by H&H Survey
4 Consultants, LLC. Any increase in the footprint of the building beyond the approximately 45 square-
5 foot addition of bathrooms to the back of the building, or a Dales Ales II Conditional Use September
6 19, 2018 increase in outdoor seating, or opening the property to special events would require approval
7 of a new conditional use application and site plan application.
- 8 2. The primary structure is a nonconforming structure per section 8.2.4 of the LDC, and the provisions
9 of that code section still apply (if the building is destroyed in excess of 50%, any reconstruction must
10 comply with the LDC). The building cannot be extended any further into the front yard abutting
11 Volusia Avenue (U.S. 17-92) without approval of a separate variance application, and a new
12 conditional use application.
- 13 3. Building permit COMB-9-18-18753 to construct handicapped accessible bathrooms must be
14 completed and a certificate of completion (or similar document) must be issued before the bar can
15 open to the public.
- 16 4. At least one handicapped parking space must be provided, shall be paved, and shall have the
17 appropriate signage per City Ordinance 95-08-01. A building permit is required for this work.
- 18 5. At least eight (8) parking spaces that meet the dimensional requirements of section 8.7.7 Off-street
19 parking, loading and unloading, must be delineated with wheel stops, construction timbers or the like.
20 The layout and materials to be used must be approved by the Development Services Department before
21 installing.
- 22 6. No parking shall be allowed past the adjacent residential zoning line, per the conditional use site plan.
- 23 7. The Waste Management dumpster shall be located in an area approved by the Development Services
24 Department, with a concrete pad, paved access, and a screen enclosure in accordance with section
25 10.6.6, Screening of trash dumpster. A building permit is required for this work.
- 26 8. Provide certification or similar documentation from the Department of Health demonstrating that the
27 septic tank is approved for use, and the maximum number of seats or patrons that can be allowed.
- 28 9. Submit a food/hygiene application and floor plans to the Florida Department of Health.
- 29 10. Application with the Department of Business and Professional Regulation is required to serve alcohol
30 and/or food.
- 31 11. A life safety plan must be submitted and reviewed by the Fire Department before opening. This shall
32 be reviewed as part of a building permit prior to opening the property to the public.

33
34 Chair Laputka asked if the Department of Health was involved in the bathroom expansion. Ms.
35 McFarlane responded that a unisex handicapped accessible bathroom will be added. The Department of
36 Health views the number of fixtures that contribute to the size of the septic tank that is allowed.

37
38 Commissioner Polgar asked about the maximum number of capacity of the building. Ms. McFarlane
39 replied that Fire Department standards are based on the number of seating, the maximum capacity is 50.

40
41 Commissioner Polgar asked about the number of parking spaces for staff and clients and what outside
42 permits are the applicants planning to apply for. Ms. McFarlane replied that parking requirements are
43 based on the minimum square foot area and no special events are allowed at this time.

44
45 The Planning Commission discussed the hours of operation, food service, and permits for special events.
46

1 Richard Hudson, Applicant, 714 W. Blue Springs Ave., responded to the commissioner's questions. Mr.
2 Hudson replied that food would not be served, the hours of operation are 10:00 a.m. to 1:00 a.m. He is
3 planning an opening date of October 12th.

4
5 Chair Laputka opened the public hearing.

6
7 A friend of the applicant came forward to recognize the applicant's positive character.

8
9 Seth Loriman, resident of the City, came forward to recognize the applicant's positive character.

10
11 Chair Laputka closed the public hearing.

12
13 **Commissioner Harper moved that based upon competent substantial**
14 **evidence as presented, the Planning Commission approves COND-5-18-**
15 **1330 with staff recommendations including the eleven conditions**
16 **mentioned above, seconded by Commissioner Schwartz, motion passed**
17 **by a 7/0 roll call vote of the Planning Commission.**
18

19 **B. VARI-8-18-1342:** A variance request by Interplan, LLC, agent for owner Pine Forest
20 Park of Central Florida, LLC, to allow construction of a 14,223 square-foot, two-story
21 clubhouse with a height that exceeds the 35 foot height maximum on the approximately
22 25.87 acres of property located on the southwest corner of the intersection of W. Lake Drive
23 and Trafford Avenue, approximately 730 feet south of Graves Avenue, and identified as
24 parcel number 8011-00-00-0020 in the R-2, Medium Density Residential zoning
25 classification.
26

27 Mr. Reischmann, read the title of VARI-8-18-1342 into the record. He advised that this is a quasi-judicial
28 public hearing and asked the Commissioners to disclose any ex-parte communications on this matter. He
29 noted, for the record, there were no disclosures.
30

31 Joseph Ruiz, City Planner, discussed a PowerPoint presentation (a copy of which is attached and becomes
32 a permanent part of these minutes) that described the variance request for construction of a two-story
33 clubhouse exceeding the 35-foot height maximum within the R-2, Medium Density Residential zoning
34 district. The clubhouse is meant to serve the new John Knox Village community planned for 34 duplexes,
35 to be known as Valencia Landing.
36

37 Mr. Ruiz stated that if the variance application is approved it will allow the proposed Valencia Landing
38 Clubhouse to be up to 45-feet tall and exceed the maximum R-2, Medium Density Residential building
39 height of 35-feet.
40

41 Staff recommends that the Planning Commission approve the variance to allow the proposed Valencia
42 Landing Clubhouse to be up to 45 feet and exceed the maximum R-2, Medium Density Residential
43 building height of 35 feet, with the following conditions:

44 1. Special conditions and circumstances exist which are peculiar to the land, structure or building
45 involved and that are not applicable to other lands, structures or buildings in the same zoning district.

- 1 2. The special conditions and circumstances do not result from the actions of the applicant.
- 2 3. Literal interpretation of the provisions of this code would deprive the applicant of rights commonly
- 3 enjoyed by other properties in the same zoning districts, under the terms of this code, and would work
- 4 an unnecessary and undue hardship on the applicant.
- 5 4. The variance granted is the minimum variance that will make possible the reasonable use of the land,
- 6 building or structure.
- 7 5. The grant of the variance will be in harmony with the general intent and purpose of the code and that
- 8 such variance will not be injurious to the area involved.
- 9

10 Chris Blurdan, Interplan LLC, representative for the applicant, came forward to answer any questions
11 from the Planning Commission.

12
13 Chair Laputka opened the public hearing, with no one appearing the Chair closed the public hearing.

14
15 **Commissioner Mazzie moved that based upon competent substantial**
16 **evidence as presented, the Planning Commission recommends that the**
17 **City Council of the City of Orange City approve VARI-8-18-1342 with**
18 **staff recommendations including the five conditions mentioned above,**
19 **seconded by Commissioner Harper, motion passed by a 7/0 roll call vote**
20 **of the Planning Commission.**

21 22 5. DISCUSSION ITEMS

23 24 A. Tree preservation and landscaping requirements discussion #2

25
26 Becky Mendez, Development Services Director, provided a PowerPoint presentation (a copy of which
27 is provided and becomes a permanent part of these minutes) that described amendments for tree
28 protection and landscaping requirements. Ms. Mendez provided the existing landscape buffer and
29 protection standards. She stated that currently, tree removal permits are required and a “tree” is
30 considered 6” Diameter at Breast Height (DBH) or greater in size. Ms. Mendez noted that specimen trees
31 require replacement if removed.

32
33 Ms. Mendez provided the following new proposed amendments to the code.

- 34 ▪ Landscaping code to apply to residential subdivisions that create 5 or more lots
- 35 ▪ Buffer widths:
 - 36 ▪ All front = 20’ (increased from 10’ along local roads)
 - 37 ▪ Side/rear = 10’ (increased from 5’)
 - 38 ▪ Adjacent to Residence = 20’ (increased from 15’)
- 39 ▪ Canopy = 2.5” caliper, 14’ tall and Understory= 1.5” caliper, 8’ tall
- 40 ▪ Tree Protection exemption applies to “owner-occupied” dwellings, however, applies to new
41 residential building permits
- 42 ▪ Adds sand pine as an exempt species
- 43 ▪ Adds 15% DBH replacement for all trees removed
- 44 ▪ Adds minimum specimen tree protection based on number of trees per acre
- 45 ▪ Defines “historic tree” and requires City Council approval to remove
- 46 ▪ Revised tree bank formula

- 1 ▪ Revised specimen tree list
 2

3 Ms. Mendez described the City’s Tree Bank formula comparing it to neighboring cities. She stated that
 4 it costs approximately \$239.00 to plant a tree.
 5

6 Ms. Mendez advised that a 36 inch live oak and bald cypress tree will be defined as historic trees. She
 7 summarized the Planning Commissioner’s comments as follows, add licensed forester or certified
 8 arborist to section 11.7 and include the cost of an arborist report and a time frame of delivery of same.
 9 She advised these comments will be forwarded to the City Council for their consideration.
 10

11 Commissioner Campbell suggested adding “Certified Arborist” to section 11.7. Ms. Mendez replied that
 12 the City will consider that addition.
 13

14 Ms. Mendez asked for guidance for water oaks. Commissioner Stafford suggested cutting them down.
 15 Ms. Mendez suggested eliminating water oaks as specimen trees and adding “turkey oaks that are 12
 16 inches DBH as a specimen, and all other species have to be 18 inches, except water oak.” The Planning
 17 Commission agreed with Ms. Mendez suggestion.
 18

19 Chair Laputka complimented staff on the presentation. He noted that tree preservation in the City is very
 20 important to the architectural aspect.
 21

22 **6. PRESENTATIONS**

23
 24 None at this time
 25

26 **7. DISCUSSION ITEMS**

27
 28 None at this time
 29

30 **7. STAFF/COMMISSION COMMENTS**

31
 32 Commissioner Stafford stated that plants make music and sing to each other.
 33

34 Commissioner Schwartz thanked staff for their hard work.
 35

36 Commissioner Campbell stated that there are many benefits to preserving trees in the City.
 37

38 Commissioner Mazzie complimented staff on the tree preservation presentation.
 39

40 Commissioner Polgar thanked staff for a great job on the presentations. She stated it is very important
 41 that the City Council is moving forward with tree conservation in the City.
 42

43 Commissioner Harper stated that staff does a wonderful job and he looks forward to working with staff.
 44 He thanked the Commission.
 45

46 Chair Laputka thanked staff.

1 **8. CITIZEN COMMENTS**

2

3 **9. ADJOURNMENT**

4

5 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:58 p.m.

6

7 **RESPECTFULLY SUBMITTED:**

8

9

10 _____
11 Melani Beringer
 Deputy City Clerk

APPROVED ON

_____ 12/05/2018 _____
Date