MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING, held on
Wednesday, October 02, 2019, 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: Wesley Kihlmire, Fran Schwartz, Amy Campbell, Gaea Nunez, and Vernon Stafford. Staff Members: Rebecca Mendez, Development Services Director, Carol McFarlane, City Planner, Joseph Ruiz, Senior Planner, Neysa Borkert, City Attorney, Melani Beringer, Deputy City Clerk.

ABSENT: Commissioner Sarah Mazzie

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

None at this time.

4. PUBLIC HEARINGS

A. SITE-6-18-1337: A final site plan application by Sheyanna Day of Interplan, LLC, representative for John Knox Village of Central Florida, for a proposed 34-duplex (68-dwelling unit) community located on 25.87 acres located at 12 W. Lake Drive, identified as parcel number 8011-00-00-0020, and located in the R-2, Medium Density Residential zoning classification.

Joe Ruiz, City Attorney, read the title of SITE-6-18-1337 into the record.

Joseph Ruiz, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes). Mr. Ruiz reported that this is a final site plan application for a proposed 34-duplex (68-dwelling unit) community located on 25.87 acres formally known as the Pine Forest Mobile Home Park. The property is owned by John Knox Village as an expansion to their adjacent facilities.

Mr. Ruiz provided a brief history of the property as well as the conditions needed going forward, the Valencia Landing site plan, the clubhouse rendering and the Valencia Landing concurrency.

Mr. Ruiz stated that staff recommends forwarding Resolution 970-19 to the City Council with a recommendation of approval with the following conditions:

1. The site plan and construction drawings shall be revised to comply with the Notice of Intent (NOI) to Issue Development Order, dated August 27, 2019, except as otherwise amended by this resolution.
2. The proposed Right-of-Way vacation application (VACA-07-19-1555) shall be approved by City Council prior to issuance of a development order.

Commissioner Kihlmire asked if the project was within the John Knox Village property.

Mr. Ruiz replied “yes”.

Chris Blurton, Representative for the Applicant, Interplan LLC, came forward to state that this will be a self-contained project and an excellent addition to the City.

Chair Laputka opened the public hearing, seeing no one the Chair closed the public hearing.

Commissioner Campbell stated that this is a good addition to the City and she is looking forward to the expansion.

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

Commissioner Campbell moved that based upon competent substantial evidence as presented, the Planning Commission finds SITE-6-18-1337 consistent with the Comprehensive Plan with the two conditions outlined by staff, and recommend forwarding to the City Council, seconded by Commissioner Kihlmire, the motion passed by a 5/0 roll call vote of the Planning Commission.

B. PLAT-04-19-1449: A preliminary plat application by Chris Wrenn of D.R. Horton, representative for Frank A. Ford Trust, for a proposed 148-lot single family residential subdivision on 65.71 acres located at 1650 Westside Parkway, identified as parcel number 8015-00-00-0180, and located within the R-1, Low Density Residential zoning classification.

Neysa Borkert, City Attorney, read the title of PLAT-04-19-1449 into the record.

Mr. Ruiz provided a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes). Mr. Ruiz explained that this is a preliminary plat application for the Blue Springs Ridge Subdivision, a proposed 148-lot single-family residential subdivision located on 65.71 acres at 1650 Westside Parkway. The subdivision proposes typical 75’x120’, 9,000 square-foot lots compliant with the Low Density Residential (R-1) zoning classification.

Mr. Ruiz provided the properties previous actions, the preliminary plat, and the preliminary plat concurrency.

Mr. Ruiz stated that staff recommends forwarding Resolution No. 977-19 to the City Council with a recommendation of approval with the following conditions:
1. The construction plans shall be revised to comply with the TRC comments as reported at the August 20, 2019 TRC meeting, and as otherwise amended hereafter.
2. A copy of the Florida Fish and Wildlife Conservation Commission (FFWCC) gopher tortoise...
relocation permit (Conservation Permit) shall be provided prior to issuance of a development order.
3. A copy of the Volusia County Use Permit for the extension of and connection to Westside Parkway shall be provided prior to issuance of the development order.
4. City Council must approve the Volusia County School Board Right-of-Way dedication for W. Holly Drive extension prior to issuance of the development order.
5. City Council must approve the Transportation Mitigation Agreement and the developer must execute and pay the proportionate-share contribution before the development order is issued.
6. Provide a copy of the no-objection letter from Florida Power & Light for construction within their easement prior to issuance of a development order.

Chair Laputka inquired about the sidewalk placement on Holly Dr.

Mr. Ruiz replied that the applicant is proposing to provide a sidewalk in front of the homes. The applicant will extend the existing sidewalks into the new development.

Chair Laputka inquired about the traffic pattern during construction.

Mr. Ruiz replied that as part of the overall preliminary plat, civil plans include an erosion control plan. This plan also provides ingress and egress during construction. He noted there would not be construction access through Holly Dr.

Commissioner Kihlmire inquired about the traffic pattern out of the development onto the 17-92 highway.

Mr. Ruiz replied that there will be two exits which include Westside Parkway and Holly Dr.

A discussion ensued that included the traffic patterns of the residents in the new development, the traffic patterns that the new residents will have access to, the trip analysis, traffic flow from Westside Parkway and Rhode Island Ave. and W. Holly Dr.

Mark Watts, Cobb Cole Representative, spoke on behalf of the applicant and provided a brief history of the application process. Mr. Watts stated that the preliminary plat is consistent with the terms of the R-1 zoning. He stated that therefore, the inquiry should be one of technical compliance. Mr. Watts reviewed the staff report, the concurrency analysis, impact fees, utilities, and parks impact fees.

Mr. Watts stated that the staff report includes six conditions and recommended adding a seventh. He stated that an additional condition could be added to recommend Westside Parkway as a construction entry into the property.

Mr. Watts spoke in regards to the roadways surrounding the property. He stated that since University High School has been constructed the deal has been to extend Rhode Island Ave. to Westside Parkway. Mr. Watts stated that if the County does not grant the connection rights to Westside Parkway, then the two connection points the City code requires include Briarcrest and Holly Dr. He stated that the applicant is following the City’s and the County’s code.

Commissioner Campbell inquired about the property’s previous construction, tree preservation requirements and a Florida scrub jay presence. Commissioner Campbell requested a new environmental
assessment survey to be done on the property.

Mr. Watts replied that the conditions listed required the applicant to comply with those standards. Mr. Watts stated that the applicant is prepared to do everything required to comply with the law.

Christopher Wrenn, Representative with DR Horton, came forward to state that the most recent survey was completed recently and showed no scrub jay activity on the property.

Rebecca Arata, 321 W. Holly Dr., voiced concerns about the traffic that the new development may cause.

Ron Knutson, 417 W. Holly, inquired about the width of the road, sidewalks, curbs, impact to traffic, and the safety of the roads.

Margaret Iglesias, 426 W. Holly Dr., stated concerns for the black bears and other wildlife on the property.

Joan O’Brien-Singer, 418 W. Holly Dr., stated that she is disabled and uses a motorized chair to travel around town. She stated that she is concerned for her safety due to the traffic increase that the new development could cause on Holly Dr.

Shanna Halfon, 300 Shady Ln., voiced her concern of water runoff that the new development could cause on her property.

Marie Youngken, 449 W. Holly Dr., stated that the property is a monetary concern that could be redirected into a conservation area. She voiced concerns about the traffic impact caused by the new development.

Travis Herring, 106 W. Fern Dr., stated his concern of the traffic impact that the development will cause on W. Holly Dr.

Monica Emerson, 365 Miller Rd. voiced her concern about the school capacity and if a plan exists for future schools within the City.

Janella Cattarini, 445 Miller Rd., stated that there should be higher compromise about the traffic issue.

Jerry Vaughn, 331 W. Holly Dr., voiced his concern of the traffic impact north of Sparkman Ave. He voiced his concern about the suggested access roads.

Jonell Hanson, 341 W. Holly Dr., voiced her concern about traffic and inquired about widening Rhode Island Ave. She stated that this development is “mean spirited” against the residents of W. Holly Dr.

Clark Briggs, 481 W. Holly Dr., voiced his concerns about the exit from the new development onto W. Holly Dr. He suggested providing an exit on to Rhode Island Ave.

Richard Guindon, 490 W. Holly Dr., He stated that the environmental impact study provided an improper result. He requested to have the fire department review the end of Holly Dr. to verify if it in fact is a cul-
Doug Bishop, 452 W. Holly Dr., voiced his concern for his son’s safety riding his bike to and from school.

Seyed “Sam” Jamali, 489 W. Holly Dr., stated that he retired 15 years ago and moved to the City due to the quiet neighborhood. He voiced his concern about the traffic that the development will cause.

Bart Hannahs, 402 W. Holly Dr., voiced his concern about the safety for the children that play in the street.

Rick Whitten, 451 W. Gardenia Dr., stated his concern about the traffic. He asked about plumbing placement and requested a traffic light as opposed to a round-a-bout.

Stephanie Bradford, 433 W. Holly Dr., voiced her concern about sidewalk expansions and the traffic.

Diane Craparotta, 768 Briarcliff Dr., voiced her concern about the traffic.

Jeff Kunkle, 450 W. Holly Ave., voiced his concerns about the traffic patterns that need to be considered.

Roberto Jimenez, 320 W. Holly Dr., stated that his family moved from Sanford to live in a safer quieter neighborhood. He voiced his concern about property crime that this development could cause.

Karen Allebach, 482 W. Holly Dr., stated that an extension of W. Holly Dr. will cause major issues.

Chair Laputka closed the public hearing for public comments.

Mr. Watts came forward to address the concerns raised by the residents.

Ms. Borkert asked if any sidewalks were being removed on Holly Dr.

Mr. Watts replied that the current sidewalks would not be removed. He stated that the proposal is to connect the existing sidewalks to the new sidewalks.

Ms. Borkert asked about the standards that needed to be met for traffic lights.

Mr. Watts responded that the connection of Holly Dr. and 17-92 is a county road. He stated that at this time the development does not trip any warrants that would allow a signal to be installed at that location.

Commissioner Kihlmire stated that he was impressed by all the residents comments however, growth occurs in all neighborhoods. He stated that the City or this project meets the technical requirements.

Commissioner Nunez stated unfortunately meeting the technical requirements does not make this decision feel right. She heard all the comments about the resident’s safety concerns and is concerned about traffic safety, as well.
Ms. Mendez clarified that there are plans for a stop sign inside the new subdivision. She stated that the portions of Holly Dr. from the project boundary East to Sparkman Ave. are City roads and there are sidewalks on the North and South side of the road.

A discussion ensued between Commissioner Nunez and Ms. Mendez concerning traffic concerns.

Commissioner Stafford stated that every homeowner voiced a legitimate concern.

Commissioner Schwartz stated concern about fire exit issues on Holly Dr..

Chair Laputka stated that the responsibility of the Commission is to determine if the Code presented is correct regardless of personal issues. He stated that he agrees that the applicant is in compliance with the Code.

Commissioner Kihlmire moved that based upon competent substantial evidence as presented, the Planning Commission finds PLAT-04-19-1449 consistent with the Comprehensive Plan and recommends forwarding to the City Council with a recommendation of approval, with the six conditions outlined by staff, seconded by Commissioner Stafford, the motion passed by a 5/1 roll call vote of the Planning Commission with Commission Campbell voting “no”.

Chair Laputka called a ten minute recess at 8:39 p.m. The meeting was reconvened at 8:47 p.m.

C. ORDINANCE NO. 621: An Administrative Small Scale Future Land Use Map amendment for the 9.5 acre property located at 1351 N. Volusia Avenue, and identified as parcel number 8003-00-00-0700, changing the future land use from Volusia County Commercial (COM), Urban Medium Intensity (UMI), and Urban Low Intensity (ULI) to Orange City General Commercial (CG).

Neysa Borkert, City Attorney, read the title of Ordinance No. 621 into the record.

Ms. McFarlane provided a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes). Ms. McFarlane explained that this property is known as the Dunton property with three separate future land use designations. The City needs to change the zoning of the property from county to city zoning land use designations.

Ms. McFarlane provided the previous actions of the property and the FLU review criteria.

Ms. McFarlane stated that staff recommends the Planning Commission find the Official Zoning Map amendment consistent with the rezoning review criteria and forward Ordinance No. 622 to the City Council with a recommendation of approval, with the following condition:

1. Ordinance 622 cannot be finalized until Ordinance 621, amending the Future Land Use of the property to Commercial General, CG, is also approved.

Commissioner Campbell asked if it was possible to split the property into two land use designations instead of three.
Ms. McFarlane responded that the property owners are requesting that the property be changed to one land use designation. The property owners are concerned about the sale of the property with three zoning classifications.

Chair Laputka opened the public hearing to the public, seeing no one, the Chair closed the public hearing.

Commissioner Nunez moved that based upon competent substantial evidence as presented, the Planning Commission finds ORDINANCE NO. 621 consistent with the Comprehensive Plan and recommends forwarding to the City Council with a recommendation of approval, with the condition outlined by staff, seconded by Commissioner Schwartz, the motion passed by a 5/1 roll call vote of the Planning Commission with Commissioner Campbell voting “no”.

D. ORDINANCE NO. 622: An Administrative rezoning request for the 9.5 acre property located at 1351 N. Volusia Avenue, and identified as parcel number 8003-00-00-0700, changing the zoning classification from Volusia County Commercial General (B-4) and Urban Single Family Residential (R-4) to Orange City Mixed Use Suburban (MX-2).

Neysa Borkert, City Attorney, read the title of ORDINANCE NO. 622 into the record.

Ms. McFarlane provided a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes). Ms. McFarlane explained that Ordinance No. 622 was part of Ordinance No. 615, the administrative rezoning for all of the enclave annexed properties.

Ms. McFarlane provided a brief history of the property, the previous actions, the rezoning review criteria, the rezoning criteria, and the review criteria.

Ms. McFarlane stated that staff recommends the Planning Commission find the Official Zoning Map amendment consistent with the rezoning review criteria and forward Ordinance No. 622 to the City Council with a recommendation of approval, with the following condition:

1. Ordinance 622 cannot be finalized until Ordinance 621, amending the Future Land Use of the property to Commercial General, CG, is also approved. First reading is tentatively scheduled for October 22, 2019.

Chair Laputka opened the public hearing, seeing no one the public hearing was closed.

Commissioner Kihlmire moved that based upon competent substantial evidence as presented, the Planning Commission finds ORDINANCE NO. 622 consistent with the Comprehensive Plan and recommends forwarding to the City Council with a recommendation of approval, with the condition outlined by staff, seconded by Commissioner Schwartz, the motion passed by a 5/1 roll call vote of the Planning Commission with Commissioner Campbell voting “no”.

5. DISCUSSION ITEMS
None at this time.

6. STAFF/COMMISSION COMMENTS

Ms. Mendez stated that the special meeting originally scheduled for October 16th was cancelled and the regular planning commission meeting will be scheduled on November 6th.

Ms. Borkert stated that a recent change to the Florida Statutes was made that pertains to final action verbiage in the motions.

Commissioner Kihlmire stated that tonight’s meeting was a tough one but the commission is here to determine the technicality of the issues. He commented on a Facebook group that helped an elderly woman find her way back home.

Commissioner Nunez stated that she is not pleased with the decision tonight however, technical issues were met. She stated that she feels she made the right decision.

Commissioner Campbell stated that she felt she chose the right votes for tonight’s items.

Commissioner Stafford stated Good Night!

Commissioner Schwartz stated that she appreciated the way Ms. Borkert led the meeting with order.

Chair Laputka wished Commissioner Schwartz a Happy Birthday!

8. CITIZEN COMMENTS

9. ADJOURNMENT

There being no further business to discuss, Chair Laputka adjourned the meeting at 9:24 p.m.

RESPECTFULLY SUBMITTED:

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Melani Beringer  
CMC, Deputy City Clerk

APPROVED ON

____________________________  
11-06-2019  
Date