

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
 2 Wednesday, September 02, 2020, 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: Wesley Kihlmire, Amy Campbell, Gaea Nunez,
 12 Sarah Mazzie, and Vernon Stafford; Staff Members: Becky Mendez, Development
 13 Services Director, Joseph Ruiz, Senior Planner, Kim Reading, Senior Planner, Neysa
 14 Borkert, City Attorney, Melani Beringer, Deputy City Clerk.

15
 16 **ABSENT:**

17
 18 **2. PLEDGE OF ALLEGIANCE**

19
 20 **3. APPROVAL OF MINUTES**

21
 22 A. Minutes Dated August 05, 2020

23
 24 **Commissioner Kihlmire moved to approve the August 05, 2020 Planning**
 25 **Commission meeting minutes, seconded by Commissioner Campbell, the motion**
 26 **passed by a 6/0 roll call vote of the Planning Commission.**

27
 28 **4. PUBLIC HEARINGS**

29
 30 *Chair Laputka requested item number 4A.2 be presented first.*

31
 32 **A. NEW BUSINESS**

33
 34 **1. PUD-11-18-1350: Ordinance No. 634.** A rezoning application for 50.38 acres
 35 located at 2110 E. Graves Avenue from Liberty Square Residential and Business
 36 Planned Unit Development (PUD) and Mixed Use Suburban (MX-2) to Planned
 37 Unit Development (PUD) for project now known as Liberty Station.

38
 39 Neysa Borkert, City Attorney, read rezoning application PUD-11-18-1350 into the record. She advised
 40 this was a quasi-judicial matter and any ex-parte communication must be disclosed at this time.

41
 42 Commissioner Kihlmire stated that he participated in ex-parte communication with the Sherwood Oaks
 43 residents and the applicant.

44
 45 Commissioner Nunez stated that she participated in ex-parte communication with the Sherwood Oaks
 46 residents.

1
2 Joseph Ruiz, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and
3 becomes a permanent part of these minutes) that described the proposed Planned Unit Development
4 (PUD) called the Liberty Station Residential and Business Planned Development. Mr. Ruiz provided a
5 brief history of the property as well as a description of several zoning classifications. He discussed the
6 road access, utility service, stormwater, a master trail, traffic patterns and impact fees.

7
8 Mr. Ruiz stated that the City Council's first reading of Ordinance No. 634 is scheduled for October 13,
9 2020 and second reading for October 27, 2020.

10
11 Mr. Ruiz stated that staff recommends the Planning Commission find the rezoning consistent with the
12 comprehensive plan and forward Ordinance No. 634 to the City Council for approval, with the
13 Development Agreement, as amended by staff and presented in final format.

14
15 Chair Laputka requested more information regarding the water retention areas, the suggested turn lanes
16 into the new community, and improvements to Kentucky Avenue.

17
18 Chair Laputka opened the public hearing.

19
20 Commissioner Stafford requested information regarding Kentucky Avenue.

21
22 Ms. Mendez provided an explanation regarding a status update of Kentucky Ave.

23
24 Commissioner Kihlmire referred to the review criteria analysis item 3, the stormwater improvement for
25 Sherwood Oaks and questioned if that was the location of the wet retention pond.

26
27 Ms. Mendez replied that Sherwood Oaks is one of the newer subdivisions and their existing stormwater
28 pond is located on someone else's property. Ms. Mendez summarized from the development agreement
29 that Sherwood Oaks stormwater issues are going to be made whole.

30
31 A discussion ensued that pertained to Kentucky Avenue improvements, traffic analysis, site plan changes,
32 traffic and safety concerns and historic tree locations.

33
34 Commissioner Nunez voiced safety concerns for the off-street parking immediately abutting the side yard
35 of the existing Massachusetts neighbor. Commissioner Nunez referenced a rash of car break-ins recently
36 reported in Orange City and stated with no buffer there places a \$10,000-15,000 financial burden impact
37 that would be put on the existing resident to provide safety and privacy with new fencing if they move
38 forward with off-street parking at that location.

39
40 Mark Watts, Cobb Cole Law firm, came forward to provide a PowerPoint presentation (a copy of which
41 is attached and becomes a permanent part of these minutes.) Mr. Watts discussed the status of the
42 development regarding the land use classification, Kentucky Avenue design, and historic trees.

43
44 Commissioner Kihlmire commented regarding the open space surrounding Sherwood Oaks, the location
45 of the entrance in relation to Sherwood Oaks and proposed fencing.

46

1 Carol Lawrence, 522 Blueshaw Ln., provided a hand out to staff and the Planning Commission (a copy
2 of which is attached and becomes a permanent part of these minutes) that showed her property line in
3 relation to the proposed development line. She stated that a part of her property was taken by
4 condemnation rights for the construction of Veterans Memorial 12 years ago. Ms. Lawrence stated that
5 she is in favor of this new development.

6
7 Chair Laputka closed the public hearing.

8
9 **Commissioner Mazzie moved that based upon competent substantial evidence as**
10 **presented, the Planning Commission finds PUD-11-18-1350, consistent with the**
11 **comprehensive plan and recommends forwarding Ordinance No. 634 to the City**
12 **Council for approval, with the Development Agreement as amended by staff**
13 **presented in final format, seconded by Commissioner Nunez the motion passed by a**
14 **6/0 roll call vote of the Planning Commission.**

- 15
16 2. **VARI-07-20-2087:** an application for a variance to increase the maximum height for a
17 fence in the front yard from four (4) feet to six (6) feet on the property located at 220
18 South Holly Avenue in the Mixed Use Urban (MX-1) zoning classification.

19
20 Ms. Borkert read variance application VARI-07-20-2087 into the record.

21
22 Kimberly Reading, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and
23 becomes a permanent part of these minutes.) Ms. Reading described a variance application to increase
24 the maximum height of a four foot fence to a six foot fence on property located at 220 S. Holly Ave.

25
26 Ms. Reading provided history of the property, including the prior existing fence construction. She stated
27 that the owner was previously cited for installing a fence without a permit, however, he has since obtained
28 a permit for a four foot fence. She noted that the applicant is seeking a variance to have the four foot
29 fence replaced with a six foot fence.

30
31 Commissioner Kihlmire asked if the six foot fence would cause any visual blockage.

32
33 Ms. Reading replied "no".

34
35 Tom Cruz, 220 S. Holly Ave., the applicant, came forward to state that his neighbors have not voiced
36 any concerns regarding a six foot fence on his property.

37
38 Chair Laputka opened the public hearing, seeing no one the Chair closed the public hearing.

39
40 **Commissioner Kihlmire moved that based upon competent substantial evidence, as**
41 **presented, the Planning Commission approves VARI-07-20-2087, seconded by**
42 **Commissioner Mazzie, the motion passed by a 6/0 roll call vote of the Planning**
43 **Commission.**

44
45 **5. DISCUSSION ITEMS**
46

1 None at this time.
2

3 **6. STAFF/COMMISSION COMMENTS**
4

5 Ms. Borkert provided an update regarding food truck fire inspections. She stated that the City can charge
6 a fire inspection fee not a permit fee. Due to new state laws, food trucks cannot be regulated.
7

8 Commissioner Nunez reminded Ms. Mendez of the variances for non-conforming properties. She
9 thanked staff for the great job with Liberty Square agenda item.
10

11 Commissioner Stafford stated that he was glad to see a plan in regards to Kentucky Ave.
12

13 Commissioner Kihlmire stated that Liberty Square is a good project and the plans will benefit Sherwood
14 Oaks.
15

16 Chair Laputka thanked everyone and stated staff did a great job
17

18 **7. ADJOURNMENT**
19

20 There being no further business to discuss, Chair Laputka adjourned the meeting at 8:04 p.m.
21

22 **RESPECTFULLY SUBMITTED:**
23

24 _____
25 Melani Beringer
26 CMC, Interim City Clerk

APPROVED ON

10/07/2020
Date

