PLANNING COMMISSION MEETING MINUTES    July 11, 2018

MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING, held on Wednesday, July 11, 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: Fran Schwartz, Vernon Stafford, Sarah Mazzie, Michelle Polgar, Amy Campbell Staff Members: Rebecca Mendez, Development Services Director, Joseph Ruiz, Senior Planner, Neysa Borkert, City Attorney, Melani Beringer, Deputy City Clerk.

Absent: Commissioner Harper

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES June, 06 2018

Commissioner Polgar and Chair Laputka requested to have more of the Planning Commissioners comments to be included into the minutes.

Commissioner Polgar moved to approve the minutes of the June 06, 2018 Planning Commission meeting, seconded by Commissioner Schwartz and passed by a 6/0 roll call vote of the Planning Commission.

4. PUBLIC HEARINGS

A. Ordinance No. 605: An application by Paul Missigman of Southern Investment Group, LLC to amend the Development Agreement for the West Volusia Retail Centre Planned Unit Development (PUD) located on the northeast corner of Harley Strickland Boulevard and Junior Street, identified as parcel number 8023-00-00-0010 in the West Volusia Retail Centre PUD zoning classification.

Neysa Borkert, City Attorney, read the title of Ordinance No. 605 into the record. Ms. Borkert advised that this is a quasi-judicial public hearing and asked Commissioners to disclose any ex-parte communications on this matter. She noted, for the record, there were no disclosures.

Becky Mendez, Development Services Director, presented a detailed PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes). Ms. Mendez reported that this is an application to amend the Development Agreement for the West Volusia Retail Centre (WVRC) Planned Unit Development (PUD). The WVRC PUD was adopted in 2008 to allow construction of three retail buildings, for a total of 112,286 square feet on 14.45 acres. Since 2008, only one of the retail buildings has been constructed, the Goodwill Building. In 2015, the property was rezoned from a BPUD
to MPUD, and a new Development Agreement was executed and recorded, which reduced the total retail square foot building area to 75,000, and added a 72-unit age-restricted multifamily building.

Ms. Mendez stated that staff recommends the Planning Commission find the amendment to the PUD Development Agreement consistent with the comprehensive plan and forward to the City Council for approval, with the following conditions:

1. Approve the Development Agreement as drafted.
2. The Development Agreement must be executed within 6 months of approval.

Michael Woods, Representative for the applicant, Cobb Cole, Deland, came forward to answer any questions the commission or the public may have.

Commissioner Campbell inquired about the original age restriction concept and asked for a full description of the units.

Chair Laputka opened the public hearing for public comments, seeing no one wishing to speak, Chair Laputka closed the public hearing.

Ms. Mendez clarified that Section D in the first amendment requires that the final plat and site plan application comply with the June 19 TRC meeting comments.

Commissioner Polgar asked for clarification about the maximum intensity size of a multifamily unit totaling 18 dwellings per acre.

Ms. Mendez clarified that the underlying future land use is the Mixed Use Future Land Use Designation, which allows up to 18 dwelling units per acre. She noted that the applicant could potentially ask for another rezoning.

Commissioner Polgar voiced her concern about the increase in population and the affect this will have on the water usage in the City.

Commissioner Campbell asked for clarification about the rezoning application.

Ms. Mendez replied that this rezoning caps the maximum number of dwelling units at 106.

Commissioner Mazzie moved that based upon competent substantial evidence as presented, the Planning Commission recommends that the City Council of the City of Orange City approve Ordinance No. 605 with staff recommendations including conditions mentioned above, seconded by Commissioner Polgar.

Commissioner Polgar stated that she would like clarification about the amount of rental units and again voiced her concerns about the impact that the increased population will have on the City.

Mr. Woods provided a detailed description of the environmental and community impacts that the new complex could present.
Commissioner Schwartz voiced her concerns about the multifamily use of the complex due to the traffic around the area.

Chad Moorehead, Project Engineer, stated that the majority of the units are one bedroom and only accommodate up to two residents.

Chair Laputka mentioned that he is not concerned about the increase in numbers and that the Commission still controls the changes.

**Motion** tied with a 3/3 roll call vote of the Planning Commission with Commissioner Schwartz, Polgar and Campbell voting “no”.

Ms. Borkert clarified the Commission’s concerns. She noted that the increase in population is categorized under condition 6. Staff and the applicant do not feel there is a level of service issue. She noted that the second concern was the lack of total parking spaces. Ms. Borkert advised that she will include the Commission’s concerns in the review criteria for the City Council. She suggested that the Commission state their concerns for clarity and for the record.

Commissioner Polgar stated that she disagrees with criteria number 3.

Commissioner Mazzie asked if the number of the units decreased would the size of the building stay the same.

Mr. Wood replied that the unit count is dropped then project dies.

Commissioner Campbell noted that she originally voted “no” due to criteria 3.

**Commissioner Mazzie moved that based upon competent substantial evidence as presented, the Planning Commission recommends that the City Council of the City of Orange City approve Ordinance No. 605 with staff recommendations, including with the amended first amendment included, seconded by Commissioner Polgar and motion passed with a 6/0 roll call vote of the Planning Commission.**

5. **DISCUSSION ITEMS**

A. Tree preservation and landscaping requirements discussion

Ms. Mendez presented a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes) discussing tree preservation and landscaping requirements throughout the City. Ms. Mendez stated that currently the City does require a removal permit for a “tree”. She noted that the Code defines a “tree” as any self-supporting woody plant of a species that measures no less than six inches diameter at breast height (DBH).

Ms. Mendez stated that the Code also provides a list of “specimen trees”, which requires replacement
stock, if removed. Ms. Mendez stated that the most common specimen tree is the Live Oak 18” DBH or larger. The Code does not prohibit removal of specimen trees, simply requires replacement, or payment into the City’s Tree Bank. She noted that the Code does not define a “historic tree” in any way.

Ms. Mendez asked the Planning Commission for direction on the following two threshold questions:

1. Should the definition of a historic tree be defined?
2. If so, what would the definition be?

The Planning Commission discussed defining Live Oak tree and the different types of trees around the City of a specific size, as historic trees, clarification of whether to keep DBH measurements or if to use caliper, and what the minimum size should be; and specimen tree protection and replacement stock.

Ms. Mendez reiterated that the Land Development Code does not define a historic tree, does not specify minimum protection for specimen trees, nor require replacement when historic trees are removed as there is an option to pay into the tree bank. In addition, the Code does not have minimum tree planting sizes for side or rear buffers, and no perimeter landscape buffer requirements for single-family residential subdivisions. Ms. Mendez asked the Planning Commission if they would be interested pursuing these suggested revisions.

Commissioner Stafford recommended changing the measuring requirement from DBH to calipers and that 2.5” be the requirement for trees required within the buffers, stating this size tree is more realistically found in nurseries and provides for a better Grade 1 quality tree.

Chair Laputka stated that he would be interested in pursuing this matter and requested it be presented at a later date. Ms. Mendez replied “yes”.

Ms. Mendez stated that her recommendation would be for Planning Commission to define a live oak tree of a significant size, to be determined, as a historic tree.

Commissioner Campbell asked for clarity regarding the tree bank formula. The Planning Commission discussed the cost, policies, and formula for removal of the specimen trees.

Commissioner Polgar asked if an older tree on an existing residential lot would be under the umbrella of a historic tree.

Ms. Mendez replied that existing family dwellings are exempt.

6. PRESENTATIONS

None at this time

7. DISCUSSION ITEMS

A. 2018 attendance report

Ms. Mendez provided the Commission with a 2018 attendance report. She advised the Planning
Commission pay attention to their attendance.

Commissioner Polgar asked if absences can be excused.

Ms. Mendez replied “yes”.

Chair Laputka announced Commissioner Harper was elected unopposed to the City Council.

Commissioner Polgar asked if the excuse of absences could be included into the next agenda.

Chair Laputka announced that the Historic Preservation Board is in need of members.

7. STAFF/COMMISSION COMMENTS

Commissioner Stafford asked if the Fire Department used a Knox box. Ms. Mendez replied “yes”.

Commissioner Polgar noted that the deadline to register to vote in the August primary election is July 30th.

Commissioner Mazzie thanked staff.

Commissioner Campbell asked where the commission stood on subject of trees. Ms. Mendez stated that recommendations will be presented to the Commission at a later date.

8. CITIZEN COMMENTS

9. ADJOURNMENT

There being no further business to discuss, Chair Laputka adjourned the meeting at 8:24 p.m.

RESPECTFULLY SUBMITTED:                  APPROVED ON

____________________________            _______________

Melani Beringer                        Date

Deputy City Clerk