

PLANNING COMMISSION MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
COUNCIL CHAMBERS
MARCH 22, 2018

THE REGULAR MEETING OF THE PLANNING COMMISSION of the City of Port Orange was called to order by Chairman Lance Green at 5:30 p.m.

Pledge of Allegiance

Silent Prayer

ROLL CALL:

Present:	Lance Green John Junco Newton White Thomas Jordan (arrived late) Maria Mills-Benat Bo Bofamy
Absent:	Mike Arminio (Excused)
Also Present:	Matthew Jones, Deputy City Attorney Deanna Massey, City Clerk's Office

Election of Officers

Vice Chairman Newton White was offered the Chair position and accepted.

Motion to nominate Commissioner Thomas Jordan as Vice Chairman was made by Commissioner Mills-Benat, seconded by Commissioner Bofamy. Mr. Jordan accepted. Motion carried unanimously by roll call vote.

B. DISCUSSION/ACTION

5. Consideration of Minutes

Motion to approve the December 14, 2017 Minutes as presented was made by Commissioner Green, and Seconded by Commissioner Mills-Benat. Motion carried unanimously by roll call vote.

6. Case No. 18-70000001

SPECIAL EXCEPTION/301 DUNLAWTON AVENUE

A request by the applicant to approve a Special Exception to allow off-site parking for the office use located at 301 Dunlawton Avenue. If the Special Exception request is approved, the

property owner of 301 Dunlawton Avenue is proposing to use the parking lot at the First United Methodist Church (708 Orange Avenue) as off-site parking to meet the parking requirements for the expanded office at 301 Dunlawton Avenue.

Staff Contact: Penelope Cruz (386) 506-5671/pcruz@port-orange.org

Penelope Cruz, Principal Planner, presented an overview of the proposed special exception for the 301 Dunlawton Avenue site.

Motion to approve case #18-70000001 was made by Commissioner Green, and Seconded by Commissioner Mills-Benat. Motion carried 5-0-1 by roll call vote with Vice Chairman Jordan abstaining.

7. Case No. 18-20000001

SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE AMENDMENT/ANGLER'S COVE SUBDIVISION

3626 South Peninsula Drive

A request by the applicant to change the Comprehensive Plan Future Land Use (FLU) designation for ±1.3 acres from Urban High Density Residential (8-16 units/acre) to Suburban Residential (2-4 units/acre).

Staff Contact: Penelope Cruz (386) [506-5671/pcruz@port-orange.org](mailto:506-5671@pcruz@port-orange.org)

Ms. Cruz would like to open the next two items for discussion together. The Commission agreed. Items #7, 8, and 9 will be discussed together.

8. Case No. 18-65000001

PLANNED UNIT DEVELOPMENT (PUD) REZONING WITH MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN (CDP)/ANGLER'S COVE SUBDIVISION

3626 South Peninsula Drive

A request by the applicant to rezone a +/- 1.3-acre property from R-3H (multi-family) to Planned Unit Development (PUD), and approval of the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to establish the regulatory framework for a 5-lot single-family subdivision.

Staff Contact: Penelope Cruz (386) 506-5671/pcruz@port-orange.org

9. Case No. 18-50000001

SUBDIVISION PLAT & PLANS/ANGLER'S COVE SUBDIVISION

3626 South Peninsula Drive

A request by the applicant to approve the Final Plat and Subdivision Plans for the Angler's Cove Subdivision to create five (5) single-family lots, along with associated subdivision improvements.

Staff Contact: Penelope Cruz (386) 506-5671/pcruz@port-orange.org Ms. Cruz provided an overview of the Small-scale Comprehensive Plan Future Land Use amendment, PUD Rezoning, and Final Plat and Plans for the Angler's Cove Subdivision.

Staff's recommendation is approval of the Future Land Use amendment, PUD rezoning, and the Subdivision Plat and Plans for the Angler's Cove Subdivision with the conditions identified in the Staff Reports. The rezoning and subdivision depend on the future land use amendment being approved.

Kathleen and Greg Jordan, 3629 S. Peninsula Drive, have concerns about the Angler's Cove Subdivision. Concerns about this affecting their quality of life due to the increased traffic and that there is nowhere for the traffic to turnaround.

Ms. Cruz spoke on the turnaround that has been designed in the subdivision plans which has been reviewed and approved by WastePro, Public Works and Fire.

Motion to approve case #18-50000001 was made by Commissioner Green, and Seconded by Commissioner Mills-Benat. Motion carried unanimously by roll call vote.

Motion to approve case #18-65000001 was made by Commissioner Green, and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

Motion to approve case #18-20000001 was made by Commissioner Mills-Benat, and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

10. Case No. 18-25000002

LDC TEXT AMENDMENT/PC-A WORKPLACE DISTRICT

A request by the applicant to amend Chapter 17, Section 29(e) of the Land Development Code (LDC) to increase the percentage of the Planned Community-Agriculture (PC-A) Workplace District allowed to be developed as multi-family, amend the landscape buffer requirement for a multi-family development abutting single-family residential zoned property, and change the minimum living area requirement for a multi-family dwelling unit.

Staff Contact: Penelope Cruz (386) 506-5671/pcruz@port-orange.org

Ms. Cruz provided an overview of LDC text amendment and PC-A workplace district.

Ms. Elizabeth Adler, Continental Development Properties, presented an overview of the project.

Rob Merrill, Developer, covered a couple more highlights on the concept of what they are bringing into the community.

Commissioner Junco questioned the percentage of PC-A workplace district allowed to be developed as multi-family from 7% to 13% increase, the vegetation buffer, and the location of the primary entrance

Commissioner Mills-Benat expressed her concerns about traffic issues due to this project.

Mathew West, LTG INC., discussed traffic and access points in more detail.

Chairman White, questioned the rental prices for the new development. The projected cost for the studios are about \$1,000 up to the three bedrooms for about \$1,700 a month.

Joy Drennan, 1374 Hyde Park Drive, spoke about her concerns with having a gated community in that area.

Mr. Jake Johansson, City Manager, stated the City is working with the County and Daytona to expand Williamson Blvd to four lanes, which should free up some of the traffic. He spoke on this project and how he believes this could lessen the traffic in the future, rather than having a commercial property at that location.

Commissioner Green wanted to discuss this project further. He agrees with Mr. Johansson's comments.

Teresa Wright, 1359 S. Wembley Circle, commented on the traffic and questioned the plans, if any for widening Summer Trees Road, and adding turning lights onto Taylor Road and would like the Commission to keep the traffic issues in mind.

Mr. Merrill advised the citizens and Commission that these concerns would be considered during the site plan traffic concurrency review.

Motion to approve case #18-25000002 was made by Vice Chairman Jordan and Seconded by Commissioner Green. Motion carried 5-1 by roll call vote. Commissioner Junco voted no.

11. Case No. 18-25000003

LDC TEXT AMENDMENT/CHAPTER 17, SECTION 1

Amendment to Chapter 17, Section 1, of the Land Development Code (LDC), to codify the City's Policy to allow agriculture uses on property rezoned to a non-agriculture zoning district for future development.

Staff Contact: Penelope Cruz (386) 506-5671/pcruz@port-orange.org

Ms. Cruz provided an overview of LDC text amendment, Chapter 17, Section 1.

Motion to approve case #18-25000003 was made by Commissioner Mills-Benat, and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

12. Case No. 18-40000001

SECOND AMENDMENT TO THE AMENDED AND RESTATED NOVA DEPOT PLANNED COMMERCIAL DEVELOPMENT (PCD) MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN (CDP)
3730 Nova Road

A request by the applicant to amend the Amended and Restated Nova Depot Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to establish the framework to subdivide a commercial lot into two (2) commercial lots.

Staff Contact: Gwen Perney (386) 506-5673/gperney@port-orange.org

Gwen Perney, Senior Planner, provided an overview of the two amendments to the Master Development Agreement and Conceptual Development Plan.

Vice Chairman Jordan asked about the Waffle House parcel the developer had agreed to extend the access drive to the South end for future connection to the property on the South side.

Ms. Perney replied that the developer was previously required to give a cross access easement and stub it out to that property line which is existing.

Motion to approve case #18-40000001 was made by Commissioner Junco and Seconded by Commissioner Mills-Benat. Motion carried 5-1 by roll call vote, with Commissioner Jordan voting no.

13. Case No. 18-20000002

ADMINISTRATIVE LARGE-SCALE COMPREHENSIVE PLAN FUTURE LAND USE AMENDMENT/WILLIAMSON BOULEVARD-WILLOW RUN BOULEVARD SITE
South side of Willow Run Boulevard, east of Williamson Boulevard

A proposed amendment to change the Comprehensive Plan Future Land Use (FLU) designation for ±34.5 acres from Urban High Density Residential (8-16 units/acre), Urban Medium Density Residential (4-8 units/acre), and Suburban Residential (2-4 units/acre) to Mixed-Use Center.

Staff Contact: Tim Burman (386) 506-5675/tburman@port-orange.org

Tim Burman, Director of Community Development, presented an overview of the proposed comprehensive plan future land use amendment for the Williamson Boulevard and Willow Run Boulevard Site.

Commissioner Green asked what the property is currently zoned for, what will it be changed to and if we are decreasing the proposed density available on this site.

Mr. Burman replied stating the current future land use for multifamily allows up to 326 multifamily units and is being changed to mixed use center, which allows for office, commercial and residential units. This allows more nonresidential uses than currently allowed there and it is about a 50-unit residential decrease.

Chairman White asked if there was any requirement for notification of the developments.

Mr. Burman stated there was yellow public notice sign posted on the subject property and there was also a public hearing ad in the newspaper.

Commissioner Green asked who the property owner is and if they are aware of the proposed changes for the land use and rezoning.

Mr. Burman stated that the property owner is aware and signed a document that they are okay with moving forward with the rezoning and land use changes.

Commissioner Junco asked if the property owner has approached with any interest in developing the property a certain way or if it is just on the market. Also, if they just want to get the property rezoned to resell to make more profit.

Mr. Burman stated this land use allows for multiple uses and adds more commercial uses to the property. The property owner will continue to market it with the new regulations.

Motion to approve case #18-20000002 was made by Commissioner Mills-Benat and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

14. CASE NO. 18-60000001

ADMINISTRATIVE REZONING/WILLIAMSON BOULEVARD-WILLOW RUN BOULEVARD SITE

South side of Willow Run Boulevard, east of Williamson Boulevard

A proposed amendment to rezone +/- 34.5 acres from Planned Unit Development (PUD) to Mixed-Use Center (MXC) District, and +/- 5 acres from Planned Unit Development (PUD) to Community Commercial (CC).

Staff Contact: Tim Burman (386) 506-5675/tburman@port-orange.org

Mr. Burman presented an overview of the administrative rezoning of the Williamson Boulevard and Willow Run Boulevard site.

Motion to approve case #18-60000001 was made by Commissioner Junco and Seconded by Vice Chairman Jordan. Motion carried unanimously by roll call vote.

C. OTHER BUSINESS

15. Commissioner Comments

Commissioner Green asked Mr. Burman about the Sonny's business sign and when it can be expected to be fixed. Mr. Burman is working with code enforcement and Sonny's to fix this issue.

Commissioner Junco made an announcement reminding everyone about Port Orange Family Days this weekend.

16. Staff Comments- There were none.

D. PUBLIC COMMENTS – There were none.

E. ADJOURNMENT – 7:52



Chairman Newton White

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Jordan, Thomas	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning Commission
MAILING ADDRESS 1000 City Center Circle	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="checked" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Port Orange Volusia	NAME OF POLITICAL SUBDIVISION: City of Port Orange
DATE ON WHICH VOTE OCCURRED March 22, 2018	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="checked" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Tom Jordan, hereby disclose that on March 22, 20 18 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of the applicant, Ray Donadio, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Ray Donadio applied for a special exception to allow for off-site parking as part of his office expansion at 301 Dunlawton Avenue in Port Orange. Ray Donadio is currently one of my customers.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

March 30, 2018
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.