



**AGENDA**  
**PLANNING COMMISSION**  
**CITY OF PORT ORANGE**

**Meeting Date:** Thursday, April 25, 2019

**Time:** 5:30 PM

**Type of Meeting:** Regular

**Location:** Council Chambers  
City Hall, 1000 City Center Circle

**A. CALL TO ORDER**

1. Pledge of Allegiance
2. Silent Invocation
3. Roll Call

**B. DISCUSSION/ACTION**

4. Consideration of Minutes
5. Case No. 19-20000001  
SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE  
AMENDMENT/SOUTHWEST CORNER OF TAYLOR RD. AND BOGGS FORD  
RD.

A request by the applicant to amend the Comprehensive Plan Future Land Use (FLU) Map designation of +/- 4.4 acres from *Office/Residential Transition* to *Commercial*.

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

6. Case No. 19-60000001  
REZONING/SOUTHWEST CORNER OF TAYLOR RD. AND BOGGS FORD RD.

A request by the applicant to rezone +/-4.4 acres from Professional Office (PO) to Community Commercial (CC).

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

7. Case No. 19-60000002  
ADMINISTRATIVE REZONING/119 HOWES ST.

An administrative rezoning of +/- 0.34-acres from Volusia County (R5) to Neighborhood Preservation (NP).

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

8. DISCUSSION ON PLANNING COMMISSIONER ATTENDANCE

### **C. OTHER BUSINESS**

9. Commissioner Comments
10. Staff Comments

### **D. PUBLIC COMMENTS**

### **E. ADJOURNMENT**

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **PLANNING COMMISSION** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA  
MARCH 28, 2019

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chairman Jordan at 5:30pm.

Pledge of Allegiance

Silent Invocation

Roll Call

Present: John Junco  
Maria Mills-Benat  
Darrel “Bo” Bofamy  
Lance Green  
Newton White  
Thomas Jordan, Chairman

Absent: Joe Fazzie (excused)

Also Present: Shannon Balmer, Assistant City Attorney  
Shelby Field, Assistant City Clerk

DISCUSSION/ACTION

4. Consideration of Minutes

*Motion to approve the meeting minutes from February 28, 2019 as presented was made by Vice Chairman Mills-Benat and Seconded by Commissioner White. Motion carried unanimously by roll call vote.*

5. Case No. 19-90000002  
VARIANCE/5807 CLOVER LANE

Variance from Chapter 16, Section 3(b)(2)(f) of the Land Development Code (LDC), to allow a 6-foot, 7-inch-tall fence constructed in a secondary front yard to remain in lieu of the required 20-foot setback.

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

*Penelope Cruz, Planning Manager, discussed the details of the variance and answered questions from the Commissioners.*

*Mark Belyus, Applicant, believes due to having a pool it is safer to keep the fence as is rather than replace it with a shorter 4-foot fence. Mr. Belyus responded to Commissioner comments regarding why it took so long to receive a permit for the reconstruction on the fence, stating that they live out of state and it took a while to get the survey back.*

*Commissioners inquired about the required fence location to be compliant with the Land Development Code. Mrs. Cruz explained the heights and locations allowed in the LDC.*

*Larry Baker, 5812 Clover Lane, spoke to the history of the home and fence, stating there were no complaints about the fence in the 30+ years he has lived next door until now.*

*Commissioner Junco sought clarification on the code relating to the size and placement of the fence and stated he does not believe a 4-foot fence around the pool is safe for children.*

*Motion to amend the application to allow a 6-foot fence to include the fence being moved to 30 inches off the pool deck on both the Wales and Clover Lane frontages was made by Commissioner White and seconded by Vice Chairman Mills-Benat. Motion carried 4-2 by roll call vote with Commissioner Green and Chairman Jordan voting no.*

*Mrs. Cruz advised the applicant can amend their application to match the amendment approved by the Commission or appeal the decision by submitting a request in writing to City within five business days and no new evidence can be submitted. Mrs. Cruz asked Mr. Belyus if he agreed with the amendment. He said no.*

*Commissioner Green asked the Assistant City Attorney if they should vote on the original application. Shannon Ballmer, Assistant City Attorney, believed it would be appropriate.*

*Motion to approve case 19-90000002 was made by Commissioner Junco and Seconded by Commissioner Green. Motion failed 6-0 by roll call vote.*

### **C. OTHER BUSINESS**

#### **9. Commissioner Comments**

Commissioner Green questioned Tim Burman, Community Development Director, about the commercial development at Williamson Blvd. and Airport Rd. Mr. Burman

responded the City just received site plans for it and has begun to review them. Commissioner Green also inquired about the dangling pink lights at that intersection. Mr. Burman replied that he can get with Public Works and see which ones they can work on.

Commissioner White asked Mr. Burman about the trees cut down on Nova Road and if that opens the option to connect the parking lots there. Mr. Burman responded that there is currently an FDOT drainage project going on and that is not in their permit. Commissioner White inquired about the property at Williamson and Madeline. Mr. Burman stated the site plan and building permit are moving forward and need to be approved by May 31, 2019.

Commissioner Junco asked to evaluate the attendance of the absent member and believes the position needs to be filled by someone that can attend the meetings. The Board agreed to add the topic to the next agenda.

Chairman Jordan asked about the 4-acre property on Ridgewood. Mr. Burman responded that there is a residential project proposed there and it will eventually come before the Planning Commission.

10. Staff Comments – there were none.

**D. PUBLIC COMMENTS** – there were none.

**E. ADJOURNMENT** – 6:51pm

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Chairman Thomas Jordan



# STAFF REPORT

Small-Scale Comprehensive Plan Future Land Use Amendment/Southwest corner of Taylor Rd. and Boggs Ford Rd.  
Case No. 19-20000001

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|                       |                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| REQUEST:              | Change the Comprehensive Plan Future Land Use (FLU) designation for ±4.4 acres from <i>Office/Residential Transition</i> to <i>Commercial</i> . |
| LOCATION:             | Southwest corner of Taylor Rd. and Boggs Ford Rd. (Figure 1 - Location Map)                                                                     |
| OWNERS:               | Port Orange Christian Church, Inc. and N & T Enterprises, LLC                                                                                   |
| APPLICANT:            | Storch Law Firm                                                                                                                                 |
| STAFF CONTACT:        | Penelope Cruz, Planning Manager (386) 506-5671                                                                                                  |
| STAFF RECOMMENDATION: | Approval                                                                                                                                        |
| PLANNING COMMISSION:  | April 25, 2019                                                                                                                                  |

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## INTRODUCTION

The applicant is requesting to change the Future Land Use (FLU) designation for ±4.4-acres from *Office/Residential Transition* to *Commercial*. The 4.4-acre subject property includes the Port Orange Christian Church site (904 Taylor Rd.) and an adjacent vacant parcel (908 Taylor Rd.). According to the applicant, if the FLU amendment request is approved, the applicant intends to request the subject property be rezoned from Professional Office (PO) to Community Commercial (CC) (see Case No. 19-60000001).



Figure 1. Location Map

Map created by the City of Port Orange Community Development Department

According to the applicant, the Port Orange Christian Church is in the process of relocating to a new site, located at 1801 Taylor Road, across from the Forest Lakes Preserve subdivision and wants to sell their land to fund the new site. Together with the owner of the adjacent vacant parcel, N & T Enterprises, LLC, they have requested to amend the FLU of the subject property to expand the number of non-residential uses allowed to be developed on the subject property to facilitate redevelopment. The applicant also stated that the request is to put in place FLU designation and zoning that better reflects the development pattern surrounding Taylor Road/ Dunlawton Avenue/ I-95 commercial node.

The current *ORT* FLU designation allows for the mixture of uses to be developed at a higher intensity (square-footage) and/or residential density. The intent of the requested *Commercial* land use designation is to provide for the retail sale of items and services to the general public. In locating commercial areas on the Future Land Use Map, the City has maintained the policy of designating commercial nodes at intersections of roadways. In this case, the subject property is part of Regional Node located at the intersection of I-95 and Dunlawton Avenue. The node classification was determined based on the functional classification of the adjacent roadways and size of the surrounding neighborhoods. A Regional Node is intended to serve the needs of residents within a 4-mile radius of the node.

As documented in the staff report, changing the FLU designation for the subject property will reduce the theoretical maximum demand the subject property will have on water, potable water, sewer, recreation, schools, transportation network, stormwater, and solid waste.

## **DISCUSSION**

The following discussion will examine the proposed amendment and the impacts of the proposed amendment.

## **PROPERTY OVERVIEW**

The subject property currently includes the Port Orange Christian Church site and an adjacent undeveloped parcel. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1. The current adopted FLU designation for the subject property and adjacent properties is identified on Exhibit A. The proposed FLU designation for the subject property and the current FLU designation of the adjacent properties are identified on Exhibit B. The current zoning classification of the subject property and adjacent properties are identified on Exhibit C. The proposed zoning classification of the subject property and current zoning classification of adjacent properties are identified on Exhibit D.

All future development plans (site plan or subdivision) submitted will require detailed technical review by the Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) are met. As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development requiring transportation facilities to be provided or for the developer to enter into a mitigation agreement for their impacts.

**Table 1. Surrounding Land Uses and Zoning**

| Direction | Existing Land Use                                  | FLU Designation                                                     | Zoning District                                                       |
|-----------|----------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------|
| North     | Altamira Planned Commercial Development (PCD)      | Commercial                                                          | Planned Commercial Development (PCD)                                  |
| South     | Single-family homes                                | Office/Residential Transition;<br>Rural Transition (0-2 units/acre) | Professional Office;<br>Agriculture                                   |
| East      | Boggs Ford Road right-of-way; single-family homes  | Boggs Ford Road right-of-way;<br>Rural Transition (0-2 units/acre)  | Agriculture                                                           |
| West      | Journey's End Planned Commercial Development (PCD) | Commercial                                                          | Planned Commercial Development (PCD);<br>Interchange Commercial (ICD) |

**PROPOSED AMENDMENT**

The proposed amendment is to change the FLU designation for ±4.4-acres from *Office/Residential Transition* to *Commercial*. The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and maximum allowable density/intensity and net change in density/intensity (Table 3).

The current *Office/Residential Transition* FLU designation is a mixed-use category that allows for a distribution of uses within the 4.4-acres, with the cumulative mixture of uses totaling 100%. In Table 3, the maximum allowable density/intensity and net change in density/intensity is based on two theoretical maximum scenarios currently allowed with the *Office/Residential Transition* FLU designation (Scenario #1: 25% Residential/75% Office; and Scenario #2: 25% commercial/75% office).

**Table 2. Current & Proposed Future Land Uses – Acreage by Category**

|                               | Current FLU (acres) | Proposed FLU (acres) | Net Change in FLU (acres) |
|-------------------------------|---------------------|----------------------|---------------------------|
| Office/Residential Transition | 4.4                 | 0                    | - 4.4                     |
| Commercial                    | 0                   | 4.4                  | +4.4                      |
| TOTAL ACREAGE                 | 4.4                 | 4.4                  | 0                         |

**Table 3. Current & Proposed Future Land Uses – Maximum Density/Intensity by Category**

|                                                                                                       | Current FLU                                         | Proposed FLU    | Net Change in FLU                                    |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------|------------------------------------------------------|
|                                                                                                       | [Theoretical Maximum Density/Intensity]             |                 |                                                      |
| Office/Residential Transition<br>Scenario #1<br>25% Residential (10 units/acre)/75% Office (1.5 FAR*) | 44 dwelling units<br>215,622 sq.ft.                 | 0               | -44 dwelling units<br>-215,622 sq.ft.                |
| Office/Residential Transition<br>Scenario #2<br>25% commercial (1.5 FAR)* /75% office (1.5 FAR)*      | 287,496 sq.ft.                                      | 0               | -287,496 sq.ft.                                      |
| Commercial<br>(1.0 FAR)*                                                                              | 0                                                   | 191,664 sq. ft. | 191,664 sq. ft.                                      |
| TOTAL                                                                                                 | Scenario #1:<br>44 dwelling units<br>215,622 sq.ft. | 191,664 sq. ft. | Scenario #1:<br>-44 dwelling units<br>- 23,958 sq.ft |
|                                                                                                       | Scenario #2:<br>287,496 sq.ft.                      |                 | Scenario #2:<br>-95,832 sq.ft.                       |



\*The floor area ratio (FAR) is the total covered area on all floors of all buildings on a certain lot divided by the total area of the lot.

## INFRASTRUCTURE IMPACT ASSESSMENT

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted Future Land Use designation versus the proposed designation. The following seven public facilities and services were examined (Table 4).

- |                   |                        |
|-------------------|------------------------|
| 1. Transportation | 5. Stormwater Drainage |
| 2. Sanitary Sewer | 6. Recreation          |
| 3. Potable Water  | 7. Schools             |
| 4. Solid Waste    |                        |

Overall, the proposed amendment would result in a net decrease in impacts to all public infrastructure and services.

**Table 4. Impact Analysis (Theoretical Max.)**

| DEVELOPMENT VARIABLE                        | CURRENT LAND USE                               |                                               | PROPOSED LAND USE | NET CHANGE |             |
|---------------------------------------------|------------------------------------------------|-----------------------------------------------|-------------------|------------|-------------|
|                                             | Scenario 1<br>(25% Residential/<br>75% Office) | Scenario 2<br>(25% commercial/<br>75% office) |                   | Scenario 1 | Scenario 2  |
| Residential Units                           | 44                                             | 0                                             | 0                 | -44        | 0           |
| Non-residential Buildable Sq. Ft.           | 215,622                                        | 287,496                                       | 191,664           | -23,958    | -95,832     |
| Population <sup>1</sup>                     | 99                                             | 0                                             | 0                 | -99        | 0           |
| PM Peak Hour Trips/Daily Trips <sup>2</sup> | 948/8,083                                      | 1,187/10,859                                  | 711/8,184         | -237/-101  | -476/-2,675 |
| Sanitary Sewer (gallons/day) <sup>3</sup>   | 28,602                                         | 28,750                                        | 19,166            | -9,436     | -9,584      |
| Potable Water (gallons/day) <sup>4</sup>    | 29,482                                         | 28,750                                        | 19,166            | -10,316    | -9,584      |
| Solid Waste (lbs./person) <sup>5</sup>      | 2,474                                          | 2,875                                         | 1,917             | -557       | -958        |
| Stormwater Drainage <sup>6</sup>            | n/a                                            | n/a                                           | n/a               | n/a        | n/a         |
| Recreation/Open Space <sup>7</sup> (acres)  | 0.69                                           | 0                                             | 0                 | -0.69      | 0           |

**Table 4 Notes:**

1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: Apartment (220) 0.62 PM Peak Hour, 6.65 Average Daily; Shopping Center (820) trips per 1000 sq.ft. - 3.71 PM Peak Hour; 42.70 Average Daily; Medical Office (720) trips per 1000 sq.ft. - 4.27 PM Peak Hour, 36.13 Average Daily; ITE Trip Generation Manual, 10th Edition
3. Sanitary Sewer: 160 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
4. Potable Water: 180 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 square feet of non- residential development per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event; Drainage system will be designed to meet the requirements of the Land Development Code.
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)

## **TRANSPORTATION**

A transportation analysis has been prepared by traffic engineering firm, LTG, Inc., and reviewed by staff. A decrease in the number of daily trips and P.M. peak hour trips is expected to result from the proposed FLU amendment. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition, the proposed *Commercial* FLU designation could generate 237 less P.M. peak hour trips and 101 less daily trips, based on the maximum allowed development for the current (Scenario #1) and proposed FLU designations. When compared to the current FLU designation under scenario #2, proposed *Commercial* FLU designation could generate 476 less P.M. peak hour trips and 2,675 less daily trips, based on the maximum allowed development for the current (Scenario #2) and proposed FLU designations.

The current FLU designation allows is a mixed-use designation that allows for mostly office, some commercial and multi-family residential uses. According to the ITE Trip Generation Manual, the medical and professional office and residential uses allowed under the current FLU designation generate more vehicular trips, especial during peak school traffic times, than the general commercial uses allowed under the proposed FLU designation. In addition, the uses allowed in the *Office/Residential Transition* FLU designation typically attract new trips to an area and while the *Commercial* FLU designation also attracts trips, there is typically a portion of trips that already exist on the adjacent roadways. Therefore, the *Commercial* FLU designation reduces the buildable area (square-footage) and supports uses that will attract a percentage of existing trips on the roadway network.

The analysis shows there will be deficiencies under the current land use in the long-term and the land use proposed in the amendment is expected to still add traffic to these roadway segments. However, due to the reduction in intensity and density through the proposed FLU amendment, the amount of traffic added is anticipated to be less.

As with all development, the specific site development proposals for the subject property will be subject to concurrency regulations at the time of development, requiring adequate transportation facilities to be provided or to mitigate their impacts.

## **SANITARY SEWER**

The City has available capacity to accommodate the proposed amendment and future development of the subject property. The City's adopted LOS standard for sanitary sewer is 160 gallons per day per Equivalent Residential Unit (ERU), and 1/10 gallon per square foot per day of non-residential development. Using these standards, the proposed FLU designation would theoretically generate 19,166 gallons per day (gpd) of wastewater. This is a net decrease of over 9,000 gpd between the current and proposed FLU designations.

## **POTABLE WATER**

The City has available well and Consumptive Use Permit (CUP) capacity to serve the proposed land use change. The City's adopted LOS standard for potable water is 180 gallons per day per Equivalent Residential Unit. Using this standard, the proposed FLU designation would demand 19,166 gallons of potable water per day based on the theoretical maximum development analysis, which is a net decrease of over 9,000 gallons per day.

### **SOLID WASTE COLLECTION**

There is available capacity at the landfill to address the City's solid waste disposal needs. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050. The City's adopted LOS standard for solid waste is 3.21 pounds per person per day and 10 lbs. per 1,000 square feet of non-residential development per day. Using this standard, the proposed FLU designation would generate 1,917 pounds per day of solid waste based on the theoretical maximum development analysis, which is a net decrease of over 500 pounds per day.

### **STORMWATER DRAINAGE**

There is no anticipated impact to the City's drainage system from the proposed land use change. Stormwater management in the City of Port Orange deals with both quality and quantity. The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan and Land Development Code require that there be no net loss of stormwater retention function as a result of development. In other words, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. Any future development of the property will be required to address stormwater retention on the property in accordance with these City standards.

### **RECREATION**

The proposed FLU designation does not require additional parkland because it is a non-residential FLU designation that does not increase residential demand. According to the City's 2018 Concurrency Management Report, the City has an excess of 68 acres of parkland, so no additional parkland is needed.

### **SCHOOLS**

Pursuant to the Volusia County School District criteria, the proposed FLU amendment and any future development of this property is exempt from School Concurrency review because the request is to change to a non-residential designation.

### **REVIEW CRITERIA AND STAFF FINDINGS**

#### **1. *Consistency with the City's Comprehensive Plan.***

**Staff finding:** The proposed FLU amendment is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan. The proposed FLU designation is compatible with adjacent parcels. There are no new impacts to public facilities from the proposed amendment. Adequate capacity exists for portable water, sewer, schools, recreation, and stormwater, and solid waste. As for transportation, while the proposed amendment reduces the theoretical maximum number of PM Peak and daily trips, there are still failing road segments identified. As with all development, the specific site development proposals for the subject property will be subject to concurrency regulations requiring adequate public facilities to be provided to mitigate the impacts.

2. *Compatibility with land use designations for adjacent parcels and neighborhoods.*

**Staff finding:** The proposed FLU amendment is compatible with the adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is negatively impacted by the other. The subject property is part of the I-95/Dunlawton regional commercial node and is primarily surrounded by properties with commercial or office FLU designations. Any future development will be required to comply with all LDC requirements, including those pertaining to buffers and screening (fence or wall) between non-residential and existing adjacent residential homes.

3. *Impacts on public facilities/infrastructure/services.*

**Staff finding:** The proposed amendment would result in an overall decrease in impacts to public facilities, infrastructure and services. The detailed use-specific concurrency analysis will be conducted as part of any future proposed development.

As with all development, a specific site plan or subdivision will be subject to concurrency regulations requiring adequate public facilities to be provided to mitigate impacts.

4. *Whether the amendment increases the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above twelve hours.*

**Staff finding:** The subject property is not located within the Hurricane Vulnerability Zone and will not have any negative impact on the clearance time for evacuation of the population in the Hurricane Vulnerability Zone.

5. *Whether the amendment discourages the proliferation of urban sprawl.*

**Staff finding:** The proposed amendment will not encourage sprawl. The amendment area is surrounded by existing development, with access to existing infrastructure.

## **PUBLIC NOTICE**

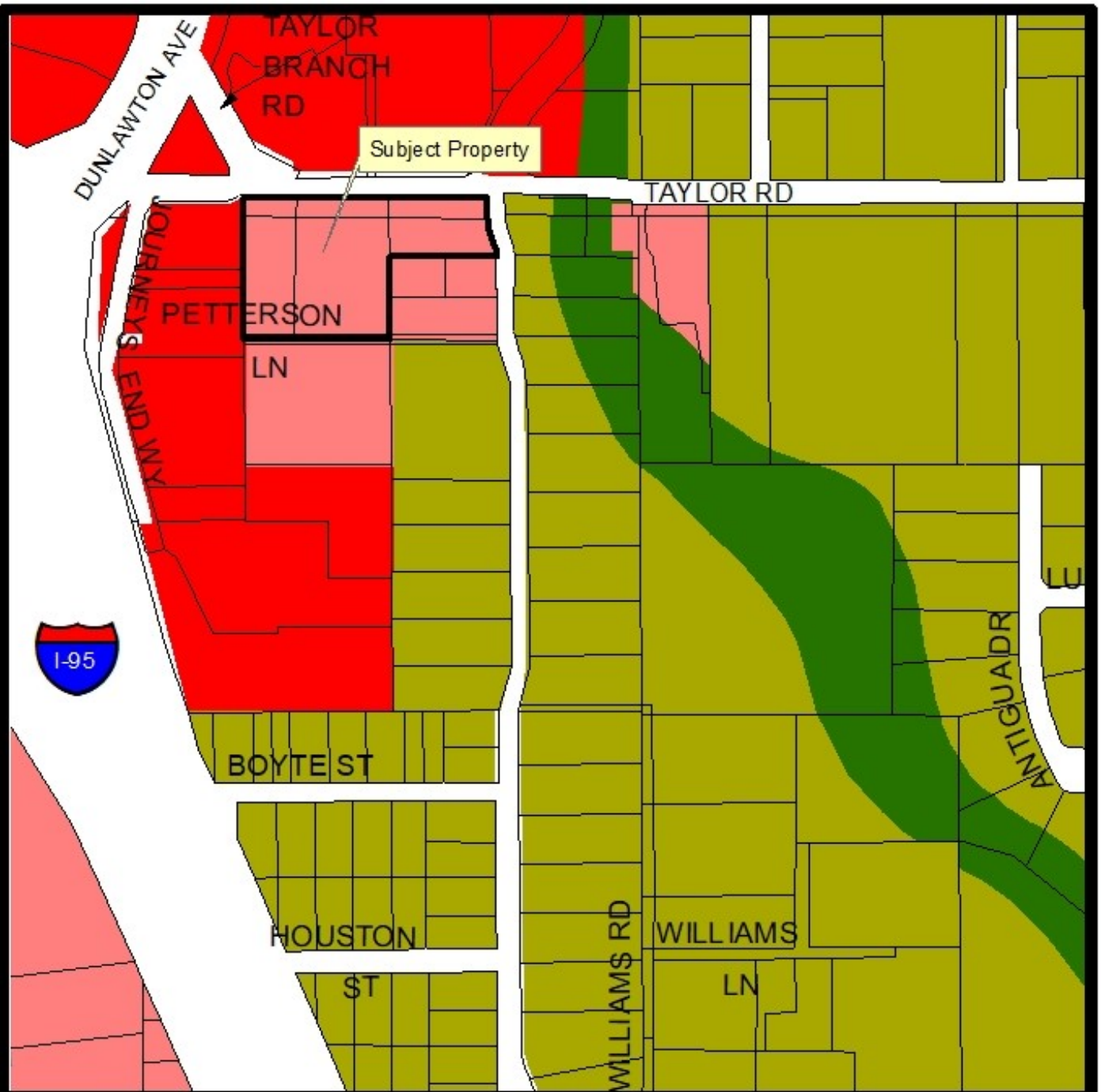
On April 5, 2019, staff posted the property notifying the public of the proposed amendment. The proposed amendment has also been advertised in the *News-Journal* pursuant to Florida Statutes.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request to change the FLU designation of ±4.4 acres from *Office/Residential Transition* to *Commercial*, and authorization for staff to send the amendment to the required review agencies.

## **ATTACHMENTS**

Exhibit A – Current Future Land Use Map  
Exhibit B – Proposed Future Land Use Map  
Exhibit C – Current Zoning Map  
Exhibit D – Proposed zoning Map



#### Future Land Use Designations

- |                                                                                                  |                                                                                                                   |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
|  Commercial   |  Office/Residential Transition |
|  Conservation |  Rural Transition              |

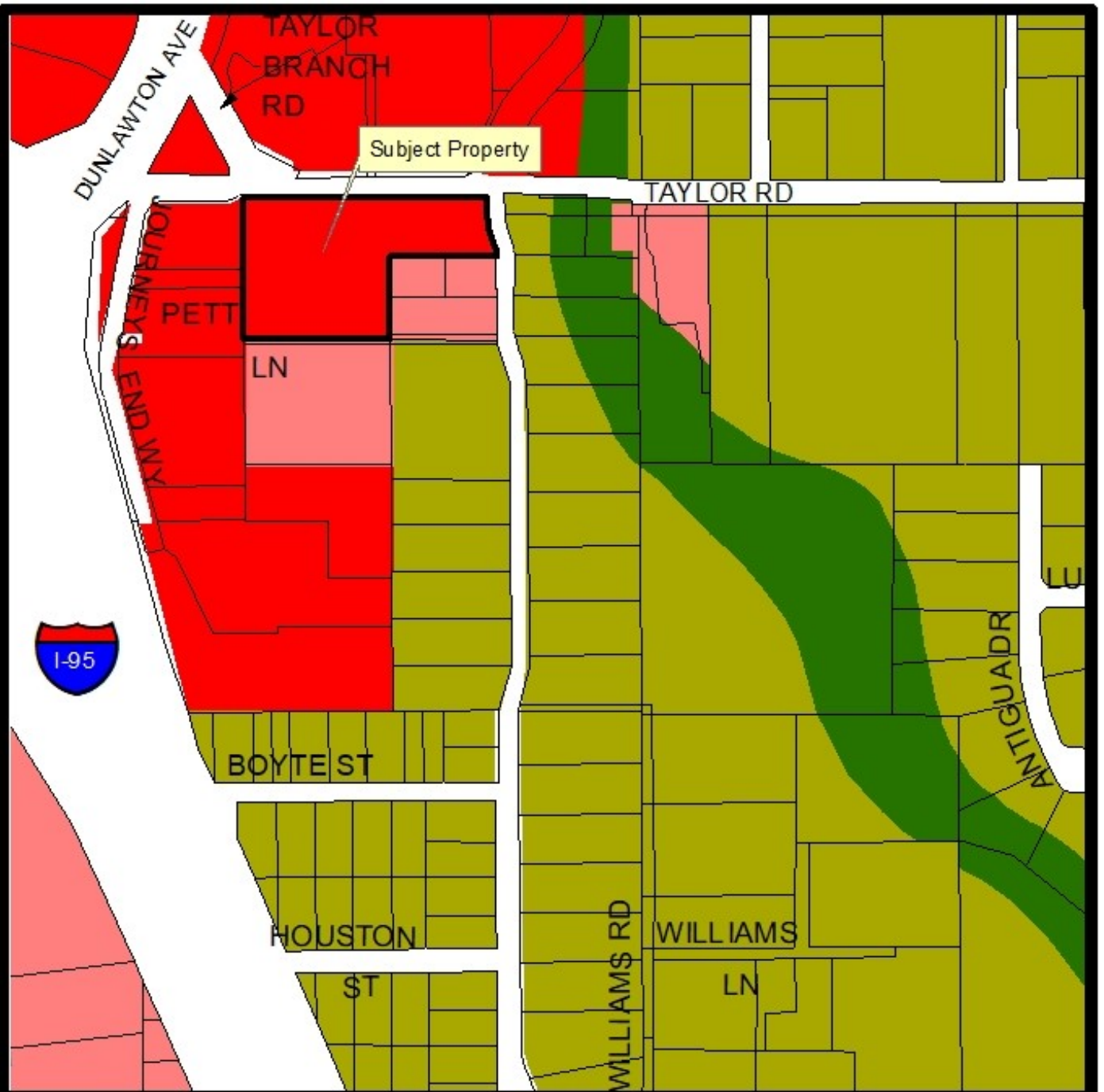


Exhibit A - Current Future Land Use Map

# CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





#### Future Land Use Designations

- |                                                                                     |              |                                                                                     |                               |
|-------------------------------------------------------------------------------------|--------------|-------------------------------------------------------------------------------------|-------------------------------|
|  | Commercial   |  | Office/Residential Transition |
|  | Conservation |  | Rural Transition              |



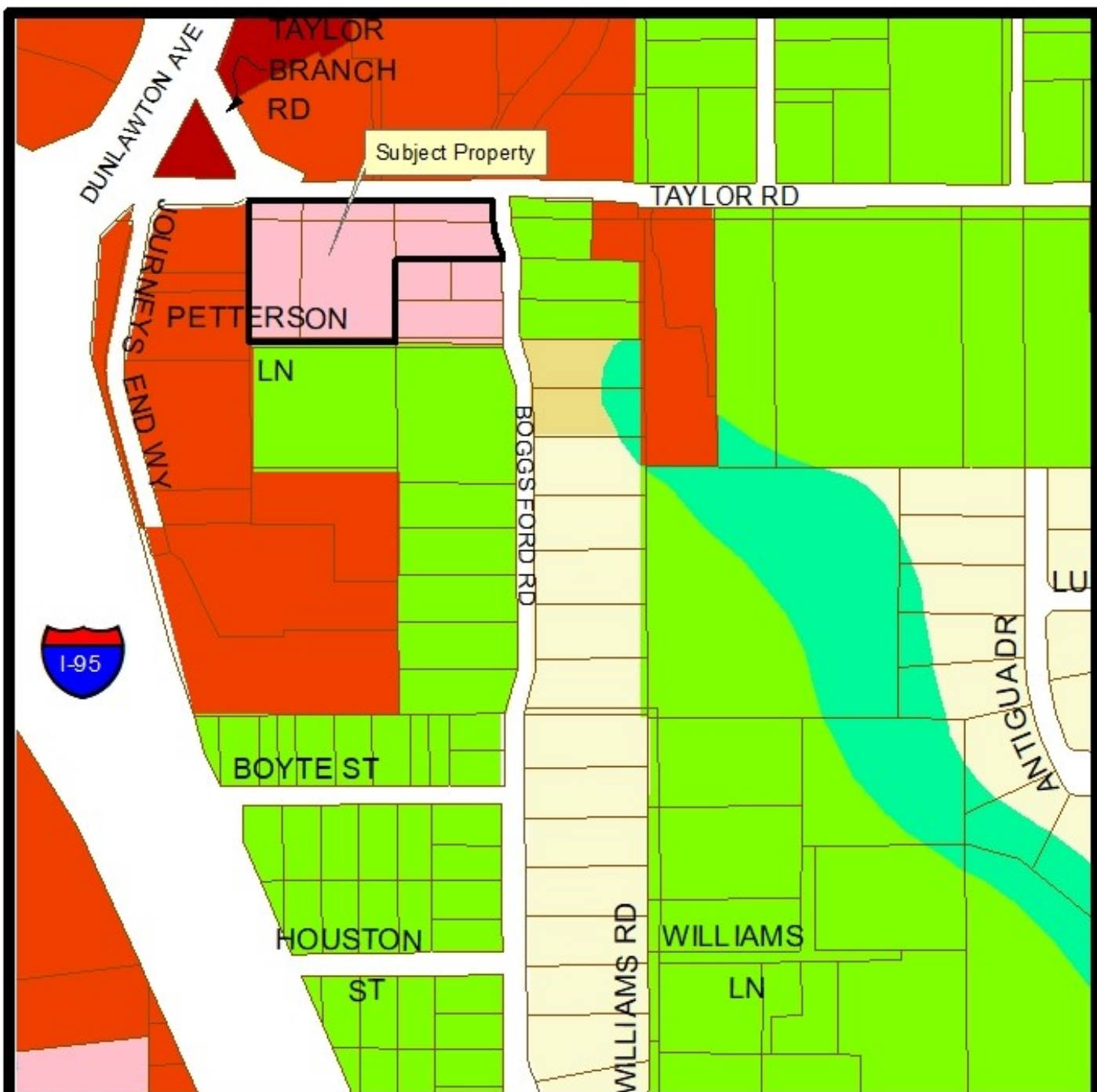
#### Exhibit B - Proposed Future Land Use Map

# CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT







### Zoning Classifications

|                                                                                                              |                                                                                                                     |                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|  Agriculture              |  Interchange Commercial District |  R-20SF Single Family Residential |
|  Community Commercial     |  Planned Commercial Development  |  Rural Residential                |
|  Flood Plain-Conservation |  Professional Office             |                                                                                                                        |

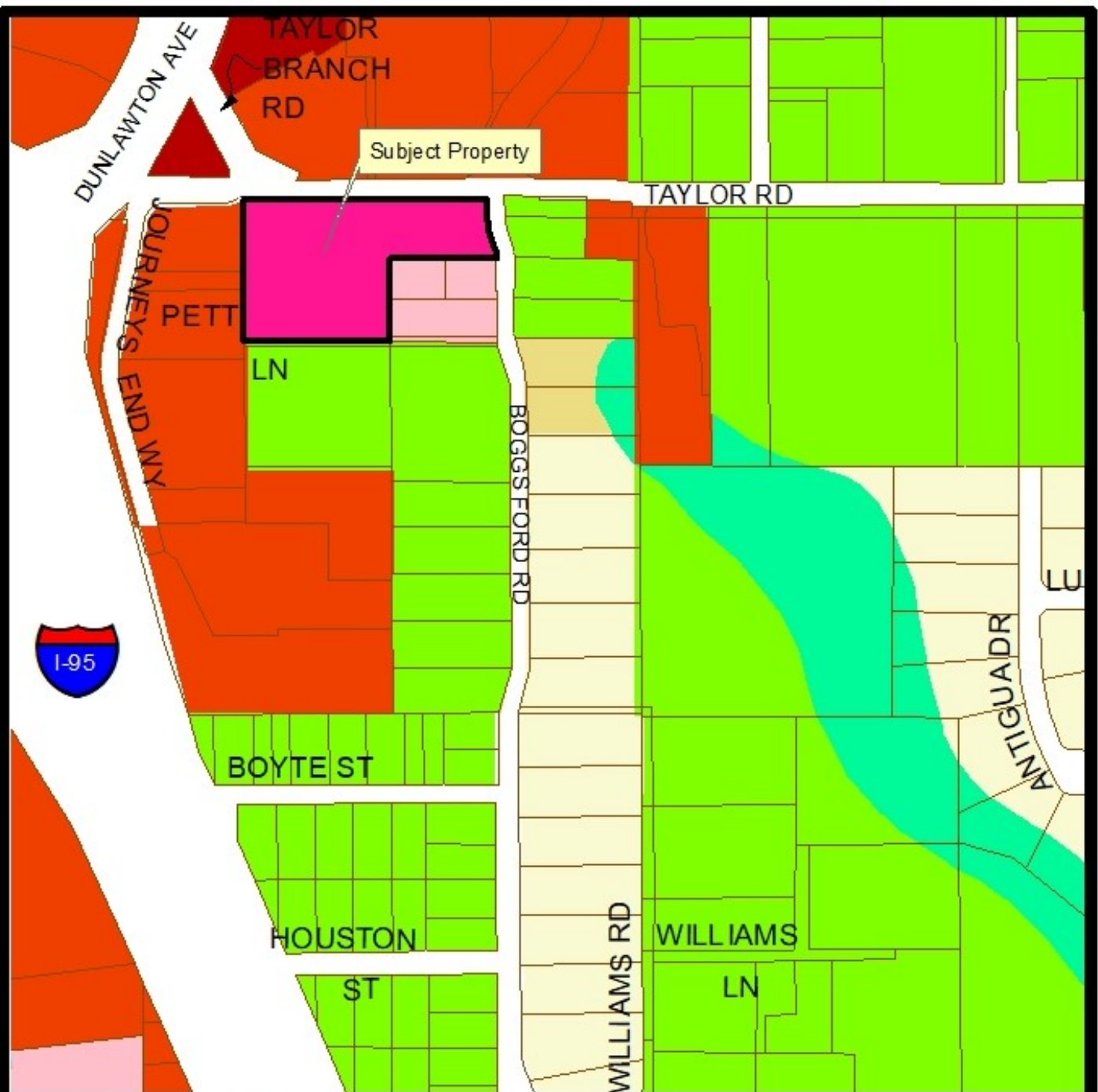


### Exhibit C - Current Zoning Map

# CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





### Zoning Classifications

|                                                                                                              |                                                                                                                     |                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|  Agriculture              |  Interchange Commercial District |  R-20SF Single Family Residential |
|  Community Commercial     |  Planned Commercial Development  |  Rural Residential                |
|  Flood Plain-Conservation |  Professional Office             |                                                                                                                        |



### Exhibit D - Proposed Zoning Map

# CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT







# STAFF REPORT

Rezoning/Southwest corner of Taylor Rd. and  
Boggs Ford Rd.  
Case No. 19-60000001

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|                              |                                                                               |
|------------------------------|-------------------------------------------------------------------------------|
| <b>REQUEST:</b>              | Rezone ±4.4 acres from Professional Office (PO) to Community Commercial (CC). |
| <b>LOCATION:</b>             | Southwest corner of Taylor Rd. and Boggs Ford Rd. (Figure 1 - Location Map)   |
| <b>OWNERS:</b>               | Port Orange Christian Church, Inc. and N & T Enterprises, LLC                 |
| <b>APPLICANT:</b>            | Storch Law Firm                                                               |
| <b>STAFF CONTACT:</b>        | Penelope Cruz, Planning Manager (386) 506-5671                                |
| <b>STAFF RECOMMENDATION:</b> | Approval                                                                      |
| <b>PLANNING COMMISSION:</b>  | April 25, 2019                                                                |

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## INTRODUCTION

The applicant is requesting to rezone ±4.4-acres from Professional Office (PO) to Community Commercial (CC). The 4.4-acre subject property consist of two sites: 904 and 908 Taylor Road. At this time, there is no pending development proposed on the subject property. The applicant is requesting the rezoning to expand the number of non-residential uses allowed to be developed on the subject property.



Figure 1. Location Map

Map created by the City of Port Orange Community Development Department

## **DISCUSSION**

The subject property currently includes the Port Orange Christian Church site and an adjacent vacant parcel. The rezoning request was reviewed according to the criteria established in Chapter 3, Section 5 of the LDC in terms of consistency with the Comprehensive Plan and the surrounding land uses and zoning.

All future development plans (site plan or subdivision) submitted will require detailed technical review by the Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) are met. As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development requiring transportation facilities to be provided or for the developer to enter into a mitigation agreement for their impacts.

The City has planned for and designated commercial nodes at intersections of major roads in the Future Land Use Element of the Comprehensive Plan. In this case, the subject property is part of a Regional Commercial Node located around the intersection of Dunlawton Avenue and I-95. The node is intended to support the City with a mix of retail uses for the surrounding area within a  $\pm 4$ -mile radius of the I-95 interchange area.

### Consistency with Comprehensive Plan

The proposed rezoning to the Community Commercial (CC) zoning district is consistent with the proposed Commercial FLU designation. The subject property is currently designated *Office/Residential Transition* (ORT), but the applicant has applied to change the Future Land Use (FLU) designation to *Commercial* (see Exhibit B and Case No. 19-20000001).

### Compatibility with Surrounding Uses and Zoning

The requested zoning is consistent with the surrounding properties that are zone Planned Commercial Development (PCD) and compatible with other surrounding properties currently developed with single-family homes. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other. Any future development will be required to comply with all Land Development Code requirements, including those pertaining to buffers between non-residential and existing adjacent residential homes.

The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1. The current adopted FLU designation for the subject property and adjacent properties are identified on Exhibit A. The proposed FLU designation for the subject property and the current FLU designation of the adjacent properties are identified on Exhibit B. The current zoning classification of the subject property and adjacent properties are identified on Exhibit C. The proposed zoning classification of the subject property and current zoning classification of adjacent properties are identified on Exhibit D.

**Table 1. Surrounding Land Uses and Zoning**

| <b>Direction</b> | <b>Existing Land Use</b>                           | <b>FLU Designation</b>                                           | <b>Zoning District</b>                                             |
|------------------|----------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------|
| North            | Altamira Planned Commercial Development (PCD)      | Commercial                                                       | Planned Commercial Development (PCD)                               |
| South            | Single-family homes                                | Office/Residential Transition; Rural Transition (0-2 units/acre) | Professional Office; Agriculture                                   |
| East             | Boggs Ford Road right-of-way; single-family homes  | Boggs Ford Road right-of-way; Rural Transition (0-2 units/acre)  | Agriculture                                                        |
| West             | Journey's End Planned Commercial Development (PCD) | Commercial                                                       | Planned Commercial Development (PCD); Interchange Commercial (ICD) |

**PUBLIC NOTICE**

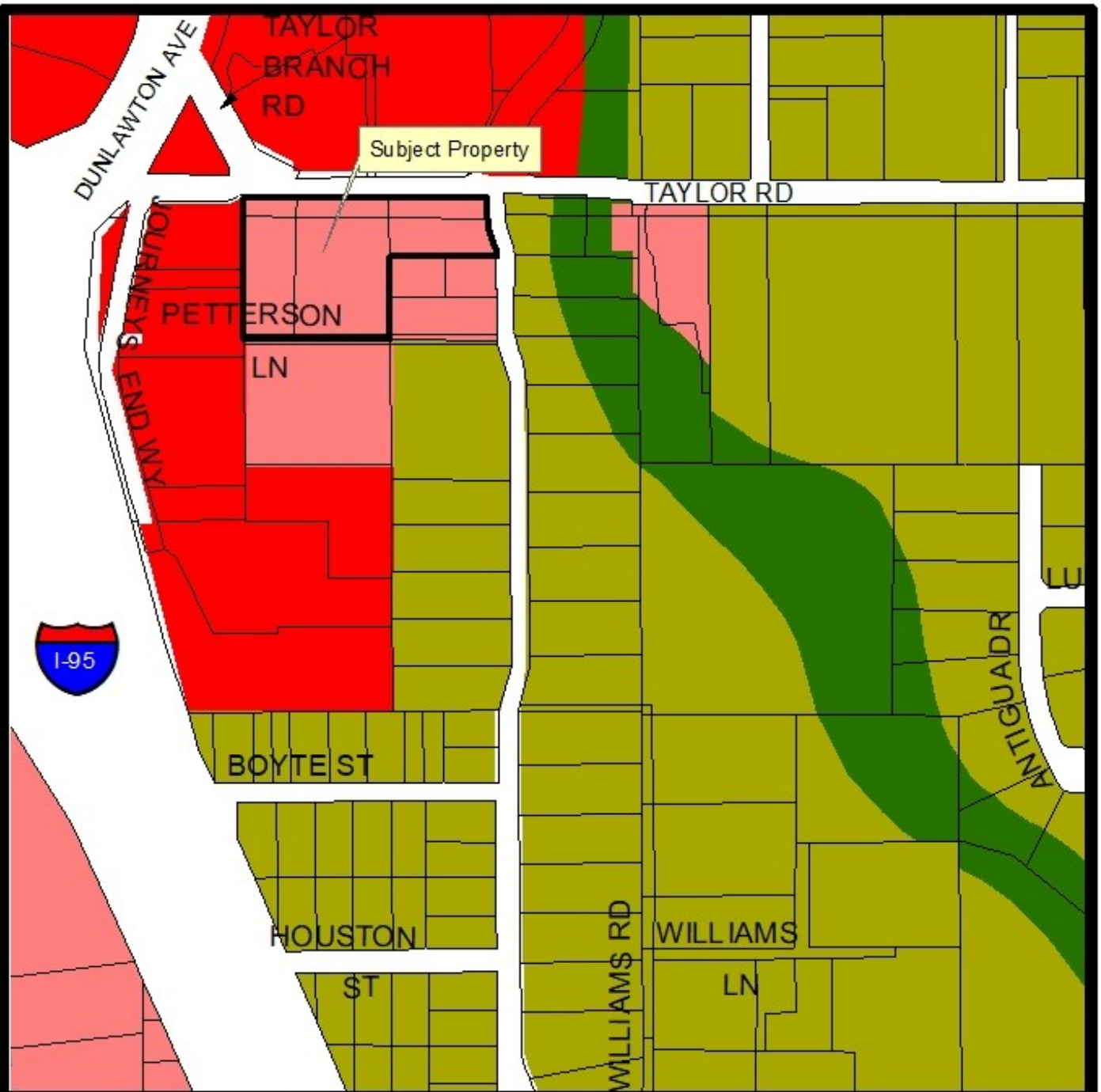
On April 5, 2019, staff posted the property notifying the public of the proposed amendment.

**STAFF RECOMMENDATION**

Staff recommends approval of the request to rezone ±4.4 acres from Professional Office (PO) to Community Commercial (CC).

**ATTACHMENTS**

- Exhibit A – Current Future Land Use Map
- Exhibit B – Proposed Future Land Use Map
- Exhibit C – Current Zoning Map
- Exhibit D – Proposed zoning Map
- Exhibit E – Community Commercial Zoning District Permitted Uses



#### Future Land Use Designations

- |                                                                                                                                        |                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <span style="display: inline-block; width: 20px; height: 10px; background-color: red; border: 1px solid black;"></span> Commercial     | <span style="display: inline-block; width: 20px; height: 10px; background-color: pink; border: 1px solid black;"></span> Office/Residential Transition |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: green; border: 1px solid black;"></span> Conservation | <span style="display: inline-block; width: 20px; height: 10px; background-color: olive; border: 1px solid black;"></span> Rural Transition             |



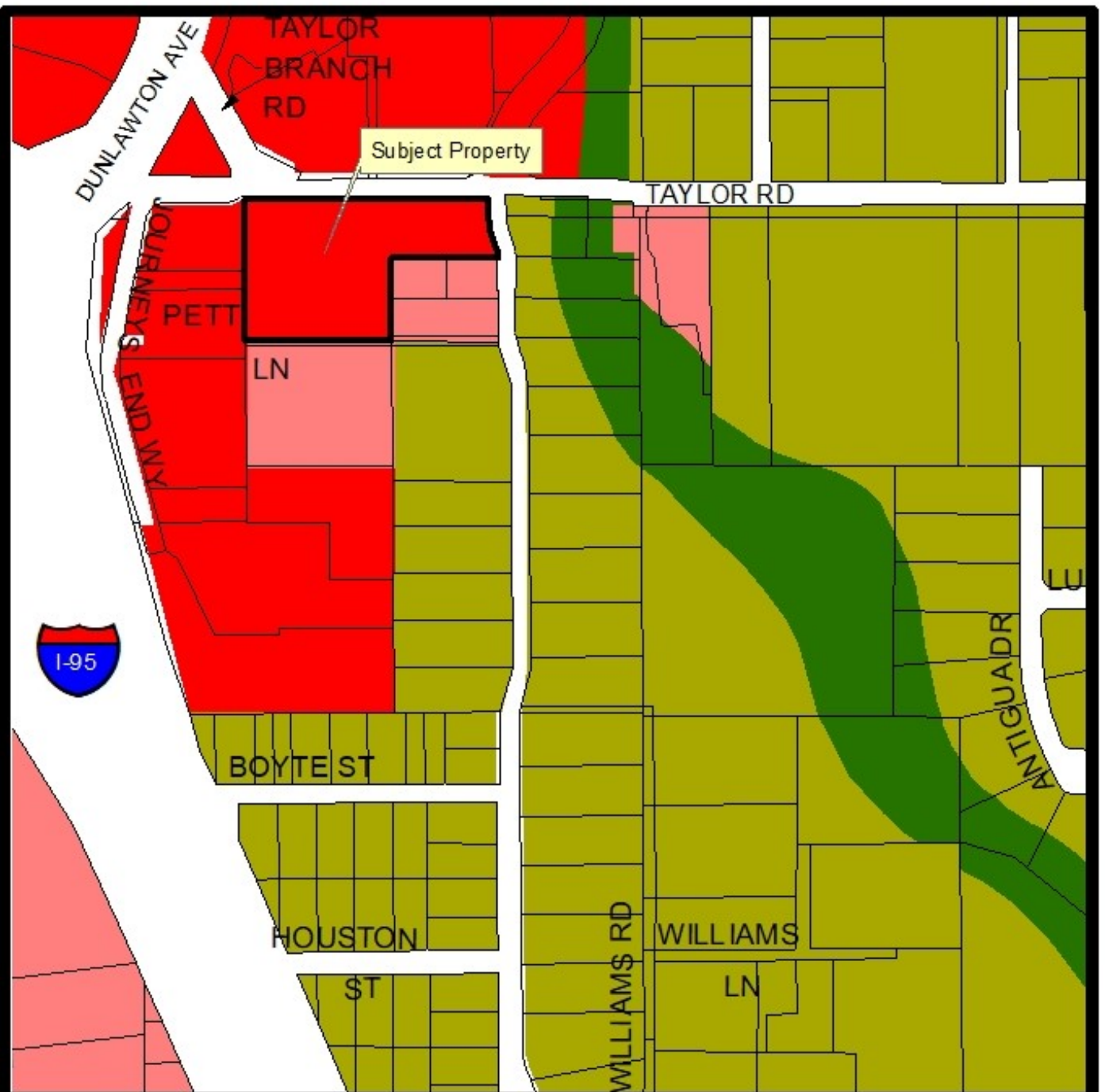
Exhibit A - Current Future Land Use Map

**CITY OF PORT ORANGE**

DEPARTMENT OF COMMUNITY DEVELOPMENT







#### Future Land Use Designations

- |                                                                                     |              |                                                                                     |                               |
|-------------------------------------------------------------------------------------|--------------|-------------------------------------------------------------------------------------|-------------------------------|
|  | Commercial   |  | Office/Residential Transition |
|  | Conservation |  | Rural Transition              |

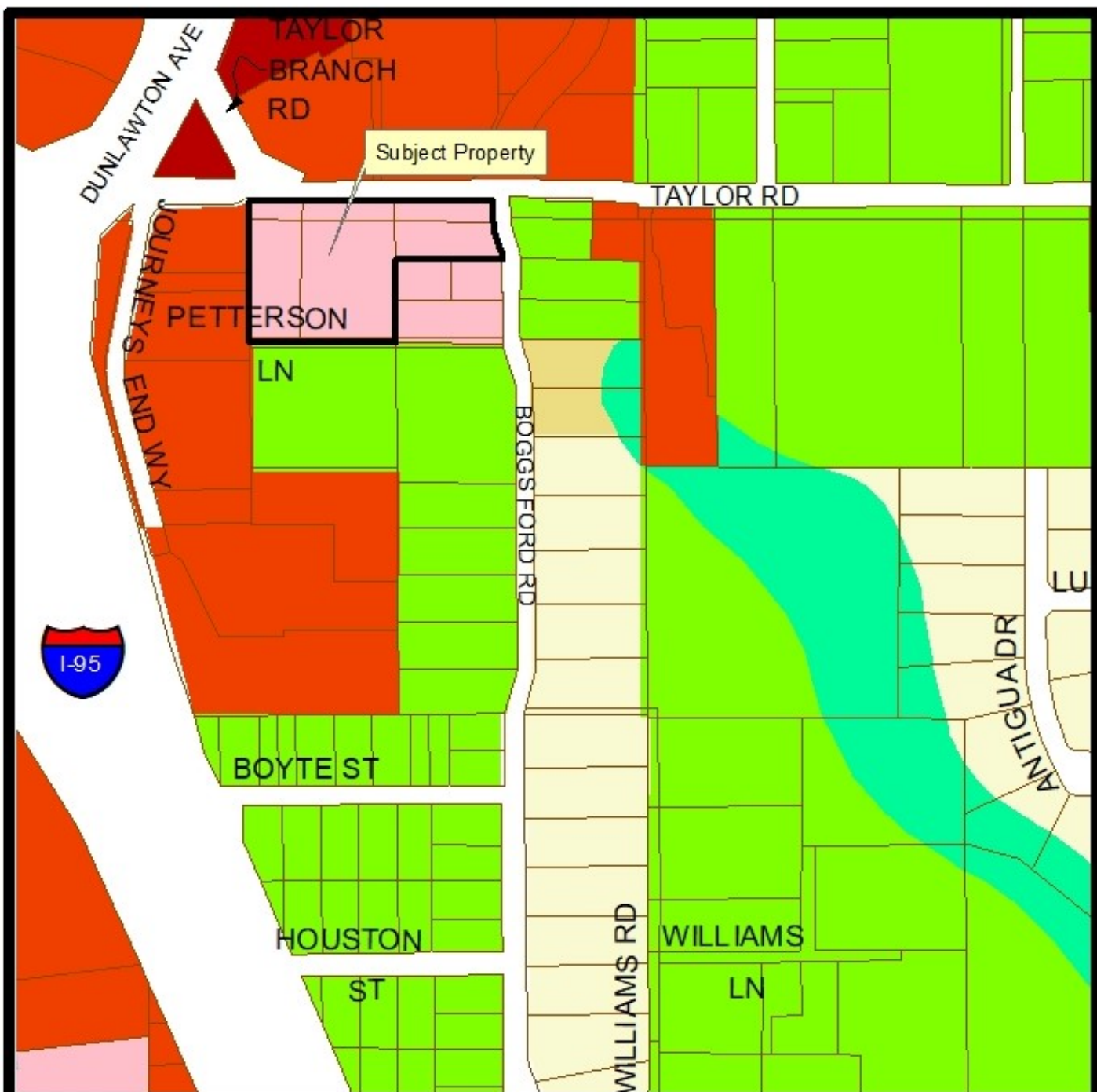


#### Exhibit B - Proposed Future Land Use Map

# CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





### Zoning Classifications

|                                                                                                              |                                                                                                                     |                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|  Agriculture              |  Interchange Commercial District |  R-20SF Single Family Residential |
|  Community Commercial     |  Planned Commercial Development  |  Rural Residential                |
|  Flood Plain-Conservation |  Professional Office             |                                                                                                                        |



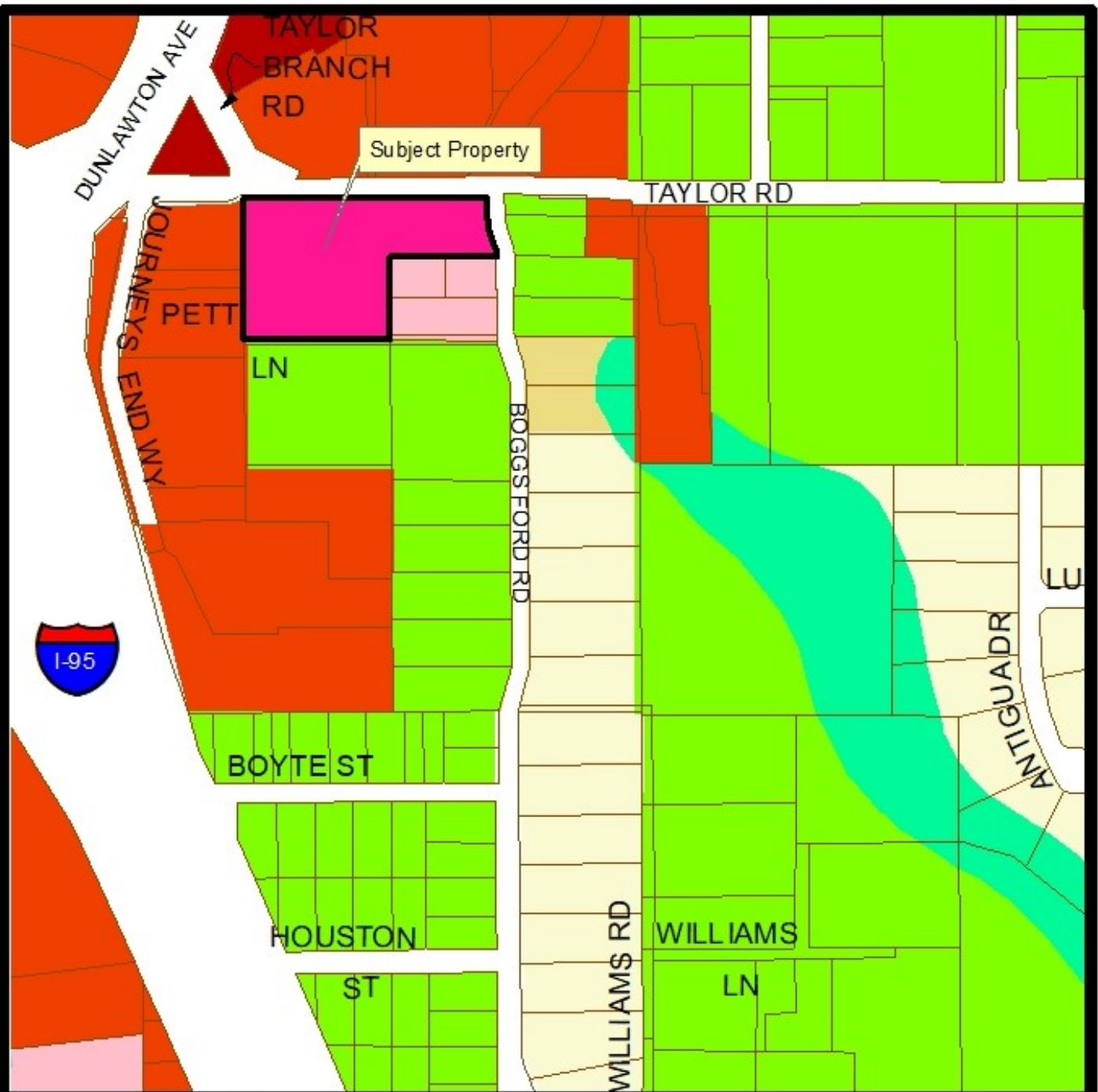
### Exhibit C - Current Zoning Map

# CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT







### Zoning Classifications

|                                                                                                              |                                                                                                                     |                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|  Agriculture              |  Interchange Commercial District |  R-20SF Single Family Residential |
|  Community Commercial     |  Planned Commercial Development  |  Rural Residential                |
|  Flood Plain-Conservation |  Professional Office             |                                                                                                                        |



### Exhibit D - Proposed Zoning Map

# CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



## Exhibit E

### Land Development Code

#### Chapter 17 – Zoning

##### Section 21: - Community commercial (CC) district.

(a) Purpose and intent. The community commercial (CC) district is intended to provide for community scale businesses that customarily require freestanding buildings on individual sites.

(b) Permitted uses.

- (1) Adult/vocational education.
- (2) Appliance/electronic repair shops.
- (3) Banks.
- (4) Business services.
- (5) Clubs, lodges, and fraternal organizations.
- (6) Camouflaged and monopole communication towers.
- (7) Convenience stores with or without fuel operations.
- (8) Financial services.
- (9) Fleet-based services.
- (10) Funeral homes.
- (11) Furniture and appliance stores.
- (12) Health/exercise clubs.
- (13) Medical offices/clinics.
- (14) Motor vehicle service stations.
- (15) Offices.
- (16) Office supplies.
- (17) Personal services.
- (18) Restaurants.
- (19) Retail home building materials.
- (20) Retail nurseries and garden supplies.
- (21) Retail sales and services.
- (22) Veterinary clinics.

(bb) Permitted uses with special development requirements (chapter 18, section 4).

- (1) Athletic/sports facilities (subsection 2).
- (2) Brewery (subsection 3.7).
- (3) Child care centers (subsection 4).
- (4) Craft food and beverage producer (subsection 5.15).
- (5) Community gardens (subsection 5.1). (6) Microbrewery (subsection 9.57).
- (6) Theaters (subsection 17).

(c) Special exception uses (chapter 18, section 3).

- (1) Bars, lounges, and night clubs (subsection 3).
- (2) Fortune tellers, astrologers, and palm readers (subsection 6).
- (3) Game/recreation facilities (subsection 7).
- (4) Marina, recreational (subsection 9.6).
- (5) Mini-warehouses (subsection 10).
- (6) Motor vehicle and boat storage facilities (subsection 12).



# STAFF REPORT

## REZONING / 119 HOWES STREET

CASE NO. 19-60000002

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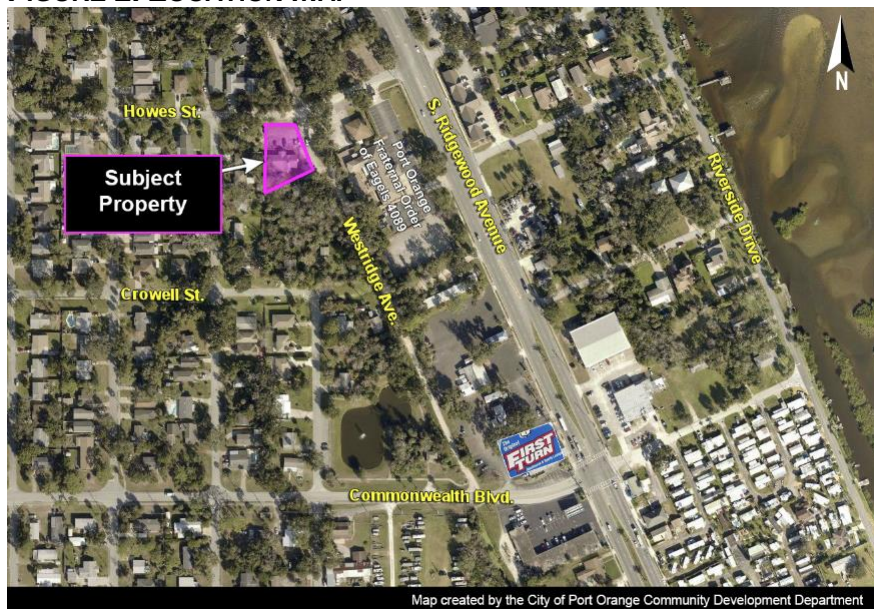
|                                  |                                                                                                                                   |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>                  | Rezone $\pm 0.34$ acres from Volusia County R-5 (single-family residential) to City of Port Orange Neighborhood Preservation (NP) |
| <b>LOCATION:</b>                 | 119 Howes Street (Figure 1 – Location Map)                                                                                        |
| <b>OWNER:</b>                    | Walt Zack Memorial Post 270 Port Orange Inc                                                                                       |
| <b>APPLICANT:</b>                | City of Port Orange                                                                                                               |
| <b>STAFF RECOMMENDATION:</b>     | Approval                                                                                                                          |
| <b>STAFF CONTACT:</b>            | Gwen Perney (386) 506-5673                                                                                                        |
| <b>PLANNING COMMISSION DATE:</b> | April 25, 2019                                                                                                                    |

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### PROPERTY OVERVIEW

The proposed rezoning would change the zoning from Volusia County R-5 (single-family residential) to Neighborhood Preservation (NP) for a  $\pm 0.34$ -acre property. The subject property is located at 119 Howes Street, west of Ridgewood Avenue and north of Commonwealth Boulevard. If approved, the American Legion Post 270 intends to build a new building to replace the former building that was recently damaged by a fire. According to the NP zoning district, the use “clubs, lodges, and fraternal organizations” is permitted if it existed on the property before 2015.

**FIGURE 1. LOCATION MAP**



### **DISCUSSION**

The subject property was annexed into the City of Port Orange in 1998 when it was previously occupied by the Ponce Inlet Lions Club. The Future Land Use (FLU) was amended in 1999 from Volusia County *Urban Medium Intensity* to City of Port Orange *Urban Medium Density (4 – 8 units/acre)*. However, the property was never rezoned from Volusia County R-5 to a compatible City zoning district.

The American Legion has occupied the subject property since 2000. The existing meeting hall experienced fire damage in January 2019 and is currently in the process of being demolished. The American Legion would prefer to remain at their current location and construct a new meeting hall as opposed to moving to a new location in order to retain membership.

Staff has prepared the subject administrative rezoning application to correct this zoning inconsistency so that the subject property will have a zoning consistent with the Comprehensive Plan FLU designation and the use of the property.

Staff is recommending rezoning the property to Neighborhood Preservation (NP) to be consistent with adjacent properties and the Future Land Use designation. The NP zoning district allows single-family detached dwellings, as well as other uses with special development requirements. Clubs, lodges, and fraternal organizations are one of the permitted uses with special development requirements in the NP zoning district). All future development (building permit, site plan or subdivision) submitted will require detailed technical review to determine all requirements in the Land Development Code (LDC) and Florida Building Code (FBC) are met.

The rezoning request was reviewed according to the criteria established in Chapter 3, Section 5 of the LDC in terms of consistency with the Comprehensive Plan and the surrounding land uses and zoning.

#### Consistency with Comprehensive Plan

The subject property currently has a Future Land Use (FLU) designation of City of Port Orange *Urban Medium Density (4-8 units/acre)* (see Exhibit A). The NP zoning district is consistent with the *Urban Medium Density (4-8 units/acre)* FLU designation.

#### Compatibility with Surrounding Uses and Zoning

The NP zoning district is consistent with the surrounding properties that are zoned for medium-density residential uses. The subject property is surrounded by single-family homes to the north, south, and west, and the existing Eagles Fraternal Lodge to the east. The current adopted FLU designation for the subject property and the current FLU designation of the adjacent properties is identified on Exhibit A. The current and proposed zoning classification of the subject property and adjacent properties are identified on Exhibit B.

**Table 1. Surrounding Land Uses and Zoning**

| Direction | Existing Land Use                   | FLU Designation              | Zoning District                   |
|-----------|-------------------------------------|------------------------------|-----------------------------------|
| North     | Single-family home                  | Residential (4-8 units/acre) | R-7SF (single-family residential) |
| South     | Single-family home                  | Residential (4-8 units/acre) | R-7SF (single-family residential) |
| West      | Single-family home                  | Residential (4-8 units/acre) | R-7SF (single-family residential) |
| East      | Club, lodge, fraternal organization | Commercial                   | RD (Ridgewood Development)        |

### **PUBLIC NOTICE**

On April 5, 2019, staff posted the property notifying the public of the proposed rezoning.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of the request to rezone ±0.34 acres from Volusia County R-5 (Single Family Residential) to City of Port Orange Neighborhood Preservation (NP).

### **ATTACHMENTS**

Exhibit A - Current Future Land Use Map

Exhibit B - Current and Proposed Zoning Map



## EXHIBIT A

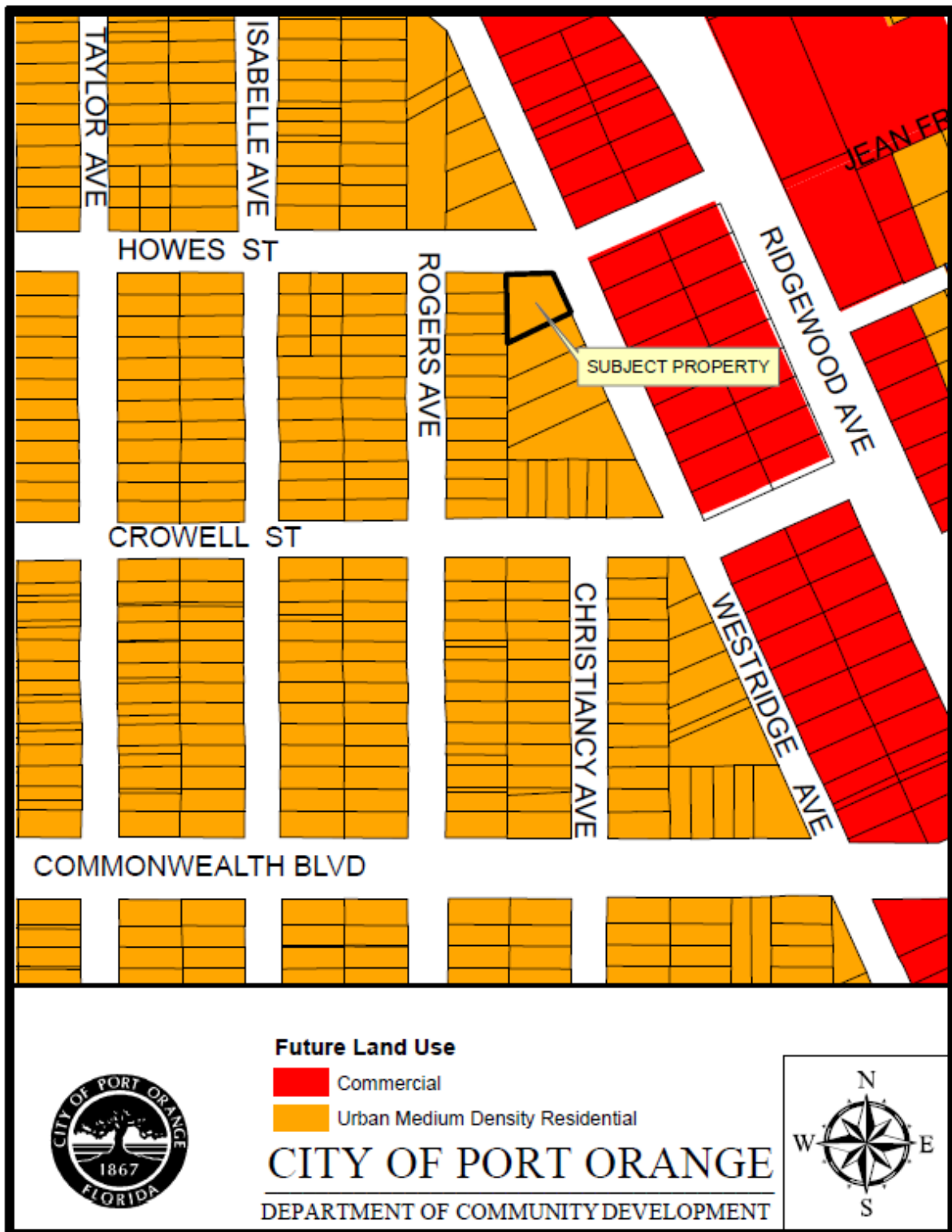
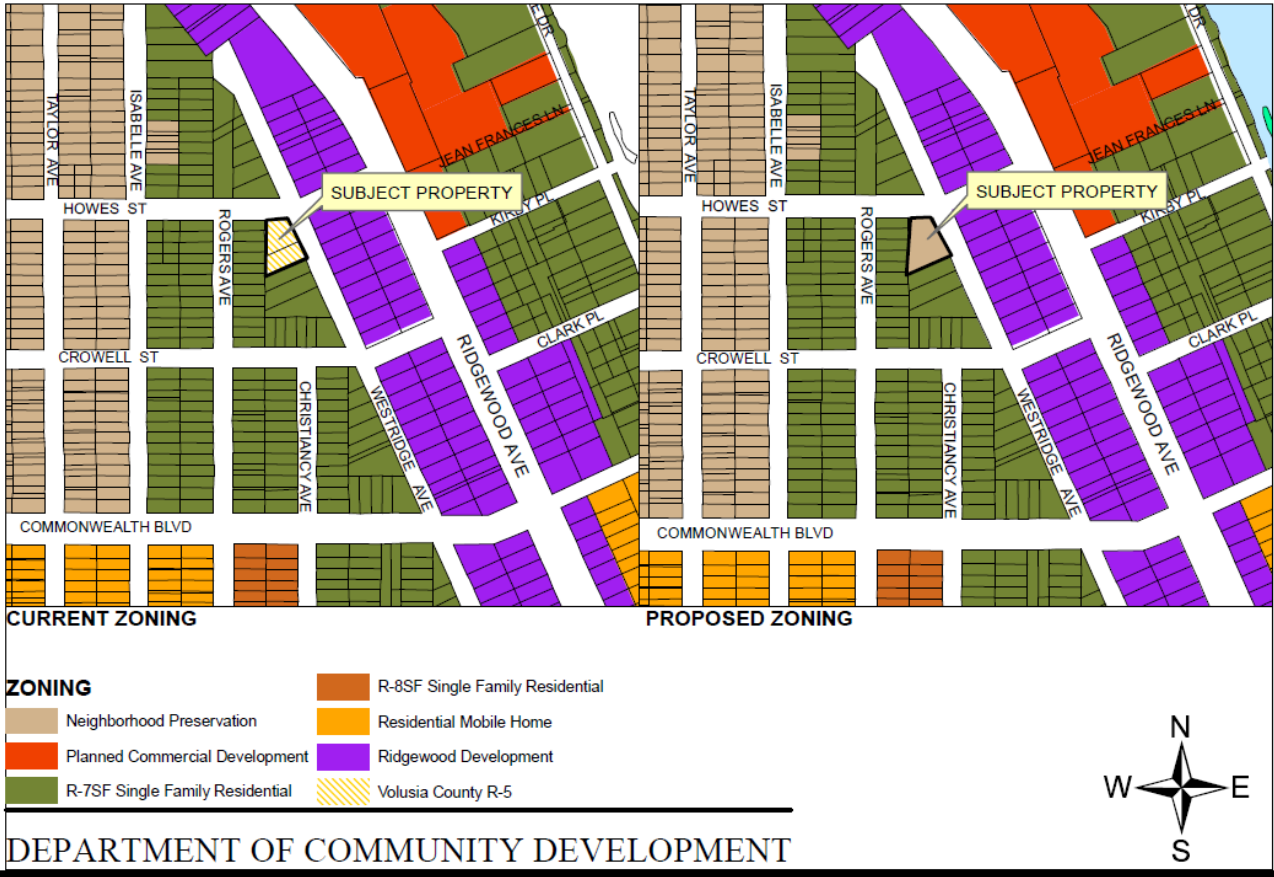


EXHIBIT B





# MEMORANDUM

**TO:** Planning Commission Members  
**FROM:** Melanie Schmotzer, Development Review Technician  
**SUBJECT:** Discussion of Commissioner Attendance  
**DATE:** April 19, 2019

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As requested by the Planning Commission Chairman, Thomas Jordan, at the March 28, 2019 Planning Commission meeting, please find attached a copy of the section in the Land Development Code relating to the Planning Commission, the Planning Commission Rules of Procedure, and the attendance log for Planning Commissioners as of October 25, 2018.

MS

Attachment

### **Chapter 3, Article III, Section 10: - Planning commission.**

There is hereby created the Port Orange Planning Commission to review comprehensive planning policies and specific development applications as required by this code, and provide recommendations to the city council on planning and land development related matters.

- (a) *Membership.* The planning commission shall consist of seven voting members appointed by, and serving at the pleasure of the city council. These members shall be qualified electors residing in the city. An eighth member may be appointed by the Volusia County School Board to serve on the commission in a non-voting capacity. Membership shall be further specified as follows:
  - (1) Members shall be appointed for two-year staggered terms. A member whose term expires may continue to serve until a replacement is appointed.
  - (2) Members may be removed without notice or without cause by a majority vote of the city council, except for the school board appointee, who may only be removed by a majority vote of the school board.
  - (3) With the exception of the school board appointee, if any member fails to attend two of three consecutive meetings without cause and without prior approval of the chairman, the board shall declare the position vacant and request a replacement be appointed by city council.
  - (4) When a vacancy occurs prior to the expiration of a term, the city council or school board as appropriate shall appoint a member to fill the vacancy for the duration of that term.
- (b) *Organization and procedures.*
  - (1) The commission shall annually elect a chair and vice chair from among its voting members.
  - (2) The commission shall adopt rules of procedure, in accordance with this code and applicable law, to carry out its functions and duties.
  - (3) The commission shall meet at least once per calendar month, unless canceled by the commission or its chair, and at such additional times as requested by the chair or city council.
  - (4) A quorum shall consist of four voting members.
  - (5) The department shall serve as staff to the commission, and the city shall provide a recording secretary to keep minutes of the commission's meetings.
  - (6) Members shall serve without compensation, but voting members may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city council.
- (c) *General functions and duties.*
  - (1) The commission is designated as, and shall carry out the duties of the local planning agency and land development regulation commission, as defined in F.S. ch. 163, part II.
  - (2) The commission shall obtain and review information as necessary to prepare and amend the comprehensive plan and development code of the city.
  - (3) The commission shall generally keep the city council and general public informed and advised on the comprehensive planning policies of the city.
  - (4) The commission shall monitor the operation and effectiveness of the comprehensive plan and this code, and recommend amendments to the city council.
  - (5) The commission shall conduct public hearings, review development applications, and perform other duties as required by this code.
  - (6) The planning commission shall hear and consider variances to this code, as specified in chapter 19 of this code.
  - (7) The commission shall review proposed development agreements and amendments thereto, and make recommendations on such agreements and amendments to the city council.

- (8) The commission shall monitor the implementation of the interlocal agreement between Volusia County School Board and the City of Port Orange on school facility planning. In the event that the commission finds that the implementation of the agreement is not occurring, the commission shall make a recommendation to the city council on the steps necessary to achieve successful implementation.

(Ord. No. 1992-26, 8-25-92; Ord. No. 1995-43, § 14, 12-19-95; Ord. No. 1999-6, § 4, 2-23-99; Ord. No. 2003-5, § 1, 3-18-03)



## **CITY OF PORT ORANGE PLANNING COMMISSION RULES OF PROCEDURE**

- 1. INTENT AND PURPOSE:** The City of Port Orange establishes the duties and procedures for the Planning Commission (the Commission) in Chapter 3, Article III, Section 10 of the Land Development Code (LDC). The following are specific operational and procedural standards to be followed by the Commission in carrying out the requirements contained in the LDC. Any of the following standards that conflict with adopted ordinances, resolutions or stated policies of the City Council are hereby determined void to the extent that they conflict with said documents.
- 2. MEMBERS, ATTENDANCE, OFFICERS AND DUTIES:**
  - a) Members and Attendance:** Membership and meeting attendance shall be established as specified in Section 10(a) of Article III, Chapter 3 of the LDC, as amended. All members of the Planning Commission shall carry out their duties in accordance with proper administrative procedures enacted by the City Council. Members are required to attend regularly scheduled and special meetings of the Commission. If a member cannot attend a regular or special meeting, then the member should notify the City Clerk's Office or the Community Development Director at least five days prior to the meeting date. The five-day notice shall not apply to emergency absences beyond the member's control. In regard to special meetings, members are encouraged to give notice as soon as possible, if it is not feasible for the member to provide five-day's notice due to the scheduled time for the special meeting.
  - b) Chairman:** The Planning Commission shall elect a member to serve as the Chairman. If the Vice-Chairman is not willing to assume the role of Chairman, as prescribed in Paragraph 2(c), then nominations may be offered from the voting members of the Commission, and the nominee receiving the most votes shall assume the role of Chairman. The nominee should have at least two year's experience of serving on the Commission to be eligible. Once elected, the Chairman shall serve for a period of one year, commencing with the regularly scheduled meeting in January. The Chairman shall decide upon all points of order and procedure subject to these rules, but may allow alternative points of order and procedure due to extenuating circumstances if agreed to by a majority of the Commission in session at the time. The Chairman may confer with the staff members including, but not limited to, the Director of Community Development and the City Attorney, in interpreting these Rules of Procedure. The Chairman shall sign all minutes and pertinent documents of the Commission.
  - c) Vice-Chairman:** The Commission shall elect a member to serve as the Vice Chairman. The Vice-Chairman shall serve a one-year term commencing with the regularly scheduled meeting in January. Nominations may be offered from the members of the Commission, and the nominee receiving the most votes shall assume the role of Vice-Chairman. The nominee should have at least one year's experience of serving on the Commission to be eligible. Once elected, the Vice-Chairman shall serve as the acting Chairman and carry out the duties of the Chairman when he/she is absent or otherwise unable to carry out the required duties. The Vice-Chairman, if willing to serve, shall succeed to the Chairman's position the following year.

3. **STAFFING AND REPORTING:** The Community Development Director, or his or her appointed designee, shall serve as the primary staff liaison to the Planning Commission. The Planning Division shall be responsible for the preparation, compilation and distribution of the Planning Commission Agenda. Staff reports summarizing the technical and policy issues associated with items to be reviewed by the Commission shall be distributed to the Commission no later than six calendar days prior to the regularly scheduled meeting of the Planning Commission. It is the intent of the Planning Commission that applications are forwarded to them with only minor comments or issues. If an application has any significant outstanding comments or issues identified by staff, then the Commission may continue, table, or remove the item from the agenda until the applicant can satisfactorily address the outstanding comments or issues.

The City Clerk's Office shall serve as the Secretary to the Planning Commission and shall be responsible for keeping of all minutes and official records. The Planning Division staff shall draft the text and supporting maps of all advertisements and shall coordinate with the City Clerk's office to ensure that all public notices required by federal, state and local law are properly prepared and published. Applications, plans and other such development applications shall be received and processed through the Community Development Department, as specified by the various chapters of the LDC.

4. **MEETINGS:** The Planning Commission, in accordance with the LDC, shall hold at least one meeting per month. The meeting shall take place on the fourth Thursday of the month at 5:30 PM in the Port Orange City Council Chambers. The Planning Division shall develop a Critical Dates Calendar that specifies the exact dates for Planning Commission meetings. The Planning Commission may review and approve alternative dates for scheduled meetings that conflict with holidays or other such occasions.
5. **SPECIAL MEETINGS:** Special meetings of the Commission may be called by the Chairman or at the direction of any three members of the Commission in session. The Secretary shall provide each member with notice of the meeting at least 72 hours prior to the meeting. The notice shall clearly indicate the date, time, and place of the special meeting. The public or an applicant may also make a formal request for a special meeting. All such requests shall be in a written form that is submitted to the Director of Community Development, who will forward the request to the entire Commission and appropriate staff. The staff liaison shall acknowledge the request within twenty-four hours. The Chairman's response shall be sent to the Director of Community Development who shall coordinate with the party requesting the special meeting. The Chairman or the Planning Commission does not have to grant request for special meetings if the item(s) to be reviewed or discussed can be addressed at a regularly scheduled meeting. Those requesting a special meeting shall be responsible for all additional costs including, but not limited to, staff time, agenda preparation and reproduction, and legal advertisements, unless waived by the Planning Commission or City Council.
6. **CANCELLATION OF MEETINGS:** Whenever there is no business for the Planning Commission to review; or whenever there will not be a quorum due to excused absences, the Chairman may cancel the regularly scheduled meeting. The Chairman shall inform the Secretary to send verbal or written notice to the other Commission members and appropriate staff. Said notice shall be sent at least 24 hours prior to the scheduled time for the meeting.

7. **QUORUM:** A quorum shall consist of four voting members. A quorum is required for the transaction of business.
8. **ORDER OF MEETING:** In general, the Planning Commission shall abide by all appropriate regulations established by federal, state and local laws for the accessibility to and notice of meetings. The order of business at regularly scheduled meetings shall generally proceed as follows:
- a) Call to Order
    - I. Pledge of Allegiance
    - II. Silent Prayer
    - III. Roll Call
    - IV. Consideration of Minutes
  - b) Old Business (Including Tabled and Continued Items)
  - c) New Business
  - d) Other Business
  - e) Adjournment\*

\*The Commission shall not hear items on the agenda after 8:30 PM unless authorized by a majority vote of the Commission members present. Items which have not been heard by 8:30 PM may be continued to a date and time certain, or to the next regularly scheduled meeting of the Planning Commission, as determined by affirmative votes of the majority of the voting members present. (NOTE: This disclaimer may be placed at the beginning of the Planning Commission agenda for meetings with a large number of items).

The Planning Commission shall limit the initial amount of time allotted for each applicant's presentation to 15 minutes. This limitation shall apply to all speakers representing the applicant. If the applicant is not able to complete the presentation within the allotted time, then the applicant may: 1) request that the Planning Commission table the full consideration of the item to the end of the agenda, subject to the end of meeting time limit, 2) begin the presentation and upon exhausting the initial 15 minutes then defer the remaining presentation to the end of the agenda, subject to the end of meeting time limit, or 3) after exhausting the initial 15 minutes, request the Planning Commission to vote to allow the applicant to continue the presentation for a specified time. In any event the applicant shall be allowed sufficient time to make a full and complete presentation of evidence to the Planning Commission and to question witnesses.

The Chairman has discretion to apportion the time available for citizen participation on all agenda items, in order to provide sufficient opportunity for all who wish to speak, within a reasonable period. The Chairman shall have the authority to limit immaterial, unnecessary, or redundant presentations or requests unless permission to continue is granted by majority vote of the Commission. Special interest groups are encouraged to select a representative to speak for them in order to conserve time and avoid repetition. If a representative is selected, a list of the names and addresses of all concerned citizens who are present may be given to the recording clerk for inclusion in the record.

The Planning Commission is committed to maintaining civility in public and political discourse and expects the public to do the same. All comments by members of the Commission and the public shall:

- a. Respect the right of all citizens in our community to hold different opinions;

- b. Avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- c. Strive to understand differing perspectives;
- d. Be truthful, not accusatory and avoid distortion; and
- e. Avoid violence, prejudice and incivility towards citizens, employees, and officials of the City of Port Orange.

Citizens attending a Planning Commission meeting may choose to either hold a sign or place a sign along the rear wall. Signs shall not be placed or held in any manner which obstructs the view of other audience members or obstructs the access to and from Council Chambers. Signs shall not be waived or lighted in any manner that causes distraction to the Planning Commission members or members of the audience during a Planning Commission meeting. Signs shall not be affixed to the walls or other surfaces within Council Chambers.

9. **ACTION BY THE COMMISSION:** The Planning Commission shall hear applications made to the City of Port Orange as specified in the LDC. The Planning Commission shall make a motion based on a review of the facts of the application, the staff's recommendation and comments from the applicant and public. The Planning Commission is encouraged to consult with the Staff Liaison, City Attorney and other appropriate staff members to ensure that a proposed motion complies with the City of Port Orange Comprehensive Plan, Code of Ordinances, LDC or any other applicable federal, state or local regulation. If a motion does not receive a second then the motion fails. Also, if a vote of the Planning Commission results in a tie then the motion fails.

- a) **Format and Process:** The Commission shall make motions in a positive form. A motion receiving a majority vote in support shall be considered approved. A motion receiving a majority vote in the negative shall be considered denied.
- b) **Reconsideration:** Once a motion has been made, seconded, and voted upon, it is final, except that the Commission may reconsider that matter so long as the City Council has not rendered its final decision on the matter. In order to reconsider a final vote of the Planning Commission, a motion to reconsider must be made by a member of the Commission that voted on the prevailing side. The Planning Commission shall establish for the public record the reasons that a reconsideration of the final vote was warranted.
- c) **Findings of Fact:** It shall be the policy of the Commission to provide sufficient findings of fact in making a recommendation to approve, deny or approve with conditions. Commissioners shall verbally state their findings for the record before the vote is taken. All findings shall be based on a review of the information provided by the applicant, the staff report, and appropriate information or testimony presented at the Planning Commission meeting. The Commission also shall base findings on the applicable standards and regulations contained in the City of Port Orange Comprehensive Plan, Land Development Code and Code of Ordinances.
- d) **Voting Conflict of Interest:** No member of the Commission shall participate in any matter which would inure to the member's special private gain or loss, which the member knows would inure to the special private gain or loss of any principal by whom the member is retained, or to the parent organization or

subsidiary of a corporate principal by which the member is retained; or which the member knows would inure to the special private gain or loss of a relative or business associate of the member without first disclosing the nature of the member's interest in the matter.

Such disclosure, indicating the nature of the conflict, shall be made in written memorandum filed with the Secretary prior to the meeting in which consideration of the matter will take place, and shall be incorporated in the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Commission and shall be read publicly at the next meeting held subsequent to the filing of the written memorandum.

In the event that disclosure has not been made prior to the meeting, or that any conflict unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within fifteen (15) days after the oral disclosure was made. Any such memorandum shall become a public record upon filing and shall be read publicly at the next meeting held subsequent to the filing of the written memorandum.

All members of the Planning Commission shall be aware of and follow the regulations established by the City's Ex Parte Communication ordinance or resolution, as amended. If it is determined that a member of the Commission violated any of the previous requirements for disclosure and abstention, the Planning Commission shall immediately recommend to the City Council that the member be removed from Planning Commission.

- e) **Abstention:** All members of the Planning Commission shall vote on all matters presented before them. The Secretary shall record the vote, and when required, said recommendation shall be forwarded to the City Council to assist in the final review of the requested action. Members shall abstain from voting on matters where they have a conflict of interest, as defined above.

- 10. **CONTINUATION AND TABLING OF ITEMS:** The Planning Commission has the right to continue items when discussion by the Commission and/or the public has begun. The Commission also has the right to table items that have not been reviewed or discussed. The Planning Commission shall continue or table an item to a date and time certain to ensure those in attendance can be aware of the date when the item will be open for discussion and review. Applicants can request that an item be continued or tabled for the purposes of meeting with staff to address outstanding technical issues or for refinement of policy issues. In such cases, the Planning Commission has the right to determine the appropriate and reasonable date to which an item is tabled or continued. An item may be continued or tabled a maximum of three times, after which it shall be removed from the agenda. The Commission also has the right to remove the item from the agenda entirely, without continuing or tabling, and regardless of the number of times it was previously continued or tabled, if the Commission deems the number of outstanding technical issues and policy issues to be excessive. Once an item is withdrawn from the agenda it will require re-advertisement, if applicable, and shall be subject to additional staff review.

- 11. AMENDMENTS TO THE RULES OF PROCEDURE:** The Planning Commission shall periodically review, update and approve a set of Rules of Procedure. The Planning Commission can amend or modify the adopted Rules of Procedure at any time. All amendments and modifications shall be formally submitted in writing to the Planning Commission for review at a regularly scheduled or a special meeting.
- 12. ROBERT'S RULES OF ORDER:** The current edition of Robert's Rules of Order, Newly Revised, shall govern any procedure or point of interest not otherwise addressed by these Rules of Procedure.

Planning Commission Adoption:

1/28/16  
Date

Chairman's Signature:

John D. Jones



| Planning Commission 2018-2019 Attendance |        |        |        |        |        |        |
|------------------------------------------|--------|--------|--------|--------|--------|--------|
|                                          |        |        |        |        |        |        |
| <i>Member Name:</i>                      | 25-Oct | 15-Nov | 13-Dec | 24-Jan | 28-Feb | 28-Mar |
| <i>Thomas Jordan</i>                     |        |        |        |        |        |        |
| <i>John Junco</i>                        |        |        |        |        |        |        |
| <i>Maria Mills-Benat</i>                 |        | E      | E      |        |        |        |
| <i>Bo Bofamy</i>                         |        | U      | E      |        |        |        |
| <i>Joe Fazzie</i>                        |        |        |        | E      | U      | E      |
| <i>Lance Green</i>                       |        | U      |        |        |        |        |
| <i>Newton White</i>                      |        |        |        |        |        |        |
|                                          |        |        |        |        |        |        |