



STAFF DEVELOPMENT REVIEW COMMITTEE MEETING MINUTES

MEETING DATE: June 26, 2019

LOCATION: CITY HALL COMMUNITY DEVELOPMENT
2ND FLOOR CONFERENCE ROOM
CITY HALL, 1000 CITY CENTER CIRCLE

PROJECT REVIEW #1:
9:00AM- 10:00AM

APPLICATION: PUD Rezoning/Fleur De Sol PUD
CASE NO.: 19-65000002
LOCATION: 1727 & 1737 Fern Park Drive

ATTENDING CITY STAFF REPRESENTATIVES

Penelope Cruz, Planning Manager
Gwen Perney, Senior Planner
Melanie Schmotzer, Development Review Technician
Larry Roberts, Community Development Engineer
Junos Reed, Public Works and Utilities Engineer
Valery Duhl, Community Development Engineering Intern
Linda Johnson, Right-of-Way Agent
Shannon Balmer, Assistant City Attorney

ATTENDING REPRESENTATIVES FOR APPLICANT

Cody Bogart, P.E., Newkirk Engineering, Inc.
Colleen Miles, Land Development Resource Group
Bo Bofamy, Keller Williams Realty

ATTENDING CITIZENS

Sarah Jones, Citizen

COMMENTS/OTHER DISCUSSION ITEMS:

- See attached SDRC staff comments discussed at the meeting for more detailed information on the discussion item(s).

ACCEPTED

Melanie Schmotzer
Development Review Technician

6-27-19

DATE

SDRC MEETING DATE OF JUNE 26, 2019

PUD REZONING/
FLEUR DE SOL PLANNED UNIT DEVELOPMENT (PUD)
CASE NO. 19-65000002
OUTSTANDING TECHNICAL COMMENTS AS OF JUNE 21, 2019

The comments below may be revised and/or supplemented following staff discussion with the development team at SDRC.

PLANNING DIVISION REVIEW COMMENTS: (Gwen Perney, Planner (386) 506-5673/gperney@port-orange.org):

1. A more detailed traffic analysis is required for the FLU amendment that addresses the theoretical maximum of the current and proposed FLU in a format consistent with the TPO guidelines. The City reserved the right to make additional comments regarding the traffic analysis once the revision is received.
2. Provide a site survey with the surveyor's original signature and seal. A digitally printed signature and seal cannot be accepted for this submittal [LDC, Ch. 17, Sec. 17(h)(1)].
3. Attach the legal description of the PUD property as an exhibit to the MDA [LDC, Ch. 17, Sec. 17(h)(3)(m)].
4. In Section 2 or in a separate section, address the existing use on the property. If the PUD is approved, the existing agricultural use will be terminated. The MDA could address this with a statement that the existing agricultural use shall be allowed to continue as an interim use within the PUD area until a Development Order has been issued for a site plan or subdivision. The existing agricultural use will be terminated within 90 days after site plan and/or subdivision approval. This is similar to the interim continuance of agricultural uses within the PC-A zoning district [LDC, Ch. 17, Sec. 29(f)].
5. In Section 2 state maximum number of units and overall density of the proposed PUD [LDC, Ch. 17, Sec. 17(h)(3)(g)].
6. In Section 3 of the MDA, in order to provide flexibility in development of the site as either a site plan or a subdivision, dimensional requirements for both an overall site plan and subdivision plat and plans should be included (similar to the R-3L and the PC-A Community zoning district townhome standards) as there is not a developer for the site at this time [LDC, Ch. 17, Sec. 27]. There are separate dimensional requirements for setbacks and lot coverages on individual lots than if the townhomes were constructed on one parcel. Provide minimum lot size, width, setbacks, and coverage requirements.
7. Revise the dimensional requirements provided in Section 3 of the MDA. It appears the existing lot coverage conditions are outlined in the table rather than those for the proposed development (e.g. 3% building coverage, 91.3% minimum open space). Add 0 feet internal/attached side setbacks for the townhomes and the 25 ft. minimum building separation between townhome buildings [LDC, Ch. 17, Sec. 27].
8. In Section 4 include language regarding the architectural design of the common area structures being compatible with the overall development including the swimming pool cabana, gazebo, dumpster enclosures, and other and any other proposed accessory structures associated with the development [LDC, Ch. 17, Sec. 17(h)(3)(d)].
9. In Section 5, address the timing of the construction of the new 50-foot wide right-of-way including the construction of the portion of the new 50-foot wide right-of-way between Taylor Rd. and the proposed PUD property. Construction of the new 50-foot wide right-of-way must be completed prior to the C.O. of the first townhome.
10. In Section 5, Provide separate requirements for the internal right-of-way including the width of right-of-way, whether it is public or private, and the improvements located within that right-of-way such as utilities and sidewalks [LDC, Ch. 17, Sec. 17(h)(3)(j)].
11. In Section 5 or in a separate section, address parking requirements for the proposed townhome development. LDC, Ch. 12, Sec. 4 requires multifamily units with 2 or more

- bedrooms to have 2 parking spaces per unit, plus 0.25 spaces per unit for visitor parking and 0.10 bicycle spaces per required parking space [LDC, Ch. 17, Sec. 17(h)(3)(c)].
12. In Section 6, state the width of the landscaping buffers provided for the adjacent properties and proposed right-of-way [LDC, Ch. 17, Sec. 17(h)(3)(c)].
 13. Additional buffer area along the perimeter of the property may be required for defensible space between the townhomes and the adjacent undeveloped properties as determined by the City's Fire Marshal [LDC Ch. 5, Sec. 6(c)(9)]. The defensible space buffer could potentially be 30 to 100 feet in width.
 14. Add a section addressing phasing. State if the project is to be constructed as one phase or if there will be multiple phases of construction. Timing of construction of the new 50-foot wide right-of-way and lift station may be addressed in this section [LDC, Ch. 17, Sec. 17(h)(3)(e)].
 15. Add a section for the following standard language:
IMPACT FEE CREDIT
The development of the Property shall comply with the transportation concurrency management requirements established in the City of Port Orange Comprehensive Plan and LDC. Nothing in this Agreement shall be construed as a waiver by the Developer of its right to pursue impact fee credits for any and all work performed by the Developer for which impact fee credits can be awarded.
 16. Add a section regarding the maintenance of common open space and common facilities. Include language regarding an HOA or POA operating, maintaining, and controlling common areas and facilities as well as the City's right to access and maintain facilities in the event the HOA or POA fails to maintain the facilities [LDC, Ch. 17, Sec. 17(h)(3)(f)].
 17. Revise Section 14 to the following standard language:
"Development of the Fleur De Sol PUD shall commence within ____ years from the effective date of the Agreement and all development shall be completed within ten (10) years from the effective date. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified by mutual agreement of the Developer and the City. Development shall be as defined by the LDC."
 18. Revise Section 15 to the following standard language:
"This Agreement shall become effective upon recording by the City of Port Orange at the Developer's expense in the public records of Volusia County, Florida. The second reading of the Ordinance shall not take place until the Developer has provided an executed copy of the MDA to the City of Port Orange addressing all issues discussed prior to the scheduled second reading. If there are no additional requirements, corrections, or conditions attached by the City Council at the second reading, the Agreement shall be signed by the Mayor and City Clerk and recorded upon approval by City Council."
 19. Based on the tree survey provided, there are 38 specimen trees on the PUD property (less than 3 per acre). Therefore, 80% of the 38 specimen trees must be preserved (30 trees minimum). Only 18 specimen trees are being shown to be preserved on the CDP. Revise the layout of the CDP to incorporate 12 more existing specimen trees into the layout of the PUD [LDC, Ch. 9, Sec. 16].
 20. On the CDP, list the correct current zoning for this property and adjacent property to the east (Volusia County A-2) on the vicinity map, CDP, and site usage table [LDC, Ch. 17, Sec. 17(h)(2)(c)].
 21. Revise the site usage table to provide dimensional requirements for both site plan and subdivision in the event one or the other is proposed [LDC, Ch. 17, Sec. 17(h)(2)(n)].

22. The PUD zoning district requires 60% of the overall property to be set aside as open space. The CDP indicates only 45% of the property is being designated as open space. Revise the plans to show 60% open space for the site [LDC, Ch. 17, Sec. 17(d)].
23. In the Dimensional Requirements, a minimum 10% open space per lot is proposed. The PUD zoning district and comparable conventional zoning for townhomes requires a minimum 40% open space per lot. Provide a minimum 40% open space on each lot [LDC, Ch. 17, Sec. 27].
24. Re-label Fern Park Drive to the correct name of the new proposed right-of-way on the CDP or label as proposed 50-foot wide right-of-way [LDC, Ch. 17, Sec. 17(h)(2)(e)]. Advisory: a confirmation letter from the Volusia County 9-1-1 coordinator is required for street name approval with the subdivision application [LDC, Ch. 5, Sec. 6(a)(8)].
25. Provide general parking data for the townhomes, visitor parking, and bicycle parking [LDC, Ch. 17, Sec. 17(h)(2)(m)].
26. Foundation plantings will be required around the townhome buildings, amenity areas, visitor parking areas, pool and cabana, etc. Staff recommends reviewing the CDP to ensure required landscaping can be provided at the time of site plan or subdivision plat and plan [LDC, Ch. 17, Sec. 17(h)(2)(m); LDC, Ch. 13, Sec. 5].
27. Advisory: According to the Environmental Report, a gopher tortoise is located on site. Gopher tortoise relocation permits from FWC, if applicable, shall be required prior to any land clearing.

ENGINEERING DIVISION REVIEW COMMENTS: (Larry A. Roberts, Engineer (386) 506-5665 lroberts@port-orange.org; Lisa Epstein, Engineering Specialist (386) 506-5662 lepstein@port-orange.org; Valerie Duhl, Engineering Intern (386) 506-5664 vduhl@port-orange.org):

Concept Plan

The following comments are being made because it appears items required during site/subdivision plan review are not accommodated due to space constraints illustrated on the Concept Plan.

1. Demonstrate how the drainage system for units 35 through 48 will be constructed and where drainage maintenance easement(s) will be platted.
2. Where will City Standard Construction Detail ST-1 drains be constructed complete with the normal and customary one-foot clearance to driveway pavements?
3. Where is room available for power transformers complete with normal and customary minimum 3-ft clearance to sides of transformers (every 4-8 lots), telephone and CTV risers (every 2-4 lots)?
4. Where is room for street lights and street signs?
5. Proposed concrete access aprons on north side of public road require stop signs, stop bars, and crosswalks since traffic using access aprons must yield to traffic on the new through street. Suggestion: Remove curb cuts on north side of public road for future design and development by others.
6. Where are mail kiosk(s) complete with accessible parking space?
7. What provisions are available for setting the solid waste cart and recycle bins curbside?
8. What provisions are available for screened storage of the solid waste cart and recycle bins at each home?
9. Sidewalks:
 - a. Four-foot sidewalk required each side of each street [LDC Chpt 5, Sect 4 (3) (c)]
 - b. Redraft sidewalks at intersections to construct inside rights-of-way.
10. Advisory: Valley Gutters are required when stormwater crosses the intersection of roadways and driveway connections. City Standard Construction Detail Roadway Intersection Valley Gutter R-10.

MDA

11. In Section 3, conform the maximum building coverage and minimum open space with the proposed plan not the existing conditions
12. In Section 5, clarify the private (40') and public (50') road's right of way widths. MDA Paragraph 5 says (all) rights-of-way are 50' wide yet MDA plan shows 40' Access Drainage and Utility Easements instead.

Environmental Report

13. Advisory: In the Environmental Report, one gopher tortoise burrow was observed. A plan for relocated tortoises or protecting the burrow will be required during site/subdivision review.

PUBLIC UTILITIES DEPARTMENT REVIEW COMMENTS: (Junos Reed (386) 506-5754; jureed@port-orange.org):

1. The draft MDA provided did not include a section addressing Public Utilities and Stormwater Management. Revise the draft MDA to Include this section which should include the standard MDA language and additional language addressing specifically how the proposed development will be served by Public Utilities. The MDA needs to specifically address how and when the proposed lift station, gravity sewer collection system, potable water distribution system, and how irrigation will be provided to the development. Please note that the addition of a Public Utilities section to the MDA may generate additional comments upon review.
2. The MDA needs to address any utilities that will not be designed to meet the City's specifications and requirements of the LDC and City Standard Construction Details.
3. Potable water for the proposed development will be provided via Master Meter(s) located within an easement adjacent to public Right-of-Way dedicated to the City. Show the location of the master meter(s) and easements on the MDA Plan.
4. On the MDA Plan, the Gravity sewer main shown on the public Right-of-Way shall be extended to the western property boundaries of the proposed development to serve the adjoining property.
5. Revise the waste water demand on the provided Site Development Flow Rate Analysis to 160 GPD/Unit
6. Revise the water demand on the provided Site Development Flow Rate Analysis to 180 GPD/Unit

CITY ATTORNEY REVIEW COMMENTS: (Shannon Balmer, Assistant City Attorney (386) 506-5535/sbalmer@port-orange.org; or Matthew Jones, Deputy City Attorney (386) 506-5527/mjones@port-orange.org):

1. MDA is lacking required information. The City Attorney's office is making comments that are in addition to Planning comments with regard to substance of MDA.
2. Unified ownership section or paragraph. [Ch. 17, Sec. 17(b), LDC]
3. Open space requirements appear to be in conflict with CDP. [Ch. 17, Sec. 17(d), LDC]
4. Buffers section 6 needs to be more detailed.
5. Please add "Conformance with Comp Plan section".
6. HOA will be required and needed to be addressed in the MDA. [Ch. 17, Sec. 17(d), LDC]
7. Please add "Permitted Uses" section. [CH. 17, Sec. 17(h)3(a), LDC]
8. **IMPORTANT: Need more information on ROW that is being constructed from Taylor through another property owned by another party. Access to Taylor Rd. is required to be established in order for this development to be approved. This will need more detail in the MDA.**

9. Architectural Standard should be clarified and if the intent is to follow the LDC, please state this in the MDA.
10. Public Utilities and Stormwater need to be added as a section to the MDA.
11. Expiration language needs to be revised to establish when the project will start, example:

“The Initial phase of development of the Property shall commence within three (3) years from the Effective Date unless extended by mutual agreement of the parties. Failure to comply with the established schedule shall cause the Agreement to lapse. The term “Development” shall have the meaning as set forth in the LDC.”

12. Suggest “Parking” be broken into separate section from “Roads, Sidewalks and Access”.
13. **Advisory:** During the site plan process a Unity of Title will be required.
14. City Attorney’s office reserves the right to make additional comments.

BUILDING DIVISION REVIEW COMMENTS: (Robert Harrell, Building Inspector/Plans Examiner (386) 506-5621/rharrell@port-orange.org; Allan Tischler, Chief Building Official (386) 506-5627/atischler@port-orange.org):
No comments.

PUBLIC WORKS REVIEW COMMENTS: (Alex Popovic, Engineering Intern (386) 506-5572/apopovic@port-orange.org; Kristine Martin, Engineering Inspector (386) 506-5597/kmartin@port-orange.org; Mick Neals, Solid Waste Manager (386) 506-5571/mneals@port-orange.org):
No comments.

PUBLIC UTILITIES/RIGHT-OF-WAY REVIEW COMMENTS: (Linda Johnson, Right-of-Way Agent (386) 506-5755/ljohnson@port-orange.org):
No comments received.

FIRE DEPARTMENT REVIEW COMMENTS: (Beau Gardner, Fire Marshal (386) 506-5905/bgardner@port-orange.org):
No comments received.