

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 24, 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: Maria Mills-Benat
Darrel “Bo” Bofamy
Lance Green
Newton White
Stan Schmidt
Thomas Jordan, Chairman

Absent: John Junco (excused)

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

B. DISCUSSION/ACTION

4. Consideration of Minutes

Motion to approve the minutes as presented from September 26, 2019 was made by Commissioner Green and Seconded by Commissioner White. Motion carried unanimously by roll call vote.

Chairman Jordan read the voting conflict form from Commissioner Bofamy into record regarding items #5 and #6.

5. Case No. 19-20000003

19-1 Large-Scale Future Land Use Amendment/1727 & 1737 Fern Park Drive
1727 & 1737 Fern Park Drive

(Continued from September 26, 2019 Planning Commission Meeting)

A request by the applicant to amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU for ±14.47 acres, located at 1727 and 1737 Fern Park Drive, on the east side of Taylor Road and Crane Lakes, south of Fern Park Drive, from Volusia County Urban Low Intensity (0.2-4 units/acre) to City of Port Orange Urban Medium Density Residential (4-8

units/acre), and to add Policy 2.1.7 to the FLU Element limiting the density of the subject property to 6 units/acre.

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671 pcruz@port-orange.org

Penelope Cruz, Planning Manager, discussed details of the proposed amendment and the proposed rezoning (item 6) and answered questions from the Commissioners.

Colleen Miles, Representative for the Property Owner, provided more information to the Commissioner regarding traffic and school zone impacts and answered questions from Commissioners.

Robert Reinhausen, citizen, would like to see more businesses going in this location to provide more jobs rather than more housing.

Sarah Jones, citizen, agrees with Commissioner White and Vice Chair Mills-Benat that two story townhouses would result in more children living there than the applicant anticipates.

Laurie Faust, citizen, is concerned about the traffic already west of I-95 and the resulting traffic this project could bring, flooding on her property and consequences to the access easement along Fern Park Drive she currently utilizes.

Jill Musson, citizen, is concerned about the lack of maintenance of the adjacent conservation area at Gamble Place.

Ms. Miles responded to concerns from citizens regarding flooding and changes in easements. No changes to the easements are currently being considered and all changes in grading would match the requirements within Port Orange.

Mrs. Cruz responded to the easement concerns stating this project does not have any physical structures that impede the easement along Fern Park Drive.

Kevin White, citizen, is in favor of the project but would like to see something added in the Development Agreement to clear up the language regarding the easement issues.

Bryce Faust, citizen, discussed the verbal agreement he had with the previous property owner regarding the use of the easement and is upset about the potential changes.

Teresa White, citizen, also spoke about the easement agreement with the adjoining property owners and the lack of help they have received to maintain the area.

Many of the Commissioners believe the project is too dense for the area.

Motion to approve Case No. 19-20000003 was made by Vice Chair Mills-Benat and Seconded by Commissioner White. Motion failed unanimously by roll call vote with Commissioner Bofamy abstaining.

6. Case No. 19-65000002

PUD Rezoning/Fleur De Sol Planned Unit Development
1727 & 1737 Fern Park Drive

(Continued from September 26, 2019 Planning Commission Meeting)

A request by the applicant to rezone ±14.47 acres, located at 1727 and 1737 Fern Park Drive, on the east side of Taylor Road and Crane Lakes, south of Fern Park Drive, from Volusia County A-2 (Rural Agriculture) to Planned Unit Development (PUD) and approve the Fleur de Sol Master Development Agreement (MDA) and Conceptual Development Plan (CDP), which provides the regulatory framework for the a multi-family residential development consisting of a maximum of 84 townhomes along with associated site improvements.

STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673 gperney@port-orange.org

Motion to approve Case No. 19-65000002 was made by Commissioner White and Seconded by Vice Chair Mills-Benat. Motion failed unanimously by roll call vote with Commissioner Bofamy abstaining.

7. Case No. 19-50000001

Subdivision Plat & Plans/King's Landing Subdivision Phase 2
East side of Hensel Rd., between East Hensel Drive and Hills Blvd.

A request by the applicant to subdivide ±41-acres, located on the east side of Hensel Road, between East Hensel Drive and Hills Boulevard, into 45 single-family lots (13 one-acre lots and 32 - 20,000 square-foot lots), along with tracts of land for common area, tree preservation, and stormwater.

STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675
tburman@port-orange.org

Tim Burman, Community Development Director, discussed details of the plan and answered questions from the Commissioners.

Glen Storch, Attorney for the applicant, discussed details of the plan and answered questions from the Commissioners.

Sarah Ochs, citizen, asked for clarification on what a discharge point means and if it will increase flooding risks for her. Mr. Burman provided clarification and stated it will not increase flooding in her backyard.

Ms. Jones asked if anything has changed with Rocko Road or if this is still based on the original plan. Mr. Storch responded that is not being changed right now.

Motion to approve Case No. 19-50000001 was made by Commissioner Green and Seconded by Vice Chair Mills-Benat. Motion carried unanimously by roll call vote.

8. Case No. 19-25000003

LDC Text Amendment/Chapter 16, Dog Friendly Dining Program

An amendment to Chapter 16 of the Land Development Code (LDC), regarding a new dog friendly dining program per F.S. § 509.233.

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671_pacruz@port-orange.org

Mr. Burman discussed details of the proposed amendment and answered questions from the Commissioners.

Commissioner White is not comfortable with allowing untrained animals around public dining areas.

Motion to approve Case No. 19-25000003 was made by Vice Chair Mills-Benat and Seconded by Commissioner Bofamy. Motion failed 3-3 with Vice Chair Mills-Benat, Commissioner Bofamy and Chairman Jordan voting yes and Commissioner Green, White and Schmidt voting no.

C. OTHER BUSINESS

9. Commissioner Comments

Commissioner Green is unsatisfied with the appearance of Acorn Storage and hopes it will look better once it's complete.

Commissioner White inquired about the signs allowed on Ridgewood Ave. Mr. Burman responded that there are no different County codes relating to signs along Ridgewood Ave, they must still comply with Port Orange codes.

10. Staff Comments

Mr. Burman provided information on the traffic impact studies, fairshare agreements, and County Wide TPO standards Port Orange follows in the City and answered questions from the Commissioners.

Melanie Schmotzer, Community Development Technician, gave a brief overview of the Development Activity Report interactive map and answered questions from the Commissioners.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT – 7:30pm



Chairman Thomas Jordan

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

FIRST NAME—FIRST NAME—MIDDLE NAME <i>Bozamy Derrel C</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Pt Orange Planning Commission</i>	
MAILING ADDRESS <i>5761 White Acres Ln</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Pt. Orange FL</i>	COUNTY <i>Volusia</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>9-26-19</i>		NAME OF POLITICAL SUBDIVISION: <i>Pt Orange FL</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

ELECTED OFFICERS:

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

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

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

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dorel "D" Boforny, hereby disclose that on Sept 26, 2019:
Items continued to October 24, 2019

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

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

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

MDA & LDC Application for a property (1727 & 1737 Fern Creek Dr.) that I am the contracted sales agent.

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

9-26-19
Date Filed

Dorel Boforny
Signature

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