



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, January 23, 2020

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
4. Election of Officers

B. DISCUSSION/ACTION

5. Consideration of Minutes
6. APPLICATION: Variance/475 Leslie Drive
CASE NO.: 19-90000008
STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676
APPLICANT: Lassad Mohammed MNIF

A request for a variance from the Chapter 17, Section 27 of the Land Development Code (LDC) to reduce the front building setback from 25-feet to 10-feet for a property zoned Mobile Home Residential (RMH) located at 475 Leslie Drive.

7. APPLICATION: Small-Scale Comprehensive Plan Ordinance
Amendment/Journey's End Planned Commercial Development (PCD)
CASE NO.: 19-20000006
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671
APPLICANT: Robert A. Merrell III, Esquire, Cobb Cole; 149 S. Ridgewood Avenue, Suite 700, Daytona Beach, FL 32114

A request to remove the vehicular trip cap placed on ±6.71 acres property, located at 5840 and 5850 Journey's End Way, when the Commercial Future land Use (FLU) was applied in 2008, and allow the property to develop under the City's current transportation concurrency regulations.

8. APPLICATION: PCD Amendment/4th Amendment to the Master Development Agreement and Conceptual Development Plan for the Journey's End Planned Commercial Development
CASE NO.: 19-40000006
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671
APPLICANT: Robert A. Merrell III, Esquire, Cobb Cole; 149 S. Ridgewood Avenue, Suite 700, Daytona Beach, FL 32114

A request for the 4th Amendment to the Journey's End Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP), to add "hotel" as a permitted use and revise the building and parking layout of the CDP for the commercial lot located on the east side of Journey's End Way between the Country Inn and Suites Hotel and the Extra Space Storage Facility.

9. APPLICATION: Small-Scale Comprehensive Plan Future Land Use Map Amendment/1200 Sparton Ave. & 5700 Spruce Creek Rd.
CASE NO.: 19-20000007
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671
APPLICANT: Katie Vovolka, Light and Glory Fitness

A request to change the Future Land Use (FLU) designation for ±0.23-acres, which includes two parcels of land located at 1200 Sparton Avenue and 5700 Spruce Creek Road, from Urban Medium Residential (4-8 units/acre) to Office/Residential Transition (ORT).

10. APPLICATION: Administrative Rezoning/1200 Sparton Ave., 5700 Spruce Creek Rd., 4020 Nova Rd., 3997 Nova Rd., 4025 Nova Rd., and 4031 Nova Rd.
CASE NO.: 19-60000007
STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673
APPLICANT: City of Port Orange

An administrative rezoning for three areas located along Spruce Creek Road, to rezone ±0.23 acres from Residential Mobile Home (RMH) to Professional Office (PO); ±4.16 acres from Spruce Creek Center Planned Commercial Development (PCD) to Community Commercial (CC); and ±15 acres from Planned Commercial Development (PCD) to Community Commercial (CC).

C. OTHER BUSINESS

11. Commissioner Comments
12. 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, 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
DECEMBER 19, 2019

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Vice Chair Mills-Benat at 5:30pm.

Pledge of Allegiance

Silent Invocation

Roll Call

Present: John Junco
Darrel “Bo” Bofamy
Lance Green
Newton White
Stan Schmidt
Maria Mills-Benat, Vice Chair

Absent: Thomas Jordan, Chairman (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 November 21, 2019 was made by Commissioner White and Seconded by Commissioner Schmidt. Motion carried unanimously by roll call vote.

Vice Chair Mills-Benat read Commissioner White’s voting conflict form into the record. He is declaring a conflict for item # 6 on this agenda.

5. Case No. 19-90000007
Variance/1631 Taylor Road

A request by the applicant for a variance from the Land Development Code (LDC) to reduce the Taylor Road right-of-way landscape buffer from 50 feet to 10 feet.

STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676 brking@port-orange.org

Brianna Conlan-King, Senior Planner, discussed details of the variance request and answered questions from the Commissioners.

Moe Fatemi, applicant, spoke further to the variance request and the work he hopes to do. At this point none of his attempts at communication with Walgreens to create a connection between the properties have been met.

Motion to approve Case No. 19-90000007 subject to staff recommendations and review on the approved landscape buffer designs and all other LDC required site and building improvements prior to issuance of a Certificate of Occupancy, was made by Commissioner White and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

6. Case No. 19-40000007

16th Amendment to the Countryside Planned Unit Development

A request by the applicant for the 16th Amendment to the Countryside Planned Unit Development (PUD) to add “retail sales and services” as a permitted use for 1090 Dunlawton Avenue.

STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676/brking@port-orange.org

Ms. Conlan-King discussed details of the amendment request and answered questions from the Commissioners.

Sarah Jones, citizen, believes it is a good opportunity for the City.

Elmer Davis, citizen, stated that Port Orange already has a medical marijuana dispensary close to this location and asked if this goes through the Countryside HOA to be voted on. The Commission responded that no this is not an HOA issue, this just changes the permitted use allowed for the subject property.

Motion to approve Case No. 19-40000007 was made by Commissioner Green and Seconded by Commissioner Bofamy. Motion carried unanimously by roll call vote with Commissioner White abstaining.

C. OTHER BUSINESS

7. Commissioner Comments

Commissioner Green thanked staff for a productive year and asked Tim Burman, Community Development Director, about the Click2Gov shut down and the impact to building inspections. Mr. Burman responded they are currently in the process of looking for their own program but right now are working on scheduling building inspections primarily through calls and emails.

8. Staff Comments

Mr. Burman wished everyone Happy Holidays.

D. PUBLIC COMMENTS

Ms. Jones asked if the PogTV was fixed after it went down before the Council meeting Tuesday December 17, 2019. Vice Chair Mills-Benat responded no it has not been fixed yet and the meeting tonight will not be broadcast as a result. Ms. Jones requested a recording of the meeting. The City Clerk's Office will provide it.

E. ADJOURNMENT – 6:00pm

Chairman Thomas Jordan



STAFF REPORT

Variance from Land Development Code (LDC) Chapter
17, Section 27
CASE NO. 19-90000008

REQUEST: Variance from the Chapter 17, Section 27 of the Land Development Code (LDC) to reduce the front building setback from 25-feet to 10-feet for a property zoned Mobile Home Residential (RMH).

LOCATION: 475 Leslie Drive

OWNER/APPLICANT: Lassad Mohammed MNIF

STAFF RECOMMENDATION: Approval

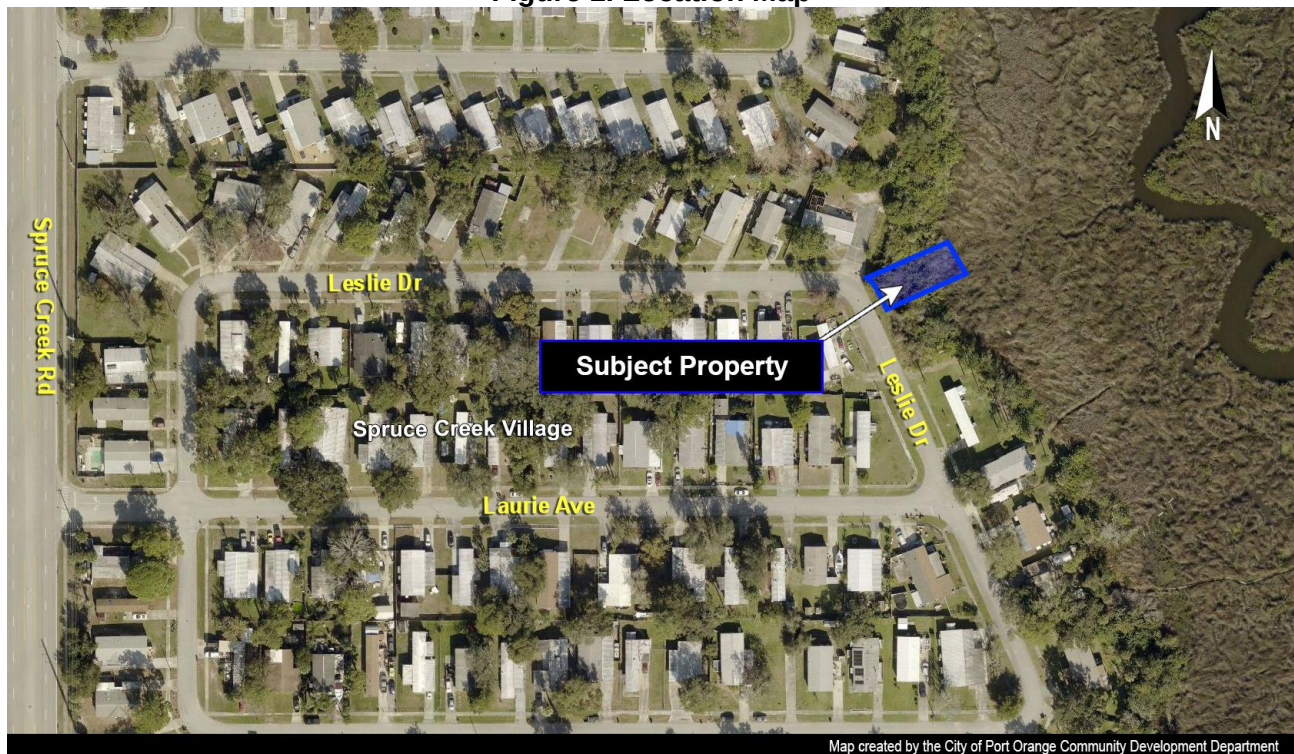
STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676

PLANNING COMMISSION DATE: January 23, 2020

BACKGROUND

The subject property is located on the northeast side of Leslie Drive in the Spruce Creek Village Subdivision, (Figure 1). The subject property is currently vacant, with a portion of the rear yard of the property consisting of marshland (ranging from +/- 20-feet to +/- 45-feet). The property owner is requesting to reduce the required front building setback from 25-feet to 10-feet to allow for the installation of a mobile home on the subject property. If approved, the variance would allow a mobile home to be installed on the upland portion of the subject property.

Figure 1. Location Map



Map created by the City of Port Orange Community Development Department

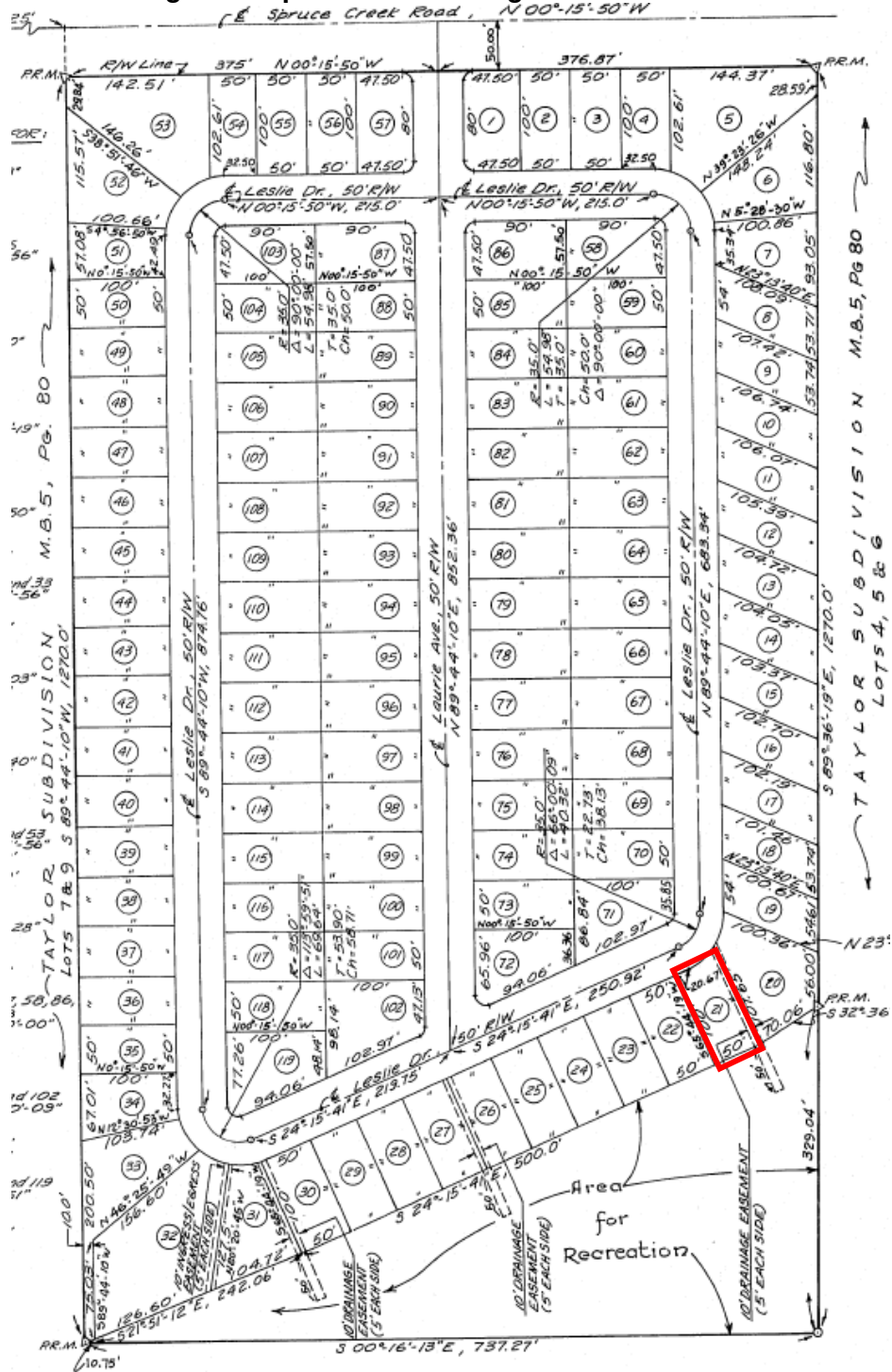
DISCUSSION

The subject property is 5,000 square feet (50'x100') in size and is a platted lot of record in the Spruce Creek Village Subdivision (Recorded 1974). The subject property is zoned Mobile Home Residential (RMH) and the use of the property for a mobile home is permitted within the RMH zoning district.

In 1974, the Spruce Creek Village Subdivision was platted with 109 lots and an "area for recreation" abutting the rear yards of lots 20-32 (13 lots) (Figure 2). According to the property owner's 2019 survey and the United States Geological Service (USGS) LIDAR (Light Detection & Ranging) imagery, the rear +/- 20-feet to +/- 45-feet of the subject property consists of marshland, resulting in the dimensional constraints on this property that restrict where a mobile home can be placed. The LIDAR instruments provide the imagery to map the land and measure the seafloor and riverbed elevations, to examine the structure and shape of the Earth's surface. Since the platting of the subdivision in 1974, the topography of the land has changed along the rear of the property. According to the National Oceanic and Atmospheric Administration (NOAA), over the 30 years, the high-water line and the marshland has slightly increased, which has led to a reduction in the area of the lot to place a mobile home.

According to the non-conformance provisions in the Land Development Code (LDC) [Chapter 3, Section 8(b)], a residential lot of record that existed prior to April 1976 is considered a non-conforming lot of record. Any dwelling unit and accessory structures may be constructed on a lot within the setback requirements of the zoning ordinances in place at the time the lot was platted. In this case, the setback requirements for the Spruce Creek Village Subdivision (1974) and the setback requirements for the RMH zoning district differ by 5-feet (20-feet in 1974 and 25-feet in 2020). However, although the 1974 zoning ordinance setback requirements for the subject property are permitted to be used for the proposed mobile home, a variance is still required to reduce the required front yard setback to 10-feet.

Figure 2. Spruce Creek Village Subdivision Plat



The intent of the front building setback requirement is to minimize the impact on adjoining properties, ensure sufficient room for vehicle parking in front of the home, ensure adequate sight lines, and provide room on the subject property for maintenance and necessary repairs to the structure. According to the property owner, compliance with the required front building setback would only allow for a maximum 1,110 square foot (30'x 37') mobile home due to the location of the rear high-water line and existing marshland. The applicant did try to locate a mobile home with these dimensions but was unable to locate one. The property owner is requesting a variance to reduce the required front

building setback to 10-feet for the installation of a 1,248 square foot (24' x 52') mobile home (Figure 3).

The proposed 10-foot building setback is due to the shape and curve of the lot along the front property line. The northern property line setback is +/- 15 -feet. The required 25-foot front building setback leaves approximately 1,400 square feet remaining on the upland portion of the property for the installation of a mobile home. If the requested variance is approved to reduce the front building setback to 10-feet, approximately 1,850 square feet of lot area or 37% of the subject lot will remain for placement of the mobile home. While a mobile home could be installed on the lot at the high-water line, the LDC requires stabilization of the property and construction to occur landward of the high-water line. Based on the requirements in the LDC, for the stabilization of the lot, staff is recommending an additional minimum 5-foot rear setback from the high-water line to safely install a mobile home without disturbance of the marshland. The marshland outfalls into Rose Bay and cannot be disturbed or altered.

The proposed 10-foot front building setback, along the south side of the lot, will provide the minimum area on the subject lot necessary to bring in the required amount of fill dirt and safely install a mobile home without disturbance of the marshland. Engineering staff has preliminarily reviewed the mobile home lot layout with the requested setback of 10-feet, and with the approval of the variance, the mobile home can be properly installed on the subject lot.

Figure 3. Proposed Lot Layout



* dimensions and delineated areas are approximate

REVIEW OF VARIANCE CRITERIA

Chapter 19, Section 1, LDC, lists the review criteria that shall be used to determine whether a variance request should be granted.

- a) *Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structure or buildings in the same zoning district.*

This criterion typically refers to conditions such as steep slope of land, presence of a historic tree, odd lot shape, etc. that might make building within the required setbacks impractical. For this lot, there is a special circumstance that exists due to the existing marshland at the rear of the property (+/- 20-feet to +/- 45-feet). The marshland occupies about one-third of the 100-foot-deep property and leaves +/- 1,850 square feet or approximately 37% of lot area on the upland portion of the property for the installation of a mobile home. The proposed 10-foot front building setback will provide the minimum area on the subject lot necessary to bring in the required amount of fill dirt and safely install a mobile home without disturbance of the marshland.

According to the property owner (Exhibit 1), different models and manufacturers of mobile homes were explored in an attempt to meet the minimum setback requirements of the LDC. The applicant was not able to find a mobile home that could be placed on the subject property to meet the dimensional requirements and avoid the rear marshland.

- b) *The special conditions and circumstances are not result of actions of the applicant.*

The subject lot was platted in 1974 as a residential mobile home lot as a part of the Spruce Creek Village Subdivision and is a legal lot of record. Since the platting of the subdivision, the topography of the lot has changed as the marshland has extended onto the rear of the property. While identified on the plat as an "area for recreation", the existing marshland makes the rear +/- 20-feet to +/- 45-feet of the property unusable.

According to the property owner, he purchased a legal lot of record that was platted in 1974. The marshland on the lot has created a special circumstance on the property that is not the result of the actions of the applicant.

- c) *Literal interpretation and enforcement of the land development code regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under terms of the development code and would work unnecessary and undue hardship on the applicant.*

When a new structure is built, it must comply with current development requirements of the LDC. The intent of the front building setback requirement is to minimize the impact on adjoining properties, ensure sufficient room for vehicle parking in front of the home, ensure adequate sight lines, and provide room on the subject property for maintenance and necessary repairs to the structure.

Although not their preference, the property owner could purchase a minimum 600 square foot mobile home that fits on the dimensionally constrained lot and meets the required setback requirements in the LDC. The typical average size of a single-wide mobile home can range from approximately 780 square feet to 1,620 square feet, while a double-wide mobile home can range from 1,040 square feet to 1,624 square feet. The applicant has stated after exploring different model and manufacturer home options, he was not able to locate a mobile

home that would meet the dimensional requirements in the LDC and not impact the marshland.

According to the applicant, the variance is necessary for the installation of a mobile home due to the location of marshland. The reduced front setback would allow for the installation of a mobile home with a minimum 5-foot rear setback from the high-water line. It would also provide enough room for a driveway and an accessory structure (e.g. carport) to be installed on the south side of the lot that would meet the setback requirements in the LDC. According to the applicant, not granting the variance would deprive him of the right to establish principle use of the subject legal lot of record.

- d) *The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.*

The variance requested is the minimum variance necessary to make possible reasonable use of the land. While the installation of a mobile home between 600 square-feet and 1,100 square-feet could be done without a variance, any mobile home larger than 1,100 square feet (30'x 37') on this lot would require a variance from the required front building setback requirement due to the dimensional constraints on the lot from the existing marshland.

The applicant has stated that after a rigorous search of different model and manufacturers of mobile homes, he was unable to locate a mobile home that would meet the required dimensional requirements of the LDC and not impact the rear marshland. The variance requested by the applicant is the minimum variance needed to install a mobile home on the property due to the location of marshland.

- e) *Granting of the variance requested will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same zoning district.*

All properties developed within the City are required to meet the development requirements of the LDC or secure variances from said requirements. The subject property was platted in 1974 as a part of the Spruce Creek Village Subdivision and is a legal lot of record. The location of the existing +/- 20-feet to +/- 45-feet of marshland at the rear of the property leaves +/- 1,850 square feet of upland for the placement a mobile home with a minimum 5-foot setback from the marshland. However, the LDC requires the stabilization of the property and construction to occur landward of the high-water line. Based on the requirements in the LDC, the mobile home could be installed at the highwater line, but staff is recommending an additional minimum 5-foot rear setback from the high-water line to safely install a mobile home without disturbance of the marshland. The applicant is requesting to reduce the front setback requirement to 10-feet because the marshland renders approximately one-third of the property unusable. According to the applicant, not granting the variance would deprive him of the right to establish principle use of the subject legal lot of record.

- f) *The granting of the variances will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.*

The front building setback requirement is intended to minimize the impact on adjoining properties, ensure adequate sight lines, and provide room on the subject property for maintenance and necessary repairs to the structure. The requested variance will provide adequate sight line and room on the property for maintenance and necessary repairs to the mobile home. According to the applicant, the subject property has been vacant, overgrown and littered with trash for many years, and development of the property with a new mobile home and landscaping will improve the appearance of the neighborhood.

- g) *The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has unreasonably burdened the applicant's property, based upon the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act.*

This variance request is not based upon a claim brought under the Bert J. Harris Private Property Rights Protection Act.

RECOMMENDATION

Based upon the findings of this staff report, staff recommends approval of the requested variance.

ATTACHMENTS

Exhibit 1 - Applicant's Letter

Exhibit 1

Lassaad MNIF
Leslie Dr. Lot 21
Spruce Creek Village Subdivision
Port Orange FL, 32127

10/23/2019

To who it my concern

My name is **Lassaad Mohamed MNIF**, and I am the property owner of lot 21, located on Leslie Dr., Spruce Creek Village Subdivision, Port Orange FL, 32127.

This Letter in support of my request for a variance to the front yard setback requirement. The intention is to install a 24' x 52' Doublewide mobile home. As such based on the current code, I will not be able to install the house with the current required variance.

I would like to request a change of the variance on the front side of the lot (West Side) to allow for a 10- foot setback.

What is perhaps most relevant here, and what I would ask the board to consider, is: **(1)** I have already lost a sizeable square-footage in the backside of the lot due to the mulch coming from Halifax River; **(2)** I have been shopping for a mobile home that fits the lot and city requirements for the past few months, but with little or no luck. I even traveled to several cities searching for the right size home. To name few, in the past 2 weeks I have been to Fort Myers, Ocala, Zephyrhills, and Cocoa; **(3)** Last week I was able to find a mobile home that matches the lot and city requirements, it was a foreclosed property, I made an offer to purchase it, the offer was approved on 10-22-2019 and was given 7 days to close; **(4)** the proposed project would be an improvement to the neighborhood since the lot was vacant and full of garbage, bushes and trash. Placing the new mobile home will result in an overall increase in property value and tax base created by improvement.

Thank you for your consideration.

Respectfully,

Lassaad Mohamed MNIF
las.home4u@gmail.com
615-557-0809



STAFF REPORT

Small-Scale Comprehensive Plan Ordinance Amendment/
Journey's End
Case No. 19-20000006

REQUEST:	Removal of vehicular trip cap per Ord. 2008-9
LOCATION:	5840 and 5850 Journey's End Way
APPLICANT:	Robert A. Merrell III, Esq., Cobb Cole
PROPERTY OWNER:	Todd Marshall, Port Orange Stow A Way, LLC; Port Orange SS Associates LLC
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	January 23, 2020

INTRODUCTION

The applicant is requesting to remove the vehicular trip cap placed on ± 6.71 acres of the subject property when the *Commercial* Future land Use (FLU) was applied in 2008. Removal of the trip cap would allow the property to develop under the City's current transportation concurrency regulations that all proposed development in the city is required to comply with.

The subject property includes a vacant commercial lot within the Journey's End Way Planned Commercial Development (PCD) located between Extra Space Storage and Country Inn & Suites, and the Extra Space Storage development site. The subject property is in close proximity to the I-95/Dunlawton interchange, which is identified in the Comprehensive Plan as one of the designated Regional Commercial Nodes generally intended to serve the east central Florida regional market, with a mix of general, specialized, and highly specialized products, services, and attractions. If the vehicular trip cap amendment request is approved, the applicant plans to request approval of the 4th Amendment to the Journey's End PCD Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to allow for the development of a hotel along with associated improvements on the vacant commercial lot (see Case No. 19-40000006).

Figure 1. Location Map



PROPOSED AMENDMENT

The applicant is requesting to remove the vehicular trip cap placed on the subject property when the Commercial Future land Use (FLU) was applied in 2008. Removal of the trip cap would allow the property to develop under the City's current transportation concurrency regulations that all proposed development in the city is required to comply with.

As part of the 2008 approval of the Comprehensive Plan Amendment, a vehicular trip cap of 301 total daily trips was placed over the subject property and the Extra Space Storage property at the request of the City of New Smyrna Beach per Ordinance 2008-9. The 301-trip cap figure was based on the daily trips that the prior FLU designation (*Suburban Residential* 2-4 units/acre) could theoretically generate; it was not based on an actual development or a traffic analysis of the area. The removal of the trip cap will be necessary to facilitate a majority of any type of commercial development on the subject property. Currently, only 128 daily trips remain since the development of the Extra Space Storage Facility uses 173¹ of the 301 daily trips. Regardless if the trip cap is removed, increased, or remains, any future development on the subject property will be required to comply with the City's current transportation concurrency regulations and pay toward any City Transportation Fair-Share projects if there are impacts to roadways that are near or over capacity.

In May 2019, City staff spoke with Volusia County Traffic Engineering staff regarding the removal of the trip cap and Volusia County staff supported the removal of the vehicular trip cap on the subject property and application of standard traffic concurrency standards for any proposed commercial development.

All future development plans 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.

IMPACT ANALYSIS

The traditional theoretical maximum impact comparison analysis is not applicable for the subject amendment as there is no change to the *Commercial* Future Land Use (FLU) designation of the subject property proposed. The theoretical maximum impact comparison analysis for all public infrastructure and services was conducted in 2008 when the subject property was designated *Commercial* on the Future Land Use Map. However, for discussion purposes, a theoretical maximum impact comparison analysis will be provided below for transportation that compares the subject property with the current *Commercial* FLU designation with a 301 daily vehicular trip cap and with the *Commercial* FLU designation with the vehicular trip cap removed.

¹ Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition

FLU Designation	Current Commercial FLU w/trip cap	Current Commercial FLU w/out trip cap	Net Change
Commercial	301 daily trips	1,214 daily trips*	913 daily trips

*173 daily trips for the existing Extra Space Storage (Source: TIA for approved Site Plan), plus 1,041 daily drips for a 130-room hotel (Source: Land Use 310 – ITE Trip Generation Manual, 10th Edition)

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, the proposed vehicular trip cap removal could allow for the generation of 817 more daily trips. As with all development, the specific site development proposal 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.

REVIEW CRITERIA AND STAFF FINDINGS

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

Staff finding: The proposed trip cap removal is consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan. The proposed amendment does not change the FLU designation of the subject property and provides for traffic impacts to be addressed using the adopted concurrency management system. 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: 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 proposed amendment does not change the FLU of the property. It was previously determined in 2008, when the *Commercial* FLU designation was applied to the subject property, that it is compatible with the adjacent properties. 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 subject amendment does not change to the FLU designation of the subject property. The theoretical maximum impact comparison analysis for all public infrastructure and services was conducted in 2008 when the subject property was designated *Commercial* on the Future Land Use Map. 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 January 8, 2020, staff posted the property notifying the public of the proposed amendment. As of the time this agenda item was prepared, staff has received one (1) inquiry requesting general information regarding 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 remove the vehicular trip cap on property located at 5840 and 5850 Journey's End Way, and authorization for staff to send the amendment to the required review agencies.



STAFF REPORT

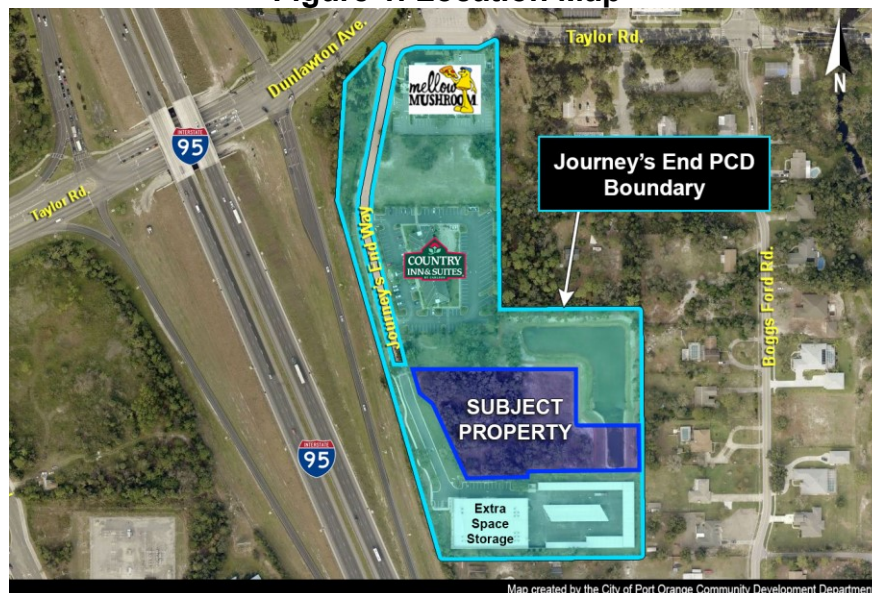
4th Amendment to the Master Development Agreement and Conceptual Development Plan for the Journey's End Planned Commercial Development Case No. 19-40000006

REQUEST:	Amend the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Journey's End Planned Commercial Development (PCD) to add hotel as a permitted use on Lot 1 South
APPLICANT:	Robert A. Merrell III, Esq., Cobb Cole
PROPERTY OWNER:	Todd Marshall, Port Orange Stow A Way, LLC
STAFF RECOMMENDATION:	Approval
LOCATION:	5840 Journey's End Way
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
PLANNING COMMISSION DATE:	January 23, 2020

DEVELOPMENT PROPOSAL

The subject property is currently zoned Planned Commercial Development (PCD) and is part of the Journey's End PCD. The proposed 4th Amendment to the Journey's End Master Development Agreement (MDA) and Conceptual Development Plan (CDP) would add "hotel" as a permitted use for the commercial lot located on the east side of Journey's End Way between the Country Inn and Suites Hotel and the Extra Space Storage Facility, and revise the building and parking layout of the Conceptual Development Plan (CDP) for the subject lot. The MDA currently permits commercial uses that include, restaurants, banks, professional and medical offices, and retail sales and services on the subject lot. The proposed amendment would expand the allowed uses on the subject lot by adding "hotel" to the list of allowed commercial uses.

Figure 1. Location Map



The Journey End's PCD was approved in 2000 and created three commercial lots and in 2008 the 2nd Amendment to the Journey End's PCD was approved and added two more commercial lots to the PCD. Therefore, the approved Journey's End PCD established the permitted uses and development requirements for the 5 commercial lots. The list of permitted commercial uses for each lot is lot-specific and not all of the commercial lots in the PCD have the same list of permitted commercial uses. At this time, three of the commercial lots have been developed leaving the subject property and the commercial lot located between Mellow Mushroom and Country Inn and Suites Hotel undeveloped.

The subject property is currently regulated by the Journey's End PCD MDA, associated Journey's End PCD MDA amendments, and the Land Development Code (LDC). The 2nd Amendment to the Journey's End MDA provides the current list of commercial uses permitted for the subject property. According to the applicant, the requested MDA amendment is to add "hotel" to the current list of commercial uses allowed on the subject property. The current property owner of the subject property was the owner of the property in 2008 when the current list of permitted commercial uses was created. According to the property owner, an end user for the subject property was not identified in 2008 so a basic list of commercial uses was established for the subject property. The property owner is now in discussions with a hotel operator to develop the subject property and therefore is requesting to expand the commercial uses allowed on the subject property to include "hotel".

The only request associated with the proposed 4th amendment to the Journey End MDA is the addition of "hotel" to the current list of commercial uses. There are no deviations to the development requirements from the LDC or the Journey's End PCD MDA being requested, just the addition of a permitted use to the subject property. Other City standard commercial zoning districts, such as Interchange Commercial Development (ICD) and Highway Commercial (HC), that are typically associated with properties located near I-95 or other major roadway corridors with a *Commercial* Future Land Use include "hotel" as a permitted commercial use.

The proposed amendment also includes a modification to the original building and parking lot layout for the subject property shown in the Conceptual Development Plan (CDP) approved in 2008. The revised CDP has been designed to show the general footprint for a hotel and parking lot layout. The Staff Development Review Committee (SDRC) has reviewed the proposed CDP and there are no deviations from the Land Development Code (LDC). Access to the property is available off Journey's End Way. Water and sewer are available and serves the subject property. As part of any future site improvements, a site plan would be required and stormwater, traffic generation, landscaping, tree preservation, architecture, parking lot design will be addressed in accordance with the Journey's End MDA, associated amendments to the Journey's End MDA, and the LDC. The applicant is not requesting any deviations from the LDC or Journey's End MDA as part of the proposed amendment.

CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property is designated *Commercial* on the Future Land Use Map and it is part of a Community Commercial Node located around the intersection of Taylor

Branch Road and Dunlawton Avenue/I-95 Interchange. The MDA was found to be consistent with the Comprehensive Plan in 2008. The proposed amendment to the MDA and CDP related to adding “hotel” as a permitted use on the subject property remains consistent with the type of land use and intensity allowed for the subject property by the City’s Comprehensive Plan Future Land Use Map.

As part of the approval of the Comprehensive Plan Amendment in 2008, a vehicular trip cap of 301 total daily trips was placed over the subject property and the Extra Space Storage property. The trip cap number was based on the daily trips that the prior FLU designation (*Suburban Residential 2-4 units/acre*) for the subject property could theoretically generate and it was not based on an actual commercial development or a traffic analysis of the area. Regardless if the trip cap is removed, increased, or remains, any future development on the subject property will be required to comply with the City’s current transportation concurrency regulations and pay toward any City Transportation Fair-Share projects if there are impacts to roadways that are near or over capacity

Currently, only 128 daily trips remain since the development of the Extra Space Storage Facility uses 173¹ of the 301 daily trips. The request to release the trip cap is a separate agenda item (Case No 19-20000006). In addition to the approval of the 4th amendment to the MDA, the removal or increasing the limit of the trip cap will be necessary to facilitate commercial development on the subject property.

PUBLIC NOTICE

A Public Notice sign was posted on the site on November 15, 2019. At the time this agenda item was prepared, staff has received one (1) inquiry requesting general information regarding the proposed amendment.

RECOMMENDATION

Staff recommends approval of the 4th Amendment to the Master Development Agreement and Conceptual Development Plan for the Journey’s End Planned Commercial Development, subject to review and approval by the City Attorney’s Office for legal form and content.

ATTACHMENTS

Exhibit 1 – Master Development Agreement and Conceptual Development Plan

¹ Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition

EXHIBIT 1

Document Prepared By:

Robert A. Merrell III, Esquire
Cobb Cole
149 S. Ridgewood Ave. Suite 700
Daytona Beach, FL 32114

Return Recorded Document To:

City of Port Orange Records Clerk
1000 City Center Circle
Port Orange, FL 32129

**FOURTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR
THE JOURNEY'S END (f/k/a THE PEACOCK WAY) PLANNED COMMERCIAL
DEVELOPMENT (PCD)**

THIS FOURTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE JOURNEY'S END (f/k/a THE PEACOCK WAY) PLANNED COMMERCIAL DEVELOPMENT (PCD) ("Fourth Amendment") made and entered into by and between the **CITY OF PORT ORANGE, FLORIDA**, a Florida municipal corporation located in Volusia County, Florida ("City"), and **PORT ORANGE STOW A WAY, LLC** ("Owner") constitutes the Fourth Amendment to the Planned District Agreement for the Journey's End Planned Commercial Development.

WHEREAS, Owner is the owner of real property legal described on the attached Exhibit "A", hereinafter the "Property" which is subject to that certain Master Development Agreement (MDA) for the Peacock Way Planned Commercial District (PCD) dated November 1, 2000 and recorded in Official Records Book 4614, Page 746, Public Records of Volusia County, Florida;

WHEREAS, the MDA was amended by that First Amendment to the Master Development Agreement for the Journey's End (f/k/a the Peacock Way) Planned Commercial Development (PCD) dated June 3, 2008 and recorded in Official Records Book 6262, Page 503, Public Records of Volusia County, Florida (hereinafter "First Amendment");

WHEREAS, the MDA was further amended by that Second Amendment to the Master Development Agreement for the Journey's End (f/k/a the Peacock Way) Planned Commercial Development (PCD) dated November 11, 2014 and recorded in Official Records Book 7053, Page 4005, Public Records of Volusia County, Florida (hereinafter "Second Amendment");

WHEREAS, the MDA was further amended by that Third Amendment to the Master Development Agreement for the Journey's End (f/k/a the Peacock Way) Planned Commercial Development (PCD) dated December 21, 2018 and recorded in Official Records Book 7637, Page 2382, Public Records of Volusia County, Florida (hereinafter "Third Amendment");

WHEREAS, the property described in the First Amendment as Lot 4 was platted in 2018 (Plat Book 59 Page 133, Public Records Volusia County, Florida), said lot being described in the First Amendment as Lot 4 became and is now known as Lot 1 of the Journey's End South plat (hereinafter "Lot 1 South"); and

WHEREAS, Owner is desirous of including an additional use on Lot 1 South of the PCD, the only property subject to this Fourth Amendment, to allow for the development of a hotel; and

WHEREAS, the City is desirous of entering into this Agreement with the Owner for the purpose of incorporating an additional use for Lot 1 South of the PCD; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and the Owner hereby agree to amend the PCD Agreement as follows:

1. The premises stated above are true, correct, and form a material part of the Fourth Amendment.
2. The Conceptual Development Plan attached hereto as Exhibit “B” shall govern Lot 1 South, the property subject to this Fourth Amendment.
3. Exhibit C “Permitted Uses and Dimensional Requirements” of the MDA and Paragraph 6, “Uses and Dimensional Requirement” of the First Amendment are hereby amended as follows:

~~Lot 4~~ Lot 1 South

Professional/Medical Office

Banks

Business Services

Financial Services

Retail Sales/Service

Restaurant – Type A

Hotels

[Remainder of section to remain unchanged]

4. This Fourth Amendment 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.
5. The MDA, as previously enacted, and the First Amendment, Second Amendment, and Third Amendment shall remain in full force and effect except with respect to those matters specifically amended by the Fourth Amendment.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals this ____ day of _____, 2020.

Signed, Sealed and Delivered
In the Presence of:

CITY OF PORT ORANGE,
a Florida municipal corporation

Witness 1

By: _____
Donald O. Burnette, Mayor

Print Name of Witness 1

Attest:

Witness 2

By: _____
Robin Fenwick, City Clerk

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Robin Fenwick, City Clerk of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City, who is personally known to me and did not take an oath.

Type, Print or Stamp Name

My Commission Expires: _____

Signed, Sealed and Delivered
In the Presence of:

PORT ORANGE STOW A WAY, LLC
A Florida limited liability company

Witness 1

By: _____
Todd C. Marshall, Manager

Print Name of Witness 1

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

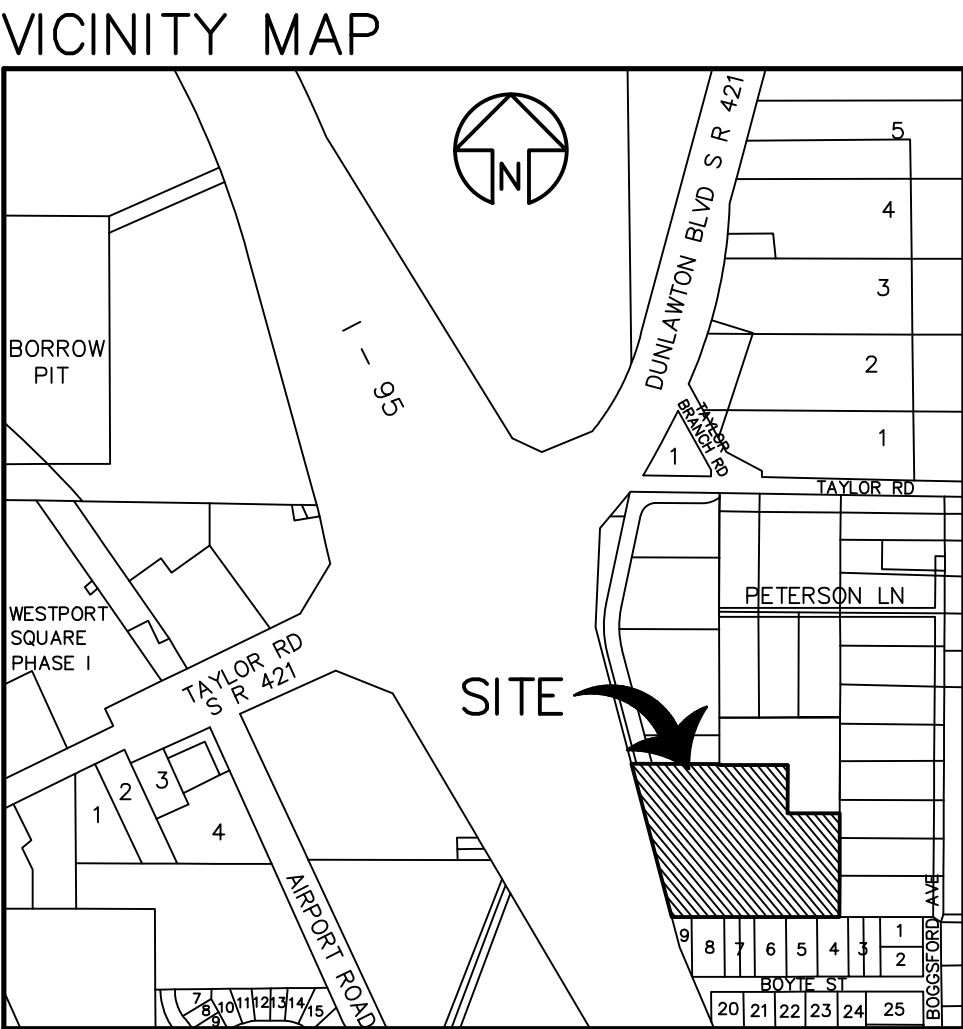
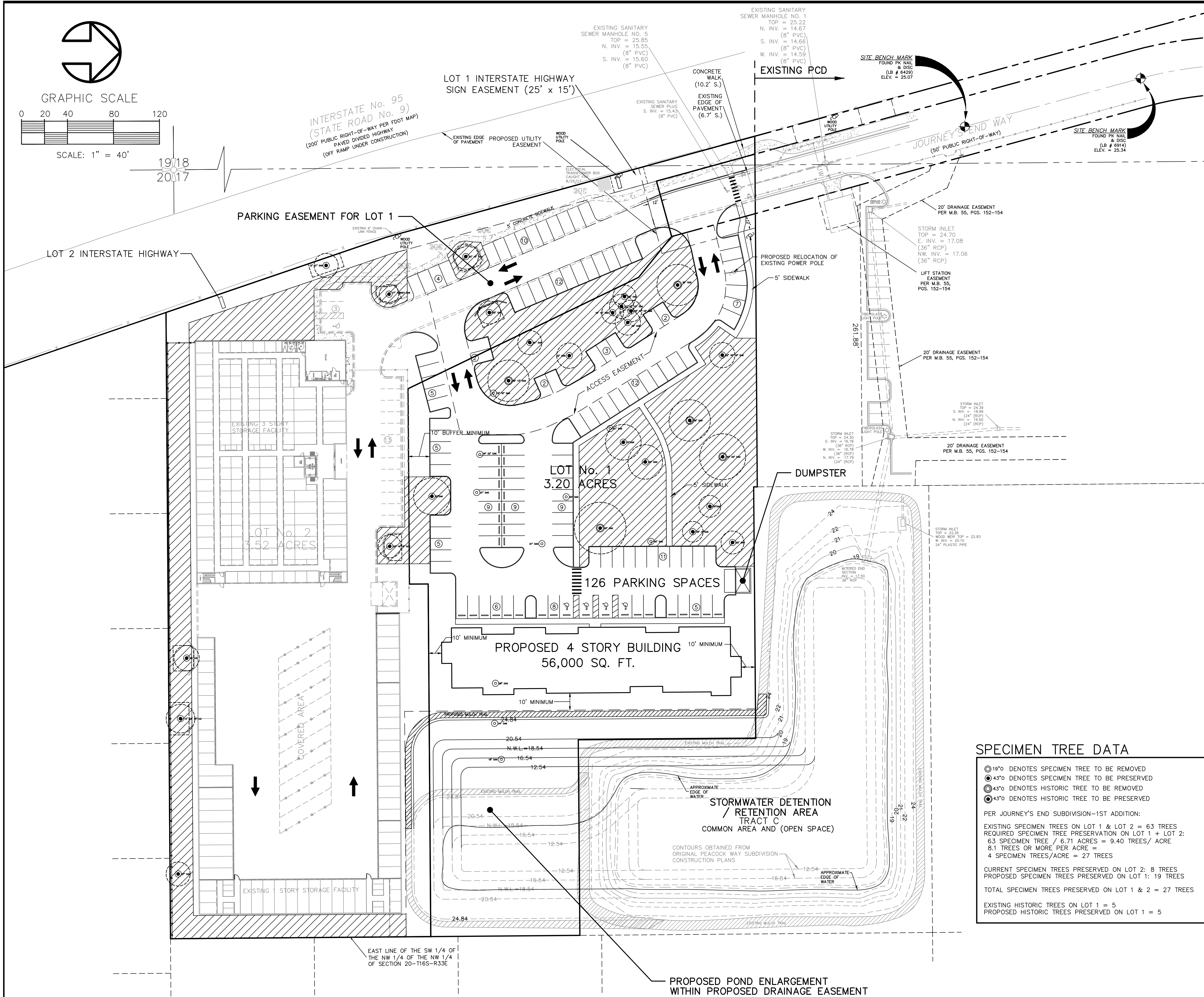
The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Todd C. Marshall, as Manager of Port Orange Stow A Way, LLC, on behalf of the limited liability company. He is personally known to me and did not take an oath.

Type, Print or Stamp Name

My Commission Expires: _____

Exhibit A – Legal Description

Lot 1, Journey's End South, according to the map or plat thereof, as recorded in Plat Book 59, Page(s) 133 through 136, of the Public Records of Volusia County, Florida



LEGAL DESCRIPTION

LOT 1, JOURNEY'S END SOUTH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 59, PAGE(S) 133 THROUGH 136, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SITE DATA

EXISTING ZONING: JOURNEY'S END PCD
MAXIMUM BUILDING COVERAGE: 35% (LOTS 1 & 2)
MINIMUM OPEN SPACE: 20% (LOTS 1 & 2)
MINIMUM TREE PRESERVATION: 15%
PROPOSED LAND USE: HOTEL
TOTAL SITE AREA: 6.71 ACRES
RIGHT OF WAY PARCEL: 0.09 ACRES
LOT No. 1: 3.22 ACRES
LOT No. 2: 3.40 ACRES

GENERAL NOTES

- SCS SOIL TYPES: (63) TAVARES FINE SAND, HYDROLOGIC GROUP A, (4) ASTATULA FINE SAND, HYDROLOGIC GROUP A.
- THIS PROPERTY IS LOCATED IN FLOOD ZONE "X". (AREAS OUTSIDE THE 500 YR. FLOOD), AS SCALED FROM FLOOD INSURANCE RATE MAP, PANEL No. 1212700507 J, EFFECTIVE DATE SEPTEMBER 29, 2017.
- BOUNDARY, TOPOGRAPHIC AND TREE SURVEYS PERFORMED BY KLE SURVEYING AND MAPPING, INC. DATED 8-25-17.
- OWNERS:
PORT ORANGE STOW A WAY LLC
3340 SE FEDERAL HWY. #286
STUART, FLORIDA 34997
PHONE: (722) 546-2336
AND
ENGINEER & LAND PLANNER:
MARK DOWST & ASSOCIATES
536 N. HALIFAX AVENUE, SUITE 100
DAYTONA BEACH, FLORIDA 32118
PHONE: (386) 258-7999
AND
SURVEYOR:
KLE SURVEYING AND MAPPING, INC.
239 WASHINGTON AVE
LAKE MARY, FLORIDA 32746
PHONE: (407) 407-2331
- COMPLIANCE WITH THE ENVIRONMENTAL PRESERVATION CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL PLAN.
- LOT 1 ON THE JOURNEY'S END SOUTH PLAT IS LOT 4 ON THE CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR THE 1ST AMENDMENT TO THE JOURNEY'S END MDA AND CDP (OR BOOK 6262 AND PAGE 503) AND LOT 2 ON THE JOURNEY'S END SOUTH PLAT IS LOT 5 ON THE CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR THE 1ST AMENDMENT TO THE JOURNEY'S END MDA AND CDP (OR BOOK 6262 AND PAGE 503).
- TO THE EXTENT ACTUAL BUILDINGS AND OTHER IMPROVEMENTS ARE SHOWN ON THE CDP, THEY ARE SHOWN ONLY FOR ILLUSTRATIVE PURPOSES AND DEVELOPERS SHALL BE PERMITTED TO RELOCATE OR RECONFIGURE BUILDING, OTHER IMPROVEMENTS AS USES SO LONG AS THE CHANGES ARE OTHERWISE CONSISTENT WITH THE MDA AND SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE SITE PLAN.

SPECIMEN TREE DATA

19"0 DENOTES SPECIMEN TREE TO BE REMOVED
43"0 DENOTES SPECIMEN TREE TO BE PRESERVED
33"0 DENOTES HISTORIC TREE TO BE REMOVED
43"0 DENOTES HISTORIC TREE TO BE PRESERVED

PER JOURNEY'S END SUBDIVISION-1ST ADDITION:
EXISTING SPECIMEN TREES ON LOT 1 & LOT 2 = 63 TREES
REQUIRED SPECIMEN TREE PRESERVATION ON LOT 1 + LOT 2:
63 SPECIMEN TREE / 6.71 ACRES = 9.40 TREES/ ACRE
8.1 TREES OR MORE PER ACRE =
4 SPECIMEN TREES/ACRE = 27 TREES

CURRENT SPECIMEN TREES PRESERVED ON LOT 2: 8 TREES
PROPOSED SPECIMEN TREES PRESERVED ON LOT 1: 19 TREES

TOTAL SPECIMEN TREES PRESERVED ON LOT 1 & 2 = 27 TREES

EXISTING HISTORIC TREES ON LOT 1 = 5
PROPOSED HISTORIC TREES PRESERVED ON LOT 1 = 5

PROPOSED TREE PRESERVATION AREAS
TOTAL PROJECT AREA = 6.71 ACRES
TREE PRESERVATION REQUIRED =
15% X 6.71 ACRES = 1.01 ACRES
TREE PRESERVATION PROVIDED = 1.34 ACRES

REVISION				EXHIBIT B			
NO.	DATE	APPR.	DATE	NO.	DATE	APPR.	DATE
1	12-16-19	MSD		1	12-16-19	MSD	
PROJECT NO. 807C				CONCEPT PLAN			
807C-BASE 8-13-19				PORT ORANGE HOTEL			
1 OF 1				PORT ORANGE, FLORIDA			



STAFF REPORT

Small-Scale Comprehensive Plan Future Land Use Map
Amendment/1200 Sparton Ave. & 5700 Spruce Creek Rd.
Case No. 19-20000007

REQUEST:	Change the Future Land Use (FLU) designation for ± 0.23 acres from <i>Urban Medium Residential (4-8 units/acre)</i> to <i>Office/Residential Transition</i> .
LOCATION:	1200 Sparton Ave. & 5700 Spruce Creek Rd.
OWNER:	Pineapple Plantations, LLC
APPLICANT:	Katie Vovolka, Light and Glory Fitness
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	January 23, 2020

INTRODUCTION

The applicant is requesting to change the Future Land Use (FLU) map designation for ± 0.23 -acres from *Urban Medium Residential (4-8 units/acre)* to *Office/Residential Transition (ORT)*. The subject property includes two parcels of land located at 1200 Sparton Avenue and 5700 Spruce Creek Road. If the FLU amendment request is approved, the applicant intends to redevelop the property as a health/exercise club. The subject property is also part of an administrative rezoning of various parcels in the area, to apply appropriate commercial zoning to existing commercial properties that have a limited number of permitted commercial uses allowed, in an effort to encourage redevelopment and viability of existing long-standing commercial properties. If the FLU amendment and the administrative rezoning are approved, the subject property will be rezoned to (PO) Professional Office (see Case No. 19-60000007).

The locational criteria for the proposed FLU designation of ORT state it is appropriate along arterial roads and adjacent to residential areas because the non-residential uses associated with the proposed FLU designation are generally geared towards serving the needs of local residents rather than larger regional and sub-regional commercial nodes.

Figure 1. Location Map



Map created by the City of Port Orange Community Development Department

PROPERTY OVERVIEW

The subject property includes two parcels of land: one developed as Van's Air Conditioning (1200 Sparton Ave.) and one developed with a mobile home (5700 Spruce Creek Rd.). Van's Air Conditioning is a commercial business that has been on the subject property since the early 1970's. However, the property has always been designated *Urban Medium Density Residential* on the Future Land Use (FLU) Map and zoned for residential mobile home use on the Zoning Map. Therefore, the subject property has been used as commercial site for over 40 years and is a long-standing non-conforming use since the parcel has a residential FLU and zoning designation.

Figure 2. Picture of existing buildings



The property has recently sold and the new owners would like to develop both parcels as a health/exercise club. According to the applicant, "the location and size of the [existing] building is perfect to provide a boutique gym experience." The applicant has stated that if approved, the proposed health/exercise club will focus on private training and that there will be less than 10 people in total (employees + clients) on-site at any given time.

This proposed use is considered a change of use (*appliance/electronic repair shop to health/exercise club*), and the Land Development Code (LDC) requires the property be brought up to code with regards to permitted uses, site development standards, and Building and Fire Codes as part of the change of use. The proposed FLU amendment and rezoning (Case No. 19-60000007) are the first steps to bringing the site up to code by applying a non-residential FLU and zoning designation to a long-standing commercial property that has a residential designation. If approved, the new owners will be required to submit a Site Development Plan for the development of the site as a health/exercise club.

All future development plans 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.

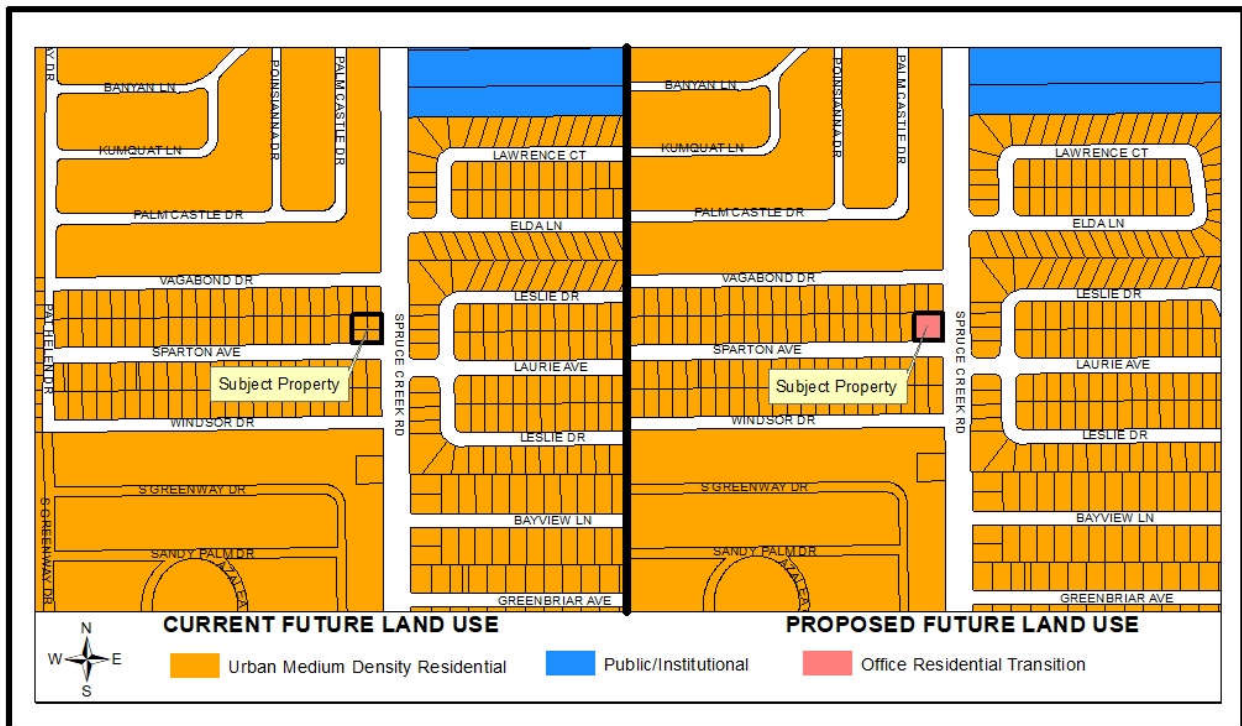
The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Parkwood Mobile Home Park	Urban Medium Density Residential (4-8 units/acre)	Residential Mobile Home (RMH)
South	Sparton Avenue right-of-way; Halifax Estates Mobile Home Subdivision	Urban Medium Density Residential (4-8 units/acre)	Residential Mobile Home (RMH)
East	Spruce Creek Road right-of-way; Spruce Creek Village Mobile Home Subdivision	Urban Medium Density Residential (4-8 units/acre)	Residential Mobile Home (RMH)
West	Halifax Estates Mobile Home Subdivision	Urban Medium Density Residential (4-8 units/acre)	Residential Mobile Home (RMH)

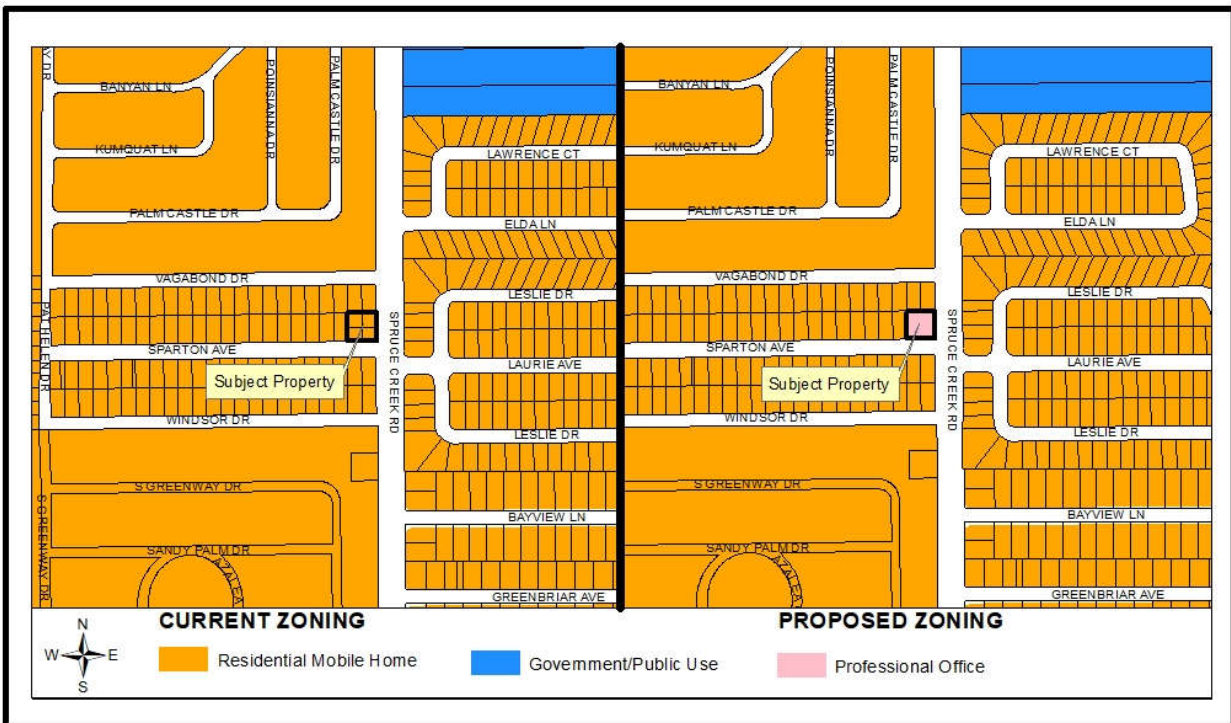
The current adopted FLU designation for the subject property and adjacent properties and the proposed FLU designation for the subject property is identified in Figure 3.

Figure 3. Current and Proposed FLU Map



The current zoning classification of the subject property and adjacent properties and the proposed zoning classification of the subject property are identified in Figure 4.

Figure 4. Current and Proposed Zoning Map



PROPOSED AMENDMENT

The following discussion will examine the proposed amendment and the impacts of the proposed amendment. The proposed amendment is to change the FLU designation for ± 0.23 -acres from *Urban Medium Residential* (4-8 units/acre) to *Office/Residential Transition*. 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 proposed *Office/Residential Transition* FLU designation is a mixed-use category that allows for a distribution of uses within the ± 0.23 -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 that would be 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)
Urban Medium Density	0.23	0	-0.23
Office/Residential Transition	0	0.23	+0.23
TOTAL ACREAGE	0.23	0.23	0

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

	Current FLU	Proposed FLU	Net Change in FLU
	[Theoretical Maximum Density (units)/Intensity (sq.ft.)]		
Urban Medium Density (4-8 units/acre)	2 units	0	-2 units
Office/Residential Transition <i>Scenario #1</i> 25% Residential (10 units/acre)/75% Office (1.5 FAR*)	0	1 unit 11,271 sq.ft.	+1 unit +11,271 sq.ft.
Office/Residential Transition <i>Scenario #2</i> 25% commercial (1.5 FAR)*75% office (1.5 FAR)*	0	15,028 sq.ft.	+15,028 sq.ft.
TOTAL	2 units	Scenario #1: 1 unit 11,271 sq.ft.	Scenario #1: -1 unit +11,271 sq.ft.
		Scenario #2: 15,028 sq.ft.	Scenario #2: +15,028 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 increase in impacts to all public infrastructure and services other than recreation and school.

Table 4. Impact Analysis (Theoretical Max.)

DEVELOPMENT VARIABLE	CURRENT LAND USE	PROPOSED LAND USE		NET CHANGE	
		Scenario 1 (25% Residential/ 75% Office)	Scenario 2 (25% commercial/ 75% office)	Scenario 1 (25% Residential/ 75% Office)	Scenario 2 (25% commercial/ 75% office)
Residential Units	2	1	0	-1	-2
Non-residential Buildable Sq. Ft.	0	11,271	15,028	+11,271	+15,028
Population ¹	4.5	2.25	0	-2.25	-4.5
PM Peak Hour Trips/Daily Trips ²	2/19	49/417	62/568	+47/+398	+60/+549
Sanitary Sewer (gallons/day) ³	320	1,287	1,503	+967	+1,183
Potable Water (gallons/day) ⁴	360	1,307	1,503	+947	+1,143
Solid Waste (lbs./person) ⁵	15	120	150	+105	+135
Stormwater Drainage ⁶	n/a	n/a	n/a	n/a	n/a
Recreation/Open Space ⁷ (acres)	0.03	0.02	0	-0.01	-0.03

Table 4 Notes:

1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: Single-family (210) 1.02 PM peak hour trips per unit and 9.52 daily trips per unit; 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

The transportation analysis shows an increase in the number of daily trips and P.M. peak hour trips is expected to result from the proposed FLU amendment based on the theoretical maximum analysis, which includes analyzing the current residential FLU designation, even though the subject property has been developed as a non-conforming commercial use since the early 1970's.

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, the proposed *Office/Residential Transition* FLU designation could theoretically generate 47 more P.M. peak hour trips and 398 more daily trips (Scenario #1), or theoretically generate 60 more P.M. peak hour trips and 549 more daily trips (Scenario #2), based on the theoretical maximum allowed development for the current and proposed FLU designations.

Based on the actual proposed use of the property as a health/exercise club, the ITE Trip Generation Manual, anticipates there could be a potential of 4 P.M. peak hour trips and 33 daily trips. The applicant has stated that if approved, proposed health/exercise club will focus on private training and that there will be less than 10 people in total (employees + clients) on-site at any given time.

Spruce Creek Road, from Taylor Road to Nova Road, has design capacity of 37,970 daily trips. Based on the most recent vehicular trip data available from Volusia County (2018), there are 15,310 daily trips on this segment of Spruce Creek Road, which equates to a 0.40 volume/capacity ratio (i.e. 60% remaining capacity). Volume/Capacity (V/C) Ratio compares roadway demand (vehicle volumes) with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity and anything under 1.00 indicate there is unutilized capacity remaining for the roadway.

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 approximately 1,500 gallons per day (gpd) of wastewater. This is a net increase of approximately 1,100 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 approximately 1,500 gallons of potable water per day based on the theoretical maximum development analysis, which is a net increase of approximately 1,100 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 approximately 150 pounds per day of solid waste based on the theoretical maximum development analysis, which is a net increase of approximately 135 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 the proposed FLU designation does not increase residential demand. According to the City's 2019 Concurrency Management Report, the City has an excess of 55 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 proposed FLU amendment is a decrease in allowable residential units and subject property is proposed for a non-residential use (see rezoning Case No. 19-60000007).

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. Adequate capacity exists for portable water, sewer, schools, recreation, and stormwater, and solid waste. 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 has been a longstanding non-conforming use. If approved, the proposed amendment would legitimize the non-residential uses of the property that has existed since the early 1970's and allow for the property to be redeveloped and brought up to code. 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 increase in impacts to public facilities, infrastructure and services, except for recreation and school; however, adequate capacity exists to accommodate the proposed amendment. 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 January 8, 2020, staff posted the property notifying the public of the proposed amendment. As of the time this agenda item was prepared, staff has not received any inquiries regarding 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 ±0.23 acres from *Urban Medium Density* (4-8 units/acre) to *Office/Residential Transition*, and authorization for staff to send the amendment to the required review agencies.



STAFF REPORT ADMINISTRATIVE REZONING CASE NO. 19-60000007

REQUEST:	Rezone ±0.23 acres from Residential Mobile Home (RMH) to Professional Office (PO); ±4.16 acres from Spruce Creek Center Planned Commercial Development (PCD) to Community Commercial (CC); and ±15 acres from Planned Commercial Development (PCD) to Community Commercial (CC)
LOCATION:	1200 Sparton Ave., 5700 Spruce Creek Rd., 4020 Nova Rd., 3997 Nova Rd., 4025 Nova Rd., and 4031 Nova Rd. (Figure 1 – Location Map)
OWNERS:	Pineapple Plantations LLC (1200 Sparton Ave. and 5700 Spruce Creek Rd.); Louis L Huntley Enterprises (4020 Nova Rd.); Gator Riverwood LLC (3997 Nova Rd., 4025 Nova Rd., and 4031 Nova Rd.)
APPLICANT:	City of Port Orange
STAFF CONTACT:	Gwen Perney, Senior Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	January 23, 2020

PROPERTY OVERVIEW

The proposed administrative rezoning would change the zoning for three properties located along Spruce Creek Road (see Figure 1 on Page 2). The subject properties have longstanding commercial developments on them but the current zoning designations on these properties restrict several commercial uses typically found on other properties with City conventional commercial zoning.

Over the last five years, staff has received requests to establish businesses at the subject properties that would typically be allowed in conventional commercial zoning categories; however, because the requested commercial uses are not listed as permitted uses by the current zoning on the subject properties, staff cannot approve these requests. Therefore, the current zoning designations on these properties have prolonged vacancies in otherwise usable commercial tenant spaces.

If the subject properties are rezoned to conventional zoning categories, the City's Land Development Code (LDC) will provide permitted uses and dimensional requirements for each property and is anticipated to increase redevelopment within these existing commercial developments. As part of any future site development, site plans and/or building permits will be required to be submitted for staff review to verify all LDC and Florida Building Code requirements are met, such as landscape buffers, parking, building setbacks, tree preservation, and infrastructure, to ensure compatibility with adjoining properties, and that adequate public facilities and services are available.

FIGURE 1. LOCATION MAP



DISCUSSION

The following outlines the request to rezone the three properties along Spruce Creek Road. If the administrative rezoning is approved, the properties will be subject to the list of permitted uses and the dimensional requirements for the proposed zoning designations as listed in the City's Land Development Code (LDC).

The proposed rezoning was reviewed according to the criteria established in Chapter 3, Section 7 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and the surrounding land uses and zoning.

Area 1: Rezone ± 0.23 acres from Residential Mobile Home (RMH) to Professional Office (PO)

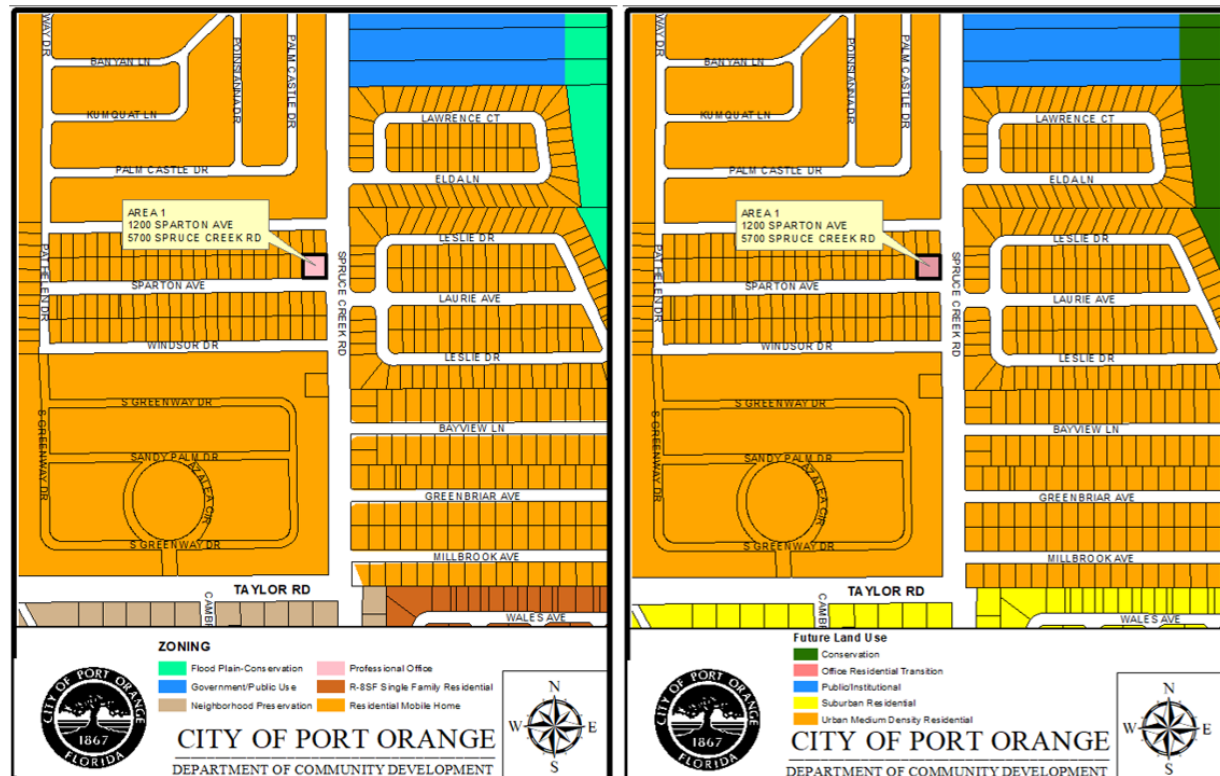
Area 1 includes two parcels of land under single ownership. The parcel at the corner of Sparton Avenue and Spruce Creek Road was originally developed in the early 1970's as a commercial business (Van's Air Conditioning) but has historically been zoned for residential mobile home use, while the adjacent parcel is developed with a mobile home (5700 Spruce Creek Road).

The parcel Van's Air Conditioning business is located on, has been used as a commercial site since the early 1970's. However, the property has always been designated *Urban Medium Density Residential* (2-4 units/acre) on the Future Land Use (FLU) Map and zoned for residential mobile home use on the Zoning Map. Therefore, the subject property has been used as a commercial site for over 40 years and is a long-standing non-conforming use since the parcel is zoned Residential Mobile Home (RMH).

The site has historically been used for a commercial use. Rezoning the two parcels from RMH to Professional Office (PO) is to assist the redevelopment of the subject property. The list of permitted uses and the development requirements in the LDC for the PO zoning district will allow for the use of the property to remain non-residential but limit the uses allowed to those compatible with the surrounding area. The PO zoning district permits typical community-scale office and service uses such as; offices, medical offices, personal services, and health/exercise clubs, childcare centers, and similar uses (Exhibit 1). The PO zoning category is also compatible with the proposed *Office/Residential Transition* FLU designation as it provides areas for medical, professional, or service offices.

The plans proposed for the subject property if the administrative rezoning is approved consist of converting the Van's Air Conditioning building into a health/exercise club and removing the mobile home on the adjacent lot to construct improvements to serve the health/exercise club use. The use of the site as a health/exercise club is considered a change of use and the LDC requires the subject property be brought up to code with regards to permitted uses, site development standards, and Building and Fire Codes. The first steps to bringing the site up to code is to amend the FLU designation and rezoning to a non-residential designation, which is consistent with the non-residential use that has existed on the property for over 40 years. Concurrent with this rezoning, is a request to change the FLU designation of the property to *Office/Residential Transition* (Case No. 19-20000007). According to the applicant, "the location and size of the [existing] building is perfect to provide a boutique gym experience." The applicant has stated that if approved, the proposed health/exercise club will focus on private training and that there will be less than 10 people in total (employees + clients) on-site at any given time.

FIGURE 2. PROPOSED ZONING MAP AND PROPOSED FLU MAP OF AREA 1



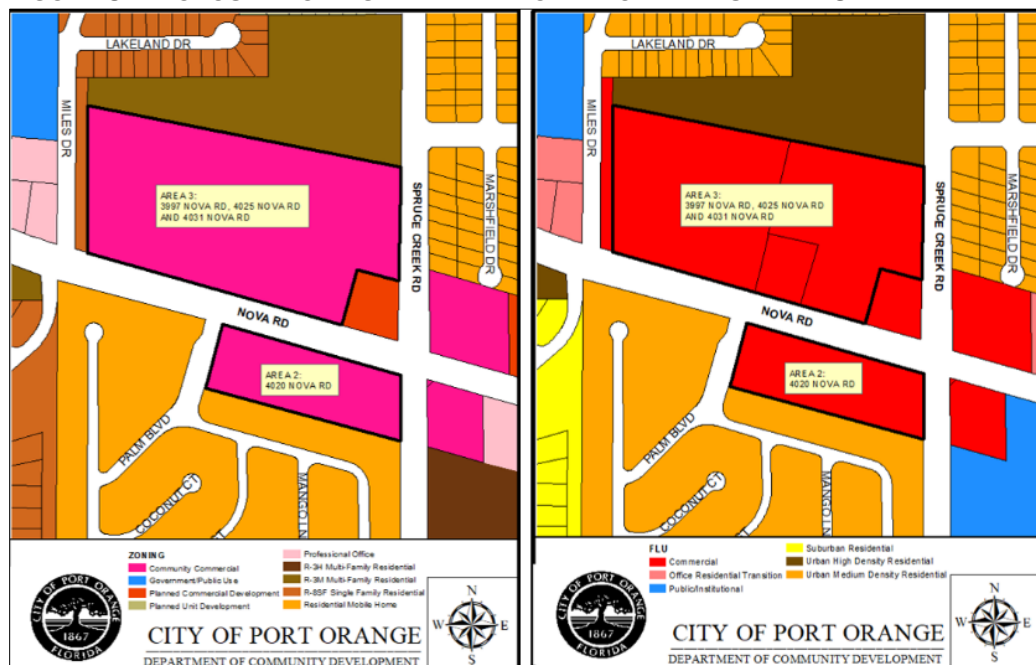
Area 2: Rezone ±4.16 acres from Planned Commercial Development (PCD) to Community Commercial (CC)

The subject property was originally developed as a commercial plaza in 1981 and zoned C-1 (Shopping Center Commercial District) at that time. In 1994, the subject property, was rezoned to Planned Commercial Development (PCD) and the Spruce Creek Center Master Development Agreement (MDA) was adopted and allowed: Retail Sales and Services, Offices, Financial Services, Banks, Business Services, Restaurants, Child Care Centers, Convenience Stores with fuel operations, and Motor Vehicle Service Centers.

The subject property has a FLU designation of *Commercial*. The proposed Community Commercial (CC) zoning designation is consistent with the *Commercial* FLU designation as it provides opportunity for a variety of retail sales and services within a community-scale shopping center. This site is part of the Community Commercial Node located around the intersection of Nova Road and Spruce Creek Road, as designated in the City's Comprehensive Plan, which is intended to provide areas to serve the general shopping needs of the residential areas within a ±2 mile radius.

Rezoning the subject property from PCD to Community Commercial (CC) is anticipated to assist the redevelopment of the subject property. The list of permitted uses in the CC zoning district is more current and flexible than the uses from the 1990's listed in the MDA. The CC zoning district permits typical community-scale commercial uses commonly found at shopping centers and outparcels of this type such as; retail stores, restaurants, personal services (hair salon, barber shop, nail salon, retail dry cleaning, etc.) offices, breweries, health/exercise clubs, child care centers, convenience store/gas station, banks, and similar uses. It is also difficult to predict future redevelopment options for the subject property and if the property remains PCD, it is possible that ongoing amendments to the MDA could be necessary and could delay redevelopment opportunities. The list of permitted uses in the CC zoning district and the development requirements in the LDC is a more efficient process to redevelop the site.

FIGURE 3. PROPOSED ZONING MAP AND FLU MAP OF AREAS 2 AND 3



Area 3: Rezone 15 acres from Planned Commercial Development (PCD) to Community Commercial (CC)

The subject property was originally developed as a commercial plaza in 1988 and zoned C-1 (Shopping Center Commercial District) at that time. In 1990, the subject property, was rezoned to Planned Commercial Development (PCD) but it did not have an adopted Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to provide specific development requirements. The current PCD zoning is a commercial designation; however, without an MDA the permitted uses are limited and there are no dimensional requirements for new developments. The LDC permits a limited amount of commercial uses for a property zoned PCD without an MDA but without dimensional requirements (building setbacks, maximum height, building coverage, open space coverage, etc.) expansion of an existing building or construction of a new building cannot occur.

Rezoning the subject property from PCD with no MDA to Community Commercial (CC) is anticipated to assist the redevelopment of the subject property. The list of permitted uses in the CC zoning district is more current and flexible than the uses from the 1990's listed in the MDA. The CC zoning district permits typical community-scale commercial uses commonly found at shopping centers and outparcels of this type such as; retail stores, restaurants, personal services (hair salon, barber shop, nail salon, retail dry cleaning, etc.) offices, breweries, health/exercise clubs, child care centers, convenience store/gas station, banks, and similar uses. The list of permitted uses in the CC zoning district and the development requirements in the LDC is a more efficient process to redevelop the site.

The parcel has a FLU designation of *Commercial*. The proposed Community Commercial (CC) zoning designation is consistent with the *Commercial* FLU designation on the parcel as it provides opportunity for a variety of retail sales and services within a community-scale shopping center. This site is part of the Community Commercial node located around the intersection of Nova Road and Spruce Creek Road as designated in the City's Comprehensive Plan and is intended provide areas to serve the general shopping needs of the residential areas within a ±2 mile radius.

Consistency with Comprehensive Plan and Surrounding Uses and Zoning

The proposed rezonings are generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan and are compatible with 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 properties are all longstanding commercial uses. Any future development will be required to comply with all LDC requirements, including those pertaining to buffers and screening between non-residential and existing adjacent residential homes.

TABLE 1. SURROUNDING LAND USES AND ZONING

AREA 1: 1200 SPARTON AVE. AND 5700 SPRUCE CREEK RD.

Direction	Existing Land Use	FLU Designation	Zoning District
North	Residential Mobile Home	<i>Urban Medium Density Residential (4-8 u/a)</i>	Residential Mobile Home
South	Residential Mobile Home	<i>Urban Medium Density Residential (4-8 u/a)</i>	Residential Mobile Home
East	Residential Mobile Home	<i>Urban Medium Density Residential (4-8 u/a)</i>	Residential Mobile Home
West	Residential Mobile Home	<i>Urban Medium Density Residential (4-8 u/a)</i>	Residential Mobile Home

AREA 2: 4020 NOVA RD.

Direction	Existing Land Use	FLU Designation	Zoning District
North	Commercial	<i>Commercial</i>	Planned Commercial Development
South	Residential Mobile Home	<i>Urban Medium Density Residential (4-8 u/a)</i>	Residential Mobile Home
East	Commercial	<i>Commercial</i>	Community Commercial
West	Residential Mobile Home	<i>Urban Medium Density Residential (4-8 u/a)</i>	Residential Mobile Home

AREA 3: 3997 NOVA RD., 4025 NOVA RD., AND 4031 NOVA RD.

Direction	Existing Land Use	FLU Designation	Zoning District
North	Vacant	<i>Urban High Density Residential (8-16 u/a)</i>	R-3M (Multi-family Residential)
South	Commercial	<i>Commercial</i>	Planned Commercial Development
East	Commercial and Residential Mobile Home	<i>Commercial and Urban Medium Density Residential (4-8 u/a)</i>	Community Commercial and Residential Mobile Home
West	Vacant	<i>Commercial</i>	R-8SF (Single-family Residential)

As part of any future site development, site plans and/or building permits will be required to be submitted for staff review, to verify all LDC requirements are met, such as landscape buffers, parking, building setbacks, tree preservation, and infrastructure, to insure compatibility with adjoining properties and that adequate public facilities and services are available.

SMART GROWTH SUMMARY

The proposed rezoning promotes utilization of existing commercial properties that have access to existing infrastructure such as water, sewer, and roads. The rezoning also promotes redevelopment of infill properties and reduces sprawl.

PUBLIC NOTICE

On January 8, 2020, staff posted the property notifying the public of the proposed rezoning. As of the time this agenda item was prepared, there have been three calls or other inquiries received regarding the information on the proposed rezonings.

STAFF RECOMMENDATION

Staff recommends **approval** of the request to rezone the following:

- A. Rezone ±0.23 acres from Residential Mobile Home (RMH) to Professional Office (PO)
- B. Rezone ±4.16 acres from Spruce Creek Center Planned Commercial Development (PCD) to Community Commercial (CC)
- C. Rezone ±15 acres from Planned Commercial Development (PCD) to Community Commercial (CC)

ATTACHMENTS:

Exhibit 1 – List of Permitted Uses for the PO and CC zoning districts

Exhibit 1

List of Permitted Uses for Professional Office (PO)

Permitted uses.

- (1) Business services.
- (2) Financial services.
- (3) Fleet-based services.
- (4) Funeral homes (freestanding uses only).
- (5) Medical office/clinics.
- (6) Offices.
- (7) Veterinary clinics.
- (8) Xerographic and offset printing.

Permitted uses with special development requirements

- (1) Assisted living facilities
- (2) Banks
- (3) Child care centers
- (4) Health/exercise clubs
- (5) Nursing homes
- (6) Office supplies
- (7) Office/warehouse facilities
- (8) Pain management clinics.
- (9) Personal services.
- (10) Restaurants.
- (11) Community gardens.

Special exception uses

- (1) Houses of worship
- (2) Private schools

List of Permitted uses for Community Commercial (CC)

Permitted uses.

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

Permitted uses with special development requirements

- (1) Athletic/sports facilities
- (2) Brewery
- (3) Child care centers
- (4) Craft food and beverage producer
- (5) Community gardens
- (6) Microbrewery
- (7) Theaters

Special exception uses

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