



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, February 27, 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

B. DISCUSSION/ACTION

4. Consideration of Minutes
5. 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
(Continued from January 23, 2020 Planning Commission Meeting)

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.

6. 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

(Continued from January 23, 2020 Planning Commission Meeting)

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.

7. APPLICATION: Special Exception/Halifax River Dock

CASE NO.: 20-70000001

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

APPLICANT: In Land We Trust, LLC; 3054 S. Peninsula Dr., Daytona Beach Shores, FL 32118

A request by the applicant to allow a private recreational facility, private dock, on a privately owned +/- 3-acre portion of a spoil island in the Halifax River in the Floodplain-Conservation (F-C) zoning district.

8. APPLICATION: LDC Text Amendment/Chapter 2, 12, and 17/Senior Independent Living Community/PC-A Zoning District

CASE NO.: 20-25000001

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

APPLICANT: Cameron General Contractors, Inc.; 7101 S. 82nd Street, Lincoln, NC 68516

A request by the applicant to amend the Land Development Code (LDC) to add a definition for a Senior Independent Living Community, add Senior Independent Living Facility as a permitted use in the Planned Community-Agriculture (PC-A) Workplace District, and establish dimensional and parking requirements for a Senior Independent Living Community.

C. OTHER BUSINESS

9. Commissioner Comments

10. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **PLANNING COMMISSION** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, 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
JANUARY 23, 2020

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, Chair
Thomas Jordan
John Junco
Darrel “Bo” Bofamy
Lance Green
Newton White
Stan Schmidt

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

4. Election of Officers

Vice Chairman Mills-Benat was offered the Chair position and accepted.

Motion was made by Commissioner Bofamy to nominate Commissioner Junco for Vice Chairman, Seconded by Commissioner Jordan. Commissioner Junco accepted the nomination. Motion carried unanimously by voice vote.

B. DISCUSSION/ACTION

5. Consideration of Minutes

Motion to approve the minutes as presented from December 19, 2019 was made by Commissioner Jordan and Seconded by Commissioner Bofamy. Motion carried unanimously by roll call vote.

Penelope Cruz, Planning Manager, stated that the applicant requested that items #7 and #8 be continued to a date certain of February 27, 2020. The Board agreed to the continuation request.

6. Case No. 19-90000008
Variance/475 Leslie Drive

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.

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

Mrs. Cruz discussed details of the variance request and answered questions from the Commissioners.

Margaret Tomlinson, Construction and Engineer Manager, spoke regarding the requirements that would be needed to place the mobile home on the unit.

Lassad Mohammed MNIF, applicant, provided further information regarding the variance request.

Motion to approve Case No. 19-90000008 was made by Commissioner Jordan and Seconded by Commissioner Bofamy. Motion carried 6-1 by roll call vote with Commissioner Green voting no.

7. Case No. 19-20000006
Small-Scale Comprehensive Plan Ordinance Amendment/Journey's End Planned Commercial Development (PCD)

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.

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

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

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.

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

9. Case No. 19-20000007

Small-Scale Comprehensive Plan Future Land Use Map Amendment/1200 Sparton Ave. & 5700 Spruce Creek Rd.

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).

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

Mrs. Cruz discussed the proposed amendment and answered questions from Commissioners.

Katie Vovolka and Charles Holmquest, applicants, answered questions from Commissioners.

*Motion to approve Case No. 19-20000007
was made by Commissioner Junco and
Seconded by Commissioner Jordan. Motion
carried unanimously by roll call vote.*

10. CASE NO.: 19-60000007

Administrative Rezoning/1200 Sparton Ave., 5700 Spruce Creek Rd., 4020 Nova Rd., 3997 Nova Rd., 4025 Nova Rd., and 4031 Nova Rd.

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).

STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673

Gwen Perney, Planner, discussed the proposed rezoning's and answered questions from Commissioner.

Robert Reinhausen, citizen, asked the Commissioner if all locations will be presented to Council as one item or separated. Commissioners responded they will most likely be presented as one.

*Motion to approve Case No. 19-60000007
was made by Commissioner White and
Seconded by Commissioner Junco. Motion
carried unanimously by roll call vote.*

C. OTHER BUSINESS

11. Commissioner Comments

Commissioner Green asked about the gas station on Taylor road and any updates on the owners attempts to create a connection between his property and the Walgreens. Tim Burman, Community Development Director, responded that the applicant has been working on getting in contact with Walgreens and is doing the exterior improvements now. The city is doing what they can to help create the connection.

Commissioner Bofamy asked about the open house sign removals in the city. Mr. Burman responded that is a Code Enforcement issue and he will provide Commissioner Bofamy their contact information.

Commissioner Jordan asked about the pre-construction meeting for Ridgewood Ave. Mr. Burman responded they had their pre-construction meeting 1/23/20 and have within 60 days from that date to complete all landscape and screening requirements.

Commissioner White asked about the code violations at Dave's Pest Control on Ridgewood Ave. Mr. Burman responded that staff is working with them on a couple different areas.

12. Staff Comments

Mr. Burman provided an update on the church on Madeline and Williamson.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT – 6:22pm

Chair Mills-Benat



STAFF REPORT - *REVISED*

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

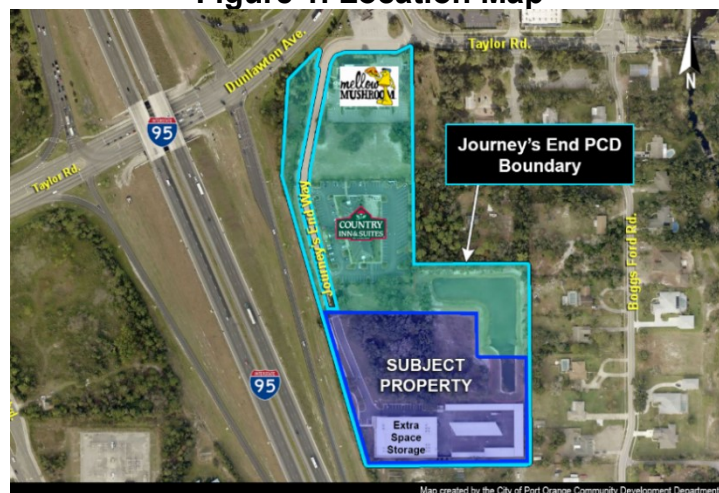
REQUEST:	Removal of vehicular trip cap per Ord. 2008-9
LOCATION:	5840 and 5850 Journey's End Way
APPLICANT:	Robert A. Merrell III, Esq., Cobb Cole
PROPERTY OWNER:	Todd Marshall, Port Orange Stow A Way, LLC; Port Orange SS Associates LLC
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	February 27, 2020 (Continued from 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. In 2008, the City of Port Orange Planning Commission and City Council at first reading voted to approve the proposed *Commercial* FLU without the trip cap, with the intent that transportation concurrency impacts from future development of this property would be reviewed at the time a site plan and end user were identified. As it was in 2008 and currently done, the City studies the actual impacts a development site has on the roadway network when a site plan is submitted and then determines its impact and if payment toward fair-share mitigation projects and/or physical improvements to meet concurrency are necessary. However, a the trip cap was only added for the subject property when the FLU amendment was sent to the Volusia Growth Management Commission (VGMC) in May 2008 and staff from an adjacent city made the request for the trip cap to minimize the impact at the I-95 Interchange area. At the time an end user for the subject property was not identified, so the property owner agreed to the trip cap as a way to move forward with the amendment and not have a hearing before the Volusia Growth Management Commission (VGMC). Since the trip cap was applied, there have been a number of roadway capacity improvements to the I-95 Interchange area (added turn lanes, extension of existing turn lanes, sidewalks, etc.) and the City continues to work with FDOT and Volusia County on future projects to improvement capacity and pedestrian safety in this area, such as the installation of the Adaptive Signal Control Technologies (ASCT), modification to existing turn lanes and medians, and pedestrian signal technologies.

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

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

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 included in the 2008 staff report when the subject property was designated *Commercial* on the Future Land Use Map. However, for discussion purposes, a impact comparison analysis is provided below for transportation that compares the subject property with the current *Commercial* FLU designation with a 301 daily vehicular trip cap and the *Commercial* FLU designation with the vehicular trip cap removed that is based on current and projected use of the subject property.

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.

ATTACHMENTS

Exhibit 1 – Applicant's Traffic Study



Ref: 4748.01

TECHNICAL MEMORANDUM

To: Todd Marshall, President (Stow-A-Way Management Company)
From: R. Sans Lassiter, P.E.
Subject: Journey's End Hotel – Due Diligence Study/Traffic Assessment
Date: February 21, 2019

INTRODUCTION

LTG, Inc. (LTG) has been retained by Stow-A-Way Management Company to prepare a traffic assessment and recommendation for the proposed Journey's End Hotel located in the City of Port Orange, FL. The land use plan for which the assessment will be based upon is provided below:

- Journey's End Hotel = 130 Hotel Rooms

Build-out of the proposed development is anticipated by year 2020. Access to the development will be provided by a full-access driveway location at the end of Journey's End Drive. Figure 1 graphically depicts the location of the study area within the surrounding network.

The intent of the report is to determine the potential transportation impact of the proposed development, as it relates to the existing and future segment capacity along SR 421/Dunlawton Avenue and to identify any required mitigation or roadway improvements due to build-out of the project. Standard engineering and planning procedures were used. Reference data was obtained from the Florida Department of Transportation (FDOT), the Volusia County Traffic Engineering Department, the City of Port Orange Public Works and/or Development Services Departments, the Institute of Transportation Engineers (ITE), and the River to Sea Transportation Planning Organization (R2CTPO).

PLANNED ROADWAY IMPROVEMENTS

The R2CTPO Long Range Transportation Plan, The City of Port Orange and the FDOT five-year work program were reviewed to determine those roadway improvements planned and/or programmed in the immediate study area. Based on the information obtained, an upgraded signal timing system (adaptive control) along Dunlawton Avenue is a funded planned future improvement to be implemented by year 2020.

STUDY AREA

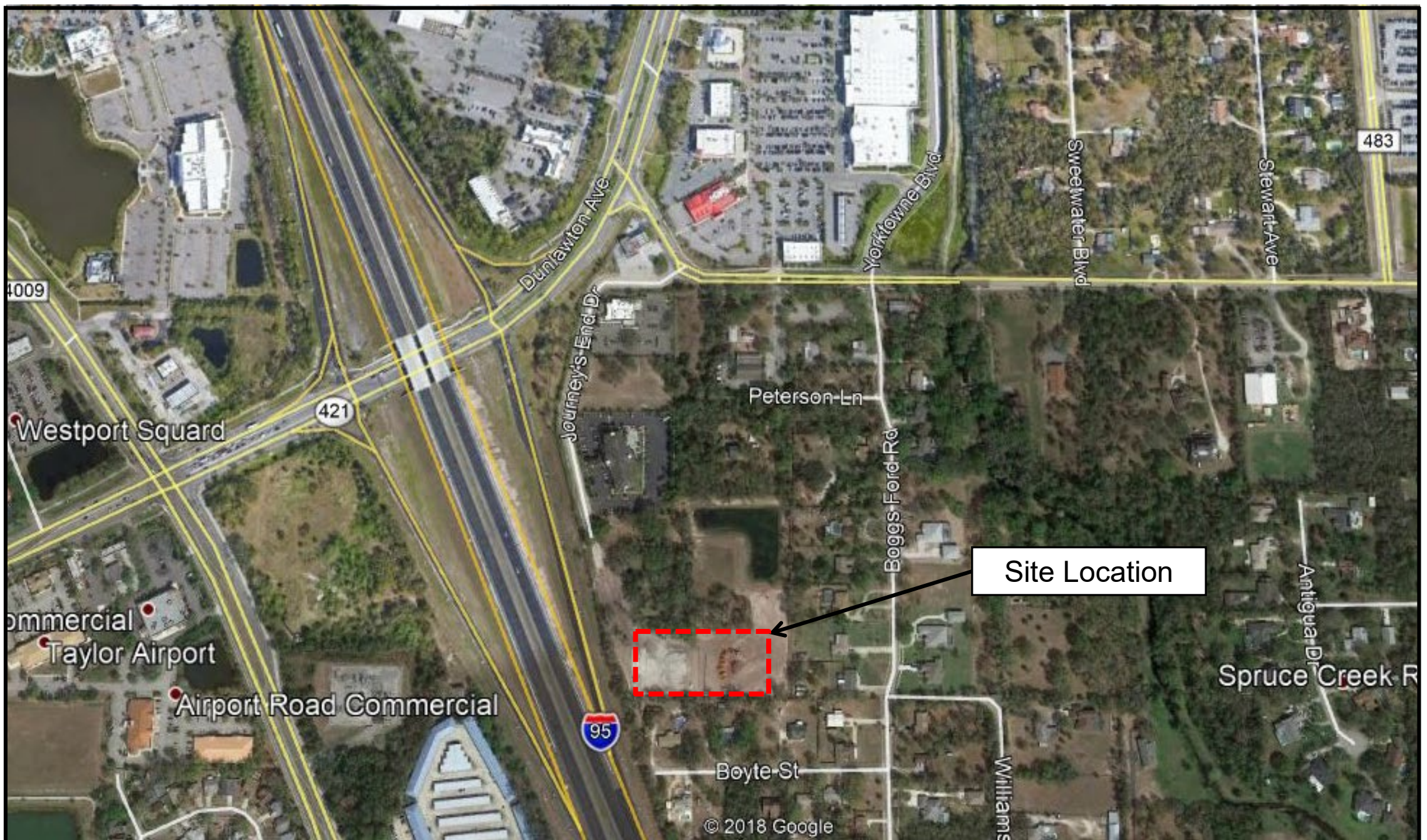
The following study area for this project will consist of the following intersections & roadway segments:

Intersections

- Journey's End Drive at Taylor Road
- Williamson Boulevard at Taylor Road
- I-95 Ramps (Northbound & Southbound) at Dunlawton Avenue
- Dunlawton Avenue at Taylor Road
- Taylor Road at Yorktowne Boulevard
- Dunlawton Avenue at Yorktowne Boulevard

Roadway Segments

- Dunlawton Avenue, from Williamson Boulevard to Clyde Morris Boulevard



Journey's End Hotel



Site Location Map

Project No.:4748.01

Figure: 1



1450 W. Granada Blvd, Suite 2 – Ormond Beach, Florida 32174
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

TECHNICAL MEMORANDUM

Todd Marshall
February 21, 2019
Page 3

EXISTING INTERSECTION ANALYSIS

Turning movement counts (TMCs) were conducted during the a.m. and p.m. peak-hour on May 23rd, May 25th, and June 20th of 2018, and on January 16th of 2019 at the study area intersections. The FDOT's Seasonal Factor (SF) for the time the TMCs were collected dictates SF values ranging from 1.00-1.04. The existing a.m. and p.m. peak-hour traffic volumes used in the analysis are presented in Figure 2.

The existing operating conditions at the study area intersections were analyzed using *Synchro 10* software. Signal timings were obtained from Volusia County. The existing a.m. and p.m. peak-hour level-of-service (LOS) at each intersection is shown in Table 1.

Table 1
Existing A.M. and P.M. Peak-Hour LOS – Intersection Analysis
Journey's End Hotel

Intersection	Control Type	Adopted LOS	Existing Conditions					
			A.M. Peak-Hour			P.M. Peak-Hour		
			Delay (sec.)	LOS	V/C greater than 1.0?	Delay (sec.)	LOS	V/C greater than 1.0?
Journey's End Dr. at Taylor Rd.	Unsignalized	E	16.7	C	No	15.6	C	No
Williamson Blvd. at Taylor Rd.	Signalized	E	55.1	E	No	81.7	F	Yes
Dunlawton Ave. at I-95 SB Ramps	Signalized	D	20.5	C	No	17.4	B	No
Dunlawton Ave. at I-95 NB Ramps	Signalized	D	23.3	C	No	67.0	E	Yes
Dunlawton Ave. Taylor Rd.	Signalized	D	8.6	A	No	3.2	A	No
Taylor Rd. at Yorktowne Blvd.	Signalized	E	19.6	B	No	46.8	D	No
Yorktowne Blvd. at Dunlawton Ave.	Signalized	D	40.0	D	No	46.0	D	No

As indicated in Table 1, two signalized intersections in the study area do not currently operate within the adopted LOS during the p.m. peak-hour. Signal timing optimization at each intersection is recommended in order to achieve acceptable LOS and volume-to-capacity (v/c) ratios. The results of the analysis with the proposed improvements are provided in Table 2.

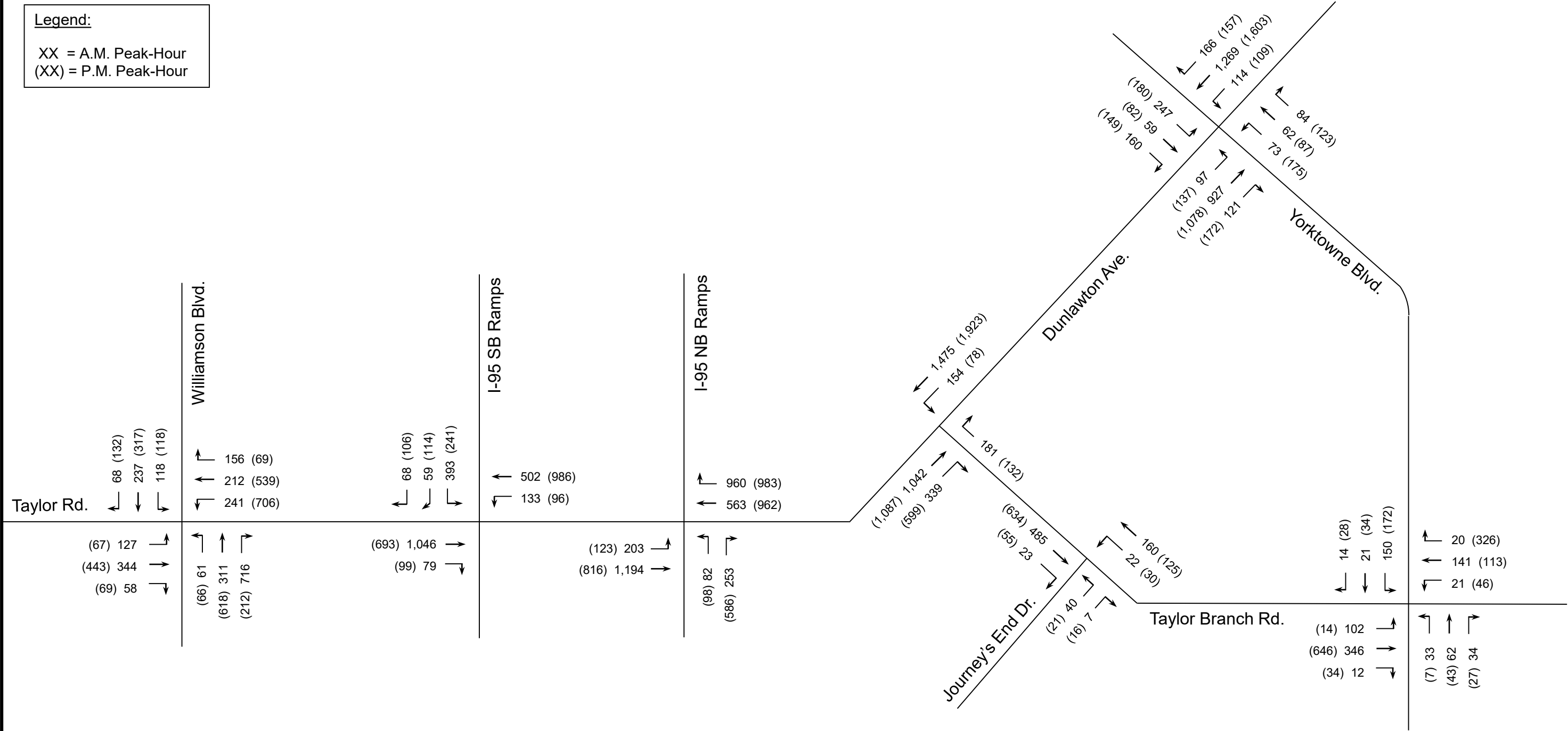
Table 2
Existing A.M. and P.M. Peak-Hour LOS – Improved Intersection Analysis
Journey's End Hotel

Intersection	Adopted LOS	Existing Conditions Improved		
		P.M. Peak-Hour		
		Delay (sec.)	LOS	V/C greater than 1.0?
Williamson Blvd. at Taylor Rd.	E	52.4	D	No
Dunlawton Ave. at I-95 NB Ramps	E	35.8	D	No

Legend:

XX = A.M. Peak-Hour

(XX) = P.M. Peak-Hour



TECHNICAL MEMORANDUM

Todd Marshall
February 21, 2019
Page 5

EXISTING SEGMENT ANALYSIS

The Average Annual Daily Traffic (AADT) for the study roadway segments was obtained from the Volusia County 2017 Average Annual Daily Traffic & Historical Counts spreadsheet. The results of the existing segment analysis for Dunlawton Avenue, from Williamson Boulevard to Clyde Morris Boulevard, during the peak-hour is provided in Table 3. As indicated in Table 3, Dunlawton Avenue currently operates within the adopted LOS during the peak-hour.

Table 3
Roadway Segment Analysis – Existing Conditions
Journey's End Hotel

Roadway	Limits		No. of Lanes	Adopted LOS	Peak-Hour Two-Way Capacity ¹	2017 AADT	Count Source	K-Factor	Existing Peak-Hour Two-Way Volume	V/C Ratio	Existing Volume Exceed Adopted LOS?
	From	To									
Dunlawton Ave.	Williamson Blvd.	Clyde Morris Blvd.	6	D	5,390	49,000	County	0.09	4,410	0.82	No

¹The adopted LOS and existing peak-hour two-way capacity obtained from the 2017 Volusia County Traffic Count Spreadsheet.

2020 BACKGROUND TRAFFIC

The FDOT *Traffic Trends* software and the past five years of historical AADT data were used to determine the historical growth on each segment. Vested trip information as it pertains to the study area for approved projects in the immediate area were also included in the future condition analysis. A comparison between the historical growth and vested traffic, obtained from Volusia County and the City of Port Orange, was used to determine the applied growth rate percentage for the segment analysis. The growth comparison and applied growth used in the analysis are provided in Table 4. The growth rates were then applied to the existing traffic volumes to determine the 2020 background traffic for the segment analysis.

Table 4
Historical Growth Rates and Vested Traffic
Journey's End Hotel

Roadway	Segment		Historical Growth		P.M. Peak-Hour Vested Traffic	Applied Growth
	From	To	Average Annual (%)	P.M. Peak-Hour Trip Increase		
Taylor Rd.	Crane Lake Rd.	Summer Trees Rd.	3.68%	166	71	3.68%
	Dunlawton Ave.	Clyde Morris Blvd.	3.28%	129	151	Vested
	Beville Rd.	Madeline Ave.	4.60%	220	226	Vested
	Madeline Ave.	Willow Run Blvd.	5.11%	250	244	5.11%
	Willow Run Blvd.	Town West Blvd.	4.72%	227	399	Vested
	Taylor Rd.	Spruce Creek Bridge	4.61%	297	752	Vested
Dunlawton Ave.	Williamson Blvd.	Taylor Rd.	2.00%	270	506	Vested
	Taylor Rd.	Yorktowne Blvd.	2.00%	270	506	Vested
	Yorktowne Blvd.	Clyde Morris Blvd.	2.00%	270	236	2.00%
Journey's End Dr.	Taylor Rd.	Project	2.00%	2	0	2.00%

Please note that vested traffic information is only documented for the p.m. peak-hour period. Therefore, the historical growth rates were used to determine 2020 background traffic for intersection analyses.

TECHNICAL MEMORANDUM

Todd Marshall
February 21, 2019
Page 6

PROJECT TRIP GENERATION & DISTRIBUTION

The daily, a.m., and p.m. project trip generation for the proposed development was determined using the Institute of Transportation Engineers (ITE), *Trip Generation Manual, 10th Edition*. The project trip generation is presented in Table 5.

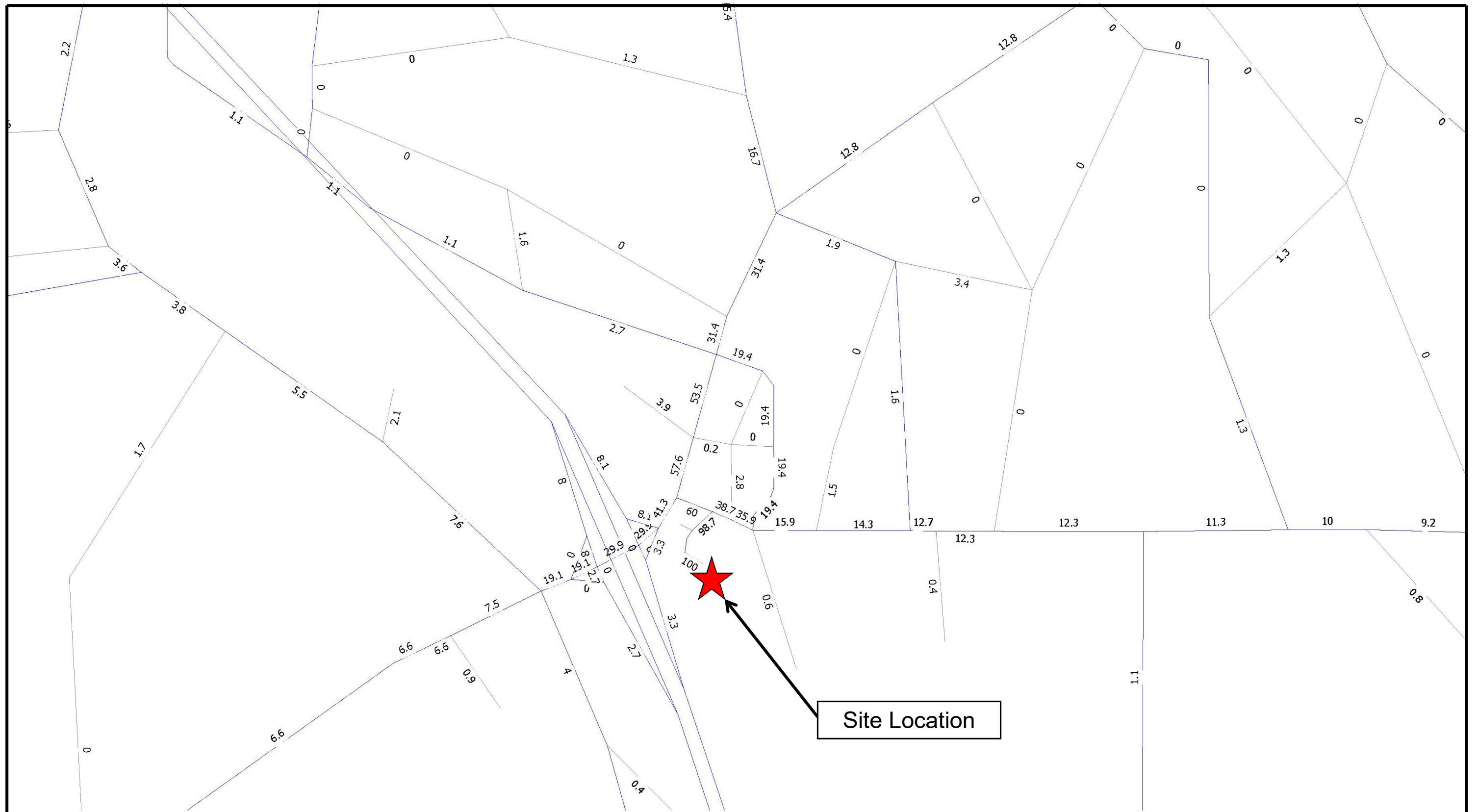
Table 5
Daily, A.M. and P.M. Peak-Hour Project Trip Generation
Journey's End Hotel

Time Period	Land Use	Land Use Code	Trip Rate Equation	Quantity (X)	Units	Total Trips (T)	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
Daily	Hotel	310	$T = 11.29(X) - 426.97$	130	Rooms	1,041	50%	50%	521	521
A.M. Peak-Hour			$T = 0.50(X) - 5.34$			60	59%	41%	35	25
P.M. Peak-Hour			$T = 0.75(X) - 26.02$			71	51%	49%	36	35

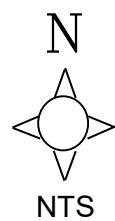
PROJECT TRIP DISTRIBUTION & ASSIGNMENT

The process of determining the directional flow of traffic associated with a new development is called trip distribution. The Central Florida Regional Planning Model (CFRPM), version 6.1 was used to determine the primary project trip distribution. Engineering judgement was used to distribute project trips among the two project driveways. The resulting project trip distribution is graphically illustrated in Figure 3.

Using the project trip distribution, the a.m. and p.m. peak-hour project trips were assigned to the study area roadway network. Figures 4, and 5 graphically depict the 2020 background traffic, peak-hour project traffic, and resulting 2020 build-out traffic during the a.m. and p.m. peak-hours, respectively.



Journey's End Hotel



Project Trip Distribution

Project Number: 4748.01

Figure 3

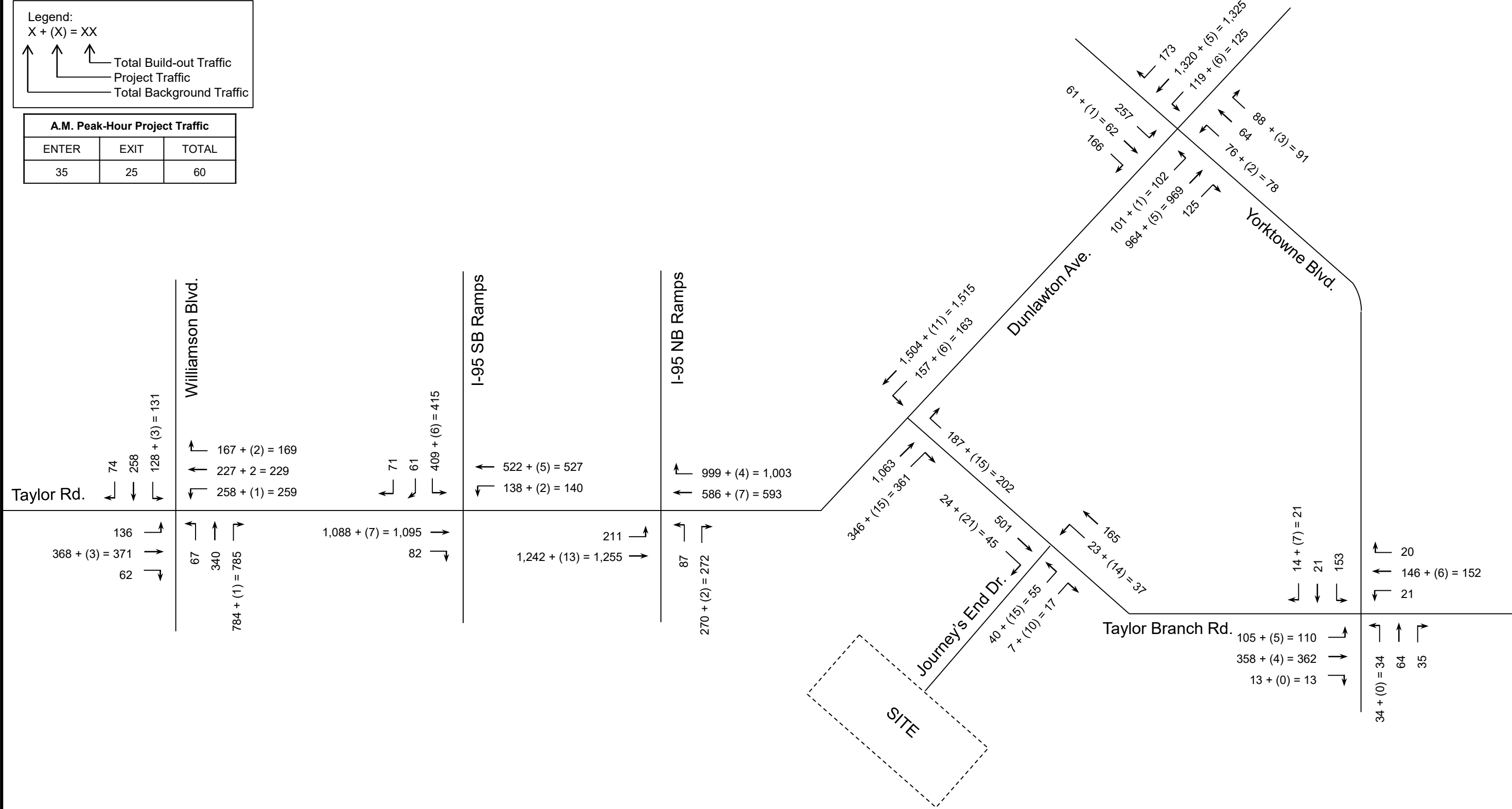


1450 W. Granada Blvd, Suite 2 – Ormond Beach, Florida 32174
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

Legend:
 $X + (X) = XX$

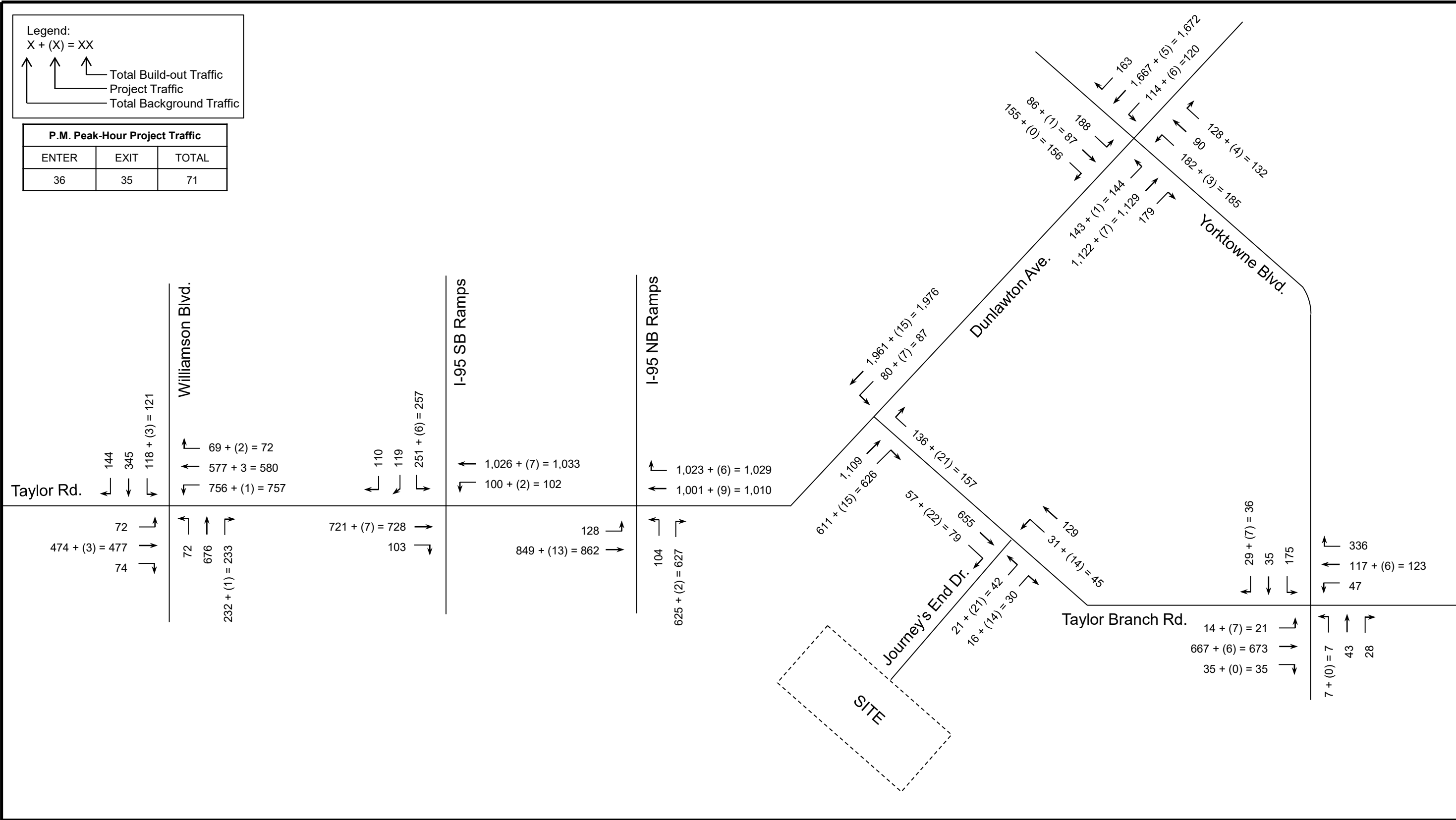
Total Build-out Traffic
 Project Traffic
 Total Background Traffic

A.M. Peak-Hour Project Traffic		
ENTER	EXIT	TOTAL
35	25	60



Legend:
X + (X) = XX

P.M. Peak-Hour Project Traffic		
ENTER	EXIT	TOTAL
36	35	71



TECHNICAL MEMORANDUM

Todd Marshall
February 21, 2019
Page 10

2020 BUILD-OUT INTERSECTION ANALYSIS

The study area intersections were analyzed based on the roadway conditions at the time of project build-out to determine potential impacts of project-generated trips and investigate mitigation requirements. The resulting operational LOS under 2020 build-out conditions during the a.m. and p.m. peak-hours is provided in Table 6.

Table 6
2020 Build-Out A.M. and P.M. Peak-Hour LOS – Intersection Analysis
Journey's End Hotel

Intersection	Control Type	Adopted LOS	2020 Build-Out Conditions					
			A.M. Peak-Hour			P.M. Peak-Hour		
			Delay (sec.)	LOS	V/C greater than 1.0?	Delay (sec.)	LOS	V/C greater than 1.0?
Journey's End Dr. at Taylor Rd.	Unsignalized	E	20.5	C	No	20.1	C	No
Williamson Blvd. at Taylor Rd.	Signalized	E	60.3	E	Yes	54.2	D	No
Dunlawton Ave. at I-95 SB Ramps	Signalized	D	20.5	C	No	17.3	B	No
Dunlawton Ave. at I-95 NB Ramps	Signalized	D	23.9	C	No	37.9	D	No
Dunlawton Ave. at Taylor Rd.	Signalized	D	9.0	A	Yes	3.2	A	No
Yorktowne Blvd. at Taylor Rd.	Signalized	E	21.6	C	No	50.5	D	Yes
Yorktowne Blvd. at Dunlawton Ave.	Signalized	D	41.2	D	No	47.8	D	No

As shown in Table 6, three of the study area intersections are not expected to operate within adopted service standards under 2020 build-out conditions. Signal timing optimization at the intersections of Williamson Boulevard at Taylor Road and Dunlawton Avenue at Taylor Road is recommended in order to achieve acceptable level of service standards and v/c ratios. Please note that signal system updates are already planned and programmed to be implemented along Dunlawton Avenue (including the Williamson Boulevard intersection) by year 2020.

At the intersection of Yorktowne Boulevard at Taylor Road, it is recommended that the exclusive southbound right-turn lane be converted into a shared southbound thru-right lane, and the current southbound shared thru-left lane be converted into an exclusive southbound left-turn lane. The results of the analysis with the proposed improvements at each intersection are provided in Table 7.

Table 7
2020 Build-Out A.M. and P.M. Peak-Hour LOS – Improved Intersection Analysis
Journey's End Hotel

Intersection	Adopted LOS	2020 Build-Out Conditions Improved					
		A.M. Peak-Hour			P.M. Peak-Hour		
		Delay (sec.)	LOS	V/C greater than 1.0?	Delay (sec.)	LOS	V/C greater than 1.0?
Williamson Blvd. at Taylor Rd.	E	56.3	E	No	-	-	-
Dunlawton Ave. at Taylor Rd.	D	6.4	A	No	-	-	-
Yorktowne Blvd. at Taylor Rd.	E	-	-	-	20.2	C	No

TECHNICAL MEMORANDUM

Todd Marshall
February 21, 2019
Page 11

2020 BUILD-OUT SEGMENT ANALYSIS

The study area roadway segments were analyzed under 2020 build-out conditions to determine the anticipated two-way peak-hour LOS at the time of build-out. The results are provided in Table 10.

Table 10
Roadway Segment Analysis – 2020 Build-Out
Journey's End Hotel

Roadway	Segment		Adopted LOS	Peak-Hour Two-Way Capacity	Existing Peak-Hour Two-Way Volume	Historical Growth Rate (%)	Vested Trips	2020 Background Traffic	Project Dist.	Project Trips	2020 Build-Out Traffic	V/C Ratio	2020 Build-Out Traffic Exceed Adopted LOS?
Dunlawton Ave.	Williamson Blvd.	Taylor Rd.	D	5,390	4,410	-	506	4,916	41.3%	61	4,977	0.92	No
	Taylor Rd.	Yorktowne Blvd.	D	5,390	4,410	-	506	4,916	57.6%	85	5,001	0.93	No
	Yorktowne Blvd.	Clyde Morris Blvd.	D	5,390	4,410	2.00%	-	4,680	31.4%	46	4,726	0.88	No
Journey's End Dr.	Project Driveway	Taylor Rd.	E	1,020	122	2.00%	-	124	100.00%	148	272	0.27	No

As shown in Table 10, The roadway segments of Dunlawton Avenue, from Williamson Boulevard to Clyde Morris Boulevard are expected to operate within an adopted LOS during the p.m. peak-hour under 2020 build-out conditions.

CONCLUSION

The intent of the report is to determine the potential transportation impact of the proposed development, as it relates to the existing and future segment capacity along SR 421/Dunlawton Avenue, and to identify any required mitigation or roadway improvements due to build-out of the project. The study area intersections are expected to operate within the adopted LOS during the a.m. and p.m. peak-hours under 2020 build-out conditions upon completion of the planned adaptive signal control system along Dunlawton Avenue. It is recommended that pavement marking updates and signal optimization at the Taylor Road at Yorktowne Boulevard intersection be considered to improve the v/c ratio in the southbound direction. Dunlawton Avenue, from Williamson Boulevard to Clyde Morris is expected to operate within the adopted LOS during the p.m. peak-hour under 2020 build-out conditions; signifying that capacity is available along this segment to accommodate the proposed project. Therefore, no roadway improvements or further mitigation is warranted at this time.



STAFF REPORT

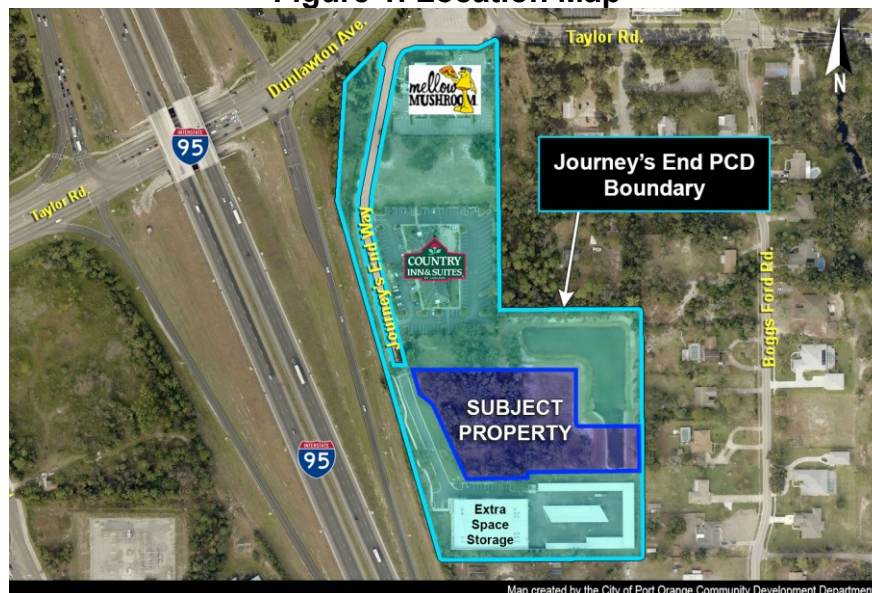
4th Amendment to the Master Development Agreement and Conceptual Development Plan for the Journey's End Planned Commercial Development Case No. 19-40000006

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:	February 27, 2020 (Continued from 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

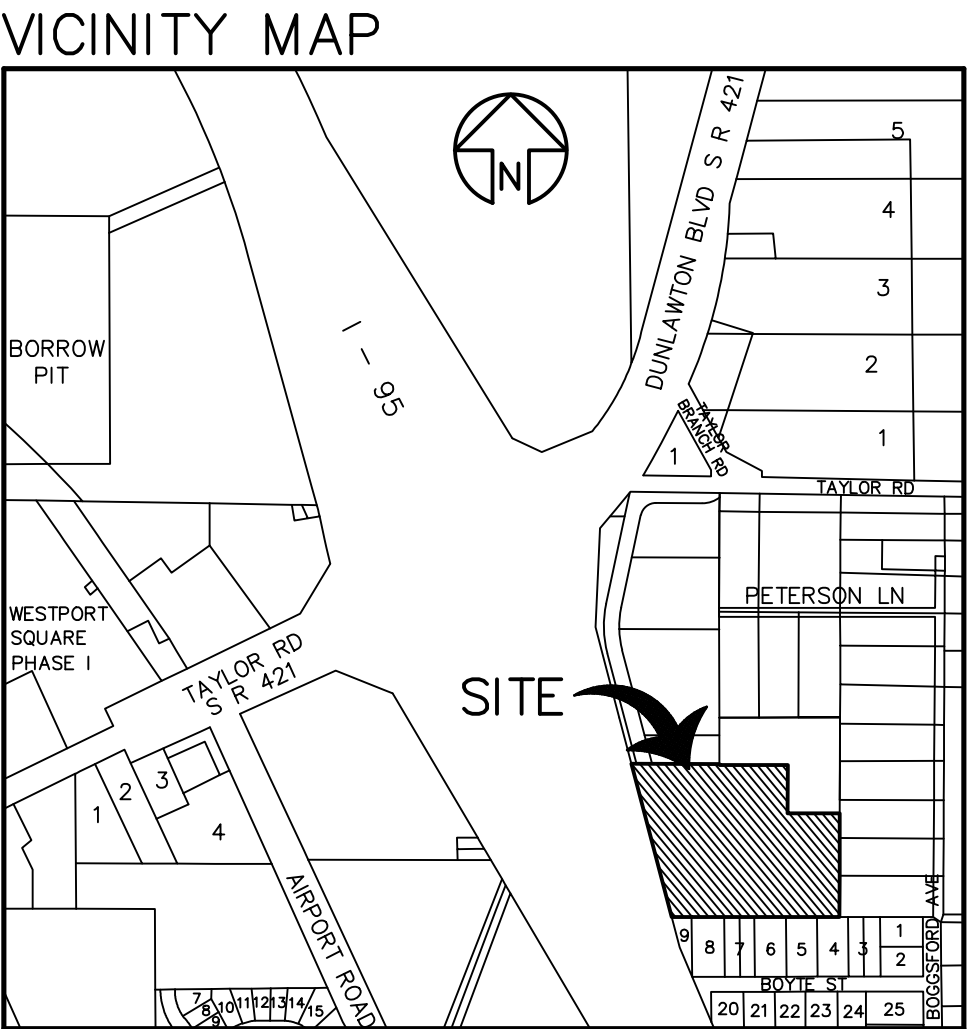
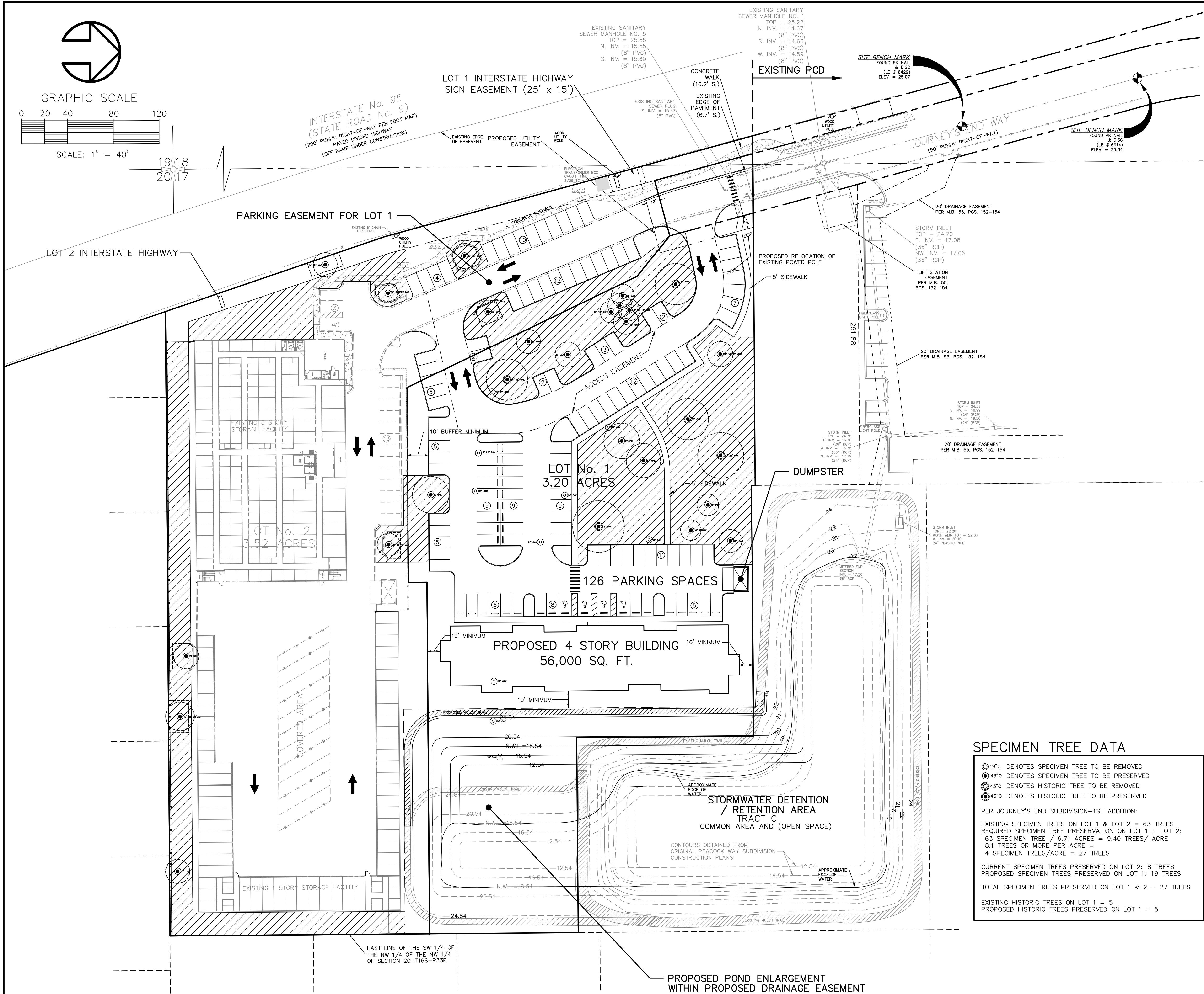
The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Todd C. Marshall, as Manager of Port Orange Stow A Way, LLC, on behalf of the limited liability company. He is personally known to me and did not take an oath.

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			
				PORT ORANGE, FLORIDA			



STAFF REPORT

Special Exception for private recreational facility in the
Floodplain-Conservation (F-C) zoning district
CASE NO. 20-70000001

REQUEST:	To allow private recreational facility (dock) in the Floodplain-Conservation (F-C) zoning district.
OWNER:	In Land We Trust, LLC
APPLICANT:	Emilio Cirelli, Manager for In Land We Trust, LLC
LOCATION:	Parcel ID 6311-00-00-0140 (Figure 1)
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval, subject to approval of all other applicable local, regional, state and/or federal permits for construction of any private recreational facility.
PLANNING COMMISSION:	February 27, 2020

OVERVIEW

Emilio Cirelli, applicant for the property owner, In land We Trust, LLC, has applied for a Special Exception to allow a private recreation facility on private property zoned Floodplain-Conservation (F-C) (see Figure 1, page 2). The property owner, In Land We Trust, LLC, consist of two individuals, husband and wife, Emilio Cirelli and Luz Cirelli. According to the applicant, the proposed private recreation facility would consist of a private dock constructed in Federal owned water that would be attached to a +/-3-acre portion of a spoil island (subject property) located in the Halifax River owned by In Land We Trust, LLC. The 3-acre subject property is located approximately 1.5 miles south of the causeway/Dunlawton bridge and has been zoned F-C since the late 1970's. The current property owner purchased the subject property in 2003 as a tax deed and received full ownership of the subject property in 2004 through a quit claim deed. In 2012, the Clerk of Court issued the property owner, In land We Trust, LLC, a Certificate of Title to the subject property.

According to the applicant, the proposed private recreation facility will be in the form of a dock that would be attached to the subject property and extend into the river. The applicant further states that the proposed dock is to provide a place for only the property owner to dock a boat and to access the 3-acre property for private recreation activities such as fishing, wildlife observation, swimming, boating, and tent camping. If the Special Exception is approved, the property owner plans to submit a City building permit for the dock and is aware the dock will be required to meet all permitting requirements in the City's Land Development Code (LDC), Florida Building Code (FBC), and all applicable County, State, and Federal review agencies, such as the U.S. Army Corps of Engineers (USACE), (Florida Department of Environmental Protection (FDEP), and Volusia County.

Typically, the first step in development of a Special Exception use is to get the zoning approval then submit permits to the required permitting agencies.

Figure 1. Location Map



The applicant has been communicating with the USACE - Cocoa Section about obtaining a USACE permit to build the proposed dock in Federal owned water adjacent to the subject property owned by In Land We Trust, Inc. According to the USACE, the proposed location of the dock is outside the federal channel setbacks and there are no anticipated federal channel navigational issues. The USACE also stated that the proposed dock conforms to the United States Fish and Wildlife Service (USFWS) manatee guidelines and the National Marine Fisheries Service (NMFS) JaxBo¹ consultation project design criteria. Based on the latest communication between the USACE and the applicant, it appears that the USACE do not see any significant issues that would prevent the issuance of a USACE permit to construct the proposed dock (Exhibit 1). The USACE also indicated to the applicant that if a permit is approved by the USACE, it will be conditioned on the property owner entering into a Consent to Easement with the USACE Real Estate Division. According to the USACE, the Consent to Easement, allows the property owner

¹ U.S. USACE, Jacksonville District Regulatory Division, Programmatic Biological Opinion (PBO), referred to as 'JaxBO,' from the National Marine Fisheries Service (NMFS) to address consultation requirements for certain activities that may affect federally listed threatened and endangered species occurring throughout the State of Florida, the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

to build the dock into water not owned by the applicant and within the USACE water setback off the federal channel.

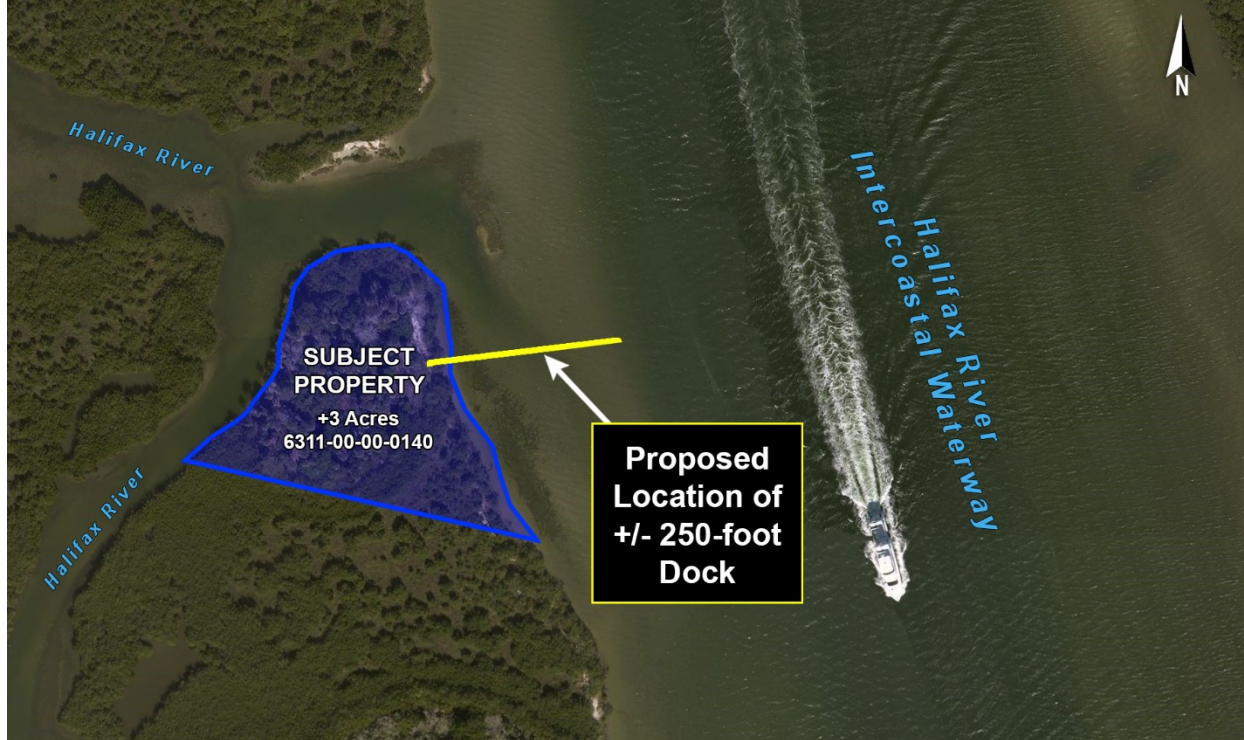
City staff spoke to the USACE staff conducting the preliminary review of the proposed dock and the USACE staff indicated there did not appear to be any significant issues that would prevent approval of a USACE permit but an official review would be conducted when the permit application is submitted to the USACE. As for the Consent to Easement, the USACE staff said this would be between the USACE and the property owner to allow the placement and use of a dock in waters adjacent to the subject property located within the federal right-of-way managed by USACE (see Figure 2). According to the USACE, the Consent to Easement allows an adjacent property owner to build a dock in federally owned water to access the privately owned 3-acre site. The City Special Exception is required since the dock will attach to the private property with City zoning.

Figure 2. USACE Map Showing Extent of Federal Right-of-Way



According to the Phase I Environmental Site Assessment, prepared by OHC Environmental Engineering Inc. for the Florida Inland Navigation District, the subject property is a spoil island created when sediment dredged from the Halifax River was deposited along the channel, to create the navigation channel of the Intracoastal Waterway. The 3-acre subject property is bordered to the north and west by tidal channels followed by mangrove marshes, on the east by open waters of the Halifax River, and the south by mangrove marshes (see Figure 3). The elevation near the center of the subject property is approximately 4.5 ft. above mean sea level, sloping outward towards the Halifax River.

Figure 3. Close-up Location Map showing the Intercoastal Waterway



The subject property has a Future Land Use (FLU) designation of *Conservation* and is zoned Floodplain-Conservation (F-C). Residential dwelling units or non-residential development are not allowed on the subject property. The only permitted use in the F-C zoning district is *outdoor facilities for civic and public functions*. A public or private recreation facility, such as the proposed private dock, is a Special Exception use in the F-C zoning district. According to the Land Development Code (LDC), “A special exception is a use that would not be appropriate without restriction, but which, if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety and general welfare.” According to the Land Development Code (LDC), the request for a Special Exception in any zoning district must be reviewed by the Planning Commission and approved by the City Council prior to establishment of said Special Exception use.

The LDC identifies public or private recreation facility as a Special Exception use for all properties in Port Orange zoned F-C [LDC, Chapter 18, Section 3(b)(17)]. A dock is considered a recreational facility for this property as it provides the property owner the ability for water-based recreation activities, such as boating, fishing, wildlife observation, swimming, and tent camping. The approval of the Special Exception from the City and an easement from the USACE are required to construct the dock from the private property owned by In Land We Trust, LLC, into the federally owned water.

According to the applicant, the proposed private dock would be constructed on the east side of the 3-acre property and is anticipated to be a +/- 250-foot pier with a 256 square foot platform, along with a boat house. The applicant's engineer is in the preliminary stages of designing the dock and the applicant is actively working with the USACE to determine the length and height of the pier and obtain an easement to construct the dock

in waters governed by the USACE. According to the applicant, the pier needs to extend beyond the existing sand bar/oyster bed to allow for a boat to access the dock. If the Special Exception is approved, the ultimate dimensions of the dock will have to be approved by the City, County, State, and Federal review agencies. As part of the USACE preliminary review, the USACE indicated that the proposed dock does not appear to impact boat traffic in the federal channel but final review and determination will be made when the official application is submitted to the USACE.

SPECIAL EXCEPTION DEVELOPMENT STANDARDS

Regardless of the Special Exception being requested, all Special Exception uses are required to meet a uniform list of development standards, encompassing traffic generation, landscaping and buffering, and others [Ch. 18, Sec. 2(d)(2) of the LDC]. The following are the development standards and how they apply to the request.

Standard Special Exception Development Standards:

1. *Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety.*

If the Special Exception use is approved, the location and dimensions of the dock will be reviewed by the City, Volusia County, and other review agencies, such as the Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) to minimize impacts to adjoining properties, water bodies, and the general public safety navigating the Halifax River.

According to the applicant, the proposed private recreation facility, a private dock, would be built to attach to the portion of the spoil island in the Halifax River and the dock will only be accessible by boat.

No development is permitted or proposed on the subject property that would adversely impact traffic generation and access.

2. *Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.*

The proposed Special Exception request is to allow for private recreation on the subject property in the form of a private dock that would be accessed only by boat. No other development is permitted or proposed on the subject property that would require off-street parking, loading and service areas.

3. *Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses.*

No screening, buffering or landscaping is required. If the Special Exception is approved, the location of the dock on the subject property will need to meet the locational criteria of the LDC as well as any regional, state and federal review agencies requirements. The subject property is wooded, and a limited amount of vegetation is anticipated to need to be removed to construct the private dock. Any

trees that are proposed to be removed as part of the dock construction would be required to obtain a City Tree Removal Permit.

4. *Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development.*

If the Special Exception is approved, the private dock will be required to be constructed in accordance with the Land Development Code and Florida Building Code along with any regional, state and federal review agencies additional requirements. Any proposed signage will have to meet the regulations set forth by the LDC.

According to the applicant, the private dock will be constructed with pressure treated wood and is anticipated to extend 250 feet and include a 256 square-foot platform and boat house. If the Special Exception is approved, the ultimate dimensions and design of the dock will be approved by the applicable City, County, State, and Federal review agencies.

5. *Size, location or number of special exception uses in an area shall be limited so as to maintain the overall character of the district as intended by this code.*

There are no other public or private recreation facility Special Exception uses within the immediate area of the subject property. The subject property is part of a larger area zoned F-C that includes spoil islands within the Halifax River, Rose Bay, and Strickland Bay.

The purpose and intent of the F-C zoning district is to protect persons and private property from the hazards of flood water and to protect the community from costs which are incurred when urban development occurs in flood plains; and to conserve important natural and historic resources for ecological purposes and for the enjoyment and education of future residents.

In addition to the standard development requirements for all Special Exceptions, this Special Exception request must also comply with additional development requirements specific to evaluating if a public or private recreation facility is appropriate on this location [Ch. 18, Sec. 3(b)(17) of the LDC]. The following are the additional development requirements for a recreation (public/private) or public or private recreation facility in the F-C zoning district and how they apply to the request.

Specific Off-Site Parking Development Requirements [Ch. 18, Sec. 3(b)(17) of the LDC]:
The following factors shall be considered for proposed recreation (public/private) facilities in the Floodplain-Conservation (F-C) zoning district:

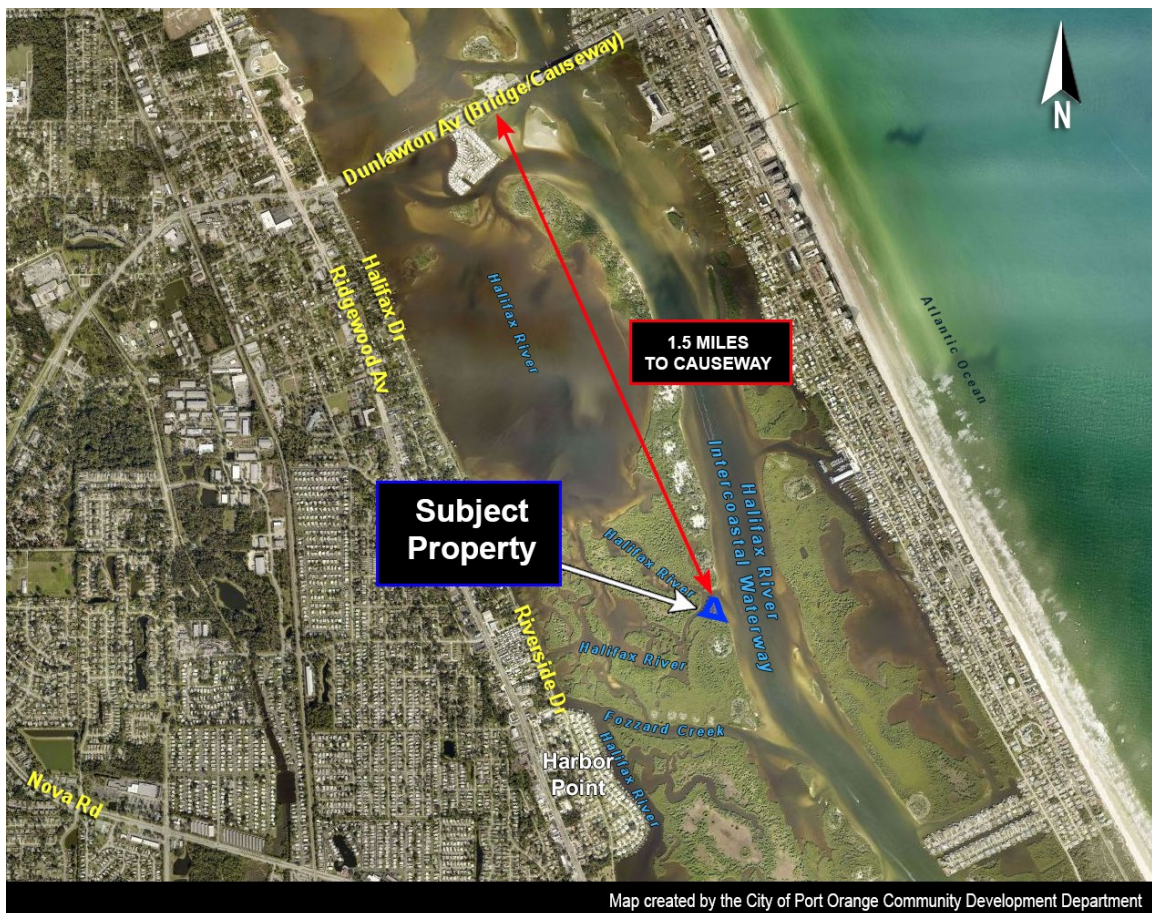
- (a) *Active recreation sites shall be buffered based on a land use intensity factor between six and 12, based on the specific levels of activity and potential impact of the proposed use.*

The proposed private dock would be a private recreation facility for only the property owner and provide access to allow the property owner to conduct passive

recreation on the subject property. According to the applicant, the proposed private dock is intended to provide access to his property for passive recreation such as fishing, wildlife observation, swimming, kayaking, etc. The +/-3-acre property is wooded, and no other upland facilities are permitted or proposed on the subject property that would require buffering.

(b) Active recreation sites shall front on an arterial or major collector roadway.

The purpose of this criteria is to ensure that Special Exception uses front onto an arterial or major collector roadway so that traffic impacts associated with a use are directed toward the arterial or major collector roadway and not a local residential roadway. Due to the location of the subject property, the Special Exception is requested for a private dock to be constructed to provide boat access to the subject property for the property owner to conduct passive recreation on the subject property. This will not result in increased traffic along local and residential streets.



(c) Passive recreation sites may be located in any F-C district.

The use of the proposed dock will also create opportunities for private recreation. According to the property owner, the dock will provide access to the 3-acre subject property where passive activities such as fishing, wildlife observation, tent camping, swimming, etc. can occur.

RECOMMENDATION

Staff recommends approval of the Special Exception to allow one private dock on the subject +/- 3-acre portion of a spoil island in the Halifax River (Parcel ID 6311-00-00-0140), subject to all other applicable local, regional, state and/or federal permits or easements being obtained before issuance of a City building permit for a dock.

ATTACHMENTS

Exhibit 1 – Applicant's Letter of request and follow-up communication

EXHIBIT 1

Applicant's Request Letter and Additional Correspondence

Department of Community Development
1000 City Center Circle
Port Orange FL 32129

Tim Burman, Peninople Cruz and staff,
Emilio Cirelli, manager of In Land We Trust, LLC is the owner of the private property; Parcel 6311-00-00-0140, located on the Halifax river surrounded by water on all sides, longitude 29.126400, latitude - 80.967710, is seeking a special exemption to build a dock for private use. The dock will not impact any adjoining properties and does not impact public safety. Being a island, there is no street parking issues and there would be no adjoining landscaping and buffering issues.

I have enclosed the following:

- Application form
- Phase 1 environmental study assessment showing no protected plant or animal wildlife
- The complete chain of title going from 1933 the USA to In Land We Trust, LLC
- The quick claim deed from the Florida Inland Navigation District releasing forever all rights titles, claims and demands including any dredged material deposit easements. Recorded on August 28th, 2008 Volusia County official records Book 6268 Page 4601
- Aerial photos of the location of the dock
- Tree surveys
- Elevation surveys
- Application Fee
- Manatee impact fee **(Staff note: Manatee impact fee was not included; not required until permitting)**



Emilio Cirelli
Manager of In Land We Trust, LLC
3054 S Peninsula Dr
Port Orange, FL 32118
386-290-3983
islandforsale@aol.com

Cruz, Penelope

From: Emilio Cirelli <islandforsale@aol.com>
Sent: Tuesday, January 21, 2020 11:28 AM
To: Barta, Beverly A CIV (US)
Cc: Cruz, Penelope; islandforsale@aol.com; Burman, Tim
Subject: [EXT] Re: Private dock property on the Halifax River 2 + miles south of the Dunlawton Causeway

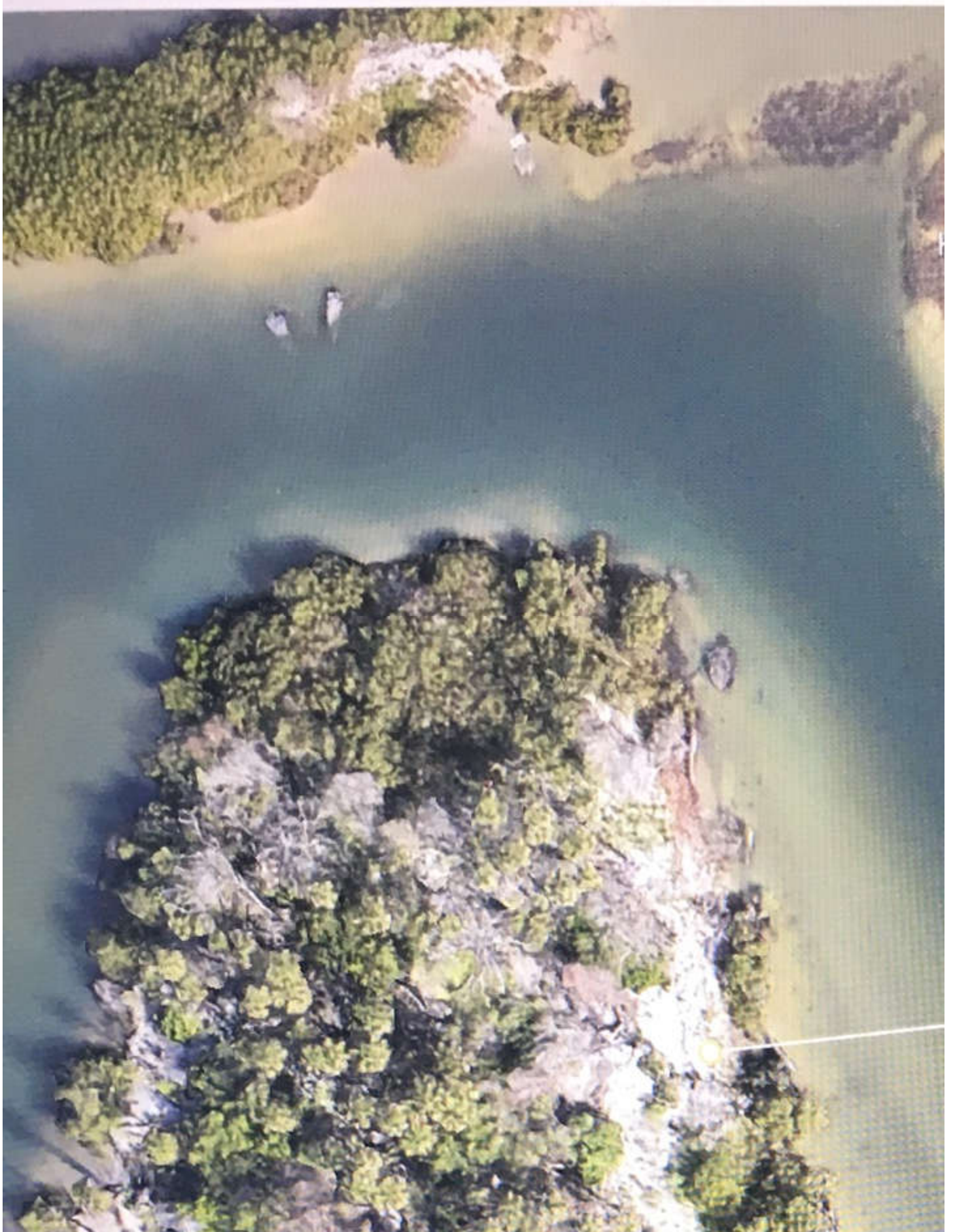
Hello Beverly,

Hope you have had a good holiday. Sorry about any delays, I just got back into this and would like to move forward. The longitude and latitude are 29.126436, -80.967660, parcel ID 6311-00-00-0140 in Volusia County, Port Orange, Florida. As part of the city request, here is a photo of the location of the dock walkway I would like to build, the walkway will go out 250' to the platform. The length of the walkway would be about 250'. The platform would be about 16' x 16'. I didn't want to go out so far but I have no choice because of the shallow water and without grounding the boat.

I hope I can get a verbal (email) okay that this would be permissible and possible in this location. This would help me to move forward with The City of Port Orange planning and development. I understand there are many other steps but this is the first one.

Thank you very much,

Emilio Cirelli
3054 S. Peninsula Drive
Daytona Beach Shores, Florida 32118
386-290-3983



Sent from my iPad

> On Jan 21, 2020, at 9:51 AM, Barta, Beverly A CIV (US) <Beverly.A.Barta@usace.army.mil> wrote:
>
> CLASSIFICATION: UNCLASSIFIED
>
>
>
> Kind Regards,
> Bev
> _____
>
> US Army Corps of Engineers
> Beverly Barta, Project Manager
> Cocoa Permits Section
> 400 High Point Dr. 6th floor
> Cocoa, FL 32926
> Phone: 321-504-3771 x26
>
> "The USACE is neither a proponent nor opponent of any permit proposal."
> Conflicting regulations? The more restrictive federal, state or county law, rule, code or regulation shall apply.
>
>
> CLASSIFICATION: UNCLASSIFIED

Cruz, Penelope

From: Emilio Cirelli <islandforsale@aol.com>
Sent: Thursday, February 20, 2020 6:23 PM
To: Cruz, Penelope
Subject: [EXT] Fwd: Cirelli Dock (UNCLASSIFIED)

Good evening Penelope

Just received this good news from the Army Core
Thank you
Emilio

Sent from my iPad

Begin forwarded message:

From: "Palmer, John C CIV USARMY CESAJ (USA)" <John.Palmer@usace.army.mil>
Date: February 20, 2020 at 5:59:37 PM EST
To: "islandforsale@aol.com" <islandforsale@aol.com>
Subject: Cirelli Dock (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Mr. Cirelli,
Thank you for the telephone call today. The Corps has received your application for a dock on the 3 acre island in Port Orange. Pursuant to our conversation, you indicated you would conform to Corps regulations and recommendations for the structure placement and design, which should result in the issuance of a USACE permit.
The proposed structure is outside the Federal channel setbacks, so there is no federal channel navigational issues.
There is a secondary access to the backwaters west of the island that is utilized by the public. This secondary access will require a raised section of the structure that should be approximately 10' above the Mean High water elevation. The final location and height determination will be resolved once the water depth information is solidified. Therefore, this should not be an issue with the design modifications.
The proposed dock conforms with the USFWS manatee guidelines and the NMFS JaxBo consultation PDCs.
A Consent to Easement will be required from the Corps Real Estate Division once the permit is authorized.
None of the issues raised and discussed today should hinder issuance of a Corps permit for the proposed structure.
Your continued cooperation is required to get to the final authorization. If you have any questions, please feel free to contact me. Thanks you.
JCP

John Palmer
Chief, Cocoa Section / Senior Project Manager
U.S. Army Corps of Engineers
400 High Point Drive, Suite 600
Cocoa, FL 32926

321-504-3771 extension 10
321-504-3803 (fax)
john.palmer@usace.army.mil

Service

"The happiest people are those who do the most for others. The most miserable are those who do the least." — Booker T. Washington

"To give real service you must add something which cannot be bought or measured with money, and that is sincerity and integrity". - Douglas Adams

CLASSIFICATION: UNCLASSIFIED



STAFF REPORT

LDC Text Amendment/ Chapter 2, 12, and 17/ Senior Independent Living Community/PC-A Zoning District CASE NO. 20-2500001

REQUEST:	To amend the Land Development Code (LDC) to add a definition for senior independent living community and add said use as a permitted use in the Planned Community-Agriculture (PC-A) Workplace District, and with separate dimensional and parking requirements.
APPLICANT:	Cameron General Contractors, Inc.
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Planning Manager, (386) 506-5671
PLANNING COMMISSION DATE:	February 27, 2020

INTRODUCTION

The PC-A zoning district was designed almost two decades ago and covers approximately 1,200 acres. It is common to make modifications to the concepts and development regulations as larger master planned areas develop and new uses emerge that are compatible with current permitted uses but were not established or identified at the time the regulations were created.

The applicant's proposed LDC amendment would only pertain to the Workplace district of the PC-A zoning district and is to allow for the development of a Senior Independent Living Community, an all-inclusive independent living residential community that is restricted to residents aged 55 and older. The proposed development will offer residents numerous resort-style amenities, including community dining, theater room, fitness center and other recreation facilities, library, chapel, beauty salon, 24-hour concierge service, valet parking service and group transportation service, among others. The Senior Independent Living Community use is similar to the multi-family use, except that it requires renters to be over 55 years old.

According to the applicant, the term "seniors housing" is a general term used to cover many types of housing for seniors. Seniors housing can include assisted living/memory care communities, skilled nursing facilities and communities offering a full continuum of care. The scale of care varies widely and cost typically increases with increased levels of care. A Senior Independent Living Community offers residents a safe living environment with minimal assistance. A Senior Independent Living Community is not licensed to provide help with medications, bathing, dressing or other personal health care needs. Occasionally, residents in these communities may need a personal care provider or private caregiver and when such services are needed, they hire that service directly.

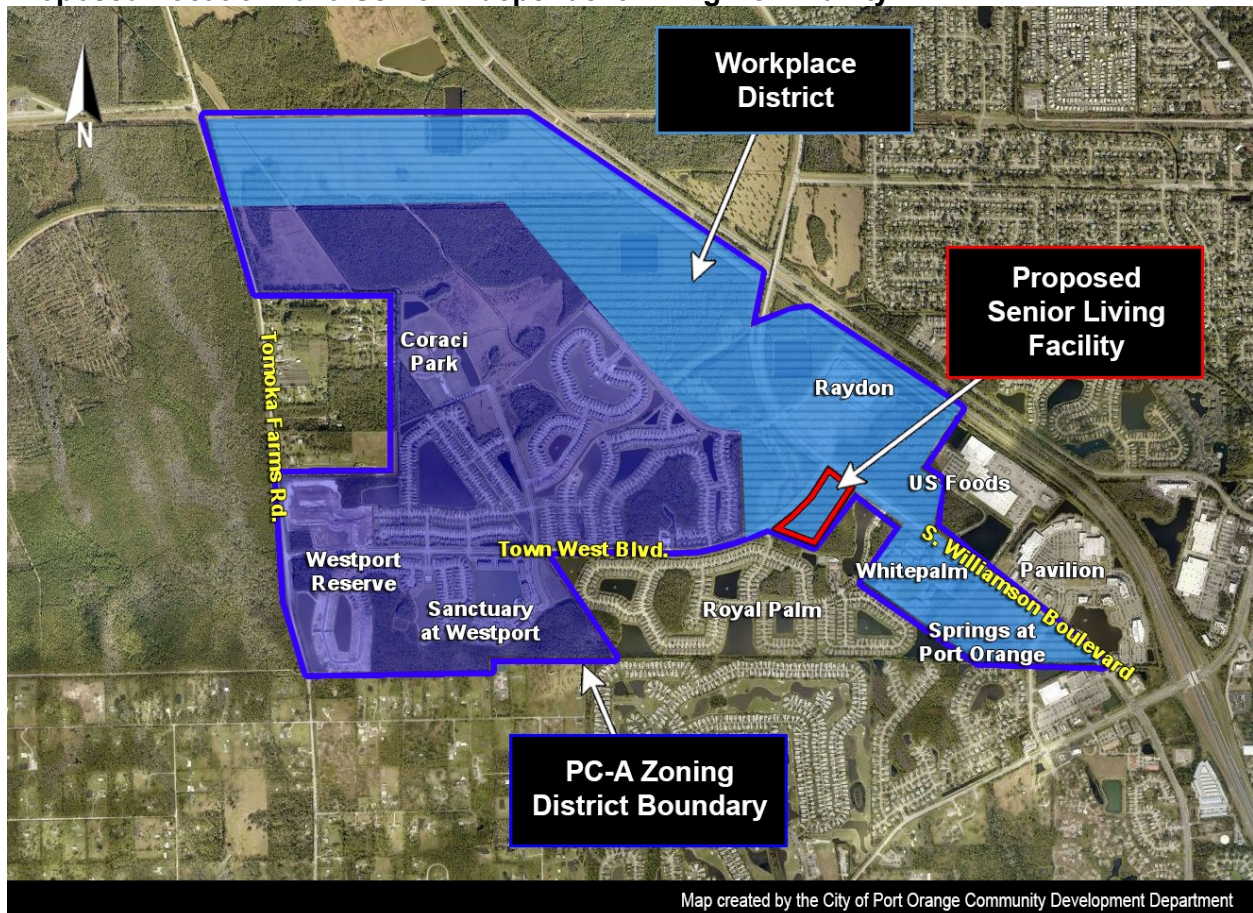
PROPOSED AMENDMENT

The proposed amendment to the Land Development Code (LDC) includes three items:

1. To add a definition for a Senior Independent Living Community;
2. To add a parking requirement for a Senior Independent Living Community use; and
3. To add Senior Independent Living Community as a permitted use in the PC-A Workplace district, with a land area limitation and specific dimensional requirements.

If the applicant's LDC text amendment is approved, the applicant, Cameron General Contractors (Cameron), Inc. intends to submit a site plan for a Senior Independent Living Community on a 12.4-acre parcel located at the intersection of South Williamson Boulevard and Town West Boulevard (the subject property; see Figure 1 – Location Map). According to the applicant, the Senior Independent Living Community is proposed to include approximately 130 dwelling units for senior citizens (55 and older) in a single, three-story building with a footprint of roughly 60,000 square feet and consisting of a total of approximately 180,000 square feet. Each dwelling unit will have a full kitchen and separate heating and cooling systems, along with other senior-friendly design features. According to the applicant, the proposed LDC text amendment has been requested to allow the development of a Senior Independent Living Community on the corner of Williamson Boulevard and Town West Boulevard.

Figure 1. Location Map of the Overall PC-A Zoning District, Workplace District, and the Proposed Location for a Senior Independent Living Community



Addition of a definition for Senior Independent Living Community

The applicant has proposed to add the following definition to Chapter 2, Section 2 of the LDC to define a Senior Independent Living Community.

Senior Independent Living Community - A residential community for residents aged fifty-five (55) and older which incorporates multiple attached dwelling units with common dining and recreation facilities and other amenities.

The proposed definition for a Senior Independent Living Community will appropriately differentiate a Senior Independent Living Community from a traditional multi-family development use. Typically, a standard multi-family development attracts a wide range of renters (students, families, couples, and single tenants) which tend to create more vehicle trips and also require more parking. According to the applicant, a Senior Independent Living Community would be required to provide all-inclusive services for resident's daily needs, reducing the need for daily trips on the roadway network for goods, services, and activities. According to the applicant, a Senior Independent Living Community does not require as much parking and does not create impacts to the school system, or park facilities as recreation and entertainment services are provided on-site.

Addition of a parking requirement for a senior independent living community use

The applicant has proposed an off-street parking requirement of one parking space per residential unit, plus visitor parking at a rate of 0.25 spaces per residential unit, for a *Senior Independent Living Community*. If approved, the parking ratio would be added to the parking requirement matrix in Chapter 12 of the LDC. The only comparable parking requirement in the LDC is for a traditional multifamily development, which requires 1.5 spaces per 1-bedroom unit and 2 spaces per 2-3-bedroom units, plus visitor parking at a rate of 0.25 spaces per residential unit. According to the applicant's parking assessment at their communities, the parking demand at a *Senior Independent Living Community* is less than in a traditional multifamily development because less than half of the residents in their communities own a car and the communities offer a driving service that take groups of residents to the grocery store, doctor appointments, events, shopping, etc.

The applicant states that fewer than half of the residents in many of Cameron's communities own a vehicle; and there are approximately 15-20 staff members on-site during the largest shift (10 AM – 2 PM). The on-site staff members typically work at the in-community beauty salon, bank, gift shop and pharmacy drop off which operate during the 10 AM – 2 PM timeframe. There are staff present 24/7 for services offered such as cleaning, meals, fitness, concierge service, and transportation throughout the day, but primarily between 6 AM and 5 PM.

The applicant operates 31 Senior Independent Living Communities across the country. In 2018, they commissioned a parking demand and utilization assessment to determine the average parking utilization rates to provide guidance for the construction of parking in their future developments. The assessment focused on two of Cameron's existing communities (both that are also 130 units) that consistently operate at fully occupancy. The parking assessment concluded that the average number of vehicles parked at a fully

occupied community was below 1 vehicle per unit with a maximum parking usage at any time during the evaluation period being 112 spaces. The concept plan for the proposed facility in Port Orange would provide 163 spaces for the 130 units.

According to the applicant, requiring senior communities to provide the same number of parking spaces as traditional multifamily developments would result in an inefficient use of land and an unnecessary expansion of impervious surface that could otherwise be used as greenspace. The applicant's concept plan shows approximately 65% of the site as open space, which would be reduced if an additional 65 to 80 parking spaces are required.

The proposed Senior Independent Living Community use is a newer housing product that is not exactly addressed in parking requirements listed in the City's LDC. The LDC provides parking requirements for traditional multi-family residential developments and nursing homes or assisted living facilities. As mentioned above, the traditional multi-family development serves residents who are dependent on a vehicle and typically own a vehicle(s). A nursing home or assisted living facility is typically where medical care is provided and the majority of vehicles associated with this use are employees or visitors and residents in these facilities typically do not have vehicles. The proposed Senior Independent Living Community parking ratio is a hybrid of these two uses as it does not require the full amount as a traditional multi-family development, but requires more spaces than a nursing home or assisted living facility since some residents will have a vehicle. Based on the description provided by the applicant of alternative transportation services that will be provided at a Senior Independent Living Community, staff believes the proposed parking ratio will provide sufficient parking for this use. The table below shows a parking comparison for the required parking at a 130-bed nursing home/ALF, a 130-unit traditional multi-family development, and a 130-unit Senior Independent Living Community.

Table 1. Parking Comparison for current and proposed parking ratio

Parking Spaces	Employees on Largest Shift	1 bed	1-bedroom	2-3 bedroom	Visitor	Total
Traditional Multi-family Parking Spaces	-	-	114	108	56	278
Nursing Home/ALF Parking Spaces	30	65	-	-	-	95
Senior Independent Living Community Parking Spaces	-	-	76	54	33	163

Establishment of Senior Independent Living Community as a permitted use in the PC-A Workplace district, with a land area limitation and dimensional requirements (Chapter 17)

The applicant has proposed an amendment to Chapter 17, Section 29(e)(2)(c)(1) of the LDC to add Senior Independent Living Community as a permitted residential use in the Workplace District. This amendment is required for the proposed development because the subject property is currently zoned for commercial uses.

The current Workplace District allows for commercial uses such as convenience stores with or without fuel operations; game/recreation facilities; hotel/motel; and restaurants with or without drive-throughs. The proposed Senior Independent Living Community use would be a lower intensity use and generate less vehicular trips than a majority of the commercial uses already allowed by the current zoning. If this amendment is approved, it would further minimize the traffic that could use the I-95 Interchange area and Williamson Boulevard, and Taylor Road/Williamson Boulevard intersection.

A general traffic comparison was conducted to evaluate the impact the proposed LDC amendment could have traffic generation rates (Table 2). According to the comparison, if the proposed LDC amendment is approved and a Senior Independent Living Community is developed on the 12.4-acre property located at the southwest corner of Town West Boulevard and Williamson Boulevard, there is potential to reduce the net p.m. peak-hour and daily vehicular trips by at least 80%. Transportation Concurrency and any required mitigation to support a proposed development plan for any uses developed in the PC-A zoning district will be assessed in greater detail during the site plan review process.

Table 2. Traffic Comparison for 12.4-acre site

	Current Zoning for Commercial 80,000 square-feet (Based on prior proposed development plans)	Proposed Senior Independent Living Community 178,362 square-feet (130 units)	Anticipated Net Change
P.M. Peak Hour Trips/Daily Trips	297/3,416	33/447	-264/-2,969

Source: ITE Trip Generation Manual, 10th Edition. Shopping Center (820) = 42.70 Daily Trips per 1,000 sq.ft.; 3.71 P.M. Peak Hour Trips per 1,000 sq.ft.; Senior Adult Housing – Attached (252) = 3.44 Daily trips/unit and 0.25 PM Peak Hour Trips/Unit.

The proposed amendments include certain limitations on the development of a Senior Independent Living Community in the PC-A Workplace District.

Density: The applicant requests a maximum residential density for a Senior Independent Living Community of 12 units per acre. This is a lower density than the currently permitted multifamily use at 16 units per acre.

Land Area Limit: The applicant has included a restriction on the development of Senior Independent Living Communities in the PC-A Workplace District to a maximum of 4% of the total land area comprising the Workplace District and a minimum lot area of 4-acres (Exhibit 1). Four percent of the PC-A Workplace District (420 acres) equates to 16.8 acres of land area. The subject property that

the applicant is proposing to develop as a Senior Independent Living Community is 12.4 acres. This would leave a balance of 4.4 acres. With a minimum lot size of 4-acres, this would allow one (1) additional Senior Independent Living Community in the PC-A Workplace district in addition to the subject property.

Dimensional Requirements: The proposed minimum open space, maximum building coverage, building setbacks, and building height are generally based on similar City standard commercial zoning districts (see Table 3).

Table 3. Dimensional Requirements

Zoning District	Maximum Building Coverage	Minimum Open Space	Williamson Boulevard Bldg. Setback	Side Bldg. Setback	Rear Bldg. Setback	Maximum Height
PC-A Workplace District – Senior Independent Living Community	30%	60%	50 ft.	25 ft.*	50 ft.	50 ft.
PC-A Workplace District multifamily	50%	40%	50 ft.	20 ft.	25 ft.**	50 ft.
R-3M (multifamily 12 units/acre)	40%	60%	50 ft.	25 ft.*	25 ft.*	45 ft.
ORT	35%	30%	50 ft.	10 ft.	25 ft.	45 ft.

* Buildings of greater than 25 feet in height shall have a building setback equal to or greater than the building height.

** Buildings of greater than 25 feet in height shall have a building setback equal to or greater than the building height, except where adjoining property is zoned single family residential where such setback shall be equal to or greater than twice the building height.

According to the applicant, the requested amendments would permit the reasonable development of a Senior Independent Living Community in the PC-A Workplace District to meet the increasing demand for senior housing and also prevent the overdevelopment of senior housing in this area of the City. There are currently no multi-family developments in this area of the City that are age restricted and provide the required services to residents as required by a Senior Independent Living Community.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

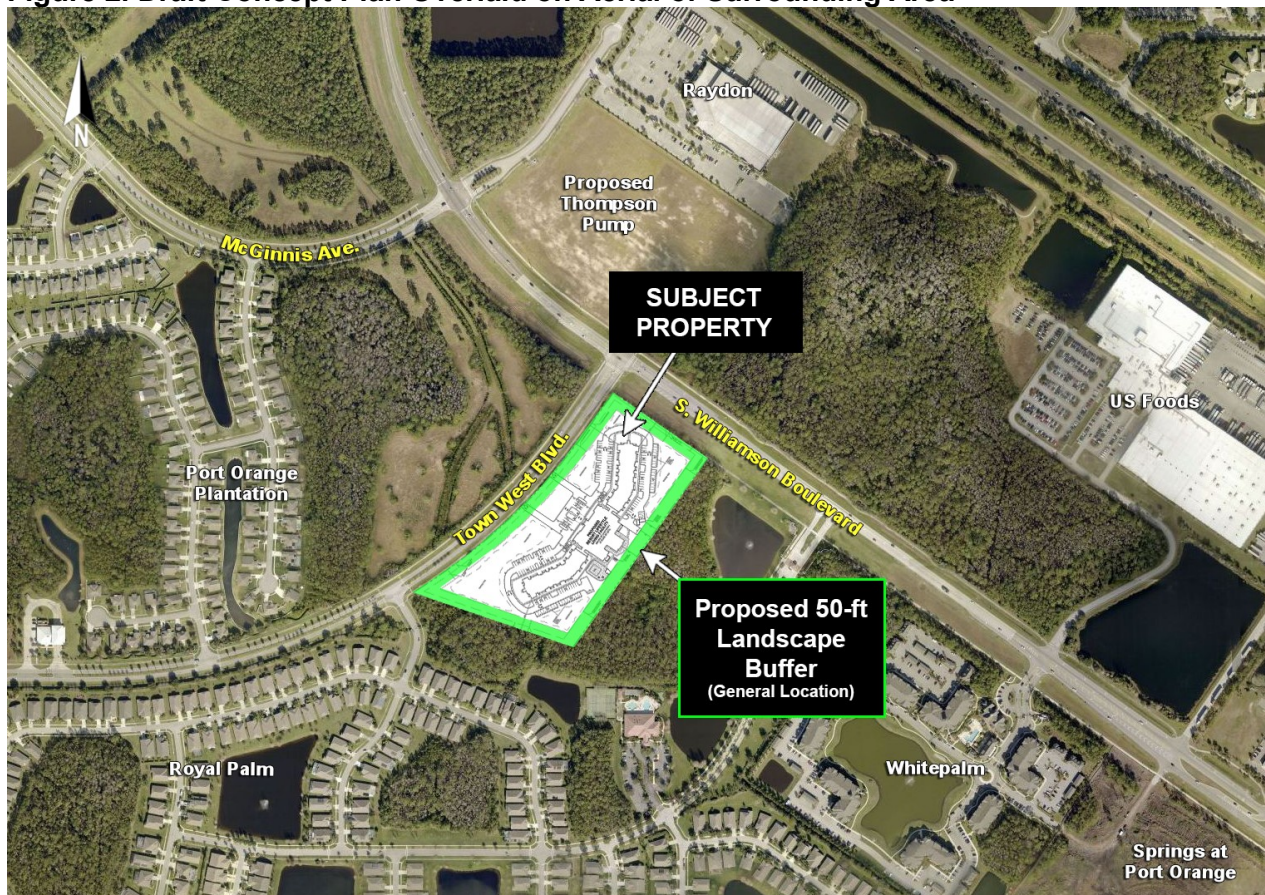
The proposed amendment is consistent with the City's Comprehensive Plan and the purpose and intent of the *Planned Community-Westside* Future Land Use (FLU) designation. The City's Comprehensive Plan states that the *Planned Community-Westside*, is intended to create a mixed-use, pedestrian-friendly community that increases the available inventory of commercial, industrial, and institutional land uses by integrating them with residential uses, minimizes automobile trips, and promotes environmental protection. The type of residential proposed (senior independent living) and the limitation on the percentage allowed in the Workplace District is consistent with and further promotes the goal of creating a mixed-used area that minimizes automobile trips by:

1. Providing for an alternative housing option for seniors that generates less vehicular trips than traditional multi-family development or the commercial uses currently permitted on the subject property; and
2. Providing an opportunity for a Senior Independent Living Community to be a transitional use between the commercial and industrial uses allowed in the Workplace District and the adjacent single-family subdivisions on the west side of Williamson Boulevard.

PROPOSED DEVELOPMENT

If the amendment is approved, the applicant plans to submit a site plan for a 130-bed facility at the southwest corner of Town West Boulevard and Williamson Boulevard. The applicant's draft concept plan has the building oriented towards Town West Boulevard, with 50'-wide landscape buffers on all sides. Based on the requirements of the LDC for the location of access drive in proximity to intersections, access would be limited to Town West Boulevard only. The design of the access drive and potential turn lanes and modifications to the existing landscape median in the Town West Boulevard right-of-way will be determined with the engineered site design plans to be submitted.

Figure 2. Draft Concept Plan Overlaid on Aerial of Surrounding Area



PUBLIC NOTICE

On February 12, 2020, staff posted the property notifying the public of the proposed amendment. At the time this agenda item was prepared, there has been 1 inquiry received

that was a general inquiry about the type of site improvements required for a proposed development on the subject property (sidewalks, access, landscape buffers, etc.).

The applicant also presented its proposed community to neighboring residents during a neighborhood meeting held on December 19, 2019. According to the applicant, the residents' responses to the proposal were overwhelmingly favorable. Notably, many residents who expressed concern about the possibility of commercial development on the subject property and the resulting increase in traffic congestion were supportive of applicant's proposed community with its much lower trip count.

RECOMMENDATION

Staff recommends approval of the request to amend Chapters 2, 12, and 17 of the Land Development Code to add a definition for Senior Independent Living Community and add said use as a permitted use in the Planned Community-Agriculture (PC-A) Workplace District with separate dimensional and parking requirements.

ATTACHMENTS

Exhibit 1 – Proposed Amendments to Chapters 2, 12, and 17 of the LDC

Exhibit 1

Proposed Land Development Code (LDC) Amendments

Chapter 2 - DEFINITIONS AND INTERPRETATIONS

Section 2: - Definitions.

Senior Independent Living Community. A residential community for residents aged fifty-five and older which incorporates multiple attached dwelling units with common dining and recreation facilities and other amenities.

Chapter 12 - ROADS AND VEHICULAR USE AREAS

Section 4: - Parking.

(b) *Required off-street parking spaces.*

[No changes to subsections (1) through (5)]

(6) Matrix.

Use	Minimum Off-Street Parking Requirement	Ratio of Full Size/ Compact Spaces	Required Bicycle Spaces
RESIDENTIAL			
Multifamily (other than senior independent living community):			
Resident parking (c)	Studio: 1 space/unit 1 bedroom: 1.5 spaces/unit 2, 3 or more bedrooms: 2 spaces/unit	75/25	.10 per required parking space
Visitor parking	.25 spaces/unit		
<u>Senior independent living community</u>	<u>1 space/unit, plus .25 spaces/units for visitor parking</u>	<u>100/0</u>	<u>0</u>

[No changes to *NOTES*]

Chapter 17 - ZONING DISTRICT REGULATIONS

Section 29: - Planned community—Agricultural (PC-A) district.

[No changes to subsections (a) through (d)]

(e) *Workplace district.*

(1) *Purposes and intent.* The primary use of this district shall be for commercial and industrial purposes; however, some multifamily residential and senior independent living community uses may be permitted nearby employment centers and commercial development that serves the general and specialized shopping needs and services of the residents, pursuant to the conditions provided by subsection 2(c) below. Although development in this district is expected to provide a regional employment base and cater to the local and regional market, there shall also be a link between the various uses within the district and other districts, especially the west town center district and the community district, and the adjacent regional commercial node.

(2) *Permitted uses.* The macro CDP recognizes two primary categories of uses in the workplace district: commercial and office/industrial; however, multifamily residential and senior independent living community uses may be incorporated into the workplace district as detailed in subsection (c) below.

[No changes to subsections (a) and (b).]

(c) *Residential.*

(1) Permitted uses.

(a) Multifamily dwelling (16 units per gross acre maximum allowable density).

(b) Senior independent living community (12 units per gross acre maximum allowable density).

(2) *Prohibited uses.*

(a) Camouflaged and monopole communications towers.

(b) Guyed and lattice communication towers.

(c) Mobile home and manufactured home units.

(d) Single-family dwellings.

(e) Duplex units.

(f) Triplex units.

(3) *Special restrictions.* In order to ensure a mix of uses consistent with the purposes and intent of the workplace district, multifamily residential uses shall be limited to 13 percent of the overall workplace district land area, when such residential development is located within a ½ mile of commercial development (measured along right-of-way centerlines between the development entrance drives or other pedestrian access points) that will cater to the

residential development and provide an efficient link between the commercial and residential uses. The location of residential uses in close proximity to commercial uses will reduce vehicle miles traveled, thereby reducing the energy consumption within the district. Senior independent living communities shall be limited to 4 percent of the overall Workplace District land area.

(4) *Dimensional requirements.*

[No changes to dimensional requirements table for attached residential.]

<u>STANDARD</u>	<u>SENIOR INDEPENDENT LIVING COMMUNITY</u>
<u>Max. building height</u>	<u>50 ft.</u>
<u>Min. lot size</u>	<u>4 acres</u>
<u>Min. lot width</u>	<u>200 ft.</u>
<u>Min. living area</u>	<u>500 s.f.</u>
<u>Max. building coverage</u>	<u>30%</u>
<u>Min. open space</u>	<u>60%</u>
<u>Setbacks</u>	
<u>Front</u>	<u>30 ft.</u>
<u>Side</u>	<u>25 ft. or equal to building height,</u> <u>25 ft. between buildings</u>
<u>Rear</u>	<u>50 ft.</u>