



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, September 24, 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: 20-2 Large-Scale Future Land Use Map Amendment/Osprey Apartments
LOCATION: South of Madeline Avenue, between Clyde Morris Boulevard and Bruner Road.
CASE NO.: 20-20000002
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org
APPLICANT: Jeffrey Brock, Smith Bigman Brock, P.A.; 444 Seabreeze Blvd., Suite 900, Daytona Beach, FL 32118
(Continued from April 27, 2020 Planning Commission Meeting)

A request by the applicant to amend the Future Land Use designations of a +/- 35-acre site from *Office/Residential Transition* and *Commercial* to *Urban High Density Residential* (8-16 units per acre).

6. APPLICATION: Rezoning/Osprey Apartments
LOCATION: South of Madeline Avenue, between Clyde Morris Boulevard and Bruner Road
CASE NO.: 20-60000003
STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673/gperney@port-orange.org
APPLICANT: Jeffrey Brock, Smith Bigman Brock, P.A.; 444 Seabreeze Blvd., Suite 900, Daytona Beach, FL 32118
(Continued from April 27, 2020 Planning Commission Meeting)

A request by the applicant to rezone a +/- 35-acre site from Planned Unit Development (PUD) to Moderate Density Multifamily Residential (R-3M).

7. APPLICATION: LDC Amendment/Chapter 3
CASE NO.: 20-25000006
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to approve a text amendment to Chapter 3 of the Land Development Code to add requirements for neighborhood meetings.

C. OTHER BUSINESS

8. Commissioner Comments
9. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

NOTICES — PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) 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 OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

Planning Commission Meeting

Thursday, September 24, 2020

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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.

PUBLIC PARTICIPATION INSTRUCTIONS

Due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State, County, and the City's Declarations of State of Emergency, and City of Port Orange Executive Order 9, the City of Port Orange will be calling meetings only when necessary, and conducting public meetings using communications media technology until the Local State of Emergency has concluded. Those wishing to attend meetings are encouraged to join the meeting through electronic means.

The September 24, 2020 Planning Commission Meeting will be conducted physically in Council Chambers at City Hall, 1000 City Center Circle with an opportunity to participate virtually. Access in Council Chambers will be limited in order to comply with the safety instructions relating to COVID-19.

To view and/or participate in the Planning Commission meeting on September 24, 2020, which begins at 5:30 p.m., you have the following additional options:

1. Watch the meeting online, but not participate:

You may watch the meeting via Spectrum Channel 498 or through the City's YouTube Channel:
<https://www.youtube.com/channel/UCTYNmc7tZVRrB2NH5-Oj7hg>

2. Watch the meeting online and provide public comment prior to the meeting:

You may watch the meeting as listed above, and also provide written comments no less than 3 hours prior to the meeting time by emailing City Clerk Robin Fenwick at cityclerk@port-orange.org, regular mail at 1000 City Center Circle, Port Orange, FL 32129, or place it in the Drop Box at the front door of City Hall. Please include your full name, city of residence, and comments by the deadline and your comments will be read into the record. There is also a form located on the City's website at: www.port-orange.org/publiccomments which can be submitted electronically. Time limits will be enforced so written comments must be limited to no more than 3 minutes.

3. Watch the meeting online and provide public comment during the meeting:

Request to Speak instructions:

To request to attend virtually and speak during the meeting, you must complete the Request to Speak form prior to the start of the meeting to be placed on a list. You may access the form by visiting www.port-orange.org/publiccomments. You must fill out all required information for the form to be submitted. Forms are due to the City Clerk no later than 24 hours prior to the meeting date/time. Once the form is received, the meeting link and instructions will be provided to you via email.

For additional information or for special assistance prior to the meeting, please contact Robin Fenwick, City Clerk, cityclerk@port-orange.org or (386) 506-5563.

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 27, 2020

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

Pledge of Allegiance

Silent Invocation

Roll Call

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

Absent: Maria Mills-Benat (excused)

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

B. DISCUSSION/ACTION

4. Consideration of Minutes

Motion to approve the minutes as presented from July 27, 2020 was made by Commissioner Jordan and Seconded by Commissioner White. Motion carried unanimously by roll call vote.

Penelope Cruz, Planning Manager, stated that the applicant requested that items #5 and #6 be continued to a date certain of September 24, 2020.

Motion to continue Case No. 20-20000002 and Case No. 20-60000003 to a date certain of September 24, 2020 was made by Commissioner Green and Seconded by Commissioner Schmidt. Motion carried unanimously by roll call vote.

5. CASE NO.: 20-20000002

20-2 Large-Scale Future Land Use Map Amendment/Osprey Apartments
South of Madeline Avenue, between Clyde Morris Boulevard and Bruner Road.

A request by the applicant to amend the Future Land Use designations of a +/- 35-acre site from *Office/Residential Transition* and *Commercial* to *Urban High Density Residential* (8-16 units per acre).

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

6. CASE NO.: 20-60000003

Rezoning/Osprey Apartments
South of Madeline Avenue, between Clyde Morris Boulevard and Bruner Road

A request by the applicant to rezone a +/- 35-acre site from Planned Unit Development (PUD) to Moderate Density Multifamily Residential (R-3M).

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

7. CASE NO.: 20-60000005

Rezoning/4116 Nova Rd.
4116 Nova Rd.

A request by the applicant to rezone +/- 9.9 acres of the overall +/- 13-acre property from Flood Plain-Conservation (F-C) to Commercial Industrial (CI).

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

Gwen Perney, Planner, discussed details of the proposed rezoning and answered questions from Commissioners.

Mrs. Cruz addressed Commissioner concerns regarding zoning requirements.

Dana Collier, Representative for the Applicant, provided supplemental information.

*Motion to approve Case No. 20-60000005
was made by Commissioner White and
Seconded by Commissioner Schmidt.
Motion passed unanimously by roll call vote.*

8. CASE NO.: 20-25000002

LDC Amendment/Chapter 16

A request to approve text amendment to Chapter 16, Section 1 of the Land Development Code related to residential outside storage of disabled or abandoned recreational vehicles or equipment.

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

Ms. Perney discussed the proposed LDC amendment and answered questions from the Commissioners.

Tim Burman, Community Development Director, answered questions from Commissioners regarding current codes and enforcement options and what this code effects.

Motion to approve Case No. 20-25000002 was made by Commissioner Schmidt and Seconded by Commissioner White. Motion passed unanimously by roll call vote.

9. CASE NO.: 20-25000005

LDC Amendment/Chapters 2,16, and 17

A request to approve text amendments to Chapter 2, 16, and 17 of the Land Development Code (LDC), updating the definition for atypical lots and type of fencing allowed on an atypical lot, and special setbacks for A/C units, pergolas and gazebos.

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

Mrs. Cruz provided details of the proposed amendment and answered questions from Commissioners.

Motion to approve Case No. 20-25000005 was made by Commissioner Jordan and Seconded by Commissioner Bofamy. Motion passed unanimously by roll call vote.

C. OTHER BUSINESS

10. Commissioner Comments

Vice Chair Junco asked about the status of the road work on Spruce Creek and Nova. Mr. Burman responded it is a County project, but it has exceeded the expected time frame already.

11. Staff Comments

There were none.

D. PUBLIC COMMENTS – there were none.

E. ADJOURNMENT -6:20 p.m.



STAFF REPORT

20-2 Large-Scale Comprehensive Plan Amendment/
Osprey Pointe Apartments
CASE NO. 20-20000002

REQUEST:	Amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU for ±35 acres from <i>Office/Residential Transition</i> and <i>Commercial</i> to <i>Urban High Density Residential</i> (8-16 units/acre).
LOCATION:	3835 Clyde Morris Blvd. (Figure 1 – Location Map)
APPLICANT:	Jeffrey Brock, Smith Bigman Brock, P.A.
OWNER:	Palmetto Pointe, LLP
STAFF CONTACT:	Penelope Cruz, Planning Manager, (386)506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	September 24, 2020 (Continued from August 27, 2020)

INTRODUCTION

Jeffrey Brock, applicant on behalf of the property owner, Palmetto Point, LLP, requests to amend the Future Land Use (FLU) designations for ±35 acres from *Office/Residential Transition* and *Commercial* to *Urban High Density Residential* (8-16 units/acre). The subject property is located along Clyde Morris Boulevard, south of Madeline Avenue, and east of Bruner Road. If approved, the applicant intends to rezone the subject property to the Moderate Density Multi-Family Residential District (R-3M) and submit a site plan for the development of a 384-unit multi-family complex.

Figure 1. Location Map



The applicant's development application requests to change the FLU designation on the subject property does not include a change to the City's Comprehensive Plan regarding extension of Brunner Road from its terminus to Clyde Morris Boulevard. If the development application is approved, staff has discussed with Volusia County and the potential developer about maintaining the right-of-way for the possible extension of Bruner Road in the future as shown in the current City's Comprehensive Plan and NOT constructing Brunner Road from its terminus to Clyde Morris Boulevard. If the development applications are approved, maintaining the ability to construct Bruner Road in the future would maintain consistency with the City's Comprehensive Plan.

The subject property currently has Future Land Use (FLU) designations of *Office/Residential Transition* and *Commercial* and is zoned Planned Unit Development (PUD) without a Master Development Agreement (MDA). The subject property was part of the ±52.73 acre The Palms PUD approved in 2007 and allowed for the development of 451 multi-family units and 187,000 square feet of commercial uses. The MDA for The Palms, the previously approved PUD, expired in 2009 and the property remained vacant. In 2015, ±17.72 acres of the original The Palms PUD were rezoned to the Palmetto Pointe Planned Commercial Development (PCD) and was developed with a commercial development (Walmart Neighborhood Market).

DISCUSSION

The following discussion examines the proposed amendment, impacts of the proposed amendment, and existing environmental conditions.

PROPERTY OVERVIEW

The subject parcel is currently vacant. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified below in Table 1.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Commercial	Commercial; Office/Residential Transition	Palmetto Pointe Planned Commercial Development (PCD)
South	Clyde Morris Blvd.; mobile home park	Urban Medium Density Residential; Office/Residential Transition	Residential Mobile Home (RMH)
East	Brunner Road; Single-family; City owned land; Police Department	Urban Medium Density Residential; Suburban Residential; Office/Residential Transition	R-8SF Single Family Residential; Volusia County MH- 1; R-3L Multi-Family Residential; Government/Public Use (GPU)
West	Clyde Morris Blvd.; vacant commercial; mobile home park	Commercial; Urban Medium Density Residential	Palmetto Point PCD; Groves PCD; Colony in the Wood Planned Unit Development (PUD); Residential Mobile Home (RMH)

The current FLU designations for the subject property and adjacent properties and the proposed FLU designation for the subject property is identified in Figure 2. The current zoning classification of the subject property and adjacent properties and the proposed zoning classification of the subject property are identified in Figure 3.

Figure 2. Current and Proposed FLU Map

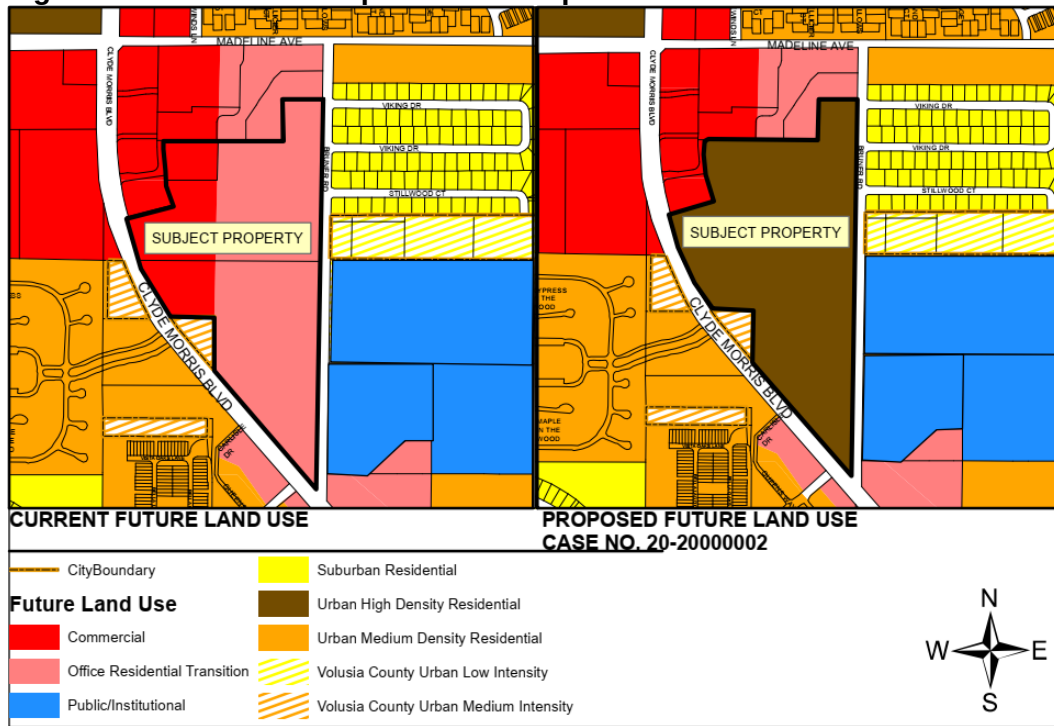
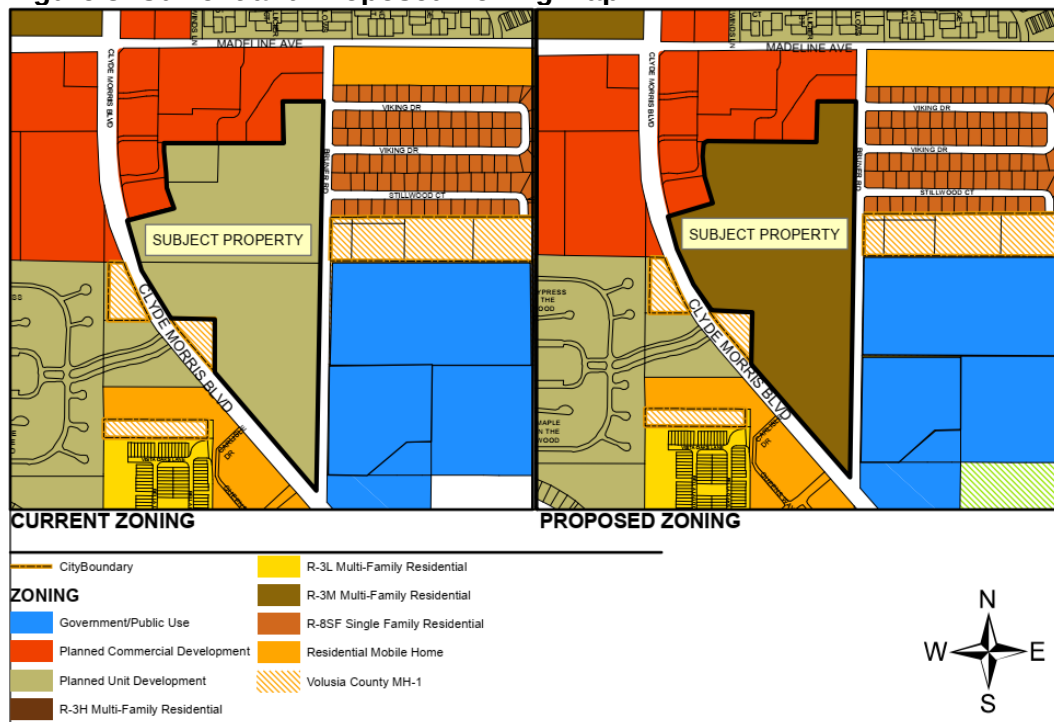


Figure 3. Current and Proposed Zoning Map



PROPOSED AMENDMENT

The proposed amendment is to change the FLU designations for ±35 acres from *Office/Residential Transition* and *Commercial* to *Urban High Density Residential* (8-16 units/acre). The current FLU designations are *Commercial* and *Office/Residential Transition*, which is a mixed-use category that allows for a distribution of uses within the 35-acres, with the cumulative mixture of uses totaling 100%:

1. 75% office and 25% residential (up to 10 units per acre);
2. 75% office and 25% commercial; or
3. 100% office.

The proposed *Urban High Density Residential* (8-16 units/acre) FLU designation is a multi-family residential designation, compared to the current FLU *Commercial* and *Office/Residential Transition* designations that allow the development of office, commercial and residential uses. The following tables identify the current adopted and proposed FLU designations by acreage (Table 2), maximum allowable density/intensity and net change in density/intensity (Table 3).

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

	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Office/Residential Transition	26.2	0	-26.2
Commercial	8.8	0	-8.8
Urban High Density Residential (8-16 units/acre)	0	35	+35
Total Acreage	35	35	35

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

	Current FLU (theoretical max dwelling units/sq.ft.)	Proposed FLU (theoretical max dwelling units/sq.ft.)	Net Change in FLU (theoretical max dwelling units/sq.ft.)
Office/Residential Transition			
Scenario 1 (25% Residential*/75% Office**)	66 d/u 1,284,666 sq.ft.	0	-66 d/u -1,284,666 sq.ft.
Scenario 2 (25% commercial*/75% office**)	428,222 sq.ft. 1,284,666 sq.ft.	0	-1,712,888 sq.ft.
Commercial***	191,446 sq.ft.	0	-191,446 sq.ft.
Urban High Density Residential (8-16 units/acre)	0	560 d/u****	+560

*up to 10 units/acre

**1.5 Floor-area ratio for non-residential; The floor area ratio (FAR) is the relationship between the total amount of building floor area and the total area of the lot on which the building stands.

***0.5 Floor-area ratio (FAR)

****560 units is the theoretical maximum allowed by the FLU designation; the actual proposed development is for 384 units

INFRASTRUCTURE IMPACT ASSESSMENT

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

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

Table 4. Impact Analysis (Theoretical Max.)

DEVELOPMENT VARIABLE	CURRENT LAND USE		PROPOSED LAND USE (Urban High Density Residential)	NET CHANGE	
	Scenario 1 (Commercial + ORT at 25% Residential/ 75% Office)	Scenario 2 (Commercial + ORT at 25% commercial/ 75% office)		Scenario 1	Scenario 2
Residential Units	66	0	560	+494	+560
Non-residential Buildable Sq. Ft.	Commercial: 191,446 sq.ft. Office: 1,284,666 sq.ft.	Commercial: 619,668 sq.ft. Office: 1,284,666 sq.ft.	0	Commercial: -191,446 sq.ft. Office: -1,284,666 sq.ft.	Commercial: -619,668 sq.ft. Office: -1,284,666 sq.ft.
Population ¹	149	0	1,260	+1,111	+1,260
Peak Hour Trips/Daily Trips ²	6,236/ 55,026	7,784/ 72,875	347/ 3,724	-5,889/ -51,302	-7,437/ -69,151
Sanitary Sewer (gallons/day) ³	158,097	190,433	89,600	-68,497	-100,833
Potable Water (gallons/day) ⁴	159,408	190,433	100,800	-58,608	-89,633
Solid Waste (lbs./person) ⁵	15,239	19,043	4,045	-11,195	-14,999
Stormwater Drainage ⁶	n/a	n/a	n/a	n/a	n/a
Recreation/Open Space ⁷ (acres)	1.04	0	8.82	+7.78	+8.82

Notes:

1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: Multifamily Apartments (220) 0.62 PM peak hour trips per unit and 6.65 daily trips per unit; Shopping Center (820) 3.71 PM Peak Hour; 42.70 Average Daily; Medical Office (720) trips per 1000 sq.ft. – 4.27 PM Peak Hour, 36.13 Average Daily; ITE Trip Generation Manual, 9th Edition
3. Sanitary Sewer: 160 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
4. Potable Water: 180 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 square feet of non- residential development per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event; Drainage system will be designed to meet the requirements of the Land Development Code.
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)

The current FLU designations on the property are *Commercial* and *Office/Residential Transition* and the *Office/Residential Transition* designation is a mixed-use category that allows the following theoretical maximum development scenarios:

1. 25% residential and 75% office (scenario 1); or
2. 25% commercial and 75% office (scenario 2).

According to the Infrastructure Impact Analysis, the proposed FLU designation would *decrease* the theoretical maximum square-footage of non-residential development allowed and increase the theoretical maximum number of residential units allowed on the 35-acre property. Overall, the amendment results in a net decrease in impacts to public infrastructure, except for recreation and open space. All future development plans submitted for the subject property will require a detailed technical review by the Staff 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 is subject to concurrency regulations at the time of development requiring public facilities and services to be provided or for the developer to enter into a mitigation agreement for their impacts.

TRANSPORTATION

A transportation report has been prepared by LTG, Inc., and reviewed by staff. As indicated in the report, there is a decrease in the number of daily trips and P.M. peak hour trips from the current to the proposed FLU designation. The reduction in anticipated daily trips and P.M. peak hour trips is due to the change from a FLU designation that supports non-residential uses to a FLU designation that support residential uses. According to the Institute of Transportation Engineers (ITE), residential dwelling units have a lower trip generation than office and commercial uses because office and commercial uses attract trips from a larger area. Based on the ITE Trip Generation Manual, 10th Edition, the proposed FLU designation could generate 347 P.M. peak hour trips, and 3,742 daily trips based on theoretical maximum of 560 units. The proposed multi-family development of 384 units could generate 238 P.M. peak hour trips, and 2,554 daily trips. This is a decrease from the current FLU designation.

The extent of the anticipated impacts on the road network will not be known until the traffic concurrency review is conducted with the final site plan for this site. The City requires the submittal of a traffic study at the time a final site plan is submitted for the development of the apartment complex, to fully assess the impacts of the development on the surrounding roadway network at the time of development and to identify any roadway improvements that might be needed. Similar to other developments within this area of the City, the developer may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City, and possibly Volusia County, to pay for part of the scheduled improvements for the impacted areas. In addition to a possible fair-share payment, the developer of the property may be required to construct mobility improvements to improve capacity and provide alternative modes of transportation along this corridor such as, turn lanes and sidewalks.

SANITARY SEWER

The City has available sewer capacity to accommodate the proposed FLU amendment. The City's adopted LOS standard is 160 gallons per day per Equivalent Residential Unit (ERU) and 1/10 gallon per square foot per day of commercial, industrial, or institutional development. Using these standards, the proposed land use would theoretically generate 89,600 gallons per day (gpd) of wastewater. This is a net decrease between the current and proposed FLU designations.

POTABLE WATER

The City has available potable water capacity (well and Consumptive Use Permit) to serve the proposed FLU amendment. The City's adopted LOS standard is 180 gallons per day per ERU and 1/10 gallon per square foot per day of commercial, industrial, or institutional development. Using these standards, the proposed land use would theoretically demand 100,800 gpd of potable water. This is a net decrease in demand between the current and proposed FLU designations.

Even though the City may have the technical capability to pump 15 MGD from its wells, prohibitions within the City's 20-year Consumptive Use Permit (CUP) issued by the St. Johns River Water Management District (SJRWMD) significantly limit the amount of water that is permitted to be withdrawn. The City's CUP allows for an average daily withdrawal of 8.97 MGD and a maximum daily withdrawal of 13.46 MGD in 2020. Actual average daily flow during the 2019 calendar year was 6.05 MGD. When reviewing future land use amendments, the following is considered to determine the amount of permitted water capacity available for all other future uses: the current year CUP allocation, consumption in the previous calendar year, reserved capacity, and projected consumption. Based upon these measures, the City still has available CUP capacity.

SOLID WASTE COLLECTION

There is available capacity at the landfill to address the City's solid waste disposal needs. The City's collection standard is 1,350 residential units per curbside collection crew, per day, and a weight standard of 3.21 pounds per person per day. The proposed land use would generate 4,045 pounds of garbage per day. This is a net decrease between the current and proposed FLU. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050.

STORMWATER DRAINAGE

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

RECREATION AND OPEN SPACE

There is available capacity at existing park facilities to accommodate the proposed FLU amendment. The proposed FLU designation would require 8.82 acres of parkland. According to the City's 2019 Concurrency Management Report, the City has an excess of 55 acres of parkland, so no additional parkland is needed.

SCHOOLS

The Volusia County School District reviewed the proposed FLU amendment for impacts to school capacity. The School District determined that there is adequate school capacity for the estimated 49 students anticipated to be generated by the proposed FLU amendment (Exhibit 1).

ENVIRONMENTAL CONDITIONS

The subject property is primarily categorized as palmetto prairies and pine flatwoods. According to the environmental analysis prepared by Biological Consulting Services, Inc. (BCS) in April 2020 for the subject property, there is about 6.41 acres of wetlands and the possibility of gopher tortoises, but no protected species were observed on site. One osprey nest (delisted species) was observed on the edge of the wetlands in the northwest portion of the site. The osprey was removed from Florida's Endangered and Threatened Species list in 2018; however, the osprey, active nests, eggs, and young are still protected under the Federal Migratory Bird Treaty Act. The osprey nest tree is located within a proposed tree preservation area for the proposed Osprey Pointe Apartments and according to BCS should not be affected by the proposed development. Any subsequent development on the subject property will be required to comply with all federal, state, regional and local regulations pertaining to the protection, relocation, mitigation, and preservation of trees, gopher tortoises, wetlands and other environmental resources.

As with all new development projects this size, an updated Environmental Assessment (EA) will need to be prepared and submitted at the time a site plan is submitted. As part of the EA, the biological consultant is required to identify and document the presence/location of gopher tortoise burrows observed throughout the subject property. If gopher tortoise burrows are identified on the subject property and the developer's project impacts the burrows, the developer will need obtain a permit from the Florida Fish and Wildlife Conservation Commission (FFWCC) to relocate any gopher tortoises from the impacted burrows. In addition to obtaining a permit from FFWCC, the developer will also be required to make a payment to a gopher tortoises mitigation bank. Site clearing will not be allowed to begin until FWC has approved the relocation after action report for the gopher tortoise's relocation and mitigation payment has been received. In addition, an updated study is required within 90 days prior to the start of site clearing activities to ensure an accurate count and location of the active gopher tortoise burrows. At this time the developer has not provided the City with site development plans.

REVIEW CRITERIA AND STAFF FINDINGS

1. *The land use proposal is consistent with the goals, objectives, and policies of the adopted Port Orange Comprehensive Plan.*

Staff finding: The proposed FLU amendment is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan. The proposed FLU category is compatible with adjacent parcels and the proposed multi-family use provides a transitional use between the more intense commercial development and the existing single-family homes across Bruner Road. All public facilities have adequate capacity to accommodate the proposed amendment.

The proposed land use category meets the locational criteria for the *Urban High Density Residential* designation of being located adjacent to a community- or sub-regional-level commercial node or mixed-used center, along an arterial roadway. All public facilities have adequate capacity to accommodate the proposed amendment, and it is compatible with adjacent land uses as described below.

However, the proposed amendment is not consistent with the policies in the Comprehensive Plan regarding the retention of the existing commercial acreage already designated on the FLU map. The following objective and policies are provided in the City's adopted Comprehensive Plan, Future Land Use Element:

- *Objective 3.1: Maintaining Land for Non-residential Uses.* Ensure that the amount of land already designated for non-residential uses does not decrease.
- *Policy 3.1.1: Retain designated commercial and industrial development areas* for their appropriate uses, unless such uses have been planned to be accommodated elsewhere.

The 35-acre amendment would result in a net decrease of a ± 8.82 acres of land within the City designated for commercial. If approved, the ± 8.82 acres would change from a commercial use to a residential use. However, if the FLU amendment is approved, there would still be approximately 40 acres of commercial land at the Clyde Morris Blvd./Madeline Ave. commercial node and of the 40 remaining acres of commercial land, ± 18 -acres remains vacant and can be developed with commercial uses. There are multiple options for additional commercial development within the Clyde Morris Blvd./Madeline Ave. commercial node as there is still vacant commercial land and tenant spaces at built shopping centers. The additional residential units to this area could encourage the further development of the existing commercial land, outparcels and leasing of existing commercial space at the Clyde Morris Blvd./Madeline Ave. commercial node.

Figure 4. Clyde Morris Blvd./Madeline Ave. commercial node



The acreage of the subject property designated for commercial development has expanded over the last 15 years beyond the original acreage designated for the commercial node through changes to the FLU map that extend the commercial land use further south along Clyde Morris Boulevard. Future Land Use Element *Policy 3.2.1* states that, “Commercial uses will be located at roadway intersections, commercial nodes, and mixed-use centers, as defined in the Future Land Use Element.” The land with a Commercial FLU designation proposed to be changed as part of this amendment is located further south along Clyde Morris Boulevard and not at the immediate intersection where the traditional commercial node was established. While the proposed FLU Amendment reduces the amount of land with a *Commercial* FLU designation it does apply a more appropriate FLU designation to the land that is consistent with Future Land Use Element *Policy 3.2.1*.

2. *Amendments shall not result in incompatible land use designations for adjacent parcels or a neighborhood. Compatibility shall be determined by scale of development, intensity, density, and type of use, and the juxtaposition of uses.*

Staff finding: The proposed FLU amendment is compatible with the adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other. The subject property abuts the Neighborhood Walmart and a multi-tenant commercial building to the north, Clyde Morris Boulevard and Pickwick Village mobile home park to the south, to the east is Bruner Road, The Vikings and

Sandalwood residential subdivisions, vacant city-owned land, and the Police Department, and to the west is Clyde Morris Boulevard, vacant commercial land, and Colony in the Wood mobile home park. (see Table 1 – page 2).

The proposed multi-family development provides a transitional use between the more intense commercial development at the Clyde Morris Boulevard /Madeline Avenue commercial node and the existing single-family homes across Bruner Road. The subject property will also comply with design requirements in the Land Development Code to ensure compatibility between land uses, such as scale of development, height, setbacks, landscape buffers, and architectural design.

3. *An amendment shall not result in negative economic, social, or other impacts to the City of Port Orange.*

Staff finding: The amendment results in a net decrease in impacts to public infrastructure, except for recreation and open space. All public facilities have adequate capacity to accommodate the proposed amendment and therefore there are no negative 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.

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

Staff finding: The proposed amendment will not encourage sprawl. The amendment is for an infill property surrounded by existing development, with access to existing infrastructure. The proposed amendment will provide for a multi-family development located in close proximity to existing shopping, services, and existing public infrastructure.

SMART GROWTH SUMMARY

The proposed Future Land Use amendment expands housing choices by developing areas of infill or underutilized vacant land within the City that has accesses to existing infrastructure and services (water, sewer, roads, schools, etc.) [Future Land Use Element, Policy 1.2.4 and 2.3.8] and continues a development pattern in this area of offering different residential unit types that can allow for senior citizens to stay within the City as they age, single adults to afford a place to live, and families to find a safe, attractive residential option they can afford near desired amenities and services. Creating residential housing options near established commercial nodes also provides residents with close access to necessary services, creates new business opportunities to serve new and existing residents, and strengthens the local tax base through maintaining and expanding commercial uses.

The proposed development of subject property will connect to the sidewalk network on Clyde Morris Boulevard and construct a sidewalk along Bruner Road connecting to Clyde

Morris Boulevard. This will promote walking and biking to established commercial development, offices, services, multi-modal facilities (Votran bus service, sidewalks and bike lanes) along the Clyde Morris Boulevard and Madeline Avenue corridors and provides residents the option of walking, bicycling, taking public transportation to nearby retail, offices, schools, houses of worship, parks, and other amenities. In addition, creating residential housing options near retail, offices, schools, houses of worship, parks, and other amenities can require less vehicle trips and vehicle miles on the City's roadway network as these uses are nearby residential areas.

The infill development of this property with residential uses would utilize existing infrastructure (roads, sewer, water, etc.), discourages sprawl, and is anticipated to maintain or improve local commercial businesses in this area.

PUBLIC NOTICE

On May 22, 2020, staff posted the property notifying the public of the proposed amendment. The proposed amendment has also been advertised in the News-Journal pursuant to Florida Statutes. As of the time this agenda item was prepared, staff has received 20 inquiries regarding the proposed amendment with general inquiries regarding what was proposed as well as environmental and traffic concerns.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the Future Land Use designation of approximately 35 acres from *Office/Residential Transition* and *Commercial* to *Urban High Density Residential* (8-16 units/acre), and transmittal to the required review agencies for review.

ATTACHMENTS

Exhibit 1 – Volusia County School District School Capacity Analysis

EXHIBIT 1

Dr. Scott Fritz
Superintendent of Schools

School Board of Volusia County

Mrs. Ida D. Wright, Chairman
Mrs. Linda Cuthbert Vice-Chairman
Mr. Carl Persis
Mr. Ruben Colón
Ms. Jamie M. Haynes

School Adequate Capacity Determination
Finding of Adequate Capacity Letter

June 16, 2020

Smith Brigman Brock
 Jeffrey P. Brock; Esq.
 220 Charles Street
 Port Orange FL. 32129

RE: Osprey Pointe Apartments – Port Orange
 School Capacity Review #20-03-23-002-A

Dear Mr. Brock:

The County Charter requires any Comprehensive Plan Amendment or Rezoning allowing increased residential density be effective only when adequate public schools can be timely planned and constructed to serve the projected increase in student population. The district uses this requirement as the guiding principle behind the school adequate capacity review.

The School District has reviewed the information for the proposed Osprey Pointe Apartments associated with 35.005 +/- acres of property located at 3835 Clyde Morris Blvd. within the city limits of Port Orange. Proposed amendment would provide for three hundred and eighty-four (384) multi-family units.

The district uses county wide Student Generation Rates (SGRs) of (.127) for multi-family dwelling units. By applying the SGR to the use types in Table 1, we find the project could generate forty-nine (49) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	.273	0	0
Multifamily Dwelling Unit	.127	384	48.768
Manufactured Home Dwelling Unit	.047	0	0
Total			49

Osprey Pointe Apartments – Port Orange
June 16, 2020

When performing adequate capacity review district staff evaluates the effects of the proposed change compared to any remaining permanent capacity within the impacted schools, up to 100%, Table 2. The projected increase in student population may be over 100% if there are plans to serve increased student population in that planning area within the long-term planning horizon. A finding of adequate capacity may be issued in either case.

Table 2

Schools	2019-20 SY Enrollment	% of Permanent Capacity	Plans for capacity increase long-term	Traditional K-12 Students projected
Sugar Mill Elementary	633	107%	no	21
Silver Sands Middle	1324	118%	no	13
Atlantic High	1412	107%	no	14
Other				1

The students projected to be generated by this project will increase the existing percentage above 100% permanent capacity at all levels. Sugar Mill elementary is the projected to decrease in total students over the next several years. Currently the planning area for Silver Sands Middle School and Atlantic High (Halifax Planning area) is not over 100%. The School Board also owns a future school site in the Corasci area, grade levels to be determined. Based upon these long-term plans for growth, the school district has no objections to the proposed rezoning.

All future development orders, such as site plans and subdivisions, are subject to school concurrency review. School concurrency will be evaluated at that time when the impact of development is specifically quantified and known. Only funded school improvements and then current capacity will be considered at that time. No Student Reservations have been made at this time.

No Student Reservations have been made at this time.

Please note that the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Consequently, students generated from this project may not attend the current assigned schools.

If you should have additional questions please contact me at (386) 947-8786, extension 50806.

Sincerely,



Stephanie B. Doster,
Coordinator, Planning

Cc: Dr. Scott Fritz, Superintendent of Schools
Steve Grube, Director of Planning and Construction
Penelope Cruz, City of Port Orange
Kiersta Hill, Volusia County School Board
Project File

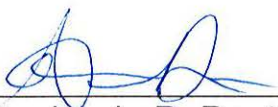


Finding of Adequate School Capacity **Volusia County School Board**

Project Information	
Project Name	Osprey Pointe Apartments
VCSB Project #	#20-06-16-001-A
Jurisdiction Project#	
Parcel ID Numbers:	6306-00-00-0130; 6306-00-00-0132; 6306-00-00-0112
Project Location:	3835 Clyde Morris Blvd
Potential Residential Units:	384
Property Owner/Applicant:	Palmetto Pointe
Notes: Additional review will be required at time of subdivision/site plan submittal(s). No Student Reservations have been made.	

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.

Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, may be subject to additional school capacity review in the future.



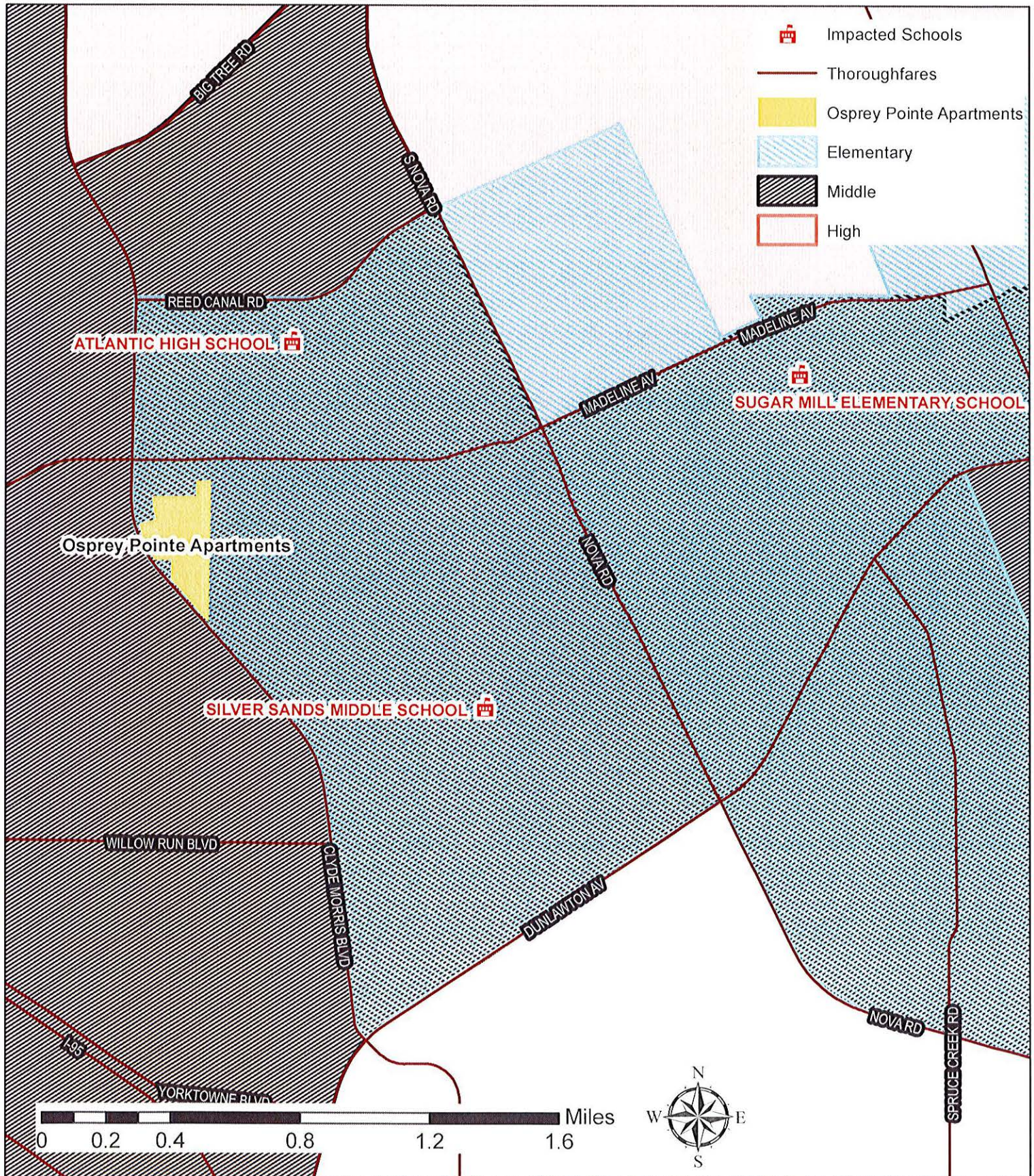
Stephanie B. Doster,
Coordinator, Planning

____16June2020____
Issue Date

VCSB Schools Impacted by Development

Adequate Capacity Review - Osprey Pointe Apartments

Created by Facilities Services
June 2020





REVISED STAFF REPORT CONVENTIONAL REZONING Planned Unit Development (PUD) to Moderate Density Multi-Family Residential (R-3M) CASE NO. 20-60000003

REQUEST:	Rezone $\pm$ 35 acres from Planned Unit Development (PUD) to Moderate Density Multi-Family Residential District (R-3M)
LOCATION:	3835 Clyde Morris Blvd. (Figure 1 – Location Map)
PROPERTY OWNER:	Palmetto Pointe, LLP
APPLICANT:	Jeffrey Brock, Smith Bigman Brock, P.A.
STAFF CONTACT:	Gwen Perney, Senior Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	September 24, 2020 (Continued from August 27, 2020)

Property Overview

Jeffrey Brock, applicant on behalf of the property owner, Palmetto Pointe, LLP, requests to rezone the $\pm$ 35-acre subject property from Planned Unit Development (PUD) to Moderate Density Multi-Family Residential District (R-3M). The property is located along the east side of Clyde Morris Boulevard, south of Madeline Avenue, between Clyde Morris Boulevard and Bruner Road. The rezoning request is a shift from the negotiated PUD zoning district to a conventional residential zoning district that uses the Land Development Code (LDC) to provide development regulations. If the rezoning is approved, the applicant intends to submit a site plan for the development of a 384-unit multi-family complex on the subject property.

Figure 1. Location Map



The applicant's request to change the zoning designation on the subject property does not affect the Comprehensive Plan regarding the extension of Bruner Road from its current southern terminus to Clyde Morris Boulevard. If the rezoning application is approved, Staff has discussed with Volusia County and the potential developer about maintaining the right-of-way for the possible extension of Bruner Road in the future, but NOT constructing Bruner Road from its terminus to Clyde Morris Boulevard as part of developing the subject property. However, the proposed development of subject property will construct a sidewalk along Bruner Road connecting to Clyde Morris Boulevard to increase walkability of the area and reduce vehicular trips to nearby shopping and services.

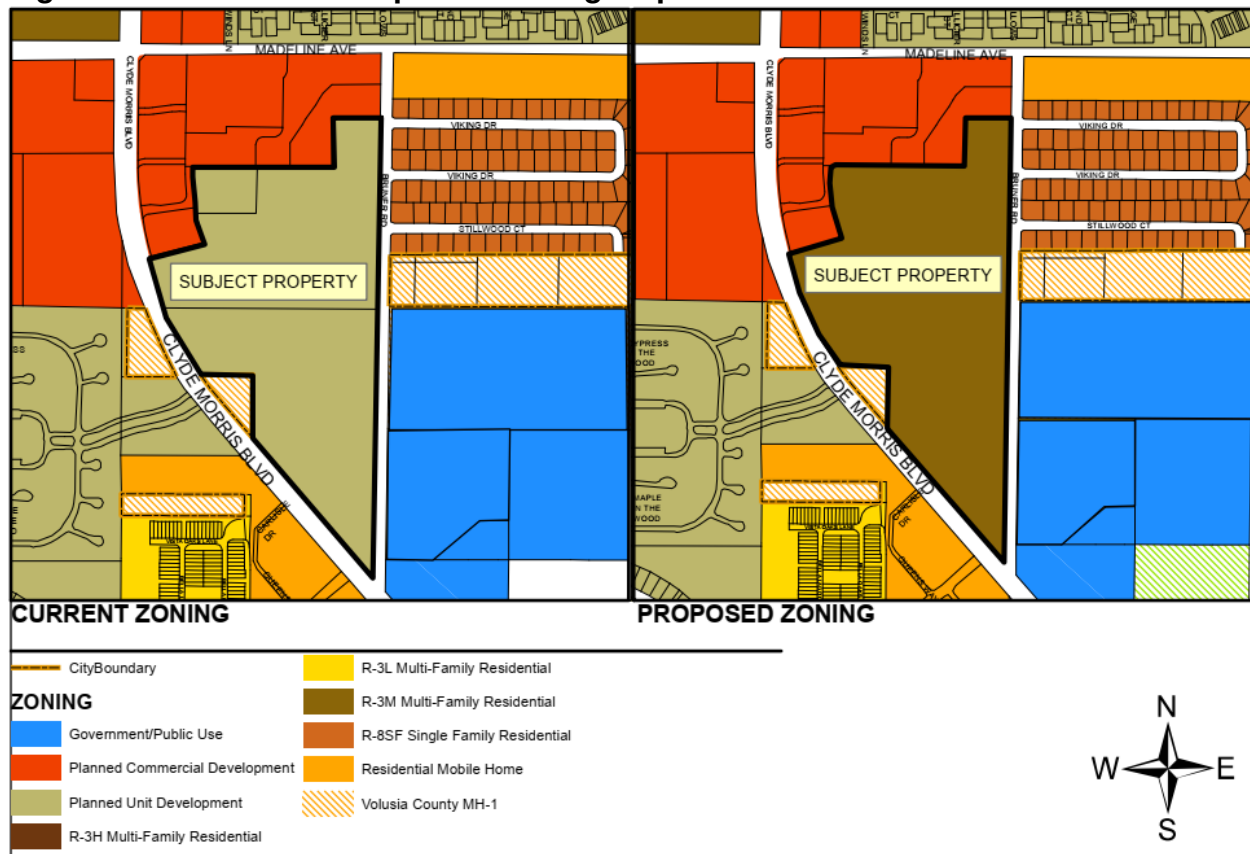
DISCUSSION

The applicant is requesting to rezone the subject property to R-3M with the intent to construct a multi-family development. According to the LDC, the R-3M zoning district is intended to provide moderate density multi-family development on relatively large tracts of land in single or common ownership with a maximum of 12 dwelling units per acre. The proposed R-3M zoning district is consistent with the *Urban High Density Residential* (8-16 units/acre) Future Land Use (FLU) designation that the applicant has applied to change concurrently with the subject rezoning application. A similar property in the City that is zoned R-3M and developed with a multi-family development is The Groves Apartments, located at the northwest corner of Clyde Morris Boulevard and Madeline Avenue.

If approved, the applicant intends to construct a 384-unit apartment complex, with associated site improvements and off-site improvements. The proposed density for the project is ± 10.9 units per acre, which is less than the proposed R-3M zoning district maximum of 12 units per acre.

The subject property was part of the ± 52.73 acre The Palms PUD approved in 2007 which allowed for the development of 451 multi-family units and 187,000 square feet of commercial uses. The MDA for the previously approved The Palms PUD, expired in 2009 and the property remained vacant. In 2015, ± 17.72 acres of the original The Palms PUD were rezoned to the Palmetto Pointe Planned Commercial Development (PCD) and was developed with a commercial development (Walmart Neighborhood Market).

The remaining ± 35 -acre subject property is still vacant and zoned Planned Unit Development (PUD) without a Master Development Agreement (MDA). According to the LDC, the PUD zoning district is intended to provide a variety of housing types with a broad range of housing costs allowing for the integration of differing age groups and socioeconomic classes. However, the LDC does not provide residential permitted uses or dimensional requirements for properties zoned PUD without an MDA. The rezoning of the subject property to R-3M is to establish residential permitted uses and dimensional requirements (minimum lot width and area, building setbacks, maximum height, building coverage, open space, etc.) as provided in the LDC so the property can be developed as a multi-family development (Figure 2).

Figure 2. Current and Proposed Zoning Map

The current PUD zoning on the subject property is a residential designation; however, without an MDA, there are no listed permitted uses or dimensional requirements for the subject property. The PUD zoning district is intended to provide a flexible approach for unique and innovative residential development proposals, which would otherwise not be permitted by this code. Because the applicant intends to develop the site in compliance with the requirements already established in the LDC for a multi-family residential development and does not anticipate any deviations from basic code provisions, the applicant has selected to use a standard zoning district consistent with the proposed FLU designation of the property (See Case No. 20-20000002 Staff Report). Currently, no development can occur until the subject property is rezoned to a conventional City zoning district or a new MDA is approved.

If the subject property is rezoned to the R-3M conventional zoning category, the City's Land Development Code will provide permitted uses and dimensional requirements for any proposed development on the subject property. The dimensional requirements for the R-3M zoning district are shown in Table 1.

Table 1. Dimensional Requirements for the R-3M Zoning District

	Min Living Area/D.U. (Sq. Ft.)	Min Lot Area/D.U.	Min Lot Width	Max Building Coverage	Min Open Space	Front Building Setback	Side Building Setback	Rear Building Setback	Max Building Height
Apartments & Condominiums	600	—	150'	40%	60%	30	25**	25**	45'
Fee simple Townhomes	900	2,000 sq. ft.	20' D.U.	40%	60%	—	—	25**	35'
**Multifamily buildings of greater than 25 feet in height shall have a building setback equal to or greater than the building height									

All future development plans (subdivision and site plan) will require detailed technical review by the Staff Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and City's Comprehensive Plan are met. Specific site development requirements listed in the LDC, such as the width of the landscape buffers, location and size of the stormwater pipes, water lines, and sewer lines, parking lot design, architectural design, tree and wetland preservation/mitigation, and other development requirements are finalized with the site plan. Site plans are typically a 20 to 50-page set of technical documents that are signed and sealed by a licensed engineer and contain extensive engineering, landscaping, and construction details. The site plan for the subject property will be required to be designed to meet the requirements of the LDC.

As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development such as school and transportation concurrency. Concurrency review determines if the developer is required to construct facilities, or for the developer to enter into a mitigation agreement to pay for their impacts. As for traffic, the developer may need to enter into a Transportation Fair-Share and Concurrency Agreement to pay for part of the scheduled improvements for impacts to the roadway network. Any subsequent development on the subject property will also be required to comply with all federal, state, regional and local regulations pertaining to the protection, relocation, mitigation, and preservation of trees, gopher tortoises, wetlands and other environmental resources.

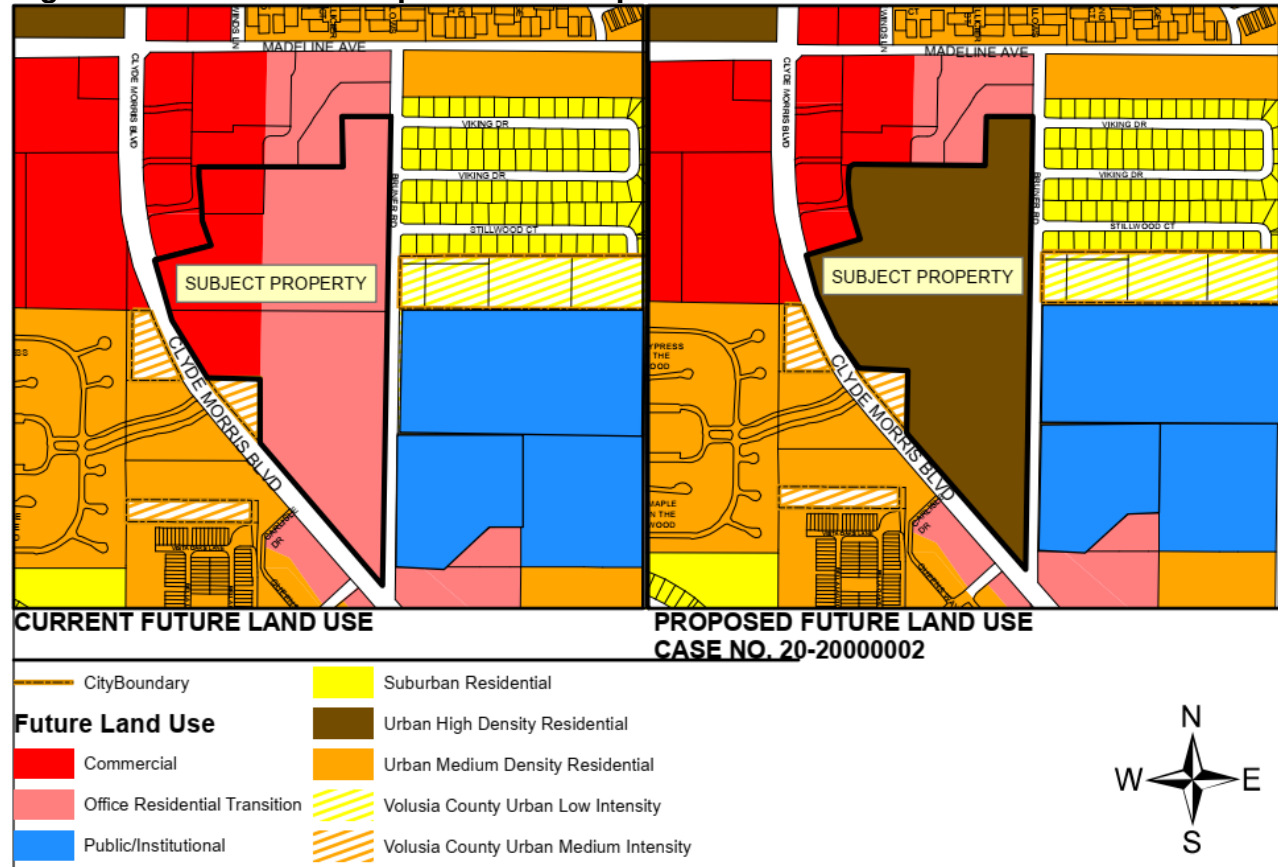
In addition to the standard development requirements in the LDC, there is a specific development requirement for any property zoned R-3M regarding project access. According to the LDC, a property zoned R-3M is required to have direct access onto an arterial or major collector road as designated under the functional classification system in the City's Comprehensive Plan. The subject property has direct access onto Clyde Morris Boulevard, which is designated as an arterial road in the City's Comprehensive Plan and will be required to provide an access point onto Clyde Morris Boulevard. Staff has discussed with the potential developer about maintaining the right-of-way for the possible extension of Bruner Road in the future, but not constructing Bruner Road from its terminus to Clyde Morris Boulevard as part of developing the subject property. However, the LDC does not restrict access from the subject property onto Bruner Road.

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

Consistency with Comprehensive Plan

The applicant has applied to change the FLU designations of the subject property to *Urban High Density Residential (8-16 units per acre)* concurrently with the subject rezoning application (Case No. 20-20000002). The proposed R-3M zoning district is consistent with the proposed *Urban High Density Residential (8-16 units per acre)* FLU designation as the R-3M zoning district allows for multi-family development up to 12 residential units per acre (see Exhibit 1). If the rezoning is approved, the applicant intends to submit a site plan for the development of a 384-unit multi-family apartment complex, at a density of approximately ± 10.9 units/acre, which is consistent with the proposed FLU category and zoning (see Figure 3).

Figure 3. Current and Proposed FLU Map



Compatibility with Surrounding Uses and Zoning

The subject parcel is currently vacant. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 2. The proposed R-3M zoning district will serve as a transition from a higher intensity commercial development at the Clyde Morris Boulevard/Madeline Avenue commercial node and the single-family residential properties to the east. Placement of higher density residential zoning near designated commercial nodes provides density to support existing

commercial development, and future development of the designated commercial node around the intersection of Clyde Morris Boulevard and Madeline Avenue. The existing commercial node centered around the intersection of Clyde Morris Boulevard/Madeline Avenue is designated as a Community Commercial Node. Community Commercial nodes are generally designed to serve the general shopping needs of areas within a ± 2 -mile radius.

The City's Comprehensive Plan, Future Land Use Element encourages the creation of a residential land use pattern that accommodates a diverse housing mix that meets the life-cycle and socio-economic needs of City residents (Objective 4.1), and mixed residential densities in older neighborhoods as a financially feasible alternative to commercial encroachment (Policy 4.2.1). Similar development scenarios in the City exist at the intersection of Clyde Morris Boulevard and Dunlawton Avenue (Ocean Oaks Apartments), Clyde Morris Boulevard and Reed Canal Road (Atlantic Apartments and Reserve at Crystal Lake Apartments), and Village Trail and Dunlawton Avenue (Lakeside Apartments and Park at Countryside Apartments).

Table 2. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Commercial	<i>Commercial/ Office/Residential Transition</i>	Palmetto Pointe Planned Commercial Development (PCD)
South	Clyde Morris Blvd.; Mobile Home Park	<i>Urban Medium Density Residential; Office/Residential Transition</i>	Residential Mobile Home (RMH)
West	Clyde Morris Blvd.; vacant commercial; mobile home park	<i>Commercial; Urban Medium Density Residential</i>	Palmetto Pointe PCD; Groves PCD, Colony in The Wood Planned Unit Development (PUD); Residential Mobile Home (RMH)
East	Bruner Road; Single-Family; City owned land; Police Department	<i>Suburban Residential; Urban Low Intensity; Urban Medium Density Residential; Office/Residential Transition</i>	Single Family Residential (R-8SF); Volusia County MH-1; Multi-Family Residential (R-3L); Government Public Use (GPU)

Schools

The Volusia County School District reviewed the proposed rezoning for impacts to school capacity and determined that there is adequate school capacity for the estimated 49 students anticipated to be generated by the proposed rezoning. If the rezoning is approved, further review will be conducted by the Volusia County School District for capacity reservation for the schools in the proposed development's school zone.

Smart Growth Summary

The proposed rezoning expands housing choices by developing areas of infill or underutilized vacant land within the City that has accesses to existing infrastructure and services (water, sewer, roads, schools, etc.) [Future Land Use Element, Policy 1.2.4 and 2.3.8] and continues a development pattern in this area of offering different residential unit types that can allow for senior citizens to stay within the City as they age, single adults to afford a place to live, and families to find a safe, attractive residential option they can afford near desired amenities and services. Creating residential housing options near established commercial nodes also provides residents with close access to necessary services, creates new business opportunities to serve new and existing residents, and strengthens the local tax base through maintaining and expanding commercial uses.

The proposed development of subject property will connect to the sidewalk network on Clyde Morris Boulevard and construct a sidewalk along Bruner Road connecting to Clyde Morris Boulevard. This will promote walking and biking to established commercial development, offices, services, multi-modal facilities (Votran bus service, sidewalks and bike lanes) along the Clyde Morris Boulevard and Madeline Avenue corridors and provides residents the option of walking, bicycling, taking public transportation to nearby retail, offices, schools, houses of worship, parks, and other amenities. In addition, creating residential housing options near retail, offices, schools, houses of worship, parks, and other amenities can require less vehicle trips and vehicle miles on the City's roadway network as these uses are nearby residential areas.

The infill development of this property with residential uses would utilize existing infrastructure (roads, sewer, water, etc.), discourages sprawl, and is anticipated to maintain or improve local commercial businesses in this area.

Public Notice

On May 22, 2020, staff posted the property notifying the public of the proposed amendment. As of the time this agenda item was prepared, staff has received 20 inquiries regarding the proposed amendment with general inquiries regarding what type of development is being proposed as well as environmental and traffic concerns including opposition of access to Bruner Road as well as the construction of the remainder of Bruner Road.

Staff Recommendation

Staff recommends approval of the request to rezone ±35 acres from Planned Unit Development (PUD) to Moderate Density Multi-family Residential (R-3M) District.

Attachments

Exhibit 1 – List of permitted uses for R-3M

Exhibit 1

Section 12: - Moderate density multifamily residential (R-3M) district.

(a) Purpose and intent. The moderate density multifamily residential (R-3M) district is intended to provide moderate density multifamily development on relatively large tracts of land in single or common ownership.

(b) Permitted uses.

(1) Multifamily dwellings (12 units per gross acre maximum allowable density).

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

(1) Assisted living facilities (subsection 1).

(2) Childcare centers (subsection 4).

(3) Clubs, lodges, and fraternal organizations (subsection 5).

(4) Nursing homes (subsection 10).

(5) Community gardens (subsection 5.1).

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

(1) Houses of worship (subsection 8).

(2) Private schools (subsection 16).



STAFF REPORT
CASE NO. 20-25000006
LDC Amendment/Chapter 3

REQUEST:	To amend Chapter 3 of the Land Development Code (LDC) to add requirements for neighborhood meetings.
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
PLANNING COMMISSION:	September 24, 2020

SUMMARY OF PROPOSED AMENDMENT

The proposed amendment is intended to improve the content of the existing Land Development Code (LDC), as part of an on-going maintenance effort. The proposed amendment provides regulations for neighborhood meetings to be part of the development review process for specific development applications. It will be the responsibility of the developer of a project to schedule and hold the neighborhood meeting.

The purpose of the neighborhood meeting is for a developer of a project and the community to meet in an informal setting to discuss and explain their proposed development project and provide the developer an opportunity to answer questions, hear comments and concerns, and discuss design alternatives to improve compatibility. The neighborhood meeting is intended to benefit both the applicant and the community by initiating early discussion of the project and often the developer can make modifications to address or minimize concerns raised at a neighborhood meeting. Other cities in Volusia County also have similar requirements for neighborhood meetings as part of their development review process.

Over the past few years staff has been able to encourage developers to conduct neighborhood meetings without it being a requirement in the LDC. Developers that held these neighborhood meetings prior to the first public hearing have been able to assist in the community's understanding of the proposed development and address specific concerns raised at the neighborhood meeting. However, many times the developer looks to staff for standards in scheduling the meeting and notifying the community.

The proposed amendment is to provide consistent regulations for noticing, hosting, and summarizing a neighborhood meeting and the type of development proposal a neighborhood meeting is required for. In the proposed amendment, a neighborhood meeting is required after a pre-application meeting with staff and at least 21 days before a development application is reviewed by the Planning Commission (if applicable) or prior to the first resubmittal of a development application if the application does not require

public hearings (i.e. site plan). The following development proposals would require a neighborhood meeting to be held

- Comprehensive Plan Future Land Use Amendment for a non-residential or multifamily use adjacent to an existing single-family development.
- Rezoning for a non-residential or multifamily use adjacent to an existing single-family development.
- Site Plan or Subdivision for a non-residential or multifamily use adjacent to an existing single-family development.
- As directed by the Community Development Director based on size and potential impacts of the proposed development to the adjacent properties.

The developer will be required to mail a notice of the meeting date, time, place and general nature of their development proposal, a minimum of ten (10) days in advance of the meeting. Those to be notified will include all property owners and adjacent neighborhood Home Owner Associations' inside a radius of five hundred (500) feet measured from the boundary of the development site, including property owners that may be located within a different jurisdiction, the Council Member for the City Council District the development project is located in, and City staff. The applicant will also be required to post the property with a sign(s) to notice the neighborhood meeting at least ten (10) days before the meeting. The proposed 500-foot notice radius and posting of property were selected to be consistent with current requirements in the LDC as it relates to notices for variances, special exceptions, and conditional uses. After the neighborhood meeting, the developer will be required to submit a summary of the meeting to City staff at least 14 after the meeting.

RECOMMENDATION

Approval of the amendment to Chapter 3 of the Land Development Code, adding requirements for a developer to hold a neighborhood meeting.

Attachments

Exhibit 1 – Proposed LDC Amendments to Chapter 3

Exhibit 1

Land Development Code

Chapter 3 – ADMINISTRATION

Section 8. Neighborhood Meeting.

1. Purpose. The purpose of the neighborhood meeting is to provide an opportunity where an applicant and the community can meet and discuss a proposed development in an informal environment, to inform and contribute to the community's understanding and knowledge about a proposed development, and to provide the applicant an opportunity to hear comments and concerns about the proposed development and address outstanding issues where possible.

2. Applicability.

a. Neighborhood Meeting Mandatory. A neighborhood meeting is required after the pre-application meeting with staff and at least 21 days before any of the following applications is reviewed by the Planning Commission (if applicable) or prior to the first resubmittal if the application does not require public hearings. If a resubmittal on the subject development application is not received within six months of the neighborhood meeting, a subsequent neighborhood meeting may be required by the Administrative Official. This requirement does not apply if the application is one initiated by the City of Port Orange.

i. Comprehensive Plan Amendment for a non-residential or multifamily use adjacent to a single-family district.

ii. Rezoning for a non-residential or multifamily use adjacent to a single-family district.

iii. Site Plan or Subdivision for a non-residential or multifamily use adjacent to a single-family district.

iv. As directed by Community Development Director based on size and potential impacts of the proposed development.

b. Neighborhood Meeting Optional. A neighborhood meeting is encouraged, but not required, of any application for a development reviewed under this Code other than those listed in subparagraph [a] above.

3. Procedure. If a neighborhood meeting is held by the applicant, whether it is mandatory or voluntary, it shall comply with the following procedures. A record of the meeting including written meeting minutes and a sign-in sheet listing those in attendance shall be provided to the Community Development Department. It is the responsibility of the applicant to notify, in writing, all affected parties, including the Homeowners' Association, if one exists, all tenants of property, the appropriate City staff person, and the City Council person for the district the property is located in, of the meeting's date, time, and place.

a. *Time and Place.* The meeting shall be held at a place within the City that is convenient and accessible to neighbors residing in close proximity to the land subject to the application. The meeting shall not be held in a public facility. It shall be scheduled after 6:00 p.m. on a weekday. The meeting shall not occur on the same night as a Planning Commission or City Council meeting.

b. *Mail Notice.* The applicant shall mail notice of the meeting date, time, place and general nature of the development proposal, a minimum of ten days in advance of the meeting, to the Council Member for the City Council District the site is located in, City staff, and all property owners and adjacent neighborhood Home Owner Association's inside a radius of five hundred (500) feet, including property owners that may be located within a different jurisdiction, from the boundary of the proposed development. Documentation of the mailed notice in the form of a stamped mailing list by the local postal office or comparable certification signifying the notice was sent shall be provided to staff for verification.

c. *Posted Notice.* The applicant shall post the property subject to the development application with a sign(s) notice of the neighborhood meeting at least ten days before the date fixed for the meeting. The sign shall be approximately 24"x36" and in a form that is weatherproof and legible to the public without the need to trespass onto to subject property. The notice shall state the time and place of the meeting, summary of the development proposal, and the applicant's contact information for further information. Signs shall be placed, at a minimum, along all public road frontages, with at least one sign located every 500 feet along any one frontage.

d. *Conduct of Meeting.* At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns neighbors raise about the application, propose ways to resolve conflicts and concerns, and note that a written summary of the meeting shall be prepared and made available to the public for response.

e. *Staff Attendance.* City staff shall not be required to attend the neighborhood meeting. If City staff attends the meeting they shall only act as an observer of the proceedings.

f. *Written Summary of Neighborhood Meeting.* The applicant shall submit a written summary of the meeting to City staff at least 14 days after the meeting. The summary shall include a list of meeting attendees, a summary of attendee comments, discussed issues related to the development proposal, note of the opportunity to submit a written response to the summary, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.