AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, October 22, 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: Variance/Off-site Signage Chapter 15 Section 3(b)(18), LDC
   LOCATION: 5831 S. Williamson Blvd.
   CASE NO.: 20-90000002
   STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673/gperney@port-orange.org
   APPLICANT: Glenn D. Storch, Storch Law Firm

   A request by the applicant for a variance from Chapter 15, Section 3(b)(18) of the Land Development Code to allow an off-site freestanding monument sign.

C. OTHER BUSINESS

6. Commissioner Comments
7. 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 ACCOMODATIONS, 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.

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 October 22, 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 October 22, 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
SEPTEMBER 24, 2020

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

Pledge of Allegiance

Silent Invocation

Roll Call

Present:	Maria Mills-Benat John Junco Thomas Jordan Newton White Lance Green Stan Schmidt
Absent:	Darrel “Bo” Bofamy (unexcused)
Also Present:	Shannon Balmer, Assistant City Attorney Shelby Field, Assistant City Clerk

B. <u>DISCUSSION/ACTION</u>

4. Consideration of Minutes

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

Chair Mills-Benat opened items #5 and #6 together.

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

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

Jeff Brock, Attorney for the applicant, gave a presentation and answered questions from Commissioners.

Nelson Caparas, Lassiter Transportation Group, discussed estimated traffic scenarios based on the proposed residential project.

Shannon Lee, Collier Companies, spoke about the draft design of the proposed apartments.

Wayne Smith, citizen, is concerned about the amount of development in the City and doesn't believe Bruner Rd. can support the additional traffic.

Richard Hyde, citizen, is concerned about the traffic impact if another community starts using Bruner Rd.

Robert Reinhagen, citizen, spoke about the inconsistencies he noticed in the plan.

Mrs. Cruz addressed traffic concerns with the proposed project stating the traffic analysis in the staff report is required to analyze the theoretical maximum, so in this case 560 units when they are actually proposing 384 units.

Motion to approve Case No. 20-20000002 was made by Commissioner Jordan and Seconded by Vice Chair Junco. Motion passed 4-2 by roll call vote with Commissioner Jordan and Commissioner White voting no.

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

Motion to approve Case No. 20-60000003 was made by Commissioner Jordan and Seconded by Commissioner Green. Motion passed 4-2 by roll call vote with Commissioner Jordan and Commissioner White voting no.

7. CASE NO.: 20-25000006
Amendment/Chapter 3

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

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

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

Motion to approve Case No. 20-25000006 was made by Vice Chair Junco and Seconded by Commissioner Jordan. Motion passed unanimously by roll call vote.

C. OTHER BUSINESS

8. Commissioner Comments

Commissioner White asked to be re-subscribed to the City Manager's weekly newsletter. Staff is going to look into the issue.

Chair Mills-Benat asked about getting a sidewalk on Jackson St. between Herbert St. and Madeline Ave. Tim Burman, Community Development Director, explained some of the constraints.

9. Staff Comments

There were none.

D. PUBLIC COMMENTS

Mr. Reinhagen reminded the Commission that FDOT is holding a public hearing regarding the interchange at Pioneer Trail and he would like to see a full clover leaf there. He asked Commissioners to write in or participate in the meeting.

E. ADJOURNMENT – 6:55 pm

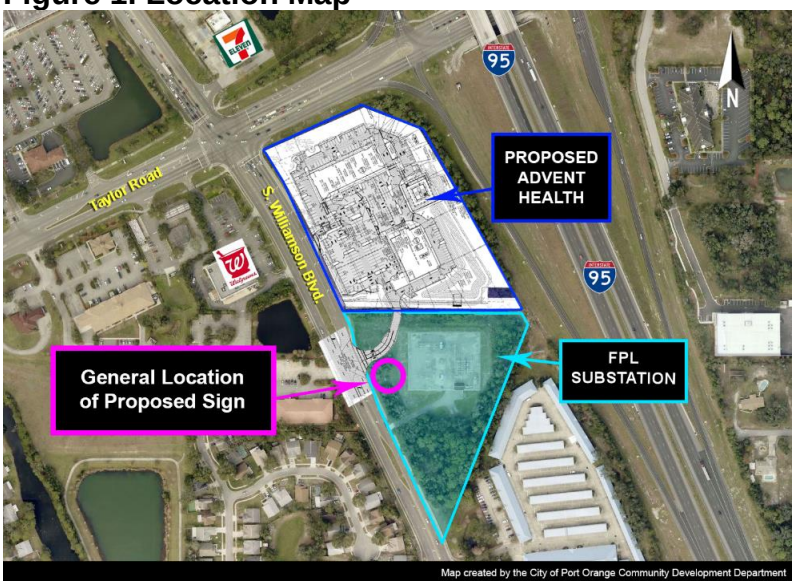
_____
Chair Mills-Benat

STAFF REPORT
VARIANCE / OFF-SITE SIGNAGE CHAPTER 15 SECTION 3(b)(18), LDC
CASE NO. 20-90000002

REQUEST:	A variance from Chapter 15, Section 3(b)(18) of the Land Development Code to allow an off-site freestanding monument sign
PROPERTY OWNER:	Florida Power and Light Company (FPL)
APPLICANT:	Glenn D. Storch, Storch Law Firm
LOCATION:	5831 S. Williamson Blvd.
STAFF RECOMMENDATION:	Approval, subject to limiting Advent Health one freestanding sign located next to the on-site right-in access drive and one freestanding sign next to the off-site access drive along the Williamson Boulevard right-of-way.
STAFF CONTACT:	Gwen Perney, Senior Planner (386) 506-5673
PLANNING COMMISSION DATE:	October 22, 2020

BACKGROUND
Glenn D. Storch, representing Memorial Health Systems, Inc. (Advent) and Florida Power and Light (FPL) Company, property owner, is requesting a variance from the Land Development Code (LDC) to allow an off-site monument sign for the Advent Health Emergency medical facility on property owned by FPL. The Advent Health Emergency medical facility is currently under construction and located at the southeast corner of Taylor Road and S. Williamson Boulevard (Figure 1 – Location Map). The FPL property where the Advent sign is proposed to be located is the neighboring property to the south.

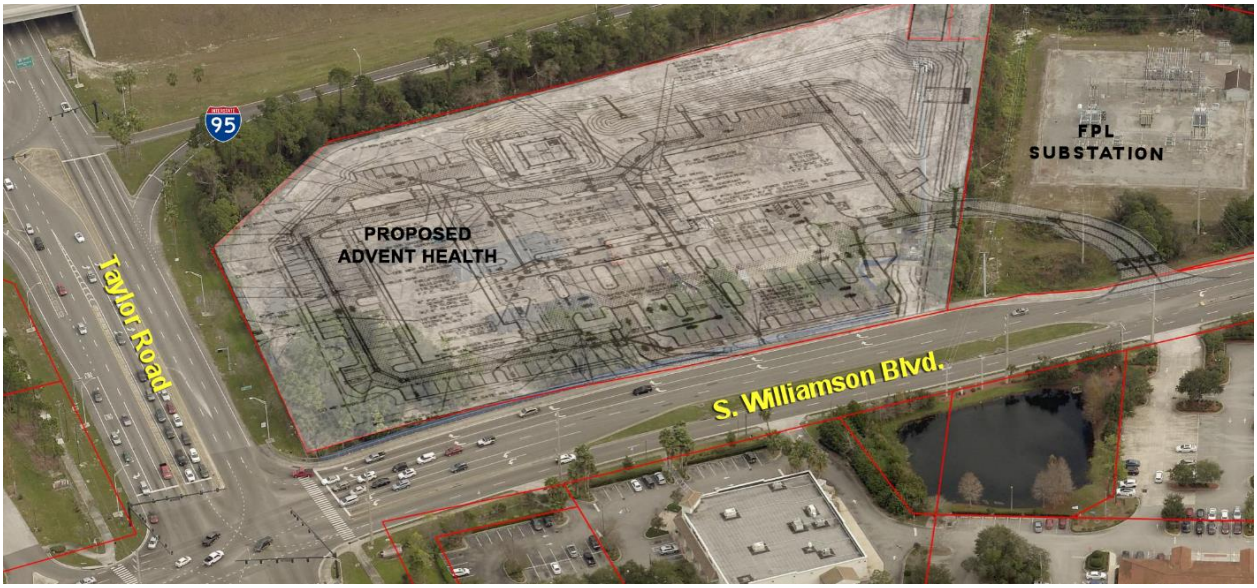
Figure 1. Location Map



DISCUSSION

In January 2020, a site plan was submitted to develop an Advent Health emergency care building and a two-story medical office building along with associated site improvements. As indicated above, the Advent property is located at the southeast corner of Taylor Road and Williamson Boulevard. Due to the existing roadway design of Williamson Boulevard, configuration of the exisitng left and right turn lanes at the intersection onto Taylor Road, and the distance requirement between a driveway and the Taylor Road and Williamson Boulevard intersection, only a limited access driveway with a right-in/right-out access was permitted by City and Volusia County code. Since Williamson Boulevard is a County maintained roadway, Advent was required to obtain a use permit from Volusia County for the driveways into their site.

Figure 2. Existing adjacent travel and turn lanes along Williamson Boulevard



Therefore, if the Advent site was developed with only a right-in/right-out access driveway, vehicles (general public and emergency) exiting or entering the site would need to do the following:

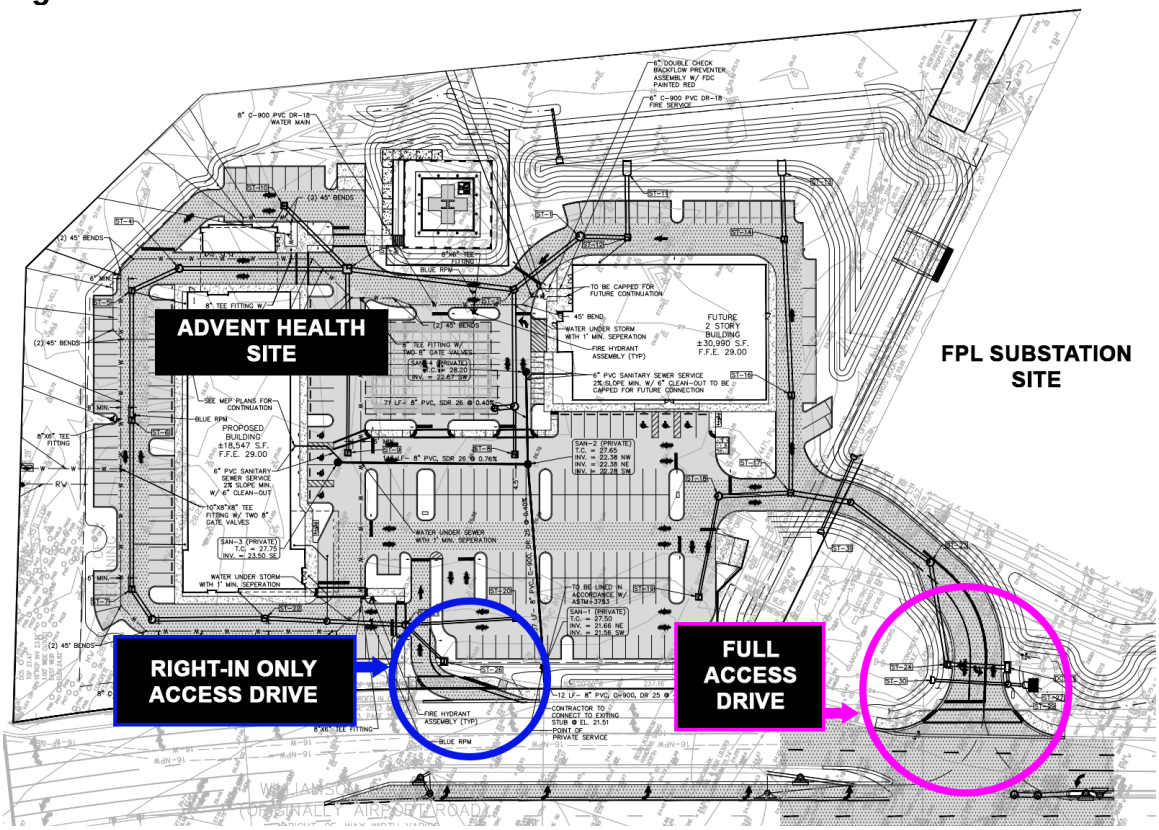
- Exiting the Advent site to travel southbound on Williamson Boulevard would require a vehicle to go north to the Taylor Road/Williamson Boulevard intersection and make a U-turn at the intersection.
- Exiting the site to travel east, west, or north would just require a vehicle to go north to the Taylor Road/Williamson Boulevard intersection.
- Entering the site from the east, west, or north would require a vehicle to travel southbound on Williamson Boulevard past the Advent site, make a U-turn in front of the All Aboard Storage Facility, and then travel northbound to turn right in the Advent Site.
- Entering the site from the south would require a vehicle to turn right into the site.

During the review of the Advent site plan an alternative access solution was reached between City and County staff and the Advent development team to gain access from

the adjacent site owned by FPL and construct a full access drive to eliminate the dependency for U-turns to exit or enter the site. Advent was able to secure an off-site access agreement with FPL and will construct a full access driveway on the FPL property where there is an exisitng median cut on Williamson Boulevard along with a driveway from the FPL site to the Advent site (Figure 3). The off-site access driveway design has been reviewed and approved by the City and Volusia County. The approved design also includes a dedicated left turn lane on Williamson Boulevard to allow vehicles making a left into the site to stack in the turn lane to maintain the southbound travel lane capacity. In addition to the off-site driveway, a right-in only driveway will be constructed on the Advent property as a second point of entry in the event a vehicle passes the main access drive. Compared to the initial right-in/right-out driveway design, the approved driveway design and locations to serve the Advent site improved capacity and safety within this area (intersection and roadways) as it removed the need for U-turns to access the site, allows for full turning movements for the public and emergency vehicles, and vehicles turning left in to the site will not impede Williamson Boulevard traffic.

During the review of site plan, the development team was advised that a variance would need to be approved by the Planning Commission to place an Advent Health sign off-site at the full access drive located on the FPL property. According to the applicant, Advent wanted to show their commitment to providing a safer and more efficient access solution for their site and continued through the permitting process prior to requesting the variance.

Figure 3. Advent Health Site Plan



The Advent project consists of two medical buildings: an emergency room building and a multi-tenant medical office building. According to the LDC, a multi-tenant property is permitted two freestanding signs along a street frontage if the property has a minimum of 450 feet of frontage along a right-of-way. Currently the Advent property along Williamson Boulevard has ±570 feet of frontage and would be allowed two freestanding signs. As part of the variance request, Advent Health is proposing to locate one of their two allowed freestanding signs to the off-site driveway location. Therefore, if the variance is approved it would not increase the number of freestanding signs along this segment of Williamson Boulevard.

The variance request is only to allow an off-site sign as all other requirements in the Land Development Code related to signage would still need to be met (setbacks, sign area, sign height, architectural design, and landscaping). Based on preliminary sign design review, the sign will meet the dimensional requirements of a freestanding sign as to serve both the emergency room facility as well as the future multi-tenant medical office building. A concept of the preliminary sign design is provided as Figure 4.

Figure 4. Conceptual Proposed Freestanding Sign

REVIEW OF VARIANCE CRITERIA

Chapter 19, Section 1, of the LDC, lists the review criteria used to determine whether the variance requested should be granted. These criteria, accompanied by staff responses, are listed below.

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

According to the applicant, meeting the on-site placement requirement for a freestanding sign will not sufficiently identify the main entrance to the Advent site for vehicles traveling on Williamson Boulevard. The requested location at the main driveway is to provide identification at the main driveway for public and emergency personnel accessing the Advent site.

The applicant further states that the restrictions on the driveway access on Williamson Boulevard is not typical for other commercial sites in the Dunlawton Corridor. Typically, commercial sites within the corridor have a full access driveway or, if access is restricted to a right-in/right-out only driveway, they are

located in developments that have shared access driveways or access to a secondary frontage or a full median opening. Freestanding signage for those developments is typically located near a main access driveway as well as the right-of-way frontage. For this site, the applicant had to secure a full access drive through an off-site agreement with FPL which then prevents having their identification sign at their main access.

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

The special condition cited by the applicant regarding the need to construct the full access driveway to the Advent site off-site which generated the request for an off-site sign was not a result of actions by the applicant or either property owner.

Volusia County has historically stated that only a right-in/right-out access driveway would be allowed for this commercially zoned property because of the traffic volume in this area and turn lane configuration on Williamson Boulevard. When Advent Health purchased the property from a previous owner, Advent began the process of working with the City, County, and FPL to secure an off-site access driveway on the FPL site to provide the necessary access to serve this commercially zoned property. The applicant states that the need to resolve the special condition related to access is what created the variance request for off-site signage.

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

Literal interpretation of the LDC would not deprive the applicant of rights commonly enjoyed by other properties within the same zoning district. The review process for freestanding signs requires that they meet the code requirements in Chapter 15 (Signage) of the LDC. The LDC does not reduce the number of signs that can be placed along Williamson Boulevard for the Advent property; however, it does limit where the signs can be placed along the frontage.

It is typical for businesses along an arterial or collector roadway within the City of Port Orange to place signage to identify the main access driveway for that business. With the variance request, the applicant is requesting the same ability to install their identification sign near the main access driveway for the business. As indicated above, this site is unique regarding allowed access and required Advent Health to develop an alternative design to allow for a safe and efficient way to enter and exit this site. According to the applicant, by a doing an alternative design to improve access for this site and lessen the impact on Williamson Boulevard, they are being deprived of being able to identify at their main access driveway.

The LDC does allow two freestanding signs on the Advent Health property; however, the applicant is requesting one of the identification signs to be located at the main entrance to the site which is located off-site. According to the applicant, the off-site access drive will serve as the main entrance to the facility and as such, should be permitted to have an entrance sign. The applicant further states that not allowing a sign at this location may cause a safety issue by not providing adequate entrance signage alerting an emergency vehicle driver or any other driver in need of emergency services of the main access driveway for Advent facility.

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

The variance requested is not necessary to make reasonable use of the land as Advent Health has the ability to install two freestanding signs along Williamson Boulevard on their property as well as freestanding signage along Taylor Road and I-95.

According to the applicant, the variance is necessary to make reasonable use of the land as the off-site sign is needed to identify the main access point to the Advent medical facility. The applicant also states that while the main driveway into the site is located off-site, the off-site improvements when completed will appear to be part of the Advent site and the sign at the main entrance will not appear as off-site signage. As part of the variance request, the applicant is only proposing to install one sign along Williamson Boulevard on the Advent property and one sign at the off-site access driveway. The proposed signs will be in compliance with the LDC in terms of sign dimensions, design, and setbacks from the driveway and Williamson Boulevard right-of-way. As indicated above, the LDC would allow two monument signs along Williamson Boulevard for this site, the variance request is to allow flexibility with locating one of the signs near the main access drive for the Advent project.

The applicant acknowledges that there is space available on the property owned by the Advent to install their freestanding sign that meets the requirements of the LDC. However, due to the distance that the sign would have to be set back from the main access point on Williamson Boulevard, having the freestanding sign on the Advent property would not effectively identify where to access the Advent site for the public and emergency vehicles on Williamson Boulevard.

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

Common practice is for staff to work with an applicant to identify locations on their property to locate a freestanding sign that meets the code. However, in this case, the applicant and staff were unable to find a solution to the placement of a freestanding sign near the off-site entrance. As indicated above, due to the distance that the sign would be set back from the main access point on

Williamson Boulevard, it would not effectively identify the main access for the Advent site for the public and emergency vehicles.

According to the applicant, the placement of the Advent Health sign on the FPL property would not confer special privilege because many other businesses in the city have their identification sign at or near the main access drive for the business. The applicant states that identifying the Advent Health facility at its main access point is necessary to provide identification for the public and emergency vehicles traveling north and south on Williamson Boulevard to access the site.

Granting the requested variance for an off-site sign will confer special privilege on the applicant because off-site signage is prohibited by the LDC and the development is permitted to install a sign at the right-in only access drive on the property. However, the limited vehicular access for the property and the off-site main access driveway are special circumstances that are not typical for developments in Port Orange. If Advent Health had been able to purchase the FPL property and incorporate that land into the subject property, the proposed sign would not be considered an off-site sign and would be permitted to be installed at the full-access driveway without a variance. According to the applicant, the off-site signage will assist the public and emergency service drivers to find the main entrance to the facility more efficiently and access emergency services in a timelier manner.

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

The purpose and intent of the LDC is to provide adequate signage options for local businesses for identification and communication, to reduce visual clutter for roadway corridors, to protect motorists from visual distractions and obstructions, and to maintain the visual appearance of signage within the City.

Granting the variance would meet the general intent of the LDC by providing a sign at the main entrance to the development, as is typically permitted for commercial developments. The proposed sign is not anticipated to adversely impact the public or surrounding properties as it will be required to meet the setback and visual clearance requirements of the LDC. If the variance is approved, the off-site sign will appear to be part of the Advent site since Advent will be developing the off-site access and driveway in a similar manner to the Advent site and the sign at the main entrance is not anticipated to appear as off-site signage.

The requested variance will not add additional signage to the Williamson corridor as the Advent Health property is allowed two signs. One of the permitted signs is requested to be moved to the off-site location. If the variance is approved, a building permit will be required to be submitted and reviewed by the City to

ensure compliance with the requirements in the LDC with regards to design and dimensional requirements.

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

The variance requested is not based on a claim brought under the Bert J. Harris Private Property Rights Protection Act.

RECOMMENDATION

Based on the criteria listed in Chapter 19 of the Land Development Code and the request as outlined in this report, staff recommends approval of the variance to allow an off-site freestanding sign on the FPL property for Advent Health, subject to limiting Advent Health to one freestanding sign near the right-in access drive on the Advent property and one freestanding sign near the off-site access drive along the Williamson Boulevard right-of-way.