

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 26, 2021

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

Pledge of Allegiance

Silent Invocation

Roll Call

Present: John Junco
Lance Green
Newton White
Stan Schmidt
Maria Mills-Benat
Thomas Jordan
Darrel "Bo" Bofamy

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

B. DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve the minutes as presented from July 22, 2021 was made by Commissioner Mills-Benat and Seconded by Commissioner Jordan. Motion carried unanimously by roll call vote.

4. CASE NO.: 21-50000002

APPLICATION: Subdivision Plat and Plans/The Palms at Ashton Lakes Subdivision

LOCATION: Southeast corner of S. Williamson Blvd. and Oakwater Lane (6241 S. Williamson Blvd.)

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

APPLICANT: Roger Strcula, Upham, Inc.; 265 Kenilworth Ave., Ormond Beach, FL 32174

A request by the applicant to subdivide ±18.7 acres into two (2) commercial lots as shown on the approved The Palms at Ashton Lakes Planned Commercial Development (PCD) Conceptual Development Plan (CDP).

Gwen Perney, Principal Planner, discussed details of the proposed subdivision plat and plans.

Motion to approve Case No. 21-50000002 was made by Commissioner Jordan and Seconded by

Commissioner White. Motion carried unanimously
by roll call vote.

5. CASE NO.: 20-65000002

APPLICATION: PUD Rezoning/Madeline Commons Planned Unit Development Master Development Agreement and Conceptual Development Plan

LOCATION: North of Charles St., between McDonald Rd. and 5th St.

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

APPLICANT: A. Joseph Posey, Jr., Storch Law Firm; 420 S. Nova Rd., Daytona Beach, FL 32114

A request by the applicant to approve the rezoning of 34.6 acres from R-2D (Two-Family Residential) to PUD (Planned Unit Development) and the Madeline Commons Master Development Agreement and Conceptual Development Plan.

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

Joey Posey, Storch Law Firm, provided a presentation to the Commission containing additional information on the location, the history of the project and the compromises they reached with the two neighborhood meetings held. He answered questions from Commissioners.

Commissioner Schmidt expressed concern with filling in four of the wetland areas on the property and creating runoff. Harry Newkirk, engineer, responded to Commissioner Schmidt's concern explaining the proposed drainage system that will meet both Port Orange's requirements and St. Johns Water Management District requirements. He assured the Commission they will take all necessary precautions and do the calculations to make sure the updated stormwater systems are effective.

Janice Nixon, citizen, is still concerned with the drainage, the removal of the east landscape buffer previously proposed when townhomes were included, and traffic but otherwise she is happy with the compromise Mr. Posey reached with the neighbors.

Motion to approve Case No. 20-65000002 subject to the policy issues was made by Commissioner Jordan and Seconded by Commissioner Mills-Benat. Motion carried unanimously by roll call vote.

6. CASE NO.: 21-20000001

APPLICATION: 21-1 Large-Scale Comprehensive Plan Amendment/Property Rights Element

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

APPLICANT: City of Port Orange

A request to amend the Comprehensive Plan to create a Property Rights Element in compliance with House Bill 59.

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

Motion to approve Case No. 21-20000001 was made by Commissioner Mills-Benat and Seconded by Vice Chair Schmidt. Motion carried 6-1 by roll call vote with Commissioner Bofamy voting no.

Shannon Balmer, Assistant City Attorney, asked for clarification on the reason Commissioner Bofamy voted no. Commissioner Bofamy responded he doesn't understand the item being requested. Mrs. Cruz suggested reconsidering the motion upon further explanation.

Motion was made to reconsider the motion by Commissioner White and Seconded by Commissioner Schmidt. Motion carried unanimously by roll call vote.

Mrs. Cruz provided additional information about the request to amend the Comprehensive Plan to create a Property Rights Element in compliance with House Bill 59.

Motion to approve Case No. 21-20000001 was made by Commissioner Mills-Benat and Seconded by Vice Chair Schmidt. Motion carried unanimously by roll call vote.

7. CASE NO.: 21-15000001

APPLICATION: Amendment to Port Orange Town Center Community Redevelopment Plan

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

APPLICANT: City of Port Orange

A request to amend the Port Orange Town Center (POTC) Redevelopment Plan to modify the Riverwalk Planned Community Conceptual Development Plan (CDP).

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

Robert Reinhagen, citizen, spoke against the project. The ordinance that set up Riverwalk promised a promenade for public access along the entire length of the river, and he believes offering the land for sale violates the intent of the Ordinance. He recommends denial.

Tim Burman, Community Development Director, addressed Mr. Reinhagen's concerns about developers overrunning the property and not allowing public access. It has been stressed with the Collier Company and it is in the plan that a public space/walkway is required.

Motion to approve Case No. 21-15000001 was made by Commissioner Mills-Benat and

Seconded by Commissioner Bofamy. Motion
carried unanimously by roll call vote.

8. CASE NO.: 21-25000005

APPLICATION: LDC Amendment/Chapter 2, 17, and 18

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

APPLICANT: City of Port Orange

A request to amend Chapters 2, 17, and 18 of the Land Development Code (LDC) regarding the Riverwalk Overlay District and the Planned Commercial-Riverwalk (PC-R) zoning district.

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

Motion to approve Case No. 21-25000005 was
made by Commissioner Mills-Benat and
Seconded by Commissioner White. Motion
carried unanimously by roll call vote.

C. OTHER BUSINESS

9. Commissioner Comments

Commissioner Green inquired as to who owns the water in front of the proposed Fysh Restaurant at Riverwalk. Mr. Burman responded the waterfront in front of Fysh is owned by Halifax River Partners and there is some submerged land that they own as well as some land leases. There are conceptual plans for a Marina that wraps around the entire point.

Commissioner White asked for an update on the permit software system. Mr. Burman anticipates it going live in early 2022.

10. Staff Comments

There were none.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT – 6:55 p.m.



Chair John Junco