



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, April 28, 2022

Time: 5:30 PM

Location: Council Chambers, City Hall
1000 City Center Circle
Port Orange

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. DISCUSSION/ACTION

3. Consideration of Minutes
4. APPLICATION: Small-Scale Comprehensive Plan Future Land Use Map Amendment / 4085 Ridgewood Avenue and 4147 Ridgewood Avenue
CASE NO.: 21-80000002
APPLICANTS: Brendan and Shannon Galbreath
STAFF CONTACT: Gwen Perney, Principal Planner (386) 506-5673

A request by the Applicants to amend the Comprehensive Plan Future Land Use (FLU) map to change the FLU designation for ±1.44 acres from *Commercial* to *Mixed Use Center*.

5. APPLICATION: Rezoning and Restatement of the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP)
CASE NO.: 21-65000002
APPLICANTS: Brendan and Shannon Galbreath and Commons 4075, LLC
STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673

A request by the Applicants to rezone three properties from Community Commercial (CC) and Ridgewood Development (RD) to Planned Commercial Development (PCD) and to approve the Restatement of the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to incorporate the properties into the existing PCD boundary

6. APPLICATION: Small-Scale Comprehensive Plan Future Land Use Map Amendment/5360 Dubois Avenue
CASE NO.: 22-20000002

APPLICANT: City of Port Orange
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676

An administrative amendment to the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ± 0.81 acres from *Commercial* to *Urban Medium Density Residential* (4-8 units/acre).

7. APPLICATION: Conventional Rezoning/4020 & 4096 Ridgewood Avenue, 215 Church Street, 411 Church Street, and 5360 Dubois Avenue
CASE NO.: 22-60000003
APPLICANT: City of Port Orange
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676

An administrative request to rezone ± 4.99 acres from Planned Commercial Development (PCD) to Community Commercial (CC); ± 0.16 acres from Commercial/Industrial (CI) to Neighborhood Preservation (NP); and ± 0.81 acres from Ridgewood Development (RD) to Mobile Home Residential (RMH).

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.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 24, 2022

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

Pledge of Allegiance

Silent Invocation

Roll Call

Present: Stan Schmidt
Lance Green
Newton White
Darrel “Bo” Bofamy
Thomas Jordan
Maria Mills-Benat

Absent: John Junco (unexcused)

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 February 24, 2022, was made by Commissioner Jordan and Seconded by Commissioner White. Motion carried unanimously by voice vote.

Chair Schmidt read Commissioner White’s voting conflict form into the record. He is declaring a conflict for items #4, #5 and #6 on this agenda.

4. APPLICATION: Conventional Rezoning/5231 Nova Road
CASE NO.: 22-60000002
APPLICANT: Alliance Permitting Service
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/ pcruz@port-orange.org

A proposal by the applicant to rezone ±1.8 acres from Planned Commercial Development (PCD) to Community Commercial (CC).

Motion to approve Case No. 22-60000002 was made by Commissioner Mills-Benat and Seconded by Commissioner Jordan.

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

Robert Reinhausen, citizen, sought clarification regarding what will happen with the church on the property. Mrs. Cruz responded the church hopes to remain on the property until the end of the year and then relocate.

Commissioner White was curious about the changes to the existing structure.

Robert Kirchgessner, Architect for the project, responded to Commissioner Whites question stating they will only be changing the interior.

Motion carried 5-1 by roll call vote with Commissioner White abstaining.

5. APPLICATION: Small-scale Future Land Use Map Amendment/3741 S. Nova Road
CASE NO.: 22-20000001
APPLICANT: Parmjit Singh
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676/gidsmith@port-orange.org

A proposal by the applicant to amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ±2.3 acres from Office/Residential Transition (ORT) to Commercial.

Chair Schmidt asked to open items #5 and #6 together.

Motion to approve Case No. 22-20000001 was made by Commissioner Jordan and Seconded by Commissioner Mills-Benat.

Motion to approve Case No. 22-60000001 was made by Commissioner Mills-Benat and Seconded by Commissioner Jordan.

Gideon Smith, Senior Planner, discussed details of the Small-Scale Future Land Use Map Amendment, the conventional rezoning, and answered questions from the Commissioners.

Parmjit Singh, owner, answered additional questions from Commissioners regarding changes to the building.

Motion carried 4-1-1 by roll call vote with Commissioner Green voting no and Commissioner White abstaining.

*Motion carried 4-1-1 by roll call vote with
Commissioner Green voting no and
Commissioner White abstaining.*

6. APPLICATION: Conventional Rezoning/3741 S. Nova Road
CASE NO.: 22-60000001
APPLICANT: Parmjit Singh
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676/gidsmith@port-orange.org

A proposal by the applicant to rezone ±2.3 acres from Professional Office (PO) to Community Commercial (CC).

This item was discussed with Item #5.

7. APPLICATION: Land Development Code Amendment/Chapters 2 and 5
CASE NO.: 22-25000002
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/ pcruz@port-orange.org

Amendments to Chapters 2 and 15 of the Land Development Code (LDC) to address clean-up items to the new sign code and add criteria to allow roof signs in the Down Under and Riverwalk special character districts located within the Port Orange Town Center Community Redevelopment Area.

*Motion to approve Case No. 22-25000002 was
made by Commissioner Mills-Benat and
Seconded by Commissioner Bofamy.*

Mrs. Cruz discussed details of the conventional rezoning and answered questions from Commissioners.

*Motion carried 5-1 by roll call vote with
Commissioner Jordan voting no.*

C. OTHER BUSINESS

8. Commissioner Comments

Commissioner Green and Commissioner White thanked staff for all the work they do.

9. Staff Comments

There were none.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT – 6: 10 p.m.

Chair Stan Schmidt



STAFF REPORT

Small-Scale Future Land Use Map Amendment
4085 and 4147 Ridgewood Avenue
CASE NO. 21-20000002

REQUEST: Amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ±1.44 acres from *Commercial* to *Mixed-Use Center*.

LOCATION: 4085 and 4147 Ridgewood Avenue

PROPERTY OWNERS AND APPLICANTS: Brendan and Shannon Galbreath

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

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION: April 28, 2022

INTRODUCTION

The property owners are requesting to change the Future Land Use (FLU) map designation for 1.44 acres at 4085 and 4147 Ridgewood Avenue from *Commercial* to *Mixed-Use Center*. The proposed FLU amendment is being processed concurrently with an amendment to the existing Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) to add properties adjacent to the existing PCD boundary into the PCD (Case No. 21-65000002). If the FLU Amendment and amendment to the Catfish Commons PCD are approved, the existing commercial use (*La Cantina Cocina Mexicana Restaurant*) and a new three-story building with four (4) residential units above ground floor office/commercial will be built on the subject properties. The two subject properties are shown in dark blue in the location map in Figure 1. The overall proposed Catfish Commons PCD area is shown in light blue.

Figure 1. Location Map



PROPOSED AMENDMENT

Concurrent with the FLU amendment, the property owners are requesting to amend the Catfish Commons PCD to provide the framework to redevelop the property at the corner of Ridgewood Avenue and Dunlawton Avenue with a multi-tenant building that includes a drive-thru restaurant, a 3-story mixed-use (residential/office/commercial) building south of the La Cantina Cocina restaurant, a 12-slip marina with on-street parking along Halifax Drive, and maintain the current parking lot layout and building location for the Aunt Catfish's on the River restaurant. The request to change the FLU designation for the 1.44 acres from *Commercial* to *Mixed-Use Center* FLU designation is to allow for the inclusion of residential units within the PCD.

The purpose of the *Mixed-Use Center* category is to serve as an alternative to single-use FLU designations. The *Mixed-Use Center* FLU designation allows for a variety of uses, which may include a combination of commercial, office, service, residential, and institutional development, and is focused on a point of high activity, such as an intersection of collector or higher-classified roads. The applicants are requesting the *Mixed-Use Center* designation for the subject properties to support the development of a 3-story mixed-use (residential/office/commercial) building at the south end of the subject property, which is not permitted in the City's single-use FLU designations.

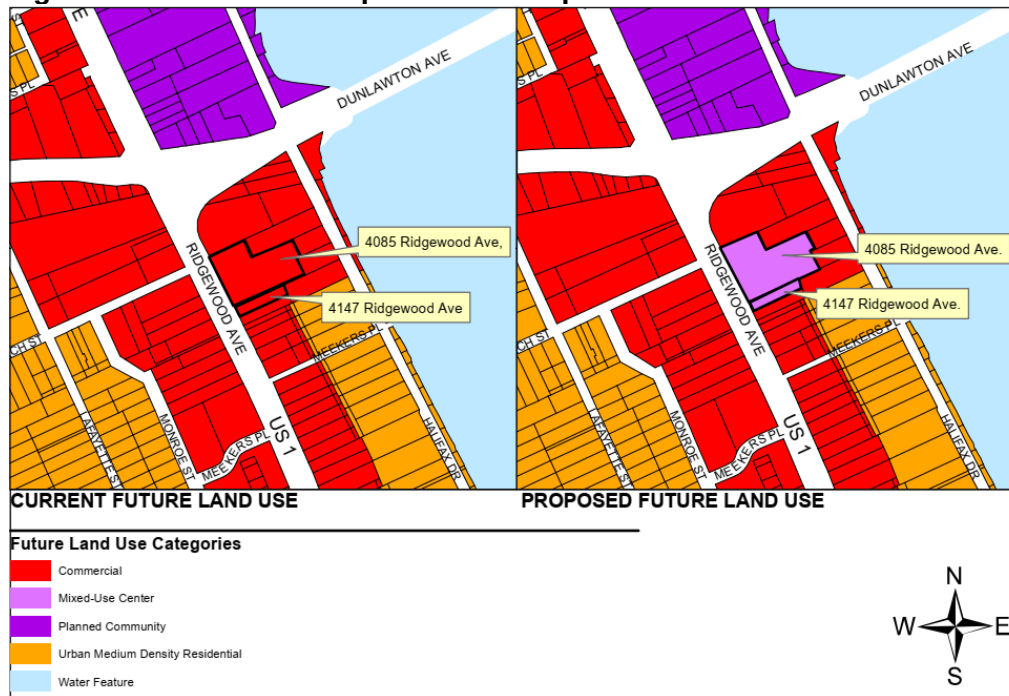
PROPERTY OVERVIEW

The following will examine the proposed amendment and the impacts of the proposed amendment. The properties are located along the Ridgewood Corridor and within the Port Orange Town Center Redevelopment Area (CRA). The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1.

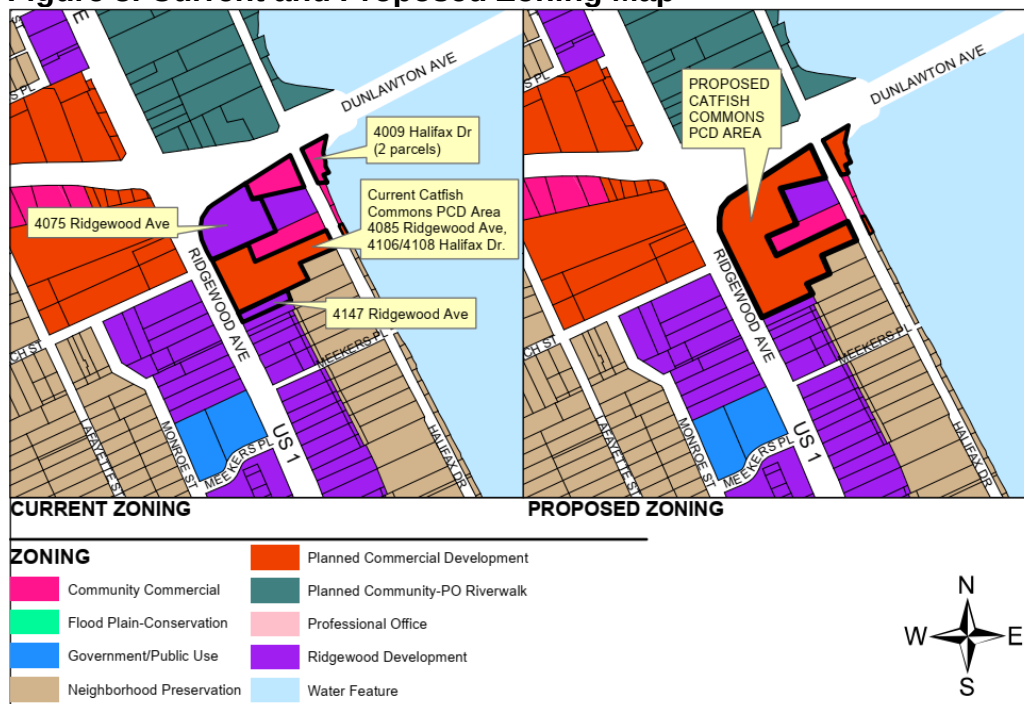
Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Vacant Commercial and Maloney Funeral Home	<i>Commercial</i>	Ridgewood Development (RD) and Community Commercial (CC)
South	Vacant Commercial	<i>Commercial</i>	Ridgewood Development (RD)
East	Maloney Funeral Home and Single-family Residential	<i>Commercial</i>	Community Commercial (CC), Planned Commercial Development (Catfish Commons PCD), and Neighborhood Preservation (NP)
West	Commercial	<i>Commercial</i>	Ridgewood Development (RD)

The current adopted and proposed FLU designation for the subject properties and adjacent properties are identified in Figure 2.

Figure 2. Current and Proposed FLU Map

The current and proposed zoning districts for the subject properties and adjacent properties are identified in Figure 3. The applicants submitted a PCD rezoning application that is being concurrently reviewed with the proposed FLU amendment to rezone the subject property at 4147 Ridgewood Avenue from Ridgewood Development (RD) to Planned Commercial Development (PCD) (Case No. 21-65000002). The property at 4085 Ridgewood Avenue was previously established as a property within the PCD area.

Figure 3. Current and Proposed Zoning Map

The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and maximum allowable density/intensity (Table 3).

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

FLU Designation	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
<i>Commercial</i>	1.44	0	-1.44
<i>Mixed Use Center</i>	0	1.44	+1.44
Total Acreage	1.44	1.44	0

The maximum residential density allowed in the *Mixed-Use Center* designation is 16 dwelling units per gross acre. The maximum Floor Area Ratio (FAR) for non-residential uses allowed in this category is 1.5. The allowable distribution of uses within a mixed-use center is within the following ranges, with the cumulative mixture of percentages equaling 100%:

- commercial (not including office) 50%-90%
- office 10% - 90%
- residential 0% - 50%
- institutional 0% - 35%

If approved, the proposed FLU designation will serve as an alternative to the single-use, commercial category, and promote the redevelopment of properties that have access to existing infrastructure such as water, sewer, and roads.

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

	Current FLU	Proposed FLU	Net Change in FLU
	[Theoretical Maximum Density (units)/Intensity (sq. ft.)]		
<i>Commercial</i> (0.5 FAR for Community node)	31,364 sq. ft. commercial	0	+31,364 sq. ft. commercial
<i>Mixed-Use Center Scenario #1</i> <i>50% Residential (16 units/acre)/50% Commercial (1.5 FAR*)</i>	0 Units 0 sq.ft.	11 units 47,045 sq. ft. commercial	+ 11 units +47,045 sq. ft. commercial
<i>Mixed-Use Center Scenario #2</i> <i>90% Commercial (1.5 FAR)/10% office (1.5 FAR)</i>	0 sq.ft.	84,681 sq. ft. commercial 9,409 sq. ft. office	+84,681 sq. ft. commercial + 9,409 sq. ft. office
TOTAL	Scenario #1: 0 units 31,364 sq. ft.	Scenario #1: 11 units 47,045 sq. ft.	Scenario #1: +11 units +15,681 sq. ft.
	Scenario #2: 31,364 sq. ft.	Scenario #2: 94,090 sq. ft.	Scenario #2: + 62,726 sq. ft.

* 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.

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 designation versus the designation proposed. The following seven public facilities and services were examined:

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

Table 4. Impact Analysis (Theoretical Maximum)

Development Variable	Current Land Use	Proposed Land Use		Proposed Catfish Commons PCD	Net Change		Proposed Catfish Commons PCD
	100% Commercial (0.5 FAR)	Scenario 1 (50% Residential/ 50% Commercial)	Scenario 2 (90% Commercial/ 10% Office)		Scenario 1 (50% Residential/ 50% Commercial)	Scenario 2 (90% Commercial/ 10% Office)	
Residential Units	0	11	0	4	+11	0	+4
Non-residential Buildable Sq. Ft.	31,364	47,045	94,090	8,700	+15,681	+62,726	-22,664
Population ¹	0	26	0	10	+26	0	+10
PM Peak Hour Trips/Daily Trips ²	117/1,340	182/2,082	356/3,956	35/399	+65/+742	+239/+2,616	-82/-941
Sanitary Sewer (gallons/ day) ³	3,137	6,465	9,409	1,510	+3,328	+6,272	-1,627
Potable Water (gallons/ day) ⁴	3,137	6,685	9,409	1,590	+3,548	+6,272	-1,547
Solid Waste (lbs./day) ⁵	314	555	941	120	+241	+627	-194
Stormwater Drainage ⁶	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Recreation/ Open Space (acres) ⁷	0	0.18	0	+0.07	+0.18	0	+0.07

Notes:

- Population: 2.39 persons per household (per 2019 Census American Community Survey ACS 5-Year Estimates)
- Transportation: Multi-family Apartments (220) 0.62 PM peak hour trips per unit and 6.65 daily trips per unit; Shopping Center (820) trips per 1000 sq. ft. - 3.71 PM Peak Hour; 42.70 Average Daily; Medical Office (720) trips per 1000 sq. ft. - 4.27 PM Peak Hour, 36.13 Average Daily; ITE Trip Generation Manual, 10th Edition
- 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)

Overall, the amendment results in a net increase in residential units, non-residential square footage, and impacts to public infrastructure based on the theoretical maximum analysis. However, all public facilities have adequate capacity to accommodate the proposed amendment. The proposed amendment to the Catfish Commons PCD limits the number of residential units that could be developed on the subject property to four dwelling units and square footage of non-residential development at $\pm 8,700$ square feet, which is significantly less than the theoretical maximum allowance required to be analyzed.

As with all development, the specific site development proposal for the subject property will be subject to concurrency regulations at the time of development, requiring adequate public facilities to be provided or to mitigate their impacts.

TRANSPORTATION

As indicated in the Impact Analysis (Table 4), there is an increase in the number of daily trips and P.M. peak hour trips from the current *Commercial* FLU to the proposed *Mixed-Use Center* FLU designation based on the theoretical maximum analysis. Based on the ITE Trip Generation Manual, 10th Edition, the proposed FLU designation could generate a theoretical maximum 356 P.M. peak hour trips, and 3,956 daily trips. As show below in Table 5, there is capacity on the adjacent roadways.

Table 5. Roadway Capacity

Road	Location	Volume	Capacity	V/C	Remaining Capacity
Ridgewood Avenue	North of Dunlawton Ave.	25,000	39,800	0.63	37%
Ridgewood Avenue	Dunlawton Ave. to Oak Street	21,000	39,800	0.53	47%
Dunlawton Avenue	West of Ridgewood	25,500	39,800	0.64	36%
Dunlawton Avenue	Ridgewood Ave. to Spruce Creek Rd.	26,500	39,800	0.67	33%

Source: 2019 Volusia County Traffic Engineering.

As previously mentioned, in conjunction with the FLU amendment, an amendment to the Catfish Commons PCD is being processed by a separate application to limit development on these properties to four (4) residential units and $\pm 8,700$ square feet of non-residential square footage. Based on the ITE Trip Generation Manual, 10th Edition, the development of these properties according to the proposed PCD amendment is anticipated to generate only 35 P.M. peak hour trips, and 399 daily trips. The proposed development will provide

pedestrian connections to link to the other properties within the PCD. The property is also located along the VOTRAN bus route.

As with all development, the specific site development proposal for the subject property will be subject to concurrency regulations at the time of development, requiring adequate transportation facilities to be provided or to mitigate their impacts.

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 9,409 gallons per day (gpd) of wastewater. This is a net increase of 6,272 gpd 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 non-residential development. Using these standards, the proposed land use would theoretically demand 9,409 gallons of potable water per day. This is a net increase of 6,272 gpd in demand between the current and proposed FLU designations.

SOLID WASTE COLLECTION

There is available capacity at the landfill to address the City's solid waste disposal needs. The City's adopted LOS standard for solid waste is 3.21 pounds per person per day and 10 lbs. per 1,000 square feet of non-residential development per day. Using this standard, the proposed FLU designation would generate approximately 941 pounds per day of solid waste based on the theoretical maximum development analysis. This is a net increase of 627 pounds of solid waste 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 redevelopment of the property will be required to address stormwater retention on the property in accordance with these City standards. The proposed Concept Plan for the development shows an additional retention area to the east of the proposed office and residential building.

RECREATION AND OPEN SPACE

There is available capacity at existing park facilities to accommodate the proposed FLU amendment. The proposed FLU designation would require 0.18-acres of parkland. According to the City's 2021 Concurrency Management Report, the city has an excess of 27.8 acres of parkland, so no additional parkland is needed.

SCHOOLS

Pursuant to the Volusia County School District criteria, the School Board issued a letter of exemption for a finding of adequate capacity for the proposed four residential units proposed in the Catfish Commons PCD, as the proposed development is below the threshold for requiring school concurrency review. If additional dwelling units are proposed in the future, the Volusia County School Board will require additional concurrency review.

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 designation is compatible with adjacent parcels. Adequate capacity exists for potable water, sewer, schools, recreation, and stormwater, and solid waste. As with all development, the specific site development proposals for the subject property will be subject to concurrency regulations requiring adequate public facilities to be provided to mitigate the impacts.

2. *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 (see Table 1 – page 2). 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 meets the locational criteria for *Mixed-Use Center*, being located near the intersection of two arterial roadways (Dunlawton Avenue and Ridgewood Avenue) that have pedestrian access and bus service and being part of the Ridgewood/Dunlawton Community Commercial Node. The subject properties are also adjacent to an undeveloped commercial property to the north, developed commercial properties to the south and west, and residential properties to the east. The proposed amendment is also consistent with the City's redevelopment goals.

Any future development on the subject properties will be required to comply with all LDC requirements, including those pertaining to roadway landscape buffers and

screening between the subject property and the existing residential properties to the east.

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

Staff finding: All public facilities have adequate capacity to accommodate the proposed amendment and therefore there are no negative impacts. The detailed use-specific concurrency analysis will be conducted as part of any future development of the site requiring adequate public facilities to be provided to mitigate impacts.

4. *Whether the amendment increases the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above twelve hours.*

Staff finding: The subject property is located within the Hurricane Vulnerability Zone; however, based on the theoretical maximum trip generation in Table 4 and adjacent roadway capacity in Table 5, the proposed FLU Amendment would not increase evacuation times within the Hurricane Vulnerability Zone above twelve hours.

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

Staff finding: The proposed amendment will not encourage sprawl. The proposed amendment will support the redevelopment of an infill property that has access to existing infrastructure such as water, sewer, and roads.

PUBLIC NOTICE

On October 15, 2021, 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 one general inquiry phone call regarding the proposed amendment. There were no concerns from the caller with the proposed change in FLU.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the Future Land Use designation of approximately ±1.44 acres of land from *Commercial* to *Mixed-Use Center*, and authorization for staff to send the amendment to the required review agencies.



STAFF REPORT

PCD Rezoning/Catfish Commons
Master Development Agreement and Conceptual
Development Plan
CASE NO. 21-65000002

REQUEST:	Rezone +/- 1.88 acres to Catfish Commons Planned Commercial Development (PCD) and approve the Restatement to the Catfish Commons PCD Master Development Agreement (MDA) and Conceptual Development Plan (CDP).
LOCATION:	4009 Halifax Dr., 4106 Halifax Dr. 4108 Halifax Dr., 4075 Ridgewood Ave., 4085 Ridgewood Ave., and 4147 Ridgewood Ave. (Location Map - Figure 1)
PROPERTY OWNERS AND APPLICANTS:	Brendan and Shannon Galbreath and Commons 4075, LLC
STAFF CONTACT:	Gwen Perney, Principal Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval, subject to approval of the policy issues.
PLANNING COMMISSION:	April 28, 2022

INTRODUCTION

The property owners are requesting to rezone ± 1.88 acres from Ridgewood Development (RD) and Community Commercial (CC) to Catfish Commons Planned Commercial Development (PCD) and add the ± 1.88 acres into the existing Catfish Commons Planned Commercial Development (PCD), along with approval of the Restated Catfish Commons PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The current PCD area is ± 1.52 acres and includes the following properties: 4085 Ridgewood Avenue and 4106/4108 Halifax Drive. If approved, the area of the PCD would expand to 3.40 acres and the Restatement of the Master Development Agreement (MDA) would provide the framework for development within the expanded PCD.

Figure 1. Location Map



DISCUSSION

The proposed Restatement to the Catfish Commons Master Development Agreement (MDA) and Conceptual Development Plan (CDP) would establish the following (See Exhibit 1 – Restated Catfish Commons MDA and CDP):

1. Development framework for a multi-tenant commercial building with a drive-thru at the northwest corner (4075 Ridgewood Avenue) of the PCD;
2. Development framework for a three-story mixed-use building with 4 residential units above ground floor office and retail, at the southwest corner (4147 Ridgewood) of the PCD;
3. Incorporate the Aunt Catfish's on the River restaurant property at 4009 Halifax Drive and its associated parking lot into the PCD area;
4. Maintain the existing developments at 4085 Ridgewood Avenue, which is currently the La Cantina Cocina restaurant, and 4106/4108 Halifax Drive which currently is developed with a single-family residence and a garage apartment; and
5. Provide for the future development of a 12-slip marina in front of the property at 4106/4108 Halifax Drive

The Catfish Commons PCD was approved in 2012 (Case No. 12-65000001) to provide the framework that would allow for a multi-use commercial project that provides opportunity for a commercial development along with non-motorized watercraft activities, farmers market, and an outdoor entertainment and staging area for special events. The PCD was amended in 2019 (Case No. 19-40000001) to allow for a mobile retail unit to be located at 4085 Ridgewood Avenue, a residential unit above the entry feature at 4106 Halifax Drive to serve as a residence for any business owner/manager of a business within the PCD, and to waive fees associated with future amendments to the MDA or CDP for the PCD property.

According to the property owners, the request for the Restatement of the MDA and CDP is to add property into the PCD and create a cohesive development that utilizes existing infrastructure on the developed properties including buildings, parking, driveways, and utilities and provides opportunity for new development within the PCD and provide additional connection points into and between the properties within the PCD.

A Future Land Use (FLU) Amendment (Case No. 21-20000002) is being processed concurrently with the rezoning application to change the FLU designation at 4085 Ridgewood Avenue and 4147 Ridgewood Avenue from *Commercial* to *Mixed-Use Center* to allow for the development of a three-story mixed-use building with 4 residential units above ground floor office and retail. The PCD is compatible with the current *Commercial* FLU designation and the *Mixed-Use Center* FLU designation. The surrounding land uses, FLU designations and zoning classifications are identified in Table 1

Table 1. Surrounding Land Uses, FLU Designations, and Zoning Districts

Direction	Existing Land Use	FLU Designation	Zoning District
North	Vacant & Dunlawton Ave. right-of-way	<i>Planned Community</i>	Planned Community - Riverwalk
South	Vacant Commercial and Single Family Residential	<i>Commercial</i>	Ridgewood Development (RD) and Neighborhood Preservation (NP)
East	Multi-Family Apartments, Maloney Funeral Home and Single-family Residential Halifax River	<i>Commercial</i>	Ridgewood Development (RD), Community Commercial (CC), and Neighborhood Preservation (NP)
West	Commercial	<i>Commercial</i>	Planned Commercial Development (PCD), and Ridgewood Development (RD)

The current and proposed FLU designations and zoning classifications are graphically depicted in Figures 2 and 3.

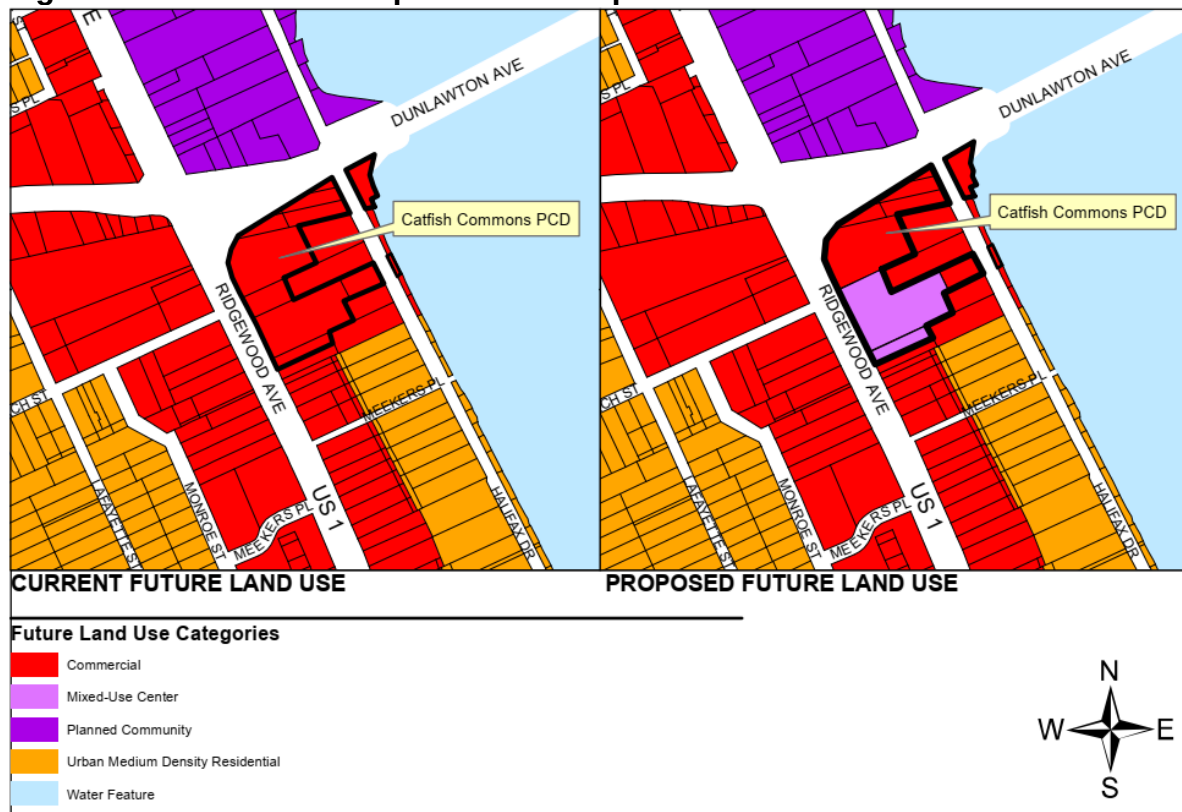
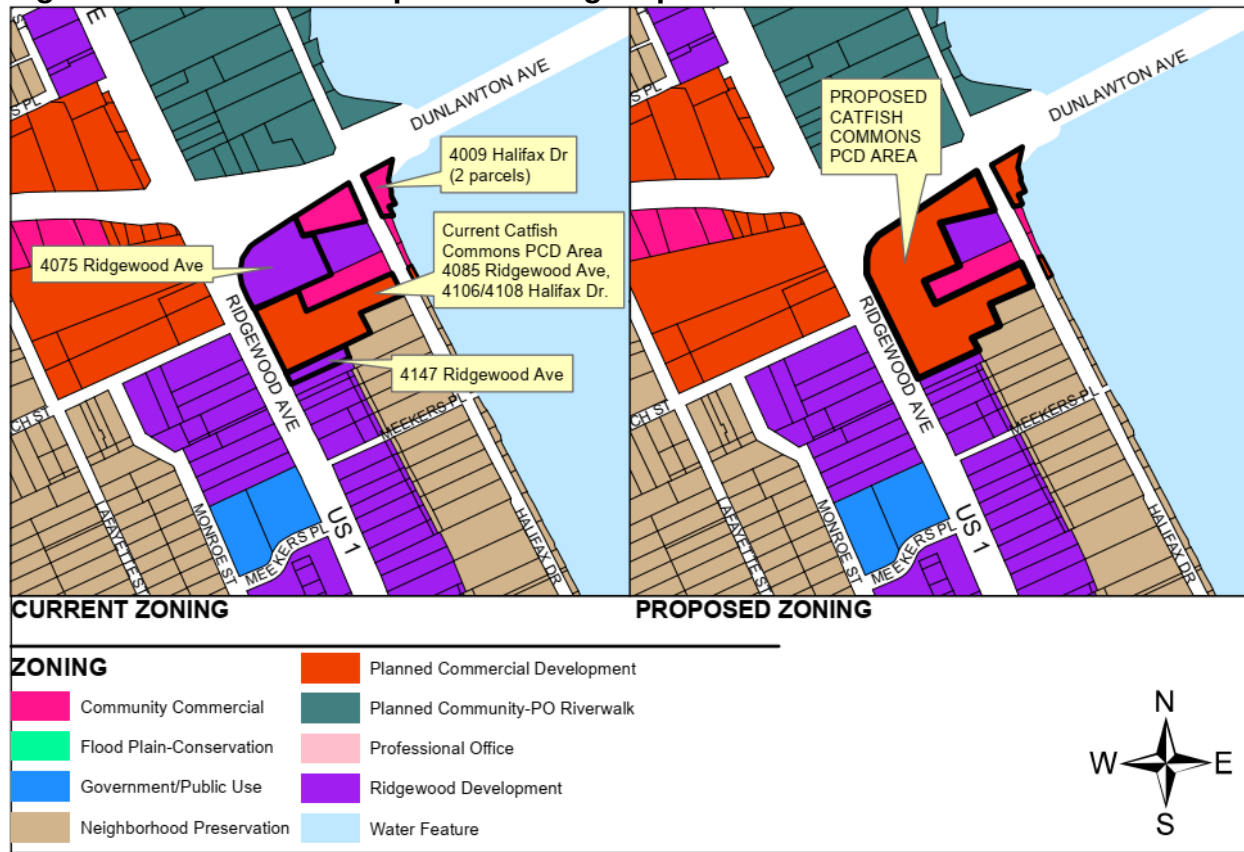
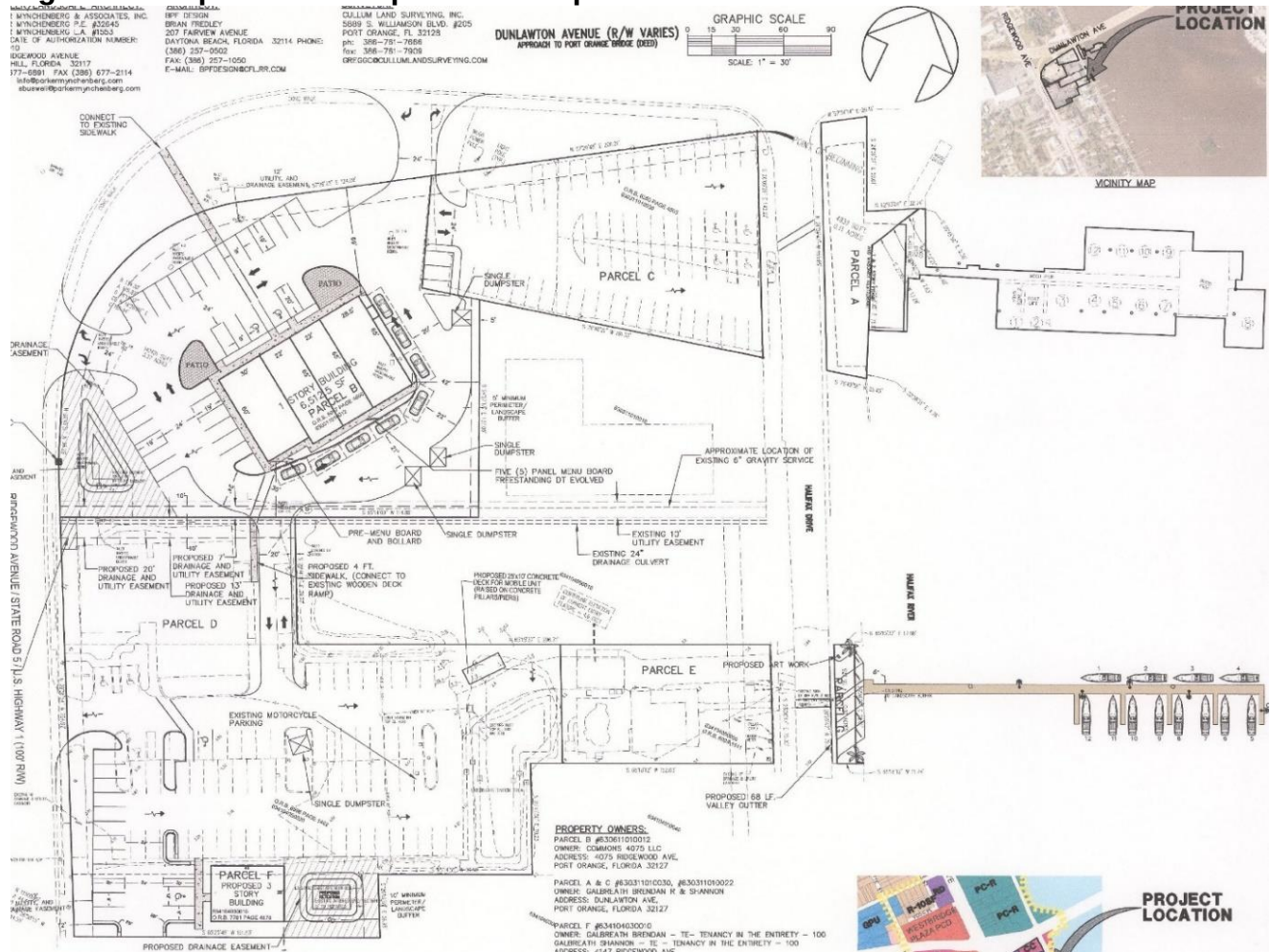
Figure 2. Current and Proposed FLU Map

Figure 3. Current and Proposed Zoning Map

All future development plans submitted will require detailed technical review by the Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and the Catfish Commons PCD MDA and CDP are met. As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development requiring transportation facilities to be provided or for the developer to enter into a mitigation agreement for their impacts.

DEVELOPMENT PROPOSAL

The following discussion will focus on the significant aspects of the proposed MDA and CDP such as general site layout, access, parking dimensional requirements, landscape buffers, utilities, and drainage areas. The use of the Planned Commercial Development (PCD) zoning rather than conventional zoning is to allow the development the ability to request flexibility in landscape buffer size, building setbacks, off-site signage, and 12-slip marina. However, as typical with PCDs, there are deviations from the LDC as part of the proposed Restated Catfish Commons MDA and CDP which are further discussed in the report.

Figure 4. Proposed Conceptual Development Plan

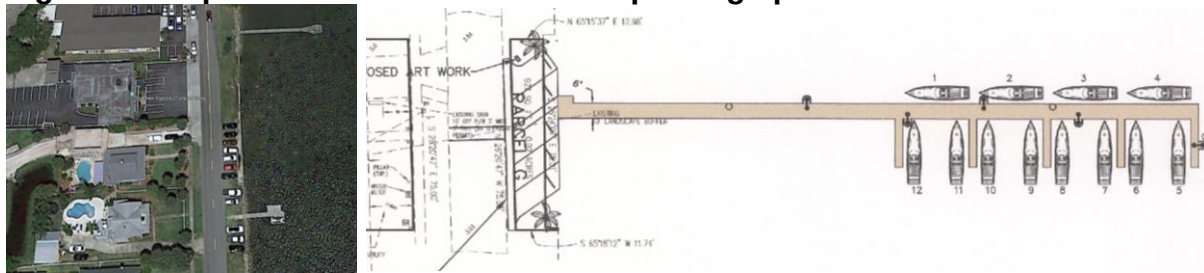
Permitted Uses

The proposed permitted uses for the PCD include uses allowed in the Ridgewood Development (RD) district for the Aunt Catfish's on the River property and the 4075 Ridgewood Avenue property which allows for general retail, office, and restaurant uses typically established along the Ridgewood Corridor (Exhibit 2 – Permitted Uses) The 4075 Ridgewood Avenue property is located in the Riverwalk Overlay District (ROD) and according to the ROD a drive-thru facility can be permitted if approved by City Council as part of a PCD. The proposed MDA allows for one drive thru on the 4075 Ridgewood Avenue property. The proposed CDP shows this property developed as a multi-tenant building with one drive-thru end cap tenant. *The request for a drive-thru at 4075 Ridgewood Avenue is a policy issue.* The drive-thru will be required to comply with the width, stacking, and screening requirements in the LDC.

The permitted uses for the 4085 Ridgewood Avenue and 4147 Ridgewood Avenue properties are the same uses allowed in Mixed-Use Center (MXU) zoning district which allows for a combination of commercial, office and residential uses (Exhibit 3 – Permitted Uses). The MDA restricts the number of residential units at the 4147 Ridgewood Avenue property to a maximum of four (4) units.

The permitted uses for the property at 4106/4108 Halifax Drive have been updated to include marina to the previously approved list of use in the Catfish Commons MDA. The current permitted uses include a single-family residence, garage apartment, restaurant (no-drive thru), ice cream shop, retail, professional and medical office, and bed and breakfast inn. The restated MDA limits the number of boat slips to 12 and prohibits overnight live-aboard vessels and the sale of gas. *Adding a marina with up to 12-slips to the list of permitted use at 4106/4108 Halifax Drive is a policy issue.* All future development plans for the marina will require detailed technical review by the Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and required to comply with the Volusia County Manatee Protection Plan, Florida Department of Environmental Protection, and any other applicable local, state and federal laws (Figure 5).

Figure 5. Proposed marina and on-street parking spaces location

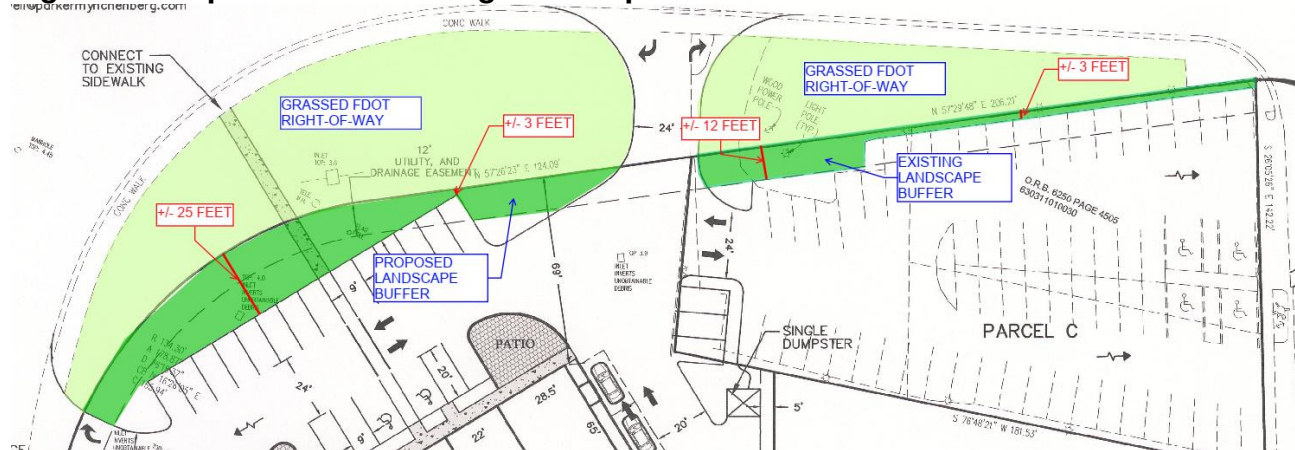


Dimensional Requirements

The proposed MDA provides the dimensional requirements for any new development and establishes the existing setbacks for the existing Aunt Catfish's on the River restaurant building as the required setbacks on that property. The restated MDA maintained building setbacks in the previously approved Catfish Commons MDA for the existing buildings at 4106/4108 Halifax Drive and 4085 Ridgewood Avenue (La Cantina Cocina Mexicana Restaurant). The proposed maximum building coverage, minimum open space, building setbacks, and building height are generally comparable to similar City standard commercial zoning districts (see Table 1).

Landscaping and Tree Preservation

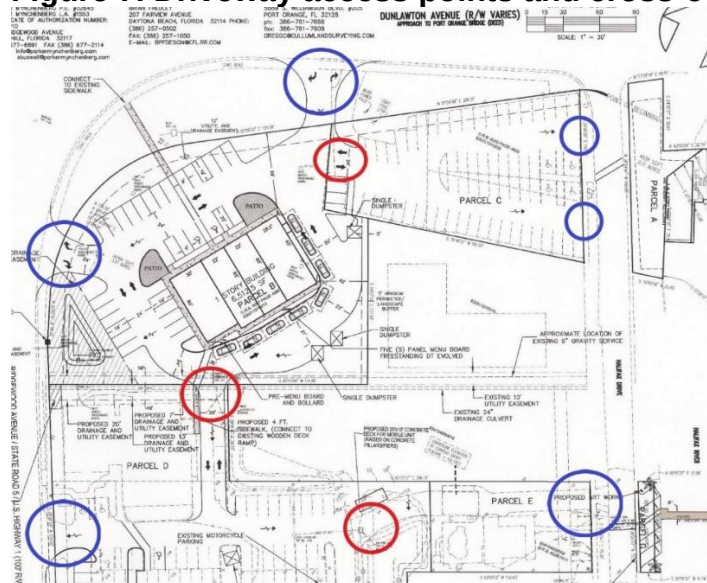
The proposed PCD will comply with the landscaping and tree preservation requirements of the LDC, except for the Dunlawton Avenue right-of-way landscape buffer. The LDC requires a 20-foot landscape buffer along the Dunlawton Avenue right-of-way; however, due to site constraints and configuration and existing site improvements, the proposed landscape buffer along Dunlawton Avenue would vary in width from ± 3 feet to ± 25 feet instead of the required uniform width of 20 feet from the right-of-way line (Figure 6). According to the MDA, the landscaping material required to meet the minimum requirements in the LDC for a 20-foot-wide landscape buffer will still be provided in the proposed Dunlawton Avenue right-of-way landscape buffer and will consist of a mix of palm trees, understory trees, and shrubs to visually enhance the site and to provide vehicular screening. Therefore, the amount of landscaping installed will not deviate from the LDC, only the width of the landscape buffer at certain areas of the project. The varied landscape buffer instead of the 20-foot landscape buffer along Dunlawton Avenue is a policy issue.

Figure 6. Proposed and existing landscape buffer areas

Parking and Access

Access to the development will be provided from existing driveways located on Dunlawton Avenue, Ridgewood Avenue, and Halifax Drive. As shown on the CDP, there are modifications proposed to some of the driveways to comply with driveway width and radii requirements in the LDC and requirements from FDOT. Access from Dunlawton Avenue and Ridgewood Avenue are under FDOT's jurisdiction. The proposed MDA requires cross-access between the parking areas of the PCD to allow for better traffic to flow within the PCD property without accessing the adjacent roadways and to provide multiple points to enter and exit the PCD. Figure 7 shows the existing ingress/egress access points in blue and proposed and existing cross-access connection points in red.

The proposed parking for the existing and future buildings will comply with the parking ratio, shared parking between uses and properties, standard parking size dimensions, drive-thru stacking, and drive aisle width requirements of the LDC of the previously approved Catfish Commons MDA.

Figure 7. Driveway access points and cross-connection points within the PCD

In addition to the on-site parking spaces provided, the MDA proposes five (5) parking spaces to be added within the Halifax Drive right-of-way for visitors accessing the 12-slip marina. The proposed parking spaces will be angled along the northbound lanes of Halifax Drive. Halifax Drive is a 25 MPH, two-lane right-of-way that vehicles currently park along at various locations. These spaces are not anticipated to be high-turnover spaces where vehicles would be continuously accessing and exiting, but rather vehicles are likely to park once for the day or half-day. Currently, the LDC does not permit parking spaces to back directly into a right-of-way. The parking spaces would be in the general area that vehicles shown in the aerial photograph (Figure 8) were parked temporarily when the driveway connecting Halifax Drive to 4085 Ridgewood Avenue was closed to traffic while the garage apartment structure on 4106 Halifax Drive was under construction. Currently this area is roped off from vehicle parking (Figure 8). Approval of the five (5) on-street parking spaces is a policy issue.

Figure 8. Proposed marina and on-street parking spaces location



Architecture and Signage

The architecture style for the PCD is a general Florida Vernacular style with features such as metal roofs, hardboard siding, and other decorative elements typical of coastal architecture (Figure 9). All new buildings built in the PCD will be designed to comply with the Florida Vernacular architecture style along with the architectural standards in the LDC for non-residential buildings. Existing buildings within the PCD will remain in their current state, but if these existing buildings are redeveloped the exterior will need to comply with the Florida Vernacular architecture style along with the architectural standards in the LDC for nonresidential buildings.

Figure 9. Architectural Rendering of the proposed building at 4075 Ridgewood Ave. and Florida Vernacular style.



The PCD will comply with the signage requirements of the LDC, except for off-site signage. The MDA proposes to allow any business within the PCD to have signage on other parcels within the PCD, subject to the sign complying with the LDC in terms of height, number of panels, sign area, etc. This allows signage to be placed along cross-access drives or roadway access points to direct traffic coming off Ridgewood Avenue, Dunlawton Avenue, and Halifax Drive to the businesses within the PCD (Figure 10). *Allowing off-site signage to advertise businesses within the PCD is a policy issue.*

Figure 10. Existing off-site signage



The MDA also specifies that Aunt Catfish's on the River is permitted to install a tenant panel on the monument sign in front of the multi-tenant building at 4075 Ridgewood Avenue. The proposed sign would be required to be designed to meet the multi-tenant freestanding sign requirements (height, number of panels, landscaping, setbacks, and architectural design) as provided in the LDC. The applicants state that due to the minimal space along Dunlawton Avenue, in front of Aunt Catfish's on the River, a monument sign cannot be installed. Therefore, to advertise Aunt Catfish's on the River to vehicular traffic using Dunlawton Avenue and Ridgewood Avenue, the applicant would like the ability to advertise on the multi-tenant sign located at 4075 Ridgewood Avenue. *Allowing off-site signage for Aunt Catfish's on the River on the multi-tenant sign located at 4075 Ridgewood Avenue is a Policy Issue.*

CONSISTENCY WITH THE COMPREHENSIVE PLAN

A Future Land Use (FLU) Amendment (Case No. 21-20000002) is being processed concurrently with the rezoning application to change the FLU designation at 4085 Ridgewood Avenue and 4147 Ridgewood Avenue from *Commercial* to *Mixed-Use Center* to allow for the development of a three-story mixed-use building with 4 residential units above ground floor office and retail. The remaining portion of the PCD area has a FLU designation of *Commercial*. The PCD is compatible with the current *Commercial* FLU designation and the *Mixed-Use Center* FLU designation.

The proposed PCD rezoning and restated MDA is generally consistent with the intent of the Goals, Objects, and Policies of the Comprehensive Plan and supports infill redevelopment of parcels within an existing built commercial area that is already served by public infrastructure (water, sewer, roads, and schools).

The proposed PCD is also consistent with the Ridgewood Corridor Plan as it promotes the redevelopment of properties in one of the identified Waterfront Linkage Zones, a long-term strategy listed in the plan (Figure 11). The proposed MDA and CDP will combine lots for redevelopment, create additional cross-access between parcels, and provide opportunities for new businesses which are also strategies for identified in the plan.

Figure 11. Waterfront Linkage Zone from Ridgewood Corridor Plan



PUBLIC NOTICE

On October 15, 2021, staff posted the property notifying the public of the proposed amendment. As of the time this agenda item was prepared, staff has received one general inquiry phone call regarding the proposed rezoning or MDA Restatement. There were no concerns from the caller.

RECOMMENDATION

Staff recommends approval of the rezoning of the properties at 4009 Halifax Drive from Community Commercial (CC), and properties at 4075 Ridgewood Avenue and 4147 Ridgewood Avenue from Ridgewood Development (RD), to Planned Commercial Development (PCD), and approval of the Restatement of the Catfish Commons PCD Master Development Agreement (MDA) and Conceptual Development Plan (CDP), subject to the approval of Future Land Use Amendment Case No. 21-20000002, and subject to the six (6) policy issues:

1. Allow a drive-thru for the proposed building at 4075 Ridgewood Avenue;
2. Allow marina to be added to the list of permitted uses at 4108 Halifax Drive;
3. Establishing building setbacks for Aunt Catfish's on the River restaurant building equal to the current setbacks of the building;
4. Allow a varied width landscaping buffer along Dunlawton Avenue;
5. Allow five (5) on-street parking spaces along Halifax Drive; and
6. Allow off-site signage for businesses within the PCD area.

ATTACHMENTS

Exhibit 1 – Restated Catfish Commons Planned Commercial Development MDA and CDP

Exhibit 2 – Permitted Uses for the Ridgewood Development (RD) Zoning District

Exhibit 3 – Permitted Uses for the Mixed-Use Center (MXU) Zoning District

**RE-STATED MASTER DEVELOPMENT AGREEMENT
CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT**

THIS RE-STATED CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT MASTER DEVELOPMENT AGREEMENT is entered into between the City of Port Orange, a Florida municipal corporation, having a mailing address of 1000 City Center Circle, Port Orange, Florida 32129 (hereinafter the "City"); and Brendan and Shannon Galbreath (husband and wife), having a mailing address of 4190 Halifax Drive, Port Orange, Florida 32127; and Commons 4075, LLC having a mailing address of 4190 Halifax Drive, Port Orange, Florida 32127 (the "Owner & Developer"), who hereby agree and covenant and bind their successors and assigns as follows:

WHEREAS, The City and Owner & Developer have previously entered into a Master Development Agreement for Catfish Commons Planned Commercial Development recorded in Official Record Book 6784, Page 970 as amended by the First Amendment to the Master Development Agreement for Catfish Commons Planned Commercial Development recorded in the Official Record Book 7684, Page 3350, all in Public Records, Volusia County, Florida; and

WHEREAS, the Parties hereto intend for this Restated Master Development Agreement for Catfish Commons Planned Commercial Development to be an amendment to and restatement of, and shall supersede and replace the Original MDA and the First Amendment

NOW, THEREFORE, the City and Owner & Developer do hereby agree as follows:

1. THE PROPERTY

The property that is subject to this Agreement consists of approximately 3.4 acres of real property located at 4009 Halifax Drive (Parcels 6303-11-01-0022 and 6303-11-01-0030) Parcels A and C, 4075 Ridgewood Avenue (Parcel 6303-11-01-0012) Parcel B, 4085 Ridgewood Avenue (Parcel 6341-04-05-0020) Parcel D, 4106 and 4108 Halifax Drive (Parcel 6341-04-05-0050) Parcels E and G, and 4147 Ridgewood Avenue (Parcel 6341-04-03-0010) Parcel F, within the municipal limits of the City of Port Orange and described on Exhibit "A", which is attached hereto and by reference made a part hereof (the "Property").

2. CONFORMANCE WITH COMPREHENSIVE PLAN

The City has determined that the Property is suitable in size, location and character for the uses proposed, that the uses proposed meet the needs of the City, and that the uses proposed are consistent with the City's Comprehensive Plan as of the date of adoption of this Agreement enacting the zoning provided herein.

3. DEVELOPMENT

The Property shall generally be developed as a multi-tenant commercial and office project, with a limited residential component, and a 12 slip marina for rent to motorized boats and other water based activities, subject to permitting and compliance with the City's Land Development Code and the Volusia County Manatee Protection Plan, except where specifically deviated from in this PCD, as depicted on the Conceptual Development Plan ("CDP") prepared by Parker Mynchenburg and Associates, which is attached hereto and incorporated herein as Exhibit "B" and as more particularly described below.

4. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN

- A. Development of the Property shall be controlled by the terms and conditions of this Master Development Agreement (the "Agreement") and the CDP, which is attached hereto and incorporated herein as Exhibit "B". The CDP generally depicts the planned layout of improvements to the Property. Collectively, this Agreement and the CDP for the Property may be referred to as the "Plan". In case of conflict between any textual provision of this Agreement and the CDP, the textual provision of this Agreement shall control. If the Agreement is silent regarding a particular subject or requirement, such silence shall not be construed as a conflict with the CDP. Except as otherwise provided in this Agreement, in the event of a conflict between the terms and provisions of the Plan and the City's ordinances, the requirements of the City's ordinances shall control. If the Plan fails to address a particular subject or requirement, the requirements of the applicable City ordinance(s) as defined by the Port Orange Land Development Code ("LDC"), shall control.
- B. The parties acknowledge that compliance with the environmental preservation requirements of the LDC may necessitate modifications of the CDP. In the event modifications to comply with the LDC are required, and modifications to the CDP are not in conflict with the textual provisions of this Agreement and LDC requirements are not superseded by this Agreement, the modifications shall be deemed "minor" and may be approved without formal amendment of this Agreement. Minor modifications shall require the written approval by the Administrative official, who is defined in the LDC. If the Developer is not satisfied with the suggested resolution or the decision of the City Administrative Official categorizing the modifications as minor or major, the Developer may appeal the decision to the Planning Commission. Appeals from the Planning Commission may be made to the City Council.
- C. An administrative variance from the dimensional requirements in this MDA may be granted when such variance would be equal to or less than ten percent of the required dimension, when deemed appropriate by the Administrative Official, who is defined in the LDC. Application for administrative variances from the dimensional requirements shall be made on the appropriate forms provided by the Community Development Department for that purpose.

5. PERMITTED USES

- A. **4009 Halifax Drive (6303-11-01-0022 and 6303-11-01-0030) Parcels A and C**
Uses allowed within the Ridgewood Development ("RD") zoning district shall be permitted.
- B. **4075 Ridgewood Avenue (Parcel 6303-11-01-0012) Parcel B**
Uses allowed within the Ridgewood Development ("RD") zoning district shall be permitted, along with one restaurant/food service with a drive thru.
- C. **4085 Ridgewood Avenue (Parcel 6341-04-05-0020) Parcel D**
Uses allowed within the Mixed Use Center ("MXU") zoning district, bike and run race staging (Special Events would need approval per the Code of Ordinances, and Mobile Retail (for retail sales and services as defined in the City's LDC, see Exhibit "C") shall be permitted.
- D. **4147 Ridgewood Avenue (Parcel 6341-04-03-0010) Parcel F**
Uses allowed within the Mixed Use Center ("MXU") zoning district shall be permitted, with a maximum of 4 residential units.
- E. **4106 Halifax Drive (above existing Entry Feature)(Parcel 6341-04-05-0050) Parcel E**
One residential rental unit with no minimum or maximum rental time period to be occupied only by the business owner or manager of a business located within the PCD Property.
- F. **4108 Halifax Drive (Parcel 6341-04-05-0050) Parcel E and G**

The square-footage for uses within this structure is limited to the 1st floor until all the properties located on Halifax Drive, between 4108 Halifax Dr. and Meeker Place have been rezoned to a commercial or mixed-use zoning district*

- Single family residence**
- Restaurant – No Drive-thru
- Ice cream shop
- Retail
- Professional and medical office
- Bed and breakfast inn
- 12 slip Marina for Motorized watercraft slip rental and water related activities***

* The existing single-family dwelling at 4108 Halifax Dr. is a non-confirming use and will be subject to the provisions regarding non-conforming uses and structure outline in Chapter 3 of the LDC.

** Special owner-occupancy provisions. The City shall permit given business owners/managers to reside in a dwelling unit which is set within the principal (business establishment) structure, provided these establishments comply with all other requirements of the LDC and adopted building and fire codes.

*** Marina dock will be allowed to extend more than 100ft from the Halifax Drive bulkhead subject to the Volusia County Manatee Protection Plan and Florida Department of Environmental Protection permitting.

6. DIMENSIONAL REQUIREMENTS

Maximum Building Coverage of Total PCD Area: 35%

Minimum Open Space of Total PCD Area: 30%

Minimum Building Setbacks, Maximum Building Heights, and Drive Aisle Widths:

4009 Halifax Drive (Parcels 6303-11-01-0022 and 6303-11-01-0030) Parcels A and C

Dunlawton Avenue -0' **

East of Halifax Drive -0' **

West of Halifax Drive -0' **

Side -0' **

Maximum Height -45'

4075 Ridgewood Avenue (Parcel 6303-11-01-0012) Parcel B

Ridgewood Avenue -12'

Dunlawton Avenue -20'

Rear -10'

Side -10'

Maximum Height -45'

4085 Ridgewood Avenue (Parcel 6341-04-05-0020) Parcel D

Ridgewood Avenue -10'

Rear -10'

Side -10'

Maximum Height -45'

4147 Ridgewood Avenue (Parcel 6341-04-03-0010) Parcel F

Ridgewood Avenue -12'

Rear – 10'***

South Side -10'

North Side - 0'

Maximum Height -45'

4106/4108 Halifax Drive (Parcel 6341-04-05-0050) Parcels E and G

West of Halifax Dr – 40'*

East of Halifax Dr – 0'

North side of Entry Feature - 2.5'

South Side -5'***
Rear -10' ***
Rear of Entry Feature - 8'
Maximum Height - 35'
Driveway Setback - 5'
Marina Pier Access – 15' from side property lines
One Way Driveway Width - 10'

*Setback may be reduced to 10' once all the properties located on Halifax Drive, between Dunlawton Avenue and Meeker Place have been rezoned to commercial or mixed-use zoning district

**Setback takes into account the 4009 Halifax Drive existing building location and is designed to allow that as well as the parking lot at 4009 Halifax Drive to remain in its current location without change

***Commercial building rear setbacks adjoining residential zoning shall be equal to or greater than the building height

****Parcels D and F are proposed to be combined via Unity of Title or lot combination. The internal lot line will be eliminated and the proposed building on Parcel F may encroach onto Parcel D

7. MAINTENANCE OF COMMON AREAS AND AMENITIES

The owner of parcel 6303-11-01-0022, their successors and assigns shall be jointly and severally responsible for the maintenance of the common facilities of the Property. A declaration of covenants and restrictions addressing the obligations and rights of all the Property subject to this MDA shall be required at the time of site plan submittal.

8. LANDSCAPE BUFFER AND OPAQUE SCREENING

4009 Halifax Drive (Parcels 6303-11-01-0022 and 6303-11-01-0030)

Dunlawton Avenue -0'*
East of Halifax Drive -0'*
West of Halifax Drive -0'*
Rear -0'*
Side -0'*

4075 Ridgewood Avenue (Parcel 6303-11-01-0012)

Ridgewood Avenue -10'
Dunlawton Avenue -3'
Rear -5'
Side -1' minimum, average of 5'

4085 Ridgewood Avenue (Parcel 6341-04-05-0020)

Ridgewood Avenue -10'
Rear -5'
Side -5'

4147 Ridgewood Avenue (Parcel 6341-04-03-0010)

Ridgewood Avenue -10'
Rear -10'
Side -5'

4106/4108 Halifax Drive** (Parcel 6341-04-05-0050)

West of Halifax Dr - 10'
East of Halifax Dr - 0'
Rear - 0'
North Side - 2.5'

South Side -5'

*Landscape buffer takes into account the 4009 Halifax Drive existing building location and is designed to allow that as well as the parking lot at 4009 Halifax Drive to remain in its current location without change

**Two (2) palm trees can be substituted for every one (1) required shade tree within the buffer to satisfy minimum buffer planting requirements.

***A minimum six-foot (6') opaque fence or wall is to be installed on south side of the 4108 Halifax Drive property when or if the property is converted into a non-residential use that abuts a residential zoning district. General location of the fence or wall is shown on the CDP.

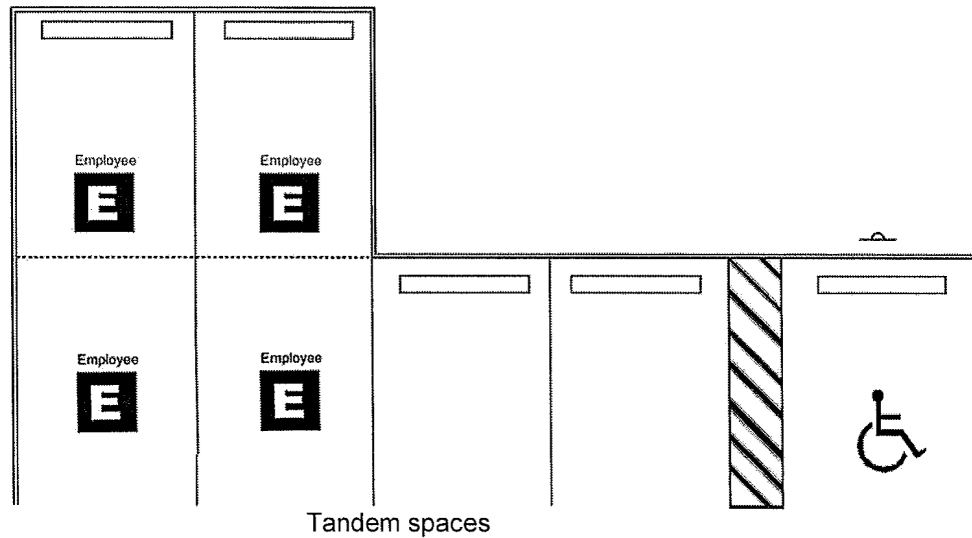
****Landscape buffers may be reduced to 0' along internal PCD property lines.

9. ARCHITECTURAL/DESIGN STANDARDS

- A. All buildings and accessory structures in the PCD area shall be developed in compliance with the terms of Chapter 14 of the LDC as to architectural requirements.
- B. If the structure at 4108 Halifax Drive is demolished or expanded, the architectural design of the new or expanded commercial structure must be consistent with the architectural design of the structures located on Halifax Drive, south 4108 Halifax Drive. The architectural design requirement for 4108 Halifax will defer back to Chapter 14 of the LDC upon all the properties located on Halifax Drive, between 4108 Halifax Dr. and Meeker Place being rezoned to a commercial or mixed-use zoning district.

10. PARKING AND ACCESS

- 1. Per provided Catfish Commons Shared Parking Allocation in "Exhibit D", all parking is considered common and shared throughout the entire Catfish Commons PCD, regardless of the address it is constructed on.
 - A. Parking spaces will be permitted to be 9' wide and 19' deep.
 - B. Minimum number of off-street parking will be provided as required by Exhibit D.
 - C. Per Case No., (11-70000002), 4085 Ridgewood Avenue provides 29 "off-site" parking spaces for 4009 Halifax Dr.
 - D. The minimum 10ft wide one-way driveway shown on the CDP is for circulation of traffic from 4108 Halifax Drive west to the parking lot at 4085 Ridgewood Avenue. Eastbound vehicular traffic is not permitted onto Halifax Drive.
 - E. 4106 Halifax Drive residential unit parking ratio shall be 1 space for 1 unit.
 - F. 4085 Ridgewood Avenue Mobile Retail parking ratio shall be 3 spaces for 1 unit.
 - G. 4009 Halifax Drive parking lot layout, space size and drive aisle size, dimensions and locations are considered existing non-conforming as shown on the CDP and shall be permitted to remain as is including but not limited to existing 10' one way drive aisle widths and existing 8.5" wide parking spaces.
 - H. Riverfront Parking spaces at 4108 Halifax Drive east of Halifax Drive for the Marina are permitted to back out onto Halifax Drive provided they are angled at a minimum of 60 degrees.
 - I. Public crosswalk striping and parking spaces along the riverfront as generally shown on the CDP are to be installed in conjunction with the proposed marina at 4108 Halifax Drive.
 - J. 4085 Ridgewood Avenue new two-way drive aisle width with no parking backing into it running north/south directly on the east edge of the building structure shall be permitted to be 20' wide.
 - K. 4085 Ridgewood Avenue existing two-way drive aisle width with no parking backing into it on the east end of the parking lot between eastern most parking spaces and retention pond shall be permitted to be 16' wide.
 - L. Tandem parking spaces: The spaces shall be reserved for use by employees. Such spaces shall be identified or designated for employee parking through the use of signage or pavement markings. Dimensions for tandem parking spaces are the same as required for standard parking spaces in this MDA.



K. Landscape Curb will be permitted to angle into parking spaces that are located directly in front of the building on 4075 Ridgewood Avenue parcel only, to expand and enhance the landscape beds as shown for example in Exhibit "F". Parking spaces will have to meet ADA Code.

11. **DOCK / WATER ACCESS**

The property at 4108 Halifax Drive (Parcel 6341-04-05-0050, Parcels E and G) shall be permitted to have 12 boat slips for rent to the public. The dock may be floating or stationary and constructed out of wood, composite material or cement and will be allowed to extend more than 100ft from the Halifax Drive bulkhead subject to the Volusia County Manatee Protection Plan and Florida Department of Environmental Protection permitting and as otherwise required by any other applicable local, state and federal laws. The slips may be rented to both motorized and non-motorized vessels at the owner/operator's discretion. The sale of gas and overnight live-aboard vessels shall be prohibited. The rental of motorized and non-motorized vessels to the public shall be a permitted use. Additionally, the dock may be used as an access point in and out of the water for any special event permitted on the property. Five (5) parking spaces shall be permitted east of Halifax Drive to support the Marina.

12. **ROAD & ACCESS WAYS**

All roadways, drives, sidewalks, pathways, bike paths, and walkways providing access within and throughout the Property shall be private and privately maintained in accordance with declaration of covenants and restrictions recorded in the public records by the owner/developer.

13. **PUBLIC UTILITIES AND STORMWATER MANAGEMENT**

- A. Public utilities shall be designed to meet the City's specifications and requirements of the LDC and City Standard Construction Details.
- B. Stormwater shall be retained as generally depicted on the CDP. The Developer shall comply with the LDC, City Standard Construction Details and the rules and regulations of the St. John's River Water Management District concerning storm water drainage. The developer shall provide all required easements to the City over the proposed retention area and related stormwater structures.

14. **SIGNAGE**

The signage for the PCD properties shall be in compliance with the terms of Chapter 15 of the LDC with the following exceptions:

- A. The tenant at 4009 Halifax Dr shall be permitted to have a sign panel on the monument sign at 4075 Ridgewood Avenue.

- B. A Commemorative Sign (not to exceed 64 sq ft) located on the building at 4075 Ridgewood Avenue shall be permitted separate from the allowable square footage for wall signs on that building. The commemorative signage will not count towards the maximum wall sign area allowed for the building and will be similar to the signage depicted on Exhibit "G".
- C. The following signage is allowed for the properties fronting Halifax Dr.:
 - 1 (one) "post" sign (see Exhibit "E" for example)
 - i. Max Height: 6'
 - ii. Max Sign Area: 24 SF
- D. Externally illuminated or non-illuminated wall signage shall be permitted when or if the existing single-family residence at 4108 Halifax Dr. is converted to a commercial use. The colors and material shall compliment and coordinate with the appearance of the structure. Maximum sign height and area as allowed by Chapter 15 of the LDC for an individual commercial use.
- E. Off-site signage on parcels within the PCD area is allowed for businesses within the PCD. Signage shall otherwise be permitted as per the requirements in the LDC for directional signage.

15. PHASING

The PCD Property can be re-developed in multi-phases or as a single phase as shown on the CDP. The phases can be developed in any order.

- 4085 Ridgewood Avenue Mobile Retail
- 4075 Ridgewood Avenue multi-tenant building and associated parking improvements
- 4108 Halifax Drive Single Family Dwelling conversion to commercial
- 4147 Ridgewood Avenue 3 story building and associated parking improvements
- 4108 Halifax Drive 12 slip Marina and associated parking improvements

16. ENVIRONMENTAL CONSIDERATIONS

- A. Developer shall comply with all rules, statues, laws and regulations pertaining to protected wildlife species, including but not limited to the rules and permitting requirements of the Florida Fish and Wildlife Commission. Compliance with the City Environmental Preservation Code may necessitate modification of the CDP.

17. EFFECTIVE DATE AND EXPIRATION

- A. This Agreement shall be effective upon recording by the City at the Developers expense in the public records of Volusia County, Florida not later than thirty (30) days from the date the City Council approves the re-zoning. The restrictions on use and development imposed by this Agreement shall be binding upon all successors in interest in the Property, unless and until the City alters or eliminates such restrictions in the course of the City's actions as zoning authority or until this Agreement expires.
- B. Development of the Catfish Commons PCD shall commence within five (5) years from the date of executions of this Agreement and it shall be completed within ten (10) years from the date of execution unless it is extended by mutual agreement of the parties. Failure to comply with the established schedule shall cause the Agreement to lapse. The term "Development" shall be defined by the LDC.

18. AMENDMENTS

- A. Amendments to this Agreement, other than minor modifications to the CDP as referred to in Section 3 of this Agreement, shall not be effective unless in writing and signed by all record title property owners of the land for which the amendment is to be applied, and the City.
- B. Before amending this Agreement, the City shall conduct one or more public hearings. At the City's option, one of the public hearings may be held by the Planning Commission.
 - 1. Notice of intent to consider an amendment to this Agreement shall be published by the City, at the Owners cost, in a newspaper of general circulation and readership in Volusia County, Florida.
 - 2. If applicable, notice of intent to consider an amendment shall comply with the requirements of Section 166.041(3)(c), Florida Statutes, as amended from time to time.
 - 3. The day, time, and place at which the second public hearing shall take place shall be announced at the first public hearing.

4. The notices required above shall specify the location of the PCD Property, the location of that portion of the PCD Property subject to the proposed amendment, the nature of the proposed amendment, and the following information to the extent applicable:
 - i. Changes permitted, conditional, and/or prohibited uses proposed.
 - ii. Changes in building intensities and/or height proposed.
5. All notices shall specify a place where a copy of the proposed amendment can be obtained.

19. CONFORMANCE WITH LAWS

A. The Developer agrees:

1. To develop the Property according to all regulations of the City to the extent those regulations are not inconsistent with the Plan for the Property.
2. To be bound by all City codes and ordinances that are not in conflict with the provisions of this Agreement.

20. ENFORCEABILITY

If any provision of this agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding not affect the validity or enforceability of any other provision of this Agreement unless the holding so states.

21. PRIOR AGREEMENTS

This Agreement represents the complete understanding by and between the parties with respect to the development and continued use of the subject PCD Property. This Agreement shall be an amendment to and restatement of, and shall supersede and replace the Original MDA and First Amendment. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement is hereby voided and suspended by this Agreement. Any amendment to this Agreement shall be in writing and signed by the City and the Owner(s).

22. POLICE POWER

Nothing contained in this Agreement shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules and regulations. Further, nothing contained in this Agreement shall be construed as a waiver of the attempted waiver by the City of its sovereign immunity under the constitution and laws of the State of Florida.

23. WAIVER OF FUTURE CITY FEES

Any and all city development review application submittal, site inspection, building permit, building inspection, and approval fees for future Comprehensive Plan Amendments, MDA Amendments, and all development related applications within Catfish Commons PCD excluding impact fees and stormwater special assessment fee are hereby waived for a period of 5 years from the recording date of this Re-Stated Master Development Agreement.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties have executed this Restated Catfish Commons Planned Commercial Development Master Development Agreement, by and through their duly authorized representatives, on the respective dates below.

WITNESSES:

CITY OF PORT ORANGE, FLORIDA
a Chartered Municipal Corporation

Name: _____

By: _____
Donald O. Burnette, Mayor

Name: _____

Date: _____

Name: _____

Attest: _____
Robin L. Fenwick, MMC, City Clerk

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____ by Donald O. Burnette, as Mayor of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledged that he is duly authorized to execute the foregoing agreement on behalf of the city. He is personally known to me.

Notary Public, State of Florida at Large
Printed name, commission and expiration of commission term:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____ by Robin L. Fenwick, as City Clerk of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledged that she is duly authorized to execute the foregoing agreement on behalf of the city. She is personally known to me.

Notary Public, State of Florida at Large
Printed name, commission and expiration of commission term:

WITNESSES:

BRENDAN AND SHANNON GALBREATH,
Property owners

Name: _____

Name: _____

Name: _____

Name: _____

By: _____
Brendan Galbreath, Property Owner

Date: _____

By: _____
Shannon Galbreath, Property Owner

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____ by Brendan and Shannon Galbreath property owners., who are ☐ personally known to me or ☐ who have produced _____ as identification and who did not take an oath.

Notary Public, State of Florida at Large

Printed name, commission and expiration of commission term:

WITNESSES:

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____ by Brendan and Shannon Galbreath, property owners, who are ☐ personally known to me or ☐ who have produced _____ as identification and who did not take an oath.

COMMONS 4075 LLC,
Property owner

By: _____
Brendan Galbreath, Member,
Commons 4075 LLC,

Date: _____

By: _____
Shannon Galbreath, Member,
Commons 4075 LLC,

Date: _____

Eric Gaffka Revocable Living Trust dated
December 1, 1999

By: _____
Eric Gaffka, Trustee,
Member, Commons 4075 LLC,

Date: _____

Notary Public, State of Florida at Large

Printed name, commission and expiration of commission term:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____ by Eric Gaffka, Trustee, who are ☐ personally known to me or ☐ who have produced _____ as identification and who did not take an oath.

Notary Public, State of Florida at Large

Printed name, commission and expiration of commission term:

Exhibit "A"

Legal Description

5 Parcels Combined West of Halifax Drive

ALL OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6250 PAGE 4505,
AND ALL OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8057 PAGE 4666,
AND ALL OF THE LAND LYING WESTERLY OF THE WEST RIGHT OF WAY LINE OF HALIFAX DRIVE,
DESCRIBED IN OFFICIAL RECORDS BOOK 6928 PAGE 1511,
AND ALL OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6598 PAGE 1462, AND ALL OF THE LAND DESCRIBED IN
OFFICIAL RECORDS BOOK 7781 PAGE 4878,

ALL FIVE PARCELS BEING MORE FULLY DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 6250 PAGE 4505, THENCE, THE FOLLOWING

THENCE S 26°05'26" E A DISTANCE OF 142.22 FEET;
THENCE S 76°48'21" W A DISTANCE OF 181.53 FEET;
THENCE S 24°27'17" E A DISTANCE OF 137.06 FEET;
THENCE S 65°14'09" W A DISTANCE OF 114.88 FEET;
THENCE S 25°41'31" E A DISTANCE OF 79.77 FEET;
THENCE N 65°15'37" E A DISTANCE OF 296.71 FEET;
THENCE S 26°20'47" E A DISTANCE OF 75.00 FEET;
THENCE S 65°18'12" W A DISTANCE OF 152.63 FEET;
THENCE S 25°41'50" E A DISTANCE OF 70.23 FEET;
THENCE S 65°14'55" W A DISTANCE OF 96.58 FEET;
THENCE S 26°19'51" E A DISTANCE OF 39.95 FEET;
THENCE S 65°25'49" W A DISTANCE OF 191.93 FEET;

THENCE ALONG A NON-TANGENT CURVE, CONCAVE SOUTHEAST, HAVING AN ARC LENGTH OF 44.55 FEET, A RADIUS OF 11509.20 FEET, A DELTA ANGLE OF 00°13'18", AND A CHORD BEARING OF N 26° 30'15" W, CHORD LENGTH OF 44.55 FEET,

THENCE N 26°36'54" W A DISTANCE OF 254.92 FEET;
THENCE N 21°45'31" W A DISTANCE OF 38.26 FEET;

THENCE ALONG A NON-TANGENT CURVE, CONCAVE SOUTHEAST, HAVING AN ARC LENGTH OF 178.87 FEET, A RADIUS OF 134.30 FEET, A DELTA ANGLE OF 76°18'37", AND A CHORD BEARING OF N 16°26'05" E, CHORD LENGTH OF 165.94 FEET,

THENCE N 57°26'23" E A DISTANCE OF 124.09 FEET;
THENCE N 57°29'48" E A DISTANCE OF 206.21 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 142,491 SQUARE FEET, 3.27 ACRES

4108 Halifax Drive Upland Parcel East of Halifax Drive

ALL OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 6928, PAGE 1511, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING EASTERLY OF HALIFAX DRIVE, A 40 FOOT WIDE ROAD PER DEEDS, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF SAID OFFICIAL RECORD BOOK 6928, PAGE 1511, AND THE EASTERLY LINE OF SAID HALIFAX DRIVE;

THENCE N 65°15'37" E ALONG SAID NORTH LINE OF OFFICIAL RECORD BOOK 6928, PAGE 1511, A DISTANCE OF 12.98 FEET;

THENCE S 25°24'07" E ALONG THE EAST FACE OF AN EXISTING CONCRETE SEAWALL, A DISTANCE OF 75.01 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID OFFICIAL RECORD BOOK 6928, PAGE 1511;

THENCE S 65°18'12" W ALONG SAID SOUTH LINE OF OFFICIAL RECORDS BOOK 6928, PAGE 1511, A DISTANCE OF 11.74 FEET TO AN INTERSECTION WITH SAID EAST LINE OF HALIFAX DRIVE ;

THENCE N 26°20'47" W ALONG SAID EAST LINE OF HALIFAX DRIVE. A DISTANCE OF 75.03 FEET TO THE POINT OF BEGINNING.

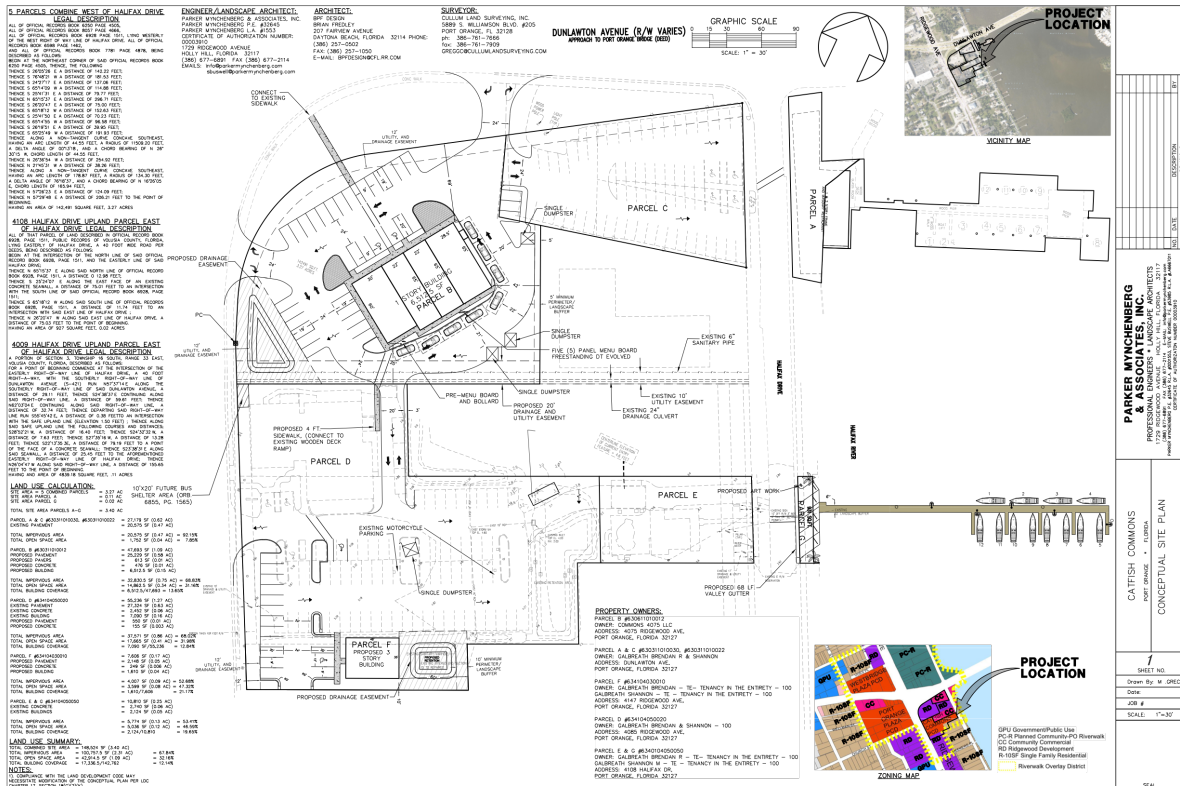
HAVING AN AREA OF 927 SQUARE FEET, 0.02 ACRES

4009 Halifax Drive Upland Parcel East of Halifax Drive

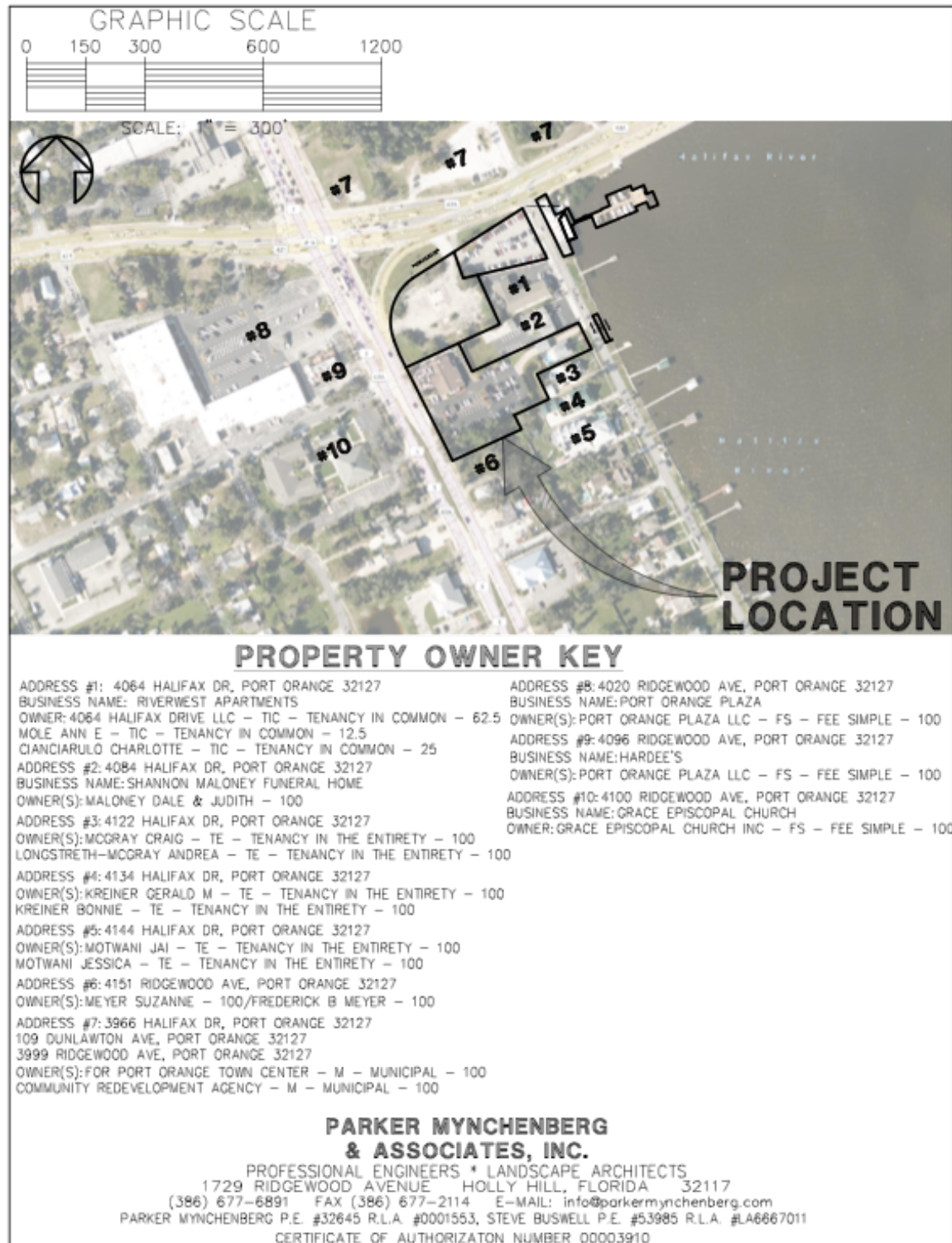
A PORTION OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF HALIFAX DRIVE, A 40 FOOT RIGHT-OF-WAY, WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DUNLAWTON AVENUE (S-421) RUN N57°37'14"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID DUNLAWTON AVENUE, A DISTANCE OF 29.11 FEET; THENCE S24°38'37"E CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 59.61 FEET; THENCE N62°03'04"E CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 32.74 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN S55°45'42"E, A DISTANCE OF 0.38 FEET TO AN INTERSECTION WITH THE SAFE UPLAND LINE (ELEVATION 1.50 FEET) ; THENCE ALONG SAID SAFE UPLAND LINE THE FOLLOWING COURSES AND DISTANCES; S28°52'21"W, A DISTANCE OF 16.40 FEET; THENCE S24°32'32"W, A DISTANCE OF 7.63 FEET; THENCE S27°35'16"W, A DISTANCE OF 13.28 FEET; THENCE S22°13'35"3E, A DISTANCE OF 79.19 FEET TO A POINT OF THE FACE OF A CONCRETE SEAWALL; THENCE S23°38'31"E ALONG SAID SEAWALL, A DISTANCE OF 25.45 FEET TO THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF HALIFAX DRIVE; THENCE N26°04'47"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 155.65 FEET TO THE POINT OF BEGINNING.

HAVING AND AREA OF 4839.18 SQUARE FEET, .11 ACRES

**Conceptual Development Plan
(4 pages total)**



Compliance with the Land Development Code may necessitate modifications to the conceptual plan.





Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
12	Canaveral sand, 0 to 5 percent slopes	2.9	82.7%
15	Cocoa sand, 0 to 5 percent slopes	0.6	17.3%
Totals for Area of Interest		3.5	100.0%

SOILS MAP

PARKER MYNCHENBERG & ASSOCIATES, INC.

PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS
 1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117
 (386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com
 PARKER MYNCHENBERG P.E. #32645 R.L.A. #0001553, STEVE BUSWELL P.E. #53985 R.L.A. #LA6667011
 CERTIFICATE OF AUTHORIZATION NUMBER 00003910

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, X, AE With BFE or Depth (Zone AE, AE, AE, AE, AE) Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard: Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X) Future Conditions 1% Annual Chance Flood Hazard (Zone X) Area with Reduced Flood Risk due to Levees. See Notes. (Zone X) Area with Flood Risk due to Levees (Zone X)
OTHER AREAS	NO SCREEN: Area of Minimal Flood Hazard (Zone X) Effective LOMAs Area of Undetermined Flood Hazard (Zone X)
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Tract Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Tract Baseline Profile Baseline Hydrographic Feature
MAP PANELS	Digital Data Available No Digital Data Available Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps. If it is not valid as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/8/2021 at 9:59 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and undetermined areas cannot be used for regulatory purposes.

FEMA MAP

PARKER MYNCHENBERG & ASSOCIATES, INC.

PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS
1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117
(386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com
PARKER MYNCHENBERG P.E. #32645 R.L.A. #0001553, STEVE BUSWELL P.E. #53985 R.L.A. #LA6667011
CERTIFICATE OF AUTHORIZATION NUMBER 00003910

Exhibit "C"

General Appearance of Mobile Retail Unit



Exhibit "D"
Catfish Commons Parking Allocation

Total Proposed Parking Provided per CDP

4009 Halifax Drive...63
4085 Ridgewood Avenue...77 (including new 3 story office/residential building site at 4147 Ridgewood Avenue)
4108 Halifax Drive...5
4075 Ridgewood Avenue...36

Total Spaces Provided...181

Parking Required per proposed use

Aunt Catfish's (4009 Halifax Drive)...91 (228 seats + 27 employees)
La Cantina...41 (4085 Ridgewood Avenue) (100 seats + 11 employees)
Loft Apartment...1 (4106 Halifax Dr)
Mobile Retail...3 (4085 Ridgewood Avenue)
Office w/ 4 residential units above...8 (4147 Ridgewood Avenue) (1.5 per 805 square feet and 1 per residential unit)
Marina...4 (4108 Halifax Drive) (1 parking space per 3 boat slips)
4075 Ridgewood multi-tenant commercial building (1 per 250 square feet)...35

Total Spaces Required...181

Exhibit "E"

Sign Design Options

Note: The Sign Design Options included are conceptual only and are intended to provide general examples of commercial signage that compliments and coordinates with the residential appearance of Halifax Drive. Final design drawings will be submitted for permitting at a later date.

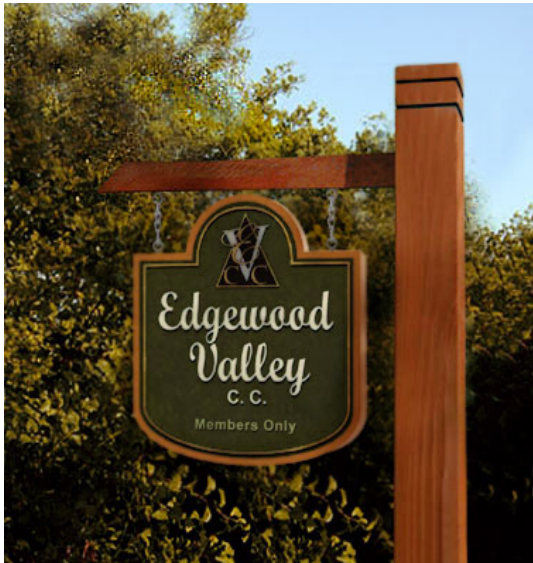


Exhibit "F"
Landscape Curb into Parking Space
(2 pages)



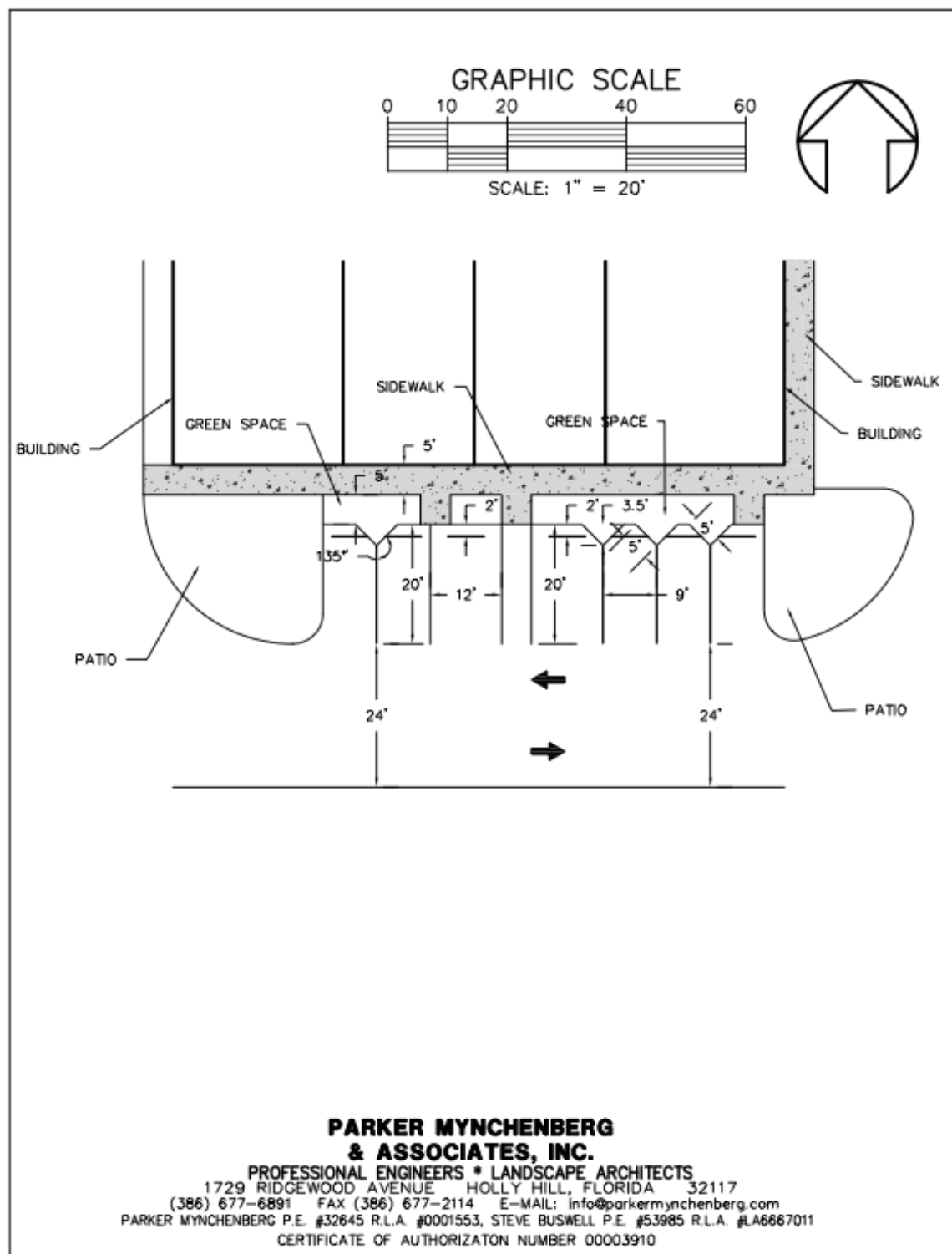
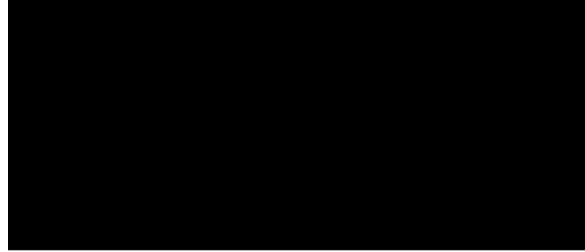


Exhibit "G"



5 PARCELS COMBINE WEST OF HALIFAX DRIVE
LEGAL DESCRIPTION

ALL OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6250 PAGE 4505, AND ALL OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8057 PAGE 4666, AND ALL OF THE LAND LYING WESTERLY OF THE WEST RIGHT OF WAY LINE OF HALIFAX DRIVE,
DESCRIBED IN OFFICIAL RECORDS BOOK 6928 PAGE 1511,
AND ALL OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6598 PAGE 1462, AND ALL OF THE LAND DESCRIBED IN
OFFICIAL RECORDS BOOK 7781 PAGE 4878,
ALL FIVE PARCELS BEING MORE FULLY DESCRIBED AS:
BEGIN AT THE NORTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 6250 PAGE 4505, THENCE, THE FOLLOWING
THENCE S 26°05'26" E A DISTANCE OF 142.22 FEET;
THENCE S 76°48'21" W A DISTANCE OF 181.53 FEET;
THENCE S 24°27'17" E A DISTANCE OF 137.06 FEET;
THENCE S 65°14'09" W A DISTANCE OF 114.88 FEET;
THENCE S 25°41'31" E A DISTANCE OF 79.77 FEET;
THENCE N 65°15'37" E A DISTANCE OF 296.71 FEET;
THENCE S 26°20'47" E A DISTANCE OF 75.00 FEET;
THENCE S 65°18'12" W A DISTANCE OF 152.63 FEET;
THENCE S 25°41'50" E A DISTANCE OF 70.23 FEET;
THENCE S 65°14'55" W A DISTANCE OF 96.58 FEET;
THENCE S 26°19'51" E A DISTANCE OF 39.95 FEET;
THENCE S 65°25'49" W A DISTANCE OF 191.93 FEET;
THENCE ALONG A NON-TANGENT CURVE CONCAVE SOUTHEAST, HAVING AN ARC LENGTH OF 44.55 FEET, A RADIUS OF 11509.20 FEET, A DELTA ANGLE OF 0°01'18", AND A CHORD BEARING OF N 26° 30'15" W, CHORD LENGTH OF 44.55 FEET, THENCE N 26°36'54" W A DISTANCE OF 254.92 FEET;
THENCE N 21°43'31" W A DISTANCE OF 38.26 FEET, THENCE ALONG A NON-TANGENT CURVE CONCAVE SOUTHEAST, HAVING AN ARC LENGTH OF 178.87 FEET, A RADIUS OF 134.30 FEET, A DELTA ANGLE OF 76°18'37", AND A CHORD BEARING OF N 16°26'05" E, CHORD LENGTH OF 165.94 FEET, THENCE N 57°26'23" E A DISTANCE OF 124.09 FEET;
THENCE N 57°29'48" E A DISTANCE OF 206.21 FEET TO THE POINT OF BEGINNING.
HAVING AN AREA OF 142,491 SQUARE FEET, 3.27 ACRES

4108 HALIFAX DRIVE UPLAND PARCEL EAST
OF HALIFAX DRIVE LEGAL DESCRIPTION

ALL OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 6928, PAGE 1511, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING EASTERLY OF HALIFAX DRIVE, A 40 FOOT WIDE ROAD PER DEEDS, BEING DESCRIBED AS FOLLOWS:
BEGIN AT THE INTERSECTION OF THE NORTH LINE OF SAID OFFICIAL RECORD BOOK 6928, PAGE 1511, AND THE EASTERLY LINE OF SAID HALIFAX DRIVE;
THENCE N 65°15'37" E ALONG SAID NORTH LINE OF OFFICIAL RECORD BOOK 6928, PAGE 1511, A DISTANCE OF 12.98 FEET;
THENCE S 25°24'07" E ALONG THE EAST FACE OF AN EXISTING CONCRETE SEAWALL, A DISTANCE OF 75.01 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID OFFICIAL RECORD BOOK 6928, PAGE 1511; THENCE S 65°18'12" W ALONG SAID SOUTH LINE OF OFFICIAL RECORDS BOOK 6928, PAGE 1511, A DISTANCE OF 11.74 FEET TO AN INTERSECTION WITH SAID EAST LINE OF HALIFAX DRIVE;
THENCE N 26°20'47" W ALONG SAID EAST LINE OF HALIFAX DRIVE. A DISTANCE OF 75.03 FEET TO THE POINT OF BEGINNING.
HAVING AN AREA OF 927 SQUARE FEET, 0.02 ACRES

4009 HALIFAX DRIVE UPLAND PARCEL EAST
OF HALIFAX DRIVE LEGAL DESCRIPTION

A PORTION OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF HALIFAX DRIVE, A 40 FOOT RIGHT-OF-WAY, WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DUNLAWTON AVENUE (S-421) RUN N57°37'14"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID DUNLAWTON AVENUE, A DISTANCE OF 29.11 FEET, THENCE S24°38'37"E CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 59.61 FEET; THENCE N62°03'04"E CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 32.74 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN S55°45'42"E, A DISTANCE OF 0.38 FEET TO AN INTERSECTION WITH THE SAFE UPLAND LINE (ELEVATION 1.50 FEET) ; THENCE ALONG SAID SAFE UPLAND LINE THE FOLLOWING COURSES AND DISTANCES: S28°52'21"W, A DISTANCE OF 16.40 FEET; THENCE S24°32'32"W, A DISTANCE OF 7.63 FEET; THENCE S27°35'15"W, A DISTANCE OF 13.28 FEET; THENCE S22°13'35"SE, A DISTANCE OF 79.19 FEET TO A POINT OF THE FACE OF A CONCRETE SEAWALL; THENCE S23°38'31"E ALONG SAID SEAWALL, A DISTANCE OF 25.45 FEET TO THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF HALIFAX DRIVE; THENCE N26°04'47"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 155.65 FEET TO THE POINT OF BEGINNING.
HAVING AND AREA OF 4839.18 SQUARE FEET, .11 ACRES

LAND USE CALCULATION:

SITE AREA = 5 COMBINED PARCELS = 3.27 AC
SITE AREA PARCEL A = 0.11 AC
SITE AREA PARCEL G = 0.02 AC

TOTAL SITE AREA PARCELS A-G = 3.40 AC

PARCEL A & C #630311010030, #630311010022 = 27,179 SF (0.62 AC)
EXISTING PAVEMENT = 20,575 SF (0.47 AC)

TOTAL IMPERVIOUS AREA = 20,575 SF (0.47 AC) = 92.15%
TOTAL OPEN SPACE AREA = 1,752 SF (0.04 AC) = 7.85%

PARCEL B #630311010012 = 47,693 SF (1.09 AC)
PROPOSED PAVEMENT = 25,229 SF (0.58 AC)
PROPOSED PAVERS = 613 SF (0.01 AC)
PROPOSED CONCRETE = 476 SF (0.01 AC)
PROPOSED BUILDING = 6,512.5 SF (0.15 AC)

TOTAL IMPERVIOUS AREA = 32,830.5 SF (0.75 AC) = 68.83%
TOTAL OPEN SPACE AREA = 14,862.5 SF (0.34 AC) = 31.16%
TOTAL BUILDING COVERAGE = 6,512.5/47,693 = 13.65%

PARCEL D #634104050020 = 55,236 SF (1.27 AC)
EXISTING PAVEMENT = 27,324 SF (0.63 AC)
EXISTING CONCRETE = 2,452 SF (0.06 AC)
EXISTING BUILDING = 7,090 SF (0.16 AC)
PROPOSED PAVEMENT = 550 SF (0.01 AC)
PROPOSED CONCRETE = 155 SF (0.003 AC)

TOTAL IMPERVIOUS AREA = 37,571 SF (0.86 AC) = 68.02%
TOTAL OPEN SPACE AREA = 17,665 SF (0.41 AC) = 31.98%
TOTAL BUILDING COVERAGE = 7,090 SF/55,236 = 12.84%

PARCEL F #634104030010 = 7,606 SF (0.17 AC)
PROPOSED PAVEMENT = 2,148 SF (0.05 AC)
PROPOSED CONCRETE = 249 SF (0.006 AC)
PROPOSED BUILDING = 1,610 SF (0.04 AC)

TOTAL IMPERVIOUS AREA = 4,007 SF (0.09 AC) = 52.68%
TOTAL OPEN SPACE AREA = 3,599 SF (0.08 AC) = 47.32%
TOTAL BUILDING COVERAGE = 1,610/7,606 = 21.17%

PARCEL E & G #634104050050 = 10,810 SF (0.25 AC)
EXISTING CONCRETE = 2,740 SF (0.06 AC)
EXISTING BUILDINGS = 2,124 SF (0.05 AC)

TOTAL IMPERVIOUS AREA = 5,774 SF (0.13 AC) = 53.41%
TOTAL OPEN SPACE AREA = 5,036 SF (0.12 AC) = 46.59%
TOTAL BUILDING COVERAGE = 2,124/10,810 = 19.65%

LAND USE SUMMARY:

TOTAL COMBINED SITE AREA = 148,524 SF (3.40 AC)
TOTAL IMPERVIOUS AREA = 100,757.5 SF (2.31 AC) = 67.84%
TOTAL OPEN SPACE AREA = 42,814.5 SF (1.09 AC) = 32.16%
TOTAL BUILDING COVERAGE = 17,336.5/142,762 = 12.14%

NOTES:

1). COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL PLAN PER LDC CHAPTER 17, SECTION 18(G)(2)(K).

ENGINEER/LANDSCAPE ARCHITECT:

PARKER MYNCHENBERG & ASSOCIATES, INC.
PARKER MYNCHENBERG P.E. #32645
PARKER MYNCHENBERG L.A. #1553
CERTIFICATE OF AUTHORIZATION NUMBER: 00003910
1729 RIDGEWOOD AVENUE
HOLLY HILL, FLORIDA 32117
(386) 677-6891 FAX (386) 677-2114
EMAILS: info@parkermynchenberg.com
bsbuswell@parkermynchenberg.com

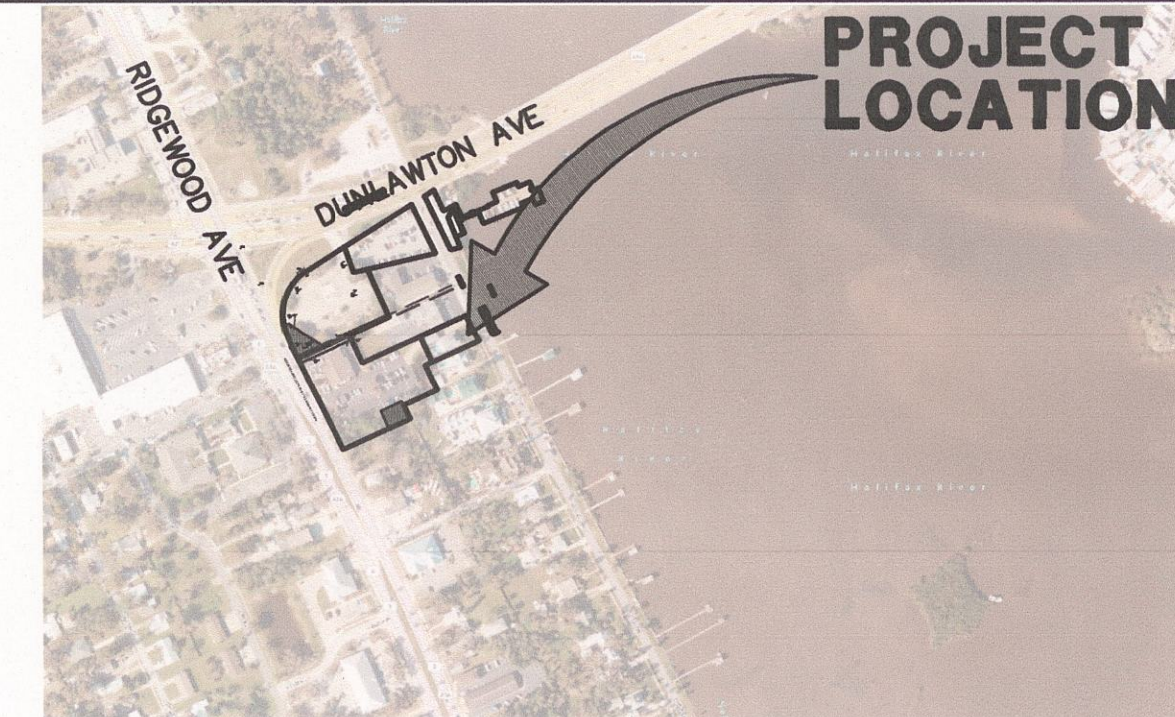
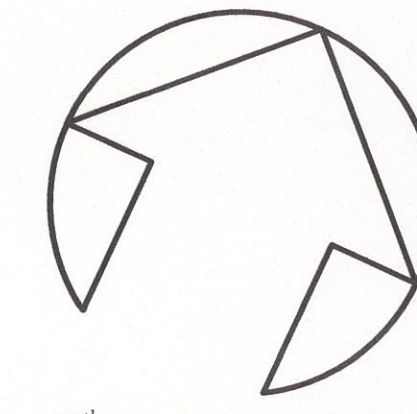
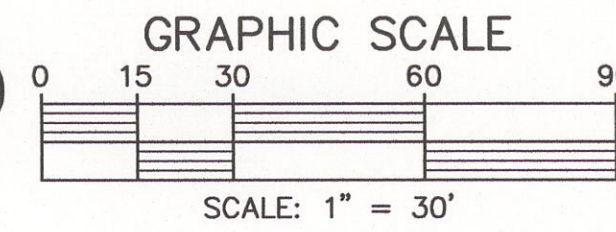
ARCHITECT:

BPF DESIGN
BRIAN FREDLEY
207 FAIRVIEW AVENUE
DAYTONA BEACH, FLORIDA 32114 PHONE:
(386) 257-0502
FAX: (386) 257-1050
E-MAIL: BPFDESIGN@CFL.RR.COM

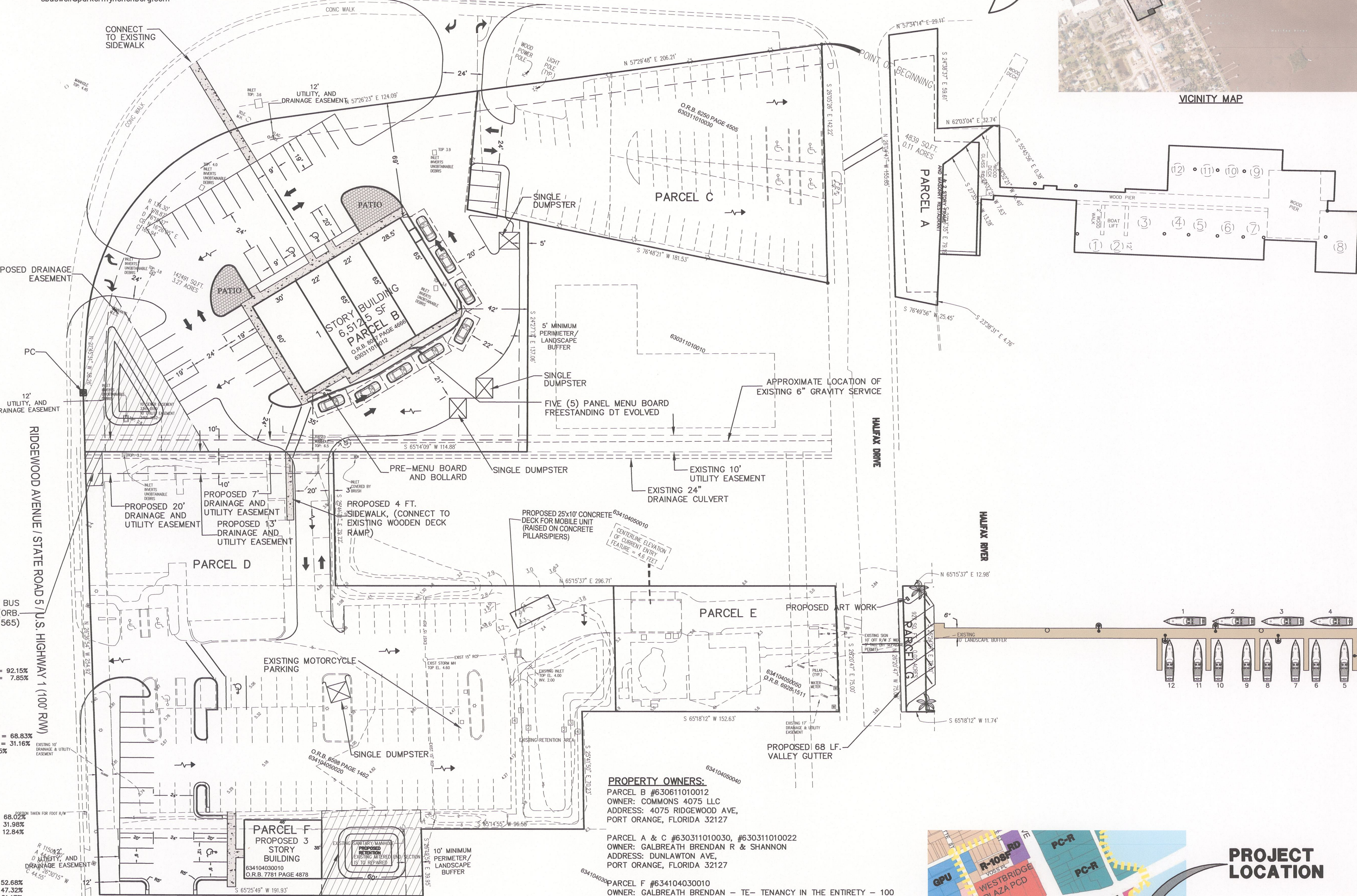
SURVEYOR:

CULLUM LAND SURVEYING, INC.
5889 S. WILLIAMSON BLVD. #205
PORT ORANGE, FL 32128
ph: 386-761-7666
fax: 386-761-7909
GREGGC@CULLUMLANDSURVEYING.COM

DUNLAWTON AVENUE (R/W VARIES)
APPROACH TO PORT ORANGE BRIDGE (DEED)



VICINITY MAP



PROPERTY OWNERS:

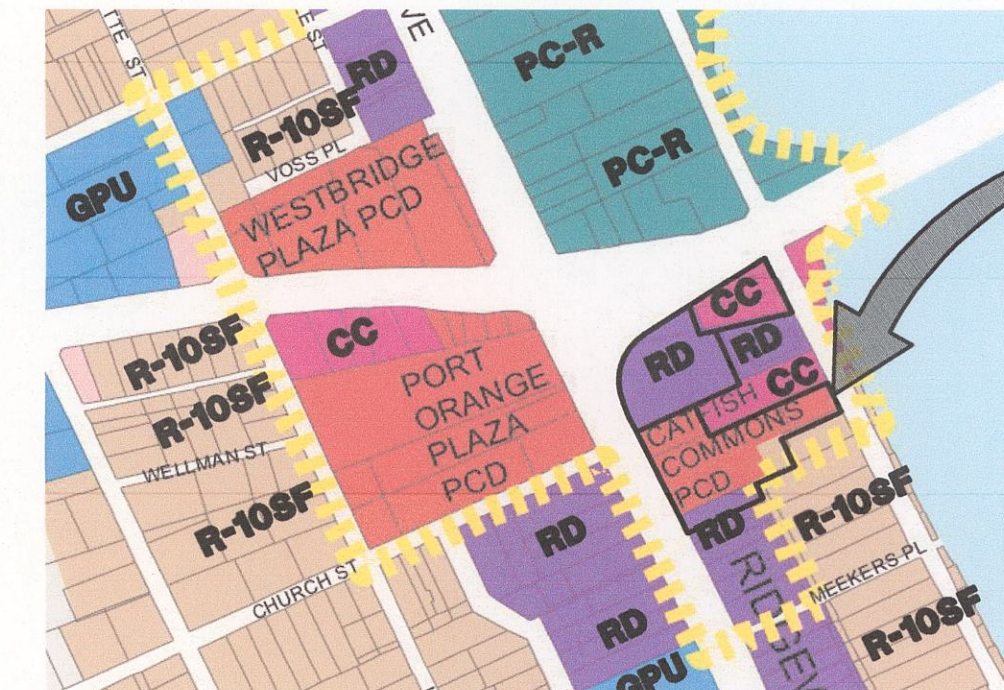
PARCEL B #630611010012
OWNER: COMMONS 4075 LLC
ADDRESS: 4075 RIDGEWOOD AVE,
PORT ORANGE, FLORIDA 32127

PARCEL A & C #630311010030, #630311010022
OWNER: GALBREATH BRENDAN R & SHANNON
ADDRESS: DUNLAWTON AVE,
PORT ORANGE, FLORIDA 32127

PARCEL F #634104030010
OWNER: GALBREATH BRENDAN R - TE- TENANCY IN THE ENTIRETY - 100
GALBREATH SHANNON - TE - TENANCY IN THE ENTIRETY - 100
ADDRESS: 4147 RIDGEWOOD AVE,
PORT ORANGE, FLORIDA 32127

PARCEL D #634104050020
OWNER: GALBREATH BRENDAN & SHANNON - 100
ADDRESS: 4085 RIDGEWOOD AVE,
PORT ORANGE, FLORIDA 32127

PARCEL E & G #634104050050
OWNER: GALBREATH BRENDAN R - TE- TENANCY IN THE ENTIRETY - 100
GALBREATH SHANNON M - TE - TENANCY IN THE ENTIRETY - 100
ADDRESS: 4108 HALIFAX DR,
PORT ORANGE, FLORIDA 32127



ZONING MAP

PROJECT LOCATION

GPU Government/Public Use
PC-R Planned Community-PO Riverwalk
CC Community Commercial
RD Ridgewood Development
R-10SF Single Family Residential
Riverwalk Overlay District

PARKER MYNCHENBERG
& ASSOCIATES, INC.

PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS
1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117
(386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com
PARKER MYNCHENBERG P.E. #32645, STEVE BUSWELL P.E. #46667011
CERTIFICATE OF AUTHORIZATION NUMBER 00003910

CATFISH COMMONS
PORT ORANGE * FLORIDA

CONCEPTUAL SITE PLAN

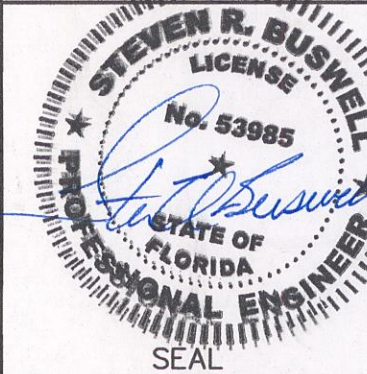
1
SHEET NO.

Drawn By: M .GRECO

Date:

JOB #

SCALE: 1"= 30'



APR 12 2022

Exhibit 2

Permitted Uses for the Ridgewood Development (RD) and Mixed-Use Center (MXU) zoning district

Chapter 17, Section 25: - Ridgewood development (RD) district.

Permitted uses.

- (1) Adult/vocational education.
- (2) Appliance/electronic repair shops.
- (3) Athletic/sports facilities.
- (4) Auction houses.
- (5) Banks.
- (6) Boat sales.
- (7) Business services.
- (8) Clubs, lodges, and fraternal organizations.
- (9) Commercial/industrial equipment and supplies.
- (10) Convenience stores with or without fuel operations.
- (11) Equipment rental.
- (12) Financial services.
- (13) Fleet-based services.
- (14) Fortunetellers, astrologers, and palm readers.
- (15) Funeral homes.
- (16) Furniture and appliance stores.
- (17) Greenhouses and nurseries (wholesale and retail).
- (18) Health/exercise club.
- (19) Hotels.
- (20) Houses of worship.
- (21) Laboratory, research and development.
- (22) Maintenance contractors.
- (23) Manufacturing: craftsman shops.
- (24) Manufacturing, limited.
- (25) Medical offices/clinics.
- (26) Mobile home sales.
- (27) Motor vehicle sales.
- (28) Motor vehicle service centers.
- (29) Motor vehicle service stations.
- (30) Offices.
- (31) Pawn shops.
- (32) Personal services.
- (33) Restaurants.
- (34) Retail home building materials.
- (35) Retail sales and services.
- (36) Tattoo establishment.
- (37) Taxidermy.
- (38) Theaters.
- (39) Veterinary clinics.
- (40) Wholesalers and distributors.
- (41) Xerographic and offset printing.

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

- (1) Assisted living facilities (subsection 1).

- (2) Brewery (subsection 3.7).
- (3) Child care centers (subsection 4).
- (4) Community gardens (subsection 5.1).
- (5) Construction and home improvement contractor (subsection 5.12).
- (6) Craft food and beverage producer (subsection 5.15).
- (7) Microbrewery (subsection 9.57).
- (8) Nursing homes (subsection 10).

(c) *Special exception uses (chapter 18, [section 3](#)).*

- (1) Bars, lounges and night clubs (subsection 3).
- (2) Boat repair, engine (chapter 18, paragraph 3(b)(3.5)).
- (3) Farmers/flea markets (subsection 5.5).
- (4) Game/recreation facilities (subsection 7).
- (5) Manufacturing: fabrication.
- (6) Marina, recreational (subsection 9.6).
- (7) Mini-warehouses (subsection 10).
- (8) Motor vehicle repair facilities (subsection 13).
- (9) Multifamily dwellings (16 units per gross acre maximum allowable density) (subsection 14).

(d) *Reserved.*

(e) *Special landscape provisions.*

(1) Special landscape provisions for development within this district are described in [chapter 13](#), specifically subsection 3(c), subsection 3(d)(3), subsection 3(e), subsection 4(b) and subsection 5(d).

(f) *Special signage provisions.* Special signage provisions for development within this district are described in [chapter 15](#), specifically subsection 6(b) and subsection 7(c)(1)(b).

(g) *Special vehicular use provisions.* The use of alternative surfaces for parking and other vehicular use areas shall be permitted as provided in subsection 6(f)(3) of [chapter 12](#) of this Code.

(h) *Special owner-occupancy provisions.* The residential occupancy by a business owner and the owner's family of a structure being used for a permitted use or permitted use with special development requirements shall be permitted as provided in subsection 2(d) of [chapter 20](#) of this Code.

Exhibit 3
Permitted Uses for the Mixed-Use Center (MXU) zoning district

Chapter 17, Section 32: - Mixed Use Center (MXC) district.

Mix of uses. The allowable distribution of uses within each mixed-use center unified development will be within the following ranges:

Commercial (not including office)	50%—90%
Office	10%—90%
Residential	0%—50%
Institutional	0%—35%

Permitted uses.

(1) *Principal uses:* All uses in this list shall be permitted within the MXC district. Uses are categorized based on similar impacts and to ensure diversity of uses. Those uses with special development requirements are identified with an asterisk (*). These special development requirements are identified in [Chapter 18, Section 4](#).

(a) *Commercial category.*

- (1) Banks.
- (2) Bars, lounges, and nightclubs *.
- (3) Brewery*.
- (4) Craft food and beverage producer*.
- (5) Game/recreation facility.
- (6) Health/exercise clubs *.
- (7) Marina, Recreational *.
- (8) Microbrewery*.
- (9) Office supplies.
- (10) Personal services.
- (11) Restaurants.
- (12) Retail sales and service.

(b) *Office category.*

- (1) Business services.
- (2) Financial services.
- (3) Medical office/clinics.
- (4) Offices.
- (5) Public park and associated facilities. (This is a supportive use to the principal uses listed. It is allowed by right, but shall not count towards the minimum permitted mix of uses.)
- (6) Veterinary clinics.

(c) *Residential category.*

- (1)-(3) Reserved.
- (4) Multifamily dwelling (16 units per gross acre maximum allowable density).
- (5) Live-work units *.
- (6) Bed and breakfast inn.

(d) *Institutional category.*

- (1) Child care centers *.
- (2) House of worship.
- (3) Private schools.



STAFF REPORT

SMALL-SCALE FUTURE LAND USE MAP AMENDMENT

5360 Dubois Avenue
CASE NO. 22-20000002

REQUEST:	Amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ± 0.81 acres from <i>Commercial</i> to <i>Urban Medium Density Residential (4-8 units/acre)</i>
LOCATION:	5360 Dubois Avenue (see Figure 1)
PROPERTY OWNERS:	Robert W. and Carmella J. Faris
APPLICANT:	City of Port Orange
STAFF CONTACT:	Gideon Smith, Senior Planner (386) 506-5676
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	April 28, 2022

INTRODUCTION

The proposed administrative Future Land Use (FLU) map amendment is to change the FLU designation of ± 0.81 acres from *Commercial* to *Urban Medium Density Residential (4-8 units/acre)*. The subject property is located at the northeastern corner of Dubois Avenue and Turton Street. The proposed FLU amendment is being processed concurrently with a rezoning application to rezone the subject property from Ridgewood Development (RD) to Mobile Home Residential (RMH) to make the subject property compatible with the surrounding area.

Figure 1. Location Map



Map created by the City of Port Orange Community Development Department

DISCUSSION

The following discussion will examine the proposed amendment and impacts of the proposed amendment.

PROPERTY OVERVIEW

The subject property is vacant and historically had a *Commercial* Future Land Use (FLU) designation and zoned Ridgewood Development (RD) but was developed with a residential mobile home. The subject property can only be accessed through residential streets. Since a mobile home was on the property, the mobile home was allowed to remain as a non-conforming use. However, when the mobile home was demolished, its nonconforming status was lost, and any future development on the parcel is now required to be a commercial use. To encourage redevelopment of the infill property with a use that is compatible with the surrounding residential area and would not generate commercial traffic on a residential street, an amendment to the FLU map and rezoning is being processed to allow the subject property to be redeveloped as residential.

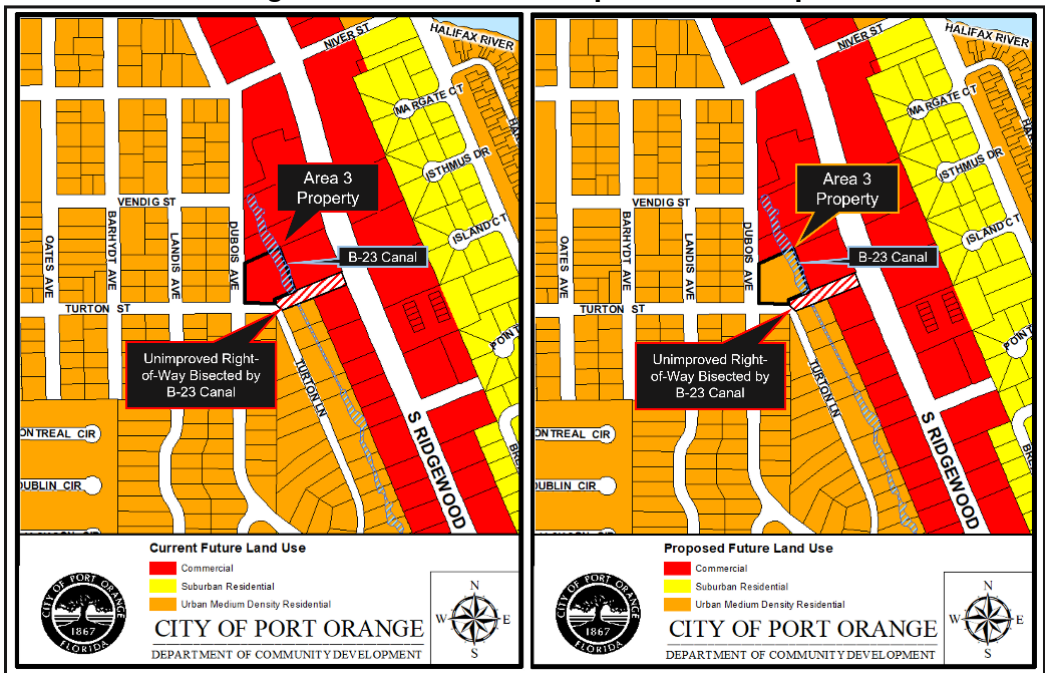
There is existing infrastructure such as water, sewer, and roads to support the redevelopment of this infill property with a residential use. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Commercial (Contractor Yard)	<i>Commercial</i>	Ridgewood Development (RD)
South	Residential (Single-Family), Turton St. Right-of-Way	<i>Urban Medium Density Residential (4-8 u/a)</i>	Mobile Home Residential (RMH) & R-7SF Single-Family Residential
East	B-23 Canal and Commercial (Vacant)	<i>Commercial</i>	Ridgewood Development (RD)
West	Residential (Single-Family) Dubois Ave. Right-of-Way	<i>Urban Medium Density Residential (4-8 u/a)</i>	Mobile Home Residential (RMH)

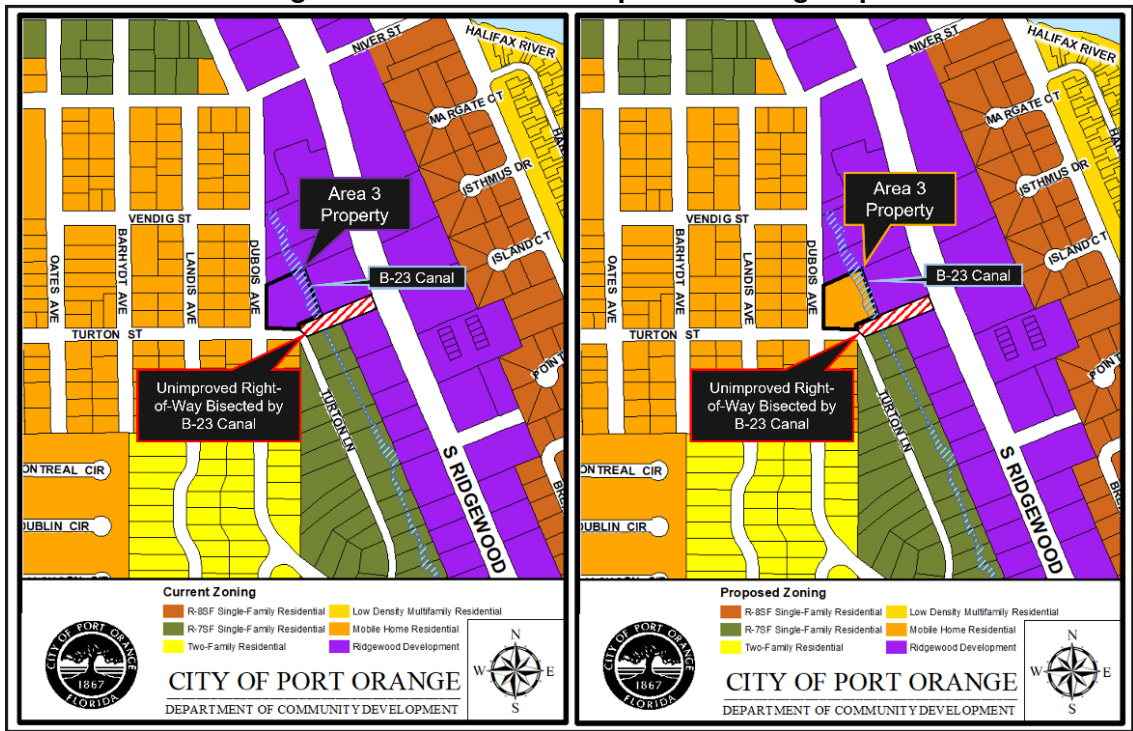
The current adopted and proposed FLU designation for the subject property and adjacent properties is identified in Figure 2.

Figure 2. Current and Proposed FLU Map



The current adopted and proposed zoning classification for the subject property and adjacent properties is identified in Figure 3. A rezoning application is being processed concurrently with the proposed FLU amendment to change the zoning for the subject property from Ridgewood Development (RD) to Mobile Home Residential (RMH) (Case No. 22-60000003).

Figure 3. Current and Proposed Zoning Map



PROPOSED AMENDMENT

The proposed amendment is to change the FLU designation for ±0.81-acres from *Commercial* to *Urban Medium Density Residential (4-8 units/acre)*. The following table identifies the current adopted and proposed FLU designations by acreage (Table 2):

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

FLU Categories	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
<i>Commercial</i>	0.81	0	-0.81
<i>Urban Medium Density Residential (4-8 units/acre)</i>	0	0.81	+0.81
Total Acreage	0.81	0.81	0

According to the City of Port Orange Comprehensive Plan, the proposed *Urban Medium Density Residential (4-8 units/acre)* FLU designation is to allow for medium-density residential land uses that consist of duplex, villa, cluster, townhouse, mobile home, manufactured or multi-family housing at densities between four and eight units per acre. The proposed *Urban Medium Density Residential (4-8 Units/Acre)* designation is the same designation of the existing residences to the west and south of the subject property.

The maximum allowable density/intensity and net change in density/intensity between the current *Commercial* FLU designation and the proposed *Urban Medium Density Residential (4-8 units/acre)* FLU designation is shown in Table 3. The theoretical maximum development scenarios for the current *Commercial* FLU designation were compared to the proposed *Urban Medium Density Residential* FLU designation. The proposed amendment results in an increase in density and decrease in intensity.

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

	Current FLU	Proposed FLU	Net Change in FLU
	[Theoretical Maximum Density (units)/Intensity (sq. ft.)]		
<i>Commercial</i> (0.50 FAR for Community node)	8,821 sq. ft. commercial	0	-8,821 sq. ft. commercial
<i>Urban Medium Density Residential (4-8 units/acre)</i>	0	6 units	+6 units

* 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.

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 designation versus the FLU designation proposed. The theoretical maximums used in the analysis are NOT the actual development potential proposed on the subject property. Development of the site will be required to comply with required setbacks, landscape buffers, stormwater retention,

parking, and other site improvements that reduce the overall development potential of the site. The following seven public facilities and services were examined:

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

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Current Land Use (Commercial)	Proposed Land Use (Urban Medium Density Residential (4-8 units/acre))	Net Change
Residential Units	0	6	+6
Non-residential Buildable Sq. Ft.	17,642	0	-17,642
Population ¹	0	14	+14
PM Peak Hour Trips/Daily Trips ²	66/753	6/57	-60/-696
Sanitary Sewer (gallons/ day) ³	1,764	960	-804
Potable Water (gallons/ day) ⁴	1,764	1,080	-684
Solid Waste (lbs./day) ⁵	176	46	-130
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/ Open Space (acres) ⁷	0.00	0.1	+0.1

Table 4 Notes:

1. Population: 2.39 persons per household (per 2019 Census American Community Survey ACS 5-Year Estimates)
2. Transportation: Single-family home (210) 1.02 PM peak hour trips per unit and 9.52 daily trips per unit; Shopping Center (820) trips per 1000 sq. ft., 3.71 PM Peak Hour; 42.70 Average Daily; ITE Trip Generation Manual, 10th Edition
3. Sanitary Sewer: 160 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
4. Potable Water: 180 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 square feet of non-residential development per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event; Drainage system must be designed to meet the requirements of the Land Development Code
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)

According to the Infrastructure Impact Analysis, the proposed FLU designation would result in a *decrease* in theoretical maximum impacts to the following public facilities and services: roads, sanitary sewer, potable water, and solid waste. Currently, the subject property would only allow for the installation of one (1) mobile home. The theoretical maximum density allowed by the proposed FLU designation is six (6) units; however, based on site constraints; the canal on the east side of the property, being a corner lot

with two front setbacks, and being in the flood zone, the subject property will likely only be able to support one (1) to two (2) mobile home units. All future development plans submitted will require detailed technical review by City staff to determine all requirements in the Land Development Code (LDC) and Florida Building Code are met.

TRANSPORTATION

Based on the 10th Edition of the ITE Trip Generation Manual, the proposed *Urban Medium Density Residential (4-8 units/acre)* FLU designation could generate 6 P.M. peak hour trips, and 57 daily trips based on theoretical maximum of 6 residential units. This would be a *decrease* in the number of trips from the current *Commercial* FLU designation on the residential streets uses to access this parcel.

SANITARY SEWER

The City has available sewer capacity to accommodate the proposed FLU amendment and future redevelopment of the subject property. The City's adopted LOS standard for sanitary sewer is 160 gallons per day per Equivalent Residential Unit (ERU) and 1/10 gallon per square foot per day of non-residential development. Using these standards, the proposed FLU designation would theoretically generate approximately 960 gallons per day (gpd) of wastewater. This is a net *decrease* of 804 gallons per day.

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 for potable water is 180 gallons per day per Equivalent Residential Unit and 1/10 gallon per square foot per day of non-residential development. Using these standards, the proposed FLU designation would demand approximately 1,080 gallons of potable water per day based on the theoretical maximum development analysis. This is a net *decrease* of 684 gallons per day.

SOLID WASTE COLLECTION

There is available capacity at the landfill to address the City's solid waste disposal needs. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050. The City's adopted LOS standard for solid waste is 3.21 pounds per person per day and 10 lbs. per 1,000 square feet of non-residential development per day. Using this standard, the proposed FLU designation would generate approximately 46 pounds per day of solid waste based on the theoretical maximum development analysis. This is a net *decrease* of 130 pounds per day.

STORMWATER DRAINAGE

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

and discharge water after development as it does before development occurs. Any future redevelopment of the property will be required to address stormwater retention on the property in accordance with these City standards.

RECREATION AND OPEN SPACE

The proposed FLU designation would generate the demand for 0.1 acres of parkland. According to the 2021 Concurrency Management Report, all public recreational facilities have excess capacity to meted adopted level-of-service standards and accommodate the proposed amendment.

SCHOOLS

Pursuant to the Volusia County School District criteria, the proposed FLU amendment and any future redevelopment of this property is exempt from School Concurrency review because the maximum number of units is under ten (10).

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 designation is compatible with adjacent parcels. Adequate capacity exists for potable water, sewer, schools, recreation, and stormwater, and solid waste. As with all development, the specific site development proposals for the subject property will be subject to concurrency regulations requiring adequate public facilities to be provided to mitigate the impacts.

2. *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 (see Table 1 – page 2). 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 is adjacent to a developed commercial property to the north, existing residential properties to the south and west, and vacant commercial property to the east across the B-23 canal.

The proposed *Urban Medium Density Residential* (4-8 Units/Acre) designation is the same designation of the existing residences to the south and west of the subject property. If approved, the subject property has the potential to be developed as a residence, increasing the compatibility with the development pattern to the west and south. Whereas, the current *Commercial* designation would allow for non-residential development on the subject property, with commercial

traffic having to access the subject property through the surrounding neighborhoods.

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

Staff finding: The proposed amendment would apply a residential designation that is more compatible with the surrounding residential area. As indicated in the report, access to the property is only available through a residential area; therefore, applying residential designation minimizes traffic and noise issues that could impact the residential area if the property was developed as a commercial use. All public facilities have adequate capacity to accommodate the proposed amendment and therefore there are no negative impacts. A detailed use-specific concurrency analysis will be conducted as part of any future redevelopment of the site requiring adequate public facilities to be provided to mitigate any potential 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 located within the Hurricane Vulnerability Zone; however, it is anticipated that one residential unit will be constructed on the subject property within the proposed *Urban Medium Density Residential (4-8 Units/Acre)* FLU designation. Based on the theoretical maximum trip generation and adjacent roadway capacity, the proposed FLU Amendment would not increase evacuation times within the Hurricane Vulnerability Zone above twelve hours.

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

Staff finding: The proposed amendment will not encourage sprawl. The proposed amendment will support the redevelopment of an infill property that has access to existing infrastructure such as water, sewer, and roads.

PUBLIC NOTICE

On April 8, 2022, 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 five (5) inquiries requesting information on the proposed amendment.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the Future Land Use designation of ±0.81 acres from *Commercial* to *Urban Medium Density Residential (4-8 Units/Acre)*, and authorization for staff to send the amendment to the required review agencies.



STAFF REPORT

ADMINISTRATIVE CONVENTIONAL REZONING

CASE NO. 22-60000003

REQUEST:	Rezone ±4.99 acres from Planned Commercial Development (PCD) to Community Commercial (CC); ±0.16 acres from Commercial/Industrial (CI) to Neighborhood Preservation (NP); and ±0.81 acres from Ridgewood Development (RD) to Mobile Home Residential (RMH)
APPLICANT:	City of Port Orange
PROPERTY OWNERS:	Port Orange Plaza, LLC., Ronald Rossi, Majid and Robab Tavakoli, and Robert W. and Carmella J. Faris
LOCATION:	4020 & 4096 Ridgewood Avenue, 215 Church Street, 411 Church Street, and 5360 Dubois Avenue
STAFF CONTACT:	Gideon Smith, Senior Planner (386) 506-5676
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	April 28, 2022

INTRODUCTION

The proposed administrative rezoning is part of an on-going maintenance effort of the City's Zoning Map. The proposed administrative rezoning would change the zoning of three areas as follows:

- Area 1: Three properties totaling ±4.99-acre from Planned Commercial Development (PCD) without a Master Development Agreement to Community Commercial (CC);
- Area 2: One ±0.16-acre property from Commercial/Industrial (CI) to Neighborhood Preservation (NP); and
- Area 3: One ±0.81-acre Property from Ridgewood Development (RD) to Mobile Home Residential (RMH).

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

DISCUSSION

Over the past 10 years, the City has initiated several administrative rezoning amendments to change properties zoned Planned Commercial Development (PCD) without a Master Development Agreement (MDA) to a conventional commercial zoning district. The City has also initiated administrative rezoning for properties where the current zoning was not compatible with the surrounding properties. Therefore, these administrative rezoning amendments provided clarity to permitted uses and apply a zoning category that encourages development or redevelopment consistent with the LDC and surrounding properties.

If the administrative rezoning is approved, the properties will be subject to the list of permitted uses (see Exhibits 1-3) and the dimensional requirements for the proposed zoning designations set forth in the LDC.

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

Area 1 - Rezone ±4.99 acres from Planned Commercial Development (PCD) to Community Commercial (CC): Area 1 includes three parcels located at the southwest corner of Dunlawton Avenue and Ridgewood Avenue (*Port Orange Plaza, Hardees, and Rossi's Heating & Air Conditioning, Inc.*). These parcels were originally developed in the late 1960s under the City's C-1 Shopping Center Commercial Zoning District standards. In 1985, these parcels were rezoned to Planned Commercial Development (PCD) without a Master Development Agreement (MDA) with the adoption of the City's 1985 Zoning Code (Ordinance No.1985-7). The current PCD zoning is a commercial designation; however, without a MDA the permitted uses are limited and there are no dimensional requirements for future development. The LDC permits a limited number of commercial uses for a property zoned PCD without an MDA but without dimensional requirements (building setbacks, maximum height, building coverage, open space coverage, etc.) expansion of an existing building or construction of a new building cannot occur. The rezoning request to a conventional commercial zoning district allows for the LDC to provide the standard list of permitted commercial uses and development regulations for the subject properties.

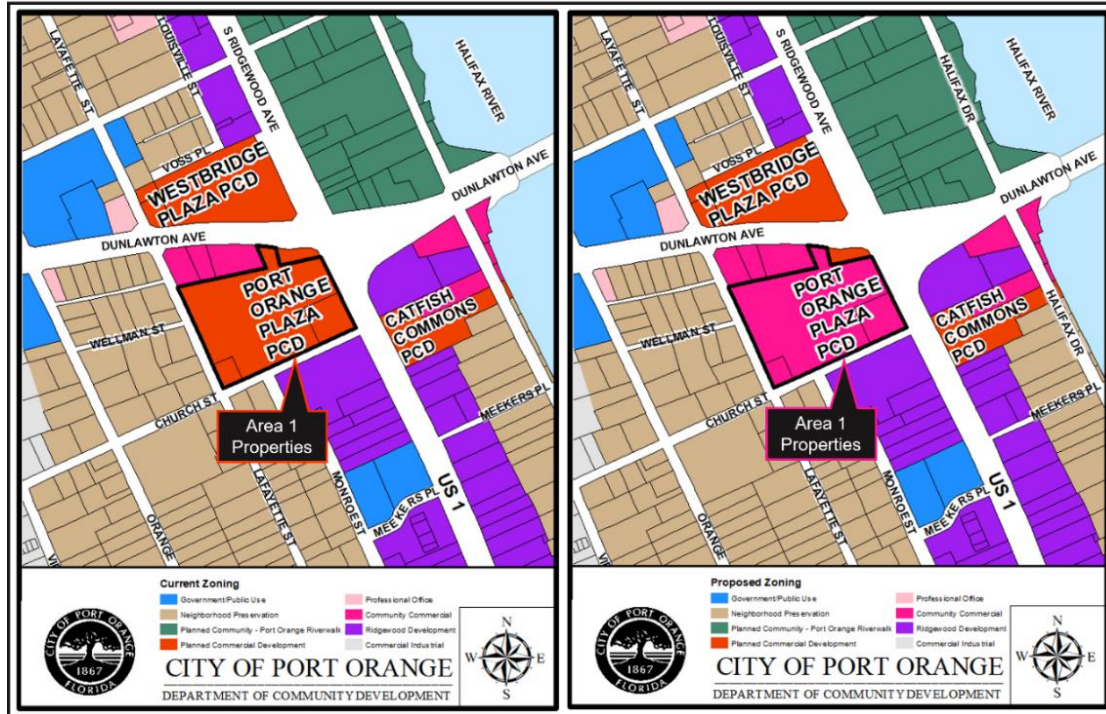
Figure 1: Area 1 Location Map



The CC zoning district permits typical community-scale commercial uses commonly found at shopping centers and outparcels of this type such as retail stores, restaurants, personal services (hair salon, barber shop, nail salon, retail dry cleaning, etc.) offices, breweries, health/exercise clubs, childcare centers, convenience store/gas station, banks, and similar uses. The list of permitted uses in the CC zoning district and the development requirements in the LDC is a more efficient process to redevelop these properties or fill vacant tenant spaces (Exhibit 1). The current and historical uses of these properties align with the commercial uses allowed in the CC zoning district.

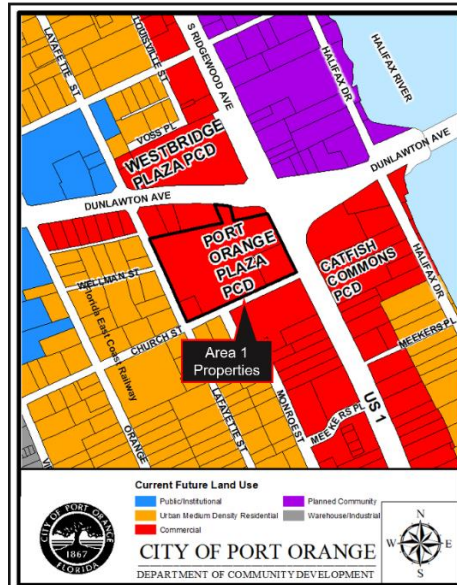
The subject parcels are located within the Port Orange Town Center (POTC) Community Redevelopment Area (CRA), and the proposed rezoning is an effort to encourage redevelopment and viability of existing long-standing commercial properties on the east side of the City.

Figure 2: Proposed Zoning Map and FLU Map of Area 1



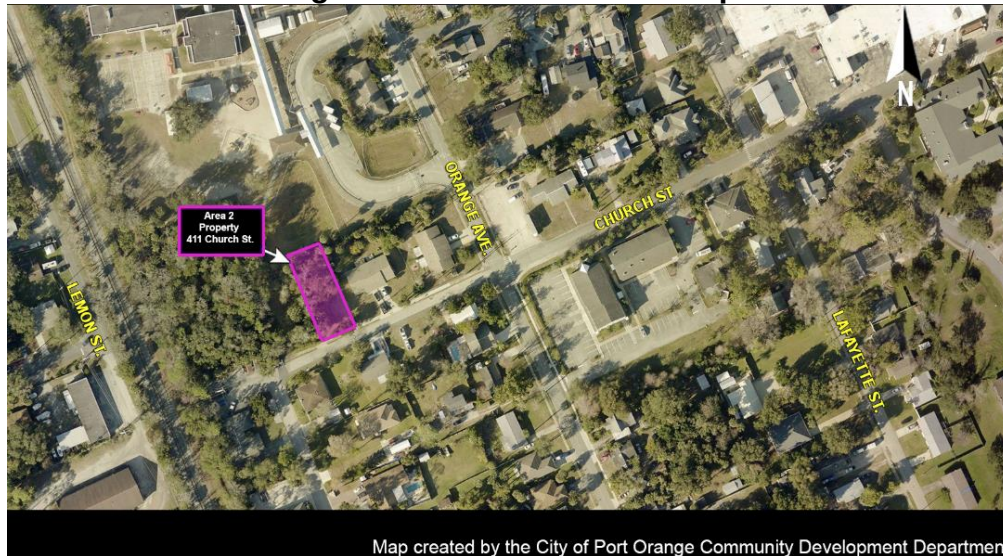
The subject properties are designated *Commercial* on the City's Future Land Use Map. The proposed Community Commercial (CC) zoning designation is consistent with the *Commercial* FLU designation. The city has planned for and designated commercial nodes at intersections of major roads in the Future Land Use Element of the Comprehensive Plan. In this case, the subject property is part of a Community Commercial node located around the intersection of Dunlawton Avenue and Ridgewood Avenue. Community Commercial nodes are intended to support the city with general shopping needs of the general population and visitors within a ± 2 -mile radius.

Figure 3. Current Future Land Use Map for Area 1



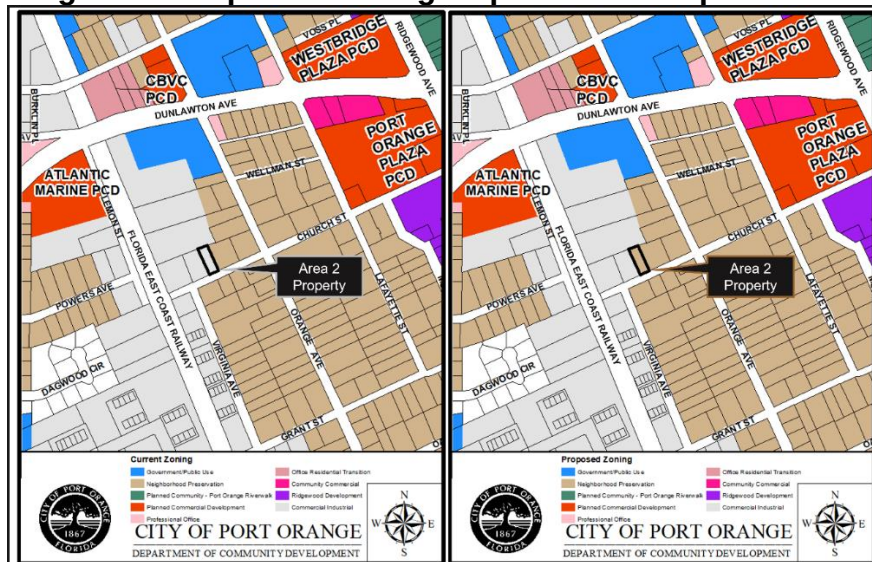
Area 2 - Rezone ±0.16 acres from Commercial Industrial (CI) to Neighborhood Preservation (NP): Area 2 is a vacant parcel located at 411 Church Street. The subject property is currently zoned Commercial Industrial (CI) but was originally developed with a single-family home. In 2006, the single-family home was demolished, and the subject property has remained vacant. Since the single-family home was on the property prior to it being rezoned to CI, it was allowed to remain on the property as a non-conforming use. When the single-family home was demolished in 2006, the property lost its nonconforming status, and now any future development on the property is required to be an industrial use (storage, repair, commercial/industrial services, and manufacturing) and meet the development standards in the LDC for an industrial use.

Figure 4: Area 2 Location Map



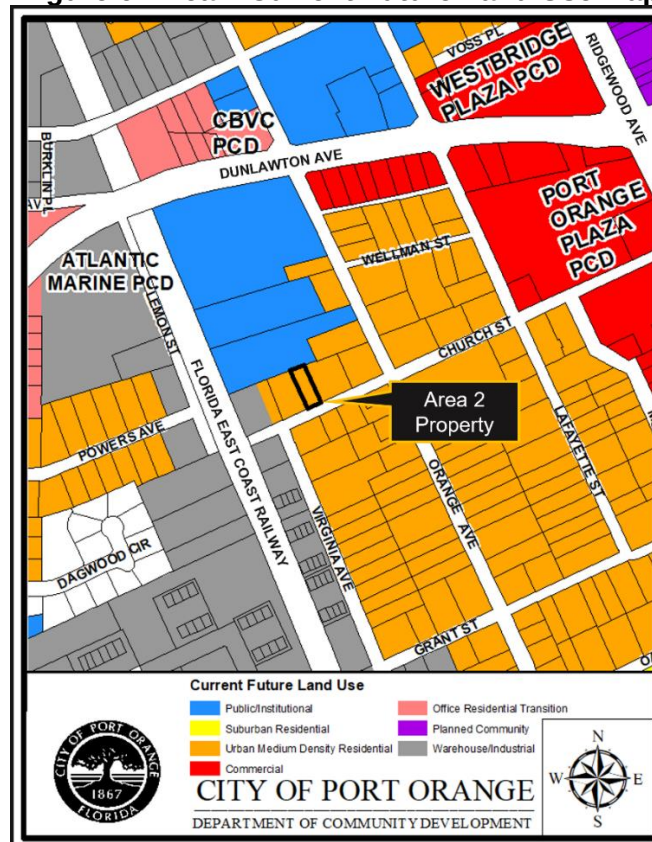
Due to the overall size of the property (0.16 acres), limited roadway frontage (50'), and development requirements in the LDC for an industrial use adjacent to residential uses (landscaping and buffering, parking, building setbacks, tree preservation, and infrastructure improvements) it is unlikely this property will be developed as industrial. However, the subject parcel is sufficient in size to support a single-family home and development of this infill property with a single-family home is more consistent with the surrounding area.

Figure 5: Proposed Zoning Map and FLU Map of Area 2



The subject property as has a Future Land Use (FLU) designation of *Urban Medium Density Residential* (4-8 units/acre). The proposed Neighborhood Preservation (NP) zoning designation is consistent with the current FLU designation for the subject property and the adjacent properties to the north, south, and east. If the rezoning is approved, it provides the opportunity for redevelopment of an infill property with a new single-family home.

Figure 6. Area 2 Current Future Land Use Map



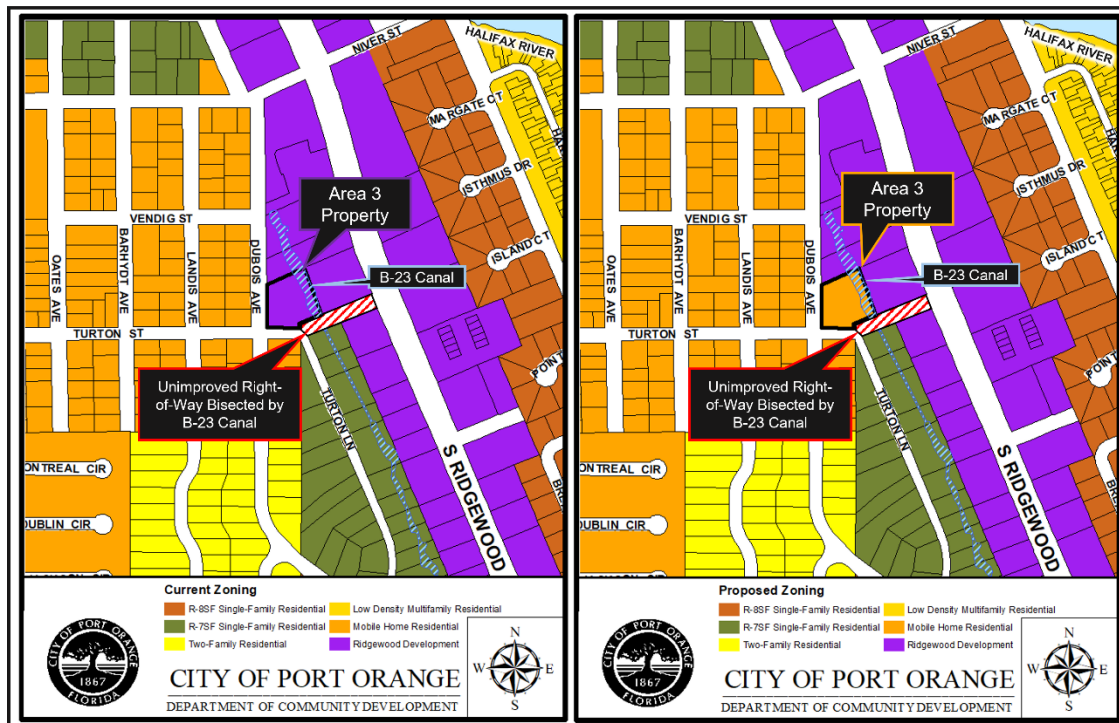
Area 3: Rezone ±0.81 acres from Ridgewood Development (RD) to Residential Mobile Home (RMH): Area 3 is a vacant parcel located at 5360 Dubois Avenue. The subject property is currently zoned Ridgewood Development (RD) but was originally developed with a residential mobile home. The subject property was annexed into the City in the early 2000s with a Volusia County commercial zoning designation and in 2001 it was rezoned to Ridgewood Development (RD). Since a mobile home was on the property prior to it being rezoned to RD, it was allowed to remain on the property as a non-conforming use. When the mobile home was demolished in 2020, the property lost its nonconforming status, and now any future development on the property is required to be a commercial use and meet the development standards of the LDC for a commercial use within the RD zoning district.

Figure 7: Area 3 Location Map



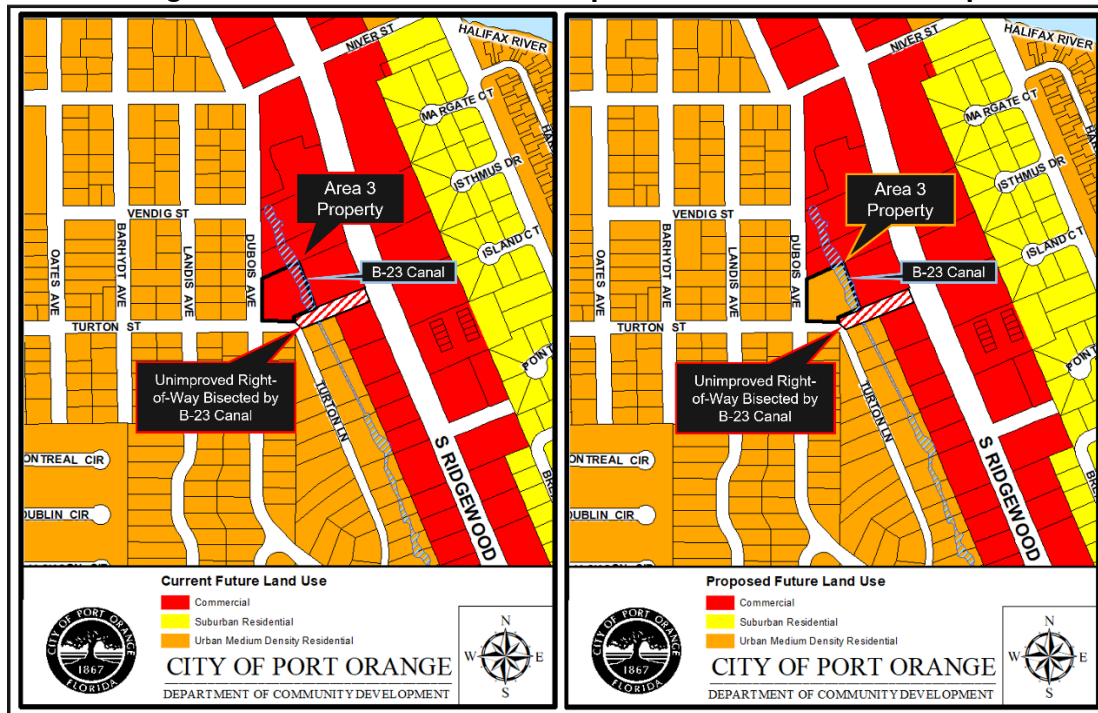
If the subject property is developed with a commercial use allowed in the RD zoning district, the commercial traffic generated by the commercial use would have to use local residential roadways to access the property, since the subject parcel does not have access to Ridgewood Avenue. In addition, development of the subject parcel with a commercial use would not be generally consistent with the adjacent residential properties. The proposed RMH zoning district is consistent with the adjacent properties to the west and south. If the rezoning is approved, it provides the opportunity for redevelopment of an infill property with a new mobile home.

Figure 8: Proposed Zoning Map and FLU Map of Area 3



Rezoning to subject property from RD to RMH requires a Future Land Use (FLU) amendment to apply a residential FLU designation. Concurrent with this rezoning, a FLU amendment to change the FLU designation for the subject property from *Commercial* to *Urban Medium Density Residential (4-8 Units/Acre)* is being processed. The proposed RMH zoning designation is consistent with the *Urban Medium Density Residential (4-8 Units/Acre)* FLU designation.

Figure 9. Area 3 Current and Proposed Future Land Use Map



CONSISTENCY WITH COMPREHENSIVE PLAN AND SURROUNDING USES AND ZONING

The proposed rezoning is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan and compatible with surrounding uses and zoning of the adjacent properties (Tables 1 – 3). Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is negatively impacted by the other.

Table 1. Area 1 Surrounding Land Uses FLU Designations and Zoning Districts

Direction	Existing Land Use	FLU Designation	Zoning District
North	Commercial (Convenience Store w/ Fuel Operations; Medical Office, Financial Institutions, Personal Services, Vacant) & Dunlawton Ave. Right-of-Way	<i>Commercial</i>	Community Commercial (CC) & Planned Commercial Development (PCD)
South	Residential (Single-Family), House of Worship, Church St. Right-of-Way	<i>Urban Medium Density Residential (4-8 u/a)</i>	Neighborhood Preservation (NP), Ridgewood Development (RD)
East	Commercial (Catfish Commons) Ridgewood Ave. Right-of-Way	<i>Commercial</i>	Ridgewood Development (RD), Catfish Commons PCD
West	Residential (Single-Family) Lafayette St. Right-of-Way	<i>Urban Medium Density Residential (4-8 u/a)</i>	Neighborhood Preservation (NP)

Table 2. Area 2 Surrounding Land Uses FLU Designations and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Institutional (Elementary School)	<i>Public/Institutional</i>	Commercial/Industrial (CI)
South	Residential (Single-Family), Church St. Right-of-Way	<i>Urban Medium Density Residential (4-8 u/a)</i>	Neighborhood Preservation (NP)
East	Residential (Duplex)	<i>Urban Medium Density Residential (4-8 u/a)</i>	Neighborhood Preservation (NP)
West	Industrial (Vacant)	<i>Urban Medium Density Residential (4-8 u/a)</i>	Commercial/Industrial (CI)

Table 3. Area 3 Surrounding Land Uses FLU Designations and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Commercial (Contractor)	<i>Commercial</i>	Ridgewood Development (RD)
South	Residential (Single-Family), Turton Ln. Right-of-Way	<i>Urban Medium Density Residential (4-8 u/a)</i>	Mobile Home Residential (RMH), R-7SF Single-Family Residential
East	Commercial (Vacant) & B-23 Canal	<i>Commercial</i>	Ridgewood Development (RD)
West	Residential (Single-Family) Dubois Ave. Right-of-Way	<i>Urban Medium Density Residential (4-8 u/a)</i>	Mobile Home Residential (RMH)

PUBLIC NOTICE

On April 8, 2022, staff posted the property notifying the public of the proposed administrative rezoning. As of the time this agenda item was prepared, there have been four (4) inquiries regarding the proposed rezoning.

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone the following:

- A. Rezone ±4.99 acres from Planned Commercial Development (PCD) to Community Commercial (CC).
- B. Rezone ±0.16 acres from Commercial/Industrial (CI) to Neighborhood Preservation (NP).
- C. Rezone ±0.81 acres from Ridgewood Development (RD) to Mobile Home Residential (RMH), subject to approval of the proposed Future Land Use amendment (Case No. 22-20000002).

ATTACHMENTS

- Exhibit 1: List of Permitted Uses for Community Commercial (CC) Zoning District
 Exhibit 2: List of Permitted Uses for Neighborhood Preservation (NP) Zoning District
 Exhibit 3: List of Permitted Uses for Residential Mobile Home (RMH) Zoning District
 Exhibit 4: Dimensional Requirements for CC, RMH, and NP Zoning Districts

Exhibit 1

LDC, Chapter 17, Section 21: Community commercial (CC) district.

- (a) *Purpose and intent.* The community commercial (CC) district is intended to provide for community scale businesses that customarily require freestanding buildings on individual sites.
- (b) *Permitted uses.*
 - (1) Adult/vocational education.
 - (2) Appliance/electronic repair shops.
 - (3) Banks.
 - (4) Business services.
 - (5) Clubs, lodges, and fraternal organizations.
 - (6) Convenience stores with or without fuel operations.
 - (7) Financial services.
 - (8) Fleet-based services.
 - (9) Funeral homes.
 - (10) Furniture and appliance stores.
 - (11) Health/exercise clubs.
 - (12) Medical offices/clinics.
 - (13) Motor vehicle service stations.
 - (14) Offices.
 - (15) Office supplies.
 - (16) Personal services.
 - (17) Restaurants.
 - (18) Retail home building materials.
 - (19) Retail nurseries and garden supplies.
 - (20) Retail sales and services.
 - (21) Veterinary clinics.
- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*
 - (1) Athletic/sports facilities (subsection 2).
 - (2) Brewery (subsection 3.7).
 - (3) Child care centers (subsection 4).
 - (4) Craft food and beverage producer (subsection 5.15).
 - (5) Community gardens (subsection 5.1).
 - (6) Microbrewery (subsection 9.57).
 - (7) Theaters (subsection 17).
- (c) *Special exception uses (chapter 18, section 3).*
 - (1) Bars, lounges, and night clubs (subsection 3).
 - (2) Fortune tellers, astrologers, and palm readers (subsection 6).
 - (3) Game/recreation facilities (subsection 7).
 - (4) Marina, recreational (subsection 9.6).
 - (5) Mini-warehouses (subsection 10).

- (6) Motor vehicle and boat storage facilities (subsection 12).
- (d) *Project access.* Any CC district development shall have direct access to any arterial or major collector road, as designated in the functional classification system in the comprehensive plan.

Exhibit 2

LDC, Chapter 17, Section 15: Neighborhood preservation (NP) district.

- (a) *Purpose and intent.* The neighborhood preservation district is designed to preserve the character, housing mix and density of existing older mixed use neighborhoods by providing for compatible infill development and redevelopment, where enforcement of the dimensional requirements of other conventional and contemporary residential zoning districts would not be possible.
- (b) *Permitted uses.*
 - (1) Single-family detached dwellings.
- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*
 - (1) Assisted living facilities (subsection 1.5).
 - (2) Child care centers (subsection 4.5).
 - (3) Clubs, lodges, and fraternal organizations (subsection 4.9).
 - (4) Garage apartments (subsection 5.5).
 - (5) Nursing homes (subsection 10).
 - (6) Community gardens (subsection 5.1).
 - (7) Multifamily dwellings (subsection 9.8).
 - (8) Two-family dwellings (subsection 18).
- (c) *Special exception uses (chapter 18, section 3).*
 - (1) Houses of worship (subsection 8).
 - (2) Private schools (subsection 16.2).
- (d) *Dimensional requirements.*
 - (1) *Single-family detached dwellings.*
 - (a) Minimum lot width and area: A single-family detached dwelling may be constructed on any existing nonconforming lot of record. Subdivision of land for single-family detached use shall comply with the prevailing development pattern and dimensions for such use within a 200-foot radius of the land to be subdivided. Where existing lots of record have been aggregated for existing development, the pattern shall be based on the aggregation of lots rather than the actual plat.
 - (b) Front yard setback: The minimum front yard setback shall be determined by the average dimension used for existing structures with 100 feet of the property measured along the same side of the roadway frontage.
 - (c) Side corner setback: Where any corner lot does not provide for extra width to accommodate use of the front yard setback on all roadway frontages, a lesser setback consistent with those found in the surrounding area may be allowed. In no case shall the side corner setback be less than 15 feet.
 - (d) Side yard setback: The minimum side yard setback shall be five feet for lots less than 75 feet in width, and 7½ feet for lots of 75 feet or greater.
 - (e) Rear yard setback: The minimum rear yard setback shall be 25 feet.

Exhibit 3

LDC, Chapter 17, Section 16: Mobile home residential (RMH) district.

- (a) *Purpose and intent.* The mobile home residential (RMH) district is intended to provide for the establishment of mobile home dwellings in suburban environments.
- (b) *Permitted uses.*
 - (1) Mobile home parks.
 - (2) Mobile home subdivisions.
 - (3) Mobile homes.
- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*
 - (1) Single-family dwellings (subsection 15.5).
 - (2) Community gardens (subsection 5.1).
- (c) *Special exception uses (chapter 18, section 3).*
 - (1) Recreational vehicle parks and campgrounds (subsection 32).
 - (2) Urban mobile home parks (subsection 22).
- (d) *Mobile home park development standards.* A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than six feet in height.

Access roads within a mobile home park shall be paved to a width not less than 24 feet in a common access area of a minimum 40 feet width. Mobile home spaces may abut upon a driveway of not less than 25 feet in width, which shall have unobstructed access to the road within the mobile home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac. There shall be a minimum front building setback of 25 feet from all streets within the mobile home park.

Mobile homes shall be so harbored on each space so that there shall be at least a 15-foot clearance between mobile homes, provided, however, with respect to mobile homes parked end to end, the end to end clearance shall be not less than 30 feet.

There shall be at least two paved, off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of the mobile home unit.

Each mobile home space shall be provided with a paved patio of at least 200 square feet and having a storage locker of at least 100 cubic feet. Storage lockers may be located in locker compounds.

Sidewalks not less than four feet wide shall be provided along all streets.

Streets, areas at the entrances to buildings used by occupants at night, and walkways shall be lighted with an average illumination of at least three-tenths footcandle.

- (e) *Mobile home lot or space requirements.* Each mobile home space shall be at least 75 feet wide and 100 feet long and such space shall be clearly defined by permanent markers.
- (f) *Mobile home subdivision development requirements.* The developer shall prepare and submit plans in accordance with the subdivision regulations of the city.
- (g) *Mobile home subdivision, ownership limitations.* Any mobile home subdivision in which any person, group or company obtains ownership of ten percent or more of the subdivision units for rental or leasing purposes, shall be deemed to be a mobile home park, and appropriate licenses and/or permits shall be obtained from the city.

Any builder(s), owner(s), or developer(s) of a mobile home subdivision who retains or within a period of 18 months regains possession of ten percent or more of the subdivision units for purposes of rental or lease shall be subject to the regulations of the city governing all aspects of mobile home parks.

- (h) *Minimum setbacks for nonconforming mobile home parks.* New or replacement mobile homes in existing nonconforming mobile home parks, other than those parks located in Harbor Oaks or Allandale, as described below, shall meet the following setbacks. No setback encroachment shall be permitted for accessory structures such as screen rooms, porches, carports, sheds, or other improvements attached to the mobile home.
 - (1) Front and side corner: Twenty feet from the edge of street pavement.
 - (2) Side: Ten feet from adjacent mobile homes, accessory structures, and park property lines.
 - (3) Rear: Fifteen feet from adjacent mobile homes and accessory structures. Accessory structures shall maintain a ten-foot setback from adjacent mobile homes, accessory structures, and park property lines.
- (i)[hh] *[Minimum setbacks within existing nonconforming mobile home parks.]* Minimum setbacks within existing nonconforming mobile home parks located within the formerly unincorporated areas of Harbor Oaks and Allandale, and annexed into the city between December 1, 1997 and June 17, 2000, replacement mobile homes shall meet the nonconformance provisions for such parks established in chapter 3, section 8(c). In terms of setback requirements, replacement mobile homes in such parks shall meet the minimum separation distance standards of the National Fire Protection Association (NFPA). No setback encroachment shall be permitted for accessory structures such as screen rooms, porches, carports, sheds, or other improvements attached to the mobile home. The NFPA separation distance standards are as follows:
 - (1) Side to side: Ten feet.

- (2) End to side: Eight feet.
- (3) End to end: Six feet.

Units and accessory structures shall maintain a three-foot front yard distance from internal access drives, a five-foot side yard distance from adjacent park boundaries or property lines and a three-foot rear yard distance from adjacent park boundaries or property lines. All units and structures shall be spaced within the park so as to allow sufficient room for a 20-foot wide two-way internal access drive, or a 14-foot wide one-way internal access drive.

(i) *Nonconforming recreational vehicle parks.*

- (1) Except as provided in paragraph (2) of this subsection, the owner of a nonconforming recreational vehicle park shall comply with the 180-day limitation on occupancy as provided in chapter 18, subparagraph 3(b)(18)(d) of this code.
- (2) The owner of a nonconforming recreational vehicle park shall be automatically exempt from the 180-day limitation on location of travel trailers on park property or on a specific site within park property. In addition, the owner of a nonconforming recreational vehicle park shall be automatically exempt from the 180-day limitation on occupancy as provided in chapter 18, subparagraph 3(b)(18)(d) of this code, for 25 percent of the travel trailer units within the park.
 - (a) The exempt travel trailer units shall be designated by the park owner, who shall keep and maintain records, including occupancy ledgers, reflecting such designation and identifying the units.
 - (b) The city and the city's employees, officers and agents shall have the right to enter the park property and review the records required by subparagraph (2)(a) of this subsection and the park premises at such times as the city may require after reasonable notice.
 - (c) Notwithstanding the exemption provided by paragraph (2) of this subsection, the park owner shall not construct or install, or allow, suffer or permit the construction or installation of, permanent improvements such as add-a-rooms or patios onto the site of an exempt unit or onto the unit, unless such improvements are permitted under a separate agreement to be executed by the park owner and the city.
- (3) The exemption on occupancy provided by paragraph (2) of this subsection shall automatically and permanently terminate upon the occurrence of any of the following:
 - (a) The park owner's failure to keep and maintain records required by subparagraph (2)(a) of this subsection.
 - (b) The park owner's refusal to allow the city or its employees, officers or agents to inspect such records or the park premises to ensure compliance with paragraph (2) of this subsection.
 - (c) The construction or installation of any improvements prohibited by subparagraph (2)(c) of this subsection.
 - (d) The termination of the park's nonconforming status for any of the reasons specified in chapter 3, section 8 of this code. In such instance, the

exemption from the 180-day limitation on location of travel trailers provided by paragraph (2) of this subsection shall also terminate.

- (4) The city shall have the authority to enforce violations of this subsection and chapter 18, subparagraph 3(b)(18)(d) of this code, to the extent that the park is not exempt under this subsection.
- (5) Nothing in this subsection is intended to supersede any provision of state law regulating or relating to recreational vehicle parks. Nothing in this subsection is intended to supersede or repeal the park owner's obligation to comply with applicable flood regulations, whether local, state or federal.

Exhibit 4

Community Commercial (CC) and Residential Mobile Home (RMH)

Dimensional Requirements [LDC, Ch. 17, Sec. 27]

District	Minimum Living Area/D.U. (Sq. Ft.)	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Maximum Building Coverage	Minimum Open Space	Minimum Building Setback (Ft.)			Maximum Height (Ft.)
						Front	Side	Rear	
CC		22,500	150	35%	30%	D	15*	25*	45
RMH (J)	600	7,500	75	40%	-	25	7.5	15	15

* Non-residential building setbacks adjoining residential zoning shall be equal to or greater than building height.

(J) See chapter 17, section 16 for setback requirements pertaining to nonconforming mobile home parks.

Neighborhood Preservation (NP)

Dimensional Requirements [LDC, Ch. 17, Sec. 15(d)]

(1) Single-family detached dwellings.

(a) Minimum lot width and area: A single-family detached dwelling may be constructed on any existing nonconforming lot of record. Subdivision of land for single-family detached use shall comply with the prevailing development pattern and dimensions for such use within a 200-foot radius of the land to be subdivided. Where existing lots of record have been aggregated for existing development, the pattern shall be based on the aggregation of lots rather than the actual plat.

(b) Front yard setback: The minimum front yard setback shall be determined by the average dimension used for existing structures with 100 feet of the property measured along the same side of the roadway frontage.

(c) Side corner setback: Where any corner lot does not provide for extra width to accommodate use of the front yard setback on all roadway frontages, a lesser setback consistent with those found in the surrounding area may be allowed. In no case shall the side corner setback be less than 15 feet.

(d) Side yard setback: The minimum side yard setback shall be five feet for lots less than 75 feet in width, and 7½ feet for lots of 75 feet or greater.

(e) Rear yard setback: The minimum rear yard setback shall be 25 feet.