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 Reinhagen, 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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Newton White	Planning Commission
MAILING ADDRESS 510 Ronner Road	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Port Orange FL COUNTY: Volusia	NAME OF POLITICAL SUBDIVISION: City of Port Orange
DATE ON WHICH VOTE OCCURRED 3/24/2022	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherw ise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Newton White, hereby disclose that on March 24, 20 22:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

- Item #4 - Case No. 22-60000002 Conventional rezoning/ 5231 Nova Road
- Item #5 - Case No. 22-20000001 Small scale future land use Map Amendment/3741 S. Nova Road
- Item #6 - Case No. 22-60000001 Conventional rezoning/3741S. Nova Road
- one of our clients has Commonwealth Plaza nextdoor to the Church, which is item 4-5231 Nova
- one of the agents and clients have the neighboring property to Item5&6

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

3/24/2022
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.