AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, July 21, 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 - June 23, 2022
4. APPLICATION: 8th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development
   CASE NO.: 22-40000002
   APPLICANT: Chad Cowart, Cowart & Sons Development, LLC
   STAFF CONTACT: Gwen Perney, Principal Planner (386) 506-5673

   A request to approve the 8th Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to add the uses allowed in the Commercial Industrial (CI) zoning district to the list of uses allowed on Lot 17 of the Crystal Lake PUD.

5. APPLICATION: LDC Amendment/Chapter 2 & Chapter 5
   CASE NO.: 22-25000005
   APPLICANT: City of Port Orange
   STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

   A request to amend the Land Development Code (LDC) to update requirements for model homes to reflect current procedures and reporting agencies and add definitions for model homes and speculative and homes and establish regulations for the construction of speculative homes prior to subdivision plat recording.

C. OTHER BUSINESS

6. Commissioner Comments

7. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

FOR SPECIAL 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
JUNE 23, 2022

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Vice Chair Lance Green at 5:30 p.m.

Pledge of Allegiance

Roll Call	Present:	Lance Green, Vice Chair Newton White John Junco Bo Bofamy
	Absent:	Thomas Jordan Maria Mills-Benat Stan Schmidt, Chair
	Also Present:	Shannon Balmer, Assistant City Attorney Robin Fenwick, City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes

   Motion to approve was made by Member Newton White and Seconded by Member John Junco. Motion carried unanimously by voice vote.

4. APPLICATION: MDA Amendment/Crystal Lake Planned Unit Development 7th Amendment
   CASE NO.: 22-40000001
   APPLICANT: Storch Law Firm, 420 South Nova Road, Daytona Beach, FL 32114, 386-238-8383/corey@storchlawfirm.com
   STAFF CONTACT: Gideon Smith, Senior Planner, 386-506-5676/gidsmith@port-orange.org

   A request by the applicant to amend the Crystal Lake Planned Unit Development (PUD) Master Development Agreement (MDA) to allow the access drive between Lot 12 (Crystal Lake Apartments) and Lot 14 (the Eden Apartments) and the entirety of Lot 14 to be gated.

   Motion to approve was made by Member John Junco and Seconded by Member Newton White.

Gideon Smith, Senior Planner, discussed the details of the requested amendment and answered questions from Commissioners.

Joey Posey, Attorney for applicant, spoke regarding the request to amend the Crystal Lake Planned Unit Development (PUD) Master Development Agreement (MDA) to allow the access drive between Lot 12 (Crystal Lake Apartments) and Lot 14 (the Eden Apartments) and the entirety of Lot 14 to be gated.

Motion carried unanimously by roll call vote.

5. APPLICATION: Conventional Rezoning/950 Madeline Avenue
   CASE NO.: 22-60000004
   APPLICANT: Phillip C. Hollis, MS/PE, Principal of Flagship Companies Group, LLC, 1190 Business Center Dr., Suite 2000, Lake Mary, FL 32746, 407-832-644/Phillip@PMJS.com
   STAFF CONTACT: Gwen Perney, Principal Planner, 386-506-5673/gperney@port-orange.org

   A request by the applicant to rezone +/- 8.3 acres from R-3M (Multi-Family Residential – up to 12 units per acre) to Community Commercial (CC).

Item #5 and 6 were opened together for discussion.

Motion to approve the rezoning of 950 Madeline Avenue was made by Member Bo Bofamy and Seconded by Member Newton White.

Gwen Perney, Principal Planner, provided details regarding the rezoning and special exception requests from Phillip Hollis, applicant, on behalf of property owner T & T 950 Madeline, LLC and answered questions from Commissioners.

Mr. Posey spoke regarding the rezoning and special exception requests and answered questions from Commissioners.

Phillip Hollis, Developer, discussed the access points and Roger Strcula, Engineer, discussed the impact on Madeline Avenue and the widening of the road that will be completed by the County.

Kristine Cunningham, citizen, spoke regarding the neighborhood meeting. It was a good meeting and the neighbors were appreciative of the presentation and the plan presented.

Motion carried unanimously by roll call vote.

6. APPLICATION: Special Exception/950 Madeline Avenue
   CASE NO.: 22-70000001
   APPLICANT: Phillip C. Hollis, MS/PE, Principal of Flagship Companies, LLC, 1190 Business Center Dr., Suite 2000, Lake Mary, FL 32746, 40--832-6444/Phillip@PMJS.com
   STAFF CONTACT: Gwen Perney, Principal Planner, 386-506-5673/gperney@gmail.com

   A request by the applicant to allow the operation of a mini-warehouse and motor vehicle and boat storage facility within the Community Commercial (CC) Zoning District.

   Motion to approve was made by Member Newton White and Seconded by Member John Junco. Motion carried unanimously by roll call vote.

7. APPLICATION: Subdivision Final Plat/Town West
   CASE NO.: 21-50000003
   APPLICANT: Jessica Gow, Esquire, Cobb Cole, 149 S. Ridgewood Avenue, Suite 700, Daytona Beach, FL 32114, 386-323-9226/Jessica.Gow@CobbCole.com
   STAFF CONTACT: Gwen Perney, Principal Planner, 386-506-5673, gperney@port-orange.org

   A request by the applicant to subdivide ±12.41 acres into two (2) commercial lots

   Motion to approve was made by Member Newton White and Seconded by Member Bo Bofamy.

Ms. Perney provided details of the request to subdivide +/-12-41 acres located at the southwest corner of S. Williamson Blvd. and Town West Blvd. into two commercial lots and answered questions from Commissioners.

Mike Woods, Cobb Cole Attorney for applicant, spoke regarding the subdivision plat presented.

Motion carried unanimously by roll call vote.

8. APPLICATION: LDC Amendment/Chapter 13, Section 4 & Chapter 17, Section 24
   CASE NO.: 22-25000004
   APPLICANT: City of Port Orange

STAFF CONTACT: Gideon Smith, Senior Planner, 386-506-5676/gidsmith@port-orange.org

Motion to approve was made by Member Newton White and Seconded by Member Darrel "Bo" Bofamy.

Mr. Smith provided details of the amendment being requested by Staff and answered questions from Commissioners.

Motion carried unanimously by roll call vote.

OTHER BUSINESS

9. Commissioner Comments

Commissioner Bofamy asked what the ratio is for handicap parking. Tim Burman, Community Development Director, will provide the ratio via email.

Commissioner Junco asked questions regarding the upcoming online permitting process which Mr. Burman answered.

Mr. Burman provided an update on Fysh Bar & Grill as well as the Riverwalk area contract and plan with Bristol Development Group.

10. Staff Comments

There were none.

PUBLIC COMMENTS

There were none.

ADJOURNMENT - 6:50 p.m.

_____
Chairman Stan Schmidt

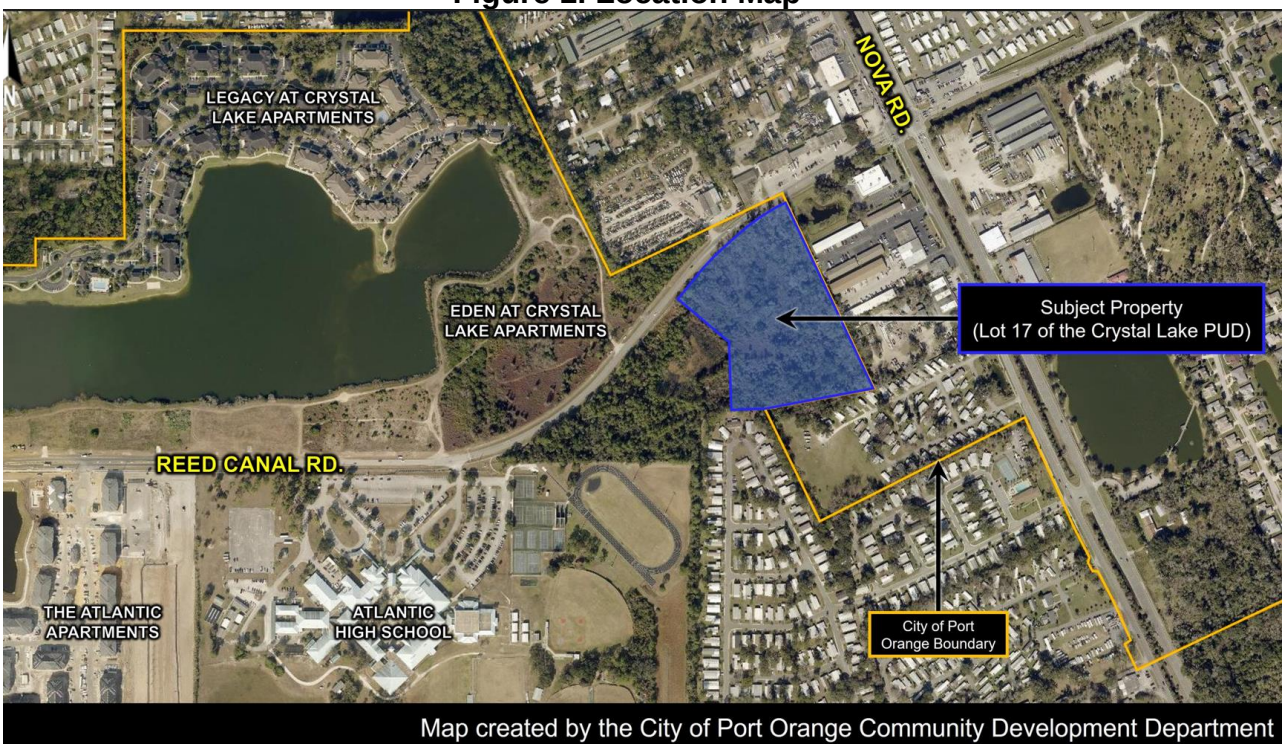
STAFF REPORT
8th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development
Case No. 22-40000002

REQUEST:	To approve the 8th Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to add the uses allowed in the Commercial Industrial (CI) zoning district to the list of uses allowed on Lot 17 of the Crystal Lake PUD.
LOCATION:	1101 Reed Canal Road
APPLICANT:	Chad Cowart, Cowart & Sons Development, LLC
PROPERTY OWNER:	Quest Design Group, LLC
STAFF CONTACT:	Gwen Perney, Principal Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	July 21, 2022

DEVELOPMENT PROPOSAL

The proposed 8th Amendment to the Crystal Lake Master Development Agreement (MDA) is to add the uses allowed in the Commercial Industrial (CI) zoning district to the list of permitted uses for Lot 17 of the Crystal Lake PUD. Lot 17 of the Crystal Lake PUD is located on the south side of Reed Canal Road, west of Nova Road.

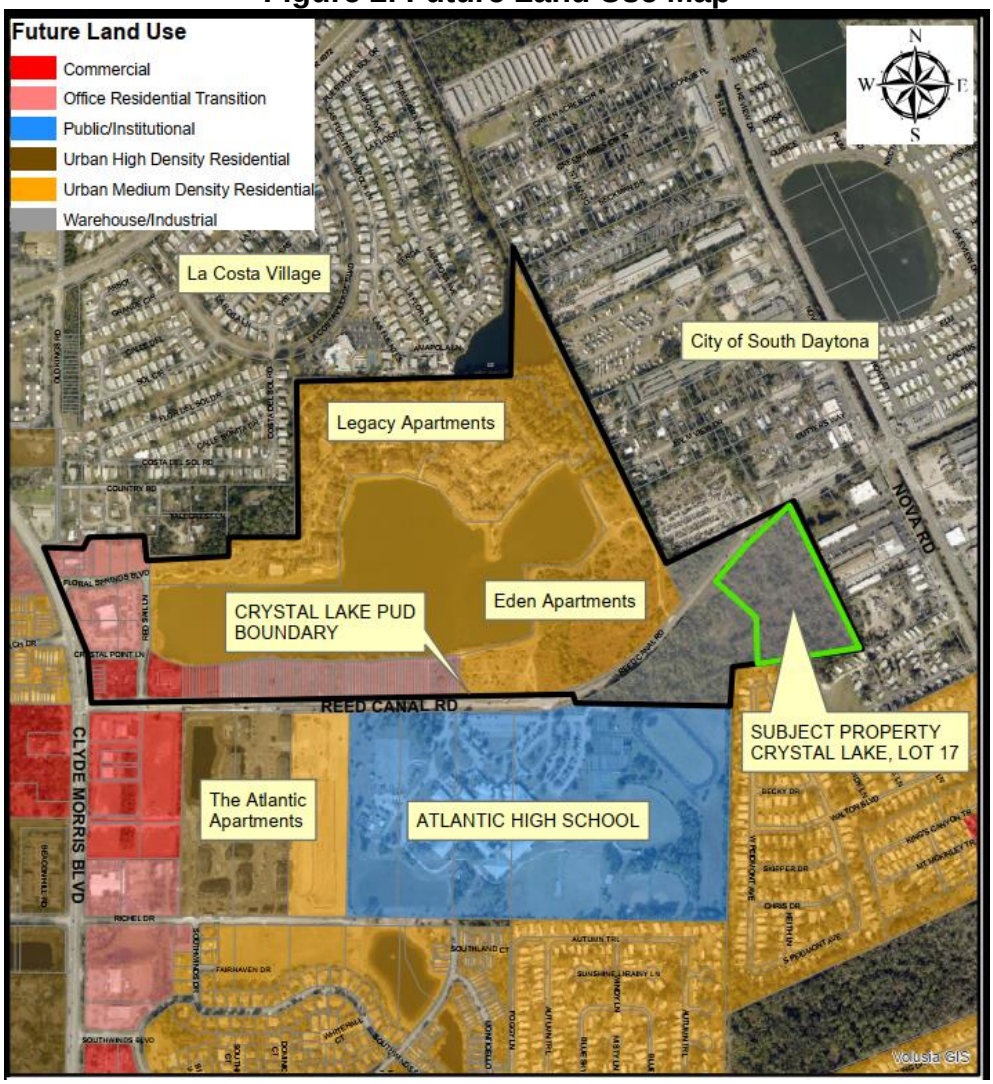
Figure 1. Location Map



The subject property is currently regulated by the Crystal Lake MDA, as amended, and the Land Development Code (LDC). According to the applicant, the requested 8th Amendment is to allow additional industrial-type uses that could be developed on Lot 17, specifically the mini-warehouse use. If the amendment is approved, the applicant intends to develop Lot 17 with a mini-warehouse/office development like the mini-warehouse/office development built by the applicant on Commercial Industrial (CI) zoned property along Oak Street in Port Orange. The proposed amendment does not change any of the permitted uses or other development requirements for any other properties within the Crystal Lake PUD area.

The Crystal Lake MDA was approved by the City Council in 2000 and established a mixed-use development with various tracts, each with a common purpose and design theme. The properties on the eastern end of the PUD (Lots 15, 16, and 17) were designated with a Future Land Use of *Warehouse/Industrial* as this area is adjacent to existing commercial/industrial areas within the City of South Daytona and provides the opportunity for light industrial businesses to locate within Port Orange (Figure 2 – Future Land Use Map).

Figure 2. Future Land Use Map



In the Crystal Lake MDA, the permitted uses for Lot 17 currently include offices, office/warehouses, and the uses listed in the Light Industrial (LI) zoning district. According to the LDC, the uses allowed in the LI zoning district are typically manufacturing-type uses for industrial operations engaged in the fabrication or processing of products into finished goods, while the uses listed in the CI zoning district (Exhibit 1 – CI zoning uses) tend to be less intense storage, repair, services, and limited manufacturing uses.

According to the applicant, the request to add the uses allowed in the CI zoning district on Lot 17 is primarily to allow mini-warehouse as a permitted use, so a mini-warehouse/office development like other projects the applicant has constructed can be built on Lot 17. The applicant's typical mini-warehouse/office development is considered a mini-warehouse use since the buildings provide individual self-contained units of varying sizes that are typically used for the storage of business and household goods, or for contractor's supplies. The applicant states that their typical buildings have garage doors in the front of the building along with a standard door for access (Figure 3). The units in these buildings are typically unfinished but a tenant could build out the unit to locate a small business or can leave it unfinished and use it for self-storage.

Figure 3. Typical building in the applicant's existing mini-warehouse/office facility development

While the office/warehouse facility use is already a permitted use on Lot 17, according to the LDC, it is defined as an office building with an attached warehouse to accommodate the office use and the building housing these two uses must be designed so it appears from the street as a typical professional office building, and any associated truck loading areas not being visible from that street. Because the applicant's proposed buildings could be used for the individual self-contained storage of household goods without an office use, and the design of the buildings is not designed to appear as a typical office building,

the applicant proposed the amendment to allow the uses in the CI zoning district on Lot 17 so the property can be developed as a mini-warehouse/office facility.

Prior to development on Lot 17, a site plan will be required to be submitted to the city and approved by the Staff Development Review Committee (SDRC). Any development on Lot 17 will be required to meet the standard commercial site requirements (landscape buffers, screening, tree preservation, architecture, traffic concurrency, drainage and other infrastructure, parking, etc.) in the City's Land Development Code.

The proposed amendment has been reviewed by the Staff Development Review Committee (Police, Fire, Community Development, Public Utilities, Public Works, and City Attorney's Office).

CONSISTENCY WITH COMPREHENSIVE PLAN

Lot 17 is designated *Warehouse/Industrial* on the City's Future Land Use (FLU) Map. The original MDA was found to be consistent with the Comprehensive Plan when it was approved in 2000. The proposed 8th Amendment does not change the FLU designation for the subject property and is consistent with the general intent of the City's Comprehensive Plan.

RECOMMENDATION

Staff recommends approval of the 8th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development, subject to review and approval by the City Attorney's Office for legal form and content.

ATTACHMENT

Exhibit 1: List of Permitted Uses for the CI zoning district
Exhibit 2: 8th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development

Exhibit 1
List of Permitted Uses for the CI zoning district

Permitted uses.
(1) Adult/vocational education.
(2) Antennas.
(3) Appliance/electronic repair shops.
(4) Boat repair, engine.
(5) Business services.
(6) Commercial/industrial equipment and supplies.
(7) Commercial/industrial services.
(8) Commercial/industrial warehouses.
(9) Construction and home improvement contractor.
(10) Fleet-based services.
(11) Greenhouses and nurseries (wholesale and retail).
(12) Infrastructure construction contractor's yard.
(13) Laboratory, research and development.
(14) Laundry and dry cleaning plants.
(15) Maintenance contractors.
(16) Manufacturing: craftsman shops.
(17) Manufacturing: fabrication.
(18) Manufacturing: limited.
(19) Mini-warehouses.
(20) Motor vehicle and boat storage facilities.
(21) Motor vehicle repair facilities.
(22) Motor vehicle service stations.
(23) Motor vehicle towing and impoundment.
(24) Offices.
(25) Taxidermy.
(26) Transportation services.
(27) Truck/trailer/automobile rental.
(28) Wholesalers and distributors.

Permitted uses with special development requirements (chapter 18, section 4).
(1) Brewery (subsection 3.7).
(2) Kennels (subsection 8).
(3) Health/exercise club (subsection 6).
(4) Motor vehicle sales (subsection 9.75).

Special exception uses (chapter 18, section 3).
(1) Adult entertainment (subsection 1).
(2) Used motor vehicle parts yards (subsection 23).

Exhibit 2

EIGHTH AMENDMENT TO THE
MASTER DEVELOPMENT AGREEMENT
FOR THE
CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD)

THIS EIGHTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD) (the **"Eighth Amendment")** is made this _____ day of _, 2022, by and among the City of Port Orange, a political subdivision of the State of Florida **("City")** whose address is 1000 City Center Circle, Port Orange, Florida 32129 and Quest Design Group, a Florida limited liability company whose address is 2758 Peninsula Drive, Daytona Beach, FL 32118 **("Property Owner")**.

WHEREAS, the City, John T. Self (together with John T. Self's wife, Barbara W. Self, who is now deceased), Robert Beatty, III, Rebecca Joyce Beatty Perkins, Elizabeth Ann Beatty Hayes and RSIII, Inc., a Florida corporation **("RSIII, Inc.")** (as the contract purchaser of the subject property), previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement For the Crystal Lake Planned Unit Development (PUD)", recorded in Official Records Book 4517, Page 1749, public records of Volusia County, Florida (the **"Master Development Agreement"),** relating to property described therein; and

WHEREAS, the Master Development Agreement was amended by that certain First Amendment to the Crystal Lake PUD Development Agreement recorded in Official Records Book 4612, at Page 4011 (the **"First Amendment");** and that certain Second Amendment to Crystal Lake PUD Development Agreement recorded in Official Records Book 4704, at Page 417 (the **"Second Amendment");** and that certain Third Amendment to Master Development Agreement for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book 4876 at Page·.'1749 (the **"Third Amendment");** and that certain Fourth Amendment to Master Development Agreement for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book 5078 at Page 2022 (the **"Fourth Amendment");** and that certain Fifth Amendment to Master Development for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book 5204 at Page 3392 **("Fifth Amendment");** and that certain Sixth Amendment to Master Development for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book _____ at Page _____ **("Sixth Amendment");** and that certain Seventh Amendment to Master Development for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book _____ at Page _____ **("Seventh Amendment").** The Master Development Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, and the Seventh Amendment is now hereinafter collectively referred to as the "Master Development Agreement".

WHEREAS, the Property Owner is the owner of the property more particularly described in **Exhibit "A" ("Property"),** which is the only property impacted by this Eighth Amendment.

WHEREAS, the City and Property Owner wish to further amend the Master Development Agreement as applies to the Property for the purposes as set forth herein below.

NOW, THEREFORE, the parties, in consideration of the mutual premises and covenants contained herein, and with the intent to be legally bound and to bind their successors and assigns, due hereby agree as follows:

1. The recitals and premises set forth above are true and correct, form a material part of this Eighth Amendment and are incorporated herein by reference.

2. Paragraph 2. **DEVELOPMENT PLAN**, Section 2(d)(4) of the Master Development Agreement is hereby amended, as follows:

(4) In regard to Tract 4, the development placed on Lot 15 will maintain a vegetative buffer on its northern edge to aid screening the view of the auto salvage yard. Lot 16 is located on the south side of Reed Canal Road and it is adjacent to the Atlantic High School campus. Lot 16 may be acquired by the City under a separate agreement for recreational use, potentially through integration into the Atlantic High School site. If Lot 16 is not acquired by the City on or before December 15, 2001, then Lot 16 may be developed for office, office/warehouse, or uses allowed by the light industrial (LI) zoning classification, in the same fashion as Lot 17. Lot 17 which is south of Reed Canal Road and east of Lot 16 is to be developed for office, office/warehouse, or other uses allowed by the light industrial (LI) zoning classification and uses allowed by commercial industrial (CI) zoning classification. The uses placed on Lot 17 shall utilize architectural facades to minimize the visual impact to Reed Canal Road.

3. Paragraph 5. **DEVELOPMENT CONCEPT,** Section 5 of the Master Development Agreement as previously amended, is hereby further amended as follows:

[Unchanged].
Lot 17 which is south of Reed Canal Road and east of Lot 16 will be developed for office, office/warehouse, commercial industrial, or light industrial use. The uses placed on Lot 17 shall utilize architectural facades to minimize the visual impact to Reed Canal Road.

4. Exhibit C. **PERMITTED USES AND DIMENSIONAL REQUIREMENTS**, Section 1(d)-PERMITTED USES Tract 4 of the Master Development Agreement as previously amended, is hereby further amended as follows:

[Unchanged].
Lot 17: Offices
Office/warehouse facilities
All other uses permitted under the Light Industrial (LI) classification*
All other uses permitted under the Commercial Industrial (CI) classification*
*Subject to special development requirements or special exception criteria, if applicable.

5. This Eighth Amendment shall be effective as of the date it is executed by all parties.

6. This Eighth Amendment shall be recorded in the public records of Volusia County, Florida, at the Developer's expense.

7. The Master Development Agreement, as previously enacted and amended by the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Amendments thereto, shall remain in full force and effect except with respect to those matters specifically amended by this Eighth Amendment.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Eighth Amendment, by and through their duly authorized representatives, on the respective dates below:

WITNESSES:

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

CITY:

CITY OF PORT ORANGE, a Florida municipal Corporation

By: _____

MAYOR DONALD O. BURNETTE

Attest: _____

Robin L. Fenwick, MMC, City Clerk

Date: _____

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [ ] online notarization this _____ day of _____ 2022, by Donald O. Burnette, Mayor of the City of Port Orange, Florida, and by Robin L. Fenwick, City Clerk of the City of Port Orange, Florida a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

_____

Print Name:
Notary Public, State of Florida
My commission expires:

IN WITNESS WHEREOF, the party has executed this Eighth Amendment, by and through its duly authorized representative, on the date below:

Quest Design Group LLC:

Quest Design Group LLC, a Florida limited liability company

_____ By: _____

Print Name: _____ John T. Hinton, Jr., Managing Member

Date: _____

_____

Print Name:

_____

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [ ] online notarization this _____ day of _____, 2022, by John T. Hinton, Jr., Managing Member of Quest Design Group, a Florida limited liability company who is personally known to me and did not take an oath.

_____

Print Name:
Notary Public, State of Florida
My commission expires:

EXHIBIT A
LEGAL DESCRIPTION
CRYSTAL LAKE MDA 8th AMENDMENT

THE LEGAL DESCRIPTION AS SHOWN HEREON WAS TAKEN VERBATIM FROM OFFICAL RECORDS BOOK 5168, PAGE 3929, AS RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

THAT PORTION LYING SOUTH OF REED CANAL ROAD AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED, ALL BEING A PORTION FRACTIONAL SECTION 32, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 32, TOWNSHIP 15 SOUTH, RANGE 33 EAST, COUNTY OF VOLUSIA, FLORIDA, RUN THENCE NORTH 89 DEGREES 43 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION 32, A DISTANCE OF 311.43 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF REED CANAL ROAD (A 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), SAID POINT ALSO BEING ON A CURVE CONCAVE NORTHWESTERLY AND TO THE LEFT, SAID CURVE HAVING A RADIUS 1203.32 FEET, A CENTRAL ANGLE OF 34 DEGREES 51 MINUTES 52 SECONDS, A CHORD BEARING OF NORTH 57 DEGREES 28 MINUTES 33 SECONDS EAST, A CHORD DISTANCE OF 720.97 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 732.22 FEET TO THE POINT OF TANGENCY THEREOF; THENCE N 40 DEGREES 02 MINUTES 37 SECONDS EAST ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF REED CANAL ROAD A DISTANCE OF 470.45 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 40 DEGREES 02 MINUTES 37 SECONDS EAST ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF REED CANAL ROAD A DISTANCE OF 89.86 FEET THE POINT OF CURVE CONCAVE SOUTHEAST AND TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1658.07 FEET, A CENTRAL ANGLE OF 20 DEGREES 09 MINUTES 02 SECONDS, A CHORD BEARING OF NORTH 50 DEGREES 07 MINUTES 08 SECONDS EAST, A CHORD DISTANCE OF 580.13 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 583.14 FEET TO THE WEST LINE OF LOT 1, BLOCK 1, MAP OF DUNLAWTON AS RECORDED IN DEED BOOK "M", PAGE 187, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 25 DEGREES 05 MINUTES 15 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 615.90 FEET TO THE NORTH WEST CORNER OF LOT 4, BLOCK 1, OF SAID MAP OF DUNLAWTON; THENCE SOUTH 26 DEGREES 48 MINUTES 56 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 4 A DISTANCE OF 329.93 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF OF AFOREMENTIONED LOT 4; THENCE SOUTH 80 DEGREES 04 MINUTES 56 SECONDS WEST ALONG THE NORTH LINE OF LOT 1, MAGNOLIA GROVE AS RECORDED IN MAP BOOK 2, PAGE 69 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 522.99 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 26 SECONDS WEST ALONG THE SAID NORTH LINE OF LOT 1, MAGNOLIA GROVE, A DISTANCE OF 151.01 FEET; THENCE NORTH 01 DEGEES 55 MINUTES 34 SECONDS WEST A DISTANCE OF 308.03 FEET; THENCE NORTH 49 DEGREES 57 MINUTES 23 SECONDS WEST A DISTANCE OF 308.95 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 10.714 ACRES MORE OR LESS.

Prepared by:
Kuhar Surveying and Mapping, LLC
1501 Ridgewood Ave
Daytona Beach, FL 32117
March 22, 2022

STAFF REPORT
CASE NO. 22-25000005
LDC Amendment/Chapter 2 & Chapter 5

REQUEST:	To amend the Land Development Code (LDC) to update requirements for model homes to reflect current procedures and reporting agencies and add definitions for model homes and speculative homes and establish regulations for the construction of speculative homes prior to subdivision plat recording.
APPLICANT:	City of Port Orange
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	July 21, 2022

INTRODUCTION
Staff has been updating the Land Development Code (LDC) in phases over the past several years. Prior amendments included updates to sign regulations, the "green" building initiative, erosion control, floodplain management, updates to Building Code references, county-wide Traffic Impact Analysis standards, school concurrency, Construction Standards modifications, site plan, and subdivision regulations, removal of select uses from the Ridgewood Corridor zoning district, zero lot line homes in the R-2D zoning district, microbreweries, architecture requirements, economic development – Ridgewood targeted businesses, tree preservation, redevelopment related amendments to the Riverwalk Overlay District and the Planned Commercial-Riverwalk (PC-R) zoning district, and others.

PROPOSED AMENDMENT
The proposed amendment to Chapters 2 and 5 of the Land Development Code (LDC) updates requirements for model homes to reflect current procedures and reporting agencies and adds requirements to allow a limited number of speculative homes to be built prior to the recording of a subdivision plat in order to assist in the delivery of new attached and detached single-family homes. Due to delays in delivery of materials, supply chain issues, and shortage of workers; construction timeframes for homes have lengthened. Allowing the construction of speculative homes to begin prior to the recording of a subdivision plat will allow for more timely delivery of homes soon after a subdivision is completed and accepted.

Language has been proposed to differentiate between model homes and speculative homes by providing a clear definition of each, with the main distinction being that a model home is used for demonstration and sales purposes, is not occupied as a dwelling unit, and open to the public for tours, and negotiation or execution of sales contracts. A speculative home is a new residential dwelling that a home builder builds on the speculation that it will sell, and it is not used for demonstration and sales purposes or open to the public.

Similar to the current requirements in the LDC for the construction of model homes prior recording of a subdivision plat, the proposed amendment includes the following regulations for speculative homes built prior to recording of a subdivision plat:

a) No more than ten percent (10%), rounded to the nearest whole number, of the lots in a subdivision or subdivision phase may be constructed as speculative homes. The number of speculative homes permitted does not affect the number of model homes allowed in a subdivision or subdivision phase.
(b) Speculative homes shall be constructed on lots in clusters of two or more homes within the same subdivision or subdivision phase.
(c) Permanent sewer connections shall not be made until the sanitary sewer system has been completed and certified to Florida Department of Environmental Protection (FDEP).
(d) Construction of access roads to the speculative home sites prior to building permit issuance, to the extent necessary to allow sufficient access by city inspection vehicles.
(e) Provision for fire protection, including testing and approval of the water system by the Florida Department of Health (FDOH), if on-site hydrants are required to service the area where the proposed speculative homes will be constructed.

RECOMMENDATION

Staff recommends approval of the amendments to Chapters 2 and 5 of the Land Development Code (LDC).

ATTACHMENT

Exhibit 1: Proposed LDC Amendment to Chapters 2 and 5

EXHIBIT 1

Words ~~stricken~~ are deletions; words underlined are additions.

Chapter 2 - DEFINITIONS AND INTERPRETATIONS

Model home. A residential building used for demonstration and sales purposes, not occupied as a dwelling unit, and open to the public for inspection, tours and negotiation or execution of sales contracts for the sale of that builder's homes or products.

Speculative home. A new residential dwelling that a home builder builds on the speculation that it will sell and shall not be used for demonstration and sales purposes or open to the public.

Chapter 5 – SUBDIVISIONS

Section 9: - Model homes.

Model home construction prior to plat recording shall only be allowed upon compliance with the following requirements:

(a) Subdivisions without a recorded plat shall be allowed up to a total of 6 model homes subject to the following requirements:

~~(1) Water meters for the model homes shall not be installed until the subdivision improvements have been accepted by the city.~~

(1~~2~~) Permanent sewer connections shall not be made until the sanitary sewer system has been completed and certified to Florida Department of Environmental Protection (FDEP).

~~(b) Model home construction prior to plat recording shall only be allowed upon compliance with the following requirements:~~

(2~~1~~) Provision for fire protection, including testing and approval of the water system by the Florida Department of Health ~~Environmental Protection~~ (FDOHEP), if on-site hydrants are required to service the area where the proposed models will be constructed.

(3~~2~~) Construction of access roads to the model home sites prior to building permit issuance, to the extent necessary to allow sufficient access by city inspection vehicles.

(4~~3~~) Temporary parking for model home sites may be constructed of gravel or other pervious or semi-pervious material; however, required handicap accessible parking spaces shall be constructed in accordance with the city's standard construction details.

Additional requirements, restrictions, and conditions may be imposed by the administrative official to address specific site or project concerns.

Section 9.5: - Speculative homes.

Speculative home construction prior to plat recording shall only be allowed upon compliance with the following requirements:

(a) No more than ten percent (10%), rounded to the nearest whole number, of the lots in a subdivision or subdivision phase may be constructed as speculative homes. The number of speculative homes permitted does not affect the number of model homes allowed in a subdivision or subdivision phase.

(b) Speculative homes shall be constructed in clusters of two or more homes within the same subdivision or subdivision phase.

(c) Permanent sewer connections shall not be made until the sanitary sewer system has been completed and certified to Florida Department of Environmental Protection (FDEP).

(d) Construction of access roads to the speculative home sites prior to building permit issuance, to the extent necessary to allow sufficient access by city inspection vehicles.

(e) Provision for fire protection, including testing and approval of the water system by the Florida Department of Health (FDOH), if on-site hydrants are required to service the area where the proposed speculative homes will be constructed.