



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, August 25, 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 - July 21, 2022
4. APPLICATION: Rezoning/904 Taylor Road
CASE NO.: 22-60000005
APPLICANT: A. Joseph Posey, Storch Law Firm
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676/gidsmith@port-orange.org

A request to rezone ±3.2 acres from Community Commercial (CC) to Government/Public Use (GPU).

C. OTHER BUSINESS

5. Commissioner Comments
6. 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.



Planning Commission Meeting

Thursday, August 25, 2022

Page 2 of 2

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
JULY 21, 2022

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

CALL TO ORDER

1. Pledge of Allegiance

2. Roll Call

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

Absent: Member Newton White

Also Present: Shannon Balmer, Assistant City Attorney
Robin Fenwick, City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes - June 23, 2022

Motion to approve the June 23, 2002 meeting minutes was made by Member Maria Mills-Benat and Seconded by Member Thomas Jordan. Motion carried unanimously by voice vote.

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.

Motion to approve Case #22-40000002 was made by Member Lance Green and Seconded by Member Maria Mills-Benat.

Gwen Perney, Principal Planner, discussed the details of the requested amendment 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 and answered questions from Commissioners.

Motion carried unanimously by roll call vote.

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.

Motion to approve was made by Member John Junco and Seconded by Member Thomas Jordan.

Penelope Cruz, Planning Manager, provided details regarding the 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 and answered questions from Commissioners.

Motion carried unanimously by roll call vote.

OTHER BUSINESS

6. Commissioner Comments

Member Lance Green discussed attendance and asked all Commissioners to make the meetings a priority so as to not embarrass the Commission or the City. All absences should be reported to the City Clerk's Office prior to the meeting.

7. Staff Comments

Tim Burman, Community Development Director, provided an update on the Fysh Bar & Grill Restaurant construction, as well as other construction projects.

PUBLIC COMMENTS

There were none.

ADJOURNMENT – 5:49 p.m.

Chairman Stan Schmidt



STAFF REPORT

REZONING/904 TAYLOR ROAD

CASE NO. 22-60000005

REQUEST:	Rezone ±3.2 acres from Community Commercial (CC) to Government/Public Use (GPU)
APPLICANT:	A. Joseph Posey, Storch Law Firm
PROPERTY OWNER:	Port Orange Christian Church
LOCATION:	904 Taylor Road (See Figure 1)
STAFF CONTACT:	Gideon Smith, Senior Planner (386) 506-5676
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	August 25, 2022

INTRODUCTION

The applicant is requesting to rezone ±3.2 acres from Community Commercial (CC) to Government/Public Use (GPU). The subject property is located at 904 Taylor Road, on the south side of Taylor Road, west of Boggs Ford Road. If approved, the Port Orange Christian Church intends to expand the existing church on the subject property.

Figure 1: Location Map



Map created by the City of Port Orange Community Development Department

DISCUSSION

In 2019, the subject property was rezoned (Case No. 19-60000001) from Government/Public Use (GPU) to Community Commercial (CC) when the Port Orange Christian Church intended to sell the subject property, as the church was planning to build a new church on Taylor Road, west of Summer Trees Road. The church recently decided to remain at its current location (904 Taylor Road) and begin planning an expansion onto the existing church building. According to the Church, there are no expansion plans at this time, however, in the near future the Church does intend to enlarge the existing church building and construct a new sanctuary on the subject property. Once the new sanctuary is constructed, the Church intends to repurpose the existing building for its youth services. In order for the church to modify the site, the subject property needs to be rezoned back to GPU since a church is not a permitted use under the current CC zoning designation.

Figure 1: Existing Church and Modular Building on Subject Property



Under the current CC zoning, the church is considered an existing nonconforming use and cannot expand. Under the requested GPU zoning district, a church is an allowed use and the existing church building expansion and construction of a new sanctuary would be permitted in accordance with the City's Land Development Code (LDC) regulations and the GPU Zoning District dimensional requirements (see Exhibits 1 and 2).

The Port Orange Christian Church was established at 904 Taylor Road in 1996 and continues to operate today. Over the past two decades, the Church has made interior and exterior renovations and additions, improved the parking lot, added an outdoor play area, constructed accessory structures and a modular building, and held several special events open to the public.

Figure 2: Additional Parking Area Northeast of the Existing Church Building



Access to the subject property is currently available along Taylor Road via an existing driveway. Any proposed modifications to the access drive off Taylor Road would need to be reviewed and approved by Volusia County. Water and sewer are available and currently serve the property.

As part of any future site development, a site plan will be required to be submitted to the Staff Development Review Committee (SDRC) for review, and verify LDC requirements for architecture, landscaping buffers, drainage, building setbacks, parking lot, and access drives, tree preservation, and infrastructure (water, sewer, sidewalks, etc.) are met to ensure compatibility with adjoining properties and confirm concurrency requirements for adequate public facilities.

As with all development, an analysis of impacts, including transportation, will be required when a specific site development proposal for the subject property is submitted for review. The developer may be required to conduct a traffic analysis to determine if adequate transportation facilities exist or if improvements must be provided to mitigate the development's impacts. Any subsequent development on the subject property will also be required to comply with all federal, state, regional, and local regulations pertaining to the protection, relocation, mitigation, and preservation of trees, gopher tortoises, wetlands, and other environmental resources.

CONSISTENCY WITH SURROUNDING USES AND ZONING

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.

The subject property has been developed as a church since 1996 and remains operational today. Churches are a common land use that can be found in GPU Zoning

Districts adjacent to residential areas and provide an appropriate transition between more intense commercial uses and nearby residential uses. Several examples can be found throughout the city and are listed in Table 1 below. In addition to these areas, two other churches are located within a quarter mile to the east of the subject property along Taylor Road (878 and 840 Taylor Road). Therefore, the proposed GPU zoning district is compatible with the surrounding uses and zoning of the adjacent properties (Table 2).

Table 1. Existing Churches Adjacent Residential Land Uses

Name of Church	Location
Port Orange United Church of Christ	651 Taylor Road
Chapel of Faith	633 Herbert Street
High Point Pentecostal Church	1495 Herbert Street
Catholic Church of the Epiphany	201 Lafayette Street

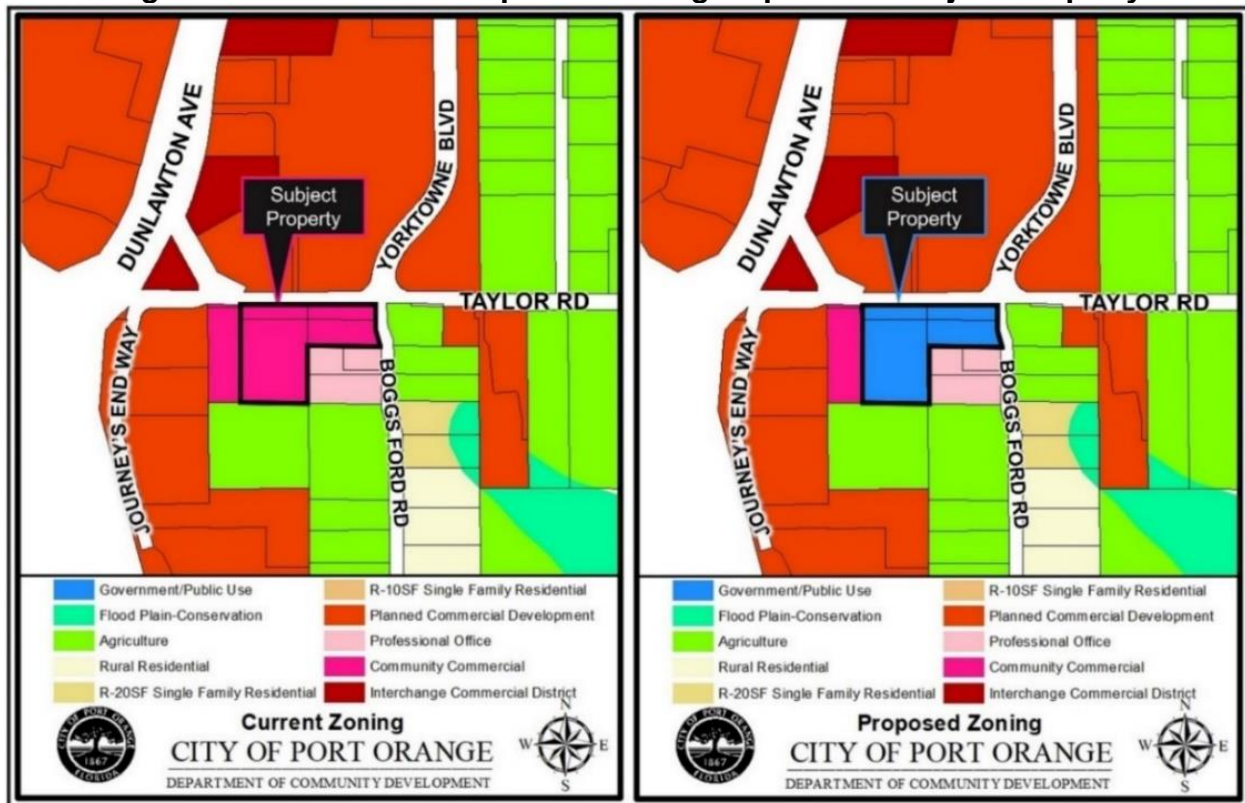
The proposed GPU zoning is appropriate for this property as it is located along Taylor Road and has direct access to Taylor Road, a Volusia County-maintained arterial roadway. The size of the property is large enough to provide a sufficient buffer to the adjacent residential uses located to the south and east while serving as an appropriate transitional zoning designation between residential properties and the adjacent non-residential developments to the north and west. The requested zoning and expansion of the church will continue to provide a transition between higher intensity uses located at the intersection of Dunlawton Avenue and I-95 and adjacent existing single-family residential uses.

Table 2. Surrounding Land Uses, FLU Designations, and Zoning Districts

Direction	Existing Land Use	FLU Designation	Zoning District
North	Altamira Planned Commercial Development (PCD)	<i>Commercial</i>	Planned Commercial Development (PCD)
South	Residential (Single-Family)	<i>Office/Residential Transition and Rural Transition (0-2 units/acre)</i>	Professional Office (PO) and Agriculture (A)
East	Residential (Single-Family)	<i>Rural Transition (0-2 units/acre)</i>	Agriculture (A)
West	Commercial	<i>Commercial</i>	Community Commercial (CC)

The current adopted and proposed zoning classification for the subject property and adjacent properties are identified in Figure 3.

Figure 3: Current and Proposed Zoning Map of the Subject Property



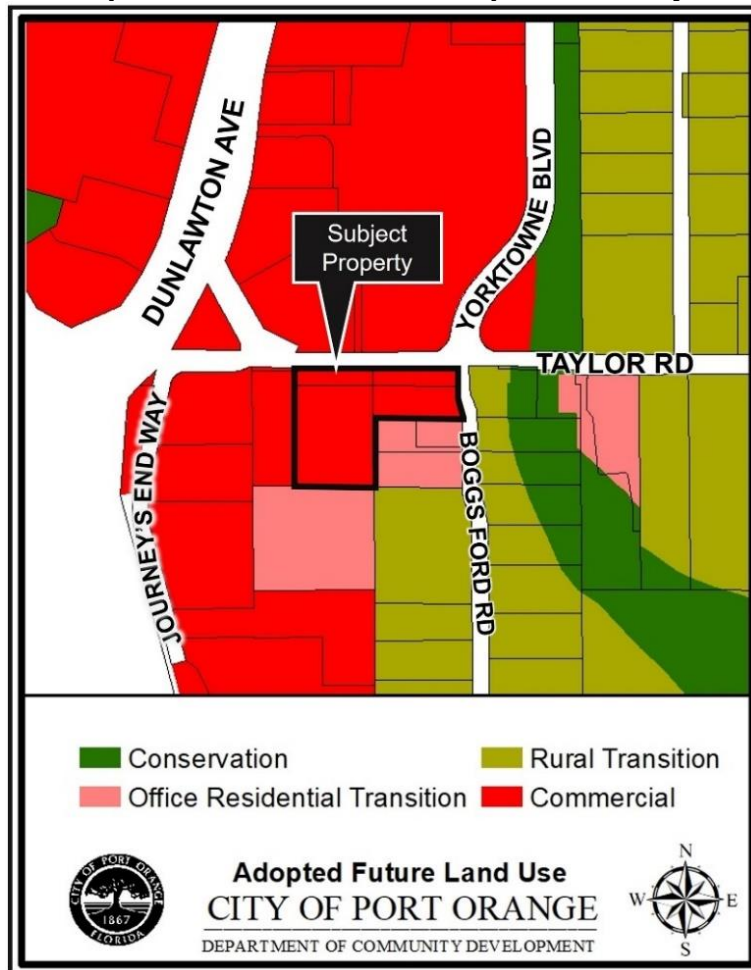
CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property is designated *Commercial* on the City's Future Land Use Map. The proposed Government/Public Use (GPU) zoning designation is consistent with the *Commercial* FLU designation and is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan. According to Future Land Use Element Policy 2.1.4 in the City's Comprehensive Plan, Public/Institutional uses, such as a church and associated uses, are acceptable in a wide range of land uses, and small isolated properties of this type. Since the church has been operational in this location since 1996 and had a GPU zoning designation prior to 2019, Staff has determined that the proposed GPU zoning district is appropriate in the current *Commercial* land use category and where this property is located within the City.

Any future expansion of the existing church will be required to comply with all Land Development Code (LDC) requirements, including those pertaining to buffers between non-residential and existing adjacent residential homes. Based on compatibility with adjacent zoning districts and availability of existing infrastructure, staff has determined that the requested rezoning is appropriate at this location and consistent with the adopted FLU designation.

The adopted FLU designation for the subject property and adjacent properties are identified in Figure 4.

Figure 4. Adopted Future Land Use Map of the Subject Property



PUBLIC NOTICE

On July 29, 2022, staff posted the property notifying the public of the proposed rezoning. As of the time this agenda item was prepared, six inquiries have been received requesting general information about the location and details regarding the proposed rezoning.

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone the ±3.2 acres from Community Commercial (CC) to Government/Public Use (GPU).

ATTACHMENTS

- Exhibit 1: List of Permitted Uses for the Government/Public Use (GPU) Zoning District
- Exhibit 2: Dimensional Requirements for the GPU Zoning District

Exhibit 1

LDC, Ch. 17, Sec. 26: Government/Public Use (GPU) district.

- (a) *Purpose and intent.* The government/public use (GPU) district is intended to provide for public and quasi-public uses in a setting which recognizes the special character and location requirements of such facilities.
- (b) *Permitted uses.* All uses proposed by any governmental entity or agency thereof shall be permitted in this district. In addition, the following quasi-public uses shall be permitted in this district:
 - (1) Adult/vocational education.
 - (2) Cemeteries.
 - (3) Charitable organization offices.
 - (4) Hospitals.
 - (5) Houses of worship.
 - (6) Nursing homes.
 - (7) Private schools.
 - (8) Public utility stations/plants.
- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*
 - (1) Child care centers (subsection 4).
 - (2) Community gardens (subsection 5.1).
- (c) *Special exception uses (chapter 18, section 3).*
 - (1) Marina, recreational (subsection 9.6).
- (d) *Violation of terms or conditions.* It is a violation of this code for any person to violate or to refuse or fail to comply with any term or condition of a rezoning or a change of use in the GPU district. Violations may be prosecuted or enforced as provided by law for prosecution or enforcement of municipal ordinances.

Exhibit 2

LDC, Ch. 17, Sec. 27: Government/Public Use (GPU) Dimensional Requirements

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	
GPU	--	10,000	125	40%	20%	D	10*	25*A	60***

A Rear and side yard setbacks on GPU and industrial lots abutting railroad right-of-way may be reduced to zero feet, where approved as part of an overall site development plan.

D The required front yard setback is equal to the right-of-way landscape buffer. Please refer to subsection 3(d) of Chapter 13

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

*** Maximum height is limited to 35 feet if the property abuts single-family or mobile home zoning districts.