

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 25, 2023

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

Pledge of Allegiance

Roll Call

Present: Newton White
John Junco
Maria Mills-Benat, Vice Chair
Lance Green, Chair
Thomas Jordan
Stan Schmidt

Absent: Darrel “Bo” Bofamy (excused)

Also Present: Shannon Balmer, Assistant City Attorney
Tracee Cody, Deputy City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes - April 27, 2023

Motion to approve the meeting minutes of April 27, 2023 as presented was made by Commissioner Stan Schmidt and seconded by Commissioner Maria Mills-Benat. Motion carried unanimously by voice call vote.

4. APPLICATION: MDA Amendment/Second Amendment to the Master Development Agreement for the Southwinds Center Planned Commercial Development
CASE NO.: PRZA-23-0002
APPLICANT: Shoppes at Southwinds II, LLC
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

A request by the applicant to amend the Master Development Agreement for the Southwinds Center Planned Commercial Development to add the allowed uses in the Community Commercial Zoning District as allowed uses on Lot 2 of the PCD, except for the convenience store with or without fuel operation, fleet-based service, and motor vehicle service station uses, and no more than one (1) restaurant with a drive-thru

Motion to approve Case No.: PRZA-23-0002 was made by Commissioner Maria Mills-Benat and seconded by Commissioner Thomas Jordan.

Commissioner Newton White abstained from the vote due to conflict. Chairman Lance Green read into record Form 8B Memorandum of Voting Conflict for County, Municipal, and other local public officers for Newton White abstaining.

Penelope Cruz, Planning Manager, provided details of the request.

John Trost, with SVN Alliance on behalf of the applicant, asked if Commissioners had any questions to which they had none.

*Motion carried 5-0-1 by roll call vote with
Commissioner Newton White abstaining.*

5. APPLICATION: MDA Amendment/Fourth Amendment to the Master Development Agreement for the Woodhaven Planned Unit Development
CASE NO.: PRZA-23-0003
APPLICANT: CC Woodhaven, LLC
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 5056-5671

A request by the applicant to amend the Master Development Agreement for the Woodhaven Planned Unit Development to establish a 15-foot front setback for uninhabitable improvements on a single-family home and clarify requirements on the type and height of fencing allowed on an individual residential lot.

*Motion to approve Case No.: PRZA-23-0003 was
made by Commissioner Stan Schmidt and seconded
by Commissioner Thomas Jordan.*

Ms. Cruz provided details on the request and answered questions from the Commissioners.

Dick Smith, ICI Homes, answered questions from the Commissioners regarding lot sizes, landscaping, and parking.

Robert Reinhausen, resident, commented on the "uninhabitable" language and believes it could be misconstrued. Ms. Cruz clarified the intent is to include the garage as habitable and will tweak the language before going to Council.

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

6. APPLICATION: Development Order Modification/Final Plat for Phase II of the Woodhaven Subdivision

CASE NO.: SUBD-23-0003

APPLICANT: CC Woodhaven, LLC
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

A request by the applicant to modify the Final Plat for Phase 2 of the Woodhaven Subdivision to revise notes on the Final Plat regarding rear yard setbacks.

Motion to approve Case No.: SUBD-23-0003 was

*made by Commissioner Thomas Jordan and
seconded by Commissioner Newton White.*

Ms. Cruz provided details of the request and answered questions from the Commissioners.

Motion carried unanimously by roll call vote.

OTHER BUSINESS

7. Commissioner Comments

Commissioner Jordan congratulated staff on the turn lane improvements and Commissioner White asked for more information and a timeline. Tim Burman, Community Development Director, answered questions regarding the turn lane improvements along Dunlawton Avenue and informed the Commissioners about the construction timeline. Mr. Burman also mentioned that Bristol Development might possibly come to the next meeting in June.

Ms. Cruz provided an update on the comprehensive plan and bringing it in front of the Planning Commission in July. Information packets will go out a few weeks prior to the meeting.

Commissioner White spoke on a Senate/House bill that passed regarding zoning.

8. Staff Comments

There were none.

PUBLIC COMMENTS

There were none.

ADJOURNMENT – 6:06 p.m.


Chairman Lance Green

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>White Newton D.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning Commission</i>
MAILING ADDRESS <i>510 Renner Rd Volusia</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Port Orange</i>	COUNTY	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION:
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE

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).

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.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise 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, Venton White, hereby disclose that on May 25, 20 23:

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

- ☒ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Herb Lubansky, Moonfenny Properties Inc.
- ☐ 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:

Our brokerage represents the perspective tenant that needs the zoning to put their business in the location

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.

May 22, 2023
Date Filed

[Signature]
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.