



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, May 23, 2024

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 - April 25, 2024
4. APPLICATION: MDA Amendment/First Amendment to the Restated Master Development Agreement for the Catfish Commons Planned Commercial Development
CASE NO.: PRZA-24-0004
APPLICANT: Brendan Galbreath
STAFF CONTACT: Tim Burman, Community Development Director

A request by the applicant to approve the First Amendment to the Restated Master Development Agreement (MDA) for the Catfish Commons Planned Commercial Development (PCD) to allow a multi-tenant freestanding sign with an 84-square-foot sign area at the southeast corner of Ridgewood Avenue and Dunlawton Avenue to identify the Catfish Commons development and the tenants within the development.

5. APPLICATION: Comprehensive Plan Amendment/Small-Scale Future Land Use Map Amendment - 890 Taylor Road
CASE NO.: CPAM-24-0002
APPLICANT: Harry T. Parsons
STAFF CONTACT: Tim Burman, Community Development Director

A request by the applicant to change the Future Land Use (FLU) map designation for ± 0.7 acres of a ± 1.77 -acre property at 890 Taylor Road from *Office/Residential Transition* to *Rural Residential* (0-2 units/acre).

6. APPLICATION: MDA Amendment/Second Amendment to the Altamira Shopping Village Planned Commercial Development (PCD) and Master Development Agreement (MDA)
CASE NO.: PRZA-24-0003

APPLICANT: Harry T. Parsons

STAFF CONTACT: Tim Burman, Community Development Director

A request by the applicant to approve the Second Amendment to the Altamira Village Shopping Village Master Development Agreement (MDA) to allow the abandoned structure at 890 Taylor Road (Lot 9) to be redeveloped as a single-family residence.

C. OTHER BUSINESS

7. Commissioner Comments

8. 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
APRIL 25, 2024

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chair Maria Mills-Benat at 5:30 p.m.

Pledge of Allegiance

Roll Call	Present:	Stan Schmidt Maria Mills-Benat, Chair Darrel “Bo” Bofamy Lance Green Thomas Jordan, Vice Chair
	Absent:	Scott Steger (excused) Mark Bowling (excused)
	Also Present:	Shannon Balmer, Assistant City Attorney Tracee Cody, Deputy City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes - March 18, 2024

Motion to approve the Special Meeting minutes from March 18, 2024 as presented was made by Vice Chair Thomas Jordan and seconded by Commissioner Bo Bofamy. Motion carried unanimously by voice vote.

4. APPLICATION: Variance/6220 Foxhaven Court
CASE NO.: VARC-24-0001
APPLICANT: Colleen Nicoulin and Timothy Touma
STAFF CONTACT: Penelope Cruz, Planning Manager, (386) 506-5676

A request for variances from the Land Development Code to allow a boathouse and dock to be rebuilt along Spruce Creek in the same general location as an existing boathouse and dock. The subject property is located at 6220 Foxhaven Court. The applicant is proposing the following dimensions for the boathouse:

- Increase the allowed height for a boathouse from 12 feet to 15 feet.
- Increase the allowed area for a dock from 160 square feet to 175 square feet.
- Reduce the side setback for a dock from 25 feet to 19 feet.

Motion to approve Case No. VARC-24-0001 was made by Vice Chair Thomas Jordan and seconded by Commissioner Bo Bofamy.

Penelope Cruz, Planning Manager, provided details of the request. The City's maximum boathouse height is 12-feet; however, neighboring cities and Volusia County code are 15 to 18 feet. Mrs. Cruz noted that after research on this request, the Planning department will probably make a code amendment to update the dock sighting requirements.

The Commissioners and Mrs. Cruz discussed reasons the code should be updated due to different water conditions now versus in the 1980s. Mrs. Cruz said the commission could consider extending the height to 18 feet.

Colleen Nicoulin, the applicant, explained her reasoning for the request due to her existing dock deteriorating and how her contractor actually recommended 18-feet but no lower than 15-feet in height. The Commissioners were in consensus over extending the height of the boathouse.

Mrs. Cruz clarified there are three parts to the variance and only the request for the height could be amended.

Motion to amend the main motion to allow the height of a boathouse from 15-feet to 18-feet was made by Vice Chair Thomas Jordan and seconded by Commissioner Lance Green. Motion carried unanimously by roll call vote.

Motion as amended carried unanimously by roll call vote.

5. APPLICATION: MDA Amendment/Seventh Amendment to the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD) and Master Development Agreement (MDA)
CASE NO.: PRZA-24-0001
APPLICANT: A. Joseph Posey Jr., Storch Law Firm
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

A request for approval of the Seventh Amendment to the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Agreement (CDP) to allow the development of a bed and breakfast concept consisting of multiple rental cottages with a common building to provide food service for guests at 5120 Riverside Drive.

Motion to approve Case No. PRZA-24-0001 was made by Vice Chair Thomas Jordan and seconded by Commissioner Lance Green.

Mrs. Cruz provided details of the request and answered questions from the Commissioners. It was questioned by Vice Chair Thomas Jordan who can live at the property. Mrs. Cruz stated it's a standard allowance among the Ridgewood businesses that an "owner/operator/manager" of a facility can live on premises.

Joey Posey of Storch Law Firm, on behalf of the applicant, explained the business model and goal is to have bed and breakfast cottages for wedding guests; however, the business owners can use their discretion to allow the cottages for public rental use as well.

Motion carried unanimously by roll call vote.

6. APPLICATION: MDA Amendment/10th Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development
CASE NO.: PRZA-24-0002
APPLICANT: City of Port Orange
STAFF CONTACT: Tim Burman, Community Development Director

A request for approval of the Tenth 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) and Light Industrial (LI) zoning districts as allowed on Lot 16 of the Crystal Lake PUD, located on the south side of Reed Canal Road, east of Atlantic High School.

Motion to approve Case No. PRZA-24-0002 was made by Vice Chair Thomas Jordan and seconded by Commissioner Bo Bofamy.

Tim Burman, Community Development Director, provided details of the request. He explained the property is owned by the City and will be marketed for sale for the assigned zoning uses.

Motion carried unanimously by roll call vote.

OTHER BUSINESS

7. Commissioner Comments

Commissioners thanked staff for their work and all appreciate being a part of the City's growth and development.

8. Staff Comments

There were none.

PUBLIC COMMENTS

Robert Reinhagen, resident, commented on Case No. PRZA-24-0002, agenda Item #6, and hoped this property would be used for affordable housing.

ADJOURNMENT – 6:03 p.m.

Chair Maria Mills-Benat



STAFF REPORT

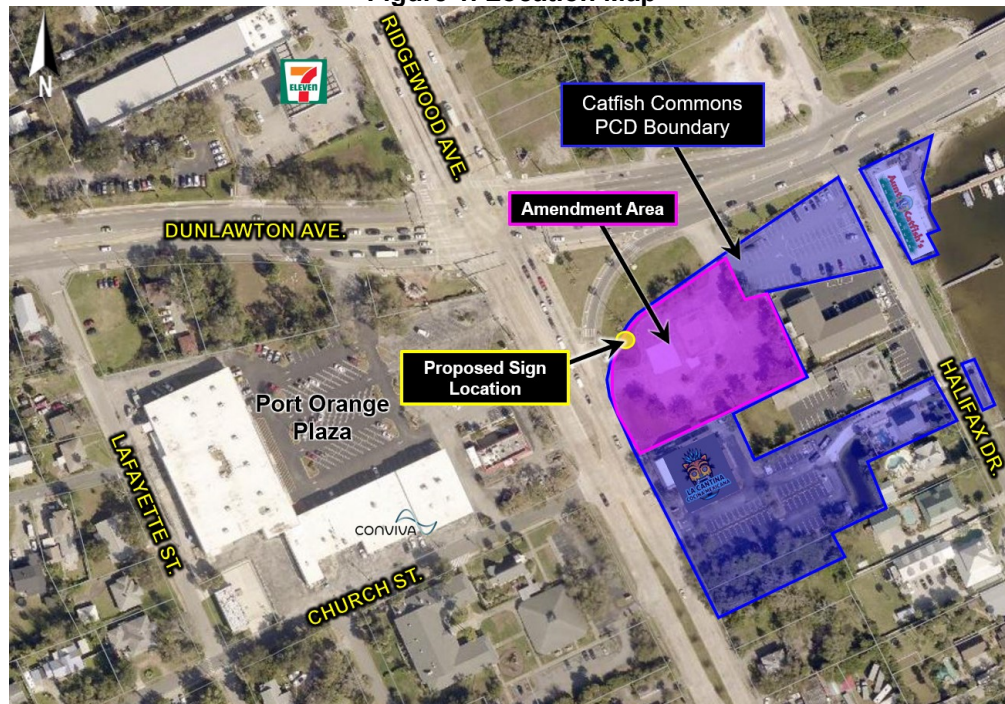
1st Amendment to the Restated Master Development Agreement for the Catfish Commons Planned Commercial Development Case No. PRZA-24-0004

REQUEST:	To approve the 1st Amendment to the Restated Master Development Agreement (MDA) for the Catfish Commons Planned Commercial Development (PCD) to allow a multi-tenant freestanding sign with an 84-square-foot sign area to identify the Catfish Commons development and tenants within the PCD.
LOCATION:	4075 Ridgewood Avenue
APPLICANT:	Brendan Galbreath
PROPERTY OWNER:	Commons 4075, LLC
STAFF CONTACT:	Tim Burman, Community Development Director
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	May 23, 2024

INTRODUCTION

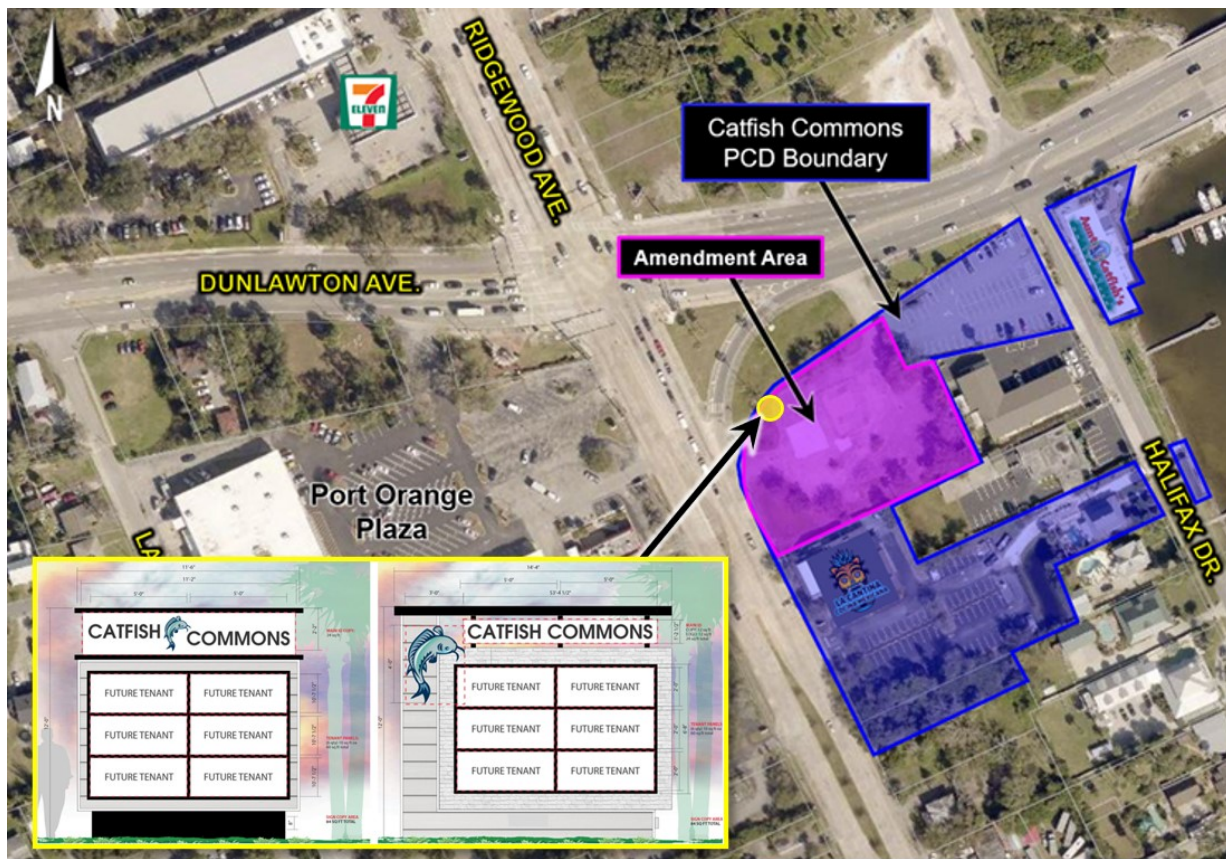
The proposed amendment to the Restated Master Development Agreement (MDA) for the Catfish Commons Planned Commercial Development (PCD) to allow a multi-tenant freestanding sign with an 84-square-foot sign area at the southeast corner of Ridgewood Avenue and Dunlawton Avenue to identify the Catfish Commons development and the tenants within the development.

Figure 1. Location Map



The Catfish Commons PCD is located within the Port Orange Town Center Community Redevelopment District. The PCD was initially approved in 2012 to provide the framework for a multi-use commercial project and an outdoor entertainment and staging area for special events. The PCD was amended in 2019 to allow a mobile retail unit, a residential unit above the entry feature at 4106 Halifax Drive, and to waive all fees associated with future amendments to the MDA or CDP for the PCD property. The PCD was amended again in 2022 to add an adjacent property into the PCD and add a framework for the development of a multi-tenant commercial building with a drive-thru, a three-story mixed-use building, a 12-slip marina, and expanded the application fee waiver to include building permits and site inspection fees.

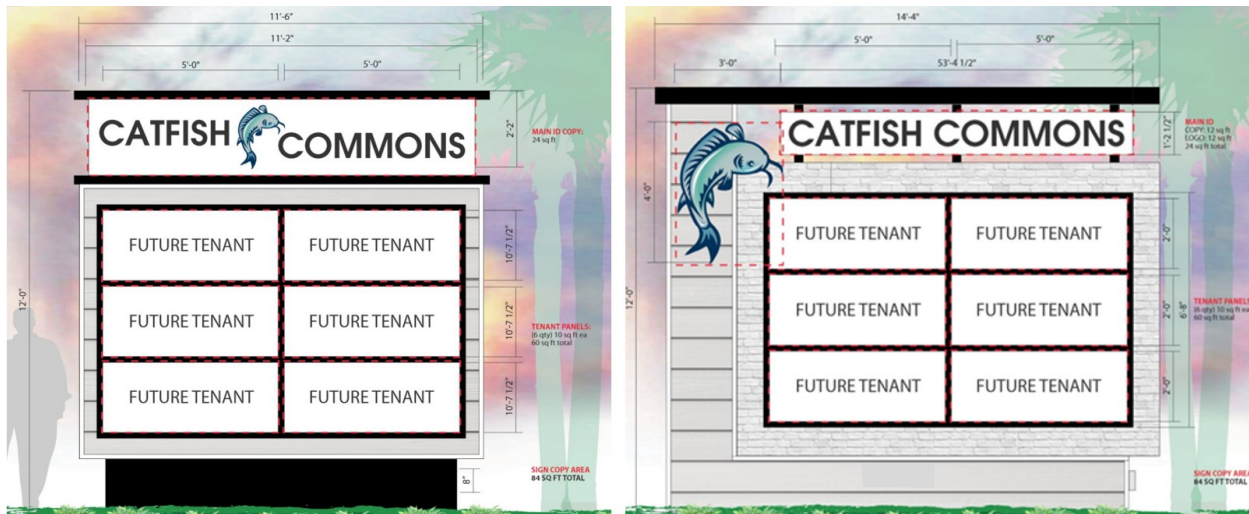
Signage for the Catfish Commons PCD is currently required to comply with the Land Development Code (LDC) requirements unless specified in the approved Catfish Commons MDA. According to the applicant, the requested amendment to the MDA is to allow additional sign area for a multi-tenant freestanding sign that will be located (4075 Ridgewood Avenue) at the intersection of Ridgewood Avenue and Dunlawton Avenue. The applicant states that the multi-tenant freestanding sign at this location will be designed to serve as the prominent entry feature that identifies the overall Catfish Commons PCD development and tenants within the PCD. The applicant also states that the large FDOT right-of-way in front of parcel dictates the need for a larger sign so it can effectively promote the businesses and the overall development.



According to the LDC and Catfish Commons MDA, a multi-tenant freestanding sign with 56 square feet of sign area can be installed on the subject property, oriented toward the

intersection of Ridgewood Avenue and Dunlawton Avenue, to identify the Catfish Commons development and tenants. The applicant is requesting a maximum sign area of 84 square feet to provide a sign that identifies the Catfish Commons development along with up to six tenants. According to the applicant, there are currently at least 6 tenants within the Catfish Commons development and the additional sign area requested would allow for the development to be identified at a predominant intersection along with the identification of current and future tenants within the development.

Figure 2. Two Sign Options Proposed by the Applicant with a Sign Area of 84 Square-Feet



If the amendment to the MDA is approved, the number of multi-tenant freestanding signs allowed on the subject property or within the PCD would not increase; the amendment would only allow an additional 28 square feet of sign area to the current permitted 56 square foot multi-tenant freestanding sign requirements. According to the applicant, the sign area for tenant panels would not significantly increase above what is currently allowed as most of the requested additional sign area would be used to identify the Catfish Commons development. The proposed multi-tenant freestanding sign at the southeast corner of Ridgewood Avenue and Dunlawton Avenue 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.

Figure 3. Comparison of the Permitted Sign and the Proposed Sign

	Permitted Multi-Tenant Freestanding Sign	Proposed Multi-Tenant Freestanding Sign	Changes to Multi-Tenant Freestanding Sign with MDA Amendment
Maximum Sign Area	56 square-feet	84 square-feet	(+) 28 square-feet
Maximum Height	12-foot	12-foot	N/A
Minimum Tenant Panel Size	10 square-feet	10 square-feet	N/A
Maximum Number of Tenant or Complex Identification Panels	5	8	(+) 3

According to the applicant, the requested sign is more than just the identifier for the four (4) tenants of the multi-tenant retail building at 4075 Ridgewood Avenue, it is viewed as the gateway identifier for the overall Catfish Commons development that currently includes five (5) properties, with additional properties anticipated to be added over the next several years.

CONSISTENCY WITH COMPREHENSIVE PLAN

In 2012, the original MDA and in 2022, the Restated MDA were found to be consistent with the Comprehensive Plan. The proposed 1st Amendment to the Restated MDA does not change the FLU designation for the subject property and is consistent with the general intent of the City's Comprehensive Plan.

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

PUBLIC NOTICE

A Public Notice sign was posted on the site on Wednesday, May 8, 2024. As of May 16, 2024, staff has not received any phone calls regarding the proposed PCD Amendment.

RECOMMENDATION

Staff recommends approval of the 1st Amendment to the Restated Master Development Agreement (MDA) for the Catfish Commons Planned Commercial Development (PCD), subject to review and approval by the City Attorney's Office for legal form and content.

ATTACHMENT.

Exhibit 1: 1st Amendment to the Restated Master Development Agreement for the Catfish Common Planned Commercial Development

EXHIBIT 1

FIRST AMENDMENT TO THE RESTATED MASTER DEVELOPMENT AGREEMENT FOR THE CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT

This agreement, 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” or “Developer”), who hereby agree and covenant and bind their successors and assigns as follows:

WHEREAS, the Owner is the owner of the property described in Exhibit “A”, which is attached hereto and by reference made a part hereof (the “Property”); and

WHEREAS, The City and Property Owners have previously entered into a Restated Master Development Agreement for Catfish Commons Planned Commercial Development recorded in Official Record Book 8278, Page 3843 all in Public Records, Volusia County, Florida (“Original MDA”); and

WHEREAS, the City and Owner want to amend the Original MDA as applies to the Property for the purposes as set forth herein below.

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

1. The premises stated above are true, and correct and form a material part of the First Amendment to the Restated Master Development Agreement for Catfish Commons Planned Commercial Development
2. Paragraph 14. “SIGNAGE,” Section A of the Restated Master Development Agreement, is hereby amended to read as follows:
 - A. The tenant at 4009 Halifax Dr shall be permitted to have a sign panel on the monument sign at 4075 Ridgewood Avenue. A multi-tenant monument sign at 4075 Ridgewood Avenue may have a maximum sign area not to exceed 84 square feet.
3. This First Amendment to the Restated Master Development Agreement shall be effective as of the date it is executed by all parties.
4. This First Amendment to the Restated Master Development Agreement shall be recorded in the public records of Volusia County, Florida, at the Developer's expense.
5. The Restated Master Development Agreement, as previously enacted, shall remain in full force and effect except with respect to those matters specifically amended by this First Amendment to the Restated Master Development Agreement

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Restated Master Development Agreement, 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: _____
Donald O. Burnette, Mayor

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 _____ 2024, by Donald O. Burnette, Mayor and by Robin L. Fenwick, City Clerk, both 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 expire

WITNESSES:

COMMONS 4075 LLC, a Florida limited liability company

Print Name: _____

By: _____
Brendan Galbreath, Member

Print Name: _____

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 _____ 2024, by Brendan Galbreath, Manager of **Commons 4075, LLC**, who is [] 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 – 4075 RIDGEWOOD AVENUE

PARCEL 1 PART OF LOTS 1, 2, AND 3, BLOCK 'A', WILSON'S SUBDIVISION OF PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A REFERENCE POINT, BEING THE INTERSECTION OF THE SOUTHERLY LINE OF BLOCK 'A', WILSON'S SUBDIVISION OF PORT ORANGE WITH THE EASTERLY LINE OF RIDGEWOOD AVENUE (U.S. HIGHWAY #1), A 100 FOOT STREET AS PRESENTLY ESTABLISHED, RUN THENCE NORTH 26 DEGREES 27 MINUTES 47 SECONDS WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 35.10 FEET; THENCE CONTINUE ALONG SAID EASTERLY LINE NORTH 21 DEGREES 01 MINUTES 08 SECONDS WEST, A DISTANCE OF 38.68 FEET TO A POINT ON A CURVE CONCAVE EASTERLY; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 126.51 FEET, A CENTRAL ANGLE OF 00 DEGREES 29 MINUTES 26 SECONDS AND A CHORD BEARING OF NORTH 24 DEGREES 14 MINUTES 04 SECONDS WEST, AN ARC LENGTH OF 1.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID CURVE TO THE RIGHT AND ALONG THE SOUTHERLY LINE OF THE PORT ORANGE BRIDGE APPROACH, HAVING A RADIUS OF 126.51 FEET, A CENTRAL ANGLE OF 81 DEGREES 29 MINUTES 04 SECONDS AND A CHORD BEARING OF NORTH 16 DEGREES 52 MINUTES 36 SECONDS EAST, AN ARC LENGTH OF 179.92 FEET TO A POINT; THENCE NORTH 57 DEGREES 37 MINUTES 07 SECONDS EAST, A DISTANCE OF 123.70 FEET; THENCE SOUTH 19 DEGREES 32 MINUTES 00 SECONDS EAST, FOR A DISTANCE OF 70.94 FEET; THENCE NORTH 77 DEGREES 11 MINUTES 31 SECONDS EAST, A DISTANCE OF 36.78 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 56 SECONDS EAST, A DISTANCE OF 136.60 FEET TO THE SOUTHERLY LINE OF BLOCK 'A'; THENCE SOUTH 65 DEGREES 15 MINUTES 18 SECONDS WEST, ALONG SAID SOUTHERLY LINE A DISTANCE OF 98.66 FEET; THENCE NORTH 23 DEGREES 06 MINUTES 28 SECONDS WEST, A DISTANCE OF 75.0 FEET; THENCE SOUTH 65 DEGREES 15 MINUTES 18 SECONDS WEST, AND PARALLEL TO THE SOUTHERLY LINE OF BLOCK "A", 165.40 FEET TO THE POINT OF BEGINNING.

PARCEL 2

PART OF LOT 1, BLOCK 'A', WILSON'S SUBDIVISION OF PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF BLOCK 'A', WILSON'S SUBDIVISION OF PORT ORANGE WITH THE EASTERLY LINE OF RIDGEWOOD AVENUE (U.S. HIGHWAY #1), A 100 FOOT STREET AS PRESENTLY ESTABLISHED, RUN THENCE NORTH 26 DEGREES 27 MINUTES 47 SECONDS WEST ALONG SAID EASTERLY LINE A DISTANCE OF 35.10 FEET; THENCE CONTINUE ALONG SAID EASTERLY LINE NORTH 21 DEGREES 01 MINUTES 08 SECONDS WEST A DISTANCE OF 38.68 FEET TO A POINT ON A CURVE CONCAVE EASTERLY; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 126.51 FEET, A CENTRAL ANGLE OF 00 DEGREES 29 MINUTES 26 SECONDS AND A CHORD BEARING OF NORTH 24 DEGREES 14 MINUTES 04 SECONDS WEST, AN ARC LENGTH OF 1.08 FEET TO A POINT; THENCE NORTH 65 DEGREES 15 MINUTES 18 SECONDS EAST, AND PARALLEL TO THE SOUTHERLY LINE: OF BLOCK 'A', A DISTANCE OF 165.40 FEET; THENCE SOUTH 23 DEGREES 06 MINUTES 28 SECONDS EAST, A DISTANCE OF 75.00 FEET TO THE SOUTHERLY LINE OF BLOCK 'A'; THENCE SOUTH 65 DEGREES 15 MINUTES 18 SECONDS WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 164.73 FEET TO THE POINT OF BEGINNING.



STAFF REPORT

Small-Scale Future Land Use Map Amendment
890 Taylor Road
CPAM-24-0002

REQUEST:	Amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ± 0.70 acres of a ± 1.77 -acre property from <i>Office/Residential Transition</i> to <i>Rural Residential (0-2 units/acre)</i> .
LOCATION:	890 Taylor Road
APPLICANT/ PROPERTY OWNER:	Harry T. Parsons
STAFF CONTACT:	Tim Burman, Community Development Director
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	May 23, 2024

INTRODUCTION

The applicant requests to change the Future Land Use (FLU) map designation for ± 0.7 acres of a ± 1.77 -acre property at 890 Taylor Road from *Office/Residential Transition* to *Rural Residential (0-2 units/acre)*. The subject property is located on the south side of Taylor Road, east of the B-19 canal, and the area of the proposed FLU Amendment is shown in purple on the location map (Figure 1). The proposed FLU amendment is being processed concurrently with an amendment to the Altamira Shopping Village Planned Commercial Development (PCD) Master Development Agreement (MDA). If the FLU Amendment and amendment to the Altamira Shopping Village MDA are approved, the applicant plans to redevelop the existing abandoned single-family home into his permanent residence.

Figure 1. Location Map



PROPOSED AMENDMENT

Concurrent with the FLU amendment, the applicant is requesting to amend the Altamira Shopping Village MDA (Case No. PRZA-24-0003) to **remove** the current list of commercial uses allowed on the subject property, establish a single-family home as an allowed use, and provide setbacks for a single-family home and accessory structures. The request to change the FLU designation is to allow one (1) single-family home on the subject property.

The applicant is requesting the *Rural Residential* designation for the ± 0.7 acres of the subject property to support the redevelopment of the abandoned single-family home into his permanent residence, which is not permitted in the *Office/Residential Transition* FLU designation that currently covers the ± 0.7 acres of the subject property. As for FLU designation on the remaining ± 1.07 acres of the subject property will remain as *Conservation*.

PROPERTY OVERVIEW

The following section will examine the proposed amendment and its impacts. Table 1 identifies the surrounding existing land uses, Future Land Use designations, and Zoning classifications.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Drainage and open space	<i>Commercial and Conservation</i>	Altamira PCD
South	Agriculture and single-family	<i>Conservation and Rural Transition</i>	Agriculture, Flood-plain Conservation, Rural Residential
East	Drainage and open space	<i>Office/Residential Transition and Conservation</i>	Altamira PCD
West	Single-family homes	<i>Conservation and Rural Transition</i>	Agriculture, Flood-plain Conservation, Rural Residential

Exhibits 1 and 2 show the current adopted and proposed FLU designations for the subject property and adjacent properties, and Exhibit 3 shows the current zoning districts for the subject property and adjacent properties.

The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and compare the current and proposed Future Land Use designations to determine the 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>Office/Residential Transition</i>	0.7	0	-0.7
<i>Rural Residential (0-2 units/acre)</i>	0	0.7	+0.7
Total Acreage	0.7	0.7	0

The maximum residential density allowed in the *Office/Residential Transition* designation is ten 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 an Office/Residential Transition development is within the following ranges, with the cumulative mixture of percentages equaling 100%:

- Office/Institutional - 75% - 100%
- Commercial (not including office) - 0% - 25%
- Residential - 0% - 25%

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>Rural Residential (0-2 units/acre)</i>	-	One (1) residential unit	One (1) residential unit
<i>Office/Residential Transition Scenario #1: 25% Residential (10 units/acre)/75% office (1.5 FAR)</i>	1 Residential Unit 34,303 sq. ft. office	-	0 residential units (-) 34,303 sq. ft. office
<i>Office/Residential Transition Scenario #2: 25% Commercial (1.5 FAR)/75% office (1.5 FAR)</i>	11,434 sq. ft. commercial 34,303 sq. ft. office		(+) 1 unit (-) 11,434 sq. ft. commercial (-) 34,303 sq. ft. office
TOTAL	<u>Scenario #1:</u> 1 Residential Unit 34,303 sq. ft. office	One (1) residential unit	<u>Scenario #1:</u> 0 units (-) 34,303 sq. ft. office
	<u>Scenario #2:</u> 11,434 sq. ft. commercial 34,303 sq. ft. office		<u>Scenario #2:</u> (+) 1 unit (-) 11,434 sq. ft. commercial (-) 34,303 sq. ft. office

* 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 on 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
2. Sanitary Sewer
3. Potable Water
4. Solid Waste
5. Stormwater Drainage
6. Recreation
7. Schools

Table 4. Impact Analysis (Theoretical Maximum)

Development Variable	Current Land Use <i>Office/Residential Transition</i>		Proposed Land Use <i>Rural Residential (0-2 units/acre)</i>	Net Change	
	Scenario 1 (25% Residential - 10 units/acre & 75% Office)	Scenario 2 (25% Commercial & 75% Office)		Scenario 1 (25% Residential & 75% Office)	Scenario 2 (25% Commercial & 75% Office)
Residential Units	1 unit	0 units	1 unit	0 units	+1 unit
Non-residential Buildable Sq. Ft.	34,304 sq. ft.	Commercial: 11,435 sq. ft. Office: 34,304 sq. ft.	0	- 34,304 sq. ft.	- 45,738 sq. ft.
Population ¹	2	0	2	0	+2
PM Peak Hour Trips ²	147	176	1	-146	-175
Daily Trips ²	1,249	1,878	10	-1,239	-1,868
Sanitary Sewer (gallons/ day) ³	3,590	4,574	160	-3,430	-4,414
Potable Water (gallons/ day) ⁴	3,610	4,574	180	-3,430	-4,394
Solid Waste (lbs./day) ⁵	350.45	457.38	7.42	-343.04	-449.96
Stormwater Drainage ⁶	n/a	n/a	n/a	n/a	n/a
Recreation/ Open Space (acres) ⁷	0.02	0	0.02	0	+0.02

Notes:

1. Population: 2.31 persons per household (per 2017-2021 Census American Community Survey)
2. Transportation: Single-family (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; Medical Office (720) trips per 1000 sq. ft. – 4.27 PM Peak Hour, 36.13 Average Daily; ITE Trip Generation Manual, 11th 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 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)

Based on the theoretical maximum analysis, the amendment results in no change or net decrease in residential units, non-residential square footage, and impacts on public infrastructure. All public facilities have adequate capacity to accommodate the proposed amendment. The proposed amendment to the Altamira Shopping Village MDA limits the number of residential units that could be developed on the subject property to one (1) dwelling unit, equal to the theoretical maximum allowance under the current FLU designation, except no non-residential development would now be allowed.

TRANSPORTATION

As indicated in the Impact Analysis (Table 4), there is a decrease in the number of daily trips and P.M. peak hour trips from the current *Office/Residential Transition* FLU to the proposed *Rural Residential* FLU designation based on the theoretical maximum analysis. Based on the ITE Trip Generation Manual, 11th Edition, the proposed FLU designation could generate a theoretical maximum of 1.02 P.M. peak hour trips and 9.52 daily trips. This is a net decrease of 146 to 175 PM Trips and 1,239 to 1,868 Daily Trips between the current and proposed FLU designations. According to the latest Volume to Capacity Ratio in the 2023 Concurrency Management Report, there is capacity on the adjacent roadways to accommodate the proposed FLU amendment.

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 160 gallons per day (gpd) of wastewater. This net decrease is between 3,430 and 4,414 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 180 gallons of potable water per day. This is a net decrease of between 3,430 and 4,394 gpd in demand between the current and proposed FLU designations.

SOLID WASTE COLLECTION

The landfill has available capacity 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 7.42 pounds per day of solid waste based on the theoretical maximum development analysis. This is a net decrease of between 343 and 450 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 on 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 no net loss of stormwater retention function due to development. In other words, a given parcel must have the same ability to store and discharge water after development as 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

Existing park facilities have the capacity to accommodate the proposed FLU amendment. The proposed FLU designation would not require parkland. According to the City's 2023 Concurrency Management Report, the city has more than 67 acres of parkland, so no additional parkland is needed.

SCHOOLS

Pursuant to the Volusia County School District criteria, the proposed FLU amendment and any future development of this property are exempt from School Concurrency review because the proposed FLU amendment only allows for one (1) residential unit.

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, stormwater, and solid waste.

2. *Amendments shall not result in incompatible land use designations for adjacent parcels or a neighborhood. Compatibility shall be determined by the scale of development, intensity, density, 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 coexist 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 the *Rural Transition* FLU designation, which is to be located near Spruce Creek and its tributaries and situated between agricultural lands and areas of higher density/intensity.

Any future development on the subject property must comply with all LDC or the Altamira Shopping Village MDA requirements, including those pertaining to open space, tree preservation, and dimensional requirements such as building setbacks.

3. *An amendment shall not result in negative economic, social, or other impacts on 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.

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 **not** in the Hurricane Vulnerability Zone.

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

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

PUBLIC NOTICE

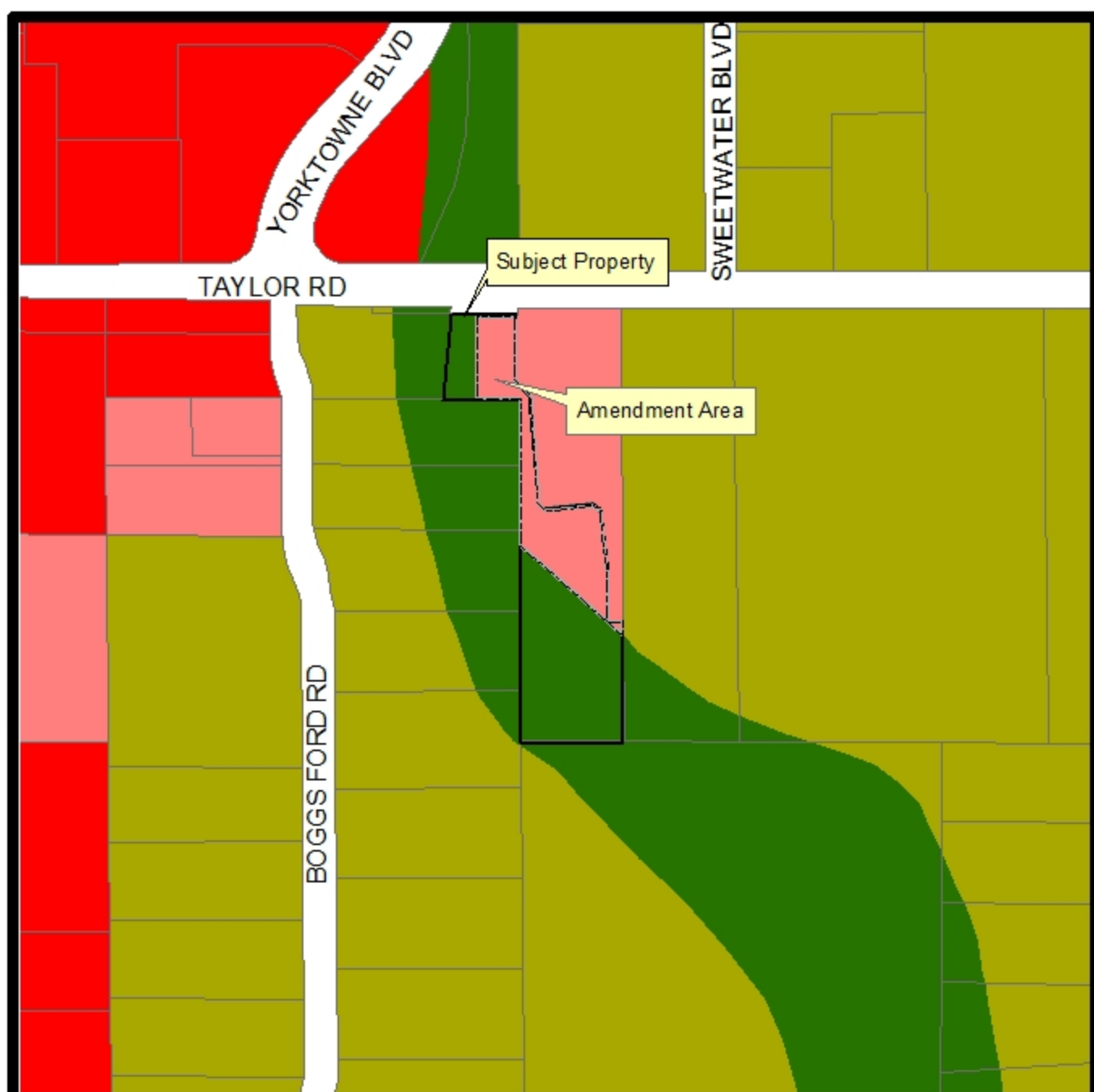
A Public Notice sign was posted on the site on May 8, 2024. As of May 17, 2024, staff has not received any phone calls regarding the proposed PUD Amendment.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the Future Land Use designation of approximately ± 0.7 acres of a ± 1.77 -acre property located at 890 Taylor Road from *Office/Residential Transition* to *Rural Residential (0-2 units/acre)* and authorization for staff to send the amendment to the required review agencies.

ATTACHMENTS

- Exhibit 1 – Current Future Land Use
- Exhibit 2 – Proposed Future Land Use
- Exhibit 3 – Current Zoning



Future Land Use Designations

- | | | | |
|---|--------------|---|-------------------------------|
|  | Commercial |  | Office/Residential Transition |
|  | Conservation |  | Rural Transition |

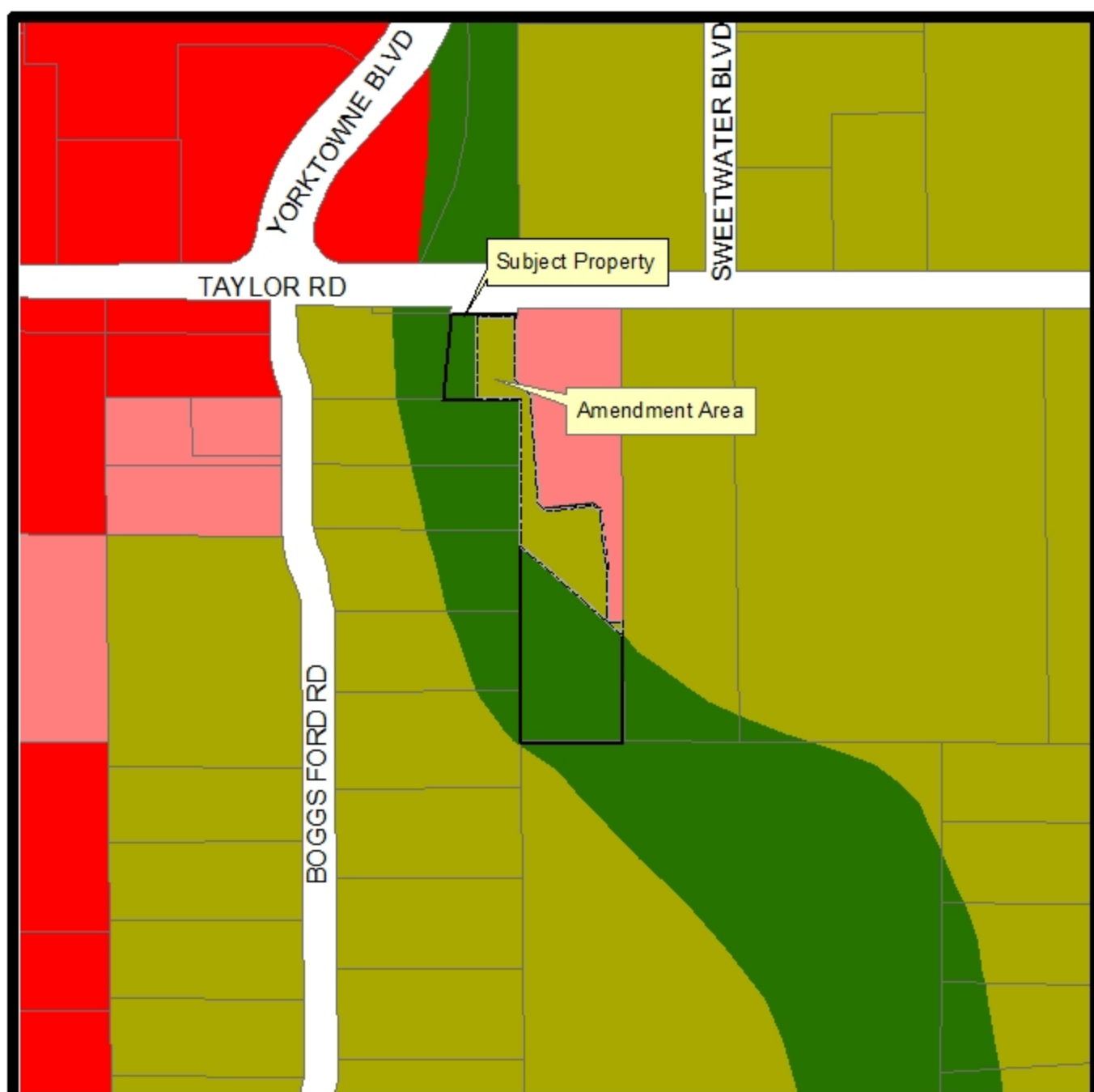


Exhibit 1 - Current Future Land Use Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





Future Land Use Designations

- | | | | |
|---|--------------|---|-------------------------------|
|  | Commercial |  | Office/Residential Transition |
|  | Conservation |  | Rural Transition |

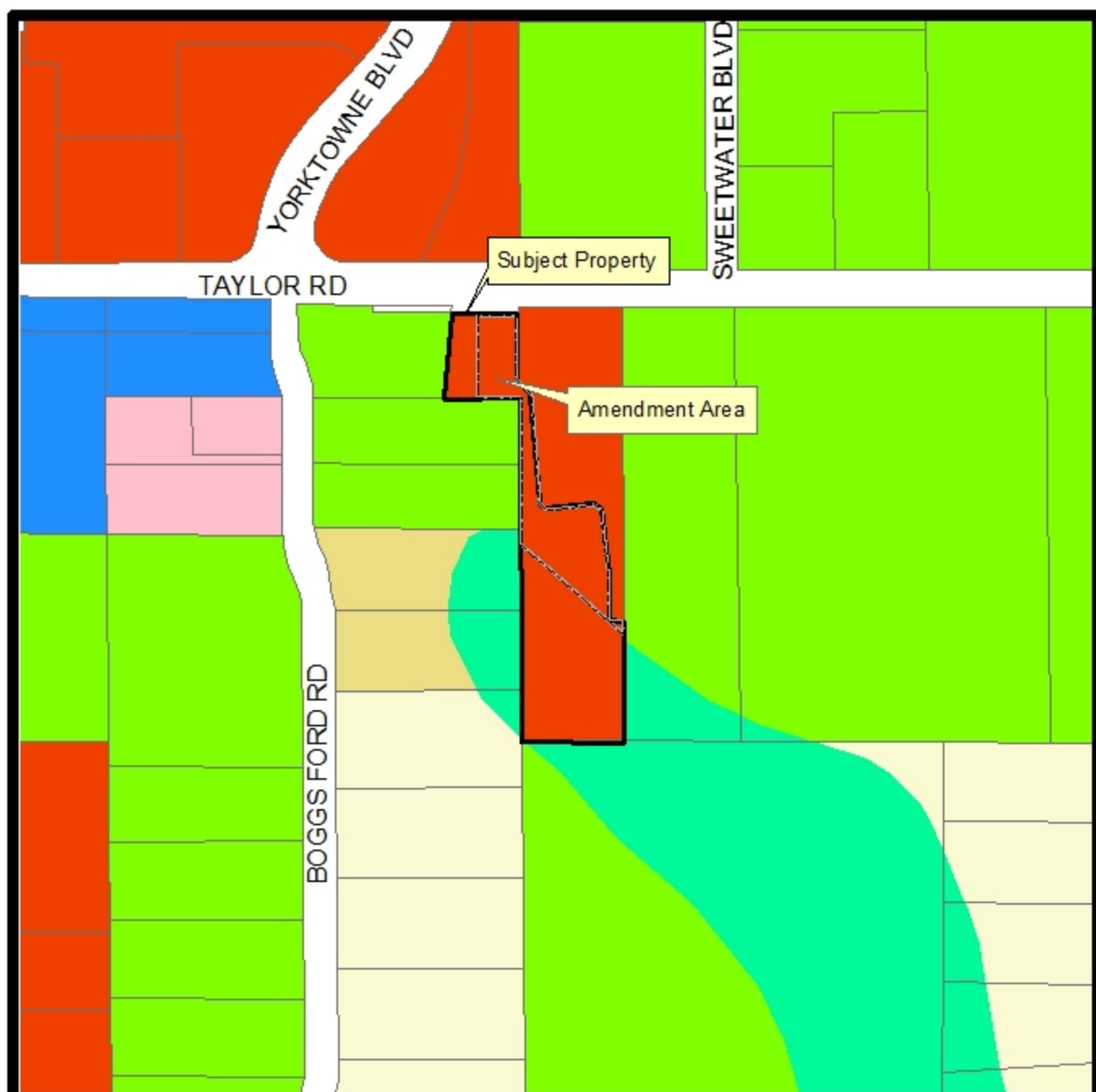


Exhibit 2 - Proposed Future Land Use Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





Zoning Categories

	Agriculture		Professional Office
	Flood Plain-Conservation		R-20SF Single Family Residential
	Government/Public Use		Rural Residential
	Planned Commercial Development		



Exhibit 3 - Zoning Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

2nd Amendment to the Altamira Shopping Village Planned Commercial Development (PCD) and Master Development Agreement (MDA)
CASE NO. PRZA-24-0003

REQUEST: To approve the 2nd Amendment to the Master Development Agreement (MDA) for the Altamira Shopping Village Planned Commercial Development (PCD)

LOCATION: 890 Taylor Road

APPLICANT /PROPERTY OWNER: Harry T. Parsons

STAFF CONTACT: Tim Burman, Community Development Director

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION: May 23, 2024

INTRODUCTION

The proposed amendment to the Altamira Village Shopping Village Master Development Agreement (MDA) is to allow the abandoned structure at 890 Taylor Road (Lot 9) to be redeveloped as a single-family residence. The subject property is on the south side of Taylor Road, east of the B-19 canal.

Figure 1. Location Map



REQUESTED CHANGE TO THE MASTER DEVELOPMENT AGREEMENT

The Altamira Shopping Village PCD was approved in January 2012 to develop a commercial shopping center. The initial development of the main commercial site was completed in 2015. When the developer for the Altamira project prepared the MDA in 2011, the rear portion of 890 Taylor Road (Lot 9) was set aside as the required tree preservation for the Altamira PCD and is currently covered with a conservation easement, but there were no specific plans for the front portion of the 890 Taylor Road property (Lot 9). The current property owner of Lot 9 is proposing to redevelop the existing abandoned single-family home, located in the front portion of Lot 9, into his permanent residence. The proposed amendment **does not affect** the portion of Lot 9 set aside as the required tree preservation for the Altamira PCD.

1. **Add Single-Family Dwelling as a Permitted Use for Lot 9:**

According to the Altamira Shopping Village MDA, Lot 9 can only be redeveloped with uses allowed in the Professional Office (PO) zoning district, such as medical office, professional office, health/exercise clubs, etc.... The proposed amendment adds Single-Family Dwelling as an allowed use on Lot 9 and **removes** all of the commercial uses allowed in the PO zoning district from the list of allowed uses on Lot 9.

The proposed MDA amendment will also require the approval of a Future Land Use Amendment to change the designation for +/-0.7 acres of the +/- 1.77-acre subject property from *Office/Residential Transition* to *Rural Residential*. The proposed single-family dwelling use on Lot 9 is compatible with the surrounding non-commercial properties.

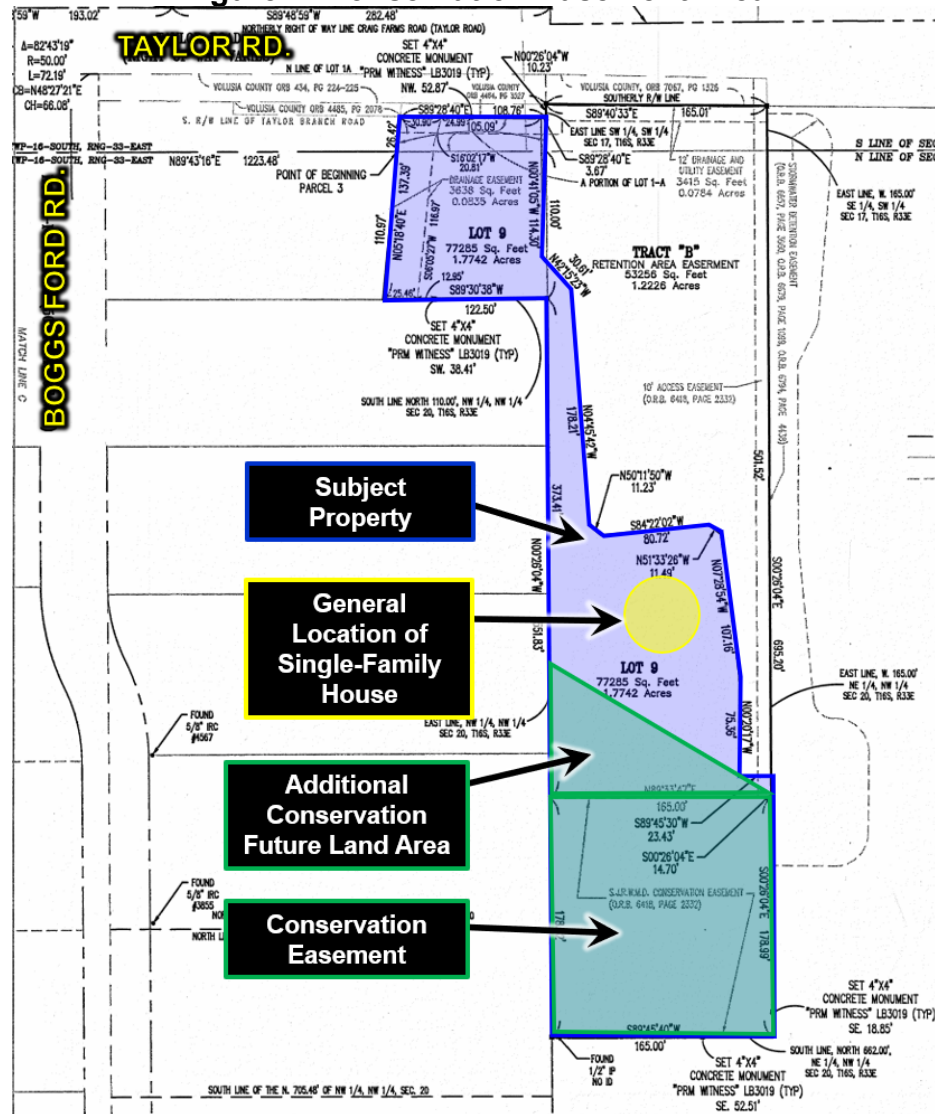
2. **Establish Building Setbacks for Lot 9:**

The current Altamira MDA provides setbacks for the lots within the PCD; however, the setbacks for Lot 9 were not identified. The proposed amendment establishes the building setbacks for either expanding the existing structure or rebuilding a single-family home on Lot 9. The proposed building setbacks for either a new dwelling or expansion of the current structure shall comply with the following setbacks. As for any accessory structure (pool, screen room, patio, etc....) proposed on Lot 9, the accessory structure shall comply with the City's Land Development Code requirements.

Building Setbacks for Lot 9	
Front	25 feet
Side	Equal to the current setback of the existing home
Rear	Equal to the current setback of the existing home

The rear portion of the subject property has a recorded conservation easement for tree preservation for the overall Altamira PCD and is covered by the *Conservation* Future Land Use designation, which prohibits structures from being constructed in these areas (Figure 2).

Figure 2. Conservation Easement Area



CONSISTENCY WITH THE COMPREHENSIVE PLAN

A Future Land Use (FLU) Amendment (Case No. CPAM-24-002) is being processed concurrently with the PCD Amendment application to change the FLU designation of a portion of 890 Taylor Road from *Office/Residential Transition* to *Rural Residential* to allow for the use of the property as single-family while maintaining the *Conservation* FLU designation over the rear conservation easement area. The proposed MDA Amendment is consistent with the proposed FLU amendment and generally consistent with the intent of the Goals, Objects, and Policies of the Comprehensive Plan.

PUBLIC NOTICE

A Public Notice sign was posted on the site on May 8, 2024. As of May 16, 2024, staff has not received any phone calls regarding the proposed PCD Amendment.

RECOMMENDATION

Staff recommends that the 2nd Amendment to the Altamira Shopping Village Master Development Agreement be approved, subject to the approval of Future Land Use Amendment Case No. CPAM-24-002.

ATTACHMENT

Exhibit 1- 2nd Amendment to the Master Development Agreement for the Altamira Shopping Village Planned Commercial Development.

EXHIBIT 1

SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR ALTAMIRA SHOPPING VILLAGE PLANNED COMMERCIAL DEVELOPMENT

This SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR ALTAMIRA SHOPPING VILLAGE PLANNED COMMERCIAL DEVELOPMENT ("Second Amendment") is entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, FL 32129 (hereinafter the "City") and Harry T. Parsons (the "Owner") whose address is 890 Taylor Road, Port Orange, FL 32127 who hereby agree and covenant as follows:

WHEREAS, the City and Crosby Four Lanes, LLC ("Prior Owner") 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 Altamira Shopping Village Planned Commercial Development", recorded in Official Records Book 6668, Page 3900, Public Records of Volusia County, Florida (the "Original MDA"); and

WHEREAS, the City and Crosby Four Lanes, LLC ("Prior Owner") previously entered into the "First Amendment to the First Amendment to the Master Development Agreement for Altamira Shopping Village Planned Commercial Development" (the "First Amendment"), recorded in Official Records Books 7035, Page 3962, Public Records of Volusia County, Florida; and

WHEREAS, the Owner is the owner of the property more particularly described in **Exhibit "A"** ("Property"), attached hereto and incorporated by this reference and shown as "Lot 9" in the Conceptual Development Plan for the Original MDA, which is the only property impacted by this Second Amendment.

WHEREAS, the City and Owner, desire to further amend the Master Development Agreement for Altamira Shopping Planned Commercial Development by this Second Amendment to revise Exhibit C – Permitted and Accessory Uses to only permit a single-family dwelling as a permitted use on Lot 9 and revise Exhibit D to establish Building Setback Requirements for Lot 9.

NOW, THEREFORE, for good and valuable consideration, the receipt of which the parties hereby acknowledge, the Parties agree and covenant as follows:

1. The foregoing recitals are true and correct and are hereby incorporated herein by this reference.
2. **Exhibit C – Permitted and Accessory Uses**, of the Master Development Agreement for Altamira Shopping Planned Commercial Development as applied to Lot 9 is hereby amended to only permit a single-family dwelling as a permitted use on Lot (9) as set forth in the **Revised Exhibit C**, attached hereto and made apart hereof by reference.
3. **Exhibit D (Dimensional Criteria)** of the Master Development Agreement for Altamira Shopping Planned Commercial Development as applied to Lot 9 is hereby amended to establish building setback requirements as set forth in the **Revised Exhibit D**, attached hereto and made apart hereof by reference.

4. The Master Development Agreement for Altamira Shopping Planned Commercial Development, as previously amended, shall remain in full force and effect except with respect to those matters specifically amended by this Second Amendment to the Master Development Agreement for Altamira Shopping Village Planned Commercial Development.

IN WITNESS WHEREOF, the Parties have executed this *Second Amendment to the Master Development Agreement for Altamira Shopping Planned Commercial Development* by and through their duly authorized representatives, on the respective dates shown below.

WITNESSES (as to both):

**CITY OF PORT ORANGE, a Florida
Municipal Corporation**

Signature

By: _____
Donald O. Burnette, Mayor

Printed Name

Signature

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

Printed Name

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 _____, 2024, by Donald O. Burnette, Mayor, and ROBIN L. FENWICK, City Clerk, both 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.

Notary Public, State of Florida at Large

My Commission Expires:

WITNESSES:

Signature

Printed Name

Signature

Printed Name

Owner:

By: _____
(Harry T. Parsons)

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 _____, 2024, by Harry T. Parsons. He or she is personally known to me or has produced _____ as identification.

Notary Public, State of Florida at Large

My Commission Expires:

Exhibit A

Legal Description

Lot 9, Altamira Shopping Village Partial Replat, according to the plat thereof, as recorded in Plat Book 64,
Pages 156 through 166, of the Public Records of Volusia County, Florida.

REVISED EXHIBIT C
PERMITTED AND ACCESSORY USE

Uses	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8	Lot 9	Lot 10	Tract A	Tract B
ICD Uses*	X	X	X	X	X	X	X	X				
PO Uses*									X	X		
Single-Family Residential									X**			
Public/Governmental										X***		
Stormwater											X	X

*Temporary uses such as fairs, carnivals, farmers markets, charitable events, outdoor automobile and boat sales and advertisements, sidewalk sales, and car shows shall be permitted in accordance with the standards of the LDC for a "Special Event Permit," which shall be subject to approval by the City Council or the Administrative Official.

*Banks, Restaurants, and other uses as allowed in the ICD and PO Districts shall be permitted drive-thrus.

** Lot 9 can be used for residential purposes with a maximum of one (1) single-family dwelling allowed on Lot 9 ~~The existing single family dwelling on Lot 9 is a non-conforming structure and will be subject to the provisions regarding non-conforming structures outlined in Chapter 3, Article II, Section 8 of the LDC.~~

***Public/Governmental Use shall be a permitted use for Lot 10 only so long as, and only to the extent that, Lot 10 is owned by the City or other governmental agency.

REVISED Exhibit D
(Dimensional Criteria)

Unless otherwise noted, criteria below shall apply to only Lot 9:

1. Building Setback requirements for a new dwelling or expansion of the current dwelling shall comply with the following setbacks:

<u>Minimum Building Setbacks</u>	
<u>Front</u>	<u>25 feet</u>
<u>Side</u>	<u>Equal to the current setback of existing structure</u>
<u>Rear</u>	<u>Equal to the current setback of existing structure</u>

2. Building Setback and Dimensional Requirements for accessory structures on Lot 9 shall comply with the City's Land Development Code.

*[NO CHANGES TO **EXHIBIT D** EXCEPT AS SET FORTH HEREINABOVE AS APPLIED TO LOT 9 ONLY]*