



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, March 27, 2025

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
4. APPLICATION: Variance/112 Eddy Lane
CASE NO.: VARC-25-0001
APPLICANTS: Christopher & Linda Daily
STAFF CONTACT: Suzette Cameron, Planner (386) 506-5676/scameron@port-orange.org

A request by the applicants for approval of a variance from Chapter 17, Section 27 of the Land Development Code (LDC) to reduce the minimum front yard setback from 30 feet to 7 feet to construct a detached garage.

5. APPLICATION: Rezoning/5656 Isabelle Avenue
CASE NO.: REZONING-25-0002
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to rezone ±1.23 acres from Regency Planned Commercial Development (PCD) to Professional Office (PO).

6. APPLICATION: Rezoning/4619 and 4629 Clyde Morris Boulevard
CASE NO.: REZONING-25-0001
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to rezone ±5.38 acres from Ritter Planned Commercial Development (PCD) to Community Commercial (CC).

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
FEBRUARY 27, 2025

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

CALL TO ORDER

1. Pledge of Allegiance

2. Roll Call

Present: Chair Thomas Jordan
Vice Chair Bo Bofamy
Commissioner Stan Schmidt
Commissioner Maria Mills-Benat
Commissioner Scott Steger
Commissioner Mark Bowling
Commissioner Daniel Mallegol

Also Present: Shannon Balmer, City Attorney
Tim Burman, Community Development Director
Christine Clowes, Administrative Assistant

DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve was made by Maria Mills-Benat and Seconded by Bo Bofamy. Motion carried unanimously by roll call vote.

4. APPLICATION: 1st Amendment to the Master Development Agreement for the Summer Trees Plaza Planned Commercial Development
CASE NO.: PRZA-25-0001
APPLICANT: Storch Law Firm c/o A. Joseph Posey, Jr.
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request by the applicant to approve the 1st Amendment to the Master Development Agreement for the Summer Trees Plaza Planned Commercial Development (PCD) to allow a broader range of commercial uses in the PCD, consistent with the uses allowed in the City's conventional commercial zoning districts and update outdated language related to signage and architecture.

Motion to approve the 1st Amendment to the Master Development Agreement for the Summer Trees Plaza Planned Commercial Development CASE NO.: PRZA-25-0001 was made by Bo Bofamy and Seconded by Maria Mills-Benat.

Suzette Cameron, planner, presented the application from Storch Law Firm.

Members inquired about a buffer for the mini-warehouse and boat storage, if traffic studies have been completed, and expressed their thoughts on another storage facility in the area.

Penelope Cruz, Planning Manager, confirmed there isn't a project proposed at this time. The applicant is requesting an amendment to their Master Development Agreement to add allowable uses.

Shannon Balmer, Board Attorney, mentioned the members can recommend approval subject to removing the use for a storage facility if that's what they decide to do.

Attorney Joseph Posey Jr. with Storch Law Firm, explained the storage facility use is proposed because the site sits back off the road so there is less visibility for retail or similar uses, is buffered from other sites, and is a low traffic use.

Guy Price, resident in Summer Trees expressed his concerns regarding flooding with the added concrete.

Carol Moore, resident in Summer Trees West expressed her concerns regarding traffic and flooding. Ms. Moore asked about the use of the retention pond in Summer Trees, and the run-off from sites C and D which she believes could cause more flooding.

Ms. Cruz answered a commission question regarding access to the site.

Motion to amend the original motion on the floor to approve the 1st Amendment to the Master Development Agreement for the Summer Trees Plaza Planned Commercial Development CASE NO.: PRZA-25-0001 subject to removing the use for mini storage, and motor vehicle and boat storage was made by Daniel Mallengol and Seconded by Maria Mills-Benat.

Motion failed with members Scott Steger, Stan Schmidt, Bo Bofamy and Thomas Jordan voting no.

Original Motion to approve the 1st Amendment to the Master Development Agreement for the Summer Trees Plaza Planned Commercial Development CASE NO.: PRZA-25-0001 was made by Bo Bofamy and Seconded by Maria Mills-Benat. Motion carried 4-3 with Mark Bowling, Daniel Mallengol, and Maria Mills-Benat voting no.

5. APPLICATION: Small-Scale Comprehensive Plan Future Land Use Map Amendment / 4009 and 4084 Halifax Drive
CASE NO.: CPAM-24-0003
APPLICANTS: Brendan and Shannon Galbreath and Halifax 4084 LLC
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request by the applicants to amend the Comprehensive Plan Future Land Use (FLU) map to change the FLU designation for ±1.2 acres from *Commercial* to *Mixed-Use Center*.

6. APPLICATION: Planned Commercial Development Rezoning & Second Restatement of the Catfish Commons Master Development Agreement and Conceptual Development Plan
CASE NO.: PRZA-24-0008
APPLICANTS: Brendan and Shannon Galbreath, Halifax 4084 LLC, and Commons 4075 LLC
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request by the applicants to rezone +/- 0.58 acres to Planned Commercial Development (PCD) and approve the Second Restatement to the Catfish Commons PCD Master Development Agreement (MDA) and Conceptual Development Plan (CDP).

Thomas Jordan opened Items 5 and 6 together.

Motion to approve the Small-Scale Comprehensive Plan Future Land Use Map Amendment / 4009 and 4084 Halifax Drive CASE NO.: CPAM-24-0003 was made by Bo Bofamy and Seconded by Maria Mills-Benat.

Motion to approve the Planned Commercial Development Rezoning &

Second Restatement of the Catfish Commons Master Development Agreement and Conceptual Development Plan CASE NO.: PRZA-24-0008 was made by Stan Schmidt and Seconded by Scott Steger.

Ms. Cruz presented the application by Brendan and Shannon Galbreath, Halifax 4084 LLC and Commons 4075 LLC.

Daniel Mallengol inquired about the mixed use of apartments above the eating establishment and the minimum-size requirements for apartments.

Ms. Cruz provided further explanation.

Mark Bowling asked if the parking for the marina would be reserved for the boat slips.

Applicant, Brendan Galbreath, provided further clarification on parking, mixed use, and the dredging for the marina.

Motion to approve the Small-Scale Comprehensive Plan Future Land Use Map Amendment / 4009 and 4084 Halifax Drive CASE NO.: CPAM-24-0003 was made by Bo Bofamy and Seconded by Maria Mills-Benat. Motion carried unanimously by roll call vote.

Motion to amend the original motion to approve the Planned Commercial Development Rezoning & Second Restatement of the Catfish Commons Master Development Agreement and Conceptual Development Plan CASE NO.: PRZA-24-0008 to include the three policy issues was made by Thomas Jordan and Seconded by Maria Mills-Benat. Motion carried unanimously by roll call vote.

OTHER BUSINESS

7. Commissioner Comments

There was nothing further.

8. Staff Comments

There was nothing further.

PUBLIC COMMENTS

There was nothing further.

ADJOURNMENT - 6:35 p.m.

Chair Thomas Jordan



STAFF REPORT

CASE NO. VARC-25-0001

Variance from LDC, Chapter 17, Section 27

REQUEST: Variance from the Land Development Code (LDC) to reduce the minimum front yard setback from 30 feet to 7 feet to construct a detached garage.

LOCATION: 112 Eddy Lane

OWNERS/APPLICANTS: Christopher & Linda Daily

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Suzette Cameron, Planner, (386) 506-5676

PLANNING COMMISSION: March 27, 2025

INTRODUCTION

The subject property is a ±0.68-acre “L” shaped lot located off Eddy Lane (private driveway), between Herbert Street and Canal View Boulevard. The property owners, Christopher and Linda Daily, request a variance to reduce the front yard setback from 30 feet to 7 feet to allow for the construction of an 18-foot x 40-foot detached garage. If approved, the variance would allow the garage to encroach 23 feet into the required 30-foot front yard building setback.

Figure 1. Location Map

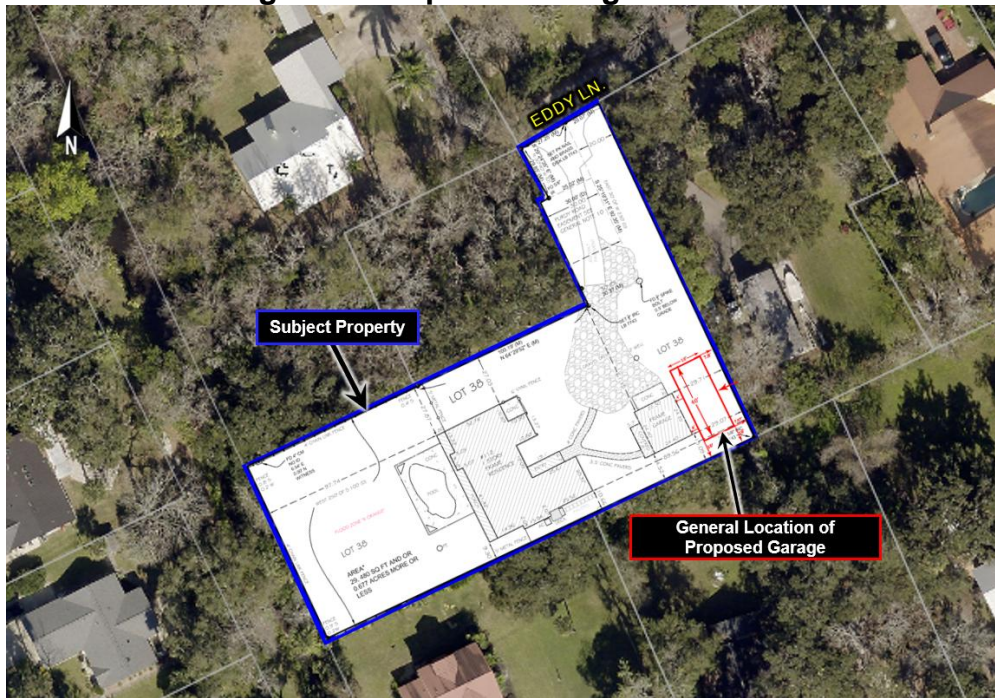


DISCUSSION

The subject property is zoned R-10SF, a Single-Family Residential Zoning District, and is a reconfigured portion of Lot 38 of the Plantation Acres, a residential subdivision platted in 1955. The lots within the subdivision are accessed from Herbert Street via private access easement (Eddy Lane). According to the Land Development Code (LDC), the minimum building setbacks for a lot zoned R-10SF are a front yard setback of 30 feet, a side yard setback of 10 feet, and a rear yard setback of 25 feet.

According to the property owners, the variance is to allow a second detached garage to be built between an existing detached garage and approximately 7 feet from the east property line (See Exhibit 2). The property owners stated in their letter of request that the proposed second detached garage is to provide storage and protection from the elements for their RV, which is currently parked in the general location of the proposed garage (See Figure 3 – Page 3).

Figure 2. Proposed Garage Location



According to the property owners, they have a unique L-shaped lot where the driveway comes into the lot at the north, but the existing house (built in 1984) is orientated to the front of the home and faces the east property line. Therefore, the east property line is designated as the front lot line for this lot. The house at 112 Eddy Lane is located approximately 27 feet from the north property line (side yard), 10 feet from the south property line (side yard), 89 feet from the east property line (front yard), 98 feet from the west property line (rear yard) and meets the required setbacks for the R-10 SF zoning district.

Figure 3. Pictures of Proposed Garage Location



Picture taken facing south from Eddy Lane towards the proposed garage location.



Picture taken facing east toward the adjacent neighbor's property.

Before applying for the variance, the property owners considered two other locations for the proposed garage that did not require a variance. However, due to site constraints, these locations were determined to be more of a concern, and the property owners decided to request the variance.

- **Location #1:** Place the garage between the existing garage and the house on the south side of the lot. According to the property owners, this area of the lot has experienced flooding in the past due to the lot having a lower elevation, and building the garage in this area would require additional fill in this location. With Hurricanes Ian and Milton, this home did not flood; however, adjacent homes along Eddy Lane had flood damage. It is not recommended to add fill to the property without providing storage within the property to balance the loss of natural flood storage capacity for the fill.
- **Location #2:** Place the garage on the north side of the house, between the home and the north property line. The placement of the garage in this location would require the removal of two healthy historic Live Oak trees and the realignment of the sewer line for the home. Removal of the healthy historic trees would require approval by the City Council and a mitigation payment.

Figure 4. Alternative Locations Explored



REVIEW OF VARIANCE CRITERIA

Chapter 19, Section 1, of the LDC, lists the review criteria that shall be used to determine whether the variance requested should be granted. These criteria, accompanied by staff analysis, are as follows:

- Special conditions and circumstances are peculiar to the land, structure, or building involved and not applicable to other lands, structures, or buildings in the same zoning district.*

According to the property owners, an exceptional condition exists with regards to their unique L-shaped lot and the location of the existing house that make the east property line the front lot line, which requires the 30-foot front yard setback to be measured from this east lot line that would otherwise be considered a side lot line

with a 10-foot setback. While the placement of the home has resulted in a larger setback along the east property line, a variance would still be needed if the east lot line was considered a side lot line since the R-10SF zoning district requires a 10-foot side setback and the request is for a 7-foot setback.

The property owners also cite that the two other locations to build the garage had special conditions. The first location was an area of the lot with a grade change that would require additional fill to be brought in along with additional retention and drainage improvement to be built, and the second location would require the City Council to approve the removal of two healthy historic trees and the sewer service line for the home at 112 Eddy Lane being relocated.

- b) *The special conditions and circumstances are not the result of the applicants' actions.*

The special conditions are not the result of the current property owners. The uniquely shaped lot was created at some point after the plat was recorded in 1955 and before the existing house was constructed in the current location in 1984. The current property owners purchased the subject property in its current condition in September 2012.

- c) *Literal interpretation and enforcement of the development code regulations would deprive the applicants of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code and would work unnecessary and undue hardship on the applicants.*

A literal interpretation of the LDC would not deprive property owners of rights commonly enjoyed by other properties within the same zoning district. As part of the development approval process, all new structures are required to comply with the current development requirements of the LDC or obtain a variance from the requirements of the LDC.

According to the property owners, the requested variance is necessary based on the unique shape of the lot, the location of the existing house on the lot, and the site conditions (historic trees, sewer line, and low-lying property) at the other potential locations where the detached garage could be placed.

Although not their preference, the property owners could build the garage in the two other proposed locations on the lot to meet the building setback requirements for the R-10SF zoning district. The property owners state that placing the garage in the proposed location would be set back 7 feet from the front property line but would still provide the necessary space to minimize the impact on adjoining properties, ensure adequate separation between structures for air movement and light, and provide room on the subject property for maintenance and necessary repairs to the structure.

The property owners are concerned that placement of the garage in the other two alternative locations would require additional fill to be placed on a portion of the lot

that experiences flooding or the removal of two healthy historic trees and relocating the sewer line for their home. The variance, if granted, is the minimum variance necessary to make reasonable use of their land. According to the property owners, the variance is necessary for the proposed garage to be setback at least 7 feet from the east lot line (front yard lot line).

- d) *The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.*

The garage could be built to comply with the setback requirements of the LDC; however, this would require changes to the proposed location of the garage on the property. Although not their preference, the property owners bring fill into the site to raise the area along the south property line and construct on-site drainage improvements or seek City Council approval to remove two historic trees and relocate the sewer line toward the center of the property so the garage could be installed between the home and north property line. It should be noted that if City Council did not approve the removal of the two historic trees, this second location would not be an option.

Staff has worked with the property owners to identify a location on the subject property that does not require additional fill or removal of historic trees along with minimizing the requested variance. During a site visit, staff confirmed that the area north of the house would require two historic trees to be removed and impact the sewer line and cleanout, and the other location slopes downward to the south property line and would require fill to level the area for the placement of the garage. According to the property owners, while the proposed location requires a variance, it is the best location to place the detached garage based on site conditions while still meeting the intent of the code regarding building separation between adjacent residential properties.

The property owners also state that based on how the home on the adjacent property to the east (110 Eddy Lane) was built, the common lot line between 112 Eddy Lane and 110 Eddy Lane is considered a side yard for 110 Eddy Lane and requires a structure to be set back 10-feet. While a variance would still be required to construct the garage in the proposed location, the variance would be significantly less. Also, the property at 110 Eddy Lane has an existing garage along the common lot line, so if the variance is approved, the garage on Eddy Lane 112, the proposed garage, will be in line with the detached garage on the neighboring property (110 Eddy Lane).

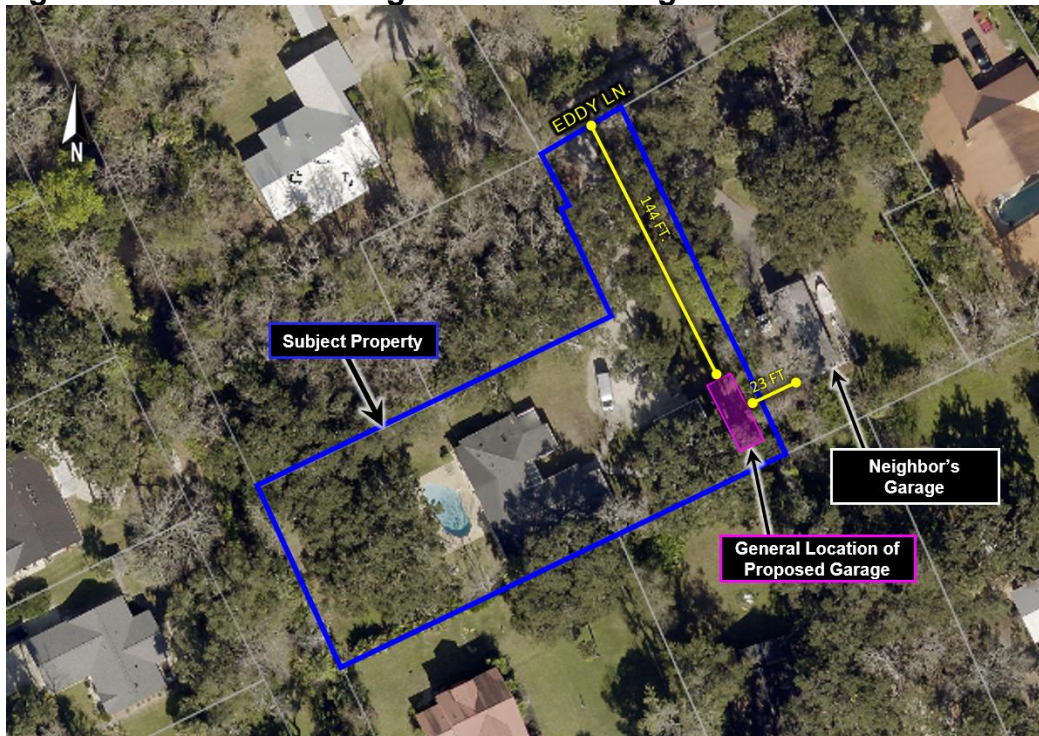
- e) *Granting of the variance request will not confer on the applicants any special privilege that is denied by the development code to other lands, buildings, or structures in the same zoning district.*

The property owners believe the visual impact to the adjacent (east) residential property created by the reduced setback will be minimal because there is an existing garage on the adjacent property and existing trees and vegetation.

- f) *The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.*

The intent of the building setback requirements in the LDC is to provide adequate separation between buildings to minimize the visual appearance of the structures from adjacent properties, ensure adequate separation between structures for air movement, and provide room on the subject property for maintenance and necessary repairs. The proposed location of the garage will be in harmony with the current residential structures in the area and will not be injurious to the surrounding properties. The proposed garage location will be setback 144 feet from the Eddy Lane (private access easement). The east lot line of the subject property is the adjacent neighbor's side lot line, and the proposed garage will be in line with the detached garage on the neighboring property which is set back approximately 23 feet from the side property line. If the variance is approved and the adjacent property owner chooses to expand their garage or build a new garage up to the 10-foot side setback, 17 feet would remain between a future structure and the proposed garage (See Figure 5).

Figure 5. Location Meeting Intent of Building Setbacks



- g) *The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has unreasonably burdened the applicants' property, based upon the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act.*

The variance requested is not based upon a claim brought under the Bert J. Harris Private Property Rights Protection Act.

PUBLIC NOTICE

Public Notices regarding the variance were posted in the *News-Journal* and mailed to adjacent property owners and the property was posted with a public notice sign, as required by the LDC. As of March 20, 2025, staff has not received any phone calls regarding the proposed variances.

RECOMMENDATION

Based on the findings of this report, staff recommends approval of the variance from Chapter 17, Section 27 of the LDC, to allow for a 7-foot front yard setback for a detached garage on a parcel zoned R-10SF.

ATTACHMENT

Exhibit 1 – Applicant’s Request Letter

Exhibit 1 Applicant's Request Letter

To the Planning Board of Port Orange,

Hello, my Name is Christopher Daily and my wife Linda Daily are the property owners of the property located at 112 Eddy Lane Port Orange which is parcel #6337-04-00-0381.

I'm seeking a variance per the setback requirements to build a 18 by 40 ft Steel Garage building to protect my RV. I have lots of trees on my property which are leaving debris on my new RV and damaging the paint.

My property is a unique piece because it is L shaped property and my house orientation is different than all the houses in my neighborhood as the front door does not face the street or my mailbox.

My detached garage faces the street and I wanted to put the new garage adjacent to it. My problem is I thought the setback for the back setback was the back of the garage but I found out it is really the side setback. The proposed garage wouldn't physically or ecstastically work any other way on my property.

The setback requirements for my property are 30' front/10' side/25' rear. The proposed garage setbacks with the front door determining the front of the property are 7.07' front /10' side/224.93' rear. Since the front door determines the front of my property I'm asking for 22.93' variance for the front setback even though it is the side of my garage and also the side property line of my neighbor, address 110b Eddy Lane. If the mailbox, the entrance to my property, and the garage are the front, then the proposed garage setbacks would be 145' front/7.07' side/10' rear

Here are the reasons why the proposed garage wouldn't fit anywhere else on my property. I've attached photos, for both scenarios.

Position 1: If I put it in between my garage and the house I would have to bring in fill because the property gets a lot lower towards the back and always floods. I would also have to take up my paver walkways and it aesthetically wouldn't look good as it would block my front doorway.

Position 2: Adjacent to my north side of my house I would have to take down 2 large historical live oak trees and my snake out for my sewer line is right at where the garage would go.

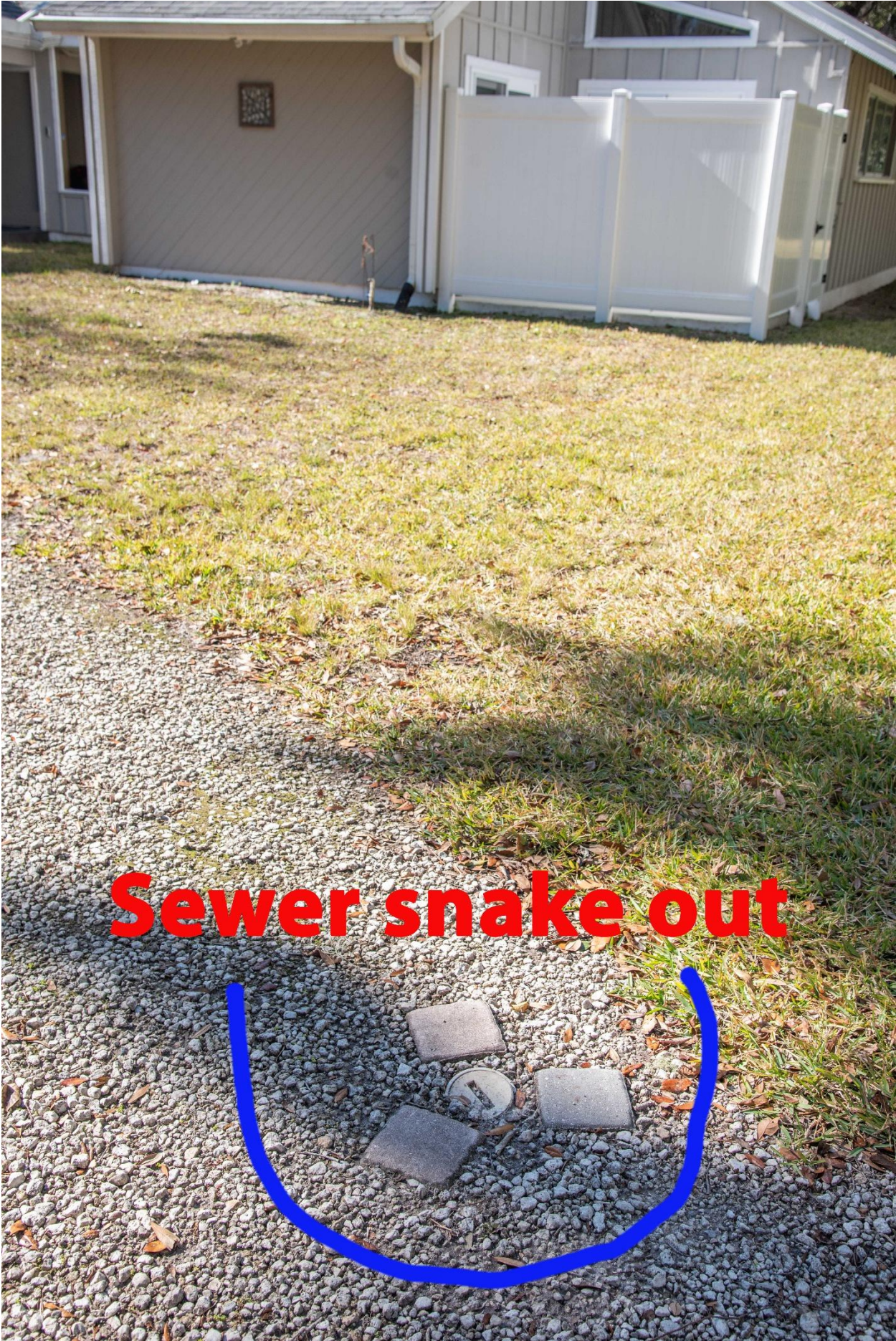
I've included photos (photo #'s 1-3) of my property and where the proposed garage would go to protect my RV from the elements.

Thank you in advance,
Christopher Daily
owner of 112 Eddy Lane Port Orange cell 516 972-6614 Motocd@aol.com

Photos











STAFF REPORT ADMINISTRATIVE REZONING CASE NO. REZONING-25-0002

REQUEST: Rezone ±1.23 acres from Regency Planned Commercial Development (PCD) to Professional Office (PO)

LOCATION: 5656 Isabelle Avenue (Figure 1 – Location Map)

OWNER: Sun and Sand Holdings, LLC

APPLICANT: City of Port Orange

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION: March 27, 2025

PROPERTY OVERVIEW

The request is to rezone an existing commercial property located at the southwest corner of Isabelle Avenue and Regency Boulevard (see Figure 1) from Planned Community Development (PCD) to Professional Office (PO).

FIGURE 1. LOCATION MAP



The current Master Development Agreement (MDA) for the PCD was approved by the city in 1995 with a limited list of allowed uses. The allowed uses include office, wholesalers/distributors, construction contractor's office/storage, and light manual

assembly/minor repair. Although the current PCD limits the use of the property, the subject property has been designated *Commercial* on the Future Land Use Map since 1985 and was zoned C-1 (Shopping Center Commercial District) before it was rezoned to PCD in 1995.

Over the past 10 years, the City has approved several rezonings from Planned Commercial Development (PCD) to a conventional city commercial zoning district to provide a list of allowed uses and development requirements consistent with the current Land Development Code (LDC) and encourage redevelopment of existing commercial infill properties. Some examples of former PCD properties that have been rezoned to a conventional city commercial zoning district include:

- Port Orange Plaza – Located at the southwest corner of Ridgewood Avenue and Dunlawton Avenue
- Spruce Creek Center - Located at the southwest corner of Spruce Creek Road and Nova Road
- Riverwood Shopping Center - Located at the northwest corner of Spruce Creek Road and Nova Road
- Commonwealth Plaza - Located at the northwest corner of Isabella Avenue and Nova Road.
- Former Movie Theater Plaza at 3780 Nova Road - Located at the northwest corner of Eagle Lake Trail and Nova Road
- Former K-MART at Dunlawton Square - Located at the southeast corner of Dunlawton Avenue and Nova Road

DISCUSSION

The rezoning was reviewed according to the criteria established in Chapter 3, Section 7 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and consistency with the surrounding land uses and zoning.

The rezoning request is a shift from the negotiated PCD zoning district to a conventional limited commercial/office zoning district that uses the LDC to provide specific development regulations and allowed uses. Rezoning the subject property to PO will assist with filling vacant tenant spaces within the existing commercial multi-tenant buildings on site and the possible redevelopment of the subject site in the future. If the zoning remains PCD, ongoing amendments to the MDA would likely be necessary to attract new tenants and could delay future redevelopment opportunities on the property. The list of allowed uses in the PO zoning district and the development requirements in the LDC is a more efficient process to attract new tenants or redevelop the site. In addition, the list of permitted uses in the PO zoning district (Exhibit 1) is more current and flexible than the currently allowed uses in the MDA that were established in the late 1990s.

The PO zoning district is intended to provide areas for business, government, industry, medical, professional, service offices, and limited personal services. The PO zoning district generally allows the same uses allowed by the current MDA, along with uses such as fleet-based services (pest control, lawn care, etc.) and personal services (beauty/barber shop, tanning salon, etc.), which are not allowed by the current MDA but are compatible with the surrounding area. The PO zoning district was selected because it allows less intense non-residential uses and will be a transition between the Community

Commercial zoned properties along Nova Road and the mobile home park across the street.

The PCD zoning district is intended to provide a flexible approach for unique and innovative land development proposals that would otherwise not be permitted by this code. Because the property owner intends to allow tenants to occupy the buildings on-site in compliance with the allowed uses list for the PO zoning district and does not anticipate deviating from the site and maintenance requirements in the LDC, the use of a standard zoning district is more efficient than maintaining the property as a PCD.

If the subject commercial property is rezoned to the PO zoning category, the City's LDC will provide the permitted uses and site development requirements for the subject property. As part of any future redevelopment, a site plan and/or building permits will need to be submitted and will require a detailed technical review by the Staff Development Review Committee (SDRC) to verify all LDC and Florida Building Code requirements are met, such as landscape buffers, parking, building setbacks, tree preservation, and infrastructure, to ensure compatibility with adjoining properties, and that adequate public facilities and services are available.

Access to the property is provided by existing driveways off Regency Boulevard and Isabella Avenue, and city water and sewer are currently available at the property.

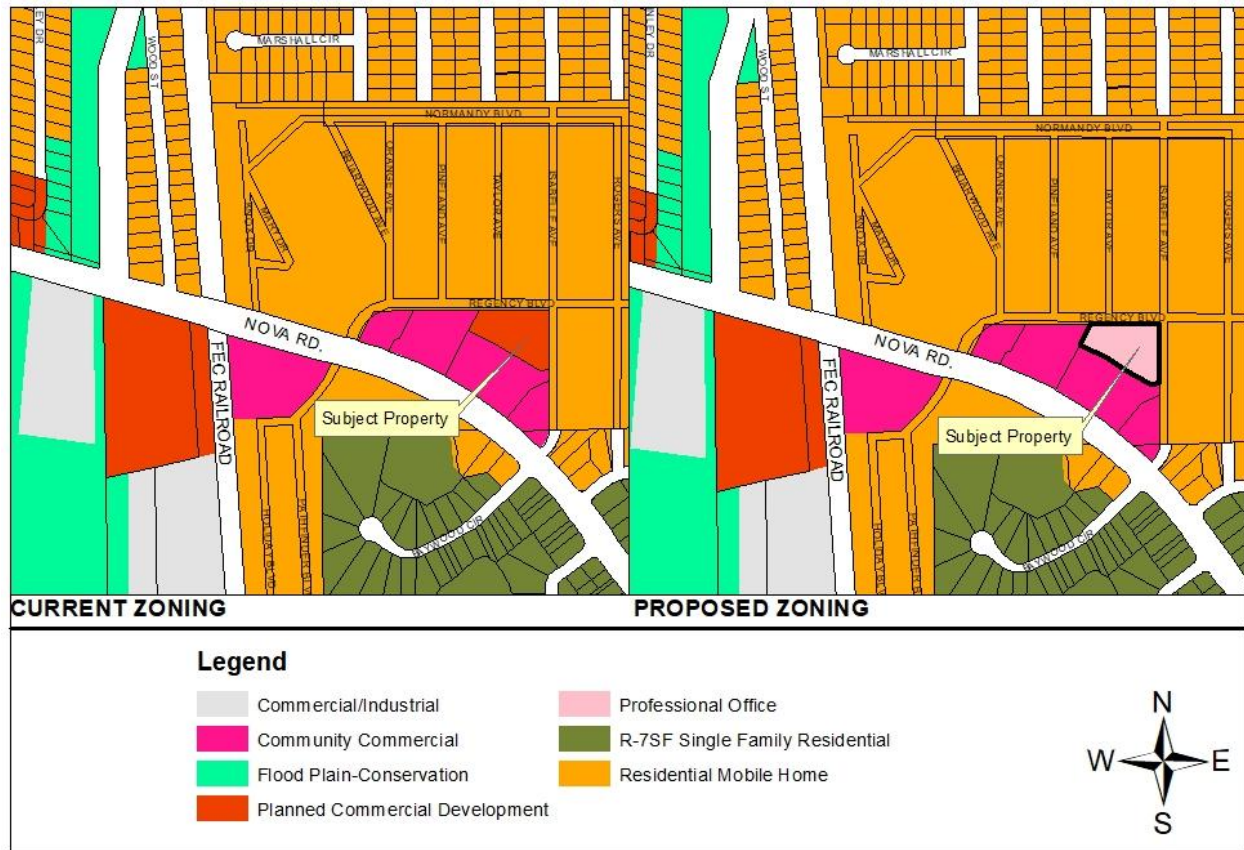
COMPATIBILITY WITH SURROUNDING USES AND ZONING DISTRICTS

The proposed PO zoning district is appropriate for this location and is compatible with the surrounding properties. Table 1 summarizes the existing land use, zoning districts, and Future Land Use designations of the adjacent properties, and Figure 2 shows the surrounding zoning districts of the adjacent properties.

TABLE 1. SURROUNDING LAND USES, FLU DESIGNATION, AND ZONING DISTRICTS

Direction	Existing Land Use	Future Land Use Designation	Zoning District
North	Regency Boulevard right-of-way and Briarwood residential mobile home	<i>Urban Medium Density Residential 4-8 units/acre</i>	Residential Mobile Home (RMH)
South	Commercial	<i>Commercial</i>	Community Commercial (CC)
East	Regency Boulevard right-of-way and Briarwood residential mobile home	<i>Urban Medium Density Residential 4-8 units/acre</i>	Residential Mobile Home (RMH)
West	Commercial	<i>Commercial</i>	Community Commercial (CC)

FIGURE 2. CURRENT AND PROPOSED ZONING MAP



Consistency with Comprehensive Plan

The subject property has been designated *Commercial* on the City's Future Land Use Map since 1985. It is also part of the Neighbor Commercial Node located at the intersection of Isabelle Avenue and Regency Boulevard, as designated in the City's Comprehensive Plan, which is intended to serve the convenience needs of neighborhood areas within a ± 1 -mile radius.

The proposed rezoning is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan and is compatible with adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is negatively impacted by the other. The subject property is a longstanding commercially zoned property.

The proposed PO zoning district is consistent with the current *Commercial* FLU designation for the subject property. The *Commercial* FLU designation is generally characterized by uses that provide for the retail sale of items and the provision of services to the general public. Based on compatibility with adjacent uses and availability of infrastructure, the requested zoning is appropriate for this location and is consistent with the existing *Commercial* FLU designation.

PUBLIC NOTICE

On March 17, 2025, staff posted the property, notifying the public of the proposed rezoning. As of the time this agenda item was prepared (March 20, 2025), no calls or other inquiries were received regarding the information on the proposed rezonings.

STAFF RECOMMENDATION

Staff recommends **approval** of the request to rezone ±1.23 acres from Regency Planned Commercial Development (PCD) to the Professional Office (PO).

ATTACHMENT

Exhibit 1 – List of Permitted Uses for the Professional Office (PO) Zoning District

Exhibit 1
List of Permitted Uses for the Professional Office (PO) Zoning District

Chapter 17 - ZONING DISTRICT REGULATIONS

Section 19: - Professional office (PO) district.

(a) Purpose and intent. The professional office (PO) district is intended to provide areas for business, government, industry, medical, professional, or service offices.

(b) Permitted uses.

- (1) Business services.
- (2) Financial services.
- (3) Fleet-based services.
- (4) Funeral homes (freestanding uses only).
- (5) Medical office/clinics.
- (6) Offices.
- (7) Veterinary clinics.
- (8) Xerographic and offset printing.

(bb) Permitted uses with special development requirements (chapter 18, section 4).

- (1) Assisted living facilities (subsection 1.5).
- (2) Banks (subsection 3).
- (3) Childcare centers (subsection 4).
- (4) Health/exercise clubs (subsection 6).
- (5) Nursing homes (subsection 1.5).
- (6) Office supplies (subsection 11).
- (7) Office/warehouse facilities (subsection 12).
- (8) Pain management clinics.
- (9) Personal services.
- (10) Restaurants.
- (11) Community gardens.

(c) Special exception uses (chapter 18, section 3).

- (1) Houses of worship (subsection 9).
- (2) Private schools (subsection 16).



STAFF REPORT

ADMINISTRATIVE REZONING

4619 & 4629 Clyde Morris Boulevard
CASE NO. REZONING-25-0001

REQUEST:	Rezone ±5.38 acres from Ritter Planned Commercial Development (PCD) to Community Commercial (CC)
LOCATION:	4619 and 4629 Clyde Morris Boulevard (Figure 1 – Location Map)
OWNERS:	Saljanin, LLC. and Sun Beach Investment Co. Inc.
APPLICANT:	City of Port Orange
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	March 27, 2025

PROPERTY OVERVIEW

The request is to rezone two existing commercial properties (Lot 1 and Lot 2) located at the northeast corner of Clyde Morris Boulevard and Herbert Street (see Figure 1) from Planned Commercial Development (PCD) to Community Commercial (CC). Lot 3 of the PCD is **not** part of the rezoning request and will remain in the PCD.

FIGURE 1. LOCATION MAP



The current Master Development Agreement (MDA) for the PCD was approved by the City in 1999 and does not include several commercial uses typically found on other properties with a conventional city commercial zoning designation (e.g., office (allowed on Lot 1), health/exercise clubs, restaurants with a drive-thru, fleet-based services, craft food and beverage producer, microbrewery, retail (allowed on Lot 1), and personal services (hair salons, barber shops, nail salons, retail dry cleaning, etc.) as allowed uses on Lots 1 and 2 and has specific architectural requirements for Lot 2 that may limit redevelopment. The subject property has had a non-residential Future Land Use (FLU) designation on the City's Future Land Use Map since 1985 and zoned Planned Commercial Development (PCD) since 1990.

Over the past 10 years, the City has approved several rezonings from Planned Commercial Development (PCD) to a conventional city commercial zoning district to provide a list of allowed uses and development requirements consistent with the current Land Development Code (LDC) and encourage redevelopment of existing commercial infill properties. Some examples of former PCD properties that have been rezoned to a conventional city commercial zoning district include:

- Port Orange Plaza – Located at the southwest corner of Ridgewood Avenue and Dunlawton Avenue
- Spruce Creek Center - Located at the southwest corner of Spruce Creek Road and Nova Road
- Riverwood Shopping Center - Located at the northwest corner of Spruce Creek Road and Nova Road
- Commonwealth Plaza - Located at the northwest corner of Isabella Avenue and Nova Road.
- Former Movie Theater Plaza at 3780 Nova Road - Located at the northwest corner of Eagle Lake Trail and Nova Road
- Former K-MART at Dunlawton Square - Located at the southeast corner of Dunlawton Avenue and Nova Road

DISCUSSION

The proposed rezoning was reviewed according to the criteria established in Chapter 3, Section 7 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and the surrounding land uses and zoning.

In 1999, the city approved the Master Development Agreement (MDA) for the Ritter PCD that established a three-lot commercial development, specific architectural requirements for Lot 2, and a limited list of commercial uses for Lots 1-3.

At the time the Ritter's Frozen Custard restaurant (Lot 2) was built in 1999, the design of the building and outdoor seating area was considered unique, and very specific architectural requirements were listed in the MDA for the PCD, such as the use of specified colors and materials (i.e. split-face block), roof color must be "International Blue" or lighter blue color, all tables and chairs must be concrete and natural grey color, and only exterior blue and white striped umbrellas could be placed on site.

The rezoning from PCD to CC is a shift from the negotiated PCD zoning district to a conventional city commercial zoning district that uses the LDC to provide specific development regulations and allowed uses. Rezoning the subject properties to CC is

anticipated to assist in the redevelopment of the subject properties. The CC zoning district permits typical community-scale commercial uses commonly found at shopping centers and outparcels, such as retail stores, restaurants, personal services (hair salons, barber shops, nail salons, retail dry cleaning, etc.) offices, breweries, health/exercise clubs, childcare centers, convenience store/gas station, banks, and similar uses. It is difficult to predict future redevelopment options for the subject properties. If the zoning remains PCD, ongoing amendments to the MDA would likely be necessary and could delay redevelopment opportunities on these existing commercial infill lots. The list of permitted uses in the CC zoning district (Exhibit 1) and the development requirements in the LDC is a more efficient process to redevelop the site or fill existing tenant spaces in the current building on the site.

The current PCD zoning district is intended to provide a flexible approach for unique and innovative land development proposals that would otherwise not be permitted by this code. Because the property owners intend to redevelop or develop the sites in compliance with the LDC and do not anticipate deviating from the requirements of the LDC and Code of Ordinances, the standard CC zoning district was selected as the zoning district for the subject properties.

If the subject commercial properties are rezoned to the CC zoning category, the City's LDC will provide the permitted uses and site development requirements for the subject properties (Lot 1 and Lot 2). As part of any future redevelopment or new development, a site plan and/or building permits will need to be submitted and will require a detailed technical review by the Staff Development Review Committee (SDRC) to verify that all LDC, Code of Ordinance, and Florida Building Code requirements are met, such as landscape buffers, parking, building setbacks, screening (fence or wall), tree preservation, and infrastructure, to ensure compatibility with adjoining properties and that adequate public facilities and services are available.

Access to Lots 1 and 2 is available from existing driveways off Clyde Morris Boulevard and Herbert Street, and cross-access easements will remain between Lots 1-3. City water and sewer currently serve Lot 2 and are available to service Lot 1.

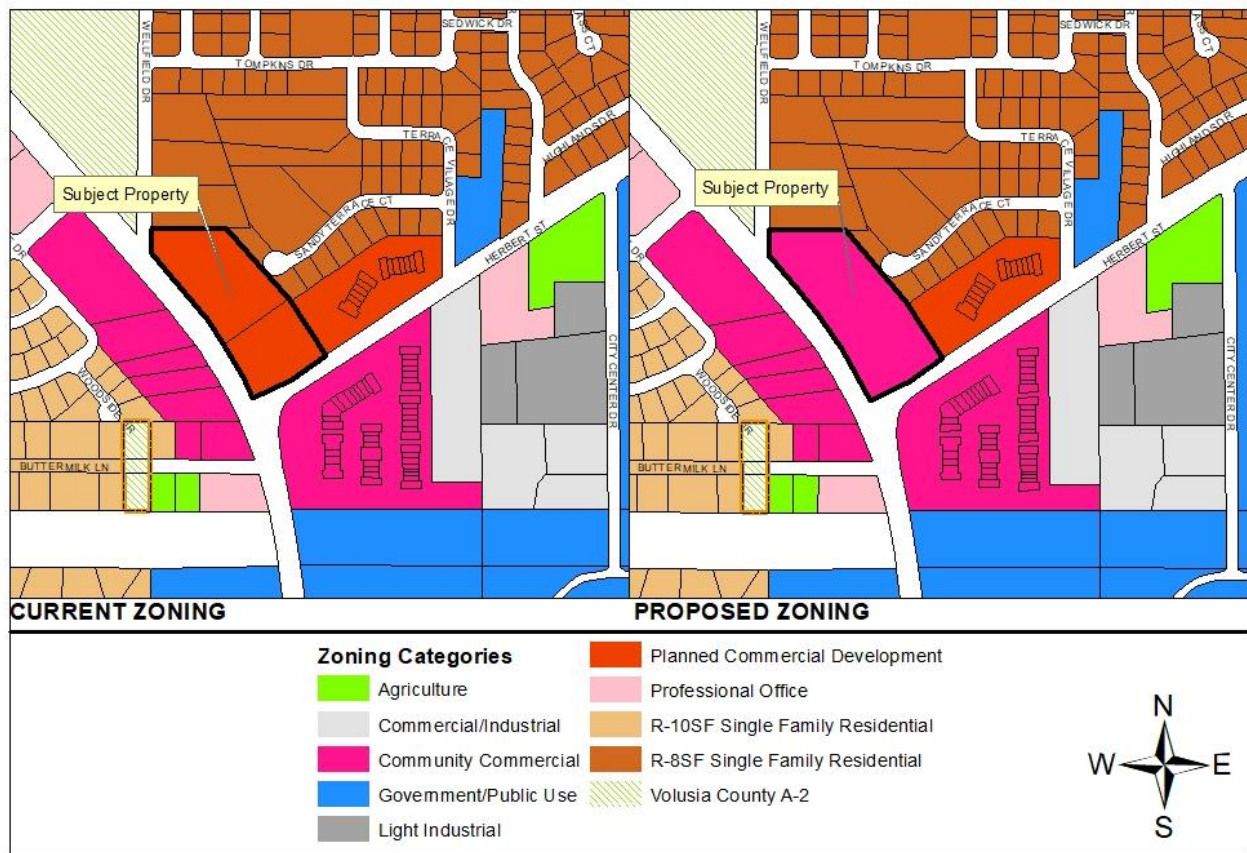
COMPATIBILITY WITH SURROUNDING USES AND ZONING DISTRICTS

The proposed CC zoning district is appropriate for this location and is compatible with the surrounding properties. Table 1 summarizes the adjacent properties' existing land use, zoning districts, and Future Land Use designations. Figure 2 shows the surrounding zoning for the subject property and adjacent properties. The subject properties are located along a major arterial roadway and adjacent to existing commercial properties currently zoned CC.

TABLE 1. SURROUNDING LAND USES, FUTURE LAND USE DESIGNATIONS, AND ZONING DISTRICTS

Direction	Existing Land Uses	FLU Designations	Zoning Districts
North	Single-family residential	<i>Suburban Residential 2-4 units/acre)</i>	R-8SF Single Family Residential
South	Commercial and Herbert Steet right-of-way	<i>Commercial</i>	(CC) Community Commercial
East	Single-family residential and Commercial	<i>Suburban Residential 2-4 units/acre) and Commercial</i>	R-8SF Single Family Residential and Ritters Planned Commercial Development (PCD)
West	Commercial and Clyde Morris Boulevard right-of-way	<i>Commercial</i>	(CC) Community Commercial

FIGURE 2. CURRENT AND PROPOSED ZONING MAP



CONSISTENCY WITH COMPREHENSIVE PLAN

The subject properties have had a non-residential Future Land Use (FLU) designation on the City’s Future Land Use Map since 1985 and are currently designated *Commercial*. The proposed Community Commercial (CC) zoning designation is consistent with the *Commercial* FLU designation as it provides the opportunity for a variety of retail sales and services within a community-scale shopping center. The subject properties are also part of a Community Commercial Node located at the intersection of Clyde Morris Boulevard and Herbert Street, as designated in the City’s Comprehensive Plan, and is intended to

provide commercial uses to serve the general shopping needs of the residential areas within a ±2-mile radius.

The proposed rezoning is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan and is compatible with adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is negatively impacted by the other. The subject properties are all longstanding commercially zoned properties.

Based on compatibility with adjacent uses and availability of infrastructure, the requested zoning is appropriate for this location and is consistent with the existing *Commercial* FLU designation.

PUBLIC NOTICE

On March 17, 2025, staff posted the property, notifying the public of the proposed rezoning. As of the time this agenda item was prepared (March 20, 2025), no calls or other inquiries were received regarding the information on the proposed rezonings.

STAFF RECOMMENDATION

Staff recommends **approval** of the request to rezone ±5.38 acres from Ritters Planned Commercial Development (PCD) to Community Commercial (CC).

ATTACHMENT

Exhibit 1 – List of Permitted Uses for the Community Commercial (CC) Zoning District

Exhibit 1
List of Permitted Uses for the Community Commercial (CC) Zoning District

Chapter 17 - ZONING DISTRICT REGULATIONS
Section 21: - Community Commercial (CC) district.

(a) Purpose and intent. The community commercial (CC) district is intended to provide for community-scale businesses that customarily require freestanding buildings on individual sites.

(b) Permitted uses.

- (1) Adult/vocational education.
- (2) Appliance/electronic repair shops.
- (3) Banks.
- (4) Business services.
- (5) Clubs, lodges, and fraternal organizations.
- (6) Convenience stores with or without fuel operations.
- (7) Financial services.
- (8) Fleet-based services.
- (9) Funeral homes.
- (10) Furniture and appliance stores.
- (11) Health/exercise clubs.
- (12) Medical offices/clinics.
- (13) Motor vehicle service stations.
- (14) Offices.
- (15) Office supplies.
- (16) Personal services.
- (17) Restaurants.
- (18) Retail home building materials.
- (19) Retail nurseries and garden supplies.
- (20) Retail sales and services.
- (21) Veterinary clinics.

(bb) Permitted uses with special development requirements (chapter 18, section 4).

- (1) Athletic/sports facilities (subsection 2).
- (2) Brewery (subsection 3.7).
- (3) Childcare centers (subsection 4).
- (4) Craft food and beverage producer (subsection 5.15).
- (5) Community gardens (subsection 5.1).
- (6) Microbrewery (subsection 9.57).
- (7) Theaters (subsection 17).

(c) Special exception uses (chapter 18, section 3).

- (1) Bars, lounges, and nightclubs (subsection 3).
- (2) Fortune tellers, astrologers, and palm readers (subsection 6).
- (3) Game/recreation facilities (subsection 7).
- (4) Marina, recreational (subsection 9.6).
- (5) Mini-warehouses (subsection 10).
- (6) Motor vehicle and boat storage facilities (subsection 12).

(d) Project access. Any CC district development shall have direct access to any arterial or major collector road, as designated in the functional classification system in the comprehensive plan.