



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, February 26, 2026

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: Large-Scale Comprehensive Plan Amendment
CASE NO.: CASE NO. CPAM-26-0001
APPLICANT: Paylin Acres, LLC
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request by the applicant, Paylin Acres, LLC, on behalf of the property owners, to amend the City's Comprehensive Plan Future Land Use Map for a total of ±56.53 acres, located on the west side of Airport Road, north of Charles Street, to change the Future Land Use (FLU) designation of ±52.96 acres of Volusia County *Agriculture Resource* (1 dwelling unit per 10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0-4 dwelling units per acre) to City of Port Orange *Rural Transition* (0-2 dwelling units per acre).

5. APPLICATION: Conventional Rezoning
CASE NO.: REZONING-26-0001
APPLICANT: Paylin Acres, LLC
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request by the applicant, Paylin Acres, LLC, on behalf of the property owners, to rezone approximately 56.53 acres, located on the west side of Airport Road, north of Charles Street, consisting of 52.96 acres of Volusia County A-1 (Prime Agriculture) and 3.57 acres of Volusia County A-2 (Rural Agriculture) to City of Port Orange R-20SF.

6. APPLICATION: LDC TEXT AMENDMENT / CHAPTERS 2, 14, 15, and 16
CASE NO.: DCAM-26-0001

APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to amend Chapters 2, 14, 15, and 16 of the Land Development Code (LDC) regarding donation bins, temporary storage containers, and colors as part of an effort to update the LDC.

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
NOVEMBER 20, 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 Scott Steger
Commissioner Maria Mills-Benat
Commissioner Daniel Mallegol

Also Present: Shannon Balmer, City Attorney
Tim Burman, Community Development Director
Suzette Cameron, Senior Planner
Amanda Bonin, Deputy City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes - October 23, 2025

Motion to approve the October 23, 2025 meeting minutes was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Daniel Mallegol. Motion carried unanimously by voice vote.

4. APPLICATION: Small-Scale Comprehensive Plan Amendment/1737 Fern Park Drive
CASE NO.: CPAM-25-0003
APPLICANTS: Daniel D. and Sandra L. Bordis
STAFF CONTACT: Suzette Cameron, Senior Planner (386) 506-5676

A request to change the Future Land Use (FLU) designation for ±9.37 acres located at 1737 Fern Park Drive from Volusia County *Urban Low Intensity* (0.2-4 units/acre) to City of Port Orange *Rural Transition* (0-2 units/acre).

Items 4 and 5 were opened together.

5. APPLICATION: Rezoning/1737 Fern Park Drive
CASE NO.: REZONING-25-0005
APPLICANTS: Daniel D. and Sandra L. Bordis
STAFF CONTACT: Suzette Cameron, Senior Planner (386) 506-5676

A request to rezone ± 9.37 acres located at 1737 Fern Park Drive from Volusia County A-2 Rural Agriculture to City of Port Orange Agriculture (A).

Motion to approve Small-Scale Comprehensive Plan Amendment/1737 Fern Park Drive Case No.: CPAM 25-0003 was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Stan Schmidt.

Motion to approve Rezoning/1737 Fern Park Drive Case No.: REZONING - 25-0005 was made by Commissioner Maria Mills-Benat and Seconded by Vice Chair Bo Bofamy.

Suzette Cameron, Senior Planner, introduced the items, provided details, and answered commissioners' questions.

Penelope Cruz, Planning Manager, provided additional information.

Sandra Bordis and Daniel Bordis, applicants, commented on their plans and answered commissioners' questions.

Motion to approve Small-Scale Comprehensive Plan Amendment/1737 Fern Park Drive Case No.: CPAM25-0003 carried unanimously by roll call vote.

Motion to approve Rezoning/1737 Fern Park Drive Case No.: REZONING - 25-0005 carried unanimously by roll call vote.

6. APPLICATION: LDC Text Amendment / Chapter 16
CASE NO.: DCAM-25-0006
APPLICANT: City of Port Orange
STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675

A request to amend Chapter 16 of the Land Development Code to comply

with Senate Bill 954 and the statutory requirements of Section 397.487, Florida Statutes as it relates to Certified Recovery Residences.

Motion to approve LDC Text Amendment/Chapter 16 Case No.: DCAM-25-0006 was made by Vice Chair Bo Bofamy and Seconded by Commissioner Maria Mills-Benat.

Tim Burman, Community Development Director, introduced the item, provided details, and answered commissioners' questions.

Robert Reinhagen, resident, commented on the districts and reasonable accommodations.

Motion carried unanimously by roll call vote.

7. 2026 Proposed Public Hearing and Development Review Calendars

Motion to approve the 2026 proposed public hearing and development review calendars was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Daniel Mallegol. Motion carried unanimously by voice vote.

OTHER BUSINESS

8. Commissioner Comments

Commission members wished the staff a Happy Thanksgiving and expressed their appreciation for all their hard work.

9. Staff Comments

Happy Thanksgiving.

PUBLIC COMMENTS

There were none.

ADJOURNMENT - 5:48 p.m.

Chair Thomas Jordan



STAFF REPORT

Large-Scale Comprehensive Plan Amendment/
CASE NO. CPAM-26-0001

REQUEST: Amend the Comprehensive Plan Future Land Use Map to change the FLU designation of ±52.96 acres of Volusia County *Agriculture Resource* (1 unit/10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0-4 units/acre) to City of Port Orange *Rural Transition* (0-2 units/acre).

APPLICANT: Paylin Acres, LLC

PROPERTY OWNERS: Andrea Baumann and Beth Anne Burnett; Joyce E Tumblin Trust; Stetson University Inc.

LOCATION: West side of Airport Road, north of Charles Street

STAFF RECOMMENDATION: Approval

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

PLANNING COMMISSION: February 26, 2026

INTRODUCTION

The applicant, Paylin Acres, LLC, on behalf of the property owners, is requesting a Comprehensive Plan amendment to the City's Future Land Use Map for a total of ±56.53 acres, located on the west side of Airport Road, north of Charles Street (see Figure 1 on Page 2). The request is to change the Future Land Use (FLU) designation of ±52.96 acres of Volusia County *Agriculture Resource* (1 dwelling unit per 10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0-4 dwelling units per acre) to City of Port Orange *Rural Transition* (0-2 dwelling units per acre).

If the Comprehensive Plan amendment is approved, the applicant intends to request that the ±56.53-acre property be rezoned to the City of Port Orange R-20SF – Single-Family Residential District (Case No. REZONING-26-0001). If the R-20SF rezoning is approved, the applicant intends to submit a development application for a 50-lot single-family residential subdivision.

The subject property was annexed into the City of Port Orange at the City Council meeting held on June 17, 2025. During the public hearings for the annexation, the applicant acknowledged that, upon approval of the annexation, the property would require the assignment of a City Future Land Use (FLU) designation and a corresponding zoning classification. In October 2025, the City Council did not approve

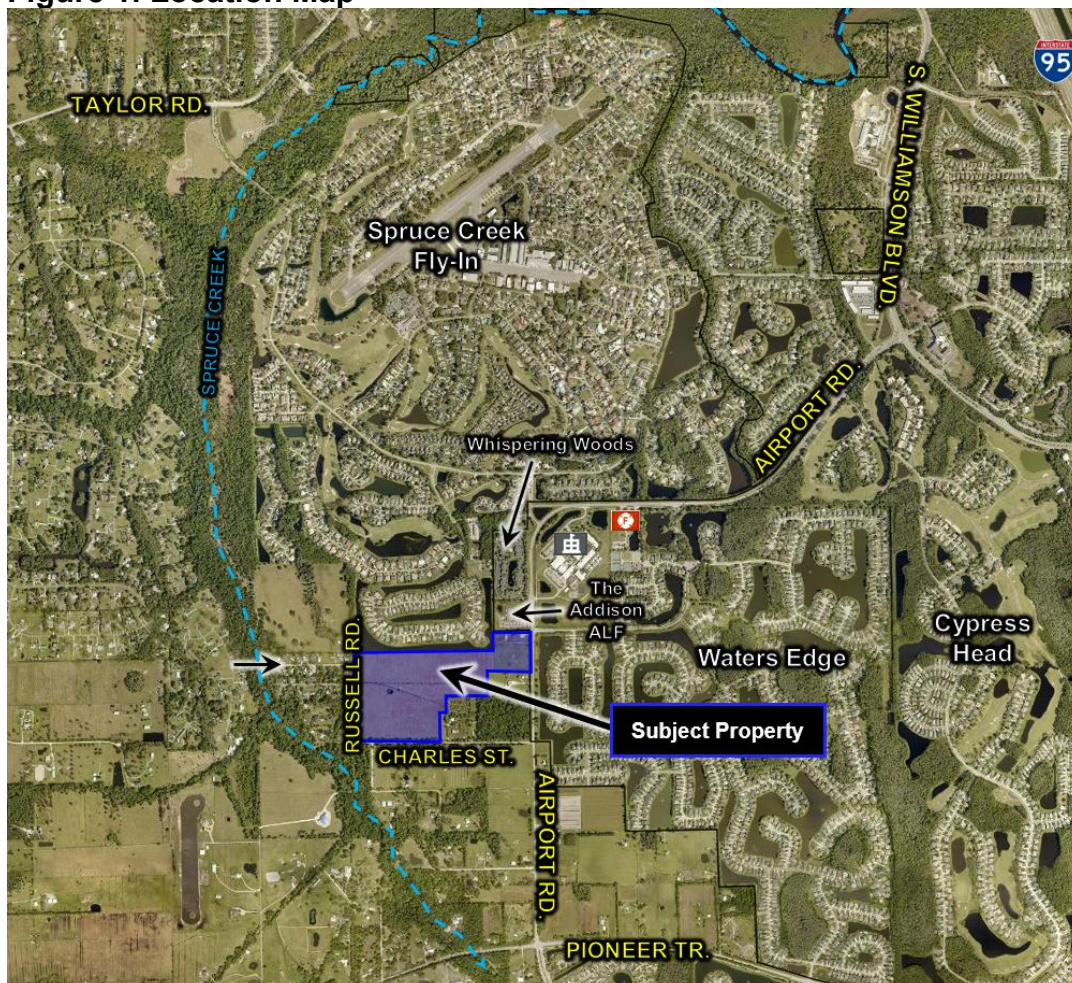
applications for a Future Land Use (FLU) Amendment and Planned Unit Development (PUD) Rezoning for a proposed 113-unit single-family home development.

The applicant is now requesting the establishment of a City FLU designation and conventional zoning district to support the development of a 50-lot residential subdivision. Although a prior PUD rezoning request for this property was denied, the current request is for a different zoning classification; therefore, a new rezoning application for a different zoning district may be submitted within 12 months of the previous denial. The applicant is requesting to establish the City of Port Orange *Rural Transition* (0-2 dwelling units per acre) FLU designation and the City's conventional R-20 Single-Family zoning district on the subject property.

PROPERTY OVERVIEW

The subject property has frontage along Airport Road, Charles Street, and Russell Road, all maintained by Volusia County. Most of the property is cleared, vacant pastureland, with a single-family home, detached garage, and pole barn located at the northeast corner of the subject property. Based on aerial imagery available to staff, the ±56.53-acre site has been cleared pastureland since at least 1978 (see Exhibit 1).

Figure 1. Location Map



PROPOSED AMENDMENT

The request is to change the FLU designations for the ±56.53-acre subject property to the City of Port Orange *Rural Transition* designation (0–2 units per acre). The current FLU designations on the subject property include ±52.96 acres of Volusia County *Agricultural Resource* (1 unit per 10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0–4 units per acre).

The proposed FLU designation and zoning classification, along with the current City or Volusia County FLU designations and zoning classifications of the surrounding properties, are shown in Exhibits 2 and 3.

The current land uses, Future Land Use (FLU) designations, zoning classifications, and density for the current land uses for the properties adjacent to the subject property are identified in Table 1.

Table 1. Surrounding Land Uses, FLU Designations, Zoning Designations, and Density

Direction	Current Land Use	FLU Designation	Zoning District	Density
North	The Reserve at Spruce Creek Single-Family Home Subdivision	Volusia County <i>Urban Low Intensity</i> (0-4 units /acre)	Volusia County Planned Unit Development	2.4 units per acre
	The Addison Assisted Living Facility	City of Port Orange <i>Office/Residential Transition</i>	City of Port Orange Planned Unit Development	80 bed facility
South	Charles Street - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Single-family homes	Volusia County <i>Agriculture Resource</i> (1 unit/10 acres) and <i>Rural</i> (1 unit/5 acres)	Volusia County MH-3 Rural Mobile Home, A-1 Prime Agriculture, A-2 Rural Agriculture	1 unit per 5 acres
East	Airport Road - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Waters Edge Single-Family Home Subdivision	City of Port Orange <i>Rural Transition</i> (0-2 units/acre)	City of Port Orange Planned Unit Development	2 units per acre
West	Russell Road - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Mobile homes	Volusia County <i>Rural</i> (1 unit/5 acres) and <i>Agriculture Resource</i> (1 unit/10 acres)	Volusia County MH-6 Urban Mobile Home Subdivision and A-1 Prime Agriculture	2.4 units per acre

According to the City's Comprehensive Plan, the City of Port Orange *Rural Transition* (0–2 units per acre) FLU designation is intended for lands near Spruce Creek and tributaries of Spruce Creek, particularly where properties lie between agricultural uses and established residential neighborhoods. Residential development under the *Rural Transition* designation is limited to no more than two dwelling units per acre. Where urban services such as sewer and water are available, smaller lot sizes of 5,000 square feet or more may be permitted, provided that adequate open space is preserved, and the overall density remains within allowed limits.

The subject property meets the City's locational criteria for the *Rural Transition* (0–2 units per acre) FLU designation. The subject property is situated adjacent to Spruce Creek, bordered by agricultural land to the south and developed residential neighborhoods to the north, northeast, and west. Urban services (water, sewer, and reclaimed water) are available within the Airport Road right-of-way to serve the site, and the proposed City of Port Orange R-20SF zoning district aligns with the maximum allowed density of two units per acre and lot size.

Figure 2. Rural Transition FLU Designation Locational Criteria



Table 2 summarizes the acreage for the current and proposed Future Land Use (FLU) designations for the subject property.

Table 2. Current and Proposed Future Land Use Designations – Acreage by Category

FLU DESIGNATION	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Volusia County <i>Agriculture Resource</i> (1 unit/10 acres)	52.96	0	-52.96
Volusia County <i>Urban Low Intensity</i> (0-4 units/acre)	3.57	0	-3.57
City of Port Orange <i>Rural Transition</i> (0-2 units/acre)	0	56.53	+56.53
TOTAL	56.53	56.53	0

Table 3 provides the theoretical maximum number of residential dwelling units allowed under the current and proposed Future Land Use (FLU) designations. If the amendment is approved, the theoretical maximum number of dwelling units that could be built on the 56.53-acre property would be 113, which is 94 dwelling units more than currently allowed under existing Volusia County FLU designations.

However, if the FLU amendment is approved, the applicant intends to request that the ±56.53-acre property be rezoned to the City of Port Orange R-20SF – Single-Family Residential District (Case No. REZONING-26-0001). If the R-20SF rezoning is approved, the applicant intends to submit a development application for a 50-lot single-family residential subdivision. Based on the preliminary layouts, the applicant has indicated that approximately 50 lots could be platted while meeting the dimensional requirements for R-20SF zoning and the current LDC standards for subdivision design.

Table 3. Theoretical Maximum Number of Residential Dwelling Units for the Current and Proposed Future Land Use Designations

FLU Designations	Current FLU Theoretical Max Number of Residential Dwelling Units	Proposed FLU Theoretical Max Number of Residential Dwelling Units	Net Change in Number of Residential Dwelling Units
Volusia County <i>Agriculture Resource</i> (1 unit/10 acres)	5	0	-5
Volusia County <i>Urban Low Intensity</i> (0-4 units/acre)	14	0	-14
City of Port Orange <i>Rural Transition</i> (0-2 units/acre)	0	113	+113
Total	19	113	+94

INFRASTRUCTURE IMPACT ASSESSMENT

In accordance with standard practice from the State Land Planning Agency (Florida Commerce) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted future land use designations versus the proposed designation. The following seven public facilities and services were examined:

- | | |
|-------------------|------------------------|
| 1. Transportation | 5. Stormwater Drainage |
| 2. Sanitary Sewer | 6. Recreation |
| 3. Potable Water | 7. School |
| 4. Solid Waste | |

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Current FLU Designations	Proposed FLU Designation	Net Change
Residential Units	19	113	94
Non-residential Buildable Sq. Ft.	0	0	0
Population ¹	45	270	225
PM Peak Hour Trips/Daily Trips ²	22/230	111/1,129	89/899
Sanitary Sewer (gallons/day) ³	3,040	18,080	15,040
Potable Water (gallons/day) ⁴	3,420	20,340	16,920
Solid Waste (lbs./person) ⁵	144	867	723
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space (acres) ⁷	0.32	1.89	1.57

1. Population: 2.39 persons per household (per 2017-2021 Census American Community Survey)
2. Transportation: ITE Trip Generation Manual, 11th Edition and Traffic Memorandum, LTG Engineering & Planning, August 2025
3. Sanitary Sewer: Residential - 160 gallons per day per Equivalent Residential Unit
4. Potable Water: Residential - 180 gallons per day per Equivalent Residential Unit
5. Solid Waste: Residential - 3.21 pounds per person 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)

The current Future Land Use (FLU) designations for the subject property allow a theoretical maximum of 19 residential units. The proposed *Rural Transition* (0–2 units per acre) FLU designation would set the theoretical maximum to 113 residential units and would result in an increase on impacts to public infrastructure, but adequate capacity exists, or impacts can be mitigated. As noted above, if the FLU Amendment and Rezoning applications are approved, the applicant intends to submit a development plan for a 50-lot single-family subdivision, resulting in fewer lots than the FLU would theoretically permit.

Transportation

The applicant's traffic engineering firm, LTG Engineering & Planning (LTG), has prepared a Traffic Memorandum in accordance with the City's and Volusia Flagler Transportation Planning Organization (VFTPO) guidelines for a Comprehensive Plan Amendment. This memorandum has been reviewed by staff.

Current Future Land Use (FLU) Designations: Allows up to 19 single-family homes, which is estimated to generate: 14 AM peak hour trips (7:00 AM to 9:00 AM), 22 PM peak hour trips (4:00 PM to 6:00 PM), and 230 daily trips

Requested Future Land Use (FLU) Designation: Allows up to 113 single-family homes, which is estimated to generate: 85 AM peak hour trips (7:00 AM to 9:00 AM), 111 PM peak hour trips (4:00 PM to 6:00 PM), and 1,129 daily trips

Net increase: The proposed change would result in an additional 71 AM peak hour (7:00 AM to 9:00 AM), 89 PM peak hour trips (4:00 PM to 6:00 PM), and 899 daily trips

The full extent of the development's impact on the surrounding road network will not be known until a traffic concurrency review is completed as required with the review of final subdivision plat and plan for the subject property. At the time the final subdivision plat and plans are submitted, the city will require a traffic study to thoroughly assess how the traffic from the subdivision will affect the existing surrounding roadways and identify any roadway improvements that may be necessary. The traffic study will also take into account recently completed projects and projects currently under construction in the area (I-95 & Pioneer Trail Interchange), as these may alter travel patterns and affect traffic volumes on the surrounding roadway network.

As with other developments throughout the city, the developer may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City and Volusia County. This agreement could involve constructing or contributing financially toward scheduled improvements for the affected roadways and intersections.

According to the latest traffic counts for Williamson Boulevard, Airport Road, and Pioneer Trail, there is currently capacity to accommodate the estimated 1,129 daily vehicular trips from development of the subject property (Table 5).

Table 5. Roadway Capacities for Roadways Adjacent to Subject Property

Road	Location	Volume	Capacity	V/C Ratio*	Remaining Capacity
Airport Road	Williamson Blvd. to Pioneer Tr.	6,950	32,600	0.21	79%
Airport Road	Pioneer Tr. to Luna Bela Ln.	4,850	34,230	0.14	86%
Pioneer Trail	Airport Rd. to Turnbull Bay Rd.	7,200	13,640	0.53	47%
Pioneer Trail	Tomoka farms Rd. to Airport Rd.	5,550	13,640	0.41	59%
Williamson Boulevard	Airport Rd. to Spruce Creek Bridge	25,000	37,970	0.66	34%
Williamson Boulevard	Spruce Creek Bridge to Taylor Rd.	25,000	37,970	0.66	34%

* Volume/Capacity (V/C) Ratio - Volume-Demand-to-Capacity Ratio compares roadway demand (vehicle volumes) with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity. Source: Volusia County Traffic Engineering (2022 data is the current available data from Volusia County).

According to LTG’s analysis, only the segment of Pioneer Trail between Airport Road and Turnbull Bay Road is anticipated to exceed the adopted level of service (LOS) standards due to traffic generated by approved developments along Pioneer Trail in New Smyrna Beach and Port Orange, including the subject property. These projects are expected to contribute additional traffic volume to this roadway segment.

Depending on the timing of construction and completion of the developments in New Smyrna Beach and Port Orange along Pioneer Trail, along with the subject property, capacity along Pioneer Trail may become constrained. As with all new developments within the city, the developer of this project may be required to enter into a Transportation Fair-Share and Concurrency Agreement with both the City and Volusia County. This agreement may include requirements to construct or financially contribute toward planned roadway and intersection improvements to mitigate traffic impacts.

Sanitary Sewer

The City has available sewer capacity to accommodate the density allowed under the requested FLU designation and proposed future development of the subject property. The City’s adopted residential Level of Service (LOS) standard for sanitary sewer is 160 gallons per day per Equivalent Residential Unit (ERU). Based on this standard, the requested FLU designation could generate approximately 18,080 gallons per day (gpd) of wastewater. This is a net increase of 15,040 gpd compared to the current FLU designations.

Potable Water

The City has available potable water capacity (well and Consumptive Use Permit) to accommodate the density allowed under the requested FLU designation and proposed future development of the subject property. The City’s adopted residential LOS standard for potable water is 180 gallons per day per Equivalent Residential Unit (ERU). Based on this standard, the proposed FLU designation could theoretically generate

approximately 20,340 gallons per day (gpd) of potable water. This is a net increase of 16,920 gpd compared to the current FLU designations.

According to the City's 20-year CUP, issued by the St. Johns River Water Management District (SJRWMD), an average daily withdrawal of 7.33 million gallons per day (MGD) is allowed. According to the City's 2025 Concurrency Management Report, the actual average daily flow of the City's potable water system in 2025 was 5.99 MGD (Exhibit 4).

Solid Waste Collection

Solid waste generated within the City of Port Orange is taken to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050. The Volusia County landfill has the capacity to address the solid waste disposal needs for the requested FLU designation and proposed future development of the subject property. The City's residential solid waste collection standard is 1,350 residential units per curbside collection crew, per day and a weight standard of 3.21 pounds per person per day. Using these standards, the requested FLU designation could theoretically generate approximately 867 pounds of solid waste per day. This is a net increase of 723 pounds of solid waste per day compared to the current FLU designations.

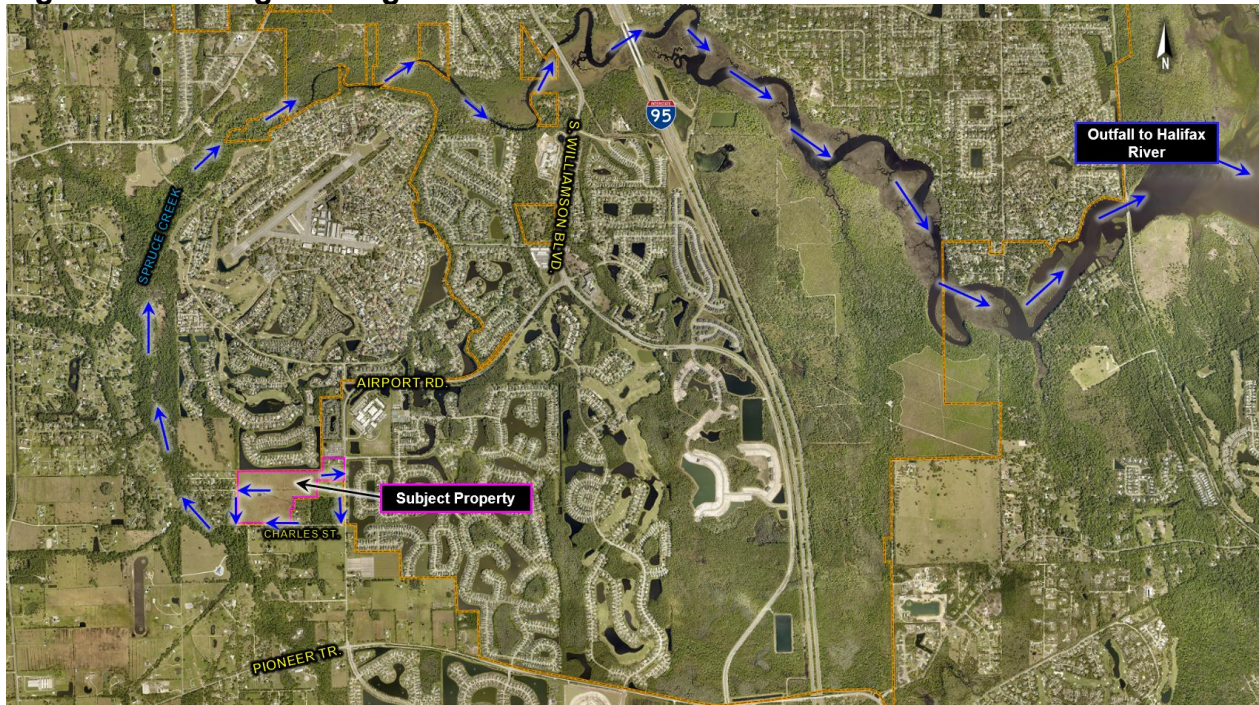
Stormwater Drainage

The City's Comprehensive Plan and Land Development Code (LDC) requires that stormwater conditions following development maintain the same performance as pre development conditions. Specifically, the subject property must retain its existing capacity to store stormwater on-site, and development may not result in any increase in stormwater discharge volume or peak discharge rate to the regional drainage system. Any future development associated with the requested rezoning will be required to demonstrate, through detailed stormwater design and permitting, that post development runoff characteristics do not exceed those of the current undeveloped condition

In addition to complying with the City's LDC, the subject property will be required to meet all applicable State and regional permitting requirements for stormwater management, including those of the St. Johns River Water Management District (SJRWMD), the Department of Environmental Protection (DEP), and Volusia County, prior to any development on the subject property.

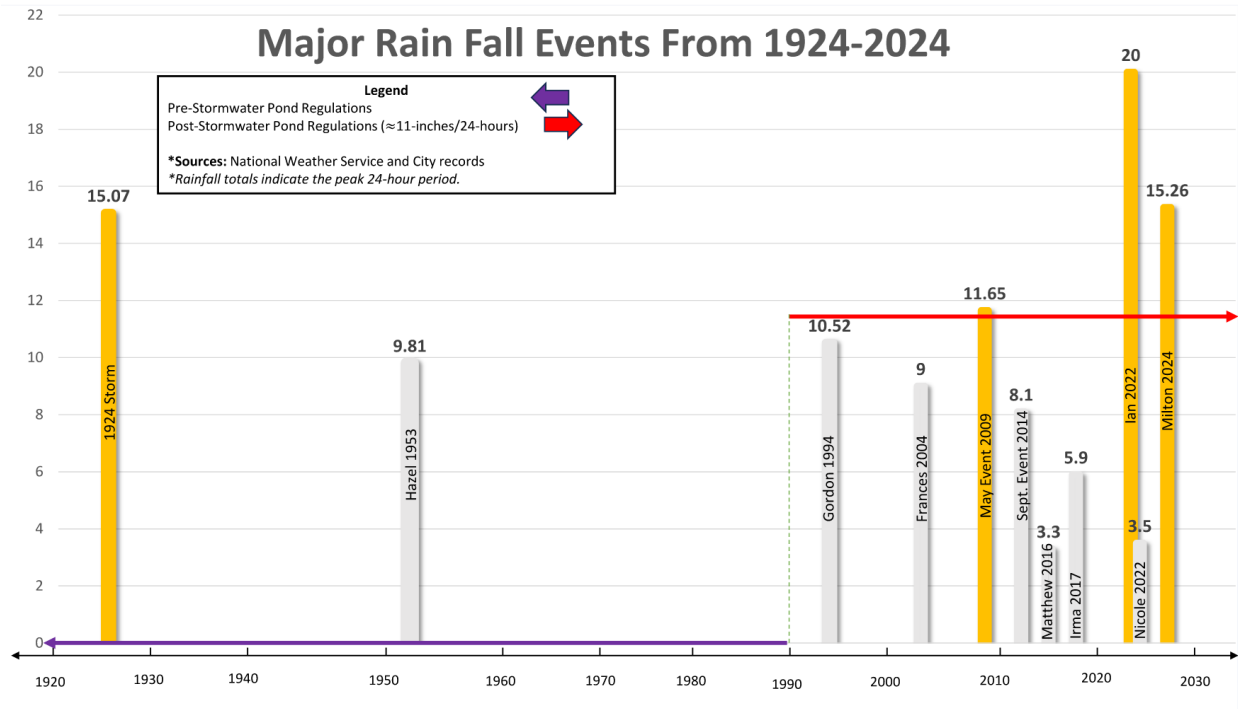
Currently, stormwater on the undeveloped subject property is partly absorbed into the ground, with some collecting in low areas and ditches on the subject property. Runoff not absorbed or stored on-site drains into Volusia County maintained roadway swales along Charles Street, Russell Road, and Airport Road. From there, it flows toward a County-maintained swale at the southwest intersection of Charles Street and Russell Road, then into Spruce Creek, and ultimately discharges into the Halifax River.

Figure 3. Existing Drainage Pattern



Development of the subject property will increase the amount of impervious surface area, including rooftops, roadways, and driveways. As impervious area increases, less stormwater can infiltrate into the ground or temporarily collect in existing depressions and ditches. To comply with City stormwater management requirements, the site will be designed with a system of interconnected stormwater ponds equipped with outfall control structures. These facilities are intended to hold and gradually release stormwater so that post-development discharge volume and peak discharge rates to the public drainage system do not exceed those of the current undeveloped condition. The stormwater system must be capable of managing runoff from major storm events, including rainfall events up to 11 inches within a 24-hour period. Historical data from the National Weather Service and the City of Port Orange indicate that, over the last 100 years (1924–2024), four rainfall events have exceeded this 11-inch, 24-hour threshold (see Figure 4).

Figure 4. Major Rain Fall Events From 1924 - 2024



Source: National Weather Service and City of Port Orange

As required by the LDC, any future development of the subject property must include a stormwater system with retention ponds and control structures to capture and treat runoff before discharge into the existing roadway swales along Charles Street, Russell Road, and Airport Road. From there, stormwater will follow the existing drainage path into the Halifax River, consistent with how the subject property drains as this time.

As required by the LDC, the stormwater system for this property will need to be designed to temporarily store stormwater on site in a series of stormwater ponds and then slowly release stormwater into the public drainage swales along Airport Road, Charles Street, and Russell Road. The system must be engineered so that during a design storm event, the amount and discharge rate of water leaving the site will not be greater than what currently drains from the property in its undeveloped state.

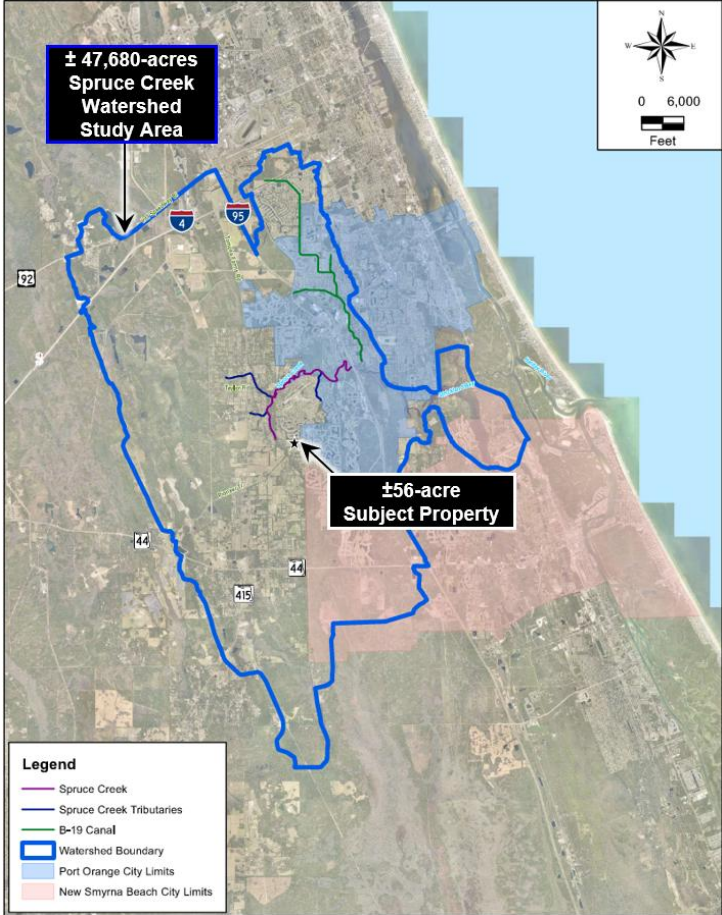
In addition to limiting how much volume of stormwater leaves the site, the LDC also limits how quickly stormwater can drain off the property, referred to as the rate of discharge. For example, during a design storm event (about 11 inches of rain in 24 hours), the site cannot release water any faster, at its peak, than it does today in its natural undeveloped state. To meet this requirement, the stormwater ponds on the subject property will need to be built large enough and with outfall control structures to slow the flow of stormwater leaving the subject property before it enters the public drainage system along Airport Road, Charles Street, and Russell Road.

The 56.53-acre subject property is located within the boundary of the Spruce Creek Watershed Study area. The study area is approximately 47,680 acres; therefore, the subject property represents less than 0.12 percent of the total watershed study area.

The Spruce Creek Watershed Study is currently being prepared by Halff Engineering Firm on behalf of Volusia County. The purpose of the study is not to propose flood mitigation solutions, but rather to evaluate existing hydrologic conditions and analyze how water flows throughout the watershed under current conditions. Upon completion, the study will serve as a supplemental technical resource to assist staff in evaluating potential drainage impacts, in conjunction with existing stormwater regulations and required site-specific engineering review.

According to Volusia County, the study will be completed in two phases. Phase I focuses on the sub-basin served by the B-21 Canal, with completion anticipated in April 2026. Phase II will address the remainder of the watershed, excluding the B-19 Canal, with completion anticipated in late 2026. The subject property is located within Phase II. The City of Port Orange is currently coordinating with the County’s consultant on a separate analysis of the B-19 Canal system. The City of Port Orange is currently coordinating with the County’s consultant on a separate analysis of the B-19 Canal system.

Figure 5. Spruce Creek Watershed Location Map



Recreation and Open Space

The City has sufficient parkland capacity to support the requested Future Land Use (FLU) designation and the proposed future development of the subject property. The requested FLU designation would require 1.89 acres of parkland, which represents a net increase of 1.58 acres compared to what is required under the current FLU designations. According to the City's 2025 Concurrency Management Report, the city currently maintains a surplus of 69.6 acres of parkland.

Schools

The Volusia County School District reviewed the proposed Future Land Use (FLU) amendment, the proposed rezoning to R-20SF, and the applicant's application for a school capacity review for a proposed 50-lot single-family home subdivision, to assess potential impacts on school capacity. Based on their analysis, the School District determined that there is adequate capacity to accommodate the estimated 13 students expected to be generated by a proposed 50-lot single-family home subdivision (see Exhibit 5).

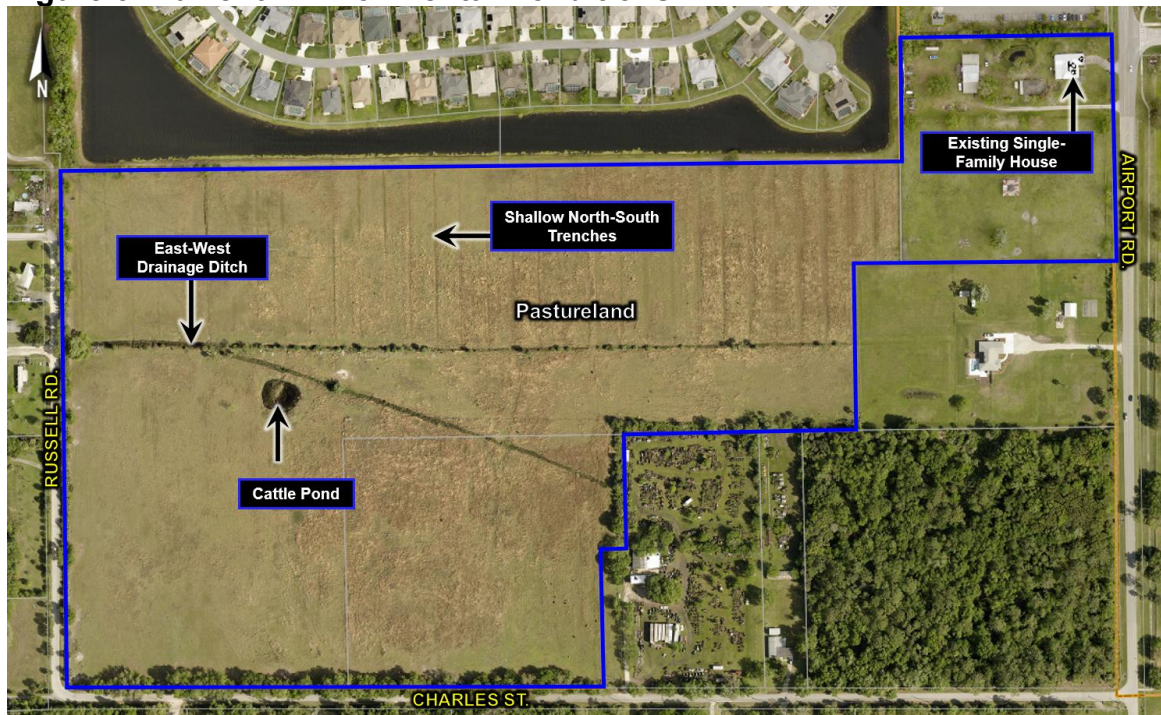
ENVIRONMENTAL CONDITIONS

In July 2024, an environmental analysis was prepared for the subject property by Young Bear Environmental (YBE) Consulting. Prior to any development on the subject property all federal, state, regional, and local environmental protection regulations will need to be met, addressed, or mitigated.

According to the 2024 analysis the 56.53-acre subject property has the following environmental conditions:

- The property consists of cleared, improved pastureland with generally flat topography and a slight east-to-west slope, containing man-made agricultural drainage features including shallow north-south trenches, an east-west drainage ditch, and a cattle pond.
- The only surface waters on-site are the man-made agricultural ditches and a cattle pond.

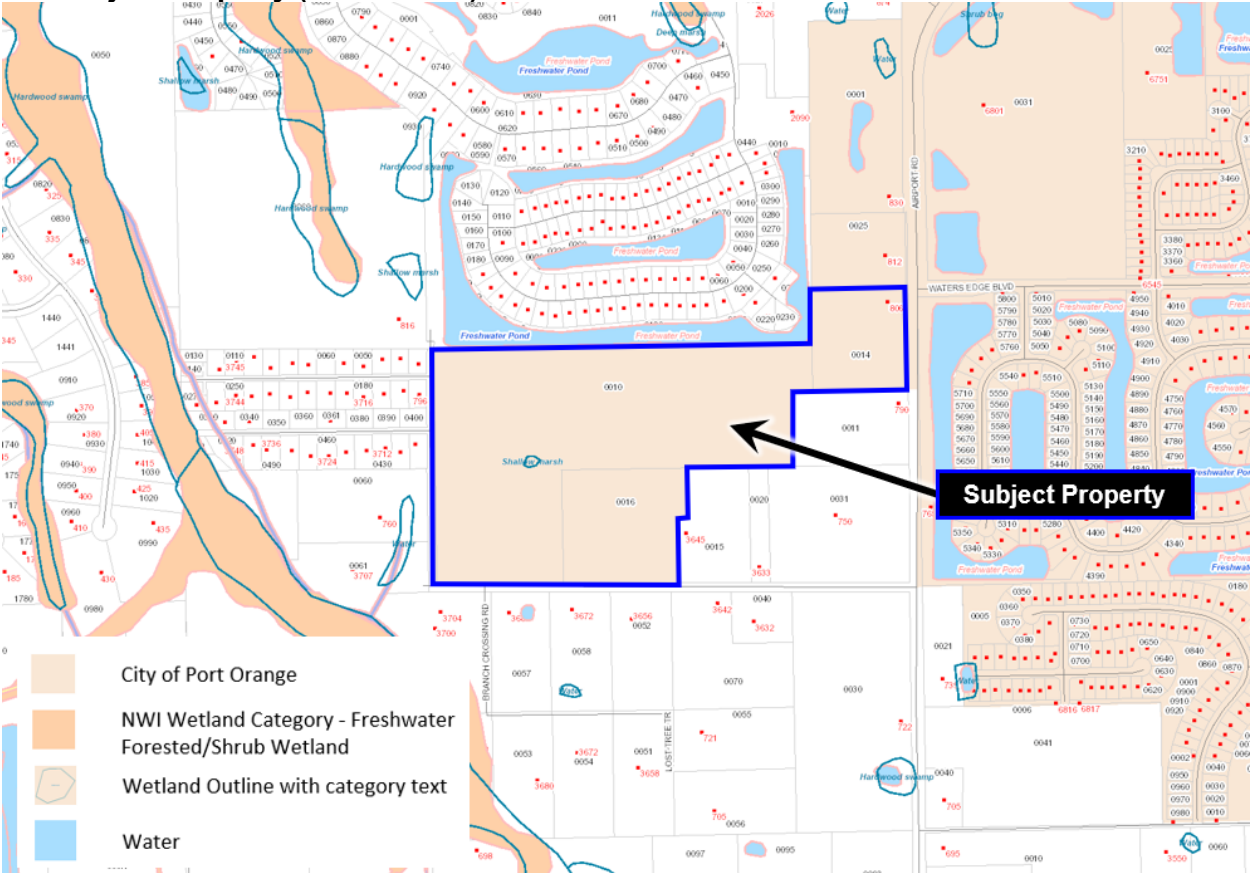
Figure 5. Current Environmental Conditions



- No wetlands were identified on the subject property. According to YBE, the determination that wetlands are not on the subject property was based on field surveys, review of aerial imagery, and consultation with state and federal wetland databases, following standard protocols for identifying hydric soils, wetland vegetation, and hydrologic indicators.
- Vegetation consists mainly of native grasses and plants (e.g. Bahiagrass and Broom Sedge).
- One potentially occupied gopher tortoise burrow was observed and was the only protected species confirmed on site. Prior to any development on the subject property a complete gopher tortoise survey will be required within 90 days prior to construction. If the removal of gopher tortoises is needed, a Florida Fish and Wildlife Commission permit and mitigation payment will be required prior to removal.

The YBE environmental analysis includes a review of the Volusia County wetland map obtained from the County's website, which indicates that no jurisdictional wetlands are identified within the boundaries of the subject property. Although mapped wetland features are present west of the site, none are shown on the subject parcel. Based on this mapping and other data collected by YBE, the assessment concludes that the property does not contain jurisdictional wetlands and that no wetland impacts are anticipated with future development. Figure 6 depicts the Volusia County wetland data, which identifies a single shallow marsh feature in the vicinity of the existing man-made cattle pond.

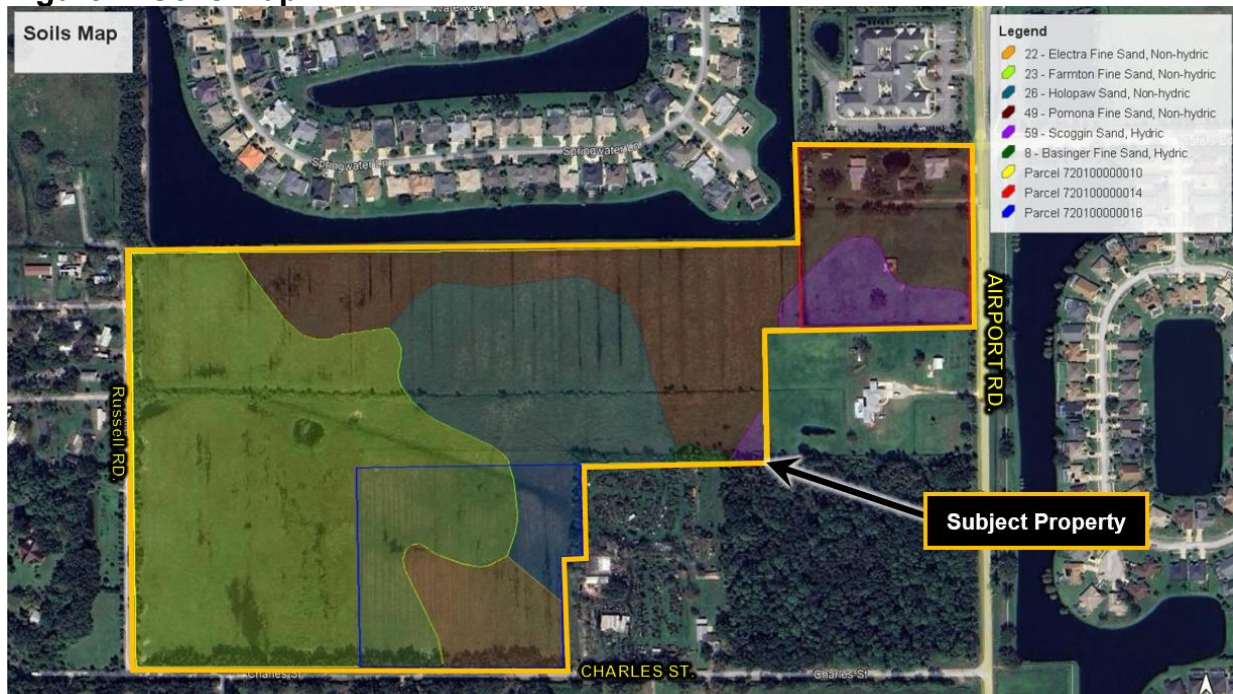
Figure 6. Volusia County Wetland Mapping Showing One Man-Made Shallow Marsh on the Subject Property (Cattle Pond)



Source: Volusia County Geographic Information Services (GIS)

The soils map (Figure 1)7 included in the YBE environmental analysis indicates that the subject property is comprised primarily of upland and non-hydric soil types. In addition to the soils mapping, YBE conducted field surveys, reviewed aerial imagery, and consulted state and federal wetland databases. Based on this combined analysis and application of standard wetland identification criteria, the report concludes that no wetlands were identified on the property.

Figure 7. Soils Map



Source: Young Bear Environmental (YBE) Consulting, July 2024 Environmental Assessment Report

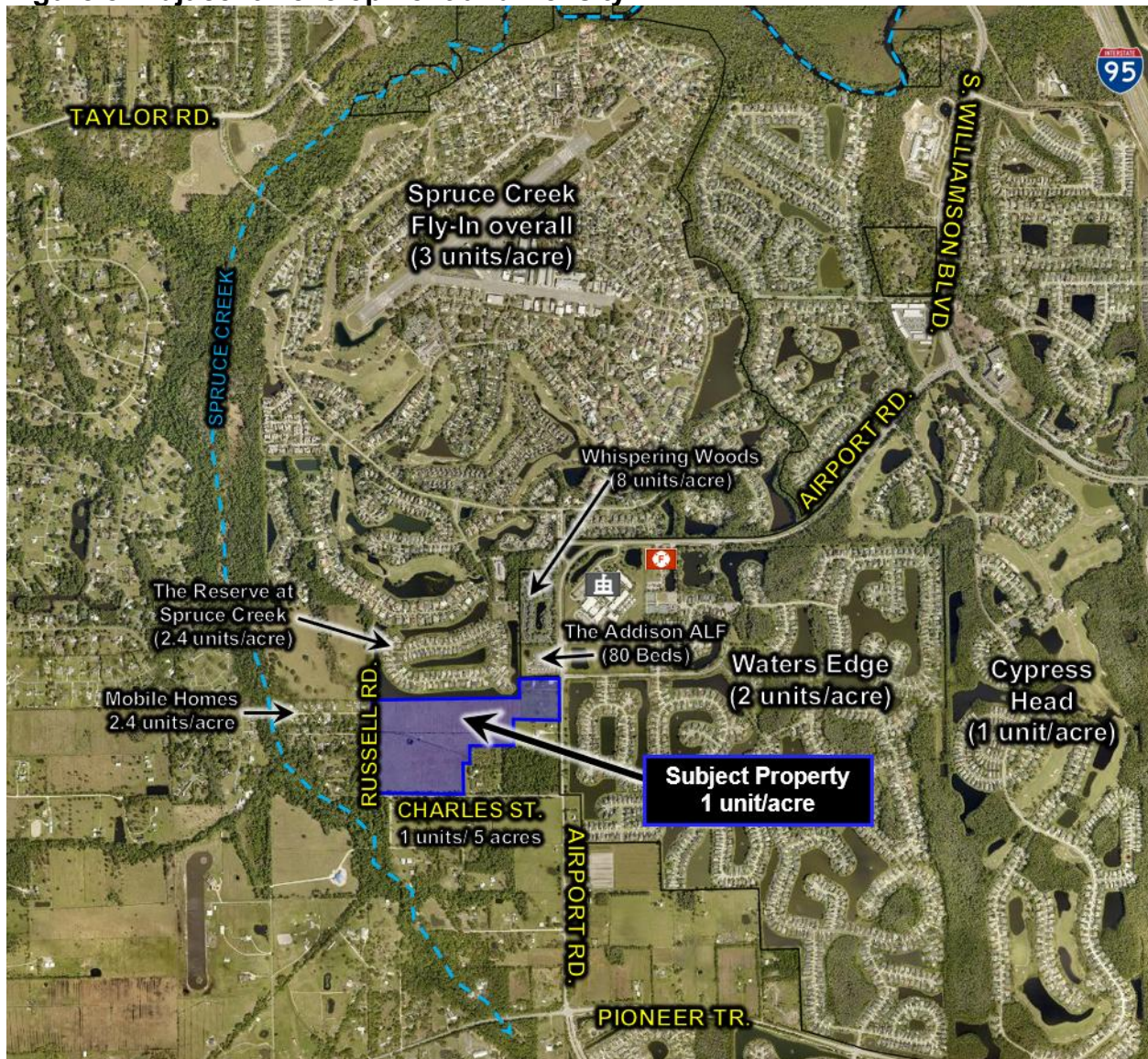
REVIEW CRITERIA AND STAFF FINDINGS

1. Consistency with the City's Comprehensive Plan.

Staff finding: The proposed FLU amendment is generally consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan. The proposed *Rural Residential* FLU designation for the subject property meets the locational criteria as it is located near Spruce Creek and situated between rural lands and areas of higher density/intensity (see Figure 8).

According to the infrastructure impact assessment, adequate capacity exists for sewer, potable water, solid waste, recreation, and schools to accommodate the proposed amendment. As for traffic, only one roadway segment (Pioneer Trail from Airport Road to Turnbull Bay Road) was identified that may be above the adopted level-of-service standard and as required by the LDC the future subdivision plat and plan for the subject property will be subject to all traffic concurrency regulations requiring adequate public facilities to be provided or to mitigate any impacts created by the proposed development. Approval of a Tri-Party Transportation Fair-Share Agreement between the City of Port Orange, Volusia County, and the Developer may be required to address impacts to the roadway network.

Figure 8. Adjacent Development and Density



The proposed FLU amendment is generally consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan.

Policy 1.1.3 (Future Land Use Element): In addition to requirements within Chapter 163, Florida Statutes, the evaluation of amendments to the Future Land Use Map shall be guided by the following criteria and the Goals, Objectives, and Policies of this Plan. Each amendment shall be reviewed on a case-by-case basis. Amendments are expected to be consistent with several, but not necessarily all, criteria below and result in an overall positive impact. The proposed amendment:

- A. Contains compatible changes in uses, density, and intensity based on surrounding development and land uses;
- B. Furthers the City's Vision;

- C. Furthers the City's Sustainability Strategies defined in this Element;
- D. Does not violate the locational criteria for the proposed category and the adjacent categories;
- E. Contains environmentally suitable uses, densities, and intensities;
- F. Does not adversely impact water quality and quantity or increase the potential for flooding;
- G. Reduces vehicle miles traveled;
- H. Does not adversely impact the City's transportation network, and the City's Transportation Concurrency Exception Area (TCEA) and furthers the City's mobility strategies;
- I. Will be supported by the necessary infrastructure and public services, and public facilities without reducing levels-of-service below adopted standards;
- J. Will be adequately served with the available water supply, the existing Consumptive Use Permit capacity, and the existing production facilities capacity based on the adopted level-of-service standards;
- K. Reduces or maintains the evacuation times below or within 12 hours; and
- L. Does not contribute to urban sprawl, a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

Policy 1.1.1(F) (Future Land Use Element): Rural Transition (0-2 units/acre) - The *Rural Transition* category includes rural-scale or large-lot (usually 1 to 2 acres) residential development that may also include accessory agricultural uses, based on the appropriate surrounding land use. This land use category should be located near Spruce Creek and its tributaries and situated between Agricultural lands and areas of higher density/intensity. Residential development is limited to no more than two units per acre based on 1) location where environmental factors preclude more intense development; 2) a location that limits the efficient provision of urban level services; and 3) location adjacent to existing large lot development or active agriculture. Where urban services are available, smaller lots of 5,000 s.f. and greater are allowed, as long as sufficient open space and natural areas are preserved so as not to exceed the maximum allowable density.

Policy 2.4 (Future Land Use Element): Consistent with the Transportation Element, the Coastal Zone Management Element, and the Volusia County Emergency Management Division, requests to increase development density and intensity will not be permitted in areas that do not meet required standards for hurricane evacuation, unless the developer mitigates their impact through a method permitted by Section 163.3178(8)(a), F.S. as amended, where such method is approved by the City at the time of the development order.

Policy 2.2.1 (Transportation Element): The City shall continue to review proposed development projects and future land use amendments for transportation concurrency through standards set forth in the LDC.

Objective 1.1 (Housing Element): Housing Supply. The City shall assist the private sector in providing new dwelling units to meet the needs of the existing and projected population of the City that is:

- A. Compatible with the identity and character of the area and surrounding properties;
- B. Provide options among a variety of housing styles, ownership formats, and housing types (i.e., multi-family, single-family);
- C. Cater to a variety of income levels and ages; and
- D. Offer a range of housing prices.

Policy 1.1.2 (Housing Element): Public facilities and infrastructure will be coordinated so that they are provided or planned for areas where future housing will be located, as indicated by the Future Land Use Map.

2. Compatibility with land use designations for adjacent parcels and neighborhoods.

Staff finding: Compatibility is defined in the comprehensive plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another and stable fashion over time, such that neither use is unduly negatively impacted by the other.

The proposed *Rural Transition* Future Land Use (FLU) designation for the subject property allows a maximum residential density of two units per acre. This density is consistent with, and in some cases lower than, the residential densities of many of the surrounding developed properties to the east, west, and north, which already contain comparable or higher-density residential uses.

Table 6. Density of Adjacent Development

Subdivision or Development Name	Density of Development	Number of Homes or Units	Year Built	Maximum Density Under Current FLU
Proposed Single Family Subdivision on Subject Property	1 unit per acre	50	N/A	2 units per acre (113 homes)
Spruce Creek Fly-In Subdivision	3 units per acre	1,422	1974-2001	4 units per acre
Whispering Woods Condominium	8 units per acre	104	2000-2003	8 units per acre
Waters Edge Subdivision	2 units per acre	1,206	1997-2010	2 units per acre
Cypress Head Subdivision	1 unit per acre	575	2002 - 2007	2 units per acre
VC Mobile Home subdivision	2.4 units per acre	48	1977	1 unit per 5 acres/ 0.2 units per acre

The LDC requires a 10-foot-wide landscape buffer is required along all local roads (Russell Road, Charles Street) and a 20-foot-wide buffer is required along arterial roads

(Airport Road). A landscape buffer is not required along property lines that abut other single-family zoned properties with similar density.

3. Impacts on public facilities/infrastructure/services.

Staff finding: All public facilities, except for one roadway segment, have adequate capacity to accommodate the proposed FLU amendment and potential increased impacts on infrastructure. Within the overall roadway study area, only the Pioneer Trail roadway segment from Airport Road to Turnbull Bay Road is anticipated to be above the adopted level-of-service standard and as with all development, the future subdivision plat and plan for the subject property will be subject to all concurrency regulations requiring adequate transportation facilities to be provided to mitigate the impacts created by the proposed development. Approval of a Tri-Party Transportation Fair-Share Agreement between the City of Port Orange, Volusia County, and the Developer may be required to address impacts to the roadway network.

According to the City's Comprehensive Plan and Land Development Code (LDC), a property must be able to manage stormwater on the subject property after development as it does prior to development or in its current undeveloped condition. Therefore, with the development of the subject property there can be no loss in the ability to hold stormwater or an increase in the volume of stormwater discharged or the rate stormwater is discharged into the regional drainage system.

In addition to complying with the City's LDC, the subject property will be required to meet all applicable State and regional permitting requirements for stormwater management, including those of the St. Johns River Water Management District (SJRWMD), the Department of Environmental Protection (DEP), and Volusia County, prior to any development on the subject property.

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 located within the Hurricane Vulnerability Zone. As a result, the proposed amendment will not negatively affect hurricane evacuation clearance times for populations within the Hurricane Vulnerability Zone.

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

Staff finding: The proposed amendment does not promote urban sprawl. According to the City's Comprehensive Plan, the *Rural Transition* Future Land Use (FLU) designation is a low-density category designed to serve as a buffer between rural areas and more developed neighborhoods. The subject property is located along an arterial roadway (Airport Road), is served by existing public infrastructure (water and sewer), and is within walking distance of a school (approximately 0.2 miles), a city park (approximately 0.7 miles), and a fire station (approximately 0.6 miles).

According to the Infrastructure Impact Assessment on page 6, adequate capacity exists for potable water, sanitary sewer, solid waste, parkland, and public schools to support the proposed amendment.

Regarding transportation, the segment of Pioneer Trail from Airport Road to Turnbull Bay Road is anticipated to exceed the adopted level-of-service standard in 2029. As with all subdivision developments, the future subdivision plat will be subject to traffic concurrency requirements at the time of development, ensuring that adequate public facilities are provided to mitigate any traffic impacts from the development.

PUBLIC NOTICE

Public Notice signs were posted on the subject property on Wednesday, February 4, 2026. As of Friday, February 20, 2026, staff has received phone calls or emails from four (4) individuals requesting general information about the proposed Future Land Use (FLU) amendment and related rezoning. The primary concerns raised included avoiding vehicular access onto Charles Street or Russell Road, and potential drainage impacts.

RECOMMENDATION

Based upon meeting the review criteria for a Future Lane Use Map Amendment as outlined in this report, approval is recommended for the requested amendment to the City's Future Land Use Map and transmittal of the amendment to the State Land Planning Agency, the Volusia Growth Management Commission, and all other required review agencies for formal review and comment.

ATTACHMENTS

- Exhibit 1 – Aerial Images of Property – Comparison from 1978 to 2024
- Exhibit 2 – Current and Proposed Future Land Use Map
- Exhibit 3 – Current and Proposed Zoning Map
- Exhibit 4 – SJRWMD Potable Water Availability Worksheet
- Exhibit 5 – School District Review Letter

Exhibit 1 - Aerial images of Property

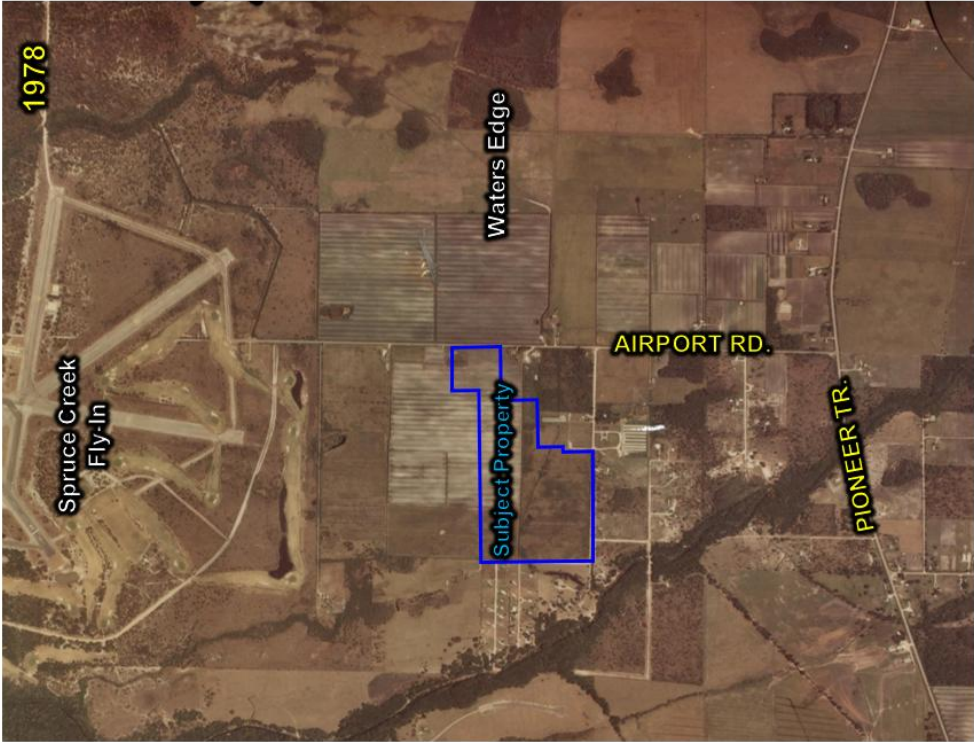
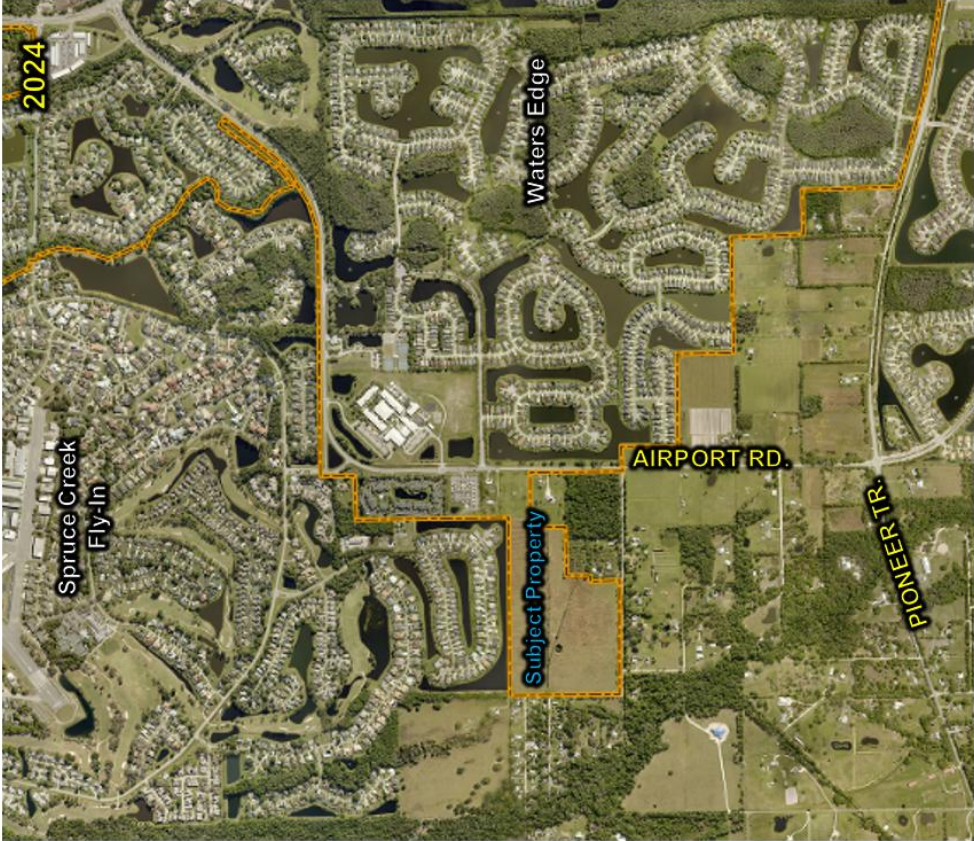


Exhibit 2

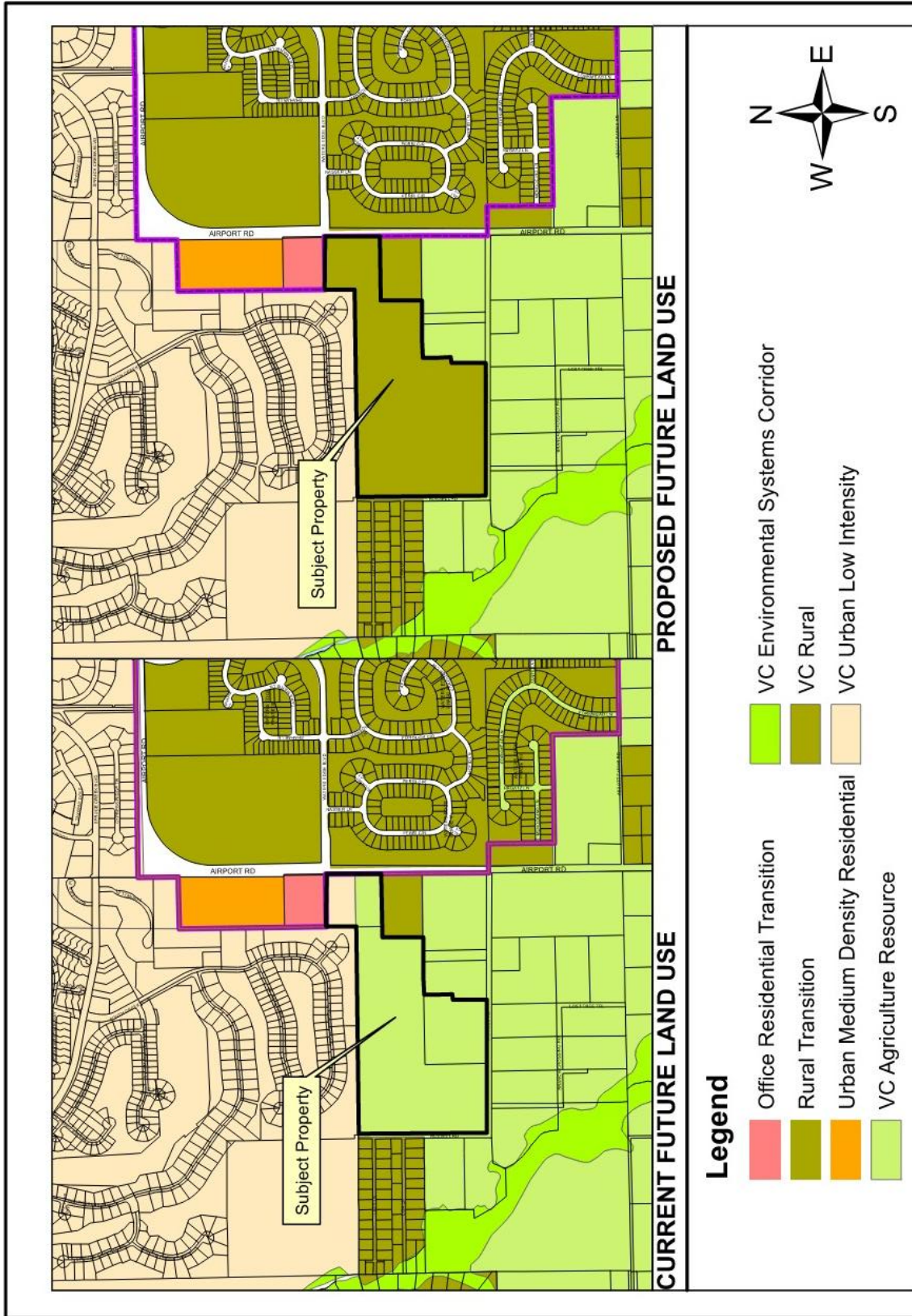


Exhibit 3



EXHIBIT 4



St. Johns River Water Management District Potable Water Availability Worksheet

This worksheet is for use by local governments submitting comprehensive plan amendments to determine the availability of potable water resources to serve proposed development. Instructions and St. Johns River Water Management District (SJRWMD) staff contact information are attached.

1. General Information

Date: 2-18-26
Contact name: Penelope Cruz Phone: 386-506-5671 E-mail: pcruz@port-orange.org
Local government: City of Port Orange
Potable water supplier: City of Port Orange

2. Infrastructure Information

Water treatment plant permit number: 3641044 Permitting agency: FDEP
Permitted capacity of the water treatment plant(s): 15 million gallons a day (mgd)
Total design capacity of the water treatment plant(s): 15 mgd
Are distribution lines available to serve the property? Yes No
If not, indicate how and when the lines will be provided: _____
Are reuse distribution lines available to serve the property? Yes No
If not, indicate if, how and when the lines will be provided: _____

3. SJRWMD Consumptive Use Permit (CUP) Information

CUP number: 8595-7 Expiration date: 2/14/43
Total CUP duration (years): 20
CUP allocation in last year of permit: 7.33 MGD
Current status of CUP: In compliance Not in compliance
Allocations to other local governments: Ponce Inlet as a whole sale customer; Daytona Beach Shores & Volusia County are partially served as retail customers; No specific water usage amount has been recorded or agreed for these local governments
Reserved capacity: .043 MGD (Based on a estimated 236 ELUs that are permitted but unbuilt at 180 GPD/ELU.) Total committed capacity built and unbuilt is 7.82 MGD - based on 43,439 ELUs at 180 GPD/ELU.

4. Consumptive Use Analysis

Designate mgd or mgy

A. Current year CUP allocation:	<u>7.33</u>
B. Consumption in the previous calendar year:	<u>6.65</u>
C. Reserved capacity <input type="checkbox"/> or growth projection <input checked="" type="checkbox"/> (check the one used):	<u>0.18</u>
D. Projected consumption by proposed comprehensive plan amendment areas	<u>0.17</u>
E. Amount available for all other future uses (A - B - C - D = E):	<u>0.33</u>

If the amount in E is zero or a negative number, explain how potable water will be made available for future uses: Please note for "C" - the growth projection is based a historical growth rate of 0.15 MGD - 0.18 MGD calculated from monthly operating reports data (MORs, DEP form 17.1.122 (40)) of the City's Garnsey Water Plant.

This worksheet is available electronically at http://www.sjrwmd.com/programs/outreach/local_gov/



EXHIBIT 5

School Board of Volusia County

Mr. Ruben Colón, Chair
Ms. Krista Goodrich, Vice Chair
Ms. Jamie M. Haynes
Mrs. Jessie Thompson
Ms. Donna Brosemer

Carmen J. Balgobin, Ed.D
Superintendent of Schools

School Adequate Capacity Determination Finding of Adequate Capacity Letter

January 27, 2026

Mr. A. Joseph Posey Jr, Esq
Storch Law Firm
420 S Nova Rd
Daytona Beach, FL 32114

RE: Legacy Acres f.k.a. Vintage Acres – City of Port Orange
School Concurrency Case # 25-07-24-001-A Amended

Mr. Posey:

The County Charter requires any Comprehensive Plan Amendment or Rezoning that allows increased residential density to be effective only when adequate public schools can be timely planned and constructed to serve the projected increase in student population. The district uses this requirement as the guiding principle behind the school adequate capacity review.

District staff have reviewed the amended school concurrency application for the proposed project now known as Legacy Acres, associated with 56.5 +/- acres of property. The property is located at or near the intersection of Airport Rd and Charles St within Port Orange city limits. Information provided in the amended application indicates the proposed project would now provide fifty (50) single family units.

The district uses a county wide Student Generation Rate (SGR) of (0.258) per single family dwelling unit to calculate projected students. By applying the SGR to the use types in Table 1 below, the project could generate thirteen (13) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	0.258	50	13
Multifamily Dwelling Unit	0.137	0	0
Manufactured Home Dwelling Unit	0.052	0	0
Total		50	13

When performing an adequate capacity review, district staff evaluates the effects of the proposed change compared to any remaining permanent capacity within the impacted schools, up to 100%, Table 2 (next page). The projected increase in student population may be over 100% if there are plans to serve increased student population in that planning area within the long-term planning horizon. A finding of adequate capacity may be issued in either case.

Table 2

Schools	SY 2025/26 Enrollment	% of Permanent Capacity	Plans for Capacity Increase Long-Term	Traditional K-12 students projected
Cypress Creek Elementary	716	107%	No	6
Creekside Middle	1,146	105%	No	3
Southeast CSA (New Smyrna Beach High)	1,727	107%	No	4
Other				0

The student projections generated by this project will increase the existing percentage above 100% permanent capacity at all school levels. However, these projected increases will remain below the 115% level of service (LOS) standard at the elementary and middle school levels and 120% LOS at the high school level. Based on this, the school district has no objections to the proposed development plan.

Minimum planning considerations should include pedestrian and vehicular access, safety, connectivity, and buffering. Additional considerations, particularly for gated and multi-family communities, include accessibility for school buses, by ensuring a turn radius of at least 60 feet at all entrances and exits, and the inclusion of dedicated pickup/drop off sites.

All future development orders, such as site plans and subdivisions, are subject to school concurrency review. School concurrency will be evaluated at the time when the impact of development is specifically quantified and known. Only funded school improvements and then current capacity will be considered at that time.

No student reservations have been made at this time.

Please note the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Consequently, students generated from this project may not attend the currently assigned schools.

Should you need additional information, please contact me at (386) 734-7190, ext. 50802.

Sincerely,



James F. Roberts
Specialist, Planning & GIS

CC: Carmen J. Balgobin, Ed.D, Superintendent of Schools
Ron Young, Director of Planning & Construction
Patricia S. Smith, AICP, Planning Coordinator
Penelope Cruz, AICP, Planning Manager, City of Port Orange



Finding of Adequate School Capacity

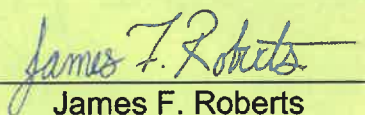
VOLUSIA COUNTY SCHOOL BOARD

Project Information	
Project Name	Legacy Acres
VCSB Project #	25-07-24-001-A
Jurisdiction Project #	
Parcel ID Numbers	7201-00-00-0010; 7201-00-00-0014; 7201-00-00-0016
Project Location	Airport Rd and Charles St
Potential Residential Units	50 Single Family Homes
Property Owner/Applicant	A. Joseph Posey Jr, Esq Storch Law Firm

Notes: Additional review will be required at the time of subdivision/site plan submittal(s). No Student Reservations have been made.

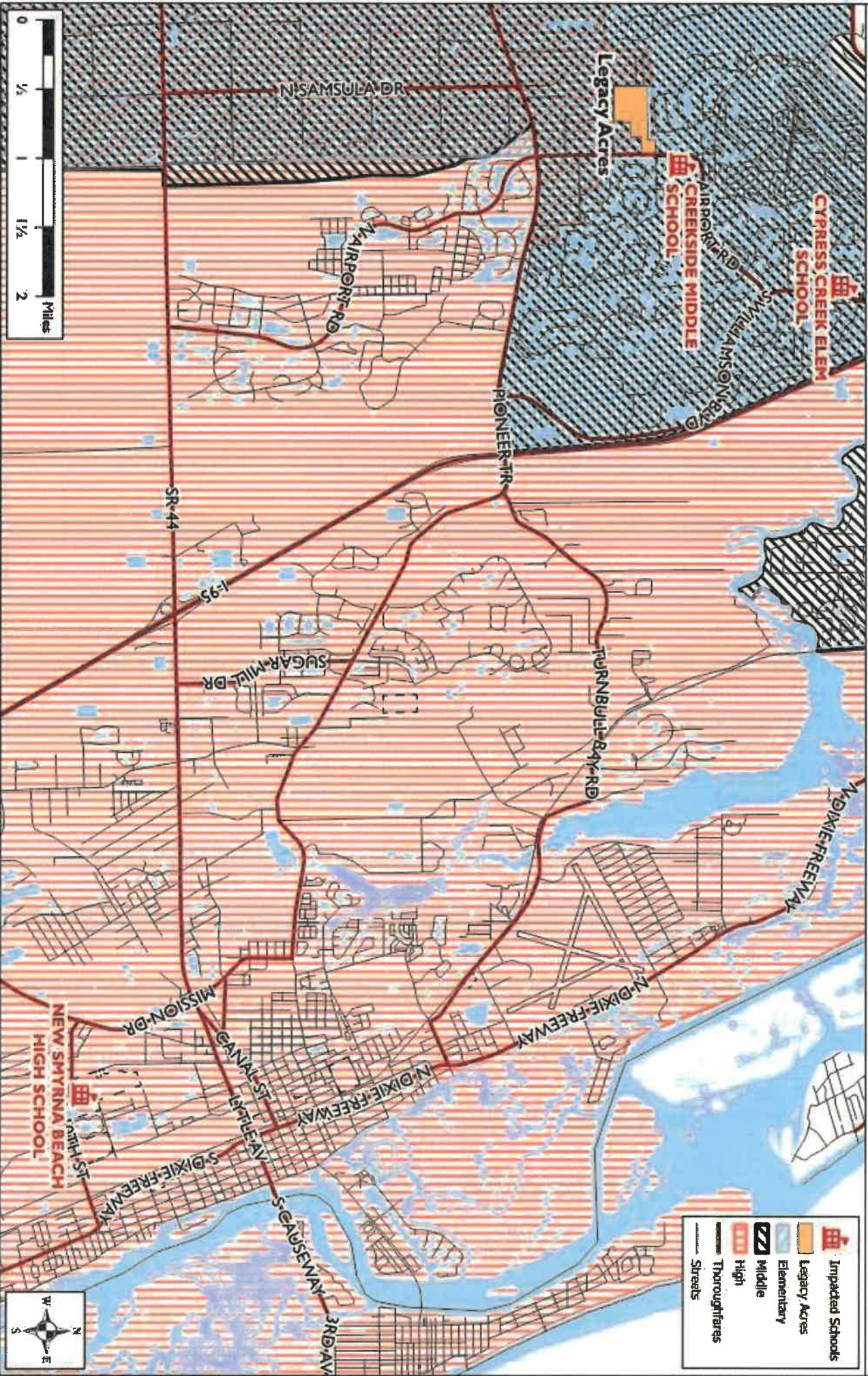
Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.

Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, it may be subject to additional school capacity review in the future.


James F. Roberts
Specialist, Planning & GIS

January 27, 2026
Issue Date

VCSB Schools Impacted by Development School Concurrency Review - Legacy Acres





STAFF REPORT
Conventional Rezoning
CASE NO. REZONING-26-0001

REQUEST: Rezone ±56.53 acres from Volusia County A-1 (Prime Agriculture) and Volusia County A-2 (Rural Agriculture) to City of Port Orange R-20SF.

APPLICANT: Paylin Acres, LLC

PROPERTY OWNERS: Andrea Baumann and Beth Anne Burnett; Joyce E Tumblin Trust; Stetson University Inc.

LOCATION: West side of Airport Road, north of Charles Street

STAFF RECOMMENDATION: Approval

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

PLANNING COMMISSION: February 26, 2026

INTRODUCTION

The applicant, Paylin Acres, LLC, on behalf of the property owners, has submitted a request to rezone approximately 56.53 acres consisting of 52.96 acres of Volusia County A-1 (Prime Agriculture) and 3.57 acres of Volusia County A-2 (Rural Agriculture) to City of Port Orange R-20SF. The subject property is located on the west side of Airport Road, north of Charles Street (Figure 1 – Page 2). If the rezoning is approved, the developer, Paytas Homes, intends to submit a development application for a 50-lot single-family residential subdivision.

The subject property was annexed into the City of Port Orange at the City Council meeting held on June 17, 2025. During the public hearings for the annexation, the applicant acknowledged that, upon approval of the annexation, the property would require the assignment of a City Future Land Use (FLU) designation and a corresponding zoning classification. In October 2025, the City Council did not approve applications for a Future Land Use (FLU) Amendment and Planned Unit Development (PUD) Rezoning for a proposed 113-unit single-family home development.

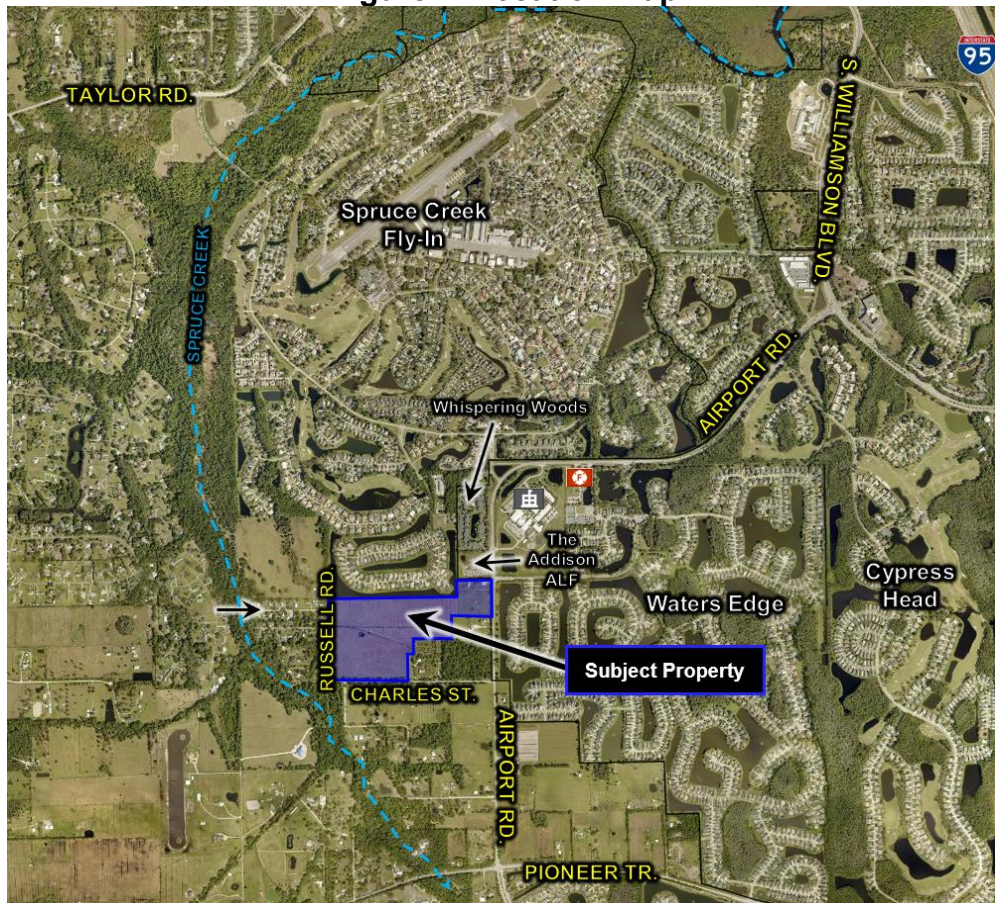
According to the Land Development Code (LDC), when a rezoning application is denied by the City Council, a subsequent application for a similar rezoning on any portion of the same parcel may not be submitted for a period of 12 months from the date of denial, unless specifically authorized by the City Council. A prior rezoning request for this property as a Planned Unit Development (PUD) was denied; however, the applicant is now requesting a different zoning designation. The current request is to rezone the property to the City's conventional R-20 Single-Family zoning district. Because the

current request is for a different zoning classification than the previously denied PUD, this rezoning request is not considered a similar rezoning request under the Code, and a new application may be submitted within the 12-month period.

If the rezoning is approved, at a later date, the applicant will be required to submit detailed subdivision plans that comply with all current City subdivision requirements in the LDC and City Standard Construction Details, and applicable State and regional permitting requirements from St. Johns River Water Management District (SJRWMD), Department of Environmental Protection (DEP), and Volusia County. The subdivision plans cover grading, stormwater drainage, landscaping (including the type and location of trees and shrubs), stormwater pipe sizing and placement, building locations, water and sewer lines, roadways, sidewalks, parking lots, off-site improvements, and other development requirements. A typical plan set is 30 to 75 pages of technical documents, signed and sealed by a licensed engineer, containing extensive engineering and construction details.

At the time conventional rezoning is requested, detailed subdivision plans are not required and often have not yet been prepared. In this case, the applicant has indicated that they have not yet finalized the detailed subdivision plans, as the applicant wants to know if the requested rezoning and Comprehensive Plan amendment will be approved.

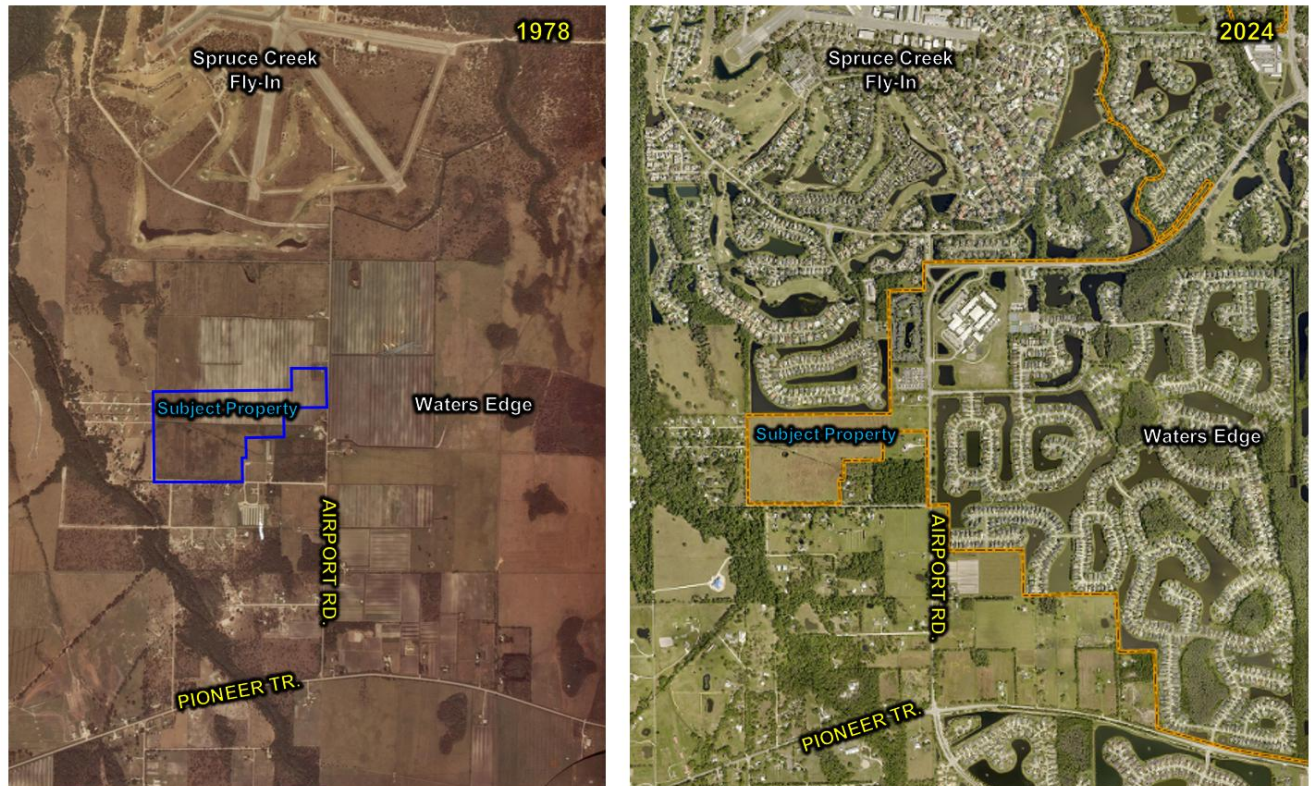
Figure 1. Location Map



OVERVIEW OF THE SUBJECT PROPERTY

The subject property has frontage along Airport Road, Charles Street, and Russell Road, all maintained by Volusia County. The majority of the property is currently cleared, vacant pastureland, with a single-family home, detached garage, and pole barn located at the northeast corner of the subject property. Based on aerial imagery available to staff, the ±56.53-acre property has been cleared pastureland since at least late 1978 (see Figure 2).

Figure 2. Aerial Images of the Subject Property in 1978 and 2024



CURRENT LAND USES, FUTURE LAND USE DESIGNATIONS AND ZONING CLASSIFICATIONS, AND DENSITY OF PROPERTIES ADJACENT TO THE SUBJECT PROPERTY:

According to the Land Development Code (LDC), the proposed R-20SF single-family residential zoning district is intended to serve as a transitional zone between rural low-density areas and medium/high density areas, both to protect agricultural pursuits and rural residences as well as to provide for desirable suburban residential densities. The R-20SF zoning district requires a minimum lot width of 100 feet and a minimum lot area of just under one-half acre. Examples of existing subdivisions in Port Orange that are zoned R-20SF include Broken Bow Estates and the Winter Park Subdivision, both located off Central Park Boulevard.

The current and proposed Future Land Use (FLU) designations for the subject property and the properties adjacent to the subject property are identified in Exhibit 1.

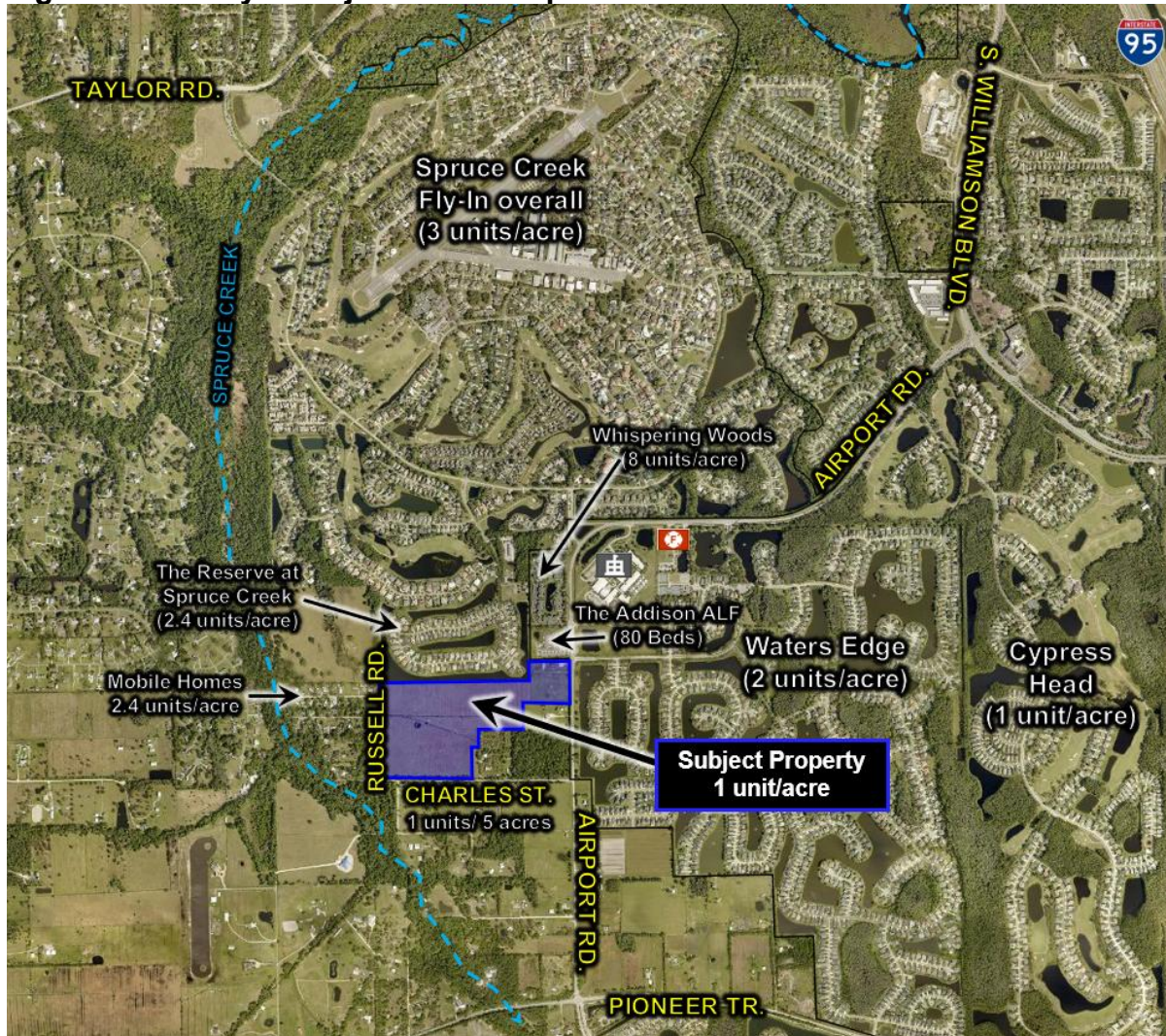
The current and proposed zoning classification for the subject property and properties adjacent to the subject property are identified in Exhibit 2.

The current land uses, Future Land Use (FLU) designations, and zoning classifications for the properties adjacent to the subject property are summarized below in Table 1 and the density for the properties adjacent to the subject property are summarized in Table 1 and shown on Figure 3.

Table 1. Current Land Uses, FLU Designations, Zoning Designations, and Density of Properties Adjacent to the Subject Property

Direction	Current Land Use	FLU Designation	Zoning District	Density
North	The Reserve at Spruce Creek Single-Family Home Subdivision	Volusia County <i>Urban Low Intensity</i> (0-4 units /acre)	Volusia County Planned Unit Development	2.4 units per acre
	The Addison Assisted Living Facility	City of Port Orange <i>Office/Residential Transition</i>	City of Port Orange Planned Unit Development	80 bed facility
South	Charles Street - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Single-family homes	Volusia County <i>Agriculture Resource</i> (1 unit/10 acres) and <i>Rural</i> (1 unit/5 acres)	Volusia County MH-3 Rural Mobile Home, A-1 Prime Agriculture, A-2 Rural Agriculture	1 unit per 5 acres
East	Airport Road - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Waters Edge Single-Family Home Subdivision	City of Port Orange <i>Rural Transition</i> (0-2 units/acre)	City of Port Orange Planned Unit Development	2 units per acre
West	Russell Road - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Mobile homes	Volusia County <i>Rural</i> (1 unit/5 acres) and <i>Agriculture Resource</i> (1 unit/10 acres)	Volusia County MH-6 Urban Mobile Home Subdivision and A-1 Prime Agriculture	2.4 units per acre

Figure 3. Density of Adjacent Development



R-20SF Dimensional Requirements

The dimensional requirements in the LDC for a single-family home lot in the R-20SF zoning district are provided below in Table 2. According to the LDC, the R-20 Single-Family Residential Zoning District is intended to function as a transitional zoning category between rural, low-density areas and medium- to higher-density residential areas. Its purpose is to help protect existing agricultural uses and rural residences while also allowing for appropriate residential densities.

Table 2. Dimensional Requirements for the R-20SF Zoning District

Minimum Lot Width	Minimum Lot Area	Maximum Lot Impervious Surface Coverage	Minimum Lot Open Space	Front Bldg. Setback	Side Bldg. Setback	Rear Bldg. Setback	Maximum Height
100 ft.	20,000 sq.ft.	40%	60%	30 ft.	10 ft.	25 ft.	35 ft.

Transportation

The applicant’s traffic engineering consultant, LTG Engineering & Planning (LTG), prepared a Traffic Memorandum evaluating the potential impacts of rezoning the subject property. Based on the memorandum, if the rezoning is approved and the proposed 50-lot single-family subdivision is developed under the R-20 zoning designation, the project is anticipated to generate approximately 38 AM peak hour trips (7:00 AM to 9:00 AM), 49 PM peak hour trips (4:00 PM to 6:00 PM), and 455 average daily trips onto the surrounding roadway network.

The full extent of the development’s impact on the surrounding road network will not be known until a traffic concurrency review is completed as required with the review of final subdivision plat and plan for the subject property. At the time the final subdivision plat and plans are submitted, an updated traffic study will need to be prepared to review how the traffic from the proposed subdivision will affect the existing surrounding roadways and identify any roadway improvements that may be necessary. The study will also take into account recently completed projects and projects currently under construction in the area (I-95 & Pioneer Trail Interchange), as these may alter travel patterns and affect traffic volumes on the surrounding roadway network.

As with all new developments within the city, the developer of this project may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City and Volusia County. This agreement may include requirements to construct or financially contribute toward planned roadway and intersection improvements to mitigate traffic impacts.

According to the latest traffic counts for Williamson Boulevard, Airport Road, and Pioneer Trail, there is currently capacity to accommodate the estimated 455 daily vehicular trips from a 50-lot single-family development of the subject property (Table 3).

Table 3. Roadway Capacities for Roadways Adjacent to Subject Property

Road	Location	Volume	Capacity	V/C Ratio*	Remaining Capacity
Airport Road	Williamson Blvd. to Pioneer Tr.	6,950	32,600	0.21	79%
Airport Road	Pioneer Tr. to Luna Bela Ln.	4,850	34,230	0.14	86%
Pioneer Trail	Airport Rd. to Turnbull Bay Rd.	7,200	13,640	0.53	47%
Pioneer Trail	Tomoka farms Rd. to Airport Rd.	5,550	13,640	0.41	59%
Williamson Boulevard	Airport Rd. to Spruce Creek Bridge	25,000	37,970	0.66	34%
Williamson Boulevard	Spruce Creek Bridge to Taylor Rd.	25,000	37,970	0.66	34%

* Volume/Capacity (V/C) Ratio - Volume-Demand-to-Capacity Ratio compares roadway demand (vehicle volumes) with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity.

Source: Volusia County Traffic Engineering (2022 data is the current available data from Volusia County).

According to LTG's analysis, only the segment of Pioneer Trail between Airport Road and Turnbull Bay Road is projected to exceed the adopted level of service (LOS) standards due to traffic generated by approved developments along Pioneer Trail in Port Orange and New Smyrna Beach, including a future development on the subject property. These projects are expected to contribute additional traffic volume to this roadway segment.

Depending on the timing of construction and completion of the developments in New Smyrna Beach and Port Orange along Pioneer Trail, capacity along Pioneer Trail may become constrained. As with all new developments within the city, the developer of this project may be required to construct or financially contribute toward planned roadway and intersection improvements to mitigate traffic impacts.

Open Space, Tree Preservation, Landscaping, and Buffers

If the rezoning request is approved, future development of the subject property must comply with all the landscaping, tree preservation, and open space requirements in the LDC. These requirements will be formally reviewed during the submission and review of the final subdivision plat and construction plans to verify compliance.

- Tree Preservation: Minimum of 15% or 8.48-acres of the 56.53-acre property will be set aside to protect existing trees.
- Open Space on Individual Lots: Minimum of 60% private open space is required for each lot. There is no overall subdivision or common open space required with any of the city's single-family conventional zoning districts.
- Specimen Trees: Initial site data shows that there are 43 specimen trees. The LDC requires that a minimum of 34 of the 43-specimen trees be preserved.
- Perimeter Landscape Buffers: A 10-foot-wide landscape buffer is required along all local roads (Russell Road, Charles Street) and a 20-foot-wide buffer is required along arterial roads (Airport Road). A landscape buffer is not required along property lines that abut other single-family zoned properties with similar density.

Potable Water, Sanitary Sewer, and Reclaimed Water

- Future development of the subject property will be served by the existing City's potable water, sanitary sewer, and reclaimed water located within the Airport Road right-of-way.
- Necessary improvements to infrastructure related to potable water, sanitary sewer, and reclaimed water will comply with the requirements of the City's Land Development Code (LDC).

Stormwater Management

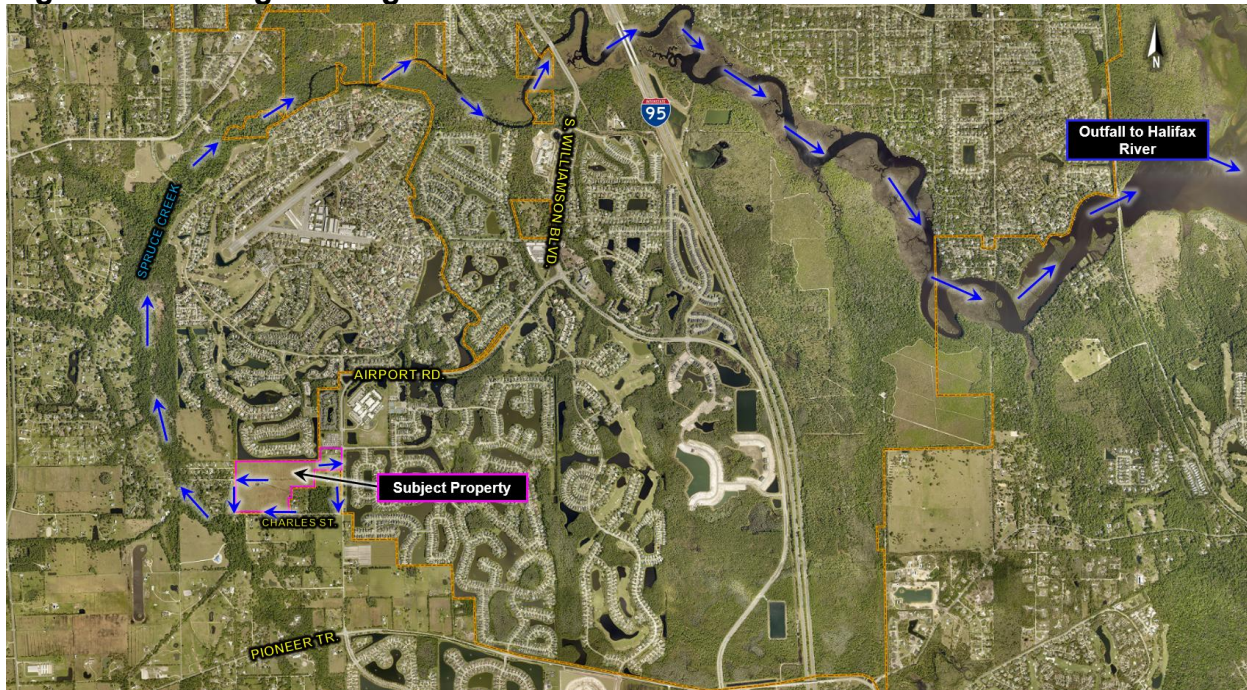
The City's Comprehensive Plan and Land Development Code (LDC) requires that stormwater conditions following development maintain the same performance as pre-development conditions. Specifically, the subject property must retain its existing capacity to store stormwater on-site, and development may not result in any increase in stormwater discharge volume or peak discharge rate to the regional drainage system. Any future development associated with the requested rezoning will be required to

demonstrate, through detailed stormwater design and permitting, that post-development runoff characteristics do not exceed those of the current undeveloped condition

In addition to complying with the City's LDC, the subject property will be required to meet all applicable State and regional permitting requirements for stormwater management, including those of the St. Johns River Water Management District (SJRWMD), the Department of Environmental Protection (DEP), and Volusia County, prior to any development on the subject property.

Currently, stormwater on the undeveloped subject property is partly absorbed into the ground, with some collecting in low areas and ditches on the subject property. Runoff not absorbed or stored on-site drains into Volusia County maintained roadway swales along Charles Street, Russell Road, and Airport Road. From there, it flows toward a County-maintained swale at the southwest intersection of Charles Street and Russell Road, then into Spruce Creek, and ultimately discharges into the Halifax River.

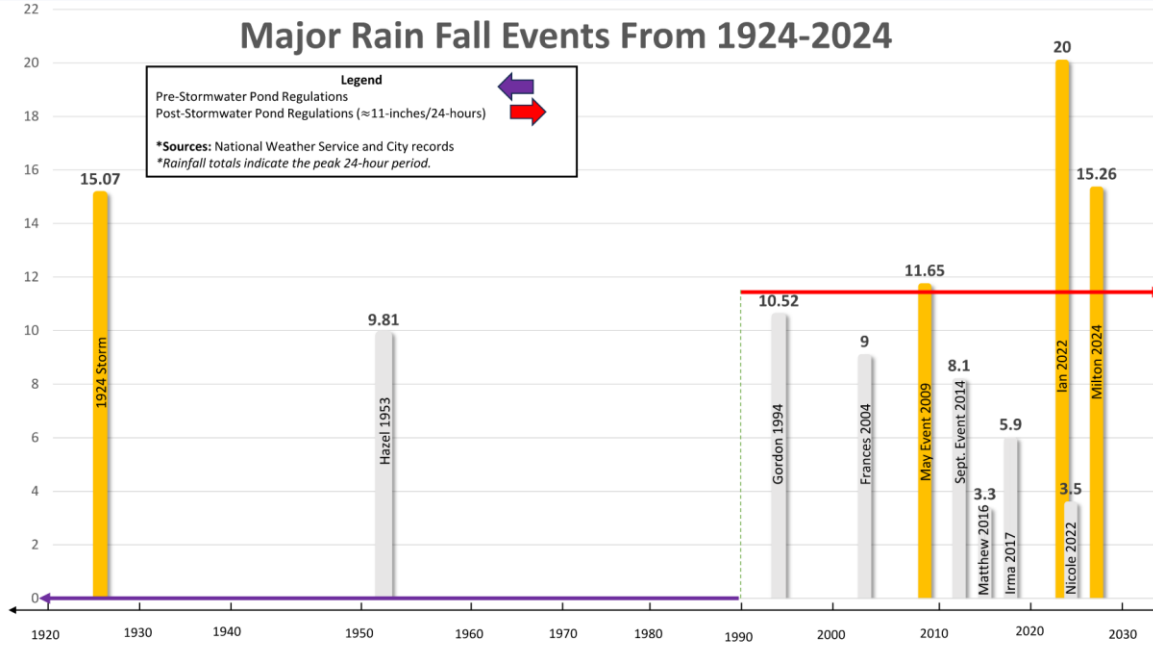
Figure 5. Existing Drainage Pattern



Development of the subject property will increase the amount of impervious surface area, including rooftops, roadways, and driveways. As impervious area increases, less stormwater can infiltrate into the ground or temporarily collect in existing depressions and ditches. To comply with City stormwater management requirements, the site will be designed with a system of interconnected stormwater ponds equipped with outfall control structures. These facilities are intended to hold and gradually release stormwater so that post-development discharge volume and peak discharge rates to the public drainage system do not exceed those of the current undeveloped condition. The stormwater system must be capable of managing runoff from major storm events, including rainfall events up to 11 inches within a 24-hour period. Historical data from the

National Weather Service and the City of Port Orange indicate that, over the last 100 years (1924–2024), four rainfall events have exceeded this 11-inch, 24-hour threshold (see Figure 6).

Figure 6. Major Rain Fall Events From 1924 - 2024



Source: National Weather Service and City of Port Orange

As required by the LDC, any future development of the subject property must include a stormwater system with retention ponds and control structures to capture and treat runoff before discharge into the existing roadway swales along Charles Street, Russell Road, and Airport Road. From there, stormwater will follow the existing drainage path into the Halifax River, consistent with how the subject property drains as this time.

As required by the LDC, the stormwater system for this property will need to be designed to temporarily store stormwater on site in a series of stormwater ponds and then slowly release stormwater into the public drainage swales along Airport Road, Charles Street, and Russell Road. The system must be engineered so that during a design storm event, the amount and discharge rate of water leaving the site will not be greater than what currently drains from the property in its undeveloped state.

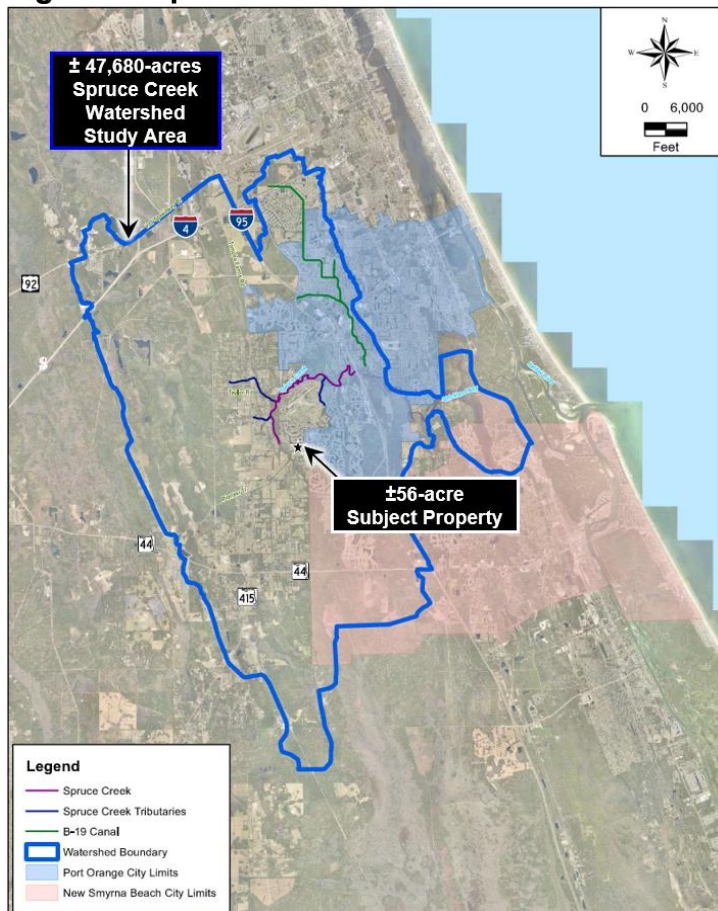
In addition to limiting how much volume of stormwater leaves the site, the LDC also limits how quickly stormwater can drain off the property, referred to as the rate of discharge. For example, during a design storm event (about 11 inches of rain in 24 hours), the site cannot release water any faster, at its peak, than it does today in its natural undeveloped state. To meet this requirement, the stormwater ponds on the subject property will need to be built large enough and with outfall control structures to slow the flow of stormwater leaving the subject property before it enters the public drainage system along Airport Road, Charles Street, and Russell Road.

The 56.53-acre subject property is located within the boundary of the Spruce Creek Watershed Study area. The study area is approximately 47,680 acres; therefore, the subject property represents less than 0.12 percent of the total watershed study area.

The Spruce Creek Watershed Study is currently being prepared by Halff Engineering Firm on behalf of Volusia County. The purpose of the study is not to propose flood mitigation solutions, but rather to evaluate existing hydrologic conditions and analyze how water flows throughout the watershed under current conditions. Upon completion, the study will serve as a supplemental technical resource to assist staff in evaluating potential drainage impacts, in conjunction with existing stormwater regulations and required site-specific engineering review.

According to Volusia County, the study will be completed in two phases. Phase I focuses on the sub-basin served by the B-21 Canal, with completion anticipated in April 2026. Phase II will address the remainder of the watershed, excluding the B-19 Canal, with completion anticipated in late 2026. The subject property is located within Phase II. The City of Port Orange is currently coordinating with the County's consultant on a separate analysis of the B-19 Canal system. The City of Port Orange is currently coordinating with the County's consultant on a separate analysis of the B-19 Canal system.

Figure 7. Spruce Creek Watershed Location Map



Schools

The Volusia County School District reviewed the proposed rezoning and the applicant's application for a school capacity review for a proposed 50-lot single-family home subdivision, to assess potential impacts on school capacity. Based on their analysis, the School District determined that there is adequate capacity to accommodate the estimated 13 students expected to be generated by a proposed 50-lot single-family home subdivision (see Exhibit 3).

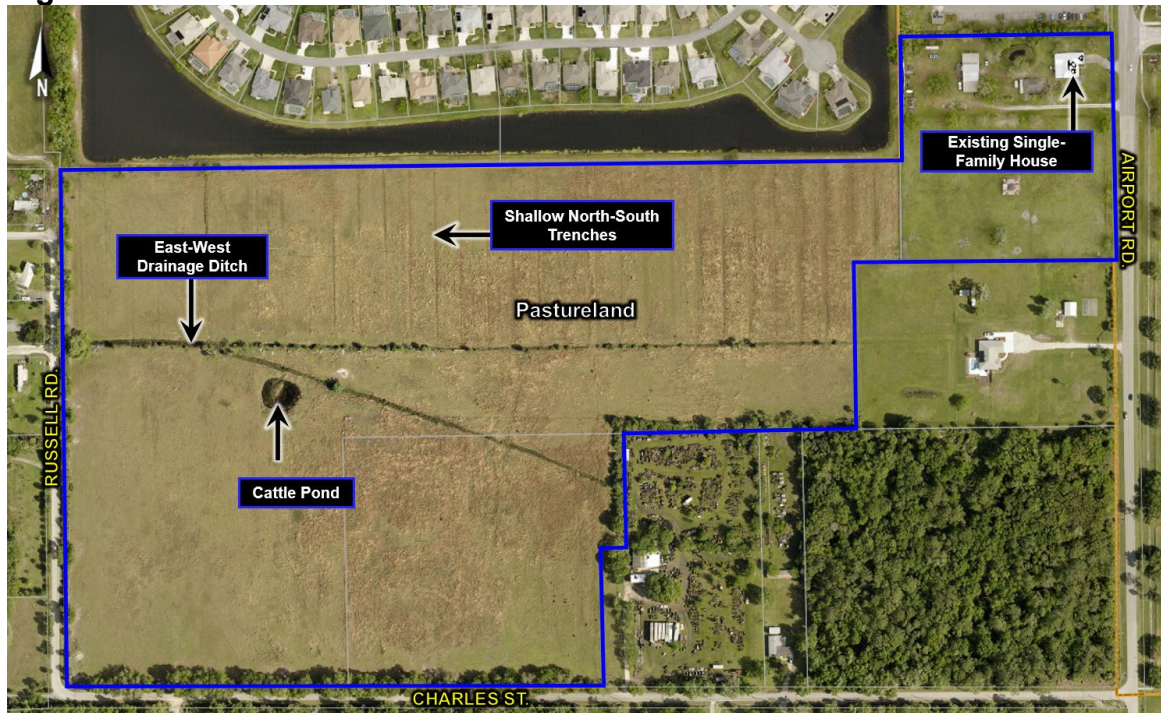
ENVIRONMENTAL CONDITIONS

In July 2024, an environmental analysis was prepared for the subject property by Young Bear Environmental (YBE) Consulting. Prior to any development on the subject property all federal, state, regional, and local environmental protection regulations will need to be met, addressed, or mitigated.

According to the 2024 analysis the 56.53-acre subject property has the following environmental conditions:

- The property consists of cleared, improved pastureland with generally flat topography and a slight east-to-west slope, containing man-made agricultural drainage features including shallow north-south trenches, an east-west drainage ditch, and a cattle pond.
- The only surface waters on-site are the man-made agricultural ditches and a cattle pond.

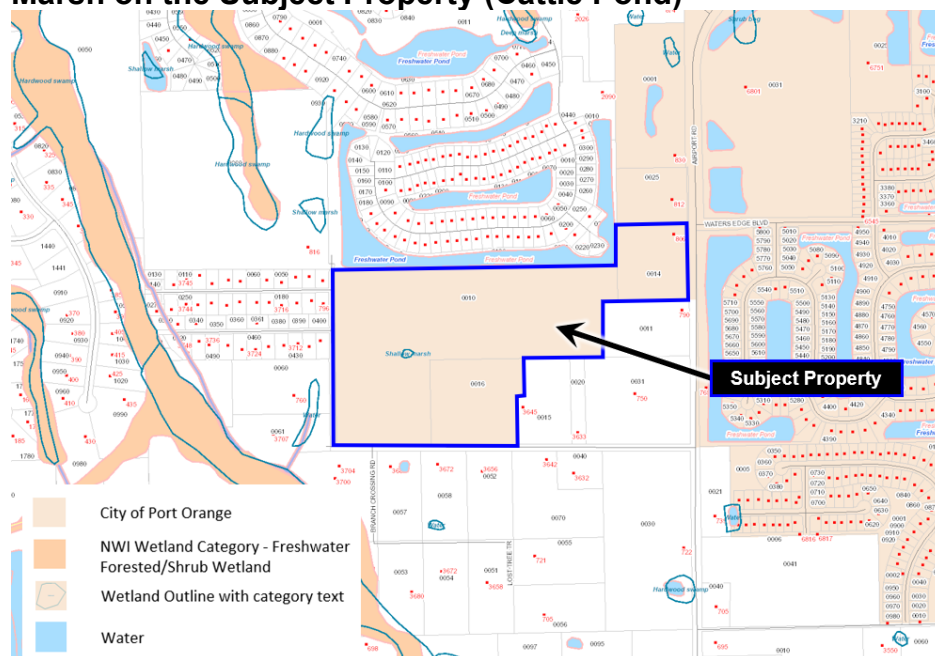
Figure 8. Current Environmental Conditions



- No wetlands were identified on the subject property. According to YBE, the determination that wetlands are not on the subject property was based on field surveys, review of aerial imagery, and consultation with state and federal wetland databases, following standard protocols for identifying hydric soils, wetland vegetation, and hydrologic indicators.
- Vegetation consists mainly of native grasses and plants (e.g. Bahiagrass and Broom Sedge).
- One potentially occupied gopher tortoise burrow was observed and was the only protected species confirmed on site. Prior to any development on the subject property a complete gopher tortoise survey will be required within 90 days prior to construction. If the removal of gopher tortoises is needed, a Florida Fish and Wildlife Commission permit and mitigation payment will be required prior to removal.

The YBE environmental analysis includes a review of the Volusia County wetland map obtained from the County's website, which indicates that no jurisdictional wetlands are identified within the boundaries of the subject property. Although mapped wetland features are present west of the site, none are shown on the subject parcel. Based on this mapping and other data collected by YBE, the assessment concludes that the property does not contain jurisdictional wetlands and that no wetland impacts are anticipated with future development. Figure 9 depicts the Volusia County wetland data, which identifies a single shallow marsh feature in the vicinity of the existing man-made cattle pond.

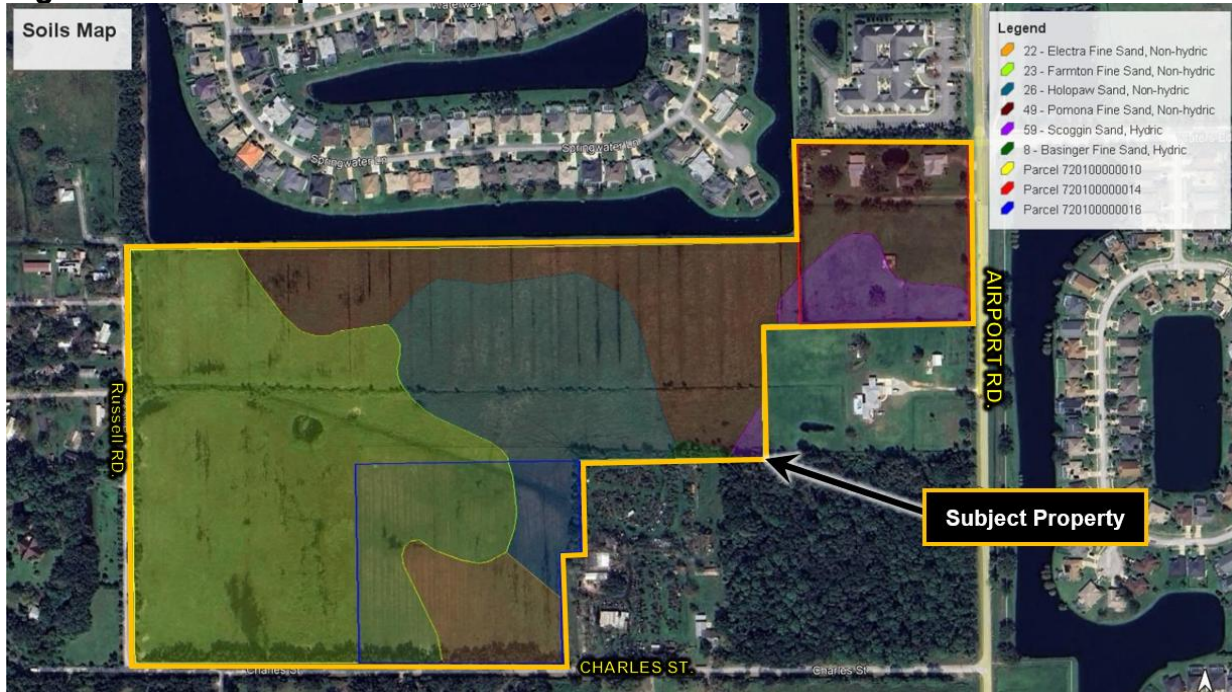
Figure 9. Volusia County Wetland Mapping Showing One Man-Made Shallow Marsh on the Subject Property (Cattle Pond)



Source: Volusia County Geographic Information Services (GIS)

The soils map (Figure 10) included in the YBE environmental analysis indicates that the subject property is comprised primarily of upland and non-hydric soil types. In addition to the soils mapping, YBE conducted field surveys, reviewed aerial imagery, and consulted state and federal wetland databases. Based on this combined analysis and application of standard wetland identification criteria, the report concludes that no wetlands were identified on the property.

Figure 10. Soils Map



Source: Young Bear Environmental (YBE) Consulting, July 2024 Environmental Assessment Report

CONSISTENCY WITH THE COMPREHENSIVE PLAN

A Comprehensive Plan Amendment (Case No. CPAM-26-0001) is being processed concurrently with the proposed rezoning to update the Future Land Use (FLU) Map for the ±56.53-acre site. The amendment would change the property from ±52.96 acres of Volusia County *Agriculture Resource* (1 unit/10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0–4 units/acre) to City of Port Orange *Rural Transition* (0–2 units/acre).

The proposed rezoning is generally consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan. The *Rural Residential* FLU designation is appropriate for this subject property because it is located near a Spruce Creek tributary and is positioned between rural lands and areas of higher density/intensity, meeting the locational criteria established in the Comprehensive Plan.

PUBLIC NOTICE

Public Notice signs were posted on the subject property on Wednesday, February 4, 2026. As of Friday, February 20, 2026, staff has received phone calls or emails from four (4) individuals requesting general information about the proposed rezoning. The primary concerns raised included avoiding vehicular access onto Charles Street or Russell Road, and potential drainage impacts.

RECOMMENDATION

Based upon meeting the review criteria for a conventional rezoning request as outlined in this report, approval is recommended for the request to rezone ±52.96 acres from Volusia County A-1 (Prime Agriculture) and ±3.57 acres from Volusia County A-2 (Rural Agriculture) to City of Port Orange R-20SF.

ATTACHMENTS

- Exhibit 1 – Current and Proposed Future Land Use Map
- Exhibit 2 – Current and Proposed Zoning Map
- Exhibit 3 – School District Review Letter

Exhibit 1

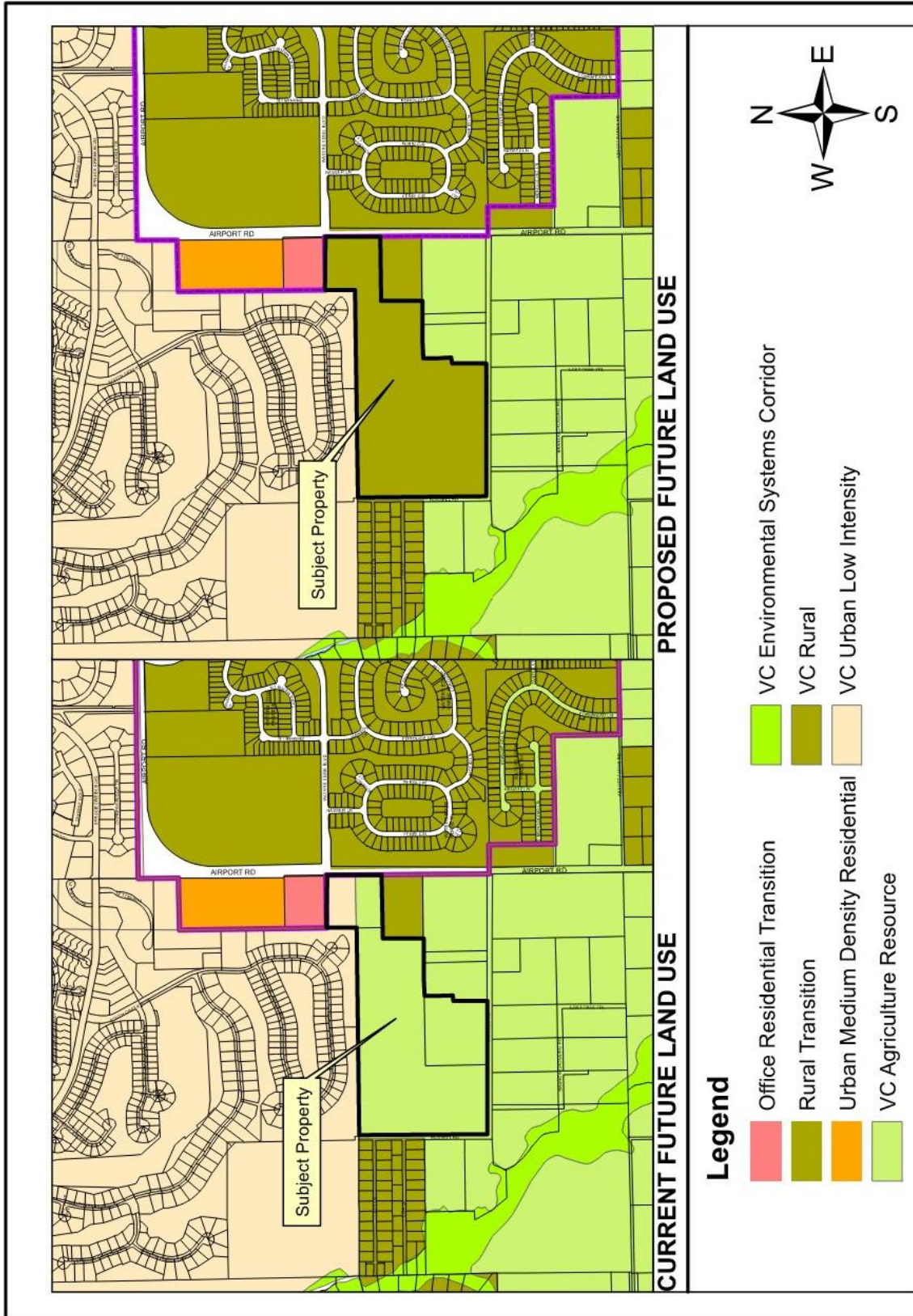


Exhibit 2

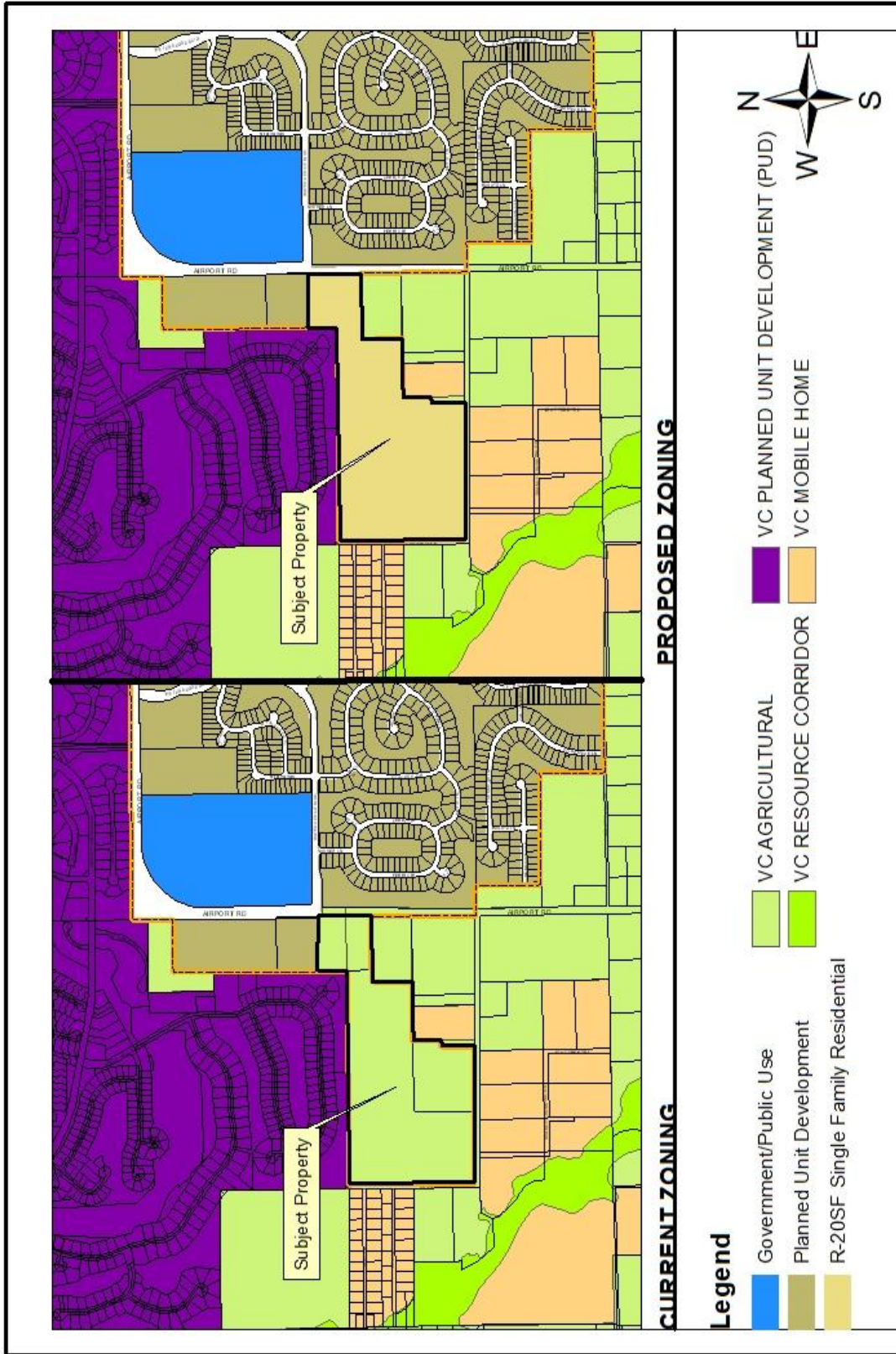




EXHIBIT 3

School Board of Volusia County

Mr. Ruben Colón, Chair
Ms. Krista Goodrich, Vice Chair
Ms. Jamie M. Haynes
Mrs. Jessie Thompson
Ms. Donna Brosemer

Carmen J. Balgobin, Ed.D
Superintendent of Schools

School Adequate Capacity Determination Finding of Adequate Capacity Letter

January 27, 2026

Mr. A. Joseph Posey Jr, Esq
Storch Law Firm
420 S Nova Rd
Daytona Beach, FL 32114

RE: Legacy Acres f.k.a. Vintage Acres – City of Port Orange
School Concurrency Case # 25-07-24-001-A Amended

Mr. Posey:

The County Charter requires any Comprehensive Plan Amendment or Rezoning that allows increased residential density to be effective only when adequate public schools can be timely planned and constructed to serve the projected increase in student population. The district uses this requirement as the guiding principle behind the school adequate capacity review.

District staff have reviewed the amended school concurrency application for the proposed project now known as Legacy Acres, associated with 56.5 +/- acres of property. The property is located at or near the intersection of Airport Rd and Charles St within Port Orange city limits. Information provided in the amended application indicates the proposed project would now provide fifty (50) single family units.

The district uses a county wide Student Generation Rate (SGR) of (0.258) per single family dwelling unit to calculate projected students. By applying the SGR to the use types in Table 1 below, the project could generate thirteen (13) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	0.258	50	13
Multifamily Dwelling Unit	0.137	0	0
Manufactured Home Dwelling Unit	0.052	0	0
Total		50	13

When performing an adequate capacity review, district staff evaluates the effects of the proposed change compared to any remaining permanent capacity within the impacted schools, up to 100%, Table 2 (next page). The projected increase in student population may be over 100% if there are plans to serve increased student population in that planning area within the long-term planning horizon. A finding of adequate capacity may be issued in either case.

Table 2

Schools	SY 2025/26 Enrollment	% of Permanent Capacity	Plans for Capacity Increase Long-Term	Traditional K-12 students projected
Cypress Creek Elementary	716	107%	No	6
Creekside Middle	1,146	105%	No	3
Southeast CSA (New Smyrna Beach High)	1,727	107%	No	4
Other				0

The student projections generated by this project will increase the existing percentage above 100% permanent capacity at all school levels. However, these projected increases will remain below the 115% level of service (LOS) standard at the elementary and middle school levels and 120% LOS at the high school level. Based on this, the school district has no objections to the proposed development plan.

Minimum planning considerations should include pedestrian and vehicular access, safety, connectivity, and buffering. Additional considerations, particularly for gated and multi-family communities, include accessibility for school buses, by ensuring a turn radius of at least 60 feet at all entrances and exits, and the inclusion of dedicated pickup/drop off sites.

All future development orders, such as site plans and subdivisions, are subject to school concurrency review. School concurrency will be evaluated at the time when the impact of development is specifically quantified and known. Only funded school improvements and then current capacity will be considered at that time.

No student reservations have been made at this time.

Please note the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Consequently, students generated from this project may not attend the currently assigned schools.

Should you need additional information, please contact me at (386) 734-7190, ext. 50802.

Sincerely,



James F. Roberts
Specialist, Planning & GIS

CC: Carmen J. Balgobin, Ed.D, Superintendent of Schools
Ron Young, Director of Planning & Construction
Patricia S. Smith, AICP, Planning Coordinator
Penelope Cruz, AICP, Planning Manager, City of Port Orange



Finding of Adequate School Capacity

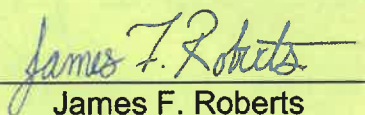
VOLUSIA COUNTY SCHOOL BOARD

Project Information	
Project Name	Legacy Acres
VCSB Project #	25-07-24-001-A
Jurisdiction Project #	
Parcel ID Numbers	7201-00-00-0010; 7201-00-00-0014; 7201-00-00-0016
Project Location	Airport Rd and Charles St
Potential Residential Units	50 Single Family Homes
Property Owner/Applicant	A. Joseph Posey Jr, Esq Storch Law Firm

Notes: Additional review will be required at the time of subdivision/site plan submittal(s). No Student Reservations have been made.

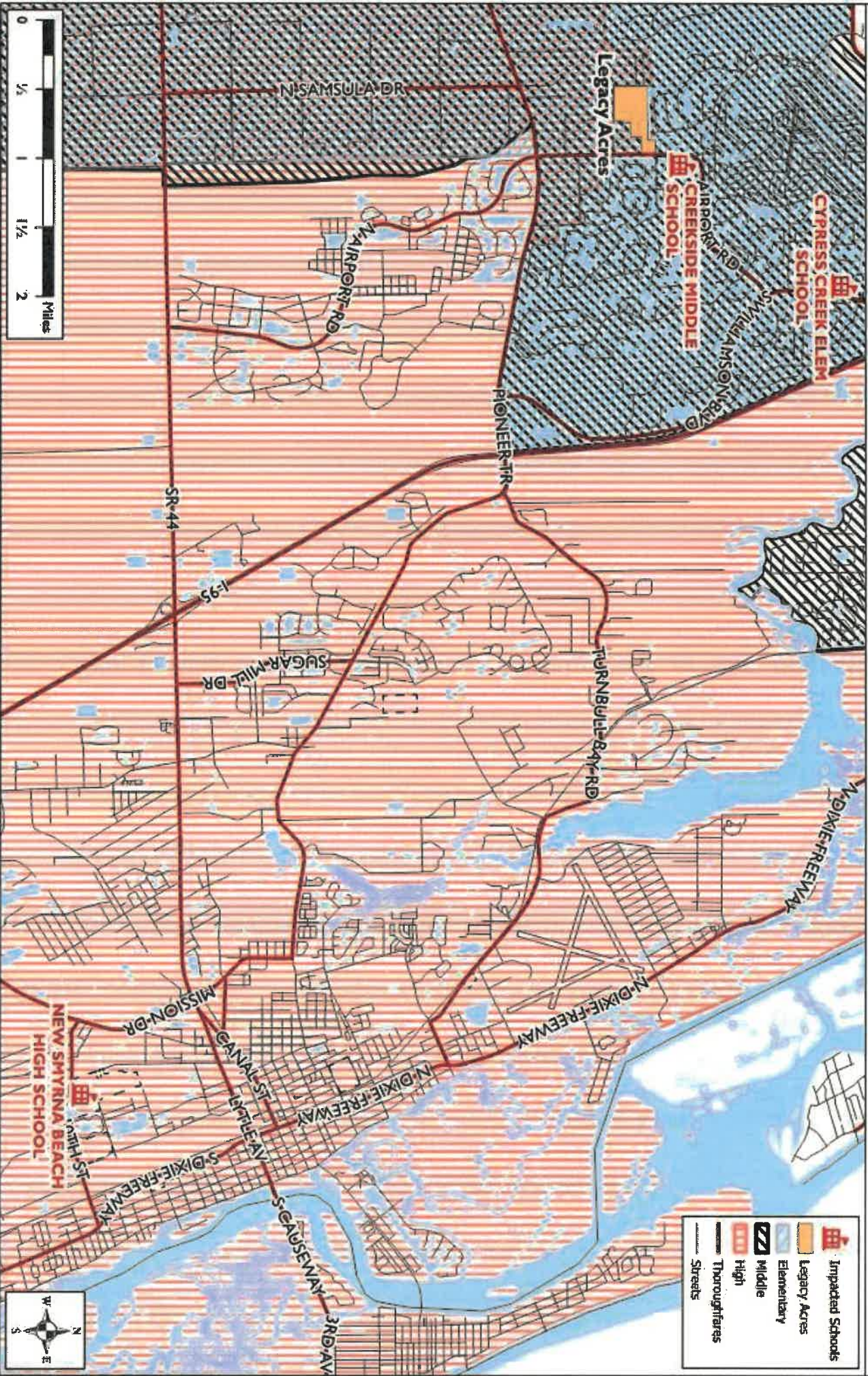
Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.

Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, it may be subject to additional school capacity review in the future.


James F. Roberts
Specialist, Planning & GIS

January 27, 2026
Issue Date

VCSB Schools Impacted by Development School Concurrency Review - Legacy Acres





STAFF REPORT

CASE NO. DCAM-26-0001

LDC TEXT AMENDMENT / CHAPTERS 2, 14, 15, and 16

REQUEST:	To amend Chapters 2, 14, 15, and 16 of the Land Development Code (LDC) regarding donation bins, temporary storage containers, and colors as part of an effort to update the LDC.
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
PLANNING COMMISSION DATE:	February 26, 2026

INTRODUCTION:

Staff has been updating the Code in phases over the past several years. Prior amendments included updates to sign regulations, the “green” building initiative, erosion control, updates to Building Code references, county-wide Traffic Impact Analysis standards, school concurrency, Construction Standards modifications, impact fees, site plan and subdivision regulations, removal of select uses from the Ridgewood Corridor zoning district, zero lot line homes in the R-2D zoning district, microbreweries, architecture requirements, economic development, Ridgewood targeted businesses, tree preservation, entertainment districts, home based businesses, docks and boathouses, and others.

SUMMARY OF PROPOSED AMENDMENT

The proposed amendments in this package are intended to enhance the existing Code as part of the City’s ongoing maintenance efforts. The amendments address issues encountered in applying the Code, including regulations for outdoor donation bins, temporary storage containers, the method for determining whether a color qualifies as an earth tone or pastel, and clarification of color regulations for murals.

CHAPTER 2 - DEFINITIONS AND INTERPRETATIONS AND CHAPTER 16 - MISCELLANEOUS REGULATIONS

The proposed amendment to the Land Development Code (LDC) establishes clear, consistent, and enforceable standards for outdoor donation bins, replacing the previous practice of classifying them as part of a “service area.” Service area requirements in the LDC are intended to apply to mechanical equipment (HVAC units, meters, etc.) and elements that serve or are associated (dumpster, tanks,) with a principal building use. A freestanding donation bin is not considered accessory to a primary building on a site, as it is typically operated and maintained by a separate organization rather than the business located on the property.

The proposed amendment defines donation bins and provides specific requirements that clarify allowed locations, size, appearance, number, and the operation of a donation bin, while maintaining the original intent of service area standards for building-related elements.

In developing the text amendment, City staff conducted a comprehensive review of donation bins on developed sites and other codes adopted by other local governments. This review considered site functionality, safety, and operations in addition to aesthetics and screening.

The proposed amendment would establish the following requirements within Chapter 16 of the Land Development Code (LDC) that must be met for the placement of donation bins within the City. These requirements are intended to address aesthetics, public safety, construction quality, and overall site functionality.

- Allowed locations: A donation bin may only be located on an approved developed and occupied non-residential site located within a commercial (NC, CC, HC, ICD, RD, PCD) or industrial (CI, LI) zoning district, or on the site of a non-profit organization or house of worship.
- Prohibited locations: A donation bin shall not be permitted on a site with a residential zoning district, a developed but unoccupied site or any site within the Port Orange Town Center Community Redevelopment Area. If a site becomes unoccupied due to business relocation or closure, the donation bin shall be removed.
- Location criteria: A donation bin shall be located on improved, level, paved surfaces that are part of a larger, developed, and occupied site. A donation bin shall not be placed in or block access to any code required parking spaces, access drives, loading or service area, or fire lane. A donation bin shall be securely anchored to prevent overturning or movement during severe weather and sited to provide adequate access and maneuverability for servicing vehicles without obstructing any access drives.
- Quantity: A parcel or lot that is less than five acres (5) in area shall be limited to one (1) donation bin and a parcel or lot that is five (5) acres or more in area shall be limited to two (2) donation bins.
- Parking and access drives: A donation bin shall not be placed in an access drive or block access to any access drive or parking space required by the LDC.
- Site design and safety: A donation bin shall be securely anchored to prevent overturning or movement during severe weather and must be located in a manner that provides adequate driveway access and maneuverability for service and loading vehicles.
- Orientation: The receiving door for a donation bin shall face the interior of the site and away from public rights-of-way and access drives.

- Size and appearance: A donation bin cannot exceed 35 square feet in area or 7 feet in height and must be painted in an earth-tone or pastel color as defined by the LDC.
- Setbacks: A donation bin shall not encroach in required landscaping or landscape buffer and shall be setback at least 100 feet from any residential use or zoning boundary, and 100 feet from an arterial right-of-way (Dunlawton Avenue, Nova Road, Clyde Morris Boulevard, Ridgewood Avenue, Taylor Road, Spruce Creek Road, and Williamson Boulevard).
- Use and maintenance: Donated items must be fully contained within a donation bin, with no outdoor display or on-site processing permitted. A donation bin shall be properly maintained to prevent nuisances such as odor, noise, rust, or graffiti, and all required signage must remain legible. Any overflowing or discarded items, trash, debris and other material or items in the area surrounding a donation bin must be removed immediately, with the permittee and property owner jointly responsible for maintaining the surrounding area free of debris.
- Liability: The permittee and property owner may be held individually and jointly liable for violations.
- Relocation: A donation bin shall not be moved from the approved location without obtaining a new permit from the city.
- Signage: A donation bin shall not be used for off-site advertising of commercial activities. A donation bin shall provide all signage required by Florida Statutes § 496. In addition, a permittee may install a maximum of four (4) square feet of additional informational signage on no more than two sides of the donation bin.

The proposed amendment would establish specific regulations for the review and approval of donation bins within Chapter 16 of the Land Development Code (LDC). Under the proposed amendment, city approval would be required prior to the placement of any donation bin within the city. This approval would be issued through a city permit that authorizes the location, number, and appearance of a donation bin(s).

To obtain approval, any person or organization making the request to place a donation bin within the City would be required to submit the following for staff to review for compliance with the LDC.

- 1) A scaled site plan or drawing depicting the proposed location(s) of the donation bin(s);
- 2) A photograph or illustrative drawing of the proposed donation bin(s), including dimensions, color, signage, and any other information deemed necessary to evaluate the request; and
- 3) Written consent from the property owner to allow placement of the donation bin in the requested location.

Based on a review of existing donation bins on developed sites in Port Orange, the majority do not comply with the proposed amendment and would need to be removed.

The following photographs illustrate donation bins within the city that do not comply with the proposed requirements due to color, quantity on a site, placement, location, and signage. If the text amendment is adopted, these bins would be required to be removed or relocated elsewhere on the property, subject to issuance of the appropriate permit.



Example of existing donations bins that do not comply with proposed requirements

If this amendment is approved, Code Enforcement has acknowledged that they will contact all property owners with a donation bin to notify them that either the property owner or the organization that owns the bin must apply for a permit. Donation bins for which a valid permit is issued may remain in place. Any donation bin for which a permit is not submitted or approved must be removed by the property owner or face Code Enforcement action.

CHAPTER 16 - MISCELLANEOUS REGULATIONS

The Land Development Code (LDC) currently regulates temporary storage containers (e.g., PODS) on residential properties in Chapter 16; however, the LDC does not address their use on non-residential properties. Temporary storage containers are commonly utilized in non-residential and residential construction and renovation projects to store furniture, inventory, equipment, tools, and building materials associated with interior remodels, tenant improvements, structural repairs, additions, and damage restoration.

Although permanent outdoor storage is permitted for certain commercial and industrial uses, those regulations apply to permanent outdoor storage areas that must be identified on an approved development plan and screened from public rights-of-way. As such, the LDC currently contains no specific standards for temporary storage containers on non-residential properties when associated with a construction and renovation project.

The proposed amendment would establish regulations for temporary storage containers on non-residential properties consistent with those applicable to residential properties. Under the proposed language, temporary storage containers would be permitted only in association with improvements for which a building permit has been issued, or for other

site improvements not requiring a development permit, subject to approval by the Administrative Official. The container would be permitted only for the duration of the active building permit and must be removed prior to the City's issuance of a Certificate of Occupancy, Certificate of Completion, or final inspection. *The Administrative Official may also approve temporary storage containers for unique circumstances that do not require a building permit or for time extensions when warranted.*

CHAPTER 2 - DEFINITIONS AND INTERPRETATIONS AND CHAPTER 14 ARCHITECTURAL DESIGN

The Land Development Code (LDC) currently requires that the color of structures other than single-family home, duplex, or manufacture home be limited to earth-tones or pastels, with other colors, excluding fluorescents, not exceeding twenty percent of any single elevation. The proposed amendment **does not change** the allowed colors for a non-residential structure; rather, it updates the method for determining whether a color qualifies as an earth tone or pastel to align with current paint industry standards.

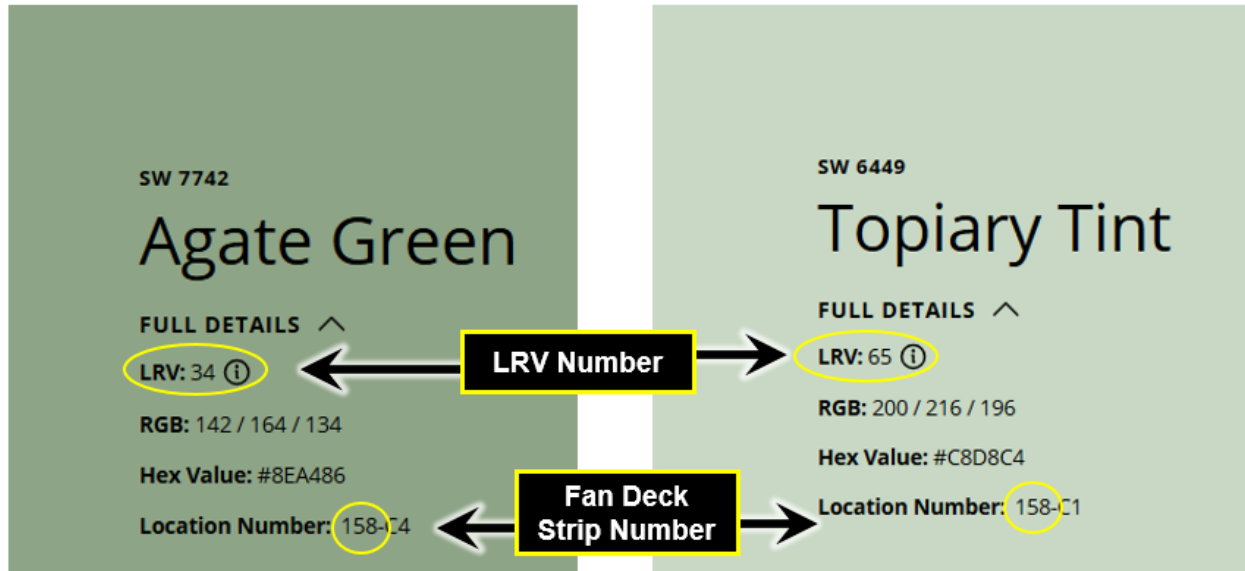
The current LDC defines colors based on the percentage of black or white in a given hue. However, this method is outdated, as modern paint colors are mixed from multiple bases and cannot be accurately measured by black or white content alone. Today, the paint industry uses Light Reflectance Value (LRV) as an objective and measurable standard for determining a color's lightness or darkness. This proposed amendment updates the LDC to align with current paint industry standards, ensuring a consistent and accurate method for determining whether a color qualifies as an earth tone or pastel.

Light reflectance value (LRV) is a measure of visible and usable light that is reflected from a surface when illuminated by a light source on a zero (0) [absolute black] to 100 [pure white] scale. The higher the LVR, the lighter and brighter the color. The lower the LVR the darker, more saturated the color. The LVR numeric scale is measurable and listed on all paint chips and samples. The proposed amendment establishes the LRV limits for an earth-tone color at a LRV of 25 or greater and a pastel color with light-toned colors with an LRV of 80 or greater and peaches, pinks, lavender, blues and greens with an LRV of 65 or greater.

In preparing this amendment, City staff consulted with employees at Home Depot, Lowe's, and Sherwin-Williams to confirm that LRV is the current standard used in their stores and to verify that it is the recognized method for measuring a color's lightness and brightness.

Below are paint sample cards from the Sherwin-Williams paint store illustrating two shades of green from the same fan deck strip (No. 158). A fan deck strip is a series of related paint colors grouped within a manufacturer's color system and displayed together on a single removable strip within a larger fan deck. These strips typically present variations of the same hue arranged from lighter to darker tones based on their Light Reflectance Value (LRV), which measures the amount of visible light a color reflects on a scale from 0 (black) to 100 (white).

For example, within Strip No. 158, *Agate Green* has an LRV of 34 and is classified as an earth tone, while *Topiary Tint* has an LRV of 65 and is classified as a pastel color. Although both colors are green and part of the same color family, the difference in LRV demonstrates a substantial variation in depth and brightness.



Examples of plant sample cards from Sherwin-Williams showing the LRV for each color

CHAPTER 15 - SIGNS

The City's Land Development Code establishes color standards for non-residential buildings, generally requiring exterior colors to be earth tones or pastels. These standards ensure compatibility with other buildings and maintain a cohesive visual character. However, existing code does not specifically address murals and their unique role in public art and creativity. The code currently allows murals to be on a principal structure, accessory structure, fence or wall, or other structure on a commercial lot, but did not address allowed colors.

The proposed text amendment is to clarify that a mural shall not be subject to the color regulations otherwise required for buildings, with the exception that reflective or fluorescent colors shall not be used and allows murals to use colors beyond earth tones and pastels to encourage creativity and recognize murals as unique works of art. Reflective and fluorescent paints remain prohibited to maintain safety and visual appropriateness, while providing clear guidance for staff and property owners.

RECOMMENDATION

Approval to amend Chapters 2, 14, 15, and 16 of the Land Development Code as discussed in this staff report.

EXHIBIT 1

Chapter 2 DEFINITIONS AND INTERPRETATIONS

Donation bin. Any stationery or free-standing container, receptacle or similar device that is located outdoors on any property within the city and is used for the collection of donated items, such as clothing, books, shoes or other non-perishable personal property.

Earth-tones. Earth tones colors shall include shades of brown, taupe, beige, terra cotta, olive, sage, and grey, with a Light Reflectance Value (LRV) of 25 or greater. shall include the following colors:

- (a) Any tint or tone of brown, including beige, tan, ocher and olive.
- (b) Any tone of green, having a minimum black content of six percent.
- (c) Any tone of orange (warm red and yellow base), having a minimum black content of three percent.
- (d) Any warm or cold shade of gray.
- (e) Any tone of yellow, having a minimum black content of five percent.
- (f) Any tone of warm red, having a minimum black content of five percent and a minimum warm red content of 45 percent.
- (g) White.

~~Earth tones shall not include any metallic colors.~~

Fluorescent. A color, often called "neon," with exceptionally bright, high-visibility hues that appear to glow, particularly under sunlight or ultraviolet (UV) light by absorbing UV light and re-emitting it as visible light, causing it to appear to glow and appear brighter than conventional colors.

Light reflectance value (LRV). A measure of visible and usable light that is reflected from a surface when illuminated by a light source.

Pastel. Pastel colors include, but not limited to, white and light-toned colors with a Light Reflectance Value (LRV) of 80 or greater and peaches, pinks, lavender, blues and greens with a Light Reflectance Value (LRV) of 65 or greater.

Chapter 14 - ARCHITECTURAL DESIGN

Section 4: - Design criteria:

(d) Colors. Building colors shall be coordinated and applied consistently on all building elevations. Colors shall be earth-tones and pastels. ~~The selection of earth-tones shall be in accordance with the definition provided in this code. The selection of pastels shall be limited to those colors having a minimum white content of 90 percent.~~ Other colors, excluding fluorescents, may be permitted as accent colors, not to exceed 20 percent of the surface area of any one elevation.

- (1) The requirement for earth-tones and pastels shall not apply to colors commonly found in natural materials such as brick or stone, unless such material has been artificially colored in a manner which would be contrary to the intent of these regulations.
- (2) A color or color scheme which is directly inherent to a unique recognized architectural style, but not otherwise in compliance with this section may be permitted through the development plan approval process.

Chapter 15 - SIGNS

Section 11: - Permanent signs.

(c) *Permanent sign types.* Permanent signs include the following types:

(11) *Murals and art sculptures.* Murals and art sculptures are subject to the following standards:

- (a) Murals may be located on a principal structure, accessory structure, fence or wall, or other structure on a lot, and shall not be subject to color regulations in this code except that reflective or fluorescent colors shall not be used.
- (b) Art sculptures may be located on a lot outside of required buffers and yard setbacks.
- (c) The minimum dimensional requirements and number of murals and art sculptures allowed for each district shall be as follows:

[no change to table that follows]

Chapter 16 MISCELLANEOUS REGULATIONS

Section 1: Accessory uses and structures.

[No change to subsections (a) through (d) and (f)]

(e) *Outside storage.* Outside storage of new and used equipment and materials shall be regulated as follows.

(1) *Residential uses.*

- (a) Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.
- (b) Materials and equipment such as appliances, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. Additionally, unlicensed/unregistered, disabled, abandoned, or inoperable motor vehicles shall not be stored outside. Unlicensed/unregistered, disabled, abandoned or inoperable recreational vehicles or equipment (as defined in section 70-48 of this Code of Ordinances) shall not be stored outside unless awaiting repair and stored pursuant to section 70-48(h). This prohibition shall not apply to licensed/registered and operable motor vehicles, recreational vehicles and equipment and other such vehicles, which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.
- (c) Unless otherwise stated, temporary storage containers (e.g. PODS) shall be restricted to the driveway for a period not to exceed 72 hours in any continuous 30-day period. However, if said container is placed as permitted and is related to an improvement that has been issued a building permit, said container will be permitted for the duration of the building permit and shall be removed prior to the city's issuance of a certificate of occupancy or completion or final inspection, as applicable. The use of a temporary storage container may also be allowed for other site improvements or scenarios that may not require a permit if approved by the Administrative Official.

(2) *Office uses.* Outside storage of equipment or materials shall not be permitted for office uses.

(3) *Commercial uses.* Outside storage of equipment and materials shall be permitted only when associated with a commercial use and located in designated areas approved for such display as part of a development plan, or as part of a building permit, if the required right-of-way landscape buffer is provided. Additional restrictions are specified below.

- (a) Storage of licensed and operable motor vehicles, boats, recreational vehicles, tractor trailers, storage trailers and other such vehicles shall be

located out of view from any abutting rights-of-way, private streets, waterways and residential uses.

- (b) Outdoor display and/or storage may be permitted in conjunction with special sales events such as those permitted under chapter 58, article III, Code of Ordinances, and other uses when permitted by special exception or approved as part of a development plan.
 - (c) Licensed and inoperable motor vehicles awaiting repair may be stored within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than 28 consecutive days.
- (4) *Industrial uses.* Outside storage of equipment or materials shall be permitted for industrial uses, when in compliance with the following requirements.
- (a) All storage areas shall be enclosed by an opaque wall, fence or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property.
 - (b) All equipment or materials shall be secured, if necessary, to withstand winds.
 - (c) Screening shall not be required around storage areas for operable motor vehicles and landscape materials.
 - (d) No licensed and inoperable motor vehicles shall be stored for a period exceeding 28 consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.
- (5) Temporary storage containers (e.g. PODS) on non-residential sites shall only be allowed in relation to an improvement that has been issued a development permit. Said container shall only be permitted for the duration of the construction and shall be removed prior to the city's issuance of a certificate of occupancy, certificate of completion, or final inspection, as applicable. The use of a temporary storage container may also be allowed for other site improvements or scenarios that may not require a development permit if approved by the Administrative Official.
- (6) Outdoor donation bins. The requirements of this part apply to donation bins (or boxes) which function as accessory uses or structures, or other temporary structures when used for the purpose of collecting recyclable materials and/or re-sellable goods. In addition to any applicable zoning regulations, all donation bins allowed as accessory uses or structures under this part shall conform to the following requirements.
- (a) No donation bin shall be placed in the City until approval from the City as provided in this section is obtained.
 - (b) In order to obtain approval for a donation bin to be placed in the City, a permit application shall be submitted with the following information:

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- 1) A scaled drawing showing the location of the proposed donation bin and indicating the donation bin size and color, signage, and any other information deemed necessary to review the request.
 - 2) The name, address and telephone number of the permittee.
 - 3) Written consent of the property owner or legal designee to establish the donation bin in the requested location on form provided by the City.
- (c) Following approval by the city for the placement of a donation bin, a donation bin shall not be relocated from the approved location unless the applicant obtains a new permit from the City.
 - (d) A donation bin shall only be located upon improved, level, paved surfaces on an occupied non-residential building site in a commercial and industrial zoning district, or on a building site of a non-profit organization or house of worship, excluding any property located within the boundary of the Port Orange Town Center Community Redevelopment Area.
 - (e) No donation bin shall be permitted on any building site that is developed but unoccupied. If a building site becomes unoccupied due to a business relocation or closing after approval to place a donation bin, then the donation bin must be removed.
 - (f) A donation bin shall be located on an improved impervious surface and shall be anchored to such surface in such a manner that in the event of severe weather, the bin is not overturned or moved.
 - (g) A donation bin shall be removed from its permitted location within 24 hours of the issuance of a hurricane watch by a recognized governmental agency. The removal of a donation bin is the responsibility of the permittee and/or property owner. If not removed within this time period, the city may remove, store or dispose of the donation bin.
 - (h) A parcel or lot that is less than five acres (5) in area shall be limited to one (1) donation bin and a parcel or lot that is five (5) acres or more in area shall be limited to two (2) donation bins.
 - (i) A donation bin shall not be located in any of the following areas on a site:
 - (1) Required parking spaces;
 - (2) Public or private right-of-way;
 - (3) Drive aisles;
 - (4) Required landscaped areas or bufferyards;
 - (5) Intersection and driveway visual clearance zones;
 - (6) 100 feet from an arterial right-of-way
 - (7) Pedestrian circulation areas; or
 - (8) Within one hundred (100) feet from a single-family residentially zoned district.
 - (j) The receiving door on a donation bin shall be oriented toward the interior of the parcel or lot and away from a public right-of-way.
 - (k) No donation bin shall exceed 35 square feet in area and 7 feet in height.

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- (l) Donation bins shall be painted with earth-tone or pastel colors, as defined by this code.
- (m) Notwithstanding the signage requirements of Florida Statutes § 496, as amended, a permittee may install additional informational or promotional signage on a permitted donation bin, subject to the following limitations:
- (1) Additional signage may include non-commercial information regarding the permittee, operator, or benefitting nonprofit organization, as well as logos or messaging about donations. Such signage shall be allowed on no more than two sides of the donation bin, with one side being the front or depositing side.
 - (2) The total area of all additional signage on the bin shall not exceed four (4) square feet.
 - (3) Additional signage shall not obscure, cover, or interfere with the visibility of the statutorily required information, including the operator/permittee name, contact information, or required disclosure statements under Florida Statutes § 496.
 - (4) Donation bins shall not be used for off-site advertising of unrelated commercial activities.
- (n) A donation bin shall be maintained in a manner so as not to constitute a nuisance with regard to odor, noise, rust, or other environmental effects. The appearance of a donation bin shall at all times be maintained to be rust-free, properly painted, have legible signage, graffiti free.
- (o) No outdoor display or storage of materials shall be permitted. A donation bin shall be emptied immediately upon having items overflowing or not contained in the bin (i.e. on top of the bin, on the ground near the bin, or placed on something near the bin rather than contained in the bin). No processing shall take place on-site. The permittee and property owner shall be individually and jointly responsible for abating and removing all overflowing material, garbage, trash, debris and other material in the area surrounding any donation bin.
- (p) The owner of the donation bin, the permittee, and the owner of any private property upon which a violation of these regulations occur may be held jointly and individually liable and responsible for such violation.