AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, February 23, 2017 **Time:** 5:30 PM

Type of Meeting: Regular **Location:** Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Pledge of Allegiance
2. Silent Invocation
3. Roll Call

B. DISCUSSION/ACTION

4. Consideration of Minutes
5. Case No. 16-90000010
   VARIANCE/941 and 943 Orange Avenue

   A request for a variance from the Land Development Code (LDC) to reduce the minimum lot area to no less than 4,000 square-feet in lieu of the required +/- 27,000 square-feet and reduce the minimum lot width to no less than 30-feet in lieu of the required +/- 123 feet for property zoned Neighborhood Preservation (NP). If the variance request is approved, the applicant is proposing to subdivide the subject property into four (4) lots. Three (3) lots would have a minimum lot width of 56-feet and minimum lot area of 7,000 square-feet and one (1) lot would have a minimum lot width of 30-feet and minimum lot area of 4,000 square-feet.

   Staff Contact: Tim Burman, Planner (386) 506-5675/tburman@port-orange.org

6. Case No. 16-20000003
   SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE (FLU) AMENDMENT/BENTON HOUSE SENIOR LIVING AND MEMORY CARE FACILITY
   812 Airport Road

   A request to amend the Comprehensive Plan Future Land Use (FLU) Map designation to change the FLU of ±4.88 acres from Rural Transition (0-2 units/acre) to Office/Residential Transition.

   Staff Contact: Penelope Cruz, Planner (386) 506-5671/pcruz@port-orange.org

7. Case No. 16-65000001
   PLANNED UNIT DEVELOPMENT REZONING AND MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN/BENTON HOUSE SENIOR LIVING AND MEMORY CARE FACILITY
   812 Airport Road

   A request to rezone 4.88 acres from R-20SF (Single-Family Residential) to Planned Unit Development (PUD) and to establish the Benton House Master Development Agreement (MDA) and Conceptual Development Plan (CDP).

   Staff Contact: Penelope Cruz, Planner (386) 506-5671/pcruz@port-orange.org

8. Case No. 16-40000006
   FIFTH AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL PLANNED COMMERCIAL DEVELOPMENT (PCD) MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN (CDP)
   5111 South Ridgewood Avenue

   A request by the applicant to modify the Fifth Amendment to the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Clark Professional Center and Wedding Chapel PCD, previously recommended for approval by the Planning Commission in December 2016.

   Staff Contact: Gwen Perney, Planner (386) 506-5673/gperney@port-orange.org

C. OTHER BUSINESS

9. Commissioner Comments
10. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **PLANNING COMMISSION** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO 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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PLANNING COMMISSION MEETING MINUTES
CITY OF PORT ORANGE
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
JANUARY 26, 2017

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

Pledge of Allegiance

Silent Prayer

ROLL CALL:

PRESENT:	John Junco Lance Green Maria Mills-Benat Newton White Mike Arminio Thomas Jordan Bo Bofamy
ALSO PRESENT:	Matthew Jones, Deputy City Attorney Tim Burman, Planning Manager Wayne Clark, Community Development Dir Fran Gosnell, Administrative Assistant

4. Election of Officers

Pursuant to the Planning Commission Rules of Procedure, Vice Chairman Green was asked by Chairman Junco if he would assume the role of Chairman, as prescribed in Paragraph 2(c); Vice Chairman Green agreed to become Chairman.

Motion to appoint Newton White as Vice Chairman was made by Commissioner Mills-Benat, and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

DISCUSSION/ACTION

5. Consideration of Minutes – December 15, 2016

Motion to approve the minutes as presented was made by Commissioner Arminio and Seconded by Commissioner Bofamy.

Commissioner Junco abstained due to his absence at the last meeting. Motion carried unanimously by roll call vote.

6. Case No. 16-40000007

RESTATEMENT OF MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN/CORNERSTONE GROVE PLANNED UNIT DEVELOPMENT

West side of Hidden Lakes Drive & Horizon Elementary School, North of Yorktowne Boulevard.

A proposal by the applicant to establish the Cornerstone Grove Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for an existing Planned Unit Development (PUD) without an active MDA and CDP.

Staff Contact: Tim Burman (386) 506-5675/tburman@port-orange.org

Tim Burman, Planning Manager, discussed the proposals being requested. A question and answer period ensued focused on the issues of sidewalks, HOA governance on vehicles, parking, and rentals, and engineering for future connection with Yorktowne Blvd.

Representatives from Geosam Capital US (Venetian Bay) LP addressed the Planning Commission's questions, and provided an overview of sidewalks, area "pod" parking, spacing between housing, and garage location, as well as the importance of sidewalks, including the crosswalk in front of the elementary school.

Wayne Clark, Community Development Director, stated that the subject section of Yorktowne Boulevard was originally planned in the Capital Improvement Program, but direction from Council was not to build at this time; however, the money has been budgeted and will not go away.

Robert Reinhagen, citizen, stated that he bicycles throughout that area all the time and that traffic is a mess during school drop off/pick off times. Parents park everywhere and children cross the street without using the crosswalk. Mr. Reinhagen requested a secondary exit onto Yorktowne Boulevard.

Jack Goldey, citizen, expressed concern that the whole project looks like there is no landscaping and zero lot line, and suggested a two-story project with all the drainage going into the retention pond. Commissioner Mills-Benat provided a photo showing two-story buildings.

Motion to approve Case No. 16-40000007 as presented with Planning Commission recommendations as to the HOA rules on parking and extend from Pham Drive to Yorktowne Boulevard was made by Vice Chairman

White; and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

OTHER BUSINESS

7. Development Activity Report – *Mr. Burman answered questions from Commissioners relating to ongoing projects.*

8. Commissioner Comments – *There were none.*

9. Staff Comments – *There were none.*

PUBLIC COMMENTS

ADJOURNMENT 6:58 p.m.

_____
Chairman Lance Green

STAFF REPORT
VARIANCE FROM LDC CHAPTER 17, SECTION 15(d)(1)(a)
CASE NO. 16-90000010

REQUEST:	Variance from the Land Development Code (LDC) to allow a minimum lot area of 4,000 square-feet and a minimum lot width of 30-feet in the Neighborhood Preservation (NP) zoning district for a minor subdivision.
OWNER:	Habitat for Humanity of Greater Volusia, Inc.
APPLICANT:	Colleen Miles, Land Development Resource Group, LLC
LOCATION:	941& 943 Orange Avenue
RECOMMENDATION:	Approval – Request to establish a lot width of 30 feet for the property to be transferred to the Mt. Moriah Church and a minimum lot width of 77 feet and 11,800 square-feet for the remaining property. Denial - Request for establish a lot width of 56 feet and lot area of 7,900 square-feet for three proposed single-family lots.
STAFF CONTACT:	Tim Burman, Planning Manager (386) 506-5675
PLANNING COMMISSION DATE:	February 23, 2017

DISCUSSION:

The subject property is located between Orange Avenue and Alexander Avenue, north of Ocean Avenue (Figure 1.). The applicant for the property owner (Habitat for Humanity of Greater Volusia), Colleen Miles, is proposing to subdivide the subject property into three (3) single-family residential lots and one (1) 30-foot wide lot that would be transferred to the existing Mt. Moriah Church property, adjacent to the subject property (Figure 1 – Page 2). Approval of the variance from the lot area and lot size requirements would allow the applicant to subdivide the property through the minor subdivision process.

Currently a portion of the existing Mt. Moriah Missionary Baptist Church is located on the property owned by Habitat for Humanity. If the variance request is approved Habitat for Humanity intends to adjust the lot line between the subject property and the 945 Orange Avenue property so the existing church is entirely located on property owned by the Mt. Moriah Missionary Baptist Church and meets the required building setbacks.

The subject property is located in the Neighborhood Preservation (NP) zoning district. The intent of the NP zoning district is to preserve the character and housing density of existing older mixed-use neighborhoods. According to the Land Development Code, the subdivision of land in the NP zoning district is to comply with the prevailing development pattern and dimensions within a 200-foot radius of the land to be subdivided.

Figure 1 - Proposed subdivision of the subject property

The property is approximately 0.64 acres of vacant undeveloped land that is +/- 140 feet deep with 200 feet of roadway frontage along both Orange Avenue and Alexander Avenue. As required by the LDC, a 200-foot radius was drawn around the subject property and staff obtained the dimensions of the nearby lots from the Volusia County Property Appraisers' website. According to the lot dimensional data on the Property Appraisers' site, the required lot width and lot area for the subject property according to the NP zoning district is +/- 123 feet and +/- 27,256 square feet.

The applicant is requesting to reduce the required minimum lot width and lot area because the 200-foot radius includes properties zoned Commercial Industrial (CI), located on the west side of Alexander Avenue, large vacant lots, and the adjacent multi-family parcel that are not similar uses and they believe they should not be part of the comparison for single-family lots (Exhibit A). Also other single-family lots near the subject property, but outside the 200-foot radius, have lot widths and lot areas consistent with the applicant's proposed lot width and lot area. The minimum property width for properties located in the Commercial Industrial district is 150-feet. According to the applicant, property not zoned NP should be excluded in determining the lot area and lot width. Staff understands the logic of the applicant's position and agrees it may be a more rational approach, however, the LDC states, all properties within a 200-foot radius are to be used to determine lot width and area. The applicant states that if the 200-foot radius calculations did not include those properties located within the Commercial Industrial district and development with multi-family uses, the average lot width would be approximately 77-feet and

approximately 8,600 square feet in lot area. The applicant also states that if the radius was expanded to 500-feet there are 6 lots 50-foot wide lots and if the radius was expanded to 750-feet there are 14 lots 50-foot wide (Exhibit A).

However, even with expanding the radius to 500-feet, a variance from the lot width and lot area would be required to construct a single-family home on both the two (2) existing lots of record and the three (3) proposed single-family lots. Regardless, the property owner needs to create a 30' lot so the portion of the church building is not located on the residential lot where a single-family home is proposed.

Currently the subject property owned by Habitat for Humanity consists of two buildable lots (lot 10 and 11 of the Conrad Oates Company Subdivision – recorded 1910). The size of the two existing buildable lots are 100' X 140'. A portion of the existing Mt. Moriah Missionary Baptist Church is located on Lot 11. If the variance requested by Habitat for Humanity is not approved, a variance will still be necessary to build on Lot 11 because of the church building encroaches on that lot as a principal building. The variance would be to allow the 30' lot that would be transferred to the church and allow the remaining 70' of Lot 11 to be a buildable lot.

The LDC requires a minor subdivision to be submitted to ensure that adequate services are available, that all required improvements are constructed to City standards, and to prevent the piecemeal subdivision of land, which often results in land-locked and remnant parcels. Utility services are available to the subject property, the property fronts on an existing right-of-way, and the proposed subdivision would not result in any nonconforming lots if the variance is approved.

If the variance is approved, the applicant would be required to apply for a minor subdivision, which is reviewed at the staff level to assure the proposed lots and remaining structures meet all of the requirements (e.g. tree preservation, setbacks, lot area and width, and connection to City water and sewer service) of the LDC. Once subdivided, the applicant then intends to submit building permit applications for three single-family homes. The proposed single-family homes will be required to meet all of the minimum development requirements, building setbacks, open space, building coverage, stormwater, utilities connections, and landscaping standards set forth in the LDC.

REVIEW OF VARIANCE CRITERIA

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

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

This criterion typically refers to conditions or circumstance such as steep slope, presence of historic tree, odd lot shape, etc. that might make subdividing the property within the lot width and lot area requirements impractical. The subject property does have a unique circumstance with an off-site building (church) being located on a portion of the subject property. The special circumstance supports the need to allow a 30' wide lot but not the request to create three (3) 56-foot wide lots in addition to the 30' wide lot.

If the variance was approved to only allow a 30' lot and a 70' lot, there would still be two buildable single-family lots. One of the existing buildable lots comply with the LDC while the other lot would have a lot width or 70' and lot area of 9,500 square-feet.

In this case the subject properties are located adjacent to the property zoned Commercial Industrial along the west side of Alexander Avenue. The special circumstances that exist with this property are the way the lot width and area are calculated in the "NP" district and the "NP" district lots also include some multi-family developments. The average is taken from all properties located within a 200' radius. Due to the way the lot width and area are calculated, the Commercial Industrial zoning district, with a minimum lot width of 150' and minimum lot area of 22,500 square feet are included in the calculations, skewing the average calculations and are not comparable to those other properties located within the "NP" district.

b) *The special conditions and circumstances are not a result of actions of the applicant.*

The special circumstance associated with the property is not a result of actions by the property owner.

According to the applicant, the "NP" district was created to accommodate "historical" lots, which were platted long before establishment of our current zoning codes. Thus, making the "NP" district unique in comparison to other residential zoning districts throughout the City. The 200' radius which include properties from other zoning districts and high density uses typically found on larger lots can skew the dimensional requirements.

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

When a property is subdivided, it must comply with current development requirements of the Land Development Code (LDC.) The intent of the lot width and lot area requirement in the NP zoning district is to preserve the character, housing mix and density of existing older mixed use neighborhoods by providing for compatible infill development and redevelopment, where enforcement of the dimensional requirements of other conventional zoning districts would not be possible

According to the applicant, the variance is necessary for the proposed subdivision to create three lots for development of single-family homes. The applicant states the proposed lot with of +/- 56 feet and lot area of 7,900 square feet would not impact the character of the "NP" district and would provide compatible infill development by developing new single-family homes consistent with the surrounding single-family homes.

Although not their preference, to meet the average lot area and lot width when removing the CI zoned, vacant property, and multi-family properties, the 8,600 square feet lot area and +/- 77-foot lot width can be met by shifting the lot line between the subject property and 945 Orange Avenue to accommodate the Mt. Moriah Missionary Baptist Church. Once the lot line is shifted to accommodate the church, the remaining land can have two lots, instead of three, resulting in approximately 85 feet in width and 11,800 square feet in lot area.

According to the applicant, single-family homes can be constructed on the proposed three lots that are similar in size to the surrounding single-family homes. The proposed one-story Habitat for Humanity homes are around 2,000 square feet. The applicant also states that while the proposed lots do not meet the lot width requirement, the proposed lot area (7,900 SF) for the three lots is general consistent with the required lot area. The proposed narrow lots (56') are able to have a comparable lot size because of the depth of the property.

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

The applicant stated that having 3 lots along with the 30-foot wide lot to transfer to the church is necessary to make reasonable use of the land. According to Habitat for Humanity, they have three potential home owners and believe that the proposed property is sufficient to support three single-family homes.

In order to use a portion of the subject property, a variance to create a 30-wide lot is necessary. As discussed above, a building permit for a single-family home cannot be issued if there is another principal building on the property or encroachment of a building from an adjacent property. Therefore, a variance is needed to allow a 30' wide lot that can be transferred to the adjacent property owner and re-establish two undeveloped lots with a minimum 80' lot width and 11,800 SF lot area.

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

The applicant believes that allowing the reduction of the minimum lot area and lot width will not confer any special privileges. This is due to the unique circumstance of how the lot width and lot area are calculated. The lot width and lot area for each property in the NP zoning district will vary because it is based on a 200' radius around the subject property and including properties from other zoning districts, high density uses, various sized single-family lots will not create the same dimensional requirements for every lot.

The applicant also stated that granting the variance would not be a special privilege because the proposed subdivision to create three lots for single-family homes will be consistent with the character of the "NP" zoning district.

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

Lot width and lot area requirements are intended to provide adequate separation between buildings in order to minimize the visual appearance of the structure from adjacent properties, maintain density, ensure adequate separation between structures for air movement and light, and to provide room for accessory structures (pools, garages, patios).

According to the applicant, the proposed lot width and lot area would maintain the character, housing mix and density of this area by providing for compatible infill development and redevelopment. Based on the age of the homes and accessory

structures along with the nonstandard lot configurations in the NP zoning district, the proposed development of the three new single-family homes would maintain the character of the existing neighborhood. The applicant, also states that the radius around the subject property is expanded, the lot width and lot area become similar to the proposed lot width and lot area

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

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

ATTACHMENTS

1. Exhibit A - Applicant's letter of request and support documents

RECOMMENDATION:

Based on the findings of this report, Staff recommends **approval** of the request to establish a lot width of 30 feet for the property to be transferred to the Mt. Moriah Church and to establish a minimum lot width of 77 feet and 11,800 square-feet for the remaining property. However, staff recommends **denial** of the request to establish a lot width of 56 feet and lot area of 7,900 square-feet for three proposed single-family lots.

EXHIBIT "A"

LAND DEVELOPMENT
RESOURCE GROUP

February 13, 2017

Planning Commission
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

RE: Habitat for Humanity of Greater Volusia – Request for Variance
941/943 Orange Avenue, Port Orange, FL

Dear Planning Commissioners:

Land Development Resource Group has the pleasure of representing Habitat for Humanity of Greater Volusia, Inc. in their request for the above variance. In support of the above variance request, we would like to clarify some items.

First, the 30' parcel to the north will be given to the Church to make their property whole. As it currently exists, almost ¾ of the Church is on the adjacent property to the south. By deeding the 30' over to the Church, it will ensure there is no impact the existing historic building. No construction by Habitat will occur on the 30' for single-family or otherwise. The property will belong to the Church.

Second, the NP (Neighborhood Preservation) District was created to maintain the neighborhood integrity. However, as written, by using the radius measurement, it only allows for very large lots which preclude the neighborhood preservation mandate. A neighborhood is a gathering of lots that allow for a sense of belonging. Larger lots are not conducive to a sense of place, but a feeling of separation.

In reviewing the Variance Criteria, we provide the following:

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

Yes. The granting of the variance will allow for the construction of three (3) single-family homes with front porches and garages in keeping with the neighborhood aesthetic. Also, by deeding the 30' to the Church, it will allow the Church to be an independent parcel.

140 South Beach Street, Suite 400 • Daytona Beach, Florida • 32114
386.212.1942 • colleen@LDRGdaytona.com • www.LDRGdaytona.com

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

No. There are a number of lots within the NP (Neighborhood Preservation) zoning district with the same or less lot width. These are older established neighborhoods that provide stable living environs to foster a sense of community. These homes would add to that sense of permanence.

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

Yes. By granting the variance, the character of the existing neighborhood will be continued and allow for compatible development. The proposed single-family homes will enhance the existing neighborhood and will not be detrimental.

The Future Land Use Designation for the property is Urban Medium Density Residential, which allows 4-8 dwelling units per acre. Based on the size of the property being 0.64 acres, the three (3) lots will not exceed allowable density.

Also, the proposed home will be meeting the LDC setbacks which will provide sufficient space between the homes.

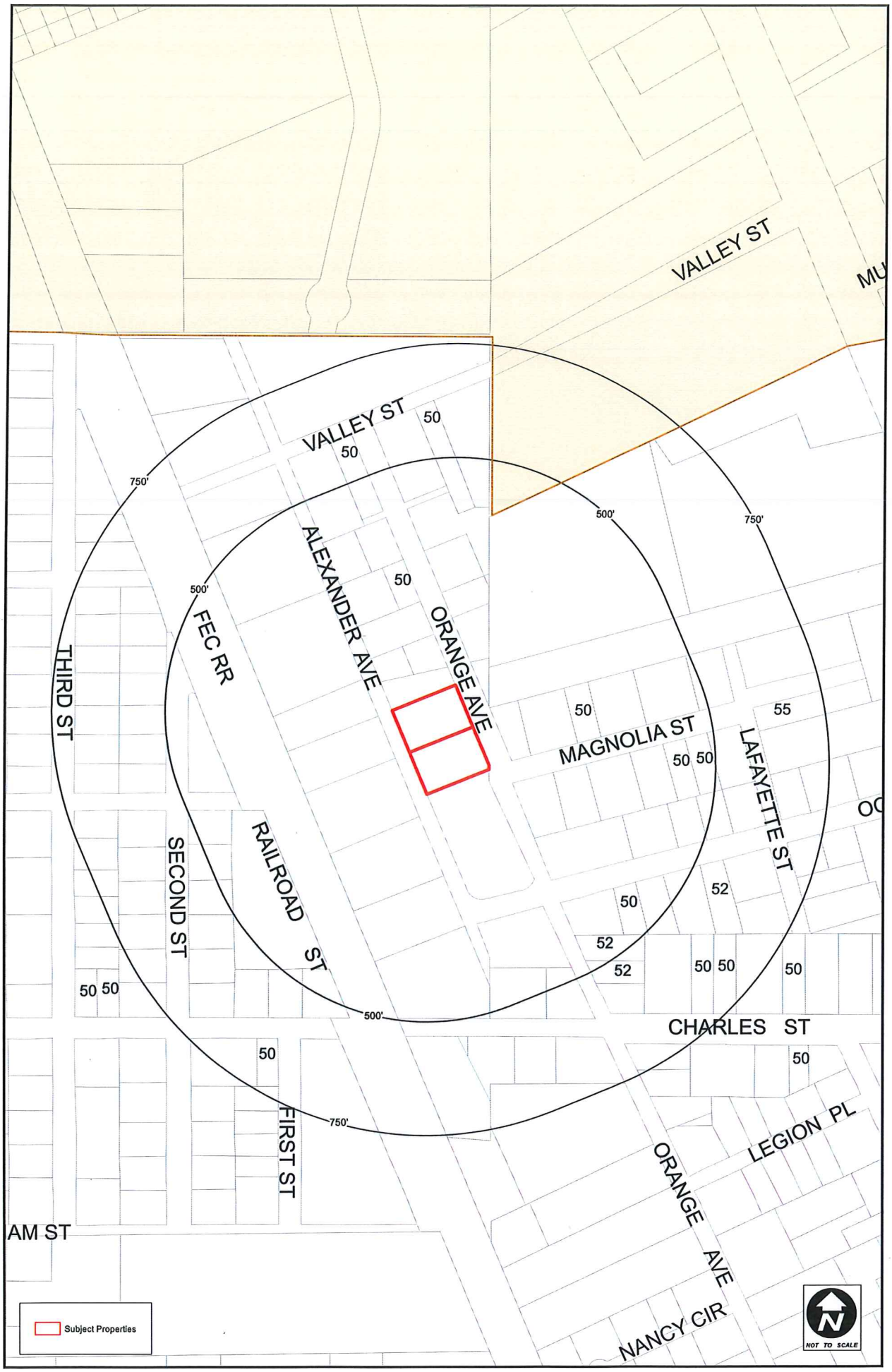
We appreciate your consideration of this request.

Sincerely,

Colleen Miles

Colleen Miles
President

/cm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MAGNOLIA ST
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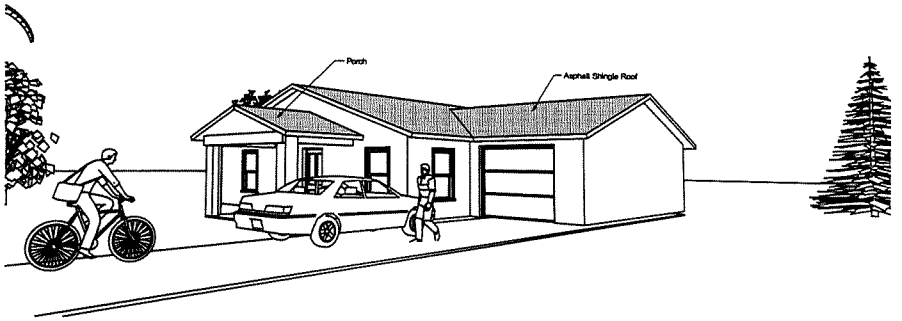
New Residence

Alexander Avenue
Port Orange, Florida

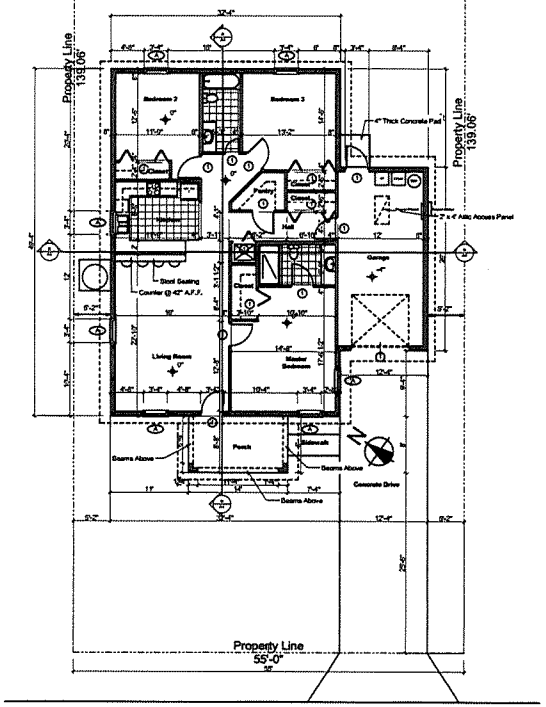
Plans Conform to the requirements of the 5th. Edition Florida Building Code with adopted supplements.
Wind Speed 140
Enclosed Building Type
Risk Category 2
Exposure Category C
Internal Pressure Coefficient = .18
Wind Importance Factor 1
Wind Pressures +33.1 -43.1

Table of Contents

Sheet	Name
A-001	Title Sheet
A-002	Floor Plan
A-003	East, West & North Elevations
A-004	Bldg Sections



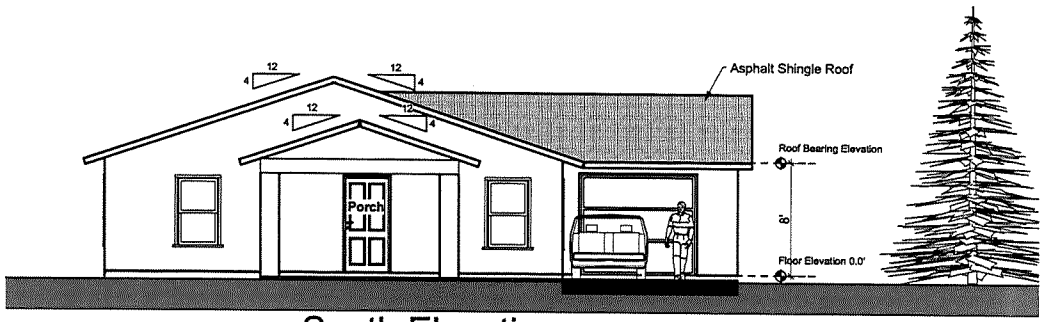
Front Perspective View



Alexander Ave.

Site Plan

SCALE: 1/8" = 1'-0"



South Elevation

SCALE: 1/4" = 1'-0"

Richard Brookfield Architect, LLC
Fla. Reg. # AA26003248
BrookfieldArchitect.com
P.O. Box 4195 Ormond Beach, FL USA 32175
Ph: (386) 334-3564

REVISIONS

New Residence
Alexander Avenue
Port Orange, Florida

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DATE: Dec. 18, 2016
COMM. NO.: 00534477
DRAWN BY: R.B.
SHEET TITLE: Title Sheet

SHEET: A-001
OF
SHEET 1 OF 12

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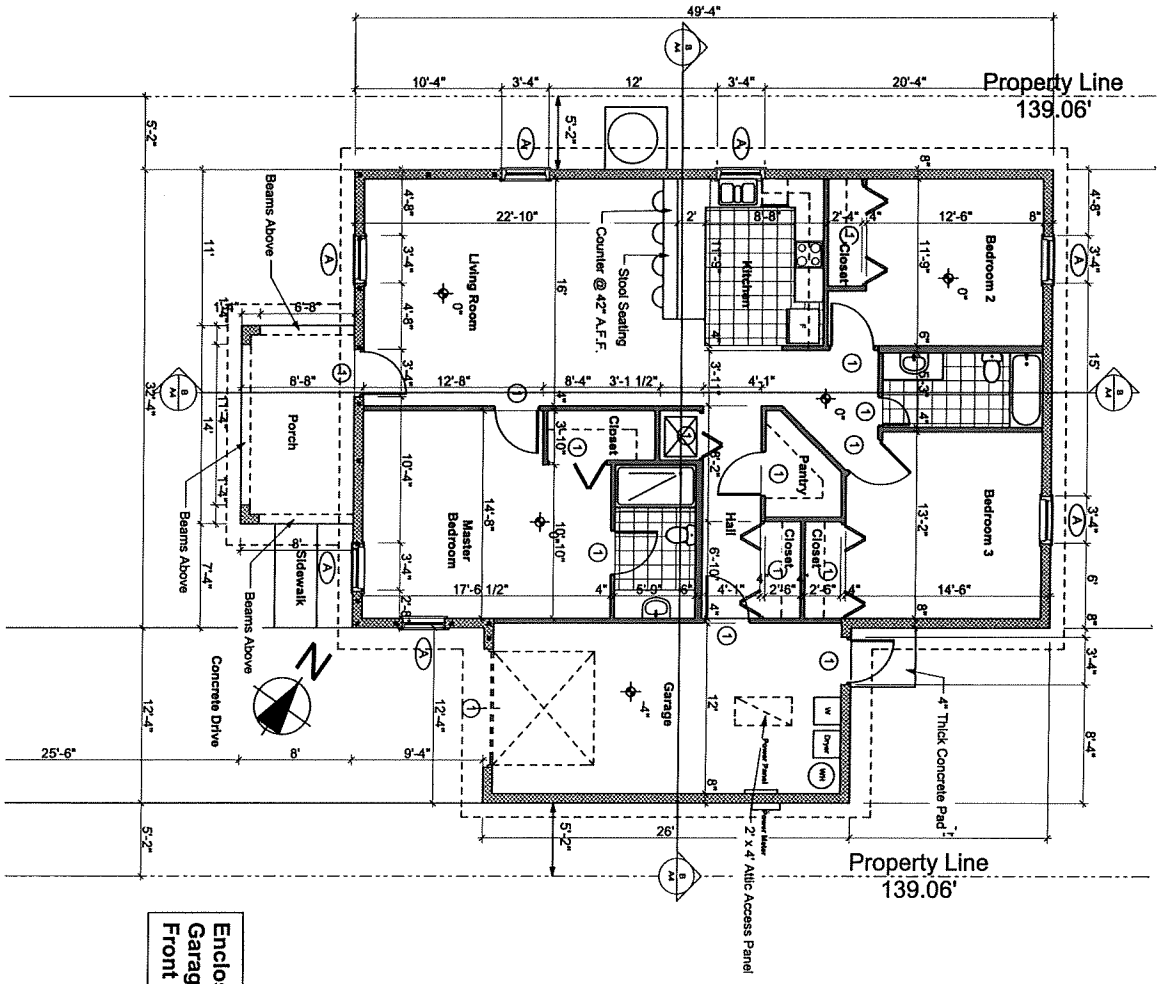

Floor Plan

SCALE: 1/4" = 1'-0"

Enclosed Space = 1,594 sq. ft.
Garage = 321 sq. ft
Front Porch = 112 sq. ft.

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DATE: Dec. 15, 2016
COMM. NO.: 0954477
DRAWN BY: R.B.
SHEET TITLE: Floor Plan
SHEET: A-002
SHEET 2 OF 12

New Residence
Alexander Avenue
Port Orange, Florida

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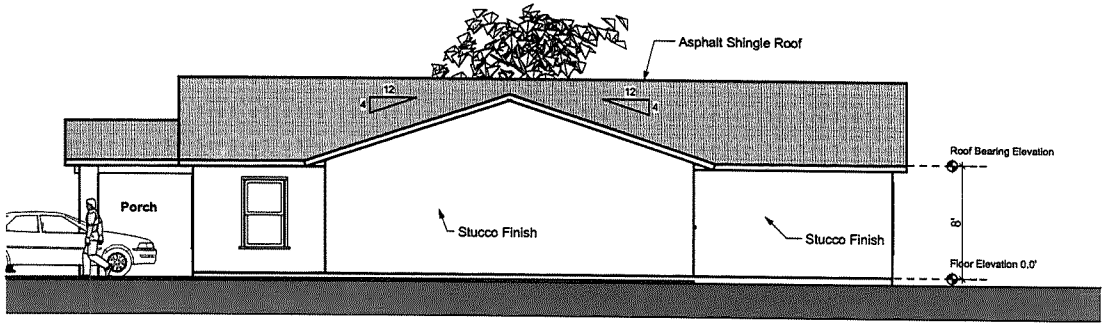
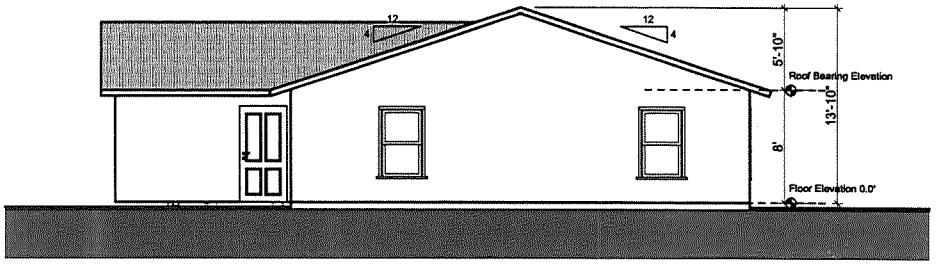
REVISIONS



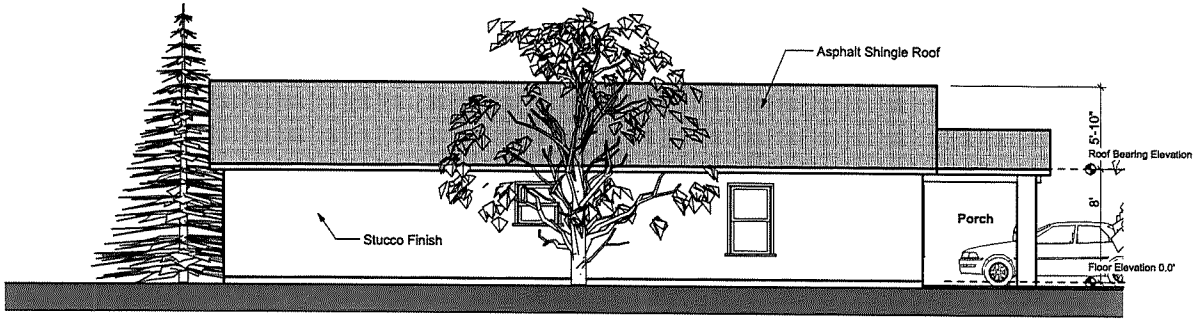
East Elevation

SCALE: 1/4" = 1'-0"



North Elevation

SCALE: 1/4" = 1'-0"



West Elevation

SCALE: 1/4" = 1'-0"

E:\Architects Plans 2016\HHH Port Orange Ave. Plans\Orange Avenue Plan Book.11.pln

REVISIONS

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Ph: (386) 334-3564

New Residence
Alexander Avenue
Port Orange, Florida

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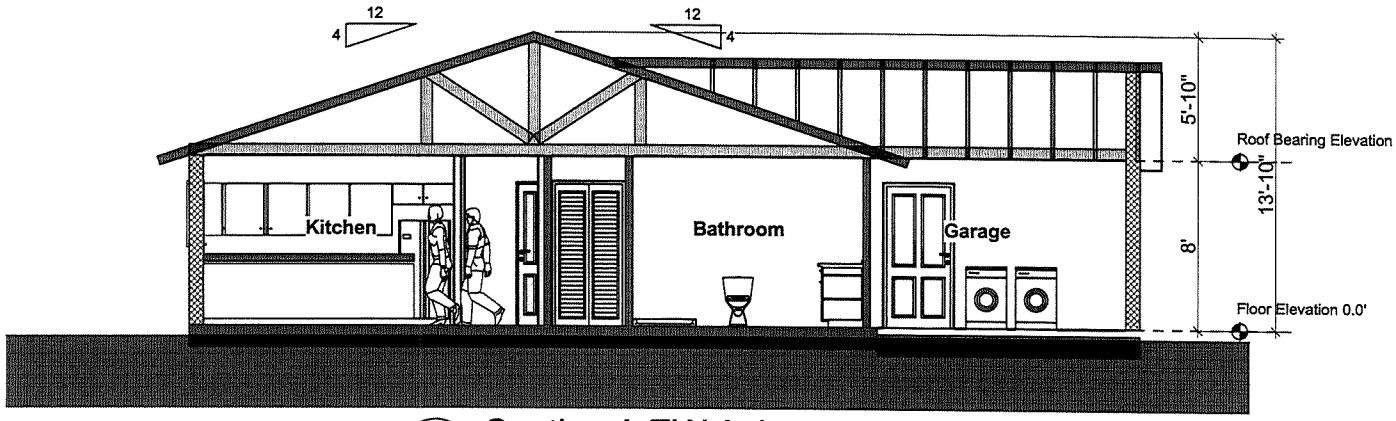
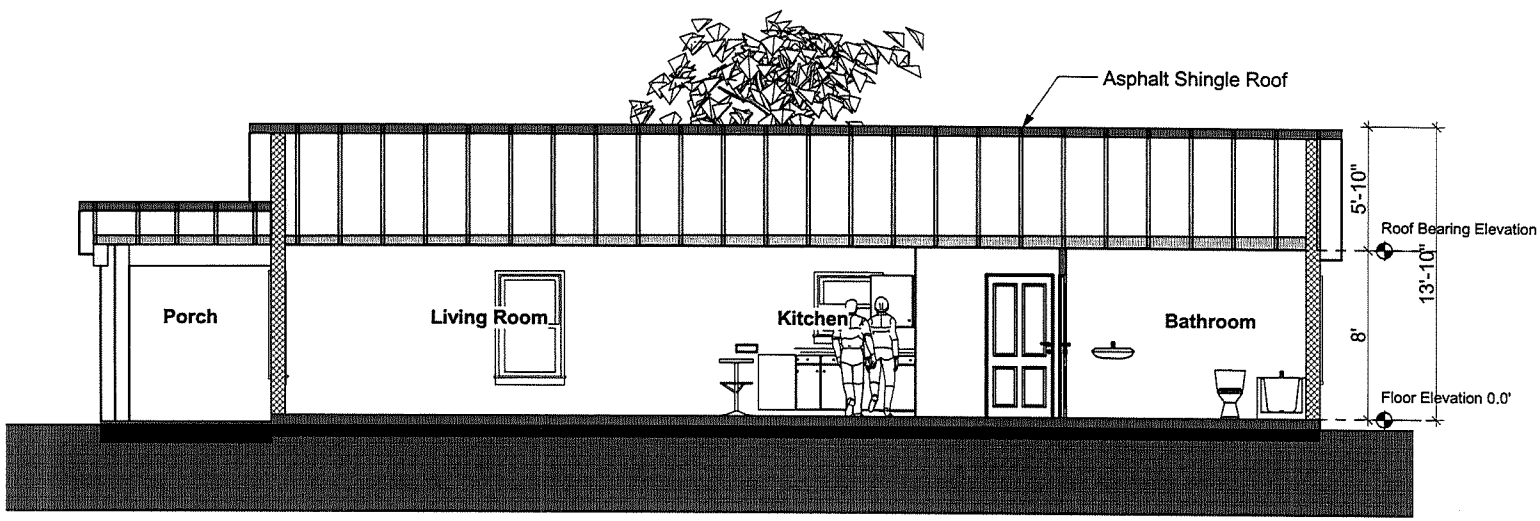
DATE Dec. 18, 2016
COMM. NO. 00534477
DRAWN BY R.B.
SHEET TITLE

East, West & North Elevations

SHEET A-003 OF



A Section A EW Axis
SCALE: 3/8" = 1'-0"



A SCALE: 3/8" = 1'-0"

REVISIONS

Richard Brookfield Architect, LLC
Fla. Reg. # AA26003248
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COMM. NO. 00534477
DRAWN BY R.B.
SHEET TITLE
Bldg Sections

SHEET
A-004
OF
SHEET 4 OF 12

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LAND DEVELOPMENT
RESOURCE GROUP

December 22, 2016

Planning Commission
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

RE: Habitat for Humanity of Greater Volusia – Request for Variance
941/943 Orange Avenue, Port Orange, FL

Dear Planning Commissioners:

Land Development Resource Group has the pleasure of representing Habitat for Humanity of Greater Volusia, Inc. in their request for the above variance. In support of the above variance request, please find the following:

- One (1) executed Application
- One (1) check in the amount of $900.00
- One (1) copy of the Property Appraiser's Webpage showing Ownership
- One (1) proposed lot subdivision plan 11" x 17"
- One (1) set of the proposed house plans in 11" x 17"
- One (1) copy of the existing Zoning Map
- One (1) copy of the existing Land Use Map
- One (1) CD with the above in PDF format

The following are the requested variances and information to support each request:

1. **Reduction in Lot Width for the NP (Neighborhood Preservation) District.** Currently the lot width specified in the Land Development Code requires using a formula of measuring from a 200' radius of the subject property. By using this method, the calculation comes out to a minimum lot width of 101'. This is an older, established neighborhood with homes predominantly in the 50' x 100' lot size. The property directly adjacent to the west of the subject property is Commercial Industrial classification that requires a minimum lot width of 150'. If a radius measurement is done from the rear of the subject properties, excluding the Industrial properties, the overall average becomes less than 55' in width. This request is for three (3) lots, measuring at the smallest, 56.66' in width, and the largest being 56.72' in width.

2. **Reduction in Lot Area for the NP (Neighborhood Preservation) District.** Requesting the minimum lot area for these three (3) lots being no less than 7,000 square feet.

Using the provisions in the Land Development Code that require determining the lot size by using a 200' radius from the subject property, this would require a single-family home lot being more the size of an estate lot. This area is an older, established neighborhood, where the lots are generally 50' x 100'. The large size lots would not only look out of place, but would not be meeting the intent of the Neighborhood Preservation zoning district. If the radius were measured from the rear of the subject property and then 200' out, not including the Industrial properties, the average would be less than 55' in width with most, if not all, of the lots being approximately 100' in depth.

The Land Development Code provides the following: "*The neighborhood preservation district is designed to preserve the character, housing mix and density of existing older mixed use neighborhoods by providing for compatible infill development and redevelopment, where enforcement of the dimensional requirements of other conventional and contemporary residential zoning districts would not be possible.*"

This request would allow for three (3) single-family homes to be built on lots measuring: 56.65' x 142.92'; 56.67' x 139.80'; and, 56.80' x 136.68'. Each proposed home would have a garage, as well as a front porch, in order to allow for pride in ownership and in keeping with the Neighborhood Preservation zoning district.

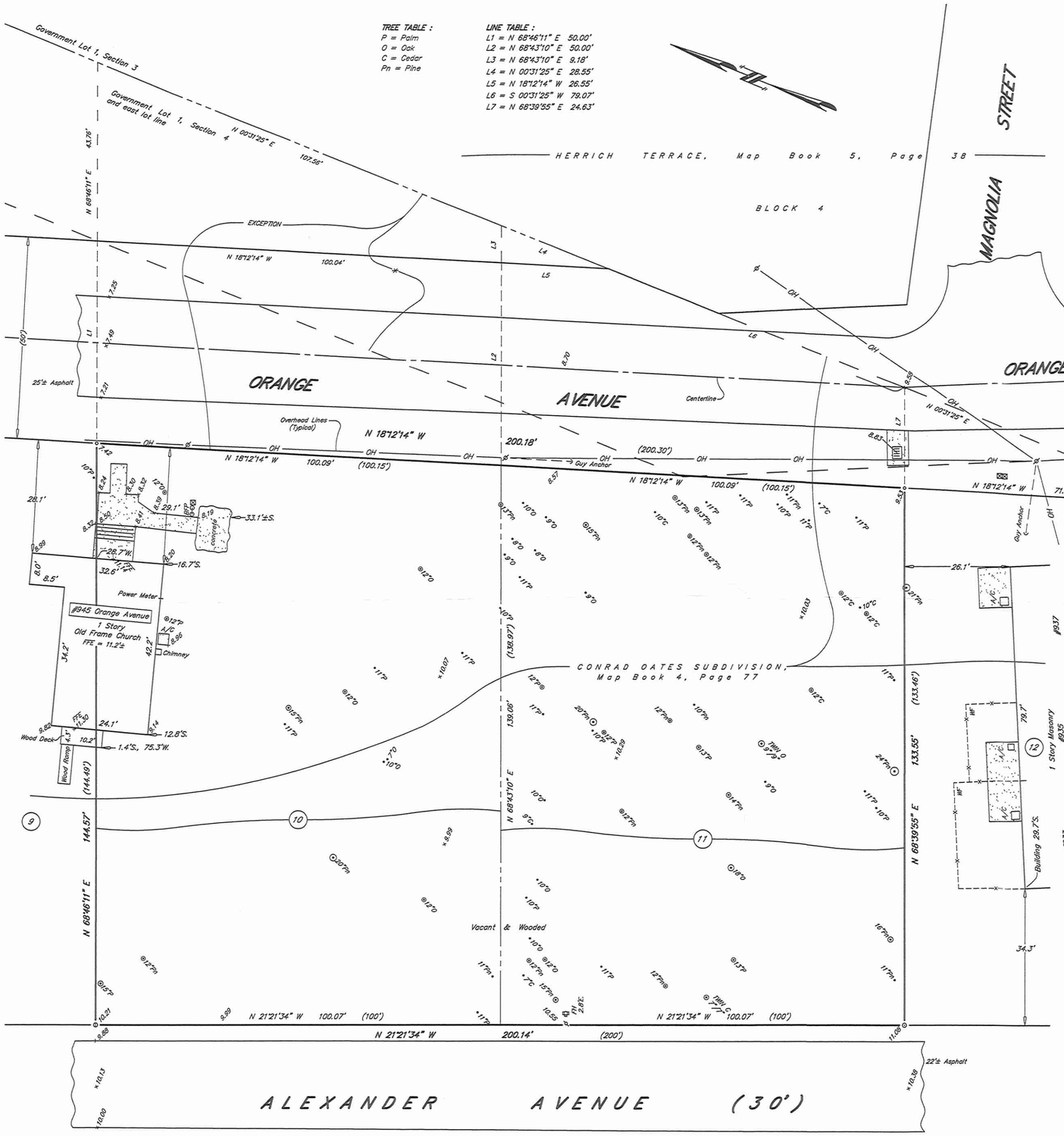
I appreciate your consideration in this matter.

Sincerely,

Colleen Miles

Colleen Miles
President

/cm



PLAT OF BOUNDARY SURVEY OF:

LOTS 10 AND 11, CONRAD OATES SUBDIVISION, MAP OF PORT ORANGE, BEING A PORTION OF LOT 1, SECTION 4, TOWNSHIP 16 SOUTH, RANGE 33 EAST, PER MAP IN MAP BOOK 4, PAGE 77, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THAT PORTION THEREOF AS LIES EASTERLY OF THE WESTERLY RIGHT OF WAY LINE OF ORANGE AVENUE A 50 FOOT RIGHT OF WAY AS NOW LAID OUT WITHIN SAID CONRAD OATES SUBDIVISION.

Description created this survey.

The above described property is in zone "X", per the Flood Insurance Rate Map, Community Number 120313, Map and Panel Number 12127C0388H, dated 19 February, 2014.

NOTES:

SCALE: 1" = 20'

Parcel Area = 27814± square feet (0.6385± acres)

○ – Old 1/2" Iron Pipe found

⊙ – 5/8" Iron Rod and Cap LB6883 found

● – 1/2" Iron Rod and Cap LB6883 set

⊙ – 1/2" Iron Pipe found on line & 0.27'E. – witness corner

✱ EXCEPTION Per Official Records Book 1506, page 493

No overhead or underground features shown except as noted.

Record (Plat) dimensions are shown in parenthesis where different from field measurements.

LB – Licensed Business

LS – Licensed Surveyor

– Fire Hydrant

– Water Meter

– Wood Utility Pole

– Water Valve

Section 3 & 4 referenced hereon are wihtin Township 16 South, Range 33 East.

Bearings are assumed, based on the westerly line of Orange Avenue shown hereon, bearing N 18°12'14" W.

Elevations are on North American Vertical Datum of 1988.

Building dimensioning shown to the nearest one tenth of a foot.

No search or examination of title has been done on the subject property and absolutely no warranties, expressed or implied are made with regard to the state of title or any other aspect thereof. This Surveyor does not presume the description lines hereon and the ownership lines are coincident.

This survey and plat not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

There may be additional restrictions and/or other matters not shown hereon that may be found in the public records of this county, Florida.

CERTIFICATE:

This is to certify that the plat delineated hereon is in compliance with the Standards of Practice per Sections 5J–17.050 to 5J–17.052, Florida Administrative Code pursuant to Section 472.027 of the Florida Statues.

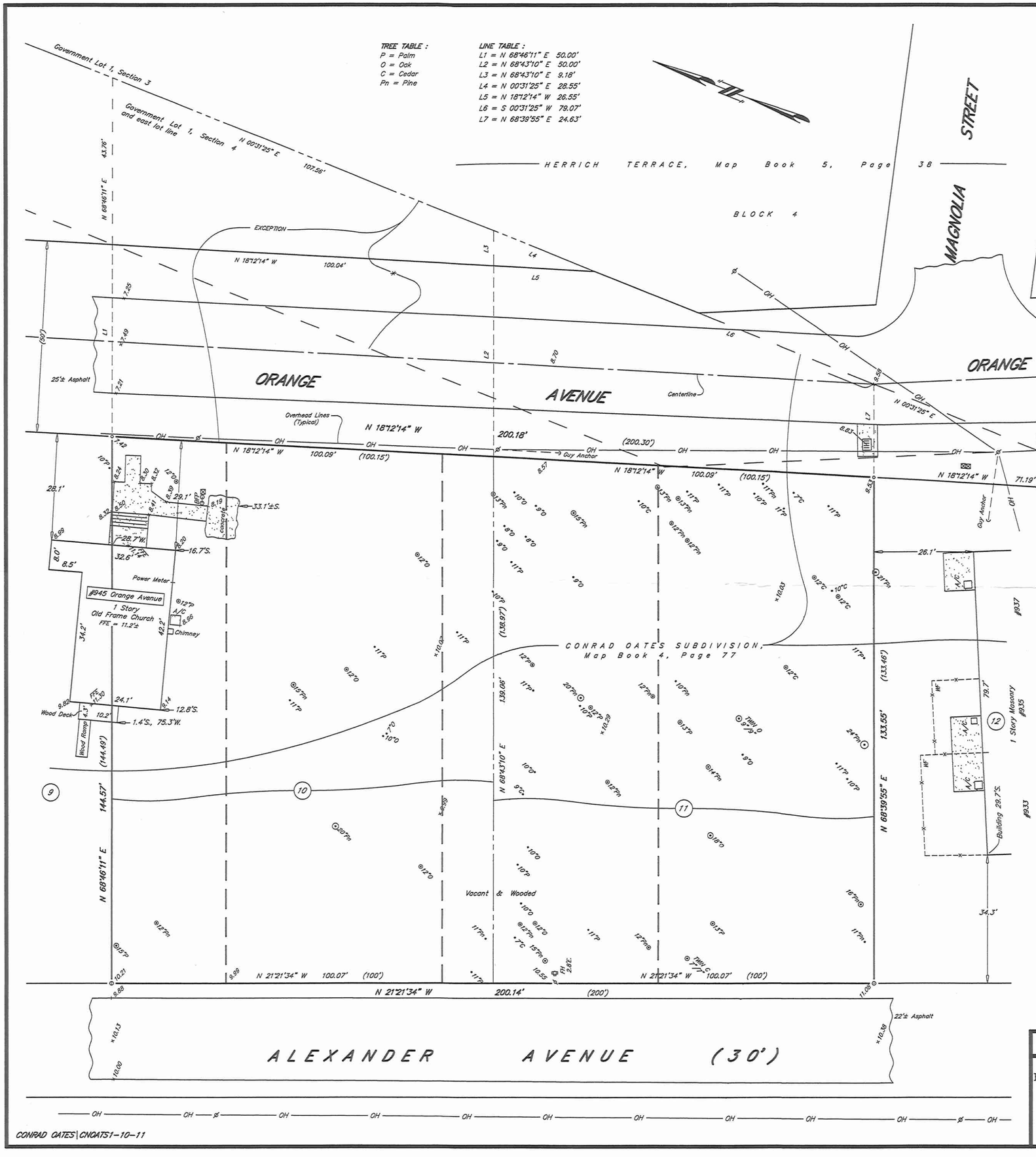
7 February, 2017
(field date)

John J. Matejka, III, P.S.M. #4002
Licensed Business #6883

CONRAD OATES SUBDIVISION, LOTS 10 AND 11

FOR: HALIFAX HABITAT FOR HUMANITY
1030 W. INTERNATIONAL SPEEDWAY BLVD.
DAYTONA BEACH, FLORIDA

BY: J. J. MATEJKA & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS & MAPPERS
408 HARVEY AVENUE
DAYTONA BEACH, FLORIDA
JOB #17 18130 PLAT #17D3



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408 HARVEY AVENUE
DAYTONA BEACH, FLORIDA
JOB #17 18130 PLAT #17D3

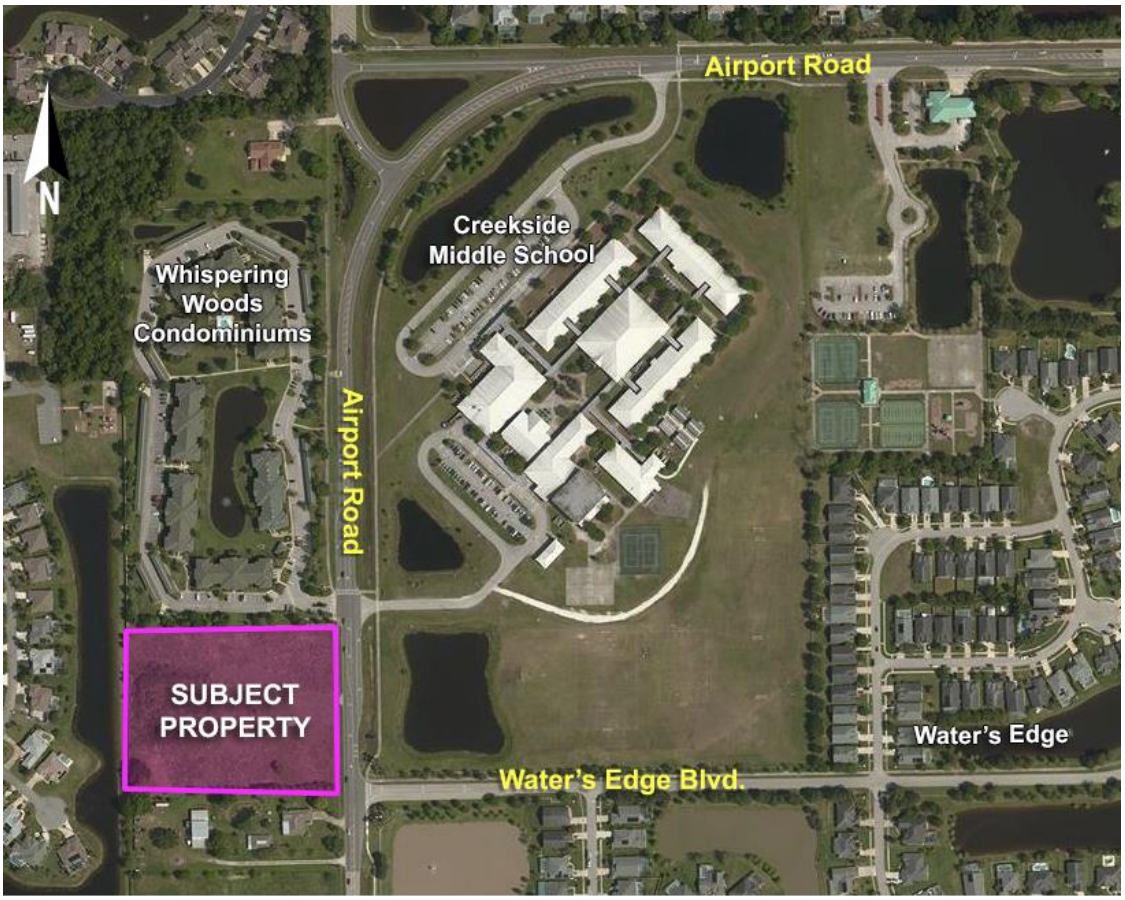
STAFF REPORT

Small-Scale Comprehensive Plan Future Land Use Amendment/Benton House
CASE NO. 16-20000003

REQUEST:	Change the Comprehensive Plan Future Land Use (FLU) designation for ±4.88 acres from *Rural Transition (0-2 units/acre)* to *Office/Residential Transition*.
LOCATION:	812 Airport Road (Figure 1 - Location Map)
APPLICANT:	Roger W. Strcula, PE, Upham, Inc.
PROPERTY OWNERS:	Bipin and Kala Rama
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Principal Planner (386) 506-5671
PLANNING COMMISSION DATE:	February 23, 2017

INTRODUCTION

The subject property is ±4.88-acres. The proposed amendment is to change the Future Land Use (FLU) designation from *Rural Transition (0-2 units/acre)* to *Office/Residential Transition*. The subject property is located at 812 Airport Road, on the west side of Airport Road, south of Whispering Woods Condominiums, and across from Creekside Middle School and Water's Edge subdivision.



If the proposed FLU Amendment is approved, the applicant intends to rezone the property from R-20SF (single-family residential) to Planned Unit Development (PUD) and establish a Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to develop an 88-bed Assisted Living Facility (ALF) and Memory Care Facility. The proposed development of an ALF and Memory Care Facility is consistent with the proposed *Office/Residential Transition* Future Land Use designation which allows for the development of office and institutional uses.

DISCUSSION

The following discussion will examine the proposed amendment, the impacts of the proposed amendment, and the existing environmental conditions.

PROPERTY OVERVIEW

The subject property is currently undeveloped except for a small storage shed on the east side of the property. The surrounding land use, Future Land Use, and Zoning are identified in Table 1. The current adopted and proposed FLU designation for the subject property and the current FLU designation of the adjacent properties is identified on Exhibit A. The current and proposed zoning classification of the subject property and adjacent properties is identified on Exhibit B.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Whispering Woods Condominiums	Urban Medium Density Residential (4-8 units/acre)	PUD
South	Single-family	Volusia County Urban Low Intensity	Volusia County A-1
East (across Airport Rd.)	Creekside Middle School and Water's Edge Subdivision	Rural Transition (0-2 units/acre)	GPU PUD
West	Spruce Creek Fly-In Subdivision	Volusia County Urban Low Intensity	Volusia County PUD

PROPOSED AMENDMENT

The proposed amendment is to change the FLU designation for ±4.88 acres from *Rural Transition (0-2 units/acre)* to *Office/Residential Transition*. The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and maximum allowable intensity (Table 3).

Table 2. Current & Proposed Future Land Uses – Acreage by Category

	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Rural Transition (0-2 units/acre)	4.88	0	- 4.88
Office/Residential Transition	0	4.88	+4.88
TOTAL ACREAGE	4.88	4.88	0

The *Office/Residential Transition* (ORT) designation is intended to provide a buffer between low-density residential areas and high density or commercial uses. It will accommodate a mix of uses, such as offices uses, retail sales, personal services, multi-family developments, adult care/retirement facilities and institutional uses. The Floor Area Ratio (FAR) for this designation is 1.5. The FAR is defined as the total covered area on all floors of all buildings on a certain lot divided by the total area of the lot.

According to the Comprehensive Plan, the Office/Residential Transition designation allows the following development options:

1. 100% of the subject property to be developed with office, institutional, or adult care/retirement facilities uses.
2. 75% of the subject property to be developed with office, institutional uses, or adult care/retirement facilities and the remaining 25% of the subject property to be developed with commercial uses; or
3. 75% of the subject property to be developed with office, institutional uses, or adult care/retirement facilities and the remaining 25% of the subject property to be developed with residential uses at a density up to 10.0 units/acre.

Although the proposed development is referred to as an ALF and Memory Care Facility, it actually functions as a nursing home because of the communal dining facility; therefore it cannot be developed under a multi-family FLU, and the ORT designation is the lowest intensity and most appropriate FLU designation for the proposed development.

According to State law, all allowable development options are to be included in the analyses for the proposed FLU Amendment. Tables 3 and 4 provide an analysis based on 100% of the subject property to be developed with office, institutional, or adult care/retirement facilities uses along with the proposed development (88-bed ALF and Memory Care Facility) in the PUD rezoning application being processed concurrently with this FLU amendment. Exhibit E provides an analysis of the three development options for the Office/Residential Transition designation as required by State law.

Table 3. Current & Proposed Future Land Uses – Maximum Density/Intensity by Category

	Current FLU	Proposed FLU	Net Change in FLU	Proposed Development (Actual)	Net Change (Based on Actual Sq.Ft.)
	[Theoretical Max DU/sq.ft.]				
Rural Transition (0-2 units/acre)	9 DU	0	-9 DU	0	-9 DU
Office/Residential Transition (FAR 1.5**)	0	318,599 sq.ft. (100%)	+318,599 sq.ft.	+58,800 sq.ft.	+58,800 sq.ft.
TOTAL	9 DU	318,599 sq.ft. (100%)	-9 DU +318,599 sq.ft.	+58,800 sq.ft.	-9 DU +58,800 sq.ft

Notes: *No residential dwelling units (DU) are proposed. A rezoning application is being proposed concurrently with the proposed FLU application for an 88-bed Assisted Living and Memory Care Facility; however, State law requires an analysis of all theoretical maximum impacts allowed by the proposed FLU.
**Floor Area Ratio (FAR) is the total covered area on all floors of all buildings on a certain lot divided by the total area of the lot.

INFRASTRUCTURE IMPACT ASSESSMENT

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted future land use designation versus the proposed designation. The following seven public facilities and services were examined (Table 4):

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

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (Theoretical Max.)	Proposed Future Land Use (Theoretical Max.)	Net Change (Theoretical Max.)	Proposed Development (Actual)	Net Change (Actual)
Dwelling Units/Square-footage	9 DU	12 DU* (25%) 239,144 sq.ft. (75%) or 318,599 sq.ft. (100%)	+3 DU* +239,144 sq.ft. or +318,599 sq.ft.	+58,800 sq.ft. (88 bed ALF)	-9 DU +58,800 sq.ft
P.M. Peak Hour Trips/Daily Trips[2]	9/86	254 / 1,931 or 322 / 2,421	+245 / +1,845 or +322 / +2,421	19 / 241	+10 / +155
Sanitary Sewer (gallons/day)[3]	1,440	25,834 or 31,860	+24,394 or +30,420	5,880	+4,440
Potable Water (gallons/day)[4]	1,620	26,074 or 31,860	+24,454 or +30,240	5,880	+4,260
Solid Waste (lbs./day)[5]	65	2,478 or 3,186	+2,413 or +3,121	588	+523
Recreation/Open Space[7]	0.14	0.19 or n/a	+0.05 or -0.14	n/a	-0.14

Notes:

1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: ITE Trip Generation Manual, 9th Edition: 2.74 Daily Trips per bed; 0.22 P.M. Peak Hour Trips per bed; (used for theoretical max analysis: 7.6 Daily Trips per 1,000 sq.ft; 1.01 P.M. Peak Hour Trips per 1,000 sq.ft.), Nursing Home (620); 1.02 PM peak hour trip per unit and 9.52 daily trips per unit, Single-family (210)
3. Sanitary Sewer: 160 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
4. Potable Water: 180 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 square feet of non-residential development per day
6. Stormwater Drainage: LOS standard = 25 year, 24 hour event. Drainage system is required to be designed to meet the requirements of the Land Development Code during subdivision or site plan review.
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person); n/a for non-residential development

The proposed amendment results in increased impacts to public infrastructure based on theoretical maximum impact analysis.

TRANSPORTATION

An increase in the number of daily trips and P.M. peak hour trips is likely as a result of the proposed FLU amendment. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, the proposed *Office/Residential Transition* FLU designation could generate an additional ±322 P.M. peak hour trips and an additional ±2,421 daily trips based on the theoretical maximum development analysis. However, based on the proposed development of a 58,800 sq.ft. (88-bed max) ALF and Memory Care Facility, the proposed use is anticipated to generate ±19 PM peak hours trips and ±241 daily trips.

According to the latest traffic counts for Airport Road, Pioneer Trail, Williamson Boulevard, and Taylor Road, there is sufficient roadway capacity for the traffic that could be generated by the proposed development of the subject property. The site plan for this property will be required to comply with the City's concurrency management requirements.

Table 1. Roadway Capacity

Roadway Segment:	Adopted Level-of-Service Standard	Maximum Capacity	Vehicles per Day	Remaining Capacity	Volume to Capacity Ratio
Airport Road – Pionner Trail to Williamson Blvd.	E	33,300	7,690	25,610	23.09%
Pioneer Trail - Airport-Turnbull Bay Rd.	E	13,640	3,730	9,910	27.35%
Williamson Blvd. – Spruce Creek Bridge to Airport Rd.	D	37,970	17,430	20,540	45.90%
Williamson Blvd – Taylor Rd. to Spruce Creek Bridge	E	37,970	20,550	17,420	54.12%
Tayor Road - Williamson Blvd. to I-95 (at Dunlawton Ave.)	E	47,560	40,210	7,350	84.55%

Source: Volusia County 2015 Traffic Counts (most current available data)

No deficiencies have been identified on the existing and future roadway network in this area in the short term (2020) or the long-term (2030). The Applicant has identified in the Benton House MDA and CDP the additional right-of-way to be dedicated to Volusia County for widening of Airport Road. The additional right-of-way will be dedicated to Volusia County at the time the property is developed. The widening of Airport Road is not listed on the County's 5-year Road Program or the 2040 River to Sea TPO's Long Range Transportation Plan; however, the County continues to plan for Airport Road to be 4-lanes in the future.

SANITARY SEWER

The City has available sewer capacity to accommodate the proposed land use change. The City's adopted level-of-service (LOS) standard for sanitary sewer is 1/10 gallon per square foot per day of non-residential development. Using this standard, the proposed FLU designation would generate a net increase of 30,420 gallons of waste water per day based on the theoretical maximum development analysis. However, the proposed development of a 58,800 sq.ft. (88-bed max) ALF and Memory Care Facility is anticipated to generate a net increase of 4,440 gallons of waste water per day.

POTABLE WATER

The City has available well and Consumptive Use Permit (CUP) capacity to serve the proposed land use change (Exhibit C). The City's adopted LOS standard for potable water is 1/10 gallon per square foot per day of non-residential development. Using this standard, the proposed FLU designation would demand a net increase of 30,240 gallons of potable water per day based on the theoretical maximum development analysis. However, the proposed development of a 58,800 sq.ft. (88-bed max) ALF and

Memory Care Facility is anticipated to demand a net increase of 4,260 gallons of potable water per day.

SOLID WASTE COLLECTION

There is available capacity at the landfill to address the City's solid waste disposal needs. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050. The City's adopted LOS standard for solid waste is 10 lbs. per 1,000 square feet of non-residential development per day. Using this standard, the proposed FLU designation would generate a net increase of 3,121 pounds per day of solid waste based on the theoretical maximum development analysis. However, the proposed development of a 58,800 sq.ft. (88-bed max) ALF and Memory Care Facility is anticipated to generate a net increase of 523 pounds per day of solid waste.

STORMWATER DRAINAGE

There is no anticipated impact to the City's drainage system from the proposed land use change. Stormwater management in the City of Port Orange deals with both quality and quantity. The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan and Land Development Code require that there be no net loss of stormwater retention function as a result of development. In other words, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. Any future development of the property will be required to address stormwater retention on the property in accordance with these City standards.

RECREATION AND OPEN SPACE

There is no anticipated impact to the City's recreational facilities or parkland from the proposed FLU amendment. The development of this property with non-residential uses would not require additional parkland or recreation facilities. Nonetheless, according to the City's 2016 Concurrency Management Report, the City has an excess of 67 acres of parkland beyond the currently adopted level-of-service requirement.

SCHOOLS

The Volusia County School District determined that the proposed development of an ALF and Memory Care Facility is exempt from School Concurrency review (Exhibit D).

ENVIRONMENTAL CONDITIONS

According to the environmental analysis conducted by Ecological Consulting Solutions, Inc., the subject property is primarily unimproved pasture. A small area of forested habitat is present on the southwest corner of the property that consists of sweetgum, laurel oak and cabbage palm. A very small stand of sapling sweetgum trees is present on the southeast portion of the property. There are no wetlands or surface waters, or critical habitats within the subject property. No listed species were observed on the property. No previously recorded cultural resources have been found on the property either. Any subsequent development will be required to comply with all federal, state,

regional and local regulations pertaining to the protection and preservation of valuable environmental resources.

REVIEW CRITERIA AND STAFF FINDINGS

1. *Consistency with the City's Comprehensive Plan.*

   Staff finding: The proposed FLU amendment is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan. The proposed FLU category meets the locational criteria for the *Office/Residential Transition* FLU designation of being located adjacent to residential areas, to provide for an appropriate mix of uses and as a means to keep intensive commercial uses at major intersections. All public facilities have adequate capacity to accommodate the proposed amendment.

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

   Staff finding: The proposed FLU amendment is compatible with the adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other. The subject property is located on Airport Road and is adjacent to a multi-family condominium to the north, a middle school to the east, and single-family homes to the west, south and east (across Airport Road), (see Table 1 – page 2).

3. *Impacts on public facilities/infrastructure/services.*

   Staff finding: The proposed amendment is anticipated to have no impact on recreation and public school facilities and increase impacts on roadways, potable water, sanitary sewer, and solid waste; however, capacity exists to serve the projected increases form the proposed development.

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 does not lie within the Hurricane Vulnerability Zone. The proposed amendment will not negatively impact the clearance time for evacuation of the population in the Hurricane Vulnerability Zone.

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

   Staff finding: The proposed amendment will not encourage sprawl. The amendment area is adjacent to existing development, with access to existing infrastructure.

PUBLIC NOTICE

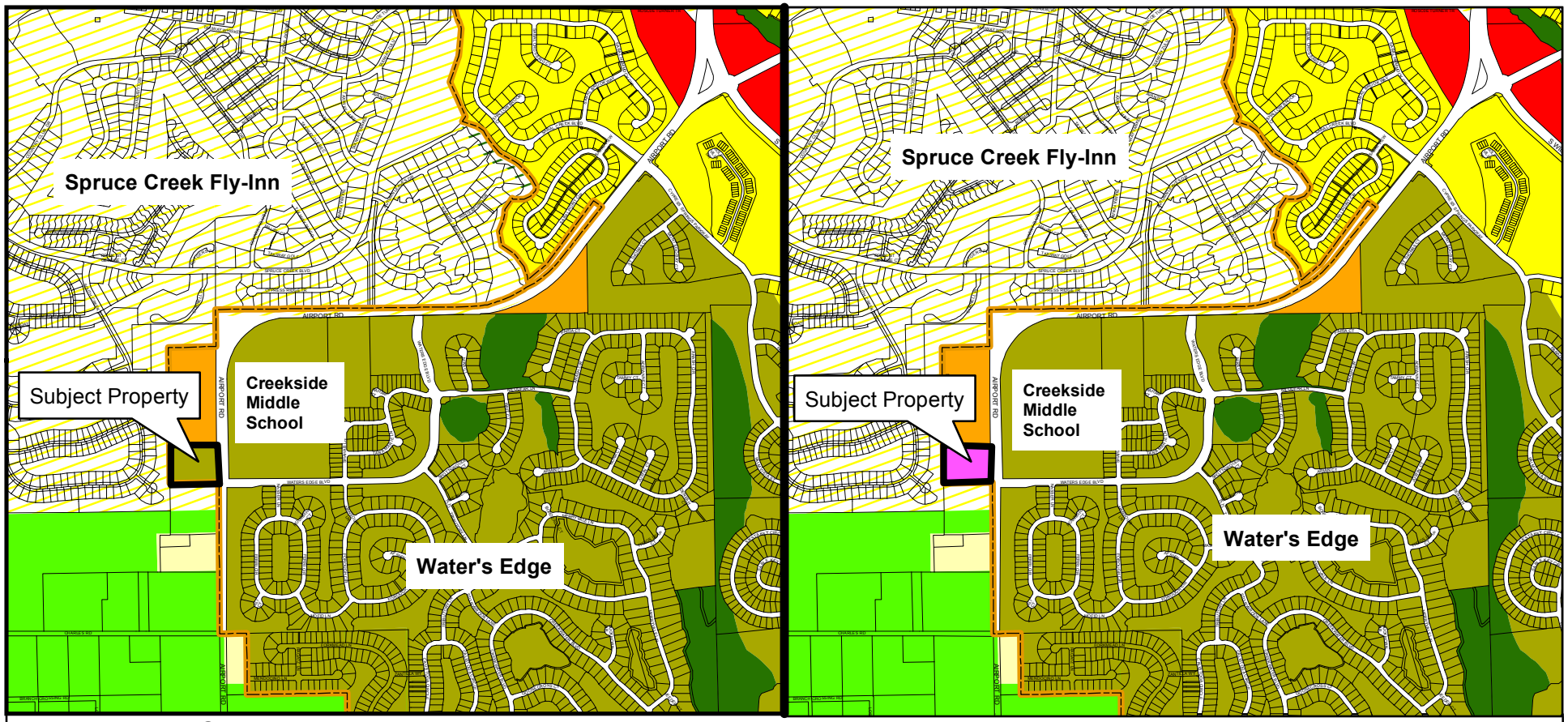
In December 2016, staff posted the property notifying the public of the proposed amendment. The proposed amendment has also been advertised in the *New-Journal* pursuant to Florida Statues.

STAFF RECOMMENDATION

Staff recommends **approval** of the request to change the FLU designation of ±4.88 acres from *Rural Transition (0-2 units/acre) to Office/Residential Transition*, and authorizing staff to send the amendment to the required review agencies.

ATTACHMENTS:

Exhibit A – Current and Proposed Future Land Use
Exhibit B – Current and Proposed Zoning
Exhibit C – SJRWMD Potable Water Availability Worksheet
Exhibit D – School District Review Letter
Exhibit E – Complete Analysis of Current & Proposed Future Land Uses – Maximum Density/Intensity by Category



Current Future Land Use

- Conservation
- Rural Transition (0-2 Units/Acre)
- Suburban Residential (2-4 Units/Acre)
- Urban Medium Density Residential (4-8 Units/Acre)
- Office/Residential Transition (Up to 10 Units/Acre)
- Commercial

Proposed Future Land Use

- VC RURAL
- VC URBAN LOW DENSITY
- VC AGRICULTURE RESOURCE

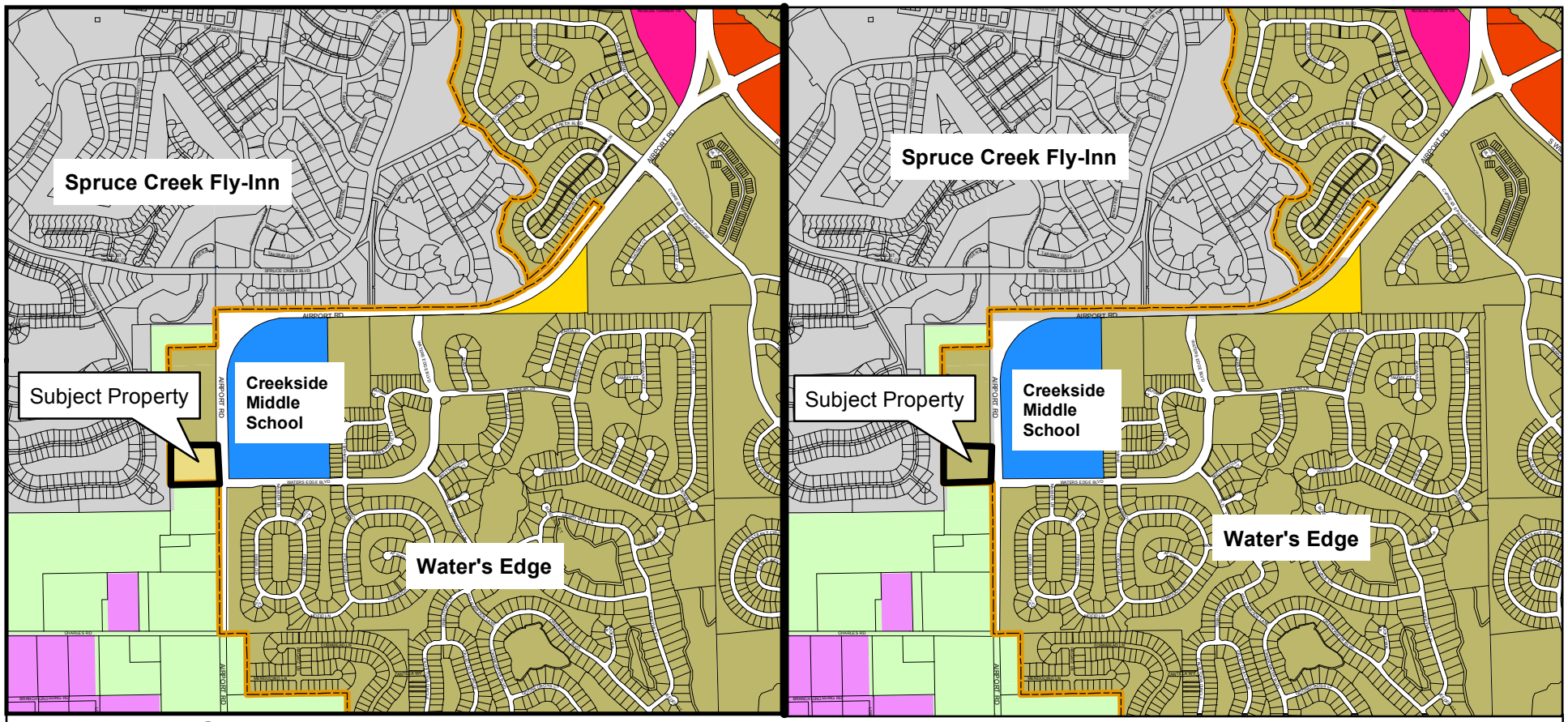
CITY OF PORT ORANGE 1867 FLORIDA

EXHIBIT A

CASE NO. 16-20000003 and 16-65000001

DEPARTMENT OF COMMUNITY DEVELOPMENT

N W E S



Current Zoning

- GPU Government/Public Use
- R-20SF Single Family Residential
- PUD Planned Unit Development
- R-3L Multi-Family Residential
- PCD Planned Commercial Development
- CC Community Commercial

Proposed Zoning

- VC Agriculture
- VC Rural Mobile Home
- VC Planned Unit Development

CITY OF PORT ORANGE 1867 FLORIDA

EXHIBIT B

CASE NO. 16-20000003 and 16-65000001

DEPARTMENT OF COMMUNITY DEVELOPMENT

N W E S

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: February2017 Case No. 16-20000003(Benton HouseALF and Memory Care Facility)
Contact name:Penelelope Cruz/ Kenny Ho, P.E. 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):15million gallons a day (mgd)
Total design capacity of the water treatment plant(s): 15mgd
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 Expiration date: 6/1/22
Total CUP duration (years): 20
CUP allocation in last year of permit: 8.97 MGD (annual average)
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 goverments
Reserved capacity: 0.014 MGD (Based on a estimated 77 ELUs that are permitted but unbuilt at 180 GPD/ELU.) Total committed capacity built and unbuilt is 7.11 MGD - based on 39,523 ELUs at 180 GPD/ELU.

4. Consumptive Use Analysis

Designate mgd ☒ or mgy ☐

A. Current year CUP allocation:	8.62
B. Consumption in the previous calendar year:	5.98
C. Reserved capacity ☐ or growth projection ☒ (check the one used):	0.18
D. Projected consumption by proposed comprehensive plan amendment areas	0.00
E. Amount available for all other future uses (A – B – C – D = E):	2.46

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 D

FACILITIES SERVICES

3750 Olson Drive, Daytona Beach, Florida 32124
PHONE: 386/734-7190 FAX: 386/506-5056

James T. Russell
Superintendent of Schools

School Board of Volusia County

Mrs. Linda Costello, Chairman
Mrs. Ida White, Vice-Chairman
Mrs. Linda Cuthbert
Dr. John Hill
Mrs. Melody Johnson

01 February, 2017

Mr. Roger W. Strcula, PE
Upham, Inc.
265 Kenilworth Avenue
Ormond Beach, FL 32174

RE: Benton House ALF – City of Port Orange
School Concurrency Case #16-12-12-001-NI

Dear Mr. Roger Strcula:

District staff has reviewed the project information for a proposed Assisted Living and Memory Care facility on a 4.88+/- acre parcel located at 812 Airport Road in the City of Port Orange. The Comprehensive Plan amendment seeks to change the Land Use designation from Rural Transition to Office/Residential Transition (ORT) and rezone from R-20F to PUD. The PUD master development agreement provides for the creation of an assisted living facility and memory care unit of up to 88 units. The applicant has provided a copy of the building plan and resident agreement both of which support the fact that this will be a residential medical facility not a residential community. This type of facility will not require a school concurrency certificate as it does not impact the public school district.

This letter serves to provide the appropriate jurisdiction and the applicant with documentation that the project has been reviewed and evaluated by the school district and is considered a project of no impact for school concurrency purposes.

Should there be any additional questions or you require more information, please feel free to contact me at extension 50810.

Sincerely,

Eric A. Kozielski
01 FEB 2017

Eric A. Kozielski
Planning & GIS Specialist

CC: James Russell, Superintendent of Schools
Penelope Cruz, City of Port Orange
Kelsi Horton, Upham, INC
Project File

Exhibit E

Current & Proposed Future Land Uses – Maximum Density/Intensity by Category

	Current FLU	Proposed FLU	Net Change in FLU	Proposed Development (Actual)	Net Change (Based on Actual Sq.Ft.)
	[Theoretical Max DU/sq.ft.]				
Rural Transition (0-2 units/acre)	9 DU	0	-9 DU	0	-9 DU
Office/Residential Transition					
Option 1: 100% office/institutional (FAR 1.5**)	0	318,599 sq.ft. (100%)	+318,599 sq.ft.	+58,800 sq.ft.	+58,800 sq.ft.
Option 2: 75% office/institutional /25% commercial (FAR 1.5)	0	239,144 sq.ft. (75%) 79,715 sq.ft. (25%)	+239,144 sq.ft. +79,715 sq.ft.		
Option 3: 75% office/institutional (FAR 1.5); 25% residential at 10 units/acre	0	12 DU* (25%) 239,144 sq.ft. (75%)	+3 DU* +239,144 sq.ft.		
TOTAL	9 DU	318,599 sq.ft. (100%)	-9 DU +318,599 sq.ft.	+58,800 sq.ft.	-9 DU +58,800 sq.ft
		239,144 sq.ft. (75%) 79,715 sq.ft. (25%)	-9 DU +239,144 sq.ft. +79,715 sq.ft.		
		12 DU* (25%) 239,144 sq.ft. (75%)	+3 DU* +239,144 sq.ft.		

Notes:

*No residential dwelling units (DU) are proposed. A rezoning application is being proposed concurrently with the proposed FLU application for an 88-bed Assisted Living and Memory Care Facility; however, State law requires an analysis of all theoretical maximum impacts allowed by the proposed FLU.

**FAR is Floor Area Ratio, which is the total covered area on all floors of all buildings on a certain lot divided by the total area of the lot.

STAFF REPORT
PUD Rezoning and Benton House Master Devlopment Agreement and Conceptual Development Plan
CASE NO. 16-65000001

REQUEST:	Rezone ±4.88 acres from R-20SF to Planned Unit Development (PUD) and approve the Benton House Master Development Agreement (MDA) and Conceptual Development Plan (CDP)
APPLICANT:	Roger W. Strcula, PE, Upham, Inc.
PROPERTY OWNERS:	Bipin and Kala Rama
LOCATION:	812 Airport Road (Figure 1 - Location Map)
STAFF CONTACT:	Penelope Cruz, Principal Planner (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	February 23, 2016

INTRODUCTION

The applicant requests to rezone ±4.88-acres from R-20SF (single-family residential) to Planned Unit Development (PUD) and approval of the Benton House Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The proposed MDA and CDP would establish the framework for the development of an Assisted Living Facility (ALF) and Memory Care Facility that provides fulltime long-term care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. If approved, the applicant intends to develop the parcel located at 812 Airport Road as an 88-bed ALF and Memory Care Facility with associated site improvements.

The proposed Benton House PUD is located on the west side of Airport Road, south of the Whispering Woods Condominiums and across the street from Creekside Middle School and the Water's Edge subdivision (Figure 1 - Location Map).

CONSISTENCY WITH COMPREHENSIVE PLAN

The applicant has applied to change the Future Land Use (FLU) designation of ±4.88 acres from *Rural Transition (0-2 units/acre)* to *Office/Residential Transition*. The proposed rezoning to PUD and the MDA and CDP are consistent with the type of land use and intensity allowed by the City of Port Orange FLU designation proposed for the property.

General infrastructure capacity for the proposed FLU amendment of the ±4.88 acres was evaluated with the FLU amendment (Case No. 16-20000003). A detailed review of water, sewer, reclaimed water, stormwater, and traffic for the proposed development of an 88-bed ALF and Memory Care Facility will be evaluated when the site plan is submitted for the subject property.

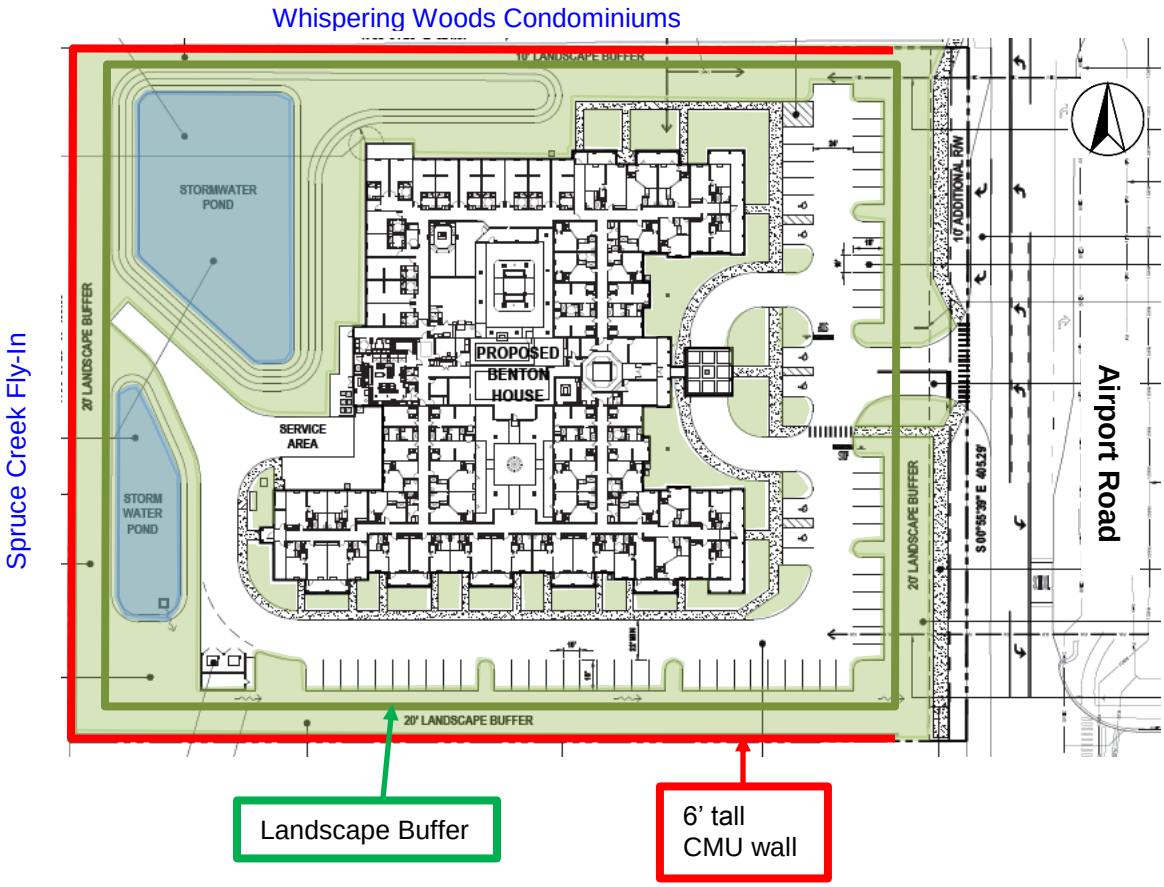
DEVELOPMENT PROPOSAL

If approved, the MDA and the CDP (Exhibit C) will provide the regulatory framework for the development of the subject property. The following discussion will focus on the significant aspects of the proposed MDA and CDP such as the use, size and development impacts.

General Layout

The Conceptual Development Plan (CDP) for this amendment shows the general lot layout for the proposed ALF and Memory Care Facility (Figure 2 of the Staff Report and Exhibit B of the MDA). The general site layout and improvements associated with this amendment will comply with the requirements of the Land Development Code (LDC) and the MDA.

Figure 2. Benton House PUD Conceptual Development Plan



Roadway and Access

The proposed development will be accessed from Airport Road. As indicated on the CDP, the developer of the property will install a right turn land and restripe the center bi-directional left turn lane between Water's Edge Boulevard and the Creekside Middle School driveway. The MDA also requires dedication of a 10'-wide strip of land along Airport Road to Volusia County for the future widening of Airport Road. The land to be dedicated for the Airport Road right-of-way is shown on the CDP. The widening of Airport Road is not listed on the County's 5-year Road Program or the 2040 River to Sea TPO's Long Range Transportation Plan; however, the County continues to plan for Airport Road to be 4-lanes in the future.

Traffic

Based on the ITE Trip Generation Manual, 9th Edition, the development of the proposed 88-bed ALF and Memory Care Facility could generate ±19 p.m. peak hour trips and ±241 daily trips[1]. According to the latest traffic counts for Airport Road, Pioneer Trail, Williamson Boulevard, and Taylor Road, there is sufficient roadway capacity for the traffic that could be generated by the proposed development of the subject property. The site plan for this property will be required to comply with the concurrency management requirements in the City's LDC.

Table 1. Roadway Capacity

Roadway Segment:	Adopted Level-of-Service Standard	Maximum Capacity	Vehicles per Day	Remaining Capacity	Volume to Capacity Ratio
Airport Road – Pionner Trail to Williamson Blvd.	E	33,300	7,690	25,610	23.09%
Pioneer Trail - Airport-Turnbull Bay Rd.	E	13,640	3,730	9,910	27.35%
Williamson Blvd. – Spruce Creek Bridge to Airport Rd.	D	37,970	17,430	20,540	45.90%
Williamson Blvd – Taylor Rd. to Spruce Creek Bridge	E	37,970	20,550	17,420	54.12%
Tayor Road - Williamson Blvd. to I-95 (at Dunlawton Ave.)	E	47,560	40,210	7,350	84.55%

Source: Volusia County 2015 Traffic Counts (most current available data)

Tree Preservation/Landscaping/Screening

The proposed development will comply with the tree preservation and landscaping requirements of the LDC. This includes the preservation of 15% of the square-footage of the overall PUD property for the protection of existing trees and perimeter buffers. On the CDP, a minimum 6'-tall screen wall is shown to be installed along the north, west, and south sides of the PUD property.

[1] 2.74 Daily Trips per bed; 0.22 P.M. Peak Hour Trips per bed, Nursing Home (620), ITE Trip Generation Manual, 9th Edition

Potable Water, Sanitary Sewer, and Reclaimed Water

The proposed development will comply with the requirements of the LDC for improvements related to water, sewer, and reclaimed water. Potable water, sanitary sewer and reclaimed water lines are available and connections will be made from Airport Road and the adjacent development to the north.

Stormwater Management

Stormwater will be retained as generally depicted on the CDP. The City's Comprehensive Plan and Land Development Code require that there be no net loss of stormwater retention function as a result of development. As a result, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. The future development will be required to address stormwater retention on the property in accordance with City standards.

Schools

The Volusia County School District determined that the proposed development of an ALF and Memory Care Facility is exempt from School Concurrency review.

Architecture

The architecture of the building and accessory structures will be designed with a common architectural theme and comply with LDC requirements, such as exterior color, screening of mechanical equipment, and providing full architectural treatment on all visible sides. The proposed architecture of the building is included in the MDA and is similar to the Benton House ALF and Memory Care Facility in Brunswick, GA (Figure 3). A formal review of the architecture design will occur during the site plan review process to verify compliance with the MDA and LDC.

Figure 3. Benton House in Brunswick, GA

OUTSTANDING TECHNICAL COMMENTS:

The Staff Development Review Committee (SDRC) has reviewed this project and there are no outstanding technical comments or policy issues.

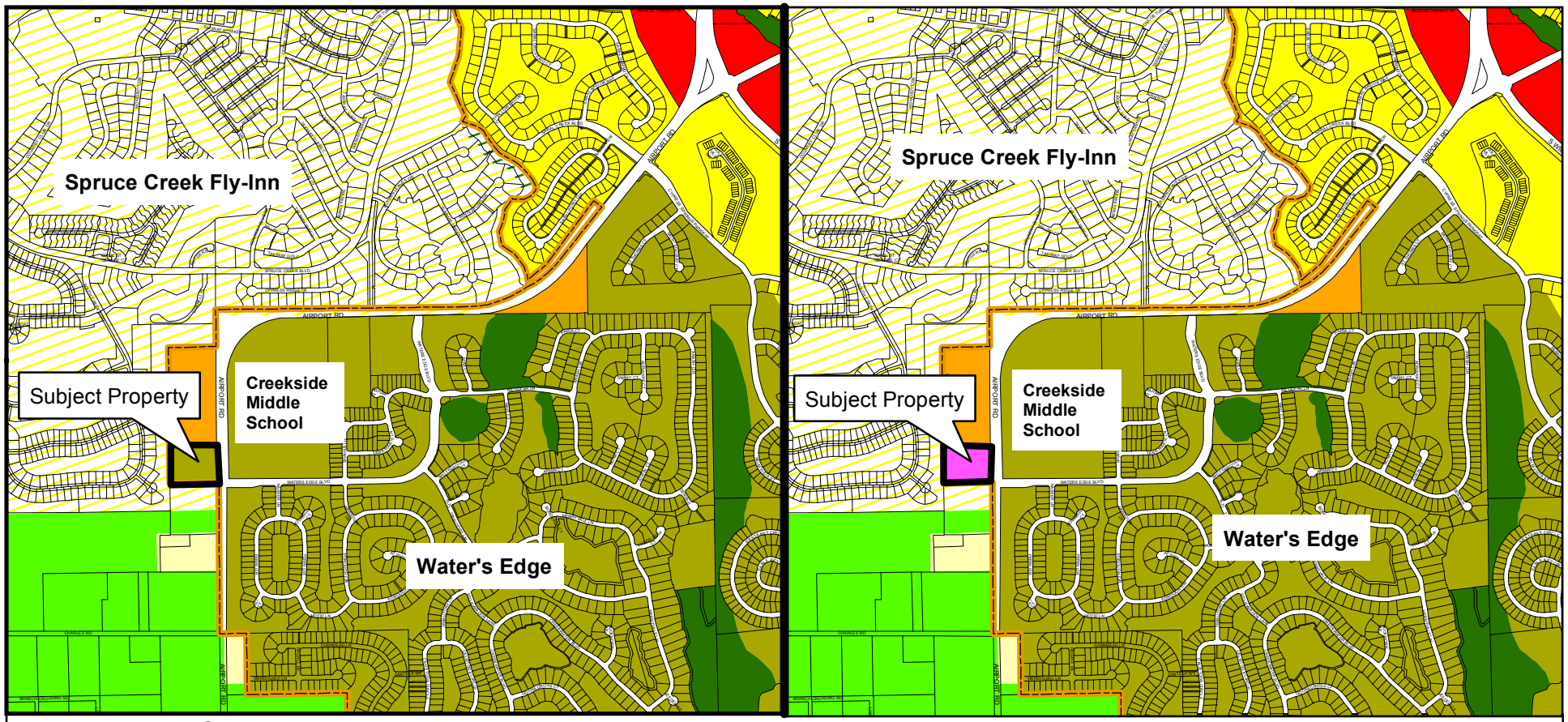
RECOMMENDATION

Staff recommends **approval** of the rezoning for the Benton House PUD and the Master Development Agreement and Conceptual Development Plan, subject to the following:

1. Approval of the Future Land Use amendment (Case No. 16-20000003); and
2. Review and approval of the MDA and CDP by the City Attorney's Office for legal form and content.

ATTACHMENTS

Exhibit A – Current and Proposed Future Land Use
Exhibit B – Current and Proposed Zoning
Exhibit C – Benton House PUD Master Development Agreement and Conceptual Development Plan



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- VC URBAN LOW DENSITY
- VC AGRICULTURE RESOURCE

CITY OF PORT ORANGE 1867 FLORIDA

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CASE NO. 16-20000003 and 16-65000001

DEPARTMENT OF COMMUNITY DEVELOPMENT

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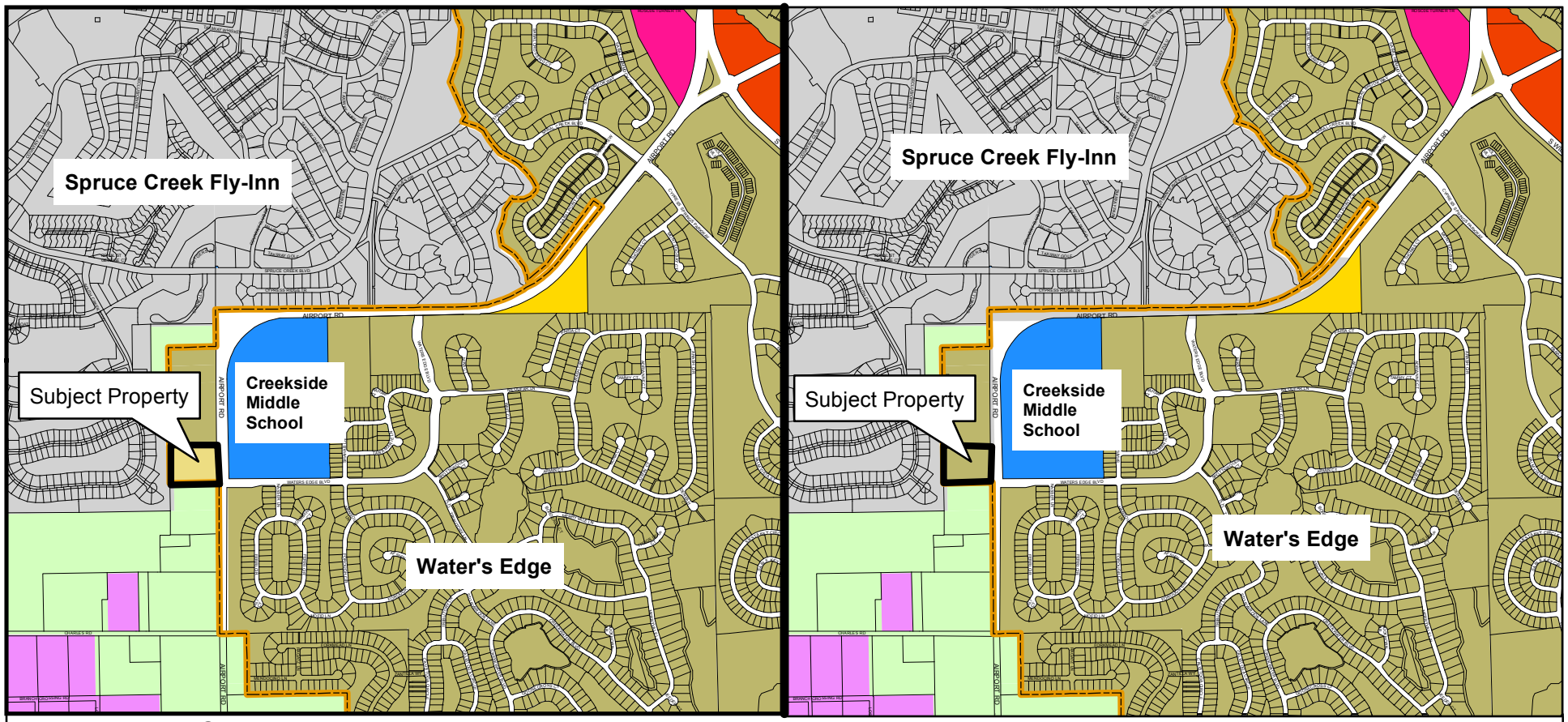

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- CC Community Commercial

Proposed Zoning

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- VC Rural Mobile Home
- VC Planned Unit Development

CITY OF PORT ORANGE 1867 FLORIDA

EXHIBIT B

CASE NO. 16-20000003 and 16-65000001

DEPARTMENT OF COMMUNITY DEVELOPMENT

N W E S

Exhibit C

Benton House PUD Master Development Agreement and Conceptual Development Plan

RECEIVED
1-16-17
CITY OF PORT ORANGE
Community Development

REVISED

BENTON HOUSE PLANNED UNIT DEVELOPMENT

MASTER DEVELOPMENT AGREEMENT

The City of Port Orange, a Florida municipal corporation (the "City"), Principal Senior Living Partners IV, LLC, a Georgia limited liability company, and its successors and assigns (the "Developer" and/or "Contract Purchaser"), and Bipin and Kala Rama (the "Owners") hereby covenant and agree, and bind their successors and assigns as follows:

1. OWNERSHIP OF THE PROPERTY

This Planned Unit Development, commonly known as "BENTON HOUSE", involves approximately 4.881 +/- acres of land which is legally described on Exhibit "A" attached hereto, and shall henceforth be referred to as the "Property". The Property is under the ownership of Bipin and Kala Rama, signatories to this Agreement, and will be purchased and developed by Developer. Owners and Developer shall deliver to the City a certified copy in recordable form of the Statement of Authority for said Owners and Developer. Delivery shall occur prior to approval by the City. This Agreement between the City, Owner and Developer shall revoke any and all prior development agreements applicable to the Property.

2. DEVELOPMENT CONCEPT

The Benton House PUD will provide for up to an eighty eight (88) bed senior living and memory care residential home with a communal kitchen and dining area, as well as indoor activities and outdoor courtyard areas for residents. Being surrounded by a school, single-family residential neighborhoods, a multi-family development and agricultural uses, the proposed facility will be compatible with the surrounding mix of uses.

3. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN

Development of the Property shall be controlled by the terms and provisions of this Master Development Agreement (the "Agreement") and the Conceptual Development Plan, attached

hereto as Exhibit "B", for the Property which generally depicts the planned layout of buildings, driveways, parking, stormwater ponds and other planned features or improvements to the Property. Collectively, this Master Development Agreement and the Conceptual Development Plan for the Property may be referred to as the "Plan". In the event of a conflict between the terms and provisions of the Master Development Agreement and the graphic illustrations of the Conceptual Development Plan, the Master Development Agreement shall control. If the Master Development Agreement is silent regarding a particular subject or requirement, such silence shall not be construed as a conflict with the Conceptual Development Plan. Unless otherwise specifically described within the Master Development Agreement, final development and development permits for uses/structures within the PUD shall comply with regulations, ordinances, and resolutions in effect at the time of plan approval or permit application. The parties acknowledge that compliance with the City's Land Development Code (LDC) may necessitate modification of the Conceptual Development Plan. In the event modification to comply with the LDC is required, and the modifications to the Conceptual Development Plan are not in conflict with the textual provisions of this Agreement and any City ordinances not superseded by this Agreement, the modifications shall be deemed "minor" and may be approved without formal amendment of this Agreement. Minor modifications shall require the City Administrative Official's written approval. If the Owners/Developer are not satisfied with the suggested resolution of any problem or the decision by the City Administrative Official categorizing the modification as minor or major, the Owners/Developer may appeal the decision to the Planning Commission. Appeals from the Planning Commission may be made to the City Council.

4. PERMITTED USES

- Assisted Living Facility
- Memory Care Facility

- Accessory uses consistent with the permitted uses

The Property shall be used for up to an 88-bed senior living and memory care residential home with a communal kitchen and dining area, as well as indoor activities and outdoor courtyard areas for residents. The facility shall be licensed by the Agency for Health Care Administration, as required, meeting all of the necessary criteria pursuant to current Federal, State and local laws and ordinances. Multi-family uses shall be prohibited on the Property.

5. MAXIMUM UNITS / DENSITY / INTENSITY

The total number of beds shall not exceed 88 beds. The Floor Area Ratio shall not exceed 0.27 FAR.

6. DIMENSIONAL REQUIREMENTS

Maximum Building Coverage:	27.0%
Minimum Open Space:	40%

Open space shall include any areas utilized for lawns, stormwater treatment and buffers not consisting of an impervious surface.

Maximum Impervious Lot Coverage:	60%
Minimum Building Setbacks:	
Front (Airport Road):	75 ft.
Side:	50 ft.
Rear:	75 ft.
Minimum Landscape Buffers:	
Front (Airport Road):	20 ft.
Side (North):	10 ft.
Side (South):	20 ft.
Rear:	20 ft.
Maximum Building Height:	37 ft.

7. PHASING AND SUBDIVISION

Development of the Property shall not occur in phases, and there is no intent to subdivide the Property. However, should the Property be subdivided in the future, said Property would be subject to the requirements of the LDC, and a property owners' association would be required for the purpose of maintaining the common areas.

8. INFRASTRUCTURE

On-site infrastructure improvements for potable water, sewer, reclaimed water (if available) and electricity shall be constructed on the Property in a manner consistent with the City's LDC and approved site/development plan(s). All potable water, wastewater collection system (sewer), and reclaimed water within this development shall be private. On-site stormwater management and retention facilities will be constructed in conjunction with the development of the Property, as shown on the Conceptual Development Plan attached hereto as Exhibit "B". Said stormwater facilities shall be designed and built in conformance with all applicable Federal, State and local laws, ordinances, resolutions and regulations, including the environmental provisions thereof, and will be maintained at a level consistent with the standards of the St. Johns River Water Management District and the City's LDC. In addition, a six foot (6') high CMU wall shall be placed around the perimeter of the Property in the location shown on the Conceptual Development Plan.

9. ROADS, SIDEWALKS AND CONNECTIVITY

Roads, drives and sidewalks within the Property, as shown on the Conceptual Development Plan attached hereto as Exhibit "B", shall be private and shall be constructed to City standards and maintained by the Developer. Developer shall also dedicate to the County of Volusia a ten foot (10') wide right-of-way for the future widening of Airport Road. The eight foot (8') wide sidewalk along Airport Road shall be built by the Developer for public use but will be located on the

Property in a public pedestrian access easement and outside the 10' right-of-way, as shown on the Conceptual Development Plan.

10. PARKING

Parking shall be as shown on the Conceptual Development Plan attached hereto as Exhibit "B" and in compliance with the requirements of the City's LDC.

11. SIGNAGE

Signage shall be as shown on the Conceptual Development Plan attached hereto as Exhibit "B" and in compliance with the requirements of the City's LDC and shall include, but not be limited to, monument, wall, directional and supplementary signage. A final sign plan shall be addressed as part of the development plan approval process.

12. LANDSCAPING

Landscaping and landscape buffers on the Property shall be as shown on the Conceptual Development Plan attached hereto as Exhibit "B" and shall comply with the requirements of the City's LDC. The final landscape plan shall be addressed as part of the development plan approval process.

13. ENVIRONMENTAL CONSIDERATIONS

Although the subject Property has been almost completely cleared of trees, the Developer will use reasonable efforts to preserve trees and natural vegetation within the Property, and the PUD shall comply with the tree preservation requirements of the City's LDC. In addition, the Developer shall comply with all rules, statutes, laws and regulations pertaining to protected wildlife species. Compliance with the City Environmental Preservation Code may necessitate modification of the Conceptual Development Plan.

14. ARCHITECTURAL DESIGN

The Development shall create a sense of permanence and place through use of quality design and building materials. The architectural design shall comply with the requirements of the City's LDC, such as exterior color, screening of mechanical equipment, and providing full architectural treatment on all visible sides. An initial architectural elevation is shown in the Conceptual Development Plan attached hereto as Exhibit "B", and the final architectural design shall be addressed as part of the development/site plan approval process.

15. EXPIRATION

The duration of this Agreement shall not exceed ten (10) years from the date of its execution. This Agreement may be extended for an additional five (5) year term by mutual consent of the Developer and the City subject to a public hearing. Development of the Benton House PUD shall commence within three (3) years from the date of execution of this Agreement. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified by mutual agreement of the Developer and the City. Development shall be as defined by the LDC.

16. EFFECTIVE DATE

This Agreement shall become effective upon recording in the public records of Volusia County, Florida.

17. AMENDMENTS

Amendments to this Agreement shall not be effective unless in writing and signed by the respective parties to this master development agreement. Before amendment of this agreement, the City shall conduct at least two (2) public hearings, as more particularly set forth below. At the City's option, at least one (1) of these public hearings may be held by the City's Planning Commission in accordance with the following:

A. Notice of intent to consider an amendment shall be published by the City, at the Developer's cost, at least seven (7) days before each public hearing in a newspaper of general circulation and readership in Volusia County, Florida.

B. Notice of intent to consider an amendment shall also be mailed by the City, at the Developer's cost, to all affected property owners at least thirty (30) days before the first public hearing.

C. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

D. The notices required above shall specify the location of the Property, the nature of the proposed amendment, and the following information to the extent applicable

i. Changes in permitted, conditional, and/or prohibited uses proposed;

ii. Changes in population densities proposed; and

iii. Changes in building intensities and/or height proposed.

The notices shall also specify a place where a copy of the proposed amendment can be obtained.

18. CONFORMANCE WITH THE LAWS

The Developer agrees:

A. To develop the Property according to all PUD regulations of the City to the extent those regulations are not inconsistent with the Plan for the property.

B. To provide agreements, contracts, deed restrictions, sureties and other documents required by the City Legal Department for completion of the development, and for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense, and that the Developer's successors in title will be bound by the Developer's commitments made in this Agreement.

C. To be bound by all City codes and ordinances that are not in conflict with the provisions of this Agreement.

19. ENFORCEABILITY

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity of enforceability of any other provision of this Agreement unless the holding so states.

20. PRIOR AGREEMENTS

This Agreement represents the complete understandings by and between the parties with respect to the development and continued use of the subject property. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement is hereby voided and superseded by this Agreement.

[Signatures on following pages.]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals this _____ day of _____ , 20___.

Signed, sealed and delivered
in the presence of

_____
Witness 1 Signature

_____
Print Name of Witness 1

_____
Witness 2 Signature

_____
Print Name of Witness 2

THE CITY OF PORT ORANGE, FLORIDA
a Florida municipal corporation

_____
By: Donald O. Burnette, Mayor

Attest:

_____
By: Robin Fenwick, City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by Donald O. Burnette and Robin Fenwick, Mayor and City Clerk, respectively, of The City of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

_____

Notary Type, Print or Stamp Name

My commission expires _____

Signed, sealed and delivered
in the presence of:

DEVELOPER / CONTRACT PURCHASER:

_____
Witness 1 Signature

Principal Senior Living Partners IV, LLC, a Georgia Limited Liability Company

_____
Print Name of Witness 1

By: _____

_____
Witness 2 Signature

Print Name: _____

_____
Print Name of Witness 2

Its: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by _____, as _____ of Principal Senior Living Partners IV, LLC, a Georgia Limited Liability Company. He/she is personally known to me OR has produced _____ as identification.

_____
Notary Public
Printed Name, Commission, Seal and Term Expiration Date

Signed, sealed and delivered
in the presence of:

OWNER:

_____
Witness 1 Signature

Bipin and Kala Rama

_____
Print Name of Witness 1

_____
By: Bipin Rama

_____
Witness 2 Signature

_____ _____
Print Name of Witness 2 By: Kala Rama

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Bipin and Kala Rama. They are personally known to me OR have produced _____ as identification.

_____
Notary Public, State of Florida
Printed Name, Commission, Seal and Term Expiration Date

EXHIBIT A

LEGAL DESCRIPTION

BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST RUN THENCE SOUTH 89 DEGREES 19 MINUTES 02 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 36 FOR A DISTANCE OF 25.00 FEET TO THE EXISTING WEST RIGHT OF WAY LINE OF AIRPORT ROAD AS NOW IN USE; THENCE NORTH 00 DEGREES 55 MINUTES 39 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID SECTION 36, FOR A DISTANCE OF 303.19 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 54 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 524.43 FEET TO THE EAST LINE OF RESERVE AT SPRUCE CREEK UNIT III-D, SECTION 3, AS RECORDED IN MAP BOOK 47 PAGE 70, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 57 MINUTES 26 SECONDS WEST ALONG THE SAID EAST LINE OF RESERVE AT SPRUCE CREEK UNIT III-D, SECTION 3, FOR A DISTANCE OF 405.30 FEET TO THE SOUTH LINE OF WHISPERING WOODS, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 4892, PAGES 3924-3998; THENCE NORTH 88 DEGREES 54 MINUTES 26 SECONDS EAST ALONG SAID SOUTH LINE OF WHISPERING WOODS, A CONDOMINIUM FOR A DISTANCE OF 524.67 FEET TO THE WEST LINE OF AFORESAID AIRPORT ROAD; THENCE SOUTH 00 DEGREES 55 MINUTES 39 SECONDS EAST ALONG SAID WEST LINE OF AIRPORT ROAD FOR A DISTANCE OF 405.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS 4.881± ACRES MORE OR LESS

EXHIBIT B

CONCEPTUAL DEVELOPMENT PLAN

DEVELOPMENT INFORMATION

1. THE PROPOSED USE IS LIMITED TO A SENIOR LIVING AND MEMORY CARE RESIDENTIAL HOME WITH A COMMUNAL KITCHEN AND DINING AREA, AS WELL AS INDOOR ACTIVITIES AND OUTDOOR COURTYARD AREAS FOR RESIDENTS.

2. MAXIMUM COVERAGE

BUILDING	57,400± SF	1.32± AC	(27.0%)
PAVEMENT / SIDEWALK	70,030± SF	1.61± AC	(33.0%)
OPEN SPACES	85,175± SF	1.95± AC	(40.0%)
TOTAL SITE	212,605± SF	4.88± AC	(100.0%)

3. MAXIMUM IMPERVIOUS AREA 127,430± SF 2.93± AC (60.0%)

4. MAXIMUM BUILDING HEIGHT 37'

5. FLOOR AREA RATIO (58,800 / 220,317) = 0.27

6. MAXIMUM NUMBER OF BEDS 88

7. BUILDING SETBACKS

FRONT (AIRPORT RD)	75'
SIDE	50'
REAR	75'

8. LANDSCAPE BUFFER

FRONT (AIRPORT RD)	20'
SIDE (NORTH)	10'
SIDE (SOUTH)	20'
REAR	20'

9. PARKING
   1 SPACE PER 2 BEDS PLUS 1 SPACE PER EMPLOYEE ON LARGEST SHIFT. AMOUNT OF PARKING REQUIRED BASED ON THE NUMBER OF BEDS AND THE AMOUNT PROVIDED. PROPOSED PARKING PROVIDED IS 64 SPACES.

10. REFER TO MASTER DEVELOPMENT AGREEMENT (MDA) FOR SPECIFIC CONDITIONS AND REQUIREMENTS.

11. COMPLIANCE WITH THE CITY OF PORT ORANGE ENVIRONMENTAL COMPLIANCE CODE MAY NECESSITATE MODIFICATION TO THIS PLAN.

12. OPEN SPACE SHALL COMPRISE ANY AREA THAT IS UTILIZED FOR LAWNS, STORMWATER TREATMENT, AND BUFFERS NOT CONSISTING OF AN IMPERVIOUS SURFACE AREA.

13. THERE WILL BE NO HOMEOWNERS OR PROPERTY OWNERS ASSOCIATION FOR OWNERSHIP AND MAINTENANCE OF COMMON AREAS OR SPECIFIC RESTRICTIONS.

14. PROPOSED UTILITIES USAGE

POTABLE WATER	130 GPD / BED = 11,440 GPD
WASTEWATER	130 GPD / BED = 11,440 GPD
RECLAIM WATER	10,000 GPD

15. ALL INTERIOR POTABLE WATER, WASTEWATER COLLECTION SYSTEM AND RECLAIM WATER FACILITIES SHALL BE PRIVATELY OWNED AND MAINTAINED.

CONCEPTUAL DEVELOPMENT PLAN OF A PUD FOR THE PROPOSED

BENTON HOUSE

SENIOR LIVING AND MEMORY CARE FACILITY

812 AIRPORT ROAD, PORT ORANGE

EXHIBIT B

INDEX OF SHEETS

SHEET No.	DESCRIPTION
1	COVER SHEET
2	CONCEPTUAL DEVELOPMENT PLAN
3	BUILDING ELEVATIONS
4 - 6	BOUNDARY & TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION:

BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST RUN THENCE SOUTH 89 DEGREES 19 MINUTES 02 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 36 FOR A DISTANCE OF 25.00 FEET TO THE EXISTING WEST RIGHT OF WAY LINE OF AIRPORT ROAD AS NOW IN USE; THENCE NORTH 00 DEGREES 55 MINUTES 39 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID SECTION 36, FOR A DISTANCE OF 303.19 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 54 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 524.43 FEET TO THE EAST LINE OF RESERVE AT SPRUCE CREEK UNIT III-D, SECTION 3, AS RECORDED IN MAP BOOK 47 PAGE 70, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 57 MINUTES 26 SECONDS WEST ALONG THE SAID EAST LINE OF RESERVE AT SPRUCE CREEK UNIT III-D, SECTION 3, FOR A DISTANCE OF 405.30 FEET TO THE SOUTH LINE OF WHISPERING WOODS, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 4892, PAGES 3924-3998; THENCE NORTH 88 DEGREES 54 MINUTES 26 SECONDS EAST ALONG SAID SOUTH LINE OF WHISPERING WOODS, A CONDOMINIUM FOR A DISTANCE OF 524.67 FEET TO THE WEST LINE OF AFORESAID AIRPORT ROAD; THENCE SOUTH 00 DEGREES 55 MINUTES 39 SECONDS EAST ALONG SAID WEST LINE OF AIRPORT ROAD FOR A DISTANCE OF 405.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS 4.881± ACRES MORE OR LESS

TAX PARCEL No. 6236-00-00-0025

PROJECT TEAM

DEVELOPER / APPLICANT: PRINCIPAL SENIOR LIVING PARTNERS IV, LLC
11175 CICERO DRIVE
SUITE 500
ALPHARETTA, GA 30022
PHONE: 687.297.0388

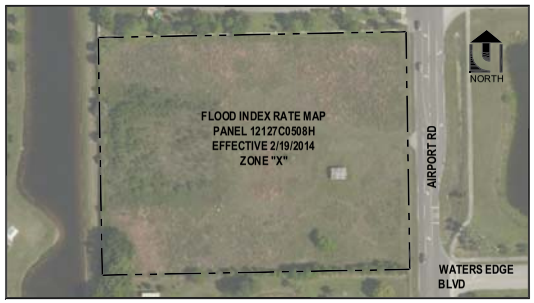
PROPERTY OWNER: BIPIN & KALA RAMA
812 AIRPORT ROAD
PORT ORANGE, FL 32128

ENGINEER / SURVEYOR: UPHAM, INC.
265 KENILWORTH AVENUE
ORMOND BEACH, FL 32174
PHONE: 386.672.9515
FAX: 386.673.6554

TRAFFIC ENGINEER: TRAFFIC ENGINEERING DATA SOLUTIONS, INC.
80 SPRING VISTA DRIVE
DEBARY, FL 32713
PHONE : 386.753.0558
FAX: 386.753.0778

BIOLOGIST: ECOLOGICAL CONSULTING SOLUTIONS, INC.
235 HUNT CLUB BOULEVARD
SUITE 202
LONGWOOD, FL 32779
PHONE: 407.869.9434
FAX: 407.869.9439

CITY OF PORT ORANGE CASE No. 16-65-000001

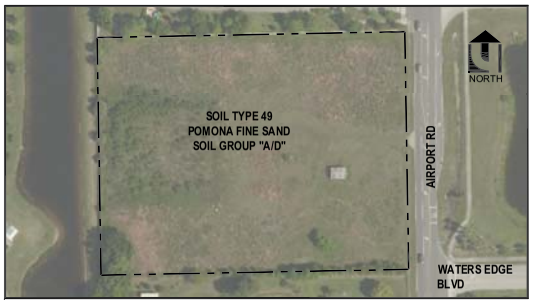


FLOOD ZONE MAP

SCALE: 1" = 100'

VICINITY MAP

SCALE: 1" = 400'



SOIL TYPES MAP

SCALE: 1" = 100'

REVISIONS

DATE	DESCRIPTION
1/13/17	PER 1/4 SDRC COMMENTS

UPHAM INC.
CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
265 Kenilworth Avenue • Ormond Beach • Florida 32174
Voice: 386.672.9515 • Fax: 386.673.6554 • uphaminc.com
LC # 00003357
LB # 00003612

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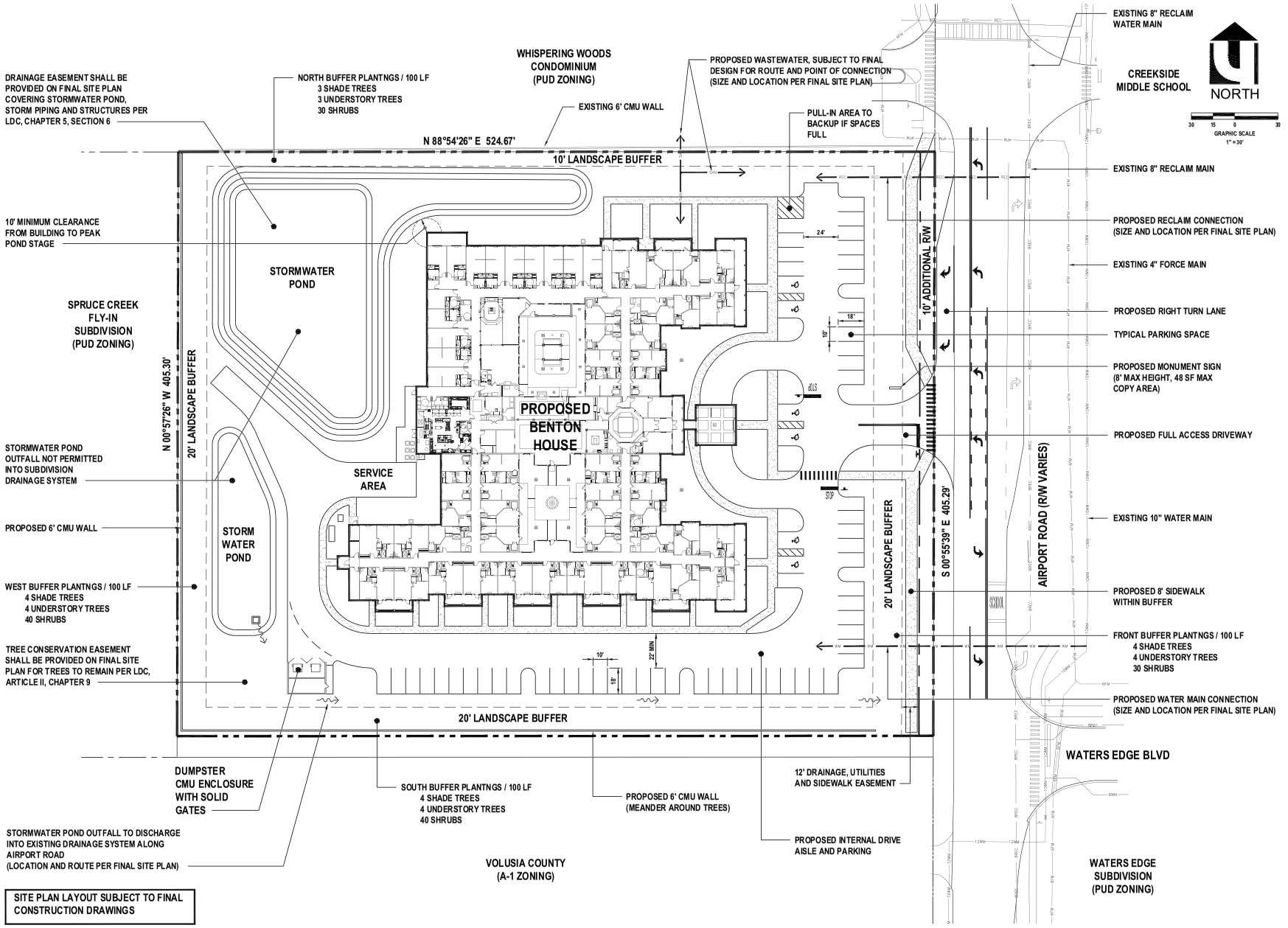
COVER SHEET

BENTON HOUSE
812 AIRPORT ROAD
PORT ORANGE, FLORIDA

PROJECT No:	16090
DATE:	DECEMBER 6, 2016
DESIGN BY:	RWS
DRAWN BY:	HMT
CHECKED BY:	RWS
SCALE:	AS SHOWN

SHEET NUMBER:

1



REVISIONS

DATE	DESCRIPTION
1/13/17	PER 1/4 SDRC COMMENTS

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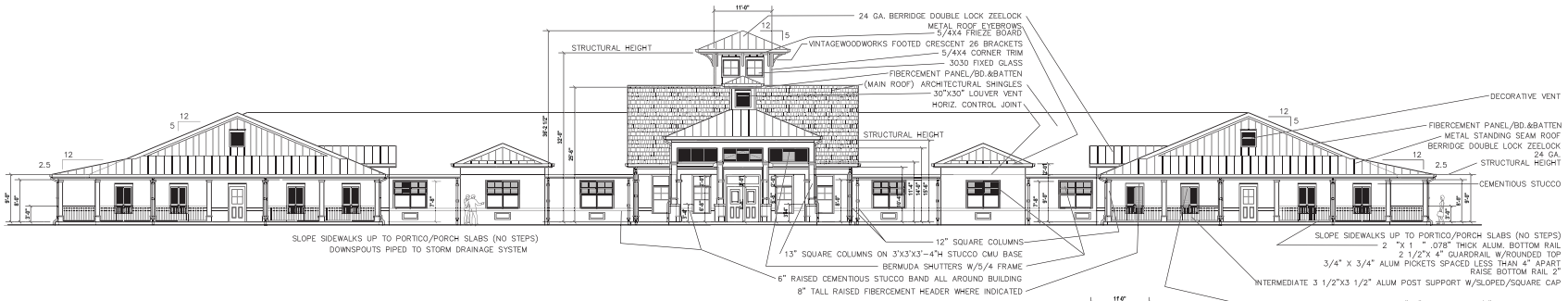
CONCEPTUAL DEVELOPMENT PLAN

BENTON HOUSE
812 AIRPORT ROAD
PORT ORANGE, FLORIDA

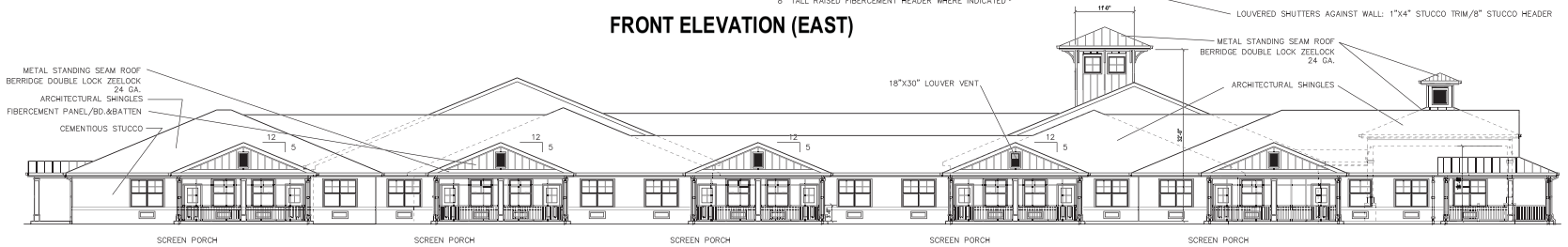
PROJECT No:	160909
DATE:	DECEMBER 6, 2016
DESIGN BY:	RWS
DRAWN BY:	HMT
CHECKED BY:	RWS
SCALE:	AS SHOWN

SHEET NUMBER:

2

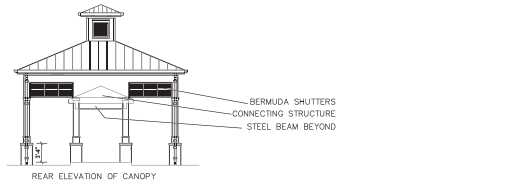


FRONT ELEVATION (EAST)

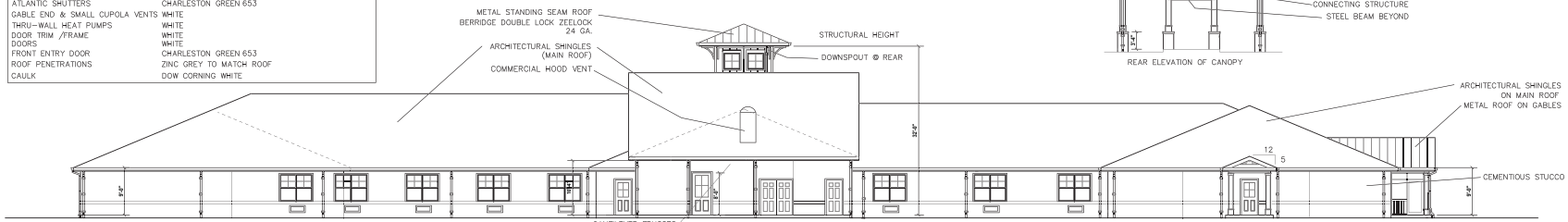


LEFT SIDE ELEVATION (SOUTH)

PROPOSED COLOR SCHEDULE:	(CONFIRM ALL SELECTIONS WITH OWNER)
METAL ROOFING	BERRIDGE KYNAR 500 ZINC GREY(CHARCOAL GREY)
ARCHITECTURAL SHINGLES	GAF TIMBERLINE SLATE (GEORGETOWN GREY)
STUCCO	BENJAMIN MOORE 2020-60 MOONLIGHT
BOARD & BATTEN SIDING	BENJAMIN MOORE 2020-60 MOONLIGHT
SOFFITS	BENJAMIN MOORE 2020-60 MOONLIGHT
PORCH & DRIVETHRU CEILINGS	BENJAMIN MOORE 2020-60 MOONLIGHT
RAISED STUCCO TRIM	WHITE
WINDOW FRAMES/MULLIONS	WHITE
FACIAS/TRIM BOARDS	WHITE
COLUMNS & BRACKETS	WHITE
RAILINGS	WHITE
ALUM. GUTTERS & DOWNSPOUTS	WHITE
SCREEN FRAMES	WHITE
COLUMN BASES AND 6" BASE BAND	WHITE
ATLANTIC SHUTTERS	CHARLESTON GREEN 653
GABLE END & SMALL CUPOLA VENTS	WHITE
THRU-WALL HEAT PUMPS	WHITE
DOOR TRIM /FRAME	WHITE
DOORS	WHITE
FRONT ENTRY DOOR	CHARLESTON GREEN 653
ROOF PENETRATIONS	ZINC GREY TO MATCH ROOF
CAULK	DOW CORNING WHITE



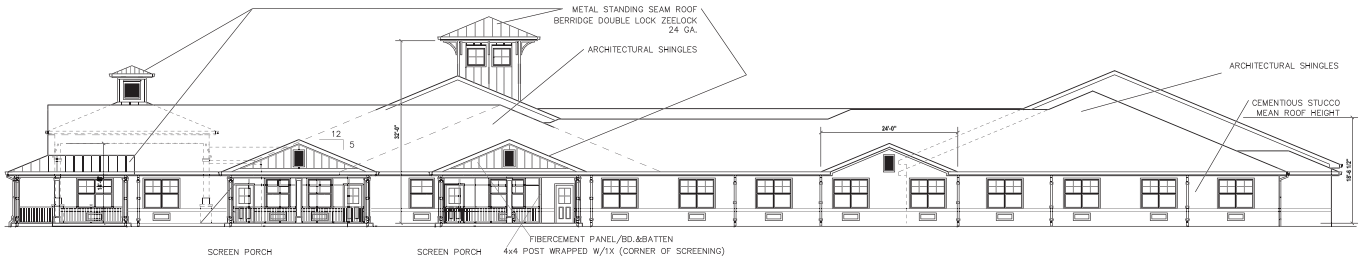
REAR ELEVATION OF CANOPY



REAR ELEVATION (WEST)

EXTERNAL DOWNSPOUTS MUST BE ENCLOSED WITHIN THE BUILDING STRUCTURE ON ANY BUILDING ELEVATION VISIBLE FROM A PUBLIC RIGHT-OF-WAY, UNLESS DESIGNED TO BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING IN TERMS OF COLOR, MATERIAL, AND LOCATION. IN LOCATIONS THAT ARE CLEARLY VISIBLE FROM A PUBLIC RIGHT-OF-WAY, DOWNSPOUTS MAY BE INSTALLED EXTERNALLY ONLY IF THEY HAVE A HIGH-QUALITY, DECORATIVE DESIGN AND APPEARANCE OF COPPER, STEEL, TIN, OR SILVER OF SIMILAR NATURAL METALLIC MATERIAL. IN LOCATIONS THAT ARE SCREENED FROM A PUBLIC RIGHT-OF-WAY, EXTERNAL DOWNSPOUTS ARE NOT REQUIRED TO BE DECORATIVE AS ABOVE BUT SHALL BE PAINTED TO MATCH THE BUILDING EXTERIOR ON WHICH THE ARE MOUNTED

FOR INFORMATION ONLY TO ILLUSTRATE APPEARANCE AND MATERIAL OF BUILDING. BUILDING DETAILS SUBJECT TO FINAL CONSTRUCTION DRAWINGS.



RIGHT SIDE ELEVATION (NORTH)

REVISIONS

DATE	DESCRIPTION
1/13/17	PER 1/4 SDRC COMMENTS

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CIVIL ENGINEERING-SURVEYING-LANDSCAPE ARCHITECTURE
265 Kensington Avenue • Ormond Beach • Florida 32174
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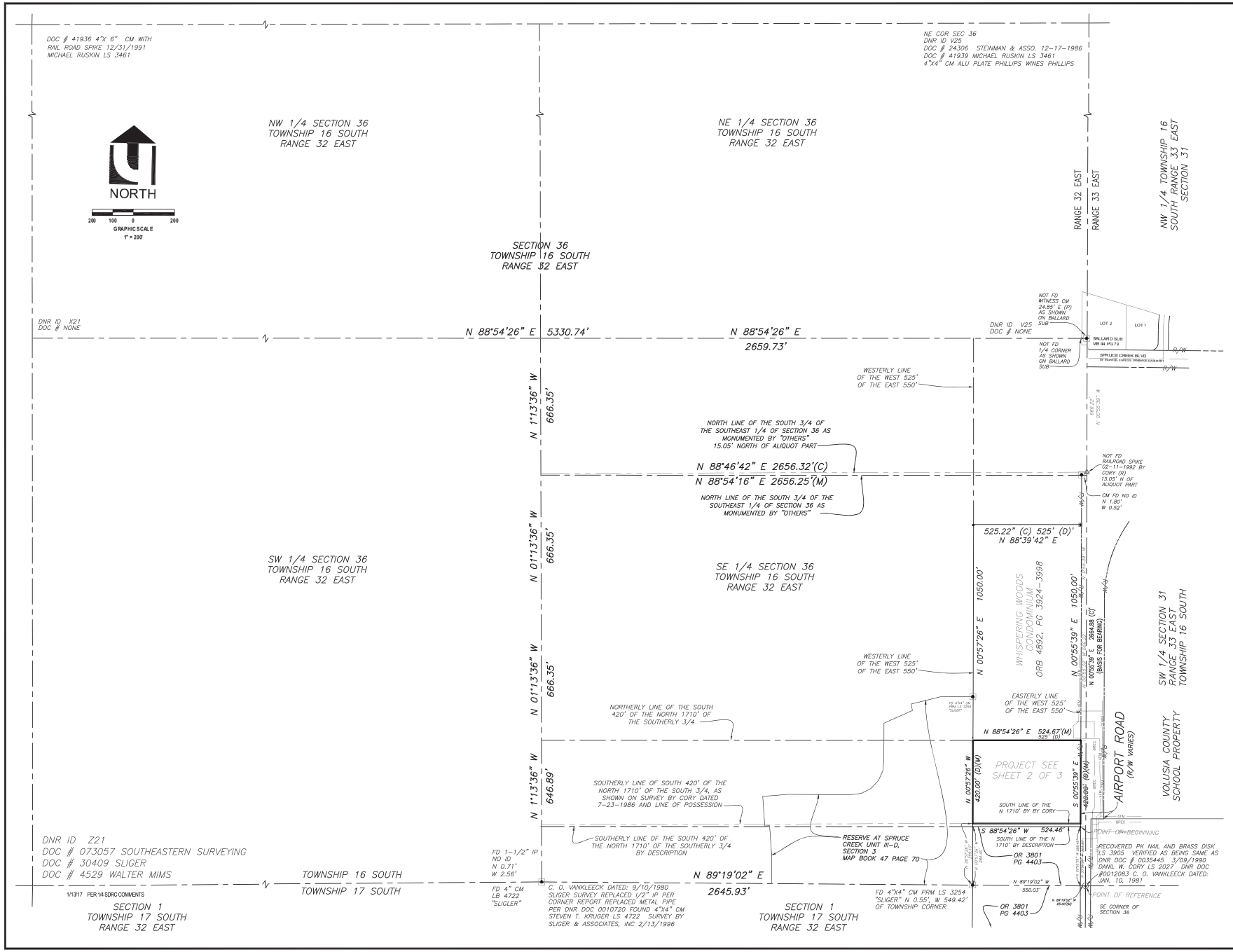
BUILDING ELEVATIONS

BENTON HOUSE
812 AIRPORT ROAD
PORT ORANGE, FLORIDA

PROJECT No:	160909
DATE:	DECEMBER 6, 2016
DESIGN BY:	RWS
DRAWN BY:	HMT
CHECKED BY:	RWS
SCALE:	NOT TO SCALE

SHEET NUMBER:

3



REVISIONS

DATE	DESCRIPTION

SEE SHEET 6 FOR SURVEYOR SIGNATURE

SURVEY MAP

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ALTA / NSPS BOUNDARY & TOPOGRAPHIC SURVEY

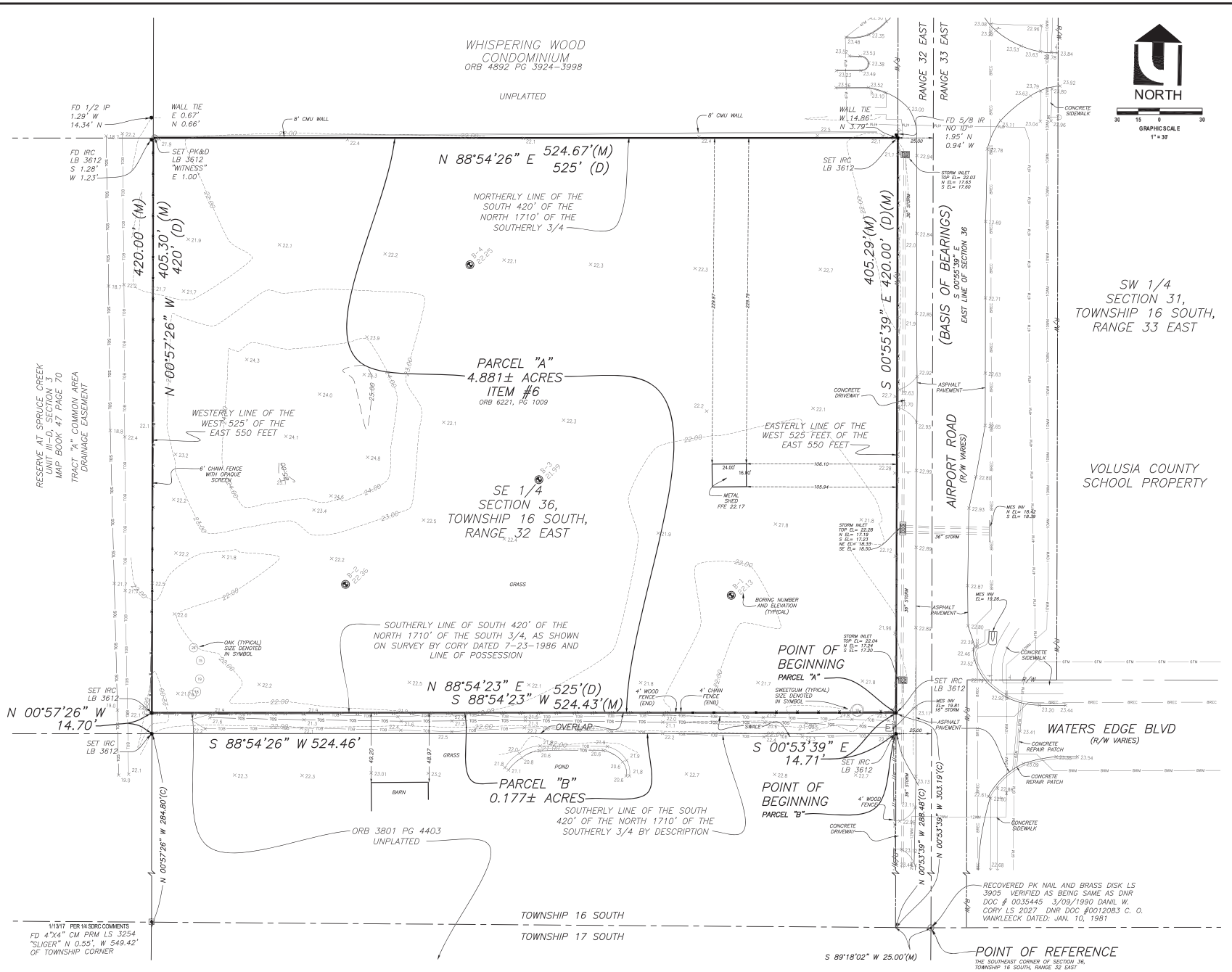
BENTON HOUSE

812 AIRPORT ROAD
PORT ORANGE, FLORIDA

PROJECT No:	160909
DATE FIELDWORK:	11/04/16
FIELDWORK BY:	JGP
DATE OFFICE WORK:	1/10/17
OFFICE WORK BY:	WSH, JB
SCALE:	AS SHOWN

SHEET NUMBER:

4



ABBREVIATIONS / LEGEND:

(A)	AS MEASURED	INV	INVERT
(C)	CALCULATED	LB	LICENSED BUSINESS
CR	COUNTY ROAD	LS	LICENSED SURVEYOR
(D)	DEED DESCRIPTION OR USED	LLC	LIMITED LIABILITY COMPANY
FD	FOUND	(M)	MEASURED
FDOT	FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	N/A	NOT APPLICABLE AND/OR NOT AVAILABLE
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY	(P)	PLAT
FIRM	FLOOD INSURANCE RATE MAP	POB	POINT OF BEGINNING
FL	FLORIDA	POC	POINT OF COMMENCEMENT
FTP/FI	FOUND IRON CONTROL POINT	PRM	PERMANENT REFERENCE MONUMENT
	FUTURE RECORDED PLAT	(R)	RECORD
		SR	STATE ROAD
		SB	SUBJECT BUILDING
		(S)	SURVEY
		CM	4"x4" CONCRETE MONUMENT (AS NOTED)
		IRC	5/8" IRON ROD & CAP (AS NOTED)
		PKD	PARKER KALON NAIL & DISK (AS NOTED)
		SIGN	

MES. - MITERED END SECTION		UNDERGROUND POWER LINE	
LIFT STATION		WATER MAIN	
SATELLITE SIGN		UNDERGROUND STORM PIPE	
CATCH BASIN / STORM INLET		MINOR CONTOUR	
STORM MANHOLE		MAJOR CONTOUR	
SANITARY SEWER MANHOLE		EXISTING SOFT ELEVATION	
WATER METER		EXISTING HARD ELEVATION	
CROSSWALK SIGNAL		OVERHEAD ELECTRIC CABLE	

GUY ANCHOR		TRAFFIC POLE	
TRAFFIC CONTROL BOX		POWER POLE W/GUY	
FORCE MAIN		ELECTRIC BOX	
SANITARY SEWER MAIN		TELEPHONE JUNCTION BOX	
GAS MAIN		TELECOMMUNICATION HANDLER	
FIBER-OPTIC CABLE		BORING IDENTIFICATION NUMBER	
		BORING ELEVATION (VILLAGES DATUM)	

WATER VALVE		MONITORING WELL	
SANITARY SEWER VALVE		LIGHT POLE/METAL	
FIRE HYDRANT			
WELL			

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REVISIONS

DATE	DESCRIPTION

SEE SHEET 6 FOR SURVEYOR SIGNATURE

SURVEY MAP

UPHAM
CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
265 Kentucky Avenue • Ormond Beach • Florida 32174
Voice: 386.672.5515 • Fax: 386.673.6554 • uphaminc.com
LB # 0003612 LC # 0000357

ALTA / NSPS BOUNDARY & TOPOGRAPHIC SURVEY

BENTON HOUSE
812 AIRPORT ROAD
PORT ORANGE, FLORIDA

PROJECT No:	16090
DATE FIELDWORK:	11/04/16
FIELDWORK BY:	JGP
DATE OFFICE WORK:	1/10/17
OFFICE WORK BY:	WSH, JB
SCALE:	AS SHOWN

SHEET NUMBER: **5**

LEGAL DESCRIPTION: OVERALL

THE SOUTHERLY FOUR HUNDRED TWENTY (420) FEET OF THE NORTHERLY ONE THOUSAND SEVEN HUNDRED TEN (1710) FEET OF THE WESTERLY FIVE HUNDRED TEWNTY-FIVE (525) FEET OF THE EASTERLY FIVE HUNDRED FIFTY (550) FEET OF THE SOUTHERLY THREE-FOURTHS (3/4) OF THE SOUTHEASTERLY ONE-FOURTH (1/4) OF SECTION 36, TOWNSHIP 16 SOUTH RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA.

SURVEYOR'S DESCRIPTION:

PARCEL "A"

BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY FLORIDA BEING MARE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE COMMENCE AT THE SOUTH EAST CORNER OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST RUN THENCE SOUTH 89 DEGREES 19 MINUTES 02 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 36 FOR A DISTANCE OF 25.00 FEET TO THE EXISTING WEST RIGHT OF WAY LINE OF AIRPORT ROAD AS NOW IN USE; THENCE NORTH 00 DEGREES 55 MINUTES 39 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID SECTION 36, FOR A DISTANCE OF 303.19 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 54 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 524.43 FEET TO THE EAST LINE OF RESERVE AT SPRUCE CREEK UNIT III-D, SECTION 3, AS RECORDED IN MAP BOOK 47 PAGE 70, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 57 MINUTES 26 SECONDS WEST ALONG THE SAID EAST LINE OF RESERVE AT SPRUCE CREEK UNIT III-D, SECTION 3, FOR A DISTANCE OF 405.30FEET TO THE SOUTH LINE OF WHISPERING WOODS, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 4892, PAGES 3924-3998; THENCE NORTH 88 DEGREES 54 MINUTES 26 SECONDS EAST ALONG SAID SOUTH LINE OF WHISPERING WOODS, A CONDOMINIUM FOR A DISTANCE OF 524.67 FEET TO THE WEST LINE OF AFORESAID AIRPORT ROAD; THENCE SOUTH 00 DEGREES 55 MINUTES 39 SECONDS EAST ALONG SAID WEST LINE OF AIRPORT ROAD FOR A DISTANCE OF 405.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS 4.881± ACRES MORE OR LESS

PARCEL "B"

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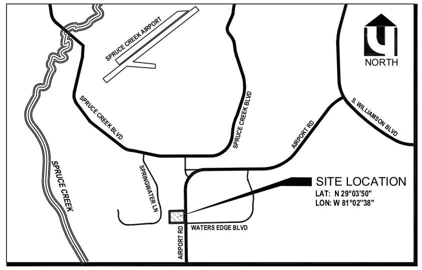
THE ABOVE PARCEL CONTAINS 0.177± ACRES MORE OR LESS



LOCATION MAP

SCALE 1" = 2000'

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

FUND FILE No.: 377679, AGENT'S FILE REFERENCE: RAMA S/T PRINCIPAL, EFFECTIVE DATE: OCTOBER 24, 2016 AT 11:00 P.M.

EXCEPTIONS OF SCHEDULE B-SECTION 2

ITEM #	GENERAL DESCRIPTION	RECORD DOCUMENT PROVIDED	COMMENTS (LIMITATIONS 9.I)
1-5	STANDARD EXCEPTIONS	--	IS NOT A SURVEY MATTER (I.4)
6	SUBDIVISION IMPROVEMENT AGREEMENT FOR KINARA VILLAGE	ORB 6221, PG 1009	PLOTTED AS SHOWN (I.1)
7	RIPARIAN AND LITTORAL RIGHTS	--	IS NOT A SURVEY MATTER (I.4)
8	ORDINARY HIGH WATER MARK	--	IS NOT A SURVEY MATTER (I.4)
9	RIGHTS OF OTHERS	--	IS NOT A SURVEY MATTER (I.4)

ALTA SPECIFICATIONS:

MINIMUM REQUIREMENTS AS REQUESTED BY CLIENT

TABLE A

ITEM #	SURVEYOR'S COMMENTS
1	MONUMENTS SHOWN ON MAP
2	SEE TITLE BLOCK FOR CURRENT ADDRESS
3	SEE GENERAL NOTE #4
4	PROJECT AREAS SHOWN ON MAP
7(a)	DIMENSIONS OF EXISTING BUILDING SHOWN ON MAP
8	SUBSTANTIAL FEATURE OBSERVED AS SHOWN ON MAP
9	1/13/17 PER 1/4 SDRC COMMENTS NO STRIPING EXISTS ON-SITE
10(a)	NO OBSERVED EVIDENCE
11	AS SHOWN ON MAP (SEE NOTE 8.B)
16	NO OBSERVED EVIDENCE RECENT EARTHWORK ON-SITE

GENERAL NOTES AND SURVEY REPORT:

1. BEARING STRUCTURE (N 00°55'59" W) STATE PLANE FLORIDA EAST GRID ALONG EAST LINE OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST.

2. LEGAL DESCRIPTION PER TITLE COMMITMENT. SURVEYOR DESCRIPTION PROVIDED TO MEET ALTA / NSPS REQUIREMENTS.

3. RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS ( ), WHEN DIFFERS FROM MEASURED.

4. FLOOD PLANE CERTIFICATION ACCORDING TO THE FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) F.I.R.M (FEDERAL INSURANCE RATE MAP), COMMUNITY OF PORT ORANGE NUMBER 120313 , FLORIDA, COMMUNITY PANEL NUMBER 12127C0508H DATED: FEBRUARY 19, 2014. THE PROPERTY IS IN FLOOD ZONE "X".

5. ACCURACY STATEMENT: THE EXPECTED ACCURACY OF THE CONTROL TO ESTABLISH THE BOUNDARY OF THE SUBJECT PROPERTY IS COMMERCIAL. THE CLOSURE OF THE TRAVERSE FOR THIS PROJECT IS 1: 40,840

6. DATA SOURCES: HORIZONTAL AND VERTICAL CONTROL PER FOUND VOLUSIA COUNTY PUBLIC WORKS 4"x4" CONCRETE MONUMENT BEING CONTROL STATION V1000 ESTABLISHED APRIL 1998, NORTH AMERICAN DATUM 1983 (NAD83), HAVING A PUBLISHED ELEVATION 22.51 NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD29), ADJUSTED TO 21.385 NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).

7. MEASUREMENT METHODS: HORIZONTAL AND VERTICAL MEASURES MADE BY ONE OR MORE OF THE FOLLOWING INSTRUMENTS: TOPCON INSTRUMENTS GPT-3003W, SOKKIA GRX-1 GPS INSTRUMENTS, TOPCON FC500 DATA COLLECTOR USING MAGNET SOFTWARE, PAL-2 LUFKIN STEEL TAPE, CST STEEL TAPE, STEEL HIGHWAY CHAIN, CST & LUFKIN FIBERGLASS TAPE FOR DIMENSIONS FOR BUILDINGS.

8. LINEAGE OF DATA HORIZONTAL DATA REFERENCES, DATE OF ORIGINAL PLAT.
   A) SURVEY PREPARED BY DANIEL W. CORY SURVEYOR, LLC, WORK ORDER No.: 06-95-86, FILE No.: 5540, DATED 07/23/1986, REVISED 2/11/1992
   B) CONSTRUCTION PLANS FOR COUNTY ROAD, PROJECT NUMBER 4740-4, AIRPORT ROAD SAFETY PROJECT

9. LIMITATIONS:
   A) ALL INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY AND OR OWNERSHIP WERE FURNISHED TO THIS SURVEY PER TITLE COMMITMENT AS SHOWN HEREON. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

   B) IT IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND THE FIRM, FROM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM, DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYOR'S OPINION.

   C) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY. PER FLORIDA STATUTES CHAPTER RULE 5J-17.051(3)(b)(6)

   D) THE ACCEPTANCE OF THIS SURVEY AS CERTIFIED FOR THE EXCLUSIVE USE OF NAMES SHOWN HEREON SHALL CONSTITUTE FULFILLMENT OF MY CONTRACTUAL OBLIGATION. ADDITIONAL SEALED ORIGINALS MAY BE PURCHASED UP TO SIX MONTHS AFTER THE DATE OF THE INVOICE. "ORIGINAL" AS DEFINED HEREON REFERS TO THE SIGNED AND SEALED GRAPHIC REPRESENTATION OF THE FIELD SURVEY. CAD FILES ARE NOT THE SURVEY AND THERE WILL BE A SURCHARGE FOR THEM.

   E) TAX PARCEL IDENTIFICATION NUMBERS, ADJACENT OWNERS NAMES AND ADDRESS WHEN SHOWN SHOWN IS EITHER SUPPLIED BY CLIENT AND/OR TAKEN FROM COUNTY APPRAISER'S INTERNET WEB PAGE AND MAY NOT BE THE MOST CURRENT.

   F) SPECIAL PURPOSE SURVEYS WHEN IDENTIFIED AS TYPE OF SURVEY:
      1) WHEN TREES AS SHOWN ON THE SURVEY IT IS FOR THE LOCATION OF THE TREES 6" INCHES DIAMETER AND ABOVE TREES TAKEN APPROXIMATELY 4 TO 4-1/2 FEET ABOVE GROUND LEVEL TREE IDENTIFICATION OTHER THAN LOCATION AND SIZE, SEE AN ARBORIST.
      2) JURISDICTIONAL WETLANDS WHEN SHOWN WERE LOCATED FROM FLAGS/MARKS BY BIOLOGIST / ENVIRONMENTALIST. AND THE DETERMINATION OF WETLANDS ARE OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER.
      3) ARCHAEOLOGICAL FEATURES WHEN SHOWN WERE LOCATED FROM OBJECTS IDENTIFIED BY OTHERS AND THE DETERMINATION OF WHAT CONSTITUTES A ARCHAEOLOGICAL FEATURES IS OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER.
      4) WILDLIFE CORRIDORS OR HABITATS WHEN SHOWN WERE LOCATED FROM OBJECTS IDENTIFIED BY WHAT CONSTITUTES A WILDLIFE CORRIDORS OR HABITATS IS OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER
      5) GEOTECHNICAL BORINGS SHOWN AS MARKED AND FIELD LOCATED.

   G) AS-BUILT / RECORD SURVEYS WHEN IDENTIFIED AS TYPE OF SURVEY:
      1) WHEN UNDERGROUND UTILITIES, SUCH AS UNDERGROUND CABLES, GAS MAINS, WATER MAINS, SANITARY SEWER SYSTEMS AND STORM COLLECTIONS SYSTEMS ARE SHOWN. THE LIMITS OF THIS SURVEY INCLUDE VISIBLE STRUCTURES / IMPROVEMENTS IN COMBINATION WITH AS-BUILT / RECORD DRAWINGS SUPPLIED BY OTHERS.
      2) WHEN THE PERCENTAGE OF SLOPES ARE SHOWN IT IS BASED ON THE INVERTS BETWEEN VISIBLE STRUCTURES. THIS SURVEY DOES NOT INCLUDE VIDEO PIPELINE INSPECTIONS. VERIFICATION OF LINE OF SITE HAS NOT BEEN VERIFIED. THIS SURVEYOR SUGGESTS VIDEO PIPELINE INSPECTION BY A PROFESSIONALS PROVIDING SERVICE OF THAT SPECIALTY.
      3) THIS SURVEYOR SUGGESTS VIDEO PIPELINE INSPECTION BY A PROFESSIONAL PROVIDING SERVICE OF THAT SPECIALTY.

   H) TOPOGRAPHIC SURVEY:
      1) CONTOURS ARE ON ONE FOOT INTERVALS, INTERPOLATED BETWEEN 100 FOOT GRIDS, VISIBLE GRADE BREAKS, ALONG WITH RANDOM GROUND \ ELEVATIONS.
      2) OFF'SITE TOPOGRAPHIC INFORMATION SHOWN IS BASED ON THE REQUEST BY THE CLIENT AND OR THE CLIENT'S AGENT, BEING AN ARCHITECT OR ENGINEER.

   I.) "AFFECT" AS USED HEREON REFERS TO AN ITEM BEING ON THE SUBJECT PARCEL. "DOES NOT AFFECT" AS USED HEREON REFERS TO THE ITEM BEING OFF THE SUBJECT PARCEL. ANY OTHER USE OF THE ABOVE TERMINOLOGY IS A MATTER OF LAW AND OUTSIDE THE EXPERTISE OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
      1.) AFFECTS THE PROPERTY AND IS DEPICTED ON THE SURVEY
      2.) AFFECTS THE PROPERTY BUT IS NOT PLOTTABLE
      3.) DOES NOT AFFECT THE PROPERTY
      4.) IS NOT A SURVEY MATTER
      5.) DOCUMENTATION NOT PROVIDED TO SURVEYOR

STANDARD CERTIFICATION:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
PRINCIPAL SENIOR LIVING PARTNERS IV, LLC, A GEORGIA LIMITED LIABILITY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7a, 8, 9, 10a, 11 AND 16 OF TABLE "A" THEREOF. THE FIELDWORK WAS COMPLETED ON 11/04/2016.

DATE OF PLAT OR MAP: 11/22/2016

BY: ____________________

WILLIAM S. HART
PSM No. 3905

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. FLORIDA ADMINISTRATIVE CODE 5J-17.062 (2)

ABBREVIATIONS / LEGEND:

(C) CALCULATED
CR COUNTY ROAD
(D) DESCRIPTION OR DEED
FD FOUND
EL ELEVATION
FDEP FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FDOT FLORIDA DEPARTMENT OF TRANSPORTATION
FEMA FEDERAL EMERGENCY MANAGEMENT AGENCY
F.I.R.M FLOOD INSURANCE RATE MAP
FL FLORIDA
(FRP) FUTURE RECORDED PLAT
INV INVERT
LB LICENSED BUSINESS
LC LICENSED CORPORATION
LLC LIMITED LIABILITY COMPANY
LS LICENSED SURVEYOR
(M) MEASURED
N/A NOT APPLICABLE AND/OR NOT AVAILABLE
No. NUMBER
ORB OFFICIAL RECORD BOOK
(P) PLAT
PT POINT OF TANGENCY
PNT POINT OF NON-TANGENCY
PCP PERMANENT CONTROL POINT
PG(S) PAGE(S)
PRM PERMANENT REFERENCE MONUMENT
(R) RECORD
R/W RIGHT-OF-WAY
SR STATE ROAD
SF SQUARE FEET
US UNITED STATES
CM 4"x4" CONCRETE MONUMENT (AS NOTED)
IRC 5/8" IRON ROD & CAP (AS NOTED)
PKD PARKER KALON NAIL & DISK (AS NOTED)
SIGN
MES.... MITERED END SECTION
LIFT STATION
SATELLITE DISH
CATCH BASIN / STORM INLET
STORM MANHOLE
SANITARY SEWER MANHOLE
WATER METER
WATER VALVE
SANITARY SEWER VALVE
FIRE HYDRANT
WELL
MONITORING WELL
LIGHT POLE METAL
CROSSWALK SIGNAL
TRAFFIC POLE
POWER POLE WOOD
ELECTRIC BOX
TELEPHONE JUNCTION BOX
TELECOMMUNICATION HANDLER
BORING IDENTIFICATION NUMBER
BORING ELEVATION (VILLAGES DATUM)
GUY ANCHOR
TRAFFIC CONTROL BOX
FORCE MAIN
SANITARY SEWER MAIN
GAS MAIN
FIBER-OPTIC CABLE
OVERHEAD ELECTRIC CABLE
UNDERGROUND POWER LINE
WATER MAIN
UNDERGROUND STORM PIPE
MINOR CONTOUR
MAJOR CONTOUR
EXISTING SOFT ELEVATION
EXISTING HARD ELEVATION

REVISIONS	
DATE	DESCRIPTION

SEE CERTIFICATION FOR SURVEYOR SIGNATURE

SURVEY MAP

UPHAM INC
CIVIL ENGINEERING•SURVEYING•LANDSCAPE ARCHITECTURE
265 Kenilworth Avenue • Ormond Beach • Florida 32174
Voice: 386.672.9515 • Fax: 386.673.6554 • uphaminc.com
LB # 0003612 LC # 0000357

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ALTA / NSPS BOUNDARY & TOPOGRAPHIC SURVEY

BENTON HOUSE
812 AIRPORT ROAD
PORT ORANGE, FLORIDA

PROJECT No:	160909
DATE FIELDWORK:	11/04/16
FIELDWORK BY:	JGP
DATE OFFICE WORK:	1/10/17
OFFICE WORK BY:	WSH, JB
SCALE:	AS SHOWN

SHEET NUMBER:
6

STAFF REPORT

5th AMENDMENT TO THE MDA & CDP FOR THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL PCD

CASE NO. 16-40000006

REQUEST:	Amend the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD)
LOCATION:	5111 Ridgewood Ave. (See – Figure 1)
OWNERS:	All Aboard Holdings, LLC, D. Andrew Clark, Clark Office Building, Ltd., Clark Professional Center Condo Association Inc., Douglas J. Clark Irrevocable Trust, and the Lois E. Clark Trust
APPLICANT:	D. Andrew Clark
STAFF RECOMMENDATION:	**Approval**
STAFF CONTACT:	Gwen Perney, Planner (386) 506-5673
PLANNING COMMISSION RECOMMENDATION:	December 15, 2016, Approval 6-0
PLANNING COMMISSION MEETING:	February 23, 2017

Revision to the 5th Amendment

At the December 15, 2016 meeting, the Planning Commission recommended approval of the 5th Amendment to the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD). Prior to the 5th Amendment going before the City Council, the applicant requested the language in the 5th Amendment regarding maintenance responsibility for the subject property be modified.

If the property identified in the 5th Amendment is subdivided, the 5th Amendment currently requires a Property Owner's Association (POA) to be established. The applicant is now requesting that if the property identified in the 5th Amendment is subdivided, the developer is required to enter into an agreement that requires the owner of Lot 2, as indicated on the CDP, to be responsible for the repair and maintenance of the common facilities (common areas, drive aisles, parking areas, utilities, and stormwater facilities) serving the property identified in the 5th amendment. The proposed approach to ensure continued maintenance of the 5th Amendment property is allowed under the Land Development Code.

There are no other proposed changes to the proposed 5th Amendment to the MDA and CDP. The following staff report and attachment are the same information and materials presented to the Planning Commission in December 2016. The only change is to Section 10 of the 5th Amendment, as described above (see page 5 of the MDA – Exhibit "A").

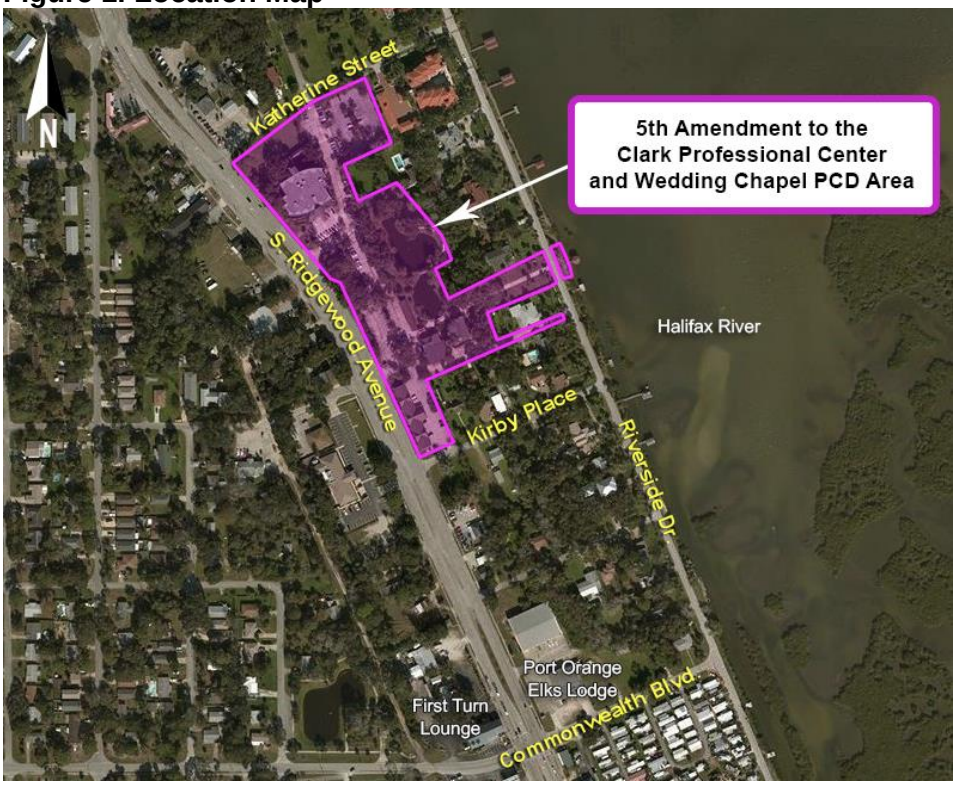
DISCUSSION:

The Clark Professional Center and Wedding Chapel PCD was approved in 2000 and has been amended four times over the last 16 years. The proposed 5th Amendment to the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD) is to provide the regulatory framework to subdivide the subject property into six commercial lots, amend the list of permitted uses allowed for the PCD, and establish the review process for temporary uses and special events (Exhibit "A").

The proposed changes to the MDA and CDP are as follows.

> Permitted Uses:
> There are currently multiple lists of permitted uses for the PCD located in the original MDA, 2nd amendment, and the 4th amendment. This amendment would consolidate the lists of permitted uses in one section, making the MDA more user-friendly. In addition to consolidating the lists of permitted uses, the applicant proposes to include additional uses allowed in the Ridgewood Development (RD) zoning district in order to attract a wider variety of tenants to the property such as; professional offices, personal services, financial services, and restaurants.

Figure 1. Location Map



The proposed amendment also eliminates certain uses currently allowed in the PCD that would be allowed if the PCD property was zoned Ridgewood Development (RD) zoning district. The applicant has agreed to prohibit uses such as; motel, multi-family, convenience stores with or without fuel, motor vehicle repair facilities, pawn shops, and the outdoor display of equipment, materials, vehicles, boats, RVs or mobile homes.

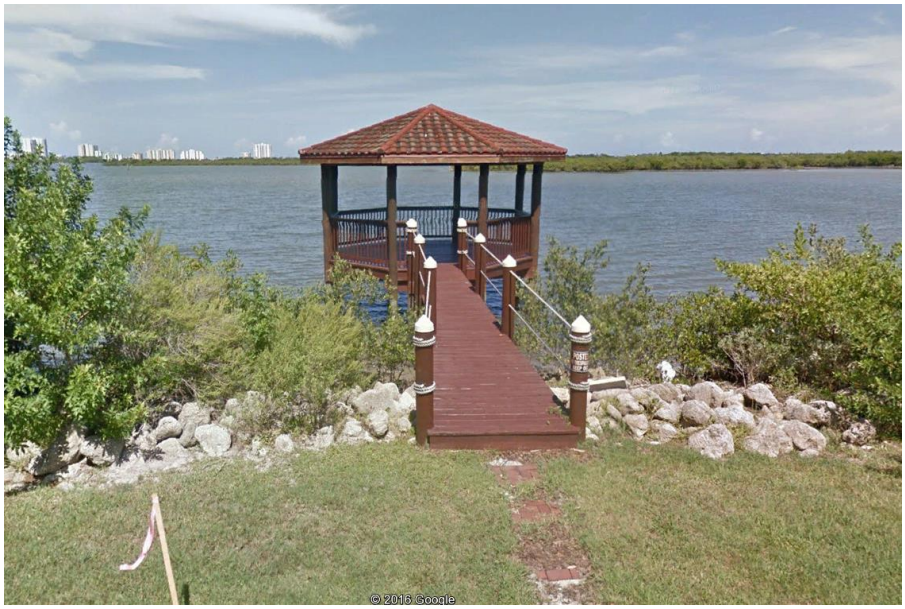
Special or Temporary Uses:
The proposed amendment would simplify the process for events while still maintaining an effective review process. Special or temporary uses such as fairs, carnivals, farmers' markets, seasonal parking lot sales and events (Halloween, Christmas, Bike Week, Speedweeks, etc.), charitable events, running/walking events, outdoor boat or RV sales, sidewalk sales, car shows, indoor/outdoor music events, art shows and similar events would comply with the requirements in the LDC and Code of Ordinances for "Special Events." The review and approval of special events in the PCD would be processed at the staff level, similar to how special events at the Pavilion are processed and approved.

According to the applicant, the intent of the proposed language is to streamline the process for the review of special events on the site. The applicant has indicated that minimizing the number of days for review and approval of a special event will allow for more flexibility in attracting events to the property. The subject property was developed with the intent of hosting special events as a part of its normal operations, with shared parking, open spaces, and event buildings. Because of this, the events generally would have less impact on operations, traffic circulation and adjacent businesses than a standard business having a grand opening or other occasional events from time to time. The applicant believes special events can attract people to the area that will help revitalize the Ridgewood Corridor.

Figure 2. Subdivision Replat

Lot Dimensions and Building Requirements:
The applicant is proposing to replat the subject site into 6 lots. The original MDA anticipated that the site would function as a cohesive multi-building development, and did not provide minimum lot width and area requirements to allow lots to be created through the platting process. The proposed amendment includes a conceptual replat exhibit in the MDA to establish the general lot width and area for the proposed 6 lots. According to the applicant, the proposed lot configuration is for financing purposes, but the 6 lots will continue to function as one cohesive site, with shared parking, stormwater and utilities. The proposed amendment would subdivide the amendment property into the following 6-lots:

1. Lot #1: Vacant lot at the southeast corner of Ridgewood Avenue and Katherine Street. Previously approved amendments indicate this lot being developed with an office building
2. Lot #2: Developed lot with an existing 3-story office building and parking lot
3. Lot #3: An improved parking lot to serve the Tavern and Wedding Chapel
4. Lot #4: Developed lot with an office building and parking lot
5. Lot #5: Developed lot with the Chapel, Tavern, Railroad car, stormwater pond, and parking area
6. Lot #6: Vacant lot fronting Halifax Drive with a gazebo on piers in the Halifax River and the potential for the construction of a covered pavilion. The applicant anticipates the pavilion to be approximately 1,600 square feet and would look similar to a picnic shelter with a roof and no walls. The pavilion is anticipated to be used for wedding receptions and could also be used for art and music events and farmers' markets if a shade structure is needed by the event holder.



The proposed amendment also provides the dimensional requirements for future development of structures on the proposed lots. The dimensional requirements for buildings is based on the dimensional requirements provided in the Ridgewood Development (RD) zoning district, and

provides for the required 12-foot access, maintenance, and utility easement along the rights-of-way except for Lot 4. The existing building on Lot 4 was constructed with the required 10-foot building setback and landscape buffer. The existing buildings and proposed lot lines comply with dimensional requirements provided in the proposed amendment.

The applicant has also modified the CDP to indicate the future location of an open air pavilion structure on the proposed Lot 6. According to the applicant, the proposed canopy structure would be used for wedding receptions and special events. The property owner would be required to get a building permit prior to construction of the pavilion, as well as meet the architectural requirements of the LDC.

The current MDA allows for shared parking between the uses on the subject property and the current parking arrangement will not change if the amendments are approved and the property is subdivided. If the PCD amendment property is replatted, the property owner will be required to record a Reciprocal Easement Agreement (REA) to ensure shared parking for the benefit of the lot owners. Language has been included in the amendment that prior to the approval of development on a lot, the property owner will need to demonstrate that the required parking for all the uses on the 6 lots can be met according to the Agreement and the LDC.

No other changes to the existing MDA or deviations from the Land Development Code (LDC) are proposed.

CONSISTENCY WITH THE COMPRHENSIVE PLAN:
The subject property is designated Commercial on the City's Future Land Use Map. The original PCD zoning district and MDA were found to be consistent with the City's Comprehensive Plan when it was approved in 2000. If approved, the proposed changes related to replatting, special events, and modifications to permitted uses in the amendment would not create any inconsistencies in the Comprehensive Plan; therefore, it is staff's determination that the proposed amended MDA is consistent with the City Comprehensive Plan.

OUTSTANDING TECHNICAL COMMENTS:
The Staff Development Review Committee (SDRC) has reviewed and has no comments on the MDA.

ATTACHMENTS:
1. Exhibit "A": 5th Amendment to the MDA and CDP for the Clark Professional Center and Wedding Chapel PCD

RECOMMENDATION:
Staff recommends **approval** of the Fifth Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement, subject to:

1. Review by the City Attorney as to legal form and content.

EXHIBIT "A"

FIFTH AMENDMENT TO THE

CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL

PLANNED COMMERCIAL DEVELOPMENT

MASTER DEVELOPMENT AGREEMENT

This Agreement, is entered into by and between All Aboard Holdings, LLC, a Florida Limited Liability Company, D. Andrew Clark, Clark Office Building, Ltd., a Florida Limited Partnership, Lois E. Clark Trust, and the Douglas J Clark Irrevocable Trust, all located at 5111 S. Ridgewood Avenue, Port Orange, FL 32127 (collectively referenced as the "Developer"), and the City of Port Orange, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, FL 32129 (hereinafter the "City"), (collectively the "Parties"), who hereby agree and covenant as follows:

WHEREAS, The Developer and the City previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development, recorded in Official Records Book 4550, Page 672, Public Records of Volusia County, Florida ("MDA"); and

WHEREAS, the Parties entered into that certain First Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of July 20, 2000 and recorded in Official Records Book 4581, Page 1194, Public Records of Volusia County Florida ("First Amendment"); and

WHEREAS, the Parties entered into that certain Second Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of July 17, 2001 and recorded in Official Records Book 47251, Page 1695, Public Records of Volusia County Florida ("Second Amendment"); and

WHEREAS, the Parties entered into that certain Third Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of November 22, 2002 and recorded in Official Records Book 4979, Page 4950, Public Records of Volusia County Florida ("Third Amendment"); and

WHEREAS, the Parties entered into that certain Fourth Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of September 19, 2006 and recorded in Official Records Book 5923, Page 2515, Public Records of Volusia County Florida ("Fourth Amendment"); and

WHEREAS, pursuant to the MDA and subsequent amendments thereto, the Developer has developed that certain property referenced as the PCD Property, shown on **Exhibit "A"** and made apart hereof by reference hereinafter "PCD Property";

WHEREAS, the Developer desires to clarify certain terms set forth in the MDA as has been previously amended as set forth in this Fifth Amendment; and

WHEREAS, the Developer desires to amend the MDA and the First, Second, Third, and Fourth Amendments as applied to the PCD Property in order to replat a portion of the PCD Property (hereinafter "Fifth Amendment Project Area") and clarify the Permitted, Special, Accessory and Temporary Uses and the building setbacks of the Fifth Amendment Project Area.

NOW, THEREFORE, the parties agree as follows:

1. The premises stated above are true correct and form a material part of this Fifth Amendment.

2. Fifth Amendment Project Area. Developer intends to replat a portion of the PCD Property into 6 lots, hereinafter "Fifth Amendment Project Area.", described in **Exhibit "B"**

3. Revised Conceptual Development Plan. The Revised Conceptual Development Plan for the PCD Property is shown on **Exhibit "C",** attached hereto and by reference made a part hereof ("Revised CDP"). Parcel #1 on the Revised CDP is not subject to the modifications set forth in this Fifth Amendment.

4. Subdivision of Fifth Amendment Project Area:

   A. The Fifth Amendment Project Area proposed lot layout is depicted on the Conceptual Replat Plan of the Revised Conceptual Development Plan for the Clark Professional Center and Wedding Chapel (Plat) attached hereto as **Exhibit "D."** Lot dimensions shall be set forth on the plat as required by law. The platted lots shall be exempt from the LDC minimum lot size and width requirements. Concurrently with the recording of the Plat the Owner/Developer shall record in the Public Records of Volusia County, Florida, a Declaration of Covenants Restrictions and Easements for the Clark Professional Center and Wedding Chapel PCD and a Reciprocal Easement Agreement (REA) benefitting each platted lot within the Fifth Amendment Project Area and providing legal access, cross access, parking and drainage rights. Platted lots shall not be required to be contiguous to a vehicular public right of way.

   B. All lots within the subdivision shall have non-vehicular access to a street dedicated to public use which has been accepted for maintenance by Volusia County, the City of Port Orange, or the Florida Department of Transportation. Where the lots in the proposed subdivision are not adjacent to a public street with vehicular access, the Developer shall provide vehicular access and pedestrian access easements across the respective lots within

the plat for property owner access, and for government and utility services in accordance with the requirements set forth herein and the resolutions of the city.

5. Permitted Uses within 5th Amendment Project Area:

A. Permitted Uses, Permitted Uses with Special Development Requirements, and Special Exception Uses shall be those allowed in the City of Port Orange's Ridgewood Development (RD) Zoning District, as may be amended from time to time, including the following uses:

- Cultural facilities
- House of Worship/Wedding Chapel
- Caretaker's Residence
- Wedding Gazebo
- Off-Site Parking

B. The location of off-site parking spaces shall adequately serve the use for which they are intended. The following factors shall be considered:

I. Proximity of the off-site parking spaces to the use that they will serve.
II. Ease of pedestrian access to the off-site parking spaces.
III. Whether the off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
IV. The location of off-site parking spaces shall not create unreasonable hazards to pedestrians, hazards to vehicular traffic, traffic congestion, and interference with access to other parking spaces in the vicinity.
V. The developer shall furnish a written agreement or attach off-site parking by deed to the parcel to which such parking is designed to serve, approved in form by the city attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

C. Outside storage or display of equipment, materials, vehicles, boats, or homes for sale are prohibited for any permitted use.

6. Prohibited Uses within the 5th Amendment Project Area:

- Auction houses
- Convenience stores with or without fuel operations
- Fortunetellers, astrologers, and palm readers
- Greenhouses and nurseries (wholesale and retail)
- Manufacturing, fabrication
- Manufacturing, limited
- Mini warehouses
- Motor vehicle repair facilities
- Motor vehicle service centers
- Motor vehicle service stations
- Multi-family dwellings
- Pawn shops
- Retail home building materials

- Taxidermy
- Wholesalers and distributors

7. Special or Temporary Uses within 5th Amendment Project Area.
   A. Special or Temporary Uses including, but not limited to, Fairs, Carnivals, Farmers Markets, Seasonal Parking Lot Sales & Events (Halloween, Christmas, Bike Week, Speedweeks, etc.), Charitable Events, Running/Walking Events, Outdoor Boat or RV Sales, Sidewalk Sales, Car Shows, Indoor/Outdoor Music Events, Art Shows and similar events. Temporary Uses shall be permitted in accordance with the requirements in the LDC and Code of Ordinance for a "Special Event Permit" which shall be reviewed and approved by the Administrative Official.
   B. Outdoor display is allowed as part of an approved Special Event Permit

8. Parking within 5th Amendment Project Area.
   A. Parking shall be in compliance with the requirements in the LDC or the Clark Professional Center and Wedding Chapel MDA and Amendments 1-4 unless modified herein.
   B. Parking Requirements shall be in compliance with the requirements in the LDC except as listed below:
      I. Medical/Professional Office – 1 space/250SF
      II. Chapel & Reception Hall - 1 space/3 seats within the main area. A reduction in the total number of required parking spaces is allowed for these two uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap and the parking complies with this agreement.
   C. Prior to the recording of the Replat of the Fifth Amendment Project Area, a recorded Reciprocal Easement Agreement (REA) shall provide shared parking for the benefit of platted lot owners for Lots 1, 2, 3, 4, 5, and 6 within the Fifth Amendment Project Area Project. The shared parking will be located on platted lots within the Fifth Amendment Project Area Project but said shared parking may be located on a different platted lot from the lot on which the improvements are located.
   D. Prior to any development on Lot 3, the property owner of Lot 3 shall demonstrate that the required parking for Lots 1-2 and 4-6 is met according to the Agreement and the LDC.

9. Dimensional Requirements within 5th Amendment Project Area.
   A. Dimensional Requirements:
      - Maximum Building Coverage: 35%
      - Minimum Open Space: 30%
      - Minimum Building Setbacks:
        - Front Yard (Lot1-3, 5 & 6): 12 feet
        - Front Yard (Lot 4): 10 feet
        - Side Yard: 10 feet
        - Rear Yard: 10 feet
      - Maximum Height: 45 feet
      - Covered Walkway Between Lots 1 and 2. The covered walkway between Lots 1 and 2 can remain as shown on the Conceptual Development Plan.

10. Section 7 of the Agreement, Property Owners Association is further amended as follows:

> Should the Property ever come to be subdivided, in lieu of a Property Owners Association, the Developer shall enter into an agreement to govern the continued and perpetual maintenance of certain common facilities on or otherwise serving the entire Property, including but not limited to common areas, drive aisles, parking areas, utilities, and stormwater facilities ("Common Facilities") in accordance with the LDC, this Agreement and an instrument entitled "Easements with Covenants and Restrictions Agreement ("ECR") to be approved by the City and recorded prior to the recording of the plat. The ECR shall provide for the necessary and required operation, repair and maintenance of the Common Facilities serving the Property. Such ECR Agreement shall provide that each owner of a lot subject to this Ordinance will be responsible for the operation, repair and maintenance of the Common Facilities on their respective lot. The ECR agreement shall provide that in the event that a lot owner fails to properly operate, repair and maintain such facilities, the owner of Lot 2, its successors and assigns, shall have the obligation and responsibility to repair and maintain such facilities. The ECR Agreement shall also authorize liens to be placed upon property of any owner who fails to comply with provisions of the said ECR Agreement and shall authorize the owner of Lot 2 to enforce these provisions if a lot owner fails to properly operate, repair and maintain the common facilities on their respective lot.

11. Effective Date. This Fifth Amendment shall be effective on the date it is executed by all parties.

11. Recordation. This Fifth Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense.

12. Full Force and Effects. The MDA, and its First, Second, Third and Fourth Amendments shall remain in full force and effect except with respect to those matters specifically amended by this Fifth Amendment.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed this Amendment to the MDA Agreement by and through their duly authorized representatives, on the respective dates below.

WITNESSES:

CITY OF PORT ORANGE, a Florida Municipal Corporation

_____ By:_____

Printed Name: _____ Donald O. Burnette, Mayor

_____

Printed Name: _____

_____ Attest_____

Printed Name: _____ Robin L. Fenwick, CMC, City Clerk

_____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Donald O. Burnette, Mayor of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

_____
Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ___day of _____, 2017, by Robin L. Fenwick, CMC, City Clerk, of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take and an oath.

_____
Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

DEVELOPER:

WITNESSES:

All Aboard Holding, LLC, A Florida Limited Liability Company

_____
Printed Name: _____

By: _____
D. Andrew Clark, Manager

_____
Printed Name: _____

Date: _____, 2017

D. Andrew Clark

_____
Printed Name: _____

By: _____
D. Andrew Clark, Owner

_____
Printed Name: _____

Date: _____, 2017

Clark Office Building, Ltd., a Florida Limited Partnership

_____
Printed Name: _____

By: _____
D. Andrew Clark, President of All Aboard Corp., a Florida Corporation, Its General Partner

_____
Printed Name: _____

Date: _____, 2017

_____

Clark Professional Center Condo Association, Inc.

Printed Name: _____

By: _____
D. Andrew Clark, President

_____
Printed Name: _____

Date: _____, 2017

Douglas J. Clark Irrevocable Trust

Printed Name: _____

By: _____
D. Andrew Clark, Co-Trustee

_____
Printed Name: _____

Date: _____, 2017

Printed Name: _____

By: _____
Lois Clark Loesch f/k/a Lois E. Clark, Co-Trustee

_____
Printed Name: _____

Printed Name: _____ Lois E. Clark Trust

_____ By: _____

Printed Name: _____ Lois Clark Loesch f/k/a Lois E. Clark, Trustee of the Lois E. Clark Trust

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____2017, by D. Andrew Clark, as manager of All Aboard Holdings, LLC, individually, as president of All Aboard Properties, as president of Clark Professional Center Condo Association Inc. and as co-trustee of the Douglas J. Clark Irrevocable Trust He ☐ is personally known to me OR ☐ produced _____ as identification.

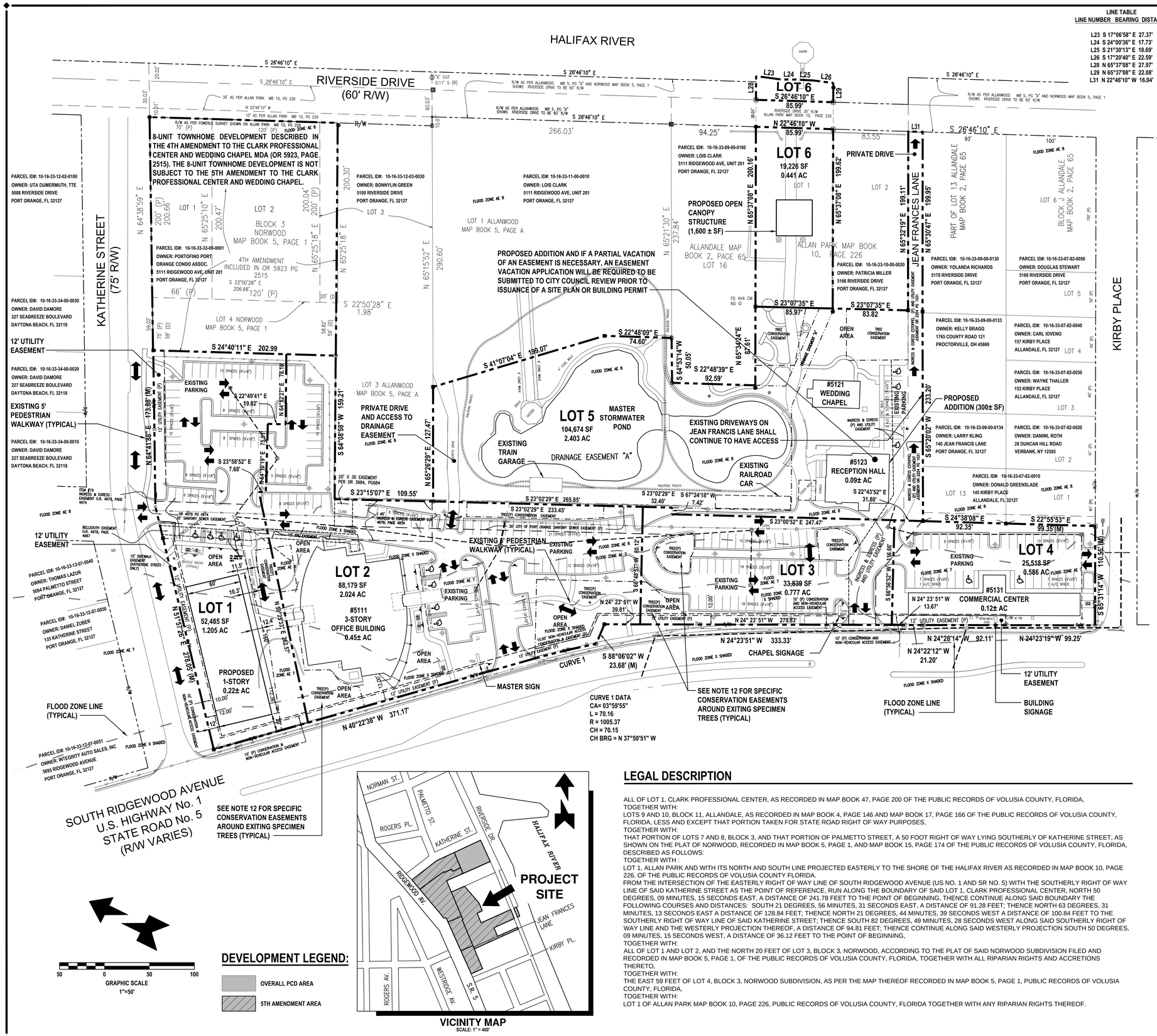
_____
Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____2017, by Lois Clark Loesch f/k/a Lois E. Clark, as Trustee of the Lois E. Clark Trust and as Co-Trustee of the Douglas J. Clark Irrevocable Trust She ☐ is personally known to me OR ☐ produced _____ as identification.

_____
Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

EXHIBIT "A"



LINE TABLE

LINE NUMBER	BEARING	DISTANCE
L23	S 17°06'58" E	27.37'
L24	S 24°00'36" E	17.73'
L25	S 21°30'13" E	18.69'
L26	S 17°20'40" E	22.59'
L28	N 65°37'08" E	27.97'
L29	N 65°37'08" E	22.08'
L31	N 22°46'10" W	16.04'

SITE INFORMATION

OWNERS: ALL ABOARD HOLDINGS, LLC
5111 S RIDGEWOOD AVENUE
PORT ORANGE, FL 32127
(386) 236-1970

D. ANDREW CLARK
5111 S RIDGEWOOD AVENUE
PORT ORANGE, FL 32127
(386) 236-1970

CLARK OFFICE BUILDING, LTD.
5111 S RIDGEWOOD AVENUE
PORT ORANGE, FL 32127
(386) 236-1970

CLARK PROFESSIONAL CENTER CONDO ASSOCIATION, INC.
5111 S RIDGEWOOD AVENUE
PORT ORANGE, FL 32127
(386) 236-1970

DOUGLAS J. CLARK IRREVOCABLE TRUST
5111 S RIDGEWOOD AVENUE
PORT ORANGE, FL 32127
(386) 236-1970

SURVEYOR: UPHAM, INC.
265 KENILWORTH AVENUE
ORMOND BEACH, FL 32174
(386) 672-9515

ENGINEER/ AGENT: NEWKIRK ENGINEERING, INC.
1370 N US HIGHWAY 1, SUITE 204
ORMOND BEACH, FL 32174
(386) 290-7599

RECEIVED
11-15-16
CITY OF PORT ORANGE
Community Development
REVISED

1. PROPOSED AMENDMENT TO THE PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONING.

2.

PROPOSED USAGE	PROPOSED PCD AREA	MAXIMUM BUILDING COVERAGE (35% MAX)	MAXIMUM IMPERVIOUS COVERAGE (70%)	MINIMUM OPEN AREA (30%)
OFFICE PROFESSIONAL AND COMMERCIAL	7.436 AC	2.603 AC	5.205 AC	2.231 AC

3. THE SJRWMD HAS ISSUED THREE PERMITS FOR THE MASTER STORMWATER SYSTEM FOR THIS PROJECT. THE ORIGINAL PERMIT FOR PHASE 1, No. 42-127-359N-ERP, WAS ISSUED ON SEPTEMBER 29, 1999. A MODIFIED PERMIT, No. 42-127-51938-2, WAS ISSUED FOR PHASE 1 ON SEPTEMBER 17, 2001. A PERMIT, No. 42-127-51938-3, WAS ISSUED FOR PHASES 2 AND 3 ON OCTOBER 11, 2002.
4. REFER TO THE MASTER DEVELOPMENT AGREEMENT (MDA) FOR SPECIFIC USES.
5. THE SITE IS LOCATED IN FLOOD ZONES "X" (SHADED AREA) AND SFHA ZONE "AE=7" AND "AE=8" ACCORDING TO THE FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) F.I.R.M (FEDERAL INSURANCE RATE MAP), COMMUNITY NAME CITY OF PORT ORANGE, NUMBER 120313. PANEL NUMBER 12127C0388 H DATED: 2/19/2014.
6. THE EXISTING TOPOGRAPHY IS RELATIVELY FLAT. THE APPROXIMATE GRADE ELEV. IS 5.0 MSL. NATURAL DRAINAGE IS EAST TO THE HALIFAX RIVER.
7. THE EXISTING SITE IS PARTIALLY DEVELOPED WITH BUILDINGS FOR VARIOUS PURPOSES, WITH THE REMAINING PORTION UNDEVELOPED.
8. THE SOILS CONSIST OF CANAVERAL SAND, SOIL GROUP "C", MAP SYMBOL "12" AND COCOA SAND, SOIL GROUP "A", MAP SYMBOL "15" PER THE VOLUSIA COUNTY SCS MANUAL.
9. EXISTING 6" POTABLE WATER EAST SIDE OF S RIDGEWOOD AVE. AND WEST SIDE OF RIVERSIDE DRIVE. NO RECLAIM WATER AVAILABLE. EXISTING 8" RECLAIM WATER ENDS APPROXIMATELY 600 FT. NORTH OF KATHERINE STREET, ON RIVERSIDE DRIVE. EXISTING 8" GRAVITY SANITARY SEWER WITHIN EASEMENT SOUTH OF PALMETTO STREET.
10. COMPLIANCE WITH THE CITY OF PORT ORANGE ENVIRONMENTAL PRESERVATION CODE MAY NECESSITATE MODIFICATION OF THIS CONCEPTUAL PLAN.
11. PCD AMENDMENT CASE 01-40000005 AND REZONING CASE 01-6500003.
12. TAX PARCEL Nos. 10-16-33-32-01-0001, 10-16-33-32-01-0002, 10-16-33-32-01-0010, 10-16-33-32-01-0003, 10-16-33-10-00-0010, 10-16-33-32-01-0020, 10-16-33-32-01-0030, 10-16-33-32-01-0040 AND 10-16-33-32-01-0050.
13. SPECIMEN TREES PER LDC CHAPTER 9, SECTION 16(a)(b) SHALL BE LOCATED AND REVIEWED AT SDRC. CONSERVATION EASEMENT SHALL BE DETERMINED AND PREPARED AT THE TIME OF PLATTING AROUND SPECIMEN TREES. CONSERVATION AREAS SHALL BE ESTABLISHED AROUND A MINIMUM OF 15% OF THE EXISTING WOODED PORTION OF THE DEVELOPMENT.
14. ALL SIGNAGE SHALL ADHERE TO CHAPTER 15 LDC.
15. MINIMUM OF 30% (2.231 AC) OF GREEN SPACE SHALL BE REQUIRED.
16. NO WETLANDS EXIST ON THE SITE.
17. THE PARKING LOTS SHALL BE JOINT-USE BETWEEN THE CHAPEL AND PROFESSIONAL / OFFICE BUILDING USE. THE EXISTING BUILDING AND RAILROAD CAR ARE TO BE USED IN CONJUNCTION WITH THE CHAPEL AND SEPARATE PARKING FACILITIES FOR THESE STRUCTURES ARE NOT REQUIRED.
18. THE 1-STORY BLOCK STRUCTURE, IDENTIFIED AS THE "UTILITY PUMP HOUSE NOT INCLUDED ON THE PCD" IS ALLOWED AS A PRE-EXISTING, LAWFUL, NONCONFORMING STRUCTURE. ABANDONMENT, OBSOLESCENCE, OR ATTRITION SHALL PROMPT THE DISCONTINUANCE OF THE NONCONFORMING USE.
19. PARCEL 1 AS DESCRIBED IN THE 4TH AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL MDA (OR BOOK 5923, PAGE 2515) IS NOT SUBJECT TO THE 5TH AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL MDA.

DEVELOPMENT LEGEND:

OVERALL PCD AREA

5TH AMENDMENT AREA

VICINITY MAP
SCALE: 1" = 400'

LEGAL DESCRIPTION

ALL OF LOT 1, CLARK PROFESSIONAL CENTER, AS RECORDED IN MAP BOOK 47, PAGE 200 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,
TOGETHER WITH:
LOTS 9 AND 10, BLOCK 11, ALLANDALE, AS RECORDED IN MAP BOOK 4, PAGE 146 AND MAP BOOK 17, PAGE 166 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION TAKEN FOR STATE ROAD RIGHT OF WAY PURPOSES,
TOGETHER WITH:
THAT PORTION OF LOTS 7 AND 8, BLOCK 3, AND THAT PORTION OF PALMETTO STREET, A 50 FOOT RIGHT OF WAY LYING SOUTHERLY OF KATHERINE STREET, AS SHOWN ON THE PLAT OF NORWOOD, RECORDED IN MAP BOOK 5, PAGE 1, AND MAP BOOK 15, PAGE 174 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
TOGETHER WITH :
LOT 1, ALLAN PARK AND WITH ITS NORTH AND SOUTH LINE PROJECTED EASTERLY TO THE SHORE OF THE HALIFAX RIVER AS RECORDED IN MAP BOOK 10, PAGE 226, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA.
FROM THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF SOUTH RIDGEWOOD AVENUE (US NO. 1 AND SR NO. 5) WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID KATHERINE STREET AS THE POINT OF REFERENCE, RUN ALONG THE BOUNDARY OF SAID LOT 1, CLARK PROFESSIONAL CENTER, NORTH 50 DEGREES, 09 MINUTES, 15 SECONDS EAST, A DISTANCE OF 241.78 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG SAID BOUNDARY THE FOLLOWING COURSES AND DISTANCES: SOUTH 21 DEGREES, 56 MINUTES, 31 SECONDS EAST, A DISTANCE OF 91.28 FEET; THENCE NORTH 63 DEGREES, 31 MINUTES, 13 SECONDS EAST A DISTANCE OF 128.84 FEET; THENCE NORTH 21 DEGREES, 44 MINUTES, 39 SECONDS WEST A DISTANCE OF 100.84 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID KATHERINE STREET; THENCE SOUTH 82 DEGREES, 49 MINUTES, 28 SECONDS WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE WESTERLY PROJECTION THEREOF, A DISTANCE OF 94.81 FEET; THENCE CONTINUE ALONG SAID WESTERLY PROJECTION SOUTH 50 DEGREES, 09 MINUTES, 15 SECONDS WEST, A DISTANCE OF 36.12 FEET TO THE POINT OF BEGINNING,
TOGETHER WITH:
ALL OF LOT 1 AND LOT 2, AND THE NORTH 20 FEET OF LOT 3, BLOCK 3, NORWOOD, ACCORDING TO THE PLAT OF SAID NORWOOD SUBDIVISION FILED AND RECORDED IN MAP BOOK 5, PAGE 1, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH ALL RIPARIAN RIGHTS AND ACCRETIONS THERETO,
TOGETHER WITH:
THE EAST 59 FEET OF LOT 4, BLOCK 3, NORWOOD SUBDIVISION, AS PER THE MAP THEREOF RECORDED IN MAP BOOK 5, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,
TOGETHER WITH:
LOT 1 OF ALLAN PARK MAP BOOK 10, PAGE 226, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA TOGETHER WITH ANY RIPARIAN RIGHTS THEREOF.

REVISIONS

DATE	DESCRIPTION
10-31-16	CITY COMMENTS

NEWKIRK ENGINEERING
1370 North US1, Suite 204
Ormond Beach, Florida 32174
Phone (386) 290-7599
Harry@Newkirk-Engineering.com
Certificate of Authorization No. 30209
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Civil Engineering
Land Development
Construction Engineering & Inspection

ALL ABOARD PROPERTIES

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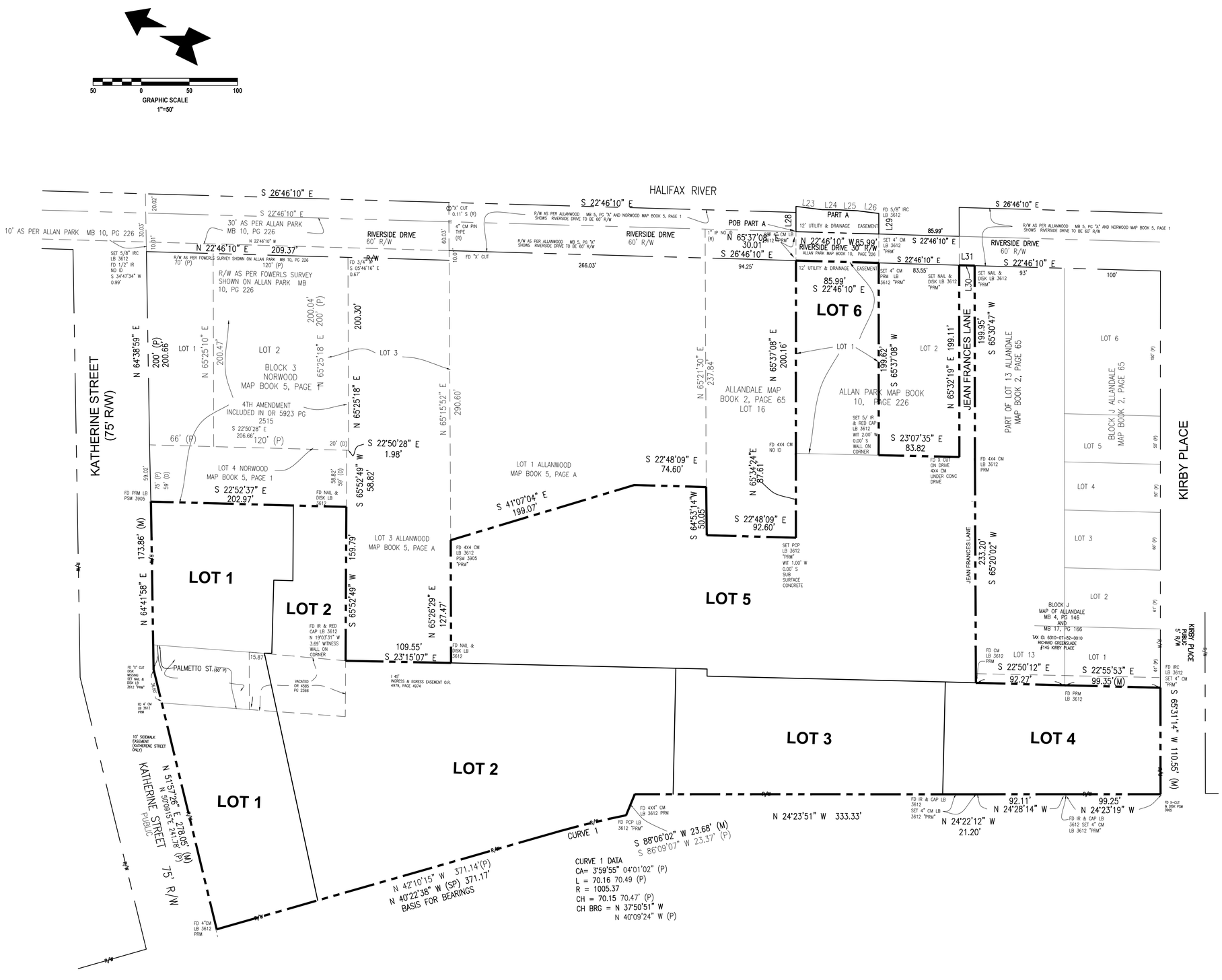
CONCEPTUAL DEVELOPMENT PLAN
CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL
PORT ORANGE, FL 32129

HARRY H. NEWKIRK, P.E. # 62971

PROJECT No:	2016-210
DATE:	SEPTEMBER 2016
DESIGN BY:	HHN
DRAWN BY:	DAB
CHECKED BY:	HHN
SCALE:	1"=50'

DRAWING NUMBER

1



REVISIONS

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CONCEPTUAL REPLAT PLAN
CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL
PORT ORANGE, FL 32129

HARRY NEWKIRK LICENSE NO. 62971 STATE OF FLORIDA PROFESSIONAL ENGINEER

HARRY H. NEWKIRK, P.E. # 62971

PROJECT No:	2016-210
DATE:	SEPTEMBER 2016
DESIGN BY:	HHN
DRAWN BY:	DAB
CHECKED BY:	HHN
SCALE:	1"=50'

DRAWING NUMBER

2