



**AGENDA**  
**PLANNING COMMISSION**  
**CITY OF PORT ORANGE**

**Meeting Date:** Thursday, June 22, 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. 17-70000002  
SPECIAL EXCEPTION/MINI WAREHOUSE AND MOTOR VEHICLE AND BOAT  
STORAGE FACILITY IN THE COMMUNITY COMMERCIAL (CC)  
ZONING DISTRICT  
6250 South Williamson Boulevard

A request by the applicant to approve a Special Exception to allow a Mini Warehouse and Motor Vehicle and Boat Storage Facility within the Community Commercial (CC) zoning district.

Staff Contact: Briana Conlan-King (386) 506-5676/[brking@port-orange.org](mailto:brking@port-orange.org)

6. Case No. 17-40000001

EIGHTH AMENDMENT TO THE AMENDED AND RESTATED PORT ORANGE GATEWAY CENTER PLANNED COMMERCIAL DEVELOPMENT (PCD) MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN (CDP)  
1771 Dunlawton Avenue

A request by the applicant to amend the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Amended and Restated Port Orange Gateway Center Planned Commercial Development (PCD) to allow two new outparcel lots (Lot 3A and Lot 3B) to be created from the existing Super Target lot (Lot 3), establish dimensional requirements for the new lots, as well as parking and signage requirements.

Staff Contact: Penelope Cruz (386) 506-5671/[pcruz@port-orange.org](mailto:pcruz@port-orange.org)

7. Case No. 17-50000003

SUBDIVISION REPLAT/PORT ORANGE GATEWAY CENTER LOT 3  
1771 Dunlawton Avenue

A request by the applicant to replat Lot 3 (Super Target parcel) of the Port Orange Gateway Center Subdivision to create three lots (Lot 3A, Lot 3B, and modified existing Lot 3).

Staff Contact: Penelope Cruz (386) 506-5671/[pcruz@port-orange.org](mailto:pcruz@port-orange.org)

**C. OTHER BUSINESS**

8. Commissioner Comments

9. 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 AN 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, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

PLANNING COMMISSION MEETING MINUTES  
CITY OF PORT ORANGE  
1000 CITY CENTER CIRCLE  
COUNCIL CHAMBERS  
APRIL 27, 2017

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

Pledge of Allegiance

Silent Invocation

|                          |               |                                                                                             |
|--------------------------|---------------|---------------------------------------------------------------------------------------------|
| <b><u>ROLL CALL:</u></b> | Present:      | Lance Green<br>John Junco<br>Newton White<br>Mike Arminio<br>Bo Bofamy<br>Maria Mills-Benat |
|                          | Absent:       | Thomas Jordan                                                                               |
|                          | Also Present: | Matthew Jones, Deputy City Attorney<br>Robin Fenwick, City Clerk                            |

**DISCUSSION/ACTION**

4. Consideration of Minutes

Motion to approve the Minutes of March 23, 2017 was made by Commissioner Arminio and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

5. Case No. 17-70000001  
SPECIAL EXCEPTION/MEDICAL MARIJUANA DISPENSARY IN CC DISTRICT, 3510 Nova Road, Unit 116

A request by the applicant to approve a Special Exception to allow a medical marijuana dispensary within the Community Commercial (CC) zoning district.

Staff Contact: Penelope Cruz 506-5671/[pcruz@port-orange.org](mailto:pcruz@port-orange.org)

Penelope Cruz, Planner, discussed the special exception request.

Nicholas Monette and Lance Ramsey, Surterra Wellness, presented their plan for the business and the product. They are not a recreational marijuana dispensary. They would only dispense low-THC cannabis and medical marijuana to individuals with an order from a registered physician. They have a dispensary in Tampa.

Commissioner Mills-Benat asked if there are any doctors in Volusia County prescribing medical marijuana. Mr. Monette could not speak to Volusia County specifically but there are 750 doctors throughout Florida.

Commissioner Bofamy asked if they have any relationships with doctors. Mr. Monette said it is illegal to have direct relationships with doctors. They do have a Medical Director on Staff. The delivery methods do not include smoking.

Chairman Green asked if the laws are in place to allow a dispensary. Mr. Monette expect the laws to be completed very soon but believes the types of delivery methods will not be changed. They have been dispensing some forms for almost a year already.

Commissioners asked questions regarding the product strength and production. Mr. Monette advised Commissioners that patients are not able to walk into the dispensary and purchase product without a prescription. Their hours will be from 1:00 p.m. until 6:00 p.m. but deliveries may happen outside of those hours. They are able to accept checks, cash, and money orders. Patients can also pay through a secure app.

Commissioners worry about cash deals. Mr. Ramsey explained their procedure for deposits to be made several times a day. They don't want a lot of cash on hand. They also have unarmed security on site. The products are not recreational products that people want.

Ms. Cruz explained the special exception is before the Commission based on the City's Ordinance 2015-34. Medical Marijuana Dispensaries are a Special Exception within a CC District. Ms. Cruz explained where a dispensary could be located if this one is approved and opens.

There were no public comments.

Motion to approve the special exception as requested was made by Commissioner Arminio, and Seconded by Commissioner Mills-Benat. Motion carried 5-1 by roll call vote with Chairman Green voting no.

6. Case No: 17-65000001  
REZONING/3813 S. NOVA ROAD

A request by the applicant to rezone +/- 7.64 acres from Planned Commercial Development (PCD) to Community Commercial (CC).

Staff Contact: Briana Conlan-King (386) 506-5676/brking@port-orange.org

Tim Burman, Planner Manager, discussed the rezoning request which will expand the types of usage for the shopping center.

There were no public comments.

Motion to approve the rezoning request as requested was made by Commissioner Arminio, and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

7. Case No. 17-50000002  
SUBDIVISION PLAT AND PLANS/CORNERSTONE GROVE  
West side of Hidden Lakes Drive, north of Yorktowne Boulevard

A request by the applicant to subdivide +/- 13 acres into 64 duplex lots, along with associated subdivision improvements.

Staff Contact: Briana Conlan-King (386) 506-5676/brking@port-orange.org

Mr. Burman and Wayne Clark, Community Development Director, discussed the request, as well as plans to extend Yorktowne Blvd.

Harry Newkirk, Engineer, provided an update regarding the Yorktowne Blvd. extension. Permit should be completed within 3-4 months. There will be no construction entrances on Hidden Lakes Drive.

There were no public comments.

Motion to approve the rezoning request as requested was made by Vice Chairman White, and Seconded by Commissioner Arminio. Motion carried unanimously by roll call vote.

## **OTHER BUSINESS**

### 8. Commissioner Comments

Vice Chairman White asked the Commission to consider going paperless for their packets. He wants Staff to know that he's not being judgmental when he questions them.

### 9. Staff Comments

Commissioners questioned Mr. Clark regarding building plans within the City, as well as parking issues at shopping centers, roads, and lighting on Dunlawton Avenue. Mr. Clark provided an update regarding the Riverwalk development and the Ridgewood Avenue clean-up coming on June 3, 2017.

## **PUBLIC COMMENTS**

There were none.

**ADJOURNMENT:** 7:12 p.m.

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Chairman Lance Green



# STAFF REPORT

**Special Exception for a Mini-Warehouse and Motor Vehicle and Boat Storage Facility in the Community Commercial Zoning District**  
**CASE NO. 17-70000002**

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|                                  |                                                                                                                                              |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>                  | To allow the operation of a Mini-Warehouse and Motor Vehicle and Boat Storage Facility within the Community Commercial (CC) zoning district. |
| <b>PROPERTY OWNER:</b>           | MB REO-FL LAND, LLC                                                                                                                          |
| <b>APPLICANT:</b>                | Roger W. Strcula, P.E., Upham, Inc., for the Developer David Fahmie, Acorn Mini Storage                                                      |
| <b>LOCATION:</b>                 | 6250 S. Williamson Boulevard (Figure 1 – Page 2)                                                                                             |
| <b>STAFF CONTACT:</b>            | Briana Conlan-King, Planner (386) 506-5676                                                                                                   |
| <b>STAFF RECOMMENDATION:</b>     | Approval                                                                                                                                     |
| <b>PLANNING COMMISSION DATE:</b> | June 22, 2017                                                                                                                                |

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## CASE BACKGROUND

Roger Strcula, applicant for the Developer David Fahmie, Acorn Mini Storage, has applied for a Special Exception to operate a mini-warehouse and motor vehicle and boat storage facility within the Community Commercial (CC) zoning district. The proposed use would be located at the southwest corner of S. Williamson Boulevard and Roscoe Turner Trail (Figure 1 – Page 2). If the Special Exception is approved, the applicant will have to submit a site plan for staff review and the proposed development will be required to meet all architecture, landscape buffer and screening, site development and infrastructure requirements of the City's Land Development Code. Attached are letters from Sabal Creek residents (Exhibit B).

The subject property has had Community Commercial (CC) zoning since 1994. In addition to mini-warehouse and motor vehicle and boat storage uses, the existing zoning of the property also allows uses such as office, medical office, restaurants with a drive-thru, retail, convenience store with gas, bank, and health/fitness clubs.

According to the Land Development Code (LDC), "a special exception is a use that would not be appropriate without restriction, but which, if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety and general welfare." The LDC defines a mini-warehouse as "self-service storage facility in a building consisting of individual self-contained units of varying size that are leased or owned for the storage of business and household goods, or for contractor's supplies"

and defines a motor vehicle and boat storage facility as “land where the long-term parking of motor vehicles and boats is accommodated.”

According to the applicant, the proposed facility and the remainder of the site development will consist of a one-story self-storage building, approximately 8,000 to 10,000 square feet and a paved enclosed outdoor storage area with designated storage parking spaces for vehicles, RVs, and boats. An approximate two-acre area is designated for other uses permitted in the Community Commercial zoning district not associated with this Special Exception. The site will also have landscape buffers, screening fencing, stormwater pond, parking lot and water and sewer infrastructure as required by the City’s Land Development Code.

**Figure 1. Location Map – 6250 S. Williamson Blvd.**



#### **SPECIAL EXCEPTION DEVELOPMENT STANDARDS**

All Special Exception uses are required to meet a uniform list of development standards, encompassing traffic generation, landscaping and buffering, and others [Ch. 18, Sec. 2(d)(2) of the LDC]. The following are the development standards and how they apply to the requested Special Exception for a mini-warehouse and motor vehicle and boat storage facility.

#### **Standard Special Exception Development Standards:**

1. *Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety.*

The commercial zoning for the subject property currently allows uses such as office, medical office, restaurants with a drive-thru, retail, convenience store with gas, bank, and health/fitness clubs. According to the ITE Trip Generation Manual, 9<sup>th</sup> Edition, the traffic expected to be generated from a self-storage and motor vehicle and boat storage facility is significantly less than other uses currently allowed on the subject property (Table 1).

**Table 1. ITE Daily Trip Rate for uses in CC Zoning District**

| Use                                        | Daily Trip Rate | Multiplier   |
|--------------------------------------------|-----------------|--------------|
| Mini-warehouse                             | 2.5             | Per 1,000 SF |
| Warehouse (Motor vehicle and boat storage) | 3.56            | Per 1,000 SF |
| General Office                             | 11.03           | Per 1,000 SF |
| Health/Exercise Club                       | 32.93           | Per 1,000 SF |
| Medical/Dental Office                      | 36.13           | Per 1,000 SF |
| Retail                                     | 44.32           | Per 1,000 SF |
| Child Care Facility                        | 74.06           | Per 1,000 SF |
| Restaurant - no Drive-Thru                 | 127.15          | Per 1,000 SF |
| Bank                                       | 148.15          | Per 1,000 SF |
| Restaurant with Drive-Thru                 | 496.12          | Per 1,000 SF |
| Convenience Store with gas                 | 845.6           | Per 1,000 SF |

According to the latest traffic counts for Williamson Boulevard, there is capacity for the traffic estimated to be generated by the proposed development of this property (Table 2).

**Table 2. Traffic Capacity**

| Roadway Segment                                          | Maximum Capacity Vehicles Per Day | Current Vehicles Per Day* | Remaining Capacity Vehicle Per Day | Daily V/C Ratio** |
|----------------------------------------------------------|-----------------------------------|---------------------------|------------------------------------|-------------------|
| Williamson Blvd. from Taylor Rd. to Spruce Creek Bridge  | 37,970                            | 23,310                    | 14,660                             | 0.61              |
| Williamson Blvd. from Spruce Creek Bridge to Airport Rd. | 35,820                            | 19,250                    | 16,570                             | 0.54              |
| Airport Rd. from Williamson Blvd. to Pioneer Tr.         | 33,300                            | 8,430                     | 24,870                             | 0.25              |

\*Source: Volusia County Traffic Engineering, 2016

\*\*V/C Ratio (Volume-Demand-to-Capacity Ratio) compares roadway demand (vehicle volumes) with roadway supply (carrying capacity).

Access from Williamson Boulevard and Airport Road in this area are under Volusia County's jurisdiction. Specific technical requirements for access must be approved by Volusia County during site plan review. There is a median in Williamson Boulevard and Airport Road that restricts access to right turn in and right turn out. Roscoe Turner Trail is a private road and its use to access the site would need to be approved by the Sanctuary on Spruce Creek's Home Owner's Association through an access easement agreement between the developer and the HOA.

The site plan submittal for this property will be required to comply with the City's Concurrency Management requirements in the LDC. Detailed traffic analysis occurs at the site plan review stage to identify any improvements that might be required. Similar to other developments within the City, the developer may be required to enter into a Fair Share Concurrency Agreement with the City to pay for part of the scheduled improvements for any impacted areas.

2. *Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.*

Parking will be provided and designed as required by the LDC. The total number of parking spaces and design of the parking lot spaces will be reviewed with the submittal of the site plan. The LDC currently requires one space per 50 storage cubicles for a mini-warehouse facility and one space per ten stalls for a motor vehicle and boat storage facility.

3. *Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses.*

The site will be developed with landscape buffers in accordance with the LDC for screening the surrounding properties and rights-of-way from a mini-warehouse and motor vehicle and boat storage facility. Minimum requirements include a 50' landscape buffer along Williamson Boulevard, a 20' landscape buffer along Airport Road, a 10' landscape buffer along Roscoe Turner Trail, and a 40' landscape buffer and 6' fence or wall along the property line abutting the Sabal Creek Subdivision.

There is also a designated wetland on the subject property adjacent to the Sabal Creek Subdivision. At its narrowest point, the wetland area on the subject property is 75' wide. As part of the site plan, a conservation easement will be required over the wetland. The easement will preclude development and the removal or disturbance of any vegetation. In addition, to the wetland on the subject property, there is a conservation easement on the Sabal Creek Subdivision property, adjacent to the subject property, and at its narrowest point the easement is +/- 41' in width (Figure 2, page 5).

**Figure 2. Conceptual Layout**



4. *Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development.*

The architectural style of buildings, accessory structures, wall/fence and site furnishings will be developed with a common architectural theme and comply with the City's LDC. A formal review of the architectural design will occur with the site plan to verify compliance with the LDC. Any proposed signage will have to meet the regulations set forth by the LDC.

5. *Size, location or number of special exception uses in an area shall be limited so as to maintain the overall character of the district as intended by this code.*

The proposed development is located approximately +/- 1.6 miles from a similar facility (All Aboard Storage). The closest approved Special Exception (2015) for a mini-warehouse facility is located just north of the All Aboard Storage facility,

along Taylor Road between the southbound I-95 on-ramp and Williamson Boulevard. This site has not yet been developed. Both sites are in different zoning districts than CC and are not associated with the subject property's CC zoning area. There is currently no development activity on this site. The subject site will be developed to meet the building setback, building coverage and open space requirements for the CC zoning district.

In addition to the standard development requirements for all Special Exceptions, a mini-warehouse use and motor vehicle and boat storage use in the CC zoning district must also comply with additional development requirements [Ch. 18, Sec. 3(b)(10) of the LDC]. The following are the additional development requirements for a mini-warehouse use and a motor vehicle and boat storage use and how they apply to the request.

**Specific Mini-Warehouse Special Exception Development Standards:**

1. *Warehouse buildings shall be screened from any public rights-of-way by a six-foot high opaque fence or wall with a type 2 bufferyard planted along the street side of the fence or wall. Bufferyard requirements may be increased in accordance with chapter 13 of this Code.*

The proposed development will comply with the right-of-way landscape buffer and wall/fence requirements in the LDC. This includes the increased 50' buffer along Williamson Boulevard, 20' along Airport Road and 10' along Roscoe Turner Trail, as well as the 40' landscape buffer and 6' fence or wall along the property line abutting the Sabal Creek Subdivision. (Table 3).

**Table 3. Bufferyard Requirements per LDC Ch 13, Sec. 3(d)**

| Roadway                                            | Type 2 Buffer Width | Right-of-Way Buffer Width | Amount of Increase in Buffer Width |
|----------------------------------------------------|---------------------|---------------------------|------------------------------------|
| S. Williamson Blvd. ( <i>Public right-of-way</i> ) | 10'                 | 50' (type 6)              | + 40'                              |
| Airport Rd. ( <i>Public right-of-way</i> )         | 10'                 | 20' (type 3)              | + 10'                              |

2. *The proposed site shall be a minimum of two acres.*

The subject property is +/- 12.1 acres. The applicant intends to develop the site with a mini-warehouse and motor vehicle and boat storage facility (see Special Exception request on Page 6 to 8) along with other uses permitted in the CC zoning district.

3. *The proposed site shall front on an arterial roadway.*

The site fronts on Williamson Boulevard. Williamson Boulevard is defined by the City's Comprehensive Plan as an urban principal arterial roadway.

Specific Motor Vehicle and Boat Storage Special Exception Development Standards:

1. *The proposed site shall front on an arterial roadway.*

The site fronts on Williamson Boulevard. Williamson Boulevard is defined by the City's Comprehensive Plan as an urban principal arterial roadway.

2. *The proposed site shall be a minimum of two acres.*

The subject property is +/- 12.1 acres. The applicant intends to develop the site with a motor vehicle and boat storage facility and a mini-warehouse (see Special Exception request on Page 6) along with other uses permitted in the CC zoning district.

3. *Buffering shall be provided based on a land use intensity factor of six for completely enclosed facilities and seven for fenced facilities.*

According to the applicant, the motor vehicle and boat storage facility will be enclosed with a fence or wall. The width of the landscape buffer between Sabal Creek Subdivision and the proposed development will be based on a land use intensity of a seven (fenced facility).

LDC requirements for a land use intensity factor of seven (7) are a minimum 40' landscape buffer between the subject property and the Sabal Creek Subdivision. Currently, there is a designated wetland on the subject property adjacent to Sabal Creek, and at its narrowest point, it is 75' wide. As part of the site plan, a conservation easement will be required over the wetland. The easement will preclude development and the removal or disturbance of any vegetation. This area will meet the LDC requirement for the buffer. In addition, to the wetland on the subject property, there is a conservation easement on the Sabal Creek Subdivision property, adjacent to the subject property and at its narrowest point, the easement is +/- 41' in width (Figure 2).

4. *Outside storage shall be completely enclosed within a six- to eight-foot high opaque fence or wall.*

All outside storage will be completely enclosed with a six to eight-foot fence or wall to screen the area, as well as, comply with all the landscape buffer requirements in the LDC. This includes the minimum 50' landscape buffer along Williamson Boulevard, 20' along Airport Road, 10' landscape buffer along Roscoe Turner Trail, and a 40' landscape buffer and 6' fence along the property line abutting the Sabal Creek Subdivision.

5. *Vehicles, for purposes of this Special Exception, shall include automobiles, trucks, vans, boats, boat trailers, recreational vehicles, and other similar vehicles, which are customarily owned, rented or leased by the average family. Such vehicles shall be licensed and fully operational at all times. Towing to and impoundment at the facility of any inoperable vehicle or appurtenance thereof shall not be permitted.*

According to the applicant, the proposed development will only allow licensed, insured and operational automobiles, trucks, vans, boats, boat trailers, recreational vehicles, and other similar vehicles to be stored. The proposed development will rent assigned spaces for a minimum time period of one month.

6. *Vehicle washing shall be confined to a commercial facility or pervious surface in compliance with the water conservation regulations of the city.*

The site plan submittal for this property will be required to comply with the City's water conservation regulations in the LDC. According to the applicant, vehicle or boat washing is not anticipated at the proposed development.

7. *Vehicle servicing shall be limited to regular maintenance items such as changing oil, tires, batteries, and other similar activities. Mechanical or body repair, painting, engine rebuilding, or other similar work which would customarily be performed at a motor vehicle service center shall not be permitted.*

According to the applicant, vehicle servicing within the proposed development will be limited to regular maintenance items as allowed by the LDC, such as changing oil, tires, batteries, and other similar activities.

8. *Living quarters for a resident manager may be permitted, provided such quarters are occupied by the manager and the manager's immediate family.*

According to the applicant, no living quarters for a resident manager are proposed for this development.

9. *Required parking shall be provided at a ratio of one space for each ten storage stalls or fraction thereof, plus one space for each employee at the largest shift and two spaces if resident manager living quarters are provided.*

Parking will be provided and designed as required by the LDC. The total number of parking spaces and design of the parking lot spaces will be reviewed with the submittal of the site plan. The LDC currently requires one space per ten stalls for a motor vehicle and boat storage facility.

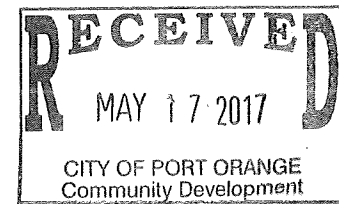
#### **RECOMMENDATION**

Staff recommends approval of the Special Exception to allow a Mini-Warehouse and Motor Vehicle and Boat Storage Facility within the Community Commercial (CC) zoning district to be developed and operated at 6205 S. Williamson Boulevard.

#### **ATTACHMENTS**

Exhibit A – Applicant's Letter Dated May 17, 2017

Exhibit B – Letters from Sabal Creek residents



May 17, 2017

Ms. Penelope Cruz, AICP  
Principal Planner  
Department of Community Development  
1000 City Center Circle  
Port Orange, Florida 32129

Re: Acorn Mini-Storage  
Tax Parcel ID: 6331-00-00-0015 (10.65± Acres)  
Request for Special Exception Application

Ms. Cruz:

Submitted is an application for a Special Exception on the referenced property located at the southwest quadrant of South Williamson Boulevard and Roscoe Turner Trail. The property is zoned Community Commercial (CC) with a FLU designation of Commercial. In accordance with Chapter 17, Section 21(c), (7) and (8) of the LDC, a special exception is required for developments requesting the use of mini-warehouses and motor vehicle and boat storage facilities within the CC Zoning District.

Mr. David Fahmie of Acorn Mini-Storage desires to pursue utilization of the property to expand his storage business into Port Orange. It is proposed to develop the major portion of the property for mini-warehouses and storage and develop the remainder of the property fronting along South Williamson Boulevard for commercial use. A conceptual site plan will be submitted separately to illustrate the locations for the warehouse and storage facilities, commercial area and points of access. The Developer is aware that a Volusia County Right-of-Way Permit will be required for access onto Williamson Blvd. and Airport Road.

The property is zoned Community Commercial (CC).

- Parking required for outdoor storage is equal to one space per 10 outdoor storage spaces.
- Parking required for mini-storage is equal to 1 space per 50 units.
- Buffer yard requirements include:
  - An minimum 40 ft buffer along Sabal Creek Subdivision
  - An minimum 10 ft buffer along Roscoe Turner Trail
  - An minimum 50 ft buffer along South Williamson Boulevard
- Maintain wooded buffer along Sabal Creek Subdivision for screening and wetland preservation
- Opaque wall of fence to screen the interior yards from view, the building wall may be utilized for screening. The wall, fence and building will comply with the City's architectural requirements.

In accordance with Chapter 18, Section 2.(d).2 of the LDC, the Planning Commission and City Council consider and approve special exception for Acorn Mini Storage to proceed with its planned development. The following must be considered for approval:

- (1) traffic generation and access for the proposed use and if proposed development will create any adverse impacts to adjoining properties,
- (2) off-street parking, loading and service area locations
- (3) any screening or buffering and landscaping required dependent on abutting land uses
- (4) architectural and signage treatments
- (5) the size, location or number of special exceptions requested so that the exception(s) will not degrade the overall character of the district intended by City code.

It is understood per Chapter 18, Section 3 of the LDC, the following conditions are required for mini-warehouses and motor vehicle and boat storage Special Exceptions within the CC zoning:

- Subsections 10: Mini-warehouses (CC, HC, RD):
  - The building must be screened from public rights-of-ways by a 6 ft high opaque fence or wall with a "Type 2" buffer yard along the fence or wall.
  - The site must be a minimum of two acres and must front an arterial roadway.
- Subsection 12: Motor vehicle and boat storage facilities (CC):
  - The site must be a minimum of two acres and must front an arterial roadway.
  - Buffering must use a land use intensity factor of (6) for completely enclosed facilities and (7) for fenced facilities.
  - Outside storage must be completely enclosed within a 6 ft to 8 ft high wall or fence.
  - Permitted vehicles include: automobiles, trucks, vans, boats, boat trailers, recreational vehicles and vehicles owned, rented or leased by the average family.
  - The vehicles must be licensed and fully operational at all times. A towing or impoundment facility is not permitted.
  - Vehicle washing must be confined to a commercial facility or pervious surface in compliance with water conservation regulations of the City.
  - Vehicles servicing is limited to regular maintenance items (i.e. oil change, tires, batteries, etc.). No mechanical, body repair, painting, engine rebuild etc. is permitted.
  - Living quarters for a resident manager and manager's immediate family may be permitted.
  - Required parking ratio is equal to one space for each ten storage stalls plus one space for each employee and two spaces if there is a live-in resident manager.

The site currently meets the criteria for the Special Exception. All site development regulations will be addressed at the time of site plan submittal.

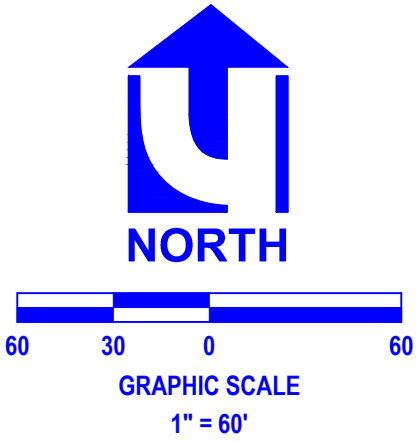
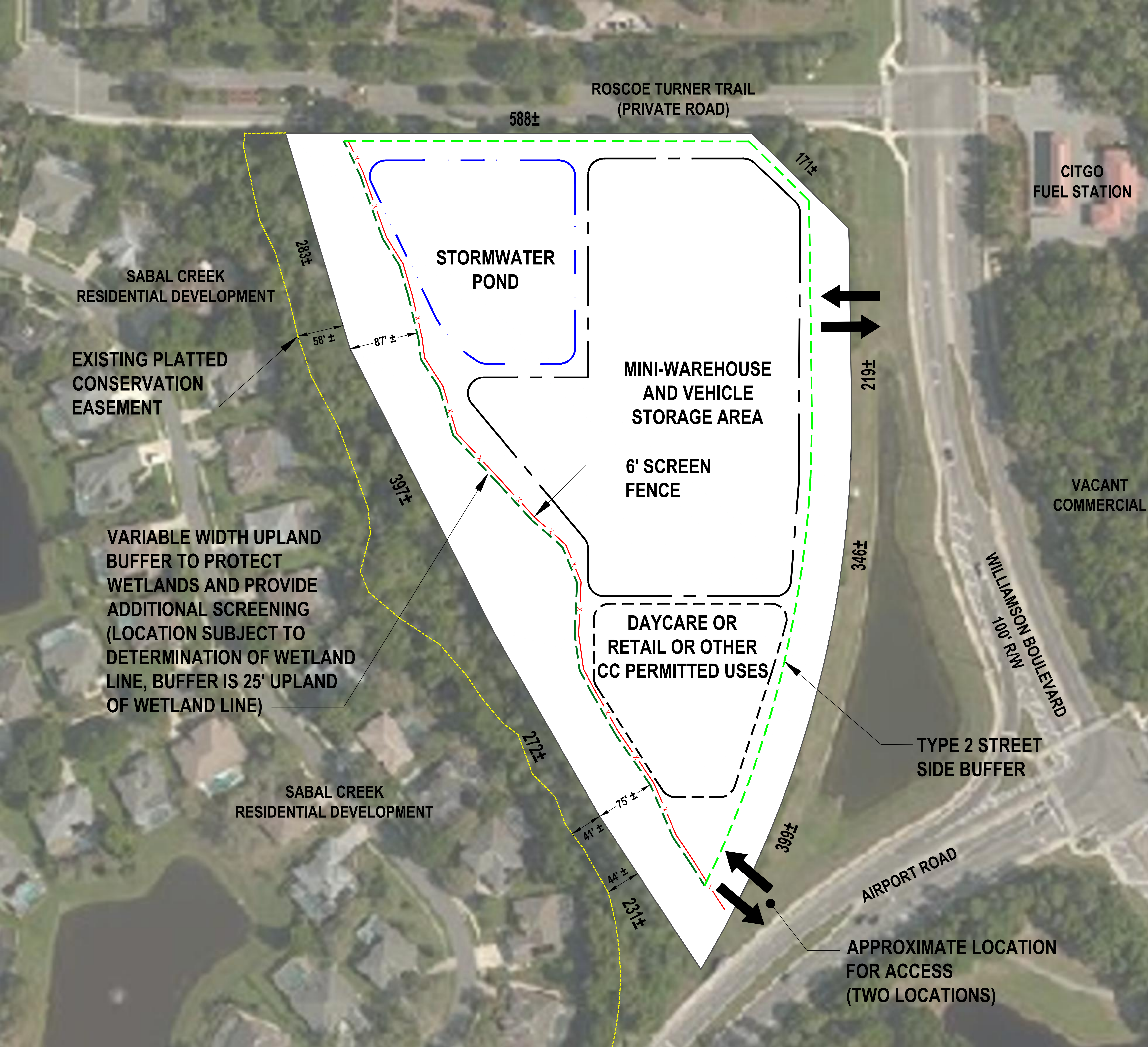
It is requested to review the application for the requested Special Exception for SDRC review. Please contact me should you have any questions.

Sincerely,



Roger W. Strcula, PE  
President

cc: Mr. David Fahmie, Acorn Mini Storage, Inc.  
Mr. Shai Shwartz, MB REO-GL LAND, LLC.



- DEVELOPMENT INFORMATION:**
1. PARCEL NO. 6331-00-00-0015  
10.65 ACRES  
UNDEVELOPED AND WOODED
  2. ZONED COMMUNITY COMMERCIAL (CC)  
COMMERCIAL FLU DESIGNATION
  3. REQUEST FOR A SPECIAL EXCEPTION PER CHAPTER 17, SECTION 21(C)(7) AND (8) FOR MINI-WAREHOUSE AND MOTOR VEHICLE AND BOAT STORAGE FACILITY.
  4. LAND USE PLAN DEPICTS A GRAPHICAL REPRESENTATION FOR THE PROPOSED USES. FINAL SITE PLAN WILL PROVIDE SPECIFIC DETAILS FOR APPROVAL BY SDRC
  5. ALL SITE LIGHTS SHALL BE DIRECTED DOWNWARD

| REVISIONS |                                      |
|-----------|--------------------------------------|
| DATE      | DESCRIPTION                          |
| 06/06/17  | REVISED PER 1006017<br>CITY COMMENTS |
| 06/13/17  | REVISED PER 101317<br>CITY COMMENTS  |
|           |                                      |
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THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY  
ROGER W. STROULA, P.E.  
ON THIS DATE AND TIME STAMP AS SHOWN USING A DIGITAL SIGNATURE.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

**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 # 0003812 LC # 0000357

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**SPECIAL EXCEPTION SITE PLAN**

**ACORN MINI - STORAGE**  
6200 WILLIAMSON BLVD  
PORT ORANGE, FLORIDA

PROJECT No: 170506  
DATE: 05/31/17  
DESIGN BY: RWS  
DRAWN BY: JAE  
CHECKED BY: RWS  
SCALE: AS SHOWN

SHEET NUMBER:  
**1**

**Written comments of Michael A. Matthews in the matter of a request for a Special Exception for a mini-warehouse and motor vehicle and boat storage facility, and other ancillary development, within the Community Commercial (CC) zoning district located at 6250 S. Williamson Blvd, Port Orange, FL, between Roscoe Turner Trail and Airport Road (the “Development Site”). Case #17-70000002.**

Thank you for the opportunity to provide written comments for this important Public Hearing. For background purposes and to establish my standing in this matter, my name is Michael A. Matthews and I have been a homeowner and resident of property located at 6090 Sabal Hammock Circle in the Sabal Creek Subdivision since November, 1997, the location of which is situated adjacent to the Wetlands Buffer and the proposed Development Site.

As a responsible homeowner, I’m not “anti-development.” As a matter of fact, I welcome commercial development that meets certain criteria, such as (1) being “compatible” to the neighborhood; (2) allowing for the continued and uninterrupted quiet and peaceful use and enjoyment by adjacent homeowners; (3) does not contribute to excessive traffic congestion, noise, odors, unsightly structures, nuisance lighting, and an attraction for increased crime; (4) protects the local environment; and

(5) does not negatively affect adjacent property values. In my personal opinion, I believe that the proposed mini-warehouse and motor vehicle and boat storage facility not only fails to meet the aforementioned criteria, but the intended use of the Development Site is not the highest and best use of the property, and such proposed use does not rise to the level of granting a Special Exception.

Please allow me to cite several examples as to why the granting of a Special Exception is not in the best interests of the neighborhood. First is traffic congestion. The proposed Development Site has limited ingress and egress from both Williamson Blvd and Airport Road. This means that should a Day Care Center be built, this would create excessive traffic during morning and evening rush hours when many motorists entering the property from the north on Williamson Blvd must exit on Airport Road and, to access Williamson Blvd to the north, must perform a u-turn opposite the entrances to Sabal Creek and Cypress Head housing developments. If you've ever tried to exit these

developments during morning and evening rush hours, especially when school is in session, then you would know that the adding of additional traffic congestion places an unacceptable burden on the residents of both communities.

Further, given my past experience in corporate real estate for a major commercial airline, I know firsthand that incompatible development at or near established residential areas does indeed negatively affect property values, especially if those incompatible developments expose residents to excess noise, crime, pollution, or changes the nature and character of the neighborhood.

Arguably many of the homeowners in and around Williamson Blvd and Airport Road selected this area for its unique, quiet suburban setting, away from the traffic noise, congestion, and development associated with other areas of Port Orange. Aside from Bike Week and BiketoberFest, this area of Port Orange is a grand place to live, and the millions of taxpayer dollars spent on widening Williamson Blvd to

Airport Road and its subsequent extension to Pioneer Trail served to enhance its special and unique charm and character, and provided for additional development opportunities away from established residential areas.

Bottom line, this is our neighborhood. If a Special Exception is granted and the developer is allowed to proceed with the development of the property as planned, that special and unique charm and essential character of our neighborhood is gone, replaced by a mini-warehouse and a static collection of motor vehicles and boats. Suffice it to say, no matter how high you build a perimeter wall or the number of trees planted to hide the area from sight, or legal limitations placed on the developer by the City, this area will be an “eye sore,” a nuisance, and a blemish on our neighborhood.

As an example, just north of the Development Site on Williamson Blvd is a similar motor vehicle and boat storage facility situated adjacent to an established housing development. Yes, the area has a nicely painted and

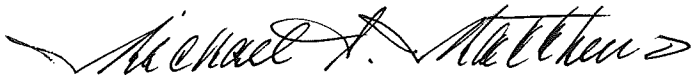
maintained concrete block wall to hide the area from sight; however, the owners found it necessary to add a chain link fence addition to the top, ostensibly to prevent unlawful entry. This tends to beg the question as to whether this is what residents of Sabal Creek have to look forward to.

In summary, I oppose the developer's request for a Special Exception and change in use for the purpose of developing a mini-warehouse and motor vehicle and boat storage facility on the grounds that the proposed development: (1) is not the highest and best use of the property; (2) is not compatible to the neighborhood; (3) has the potential to alter the quiet, peaceful, and safe use and enjoyment of the neighborhood by adjacent homeowners; (4) could result in the pollution of adjacent wetlands; and (5) could result in the diminution of adjacent property values.

It is therefore recommended that the City reject the developer's request for a Special Exception and suggest that they look elsewhere to develop their mini-warehouse and motor vehicle and boat storage

facility, perhaps further south on Williamson Blvd toward Pioneer Trail.

Respectfully Submitted,

A handwritten signature in black ink, reading "Michael A. Matthews" with a stylized flourish at the end.

Michael A. Matthews  
6090 Sabal Hammock Circle  
Port Orange, FL 32128  
386-788-1673

June 15, 2017

Weber Family  
6092 Sabal Hammock Circle  
Port Orange, FL 32128

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

RE: Special Exemption Case NO. 17-70000002

Dear Chairman Green:

We am writing the commission and submitting written testimony regarding Case Number 17-70000002 because I will not be able to attend the June 22<sup>nd</sup> meeting because of work travel. I and all of my neighbors have been made aware of this special exemption hearing and would like our position on the record.

The property in question is zoned Community Commercial which we agree any of the 23 uses listed in the zoning description would be an appropriate use of the property. There are even 7 uses defined with special development requirements and some of them would be appropriate.

We cannot agree that Community Commercial with Special Exceptions would be an appropriate use of this parcel, especially, mini-warehouses and boat / recreational vehicle storage. This is an exceptionally ill-advised use that would front and back up to four of the most respected neighborhoods in the city. These neighborhoods work tirelessly to maintain their appearance as well as the reputations of respected family communities thereby adding to the respect City of Port Orange.

We maintain that the special exception should not be granted for the following reasons:

1. There is no way to judge the financial impact on the property values of the four adjacent neighborhoods. The City should not allow the financial benefit of one foreign company to negatively impact the financial position of thousands of residents
2. The traffic pattern created by this development will create significant negative impact on the local residents and could promote the potential of a CRASH hazard with multiple U-turns being required for traffic to return north and east.
3. There is no ability to control the night time light pollution on the adjacent properties
4. Improper storage of hazardous material cannot be controlled in these types of facilities which add potential hazards to the neighborhoods.

5. There are 30 other uses under the Community Commercial zoning for this parcel that would be a better fit for the neighborhood; some examples would be, daycare, diner, ice cream shop.
6. There are multiple locations in the western portion of Port Orange that mini-warehouses could be built that would not impact local neighborhoods. (Pioneer Trail & Airport Road, Taylor Road & Williamson Blvd, Williamson Blvd & Pioneer Trail in Woodhaven).

## Current Neighborhoods





## Acorn Properties in Boca Raton and Palm Coast



The photos paint an interesting picture. Mini-warehouses do not fit in these neighborhoods without negative impacts including, questionable traffic patterns, devaluation of the surrounding properties, potential hazards, and removal of the natural beauty.

If this parcel was allowed to be developed into mini-warehouses the following items must be included in the special exception:

1. The natural boarder between the residential neighborhood must be maintained (not re-planted) and enhanced with mature landscaping so the buildings are not seen or heard from the adjacent homes.
2. Build a minimum of 10 foot concrete block sound deadening wall between the residents and the development.
3. Maintain landscaping between the residents and development wall.
4. Build a brick wall around the road frontage of the development to mirror the Sanctuary and Sabal Creek neighborhoods.
5. Plant mature landscaping around the road frontage of the development to mirror the Sanctuary and Sabal Creek neighborhoods, as well, as the Dunlawton corridor.
6. Restrict night time lighting from leaving the property.
7. Hours of operation must be restricted to open 7 AM close 10 PM.
8. The buildings must contain a full NFPA 13 fire sprinkler system to protect the adjacent homes.
9. No chain link fences allowed.
10. Any boat or RV storage must not be seen from any adjacent locations.

As a leader, I always told my staff, “do not bring just a problem but also bring forward a solution” so; we respectfully request that the planning commission direct this applicant to consider alternative locations for their project, ones that do not impact already well established local neighborhoods. Additionally, work with the land owner to encourage more appropriate use under the Community Commercial zoning such as; personal services, restaurants, daycare, and retail sales.

We request that the Commission consider the interest of all involved and deny the special exception to allow this use on this parcel.

Sincerely,

*Thomas G. Weber*

Thomas G. Weber, CFO, EFO, MPA, MiFireE  
Fire Chief, Retired  
City of Port Orange

*Mary Weber*

Mary, Weber, RN

6088 Sabal Hammock Circle  
Port Orange, FL 32128

Tim Burman, Planning Manager  
City of Port Orange, Community Development  
1000 City Center Circle  
Port Orange, FL 32129

June 15, 2017

Mr. Burman:

We are residents of the Sabal Creek subdivision and we strongly OPPOSE the building of an Acorn Mini-Storage on the corner of Williamson Blvd. at Airport Road. This project has been based on a "Zoning Exception" and should NOT be considered for building.

Even with a twenty foot easement, this eyesore will abut our residence, increasing noise pollution, light pollution, traffic, and accumulation of trash. Additionally, this building is likely to attract vermin and rodents; the location provides potential access to our property. This eyesore will negatively impact property value, something we carefully considered before moving to Port Orange. Finally, a storage facility already exists on Williamson within two miles of this proposed location.

Please do NOT allow this zoning exception to move forward. Not only is the proposed Acorn Mini-Storage unnecessary but a huge nuisance.

Thank you.

Respectfully,



Dr. Pat Sekel



Deacon David Sekel

6088 Sabal Hammock Circle  
Port Orange, FL 32128

Tim Burman, Planning Manager  
City of Port Orange, Community Development  
1000 City Center Circle  
Port Orange, FL 32129

June 15, 2017

Mr. Burman:

I am a resident of the Sabal Creek subdivision and I strongly OPPOSE the building of an Acorn Mini-Storage on the corner of Williamson Blvd. at Airport Road. This project has been based on a "Zoning Exception" and should NOT be considered for building.

Even with a twenty foot easement, this eyesore will abut my residence, increasing noise pollution, light pollution, traffic, and accumulation of trash. Additionally, this building is likely to attract vermin and rodents; the location provides potential access to my property. This eyesore will negatively impact property value, something that was carefully considered before moving to Port Orange. Finally, a storage facility already exists on Williamson within two miles of this proposed location.

Please do NOT allow this zoning exception to move forward. Not only is the proposed Acorn Mini-Storage unnecessary but a huge nuisance.

Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "David Sekel". The signature is fluid and cursive, with a large initial "D" and a stylized "S".

Deacon David Sekel



# STAFF REPORT

Eighth Amendment to the MDA & CDP for the  
Port Orange Gateway Center PCD  
CASE NO. 17-40000001

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|                              |                                                                                                                                                            |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Request:</b>              | Amend the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Port Orange Gateway Center Planned Commercial Development (PCD) |
| <b>Location:</b>             | 1771 Dunlawton Ave.                                                                                                                                        |
| <b>Owner:</b>                | Target Corporation                                                                                                                                         |
| <b>Applicant:</b>            | Roger W. Strcula, P.E., Upham, Inc.                                                                                                                        |
| <b>Staff Recommendation:</b> | <b>Approval</b> , subject to approval of the policy considerations as described in the staff report                                                        |
| <b>Staff Contact:</b>        | Penelope Cruz (386) 506-5671                                                                                                                               |
| <b>Planning Commission:</b>  | June 22, 2017                                                                                                                                              |

---

## DISCUSSION

The proposed Eighth Amendment to the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Port Orange Gateway Center Planned Commercial Development (PCD) is to provide the regulatory framework to create two new commercial lots and development requirements for the new lots. The development proposal is to subdivide Lot 3 (the existing Super Target retail store) into three lots (Lot 3, 3A, and 3B). The location of the proposed new lots (Lot 3A and Lot 3B) and the modified Lot 3 is shown in Figure 1 below.

Figure 1. Location Map



Lot 3 will contain the existing Super Target building and most of the parking lot. The proposed Lot 3A is currently part of the Super Target overflow parking lot located south of Chick-Fil-A and if approved, will be developed with a  $\pm 11,982$  square-foot commercial multi-tenant building. The proposed Lot 3B is currently part of the Super Target garden center and overflow parking lot located south of the Super Target building and will be developed with a  $\pm 25,000$  square-foot commercial multi-tenant building.

The permitted uses proposed in the Eighth Amendment for Lot 3A and Lot 3B include: restaurants, retail sales and services, personal services, and professional and medical offices. These uses allow a variety of tenants to occupy the new buildings and are compatible with the uses allowed on the other lots within the Gateway Center PCD and within the City's other commercial zoning districts.

The following is an analysis of the requested deviations from the Land Development Code (LDC) proposed in the Eighth Amendment.

Parking: Parking will be provided as required by the Land Development Code (LDC), except for the retail store (Super Target), located on Lot 3. The applicant has proposed a parking ratio of 1 space per 284 square feet instead of the 1 space per 250 square feet required by the LDC.

The Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th edition indicates that the average parking ratio for a retail store is between 1 parking space per 238 square-feet to 1 parking space per 296 square-feet. The proposed 1 space per 284 square-feet parking ratio is in the ITE suggested range.

The applicant's proposed parking ratio requires 529 parking spaces be provided for the existing Super Target store. The requested reduction in parking spaces amounts to 71 less parking spaces than required by City code. The existing LDC parking requirements for retail uses were last updated in 1996. The applicant, along with the Target Corporation, has stated that the proposed parking ratio will provide sufficient parking for customers based on the typical traffic generated by this store.

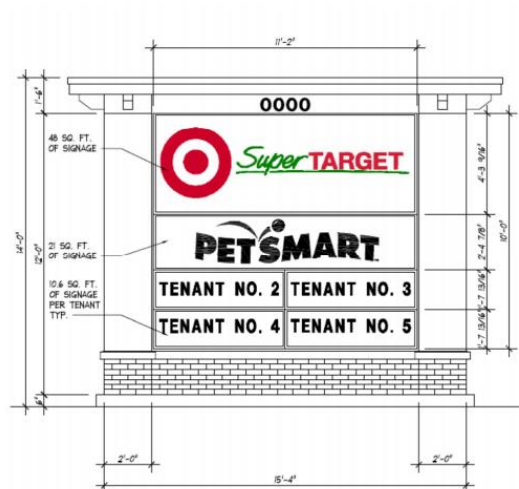


According to the applicant and the Target Corporation, the proposed parking ratio will provide sufficient parking for the Port Orange Target store. The Target Corporation recently conducted a Parking Needs Study (Exhibit B) to identify the parking necessary to support a store based on its specific sales volume. According to the study, Target has determined 340 parking spaces are needed for a store with 500 cash resister transactions per hour. The study states that the busiest hour in 2016 at the Port Orange store had 414 transactions per hour, which is below the average for comparison stores and that a parking count of 340 is conservative and sufficient. The applicant's proposed parking ratio provides for 529 parking spaces which is 189 spaces more than suggested by Target's Parking Needs Study.

Off-Site Signage: Super Target currently has a monument sign on Dunlawton Avenue. The applicant is proposing to remove the current Super Target monument sign on Dunlawton Avenue and replace it in the same location, with a new multi-tenant sign that identifies Super Target and the tenants located on Lot 3B. If the proposed lot configuration is approved, the current Super Target sign would be located on Lot 3A. According to the LDC, off-site signage is any sign that directs attention to a business not conducted or available on the premises where their sign is located. The proposed multi-tenant monument sign will be designed to meet the height, sign area and design requirements in the LDC. No deviations are requested for the dimensional requirements or number and size of tenant panels.



Existing Target Monument Sign



Proposed Off-Site Multi-Tenant Sign

The proposed sign would be located in the same place as the current Super Target sign along Dunlawton Avenue, north of the driveway at Panera Bread. According to the applicant, the off-site signage is being requested due to the configuration of the proposed lot layout. The sign would identify the businesses located on Lot 3 and Lot 3B. The proposed sign could have up to 112 square feet of sign area and up to 6 tenant panels. Dunlawton Square has signs similar in area and height to the proposed sign (Figure 2).

**Figure 2. Dunlawton Square Monument Sign**



Access to Lot 3 and Lot 3B will be from Dunlawton Avenue; however, the proposed lot configuration does not provide Lot 3B with frontage onto Dunlawton Avenue. Lot 3 does have limited frontage on Dunlawton Avenue to locate a sign, but according to the applicant, there is limited room to install a sign because of the exiting driveway and mature trees in the 50' landscape buffer. Access to Lot 3 and Lot 3B from Dunlawton Avenue will be from driveways located on other lots.

The applicant considered placing a sign on Lot 3 but ultimately preferred replacing the existing Super Target sign on Lot 3A with a new multi-tenant sign that identifies Super Target and the tenants located on Lot 3B. However, this is considered off-site signage and cannot be permitted without PCD policy approval. If the off-site sign was placed on Lot 3, the applicant would still have to request for an off-site sign to identify tenants located on Lot 3B. The request would not increase the total number of monument signs on Dunlawton Avenue but would permit flexibility for businesses allowed on the sign.

The sign installed in front of Starbucks and Chipotle on Dunlawton Avenue is similar to the proposed sign. This sign has 84 square feet of sign area, 4 tenant panels, and off-site sign advertisement for Lowes. This off-site signage was approved through a PCD because Lowes did not have any frontage on Dunlawton Avenue after the outparcel was created. The proposed off-site sign could be larger at 112 square feet of sign area and up to 6 tenant panels.

Wall Signage Height: Wall signage will be provided as required by the Land Development Code (LDC), except for the wall sign height requirement. The applicant has proposed a wall sign height requirement for Lot 3A and Lot 3B to be 25% of the building height for tenants located in a multi-tenant building instead of the 2-foot maximum height required by the LDC. Similar requests have been approved at other shopping centers.

A maximum sign height limit of 25% of building height was approved as part of the Altamira, The Pavilion, and Dunlawton Square PCDs. The wall sign height for the multi-tenant building (Starbucks and Chipotle) on Lot 6A of the Gateway Center PCD is 25% of the building height and was approved through a PCD amendment in 2012. The typical height for wall signage within these PCDs for the non-anchor tenants has ranged between 2.5' to 3.5' for the multi-tenant units. According to the applicant, national tenants typically prefer wall signage between 2.5' to 3.5' in height, and a consistent height requirement for all the tenants would provide flexibility in locating tenants within the center.

#### **CONSISTENCY WITH THE COMPREHENSIVE 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 1999. The proposed 8<sup>th</sup> amendment does not change the Future Land Use designation of the PCD property and is consistent with the general intent of the Comprehensive Plan.

#### **OUTSTANDING TECHNICAL COMMENTS**

The Staff Development Review Committee (SDRC) has reviewed this proposal and the applicant will need to address some minor comments related to formatting of the agreement prior to this item being considered by City Council.

#### **SUMMARY OF POLICY ISSUES**

As part of its review of the Amendment proposal, the Planning Commission and City Council will need to consider the following deviations from the LDC:

1. Allow a parking ratio of 1 space per 284 square feet for Target;
2. Allow off-site signage for Super Target (Lot 3) and tenants of Lot 3B on Lot 3A; and
3. Allow a wall sign height requirement to be 25% of the building height feet for tenants located in a multi-tenant building for Lot 3A and Lot 3B.

#### **RECOMMENDATION**

Staff recommends **approval** of the Eighth Amendment to the Port Orange Gateway Center PCD Master Development Agreement and Conceptual Development Plan, subject to:

1. Resolution of outstanding comments prior to scheduling for review by the City Council; and
2. Review by the City Attorney as to legal form and content.

#### **ATTACHMENTS**

1. Exhibit A – Eighth Amendment to the Gateway Center MDA and CDP
2. Exhibit B – Target's Parking Need Study

**This Document Prepared By:**  
Upham, Inc.  
265 Kenilworth Avenue  
Ormond Beach, FL 32174

**Return Recorded Document to:**  
Office of Records Clerk  
1000 City Center Circle  
Port Orange, FL 32129

EXHIBIT A



**REVISED**

**EIGHTH AMENDMENT TO THE  
AMENDED AND RESTATED  
MASTER DEVELOPMENT AGREEMENT FOR THE  
PORT ORANGE GATEWAY CENTER  
PLANNED COMMERCIAL DEVELOPMENT (PCD)**

This Agreement, entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129 (hereinafter referred to as the "City"); TARGET CORPORATION, Attn: Real Estate Portfolio Management (T-1795), 1000 Nicolet Mall, TPN-12H, Minneapolis, MN 55403, (hereinafter referred to as the "Property Owner"); and 2017 YORKTOWN PORT ORANGE LLC, a Florida limited liability company whose address is 151 Sawgrass Corners Drive, Suite 202, Ponte Vedra Beach, Florida 32082, (hereinafter referred to as the "Contract Purchaser") or Assignee, constitutes the Eighth Amendment to the Amended and Restated Master Development Agreement for the Port Orange Gateway Center Planned Commercial Development (hereinafter referred to as the "Eighth Amendment").

**WHEREAS**, TARGET CORPORATION is the Property Owner of Lot 3 (further described in Exhibit "A") and the proposed Lots 3(A) and 3(B) (further described in Exhibit "A-1") and 2017 YORKTOWN PORT ORANGE LLC, successor by assignment from Southeast Investments, Inc., is the Contract Purchaser of Lot 3(A) and Lot 3(B) as shown on the proposed "Port Orange Gateway Center Lot 3", a replat of a portion of Lot 3 Port Orange Gateway Center Replat per Map Book 50, Page 24; and

**WHEREAS**, The City, Lowe's Home Centers, Inc. and Port Orange Gateway Center, Inc. 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 Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "Original MDA") recorded in Official Records Book 4397, Page 4153, Public Records of Volusia County, Florida

**WHEREAS**, The City and Port Orange Gateway Center previously entered into an agreement and covenant with the Property Owner to bind their successors and assigns to the terms and provisions of a development agreement entitled "Amended and Restated Master Development Agreement for The Port Orange Planned Commercial Development" (hereinafter referred to as the "Amended and Restated MDA"), recorded in Official Records Book 4886, Page 3772, Public Records of Volusia County, Florida, which included the Property; and

**WHEREAS**, the City and Port Orange Gateway Center previously entered into a first amendment to the Amended and Restated MDA entitled, "First Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "First Amendment") recorded in Official Records Book 4904, Pages 20-26, Public Records of Volusia County, Florida; and

**WHEREAS**, the City and Port Orange Gateway Center previously entered into a second amendment to the Amended and Restated MDA entitled, "Second Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "Second Amendment"). Recorded in Official Records Book 5281, Page 2720, Public Records of Volusia County, Florida; and

**WHEREAS**, the City and Port Orange Gateway Center previously entered into a third amendment to the Amended and Restated MDA entitled, "Third Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "Third Amendment") recorded in Official Records Book 5389, Page 4833, Public Records of Volusia County, Florida; and

**WHEREAS**, the City and Port Orange Gateway Center previously entered into a fourth amendment to the Amended and Restated MDA entitled, "Fourth Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Commercial Development (PCD)" (hereinafter referred to as the "Fourth Amendment") recorded in Official Records Book 5860, Page 1476, Public Records of Volusia County, Florida; and

**WHEREAS**, the City and Port Orange Gateway Center previously entered into a fifth amendment to the Amended and Restated MDA entitled, "Fifth Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Commercial Development (PCD)" (hereinafter referred to as the "Fifth Amendment") recorded in Official Records Book 6582, Page 1603, Public Records of Volusia County, Florida; and

**WHEREAS**, the City, Lowe's Home Centers, Inc. and Ferber Construction Management, LLC, entered into a sixth amendment to the Amended and Restated MDA entitled, "Sixth Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Commercial Development (PCD)" (hereinafter referred to as the "Sixth Amendment") recorded in Official Records Book 6682, Page 1329, Public Records of Volusia County, Florida; and

**WHEREAS**, the City entered into a seventh amendment to the Amended and Restated MDA entitled, "Seventh Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Commercial Development (PCD)" (herein after referred to as the "Seventh Amendment") recorded in Official Records Book 7193, Page 2234, Public Records of Volusia County, Florida; and

**WHEREAS**, the City and the Property Owner have opted to further amend the operation and effect of the Amended and Restated MDA as further modified by the First, Second, Third, Fourth, Fifth, Sixth and Seventh Amendments all as applied to the Property by creating and agreeing to this "Eighth Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)"; and

**WHEREAS**, the Property Owner is the owner of the Property which is the only property impacted by the Eighth Amendment; and

**WHEREAS**, the City and the Property Owner wish to amend the Amended and Restated MDA and the First, Second, Third, Fourth, Fifth, Sixth and Seventh Amendments as applied to the Property to allow for the following:

1. Provide for a division of Lot 3 in order to create three (3) lots, being identified as Lot 3, Lot 3(A) and Lot 3(B).
2. Multi-tenant building with an end-unit that may contain a drive-thru window on Lot 3(A).
3. Two attached separate buildings: one building as a multi-tenant building with an end-unit that may contain a drive-thru window and one retail building on Lot 3(B).

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

1. The premises stated above are true correct and form a material part of the Eighth Amendment.
2. Paragraph 1, Section (d) of the Amended and Restated MDA which incorporates the Amended CDP as Exhibit "B" and the Amended CDP as applied to Lot 3 are hereby further amended to reflect the modifications shown by this Eighth Amendment **Exhibit "B,"** attached hereto and incorporated herein by reference.
3. Paragraph 7, "**Uses**", Section (a) of the Amended and Restated MDA as applied to Lot 3 is hereby further amended as follows:

(a) Permitted Uses on the Property shall be as follows:

| <b><u>PERMITTED USES</u></b>                                                                                                                  | <b><u>SITE AREA</u></b> | <b><u>RETAIL AREA</u></b> | <b><u>OTHER AREA</u></b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------------|--------------------------|
| <b>LOT 3</b><br>COMMERCIAL/RETAIL                                                                                                             | 13.46 AC                | 132,100 SF                |                          |
| OFFICE                                                                                                                                        |                         |                           | 16,100 SF                |
| RECEIVING/STORAGE                                                                                                                             |                         |                           | 26,500 SF                |
| <b>LOT 3(A)</b><br>BUSINESS SERVICES<br>FINANCIAL SERVICES<br>FURNITURE AND<br>APPLIANCE STORES<br>OFFICE SUPPLIES<br>RESTAURANT (TYPE A & B) | 2.06 AC                 | 12,000 SF                 |                          |

|                                                                                                                                                                                                                                                                                                                                         |         |           |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------|--|
| RETAIL SALES AND SERVICES<br>PERSONAL SERVICE<br>PROFESSIONAL AND MEDICAL OFFICES<br>ONE-DRIVE THRU<br>BREWERY, CRAFT FOOD AND BEVERAGE<br>PRODUCER AND MICROBREWERY                                                                                                                                                                    |         |           |  |
| <b>LOT 3(B)</b><br>BUSINESS SERVICES<br>FINANCIAL SERVICES<br>FURNITURE AND APPLIANCE STORES<br>OFFICE SUPPLIES<br>RESTAURANT (TYPE A & B)<br>RETAIL SALES AND SERVICES<br>PERSONAL SERVICE<br>ONE DRIVE-THRU<br>PROFESSIONAL AND MEDICAL OFFICES<br>VETERINARY CLINIC<br>BREWERY, CRAFT FOOD AND BEVERAGE<br>PRODUCER AND MICROBREWERY | 3.00 AC | 25,000 SF |  |

- 1) Exhibit “C,” Dimensional Requirements, is amended to provide the following Dimensional Requirements for Lot 3(A) and Lot 3(B) and Parking Requirements for Lots 3, 3(A) and 3(B) as follows:

| <b>Requirements</b>                                    | <b>Lot 3</b>    | <b>Lot 3(A)</b>               | <b>Lot 3(B)</b>                         |
|--------------------------------------------------------|-----------------|-------------------------------|-----------------------------------------|
| Minimum Lot Area                                       | 500,000 sq. ft. | 75,000 sq. ft.                | 100,000 sq. ft.                         |
| Minimum Lot Width                                      | 150 feet        | 200 feet                      | 200 feet                                |
| Maximum Building Coverage                              | No change       | 25%                           | 25%                                     |
| Maximum Building Height                                | No change       | 31 feet                       | 31 feet                                 |
| Building Setbacks                                      | No change       |                               |                                         |
| Dunlawton<br>Internal Lot Line<br>Rear<br>I-95 / Lot 1 | No change       | 50 feet<br>20 feet<br>20 feet | 50 feet<br>0 feet<br>20 feet<br>50 feet |

| <b>Requirements</b>        | <b>Lot 3</b>                    | <b>Lot 3(A)</b> | <b>Lot 3(B)</b> |
|----------------------------|---------------------------------|-----------------|-----------------|
| Maximum Impervious Surface | 80%                             | 64%             | 76%             |
| Minimum Open Space         | 20%                             | 36%             | 24%             |
| Required Parking           | 1 space / 284 SF <sup>(1)</sup> | 1 space/ 250 SF | 1 space/ 250 SF |

(1) Parking requirement for “Retail” and “Office” building floor area only is hereby amended to 1 space per 284 square feet.

4. The following language is added to Paragraph 9(b), “**PCD Infrastructure**,” of the Amended and Restated MDA is hereby amended to add a new subparagraph :

- (1) Replat. The Property Owner (Target Corporation) may proceed to create the proposed Lots 3, 3(A), and 3(B) by replatting the existing Lot 3, together with easement encumbrances existing and shown per title opinion updated at the time immediately prior to recording.
- (2) Site Plan. A Development Order for any site plan submitted for Lot 3(B) can be issued any time following the recording of the above-mentioned replat.
  - a. In the event the proposed development of a Lot adversely impacts existing public infrastructure; i.e., water and sanitary sewer mains, lines or related facilities; the affected Site Plan shall graphically depict and specifically address construction of the new and relocated infrastructure.
  - b. All new public infrastructure required to be relocated to accommodate site development, together with abandonment of pre-existing infrastructure serving the Port Orange Gateway Center subdivision, shall be designed and constructed in accordance with the Port Orange Land Development Code in effect at the time of site plan review, with all associated costs paid by the Developer.
  - c. Easements. Upon completion, connection, inspections, approval and acceptance by the City Public Utilities Department, the Lot Owner shall grant to the City permanent utility easement(s) over the new, relocated infrastructure. The City shall then process for Council approval the Owner’s petition to vacate such segments of pre-existing easements of record over the abandoned infrastructure.

5. The following language is added to Paragraph 13(b), “**Signage**” of the Amended and Restated MDA is hereby amended to add a new subparagraph:

(b) Wall signs for individual businesses shall be as permitted by Chapter 15 of the Port Orange Land Development Code, except as set forth in this subsection (b):

(1) Wall Signage Requirements for Lots 3(A) and 3(B) is as follows:

- a. Each tenant is permitted a maximum wall sign height equal to 25% of the building height over the tenant front entrance.

6. The following language is added to Paragraph 13(c)(1), “**Signage**” of the Amended and Restated MDA is hereby amended to add new subparagraphs:

- a. Monument Sign on Dunlawton Avenue for Tenants of Lot 3A:
  - i. The maximum height to the top of the sign cabinet is 12.0 feet. An additional 2.0 feet in height is allowed above the sign cabinet for architectural embellishments consistent with the building or complex, up to a total maximum sign structure height of 14.0 feet (further illustrated in Exhibit “D”). The maximum number of panels is five (5) for a total maximum copy area of 84 square feet.
- b. Monument Sign on Dunlawton Avenue on Lot 3(A) for Tenants of Lot 3 and Lot 3(B):
  - i. The existing sign located on Lot 3(A) along Dunlawton Ave is increased in height and copy area. The maximum height to the top of the sign cabinet is 12.0 feet. An additional 2.0 feet in height is allowed above the sign cabinet for architectural embellishments consistent with the building or complex, up to a total maximum sign structure height of 14.0 feet (further illustrated in Exhibit “D”).
  - ii. The maximum number of panels is six (6) panels for a total maximum copy area of 112 square feet. Any tenant on Lot 3 and Lot 3(B) is permitted a sign panel on the monument sign on Lot 3(A).

7. This Eighth Amendment shall be effective as of the date it is executed by all parties.

8. The Amended and Restated MDA, as previously enacted, and the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment and Seventh Amendment shall remain in full force and effect except with the respect to those matters specifically amended by the Eighth Amendment.

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

WITNESSES:

CITY OF PORT ORANGE, FLORIDA  
a Chartered Municipal Corporation

\_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_  
Donald O. Burnette, Mayor

\_\_\_\_\_  
Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

Attest: \_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

\_\_\_\_\_  
Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Donald O. Burnette, as Mayor of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledged that he is duly authorized to execute the foregoing agreement on behalf of the city. He is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed name, commission and expiration of commission term:*

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Robin L. Fenwick, as City Clerk of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledged that she is duly authorized to execute the foregoing agreement on behalf of the city. She is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed name, commission and expiration of commission term:*

**2017 YORKTOWN PORT ORANGE  
LLC**

WITNESSES:

\_\_\_\_\_

Printed name

\_\_\_\_\_

\_\_\_\_\_

Printed name

\_\_\_\_\_

By: \_\_\_\_\_

Paul S. Ferber, Title Manager  
151 Sawgrass Corners Drive, Suite 202  
Pointe Vedra Beach, Florida 32082

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by **PAUL S. FERBER, Title Manager of 2017 Yorktown Port Orange LLC**, a Florida limited liability company, who is personally known to me and did not take an oath.

(Seal)

\_\_\_\_\_  
Notary Public

**TARGET CORPORATION**

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

Printed name

\_\_\_\_\_

\_\_\_\_\_

Printed name

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

1000 Nicolet Mall, TPN-12H

Minneapolis, MN 55403

STATE OF MINNESOTA

COUNTY OF HINNEPIN

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017,  
by \_\_\_\_\_, \_\_\_\_\_ **of Target Corporation,**  
a Minnesota corporation, who is personally known to me and did not take an oath.

(Seal)

\_\_\_\_\_  
Notary Public

**Exhibit “A”**  
**Legal Description of Lot 3**

Lot 3, PORT ORANGE GATEWAY CENTER REPLAT, a subdivision, according to the plat thereof recorded in Map Book 50, pages 24 through 27, Public Records of Volusia County, Florida.

**Exhibit "A-1"**  
**Legal Description of Lot 3(A) and Lot 3(B)**

**LOT 3A**

BEING A PORTION OF LOT 3, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGE 24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 4, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGE 24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER BEING ON THE WESTERLY RIGHT-OF-WAY OF DUNLAWTON AVENUE (STATE ROAD No. 421); THENCE RUN S15°07'13"W ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 450.00 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, N74°52'47"W FOR A DISTANCE OF 98.00 FEET; THENCE N15°07'13"E FOR A DISTANCE OF 212.00 FEET; N74°52'47"W FOR A DISTANCE OF 192.00 FEET; THENCE N15°07'13"E FOR A DISTANCE OF 238.00 FEET; THENCE S74°52'47"E FOR A DISTANCE OF 290.00 FEET TO THE POINT OF BEGINNING.

**LOT 3B**

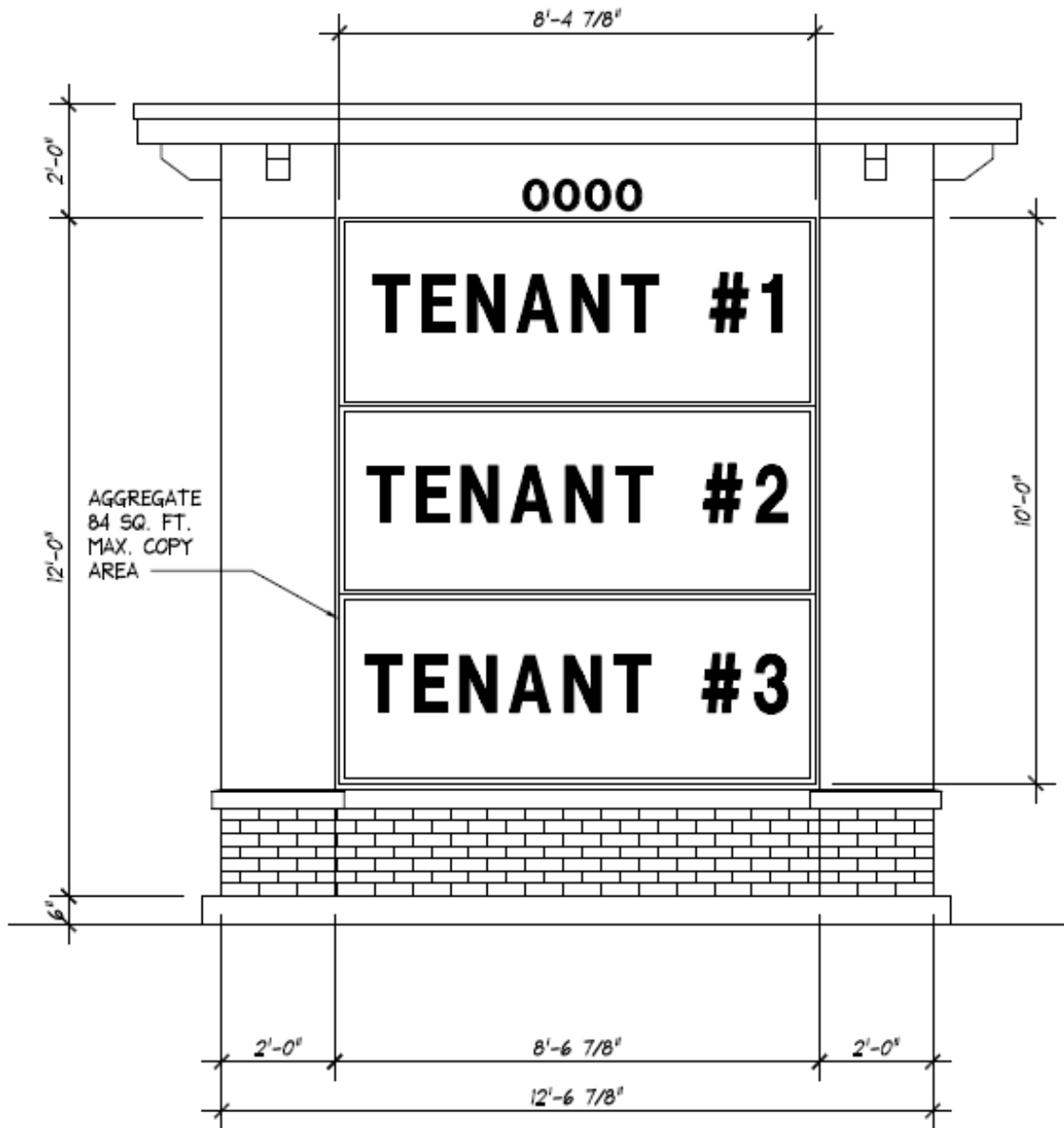
BEING A PORTION OF LOT 3, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGE 24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGE 24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER BEING ON THE NORTHEASTERLY RIGHT-OF-WAY OF INTERSTATE I-95; THENCE RUN N31°24'34"W ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 212.12 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, N15°07'13"E FOR A DISTANCE OF 236.81 FEET; THENCE S74°52'47"E FOR A DISTANCE OF 267.00 FEET; THENCE S15°07'13"W FOR DISTANCE OF 27.50 FEET; THENCE S74°52'47"E FOR A DISTANCE OF 134.86 FEET; THENCE S15°07'13"W FOR A DISTANCE OF 318.96 FEET; THENCE N74°52'40"W FOR A DISTANCE OF 213.51 FEET; THENCE S58°35'26"W FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

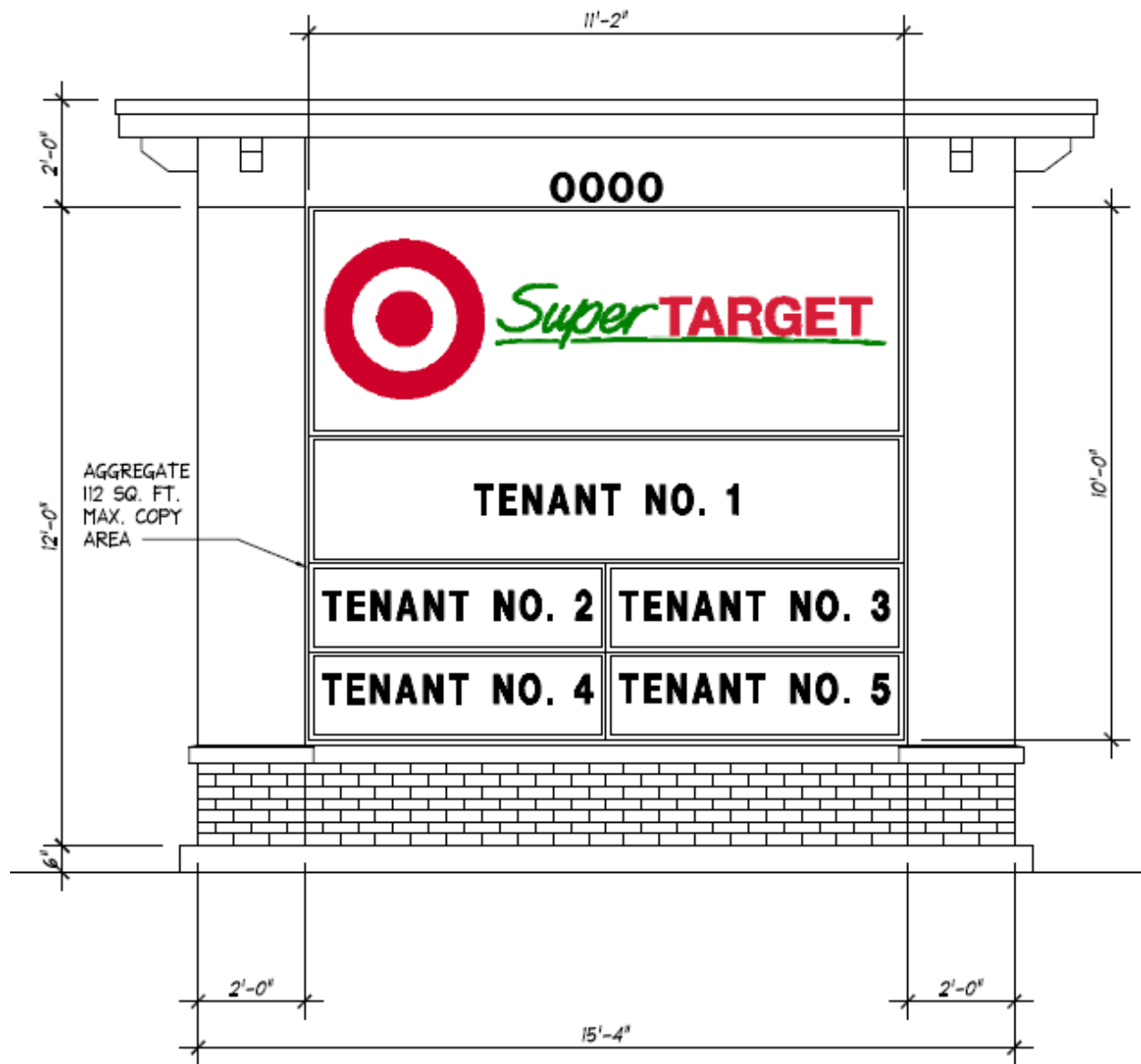
**Exhibit “B”**  
**Conceptual Development Plan**

[copy attached hereto]

Exhibit "D"



Monument Sign Dunlawton Avenue for Tenants of Lot 3(A)



**Monument Sign Dunlawton Avenue on Lot 3(A) for Tenants of Lot 3 and Lot 3(B):**







1000 Nicollet Mall  
Minneapolis, MN 55403

Jennifer Santelli  
Senior Development Manager  
Direct: 612-761-7080  
Mail Stop TPN-12K  
jennifer.santelli@target.com

April 18, 2017

Director of Community Development  
City of Port Orange  
1000 City Center Circle  
Port Orange, FL 32129

**Re: Target Parking Reduction  
T1795 Port Orange FL**

Dear Director:

Target Corporation has over fifty years of experience in designing, building and maintaining parking lots to service our portfolio of stores throughout the United States. Target continually evaluates our product and delivery of our brand throughout the stores and within our sites to provide a quality guest experience. Over the past decade, Target has taken an interest in maintaining our Target brand and streamlining our operations to create efficiencies in our delivery chain and reduce ongoing maintenance costs operations. One significant area which has received significant review is the amount of parking that the Target stores have for our guests. For many years the standard parking ratio for retail operations, including Target, was five (5) stalls per one thousand (1,000) square feet of building. Target built a number of stores at this ratio, including the Port Orange store. In an effort to continue to provide a quality guest experience and understand how our sites operate, especially the amount, efficiency and supply of parking that our stores require, Target executed a Parking Needs Study to identify the parking necessary to support a store of a specific sales volume.

The Parking Needs Study involved evaluation of the number of vehicles present during the busiest periods of the year, which fall in December during the holiday season. This evaluation included counting cars in the parking lot over a period of time to determine parking needs. These counts were then referenced against the cash register transactions for the corresponding time frames and from these holiday transactions the busiest hours of operation were determined with a field verified parking demand. While the Urban Land Institute recommends a design standard of the twentieth (20<sup>th</sup>) highest hour of operation, Target chose to design to the eighth (8<sup>th</sup>) highest hour of operation. From the over one hundred studies at various urban and suburban sites across the country, Target was able to establish a formula for calculating eighth (8<sup>th</sup>) busiest hour parking demand based on annual store sales. We have found this formula to be a much more accurate calculation for parking versus building size.

Bearing that in mind, the extracted store study data below describes nine stores of similar sales volume and the number of cash register transactions with simultaneous parking lot car counts on Saturday afternoon one weekend before Christmas at approximately 3:00 PM. As noted, the Urban Land Institute recommends a design standard of the twentieth (20<sup>th</sup>) highest hour of operation while the data below averages at the

eighth (8<sup>th</sup>) highest hour of operation providing an additional buffer to the proposed parking supply for the Port Orange development.

| Store Location  | Cash Register Transactions/hr | Parking Car Counts |
|-----------------|-------------------------------|--------------------|
| Lombard, IL     | 576                           | 381                |
| Oswego, IL      | 475                           | 306                |
| Palmdale, CA    | 441                           | 365                |
| Santa Ana, CA   | 481                           | 340                |
| Edgewater, NJ   | 596                           | 417                |
| Linden, NJ      | 597                           | 322                |
| Eagan, MN       | 498                           | 305                |
| Glenview, IL    | 421                           | 334                |
| Wheaton, IL     | 421                           | 292                |
| Totals averaged | 500                           | 340                |

For comparison, the 2016 eighth (8<sup>th</sup>) highest hour at the Port Orange store was 319 transactions per hour, with the busiest hour at 414 transactions per hour, both well below the average for comparison stores, suggesting that the average parking count of 340 is conservative and sufficient. Based on this data, Target has determined that approximately 340 stalls are required to successfully operate this store to our strict standards. With the store at approximately 174,700 square feet, this equates to a parking ratio of 1.94/1,000 s.f.

With a proposed post-development parking supply of approximately 510 spaces, or 2.9/1,000 s.f. for the Port Orange store, Target Corporation is committed to the redevelopment of our existing real estate with the knowledge that the parking proposed in the redevelopment is sufficient for our success.

Target appreciates your consideration of this matter. Please contact me at [Jennifer.Santelli@Target.com](mailto:Jennifer.Santelli@Target.com) if you have any questions.

Sincerely,



Jennifer Santelli, AICP



# STAFF REPORT

Subdivision Replat/Port Orange Gateway Center, Lot 3  
CASE NO. 17-50000003

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|                                  |                                                     |
|----------------------------------|-----------------------------------------------------|
| <b>Request:</b>                  | To Replat Gateway Center PCD Lot 3 into three lots. |
| <b>Location:</b>                 | 1771 Dunlawton Ave.                                 |
| <b>Owner:</b>                    | Target Corporation                                  |
| <b>Applicant:</b>                | Roger W. Strcula, P.E., Upham, Inc.                 |
| <b>Staff Recommendation:</b>     | <b>Approval</b>                                     |
| <b>Staff Contact:</b>            | Penelope Cruz (386) 506-5671                        |
| <b>Planning Commission Date:</b> | June 22, 2017                                       |

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## PROPERTY OVERVIEW

Roger W. Strcula, applicant, requests approval to Replat Lot 3 ( $\pm 18.5$  acres) of the Gateway Center PCD Subdivision. The subject property is located on the west side of Dunlawton Avenue, north of I-95 (Figure 1). If approved, the Replat will create one  $\pm 13.93$ -acre lot (Lot 3, the existing Super Target retail store), one  $\pm 2.06$ -acre outparcel (Lot 3A), and one  $\pm 2.99$ -acre outparcel (Lot 3B).



The subject property is zoned Planned Commercial Development (PCD) with a Future Land Use (FLU) designation of *Commercial*. Staff is concurrently reviewing the Eighth Amendment to the Amended and Restated Gateway Center PCD Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The Eighth Amendment will provide requirements for the development of Lot 3A and Lot 3B. Approval of the Eighth Amendment is required for the Subdivision Replat to be approved. The proposed Replat would reconfigure the existing Lot 3 into 3 lots (Exhibit 1). The proposed 3 lots have been designed according to the requirements of the City's Land Development Code (LDC) and the dimensional standards outlined in the proposed Eighth Amendment. If the Eighth Amendment and the Replat are approved, the applicant intends to build a ±25,000 square-foot commercial multi-tenant building on Lot 3B and a ±11,982 square-foot multi-tenant building on Lot 3A.

## **DISCUSSION**

The proposed subdivision will be consistent with the development requirements set forth in the Land Development Code (LDC), Amended and Restated Gateway Center PCD Master Development Agreement, and the proposed Eighth Amendment. Development of Lot 3A and Lot 3B will require Site Plan approval. The proposed lots will be accessed through the existing entrance points to the shopping center and the cross-access drives. The existing conservation easements will not be impacted by the subdivision and will remain. The permitted uses for the site are set forth in the proposed Eighth Amendment and include such uses as retail, restaurants, and offices.

There are existing utility easements on Lot 3 that will remain depicted on the proposed Replat. However, after the Replat has been recorded, the developer of Lot 3B will be requesting the City Council to approve the vacation of a portion of the utility easement to accommodate the proposed building layout. The easements will officially be vacated when the new utility infrastructure has been installed according to the approved Site Plan for Lot 3B and the City has received easements from the property owner over the relocated utility infrastructure. After the new easements are recorded, building permits for Lot 3B can be issued.

## **CONCURRENCY REVIEW**

Public facilities and services are currently available to serve the existing Lot 3 (Super Target retail store) and the two proposed lots (Lot 3A and Lot 3B). Consistent with the LDC, the concurrency review for transportation, water, sewer, solid waste, and stormwater drainage will be conducted with the Site Plan review for Lot 3A and Lot 3B.

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The proposed Replat for the Gateway Center Subdivision is consistent with the City's Comprehensive Plan. The subject property is designated *Commercial* on the City's Future Land Use map. The Gateway Center Subdivision is part of the Regional Commercial Node designated in the Comprehensive Plan at the Dunlawton/I-95 Interchange. The original PCD and MDA were found to be consistent with the City's Comprehensive Plan when it was approved in 1999.

## **OUTSTANDING TECHNICAL COMMENTS**

The Staff Development Review Committee (SDRC) has reviewed this proposal and the applicant will need to address some minor comments related to formatting of the Replat prior to this item being considered by City Council.

## **RECOMMENDATION**

Staff recommends approval of the Port Orange Gateway Lot 3 Replat, subject to the approval of the Eighth Amendment to the Amended and Restated Master Development Agreement and Conceptual Development Plan to the Port Orange Gateway Center PCD (Case No. 17-40000001).

## **ATTACHMENTS**

1. Exhibit 1 – Replat

# PORT ORANGE GATEWAY CENTER LOT 3

A REPLAT OF A PORTION OF LOT 3, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGES 24 THROUGH 27, BEING A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 18, AND A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 16 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA.

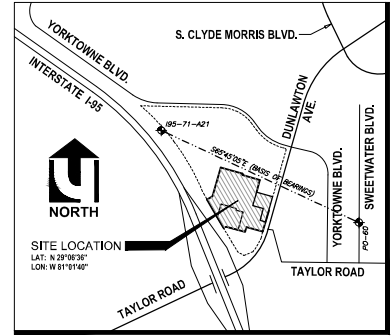
## DESCRIPTION:

BEING A PORTION OF LOT 3, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGE 24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 4, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGE 24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, S40° CORNER BEING ON THE WESTERLY RIGHT-OF-WAY OF DUNLAWTON AVENUE (STATE ROAD NO. 421); THENCE RUN S19°07'13"W ALONG S40° RIGHT-OF-WAY FOR A DISTANCE OF 450.0 FEET; THENCE DEPARTING S40° RIGHT-OF-WAY, N74°52'47"W FOR A DISTANCE OF 86.00 FEET; THENCE N15°07'13"E FOR A DISTANCE OF 212.00 FEET; N74°52'47"W FOR A DISTANCE OF 16.00 FEET; THENCE N15°07'13"E FOR A DISTANCE OF 212.00 FEET; THENCE S74°52'47"E FOR A DISTANCE OF 290.00 FEET TO THE POINT OF BEGINNING.

AND

BEGIN AT THE NORTHWEST CORNER OF LOT 1, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGE 24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, S40° CORNER BEING ON THE NORTHEASTERLY RIGHT-OF-WAY OF INTERSTATE 1-95; THENCE RUN N01°24'34"W ALONG S40° RIGHT-OF-WAY FOR A DISTANCE OF 212.12 FEET; THENCE DEPARTING S40° RIGHT-OF-WAY, N15°07'13"E FOR A DISTANCE OF 236.81 FEET; THENCE S74°52'47"E FOR A DISTANCE OF 267.00 FEET; THENCE S15°07'13"W FOR A DISTANCE OF 212.00 FEET; THENCE S74°52'47"E FOR A DISTANCE OF 134.86 FEET; THENCE S15°07'13"W FOR A DISTANCE OF 316.38 FEET; THENCE N14°52'47"W FOR A DISTANCE OF 213.51 FEET; THENCE S58°35'26"W FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.



LOCATION MAP  
SCALE 1" = 100'

## GENERAL NOTES:

1. ACCURACY: THE BOUNDARY LINEAR ERROR OF CLOSURE DOES NOT EXCEED 1:10,000. THE BOUNDARY ANGULAR ERROR OF CLOSURE DOES NOT EXCEED 15 SECONDS MULTIPLIED BY THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.
2. ALL MEASUREMENTS ON THIS PLAT TO 10 U.S. FOOT AND DECIMALS THEREOF, ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE UNITED STATES SURVEY FOOT OR METER ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. ALL MEASUREMENTS SHALL USE THE  $38.27119-3.2080333333$  EQUATION FOR CONVERSION FROM A U.S. FOOT TO METERS.
3. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM EAST ZONE NORTH AMERICAN DATUM (NAD) OF 1983 WITH 2011 ADJUSTMENT AS DERIVED FROM THE LEAST SQUARES NETWORK. AS A REFERENCE FOR THIS SURVEY, AN ASSUMED MERIDIAN BETWEEN FOOT MONUMENT B67-1421 AND CITY OF PORT ORANGE MONUMENT P-048 HAVING A BEARING OF S 65° 45'05" E.
4. THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEFINITION OF THE SURROUNDING LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPERSEDED BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
5. UTILITIES INCLUDE BUT ARE NOT LIMITED TO SANITARY SEWER, POTABLE WATER, RECLAIMED WATER, STORM DRAINAGE, ELECTRIC, TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS, SECURITY, AND NATURAL GAS.
6. UTILITY EASEMENTS PROVIDED ON THIS PLAT INCLUDE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY.
7. THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS ASSOCIATION, INC. SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE DRAINAGE SYSTEM SERVING THE AREA WITHIN THE BOUNDARIES OF THIS PLAT. AS DEPICTED ON THE STORMWATER MANAGEMENT PLAN APPROVED FOR THIS DEVELOPMENT BY THE CITY OF PORT ORANGE, FLORIDA, SHOULD THE ASSOCIATION FAIL TO PERFORM THE MAINTENANCE OF THE DRAINAGE AND STORMWATER MANAGEMENT SYSTEMS, THE CITY OF PORT ORANGE SHALL BE ENTITLED TO ENTER UPON THE COMMON AREAS AND DESIGNATED EASEMENT AREAS TO PERFORM MAINTENANCE, REPAIR OR REPLACE THE FACILITIES, AND, SHALL HAVE THE RIGHT TO LEND ALL OWNERS OF RECORD IN PROPERTY FOR THE COST OF SUCH MAINTENANCE, REPAIR, AND REPLACEMENT, AS DEEMED BY THE CITY TO BE NECESSARY. IN THE EVENT OF TERMINATION, RESOLUTION, OR FINAL LIQUIDATION OF THE ASSOCIATION, THE RESPONSIBILITY FOR THE OPERATION AND MAINTENANCE OF THE SURFACE WATER OR STORMWATER MANAGEMENT SYSTEM WILL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY WHICH COMPLES WITH SECTION 46C-2.027, F.A.C. AND BE APPROVED BY THE SAINT JOHNS RIVER WATER MANAGEMENT DISTRICT PRIOR TO SUCH TERMINATION, RESOLUTION, OR LIQUIDATION.
8. THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING AND IRRIGATION IN COMMON AREAS AND COMMON AREAS DESIGNATED AS INGRESS/EGRESS ON THE PLAT.
9. THE ARTICLES OF INCORPORATION FOR THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS ASSOCIATION, INC. ARE RECORDED IN OFFICIAL RECORDS BOOK 4392, PAGES 4163 THROUGH 4169 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS ASSOCIATION, INC. ARE RECORDED IN OFFICIAL RECORDS BOOK 4392, PAGES 4197 THROUGH 4233 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
10. MONUMENTS SHALL BE SET AT ALL LOT CORNERS, POINTS OF INTERSECTION, AND CHANGES OF DIRECTION OF LINES WITHIN THE SUBDIVISION WHICH DO NOT REQUIRE A "P.A.M." OR "P.C.P." IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.09(18).
11. THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE PORT ORANGE GATEWAY CENTER REPLAT, ARE RECORDED IN OFFICIAL RECORDS BOOK 4392, PAGES 4197 THROUGH 4233 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
12. THE LANDS WITHIN THE PLAT ARE SUBJECT TO THE ENCUMBRANCES SET FORTH IN THE RE-STATED MASTER DEVELOPMENT AGREEMENT AND AMENDMENTS THERETO AS RECORDED IN ORB 4397, PG 4153; ORB 4886, PG 3772; ORB 4894, PG 26-28; ORB 5281, PG 2720; ORB 5389 PG 4633; ORB 5600 PG 1078; ORB 6052, PG 1603; AND ORB 6462, PG 1326.
13. TREE CONSERVATION EASEMENT AS DEFINED ON THIS PLAT IN FOR THE EXPRESS PURPOSE OF THE PRESERVATION AND LONGEVITY OF THE TREES THEREIN, ACTIONS DETRIMENTAL TO TREE HEALTH AND SURVIVAL WITHIN THE BOUNDARIES OF THE DRAINAGE ARE PROHIBITED WITHOUT THE EXPRESS PERMISSION OF THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE CONSERVATION EASEMENT, NOTHING HEREIN SHALL, HOWEVER, BE CONSTRUED TO PREVENT NATURAL VEGETATION WITHIN THE EASEMENT AREA FROM BEING CLEARED BY HAND TO PROVIDE A NEAT, MANICURED APPEARANCE. IN ADDITION, NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT THE PLACEMENT OF SOIL, IRRIGATION AND LANDSCAPE PLANTS OR TO PREVENT NORMAL LAWN MAINTENANCE SUCH AS MOWING, EDGING AND WEEDING NOT HARMFUL TO THE OBJECTIVE OF TREE PRESERVATION WITHIN THE EASEMENT AREA. ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN A CONSERVATION EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE CONSERVATION EASEMENT.

## LEGEND:

- SET 4" CONCRETE MONUMENT "PRM" LB 3612
- FD 4" CONCRETE MONUMENT "PRM" LB 3612
- SET PARKER KALON NAIL & DISK "PRM" LB 3612
- FOUND
- INC INCORPORATED
- ENC LICENSED BUSINESS
- LC LICENSED CORPORATION
- MB MAP BOOK
- NB NUMBER
- NO OFFICIAL RECORDS BOOK
- ORB PER PLAT IN MAP BOOK 50, PAGES 24-27
- PG PAGE
- PKD PARKER KALON NAIL & DISK
- PRM PERMANENT REFERENCE MONUMENT
- PSM PROFESSIONAL SURVEYOR & MAPPER
- RW RIGHT OF WAY
- R/W RIGHT OF WAY LINE
- EASEMENT LINE

## MAP BOOK: PAGE:

**DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS, TARGET CORPORATION, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE ATTACHED PLAT ENTITLED "PORT ORANGE GATEWAY CENTER LOT 3", IN THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA HEREBY DEDICATES THE SAID LANDS AND PLAT FOR THE USES AND PURPOSES HEREON EXPRESSED. THE BOUNDARY EASEMENTS ARE GRANTED TO THE CITY OF PORT ORANGE, ALLO, ALL POTABLE WATER, RECLAIMED WATER, AND SANITARY SEWER MAINS CONSTRUCTED WITHIN THE AREA ENCOMPASSED WITHIN THE PLAT ARE DEDICATED TO THE CITY OF PORT ORANGE, ALL ORANGE, UTILITY, INGRESS/EGRESS, NONHORIZONTAL ACCESS AND CONSERVATION EASEMENTS SHOWN OR DESCRIBED ON THE PLAT ARE, UNLESS OTHERWISE INDICATED, GRANTED TO THE CITY OF PORT ORANGE. ALL DRAINAGE EASEMENTS SHOWN OR DESCRIBED ON THE PLAT ARE ALSO, UNLESS OTHERWISE INDICATED, GRANTED TO THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS ASSOCIATION, INC. ALL FOOT BRIDG EASEMENTS SHOWN OR DESCRIBED ON THE PLAT ARE, UNLESS OTHERWISE INDICATED, GRANTED TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

THE CROSS ACCESS EASEMENTS, DEPICTED AS INGRESS/EGRESS ON THE PLAT ARE HEREBY GRANTED TO THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS ASSOCIATION, INC. FOR THE USE AND ENJOYMENT OF LOTS 2, 3, 1A, 3B, 4, 5A, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

WITNESSES: TARGET CORPORATION

PRINTED NAME: \_\_\_\_\_ BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ ATTEST: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

STATE OF FLORIDA,  
COUNTY OF VOLUSIA  
THE FOREGOING INSTRUMENT AS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017,  
BY \_\_\_\_\_ AND \_\_\_\_\_  
OF \_\_\_\_\_  
TARGET CORPORATION, ON BEHALF OF SAID CORPORATION, THEY ARE PERSONALLY KNOWN TO ME OR HAVE  
PRODUCED \_\_\_\_\_ AS  
IDENTIFICATION.

NOTARY PUBLIC, STATE OF FLORIDA  
AT LARGE  
MY COMMISSION EXPIRES: \_\_\_\_\_

## CITY COUNCIL CERTIFICATE OF APPROVAL

THIS STATEMENT HEREBY CERTIFIES THAT THE PLAT ENTITLED "PORT ORANGE GATEWAY CENTER LOT 3" WAS APPROVED BY THE PORT ORANGE CITY COUNCIL, ON \_\_\_\_\_

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
MAYOR OF THE CITY OF PORT ORANGE CITY CLERK OF THE CITY OF PORT ORANGE

## CERTIFICATE OF CLERK

I HEREBY CERTIFY THAT I HAVE EXAMINED THE FOREGOING PLAT AND "PRO" COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND IT WAS FILED FOR RECORD ON \_\_\_\_\_

FILE NO. \_\_\_\_\_  
CLERK OF THE CIRCUIT COURT  
IN AND FOR VOLUSIA COUNTY, FLORIDA

## PLANNING COMMISSION CERTIFICATE OF APPROVAL

THIS STATEMENT HEREBY CERTIFIES THAT THE PLAT ENTITLED "PORT ORANGE GATEWAY CENTER LOT 3" WAS APPROVED BY THE PORT ORANGE PLANNING COMMISSION ON \_\_\_\_\_

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
CHAIRMAN, PORT ORANGE PLANNING COMMISSION

## REVIEW BY SURVEYOR AND MAPPER FOR THE CITY

I HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED PLAT FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND THAT I HAVE PROVIDED BOTH THE CITY AND THE SURVEYOR OF RECORD A LIST OF DEVIATIONS, IF ANY, FROM SUCH REQUIREMENTS.

FILE NO. \_\_\_\_\_ DATE: \_\_\_\_\_

## CERTIFICATE OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING A LICENSED AND PROFESSIONAL SURVEYOR AND MAPPER, DOES HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON, ENTITLED "PORT ORANGE GATEWAY CENTER LOT 3", WAS PREPARED BY ME OR UNDER MY SUPERVISION, THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND THAT ALL MONUMENTATION SHOWN HEREON OR REQUIRED BY CHAPTER 177, FLORIDA STATUTES, HAS BEEN PROPERLY PLACED.

UPHAM, INC.  
265 KENILWORTH AVENUE PHONE: (386) 673-9515  
ORMOND BEACH, FLORIDA 32174 LICENSED BUSINESS NO. 3612  
www.uphaminc.com

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
WILLIAM S HART (LICENSE NO. 3905)  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER



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REVISIONS:  
05/23/17 - UPDATED GENERAL NOTES & LEGEND

SUBJECT: PORT ORANGE GATEWAY CENTER LOT 3  
ADDRESS: DUNLAWTON AVENUE, YORKTOWNE BLVD., PORT ORANGE, VOLUSIA COUNTY, FLORIDA

LOCATION No.: 16-33-18  
PROJECT No.: 170205  
FIELD WORK BY: JP  
DATE: 03/02/2017  
OFFICE WORK BY: WSH, JB  
DATE: 03/03/2017  
FIELD LOG - PAGE: XX-JX  
SCALE: AS SHOWN  
SHEET No.: P-1



# PORT ORANGE GATEWAY CENTER LOT 3

A REPLAT OF A PORTION OF LOT 3, PORT ORANGE GATEWAY CENTER REPLAT, AS RECORDED IN MAP BOOK 50, PAGES 24 THROUGH 27, BEING A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 18, AND A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 16 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA.

## GENERAL NOTES:

1. ACCURACY: THE BOUNDARY LINEAR ERROR OF CLOSURE DOES NOT EXCEED 1/10,000. THE BOUNDARY ANGULAR ERROR OF CLOSURE DOES NOT EXCEED 15 SECONDS MULTIPLIED BY THE SQUARE ROOT OF THE NUMBER OF ANGLES THEREOF.
2. ALL MEASUREMENTS ON THIS PLAT IS IN U.S. FEET AND DECIMALS THEREOF. ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE UNITED STATES SURVEY FOOT OR METER ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. ALL MEASUREMENTS SHALL USE THE 1983/2011/2012/2013/2014 EQUATION FOR CONVERSION FROM A U.S. FOOT TO METERS.
3. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM EAST ZONE NORTH AMERICAN DATUM (NAD 83) OF 1983 WITH 2011 ADJUSTMENT AS DERIVED FROM THE LONGMAN NETWORK (A TOPNET GNSS NETWORK), AS A REFERENCE FOR THIS SURVEY. AN ASSUMED MERIDIAN BETWEEN FOOT MONUMENT 1607-421 AND CITY OF PORT ORANGE MONUMENT 1608 HAVING A BEARING OF S 87°42'05" E.
4. THIS PLAT AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DESCRIPTION OF THE SUBDIVIDED LAND DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
5. UTILITIES INCLUDE BUT ARE NOT LIMITED TO SANITARY SEWER, POTABLE WATER, RECLAIMED WATER, STORM DRAINAGE, ELECTRIC, TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS, SECURITY, AND NATURAL GAS.
6. UTILITY EASEMENTS PROVIDED ON THIS PLAT INCLUDE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES PROVIDED. HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY.
7. THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS' ASSOCIATION, INC. SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE DRAINAGE SYSTEM SERVING THE AREA WITHIN THE BOUNDARIES OF THIS PLAT. AS DEPICTED ON THE STORMWATER MANAGEMENT PLAN APPROVED FOR THE DEVELOPMENT BY THE CITY OF PORT ORANGE, FLORIDA, SHOULD THE ASSOCIATION FAIL TO PERFORM THE MAINTENANCE OF THE DRAINAGE AND STORMWATER MANAGEMENT SYSTEMS, THE CITY OF PORT ORANGE SHALL BE ENTITLED TO ENTER UPON THE COMMON AREAS AND DESIGNATED EASEMENT AREAS TO PERFORM MAINTENANCE, REPAIR OR REPLACE THE FACILITIES AND SHALL HAVE THE RIGHT TO USE ALL OWNERS OF RECORD IN PROPERTY FOR THE COST OF SUCH MAINTENANCE, REPAIR, AND REPLACEMENT, AS DETERMINED BY THE CITY TO BE NECESSARY. IN THE EVENT OF TERMINATION, DISSOLUTION, OR FINAL LIQUIDATION OF THE ASSOCIATION, THE RESPONSIBILITY FOR THE OPERATION AND MAINTENANCE OF THE SURFACE WATER OR STORMWATER MANAGEMENT SYSTEM SHALL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY WHICH COMPLETES WITH SECTION 404.2207, F.A.C. AND BE APPROVED BY THE SAINT JOHNES RIVER WATER MANAGEMENT DISTRICT PRIOR TO SUCH TERMINATION, DISSOLUTION, OR LIQUIDATION.
8. THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS' ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING AND IRRIGATION IN COMMON AREAS AND COMMON AREAS DESIGNATED AS NON-DEVELOPMENT ON THE PLAT.
9. THE ARTICLES OF INCORPORATION FOR THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS' ASSOCIATION, INC. ARE RECORDED IN OFFICIAL RECORDS BOOK 430, PAGES 418 THROUGH 419 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE PORT ORANGE GATEWAY CENTER PROPERTY OWNERS' ASSOCIATION, INC. ARE RECORDED IN OFFICIAL RECORDS BOOK 432, PAGES 4197 THROUGH 4223 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
10. MONUMENTS SHALL BE SET AT ALL LOT CORNERS, POINTS OF INTERSECTION, AND CHANGES OF DIRECTION OF LINES WITHIN THE SUBDIVISION WHICH DO NOT REQUIRE A "WALK" OR "PICK" IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.09(10).
11. THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE PORT ORANGE GATEWAY CENTER REPLAT ARE RECORDED IN OFFICIAL RECORDS BOOK 430, PAGES 4197 THROUGH 4223 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
12. THE LANDS WITHIN THE PLAT ARE SUBJECT TO THE ENCUMBRANCES SET FORTH IN THE RESTATED MASTER DEVELOPMENT AGREEMENT AND AMENDMENTS THERE TO AS RECORDED IN ORS 4307, PG 4153, ORS 484, PG 3172, ORS 404, PG 2643, ORS 521, PG 2735, ORS 539, PG 4531, ORS 5860, PG 476, ORS 682, PG 1053, AND ORS 685, PG 133.
13. TREE CONSERVATION EASEMENT AS DERIVED ON THIS PLAT IS FOR THE EXPRESS PURPOSE OF THE PRESERVATION AND LONGEVITY OF THE TREES THEREIN. ACTIONS DETRIMENTAL TO TREE HEALTH AND SURVIVAL WITHIN THE BOUNDARIES OF THE EASEMENT ARE PROHIBITED WITHOUT THE EXPRESS PERMISSION OF THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE CONSERVATION EASEMENT. NOTHING HEREIN SHALL, HOWEVER, BE CONSTRUED TO PREVENT NATURAL VEGETATION WITHIN THE EASEMENT AREA FROM BEING CLEARED BY HAND TO PROVIDE A NEAT, MAINTAINED APPEARANCE. IN ADDITION, NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT THE PLACEMENT OF SOIL, IRRIGATION AND LANDSCAPE PLANTS OR TO PREVENT NORMAL, LAWN MAINTENANCE SUCH AS MOWING, EDGING AND WEEDING NOT HARMFUL TO THE OBJECTIVE OF TREE PRESERVATION WITHIN THE EASEMENT AREA. ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN A CONSERVATION EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE CONSERVATION EASEMENT.

## LEGEND:

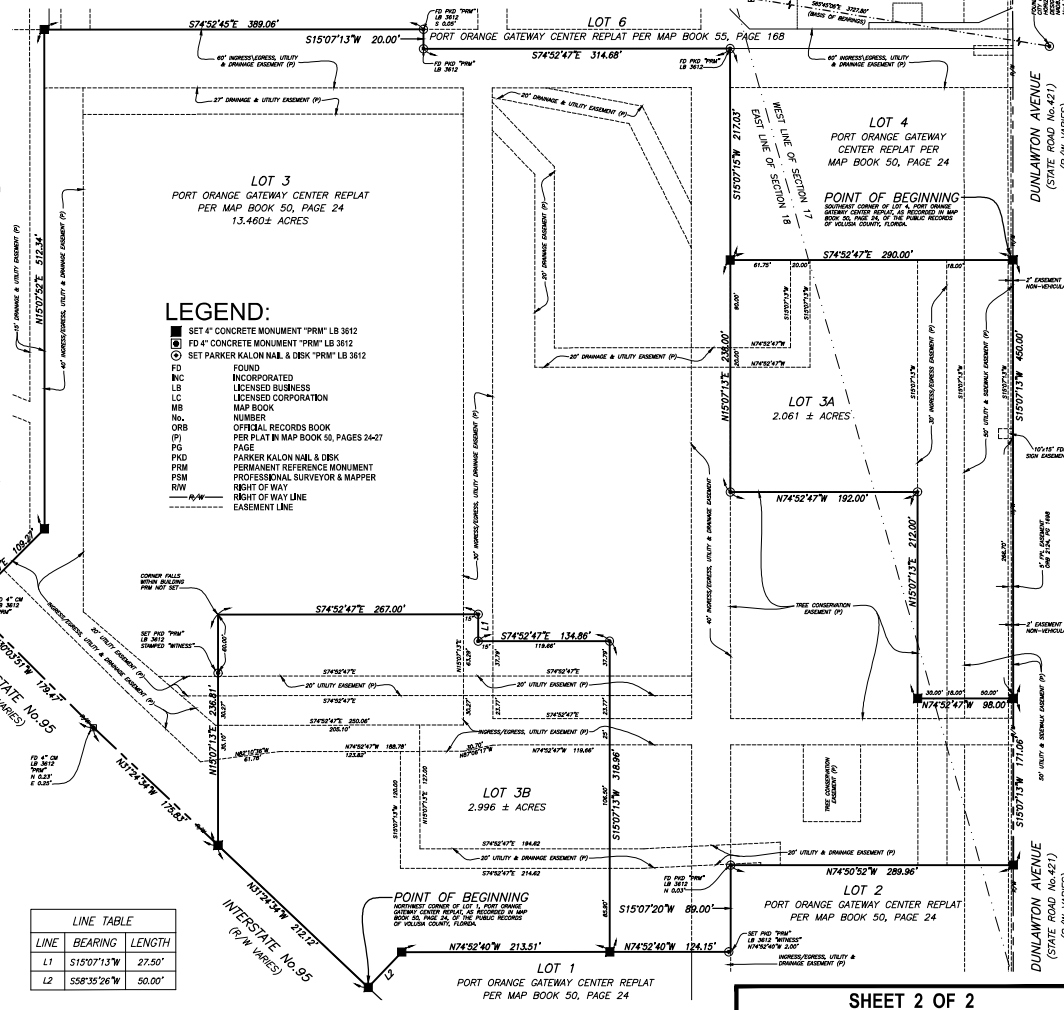
- SET 4" CONCRETE MONUMENT "PRM" LB 3812
- SET 4" CONCRETE MONUMENT "PRM" LB 3812
- SET PARKER KALON NAIL & DISK "PRM" LB 3812
- FD FOUND
- INC INCORPORATED
- LB LICENSED BUSINESS
- LC LICENSED CORPORATION
- MB MAP BOOK
- NOB NUMBER
- ORIS OFFICIAL RECORDS BOOK
- PD PER PLAT IN MAP BOOK 50, PAGES 24-27
- PND PARKER KALON NAIL & DISK
- PRM PERMANENT REFERENCE MONUMENT
- PSS PROFESSIONAL SURVEYOR & MAPPER
- R/W RIGHT OF WAY
- R/W RIGHT OF WAY LINE
- EASEMENT LINE

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L1         | S15°07'13"W | 27.50' |
| L2         | S58°35'26"W | 50.00' |

**LUPHAM**  
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LB # 0003612 LC # 0000357

MAP BOOK: PAGE:

GRAPHIC SCALE  
1" = 60'



SHEET 2 OF 2

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REVISIONS:  
05/22/17 - UPDATED GENERAL NOTES & LEGEND

SUBJECT:  
PORT ORANGE GATEWAY CENTER LOT 3  
ADDRESS:  
DUNLAWTON AVENUE (STATE ROAD NO. 421) (R/W VARIES)  
VOLUSIA COUNTY, FLORIDA

LOCATION NO: 16-033-18

PROJECT NO: 170205

FIELD WORK BY: JP

DATE: 03/02/2017

OFFICE WORK BY: WSH, JB

DATE: 03/03/2017

FIELD BOOK - PAGE: XX-JX

SCALE: AS SHOWN

SHEET NO: P-2