



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, May 28, 2015

Time: 5:00 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. 15-40000001
AMEND AND RESTATE A MASTER DEVELOPMENT AGREEMENT AND
CONCEPTUAL DEVELOPMENT PLAN/Town Park PCD
Located at the Northeast corner of S. Williamson Blvd. and Madeline Ave.

A request to approve the amended and restated Town Park PCD Master Development Agreement (MDA) and Conceptual Development Plan (CDP).

Staff Contact: Gwen Perney [386-506-5673](tel:386-506-5673)/gperney@port-orange.org

6. Case No. 15-25000001
LDC TEXT AMENDMENT/Chapter 17 - Light Industrial (LI) Zoning District

Amendment to Chapter 17 as part of the on-going effort to update the Land Development Code (LDC). The proposed amendments include increasing the building height from 45' to 60' and adding "laboratory, research, and development" as a permitted use.

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

C. OTHER BUSINESS

7. Development Activity Report
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 ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PLANNING COMMISSION MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
COUNCIL CHAMBERS
MARCH 26, 2015

THE REGULAR MEETING OF THE PLANNING COMMISSION of the City of Port Orange was called to order by Vice Chairman Sonya Laney at 5:00 p.m.

Pledge of Allegiance

Silent Prayer

ROLL CALL: Present: Chairman Frank Crooks (arrived at 5:05 p.m.)
Commissioner Michael Arminio
Commissioner John Junco
Commissioner Lance Green
Commissioner Sonya Laney
Commissioner Richard Barker

Also Present: Matthew Jones, Assistant City Attorney
Wayne Clark, Community Dev. Director
Tim Burman, Planner
Penny Cruz, Planner
Gwen Perney, Planner
Theresa Gutierrez, Recording Secretary

CONSIDERATION OF MINUTES

*Motion made by Commissioner Arminio,
seconded by Commissioner Junco, to approve
the minutes of February 26, 2015. Motion
carried 6 – 0 upon roll call vote.*

5. Case No. 14-50000003
VARIANCE / PALMETTO POINTE MARKETPLACE
LOCATION/ Southeast corner of Clyde Morris Blvd. and Madeline Ave.

Request for approval of the Palmetto Pointe Marketplace Subdivision Plat. If approved, the applicant intends to subdivide the +/- 17.7 acre property into 6 commercial lots.

STAFF CONTACT: Tim Burman 506-5675 / tburman@port-orange.org

Tim Burman, Planner, said this is a request to approve the Palmetto Pointe Marketplace Subdivision Plat. He said this is a follow up document. The proposed subdivision includes 6 commercial lots and 5 tracts on approximately 17.7 acres. The subject property is located the east side of Clyde Morris Blvd, south of Madeline Avenue. The property is currently undeveloped. The subject property is currently zoned Planned Unit Development (PUD) but does not have an active Master Development Agreement (MDA) or Conceptual Development Plan (CDP). The applicant is also request to rezone the subject property from PUD to PCD and approval of the Palmetto Pointe Market Place MDA and CDP.

Staff recommends approval of the Palmetto Pointe Marketplace Plat Subdivison Plat, subject to the following:

1. City Council approval to the PCD rezoning request and the Palmetto Pointe Market Place MDA and CDP for the subject property (Case No. 14-65000001); and
2. Resolution of all remaining outstanding technical comments prior to City Council review.

Commissioner Arminio asked the difference is from what they heard at last month's meeting. Mr. Burman said last month was the PCD rezoning on the concept plan. It set the framework on how it will be developed and what uses are allowed on the property. This is a follow-up on how the property will be divided up.

Commissioner Junco asked about the sidewalk issue. Mr. Burman said there is a sidewalk from Nova Rd. up to the property. When the property gets developed, it will extend the sidewalk from Brunner Rd. to Clyde Morris Blvd. They will have the extension on the south side of Madeline Ave.

Chairman Crooks arrived at 5:05 p.m.

Commissioner Green said he was concerned about the buffer on Brunner Rd. He asked if there is still the ability for track "d" to have a bigger buffer and more natural vegetation. Mr. Burman said they will be putting in a 20 foot buffer. They will plant all required materials for a 20 foot buffer. They are going to try and keep as much existing vegetation as they can. City Staff has also added language in the MDA to require additional screening to create the dense vegetation buffer.

Nectaria Chakas, Esq., Lochrie & Chakas, P.A., on behalf of Gatlin Development Company, Inc., introduced herself to the Commissioners. Ms. Chakas agreed with the Staff report. She explained that they are leaving the 20 foot vegetation that is in place right now along Brunner Rd. They will be removing trees for the retention areas but will be a very dense buffer along Brunner Rd.

Commissioner Barker asked if residents from Brunner Rd. have been updated on this. Mr. Burman said they have been notified on the PCD rezoning and have been updated on the PCD rezoning going to City Council on April 7.

Commissioner Green said he had had someone contact him regarding the buffer. He thanked the Commissioners for looking out for the buffer on Bruner Rd.

Motion made by Commissioner Junco, seconded by Commissioner Arminio, to approve case no. 14-50000003 with Staff recommendations. Motion carried 7-0 upon roll call vote.

6. Case No. 14-50000006
VARIANCE / SUBDIVISION PLAT & PLANS & SUBDIVISION VARIANCE
Hawks Preserve at Port Orange Plantation - Phase I
LOCATION/ North of Town West Blvd., between Coraci Blvd. and McGinnis Ave.

Request for approval of the Hawks Preserve at Port Orange Plantation Subdivision Plat. If approved, the applicant intends to subdivide the +/- 60.3 acre property into 119 single-family lots and construct the required subdivision infrastructure, stormwater improvements, and the extension of McGinnis Ave.

STAFF CONTACT: Penelope Cruz 506-5671 / pcruz@port-orange.org

Penelope Cruz, Planner, said this is a request for approval of the Hawks Preserve at Port Orange Plantation Phase I Plat and Subdivision Plans, subject to approval of the subdivision variance to waive the requirement to extend Peach Blossom Blvd. into Hawks Preserve at Port Orange Plantation Phase I. The concurrency review has been completed. The construction will include the typical. There will be a pedestrian network that will connect to the northern edge of the development approved. Ms. Cruz said there is one subdivision variance the applicant is requesting. This is to not extend Peach Blossom Blvd. into the purposed subdivision. The intent of the Code is to create an interconnected road network that requires access points. The subdivision does meet the minimum requirements for two access points.

Staff recommends approval of the final plat and plans for Hawks Preserve at Port Orange Plantation – Phase I, subject to approval to the subdivision variance to waive the requirement to extend Peach Blossom Blvd. into this subdivision.

Commissioner Jordan is concerned with flooding issues in the area.

Commissioner Green asked if everything is functioning properly. Mr. Burman said the construction of the ponds was the only issue. This was in the first phase. They were able to get that corrected and move forward with the rest the subdivision.

Randy Hudak, Project Engineer, introduced himself to the Commissioners. He spoke in regards to the culvert crossing. They do have a proposed culvert crossing where they will extend McGinnis Ave. Mr. Hudak explained the potential damage with adding more culverts in the canal.

Motion made by Commissioner Arminio, seconded by Commissioner Laney, to approve case no. 14-50000006 with Staff recommendations. Motion carried 7-0 upon roll call vote.

7. Case No. 14-50000007
VARIANCE / SUBDIVISION PLAT & PLANS & SUBDIVISION VARIANCE
Hawks Preserve at Port Orange Plantation - Phase II
LOCATION/ North of Town West Blvd., between Coraci Blvd. and McGinnis Ave.

Request for approval of the Hawks Preserve at Port Orange Plantation, Phase II Plat and subdivision variance to waive the requirement to extend Oak Breeze Ave. into Hawks preserve at Port Orange Plantation, Phase II.

STAFF CONTACT: Penelope Cruz 506-5671 / pcruz@port-orange.org

Ms. Cruz said this is a request for request for approval of the Hawks Preserve at Port Orange Plantation, Phase II Plat and subdivision variance to waive the requirement to extend Oak Breeze Ave. into Hawks preserve at Port Orange Plantation, Phase II.

Ms. Cruz said the Fire Dept. and Police Dept. have reviewed and will be proposing additional stabilized service for extra backup room for emergency vehicles. Similar to Phase 1, Staff recommends approval of the final plat and plans for Hawks Preserve at Port Orange Plantation Phase II, subject to approval of the subdivision variance to waive the requirement to extend Oak Breeze Ave. into the subdivision.

Motion made by Commissioner Jordan, seconded by Commissioner Barker, to approve case no. 14-50000007 with Staff recommendations. Motion carried 7-0 upon roll call vote.

C. OTHER BUSINESS

8. Development Activity Report

Commissioner Green thanked City Staff for the great work they put out.

Commissioner Junco said they are starting to develop traffic issues Dunlawton Ave.

Commissioner Arminio asked if Altamira is going to have issues with parking. Mr. Burman said they are meeting the required parking that is said in the Code.

Commissioner Arminio asked about the southern extension of Williamson Blvd. Mr. Burman said it should go sometime this year.

Commissioner Barker said it looks like the Circle K has the certificate of occupancy (CO). Mr. Barker said it's starting to look great.

Commissioner Green asked about AutoZone off of Nova Rd. Mr. Burman said they are in the process of expansion.

Commissioner Arminio asked about the Circle K on Nova Rd. Mr. Burman said the site plan will be coming in soon for City Staff to review shortly.

Chairman Crooks asked about the paving on Dunlawton Ave. Mr. Burman said they ran out of materials. They will continue the work within the next couple weeks.

9. Commissioner Comments

Commissioner Barker asked about the landscaping in the medians. He asked if they could do something about it. Mr. Burman said the City is currently applying for a grant for landscaping improvements.

10. Staff Comments

Mr. Burman asked the Commissioners if they would still like to receive hard copies of the Development Activity Report in the Planning Commission packet even though its emailed out. All Commissioners request the hard copies still be put in the packet.

D. PUBLIC COMMENTS

E. ADJOURNMENT: 5:45 p.m.

Chairman Frank Crooks



STAFF REPORT

Restated and Amended MDA & CDP for the Town Park PCD

CASE NO. 15-40000001

REQUEST: Amend and restate the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Town Park Planned Commercial Development (PCD)

LOCATION: Northeast corner of Madeline Ave. and S. Williamson Blvd. (Exhibit 1)

OWNER/APPLICANT: Rainbow Development Group LLC

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Gwen Perney, Planner (386) 506-5673

PLANNING COMMISSION DATE: May 28, 2015

Background

The applicant proposes to amend and restate the Master Development Agreement (MDA) and the Conceptual Development Plan (CDP) for the Town Park Planned Commercial Development (PCD). The amendment and restated MDA means that if adopted, the new MDA will take the place of existing MDA and 1st Amendment as a new document (Exhibit 2).

The Town Park PCD was originally approved in 1997 to be developed as an office complex with limited areas of general retail sales and service uses. In 2001, the MDA was amended to allow Houses of Worship as a permitted use. In 2002, construction began on the Word of Faith Church. Work stopped in 2003 and the property was abandoned. In 2013 a communications tower was constructed on the property under the terms of the MDA and the Land Development Code.

The changes proposed to the MDA are adding to the list of permitted uses and providing a timeframe for either completion or demolition of the existing church building. No other changes to the existing MDA or deviations from the LDC are being proposed.

The subject property is located on the east side of S. Williamson Blvd., north of Madeline Ave. (See – Location Map). The property is currently occupied with an abandoned unfinished building and a communications tower.

Location Map



Consistency With The Comprehensive Plan

The subject property is designated *Commercial* on the City's Future Land Use Map (Exhibit 1). The *Commercial* Future Land Use designation is intended to provide for uses such as, shopping centers, retail stores, restaurants, automobile service facilities, personal services, offices, and similar uses.

The City has planned for and designated commercial nodes at intersections of major roads in the Future Land Use element of the Comprehensive Plan. In this case, the subject property is part of a Neighborhood Commercial Node located around the intersection of S. Williamson Blvd. and Madeline Ave. (Exhibit 3). The node type was determined based on the classifications of the adjacent roadways and the size of the surrounding neighborhoods.

General infrastructure capacity for commercial development on the site was evaluated when the *Commercial* FLU designation was established. Detailed review of water, sewer, stormwater, and traffic will occur when site plans are submitted.

Development Proposal

If approved, the restated Town Park Master Development Agreement (MDA) and the Conceptual Development Plan (CDP) will provide the regulatory framework for development of the subject property. The applicant intends to maintain the existing communications tower and develop the remaining property with multiple buildings including shared infrastructure such as stormwater retention, parking, and access drives. The proposed MDA indicates the applicant will continue to pursue options for

using the existing unfinished building. If the building is found to be unsuitable for further use, it must be removed within three years of the MDA being recorded. The three year limit is being proposed by the applicant in order to provide sufficient time for design modifications, permitting, and financing.

The proposed restated MDA maintains the uses currently allowed and adds the uses allowed in the City's Community Commercial (CC) zoning district as well as nursing homes and assisted living facilities.

Currently Permitted Uses

Antennas
Banks
Business services
Camouflage and monopole comm. towers
Child care centers
Community gardens
Financial services
Fleet based services
Funeral homes (freestanding only)
Health/exercise clubs
Houses of worship
Medical office/clinics
Offices
Office supplies
Office/warehouse facilities
Pain management clinics
Personal services
Restaurants
Veterinary clinics
Xerographic and offset printing

Proposed Additional Uses

Assisted Living Facility
Adult/vocational education
Appliance/electronic repair shops
Athletic/sports facilities
Clubs, lodges, and fraternal orgs.
Convenience store w/ or without fuel
Furniture and appliance stores
Motor vehicle service stations
Nursing homes
Retail home building materials
Retail sales and services
Theaters

Current Special Exception Uses

Guyed and lattice comm. towers
Private schools

Proposed Additional Special Exception Uses

Bars, lounges and nightclubs
Fortune tellers, astrologers, and palm readers
Game/recreation facilities
Marina, recreational
Mini-warehouses
Motor vehicle and boat storage facilities

All special exception uses require separate Planning Commission and City Council approval.

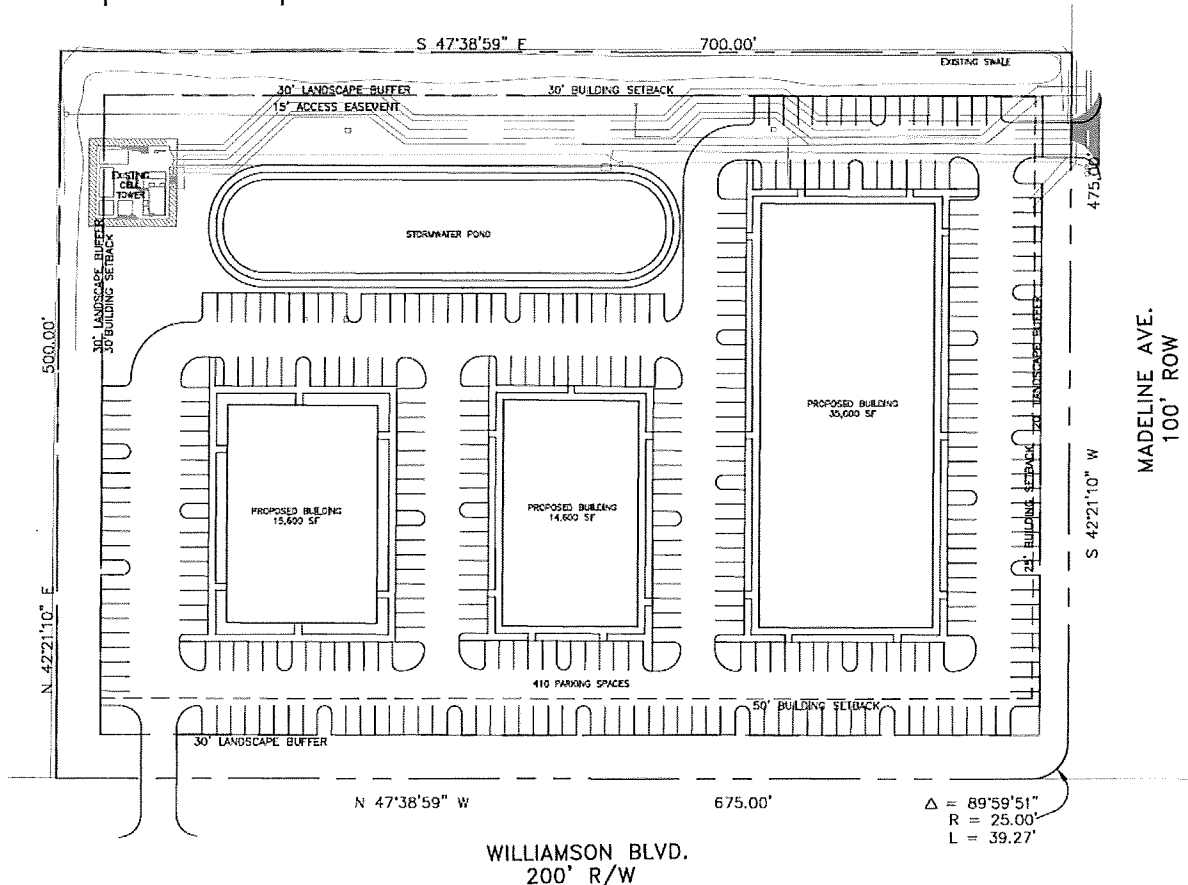
General Site Layout:

Proposed development on the site will be accessed from S. Williamson Blvd. and Madeline Ave. If the property is subdivided into individual lots, cross access easements between the lots will be required. The Conceptual Development Plan shows the general

location of potential buildings and infrastructure. The exact locations of buildings and associated site improvements will comply with the requirements in the restated MDA and will be determined at the time of site plan review.

As shown on the CDP, the applicant intends to relocate the existing stormwater pond to the northeast side of the property. Technical review of the relocation of the stormwater pond will be completed with the subdivision or site plan application and will be required to comply with the requirements of the Land Development Code and St. Johns River Water Management District.

Conceptual Development Plan



Landscaping:

The proposed development will comply with the landscape and screening requirements of the City's LDC. This includes the 20-foot Madeline Ave. right-of-way buffer, 30-foot adjacent property buffers, foundation plantings around structures, screening of service areas for any proposed buildings, parking lot landscaping, tree preservation, and tree area requirements. No change is proposed for the existing 30-foot S. Williamson Blvd. right-of-way buffer.

Water, Sewer, and Reclaimed Water:

The proposed development will comply with the requirements of the LDC for improvements related to water, sewer, and reclaimed water service.

Architectural:

As described in the MDA, the architectural style of the buildings, accessory structures, screen walls, and site furnishings will be designed with a common architectural theme and comply with the City's LDC. A formal review of the architectural design will occur with each of the site plans to verify compliance with the MDA and LDC.

Parking & Project Access:

Parking will be provided as required by the LDC. The total number of parking spaces and design of the parking lots will be reviewed with the submittal of the site plans. Vehicles will enter and exit the project via the proposed access drives located on S. Williamson Blvd. and Madeline Ave. If the property is subdivided, cross-access easements will be recorded to provide an internal network for vehicles and pedestrians.

S. Williamson Blvd. and Madeline Ave. in this area are under Volusia County's jurisdiction. Specific technical requirements for access must be approved by Volusia County during site plan review.

Stormwater:

The stormwater drainage infrastructure for this project will be in the form of a retention pond. The stormwater drainage design will be reviewed with the submittal of the site and subdivision plans. Per the LDC, the applicant will be required to construct on-site stormwater facilities, designed to accommodate and treat the run-off from a 25-year, 24-hour storm event and convey the runoff from a 100-year, 24-hour storm event without causing flooding or pollution of receiving water bodies. In addition, there must be no net loss of stormwater retention function as a result of development; therefore, the property must have the same ability to store and discharge water after development as it does before development occurs.

The drainage area shown on the CDP will be required to provide stormwater drainage for the entire 8.03-acre property and will also be required to meet the stormwater requirements of the St. Johns River Water Management District. As part of the current zoning amendment application, final drainage plans are not required.

Subdivision:

The subject property may or may not be subdivided into individual lots. Development of each lot will require separate site plan approval, but each lot can be developed in no specific order, provided that the necessary infrastructure to support those phases has been constructed.

Traffic:

All site plan submittals 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.

According to the latest traffic counts for Madeline Ave. and S. Williamson Blvd., there is sufficient capacity on these roads for traffic estimated to be generated by development of this property (Table 1).

An example mixed-use development that consists of a 100 bed ALF, a 10,000 square foot retail pharmacy with drive-thru, and a 10,000 square foot medical/dental office building on the property would generate approximately 1,600 daily trips, distributed along the adjacent road network (ITE trip generation manual, 9th edition). Some of these trips would be "pass-by" or already on the road and some would be "internal capture" moving within the site. As a result, the total impact for this example would be a less than 1,600 daily trips.

Table 1. Roadway Capacity

Roadway Segment	Maximum Capacity Vehicles per day *	Current Vehicles per day**	Remaining Capacity Vehicles per day	Remaining Capacity %
S. Williamson Blvd. from N. City Limits to Madeline Ave.	20,300	14,410	5,890	29%
S. Williamson Blvd. from Madeline Ave. to Willow Run Blvd.	19,500	14,100	5,400	27%
Madeline Ave. from Long Grove Ln. to S. Williamson Blvd.	16,727	11,549	5,178	30%

*Source: Volusia County Traffic Engineering, 2013

** Source: City of Port Orange Public Works, 2015

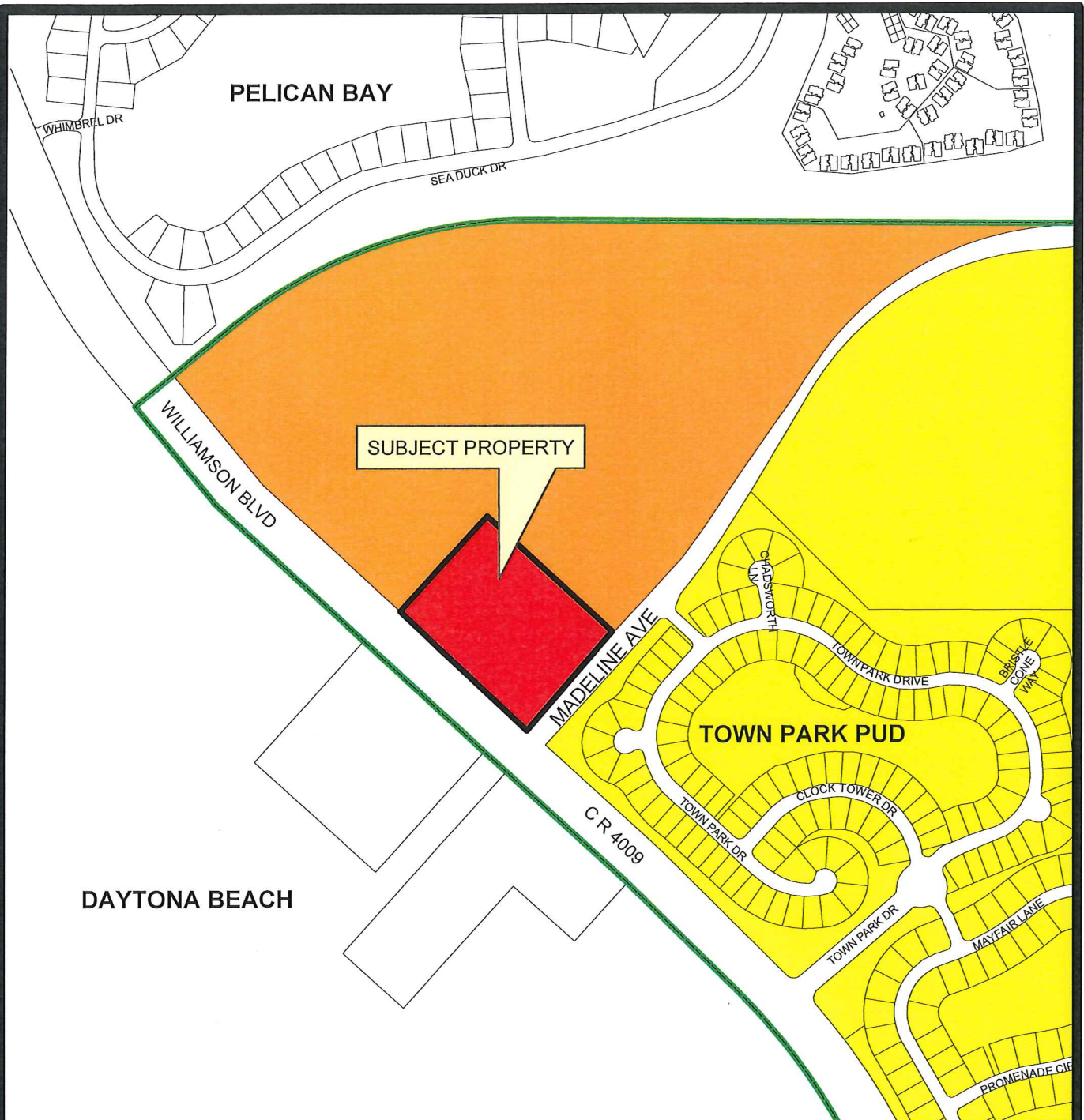
SUMMARY

The proposed changes in the restated MDA are to allow additional commercial uses on the site and setting a deadline for either reuse or demolition of the existing structure. The restatement and amendment will take the place of the original MDA and 1st Amendment.

RECOMMENDATION:

Staff recommends **approval** of the Amended and Restated Master Development Agreement and Conceptual Development Plan to the Town Park PCD, subject to:

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



Future Land Use Categories

- City Boundary
- Suburban Residential (2-4 Units/Acre)
- Urban Medium Density Residential (4-8 Units/Acre)
- Commercial



FUTURE LAND USE MAP
CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



**AMENDED AND RESTATED
MASTER DEVELOPMENT AGREEMENT FOR THE
TOWN PARK PLANNED COMMERCIAL DEVELOPMENT (PCD)**

This Agreement, by and between RAINBOW DEVELOPMENT GROUP, a Florida corporation (hereinafter the "Owner" & "the "Developer") and the CITY OF PORT ORANGE, FLORIDA, a chartered municipal corporation (hereinafter the "City"), hereby amends the Development Agreement for Town Park Planned Commercial Development, recorded at Official Records Book-4511, Page-2281 through 2296, Public Records of Volusia County, Florida.

WITNESSETH:

WHEREAS, the Developer and the City previously entered into a Development Agreement to accommodate the development of the TOWN PARK PCD, in accordance with the terms and conditions set forth therein; and

WHEREAS, ~~the existing permitted uses for the development are currently as stated in Exhibit "C", TABLE OF USES AND REQUIREMENTS, recorded at Official Records Book 4511, Page 2294 through 2296, Public Records of Volusia County, Florida; and~~ the property was being developed under the provisions of the original MDA and the 1st amendment, but the project became abandoned and the property is now under new ownership. The restatement of the MDA is to revise the Table of Uses and Requirements listed in Exhibit C.

~~WHEREAS, the parties desire to amend the Development Agreement to expand the permitted uses on the Property and to include multiple use structures, subject to the terms and conditions set forth herein.~~ the City is agreeable to the terms and provisions of this Restated and Amended MDA to allow for the modification of the already approved MDA and First Amendment to the MDA as more specifically provided below; and

WHEREAS, the terms of this document shall upon becoming effective, replace the terms of the PCD Agreement recorded at Book 4511, Page 2281 through 2296, Public Records of Volusia County, Florida.

NOW THEREFORE, Exhibit C of the PCD Agreement entitled TABLE OF USES AND REQUIREMENTS is hereby amended and restated and revised as attached.

1. This Planned Commercial Development consists of approximately eight (8) acres, more or less, of real property (the "Property"), which is described in Exhibit "A", attached hereto and by reference made a part hereof. Upon obtaining title to the Property, the Developer intends to subject the Property to the conditions and restrictions of the Master Development Agreement (this "Agreement"), and the City intends to permit development of the Property in accord with the terms of this Agreement.
2. Development of the Property is to be controlled under the Planned Commercial District (PCD) zoning regulations which permits office and limited retail development consistent with the terms of this Agreement and the City's Land Development Code and comprehensive plan. The

Developer has designated the Property as "Town Park PCD". The Developer plans to sell no more than three (3) individual building sites. The individual building sites will be developed by the individual building site owners. Except as expressly provided herein, improvements permitted or required by this Agreement shall be constructed by individual building site owners in accord with this terms and conditions of this Agreement and, where applicable, the ordinances, resolutions and regulations of the City. The owner of an individual building site may be required by the City to make off-site improvements that will benefit the entire Property and subsequent owners of individual building sites. The City may require the owner of an individual building site to make those off-site improvements necessary to insure the integrity of the common facilities of the Property including, but not limited to, improvements to facilitate property drainage, access, and traffic circulation. The parties agree that off-site improvements made by an individual building site owner may provide benefit to the other building sites contained on the Property.

3. The City has determined that the Property is suitable in size, location, and character for the uses proposed, that the uses proposed meet the needs of the City, and that the uses proposed are consistent with the City's comprehensive plan.
4. Plans for individual building sites shall be subject to the site development plan review procedures employed by the City at the time plans for an individual site are submitted. Utilities, bikepaths, and required off-site improvements shall be installed at the time of individual site plan review.
5. The City agrees to permit development of the Property pursuant to this Agreement, including the attached or reference exhibits. The Property shall generally be developed in accord with the Conceptual Development Plan dated May 18, 2015, a copy of which is attached hereto and by reference made a part hereof as Exhibit "B". The attached Exhibit "B" is an exact reproduction of the original drawing approved by the City and its authenticity being verified by the signature of the Mayor of the City and the Developer. The parties acknowledge that compliance with the City's Land Development Code may necessitate modification of the Conceptual Development Plan. Such modifications, and any minor modifications to the Conceptual Development Plan which are not in conflict with the textual provisions of this Agreement and any City ordinances not superseded by this Agreement, shall be deemed "minor" and may be approved without formal amendment of this Agreement. Such modifications shall require the Administrative Official's written approval. If the Developer is not satisfied with resolution of any problem or

decision by the City Administrative Official regarding such modification, the Developer has the option to appeal the decision to the City Planning Commission; appeals from the decisions of the Planning Commission may be made to the City Council.

6. The Developer agrees to require development of the Property in accord with this Agreement and, to the extent not in conflict with this Agreement, all City ordinances (including the City's Land Development Code), resolutions and regulations in existence at the time of development. To the extent there is a specific conflict between this Agreement and such ordinances, resolutions and regulations, however, this Agreement shall control.
7. The Developer agrees to provide for the continued operation and maintenance of such areas, functions, and facilities which may be jointly utilized by more than one of the building sites proposed for the Property. As an example, the Developer shall establish cross easements for utilities, drainage, access, and storm water retention at the time the Property is platted. The developer shall also provide any other agreements which may be required to assure that the Property is developed consistent with all ordinances, resolutions, and regulations of the City in effect at the time of site development.
8. A table of Uses and Requirements listing the permitted uses of the Property, dimensional requirements for lots, structures and buildings, parking requirements, architectural requirements, and landscaping requirements for the Property is attached hereto and by reference made a part hereof as Exhibit "C". The Conceptual Development Plan (Exhibit "B") and the Table of Uses and Requirements (Exhibit "C") shall be read conjunctively. The Conceptual Development Plan shall be considered to illustrate the general location and size of the buildings, lots, storm water retention areas and common access ways to be utilized by occupants of the Property and the relationship of the lots and buildings to Williamson Boulevard, Madeline Avenue, and the vacant residential property to the north. The Table of Uses and Requirements shall be considered to specifically control the actual location and size of the buildings, lots, and landscaped areas in the property. In case of a conflict between the textual provisions of this Agreement, including Exhibits, and Exhibit "B", the textual provisions of this Agreement shall control.
9. As each building site is developed, the owner of the building site will be required to construct his building, parking areas, stormwater retention areas and all other improvements in conformance with the terms and exhibits of this Agreement and the ordinances, resolutions and regulations

of the City, except that complete construction of these facilities on all building sites will be considered as a whole in meeting the City requirements.

10. Plans for disposal of sanitary waster and stormwater and the proposed arrangement for potable water and reclaimed water shall be generally shown on the plans and drawings for individual buildings which will be submitted to the City for site plan review. The potable water, reclaimed water, and sewer facilities on the Property will be integrated with the potable water, reclaimed water and sewer system and final approval of the plat of the Property, the potable water, reclaimed water, and sewer facilities on the property shall be dedicated to the City.
11. Proposed easements for drainage and access and any easements or grants of easements for public utilities will be submitted to the City for approval prior to construction on any portion of the Property. All municipal utilities required by building site owners will be installed by the building site owners at no expense to the City in accordance with applicable City regulations and standards in effect at the date of installation. The streets or accessways, stormwater drains and retention systems, sanitary sewer systems, water distribution systems and reclaimed water systems are considered to be common facilities. Common facilities will be installed by individual building site owners during the time the individual buildings are constructed. Construction by building site owners of common facilities shall be done in such a manner as to maintain the integrity of the common facilities and shall conform to City ordinances, resolutions and regulations in effect at the time of site development. The Property shall be private but open to invitees of the building site owners. The Developer will provide to the City access easements, where reasonable and necessary, to any and all areas of the Property in order for the City to provide municipal services and enforce its ordinances, resolutions and regulations.
12. Prior to recording the plat, the Developer will establish a property owners' association applicable to building sites on the Property. The association documents will be executed and recorded in the Public Records of Volusia County, Florida. The association will have a board of directors to legislate and govern the rules and orders of the association. The board will have the means and authority to carry out and regulate the by-laws and restrictions governing the maintenance, operation and repairs of all common areas and facilities. Not only will the board of directors be able to regulate and govern the common areas; the board will also regulate each and every member to maintain and service his own individual building site. The association rules will be enforced by mandatory fines and liens upon the individual building sites and any other remedy available to law. The association may charge and collect dues to maintain operate, and

service all common facilities on the property. The association will have authority to place a lien against individual building sites in order to collect unpaid association dues. Each building site owner will automatically become a member of the association by virtue of purchasing a building site subject to the rules, covenants and restrictions of the association. The association will have the power and means to hire, supervise, and regulate persons employed by them for the maintenance repair and operation of common areas and facilities.

13. The City shall record this Agreement at the Developer's expense in the Public Records of Volusia County, Florida. The provisions of this Agreement shall constitute covenants with the land applicable to the Property and any portion thereof. This Agreement shall inure to the benefit of the parties hereto and shall be binding upon any person, firm or corporation that may become a subsequent owner, successor in interest or assign, directly or indirectly, of the Property or any portion thereof.
14. In the event of any claim, action, litigation, or proceeding under this Agreement, venue shall be in Volusia County, Florida, and no other location, and the prevailing party shall be entitled to an award of reasonable attorney's fees and cost.
15. Amendments to this Agreement, other than minor modifications to the CDP as referred to in Section-6 of this agreement, shall not be effective unless in writing and signed by all record title property owners of the land for which the amendment is to be applied, and the City. Before amending this Agreement, the City shall conduct one or more public hearings. At the City's option, one of these public hearings may be held by the City Planning Commission.
 - (1) Notice of intent to consider an amendment to this Agreement shall be published by the City, at the Owner's cost, in a newspaper of general circulation and readership in Volusia County, Florida.
 - (2) If applicable, notice of intent to consider an amendment shall comply with the Requirements of Section 166.041 (3)(c), Florida Statutes (2000), as amended from time To time
 - (3) The day, time and place at which the second public hearing will be held shall be announced at the first public hearing.
 - (4) The notices required above shall specify the location of the PCD Property, the location Of that portion of the PCD Property subject to the proposed amendment, the nature of The proposed amendment, and the following information to the extent applicable.
 - (a) Changes in permitted, conditional, and/or prohibited uses proposed;
 - (b) Changes in population densities proposed; and
 - (c) Changes in building intensities and/or height proposed.
 - (5) All notices shall specify a place where a copy of the proposed amendment can be obtained.

16. This Agreement represents the complete understanding by and between the parties with respect to development and land uses of the Property. All prior agreements between the parties with respect to any subject comprehended by this Agreement are hereby voided and superseded by this Agreement.
17. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity or enforceability of any other provision of this Agreement unless the holding so states.

PORT ORANGE, FLORIDA

RAINBOW DEVELOPMENT GROUP
994 WATERFORD POINTE
FORT ORANGE, FLORIDA

PHONE: 386-795-4324
FAX: 386-765-4933
CONTACT: AMMAR HEMALDAN

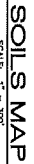
4475 W.S. 1 South, Suite 801
ST. AUGUSTINE, FL 32086
PHONE: 904-797-1610

FAX: 904-797-4159
CONTACT: SAMUEL C. HAMILTON, JR., P

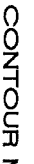
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BOULEVARD

ORMOND BEACH, FL. 32174
PHONE, 186-677-9465

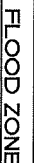
PHONE: 386-677-2462
FAX: 386-677-2505
CONTACT: PAUL MOMBARGER, R.I.A.



SCALE: 1" = 500'



CONTOUR MAP
SCALE: 1" = 100'



FLOOD ZONE MAP
SCALE: 1" = 400'

THIS SITE IS CURRENTLY CLASSIFIED BY FEMA AS "ZONE X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE AE, CLASSIFIED AS 1% ANNUAL CHANCE FLOOD PLAIN.

A PORTION OF SECTION 1, TOWNSHIP 18 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

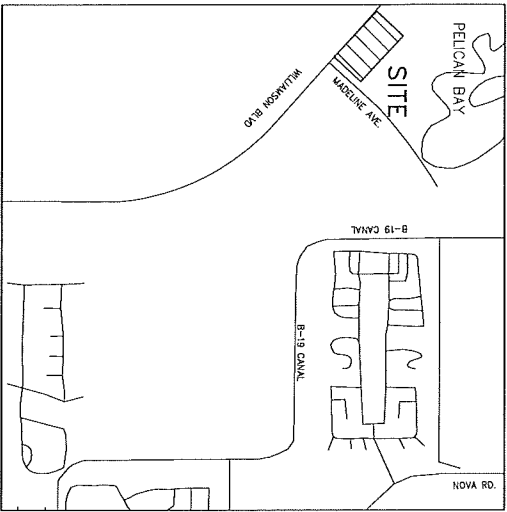
[illegible]

BOOK C/O of	DATE 4/15/19	FILE LOCATION 4/15/19	 ZEV COHEN & ASSOCIATES, INC. CIVIL ENGINEERS - LANDSCAPE ARCHITECTS PLANNERS - TRANSPORTATION - ENVIRONMENTAL WWW.ZEVCOHEN.COM	TOWN PARK PCD EXHIBIT B CONCEPT PLAN	CITY OF FORT ORANGE VOLUSTA COUNTY, FLORIDA	SHEET NO. 1	DATE	SECTION	BY
						DEMONSTRATION BEACH 300 INTERCHANGE BLVD, ORANGE BEACH, FL 32567 (904) 477-4411 FAX (904) 477-4008	ST. AUGUSTINE 409 US 1, E. 8TH ST, ST. AUGUSTINE, FL 32086 (904) 797-1512 FAX (904) 797-4109	LAUREL ISLAND PALM BEACH BLVD, E. 100 INTERCHANGE BLVD, BEACH (904) 431-4619 FAX (904) 431-4119	

SITE INFORMATION:

1. PARCEL NUMBER: 62-01-00-00-0050
2. ZONING: PCD (PLANNED COMMERCIAL DEVELOPMENT)
3. ACREAGE: THE SUBJECT PROPERTY IS 8.03 ACRES
4. PERMITTED LAND USES:
 - a. NURSING HOMES/ALF CENTER
 - b. PROFESSIONAL OFFICES
 - c. GENERAL OFFICES
 - d. BANKING
 - e. ALL USES IN CC (COMMUNITY COMMERCIAL) ZONING
 - f. ALL USES IN PO (PROFESSIONAL OFFICE) ZONING
5. FLOOD ZONES: THE PROPERTY IS LOCATED IN FLOOD INSURANCE RATE MAP ZONE "X" AND "AH".
6. DIMENSIONAL, LANDSCAPING, & PARKING REQUIREMENTS:

a. MAX. BUILDING HEIGHT	45 FT
b. MIN. PRINCIPAL BUILDING SEPERATION	20 FT
c. MIN. LOT WIDTH	125 FT
d. MAX. BUILDING COVERAGE	35%
e. MIN. OPEN SPACE	30% per lot
f. MIN. BUFFERS	
FROM MADELINE AVE	20 FT
FROM WILLAMSON BLVD	30 FT
FROM NORTHERN PCD BOUNDARY	30 FT
FROM EASTERN PCD BOUNDARY	30 FT
g. MIN. FRONT YARD SETBACK	50 FT
PRINCIPAL BUILDING FROM WILLAMSON BLVD	25 FT
h. MIN. BUILDING SEPERATION	20 FT
i. MIN. BUILDING SIDE SETBACK	30 FT
j. REAR YARD SETBACK	30 FT
7. TOTAL PROPOSED BUILDING SF	65,200 SF
8. PROPOSED PARKING	340 SPACES



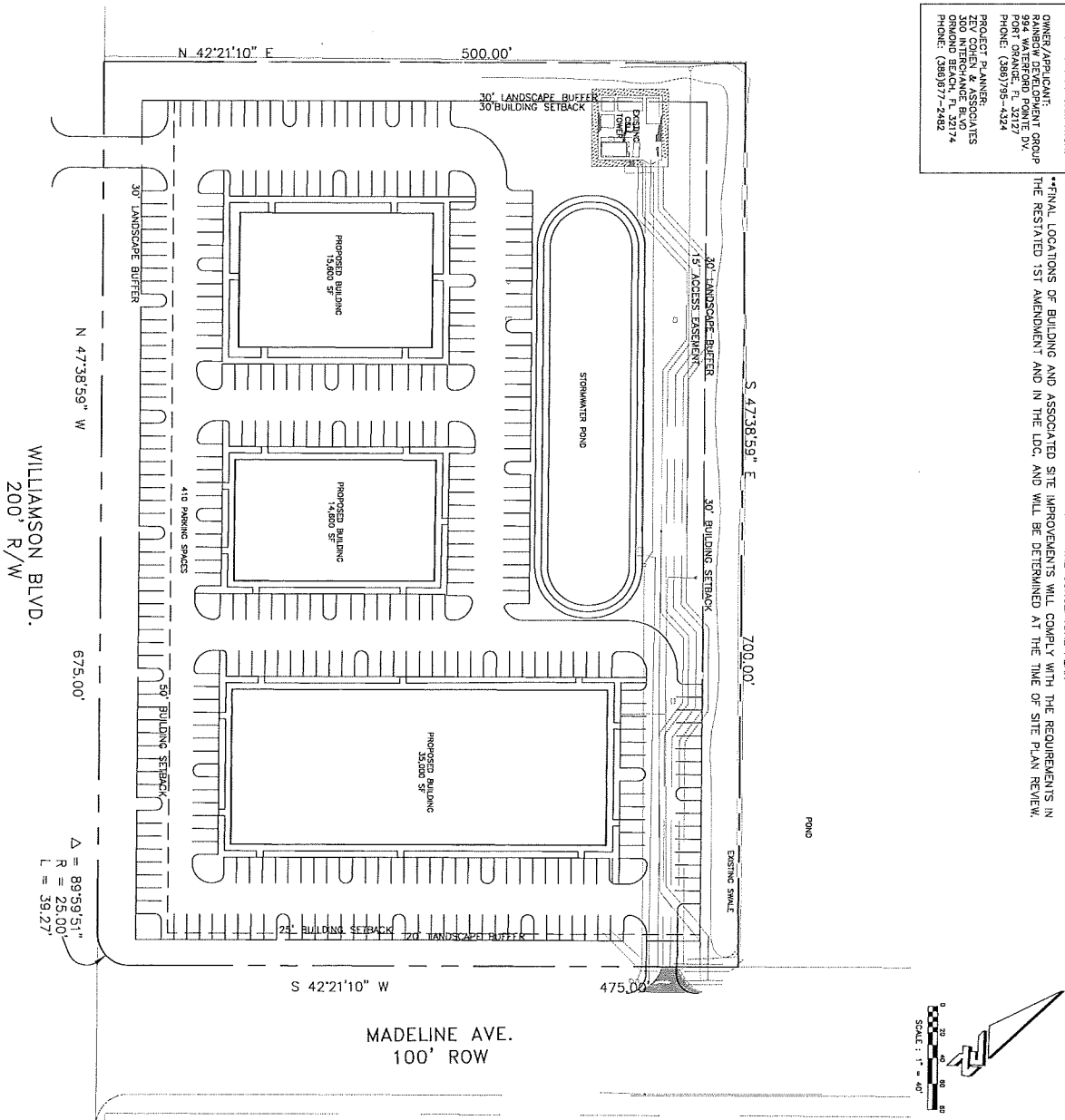
VICINITY MAP
NOT TO SCALE

APPLICANT INFORMATION:

OWNER/APPLICANT:
RAINBOW DEVELOPMENT GROUP
994 WATERFORD POINTE DR.
PORT ORANGE, FL 32127
PHONE: (386)755-4241

PROJECT PLANNER:
ZEV COHEN & ASSOCIATES
300 INTERCHANGE BLVD
ORLANDO BEACH, FL 32174
PHONE: (386)977-2482

COMPLIANCE WITH THE LDC MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL PLAN
•FINAL LOCATIONS OF BUILDING AND ASSOCIATED SITE IMPROVEMENTS WILL COMPLY WITH THE REQUIREMENTS IN THE RESTATED 1ST AMENDMENT AND IN THE LDC AND WILL BE DETERMINED AT THE TIME OF SITE PLAN REVIEW.



ZEV COHEN & ASSOCIATES, INC. CIVIL ENGINEERS • LANDSCAPE ARCHITECTS PLANNERS • TRANSPORTATION • ENVIRONMENTAL 11111 WINDYBROOK DRIVE SUITE 100 ORLANDO, FL 32835 PHONE: (407) 921-1111 FAX: (407) 921-1112		TOWN PARK PCD EXHIBIT B CONCEPT PLAN CITY OF PORT ORANGE VOLUSIA COUNTY, FLORIDA		ORLANDO BEACH 300 INTERCHANGE BLVD., ORLANDO BEACH, FL 32174 (386) 977-2482 FAX (386) 977-2505 ST. AUGUSTINE 4475 U.S. 1, ST. AUGUSTINE, FL 32086 (904) 797-1619 FAX (904) 797-4159 AMELIA BEACH 114 ATLANTIC AVE., 1ST FLOOR, AMELIA BEACH, FL 32039 (904) 831-5135 FAX (904) 831-4159	
PROJECT NO: 12118 ISSUE DATE: 12/15/15 DESIGNED BY: PM CHECKED BY: PM DATE:	DRAWN BY: R CHECKED BY: PM DATE:	SHEET C1 OF 1			

In WITNESS WHEREOF, the parties hereto have executed this Agreement and through their duly authorized representatives on the respective dates below.

WITNESSES:

NAME: _____

Rainbow Redevelopment Group

By: _____

Ammar Hemaïadan

WITNESSES:

NAME: _____

Date: _____

WITNESSES:

NAME: _____

The City of Port Orange, a Florida Municipal Corporation

By: _____

Allen Green, Mayor

WITNESSES:

NAME: _____

Attest: _____

Date: _____

DESCRIPTION - COMMERCIAL PARCEL

A PORTION OF SECTION 1, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE GROVES PHASE "C", AS RECORDED IN MAP BOOK 44, PAGE 19 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF MADELINE AVENUE, A 100 FOOT RIGHT OF WAY PER SAID THE GROVES PHASE "C"; THENCE N89°48'41"W, 434.83 FEET TO THE CENTERLINE OF THE EAST VOLUSIA COUNTY MOSQUITO CONTROL DISTRICT MAIN DRAINAGE CANAL EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 847, PAGE 438, SAID PUBLIC RECORDS; THENCE N89°47'50"W, 69.01 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1150.00 FEET AND A CENTRAL ANGLE OF 57°46'00"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1159.45 FEET; THENCE S32°26'10"W, 683.72 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2550.00 FEET AND A CENTRAL ANGLE OF 09°55'00"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 441.35 FEET; THENCE S42°21'10"W, 682.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'09"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 39.27 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD (EAST COAST BELTLINE, 200 FOOT RIGHT OF WAY PER VOLUSIA COUNTY RIGHT OF WAY SURVEY, PROJECT NO. 4146-1-2, MAY 1992); THENCE N47°38'59"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 150.00 FEET TO THE POINT OF BEGINNING; THENCE N47°38'59"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 675.00 FEET; THENCE N42°21'10"E, 500.00 FEET; THENCE S47°38'59"E, 700.00 FEET; THENCE S42°21'10"W, 475.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°59'51"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 8.03 ACRES, MORE OR LESS.

EXHIBIT C

TABLE OF USES AND REQUIREMENTS

1. PERMITTED USES

- a. Nursing Homes
- b. Assisted Living Facility
- c. Permitted Uses, Permitted Uses with Special Development Requirements, and Special Exception Uses allowed in the City of Port Oranges' Community Commercial (CC) and Professional Office (PO) Zoning Districts, as amended from time to time.

2. DIMENSIONAL REQUIREMENTS

Maximum Building Height	45 Feet
Minimum Lot Width	125 Feet
Minimum Lot Size	22,500 Square Feet
Maximum Building Coverage	35%
Minimum Open Space	30%
Minimum Building Setbacks	
➤ Williamson Boulevard	50 Feet
➤ Madeline Avenue	20 Feet
➤ Side	15 Feet *
➤ Rear	25 Feet *

* Commercial building setbacks adjoining residential zoning shall be equal to or greater than building height.

3. LANDSCAPE REQUIREMENTS:

- A. All landscape buffers except listed below, foundation landscaping, vehicular use/parking landscaping, supplemental landscaping, and tree preservation, shall be developed in compliance with the Land Development Code (LDC), Parking shall be developed in compliance with the Land Development Code, as amended from time to time.
- B. Williamson Boulevard 30 Feet

4. PARKING REQUIREMENTS:

Parking shall be developed in compliance with the Land Development Code, as amended from time to time.

5. SIGNAGE REQUIREMENTS:

Site signage shall be developed in compliance with the Land Development Code, as amended from time to time.

6. ARCHITECTURAL REQUIREMENTS:

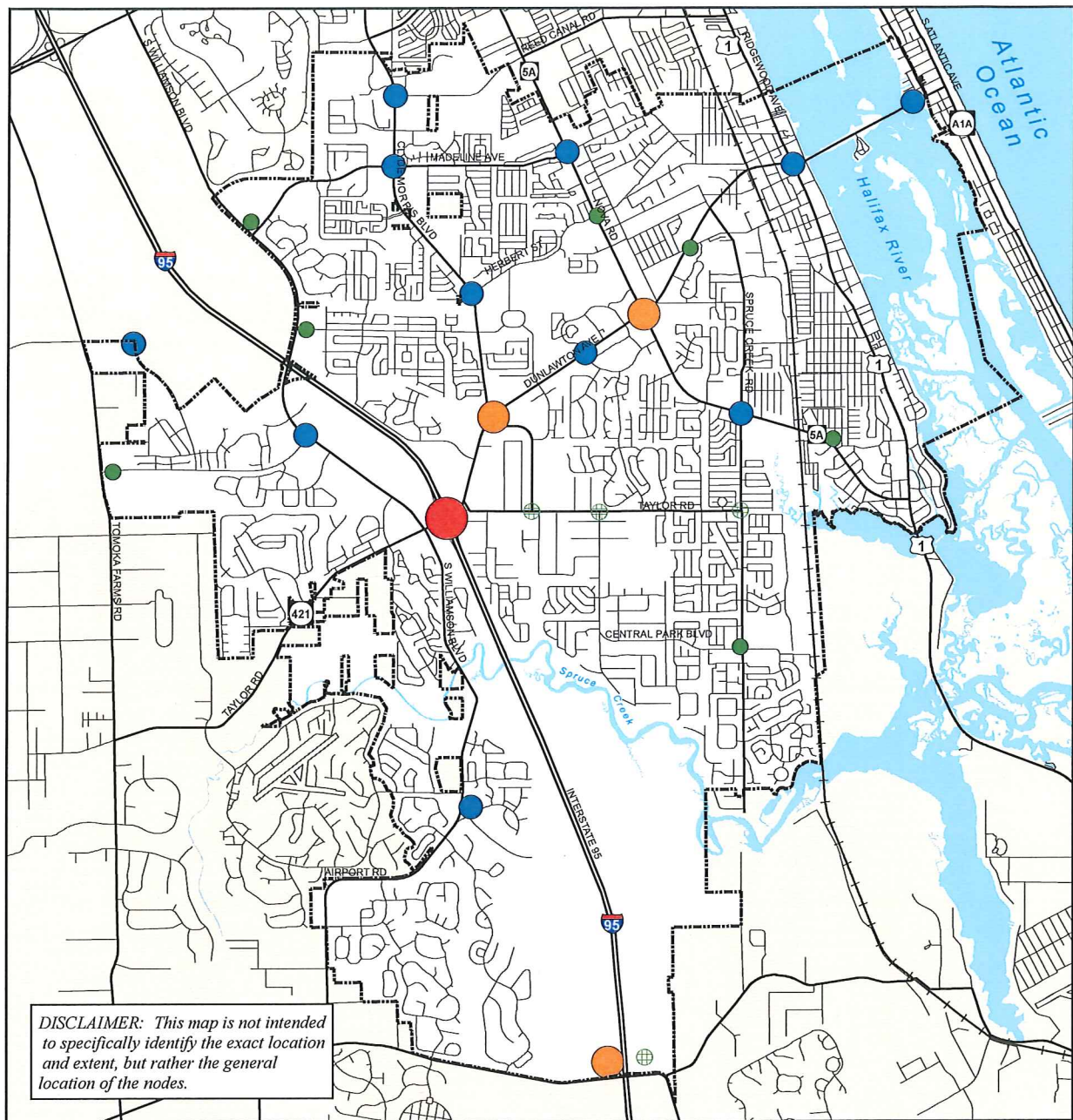
- A. All buildings and accessory structures on the Property shall be developed in compliance with the requirements of the Land Development Code, as amended from time to time.
- B. Any use with a drive-thru window shall have its drive-thru window oriented toward the interior of the Property. All drive-thru facilities must be designed to match the principal structure with regards to finishes, materials, color and architectural style.

7. MISCELLANEOUS REQUIREMENTS

In the event this agreement and exhibits fail to address a particular issue regarding development of the property, the regulations set fourth in the Port Orange Land Development Code, as amended from time to time, shall control.

8. EXISTING BUILDING AND STRUCTURES

The incomplete construction of the building on-site shall be demolished within three (3) years of the recording of this document unless an active building permit is submitted within that time for the completion of that structure.



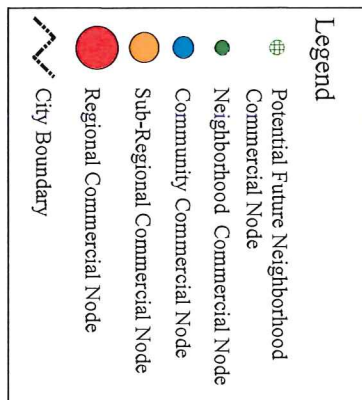
0 4,000 8,000
Feet

1 inch equals 4,000 feet



**General Location of
Commercial Nodes**

FIGURE 1 - 9



City of Port Orange

COMPREHENSIVE PLAN UPDATE 2010

SOURCE: City of Port Orange Community Development
July 2010



STAFF REPORT
CASE NO. 15-25000001
LDC Amendment/Chapter 17

REQUEST: Amendments to Chapter 17 of the Land Development Code (LDC), as part of the on-going effort to update the LDC

APPLICANT: City of Port Orange

STAFF RECOMMENDATION: **Approval**

STAFF CONTACT: Penelope Cruz, Principal Planner (386) 506-5671

PLANNING COMMISSION DATE: May 28, 2015

INTRODUCTION:

The Land Development Code (LDC) has not been comprehensively updated since the early 1990's. Staff has been updating the Code in phases over the past several years. Prior amendments included updates to sign regulations, erosion control, updates to Building Code references, county-wide Traffic Impact Analysis standards, school concurrency, Construction Standards modifications, site plan and subdivision regulations, removal of select uses from the Ridgewood Corridor zoning district, zero lot line homes in the R-2D zoning district, modification of permitted uses in the Neighborhood Preservation (NP) zoning district and others.

At the April 28 Workshop, Council discussed raising the maximum building height for the Light Industrial (LI) zoning district to assist in attracting businesses to the Eastport Business Park and other industrial areas. During this review of the LI district zoning regulations, staff found that the permitted use list in LI was more limited compared to other area communities and that there were existing uses in the Code that could be added to increase the competitiveness of the area. Modifications in both of these areas are proposed with this amendment.

SUMMARY OF PROPOSED AMENDMENTS:

The majority of property zoned LI is located in or adjacent to the Eastport Business Park (see **Figure 1**). There is also property near the intersection of City Center Drive and Herbert Street zoned LI (Thompson Pump facility). Both proposed amendments would apply to these properties.

Figure 1: Light Industrial (LI) Zoning District

Amendment #1: Increase the maximum building height for the Light Industrial zoning district from 45 feet to 60 feet.

Description: Amend Chapter 17, Section 27, to allow new or existing buildings in the LI zoning district to have a maximum building height of 60 feet.

Justification: At the April 28 City Council Workshop, Council discussed raising the maximum building height for the LI zoning district to assist in attracting businesses that need high ceilings for storage and operation of equipment and machinery. If the proposed amendment is approved, it could attract businesses that may not be considering a property zoned LI because of the current building height requirement.

The proposed amendment would only affect the building height in the LI zoning district. Buildings built in the LI zoning district would still need to comply with all applicable code requirements such as setbacks, open space, landscape buffers, exterior lighting, architectural, building area, Florida Building Code, etc.

Existing LI zoned property is generally buffered by land zoned Commercial Industrial (CI), the FEC Railroad tracks, and Bushman Park. This separation from existing residential areas will limit the impact of the additional 15' of building height.

A majority of the City's non-residential zoning districts have a maximum building height of 45 feet. However, there are four zoning district (ICD, AP, PC-A, and PC-R) with a maximum building height greater than 45 feet. The Workplace District of the PC-A zoning district (where the Williamson Business Park is located) allows the same permitted uses as those in the LI zoning district, but has a maximum building height of 60'. The proposed amendment would create a consistent building height for the City's two main industrial areas.

Zoning District	Maximum Building Height
Agriculture	45
Agriculture preservation	60
Neighborhood commercial	25
Community commercial	45
Highway commercial	45
Interchange commercial development	65
Commercial industrial	45
Light industrial	45
Ridgewood development	45
Planned commercial development	45
Office residential transition	45
Mixed use center	45
Recreation	35
Planned Community-Agriculture	
West Town Center District	48
Workplace District (commercial/office/industrial)	60
Planned Community-Riverwalk	
Mixed-Use District	65

Staff also researched industrial zoning building heights in nearby cities that could be competing with Port Orange for manufacturing or industrial businesses. The table below shows the comparison of maximum building heights. Comparison heights range from Ormond Beach's 45' to 75' in Deltona. In an industrial area, warehouses for businesses that need high ceilings for storage and/or operation of equipment and machinery are the typical building type that would be 60' tall.

City	Industrial Maximum Building Height
Port Orange	45
Ormond Beach	45
Melbourne	Base height of 48' with provisions to increase up to 96'
New Smyrna Beach	50
Titusville	50
DeLand	65
Deltona	75
Daytona Beach	no height restriction; based on Future Land Use Floor Area Ratio (FAR)
Sanford	no height restriction; based on FAR

Amendment #2: Add permitted uses to the Light Industrial (LI) zoning district.

Description: Amend Chapter 17, Section 24, to add laboratory, research and development as a permitted use in the LI zoning district.

Justification: The permitted use list for the LI zoning district is more limited compared to other area communities. The research and development use is a common permitted use for Light Industrial zoning districts in other communities and it is often a targeted industry that provides higher-wage jobs.

- *Laboratory, research and development:* An establishment engaged in the investigation, testing and experimentation of the natural, physical or social sciences, or engaged in engineering and development as an extension of investigation with the object of creating end products. This type of facility may include, but not be limited to, asphalt and concrete testing, foundation testing, materials testing, and soils, geology, and groundwater testing.

Currently, this use is permitted in the Commercial Industrial (CI) and the Ridgewood Development (RD) zoning districts.

Updating the list of permitted uses is an initial effort to update the LI zoning category to expand the uses that could locate on these properties, especially within the Eastport Business Park. The proposed amendment could create the opportunity for vacant buildings to be occupied by more potential tenants. The use proposed is consistent with the intent of the LI zoning district to provide development for limited industrial operations engaged in the fabricating, repair, or storage of manufactured goods. Research and development uses are also consistent with the Eastport Business Park Property Owner's Association (POA) use restrictions and the vision of the Eastport CRA Plan for job creation, to be a low-cost business incubator, and to provide an opportunity for businesses to expand locally.

RECOMMENDATION:

Approval of the amendments to Chapter 17 of the Land Development Code.

CITY OF PORT ORANGE MONTHLY DEVELOPMENT ACTIVITY REPORT



Wawa – Dunlawton Ave. & Yorktowne Blvd.

CITY COUNCIL

allen green, mayor
drew bastian, vice mayor
bob ford, councilman
donald burnette, councilman
scott stiltner, councilman
david harden, interim city manager

PLANNING COMMISSION

frank crooks, chairperson
sonya laney, vice chairperson
michael arminio, commissioner
richard barker, commissioner
lance green, commissioner
thomas jordan, commissioner
john junco, commissioner

APRIL 2015

RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PROJECTS

APRIL 2015

Residential

- A Hawks Preserve, Phase I
- B Hawks Preserve, Phase II
- C Port Orange Plantation IV-C
- D Reedy Creek North
- E Riverbank Properties
- F Water's Edge, Phase XII

Non-Residential

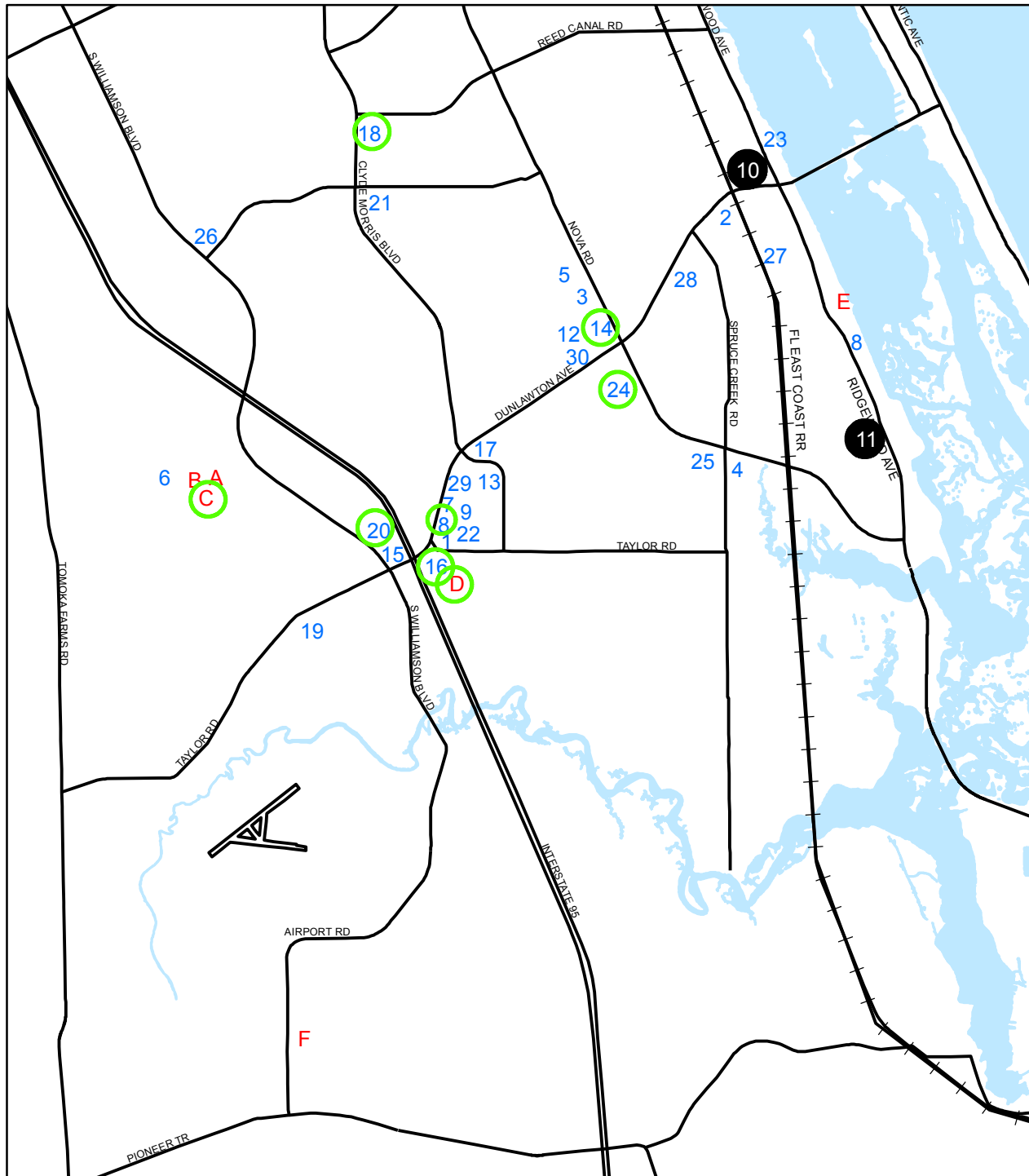
- 1 Altamira Shopping Village
- 2 Atlantic Marine
- 3 Autozone
- 4 Circle K
- 5 Circle K #8088
- 6 Coraci Sports Park
- 7 Culver's
- 8 Dunlawton Commons
- 9 Dunlawton Yorktowne - Unit 5
- 10 First United Methodist Church
- 11 Florida Truck Sales
- 12 FPL Magnolia Substation
- 13 Gaffka Scott Enterprises
- 14 The Half Wall
- 15 Heartland Dental
- 16 Mellow Mushroom
- 17 Murphy Oil
- 18 New Port, Lot 2 (Jimmy John's)
- 19 Our Savior's Lutheran Church
- 20 Panda Express
- 21 Palmetto Pointe Marketplace PCD
- Walmart Neighborhood Market grocery store
- 22 Port Orange Goodwill
- 23 Riverwalk Park, Phases 1A & 1B
- 24 Rossi Side Street Cafe
- 25 Spruce Creek Center
- 26 Town Park PCD
- 27 Virginia Industrial Park
- 28 Vystar Credit Union
- 29 Wawa Dunlawton-Yorktowne
- 30 Wawa Dunlawton



New Project



Change In Status



RESIDENTIAL DEVELOPMENT PROJECTS

April 2015

 = addition to the development activity report

 = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments
				Under staff review	D. O. issued	Pre-con held	ABC completed	Const. Permit issued	Under construction	Final inspection	C.O. issued	
A	Hawks Preserve, Phase I / subdivision (fka Port Orange Plantation, Phase IV A & B)	E. side of Coraci Blvd, N. of Town West Blvd.	119 single-family lots on ±57 acres	X								Scheduled for 5/19/15 CC meeting
B	Hawks Preserve, Phase II, subdivision (fka Port Orange Plantation, Phase IV-D & E)	E. side of Coraci Blvd, N. of Town West Blvd.	75 single-family lots on ±23 acres	X								Scheduled for 5/19/15 CC meeting
C	Port Orange Plantation, Phase IV-C / subdivision	1548 McGinnis Ave. / north of Town West Blvd., between McGinnis Ave. & Peach Blossom Blvd.	49 single-family lots on 15.7 acres	X	X	X	-	X	X	X		1st Final inspection held 4/22/15
D	Reedy Creek North / subdivision	E. side of Boggs ford Rd., south of Taylor Rd.	5 single-family lots on 5.151 acres	X	X	X	X	X	X	X	X	Complete
E	Riverbank Properties, replat	NE corner of Katherine St. and Palmetto St.	3 single-family lots on 0.72 acres	X	X							On hold
F	Water's Edge, Phase XII / subdivision	East of Airport Rd., west of Calistoga Cir., north of Pioneer Trail	98 single-family lots on 36.2 acres	X	X	X	-	X	X			Under construction

Case No./
Planner

14-50000006
PGC

14-50000007
PGC

13-50000003
TPB

14-50000002
14-60000002
PGC

13-50000001
TPB

06-50000004
TPB

NON-RESIDENTIAL DEVELOPMENT PROJECTS

April 2015

 = addition to the development activity report

= change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
1	Altamira Shopping Village	Commercial Subdivision Replat	1790 Dunlawton Ave.	5-lot commercial subdivision replat of +/- 27 acres	X							On hold	14-50000001 TPB
		Crosby Property / site plan	1736 Dunlawton Ave.	4,500 SF retail building on 1.24 acres with associated site improvements	X							On hold	14-80000014 TPB
2	Atlantic Marine / site plan		619, 621, 627, & 631 Lemon St. 630 & 632 Ruth St.	16,910 SF building for boat sales and boat repair and areas for outdoor boat storage for Atlantic Marine along with associated site and off-site improvements	X	X						DO Issued 3/26/15	14-80000006 TPB
3	Autozone / new construction		3750 Nova Rd.	8,000 SF building addition along with associated site improvements on 3.14 acres	X	X	X	X	X	X		Under construction	14-80000003 BP #14-3196 PGC
4	Circle K / new construction		4040 Nova Rd.	Demolition of existing gas station and construction of a new 4,400 SF convenience store and 10 fueling station positions under a canopy with associated laite improvements on 0.99 acres	X	X	X	X	X	X	X	Awaiting reinspection request	14-80000002 BP #14-2646 GKP
5	Circle K #8088 / new construction		3664 Nova Rd.	Demolition of existing gas station and construction of a new 4,400 SF convenience store and 16 fueling station positions under a canopy with associated site improvements on 1.99 acres	X							Awaiting 2nd resubmittal	15-80000003 GKP
6	Coraci Sports Park, Phase 2 (multi-purpose field) / site plan modification		5200 Coraci Blvd.	Development of a 2nd multi-purpose recreation field including modification of a stormwater retention pond on ±2 acres	X	X	X	X	X	X		Under construction	14-82000004 GKP
7	Culver's Restaurant / new construction		1744 Dunlawton Ave.	4,316 SF restaurant with drive-thru with associated site improvements on 1.15 acres	X	X	X	X	X	X		Under construction	14-80000009 BP #14-5039 GKP
8	Dunlawton Commons / site plan		1760 Dunlawton Ave.	10,123 SF multi-tenant building with associated site improvements on 1.52 acres	X	X	X					Pre-construction meeting held 4/29/15	14-80000012 GKP
9	Dunlawton Yorktowne - Unit 5 / site plan modification		1770 Dunlawton Ave.	Modifications to an existing stormwater retention system on 4.4 acres	X	X	X	X	X	X		Under construction	14-82000009 TPB
10	First United Methodist Church / site plan modification		305 Dunlawton Ave.	Paving of an existing grass parking lot and associated landscaping and stormwater retention improvements	X							Under review	15-82000001 TPB
11	Florida Truck Sales / redevelopment		5536 Ridgewood Ave.	Redevelopment of a 0.68 acre commercial property into a car/truck sales lot with associated site improvements	X	X						D.O. issued 5/4/15	15-80000006 PGC

NON-RESIDENTIAL DEVELOPMENT PROJECTS

April 2015

 = addition to the development activity report

= change of status to a particular project

MAP ID	Project	Location	Description	Status										Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued				
12	FPL Magnolia Substation / site plan & site plan modification	3760 Nova Rd.	Construction of an electrical substation with associated infrastructure improvements on a 4-acre portion of a 40.75 acre parcel.	X	X	X	X	X	X				Under construction	09-80000003 13-82000004 TPB	
13	Gaffka Scott Enterprises, LLC (Gaff's Quality Meats) / site plan modification	5130 Clyde Morris Blvd.	7,515 SF two tenant commercial building with associated site improvements on 1.05 acres	X	X	X	X	X	X				Under construction	14-82000001 BP #14-1198 PGC	
14	The Half Wall / new construction	3770 Nova Rd.	7,090 SF stand-alone restaurant with associated site improvements on 0.78 acres	X									DO issued 5/05/15	15-80000004 BP #15-1834 GKP	
15	Heartland Dental / new construction	5445 S. Williamson Blvd.	3,215 SF dental office with associated site improvements on 1.08 acres	X	X								DO issued 2/16/15	14-80000015 BP #15-0291 PGC	
16	Mellow Mushroom / new construction	5790 Journey's End Way	6,484 SF restaurant with associated site improvements on 1.48 acres	X	X	X	X	X	X				Under construction	14-80000005 BP #14-4641 PGC	
17	Murphy Oil / new construction	Subdivision	1590 Dunlawton Ave.	X									Approved by CC at 5/05/15 meeting	14-50000004 PGC	
		Site Plan		X								DO pending recording of replat	14-80000008 PGC		
18	New Port, Lot 2 (Jimmy John's) / new construction	3661 Clyde Morris Blvd.	Two 3,995 SF multi-tenant buildings with drive-thrus, with associated site improvements on 1.75 acres	X	X	X	X	X	X	X			Final inspection held 5/07/15	14-80000001 BP #14-2119 GKP	
19	Our Savior's Lutheran Church / site plan modification	1715 Taylor Rd.	4,481 SF classroom building addition to an existig church with associated site improvements	X	X	X	X	X	X				Approved for Construction 3/26/15	14-82000007 BP #15-0432 GKP	
20	Panda Express / new construction	5441 S. Williamson Blvd.	2,691 SF restaurant with drive-thru with associated site improvements on 1.07 acres	X	X								DO issued 4/14/05	15-80000002 BP #15-0518 PGC	
21	Palmetto Pointe Marketplace PCD (Walmart Neighborhood Market grocery store) / new construction	Rezoning MDA & CDP	Southeast corner of Clyde Morris Blvd. & Madeline Ave.	X									Scheduled for CC 5/19/15	14-65000001 TPB	
		Subdivision Plat & Plans		X								Tentatively scheduled for 6/02/15 CC meeting	14-50000003 TPB		
		Site Plan		X								Awaiting resubmittal	14-80000007 TPB		

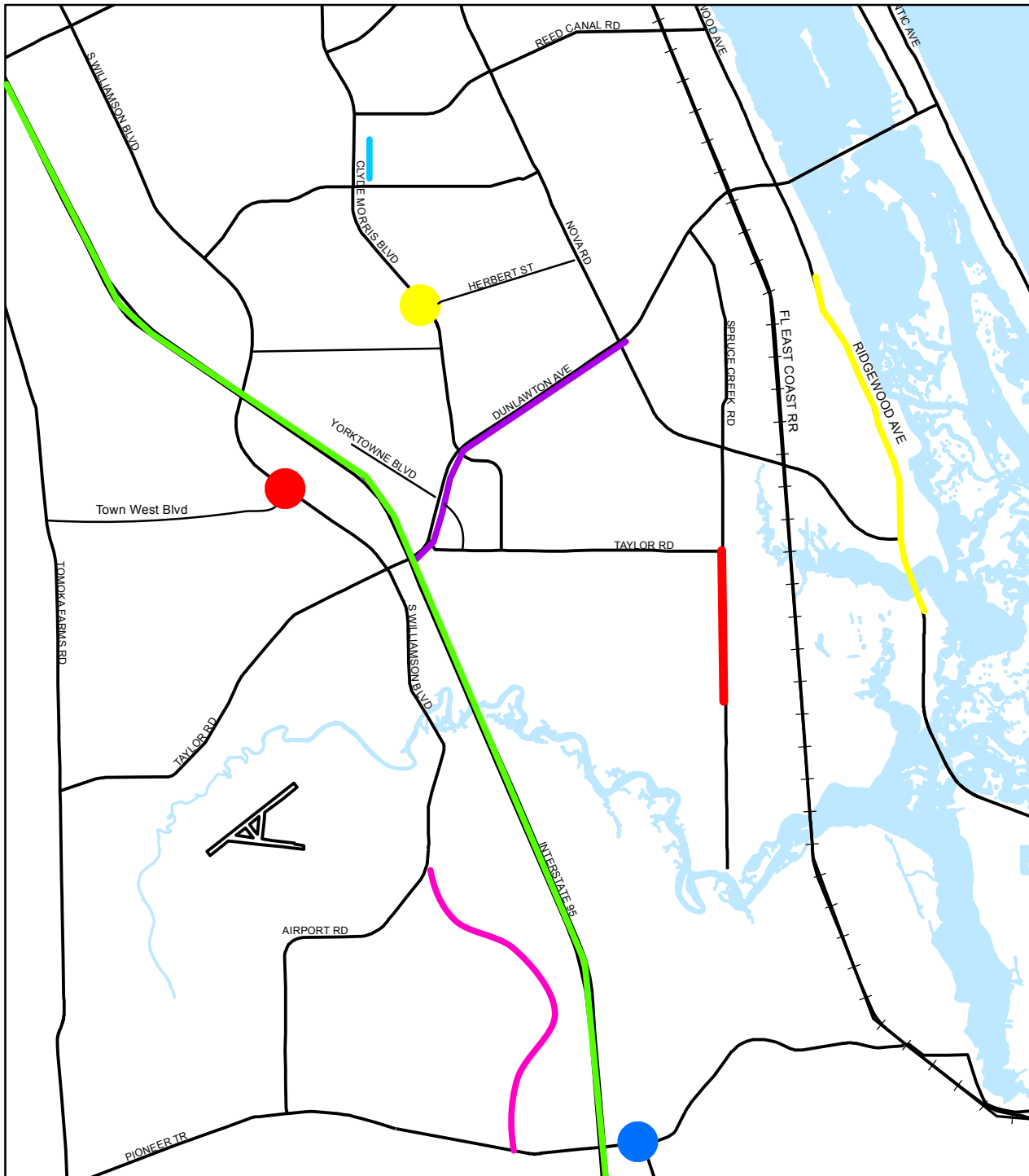
NON-RESIDENTIAL DEVELOPMENT PROJECTS

April 2015

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				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued				
22	Port Orange Goodwill / new construction		1752 Dunlawton Ave.	22,342 SF retail building with associated site improvements on 2.94 acres				X	X	X	X	X	X	Under construction	14-80000011 BP #14-5118 GKP
23	Riverwalk Park / new construction	Phase 1A	3431 Ridgewood Ave.	Kayak/canoe launch, trail, over-water boardwalk, restroom/trailhead and bridge, along with associated site improvements				X						Awaiting 2nd resubmittal	15-80000001 PGC
		Phase 1B		Playground, splash park, picnic facilities, pavilions, shade structures, additional restrooms, concession building, portion of the boardwalk, event lawn, parking, and the southern portion of the 12' wide trailway, along with associated site improvements				X						Awaiting 2nd resubmittal	15-80000005 PGC
24	Rossi Side Street Café / new construction		920 Village Tr.	2,450 SF restaurant with associated site improvements on 0.73 acres				X	X	X				Pre-construction meeting held 4/16/15	14-80000013 BP #14-4852 DP
25	Spruce Creek Center / site plan modification		4020 Nova Rd.	Modifications to a parking lot for an existing shopping center with associated site improvements on 3.99 acres				X	X					DO issued 3/30/15	14-82000008 GKP
26	Town Park PCD / MDA & CDP Amendment		4015 S. Williamson Blvd.	2nd Amendment to the Town Park PCD. Amending the master development agreement and conceptual development plan to allow an ALF, medical offices, and retail uses				X						Scheduled for 5/28/15 PC meeting	15-40000001 GKP
27	Virginia Industrial Park / new construction		515 Virginia Ave.	7 building office/warehouse complex with associated site improvements				X	X	X	X	X	X	Under construction	01-80000019 TPB
28	Vystar Credit Union / new construction		750 Dunlawton Ave	4,500 SF bank with 5 drive-thru lanes on 2.5 acres with associated on-site and off-site improvements				X	X					DO issued 3/20/15	14-80000010 DP
29	Wawa Dunlawton-Yorktowne / new construction		1740 Dunlawton Ave.	6,119 SF convenience store with 16 fueling station dispensers with associated site improvements on 1.85 acres				X	X	X	X	X	X	Under construction	14-80000004 BP #14-2969 GKP
30	Wawa / redevelopment		1031 Dunlawton Ave.	Demolition of existing restaurant and construction of a 5,943 SF convenience store with 16 fueling pumps with associated site improvements on 1.87 acres				X	X	X	X	X	X	Under construction	13-80000005 BP #14-0808 TPB



ROADWAY DEVELOPMENT PROJECTS

APRIL 2015

-  Dunlawton Avenue Resurfacing
-  Herbert Street Turn Lane
-  I-95 Widening
-  Pioneer Trail at Turnbull Bay Road
-  Ridgewood Avenue Resurfacing
-  Southwinds Sidewalk
-  Spruce Creek Road Sidewalk
-  Town West Blvd. /
Williamson Blvd. Signal
-  S. Williamson Blvd. Extension

Project	Description	Jurisdiction	Status
Dunlawton Avenue (SR 421)	Resurfacing SR421 from Nova Road to I-95	FDOT	Under construction; Est. completion June 2015
Herbert Street Turn Lane	Add right turn lane WB at Clyde Morris Blvd.	City/TPO	Scheduled for construction in FY15
I-95 Widening	Construction to widen I-95 from SR44 to I-4/SR400 from 4 lanes to 6 lanes	FDOT	Under construction
Pioneer Trail at Turnbull Bay Road	Intersection improvement	Volusia County/TPO	Project out to bid. Scheduled for construction FY16
Ridgewood Avenue (US1)	Resurfacing US1 from Fleming Street to south of Rose Bay Bridge	FDOT	Under construction
Southwinds Sidewalk	Design of a 5-foot wide sidewalk on the west side of Southwinds Trail	City	Under construction; Est. completion June 2015
Spruce Creek Road Sidewalk	Construct an 8'-wide sidewalk on the west side of Spruce Creek Rd. from Taylor Rd. to Central Park Blvd.	City/TPO	Pre-construction meeting held 4/13/15; Construction scheduled to start May 2015
Town West Blvd./Williamson Blvd. Signal	Installation of a 4-way traffic signal	City/Volusia County	Under construction
S. Williamson Blvd. Extension	Extension of Williamson Blvd. as a 4-lane divided roadway from Airport Rd. to Pioneer Trail	Developer/Volusia County	Out to bid; Scheduled for construction in 2015