AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, June 27, 2019 **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. 19-90000003
   SUBDIVISION VARIANCE/KING'S LANDING SUBDIVISION
   East side of Hensel Rd., between East Hensel Drive and Hills Blvd.
   (Continued from May 23, 2019 Planning Commission Meeting)

   A request by the applicant for approval of a Subdivision Variance to allow Phase 1 of the King's Landing Subdivision to be developed without extending Rocko Road into the King's Landing Subdivision.

   Staff Contact: Tim Burman (386) 506-5675/tburman@port-orange.org
6. Case No. 18-20000008
   SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE (FLU) MAP AMENDMENT/HARBOR LANDINGS PUD
   5653 and 5675 S. Ridgewood Avenue

   A request for approval to change the Future Land Use (FLU) designation of approximately 4.26 acres of land from *Office/Residential Transition* to *Urban Medium Density Residential* (4-8 units/acre).

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

7. Case No. 18-40000004
   PLANNED UNIT DEVELOPMENT (PUD) WITH MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN (CDP) REZONING/HARBOR LANDINGS SUBDIVISION
   5653 and 5675 S. Ridgewood Avenue and 5680 and 5684 Riverside Drive

   A request by the applicant to rezone a +/- 4.74-acre property to Planned Unit Development (PUD), and approval of the Harbor Landings PUD Master Development Agreement (MDA) and Conceptual Development Plan (CDP) that establish the regulatory framework for the development of 10 single-family homes and 16 townhomes.

   Staff Contact: Gwen Perney (386) 506-5671/gperney@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, 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 1-800-955-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 23, 2019

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Vice Chairman Mills-Benat at 5:30pm.

Pledge of Allegiance

Silent Invocation

Roll Call

Present:	John Junco Newton White Maria Mills-Benat Darrel "Bo" Bofamy Lance Green Stan Schmidt
Absent:	Thomas Jordan, Chairman (excused)
Also Present:	Shannon Balmer, Assistant City Attorney Shelby Field, Assistant City Clerk

B. DISCUSSION/ACTION

4. Consideration of Minutes

Motion to approve the meeting minutes from April 25, 2019 as presented was made by Commissioner White and Seconded by Commissioner Bofamy. Motion carried 4-2 with Commissioner Junco and Commissioner Schmidt voting no due to absence.

5. Case No. 19-90000003
SUBDIVISION VARIANCE/KING'S LANDING SUBDIVISION
East side of Hensel Rd., between East Hensel Drive and Hills Blvd.

To be continued to a date certain of June 27, 2019.

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

Motion to continue case 19-90000003 to the June 27, 2019 hearing was made by Commissioner White and Seconded by

Commissioner Junco. Motion passed unanimously by roll call vote.

6. Case No. 19-20000001

SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE AMENDMENT/SOUTHWEST CORNER OF TAYLOR RD. AND BOGGS FORD RD.
(Continued from April 25, 2019 Planning Commission Meeting)

A request by the applicant to amend the Comprehensive Plan Future Land Use (FLU) Map designation of +/- 4.4 acres from *Office/Residential Transition* to *Commercial.*

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

Penelope Cruz, Planning Manager, discussed details of the proposed amendment and answered questions from the Commissioners.

Glen Storch, Applicant, presented details of the proposed amendment and answered questions from Commissioners.

Motion to approve case 19-20000001 was made by Commissioner White and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote. Commissioner Green and Commissioner Schmidt abstained.

7. Case No. 19-60000001

REZONING/SOUTHWEST CORNER OF TAYLOR RD. AND BOGGS FORD RD.
(Continued from April 25, 2019 Planning Commission Meeting)

A request by the applicant to rezone +/-4.4 acres from Professional Office (PO) to Community Commercial (CC).

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

Mrs. Cruz presented the staff report for the proposed rezoning and answered questions from the Commissioners.

Motion to approve case 19-20000001 was made by Commissioner White and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote. Commissioner Green and Commissioner Schmidt abstained.

C. OTHER BUSINESS

8. Commissioner Comments

Commissioner Green spoke to the growth of the city and the need to maintain the quality of the buildings and properties within it.

Commissioners all agree with Commissioner Green's sentiments. Commissioner Junco suggested City Council may need to investigate adding more Code Enforcement officers to ensure city codes are being enforced.

Vice Chairman Mills-Benat asked Tim Burman, Community Development Director, for an update on the shooting range. Mr. Burman informed the Commissioners that it has gone through bid, Council and a site plan has been submitted.

9. Staff Comments

There were none.

D. PUBLIC COMMENTS – there were none.

E. ADJOURNMENT – 6:02 pm

_____

Chairman Thomas Jordan

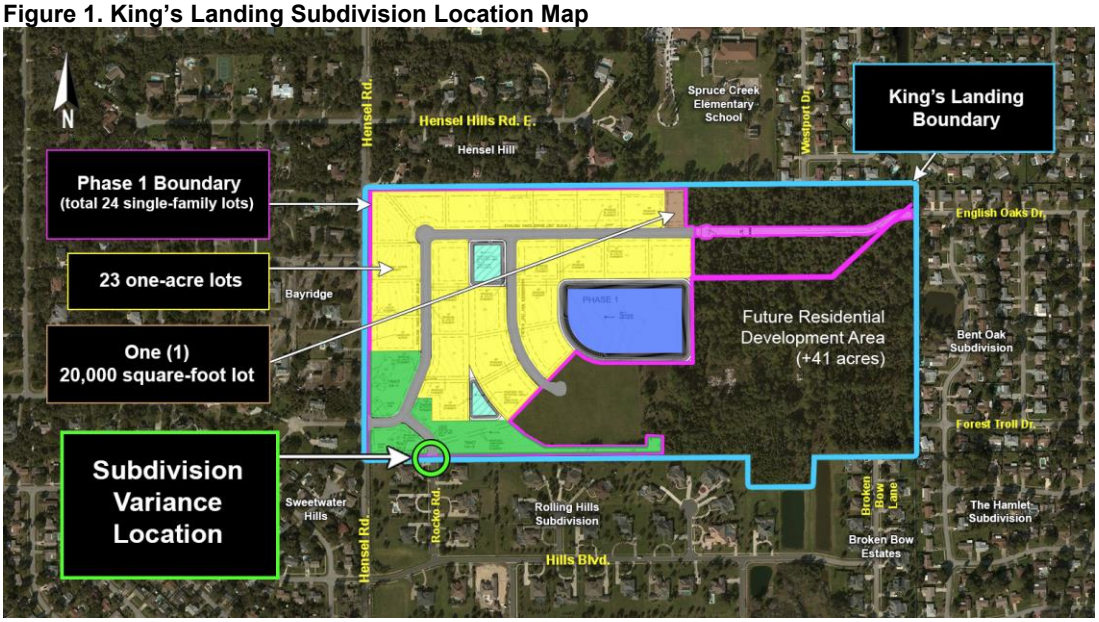
STAFF REPORT
SUBDIVISON VARIANCE /KING'S LANDING SUBDIVISION
CASE NO. 19-90000003

REQUEST:	To not extend Rocko Road into King's Landing Subdivision - Phase 1
LOCATION:	East side of Hensel Road, between East Hensel Hill Drive and Hills Boulevard (See Figure 1)
OWNER:	Coventry Partners, LLC
APPLICANT:	Glenn Storch, P.A.
PLANNING COMMISSION DATE:	June 27, 2019
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Tim Burman, Community Development Director (386) 506-5675

DISCUSSION:
In December 2018, the Plat and Plans for the King's Landing Subdivision was approved to allow the subdivision of the +/- 82.2-acre property into separate phases. The initial phase (Phase 1) includes 24 single-family lots along with tracts for tree preservation, stormwater retention, future residential development, open space, two points of access (Hensel Road and Rocko Road), and extension of a sewer main from the Bent Oak Subdivision. Phase 1 is currently under construction.

The Land Development Code (LDC) requires that when a subdivision is being designed, streets are to be extended to adjoining un-subdivided parcels at logical locations, so the street can be continued later when the un-subdivided parcel is developed. The LDC also requires that existing streets ending at a project boundary be continued into an adjacent subdivision.

Figure 1. King's Landing Subdivision Location Map



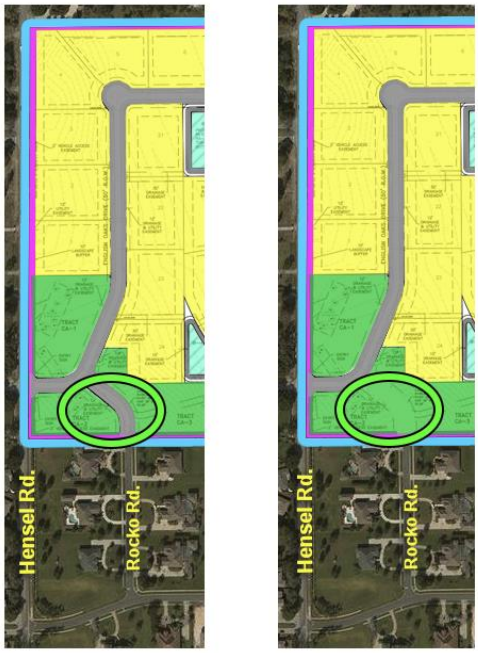
In 2002/2003, as part of the Rolling Hills Subdivision, it was determined at that time that Rocko Road would extend to the un-subdivided property (King's Landing) north of the Rolling Hills Subdivision. Then, as part of the 2018 approved King's Landing - Phase 1 subdivision plans, the developer extended Rocko Road from its current terminus to the proposed English Oaks Drive roadway segment located in King's Landing - Phase 1.

According to the applicant, prior to the start of construction on King's Landing - Phase 1, the developer began to receive feedback from adjacent residents regarding the need to extend Rocko Road from the Rolling Hills Subdivision into the King's Landing Subdivision and if it could be omitted from the subdivision plans. Therefore, the applicant submitted a subdivision variance application to omit extending Rocko Road into King's Landing - Phase 1.

In addition, the applicant has stated that due to the close proximity of the two points of access (Hensel Road and Rocko Road) and the lot configuration of King's Landing - Phase 1, it does not appear that the Rocko Road extension will provide a significant benefit to the residents who live in the King's Landing or Rolling Hills subdivisions.

If the variance request is approved, the developer intends to modify the subdivision plat and plans to remove the +/- 625-foot segment of Rocko Road within King's Landing - Phase 1 and convert the +/- 0.30 acres into common area to be maintained by the Home Owners Association (Figure 2). In addition, removal of the roadway segment will reduce the amount of pavement and run-off for Phase 1.

Figure 2. Subdivision configuration with Rocko Road and without Rocko Road



With Rocko Road **Without Rocko Road**

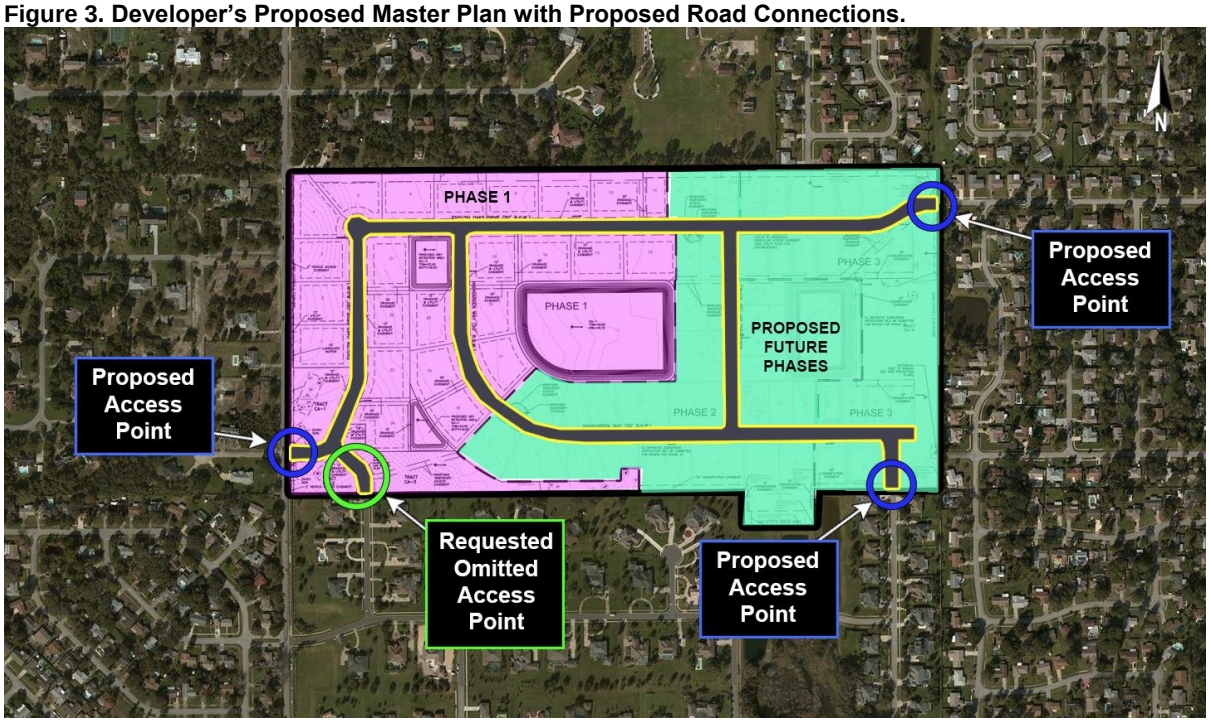
Pursuant to LDC, Chapter 5, Section 8(a), a variance may be requested from required subdivision improvements or design criteria. The variance may be granted by the City Council, upon recommendation of the Planning Commission.

Chapter 5, Section 8 of the LDC, lists the review criteria used to determine whether a subdivision variance request should be granted. For a subdivision variance to be approved, the following criteria may be considered:

1. *Topographic or other physical conditions exist which are peculiar to the site and not a result of the actions of the applicant.*

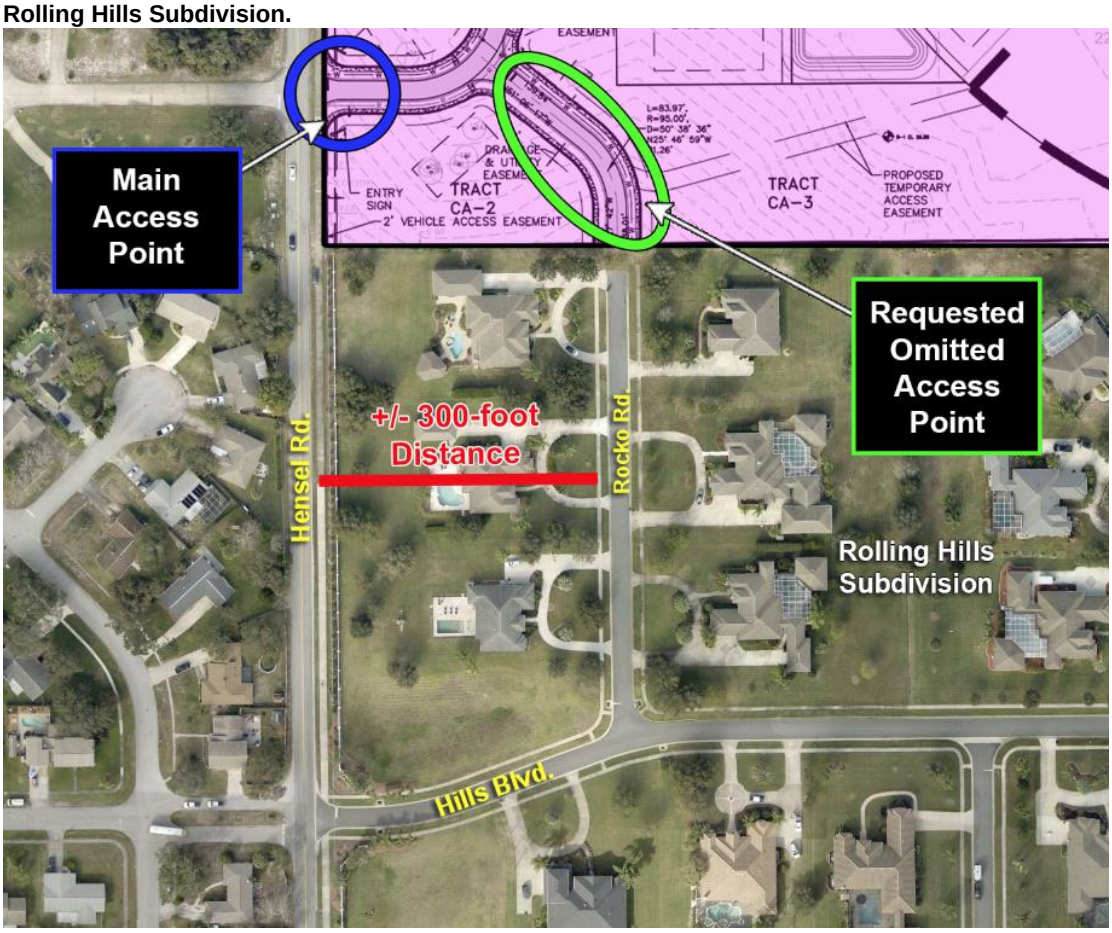
   The applicant is requesting to not extend the existing Rocko Road into Phase 1 of the King's Landing subdivision because eventually with the development of the remaining phase of King's Landing, there will be a roadway connection to the road network to the south of King's Landing at Broken Bow Lane, as well as the extension of English Oaks Drive and Hensel Road available to the residents of King's Landing. According to the developer's master plan that was included in the 2018 Phase 1 plan set, it proposes a total of 69 single-family lots and roadway connections with Broken Bow Lane and English Oaks Drive. The applicant states that the placement of Rocko Road near the main access into King's landing Phase 1 at Hensel Road creates a peculiar street configuration that does not benefit either subdivision, and the stub out location of Rocko Road was not a result of the actions of the applicant.

Figure 3. Developer's Proposed Master Plan with Proposed Road Connections.



According to the applicant, the short distance (+/-300') between Rocko Road and Hensel Road, the length of Rocko Road, and lack of homes on Rocko Road will not promote interconnectivity (Figure 4). Based on the road configuration in the area, a majority of vehicles traveling from or through the Rolling Hills Subdivision are anticipated to use Hills Boulevard to access Hensel Road or Broken Bow Lane. The residents that could benefit from extending Rocko Road would be the six homes located on Rocko Road in Rolling Hills, as it would not reduce the distance travelled to access Taylor Road via Hensel Road. These residents signed a petition to support the developer's subdivision variance request to omit the extension of Rocko Road (See Exhibit A).

Figure 4. Proximity of Rocko Road to Hensel Road and Road Network at Entrance to King's Landing and Rolling Hills Subdivision.



2. *Literal interpretation of this code would result in unnecessary and undue hardship on the applicant.*

   When a new subdivision is built, it must comply with current subdivision development requirements of the Land Development Code (LDC). The intent of the requirement to extend an existing street stub-out into a developing property is to provide an interconnected local road network that provides travel and access options. According to the applicant, the King's Landing property originally started with five roadway stub-outs from adjacent subdivisions and the unofficial master plan for the property currently shows the main access onto Hensel Road and three of the roadway stub-outs (Rocko Road, English Oaks Drive, and Broken Bow Lane) being extended. The applicant was previously granted a subdivision variance to omit extending Westport Drive and Forest Troll Drive, and the current subdivision variance request is to omit extending Rocko Road. According to the applicant, the subdivision (Figure 3), when built-out, will meet the intent of the LDC to create a subdivision that provides multiple points of access (Hensel Road, Broken Bow Lane, and English Oaks Drive).

3. *Required services are already available to proposed lots without the construction of additional improvements.*

   All required public utilities and services can be provided to all proposed lots according to the approved Phase 1 subdivision design plans. In addition, not requiring the roadway

connection will not reduce any other required services for the existing Rolling Hills Subdivision. The proposed subdivision meets minimum access requirements in the Land Development Code and connects to one collector road (Hensel Road). According to the LDC, a minimum of two points of access is to be provided when a subdivision has 25 lots or more. King's Landing Phase 1 has been approved with 24 single-family residential lots, therefore, only one point of access is required according to the LDC. According to the Fire Department, response times would not be increased by not extending Rocko Road because that route is not a route the Fire Department would use.

4. *Levels of service can be reasonably provided through the site development plan review process or residential site plan review process for individual lots.*

   The applicant will be able to provide the required services and meet the Level of Service standards for all 24 single-family lots (Phase 1) in the subdivision through the subdivision design.

5. *Other methods can be arranged to assure construction of improvements, eliminating the need for formal subdivision approval.*

   Subdivision review is the standard approach to assure the construction of local roads within a subdivision. The applicant is not requesting a different method to constructing roads. The request is to not extend an existing street stub-out, so this criterion is not applicable to this request.

6. *The granting of a variance is consistent with the overall intent of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.*

   The intent of the code is to provide an interconnected local road network that provides travel and access options. The proposed 24-lot subdivision (Phase 1) meets the minimum subdivision requirements with one access point. The proposed development is efficiently accessed from a collector road (Hensel Road). According to the Fire Department, response times would not be increased by not extending Rocko Road because Rocko Road is not the route the Fire Department would use.

   There are a number of subdivisions along the Hensel Road corridor that are not interconnected and only have one point of access (East and West Pheasant Run Court, East and West Hensel Hill Drive, Sweetwater Subdivision, and Vista View Circle). According to the applicant, the remaining phase of King's Landing Subdivision, which will include the remaining road network including the extension of English Oaks Drive and Broken Bow Lane into the subdivision, will be submitted to staff for review in 2019 and construction in 2020. Therefore, when completed, the King's Landing Subdivision will have three points of access to adjacent roads (Hensel Road, English Oaks Drive, and Broken Bow Lane).

RECOMMENDATION:
Based on the review criteria above, staff recommends approval of the subdivision variance to allow Phase 1 of the King's Landing Subdivision to be developed without extending Rocko Road into the King's Landing subdivision.

ATTACHMENTS:
1. Exhibit A – Letter of request and Rocko Road petition from Rocko Road residents.

EXHIBIT A

STORCH LAW FIRM

GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

April 24, 2019

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

Re: Kings Landing Subdivision Plat / Rocko Road Connection Subdivision Variance

Dear Tim:

As you know, my client has reached out to neighbors of the Kings Landing subdivision for feedback about the development. A lot of the comments have been very helpful. One item that has come up repeatedly is the connection of Rocko Road to the development. All the residents along Rocko Road agree that a road connection with Kings Landing would cause unnecessary impact to their neighborhood. I have enclosed letters and a petition opposing a Rocko Road connection for your records. My client is fully supportive of a redesign to accommodate the request of the residents to avoid additional impacts and removal of trees and turtle habitat. Therefore, please consider this letter and enclosed application as my client's formal request for a subdivision variance to removal the Rocko Road access requirement for the Kings Landing subdivision.

Chapter 5, Section 8(b)(4) of the City Land Development Code ("City LDC"), outlines the basis for deviating from subdivision improvement and/or design criteria. The following may be considered as part of the review process:

1. Required services are already available to proposed lots without the construction of additional improvements.

2. Levels of service can be reasonably provided through the site development plan review process or residential site plan review process for individual lots.

3. Other methods can be arranged to assure construction of improvements, eliminating the need for formal subdivision approval.

4. The granting of a variance is consistent with the overall intent of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.

In addition, the City LDC allows the following additional criteria to be considered when reviewing changes to improvement or design criteria:

1. Topographic or other physical conditions exist which are peculiar to the site and not a result of the actions of the applicant.

2. Literal interpretation of this code would result in unnecessary and undue hardship on the applicant.

Several special circumstances for this project demonstrate compliance with the City LDC variance requirements. Responses are as follows:

1. Required services are already available to proposed lots without the construction of additional improvements.

Response: The removal of a Rocko Road connection will not impact the construction of any required improvements for the Kings Landing subdivision. Services will be available for all lots within the subdivision, and there will be little to no impact to traffic flow within the development.

2. Levels of service can be reasonably provided through the site development plan review process or residential site plan review process for individual lots.

Response: As stated previously, services will be available for all lots regardless of the connection with Rocko Road. This request has no impact to available services.

3. Other methods can be arranged to assure construction of improvements, eliminating the need for formal subdivision approval.

Response: The Kings Landing subdivision has already been approved for development, and this request would only remove the connection from Rocko Road. Regardless of the Rocko Road connection closure, services will be provided, and an effective traffic flow will be achieved without the need for another formal subdivision approval. This request is a de minimis change.

4. The granting of a variance is consistent with the overall intent of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.

Response: This request will have no impact on the public welfare and would help address impacts to surrounding neighbors. As you know, the Rocko Road neighbors are worried about additional cut thru traffic. This request would keep the existing dead-end in place. In addition, keeping Rocko Road closed will avoid additional impacts from removal of trees and turtle habitat.

5. Topographic or other physical conditions exist which are peculiar to the site and not a result of the actions of the applicant.

Response: Although the site does not have peculiar topographical conditions per se that necessitate this request, the existing stub out from Rocko Road is not the result of the applicant. This request is a result of my client trying to be a good neighbor.

6. Literal interpretation of this code would result in unnecessary and undue hardship on the applicant.

Response: My client is working with the neighbors to make Kings Landing a development everyone can be proud of. It would be an unnecessary and undue hardship on the applicant to ignore reasonable requests by residents, especially when the request has developer support and will result in no impact to services.

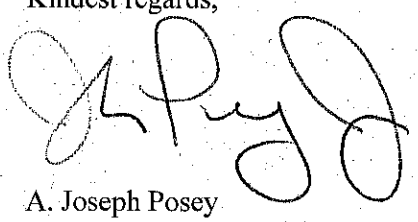
Enclosed please find the following:

- Compete Application Form
- Copy of Deed for Property
- Check for $900
- Electronic Copy of Submittal

The City already has signed and sealed surveys and the legal description for the property, but please let me know if you would like me to provide another copy.

I really appreciate how much work City staff has already done for the Kings Landing subdivision. As you know, the whole goal of this request is to make a better subdivision for both future residents and existing neighbors. This request makes sense and it will have little to no impact on design and function of the subdivision. Please let me know if you have any questions or need further information. I am more than happy to discuss.

Kindest regards,



A. Joseph Posey

GDS/ajp
Enclosure

To: Port Orange City Officials

Subject: Connecting of Rocko Road to King's Landing

The residents living on Rocko Road, in Rolling Hills subdivision, do hereby request that our road not be connected to King's Landing subdivision King's. We are requesting that it continue to just be a dead-end.

Address	Names	Signature	Phone
5950 Rocko Rd	Jeff Swartz		808-861-7576
	Julie Swartz		808-861-7578
5951 Rocko Rd	MARK REEKIE		386 756 2170
	Margarita Reekie		386 383 7587
5952 Rocko Rd	Rick Crimi		386-761-3949
5953 Rocko Rd	KEVIN KLING		386-527-8577
5954 Rocko Rd	Michelle Strickland		407 353 1109
	STEVE STRICKLAND		407-353-1109
5955 Rocko Rd	Michael Dubovsky	Michael Dubovsky	914-494-6200

Please contact Jeff Swartz at 808.861.7576 or jeff.swartz@yahoo.com with any questions or decisions.

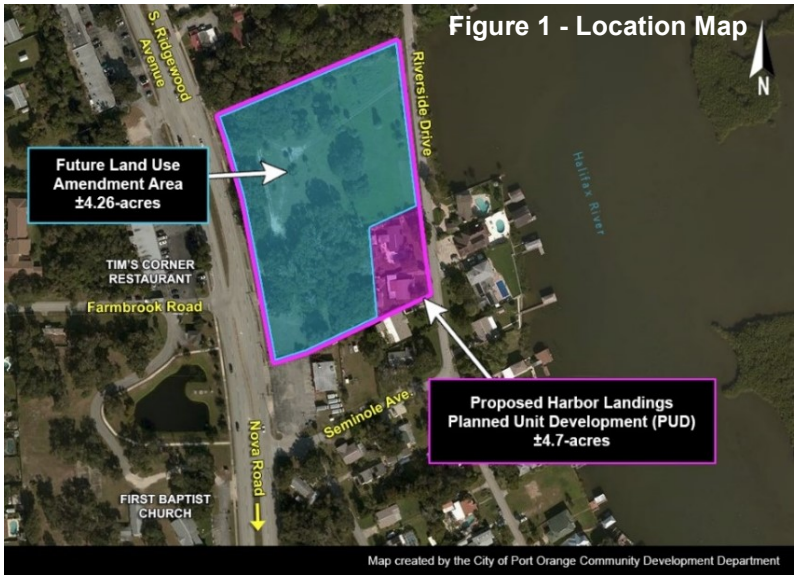
STAFF REPORT

Small-Scale Future Land Use Map Amendment/
Harbor Landings PUD
CASE NO. 18-20000008

REQUEST:	Amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU for ±4.26 acres from *Office/Residential Transition* to *Urban Medium Density Residential* (4-8 units/acre).
LOCATION:	West side of Riverside Drive, east of Ridgewood Avenue, between Breaks Way and Seminole Avenue
OWNER:	Across the Pond Developments, LLC
APPLICANT:	Michael D. Chiumento III, Esq.
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	June 27, 2019

INTRODUCTION

Michael D. Chiumento, III, Esq., applicant on behalf of the owner, Across the Pond Development, LLC, requests approval to change the Future Land Use (FLU) designation of approximately 4.26 acres of land from *Office/Residential Transition* to *Urban Medium Density Residential* (4-8 units/acre). The subject property is located at 5653 S. Ridgewood Avenue, north of Seminole Avenue (see Figure 1 – Location Map) and is part of the proposed Harbor Landings Planned Unit Development (PUD). The applicant's proposed FLU amendment is being processed concurrently with the applicant's PUD rezoning request to establish the Harbor Landings PUD for the development of 10 single-family homes and 16-townhome units. The proposed Harbor Landings PUD is consistent with the proposed *Urban Medium Density Residential* FLU designation, which allows for development of residential uses along collector and arterial roads at medium-scale density.



DISCUSSION

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

PROPERTY OVERVIEW

The subject property is currently vacant except for a concrete wall along the western property boundary. The subject property was originally approved for a 49-unit townhome development (Oak Harbor Townhomes) in 1999 but not constructed. The proposed Harbor Landings PUD is considered an infill development of a vacant parcel within an existing built area that is already served by public infrastructure (water, sewer, roads, schools, etc.). The City's Comprehensive Plan encourages a mix of land uses to expand housing choices by developing areas of infill or underutilized vacant land within the City [Future Land Use Element, Policy 1.2.4 and 2.3.8].

The subject property is adjacent to Riverside Drive and the Halifax River to the east, Ridgewood Avenue to the west, an undeveloped 100-foot-wide right-of-way (Fozzard Boulevard) to the north, and commercial property to the south. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1. The current and proposed Future Land Use (FLU) designations are identified on Exhibit 1. The current zoning classifications of the subject property and adjacent properties are identified on Exhibit 2.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	undeveloped right-of-way (Fozzard Boulevard)	n/a	n/a
South	Commercial and two vacant single-family residential lots	Commercial; Urban Medium Density Residential	Neighborhood Commercial; part of Proposed Harbor Landings PUD
East	Riverside Drive right-of-way; Halifax River	n/a	n/a
West	Ridgewood Avenue right-of-way	n/a	n/a

PROPOSED AMENDMENT

The proposed amendment is to change the FLU designation for ±4.26 acres from *Office/Residential Transition* to *Urban Medium Density Residential* (4-8 units/acre). The current FLU designation is a mixed-use category that allows for a distribution of uses within the 24.7-acres, with the cumulative mixture of uses totaling 100%:

1. 75% office and 25% residential (up to 10 units per acre);
2. 75% office and 25% commercial; or
3. 100% office.

The proposed FLU designation is a residential designation, compared to the current FLU designation which is a mixed-use designation that allows office, commercial and residential uses. The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and maximum allowable density and intensity (Table 3).

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

	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Office/Residential Transition	4.26	0	-4.26
Urban Medium Density Residential (4-8 units/acre)	0	4.26	+4.26
Total Acreage	4.26	4.26	0

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

	Current FLU (theoretical max units/sq.ft.)	Proposed FLU (theoretical max units/sq.ft.)	Net Change in FLU (theoretical max units/sq.ft.)
Office/Residential Transition			
Scenario 1 (25% Residential/75% Office**)*	11 units/ 208,761 sq.ft.	0	-11 units/ -208,761 sq.ft.
Scenario 2 (25% commercial/75% office**)*	69,587 sq.ft./ 208,761 sq.ft.	0	-278,348 sq.ft.
Urban Medium Density Residential (4-8 units/acre)	0	34 units	+34 units

*up to 10 units/acre

**1.5 Floor-area ratio for non-residential; The floor area ratio (FAR) is the relationship between the total amount of building floor area and the total area of the lot on which the building stands.

INFRASTRUCTURE IMPACT ASSESSMENT

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

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

The current FLU designation is a mixed-use category that allows the following theoretical maximum impact scenarios:

1. 25% residential and 75% office (scenario 1); or
2. 25% commercial and 75% office (scenario 2).

Table 4. Impact Analysis (Theoretical Max.)

DEVELOPMENT VARIABLE	CURRENT LAND USE		PROPOSED LAND USE (UMDR 4-8 UNITS/ACRE	NET CHANGE	
	Scenario 1 (25% Residential/ 75% Office)	**Scenario 2** (25% Commercial/ 75% Office)		**Scenario 1**	**Scenario 2**
Residential Units	11	0	34	+23 units	+34 units
Non-residential Buildable Sq. Ft.	208,761	278,348	0	-208,761 sq.ft.	-278,348 sq.ft.
Population[1]	25	0	77	+25	+77
P.M. Peak Hour Trips/Daily Trips[2]	78/ 584	354/ 3,664	18/ 198	-60/ -386	-337/ -3,467
Sanitary Sewer (gallons/day)[3]	22,636	27,835	5,440	-17,196	-22,395
Potable Water (gallons/day)[4]	22,856	27,835	6,120	-16,736	-21,715
Solid Waste (lbs./person)[5]	2,165	2,783	247	-1,917	-2,536
Stormwater Drainage[6]	n/a	n/a	n/a	n/a	n/a
Recreation/Open Space[7] (acres)	0.175	0	0.539	+0.36	+0.54

Notes:
1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: Townhomes (230) 0.52 PM Peak Hour, 5.81 Average Daily (per unit); Shopping Center (820) 3.71 PM Peak Hour; 42.70 Average Daily (per 1,000 Sq.Ft.); Office (710) 0.46 PM Peak Hour, 3.32 Average Daily (per 1,000 Sq.Ft.); ITE Trip Generation Manual, 10th Edition
3. Sanitary Sewer: 160 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
4. Potable Water: 180 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 square feet of non-residential development per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event; Drainage system will be designed to meet the requirements of the Land Development Code
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)

The proposed FLU designation would decrease the theoretical maximum non-residential development and increase the theoretical maximum residential units allowed on the subject property. Overall, the amendment results in a net decrease in impacts to public infrastructure, except for schools and recreation and open space; however, all public infrastructure has available capacity for the proposed amendment.

TRANSPORTATION

There is a significant decrease in the number of daily trips and P.M. peak hour trips from the current to the proposed FLU designation. The reduction is due to the non-residential uses not being allowed in the proposed FLU designation. According to the Institute of Transportation Engineers (ITE), residential dwelling units have a lower trip generation rate than office and commercial uses because the office and commercial uses attract trips from a larger area. Based on the ITE Trip Generation Manual, 10th Edition, the proposed FLU designation could generate 18 P.M. peak hour trips, and 198 daily trips.

As with all development, the specific site development proposal for the subject property will be subject to concurrency regulations at the time of development, requiring adequate transportation facilities to be provided or to mitigate their impacts. Based on staff's review, the existing transportation facilities are sufficient to support the development associated with the proposed Future Land Use designation.

SANITARY SEWER

The City has available sewer capacity to accommodate the proposed FLU amendment. The City's adopted LOS standard is 160 gallons per day per Equivalent Residential Unit (ERU) and 1/10 gallon per square foot per day of commercial, industrial, or institutional development. Using these standards, the proposed land use would theoretically generate 5,440 gallons per day (gpd) of wastewater. This is a net decrease between the current and proposed FLU designations.

POTABLE WATER

The City has available potable water capacity (well and Consumptive Use Permit) to serve the proposed FLU amendment. The City's adopted LOS standard is 180 gallons per day per ERU and 1/10 gallon per square foot per day of commercial, industrial, or institutional development. Using these standards, the proposed land use would theoretically demand 6,120 gpd of potable water. This is a net decrease in demand between the current and proposed FLU designations. Even though the City may have the technical capability to pump 15 MGD from its wells, prohibitions within the City's 20-year Consumptive Use Permit (CUP) issued by the St. Johns River Water Management District (SJRWMD) significantly limit the amount of water that is permitted to be withdrawn. The City's CUP allows for an average daily withdrawal of 8.74 MGD and a maximum daily withdrawal of 13.28 MGD in 2019. Actual average daily flow during the 2018 calendar year was 6.01 MGD. When reviewing Future Land Use amendments, the following is considered to determine the amount of permitted water capacity available for all other future uses: the current year CUP allocation, consumption in the previous calendar year, reserved capacity, and projected consumption. Based upon these measures, the City still has available CUP capacity.

SOLID WASTE COLLECTION

There is available capacity at the landfill to address the City's solid waste disposal needs. The City's collection standard is 1,350 residential units per curbside collection crew, per day, and a weight standard of 3.21 pounds per person per day. The proposed land use would generate 247 pounds of garbage per day. This is a net decrease between the current and proposed FLU. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050.

STORMWATER DRAINAGE

There is no anticipated impact to the City's drainage system from the proposed land use. Stormwater management in the City of Port Orange deals with both quality and quantity. The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan and Land Development Code require that there be no net loss of stormwater retention function as a result of

development. In other words, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. Any future redevelopment of the property will be required to address stormwater retention on the property in accordance with these City standards.

RECREATION AND OPEN SPACE

There is available capacity at existing park facilities to accommodate the proposed FLU amendment. The proposed FLU designation would require 0.5-acres of parkland. According to the City's 2018 Concurrency Management Report, the City has an excess of 60 acres of parkland, so no additional parkland is needed.

SCHOOLS

The Volusia County School District reviewed the proposed FLU amendment for impacts to school capacity. The School District determined that there is adequate school capacity for the estimated students anticipated to be generated by the proposed FLU amendment (Exhibit 3).

ENVIRONMENTAL CONDITIONS

According to environmental analysis conducted by Ecological Consulting Solutions, Inc., there are no wetlands or surface waters, or critical habitats within the subject property. No listed species were observed on the property. No previously recorded cultural resources have been found on the property either. Any subsequent development will be required to comply with all federal, state, regional and local regulations pertaining to the protection and preservation of valuable environmental resources.

REVIEW CRITERIA AND STAFF FINDINGS

1. *The land use proposal is consistent with the goals, objectives, and policies of the* adopted *Port Orange Comprehensive Plan*.

   Staff finding: The proposed FLU amendment is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan. For example, Future Land Use Element, Policy 1.2.4 and 2.3.8, encourages a mix of land uses and expand housing choices by developing areas of infill or underutilized vacant land within the City. The proposed FLU category is compatible with adjacent parcels and reduces the overall intensity of development allowed on the property. All public facilities have adequate capacity to accommodate the proposed amendment.

2. *Amendments shall not result in incompatible land use designations for adjacent parcels or a neighborhood. Compatibility shall be determined by scale of development, intensity, density, and type of use, and the juxtaposition of uses.*

   Staff finding: The proposed FLU amendment is compatible with the adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other. The subject property is adjacent to Riverside Drive and the Halifax River to the east, Ridgewood Avenue to the west, an undeveloped 100-foot wide right-

of-way (Fozzard Boulevard) to the north with single-family homes north of the right-of-way, and commercial property to the south (see Table 1 – page 2).

3. *An amendment shall not result in negative economic, social, or other impacts to the City of Port Orange.*

   Staff finding: All public facilities have adequate capacity to accommodate the proposed amendment and therefore there are no negative impacts.

4. *Whether the amendment increases the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above twelve hours.*

   Staff finding: The subject property is located within the Hurricane Vulnerability Zone but will not result in increased clearance time for evacuation above twelve hours.

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

   Staff finding: The proposed amendment will not encourage sprawl. The amendment area is located in an urban infill area with existing infrastructure. Infill development promotes the efficient and cost-effective provision of public infrastructure and services. Infill development also promotes walkable and connected communities and provides for compact development and a mix of uses along the Ridgewood Corridor that will support housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the Future Land Use designation of approximately 4.26 acres of land from *Office/Residential Transition* to *Urban Medium Density Residential* (4-8 units/acre), and authorization for staff to send the amendment to the required review agencies.

ATTACHMENTS

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

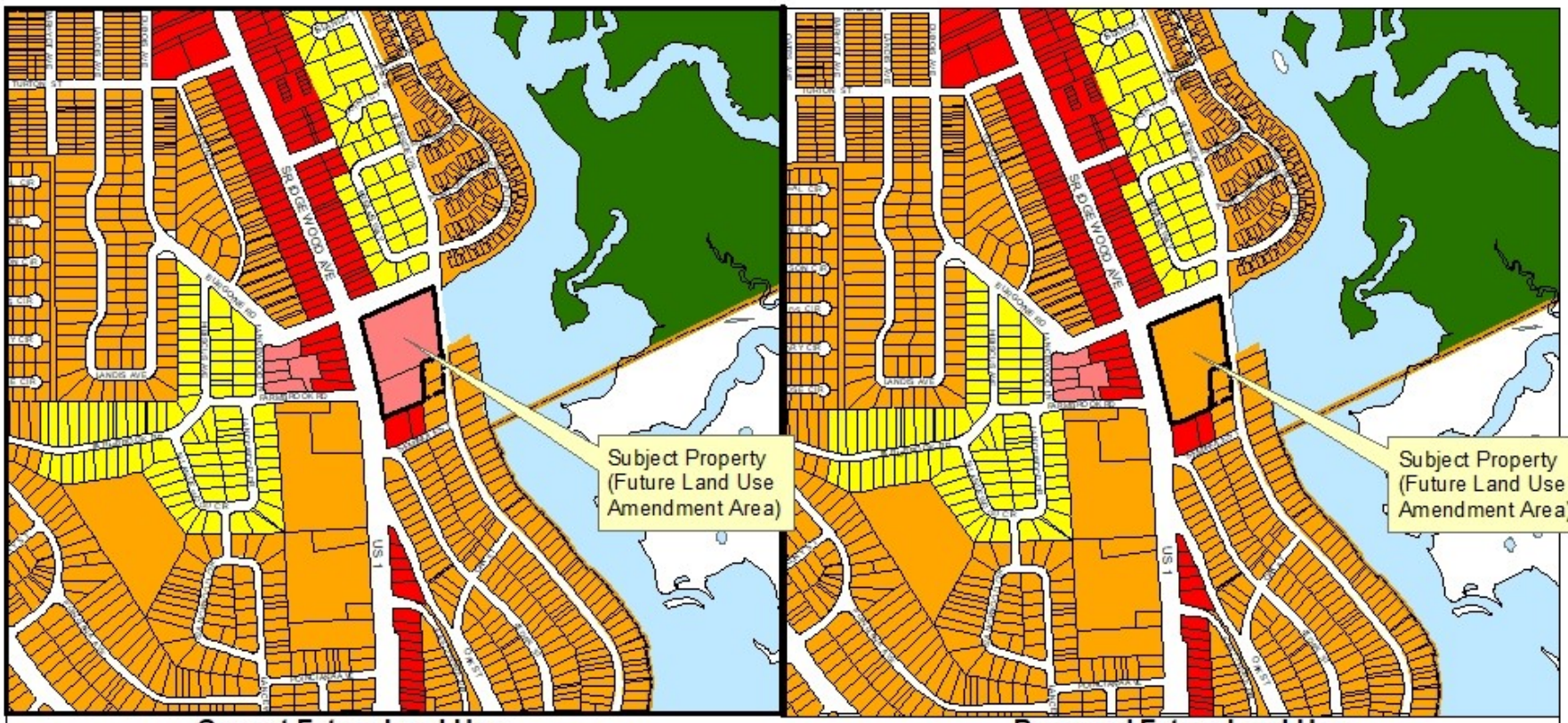


EXHIBIT 1

CASE NO. 18-20000008 and 18-40000004

DEPARTMENT OF COMMUNITY DEVELOPMENT

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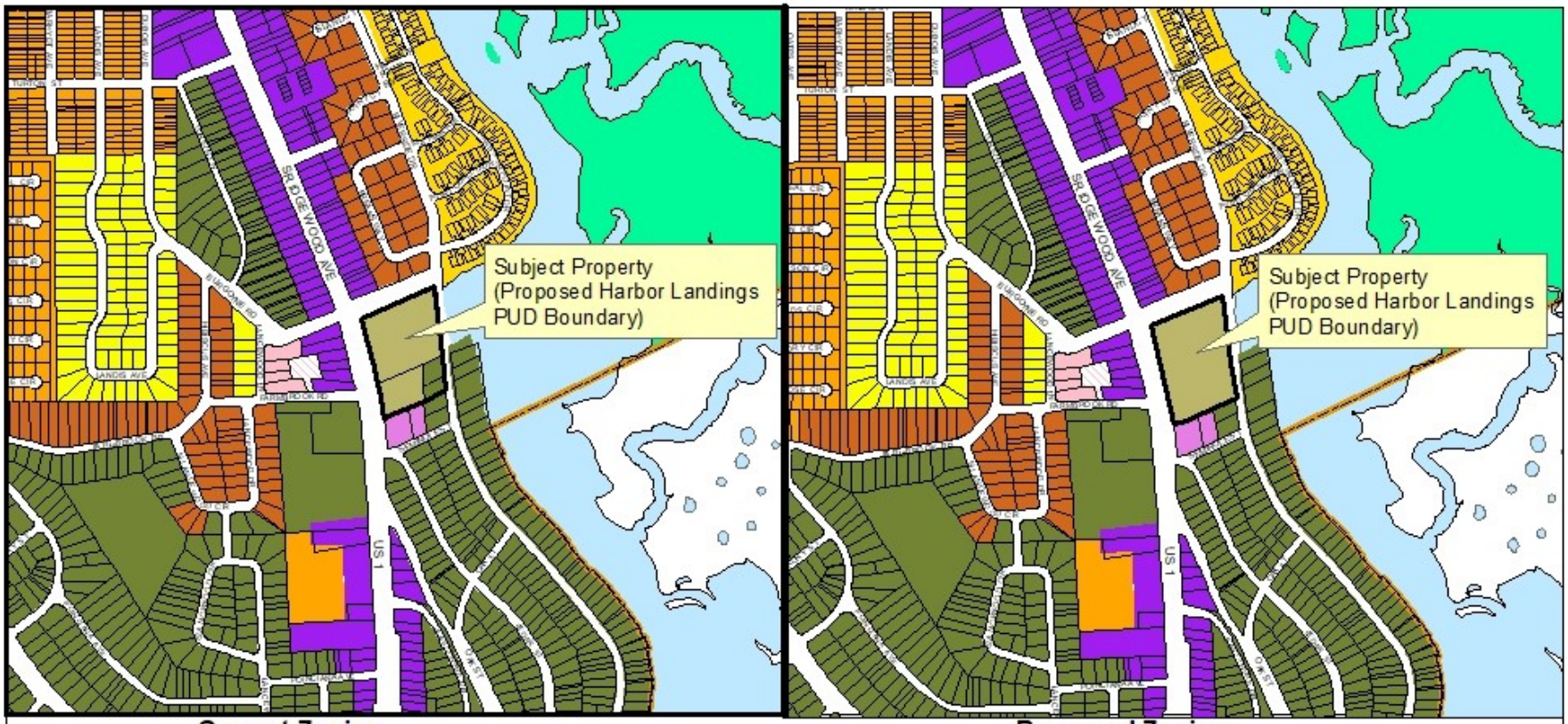

CITY OF PORT ORANGE 1867 FLORIDA

EXHIBIT 2

CASE NO. 18-20000008 and 18-40000004

DEPARTMENT OF COMMUNITY DEVELOPMENT

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EXHIBIT 3

Volusia County Schools

P.O. Box 2118
DeLand, Florida 32721-2118

200 North Clara Avenue
DeLand, Florida 32720

DeLand (386) 734-7190
Daytona Beach (386) 255-6475
New Smyrna Beach (386) 427-5223
Osteen (386) 860-3322

Mr. James T. Russell
Superintendent of Schools

School Board of Volusia County

Mr. Carl Persis, Chairman
Mrs. Ida D. Wright, Vice-Chairman
Mrs. Linda Cuthbert
Mr. Ruben Colon
Ms. Jamie M. Haynes

School Adequate Capacity Determination
Finding of Adequate Capacity Letter

13 February 2019

Michael D. Chiumento
Chiumento, Dwyer, Hertel, Grant & Kistemaker, P.L.
Attorneys at Law
145 City Place, Suite 301
Palm Coast, FL 32164

RE: Harbor Landings PUD - City of Port Orange
School Capacity Case #19-01-14-001-A

Dear Mr. Chiumento:

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

The School District has reviewed the information for the proposed PUD associated with a total of +/- 4.75 acres of property located at 5653 Ridgewood Avenue near the intersection of Nova Road and S. Ridgewood Avenue within the City of Port Orange. The proposed changes would result in a decrease in density of 23 single family townhome units, to a maximum of twenty-six (26) single family units.

The district uses county wide Student Generation Rates (SGRs) of (.305) for single family dwelling units. By applying the SGR to the use types in Table 1, we find the project could generate eight (8) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	.305	26	7.9
Multifamily Dwelling Unit	.104	0	0
	Total		**8**

Harbor Landings PUD - City of Port Orange
13 February 2019

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

Table 2

Schools	2018-19 SY Enrollment	% of Permanent Capacity	Plans for capacity increase long-term	Traditional K-12 Students projected
Port Orange Elementary	398	116%	no	3
Silver Sands Middle	1221	105%	no	2
Spruce Creek High	2596	125%	yes	2

The students projected to be generated by this project will not increase the existing percentage above 100% permanent capacity. The Port Orange elementary is land locked and cannot be expanded. It is the projected to decrease in total students over the next several years. School Board's long-range plans include completion of the Spruce Creek High Master Plan. The School Board owns a future school site in the Corasci area, grade levels to be determined. Based upon these long-term plans for growth, the school district has no objections to the proposed PD.

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

No Student Reservations have been made at this time.

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

If you should have additional questions please contact me at (386) 947-8786, extension 50810.

Sincerely,

Eric A. Kozielski 13FEB2019

Eric A. Kozielski
Planning & GIS Specialist

Cc: James Russell, Superintendent of Schools
Tim Burman, City of Port Orange
Penelope Cruz, City of Port Orange
Project File

Finding of Adequate School Capacity
Volusia County School Board

Project Information	
Project Name	**Harbor Landings PUD**
VCSB Project #	**#19-01-14-001-A**
Jurisdiction Project#	
Parcel ID Numbers:	6314-01-12-0020; 6314-01-12-0010; 6314-01-12-0040; 6314-01-12-0050
Project Location:	5653 South Ridgewood Avenue, Port Orange
Potential Residential Units:	**26**
Property Owner/Applicant:	Across the Pond Developments, LLC

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

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.
Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, may be subject to additional school capacity review in the future.

Eric A. Kozielski

Eric A. Kozielski
Planning & GIS Specialist

13Feb2019
Issue Date

STAFF REPORT

PUD Rezoning and Harbor Landings Master Development Agreement and Conceptual Development Plan
CASE NO. 18-40000004

REQUEST:	Rezone ±4.74 acres to Planned Unit Development (PUD) and approve the Harbor Landings Master Development Agreement (MDA) and Conceptual Development Plan (CDP).
LOCATION:	West side of Riverside Drive, east of Ridgewood Avenue, between Breaks Way and Seminole Avenue
OWNER:	Across the Pond Developments, LLC.
APPLICANT:	Michael D. Chiumento III, Esq.
STAFF CONTACT:	Gwen Perney, Planner (386) 506-5673
STAFF RECOMMENDATION:	PUD Rezoning - Approval
	Harbor Landings MDA and CDP - Approval subject to approval of the 4 policy considerations
PLANNING COMMISSION DATE:	June 27, 2019

INTRODUCTION

The applicant requests to rezone ±4.74 acres from Planned Unit Development (PUD) and R-7SF (Single-Family Residential) to PUD and approval of the Harbor Landings PUD Master Development Agreement (MDA) and Conceptual Development Plan (CDP). If approved, the owner intends to develop the subject property as a residential subdivision consisting of 10 single-family lots and 16 townhome lots, along with associated subdivision improvements. The subject property is located on the west side of Riverside Drive, east of Ridgewood Avenue, between Breaks Way and Seminole Avenue (Figure 1 - Location Map).

Figure 1. Location Map

Currently, ±4.26 acres of the overall ±4.74-acre subject property is zoned PUD but does not have an active MDA to provide the framework for development of the property. The subject property is currently vacant except for a concrete wall along the western property boundary. In 1999, the 4.26-acre parcel was rezoned to PUD and approved for a 49-unit townhome development (Oak Harbor Townhomes) but the project was not constructed and that MDA has since expired. The remaining 0.48 acres that makes up the subject property is currently zoned R-7SF (Single-Family Residential) which includes two single-family homes and is proposed to be added to the PUD zoned property.

According to the Land Development Code (LDC), the proposed MDA constitutes a zoning document for the subject property, establishing permitted uses and certain development requirements. An MDA and CDP does not grant approval of any specific development itself, but rather establishes parameters for how the property can be developed. The CDP is an exhibit to the proposed MDA that includes the dimension requirements, and general location of lots, roads, parking, open space, landscape buffers, utilities, and drainage areas.

Specific subdivision development requirements listed in the MDA and LDC, such as the type and location of trees and shrubs in the landscape buffers, location and size of the stormwater pipes, and water and sewer lines, roadway design, and other development requirements are finalized with the subdivision plat and plans. The subdivision plat and plans are typically a 20 to 50-page set of technical documents that are signed and sealed by a licensed engineer and contain extensive engineering and construction details. The subdivision plat and plans for the Harbor Landings PUD is required to be designed to meet the requirements of the LDC and the proposed MDA. At this time, subdivision plat and plans have not been submitted.

CONSISTENCY WITH COMPREHENSIVE PLAN

The applicant has applied to change the Future Land Use (FLU) designation of approximately 4.26 acres of the subject property from *Office/Residential Transition* to *Urban Medium Density Residential* (4-8 units/acre). The remaining 0.48 acres of the subject property currently has a FLU designation of *Urban Medium Density Residential* (4-8 units/acre). The proposed rezoning to PUD and the MDA and CDP are consistent with the land use and density allowed by the *Urban Medium Density Residential* FLU designation. The proposed MDA allows a maximum of 26 dwelling units (10 single-family and 16 townhome lots) or 5.48 dwelling units/acres and is consistent with the density allowed by the *Urban Medium Density Residential* FLU designation (up to 8 units/acre). The current and proposed FLU designation and zoning classification of the subject property and the current FLU and zoning of the adjacent properties are identified on Exhibits 1 and 2.

The proposed Harbor Landings PUD is an infill development of a vacant parcel within an existing built area (see Figure 2 on Page 3) that is already served by public infrastructure (water, sewer, roads, schools, etc.). The PUD also provides a mixture of lot sizes and housing types typically not provided in other PUDs. Furthermore, the City's Comprehensive Plan encourages a mix of land uses to expand housing choices by developing areas of infill or underutilized vacant land within the City [Future Land Use Element, Policy 1.2.4 and 2.3.8].

Figure 2. Aerial Location Map of Infill Development Site

DEVELOPMENT PROPOSAL

If approved, the Harbor Landings Master Development Agreement (MDA) and the Conceptual Development Plan (CDP) will provide the regulatory framework for the development of the subject property with a maximum of 10 single-family and 16 townhome lots (Exhibit 4). The following discussion will focus on the significant aspects of the proposed MDA and CDP such as general site layout, access, dimensional requirements, landscape buffers, utilities, and drainage areas.

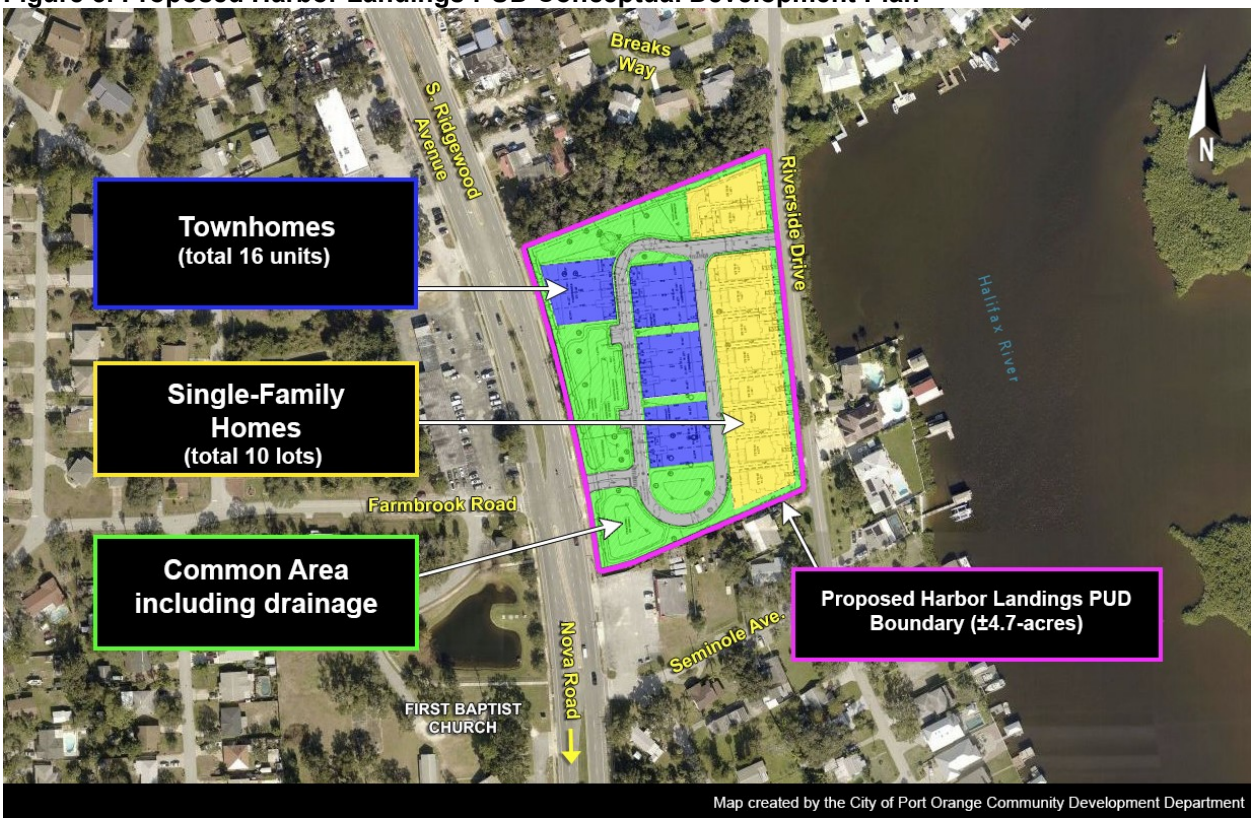
At this time, there are no proposed docks or marina approved in conjunction with the proposed development. If the owner establishes legal riparian rights adjacent to the subject property to the satisfaction of the City, then an application for development of a dock may be allowed subject to the requirements set forth in the MDA, the LDC, and any applicable county, state, and federal law in place at the time of the application for dock permitting, and as otherwise required by law.

According to the applicant, the existing Planned Unit Development (PUD) zoning was maintained rather than rezoning to a conventional zoning category so the infill development could have a mix of single-family and townhome residential lots. The applicant also cited that the PUD allowed for the ability to request flexibility in setbacks and lot coverage in order to preserve as many of the existing specimen trees as possible and all of the historic trees on the subject property. However, as typically with PUDs, there are deviations from the LDC as part of the proposed Harbor Landings MDA and CDP which are further discussed in the report.

General Layout

The Conceptual Development Plan (CDP) shows the general layout of the single-family and townhome lots, stormwater improvements, open space, common open space, tree preservation areas, sidewalks, and a private road to support the proposed subdivision (Figure 3 of the Staff Report and Exhibit B of the MDA).

Figure 3. Proposed Harbor Landings PUD Conceptual Development Plan



Dimensional Requirements

The proposed MDA provides the dimensional requirements for the single-family and townhome lots. Building setbacks for the single-family lots are generally based on the surrounding R-7SF (single-family residential) zoning district. However, due to the clustering of dwelling units to preserve trees some of the proposed building setbacks are less than the typical conventional zoning. Building setbacks for the townhome lots are based on a comparable City zoning district that allows for townhomes, which is the Planned Community-Agricultural (PC-A) - Community zoning district. The proposed maximum height for the buildings is 35 feet, which is consistent with the allowed maximum

building height in the PUD zoning district. There are some deviations being requested by the applicant related to the maximum building coverage and minimum open space requirements for the proposed townhome lots, minimum lot size for corner lots, and minimum right-of-way width for the proposed private road that are policy considerations discussed further in the report.

Table 1 - Dimensional Requirements

Zoning District	Minimum Lot Width	Maximum Building Coverage	Minimum Open Space	Front Bldg. Setback	Side Bldg. Setback	Side Corner Bldg. Setback	Rear Bldg. Setback	Maximum Height
Harbor Landings PUD Single-Family Lot	50 ft.	40%	40%	20 ft.	5 ft.	5 ft.	20 ft.	35 ft.
R-7SF	50 – 75 ft.	35%	40%	25 ft.	5 ft.	25 ft.	20% of lot depth	35 ft.
Single-family PUD*	-	40%	40%	-	-	-	-	35 ft.
Harbor Landings PUD Townhome Lot	23 ft.	65%	20%	20 ft.	0 ft. attached; 15 ft. building separation	10 ft.	17 ft.	35 ft.
PC-A Community	20 ft.	40%	40%	10 ft.	0 ft. attached; 5 ft. detached	10 ft.	15 ft.	36 ft.

*The city may consider modifications to the dimensional requirements as part of the rezoning process in order to achieve a greater public benefit (e.g. tree preservation, internal loop road for safer traffic flow) [LDC, Ch. 17, Sec. 27].

Access and Parking

Access to the development will be provided from a private road that is connected to Riverside Drive and Ridgewood Avenue. The Ridgewood Avenue access is proposed to be gated. Driveways for the single-family lots will be accessed from an internal private roadway rather than having multiple curb cuts off Riverside Drive. A five foot (5') wide sidewalk will be constructed along Riverside Drive for the entire length of the PUD property and throughout the development to connect to Riverside Drive and Ridgewood Avenue. Pedestrian connection to Ridgewood Avenue provides access to opportunity for multi-modal transportation as a VOTRAN (Volusia County Bus Service) stop is located in front of the adjacent property to the south of the PUD property as well as a dedicated bicycle lane along Ridgewood Avenue.

Parking for the PUD is being provided according to the parking requirements in the LDC. The single-family homes will have a two-car garage as well as a two-car width driveway, providing 4 parking spaces per lot. The townhomes are proposed to have a two-car garage and a two-car width driveway for the 3-bedroom units, providing 4 parking spaces

per 3-bedroom townhome lot, and a single-car garage and a single-car width driveway for the 2-bedroom units, providing a 2 spaces per 2-bedroom townhome lot. Additionally, 6 visitor parking spaces are proposed to be constructed for the townhome lots.

Traffic

If the PUD zoning amendment is approved, a traffic study is required at the time the subdivision plat and plans are reviewed to identify any improvements that may be needed. The proposed subdivision will be required to comply with the City's Concurrency Management requirements in the LDC. Similar to other developments within the City, the developer may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City to pay for part of the scheduled improvements for any impacted areas.

According to the Institute of Transportation Engineers (ITE), residential dwelling units have a lower trip generation than office and commercial uses because office and commercial uses can attract trips from a larger area. Based on the ITE Trip Generation Manual, 10th Edition, the proposed subdivision could generate approximately 15 A.M. peak hour trips, 18 P.M. peak hour trips, and 189 daily trips. According to the latest traffic counts for Ridgewood Avenue and Riverside Drive there is sufficient capacity for traffic estimated to be generated by future development of this property (Table 2).

Table 2. Roadway Capacity for Ridgewood Avenue and Riverside Drive

Roadway Segment	Maximum Capacity Vehicles per day	Current Vehicles per day	Remaining Capacity Vehicles per day	V/C Ratio*
Ridgewood Avenue Oak St. to Nova Rd.	39,800	15,700	24,100	0.39
Ridgewood Avenue Nova Rd. to S. City Limits	65,600	25,000	40,600	0.38
Riverside Drive Commonwealth Blvd. to Main St.	13,640	800	12,840	0.06

Source: Volusia County Traffic Engineering, 2018
*Volume/Capacity (V/C) Ratio - Volume-Demand-to-Capacity Ratio compares roadway demand (vehicle volumes)
with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity.

Tree Preservation, Landscaping, and Wetlands

The proposed development will comply with the landscaping and tree preservation requirements of the City's LDC, such as perimeter landscape buffers, tree preservation, and 6-foot screen wall adjacent to Ridgewood Avenue. A formal review of the landscaping and tree preservation will occur with the review of the subdivision plat and plans to verify compliance with the proposed MDA and LDC.

A minimum ten (10) foot wide buffer along the south and east (Riverside Drive) perimeter, a combination of a ten (10) and twenty (20) foot wide buffer along the north perimeter,

and a twenty (20) foot wide buffer will be provided along the west (Ridgewood Avenue) perimeter. In addition, the existing 6-foot tall block wall along the west (Ridgewood Avenue) perimeter will remain to provide additional screening from Ridgewood Avenue. The perimeter buffers proposed meet or exceed the minimum perimeter buffers required by the LDC.

The proposed MDA requires any proposed development of the subject property to comply with the City, County, State, or Federal regulations that pertain to protected wildlife species and wetlands, along with the City's tree preservation and mitigation requirements. The proposed development includes the preservation of a majority of the specimen trees and all of the historic oak trees on the PUD property for a total of 27 specimen and/or historic trees remaining.

Architecture

The single-family residential units are proposed to be 3-story detached houses. The first floor will consist of garage and utility areas. The second and third floors will be the living area. The townhomes are proposed to be 2-story units with garage and living area on the first floor and additional living area on the second floor. The proposed single-family and townhome units have been designed to comply with the 35-foot maximum height for the proposed PUD.

Figure 4. Proposed Building Elevations for Single-Family Homes and Townhomes

Potable Water and Sanitary Sewer

The proposed subdivision will be served by City potable water and sanitary sewer and will comply with the requirements of the City's Land Development Code (LDC) and proposed MDA for improvements related to potable water and sanitary sewer. Irrigation will be provided by a private well and/or the on-site stormwater ponds and will comply with the requirements of the City's LDC.

Stormwater Management

The stormwater drainage infrastructure for this project will be in the form of retention ponds as generally depicted on the CDP. The stormwater drainage design will be reviewed with the submittal of the subdivision plans. Per the City's Land Development

Code, the applicant will be required to construct on-site stormwater facilities, designed to accommodate and treat the 25 year, 24-hour storm event, without causing flooding to adjacent properties or polluting the receiving water bodies.

Schools
The Volusia County School District determined that there is adequate school capacity at existing schools for the estimated students anticipated to be generated by the proposed development (Exhibit 3).

POLICY CONSIDERATIONS
The PUD zoning district allows the applicant to request flexibility from standard code requirements. In order to be eligible for this flexibility, the applicant must provide innovative subdivision or site design. The Planning Commission and City Council will need to consider the following four (4) deviations from the LDC requested by the applicant:

1. Establish a minimum open space for the PUD that is less than 60%:
For a PUD, the LDC requires a minimum sixty percent (60%) of the overall PUD to be designated as open space and at least twenty percent (20%) of which must be common open space. Therefore, 2.84 acres of the 4.74-acre PUD site is required to be open space and at least 0.5 acres of the required 2.84 acres of open space is to be common open space. The PUD open space requirement is defined as land area for the enjoyment of all persons owning property within the development and does not include the required open space on individual lots (private open space). Open space is not developed with impervious surface unless it is common open space and includes, but is not limited to, tree and environmental preservation areas, water bodies, and those portions of the right-of-way which are pervious. Common open space may include impervious areas developed with recreational facilities, clubhouses, walkways, community gardens, dog parks, preservation of natural resources and natural features, and related parking and support features. The MDA proposes a minimum 49% (2.33 acres) open space.

This 60% open space PUD requirement is more feasible for larger sized PUDs where open space elements typically incorporate existing natural features such as wetlands, multiple retention ponds, or large areas of trees. This 60% PUD open space requirement does not include the required open space on the proposed individual single-family and townhome lots (private open space).

The proposed PUD includes additional impervious area than if the subdivision was designed as a typical subdivision due to the unique internal access drive. During the initial meetings with the developer, staff asked the developer to consider designing the single-family lots with rear loaded driveways from an internal road to reduce the number of individual driveway curb cuts for each single-family lot along Riverside Drive. The rear-loaded design allows for less interruptions and safer traffic flow along Riverside Drive. The applicant states that the proposed CDP contains sufficient, well placed, common open space and open space, and that while not accounting for 60% of the site, offers significant open space, conservation areas around trees, and common open space/amenities for a smaller scale PUD which provides an attractive environment. The applicant also stated that when designing the PUD, the development team chose to focus

more on common open area (amenities) by providing 1.59 acres (33.7%) common open spaces where the LDC only requires 0.95 acres (20%) to be common. The proposed common open space/amenities for residents includes a dog park, gazebo, internal sidewalk and pervious trails around the retention areas, and visitor parking for the townhomes.

According to the applicant, the open and common open space elements together with the required minimum private open space on individual lots will achieve ±3.19 acres of the PUD being open space of one form or another. The City's conventional residential zoning districts only require a minimum per lot private open space. If the private open space on individual lots within the proposed PUD is included in the overall open space calculation, it would be approximately 67% (3.19 acres) of the PUD property.

2. Establish a maximum building coverage requirement greater than 40% and a minimum open space requirement less than 40% for townhome lots:

The LDC has both a maximum building coverage and a minimum open space requirement per lot that varies based on the zoning category. Portions of a lot that do not have a building or are not designated to meet the required open space are available for other impervious improvements such as driveways, patios, pool decks, etc. The PUD zoning district requires a maximum building coverage of 40% and 40% of the lot to remain as open space, with the remaining 20% of the lot area dedicated for impervious improvements such as driveways, patios, pool decks, sidewalks etc. According to the applicant, the direction of this project is to provide more common open space (33.7%) than is required (20%) by the LDC for the enjoyment of all homeowners rather than providing more private open space on individual lots. This creates less yard maintenance by individual homeowners and allows for more of the existing trees to be preserved in common areas.

a. The LDC requires the maximum building coverage on each townhome lot to be 40%. The intent of the maximum building coverage for the townhome lots is to establish the maximum area of a lot that can be covered by both principal and accessory buildings to preserve open space on the lot. Based on the information provided by the applicant, the proposed building coverage for the townhome lots is 65%. According to the applicant, while the proposed lots exceed the building coverage requirement, the overall building coverage of all the homes for the proposed subdivision does not exceed 40% of the project area. The applicant states that the intent of the development is to create a fee simple townhome lots with a priority on providing common open area and amenities for all homeowners to use instead of private open space on individual lots.

b. The LDC requires a minimum of 40% open space on each townhome lot. The intent of this code requirement is to retain a portion of each lot that is not developed with impervious surfaces or a building. According to the applicant, while the proposed lots do not meet the 40% open space requirement, the overall 4.7-acre development is designed with open space that exceeds 40%. The applicant states that the intent of this subdivision is to create a fee simple townhome subdivision with a priority on providing common open area and amenities for all homeowners to use instead of private open space on individual lots. Based on information

provided by the applicant, the open space for a majority of the proposed townhome lots is 20%.

According to the applicant, the proposed infill development provides a significant amount of common open space to off-set a reduction in the amount of open space on the lots. The intent of the minimum lot area, maximum building coverage and minimum open space is to ensure lots are designed with a balance of building and open space for outdoor use by the homeowner.

3. Establish a uniform 50' minimum lot width for corner and interior single-family lots
The LDC requires corner lots to be 15% larger than internal lots [LDC, Ch. 5, Sec. 6(c)(8)]. This requirement is to ensure adequate side corner yard area from secondary rights-of-way. The two (2) lots this requirement affects are located along the private road and not a public street. The proposed corner lots are designed to accommodate the same building footprint as the internal lots to create an aesthetically uniform appearance. The required 10-foot visual clearance angles at the corners at the intersection of Riverside Drive and the private subdivision road would not be obstructed by the placement of the homes on the corner lot.

According to the applicant, the PUD has been designed to provide more common open space rather than private yard space on each lot. Therefore, the applicant has proposed to incorporate the typical side corner yard into the developments open space and common open space. The proposed CDP includes a fenced dog park area on the north side of the property to serve the PUD residents as well as an internal sidewalk system around the open space amenities.

4. Reduce the minimum right-of-way width from 50 feet to 25 feet:
The LDC requires private or public roads within a residential subdivision to be developed with a 50-foot-wide right-of-way that includes 24-foot paved street, parkage, 4-foot sidewalk on both sides, and utilities. The applicant is requesting to provide a 30-foot-wide private right-of-way at the two accesses drives with a 25-foot-wide internal looped right-of-way. The concept plan includes 24 feet of pavement for the two access drives and 17 foot of pavement for the internal loop road, with a 2-foot environmental curb on either side, which is generally the same width as required for a 50-foot-wide right-of-way in the City's Standard Construction Details. The difference is that the proposed private right-of-way does not include the typical parkage area on both sides of the street and a 5-foot sidewalk on one side of the street. The right-of-way within the development is to remain a private drive and not be dedicated as a public street.

SMART GROWTH SUMMARY
The proposed Harbor Landings PUD is considered an infill development of a vacant parcel within an existing built area that is already served by public infrastructure (water, sewer, roads, and schools). The proposed PUD provides a varied type of housing units with a mix of single-family detached and multi-family townhomes. The layout of the proposed CDP incorporates the existing historic trees on the property into the design and meets the specimen tree protection requirements of the LDC. The development includes a sidewalk network and connects to Ridgewood Avenue to promote walking and biking to

established commercial, office, services, multi-model facilities (sidewalks, bike lanes, and VOTRAN stop) along the Ridgewood Avenue corridor.

PUBLIC NOTICE

A Public Notice sign was posted on the site on January 11, 2019. Staff received eight phone calls or walk-ins as well as received a list of 18 residents to notify when the rezoning was scheduled for public hearing. General concerns included increased traffic along Riverside Drive, potential flooding issues, height of the proposed structures, and preservation of trees on site.

RECOMMENDATION

Staff recommends approval of the request to rezone ±4.74 acres from Planned Unit Development (PUD) and R-7SF (Single-Family Residential) to PUD and approval of the Harbor Landings PUD Master Development Agreement (MDA) and Conceptual Development Plan:

1. Approval of the Future Land Use Amendment (Case No. 18-20000008);
2. City Council direction on the policy considerations discussed in the staff report; and
3. Review and approval of the MDA and CDP by the City Attorney's Office for legal form and content.

ATTACHMENTS

Exhibit 1 – Current and Proposed Future Land Use Map
Exhibit 2 – Current and Proposed Zoning Map
Exhibit 3 – School District Review Letter
Exhibit 4 – Harbor Landings PUD Master Development Agreement and Conceptual Development Plan

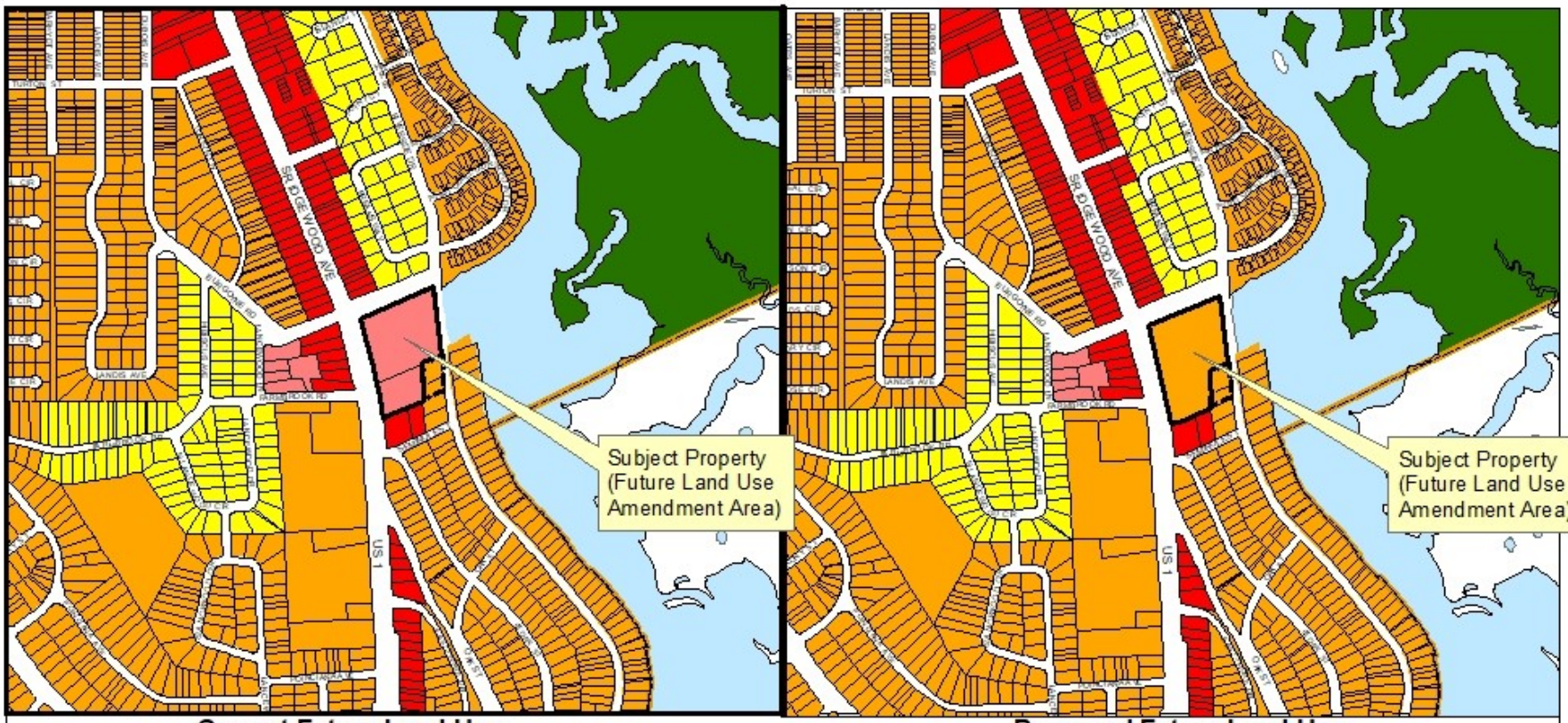


EXHIBIT 1

CASE NO. 18-20000008 and 18-40000004

DEPARTMENT OF COMMUNITY DEVELOPMENT

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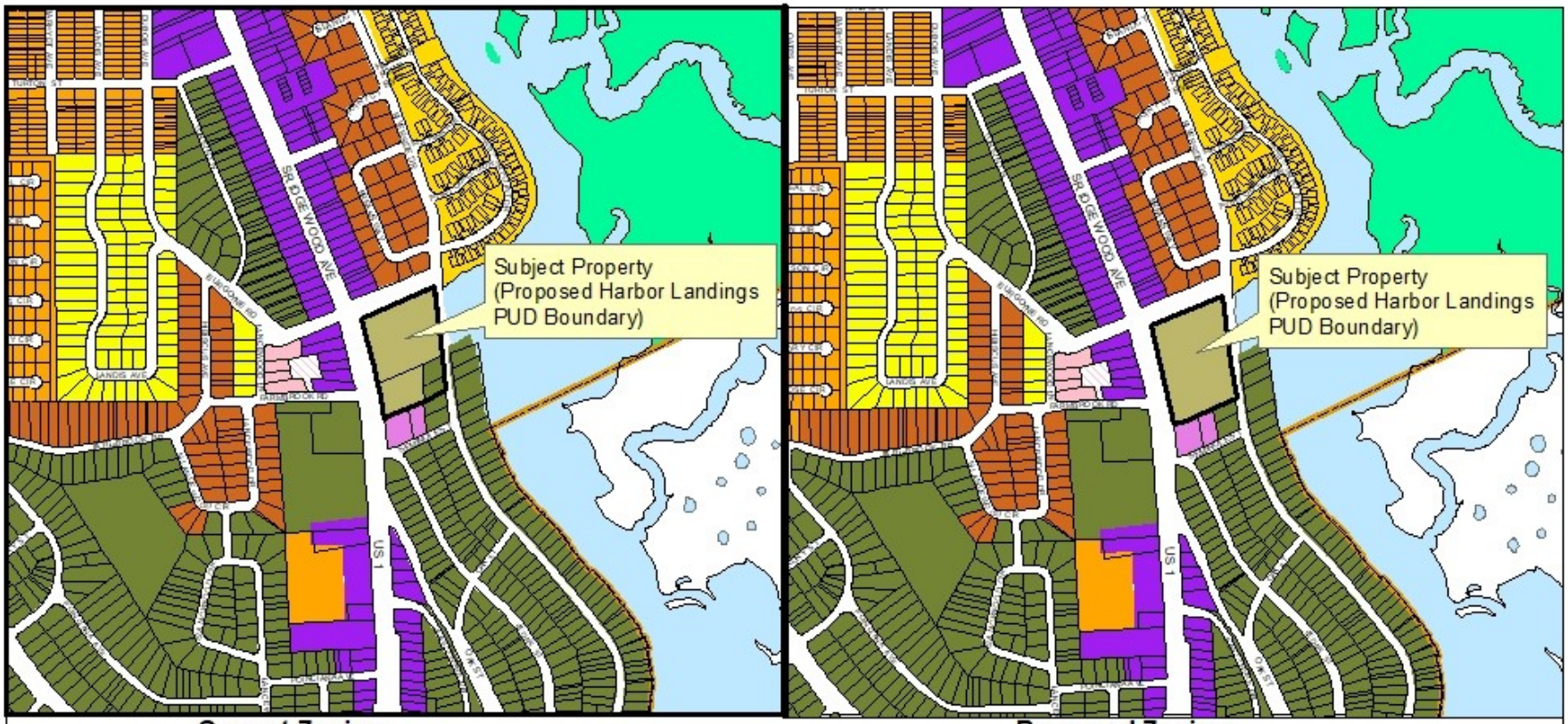

CITY OF PORT ORANGE 1867 FLORIDA

EXHIBIT 2

CASE NO. 18-20000008 and 18-40000004

DEPARTMENT OF COMMUNITY DEVELOPMENT

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EXHIBIT 3

Volusia County Schools

P.O. Box 2118
DeLand, Florida 32721-2118

200 North Clara Avenue
DeLand, Florida 32720

DeLand (386) 734-7190
Daytona Beach (386) 255-6475
New Smyrna Beach (386) 427-5223
Osteen (386) 860-3322

Mr. James T. Russell
Superintendent of Schools

School Board of Volusia County

Mr. Carl Persis, Chairman
Mrs. Ida D. Wright, Vice-Chairman
Mrs. Linda Cuthbert
Mr. Ruben Colon
Ms. Jamie M. Haynes

School Adequate Capacity Determination
Finding of Adequate Capacity Letter

13 February 2019

Michael D. Chiumento
Chiumento, Dwyer, Hertel, Grant & Kistemaker, P.L.
Attorneys at Law
145 City Place, Suite 301
Palm Coast, FL 32164

RE: Harbor Landings PUD - City of Port Orange
School Capacity Case #19-01-14-001-A

Dear Mr. Chiumento:

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

The School District has reviewed the information for the proposed PUD associated with a total of +/- 4.75 acres of property located at 5653 Ridgewood Avenue near the intersection of Nova Road and S. Ridgewood Avenue within the City of Port Orange. The proposed changes would result in a decrease in density of 23 single family townhome units, to a maximum of twenty-six (26) single family units.

The district uses county wide Student Generation Rates (SGRs) of (.305) for single family dwelling units. By applying the SGR to the use types in Table 1, we find the project could generate eight (8) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	.305	26	7.9
Multifamily Dwelling Unit	.104	0	0
	Total		**8**

Harbor Landings PUD - City of Port Orange
13 February 2019

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

Table 2

Schools	2018-19 SY Enrollment	% of Permanent Capacity	Plans for capacity increase long-term	Traditional K-12 Students projected
Port Orange Elementary	398	116%	no	3
Silver Sands Middle	1221	105%	no	2
Spruce Creek High	2596	125%	yes	2

The students projected to be generated by this project will not increase the existing percentage above 100% permanent capacity. The Port Orange elementary is land locked and cannot be expanded. It is the projected to decrease in total students over the next several years. School Board's long-range plans include completion of the Spruce Creek High Master Plan. The School Board owns a future school site in the Corasci area, grade levels to be determined. Based upon these long-term plans for growth, the school district has no objections to the proposed PD.

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

No Student Reservations have been made at this time.

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

If you should have additional questions please contact me at (386) 947-8786, extension 50810.

Sincerely,

Eric A. Kozielski 13FEB2019

Eric A. Kozielski
Planning & GIS Specialist

Cc: James Russell, Superintendent of Schools
Tim Burman, City of Port Orange
Penelope Cruz, City of Port Orange
Project File

Finding of Adequate School Capacity
Volusia County School Board

Project Information	
Project Name	**Harbor Landings PUD**
VCSB Project #	**#19-01-14-001-A**
Jurisdiction Project#	
Parcel ID Numbers:	6314-01-12-0020; 6314-01-12-0010; 6314-01-12-0040; 6314-01-12-0050
Project Location:	5653 South Ridgewood Avenue, Port Orange
Potential Residential Units:	**26**
Property Owner/Applicant:	Across the Pond Developments, LLC

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

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.
Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, may be subject to additional school capacity review in the future.

Eric A. Kozielski

Eric A. Kozielski
Planning & GIS Specialist

13Feb2019
Issue Date

HARBOR LANDINGS PLANNED UNIT DEVELOPMENT PUD

MASTER DEVELOPMENT AGREEMENT

This Harbor Landings Planned Unit Development ("PUD") Master Development Agreement ("MDA") is entered into by and between the **City of Port Orange**, a Florida municipal corporation (the "City"), and **Across the Pond Developments, LLC**, a Florida limited liability company (the "Developer") (collectively the "Parties"), hereby covenant and agree, and bind their successors and assigns as follows:

1. OWNERSHIP OF THE PROPERTY

This Planned Unit Development (PUD), commonly known as "Harbor Landings", involves approximately 4.740 +/- acres of land which is legally described on **Exhibit A** attached hereto, and shall henceforth be referred to as the "Property." The Property is under unified ownership of Across the Pond Developments, LLC, signatory to this Agreement. This Agreement between the City and Developer shall revoke any and all prior development agreements applicable to the Property.

2. DEVELOPMENT CONCEPT

The Harbor Landings PUD provides for detached single-family detached residential development and townhomes that protect the moderate-density and transitional character of the Riverside Drive area and Ridgewood Development District. The Property will be subdivided into a maximum of ten (10) single-family detached residential lots and sixteen (16) townhomes, with buffers that ensures the project is compatible with the surrounding, existing neighborhoods. All lots, both single-family and townhome lots, will be privately owned.

3. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN

Development of the Property shall be controlled by the terms and provisions of this Harbor Landings PUD. The MDA and the Conceptual Development Plan ("CDP"), attached hereto as Exhibit "B", for the Property which generally depicts the planned layout of private access road, lots, and other planned features or improvements to the Property and demonstrates the lot coverage requirements available to lot owners within the PUD. Collectively, this MDA and the CDP for the Property may be referred to as the "Plan." In the event of a conflict between the terms and provisions of the MDA and the graphic illustrations of the CDP, the MDA shall control. If the MDA is silent regarding a particular subject or requirement, such silence shall not be construed as a conflict with the CDP. If the Plan fails to address a particular subject or requirements, the requirements of the applicable city ordinances in effect at the time of development, as defined by the City of Port Orange Land Development Code ("LDC"), shall control. The parties acknowledge that compliance with the City's LDC may necessitate modification of the CDP. In the event modification to comply with the LDC is required, and the modifications to the CDP are not in conflict with the textual provisions of this MDA and any City ordinances not superseded by this MDA, the modifications shall be deemed "minor" and may be approved without formal amendment of this MDA. Minor modifications shall require the City Administrative Official's written approval. If the Developer is not satisfied with the suggested resolution of any problem or the decision by the City Administrative Official categorizing the modification as minor or major, the Developer may appeal the decision to the Planning Commission. Appeals from the Planning Commission may be made to the City Council.

The Developer shall provide a written notice in the covenants and restrictions and in each contract for sale and purchase of lots in the Harbor Landings PUD stating as follows: "Accessory

structures shall not be permitted to be located in the perimeter landscape buffers established in Section 12 of the Harbor Landings PUD MDA, except as provided in that section. Buildings on the lots shall not be permitted to exceed the total building lot coverage requirements established in Section 4 of the Master Development Agreement."

4. USAGE OF THE PROPERTY

A. Permitted Uses

The Property shall be used for residential purposes and developed as a residential community with common open space and other buffers as specified herein. The Property shall be developed for a maximum of 10 single-family, detached dwelling units and 16 townhomes, attached dwelling units, for a maximum density of 5.5 dwelling units per acre. When considered in light of other housing and community choices in the vicinity, the Harbor Landings PUD will provide for a compatible residential development that is consistent with surrounding land use pattern and will protect the character of the existing residential subdivisions in the vicinity to the Harbor Landings PUD.

The PUD will have an overall density of 5.5 dwelling units per acre which is consistent with the density requirements of the "Urban Medium Density Residential (4 to 8 Units per acre)" Future Land Use designation of the Property. This design also provides for a compatible transition between the varying densities of the surrounding properties.

B. Dimensional Requirements

Lot dimensions and configurations within the Property are generally depicted on the CDP. The lot sizes and configurations shall comply with the minimum dimensional requirements described below. The lot dimensions and areas shown on Exhibit "B" may be adjusted during the final subdivision process.

The total number of residential units in the development shall not exceed twenty-six (26) dwelling units or a gross project density of 5.5 dwelling units per acre. The maximum building height for these dwellings within Harbor Landing PUD shall not exceed 35 feet when measured from the grade to the mid-point of the trusses.

1. Site Development for Single-Family Homes (Lots 1 through 10)
    a. Setbacks
        i. Front: 20 Ft
        ii. Rear: 20 Ft
        iii. Side: 5 Ft
        iv. Side Corner: 5 Ft
    b. Minimum Lot Size
        i. Width: 50 Ft
        ii. Depth: 97 Ft
    c. Maximum Building Height: 35 Ft
    d. Minimum Open Space: 40%
    e. Maximum Impervious Area: 60%
    f. Maximum building coverage: 40%
2. Site Development for Townhome (Lots 11 through 26)
    a. Setbacks
        i. Front: 20 Ft
        ii. Rear: 17 Ft
        iii. Side: 0 Ft
        iv. Side Corner: 10 Ft

b. Minimum Lot Size

i. Width: 23 Ft

ii. Depth: 102 Ft

c. Maximum Building Height: 35 Ft

d. Minimum Building Separation: 15 Ft

e. Minimum Open Space: 20%

f. Maximum Impervious Area: 80%

g. Maximum building coverage: 65%

C. Open Space

All single-family detached lots within the Harbor Landings PUD shall have a minimum open space of forty (40%) percent of each lot. All townhomes within the Harbor Landings PUD shall have a minimum open space of twenty (20%) of each lot. Thirty-Three (33%) percent of the Harbor Landings PUD shall be open common space.

5. ARCHITECTURAL STANDARDS AND REVIEW

The overall architectural theme of the project shall be consistent with the preliminary architectural plans illustrated in "Exhibit C." all colors, materials, signage, building orientation, and architectural styles shall be consistent with "Exhibit C."

6. DOCKS

If Developer establishes legal riparian rights adjacent to the Property to the satisfaction of the City, then application for development of a dock will be allowed subject to the requirements set forth in this Section 6. Said dock shall be private and exclusively for the benefit of the owners of the Property. Development of said dock will be in accordance with the City of Port Orange LDC, any applicable county, state, and federal law in place at the time of the application for dock

permitting, and as otherwise required by law. Further, if Developer develops a dock, Developer shall designate the dock area as common area when platting the Property.

7. PHASING

Construction of the subdivision and all infrastructure shall be completed in one phase.

8. SANITARY WASTE, STORMWATER, AND POTABLE WATER

The Developer will extend water and sewer lines to serve the Property and the development authorized herein and the water and sewer lines shall be public utilities. If the City desires to extend the water and sewer lines prior to the Developer's need for installation of the Developer's lines, the Developer shall grant the necessary utility easements to the City and the City shall install and pay for such lines. All lines and other necessary infrastructure shall be sized adequately to serve both the adjoining property and the lots within the PUD. The Developer shall comply with the City's LDC and the rules and regulations of the Florida Department of Environmental Protection concerning stormwater drainage.

Irrigation to be provided by the lowest quality waver source, including reclaimed water, surface/storm water, or an irrigation well if available. If a lower quality water source is not available or not deemed feasible pursuant to St. Johns River Water Management District Rule or applicable state law, then potable water will be used for irrigation. Potable water and sanitary sewer will be supplied to the Property by City of Port Orange. Upon completion of all infrastructure for utilities, the same will be conveyed to the City of Port Orange. Currently, there is an existing gravity line for sewer and an existing water main for potable water for the Property to tie into. If a pump station is needed, it will be constructed in accordance with City of Port Orange Utility Construction Standards for minimum Property requirements.

As this Property is to be developed as a residential in-fill development on existing subdivision, Map Book 09, Page 199, and Map Book 11, page 091, Official Public Records in and for Volusia County, Florida, pursuant to LDC Chapter 8, Section 9(c)(6), compensatory storage is not required.

9. ACCESS AND PARKING

A. ACCESS. The minimum twenty (20) foot wide roadway, inclusive of the environmental curb, within the Property shall be private and have a thirty (30) foot Access, Drainage, and Utility Easement shall be granted to the City for purposes of emergency vehicles and government services, as generally depicted on the CDP. The exact locations of all easements will be provided and depicted when the Property is subject to the subdivision process. The access onto Ridgewood Avenue may be gated, but will be operational for full access by residents, their guest, and emergency services.

B. PARKING. Parking is not permitted on the roadways within the Property. As such, six parking spaces are being provided for the townhomes for visitors and guests. The single-family residence driveways shall be a minimum of twenty (20') feet wide. This width allows for two automobiles to be parked in the driveway. Between the availability of garage spaces in the single-family home and the required minimum width of the driveway's at the single-family residences, no additional parking spaces will be provided for the single-family residences.

10. IMPACT FEE CREDIT

The development of the Property shall comply with the transportation concurrency management requirements established in the City of Port Orange Comprehensive Plan and LDC. Nothing in this Agreement shall be construed as a waiver by the Developer of its right to pursue

impact fee credits for any and all work performed by the Developer for which impact fee credits can be awarded.

11. MAINTENANCE OF COMMON OPEN SPACE AND COMMON FACILITIES

The Developer shall form and incorporate a non-profit homeowners' association (the "HOA") which will operate, maintain and control, subject to other documents of record, the common areas, and common facilities, including but not limited to all roads, docks and storm water drainage systems within the Property and the entrance features and areas to the Property. The development will be a platted subdivision of the Property.

The general scope and format of the HOA documents, and the covenants and restrictions, will be similar in concept to the documents of similar home owners' associations in Port Orange. The covenants and restrictions governing the Property and association responsibilities shall be executed and recorded in the Public records of Volusia County, Florida. The HOA will have a board of directors to legislate and govern the rules and orders of the HOA. The HOA 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 area; the board will also regulate each member requiring the maintenance and service of their own individual building site. The HOA rules may be enforced by fines and liens upon the individual building sites and any other remedy available at law. The HOA may charge and collect dues to maintain operate and service all common facilities on the Property. The HOA will have authority to place a lien against individual building sites to collect unpaid HOA dues. The owner of each lot within the Property will automatically become a member of the HOA by virtue of purchasing a building site subject to the rules, covenants, and

restrictions of the HOA. The HOA will have the authority and means to hire, supervise, and regulate persons employed by them for the maintenance, repair and operation of common areas and facilities. If the association fails to perform the maintenance, repair or replacement, as necessary, of the storm water drainage facility, the City shall have the right to enter upon the common area of the Property and to provide the maintenance, repair, or replacement of the stormwater drainage facility and shall have the right to lien all owners of record in the Property for the cost of such maintenance, repair, and replacement as the City may deem necessary. If requested by the City and as otherwise needed for plat improvements, the Developer will provide easements and grants for the installation, maintenance and upkeep of the public utilities including water, sewer, and electricity. The Developer may from time to time add additional covenants and restrictions or make changes in the Association by-laws as may be required to guarantee that the project will be developed in accordance with the policies outlined in this Agreement.

12. PROJECT BUFFERS AND LANDSCAPING

In order to comply with the requirements of Chapter 13, Section 3 and 3.5 of the Port Orange LDC, a perimeter buffer shall be provided as shown on the CDP and shall comply with the following standards and requirements. The intent of the landscape buffer is to provide a protected green space separation between the Property and surrounding neighborhoods. There shall be a perimeter buffer with a width of twenty (20') feet along the north Property boundary adjacent to the townhome portion of the PUD and along the west Property boundary, a ten (10') foot buffer on the south Property boundary and along the north Property boundary adjacent to the single-family lots, and a ten (10') foot buffer on Riverside Drive Property boundary of the PUD, as shown in the CDP. Landscaping within the western perimeter buffer shall have at a minimum four (4) shade trees, four (4) understory trees and thirty (30) shrubs per 100-linear feet and shall be installed

as part of the subdivision improvements. All other buffers will remain as existing conditions or at time of each lot build out shall be required to install the minimum landscape requirements of the Port Orange LDC. Existing vegetation in the perimeter buffer that may remain undisturbed shall count towards the landscaping requirements for the buffer. Existing vegetation that is determined by the City to be invasive exotics, diseased/dying and/or interfering with required extension of utilities may be removed, provided that any viable protected or specimen trees shall be mitigated in accordance with the City of Port Orange LDC, as amended. The landscape plans required for the final plat shall account for the removal and mitigation of trees within the perimeter buffers. No structures, primary or accessory, will be allowed within the 5' perimeter buffer, except for fencing. The Harbor Landings HOA shall establish maintenance standards in the covenants and restrictions for the landscape/buffer easements. The covenants and restrictions shall provide for procedures to allow the HOA to notice individual lot owners that the landscape is not being maintained in accordance with the standards established in the covenants and restrictions. There also shall be provisions within the covenants and restrictions that allow the HOA to enter the individual lots to conduct maintenance within the landscape buffer to ensure that the minimum maintenance standards are being upheld. The covenants and restrictions shall include provisions for the HOA to charge the individual lot owners for the costs of the HOA maintaining the landscape buffer.

The wall that currently exists along the Western side of the Property (abutting Ridgewood Avenue) shall be maintained by the HOA as part of the Western buffer. Any repairs and future design of the wall shall be consistent and compatible with the PUD Property in terms of materials and colors.

13. ENVIRONMENTAL CONSIDERATIONS

Both during and after construction, the Developer will use reasonable efforts to preserve trees and natural vegetation within the Property and maximize protection of natural drainage pathways. The PUD shall comply with the tree preservation requirements of the City's LDC. The Developer shall comply with all rules, statutes, laws and regulations pertaining to protected wildlife species, including but not limited to the rules and permitting requirements of the Florida Game and Freshwater Fish Commission concerning gopher tortoises. Compliance with the City Environmental Preservation Code may necessitate modification of the Conceptual Development Plan.

14. EXPIRATION

Development of the Harbor Landings PUD shall commence within five (5) years from the effective date of this Agreement and all development shall be completed within ten (10) years from the effective date. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified by mutual agreement of the Developer and the City. Development shall be as defined by the LDC.

15. EFFECTIVE DATE

This Agreement shall become effective upon recording by the City of Port Orange at the Developer’s expense in the public records of Volusia County, Florida. The second reading of the Ordinance shall not take place until the Developer has provided an executed copy of the MDA to the City of Port Orange addressing all issues discussed prior to the scheduled second reading. If there are no additional requirements, corrections, or conditions attached by the City Council at the second reading, the Agreement shall be signed by the Mayor and City Clerk and recorded upon approval by City Council.

16. AMENDMENTS

Amendments to this Agreement and CDP shall comply with the requirements established in Chapter 3, Article 1 and Chapter 17, Section 17 of the City of Port Orange LDC. The City may grant administrative variance from the dimensional requirements of this PUD when deemed appropriate by the administrative official. Application for administrative variances from the dimensional requirements of this PUD shall be made on the appropriate forms provided by the City for that purpose and shall be accompanied by the appropriate review fee. In no case shall an administrative variance be granted when such variance exceeds ten percent of the required dimension.

17. COMFORMANCE WITH THE LAWS

The Developer agrees;

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

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

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

18. ENFORCEABILITY

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

19. PRIOR AGREEMENTS

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

[Remainder of Page Intentionally Left Blank]

Reviewed and Approved: _____
Shannon K. Balmer, Assistant City Attorney

IN WITNESS WHEREOF, the parties hereto attached their hands and seals this _____ day of _____, 2019.

Signed, sealed and delivered
In the presence of

THE CITY OF PORT ORANGE, FLORIDA
a Florida municipal corporation

_____
Witness Signature

_____
By: Donald O. Burnette, Mayor

_____
Print Name of Witness 1

_____
Witness 2 Signature

Attest:

_____
By: Robin Fenwick, City Clerk

_____
Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Donald O. Burnette, Mayor of the City of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City and Robin Fenwick, City Clerk of The City of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

_____
Notary Type, Print, or Stamp Name
My Commission Expires: _____

DEVELOPER:

Across the Pond Developments, LLC, a Florida Limited Liability Company

By: Across the Pond Developments, LLC, a Florida Limited Liability Company, Manager

By: _____
Mark Venables
Managing Member
Across the Pond Developments, LLC

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Mark Venables, Managing Member of Across the Pond Developments, LLC, a Florida Limited Liability Company. He/she is personally known to me OR has produced _____ as identification.

_____
Notary Type, Print, or Stamp Name

My Commission Expires: _____

EXHIBIT A

PARCEL I:

Tax Parcel: 631401120010

A portion of Government Lot 2, Section 14, Township 16 South, Range 33 East, also a portion of Block 12, Harbor Point, as per map recorded in Map Book 11, Page 91, Public Records of Volusia County, Florida, the same being also a portion of that triangular tract of land as shown on Map recorded in Map Book 9, Page 199, Public Records of Volusia County, Florida, described as follows:

POINT OF BEGINNING at an intersection of the East line of Ridgewood Avenue, (a 100 foot road) with the North line of Government Lot 2; thence Northwesterly alone the East line of said Ridgewood Avenue a distance of 93.00 feet to an intersection with the center line of a 9 foot wide pavement, but unplatted road; thence North 66°37'00" East along the center line of said 9 foot paved road a distance of 266.6 feet; thence South 12°15'00" East a distance of 114.55 feet; thence South 64°49'00" West a distance of 22.30 feet; thence South 07°33'00" East a distance of 75.00 feet; thence South 64°49'00" West a distance of 193.20 feet; thence South 75°08'30" West a distance of 50.34 feet to a point in the Easterly line of said Ridgewood Avenue; thence Northwesterly along the Easterly line of said Ridgewood Avenue a distance of 95.10 feet to the **POINT OF BEGINNING**.

PARCEL II:

A portion of Block 12, Harbor Point, as per map recorded in Map Book 11, page 91, Public Records of Volusia County, Florida, being also a portion of that triangular tract of land shown on Map Book 9, Page 199, Public Records of Volusia County, Florida, more described as follows:

POINT OF BEGINNING at the intersection of the South line of Fozzard Boulevard as shown on said map of Harbor Point, with the East line of Ridgewood Avenue, as now laid out; thence Southeasterly along the East line of said Ridgewood Avenue, a distance of about 352.40 feet to a point said point being the intersection of the centerline of the 9.00 foot pavement of an unplatted road and the East line of Ridgewood Avenue, being also located 93.00 feet from the North line of Government Lot Two (2), Section 14, Township 16 South, Range 33 East; thence go North 67°52'00" East, along the centerline of said unplatted paved road, a distance of 367.80 feet to a point on the West line of Riverside Drive; thence North 07°33'00" West along the West line of said Riverside Drive, a distance of 354.20 feet to an intersection with the South line of Fozzard Boulevard; thence Southwesterly along the South line of aforesaid Fozzard Boulevard, a distance of 413.20 feet to the **POINT OF BEGINNING**. Together with any and all rights grantor may have to the land in front of same lying between Riverside Drive and the Halifax River and riparian rights thereunto appertaining. Excepting therefrom any portion of said property which may lie within the right of way of said unplatted road running along the Southerly Hue of aforesaid described property.

PARCEL III:

Tax Parcel: 631701120050

A portion of Government Lot 2, as Section 14, Township 16 South, Range 33 East, also a portion of Block 12 HARBOR POINT, as per map recorded in Map Book 11, Page 91 Public Records of Volusia County, Florida, the same being also a portion of that triangular tract of land as shown on map recorded in Map Book 9, Page 199, Public Records of Volusia county, Florida, described as follows:

COMMENCINGING at an intersection of the Easterly line of Ridgewood Avenue (a 100 foot street) with the North line of said Government Lot 2; thence Southeasterly along the Easterly line of said Ridgewood Avenue a distance of 95.10 feet, thence North 75°08'30" East, a distance of 50.34 feet, thence North 64°49'00" East, a distance of 193.20 feet to the **POINT OF BEGINNING**; thence North 07°33'00" West, a distance of 75.00 feet; thence North 64°49'00" East, a distance of 117.00 feet to a point in the Westerly line of RIVERSIDE DRIVE; thence South 07°33'00" East, a distance of 75.00 feet along the Westerly line of said Riverside Drive; thence South 64°49'00" West, a distance of 117.00 feet, to the **POINT OF BEGINNING**.

PARCEL IV:

Tax Parcel: 631401120040

A PORTION OF Government Lot 2, Section 14, Township 16 South, Range 33 East, also a portion of Block 12, HARBOR POINT, according to the plat thereof recorded in Map Book 11, Page 91, Public Records of Volusia County, Florida, the same being a portion of that triangular tract of land as shown on Map book 9, Page 199, Public Records of Volusia County, Florida, described as follows:

COMMENCING at an intersection of the East line of Ridgewood Avenue (a 100 foot street) with the North line of said Government Lot 2; thence Northwesterly along the East line of said Ridgewood Avenue, a distance of about 93.00 feet to an intersection with the centerline of a 9.00 foot wide pavement, but unplatted road; thence North 66°37'00" east along the center line of said 9.00 foot road a distance of 266.60 feet to the **POINT OF BEGINNING**; thence North 66°37'00" East a distance of 103.50 feet; thence South 07°33'00" East along the Westerly line of Riverside Drive a distance of 113.89 feet; thence South 64°49'00" West a distance of 94.70 feet; thence North 12°15'00" West a distance of 114.55 feet to the **POINT OF BEGINNING**.

EXHIBIT B

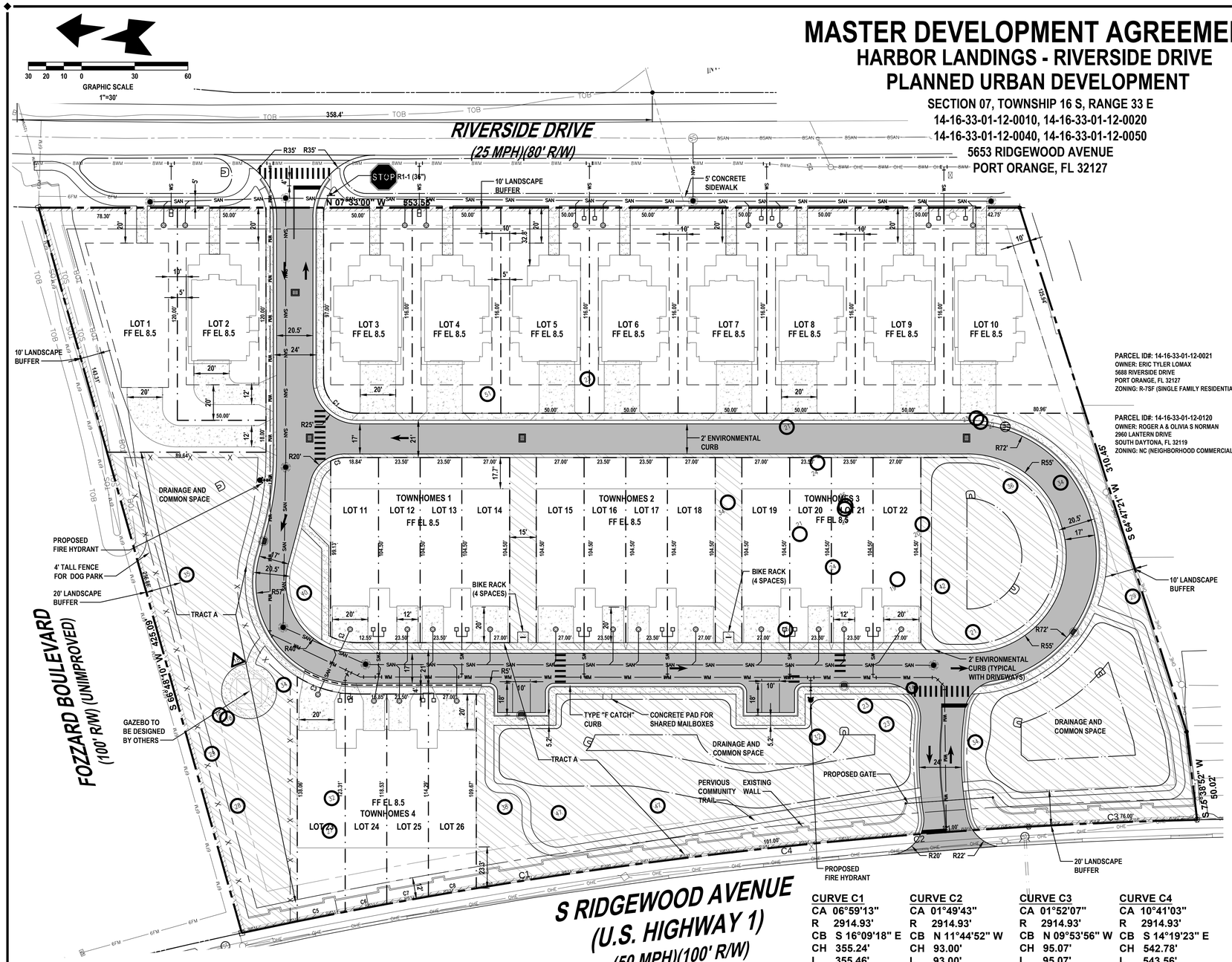
CONCEPTUAL DEVELOPMENT PLAN

EXHIBIT C

ARCHITECTURAL RENDERINGS

MASTER DEVELOPMENT AGREEMENT
HARBOR LANDINGS - RIVERSIDE DRIVE
PLANNED URBAN DEVELOPMENT

SECTION 07, TOWNSHIP 16 S, RANGE 33 E
14-16-33-01-12-0010, 14-16-33-01-12-0020
14-16-33-01-12-0040, 14-16-33-01-12-0050
5653 RIDGEWOOD AVENUE
PORT ORANGE, FL 32127



PARCEL ID#: 14-16-33-01-12-0021
OWNER: ERIC TYLER LOMAX
5688 RIVERSIDE DRIVE
PORT ORANGE, FL 32127
ZONING: R-7SF (SINGLE FAMILY RESIDENTIAL)

PARCEL ID#: 14-16-33-01-12-0120
OWNER: ROGER A & OLIVIA S NORMAN
2960 LANTERN DRIVE
SOUTH DAYTONA, FL 32119
ZONING: NC (NEIGHBORHOOD COMMERCIAL)

CURVE C1	CURVE C2	CURVE C3	CURVE C4
CA 06°59'13"	CA 01°49'43"	CA 01°52'07"	CA 10°41'03"
R 2914.93'	R 2914.93'	R 2914.93'	R 2914.93'
CB S 16°09'18" E	CB N 11°44'52" W	CB N 09°53'56" W	CB S 14°19'23" E
CH 355.24'	CH 93.00'	CH 95.07'	CH 542.78'
L 355.46'	L 93.00'	L 95.07'	L 543.56'

AERIAL MAP
SCALE: 1" = 200'

SITE DEVELOPMENT USAGE

SINGLE FAMILY HOMES (LOTS 1-10)

1A. SINGLE FAMILY LOT REQUIREMENTS (LOTS 1-10):

FRONT SETBACK	20 FT
REAR SETBACK	20 FT
SIDE SETBACK	5.0 FT
SIDE CORNER SETBACK	5.0 FT
MAXIMUM BUILDING HEIGHT:	35 FT
LOT MINIMUM OPEN SPACE:	40%
LOT MAXIMUM IMPERVIOUS AREA:	60%
MAXIMUM BUILDING COVERAGE:	40%
MINIMUM LOT SIZE	2,500 SF
MINIMUM LIVING AREA	1,200 SF

TOWNHOMES (LOTS 11-26)

1B. TOWNHOME LOT REQUIREMENTS (LOTS 11-26):

FRONT SETBACK	20 FT
REAR SETBACK	17 FT
SIDE SETBACK	0 FT
SIDE CORNER SETBACK	10 FT
MAXIMUM BUILDING HEIGHT:	35 FT
LOT MINIMUM OPEN SPACE:	20%
LOT MAXIMUM IMPERVIOUS AREA:	80%
MAXIMUM BUILDING COVERAGE:	65%
MINIMUM LOT SIZE	1,600 SF
MINIMUM LIVING AREA	1,200 SF

2. LANDSCAPE BUFFERS (OVERALL SITE):

NORTH PROPERTY LINE (SINGLE FAMILY)	10 FEET	SOUTH PROPERTY LINE	10 FEET
NORTH PROPERTY LINE (MULTI FAMILY)	20 FEET	WEST PROPERTY LINE	20 FEET
		RIVERSIDE DRIVE	10 FEET

3. PROPOSED SITE COVERAGE

	LOT	SF IMPERVIOUS	SF PERVIOUS	AC IMPERVIOUS	AC PERVIOUS	TOTAL LOT SF	TOTAL LOT AC	% OF LOT %IMP	% OF LOT %PER	% OF SITE
SINGLE FAMILY	1	5417	3611	0.124	0.083	9028	0.207	60.0%	40.0%	4.4%
	2	3600	2400	0.083	0.055	6000	0.138	60.0%	40.0%	2.9%
	3	3434	2289	0.079	0.053	5723	0.131	60.0%	40.0%	2.8%
	4	3480	2320	0.080	0.053	5800	0.133	60.0%	40.0%	2.8%
	5	3480	2320	0.080	0.053	5800	0.133	60.0%	40.0%	2.8%
	6	3480	2320	0.080	0.053	5800	0.133	60.0%	40.0%	2.8%
	7	3480	2320	0.080	0.053	5800	0.133	60.0%	40.0%	2.8%
	8	3480	2320	0.080	0.053	5800	0.133	60.0%	40.0%	2.8%
	9	3480	2320	0.080	0.053	5800	0.133	60.0%	40.0%	2.8%
	10	4261	2841	0.098	0.065	7102	0.163	60.0%	40.0%	3.4%
MULTI-FAMILY HOMES	11	2139	664	0.049	0.015	2803	0.064	76.3%	23.7%	1.4%
	12	1744	712	0.040	0.016	2456	0.056	71.0%	29.0%	1.2%
	13	1744	712	0.040	0.016	2456	0.056	71.0%	29.0%	1.2%
	14	2155	667	0.049	0.015	2822	0.065	76.4%	23.6%	1.4%
	15	2155	667	0.049	0.015	2822	0.065	76.4%	23.6%	1.4%
	16	1744	712	0.040	0.016	2456	0.056	71.0%	29.0%	1.2%
	17	1744	712	0.040	0.016	2456	0.056	71.0%	29.0%	1.2%
	18	2155	667	0.049	0.015	2822	0.065	76.4%	23.6%	1.4%
	19	2155	667	0.049	0.015	2822	0.065	76.4%	23.6%	1.4%
	20	1744	712	0.040	0.016	2456	0.056	71.0%	29.0%	1.2%
	21	1744	712	0.040	0.016	2456	0.056	71.0%	29.0%	1.2%
	22	2155	667	0.049	0.015	2822	0.065	76.4%	23.6%	1.4%
	23	2237	1267	0.051	0.029	3504	0.080	63.8%	36.2%	1.7%
	24	1748	1084	0.040	0.025	2832	0.065	61.7%	38.3%	1.4%
	25	1744	991	0.040	0.023	2735	0.063	63.8%	36.2%	1.3%
	26	2155	867	0.049	0.020	3022	0.069	71.3%	28.7%	1.5%
	Total	68,853	37,537	1.581	0.862	106,390	2.442			

LEGAL DESCRIPTION

BEING A PORTION OF BLOCK 12, HARBOR POINT, A SUBDIVISION OF FOZZARD HOMESTEAD, AS RECORDED IN MAP BOOK 11, PAGE 91, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PORTION OF GOVERNMENT LOT 2, SECTION 14, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF SOUTH RIDGEWOOD AVENUE (U.S. HIGHWAY 1 (S.R. #5)) (A 100 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION # 7901-277 DATED JANUARY 27, 1956) AND THE SOUTHERLY RIGHT OF WAY LINE OF FOZZARD BOULEVARD (A 100 FOOT RIGHT OF WAY PLATTED), SAID POINT BEING THE NORTH WESTERLY CORNER OF BLOCK 12, HARBOR POINT SUBDIVISION OF FOZZARD HOMESTEAD, AS RECORDED IN MAP BOOK 11, PAGE 91, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; RUN THENCE NORTH 66 DEGREES, 48 MINUTES, 10 SECONDS EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOZZARD BOULEVARD, A DISTANCE OF 425.09 FEET TO THE NORTH EASTERLY CORNER OF SAID BLOCK 12, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF RIVERSIDE DRIVE (AN 80 FOOT RIGHT OF WAY); THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 07 DEGREES, 33 MINUTES, 00 SECONDS EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID RIVERSIDE DRIVE, A DISTANCE OF 553.55 FEET; THENCE DEPARTING THE SAID WESTERLY RIGHT OF WAY LINE SOUTH 64 DEGREES, 47 MINUTES, 21 SECONDS WEST, A DISTANCE OF 310.45 FEET; THENCE SOUTH 75 DEGREES, 38 MINUTES, 52 SECONDS WEST, A DISTANCE OF 50.02 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT OF WAY LINE SOUTH RIDGEWOOD AVENUE, SAID POINT BEING ON A CURVE, CONCAVE WESTERLY AND TO THE LEFT, HAVING A CENTRAL ANGLE 10 DEGREES, 41 MINUTES, 03 SECONDS, A RADIUS 2914.93 FEET, A CHORD BEARING NORTH 14 DEGREES, 18 MINUTES, 23 SECONDS WEST, A CHORD DISTANCE OF 542.78 FEET, THENCE ALONG SAID CURVE AND EASTERLY RIGHT OF WAY LINE OF SOUTH RIDGEWOOD AVENUE, AN ARC DISTANCE OF 543.56 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 206,481 SQUARE FEET MORE OR LESS / 4.7 ACRES MORE OR LESS.

PROJECT TEAM

PROPERTY OWNER / APPLICANT: ACROSS THE POND DEVELOPMENTS LLC
609 S RIDGEWOOD AVENUE
DAYTONA BEACH, FL 32114
PHONE: (386) 236-1023
EMAIL: MARK@ACROSS-THE-POND.COM

CIVIL ENGINEER / LANDSCAPE ARCHITECT / PROJECT MANAGER: NEWKIRK ENGINEERING, INC.
1230 NORTH US HIGHWAY 1, SUITE 3
ORMOND BEACH, FL 32174
PHONE: (386) 827-7794
EMAIL: BRADB@NEWKIRK-ENGINEERING.COM

ARCHITECT: BPF DESIGN INCORPORATED
207 FAIRVIEW AVENUE
DAYTONA BEACH, FL 32114
PHONE: (386) 257-0502
EMAIL: BPFDESIGN@CFL.RR.COM

SURVEYOR: A1A SURVEYING, INC.
244 RIDGEWOOD AVENUE
DAYTONA BEACH, FL 32117
PHONE: (386) 672-3633
EMAIL: ALLEN@A1ASURVEYING.COM

GEOTECHNICAL: UNIVERSAL ENGINEERING SCIENCES
911 BEVILLE ROAD, SUITE 3
SOUTH DAYTONA BEACH, FL 32119
PHONE: (386) 756-1105
FAX: (386) 760-4067
EMAIL: BPOHL@UNIVERSALENGINEERING.COM

NOTE: COMPLIANCE WITH THE ENVIRONMENTAL PRESERVATION CODE MAY NECESSITATE MODIFICATION OF THE THE CONCEPTUAL PLAN.

OVERALL SITE DEVELOPMENT USAGE

	SQ. FT	ACRE	%
ASPHALT PAVEMENT	24,773	0.569	12.0
IMPERVIOUS LOT AREA (26 TOTAL)	68,853	1.581	33.3
SIDEWALKS	11,341	0.260	5.5
TOTAL IMPERVIOUS	104,967	2.410	50.8
TOTAL OPEN SPACE	101,507	2.330	49.2
TOTAL COMMON SPACE	69,539	1.596	33.7
TOTAL SITE	206,474	4.740	100.0

1. EXISTING: URBAN MEDIUM DENSITY RESIDENTIAL (4 TO 8 UNITS PER ACRE), PROPOSED: URBAN MEDIUM RESIDENTIAL (4 TO 8 UNITS PER ACRE)
2. SITE CONSISTS OF: (12) CANAVERAL SAND, 0 TO 1 PERCENT SLOPES & (15) COCOA SAND, 0 TO 5 PERCENT SLOPES
3. EXISTING ZONING: (PUD) PLANNED UNIT DEVELOPMENT
4. PROPOSED ZONING: (PUD) PLANNED UNIT DEVELOPMENT
5. COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL PLAN [LDC, CH. 17, SEC. 17(h)(2)(k)].
6. COMPLIANCE WITH THE ENVIRONMENTAL PRESERVATION CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL PLAN.
7. DRIVEWAY SLOPES EXCEEDING A 7% CHANGE IN WILL REQUIRE AN ENGINEER'S SEAL WITH ITS RESPECTIVE BUILDING PERMIT.

LEGEND

- ASPHALT PAVEMENT
- COMMON SPACE
- CONCRETE DRIVEWAY
- CONCRETE SIDEWALK
- TYPE 'F' CATCH CURB
- ENVIRONMENTAL SPILLOUT CURB
- ENVIRONMENTAL CURB
- SAN — SANITARY SEWER
- WS — POLYETHYLENE WATER SERVICE
- WM — WATER MAIN
- X — PROPOSED 4' FENCE

REVISIONS

DATE	DESCRIPTION

1230 North US1, Suite 3
Ormond Beach, Florida 32174
Phone (386) 672-7794
www.Newkirk-Engineering.com
C.A. # 30209
L.C. # 26000584
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Civil Engineering
Transportation, CEI &
Landscape Architecture
NEWKIRK ENGINEERING INC.

MDA EXHIBIT
HARBOR LANDINGS
5653 RIDGEWOOD AVENUE
PORT ORANGE, FL 32127

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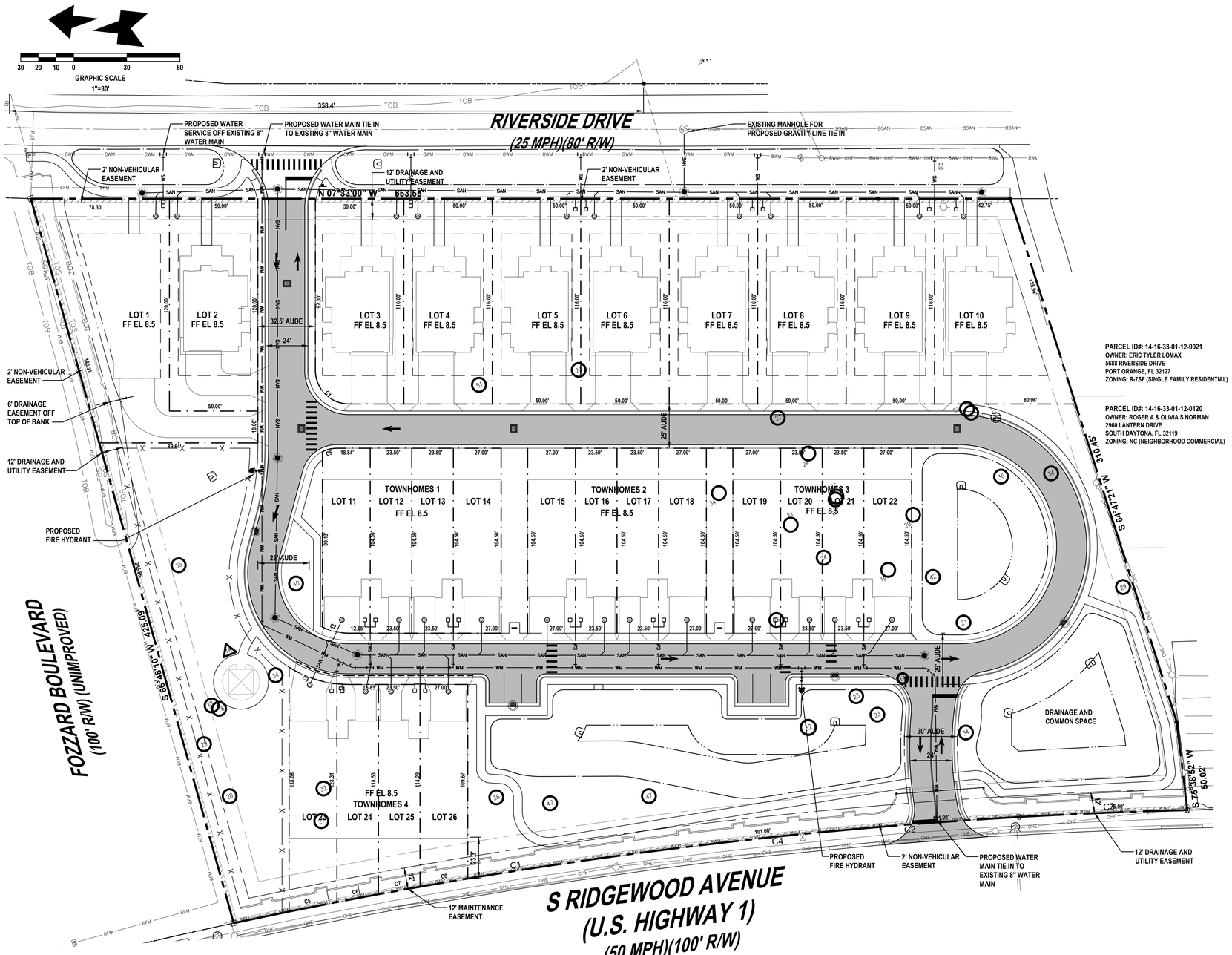
BRADLEY DONALD BAUKNECHT LICENSE NO. 75388 STATE OF FLORIDA PROFESSIONAL ENGINEER
BRADLEY D. BAUKNECHT, P.E. # 75388

PROJECT No:	2018-052
DATE:	MAY 2019
DESIGN BY:	BDB
DRAWN BY:	CAB
CHECKED BY:	BDB
SCALE:	1" = 30'

DRAWING NUMBER
EX-B



LEGEND

- EXISTING EASEMENT
- EXISTING UNDERGROUND FIBER OPTIC CABLE
- EXISTING FORCE MAIN (# INDICATES SIZE)
- EXISTING GAS MAIN
- EXISTING OVERHEAD ELECTRIC CABLES
- EXISTING OVERHEAD TRAFFIC SIGNAL CABLE
- EXISTING RAW WATER MAIN (# INDICATES SIZE)
- EXISTING RECLAIM WATER MAIN (# INDICATES SIZE)
- PROPOSED SANITARY SEWER (# INDICATES SIZE)
- PROPOSED WATER MAIN (# INDICATES SIZE)
- EXISTING UNDERGROUND TELEPHONE CABLE
- EXISTING UNDERGROUND TELEVISION CABLE
- EXISTING UNDERGROUND ELECTRICAL POWER CABLE
- EXISTING SANITARY SEWER (# INDICATES SIZE)
- EXISTING WATER MAIN (# INDICATES SIZE)
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- PROPOSED MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING TEE
- EXISTING VALVE WATER
- PROPOSED WATER VALVE
- EXISTING STORM SEWER WITH INLET
- PROPOSED STORM SEWER INLET
- PROPOSED WATER SERVICE
- PROPOSED SANITARY CLEANOUT
- PROPOSED 2' NON-VEHICULAR EASEMENT
- PROPOSED EASEMENT (SEE PLAN FOR TYPE)
- PROPOSED BUILDING SETBACK
- PROPOSED LANDSCAPE BUFFER
- AUDE — ACCESS, UTILITY, DRAINAGE EASEMENT
- UDE — UTILITY AND DRAINAGE EASEMENT
- SPECIMEN / HISTORIC TREE

REVISIONS

DATE	DESCRIPTION

1230 North US1, Suite 3
Ormond Beach, Florida 32174
Phone (386) 672-7784
www.Newkirk-Engineering.com
C.A. # 30209
L.C. # 26000584
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Civil Engineering
Transportation, CEI &
Landscape Architecture
NEWKIRK ENGINEERING INC.

EASEMENT AND UTILITY EXHIBIT

HARBOR LANDINGS

5653 RIDGEWOOD AVENUE
PORT ORANGE, FL 32127

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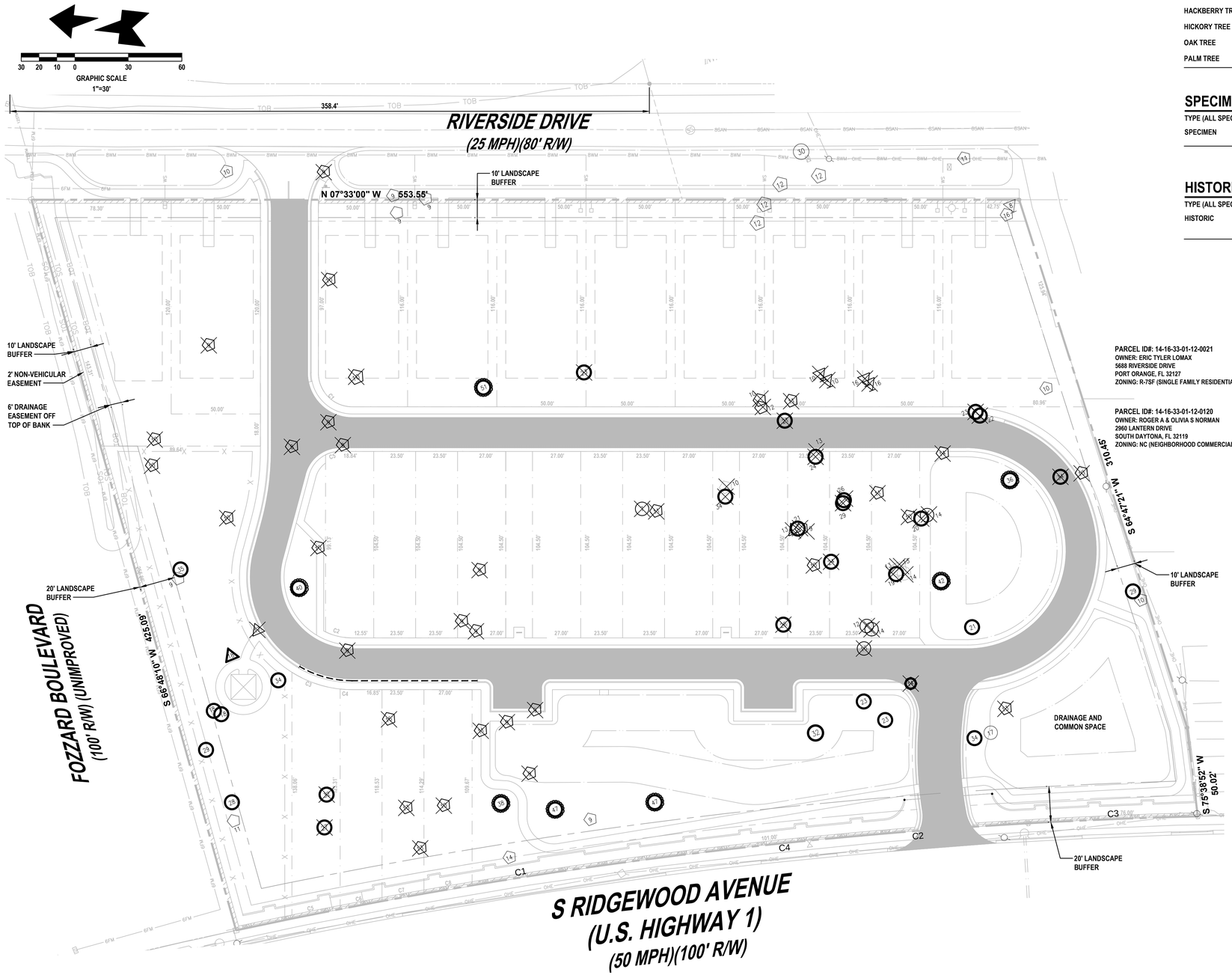
BRADLEY DONALD BAUKNECHT LICENSE NO. 75388 STATE OF FLORIDA PROFESSIONAL ENGINEER

BRADLEY D. BAUKNECHT, P.E. # 75388

PROJECT No:	2018-052
DATE:	MAY 2019
DESIGN BY:	BDB
DRAWN BY:	CAB
CHECKED BY:	BDB
SCALE:	1" = 30'

DRAWING NUMBER

EX



OVERALL TREE LEGEND :

		EXISTING	REMOVED	REMAIN
CEDAR TREE	(12)	1	1	0
HACKBERRY TREE	12	5	4	1
HICKORY TREE	12	3	2	1
OAK TREE	12	45	25	20
PALM TREE	10	44	34	10
		98	66	32

SPECIMEN TREE LEGEND :

TYPE (ALL SPECIES)		EXISTING	REMOVED	REMAIN
SPECIMEN	18	37	17	20
		37	17	20 (54.1%)

HISTORIC TREE LEGEND :

TYPE (ALL SPECIES)		EXISTING	REMOVED	REMAIN
HISTORIC	30	7	0	7
		7	0	7

NOTE: TREES SHOWN AS RETAINED LOCATED NEAR CONSTRUCTION OR WITHIN LOTS SHALL BE SAVED BY PROPER GRADING AND/OR BY THE USE OF TREE WELLS.

PARCEL ID#: 14-16-33-01-12-0021
OWNER: ERIC TYLER LOMAX
5688 RIVERSIDE DRIVE
PORT ORANGE, FL 32127
ZONING: R-7SF (SINGLE FAMILY RESIDENTIAL)

PARCEL ID#: 14-16-33-01-12-0120
OWNER: ROGER A & OLIVIA S NORMAN
2960 LANTERN DRIVE
SOUTH DAYTONA, FL 32119
ZONING: NC (NEIGHBORHOOD COMMERCIAL)

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TREE EXHIBIT
HARBOR LANDINGS
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PORT ORANGE, FL 32127

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BRADLEY D. BAUKNECHT, P.E. # 75388

PROJECT No:	2018-052
DATE:	MAY 2019
DESIGN BY:	BDB
DRAWN BY:	CAB
CHECKED BY:	BDB
SCALE:	1" = 30'

DRAWING NUMBER

EX