



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, September 26, 2019

Type of Meeting: Regular

Time: 5:30 PM

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. APPLICATION: 19-1 Large-Scale Future Land Use Amendment/1727 & 1737 Fern Park Drive
CASE NO. : 19-20000003
LOCATION: 1727 & 1737 Fern Park Drive
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org
APPLICANT: Land Development Resource Group, LLC; 140 S. Beach Street, Suite 400, Daytona Beach, FL 32114

A request by the applicant to amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU for ±14.47 acres, located at 1727 and 1737 Fern Park Drive, on the east side of Taylor Road and Crane Lakes, south of Fern Park Drive, from Volusia County Urban Low Intensity (0.2-4 units/acre) to City of Port Orange Urban Medium Density Residential (4-8 units/acre), and to add Policy 2.1.7 to the FLU Element limiting the density of the subject property to 6 units/acre.

6. APPLICATION: PUD Rezoning/Fleur De Sol Planned Unit Development
CASE NO. : 19-65000002
LOCATION: 1727 & 1737 Fern Park Drive
STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673/gperney@port-orange.org
APPLICANT: Land Development Resource Group, LLC; 140 S. Beach Street, Suite 400, Daytona Beach, FL 32114

A request by the applicant to rezone ±14.47 acres, located at 1727 and 1737 Fern Park Drive, on the east side of Taylor Road and Crane Lakes, south of Fern Park Drive, from Volusia County A-2 (Rural Agriculture) to Planned Unit Development (PUD) and approve the Fleur de Sol Master Development Agreement (MDA) and Conceptual Development Plan (CDP), which provides the regulatory framework for the a multi-family residential development consisting of a maximum of 84 townhomes along with associated site improvements.

7. APPLICATION: Ninth Amendment to the Amended and Restated Master Development Agreement and Conceptual Development Plan for the Port Orange Gateway Center Planned Commercial Development
CASE NO. : 19-40000005
LOCATION: 1751 Dunlawton Avenue
STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676/brking@port-orange.org
APPLICANT: Storch Law Firm; 420 South Nova Road, Daytona Beach, FL 32114

A request by the applicant for the Ninth Amendment to the Amended and Restated Master Development Agreement (MDA) and Conceptual Development Plan for the Port Orange Gateway Center Planned Commercial Development to to modify the current requirements in the MDA related to outdoor storage and display of merchandise and seasonal products for the Lowe's Home Center.

8. APPLICATION: Variance/Woodhaven Planned Unit Development Phase 1
CASE NO. : 19-90000006
LOCATION: North side of Williamson Boulevard, west of I-95
STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/tburman@port-orange.org
APPLICANT: Richard D. Smith, ICI Homes; 2379 Beville Rd., Daytona Beach, FL 32119

A request by the applicant for a variance from the LDC to establish a minimum 18-inch side setback for ground-mounted air conditioning units in lieu of the required 30-inch side yard setback.

C. OTHER BUSINESS

9. Commissioner Comments

10. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **PLANNING COMMISSION** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS 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
AUGUST 22, 2019

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

Pledge of Allegiance

Silent Invocation

Roll Call

Present: John Junco
Maria Mills-Benat
Darrel “Bo” Bofamy (arrived late)
Newton White
Lance Green
Thomas Jordan, Chairman (arrived late)

Absent: Stan Schmidt (unexcused)

Also Present: Shannon Balmer, Assistant City Attorney
Shelby Field, Assistant City Clerk

B. DISCUSSION/ACTION

4. Consideration of Minutes

Motion to approve the minutes as presented from July 25, 2019 was made by Commissioner Junco and Seconded by Commissioner White. Motion carried unanimously by voice vote.

5. Case No. 19-90000005

Variance/1490 Taylor Road
1490 Taylor Road

A request by the applicant for variances from the Land Development Code to 1) reduce the minimum shade tree planting requirement for a right-of-way landscape buffer along Taylor Road; and 2) reduce or waive the required number of replacement trees or replacement tree mitigation payment for the removal of trees within a required buffer.

STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676 brking@port-orange.org

Briana Conlan-King, Senior Planner, discussed details of the variance requests and answered questions from the Commissioners.

Gino Brown, HOA President for Phase 1, gave a brief history of the area, discussed the struggles with the current financial structure and difficulties with maintenance and answered questions from the Commissioners.

Shawn Goepfert, citizen, spoke about the cost to the homeowners due to the trees.

Robert Reinhagen, citizen, addressed his concerns regarding sufficient land for the required number of replacement trees.

Motion to approve case 19-90000005 as recommended by staff was made by Commissioner White and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

Vice Chair Mills-Benat turned the meeting over to Chairman Jordan.

6. Case No. 19-40000003

PUD Amendment/Colony in the Wood Planned Unit Development Amended and Restated Master Development Agreement and Conceptual Development Plan
4000 Clyde Morris Boulevard

A request by the applicant to amend and restate the Colony in the Wood Planned Unit Development (PUD) Master Development Agreement (MDA) to allow for up to 19 additional mobile home units to be built in the Colony in the Wood mobile home park.

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671 pcruz@port-orange.org

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

Sean Murphy, Atwell Engineering, provided more information about the amendment request and answered questions from the Commissioners.

Motion to approve Case No. 19-40000003 was made by Vice Chair Mills-Benat and Seconded by Commissioner Bofamy. Motion carried 5-1 by roll call vote with Commissioner White voting no.

7. Case No. 19-20000004

Small-Scale Future Land Use Map Amendment/1793 Taylor Road
1793 Taylor Road

A request by the applicant to amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU for ±1.68 acres, located at 1793 Taylor Road, from Public/Institutional to Rural Transition (0-2 units/acre).

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671 pcruz@port-orange.org

Chairman Jordan asked if they should open the following related item up for discussion at the same time as this item and then vote separately at the end. The Board agreed.

Mrs. Cruz discussed details of the proposed amendment and the proposed rezoning (item 8) and answered questions from the Commissioners.

Glen Storch, Attorney for the applicants, provided more information on the desire to change the zoning for each parcel and the land use for the one parcel at 1793 Taylor Road.

Sarah Jones, citizen, asked the Commission about the location of Gamble Place and if it was affected by any of these changes. Staff responded no, it is not.

Mr. Reinhagen asked the Commission about sewer or septic system connection requirements. Mrs. Cruz responded that there is currently no development proposed, but when there is and if there is sewer within 100ft they would have to connect.

Motion to approve Case No. 19-20000004 was made by Commissioner Junco and Seconded by Vice Chair Mills-Benat. Motion carried unanimously by roll call vote.

8. Case No. 19-60000005

Rezoning/Cracker Creek (1815, 1789, 1793, and 1795 Taylor Road)
1815, 1789, 1793, and 1795 Taylor Road

A request by the applicant to rezone ±53 acres from Planned Unit Development (PUD) to Office/Residential Transition (ORT), Rural Residential (RR), Recreation (REC) and Flood-Plain Conservation (F-C).

STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673 gperney@port-orange.org

Mrs. Cruz discussed details of the proposed rezoning and answered questions from the Commissioners.

Motion to approve Case No. 19-60000005 was made by Vice Chair Mills-Benat and Seconded by Commissioner Green. Motion carried unanimously by roll call vote.

C. OTHER BUSINESS

9. Commissioner Comments

Commissioner Green inquired about annual commercial business inspections. Tim Burman, Community Development Director, responded that Code Enforcement is responsible for conducting the Commercial Property Maintenance Program (CPMP). Commissioner Green is upset about businesses abusing the sign ordinance. He is also upset about how the tree buffer at the AutoZone on Taylor Road looks. Commissioner Green asked about the status of the

apartment buildings on Samms Avenue and the Church on Madeline. Mr. Burman informed the Board both are being worked on. Commissioner Green asked Mr. Burman if anything is being done with the old BP gas station next to the Waffle House. Mr. Burman replied that there have been no inquiries on it.

Commissioner White spoke about the trend of converting shipping containers into permanent structures and his desire to investigate this option further for Port Orange. Mr. Burman spoke about the potential difficulties with the size limitations in current mobile home zoning, but could investigate preparing some type of amendment to come back before the Commission if its something they are interested in.

Commissioner Bofamy inquired about the construction materials required in Port Orange, specifically for mobile home verse shipping containers. Mr. Burman responded they have to meet Florida building Code; the major issue would be meeting size requirements.

10. Staff Comments

Mr. Burman updated the Commission on the recent City Council meeting and Riverwalk items.

D. PUBLIC COMMENTS – there were none.

E. ADJOURNMENT – 6:55pm

Chairman Thomas Jordan



STAFF REPORT

**19-1 Large-Scale Comprehensive Plan Amendment/
1727 and 1737 Taylor Road
CASE NO. 19-20000003**

REQUEST:	Amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU for ± 14.47 acres from <i>Volusia County Urban Low Intensity</i> (0.2-4 units/acre) to City of Port Orange <i>Urban Medium Density Residential</i> (4-8 units/acre), and to add Policy 2.1.7 to the FLU Element limiting the density of the subject property to 6 units/acre.
LOCATION:	1727 and 1737 Fern Park Drive
APPLICANT:	Colleen Miles, Land Development Resource Group, LLC
OWNER:	Danielle Garguillo Sahlman
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	September 26, 2019

INTRODUCTION

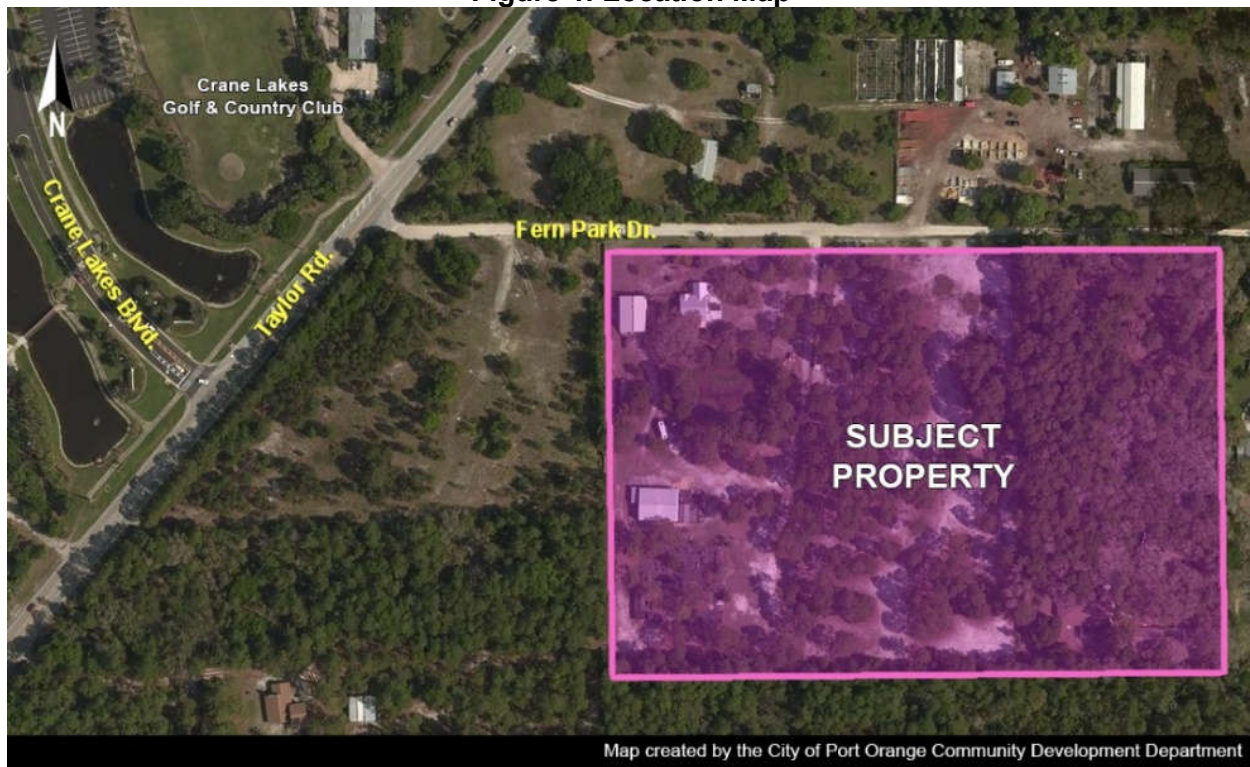
Land Development Resource Group (LDRG), LLC, applicant on behalf of the property owner, requests approval to change the Future Land Use (FLU) designation of approximately 14.47 acres. The subject property is located on the south side of Fern Park Drive, east of Taylor Road and Crane Lakes.

The applicant's proposed amendment consists of two requests:

1. Change the FLU designation for ± 14.47 acres from *Volusia County Urban Low Intensity* (0.2-4 units/acre) to City of Port Orange *Urban Medium Density Residential* (4-8 units/acre).
2. Add Policy 2.1.7 to the FLU Element limiting the density for the subject property at 6 units/acre.

If approved, the applicant plans to rezone the property to Planned Unit Development (PUD) and requests approval of the Fleur de Sol PUD Master Development Agreement (MDA) to allow for the development of 84 townhomes along with associated on-site and off-site improvements.

Figure 1. Location Map



DISCUSSION

The subject property consists of two parcels, each developed with a single-family home. Access to the property is provided through an unpaved access easement along the north side of the property (Fern Park Drive). However, as part of the proposed PUD Rezoning (Case No. 19-65000002), access will be provided at the signalized intersection of Taylor Road and Crane Lakes Boulevard, through the adjacent parcel to the west.

In 2018, the subject property was annexed into Port Orange, and it was documented in the annexation staff report that the County FLU and Zoning designations on the property would need to be changed to City of Port Orange designations. At the time of annexation, City staff evaluated the proposed 84-unit townhouse development and no services issues were identified. As part of the FLU amendment capacity of public facilities and services will be evaluated based on the theoretical maximum use of the property. However, as with all development, public facilities including roads, sewer, water, drainage, parks, and schools will be analyzed at the time a site plan is submitted to verify adequate capacity exists to accommodate the proposed development.

The surrounding existing land uses, Future Land Use designations, and Zoning classifications for the properties adjacent to the subject property are identified in Table 1. The current and proposed Future Land Use designation of the subject property and adjacent properties are identified on Exhibit 1. The current and proposed zoning classification 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	White Acres Nursery	Volusia County Urban Low Intensity	Volusia County A-2
South	Gamble Place	Port Orange Conservation	Volusia County Resource Corridor
East	Single-family	Volusia County Urban Low Intensity	Volusia County A-2
West	Vacant commercially zoned property	Port Orange Office/Residential Transition	Port Orange Planned Commercial Development

PROPOSED AMENDMENT

The proposed amendment is to change the FLU designation for ±14.47 acres from Volusia County *Urban Low Intensity* (0.2-4 units/acre) to City of Port Orange *Urban Medium Density Residential* (4-8 units/acre) and to add Policy 2.1.7 to the FLU Element limiting the density of the subject property to a maximum of 6 units/acre. The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and the change to density/intensity on the subject property (Table 3).

The *Urban Medium Density Residential* FLU designation is a medium-density residential category that allows for a variety of housing types at densities between four and eight units/acre. According to the City's Comprehensive Plan, the proposed FLU designation is to be located adjacent to a community- or sub-regional-level commercial node or mixed-used center, along collector and arterial roads, and in areas designed to accommodate densities/intensities greater than 4 units/acre. The subject property is located adjacent to and proposed to be accessed through a commercial property that fronts onto an arterial roadway, with access to existing infrastructure and services, and will be served by the I-95 commercial node.

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

FLU Designation	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Volusia County Urban Low Intensity (0.2-4 units/acre)	14.47	0	-14.47
City of Port Orange <i>Urban Medium Density Residential</i> (4-8 units/acre)	0	14.47	+14.47
Total Acreage	14.47	14.47	0

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

FLU Designation	Current FLU (theoretical max units)	Proposed FLU (theoretical max units)	Proposed FLU – Policy 2.1.7 (theoretical max units)*	Net Change in FLU (theoretical max units)
Volusia County Urban Low Intensity (0.2-4 units/acre)	58	0	-	-58
City of Port Orange Urban Medium Density Residential (4-8 units/acre)	0	116	-	+116
Net Change	-58	+116	-	+58
City of Port Orange Urban Medium Density Residential (4-8 units/acre)*	0	-	87	+87
Net Change	-58	-	+87	+29

*The proposed amendment includes the addition of new Future Land Use Element Policy 2.1.7, which limits the subject property to a maximum of 6 units/acre.

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

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Current Land Use (VC Urban Low Intensity 0.2-4 units/acre)	Proposed Land Use (PO Urban Medium Density with 6 unit/acre limit by policy 2.1.7)	Net Change
Residential Units	58	87	+29
Population ¹	130	195	+65
P.M. Peak Hour Trips/ Daily Trips ²	59/552	45/505	-14/-47
Sanitary Sewer (gallons/day) ³	9,280	13,920	+4,640
Potable Water (gallons/day) ⁴	10,440	15,660	+5,220
Solid Waste (lbs./day) ⁵	417	626	+209
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space ⁷ (acres)	0.91	1.37	+0.46

Notes:

1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: 1.02 PM peak hour trips/unit and 9.52 daily trips/unit, Single-family (210); 0.52 PM peak hour trips/unit and 5.81 daily trips/unit, Townhomes (230); 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 with the density limitation policy would increase the theoretical maximum number of residential units allowed on the subject property by 29 units above the current theoretical maximum. Overall, the proposed amendment results in a net increase in impacts to public infrastructure.

TRANSPORTATION

A traffic analysis has been prepared by Newkirk Engineering, Inc. and reviewed by staff. According to the ITE Trip Generation Manual, the anticipated maximum trip generation potential for the current FLU designation is 59 PM peak-hour trips and 552 daily trips. The anticipated maximum trip generation potential for the proposed FLU designation is 45 PM peak-hour trips and 505 daily trips. The proposed FLU designation with the density limitation would result in a net decrease of 14 PM peak-hour trips and 47 daily trips.

The ITE Trip Generation Manual is nationally recognized by transportation professionals including, transportation engineers, transportation planners, consultants, educators, technologists, and researchers for conducting vehicle trip generation rate analysis studies, determining on-site circulation patterns, performing access management studies, and determining traffic signal timing.

The proposed FLU designation will result in an increase in the number of dwelling units allowed on the property, however, the reduction in the anticipated number of trips is due to the type of residential dwelling units that could be constructed. The proposed FLU designation supports the development of multi-family uses (townhomes) which according to the Institute of Transportation Engineers (ITE), townhouse dwelling units typically have a lower trip generation rate than single-family dwelling units. ITE states that single-family dwelling units are typically the largest residential dwelling units in size, and typically consist of families that have the most residents and therefore have more vehicles per unit than multifamily residential dwelling units. Families typically take more trips for recreational and social reasons due to their kids and as a result, the impact on traffic congestion is significantly greater from the development of one single-family home versus a few multi-family units. According to ITE, recent studies have shown that single-family residents make more trips during the week and weekends than multifamily residents.

Table 5. Roadway Capacity

Roadway Segment	Maintaining Agency	Adopted Level-of-Service (LOS)	Maximum Capacity	Vehicles per Day	Remaining Capacity	2018 Daily LOS
Taylor Road (Spruce Creek Blvd. to Crane Lakes Blvd.)	Volusia County	E	17,050	11,700	5,350 (31%)	C
Taylor Road (Crane Lakes Blvd. to Summertree Rd.)	Volusia County	E	17,050	17,350	-300 (-1.76%)	F
Taylor Road (Summertree Rd. to Williamson Blvd.)	Volusia County	E	37,970	16,030	21,940 (58%)	C

Source: Volusia County 2018 Traffic Counts (most current available data)

The extent of the anticipated impacts on the City's road network will not be truly known until the traffic concurrency review is conducted with the final site plan for this site. At that time, the 45-p.m. peak-hour trip capacity will be applied. As with all development, the specific site development proposal for the subject property will be subject to concurrency regulations and the developer will be required to enter into a Fair-Share and Concurrency Agreement with the City, and possibly Volusia County, to pay for their share of the scheduled improvements to the road segments and intersections impacted by the development of this site. In addition to a fair-share payment, the developer of the property may be required to construct mobility improvements to improve capacity and provide alternative modes of transportation along this corridor such as, turn lanes, traffic signal modifications, and sidewalks.

At this time, the segment of Taylor Road between Crane Lakes Boulevard and Summer Trees Road is slightly above capacity (1.76% above road capacity of 17,350 daily trips). To address capacity for this segment, Volusia County is acquiring right-of-way to widening Taylor Road with the addition of another west bound and east bound travel lane. The widening project is currently on the County's Unfunded Needs List and according to Volusia County, the widening project could receive funding within the next 10-15 years. For all property along Taylor Road, west of Summer Trees Road, dedication of land for the ultimate 120-foot right-of-way for Taylor Road may be required.

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 13,920 gallons per day (gpd) of wastewater. This is a net increase of 4,640 gpd 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 15,660 gpd of potable water. This is a net increase of 5,220 gpd 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 626 pounds of garbage per day. This is a net increase of 209 pounds/day 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 1.37-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 required.

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 eleven (11) students anticipated to be generated by the proposed FLU amendment (Exhibit 3).

ENVIRONMENTAL CONDITIONS

An environmental analysis was prepared by Ecological Consulting Solutions, Inc. (ESC). The dominant habitat on the property is upland coniferous forest, composed primarily of slash pine trees with scattered live oak trees. According to the environmental analysis, there are no protected plant species or wetlands on-site but there is one gopher tortoise burrow. 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. The proposed FLU category is compatible with adjacent parcels and adequate capacity exists for potable water, sewer, schools, and solid waste to accommodate the proposed amendment. As for traffic, a roadway segment slightly over capacity was identified and as with all development, the specific site development proposal for the subject property shall comply with the Land Development Code and concurrency regulations requiring adequate roadway improvements and facilities to be provided or pay for the share of the scheduled improvements to road segments and intersections impacted by the development of this site at the time of development.

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 surrounded by White Acres Nursery to the north, Gamble Place to the south, single-family to the east, and vacant commercial land to the west (see Table 1 – page 3).

The subject property will also comply with design requirements in the Land Development Code to ensure compatibility between land uses, such as scale of development, height, setbacks, landscape buffers, architectural design, and screen wall/fence.

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 not located within the Hurricane Vulnerability Zone.

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

Staff finding: The proposed amendment will not encourage sprawl. Pursuant to section 171.043(1) Florida Statutes, the subject property was determined to be, reasonably compact and to not contribute to urban sprawl during the 2018 annexation review. The proposed amendment is for an infill property that has access to existing infrastructure and services (see Smart Growth Summary below).

SMART GROWTH SUMMARY

The proposed Future Land Use amendment expands housing choices by developing areas of infill or underutilized vacant land within the City that has accesses to existing infrastructure and services (water, sewer, roads, schools, etc.) [Future Land Use Element, Policy 1.2.4 and 2.3.8]. The proposed future land use allows the layout of housing options that can support the preservation of existing historic and specimen trees on the property by promoting a more compact layout. The subject property will connect to the sidewalk network on Taylor Road, by extending the PUD sidewalk through the access property to Taylor Road, to promote walking and biking to established commercial development, offices, services, multi-modal facilities (sidewalks and bike lanes) along the Taylor Road and Williamson Boulevard corridors. The access property has a Future Land Use designation of Office/Residential Transition which supports office and retail uses which could support this development with goods and services as well as employment opportunities.

PUBLIC NOTICE

On June 14, 2019, staff posted the property notifying the public of the proposed FLU amendment and PUD rezoning. At the time this agenda item was prepared, there have been 3 calls or other inquiries received. The calls were general inquiries asking what was proposed with some concerns regarding traffic and the proposed density. A neighborhood meeting with adjacent residents was held by the applicant on September 23, 2019.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the Future Land Use designation of approximately 14.47 acres of land from Volusia County *Urban Low Intensity* (0.2-4 units/acre) to City of Port Orange *Urban Medium Density Residential* (4-8 units/acre) along with Policy 2.1.7 to the Future Land Use Element limiting the density of the subject property to 6 units/acre, and transmittal to the Florida Department of Community Affairs and other review agencies for review.

ATTACHMENTS

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

EXHIBIT 1

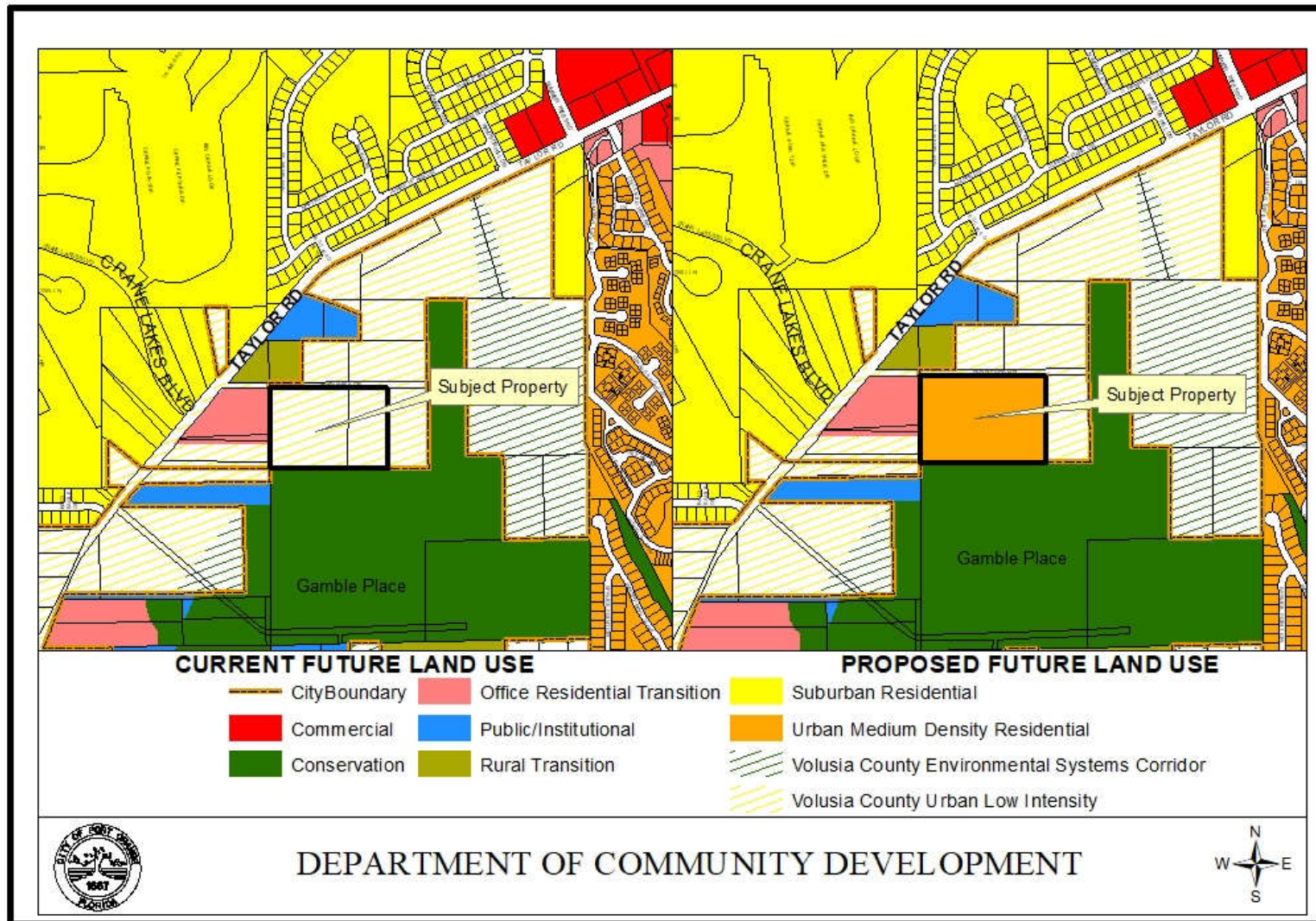


EXHIBIT 2



CURRENT ZONING

- City Boundary
- Agriculture
- Community Commercial
- Government/Public Use
- Interchange Commercial District

- Planned Commercial Development
- Planned Unit Development
- R-8SF Single Family Residential
- Volusia County Resource Corridor

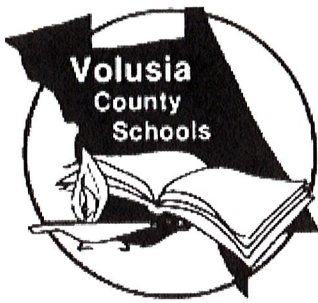
PROPOSED ZONING

- Volusia County Agriculture (A-2)
- Volusia County Resource Corridor
- Volusia County Rural Residential



DEPARTMENT OF COMMUNITY DEVELOPMENT





Mr. James T. Russell
Superintendent of Schools

EXHIBIT 3 FACILITIES SERVICES

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

School Board of Volusia County

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

School Concurrency Determination Concurrency Letter

26 June 2019

Colleen Miles
Land Development Resource Group
140 South Beach Street, Suite 400
Daytona Beach, FL 32114

RE: Fleur de Sol Townhomes – City of Port Orange
School Concurrency Case #19-04-01-001-R

Dear Ms. Miles,

The District has reviewed the updated information for the residential project known as Fleur de Sol Townhomes. The 14.47 +/- acre project site is located at 1727, 1737 Fern Park Drive, near the intersection of Fern Park and Taylor Road, within the City of Port Orange. Information provided within the school concurrency application indicates the development activity will consist of eighty-four (84) multi-family units.

The district uses a county wide Student Generation Rate (SGR) of (0.127) per multi-family dwelling unit to calculate projected students¹. By applying the SGR to the use types in Table 1 below, we find the project could generate eleven (11) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	.273	0	0
Multi Family Dwelling Unit	.127	84	10.67
Mobile/ Manufactured Home Dwelling Unit	.047	0	0
	Total		11

The Concurrency Analysis (Table 2) adjusts for impacts to the Concurrency Service Areas (CSAs) by accounting for current school year enrollments, existing reservations at the impacted schools, and the projected students generated by the applicant. These factors give an associated utilization or Level of Service (LOS) percentage for each CSA.

The schools impacted by this development are Sweetwater Elementary, Creekside Middle School, and Spruce Creek High School.

¹ Most recent student generation rates are found in the School Impact Fee Update dated February 19, 2019. Study performed by Tindale Oliver.

Fleur de Sol Townhomes – City of Port Orange
26 June 2019

Concurrency Analysis

Table 2

Schools	Adopted LOS	SY 18/19 Enrollment	Active Reservations	Existing LOS w/ Res	Students Generated by Request	Result LOS
Sweetwater Elementary	115%	680	9	95%	5	96%
Creekside Middle	115%	1170	9	104%	3	104%
Halifax High CSA (Spruce Creek HS)	120%	7499	245	102%	3	102%
Other					0	

The adopted LOS standard at elementary and middle school is (115%) of permanent student stations and (120%) for high school CSAs. This projected increase in students will not exceed the adopted LOS at any school level; therefore, the school district does not have an objection to the proposed site plan. Minimum planning considerations should include pedestrian and vehicular access, safety, connectivity, and buffering.

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

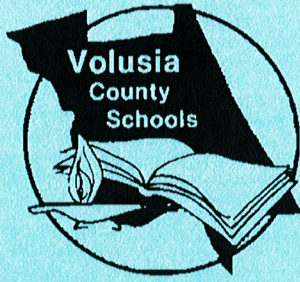
If you should have additional questions or require more information, please feel free to contact me at extension 50810.

Sincerely,

Eric A. Kozielski 26 JUN 2019

Eric A. Kozielski
Planning & GIS Specialist

Cc: James Russell, Superintendent of Schools
Penelope Cruz, City of Port Orange
Brad Bauknecht PE, Newkirk Engineering
Kiersta Hill, VCSB Planning Services
Project File



Certificate of School Concurrency

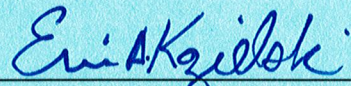
Volusia County School Board

Project Information	
Project Name	Fleur Del Sol
VCSB Project #	19-04-01-001-R
Jurisdiction Project#	
Parcel ID Numbers:	6319-0000-0170; 6319-0000-0180
Project Location:	1727 & 1737 Fern Park Drive
# of residential units:	84
Residential Unit Type:	Multi-family TWNHM
Property Owners:	Danielle Garguilo
Applicant/Agent Name:	Colleen Miles/ Land Resource Development Group

This School Concurrency Certificate shall reserve student stations for the above referenced project and shall confirm that said project meets the School Concurrency requirements of the adopted Interlocal Agreement for Public School Facility Planning.

School Concurrency Analysis					
School Levels:	Elementary	Middle	High	Other	Total Student Stations Reserved
Students Generated	5	3	3	0	11
Comments: This certificate is required to be included with the building permit submittal(s) as proof of school concurrency.					

This concurrency reservation shall expire two (2) years from the date of issuance of this certificate.



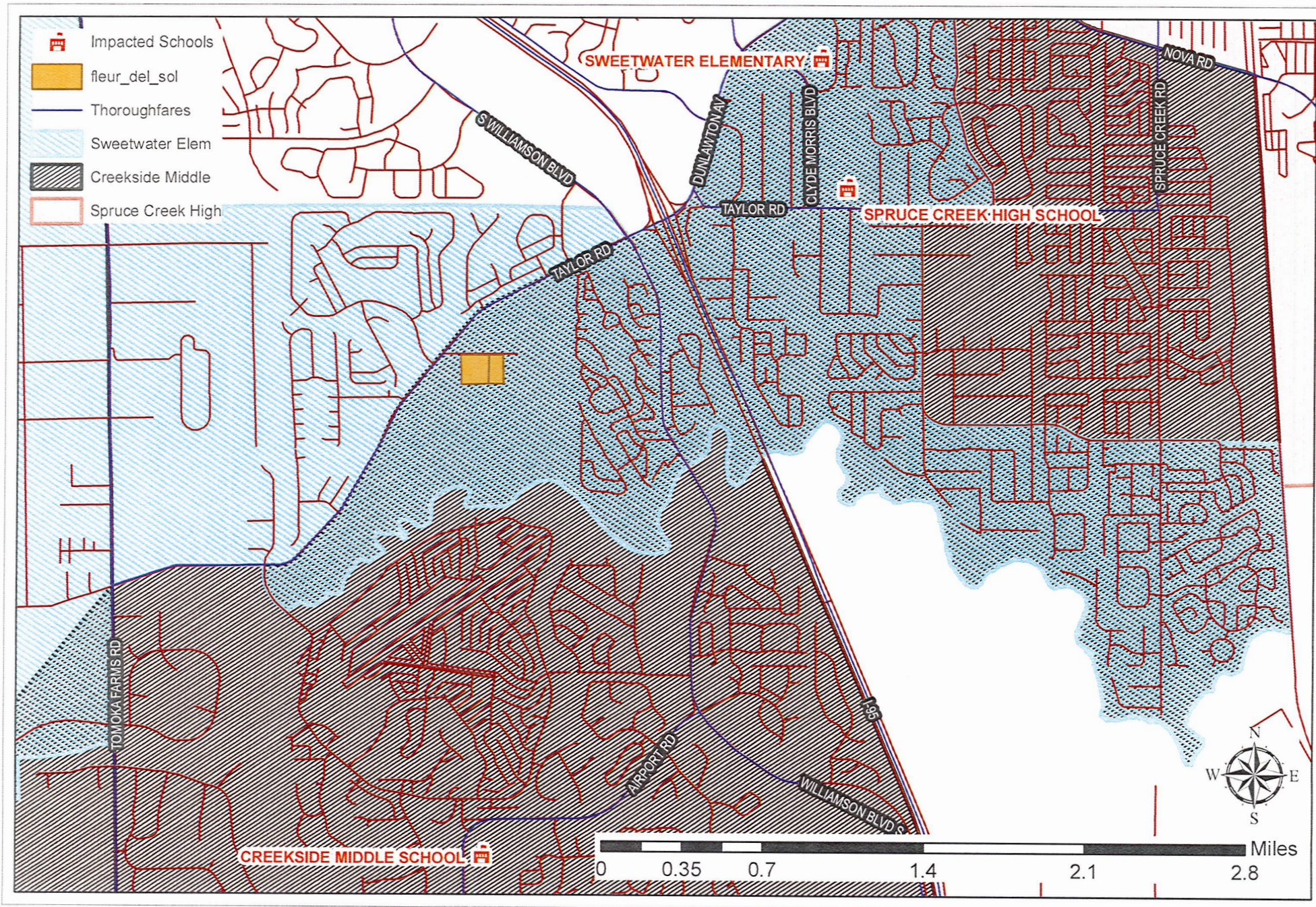
Eric Kozielski
Planning and GIS Specialist

26JUNE2019
Issue Date

VCSB Schools Impacted by Development Proposal

School Concurrency Review - Fleur Del Sol

Created by Facilities Services
JUN2019





STAFF REPORT

PUD Rezoning and Fleur de Sol Master
Development Agreement and Conceptual
Development Plan
CASE NO. 19-65000002

REQUEST:	Rezone ± 14.47 acres to Planned Unit Development (PUD) and approve the Fleur de Sol Master Development Agreement (MDA) and Conceptual Development Plan (CDP).
LOCATION:	1727 and 1737 Fern Park Drive
OWNER:	Danielle Garguilo Sahlman
APPLICANT:	Colleen Miles, Land Development Resource Group, LLC
STAFF CONTACT:	Gwen Perney, Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval, subject to approval of the policy considerations
PLANNING COMMISSION DATE:	September 26, 2019

DISCUSSION

Land Development Resource Group (LDRG), LLC, applicant on behalf of the owner, requests to rezone ± 14.47 acres from Volusia County A-2 (Rural Agriculture) to Planned Unit Development (PUD) and approval of the Fleur de Sol PUD Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The subject property is located on the east side of Taylor Road and Crane Lakes, south of Fern Park Drive (Figure 1 - Location Map). If the PUD is approved, the subject property can be developed as a multi-family residential site consisting of a maximum of 84 townhomes along with associated on-site and off-site improvements.

Figure 1. Location Map



The subject property consists of two parcels, each developed with a single-family home. Access to the property is provided through an unpaved access easement known as Fern Park Drive along the north side of the property. However, as part of this proposed PUD, access will be provided at the signalized intersection at Taylor Road and Crane Lakes Boulevard, through the adjacent parcel to the west and is further discussed later in this report.

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 buildings, roads, parking, open space, landscape buffers, utilities, and drainage areas.

Specific site 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 site plan. Site 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 site plan for the Fleur de Sol PUD is required to be designed to meet the requirements of the LDC and the proposed MDA. At this time, a site plan has not been submitted.

DEVELOPMENT PROPOSAL

If approved, the Fleur de Sol MDA and the CDP (attached as Exhibit 1) will provide the regulatory framework for the development of the subject property with a maximum of 84 townhome dwelling units. 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.

According to the applicant, the Planned Unit Development (PUD) zoning is being proposed to offer a unique housing type to add to the housing choices in Port Orange for residents who are looking for a low-maintenance lifestyle. According to the applicant, the Fleur de Sol development will be marketed and targeted for a variety of demographic groups and will provide affordability as well as lessen maintenance responsibilities, leaving a well-kept and diverse small community. Similar to other townhome and PUD communities in Port Orange, an HOA will be responsible for maintaining the exterior of the residential units and surrounding grounds. The applicant also states that the proposed PUD zoning allows for the ability to request flexibility in requirements, such as setbacks and off-site signage, for innovative site design or to achieve a greater public good such as tree preservation. There are two (2) policy considerations from the LDC as part of the proposed Fleur de Sol PUD which are further discussed in the report (see Exhibit 2 - Letter from the applicant).

General Layout

The Conceptual Development Plan (CDP) shows the general layout of the townhome building footprints, stormwater improvements, open space, amenities, tree preservation

areas, sidewalks, and a private driveway to support the proposed development (Figure 2 of the Staff Report and Exhibit B of the MDA).

Figure 2. Proposed Fleur de Sol PUD Conceptual Development Plan



Dimensional Requirements

The proposed MDA provides the dimensional requirements for the multi-family townhome buildings. The proposed building setbacks are based on the R-3L low-density multi-family residential zoning district, a comparable City zoning district that allows for townhomes. 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 is a deviation being requested by the applicant related to the rear building setback requirement for the proposed buildings on the north side of the site. This policy consideration is discussed on Page 7 of the report.

Table 1. Proposed Fleur de Sol PUD Dimensional Requirements

Zoning	North Building Setback	South Building Setback	East Building Setback	West Building Setback	Maximum Building Height	Minimum Open Space	Maximum Building and Impervious Coverage
Proposed Fleur de Sol PUD	20'	40'	50'	25'	35'	60%	40%
R-3L zoning district	25'	25'	25'	25'	35'	60%	40%
PUD zoning district	*	*	*	*	35'	60%	40%

* For duplex, townhouse and multi-family units, the nearest like district requirements

Access and Parking

Access to the development will be provided at the signalized intersection at the intersection of Taylor Road and Crane Lakes Boulevard. An access easement will be

provided through the adjacent commercially zoned property with frontage on Taylor Road, known as the Access Property. According to the MDA, an access easement shall be granted to the Fleur de Sol property prior to site plan approval. Fern Park Drive is currently the only access to the subject property which is a 25-foot wide access easement located on the adjacent property to the north. In order to provide improved access to the site, the applicant originally proposed construction of a new 50-foot roadway, parallel to Fern Park Drive, that would have extended from Taylor Road east through the adjacent property to the subject property for access. In reviewing the proposed parallel road design, Volusia County restricted access to Taylor Road as right-in/right-out only for the new road which would require all traffic travelling westbound from Port Orange that was accessing this multi-family development to make a U-turn at the intersection of Crane Lakes Boulevard and Taylor Road to access the proposed road. However, due to the unknown timing of the widening of Taylor Road and safety concerns with all traffic travelling to the PUD property, including emergency response vehicles, being required to make a U-turn at the Crane Lakes intersection, the right-in/right-out parallel road would not be feasible or in the best interest to roadway capacity. Staff proposed the applicant move access to the townhome site to the Taylor Road/Crane Lakes Boulevard intersection so traffic entering and exiting the site will be controlled by the traffic light and residents can safely enter/exit the development from either direction. Therefore, access to the townhome development will be through a cross-access agreement with the adjacent property owner (see Figure 2 on Page 3).

The parking requirement for the townhome units in the proposed PUD will meet or exceed the parking requirements in the LDC. According to the proposed architectural renderings, each townhome unit will have two-car garages and a driveway that can support the parking of two more additional cars, for a total of 4 parking spaces for each townhome unit. In addition to the individual unit parking spaces, visitor parking areas are proposed throughout the development. According to the LDC, the required parking ratio for a townhome unit is 2 spaces per unit, plus 0.25 spaces per unit for visitor parking. Therefore, proposed parking (361 spaces) in the PUD exceeds the parking spaces required (189 spaces) in the LDC for a townhome development.

Traffic

The future site plan will be required to comply with the City's Concurrency Management requirements in the LDC. If the PUD zoning amendment is approved, a traffic study will be required at the time a site plan is reviewed to identify any improvements that may be needed. 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.

The initial analysis conducted with the proposed Future Land Use amendment (Case No. 19-20000003) for the subject PUD shows a decrease in the number of daily trips and P.M. peak hour trips with the proposed FLU designation. The reduction is due to the type of residential dwelling. According to the Institute of Transportation Engineers (ITE), townhome residential dwelling units have a lower trip generation than single-family dwelling units. ITE states that single-family dwelling units are typically the largest residential dwelling units in size, and typically consist of families that have the most residents and therefore have more vehicles per unit than multifamily residential dwelling

units. Families typically take more trips for recreational and social reasons due to their kids and as a result, the impact on traffic congestion is significantly greater from the development of one single-family home versus a few multi-family units. According to ITE, recent studies have shown that single-family residents make more trips during the week and weekend than multifamily residents. Based on the ITE Trip Generation Manual, 10th Edition, the proposed townhome development could generate approximately 45 P.M. peak hour trips, and 505 daily trips.

The ITE Trip Generation Manual is nationally recognized by transportation professionals including, transportation engineers, transportation planners, consultants, educators, technologists, and researchers for conducting vehicle trip generation rate analysis studies, determining on-site circulation patterns, performing access management studies, and determining traffic signal timing.

Table 2. Roadway Capacity

Roadway Segment	Maintaining Agency	Adopted Level-of-Service (LOS)	Maximum Capacity	Vehicles per Day	Remaining Capacity	2018 Daily LOS
Taylor Road (Spruce Creek Blvd. to Crane Lakes Blvd.)	Volusia County	E	17,050	11,700	5,350 (31%)	C
Taylor Road (Crane Lakes Blvd. to N. Summer Trees Rd)	Volusia County	E	17,050	17,350	-300 (-1.76%)	F
Taylor Road (N. Summer Trees Rd. to Williamson Blvd.)	Volusia County	E	37,970	16,030	21,940 (58%)	C

Source: Volusia County 2018 Traffic Counts (most current available data)

At this time, the segment of Taylor Road between Crane Lakes Boulevard and N. Summer Trees Road is slightly above capacity (1.76% above road capacity of 17,350 daily trips). To address capacity for this segment, Volusia County is acquiring right-of-way to widen Taylor Road with the addition of another west bound and east bound travel lane. The widening project is currently on the County's Unfunded Needs List and according to Volusia County, the widening project could receive funding within the next 10-15 years. For all property along Taylor Road, west of N. Summer Trees Road, dedication of land for the ultimate 120-foot right-of-way for Taylor Road may be required for the Access Property.

Tree Preservation and Landscaping

The proposed MDA will comply with the landscaping and tree preservation requirements of the City's LDC, such as perimeter landscape buffers, tree preservation, and a screen wall or fence along the north property line. A formal review of the landscaping and tree preservation will occur with the review of the site plan to verify compliance with the proposed MDA and LDC.

The proposed MDA requires a minimum twenty (20) foot wide landscape buffer along the west and north perimeters, and a minimum forty (40) foot wide landscape buffer along the south and east perimeters. The landscape buffers proposed in the MDA meet or exceed

the minimum perimeter buffer requirements in the LDC for the subject property. Additionally, the MDA requires a screen wall or fence be built along the north property line to further screen the rear of the townhomes from the adjacent properties along Fern Park Drive prior to issuance of the first Certificate of Occupancy to occupy the residential townhome units.

An environmental analysis was prepared by Ecological Consulting Solutions, Inc. (ESC) for the project. According to the environmental analysis, there are no protected plant species or wetlands on-site but there is a gopher tortoise burrow. 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 at the time development occurs.

The dominant habitat on the property is upland coniferous forest, composed primarily of slash pine trees with scattered live oak trees. The proposed development includes the preservation of a majority of the specimen trees including the historic oak tree on the PUD property.

Architecture

The townhome units are proposed to be 2-story attached dwellings with garages. A general depiction of the building elevations is provided as an exhibit to the MDA. The townhomes are proposed to be grouped as 4 or 6 units per buildings and meet the architectural requirements in the LDC. The maximum height of the proposed townhomes is 35 feet, which is consistent with the dimensional requirements for the PUD zoning district as well as the R-3L (low-density multi-family residential) zoning district in the LDC.

Figure 4. Proposed Building Elevations for the Townhomes



Potable Water and Sanitary Sewer

The proposed site development will be served by City potable water and sanitary sewer and will comply with the requirements of the City's Land Development Code and proposed MDA for improvements related to potable water and sanitary sewer. A lift station will be required to be constructed by the developer prior to or with the construction of the townhomes. Irrigation will be provided by a private well or wells 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 site plan. 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 5).

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 two (2) deviations from the LDC requested by the applicant:

1. 20-foot Building Setback from the North Property Line:

The applicant is requesting to reduce the building setback along the north property line from 25 feet to 20 feet. The LDC requires a minimum 25-foot building setback for the townhome units along the north property line. The required 25-foot setback is intended to allow for usable rear yard area, provide adequate separation between structures to minimize visual appearance of the structure from adjacent properties, and provide room on the subject property for maintenance and necessary repairs to the structure, and ensure adequate separation between structures for air movement and light.

The requested 20-foot building setback along the north property line will be equal to the required perimeter landscape buffer along the north property line. According to the applicant, the reduction in the north boundary building set back is to preserve the on-site specimen trees which are mostly clustered around the south and east sides of the subject property. In order to preserve the minimum number of specimen trees on site, the proposed site and building improvements were shifted to the north which resulted in the 5-foot rear building setback deviation. The deviation will only affect 20 units according to the proposed CDP, or approximately 24% of the proposed 84 townhome units.

The subject property is proposed to be developed as a site plan instead of a subdivision so there will be no individual yards or lot lines. A 20-foot landscape buffer is required to be provided between the rear of the buildings and the property line that will include a

combination of a screening wall or fence, existing trees and natural vegetation, and new landscape material to account for any deficiencies. The north property line abuts the off-site 25-foot wide Fern Park Drive access easement, which provides an additional buffer between the PUD property and any future adjacent development to the north. The proposed CDP provides common amenity areas for all residents such as a clubhouse, swimming pool, dog park, sidewalks, and open space throughout the development to provide common areas for outdoor recreation which are intended for the enjoyment of all residents as a substitute for private rear yard areas.

2. Off-Site Signage at Taylor Road:

The applicant is requesting a deviation from the LDC to allow for off-site signage. According to the applicant, the off-site signage is being requested due to the configuration of the proposed development layout. The PUD property does not have direct frontage onto a right-of-way which is unique from a standard townhome development. In order to provide visibility for access into the townhome development, signage is needed along Taylor Road. As stated above, access to the townhomes will be located at the intersection of Taylor Road and Crane Lakes Boulevard, via a driveway located on the adjacent access property. The requested off-site signage would be located within a sign easement on the adjacent property through an agreement between the adjacent property owner and the PUD property owner. The request for a residential development to have off-site signage along a major roadway is similar to the off-site signage request previously approved for the Bella Oaks townhomes and Legacy at Crystal Lake Apartments along Clyde Morris Boulevard. The MDA states the monument sign is required to meet the sign requirements provided in the LDC for multi-family residential signs, which is a 48 square-foot sign, 8 feet in height, with landscaping around the base of the sign and located outside of any visual clearance angles.

COMPATIBILITY WITH SURROUNDING LAND USES AND ZONING

The subject property is surrounded by White Acres Nursery to the north, Gamble Place to the south, single-family to the east, and vacant commercial land to the west. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 3. The current and proposed Future Land Use (FLU) designation of the subject property and adjacent properties are identified on Exhibit 3. The current and proposed zoning classification of the subject property and adjacent properties are identified on Exhibit 4.

Table 3. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	White Acres Nursery	Volusia County Urban Low Intensity	Volusia County A-2 (Rural Agriculture)
South	Gamble Place	Port Orange Conservation	Volusia County Resource Corridor
West	Single-Family	Volusia County Urban Low Intensity	Volusia County A-2 (Rural Agriculture)
East	Low density residential	Port Orange Office/Residential Transition	Port Orange Planned Commercial Development

CONSISTENCY WITH COMPREHENSIVE PLAN

The applicant has applied to change the Future Land Use (FLU) designation from Volusia County *Urban Low Intensity* (0.2-4 units/acre) to City of Port Orange *Urban Medium Density Residential* (4-8 units/acre) and to add Policy 2.1.7 to the FLU Element limiting the density of the subject property to 6 units/acre. The proposed rezoning to PUD and the MDA and CDP is consistent with the land use and density allowed by the *Urban Medium Density Residential* FLU designation. The proposed MDA allows a maximum of 84 dwelling units or 5.8 dwelling units/acre and is consistent with the overall density allowed by the proposed *Urban Medium Density Residential* FLU designation and policy limiting the density of the subject property to 6 units/acre.

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 proposed Fleur de Sol PUD is considered an infill development of a vacant parcel within the City. The proposed PUD provides a unique housing type to add to the housing choices in Port Orange for residents who are looking for a low-maintenance lifestyle.

SMART GROWTH SUMMARY

The proposed Future Land Use amendment promotes expanded housing choices by developing areas of infill or underutilized vacant land within the City that has accesses to existing infrastructure and services (water, sewer, roads, schools, etc.) [Future Land Use Element, Policy 1.2.4 and 2.3.8]. The layout of the proposed PUD incorporates the existing historic trees on the property into the design and meets the specimen tree protection requirements of the LDC. The subject property will connect to the sidewalk network on Taylor Road, by extending the PUD sidewalk through the access property to Taylor Road, to promote walking and biking to established commercial development, offices, services, multi-modal facilities (sidewalks and bike lanes) along the Taylor Road and Williamson Boulevard corridors. The access property has a Future Land Use designation of Office/Residential Transition which supports office and retail uses which could support this development with goods and services as well as employment opportunities.

PUBLIC NOTICE

A Public Notice sign was posted on the site on June 14, 2019. At the time this agenda item was prepared, there have been 3 calls or other inquiries received. The calls were general inquiries asking what was proposed with some concerns regarding traffic and the proposed density. A neighborhood meeting with adjacent residents was held by the applicant on September 23, 2019.

RECOMMENDATION

Staff recommends approval of the request to rezone ±14.47 acres from Volusia County A-2 (Rural Agriculture) to City of Port Orange Planned Unit Development (PUD) and approval of the Fleur de Sol PUD Master Development Agreement (MDA) and Conceptual Development Plan (CDP), subject to:

1. Approval of the Future Land Use amendment (Case No. 19-20000003);
2. City Council direction on the two (2) 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 – Proposed Fleur de Sol PUD Master Development Agreement
- Exhibit 2 – Letter from Applicant
- Exhibit 3 – Current and Proposed Future Land Use Map
- Exhibit 4 – Current and Proposed Zoning Map
- Exhibit 5 – School District Review Letter

EXHIBIT 1

FLEUR DE SOL PLANNED UNIT DEVELOPMENT A RESIDENTIAL PUD MASTER DEVELOPMENT AGREEMENT

CITY OF PORT ORANGE, a Florida municipal corporation (“City”), and **DANIELLE GARGUILO SAHLMAN** (“Owner”) and **CRANE LAKES DEPOT, LLC** (“Access Owner”), 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 “FLEUR DE SOL”, involves approximately 14.466+/- acres of land which is legally described on Exhibit “A-1” attached hereto, and shall henceforth be referred to as the “Property”. The property is under the ownership of Danielle Garguilo Sahlman (“Owner”). Access to the property will be via the adjacent property under the ownership of Crane Lakes Depot, LLC (“Access Owner”). Said property being legally described in Exhibit “A-2” (“Access Property”).

2. DEVELOPMENT CONCEPT

The Fleur de Sol PUD provides for a townhouse residential development that offers a unique housing type, adding additional housing choices to the Port Orange community. It will be marketed and targeted for a variety of demographic groups, providing affordability and less maintenance responsibilities.

3. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN

Development of the Property shall be controlled by the terms and provisions of this Master Development Agreement (the “MDA”) and the Conceptual Development Plan (the

“Conceptual Plan” or “CDP”), attached hereto as Exhibit “B-1”, for the Property which generally depicts the planned layout of streets, common areas, building locations, and other planned features and improvements to the Property and demonstrates dimensional requirements within the PUD. Access to a public right-of-way from the Fleur de Sol PUD (the Property) via the Access Property (Exhibit “B-2”) is required and shall be legally established prior to the issuance of a Development Order for a Site Plan for the development of the Property. Collectively, this MDA and the Conceptual Plan 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 Conceptual Plan, 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 Conceptual Plan. Unless otherwise specifically described within the MDA, final development and development permits for uses/structures within the PUD shall comply with regulations, ordinances, and resolutions in effect at the time of plan approval or permit application.

The parties acknowledge that compliance with the City’s Land Development Code (the “LDC”) may necessitate modification of the Conceptual Plan. In the event modification to comply with the LDC is required, and the modifications of the Conceptual Plan 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 to this MDA. Minor modifications shall require City Administrative Official’s written approval. If Developer is not satisfied with the suggested resolution of any problem or the decision of City Administrative Official categorizing the modification as minor or major, Developer may appeal the decision to the Planning Commission. Appeals from the Planning Commission may be made to City Council.

4. USAGE OF THE PROPERTY

A. Permitted Uses

The property shall be used for residential purposes and developed as a residential community with open space and other buffers as specified herein. The project shall be developed for a maximum of eighty-four (84) townhouse dwelling units for a maximum density of six (6.0) dwelling units per acre. When considered in light of other housing and community choices in the vicinity, Fleur de Sol will provide a compatible residential development while providing a unique option to the Port Orange community.

B. Temporary Use

The existing agricultural use of the property shall be allowed to continue until the Site Plan is approved and thereafter shall cease within ninety (90) days after the issuance of the Development Order for the Site Plan.

C. Building Areas

Dimensions and configurations within the PUD are generally depicted on the Conceptual Plan. Townhouse buildings shall be constructed with zero lot lines with no more than six (6) units occupying a single building. The minimum building separation shall be 25'. Minimum floor area is 1,400 s.f. per unit.

D. Number of Units/Density

The total number of residential units in the development shall not exceed eighty-four (84) dwelling units or a gross project density of 6.0 dwelling units per acre.

E. Open Space

The Fleur de Sol PUD complies with the LDC requirement of a minimum of sixty (60%) percent of the total project area as open space.

F. Maximum Coverage

1. Maximum Impervious: 40%
2. Minimum Open Space: 60%

G. Maximum Building Height

The maximum building height shall not exceed thirty-five (35') feet.

H. Minimum Building Setbacks (Internal)

1. Front: 20' (back of sidewalk)
2. Rear: 15' (from pond)
3. Side: 0'
4. Building Separation: 25'

I. Minimum Building Setbacks (Property Line)

1. North: 20'
2. South: 40'
3. East: 50'
4. West: 25'

5. ARCHITECTURAL STANDARDS AND REVIEW

The overall architectural theme of the PUD shall be as generally depicted on the attached drawings and incorporated as Exhibit “C”. The townhomes and all amenity and ancillary buildings shall maintain the overall architectural theme. All colors and materials, signage, building orientation, and architectural styles shall be consistent with that theme and with the LDC.

Site location signage for the Fleur de Sol development will be located off-site on the Access Property as agreed by the Access Owner. On-site signage will be located at the entry point of the Fleur de Sol PUD generally as shown on the CDP and will match the overall architectural theme with curved entry walls at the entrance and depict the name of the development. Signage shall be designed in accordance with the LDC.

6. PHASING

Development of the Property may occur in phases or sub-phases. Each phase or sub-phase of the Property shall conform to City standards of functionally “standing alone” in regard to provisions of access to infrastructure including, but not limited to, roads, potable water, sewer, reclaimed water and other required infrastructure.

7. SANITARY WASTE, STORMWATER, POTABLE WATER, AND RECLAIMED WATER

It is anticipated that Developer will extend water and sewer lines to serve the PUD Property and the development authorized herein. If City desires to extend water and sewer lines prior to Developer’s need for installation of Developer’s lines, Developer shall grant the necessary easements to City and City shall, at its sole cost, install and pay for such lines.

Stormwater shall be retained as generally depicted on the Conceptual Plan. Developer shall comply with the City's LDC and the rules and regulations of the St. Johns River Water Management District concerning stormwater drainage. All utilities shall be designed and constructed to meet the latest Code of Ordinance, Land Development Code and City Standard Construction Details. The lift station will be required to be built with either the Fleur de Sol PUD or the development of the Access Property, whichever site is developed first. The gravity sewer will be provided through a tie-in to the manhole located in front of the lift station.

8. ROADS, SIDEWALKS, PARKING, ACCESS, AND CONNECTIVITY

Roads and sidewalks within the Fleur de Sol PUD shall be private. The roadway within the PUD shall be twenty-four (24') in width. Sidewalks shall be on both sides of all roads within the PUD, as depicted on the CDP.

The development of the Fleur de Sol PUD shall comply with the transportation concurrency management requirements established in the City of Port Orange Comprehensive Plan and LDC. Access to the development shall be via an access easement through the Access Property.

All parking constructed within Fleur de Sol shall be in accordance with City standards. Parking for the townhomes shall meet the minimum requirements of 2 parking spaces per unit, plus 0.25 spaces per unit for visitor parking, plus 0.10 bicycle spaces per required parking space.

9. IMPACT FEE CREDIT

Nothing in this MDA shall be construed as a waiver by Developer of its right to pursue impact fee credits for any and all work performed by Developer for which impact fee credits can be awarded. Alternatively, in the event that Developer works with the City of Port Orange to

facilitate public benefit, impact fee credits may be requested by Developer according to Chapter 21, Article II, of the LDC.

10. MAINTENANCE OF COMMON OPEN SPACE AND COMMON FACILITIES

Developer will operate, maintain, and control, subject to other documents of record, the open space, and common facilities, including but not limited to all sidewalks, parking lots, and access driveways, all of the lakes and stormwater drainage systems within the PUD and the entrance features and areas to the PUD. The Owner will have the authority and means to hire, supervise, and regulate persons employed by them for the maintenance, repair, and operation of open space areas and facilities. If the Owner fails to perform the maintenance, repair, or replacement, as necessary, of the stormwater drainage facility, the City shall have the right to enter upon the common area of the PUD and to provide the maintenance, repair, or replacement of the stormwater drainage facility and shall have the right to lien the owner(s) of the PUD for the cost of such maintenance, repair, and replacement as the City shall deem necessary.

11. PROJECT BUFFERS AND LANDSCAPING

In order to comply with the requirements of Chapter 13, of the LDC, a perimeter buffer shall be provided as shown on the Conceptual Plan and shall comply with the following standards and requirements. A perimeter landscape buffer with a width of twenty (20') feet shall be provided along the north and west property boundaries. A perimeter landscape buffer of forty (40') feet shall be provided along the east and south property boundaries. Landscaping within the perimeter landscape buffers shall meet or exceed the minimum requirements of the 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 protect or specimen trees shall be mitigated in accordance with the LDC, as amended. Maintenance and repair of the landscape buffers within said common areas shall be the responsibility of the Owner.

12. ENVIRONMENTAL CONSIDERATIONS

The PUD shall comply with the tree preservation requirements of the LDC. The Developer shall comply with all rules, statutes, laws and regulations pertaining to protected wildlife species. Compliance with City Environmental Protection Code may necessitate modifications to the Conceptual Plan.

13. EXPIRATION

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

14. 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.

15. AMENDMENTS

Amendments to this MDA, other than minor modifications to the Conceptual Plan, shall not be effective unless in writing and signed on behalf of the City and by all record title property owners of the land for which this amendment is to be applied.

Before amending this MDA, the City shall conduct one or more public hearings. At the City's option, one of these public hearings may be held by the Planning Commission.

- A. Notice of intent to consider an amendment to this MDA shall be published by the City, at the Developer's cost, in a newspaper of general circulation and readership in Volusia County, Florida.
- B. If applicable, notice of intent to consider an amendment shall comply with the requirements of Section 166.041(3)(C), Florida Statutes, as amended from time to time.
- C. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
- D. The notices required above shall specify the location of the PUD Property, the location of the portion of the PUD Property subject to the proposed amendment, the nature of the proposed amendment, and the following information to the extent applicable:
 - a. Changes in permitted, conditional, and/or prohibited uses proposed;
 - b. Changes in population densities proposed; and

- c. Changes in building intensities and/or heights proposed.
- E. The notices shall specify a place where a copy of the proposed amendment can be obtained.

16. CONFORMANCE WITH THE LAWS

Owner 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 and for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at a public expense, and that Owner's successor's in title will be bound by Owner's commitments made in this MDA. This shall include the City of Port Orange Comprehensive Plan.
- C. To be bound by all City codes and ordinances that are not in conflict with provisions of the MDA.

17. ENFORCEABILITY

If any provision of this MDA 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 MDA unless the holding so states.

18. PRIOR AGREEMENTS

This MDA 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 MDA is hereby voided and superseded by this MDA.

[PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals this

____ day of _____, 2019.

Signed, sealed and delivered
in the presence of

Witness 1 Signature

Print Name of Witness 1

Witness 2 Signature

Print Name of Witness 2

CITY OF PORT ORANGE,
a Florida municipal corporation

By:_____
Donald O. Burnette, Mayor

Attest:

By:_____
Robin Fenwick, City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by Donald O. Burnette, Mayor of City of Port Orange, Florida, a Florida municipal corporation,
on behalf of City, who is personally known to me and did not take an oath.

Notary Type, Print or Stamp Name
My commission expires:_____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by Robin Fenwick, City Clerk of City of Port Orange, Florida, a Florida municipal corporation,
on behalf of City, who is personally known to me and did not take an oath.

Notary Type, Print or Stamp Name
My commission expires:_____

OWNER:

By:_____

Print:_____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by _____.

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Notary Type, Print or Stamp Name
My commission expires:_____

OWNER:

By:_____

Print:_____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by _____.

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Notary Type, Print or Stamp Name
My commission expires:_____

EXHIBIT "A-1"

LEGAL DESCRIPTION:

BEING A PORTION OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 19, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, LYING SOUTHERLY OF FERN PARK DRIVE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF COMMENCEMENT BEING THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 16 SOUTH, RANGE 33 EAST, SAID CORNER BEING MARKED WITH A 1-1/2" IRON PIPE AND CAP, NO ID. (PER FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER REPORT DOCUMENT NUMBER 073030); THENCE RUN NORTH 00 DEGREES 04 MINUTES 30 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 1351.50 FEET TO A 1-1/2" IRON PIPE AND CAP ILLEGIBLE, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SAID SECTION 19; THENCE CONTINUE ALONG SAID WEST LINE NORTH 00 DEGREES 03 MINUTES 20 SECONDS WEST, A DISTANCE OF 675.75 FEET TO A 4 INCH X 4 INCH CONCRETE MONUMENT WITH AN IRON ROD AND NO ID, SAID POINT BEING ON THE SOUTHERLY LINE OF A 25 FOOT WIDE INGRESS / EGRESS & UTILITY EASEMENT FOR FERN PARK DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 5934, PAGE 925, PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA; THENCE DEPARTING THE WEST LINE OF SAID SECTION 19, SOUTH 89 DEGREES 41 MINUTES 53 SECONDS EAST ALONG THE SAID SOUTHERLY LINE OF SAID FERN PARK DRIVE, A DISTANCE OF 50.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY LINE SOUTH 89 DEGREES 41 MINUTES 53 SECONDS EAST, A DISTANCE OF 934.41 FEET TO A 1/2" IRON PIPE, NO ID, THENCE DEPARTING SAID SOUTHERLY LINE SOUTH 00 DEGREES 13 MINUTES 02 SECONDS EAST, A DISTANCE OF 671.83 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SAID SECTION 19; THENCE ALONG SAID SOUTH LINE NORTH 89 DEGREES 55 MINUTES 35 SECONDS WEST A DISTANCE OF 936.29 FEET TO A POINT 50.00 FEET EASTERLY OF AFORESAID SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4), SECTION 19; THENCE NORTH 00 DEGREES 03 MINUTES 20 SECONDS WEST AND PARALLEL WITH THE WESTERLY LINE OF SAID NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4), SECTION 19, A DISTANCE OF 675.75 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: ACCESS PROPERTY

BEING A PORTION OF SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST AND A PORTION OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 16 SOUTH, RANGE 33 EAST VOLUSIA COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF COMMENCEMENT BEING THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST, SAID CORNER BEING MARKED WITH A 1-1/2" IRON PIPE NO ID (PER FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER REPORT DOCUMENT NUMBER 73030); THENCE RUN NORTH 00 DEGREES 04 MINUTES 30 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1351.50 FEET FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE OF SAID SECTION 24 NORTH 88 DEGREES 25 MINUTES 31 SECONDS WEST, A DISTANCE OF 889.07 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF TAYLOR ROAD (A PRESCRIPTIVE RIGHT-OF-WAY THAT VARIES), AS RECORDED IN RIGHT-OF-WAY MAP BOOK 1, PAGE 46, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING CALLS; THENCE NORTH 39 DEGREES 29 MINUTES 31 SECONDS EAST, A DISTANCE OF 30.58 FEET; THENCE NORTH 45 DEGREES 46 MINUTES 32 SECONDS EAST, A DISTANCE OF 100.50 FEET; THENCE NORTH 33 DEGREES 47 MINUTES 15 SECONDS EAST, A DISTANCE OF 100.61 FEET; THENCE CONTINUE ALONG THE EASTERLY RIGHT-OF-WAY LINE NORTH 39 DEGREES 29 MINUTES 31 SECONDS EAST, A DISTANCE OF 100.01 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 54 SECONDS EAST, A DISTANCE OF 190.58 FEET; THENCE SOUTH 49 DEGREES 53 MINUTES 52 SECONDS EAST, A DISTANCE OF 6.05 FEET; THENCE NORTH 40 DEGREES 06 MINUTES 08 SECONDS EAST, A DISTANCE OF 15.00 FEET; THENCE NORTH 49 DEGREES 53 MINUTES 52 SECONDS WEST, A DISTANCE OF 6.00 FEET; THENCE NORTH 40 DEGREES 38 MINUTES 16 SECONDS EAST, A DISTANCE OF 94.42 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 54 SECONDS EAST, A DISTANCE OF 200.00; THENCE CONTINUE ALONG EASTERLY RIGHT-OF-WAY LINE NORTH 45 DEGREES 46 MINUTES 32 SECONDS EAST, A DISTANCE OF 23.20 FEET TO A POINT ON A 25 FOOT WIDE INGRESS AND EGRESS AND UTILITY EASEMENT, PER OFFICIAL RECORDS BOOK 7136, PAGE 3051, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 89 DEGREES 41 MINUTES 53 SECONDS EAST ALONG THE SOUTH LINE OF SAID EASEMENT A DISTANCE OF 387.42 FEET; THENCE DEPARTING SAID SOUTH EASEMENT LINE SOUTH 00 DEGREES 04 MINUTES 30 SECONDS EAST, A DISTANCE OF 675.55 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 35 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 445,279 SQUARE FEET OR 10.2 ACRES MORE OR LESS.

EXHIBIT 'C'

Fleur de Sol Townhouses

1727 & 1737 Fern Park Drive
Port Orange, Florida

4 - Unit Building

Schematic Plans

See: Comply to the requirements of the 6th Edition Florida Building Code
with Appendix 14.0
Wind Speed 140 mph
Risk Category 2
Exposure Category C
Basic Wind Speed 115 mph
Wind Importance Factor 1
Wind Pressure +31.1 -43.1

Sheet	Section of Contents	Name
A-001	Site Plan	Site Plan
A-002	Unit Plans	Unit Plans
A-003	Section 1st & 2nd Floor Plans	Section 1st & 2nd Floor Plans
A-004	Section 3rd & 4th Floor Plans	Section 3rd & 4th Floor Plans
A-005	Section 5th & 6th Floor Plans	Section 5th & 6th Floor Plans
A-006	Section 7th & 8th Floor Plans	Section 7th & 8th Floor Plans
A-007	Section 9th & 10th Floor Plans	Section 9th & 10th Floor Plans
A-008	Section 11th & 12th Floor Plans	Section 11th & 12th Floor Plans
A-009	Section 13th & 14th Floor Plans	Section 13th & 14th Floor Plans
A-010	Section 15th & 16th Floor Plans	Section 15th & 16th Floor Plans

REVISIONS

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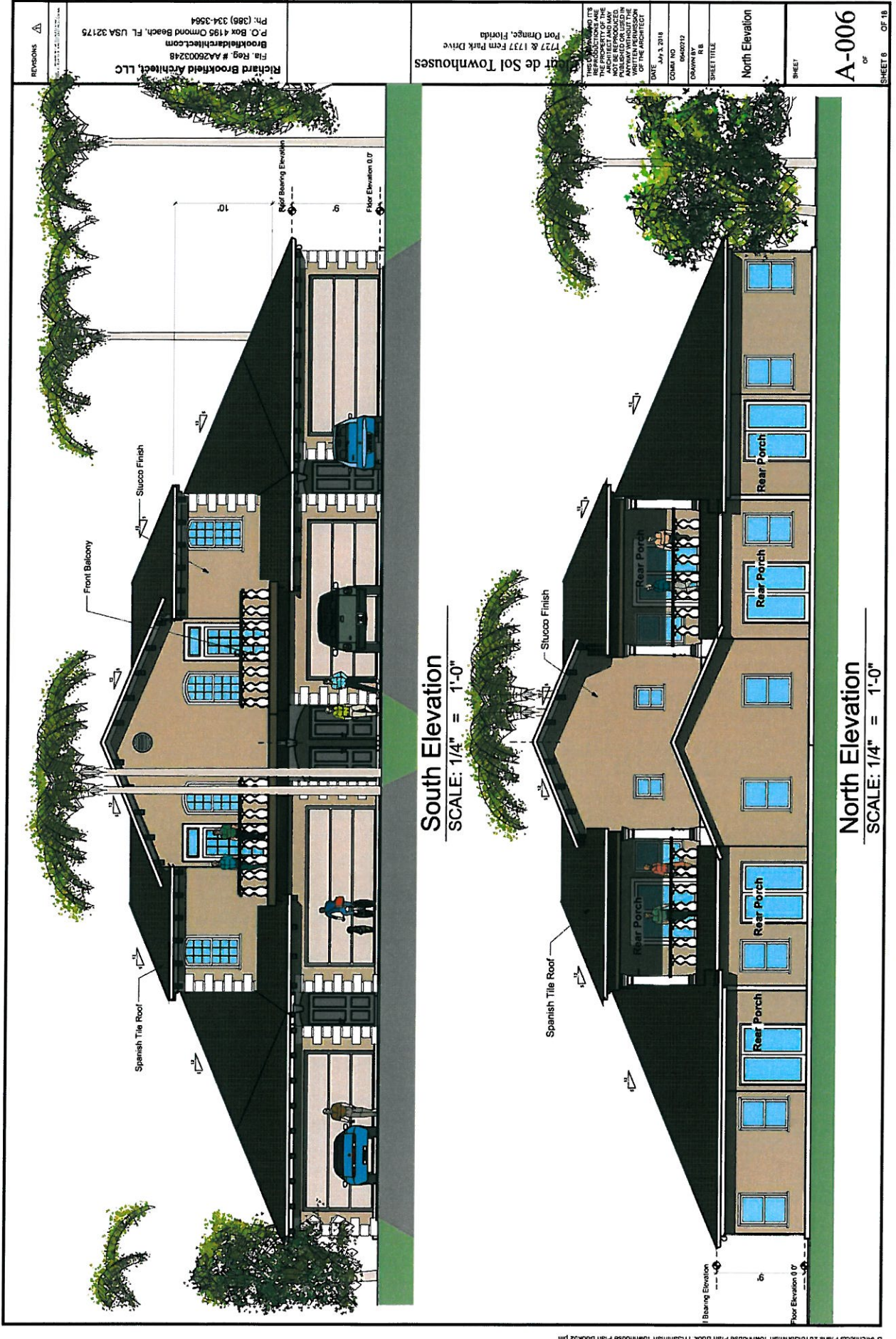
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Front Perspective View 2

REVISIONS		Richard Brookfield Architect, LLC P.O. Box 4195 Ormond Beach, FL USA 32175 Ph: (386) 334-3564 brookfieldarchitect.com Fla. Reg. # AA26003248	Fleur de Sol Townhouses 1727 & 1737 Fern Park Drive Port Orange, Florida	THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	DATE	JUL 3, 2016			
					CDRAW NO	0640012			
					DRAWN BY	PH			
					SHEET TITLE				
					Front Perspective	2			
					SHEET	A-002			
					SHEET 2	OF 18			



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

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

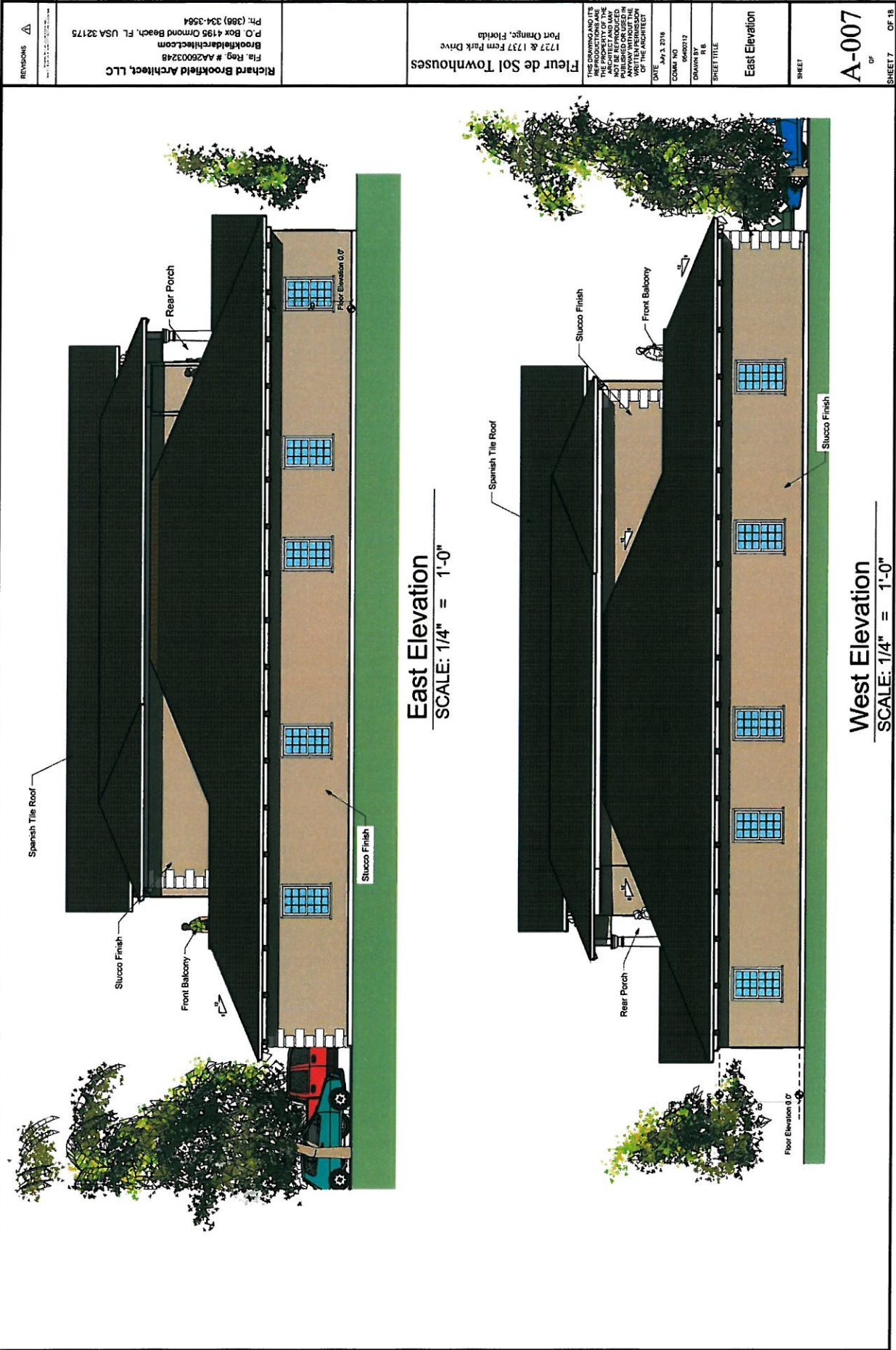
Richard Brookfield Architect, LLC
P.O. Box 4195 Ormond Beach, FL USA 32175
Ph: (386) 334-3564
Fla. Reg. # AA26003248
brookfieldarchitect.com

Project de Sol Townhouses
1737 & 1737 Fern Park Drive
Fort Orange, Florida

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

DATE: JUL 3, 2018
DRAWN BY: K.B.
CHECKED BY: K.B.
SHEET TITLE: North Elevation

SHEET
A-006
OF
SHEET 6 OF 18

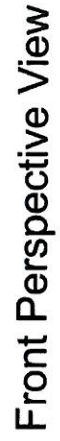


REVISIONS		Richard Brookfield Architect, LLC P.O. Box 4195 Ormond Beach, FL USA 32175 Ph: (386) 334-3564 brookfieldarchitect.com		Fleur de Sol Townhouses 1727 & 1737 Fern Park Drive Port Orange, Florida		THE DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT		DATE July 3, 2016	
		Fia Reg. # A46003248						COMMIT NO 0640012	
								DRAWN BY R.B.	
								SHEET TITLE East Elevation	
								SHEET A-007	
								SHEET 7 OF 18	

1727 & 1737 Fern Park Drive
Port Orange, Florida

Schematic Plans

Sheet	Title / Description	Name
A-001	Part 1	
A-002	Part 2	
A-003	Part 3	
A-004	Part 4	
A-005	Part 5	
A-006	Part 6	
A-007	Part 7	
A-008	Part 8	
A-009	Part 9	
A-010	Part 10	
A-011	Part 11	
A-012	Part 12	
A-013	Part 13	
A-014	Part 14	
A-015	Part 15	



SHEET

SHEET 1 OF 20

4. Other Workings

THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED PUBLISHED OR USED IN ANYWAY WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT

SHEET TITLE

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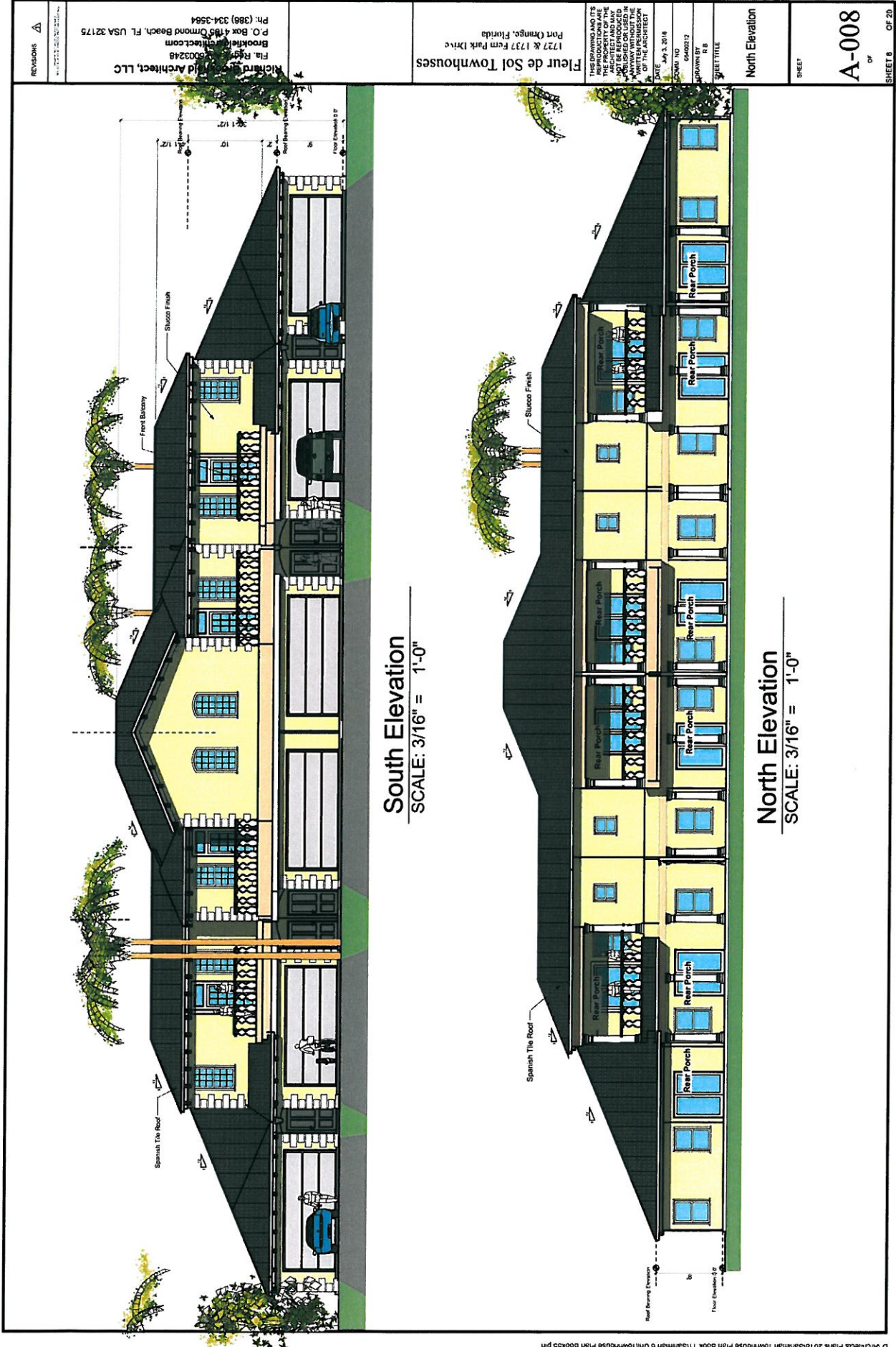
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SHEET 1

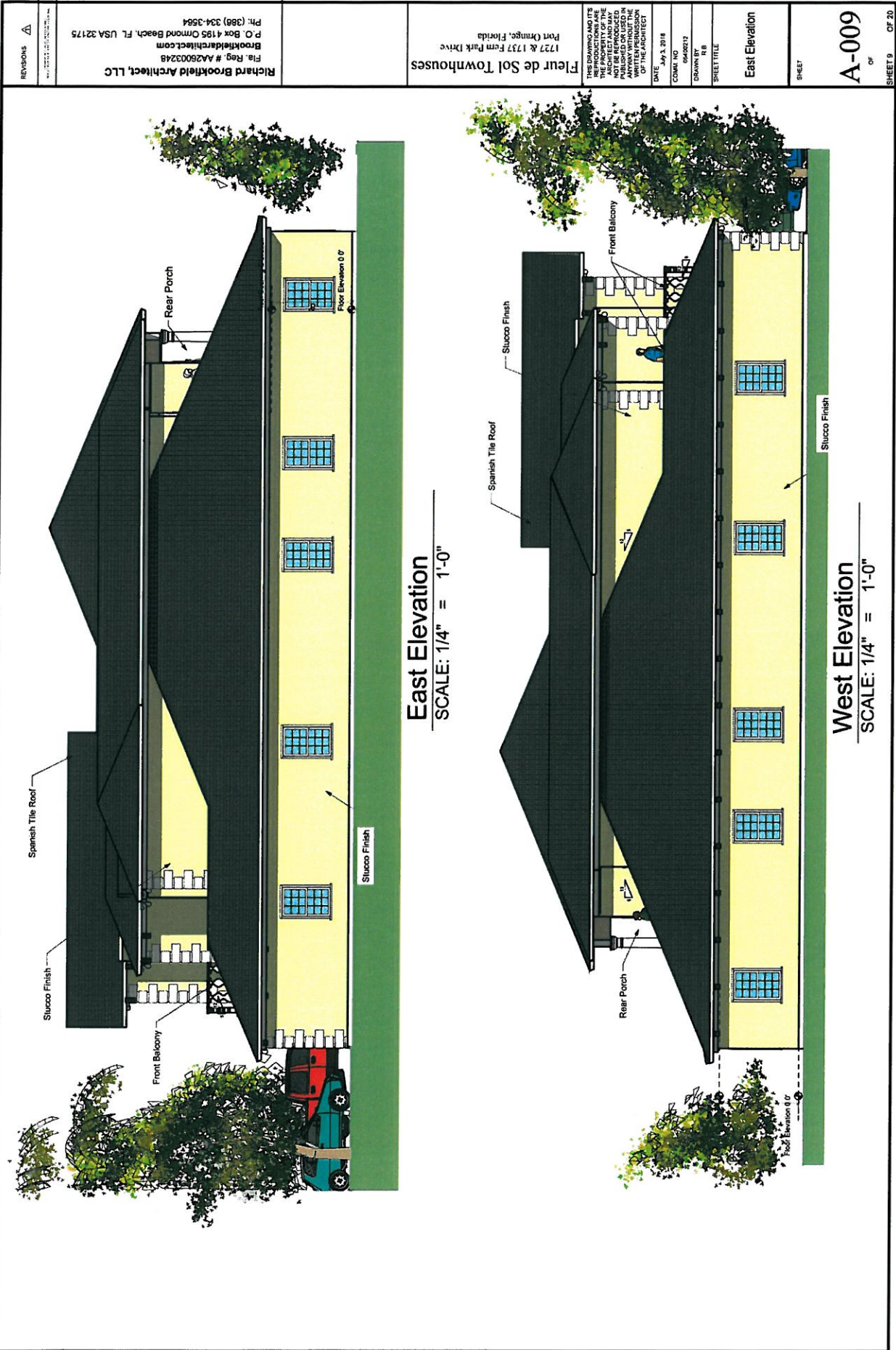


Front Perspective View 2

REVISIONS		Richard Brookfield Architect, LLC P.O. Box 4195 Ormond Beach, FL USA 32175 Brookfieldarchitect.com Ph: (386) 334-3584	Fleur de Sol Townhouses 1727 & 1737 Fern Park Drive Port Orange, Florida	THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	DATE	July 3, 2018
					COMD NO	0448912
		Fleur de Sol Townhouses	1727 & 1737 Fern Park Drive Port Orange, Florida	THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	DRAWN BY	JB
					SHEET TITLE	Front Perspective
		Fleur de Sol Townhouses	1727 & 1737 Fern Park Drive Port Orange, Florida	THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.		2
					SHEET	A-002
		Fleur de Sol Townhouses	1727 & 1737 Fern Park Drive Port Orange, Florida	THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	SHEET 2 OF 20	



REVISIONS A	Michael S. Wild Architect, LLC P.O. Box 4785 Ormond Beach, FL USA 32175 Tel: (386) 334-3564 Fax: (386) 334-3564 Email: mswild@mswildarchitect.com	Fleur de Sol Townhouses 1727 & 1737 Fern Park Drive Port Orange, Florida	THIS DRAWING AND ITS CONTENTS ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	DATE: July 3, 2018 DRAWN BY: H.B. CHECKED BY: H.B. SHEET TITLE:	North Elevation	SHEET A-008 of SHEET 8 OF 20
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REVISIONS	Richard Brookfield Architect, LLC P.O. Box 4185 Ormond Beach, FL USA 32175 Ph: (386) 334-3564	Fleur de Sol Townhouses 1727 & 1737 Fern Park Drive Port Orange, Florida	DATE: Jan 3, 2018 DRAWN BY: 0648612 CHECKED BY: 0648612 SHEET TITLE: East Elevation	A-009 of SHEET 9 OF 20
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Exhibit 2



August 22, 2019

Ms. Gwen Perney
Planner
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

RE: PUD REZONING/FLEUR DE SOL PLANNED UNIT DEVELOPMENT
CASE NO. 19-65000002
Modification & Benefit Letter

Dear Ms. Perney:

Land Development Resource Group is pleased to provide planning services for Fleur de Sol Townhomes and their request to develop an eighty-four (84) unit residential development. We are requesting rezoning to a Planned Unit Development and within that request we are asking to modify two (2) sections of The City of Port Orange Land Development Code (LDC). Below we have outlined our request and the public benefits that allowing these modifications will present.

PUBLIC BENEFITS The proposed request to allow for an eight-four (84) unit townhome development will provide Port Orange with a unique housing choice that enhances the options for existing as well as new residents.

The Fleur de Sol development will be marketed and targeted for a variety of demographic groups and will provide affordability as well as lessen maintenance responsibilities, leaving a well-kept and diverse small community.

Additionally, with the exceptional planning, we have been able to not only preserve the required amount of trees, but have also preserved a magnificent historic tree with creative site layout and design.

A lift station that will serve both the commercial property as well as this distinctive development has been oversized in order to accommodate other residents of the City and provide better utility service.

The proposed architecture gives a feel of a Mediterranean village with courtyards at the entries and well placed landscaping to provide a garden feel.

MODIFICATIONS With the creative design of the project providing a unified entrance through a signalized intersection, thereby reducing traffic concerns and providing for enhanced life safety, the site signage would have to be placed off-site. We are requesting alleviation from Chapter 15, Signs, to allow for the Fleur de Sol location signage to be placed with the commercial development signage proposed at the intersection of Taylor Road and Crane Lakes Boulevard. Language has been provided in both the Fleur de Sol Master Development Agreement and will be mirrored in the Development Agreement for the proposed commercial development.

During the design process, it was decided that along the north property line where the proposed homes will be constructed a 20' buffer in lieu of the required 25' buffer would allow for the saving of specimen trees, and we are requesting a modification from Chapter 13, Landscaping and Buffers, of the Land Development Code.

We look forward to providing Port Orange with a unique experience with the approval of the Fleur de Sol Townhome PUD and appreciate your consideration.

Sincerely,

Colleen Miles

Colleen Miles
President

Cc: Ms. Danielle Garguilo Sahlman
Mr. Douglas A. Clark

EXHIBIT 3

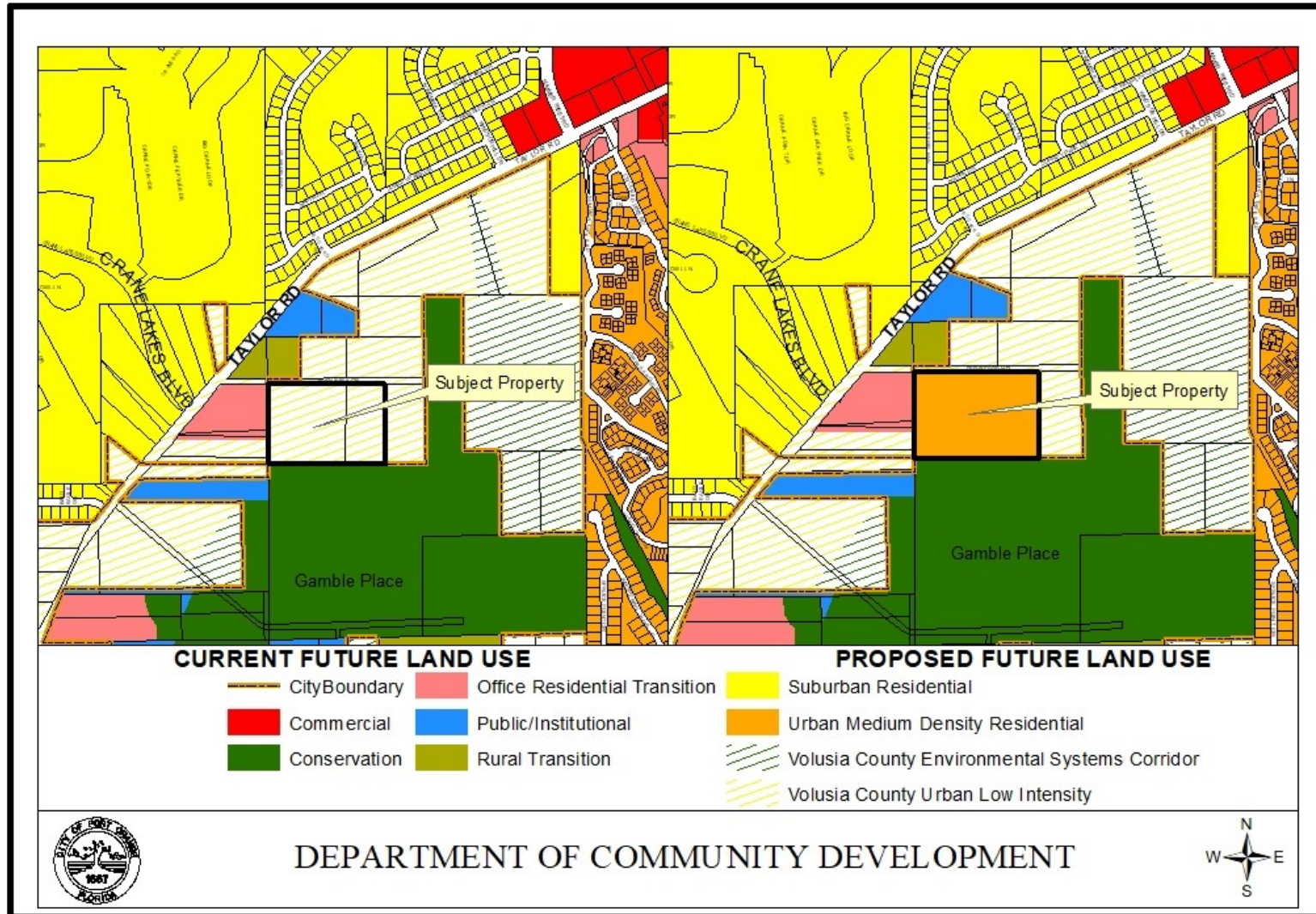


EXHIBIT 4



CURRENT ZONING

- City Boundary
- Agriculture
- Community Commercial
- Government/Public Use
- Interchange Commercial District

- Planned Commercial Development
- Planned Unit Development
- R-8SF Single Family Residential
- Volusia County Resource Corridor

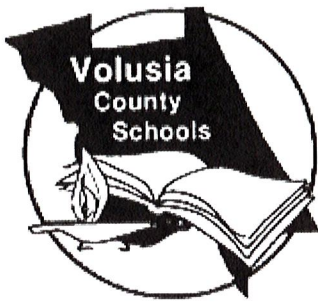
PROPOSED ZONING

- Volusia County Agriculture (A-2)
- Volusia County Resource Corridor
- Volusia County Rural Residential



DEPARTMENT OF COMMUNITY DEVELOPMENT





Mr. James T. Russell
Superintendent of Schools

EXHIBIT 5 FACILITIES SERVICES

3750 Olson Drive, Daytona Beach, Florida 32124

PHONE: 386/734-7190 • FAX:

School Board of Volusia County

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

School Concurrency Determination Concurrency Letter

26 June 2019

Colleen Miles
Land Development Resource Group
140 South Beach Street, Suite 400
Daytona Beach, FL 32114

RE: Fleur de Sol Townhomes – City of Port Orange
School Concurrency Case #19-04-01-001-R

Dear Ms. Miles,

The District has reviewed the updated information for the residential project known as Fleur de Sol Townhomes. The 14.47 +/- acre project site is located at 1727, 1737 Fern Park Drive, near the intersection of Fern Park and Taylor Road, within the City of Port Orange. Information provided within the school concurrency application indicates the development activity will consist of eighty-four (84) multi-family units.

The district uses a county wide Student Generation Rate (SGR) of (0.127) per multi-family dwelling unit to calculate projected students¹. By applying the SGR to the use types in Table 1 below, we find the project could generate eleven (11) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	.273	0	0
Multi Family Dwelling Unit	.127	84	10.67
Mobile/ Manufactured Home Dwelling Unit	.047	0	0
	Total		11

The Concurrency Analysis (Table 2) adjusts for impacts to the Concurrency Service Areas (CSAs) by accounting for current school year enrollments, existing reservations at the impacted schools, and the projected students generated by the applicant. These factors give an associated utilization or Level of Service (LOS) percentage for each CSA.

The schools impacted by this development are Sweetwater Elementary, Creekside Middle School, and Spruce Creek High School.

¹ Most recent student generation rates are found in the School Impact Fee Update dated February 19, 2019. Study performed by Tindale Oliver.

Fleur de Sol Townhomes – City of Port Orange
26 June 2019

Concurrency Analysis

Table 2

Schools	Adopted LOS	SY 18/19 Enrollment	Active Reservations	Existing LOS w/ Res	Students Generated by Request	Result LOS
Sweetwater Elementary	115%	680	9	95%	5	96%
Creekside Middle	115%	1170	9	104%	3	104%
Halifax High CSA (Spruce Creek HS)	120%	7499	245	102%	3	102%
Other					0	

The adopted LOS standard at elementary and middle school is (115%) of permanent student stations and (120%) for high school CSAs. This projected increase in students will not exceed the adopted LOS at any school level; therefore, the school district does not have an objection to the proposed site plan. Minimum planning considerations should include pedestrian and vehicular access, safety, connectivity, and buffering.

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

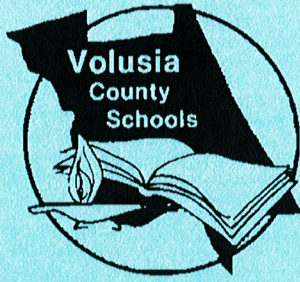
If you should have additional questions or require more information, please feel free to contact me at extension 50810.

Sincerely,

Eric A. Kozielski 26 JUN 2019

Eric A. Kozielski
Planning & GIS Specialist

Cc: James Russell, Superintendent of Schools
Penelope Cruz, City of Port Orange
Brad Bauknecht PE, Newkirk Engineering
Kiersta Hill, VCSB Planning Services
Project File



Certificate of School Concurrency

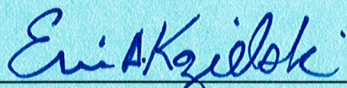
Volusia County School Board

Project Information	
Project Name	Fleur Del Sol
VCSB Project #	19-04-01-001-R
Jurisdiction Project#	
Parcel ID Numbers:	6319-0000-0170; 6319-0000-0180
Project Location:	1727 & 1737 Fern Park Drive
# of residential units:	84
Residential Unit Type:	Multi-family TWNHM
Property Owners:	Danielle Garguilo
Applicant/Agent Name:	Colleen Miles/ Land Resource Development Group

This School Concurrency Certificate shall reserve student stations for the above referenced project and shall confirm that said project meets the School Concurrency requirements of the adopted Interlocal Agreement for Public School Facility Planning.

School Concurrency Analysis					
School Levels:	Elementary	Middle	High	Other	Total Student Stations Reserved
Students Generated	5	3	3	0	11
Comments: This certificate is required to be included with the building permit submittal(s) as proof of school concurrency.					

This concurrency reservation shall expire two (2) years from the date of issuance of this certificate.



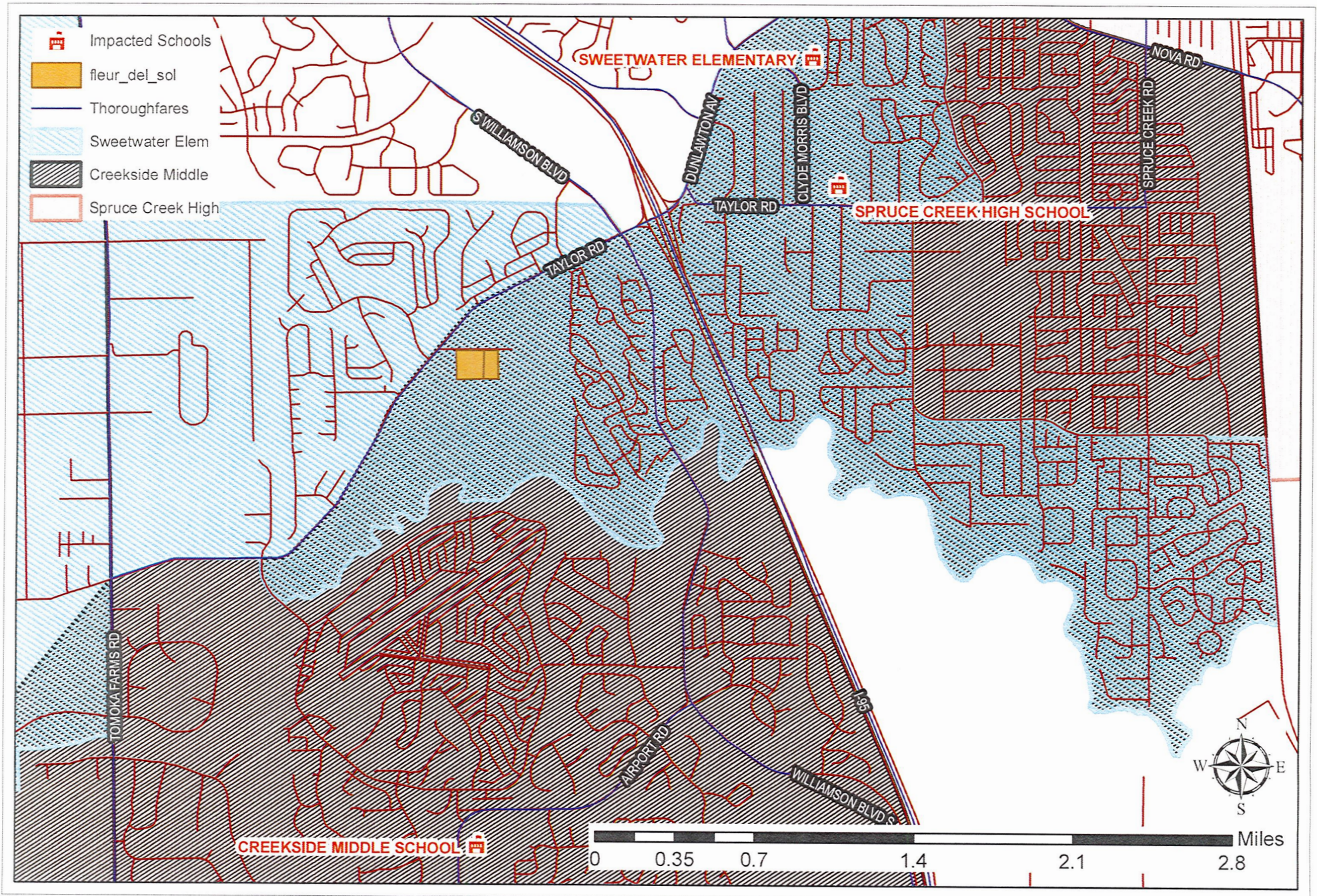
Eric Kozielski
Planning and GIS Specialist

26JUNE2019
Issue Date

VCSB Schools Impacted by Development Proposal

School Concurrency Review - Fleur Del Sol

Created by Facilities Services
JUN2019





STAFF REPORT

9th Amendment to the MDA & CDP for the Port Orange Gateway

Center PCD

CASE NO. 19-40000005

REQUEST:	Amend the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Port Orange Gateway Center Planned Commercial Development (PCD) Lowe's
LOCATION:	1751 Dunlawton Avenue (Figure 1 – Location Map)
OWNER:	Lowe's Home Centers, Inc.
APPLICANT:	A. Joseph Posey, Jr., Storch Law Firm
STAFF RECOMMENDATION:	Approval, subject to approval of policy considerations
STAFF CONTACT:	Briana Conlan-King, Senior Planner (386) 506-5676
PLANNING COMMISSION DATE:	September 26, 2019

DISCUSSION

The proposed 9th Amendment to the Port Orange Gateway Center Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) is to modify the current requirements in the MDA related to outdoor storage and display of merchandise and seasonal products for the Lowe's Home Center store located at 1751 Dunlawton Avenue (Figure 1). If approved, Lowe's intends to revise their site plan to expand the garden center to add additional storage area and identify locations for storage and display of merchandise and seasonal products outside the store.

Figure 1. Location Map



Map created by the City of Port Orange Community Development Department

During a recent Commercial Property inspection conducted by Code Enforcement, Lowe's was notified that storage of plants and landscape merchandise in the parking lot between the garden center and Yorktowne Boulevard and storage and display of lawn furniture, mowers, grills, plants, landscape material, trailers, lumber and seasonal items, etc. along the front of the store were not in the areas identified in the current MDA or on the Lowe's site plan for outdoor storage or display. Lowe's was also informed that placement of semi-trailers or/and shipping containers and compacted trash along the rear drive aisle behind the building did not comply with the MDA or Land Development Code (LDC).

Over the past few years, the outdoor display and storage of merchandise in the front of the store, and placement of semi-trailers and/or shipping containers and compacted trash along the rear of the store has expanded to areas not designated in the current MDA or the Lowe's site plan. The current Port Orange Gateway Center MDA states that Lowe's is only allowed to display merchandise outside the store in the area under the overhang at the main entry/exit and lumber entry/exit and that a four-foot tall wall is required in these areas to screen the display area from the parking lot and Dunlawton Avenue. However, in 1999, Lowe's was only developed with a wall to screen the shopping cart storage area, north of the main entrance (orange area – Figure 2). Therefore, the merchandise currently stored in front of the garden center and under the lumber entrance/exit and main entrance/exit overhangs (blue area -Figure 2) that is not behind a four-foot screen wall is prohibited by the current MDA.

Figure 2. Current MDA Outdoor Display Regulations/Storage Areas and Existing Conditions



As for the placement of semi-trailers and shipping containers along the rear of the store, the LDC allows these to be stored on a commercial site if the location areas are approved as part of a site plan and screened from public view. The proposed location and configuration of the semi-trailers and shipping containers, parallel to the rear of the Lowe's building, are screened by the building, an existing six-foot screen wall and a landscape buffer along the rear property line and Yorktowne Boulevard. As part of the site plan modification the applicant intends to submit this fall, the Staff Development Review Committee (SDRC) will review and verify compliance with the requirements in the MDA, LDC, Florida Building Code, and National Fire Code for placement of semi-trailers and shipping containers along the rear of Lowe's.

PROPOSED AMENDMENT

The proposed 9th Amendment to the Port Orange Gateway Center MDA and CDP is to modify the requirements in the current MDA and what the Land Development Code (LDC) allows related to outdoor storage and display of merchandise and seasonal products for Lowe's as follows:

Outdoor Display of Merchandise: The current Port Orange Gateway Center MDA limits the outdoor display and storage of merchandise to areas under the overhang at the main entry/exit and lumber entry/exit and requires a four-foot screen wall to be constructed to screen merchandise from the parking lot and Dunlawton Avenue. Therefore, the landscape and garden supplies, outdoor recreational equipment, and lawn equipment stored in front of the garden center and the display of merchandise under the lumber entrance/exit and main entrance/exit overhangs without a four-foot screen wall are prohibited by the current MDA. To comply with the MDA regarding outdoor display of merchandise, Lowes would need to construct a four-foot wall under the lumber entrance/exit and main entrance/exit overhangs and remove all plants, landscape materials, and trailers in front of the garden center.

The Land Development Code (LDC) allows commercial uses to display landscape and garden supplies, lumber and building materials, outdoor recreational equipment, and lawn equipment in designated areas approved for such display on an approved site plan and does not require a four-foot screen wall to screen the merchandise from the parking lot. However, the LDC does restrict the number of products that are customarily used outdoors such as pools, spas, lawn furniture, concrete fixtures and other similar items to only one product or model.

As part of the proposed amendment, the applicant is requesting to amend the MDA to allow additional designated areas for storage and display of merchandise and garden supplies and allow the display of the same product or model for merchandise such as lawn furniture, grills, propane tanks, etc. along the front of the Lowe's store. The following would be amended:

1. Allow outdoor display of landscape and garden supplies, lumber and building materials, outdoor recreational equipment, and lawn equipment as required in the LDC for commercial uses; and
2. Allow display of merchandise such as lawn furniture, grills, propane tanks, trailers etc. and not limited to one of any one product or model. According to the applicant, products displayed outside are either bought in bulk or are difficult to move. This includes items like grills, outdoor furniture, trailers etc., and such items make up a large portion of the

purchases throughout the day. Allowing the display of multiple models of a product (e.g. grills) will make it far easier for customers to load merchandise and avoid safety concerns with moving large and bulky merchandise through the store. This request is a deviation from the LDC requiring approval from the Planning Commission and City Council

Garden Center Expansion: The proposed amendment identifies the general location for the expansion to the existing garden center to create additional outdoor storage for landscape materials and plant inventory. The expansion to the garden center will be located in the parking lot area between the current garden center and the Yorktowne Boulevard landscape buffer. The expansion area will be for the storage of landscape inventory and not open to the public. Staff has evaluated the required parking for this site and the expansion of the garden center into the existing parking space will not make the site deficient in the number of parking spaces required by the MDA and LDC.

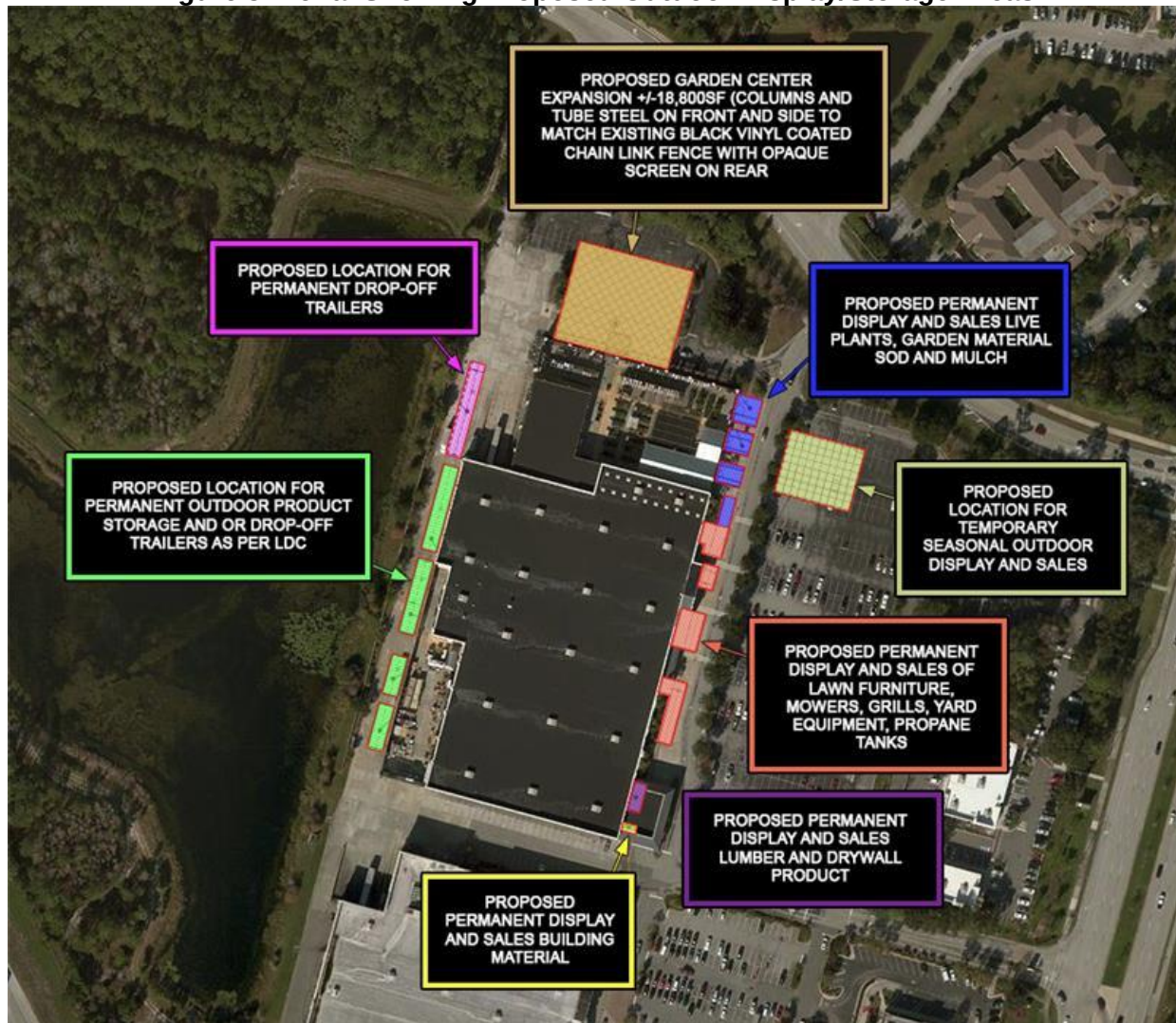
As part of the proposed amendment, the applicant is proposing to enclose the garden center expansion area with a black steel fencing with opaque screening fabric and concrete masonry columns facing Dunlawton Avenue and Yorktowne Boulevard to match the enclosure of the existing garden center, and a black vinyl coated chain link fence with opaque screening fabric along the rear. The use of black vinyl coated chain link fencing with opaque screening along the rear of the expansion area is a policy issue and requires approval by the Planning Commission and City Council. The LDC does not allow the use of chain link fencing for any development within the Dunlawton Corridor and this site is located in the Dunlawton Corridor.

According to the applicant, the vinyl coated chain link fencing would not be visible from a public right-of-way or adjacent property owner. The applicant states that vinyl coated chain link fencing is only proposed for the portion of the garden center expansion that is not visible to the general public or a public right-of-way. The use of chain link fence for the rear of the proposed enclosure would be similar to the chain link fence enclosure along the rear of the existing Lowe's building adjacent to Target.

The applicant has proposed fencing that meets the intent of the LDC by requiring the visible sides of the garden center expansion to incorporate the same aesthetics as the existing garden center, creating a uniform look from the front and side of the store. Therefore, because the location of the chain-link fence is not anticipated to be visible and would be in the same general location as chain-link fencing that was approved as part of the 1999 Lowe's site, the applicant is requesting to use chain-link fencing. However, this is a deviation from the LDC requiring approval from the Planning Commission and City Council.

Temporary Seasonal Display and Sale of Merchandise: The proposed amendment clarifies on the Conceptual Development Plan (CDP) the location of where temporary seasonal display and merchandise sales (e.g. Christmas Tree sales) can be located on the Lowe's site, and clarifies in the MDA that the length for special events on this site is to comply with the requirements in the City's Code of Ordinances. According to the proposed MDA, the location of future special events will generally be located in the parking lot area directly in front of the garden center.

Figure 3. Aerial Showing Proposed Outdoor Display/Storage Areas



CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject property is designated Commercial on the City's Future Land Use (FLU) Map. The original PCD zoning district and MDA were found to be consistent with the City's Comprehensive Plan when it was approved in 1999. The proposed amendment does not change the FLU designation for the PCD property and is consistent with the general intent of the Comprehensive Plan.

PUBLIC NOTICE

A Public Notice sign was posted on the site on August 23, 2019. At the time this item was prepared for September Planning Commission agenda, staff has received one (1) phone call requesting general information regarding the proposed amendment. The main concern was regarding additional development within Port Orange Gateway Center PCD.

SUMMARY OF POLICY CONSIDERATIONS

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

1. Allow display of products customarily used out of doors (e.g. lawn furniture, grills, propane tanks, etc.) to not be limited to one of any one product or model; and
2. Allow for the rear portion of the enclosure of the proposed garden center expansion area to be vinyl coated chain link fencing.

RECOMMENDATION

The Staff Development Review Committee (SDRC) has reviewed this proposal and recommends approval of the 9th Amendment to the Port Orange Gateway Center PCD Master Development Agreement and Conceptual Development Plan, subject to:

1. Approval of the two (2) Policy Considerations; and
2. Review by the City Attorney as to legal form and content.

ATTACHMENTS

Exhibit 1 – 9th Amendment to the Port Orange Gateway Center MDA and CDP

This Document Prepared By:

Upham, Inc.
265 Kenilworth Avenue
Ormond Beach, FL 32174

Return Recorded Document to:

Office of Records Clerk
1000 City Center Circle
Port Orange, FL 32129

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

This Agreement, entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129 (hereinafter referred to as the "City") and LOWE'S HOME CENTERS, LLC, Attn: Real Estate Department, 1000 Lowe's Boulevard, Mooresville, NC 28117, (hereinafter referred to as the "Property Owner"), constitutes the Ninth Amendment to the Amended and Restated Master Development Agreement for the Port Orange Gateway Center Planned Commercial Development (hereinafter referred to as the "Ninth Amendment").

WHEREAS, LOWE'S HOME CENTERS, LLC is the Property Owner of Lot 6 (further described in Exhibit "A"); and

WHEREAS, The City, Lowe's Home Centers, Inc. and Port Orange Gateway Center, Inc. previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "Original MDA") recorded in Official Records Book 4397, Page 4153, Public Records of Volusia County, Florida

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

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

WHEREAS, the City and Port Orange Gateway Center previously entered into a second amendment to the Amended and Restated MDA entitled, "Second Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Planned

Commercial Development (PCD)" (hereinafter referred to as the "Second Amendment"). Recorded in Official Records Book 5281, Page 2720, Public Records of Volusia County, Florida; and

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

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

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

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

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

WHEREAS, the City, Target Corporation and 2017 Yorktown Port Orange LLC entered into an eighth amendment to the Amended and Restated MDA entitled, "Eighth Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Commercial Development (PCD)" (herein after referred to as the "Eighth Amendment") recorded in Official Records Book 7516, Page 2220, Public Records of Volusia County, Florida; and

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

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

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

1. A Garden Center Expansion as indicated on Exhibit B.
2. Seasonal display and sale of goods within those areas indicated on Exhibit B.

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

1. The premises stated above are true correct and form a material part of the Ninth Amendment.
2. Paragraph 15, “**Special Development Standards for Lot 6**”, Section (3) of the Amended and Restated MDA as applied to Lot 6 as originally described in the Amended and Restated MDA is hereby further amended by underline and strikethrough as follows:

(3) Outdoor display of goods shall be permitted under the front overhang of the building as shown on Exhibit B year round, and the seasonal outdoor display of goods shall be permitted at limited locations on the Property as depicted on Exhibit B, notwithstanding the requirements of Section 14 of this Agreement and any Port Orange Land Development Code provisions to the contrary, subject to all of the following conditions:

- (a) ~~The area of outdoor display shall be limited to an area sheltered by the front overhang of the building located between the main entry/exit doors and the far end of the main gable feature.~~ The outdoor and seasonal display of goods shall only be permitted within those areas depicted on Exhibit B, and multiple products and models of the same type may be displayed within said areas.
- (b) A four (4) foot high screen wall shall be constructed between the columns supporting the overhang north of the main entrance. The screen wall shall be for the purpose of screening direct view from parking areas and public rights-of-way of the project displayed between the screen wall and the front exterior wall of the building. No outside goods ~~displayed or stored behind this screen wall~~ shall extend above the screen wall so as to be visible from abutting parking areas or public rights-of-way.
- (c) Flexible traffic separator posts shall be installed along ADA walkways located at the front of the main entrance to separate these walkways from outdoor display areas and loading zones.

(d) The duration for the seasonal outdoor display area that constitute special events, including the setup and take down for same, shall be as provided in the City Code of Ordinances.

3. Paragraph 15, “**Special Development Standards for Lot 6**”, of the Amended and Restated MDA as applied to Lot 6 as originally described in the Amended and Restated MDA is hereby further amended to add Section (4) by underline and strikethrough as follows:

(4) The Garden Center Expansion depicted on Exhibit B shall incorporate tube steel fencing with concrete masonry unit columns to match the existing Garden Center fencing facing Dunlawton Avenue and Yorktown Boulevard. Black vinyl coated chain link fencing with opaque screening shall be permitted for the rear of the Garden Center Expansion.

4. This Ninth Amendment shall be effective as of the date it is executed by all parties.
5. The Amended and Restated MDA, as previously enacted, and the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment and Eight Amendment shall remain in full force and effect except with the respect to those matters specifically amended by the Ninth Amendment.

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

WITNESSES:

CITY OF PORT ORANGE, FLORIDA
a Chartered Municipal Corporation

Name: _____

By: _____
Donald O. Burnette, Mayor

Name: _____

Date: _____

Name: _____

Attest: _____
Robin L. Fenwick, CMC, City Clerk

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

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

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

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

LOWE'S HOME CENTERS, LLC

WITNESSES:

By: _____

Name: _____

Printed name

Its: _____

Printed name

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____, _____ of **Lowe's
Home Centers, LLC**, a North Carolina limited liability company, who is personally known to me
and did not take an oath.

(Seal)

Notary Public

Printed name, commission and expiration of commission term:

Exhibit “A”
Legal Description of Lot 6

PORT ORANGE GATEWAY CENTER, LOT 6 REPLAT, a subdivision, according to the plat thereof recorded in Map Book 55, pages 168 and 169, Public Records of Volusia County, Florida.

Exhibit “B”
Conceptual Development Plan

[copy attached hereto]



STAFF REPORT

Variance from LDC Chapter 16, Section 5(b)

CASE NO. 19-90000006

REQUEST:	Variance from the LDC to establish a minimum 18-inch side setback for ground-mounted air conditioning units and other similar equipment in lieu of the required 30-inch side yard setback
LOCATION:	North side of Williamson Boulevard, between Ashton Lakes and Sterling Chase subdivisions and I-95 (Figure 1 – Location Map)
APPLICANT:	Richard D. Smith, ICI Homes
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Tim Burman, Community Development Director (386) 506-5675
PLANNING COMMISSION DATE:	September 26, 2019

BACKGROUND

The applicant is requesting a variance from the Land Development Code (LDC) to establish a side setback of 18-inches for ground-mounted air conditioning units and other similar equipment (pool equipment) on lots 1-106, 108, 109, 111-115, 118-168, and 170-178 of the Woodhaven Subdivision in lieu of the required 30-inch side setback in the LDC. The subject properties that the variance request applies to are the single-family residential lots owned by MHK of Volusia County, Inc., within Phase 1 of the Woodhaven Subdivision. Phase I of the Woodhaven Subdivision is located on the north side of Williamson Boulevard, west of I-95.

Figure 1 – Location Map



The subject properties for the variance request are located within the Woodhaven Planned Unit Development (PUD). Typically, a PUD amendment is required to vary from dimensional requirements within a PUD, however, the Master Development Agreement (MDA) for the Woodhaven PUD does not address the requirements for side setbacks for ground air conditioning units; therefore, the requirement for side setback defaults to the Land Development Code (LDC). According to Chapter 16, Section 5(b) of the LDC, the side setback for an air conditioning unit or similar ground mounted equipment from a side property line of a residential lot with a 5-foot building side setback is 30-inches. If the variance request is approved, the applicant would have the ability to install air conditioning unit(s) within 18-inches of the side lot line. The lots within this phase of Woodhaven have a minimum 5-foot side building setback and were designed to meet the minimum 50-foot lot width that was approved in 2013 as part of the Woodhaven Planned Unit Development.

According to the applicant, the variance request to establish an 18-inch side yard setback is due to a recent design issue that has been encountered during the permitting and construction of the ICI built single-family homes in Woodhaven over the last few months. Based on the side yard setback required by the LDC for an air conditioning unit and other similar equipment, some of the platted lots in Woodhaven, Phase1 cannot support certain home models and placement of the air conditioning unit in the side yard.

The applicant has stated to staff that placement of air conditioning unit(s) in the rear yard of the single-family lots was evaluated; however, the concern is that having the air conditioning unit in the rear yard would limit a homeowner's ability to fully use the rear yard. According to the applicant, the single-family lots and homes in Woodhaven are designed to use the rear yard as an extension of the home with outdoor living space, such as patios, decks, screen rooms, pool, etc., and with the air conditioning unit(s) being placed in the rear yard, the applicant believes this would limit a homeowner's ability to fully develop their rear yard. Therefore, the applicant is requesting the side setback variance to allow air conditioning units to be placed 18-inches from the side property lot line, so the rear yard can be developed with patios, decks, screen rooms, pool, etc.

As part of the variance request, the applicant cited that the air conditioning units chosen to be installed for the homes in Woodhaven were selected because of their efficiency rating which coincides with the energy efficiency standards the homes are designed and built to. The applicant states selection of the more-efficient air conditioning units which are larger in size has resulted in not being able to meet the current required side setback and need to be placed in the rear yard of the homes. As discussed previously, the applicant has stated that placement of the air conditioning units in the rear yard is not the desired placement because it impacts the development potential of the rear yard to install patios, screen rooms, pool, etc.

Similar requests to reduce the side yard setback for an air conditioning unit for other single-family developments within Port Orange have been approved in the past. The Oakbrook Subdivision and Royal Palm Subdivision PUDs were each approved with a side yard setback for air conditioning units of 18-inches. Also, when the City adopted the Planned Community-Agricultural (PC-A) zoning district, it included a 24-inch side yard setback for air conditioning units. The intent of the reduced side yard setback for air conditioning units is related to: 1) maintaining the ability to place the air conditioning units in the side yard for the 50-foot to 60-foot wide lots, and 2) account for an increase in the size (width and height) of air conditioning units as they are being designed/built to be more efficient.

According to the applicant, as air conditioning units have become more efficient, their size has increased, necessitating the variance request. The applicant states that while the size of air conditioning units have increased, the side yard setback for an air conditioning unit in the Land

Development Code has not adapted to the increase in industry standards. The side yard setback for air conditioning units was adopted in the LDC during the late 1990's, but since that time, the minimum SEER (Seasonal Energy Efficiency Ratio) rating requirement for air conditioning units has increased from 10 to 14 SEER over the last 15+ years. The SEER rating measures the air conditioning system's energy efficiency by calculating the cooling output divided by the amount of electric energy input. The higher the SEER rating, the greater energy efficiency of your air conditioning system. As part of the variance request, the applicant provided documentation that shows over the last 15 years, air conditioning units have become physically larger and require concrete pads at least 35" in width compared to 30-inch pads that were required when the side yard setback for an air conditioning unit was established in the LDC.

Zev Cohen and Associates, Inc., engineering firm that designed the Woodhaven Subdivision for the applicant, evaluated the request to have an 18-inch side yard setback and determined that conveyance of stormwater in the side yard swales will not be impacted with ground equipment being placed further in the side yard setback.

REVIEW OF VARIANCE CRITERIA

Chapter 19, Section 1, LDC, lists the review criteria that shall be used to determine whether a variance request should be granted.

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

There are no special conditions and circumstances with the subject properties. However, the recent trend in Port Orange over the last 15 years is to develop single-family subdivisions with 50-foot to 60-foot wide lots, but the side yard setbacks for air conditioning unit(s) and other mechanical equipment have not been adjusted to account for smaller lot width. According to the applicant, the current side yard setback for an air conditioning unit(s) removes a home builder's ability to locate an air conditioning unit in the side yard on these 50-foot to 60-foot wide lots because the size of the air conditioning units have increased over the years to meet the SEER requirement for efficiency but the setback in the Code has not been adjusted.

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

According to the applicant, the increased size of air conditioning units to meet the SEER requirement, along with the City's setback requirement not being updated to adjust to the increase in size of air conditioning units, is a special circumstance that is not a result of actions by the applicant.

- (c) *Literal interpretation and enforcement of the Land Development Code (LDC) regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.*

During the building permit review process for all single-family homes, the side setback for an air conditioning unit is reviewed to ensure compliance with the code requirements. When a new home is constructed, it must comply with current development requirements of the LDC. The intent of a side yard setback for an air conditioning unit is to minimize potential noise transfer to the adjacent property, ensure clearance for lawn,

home and mechanical maintenance and necessary repairs, and maintain drainage along the side yard. Although not their preference, the applicant could place the air conditioning unit in the rear yard, but as indicated above, the applicant believes that this would diminish how the homes in this subdivision were designed to function with the rear yard being an extension of the living area of the home through the construction of a patio, pool, and screen porches in the rear yard.

The applicant also stated the 30-inch side yard setback would require the proposed air conditioning unit to be shifted toward the rear yard of the lot and the applicant considers this a hardship. The applicant wants to retain as much of the rear yard as open area and their preference is to install the air conditioning units in the side yard. According to the applicant, ICI homes has developed other subdivisions in east Volusia County with an 18-inch side yard setback and has not encountered any issues and does not anticipate any issues in Woodhaven if the variance is approved.

- (d) *If granted, the requested variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure.*

According to the applicant, the air conditioning units required to be installed to serve the homes ICI intends to build in Woodhaven, homes which range from 1,650 SF to 3,500 SF in size, require a side yard setback of 18-inches in order to locate the air conditioning units on the side yard. The intent of a side yard setback for an air conditioning unit is to ensure clearance for lawn, home and air conditioning unit mechanical maintenance and necessary repairs and maintain drainage along the side yard. To ensure the intent of the LDC is maintained, if the variance is approved, the applicant has proposed additional grading, separation, and restrictions on landscape and type of fencing in the side yard so there is clearance for a homeowner to conduct lawn, home and air conditioning unit maintenance and necessary repairs, and maintain proper drainage within the side yard. Staff believes that these additional requirements, not currently in the LDC, will maintain the intent of the LDC while allowing the 18-inch side yard setback in lieu of the required 30-inch side yard setback. The following construction requirements and deed restrictions would be conditions to the approval of the variance:

1. Minimum separation of air conditioning unit or mechanical equipment on adjacent lots of 8 feet;
2. Air conditioning unit pad is to be set-back a minimum of 20 foot from the front building corner;
3. Picket style fences in the rear yard outside the extended plane of the side walls of the home; and
4. No landscaping between homes in the side yard, except for one (1) 3-gallon shrub in front of the air conditioning units or other mechanical equipment.

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

In the past, reduced side yard setbacks for air conditioning units and other ground mechanical equipment have been approved as part of Planned Unit Developments and as part of the LDC amendment to establish the PC-A zoning district. Typically, the approval of the reduced side yard setback for ground equipment was in conjunction with residential developments that could develop 50-foot wide lots in order to install the ground equipment in the side yard and preserve full use of the

rear yard. According to the applicant, the recent trend in residential development is 50-foot to 60-foot wide lots, and as the size of ground mechanical equipment (air conditioning unit) continues to increase for efficiency, adjustment to the side yard setback is necessary. The current side yard setback for ground equipment in the LDC was established in the late 1990's, and at that time, the typical lot width in Port Orange for a residential lot was 70-foot to 80-foot wide and ground equipment, especially air conditioning units, were smaller in size. Therefore, the applicant is requesting the use of an 18-inch side yard setback based on these circumstances. In addition, the conditions that the applicant will adhere to, maintains the intent of the side yard setback to ensure property drainage and access.

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

If the variance is approved, the proposed minimum 18-inch side yard setback for air conditioning units and other similar equipment along with the conditions listed above will ensure that access and drainage between homes is maintained. In addition to the conditions proposed by the applicant, staff proposes the addition of another condition that requires the homebuilder to provide an as-built drawing to demonstrate that the grading of the side yard meets the subdivision grading plan to ensure proper drainage between homes.

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

This variance request is not based upon a claim brought under the Bert J. Harris Private Property Rights Protection Act.

RECOMMENDATION

Based upon the findings of this staff report, staff recommends approval of the requested variance, subject to the following conditions.

1. Minimum separation of air conditioning unit or mechanical equipment on adjacent lots of 8 feet;
2. Air conditioning unit pad is to be set-back a minimum of 20 feet from the front building corner;
3. Only picket style fencing in the rear yard outside the extended plane of the side walls of the home; and
4. No landscaping between homes in the side yard, except for one (1) 3-gallon shrub in front of the air conditioning units or other mechanical equipment; and
5. Prior to requesting a Certificate of Occupancy, an as-built drawing of the side yard for a lot with a setback less than 30-inches shall be submitted to the City to verify required grading and drainage swale construction according to the approved building permit; and
6. Setback for a generator and propane tank are not included in this request.

ATTACHMENTS

Exhibit A - Applicant's Letter

Burman, Tim

From: Dick Smith <dsmith@icihomes.com>
Sent: Tuesday, September 10, 2019 8:09 PM
To: Burman, Tim
Cc: David Haas; Samuel Morrisett; Lenny Sanclemente; Bobby Ball; 'Haluk Kilic'
Subject: [EXT] Woodhaven - Mechanical Equipment Variance Request
Attachments: 16011-LOT-EXH.9-10-19 1 (1).pdf; 20190830145319770.pdf

Tim,

Attached please find a sketch prepared by Zev Cohen & Associates (ZCA) in support of the above referenced variance request. The site plan, cross section and associated notes are intended to show the proposed request will not negatively impact ICI's ability to construct proper drainage swales between homes. It is also intended to memorialize specific construction requirements and deed restrictions that will help the City insure proper drainage between the housing units in Woodhaven, Phase 1 through house construction, and as the community matures.

Construction requirements would include:

1. Min. 5% cross slope in side yard swales and min. 1% longitudinal slope
2. Min. side yard set-back from a/c pad (or any other mechanical equipment) of 18"
3. Min. separation of mechanical equipment on adjacent lots of 8 ft.
4. a/c condenser pads to be set-back a min. of 20 ft. from front building corner

Deed restrictions to include:

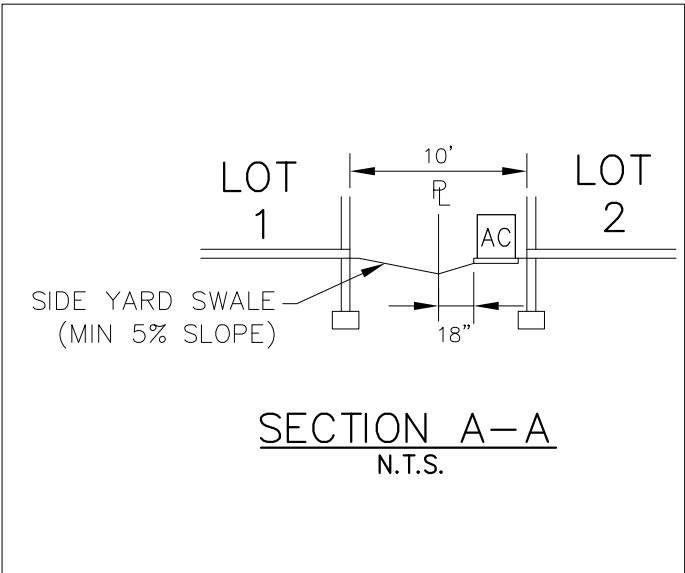
1. Picket style fences only, in the rear yard outside the extended plane of the side walls of the home
2. No fences allowed forward of the rear building corner
3. No landscaping in between homes, with the exception of one (1) 3 gal. shrub in front of mechanical equipment

For simplicity, ZCA chose to show on the sketch a typical design for a Type "A" drainage pattern since this configuration conveys storm-water runoff the longest distances and therefore requires greater fall with more pronounced swales. ICI's intent is to exceed the same minimum standards (min. 5% cross slope and min. 1% longitudinal slope) for Type "B" lots as well. If you think a similar sketch depicting Type "B" drainage would be helpful we can provide that as well.

Also attached is historical information regarding the size of a/c condensers as they have become more efficient, but also larger, necessitating this variance request. My understanding is that the City's zoning code, with regard to mechanical equipment setbacks, has not been updated since the late 90's. Since that time the minimum SEER rating requirements for a/c condensers has increased from 10 to 12 SEER in '02; from 12 to 13 SEER in '06 and then from 13 to 14 SEER in '15. You will see from the info provided units have become physically larger requiring concrete pads that have increased to 35" in width. When the City's zoning code was last updated, the 30" concrete pad would fit within the required setback.

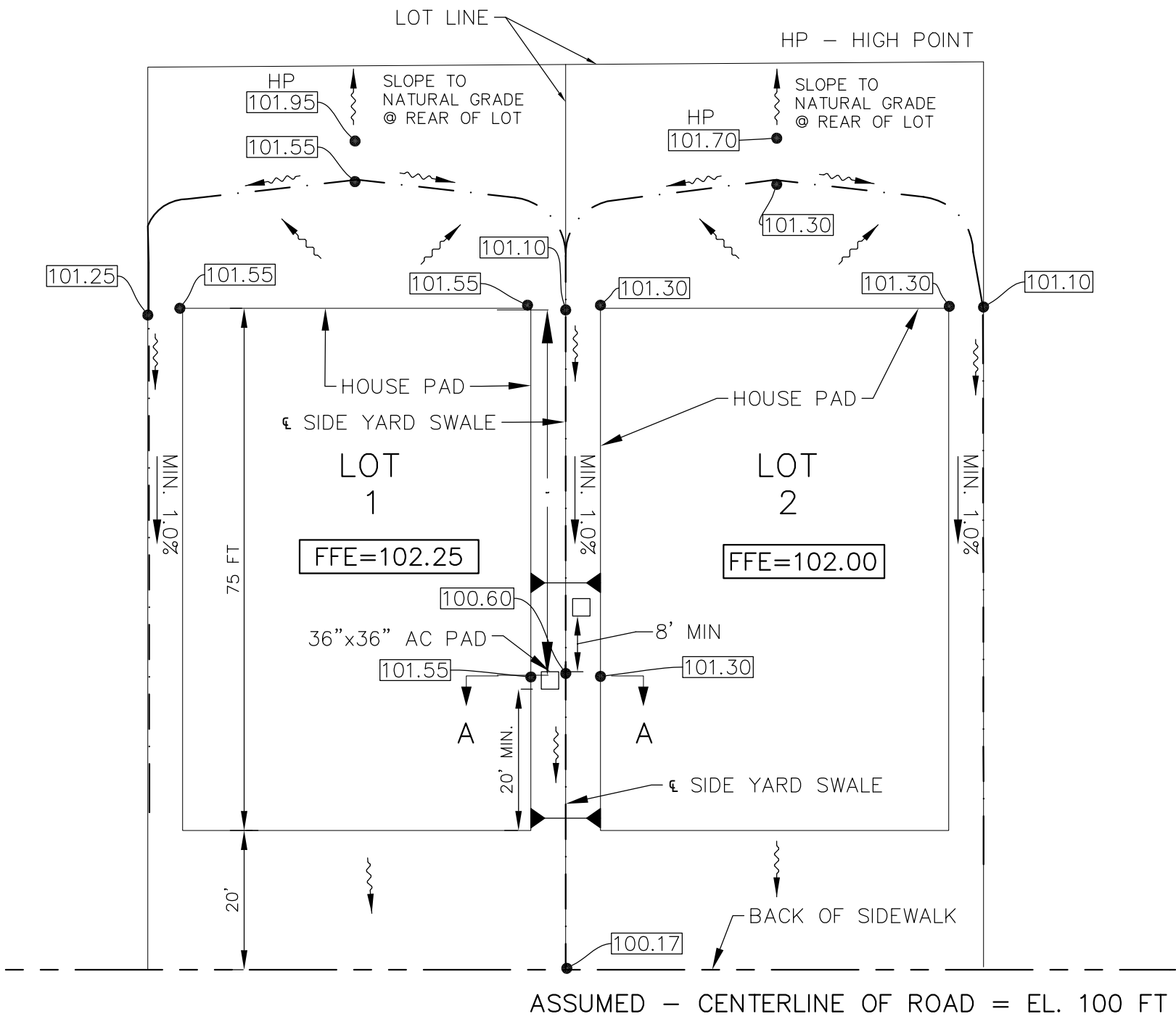
If you have any questions or need further information, please do not hesitate to contact me. Thanks for your assistance in this matter.

Richard D. Smith



NOTES:

1. SIDE SWALES TO HAVE A MIN 1% LONGITUDINAL & 5% CROSS SLOPES.
2. MIN. HORIZONTAL DISTANCE FROM THE EDGE OF AC PAD TO BOTTOM OF SWALE SHALL BE 18".
3. MINIMUM SEPARATION OF 8 FT FOR A/C CONDENSER, PROPANE TANK, GENERATOR, ETC. ON ADJACENT LOTS.
4. AC PADS SHALL BE LOCATED 20 FT (MIN) BEHIND THE FRONT OF THE HOME.
5. ONLY PICKET STYLE FENCES ARE ALLOWED TO MINIMIZE DRAINAGE IMPACTS.
6. NO FENCE IS ALLOWED FORWARD OF THE REAR CORNER OF THE HOME.
7. NO LANDSCAPING ALLOWED IN BETWEEN LOTS WITH THE EXCEPTION OF ONE (1) 3 GAL SHRUB IN FRONT OF AC EQUIPMENT, GENERATOR, PROPANE TANKS, POOL EQUIPMENT ETC.



WOODHAVEN PH-I
MECHANICAL EQUIPMENT
VARIANCE EXHIBIT

CITY OF DAYTONA BEACH

VOLUSIA COUNTY, FLORIDA

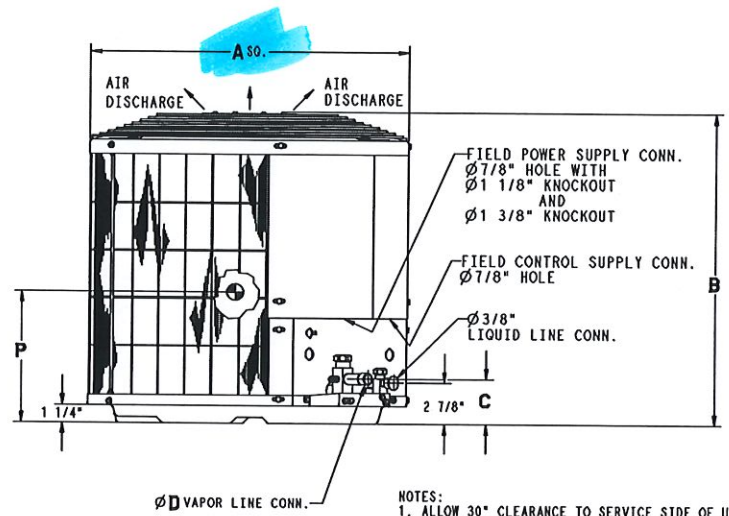
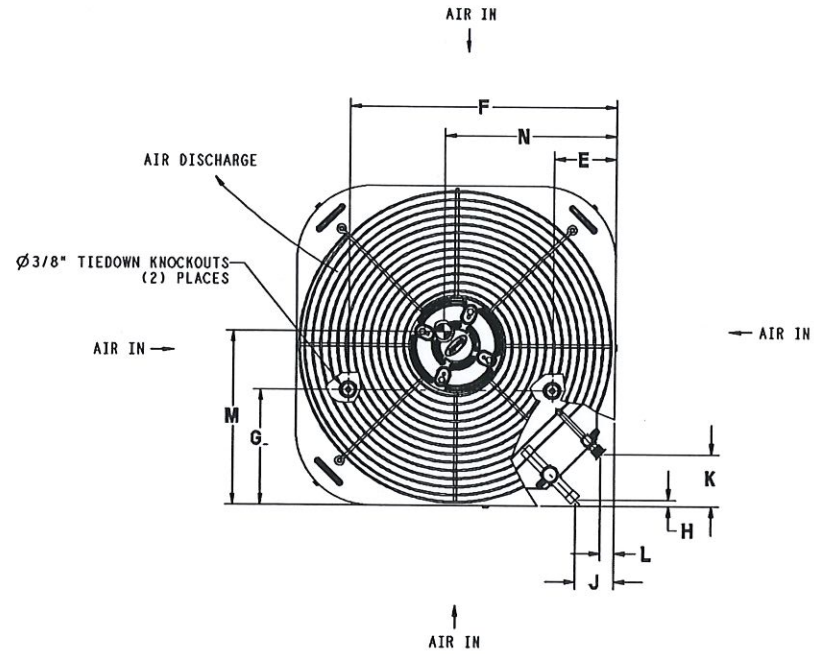
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REVISIONS	

FILE: 16011-LOT-EXH
DATE: 09/10/19
DRAFTED: OM
CHECKED: HK
SCALE: 1"=20'
SHEET: 1 OF 1

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10 SEER

DIMENSIONS (ENGLISH)



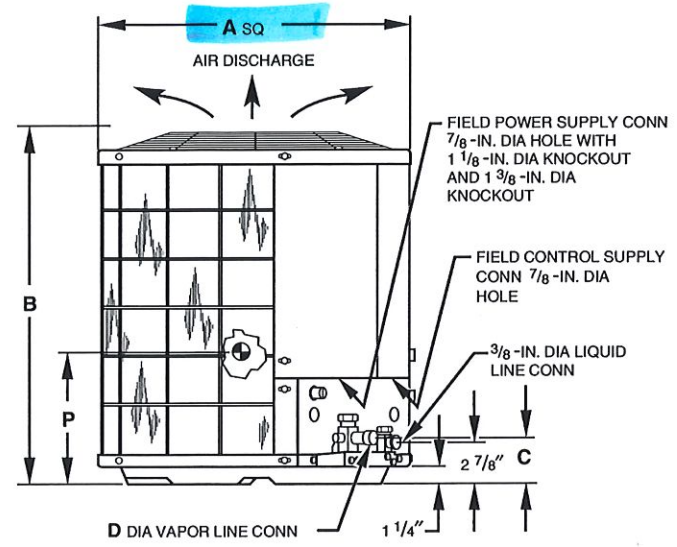
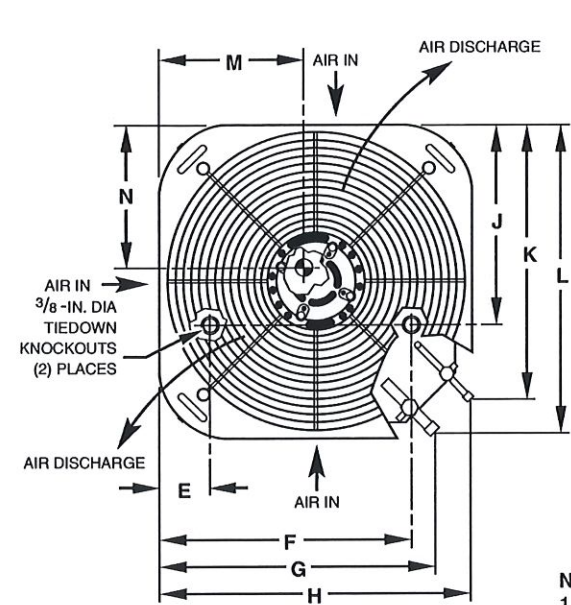
- NOTES:
- 1. ALLOW 30" CLEARANCE TO SERVICE SIDE OF UNIT, 48" ABOVE UNIT, 6" ON SIDE, 12" ON REMAINING SIDE, AND 24" BETWEEN UNITS FOR PROPER AIRFLOW.
 - 2. MINIMUM OUTDOOR OPERATING AMBIENT IN COOLING MODE IS 55°F, MAX. 125°F.
 - 3. SERIES DESIGNATION IS THE 13TH POSITION OF THE UNIT MODEL NUMBER.
 - 4. CENTER OF GRAVITY

UNIT	SERIES	ELECTRICAL CHARACTERISTICS					A	B	C	D	E	F	G	H	J	K	L	M	N	P	SHIPPING WEIGHT
38YCC018-X	A	X	0	0	0	0	22 1/2"	25 15/16"	3 3/16"	5/8"	3 11/16"	18 1/8"	8 1/8"	7/16"	2 3/4"	3 5/8"	7/8"	11 3/4"	12 1/8"	12"	132#
38YCC024-X	A	X	0	0	0	0	22 1/2"	25 15/16"	3 3/16"	5/8"	3 11/16"	18 1/8"	8 1/8"	7/16"	2 3/4"	3 5/8"	7/8"	11 3/4"	12 1/8"	12"	148#
38YCC030-X	A	X	0	X	0	0	22 1/2"	33 15/16"	3 3/16"	3/4"	3 11/16"	18 1/8"	8 1/8"	7/16"	2 3/4"	3 5/8"	7/8"	11 3/4"	12 1/8"	14"	158#
38YCC036-X	A	X	0	X	X	X	30"	27 15/16"	3 3/16"	3/4"	6 1/2"	23 1/2"	10"	7/16"	2 3/4"	3 5/8"	7/8"	16"	14 1/2"	12"	181#
38YCC042-X	A, B	X	0	X	X	X	30"	33 15/16"	3 1/4"	7/8"	6 1/2"	23 1/2"	10"	7/16"	2 3/4"	3 5/8"	7/8"	16"	14 1/2"	13 1/2"	212#
38YCC048-X	A, B	X	0	X	X	X	30"	39 15/16"	3 1/4"	7/8"	6 1/2"	23 1/2"	10"	7/16"	2 3/4"	3 5/8"	7/8"	16"	14 1/2"	15 1/2"	224#
38YCC060-X	A	X	0	X	X	X	30"	39 15/16"	3 1/4"	7/8"	6 1/2"	23 1/2"	10"	7/16"	2 3/4"	3 5/8"	7/8"	16"	14 1/2"	15 1/2"	242#

208-230-160
230-160
208/230-3-60
460-3-60

X=YES
0=NO

UNIT SIZE	MINIMUM MOUNTING PAD DIMENSIONS
18, 24, 30	22 1/2" X 22 1/2"
36	30" X 30"
42, 48, 60	30" X 30"



- NOTES:
- 1. Allow 30 in. clearance to service side of unit, 48 in. above unit, 6 in. on one side, 12 in. on remaining side, and 24 in. between units for proper airflow.
 - 2. Minimum outdoor operating ambient in cooling mode is 55°F (unless low ambient control is used) max. 125°F.
 - 3. Maximum outdoor operating ambient in heating mode is 66°F.
 - 4. Series designation is the 13th position of the unit model number.
 - 5. Center of gravity Ⓞ.

A97045

DIMENSIONS (IN.)

UNIT SIZE	SERIES	A	B	C	D	E	F	G	H	J	K	L	M	N	P	MINIMUM MOUNTING PAD DIMENSIONS
018	33, 34	22-1/2	33-15/16	3-3/16	5/8	3-11/16	18-1/8	19-3/4	21-5/8	14-3/8	18-7/8	22-1/16	10-3/4	11	14-1/4	22-1/2 x 22-1/2
024	35, 36	30	27-15/16	3-3/16	3/4	6-1/2	23-1/2	27-1/4	29-1/8	20	26-3/8	29-9/16	15-1/2	15	11-3/4	30 x 30
030	34, 35	30	33-15/16	3-3/16	3/4	6-1/2	23-1/2	27-1/4	29-1/8	20	26-3/8	29-9/16	15-1/2	15	14-1/2	30 x 30
036	34, 35	30	33-15/16	3-3/16	3/4	6-1/2	23-1/2	27-1/4	29-1/8	20	26-3/8	29-9/16	15-1/2	15	14-1/2	30 x 30
042	33, 34	30	29-15/16	3-1/4	7/8	6-1/2	23-1/2	27-1/4	29-1/8	20	26-3/8	29-9/16	15-1/2	14-3/4	14-1/4	30 x 30
048	33, 34	30	33-15/16	3-1/4	7/8	6-1/2	23-1/2	27-1/4	29-1/8	20	26-3/8	29-9/16	15-1/2	14-1/4	14-1/2	30 x 30
060	33, 34	30	39-15/16	3-1/4	7/8	6-1/2	23-1/2	27-1/4	29-1/8	20	26-3/8	29-9/16	14-3/4	13-1/2	15-1/2	30 x 30

25HBB3

13 SEER

DIMENSIONS - ENGLISH

UNIT	SERIES	ELECTRICAL CHARACTERISTICS				A	B	C	D	E	F	G	K	L	M	N	P	OPERATING WEIGHT (lbs)	SHIPPING WEIGHT (lbs)	SHIPPING DIMENSIONS (L x W x H)
25HBB318	0	X	0	0	0	25 3/4"	35 1/4"	3 3/4"	5/8"	4 7/16"	21 1/4"	9 1/8"	2 13/16"	1/2"	13 1/2"	14 1/2"	14"	148	174	26 7/8" x 30 1/16" x 39 3/8"
25HBB324	0	X	0	0	0	31 3/16"	28 15/16"	3 3/4"	5/8"	6 9/16"	24 11/16"	9 1/8"	2 13/16"	1/2"	15 5/8"	16 3/4"	14 1/2"	162	189	32 3/8" x 35 1/2" x 32 9/16"
25HBB330	0	X	0	0	0	31 3/16"	39 1/8"	3 3/4"	3/4"	6 9/16"	24 11/16"	9 1/8"	2 13/16"	1/2"	16 1/2"	15 1/2"	17"	186	215	32 3/8" x 35 1/2" x 42 3/4"
25HBB336	0	X	0	0	0	35"	28 15/16"	3 3/4"	3/4"	6 9/16"	28 7/16"	9 1/8"	2 13/16"	1/2"	15 1/2"	15 3/4"	12 1/2"	172	207	36 1/8" x 39 5/16" x 32 9/16"
25HBB342	0	X	0	0	0	35"	39 1/8"	3 7/8"	7/8"	6 9/16"	28 7/16"	9 1/8"	2 15/16"	5/8"	17 1/4"	19 1/8"	15 3/4"	246	278	36 1/8" x 39 5/16" x 42 3/4"
25HBB348	0	X	0	0	0	35"	28 15/16"	3 7/8"	7/8"	6 9/16"	28 7/16"	9 1/8"	2 15/16"	5/8"	17"	16"	12"	240	273	36 1/8" x 39 5/16" x 32 9/16"
25HBB360	0	X	0	0	0	35"	28 15/16"	3 7/8"	7/8"	6 9/16"	28 7/16"	9 1/8"	2 15/16"	5/8"	17"	16"	12"	250	282	36 1/8" x 39 5/16" x 32 9/16"

208-230-160

230-160

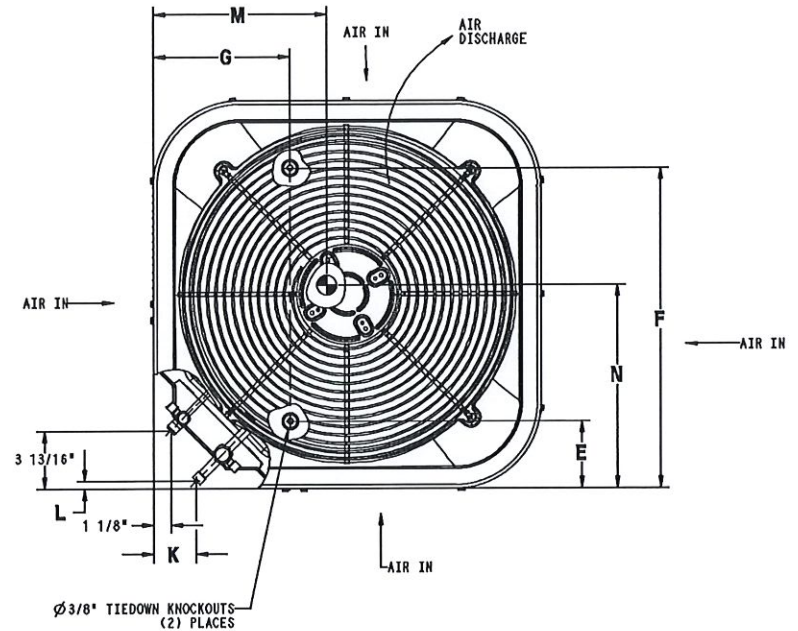
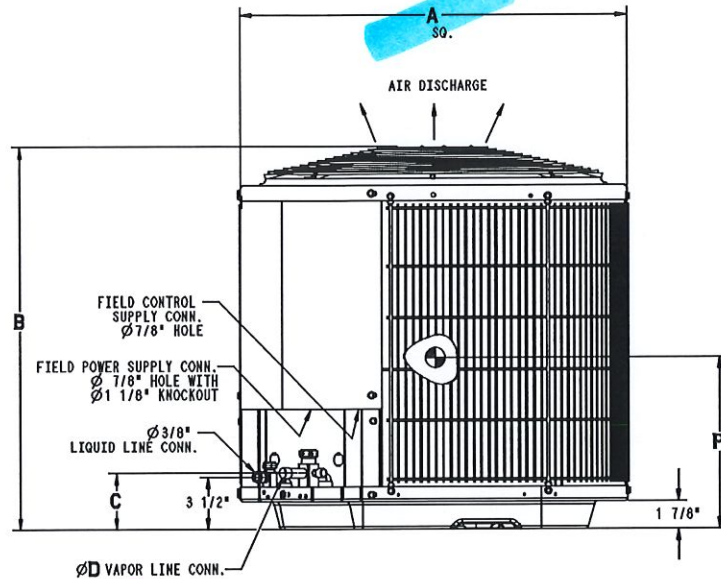
208/230-3-60

460-3-60

X = YES
0 = NO

NOTES:

1. ALLOW 30" CLEARANCE TO SERVICE SIDE OF UNIT, 48" ABOVE UNIT, 6" ON ONE SIDE, 12" ON REMAINING SIDE, AND 24" BETWEEN UNITS FOR PROPER AIRFLOW.
2. MINIMUM OUTDOOR OPERATING AMBIENT IN COOLING MODE IS 55°F, MAX. 125°F.
3. SERIES DESIGNATION IS THE 10TH POSITION OF THE UNIT MODEL NUMBER.
4. CENTER OF GRAVITY .
5. ALL DIMENSIONS ARE IN "INCHES" UNLESS NOTED.



UNIT SIZE	MINIMUM MOUNTING PAD DIMENSIONS
18	26" X 26"
24, 30, 36	31 1/2" X 31 1/2"
36, 42, 48, 60	35" X 35"

25HBB4

14 SEER

DIMENSIONS - ENGLISH

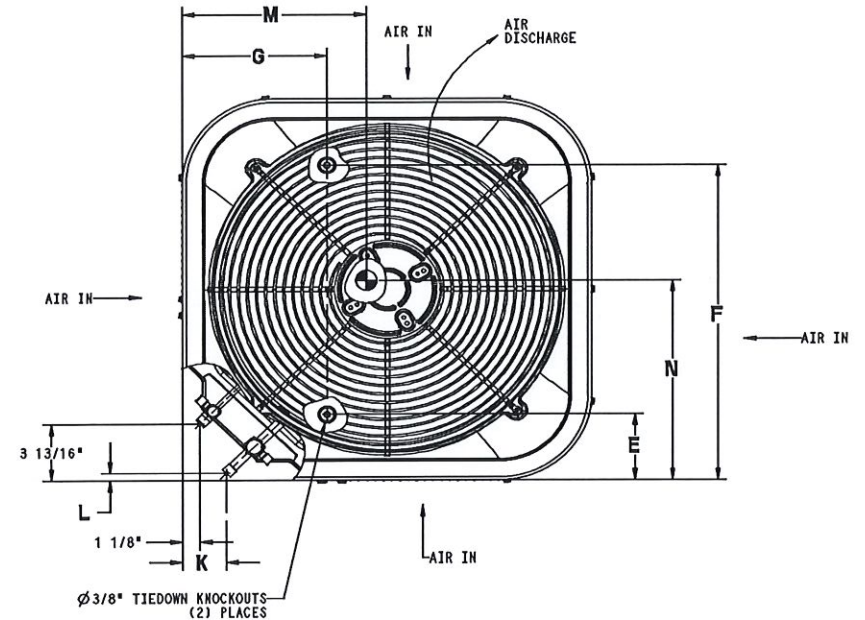
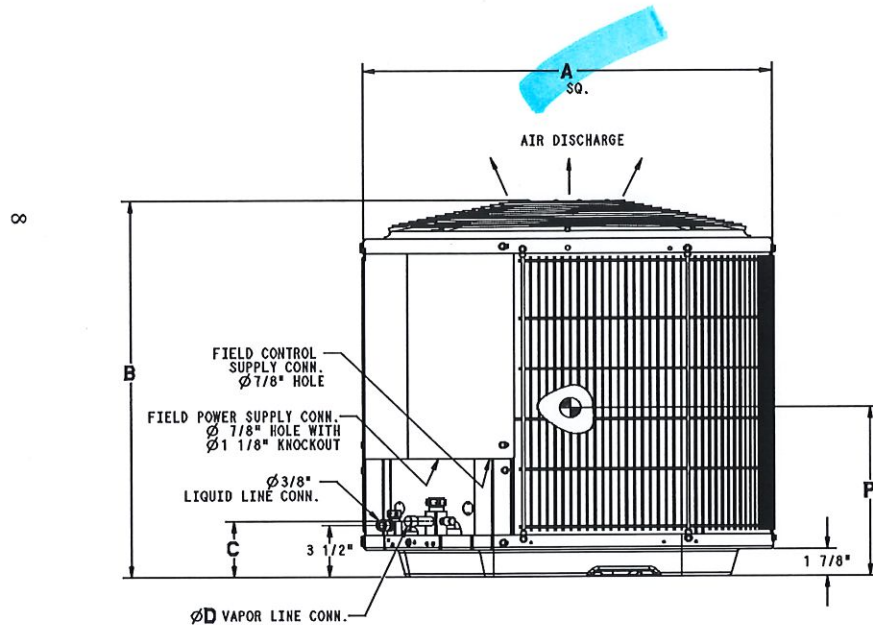
UNIT	SERIES	ELECTRICAL CHARACTERISTICS				A	B	C	D	E	F	G	K	L	M	N	P	OPERATING WEIGHT (lbs)	SHIPPING WEIGHT (lbs)	SHIPPING DIMENSIONS (L x W x H)		
25HBB418	1	X	0	0	0	25 3/4"	31 13/16"	3 3/4"	5/8"	4 7/16"	21 1/4"	9 1/8"	2 13/16"	1/2"	10 1/4"	10 3/4"	14"	146	169	26 7/8" X 30 1/16" X 35 15/16"		
25HBB424	1	X	0	0	0	31 3/16"	28 15/16"	3 3/4"	5/8"	6 9/16"	24 11/16"	9 1/8"	2 13/16"	1/2"	15 5/8"	16 3/4"	14 1/2"	162	189	32 3/8" X 35 1/2" X 32 9/16"		
25HBB430	1	X	0	0	0	31 3/16"	39 1/8"	3 3/4"	3/4"	6 9/16"	24 11/16"	9 1/8"	2 13/16"	1/2"	16 1/2"	15 1/2"	17"	186	215	32 3/8" X 35 1/2" X 42 3/4"		
25HBB436	1	X	0	0	0	35"	28 15/16"	3 3/4"	3/4"	6 9/16"	28 7/16"	9 1/8"	2 13/16"	1/2"	15 1/2"	15 3/4"	12 1/2"	172	207	36 1/8" X 39 5/16" X 32 9/16"		
25HBB442	1	X	0	0	0	35"	39 1/8"	3 7/8"	7/8"	6 9/16"	28 7/16"	9 1/8"	2 15/16"	5/8"	17 1/4"	19 1/8"	15 3/4"	246	278	36 1/8" X 39 5/16" X 42 3/4"		
25HBB448	1	X	0	0	0	35"	28 15/16"	3 7/8"	7/8"	6 9/16"	28 7/16"	9 1/8"	2 15/16"	5/8"	19"	19"	13"	240	273	36 1/8" X 39 5/16" X 32 9/16"		
25HBB460	1	X	0	0	0	35"	35 3/4"	3 7/8"	7/8"	6 9/16"	28 7/16"	9 1/8"	2 15/16"	5/8"	19"	19"	19"	279	311	36 1/8" X 39 5/16" X 39 3/8"		
25HBB461	1	X	0	0	0	35"	45 15/16"	3 7/8"	7/8"	6 9/16"	28 7/16"	9 1/8"	2 15/16"	5/8"	16"	19"	22"	321	355	36 1/8" X 39 5/16" X 49 9/16"		

208-230-160	230-160	208/230-3-60	460-3-60
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X = YES
O = NO

NOTES:

1. ALLOW 30" CLEARANCE TO SERVICE SIDE OF UNIT, 48" ABOVE UNIT, 6" ON ONE SIDE, 12" ON REMAINING SIDE, AND 24" BETWEEN UNITS FOR PROPER AIRFLOW.
2. MINIMUM OUTDOOR OPERATING AMBIENT IN COOLING MODE IS 55°F, MAX. 125°F.
3. SERIES DESIGNATION IS THE 13TH POSITION OF THE UNIT MODEL NUMBER.
4. CENTER OF GRAVITY .
5. ALL DIMENSIONS ARE IN "INCHES" UNLESS NOTED.



UNIT SIZE	MINIMUM MOUNTING PAD DIMENSIONS
18	26" X 26"
24, 30	31 1/2" X 31 1/2"
36, 42, 48, 60, 61	35" X 35"

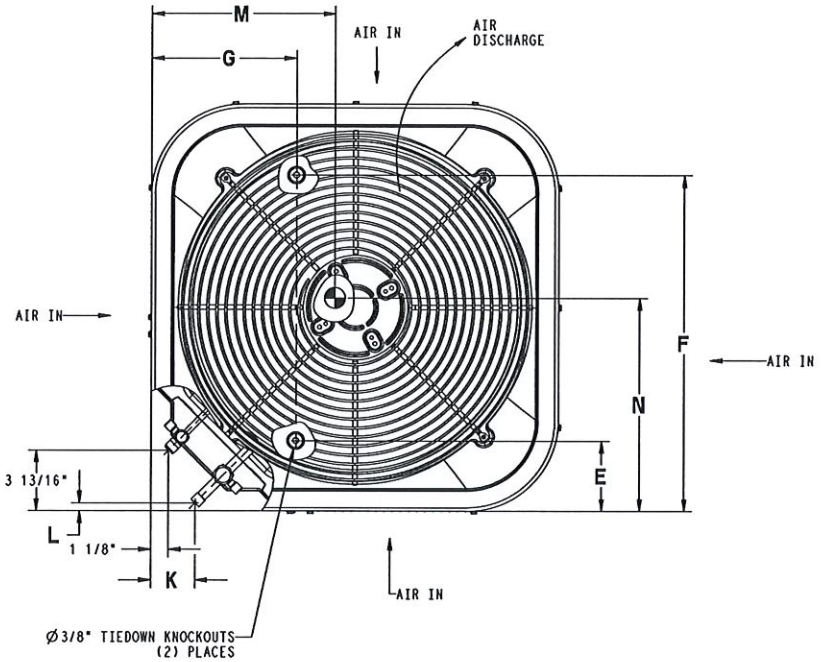
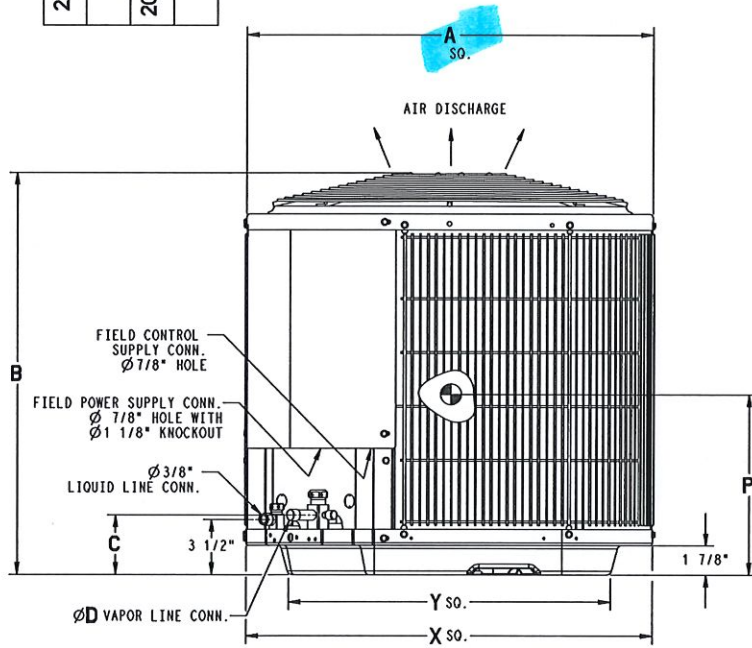
14 SEER

DIMENSIONS - ENGLISH

UNIT	SERIES	ELECTRICAL CHARACTERISTICS				A	B	C	D	E	F	G	K	L	M	N	P	OPERATING WEIGHT (lbs)	SHIPPING WEIGHT (lbs)	SHIPPING DIMENSIONS (L x W x H)
CH14NB018	A	X	O	O	O	23 1/8"	35 1/4"	3 3/4"	5/8"	4 7/16"	18 1/16"	7 13/16"	2 13/16"	1/2"	11"	15 3/4"	12"	136	166	25 1/4" X 25 1/4" X 40"
CH14NB024	A	X	O	O	O	25 3/4"	35 1/4"	3 3/4"	5/8"	4 7/16"	21 1/4"	9 1/8"	2 13/16"	1/2"	12"	13 1/4"	13 1/2"	144	175	27 7/8" X 27 7/8" X 40"
CH14NB030	A	X	O	O	O	31 3/16"	31 13/16"	3 3/4"	3/4"	6 9/16"	24 11/16"	9 1/8"	2 15/16"	5/8"	15"	11"	16"	158	180	33 3/8" X 33 3/8" X 36 5/8"
CH14NB036	B	X	O	O	O	31 3/16"	28 7/16"	3 3/4"	3/4"	6 9/16"	24 11/16"	9 1/8"	2 15/16"	5/8"	15 3/4"	14"	10 3/4"	170	201	33 3/8" X 33 3/8" X 33 1/4"
CH14NB042	A	X	O	O	O	31 3/16"	39 1/8"	3 7/8"	7/8"	6 9/16"	24 11/16"	9 1/8"	2 15/16"	5/8"	15 1/2"	13 1/2"	14"	201	235	33 3/8" X 33 3/8" X 43 1/2"
CH14NB048	A	X	O	O	O	31 3/16"	28 7/16"	3 7/8"	7/8"	6 9/16"	24 11/16"	9 1/8"	2 15/16"	5/8"	16 1/2"	11 1/2"	15"	197	232	33 3/8" X 33 3/8" X 33 1/4"
CH14NB060	A	X	O	O	O	31 3/16"	31 13/16"	3 7/8"	7/8"	6 9/16"	24 11/16"	9 1/8"	2 15/16"	5/8"	14 3/4"	15 3/4"	16 1/4"	212	248	33 3/8" X 33 3/8" X 36 5/8"

208-230-160	230-160	208/230-3-60	460-3-60
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X = YES
O = NO



UNIT SIZE	X" MIN GROUND MOUNTING PAD APPLICATION DIMENSIONS	Y" MIN ROOF-TOP MOUNTING PAD APPLICATION DIMENSIONS
18	23 1/8"	17 3/4"
24	25 3/4"	20 7/16"
30, 37, 42, 48, 60	31 3/16"	23"
-	35"	26 3/4"

When installing, allow sufficient space for airflow clearance, wiring, refrigerant piping, and service. Allow 24 in. (609.6 mm) clearance to service end of unit and 48 in. (1219.2 mm) (above unit). For proper airflow, a 6-in. (152.4 mm) clearance on 1 side of unit and 12-in. (304.8 mm) on all remaining sides must be maintained. Maintain a distance of 24 in. (609.6 mm) between units or 18 in. (457.2 mm) if no overhang within 12 ft. (3.66 m) Position so water, snow, or ice from roof or eaves cannot fall directly on unit.

NOTE: 18" (457.2 mm) clearance option described above is approved for outdoor units with wire grille coil guard only. Units with louver panels require 24" (609.6 mm) between units.

On rooftop applications, locate unit at least 6 in. (152.4 mm) above roof surface.

16 SEER

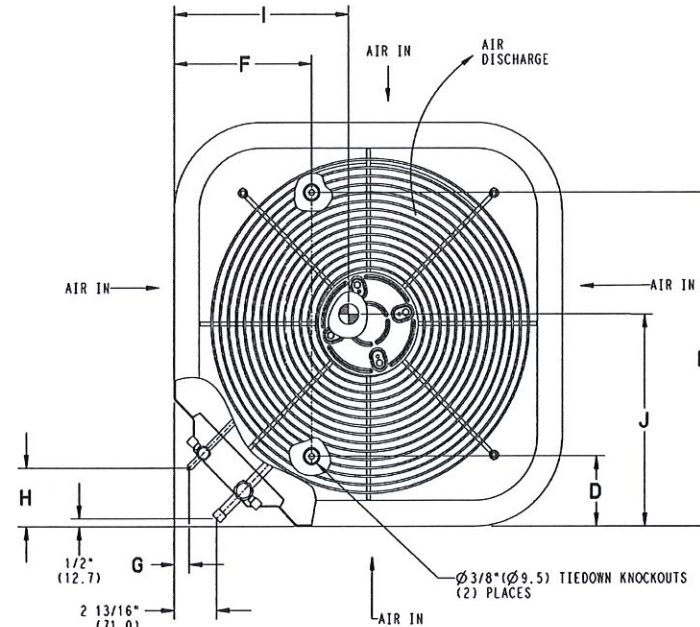
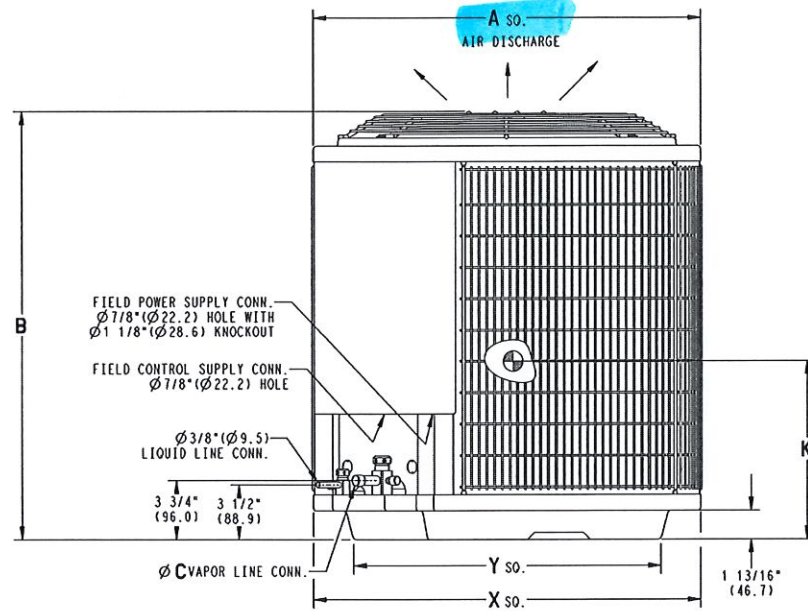
DIMENSIONS

UNIT	SERIES	ELECTRICAL CHARACTERISTICS					A		B		C		D		E		F		G		H		I		J		K		OPERATING WEIGHT		SHIPPING WEIGHT		SHIPPING LENGTH / WIDTH (Sq.)		SHIPPING HEIGHT	
							INCH	MM	INCH	MM	INCH	MM	INCH	MM	INCH	MM	INCH	MM	INCH	MM	INCH	MM	INCH	MM	INCH	MM	INCH	MM	Lbs	Kgs	Lbs	Kgs	INCH	MM	INCH	MM
CH16NA01800GAAAA	A	Y	N	N	N		31 3/16	792.5	35 1/16	890.7	5/8	15.9	6 9/16	166.1	24 11/16	626.3	9 1/8	231.3	1 1/8	28.2	3 13/16	97.4	15 3/4	400.1	16	406.4	16 1/4	412.8	167	75.7	199	90.3	32 3/16	817.9	36 11/16	931.3
CH16NA02400GBAAA	A	Y	N	N	N		35	889.0	32 1/16	815.1	5/8	15.9	6 9/16	166.1	28 7/16	722.8	9 1/8	231.3	1 1/8	28.2	3 13/16	97.4	17 1/2	444.5	17 7/8	454.0	15 5/8	396.9	172	78.0	210	95.3	37 1/8	943.1	36 5/8	929.5
CH16NA03000GBAAA	A	Y	N	N	N		35	889.0	32 1/16	815.1	3/4	19.1	6 9/16	166.1	28 7/16	722.8	9 1/8	231.3	1 1/8	28.2	3 13/16	97.4	17 1/4	438.2	16 7/8	428.6	15 3/4	400.1	207	93.9	245	111.1	37 1/8	943.1	36 5/8	929.5
CH16NA03600GBAAA	A	Y	N	N	N		35	889.0	32 1/16	815.1	3/4	19.1	6 9/16	166.1	28 7/16	722.8	9 1/8	231.3	1 1/8	28.2	3 13/16	97.4	17 3/8	441.3	17 1/2	444.5	13 3/4	349.3	215	97.5	253	114.8	37 1/8	943.1	36 5/8	929.5
CH16NA04200GBAAA	A	Y	N	N	N		35	889.0	32 1/16	815.1	7/8	22.2	6 9/16	166.1	28 7/16	722.8	9 1/8	231.3	1 1/8	28.2	3 13/16	97.4	16 1/4	412.8	17 7/8	454.0	15 7/8	403.2	233	105.7	271	122.9	37 1/8	943.1	36 5/8	929.5
CH16NA04800GBAAA	A	Y	N	N	N		35	889.0	32 1/16	815.1	7/8	22.2	6 9/16	166.1	28 7/16	722.8	9 1/8	231.3	1 1/8	28.2	3 13/16	97.4	16 1/8	409.6	18	457.2	14 7/8	377.8	238	108.0	276	125.2	37 1/8	943.1	36 5/8	929.5
CH16NA06000GBAAA	A	Y	N	N	N		35	889.0	45 11/16	1160.5	7/8	22.2	6 9/16	166.1	28 7/16	722.8	9 1/8	231.3	1 1/8	28.2	3 13/16	97.4	17 7/8	454.0	16 1/4	412.8	19	482.6	288	130.6	334	151.5	37 1/8	943.1	50 3/16	1274.9

208-230-1-60	Y=YES N=NO
208-230-3-60	
460-3-60	
575-3-60	

NOTES:

1. CENTER OF GRAVITY



UNIT SIZE	"X"		"Y"	
	MINIMUM GROUND MOUNTING PAD APPLICATION DIMENSIONS		MINIMUM ROOF-TOP MOUNTING PAD APPLICATION DIMENSIONS	
-	23 1/8	587.3	17 7/8	454.6
-	25 3/4	654.0	20 7/16	518.5
18	31 3/16	792.5	22 15/16	583.2
24,30,36,42,48,60	35	889.0	26 3/4	679.7

NOTE: ALL DIMENSIONS IN INCH (MM)

U.S. ECCN: Not Subject to Regulation (N.S.R.)

SD5437-4 REV. A