AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, December 17, 2020 **Time:** 5:30 PM

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

A. CALL TO ORDER

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

B. DISCUSSION/ACTION

4. Consideration of Minutes
5. APPLICATION: Variance/L7101 SR 421 Owens
   LOCATION: 5311 S. Williamson Blvd.
   CASE NO.: 20-90000004
   STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/tburman@port-orange.org
   APPLICANT: CLQ, LLC
   (Continued from November 19, 2020 Planning Commission Meeting)

   A request by the applicant for a variance from Chapter 16, Section 9(c)(8), of the Land Development Code to allow a setback for a communication tower to be less than the required minimum distance of 110 percent of the fall radius for the tower.

6. APPLICATION: Small-Scale Comprehensive Plan Future Land Use Map Amendment/5100, 5120, and 5128 Riverside Drive
   LOCATION: 5100, 5120, and 5128 Riverside Drive
   CASE NO.: 20-20000004
   APPLICANT: A. Joseph Posey Jr., Storch Law Firm
   STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

   A request by the applicant to Change the Future Land Use (FLU) designation for ±3.4 acres from Urban Medium Residential (4-8 units/acre) to Commercial.

7. APPLICATION: PCD Amendment/6th Amendment to the Clark Professional Center and Wedding Chapel Planned Commercial Development Master Development Agreement and Conceptual Development Plan
   LOCATION: 5100, 5120, and 5128 Riverside Drive
   CASE NO.: 20-65000001
   APPLICANT: A. Joseph Posey Jr., Storch Law Firm
   STAFF CONTACT: Gwen Perney, Senior Planner (386) 506-5673/gperney@port-orange.org

   A request by the applicant to rezone three properties along Riverside Drive from Single-Family Residential (R-7SF) to Planned Commercial Development (PCD) and to approve the Sixth Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement to incorporate the three properties into the existing wedding and event facility within the PCD.
8. APPLICATION: Rezoning/Catholic Church of the Epiphany
   LOCATION: 304, 308, 312, 316, 320, and 324 Fleming Avenue
   CASE NO.: 20-60000006
   STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org
   APPLICANT: Bishop John G. Noonan, Diocese of Orlando

   A request by the applicant to rezone ±1.1 acres from R-8SF Single-family Residential to Government/Public Use (GPU).
9. APPLICATION: Conditional Use/Thrive Community Church
   LOCATION: 6156 Williamson Boulevard
   CASE NO.: 20-30000002
   STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org
   APPLICANT: Peter Keirstead, Pastor, Thrive Community Church

   A request by the applicant for a Conditional Use to allow outdoor church services and activities/meetings.

C. OTHER BUSINESS

10. Commissioner Comments
11. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD

OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

FOR SPECIAL ACCOMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) 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 OR HEARING DATE.

HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 OR HEARING 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
NOVEMBER 19, 2020

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

Pledge of Allegiance

Silent Invocation

Roll Call

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

B. <u>DISCUSSION/ACTION</u>

4. Consideration of Minutes

Motion to approve the minutes as presented from September 24, 2020 was made by Commissioner Green and Seconded by Commissioner Schmidt. Motion carried unanimously by roll call vote.

5. CASE NO.: 20-90000004
Variance/L7101 SR 421 Owens
5311 S. Williamson Blvd.

A request by the applicant for a variance from Chapter 16, Section 9(c)(8), of the Land Development Code to allow a setback for a communication tower to be less than the required minimum distance of 110 percent of the fall radius for the tower.

STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675
tburman@port-orange.org

(Continued to December 17, 2020 Planning Commission Meeting)

Chair Mills-Benat stated that the applicant requested that item #5 be continued to a date certain of December 17, 2020.

6. CASE NO.: 20-90000003

Variance/3336 Shamrock Dr.
3336 Shamrock Dr.

A request by the applicant for a variance from Chapter 9, Article III, Section 27(b)(9), of the Land Development Code to allow a dock to be set back 0 feet in lieu of the required 25' setback from the projected south and west boundaries of the subject property.

STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675 tburman@port-orange.org

Tim Burman, Community Development Director, discussed details of the proposed variance and answered questions from Commissioners.

Jack Wiles, Applicant, provided further information and answered questions from Commissioners.

Kevin and Sandy London, Citizens, expressed concerns regarding the dock size and placement in the canal.

Motion to approve Case No. 20-90000003 with staff recommendations was made by Commissioner Green and Seconded by Commissioner Junco. Motion passed unanimously by roll call vote.

7. CASE NO.: 20-27500001

Comprehensive Plan Capital Improvements Element/2020 Annual Update

Update to amend the Comprehensive Plan Capital Improvements Element (CIE) in accordance with Florida Statutes.

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

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

Motion to approve Case No. 20-27500001 was made by Commissioner Bofamy and Seconded by Commissioner Schmidt. Motion passed unanimously by roll call vote.

8. 2021 Proposed Public Hearing and Development Review Calendars

Commissioners accepted the 2021 Proposed Public Hearing and Development Review Calendars.

C. OTHER BUSINESS

9. 2020 Concurrency Management Report

Mrs. Cruz stated the report is an annual report they provide with a cumulative view of all the concurrency analysis for the year.

10. Commissioner Comments

Commissioner Green asked for an update on the gas station on Taylor road and the connection with Walgreens. Mr. Burman informed the Commission the property owner hasn't had any successful communication with Walgreens.

11. Staff Comments

There were none.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT – 6:05 p.m.

_____

Chair Mills-Benat

STAFF REPORT
VARIANCE / COMMUNICATION TOWER SETBACK ON NORTH & EAST BOUNDARY OF SITE CHAPTER 16 SECTION 9(C)(8), LDC
CASE NO. 20-90000004

REQUEST:	Variance from the LDC to reduce the north and east boundary setback for a communication tower from 214.5 feet to 55 feet.
PROPERTY OWNER:	J. Sam Owens Jr.
APPLICANT:	CLQ, LLC
LOCATION:	5311 S. Williamson Boulevard
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Tim Burman, Community Development Director (386) 506-5675
PLANNING COMMISSION DATE:	December 17, 2020

BACKGROUND

CLQ, LLC, applicant, recently submitted a site plan for the development of a 195-foot tall communication tower with concealed antennas and equipment compound within an 8,822 square-foot lease area at the southeast corner of a 2.5-acre parent parcel. According to the applicant, the tower will allow for carriers to locate on the tower to bring enhanced cellular and E911 service to the surrounding area. The parent parcel is currently a wooded vacant parcel and located between I-95 and Williamson Boulevard, south of the Town West Boulevard/Williamson Boulevard intersection.

Figure 1. Location Map

According to the applicant, the proposed tower cannot be located within the lease area and comply with the required 214.5-foot setback from the boundary of the parent parcel according to the Land Development Code (LDC), and the setback requirement will have the effect of prohibiting wireless service to be established within a needed coverage area (Exhibit A – Applicant Letter or Request). The applicant is requesting to reduce the tower setback along the south and east boundaries of the parent parcel from 214.5 feet to 55 feet. The required tower setback along the north and west boundary of the parent parcel exceed the required 214.5-foot setback.

Along with the setback variance request, the applicant submitted a concurrent application for a site plan that is under review for compliance with the City's wireless communication facilities siting criteria in the LDC. Prior to submitting the site plan, it was determined at a pre-application meeting for the communication tower that a setback variance request would be required along the south and east boundaries. Based on the preliminary review of the site plan application at the time of preparing this report, the proposed separation requirements from existing communication towers, rights-of-way, and habitable residential structures or residentially zoned vacant land are in compliance with the LDC and the variance is only necessary for the tower setback along the south and east boundaries of the parent parcel. In addition to the tower, a compound for the associated equipment will be fenced with an eight (8) foot tall PVC fence, finished side out, and will be surrounded by a ten (10) foot landscape buffer and existing vegetation.

The intent of the communication tower setback in the LDC is to satisfy structural safety and aesthetic concerns for owners of adjacent properties, residents, and users of nearby public rights-of-way. *According to the LDC,* a communication tower is to be setback from all property lines of the parent parcel a minimum distance of 110 percent of the fall radius of the tower and the fall radius is defined as the height of a communication tower or the calculated distance measured from the center of the base of a communication tower which defines the maximum circular area into which the tower and any further distance in which any part of a tower may fall in case of structural failure or collapse. Therefore, the proposed 195-foot communication tower has a 214.5-foot (195-foot X 1.1 = 214.5-foot) set back from all property lines of the parent tract. The proposed communication tower has the following proposed property line setbacks:

Boundary Direction	**Required Setback per the LDC**	**Proposed Setback**
North (Future Thompson Pump Site)	214.5 Feet	55 Feet
East (St. Johns Water Management District Conservation Area)	214.5 Feet	55 Feet
South (Williamson Blvd.)	214.5 Feet	289.6 Feet
West (Future Thompson Pump Site)	214.5 Feet	249.6 Feet

To minimize the potential impacts of the proposed tower upon the nearby residential and non-residential areas and Williamson Boulevard, the proposed tower was positioned at the northeast corner of the parent tract to use the existing trees and vegetation and be further away from Williamson Boulevard (+/- 289 feet) and residential development to the west (+/- 1,300 feet to +/- 1,700 feet). To the east of the tower lease area is a heavily wooded tract of land that is unencumbered with a conservation easement in favor of the St. Johns Water Management District and to the north and

west is vacant industrial land owned by Thompson Pump Family Properties, LLC, and is the future home of new headquarters for Thompson Pump. According to the approved site plan for the Thompson Pump site, the area abutting the proposed tower site to the north is to be developed with a stormwater pond. A letter of no objection was provided by Thompson Pump Family Properties, LLC, regarding the proposed tower and the requested 55-foot setback of their industrial zoned property (Exhibit B).

The LDC allows an applicant to seek a variance for a setback if the applicant maintains that the requirement will prohibit or would have the effect of prohibiting the ability of a service provider to provide wireless services in violation of federal law. According to the applicant, the requested setbacks for the proposed communication tower will meet the intent of the City's setback requirement. As indicated by the applicant, in the unlikely event of a tower failure, the proposed tower is designed to collapse at a pre-engineered breakpoint and would fall within the leased area. The design engineer for the proposed communication tower states that in the event of a failure due to extreme wind, the tower would buckle at the 183-foot elevation mark and only a 12-foot section would fall or remain connected and hang from the 183-foot standing tower section. The applicant states that through its engineering of the communication tower, the tower design, along with the requested 55-foot setback, satisfies the city's intent to ensure structural safety for adjacent properties. As with any structure, a building permit along with engineered plans will be required for review to ensure compliance with the Florida Building Code, and if the variance is approved, that the tower is designed to have a pre-engineered breakpoint.

The variance being requested at this time is only for the north and east boundary setback for the proposed communication tower. The City's regulations for the siting of cellular towers and associated facilities are consistent with applicable federal and state laws, including, but not limited to, the Telecommunications Act of 1996, which as set forth in 47 U.S.C.§ 332(c)(7)(B)(iv), expressly preempts, state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions, and F.*S*. § 365.172(13).

REVIEW OF VARIANCE CRITERIA

Chapter 19, Section 1, of the LDC, lists the review criteria used to determine whether the variance requested should be granted. These criteria, accompanied by staff responses, are listed below.

(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 building in the same zoning district.

It is the city's intention that the city's requirements not prohibit or have the effect of prohibiting the provision of personal wireless services in violation of federal law,). The applicant has indicated that the application of the communication tower setback would be in violation of Federal law since the communication tower setback would preclude the tower from being built when sufficient modifications to address the intent of a code requirement have been made. To

support the requested variance, the applicant submitted an affidavit from a licensed engineer to demonstrate how the reduced setback will not create safety concerns to the adjacent properties to the north and east due to the engineered design of the tower.

According to the applicant, it would be practically difficult to comply with the city's setback requirements for a communication tower. For the proposed 195-foot communication tower, the City's LDC requires a 214.5' setback from all boundaries of the parent tract which would require, at a minimum, a parcel to be at least 429 feet x 429 feet, or 4.2 acres and for the tower to be located in the center of the parcel. The applicant states that properties this large are difficult to find and even more difficult to find a landlord willing to allow a tower in the center of their parcel, given the impact on the use of their land for other development uses.

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

According to the applicant, the special conditions and circumstances are not the result of actions of the property owners or applicant.

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

When a new communication tower is proposed to be built on a parcel with an industrial zoning category, it must comply with current development requirements of the Land Development Code (LDC). A site plan is currently under staff review for the tower at this location to confirm compliance with the LDC and the setback variance request for the proposed tower is being processed concurrently with the ongoing site plan review.

The intent of communication tower setback requirement is to establish distance separation requirements to satisfy structural safety or aesthetic concerns, minimize impact on adjoining properties, and provide room on the subject property for maintenance and necessary repairs to the structure. The surrounding parcels within the calculated 110% fall radius of the tower are non-residential uses and there are no roads or structures within the fall radius of the proposed tower.

According to the applicant, the requested setbacks for the proposed communication tower will meet the intent of the City's setback requirement because the tower is designed in the unlikely scenario the tower collapses or is damaged. The design engineer of the proposed communication tower states that in the event of a failure due to extreme wind, the tower would buckle at the 183-foot elevation; therefore, a 12-foot section would fall but would most likely remain connected and hang from the 183-foot standing tower section. The applicant states that through engineering of the communication tower, the tower satisfies

the city's intent to ensure structural safety for adjacent properties to a communication tower.

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

According to the applicant, the dimensions/area of the subject parent parcel is not large enough to meet the setbacks from all property lines and the requested setback for the north and east boundary is the minimum variance for development. The applicant also states that the proposed 55-foot setback from the north and east boundary line of the parent parcel provides sufficient separation between the proposed tower and adjacent properties in the unlikely event of tower failure as the tower is designed to collapse within the lease area on the parent tract.

A communication tower could be constructed on the parent tract to comply with the setback requirements of the LDC; however, this would require the height of the proposed tower to be reduced and placement of the proposed tower in the center of the parent tract. The applicant has stated that to address the communication needs in this area, a tower needs to be at least 195-feet tall. A reduction in the tower height is not an option.

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

Based on the parcel size, zoning, and proximity to habitable residential structure or vacant land residentially zoned, there are a small number of parcels available that can comply with all requirements in the LDC for siting of a communication tower within the one-mile radius of the proposed communication tower site. According to the applicant, properties as large as the parent parcel and away from residential areas is difficult to find, and when located, it is even more difficult to find a landlord willing to allow a communication tower of their parcel, given the impact on future use of their land for development for other uses. The applicant also states that the majority of the sites in their search area would require some type of variance from the City's setback or separation requirements from residential.

Other sites evaluated in the area west of I-95 and north of Taylor Road have include land near Coraci Park and the Port Orange Fire Station on Town West Boulevard; however, these sites required variance for setbacks and separation distance between a communication tower and a habitable residential structure or vacant land residentially zoned. Also, if the variance is approved, any communication tower to be built must comply with the requirements of the LDC prior to issuance of a Development Order and/or Building Permit.

(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.

According to the applicant, the proposed tower will be located on an industrial zoned parcel and the requested setback for the north and east boundaries of parent tract would not be detrimental to meeting the structural safety or aesthetic requirements in the LDC. The applicant states that the proposed tower will be engineered to have a fall radius within the lease area on the parent tract and the requested setback from the boundary of the parent tract is sufficient to ensure structural safety.

The tower design engineer states in the unlikely event of a tower failure, the proposed tower would not collapse at the base but rather at a pre-engineered breakpoint, along the upper portion of the tower. Therefore, the breakpoint for the proposed tower is predetermined in its design so in an unlikely tower failure event, the fall radius for the proposed tower would be within the 8,822 square-foot leased area on the parent tract and/or proposed setback area.

According to the applicant, the use of a monopole design with concealed antennas is to minimize visual impacts compared to a monopole with exterior antennas. As for placement of the proposed tower at the northeast corner of the parent parcel, the intent is to use the existing trees and vegetation to minimize appearance.

As discussed above, the proposed tower is setback from Williamson Boulevard (+/- 280 feet), residential lots (+/- 1,700 feet), and multi-family development (+/- 1,300 feet) to the west; heavily wooded tract of land that is unencumbered with a conservation easement in favor of the St. Johns Water Management District to the east; and vacant industrial land owned by Thompson Pump Family Properties LLC to the east and north. According to the approved site plan for the Thompson Pump headquarters, the area abutting the proposed tower site is to eventually be developed with a stormwater pond.

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

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

RECOMMENDATION

Based on the criteria listed in Chapter 19 of the Land Development Code and the request as outlined in this report, staff recommends approval of the variance to allow a 55-foot setback from the south and east boundary; subject to the communication tower being constructed with a 12-foot fall radius as described in the letter provided by the applicant.

EXHIBIT A

CLQ, LLC
1123 Solana Ave, Winter Park, FL 32789

Date: 11/11/20

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

CLQ, LLC
VARIANCE JUSTIFICATION STATEMENT

1. CLQ, LLC seeks a variance for the setback requirement set forth in Section 9(c)(8)(a) which provides as follows:

> a. All communication towers shall be setback from all property lines of the parcel on which it is to be constructed a minimum distance of 110% of the full radius of the tower of the minimum setback for the zoning district, whichever is greater.

Chapter 2, Section 2 Definitions provides the following definition of fall radius:

> Fall Radius. The greater of the height of a communication tower or the calculated distance measured from the center of the base of a communication tower which defines the maximum circular area into which the tower and any further distance in which any part of a tower may fall in case of structural failure or collapse.

City staff interprets this setback requirement to require that towers be set back from all property lines a distance of 110% of the tower height. CLQ's proposed 195' unipole tower has the following proposed property line setbacks:

N	55'
E	55'
S	289.6'
W	249.6'

A 195' tower would require a 214.5' setback from all property lines. Because this setback has not been met on the north and east property lines, CLQ is seeking variance relief pursuant to Section 9(d)(10) of the City's Land Development Code. This setback is designed to satisfy structural safety concerns. The City has other distance separation requirements in its telecommunications facilities siting ordinance that address aesthetic concerns. The CLQ Proposed Tower meets all of these requirements so the variance criteria will be addressed solely as it relates to the relief requested from the structural safety setback.

Submitted with CLQ's application is the signed and sealed letter from Florida registered Professional Engineer Michael Plahovinsalc certifying that the Proposed Tower will be engineered

to have a 12' fall zone radius. Monopole structures are unique in that in the unlikely event of tower failure they are not designed to collapse at the base but rather at a pre-engineered breakpoint, somewhere along the upper range of the tower's height. This breakpoint can be specified and in this case CLQ will have the tower designed with a breakpoint so as to only fall within the tower compound.

2. There is a practical difficulty in complying with the City's setback requirements. The setbacks must be met from all property lines. A 195' tower requires a 214.5' setback from all tower boundaries which would require, at a minimum, a parcel that is at least 429' x 429', or 4.225 acres with the tower located in the very center of the parcel.

Properties this large are hard to find and it is even more difficult to find a landlord that is willing to allow a tower in the center of the parcel, given the impact on the utility of the land for development for other uses.

3&4. The location of the tower in the northwest corner of the parcel takes advantage of the nature and characteristics of the surrounding neighborhood. The Thompson family property surrounds the subject property on the west and north sides and the property is unimproved. The Thompson family has also provided their letter of no objection to the tower location. On the east side, the property is heavily treed and unencumbered with a conservation easement in favor of the Water Management District. No development can occur on this property so any structural safety concerns are unwarranted.

By pushing the tower up to that corner, the tower is also moved away from the roadways, lessening any aesthetic impact.

5. Due to the dimensions/size of the subject property, the property is not large enough to meet the setbacks from all property lines and at best only two property line setbacks can be met.

6. Not applicable – addresses aesthetic impact.

7. Not applicable – addresses aesthetic impact.

8. There is no alternate location on the subject property that would not require a variance.

Please do not hesitate to contact me in the event that I may provide you with additional information.

Sincerely,

Gary Brundage
727 504-3520
gtb1st@gmail.com

Michael F. Plahovinsak, P.E.
18301 State Route 161, Plain City, Ohio 43064
(614) 398-6250 - mike@mfpeng.com

November 4, 2020

CLQ, LLC
1123 Solana Ave.
Winter Park, FL 32789

Re: Proposed 195-ft Monopole
Located in Volusia Co., FL: L7101 Owens
MFP Project #: 40918-023

I understand that there may be some concern on the part of local building officials regarding the potential for failure of the proposed communication monopole. Communication structures are designed in accordance with the Telecommunications Industry Association ANSI/TIA-222-G, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures".

I will design this monopole to withstand a 3-sec. gusted wind speed of 106 mph (Vasd) as recommended by ANSI/TIA-222-G for Volusia Co., FL. The design will also conform to the requirements of the 2017 Florida Building Code for an equivalent ultimate wind speed of 137 mph (Vult).

This monopole will be designed to accommodate a theoretical fall radius. The upper 12' of the pole will be designed to meet the wind loads of the design, however, the lower portion of the pole will be designed with a minimum 10% extra capacity. Assuming the pole has been designed according to my design, and well maintained, in the event of a failure due to extreme wind and comparable appurtenance antenna load (winds in excess of the design wind load), it would yield/buckle at the 183' elevation. The yielded section would result in a maximum 12' fall radius, but would most likely remain connected and hang from the standing section.

The structure will be designed with all of the applicable factors as required by the code. A properly designed, constructed and maintained pole has never collapsed; monopoles are safe structures with a long history of reliable operation.

I hope this review of the monopole design has given you a greater degree of comfort regarding the design capacity inherent in pole structures. If you have any additional questions please call me at 614-398-6250 or email mike@mfpeng.com.

Sincerely,

Michael F. Plahovinsak, P.E.

This item has been digitally signed and sealed by **Michael F. Plahovinsak, P.E. #66723** using a Digital Signature.

Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

EXHIBIT B

CONSENT TO REDUCED SETBACK REQUIREMENT

Pursuant to Chapter 16, Section 9(c)(8)(a), Land Development Code of the City of Port Orange, I, Christopher Thompson, as Manager, of Thompson Family Properties LLC, owner of the real property located in the City of Port Orange, Florida, having a Tax ID No. of 621309000010, hereby give written consent to the City of Port Orange to the reduced setback required in Chapter 16, Section 9(c)(8)(a) from 214.5' to 55' on the adjacent property having a Tax ID No. of 13163200000039 and located in the City of Port Orange, Florida.

THOMPSON FAMILY PROPERTIES, LLC

Christopher Thompson

As: Manager

Date: December 2nd, 2020

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 2 day of DECEMBER 2020 by CHRISTOPHER THOMPSON as MANAGER of THOMPSON FAMILY PROPERTIES LLC a Florida limited liability company, on behalf of the corporation, who is personally known to me or who has produced _____ as identification.

JUDY WOODBY
Commission # GG 336368
Expires July 7, 2023
Bonded Thru Troy Fain Insurance 800-385-7019

Judy Woodby

NOTARY PUBLIC
My Commission expires: _____

STAFF REPORT

Small-Scale Comprehensive Plan Future Land Use Map Amendment/5100, 5120, and 5128 Riverside Drive
Case No. 20-20000004

REQUEST:	Change the Future Land Use (FLU) designation for ±3.4 acres from *Urban Medium Residential (4-8 units/acre)* to *Commercial*.
LOCATION:	5100, 5120, and 5128 Riverside Drive
OWNERS:	All Aboard Holdings, LLC; Allanwood Management, LLC; Lois Clark Loesch Revocable Trust; D. Andrew Clark
APPLICANT:	A. Joseph Posey Jr., Storch Law Firm
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	December 17, 2020

INTRODUCTION

The applicant, on behalf of the property owners, is requesting to change the Future Land Use (FLU) map designation for ±3.4-acres from *Urban Medium Residential* (4-8 units/acre) to *Commercial*. The subject property includes three parcels of land located at 5100, 5120, and 5128 Riverside Drive. A rezoning application and amendment to the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD) is also being processed concurrently for the subject property (Case No. 20-65000001). If the FLU and PCD amendments are approved, the three parcels would be incorporated into the existing PCD to allow for the expansion of The Estate on the Halifax event complex.

Figure 1. Location Map

PROPERTY OVERVIEW

The three parcels that make up the FLU amendment area are surrounded by the existing Clark Professional Center and Wedding Chapel PCD and are currently developed with single-family homes. The proposed development plan is to expand Estate on the Halifax event complex and allow the future redevelopment of existing structures and/or development of new structures on these parcels to expand the venues and amenity opportunities for hosting weddings, corporate events, reunions, anniversaries or retirement parties, and other special events. The Estate on the Halifax event complex has been at this location for over 20 years and specializes in weddings, as well as other corporate and family events.

All future development plans submitted will require detailed technical review by the Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and the Clark Professional Center and Wedding Chapel MDA and associated amendments are met. As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development requiring transportation facilities to be provided or for the developer to enter into a mitigation agreement for their impacts.

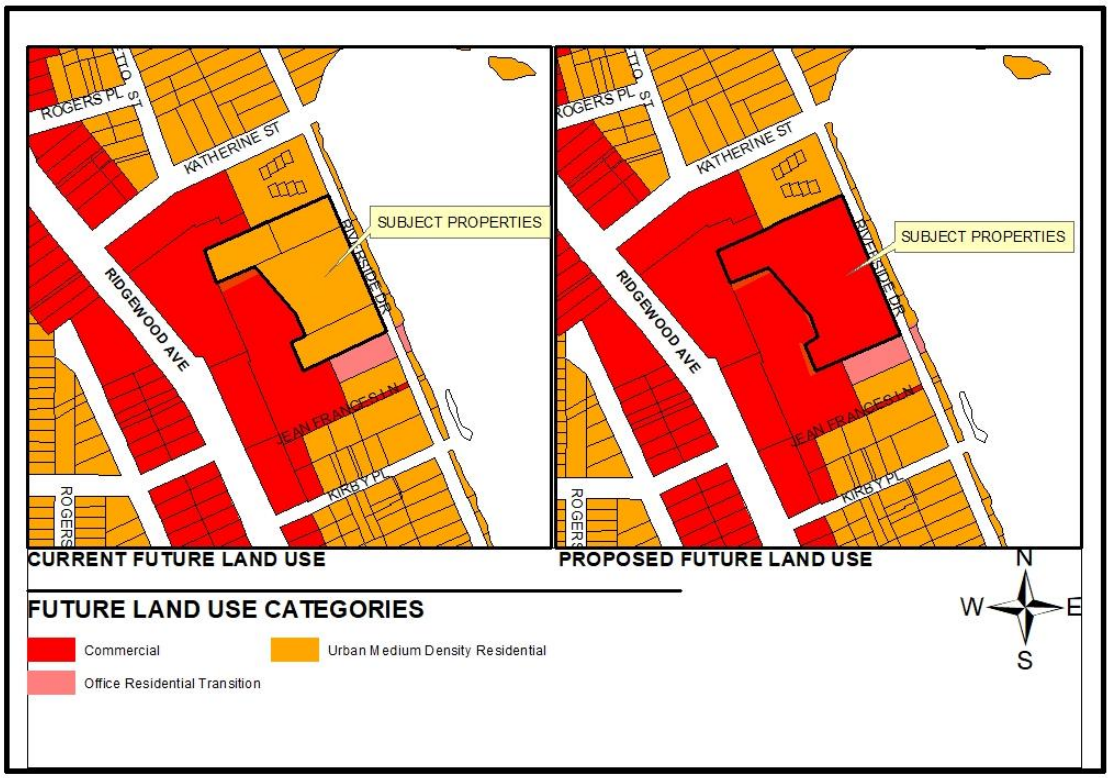
The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Townhomes	Urban Medium Density Residential (4-8 units/acre)	Clark Professional Center and Wedding Chapel PCD
South	Access drive, office complex and wedding chapel	Office/Residential Transition	Clark Professional Center and Wedding Chapel PCD
East	Halifax River	Halifax River	Halifax River
West	Office complex and wedding chapel	Commercial	Clark Professional Center and Wedding Chapel PCD

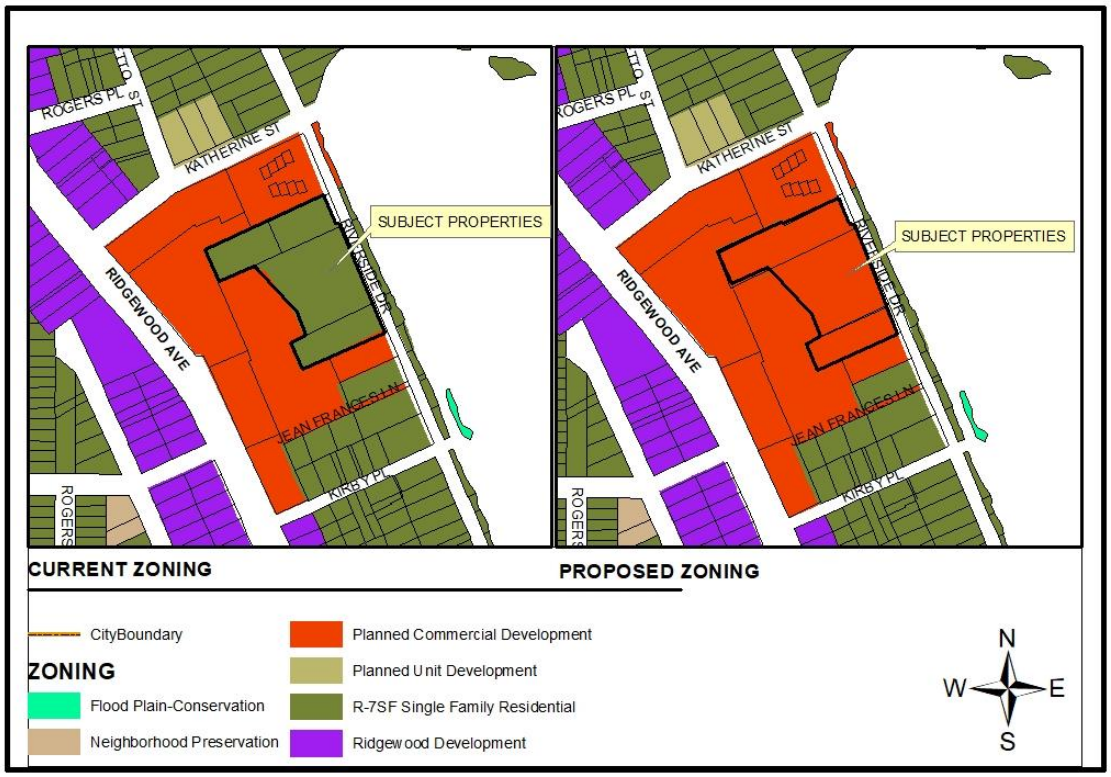
The current adopted FLU designation for the subject property and adjacent properties along with the proposed FLU designation for the subject property is identified in Figure 2.

Figure 2. Current and Proposed FLU Map



The current zoning classification of the subject property and adjacent properties along with the proposed zoning classification of the subject property are identified in Figure 3.

Figure 3. Current and Proposed Zoning Map



PROPOSED AMENDMENT

The following discussion will examine the impacts of the proposed amendment. The proposed amendment is to change the FLU designation for ±3.4-acres from *Urban Medium Residential* (4-8 units/acre) to *Commercial*. The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and maximum allowable density/intensity and net change in density/intensity (Table 3).

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

	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Urban Medium Density	3.4	0	-3.4
Commercial	0	3.4	+3.4
TOTAL ACREAGE	3.4	3.4	0

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

	Current FLU	Proposed FLU	Net Change in FLU
	[Theoretical Maximum Density (units)/Intensity (sq.ft.)]		
Urban Medium Density (4-8 units/acre)	27 units	0	-27 units
Commercial (FAR 1.0)	0	148,104 sq.ft.	+148,104 sq.ft.
Total	27 units	148,104 sq.ft.	-27 units +148,104 sq.ft.
*The floor area ratio (FAR) is the total covered area on all floors of all buildings on a certain lot divided by the total area of the lot.			

INFRASTRUCTURE IMPACT ASSESSMENT

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

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

Overall, the proposed amendment would result in a net increase in impacts to all public infrastructure and services other than recreation and school.

Table 4. Impact Analysis (Theoretical Max.)

DEVELOPMENT VARIABLE	CURRENT LAND USE	PROPOSED LAND USE	NET CHANGE
Residential Units	27	0	-27
Non-residential Buildable Sq. Ft.	0	148,104 sq.ft.	+148,104 sq.ft.
Population[1]	61	0	-61
PM Peak Hour Trips/Daily Trips[2]	28/257	549/6,324	+521/+6,067
Sanitary Sewer (gallons/day)[3]	4,320	14,810	+10,490
Potable Water (gallons/day)[4]	4,860	14,810	+9,950
Solid Waste (lbs./person)[5]	196	1,481	+1,285
Stormwater Drainage[6]	n/a	n/a	n/a
Recreation/Open Space[7] (acres)	0.43	0	-0.43

Table 4 Notes:

1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: Single-family (210) 1.02 PM peak hour trips per unit and 9.52 daily trips per unit; Shopping Center (820) trips per 1000 sq.ft. - 3.71 PM Peak Hour; 42.70 Average Daily; 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)

TRANSPORTATION

The transportation analysis shows an increase in the number of daily trips and P.M. peak hour trips is expected to result from the proposed FLU amendment based on the theoretical maximum analysis. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, the proposed *Commercial* FLU designation could theoretically generate 521 more P.M. peak hour trips and 6,067 more daily trips, based on the theoretical maximum allowed development for the current (27 units) and proposed (148,104 sq.ft) FLU designations.

However, based on the actual proposed use of the subject property with another venue for weddings and other events/meetings and the future conversion of existing single-family homes into businesses that support the complex (bed and breakfast, meeting rooms, and event planning office space), the actual trip generation is anticipated to be significantly less than the theoretical maximum, since The Estate on the Halifax event complex only schedules one to two wedding/event per day and the proposed businesses are appointment based. The PCD Amendment (Case No. 20-65000001) that is being processed concurrently with this amendment further defines the limitations on the intensity of development allowed within the PCD.

Ridgewood Avenue, from Oak Street to Nova Road, has design capacity of 39,800 daily trips. Based on the most recent vehicular trip data available from Volusia County (2019), there are 15,900 daily trips on this segment of Ridgewood Avenue, which equates to a 0.40 volume/capacity ratio (i.e. 60% remaining capacity). Volume/Capacity (V/C) Ratio compares roadway demand (vehicle volumes) with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity and anything under 1.00 indicate there is unutilized capacity remaining for the roadway.

As with all development, the specific site development proposals for the subject property will be subject to concurrency regulations at the time of development, requiring adequate transportation facilities to be provided or to mitigate their impacts.

According to the proposed PCD amendment (Case No. 20-65000001), the existing driveways that provide access for the three subject parcels along Riverside Drive would only be utilized for the existing residential uses and/or a future Bed and Breakfast Inn use on these parcels. Commercial uses on these parcels would need to be accessed from cross-access easements connecting these parcels to Katherine Street and/or Ridgewood Avenue and existing parking areas within the PCD.

SANITARY SEWER

The City has available capacity to accommodate the proposed amendment and future development of the subject property. The City's adopted LOS standard for sanitary sewer is 160 gallons per day per Equivalent Residential Unit (ERU), and 1/10 gallon per square foot per day of non-residential development. Using these standards, the proposed FLU designation would theoretically generate approximately 14,810 gallons per day (gpd) of wastewater. This is a net increase of approximately 10,490 gpd between the current and proposed FLU designations.

POTABLE WATER

The City has available well and Consumptive Use Permit (CUP) capacity to serve the proposed land use change. The City's adopted LOS standard for potable water is 180 gallons per day per Equivalent Residential Unit. Using this standard, the proposed FLU designation would demand approximately 14,810 gallons of potable water per day based on the theoretical maximum development analysis, which is a net increase of approximately 9,950 gallons per day.

SOLID WASTE COLLECTION

There is available capacity at the landfill to address the City's solid waste disposal needs. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050. The City's adopted LOS standard for solid waste is 3.21 pounds per person per day and 10 lbs. per 1,000 square feet of non-residential development per day. Using this standard, the proposed FLU designation would generate approximately 1,481 pounds per day of solid waste based on the theoretical maximum development analysis, which is a net increase of approximately 1,285 pounds per day.

STORMWATER DRAINAGE

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

RECREATION

The proposed FLU designation does not require additional parkland because the proposed FLU designation does not increase residential demand. According to the City's 2020 Concurrency Management Report, the City has an excess of 45 acres of parkland, so no additional parkland is needed.

SCHOOLS

Pursuant to the Volusia County School District criteria, the proposed FLU amendment and any future development of this property is exempt from School Concurrency review because the proposed FLU amendment is a decrease in allowable residential units and subject property is proposed for a non-residential use.

REVIEW CRITERIA AND STAFF FINDINGS

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

   Staff finding: The proposed FLU amendment is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan, particularly those regarding infill redevelopment and reinvestment in the Rover District. The proposed FLU designation is compatible with adjacent parcels. Adequate capacity exists for portable water, sewer, schools, recreation, and stormwater, and solid waste. As with all development, the specific site development proposals for the subject property will be subject to concurrency regulations requiring adequate public facilities to be provided to mitigate the impacts.

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

   Staff finding: The proposed FLU amendment is compatible with the adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is negatively impacted by the other. The subject property is surrounded by the existing Clark Professional Center and Wedding Chapel PCD and the amendment area is intended to expand the venues and amenity opportunities for hosting weddings and other events, and to provide the ability to convert the existing single-family homes on these parcels into businesses to support the complex (bed and breakfast, meeting rooms, and event

planning office space). Any future development will be required to comply with the proposed Master Development Agreement and LDC requirements.

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

   Staff finding: The proposed amendment would result in an overall increase in impacts to public facilities, infrastructure and services, except for recreation and school; however, adequate capacity exists to accommodate the proposed amendment. The detailed use-specific concurrency analysis will be conducted as part of any future proposed development. As with all development, a specific site plan will be subject to concurrency regulations requiring adequate public facilities to be provided or to mitigate impacts.

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

   Staff finding: The subject property is located within the Hurricane Vulnerability Zone but will not have any negative impact on the clearance time for evacuation of the population in the Hurricane Vulnerability Zone as it is not adding additional residential density.

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

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

SMART GROWTH SUMMARY

The proposed FLU Amendment would support infill redevelopment of parcels within an existing built commercial area that is already served by public infrastructure (water, sewer, roads, and schools). The proposed development would expand the existing The Estate on the Halifax event complex and create a link from Ridgewood to the Halifax River in one unified development. This is consistent with a long-term Ridgewood Corridor Plan Strategy to create waterfront linkage zone along the corridor to capitalize on the proximity to the Halifax River and expand local businesses along the corridor.

PUBLIC NOTICE

On August 14, 2020, staff posted the property notifying the public of the proposed amendment. As of the time this agenda item was prepared, staff has received thirteen (13) general inquiries regarding what the proposed amendment and corresponding rezoning included. The proposed amendment has also been advertised in the *News-Journal* pursuant to Florida Statutes.

A neighborhood meeting was held on September 14, 2020 at The Estate on the Halifax, Tavern Building. According to the applicant summary of the neighborhood meeting, the questions from the residents that attended were regarding clarifications about the proposal and overall the residents in attendance appeared to be positive about the proposed development.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the FLU designation of ±3.4 acres from *Urban Medium Density* (4-8 units/acre) to *Commercial*, and authorization for staff to send the amendment to the required review agencies.

STAFF REPORT

Rezoning Single Family Residential (R-7SF) to Planned Commercial Development (PCD) and Sixth Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement

CASE NO. 20-65000001

REQUEST:	To rezone three properties along Riverside Drive from Single-Family Residential (R-7SF) to Planned Commercial Development (PCD) and to approve the Sixth Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement to incorporate the three properties into the existing wedding and event facility within the PCD
LOCATION:	5100, 5120, and 5128 Riverside Drive
OWNERS:	All Aboard Holdings, LLC; Allanwood Management, LLC; and Lois Clark Loesch
APPLICANT:	A. Joseph Posey Jr., Storch Law Firm
STAFF CONTACT:	Gwen Perney, Senior Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	December 17, 2020

Introduction

The applicant, Joey Posey of Storch Law Firm, on behalf of the property owners, is requesting a rezoning of three properties at 5100, 5120, and 5128 Riverside Drive from Single-Family Residential (R-7SF) to Planned Commercial Development (PCD) along with the approval of the Sixth Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement (MDA) and Conceptual Development Plan (CDP). If approved, the three properties will be incorporated into the existing PCD and the Amendment will set up the framework for future redevelopment of the three properties.

Figure 1. Location Map

Discussion

The applicant is proposing to rezone three properties along Riverside Drive, between Katherine Street and Jean Frances Lane from Single-Family Residential (R-7SF) to Planned Commercial Development (PCD) to incorporate them into the existing PCD for future expansion of The Estate on the Halifax event business on the PCD property. According to the Property Appraiser's office, the homes at 5100 and 5120 Riverside Drive were constructed in 1924 and the home at 5128 Riverside was constructed in 1910. The single-family homes are adjacent to the existing Clark Professional Center and Wedding Chapel PCD and over the years have been acquired by the current property owners as private residences.

The Estate on the Halifax business within the existing PCD property rents out venues and structures within the PCD such as the chapel, the railroad car, and the Tavern in the Garden for weddings, private parties, and corporate events. The property owners are proposing the Sixth Amendment to formally incorporate the three properties into the PCD area. The property owners are additionally proposing to create an additional lot, proposed Lot 8, behind the house at 5100 Riverside Drive. On the new lot (Lot 8), the property owner intends to develop a new event building as an additional venue for the Estate on the Halifax business. According to the property owners, their proposal of the Sixth Amendment to expand the Estate on the Halifax business is an indication of commitment from them to continue to maintain and improve their property within the Ridgewood Corridor. The businesses and offices within the existing PCD have been able to provide continuous services and rental space that attracts customers and visitors to the east side of Port Orange.

According to the property owners, the single-family homes on the three parcels will remain as residential dwellings until the current occupants no longer reside in the homes, or until the time the properties are redeveloped with a non-residential use. The houses are intended to be additional venue space for the Estate on the Halifax. The proposed Sixth Amendment establishes permitted uses for the three properties and includes bed and breakfast, wedding and meeting venues, craft food and beverage producer, and offices that support the Estate on the Halifax business. The Sixth Amendment provides language to ensure the single-family home structures remain on these properties and allows for general repairs and maintenance but states any exterior additions or modifications will be required to be compatible with the existing structure. Keeping the existing houses will maintain the residential compatibility with Riverside Drive while incorporating the properties into the existing PCD area.

All future development plans submitted will require detailed technical review by the Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and the Clark Professional Center and Wedding Chapel MDA and associated Amendments are met. As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development requiring transportation facilities to be provided or for the developer to enter into a mitigation agreement for their impacts.

A Future Land Use (FLU) Amendment application is running concurrently with the rezoning request (Case No. 20-20000004). The rezoning of the property to PCD will be compatible with the proposed FLU of *Commercial*. The surrounding land uses, FLU designations and zoning classifications are identified in Table 1 and graphically depicted in Figures 2 and 3.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Townhomes	Urban Medium Density Residential (4-8 units/acre)	Clark Professional Center and Wedding Chapel PCD
South	Access drive, office complex and wedding chapel	Office/Residential Transition	Clark Professional Center and Wedding Chapel PCD
East	Halifax River	Halifax River	Halifax River
West	Office complex and wedding chapel	Commercial	Clark Professional Center and Wedding Chapel PCD

Figure 2. Current and Proposed FLU Map

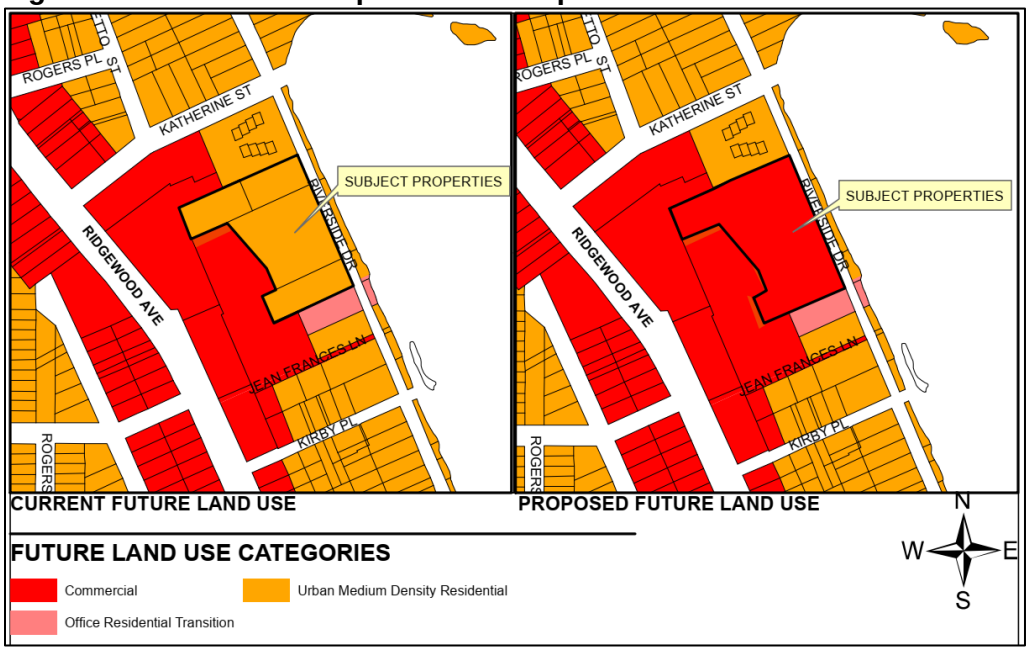
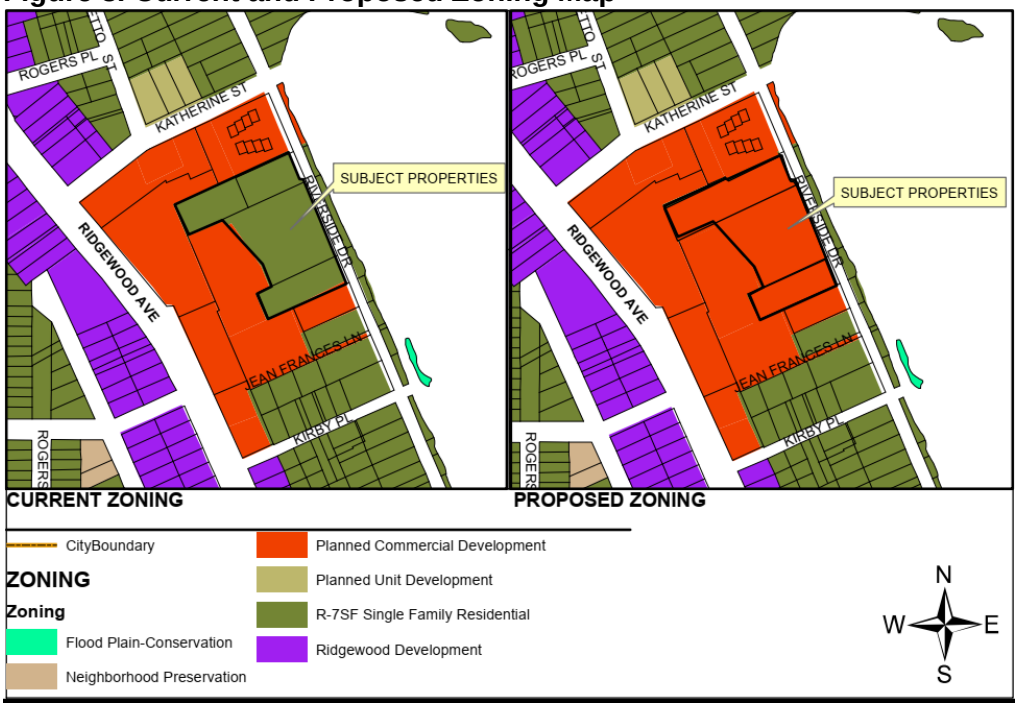


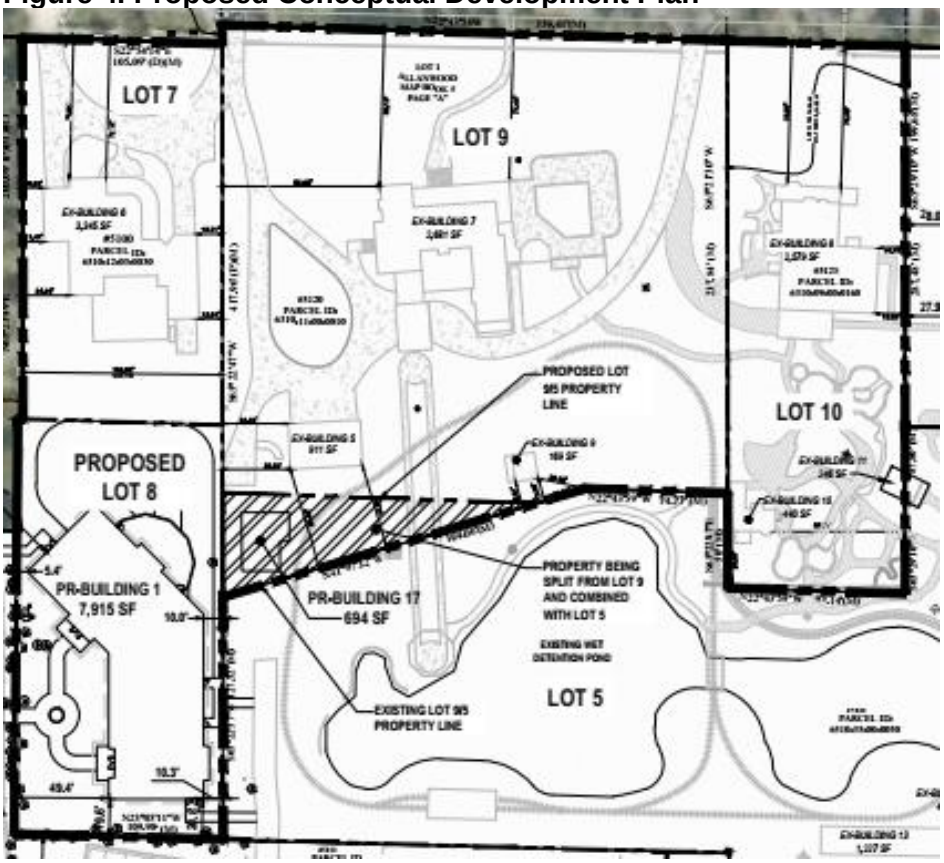
Figure 3. Current and Proposed Zoning Map



Sixth Amendment to the Clark Professional Center and Wedding Chapel PCD
The following is an analysis of the requested deviations from the Land Development Code (LDC) or changes to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement (MDA) proposed in the Sixth Amendment.

The Sixth Amendment sets up the framework for the future anticipated development of the three properties to be rezoned including permitted uses, dimensional requirements, setbacks, and associated site improvements (see attached Exhibit 1 – Sixth Amendment to the MDA). The Conceptual Development Plan (CDP) is also proposed to be amended to depict the location of the lot configurations and future proposed development.

Figure 4. Proposed Conceptual Development Plan



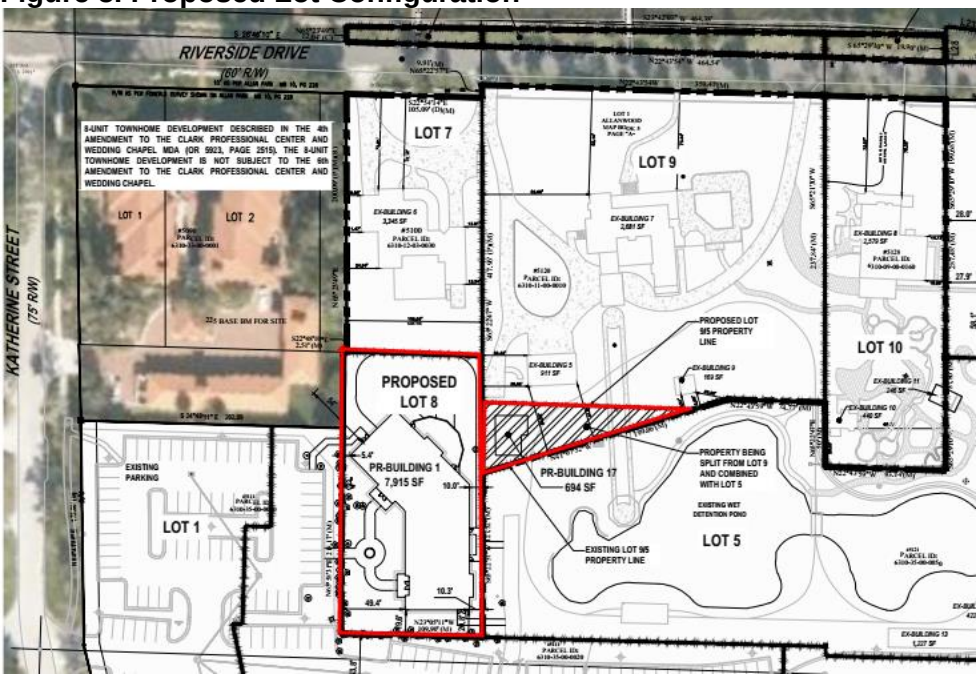
Permitted Uses
The proposed permitted uses for the three properties are listed in Section 2.b. of the Sixth Amendment and include uses that are intended to support the existing Estate on the Halifax business. The proposed Sixth Amendment also states each property can continue to be used as a single-family residence until the property is redeveloped with a non-residential use. The Sixth Amendment adds that once a change of use occurs and the property has been converted to a non-residential use, it may not revert back into a single-family home. This provision will ensure consistency with the proposed *Commercial* FLU. The list of permitted uses includes: Bed and breakfast inn, Caretaker's residence, Craft food and beverage producer, House of worship, Offices, and Wedding gazebo and pavilion. The uses will only apply to the Sixth Amendment area and are intended to expand the event space offered by the Estate on the Halifax business. The proposed permitted uses are also compatible with the uses typically found within the Ridgewood Corridor.

Proposed Future Lot 8

The applicant is proposing with the Sixth Amendment to create an additional lot on the property located at 5100 Riverside Drive. The new lot would be located behind the home at 5100 Riverside Dr. (Lot 7), south of the existing parking lot along Katherine Street, and east of the existing 3-story office building. Lot 8 is intended to be created specifically for the construction of a new event building for the Estate on the Halifax business located on the west side of the existing lot, separate from the single-family home on the east side of the lot. The building is anticipated to be used as an additional wedding event venue but could also potentially have a craft brewery or distiller or other permitted uses that support events or weddings. Dimensional requirements for the Sixth Amendment area have been added to the MDA and are consistent with the lot dimensional requirements for the Ridgewood Development zoning district. Any future lots will need to meet or exceed the minimum lot width and minimum lot area established in the MDA. According to the applicant, the lot split is intended for the purposes of ownership.

The applicant is also proposing a future lot line shift between Lot 9 (5120 Riverside Drive) and existing Lot 5 that the existing Estate on the Halifax business is located on. According to the applicant, the proposed lot line shift is to accommodate a future ancillary building for the wedding venue. Shifting the lot line to locate the future building on Lot 5, would keep the ownership responsibility of the future building separate from the existing single-family home on Lot 9 until that property is proposed to be redeveloped with a non-residential use.

Figure 5. Proposed Lot Configuration



Architecture

It is the intent of the property owners to incorporate the existing homes along Riverside Drive into the PCD and maintain the visual consistency of the residential development along Riverside Drive. The architectural styles within the PCD incorporate a diverse mixture of modern and historical architectural styles such as Florida Vernacular and Mediterranean. Any future proposed buildings within the PCD property will be required to be designed to be compatible with the existing buildings within the PCD. As previously stated, the Sixth Amendment states that general repairs and maintenance are allowed to occur on the houses but any future additions or modernization of the structures for compliance with the Florida Building Code or accessibility requirements will be required to be compatible with the appearance of the existing structure.

Figure 6. 5100 Riverside Drive

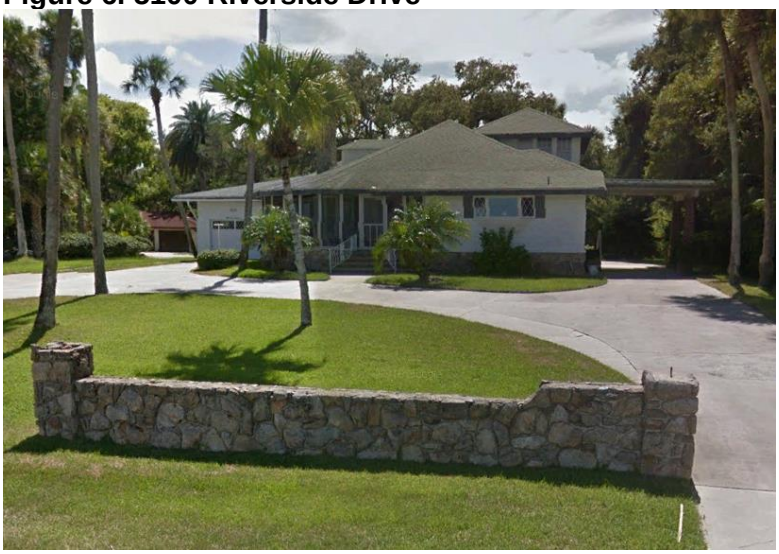


Figure 7. 5120 Riverside Drive

Figure 8. 5128 Riverside Drive

Access and Parking
The three properties along Riverside Drive will continue to use the existing driveways along Riverside Drive for access as long as the use on the property remains single-family or used as a Bed and Breakfast. This is to ensure the limited use of vehicles on Riverside Drive if the Sixth Amendment is approved. If a change of use occurs and a property within the Sixth Amendment area is redeveloped with a non-residential use, driveway access to Riverside Drive for that property would be eliminated or blocked and required access to that property be provided through internal access drives or sidewalks that connect from the parking areas along Ridgewood Avenue.

Parking for the new event building on proposed Lot 8 will be located in the existing parking lots in the PCD that are accessible from Ridgewood Avenue and Katherine Street. The property owners state that because weddings and other private events are typically held during evenings and weekends on their property, there is not a conflict with shared parking with the office uses on the property. The Estate on the Halifax business is aware of the parking demand for events and can control this through the scheduling of events to prevent parking conflicts or shortage. The Estate on the Halifax business has a shared parking agreement in place currently between the wedding and event business and the 3-story office building on the property since the original MDA was adopted in 2000. The parking calculations have been updated on the CDP for the Sixth Amendment to show the required spaces for each lot and to designate the location of existing parking to be shared by all the uses within the PCD.

Policy Issues
There are two policy issues associated with the proposed Sixth Amendment. These policy issues are deviations from the current LDC requirements that may require further discussion.

1. Side Building Setback for Lot 8: The applicant is proposing a 5-foot side building setback for a corner of the proposed event building on Lot 8. The current MDA requires a 10-foot side building setback for buildings within the PCD. There is no standard non-residential zoning district that permits less than a 10-foot side building setback. The purpose of requiring minimum building setbacks is to ensure adequate space is provided for buffering between uses along external perimeter lot lines. However, as shown on the CDP, only a corner of the proposed building on Lot 8 is 5 feet from the internal lot line between Lot 2, while the majority of the proposed building exceeds the required 10-foot side building setback.

   Lot 2 is within the existing PCD area and is currently developed with a parking lot that occupies Lots 1 and 2. The nearest adjacent structure to the proposed event building is the garage building for the adjacent townhome development and would be located approximately 54 feet from the proposed event building. If a building is constructed on Lot 1, it is required by a previous MDA Amendment to be built in the vacant grassed area near the intersection of Katherine Street and Ridgewood and would not conflict or be in close proximity with the proposed building on Lot 8 (See Figure 9). If the Amendment is approved and the proposed building is developed, the applicant will be required to provide a 5-foot minimum landscape buffer as per the LDC. The Sixth Amendment states a privacy fence will be required to be installed between the proposed event building and the townhome property to provide additional buffering in between the uses. Therefore, allowing the 5-foot side building setback on Lot 8 as shown on the CDP would not result in a situation where adequate space or landscaping is not provided for buffering between uses.

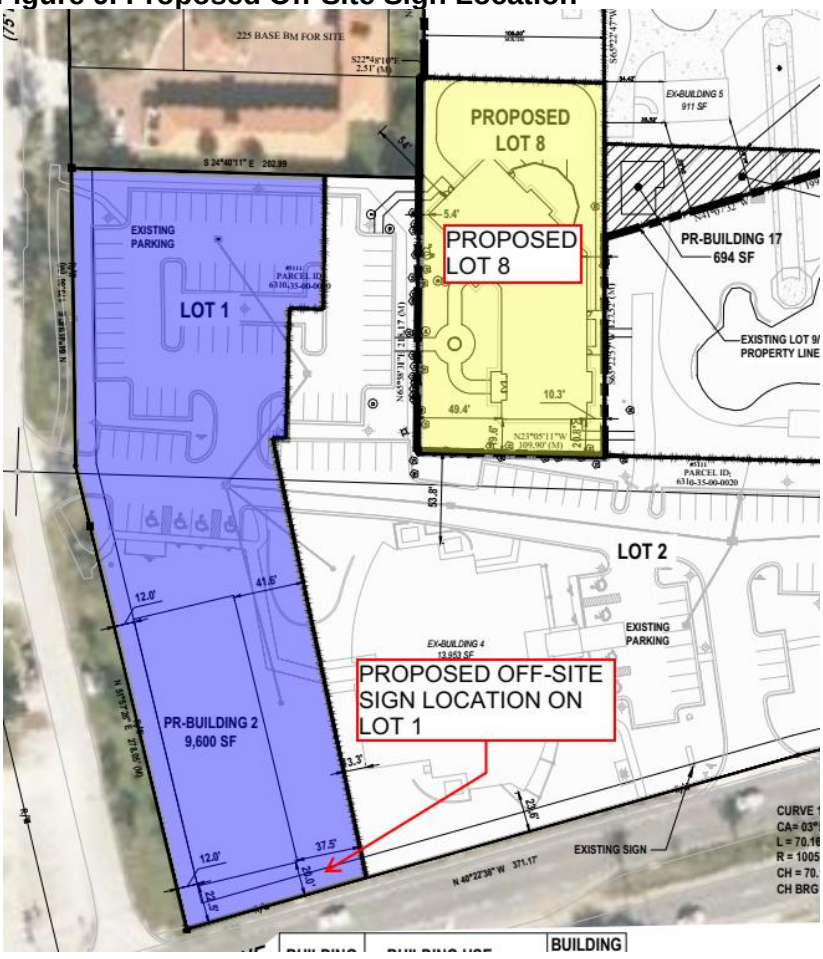
2. The current MDA allows signage for the buildings within the PCD as per the signage requirements in the LDC. The applicant is proposing in the Sixth Amendment to allow one

(1) multi-tenant freestanding sign on Lot 1 along Ridgewood Avenue. The uses within the Sixth Amendment area as well as any future tenants in the future building on Lot 1 would be allowed to have a tenant panel on the sign. The proposed sign would be required to be designed to meet the multi-tenant freestanding sign requirements (height, number of panels, landscaping, setbacks, and architectural design) as provided in the LDC.

The use of the sign by any use within the Sixth Amendment area would be considered off-site signage. Therefore, the applicant included in the Sixth Amendment to allow properties that are part of the Sixth Amendment to advertise on the off-site sign is due to their lack of access and visibility to Ridgewood Avenue. The applicant states that it is the intent of the property owners to use the off-site sign to advertise any future permitted uses within the Sixth Amendment area and to direct customers traveling along Ridgewood Avenue to the existing parking entrances along Ridgewood Avenue to access the Estate on the Halifax venues, and prevent the unnecessary use of Riverside Drive.

An example of a similar sign to the proposed off-site multi-tenant sign is the sign installed in front of Starbucks and Chipotle on Dunlawton Avenue that has 84 square-feet of sign area, 5 tenant panels, and off-site advertisement for Lowes. This off-site signage was approved through an MDA Amendment for the Gateway PCD because Lowes did not have direct frontage on Dunlawton Avenue after the outparcel for the Starbucks building was created.

Figure 9. Proposed Off-Site Sign Location



Consistency with the Comprehensive Plan
A Future Land Use (FLU) Amendment application is running concurrently with the rezoning request (Case No. 20-20000004). The rezoning of the property to PCD will be compatible with the proposed FLU of *Commercial* and is consistent with the general intent of the Comprehensive Plan. The proposed rezoning would support infill redevelopment of parcels within an existing built commercial area that is already served by public infrastructure (water, sewer, roads, and schools). The proposed development would expand the existing The Estate on the Halifax event complex and create a link from Ridgewood to the Halifax River in one unified development. This is consistent with a long-term Ridgewood Corridor Plan Strategy to create waterfront linkage zone along the corridor to capitalize on the proximity to the Halifax River and expand local businesses along the corridor.

Public Notice
A Public Notice sign was posted on the site on August 14, 2020. As of December 11, 2020, staff has received thirteen (13) phone calls, requesting general information regarding the proposed PUD Amendment. No concerns were stated regarding the proposed rezoning.

A neighborhood meeting was held on September 14, 2020 at The Estate on the Halifax, Tavern Building. According to the applicant's summary of the neighborhood meeting, questions from the residents that attended were regarding clarifications about the proposal and overall, the residents in attendance appeared to be positive about the proposed development.

Recommendation
Staff recommends approval of the rezoning of the subject properties from Single-family (R-7SF) to Planned Commercial Development (PCD) and approval of the Sixth Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement and Conceptual Development Plan, subject to approval of the two policy issues and the City Attorney's review to legal form and content, and subject to the approval of the Future Land Use Amendment.

Attachment
Exhibit 1 - Sixth Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement and Conceptual Development Plan

This Document Prepared By:
Storch Law Firm
420 South Nova Road
Daytona Beach, FL 32174

EXHIBIT 1

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

SIXTH AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL PLANNED COMMERCIAL DEVELOPMENT MASTER DEVELOPMENT AGREEMENT

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 ALLANWOOD MANAGEMENT, LLC, a Florida limited liability company, LOIS CLARK LOESCH REVOCABLE TRUST DATED FEBRUARY 7, 1992, ALL ABOARD HOLDINGS, LLC, a Florida limited liability company, and D. ANDREW CLARK, all located at 5111 S. Ridgewood Avenue, Port Orange, FL 32127 (collectively referenced as the "Developer"), constitutes the Sixth Amendment to the Master Development Agreement for the Clark Professional Center and Wedding Chapel Planned Commercial Development (hereinafter referred to as the "Sixth Amendment"), who hereby agree and covenant as follows:

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

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

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

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

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Fourth Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding

Chapel Planned Commercial Development having an effective date of September 19, 2006 and recorded in Official Records Book 5923, Page 2515, Public Records of Volusia County Florida ("Fourth Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Fifth Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of May 17, 2017 and recorded in Official Records Book 7399, Page 2011, Public Records of Volusia County Florida ("Fifth Amendment"); and

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

WHEREAS, the Developer desires to amend the MDA and the First, Second, Third, Fourth and Fifth Amendments as applied to the PCD Property to add adjoining parcels of real property more particularly described in Exhibit “B” to the terms and conditions of the MDA and subsequent amendments (“Sixth Amendment Project Area”).

NOW, THEREFORE, the Parties agree as follows:

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

2. Development Standards.

   a. Project Area. The Developer hereby adds real property identified as Parcel Nos. 6310-12-03-0030, 6310-11-00-0010 and 6310-09-00-0160 to the PCD Property, otherwise referred to as the “Sixth Amendment Project Area”, further described in Exhibit “B”. The Sixth Amendment Project Area Conceptual Plan, attached hereto as Exhibit “C”, generally depicts the planned layout of lots, amenities, and other planned features or improvements for Sixth Amendment Project Area and demonstrates the lot coverage requirements available to lot owners within said area.

   b. Permitted Uses. Permitted Uses within the Sixth Amendment Project Area shall be as follows uses:

      Bed and breakfast inn
      Brewery
      Caretaker’s residence*
      Craft food and beverage producer
      Cultural facilities
      Houses of worship/Wedding chapel
      Offices
      Off-site parking (within PCD Property only)

Single-family detached dwellings**
Wedding venue
Wedding gazebo and/or pavilion

All other uses and structures of an accessory nature customary to the permitted uses listed above.

* The City shall permit given business owners/managers to reside in a dwelling unit which is set within a principal structure and/or the established business area provided these structures and/or establishments comply with all other requirements of the LDC and adopted building and fire codes.

** a change of use for those single-family residences located along Riverside Drive within the PCD will require the property to come into compliance with the requirements of the MDA and LDC and the use cannot revert back to a residential use once the property is redeveloped with a non-residential use. Any change of use from single-family to one of the non-residential permitted uses will require a site plan to be reviewed and approved by the City.

c. Prohibited Uses. Unless otherwise permitted by the City LDC, all other uses, whether permanent or temporary, not listed in Paragraph 2(b) shall be prohibited.

d. Vesting. Existing buildings, docks and structures, and driveways utilized for access, within the Sixth Amendment Project Area Conceptual Plan may be utilized and remain in their existing condition so long as said buildings and structures remain in continuous use; however, an existing building and/or structure shall be required to conform with the City LDC and the standards of this Agreement in the event that use of said existing building and/or structure is discontinued for a period of six consecutive months or is within the Special Flood Hazard Area (SFHA) and the proposed repairs, alterations, or additions are determined to be a Substantial Improvement or Substantial Damage by the Floodplain Administrator, in coordination with the Building Official per LDC, Ch. 8 Art. I Sec. 1 and Ch. 8, Art. III, Sec. 8.

e. Dimensional Requirements and Standards.

i.	Maximum Building Coverage:	35%
ii.	Minimum Open Space:	30%
iii.	Minimum Building Setbacks:	
	Front Yard:	10 feet 25 feet along Riverside Drive
	Side Yard:	10 feet

		5 feet for that portion of PR-Building 1 adjoining lots within the PCD
	Rear Yard:	10 feet

iv. Maximum Number of Lots: 4

v. Minimum Lot Dimensions

Width:	100 feet
Area:	10,000 square feet

vi. The Sixth Amendment Project Area may be subdivided so long as the proposed subdivision meets the requirements of this Agreement and the City LDC.

vii. Existing docks may only be utilized as part of a residential use, and any additional docks shall only be permitted pursuant to the City LDC.

viii. Stormwater retention, whether on-site or off-site shall comply with the City's LDC and the regulations of the St. Johns River Water Management District.

f. Architecture. Buildings within the Sixth Amendment Project Area shall incorporate a mixture of eclectic modern and historical architecture visually compatible with existing structures within the PCD Property. Said architectural mixture is intended to create a diverse aesthetic character throughout the PCD Property of both modern and traditional architectural styles common to Florida including, but not limited to, the Florida vernacular and Mediterranean styles. The exterior of the single-family residences located along Riverside Drive shall not be modified unless a modification is needed to accommodate Florida Building Code and/or ADA requirements, modernization and/or general repairs and maintenance of a residence. Any additions to modernize a single-family residence shall be architecturally consistent with the existing structure. A privacy fence shall be installed at the corner of Lot 8 and Parcel 6310-00-0001 to screen the existing townhome development from PR-Building 1 as shown on the Sixth Amendment Project Area Conceptual Plan.

g. Access and Parking.

i. The existing driveways that provide access for those existing parcels along Riverside Drive may be utilized for the existing residential uses, the proposed covered pavilion on Lot 6, and/or a Bed and breakfast inn use. No commercial use access, other than those uses specified in this Paragraph, shall be permitted from Riverside Drive,

and said existing driveways shall be blocked once the parcels transition to a commercial use not otherwise permitted in this Paragraph.

ii. Cross-access and/or ingress/egress easements connecting Lots within the Sixth Amendment Project Area to Katherine Street and/or Ridgewood Avenue and existing parking areas shall be provided at the time of development or redevelopment of each lot. The PCD Property owners shall be required to amend the Corrective Non-Exclusive Reciprocal Easement Agreement as recorded in Official Records Book 7443, Page 4493, Public Records, Volusia County, Florida, to submit the Sixth Amendment Project Area to the covenants, easements and conditions contained therein.

iii. Unless otherwise stated herein, parking spaces and areas shall be provided as shown on Sixth Amendment Project Area Concept Plan. The number of parking spaces for permitted uses shall meet the minimum requirements of the City LDC; however, parking areas may be relocated so long as existing uses affected by a proposed relocation meet the minimum parking requirements herein and is otherwise consistent with this Agreement and the LDC. Shared parking shall also be permitted for lots within the PCD Property even though parking may be located on a different lot from the lot on which the improvements are located.

iv. Off-site and joint use parking areas shall be permitted within the Property PCD based on the following factors:

1. Proximity of the off-site parking spaces and/or joint parking areas to the use that they will serve.

2. Ease of pedestrian access.

3. Whether the off-site parking spaces and/or joint parking areas are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.

4. The location of off-site parking spaces and/or joint parking areas shall note create unreasonable hazards to pedestrians, hazards to vehicular traffic, traffic congestion, and interference with access to other parking spaces in the vicinity.

5. A written agreement, such as an easement or deed, in a form approved by the City attorney, shall be furnished allowing

for any proposed off-site and/or joint use parking. Said documentation shall also ensure the continued availability of off-site parking facilities for the use they are intended to serve.

3. Signage. Signage for the Sixth Amendment Area shall be permitted as provided for in the City LDC. One multi-tenant 56 square-foot monument sign, with a maximum of 4 tenant panels on each side, a maximum of 8 feet in height, shall be permitted on Lot 1 along Ridgewood Avenue. The tenant panel display for said monument sign shall be for Proposed Building 2 and for those uses within the PCD Sixth Amendment Project Area.

4. Common Facilities. The PCD Property owners shall be required to amend the Corrective Non-Exclusive Reciprocal Easement Agreement as recorded in Official Records Book 7443, Page 4493, Public Records, Volusia County, Florida, to submit the Sixth Amendment Project Area to the covenants, easements and conditions and the common maintenance obligations contained therein, or form a Property Owners' Association established in accordance with the City LDC to operate, maintain and control, subject to other documents of record, the common areas, and common facilities, including but not limited to stormwater drainage systems. All common facility maintenance documents shall be in a form acceptable to the City attorney, to govern the continued and perpetual maintenance of certain common facilities on or otherwise serving the PCD Property, including but not limited to common areas, drive aisles, parking areas, utilities, and stormwater facilities in accordance with the City LDC.

5. Phases. Development of the PCD Property is intended to occur in one or more phases, at the discretion of the Property Owners. Each proposed phase shall be required to install all necessary infrastructure, including all necessary easements and dedications, to stand alone, with the support of previous built phases. Each phase shall be built to be consistent with applicable City Land Development Code requirements and this Agreement; however, Permits for development of phases or sub-phases shall be submitted for approval through the City's Site Plan and/or Subdivision Plat and Plan process.

6. Environmental Preservation. Compliance with the City LDC and the environmental preservation code therein may necessitate modifications to the Sixth Amendment Project Area Conceptual Plan.

7. Unity of Title. A Unity of Title is required to limit the use of the Sixth Amendment Project Area to a single use in accordance with the PCD. The Unity of Title agreement shall be approved by staff and on a form furnished or currently approved by the City, and shall be executed by the Mayor and attested by the City Clerk prior to issuance of a development order of any site plan associated with a lot within the Sixth Amendment Project Area.

8. This Sixth Amendment shall be effective on the date it is executed by all parties.

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

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

[SIGNATURES ON FOLLOWING PAGES]

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

WITNESSES:

CITY OF PORT ORANGE, FLORIDA
a Chartered Municipal Corporation

_____

By: _____
Donald O. Burnette, Mayor

Name: _____

_____

Date: _____

Name: _____

_____

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

Name: _____

_____

Date: _____

Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [**XX**] physical presence or [_] online notarization, 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, by means of [**XX**] physical presence or [_] online notarization, 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:

WITNESSES:

ALLANWOOD MANAGEMENT, LLC
a Florida limited liability company

_____

By: _____
Graig H. Gittner, Manager

Name: _____

_____

Date: _____

Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [_] physical presence or [_] online notarization, this _____ day of _____, 20___ by Graig H. Gittner, as Manager of Allanwood Management, LLC, a Florida limited liability company, who is [ ] personally known to me or [ ] who has produced _____ as identification and who did not take an oath..

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

WITNESSES:

LOIS CLARK LOESCH REVOCABLE TRUST
DATED FEBRUARY 7, 1992

_____

Name: _____

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

_____

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [_] physical presence or [_] online notarization, this _____ day of _____, 20___ by Lois Clark Loesch f/k/a Lois E. Clark, as Trustee of the Lois Clark Loesch Revocable Trust Dated February 7, 1992, who is [ ] personally known to me or [ ] who has produced _____ as identification and who did not take an oath..

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

WITNESSES:

ALL ABOARD HOLDINGS, LLC
a Florida limited liability company

_____

By: _____
D. Andrew Clark, Manager

Name: _____

_____

Date: _____

Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [_] physical presence or [_] online notarization, this _____ day of _____, 20___ by D. Andrew Clark, as Manager of All Aboard Holdings, LLC, a Florida limited liability company, who is [ ] personally known to me or [ ] who has produced _____ as identification and who did not take an oath.

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

WITNESSES:

D. ANDREW CLARK

_____

_____

Name: _____

_____

Date: _____

Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [_] physical presence or [_] online notarization, this _____ day of _____, 20___ by D. Andrew Clark, who is [ ] personally known to me or [ ] who has produced _____ as identification and who did not take an oath..

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

EXHIBIT "A"
PCD PROPERTY

LEGAL DESCRIPTION:

ALL OF LOT 1, CLARK PROFESSIONAL CENTER, AS RECORDED IN MAP BOOK 47, PAGE 200 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,

TOGETHER WITH:

LOTS 9 AND 10, BLOCK 11, ALLANDALE, AS RECORDED IN MAP BOOK 4, PAGE 146 AND MAP BOOK 17, PAGE 166 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION TAKEN FOR STATE ROAD RIGHT OF WAY PURPOSES,

TOGETHER WITH:

THAT PORTION OF LOTS 7 AND 8, BLOCK 3, AND THAT PORTION OF PALMETTO STREET, A 50 FOOT RIGHT OF WAY LYING SOUTHERLY OF KATHERINE STREET, AS SHOWN ON THE PLAT OF NORWOOD, RECORDED IN MAP BOOK 5, PAGE 1, AND MAP BOOK 15, PAGE 174 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

TOGETHER WITH :

LOT 1, ALLAN PARK AND WITH ITS NORTH AND SOUTH LINE PROJECTED EASTERLY TO THE SHORE OF THE HALIFAX RIVER AS RECORDED IN MAP BOOK 10, PAGE 226, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA.

FROM THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF SOUTH RIDGEWOOD AVENUE (US NO. 1 AND SR NO. 5) WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID KATHERINE STREET AS THE POINT OF REFERENCE, RUN ALONG THE BOUNDARY OF SAID LOT 1, CLARK PROFESSIONAL CENTER, NORTH 50 DEGREES, 09 MINUTES, 15 SECONDS EAST, A DISTANCE OF 241.78 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG SAID BOUNDARY THE FOLLOWING COURSES AND DISTANCES: SOUTH 21 DEGREES, 56 MINUTES, 31 SECONDS EAST, A DISTANCE OF 91.28 FEET; THENCE NORTH 63 DEGREES, 31 MINUTES, 13 SECONDS EAST A DISTANCE OF 128.84 FEET; THENCE NORTH 21 DEGREES, 44 MINUTES, 39 SECONDS WEST A DISTANCE OF 100.84 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID KATHERINE STREET; THENCE SOUTH 82 DEGREES, 49 MINUTES, 28 SECONDS WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE WESTERLY PROJECTION THEREOF, A DISTANCE OF 94.81 FEET; THENCE CONTINUE ALONG SAID WESTERLY PROJECTION SOUTH 50 DEGREES, 09 MINUTES, 15 SECONDS WEST, A DISTANCE OF 36.12 FEET TO THE POINT OF BEGINNING,

TOGETHER WITH:

ALL OF LOT 1 AND LOT 2, AND THE NORTH 20 FEET OF LOT 3, BLOCK 3, NORWOOD, ACCORDING TO THE PLAT OF SAID NORWOOD SUBDIVISION FILED AND RECORDED IN MAP BOOK 5, PAGE 1, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH ALL RIPARIAN RIGHTS AND ACCRETIONS THERETO,

TOGETHER WITH:

THE EAST 59 FEET OF LOT 4, BLOCK 3, NORWOOD SUBDIVISION, AS PER THE MAP THEREOF RECORDED IN MAP BOOK 5, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,

TOGETHER WITH:

LOT 1 OF ALLAN PARK MAP BOOK 10, PAGE 226, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA TOGETHER WITH ANY RIPARIAN RIGHTS THEREOF.

EXHIBIT “B”
SIXTH AMENDMENT PROJECT AREA

LEGAL DESCRIPTION:

THE SOUTHERLY ONE HUNDRED FIVE (105) FEET OF LOT THREE (3), BLOCK THREE (3), NORWOOD, ACCORDING TO MAP IN MAP BOOK 5, PAGE 1, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH ALL LAND LYING EAST THEREOF BETWEEN RIVERSIDE DRIVE AND THE HALIFAX RIVER, AND RIPARIAN RIGHTS THEREUNTO APPERTAINING; AND ALSO

THAT PART OF LOT THREE (3), ALLANWOOD, LYING EASTERLY OF A LINE RUNNING FROM THE POINT WHERE THE EAST LINE OF PALMETTO STREET INTERSECTS THE NORTH LINE OF LOT THREE (3), ALLANWOOD, SOUTHERLY TO THE POINT WHERE THE WEST LINE OF LOT ONE (1), ALLANWOOD, INTERSECTS THE SOUTH LINE OF LOT THREE (3), ALLANWOOD, ACCORDING TO MAP IN MAP BOOK 5, PAGE "A", OF THE PUBLIC RECORDS FO VOLUSIA COUNTY, FLORIDA.

LOT 16, EXCEPT THE WESTERLY 140 FEET THEREOF, ALLANDALE, AND THE FOLLOWING DESCRIBED LAND, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT 16, ALLANDALE AND RUN SOUTHERLY ALONG THE EASTERLY LINE TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE RUN EASTERLY ALONG THE PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 16, WHERE THE SAME IS INTERSECTED BY THE LOW WATER MARK OF THE HALIFAX RIVER; THENCE RUN NORTHERLY ALONG THE LOW WATER MARK OF THE HALIFAX RIVER TO A POINT WHERE THE SAME IS INTERSECTED BY A PROLONGATION OF THE NORTHERLY LINE OF LOT 16, EXTENDED; THENCE RUN WESTERLY TO THE NORTHEAST CORNER OF LOT 16, AND THE POINT OF BEGINNING, AS PER MAP IN MAP BOOK 2, PAGE 65 OF THE PUBLIC RECORD OF VOLUSIA COUNTY, FLORIDA, AND THE EASTERLY 46.71 FEET OF THE WESTERLY 140.52 FEET OF LOT 16, AS PER MAP IN MAP BOOK 2, PAGE 65 PUBLIC RECORDS OF BOLUSIA COUTY, FLORIDA.

PART 1

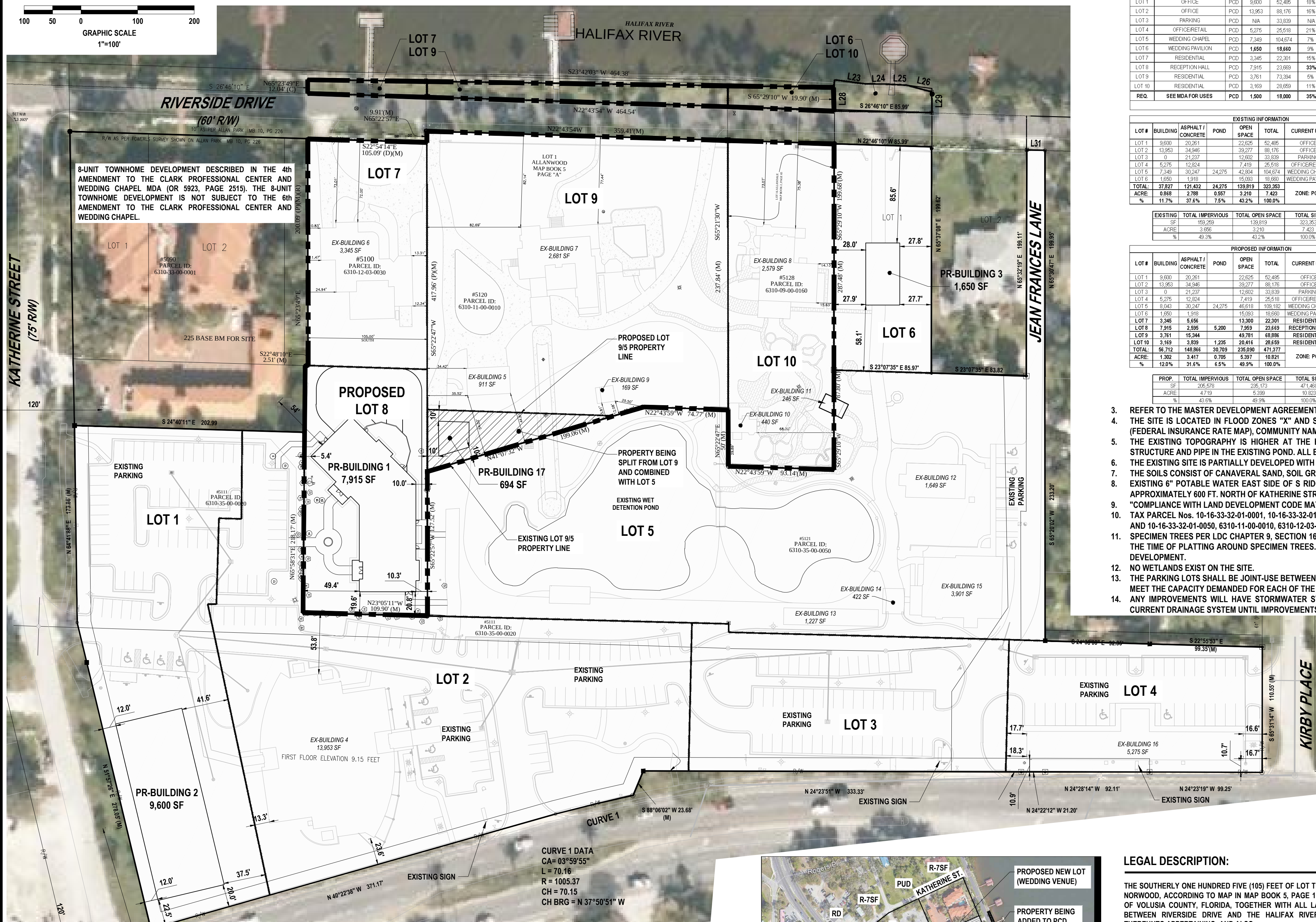
LOT 1, ALLAN PARK SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 226, AND A PORTION OF LOT 1, ALLANWOOD SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE "A" (ALSO RECORDED IN MAP BOOK 15, PAGE 195), AND A PORTION OF LOT 16 ALLANDALE SUBDIVISION, AS RECORDED IN MAP BOOK 2, PAGE 65, (ALSO RECORDED IN MAP BOOK 12, PAGE 137), ALL BEING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT A NORTHEASTERLY CORNER OF CLARK PROFESSIONAL CENTER, RECORDED IN MAP BOOK 47, PAGE 200, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE (60.00 FEET RIGHT-OF-WAY) WITH THE SOUTHERLY LINE OF LOT 2, AFORESAID ALLAN PARK; THENCE ALONG THE BOUNDARY OF THE CLARK PROFESSIONAL CENTER THE FOLLOWING COURSES: S63°47'06"W FOR A DISTANCE OF 199.63 FEET; THENCE N24°34'13"W FOR A DISTANCE OF 83.82 FEET FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE BOUNDARY OF SAID CLARK PROFESSIONAL CENTER THE FOLLOWING COURSES: N24°34'13"W FOR A DISTANCE OF 85.97 FEET; THENCE S63°36'48"W FOR A DISTANCE OF 87.8 FEET; THENCE N24°33'32"W FOR A DISTANCE OF 93.14 FEET; THENCE N63°33'14"E FOR A DISTANCE OF 50.00 FEET; THENCE N24°33'32" FOR A DISTANCE OF 74.77 FEET; THENCE N42°57'05"W FOR A DISTANCE OF 199.07 FEET TO A POINT ON THE NORTH LINE OF AFORESAID LOT 1, ALLANWOOD SUBDIVISION; THENCE N63°33'14"E ALONG SAID NORTH LINE OF LOT 1, FOR A DISTANCE OF 300.35 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AFORESAID RIVERSIDE DRIVE, THENCE S24°33'27"E ALONG THE WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 445.57 FEET; THENCE S63°43'49"W FOR A DISTANCE OF 199.65 FEET TO THE POINT OF BEGINNING. THE ABOVE PARCEL CONTAINS 2.596 ACRES MORE OR LESS.

PART 2

ALL LANDS LYING EASTERLY OF RIVERSIDE DRIVE AND TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER WITH THE NORTH BOUNDARY OF LOT 1, ALLANWOOD SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE "A" (ALSO RECORDED IN MAP BOOK 15, PAGE 195), EXTENDED EASTERLY TO THE MEAN HIGH WATER LINE AND THE SOUTH BOUNDARY OF LOT 1, ALLAN PARK SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 226, EXTENDED EASTERLY TO THE MEAN HIGH WATER LINE OF SAID HALIFAX RIVER, ALL BEING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A NORTHEASTERLY CORNER OF CLARK PROFESSIONAL CENTER, AS RECORDED IN MAP BOOK 47, PAGE 200, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE (A 60.00 FEET RIGHT-OF-WAY) WITH THE SOUTHERLY LINE OF LOT 2, OF AFORESAID ALLAN PARK; THENCE N24°33'27"W ALONG THE RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE FOR A DISTANCE OF 84.00 FEET TO THE NORTHEAST CORNER OF AFORESAID LOT 2; THENCE N63°33'49"E, CROSSING RIVERSIDE DRIVE FOR A DISTANCE OF 30.01 FEET TO EAST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE, AS SHOWN ON THE PLAT OF SAID ALLAN PARK, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N24°33'27"W ALONG THE SAID EAST RIGHT-OF-WAY LINE FOR A DISTANCE OF 445.66 FEET TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1, ALLANWOOD; THENCE N63°33'14"E ALONG SAID EASTERLY EXTENSION FOR A DISTANCE OF 13.85 FEET TO THE EAST EDGE OF A COQUINA ROCK HEADWALL, AT THE MEAN HIGH WATER ELEVATION OF 1.27 FEET, NATIONAL GEODETIC DATUM OF 1929, ESTABLISHED ON DECEMBER 16, 1999; THENCE S25°31'36" EAST ALONG THE EASTERLY EDGE OF SAID WALL AND SAID MEAN HIGH WATER LINE FOR A DISTANCE OF 358.92 FEET; THENCE S18°06'10"E LEAVING SAID COQUINA ROCK SEA WALL AND CONTINUING ALONG SAID MEAN HIGH WATER LINE FOR A DISTANCE OF 37.75 FEET; THENCE S27°54'44"E FOR A DISTANCE OF 49.26 FEET TO THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 2, OF ALLAN PARK; THENCE S63°43'49"E ALONG THE SAID EASTERLY EXTENSION FOR A DISTANCE OF 18.53 FEET TO TH E EAST RIGHT-OF-WAY LINE OF SAID RIVERSIDE DRIVE AND THE POINT OF BEGINNING.
THE ABOVE PARCEL CONTAINS 0.173 ACRES MORE OR LESS.

MASTER DEVELOPMENT AGREEMENT
CLARK PROFESSIONAL CENTER: 6TH AMENDMENT
PLANNED COMMERCIAL DEVELOPMENT



SITE INFORMATION

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

2.

PROPOSED LOT DIMENSIONS

PARCEL	PROPOSED USE	PROP. ZONE	MIN. FLOOR AREA/DU (SF)	MIN. LOT AREA/DU (SF)	MAX. BUILDING COVER (%)	FRONT	SIDE	SIDE CORNER	REAR	MAX. HEIGHT	MIN. LOT WIDTH	MIN. LOT DEPTH	N	S	E	W
						BUILDING SETBACKS (FT)				LOT DIMENSION (FT)			LANDSCAPE BUFFERS (FT)			
LOT 1	OFFICE	PCD	9,600	52,485	18%	20	37.5	12	246.6	-	109	450	12	30	10	20
LOT 2	OFFICE	PCD	13,953	88,176	16%	23.6	13.3	N/A	53.8	-	371	130	12	12	10	20
LOT 3	PARKING	PCD	N/A	33,839	N/A	N/A	N/A	N/A	N/A	-	279	116	12	12	12	10
LOT 4	OFFICE/RETAIL	PCD	5,275	25,518	21%	10.7	17.7	16.6	57.4	-	223	110	12	12	10	10
LOT 5	WEDDING CHAPEL	PCD	7,349	104,674	7%	37.1	10	N/A	57.2	-	127	554	10	10	10	10
LOT 6	WEDDING PAVILION	PCD	1,650	18,660	9%	85.6	27.7	N/A	58.1	-	85	199	20	20	15	10
LOT 7	RESIDENTIAL	PCD	3,345	22,301	15%	72	10.8	N/A	54.6	-	105	200	10	10	15	10
LOT 8	RECEPTION HALL	PCD	7,915	23,669	33%	5.4	19.6	N/A	10	-	217	107	5	10	10	10
LOT 9	RESIDENTIAL	PCD	3,761	73,394	5%	77.5	34.5	N/A	12	-	265	237	20	20	15	10
LOT 10	RESIDENTIAL	PCD	3,169	28,659	11%	73	10	N/A	24	-	93	287	10	10	15	20
REQ.	SEE MDA FOR USES	PCD	1,500	18,000	35%	5	10	10	10	45	85	107	5	10	10	10
						25' FROM RIDGEWOOD & KATHERINE										

EXISTING INFORMATION

LOT #	BUILDING	ASPHALT / CONCRETE	POND	OPEN SPACE	TOTAL	CURRENT USE	REG SPACE	ADA SPACE	TOTAL
LOT 1	9,600	20,261		22,625	52,485	OFFICE	53	4	57
LOT 2	13,953	34,946		39,277	88,176	OFFICE	76	4	80
LOT 3	0	21,237		12,602	33,839	PARKING	51	0	51
LOT 4	5,275	12,824		7,419	25,518	OFFICE/RETAIL	33	2	35
LOT 5	7,349	30,247	24,275	42,804	104,674	WEDDING CHAPEL	5	3	8
LOT 6	1,650	1,918		15,093	18,660	WEDDING PAVILION	N/A	N/A	0
TOTAL:	37,827	121,432	24,275	139,819	323,353	ZONE: PCD	218	13	231
ACRE:	0.868	2.788	0.557	3.210	7.423				
%	11.7%	37.6%	7.5%	43.2%	100.0%				

EXISTING	TOTAL IMPERVIOUS	TOTAL OPEN SPACE	TOTAL SITE
SF:	159,259	139,819	323,353
ACRE:	3.656	3.210	7.423
%	49.3%	43.2%	100.0%

PROPOSED INFORMATION

LOT #	BUILDING	ASPHALT / CONCRETE	POND	OPEN SPACE	TOTAL	CURRENT USE	REG SPACE	ADA SPACE	TOTAL	SHARED PARKING LOT	TIMES OF PEAK PARKING DEMAND
LOT 1	9,600	20,261		22,625	52,485	OFFICE	53	4	57	LOT 2	WEEKDAY 7AM-6PM
LOT 2	13,953	34,946		39,277	88,176	OFFICE	76	4	80	LOT 1 & 3	WEEKDAY 7AM-6PM
LOT 3	0	21,237		12,602	33,839	PARKING	51	0	51	LOT 2 & 4	WEEKDAY 7AM-6PM
LOT 4	5,275	12,824		7,419	25,518	OFFICE/RETAIL	33	2	35	LOT 3	WEEKDAY 7AM-6PM
LOT 5	8,043	30,247	24,275	46,618	109,182	WEDDING CHAPEL	5	3	8	LOT 2, 3, & 4	WEEKEND 6PM - 12AM
LOT 6	1,650	1,918		15,093	18,660	WEDDING PAVILION	0	0	0	LOT 3, 4, & 5	WEEKEND 6PM - 12AM
LOT 7	3,345	5,656		13,300	22,301	RESIDENTIAL	5	N/A	5	N/A	-
LOT 8	7,915	2,595	5,200	7,959	23,669	RECEPTION HALL	0	0	0	LOT 1 & 2	WEEKEND 6PM - 12AM
LOT 9	3,761	15,344		49,781	68,886	RESIDENTIAL	4	0	4	N/A	-
LOT 10	3,169	3,839	1,235	20,416	28,659	RESIDENTIAL	3	0	3	N/A	-
TOTAL:	56,712	148,866	30,709	235,090	471,377	ZONE: PCD	230	13	243		WEDDING VENUE DEMAND OCCURS WEEKENDS & EVENINGS
ACRE:	1.302	3.417	0.705	5.397	10.821						
%	12.0%	31.6%	6.5%	49.9%	100.0%						

PROP.	TOTAL IMPERVIOUS	TOTAL OPEN SPACE	TOTAL SITE
SF:	205,578	235,173	471,460
ACRE:	4.719	5.399	10.823
%	43.6%	49.9%	100.0%

SHARED PARKING CALCULATIONS - LOTS 1, 2, 8

BUILDING USE	A. SQ.FT. / SEATS	B. SPACES	C. PER SQ.FT.	D. REQ. SPACES DAY	D. REQ. SPACES EVENING
WEDDING VENUE	200	1	3		67
EXISTING OFFICE	13,953	1	200	70	
PROPOSED OFFICE	9,600	1	200	48	
TOTAL REQUIRED SPACES				118	67

SPECIALTY PARKING REQUIREMENTS

	REQ. SPACES
ADA SPACES	5

PROVIDED PARKING

	%	PROV. SPACES
STANDARD SPACES	94%	129
ADA SPACES	6%	8
TOTAL PROVIDED SPACES		137

SHARED PARKING CALCULATIONS - LOTS 3, 4, 5, 6

BUILDING USE	A. SQ.FT. / SEATS	B. SPACES	C. PER SQ.FT.	D. REQ. SPACES DAY	D. REQ. SPACES EVENING
EXISTING WEDDING VENUE	150	1	3		50
EXISTING OFFICE	5,275	1	200	27	
TOTAL REQUIRED SPACES				27	50

SPECIALTY PARKING REQUIREMENTS

	REQ. SPACES
ADA SPACES	2

PROVIDED PARKING

	%	PROV. SPACES
STANDARD SPACES	95%	89
ADA SPACES	5%	5
TOTAL PROVIDED SPACES		94

PARKING CALCULATIONS - LOTS 7, 9, 10

BUILDING USE	A. BEDROOM	B. SPACES	C. PER BED	D. REQ. SPACES DAY
EXISTING HOUSE 5100	5	1	1	5
EXISTING HOUSE 5120	4	1	1	4
EXISTING HOUSE 5128	3	1	1	3
TOTAL REQUIRED SPACES				12

SPECIALTY PARKING REQUIREMENTS

	REQ. SPACES
ADA SPACES	1

PROVIDED PARKING

	%	PROV. SPACES
TOTAL PROVIDED SPACES		12
SPACES PROVIDED BY DRIVEWAYS & GARAGES		

3. REFER TO THE MASTER DEVELOPMENT AGREEMENT (MDA) FOR SPECIFIC USES.
4. THE SITE IS LOCATED IN FLOOD ZONES "X" AND SFHA ZONE "AE=4", "AE=5" AND "AE=6" ACCORDING TO THE FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) F.I.R.M (FEDERAL INSURANCE RATE MAP), COMMUNITY NAME CITY OF PORT ORANGE, NUMBER 120313. PANEL NUMBER 12127C0388 J DATED: 9/29/2017.
5. THE EXISTING TOPOGRAPHY IS HIGHER AT THE BUILDINGS AND SLOPES TO POND AREA. NATURAL DRAINAGE IS EAST TO THE HALIFAX RIVER THROUGH A CONTROL STRUCTURE AND PIPE IN THE EXISTING POND. ALL ELEVATIONS USE THE NAVD 88 DATUM.
6. THE EXISTING SITE IS PARTIALLY DEVELOPED WITH BUILDINGS FOR VARIOUS PURPOSES, WITH THE REMAINING PORTION UNDEVELOPED.
7. THE SOILS CONSIST OF CANAVERAL SAND, SOIL GROUP "C", MAP SYMBOL "12" AND COCOA SAND, SOIL GROUP "A", MAP SYMBOL "15" PER THE VOLUSIA COUNTY SCS MANUAL.
8. EXISTING 6" POTABLE WATER EAST SIDE OF S RIDGEWOOD AVE. AND WEST SIDE OF RIVERSIDE DRIVE. NO RECLAIM WATER AVAILABLE. EXISTING 8" RECLAIM WATER ENDS APPROXIMATELY 600 FT. NORTH OF KATHERINE STREET, ON RIVERSIDE DRIVE. EXISTING 8" GRAVITY SANITARY SEWER WITHIN EASEMENT SOUTH OF PALMETTO STREET.
9. "COMPLIANCE WITH LAND DEVELOPMENT CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL PLAN." [LDC, Ch. 17, Sec. 18(g)(2)(k)].
10. TAX PARCEL Nos. 10-16-33-32-01-0001, 10-16-33-32-01-0002, 10-16-33-32-01-0010, 10-16-33-32-01-0003, 10-16-33-10-00-0010, 10-16-33-32-01-0020, 10-16-33-32-01-0030, 10-16-33-32-01-0040 AND 10-16-33-32-01-0050, 6310-11-00-0010, 6310-12-03-0030, 6310-09-00-0160, 63-10-35-00-0010, 63-10-35-00-0020, 63-10-35-00-0030, 6310-12-03-0030, 6310-35-00-0060, 6310-35-00-0050.
11. SPECIMEN TREES PER LDC CHAPTER 9, SECTION 16(a)(b) SHALL BE LOCATED AND REVIEWED AT SDRC. CONSERVATION EASEMENT SHALL BE DETERMINED AND PREPARED AT THE TIME OF PLATTING AROUND SPECIMEN TREES. CONSERVATION AREAS SHALL BE ESTABLISHED AROUND A MINIMUM OF 15% OF THE EXISTING WOODED PORTION OF THE DEVELOPMENT.
12. NO WETLANDS EXIST ON THE SITE.
13. THE PARKING LOTS SHALL BE JOINT-USE BETWEEN THE CHAPEL AND PROFESSIONAL / OFFICE BUILDING USE. DIFFERING PEAK DEMAND TIMES ALLOW THE PARKING AREAS TO MEET THE CAPACITY DEMANDED FOR EACH OF THE USE AREAS.
14. ANY IMPROVEMENTS WILL HAVE STORMWATER SYSTEMS DESIGNED TO BE IN COMPLIANCE WITH THE CITY AND SJRWMD REGULATIONS. EACH LOT WILL MAINTAIN THE CURRENT DRAINAGE SYSTEM UNTIL IMPROVEMENTS ARE PROPOSED.

BUILDING	BUILDING USE	BUILDING SF
PR - 1	RECEPTION HALL	7,915
PR - 2	OFFICE	9,600
PR - 3	WEDDING PAVILION	1,650
EX - 4	OFFICE	13,953
EX - 5	RESIDENTIAL GARAGE/STORAGE	911
EX - 6	RESIDENTIAL*	3,345
EX - 7	RESIDENTIAL*	2,681
EX - 8	RESIDENTIAL*	2,579
EX - 9	RESIDENTIAL STORAGE*	169
EX - 10	RESIDENTIAL*	440
EX - 11	PUMP HOUSE & RESTROOMS	246
EX - 12	WEDDING CHAPEL	1,649
EX - 13	TRAIN CAR	1,227
EX - 14	CHAPEL	422
EX - 15	RECEPTION HALL	3,901
EX - 16	OFFICE/RETAIL	5,275
EX - 17	ACCESSORY HONEYMOON SUITE	694

LINE TABLE

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

OWNER INFORMATION

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

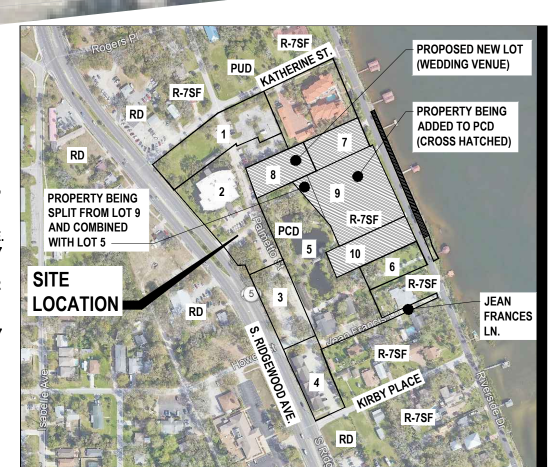
ALLANWOOD MANAGEMENT, LLC
5111 S RIDGEWOOD AVE.,
PORT ORANGE, FL 32127

ANDREW D CLARK
5111 S RIDGEWOOD AVE.
PORT ORANGE, FL 32127

CLARK LOESCH LOIS TR
CLARK E LOIS TRUST
5111 RIDGEWOOD AVE.
PORT ORANGE, FL 32127

SURVEYOR:
A1A SURVEYING, INC.
555 W GRANADA BLVD., 32174
ORMOND BEACH, FL 32174
PHONE: (386) 216-5730
EMAIL: ALLEN@A1ASURVEYING.COM

ENGINEER/ AGENT:
NEWKIRK ENGINEERING, INC.
1230 NORTH US HIGHWAY 1, SUITE 3
ORMOND BEACH, FL 32174
PHONE: (386) 872-7794
EMAIL: CODY@NEWKIRK-ENGINEERING.COM



AERIAL MAP
SCALE: 1" = 300'

LEGAL DESCRIPTION:

THE SOUTHERLY ONE HUNDRED FIVE (105) FEET OF LOT THREE (3), BLOCK THREE (3), NORWOOD, ACCORDING TO MAP IN MAP BOOK 5, PAGE 1, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH ALL LAND LYING EAST THEREOF BETWEEN RIVERSIDE DRIVE AND THE HALIFAX RIVER, AND RIPARIAN RIGHTS THEREUNTO APPERTAINING; AND ALSO

THAT PART OF LOT THREE (3), ALLANWOOD, LYING EASTERLY OF A LINE RUNNING FROM THE POINT WHERE THE EAST LINE OF PALMETTO STREET INTERSECTS THE NORTH LINE OF LOT THREE (3), ALLANWOOD, SOUTHERLY TO THE POINT WHERE THE WEST LINE OF LOT ONE (1), ALLANWOOD, INTERSECTS THE SOUTH LINE OF LOT THREE (3), ALLANWOOD, ACCORDING TO MAP IN MAP BOOK 5, PAGE "A", OF THE PUBLIC RECORDS FO VOLUSIA COUNTY, FLORIDA.

LEGAL DESCRIPTION:

LOT 16, EXCEPT THE WESTERLY 140 FEET THEREOF, ALLANDALE, AND THE FOLLOWING DESCRIBED LAND, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT 16, ALLANDALE AND RUN SOUTHERLY ALONG THE EASTERLY LINE TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE RUN EASTERLY ALONG THE PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 16, WHERE THE SAME IS INTERSECTED BY THE LOW WATER MARK OF THE HALIFAX RIVER; THENCE RUN NORTHERLY ALONG THE LOW WATER MARK OF THE HALIFAX RIVER TO A POINT WHERE THE SAME IS INTERSECTED BY A PROLONGATION OF THE NORTHERLY LINE OF LOT 16, EXTENDED; THENCE RUN WESTERLY TO THE NORTHEAST CORNER OF LOT 16, AND THE POINT OF BEGINNING, AS PER MAP IN MAP BOOK 2, PAGE 65 OF THE PUBLIC RECORD OF VOLUSIA COUNTY, FLORIDA, AND THE EASTERLY 46.71 FEET OF THE WESTERLY 140.52 FEET OF LOT 16, AS PER MAP IN MAP BOOK 2, PAGE 65 PUBLIC RECORDS OF BOLUSIA COUTY, FLORIDA.

LEGAL DESCRIPTION:

PART 1

LOT 1, ALLAN PARK SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 226, AND A PORTION OF LOT 1, ALLANWOOD SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE "A" (ALSO RECORDED IN MAP BOOK 15, PAGE 195), AND A PORTION OF LOT 16 ALLANDALE SUBDIVISION, AS RECORDED IN MAP BOOK 2, PAGE 65, (ALSO RECORDED IN MAP BOOK 12, PAGE 137), ALL BEING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT A NORTHEASTERLY CORNER OF CLARK PROFESSIONAL CENTER, RECORDED IN MAP BOOK 47, PAGE 200, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE (60.00 FEET RIGHT-OF-WAY) WITH THE SOUTHERLY LINE OF LOT 2, AFORESAID ALLAN PARK; THENCE ALONG THE BOUNDARY OF THE CLARK PROFESSIONAL CENTER THE FOLLOWING COURSES: S63°47'08"W FOR A DISTANCE OF 199.63 FEET; THENCE N24°34'13"W FOR A DISTANCE OF 83.82 FEET FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE BOUNDARY OF SAID CLARK PROFESSIONAL CENTER THE FOLLOWING COURSES: N24°34'13"W FOR A DISTANCE OF 85.97 FEET; THENCE S63°36'48"W FOR A DISTANCE OF 87.8 FEET; THENCE N24°33'32"W FOR A DISTANCE OF 93.14 FEET; THENCE N63°33'14"E FOR A DISTANCE OF 50.00 FEET; THENCE N24°33'32" FOR A DISTANCE OF 74.77 FEET; THENCE N42°57'05"W FOR A DISTANCE OF 199.07 FEET TO A POINT ON THE NORTH LINE OF AFORESAID LOT 1, ALLANWOOD SUBDIVISION; THENCE N63°33'14"E ALONG SAID NORTH LINE OF LOT 1, FOR A DISTANCE OF 300.35 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AFORESAID RIVERSIDE DRIVE, THENCE S24°33'27"E ALONG THE WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 445.57 FEET; THENCE S63°43'49"W FOR A DISTANCE OF 199.65 FEET TO THE POINT OF BEGINNING. THE ABOVE PARCEL CONTAINS 2.596 ACRES MORE OR LESS.

PART 2

ALL LANDS LYING EASTERLY OF RIVERSIDE DRIVE AND TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER WITH THE NORTH BOUNDARY OF LOT 1, ALLANWOOD SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE "A" (ALSO RECORDED IN MAP BOOK 15, PAGE 195), EXTENDED EASTERLY TO THE MEAN HIGH WATER LINE AND THE SOUTH BOUNDARY OF LOT 1, ALLAN PARK SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 226, EXTENDED EASTERLY TO THE MEAN HIGH WATER LINE OF SAID HALIFAX RIVER, ALL BEING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A NORTHEASTERLY CORNER OF CLARK PROFESSIONAL CENTER, AS RECORDED IN MAP BOOK 47, PAGE 200, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE (A 60.00 FEET RIGHT-OF-WAY) WITH THE SOUTHERLY LINE OF LOT 2, OF AFORESAID ALLAN PARK; THENCE N24°33'27"W ALONG THE RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE FOR A DISTANCE OF 84.00 FEET TO THE NORTHEAST CORNER OF AFORESAID LOT 2; THENCE N63°33'49"E, CROSSING RIVERSIDE DRIVE FOR A DISTANCE OF 30.01 FEET TO EAST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE, AS SHOWN ON THE PLAT OF SAID ALLAN PARK, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N24°33'27"W ALONG THE SAID EAST RIGHT-OF-WAY LINE FOR A DISTANCE OF 445.66 FEET TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1, ALLANWOOD; THENCE N63°33'14"E ALONG SAID EASTERLY EXTENSION FOR A DISTANCE OF 13.85 FEET TO THE EAST EDGE OF A COQUINA ROCK HEADWALL, AT THE MEAN HIGH WATER ELEVATION OF 1.27 FEET, NATIONAL GEODETIC DATUM OF 1929, ESTABLISHED ON DECEMBER 16, 1999; THENCE S25°31'36" EAST ALONG THE EASTERLY EDGE OF SAID WALL AND SAID MEAN HIGH WATER LINE FOR A DISTANCE OF 358.92 FEET; THENCE S18°06'10"E LEAVING SAID COQUINA ROCK SEA WALL AND CONTINUING ALONG SAID MEAN HIGH WATER LINE FOR A DISTANCE OF 37.75 FEET; THENCE S27°54'44"E FOR A DISTANCE OF 49.26 FEET TO THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 2, OF ALLAN PARK; THENCE S63°43'49"E ALONG THE SAID EASTERLY EXTENSION FOR A DISTANCE OF 18.53 FEET TO TH E EAST RIGHT-OF-WAY LINE OF SAID RIVERSIDE DRIVE AND THE POINT OF BEGINNING.
THE ABOVE PARCEL CONTAINS 0.173 ACRES MORE OR LESS.

REVISIONS

DATE	DESCRIPTION

1230 North US1, Suite 3
Ormond Beach, Florida 32174
Phone (386) 872-7794
www.Newkirk-Engineering.com
C.A. # 30209
L.C. # 26000584
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Civil Engineering, Transportation, CEI & Landscape Architecture
NEWKIRK ENGINEERING INC.

EXHIBIT C: CONCEPTUAL DEVELOPMENT PLAN
CLARK PROFESSIONAL CENTER
"6th AMENDMENT" [LDC, Ch. 17, Sec. 18(g)(2)(a)].
PORT ORANGE, FL 32129

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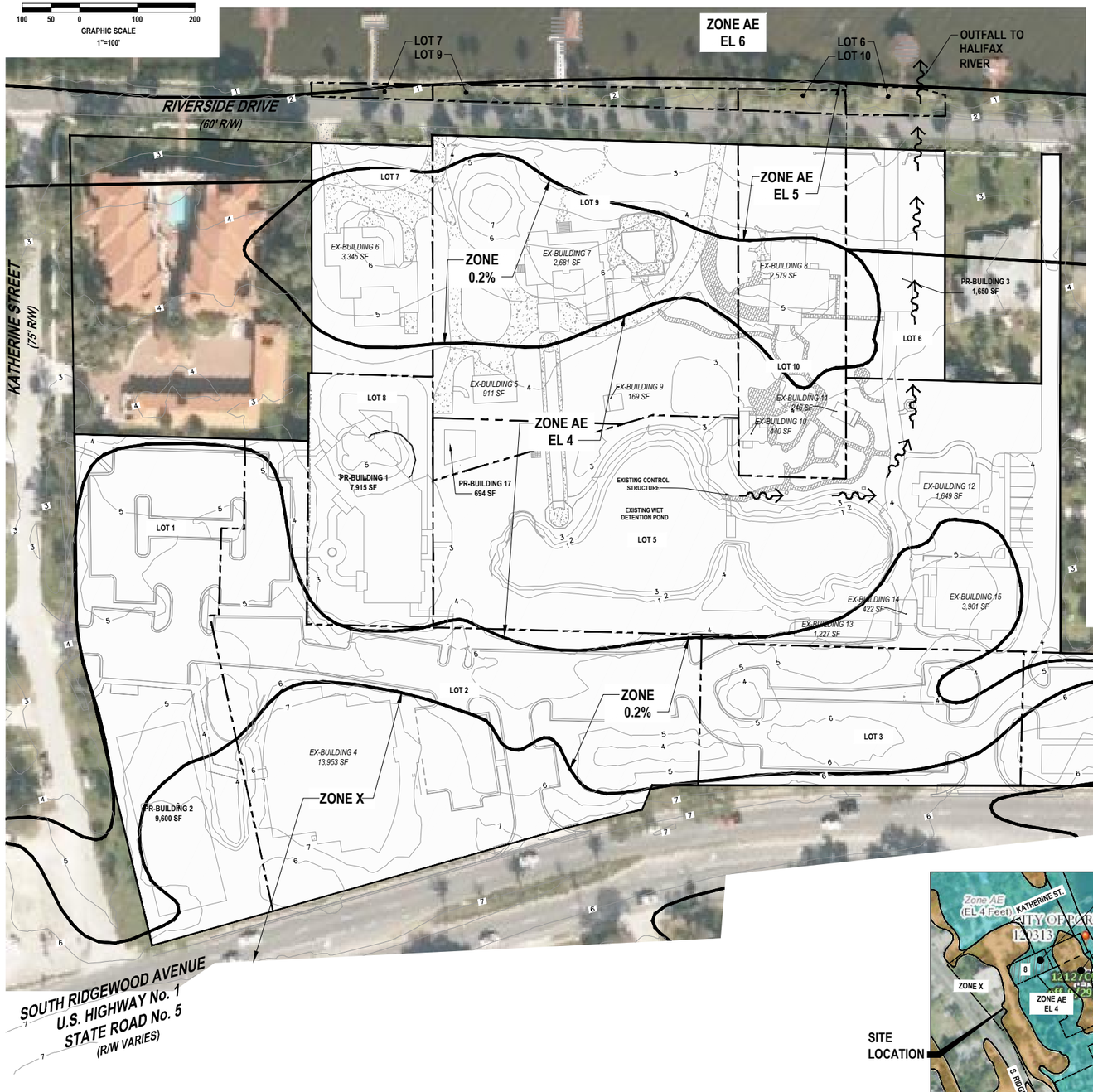
PROJECT No:	2020-225
DATE:	OCTOBER 2020
DESIGN BY:	HHN
DRAWN BY:	CAB
CHECKED BY:	HHN
SCALE:	1" = 100'

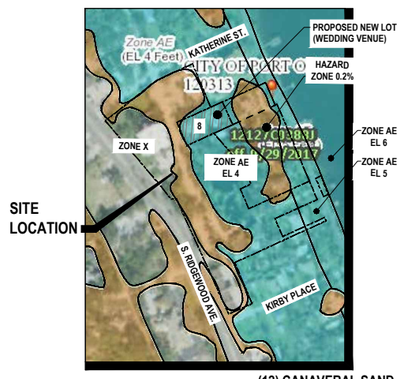
DRAWING NUMBER
EX-C

MASTER DEVELOPMENT AGREEMENT
CLARK PROFESSIONAL CENTER: 6TH AMENDMENT
PLANNED COMMERCIAL DEVELOPMENT

100 50 0 100 200
GRAPHIC SCALE
1"=100'

8-UNIT TOWNHOME DEVELOPMENT DESCRIBED IN THE 4th AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL MDA (OR 5923, PAGE 2515). THE 8-UNIT TOWNHOME DEVELOPMENT IS NOT SUBJECT TO THE 6th AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL.

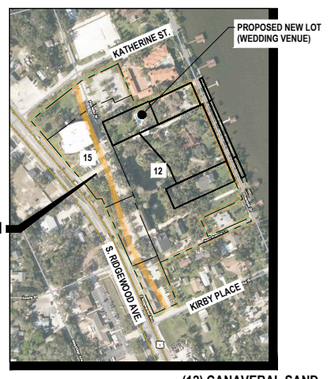




SITE LOCATION

FIRM MAP
SCALE: 1" = 300'

(12) CANAVERAL SAND



SITE LOCATION

SOIL MAP
SCALE: 1" = 300'

(12) CANAVERAL SAND
(15) COCOA SAND

REVISIONS

DATE	DESCRIPTION

1230 North US1, Suite 3
Ormond Beach, Florida 32174
Phone (386) 872-7794
www.Newkirk-Engineering.com
C.A. # 30209
L.C. # 26000584

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NEWKIRK ENGINEERING INC.

EXHIBIT C1: BASIN MAP
CONTOURS & FLOODZONES

CLARK PROFESSIONAL CENTER
"6th AMENDMENT" [LDC, Ch. 17, Sec. 18(g)(2)(a)]-8(g)(2(a)]-

PORT ORANGE, FL 32129

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CHECKED BY:	HHN
SCALE:	1" = 100'

DRAWING NUMBER

EX-C1

STAFF REPORT
CASE NO. 20-60000006
Rezoning/Catholic Church of the Epiphany
304, 308, 312, 316, 320, and 324 Fleming Avenue

REQUEST:	Rezone ±1.1 acres from R-8SF Single-family Residential to Government/Public Use (GPU)
LOCATION:	304, 308, 312, 316, 320, and 324 Fleming Avenue
OWNER/APPLICANT:	Bishop John G. Noonan, Diocese of Orlando
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	December 17, 2020

INTRODUCTION
Bishop John G. Noonan, Diocese of Orlando, applicant, requests to rezone ±1.1 acres from Single-Family Residential (R-8SF) to Government/Public Use (GPU). The subject property consists of six (6) lots located on the south side of Fleming Avenue, west of Lafayette Street (see Figure 1). If approved, the applicant intends to convert the existing homes into structures with meeting rooms for the various outreach programs of the church and for religious education classrooms, along with associated site improvements.

Figure 1. Location Map

DISCUSSION

The subject property is currently zoned Single-family Residential (R-8SF) and according to the Land Development Code the only uses allowed in the R-8SF zoning district are single-family detached dwellings and community gardens. Therefore, for the church to use these single-family homes as structures with offices for the church, meeting rooms for the various outreach programs of the church, and for religious education classrooms, the subject property needs to be rezoned to a zoning district that support these ancillary uses to the Church. The GPU zoning district was selected as it supports the current/proposed uses for these structures along with future growth plans of the Church.

The rezoning request was reviewed according to the criteria established in Chapter 3, Section 7 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and consistency with the surrounding land uses and zoning.

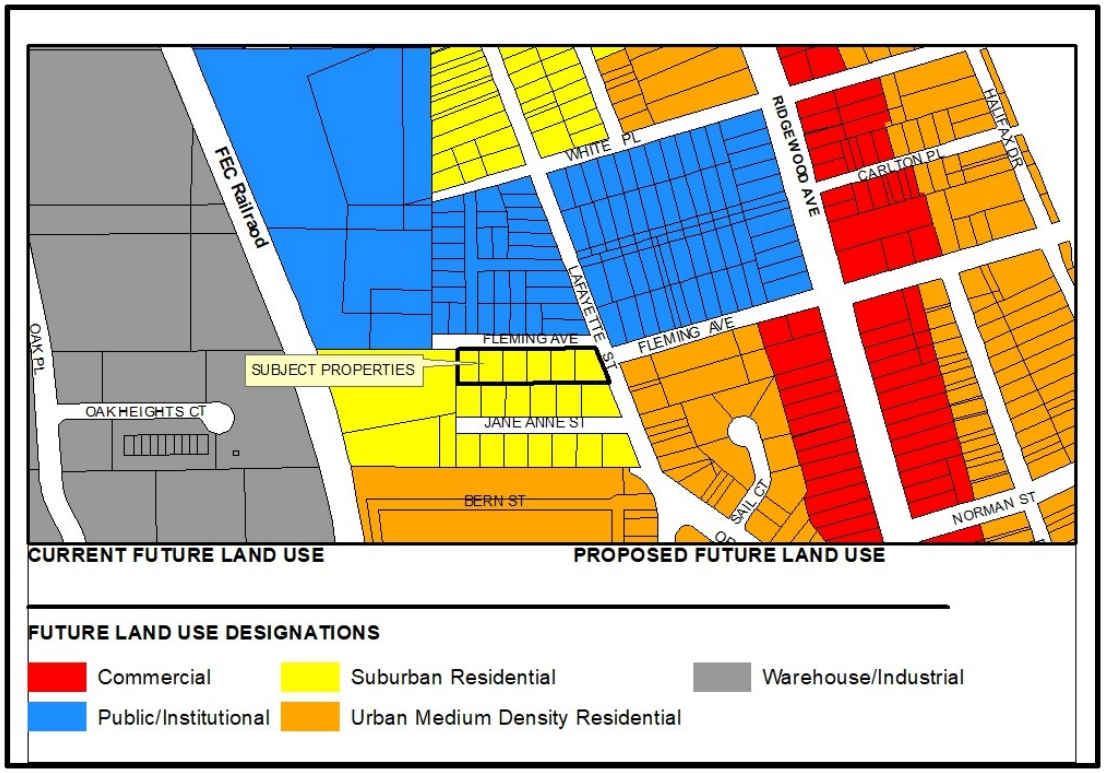
According to the applicant, for the last 18 years the church has been purchasing homes along Fleming Avenue and once the church owned all the lots the church submitted the rezoning application. The church wanted to wait until all the lots along Fleming Avenue were under the church's ownership before submitting the rezoning application, so they did not create an inconsistent zoning pattern by rezoning one to two parcels at a time.

Access to the properties will be from a number of local roads (Fleming Avenue, White Place, and Orange Boulevard), that connect to Ridgewood Avenue, a State arterial roadway. A fence along the rear of the homes and landscape buffers (10' along Fleming Avenue, Lafayette Street, and along rear of homes) will be required for this change of use. Parking will be provided through shared parking with the other adjacent church owned sites.

The applicant has also stated that the church plans to go through a master planning exercise for all the land they own in the area and may redevelop the subject property in the future based on the outcome of the church campus master plan. All future development plans submitted will require detailed technical review by the Staff Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) are met. As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development requiring transportation facilities to be provided or for the developer to enter into a mitigation agreement for their impacts.

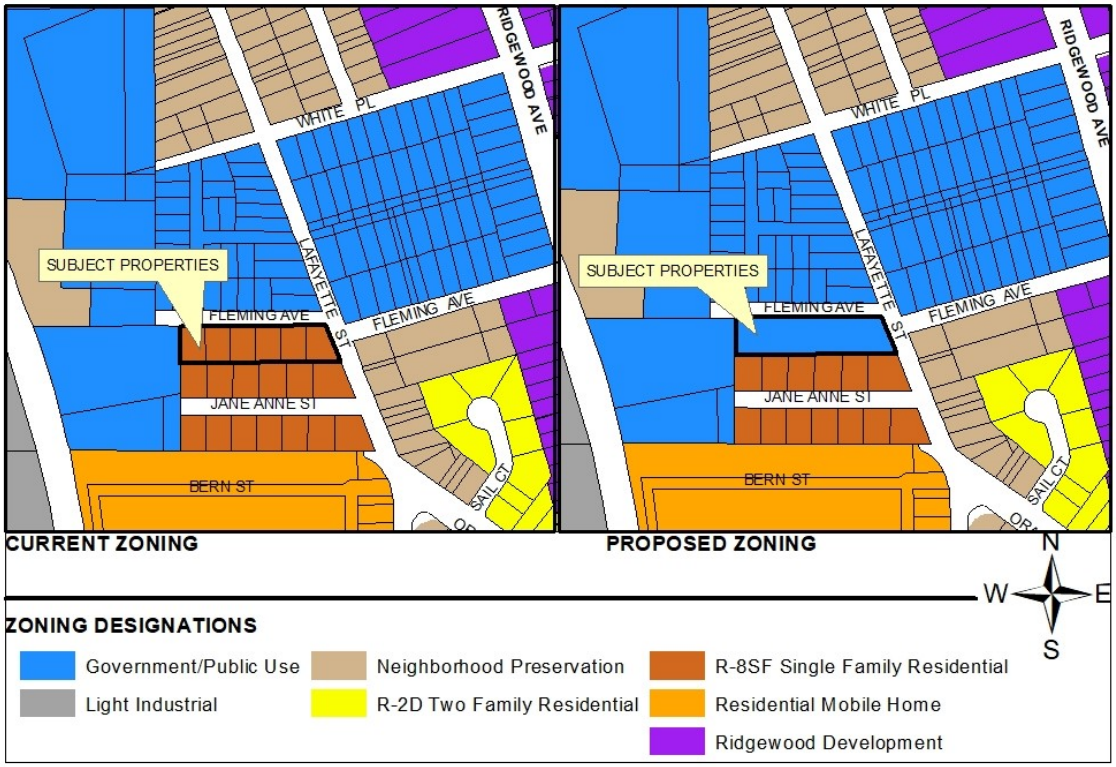
The current FLU designation for the subject property and adjacent properties and the proposed FLU designation for the subject property is identified in Figure 2.

Figure 2. Current Future Land Use Map



The current zoning classification of the subject property and adjacent properties and the proposed zoning classification of the subject property are identified in Figure 3.

Figure 3. Current and Proposed Zoning Map



COMPATIBILITY WITH SURROUNDING USES AND ZONING

The subject property includes six existing single-family lots developed with a single-family home on each lot. The subject parcel is generally surrounded by property owned by the Catholic Church of the Epiphany on three sides (north, west, east), and single-family homes to the south. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1. Access to the properties will be from a number of local roads (Fleming Avenue, White Place, and Orange Boulevard), that connect to Ridgewood Avenue, a State arterial roadway.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Catholic Church of the Epiphany – main church parcel	Public/Institutional	Government/Public Use (GPU)
South	Single-family homes	Suburban Residential (2-4 units/acre)	R-8SF
East	Right-of-way; Catholic Church of the Epiphany building and parking; single-family home	Public/Institutional; Urban Medium Density Residential	GPU and Neighborhood Preservation
West	vacant owned by Catholic Church of the Epiphany	Suburban Residential (2-4 units/acre)	GPU

The GPU district is intended to provide for public and quasi-public uses in a setting which recognizes the special character and location requirements of such facilities. The proposed GPU zoning is appropriate for the subject property as it is surrounded on three sides by other properties owned by Catholic Church of the Epiphany and zoned GPU. As with any boundary between a non-residential use and a single-family residential use, an appropriate landscape buffer and fence will be required.

CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property is designated *Suburban Residential* (2-4 Units/Acre) on the City's Future Land Use (FLU) map. The proposed GPU zoning district is consistent with the *Suburban Residential* (2-4 Units/Acre) FLU designation. Future Land Use Element Policy 2.1.4 in the City's Comprehensive Plan recognizes that public/institutional uses, such as a house of worship and associated uses, are acceptable in a wide range of the City's Future Land Use designations, and small isolated properties such as the subject property may be designated under any Future Land Use land use category where appropriate, as determined by staff. Based on compatibility with adjacent zoning districts and availability of existing infrastructure, the Administrative Official has determined that the requested rezoning is appropriate at this location and consistent with the proposed FLU designation.

PUBLIC NOTICE

On November 13, 2020, staff posted the property notifying the public of the proposed amendment. As of the time this agenda item was prepared, staff has received six general inquiries regarding the proposed amendment. The applicant held a neighborhood meeting on December 10, 2020 at the adjacent church property. The area residents present were generally opposed to the rezoning mostly because the applicant could not tell them what the future plans for the subject property was because they have not begun their master

planning process yet. The applicant explained that for the foreseeable future the church intends to maintain the existing structures and use them for offices for the church, meeting rooms for the various outreach programs of the church, and for religious education classrooms.

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone ±1.1 acres from Single-Family Residential R-8SF to Government/Public Use (GPU).

STAFF REPORT
CASE NO. 20-30000002
Conditional Use to allow outdoor church services and activities/meetings

REQUEST:	Allow outdoor church services and activities/meetings
PROPERTY OWNER:	Thrive Community Church
APPLICANT:	Peter Keirstead, Pastor, Thrive Community Church
LOCATION:	6156 S. Williamson Blvd. (see Figure 1 – Location Map)
STAFF RECOMMENDATION:	**Approval**
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
PLANNING COMMISSION DATE:	December 17, 2020

PROPERTY OVERVIEW

The property owner/applicant, Thrive Community Church, is requesting approval of a conditional use for a 2.5 year period, with an option to extend the time frame an additional 2.5 years, to temporarily utilize their property for outdoor church services and activities/meetings while the church finalizes design plans to construct their permanent facility on the subject property. According to the applicant, they anticipate submitting a site plan and building permit for the construction of the permanent building on-site within the next 2.5 years. They are requesting a tiered timeframe where the initial approval would be for 2.5 years, with the option to extend the approval for an additional 2.5 years subject to the site plan and building permit being approved and issued prior to the initial 2.5-year period ending. The property is located at 6156 S. Williamson Blvd., on the west side of Williamson Boulevard, between Cypress Creek Elementary and VIP Kennels.

Figure. 1 Location Map

In the Summer of 2020, the church annexed the subject property into the City, and a City Future Land Use designation (*Rural Transition*) and Zoning designation (Government/Public Use) was applied to the property with the intent to construct a church and fellowship hall in the upcoming years. In September 2020, development plans were approved, and construction began to redevelop the existing single-family home on the property into an office for the church, the existing garage into a small group assembly building for ministries, and associated site work (driveway, parking for the office, and 50-foot Williamson Blvd. landscape buffer). This work is underway and anticipated to be completed early in 2021.

The Church currently rents space at Spruce Creek High School on Sundays. However, while the funding for the new church building is being raised and development plans are being prepared, the Church would like to use their property to hold outdoor services and activities/meetings and install temporary site improvements to allow the site to be used as the home for the Church. According to the applicant, being able to use their own facility would also limit their parish's COVID-19 exposure risk through lower facility use numbers in an environment they have more direct control over.

The primary use of the property under the proposed Conditional Use will be on Sunday mornings between 9:00 am 10:45 am, Wednesday nights, and occasionally church related activities on some weekday nights; however, those meetings would typically occur at off-peak hours. The applicant has been advised of the requirements in the Code of Ordinances related to noise and light restrictions.

According to the Government/Public Use (GPU) zoning on the property, a church is a permitted use, so the proposed Conditional Use is consistent with the subject property's current zoning. Typically, the use of a site is associated with a developed permanent building; however, in this case, the use could occur outside or in a temporary structure as they are proposing through the Conditional Use process to establish parameters for the temporary use of the site as an outdoor church and to allow for specific conditions to ensure minimal impact to the surrounding area.

DEVELOPMENT PROPOSAL

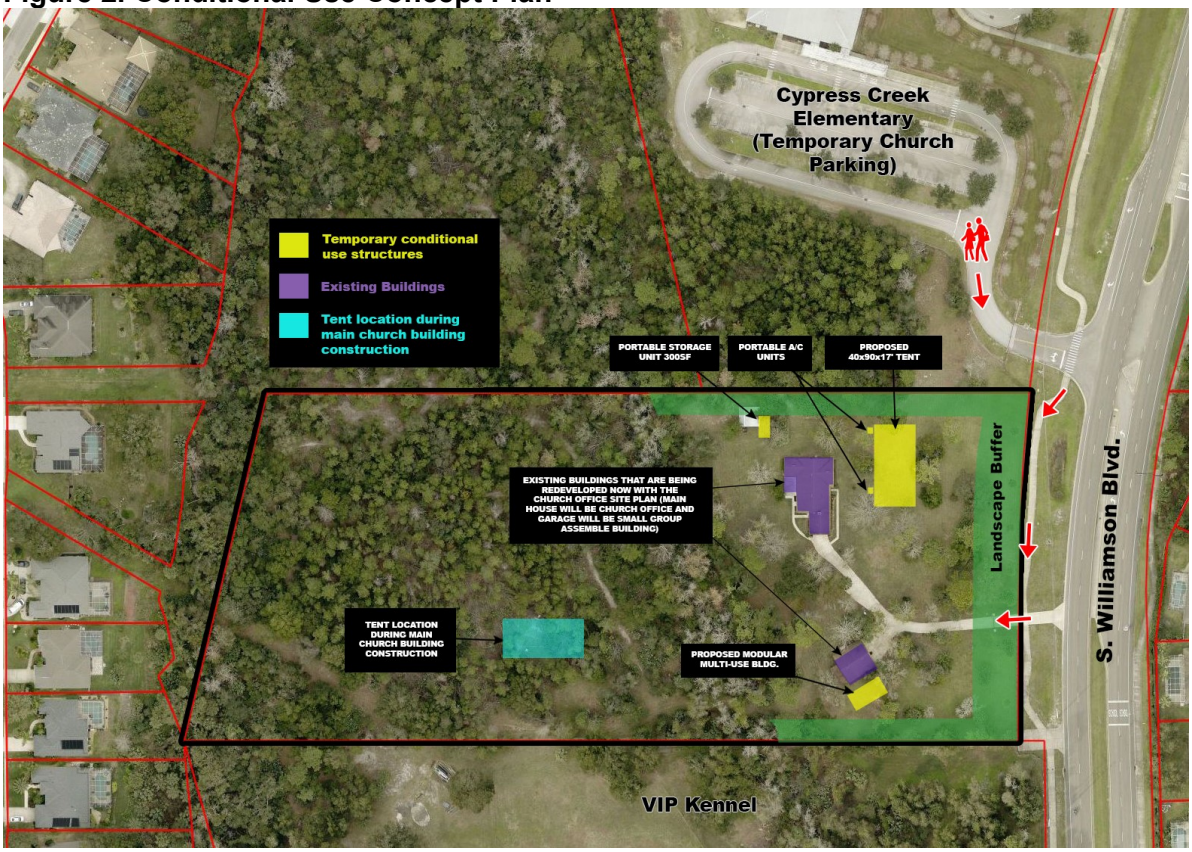
As stated in the letter of request (See – Exhibit "A"), Thrive Community Church's proposal for the next 2.5+ years is to operate their church and other activities on the subject property using temporary structures. The applicant is proposing to install or maintain the following temporary site improvements or agreements.

- 45'x90'x17' air-conditioned tent
- 800 square-foot modular structure used for Sunday classes/nursery
- 300 square-foot portable storage structure
- A temporary electrical sub-panel for energizing the A/C units and other electrical needs such as sound equipment and lights will be fed from the existing electrical service in the office building.
- Off-site parking agreement with Cypress Creek Elementary

The Conditional Use Concept Plan (Figure 2 and Exhibit B) shows the proposed location of the temporary structures (yellow). The Concept Plan shows a secondary optional tent location (teal) that could be used once the site plan and building permit are approved and they break ground on their permanent facility. The parking will be provided through a shared parking agreement with the adjacent Cypress Creek Elementary school. According to the applicant, members of the church will park at the school and then use the sidewalk to access the church site. The church may also shuttle parishioners by golf cart. As part of the conditional use, the applicant does not plan to develop any impervious parking areas beyond what was approved for the church office site plan or establish an area for grass parking. According to the church, the anticipated number

of guests is between 200 to 250. Based on the parking requirements in the LDC, 66-83 parking spaces would be needed. There is sufficient parking at the adjacent school for the proposed use. Only those individuals with disabilities that traditionally need to utilize an accessible parking space would park on-site in the office parking area.

Figure 2. Conditional Use Concept Plan



If the Conditional Use is approved, building permits must be submitted, approved and installation inspected for the proposed air-conditioned tent, modular building, and storage building. According to the applicant, the tent material has a 10-year warranty and they will be providing a cleaning schedule for the tent to ensure the appearance is maintained over time and the tent does not become discolored, ripped, or sag (Figure 3). There are also tan and green color options that could be used to better blend into the environment. The proposed modular building appearance would be similar to a school portable.

Figure 3 - Example of Tent Proposed

The temporary structures proposed with the Conditional Use will be screened by the 50-foot Williamson Boulevard landscape buffer and existing trees on the site (Figure 4). The majority of the rear of the property will remain wooded, and there is approximately 722 feet between the initial tent location and the Sanctuary on Spruce Creek subdivision and approximately 350 feet between the secondary tent location and the Sanctuary on Spruce Creek subdivision.

Figure 4. Existing Trees prior to Williamson Boulevard Landscape Buffer Plantings Added

Yellow frame shows general area where proposed tent would be located, behind the 50' landscape buffer (to be planted).

REVIEW CRITERIA

When reviewing an application for a Conditional Use, the Planning Commission and City Council must consider the following requirements and criteria [Chapter 18, Section 1(d)(2) of the Land Development Code].

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

No adverse impacts to adjoining properties and the general public safety are anticipated with the approval of the Conditional Use. Access to the property will be through the existing access drive along Williamson Boulevard that complies with the Land Development Code.

According to the latest traffic counts for Williamson Boulevard, capacity exists to accommodate the Conditional Use and future development of this property. The church

would only be using the site on weekends for worship and small group meetings on weekdays. Also, the site is adjacent to other commercial/institutional properties. Therefore, staff does not foresee any adverse impacts to the safety of the general public.

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

This criterion is met. Parking will be provided through a shared parking agreement with the adjacent Cypress Creek Elementary school. According to the applicant, members of the church will park at the school and then use the sidewalk to access the church site. The church may also shuttle parishioners by golf cart. As part of the Conditional Use, the applicant does not plan to develop any impervious parking areas beyond what was approved for the church office site plan or establish an area for grass parking. According to the church, the anticipated number of guests is between 200 to 250. Based on the parking requirements in the LDC, 66-83 parking spaces would be needed. There is sufficient parking at the adjacent school for the proposed use.

The parking on-site will only be for the church office as approved on the site plan, and for those individuals with disabilities that traditionally need to utilize an accessible parking space. No additional parking will occur on grassed areas. Volusia County has not approved a Use Permit for the site to be used for a church assembly at this time, so no additional vehicular traffic is to use the existing driveway other than what has been approved for the church office site plan or individuals with disabilities attending church service.

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

This criterion is met. The existing vegetation and additional landscaping approved with the church office site plan along the property lines and rights-of-way will remain and serve as the buffer. There is a 50-foot landscape buffer along Williamson Boulevard, and 5-foot side buffers between the Cypress Creek Elementary and VIP Kennel. The majority of the rear of the property will remain wooded, and there is approximately 722 feet between the initial tent location and the Sanctuary on Spruce Creek subdivision and approximately 350 feet between the secondary tent location and the Sanctuary on Spruce Creek subdivision. The applicant will be required to maintain the landscaping and site during the duration of the Conditional Use. If any site improvements require trees to be removed, the applicant will be required to submit tree removal permits and install replacement materials as required by the Land Development Code.

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

This criterion will be addressed with the submittal of building permits. Staff will ensure that this criterion is met through the review of building permits for the proposed temporary tent and modular building, including additional screening if required. Building permits must be submitted, approved and installation inspected for the proposed air-conditioned tent, modular building, and storage building. The applicant is aware of these necessary improvements.

The temporary structures proposed with the Conditional Use will be screened by the 50-foot Williamson Boulevard landscape buffer and existing trees on the site. According to the applicant, the tent material has a 10-year warranty and they will be providing a cleaning schedule for the tent to ensure the appearance is maintained over time and the tent does not become discolored, ripped, or sag. There are also tan and green color options that could be used to better blend into the environment. The modular building will be similar to a school portable. The placement of the modular and portable buildings on the site will be in locations that use existing vegetation to screen these structures from Williamson Boulevard.

(e) *Size, location or number of conditional uses in an area shall be limited so as to maintain the overall character of the district as intended by this code.*

This criterion is met. This would be the first use of this type in this area and as an interim use it will be removed once the permanent church is built. The applicant is requesting a tiered timeframe where the initial approval would be for 2.5 years, with the option to extend the approval for additional 2.5 years subject to the site plan and building permit being approved and issued prior to the initial 2.5-year period ending. The Conditional Use is intended to establish a timeframe and parameters for the temporary use of the site for outdoor church service until their permeant building is constructed.

In granting a Conditional Use, the Planning Commission may recommend, and the City Council may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of LDC. Such conditions may include time limits for the duration of the Conditional Use, specific minimum or maximum limits to regular code requirements, or any other conditions reasonably related to the requirements and criteria of this chapter.

RECOMMENDATION

Based on the findings of this report, Staff recommends approval of the Conditional Use to allow Thrive Community Church to hold outdoor weekly service and church related activities/meetings at 6156 S. Williamson Boulevard, subject to the following:

- Building permits must be submitted, approved and installation inspected for the proposed air-conditioned tent, modular building, and storage building.
- The landscape buffers required for the church office site plan (Case No. 20-80000003) must be installed and inspected prior to approval of the Building Permits for temporary structures.
- A “cleaning” schedule for the tent must be submitted to Community Development for review and approval prior to approval of a building permit for the tent.
- The Conditional Use will expire on July 20, 2023. A 2.5-year extension may be administratively approved subject to the site plan and building permit being approved and issued prior to July 20, 2023.
- Site lighting may emit no more than 0.5 foot-candles at the property line and will not spill over onto adjacent properties and rights-of-way.
- Sound or noise projecting from this shall not exceed dBA of 60 between the hours of 7:00am -10:00pm and dBA of 50 10:00pm – 7:00am. It will be the responsibility of the permit holder to monitor for noise violations.
- The Conditional Use is only valid for Thrive Community Church.
- If other events are planned other then activities mentioned in the Conditional Use, a special event permit would need to be submitted and approved (e.g. Fall Festival).

ATTACHMENTS

Exhibit A – Letter of Request form the Applicant
Exhibit B – Conditional Use Concept Plan

EXHIBIT A

AMG ENG
CONSULTING
LLC

December 10, 2020

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

Email: tburman@port-orange.org\
Hard Copy Mailed Only on Request

Subject: Thrive Community Church Conditional Use Application
4165 S. Williamson Blvd

Dear Mr. Burman,

Sent under separate cover was an application for a Conditional Use for Thrive Community Church property located at 6156 S. Williamson Boulevard. On behalf of the church membership, we are including with this submittal, a Concept Plan indicating the area of use contemplated per this application.

The intention is to utilize the property for outdoor church services and related uses for the length of the Conditional Use Permit. We are seeking a conditional use for an initial period of 2.5 years then an additional 2.5 years subject to site plan and building permit being issued. This allows for growth of the congregation and funds toward construction of phase 2 of the church concept plan. It also mitigates the concerns related to a possible COVID-19 exposure from renting the high school facility used by 1500+ people per week.

As shown in the attached Concept Plan the following improvements are anticipated under this application:

A tent is proposed to provide protection for the stage, worship team and seating for 200-250 worshipers. The tent is proposed to be conditioned with portable air conditioning units. A modular building for Sunday classes/nursery, and a portable storage structure is also proposed.

Parking will be at the adjacent elementary school for Sunday services. An agreement from the school board was secured that will cover the length of the Conditional Use Permit. Access from the school parking lot will be along the existing sidewalk that connects to the property's driveway. A shuttle using golf cart transportation from the school parking lot to the tent is also proposed.

Power for the tent will be from the existing electrical service. A temporary electrical sub-panel for energizing the A/C units and other electrical needs such as sound equipment and lights will be fed from the existing service in the office building.

If you have any questions or require additional information, please don't hesitate to contact myself or Pete Keirstead.

Sincerely,
AMG ENG Consulting LLC

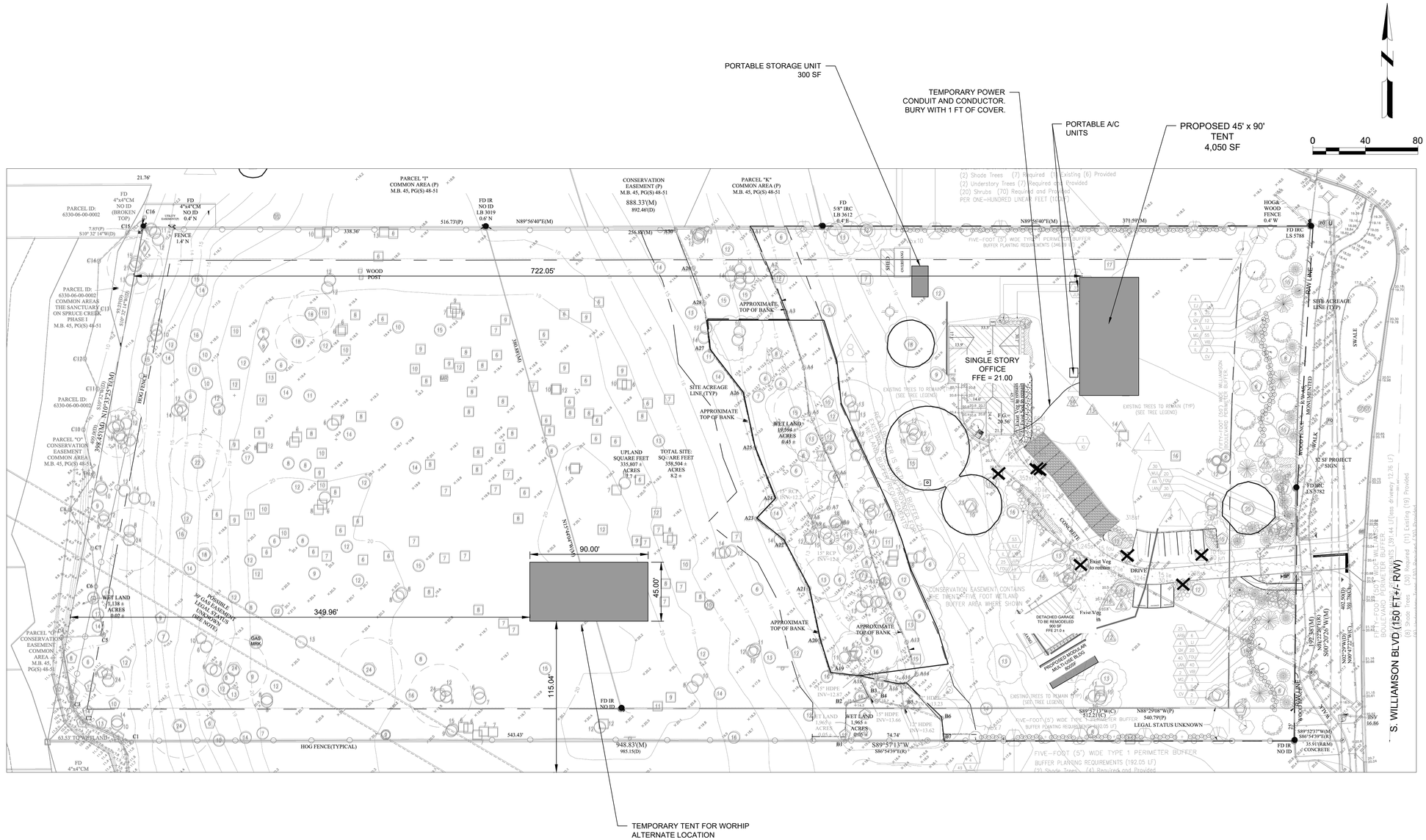
Andrew M. Giannini, P.E.
President

AMG;amg

Attachment/Enclosure; Concept Plan

cc: Penny Cruz, City of Port Orange
Pete Keirstead, Pastor
Anne-Marie Duquette, Executive Pastor

EXHIBIT B



SITE DATA	
ITEM	AREA(S.F.)
TENT	4,050
MODULAR BLDG	800
STORAGE UNIT	300

AMG-ENG
CONSULTING
LLC

5789 Heathermere Lane
Port Orange, FL 32127
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amgio57@gmail.com

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THRIVE COMMUNITY CHURCH
PHASE 1 IMPROVEMENTS

6156 S. WILLIAMSON BOULEVARD
PORT ORANGE, FL 32128

ISSUED

11/12/2020	APPL SUBMITTAL
11/23/2020	REVISED TEMP. BLDG LOCATION
12/2/20	REVISED LOCATIOM OF STORAGE BLDG

AMG NO.: 0001-20
DATE: JUNE 05, 2020
DESIGNED BY: AMG
DRAWN BY: AMG
CHECKED BY: AMG
DO NOT SCALE DRAWINGS

SHEET CONTENTS

CONDITIONAL USE
CONCEPT PLAN

SHEET NO.

CU-1

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