



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, March 25, 2021

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. Staff Comments
3. Roll Call

B. DISCUSSION/ACTION

4. Consideration of Minutes
5. APPLICATION: Variance/3681 S. Clyde Morris Blvd.
CASE NO.: 21-90000001
APPLICANT: Jeffrey P. Brock, Esq.
STAFF CONTACT: Max Garcia, Planner (386) 506-5672/mgarcia@port-orange.org

A request by the applicant for a Variance from Chapter 15, Section 3(b)(18) of the Land Development Code (LDC), to allow off-site signage.

6. APPLICATION: PUD Amendment/7th Amendment to the Bennett's Hammock Master Development Agreement and Conceptual Development Plan
LOCATION: 1143 Old Hammock Road
CASE NO.: 20-40000005
APPLICANT: A. Joseph Posey, Jr., Storch Law Firm
STAFF CONTACT: Gwen Perney, Principal Planner (386) 506-5673/gperney@port-orange.org

A request by the applicant to amend the Bennett's Hammock Planned Unit Development (PUD) Master Development Agreement (MDA) to establish the framework for the development of a 13-unit multi-family townhome subdivision.

7. Sign Code Update:

Staff will be presenting a PowerPoint that provides an overview of the revisions Community Development is currently working on to the City's Sign Code and Definitions (Chapters 2 and 15) to address the Reed v. Town of Gilbert Supreme Court Case. Staff is currently drafting the sign code text amendment to eliminate content-based regulations and replace them with content-neutral regulations. The draft sign code text amendment will also feature a streamlined code that no longer includes redundant, out-of-date, and/or inconsistent requirements and definitions.

Staff will be prepared to answer questions related to the changes being made and take feedback on other suggested changes to the City's sign code. The PowerPoint that will be presented will be similar to the one presented to the City Council on March 2, 2021.

C. OTHER BUSINESS

8. Commissioner Comments
9. 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 ACCOMMODATIONS, 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
JANUARY 28, 2021

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
Stan Schmidt
Thomas Jordan
Newton White

Absent: Lance Green (excused)

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

4. Election of Officers

Vice Chairman John Junco was offered the Chair position and accepted.

Motion was made by Commissioner Jordan to nominate Commissioner Schmidt for Vice Chairman, Seconded by Chairman Junco. Commissioner Schmidt accepted the nomination. Motion carried unanimously by roll call vote.

B. DISCUSSION/ACTION

5. Consideration of Minutes

Motion to approve the minutes as presented from December 17, 2021 was made by Commissioner Bofamy and Seconded by Commissioner Mills-Benat. Motion carried unanimously by roll call vote.

6. CASE NO. 21-25000001

LDC Amendment/Chapters 2 and 8

A request to amend Chapters 2 and 8 of the Land Development Code (LDC) to clarify and improve the floodplain management regulations and provide consistency with the recently released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures and an addendum to the 2017 CRS Coordinator's Manual.

STAFF CONTACT: Margaret Tomlinson, Construction and Engineering Manager (386) [506-5661](tel:506-5661)/mtomlinson@port-orange.org

Margaret Tomlinson, Construction & Engineering Manager, provided details of the LDC amendment and answered questions from Commissioners.

Robert Reinhausen, citizen, questioned the Commission about the illustration of a house in the agenda packet and the inconsistencies between it and Ms. Tomlinson's discussion of parking and storage. Ms. Tomlinson addressed the discrepancies stating the illustration is showing the finished floor elevation is above base flood elevation.

*Motion to approve Case No. 21-25000001
was made by Commissioner Mill-Benat and
Seconded by Commissioner Jordan. Motion
passed unanimously by roll call vote.*

7. CASE NO. 20-40000006

PUD Amendment/1st Amendment to the Sunset Cove PUD Master Development Agreement
LOCATION: 3890 Sunset Cove Drive

A request to amend the Master Development Agreement (MDA) for the Sunset Cove Planned Unit Development (PUD) to allow a six-foot rear setback for a pool for Lot 71 of the Sunset Cove Subdivision Phase II.

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

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

*Motion to approve Case No. 20-40000006
was made by Commissioner Jordan and
Seconded by Commissioner White. Motion
passed unanimously by roll call vote.*

8. CASE NO.: 21-25000002

LDC Amendment/Chapters 2, 5, 6, 8, 9 and 17

A request to amend Chapters 2, 5, 6, 8, 9 and 17 of the Land Development Code (LDC) to clarify submittal requirements and make the code more efficient to use.

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

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

Chairman Junco, Commissioner White and Commissioner Jordan are concerned with the requirement to receive a new survey for every permit. Mr. Burman will correct the language in Chapter 8 to clarify if no major changes have been made to the home the current survey on it may be used.

Commissioner Jordan expressed concerns with the language in Chapter 8 about a calendar year vs. twelve months. Mrs. Cruz will correct the language from one calendar year to twelve months.

Motion to approve Case No. 21-25000002 subject to staff clarification on language regarding new surveys and simple permits and changing calendar year to twelve months in Chapter 8 was made by Commissioner Mills-Benat and Seconded by Commissioner Jordan. Motion passed unanimously by roll call vote.

C. OTHER BUSINESS

9. Commissioner Comments

Commissioner White asked about what happened to the magnolia trees at the Altamira Shopping Center on the corner of Yorktown Blvd and Dunlawton Blvd. He stated Code Enforcement got with the property and they removed the vines off the magnolia trees, but the magnolia trees now look worse. Ms. Tomlinson will get with Code Enforcement and investigate the issue.

Commissioner Bofamy stated there are potholes on Village Trail at the Wells Fargo creating a hazard for drivers. Mr. Burman responded it is a public road and they will follow up with Public Works on the issue.

Chair Junco inquired what processes the City is looking at to reduce paper use regarding permits specifically. Mr. Burman replied the City is currently in the process of securing a new software submittal program with the intent to go paperless.

10. Staff Comments

There were none.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT – 6:20 p.m.

Chairman John Junco



STAFF REPORT

Variance from LDC Chapter 15, Section 3(b)(18)

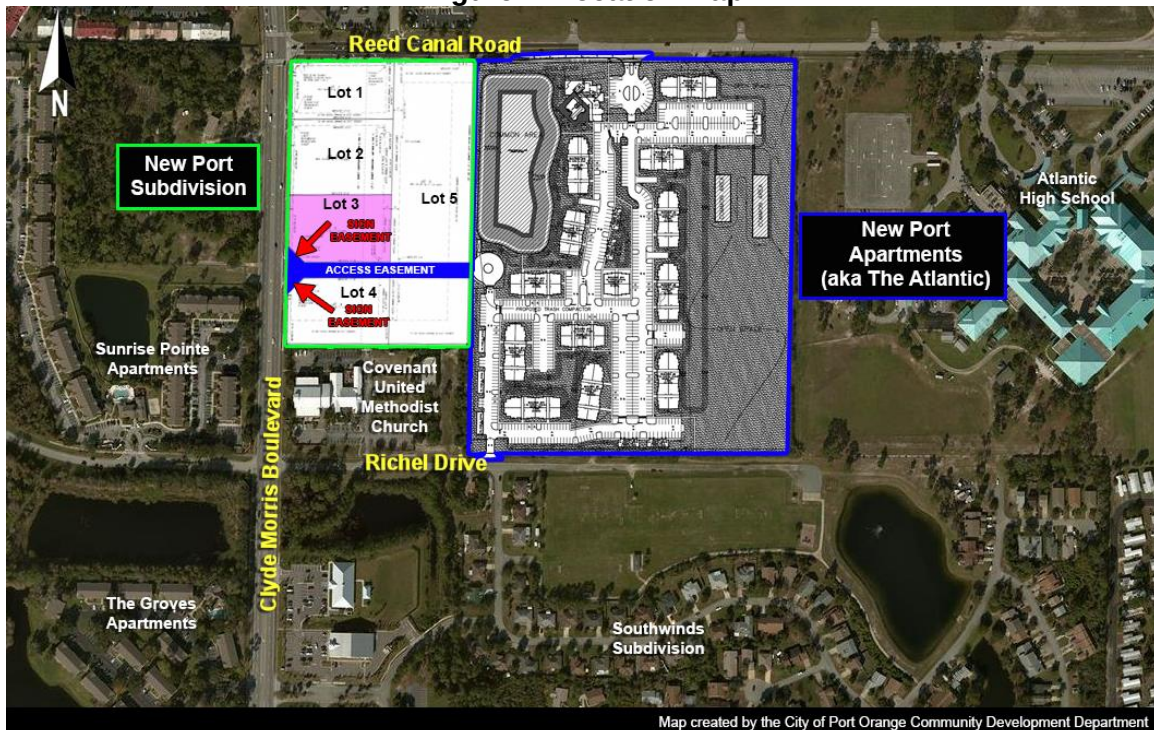
Case No. 21-90000001

REQUEST:	Variance from Chapter 15, Section 3(b)(18) of the Land Development Code (LDC), to allow an off-site tenant panel sign on a multi-tenant monument sign.
LOCATION:	3681 S. Clyde Morris Blvd. (Figure 1 – Location Map)
OWNER:	New Port, LLP
APPLICANT:	Jeffery P. Brock, Esq.
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Max Garcia, Planner, 386-506-5672
PLANNING COMMISSION DATE:	March 25, 2021

INTRODUCTION

The applicant is requesting a variance from the Land Development Code (LDC), to advertise New Port Apartments (a.k.a The Atlantic) with a tenant panel on an off-site multi-tenant monument sign located in a sign easement on the southwest corner of Lot 3 of New Port Commercial Subdivision. The New Port Apartments are currently under construction at 1401 Reed Canal Road, between Reed Canal Road and Richel Drive, east of Atlantic High School. Lot 3 of New Port Commercial Subdivision is located on the north side of the access drive which is shared by 5-lot New Port Commercial Subdivision and New Port Apartments.

Figure 1. Location Map

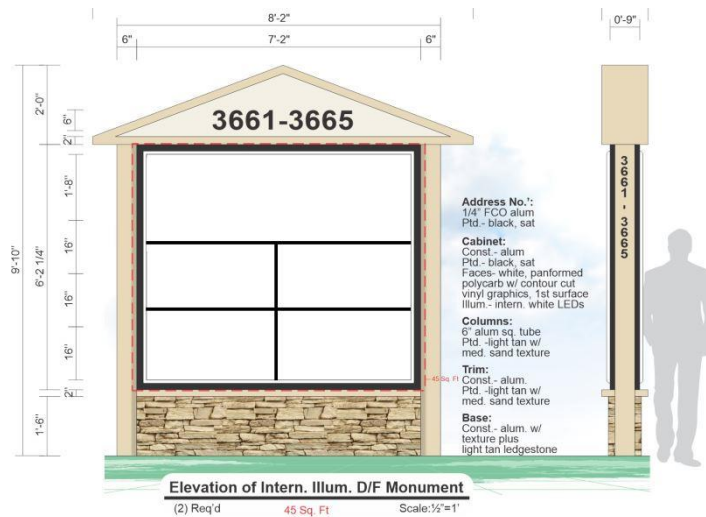


Map created by the City of Port Orange Community Development Department

DISCUSSION

The New Port Apartments site plan was approved with an on-site monument sign at a main entrance to the site along Reed Canal Road. In addition to the Reed Canal Road sign, the applicant is requesting approval for a tenant panel advertising the New Port Apartments on a proposed off-site multi-tenant monument sign located on Lot 3 of the New Port Commercial Subdivision (Figure 2). Currently, the LDC allows an 84 square-foot multi-tenant monument sign with up to 5 tenant panels along Clyde Morris Boulevard to advertise the 5-lot New Port Commercial Subdivision.

Figure 2. Example of Proposed Monument Sign



As part of site plan approval for New Port Apartments, an access easement was granted by New Port, LLP, property owner for the portion of New Port Commercial Subdivision lot that the access easement is located on, to POA Development, LLC, property owner of the New Port Apartments, to provide another main access to the New Port Apartments site from Clyde Morris Boulevard. This access easement off Clyde Morris Boulevard is shared with commercial properties in the New Port Commercial Subdivision and the adjacent New Port Apartments. The subdivision multi-tenant sign is proposed to be in a sign easement on Lot 3 of New Port Commercial Subdivision, adjacent to the shared access drive between New Port Commercial Subdivision and New Port Apartments.

The LDC prohibits any sign that directs attention to a business that is not located on the premises where the sign advertising the business is located. If the variance is granted, the owner of New Port Apartments will install the multi-tenant sign at the southwest corner of Lot 3 to advertise businesses within the New Port Commercial subdivision and the New Port Apartments. The proposed sign will meet dimensional and design requirements of the LDC for a multi-tenant monument sign. According to the Easement and Maintenance Agreement, New Port, LLP and POA Development LLC will share the cost of sign maintenance.

According to the applicant, the requested variance is to allow off-site signage to identify the New Port Apartments access point on Clyde Morris Boulevard to improve wayfinding for residents and visitors to the New Port Apartments traveling northbound on Clyde Morris Boulevard. The applicant also indicates that northbound vehicles using the Clyde Morris Boulevard access drive will reduce the number of vehicles traveling through the Clyde Morris Boulevard and Reed Canal Road intersection to access the site from the Reed Canal driveway.

REVIEW OF VARIANCE CRITERIA

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

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

There are no special conditions or circumstances that exist peculiar to the subject property which are not applicable to other lands in the same zoning district. The New Port Apartments lot has +/- 1,000 feet of road frontage on Reed Canal Road and there are locations where a free-standing monument sign along Reed Canal Road can be installed. Similar to other properties on arterial or collector roadways, the allowed sign can be placed in a location visible from Reed Canal Road, which is one of the main access to the New Port Apartments. In addition, a smaller on-site monument sign is also allowed by the LDC along Richel Drive, but the property owner has chosen not to install it as the Richel Drive access drive is an emergency-only gated access.

According to the applicant, there is a special condition that exist which is peculiar to subject property the off-site signage is being requested to identify. The off-site sign is requested because one of the main access points to the apartment complex is through a shared access drive/easement that is located on land within the adjacent New Port Commercial Subdivision. The New Port Apartments is designed with two main access points at Reed Canal Road and Clyde Morris Boulevard. Allowing an off-site sign along Clyde Morris Boulevard will assist visitors and residents identify access to the New Port Apartments, specifically vehicles traveling north on Clyde Morris Boulevard. The second main access drive was installed to provide another option to access the New Port Apartments and reduce vehicle use on Reed Canal Road and the signalized intersection at Reed Canal Road and Clyde Morris Boulevard. A similar request was approved in 2013 for the Wawa at 1301 Dunlawton Avenue to allow an off-site sign panel on a multi-tenant monument sign along Nova Road, to identify the Wawa access drive to vehicles traveling south on Nova Road and reduce the number of vehicles going through the signalized intersection at Dunlawton Avenue and Nova Road.

According to the LDC, the Newport Apartments is only required to have a single access point. The second main access point was built by the property owner to improve access mobility for both pedestrians and vehicles accessing the site.

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

The use of the shared access driveway to connect New Port Apartments to Clyde Morris Boulevard was completed and installed by the current property owner.

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

Literal interpretation of the LDC would not deprive the applicant of rights commonly enjoyed by other properties within the same zoning district. The intent of the LDC not

allowing off-site signage is to avoid excess signage for businesses not within a parcel or subdivision on land where the business is not located. The review process for freestanding signs requires that they meet the code requirements in Chapter 15 (Signage) of the LDC.

It is typical for businesses or apartment complexes along an arterial or collector roadway within the City of Port Orange to place signage to identify the access driveways for that business or complex. With the variance request, the applicant is requesting the same ability to install their identification sign near one of the main access driveways (Clyde Morris Boulevard) for the apartment complex. As indicated above by the applicant, this site is unique to Port Orange regarding shared access through a commercial development to access an apartment complex. Also, having two main access drives into the apartment site will allow for an efficient way to enter and exit this site. According to the applicant, adding an access point off Clyde Morris Boulevard will improve access for this site and lessen the impact on Reed Canal Road and the signalized intersection at Reed Canal Road and Clyde Morris Boulevard.

According to the applicant, the off-site access drive will serve as one of the main entrances to the apartments and should be permitted to have an entrance sign. The applicant further states that not allowing a sign at this location would lead to visitors (friends and family or residents or service vehicles) to miss the access point along Clyde Morris Boulevard and cause vehicles to consistently travel through the intersection at Clyde Morris Boulevard and the signalized intersection at Reed Canal Road and Clyde Morris Boulevard.

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

The variance requested is not necessary to make reasonable use of the land as the property owner has the ability to install a freestanding sign along Reed Canal Road on their property to identify the New Port Apartments and a freestanding sign along Richel Drive. As indicated above, the property owner has chosen not to install a sign on Richel Drive, as the access along the road is an emergency-only gated access and will not serve daily traffic.

According to the applicant, the variance is necessary to make reasonable use of the land as the off-site sign at the second main access point is needed to identify one of the main access points to the New Port Apartments. The applicant also states that while one of the two main access points into the site is located off-site, the design of the off-site improvements when completed will make it appear as though the New Port Subdivision and New Port Apartments are an unified mixed-use development and the sign at the Clyde Morris Boulevard entrance will not appear as obvious off-site signage. As part of the variance request, the applicant is only proposing a New Port Apartment tenant panel on a future permitted multi-tenant sign placed along Clyde Morris Boulevard.

The proposed sign will be in compliance with the LDC in terms of sign dimensions, design, and setbacks from the driveway and Clyde Morris Boulevard right-of-way. As indicated above, the LDC would allow two on-site monument signs for the New Port Apartments property, one along Reed Canal Road and one along Richel Drive. The variance request is to allow flexibility to not locate a sign at Richel Drive, but rather to allow for a tenant

panel on the multi-tenant monument sign to be located at one of the main access drives for the project at Clyde Morris Boulevard.

The applicant acknowledges that there is space available on the New Port Apartment site to install directional sign for the apartment site along the access drive that meets the requirements of the LDC. However, due to the distance (+/- 600 ft), the sign would have to be set back from Clyde Morris Boulevard, and having on-site identification signage would not effectively identify the New Port Apartments site at the Clyde Morris Boulevard access point.

If the variance is approved, no additional monument signs would be permitted beyond what the LDC currently allows for New Port Commercial Subdivision. Regardless of the decision to approve or deny this variance request, a monument sign will be built for the New Port Commercial Subdivision to serve the 5 lots in that development. The applicant's request is to have the ability to advertise New Port Apartments on one of the five allowed tenant panels. The proposed monument sign would be designed so that it is consistent with all other dimensional and design requirements of the LDC. If granted, this would be the minimum variance necessary to provide signage for the New Port Apartments at one of the access points for their residents.

- 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.*

Granting the variance would confer special privilege for the applicant as the LDC currently prohibits all off-site signage regardless of zoning. Common practice is for staff to work with an applicant to identify locations on their property to locate a freestanding sign(s) that meets the code. However, in this case, the applicant and staff were unable to find a solution to the placement of signage near the off-site access on Clyde Morris Boulevard. As indicated above, due to the distance that a sign would be set back from the access point on Clyde Morris Boulevard, it would not effectively identify one of the main access points for the New Port Apartments for residents and visitors.

According to the applicant, the placement of the New Port Apartments sign panel on the New Port Subdivision multi-tenant sign would not confer special privilege because many other businesses in the City have their identification sign at or near a main access drive. The applicant states that identifying the New Port Apartments at one of its main access points is necessary to provide identification for residents and visitors traveling north on Clyde Morris Boulevard to access the site and lessen the impact on Reed Canal Road and the signalized intersection at Reed Canal Road and Clyde Morris Boulevard.

According to the applicant having an off-site main access driveway is a special circumstance that is not typical for multi-family developments in Port Orange. If POA Development, LLC, had been able to purchase the property under the access drive and incorporate that land into the apartment site, the sign would not be considered an off-site sign and would be permitted to be installed at the Clyde Morris Boulevard access driveway without a variance. According to the applicant, the off-site signage provides identification for residents and visitors traveling north on Clyde Morris Boulevard to access the site and lessen the impact on Reed Canal Road and the signalized intersection at Reed Canal Road and Clyde Morris Boulevard.

- 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.*

The purpose and intent of the LDC is to provide adequate signage options for local businesses for identification and communication, to reduce visual clutter for roadway corridors, to protect motorists from visual distractions and obstructions, and to maintain the visual appearance of signage within the City.

Granting the variance would meet the general intent of the LDC by providing a sign at one of the main entrances to the development, as is typically permitted for commercial developments. The proposed sign is not anticipated to adversely impact the public or surrounding properties as it will be required to meet the setback and visual clearance requirements of the LDC. If the variance is approved, the off-site sign will appear to be part of a unified development with a common shared access driveway and the sign at this entrance is not anticipated to appear as off-site signage.

The requested variance will not add additional signage to the Clyde Morris Boulevard corridor as the New Port Commercial Subdivision is allowed a multi-tenant sign at the northeast corner of the access driveway and the access driveway serves the 5 lots in New Port Subdivision and New Port Apartments. If the variance is approved, a building permit will be required to be submitted and reviewed by the City to ensure compliance with the requirements in the LDC with regards to design and dimensional requirements.

The intent of not allowing off-site signage is to avoid excess signage for businesses on land other than where the business is located. In this case, no additional monument signs would be permitted for the New Port Commercial Subdivision beyond what the LDC allows. Regardless of the decision to approve or deny this variance request, the proposed monument sign will be built for the New Port Commercial Subdivision. If approved, this variance would allow the apartment complex to be advertised on a tenant panel of a multi-tenant monument sign located adjacent to the access drive that is shared with the apartment complex and the New Port Commercial Subdivision. According to the applicant, the request is for a tenant panel on a proposed multi-tenant monument sign that would be designed to be consistent with all other dimensional and design requirements of the LDC. If approved, the proposed variance would not be injurious to the surrounding properties or detrimental to the public welfare.

- 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.*

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

RECOMMENDATION

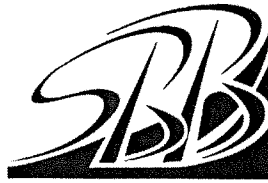
Based upon the findings of this staff report, staff recommends *approval* of the requested variance.

ATTACHMENT

Exhibit 1 – Applicant's Letter of Request

HORACE SMITH, JR., P.A.
JEFFREY E. BIGMAN
JEFFREY P. BROCK
SARAH L. METZ
FRANK S. GANZ
BROOKE M. GAFFNEY
RUDDLEDGE H.C. SMITH
ELIZABETH A. MYERS
KATHLEEN E. ROGERS
JEFFREY S. BERMAN
ADAM J. CAMPBELL
JENNIFER G. GILLIKIN

Larry R. Stout (Retired)



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FACSIMILE: (386) 257-1834

www.daytonalaw.com

January 26, 2021

VIA HAND DELIVERY

City of Port Orange
Attn: Penelope Cruz, Planning Manager
1000 City Center Circle
Port Orange, FL 32129

Re: Application for Variance for Offsite Signage

Dear Ms. Cruz:

Enclosed please find an application for a variance for the construction of offsite signage serving the apartment complex under construction at 1401 Reed Canal Road, Port Orange, FL 32129 commonly referred to as New Port Apartments (the "Apartments"). One of the entrances to the Apartments is from Clyde Morris Blvd. via a 550 foot driveway entrance. The driveway entrance is through a proposed commercial development commonly known as New Port Subdivision.

The Apartments have been granted an access and signage easement across the New Port Subdivision lands pursuant an Easement and Maintenance Agreement a copy of which is enclosed. The length of the driveway and the proposed commercial buildings for New Port Subdivision will obstruct the view of the Apartments from Clyde Morris Blvd. The proposed variance will allow the Apartments to share signage with New Port Subdivision, specifically, the Apartments would be granted a panel on the shared monument sign located on New Port Subdivision lands fronting Clyde Morris Boulevard. The rendering of the proposed shared signage is attached hereto.

It is the applicants understanding that a proposed amendment to the City of Port Orange's land development code, if approved, would allow the requested signage without a variance.

Enclosed please find:

- 1) Application for Variance signed by the fee simple owner of the New Port Subdivision lands.
- 2) A copy of the recorded Deed and Plat showing the ownership and subdivision of the New Port Subdivision lands.

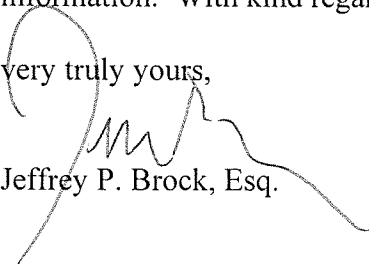
SMITH BIGMAN BROCK

- 3) A copy of the Easement and Maintenance Agreement recorded in the Public Records.
- 4) Check in the amount of \$900.00 payable to the City of Port Orange for the application fee.
- 5) CD containing electronic copies of the above.

Thank you for your kind attention to this matter. Please let me know if you need any additional information. With kind regards I remain

very truly yours,

Jeffrey P. Brock, Esq.





STAFF REPORT

Seventh Amendment to the Bennett's Hammock Planned Unit Development (PUD) Master Development Agreement and Conceptual Development Plan

CASE NO. 20-40000005

REQUEST:	To approve the Seventh Amendment to the Bennett's Hammock Master Development Agreement and Conceptual Development plan
LOCATION:	1143 Old Hammock Road
OWNER:	Riga, Inc.
APPLICANT:	A. Joseph Posey Jr., Storch Law Firm
STAFF CONTACT:	Gwen Perney, Principal Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	March 25, 2021

Introduction

The applicant, Joey Posey of Storch Law Firm, on behalf of the property owner, is requesting approval of the Seventh Amendment to the Bennett's Hammock Master Development Agreement (MDA) and Conceptual Development Plan (CDP). If approved, the property owner intends to subdivide a 1.84-acre parcel located within the existing Bennett's Hammock PUD as a 13-lot townhome development along with associated subdivision improvements. The subject property is located north of Herbert Street, west of Nova Road.

Figure 1. Location Map



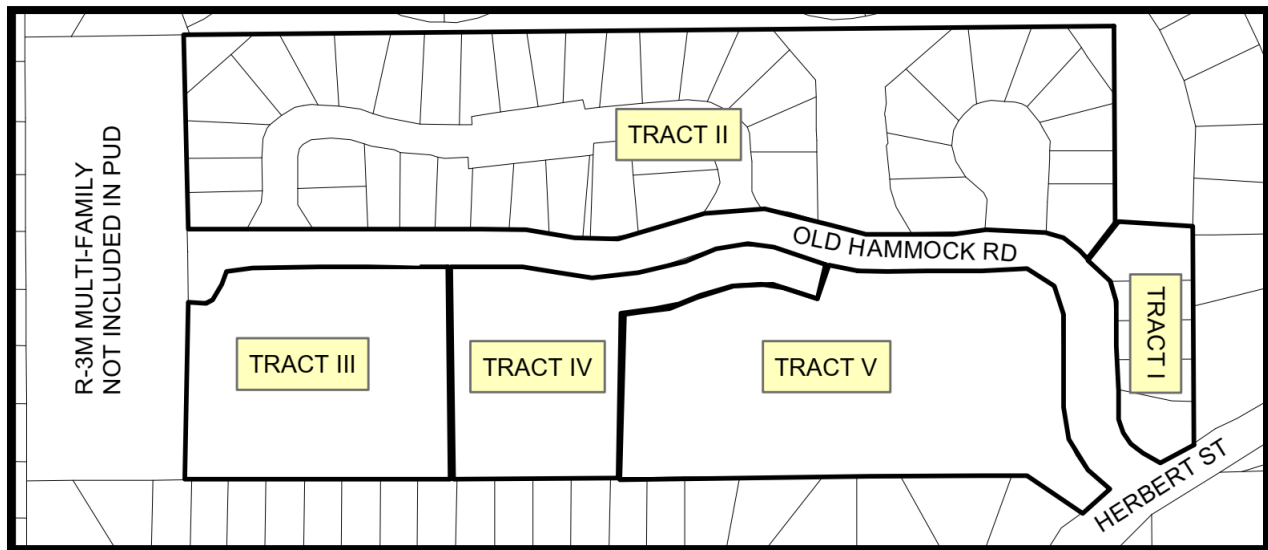
Discussion

The subject property is identified as Tract III in the Bennett's Hammock PUD. The Bennett's Hammock PUD was approved by the City in 1987 and provided for a mix of uses on five (5) Tracts (Figure 2).

- Tract I: Multi-Family (16 units maximum), or a Child Care Center
- Tract II: Single-Family Homes
- Tract III (Subject Property): Assisted Living Facility (ALF), Elderly Housing, or Nursing Home
- Tract IV: Retention/Park, and
- Tract V: Multi-Family (64 units maximum).

In 1995 and 1996, the property owner of Tracts I and V amended the PUD to establish single-family homes as the permitted use on Tracts I and V. Currently Tracts III and V are the remaining undeveloped Tracts within the PUD. The Bennett's Hammock PUD foreshadowed the intent that the five tracts would be developed with residential uses and with maximum density of 8.11 units per acre for the combined 5 tracts. The maximum density currently among the 5 tracts based on current built units and allowed units is ± 6.06 units per acre. If the Seventh Amendment is approved, it would decrease the allowed density on Tract III and the overall density of the PUD would also decrease to ± 4.28 units per acre.

Figure 2. Bennett's Hammock PUD Tracts

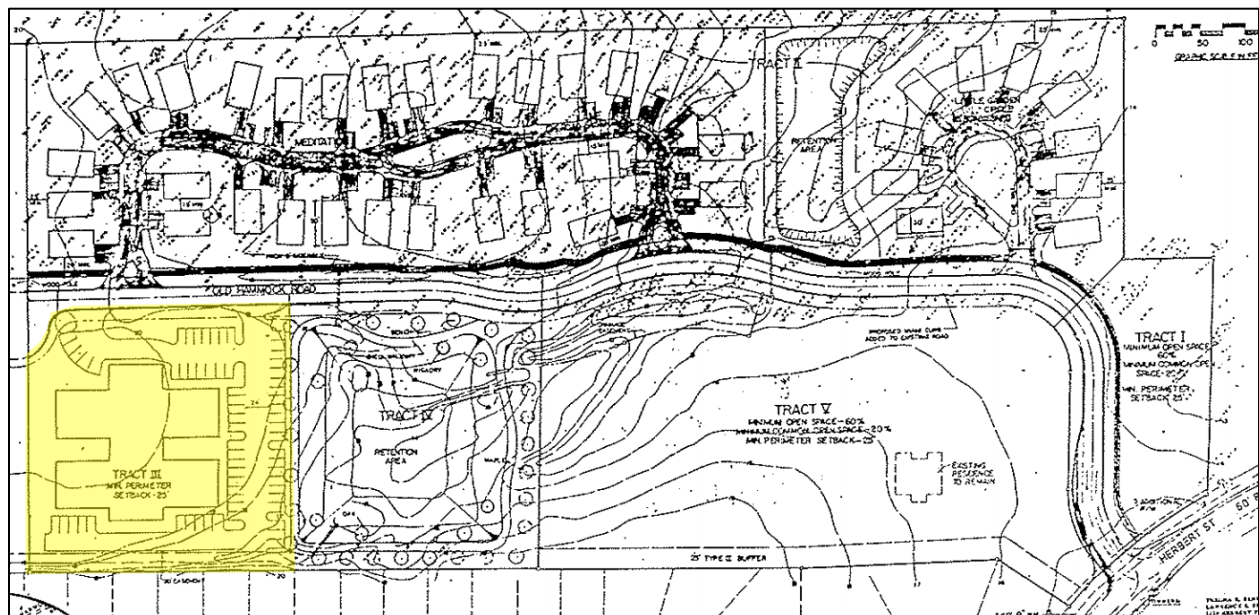


In the Bennett's Hammock PUD, the current permitted uses for Tract III are Elderly Housing, Assisted Living Facility (ALF), or Nursing Home, at a maximum density of 12 units per acre, which is consistent with the current *Urban High Density Residential* (8-16 units per acre) Future Land Use (FLU) designation on Tract III. Tract III was originally platted at 2.5 acres, which permitted a maximum density of 30 ALF units, or 60 beds maximum; however, in the mid-1990's the Tract III east lot line was shifted and reduced the size of Tract III to 1.84 acres. The maximum density of 12 units per acre would still need to be applied and the maximum number of ALF units that would currently be

permitted would be a maximum of 22 units, or 44 beds. The definition of an ALF or elderly housing at the time the MDA was established is, “a residential building designed with individual or group sleeping quarters, designed with or without individual kitchen facilities, where common recreational, social, or dining facilities are also included. However, residents must be ambulatory and shall not be under in-house medical care.” The Assisted Living Facilities that have been approved or proposed in Port Orange recently have included a mix of units for residents who are still able to drive and considered independent as well as units for residents who need full-time care in an assisted or memory care unit. If an ALF was proposed for this property, the residential units could all be independent living units, similar to an age-restricted multi-family development, or they could be full-time care units which are staffed 24 hours a day. Staff has not received any inquiries regarding establishing an ALF, nursing home, or elderly housing (multi-family) project on the subject property.

The applicant is requesting to remove the use of Elderly Housing/ALF/Nursing Home and establish a 13-unit townhome development. The proposed townhome development will reduce the maximum density previously approved on Tract III from a 22-unit ALF/Nursing Home at 12 units per acre to a maximum of 13 townhomes at 7.06 units per acre.

Figure 3. Bennett’s Hammock PUD original Conceptual Development Plan

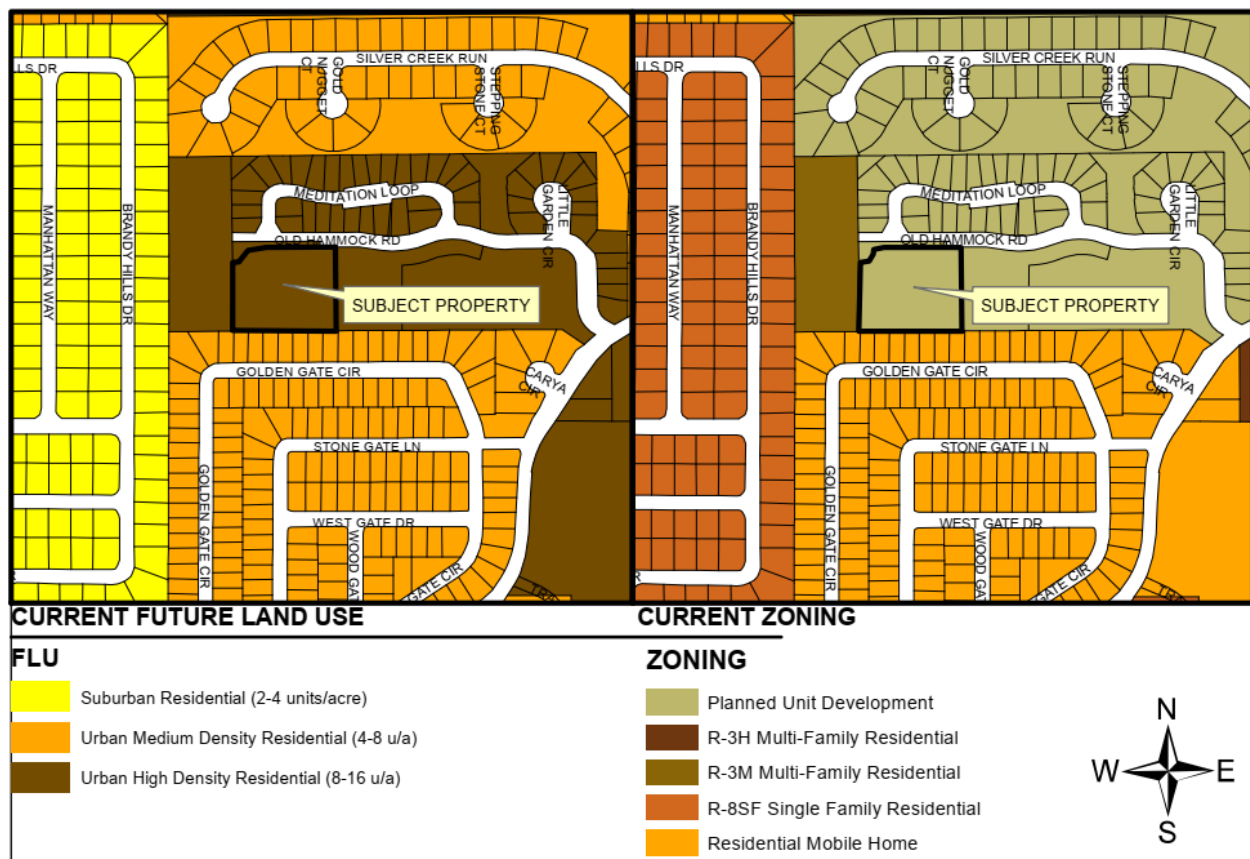


The subject property is currently wooded and undeveloped. The table below summarizes the land use and zoning of the adjacent properties and the Future Land Use and zoning maps for the subject property and the adjacent properties are shown in Figure 4. The FLU for Tract III will remain *Urban High Density Residential* (8-16 units per acre) and the zoning for Tract III will remain Planned Unit Development (PUD) which is consistent with the surrounding properties. The only change being requested is the type of residential unit allowed on Tract III of the PUD.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Single Family Homes	Urban High Density Residential (8-16 units/acre)	Bennett's Hammock PUD
South	Residential Mobile Home Subdivision (Twin Gates)	Urban Medium Density Residential (4-8 units/acre)	Residential Mobile Home (RMH)
East	Retention Pond	Urban High Density Residential (8-16 units/acre)	Bennett's Hammock PUD
West	Vacant Assisted Living Facility	Urban High Density Residential (8-16 units/acre)	Medium Density Multi-Family Residential (R-3M)

Figure 4. Map of Surrounding Land Uses and Zoning



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

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

Consistency with the Comprehensive Plan

The ±1.84-acre subject property is designated *Urban High Density Residential* (8 to 16 units per acre) on the City's Future Land Use Map (Figure 4). The FLU designation for the subject is **not** proposed to be changed and will remain consistent with other Tracts within the Bennett's Hammock PUD that also have the *Urban High Density Residential* (8 to 16 units per acre) FLU designation. In 1985, the Comprehensive Plan adopted by the City anticipated this area being developed with residential uses at a density between 8 to 16 units per acre. Since 1985, there have not been any changes to the FLU designations in this area. In 1987, the Bennett's Hammock PUD was approved and limited the density within the PUD (combined 5 Tracts) to 8.11 units per acre. The Comprehensive Plan states that the *Urban High-Density Residential* category includes townhouses and multi-family housing at densities of between 8 to 16 units per acre and developed adjacent to a community or sub-regional commercial node or mixed center, along arterial roads. The Comprehensive Plan designates the area at the intersection of Herbert Street and Nova Road as a neighborhood commercial center, and Nova Road is a designated arterial road. The overall density of the proposed development is consistent with the Future Land Use designation of the property. The proposed Amendment to allow 13 townhome lots at a density of 7.06 units/acre is consistent with the intent of the underlying future land use designation.

DEVELOPMENT PROPOSAL

If approved, the Seventh Amendment to the Bennett's Hammock Master Development Agreement (MDA) and the Conceptual Development Plan (CDP) will provide the regulatory framework for the development of the subject property with a maximum of 13 townhome lots (Exhibit A) at a density of 7.06 units per acre. The following discussion will focus on the significant aspects of the proposed MDA and CDP such as general site layout, access, dimensional requirements, landscape buffers, utilities, and drainage areas.

The applicant has requested to maintain the Planned Unit Development (PUD) zoning and amend the MDA rather than rezone the subject property to a conventional multi-family zoning category to allow for flexibility in dimensional requirements for the townhome lots and the access driveway which are further discussed in the report. The applicant states that while the R-3L (Low-density multi-family residential) zoning district is the most similar standard zoning district to the proposed development, additional flexibility with the proposed Amendment is needed in order to accommodate the existing drainage features on the property and provide the necessary subdivision improvements on the lot. According to the applicant, the proposed clustered townhome development on the subject

property will allow for increased open space above what would be required using the R-3L zoning. The additional open space the Amendment requires to be maintained is a benefit to developing the property with fee-simple townhome lots instead of an ALF or nursing home.

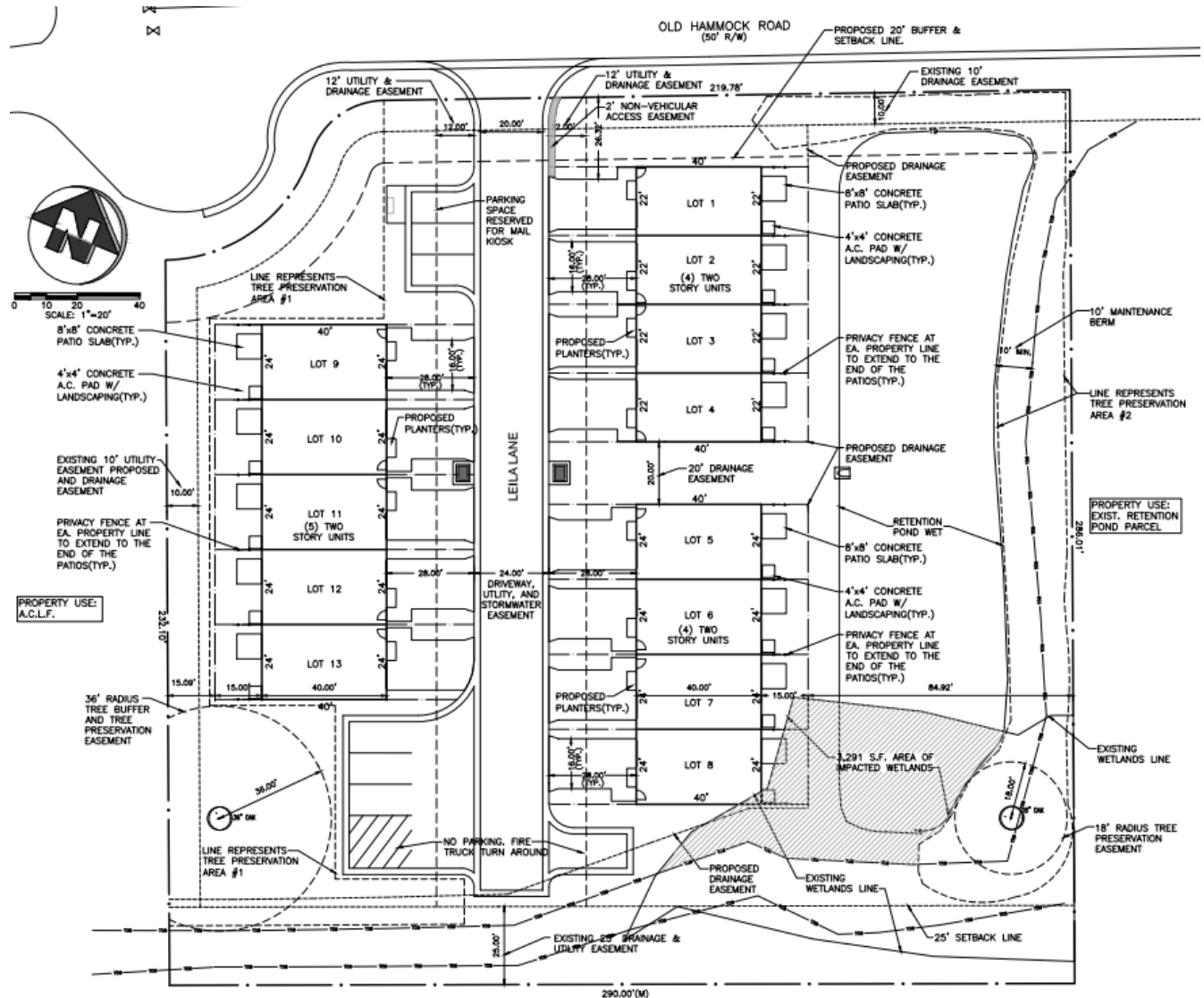
According to the applicant, if the Amendment were approved, it would provide the framework to develop a residential townhome subdivision that will be marketed toward home buyers looking for a high quality home that is less maintenance-intensive on the exterior than a standard single-family detached lot, but still want to retain ownership of the land in the front yard and rear yard of the lot. The proposed type of townhomes proposed for this development is most similar to the Bella Oaks townhomes west of Clyde Morris Blvd., the Woodhaven Phase 1 townhomes, Oak Cove Villas along Samms Avenue, and Oak Hammock townhomes along Sauls Street.

If the proposed amendment is approved, 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 Bennett's Hammock Seventh Amendment 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.

General Layout

The Conceptual Development Plan (CDP) included with the proposed Amendment shows the general layout of the townhome lots, stormwater improvements, open space, common open space, tree preservation areas, footprint of the townhome unit, driveway, visitor parking areas, and a private road to support the proposed subdivision (Figure 5 of the Staff Report and Exhibit B of the MDA). If the Seventh Amendment is approved, the subdivision layout of the plat and plans will be based on the CDP and the development will be required to meet the requirements in the MDA as well as the Land Development Code.

Figure 5. Proposed Conceptual Development Plan



Dimensional Requirements

The proposed Amendment revises the dimensional requirements currently established for Tract III of the PUD to support the proposed townhome lots. The proposed building and lot requirements are generally based on the R-3L (Low-Density Multi-family residential) zoning district and PC-A (Planned Community-Agriculture) zoning district for attached dwelling units. There are some deviations being requested by the applicant related to the maximum building coverage and minimum open space requirements for the proposed townhome lots as well as a decreased rear yard setback for the lots. Table 2 below outlines the dimensional requirements and the requested dimensional requirements are further discussed in the report below.

Table 2 - Dimensional Requirements

Zoning District	Minimum Lot Width	Minimum Lot Area	Maximum Building Coverage	Minimum Open Space	Front Bldg. Setback	Side Bldg. Setback	Rear Bldg. Setback	Minimum Bldg. Separation	Maximum Height
Bennett's Hammock PUD Seventh Amendment	22 ft.	1,800 sq. ft.	60%	20%	28 ft.	0 ft.	15 ft.	20 ft.	35 ft.
Current Tract III requirements	-	-	-	-	30 ft.	25 ft.	25 ft.	25 ft.	35 ft.
R-3L (Low-Density Multi-Family Residential)	20 ft.	2,000 sq. ft.	40%	60%	0 ft.	0 ft.	25 ft.	25 ft.	35 ft.
PC-A Community – Attached Dwelling Units	18 ft.	1,800 sq. ft.	40%	40%	15 ft.	0 ft.	25 ft.	15 ft.	36 ft.

The proposed development provides the majority of its open space in common areas instead of the individual lots. The overall amount of open space is generally consistent with other townhome requirements but it is allocated differently. According to the applicant, the approach to provide more common open space as areas outside of the lots is consistent with the preference of the resident the developer will market toward and the subdivision is intended for residents seeking an attractive and functional home but without the maintenance demands of a yard; therefore, a large yard is not a necessity.

Traffic

If the PUD zoning amendment is approved, the proposed subdivision will be required to comply with the City's Concurrency Management requirements in the LDC. Similar to other developments within the City, the developer may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City to pay for part of the scheduled improvements for any critically impacted area as defined in the LDC.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, the proposed 13-unit townhome development is anticipated to have a lower trip generation than the current permitted uses on the property. Based on the ITE Trip Generation Manual 10th Edition, the proposed 13-lot subdivision could generate approximately 57 daily trips. According to the ITE Trip Generation Manual, a 22-unit Elderly Housing (Senior Adult Housing) development could generate 63 daily trips, a 44-bed Assisted Living Facility could generate 114 trips per day, and a Nursing Home could generate 58 daily trips, assuming a staffing level of 20 employees.

Table 3. Trip Generation Table

	ITE Code	Daily Trips	AM Peak	PM Peak
Townhomes (13 units)	220	57	7	10
Senior Adult Housing (22 units)	252	63	4	8
Assisted Living Facility (44 beds)	254	114	8	11
Nursing Home (20 employees)	620	58	7	6

Source: ITE Trip Generation Manual 9th Edition

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

According to the latest traffic counts for Herbert Street, there is capacity for the vehicular traffic estimated to be generated by the proposed development of Tract III (subject property) (Table 4). The segment of Herbert Street between Nova Road and Clyde Morris Boulevard is defined by the City's Comprehensive Plan as a collector roadway and has an adopted roadway capacity of 12,744 vehicles per day. The actual traffic count in 2019 for this segment was 8,195 vehicles per day in 2019 and in 2020 it was 7,173 vehicles per day in 2020. The 2020 Traffic Counts were completed in October 2020 and are anticipated to increase in 2021 to a more typical volume as schools and businesses return to regular operations as a result of COVID-19.

Table 4. Roadway Capacity for Herbert Street

Roadway Segment	Maximum Capacity Vehicles per day	2019 volume per day	2020 volume per day	Remaining Capacity Vehicles per day	V/C Ratio*
Herbert Street Clyde Morris Blvd to City Center Dr.	12,744	7,585	6,710	6,034	0.53
Herbert Street City Center Dr. to Nova Rd.	12,744	8,805	7,173	5,571	0.56

Source: City of Port Orange, Traffic counts conducted by Traffic Engineering Data Solutions, Inc. (TEDS)

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

The city conducts traffic counts during the school year to capture all daily traffic along streets. Although Herbert Street is currently operating below its adopted level of service, Staff has identified improvements that could be made in the future to increase capacity along Herbert Street and the signalized intersection at Herbert Street and Nova Road which is in the vicinity of this project. In 2017 the City submitted a request to the Volusia-Flagler River-To-Sea Transportation Planning Organization (TPO) for a feasibility study

to evaluate possible improvements at the Herbert Street and Nova Road intersection to expand and potentially add turn lanes to improve capacity and flow at this intersection. The City has collected right-of-way from adjacent properties at the signalized intersection at Herbert Street and Nova Road as those properties were being redeveloped.

Access and Parking

The site is accessed from Old Hammock Road, which is a public right-of-way maintained by the City of Port Orange. The CDP is designed with a private access drive within the property for access to the townhome lots. The proposed access driveway and associated visitor parking areas will be maintained by a separate townhome owner's HOA. The proposed development will comply with the parking requirements in the City's LDC for townhomes. Required parking is provided on each townhome lot, both in the garage space within the townhome and the driveway in front of the townhome. Additional visitor parking spaces are provided on site. The LDC requires multi-family development to provide 2 parking spaces for 2, 3, or more bedroom units as well as 0.25 visitor spaces per unit. The proposed 42 parking spaces (combination of garage, driveway, and surface spaces) shown on the CDP exceeds the 30 spaces required by the LDC for 13 townhomes. This is similar to the Bella Oaks townhome subdivision as each townhome has a garage, driveway space, and there is additional visitor parking throughout the subdivision.

Tree Preservation, Landscaping, and Buffers

The proposed development will comply with the landscaping and tree preservation requirements of the LDC, including perimeter landscape buffers and tree preservation. A formal review of the landscaping and tree preservation will occur with the review of the subdivision plat and plans to verify compliance with the proposed MDA and LDC.

A minimum ten (10) foot wide buffer is proposed along the east, west, and south perimeters, and a twenty (20) foot wide right-of-way buffer will be provided along Old Hammock Road. The south buffer is included within an existing 25-foot wide drainage easement to the south and will remain natural. Three (3) specimen trees were identified on site. The 36" historic live oak and 18" specimen oak tree are proposed to be preserved and incorporated into the site design and a 24" elm tree is proposed to be removed and mitigated as per the requirements of the LDC.

The proposed MDA requires any proposed development of the subject property to comply with the City, County, State, or Federal regulations that pertain to protected wildlife species and wetlands, along with the City's tree preservation and mitigation requirements. There is an area identified as wetlands at the southeast corner of the site. According to the applicant's environmentalist, the wetland area is isolated and has been impacted by construction of the adjacent drainage ditch and pond. The overall quality of the wetlands is poor and contains exotic vegetation. Approximately ±3,300 square feet are proposed to be impacted and will need to be mitigated with the subdivision plat and plans review, as per current Volusia County and LDC mitigation requirements.

Potable Water and Sanitary Sewer

The proposed subdivision will be served by City potable water and sanitary sewer and will comply with the requirements of the City's Land Development Code (LDC) and

proposed MDA for improvements related to potable water and sanitary sewer. Irrigation will be provided by a private well and will comply with the requirements of the City's LDC.

Stormwater Management

The stormwater drainage infrastructure for this project will be provided as generally depicted on the CDP. The existing drainage ditch within the southern 25-foot drainage easement and stormwater retention pond to the east are not proposed to be modified. The Seventh Amendment project area will be served by a new retention pond on the east side of the subject property with a berm in between the new and existing drainage areas. The stormwater drainage design will be reviewed with the submittal of the subdivision plans. Per the City's Land Development Code, the applicant will be required to construct on-site stormwater facilities, designed to accommodate and treat the 25 year, 24-hour storm event, without causing flooding to adjacent properties or polluting the receiving water bodies.

Architecture

The townhome units are proposed to be in three (3) two-story buildings at a maximum height of 35 feet. The existing single-family homes in Bennett's Hammock are a mix of one-story and two-story detached residences. The proposed townhome unit will have a one-car garage, fronting onto the private access drive as well as the front door to the unit. The exterior architecture of the buildings will be required to comply with the design requirements in the LDC by providing full architectural treatment on all sides including building finishes, roof design and materials, window and door styles, architectural details and colors.

Schools

The Volusia County School District determined that there is adequate school capacity at existing schools for the estimated two (2) students anticipated to be generated by the proposed development (Exhibit 2). Concurrency reservations are required to be made at the time of subdivision plat and plans review.

Policy Issues

The following is an analysis of the requested deviations from the Land Development Code (LDC) in the proposed Seventh Amendment to the Bennett's Hammock PUD. The PUD zoning district allows the applicant to request flexibility from standard code requirements. In order to be eligible for this flexibility, the applicant must provide innovative subdivision or site design. The Planning Commission and City Council will need to consider the following deviations from the LDC requested by the applicant:

- Establish open space requirement of 20% and maximum lot coverage of 80% for the townhome lots
- Establish a rear building setback of 15 feet
- Establish a minimum private right-of-way width of 24 feet
- Waive the sidewalk from both sides of the private roadway

Establish a minimum open space requirement of 20% and a maximum lot coverage of 80% on the individual townhome lots

The LDC has both a maximum building coverage and a minimum open space requirement per lot that varies based on the zoning category. Portions of a lot that do not have a building, or are not designated to meet the required open space are available for other impervious improvements such as driveways, patios, pool decks, etc. The R-3L zoning district requires a maximum lot coverage of 40% and a minimum open space requirement of 60% of the lot.

The intent of the maximum lot coverage and minimum open space requirements are to ensure there is sufficient separation between structures, green area and open space for air and light. According to the applicant, the requested lot coverage of 80% is a result of providing a smaller lot but providing a townhome that will meet the minimum living area requirements of an average homebuyer. The minimum proposed dwelling unit shown on the CDP is 1,760 square feet in the two-story units. The Amendment restricts any additional accessory buildings on the lots, to maintain an 80% maximum lot coverage on the townhome lots.

The minimum open space requirement for the R-3L zoning district does not take into consideration developments that provide parking on individual townhome lots instead of in a common parking area or any other additional impervious area on an individual townhome lot. The Amendment requires a maximum 80% lot coverage including the impervious footprint of the townhome, a driveway, entry sidewalk, patio, and air-conditioning pad that are proposed on each lot which increases the amount of total impervious area to 80% of the lot and reduces the amount of open space to 20%.

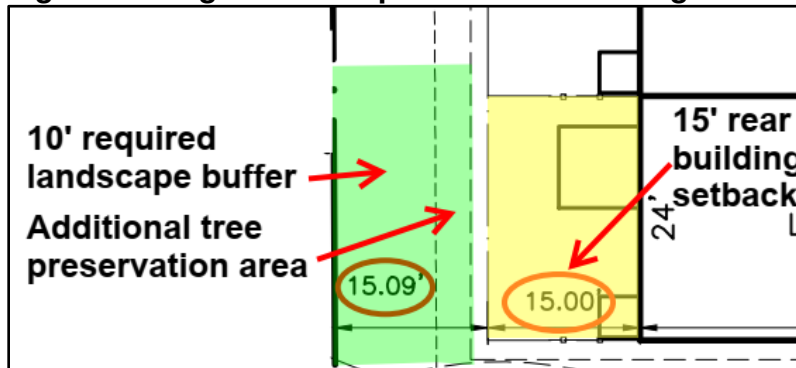
The R-3L zoning district requires a minimum of 40% open space on each townhome lot. The intent of this code requirement is to retain a portion of each lot as open yard that is not developed with impervious surfaces or a building. According to the applicant, while the proposed lots do not meet the 40% open space requirement, the overall 1.84-acre development is designed with open space that exceeds the required 60% for the overall PUD and 60% required for the R-3L zoning district. The CDP shows a minimum 64% or 1.18 acres open space, and of that open space acreage, 32% being common open space. The LDC requires PUD developments to provide a minimum 60% open space and 20% common open space. Additionally, a minimum of 20% of tree preservation area is shown to be provided which is more than the 15% required by the LDC. The applicant states that the intent of this subdivision is to create a fee simple townhome subdivision with a priority on providing common open area and amenities for all homeowners to use instead of private open space on individual lots. According to the applicant, the proposed infill development provides a significant amount of open space outside of the lots to off-set a reduction in the amount of open space on the lots.

Establish a 15-foot rear building setback

The applicant is requesting a 15-foot rear yard setback in lieu of the 25 feet typically required for townhome lots. The front building setbacks for the townhomes are proposed to be 28 feet, which exceeds the typical required front building setback for a townhome building. The increased setback allows for a longer driveway to park vehicles but pushes the building footprint further back on the lot, decreasing the depth of the rear yard. As

discussed above, the applicant states that by providing increased open space outside the lots, less open space is needed on the townhome lots. Sufficient room is proposed within the rear yard to accommodate a concrete patio and air-conditioning condenser pad for the units. The MDA states no accessory structures will be allowed within the rear yards of the townhomes, ensuring the remainder of the rear yards will stay open yard area. The lots on the west side of the property will abut common area and the required landscape buffer, which on the west side is proposed to remain natural. The lots on the east side of the property abut the common area with the proposed stormwater retention area. Therefore, the intent of the LDC to provide a minimum rear building setback of 25 feet from the boundary of the project area is maintained with the proposed development.

Figure 6. Diagram of Proposed Rear Building Setback



Establish a minimum private right-of-way width of 24 feet:

The LDC requires private or public roads within a residential subdivision to be developed with a minimum 50-foot wide right-of-way which includes 24-foot paved street, parkage area, 4' sidewalk on both sides, and utilities. Internal driveways for site plans are required to be 24 feet in width. The proposed private right-of-way would consist of a 2-lane road that consists of 20 feet of pavement with a 2-foot curb on either side which is the same roadway width as required in the City's 50-foot-wide right-of-way in the Standard Construction Details. The difference is that the proposed 24-foot right-of-way does not include the typical parkage area and 4-foot sidewalk on both side of the street. The right-of-way within the development is to remain a private drive and not be dedicated as a public street. The standard 12-foot drainage and utility easement will be required across the front of the townhome lots for utility connections and the stormwater system. Similar reduced right-of-way widths have been approved on other townhome developments through the PUD process or variance.

According to the applicant, the right-of-way for the proposed subdivision will be privately maintained by the Townhome HOA. According to the project engineer, the proposed 24' right-of-way for the private road is sufficient and provides area for underground utilities and will safely move vehicles. Fire and Public Works have reviewed the CDP and the plan shows sufficient turn-around area at the south end of the private drive for emergency vehicles and other service trucks to be able to turn around without the need to back out the length of the drive.

Waive the sidewalk from both sides of the private roadway:

The applicant is requesting to eliminate the required 4-foot wide sidewalks along the private roadway. According to the applicant, in attempting to accommodate existing site conditions, constraints are created in providing the typical 4-foot sidewalk on either side of the street. There is enough room across the frontages of the lots to construct sidewalks but there is no sidewalk on the south side of Old Hammock Road to connect into. The additional pavement would also create more impervious area on the lots and subtract from the driveway length in between the building and the curb. Eliminating 4-foot sidewalks from either side of the private roadway is consistent with the previous subdivision phases that also do not have sidewalks along the street. The sidewalk requirement was waived in the Sixth Amendment for Tract V as well. Currently, the only sidewalk within the PUD boundary is a shared sidewalk/bike path on the north side of Old Hammock Road that connects to Herbert Street and serves as the main pedestrian corridor.

Public Notice

A Public Notice sign was posted on the site on November 25, 2020. As of March 19, 2021, staff has received (8) phone calls or office visits requesting general information regarding the proposed PUD Amendment. Concerns included traffic, drainage, and increased density.

A neighborhood meeting was held by the applicant on February 23, 2021 at The Lakeside Center. According to the applicant's summary of the neighborhood meeting (Exhibit 3), questions from the residents that attended were regarding drainage, traffic, and the project's effect on their quality of life.

Recommendation

Staff recommends approval of the Seventh Amendment to the Bennett's Hammock PUD Master Development Agreement and Conceptual Development Plan, subject to approval of the policy issues discussed in the staff report as requested by the applicant:

- Establish open space requirement of 20% and maximum lot coverage of 80% for the townhome lots
- Establish a rear building setback of 15 feet
- Establish a minimum private right-of-way width of 24 feet
- Waive the sidewalk from both sides of the private roadway.

Attachments

Exhibit 1 – Bennett's Hammock Seventh Amendment Master Development Agreement and Conceptual Development Plan

Exhibit 2 – School District Review Letter

Exhibit 3 – Neighborhood Meeting Summary

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

**SEVENTH AMENDMENT TO THE
BENNETT'S HAMMOCK
A PLANNED UNIT 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 RIGA, INC., a Florida corporation, located at 2924 River Point Drive, Daytona Beach, FL 32118 (collectively referenced as the "Developer"), constitutes the Seventh Amendment to the Master Development Agreement for the Bennett's Hammock Planned Unit Development (hereinafter referred to as the "Seventh 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 "Development Agreement [for the] Bennett's Hammock Planned Unit Development" dated July 29, 1987, and recorded in Official Records Book 3014, Page 1775, 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] Bennett's Hammock Planned Unit Development, dated July 5, 1988, and recorded in Official Records Book 3173, Page 935, 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] Bennett's Hammock Planned Unit Development, dated August 25, 1988, and recorded in Official Records Book 3214, Page 683, 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] Bennett's Hammock Planned Unit Development, dated November 23, 1988, and recorded in Official Records Book 3390, Page 1625, Public Records of Volusia County Florida ("Third Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Fifth Amendment to Master Development Agreement [for the] Bennett's Hammock Planned Unit Development, dated September 26, 1995, and recorded in Official Records Book 4045, Page 121, Public Records of Volusia County Florida ("Fifth Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Sixth Amendment to Master Development Agreement [for the] Bennett's Hammock Planned Unit Development, dated March 20, 1996, and recorded in Official Records Book 4090, Page 1885, Public Records of Volusia County Florida ("Sixth Amendment"); and

WHEREAS, the Developer is the owner of that certain real property referenced as the Property, shown on Exhibit "A" to the Seventh Amendment and made apart hereof by reference, which is the only portion of the Bennett Hammock Planned Unit Development property impacted by this Seventh Amendment; and

WHEREAS, the Developer desires to amend the MDA and the First, Second, Third, Fifth and Sixth Amendments as applied to the Property to allow for the develop of residential townhomes on the Property; and

NOW, THEREFORE, the Parties agree as follows:

1. The premises stated above are true and correct and form a material part of this Seventh Amendment.
2. Section B., Paragraph 2 of the Development Agreement is hereby amended by underline and strikethrough to read as follows:

2. The Developer intends for "BENNETT'S HAMMOCK" to be developed with a maximum of ~~Ninety Two~~ Seventy-Five (9275) Dwelling Units for residential use. The overall density of "BENNETT'S HAMMOCK" shall not exceed ~~6.06~~ 4.286 E.R.U. per gross acre, including parks, rights-of-way and retention areas. The term "Unit" shall refer to a single-family unit, or a townhome unit. The placement of dwelling units shall be in accordance with the concept plan attached as "Exhibit G" to the Development Agreement and "Exhibit B" to the Seventh Amendment. The maximum densities for the various tracts are as follows:

TRACT	ACRES	LAND USE DESCRIPTION	DENSITY UPA	MAXIMUM # OF UNITS
I	1.06	Single Family Detached	3.77	4
II	7.66	Single Family	5.22	40
III	2.50 1.84	A.C.L.F./ <u>Townhomes</u> Nursing Home/ Elderly Housing	42.00 <u>7.1</u>	30 <u>13</u>
IV	1.53	Retention/Park	0.00	0
V	4.75	Single-Family Detached	13.47	18
Total	17.50*		6.057 <u>4.286</u>	92 <u>75</u>

* Total area includes rights-of-way, private streets and drives

3. Section A., Paragraph 3 of the Development Agreement is hereby amended to add a new sub-section, 3(a) to read as follows:

3(a) Conceptual Development Plan. Development of the Property shall be controlled by the terms and provisions of this Seventh Amendment and the Conceptual Development Plan ("CDP"), attached hereto as Exhibit "B", for the Property which generally depicts the planned layout of public roads, lots, amenities, and other planned features or improvements to the Property and demonstrates the lot coverage requirements available to lot owners within the Property. In the event of a conflict between the terms and provisions of this Seventh Amendment and the graphic illustrations of the CDP, the Seventh Amendment shall control. If the Seventh Amendment is silent regarding a particular subject or requirement, such silence shall not be construed as a conflict with the CDP. If the CDP and the Seventh Amendment fail to address a particular subject or requirement, the

Development Agreement, as amended, shall control. If the Development Agreement, as amended is silent then the applicable City ordinances in effect at the time of development, as defined by the City of Port Orange Land Development Code (“LDC”) shall control. The parties acknowledge that compliance with the City’s LDC may necessitate modification to the CDP. In the event modification to comply with the LDC is required, and the modifications to the CDP are not in conflict with the textual provisions of this MDA and any City ordinances not superseded by this MDA, the modifications shall be deemed “minor” and may be approved without formal amendment of this MDA. Minor modifications shall require the City Administrative Official’s written approval. If the Owners are not satisfied with the suggested resolution of any problem or the decision by the City Administrative Official categorizing the modification as minor or major, the Owners may appeal the decision to the Planning Commission. Appeals from the Planning Commission may be made to the City Council.

4. Section A., Paragraph 4 of the Development Agreement is hereby amended to add a new subsection, 4(a) to read as follows:

(a) Permitted Uses. The Property shall be used for residential purpose and development as a townhome community with common open space and buffers as specified herein. The Property shall be developed for a maximum of 13 townhome, attached dwelling units, for a maximum density of 7.1 dwelling units per acre.

5. Dimensional Requirements. Lot dimensions and configuration within the Property are generally depicted on the CDP. The lot sizes and configurations shall comply with the minimum dimensional requirements described below. The lot dimensions and areas shown on Exhibit “C” may be adjusted during the final subdivision process.

Site Development for Townhomes

Minimum Setbacks:

Front:	28 feet
Rear:	15 feet
Side:	n/a
Side Corner:	n/a

Minimum Lot Size:

Width:	22 feet
Depth:	83 feet
Area:	1,800 square feet

Minimum Living Area	900 square feet
Maximum Building Height:	35 feet (as measured from grade to the mid-point of the trusses)

Minimum Building Separation:	20 feet
Minimum Open Space:	20% (Per Lot)
Maximum Impervious Area:	80% (Per Lot)
	75% (Front Yard)
Maximum Building Coverage:	60%

Site Development Requirements for Overall Property

Maximum Building Coverage:	40%
Minimum Open Space:	60% (20% of which shall be common open space)

Each Lot shall include an 8-foot x 8-foot patio area with privacy fencing installed on each side of the patio in accordance with the City LDC. No other accessory structures shall be permitted.

The Owners shall provide a written notice in the covenants and restrictions and in each contract for sale and purchase of lots in the Property stating the following: “Accessory structures shall not be permitted to be located in the perimeter landscape buffers established in the Development Agreement, as amended. Buildings on the lots shall not be permitted to exceed the total building lot coverage requirements established in Section 4 of the Seventh Amendment to the Development Agreement, as amended.”

6. Section A of the Development Agreement is hereby amended to add a new section, 15 to read as follows:

15. Architectural Standards and Review. All colors, materials, signage, building orientation and architectural styles shall be consistent with the City LDC.

7. Section A., Paragraph 5 of the Development Agreement is hereby amended to add a new subsection, 5(a) to read as follows:

(a) Phases. Development of the Property is intended to occur in one phase.

8. Section A., Paragraph 8 of the Development Agreement is hereby amended to read as follows:

Sanitary Waste, Stormwater, and Potable Water. In the event of development, the Owners will extend water and sewer lines to serve the Property and the development authorized herein and the water and sewer lines shall be public utilities. If the City desires to extend the water and sewer lines prior to the Owners’ need for installation of the Owners’ lines, the Owner shall grant the necessary utility easement to the City and the City shall install and pay for such lines. All lines and other necessary infrastructure shall be sized adequately to serve both the adjoining property and the lots within the Property. The Owners shall comply with the City’s LDC and the rules and regulations of the St. Johns River Water Management District concerning stormwater drainage.

Irrigation to be provided by the lowest quality water source, including reclaimed water, surface/storm water, or an irrigation well if available. If a lower quality water source is not available or not deemed feasible pursuant to St. Johns River Water Management District Rule or applicable state law, then irrigation by potable water requires review/approval by City Public Utilities Dept. Upon completion of all infrastructure for utilities, the same will be conveyed to the City of Port Orange.

9. Section A., Paragraph 7 of the Development Agreement is hereby amended to add a Sub-paragraph 7(a) to read as follows:

(a) Access and Parking.

- i. Access. The minimum twenty four (24) foot wide roadway within the Property shall be private and a twelve (12) foot utility easement adjoining both sides of said roadway shall be granted to the City, as generally depicted on the CDP. The exact location of all roadways will be provided and depicted on the Property is subject to the subdivision process.
- ii. Parking. Parking is not permitted on the roadways within the Property. Each townhome lot shall have a driveway with adequate space to park at least two standard size vehicles and a garage with adequate space to park at least one standard size vehicle Six (6) parking spaces are being provided for visitors and guests.

10. Section B., Paragraph 5 of the Development Agreement is hereby amended to add a Sub-paragraph 5(a) to read as follows:

(a) Maintenance of Common Open Space and Common Facilities. The Owners shall form and incorporate a non-profit homeowners' association (the "HOA") which will operate, maintain and control, subject to other documents of record, the common areas, and common facilities, including but not limited to stormwater drainage systems within the Property and the entrance features and areas to the Property.

The general scope and format of the HOA documents, and the covenants and restrictions, will be similar in concept to the documents of similar homeowners' associations in Port Orange. The covenants and restrictions governing the Property and association responsibility shall be executed and recorded in the Public Records of Volusia County, Florida. The HOA will have a board of directors to legislate and govern the rules and orders of the HOA. The HOA board will have the means and authorization to carry out and regulate the by-laws and restrictions governing the maintenance, operation and repairs of all common areas and facilities. Not only will the board of directors be able to regulate and govern the common area; the board will also regulate each member requiring the maintenance and service of their own individual building site. The HOA rules may be enforced by fines and liens upon the individual building sites and any other remedy available at law. The HOA may charge and collect dues to maintain operate and service all common facilities on the Property. The HOA will have authority to place a lien against individual building sites to collect unpaid HOA dues. The owner of each lot within the Property will automatically become a member of the HOA by virtue of purchasing a building subject to the rules, covenants, and restrictions of the HOA. The HOA will have the authority and means to hire, supervise, and regulate persons employed by them for the maintenance, repair and operation of common areas and facilities. If the association fails to perform the maintenance, repair or replacement, as necessary, of the storm water drainage facility, the City shall have the right to enter upon the common area of the Property and to provide the maintenance, repair, or replacement of the stormwater drainage facility and shall have the right to lien all owners of record in the Property for the cost of such maintenance, repair, and replacement as the City may deem necessary. If requested by the City and as otherwise needed for plat improvements, the Owners will provide easements and grants for the installation, maintenance and upkeep of the public utilities including water, sewer, and electricity. The Owners may from time to time add additional covenants and restrictions or make changes in the Association by-laws as may be required to guarantee that the project will be developed in accordance with the policies outlined in this Agreement

11. Section B., Paragraph 3 of the Development Agreement is hereby amended to read as follows:

Project Buffers and Landscaping. All landscape and project buffers shall comply with the requirements of the City LDC. There shall be a perimeter buffer with a width of ten (10) feet along the east, south and west Property boundaries, and a buffer with a width of twenty (20) feet along the Old Hammock Road boundary of the Property. All buffers will remain in existing conditions or at time of each lot build out shall be required to install minimum landscape as required in the City LDC. Existing vegetation in the perimeter buffer that may remain undisturbed shall count toward the landscaping requirements for the buffer. Existing vegetation that is determined by the City to be invasive exotics, diseased/dying and/or interfering with required extension of utilities may be removed, provided that any viable protected or specimen trees shall be mitigated in accordance with the City LDC. The landscape plans required for the final plat shall account for the removal and mitigation of trees with the perimeter buffers. No structures, primary or accessory, will be allowed within perimeter buffers, except for perimeter fencing for the subdivision. The HOA shall establish maintenance standards in the covenants and restrictions for the landscape/buffer easements, and outline the maintenance responsibilities, if any, of the HOA for individual lots. The covenants and restrictions shall provide for procedures to allow the HOA to notice individual lot owners that landscaping is not being maintained in accordance with the standards established in the covenants and restrictions. There also shall be provisions within the covenants and restrictions that allow the HOA to enter the individual lots to conduct maintenance within the landscape buffer to ensure that the minimum maintenance standards are being upheld. The covenants and restrictions shall include provisions for the HOA to charge the individual lot owners for the costs of the HOA maintaining the landscape buffer.

12. Section B., Paragraph 3 of the Development Agreement is hereby amended to add a new subsection, 3(a) to read as follows:

Environmental Considerations. Both during and after construction, the Owners will use reasonable efforts to preserve trees and natural vegetation within the Property and maximize protection of natural drainage pathways. Development of the Property shall comply with the tree preservations of the City's LDC; however, the City shall permit the removal of the 24-inch Elm tree identified on the CDP so long as three (3) trees, as defined by the City LDC, are provide onsite as mitigation. The Owners shall comply with all rules, statutes, laws and regulations pertaining to protected wildlife species, including but limited to the rules and permitting requirements of the Florida Game and Freshwater Fish Commission concerning gopher tortoises. Compliance with the City Environmental Preservation Code may necessitate modification of the CDP. Mitigation for the wetland impact shown on the CDP shall be in accordance with the City LDC.

13. Section A. of the Development Agreement is hereby amended to add a new subsection, 14. to read as follows:

14. Impact Fee Credit. The development of the Property shall comply with the transportation concurrency management requirements established in the City of Port Orange Comprehensive Plan and LDC. Nothing in this Agreement shall be construed as a waiver by the Owners of their right to pursue impact fee credits for any and all work performed by Owners for which impact fee credits can be awarded.

14. This Seventh Amendment shall be effective on the date it is executed by all parties.

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

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

[SIGNATURES ON FOLLOWING PAGES]

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

WITNESSES:

CITY OF PORT ORANGE, FLORIDA
a Chartered Municipal Corporation

Name: _____

By: _____
Donald O. Burnette, Mayor

Name: _____

Date: _____

Name: _____

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

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ 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 ☐ 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:

RIGA, INC., a Florida corporation

By: _____

Hamid Toutounchian, President

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 Hamid Toutounchian, as President of RIGA, INC., a Florida corporation, who is ☐ personally known to me or ☐ who has produced _____ as identification and who did not take an oath.

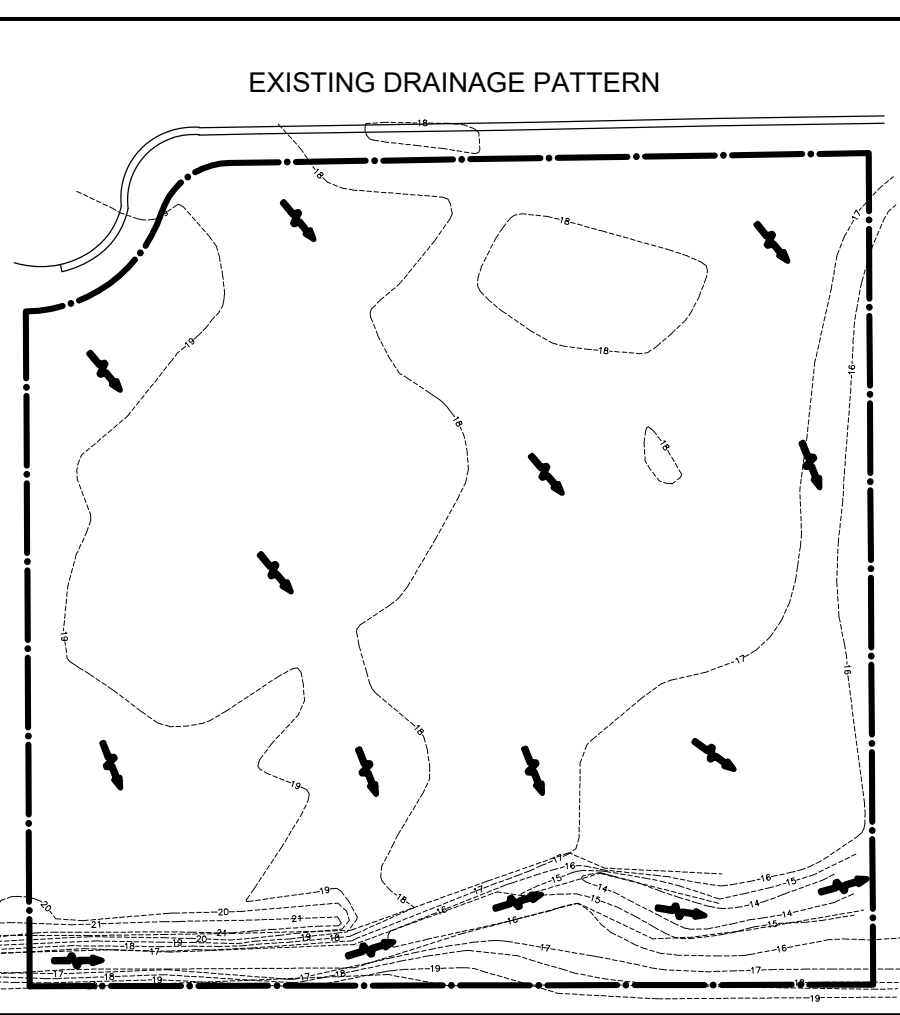
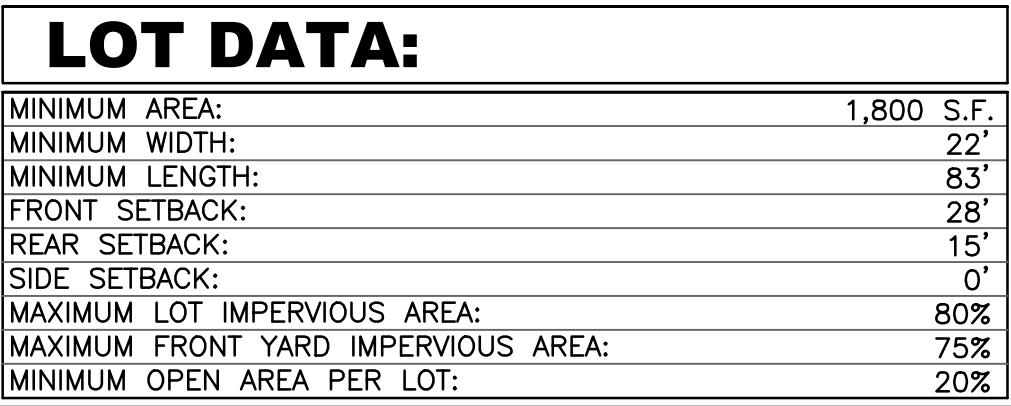
Notary Public, State of Florida at Large

Printed name, commission and expiration of commission term:

EXHIBIT 'A'

LEGAL DESCRIPTION:

TRACT III, EXCEPT THE WEST 290 FEET, BENNETT'S HAMMOCK,
ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK
42, PAGE(S) 137, PUBLIC RECORDS OF VOLUSIA COUNTY,
FLORIDA.





Dr. Carmen Balgobin
Superintendent of Schools

School Board of Volusia County

Mrs. Linda Cuthbert, Chairman
Ms. Jamie M. Haynes, Vice-Chairman
Mr. Carl Persis
Mr. Ruben Colón
Mrs. Anita Burnette

**School Adequate Capacity Determination
Finding of Adequate Capacity Letter**

December 17, 2020

Storch Law Firm
A Joseph Posey Jr.
420 Nova Road
Daytona FL. 32114

RE: Old Hammock Townhome Development – Port Orange
School Capacity Review #20-12-03-001-A

Dear Mr. Storch:

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

The School District has reviewed the information for the proposed annexation of Balboa associated with 1.84 +/- acres of property located at the intersection of Old Hammock Rd and Herbert St within the city limits of Port Orange. Proposed amendment would provide for thirteen (13) multi-family units.

The district uses county wide Student Generation Rates (SGRs) of (.127) for multi-family dwelling units. By applying the SGR to the use types in Table 1, we find the project could generate two (2) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	.273	0	0
Multifamily Dwelling Unit	.127	13	1.65
Manufactured Home Dwelling Unit	.047	0	0
Total			2

Old Hammock Townhome – Port Orange
December 17, 2020

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

Table 2

Schools	2019-20 SY Enrollment	% of Permanent Capacity	Plans for capacity increase long-term	Traditional K-12 Students projected
Sugar Mill Elementary	633	110%	no	1
Silver Sands Middle	1324	117%	no	0
Atlantic High	1412	107%	no	0
Other				1

The project due to its size is not projected to increase the student population any greater than the current capacity. The use of adjacent schools might be necessary at the time of review due to the current level of service. Based upon these long-term plans for growth, the school district has no objections to the proposed Comp Plan Amendment and PD.

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

No Student Reservations have been made at this time.

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

If you should have additional questions please contact me at (386) 947-8786, extension 50709.

Sincerely,



Stephanie B. Doster,
Coordinator, Planning

Cc: Dr. Carmen Balgobin, Superintendent of Schools
Steven Grube, Director, Planning and Construction
Penelope Cruz, Port Orange
Kiersta Hill, Volusia County School Board Project File

FACILITIES SERVICES
3750 OLSON DRIVE, DAYTONA BEACH, FLORIDA 32124
PHONE: 386/734-7190 • FAX: 386/506-5056



Finding of Adequate School Capacity
Volusia County School Board

Project Information	
Project Name	Old Hammock Townhome
VCSB Project #	20-12-14-001-A
Jurisdiction Project#	
Parcel ID Numbers:	6305-08-00-0030
Project Location:	Old Hammock Rd
Potential Residential Units:	13
Property Owner/Applicant:	Riga Inc- Owner Glenn D. Storch -Storch Law Firm - Agent
Notes: Additional review will be required at time of subdivision/site plan submittal(s). No Student Reservations have been made.	

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.

Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, may be subject to additional school capacity review in the future.

Stephanie B. Doster,
Coordinator, Planning

17Dec2020
Issue Date

VCSB Schools Impacted by Development

Adequate Capacity Review - Old Hammock Townhome

Created by Facilities Services
December 2020

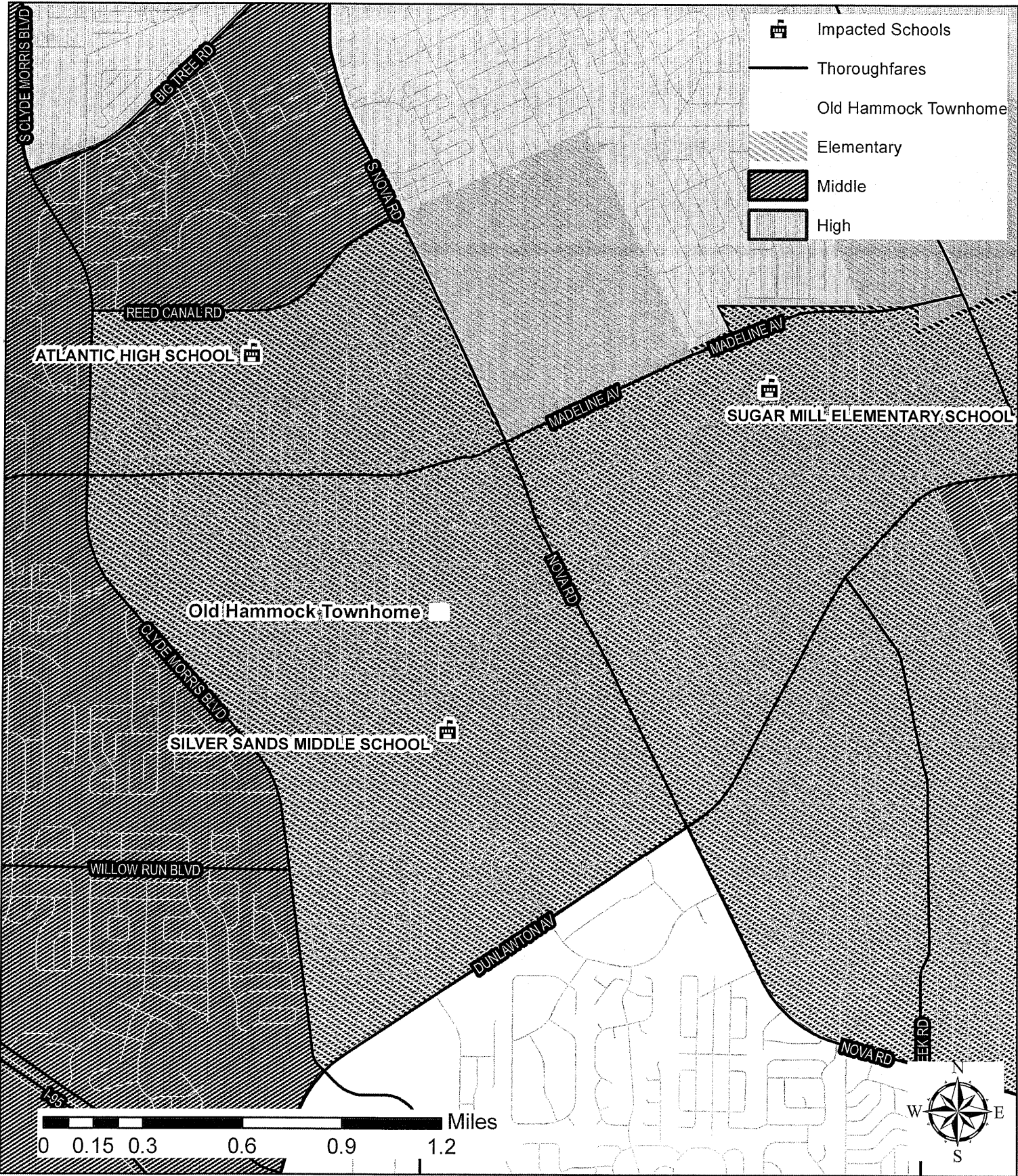


EXHIBIT 3

SUMMARY OF NEIGHBORHOOD MEETING FOR SEVENTH AMENDMENT TO THE BENNETT'S HAMMOCK PLANNED UNIT DEVELOPMENT

A neighborhood meeting was held on February 23 at 6:00PM at the Lakeside Community Center to discuss a proposed amendment to the existing Bennett's Hammock Planned Unit Development for Parcel No. 6305-08-00-0030. The proposed amendment would allow for thirteen (13) townhomes in lieu of the existing assisting living entitlements. In attendance at the meeting were A. Joseph Posey of Stoch Law Firm, attorney for the developer; and Rick Dixon of Anderson-Dixon, LLC, engineer for project. Approximately 25 area residents and neighbors were in attendance. A sign-in sheet was provided, and a copy is enclosed with this summary.

Mr. Posey began by giving a presentation that explained existing conditions and entitlements for the property, and then proceeded to explain the proposed changes to the Bennett's Hammock Planned Unit Development. The highlights included the reduction of density and traffic, and the need for new construction in the areas. A full-size concept plan was on display before, during and after the meeting so that attendees could see a graphic depiction of the development. After finishing the presentation of the project, Mr. Posey opened the meeting to questions. The residents raised concerns about the drainage and traffic, and the project's effect on their quality of life. The questions included:

- How can you address the traffic situation on Herbert during school hours? What traffic improvements options are available? How will this project help the traffic situation?
- How are you ensuring that this project is compatible with the existing community?
- How are you addressing the drainage situation in the area? Will the project connect to the existing pond adjoining the development?
- Will the project have an HOA? How will enforcement be controlled? Will the project be contributing to the existing HOA?
- How will visual impacts be addressed?
- Why are you proposing townhomes as part of the project?
- How is this project an improvement versus what is currently entitled on the property?
- What is the process for approval and how many hearings will there be on this project?
- How much will individual townhomes cost?
- How will the existing wildlife be affected? What areas of the project are being preserved?
- What is the construction timeline for this project?
- How much buffer will be provided along Old Hammock Road?

Mr. Dixon addressed the design questions related to drainage and traffic. The question-and-answer session for the project continued for about an hour. All attendees were encouraged to contact Mr. Posey's office if they had any follow up questions or comments. Mr. Posey stated that he will investigate options to address concerns raised by the residents. The meeting ended approximately at 8:00 PM.