



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, January 28, 2016

Time: 5:00 PM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Pledge of Allegiance
2. Silent Invocation
3. Roll Call
4. Election of Officers

B. DISCUSSION/ACTION

5. Consideration of Minutes
6. Rules of Procedure
7. Case No. 15-70000003
SPECIAL EXCEPTION/MOTOR VEHICLE REPAIR FACILITY
5797 Ridgewood Avenue

A request to approve a Special Exception to allow for motor vehicle repair facility as a Special Exception in the Ridgewood Development (RD) zoning district.

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

8. Case No. 15-90000005
VARIANCE/3657 NOVA ROAD

A request for a variance from Chapter 13, Section 3(d) of the Land Development Code (LDC) to allow a 13.5-foot landscape buffer along Nova Road in lieu of the 20-foot buffer required by the LDC. If the variance is approved, the applicant is proposing to demolish the existing restaurant (Booth's Bowery) and construct a convenience store with fuel along with associated site improvements.

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

9. Case No. 15-65000001

REZONING WITH MASTER DEVELOPMENT AGREEMENT AND
CONCEPTUAL DEVELOPMENT PLAN/SERENITY HILLS PUD

East side of Hensel Road, between East Hensel Hill Drive and Hills Boulevard

A request to rezone +/- 82 acres from Rural Residential (RR) and Single-Family Residential (R-20SF) to Planned Unit Development (PUD) and approve the Serenity Hills Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The applicant is proposing to develop a 102 single-family residential subdivision.

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

C. OTHER BUSINESS

10. Development Activity Report

11. Commissioner Comments

12. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **PLANNING COMMISSION** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PLANNING COMMISSION MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
COUNCIL CHAMBERS
DECEMBER 17, 2015

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

Pledge of Allegiance

Silent Prayer

ROLL CALL:

Present: Chairman Frank Crooks
Commissioner Michael Arminio
Commissioner John Junco
Commissioner Thomas Jordan
Commissioner Lance Green
Commissioner Newton White

Absent: Vice Chairman Sonya Laney (excused)

Also Present: Matthew Jones, Assistant City Attorney
Barbara Abbate, City Clerk's office
Tim Burman, Planner
Gwen Perney, Planner
Penny Cruz, Planner
Danalee Petyk, Planner

A. DISCUSSION/ACTION

4. Consideration of Minutes

Motion made by Commissioner Jordan, seconded by Commissioner Arminio, to approve the minutes of November 19, 2015. Motion carried 6 – 0 upon roll call vote.

5. Case No. 15-70000002
SPECIAL EXCEPTION USE/Flea/Farmers Market Use
5001, 5005, and 5013 Ridgewood Avenue

A request was made to approve a Special Exception to allow a flea/farmers market within the Ridgewood Development (RD) zoning district. If the Special Exception is approved, the property owner is proposing to expand the existing farmers/flea market to adjacent parcels. (This item is continued from the November 19, 2015 Planning Commission meeting.)

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

The applicant has proposed a LDC amendment to permit farmers/flea markets in the RD district by Special

Exception. The code amendment is being proposed simultaneously with the Special Exception application and must ultimately be approved by City Council before this Special Exception request can be approved. The applicant is proposing to demolish the Whiskey River bar and expand the market with additional space for tables and potentially a food and beverage pavilion in the future.

Staff recommends approval of the Special Exception to allow a farmers/flea market at 5001, 5005, and 5013 Ridgewood Avenue, subject to approval of the LDC text amendment to allow farmers/flea market Special Exception use in the RD zoning district.

Commissioner Jordan asked if the property is zoned for temporary tents. Ms. Perney said the vendors do use temporary tents. Commissioner Jordan also asked if those tents were allowed to stay up overnight. Ms. Perney said vendors can't get a permit to allow a temporary tent to stay up permanently. Ms. Perney said the intent is to take down all temporary tents at the end of each day. Commissioner White is also concerned about temporary tents being left up and vender trailers being left in the parking lot.

Commissioner Arminio asked if someone else would be able to open another flea market in the same area. Ms. Perney said if someone were to meet all the requirements they could apply for a special exception.

Andy Clark, Applicant, said there are some code violations on this property. He said tents will come down on Sunday and go back up on Thursday. Mr. Clark said after he removes the building he would like to put some additional tables for vendors to set up in that area.

Commissioner White asked if tents and trailers are both being counted as retail space in the calculation on parking. Commissioner White has visited the flea market a number of times and has had a very difficult time finding parking. Mr. Clark said there will be additional parking when the building is removed.

Commissioner Jordan said the tents will need to come down every night. Mr. Clark thought the tents could go up on Thursday and come down on Sunday. Commissioner Jordan said the report reads that the tents need to be taken down at the end of each sales day. Mr. Clark has told the vendors if they don't take down the tents he will.

Commissioner Junco said there are three types of areas, under the roof, tents, and open table and asked Mr. Clark if he will be putting a roof over the open table area. Mr. Clark hadn't thought that far ahead. Commissioner Junco asked if there was any order to the tables. Mr. Clark said all the tables are numbered and assigned to the vendors.

Commissioner Green said the property does not meet code, it needs to be maintained and managed better. The Commission wanted the current code violations addressed prior to scheduling for City Council.

Motion made by Commissioner Jordan, seconded by
Commissioner Green, to approve case no. 15-70000002.
Motion denied 3-3 upon roll call vote with Commissioners
Junco, Arminio, and Jordan opposed.

6. Case No. 15-90000003
VARIANCE/930 Herbert Street

A request for variances from the Land Development Code to reduce the Herbert Street right-of-way buffer, reduce the setback for an internal drive aisle from a right-of-way, reduce the width of a drive aisle, reduce the width of parking spaces, and reduce the amount of foundation plantings.

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

The property owner is proposing to renovate the existing building into a multi-tenant building along with associated site improvements. The redevelopment of the site would improve the appearance of this property. One of the tenants is anticipated to be a bar, which is a permitted use in the Highway Commercial (HC) zoning district. The LDC requires a site to be brought up to current code standard when it has been abandoned for more than 6 months. The subject property has been abandoned since March 2013. Site upgrades include, but are not limited to, paving and expanding the parking the facilities, landscaping and buffers, irrigation, signage and architectural design. Staff has worked with the applicant on identifying the necessary site upgrades and minimizing the variances being requested.

According to the proposed site plan submitted by the applicant, the redevelopment of the site required five (5) variances:

1. Reduce the Herbert Street right-of-way buffer from 10 feet to 5 feet [LDC Chapter 13, Section 3(d)(1)(c)]
2. Reduce the setback from an internal drive aisle from 25 feet to 5 feet [LDC Chapter 12, Section 2(b)(3)(a)]
3. Reduce the width of a drive aisle from 24 feet to 22 feet [LDC Chapter 12, Section 6(c)(2)]
4. Reduce the size of parking spaces from 10' X 20' to 9' X 18' [LDC Chapter 12, Section 6(b)(1)]
5. Reduction in foundation plantings [LDC Chapter 13, Section 5(a)]

Staff recommends denial of the variance request. However, if the Planning Commission votes to grant the variances, Staff recommend the following conditions:

1. The variances are limited to site plan Case Number 15-80000010. If the site plan is not completed or the project otherwise is abandoned, the variances will become void.
2. The variances are limited to the life of the structure.

There was some discussion with the Board and staff.

Joyce Conner, Car Wash owner, said she would like to see this business reopen and will allow overflow parking on the Car Wash property.

Jeff and Sherrie Sowers, 920 Herbert St. are on the east side of this property. They are opposed to this business reopening; in the past their property at 920 Herbert Street has been damaged from customers from the Port Hole property. Mr. Sowers believes there is not enough parking to keep his property from being damaged.

Tim Burman, Planner, said there are two applications on the property; the site plan that is under review and the variance.

Mr. Sowers said his door opens right where the roadway between the properties will be and that is unsafe.

Motion made by Commissioner Arminio, seconded by
Commissioner White, to approve case no. 15-90000003
subjected to staff's conditions. Motion carried 6 – 0 upon
roll call vote.

7. Case No. 15-90000004
VARIANCE/988 Old Sugar Mill Road

A request for variances from the Land Development Code to waive the requirement to have no

adjoining lots, tracts, or parcels in the same ownership and reduce the minimum lot width requirement to allow a minor subdivision of the subject property.

Staff Contact: Danalee Petyk (386) 506-5676/dpetyk@port-orange.org

The proposed lots currently meet the standard code requirements for a minor subdivision with the exception of the following variances. Based on the existing conditions, the proposed minor subdivision will require two variances. If the requested variances are approved, the applicants intend to apply for a minor subdivision to formally split the property into two lots.

Based on the applicants' proposed lot configuration to subdivide the property, the following variances from the Land Development Code (LDC) are requested:

1. Allow the subdivision of property when adjoining lots, tracts, or parcels are in the same ownership [LDC, Chapter 5, Section 2(b) (3) (b)];
2. Allow a proposed lot to have a minimum width of 50 feet in lieu of the required 100 feet [LDC, Chapter 5, Section 2(b) (3) (e); Chapter 17, Section 27].

Staff is recommending denial of the requested variances. However, if the Planning Commission grants the variances or the lot width, Staff recommends a perpetual access easement over the private driveway from Old Sugar Mill Road through Lot #1 into Lot #2 be recorded as part of the minor subdivision.

There was some discussion between Staff and the Board.

Joseph Hibbs, applicant at 988 Old Sugar Mill Road, said he has been forced by a divorce decree to document this access road. He said all of the properties have had access to the road and he has no problem with doing whatever the Board would like.

Motion made by Commissioner Arminio, seconded by Commissioner Jordan, to approve case no. 15-90000004 with recommendation from staff. Motion carried 5 – 1 motion carried with Commissioner Green opposed.

8. Case No. 15-20000002
16-1 LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT/Martin Road

A request to amend the Comprehensive Plan, Transportation Mobility Element to remove Martin Road as a planned collector road.

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

The applicant is requesting to amend the Comprehensive Plan to remove Martin Road from the Comprehensive Plan. Martin Road is proposed as a 2-lane collector road and is currently shown intersecting Williamson Boulevard North of the Pinnacle subdivision and south of the Ashton Point Apartments, traversing through the Woodhaven Planned Unit Development (PUD).

The applicant is proposing the following amendments to the Comprehensive Plan:

1. Amend Transportation Mobility Easement, Policy 3.2.5 to remove the obligation to construct the Martin Road as an improvement associated with the Woodhaven PUD.
2. Amend Transportation Mobility Easement Tables 1 and 3 to remove Martin Road as a future transportation improvement.
3. Amend Transportation Mobility Easement Figures (Maps) 2-2, 2-4, and 2-10, to remove Martin Road as a planned collector road.

Staff recommends approval of the requested amendment to the City's Comprehensive Plan, Transportation Mobility Element, Policy 3.2.5, Tables 1 and 3, and Figures 2-2, 2-4, 2-8, and 2-10, to remove Martin Road as a planned collector road.

There was discussion between Staff and the Board.

David Haas, ICI Homes 2379 Beville Road, Daytona Beach, applicant, ICI Homes also owns property north of this site and there will be connection of the two properties with some sort of path which will be determined during site plan review.

Motion made by Commissioner Junco, seconded by
Commissioner White, to approve case no. 15-20000002.
Motion carried 6 – 0 upon roll call vote.

B. OTHER BUSINESS

9. Development Activity Report

Commissioner White asked if the Kangaroo store at Spruce Creek and Nova Road will be doing anything with the gas island. Mr. Burman said they are working with the demolition contractor to get everything in line to take the building that is in front down then the site work can be done.

Commissioner Arminio asked if the property at Wal-Mart Market Place site at Clyde Morris Blvd. and Madeline Ave would be replanted. Mr. Burman said yes.

Commissioner Jordan thanked Mr. Burman for the Florida Truck sales.

Commissioner Green asked what happened with the property just south of the Food Lion site. There was an ABC permit to clear the land and nothing else was done. Mr. Burman said there has been some soil testing done and the soil is unsuitable for development. Mr. Burman said there have not been any development inquiries about this property.

10. Commissioner Comments

11. Staff Comments

C. PUBLIC COMMENTS:

D. ADJOURNMENT: 6:47 p.m.

Chairman Frank Crooks



MEMORANDUM

TO: Planning Commission Members
FROM: Tim Burman, Planning Manager 
SUBJECT: Rules of Procedure - Final Draft
DATE: January 28, 2016

Please find attached a copy of the proposed revisions to the Planning Commission Rules of Procedure. The Rules of Procedure were last updated in 2012 and require a periodic review and update. If adopted by the Commission, the final version of the document will be provided at the February 2016 meeting.

TPB

Attachment

**CITY OF PORT ORANGE PLANNING COMMISSION
RULES OF PROCEDURE**

1. **INTENT AND PURPOSE:** The City of Port Orange establishes the duties and procedures for the Planning Commission (the Commission) in Chapter 3, Article III, Section 10 of the Land Development Code (LDC). The following are specific operational and procedural standards to be followed by the Commission in carrying out the requirements contained in the LDC. Any of the following standards that conflict with adopted ordinances, resolutions or stated policies of the City Council are hereby determined void to the extent that they conflict with said documents.
2. **MEMBERS, ATTENDANCE, OFFICERS AND DUTIES:**
 - a) **Members and Attendance:** Membership and meeting attendance shall be established as specified in Section 10(a) of Article III, Chapter 3 of the LDC, as amended. All members of the Planning Commission shall carry out their duties in accordance with proper administrative procedures enacted by the City Council. Members are required to attend regularly scheduled and special meetings of the Commission. If a member cannot attend a regular or special meeting, then the member should notify the City Clerk's Office or the Community Development Director at least five days prior to the meeting date. The five-day notice shall not apply to emergency absences beyond the member's control. In regard to special meetings, members are encouraged to give notice as soon as possible, if it is not feasible for the member to provide five-day's notice due to the scheduled time for the special meeting.
 - b) **Chairman:** The Planning Commission shall elect a member to serve as the Chairman. If the Vice-Chairman is not willing to assume the role of Chairman, as prescribed in Paragraph 2(c), then nominations may be offered from the voting members of the Commission, and the nominee receiving the most votes shall assume the role of Chairman. The nominee should have at least two year's experience of serving on the Commission to be eligible. Once elected, the Chairman shall serve for a period of one year, commencing with the regularly scheduled meeting in January. The Chairman shall decide upon all points of order and procedure subject to these rules, but may allow alternative points of order and procedure due to extenuating circumstances if agreed to by a majority of the Commission in session at the time. The Chairman may confer with the staff members including, but not limited to, the Director of Community Development and the City Attorney, in interpreting these Rules of Procedure. The Chairman shall sign all minutes and pertinent documents of the Commission.
 - c) **Vice-Chairman:** The Commission shall elect a member to serve as the Vice Chairman. The Vice-Chairman shall serve a one-year term commencing with the regularly scheduled meeting in January. Nominations may be offered from the members of the Commission, and the nominee receiving the most votes shall assume the role of Vice-Chairman. The nominee should have at least one year's experience of serving on the Commission to be eligible. Once elected, the Vice-Chairman shall serve as the acting Chairman and carry out the duties of the Chairman when he/she is absent or otherwise unable to carry out the required duties. The Vice-Chairman, if willing to serve, shall succeed to the Chairman's position the following year.

3. **STAFFING AND REPORTING:** The Community Development Director, or his or her appointed designee, shall serve as the primary staff liaison to the Planning Commission. The Planning Division shall be responsible for the preparation, compilation and distribution of the Planning Commission Agenda. Staff reports summarizing the technical and policy issues associated with items to be reviewed by the Commission shall be distributed to the Commission no later than six calendar days prior to the regularly scheduled meeting of the Planning Commission. It is the intent of the Planning Commission that applications are forwarded to them with only minor ~~technical comments or issues~~. If an application has ~~more than ten~~ significant outstanding ~~technical comments or issues~~ from the identified by staff, then the Commission may continue, table, or remove the item from the agenda until the applicant can satisfactorily address the outstanding ~~comments or technical comments issues~~.

The City Clerk's Office shall serve as the Secretary to the Planning Commission and shall be responsible for keeping of all minutes and official records. The Planning Division staff shall draft the text and supporting maps of all advertisements and shall coordinate with the City Clerk's office to ensure that all public notices required by federal, state and local law are properly prepared and published. Applications, plans and other such development applications shall be received and processed through the Community Development Department, as specified by the various chapters of the LDC.

4. **MEETINGS:** The Planning Commission, in accordance with the LDC, shall hold at least one meeting per month. The meeting shall take place on the fourth Thursday of the month at 5:00-30 PM in the Port Orange City Council Chambers. The Planning Division shall develop a Critical Dates Calendar that specifies the exact dates for Planning Commission meetings. The Planning Commission may review and approve alternative dates for scheduled meetings that conflict with holidays or other such occasions.
5. **SPECIAL MEETINGS:** Special meetings of the Commission may be called by the Chairman or at the direction of any three members of the Commission in session. The Secretary shall provide each member with notice of the meeting at least 72 hours prior to the meeting. The notice shall clearly indicate the date, time, and place of the special meeting. The public or an applicant may also make a formal request for a special meeting. All such requests shall be in a written form that is submitted to the Director of Community Development, who will forward the request to the entire Commission and appropriate staff. The staff liaison shall acknowledge the request within twenty-four hours. The Chairman's response shall be sent to the Director of Community Development who shall coordinate with the party requesting the special meeting. The Chairman or the Planning Commission does not have to grant request for special meetings if the item(s) to be reviewed or discussed can be addressed at a regularly scheduled meeting. Those requesting a special meeting shall be responsible for all additional costs including, but not limited to, staff time, agenda preparation and reproduction, and legal advertisements, unless waived by the Planning Commission or City Council.
6. **CANCELLATION OF MEETINGS:** Whenever there is no business for the Planning Commission to review; or whenever there will not be a quorum due to excused absences, the Chairman may cancel the regularly scheduled meeting. The Chairman shall inform the Secretary to send verbal or written notice to the other

Commission members and appropriate staff. Said notice shall be sent at least 24 hours prior to the scheduled time for the meeting.

7. **QUORUM:** A quorum shall consist of four voting members. A quorum is required for the transaction of business.
8. **ORDER OF MEETING:** In general, the Planning Commission shall abide by all appropriate regulations established by federal, state and local laws for the accessibility to and notice of meetings. The order of business at regularly scheduled meetings shall generally proceed as follows:
 - a) Call to Order
 - I. Pledge of Allegiance
 - II. Silent Prayer
 - III. Roll Call
 - IV. Consideration of Minutes
 - b) Old Business (Including Tabled and Continued Items)
 - c) New Business
 - d) Other Business
 - e) Adjournment*

*The Commission shall not hear items on the agenda after 8:00-30 PM unless authorized by a majority vote of the Commission members present. Items which have not been heard by 8:00-30 PM may be continued to a date and time certain, or to the next regularly scheduled meeting of the Planning Commission, as determined by affirmative votes of the majority of the voting members present. (NOTE: This disclaimer may be placed at the beginning of the Planning Commission agenda for meetings with a large number of items).

The Planning Commission shall limit the initial amount of time allotted for each applicant's presentation to 15 minutes. This limitation shall apply to all speakers representing the applicant. If the applicant is not able to complete the presentation within the allotted time, then the applicant may: 1) request that the Planning Commission table the full consideration of the item to the end of the agenda, subject to the end of meeting time limit, 2) begin the presentation and upon exhausting the initial 15 minutes then defer the remaining presentation to the end of the agenda, subject to the end of meeting time limit, or 3) after exhausting the initial 15 minutes, request the Planning Commission to vote to allow the applicant to continue the presentation for a specified time. In any event the applicant shall be allowed sufficient time to make a full and complete presentation of evidence to the Planning Commission and to question witnesses.

The Chairman has discretion to apportion the time available for citizen participation on all agenda items, in order to provide sufficient opportunity for all who wish to speak, within a reasonable period. ~~(NOTE: This disclaimer may be placed at the beginning of the Planning Commission agenda for meetings with a large number of items). The Chairman shall have the authority to limit immaterial, unnecessary, or redundant presentations or requests unless permission to continue is granted by majority vote of the Commission. Special interest groups are encouraged to select a representative to speak for them in order to conserve time and avoid repetition. If a representative is selected, a list of the names and addresses of all concerned citizens who are present may be given to the City Clerk- recording clerk for inclusion in the record.~~

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The Planning Commission is committed to maintaining civility in public and political discourse and expects the public to do the same. All comments by members of the Commission and the public shall:

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- a. Respect the right of all citizens in our community to hold different opinions;
- b. Avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- c. Strive to understand differing perspectives;
- d. Be truthful, not accusatory and avoid distortion; and
- e. Avoid violence, prejudice and incivility towards citizens, employees, and officials of the City of Port Orange.

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Citizens attending a Planning Commission meeting may choose to either hold a sign or place a sign along the rear wall. Signs shall not be placed or held in any manner which obstructs the view of other audience members or obstructs the access to and from Council Chambers. Signs shall not be waived or lighted in any manner that causes distraction to the Planning Commission members or members of the audience during a Planning Commission meeting. Signs shall not be affixed to the walls or other surfaces within Council Chambers.

9. ACTION BY THE COMMISSION: The Planning Commission shall hear applications made to the City of Port Orange as specified in the LDC. The Planning Commission shall make a motion based on a review of the facts of the application, the staff's recommendation and comments from the applicant and public. The Planning Commission is encouraged to consult with the Staff Liaison, City Attorney and other appropriate staff members to ensure that a proposed motion complies with the City of Port Orange Comprehensive Plan, Code of Ordinances, LDC or any other applicable federal, state or local regulation. If a motion does not receive a second then the motion fails. Also, if a vote of the Planning Commission results in a tie then the motion fails.

- a) Format and Process:** The Commission shall make motions in a positive form. A motion receiving a majority vote in support shall be considered approved. A motion receiving a majority vote in the negative shall be considered denied.
- b) Reconsideration:** Once a motion has been made, seconded, and voted upon, it is final, except that the Commission may reconsider that matter at the same meeting so long as the City Council has not rendered its final decision on the matter. In order to reconsider a final vote of the Planning Commission, a motion to reconsider must be made by a member of the Commission that voted on the prevailing side. The Planning Commission shall establish for the public record the reasons that a reconsideration of the final vote was warranted.
- c) Findings of Fact:** It shall be the policy of the Commission to provide sufficient findings of fact in making a recommendation to approve, deny or approve with conditions. Commissioners shall verbally state their findings for the record before the vote is taken. All findings shall be based on a review of the information provided by the applicant, the staff report, and appropriate information or testimony presented at the Planning Commission meeting. The Commission also shall base findings on the applicable standards and

regulations contained in the City of Port Orange Comprehensive Plan, Land Development Code and Code of Ordinances.

- d) **Voting Conflict of Interest:** No member of the Commission shall participate in any matter which would inure to the member's special private gain or loss, which the member knows would inure to the special private gain or loss of any principal by whom the member is retained, or to the parent organization or subsidiary of a corporate principal by which the member is retained; or which the member knows would inure to the special private gain or loss of a relative or business associate of the member without first disclosing the nature of the member's interest in the matter.

Such disclosure, indicating the nature of the conflict, shall be made in written memorandum filed with the Secretary prior to the meeting in which consideration of the matter will take place, and shall be incorporated in the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Commission and shall be read publicly at the next meeting held subsequent to the filing of the written memorandum.

In the event that disclosure has not been made prior to the meeting, or that any conflict unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within fifteen (15) days after the oral disclosure was made. Any such memorandum shall become a public record upon filing and shall be read publicly at the next meeting held subsequent to the filing of the written memorandum.

All members of the Planning Commission shall be aware of and follow the regulations established by the City's Ex Parte Communication ordinance or resolution, as amended. If it is determined that a member of the Commission violated any of the previous requirements for disclosure and abstention, the Planning Commission shall immediately recommend to the City Council that the member be removed from Planning Commission.

- e) **Abstention:** All members of the Planning Commission shall vote on all matters presented before them. The Secretary shall record the vote, and when required, said recommendation shall be forwarded to the City Council to assist in the final review of the requested action. Members shall abstain from voting on matters where they have a conflict of interest, as defined above.

10. **CONTINUATION AND TABLING OF ITEMS:** The Planning Commission has the right to continue items when discussion by the Commission and/or the public has begun. The Commission also has the right to table items that have not been reviewed or discussed. The Planning Commission shall continue or table an item to a date and time certain to ensure those in attendance can be aware of the date when the item will be open for discussion and review. Applicants can request that an item be continued or tabled for the purposes of meeting with staff to address outstanding technical issues or for refinement of policy issues. In such cases, the Planning Commission has the right to determine the appropriate and reasonable date to which an item is tabled or continued. An item may be continued or tabled a

maximum of three times, after which it shall be removed from the agenda. The Commission also has the right to remove the item from the agenda entirely, without continuing or tabling, and regardless of the number of times it was previously continued or tabled, if the Commission deems the number of outstanding technical issues and policy issues to be excessive. Once an item is withdrawn from the agenda it will require re-advertisement, if applicable, and shall be subject to additional staff review.

11. **AMENDMENTS TO THE RULES OF PROCEDURE:** The Planning Commission shall periodically review, update and approve a set of Rules of Procedure. The Planning Commission can amend or modify the adopted Rules of Procedure at any time. All amendments and modifications shall be formally submitted in writing to the Planning Commission for review at a regularly scheduled or a special meeting.
12. **ROBERT'S RULES OF ORDER:** The current edition of Robert's Rules of Order, Newly Revised, shall govern any procedure or point of interest not otherwise addressed by these Rules of Procedure.

Planning Commission Adoption:

Date

Chairman's Signature

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STAFF REPORT

Special Exception for a Motor Vehicle Repair Facility in the Ridgewood Development District
CASE NO. 15-70000003

REQUEST: To operate a motor vehicle repair facility at 5797 S. Ridgewood Avenue in the Ridgewood Development District (RD).

OWNER: Mark and Jeanne Ciriello

APPLICANT: Danielle Camarco

LOCATION: 5797 S. Ridgewood Avenue (Figure 1)

STAFF RECOMMENDATION: Approval

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

PLANNING COMMISSION DATE: January 28, 2016

CASE BACKGROUND:

Danielle Camarco has applied for a Special Exception to operate a motor vehicle repair facility within the Ridgewood Development (RD) zoning district. If approved, the applicant intends to establish a business only specializing in powder coating auto, boat, and motorcycle parts and products. The proposed use would be located on the east side of Ridgewood Avenue, north of East Bayshore Drive. If the Special Exception request is approved, the applicant will have to submit a site plan for staff review and the proposed development will be required to meet all architecture, landscaping, stormwater and infrastructure requirements of the City's Land Development Code (LDC).

Figure 1. Location Map – 5797 S. Ridgewood Ave.



According to the LDC, "A special exception is a use that would not be appropriate without restriction, but which, if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety and general welfare." The LDC defines motor vehicle repair as, "an establishment where major mechanical overhaul and repairs, paint and body work, and rebuilding of vehicle components is done." A powder coating facility is considered a motor vehicle repair facility use.

According to the applicant, if the Special Exception is approved, they intend to purchase the subject property and establish a facility that would specialize in polishing, repairing, and powder coating automotive, motorcycle and boat parts. The applicant intends to submit the building permits to remodel the interior of the existing buildings on-site to provide the workspace for powder coating. The applicant has indicated that major mechanical or body work will not be done at this location (Exhibit A).

According to the materials provided by the applicant, powder coating is a dry finishing process that has become extremely popular over the last 15-20 years. Powder coating is used to apply a quality and durable colored finish on a variety of products and parts for automobiles, motorcycles and boats.

The applicant further states that the powder coating process consists of using a spray gun to apply powder particles to an object, then the object is placed into a curing oven where, with the addition of heat, the coating chemically reacts to produce a high-quality and durable finish. According to the applicant, companies and individuals are requesting powder coating for its high-quality and durable finish compared to standard painting practices.

SPECIAL EXCEPTION STANDARDS IN THE RIDGEWOOD DEVELOPMENT (RD) ZONING DISTRICT:

All Special Exception uses are required to meet a uniform list of development standards, encompassing traffic generation, landscaping and buffering, and others [Ch. 18, Sec. 2(d)(2) of the LDC]. The following are the development standards and how they apply to the request.

Standard Special Exception Development Standards:

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

The zoning for the subject property currently allows uses such as office, medical office, restaurant without a drive-thru, restaurant with a drive-thru, retail, convenience store with gas, bank, and health/fitness clubs. According to the ITE Trip Generation Manual, 9th edition, the traffic expected to be generated from a motor vehicle repair facility is significantly less than other uses currently allowed on the subject property (Table 2).

Table 2. ITE Daily Trip Rate for uses in RD Zoning District

Use	ITE Code	Daily Trip Rate	Multiplier
Motor Vehicle Repair Shop	942	2.25	Per 1,000 SF
Medical/Dental Office	720	11.65	Per 1,000 SF
General Office	710	11.03	Per 1,000 SF
Restaurant - no Drive-Thru	934	127.15	Per 1,000 SF
Restaurant with Drive-Thru	933	496.12	Per 1,000 SF
Specialty Retail	826	44.32	Per 1,000 SF
Convenience Store	851	845.6	Per 1,000 SF
Bank	912	148.15	Per 1,000 SF
Health/Exercise Club	492	32.93	Per 1,000 SF

Source: ITE Trip Generation Manual, 9th edition

According to the latest traffic counts for Ridgewood Avenue, there is capacity for the traffic estimated to be generated by the proposed development for this property (Table 1).

Table 1. Roadway Capacity

Roadway Segment	Maximum Capacity Vehicles Per Day	Current Vehicles Per Day*	Remaining Capacity Vehicle Per Day	Daily V/C Ratio**
S. Ridgewood from Oak St. to Nova Rd.	39,800	13,200	26,600	0.33
S. Ridgewood from Nova Rd. to S. City Limits	39,800	21,500	18,300	0.54

*Source: Volusia County Traffic Engineering, 2014

**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 facility is operating at its capacity.

Vehicles would be able to enter and exit the site from Ridgewood Avenue or East Bayshore Drive. Ridgewood Avenue in this area is under Florida Department of Transportation (FDOT) jurisdiction. Specific technical requirements for access must be approved by FDOT during site plan review.

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

Parking will be provided as required by the LDC. The total number of parking spaces and design of the parking lot and spaces will be reviewed with the submittal of the site plan. The LDC currently requires one space per service bay for a motor vehicle repair facility.

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

The site will be developed with landscape buffers in accordance with the LDC for screening the surrounding properties and rights-of-way from a motor vehicle repair facility. The LDC requires a minimum 10' landscape buffer along Ridgewood Avenue and East Bayshore Drive, a minimum 2.5' landscape buffer along the northern property line, and a 30' landscape buffer along the B-19 canal, as well as foundation plantings around the building. There are some existing trees on site within the buffer yards that will count towards the planting requirements.

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

The existing buildings and accessory structures will be brought into compliance with the architectural requirements of the LDC. If any new buildings are proposed, a formal review of the architecture will occur with the site plan to verify compliance with the LDC. Architectural improvements would consist of repainting, necessary repairs to the roof, and removal of the existing sign. Any proposed monument and wall signage will have to meet the height, sign area, and landscaping regulations set forth by the LDC.

In addition to the standard development requirements for all special exceptions, a motor vehicle repair use in the RD zoning district must also comply with three additional development requirements [Ch. 18, Sec. 3(b)(13) of the LDC]. The following are the additional development requirements for a motor vehicle repair use and how they apply to the request.

Specific Motor Vehicle Repair Development Requirements:

1. *Buffering shall be provided based on a land use intensity factor of nine.*

The proposed development will comply with the right-of-way landscape buffer requirement in the LDC. The landscape requirements provided for Special Exception Criteria #3 above are based on a land use intensity factor of nine as required for motor vehicle repair facilities. This includes the 10-foot landscape buffer along Ridgewood Avenue and East Bayshore Drive, a 30' landscape buffer along the B-19 canal, and a 2.5-foot landscape buffer along the north property line. A review of the landscape buffers will occur with the site plan. There are some existing trees on site within the buffer yards that will count towards the planting requirements.

2. *Storage of vehicles and supplies shall be within an enclosed building or in an area to the rear of the property which is screened from view from any public rights-of-way or adjoining property.*

According to the applicant, all supplies, equipment, and parts waiting to be powder coated, and parts that have been powder coated, will be stored inside the buildings on-site or the enclosed area at the rear of the property. The applicant states that a majority of their work is powder coating motorcycle, boat, and vehicle parts and not vehicles that could be stored outside. To ensure compliance with this requirement, a screened storage area will be identified on the site plan for vehicles or larger parts that could be stored outside.

3. *No motor vehicle of any kind shall be stored on the property for more than ten days awaiting repair.*

According to the applicant, a majority of the work to be done at the proposed site is related to powder coating motorcycle, boat, and vehicle parts which would take place inside the buildings. If the request is approved, a note regarding the storage limit will be included on the site plan and business tax.

RECOMMENDATION:

Staff recommends approval of the Special Exception to allow a motor vehicle repair facility to be developed and operated at 5797 S. Ridgewood Avenue.

ATTACHMENTS:

Exhibit A – Applicant's Letter Dated December 14, 2015

EXHIBIT A

Super Chrome

1004 First Avenue
Asbury Park, NJ 07712
Phone # 732-774-2210 Fax # 732-774-2240

December 14, 2015

**City of Port Orange
Community Development**

1000 City Center Circle
Port Orange, FL 32129
Phone: 386-506-5676
Fax: 386-506-5699

dpetyk@port-orange.org

www.port-orange.org

Attn: Danalee Petyk

Property: 5797 South Ridgewood

Re: Additional Permit

Dear Ms. Petyk,

We are interested in purchasing the above mention property. We are looking for a property in Volusia County, Florida for the purpose of expanding our business. We are metal finishers, specializing in Polishing, Plating, and Powder Coating automotive, motorcycle, and boat parts.

We plan to use the property as a second location for polishing, repairing, and powder coating automotive, motorcycle and boat parts. Electroplating will not be done at this site. All electroplating work will continue to be done at our current, New Jersey, location.

Powder coating is a dry finishing process. Powder coatings are based on polymer resin systems, which is combined with curatives, pigments, leveling agents, flow modifiers, and other additives. These ingredients are melting mixed, cooled, and ground into a uniform powder similar to baking flour.

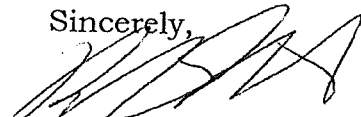
A process called electrostatic spray deposition (ESD) is typically used to achieve the application of the powder coating to a metal substrate. This application method uses a spray gun, which applies an electrostatic

charge to the powder particles, which are then attracted to the grounded part. After application of the powder coating, the parts enter a curing oven where, with the addition of heat, the coating chemically reacts to produce long molecular chains, resulting in high cross-link density. These molecular chains are very resistant to breakdown.

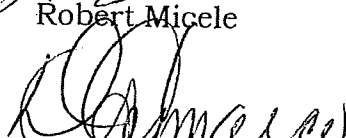
Attached is a three-page report from EPA. The EPA Project Summary on Powder Coating and its environment safety outlines why powder coating is environmentally safe.

Should you need additional information, please contact Robert Micele at 732-829-5041 or Danielle Camarco at 848-525-3122. You can also email us at daniellecamarco@gmail.com.

Sincerely,



Robert Micele



Danielle Camarco



Project Summary

Powder Coat Applications

Michael J. Docherty and Fred J. Mulkey

Abstract

Powder coating is an organic finishing technology that offers users the potential to reduce volatile organic compound (VOC) emissions to zero. Due to ever-increasing VOC emission restrictions placed on manufacturers, powder coating production and use has been growing dramatically over the past few years. Powder coating has been accepted by such manufacturing communities as automotive, appliance, furniture, and equipment. However, small business manufacturers have difficulty investigating new technologies due to size and budget restrictions. Through the Environmental Protection Agency's (EPA) Environmental Technology Initiative, the National Defense Center for Environmental Excellence (NDCEE), operated by Concurrent Technologies Corporation (CTC), has worked with a small business representative to demonstrate the applicability of powder coating for small business. During the project, critical factors that affect the environment, cost, quality, and production were investigated. The investigation demonstrated that powder has the potential to provide unique and valuable benefits when considering each of these areas.

This Project Summary was developed by the National Risk Management Research Laboratory's Air Pollution Prevention and Control Division, Research Triangle Park, NC, to announce key findings of the research project that is fully documented in a separate report of the same title (see Project Report ordering information at back).

Introduction

New environmental regulations are placing tighter and tighter restrictions on how manufacturers can coat parts. A nominal

reduction in VOCs can be achieved by such equipment technologies as higher-efficiency spray equipment like High-Volume, Low-Pressure (HVLP) and electrostatic equipment. In addition, a process material change can reduce VOC emissions by eliminating them from formulations. Coatings manufacturers offer a range of low-VOC technologies to lower emissions such as high-solids paint, waterborne, and powder coating materials.

Powder coating, invented in the early 1950s, is an environmental technology with zero-VOC emissions. Although powder coatings have been in existence for over 40 years, they have not gained widespread acceptance until recently with the introduction of strict VOC emission regulations. Powder coating manufacturers have continually refined their formulations and offer coatings that match or exceed performance characteristics of previously used liquid spray coatings.

Although powder coating has been adopted by such large industries as automotive, appliance, and furniture manufacturing, small businesses often do not have the resources to investigate new technologies. In order to successfully transition a new technology, a company must be able to investigate all aspects of the new process that affect:

- cost,
- environmental impact,
- part quality, and
- production.

Once these areas are evaluated, an informed decision can be made regarding the implementation of new technology.

The EPA, through its Environmental Technology Initiative, has funded the NDCEE to work with small businesses to demonstrate powder coating and identify opportunities for its use by these busi-

nesses. Ideally, the project would result in powder coating's being implemented by a small business manufacturer.

The project focused on commercially available powder coating materials that could potentially be implemented into small business manufacturing. These powder coatings have been developed for and used by larger manufacturers and the Department of Defense (DOD), but also have similar performance characteristics to those required by smaller businesses.

Procedure

Collaboration with the EPA, the DOD, the Small Business Association (SBA), and the Powder Coatings Institute (PCI) identified candidate small businesses for direct participation in the Powder Coating Applications project. The basic requirement was that small business candidates had to be using solvent-based liquid finishing technologies as a major component of their manufacturing process with an interest in transitioning to powder coating technology. One such small business representative, The Bilco Company, uses a solvent-based primer to coat its products.

To establish a baseline for the process economics, technical requirements and environmental aspects for The Bilco Company's current parts finishing operation, an on-site facility survey was conducted. This was followed by a detailed questionnaire which was used by Bilco representatives to assess current operations, and follow-up telephone conversations with Bilco personnel. This information was used to prepare the final life-cycle cost, environmental, and technical performance comparative analyses of the present finishing process to the powder coating alternative process.

Prior to full-scale powder coating technology demonstrations and formal economic and product performance data collection, it was necessary to perform initial feasibility testing to determine if powder coating technology was appropriate for the parts manufactured by The Bilco Company. The primary objective was to demonstrate that powder-based coatings show promise in terms of coating performance data for meeting Bilco's existing primer requirements.

To accomplish the feasibility assessment, various Bilco parts and sample coupons were pretreated and powder coated. Initial powder coating conditions were established through best engineering judgments, lessons learned from short duration pretreatment/powder coating runs, and

performance requirements/information obtained from The Bilco Company and the suppliers of the pretreatment chemicals and powder coatings.

Following pretreatment and powder coating, various laboratory coatings tests were performed on the powder-coated Bilco parts and sample coupons to determine the degree of compliance to Bilco's current coating performance specifications. Parallel laboratory tests were also performed on sample coupons coated at The Bilco Company using their current liquid coating process to establish the actual product quality of this coating system. This comparison indicated that a substantial increase in performance could be gained by using powder coating.

Following the successful feasibility demonstration of powder coating applied to Bilco parts, an optimization trial was performed. The optimization phase was intended to:

- focus on those aspects of the powder coating process that demonstrated a need for further refinement based on process engineering lessons learned and/or laboratory testing results from the feasibility trial,
- demonstrate that Bilco's coating requirements could be maintained after optimization process changes were made, and
- serve as a technical preparation phase for the final technology validation demonstration trials.

To accomplish the optimization testing phase of the project, powder coating runs were performed on Bilco parts and sample coupons. Following the coating of these specimens, a series of laboratory coatings tests were performed.

Following completion of the optimization testing, a final powder coating validation demonstration was conducted. The goals of the validation testing were to:

- use the process parameters and lessons learned from prior trials, and prove-out the ability of powder coating technology to successfully coat Bilco parts under simulated production conditions,
- to make any final process engineering observations which would translate into powder coating process transition recommendations, and
- to collect "on-line" technical, economic, and quality data for the powder coating of Bilco parts.

The validation demonstration was achieved by performing a simulated pow-

der coating work day specific to the powder coating of Bilco parts. Laboratory product performance testing was used to verify continued compliance to Bilco's coating specifications.

Results and Discussion

Environmental analysis of the alternative powder coating, demonstrated the potential to eliminate VOC emissions. Currently, approximately 39 tons (35 metric tons) per year of VOCs are produced by the current system. These VOCs are sent to a catalytic incinerator destruction system that is nearing the end of its useful life and will need to be replaced in order to meet regulations if the current coating system is kept. This VOC destruction system reduces the amount of VOCs emitted into the atmosphere to 2.5 tons (2.3 metric tons) per year.

During quality analysis, powder coating demonstrated the potential to dramatically improve upon performance of the current coating system. Performance characteristics such as salt spray corrosion resistance, impact resistance, and hardness were improved with the use of powder coating. With increased coating performance, Bilco could investigate the possibility of offering an extended warranty on its products.

Powder coating systems can be designed to meet Bilco's present and future production requirements. Automatic and manual powder equipment presently exists that can be configured to meet Bilco's present 235 door/day production level.

Using the National Institute of Standards and Technology (NIST) Building Life Cycle Cost program with a study period of 15 years, it was calculated that, through powder coating, Bilco can save over \$142,000 each year in operating costs when compared to using the current coating system with increased VOC controls. In addition, a Life Cycle Cost savings of over \$280,000 can be obtained with powder.

Bilco's current finishing system, flow coating, is a high-transfer efficiency coating process resulting in a low cost per part. As a result, it is estimated that an investment in powder coating equipment will not realize payback until year 7 after investment. This payback period is much longer than observed when powder systems have replaced liquid spray coating technologies in industry. However, benefits such as increased part quality and reduced use of hazardous materials are difficult to quantify. Powder coating, while offering a payback period of 7 years, has the potential to increase product quality and provide a cleaner, healthier workplace.

M. Docherty and F. Mulkey are with Concurrent Technologies Corp., Johnstown, PA 15904.

***J. Kaye Whitfield** is the EPA Project Officer (see below).*

The complete report, entitled "Powder Coat Applications," (Order No. PB98-108624; Cost: \$21.50, subject to change) will be available only from:

National Technical Information Service

5285 Port Royal Road

Springfield, VA 22161

Telephone: 703-487-4650

The EPA Project Officer can be contacted at:

Air Pollution Prevention and Control Division

National Risk Management Research Laboratory

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

United States
Environmental Protection Agency
Center for Environmental Research Information
Cincinnati, OH 45268

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PERMIT No. G-35



STAFF REPORT

VARIANCE FROM LDC CHAPTER 13, SECTION 3(d)
CASE NO. 15-90000005

REQUEST: Variance from the Land Development Code (LDC) to reduce the Nova Road right-of-way landscaping buffer width from 20 feet to 13.5 feet

LOCATION: 3657 Nova Rd. (Exhibit "A" – Location Map)

PROPERTY OWNER: Booth Management Systems, Inc.

APPLICANT: Rafael Bassi for Atkins North America

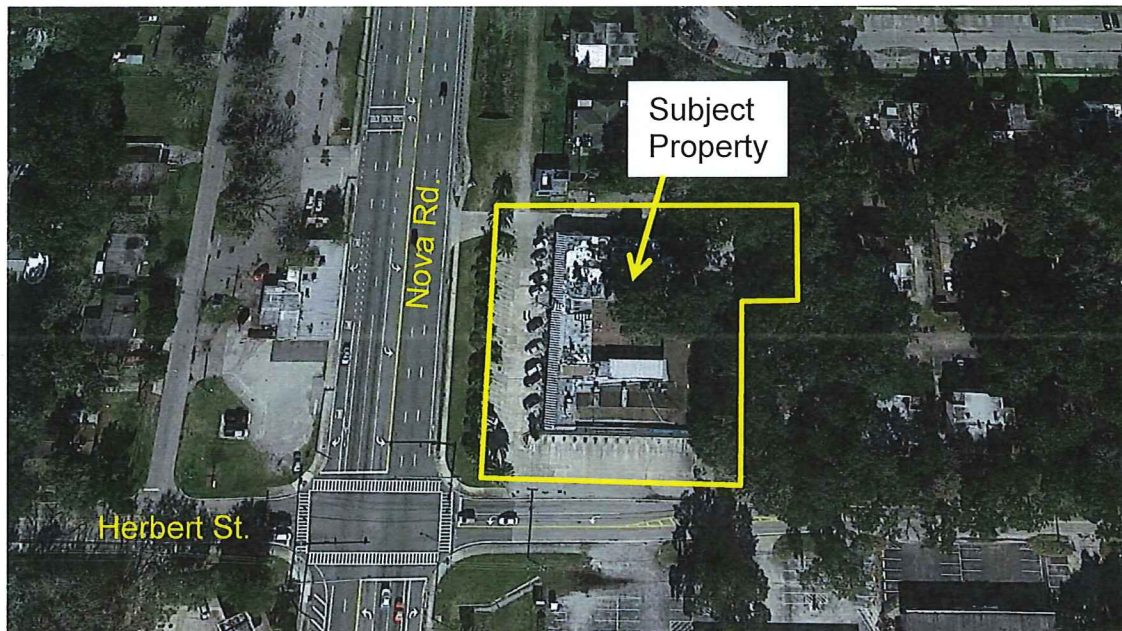
STAFF RECOMMENDATION: Denial

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

PLANNING COMMISSION DATE: January 28, 2016

BACKGROUND:

The subject property is located at the northeast corner of Nova Rd. and Herbert St. The site is currently improved with a 15,807 square foot multi-tenant building that includes a restaurant (Booth's Bowery) and a convenience store. The applicant is proposing to demolish the existing building and redevelop the property with a 5,000 square foot Cumberland Farms convenience store with 10 fuel dispensers along with associated site improvements including parking, landscaping, and stormwater retention.



The redevelopment of the site will require approval of a site plan in order to verify compliance with the site development requirements in the Land Development Code (LDC). Required site improvements include, but are not limited to: paving and expansion of the parking facilities, stormwater retention, landscaping and buffers, irrigation, signage and architectural design. Staff has worked with the development team on identifying the necessary site upgrades and minimizing the number of variances being requested.

The visual appearance and access to the site are expected to improve at this location with the demolition of the nearly 30 year-old building and construction of a new store with associated site improvements. Additionally, it is a policy within the City's Comprehensive Plan (2.8.3) that "new development and redevelopment shall be encouraged to go into existing developed areas as infill."



DISCUSSION:

Based on the proposed site layout submitted by the applicant, the applicant is requesting a variance to reduce the width of the required on-site 20-foot landscape buffer along Nova Road. The intent of the landscape buffer requirement is to ensure quality landscape design and to create an attractive natural environment along the roadway.

The LDC requires a minimum 20-foot wide landscape buffer adjacent to the Nova Road right-of-way. According to the applicant, the variance from the right-of-way buffer width is due to the required rear setback for the building and the necessary area for sufficient traffic flow within the site.

The site and building are similar in size to other gas station sites that have recently been constructed in the City (Table 1) and where developed with the code required landscape right-of-way buffer.

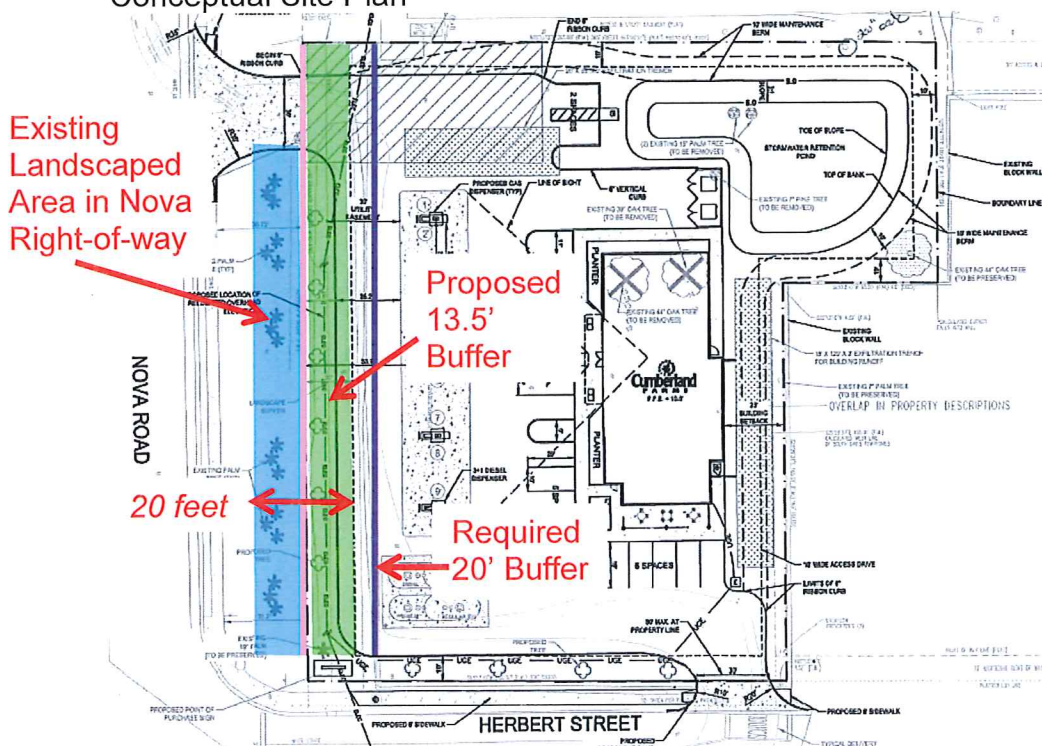
Table 1. Existing gas station acreage and building square footage.

	Acres	Building SF
Circle K Herbert	1.99	4,400
Circle K Spruce Creek	0.99	4,400
Wawa Dunlawton	1.88	5,600
Wawa Yorktowne	1.85	6,120
7-11 Clyde Morris	1.34	3,030
Average	1.61	4,710
Proposed	1.36	5,000

According to the applicant, the landscape buffer proposed along Nova Road will equal 20 feet in width. However, 13.5 feet of the buffer will be on the subject property and 6.5 feet will be located within the Nova Road right-of-way. In 1999, the current property owner received a use agreement from FDOT to install landscaping within the Nova Road right-of-way.

According to the applicant, FDOT will transfer the use agreement to the new property owner and will continue to allow landscaping to be planted in the right-of-way. While the landscape buffer proposed by the applicant would be 20 feet wide, the LDC does not allow for staff to consider landscaping within a right-of-way toward the width of a required right-of-way buffer. Therefore, the applicant is requesting a variance to reduce the width of the Nova Road landscape buffer on the subject site from 20 feet to 13.5 feet and use a minimum of 6.5 feet of the Nova Road right-of-way toward the required landscape buffer width.

Conceptual Site Plan



REVIEW OF VARIANCE CRITERIA:

Chapter 19, Section 1, LDC, lists the review criteria that are used to determine whether a variance request should be granted. These criteria, accompanied by staff's analysis, are as follows:

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

According to the applicant, there is a special condition with the subject property that is not typical for other properties along Nova Road. In 1999, the current property owner received a use agreement from FDOT to install landscaping within the Nova Road right-of-way. According to the applicant, Cumberland Farms would like to continue to use the right-of-way for a portion of their required buffer per the terms of the FDOT use agreement.

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

The special condition with the subject property is a result of the current property owner. According to the applicant, FDOT has indicated the use agreement can be transferred to the new property owner and landscaping can still be located in the right-of-way. However, FDOT could terminate the use agreement and require any landscaping in the right-of-way to be removed.

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

When a property is redeveloped, as part of the site development approval process, the property is required to be brought into compliance with the current development requirements of the LDC. According to the LDC, the right-of-way landscape buffer is required to be on private property and is measured perpendicular to the right-of-way. The intent of the landscape buffer requirement is to ensure quality landscaping design and enhance the natural environment along Nova Road.

According to the applicant, the proposed landscape buffer located on the site and in the FDOT right-of-way allows for safer traffic maneuvering, creates sufficient separation between the road and parking lot, and improves the appearance of the property. The applicant acknowledges that the landscape buffer requirement is not met because the entire buffer is not located on the subject property. However, the applicant has proposed to utilize an existing use agreement with the FDOT to extend the landscape buffer in the FDOT right-of-way to achieve a minimum 20-foot landscape buffer. The applicant also stated that the required

number of shrubs, understory trees, and shade trees will be planted in the proposed buffer.

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

According to the applicant, the variance requested is the minimum variance needed to redevelop the site. The site could be redeveloped to comply with this LDC requirement; however, it would require changes to the proposed site design and building layout.

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

All properties developed or redeveloped within the City are required to meet the development requirements of the LDC on-site or secure variances for specific requirements.

According to the applicant the proposed site layout will provide a safe layout for customers accessing the site and traffic flow within the site. The applicant believes there will not be any visual impact in the appearance of the buffer because it will be designed and appear from Nova Road as a typical 20-foot landscape buffer. However, for this site 13.5 feet of the required 20-foot buffer would be on the site 6.5 feet within FDOT's right-of-way. The applicant has indicated that all required plants and trees for a 20-foot buffer would be planted.

- f) *The granting of the variances 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 LDC establishes landscape buffers along the rights-of-way to enhance the visual appearance of the roadway and commercial sites. If the variance is granted, staff does not anticipate the proposed landscape buffer would be injurious or detrimental to the public welfare.

According to the applicant, the current Nova Road landscape buffer for the existing development has been primarily located in the right-of-way for over fifteen years and has not been injurious or detrimental to the public welfare. The applicant also states that the width of the proposed landscape buffer is greater than the width of the current landscape buffer.

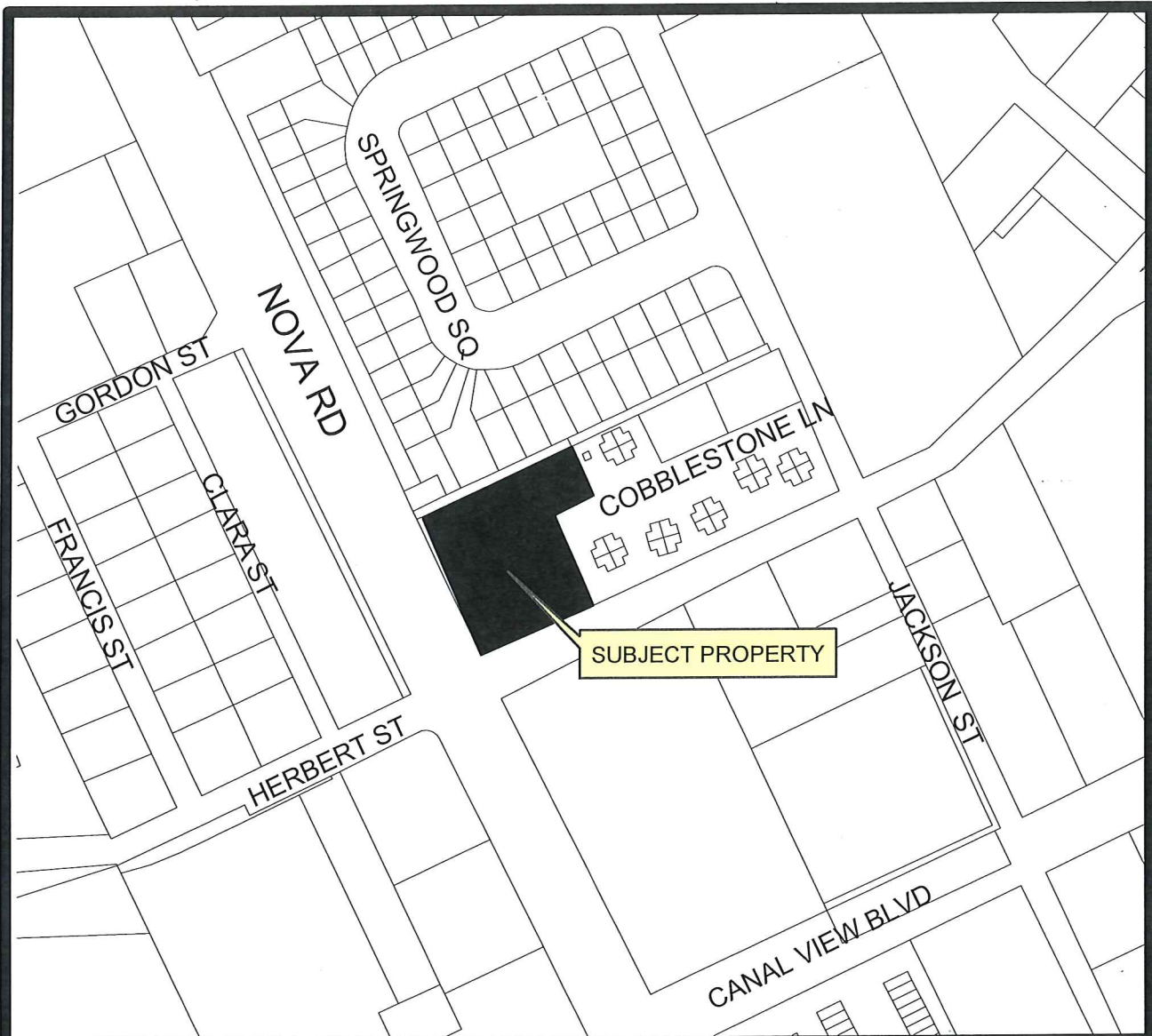
- g) *The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has unreasonably burdened the applicant's property, based upon the recommendations of the special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

appointed in accordance with the act, or the order of a court as described in the act.

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

RECOMMENDATION:

Based on the findings of this report, Staff recommends denial of the variance request from Chapter 13, Section 3(d) LDC to allow a 13.5-foot right-of-way landscape buffer. However, if the Planning Commission recommends approval, Staff recommends including the condition that if FDOT terminates the use agreement, the required amount of landscaping for a 20-foot buffer would need to be planted in the 13.5-foot buffer.



Case No.: 15-90000005

Applicant/ Owner: Rafael Bassi, applicant
Booths Management Systems Inc., owner

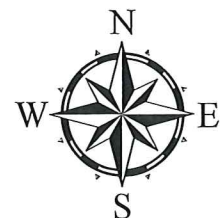
Location: 3657 Nova Rd.

Requested Action:

Variances to reduce the Nova Road right-of-way buffer from 20 feet to 13 feet and to reduce the number of required specimen trees.



LOCATION MAP
CITY OF PORT ORANGE
DEPARTMENT OF COMMUNITY DEVELOPMENT



On behalf of our Client, Cumberland Farms, LLC, we respectfully request approval for the following variance:

1. Reduction of the required landscape buffer along South Nova Road from 20 feet to 13.5 feet.

This request is being made as there are approximately 35 feet from the back of existing sidewalk to the property line, plus the proposed 13.5 feet to the back of curb, for a total of almost 50 feet of open space.

There are several clusters of existing palm trees within the Nova Road right-of-way, (an FDOT roadway). These were permitted through FDOT and will remain in place. Landscaping along the Nova Road frontage will be provided in the proposed buffer in the form of required trees, groundcover and shrubs

The proposed development will:

1. Improve drainage condition that historically has flowed uncontrolled easterly towards the residents of South Oaks Townhouses, which will now be captured and controlled onsite.
2. Replace dilapidated old buildings with fresh, modern construction.
3. Meet the City's request to provide an expanded lift station access easement, as well as design considerations at the property line (e.g. ribbon curb, grading away from the lift station parcel).

An overhead FPL electric line currently runs north-south through the middle of the site. We propose to relocate this line towards the Nova Road right-of-way line. Meetings with FPL were held and the proposed location shown on the plans meets their separation requirements from the fueling canopy. We will work with FPL to ensure our proposed landscaping does not interfere with or compromise their utility.

The requested variance will not interfere with or injure the rights of others, nor will other properties be affected adversely. We believe that granting this variance will not reduce the real estate value of any of the adjacent properties, nor will it alter the essential character of Nova Road.



STAFF REPORT

PUD Rezoning/Serenity Hills MDA and CDP

CASE NO. 15-65000001

REQUEST: Rezone +/-82.2 acres from Rural Residential (RR) and R-20 Single-Family Residential (R-20SF) to Planned Unit Development (PUD) and approval of the Serenity Hills Master Development Agreement (MDA) and Conceptual Development Plan (CDP)

LOCATION: East side of Hensel Road, north of Hills Boulevard

OWNER: Coventry Partners, LLC

APPLICANTS: Frank Costa, Liberty Group Realty, Inc. & Clay Ervin, Zev Cohen and Associates, Inc.

STAFF RECOMMENDATION: PUD Rezoning – Approval
Serenity Hills MDA and CDP – Approval, subject to approval of the policy consideration for roadway connections

STAFF CONTACT: Tim Burman, Planning Manager (386) 506-5675

PLANNING COMMISSION DATE: January 28, 2016

REVISIONS TO THE MDA &CDP:

At the November 19th Meeting, the Planning Commission recommended denial (4-3) to rezone +/- 82.2 acres from Rural Residential (RR) and R-20 Single-Family Residential (R-20SF) to Planned Unit Development (PUD) and to accept the Serenity Hills Master Development Agreement (MDA) and Conceptual Development Plan (CDP) including the requested deviation from the Land Development Code (LDC) regarding roadway connections to existing road stub-outs.

According to the applicant (Exhibit A), several changes have been made to the MDA and CDP based on comments received by some of the residents and the November Planning Commission Meeting. The following modifications have been made to the proposed MDA and CDP by the applicant:

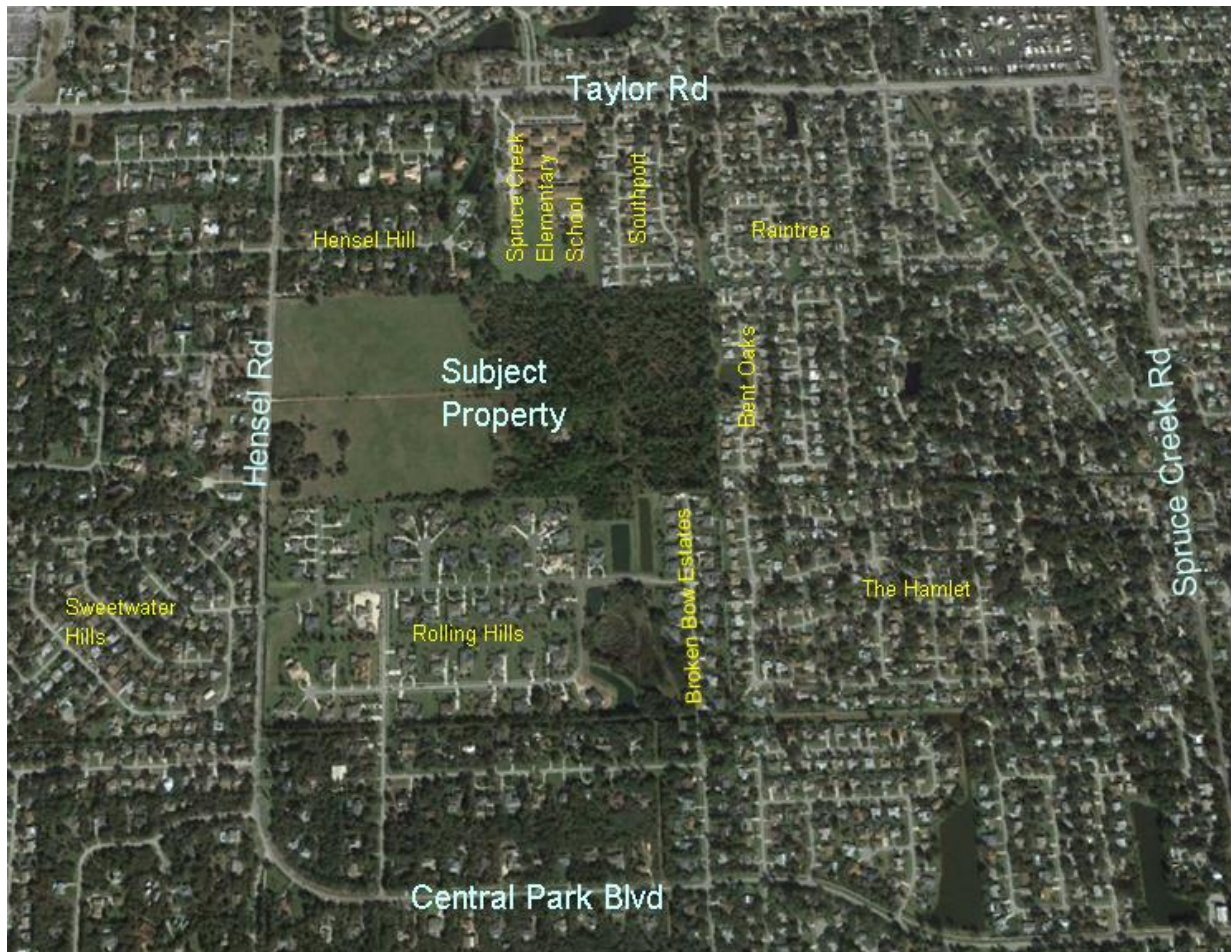
- Reduced the number of lots from 108 to 102;
- Increased the minimum lot size from 12,750 square-feet to 15,000 square-feet;
- Reduced the minimum lot width from 75 feet to 85 feet;
- Reduced the size of the retention areas to allow for larger lots;
- Added specific amenities to the CDP (fountain in the pond, pavilion, waterfront park, and pedestrian trails);
- Revised lot configuring to increase the number of larger lots (20,000 square-feet and greater) located on the west and south side of the PUD property;
- Verified the proposed lots to ensure there is sufficient area for accessory structures (pool, patio, shed, and screen room);
- Added decorative gates at all roadway connections to minimize traffic impacts; and
- Specified the minimum lot size, lot area, and setbacks for all proposed lots in an exhibit to the MDA.

According to the applicant, the development team has met with some of the residents that spoke against the proposed development at the November meeting. The residents that attended the meeting requested it be handled as mediation and the resident group and development team entered into a confidentiality agreement. Therefore, neither the development team nor the residents that attended the meeting could discuss what was said at this meeting with staff.

Because of the scope of these modifications, the MDA and CDP must go back before the Planning Commission before being considered by the City Council. The original staff report has been modified to reflect the changes to the MDA and CDP.

DISCUSSION:

The applicant proposes to rezone 82.2 acres (Exhibit A) from Rural Residential (RR) and R-20 Single-Family Residential (R-20SF) to Planned Unit Development (PUD) and requests approval of the Serenity Hills Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The subject property is located on the east side of Hensel Road, north of Hills Boulevard.



Location of the Proposed Serenity Hills PUD Area

The property is currently undeveloped and surrounded by several existing residential subdivisions with various sized lots. The following table summarizes the land use and zoning of the adjacent properties and the future land use and zoning maps are attached (Exhibit B and C).

Adjacent Future Land Use and Zoning – Table 1

Direction	Future Land Use	Zoning	Land Use	Minimum Lot Size
North	Rural Transition (0-2 units/acre)	Rural Residential	Hensel Hill	1-acre
	Suburban Residential (2-4 units/acre)	R-8SF Single-Family Residential	Southport	8,000 SF
	Public/Institutional	Government/Public Use	Spruce Creek Elementary	N/A
South	Rural Transition (0-2 units/acre)	Rural Residential	Rolling Hills	1-acre
	Suburban Residential (2-4 units/acre)	R-20SF Single-Family Residential	Broken Bow	20,000 SF
East	Suburban Residential (2-4 units/acre)	R-8SF Single-Family Residential	Bent Oak	8,000 SF
West	N/A	N/A	80' Hensel Road ROW	N/A
	Rural Transition (0-2 units/acre)	Rural Residential	Unplatted Lots	1-acre

The MDA for the PUD designation constitutes a zoning document for the property, establishing permitted uses and certain development requirements. It does not grant approval of any specific development itself, but rather establishes parameters for how the property can be developed. Some flexibility from the standard code requirements is offered with the goal of creating a better quality project.

The proposed MDA provides the dimensional requirements for the proposed single-family lots. Building setbacks are based on the surrounding zoning districts including Rural Residential (RR), R-20 Single-Family Residential (R-20SF), and R-8SF Single-Family Residential (R-8SF). According to the Land Development Code (LDC), the building setback for the PUD shall not be less than the building setback requirements of the abutting zoning district. The rear building setback proposed by the applicant is equal to or greater than the adjacent zoning districts.

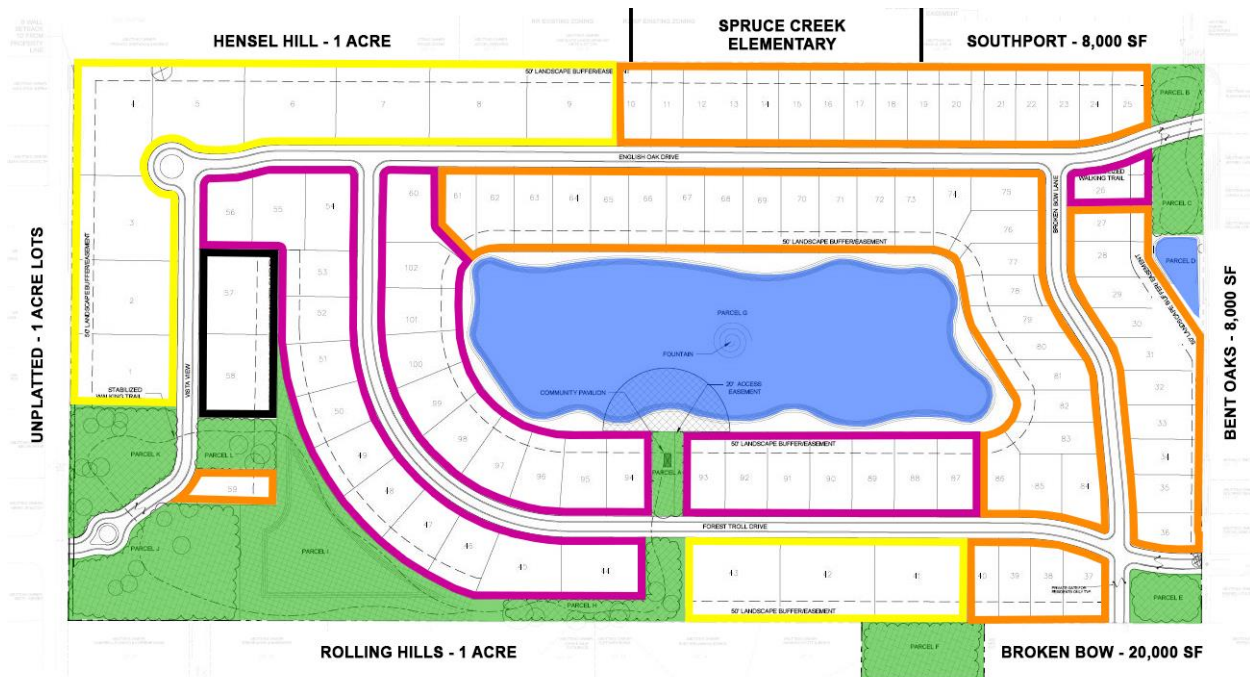
Dimensional Requirements – Table 2.

Zoning District	Minimum Living Area/D.U. (sq. ft.)	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Maximum Building Coverage	Minimum Open Space	Front Bldg. Setback (ft.)	Side Bldg. Setback (ft.)	Rear Bldg. Setback (ft.)	Maximum Height (ft.)
<i>Proposed PUD</i>	<i>2,000</i>	<i>15,000</i>	<i>75</i>	40%	40%	<i>30</i>	<i>10</i>	<i>50 or 25*</i>	<i>35</i>
RR	1,400	43,560	100	20%	70%	40	15	30	35
R-20SF	1,400	20,000	100	30%	60%	30	10	25	35
R-8SF	1,100	8,000.	80	35%	40%	30	7.5	25	35

* Rear setback for each lot is indicated on Exhibit C of the proposed MDA.

According to the applicant, if the PUD is approved, it would provide a mixture of various lot sizes and housing types typically not provided in other PUDs. The revised lot configuration for the proposed Serenity Hills subdivision consists of the following lots:

- One-acre minimum lots (**yellow**) abutting the existing one-acre lots in Rolling Hills and Hensel Hill and along Hensel Road.
- 30,000 square-foot minimum lots (**black**) located on the west side of the property near the proposed one-acre lots.
- 20,000 square-foot minimum lots (**purple**) located west and south of the stormwater pond.
- 15,000 square feet minimum lots (**orange**) located east and north of the stormwater pond.



Proposed Lot Size and Configuration

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The subject property is designated *Rural Transition* (0-2 units/acre) and *Suburban Residential* (2-4 units/acre) on the City's Future Land Use Map (Exhibit B). As shown on Exhibit B, the majority of the 82.2-acre property has a Future Land Use (FLU) designation of *Rural Transition* (0-2 units/acre). The density for the proposed development is 1.24 residential units per acre.

Specifically, the Comprehensive Plan states that the *Rural Transition* category includes rural-scale or large-lot (usually 1 to 2 acres) residential development situated between Agricultural lands and areas of higher density/intensity. The residential development is limited to no more than two units per acre. Where urban services (water, sewer, garbage, etc.) are available, smaller lots of 5,000 square feet and greater are allowed, as long as sufficient open space and natural areas are preserved so as not to exceed the maximum allowable density.

There are at least six subdivisions within the City that have the *Rural Transition* (FLU) designation and are zoned PUD with minimum lot sizes between 5,000 square-feet and 13,500 square-feet.

PUD ZONING	MINIMUM LOT SIZE
Waters Edge	7,500
Cypress Head	10,350
The Pinnacle	5,000
Sawgrass Point	9,600
Golden Pond Estates	13,500
River Oaks	13,500

DEVELOPMENT PROPOSAL:

If approved, the Serenity Hills MDA and CDP will provide the regulatory framework for the development of the subject property with a maximum of 102 single-family home lots at a density of 1.24 units per acre. According to the MDA, all streets within the proposed subdivision will be private and the Homeowners Association (HOA) will be responsible for the maintenance. The following discussion will focus on aspects of the proposed MDA and CDP (Exhibit D) such as general site layout, access, setbacks, lot dimensions, buffers/landscape easements, and traffic and other infrastructure capacity.

The proposed PUD is consistent with the general intent of Comprehensive Plan and the LDC. The applicant has stated that the proposed zoning document (MDA and CDP) provides a diversity of lot sizes, 50' rear yard landscape buffers in areas next to adjacent large lots, and a large entry feature as unique design elements and is also consistent with previously approved PUDs.

Project Access:

The proposed subdivision will be accessed from Hensel Road and will be gated. In addition, there are three roadway connections to existing “stubbed out” roads at Broken Bow Lane, Forest Troll Drive, and English Oaks Drive but will not be open to through traffic. Pedestrian connections will be accessible, but the roadway connection will be built with a gate for residents of Serenity Hills use only and emergency access. The proposed gates at Broken Bow Lane, Forest Troll Drive, and English Oaks Drive are a policy issue that is discussed in more detail in the Policy Issue section of this report.

Subdivision:

The 82.2-acre site is proposed to be subdivided into 102 single-family lots and parcels for stormwater improvements, open space and common open space, preservation areas, and private rights-of-way to support the subdivision.

Landscaping/Screening:

The proposed development will comply with the landscape and screening requirements of the City's LDC such as right-of-way and perimeter buffers, tree preservation, and 6-foot tall wall adjacent to Hensel Road. A formal review of the landscaping and design of the screen wall will occur with the review of the subdivision plat and plans to verify compliance with the MDA and the Land Development Code.

A minimum fifty (50) foot wide buffer will be provided along the north, south and west perimeter and majority of the interior lots of the PUD to provide a transition between Serenity Hills and the adjacent existing residential developments (Rolling Hills, Hensel Hill, and Broken Bow) A combination of a fifty (50) foot wide buffer and a twenty-five (25) foot wide buffer will be provided along the east perimeter of the PUD to provide a transition between Serenity Hills and the Bent Oak subdivision. According to the MDA, no fencing and primary or accessory structures will be allowed within the 25' or 50' perimeter buffer, except for fencing installed along the perimeter boundary line of the PUD. Both of these buffers exceed the minimum 10-foot wide perimeter buffer required by the Land Development Code (LDC) between adjacent residential developments of similar densities.

The proposed MDA requires any proposed development to comply with the existing City regulations pertaining to protected wildlife species and tree preservation.

Water, Sewer, and Reclaimed Water:

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

Stormwater:

The stormwater drainage infrastructure for this project will be in the form of a retention pond. The stormwater drainage design will be reviewed with the submittal of the subdivision plans. Per the City's Land Development Code (LDC), 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.

The drainage area shown on the CDP will provide stormwater drainage for the entire 82.2-acre property and will also be required to meet the stormwater requirements of the St. Johns River Water Management District. If the PUD zoning amendment is approved, formal engineered drainage plans are required to be submitted as part of subdivision plat and plans application.

Open Space:

For a PUD, the LDC requires a minimum sixty percent (60%) of the overall PUD must be open space, at least twenty percent (20%) of which must be common open space. According to the LDC and past approved PUDs, open space includes, but is not limited to, tree and environmental preservation areas, water bodies, community gardens and common area parcels and portions of the rights-of-way that are pervious, and are not developed with impervious surface unless part of common open space. Common open space may include impervious areas developed with recreational facilities, clubhouses, docks, walkways, community gardens, preservation of natural resources and natural features, and related parking and support features.

The applicant states that the proposed CDP design contains sufficient, well placed open space that offers significant open space and conservation areas to prevent an unattractive, overbuilt environment. The CDP includes conservation land, recreation areas, a 50-foot buffer along the north and south boundary line where only a 10-foot buffer is required by the LDC, and a 25-foot buffer along the east boundary line. The

Applicant states that all of these elements together with the required minimum private open space on individual lots will achieve over 60% of the PUD being open space in some form.

Traffic:

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

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th edition, a 102 lot single-family residential subdivision could generate an additional 971 daily trips (486 entering and 485 exiting). According to the latest traffic counts for Hensel Road, Taylor Road, and Central Park Boulevard, there is sufficient capacity for traffic estimated to be generated by future development of this property (Table 3).

Roadway Capacity – Table 3

Roadway Segment	Maximum Capacity Vehicles per day	Current Vehicles per day	Remaining Capacity Vehicles per day	V/C Ratio****
Hensel Rd. from Taylor Rd. to Central Park Blvd	12,744	7,132*	+5,612	0.56
Taylor Rd. from Hensel Rd. to Spruce Creek Rd.	37,970	14,610**	+23,360	0.38
Taylor Rd. from Hensel Rd. to Clyde Morris Blvd.	37,970	18,470**	+19,500	0.49
Central Park Blvd. from Hensel Rd. to Spruce Creek Rd.	12,744	2,543***	+10,201	0.20

*Source: City of Port Orange Public Works, August 19 – 21, 2015

**Source: Volusia County Traffic Engineering, 2014

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

**** 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.

Schools:

If the PUD is approved, the applicant will be required to submit a School Concurrency Application to the Volusia County School District and the school district will determine if the adopted level of service will be met and capacity exists in the schools for the estimated students to be generated by the proposed development.

POLICY ISSUE:

PUD zoning allows the applicant to request flexibility from standard code requirements. In order to be eligible for this flexibility, the applicant must provide innovated site design. The Planning Commission and City Council will need to consider the following deviation from the LDC requested by the applicant:

Roadway Connections to Existing Road Stub-outs: The LDC requires that existing streets ending at a subdivision boundary be continued into the adjacent subdivision [LDC, Ch. 5, Sec. 4(a)(1)(a) and (b) and Sec. 6(c)(3)]. There are five existing street stub-outs that the LDC requires to be connected to the proposed development. The applicant is requesting to install a gate at the roadway connection to Broken Bow Lane (Broken Bow Estates subdivision), Forest Troll Drive and English Oak Drive (Bent Oaks subdivision), a 30' emergency access easement with an emergency gate at the connection to Westport Drive (Southport subdivision), and no roadway or easement connection to Rocko Lane (Rolling Hills subdivision). According to the applicant, this limits cut through traffic through Serenity Hills.



Proposed gated, emergency, and no access points

1. Applicant's gated access proposal

Broken Bow Lane, Forest Troll Drive and English Oak Drive: According to the applicant, the request is to have gates at Broken Bow Lane, Forest Troll Drive and English Oak Drive for use by Serenity Hill residents. Because connections to existing "stubbed out" roads is a requirement of the Land Development Code, the applicant has included it within the MDA, just as Broken Bow Estates and Bent Oaks were required to provide a stub-out to obtain approval of their neighborhood's design. The MDA proposes the vehicular access on Broken Bow Lane, Forest Troll Drive and English Oak Drive be gated to prevent vehicles from the adjacent subdivision using the private roads within the proposed subdivision. Vehicles from Serenity Hills would be able to exit and enter the subdivision through the adjacent subdivisions.

There are also at least six existing subdivisions within the City that have gated entries that limit access to residents only. The use of an emergency access only gate has previously been approved and installed in the Pinnacle and Oakbrook subdivisions.

2. Applicant's emergency access proposal

Westport Drive: The applicant is requesting to not extend the existing Westport Drive stub-out into the proposed subdivision, because it would have the potential of adding to the number of vehicles entering/exiting at the intersection of Taylor Road and Southport Drive. The Police Department has expressed concerns with this roadway connection because it could increase the number of vehicles making the left turn movement onto Taylor Road during the school hours for Spruce Creek Elementary.

3. Applicant's no access proposal

Rocko Road: The applicant is requesting to not extend the existing Rocko Road street stub-out into the proposed subdivision because it would require the removal of specimen trees that the applicant would like to save.

RECOMMENDATION:

Staff recommends approval of the Rezoning to Planned Unit Development (PUD), the Master Development Agreement and Conceptual Development Plan for the Serenity Hills PUD subject to the following:

1. Policy direction on the roadway connections to existing road stub-outs;
2. Minor formatting corrections to the MDA and CDP being addressed prior to second reading of this item before City Council;
3. Review and approval by the City Attorney's office for legal form and content.

ATTACHMENTS:

1. Exhibit A – Revised Letter of Request from the Applicant
2. Exhibit B – Current Future Land Use Map
3. Exhibit C – Current and Proposed Zoning Map
4. Exhibit D – Revised Serenity Hills Master Development Agreement and Conceptual Development Plan

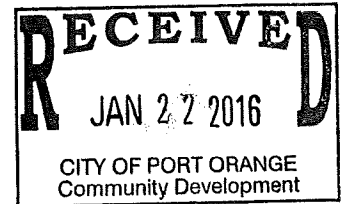


**ZEY COHEN
& ASSOCIATES, INC.**
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300 Interchange Blvd., Suite C
Ormond Beach, FL 32174
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Website: www.ZevCohen.com

VIA HAND DELIVERY

January 20, 2016



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

RE: Serenity Hills Planned Unit
Development
ZC 15082

Dear Mr. Burman:

This letter is to summarize the changes to the proposed Serenity Hills Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The attached documents and plans incorporate changes that result from the comments provided at the November 2015 Planning Commission meeting and subsequent comments from the Planning and Legal Staff of Port Orange. We believe that all of the outstanding issues have been addressed and the changes to original PUD are ready for a new review by the Planning Commission.

To summarize the specific changes to the MDA and CDP:

1. A reduction in the number of lots from 108 to 102;
2. Increase in the minimum lot size from 12,750 square feet to 15,000 square feet;
3. A commitment to gate the vehicular access in order to minimize traffic impacts and costs to the City of Port Orange. This will not restrict pedestrian and bicycle access through the proposed development;
4. The addition of a requirement to construct a lakefront pavilion in compliance with architectural and dimensional requirements;
5. The provision of a pedestrian trail throughout the common open areas for recreational use;
6. Inclusions of HOA standards for the development of "custom" homes and maintenance of open space;
7. Analysis of the lots to ensure there is sufficient area for accessory structures such as pools, screen enclosures and patios;
8. Review of topographic and soil data to support the location and size of the proposed central lake;

9. Inclusion of a fountain in the central lake to improve the aesthetics of the water feature;
10. Reduction in the size of the lake; and,
11. A list of all the lots, with lot area, width, and setbacks, has been added to clarify the minimum requirements.

As you are aware, the subject property is located at 5931 Hensel Road, and is situated between the Rolling Hills Estates and Hensel Hills subdivisions. It is also important to note that the property is located west, south and northeast of existing subdivisions that have a zoning of R8-SF (Residential Single-Family). The proposed PUD provides a land use pattern that is consistent in the goal of providing for a transition between rural areas and more intensely developed residential projects. Currently, the property is vacant, but was previously used for a single-family home and horse facilities (stables and pasture).

The proposed PUD MDA and CDP comply with the requirements established in the City of Port Orange Land Development Code (LDC). Our client stressed the need to establish a residential development that was compatible with the rural areas to the north and south, and provided for a transition from the higher density developments to the east. The following is a listing of the items that ensure that the proposed development is consistent and compatible with the adjoining properties:

1. Development capped at 102 lots (222 units allowed based on Future Land Use Map designation);
2. Overall density of 1.24 dwelling units per acre;
3. Minimum lot size of 15,000 square feet;
4. Perimeter buffers that exceed the minimum (10' required; 50' along north, west, south and east (portion) boundaries; 25' along east boundaries);
5. Protection of groundwater and Spruce Creek by connecting all proposed lots to the City of Port Orange sanitary sewer system (1-acre lots surrounding Serenity Hills are connected to on-site septic tanks);
6. Exceeds the minimum open space requirements for PUDs; and,
7. Establishes open space and common open space in critical locations to ensure compatibility with surrounding low and medium-density residential areas.

The following summarizes how the proposed Serenity Hills PUD complies with the requirements established in Chapter 17, Section 17, Subsection (a) of the LDC:

1. *Provide a variety of housing types with a broad range of housing costs allowing for the integration of differing age groups and socioeconomic classes;*

The Serenity Hills PUD establishes minimum lot areas and setbacks that will accommodate housing that is compatible with the large lot rural setting, as well as the more intensely developed areas to the east of the project. This provides an opportunity for housing types that would not necessarily be constructed in areas such as Rolling Hills Estates or Bent Oaks subdivisions. The development of the project is not tied to any age restriction.

2. *Promote innovative site and building design, including traditional neighborhood developments;*

The MDA and CDP include specific requirements that incorporate innovative site and building requirements that prevent the “cookie-cutter” appearance of a subdivision that could be developed under the current zoning category. The PUD is the only way to establish the mixture of large-lot residential uses that effectively transitions between the surrounding rural areas and the higher density R-8SF subdivisions to the east. In summary, the Serenity Hills PUD will provide improvements, amenities and operational restrictions that protect land values, minimize traffic impacts, accommodate pedestrian and bicycle use and ensure compatibility with the surrounding developments.

3. *Provide efficient location and utilization of infrastructure through orderly and economical development, including a fully integrated network of streets and pedestrian/bicycle facilities;*

Serenity Hills is an in-fill project and will easily connect to the existing infrastructure network. If allowed to develop under the current zoning, lots with an area of 1 acre or more could be allowed to use on-site septic systems. The requirement to connect all of the proposed development provides for an environmentally safe method of waste collection and treatment. The provision of a gated-private community helps reduce the traffic impact from the project and eliminates the cost of street maintenance from the City. Please note that pedestrian and bicycle traffic will be allowed to traverse the property, thereby allowing for safe access to the various schools in the area and encouraging multi-modal forms of travel.

4. *Establish open areas set aside for the preservation of natural resources, significant natural features and vistas, and listed species habitats;*

There are large areas set aside for preservation of natural resources, significant natural features and vistas, and listed species habitats to ensure buffering and protection of views from Hensel Road and surrounding properties.

5. *Create usable and suitably located civic spaces, recreational facilities, open spaces and scenic areas;*

The project is suited for large lot single-family development and provides tree preservation areas and common open space that can be utilized for a variety of recreational and scenic areas. There are pedestrian trails interspersed in common open areas that connect to the sidewalk system and allow for pedestrian and bicycle access to the scenic lake pavilion.

6. *Provide for a coherent and visually attractive physical environment through the creation of focal points and vistas, as well as coordination and consistency of architectural styles, landscaping designs and other elements of the built environment;*

The CDP and MDA both include provisions for preservation of perimeter vegetation, enhancement of perimeter buffers and critical location of open space to ensure those outside the development will have an aesthetically pleasing physical environment. Internally, there are opportunities for common open space and requirements for a homeowners association that will ensure residents have an attractive, cohesive and protected residential development.

7. *Provide for other limitations, restrictions and requirements as deemed necessary by the city to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.*

The overall development program identified in both the CDP and MDA requires that there are standards in place regarding lot size, buffering and land preservation to ensure compatibility with adjoining developments. In addition to the regulatory requirements established in the PUD documents, there is a requirement for a homeowners association that will ensure "self-policing" of the critical elements needed for compatibility.

Should you have any questions or require any additional information, please contact our office.

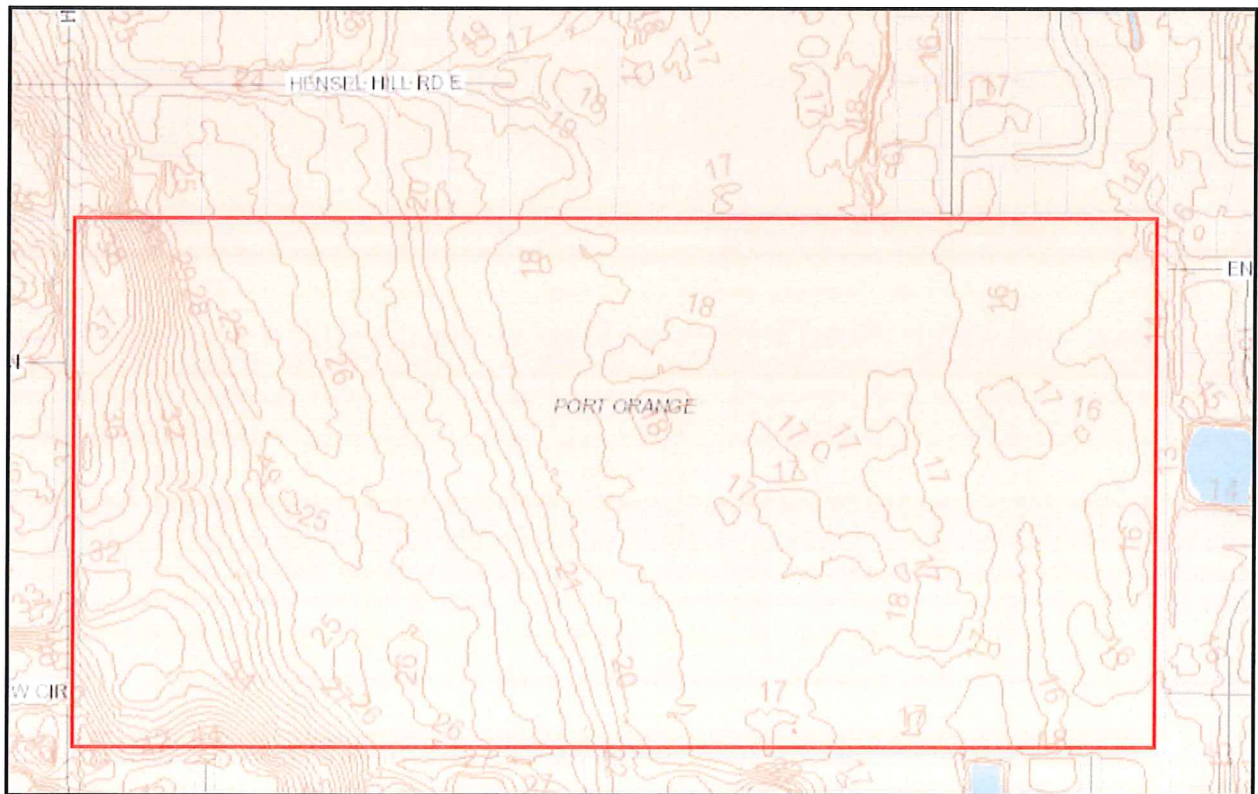
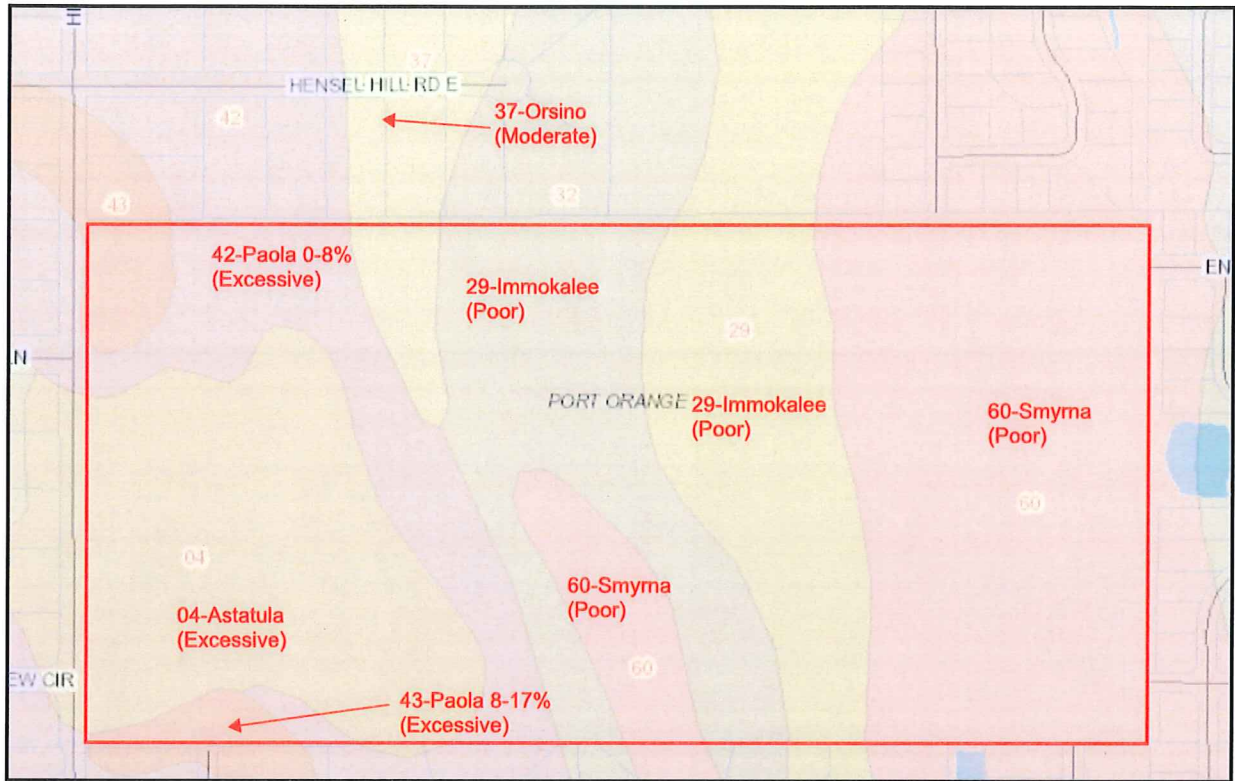
Sincerely,
ZEV COHEN & ASSOCIATES, INC.



Clay Ervin
Senior Planner/Project Manager

15082021
ECE

cc: Bobby Ball, P.E.
Frank Costa, Liberty Group Realty
Glenn Storch, Esquire, Storch Law Firm
FILE



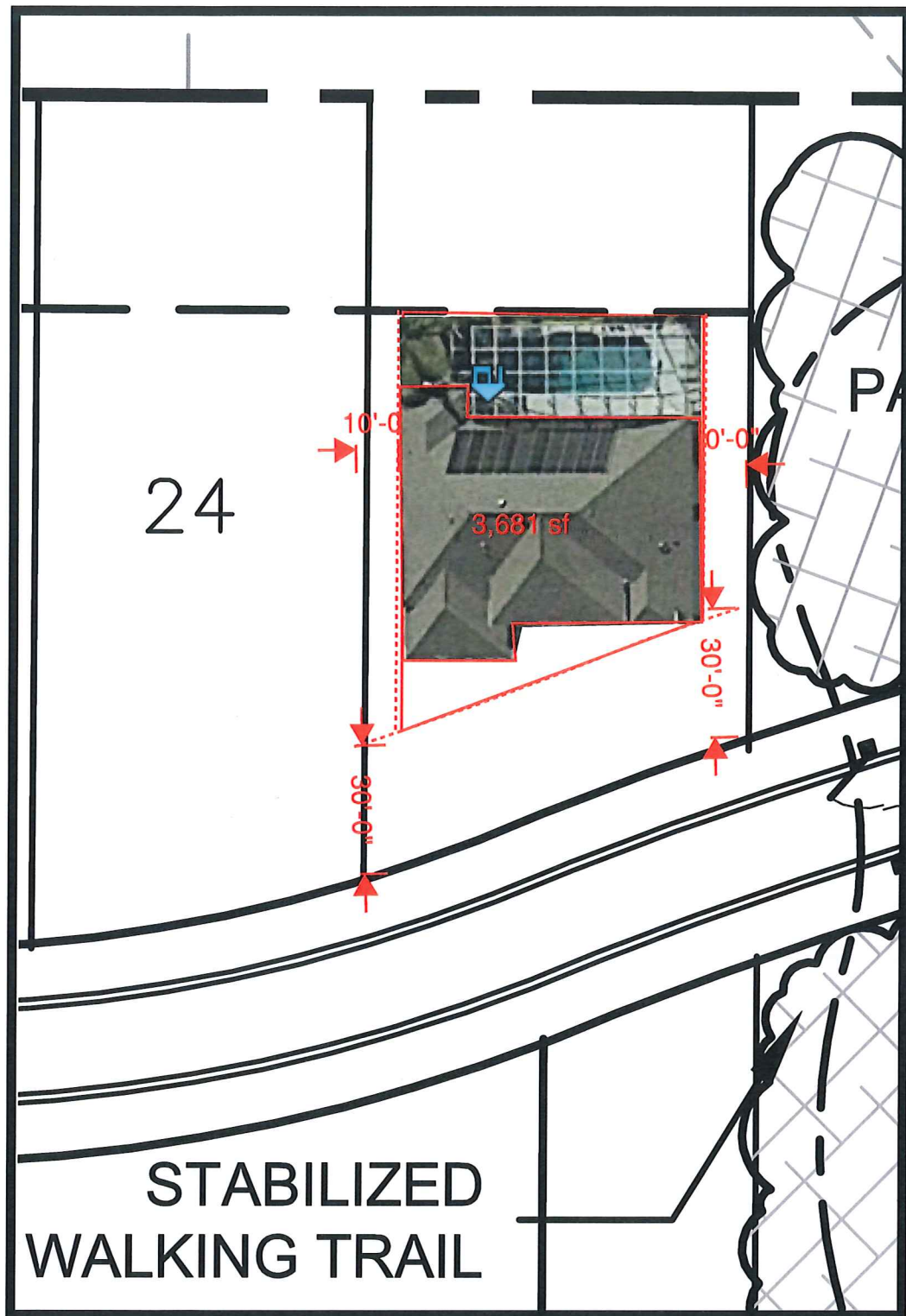
January 20, 2016

Source: Volusia County GIS

Topographic and Soils Data

Serenity Hills PUD

ZEVC **COHEN**
ASSOCIATES INC.
 300 Interchange Blvd
 Ormond Beach, FL 32174
 ph 386-677-2482



January 20, 2016

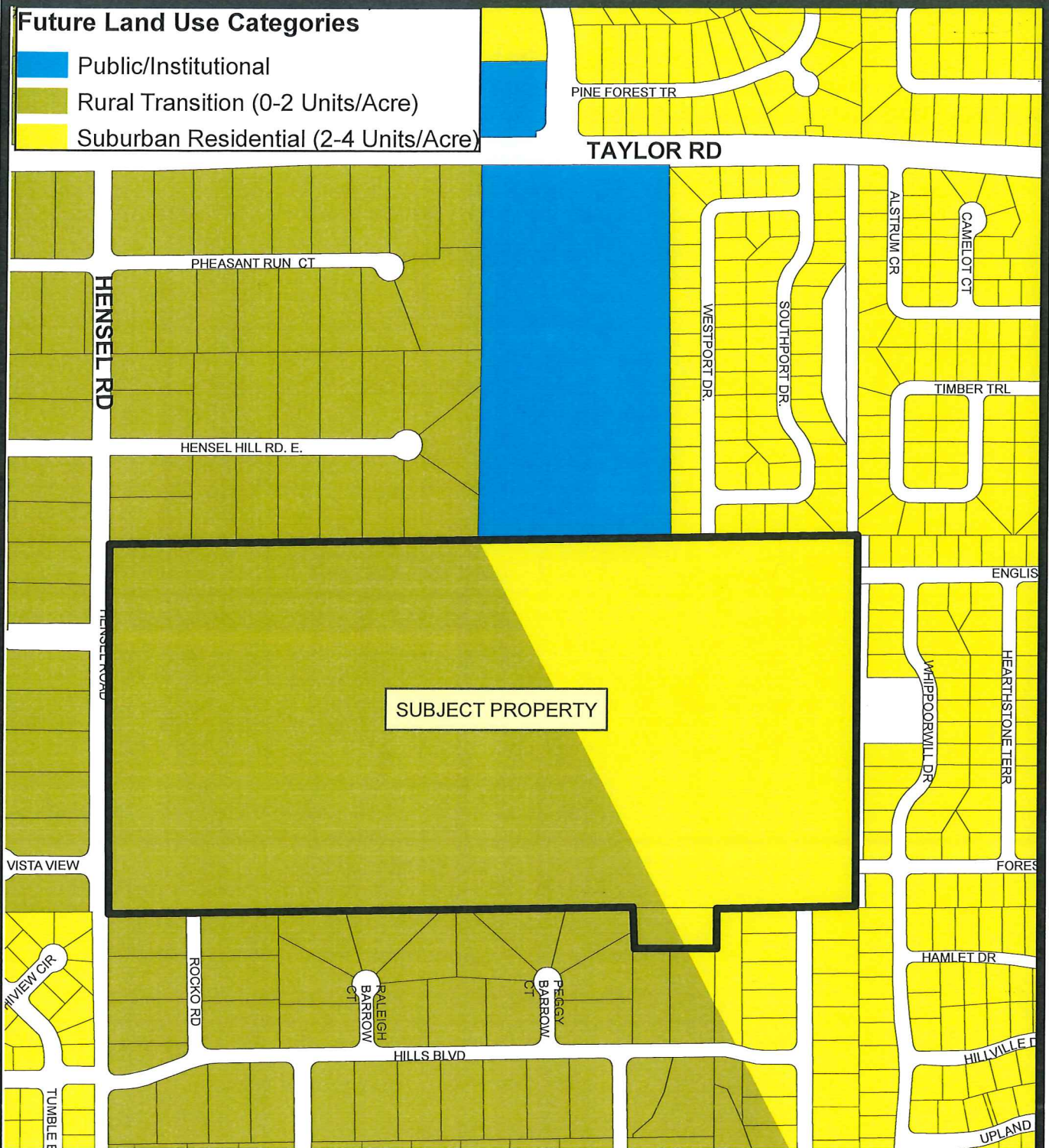
Source: ZCA, Google Earth
Volusia County Property Appraiser

Serenity Hills
Smallest Lot Fit Analysis

ZEVC **COHEN**
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300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

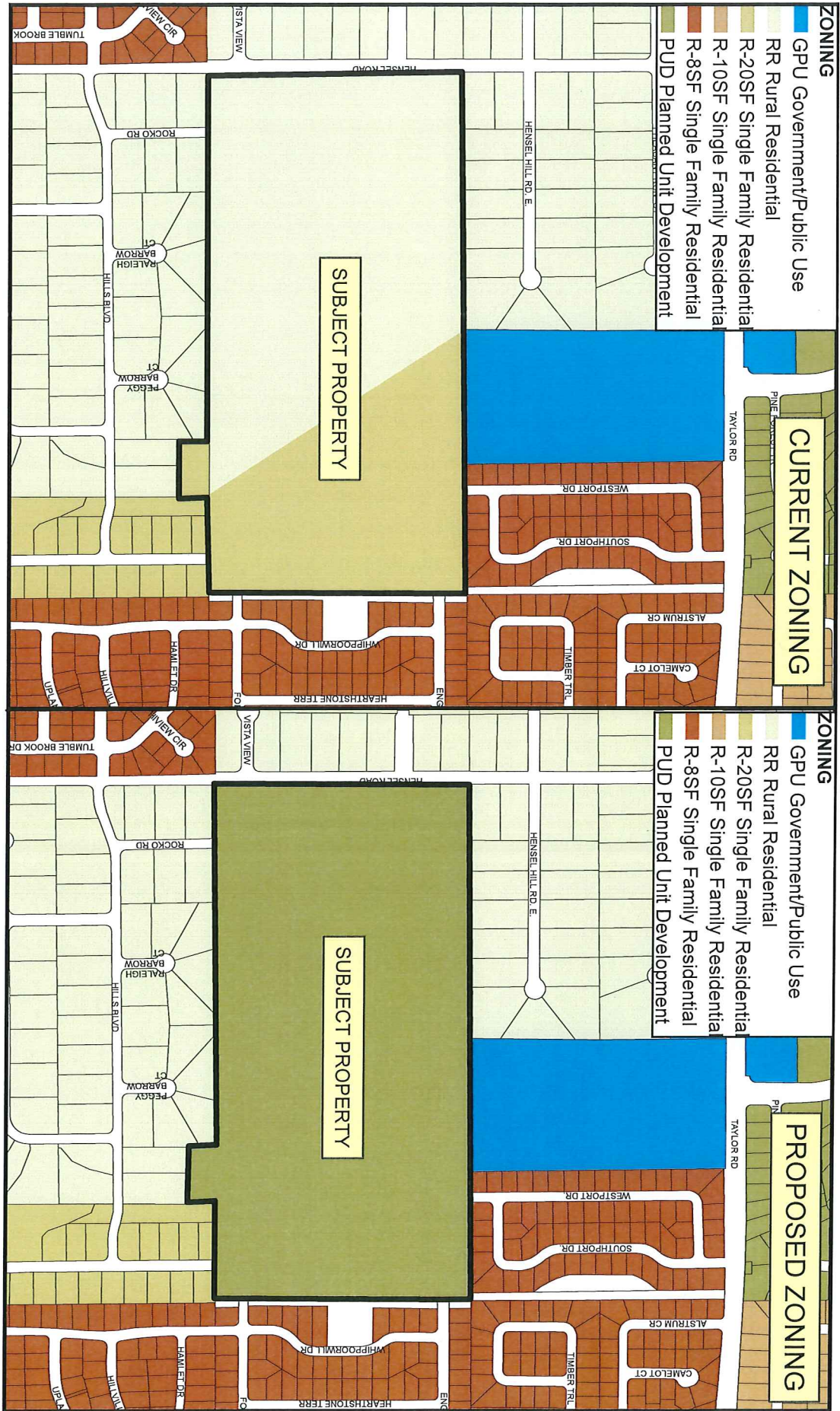
Future Land Use Categories

- Public/Institutional
- Rural Transition (0-2 Units/Acre)
- Suburban Residential (2-4 Units/Acre)



Case No. 15-65000001
 FUTURE LAND USE MAP
CITY OF PORT ORANGE
 DEPARTMENT OF COMMUNITY DEVELOPMENT

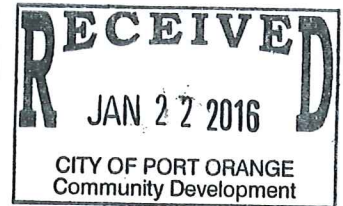




REZONING MAP - SERENITY HILLS PUD
 DEPARTMENT OF COMMUNITY DEVELOPMENT

Case No. 15-65000001





SERENITY HILLS PLANNED UNIT DEVELOPMENT

A RESIDENTIAL PUD

MASTER DEVELOPMENT AGREEMENT

REVISED

The City of Port Orange, a Florida municipal corporation (the "City"), and Coventry Partners, LLC, a Florida Limited Liability Corporation (the "Developer"), hereby covenant and agree, and bind their successors and assigns as follows

1. OWNERSHIP OF THE PROPERTY

This Planned Unit Development, commonly known as "SERENITY HILLS", involves approximately 82+/- acres of land which is legally described on Exhibit "A" attached hereto, and shall henceforth be referred to as the "Property". The Property is under unified ownership of Coventry Partners, LLC, signatory to this Agreement. Developer shall deliver to the City a certified copy in recordable form of the Statement of Authority for Coventry Partners, LLC. Delivery shall occur prior to approval by the City. This Agreement between the City and Developer shall revoke any and all prior development agreements applicable to the Property.

2. DEVELOPMENT CONCEPT

The Serenity Hills PUD provides for a detached, single-family residential development that protects the rural character of the Hensel Road area. The project provides for a variety of large lots, buffers and tree preservation areas to ensure that the project is compatible with the surrounding, existing neighborhoods. The project includes open space and common elements including trails, pavilions and access to water amenities.

3. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN

Development of the Property shall be controlled by the terms and provisions of this Master Development Agreement (the "Agreement") and the Conceptual Development Plan, attached hereto as Exhibit "B", for the Property which generally depicts the planned layout of

streets, lots, common areas and other planned features or improvements to the Property and demonstrates the lot coverage requirements available to lot owners within the PUD. Collectively, this Master Development Agreement and the Conceptual Development Plan for the Property may be referred to as the “Plan”. In the event of a conflict between the terms and provisions of the Master Development Agreement and the graphic illustrations of the Conceptual Development Plan, the Master Development Agreement shall control. If the Master Development Agreement is silent regarding a particular subject or requirement, such silence shall not be construed as a conflict with the Conceptual Development Plan. Unless otherwise specifically described within the master development agreement, final development, and development permits for uses/structures within the PUD shall comply with regulations, ordinances, and resolutions in effect at the time of plan approval or permit application. The parties acknowledge that compliance with the City’s Land Development Code (LDC) may necessitate modification of the Conceptual Development Plan. In the event modification to comply with the LDC is required, and the modifications to the Conceptual Development Plan are not in conflict with the textual provisions of this Agreement and any City ordinances not superseded by this Agreement, the modifications shall be deemed “minor” and may be approved without formal amendment of this Agreement. Minor modifications shall require the City Administrative Official’s written approval. If the Developer is not satisfied with the suggested resolution of any problem or the decision by the City Administrative Official categorizing the modification as minor or major, the Developer may appeal the decision to the Planning Commission. Appeals from the Planning Commission may be made to the City Council.

The developer shall provide a written notice in the covenants and restrictions and in each contract for sale and purchase of lots in the Serenity Hills PUD stating as follows: “Accessory structures shall not be permitted to be located in the perimeter buffers established in Section 10

of the MDA. No principal or accessory structures shall be allowed in the 50-foot wide landscape easements surrounding stormwater facilities. Buildings on the lots shall not be permitted to exceed the total building lot coverage requirements established in Section 4I of the Master Development Agreement.”

4. USAGE OF THE PROPERTY

A. Permitted Uses

The property shall be used for residential purposes and developed as a residential community with open space and other buffers as specified herein. The project shall be developed for a maximum of 102 single-family, detached dwelling units for a maximum density of 1.24 dwelling units per acre. When considered in light of other housing and community choices in the vicinity (e.g. Rolling Hills Estates, Hensel Hills Estates, Pheasant Run, Vista View, etc.) the Serenity Hills PUD will provide for a compatible residential development that is consistent with surrounding land use pattern and will protect the low-density character of the existing residential subdivisions immediately adjacent to the Serenity Hills PUD by only permitting custom-built, single-family detached dwellings.

The property has two land use classifications shown on the adopted Future Land Use Map and Official Zoning Map. The project overall density of 1.24 dwelling units is consistent with the density requirements assigned to the “Rural Transitional” and “Suburban Residential” land uses as contained on the adopted Future Land Use Map. The design also provides for a compatible transition between the varying densities of the surrounding properties.

There are stormwater ponds shown on the Conceptual Development Plan that will require approval by the City and the St. Johns River Water Management District. The developer is allowed to use the fill material resulting from the excavation of these ponds in the development of the subject property; however, the property cannot be used for commercial mining and

excavation uses (also known as a “barrow-pit”), but the Developer is authorized to remove excess soil from the property after the site has been filled and graded in accordance with the engineering plans approved by the City for the final subdivision plat. Stockpiling of fill material excavated from the site may be allowed on the site subject to the provisions of the City of Port Orange Land Development Code and Standard Construction Details.

B. Temporary Use

Developer, at its option and, subject to compliance with the provisions of LDC Chapter 5, Section 10, as applicable, may locate a marketing/sales/mortgage company office in any phase or phases of the Development. At Developer’s option and, subject to compliance with the terms of this paragraph, the marketing/sales/mortgage company office may be moved from one phase to another phase. The developer shall not operate at any one time more marketing, sales, or mortgage company offices in model homes than permitted by the LDC throughout all phases and the duration of this Agreement. The marketing/sales/mortgage company office shall be for the purpose of selling and reselling residential units within the Serenity Hills PUD. Developer may at its option, and subject to the terms of this paragraph, use one or more model homes as the marketing/sales/mortgage company office and Developer may split the sales, marketing and mortgage functions into different housing units. Parking for the temporary activities allowed by this paragraph shall be either on the street, in the driveways of the residential units, or as permitted by the LDC.

C. Minimum Lot Area

Lot dimensions and configurations within the PUD are generally depicted on the Conceptual Development Plan. The lot sizes and configurations shall comply with the minimum dimensional requirements attached hereto as Exhibit “C”.

D. Number of Units/Density

The total number of residential units in the development shall not exceed one hundred and two (102) dwelling units or a gross project density of 1.24 dwelling units per acre.

E. Open Space

The Serenity Hill PUD complies with the LDC requirement of minimum sixty (60%) percent of the total project area as open space and twenty (20%) percent of the total project area in common open space. The Serenity Hills PUD was designed to be compatible with the surrounding rural areas. This results in large lot areas with an emphasis on private use of open space and significant buffers to the surrounding properties. The standard lot has been designed to accommodate a home with typical accessory structures, such as pools/decks, etc., so that active, common recreational area is not required. The overall size of the lots and the low-density design of the project reflect open space that is better accommodated within the individual lots, perimeter buffers, and tree preservation areas. Given the design goals of compatibility and consistency with the rural residential areas adjacent to the project, open space shall consist of:

- i. Perimeter buffers: 50 feet along the north, west, south, and a portion of the east property boundaries and 25 feet along a portion of the east property boundary, as shown on the CDP;
- ii. Stormwater retention and detention areas;
- iii. Pervious areas and sidewalks/trails within public rights-of-way within Serenity Hills;
- iv. Tree preservation and other common area tracts;
- v. Front, rear, side and corner-side yard setbacks of the individual lots;
- vi. Trails within tree preservation areas; and,
- vii. A centralized pavilion allowing enjoyment of water features within the Property. The pavilion shall comply with the architectural requirements of the

Land Development Code and shall comply with the setbacks established for principal structures in Section 4.G. of this Agreement.

F. Maximum Building Height

The maximum building height shall not exceed 35 feet.

G. Minimum Building Setbacks (principal structure):

1. Exhibit C provides the minimum lot area, lot width, front, side, corner-side yard and rear setbacks established for all 102 lots and the lake front pavilion (Parcel A) within the Serenity Hills PUD.
2. Minimum Air-Conditioned Floor Area 2,000 sq. ft.
3. Minimum Enclosed Garage Floor Area: 400 sq. ft.
4. Maximum Building Coverage: 40%
5. Maximum Impervious Coverage: 60%
6. Minimum Open Space 40%
7. Lot width shall be measured at the front building setback line.

5. PHASING

Development of the Property may occur in phases or sub-phases. Each phase or sub-phase of the Property may be individually platted or, at the Developer's option, two (2) or more phases may be platted simultaneously. Each phase or sub-phase shall conform to the City standards of functionally "standing alone" in regard to provisions of access to infrastructure including, but not limited to, roads, potable water, sewer, reclaimed water and other required infrastructure. In the event only one (1) phase or sub-phase at a time is platted, the plat for a particular phase or sub-phase shall make provisions for allowing connection of the remaining phases or sub-phases in the configuration required by the Conceptual Development Plan, and

contain such reservations, easements and utility extensions necessary to facilitate the development of subsequent phases in accordance herewith. The area included in a particular phase may be modified subsequent to this Agreement or divided into sub-phases provided the phase or sub-phase is able to functionally “stand alone” as required above. Such modification to the Conceptual Development Plan shall be allowed as a minor modification not requiring City Council approval provided the Developer can provide a reasonable and justifiable basis for the modified phasing or sub-phasing plan. If the Property is developed and platted in phases or sub-phases, the Developer may grade and clear the road rights of way, easements and stormwater improvements prior to platting of the lots within a future phase or sub-phase, so long as such grading and clearing is done pursuant to a valid permit from the City and the St. Johns River Water Management District. The phasing of development shall not effect or change the provisions of Paragraph 16 herein regarding expiration. The concept of phasing or sub-phasing is for the purpose of allowing the Developer the flexibility to meet market conditions and the ability to conform to the requirements of this Agreement and the LDC.

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

It is anticipated that the Developer will extend water, sewer and reclaimed water lines to serve the PUD Property and the development authorized herein. If the City desires to extend the water, sewer and reclaimed water lines prior to the Developer’s need for installation of the Developer’s lines, the Developer shall grant the necessary utility easements to the City and the City shall install and pay for such lines, at the City’s sole cost, consistent with the Utility Plan, and all lines and other necessary infrastructure shall be sized adequately to serve both the adjoining property and the lots within the PUD. Stormwater shall be retained as generally depicted on the Conceptual Development Plan. A 20’ wide common area/ingress/egress access

easement to Parcel G from private right-of-way for stormwater pond maintenance/repair will be provided. The Developer shall comply with the City's LDC and the rules and regulations of the St. Johns River Water Management District concerning stormwater drainage.

7. ROADS, SIDEWALKS AND CONNECTIVITY

Roads, drives and sidewalks within the Development shall be private and shall be constructed to City standards and maintained by the homeowners' association (HOA). Access to the site shall be provided through gated driveways at Hensel Road, Broken Bow Lane, Forest Troll Drive and English Oak Drive. In order to address life-safety issues and to assure access to emergency vehicles, a thirty (30) feet wide emergency access easement shall be provided to align with Westport Drive within the Serenity Hills PUD. The emergency access shall have stabilized sub-base and base consistent with the City of Port Orange standard construction detail for 50 to 60 feet wide rights-of-way. The emergency access easements shall not be paved, and shall be covered with St. Augustine grass or other plant material acceptable to both the City and the Developer. No fencing or other obstructions shall be allowed within the emergency access easements. A perimeter fence may be allowed if designed and constructed to meet the City of Port Orange requirements for an emergency unobstructed access gate (crash gate). Developer shall install sidewalks in accordance with the LDC. Proposed sidewalks within the PUD shall connect to existing sidewalks located in English Oak Drive, Forest Troll Drive, Broken Bow Lane and Hensel Road. Pedestrian access to Serenity Hills shall be open for pedestrian access from adjacent neighborhoods in accordance with the provisions of the Serenity Hills HOA Covenants and restrictions. The roads, sidewalks, and other improvements located in the easements and drives shall be maintained by the HOA. All roads, bike paths and sidewalks will be built to City standards.

8. IMPACT FEE CREDIT

Nothing in this Agreement shall be construed as a waiver by the Developer of its right to pursue impact fee credits for any and all work performed by the Developer for which impact fee credits can be awarded.

9. MAINTENANCE OF COMMON OPEN SPACE AND COMMON FACILITIES

The Developer will form and incorporate a non-profit homeowners' association (the "HOA") which will operate, maintain and control, subject to other documents of record, the common areas, and common facilities, including but not limited to all roads, sidewalks, bike paths, common open space, all of the lakes and storm water drainage systems within the PUD and the entrance features and areas to the PUD. The general scope and format of the homeowners' association documents, and the covenants and restrictions, will be similar in concept to the documents of similar property owners' associations in Port Orange. In addition, there shall be architectural and development standards incorporated within the Covenants and restrictions to ensure that only custom homes are constructed within the PUD. The covenants and restrictions governing the Property and association responsibilities shall be executed and recorded in the Public records of Volusia County, Florida. The HOA will have a board of directors to legislate and govern the rules and orders of the HOA. The HOA board will have the means and authority to carry out and regulate the by-laws and restrictions governing the maintenance, operation and repairs of all common areas and facilities. Not only will the board of directors be able to regulate and govern the common area; the board will also regulate each and every member requiring the maintenance and service of his 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 in order to collect unpaid HOA dues. The owner of each lot within the

Property will automatically become a member of the HOA by virtue of purchasing a building site subject to the rules, covenants, and restrictions of the HOA. The HOA will have the authority and means to hire, supervise, and regulate persons employed by them for the maintenance, repair and operation of common areas and facilities. If the association fails to perform the maintenance, repair or replacement, as necessary, of the stormwater drainage facility, the City shall have the right to enter upon the common area of the PUD and to provide the maintenance, repair, or replacement of the stormwater drainage facility and shall have the right to lien all owners of record in the PUD for the cost of such maintenance, repair, and replacement as the City may deem necessary. Developer reserves for itself, its successors and assigns, the right to maintain and operate separate facilities within the PUD which shall not be construed to be common facilities owned by the homeowners association. The facilities which may be separately maintained and operated by Developer include, but are not limited to, the clubhouse, marketing, sales office, and other facilities or services as may be created or offered by the Developer consistent with the terms and provisions of this Agreement. If requested by the City and as otherwise needed for plat improvements, the Developer will provide easements and grants for the installation, maintenance and upkeep of the public utilities including water, sewer, and electricity. The Developer may from time to time add additional covenants and restrictions or make changes in the Association by-laws as may be required to guarantee that the project will be developed in accordance with the policies outlined in this Agreement. The HOA shall be responsible for enforcing the requirement for “custom-built” homes.

10. PROJECT BUFFERS AND LANDSCAPING

In order to comply with the requirements of Chapter 13, Section 3 and 3.5 of the Port Orange LDC, a perimeter buffer shall be provided as shown on the Conceptual Development Plan and shall comply with the following standards and requirements. The intent of the

landscape buffer is to provide a protected green space separation between the project and surrounding neighborhoods. There shall be a buffer with a width of fifty (50') feet adjacent to Hensel Road, the north, south, and a portion of the east property boundaries of the Serenity Hills PUD, as shown in the CDP. A perimeter landscape buffer with a width of twenty-five (25') feet shall be provided along a portion of the east property boundary of the Serenity Hills PUD, as shown in the CDP. A landscape buffer of 50-feet shall be established around Parcel G (central stormwater pond). Landscaping within the perimeter and Parcel G landscape buffers shall meet or exceed the minimum requirements of the Port Orange LDC and shall have at a minimum four (4) shade trees, four (4) understory trees and forty (40) shrubs per 100-linear feet of perimeter boundary. Existing vegetation in the perimeter buffer that may remain undisturbed shall count towards the landscaping requirements for the buffer. Existing vegetation that is determined by the City to be invasive exotics, diseased/dying and/or interfering with required extension of utilities may be removed, provided that any viable protected or specimen trees shall be mitigated in accordance with the City of Port Orange LDC, as amended. The landscape plans required for the final plat shall account for the removal and mitigation of trees within the perimeter buffers. No structures, primary or accessory, will be allowed within the 50' and 25' perimeter buffer, except for fencing, installed as depicted in the CDP. Individual lot owners shall be responsible for the maintenance of all landscaping within the buffer that is located on their property. As part of the subdivision process, there shall be a landscape conservation and maintenance easement granted to the Serenity Hill HOA to ensure that the landscape buffers are properly preserved and maintained. Maintenance of the landscape buffer/easement areas shall be the responsibility of the individual lot owners. The Serenity Hills HOA shall establish maintenance standards in the Covenants and restrictions for the landscape/buffer easements. The Covenants and restrictions shall provide for procedures to allow the HOA to notice individual lot owners that the landscape

is not being maintained in accordance with the standards established in the Covenants and restrictions. There also shall be provisions within the Covenants and restrictions that allow the HOA to enter the individual lots to conduct maintenance within the landscape buffer to ensure that the minimum maintenance standards are being upheld. The Covenants and restrictions shall include provisions for the HOA to charge the individual lot owners for the costs of the HOA maintaining the landscape buffer.

11. HENSEL ROAD WALL

A six (6) feet high concrete masonry wall, or similar material with stucco, decorative columns and banding shall be constructed a minimum of ten (10) feet from the right-of-way line for Hensel Road in order to buffer and screen the Serenity Hills PUD. The exact placement of the wall shall be coordinated with the landscape plans approved as part of the final plat. The masonry wall along Hensel Road shall be required as part of the first phase of development of the Serenity Hills PUD. As part of the subdivision process, there shall be a maintenance easement granted to the Serenity Hill HOA to ensure that the wall is maintained.

12. ENVIRONMENTAL CONSIDERATIONS

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

13. EXPIRATION

The duration of this Agreement shall not exceed ten (10) years from the date of its execution. This Agreement may be extended for an additional five (5) year term by mutual consent of the Developer and the City subject to a public hearing. Development of the Serenity Hills PUD shall commence within three (3) years from the date of execution of this Agreement. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified by mutual agreement of the Developer and the City. Development shall be as defined by the LDC.

14. EFFECTIVE DATE

This agreement shall become effective upon recording in the public records of Volusia County, Florida.

15. AMENDMENTS

Amendments to this Agreement and Conceptual Development Plan shall comply with the requirements established in Chapter 3, Article 1 and Chapter 17, Section 17 of the City of Port Orange Land Development Code.

16. CONFORMANCE WITH THE LAWS

The developer agrees:

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

B. To provide agreements, contracts, deed restrictions, and sureties and other documents required by the City Legal Department for completion of the development or approved development phases, and for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense, and

that the Developer's successors in title will be bound by the Developer's commitments made in this Agreement.

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

17. ENFORCEABILITY

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

18. PRIOR AGREEMENTS

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

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IN WITNESS WHEREOF, the parties hereto attached their hands and seals this _____ day of _____, 2016.

Signed, sealed and delivered
in the presence of

Witness 1 Signature

Print Name of Witness 1

Witness 2 Signature

Print Name of Witness 2

THE CITY OF PORT ORANGE, FLORIDA
a Florida municipal corporation

By: Allen Green, Mayor

Attest:

By: Robin Fenwick, City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of __, 2016, by Allen Green and Robin Fenwick, Mayor and City Clerk, respectively, of The City of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary Type, Print or Stamp Name

My commission expires _____

DEVELOPER:

Coventry Partners, LLC, a Florida Limited Liability Company

By: Hensel Holding, LLC, a Florida Limited Liability Company, Manager

By: _____
Mitchel Sabina, Managing Member
Hensel Holding, LLC

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Mitchel Sabina, Managing Member of Hensel Holding, LLC, a Florida Limited Liability Company, Manager of Coventry Partners, LLC, a Florida Limited Liability Company. He/she is personally known to me OR has produced _____ as identification.

Notary Public, State of Florida
Printed Name, Commission, Seal and Term Expiration Date

EXHIBIT "A"

LEGAL DESCRIPTION

**Serenity Hill Planned Unit Development
Legal Description**

PARCEL 71

THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 21, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA (LESS THE WEST 30 FEET FOR ROAD); TOGETHER WITH

PARCEL 74

A PORTION OF SECTION 21, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF SEMINOLE WOODS, PHASE 1, AS RECORDED IN MAP BOOK 41, PAGE 106 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA RUN NORTH 00 DEGREES 21 MINUTES 48 SECONDS EAST, THE BEARING BASIS OF THIS DESCRIPTION ALONG THE WEST BOUNDARY OF THE HAMLET SUBDIVISION, FIRST ADDITION, AS RECORDED IN MAP BOOK 35, PAGES 99 AND 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA A DISTANCE OF 1322.28 FEET; THENCE DEPARTING SAID LINE, RUN NORTH 89 DEGREES 49 MINUTES 46 SECONDS WEST, A DISTANCE OF 512.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 49 MINUTES 46 SECONDS WEST, A DISTANCE OF 290.14 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 46 SECONDS EAST, A DISTANCE OF 290.14 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 08 SECONDS EAST, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE SOUTHWEST CORNER OF BENT OAK SUBDIVISION, AS RECORDED IN PLAT BOOK PAGE 40, PAGE 60 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST ALONG THE NORTH BOUNDARY LINE OF BROKEN BOW ESTATES, AS RECORDED IN PLAT BOOK 49, PAGES 126 AND 127, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 512.21 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 15 SECONDS WEST A DISTANCE OF 150.06 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS WEST A DISTANCE OF 289.93 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 14 SECONDS EAST A DISTANCE OF 149.98 FEET TO THE NORTH BOUNDARY LINE OF ROLLING HILLS ESTATES PHASE 2, AS RECORDED IN PLAT BOOK 49, PAGES 102 THROUGH 104, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 49 MINUTES 48 SECONDS WEST ALONG SAID NORTH BOUNDARY LINE A DISTANCE OF 1875.76 FEET TO THE EAST RIGHT-OF-WAY LINE OF HENSEL ROAD; THENCE NORTH 00 DEGREES 38 MINUTES 15 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1324.97 FEET; THENCE 89 DEGREES 45 MINUTES 30 SECONDS EAST ALONG THE SOUTH BOUNDARY LINES OF HENSEL HILL ESTATES-FIRST ADDITION, AS RECORDED IN PLAT BOOK 36, PAGE 161, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND SOUTHPORT SUBDIVISION, AS RECORDED IN PLAT BOOK 40, PAGE 67, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 2671.22 FEET TO THE NORTHWEST CORNER OF SAID BENT OAK SUBDIVISION; THENCE SOUTH 00 DEGREES 20 MINUTES 58 SECONDS WEST ALONG THE WEST BOUNDARY LINE OF SAID BENT OAK SUBDIVISION A DISTANCE OF 1321.61 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

CONCEPTUAL DEVELOPMENT PLAN

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EXHIBIT "C"

MINIMUM DIMENSIONAL REQUIREMENTS

Lot Number	Minimum Lot Area	Minimum Lot Width	Front Setback	Interior Side Setback	Corner Side Setback	Rear Setback	Buffer/ Easement Used for Rear Setback	Accessory Structure Allowed in Rear Yard ₁
1	43,560	175	30	10	n/a	50	Hensel Road	No
2	43,560	175	30	10	n/a	50	Hensel Road	No
3	43,560	200	30	10	n/a	50	Hensel Road	No
4	43,560	107	30	10	n/a	50	Hensel Rd./N. Perimeter	No
5	43,560	200	30	10	n/a	50	N. Perimeter	No
6	43,560	200	30	10	n/a	50	N. Perimeter	No
7	43,560	200	30	10	n/a	50	N. Perimeter	No
8	43,560	200	30	10	n/a	50	N. Perimeter	No
9	43,560	200	30	10	n/a	50	N. Perimeter	No
10	15,000	75	30	10	n/a	50	N. Perimeter	No
11	15,000	75	30	10	n/a	50	N. Perimeter	No
12	15,000	75	30	10	n/a	50	N. Perimeter	No
13	15,000	75	30	10	n/a	50	N. Perimeter	No
14	15,000	75	30	10	n/a	50	N. Perimeter	No
15	15,000	75	30	10	n/a	50	N. Perimeter	No
16	15,000	75	30	10	n/a	50	N. Perimeter	No
17	15,000	75	30	10	n/a	50	N. Perimeter	No
18	15,000	75	30	10	n/a	50	N. Perimeter	No
19	15,000	75	30	10	n/a	50	N. Perimeter	No
20	15,000	75	30	10	n/a	50	N. Perimeter	No
21	15,000	75	30	10	n/a	50	N. Perimeter	No
22	15,000	75	30	10	n/a	50	N. Perimeter	No
23	15,000	75	30	10	n/a	50	N. Perimeter	No
24	15,000	75	30	10	n/a	50	N. Perimeter	No
25	15,000	75	30	10	n/a	50	N. Perimeter	No
26	15,000	86.25	30	10	20	50	Open Space	No
27	15,000	75	30	10	n/a	50	Open Space	No
28	15,000	75	30	10	n/a	50	Open Space	No
29	15,000	75	30	10	n/a	50	Open Space	No
30	15,000	75	30	10	n/a	50	Open Space	No
31	15,000	75	30	10	n/a	50	Open Space	No
32	15,000	75	30	10	n/a	25	E. Perimeter	No

Lot Number	Minimum Lot Area	Minimum Lot Width	Front Setback	Interior Side Setback	Corner Side Setback	Rear Setback	Buffer/ Easement Used for Rear Setback	Accessory Structure Allowed in Rear Yard ₁
33	15,000	75	30	10	n/a	25	E. Perimeter	No
34	15,000	75	30	10	n/a	25	E. Perimeter	No
35	15,000	75	30	10	n/a	25	E. Perimeter	No
36	15,000	86.25	30	10	n/a	25	E. Perimeter	No
37	15,000	86.25	30	10	20	25	S. Perimeter	No
38	15,000	75	30	10	20	50	S. Perimeter	No
39	15,000	75	30	10	n/a	50	S. Perimeter	No
40	15,000	75	30	10	n/a	50	S. Perimeter	No
41	43,560	200	30	10	n/a	50	S. Perimeter	No
42	43,560	200	30	10	n/a	50	S. Perimeter	No
43	43,560	200	30	10	n/a	50	S. Perimeter	No
44	20,000	150	30	10	n/a	25	n/a	Yes
45	20,000	150	30	10	n/a	25	n/a	Yes
46	20,000	100	30	10	n/a	25	n/a	Yes
47	20,000	100	30	10	n/a	50	Open Space	No
48	20,000	100	30	10	n/a	50	Open Space	No
49	20,000	100	30	10	n/a	50	Open Space	No
50	20,000	100	30	10	n/a	50	Open Space	No
51	20,000	100	30	10	n/a	50	Open Space	No
52	20,000	100	30	10	n/a	50	Open Space	No
53	20,000	100	30	10	n/a	50	Open Space	No
54	20,000	115	30	10	n/a	25	n/a	Yes
55	20,000	100	30	10	20	25	n/a	Yes
56	20,000	115	30	10	n/a	25	n/a	Yes
57	30,000	200	30	10	20	50	Open Space	No
58	30,000	200	30	10	n/a	50	Open Space	No
59	15,000	75	30	10	n/a	50	Open Space	No
60	20,000	115	30	10	20	50	Central Lake	No
61	20,000	75	30	10	n/a	50	Central Lake	No
62	15,000	75	30	10	n/a	50	Central Lake	No
63	15,000	75	30	10	n/a	50	Central Lake	No
64	15,000	75	30	10	n/a	50	Central Lake	No
65	15,000	75	30	10	n/a	50	Central Lake	No
66	15,000	75	30	10	n/a	50	Central Lake	No
67	15,000	75	30	10	n/a	50	Central Lake	No
68	15,000	75	30	10	n/a	50	Central Lake	No
69	15,000	75	30	10	n/a	50	Central Lake	No
70	15,000	75	30	10	n/a	50	Central Lake	No

Lot Number	Minimum Lot Area	Minimum Lot Width	Front Setback	Interior Side Setback	Corner Side Setback	Rear Setback	Buffer/ Easement Used for Rear Setback	Accessory Structure Allowed in Rear Yard¹
71	15,000	75	30	10	n/a	50	Central Lake	No
72	15,000	75	30	10	n/a	50	Central Lake	No
73	15,000	75	30	10	n/a	50	Central Lake	No
74	15,000	75	30	10	n/a	50	Central Lake	No
75	15,000	86.25	30	10	20	25	n/a	Yes
76	15,000	75	30	10	n/a	50	Central Lake	No
77	15,000	75	30	10	n/a	50	Central Lake	No
78	15,000	75	30	10	n/a	50	Central Lake	No
79	15,000	75	30	10	n/a	50	Central Lake	No
80	15,000	75	30	10	n/a	50	Central Lake	No
81	15,000	75	30	10	n/a	50	Central Lake	No
82	15,000	75	30	10	n/a	50	Central Lake	No
83	15,000	75	30	10	n/a	50	Central Lake	No
84	15,000	86.25	30	10	20	25	n/a	Yes
85	15,000	75	30	10	n/a	25	n/a	Yes
86	15,000	75	30	10	n/a	50	Central Lake	No
87	20,000	100	30	10	n/a	50	Central Lake	No
88	20,000	100	30	10	n/a	50	Central Lake	No
89	20,000	100	30	10	n/a	50	Central Lake	No
90	20,000	100	30	10	n/a	50	Central Lake	No
91	20,000	100	30	10	n/a	50	Central Lake	No
92	20,000	100	30	10	n/a	50	Central Lake	No
93	20,000	100	30	10	n/a	50	Central Lake	No
94	20,000	100	30	10	n/a	50	Central Lake	No
95	20,000	100	30	10	n/a	50	Central Lake	No
96	20,000	100	30	10	n/a	50	Central Lake	No
97	20,000	100	30	10	n/a	50	Central Lake	No
98	20,000	100	30	10	n/a	50	Central Lake	No
99	20,000	100	30	10	n/a	50	Central Lake	No
100	20,000	100	30	10	n/a	50	Central Lake	No
101	20,000	100	30	10	n/a	50	Central Lake	No
102	20,000	100	30	10	n/a	50	Central Lake	No
Lake Pavilion		70	30	10	n/a	50	Central Lake	No

1. Accessory Structure is defined in Chapter 2, Section 2 of the LDC.

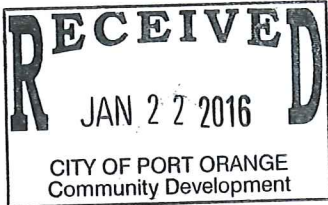
SERENITY HILLS
CITY OF PORT ORANGE - VOLUSIA COUNTY, FL
CONCEPTUAL PLAN

OWNER/
DEVELOPER: COVENTRY PARTNERS, LLC
1474A W 84TH ST
HIALEAH, FL 33014
386-527-3943
321-747-0404 (FAX)
CONTACT: FRANK COSTA
FCOSTA@LIBERTYFLA.COM

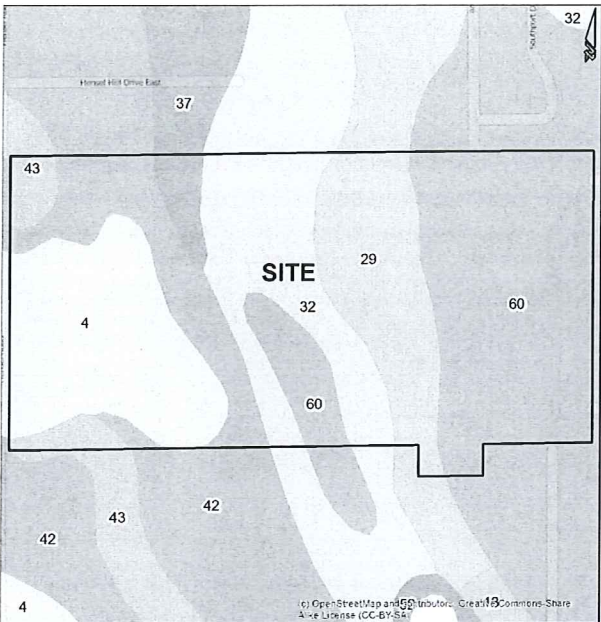
ENGINEER/PLANNER: ZEV COHEN & ASSOC., INC.
300 INTERCHANGE BLVD
ORMOND BEACH, FL., 32174
(386) 677-2482
(386) 677-2505 (FAX)
CONTACT: M. DWIGHT DURANT, P.E.

SURVEYOR: ACCURIGHT SURVEYS
2012 E. ROBINSON ST.
ORLANDO, FL 32803
(407) 894-6314
(407) 894-3777 (FAX)

EXHIBIT D



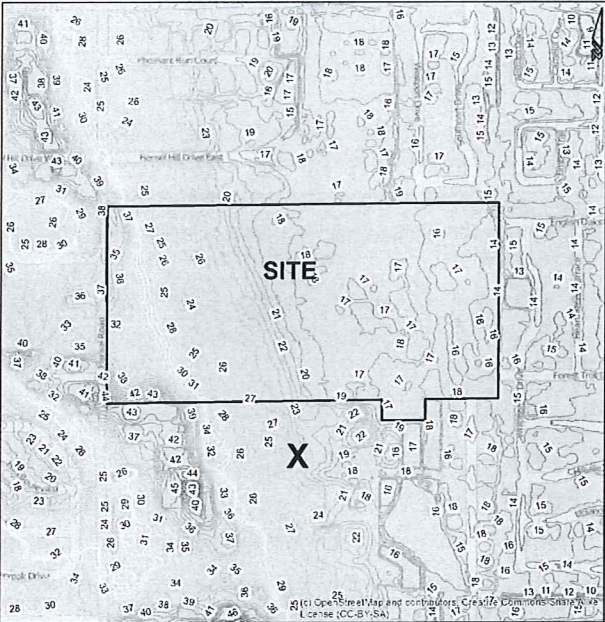
REVISED



SOILS MAP

1" = 400'

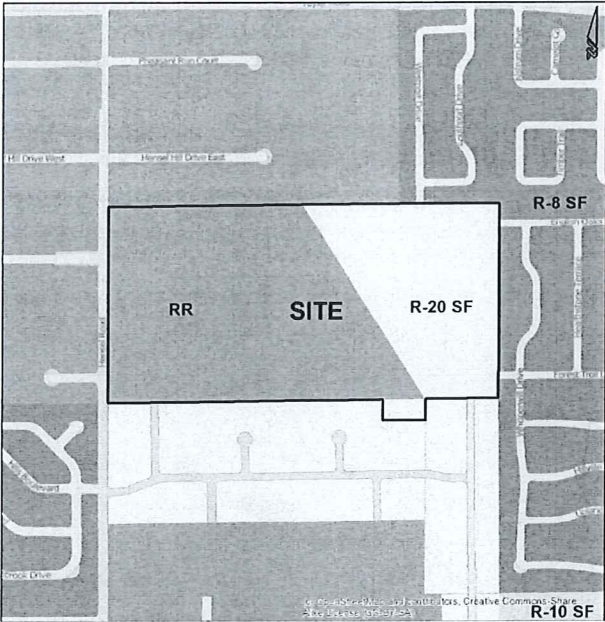
- 4 - ASTATULA FINE SAND
13 - CASSIA FINE SAND
29 - IMMOKALEE FINE SAND
32 - MYAKKA FINE SAND
37 - ORSINO FINE SAND; 0 TO 5% SLOPES
42 - PAOLA FINE SAND; 0 TO 8% SLOPES
43 - PAOLA FINE SAND; 8 TO 17% SLOPES
52 - POMPAHO FINE SAND
60 - SMYRNA FINE SAND



FLOOD ZONE & LIDAR MAP

1" = 600'

FLOOD MAP NUMBER 12127C0507H
EFFECTIVE ON 02/19/2014



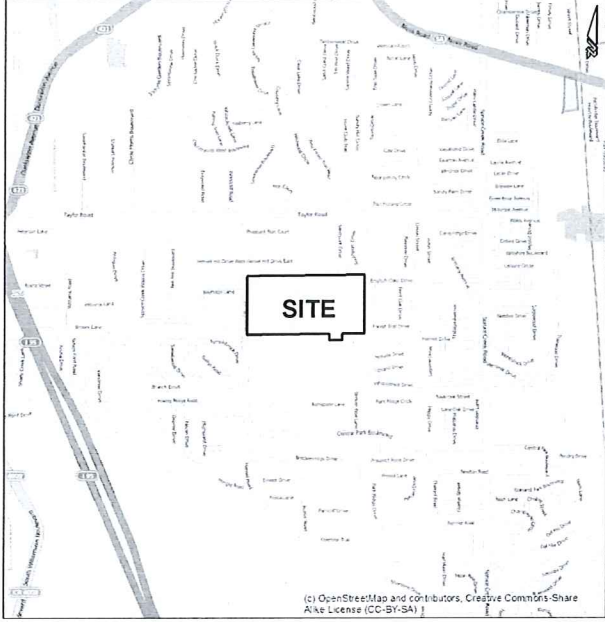
ZONING MAP

1" = 600'

EXISTING ZONING:
ADOPTED FUTURE LAND USE:

PROPOSED ZONING:

RR/R-20 SF
RURAL TRANSITIONAL
(0-2 UNITS/ACRE)
SUBURBAN RESIDENTIAL
(2-4 UNITS/ACRE)
PUD



VICINITY MAP

1" = 2,000'

DESCRIPTION

PARCEL 71
THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA. (LESS THE WEST 30 FEET FOR ROAD)

PARCEL 74
A PORTION OF SECTION 21, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF SEMINOLE WOODS, PHASE I, AS RECORDED IN MAP BOOK 41, PAGE 106, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN NORTH 00 DEGREES 21 MINUTES 48 SECONDS EAST, THE BEARING BASIS OF THIS DESCRIPTION ALONG THE WEST BOUNDARY OF THE HAMLET SUBDIVISION, FIRST ADDITION, AS RECORDED IN MAP BOOK 35, PAGES 99 AND 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 1322.28 FEET; THENCE DEPARTING SAID LINE, RUN NORTH 89 DEGREES 49 MINUTES 46 SECONDS WEST, A DISTANCE OF 512.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 49 MINUTES 46 SECONDS WEST, A DISTANCE OF 290.14 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 46 SECONDS EAST, A DISTANCE OF 290.14 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 08 SECONDS EAST, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

MORE PARTICULARLY DESCRIBED AS:
BEGIN AT THE SOUTHWEST CORNER OF BENT OAK SUBDIVISION, AS RECORDED IN PLAT BOOK 40, PAGE 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST ALONG THE NORTH BOUNDARY LINE OF BROKEN BOW ESTATES, AS RECORDED IN PLAT BOOK 49, PAGES 126 AND 127, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 512.21 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 15 SECONDS WEST A DISTANCE OF 150.06 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS WEST A DISTANCE OF 289.93 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 14 SECONDS EAST A DISTANCE OF 149.98 FEET TO THE NORTH BOUNDARY LINE OF ROLLING HILLS ESTATES PHASE 2, AS RECORDED IN PLAT BOOK 49, PAGES 102 THROUGH 104, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 49 MINUTES 48 SECONDS WEST ALONG SAID NORTH BOUNDARY LINE A DISTANCE OF 1875.76 FEET TO THE EAST RIGHT-OF-WAY LINE OF HENSEL ROAD; THENCE NORTH 00 DEGREES 38 MINUTES 15 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1324.97 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 30 SECONDS EAST ALONG THE SOUTH BOUNDARY LINES OF HENSEL HILL ESTATES - FIRST ADDITION, AS RECORDED IN PLAT BOOK 36, PAGE 161, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND SOUTHPORT SUBDIVISION, AS RECORDED IN PLAT BOOK 40, PAGE 67, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 2671.22 FEET TO THE NORTHWEST CORNER OF SAID BENT OAK SUBDIVISION; THENCE SOUTH 00 DEGREES 20 MINUTES 58 SECONDS WEST ALONG THE WEST BOUNDARY LINE OF SAID BENT OAK SUBDIVISION A DISTANCE OF 1321.61 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

1. COMPLIANCE WITH LDC MAY NECESSITATE MODIFICATION OF CONCEPT PLAN

SITE DATA:

TAX PARCEL I.D. NO.:	6321-00-00-0071 6321-00-00-0074
TOTAL SITE ACREAGE	82.25 AC.
DENSITY ALLOWED:	0-2 UNITS/ACRE (RT) 2-4 UNITS/ACRE (SR) - 222 HOMES MAXIMUM
PROPOSED DENSITY:	1.24 UNITS/ ACRE, 102 HOMES MAXIMUM

FRONT SETBACK	30'
SIDE SETBACK	10'
REAR SETBACK	25'
CORNER SIDE SETBACK	20'
MINIMUM A/C FLOOR AREA	2,000 SF.
MAXIMUM BUILDING HEIGHT:	35 FEET
MAXIMUM BUILDING COVERAGE	40%
MINIMUM OPEN SPACE	40%
MAX. IMPERVIOUS COVERAGE	60%

SHEET LEGEND

C1 COVER SHEET
C2 CONCEPT PLAN
C3 LOT DIMENSIONAL STANDARDS
C4 PHASING AND UTILITY PLAN

ORLANDO BEACH
300 INTERCHANGE BLVD., ORLANDO BEACH, FL 32174
(386) 677-2482 FAX (386) 677-2505

ST. AUGUSTINE
4475 U.S. 1 S. STE #601 ST. AUGUSTINE, FL 32086
(904) 797-1610 FAX (904) 797-4150

AMELIA ISLAND
914 ATLANTIC AVE. STE 20 FERNANDINA BEACH, FL 32034
(904) 491-5438 FAX (904) 491-1459

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REVISIONS:

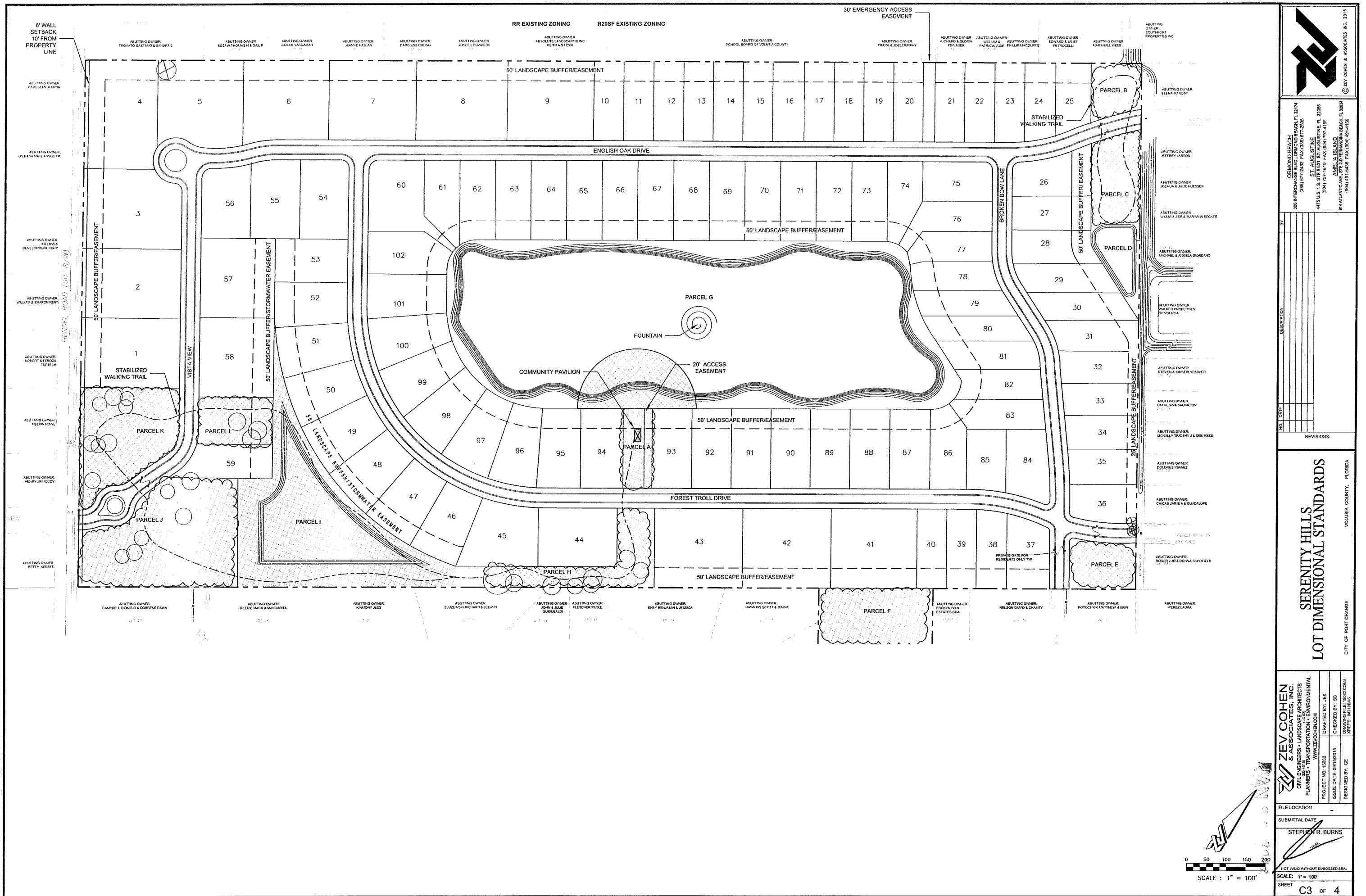
SERENITY HILLS
COVER SHEET

CITY OF PORT ORANGE
VOLUSIA COUNTY, FLORIDA

ZEV COHEN
& ASSOCIATES, INC.
CIVIL ENGINEERS - LANDSCAPE ARCHITECTS
PLANNERS - TRANSPORTATION - ENVIRONMENTAL
WWW.ZEVCOHEN.COM

PROJECT NO: 15082
ISSUE DATE: 09/15/2015
DESIGNED BY: CE
CHECKED BY: SB
DRAFTED BY: JES
APPROVED BY: MDD

FILE LOCATION:
SUBMITTAL DATE:
STEPHEN J. BURNS
SCALE: 1" = 100'
SHEET
C1 OF 4



CITY OF PORT ORANGE MONTHLY DEVELOPMENT ACTIVITY REPORT



CITY COUNCIL

allen green, mayor
drew bastian, vice mayor
bob ford, councilman
donald burnette, councilman
scott stiltner, councilman
jake johansson, city manager

PLANNING COMMISSION

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

DECEMBER 2015

RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PROJECTS

DECEMBER 2015

Residential

- A Crane Lakes PUD
- B Golf Homes at Cypress Head
- C Hawks Preserve, Phase I
- D Hawks Preserve, Phase II
- E The Pinnacle PUD, Phase II
- F The Sanctuary at Westport
- G Serenity Hills PUD

Non-Residential

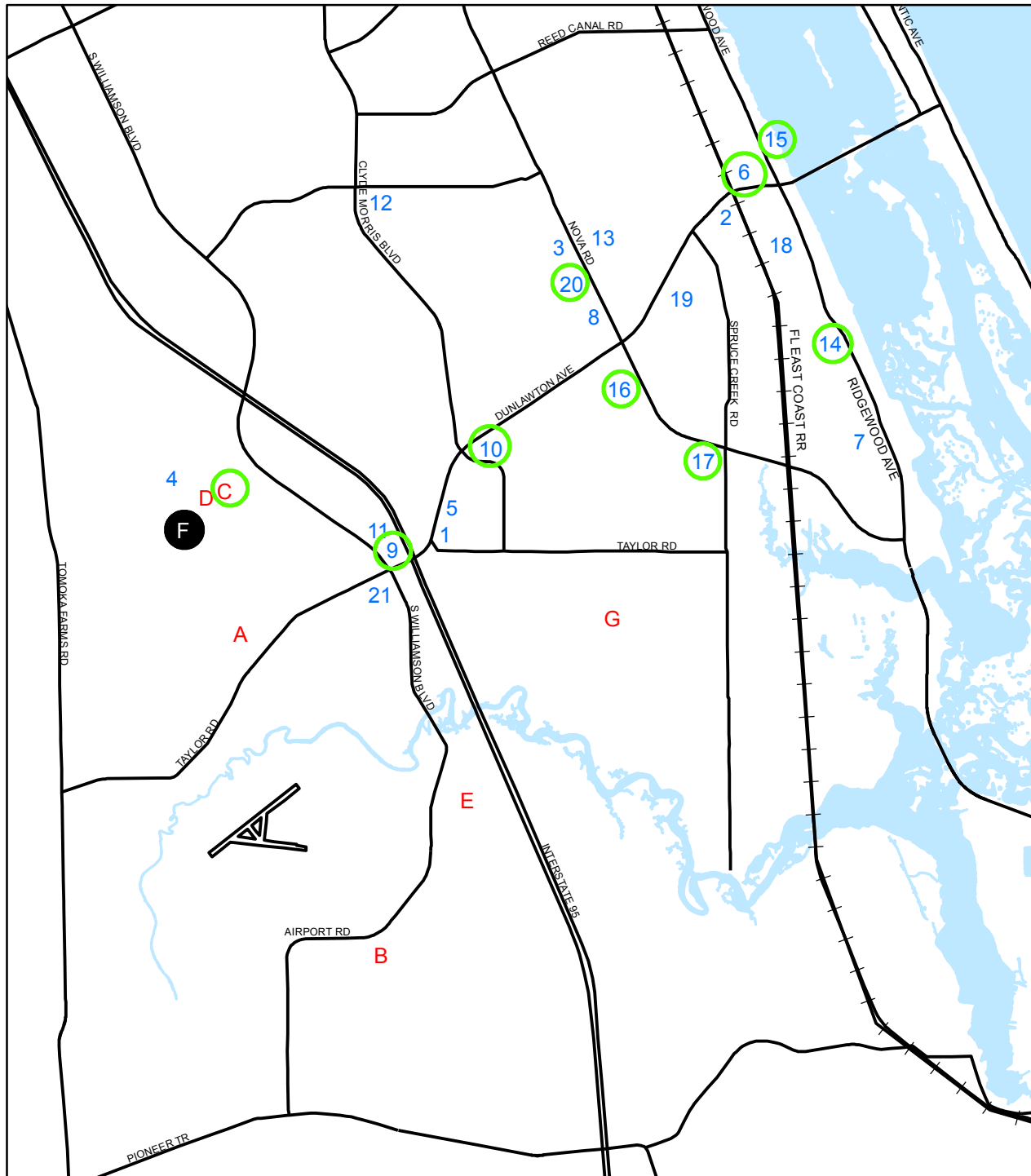
- 1 Altamira Shopping Village
- 2 Atlantic Marine
- 3 Circle K #8088 (Herbert/Nova)
- 4 Coraci Sports Park - Pop Warner Field
- 5 Dunlawton Commons
- 6 First United Methodist Church
- 7 Florida Truck Sales
- 8 The Half Wall
- 9 Heartland Dental
- 10 Murphy Oil
- 11 Panda Express
- 12 Palmetto Pointe Marketplace PCD
- Walmart Neighborhood Market grocery store
- 13 Port Hole Retail Center
- 14 Port Orange Auto Pawn
- 15 Riverwalk Park, Phases 1A & 1B
- 16 Rossi Side Street Cafe
- 17 Spruce Creek Center
- 18 Virginia Industrial Park
- 19 Vystar Credit Union
- 20 Waffle House - Nova Rd.
- 21 Waffle House - Taylor Rd.



New Project



Change In Status



RESIDENTIAL DEVELOPMENT PROJECTS

December 2015

 = addition to the development activity report

 = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments
				Under staff review	D. O. issued	Pre-con held	ABC completed	Const. Permit issued	Under construction	Final inspection	C.O. issued	
A	Crane Lakes PUD	1780 Taylor Rd.	Annexation, FLU Amendment, and MDA amendment to develop 8 new mobile home lots, second driveway, service area, storage area, and recreation area	X								Tentatively scheduled for 2nd Reading at the 1/19/16 CC meeting
B	Golf Homes at Cypress Head / site plan	S. side of Airport Rd. between Cypress Head and Waters Edge	52 townhomes on ±6.62 acres	X								Awaiting 2nd resubmittal
C	Hawks Preserve, Phase I / subdivision (fka Port Orange Plantation, Phase IV A & B)	E. side of Coraci Blvd, N. of Town West Blvd.	119 single-family lots on ±57 acres	X	X	X						Pre-construction meeting held 12/29/15
D	Hawks Preserve, Phase II, subdivision (fka Port Orange Plantation, Phase IV D & E)	E. side of Coraci Blvd, N. of Town West Blvd.	75 single-family lots on ±23 acres	X	X							DO issued 8/17/15
E	The Pinnacle PUD, Phase II / D.O. modification	E. side of Airport Rd. / W. of I-95, S. of Martin Dairy Rd.	64 single-family lots on ±29.72 acres	X	X							DO issued 11/06/15
F	The Sanctuary at Westport / site plan	S. side of Town West Blvd., W. of Coraci Blvd., E. of Tomoka Farms Rd.	360 multi-family apartment units on 56.66 acres	X								DRC scheduled for 2/03/16
G	Serenity Hills PUD / rezoning, MDA and CDP	E. side of Hensel Rd. between Taylor Rd. and Central Park Blvd.	102 single-family lots on ±82 acres	X								Rezoning tentatively scheduled for PC 1/28/16

Case No./
Planner

15-10000001
15-20000001
15-40000001
PGC

15-80000009
GKP

14-50000006
PGC

14-50000007
PGC

15-52000001
PGC

16-80000001
GKP

15-65000001
TPB

NON-RESIDENTIAL DEVELOPMENT PROJECTS

December 2015

 = addition to the development activity report

= change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
1	Altamira Shopping Village	Commercial Subdivision Replat	1790 Dunlawton Ave.	5-lot commercial subdivision replat of +/- 27 acres	X							On hold	14-50000001 TPB
		Crosby Property / site plan	1736 Dunlawton Ave.	4,500 SF retail building on 1.24 acres with associated site improvements	X							On hold	14-80000014 TPB
2	Atlantic Marine / site plan		619, 621, 627, & 631 Lemon St. 630 & 632 Ruth St.	16,910 SF building for boat sales and boat repair and areas for outdoor boat storage for Atlantic Marine along with associated site and off-site improvements	X	X						DO Issued 3/26/15	14-80000006 TPB
3	Circle K #8088 / new construction		3664 Nova Rd.	Demolition of existing gas station and construction of a new 4,400 SF convenience store and 16 fueling station positions under a canopy with associated site improvements on 1.99 acres	X	X	X	X	X	X		Under construction	15-80000003 BP #15-2369 GKP
4	Coraci Sports Park, Pop Warner field / site plan modification		5200 Coraci Blvd.	Modifications to an existing football field including the construction of permanent grandstands with press box, storage facilities, restrooms, shelter pavilions, and associated site improvements	X	X	X	X	X	X		Under construction	15-82000002 BP #15-2549 GKP
5	Dunlawton Commons / site plan		1760 Dunlawton Ave.	10,123 SF multi-tenant building with associated site improvements on 1.52 acres	X	X	X	X	X	X		Under construction	14-80000012 BP #15-2937 GKP
6	First United Methodist Church / site plan modification		305 Dunlawton Ave.	Paving of an existing grass parking lot and associated landscaping and stormwater retention improvements	X	X	X	X	X	X	X	Awaiting close-out documents	15-82000001 TPB
7	Florida Truck Sales / redevelopment		5536 Ridgewood Ave.	Redevelopment of a 0.68 acre commercial property into a car/truck sales lot with associated site improvements	X	X	X	X	X	X		Under construction	15-80000006 PGC
8	The Half Wall / new construction		3770 Nova Rd.	7,090 SF stand-alone restaurant with associated site improvements on 0.78 acres	X	X	X	X	X	X		Under construction	15-80000004 BP #15-1834 GKP
9	Heartland Dental / new construction		5445 S. Williamson Blvd.	3,215 SF dental office with associated site improvements on 1.08 acres	X	X	X	X	X	X	X	Complete	14-80000015 BP #15-0291 PGC
10	Murphy Oil / new construction		1596 Dunlawton Ave.	1,200 SF gas station with 12 fueling stations and associated site improvements on 0.97 acres	X	X	X	X	X	X	X	Complete	14-80000008 BP #15-0505 PGC
11	Panda Express / new construction		5441 S. Williamson Blvd.	2,691 SF restaurant with drive-thru with associated site improvements on 1.07 acres	X	X	X	X	X	X		Under construction	15-80000002 BP #15-0518 PGC

NON-RESIDENTIAL DEVELOPMENT PROJECTS
December 2015
 = addition to the development activity report

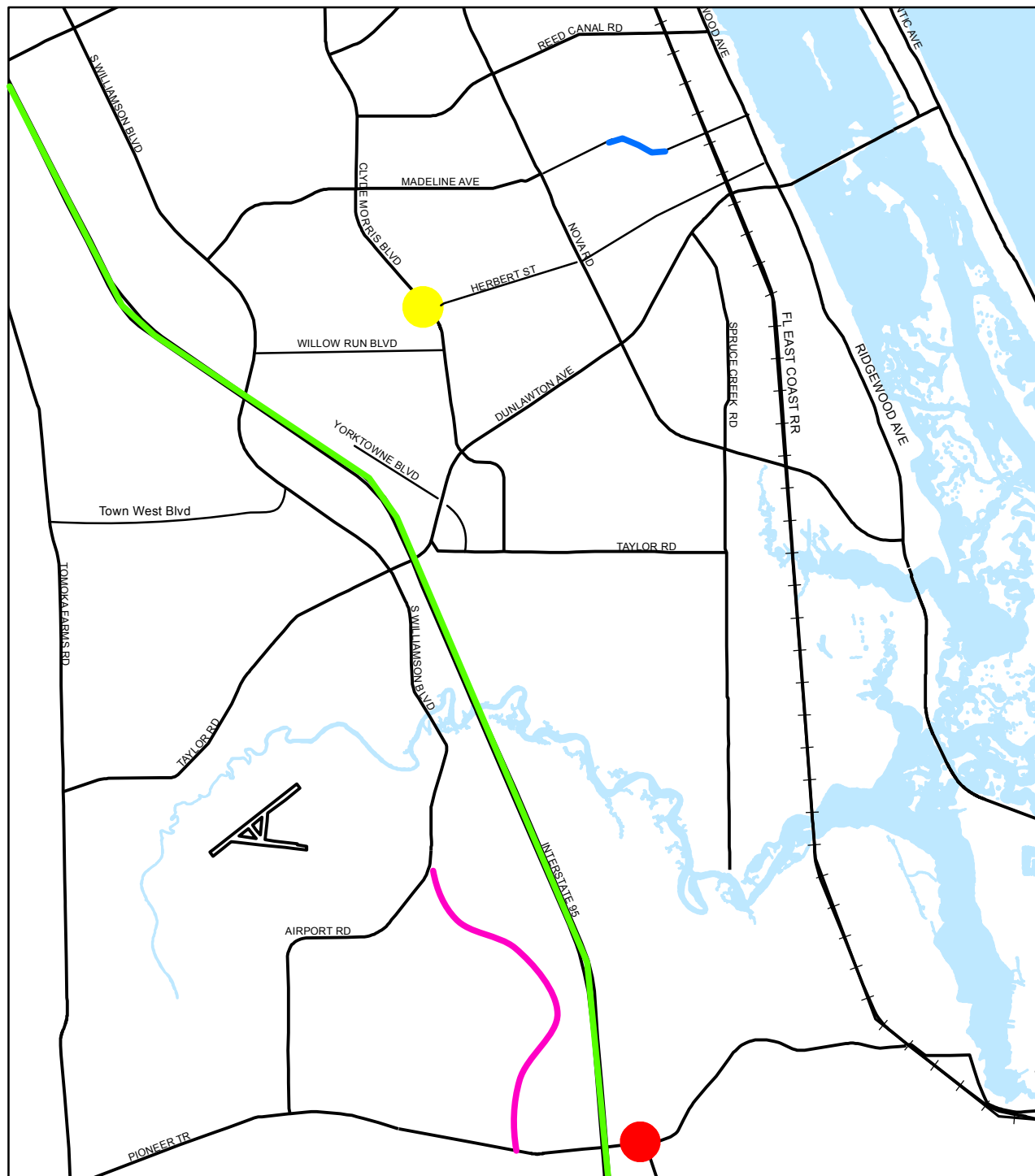
 = change of status to a particular project

MAP ID	Project	Location	Description	Status										Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued				
12	Palmetto Pointe Marketplace subdivision and Walmart Neighborhood Market grocery store / new construction	Subdivision Plat & Plans	Southeast corner of Clyde Morris Blvd. & Madeline Ave.		X	X	X	X	X	X			Under construction	14-50000003 TPB	
		Site Plan	3811 Clyde Morris Blvd.		X	X	X	X	X	X			Under construction; Building permits under review	14-80000007 BP #15-4343 TPB	
13	The Port Hole Retail Center		930 Herbert St.		X								Under review	15-80000010 GKP	
14	Port Orange Auto Pawn / site plan modification		5114 Ridgewood Ave.		X	X	X						Pre-construction meeting held 1/14/16	15-82000004 GKP	
15	Riverwalk Park / new construction	Phase 1A	3431 Ridgewood Ave.		X	X	X	X	X	X			Under construction	15-80000001 PGC	
		Phase 1B	3459 Ridgewood Ave.		X	X							D.O. issued 11/20/15	15-80000005 PGC	
16	Rossi Side Street Café / new construction		910 Village Tr.		X	X	X	X	X	X	X	X	Complete	14-80000013 BP #14-4852 DP	
17	Spruce Creek Center / site plan modification		4020 Nova Rd.		X	X	X	X	X	X			Under construction	14-82000008 GKP	
18	Virginia Industrial Park / new construction		515 Virginia Ave.		X	X	X	X	X	X			Building permits issued for 531 & 535 Virginia Ave.	01-80000019 TPB	
19	Vystar Credit Union / new construction		750 Dunlawton Ave		X	X							DO for site plan modification issued 10/13/15	14-80000010 15-82000003 GKP	
20	Waffle House Nova Rd. / new construction		3740 Nova Rd.		X	X							D.O. issued 12/14/15	15-80000007 BP #15-2908 GKP	
21	Waffle House Taylor Rd. / new construction		1633 A Taylor Rd.		X	X							DO issued 10/28/15	15-80000008 BP #15-2907 GKP	

ROADWAY DEVELOPMENT PROJECTS

DECEMBER 2015

-  Herbert Street Turn Lane
-  I-95 Widening
-  McDonald Road Sidewalk
-  Pioneer Trail at Turnbull Bay Road
-  S. Williamson Blvd. Extension



Project	Description	Jurisdiction	Status
Herbert Street Turn Lane	Add right turn lane WB at Clyde Morris Blvd.	City/TPO	Substantially complete
I-95 Widening	Construction to widen I-95 from SR44 to I-4/SR400 from 4 lanes to 6 lanes	FDOT	Under construction
McDonald Road Sidewalk	Construct an 5'-wide sidewalk on the south side of Madeline Ave., the west side of McDonald Rd., and the south side of Charles St. from Sugar House Dr. to 6th St.	City/TPO	Design underway
Pioneer Trail at Turnbull Bay Road	Intersection improvement	Volusia County/TPO	Under construction / Est. completion 09/2016
S. Williamson Blvd. Extension	Extension of Williamson Blvd. as a 4-lane divided roadway from Airport Rd. to Pioneer Trail	Developer/ Volusia County	Under construction