



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, February 24, 2022

Time: 5:30 PM

Location: Council Chambers, City Hall
1000 City Center Circle
Port Orange

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. DISCUSSION/ACTION

3. Consideration of Minutes
4. APPLICATION: Conditional Use Extension/Christ The King Community Church
CASE NO.: 22-30000001
APPLICANT: Scott Kirschner, Christ the King Community Church
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676/gidsmith@port-orange.org

A request by the applicant for a Conditional Use extension to hold outdoor church services and other church related programs for an additional two years while site construction on the permanent facility is completed.

5. APPLICATION: PUD Amendment/6th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development
CASE NO.: 21-40000002
APPLICANT: Roger Strcula, Upham, Inc.
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request by the applicant to amend the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to remove a requirement to install walk lights along the north side of Reed Canal Road.

6. APPLICATION: LDC Amendment/Chapter 9, Article II, Section 19
CASE NO.: 22-25000001
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to amend Chapter 9, Article II, Section 19 of the Land Development Code to allow funds from the City's Tree Bank to be used for educational outreach programs and tree giveaways to residents of the City of Port Orange to plant on their property.

C. OTHER BUSINESS

7. Commissioner Comments
8. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

NOTICES — PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



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

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JANUARY 27, 2022

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chairman John Junco at 5:30pm.

Pledge of Allegiance

Silent Invocation

Roll Call

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

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

3. Election of Officers

Vice Chairman Stan Schmidt was offered the Chair position pending his acceptance.

Motion was made by Commissioner Bofamy to nominate Commissioner Green for Vice Chair, Seconded by Commissioner Mills-Benat. Commissioner Green accepted the nomination. Motion carried unanimously by roll call vote.

Vice Chair Green oversaw the meeting until Commissioner Schmidt arrived.

B. DISCUSSION/ACTION

4. Consideration of Minutes

Motion to approve the minutes as presented from November 18, 2021, was made by Commissioner White and Seconded by Commissioner Jordan. Motion carried unanimously by roll call vote.

Tim Burman, Community Development Director, requested item # 6 be continued to a future Planning Commission meeting, date to be determined.

Motion to continue PUD Amendment/6th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development to a future Planning Commission Meeting was made by Commissioner Bofamy and Seconded by Commissioner White. Motion carried unanimously by roll call vote.

Vice Chair Green passed the meeting over to Commissioner Schmidt when he arrived.

5. APPLICATION: Subdivision Plat and Plans Development Order
Modification/Woodhaven Subdivision Phase 2

CASE NO.: 21-52000001

APPLICANT: CC Woodhaven, LLC

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

A request by the Applicant for the approval of a Development Order Modification for the Final Plat and Plans for Phase 2 of the Woodhaven Subdivision to reduce the number of single-family lots from 229 to 175.

Mr. Burman discussed details of the Subdivision Plat and Plans Development Order Modification and answered questions from Commissioners.

Dick Smith, ICI Homes, provided additional information on the reduction in homes and answered questions from Commissioners.

Bobby Ball, Zev Cohen & Associates, provided information on the flood zone elevation and their status with FEMA.

Vice Chair Green discussed the benefits of an increase to the buffer and conservation space and the reduction to the number homes.

Motion to approve Case No. 21-52000001 was made by Commissioner Mills-Benat and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

Commissioner White asked for an update from Mr. Smith on the fence on the property that faces I-95. They will discuss after the meeting.

6. APPLICATION: PUD Amendment/6th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development

CASE NO.: 21-40000002

APPLICANT: Roger Strcula, Upham, Inc.

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

A request by the Applicant to amend the Master Development Agreement (MDA) for the Crystal

Lake Planned Unit Development (PUD) to remove the requirement to install walk lights along Reed Canal Road.

This item was continued at the beginning of the meeting.

C. OTHER BUSINESS

7. Commissioner Comments

Vice Chair Green is happy with how a lot of the businesses in the city look and would like to see them continue to improve.

Commissioner Bofamy asked for information on the monument sign at Village Trail and Nova Road. Mr. Burman responded there was a traffic accident, and the Homeowners Association is responsible for repairs.

8. Staff Comments

Mr. Burman provided the Board with an update on the Riverwalk properties project being developed by Bristol Development Group.

Mr. Burman introduced Gideon Smith, Senior Planner.

D. PUBLIC COMMENTS – there were none.

E. ADJOURNMENT – 6:10 p.m.

Chair Stan Schmidt



STAFF REPORT

CONDITIONAL USE EXTENSION/CHRIST THE KING COMMUNITY CHURCH

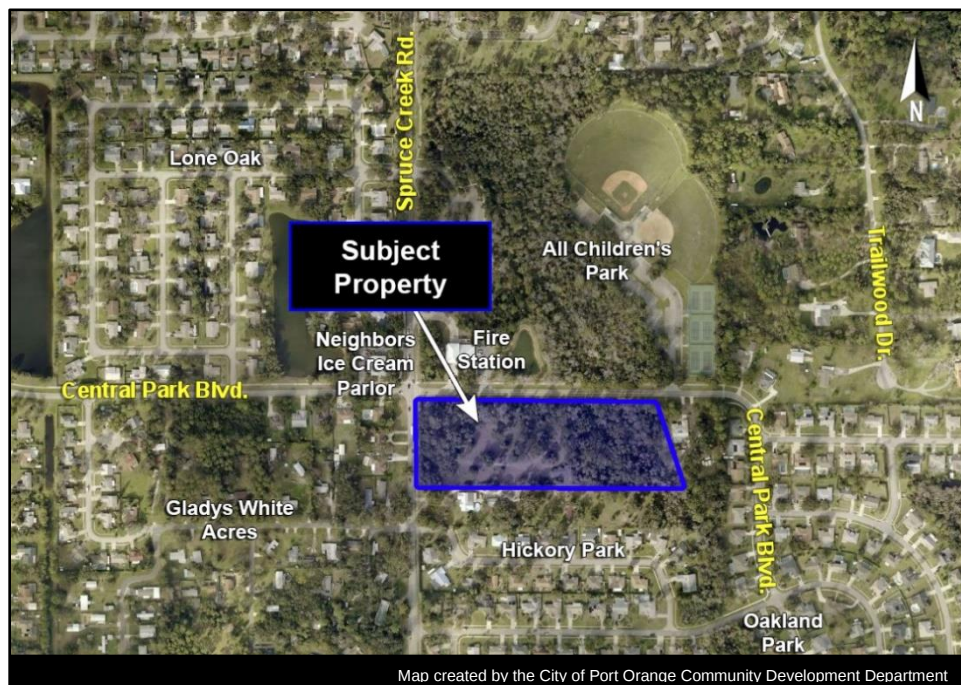
CASE NO. 22-30000001

REQUEST:	Conditional Use Extension to hold outdoor church services and other church related programs for an additional two years while site construction on the permanent facility is completed
APPLICANT:	Scott Kirschner, Christ the King Community Church
PROPERTY OWNER:	Christ the King Community Church Port Orange, Inc.
LOCATION:	6015 Spruce Creek Road (see Figure 1)
STAFF CONTACT:	Gideon Smith, Senior Planner (386) 506-5676
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	February 24, 2022

INTRODUCTION

In July 2020, the City Council approved a Conditional Use request for Christ the King Community Church to temporarily utilize their property over a two-year period to hold outdoor church services and activities while the church finalized design plans to construct their permanent facility on the subject property. The subject property is located at 6015 Spruce Creek Road, on the southeast corner of Central Park Boulevard and Spruce Creek Road.

Figure 1: Location Map



BACKGROUND

In Fall of 2019, the subject property was rezoned from R-10SF Single-Family Residential to Government/Public Use (GPU) with the intent to construct a church and fellowship hall on site. Prior to that time, the Church rented space at Cypress Creek Elementary School on Sundays.

In July 2020, a Conditional Use was approved to allow the church to relocate its regular services to the Spruce Creek Road property while the development plans were prepared for review and approval by City staff. According to the 2020 Conditional Use application, the primary use of the property was proposed to take place on Sunday mornings and church related activities on Saturday evening and/or after 5pm on the weekdays. This Conditional Use is set to expire on July 21, 2022. As part of the initial Conditional Use approval, the applicant installed and maintains the following site improvements:

- A monument sign with landscaping around the sign base.
- Picnic tables, stage, exterior string lights, and two wood fenced storage areas for a trailer, trash receptacles, and other items for property use and maintenance.
- Set-up of a tent for church service during times with inclement weather.
- Designated parking areas on existing cleared grassed areas to accommodate up to 125 vehicles. Parking areas are required to be rotated periodically to keep grassed areas in good condition.
- A driveway apron within the right-of-way and ten-feet beyond the right-of-way off Spruce Creek Road.
- Power into the site via an existing power pole on the west property line.
- Water to the site from an existing water service on Spruce Creek Road.



Above: Subject Property Looking West Toward Spruce Creek Road



Above: Subject Property Looking East Toward Central Park Boulevard



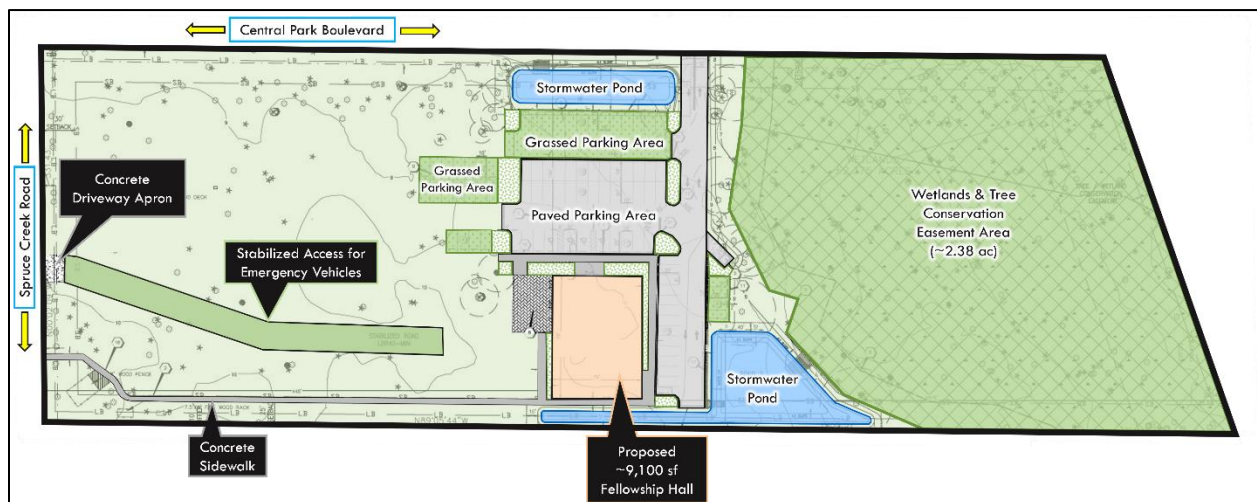
Above: Looking Southeast Toward Subject Property with Installed Monument Sign

DEVELOPMENT PROPOSAL

According to the applicant, delays in the construction industry have prevented the church from starting construction on the permanent facility on site within the initial two-year timeframe, prior to the expiration of the Conditional Use in July 2022 (See Exhibit A). As a result, the applicant is requesting a two-year extension on the previously approved Conditional Use to allow for the church to continue to hold outdoor services and other church related programs and meetings on site as an interim use while site construction is completed on the permanent facility. The applicant has also indicated that a food truck/coffee vendor occasionally arrives during worship services and has requested approval of this use as part of the Conditional Use extension request.

Over the past two years, the church had a site plan prepared by a licensed engineer and received site plan approval in December 2021 to construct a $\pm 9,100$ square-foot building, along with associated site improvements on the subject property (Case No. 21-80000004). The church initially anticipated construction of the permanent facility to start in early 2022. However, due to delays in obtaining materials for manufacturing, the church anticipates construction not starting until Fall 2022 (See Exhibit B). Although site work is permitted to begin at this time, the church prefers to start site work when the materials for the building are delivered in an effort to minimize the impacts of construction on the surrounding neighborhood. The applicant anticipates construction to begin in Fall 2022 and be completed in early 2024.

Figure 2: Applicant's Approved Site Plan



According to the Government/Public Use (GPU) zoning district, a house of worship is a permitted use in the GPU zoning district, so the proposed Conditional Use is consistent with the subject property's current zoning. Typically, the use of a site is associated with a developed permanent building; however, in this case the use could occur outside and without a building. The church has been using the site for this use for the past two years and there have not been any complaints.

REVIEW CRITERIA

When reviewing an application for a Conditional Use, the Planning Commission and City Council must consider the following requirements and criteria [Chapter 18, Section 1(d)(2) of the Land Development Code]. During the review of the 2020 Conditional Use request, the Planning Commission and City Council found that the proposed use met these requirements and criteria.

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

No adverse impacts to adjoining properties and the general public safety are anticipated with the approval of the Conditional Use extension. Access to the property will be through designated access points along Spruce Creek Road and Central Park Boulevard.

According to the latest traffic counts for Central Park Boulevard, Hensel Road, and Spruce Creek Road, capacity exists on these roadways to accommodate the Conditional Use and future development of this property. The church would only be using the site on weekends for worship and small group meetings during weekdays. Therefore, staff does not foresee any adverse impacts to the safety of the general public.

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

This criterion is met. Parking will be provided throughout the grassed site. As part of the Conditional Use, the applicant does not plan to develop any impervious parking areas. The intent is to have members of the church park throughout the site in designated grass parking areas. According to the church, the anticipated number of guests is between 200 to 250. Based on the parking requirements in the Land Development Code, 66 to 84 parking spaces would be needed. According to the applicant, there has been sufficient space for church members to park on the subject property over the past year and a half.

The church has designated multiple areas for parking, so areas are not over utilized and become rutted, uneven, unable to drain properly, unsightly or unmaintained. According to the Land Development Code, if grassed parking areas are utilized so as to become rutted, uneven, unable to drain properly, unsightly or unmaintained, the city may require that the area to be paved.

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

This criterion is met. The existing landscaping along the property lines and rights-of-way will remain and serve as the buffer. The applicant will be required to maintain the landscaping on site during the duration of the Conditional Use. In addition, landscaping was installed around the base of the monument sign.

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

This criterion will be addressed with the submittal of building permits for the permanent facility, consistent with the approved site plan. Items that will remain on-site to facilitate the use of the site as an outdoor church will be required to be screened, such as the equipment trailer, portable toilet, garbage cans, etc. The applicant is aware of these necessary improvements. As part of the 2020 Conditional Use approval, a permanent sign was installed with additional architectural and landscape treatment.

The applicant is aware that tents greater than 10' x 10' require a building permit to ensure proper installation and must be submitted to install a tent if there is pending inclement weather over a weekend so that service can occur. The applicant is also aware that the timeframe the tent could remain up would be limited. To date, the applicant has complied with this requirement.

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

This criterion is met. The 2020 Conditional Use approval established the first use of this type in this area and as an interim use it will be removed once the permanent church is built. The conditional use is intended to establish a timeframe and parameters for the temporary use of the site for outdoor church service until their permanent building is constructed.

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

RECOMMENDATION

Based on the findings of this report, Staff recommends **approval** of the Conditional Use extension to allow Christ the King Church to continue to hold outdoor church services and other church related programs for an additional two years while site construction on the permanent facility is completed, subject to the following conditions:

1. The Conditional Use will expire on July 21, 2024.
2. No more than one food truck/coffee vendor for church services.
3. Site lighting may emit no more than 0.5 foot-candles at the property line and will not spill over onto adjacent properties and rights-of-way.
4. Sound or noise projecting from this shall not exceed dBA of 60 between the hours of 7:00am -10:00pm and dBA of 50 10:00pm – 7:00am. It will be the responsibility of the permit holder to monitor for noise violations.
5. The Conditional Use is only valid for Christ the King Church.

6. If other events are planned other than activities mentioned in the Conditional Use, a special event permit would need to be submitted and approved (e.g. Fall Festival).
7. The screening for equipment to remain on site, monument sign, and concrete driveway apron is required to be maintained in good condition.

ATTACHMENTS

Exhibit A – Letter of Request from Applicant

Exhibit B – Building Contractor Documentation/Support

Exhibit C – Concept Plan



January 13, 2022

Dear Port Orange Planning Team, Planning Board & City Council,

Our Christ the King family is requesting a 24-month extension on our approved 24-month Conditional Usage which expires summer of 2022.

We purchased the 7.5 acre lot located at 6015 Spruce Creek Road, Port Orange, FL 32127 in December of 2019. We have worked diligently to clear this property and make it beautiful for our church family to use and for our neighbors to enjoy! This location has served us well during the pandemic when many are concerned about meeting indoors. In addition to our regular weekend services, we have been able to have successful large community gatherings. These include Easter & Christmas Eve services, as well as Trunk or Treat and Church Birthday Picnics. Spruce Creek High School's Cross Country has also used it for their year end banquets over the past few years. Our neighbors often enjoy the beauty of our park like space. It has been a pleasure to offer our property to them!

To date, we are approaching \$400,000 in investment between the property down payment, mortgage payments, improvements to the site and architectural and engineering services for our proposed 9,000 square foot multipurpose facility.

Our new building loan is currently in underwriting with MainStreet Community Bank. We are waiting on final build estimate numbers to proceed with this loan. We do hope to have these numbers by the end of January and close in February or March of 2022.

The construction industry, as many of you know, is in an unprecedented time. A shortage of building materials, slow down in manufacturing & supply lines, high demand in building needs and a lack of adequate laborers has led to delays everywhere. The building process has not gone according to our plans but despite this our church family has been patient. We have seen healthy growth while meeting in our beautiful outdoor chapel and a very positive response from our neighbors. Many of them have now chosen to worship with us, which we are grateful for!

We anticipate our site development and building to begin between late spring and early summer. We are hopeful that this project can be completed by the summer or fall of 2023. We have submitted our site development plans to the city planning department and it has been approved. We are awaiting our preconstruction meeting at this time.

We are asking for a 24-month extension to our conditional usage to allow ample time and contingency for the unexpected in this building process.

We appreciate your consideration and understanding!

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Kirschner', with a long, sweeping horizontal line extending to the right.

Scott Kirschner, Lead Pastor

(386) 986-8434

Christ the King Community Church Port Orange

Mailing Address: 1723 Creekwater Blvd., Port Orange, FL 32128

Physical Address: 6015 Spruce Creek Road, Port Orange, FL 32127

www.ctkportorange.com

Smith, Gideon

From: Scott Kirschner <scott.kirschner@ctkonline.com>
Sent: Thursday, February 3, 2022 6:20 PM
To: Smith, Gideon; Cruz, Penelope
Subject: [EXT] Fwd: Good afternoon! The City Of Port Orange is asking for some documentation for our request for extension for conditional use of our property to meet outdoors while we're waiting on building materials. Could you please provide some documentatio...

Sent from my iPhone

Begin forwarded message:

From: Darwin Schneider <dschneider@steelmasterind.com>
Date: February 3, 2022 at 2:42:27 PM EST
To: Scott Kirschner <scott.kirschner@ctkonline.com>, Debra Frank <dfrank@steelmasterind.com>, Debi Johnston <djohnston@steelmasterind.com>
Subject: RE: Good afternoon! The City Of Port Orange is asking for some documentation for our request for extension for conditional use of our property to meet outdoors while we're waiting on building materials. Could you please provide some documentation that add

Pastor Scott, In response to your request for material lead time update. The last several months have been extremely trying in our business. We have been experiencing astronomical delays in material deliveries and cost increases. Our current lead time from our primary supplier for projects such as yours are 8-12 weeks from order inception until release of column base reactions. Production times are running 24 to t8 weeks after receipt of approval drawings if everything goes well. I hope this information helps you.

Sincerely,

Darwin Schneider

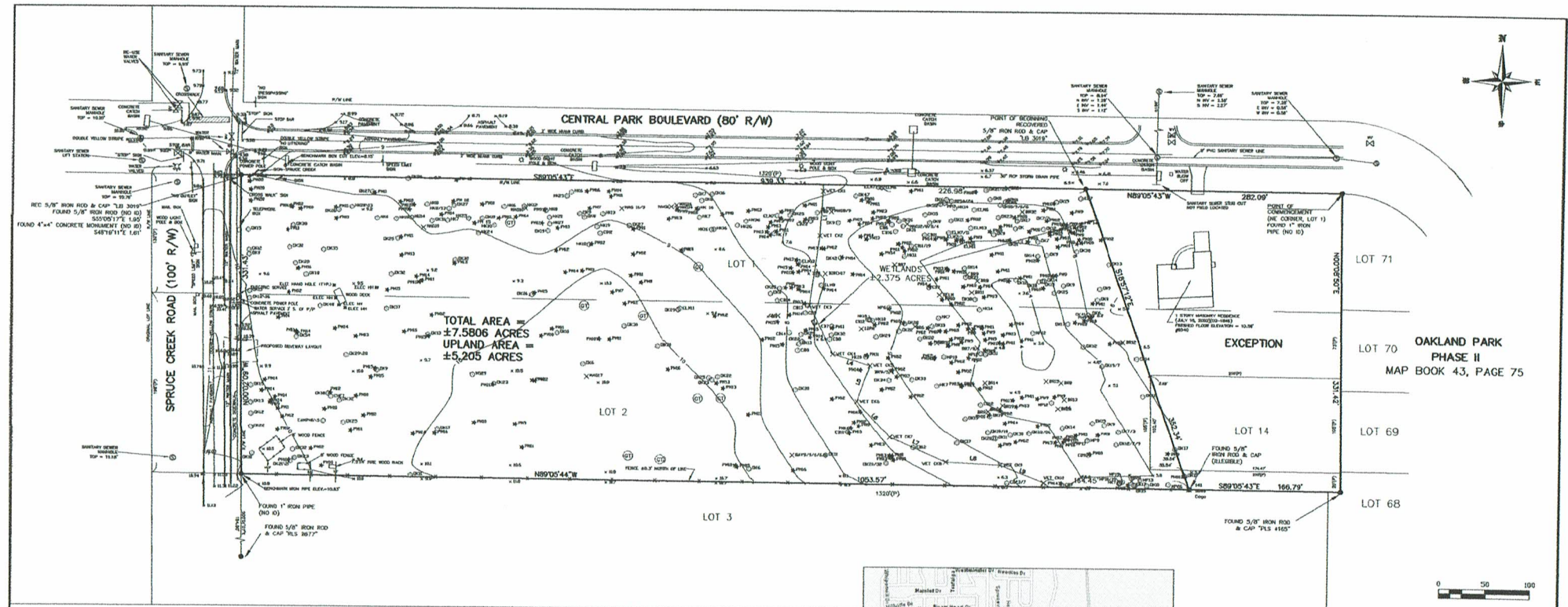
From: Scott Kirschner <scott.kirschner@ctkonline.com>
Sent: Thursday, February 3, 2022 1:09 PM
To: Darwin Schneider <dschneider@steelmasterind.com>; Debra Frank <dfrank@steelmasterind.com>; Debi Johnston <djohnston@steelmasterind.com>
Subject: Good afternoon! The City Of Port Orange is asking for some documentation for our request for extension for conditional use of our property to meet outdoors while we're waiting on building materials. Could you please provide some documentation that addr...

Sent from my iPhone

Begin forwarded message:

From: "Smith, Gideon" <gidsmith@port-orange.org>
Date: February 3, 2022 at 12:23:18 PM EST

Exhibit C



DESCRIPTION: (BY SLIGER & ASSOCIATES, INC.)

A PORTION OF LOT 2, SUBDIVISION OF LOT 3, MAP BOOK 3, PAGE 82, SECTION 27, TOWNSHIP 16, AND A PORTION OF LOTS 1 AND 14, SUBDIVISION OF LOT 3, MAP BOOK 3, PAGE 82, SECTION 27, TOWNSHIP 16, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

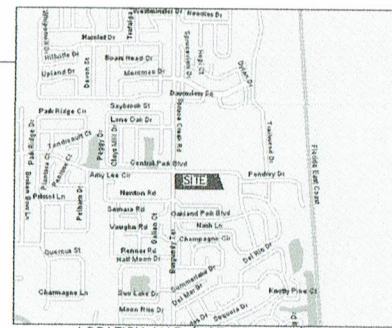
CONTAINING ±7.5806 ACRES.

ABOVE DESCRIPTION BEING THE SAME PROPERTY AS DESCRIBED IN OFFICIAL RECORD BOOK 5487, PAGE 5879 AS FOLLOWS:
 LOT 2, SUBDIVISION OF LOT 3, MAP BOOK 3, PAGE 82, SECTION 27, TOWNSHIP 16, AND LOTS 1 AND 14, SUBDIVISION OF LOT 3, MAP BOOK 3, PAGE 82, SECTION 27, TOWNSHIP 16, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.
 EXCEPTING:

[illegible]

SURVEYORS NOTES

- [illegible]



LOCATION MAP (NOT TO SCALE)

LINE	BEARING	DISTANCE
L1	N 02°56'41" E	50.08'
L2	N 08°14'47" E	77.47'
L3	N 25°49'17" W	59.99'
L4	N 73°35'33" W	43.73'
L5	S 20°03'43" W	42.63'
L6	S 42°52'04" E	53.56'
L7	S 66°09'38" E	67.64'
L8	N 87°02'53" W	59.71'
L9	S 68°55'43" E	52.20'

UTILITY STATEMENT

THE UNACCESSIBLE UPGRADABLE UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED FROM ABOVE GROUND FIELD UTILITY LOCATIONS PROVIDED BY SUNSHINE NETWORK TICKET #31502272 ON OR ABOUT NOV. 28, 2005 AND/OR DIGGING AS-BUILTS DRAWINGS PROVIDED BY THE CLIENT, SLUGER AND ASSOCIATES, INC. (SAA) MAKES NO GUARANTEES OR WARRANTIES OF ANY KIND FOR THESE UTILITIES SHOWN ON THIS SURVEY. THE AREA, EITHER IN-SERVICE OR ABANDONED, LIKEWISE SAA DOES NOT WARRANT THAT UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ONLY THAT SAA HAS CONDUCTED A VISUAL AND ACCESSIBLE FIELD LOCATION OF THESE UTILITIES AND/OR AS-BUILTS PROVIDED BY OTHERS. SAA HAS NOT PHYSICALLY VERIFIED THE ACTUAL UNACCESSIBLE UNDERGROUND UTILITIES, EXCEPT AS SPECIFICALLY NOTED AND DEPICTED ON THIS SURVEY.

ADDITIONAL ABBREVIATIONS—TREE LEGEND

CP	CAMPYER TREE	MG	MAGNOLIA
MP	MAPLE TREE	BY	ELM TREE
SC	SYCAMORE TREE	EM	BAY TREE
OK	OAK TREE	CT	CHERRY TREE
SG	SWEET GUM TREE	PN	PINE TREE
HK	HICKORY TREE	PA	PALM TREE
BN	BIRCH TREE	MJ	MULBERRY TREE

TREE TYPE

OK24

TREE SYMBOL



SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3823 NOVA ROAD
FORT ORANGE, FL 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NUMBER 3019
www.sligerassociates.com

6015 SPRUCE CREEK ROAD
PORT ORANGE, FLORIDA

FOR: Christ the King Community Church 20-1314

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Copyright © 2019 Silver & Associates, Inc.			
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TYPE OF SURVEY	CERTIFIED TO	SURVEY DATE	JOB NUMBER
BOUNDARY / TOPOGRAPHIC	CORNER THE KING DOMINION CHURCH-ETC NETWORK	NOV. 2, 2020	30-1314
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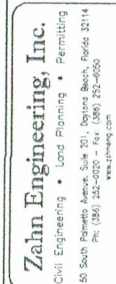
**BOUNDARY
TOPOGRAPHIC
AND
TREE SURVEY**

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS
OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF
PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER
50-117 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO
SECTION 472.007, FLORIDA STATUTES.

Joseph
E Zepher

My term expires
on 12/31/2011
My commission
number is 12123-00000

J. E. ZEPHER, P.E., No. 4048
1111 N. W. 11th Ave., Ft. Lauderdale, FL 33304



DESIGNED:	DAU
DRAWN:	DAU
CHECKED:	ANZ
DATE:	06-12-20

CONCEPT PLAN FOR CONDITIONAL USE

CHRIST THE KING COMMUNITY CHURCH

8015 SPRUCE CREEK ROAD, PORT ORANGE
VOLUSIA COUNTY, FL

PROJECT NUMBER
108

NOT VALID WITHOUT SEAL

E9-0005290
 FL. P.E. NO. 19083 & 82265

SHEET C01 1 of 1
CONSTRUCTION



STAFF REPORT

6th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development Case No. 21-40000002

REQUEST:	Amend the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to remove a requirement to install walk lights along the north side of Reed Canal Road
APPLICANT:	Roger Strcula, Upham, Inc.
PROPERTY OWNERS:	See Exhibit 1 for list of property owners
STAFF RECOMMENDATION:	Approval
LOCATION:	North side of Reed Canal Road, east of Red Sail Lane (Figure 1 – Page 2)
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
PLANNING COMMISSION DATE:	February 24, 2022

DEVELOPMENT PROPOSAL

The proposed 6th Amendment to the Crystal Lake Master Development Agreement (MDA) is to remove a requirement for any development on Lots 13 and 14 in the Crystal Lake Planned Unit Development (PUD) to install walk lights along the sidewalk located within the north side of the Reed Canal Road right-of-way.

The subject properties are currently regulated by the Crystal Lake MDA, as amended, and the Land Development Code (LDC). According to the applicant, the requested 6th Amendment is only to remove the requirement to install walk lights along the north side of Reed Canal Road on Lots 13 and 14 and does not change any of the permitted uses or other development requirements in the MDA.

- Lot 14 is currently being developed as the Eden Apartments, consistent with the Crystal Lake MDA.
- Lot 13 is located between the Eden Apartments (Lot 14) and Barnes McDonnell Pediatric Dentistry. According to the MDA, this area is intended to be developed with office and incubator business uses. At this time there is no development activity planned or proposed on the subject property. Lot 13 is made up of 85 25-foot-wide lots and there are currently 6 individual property owners that own property within Lot 13.

Figure 1. Location Map



The Crystal Lake MDA was approved by the City Council in 2000 and established a mixed-use development with various tracts, each with a common purpose and design theme, along with the walk light requirement for the north side of Reed Canal Road. There are currently 4 walk lights on Lots 1 and 2, just west of Lot 13, but they either do not work or are located behind a dense landscape buffers and function more as site lighting than walk lights.

In 2000, the LDC did not require walk lights to be installed along Reed Canal Road and the current LDC does not require walk lights to be installed along Reed Canal Road or other similar roadways (Madeline Avenue, Spruce Creek Road, Central Park Boulevard, Hensel Road, Herbert Street, Willow Run Boulevard, etc.).

The walk light requirement in the MDA approved in 2000 required the developers of the subject lots to install walk lights in the Reed Canal Road right-of-way as part of the site improvements for their project. In 2000, the City's standard construction detail for walk lights required the property owner to maintain the walk lights. However, the 2000 City Standard Construction Detail (SCD) that required the property owner to maintain the walk lights is **not** part of the current MDA and no language was included in the MDA to require the property owner to also maintain the walk lights. Therefore, if walk lights are installed on Lots 13 and 14, the current City SCD for walk lights would apply and require the City to maintain an estimated +32 walk lights.

There are no specific criteria to be used as a base for staff recommendation for the request to not install walk lights along this segment of Reed Canal Road as required in

the original MDA. Staff recommendations on zoning matters are generally based on consideration of compatibility with adjacent uses, availability of adequate infrastructure and consistency with adopted plans (such as Comprehensive Plan, City Vision, budget, etc.). The request to not install walk lights along this segment of Reed Canal Road is different than originally planned in the Crystal Lake MDA from 2000 and will require Planning Commission and City Council direction on whether to remove this requirement from the Crystal Lake MDA. The proposed amendment has been reviewed and approved by the Staff Development Review Committee (Community Development, Public Utilities, Public Works, Police, Fire, and City Attorney's Office). The proposed amendment has also been reviewed by staff from the Volusia County School District and there are no concerns with the request to not install walk lights along Reed Canal Road were raised.

According to the applicant, the request to remove the requirement to install walk lights is to minimize off-site improvements required to develop on Lots 13 and 14. The applicant further states that if walk lights are required to be installed along this segment of Reed Canal Road, it would create a non-uniform appearance as walk lights are not required to be installed on the south side of Reed Canal Road or along the segment of Reed Canal Road located in South Daytona. In addition, with multiple potential development sites in Lot 13, there could be phased installation of walk lights over multiple years which would leave a non-uniform appearance along this segment of the road.

CONSISTENCY WITH COMPREHENSIVE PLAN

On the City's Future Land Use (FLU) Map, Lot 13 is designated *Office/Residential Transition* and Lot 14 is designated *Urban Medium Density Residential (4-8 units/acre)*. The original MDA was found to be consistent with the Comprehensive Plan when it was approved in 2000. The proposed 6th Amendment does not change the FLU designation for the subject property and is consistent with the general intent of the City's Comprehensive Plan.

PUBLIC NOTICE

A Public Notice sign was posted on the site on July 30, 2021. At the time this agenda item was prepared, staff has not received any inquiries regarding the proposed amendment.

RECOMMENDATION

Staff recommends approval of the 6th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development, subject to review and approval by the City Attorney's Office for legal form and content.

ATTACHMENTS

- Exhibit 1 – List of Property Owners
- Exhibit 2 – 6th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development

Exhibit 1

Property Owners

Crystal Lake 2004, LTD, a Florida limited partnership whose address is 600 E. Colonial, Suite 100, Orlando, FL 32803

Hany Nyrouz, an individual whose address is P.O. Box 152 Millville, MA 01529

Carrousel Acres, LLC, a Florida limited liability corporation whose address is P.O. Box 17, New Smyrna Beach, FL 32170

Kellar Development, LLC, a Florida limited liability corporation whose address is 5535 S. Williamson Blvd. Port Orange, FL 32128

J. Michael Panczyszyn, an individual whose address is 580 Hidden Creek Dr. Antioch, IL 60002

A&G Properties, LLC, a Rhode Island limited liability corporation whose address is P.O. Box 17374 Esmond, RI 02917

EDEN GPC Port Orange Owner, LLC, a Florida limited liability corporation whose address is 2801 SW 31st Ave. Suite 2B, Miami, FL 33133

Exhibit 2

SIXTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD)

THIS SIXTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD) (the “**Sixth Amendment**”) is made this _____ day of _____, 2022, by and among the City of Port Orange, a political subdivision of the State of Florida (“**City**”) whose address is 1000 City Center Circle, Port Orange, Florida 32119; Crystal Lake 2004, LTD , a Florida limited partnership whose address is 600 E. Colonial, Suite 100, Orlando, FL 32803; Hany Nyrouz, an individual whose address is P.O. Box 152 Millville, MA 01529; Carrousel Acres, LLC, a Florida limited liability corporation whose address is P.O. Box 17, New Smyrna Beach, FL 32170; Kellar Development, LLC, a Florida limited liability corporation whose address is 5535 S. Williamson Blvd. Port Orange, FL 32128; J. Michael Panczyszyn, an individual whose address is 580 Hidden Creek Dr. Antioch, IL 60002 and A&G Properties, LLC, a Rhode Island limited liability corporation whose address is P.O. Box 17374 Esmond, RI 02917; EDEN GPC Port Orange Owner, LLC, a Florida limited liability corporation whose address is 2801 SW 31st Ave. Suite 2B, Miami, FL 33133 (“**Property Owners**”); collectively “**Parties**”).

WHEREAS, the City, John T. Self (together with John T. Self's wife, Barbara W. Self, who is now deceased), Robert Beatty, III, Rebecca Joyce Beatty Perkins, Elizabeth Ann Beatty Hayes and RSIII, Inc., a Florida corporation (“**RSIII, Inc.**”) (as the contract purchaser of the subject property), previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled “Master Development Agreement For the Crystal Lake Planned Unit Development (PUD)”, recorded in Official Records Book 4517, Page 1749, public records of Volusia County, Florida (the “**Master Development Agreement**”), relating to property described therein; and

WHEREAS, the Master Development Agreement was amended by that certain First Amendment to the Crystal Lake PUD Development Agreement recorded in Official Records Book 4612, at Page 4011 (the “**First Amendment**”); and that certain Second Amendment to Crystal Lake PUD Development Agreement recorded in Official Records Book 4704, at Page 417 (the “**Second Amendment**”); and that certain Third Amendment to Master Development Agreement for Crystal Lake Planned Unit Development (“PUD”) recorded in Official Records Book 4876 at Page 1749 (the “**Third Amendment**”); and that certain Fourth Amendment to Master Development Agreement for Crystal Lake Planned Unit Development (“PUD”) recorded in Official Records Book 5078 at Page 2022 (the “**Fourth Amendment**”); and that certain Fifth Amendment to Master Development for Crystal Lake Planned Unit Development (“PUD”) recorded in Official Records Book 5204 at Page 3392 (“**Fifth Amendment**”). The Master Development Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment, Fourth Amendment and Fifth Amendment is now hereinafter collectively referred to as the “Master Development Agreement”.

WHEREAS, the Property Owners are the owners of the property more particularly described in **Exhibit “A” (“Property”)**, which is the only property impacted by this Sixth Amendment.

WHEREAS, the City and Property Owners wish to further amend the Master Development Agreement as applies to the Property for the purposes as set forth herein below.

NOW, THEREFORE, the parties, in consideration of the mutual premises and covenants contained herein, and with the intent to be legally bound and to bind their successors and assigns, due hereby agree as follows:

1. The recitals and premises set forth above are true and correct, form a material part of this Sixth Amendment and are incorporated herein by reference.

2. Paragraph 7. **PUD INFRASTRUCTURE**, Section 7(d) of the Master Development Agreement as previously amended, is hereby further amended as follows:

Notwithstanding any other provision set forth in this Master Development Agreement, including but not limited to this Section 7(d), the bike path/pedestrian walkway to be constructed along the Reed Canal frontage of the PUD Property (e.g. Lots 13 and 14) (the **“Reed Canal Bike Path/Pedestrian Walkway”**) shall not be less than eight feet (8’) wide and no walkway lights shall be required along the Reed Canal Bike Path/Pedestrian Walkway.

3. This Sixth Amendment shall be effective as of the date it is executed by all parties.

4. This Sixth Amendment shall be recorded in the public records of Volusia County, Florida, at the Developer's expense.

5. The Master Development Agreement, as previously enacted and amended by the First, Second, Third, Fourth and Fifth Amendments thereto, shall remain in full force and effect except with respect to those matters specifically amended by this Sixth Amendment as applied to the .

[SIGNATURES ON FOLLOWING PAGE]

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

WITNESSES:

CITY:

CITY OF PORT ORANGE, a Florida municipal Corporation

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

By: _____

MAYOR DONALD O. BURNETTE

Attest: _____

Robin L. Fenwick, MMC, City Clerk

Date: _____

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 2022, by Donald O. Burnette, Mayor of the City of Port Orange, Florida, and by Robin L. Fenwick, City Clerk of the City of Port Orange, Florida a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

Print Name:
Notary Public, State of Florida
My commission expires:

IN WITNESS WHEREOF, the party has executed this Sixth Amendment, by and through its duly authorized representative, on the date below:

Crystal Lake 2004, LTD:

Crystal Lake 2004, LTD, a Florida limited partnership

Print Name: _____

By: _____
J. Steven Schrimsher, Managing Member

Print Name: _____

Date: _____

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 20__, by J. Steven Schrimsher, Managing Member of Crystal Lake 2004 LTD, a Florida limited partnership who is personally known to me and did not take an oath.

Print Name:
Notary Public, State of Florida
My commission expires:

IN WITNESS WHEREOF, the party has executed this Sixth Amendment, by and through its duly authorized representative, on the date below:

Hany Nyrouz:

Hany Nyrouz, an Individual

Print Name: _____

By: _____
Hany Nyrouz

Print Name: _____

Date: _____

STATE OF MASSACHUSETTS

COUNTY OF WORCESTER

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 20__, by Hany Nyrouz, an Individual who is personally known to me or has produced _____ as identification and who did (did not) take an oath.

Print Name:
Notary Public, State of Massachusetts
My commission expires:

IN WITNESS WHEREOF, the party has executed this Sixth Amendment, by and through its duly authorized representative, on the date below:

Carrousel Acres, LLC:

Carrousel Acres, LLC, a Florida limited liability corporation

Print Name: _____

By: _____
Louis Weaver, Managing Member

Print Name: _____

Date: _____

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 20__, by Louis Weaver, Managing Member of Carrousel Acres, LLC, a Florida limited liability corporation who is personally known to me or has produced _____ as identification and who did (did not) take an oath.

Print Name:
Notary Public, State of Florida
My commission expires:

IN WITNESS WHEREOF, the party has executed this Sixth Amendment, by and through its duly authorized representative, on the date below:

Kellar Development, LLC:

Kellar Development, LLC, a Florida limited liability corporation

Print Name: _____

By: _____
Robert Kellar, Jr, Managing Member

Print Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 20__, by Robert Kellar, Jr, Managing Member of Kellar Development, LLC, a Florida limited liability corporation who is personally known to me or has produced _____ as identification and who did (did not) take an oath.

Print Name:
Notary Public, State of Florida
My commission expires:

IN WITNESS WHEREOF, the party has executed this Sixth Amendment, by and through its duly authorized representative, on the date below:

J. Michael Panczyszyn:

J. Michael Panczyszyn, an Individual

Print Name: _____

By: _____
J. Michael Panczyszyn

Print Name: _____

Date: _____

STATE OF ILLINOIS

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 20__, by J. Michael Panczyszyn, an Individual who is personally known to me or has produced _____ as identification and who did (did not) take an oath.

Print Name:
Notary Public, State of Illinois
My commission expires:

IN WITNESS WHEREOF, the party has executed this Sixth Amendment, by and through its duly authorized representative, on the date below:

A&G Properties, LLC:

A&G Properties, LLC, a Rhode Island limited liability corporation

Print Name: _____

By: _____
Anthony Gargaro, Jr, Managing Member

Print Name: _____

Date: _____

STATE OF RHODE ISLAND

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization e this _____ day of _____, 20__, by Anthony Gargaro Jr, Managing Member of A&G Properties, LLC, a Rhode Island limited liability corporation who is personally known to me or has produced _____ as identification and who did (did not) take an oath.

Print Name:
Notary Public, State of Rhode Island
My commission expires:

IN WITNESS WHEREOF, the party has executed this Sixth Amendment, by and through its duly authorized representative, on the date below:

EDEN GPC Port Orange Owner, LLC :

EDEN GPC Port Orange Owner, LLC , a Florida limited liability corporation

Print Name: _____

By: _____
Jay Jacobson, Managing Member

Print Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 2022, by Jay Jackson, Managing Member of EDEN GPC Port Orange Owner, LLC, a Florida limited liability corporation who is personally known to me or has produced _____ as identification and who did (did not) take an oath.

Print Name:
Notary Public, State of Florida
My commission expires:

**EXHIBIT A
LEGAL DESCRIPTION
CRYSTAL LAKE MDA 6th AMENDMENT**

LOT 13-1 THROUGH AND INCLUSIVE TO LOT 13-84 FOR A TOTAL OF 84 LOTS OF CRYSTAL LAKE TRACT 3 AS RECORDED IN MAP BOOK 50, PAGES 171 THROUGH 173 AS RECORDED IN VOLUSIA COUNTY PUBLIC RECORDS; TOGETHER WITH LOT 14 OF CRYSTAL LAKE TRACT 2 AS RECORDED IN MAP BOOK 50, PAGES 58 AND 59 AS RECORDED IN VOLUSIA COUNTY PUBLIC RECORDS.

Prepared by:
Upham, Inc.
265 Kenilworth Avenue
Ormond Beach, FL 32174
February 1, 2022



STAFF REPORT

CASE NO. 22-25000001

LDC Amendment/Chapter 9, Article II, Section 19

REQUEST:	Amend Chapter 9, Article II, Section 19 of the Land Development Code to allow funds from the City's Tree Bank to be used for educational outreach programs and tree giveaways to residents and business owners of the City of Port Orange to plant on their property.
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
PLANNING COMMISSION:	February 24, 2022

SUMMARY OF PROPOSED AMENDMENT

The proposed amendment is to allow funds from City's tree bank to fund educational outreach programs and tree giveaways to residents and business owners of the City of Port Orange to plant on their property. Currently, the Land Development Code (LDC) states that funds from the City's tree bank can only be used for the planting of trees, and to cover any other ancillary costs including, but not limited to, landscaping, sprinkler systems, labor, consultant services and other services or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems on any public land within the City of Port Orange.

The proposed amendment would allow the City, Environmental Advisory Board (EAB), or other designated City boards to use funds from the tree bank funds to purchase trees to giveaway to residents and business owners during community events (Arbor Day, Earth Day, Family Days, etc.), as well as to create educational outreach programs that encourage the preservation of the City's tree canopy.

In conjunction with the proposed amendment, a Tree Bank Policy will be established to specify the type and size of trees that may be purchased for giveaways, along with the percentage of funds from the tree bank that can be used for tree giveaways and educational outreach.

The City's Tree Bank receives funds when a developer chooses to remove trees from a required landscape buffer or any specimen as part of a new commercial or residential development. According to the LDC, if a developer chooses to remove trees 6" dbh¹ or greater from a required buffer or specimen trees (Oak, Elm, Maple, Cypress, Sweetgum, Hickory, and Sycamore trees that are 18" dbh or greater; and Magnolia, Cedar, Turkey Oak and Bay trees 12" dbh or greater), a payment toward the City's Tree Bank is required.

¹ Diameter at breast height (DBH). Trunk diameter of tree measured four and one-half feet above soil level. If a tree forks within four and one-half feet of the soil line, each fork shall be considered a separate tree.

PROPOSED AMENDMENT

CHAPTER 9

ARTICLE II: - TREE PRESERVATION

Section 19: - Tree replacement or mitigation.

[No changes to subsections (a) through (d)]

(e) *Tree bank*. The city finance director shall establish a separate project account for the tree bank for the deposit of mitigation payments as required in chapter 9, article II. All monies deposited for use as specified in section 19(e) of this article, shall be deposited in a separate project account established and maintained apart from other project accounts of the City of Port Orange. The funds in said account shall be expended, utilized and disbursed for the planting of trees, and to cover any other ancillary costs including, but not limited to, landscaping, sprinkler systems, labor, consultant services and other services or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems on any public land within the jurisdiction of the City of Port Orange, and to fund educational outreach programs and tree giveaways for residents and business owners of the City of Port Orange. These monies may also be utilized to purchase land intended for conservation, tree preservation or public open space.

RECOMMENDATION

Approval of the amendment to Chapter 9, Article II, Section 19 of the Land Development Code.