



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, June 23, 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: MDA Amendment/Crystal Lake Planned Unit Development 7th Amendment
CASE NO.: 22-40000001
APPLICANT: Storch Law Firm, 420 South Nova Road, Daytona Beach, FL 32114, 386-238-8383/corey@storchlawfirm.com
STAFF CONTACT: Gideon Smith, Senior Planner, 386-506-5676/gidsmith@port-orange.org

A request by the applicant to amend the Crystal Lake Planned Unit Development (PUD) Master Development Agreement (MDA) to allow the access drive between Lot 12 (Crystal Lake Apartments) and Lot 14 (the Eden Apartments) and the entirety of Lot 14 to be gated.

5. APPLICATION: Conventional Rezoning/950 Madeline Avenue
CASE NO.: 22-60000004
APPLICANT: Phillip C. Hollis, MS/PE, Principal of Flagship Companies Group, LLC, 1190 Business Center Dr., Suite 2000, Lake Mary, FL 32746, 407-832-644/Phillip@PMJS.com
STAFF CONTACT: Gwen Perney, Principal Planner, 386-506-5673/gperney@port-orange.org

A request by the applicant to rezone +/- 8.3 acres from R-3M (Multi-Family Residential – up to 12 units per acre) to Community Commercial (CC).

6. APPLICATION: Special Exception/950 Madeline Avenue
CASE NO.: 22-70000001
APPLICANT: Phillip C. Hollis, MS/PE, Principal of Flagship Companies, LLC, 1190

Business Center Dr., Suite 2000, Lake Mary, FL 32746, 40--832-6444/Phillip@PMJS.com

STAFF CONTACT: Gwen Perney, Principal Planner, 386-506-5673/gperney@gmail.com

A request by the applicant to allow the operation of a mini-warehouse and motor vehicle and boat storage facility within the Community Commercial (CC) Zoning District.

7. APPLICATION: Subdivision Final Plat/Town West

CASE NO.: 21-50000003

APPLICANT: Jessica Gow, Esquire, Cobb Cole, 149 S. Ridgewood Avenue, Suite 700, Daytona Beach, FL 32114, 386-323-9226/Jessica.Gow@CobbCole.com

STAFF CONTACT: Gwen Perney, Principal Planner, 386-506-5673, gperney@port-orange.org
A request by the applicant to subdivide ±12.41 acres into two (2) commercial lots

8. APPLICATION: LDC Amendment/Chapter 13, Section 4 & Chapter 17, Section 24

CASE NO.: 22-25000004

APPLICANT: City of Port Orange

STAFF CONTACT: Gideon Smith, Senior Planner, 386-506-5676/gidsmith@port-orange.org

A request to amend to Chapter 13, Section 4 and Chapter 17, Section 24 of the Land Development Code to allow flexibility in the design layout of a parking lot for uses within the Light Industrial (LI) Zoning District and to add wholesalers and distributors to the list of permitted uses within the LI Zoning District.

C. OTHER BUSINESS

9. Commissioner Comments

10. 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.

Planning Commission Meeting

Thursday, June 23, 2022

Page 3 of 3

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
APRIL 28, 2022

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

Pledge of Allegiance

Silent Invocation

Roll Call

Present: Stan Schmidt
Lance Green
Newton White
Darrel “Bo” Bofamy
Maria Mills-Benat
John Junco

Absent: Thomas Jordan (excused)

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

B. DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve the minutes as presented from March 24, 2022, was made by Commissioner White and Seconded by Commissioner Mills-Benat. Motion carried unanimously by voice vote.

Chair Schmidt opened items #4 and #5 together.

4. APPLICATION: Small-Scale Comprehensive Plan Future Land Use Map
Amendment / 4085 Ridgewood Avenue and 4147 Ridgewood Avenue
CASE NO.: 21-20000002
APPLICANTS: Brendan and Shannon Galbreath
STAFF CONTACT: Gwen Perney, Principal Planner (386) 506-5673

A request by the Applicants to amend the Comprehensive Plan Future Land Use (FLU) map to change the FLU designation for ±1.44 acres from *Commercial* to *Mixed Use Center*.

Motion to approve Case No. 21-20000002 was made by Commissioner Mills-Benat and Seconded by Commissioner Bofamy.

Motion to approve Case No. 21-65000002 was made by Commissioner Mills-Benat and Seconded by Commissioner Bofamy.

Gwen Perney, Principal Planner, discussed details of the Small-Scale Comprehensive Plan Future Land Use Map Amendment, the rezoning and restatement and answered questions from Commissioners.

Brendan Galbreath, applicant, provided additional information on the plans for the project and answered questions from Commissioners.

Motion as to Item #4 carried unanimously by roll call vote.

Motion to amend the motion to approve Case No. 21-65000002 to include the language "subject to the approval of policy issues and future land use amendment" was made by Commissioner Mills-Benat and Seconded by Commissioner Bofamy. Motion carried unanimously by roll call vote.

Motion as to Item #5 carried unanimously by roll call vote.

5. APPLICATION: Rezoning and Restatement of the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP)

CASE NO.: 21-65000002

APPLICANTS: Brendan and Shannon Galbreath and Commons 4075, LLC

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

A request by the Applicants to rezone three properties from Community Commercial (CC) and Ridgewood Development (RD) to Planned Commercial Development (PCD) and to approve the Restatement of the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to incorporate the properties into the existing PCD boundary

This item was discussed with item #4.

Chair Schmidt opened items #6 and #7 together.

6. APPLICATION: Small-Scale Comprehensive Plan Future Land Use Map Amendment/5360 Dubois Avenue

CASE NO.: 22-20000002

APPLICANT: City of Port Orange

STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676

An administrative amendment to the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ±0.81 acres from *Commercial* to *Urban Medium Density Residential* (4-8 units/acre).

Motion to approve Case No. 22-20000002 amendment to the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ±0.81 acres from Commercial to Urban Medium Density Residential (4-8 units/acre) was made by Commissioner Mills-Benat and Seconded by Commissioner Bofamy.

Motion to approve Case No. 22-60000003 to rezone ±4.99 acres from Planned Commercial Development (PCD) to Community Commercial (CC); ±0.16 acres from Commercial/Industrial (CI) to Neighborhood Preservation (NP); and ±0.81 acres from Ridgewood Development (RD) to Mobile Home Residential (RMH) was made by Commissioner Mills-Benat and Seconded by Commissioner White.

Gideon Smith, Senior Planner, discussed details of the Small-Scale Comprehensive Plan Future Land Use Map Amendment and the conventional rezoning and answered questions from Commissioners.

Motion as to Item #6 carried unanimously by roll call vote.

Motion as to Item #7 carried unanimously by roll call vote.

7. APPLICATION: Conventional Rezoning/4020 & 4096 Ridgewood Avenue, 215 Church Street, 411 Church Street, and 5360 Dubois Avenue

CASE NO.: 22-60000003

APPLICANT: City of Port Orange

STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676

An administrative request to rezone ±4.99 acres from Planned Commercial Development (PCD) to Community Commercial (CC); ±0.16 acres from Commercial/Industrial (CI) to Neighborhood Preservation (NP); and ±0.81 acres from Ridgewood Development (RD) to Mobile Home Residential (RMH).

This item was discussed with item # 6.

C. OTHER BUSINESS

8. Commissioner Comments

Commissioner White mentioned no one is maintaining the landscape at the old bank building located at 3741 S. Nova Road. Staff will report it.

9. Staff Comments

There were none.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT – 6:15 p.m.

Chair Stan Schmidt



STAFF REPORT

7th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development Case No. 22-40000001

REQUEST:	To approve the 7 th Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to allow the access drive between Lot 12 (Legacy at Crystal Lake Apartments) and Lot 14 (Eden at Crystal Lake Apartments) to be gated and for emergency access only.
APPLICANTS:	Glenn D. Storch and Corey D. Brown, Storch Law Firm
PROPERTY OWNERS:	Port Orange Apartment Associates II, LLC; Eden GPC Port Orange Owner, LLC
STAFF RECOMMENDATION:	Approval
LOCATION:	1200 Floral Springs Boulevard; 1270 Reed Canal Road
STAFF CONTACT:	Gideon Smith, Senior Planner (386) 506-5676
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	June 23, 2022

DEVELOPMENT PROPOSAL

The proposed 7th Amendment to the Crystal Lake Master Development Agreement (MDA) is to remove the requirement that access must be provided through Lot 12 (Legacy at Crystal Lake Apartments) and Lot 14 (Eden at Crystal Lake Apartments) of the Crystal Lake Planned Unit Development (PUD) via a common drive that connects Clyde Morris Boulevard to Reed Canal Road as part of any residential development on these lots.

Figure 1. Location Map



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 7th Amendment is to allow the residential development on Lot 14 (Eden at Crystal Lake Apartments) to have a gated entrance at Reed Canal Road that is equipped for emergency access and an emergency access gate between the residential developments on Lots 12 and 14 (See Figure 1 on Page 1). Both proposed gates would be designed to allow emergency personnel to access both lots from either Clyde Morris Boulevard or Reed Canal Road in the event of an emergency. The proposed amendment does not change the current access to the Legacy at Crystal Lake Apartments (Lot 12) from Clyde Morris Boulevard nor does it change any of the permitted uses or other development requirements in the Crystal Lake MDA.

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 a provision that required a common access drive through Lots 12 and 14 to connect Clyde Morris Boulevard to Reed Canal Road once developed. Access to Lot 12 is provided via Floral Springs Boulevard, which was constructed to serve the Legacy at Crystal Lake Apartments when the lot was developed in 2004. The entrance to Legacy at Crystal Lake Apartments is currently ungated.

The developer of Lot 14 requested that the Eden at Crystal Lake Apartments be gated between Lots 12 and 14, and the access point required by the MDA between Lots 12 and 14 only be used for emergency access. The LDC does not prohibit the installation of gates for multi-family residential developments, however, since the Crystal Lake PUD MDA states that a common access through Lots 12 and 14 must be provided, the proposed amendment to the MDA is needed to remove the requirement. Figure 2 shows the access points to the two multi-family developments from adjacent roadways and general location of the proposed emergency access gate between Lots 12 and 14.

Figure 2. Common Drive Network within Lots 12 and 14



According to the applicant, the request to have a gate between Lots 12 and 14 and at Reed Canal Road is so the Eden at Crystal Lake Apartments can be a private, gated community. According to the applicant, in addition to increased privacy, Lots 12 and 14 are not under the same ownership, nor have the same design and product type, so interconnection between the two parcels is no longer desired when compared to the original vision of the Crystal Lake PUD as the multi-family lots being under unified ownership. The applicant also indicated since both Lots 12 and 14 were not developed together and do not have similar design layouts, the design of the parking lot and access drives and overall concept is no longer conducive to serve as connector between two arterial roads (Clyde Morris Boulevard and Reed Canal Road). Figure 3 below shows the existing parking lot and access drive through Legacy at Crystal Lake Apartments. Figure 4 shows the existing location of the connection between Lots 12 and 14.

Figure 3. Existing Parking Lot and Access Drive through Legacy at Crystal Lake Apartments



Figure 4. Approximate Location of Proposed Gate between Lots 12 & 14



There are no specific criteria to be used as a base for Staff recommendation for the request to remove the requirement of connecting the common access drives associated with the residential developments on Lots 12 and 14 as required in the original MDA. The Staff recommendation on this matter is generally based on impacts to emergency services and consistency with adopted plans (such as Comprehensive Plan, Land Development Code, City Vision, budget, etc.). Multi-family developments with gated access are not uncommon throughout Port Orange and recent examples of similar developments include The Atlantic Apartments (1401 Reed Canal Road), White Palm Apartments (5400 S. Williamson Boulevard), Springs at Port Orange Apartment Homes (5410 S. Williamson Boulevard), Sanctuary at Westport (5400 Coraci Boulevard), Hawthorne Village Apartment Homes (3900 Yorktowne Boulevard), and Hawks Mill Apartments (3835 Clyde Morris Boulevard).

The proposed amendment has been reviewed and approved by the Staff Development Review Committee (Police, Fire, Community Development, Public Utilities, Public Works, and City Attorney's Office).

If approved, the existing access to the Legacy at Crystal Lake Apartments (Lot 12) from Clyde Morris Boulevard and the access to Eden at Crystal Lake Apartments (Lot 14) from Reed Canal Road will remain unchanged other than the addition of the gated access for Eden at Crystal Lake Apartments. The only proposed change to the MDA for the Crystal Lake PUD is the Eden at Crystal Lake Apartments will have a gated main entrance from Reed Canal Road that is equipped for emergency access, and an emergency access only gate will be installed between the two multi-family residential developments on Lots 12 and 14. The Legacy at Crystal Lake Apartments property owners do not object to the request to install a gate between Lots 12 and 14 and at this time they have not proposed to install a gate along Floral Springs Boulevard. However, if the proposed amendment is approved, the Legacy at Crystal Lake Apartments will have the option to install a gate in the future.

Figure 5. Entrance to Eden at Crystal Lake Apartments (Under Construction)



CONSISTENCY WITH COMPREHENSIVE PLAN

Lots 12 and 14 are designated *Urban Medium Density Residential* (4-8 units/acre) on the City's Future Land Use (FLU) Map. The original MDA was found to be consistent with the Comprehensive Plan when it was approved in 2000. The proposed 7th 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 May 20, 2022. At the time this agenda item was prepared, there have been no phone calls or other inquiries on the proposed amendment.

RECOMMENDATION

Staff recommends approval of the 7th 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.

ATTACHMENT

Exhibit 1: 7th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development

Exhibit 1

Document Prepared By
Storch Law Firm
420 South Nova Road
Daytona Beach, FL 32114

Return recorded document to:
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

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

THIS SEVENTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD) (the “**Seventh Amendment**”) is made this ____ day of _____, 20____, 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; Port Orange Apartment Associates II, L.L.C., a Florida limited liability company (“**Port II**”), whose address is 753 E. Glenn Avenue, Auburn, AL 36830; and Eden GPC Port Orange Owner, LLC, a Florida limited liability company (“**Eden**”), whose address is 2801 SW 31st Avenue, Suite 2-B, Coconut Grove, FL 33133.

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 Beaty Perkins, Elizabeth Ann Beatty Hayes and RSIII, Inc., a Florida corporation (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, of the Public Records of Volusia County, Florida (the “**Master Development Agreement**”), relating to property described therein; and

WHEREAS, John T. Self (a/k/a John Thomas Self) by that certain Warranty Deed recorded in Official Records Book 5125, Page 1449, Public Records of Volusia County, Florida, conveyed the real property described therein to John T. Self, as Trustee of the John T. Self Trust dated March 31, 2003 (“**Self Trust**”); and

WHEREAS, the Self Trust by that certain Special Warranty Deed recorded in Official Records Book 5372, Page 2397, Public Records of Volusia County, Florida, conveyed the real property described therein to Port Orange Apartment Associates I, LLC, a Florida limited liability company (“**Port I**”); and

WHEREAS, the Self Trust by that certain Warranty Deed recorded in Official Records Book 5428, Page 1055, Public Records of Volusia County, Florida, conveyed the real property described therein to Crystal Lake 2004, Ltd., a Florida limited partnership (“**Crystal Lake**”); and

WHEREAS, Crystal Lake by that certain Special Warranty Deed recorded in Official Records Book 5641, Page 2680, Public Records of Volusia County, Florida, conveyed the real property described therein to Port Orange Apartment Associates III, LLC, a Florida limited liability company (“**Port III**”); and

WHEREAS, Port I by that certain Special Warranty Deed recorded in Official Records Book 5724, Page 2287, Public Records of Volusia County, Florida, conveyed the real property described therein to Port II; and

WHEREAS, Port III by that certain Special Warranty Deed recorded in Official Records Book 7709, Page 894, Public Records of Volusia County, Florida, conveyed the real property described therein to Eden; and

WHEREAS, the property affected by this Seventh Amendment is now owned by Port II and Eden; 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 the Crystal Lake PUD Development Agreement recorded in Official Records Book 4704, at Page 417 (the "**Second Amendment**"); and that certain Third Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 4876 at Page 1749 (the "**Third Amendment**"); and that certain Fourth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 5078 at Page 2021 (the "**Fourth Amendment**"); and that certain Fifth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 5204 at Page 3392 (the "**Fifth**

Amendment”); and that certain Sixth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book ____ at Page ____ (the “**Sixth Amendment**”). The Master Development Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, and the Sixth Amendment is now hereinafter collectively referred to as the "Master Development Agreement"; and

WHEREAS, the City, Port II and Eden wish to further amend the Master Development Agreement for the purposes of amending: (i) Paragraph 2 (Development Plan); (ii) Paragraph 5 (Development Concept); and (iii) Paragraph 11 (Architectural Design Standards), to remove the requirement for a common drive through Lots 12 and 14 that provides full access between Clyde Morris Blvd. and Reed Canal Rd., to permit Lot 14 to have a private, gated access driveway, and to require emergency access and related improvements between said Lots 12 and 14.

WHEREAS, for purposes of this Seventh Amendment, words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, the parties, in consideration of the mutual 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 Seventh Amendment and are incorporated herein by reference.

2. This Seventh Amendment pertains only to Lots 12 and 14 of the Crystal Lake, Tract 2 Subdivision. Lots 12 and 14 are described in the legal description attached hereto and incorporated herein as Exhibit “A”.

3. Paragraph 2. **Development Plan**, Section 2(d) (2) of the Master Development Agreement is hereby amended, as follows:

(2) In regard to Tract 2, Lots 12 and 14 may be developed with single family dwellings, apartments (rental) and townhomes (ownership), or a mixture thereof. Single family lots will have an area of at least 5,500 square feet per lot. Residential development on Lot 14 shall be permitted to have a private access driveway with a gated entrance from Reed Canal

Road that is equipped for emergency access. Additional emergency access shall be provided via an emergency access easement with emergency access gate between the residential developments on Lots 12 and 14~~This residential development will be accessed from a common drive which will pass through Lots 12 and 14 and connect through Tract 1 to Clyde Morris Boulevard and Reed Canal Road as generally depicted by the Conceptual Development Plan. The drive may be public or private.~~ Either single family or multi-family development may occur on Lots 12 and 14. If Lot 12 is developed for single family purposes, the total number of single family lots located on the Lot (which will be subdivided) will not exceed one hundred fifty (150). If Lots 12 and 14 are developed for multi-family purposes, the total number of multi-family units located on Lots 12 and 14 will not exceed eight hundred (800).

4. Paragraph 5. **Development Concept**, of the Master Development Agreement as it relates to Tract 2 at pages 7 and 8 is hereby amended, respectively, as follows:

Tract 2 (Lots 11, 12 and 14): Lot 11 is the existing lake which will serve as common stormwater detention/retention facility for Tracts 1, 2, and 3 as well as open space for development occurring on Lots 12 and 14. Lots 12 and 14 may be developed with single family dwellings, apartments (rental) and townhomes (ownership), or a mixture thereof. Single family lots will have an area of at least 5,500 square feet per lot. Residential development on Lot 14 shall be permitted to have a private access driveway with a gated entrance from Reed Canal Road that is equipped for emergency access. Additional emergency access shall be provided via an emergency access easement with emergency access gate between the residential developments on Lots 12 and 14~~Residential development will be accessed from a common drive which will pass through Lots 12 and 14 and connect through Tract 1 to Clyde Morris Boulevard and Reed Canal Road as generally depicted by the Conceptual Development Plan. The drive may be public or private.~~ Either single family or multi-family development may occur on Lots 12 and 14. If Lot 12 is developed for single family purposes, the total number of single family lots

located on the Lot (which will be subdivided) will not exceed one hundred fifty (150). If Lots 12 and 14 are developed for multi-family purposes, the total number of multi-family units located on Lots 12 and 14 will not exceed eight hundred (800).

5. Paragraph 11. **Architectural Design Standards**, Section 11(d) of the Master Development Agreement is hereby amended, as follows:

Lot function and layout shall be coordinated. For purposes herein, lot function and layout includes but is not limited to, building placement, landscaping layout/design, parking lot layout, and access drive layout/design. Cross access easements and shared points of ingress and egress shall be a particular component of developing Lots 1-10, Lots 12 and 14, and Lot 13. Lots 1-10 are located within Tract 1 shall utilize common ingress and egress points as illustrated on Exhibit "B". Internal access to Lots 1-10 shall be from the indicated points of ingress and egress via cross access easements which shall be shown as a part of the plat subdividing Lots 1-10. ~~Lots 12 and 14 shall share a private central common accessway which will originate on Clyde Morris Boulevard and Reed Canal Road. The central common accessway shall provide both pedestrian and vehicular access to Clyde Morris Boulevard, Reed Canal Road, and the neighborhood service area planned for Lots 1-10.~~ Lot 13 shall have two (2) points of access onto Reed Canal Road. Individual building sites located on Lot 13 shall have access to Reed Canal Road via a cross easement to be located on sublots 13.1 through 13.83. A shared point of access or cross access point between Tract 1 and Tract 3 will be allowed.

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

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

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

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

“CITY”

CITY OF PORT ORANGE, a Florida
municipal
corporation

WITNESSES:

Print Name: _____

By:

Donald O. Burnette, Mayor

Print Name: _____

Print Name: _____

Attest:

Robin L. Fenwick, MMC, City Clerk

Print Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this ____ day of _____, 20____, by Donald O. Burnette, Mayor, and Robin L. Fenwick, City Clerk, both on behalf of the City of Port Orange, a Florida municipal corporation. They are personally known to me and did not take an oath.

Notary: Type, Print or Stamp Name

My Commission Expires:

WITNESSES:

ASSOCIATES II,

corporation,

Print Name: _____

Print Name: _____

STATE OF ALABAMA
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization on this ____ day of _____, 20__, by C. Hadley Weaver, Jr., as President of Port Orange SPE, Inc., a Florida corporation, the Managing Member of Port Orange Apartment Associates II, L.L.C., a Florida limited liability company. He/she is personally known to me or produced _____ as identification and did not take an oath.

(Seal)

“PORT II”

PORT ORANGE APARTMENT

L.L.C., a Florida limited liability company

By: Port Orange SPE, Inc., a Florida
its Managing Member

By:

C. Hadley Weaver, Jr., President

Notary Public

“EDEN”

WITNESSES:

EDEN GPC PORT ORANGE OWNER, LLC,
a Florida limited liability company

Print Name: _____

By:

_____, Manager

Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this ____ day of _____, 20__, by _____, as Manager of Eden GPC Port Orange Owner, LLC, a Florida limited liability company. He/she is personally known to me or produced _____ as identification and did not take an oath.

(Seal)

Notary Public



STAFF REPORT

CONVENTIONAL REZONING / 950 MADELINE AVE

CASE NO. 22-60000004

REQUEST:	Rezone ± 8.3 acres from Multi-Family Residential (R-3M) to Community Commercial (CC)
LOCATION:	950 Madeline Ave. (Figure 1 – Location Map)
PROPERTY OWNER:	T & T 950 Madeline, LLC
APPLICANT:	Philip C. Hollis, Flagship Companies Group, LLC
STAFF CONTACT:	Gwen Perney, Principal Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	June 23, 2022

Property Overview

The applicant, Philip C. Hollis of Flagship Companies Group, LLC, on behalf of the property owner, T & T 950 Madeline, LLC, is requesting to rezone the subject property from Multi-Family Residential (R-3M) to Community Commercial (CC). The subject property is located at the southeast corner of Madeline Avenue and Nova Road, west of Jackson Street and is currently used for boarding horses (Figure 1 – Location Map). The applicant has also concurrently applied for a Special Exception (Case No. 22-70000001) to allow a self-storage and boat and RV storage facility to be built on the subject property. If the rezoning and special exception are approved, the applicant intends to submit a site plan application for self-storage and boat and RV storage facility and an application to subdivide the ± 8.3 -acre subject property to create a ± 1.5 -acre commercial outparcel.

Figure 1. Location Map



Discussion

The subject property is currently occupied by horse boarding facility (Port Orange Stables) since the mid-1960's. The property currently has a Future Land Use (FLU) designation of *Commercial* and is zoned R-3M (Multi-Family Residential – up to 12 units per acre). The subject property has been zoned for multi-family uses since 1971. The property has been designated *Commercial* on the Future Land Use (FLU) map since 2010. The FLU category was changed from the *High-Density Residential (8-16 units per acre)* category to the *Commercial* FLU category to encourage redevelopment of the property as it is in a designated commercial node in the City's Comprehensive Plan. The current R-3M zoning is not compatible with the *Commercial* FLU designation. To develop the property, either the FLU designation or zoning for the property is required to be changed in order to be consistent.

According to the applicant, the request to rezone the subject property to the CC zoning category is so the zoning for the property is consistent with the property's current *Commercial* FLU designation and allow it to be redeveloped. If the property is rezoned to CC, the proposed self-storage and boat and RV storage facility will require approval of a Special Exception. In conjunction with the rezoning request, the applicant has also applied for a special exception to allow for the development of a 3-story climate controlled self-storage facility, with 1-story mini-warehouse storage buildings around the perimeter of the storage facility, and motor vehicle, recreational vehicle, and boat storage interior to the site.

According to the applicant, deviating from the requirements in the LDC to develop the site is not anticipated, therefore, the applicant selected to use a standard zoning district and meet the requirements in the LDC including landscape buffers, parking, building setbacks, tree preservation, lot size and width, architecture design and traffic concurrency. The applicant believes that the lot dimensional requirements and the list of permitted uses in the CC zoning district and the development requirements in the LDC is a more efficient and transparent process to develop the site than creating a Planned Commercial Development (PCD).

Access to the property is available along Nova Road, Madeline Avenue, and Jackson Street. Any proposed access drives off Nova Road must be approved by FDOT and access off Madeline Avenue and Jackson Street must be approved by City of Port Orange, during the site plan review process. Sweetgum Lane is a private road, and the applicant is not requesting to provide access to Sweetgum Lane. Water and sewer are available to service the property. As part of any future subdivision of the property and/or site development, the applicant will be required to submit development plans for staff review, to meet all architecture, landscaping, traffic generation, lot dimensional requirements, and site development and infrastructure requirements of the City's LDC.

As part of any redevelopment on the subject property, a site plan will require detailed technical review by the Staff Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and City's Comprehensive Plan are met. Specific site development requirements listed in the LDC, such as the width of the landscape buffers, location and size of the stormwater pipes, water lines, and sewer lines, parking lot design, architectural design, tree and wetland preservation/mitigation, screening (fence or wall) and other development requirements are finalized with the site

plan. Site plans are typically a 20 to 50-page set of technical documents that are signed and sealed by a licensed engineer and contain extensive engineering, landscaping, and construction details.

As with all development within the City, specific site development proposals for the subject property are subject to transportation concurrency regulations at the time of development. Transportation Concurrency review determines if the developer is required to construct facilities, or for the developer to enter into a mitigation agreement to pay for their impacts to the roadway network. Similar to other developments within the city, the developer may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City to pay for part of the scheduled improvements for any impacted areas.

According to the latest traffic counts for Madeline Avenue, Nova Road, and Jackson Street, there is sufficient capacity for traffic anticipated from the development of the subject property to be generated by future development of this property (Table 1).

Table 1. Roadway Capacities for Roadways Adjacent to 950 Madeline Avenue

Roadway Segment	Roadway Classification Per City Comp Plan	Maximum Capacity Vehicles Per Day	Current Vehicles Per Day	Remaining Capacity Vehicles Per Day	V/C Ratio*
Madeline Ave. (Sauls Rd. to Nova Rd.)	Minor Arterial	14,040	5,059	8,981	0.36
Madeline Ave. (Nova Rd. to Clyde Morris Blvd.)	Minor Arterial	14,040	9,225	4,815	0.65
Nova Rd. (N. City Limits to Dunlawton Ave.)	Principal Arterial	39,800	27,000	12,800	0.68
Jackson St. (North of Dunlawton Ave.)	Local Collector	12,744	1,619	11,125	0.13

Sources: City of Port Orange (2022), Traffic counts conducted by Traffic Engineering Data Solutions, Inc. (TEDS) and Volusia County Traffic Engineering (2019)

*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.

For any future development on the subject property, the design of the stormwater drainage system will be required to comply with the stormwater requirements in the City's Land Development Code and the St. Johns River Water Management District (SJRWMD) Environmental Resource Permit (ERP) for a site that discharges stormwater into the Nova Canal. Per the City's Land Development Code, the applicant will be required to construct on-site stormwater facilities, designed to accommodate, and treat the 25 year, 24-hour storm event, without causing flooding to adjacent properties or polluting the receiving water bodies. The drainage system design for the redevelopment of the subject property is anticipated to consist of onsite stormwater retention ponds and the stormwater held in these ponds would eventually discharge into the Nova Canal which is maintained by FDOT and Volusia County.

Any development on the subject property will also be required to comply with all federal, state, regional and local regulations pertaining to the protection, relocation, mitigation, and preservation of trees, gopher tortoises, protected wildlife species, wetlands, and other environmental resources. A formal review of these items will occur with the review of the site plan to verify compliance with all federal, state, regional and local regulations.

Any proposed development will be required to comply with the City's landscaping requirements, such as perimeter landscape buffers, parking lot landscaping, building foundation landscaping, and tree preservation. A formal review of the landscaping and tree preservation will occur with the review of the site plan to verify compliance with the LDC. Regardless of the commercial use developed on the site, the following are the minimum landscape and tree preservation requirements for the subject property

- A minimum twenty (20) foot wide landscape right-of-way buffer along Nova Road and Madeline Avenue.
- A minimum ten (10) foot wide landscape right-of-way buffer along Jackson Street and Sweetgum Lane.
- A minimum of 15% of the ±8.3-acre subject property must be set aside for the preservation of existing trees.

The CC zoning district permits typical commercial uses commonly found along an arterial roadway such as banks, business services, convenience stores with or without fuel operations, financial services, fleet-based services, funeral homes, furniture and appliance stores, health/exercise clubs, medical offices/clinics, motor vehicle service stations, offices, personal services, restaurants, retail home building materials, retail nurseries and garden supplies, retail sales and services, and veterinary clinics. If the property is rezoned to CC and the current property owner does not redevelop the site with a self-storage facility, any future proposed use of the subject property will need to be a permitted use in the CC zoning district.

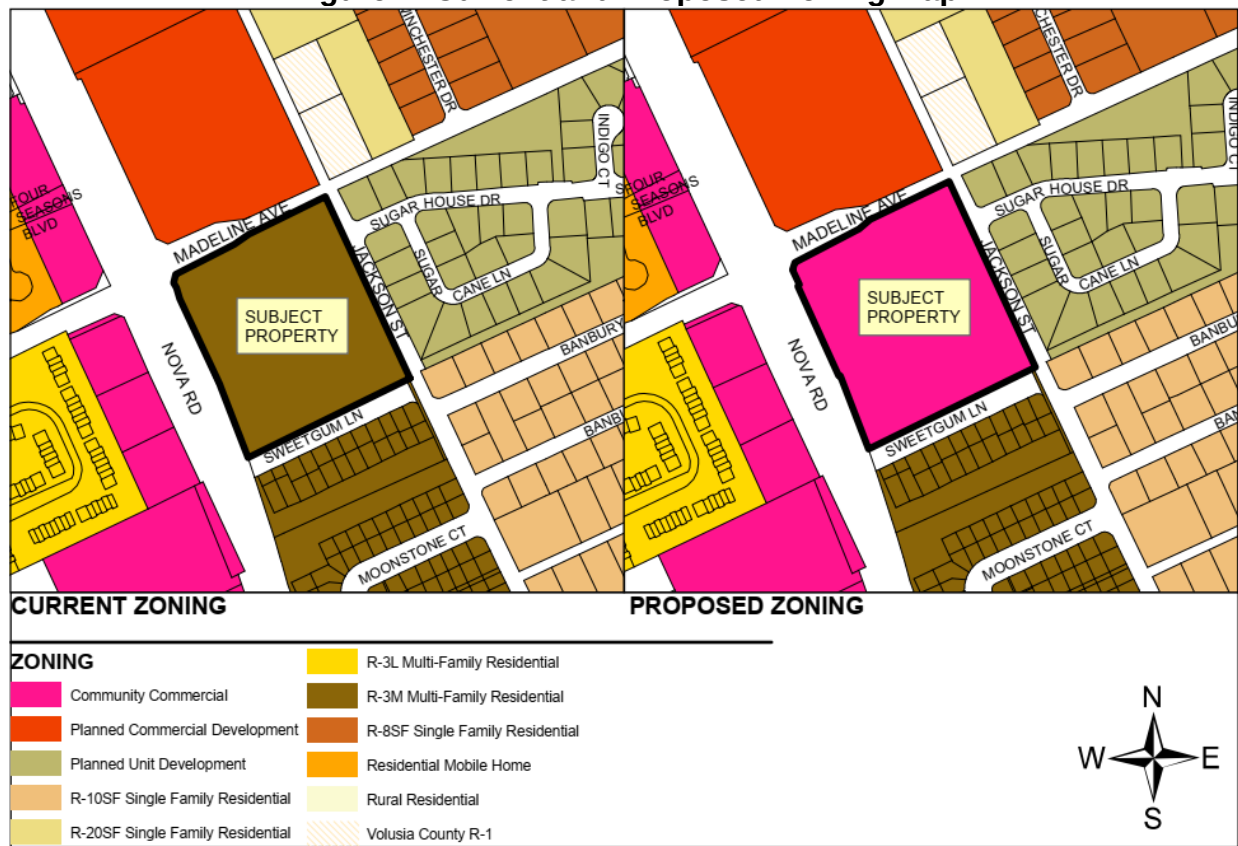
Compatibility with Surrounding Uses and Zoning

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

The proposed CC zoning district is appropriate for this location and is compatible with the surrounding properties. Table 1 summarizes the land use and zoning of the adjacent properties. The subject property is located along a major arterial roadway. Based on compatibility with adjacent uses and availability of infrastructure, the requested CC zoning is appropriate for this location, and it is consistent with the existing FLU designation. (Figure 2 – Current and Proposed Zoning Map).

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Vacant Commercial	<i>Commercial</i>	Planned Commercial Development (PCD)
South	Multi-Family Residential (Willow Lake Townhomes)	<i>Urban High Density Residential (8-16 units/acre)</i>	Medium Density Multi-Family Residential (R-3M)
East	Single Family Residential (Sugar Forest subdivision)	<i>Suburban Residential (2-4 units/acre)</i>	Sugar Forest Planned Unit Development (PUD)
West	Commercial, across Nova Road	<i>Commercial</i>	Community Commercial (CC)

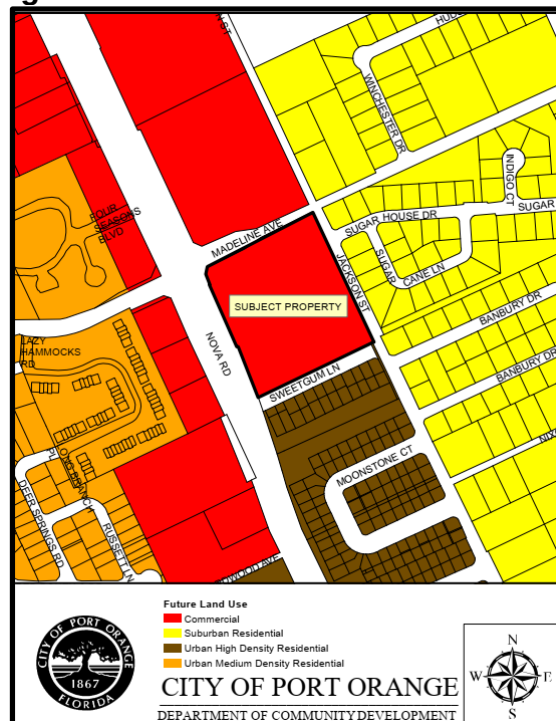
Figure 2. Current and Proposed Zoning Map**Consistency with Comprehensive Plan**

The proposed rezoning is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan and is compatible with adjacent properties. The subject property is currently designated *Commercial* on the Future Land Use (FLU) map, along with the adjacent properties along Nova Road to the north and west of the subject property. The subject property is also located in a Community Commercial node as

designated in the City's Comprehensive Plan. A Community Commercial node is generally designed to serve the general shopping needs of areas within a ± 2 -mile radius.

The proposed CC zoning district is consistent with the subject property's current *Commercial* FLU designation (Figure 3 – Future Land Use Map). The *Commercial* FLU designation is generally characterized by uses that provide for the retail sale of items and provision of services to the general public. Based on compatibility with the property's current FLU designation, adjacent uses, and availability of infrastructure, the requested zoning is determined to be appropriate for this location and consistent with the Comprehensive Plan.

Figure 3. Current Future Land Use Map



Public Notice

A neighborhood meeting was held by the applicant on May 31, 2022, as required by the LDC to discuss the proposed rezoning and future development with area residents. Approximately 30 people were in attendance to discuss concerns regarding area drainage, traffic, and environmental issues. The property was posted by Staff on May 20, 2022, as required by the LDC notifying the public of the proposed rezoning. As of the time this agenda item was prepared, there have been three (3) phone calls with general inquiries on the proposed rezoning.

Staff Recommendation

Staff recommends **approval** of the request to rezone ± 8.3 acres from Multi-Family Residential (R-3M) to Community Commercial (CC).

Attachment

Exhibit 1 – Dimensional Requirements and List of Permitted Uses for the CC zoning district

Exhibit 1
Dimensional Requirements and Permitted Uses
Community Commercial Zoning

						Minimum Building Setback (Ft.)			
District	Minimum Living Area/D.U. (Sq. Ft.)	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Maximum Building Coverage	Minimum Open Space	Front	Side	Rear	Maximum Height (Ft.)
CC		22,500	150	35%	30%	D	15*	25*	45

* Non-residential building setbacks adjoining residential zoning shall be equal to or greater than building height.

Community Commercial (LDC, Chapter 17, Section 21)

Permitted uses.

- (1) Adult/vocational education.
- (2) Appliance/electronic repair shops.
- (3) Banks.
- (4) Business services.
- (5) Clubs, lodges, and fraternal organizations.
- (6) Convenience stores with or without fuel operations.
- (7) Financial services.
- (8) Fleet-based services.
- (9) Funeral homes.
- (10) Furniture and appliance stores.
- (11) Health/exercise clubs.
- (12) Medical offices/clinics.
- (13) Motor vehicle service stations.
- (14) Offices.
- (15) Office supplies.
- (16) Personal services.
- (17) Restaurants.
- (18) Retail home building materials.
- (19) Retail nurseries and garden supplies.
- (20) Retail sales and services.
- (21) Veterinary clinics.

Permitted uses with special development requirements.

- (1) Athletic/sports facilities (subsection 2).
- (2) Brewery (subsection 3.7).
- (3) Child care centers (subsection 4).
- (4) Craft food and beverage producer (subsection 5.15).
- (5) Community gardens (subsection 5.1).
- (6) Microbrewery (subsection 9.57).
- (7) Theaters (subsection 17).

Special exception uses.

- (1) Bars, lounges, and night clubs (subsection 3).
- (2) Fortune tellers, astrologers, and palm readers (subsection 6).
- (3) Game/recreation facilities (subsection 7).
- (4) Marina, recreational (subsection 9.6).
- (5) Mini-warehouses (subsection 10).
- (6) Motor vehicle and boat storage facilities (subsection 12).



STAFF REPORT

Special Exception / Mini-Warehouse and Motor Vehicle Boat and Storage Facility

CASE NO. 22-70000001

REQUEST:	To allow the operation of a mini-warehouse and motor vehicle/boat storage facility within the Community Commercial (CC) zoning district.
LOCATION:	950 Madeline Avenue
PROPERTY OWNER:	T & T 950 Madeline, LLC
APPLICANT:	Philip C. Hollis, Flagship Companies Group, LLC
STAFF CONTACT:	Gwen Perney, Principal Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	June 23, 2022

Introduction

Philip C. Hollis of Flagship Companies Group, LLC, applicant for the property owner, T & T 950 Madeline, LLC, has applied for a Special Exception to operate a mini-warehouse and motor vehicle/boat storage facility within the Community Commercial (CC) zoning district. The proposed use would be located on an ±8.3-acre property located at the southeast corner of Madeline Avenue and Nova Road (Figure 1 on Page 2). If approved, the applicant intends to submit a site plan to establish a mini-warehouse storage facility with storage area for motor vehicles, recreational vehicles, and boats on the subject property.

The applicant has concurrently applied for rezoning of the subject property from Medium Density Multi-Family Residential (R-3M) to Community Commercial (CC). (Case No. 22-60000004). The CC zoning district lists mini-warehouses and motor vehicle/boat storage facilities as special exception uses within the zoning district. In addition to the proposed mini-warehouse and motor vehicle and boat storage uses, the CC zoning of the property also allows uses such as office, medical office, restaurants with a drive-thru, retail, convenience store with fuel operations, bank, and health/exercise clubs.

According to the Land Development Code (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 a mini-warehouse as “self-service storage facility in a building consisting of individual self-contained units of varying size that are leased or owned for the storage of business and household goods, or for contractor's supplies” and defines a motor vehicle and boat storage facility as “land where the long-term parking of motor vehicles and boats is accommodated.”

Figure 1. Location map



According to the applicant's market analysis, it determined that within a 5-mile radius of the subject property the demand for a mini-warehouse facility exists at this location based on the area demographics and future growth. The proposed development includes a three-story climate controlled self-storage building, three (3) one-story mini warehouse buildings, and a paved covered outdoor storage area for vehicles, recreational vehicles, and boats. The site will also have landscape buffers, screening fence or wall, a stormwater pond, a parking lot and water and sewer infrastructure as required by the City's Land Development Code. Figure 2 below is a conceptual site plan provided by the applicant depicting the proposed site improvements that will be submitted for staff review if the rezoning and special exception are approved.

Figure 2. Conceptual Site Plan



Special Exception Development Standards

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.*

According to the applicant, a mini-warehouse facility use produces very low traffic volumes compared to other retail, restaurant, and office uses permitted on the subject property. The proposed 700-unit mini-warehouse facility is estimated to generate 152 daily trips and 16 PM peak hour trips. Table 1 below demonstrates the trip generation rates of permitted uses in the Community Commercial (CC) zoning district. Compared to a restaurant or convenience store, the mini-storage and RV/boat storage uses have a low impact on daily vehicle traffic to and from the site. According to the applicant, the facility is anticipated to only be accessible by customers between the hours of 6:00am and 10:00pm.

**Table 1. ITE Daily Trip Rate for uses in the
Community Commercial (CC) Zoning District**

Use	Daily Trip Rate	Multiplier
Mini-warehouse	1.45	Per 1,000 SF
Warehouse (Motor vehicle and boat storage)	3.56	Per 1,000 SF
General Office	11.03	Per 1,000 SF
Health/ Exercise Club	32.93	Per 1,000 SF
Medical/Dental Office	36.13	Per 1,000 SF
Retail	44.32	Per 1,000 SF
Restaurant without a Drive-Thru	127.15	Per 1,000 SF
Bank	148.15	Per 1,000 SF
Restaurant with Drive-Thru	496.12	Per 1,000 SF
Convenience Store with Gas	845.6	Per 1,000 SF

According to the latest traffic counts for the roadways adjacent to the subject property, there is capacity for the traffic (152 daily trips) anticipated to be generated by the proposed development (Table 1). The site plan submittal for this property will be required to comply with the City's Concurrency Management requirements in the LDC. Detailed traffic analysis occurs at the site plan review stage to identify any improvements that might be required. Similar to other developments within the city, the developer may be required to enter into a Proportionate Fair Share Agreement with the City and Volusia County to pay for part of the scheduled transportation improvements for any impacted areas.

Table 2. Roadway Capacities for Roadways Adjacent to 950 Madeline Avenue

Roadway Segment	Maximum Capacity Vehicles Per Day	Current Vehicles Per Day	Remaining Capacity Vehicles Per Day	V/C Ratio*
Madeline Ave. (Sauls Rd. to Nova Rd.)	14,040	5,059	8,981	0.36
Madeline Ave. (Nova Rd. to Clyde Morris Blvd.)	14,040	9,225	4,815	0.65
Nova Rd. (N. City Limits to Dunlawton Ave.)	39,800	27,000	12,800	0.68
Jackson St. (North of Dunlawton Ave.)	12,744	1,619	11,125	0.13

According to the applicant, access into the project is proposed from Nova Road and Madeline Avenue. Access from Nova Road in this area is under FDOT's jurisdiction and access from Madeline Avenue in this area is under City of Port Orange jurisdiction. According to the applicant, access to the site is proposed as follows:

- Nova Road - A proposed right-in/right-out driveway at the south end of the site.
- Madeline Avenue – A proposed right-in/right-out driveway at the east end of the property and a proposed full driveway at the west end of the site.

Any proposed access drives off Nova Road must be approved by FDOT and access off Madeline Avenue must be approved by City of Port Orange during the site plan review process. The applicant is not proposing an access drive off Jackson Street, which is a public right-of-way or Sweetgum Lane, which is a private roadway.

The site plan submittal for this property will be required to comply with the City's Concurrency Management requirements in the LDC. Detailed traffic analysis occurs at the site plan review stage to identify any improvements that might be required. Similar to other developments within the city, the developer may be required to enter into a Fair Share Concurrency Agreement with the City to pay for part of the scheduled improvements for any impacted areas.

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 50 cubicles for a mini-warehouse, plus 1 loading space at all public entry doors for a facility with interior corridor access.

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 mini-warehouse facility. The LDC requires a minimum 20-foot landscape buffer along Madeline Avenue and Nova Road, and minimum 10-foot landscape buffer along Jackson Street and Sweetgum Lane. Foundation plantings are required around all buildings. The applicant is proposing to use the rear elevations of the one-story mini-storage buildings as a decorative wall to enclose and screen the storage facility from adjacent rights-of-way. A review of the landscape buffers will occur with the site plan.

The applicant's concept plan also incorporates the existing historic trees on the property into tree preservation areas. A review of the landscape buffers, specimen and historic trees, and tree preservation areas will occur with the site plan.

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 architectural style of the building, accessory structures, and wall/fence will be developed with a common architectural theme and comply with the LDC. A formal review of the architecture will occur with the site plan to verify compliance with the LDC. Any proposed signage will have to meet the regulations set forth by the LDC. Figure 3 illustrates the proposed design for the mini-warehouse facility that complies with the LDC.

Figure 3. Artistic renderings of the proposed building elevations



View of the elevations of the buildings facing Nova Road from the southwest corner of the site.



View of the elevation of the storage facility building facing the corner of Madeline Avenue and Jackson Street from the northeast corner of the site.

5. *Size, location, or number of special exception uses in an area shall be limited to maintain the overall character of the district as intended by this code.*

There are no other Special Exceptions that have been approved or under review for mini warehouse uses in the general area of the subject property (Figure 4). The proposed development is located approximately 0.5 miles from an existing mini-warehouse facility (Jackson Street Storage) and approximately 1 mile from a mini-warehouse facility currently under construction (Stor-It Self Storage); both facilities were approved through a Planned Commercial Development (PCD).

The subject site will be required to be developed to meet the building setbacks, building coverage and open space requirements for the Community Commercial (CC) Zoning District, and the proposed use generates less vehicular trips than other uses permitted on the subject property.

Figure 4. Nearby Mini-Warehouse Facilities in Port Orange



In addition to the standard development requirements for all special exceptions, the mini-warehouse use and the motor vehicle/boat storage in the CC zoning district must also comply with additional development requirements [Ch. 18, Sec. 3(b)(10) of the LDC]. The following are the additional development requirements and how they apply to the request.

Specific Mini-Warehouse Development Requirements:

1. *Warehouse buildings shall be screened from any public rights-of-way by a six-foot high opaque fence or wall with a type 2 buffer yard planted along the street side of the fence or wall. Buffer yard requirements may be increased in accordance with chapter 13 of this Code.*

The proposed development will comply with the right-of-way landscape buffers and wall/fence requirement in the LDC. A review of the landscape buffers and the wall/fence will occur with the site plan.

According to the applicant, and the development has been laid out to allow greater preservation of natural vegetation and specimen/historic trees than would otherwise be required. Therefore, off-street parking, loading and service areas will be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.

2. *The proposed site shall be a minimum of two acres.*

The subject property is ±8.3 acres.

3. *The proposed site shall front on an arterial roadway.*

The site fronts on Nova Road. Nova Road is defined by the City's Comprehensive Plan as a principal arterial roadway.

Specific Motor Vehicle/Recreational/Boat Storage Development Requirements:

1. *The proposed site shall front on an arterial roadway.*

The site fronts on Nova Road. Nova Road is defined by the City's Comprehensive Plan as a principal arterial roadway.

2. *The proposed site shall be a minimum of two acres.*

The subject property is ±8.3 acres.

3. *Buffering shall be provided based on a land use intensity factor of six for completely enclosed facilities and seven for fenced facilities*

The proposed landscaping bufferyards will meet the land use intensity factor requirement. Proposed concept site layout provides right-of-way buffers along all four property lines. The property will be required to provide all required shade trees, understory trees, and shrubs as per the LDC within the buffer areas.

According to the applicant, the exterior walls of the self-storage buildings provide additional screening and are separated from the two residential areas. Placing the parking internal to the buildings screens the residential areas from both noise and light. The southerly and easterly storage buildings are approximately 235 feet and 80 feet respectively from the nearest residential homes.

4. *Outside storage shall be completely enclosed within a six- to eight-foot-high opaque fence or wall.*

All outside storage will be enclosed with an eight-foot wall or the rear exterior of a storage building to screen the area, as well as comply with all the landscape buffer requirements in the LDC. This includes the minimum 20-foot landscape buffer along Nova Road and Madeline Avenue 10-foot landscape buffer along Jackson Street and Sweetgum Lane.

5. *Vehicles, for purposes of this special exception, shall include automobiles, trucks, vans, boats, boat trailers, recreational vehicles, and other similar vehicles which are customarily owned, rented, or leased by the average family. Such vehicles shall be licensed and fully operational at all times. Towing to and impoundment at the facility of any inoperable vehicle or appurtenance thereof shall not be permitted.*

According to the applicant, the proposed development will only allow licensed, insured, and operational automobiles, trucks, vans, boats, boat trailers, recreational vehicles, and other similar vehicles to be the stored. The proposed development will rent assigned spaces to customers for a specific time period.

6. *Vehicle washing shall be confined to a commercial facility or pervious surface in compliance with the water conservation regulations of the City.*

The site plan submittal for this property will be required to comply with the City's water conservation regulations in the LDC. According to the applicant, vehicle or boat washing is not anticipated at the proposed development.

7. *Vehicle servicing shall be limited to regular maintenance items such as changing oil, tires, batteries, and other similar activities. Mechanical or body repair, painting, engine rebuilding, or other similar work which would customarily be performed at a motor vehicle service center shall not be permitted.*

According to the applicant, vehicle servicing within the proposed development will be limited to regular maintenance items as allowed by the LDC, such as changing oil, tires, batteries, and other similar activities.

8. *Living quarters for a resident manager may be permitted, provided such quarters are occupied by the manager and the manager's immediate family.*

According to the applicant, no living quarters for a resident manager are proposed for this development.

9. *Required parking shall be provided at a ratio of one space for each ten storage stalls or fraction thereof, plus one space for each employee at the largest shift and two spaces if resident manager living quarters are provided.*

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

RECOMMENDATION

Staff recommends approval of the Special Exception to allow a mini-warehouse and motor vehicle/boat storage facility to be developed at 950 Madeline Avenue, subject to approval of Rezoning Case No. 22-60000004.

ATTACHMENTS

Exhibit A – Applicant's Letter

Extra Space Storage – 950 Madeline Avenue Justifications for Special Exception

The purpose of the requested Special Exception is to allow for a personal storage use under the proposed rezoning to the Community Commercial zoning district to meet the needs for the area to provide personal storage.

In accordance with Chapter 18, Section 2(d)(2) of the Land Development Code for the requested Special Exception, the *italics* font is the required justification and the **bold** font is the response as follows:

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

The proposed personal storage facility will comprise approximately 105,000 square feet which equates to an approximate 0.29 FAR. The FAR is significantly less than the maximum permitted 0.5 FAR per Figure 1-9 of the Comprehensive Plan. Per the 11th edition of the ITE Manual, the projected trips due to the proposed use are as follows:

Mini Warehouse (ITE 151)

- Avg Daily Trips per 1 ksf (1.45) @ 105 ksf = 152 trips**
- PM Peak Trips per 1 ksf (0.15) @ 105 ksf = 16 trips**

The projected trips are substantially less than what could be developed on the property under the current R-3M or proposed CC zoning districts without requiring a Special Exception. A self-storage facility patron visits the facility very rarely and a typical visit consists of just dropping off or picking a up stored items. Area residents will see minimal trips on Madeline Avenue and Jackson Street. Therefore, traffic generation and access for the proposed use will not adversely impact adjoining properties and the general public safety.

- (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*

The preliminary site plan for the proposed personal storage facility illustrates the off-street and parking areas are not located in close proximity to the adjacent easterly and southerly residential areas. Off-street parking and loading areas are located internally and screened by the surrounding buildings and fences. There is minimal parking along Nova Road and Madeline Avenue for direct access to the leasing office and 3-story storage building.

The exterior building walls have additional screening and are separated from the two residential areas. Placing the parking internal to the buildings screens the residential areas from both noise and light. The southerly and easterly storage buildings are approximately 235 feet and 80 feet respectively from the nearest residential homes. The parking and layout of the development also allows for greater preservation of natural vegetation and mature trees than would otherwise be required. Therefore, off-street parking, loading and service areas will be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.

- (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*

The preliminary site plan for the proposed personal storage facility illustrates the screening from the interior parking and drive aisles through incorporation of the perimeter storage buildings and fences from the general public. Landscape buffers are provided in accordance with the CC zoning district. The southerly buffer is further increased due to the location of the proposed stormwater pond. The existing trees within the proposed buffers and within the right-of-way of Jackson Street are proposed to remain. Proposed and existing trees to remain will comply with the current Tree Ordinance. The development also includes a substantial natural vegetation area with several historic trees that will be preserved. Therefore, yards, screening or buffering, and landscaping will be consistent with the district in general and the specific needs of the abutting land uses.

- (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*

The proposed building elevations and renderings provide for a natural color tone of the buildings with articulation in the facades to break the mass through decorative block, glazing, vertical relief, pilasters. No exterior roll-up doors to the individual units are visible to the public from the adjacent roadways or residential areas. The development will complement the adjoining single-family areas and provide for a relatively quiet commercial use along a major throughfare roadway. Therefore, architectural and signage treatments will comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and will be sensitive to surrounding development.

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

The proposed personal storage facility is the only Special Exception requested. The proposed 0.29 FAR does not exceed the maximum permitted 0.5 FAR permitted per Figure 1-9 of the Comprehensive Plan. The incorporation of a 3-story building minimizes the use of the property allowing for a smaller single floor footprint. The location of the proposed use is within the commercial corridor node as identified in the Comprehensive Plan. A climate controlled mini-storage facility is a low impact commercial use that complements the development pattern of the area.

The proposed development provides for 36 parking and loading spaces based on the Developer's similar personal storage facilities. There are ten proposed covered motor vehicle / boat storage spaces located internally that are fully screened by the perimeter buildings and fences. The proposed use requires a total of 16 parking spaces per Chapter 12, Section 4 of the Land Development Code. The proposed parking meets the minimum Code required quantity of spaces. Therefore, size, location and only one special exception use is limited to maintain the overall character of the district as intended by this code.

Per Chapter 18, Section 3, Subsection 10 of the Land Development Code of the CC zoning district for mini-warehouse use, the *italics* font is the required condition and the **bold** font is the response as follows:

- (a) *Warehouse buildings shall be screened from any public rights-of-way by a six-foot high opaque fence or wall with a type 2 buffer yard planted along the street side of the fence or wall. Buffer yard requirements may be increased in accordance with chapter 13 of this Code*

The proposed perimeter buildings will consist of masonry block and serve to screen the interior of the storage facility from public view. Separation between the buildings will have a minimum 8 ft high fence. Perimeter buffer plantings in addition to the existing trees to remain will meet the Code requirements.

- (b) *The proposed site shall be a minimum of two acres*

The proposed site area is greater than two acres.

- (c) *The proposed site shall front on an arterial roadway*

The proposed site fronts Nova Road and Madeline Avenue.

Per Chapter 18, Section 3, Subsection 12 of the Land Development Code of the CC zoning district for motor vehicle and boat storage use, the *italics* font is the required condition and the **bold** font is the response as follows:

- (a) *The proposed site shall front on an arterial roadway*

The proposed site fronts Nova Road and Madeline Avenue.

- (b) *The proposed site shall be a minimum of two acres*

The proposed site area is greater than two acres.

- (c) *Buffering shall be provided based on a land use intensity factor of six for completely enclosed facilities and seven for fenced facilities*

The required buffering will be provided based on the Intensity Factor of 6 for a wall enclosed parking facility.

- (d) *Outside storage shall be completely enclosed within a six- to eight-foot-high opaque fence or wall*

The preliminary site plan illustrates the outside storage area is fully enclosed by the perimeter buildings and fences.

- (e) *Vehicles, for purposes of this special exception, shall include automobiles, trucks, vans, boats, boat trailers, recreational vehicles, and other similar vehicles which are customarily owned, rented or leased by the average family. Such vehicles shall be licensed and fully operational at all times. Towing to and impoundment at the facility of any inoperable vehicle or appurtenance thereof shall not be permitted*

The proposed motor vehicle and boat storage area is not intended for impoundment use and will not be permitted.

- (f) *Vehicle washing shall be confined to a commercial facility or pervious surface in compliance with the water conservation regulations of the City*

Vehicle washing will not be permitted.

- (g) *Vehicle servicing shall be limited to regular maintenance items such as changing oil, tires, batteries, and other similar activities. Mechanical or body repair, painting, engine rebuilding, or other similar work which would customarily be performed at a motor vehicle service center shall not be permitted*

Major vehicle repair, painting engine building or similar work will not be permitted. The intended use is strictly storage of vehicles and boats/trailers.

- (h) *Living quarters for a resident manager may be permitted, provided such quarters are occupied by the manager and the manager's immediate family*

A resident manager will reside in the leasing office.

- (i) *Required parking shall be provided at a ratio of one space for each ten storage stalls or fraction thereof, plus one space for each employee at the largest shift and two spaces if resident manager living quarters are provided*

There are only 10 storage spaces plus the resident manager which requires a total of 3 spaces. The proposed parking meets the requirement.



STAFF REPORT

SUBDIVISION PLAT / TOWN WEST SUBDIVISION
CASE NO. 21-50000003

REQUEST: To subdivide ± 12.41 acres into two (2) commercial lots

LOCATION: Southwest corner of S. Williamson Boulevard and Town West Boulevard (Figure 1. Location Map)

OWNERS: Wetherbee Partners, L.L.C and Florida PCF Investments, LLC

APPLICANT: Jessica Gow, Cobb Cole

STAFF RECOMMENDATION: Approval

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

PLANNING COMMISSION DATE: June 23, 2022

DISCUSSION

The applicant is requesting to subdivide ± 12.41 acres located at the southwest corner of S. Williamson Boulevard and Town West Boulevard (Figure 1) into two (2) commercial lots. The subdivision plat (Exhibit A) has been designed according to the lot dimensional requirements of the Planned Community-Agriculture (PC-A) Workplace zoning district. The proposed subdivision plat will create a ± 1.88 -acre lot (Lot 1) vacant commercial outparcel (no end-user identified) and a ± 10.53 -acre lot (Lot 2) for the 115-unit Town West Senior Living apartments, which is currently under staff review (Case No. 21-80000008).

Figure 1. Location Map



Map created by the City of Port Orange Community Development Department

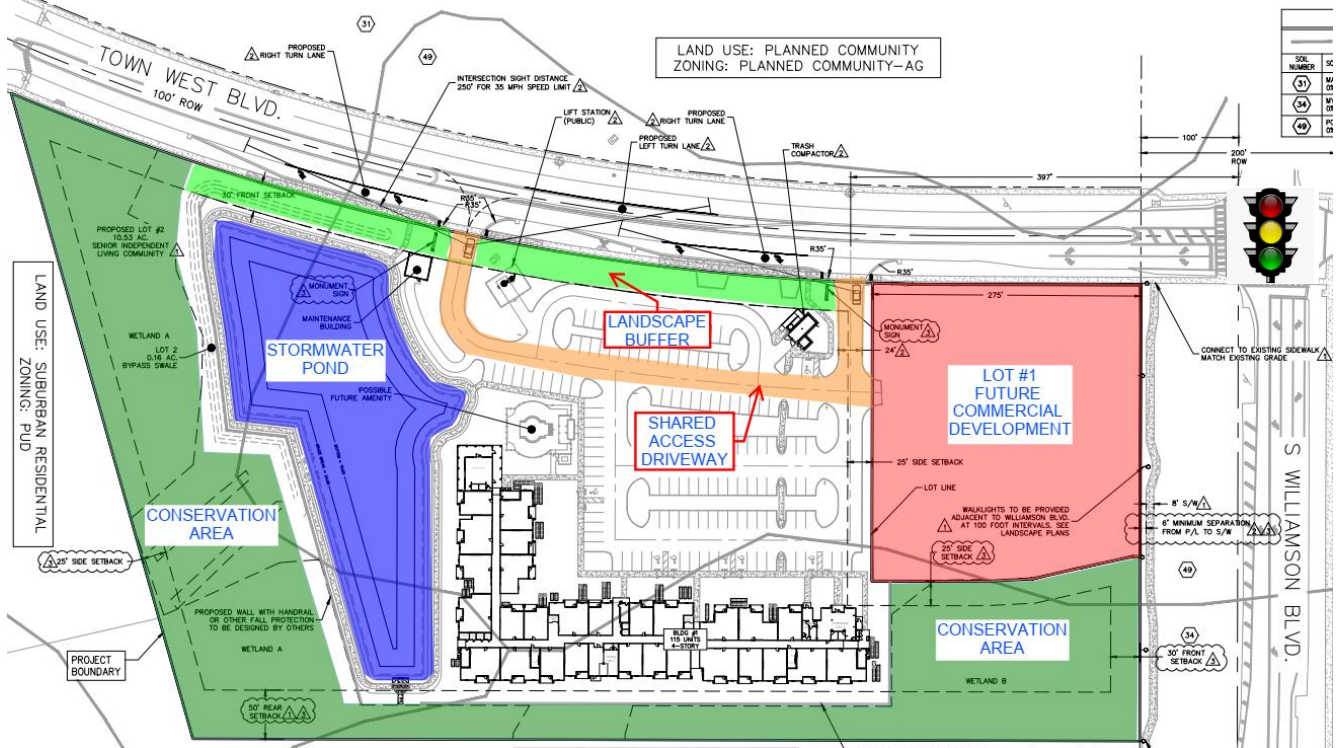
The subject property is currently zoned Planned Community-Agricultural – Workplace District. According to the Land Development Code (LDC), this zoning district supports commercial, office, industrial, senior living multi-family residential, and standard multifamily residential uses. It is intended to create a mixed-use, pedestrian-friendly community that increases the available inventory of commercial, industrial, and institutional land uses by integrating them with residential uses, to minimize automobile trips, and promote environmental protection.

Town West Senior Living Partners, Ltd., developer of proposed Lot 2, has submitted a site plan for the 115-unit Town West Senior Living apartments to be built on Lot 2. The Senior Living apartment development was designed to comply with the lot configuration of the proposed subdivision. There are currently no end users identified for the commercial lot (Lot 1) located along Williamson Boulevard.

The subdivision plat to subdivide the subject property has been reviewed by the Staff Development Review Committee (SDRC) and determined to be designed according to the requirements and dimensional standards of the City's Land Development Code (LDC). The required subdivision infrastructure and easements to serve the two (2) proposed lots will be constructed or provided as part of the site plan (Figure 2) for the Town West Senior Living apartments (Lot 2) and include:

- Utility infrastructure to serve the two (2) lots;
- Infill of remaining walk lights and 8' sidewalk along S. Williamson Boulevard between Town West Boulevard and Royal Palm Subdivision;
- Full-access driveway at the west end of the property on Town West Boulevard;
- Right-in/right-out driveway at the east end of the property on Town West Boulevard;
- Left turn lane into the property from Town West Boulevard at the west driveway;
- Right turn lanes into property from Town West Boulevard at the east and west driveways;
- Stormwater pond on Lot 2 that will serve as retention for both lots;
- Required access, drainage, and utility easements over the shared subdivision infrastructure that serves both lots;
- A cross-access driveway and easement between lots for vehicles and pedestrians;
- A two-foot non-vehicular access easement to restrict additional driveways onto S. Williamson Boulevard or Town West Boulevard;
- Required tree preservation area on Lot 2 for both lots; and
- Mitigation for impacts to onsite wetlands.

Figure 2. Town West Senior Living Apartment Site Plan



With the required subdivision infrastructure to serve the two (2) proposed lots being constructed as part of the site improvements for the Town West Senior Living apartments, subdivision infrastructure plans are not required with the subdivision plat. All required subdivision infrastructure improvements and easements will be built and accepted as part of the Town West Senior Living apartments (Lot 2) site plan prior to the subdivision plat being recorded.

Lot 1 will remain wooded and vacant until it is developed. Prior to development on Lot 1, a site plan will need to be submitted to the city and approved by the Staff Development Review Committee (SDRC). Any development on Lot 1 will be required to meet the standard commercial site requirements (landscape buffers, screening, tree preservation, architecture, traffic concurrency, drainage and other infrastructure, parking, etc.) in the City's Land Development Code. A specific use for Lot 1 is not known at this time.

CONCURRENCY REVIEW

Public facilities and services are currently available to serve the proposed two (2) commercial lots. Concurrency reviews for water, sewer, and stormwater drainage were completed during site plan review for Lot 2. Transportation Concurrency was evaluated for Lot 2 during the review of the site plan for Lot 2 and the developer of Lot 2 is required to enter into a Transportation Concurrency Fair Share Agreement with the City and Volusia County for proposed impacts to the adjacent roadway network, prior to approval of the site plan for Lot 2. Any proposed development on Lot 1 will be required to provide a traffic analysis at the time a site plan is submitted to determine the impacts by the development on the roadway network.

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed commercial subdivision is generally consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and the *Planned Community-Westside* Future Land Use designation and the Planned Community Agriculture (PC-A) Workplace District zoning

designation. The City's Comprehensive Plan states that the *Planned Community-Westside* area is intended to create a mixed-use, pedestrian-friendly community that increases the available inventory of commercial, industrial, and institutional land uses by integrating them with residential uses, minimizes automobile trips, and promotes environmental protection. The proposed subdivision provides the necessary infrastructure and buildable land to support the uses projected to be developed in this area of the city.

REMAINING COMMENTS TO BE ADDRESSED

The Town West Subdivision Plat has been reviewed by the Staff Development Review Committee (SDRC) and determined the subdivision to be designed according to the requirements and dimensional standards in the Land Development Code (LDC). There are minor formatting comments related to labeling of required easements and to dedication language on the plat that will be addressed by the applicant prior to scheduling for City Council.

RECOMMENDATION

Staff recommends approval of the Subdivision Plat for the Town West Plat, subject to resolution of outstanding comments, as it has been designed in accordance with the requirements of the City's Land Development Code (LDC).

ATTACHMENTS

1. Exhibit A – The Town West Plat
2. Exhibit B – Dimensional Requirements and list of Permitted Uses for PC-A Workplace District

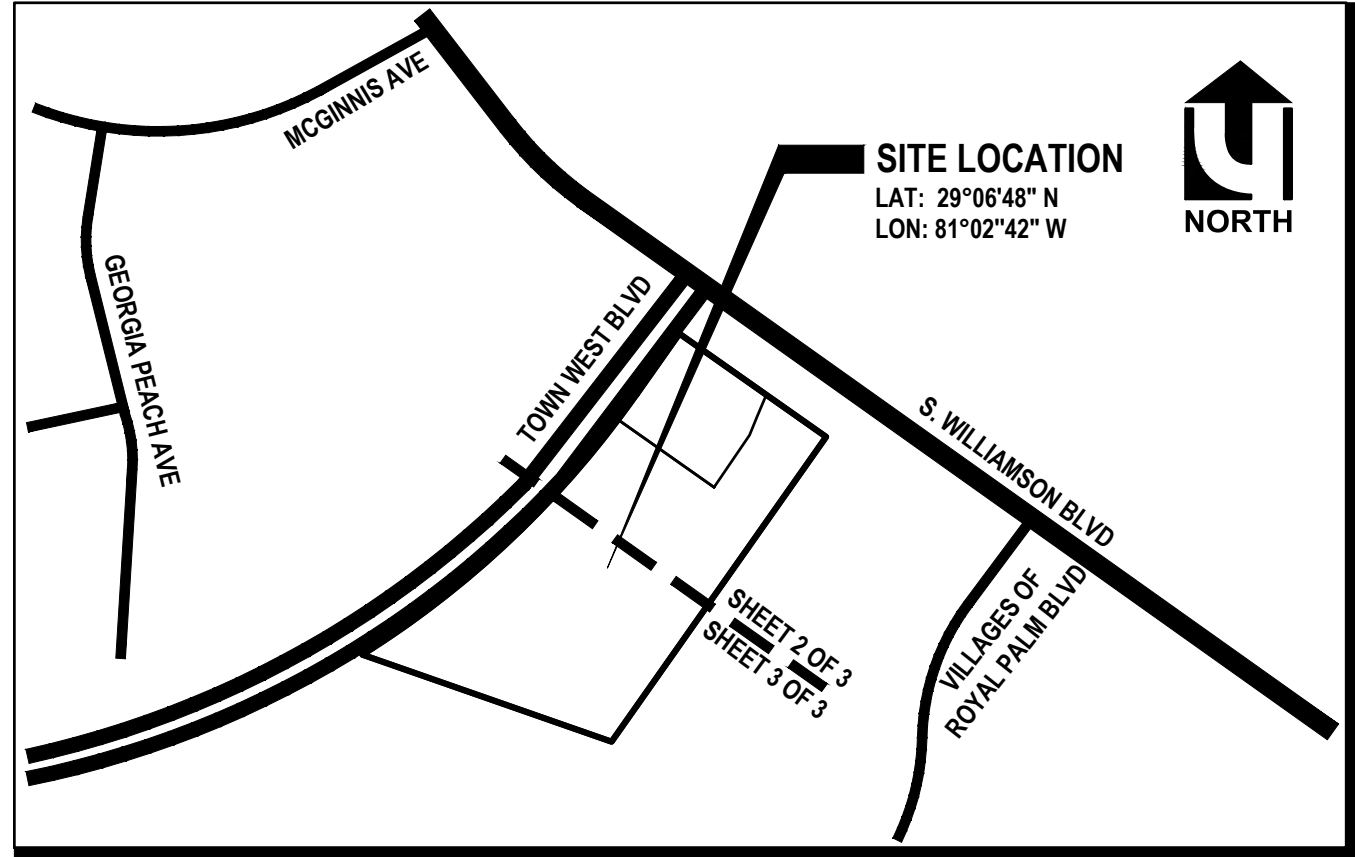
EXHIBIT A

TOWN WEST

A PORTION OF LAND WITHIN SECTION 13 TOWNSHIP 16 SOUTH, RANGE 32 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

GENERAL NOTES:

1. ACCURACY: THE BOUNDARY LINEAR ERROR OF CLOSURE DOES NOT EXCEED 1:10,000. THE BOUNDARY ANGULAR ERROR OF CLOSURE DOES NOT EXCEED 15 SECONDS MULTIPLIED BY THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.
2. ALL MEASUREMENTS ON THIS PLAT IS IN U.S. FOOT AND DECIMALS THEREOF. ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE UNITED STATES SURVEY FOOT OR METER ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. ALL MEASUREMENTS SHALL USE THE $39.37125/2808333333$ EQUATION FOR CONVERSION FROM A U.S. FOOT TO METERS.
3. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM EAST ZONE NORTH AMERICAN DATUM OF 1983 (NAD83) WITH 2011 ADJUSTMENT AS DERIVED FROM THE LEWISMAN NETWORK (A TOPNET GNSS NETWORK). AS A REFERENCE FOR THIS SURVEY, ALONG THE RIGHT-OF-WAY LINE OF S. WILLIAMSON BLVD. HAS A BEARING OF (S 54°51'43" E).
4. THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
5. UTILITIES INCLUDE BUT ARE NOT LIMITED TO SANITARY SEWER, POTABLE WATER, RECLAIMED WATER, STORM DRAINAGE, ELECTRIC, TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS, FIBER OPTIC, SECURITY, AND NATURAL GAS.
6. ALL PLATTED UTILITY EASEMENTS SHOWN ON THIS PLAT INCLUDE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
7. ALL OTHER EASEMENTS ARE SUBORDINATE TO ANY CONSERVATION EASEMENTS DEDICATED HEREON. THERE SHALL BE NO REMOVAL OR DISTURBANCE OF ANY VEGETATION WITHIN SUCH CONSERVATION EASEMENTS ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN A CONSERVATION EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE CONSERVATION EASEMENT.
8. MONUMENTS SHALL BE SET AT ALL LOT CORNERS, POINTS OF INTERSECTION, AND CHANGES OF DIRECTION OF LINES WITHIN THE SUBDIVISION WHICH DO NOT REQUIRE A "P.R.M." OR "P.C.P." IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.09(1)(9).
9. THE PROPERTY IS SUBJECT TO THE ASSIGNMENT OF DEVELOPMENT RIGHTS AND PERMITS AS RECORDED IN OFFICIAL RECORDS BOOK 8199, PAGE 1521, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
10. THE PROPERTY IS SUBJECT TO THE AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 5528, PAGE 680, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
11. THE PROPERTY IS SUBJECT TO THE DECLARATION OF RECIPROCAL ACCESS AND STORMWATER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 8199, PAGE 1507, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
12. THE PROPERTY IS SUBJECT TO THE DEED RESTRICTIONS AS DESCRIBED IN THE "SENIOR HOUSING RESTRICTIVE COVENANT" RECORDED IN OFFICIAL RECORDS BOOK 8216 PG 583, & OFFICIAL RECORDS BOOK 8251, PAGE 3351 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
13. THE PROPERTY IS SUBJECT TO MEMORANDUM OF GROUND LEASE RECORDED IN OFFICIAL RECORDS BOOK 8229, PG 4510, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
14. THE PROPERTY IS SUBJECT TO LAND USE RESTRICTION AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 8229, PAGE 4515, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
15. IN THE EVENT THAT LOT 2 CEASES TO OPERATE AS A SENIOR INDEPENDENT LIVING COMMUNITY, AS DEFINED IN THE LAND DEVELOPMENT CODE OF THE CITY OF PORT ORANGE, FLORIDA, SAID LOT MAY BE REDEVELOPED IN ACCORDANCE WITH THE CITY'S THEN-CURRENT ZONING REGULATIONS.
16. EXCLUDING DRAINAGE MAINTENANCE ACCESS EASEMENT AREAS, OPERATION AND MAINTENANCE OF THE INDIVIDUAL LOT IMPROVEMENTS SHALL BE THE SOLE RESPONSIBILITY OF THE RESPECTIVE LANDOWNER(S). THEIR SUCCESSORS AND ASSIGNS IN INTEREST, UNLESS OTHERWISE SPECIFIED BY A SEPARATE MAINTENANCE AGREEMENT AS MAY BE SEPARATELY RECORDED. IN THE EVENT LOT 2 OWNER FAILS TO OPERATE AND MAINTAIN EASEMENT AREAS, THE OWNER OF LOT 1, THEIR SUCCESSORS AND ASSIGNS IN INTEREST SHALL BE RESPONSIBLE FOR OPERATION AND MAINTENANCE OF THE EASEMENT AREAS AND MAY CHARGE THE OWNERS OF LOT 2, AS APPLICABLE, THEREFORE UNPAID AMOUNTS SHALL BE A LIEN AGAINST THE PROPERTY.
17. THE OWNER OF LOT 2 ITS SUCCESSORS AND ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE FOR OPERATION AND MAINTENANCE OF THE DRAINAGE MAINTENANCE ACCESS EASEMENT AREA(S) AS SHOWN ON THE PLAT AND AS DEPICTED ON THE STORMWATER MANAGEMENT PLAN APPROVED FOR DEVELOPMENT BY THE CITY OF PORT ORANGE, FLORIDA AND AS FURTHER DESCRIBED IN THE "DECLARATION OF RECIPROCAL ACCESS AND STORMWATER EASEMENT" RECORDED IN OFFICIAL RECORDS BOOK 8199, PAGE 1507, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. SHOULD THE RESPONSIBLE PARTY, SUCCESSOR AND ASSIGNS IN INTEREST FAIL TO PERFORM THE MAINTENANCE OF THE DRAINAGE MAINTENANCE EASEMENT AREAS AS SHOWN ON THIS PLAT, THE CITY OF PORT ORANGE SHALL BE ENTITLED BUT OBLIGATED TO ENTER UPON THE DESIGNATED EASEMENT AREAS TO PERFORM MAINTENANCE, REPAIR, OR REPLACE THE FACILITIES; AND SHALL HAVE THE RIGHT TO LIEN ALL OWNERS OF RECORD IN PROPERTY FOR THE COST OF SUCH MAINTENANCE, REPAIR, AND REPLACEMENT, AS DEEMED BY THE CITY TO BE NECESSARY. IF THE OWNER OF LOT 2, ITS SUCCESSORS OR ASSIGNS FAIL TO MEET ITS RESPONSIBILITIES FOR OPERATION AND MAINTENANCE OF THE DRAINAGE EASEMENT AREAS, THE RESPONSIBILITY WILL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY THAT COMPLIES WITH SECTION 40C-42.027, F.A.C. AND APPROVED BY SAINT JOHNS RIVER WATER MANAGEMENT DISTRICT.
18. PRIVATE UTILITIES ARE TO BE OWNED AND MAINTAINED BY RESPECTIVE PROPERTY OWNERS OF LOT 1 AND LOT 2, UNLESS OTHERWISE SPECIFIED BY A SEPARATE AGREEMENT AS MAY BE SEPARATELY RECORDED.
19. IN THE EVENT OF TERMINATION, DISSOLUTION, OR FINAL LIQUIDATION OF ALL THE ENTITIES' LANDOWNER(S), THE WATER MANAGEMENT SYSTEM WILL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY WHICH COMPLIES WITH SECTION 40C-42.027, F.A.C. AND APPROVED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PRIOR TO SUCH TERMINATION, DISSOLUTION, OR LIQUIDATION.



LOCATION MAP

SCALE 1" = 500'

LEGEND:

- SET 4" CONCRETE MONUMENT "PRM" LB 3612
- ▣ FD 4" CONCRETE MONUMENT "PRM" LB 3019
- ⊙ SET PARKER KALON NAIL & DISK "PRM" LB 3612

CA CENTRAL ANGLE
CH CHORD LENGTH
CHB CHORD BEARING
FD FOUND
INC INCORPORATED
L LENGTH
LB LICENSED BUSINESS
LC LICENSED CORPORATION
MB MAP BOOK
No. NUMBER
NR NON-RADIAL
ORB OFFICIAL RECORDS BOOK
(P) PER PLAT IN MAP BOOK 50, PAGES 24-27
PG PAGE
PKD PARKER KALON NAIL & DISK
PRM PERMANENT REFERENCE MONUMENT
PSM PROFESSIONAL SURVEYOR & MAPPER
R RADIUS
R/W RIGHT-OF-WAY
R/W RIGHT-OF-WAY LINE
----- EXISTING EASEMENT LINE



DESCRIPTION:

A PORTION OF SECTION 13, TOWNSHIP 16 SOUTH, RANGE 32 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTHWEST LINE OF "ROYAL PALM P.U.D. PHASE 1", ACCORDING TO MAP BOOK 49, PAGES 30 THROUGH 33, AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF S. WILLIAMSON BOULEVARD, A 200 FOOT RIGHT OF WAY PER OFFICIAL RECORDS BOOK 3773, PAGE 0770, ALL BEING RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 35°08'17" WEST ALONG THE BOUNDARY LINE OF THE AFORESAID "ROYAL PALM P.U.D. PHASE 1", A DISTANCE OF 970.65 FEET; THENCE NORTH 70°44'11" WEST, CONTINUING ALONG THE BOUNDARY LINE OF THE AFORESAID "ROYAL PALM P.U.D. PHASE 1", A DISTANCE OF 128.39 FEET TO THE "NORTHEAST CORNER OF ROYAL PALM P.U.D. PHASE 2", AS RECORDED IN MAP BOOK 50, PAGES 174 THROUGH 178; THENCE CONTINUING NORTH 70°44'11" WEST, ALONG THE BOUNDARY LINE OF THE AFORESAID "ROYAL PALM P.U.D. PHASE 2", A DISTANCE OF 558.57 FEET TO A POINT ON A NON-TANGENT CURVE, BEING AN INTERSECTION WITH THE EAST LINE OF TOWN WEST BOULEVARD, BEING A 100 FOOT RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 4805, PAGE 2338; THENCE NORTHEASTERLY ALONG THE AFORESAID EAST LINE OF THE COLLECTOR ROAD EXTENSION, BEING A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET, A CENTRAL ANGLE OF 22°41'22", A CHORD BEARING NORTH 46°28'58" EAST, 983.56 FEET, FOR AN ARC LENGTH OF 990.02 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING ALONG THE AFORESAID EAST LINE OF THE COLLECTOR ROAD EXTENSION, NORTH 35°08'17" EAST A DISTANCE OF 194.21 FEET TO AN INTERSECTION WITH THE AFORESAID SOUTHWESTERLY RIGHT OF WAY LINE OF S. WILLIAMSON BOULEVARD; THENCE SOUTH 54°51'43" EAST ALONG THE AFORESAID SOUTHWESTERLY RIGHT OF WAY LINE OF S. WILLIAMSON BOULEVARD, A DISTANCE OF 467.28 FEET TO THE POINT OF BEGINNING.

PLATTED AREA = 12.408 ± ACRES

MAP BOOK:

PAGE:

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED BEING THE OWNER(S), IN FEE SIMPLE OF THE LANDS SHOWN AND DESCRIBED HEREON AS THE PLAT ENTITLED "TOWN WEST", LOCATED IN THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA HEREBY DEDICATES THE SAID LANDS AND PLAT FOR THE USES AND PURPOSES HEREON EXPRESSED, THE PUBLIC UTILITY AND DRAINAGE, CONSERVATION, AND NON-VEHICULAR ACCESS EASEMENTS AS SHOWN AND/OR DESCRIBED ON THE PLAT ARE, UNLESS OTHERWISE INDICATED, HEREBY GRANTED TO THE CITY OF PORT ORANGE, FLORIDA. ALL DRAINAGE MAINTENANCE ACCESS EASEMENT AREAS AS SHOWN ON THE PLAT ARE HEREBY GRANTED TO THE CITY OF PORT ORANGE, FLORIDA FOR PURPOSES AS DESCRIBED ON THE PLAT. THE ACCESS EASEMENT FOR INGRESS AND EGRESS AS SHOWN AND/OR DESCRIBED ON THE PLAT IS HEREBY GRANTED TO THE CITY OF PORT ORANGE, FLORIDA FOR EMERGENCY VEHICLES AND GOVERNMENT SERVICES. THE LIFT STATION EASEMENT, AS SHOWN ON THE PLAT IS HEREBY GRANTED TO THE CITY OF PORT ORANGE, FLORIDA. THE COMMON INFRASTRUCTURE AS SHOWN AND/OR DESCRIBED ON THE PLAT, UNLESS OTHERWISE INDICATED, IS THE RESPONSIBILITY OF THE OWNER OF LOT 2. THE PRIVATE UTILITY EASEMENT AS SHOWN OR DESCRIBED IS HEREBY GRANTED TO LOT 1 FOR CONNECTION OF UTILITIES AND SHARED USE. CROSS-ACCESS FOR LOT 1 OVER LOT 2 IS HEREBY GRANTED PER THE ACCESS EASEMENT AS SHOWN ON THE PLAT.

IN WITNESS THEREOF, THE UNDERSIGNED OWNER(S) HERETO SET THEIR HAND AND SEAL ON _____.

WITNESSES: _____ OWNER: WETHERBEE PARTNERS, L.L.C.,
A FLORIDA LIMITED LIABILITY COMPANY
BY: _____
NAME: _____ BY: _____
PAUL M. MISSIONMAN
MANAGER
BY: _____
NAME: _____
STATE OF FLORIDA, COUNTY OF _____

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME, AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID,
BY MEANS OF [] PHYSICAL APPEARANCE OR [] ONLINE NOTARIZATION,

ON THIS _____ DAY OF _____, 2022, BY _____

AS _____ OF WETHERBEE PARTNERS, L.L.C.,
A FLORIDA LIMITED LIABILITY COMPANY

HE / SHE (IS PERSONALLY KNOWN TO ME) OR (HAS PRODUCED _____ AS IDENTIFICATION)
AND (DID) OR (DID NOT) TAKE AN OATH.

NOTARY PUBLIC

NAME: _____

COMMISSION No. _____

MY COMMISSION EXPIRES: _____

DEDICATION SIGNATURE

WITNESSES: _____ OWNER: FLORIDA PCF INVESTMENTS, L.L.C.,
A FLORIDA LIMITED LIABILITY COMPANY
BY: _____
NAME: _____ BY: _____
JOHN HINTON
MANAGING MEMBER
BY: _____
NAME: _____

STATE OF FLORIDA, COUNTY OF _____

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME, AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID,
BY MEANS OF [] PHYSICAL APPEARANCE OR [] ONLINE NOTARIZATION,

ON THIS _____ DAY OF _____, 2022, BY _____

AS _____ OF FLORIDA PCF INVESTMENTS, L.L.C.,
A FLORIDA LIMITED LIABILITY COMPANY

HE / SHE (IS PERSONALLY KNOWN TO ME) OR (HAS PRODUCED _____ AS IDENTIFICATION)
AND (DID) OR (DID NOT) TAKE AN OATH.

NOTARY PUBLIC

NAME: _____

COMMISSION No. _____

MY COMMISSION EXPIRES: _____

PLANNING COMMISSION CERTIFICATE OF APPROVAL

THIS STATEMENT HEREBY CERTIFIES THAT THE PLAT ENTITLED "TOWN WEST", WAS APPROVED BY THE PORT ORANGE PLANNING COMMISSION ON _____.

BY: _____ DATE: _____
CHAIRMAN, PORT ORANGE
PLANNING COMMISSION

REVIEW BY SURVEYOR AND MAPPER FOR THE CITY

I HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED PLAT FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND THAT I HAVE PROVIDED BOTH THE CITY AND THE SURVEYOR OF RECORD A LIST OF DEVIATIONS, IF ANY, FROM SUCH REQUIREMENTS.

PRINT: _____

SIGNED: _____ PSM No: _____ DATE: _____

CERTIFICATE OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING A LICENSED AND PROFESSIONAL SURVEYOR AND MAPPER, DOES HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON, ENTITLED "TOWN WEST", WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND THAT ALL MONUMENTATION SHOWN HEREON OR REQUIRED PER CHAPTER 177, FLORIDA STATUTES, HAS BEEN PROPERLY PLACED.

UPHAM, INC.
265 KENILWORTH AVENUE
ORMOND BEACH, FLORIDA 32174
www.uphaminc.com
PHONE: (386) 672-9515
LICENSED BUSINESS No. 3612
meawad@uphaminc.com

SIGNED: _____ DATE: _____
MICHAEL E. AWAD (LICENSE No. 5574)
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
FIRM CERTIFICATE AUTHORIZATION NUMBER LB 3612

SHEET 1 OF 4

TOWN WEST

A PORTION OF LAND WITHIN SECTION 13 TOWNSHIP 16 SOUTH,
RANGE 32 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

GENERAL NOTES:

1. ACCURACY: THE BOUNDARY LINEAR ERROR OF CLOSURE DOES NOT EXCEED 1:10,000. THE BOUNDARY ANGULAR ERROR OF CLOSURE DOES NOT EXCEED 15 SECONDS MULTIPLIED BY THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.
2. ALL MEASUREMENTS ON THIS PLAT IS IN U.S. FOOT AND DECIMALS THEREOF. ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE UNITED STATES SURVEY FOOT OR METER ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. ALL MEASUREMENTS SHALL USE THE 39.37112+3.2808333333 EQUATION FOR CONVERSION FROM A U.S. FOOT TO METERS.
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4. THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
5. UTILITIES INCLUDE BUT ARE NOT LIMITED TO SANITARY SEWER, POTABLE WATER, RECLAIMED WATER, STORM DRAINAGE, ELECTRIC, TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS, FIBER OPTIC, SECURITY, AND NATURAL GAS.
6. ALL PLATTED UTILITY EASEMENTS SHOWN ON THIS PLAT INCLUDE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
7. ALL OTHER EASEMENTS ARE SUBORDINATE TO ANY CONSERVATION EASEMENTS DEDICATED HEREON. THERE SHALL BE NO REMOVAL OR DISTURBANCE OF ANY VEGETATION WITHIN SUCH CONSERVATION EASEMENTS ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN A CONSERVATION EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE CONSERVATION EASEMENT.
8. MONUMENTS SHALL BE SET AT ALL LOT CORNERS, POINTS OF INTERSECTION, AND CHANGES OF DIRECTION OF LINES WITHIN THE SUBDIVISION WHICH DO NOT REQUIRE A "P.R.M." OR "P.C.P." IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.99(19).
9. THE PROPERTY IS SUBJECT TO THE ASSIGNMENT OF DEVELOPMENT RIGHTS AND PERMITS AS RECORDED IN OFFICIAL RECORDS BOOK 8199, PAGE 1521, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
10. THE PROPERTY IS SUBJECT TO THE AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 5528, PAGE 680, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
11. THE PROPERTY IS SUBJECT TO THE DECLARATION OF RECIPROCAL ACCESS AND STORMWATER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 8199, PAGE 1507, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
12. THE PROPERTY IS SUBJECT TO THE DEED RESTRICTIONS AS DESCRIBED IN THE "SENIOR HOUSING RESTRICTIVE COVENANT" RECORDED IN OFFICIAL RECORDS BOOK 8216 PG 583, & OFFICIAL RECORDS BOOK 8251, PAGE 3351 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
13. THE PROPERTY IS SUBJECT TO MEMORANDUM OF GROUND LEASE RECORDED IN OFFICIAL RECORDS BOOK 8229, PG 4510, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
14. THE PROPERTY IS SUBJECT TO LAND USE RESTRICTION AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 8229, PAGE 4515, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
15. IN THE EVENT THAT LOT 2 CEASES TO OPERATE AS A SENIOR INDEPENDENT LIVING COMMUNITY, AS DEFINED IN THE LAND DEVELOPMENT CODE OF THE CITY OF PORT ORANGE, FLORIDA, SAID LOT MAY BE REDEVELOPED IN ACCORDANCE WITH THE CITY'S THEN-CURRENT ZONING REGULATIONS.
16. EXCLUDING DRAINAGE MAINTENANCE ACCESS EASEMENT AREAS, OPERATION AND MAINTENANCE OF THE INDIVIDUAL LOT IMPROVEMENTS SHALL BE THE SOLE RESPONSIBILITY OF THE RESPECTIVE LANDOWNER(S), THEIR SUCCESSORS AND ASSIGNS IN INTEREST, UNLESS OTHERWISE SPECIFIED BY A SEPARATE MAINTENANCE AGREEMENT AS MAY BE SEPARATELY RECORDED. IN THE EVENT LOT 2 OWNER FAILS TO OPERATE AND MAINTAIN EASEMENT AREAS, THE OWNER OF LOT 1, THEIR SUCCESSORS AND ASSIGNS IN INTEREST SHALL BE RESPONSIBLE FOR OPERATION AND MAINTENANCE OF THE EASEMENT AREAS AND MAY CHARGE THE OWNERS OF LOT 2, AS APPLICABLE, THEREFORE UNPAID AMOUNTS SHALL BE A LIEN AGAINST THE PROPERTY.
17. THE OWNER OF LOT 2 ITS SUCCESSORS AND ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE FOR OPERATION AND MAINTENANCE OF THE DRAINAGE MAINTENANCE ACCESS EASEMENT AREAS AS SHOWN ON THE PLAT AND AS DEPICTED ON THE STORMWATER MANAGEMENT PLAN APPROVED FOR DEVELOPMENT BY THE CITY OF PORT ORANGE, FLORIDA AND AS FURTHER DESCRIBED IN THE "DECLARATION OF RECIPROCAL ACCESS AND STORMWATER EASEMENT" RECORDED IN OFFICIAL RECORDS BOOK 8199, PAGE 1507, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. SHOULD THE RESPONSIBLE PARTY, SUCCESSOR AND ASSIGNS IN INTEREST FAIL TO PERFORM THE MAINTENANCE OF THE DRAINAGE MAINTENANCE EASEMENT AREAS AS SHOWN ON THIS PLAT, THE CITY OF PORT ORANGE SHALL BE ENTITLED BUT OBLIGATED TO ENTER UPON THE DESIGNATED EASEMENT AREAS TO PERFORM MAINTENANCE, REPAIR, OR REPLACE THE FACILITIES, AND SHALL HAVE THE RIGHT TO LIEN ALL OWNERS OF RECORD IN PROPERTY FOR THE COST OF SUCH MAINTENANCE, REPAIR, AND REPLACEMENT, AS DEEMED BY THE CITY TO BE NECESSARY. IF THE OWNER OF LOT 2, ITS SUCCESSORS OR ASSIGNS FAIL TO MEET ITS RESPONSIBILITIES FOR OPERATION AND MAINTENANCE OF THE DRAINAGE EASEMENT AREAS, THE RESPONSIBILITY WILL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY THAT COMPLIES WITH SECTION 400-42.027, F.A.C. AND APPROVED BY SAINT JOHN'S RIVER WATER MANAGEMENT DISTRICT.
18. PRIVATE UTILITIES ARE TO BE OWNED AND MAINTAINED BY RESPECTIVE PROPERTY OWNERS OF LOT 1 AND LOT 2, UNLESS OTHERWISE SPECIFIED BY A SEPARATE AGREEMENT AS MAY BE SEPARATELY RECORDED.
19. IN THE EVENT OF TERMINATION, DISSOLUTION, OR FINAL LIQUIDATION OF ALL THE ENTITIES (LANDOWNER(S), THE WATER MANAGEMENT SYSTEM WILL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY WHICH COMPLIES WITH SECTION 400-42.027, F.A.C. AND APPROVED BY THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT PRIOR TO SUCH TERMINATION, DISSOLUTION, OR LIQUIDATION.

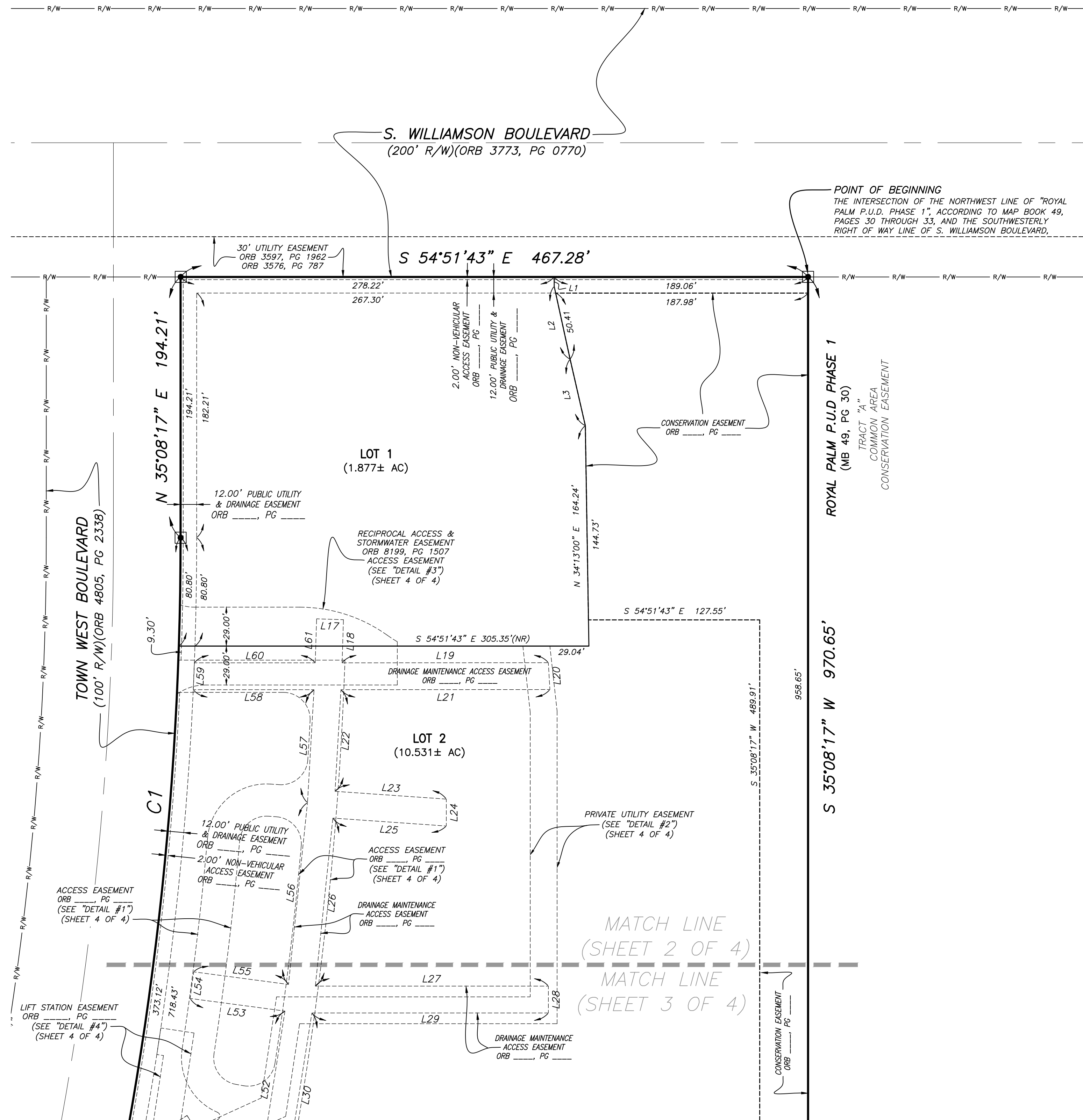
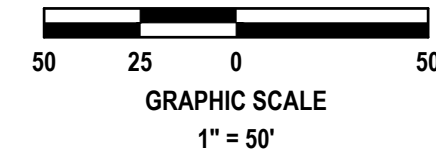
LEGEND:

- SET 4" CONCRETE MONUMENT "PRM" LB 3612
- FD 4" CONCRETE MONUMENT "PRM" LB 3019
- ⊙ SET PARKER KALON NAIL & DISK "PRM" LB 3612
- CA CENTRAL ANGLE
- CH CHORD LENGTH
- FD FOUND
- INC INCORPORATED
- L LENGTH
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- LC LICENSED CORPORATION
- MB MAP BOOK
- No. NUMBER
- NR NON-RADIAL
- ORB OFFICIAL RECORDS BOOK
- (P) PER PLAT IN MAP BOOK 50, PAGES 24-27
- PG PAGE
- PKD PARKER KALON NAIL & DISK
- PRM PERMANENT REFERENCE MONUMENT
- PSM PROFESSIONAL SURVEYOR & MAPPER
- R RADIUS
- R/W RIGHT-OF-WAY
- R/W — RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE

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MAP BOOK:

PAGE:



SHEET 2 OF 4

TOWN WEST

A PORTION OF LAND WITHIN SECTION 13 TOWNSHIP 16 SOUTH,
RANGE 32 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

GENERAL NOTES:

1. ACCURACY: THE BOUNDARY LINEAR ERROR OF CLOSURE DOES NOT EXCEED 1:10,000. THE BOUNDARY ANGULAR ERROR OF CLOSURE DOES NOT EXCEED 15 SECONDS MULTIPLIED BY THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.
2. ALL MEASUREMENTS ON THIS PLAT IS IN U.S. FOOT AND DECIMALS THEREOF. ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE UNITED STATES SURVEY FOOT OR METER ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. ALL MEASUREMENTS SHALL USE THE 39.37112-3.2808333333 EQUATION FOR CONVERSION FROM A U.S. FOOT TO METERS.
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18. PRIVATE UTILITIES ARE TO BE OWNED AND MAINTAINED BY RESPECTIVE PROPERTY OWNERS OF LOT 1 AND LOT 2, UNLESS OTHERWISE SPECIFIED BY A SEPARATE AGREEMENT AS MAY BE SEPARATELY RECORDED.
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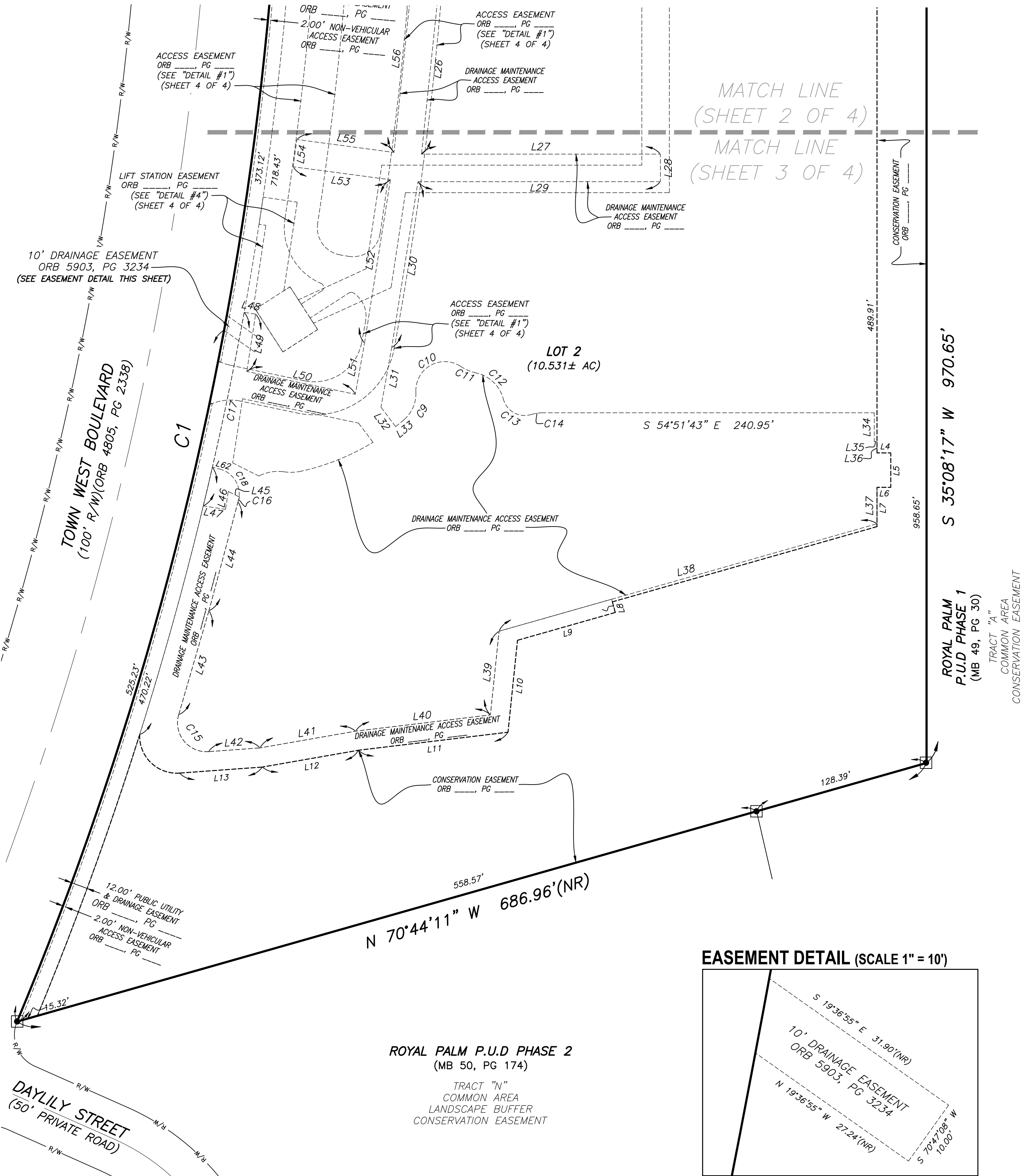
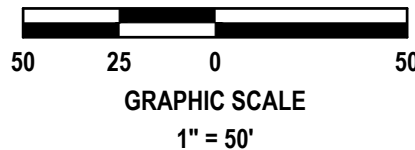
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- FD 4" CONCRETE MONUMENT "PRM" LB 3019
- ⊙ SET PARKER KALON NAIL & DISK "PRM" LB 3612
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- INC INCORPORATED
- L LENGTH
- LB LICENSED BUSINESS
- LC LICENSED CORPORATION
- MB MAP BOOK
- No. NUMBER
- NR NON-RADIAL
- ORB OFFICIAL RECORDS BOOK
- (P) PER PLAT IN MAP BOOK 50, PAGES 24-27
- PG PAGE
- PKD PARKER KALON NAIL & DISK
- PRM PERMANENT REFERENCE MONUMENT
- PSM PROFESSIONAL SURVEYOR & MAPPER
- R RADIUS
- R/W RIGHT-OF-WAY
- R/W — RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE

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EASEMENT DETAIL (SCALE 1" = 10')

SHEET 3 OF 4

TOWN WEST

A PORTION OF LAND WITHIN SECTION 13 TOWNSHIP 16 SOUTH,
RANGE 32 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

GENERAL NOTES:

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5. UTILITIES INCLUDE BUT ARE NOT LIMITED TO SANITARY SEWER, POTABLE WATER, RECLAIMED WATER, STORM DRAINAGE, ELECTRIC, TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS, FIBER OPTIC, SECURITY, AND NATURAL GAS.
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18. PRIVATE UTILITIES ARE TO BE OWNED AND MAINTAINED BY RESPECTIVE PROPERTY OWNERS OF LOT 1 AND LOT 2, UNLESS OTHERWISE SPECIFIED BY A SEPARATE AGREEMENT AS MAY BE SEPARATELY RECORDED.
19. IN THE EVENT OF TERMINATION, DISSOLUTION, OR FINAL LIQUIDATION OF ALL THE ENTITIES (LANDOWNER(S), THE WATER MANAGEMENT SYSTEM WILL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY WHICH COMPLIES WITH SECTION 40C-42.027, F.A.C. AND APPROVED BY THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT PRIOR TO SUCH TERMINATION, DISSOLUTION, OR LIQUIDATION.

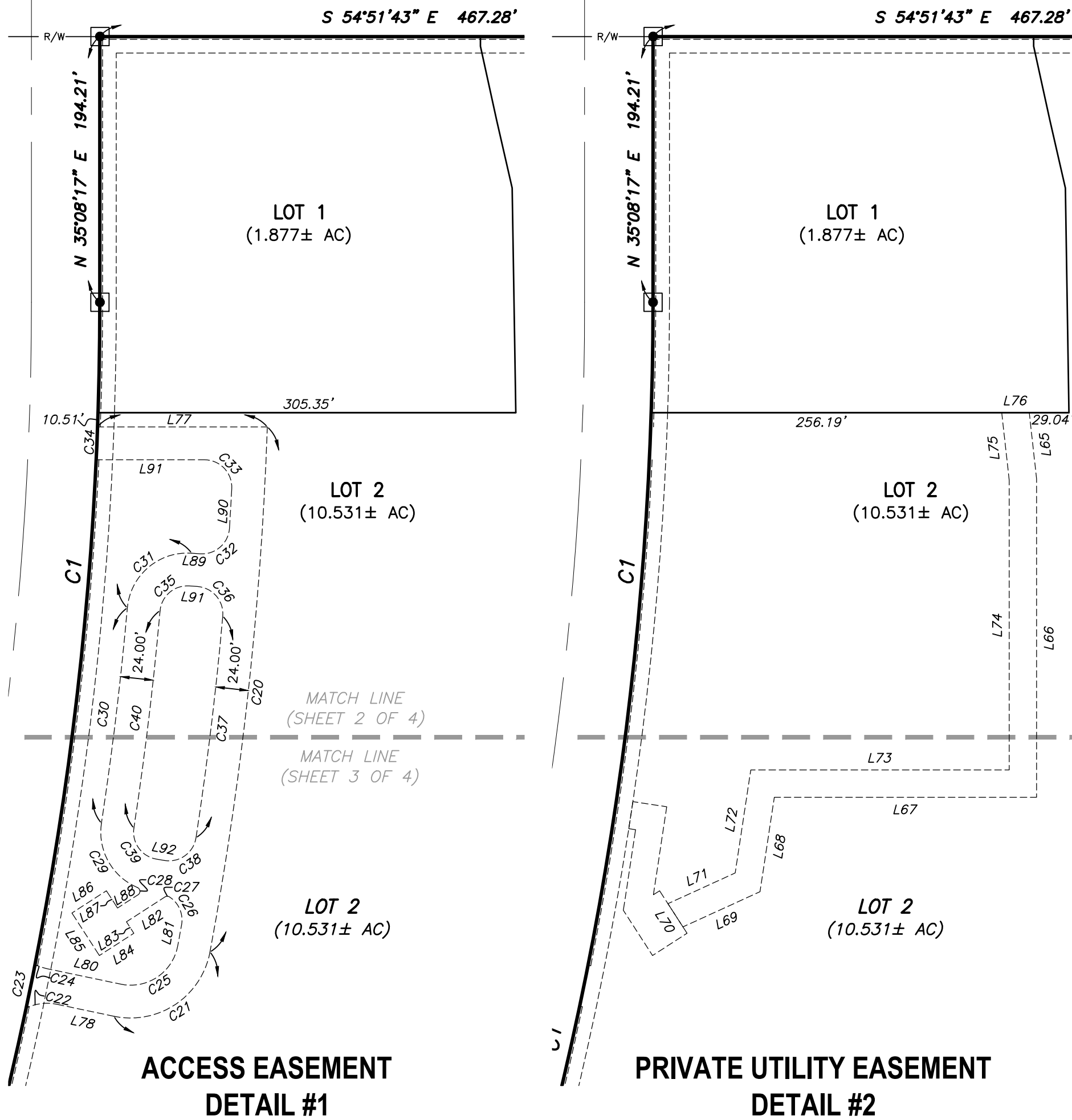
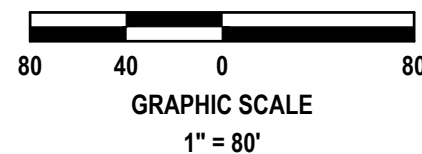
LEGEND:

- SET 4" CONCRETE MONUMENT "PRM" LB 3612
- ▣ FD 4" CONCRETE MONUMENT "PRM" LB 3019
- ⊙ SET PARKER KALON NAIL & DISK "PRM" LB 3612
- CA CENTRAL ANGLE
- CH CHORD LENGTH
- CHB CHORD BEARING
- FD FOUND
- INC INCORPORATED
- L LENGTH
- LB LICENSED BUSINESS
- LC LICENSED CORPORATION
- MB MAP BOOK
- No. NUMBER
- NR NON-RADIAL
- ORB OFFICIAL RECORDS BOOK
- (P) PER PLAT IN MAP BOOK 50, PAGES 24-27
- PG PAGE
- PKD PARKER KALON NAIL & DISK
- PSM PROFESSIONAL SURVEYOR & MAPPER
- R RADIUS
- R/W RIGHT-OF-WAY
- R/W — RIGHT-OF-WAY LINE
- - - - - EXISTING EASEMENT LINE

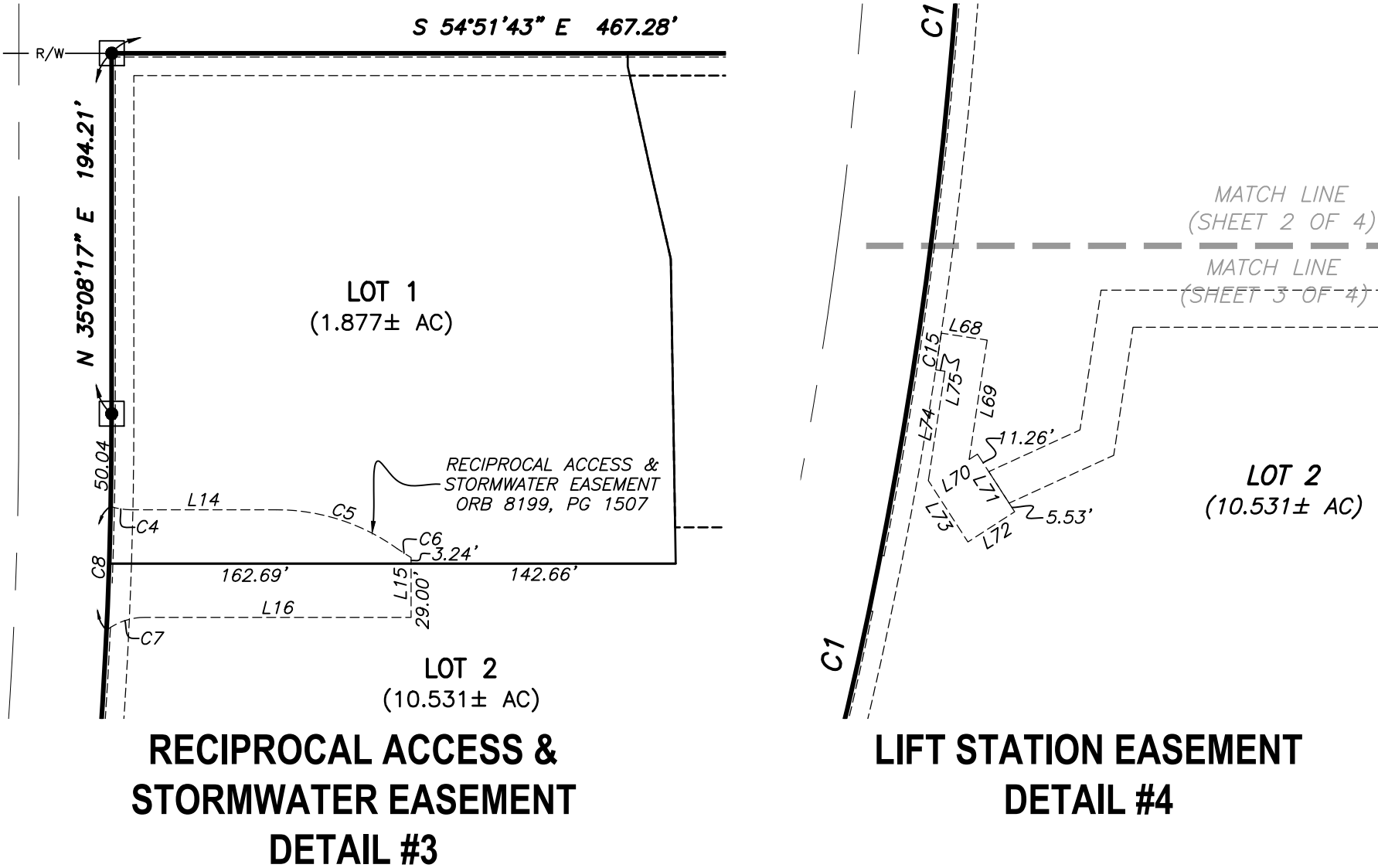


MAP BOOK:

PAGE:



LINE TABLE				LINE TABLE				LINE TABLE			
LINE	BEARING	DISTANCE		LINE	BEARING	DISTANCE		LINE	BEARING	DISTANCE	
L4	S54°51'43"E	10.00'		L34	S35°08'17"W	21.00'		L64	S19°15'49"W	10.00'	
L5	S35°08'17"W	25.00'		L35	S54°51'43"E	2.00'		L65	S28°47'52"W	48.74'	
L6	N54°51'43"W	10.00'		L36	S35°08'17"W	8.15'		L66	S35°08'17"W	232.89'	
L7	S35°08'17"W	28.54'		L37	S35°08'17"W	26.46'		L67	N54°51'43"W	191.73'	
L8	S19°15'49"W	8.00'		L38	N70°44'11"W	285.48'		L68	S43°44'31"W	69.81'	
L9	N70°44'12"W	73.90'		L39	S41°02'18"W	61.13'		L69	N79°26'14"W	61.97'	
L10	S41°02'18"W	67.14'		L40	N61°44'28"W	98.64'		L70	N02°18'09"E	20.21'	
L11	N61°44'28"W	109.45'		L41	N64°46'31"W	70.54'		L71	S79°26'14"E	54.05'	
L12	N64°46'31"W	70.87'		L42	N59°02'01"W	37.49'		L72	N43°44'31"E	76.19'	
L13	N59°02'01"W	60.37'		L43	N51°21'27"E	78.66'		L73	S54°51'43"E	188.93'	
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L16	N54°51'43"W	143.29'		L46	S43°54'24"W	13.13'		L76	S54°51'43"E	20.12'	
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L19	S54°54'25"E	153.57'		L49	S43°54'24"W	42.11'		L79	S42°59'52"E	55.34'	
L20	S31°46'55"W	20.03'		L50	S42°59'52"E	80.58'		L80	N45°26'17"E	15.87'	
L21	N54°54'25"W	155.63'		L51	N45°18'43"E	37.79'		L81	N87°41'51"W	33.57'	
L22	S38°27'08"W	75.84'		L52	N44°08'26"E	120.20'		L82	S02°18'09"W	10.00'	
L23	S50°51'59"E	83.07'		L53	N47°17'40"W	71.25'		L83	N87°41'51"W	30.00'	
L24	S35°08'17"W	20.05'		L54	N42°42'20"E	20.00'		L84	N02°18'09"E	37.00'	
L25	N50°51'59"W	84.69'		L55	S47°17'29"E	71.22'		L85	S87°41'51"E	30.00'	
L26	S41°06'00"W	125.88'		L56	N41°06'00"E	136.12'		L86	S02°18'09"W	15.00'	
L27	S54°51'43"E	173.56'		L57	N38°27'08"E	84.32'		L87	S87°41'51"E	17.84'	
L28	S35°08'17"W	20.00'		L58	N54°51'43"W	89.92'		L88	S50°47'37"E	6.34'	
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L30	S44°08'26"W	122.11'		L60	S54°51'43"E	90.00'		L90	N54°51'43"W	79.12'	
L31	S45°18'43"W	43.92'		L61	N36°55'47"E	32.81'		L91	S50°47'37"E	6.01'	
L32	S01°55'02"E	17.68'		L62	S40°46'21"E	5.72'		L92	N45°05'44"W	5.96'	
L33	N85°46'09"E	7.81'		L63	S70°44'11"E	84.98'					



CURVE TABLE						CURVE TABLE					
No.	CA	R	CHB	CH	ARC	No.	CA	R	CHB	CH	ARC
C1	22°41'22"	2500.00'	N46°28'58"E	983.56'	990.02'	C21	91°23'18"	59.00'	N88°41'31"W	84.44'	94.11'
C2	96°12'46"	27.00'	N10°55'38"W	40.20'	45.34'	C22	37°48'03"	35.00'	N61°53'53"W	22.67'	23.09'
C3	04°57'30"	2512.00'	S55°07°49"W	217.32'	217.39'	C23	00°44'42"	2500.00'	N46°41'01"E	32.51'	32.51'
C4	18°11'35"	35.00'	S45°45'56"E	11.07'	11.11'	C24	14°49'36"	35.00'	S35°35'04"E	9.03'	9.06'
C5	35°32'35"	112.00'	S37°05'26"E	68.37'	69.48'	C25	91°23'18"	35.00'	S88°41'31"E	50.09'	55.83'
C6	05°09'20"	100.00'	S21°53'48"E	9.00'	9.00'	C26	67°17'44"	20.00'	N11°36'51"E	22.16'	23.49'
C7	36°30'39"	35.00'	N73°07'02"W	21.93'	22.30'	C27	65°39'51"	3.00'	N54°51'56"W	3.25'	3.44'
C8	01°31'40"	2500.00'	N37°02'55"E	66.66'	66.66'	C28	124°11'07"	3.00'	N30°12'36"E	5.30'	6.50'
C9	52°13'08"	25.00'	N58°21'18"E	22.00'	22.78'	C29	75°40'34"	44.00'	N05°57'30"E	53.99'	58.12'
C10	126°18'21"	21.00'	S84°36'06"E	37.47'	46.29'	C30	03°35'27"	2530.00'	N42°00'13"E	158.54'	158.56'
C11	20°59'16"	34.00'	S31°56'33"E	12.38'	12.45'	C31	88°59'54"	44.00'	N84°42'26"E	61.68'	68.35'
C12	63°05'36"	26.00'	S10°53'23"E	27.21'	28.63'	C32	90°25'26"	20.00'	N83°59'40"E	26.39'	31.56'
C13	92°46'08"	16.00'	S25°43'39"E	23.17'	25.91'	C33	92°59'59"	20.00'	N08°21'44"W	29.01'	32.46'
C14	17°14'57"	28.00'	S63°29'13"E	8.40'	8.43'	C34	00°33'02"	2500.00'	N37°30'21"E	24.02'	24.02'
C15	110°23'28"	21.00'	N03°50'17"W	34.49'	40.46'	C35	88°59'54"	20.00'	N84°42'26"E	28.04'	31.07'
C16	07°06'41"	30.00'	N53°39'02"E	3.72'	3.72'	C36	91°00'23"	20.00'	S05°17'25"E	28.53'	31.77'
C17	03°16'44"	2512.00'	N47°04'32"E	143.73'	143.75'	C37	03°37'07"	2583.68'	S42°01'20"W	163.15'	163.18'
C18	93°21'48"	18.69'	S06°29'59"W	27.20'	30.46'	C38	91°04'22"	20.00'	S89°22'05"W	28.55'	31.79'
C19	04°35'41"	2512.00'	N50°21'14"E	201.39'	201.45'	C39	88°53'40"	20.00'	N00°38'54"W	28.01'	31.03'
C20	08°29'40"	2607.68'	S41°22'00"W	386.26'	386.61'	C40	03°35'27"	2554.00'	N42°00'13"E	160.04'	160.07'

SHEET 4 OF 4

Exhibit B
Dimensional Requirements and Permitted Uses for PC-A Workplace District
zoning district [LDC, Chapter 17, Section 29(e)]

						Minimum Building Setback (Ft.)			
District	Minimum Living Area (Sq.Ft.)	Minimum Lot Area	Minimum Lot Width (Ft.)	Maximum Building Coverage	Minimum Open Space	Front	Side	Rear	Maximum Height (Ft.)
PC-A Commercial	-	30,000 Sq. Ft.	150	35%	30%	D	20	25	60
PC-A Senior Independent Living	500	4 acres	200	30%	60%	30	25*	50	50

(D) Equal to right-of-way landscape buffer width

* 25 ft. or equal to building height, 25 ft. between buildings

Permitted uses. The macro CDP recognizes two primary categories of uses in the workplace district: commercial and office/industrial; however, multifamily residential and senior independent living community uses may be incorporated into the workplace district as detailed in subsection (c) below.

Commercial Permitted uses. Permitted uses shall be the same as for the HC and ICD zoning districts, as described in this chapter. Agricultural uses shall be permitted as provided by subsection (f) below. Residential uses shall be permitted as provided by subsection (c) below.

Highway Commercial District

Permitted uses.

- (1) Adult/vocational education.
- (2) Appliance/electronic repair shops.
- (3) Athletic/sports facilities.
- (4) Auction houses.
- (5) Banks.
- (6) Bars, lounges, and night clubs.
- (7) Boat sales.
- (8) Business services.
- (9) Commercial/industrial equipment and supplies.
- (10) Convenience stores with or without fuel operations.
- (11) Equipment rental.
- (12) Financial services.
- (13) Fleet-based services.
- (14) Fortune tellers, astrologers, and palm readers.
- (15) Furniture and appliance stores.
- (16) Game/recreation facilities.
- (17) Health/exercise clubs.
- (18) Hotels/motels.
- (19) Maintenance contractors.
- (20) Medical offices/clinics.
- (21) Mobile home sales.
- (22) Motor vehicle and boat storage facilities.
- (23) Motor vehicle sales.
- (24) Motor vehicle service centers.
- (25) Motor vehicle service stations.
- (26) Offices.

- (27) Office supplies.
- (28) Pawn shops.
- (29) Personal services.
- (30) Restaurants.
- (31) Retail home building materials.
- (32) Retail sales and services.
- (33) Tattoo establishment.
- (34) Theaters.
- (35) Truck/trailer/automobile rental.

Permitted uses with special development requirements (chapter 18, section 4).

- (1) Brewery (subsection 3.7).
- (2) Community gardens (subsection 1.5).
- (3) Craft food and beverage producer (subsection 5.15).
- (4) Laundry/dry cleaning plants (subsection 9).
- (5) Microbrewery (subsection 9.57).
- (6) Taxidermy (subsection 16).

Special exception uses (chapter 18, section 3).

- (1) Mini-warehouses (subsection 10).
- (2) Motor vehicle repair facilities (subsection 13).

Interchange Commercial Development District

Permitted uses.

- (1) Athletic/sports facilities.
- (2) Banks.
- (3) Business services.
- (4) Clubs, lodges, and fraternal organizations.
- (5) Convenience stores with or without fuel operations.
- (6) Financial services.
- (7) Fleet-based services.
- (8) Furniture and appliance stores.
- (9) Game/recreation facilities.
- (10) Health/exercise clubs.
- (11) Hotels/motels.
- (12) Medical offices/clinics.
- (13) Motor vehicle service stations.
- (14) Offices.
- (15) Office supplies.
- (16) Personal services.
- (17) Restaurants.
- (18) Retail home building materials.
- (19) Retail nurseries and garden supplies.
- (20) Retail sales and services.
- (21) Tattoo establishment.
- (22) Theaters.
- (23) Veterinary clinics.

Permitted uses with special development requirements (chapter 18, section 4).

- (1) Brewery (subsection 3.7).
- (2) Child care centers (subsection 4).
- (3) Craft food and beverage producer (subsection 5.15).
- (4) Community gardens (subsection 5.1).
- (5) Microbrewery (subsection 9.57).
- (6) Office/warehouse facilities (subsection 12.2).

Special exception uses (chapter 18, section 3).

- (1) Bars, lounges, and night clubs (subsection 3).
- (2) Mini-warehouses (subsection 10.5).
- (3) Motor vehicle repair facilities (subsection 13).
- (4) Truck stops (subsection 21).

Residential Permitted uses.

- (a) Multifamily dwelling (16 units per gross acre maximum allowable density).
- (b) Senior independent living community (12 units per gross acre maximum allowable density).

Prohibited uses.

- (a) Camouflaged and monopole communications towers.
- (b) Guyed and lattice communication towers.
- (c) Mobile home and manufactured home units.
- (d) Single-family dwellings.
- (e) Duplex units.
- (f) Triplex units.

Special restrictions. In order to ensure a mix of uses consistent with the purposes and intent of the workplace district, multifamily residential uses shall be limited to 13 percent of the overall workplace district land area, when such residential development is located within a ½ mile of commercial development (measured along right-of-way centerlines between the development entrance drives or other pedestrian access points) that will cater to the residential development and provide an efficient link between the commercial and residential uses. The location of residential uses in close proximity to commercial uses will reduce vehicle miles traveled, thereby reducing the energy consumption within the district. Senior independent living communities shall be limited to 4 percent of the overall Workplace District land area.



STAFF REPORT

CASE NO. 22-25000004

LDC Amendment/Chapter 13, Section 4 & Chapter 17, Section 24

REQUEST:	To amend the Land Development Code (LDC) to allow flexibility in the design layout of a parking lot for uses in the Light Industrial (LI) and Commercial Industrial (CI) Zoning Districts and add wholesalers and distributors as a permitted use in the Light Industrial (LI) Zoning District
APPLICANT:	City of Port Orange
STAFF CONTACT:	Gideon Smith, Senior Planner (386) 506-5676
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	June 23, 2022

INTRODUCTION

Staff has been updating the Land Development Code (LDC) in phases over the past several years. Prior amendments included updates to sign regulations, the “green” building initiative, erosion control, floodplain management, updates to Building Code references, county-wide Traffic Impact Analysis standards, school concurrency, Construction Standards modifications, fire impact fees, site plan and subdivision regulations, removal of select uses from the Ridgewood Corridor zoning district, zero lot line homes in the R-2D zoning district, microbreweries, architecture requirements, economic development – Ridgewood targeted businesses, tree preservation, redevelopment related amendments to the Riverwalk Overlay District and the Planned Commercial-Riverwalk (PC-R) zoning district, and others.

PROPOSED AMENDMENTS

The following proposed amendments to Chapters 13 and 17 of the Land Development Code (LDC) are intended to assist in attracting businesses to the Eastport Business Park and other industrial areas throughout the city.

Vehicular use/parking landscaping Amendment

The proposed amendment would allow additional flexibility in the design layout of the vehicular use area (parking lot and loading area) for a property being developed in the Light Industrial (LI) or Commercial Industrial (CI) zoning districts. Currently, all new developments within the city must provide at least ten percent (10%) of the vehicular use area as internal landscaping, such terminal islands at the ends of parking rows, interior landscape islands between parking spaces, or divider islands to separate parking spaces from travel lanes (See Figures 1 and 2).

At times, the interior landscape areas can act as obstacles that impede the maneuverability of larger vehicles and equipment for industrial uses and reduce the overall function of the site. The proposed amendment is to allow for more efficient parking lot loading areas for industrial uses that require maneuverability for larger vehicles, forklifts/specialized equipment, and truck delivery. The reduced interior landscape areas

may also assist in attracting businesses by reducing upfront costs of site development and repair costs when large vehicles unintentionally damage interior landscape islands. The proposed amendment does not reduce the required perimeter buffer widths, vehicular use screening, tree preservation requirements, or number of landscape materials required to be planted within a buffer.

Figures 1 and 2. Example of typical interior and terminal landscape islands

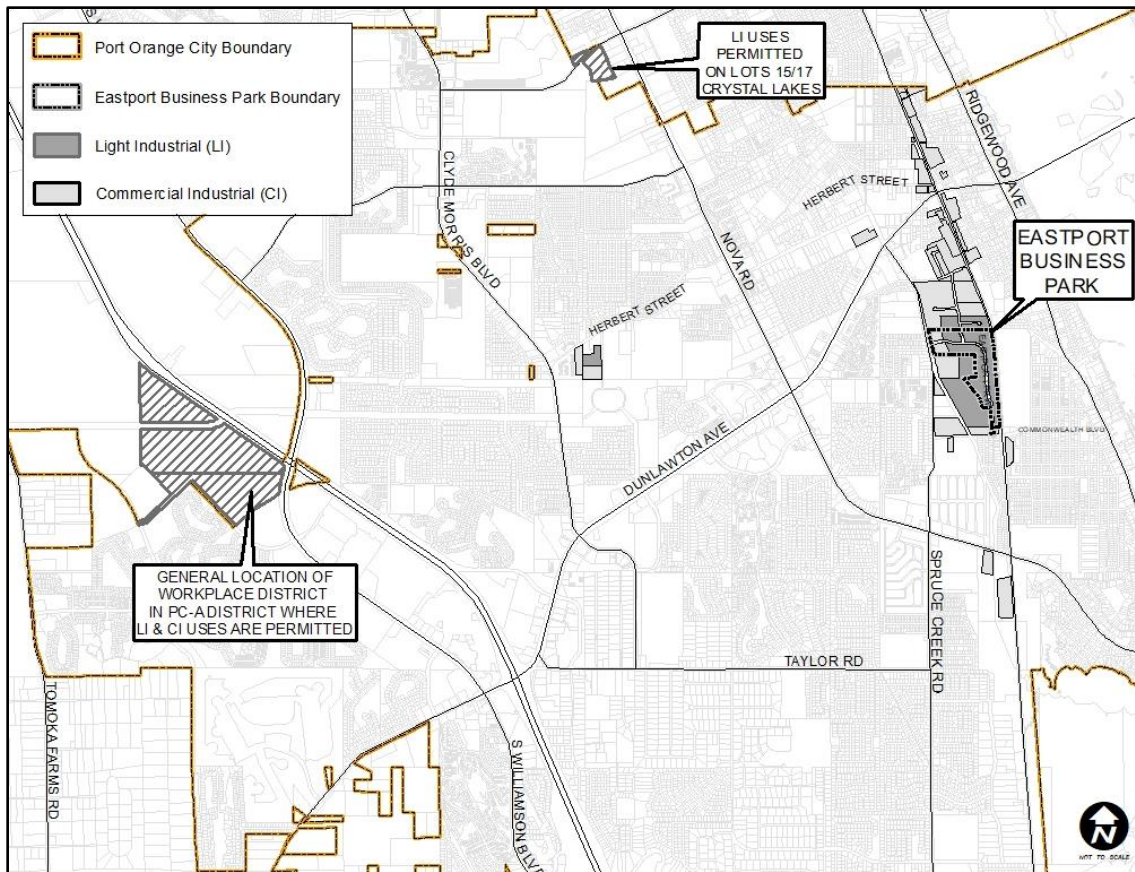


Figure 3. Interior Landscaping Example (415 Dunlawton Avenue)



The LDC currently requires five percent (5%) of the vehicular use area to be internal landscaping in lieu of ten percent (10%) and exempts vehicular use areas not visible from any public rights-of-way for properties in the Ridgewood Development (RD) zoning district to assist with redevelopment. The proposed amendment is to allow developments in the Light Industrial (LI) and Commercial Industrial (CI) zoning districts (See Figure 4) to utilize the same development requirement currently in place for the RD zoning district and only require 5% of the vehicular use area to be internal landscaping in lieu of ten percent (10%). It also exempts vehicular use areas not visible from any public rights-of-way.

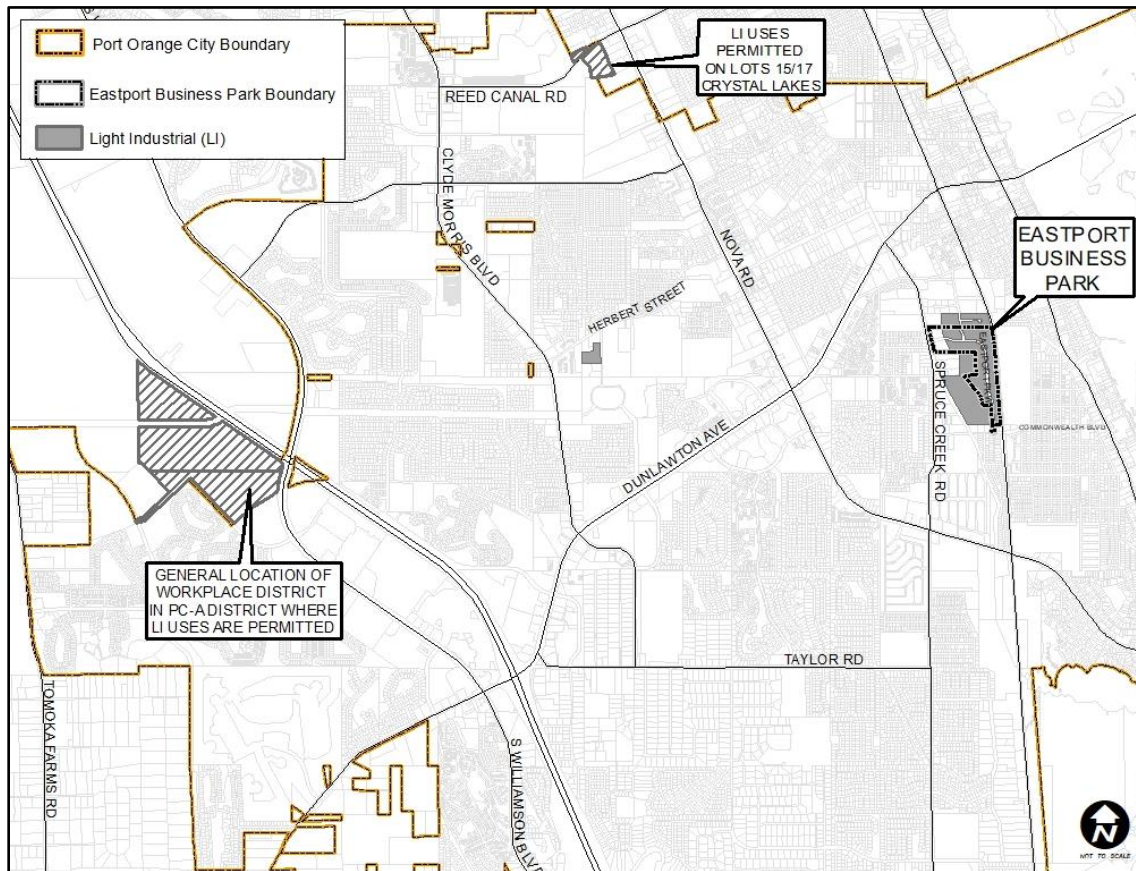
Figure 4. Light Industrial (LI) & Commercial Industrial (CI) Zoning Districts



Light Industrial (LI) Zoning District – Permitted Uses Amendment

The proposed amendment would add “wholesalers and distributors” as a permitted use in the Light Industrial (LI) zoning district. According to the LDC, “wholesalers and distributors” is defined as, “an establishment engaged in the storage, wholesale, and distribution of manufactured products, supplies, and equipment, and incidental retail sales, exclusive of bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.” The properties in the City that are currently zoned LI are in or adjacent to the Eastport Business Park and a small area near the intersection of City Center Drive and Herbert Street (see Figure 5). In addition to Light Industrial (LI) zoned land, the proposed amendment would also apply to any other zoning district that allows for uses that are permitted in the Light Industrial District, such as the Workplace District within the Planned Community – Agricultural (PC-A) zoning district and Lots 15 and 17 in the Crystal Lake Planned Unit Development.

Figure 5. Light Industrial (LI) Zoning Districts



Wholesalers and distributors is currently listed as a permitted use in the Commercial Industrial (CI) and Ridgewood Development (RD) zoning districts. According to the LDC, the intent of the LI zoning district is to provide development for limited industrial operations engaged in the fabricating, repair, or storage of manufactured goods, where no objectionable by-products of the activity (such as odors, smoke, dust, refuse, electromagnetic interference, noise in excess of that customary to loading, unloading, and handling of goods and materials) are noticeable beyond the lot on which the facility is located.

The proposed amendment is intended to assist in attracting businesses to the Eastport Business Park and other areas in the city zoned LI. Because the Light Industrial (LI) Zoning District is intended to allow for more intense uses when compared to the Commercial Industrial (CI) and Ridgewood Development (RD) Zoning Districts, the wholesalers and distributors use is appropriate for the LI zoning district as the use does not produce objectionable by-products (odors, smoke, dust, refuse, electromagnetic interference, excessive noise) and allows for the storage and distribution of manufactured goods. The wholesalers and distributors use is also consistent with the Eastport Business Center Community Redevelopment Area (CRA) Plan for job creation, and to provide an opportunity for businesses to expand or relocate in Port Orange.

RECOMMENDATION

Staff recommends approval of the amendments to Chapters 13 and 17 of the Land Development Code (LDC).

ATTACHMENT

Exhibit 1: Proposed LDC Amendment to Chapters 13 and 17

Exhibit 1

Words ~~stricken~~ are deletions; words underlined are additions.

Chapter 13 - LANDSCAPING AND BUFFERS

Section 4: - Vehicular use/parking landscaping.

(a) Minimum landscaped area. Ten percent of the area designed for vehicular use shall be devoted to the creation of interior landscaping, except for uses within the ~~Ridgewood Development Districts~~ as described in subsection (b) below, and except for lots with ten or fewer parking spaces and less than 4,000 square feet of paved area. The base area of the vehicular use area shall be measured along the outer edge and include all parking and loading spaces, access drives, cruise lanes, service areas, landscaped islands at the corners of and within parking areas, and other areas for vehicular use. Access drives located within required buffer yards shall not be included in the base area. Developers shall be required to provide a diagram indicating base area and internal landscaping, and the necessary calculations to verify that this requirement has been satisfied. The following diagram illustrates an example of areas which may be credited as internal landscaping.

(b) Minimum landscaped area for uses within the Ridgewood Development, Commercial Industrial, and Light Industrial Zoning Districts. Five percent of the area designed for vehicular use and visible from any public rights-of-way shall be devoted to the creation of interior landscaping. No interior landscaping shall be required for those vehicular use areas which are fully screened and/or not visible from any public rights-of-way. All other applicable provisions of this section shall be required.

Chapter 17 - ZONING DISTRICT REGULATIONS

Section 24: - Light industrial (LI) district.

(a) *Purpose and intent*. [unchanged]

(b) *Permitted uses*.

- (1) Airport and related activities.
- (2) Antennas.
- (3) Boat repair, body.
- (4) Boat repair, engine.
- (5) Commercial/industrial warehouse.
- (6) Construction and home improvement contractor.
- (7) Crematoriums.
- (8) Greenhouses and nurseries (wholesale only).
- (9) Infrastructure construction contractor's yard.
- (10) Laboratory, research and development.
- (11) Laundry and dry cleaning plants.
- (12) Manufacturing, craftsman shops.
- (13) Manufacturing, limited.
- (14) Manufacturing, fabrication.
- (15) Manufacturing, processing.
- (16) Motor vehicle repair facilities.
- (17) Motor vehicle towing and impoundment.
- (18) Offices.
- (19) Trucking terminals.
- (20) Wholesalers and distributors.