



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, February 25, 2016

Time: 5:30 PM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. DISCUSSION/ACTION

4. Consideration of Minutes
5. Case No. 15-65000001
REZONING WITH MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL
DEVELOPMENT PLAN/SERENITY HILLS PUD
East side of Hensel Road, between East Hensel Hill Drive and Hills Boulevard

Continued from the January 28, 2016 Planning Commission meeting - A request to rezone +/- 82 acres from Rural Residential (RR) and Single-Family Residential (R-20SF) to Planned Unit Development (PUD) and approve the Serenity Hills Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The applicant is proposing to develop a 102 single-family residential subdivision.

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

6. Case No. 16-90000002
VARIANCE/3821 WOODBRIAR TRAIL

Variance from Chapter 17, Section 27 of the Port Orange Land Development Code to allow a 15-foot rear building setback in lieu of the required 25-foot rear building setback.

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

7. Case No. 16-40000001

SECOND AMENDMENT TO THE RIVERWALK MARINA AND RIVERBOAT
MASTER DEVELOPMENT AGREEMENT

East and west side of Halifax Drive, between Ocean Avenue and Herbert Street

A request to amend the Riverwalk Marina and Riverboat Master Development Agreement to allow a twenty (20) month extension to the deadline for use of the existing temporary parking lot that serves the restaurant and marina.

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

C. OTHER BUSINESS

8. Development Activity Report

9. Commissioner Comments

10. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

PLANNING COMMISSION MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
COUNCIL CHAMBERS
JANUARY 28, 2016

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

Pledge of Allegiance

Silent Prayer

ROLL CALL:

Present:

Lance Green
John Junco
Thomas Jordan
Newton White
Mike Arminio
Sonya Laney
Frank Crooks

Also Present:

Matthew Jones, Assistant City Attorney
Robin Fenwick, City Clerk

4. Election of Officers

Sonya Laney accepted

Motion to nominate Commissioner Junco as Vice Chair was made by Commissioner Jordan, and seconded by Commissioner Crooks. Motion carried unanimously by roll call vote.

B. DISCUSSION/ACTION

5. Consideration of Minutes

Chairman Laney advised of the Clerk's change to the minutes, which was the addition of the statement that there were no public comments. There were no objections

Motion to approve the minutes of December 17, 2015 as amended was made by Commissioner Green, and seconded by Commissioner Jordan. Motion carried unanimously by roll call vote.

6. Rules of Procedure

Tim Burman, Planner, discussed some of the changes proposed to include a 5:30 p.m. start time. Discussion was held regarding the time change.

Matt Jones, Assistant City Attorney, explained the process for a Motion to Reconsider.

Motion to accept the rules as presented with a start time of 5:30 p.m. was made by Commissioner Green, and Seconded by Vice Chairman Junco. Motion carried unanimously by roll call vote.

7. Case No. 15-70000003 SPECIAL EXCEPTION/MOTOR VEHICLE REPAIR FACILITY 5797 Ridgewood Avenue

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

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

Penny Cruz, Planner, discussed the request for a Special Exception. It meets all of the requirements.

Commissioner Junco asked how the powder spraying would work. Dannielle Camarco, business owner, explained the process for the powder coating.

All City Codes must be met because of the change of use. Building improvement requirements were discussed. Commissioner White asked if this Special Exception can be limited to this owner only.

Motion to recommend approval with the limitation to the current owner only was made by Commissioner White, and Seconded by Commissioner Jordan.

Linda Murray, neighbor, sees the back of the business and asked that it be cleaned up. She asked if people can live on the property. Ms. Cruz said the property will need to be cleaned up to meet City Codes. The residential would not be allowed moving forward. Ms. Murray asked what the hours of operation would be. Ms. Camarco said the hours will be Monday – Saturday from 7:30 a.m. until 4:00 p.m. and she will be cleaning up the back of the property.

Motion carried unanimously by roll call vote.

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

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

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

Gwen Perney, Planner, discussed the request for a variance. The site will need to be brought into compliance with current codes. Staff recommends denial of the variance request. However, if the Planning Commission recommends approval, staff recommends including the condition that if FDOT terminates the use agreement, the required amount of landscaping for a 20-foot buffer be planted in the 13.5-foot buffer.

The Commissioner discussed the landscape buffer requirements. Rafael Bassi, Atkins North America on behalf of Cumberland Farms Representative, discussed the entrances into the property. Commissioner Arminio asked that traffic flow be considered.

Motion to recommend approval with
Staff recommendations was made by
Commissioner Crooks, and seconded
by Commissioner Arminio.

Laureen Vartanian, citizen, is concerned with the number of gas stations.

Motion carried unanimously by roll call vote.

9. Case No. 15-65000001
REZONING WITH MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL
DEVELOPMENT PLAN/SERENITY HILLS PUD
East side of Hensel Road, between East Hensel Hill Drive and Hills Boulevard

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

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

Vice Chairman Junco met separately with the developer prior to the meeting, as did Commissioner White and Commissioner Crooks.

Motion to reconsider was made by Commissioner White, and Seconded by Commissioner Arminio. Motion carried unanimously by roll call vote.

Mr. Burman advised that changes were made to the plan by the developer based on the remarks by the Planning Commission.

Chair Laney provided procedure guidelines.

Glen Storch, Attorney for Applicant, discussed the changes made based on the comments received from the Commission and neighbors. He also discussed rumors regarding the development options. Clay Ervin, Planning Expert, was tendered as an expert and answered questions from Mr. Storch relating to the City's Comprehensive Plan relating to this project. Mr. Ervin also discussed PUD standards. Changes between the original plan and the current plan were highlighted by Mr. Storch. The new plan includes a reduction in density (102 units); smaller lake (11 acres); larger/custom lots (smallest lot is 15,000 sq. ft.); public amenities enhancements; less traffic; and value. The public benefits include a 1 mile walking loop and other walkable trails, park/pavilion, lake with fountain, and access for bicyclists and pedestrians on the trails.

Fara Rita Canterbury, Property Appraiser, was tendered as an expert and answered questions from Mr. Storch relating to the values of each proposal. Ms. Canterbury discussed the impact on neighboring values. It is not expected to have an impact under straight (current) zoning; however, the potential impact with the PUD in place will be a positive impact.

Eric Olsen, Custom Home Builder, was tendered as an expert and answered questions from Mr. Storch relating to custom home values.

Mr. Storch discussed traffic concerns with Sans Lassiter, PE, and Colleen Nicoulin, AICP. Ms. Nicoulin was tendered as an expert and answered questions from Mr. Storch relating to transportation planning. Mr. Lassiter was also tendered as an expert and answered questions from Mr. Storch relating to traffic engineering.

Mr. Storch encouraged the Commission to approve the PUD as presented.

Motion to approve as recommended
was made by Commissioner Crooks,
and Seconded by Commissioner White.

Discussion was held with Commissioners asking questions regarding straight zoning vs. the PUD option, values, and landscape buffers.

Dennis Bayer, Attorney for Stop Serenity Hills, advised that they are not opposed to a PUD but do not agree with 102 units. He asked the Commissioners to discuss the policy issue relating to flexibility from standard code requirements.

Citizens spoke in opposition to the project with their concerns relating to traffic, values, and flooding issues. (Sign in sheet attached.)

Commissioners discussed their thoughts and concerns.

Motion to extend the meeting until 8:30
p.m. was made by Commissioner
Arminio, and Seconded by Vice
Chairman Junco. Motion carried 6-1 by
roll call vote with Commissioner Crooks
voting no.

Discussion was held regarding negotiations with the developer and Stop Serenity Hills.

Tom Garrison, citizen, spoke regarding the group, Stop Serenity Hills. He invited all who are interested in their cause to join them.

Mr. Storch requested a continuance on behalf of the applicant. Mr. Burman advised that major changes will need to be reviewed by Community Development prior to the February meeting, which only gives approximately one (1) week.

Motion to continue the item until
February 25, 2016 was by
Commissioner Arminio, and Seconded
by Vice Chair Junco. Motion carried 4-3
by roll call vote with Commissioners
Green, Jordan, and Crooks voting no.

C. OTHER BUSINESS

9. Development Activity Report

There were no questions from the Commission or the public regarding the DAR.

10. Commissioner Comments

Mr. Green is disappointed that the Commission was unable to make a decision on the Serenity Hills item. Other Commissioners agreed but hope the parties can reach an agreement.

11. Staff Comments

There were none.

D. PUBLIC COMMENTS: There were none.

E. ADJOURNMENT: 8:19 p.m.

Chairman Sonya Laney



STAFF REPORT

PUD Rezoning/Serenity Hills MDA and CDP

CASE NO. 15-65000001

REQUEST:	Rezone +/-82.2 acres from Rural Residential (RR) and R-20 Single-Family Residential (R-20SF) to Planned Unit Development (PUD) and approval of the Serenity Hills Master Development Agreement (MDA) and Conceptual Development Plan (CDP)
LOCATION:	East side of Hensel Road, north of Hills Boulevard
OWNER:	Coventry Partners, LLC
APPLICANTS:	Frank Costa, Liberty Group Realty, Inc. & Clay Ervin, Zev Cohen and Associates, Inc.
STAFF RECOMMENDATION:	PUD Rezoning – Approval Serenity Hills MDA and CDP – Approval, subject to approval of the policy consideration for roadway connections
STAFF CONTACT:	Tim Burman, Planning Manager (386) 506-5675
PLANNING COMMISSION DATE:	February 25, 2016 (Continued from the January 28, 2016 Planning Commission Meeting)

UPDATE: February 19, 2016

According to the applicant, the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) are still being discussed by the landowner and the neighbor association [STOP] in hopes that an agreement can be reached between the two parties this weekend. If an agreement is reached, the modifications to the MDA and CDP would likely include:

- Reducing the number of lots by reconfiguring the size of the lots through adjustments to the internal lot lines;
- Allowing public access (vehicle and pedestrian) through the subdivision; and
- Maintaining the proposed street network and roadway connections into the adjacent subdivisions.

In the event the landowner is able to reach an agreement, a revised MDA and CDP will be uploaded to the February Planning Commission Agenda on the City's website by the end of the day on Monday, February 22, 2016.

UPDATE: January 22, 2016

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

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

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

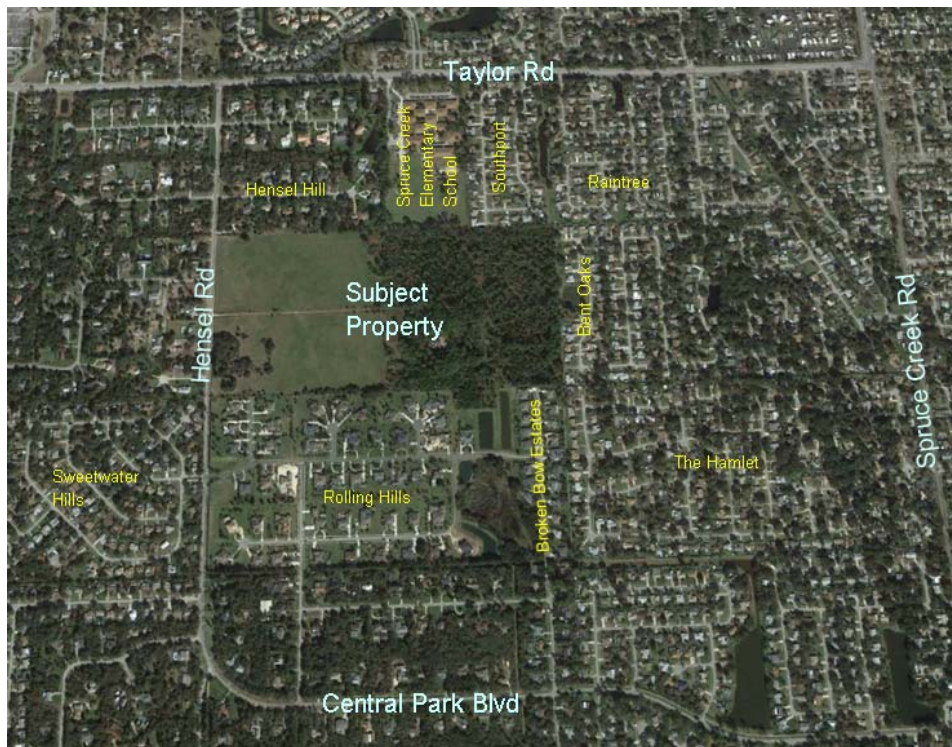
According to the applicant, the development team has met with some of the residents that spoke against the proposed development at the November meeting. The residents that attended the meeting requested it be handled as mediation and the resident group and development team entered into a confidentiality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

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

STAFF REPORT: NOVEMBER 19, 2015

DISCUSSION:

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



Location of the Proposed Serenity Hills PUD Area

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

Adjacent Future Land Use and Zoning – Table 1

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

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

The proposed MDA provides the dimensional requirements for the proposed single-family lots. Building setbacks are based on the surrounding zoning districts including Rural

Residential (RR), R-20 Single-Family Residential (R-20SF), and R-8SF Single-Family Residential (R-8SF). According to the Land Development Code (LDC), the building setback for the PUD shall not be less than the building setback requirements of the abutting zoning district. The rear building setback proposed by the applicant is equal to or greater than the adjacent zoning districts.

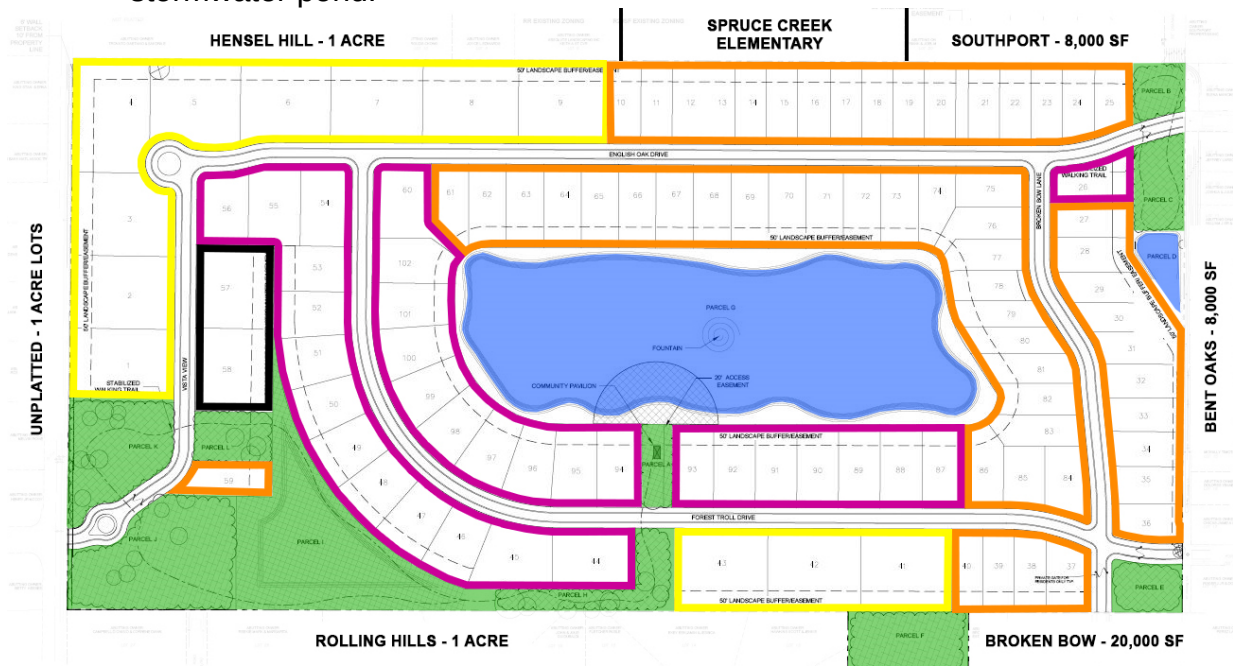
Dimensional Requirements – Table 2.

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

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

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

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



Proposed Lot Size and Configuration

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

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

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

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

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

DEVELOPMENT PROPOSAL:

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

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

Project Access:

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

Subdivision:

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

Landscaping/Screening:

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

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

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

Water, Sewer, and Reclaimed Water:

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

Stormwater:

The stormwater drainage infrastructure for this project will be in the form of a retention pond. The stormwater drainage design will be reviewed with the submittal of the subdivision plans. Per the City's Land Development Code (LDC), the applicant will be required to construct on-site stormwater facilities, designed to accommodate and treat the 25-year, 24-hour storm event, without causing flooding to adjacent properties or polluting the receiving water bodies.

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

Open Space:

For a PUD, the LDC requires a minimum sixty percent (60%) of the overall PUD must be open space, at least twenty percent (20%) of which must be common open space. According to the LDC and past approved PUDs, open space includes, but is not limited

to, tree and environmental preservation areas, water bodies, community gardens and common area parcels and portions of the rights-of-way that are pervious, and are not developed with impervious surface unless part of common open space. Common open space may include impervious areas developed with recreational facilities, clubhouses, docks, walkways, community gardens, preservation of natural resources and natural features, and related parking and support features.

The applicant states that the proposed CDP design contains sufficient, well placed open space that offers significant open space and conservation areas to prevent an unattractive, overbuilt environment. The CDP includes conservation land, recreation areas, a 50-foot buffer along the north and south boundary line where only a 10-foot buffer is required by the LDC, and a 25-foot buffer along the east boundary line. The Applicant states that all of these elements together with the required minimum private open space on individual lots will achieve over 60% of the PUD being open space in some form.

Traffic:

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

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

Roadway Capacity – Table 3

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

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

**Source: Volusia County Traffic Engineering, 2014

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

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

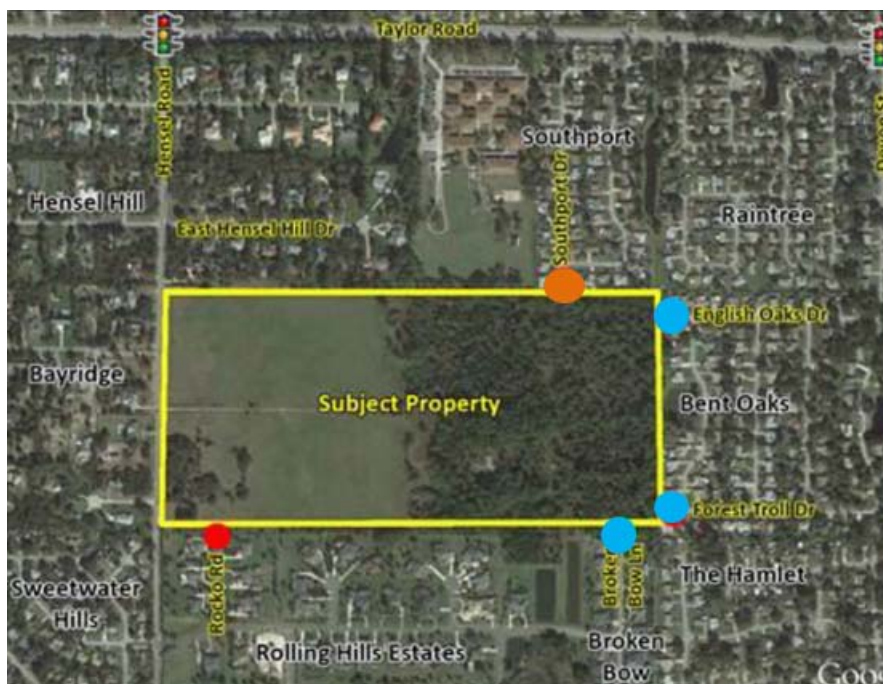
Schools:

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

POLICY ISSUE:

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

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



GATED ACCESS ●
 EMERGENCY ACCESS ●
 NO ACCESS ●

Proposed gated, emergency, and no access points

1. Applicant's gated access proposal

Broken Bow Lane, Forest Troll Drive and English Oak Drive: According to the applicant, the request is to have gates at Broken Bow Lane, Forest Troll Drive and English Oak Drive for use by Serenity Hill residents. Because connections to existing "stubbed out" roads is a requirement of the Land Development Code, the applicant has included it within the MDA, just as Broken Bow Estates and Bent

Oaks were required to provide a stub-out to obtain approval of their neighborhood's design. The MDA proposes the vehicular access on Broken Bow Lane, Forest Troll Drive and English Oak Drive be gated to prevent vehicles from the adjacent subdivision using the private roads within the proposed subdivision. Vehicles from Serenity Hills would be able to exit and enter the subdivision through the adjacent subdivisions.

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

2. Applicant's emergency access proposal

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

3. Applicant's no access proposal

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

RECOMMENDATION:

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

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

ATTACHMENTS:

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

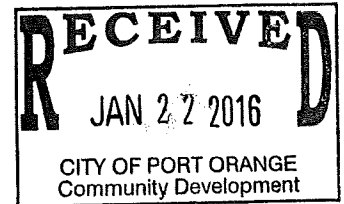


**ZEY COHEN
& ASSOCIATES, INC.**
Main Office: Ormond Beach
St. Augustine • Amelia Island • Edgewater

300 Interchange Blvd., Suite C
Ormond Beach, FL 32174
386-677-2482 • Fax: 386-677-2505
Website: www.ZevCohen.com

VIA HAND DELIVERY

January 20, 2016



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

RE: Serenity Hills Planned Unit
Development
ZC 15082

Dear Mr. Burman:

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

To summarize the specific changes to the MDA and CDP:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,
ZEV COHEN & ASSOCIATES, INC.

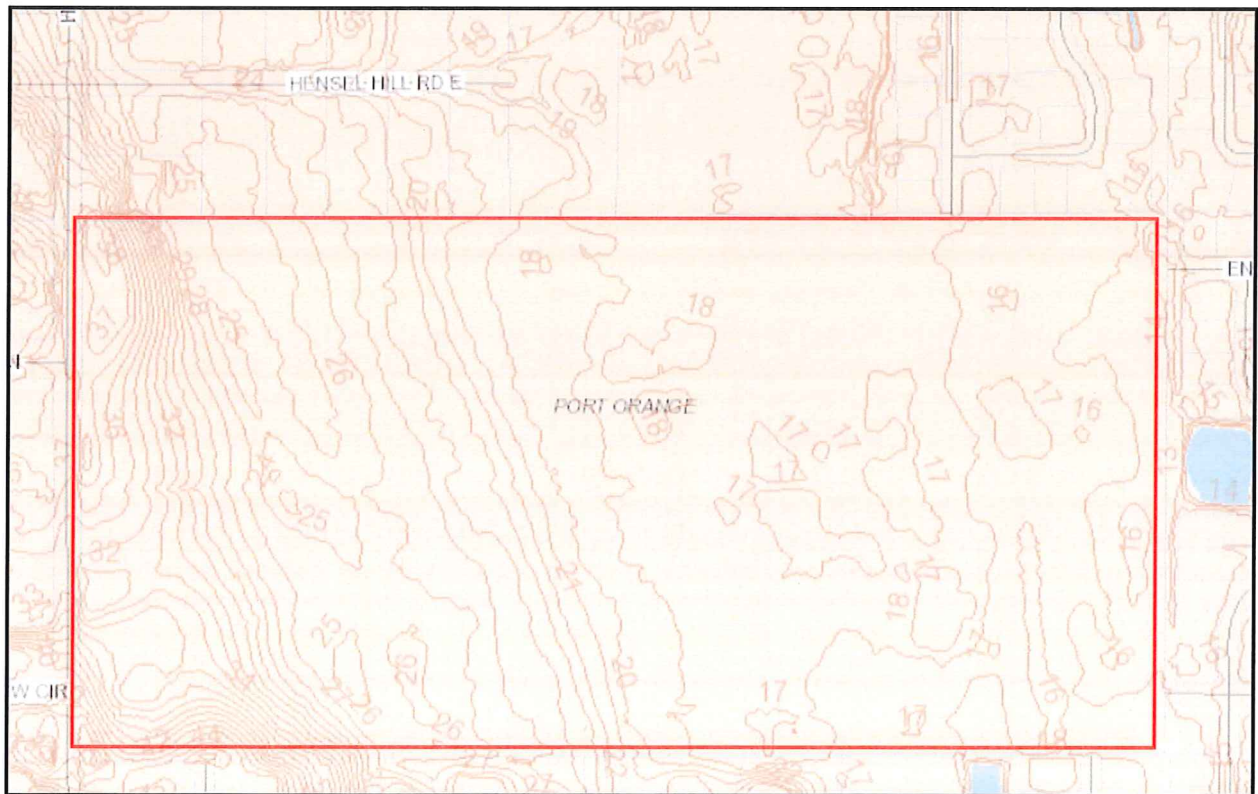
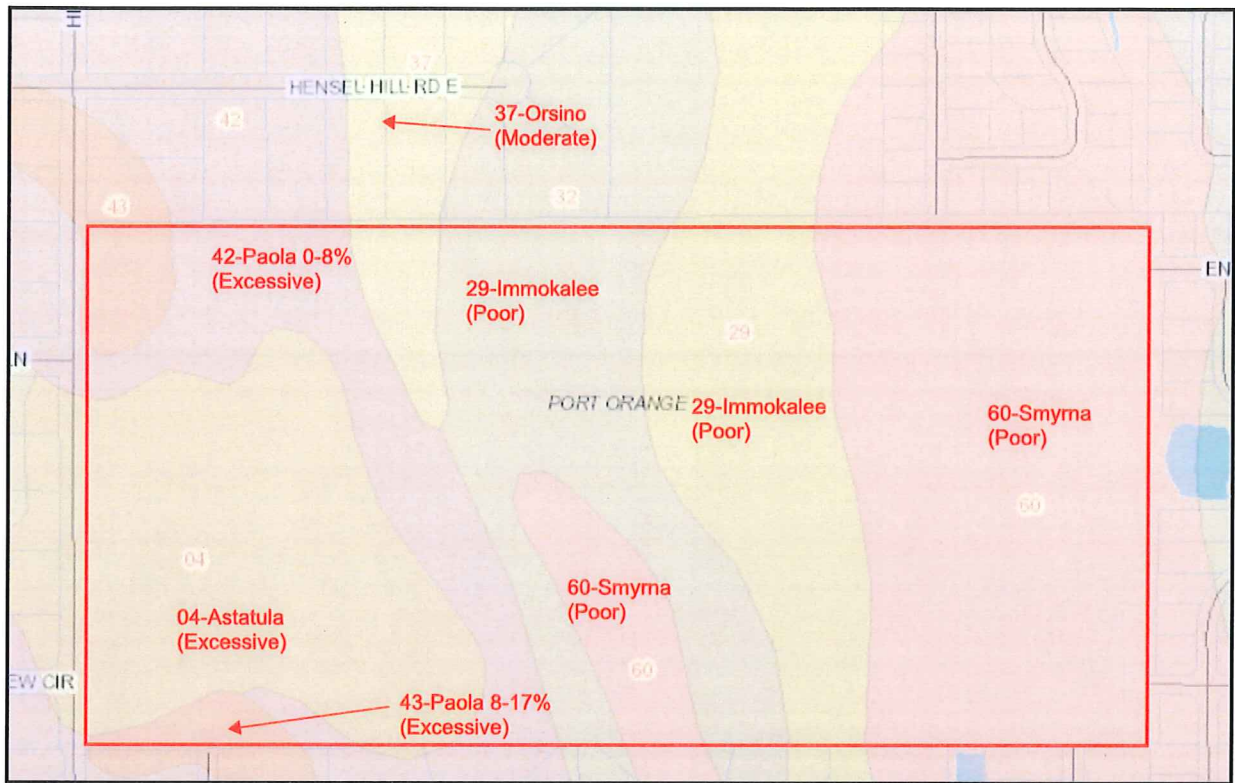


Clay Ervin
Senior Planner/Project Manager

15082021

ECE

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



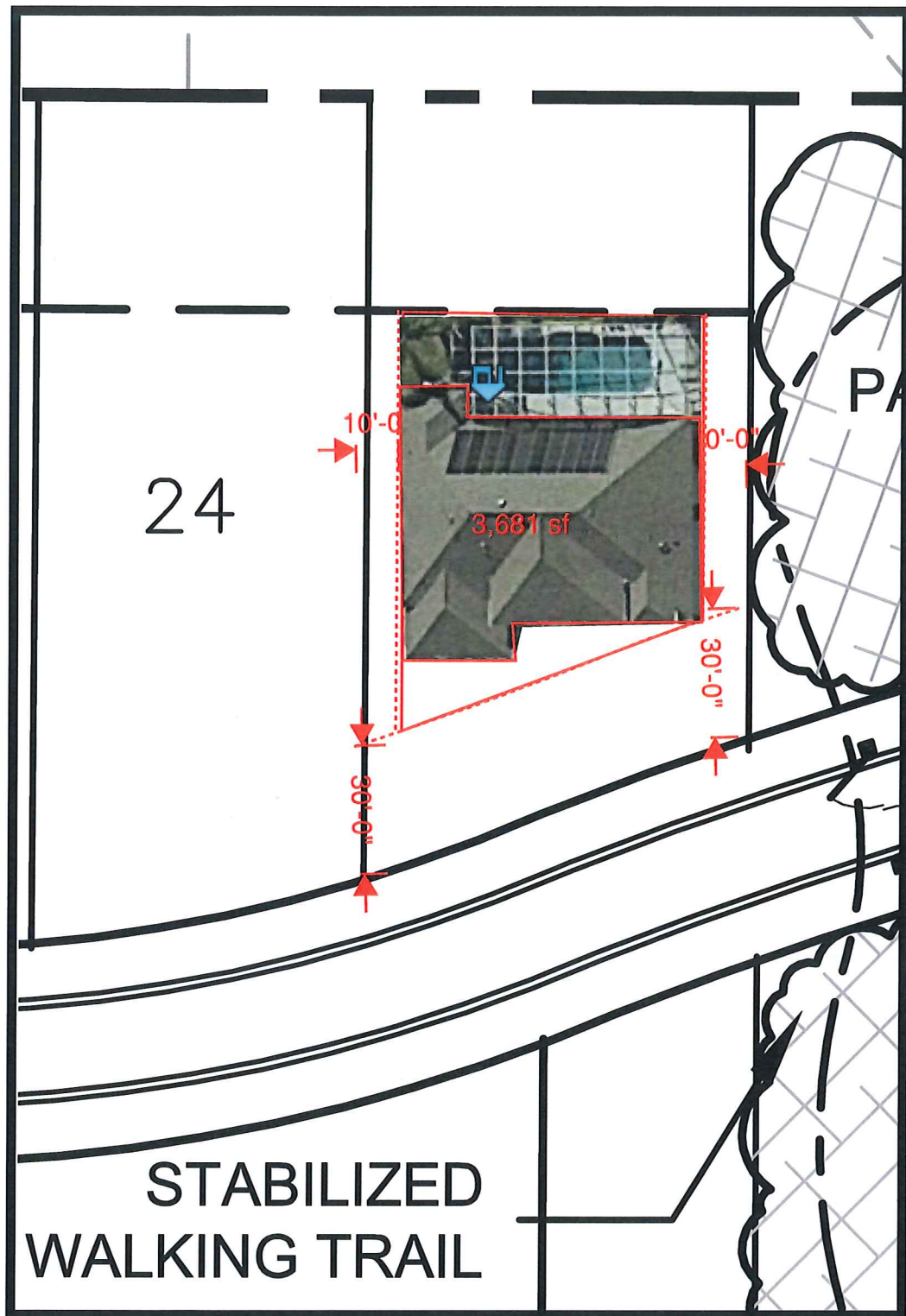
January 20, 2016

Source: Volusia County GIS

Topographic and Soils Data

Serenity Hills PUD

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January 20, 2016

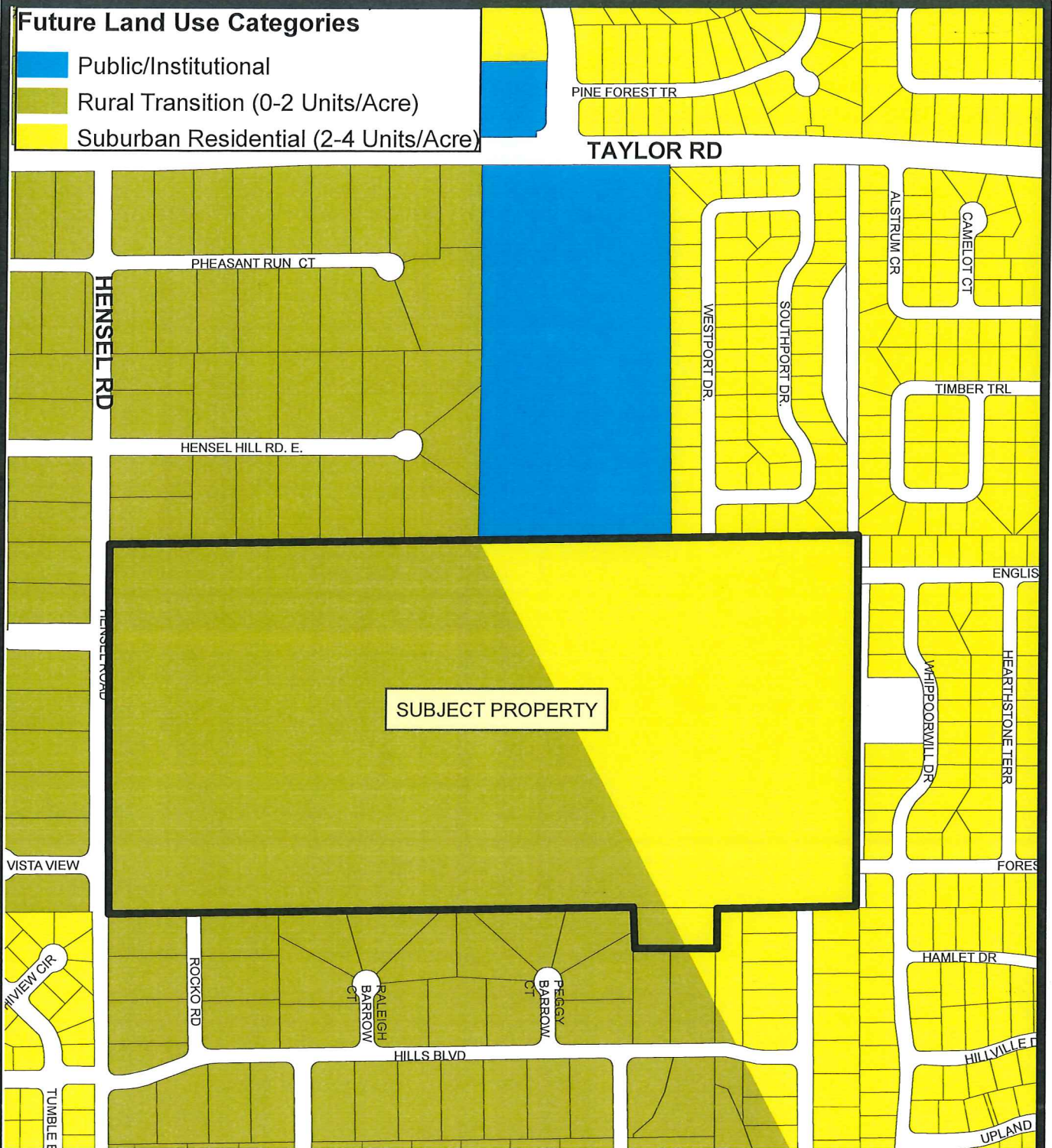
Source: ZCA, Google Earth
Volusia County Property Appraiser

Serenity Hills
Smallest Lot Fit Analysis

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

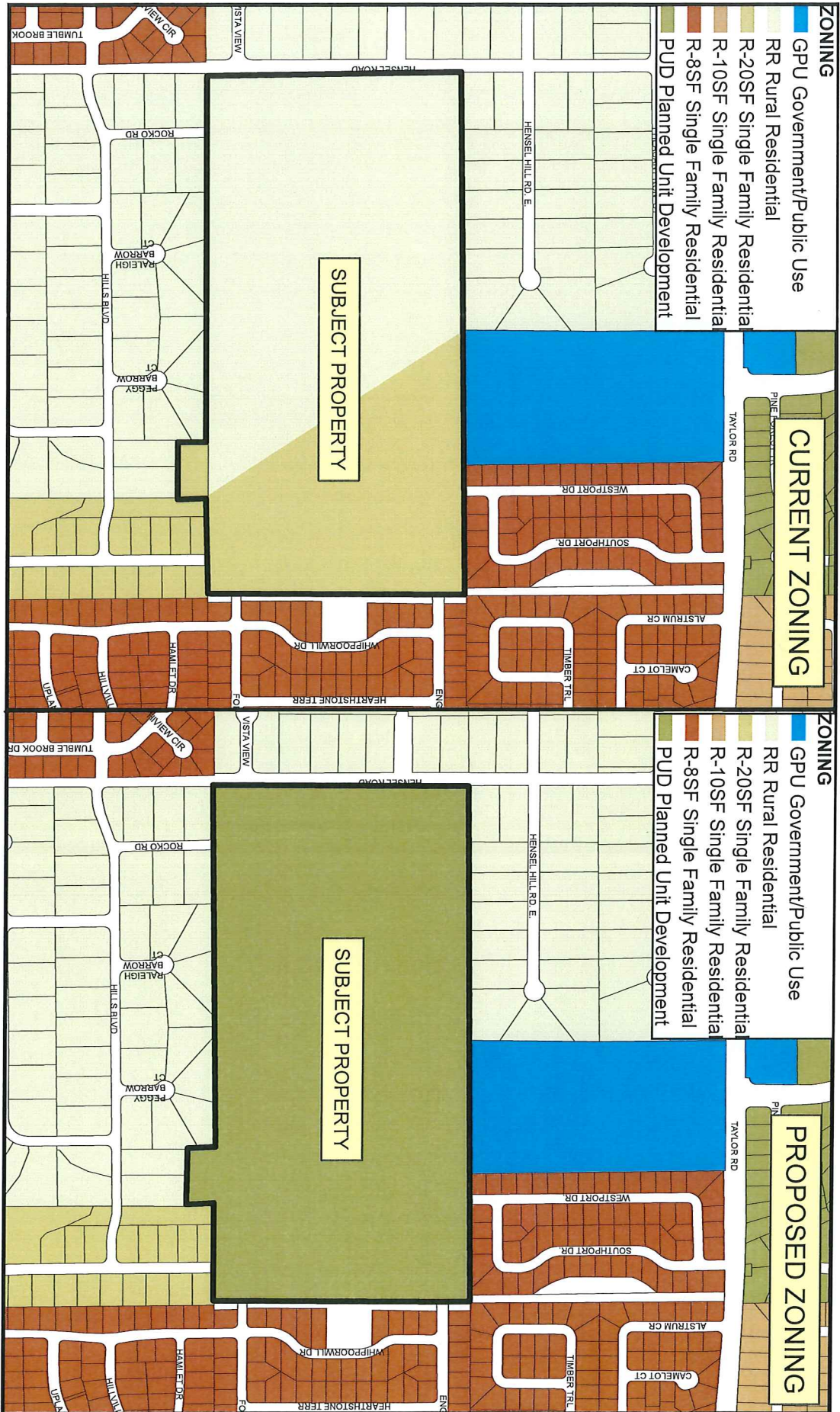
Future Land Use Categories

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



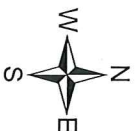
Case No. 15-65000001
 FUTURE LAND USE MAP
CITY OF PORT ORANGE
 DEPARTMENT OF COMMUNITY DEVELOPMENT

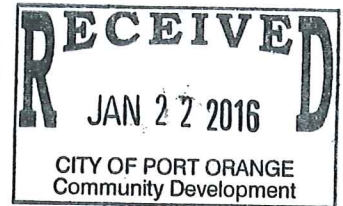




REZONING MAP - SERENITY HILLS PUD
 DEPARTMENT OF COMMUNITY DEVELOPMENT

Case No. 15-65000001





SERENITY HILLS PLANNED UNIT DEVELOPMENT

A RESIDENTIAL PUD

MASTER DEVELOPMENT AGREEMENT

REVISED

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

1. OWNERSHIP OF THE PROPERTY

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

2. DEVELOPMENT CONCEPT

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

3. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN

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

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

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

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

4. USAGE OF THE PROPERTY

A. Permitted Uses

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

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

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

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

B. Temporary Use

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

C. Minimum Lot Area

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

D. Number of Units/Density

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

E. Open Space

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

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

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

F. Maximum Building Height

The maximum building height shall not exceed 35 feet.

G. Minimum Building Setbacks (principal structure):

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

5. PHASING

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

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

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

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

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

7. ROADS, SIDEWALKS AND CONNECTIVITY

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

8. IMPACT FEE CREDIT

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

9. MAINTENANCE OF COMMON OPEN SPACE AND COMMON FACILITIES

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

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

10. PROJECT BUFFERS AND LANDSCAPING

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

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

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

11. HENSEL ROAD WALL

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

12. ENVIRONMENTAL CONSIDERATIONS

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

13. EXPIRATION

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

14. EFFECTIVE DATE

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

15. AMENDMENTS

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

16. CONFORMANCE WITH THE LAWS

The developer agrees:

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

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

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

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

17. ENFORCEABILITY

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

18. PRIOR AGREEMENTS

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

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

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

Signed, sealed and delivered
in the presence of

THE CITY OF PORT ORANGE, FLORIDA
a Florida municipal corporation

Witness 1 Signature

By: Allen Green, Mayor

Print Name of Witness 1

Attest:

Witness 2 Signature

By: Robin Fenwick, City Clerk

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

Notary Type, Print or Stamp Name

My commission expires _____

DEVELOPER:

Coventry Partners, LLC, a Florida Limited Liability Company

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

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

STATE OF FLORIDA

COUNTY OF _____

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

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

EXHIBIT "A"

LEGAL DESCRIPTION

Serenity Hill Planned Unit Development
Legal Description

PARCEL 71

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

PARCEL 74

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

MORE PARTICULARLY DESCRIBED AS:

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

EXHIBIT "B"

CONCEPTUAL DEVELOPMENT PLAN

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EXHIBIT "C"

MINIMUM DIMENSIONAL REQUIREMENTS

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

Lot Number	Minimum Lot Area	Minimum Lot Width	Front Setback	Interior Side Setback	Corner Side Setback	Rear Setback	Buffer/ Easement Used for Rear Setback	Accessory Structure Allowed in Rear Yard₁
33	15,000	75	30	10	n/a	25	E. Perimeter	No
34	15,000	75	30	10	n/a	25	E. Perimeter	No
35	15,000	75	30	10	n/a	25	E. Perimeter	No
36	15,000	86.25	30	10	n/a	25	E. Perimeter	No
37	15,000	86.25	30	10	20	25	S. Perimeter	No
38	15,000	75	30	10	20	50	S. Perimeter	No
39	15,000	75	30	10	n/a	50	S. Perimeter	No
40	15,000	75	30	10	n/a	50	S. Perimeter	No
41	43,560	200	30	10	n/a	50	S. Perimeter	No
42	43,560	200	30	10	n/a	50	S. Perimeter	No
43	43,560	200	30	10	n/a	50	S. Perimeter	No
44	20,000	150	30	10	n/a	25	n/a	Yes
45	20,000	150	30	10	n/a	25	n/a	Yes
46	20,000	100	30	10	n/a	25	n/a	Yes
47	20,000	100	30	10	n/a	50	Open Space	No
48	20,000	100	30	10	n/a	50	Open Space	No
49	20,000	100	30	10	n/a	50	Open Space	No
50	20,000	100	30	10	n/a	50	Open Space	No
51	20,000	100	30	10	n/a	50	Open Space	No
52	20,000	100	30	10	n/a	50	Open Space	No
53	20,000	100	30	10	n/a	50	Open Space	No
54	20,000	115	30	10	n/a	25	n/a	Yes
55	20,000	100	30	10	20	25	n/a	Yes
56	20,000	115	30	10	n/a	25	n/a	Yes
57	30,000	200	30	10	20	50	Open Space	No
58	30,000	200	30	10	n/a	50	Open Space	No
59	15,000	75	30	10	n/a	50	Open Space	No
60	20,000	115	30	10	20	50	Central Lake	No
61	20,000	75	30	10	n/a	50	Central Lake	No
62	15,000	75	30	10	n/a	50	Central Lake	No
63	15,000	75	30	10	n/a	50	Central Lake	No
64	15,000	75	30	10	n/a	50	Central Lake	No
65	15,000	75	30	10	n/a	50	Central Lake	No
66	15,000	75	30	10	n/a	50	Central Lake	No
67	15,000	75	30	10	n/a	50	Central Lake	No
68	15,000	75	30	10	n/a	50	Central Lake	No
69	15,000	75	30	10	n/a	50	Central Lake	No
70	15,000	75	30	10	n/a	50	Central Lake	No

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

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

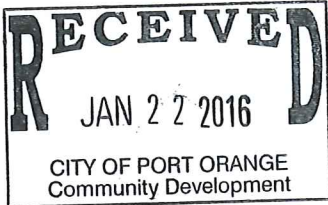
SERENITY HILLS
CITY OF PORT ORANGE - VOLUSIA COUNTY, FL
CONCEPTUAL PLAN

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

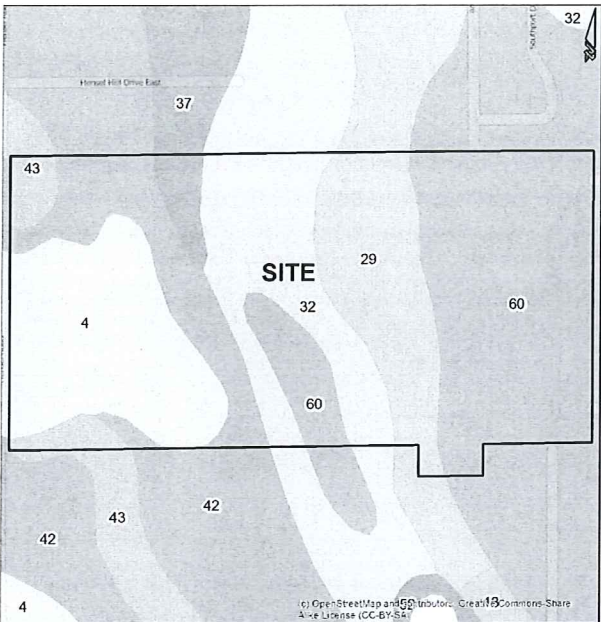
ENGINEER/PLANNER: ZEV COHEN & ASSOC., INC.
300 INTERCHANGE BLVD
ORMOND BEACH, FL., 32174
(386) 677-2482
(386) 677-2505 (FAX)
CONTACT: M. DWIGHT DURANT, P.E.

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

EXHIBIT D



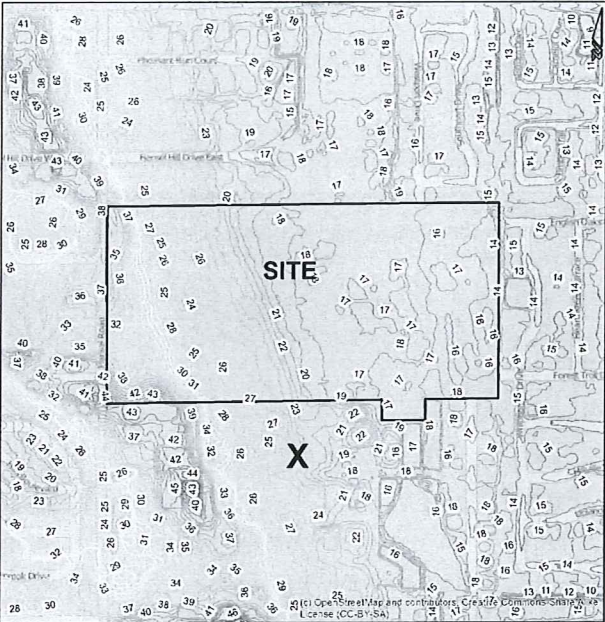
REVISED



SOILS MAP

1" = 400'

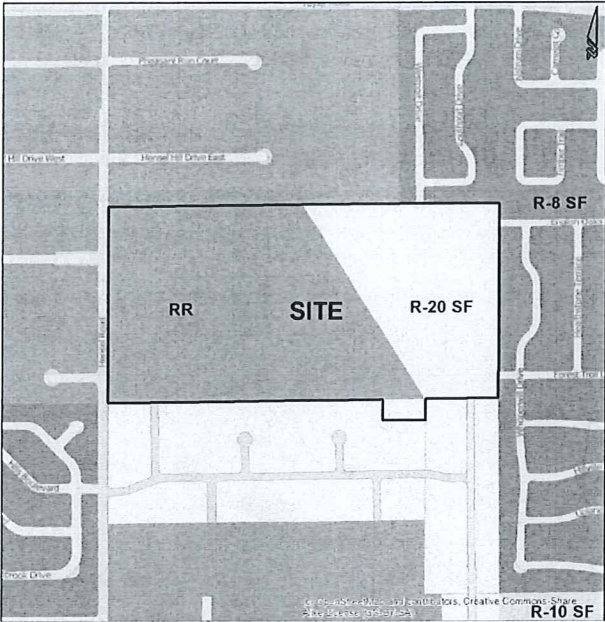
- 4 - ASTATULA FINE SAND
13 - CASSIA FINE SAND
29 - IMMOKALEE FINE SAND
32 - MYAKKA FINE SAND
37 - ORSINO FINE SAND; 0 TO 5% SLOPES
42 - PAOLA FINE SAND; 0 TO 8% SLOPES
43 - PAOLA FINE SAND; 8 TO 17% SLOPES
52 - POMPAHO FINE SAND
60 - SMYRNA FINE SAND



FLOOD ZONE & LIDAR MAP

1" = 600'

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



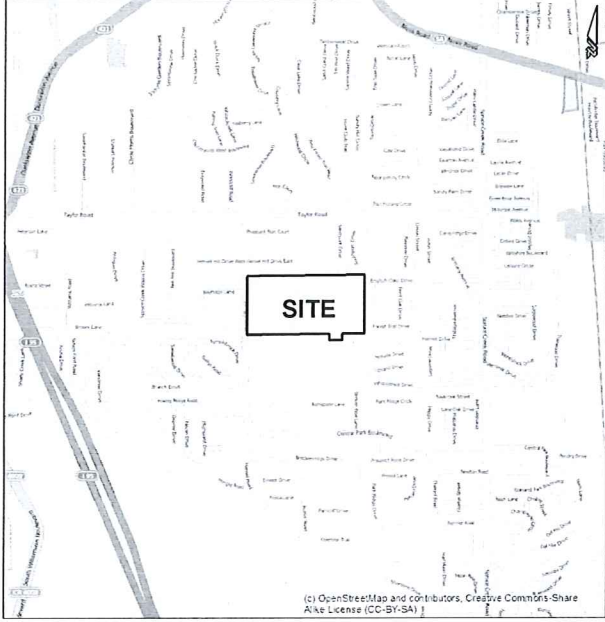
ZONING MAP

1" = 600'

EXISTING ZONING:
ADOPTED FUTURE LAND USE:

PROPOSED ZONING:

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



VICINITY MAP

1" = 2,000'

DESCRIPTION

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

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

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

GENERAL NOTES:

1. COMPLIANCE WITH LDC MAY NECESSITATE MODIFICATION OF CONCEPT PLAN

SITE DATA:

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

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

SHEET LEGEND

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

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

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

AMELIA ISLAND
914 ATLANTIC AVE. STE 20 FERNANDINA BEACH, FL 32034
(904) 491-5438 FAX (904) 491-1159

© ZEV COHEN & ASSOCIATES, INC. 2015

REVISIONS:

SERENITY HILLS
COVER SHEET

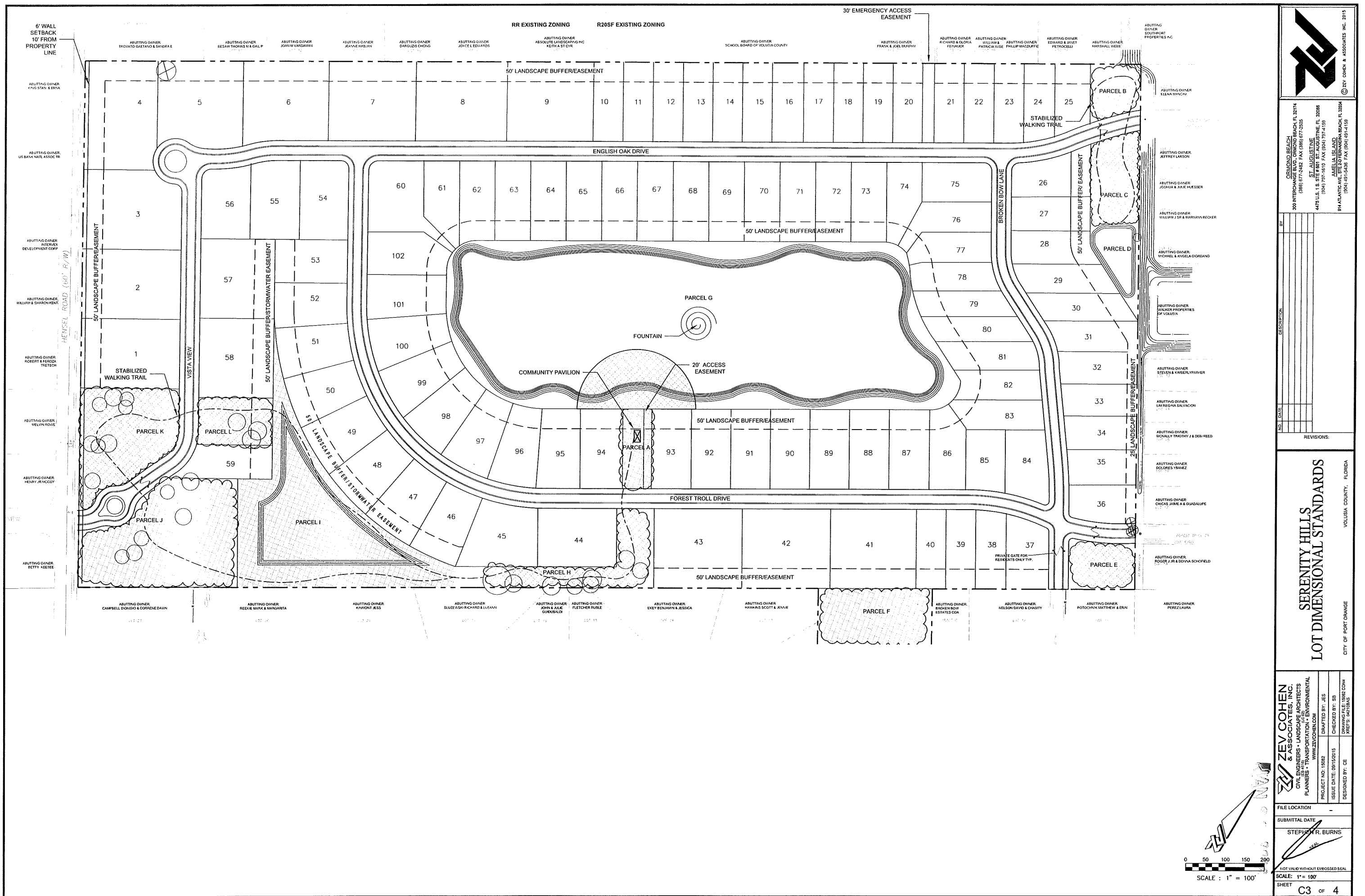
VOLUSIA COUNTY, FLORIDA

CITY OF PORT ORANGE

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

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

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



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

ST. AUGUSTINE
4475 U.S. 1 S. STE #601 ST. AUGUSTINE, FL 32086
(904) 767-1810 FAX (904) 767-4159

AMIELLA ISLAND
914 ATLANTIC AVE., STE 20 FERNANDINA BEACH, FL 32034

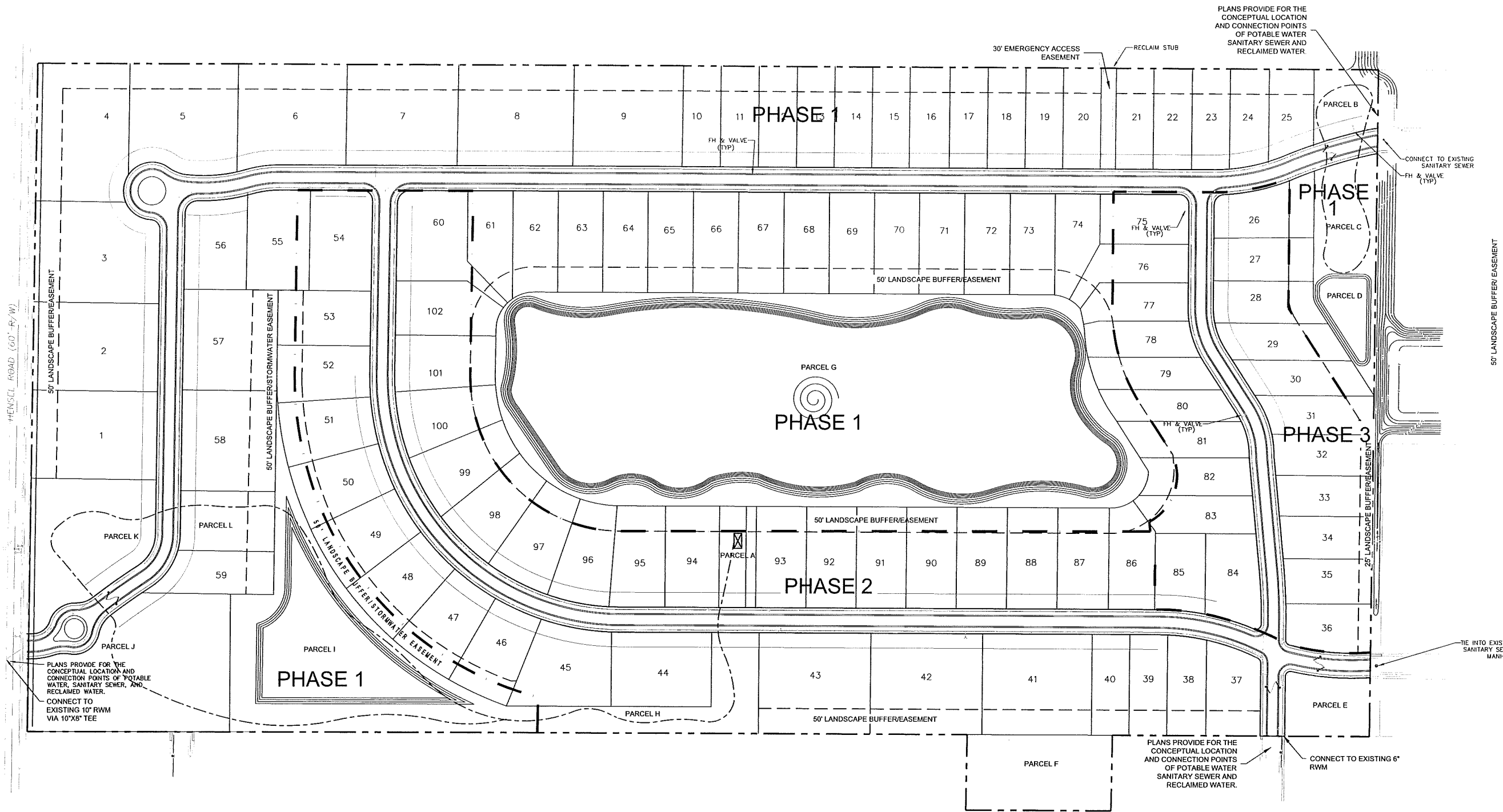
[illegible]

SERENITY HILLS
LOT DIMENSIONAL STANDARDS

CITY OF PORT ORANGE

 ZEV COHEN & ASSOCIATES, INC. CIVIL ENGINEERS • LANDSCAPE ARCHITECTS (E.U. 4510) PLANNERS • TRANSPORTATION • ENVIRONMENTAL WWW.ZEVCOHEN.COM	PROJECT NO: 15002	DRAFTED BY: JES
	ISSUE DATE: 09/15/2015	CHECKED BY: SB

LOCATION _____
SUBMITTAL DATE _____
STEPHEN R. BURNS
SEAL
NOT VALID WITHOUT EMBOSSED SEAL
SCALE: 1" = 100'
SHEET C3 OF 4





MEMORANDUM

TO: Port Orange Planning Commission *TB*
FROM: Tim Burman, Planning Manager
RE: Revised Serenity Hills Master Development Agreement (MDA) and Conceptual Development Plan (CDP)
DATE: February 22, 2016

On February 22, 2016, the applicant for the Serenity Hills PUD resubmitted a revised Master Development Agreement (MDA) and Conceptual Development Plan (CDP) as a continuing effort to address the concerns of neighboring residents.. The following modifications have been made to the proposed MDA and CDP by the applicant:

1. Reduced the number of lots from 102 to 95 by reconfiguring the size of the lots through adjustments to the internal lot lines;
2. Reduced the width of the landscape buffer easement from 50 feet to 20 feet for the lots abutting the central lake; and
3. Allow for public access (vehicle and pedestrian) through the subdivision

At the February 25, Planning Commission Meeting, the applicant intends to request approval of the Serenity Hills MDA and CDP that will provide the regulatory framework for the development of the subject property with a maximum of 95 single-family home lots at a density of 1.16 units per acre.



SERENITY HILLS PLANNED UNIT DEVELOPMENT

A RESIDENTIAL PUD

MASTER DEVELOPMENT AGREEMENT

REVISED

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

1. OWNERSHIP OF THE PROPERTY

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

2. DEVELOPMENT CONCEPT

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

3. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN

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

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

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

of the MDA. Buildings on the lots shall not be permitted to exceed the total building lot coverage requirements established in Section 4I of the Master Development Agreement.”

4. USAGE OF THE PROPERTY

A. Permitted Uses

The property shall be used for residential purposes and developed as a residential community with open space and other buffers as specified herein. The project shall be developed for a maximum of 95 single-family, detached dwelling units for a maximum density of 1.16 dwelling units per acre. When considered in light of other housing and community choices in the vicinity (e.g. Rolling Hills Estates, Hensel Hills Estates, Pheasant Run, Vista View, etc.) the Serenity Hills PUD will provide for a compatible residential development that is consistent with surrounding land use pattern and will protect the low-density character of the existing residential subdivisions immediately adjacent to the Serenity Hills PUD by only permitting custom-built, single-family detached dwellings.

The property has two land use classifications shown on the adopted Future Land Use Map and Official Zoning Map. The project overall density of .16 dwelling units is consistent with the density requirements assigned to the “Rural Transitional” and “Suburban Residential” land uses as contained on the adopted Future Land Use Map. The design also provides for a compatible transition between the varying densities of the surrounding properties.

There are stormwater ponds shown on the Conceptual Development Plan that will require approval by the City and the St. Johns River Water Management District. The developer is allowed to use the fill material resulting from the excavation of these ponds in the development of the subject property; however, the property cannot be used for commercial mining and excavation uses (also known as a “borrow-pit”), but the Developer is authorized to remove excess soil from the property after the site has been filled and graded in accordance with the

engineering plans approved by the City for the final subdivision plat. Stockpiling of fill material excavated from the site may be allowed on the site subject to the provisions of the City of Port Orange Land Development Code and Standard Construction Details.

B. Temporary Use

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

C. Minimum Lot Area

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

D. Number of Units/Density

The total number of residential units in the development shall not exceed ninety-five (95) dwelling units or a gross project density of 1.16 dwelling units per acre.

E. Open Space

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

- i. Perimeter buffers: 50 feet along the north, west, south, and a portion of the east property boundaries and 25 feet along a portion of the east property boundary, as shown on the CDP;
- ii. Stormwater retention and detention areas;
- iii. Pervious areas and sidewalks/trails within public rights-of-way within Serenity Hills;
- iv. Tree preservation and other common area tracts;
- v. Front, rear, side and corner-side yard setbacks of the individual lots;
- vi. Trails within tree preservation areas; and,
- vii. A centralized pavilion allowing enjoyment of water features within the Property. The pavilion shall comply with the architectural requirements of the Land Development Code and shall comply with the setbacks established for principal structures in Section 4.G. of this Agreement.

F. Maximum Building Height

The maximum building height shall not exceed 35 feet.

G. Minimum Building Setbacks (principal structure):

1. Exhibit C provides the minimum lot area, lot width, front, side, corner-side yard and rear setbacks established for all 95 lots and the lake front pavilion (Parcel A) within the Serenity Hills PUD.
2. Minimum Air-Conditioned Floor Area 2,000 sq. ft.
3. Minimum Enclosed Garage Floor Area: 400 sq. ft.
4. Maximum Building Coverage: 40%
5. Maximum Impervious Coverage: 60%
6. Minimum Open Space 40%
7. Lot width shall be measured at the front building setback line.

5. PHASING

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

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

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

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

provided. The Developer shall comply with the City's LDC and the rules and regulations of the St. Johns River Water Management District concerning stormwater drainage.

7. ROADS, SIDEWALKS AND CONNECTIVITY

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

THE FOLLOWING IS ALTERNATIVE LANGUAGE IF THE PLANNING COMMISSION
DENIES THE REQUEST FOR A GATED DEVELOPMENT

Roads and sidewalks within the Development shall be public and dedicated to the City. The development of the Serenity Hills PUD shall comply with the transportation concurrency management requirements established in the City of Port Orange Comprehensive Plan and LDC.

Serenity Hills shall provide for direct connection to Hensel Road, Forest Troll Drive, English Oak Drive and Broken Bow Lane in accordance with LDC, Ch. 5, Sec. 4(a)(1)(a) and (b) and Sec. 6(c)(3), but shall be exempted from these standards regarding access to Westport Drive. There is a potential for increased cut-through traffic if full access is required at this location. Access to Rocko Road is also exempt in order to protect and preserve the existing trees located in the area. In order to address life-safety issues and to assure access to emergency vehicles, thirty (30) feet wide emergency access easements shall be provided to align with Westport Drive within the Serenity Hills PUD. The emergency access shall have stabilized sub-base and base consistent with the City of Port Orange standard construction details. The emergency access easements shall not be paved, and shall be covered with St. Augustine grass or other plant material acceptable to both the City and the Developer. No fencing or other obstructions shall be allowed within the emergency access easements. A perimeter fence may be allowed if designed and constructed to meet the City of Port Orange requirements for an emergency unobstructed access gate (crash gate).

8. IMPACT FEE CREDIT

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

9. MAINTENANCE OF COMMON OPEN SPACE AND COMMON FACILITIES

The Developer will form and incorporate a non-profit homeowners' association (the "HOA") which will operate, maintain and control, subject to other documents of record, the common areas, and common facilities, including but not limited to all roads, sidewalks, bike paths, common open space, all of the lakes and storm water drainage systems within the PUD and the entrance features and areas to the PUD. The general scope and format of the homeowners' association documents, and the covenants and restrictions, will be similar in concept to the documents of similar property owners' associations in Port Orange. In addition, there shall be architectural and development standards incorporated within the covenants and restrictions to ensure that only custom homes are constructed within the PUD. The covenants and restrictions governing the Property and association responsibilities shall be executed and recorded in the Public records of Volusia County, Florida. The HOA will have a board of directors to legislate and govern the rules and orders of the HOA. The HOA board will have the means and authority to carry out and regulate the by-laws and restrictions governing the maintenance, operation and repairs of all common areas and facilities. Not only will the board of directors be able to regulate and govern the common area; the board will also regulate each and every member requiring the maintenance and service of his own individual building site. The HOA rules may be enforced by fines and liens upon the individual building sites and any other remedy available at law. The HOA may charge and collect dues to maintain operate and service all common facilities on the Property. The HOA will have authority to place a lien against individual building sites in order to collect unpaid HOA dues. The owner of each lot within the Property will automatically become a member of the HOA by virtue of purchasing a building site subject to the rules, covenants, and restrictions of the HOA. The HOA will have the authority and means to hire, supervise, and regulate persons employed by them for the maintenance, repair and operation of common areas and facilities. If the association fails to perform the maintenance,

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

10. PROJECT BUFFERS AND LANDSCAPING

In order to comply with the requirements of Chapter 13, Section 3 and 3.5 of the Port Orange LDC, a perimeter buffer shall be provided as shown on the Conceptual Development Plan and shall comply with the following standards and requirements. The intent of the landscape buffer is to provide a protected green space separation between the project and surrounding neighborhoods. There shall be a buffer with a width of fifty (50') feet adjacent to Hensel Road, the north, south, and a portion of the east property boundaries of the Serenity Hills PUD, as shown in the CDP. A perimeter landscape buffer with a width of twenty-five (25') feet

shall be provided along a portion of the east property boundary of the Serenity Hills PUD, as shown in the CDP. Landscaping within the perimeter landscape buffers shall meet or exceed the minimum requirements of the Port Orange LDC and shall have at a minimum four (4) shade trees, four (4) understory trees and forty (40) shrubs per 100-linear feet of perimeter boundary. Existing vegetation in the perimeter buffer that may remain undisturbed shall count towards the landscaping requirements for the buffer. Existing vegetation that is determined by the City to be invasive exotics, diseased/dying and/or interfering with required extension of utilities may be removed, provided that any viable protected or specimen trees shall be mitigated in accordance with the City of Port Orange LDC, as amended. The landscape plans required for the final plat shall account for the removal and mitigation of trees within the perimeter buffers. No structures, primary or accessory, will be allowed within the 50' and 25' perimeter buffer, except for fencing, installed as depicted in the CDP. Individual lot owners shall be responsible for the maintenance of all landscaping within the buffer that is located on their property. As part of the subdivision process, there shall be a landscape conservation and maintenance easement granted to the Serenity Hill HOA to ensure that the landscape buffers are properly preserved and maintained. Maintenance of the landscape buffer/easement areas shall be the responsibility of the individual lot owners. The Serenity Hills HOA shall establish maintenance standards in the covenants and restrictions for the landscape/buffer easements. The covenants and restrictions shall provide for procedures to allow the HOA to notice individual lot owners that the landscape is not being maintained in accordance with the standards established in the covenants and restrictions. There also shall be provisions within the covenants and restrictions that allow the HOA to enter the individual lots to conduct maintenance within the landscape buffer to ensure that the minimum maintenance standards are being upheld. The covenants and restrictions shall include provisions

for the HOA to charge the individual lot owners for the costs of the HOA maintaining the landscape buffer.

11. HENSEL ROAD WALL

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

12. ENVIRONMENTAL CONSIDERATIONS

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

13. EXPIRATION

The duration of this Agreement shall not exceed ten (10) years from the date of its execution. This Agreement may be extended for an additional five (5) year term by mutual consent of the Developer and the City subject to a public hearing. Development of the Serenity

Hills PUD shall commence within three (3) years from the date of execution of this Agreement. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified by mutual agreement of the Developer and the City. Development shall be as defined by the LDC.

14. EFFECTIVE DATE

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

15. AMENDMENTS

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

16. CONFORMANCE WITH THE LAWS

The developer agrees:

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

B. To provide agreements, contracts, deed restrictions, and sureties and other documents required by the City Legal Department for completion of the development or approved development phases, and for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense, and that the Developer's successors in title will be bound by the Developer's commitments made in this Agreement.

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

17. ENFORCEABILITY

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

18. PRIOR AGREEMENTS

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

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

Signed, sealed and delivered
in the presence of

Witness 1 Signature

Print Name of Witness 1

Witness 2 Signature

Print Name of Witness 2

THE CITY OF PORT ORANGE, FLORIDA
a Florida municipal corporation

By: Allen Green, Mayor

Attest:

By: Robin Fenwick, City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

Notary Type, Print or Stamp Name

My commission expires _____

DEVELOPER:

Coventry Partners, LLC, a Florida Limited Liability Company

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

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

STATE OF FLORIDA

COUNTY OF _____

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

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

EXHIBIT "A"

LEGAL DESCRIPTION

**Serenity Hill Planned Unit Development
Legal Description**

PARCEL 71

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

PARCEL 74

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

MORE PARTICULARLY DESCRIBED AS:

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

EXHIBIT "B"

CONCEPTUAL DEVELOPMENT PLAN

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EXHIBIT "C"

MINIMUM DIMENSIONAL REQUIREMENTS

Lot Number	Minimum Lot Area	Minimum Lot Width	Front Setback	Interior Side Setback	Corner Side Setback	Rear Setback	Buffer/ Easement Used for Rear Setback	Accessory Structures Allowed in Rear Yard
1	32,670	100	30	10	n/a	50	Hensel Road	No
2	32,670	100	30	10	n/a	50	Hensel Road	No
3	32,670	100	30	10	n/a	50	Hensel Road	No
4	32,670	100	30	10	n/a	50	Hensel Road	No
5	32,670	100	30	10	n/a	50	Hensel Road	No
6	32,670	100	30	10	n/a	50	N. Perimeter	No
7	32,670	100	30	10	n/a	50	N. Perimeter	No
8	32,670	100	30	10	n/a	50	N. Perimeter	No
9	32,670	100	30	10	n/a	50	N. Perimeter	No
10	32,670	100	30	10	n/a	50	N. Perimeter	No
11	32,670	100	30	10	n/a	50	N. Perimeter	No
12	32,670	100	30	10	n/a	50	N. Perimeter	No
13	15,000	75	30	10	n/a	50	N. Perimeter	No
14	15,000	75	30	10	n/a	50	N. Perimeter	No
15	15,000	75	30	10	n/a	50	N. Perimeter	No
16	15,000	75	30	10	n/a	50	N. Perimeter	No
17	15,000	75	30	10	n/a	50	N. Perimeter	No
18	15,000	75	30	10	n/a	50	N. Perimeter	No
19	15,000	75	30	10	n/a	50	N. Perimeter	No
20	15,000	75	30	10	n/a	50	N. Perimeter	No
21	15,000	75	30	10	n/a	50	N. Perimeter	No
22	15,000	75	30	10	n/a	50	N. Perimeter	No
23	15,000	75	30	10	n/a	50	N. Perimeter	No
24	15,000	75	30	10	n/a	50	N. Perimeter	No
25	15,000	75	30	10	n/a	50	N. Perimeter	No
26	15,000	75	30	10	n/a	50	N. Perimeter	No
27	15,000	75	30	10	n/a	50	N. Perimeter	No
28	15,000	75	30	10	n/a	50	N. Perimeter	No
29	15,000	86.25	30	10	20	50	Open Space	No
30	15,000	75	30	10	n/a	50	Open Space	No

Lot Number	Minimum Lot Area	Minimum Lot Width	Front Setback	Interior Side Setback	Corner Side Setback	Rear Setback	Buffer/ Easement Used for Rear Setback	Accessory Structures Allowed in Rear Yard
31	15,000	75	30	10	n/a	50	Open Space	No
32	15,000	75	30	10	n/a	50	Open Space	No
33	15,000	75	30	10	n/a	50	Open Space	No
34	15,000	75	30	10	n/a	25	E. Perimeter	No
35	15,000	75	30	10	n/a	25	E. Perimeter	No
36	15,000	75	30	10	n/a	25	E. Perimeter	No
37	15,000	75	30	10	n/a	25	E. Perimeter	No
38	15,000	75	30	10	n/a	25	E. Perimeter	No
39	15,000	86.25	30	10	20	25	E. Perimeter	No
40	15,000	86.25	30	10	20	50	S. Perimeter	No
41	15,000	75	30	10	n/a	50	S. Perimeter	No
42	15,000	75	30	10	n/a	50	S. Perimeter	No
43	15,000	75	30	10	n/a	50	S. Perimeter	No
44	32,670	100	30	10	n/a	50	S. Perimeter	No
45	32,670	100	30	10	n/a	50	S. Perimeter	No
46	32,670	100	30	10	n/a	50	S. Perimeter	No
47	32,670	100	30	10	n/a	50	S. Perimeter	No
48	32,670	100	30	10	n/a	50	Open Space	No
49	32,670	100	30	10	n/a	50	Open Space	No
50	32,670	100	30	10	n/a	50	Open Space	No
51	32,670	100	30	10	n/a	50	Open Space	No
52	32,670	100	30	10	n/a	50	Open Space	No
53	32,670	100	30	10	n/a	50	Open Space	No
54	20,000	100	30	10	n/a	50	Open Space	No
55	20,000	115	30	10	20	25	n/a	Yes
56	20,000	100	30	10	n/a	25	n/a	Yes
57	20,000	115	30	10	20	25	n/a	Yes
58	32,670	100	30	10	n/a	50	Open Space	No
59	32,670	100	30	10	n/a	50	Open Space	No
60	15,000	75	30	10	n/a	50	Open Space	No
61	32,670	100	30	10	n/a	50	Central Lake	No
62	32,670	100	30	10	n/a	50	Central Lake	No
63	32,670	100	30	10	n/a	50	Central Lake	No
64	32,670	100	30	10	n/a	50	Central Lake	No
65	32,670	100	30	10	n/a	50	Central Lake	No
66	15,000	75	30	10	n/a	50	Central Lake	No
67	15,000	75	30	10	n/a	50	Central Lake	No

Lot Number	Minimum Lot Area	Minimum Lot Width	Front Setback	Interior Side Setback	Corner Side Setback	Rear Setback	Buffer/ Easement Used for Rear Setback	Accessory Structures Allowed in Rear Yard
68	15,000	75	30	10	n/a	50	Central Lake	No
69	15,000	75	30	10	n/a	50	Central Lake	No
70	15,000	75	30	10	n/a	50	Central Lake	No
71	15,000	75	30	10	n/a	25	n/a	Yes
72	15,000	75	30	10	n/a	25	n/a	Yes
73	15,000	75	30	10	n/a	50	Central Lake	No
74	15,000	75	30	10	n/a	50	Central Lake	No
75	15,000	75	30	10	n/a	50	Central Lake	No
76	15,000	75	30	10	n/a	50	Central Lake	No
77	15,000	75	30	10	n/a	50	Central Lake	No
78	15,000	75	30	10	n/a	50	Central Lake	No
79	15,000	75	30	10	n/a	50	Central Lake	No
80	15,000	86.25	30	10	n/a	25	n/a	Yes
81	15,000	75	30	10	n/a	25	n/a	Yes
82	15,000	75	30	10	n/a	50	Central Lake	No
83	15,000	75	30	10	n/a	50	Central Lake	No
84	20,000	100	30	10	n/a	50	Central Lake	No
85	20,000	100	30	10	n/a	50	Central Lake	No
86	20,000	100	30	10	n/a	50	Central Lake	No
87	20,000	100	30	10	n/a	50	Central Lake	No
88	20,000	100	30	10	n/a	50	Central Lake	No
89	20,000	100	30	10	n/a	50	Central Lake	No
90	32,670	100	30	10	n/a	50	Central Lake	No
91	32,670	100	30	10	n/a	50	Central Lake	No
92	32,670	100	30	10	n/a	50	Central Lake	No
93	32,670	100	30	10	n/a	50	Central Lake	No
94	32,670	100	30	10	n/a	50	Central Lake	No
95	32,670	100	30	10	n/a	50	Central Lake	No
Lake Pavillion		70	30	10	n/a	50	Central Lake	No

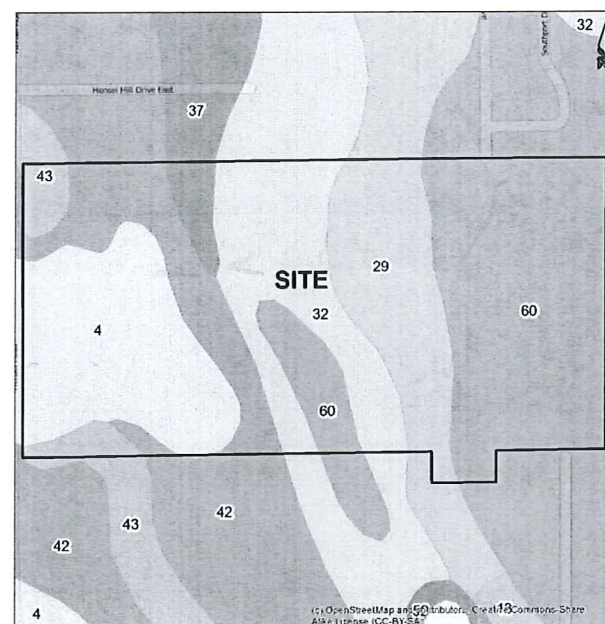
1. Accessory Structure is defined in Chapter 2, Section 2 of the LDC.

RECEIVED
FEB 22 2016
CITY OF PORT ORANGE
Community Development

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

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

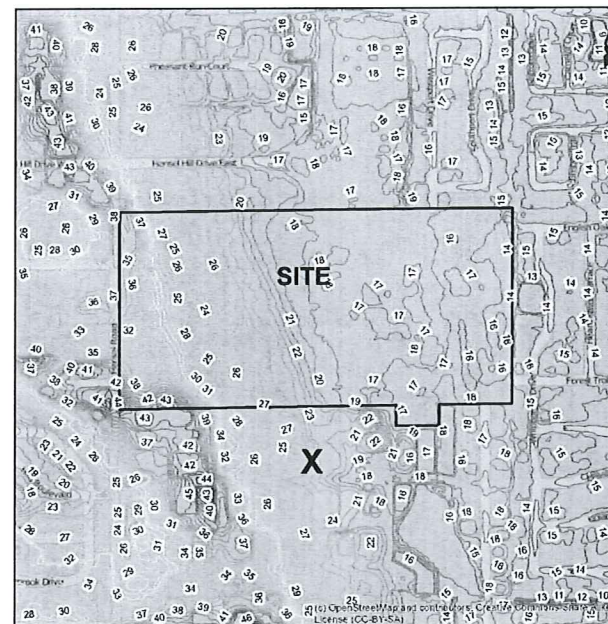
REVISED



SOILS MAP

 $1^{\circ} = 400'$

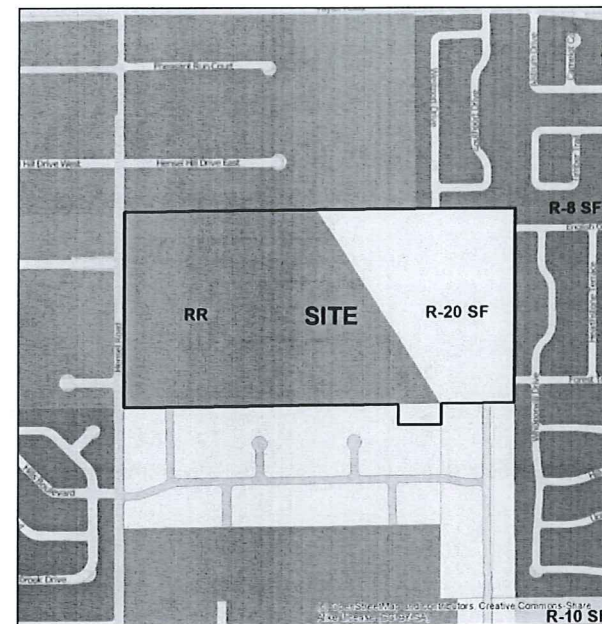
- 4 - ASTATULA FINE SAND
13 - CASSIA FINE SAND
29 - IMMOKALEE FINE SAND
32 - MYAKKA FINE SAND
37 - ORSINO FINE SAND; 0 TO 5% SLOPES
42 - PAOLA FINE SAND; 0 TO 8% SLOPES
43 - PAOLA FINE SAND; 8 TO 17% SLOPES
52 - POMPANO FINE SAND
60 - SMYRNA FINE SAND



FLOOD ZONE & LIDAR MAP

 $1'' = 600'$

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



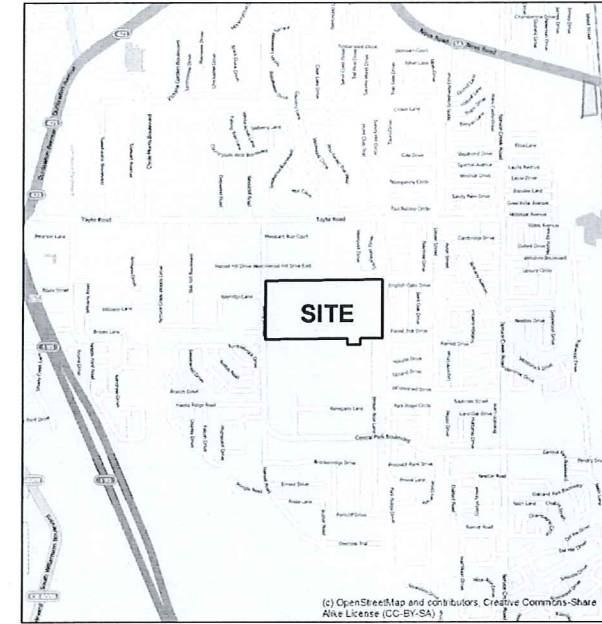
ZONING MAP

 $1^{\circ} = 600$

EXISTING ZONING:
ADOPTED FUTURE LAND USE:

PROPOSED ZONING:

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



VICINITY MAP

 $1'' = 2,000$

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

PARCEL 74
A PORTION OF SECTION 21, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF SEMINOLE WOODS, PHASE I, AS RECORDED IN MAP BOOK 41, PAGE 106, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN NORTH 00 DEGREES 21 MINUTES 48 SECONDS EAST, THE BEARING BASIS OF THIS DESCRIPTION ALONG THE WEST BOUNDARY OF THE HAMLET SUBDIVISION, FIRST ADDITION, AS RECORDED IN MAP BOOK 35, PAGES 98 AND 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 1322.28 FEET; THENCE DEPARTING SAID LINE, RUN NORTH 89 DEGREES 49 MINUTES 46 SECONDS WEST, A DISTANCE OF 104.44 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 49 MINUTES 46 SECONDS WEST, A DISTANCE OF 290.14 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 46 SECONDS EAST, A DISTANCE OF 290.14 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 08 SECONDS EAST, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

MORE PARTICULARLY DESCRIBED AS:
 BEGIN AT THE SOUTHWEST CORNER OF BENT OAK SUBDIVISION, AS RECORDED IN PLAT BOOK 40, PAGE 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST ALONG THE NORTH BOUNDARY LINE OF BROKEN BOW ESTATES, AS RECORDED IN PLAT BOOK 49, PAGES 126 AND 127, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 512.21 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 15 SECONDS WEST A DISTANCE OF 150.06 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS WEST A DISTANCE OF 289.93 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 14 SECONDS EAST A DISTANCE OF 149.98 FEET TO THE NORTH BOUNDARY LINE OF ROLLING HILLS ESTATES PHASE 2, AS RECORDED IN PLAT BOOK 49, PAGES 102 THROUGH 104, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 49 MINUTES 48 SECONDS WEST ALONG SAID NORTH BOUNDARY LINE A DISTANCE OF 1675.76 FEET TO THE EAST RIGHT-OF-WAY LINE OF HENSEL ROAD; THENCE NORTH 00 DEGREES 39 MINUTES 15 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1324.97 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 30 SECONDS EAST ALONG THE SOUTH BOUNDARY LINE OF UNDEVELOPED ESTATES FIRST ADDITION, AS RECORDED IN PLAT BOOK 36, PAGE 61, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND SOUTHPORT SUBDIVISION, AS RECORDED IN PLAT BOOK 40, PAGE 67, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 2671.22 FEET TO THE NORTHWEST CORNER OF SAID BENT OAK SUBDIVISION; THENCE SOUTH 00 DEGREES 20 MINUTES 58 SECONDS WEST ALONG THE WEST BOUNDARY LINE OF SAID BENT OAK SUBDIVISION A DISTANCE OF 1321.61 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

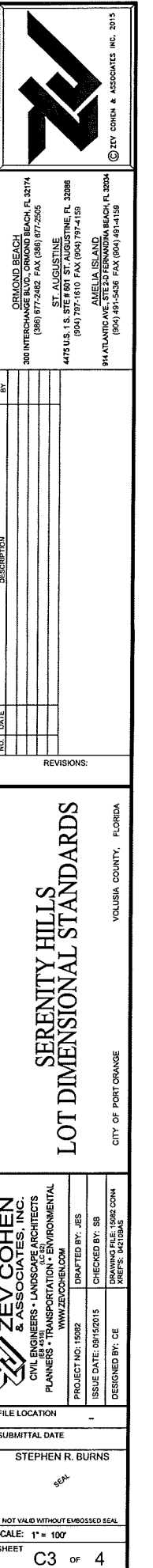
1. COMPLIANCE WITH LDC MAY NECESSITATE MODIFICATION OF CONCEPT PLAN

SITE DATA:	
TAX PARCEL I.D. NO.:	6321-00-00-0071 6321-00-00-0074
TOTAL SITE ACREAGE	82.25 AC.
DENSITY ALLOWED:	0-2 UNITS/ACRE (RT) 2-4 UNITS/ACRE (SR) - 222 HOMES MAXIMUM
PROPOSED DENSITY:	1.16 UNITS/ ACRE. 95 HOMES MAXIMUM

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

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

[illegible]





STAFF REPORT

VARIANCE FROM LDC CHAPTER 17, SECTION 27
CASE NO. 16-90000002

REQUEST: Variance from the Land Development Code (LDC) to reduce the rear building setback from 25 feet to 15 feet

LOCATION: 3821 Woodbriar Trail

**PROPERTY OWNER/
APPLICANT:** Sun Glow Construction, Inc.

STAFF RECOMMENDATION: APPROVAL

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

PLANNING COMMISSION DATE: February 25, 2016

BACKGROUND:

The subject property is located on the west side of Woodbriar Trail, north of Dunlawton Avenue (*Figure 1*). The site is currently wooded and vacant. The applicant is proposing to develop the property with a ±9,900 square-foot office building along with required site improvements such as parking facilities, stormwater, and landscaping buffers.

Figure 1. Location Map

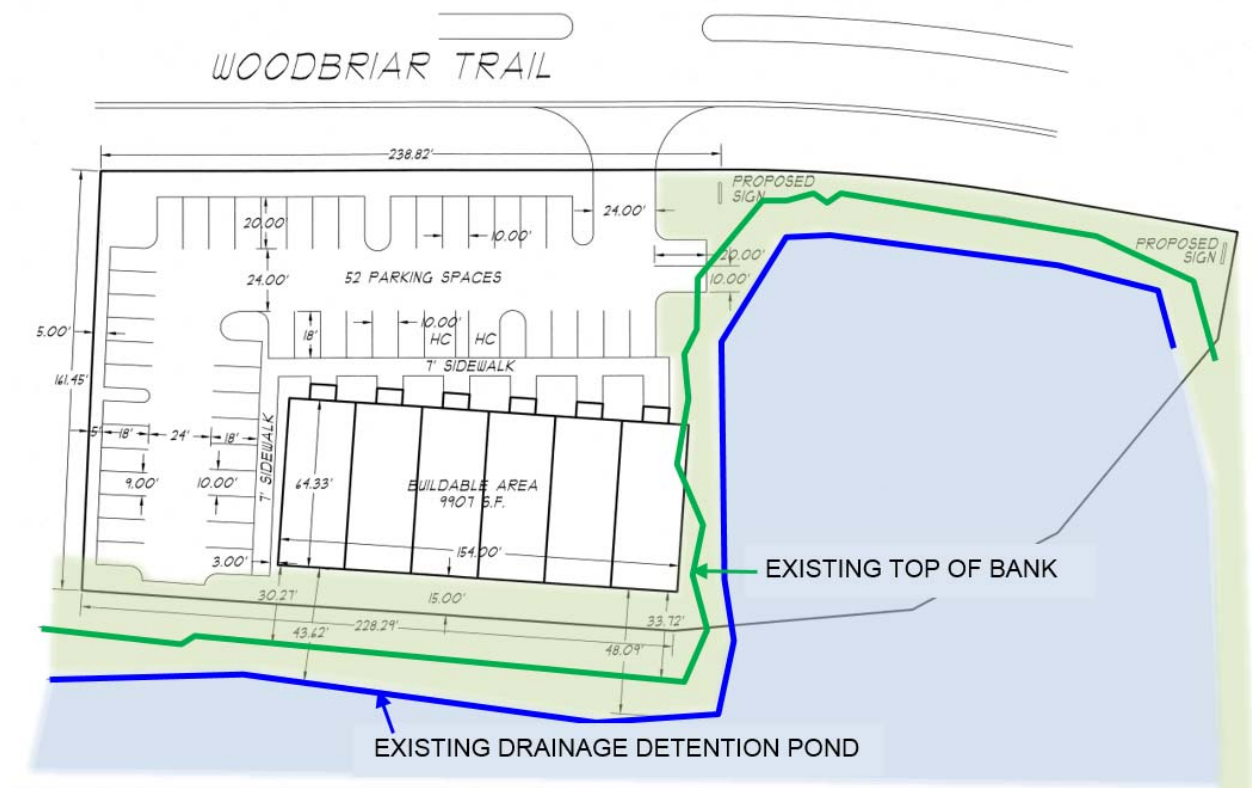


The subject property is located within the Countryside Planned Unit Development (PUD). According to the Countryside PUD, the permitted use for the subject property includes professional and medical office uses. The Countryside Master Development Agreement (MDA) requires all properties within the PUD to be developed with building setbacks consistent with the most similar City zoning district. Subject property, the Professional Office (PO) zoning district is the most similar standard zoning district. The PO zoning district requires a rear building setback of 25 feet.

DISCUSSION:

Based on the proposed site layout, the applicant is requesting a variance to reduce the rear building setback from 25 feet to 15 feet. Building setbacks are provided in the LDC to ensure adequate separation between buildings and to create space to provide the required rear landscape buffer yard (Figure 2).

Figure 2. Proposed Site Plan



The proposed site plan meets all of the minimum development and dimensional requirements, such as, the 10-foot wide roadway landscape buffer along Woodbriar Trail, front and side building setbacks, open space, building coverage and minimum parking lot dimensional requirements. In addition, the required 10-foot rear landscape buffer will be installed along the rear property line to provide visual screening.

The rear property line of the site abuts a stormwater retention pond for the Countryside PUD Subdivision, Phase XII-B. There is approximately 15-feet of land between the rear

property line and pond's top of bank. The platting of the rear lot line for the subject property appears to be arbitrary and had the platted line followed the top of bank, there would have been at least a 30-foot setback for the building and the variance would not be needed.

In reviewing the proposed site plan, Staff also identified additional land between the property line and the pond that would visually and physically add to the rear yard setback. The pond lying between the subject property and the residences of the Waterbridge neighborhood is actually platted as part of the Countryside Phase XII-B subdivision. The plat includes a strip of common area approximately 15-feet wide surrounding the lake's top of bank.

There have been two variances previously granted for this property to allow a 15-foot rear building setback (Case No. 97-90000002 and Case No. 00-90000009); however, the property was never developed and the variances expired. Additionally, a variance to allow a 15-foot rear building setback was granted to the adjacent property to the north (Case No. 00-90000004). The applicant cites this precedent as the request for this variance.

REVIEW OF VARIANCE CRITERIA:

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

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

Having an adjacent property that will remain as open space/drainage is unique and could be considered a special condition, although not peculiar. The subject property abuts a retention pond that creates a natural buffer between the rear of the property and the properties in the Waterbridge neighborhood. There is 40' of land between the subject property and the edge of the retention pond. The proposed building at its closest point would be approximately 220 feet from the nearest residence.



Typically, the boundary of a retention pond tract is at the top of bank. The fact that there is an additional 15 feet between the property line and the adjacent lake's top of bank is atypical. The platting of the lot line around the lake is a special circumstance that is typically not the case for other such developments in the same zoning district, and is not the result of the actions of the applicant.

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

The special conditions are not a result of the actions of the applicant. The applicant was not involved in the platting of this area in 1990.

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

Literal interpretation of the LDC would not deprive the property owner of rights commonly enjoyed by other properties within the same zoning district. When a property is developed, as part of the site development approval process, the property is required to meet the current development requirements of the LDC.

However, the intent of the required rear building setback is to ensure adequate separation between buildings and provide sufficient area for quality landscape to minimize the impact on adjoining properties. According to the applicant, adequate separation will be provided due to the location of the property adjacent to an existing pond. If the variance is approved, the nearest building would be at least 220 feet away.

According to the applicant, the need for the 15-foot setback is necessary to accommodate the proposed building and associated site improvements (landscape buffer and parking lot). The applicant states the size of the proposed office building is necessary to accommodate the type of professional and medical tenants he is looking to attract.

The applicant has also stated that the size of the tenant spaces are slightly below the average size of some of the other recently built office tenant spaces along Dunlawton Avenue. Therefore, reducing the depth of the building by 10 feet is not an option since it would further reduce the number of tenants or size of the tenant spaces. Staff reviewed some of the recent tenant buildout permits for office buildings along Dunlawton Avenue and the average size was approximately 2,200 square-feet. The tenant spaces for the applicant's proposed building would be around 1,600 square-feet.

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

According to the applicant, due to the required 10' roadway landscape buffer, parking lot, and necessary size of rentable office space the variance is the minimum necessary to make reasonable use of the property.

It is possible for the applicant to reduce the proposed building size; however, according to the applicant, that would reduce the size of proposed building and create tenant spaces that would not meet the needs of potential professional and medical tenants.

As mentioned above, the rear building setback for this property and the one to the north has been an issue over the years. The property to the north received an approval of a variance in 1998 to reduce the rear setback to 15 feet and the subject property received a variance in 1997 and again in 2000 to reduce the rear setback to 15 feet. In all three variances the depth of the properties were one of the reasons the variances for a reduced rear building setback were approved. In all three variances request, the applicants indicated that there was not sufficient area to install the required roadway buffer, parking lot (spaces and drive aisle), and a building that meets the needs of tenants.

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

Due to how the platting standards varied throughout the Countryside PUD, granting of the setback variance will not confer upon the applicant special privileges denied to other properties in this zoning district. As mentioned above, there have been two variances previously approved on this property to reduce the rear setback to 15' and a variance was approved to reduce the rear setback to 15' on the property to the north.

- f) *The granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.*

Granting of the variance is consistent with the intent of this code and would not prevent or significantly diminish the separation area between buildings or the ability to provide a quality landscape buffer to minimize the impact on adjoining properties.

As mentioned above, there have been two variances previously approved on this property to reduce the rear setback to 15' and a variance was approved to reduce the rear setback to 15' on the property to the north. In these three cases it was determined by past Planning Commissions that a 10-foot reduction in the rear

building setback would not be injurious to the surrounding properties or detrimental to the public welfare.

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

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

RECOMMENDATION:

In reviewing the variance request, Staff reviewed the previous variances granted for the property and the adjacent property. Based on the proposed site plan, existing site conditions, and relevant LDC requirements have not changed since those variances were approved. Therefore, Staff's recommendation of approval remains unchanged from the previous requests.



STAFF REPORT

2nd Amendment to the Riverwalk Marina and Riverboat Master Development Agreement CASE NO. 16-40000001

REQUEST:	To approve the 2 nd Amendment to the Riverwalk Marina and Riverboat Master Development Agreement (MDA)
APPLICANT:	E.V. LaCour, Riverwalk Marina, LLC.
PROPERTY OWNER:	Halifax River Partners LLC.
RECOMMENDATION:	Approval
LOCATION:	East side of Halifax Drive, north of Dunlawton Avenue
STAFF CONTACT:	Tim Burman, Planning Manager (386) 506-5675
PLANNING COMMISSION:	February 25, 2016

DEVELOPMENT PROPOSAL

The proposed 2nd amendment to the Riverwalk Marina and Riverboat Master Development Agreement (MDA) would add twenty (20) months to the timeframe permitting the existing temporary parking lot and drop-off drive. The requested extension would also defer construction of certain site improvements (permanent gravel parking lots, landscaping, and 10' sidewalk) indicated in the original MDA and CDP. The extension would move the expiration date from April 2016 to January 2018.

According to the applicant, the additional eighteen months will allow the developer to process plans for the proposed restaurant and residential condominium project that would require a majority of the improvements in the original MDA and CDP to be demolished.

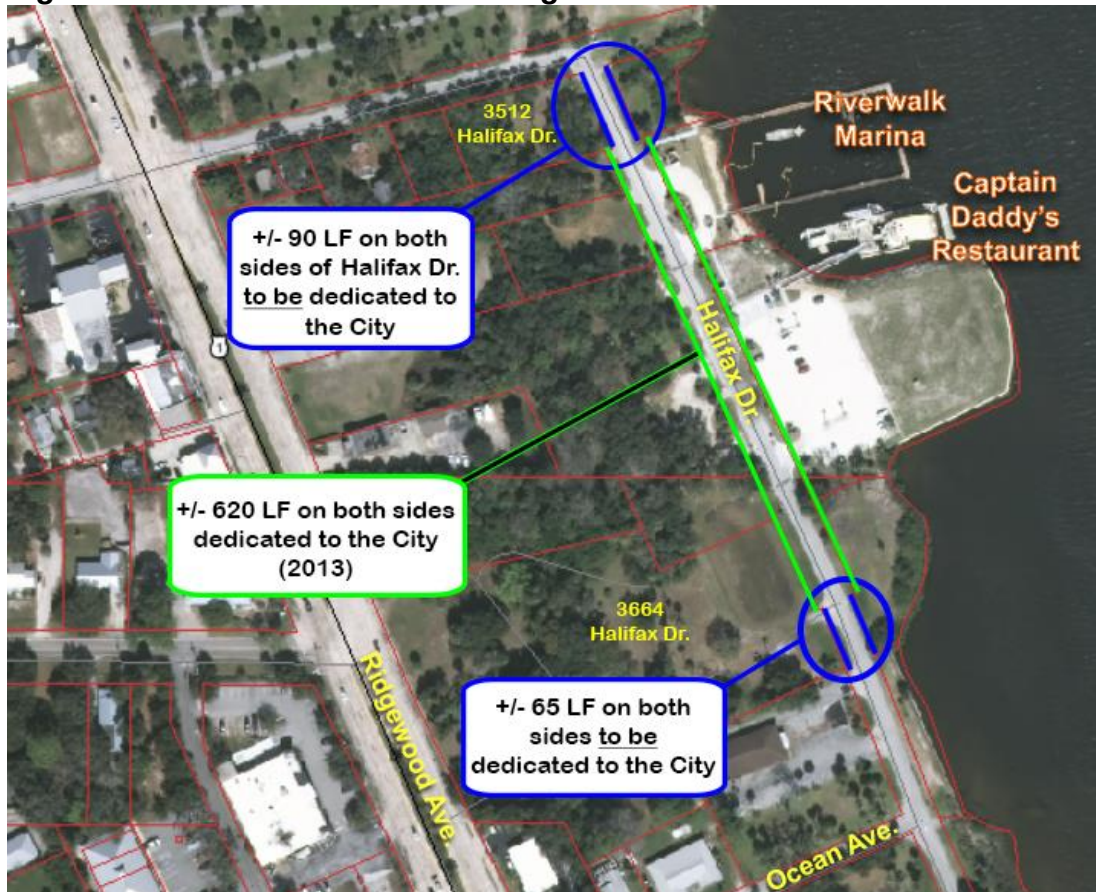
The applicant has also proposed removing the requirement to dedicate 5 feet of land along each side of Halifax Drive at two locations (Figure 1 – Page 2). According to the applicant, there are ongoing discussions with the City about transferring ownership of the Cardwell Funeral Home property (3571 Ridgewood Avenue) to the applicant, and in return, the City would be granted an easement over a linear park with a 20' pedestrian trail in the general area of the existing Halifax Drive. According to the applicant, the 20' pedestrian trail would be constructed as part of the initial phase of the proposed restaurant and residential condominium project and maintained by the property owner. If the transfer agreement is approved by Council, the dedication of the additional land would not be necessary because the entire area would be privately owned with a public easement over the linear park.

If approved the proposed 2nd Amendment will expire on January 1, 2018 and the applicant would be required to construct all site improvements described in the original MDA unless the MDA is amended to accommodate the development of the proposed restaurant and residential condominium project or extended again.

If approved, the proposed 2nd Amendment (Exhibit A) will provide for the following:

- Allow for the continued use of the existing temporary stabilized parking lot on the east side of Halifax Drive and drop-off area;
- Defer the construction of the 10' multi-purpose trail, marina service building, crosswalk on Halifax Drive, and installation of permanent landscape buffers; and
- Removal of the language to dedicate 5-feet of land along each side of Halifax Drive at 3512 and 3664 Halifax Drive (Figure 1).

Figure 1. – Dedication of Land along Halifax Drive



General Site Layout:

The development is accessed from Halifax Drive via Dunlawton Avenue and Ridgewood Avenue. The site consists of two primary uses (marina and riverboat restaurant) as described in the original MDA, and a parking lot designed for temporary use while plans are being developed for the restaurant and residential condominium project (see Figure 2 – Page 3).

Figure 2. Interim Conceptual Development Plan (ICDP)



If the requested extension is granted, the following site improvements will not have to be completed until January 2018:

1. Parking Lot and Drop-off Driveway: The original MDA requires the parking lot to be constructed with a minimum of 6" of shell or similar material on a compact base and the drop-off driveway to be constructed with concrete and pavers.
2. Sidewalk: The original MDA requires a 10' multi-purpose trail/sidewalk along the east side of Halifax Drive.
3. Landscape Buffer along the East Side Halifax Drive: The original MDA requires a 10' right-of-way landscape buffer along the east side of Halifax Drive, as required by the Land Development Code.

RECOMMENDATION:

Approval of the 2nd Amendment to the Riverwalk Marina & Riverboat Master Development Agreement, subject to the review and approval by the City Attorney's Office for legal form and content.

ATTACHMENTS:

1. Exhibit "A" – 2nd Amendment to the Riverwalk Marina and Riverboat Master Development Agreement.

Prepared By:

Jeffrey P. Brock, Esq
Smith Hood Bigman
444 Seabreeze Blvd. – Suite 900
Daytona Beach, FL 32118

Return Recorded Document to:

Records Clerk
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

**SECOND AMENDMENT TO THE RIVERWALK MARINA AND
RIVERBOAT MASTER DEVELOPMENT AGREEMENT**

THIS SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR RIVERWALK MARINA AND RIVERBOAT (the “Second Amendment”), is entered into by and between RIVERWALK MARINA, LLC, a Florida limited liability company, E. V. LaCour, Manager, having a mailing address of 220 Charles St., Port Orange, FL 32129 (the “Developer”); HALIFAX RIVER PARTNERS, LLC, a Florida limited liability company, Josif Atanasoski, Manager, having a mailing address of 1800 No. U.S. Highway 1, Ormond Beach, FL 32174 (the “Owner”); and the CITY OF PORT ORANGE, a Florida municipal corporation, having a mailing address of 1000 City Center Circle, Port Orange, FL 32129 (the “City”), (collectively the “Parties”), who hereby agree and covenant as follows:

WHEREAS, the Parties previously entered into that certain Master Development Agreement for the Riverwalk Marina and Riverboat dated November 13, 2012 and recorded in Official Records Book 6786, Page 1099, Public Records of Volusia County, Florida (the “MDA”); and

WHEREAS, the Parties entered into that certain First Amendment To The Riverwalk Marina And Riverboat Master Development Agreement having an effective date of April 14, 2014 and recorded in Official Records Book 6978, Page 2478, Public Records of Volusia County Florida (“First Amendment”); and

WHEREAS, the Parties desire to further amend the MDA to extend the 24 month interim development plan for the development as defined in the First Amendment (the “Interim Conceptual Development Plan”) for an additional 20 months.

NOW THEREFORE, the Parties hereby agree as follows;

1. The recitals stated above are true and correct and are incorporated herein by reference.

2. Paragraph 2 of the MDA, "Development Plan" is hereby amended to revise subparagraph (p) as follows:

(p) The ten (10) foot sidewalk required by Paragraph 2(i) shall not be required to be installed during the first 44 months of the Interim Conceptual Development Plan period.

3. Paragraph 6 of the MDA, "Landscaping" is hereby amended to revise subparagraph (f) as follows:

(f) The landscaping specified in Paragraph 6 (b) and (c) of the MDA shall not be required to be installed during the first 44 months of the Interim Conceptual Development Plan period, because future development may require this landscaping to be removed or relocated. The landscaping to be initially installed will be as depicted and described on the Interim Conceptual Development Plan and the Supplemental Site Plan, including but not limited to a continuous hedge and one (1) tree per 25 feet adjoining the east side of Halifax Drive.

4. Paragraph 9 of the MDA, "Parking" is hereby amended to revise subparagraph (e) as follows:

(e) The parking lot design specified in Paragraph 9 (d) of the MDA shall not be required to be installed during the first 44 months of the Interim Conceptual Development Plan period. A temporary stabilized surface shall be utilized for the required drop off driveway, the 65 standard parking spaces, and 3 paved handicapped spaces shall be constructed as depicted and described on the Interim Conceptual Development Plan and Supplemental Site Plan.

5. Paragraphs 9 and 10 of the First Amendment to the Riverwalk Marina and Riverboat Master Development Agreement are hereby deleted in their entirety.

6. The Interim Conceptual Development Plan shall expire January 1, 2018 (44 months from the effective date of the First Amendment). Thereafter, the original terms and conditions of the MDA recorded in Book 6786, Page 1099, in the Public Records of Volusia County, Florida shall control the Original Project Area Property. Unless the MDA, as amended, is subsequently further amended by the Parties to accommodate the development of the proposed riverfront park improvements and residential condominiums, all the improvements and design requirements specified in the MDA and described on the Conceptual Development Plan shall be constructed by the expiration of the 44 month Interim Conceptual Development Plan period. In the event that the Owners fail to construct the required improvements by the expiration of the 44 month Interim Conceptual Development Plan period, then the Owners and the Original Project Area Property shall not be in compliance with the zoning laws of the City of Port Orange; shall not have the required parking and shall not be entitled to operate the marina and riverboat

until the required parking and other required improvements are fully in compliance with the MDA.

8. This Second Amendment shall be effective upon recording in the public records of Volusia County, Florida.
9. All the provisions of the MDA as amended by the First Amendment not in conflict herewith shall remain in full force and effect and shall be supplemented for the matters specifically amended herein by this Second Amendment. The MDA shall survive the execution of this Second Amendment.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment to the Riverwalk Marina and Riverboat Master Development Agreement, by and through their duly authorized representatives, on the respective dates shown below.

WITNESSES (as to both):

**CITY OF PORT ORANGE, a Florida
Municipal Corporation**

Signature

By: _____
Allen Green, Mayor

Printed Name

Signature

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

Printed Name

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by ALLEN GREEN and ROBIN L. FENWICK, Mayor and City Clerk, respectively, of the CITY OF PORT ORANGE, FLORIDA, a Florida municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary Public, State of Florida at Large

My Commission Expires:

RIVERWALK MARINA, LLC

WITNESSES:

Signature

Printed Name

Signature

Printed Name

By: _____
E.V. LaCour, Manager

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by E. V. LACOUR, Manager of RIVERWALK MARINA, LLC. He is personally known to me or has produced _____ as identification.

Notary Public, State of Florida at Large

My Commission Expires:

HALIFAX RIVER PARTNERS, LLC

WITNESSES:

Signature

Printed Name

Signature

Printed Name

By: _____
Josif Atanasoski, Manager

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by JOSIF ATANASOSKI, Manager of HALIFAX RIVER PARTNERS, LLC. He is personally known to me or has produced _____ as identification.

Notary Public, State of Florida at Large

My Commission Expires:

CITY OF PORT ORANGE MONTHLY DEVELOPMENT ACTIVITY REPORT



Circle K #8088 – Herbert St. & Nova Rd.

CITY COUNCIL

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

PLANNING COMMISSION

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

JANUARY 2016

RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PROJECTS

JANUARY 2016

Residential

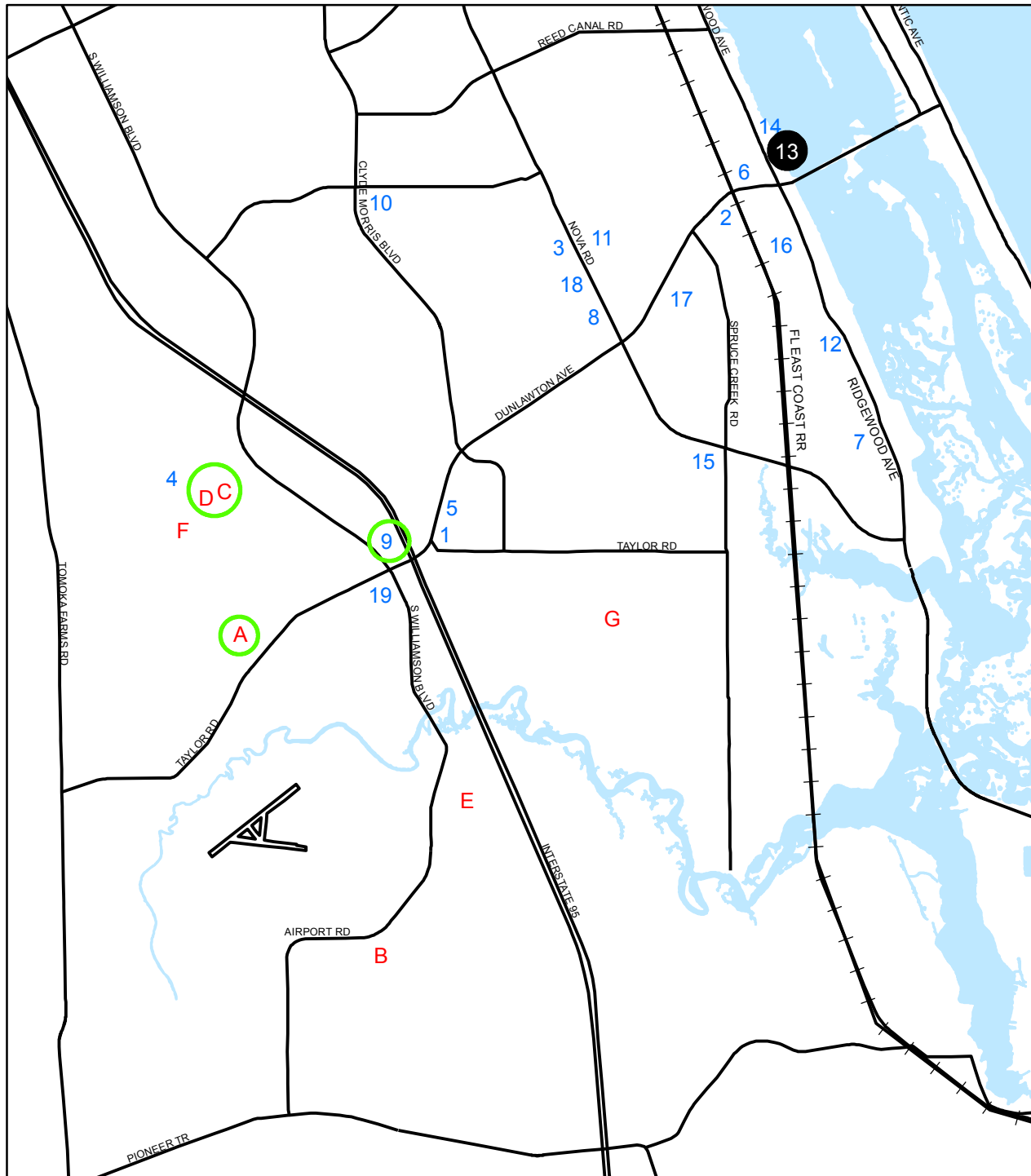
- A Crane Lakes PUD
- B Golf Homes at Cypress Head
- C Hawks Preserve, Phase I
- D Hawks Preserve, Phase II
- E The Pinnacle PUD, Phase II
- F The Sanctuary at Westport
- G Serenity Hills PUD

Non-Residential

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

● New Project

○ Change In Status



RESIDENTIAL DEVELOPMENT PROJECTS

January 2016

 = addition to the development activity report

 = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments
				Under staff review	D. O. issued	Pre-con held	ABC completed	Const. Permit issued	Under construction	Final inspection	C.O. issued	
A	Crane Lakes PUD	1780 Taylor Rd.	Annexation, FLU Amendment, and MDA amendment to develop 8 new mobile home lots, second driveway, service area, storage area, and recreation area	X								Approved at the 1/19/16 CC meeting
B	Golf Homes at Cypress Head / site plan	S. side of Airport Rd. between Cypress Head and Waters Edge	52 townhomes on ±6.62 acres	X								Awaiting 2nd resubmittal
C	Hawks Preserve, Phase I / subdivision (fka Port Orange Plantation, Phase IV A & B)	E. side of Coraci Blvd, N. of Town West Blvd.	119 single-family lots on ±57 acres	X	X	X	-	X	X			Under construction; DO modification under review
D	Hawks Preserve, Phase II, subdivision (fka Port Orange Plantation, Phase IV D & E)	E. side of Coraci Blvd, N. of Town West Blvd.	75 single-family lots on ±23 acres	X	X	X	-					Pre-con held 1/28/16; DO modification under review
E	The Pinnacle PUD, Phase II / D.O. modification	E. side of Airport Rd. / W. of I-95, S. of Martin Dairy Rd.	64 single-family lots on ±29.72 acres	X	X							DO issued 11/06/15
F	The Sanctuary at Westport / site plan	S. side of Town West Blvd., W. of Coraci Blvd., E. of Tomoka Farms Rd.	360 multi-family apartment units on 56.66 acres	X								DRC held 2/03/16
G	Serenity Hills PUD / rezoning, MDA and CDP	E. side of Hensel Rd. between Taylor Rd. and Central Park Blvd.	102 single-family lots on ±82 acres	X								Rezoning tentatively scheduled for PC 2/25/16

Case No./
Planner

15-10000001
15-20000001
15-40000001
PGC

15-80000009
GKP

14-50000006
16-52000001
PGC

14-50000007
16-52000002
PGC

15-52000001
PGC

16-80000001
GKP

15-65000001
TPB

NON-RESIDENTIAL DEVELOPMENT PROJECTS

January 2016

☐ = addition to the development activity report

☐ = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
1	Altamira Shopping Village	Commercial Subdivision Replat	1790 Dunlawton Ave.	5-lot commercial subdivision replat of +/- 27 acres	X							On hold	14-50000001 TPB
		Crosby Property / site plan	1736 Dunlawton Ave.	4,500 SF retail building on 1.24 acres with associated site improvements	X							On hold	14-80000014 TPB
2	Atlantic Marine / site plan		619, 621, 627, & 631 Lemon St. 630 & 632 Ruth St.	16,910 SF building for boat sales and boat repair and areas for outdoor boat storage for Atlantic Marine along with associated site and off-site improvements	X	X						DO Issued 3/26/15	14-80000006 TPB
3	Circle K #8088 / new construction		3664 Nova Rd.	Demolition of existing gas station and construction of a new 4,400 SF convenience store and 16 fueling station positions under a canopy with associated site improvements on 1.99 acres	X	X	X	X	X	X		Under construction	15-80000003 BP #15-2369 GKP
4	Coraci Sports Park, Pop Warner field / site plan modification		5200 Coraci Blvd.	Modifications to an existing football field including the construction of permanent grandstands with press box, storage facilities, restrooms, shelter pavilions, and associated site improvements	X	X	X	X	X	X		Under construction	15-82000002 BP #15-2549 GKP
5	Dunlawton Commons / site plan		1760 Dunlawton Ave.	10,123 SF multi-tenant building with associated site improvements on 1.52 acres	X	X	X	X	X	X		Under construction	14-80000012 BP #15-2937 GKP
6	First United Methodist Church / site plan modification		305 Dunlawton Ave.	Paving of an existing grass parking lot and associated landscaping and stormwater retention improvements	X	X	X	X	X	X	X	Awaiting close-out documents	15-82000001 TPB
7	Florida Truck Sales / redevelopment		5536 Ridgewood Ave.	Redevelopment of a 0.68 acre commercial property into a car/truck sales lot with associated site improvements	X	X	X	X	X	X		Under construction	15-80000006 PGC
8	The Half Wall / new construction		3770 Nova Rd.	7,090 SF stand-alone restaurant with associated site improvements on 0.78 acres	X	X	X	X	X	X		Under construction	15-80000004 BP #15-1834 GKP
9	Panda Express / new construction		5441 S. Williamson Blvd.	2,691 SF restaurant with drive-thru with associated site improvements on 1.07 acres	X	X	X	X	X	X	X	Final inspection held 1/26/16	15-80000002 BP #15-0518 PGC
10	Palmetto Pointe Marketplace subdivision and Walmart Neighborhood Market grocery store / new construction	Subdivision Plat & Plans	Southeast corner of Clyde Morris Blvd. & Madeline Ave.	Subdivision of ±17.7 acres into 6 lots and 5 tracts	X	X	X	X	X	X		Under construction	14-50000003 TPB
		Site Plan	3811 Clyde Morris Blvd.	42,000 square foot grocery store and 9,600 square foot commercial multi-tenant building with associated site and off-site improvements on 17.7 acres	X	X	X	X	X	X		Under construction; Building permits under review	14-80000007 BP #15-4343 TPB

NON-RESIDENTIAL DEVELOPMENT PROJECTS

January 2016

 = addition to the development activity report

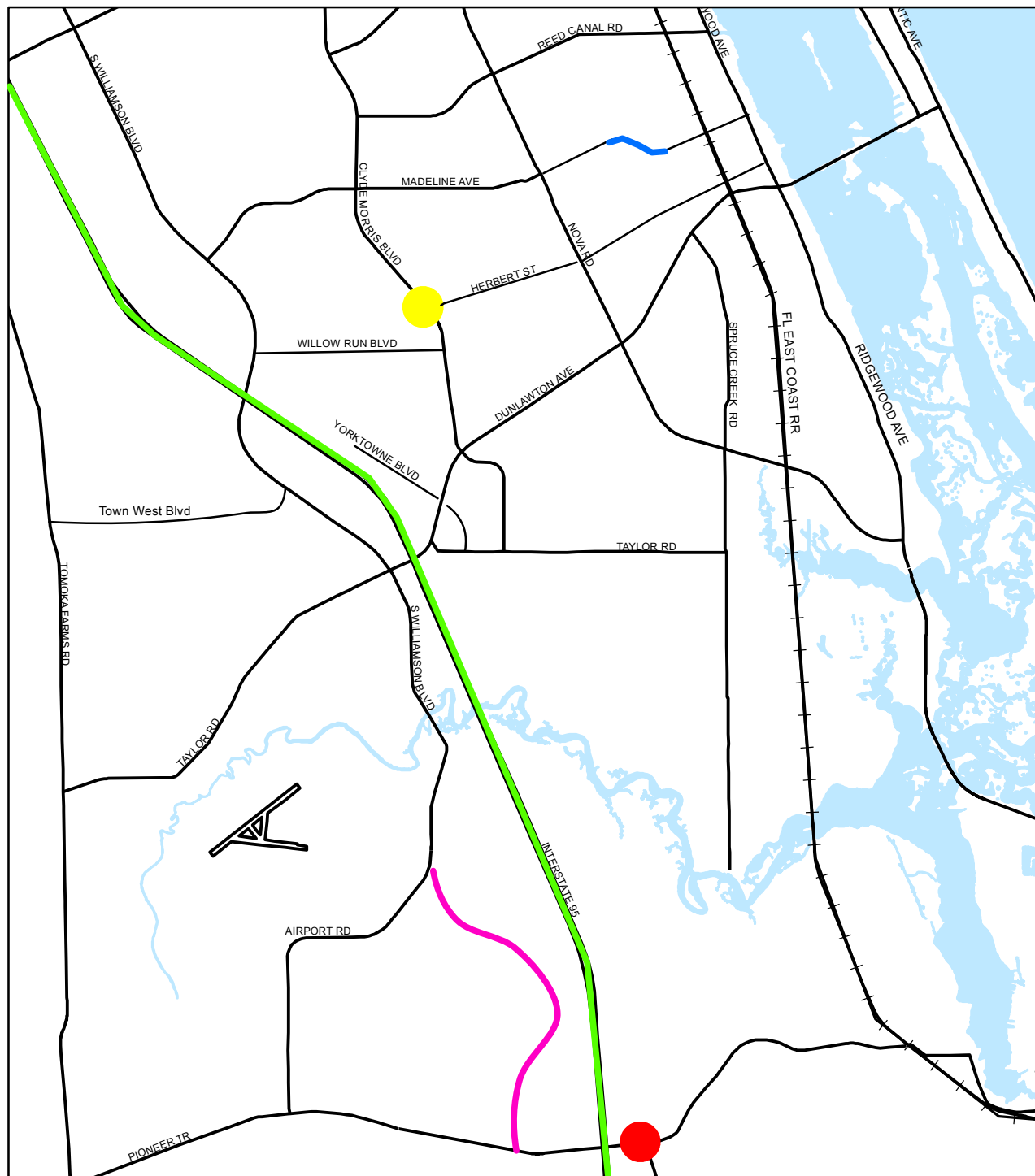
= change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
11	The Port Hole Retail Center	930 Herbert St.	Redevelopment of an existing 5,562 SF bar/retail store with associated site improvements on 0.50 acres	X								Under review	15-80000010 GKP
12	Port Orange Auto Pawn / site plan modification	5114 Ridgewood Ave.	Modification of parking area to increase motor vehicle display area with associated site improvements	X	X	X						Pre-construction meeting held 1/14/16	15-82000004 GKP
13	Riverwalk Marina and Riverboat PCD / 2nd Amendment to the MDA	3633 Halifax Dr.	Request for a 1-year extension to the deadline for use of the existing parking lot that serves the restaurant and marina	X								Tentatively scheduled for 2/25/16 PC meeting	16-40000001 TPB
14	Riverwalk Park / new construction	Phase 1A	Kayak/canoe launch, trail, over-water boardwalk, restroom/trailhead and bridge, along with associated site improvements	X	X	X	X	X	X			Under construction	15-80000001 PGC
		Phase 1B	Playground, splash park, picnic facilities, pavilions, shade structures, additional restrooms, concession building, portion of the boardwalk, event lawn, parking, and the southern portion of the 12' wide trailway, along with associated site improvements	X	X							D.O. issued 11/20/15	15-80000005 PGC
15	Spruce Creek Center / site plan modification	4020 Nova Rd.	Modifications to a parking lot for an existing shopping center with associated site improvements on 3.99 acres	X	X	X	X	X	X			Under construction	14-82000008 GKP
16	Virginia Industrial Park / new construction	515 Virginia Ave.	5 building office/warehouse complex with associated site improvements	X	X	X	X	X	X			Building permits issued for 531 & 535 Virginia Ave.	01-80000019 TPB
17	Vystar Credit Union / new construction	750 Dunlawton Ave	4,000 SF bank with 5 drive-thru lanes on 2.5 acres with associated on-site and off-site improvements	X	X							DO for site plan modification issued 10/13/15	14-80000010 15-82000003 BP #16-0370 GKP
18	Waffle House Nova Rd. / new construction	3740 Nova Rd.	1,875 SF restaurant with associated site improvements on 0.80 acres	X	X							D.O. issued 12/14/15	15-80000007 BP #15-2908 GKP
19	Waffle House Taylor Rd. / new construction	1633 A Taylor Rd.	1,875 SF restaurant with associated site improvements on 0.92 acres	X	X							DO issued 10/28/15	15-80000008 BP #15-2907 GKP

ROADWAY DEVELOPMENT PROJECTS

JANUARY 2016

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



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