



**AGENDA**  
**PLANNING COMMISSION**  
**CITY OF PORT ORANGE**

**Meeting Date:** Thursday, December 15, 2022 **Time:** 5:30 PM

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

**A. CALL TO ORDER**

1. Pledge of Allegiance
2. Roll Call

**B. DISCUSSION/ACTION**

3. Consideration of Minutes
4. APPLICATION: Variance/412 Grant Street  
CASE NO.: VARC-22-0001  
APPLICANT: Joseph Carrasquillo  
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676/gidsmith@port-orange.org

A request from the applicant for a variance from Chapter 17, Section 27 or the Lnad Development Code, to reduce the minimum side and rear building setbacks for a property in the Commercial Industrial zoning district.

5. APPLICATION: Subdivision Plat/Flagship Commons  
CASE NO.: 22-50000004  
APPLICANT: Philip C. Hollis, Flagship Companies Group LLC  
STAFF CONTACT: Gwen Perney, Principal Planner (386) 506-5673/gperney@port-orange.org

A request from the applicant to subdivide ±8.35 acres into two (2) commercial lots.

**C. OTHER BUSINESS**

6. Commissioner Comments
7. Staff Comments

**D. PUBLIC COMMENTS**

## **E. ADJOURNMENT**

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



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



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

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

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

REGULAR PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA  
NOVEMBER 17, 2022

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chairman Stan Schmidt at 5:31 p.m.

Pledge of Allegiance

Roll Call

Present: Member Maria Mills-Benat  
Member Darrel “Bo” Bofamy  
Member Thomas Jordan  
Member John Junco  
Vice Chair Lance Green  
Chairman Stan Schmidt

Absent: Member Newton White

Also Present: Shannon Balmer, Assistant City Attorney  
Tracee Cody, Assistant City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes - October 27, 2022

*Motion to approve the October 27, 2022 minutes was made by Member Maria Mills-Benat and Seconded by Member Thomas Jordan. Motion carried unanimously by voice vote.*

4. APPLICATION Leila's Hammock Subdivision Final Plat and Plans  
CASE NO. 22-50000002  
APPLICANT Hamid Reza Toutounchian  
STAFF CONTACT Gwen Perney, Principal Planner (386) 506-5673

A request for approval of Leila's Hammock Subdivision Final Plat and Plans.

*Motion to approve Case #22-50000002 was made by Member Thomas Jordan and Seconded by Member John Junco.*

Gwen Perney, Principal Planner, discussed the details of the request and answered questions from the Commissioners.

Joey Posey, Attorney for the applicant, provided additional information on the request and answered questions from the Commissioners.

Two homeowners in Leila's Hammock subdivision expressed their concerns to the Commissioners. Penelope Cruz, Planning Manager, spoke to the Commissioners regarding concerns. Rick Dixon, an engineer, answered questions regarding drainage of an adjacent pond by the subdivision.

*Motion carried 4-2 by roll call vote with  
Commissioner Lance Green and  
Chairman Stan Schmidt voting no.*

5. APPLICATION LDC Amendment/Chapter 20 - Ridgewood Corridor  
Improvements  
CASE NO. 22-25000006  
APPLICANT City of Port Orange  
STAFF CONTACT Penelope Cruz, Planning Manager (386) 506-5671

A request to amend Chapter 20 of the Land Development Code (LDC),  
regarding the Ridgewood Targeted Business Program.

*Motion to approve Case #22-25000006  
was made by Member Thomas Jordan  
and Seconded by Member Maria Mills-  
Benat.*

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

*Motion carried unanimously by roll call  
vote.*

6. APPLICATION Comprehensive Plan Capital Improvements Element -  
2022 Annual Update  
CASE NO. 22-27500001  
APPLICANT City of Port Orange  
STAFF CONTACT Penelope Cruz, Planning Manager, (386) 506-5671

Update and amendment to the Comprehensive Plan Capital  
Improvements Element (CIE) in accordance with Florida Statutes.

*Motion to approve Case #22-27500001  
was made by Member Thomas Jordan  
and Seconded by Member Maria Mills-  
Benat.*

Penelope Cruz, Planning Manager, provided details about the update and amendment to the Comprehensive Plan Capital Improvements Element in accordance with Florida Statutes and answered questions from the Commissioners. Tim Burman, Community Development Director, also answered questions from the Commissioners.

*Motion carried unanimously by roll call vote.*

#### OTHER BUSINESS

##### 7. 2022 Concurrency Management Report

Penelope Cruz, Planning Manager, discussed the details of the 2022 Concurrency Management Report and answered questions from the Commissioners.

##### 8. Commissioner Comments

Vice Chair Lance Green asked Tim Burman for an update on the permit software and the FEMA requirements for the substantial damage letters. Member John Junco inquired about using digital city seals. Mr. Burman answered questions from the Commissioners.

##### 9. Staff Comments

There were none.

#### PUBLIC COMMENTS

There were none.

ADJOURNMENT – 6:28 p.m.

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Chairman Stan Schmidt



**STAFF REPORT**  
**VARIANCE/CHAPTER 17, SECTION 27 OF THE LAND**  
**DEVELOPMENT CODE**  
**CASE NO. VARC-22-0001**

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**REQUEST:** Variances from the LDC to reduce the minimum side and rear building setbacks for a property in the Commercial Industrial zoning district.

**APPLICANT/PROPERTY OWNER:** Joseph Carrasquillo

**LOCATION:** 412 Grant Street (See Figure 1)

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

**STAFF RECOMMENDATION:** Approval

**PLANNING COMMISSION DATE:** December 15, 2022

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**INTRODUCTION**

The subject property is ±0.29 acres (12,424 square feet) and is located on the south side of Grant Street, east of the Florida East Coast Railway. The site includes an existing ±3,080 square foot building currently occupied by a marine upholstery shop (Precision Marine Upholstery). The applicant requests two variances from Chapter 17, Section 27 of the Land Development Code (LDC) to construct an additional 1,200-square-foot storage building to the rear of the existing building.

**Figure 1: Location Map**



If the requested variances are approved, the applicant proposes constructing the additional storage building to store boats and associated materials indoors rather than within an open-air milled asphalt area on the lot, exposed to the weather and elements

(see Figure 2). No modifications or alterations are proposed to the existing structure on the subject property.

**Figure 2: Proposed Building Location**



The variances requested include the following:

1. Reduce the rear building setback from 25 feet to 10 feet; and
2. Reduce the west side building setback from 15 feet to 10 feet

#### **DISCUSSION**

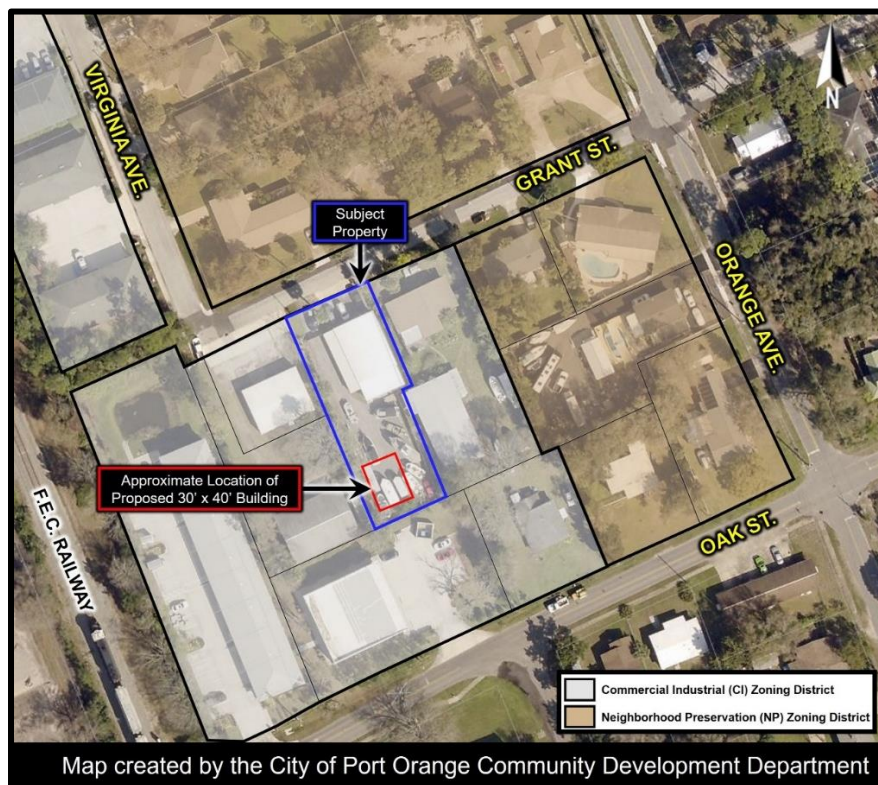
The LDC requires a rear building setback of 25 feet and a side building setback of 15 feet within the Commercial Industrial (CI) zoning district. The proposed building is shown to be located 10 feet from the south property line (15-foot encroachment into the 25-foot rear yard setback) and 10 feet from the west property line (5-foot encroachment into the 15-foot side yard setback). According to the applicant, the building placement shifts the proposed building closer to the west and south property lines towards the properties that are currently occupied by a workshop and motor vehicle sales shop, respectively (see Figure 4). In addition, the applicant has indicated that the proposed building location will allow the Precision Marine Upholstery business operator to safely maneuver trailers and boats around the site and into the indoor storage area.

**Figure 3: Existing Outdoor Storage and Work Area on the Subject Property**



According to the applicant, the proposed location of the building will reduce the impact on the eastern property while maintaining the functional use of the site, allowing for a local business to expand its customer base, and continue normal operations during weather events. The location of the proposed building is approximately 12 feet farther west than the existing commercial building on the subject property, which is about 4.5 feet from the property to the east. The proposed setbacks and location to the west will not increase the impacts on the property to the east and will improve the existing outdoor storage conditions.

**Figure 4: Aerial Photograph and Existing Zoning Surrounding Subject Property**



**REVIEW OF VARIANCE CRITERIA:**

Chapter 19, Section 1 of the LDC, lists the review criteria used to determine whether the variances requested should be granted. These criteria, accompanied by staff's responses, are listed below.

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

The subject property is a non-conforming lot as it does not meet the current Commercial Industrial (CI) minimum lot size or minimum lot width (see Exhibit 1). Although the subject property was created in 1980 as a 70-foot-wide lot, staff has found that it is typical for other Commercial Industrial zoned parcels east of the Florida East Coast Railway to be substandard in terms of lot width, lot area, or both. This situation creates unique site design challenges for existing businesses to expand or modernize compared to other businesses on lots in the CI zoning district west of the railway. According to the Volusia County Property Appraiser's Office, the existing building was already constructed when the subject property was created.

- b) *The special conditions and circumstances do not result from the property owner's actions.*

The special condition/circumstance associated with the subject property is not a result of the current property owner. The applicant/property owner purchased the property in 2017 with the current lot width and area and existing building in its current non-conforming location.

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

Literal interpretation of the LDC would not deprive the applicant/property owner of rights commonly enjoyed by other properties within the same zoning district. As part of the development approval process, all new improvements or expansions to existing developments are required to comply with the current development requirements of the LDC.

The intent of a building setback is to minimize the impact on adjoining properties, ensure adequate separation between structures for air movement and light, and provide room on the subject property for maintenance and necessary repairs to the structure. According to the applicant, the requested 10-foot rear building setback and side (west) building setback is due to the narrow width of the lot and to allow for the safe maneuvering of trailers and boats when moving them into the proposed structure for storage and security. In addition, the applicant stated that placement of the proposed storage building would allow for the marine upholstery business to continue operating on the site, allow for increased security of private property, and improve the aesthetics of the property when viewed from surrounding properties by enclosing all equipment and materials in a building. The storage building is proposed to be located approximately 30 feet from the

existing structure to the west and more than 40 feet from the existing structure to the south (see Figures 4 and 5), which meets both Building and Fire Code building separation requirements. In addition, the location of the storage building meets all other dimensional requirements of the Land Development Code, such as east and north building setback, building height, building coverage area, open space, etc.

- d) *If granted, the variances are the minimum necessary to make possible the reasonable use of the land, building, or structure.*

The site could be developed to comply with the requirements of the LDC if the size of the proposed building is decreased; however, according to the applicant, a smaller building would not allow for the installation of wide bay doors that are needed to safely maneuver trailers and boats into the proposed storage building without decreasing the structural integrity of the building. The applicant stated that any building size reduction would lower the site's functionality, create safety concerns when maneuvering trailers and boats throughout the site, and reduce the number and size of vehicles that can be serviced at this location.

Staff has worked with the applicant to reduce the overall number of necessary variances and minimize the requested variances. The applicant stated that the proposed storage building is required to service and safely store customers' boats indoors during weather events and the proposed 1,200 square foot building is the minimum size necessary to meet the needs of the operation and its client in terms of workspace and maneuverability throughout the site. In addition, the applicant stated that the construction of the proposed building is necessary to expand the customer base without relocating outside of the City of Port Orange. According to the applicant, the requested variances are the minimum variances needed to provide the required maneuverability while improving the aesthetics of the subject property (see Figure 5).

**Figure 5: Aerial Photograph of Existing Conditions and Proposed Building**



The proposed setbacks and location on the subject property will not increase the impacts to the workshop on the property to the west and the motor vehicle sales shop to the south since there will be at least 30 feet of separation between the three uses. Aside from the requested encroachments into the rear and west yards, all other dimensional requirements of the Land Development Code will be met.

- e) *Granting of the variances requested will not confer on the property owner any special privilege that is denied by the development code to other lands, buildings, or structures in the same zoning district.*

All properties developed, redeveloped, or expanded within the city are required to meet the development requirements of the LDC or secure variances from said requirements. According to the applicant, the proposed storage building, if approved, will convert all outdoor storage into indoor storage, which results in improved aesthetics, security, and protection of private property from the weather and other elements.

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

The LDC is intended to protect the city's citizens' health, safety, and general welfare and enhance the city's appearance, function, and livability. However, the LDC was created to generally regulate new "green field" development rather than infill redevelopment. Typically infill redevelopment projects require variances or flexibility in development regulations to allow underutilized properties to redevelop. Overall, the proposed redevelopment will improve the existing conditions by converting outdoor storage into indoor storage. Although the proposed project does not bring the site into full compliance with the current code, the proposed setbacks and location to the west will not increase the impacts on the property to the east. They will be an improvement to the existing outdoor storage conditions. As proposed, the building location will be situated approximately 30 feet from the existing building to the west and over 40 feet from the existing building to the south, which meets both Building and Fire Code separation requirements.

- 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 upon a claim brought under the Bert J. Harris Private Property Rights Protection Act.

#### **STAFF RECOMMENDATION**

Based on the findings of this report, staff recommends approval of the requested variances.

#### **ATTACHMENTS**

Exhibit 1: Dimensional Requirements for the CI Zoning District

### Exhibit 1

#### LDC, Ch. 17, Sec. 27: Commercial Industrial (CI) Dimensional Requirements

| District | Minimum Living Area/D.U. (Sq. Ft.) | Minimum Lot Area/D.U. | Minimum Lot Width (Ft.) | Maximum Building Coverage | Minimum Open Space | Minimum Building Setback (Ft.) |      |      | Maximum Height (Ft.) |
|----------|------------------------------------|-----------------------|-------------------------|---------------------------|--------------------|--------------------------------|------|------|----------------------|
|          |                                    |                       |                         |                           |                    | Front                          | Side | Rear |                      |
| CI       | —                                  | 22,500 sq. ft.        | 150                     | 40%                       | 20%                | D                              | 15*  | 25*A | 45                   |

Rear and side yard setbacks on GPU and industrial lots abutting railroad right-of-way may be reduced to zero feet, were approved as part of an overall site development plan.

D The required front yard setback is equal to the right-of-way landscape buffer. Please refer to subsection 3(d) of Chapter 13

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



# STAFF REPORT

## SUBDIVISION PLAT / FLAGSHIP COMMONS

CASE NO. 22-50000004

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|                       |                                                            |
|-----------------------|------------------------------------------------------------|
| REQUEST:              | To subdivide $\pm 8.35$ acres into two (2) commercial lots |
| LOCATION:             | Southeast corner of Nova Road and Madeline Avenue          |
| OWNER:                | T & T 950 Madeline, LLC                                    |
| APPLICANT:            | Philip C. Hollis, Flagship Companies Group LLC             |
| STAFF RECOMMENDATION: | Approval                                                   |
| STAFF CONTACT:        | Gwen Perney, Principal Planner (386) 506-5673              |
| PLANNING COMMISSION:  | December 15, 2022                                          |

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### DISCUSSION

The applicant is requesting to subdivide  $\pm 8.35$  acres located at the southeast corner of Nova Road and Madeline Avenue (Figure 1) into two (2) commercial lots. The subject property is zoned Community Commercial (CC), and the subdivision plat (Exhibit A) has been designed according to the lot dimensional requirements of the CC zoning district and the technical criteria in the Land Development Code (LDC) for subdivision of land. The review of a subdivision plat is a ministerial review, in that the approving body must only consider the technical criteria and lot dimensional requirements in the LDC. The proposed subdivision plat will create a  $\pm 5.79$ -acre lot (Lot 1) for the proposed Extra Space Storage Facility, which is currently under staff review, and a  $\pm 2.17$ -acre lot (Lot 2) vacant commercial outparcel (no end-user identified).

**Figure 1. Location Map**



The subject property is currently zoned Community Commercial (CC). According to the Land Development Code (LDC), this zoning district supports uses such as banks, business services, convenience stores with or without fuel operations, self-storage, financial services, fleet-based services, health/exercise clubs, medical offices, motor vehicle service stations, offices, personal services, restaurants, retail sales and services, and veterinary clinics.

In August 2022, City Council approved a rezoning request (Case No. 22-60000004) that rezoned the subject property from Multi-Family Residential (R-3M) to Community Commercial (CC) and approved a special exception to allow the mini-warehouses use on the subject property (Case No. 22-70000001).

Flagship Companies Group, LLC, developer of the proposed Lot 1, has submitted a site plan for the Extra Space Storage Facility to be built on Lot 1. The Extra Space Storage Facility development is designed to comply with the lot configuration of the proposed subdivision. There are currently no end users identified for the commercial lot (Lot 2) located at the southeast corner of Nova Road and Madeline Avenue (Figure 2).

**Figure 2. Flagship Commons Subdivision Plat**



The subdivision plat to subdivide the subject property has been reviewed by the Staff Development Review Committee (SDRC) and determined to be designed according to the requirements and dimensional standards of the City's Land Development Code (LDC). The required infrastructure and easements to serve the two (2) proposed lots will be constructed or provided as part of the site plan for the Extra Space Storage Facility (Lot 1) and will include:

- Utility infrastructure to serve the two (2) lots.
- Dedication of right-of-way for the ultimate 100-foot right-of-way width for Madeline Avenue.
- Dedication of right-of-way for the ultimate 50-foot right-of-way width for Jackson Street.
- Full-access driveway at the east end of the property on Madeline Avenue
- Right-in-only driveway at the west end of the property on Madeline Avenue.
- Right-in/right-out driveway at the south end of the property on Nova Road.
- Stormwater ponds and compensating storage area that will provide retention for both lots.
- Required access, drainage, and utility easements over the shared subdivision infrastructure that serves both lots.
- A cross-access driveway and easement between lots for vehicles and pedestrians.
- Sidewalks along Madeline Avenue and Jackson Street;
- A two-foot non-vehicular access easement to restrict driveways from being constructed on Jackson Street and Sweetgum Lane; and
- Required tree preservation areas on Lots 1 and 2 for both lots.

With the required infrastructure to serve the two (2) proposed lots being constructed as part of the site improvements for the Extra Space Storage Facility (Lot 1), subdivision infrastructure plans are not required with the subdivision plat. All required subdivision infrastructure improvements and easements will be built and accepted as part of the Extra Space Storage Facility (Lot 1) site plan prior to the subdivision plat being recorded.

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

Lot 2 will remain vacant until it is developed. Prior to development on Lot 2, a site plan will need to be submitted to the city and approved by the Staff Development Review Committee (SDRC). Any development on Lot 2 will be required to meet the standard commercial site requirements (landscape buffers, screening, tree preservation, architecture, traffic concurrency, drainage and other infrastructure, parking, etc.) in the City's Land Development Code. A specific use for Lot 2 is not known at this time.

### **CONCURRENCY REVIEW**

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

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The proposed commercial subdivision is generally consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and the *Commercial* Future Land Use designation of the subject property. The City's Comprehensive Plan states that the *Commercial* Future Land Use designation is generally characterized by uses that provide for the retail sale of items and provision of services to the general public. The subject property is also located in a Community Commercial node as designated in the City's Comprehensive Plan. A Community Commercial node is generally designed to serve the general shopping needs of areas within a  $\pm 2$ -mile radius. The proposed subdivision provides the necessary infrastructure and buildable land to support the uses projected to be developed at this location.

### **RECOMMENDATION**

A review of a subdivision plat is a ministerial review, in that the approving body must consider the technical criteria of the Land Development Code (LDC). The plat will be approved if the technical requirements are met. Staff recommends approval of the Subdivision Plat for Flagship Commons, as all technical requirements in the LDC are met.

### **ATTACHMENTS**

1. Exhibit A – Flagship Commons Plat
2. Exhibit B – Dimensional Requirements and list of Permitted Uses for the CC zoning district

# FLAGSHIP COMMONS

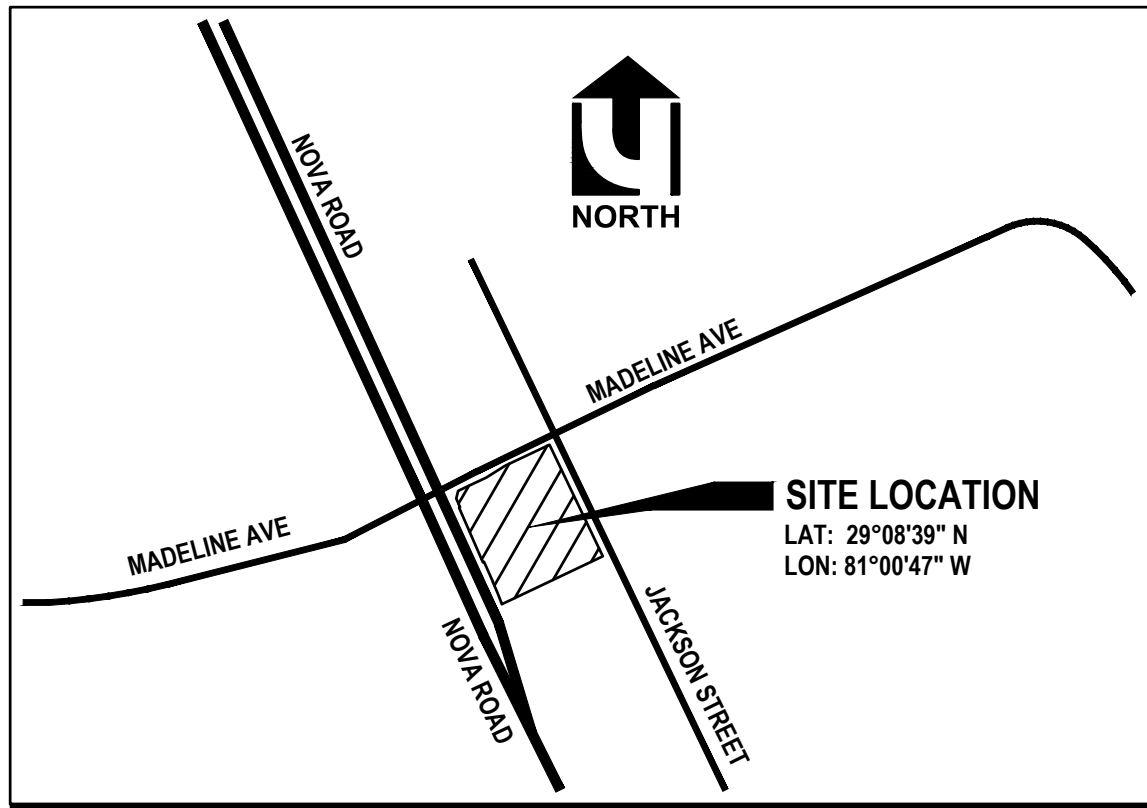
**A REPLAT OF A PORTION OF LOT 2, BLOCK 16, MAP OF DUNLAWTON, DEED BOOK M, PAGE 187, VOLUSIA COUNTY, FLORIDA, BEING WITHIN SECTION 37, TOWNSHIP 16 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA.**

## DESCRIPTION:

LOT 2, BLOCK 16, DUNLAWTON, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN DEED BOOK M, PAGE 187, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT THAT PART CONVEYED BY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 3917, PAGE 1427, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 2, ALSO BEING THE NORTHEAST CORNER OF SWEETGUM LANE, AS SHOWN ON PLAT OF SPRINGWOOD VILLAGE UNIT-1, PER MAP BOOK 34, PAGE 167, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE ALONG THE NORTHWESTERLY RIGHT-OF-WAY OF SWEETGUM LANE, RUN S64°37'22"W FOR A DISTANCE OF 581.11 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF S. NOVA ROAD, ALSO KNOWN AS STATE ROAD NO. 5A, BEING A RIGHT-OF-WAY THAT VARIES IN WIDTH, SAID POINT ALSO BEING A POINT ON A CURVE, SAID CURVE BEING CONCAVE SOUTHWESTERLY AND TO THE LEFT, HAVING A CENTRAL ANGLE OF 03°02'04" AND A RADIUS OF 2346.83 FEET; HAVING A CHORD BEARING N22°13'29"W FOR A DISTANCE OF 124.28 FEET; THENCE ALONG THE ARC OF SAID CURVE AND THE SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 124.29 FEET TO A POINT OF TANGENT THEREOF; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N23°44'31"W FOR A DISTANCE OF 115.07 FEET; THENCE S66°15'29"W FOR A DISTANCE OF 6.08 FEET; THENCE N23°44'31"W FOR A DISTANCE OF 309.95 FEET; THENCE N66°15'29"E FOR A DISTANCE OF 6.08 FEET; THENCE N23°44'31"W FOR A DISTANCE OF 50.50 FEET; THENCE N14°02'14"E FOR A DISTANCE OF 41.33 FEET TO A POINT ON SOUTHEASTERLY RIGHT-OF-WAY OF MADELINE AVENUE, AS NOW LAID OUT; THENCE DEPARTING THE EASTERLY RIGHT-OF-WAY OF S. NOVA ROAD AND ALONG THE SAID SOUTHEASTERLY RIGHT-OF-WAY OF MADELINE AVENUE, N64°53'52"E FOR A DISTANCE OF 162.34 FEET; THENCE N57°46'23"E FOR A DISTANCE OF 115.77 FEET; THENCE N64°39'26"E FOR A DISTANCE OF 255.15 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF JACKSON STREET; THENCE DEPARTING THE SOUTHEASTERLY RIGHT-OF-WAY OF MADELINE AVENUE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF JACKSON STREET, S25°33'31"E FOR A DISTANCE OF 644.22 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION CONTAINS 8.357 ACRES MORE OR LESS.



## LOCATION MAP

SCALE 1" = 1000'

## LEGEND:

- |                                                |                                             |
|------------------------------------------------|---------------------------------------------|
| ● SET 4" CONCRETE MONUMENT "PRM" LB 3612       | HATCH DENOTES DRAINAGE MAINTENANCE EASEMENT |
| ● SET 5/8" IRON ROD & CAP LB 3612              |                                             |
| ○ SET PARKER KALON NAIL & DISK "PRM" LB 3612   |                                             |
| ⊗ FOUND NAIL&DISC LS 2027 (INSIDE ASPHALT CUT) |                                             |
| — R/W — RIGHT-OF-WAY LINE                      | HATCH DENOTES TREE CONSERVATION EASEMENT    |
| — ORIGINAL RW LINE                             |                                             |
| - - - - - EASEMENT LINE                        |                                             |

|     |                      |     |                                |
|-----|----------------------|-----|--------------------------------|
| CA  | CENTRAL ANGLE        | No. | NUMBER                         |
| CH  | CHORD LENGTH         | NR  | NON-RADIAL                     |
| CHB | CHORD BEARING        | ORB | OFFICIAL RECORDS BOOK          |
| FD  | FOUND                | PG  | PAGE                           |
| INC | INCORPORATED         | PKD | PARKER KALON NAIL & DISK       |
| L   | LENGTH               | PRM | PERMANENT REFERENCE MONUMENT   |
| LB  | LICENSED BUSINESS    | PSM | PROFESSIONAL SURVEYOR & MAPPER |
| LC  | LICENSED CORPORATION | R   | RADIUS                         |
| MB  | MAP BOOK             | R/W | RIGHT-OF-WAY                   |

## GENERAL NOTES:

- ACCURACY: THE BOUNDARY LINEAR ERROR OF CLOSURE DOES NOT EXCEED 1:10,000. THE BOUNDARY ANGULAR ERROR OF CLOSURE DOES NOT EXCEED 15 SECONDS MULTIPLIED BY THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.
- ALL MEASUREMENTS ON THIS PLAT IS IN U.S. FOOT AND DECIMALS THEREOF. ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE UNITED STATES SURVEY FOOT OR METER ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. ALL MEASUREMENTS SHALL USE THE  $39.3712-3.2808333333$  EQUATION FOR CONVERSION FROM A U.S. FOOT TO METERS.
- BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM EAST ZONE NORTH AMERICAN DATUM OF 1983 (NAD83) WITH 2011 ADJUSTMENT AS DERIVED FROM THE LENGEMANN NETWORK (A TOPNET GNSS NETWORK). AS A REFERENCE FOR THIS SURVEY, ALONG THE RIGHT-OF-WAY LINE OF JACKSON STREET HAVING A BEARING OF (S 25°33'31" E).
- THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
- UTILITIES INCLUDE BUT ARE NOT LIMITED TO SANITARY SEWER, POTABLE WATER, RECLAIMED WATER, STORM DRAINAGE, ELECTRIC, TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS, FIBER OPTIC, SECURITY, AND NATURAL GAS.
- ALL PLATTED UTILITY EASEMENTS SHOWN ON THIS PLAT INCLUDE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- ALL OTHER EASEMENTS ARE SUBORDINATE TO ANY CONSERVATION EASEMENTS DEDICATED HEREON, THERE SHALL BE NO REMOVAL OR DISTURBANCE OF ANY VEGETATION WITHIN SUCH CONSERVATION EASEMENTS ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN A CONSERVATION EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE CONSERVATION EASEMENT.
- MONUMENTS SHALL BE SET AT ALL LOT CORNERS, POINTS OF INTERSECTION, AND CHANGES OF DIRECTION OF LINES WITHIN THE SUBDIVISION WHICH DO NOT REQUIRE A "P.R.M." OR "P.C.P." IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.091(9).
- THE PROPERTY IS SUBJECT TO THE DECLARATION OF COVENANTS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENTS AS RECORDED IN OFFICIAL RECORDS BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.
- OPERATION AND MAINTENANCE RESPONSIBILITIES OF THE INDIVIDUAL LOTS, EXCLUDING ANY EASEMENT AREAS, SHALL BE THE RESPONSIBILITY OF THE RESPECTIVE LANDOWNER(S), THEIR SUCCESSORS AND ASSIGN IN INTEREST AS FURTHER DESCRIBED IN THE DECLARATION OF COVENANTS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENTS.
- PRIVATE UTILITIES AS SHOWN ON THE PLAT ARE TO BE OWNED AND MAINTAINED BY RESPECTIVE PROPERTY OWNERS OF LOT 1 AND LOT 2. ADDITIONAL INFORMATION REGARDING OPERATION AND MAINTENANCE RESPONSIBILITIES IS DESCRIBED IN SECTION \_\_\_\_\_ OF THE DECLARATION OF COVENANTS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENTS.
- THE ACCESS EASEMENT OVER THE PORTIONS OF LOTS 1 AND 2 IS FOR THE COLLECTIVE BENEFIT OF LOTS 1 AND 2, FOR THE USE OF, AND UNIMPEDED ACCESS TO AND FROM LOTS 1 AND 2.
- TOTAL NUMBER OF LOTS = 2
- THIS PLAT IS SUBJECT TO ALL EASEMENTS OF RECORD AND RESERVATIONS OF EASEMENTS, INCLUDING BUT NOT LIMITED TO DRAINAGE, UTILITY, AND ACCESS EASEMENTS GRANTED HEREON WHICH SHALL BE LOCATED AS FOLLOWS.
- THE TREE CONSERVATION EASEMENT AREAS GRANTED ON THE PLAT ARE INTENDED TO MEET THE TREE PRESERVATION REQUIREMENTS OF THE CITY OF PORT ORANGE LAND DEVELOPMENT CODE FOR BOTH LOTS 1 AND 2 AS A WHOLE. TREE CONSERVATION EASEMENT AS DEFINED ON THIS PLAT IS FOR THE EXPRESS PURPOSE OF THE PRESERVATION AND LONGEVITY OF THE TREES THEREIN. ACTIONS DETRIMENTAL TO TREE HEALTH SURVIVAL WITHIN THE BOUNDARIES OF THE DRIPLINE ARE PROHIBITED WITHOUT THE EXPRESS PERMISSION OF THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE TREE CONSERVATION EASEMENT. NOTHING HEREIN SHALL, HOWEVER, BE CONSTRUED TO PREVENT NATURAL VEGETATION WITHIN THE EASEMENT AREA FROM BEING CLEARED BY HAND TO PROVIDE A NEAT, MANICURED APPEARANCE. IN ADDITION, NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT THE PLACEMENT OF FLOOD COMPENSATORY AREA, SANITARY SEWER LATERAL, SOD, IRRIGATION AND LANDSCAPE PLANTS OR TO PREVENT NORMAL LAWN MAINTENANCE SUCH AS MOWING, EDGING AND WEEDING NOT HARMFUL TO THE OBJECTIVE OF TREE PRESERVATION WITH THE EASEMENT AREA. ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN THE TREE CONSERVATION EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE TREE CONSERVATION EASEMENT.
- THE LANDOWNER OF LOT 1, THEIR SUCCESSORS, AND ASSIGNS IN INTEREST SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE DRAINAGE IMPROVEMENTS WITHIN THE BOUNDARIES OF THIS PLAT, AS DEPICTED ON THE STORMWATER MANAGEMENT PLAN APPROVED FOR DEVELOPMENT BY THE CITY OF PORT ORANGE. SHOULD THE LANDOWNER OF LOT 1 FAIL TO PERFORM MAINTENANCE OF THE DRAINAGE AND STORMWATER MANAGEMENT SYSTEM, THE CITY OF PORT ORANGE SHALL BE ENTITLED, BUT NOT OBLIGATED, TO ENTER UPON THE DESIGNATED DRAINAGE EASEMENT AREAS TO PERFORM MAINTENANCE, REPAIR, OR REPLACE THE FACILITIES; AND SHALL HAVE THE RIGHT TO LIEN ALL OWNERS OF RECORD IN THE PROPERTY FOR THE COST OF SUCH MAINTENANCE, REPAIR, AND REPLACEMENT, AS DEEMED BY THE CITY TO BE NECESSARY IN THE EVENT OF TERMINATION, DISSOLUTION, OR FINAL LIQUIDATION OF ALL THE ENTITIES/ LANDOWNER(S). THE WATER MANAGEMENT SYSTEM WILL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY WHICH COMPLIES WITH SECTION 40C-42.027 F.A.C. AND APPROVED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PRIOR TO SUCH TERMINATION, DISSOLUTION, OR LIQUIDATION.
- THE FLOODPLAIN CONSERVATION EASEMENT AND FLOODPLAIN COMPENSATORY STORAGE EASEMENT DEFINED ON THIS PLAT IS FOR THE EXPRESS PURPOSE OF THE PRESERVATION OF THE FLOODPLAIN. ACTIONS DETRIMENTAL TO THE FLOODPLAIN ARE RESTRICTED AS FOLLOWS (i) NO NEW STRUCTURE, PAVING, OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED ON, AND NO NEW MODIFICATIONS OR LANDSCAPING ACTIVITIES (EXCEPT FOR MINOR GRUBBING, CLEARING OF DEBRIS, PRUNING, SODDING OR SEEDING, OR OTHER SIMILAR ACTIVITIES) SHALL BE CARRIED OUT WITHIN THE FLOODPLAIN; AND (ii) THE USE OF THE FLOODPLAIN SHALL BE LIMITED SOLELY TO PASSIVE OPEN OR GREEN SPACE. ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN A FLOODPLAIN EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE FLOODPLAIN.
- NO RIGHT OF ACCESS BY THE GENERAL PUBLIC TO ANY PORTION OF THE PLATTED LANDS IS CONVEYED BY THE EASEMENTS GRANTED HEREON TO THE CITY OF PORT ORANGE.

SHEET 1 OF 2    MAP BOOK:    PAGE:

## DEDICATION

KNOWN ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED BEING THE OWNER IN FEE SIMPLE, OF THE LANDS SHOWN AND DESCRIBED HEREON AS THE PLAT ENTITLED "FLAGSHIP COMMONS", LOCATED IN THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA HEREBY DEDICATES THE SAID LANDS AND PLAT FOR THE USES AND PURPOSES HEREON EXPRESSED. ALL DRAINAGE, DRAINAGE MAINTENANCE ACCESS, PUBLIC UTILITY AND DRAINAGE, NON-VEHICULAR, FLOODPLAIN COMPENSATORY STORAGE, AND TREE CONSERVATION EASEMENTS SHOWN OR DESCRIBED ON THE PLAT ARE, UNLESS OTHERWISE INDICATED, GRANTED TO THE CITY OF PORT ORANGE, FLORIDA. ALL DRAINAGE AND DRAINAGE MAINTENANCE ACCESS EASEMENTS SHOWN OR DESCRIBED ON THE PLAT ARE ALSO GRANTED TO THE OWNERS OF ANY PORTION OF THE PLAT, THEIR RESPECTIVE SUCCESSORS, AND ASSIGNS FOR THE PURPOSES DESCRIBED IN THE GENERAL NOTES. ACCESS EASEMENTS FOR INGRESS AND EGRESS SHOWN OR DESCRIBED ON THE PLAT ARE HEREBY GRANTED TO THE CITY OF PORT ORANGE FOR EMERGENCY VEHICLES AND GOVERNMENT SERVICES. ACCESS EASEMENTS FOR INGRESS AND EGRESS SHOWN OR DESCRIBED ON THE PLAT ARE HEREBY GRANTED TO THE OWNERS OF ANY PORTION OF THE PLAT AND THEIR RESPECTIVE AGENTS, ASSIGNS, INVITEES AND SUCCESSORS. TRACT A AND TRACT B ARE TO BE CONVEYED BY SEPARATE INSTRUMENTS (TO BE RECORDED COINCIDENT WITH THIS PLAT) TO THE CITY OF PORT ORANGE FOR PUBLIC RIGHT-OF-WAY PURPOSES.

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

|             |                                                                                  |
|-------------|----------------------------------------------------------------------------------|
| WITNESSES:  | OWNER: ESS-FLAGSHIP MADELINE FL SUB LLC,<br>A DELAWARE LIMITED LIABILITY COMPANY |
| BY: _____   | BY: _____                                                                        |
| NAME: _____ | THEODORE A. BOLIN<br>MANAGER                                                     |
| BY: _____   |                                                                                  |
| NAME: _____ |                                                                                  |

STATE OF FLORIDA, COUNTY OF \_\_\_\_\_

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

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BY \_\_\_\_\_

AS \_\_\_\_\_ OF ESS-FLAGSHIP MADELINE FL SUB LLC, A DELAWARE LIMITED

LIABILITY COMPANY \_\_\_\_\_

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

NOTARY PUBLIC  
NAME: \_\_\_\_\_  
COMMISSION No. \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

## MORTGAGEE'S CONSENT AND JOINDER

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE, LIEN OR OTHER ENCUMBRANCE UPON PART OF THE PROPERTY DESCRIBED HEREON AND THAT THE UNDERSIGNED HEREBY JOINS IN AND CONSENTS TO THE DEDICATION OF THE LANDS DESCRIBED ABOVE BY THE OWNER THEREOF, AND AGREES THAT ITS MORTGAGES, LIENS OR OTHER ENCUMBRANCES ARE RECORDED IN OFFICIAL RECORDS BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, \_\_\_\_\_ HAS CAUSED THESE PRESENTS TO BE SIGNED BY THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: EXECUTIVE VICE PRESIDENT (SEAL)

WITNESS: \_\_\_\_\_ WITNESS: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ PRINTED NAME: \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

THIS IS TO CERTIFY, THAT ON \_\_\_\_\_, 2023, BEFORE ME BY MEANS OF [ ] PHYSICAL APPEARANCE OR [ ] ONLINE NOTARIZATION, AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID,

PERSONALLY APPEARED \_\_\_\_\_ HE / SHE (IS PERSONALLY KNOWN TO ME) OR (HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION), OF THE NAMED CORPORATION INCORPORATED UNDER THE LAWS OF THE STATE OF \_\_\_\_\_ AND OFFICERS DESCRIBED ON AND WHO EXECUTED THE FOREGOING DEDICATION AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE KNOWN TO BE THEIR FREE ACT AND DEED AS SUCH OFFICERS THEREINTO DULY AUTHORIZED; THAT THE OFFICIAL SEAL OF SAID CORPORATION IS DULY AFFIXED THERETO; AND THAT THE SAID DEDICATION IS THE ACT AND DEED OF SAID CORPORATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE ABOVE DATE.

NOTARY PUBLIC  
NAME: \_\_\_\_\_  
COMMISSION # \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

## PLANNING COMMISSION CERTIFICATE OF APPROVAL

THIS STATEMENT HEREBY CERTIFIES THAT THE PLAT ENTITLED "FLAGSHIP COMMONS", WAS APPROVED BY THE PORT ORANGE PLANNING COMMISSION ON \_\_\_\_\_.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

CHAIRMAN, PORT ORANGE  
PLANNING COMMISSION

## CITY COUNCIL CERTIFICATE OF APPROVAL

THIS STATEMENT HEREBY CERTIFIES THAT THE PLAT ENTITLED "FLAGSHIP COMMONS", WAS APPROVED BY THE PORT ORANGE CITY COUNCIL ON \_\_\_\_\_.

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_

MAYOR OF THE CITY OF PORT ORANGE CITY CLERK OF THE CITY OF PORT ORANGE

## CERTIFICATE OF SURVEYOR AND MAPPER

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

UPHAM, INC.  
265 KENILWORTH AVENUE  
ORMOND BEACH, FLORIDA 32174  
www.uphaminc.com

PHONE: (386) 672-9515  
LICENSED BUSINESS No. 3612  
meawad@uphaminc.com

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

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



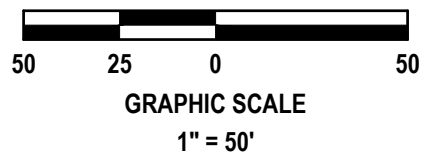
**CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE**

265 Kenilworth Avenue • Ormond Beach • Florida 32174  
Voice: 386.672.9515 • Fax: 386.673.6554 • uphaminc.com  
LB # 0003612 LC # 0000357

# FLAGSHIP COMMONS

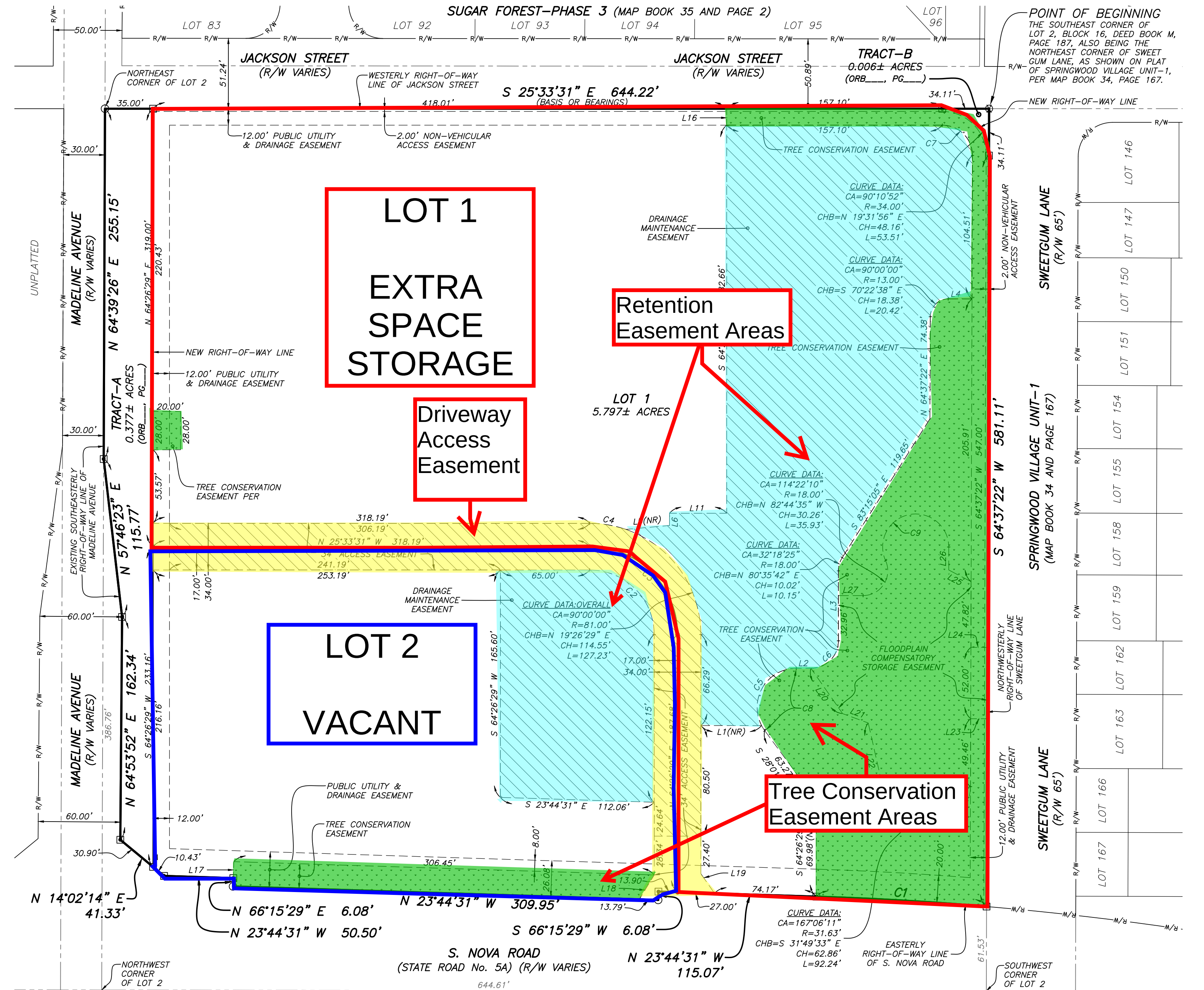
A REPLAT OF A PORTION OF LOT 2, BLOCK 16, MAP OF DUNLAWTON, DEED BOOK M, PAGE 187, VOLUSIA COUNTY, FLORIDA,  
BEING WITHIN SECTION 37, TOWNSHIP 16 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA.

SHEET 2 OF 2 MAP BOOK: PAGE:



## GENERAL NOTES:

- ACCURACY: THE BOUNDARY LINEAR ERROR OF CLOSURE DOES NOT EXCEED 1:10,000. THE BOUNDARY ANGULAR ERROR OF CLOSURE DOES NOT EXCEED 15 SECONDS MULTIPLIED BY THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.
- ALL MEASUREMENTS ON THIS PLAT IS IN U.S. FOOT AND DECIMALS THEREOF. ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE UNITED STATES SURVEY FOOT OR METER ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. ALL MEASUREMENTS SHALL USE THE 38.3712-1.2888333333 EQUATION FOR CONVERSION FROM A U.S. FOOT TO METERS.
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- THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
- UTILITIES INCLUDE BUT ARE NOT LIMITED TO SANITARY SEWER, POTABLE WATER, RECLAIMED WATER, STORM DRAINAGE, ELECTRIC, TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS, FIBER OPTIC, SECURITY, AND NATURAL GAS.
- ALL PLATTED UTILITY EASEMENTS SHOWN ON THIS PLAT INCLUDE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES. PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- ALL OTHER EASEMENTS ARE SUBORDINATE TO ANY CONSERVATION EASEMENTS DEDICATED HEREON, THERE SHALL BE NO REMOVAL OR DISTURBANCE OF ANY VEGETATION WITHIN SUCH CONSERVATION EASEMENTS ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN A CONSERVATION EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE CONSERVATION EASEMENT.
- MONUMENTS SHALL BE SET AT ALL LOT CORNERS, POINTS OF INTERSECTION, AND CHANGES OF DIRECTION OF LINES WITHIN THE SUBDIVISION WHICH DO NOT REQUIRE A "P.R.M." OR "P.C.P." IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.09(19).
- THE PROPERTY IS SUBJECT TO THE DECLARATION OF COVENANTS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENTS AS RECORDED IN OFFICIAL RECORDS BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.
- OPERATION AND MAINTENANCE RESPONSIBILITIES OF THE INDIVIDUAL LOTS, EXCLUDING ANY EASEMENT AREAS, SHALL BE THE RESPONSIBILITY OF THE RESPECTIVE LANDOWNER(S), THEIR SUCCESSORS AND ASSIGN IN INTEREST AS FURTHER DESCRIBED IN THE DECLARATION OF COVENANTS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENTS.
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- TOTAL NUMBER OF LOTS = 2
- THIS PLAT IS SUBJECT TO ALL EASEMENTS OF RECORD AND RESERVATIONS OF EASEMENTS, INCLUDING BUT NOT LIMITED TO DRAINAGE, UTILITY, AND ACCESS EASEMENTS GRANTED HEREON WHICH SHALL BE LOCATED AS FOLLOWS.
- THE TREE CONSERVATION EASEMENT AREAS GRANTED ON THE PLAT ARE INTENDED TO MEET THE TREE PRESERVATION REQUIREMENTS OF THE CITY OF PORT ORANGE LAND DEVELOPMENT CODE FOR BOTH LOTS 1 AND 2 AS A WHOLE. TREE CONSERVATION EASEMENT AS DEFINED ON THIS PLAT IS FOR THE EXPRESS PURPOSE OF THE PRESERVATION AND LONGEVITY OF THE TREES THEREIN. ACTIONS DETRIMENTAL TO TREE HEALTH SURVIVAL WITHIN THE BOUNDARIES OF THE DRIPLINE ARE PROHIBITED WITHOUT THE EXPRESS PERMISSION OF THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE TREE CONSERVATION EASEMENT. NOTHING HEREIN SHALL, HOWEVER, BE CONSTRUED TO PREVENT NATURAL VEGETATION WITHIN THE EASEMENT AREA FROM BEING CLEARED BY HAND TO PROVIDE A NEAT, MANICURED APPEARANCE. IN ADDITION, NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT THE PLACEMENT OF FLOOD COMPENSATORY AREA, SANITARY SEWER LATERAL, SOD, IRRIGATION AND LANDSCAPE PLANTS OR TO PREVENT NORMAL LAWN MAINTENANCE SUCH AS MOWING, EDGING AND WEEDING NOT HARMFUL TO THE OBJECTIVE OF TREE PRESERVATION WITH THE EASEMENT AREA. ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN THE TREE CONSERVATION EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE TREE CONSERVATION EASEMENT.
- THE LANDOWNER OF LOT 1, THEIR SUCCESSORS, AND ASSIGNS IN INTEREST SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE DRAINAGE IMPROVEMENTS WITHIN THE BOUNDARIES OF THIS PLAT, AS DEPICTED ON THE STORMWATER MANAGEMENT PLAN APPROVED FOR DEVELOPMENT BY THE CITY OF PORT ORANGE. SHOULD THE LANDOWNER OF LOT 1 FAIL TO PERFORM MAINTENANCE OF THE DRAINAGE AND STORMWATER MANAGEMENT SYSTEM, THE CITY OF PORT ORANGE SHALL BE ENTITLED, BUT NOT OBLIGATED, TO ENTER UPON THE DESIGNATED DRAINAGE EASEMENT AREAS TO PERFORM MAINTENANCE, REPAIR, OR REPLACE THE FACILITIES; AND SHALL HAVE THE RIGHT TO LIEN ALL OWNERS OF RECORD IN THE PROPERTY FOR THE COST OF SUCH MAINTENANCE, REPAIR, AND REPLACEMENT, AS DEEMED BY THE CITY TO BE NECESSARY IN THE EVENT OF TERMINATION, DISSOLUTION, OR FINAL LIQUIDATION OF ALL THE ENTITIES LANDOWNERS, THE WATER MANAGEMENT SYSTEM WILL BE TRANSFERRED TO AND ACCEPTED BY AN ENTITY WHICH COMPLIES WITH SECTION 40C-42.027, F.A.C. AND APPROVED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PRIOR TO SUCH TERMINATION, DISSOLUTION, OR LIQUIDATION.
- THE FLOODPLAIN CONSERVATION EASEMENT AND FLOODPLAIN COMPENSATORY STORAGE EASEMENT DEFINED ON THIS PLAT IS FOR THE EXPRESS PURPOSE OF THE PRESERVATION OF THE FLOODPLAIN. ACTIONS DETRIMENTAL TO THE FLOODPLAIN ARE RESTRICTED AS FOLLOWS (I) NO NEW STRUCTURE, PAVING, OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED ON, AND NO NEW MODIFICATIONS OR LANDSCAPING ACTIVITIES (EXCEPT FOR MINOR GRUBBING, CLEARING OF DEBRIS, PRUNING, SODDING OR SEEDING, OR OTHER SIMILAR ACTIVITIES) SHALL BE CARRIED OUT WITHIN THE FLOODPLAIN; AND (II) THE USE OF THE FLOODPLAIN SHALL BE LIMITED SOLELY TO PASSIVE OPEN OR GREEN SPACE. ANY PROPOSED CONSTRUCTION OR OTHER USE WITHIN A FLOODPLAIN EASEMENT MUST BE REVIEWED AND APPROVED BY THE CITY OF PORT ORANGE AND ANY OTHER AUTHORITY HAVING JURISDICTION OVER THE FLOODPLAIN.
- NO RIGHT OF ACCESS BY THE GENERAL PUBLIC TO ANY PORTION OF THE PLATTED LANDS IS CONVEYED BY THE EASEMENTS GRANTED HEREON TO THE CITY OF PORT ORANGE.



## LEGEND:

- SET 4" CONCRETE MONUMENT "PRM" LB 3612
- SET 5/8" IRON ROD & CAP LB 3612
- SET PARKER KALON NAIL & DISK "PRM" LB 3612
- FOUND NAIL&DISC LS 2027 (INSIDE ASPHALT CUT)
- RIGHT-OF-WAY LINE
- ORIGINAL R/W LINE
- EASEMENT LINE
- CENTRAL ANGLE
- CHORD LENGTH
- CHORD BEARING
- FOUND
- INCORPORATED
- LENGTH
- LICENSED BUSINESS
- LICENSED CORPORATION
- FOUND
- MAP BOOK
- NUMBER
- NR ORB PG PKD PSM R RW
- NON-RADIAL OFFICIAL RECORDS BOOK PAGE PARKER KALON NAIL & DISK PERMANENT REFERENCE MONUMENT PROFESSIONAL SURVEYOR & MAPPER RADIUS RIGHT-OF-WAY
- HATCH DENOTES DRAINAGE MAINTENANCE EASEMENT
- HATCH DENOTES TREE CONSERVATION EASEMENT

## LINE TABLE

| LINE # | BEARING     | DISTANCE | LINE # | BEARING     | DISTANCE | LINE # | BEARING     | DISTANCE |
|--------|-------------|----------|--------|-------------|----------|--------|-------------|----------|
| L1     | S25°33'31"E | 44.26'   | L10    |             |          | L19    | N29°35'01"E | 17.48'   |
| L2     | S25°33'31"E | 10.71'   | L11    | S25°33'31"E | 41.66'   | L20    | S29°27'35"W | 40.30'   |
| L3     | N64°26'29"E | 50.96'   | L12    | S05°32'07"E | 19.86'   | L21    | S05°32'07"E | 19.86'   |
| L4     | S25°22'38"E | 17.37'   | L13    |             |          | L22    | S51°43'33"W | 54.57'   |
| L5     | S30°40'25"E | 31.91'   | L14    |             |          | L23    | S25°22'38"E | 12.00'   |
| L6     | N64°26'29"E | 8.91'    | L15    | N25°22'38"W | 12.00'   | L24    | N25°22'38"W | 12.00'   |
| L7     |             |          | L16    | N64°26'29"E | 12.00'   | L25    | N01°55'45"E | 18.38'   |
| L8     |             |          | L17    | N66°15'29"E | 12.00'   | L26    | N64°26'29"E | 16.76'   |
| L9     |             |          | L18    | N84°05'40"W | 20.80'   | L27    | N25°33'31"W | 18.00'   |

## CURVE TABLE

| No. | CA         | R        | CHB         | CH      | ARC     |
|-----|------------|----------|-------------|---------|---------|
| C1  | 3°02'04"   | 2346.83' | N22°13'29"W | 124.28' | 124.29' |
| C2  | 90°00'00"  | 47.00'   | N19°26'29"E | 66.47'  | 73.83'  |
| C3  | 90°00'00"  | 64.00'   | N19°26'29"E | 90.51'  | 100.53' |
| C4  | 19°00'23"  | 81.00'   | S16°03'19"E | 26.75'  | 26.87'  |
| C5  | 117°38'30" | 28.50'   | S84°22'45"E | 48.77'  | 58.52'  |
| C6  | 90°00'00"  | 20.00'   | S70°33'31"E | 28.28'  | 31.42'  |
| C7  | 90°10'52"  | 22.00'   | N19°31'56"E | 31.16'  | 34.63'  |
| C8  | 126°24'39" | 28.50'   | S88°45'50"E | 50.88'  | 62.88'  |
| C9  | 204°22'10" | 24.09'   | N37°44'35"W | 47.08'  | 85.91'  |

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## Exhibit B

### Dimensional Requirements and Permitted Uses Community Commercial Zoning

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

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

#### Community Commercial (LDC, Chapter 17, Section 21)

##### *Permitted uses.*

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

##### *Permitted uses with special development requirements.*

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

##### *Special exception uses.*

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