



THE COMMUNITY REDEVELOPMENT AGENCY
FOR PORT ORANGE TOWN CENTER
MEETING AGENDA

COUNCIL CHAMBERS – 6:30 PM – CITY HALL
MARCH 15, 2016

A. OPENING

1. Roll Call
2. Election of Chair and Vice Chair

B. DISCUSSION/ACTION

3. Approval of Minutes

December 2, 2014

December 1, 2015 Minutes

4. Port Orange Town Center CRA Annual Report - FY 2014/2015
5. Second Amendment to the Riverwalk Marina & Riverboat Master Development Agreement
6. CRA Authorization to Apply for Riverwalk Development Applications
7. Public Comments
8. CRA Member Comments

C. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE COMMUNITY REDEVELOPMENT AGENCY FOR PORT ORANGE TOWN CENTER 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 PROCEEDING 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; IF YOU ARE HEARING OR VOICE IMPAIRED CONTACT THE RELAY OPERATOR AT 1-800-955-8771 FOR INFORMATION.

TOWN CENTER CRA MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
DECEMBER 2, 2014

THE MEETING of the TOWN CENTER CRA was called to order by Chairman Allen Green at 8:00 p.m.

Pledge of Allegiance

Silent Invocation

Roll Call:	Present:	Member Ben Talluto Member Bob Ford Member Scott Stiltner Member Donald Burnette Member Drew Bastian Chairman Allen Green
	Absent:	Member Suzette Blahnik
	Also Present:	David Harden, Interim City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk

DISCUSSION/ACTION ITEMS

5. Approval of Minutes

Motion to approve the minutes from October 21, 2014 was made by Member Bastian, and Seconded by Member Stiltner. Motion carried unanimously by voice vote.

6. Cardwell Funeral Home Lease

Matt Jones, Assistant City Attorney, asked that the approval be subject to the receipt of the executed agreement.

Motion to approve the agreement subject to receipt of a fully executed agreement was made by Member Bastian, and Seconded by Member Burnette. Motion carried unanimously by voice vote.

ADJOURNMENT: 8:02 p.m.

Chairman Allen Green



COMMUNITY REDEVELOPMENT AGENCY FOR PORT ORANGE TOWN CENTER

REQUESTED AGENCY MEETING DATE: 03/15/2016

Consent Item: No

SUBJECT: Port Orange Town Center CRA Annual Report - FY 2014/2015

DEPARTMENT: Community Development

RECOMMENDED MOTION: Move to accept the FY 2014/2015 Annual Report for the Port Orange Town Center Community Redevelopment Agency, as presented.

SUMMARY: Pursuant to Chapter 163.356(3)(c), Florida Statutes, all CRAs are required to annually file a report of activities and a financial statement for the preceding fiscal year with the local governing body. The attached report has been provided to the Port Orange City Council in fulfillment of this requirement. The County of Volusia and Halifax Hospital, both of whom contribute to the Tax Increment Fund, have also been provided a copy of the Annual Report. Notice of availability of this report has been published in the Daytona Beach News Journal to meet legal advertising requirements, and a copy of the report has been posted on the City's website for review by the public.

ATTACHMENTS:

1.	FY14/15 POTC CRA Annual Report	FY14-15 PORT ORANGE TOWN CENTER CRA ANNUAL REPORT.pdf
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Cruz, Penelope
Clark, Wayne
Riehm, Tracey
Johansson, M. Jake

Created/Initiated - 02/17/2016
Approved - 02/17/2016
Approved - 02/20/2016
Final Approval - 03/07/2016

AGENCY ACTION: New
CONTINUATION DATE:

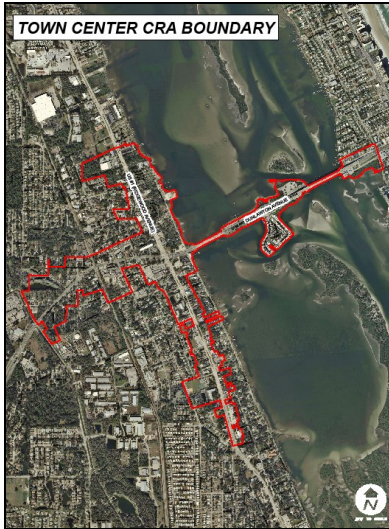
Follow up letter/action needed by: Department-No, Clerk's Office-No, or N/A-Yes

PORT ORANGE TOWN CENTER

Community Redevelopment Agency Port Orange, Florida

ANNUAL REPORT FY 2014/2015

THIS IS TOWN CENTER



The Port Orange Town Center CRA, outlined in red above, is approximately 271 acres in size and represents 1.51% of the City's total tax base.

The Port Orange Town Center Community Redevelopment District is comprised of three hundred and seven (307) parcels constituting two hundred seventy-one (271) acres of land situated within the eastern section of Port Orange. This area historically served as the commercial core of the City. The creation of the Port Orange Town Center Community Redevelopment District in 1998 was the first of many steps to be undertaken by the City to ensure that this historic area of the community remains a viable center of commercial and civic activity.

The vision for the "rebirth" of Town Center includes a strong emphasis on mixed-use development. The goal is to create a signature destination that reestablishes Port Orange's image as a premier waterfront community.

Port Orange Town Center is comprised of five Special Character Districts. These Special Character Districts are; Riverwalk, Causeway, Down Under, Dunlawton Village, and Ridgewood Avenue. Each of these districts have their own unique attributes and opportunities, but they all share the same vision of a revitalized "heart of Port Orange"; a unique place within the community that blends history, culture and public access to the water.

The 35-acre Riverwalk Project Area, located east of U.S. 1/Ridgewood Avenue and north of Dunlawton Avenue, has been the focal point for the redevelopment efforts and investment in Town Center.

TOWN CENTER GOALS AND OBJECTIVES

GOALS

1. Develop five **Special Character Districts** recognizing that these areas are distinct in terms of uses and built environment;
2. Identify and **promote land uses and zoning** which are compatible with the special character districts and the overall POTC visions;
3. Introduce **mixed-use development** comprised of commercial, office and residential uses and active programming to draw people to POTC;

4. Develop a **coordinated design concept** for open space, streetscape, furniture and recreation facilities in a manner that emphasizes the nautical history and location of POTC;
5. Identify suitable locations for **housing** and promote a variety of dwelling types to complement the mixed-use nature of POTC;
6. Establish **architectural guidelines** to provide architectural consistency within the special character districts over time;
7. Provide for an **interconnected transportation network** which aims at balancing the needs of

pedestrians, cyclists and vehicles;

8. Identify and **secure all feasible sources of funding**, including tax increment financing (TIF) revenues, that will aid in implementing the Redevelopment Plan throughout both short and long term; and
9. Identify and **offer an array of incentives to encourage redevelopment** and revitalization of POTC through realization of specific plan objectives over time.

TABLE OF CONTENTS:

This is Town Center	1
Town Center Goals and Objectives	1
Redevelopment Activities Update	2
Tax Increment Financing	2
Financial Statement & Debt Service	2 & 3
Agency Board	4
Redevelopment Plan & Trust Fund Partners	4

SPECIAL POINTS OF INTEREST:

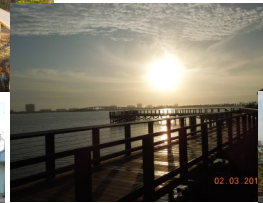
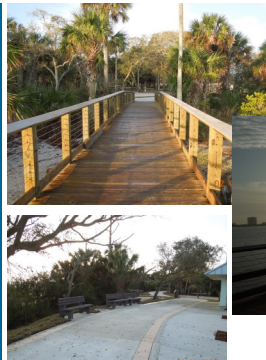
- The Community Redevelopment Agency for Port Orange Town Center ("Town Center") was created in 1998.
- The Riverwalk Project Area comprises 35 acres out of the total 271 acres in Town Center.
- The taxable values in Town Center have grown 33% since 1998.

REDEVELOPMENT ACTIVITIES UPDATE

An activity-focused marketing effort is also in development to promote outdoor and water-based activities and businesses along the Ridge-wood corridor to build on the area as a unique destination.

Council and the CRA approved the Conceptual Master Plan for the Riverwalk Park in February 2014. Construction of the northern section (Phase 1A and 1B) is currently underway. Phase 1A, from the Chamber building north to the property line abutting Intercoastal Villas along the shoreline of the Halifax River to US1, is estimated to be open to the public by March 2016. This portion of the project includes: Kayak/Canoe launch, restrooms, portion of the boardwalk and upgrades to the existing fishing pier, wave break, crossover bridge and the northern portion of the 12' wide trailway.

Working with representatives from all east Volusia cities to develop regional US-1 special events/activities and campaigns to draw attention to this area. "Rediscover US1 - America's Business Highway," is the branding theme/logo. The group successfully implemented a regional Scavenger Hunt in April 2015 as an initial event that included four businesses and one historic site from each city along US1. The second event was a Rediscover US1 Restaurant Month during November 2015 that promoted restaurants along US1 and participating restaurants provided a donation to a local food-based charity - Food Brings Hope.



Riverwalk Park Phase 1A

TAX INCREMENT FINANCING

TIF Revenues may only be spent on redevelopment plans, projects and programs, as identified in the adopted CRA Plan.

Tax Increment Financing, often referred to as "TIF", is a financial method employed to target ad valorem tax revenues to an area that has been designated for redevelopment. Upon creation of a TIF district, a base year for property values within the district is established. Growth in the taxable value of property within the district over time is then applied to the current ad valorem millage rate, resulting in the tax increment revenue. This increment revenue is then deposited into a special Trust Fund account and may only be spent on redevelopment activities that are identified in the adopted redevelopment plan. The ad valorem millage from Volusia County (including General Fund, Echo, Forever, Mosquito Control and Ponce Inlet Port Authority), the City of Port Orange Operating and Halifax Hospital comprise the tax increment millage in Town Center.

The FY 2014/2015 adopted budget for the Port Orange Town Center Fund (Fund #103), anticipated \$104,893 in TIF revenue. The City's unaudited figures show actual receipt of \$106,045 from TIF, \$121,113 in grants, and \$603,247 in miscellaneous income, for total revenues of \$830,405.

FINANCIAL STATEMENT & DEBT SERVICE



The 2007 Town Center TIF Bond Issue raised \$5.6 million in capital for redevelopment activities.

The Annual Financial Statement of each CRA in the State of Florida is required to set forth the Agency's assets, liabilities, income and operating expenses as of the end of the fiscal year. This information is presented on the following page. The Community Redevelopment Agency for Port Orange Town Center operates on an October 1st - September 30th fiscal year.

In 2007, the Agency pledged its tax increment revenues to support a \$5.6 million bond issue to fund redevelopment activities in Town Center. The majority of the bond proceeds were used to fund property acquisitions in the Riverwalk Project Area. The total debt service payment for the 2007 Town Center TIF Bond for FY 2014/2015 was \$350,592. This represents a payment of \$110,000 in Principal and \$237,841 in Interest plus \$2,750 in other bond related fees.

The Town Center CRA Debt Service Schedule is available from the City's Finance Department and Redevelopment Agency Office. The 2007 Town Center TIF Bond is projected to be paid off by 2036.

FINANCIAL STATEMENT

Town Center	Port Orange Audited FY14	Port Orange Unaudited FY15
Assets:		
Equity in pooled cash	\$ 265,536	\$ 102,942
Receivables, net	\$ 17,150	\$ 138,263
Prepaid items	\$ 4,950	\$ 5,116
Total	\$ 287,636	\$ 246,321
Liabilities:		
Accounts payable and accrued liabilities	\$ 80	\$ 3,368
Customer deposits	\$ 740	\$ 740
Due to other funds	\$ 752,397	\$ 752,460
Total	\$ 753,217	\$ 756,568
Sources (Revenues):		
City TIF	\$ 31,290	\$ 39,142
County TIF	\$ 45,775	\$ 58,394
Halifax Hospital TIF	\$ 6,659	\$ 8,509
Property Tax Recovery	\$ 3,684	\$ 3,803
Transfer from Fund 001(Land Purchases)		\$ 294,500
Transfer from Fund 508(Loan Pool)	\$ 210,000	\$ 279,964
State Grant	\$ 17,150	\$ 121,113
Miscellaneous (includes transfers)	\$ 27,933	\$ 24,980
Total	\$ 342,491	\$ 830,405
Expenditures:		
Salaries and Wages	\$ 9,672	
FICA Taxes	\$ 671	
Retirement Contributions	\$ 1,269	
Health Insurance	\$ 530	
Workmans Compensation	\$ 9	
EAP Benefit	\$ 3	
Contract Services Other		
Communication Services	\$ 207	
Electrical Services	\$ 587	\$ 584
Library Impact / Utility	\$ 421	\$ 228
Commercial Policy Insurance	\$ 4,882	\$ 4,950
Taxes, Licenses, and Fees	\$ 3,684	\$ 3,803
Insurance 504	\$ 479	
Transfer to 506 Bldg. Maint. Fund	\$ 2,903	
Dues and Memberships	\$ 858	\$ 548
Land		\$ 108,575
Professional Svcs/Capital (Riverwalk Ph1A)	\$ 84,736	\$ 381,325
Interest Internal Loans	\$ 17,116	\$ 24,466
Transfer to 218 Town Center Bond	\$ 319,542	\$ 350,592
Total	\$ 447,568	\$ 875,070
Net change in fund balance	\$ (105,076)	\$ (44,665)
Fund balance - Beginning	\$ (360,505)	\$ (465,581)
Fund Balance - Ending	\$ (465,581)	\$ (510,247)

COMMUNITY REDEVELOPMENT AGENCY FOR PORT ORANGE TOWN CENTER

AGENCY BOARD

Mayor Allen Green, Chairman
Vice-Mayor Drew Bastian, Vice Chair
Council Member Donald O. Burnette
Council Member Bob Ford
Council Member Scott Stiltner
Ben Talluto
Vacant

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

Phone: 386-506-5671
Fax: 386-506-5699
e-mail: pcruz@port-orange.org

We're on the web!
www.port-orange.org

Staff support provided by:

M.H. Johansson, City Manager

Margaret Roberts, City Attorney

Tracey Riehm, Finance Director

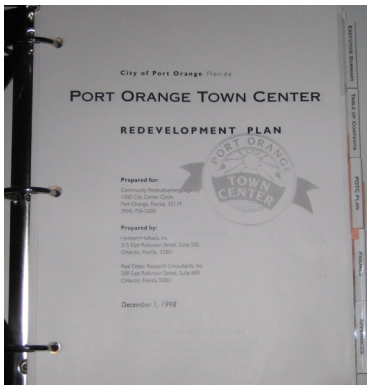
Nadia Todor, Accountant II

Wayne Clark, Community Development Director

Penelope Cruz, Principal Planner

This Annual Report has been prepared in compliance with the requirements of Chapter 163.356(3)(c), Florida Statutes. The notice of the availability of this report has been published in the Daytona Beach News Journal. Additionally, the governing body of each special district is required under Chapter 163.387(8) to annually provide an independent financial audit of its trust fund to each taxing authority that pays into the trust fund. This audit of the Agency's assets, liabilities, income and expenses, as required under Chapter 163.356(3)(3) is included with the City's Comprehensive Annual Financial Report

REDEVELOPMENT PLAN & REDEVELOPMENT TRUST FUND PARTNERS



The Port Orange Town Center Redevelopment Plan is available for review on the City's web-site.

Redevelopment plans, projects and programs are made possible through tax increment financing. The County of Volusia and Halifax Health, along

with the City of Port Orange, contribute to the Port Orange Town Center Redevelopment Tax Increment Trust Fund. All revenue derived from tax increment financing is deposited into the Trust Fund. All expenditures of TIF revenues must be consistent with the plans, projects and programs outlined in the adopted Community Redevelopment Plan for Port Orange Town Center.

The Town Center Redevelopment Plan was originally adopted in 1998. Amendments to the Plan were adopted in 2007 and 2014 to facilitate redevelopment in the Riverwalk Project area.

The Redevelopment Plan will continue to be used to guide redevelopment activities throughout the entire Town Center Community Redevelopment Area until the sunset of the CRA in 2036.



HALIFAX HEALTH



COMMUNITY REDEVELOPMENT AGENCY FOR PORT ORANGE TOWN CENTER

REQUESTED AGENCY MEETING DATE: 03/15/2016

Consent Item: No

SUBJECT: Second Amendment to the Riverwalk Marina & Riverboat Master Development Agreement

DEPARTMENT: Community Development

RECOMMENDED MOTION: To find the proposed Second Amendment to the Riverwalk Marina and Riverboat Master Development Agreement (MDA) consistent with *A Plan for Town Center*, as approved by the Community Redevelopment Agency (CRA) and adopted by the City Council, inclusive of all amendments to date.

SUMMARY: At its February 25, 2014 meeting, the CRA found the First Amendment to the Riverwalk Marina and Riverboat MDA and CDP consistent with *A Plan for Town Center*.

The applicant is requesting approval of the Second Amendment to the Riverwalk Marina and Riverboat Master Development Agreement (MDA) to 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 Conceptual Development Plan (CDP). The extension would move the expiration date from April 2016 to January 2018.

According to the applicant, the additional twenty months will allow the developer to process plans for the proposed restaurant and residential condominium project in the same area that would require many 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. 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.

ATTACHMENTS:

1.	Second Amendment to the Riverwalk Marina & Riverboat Master Development Agreement	Second Amendment to the Riverwalk .pdf
2.	Staff Report	Staff Report.pdf

Schmotzer, Melanie
Clark, Wayne
Roberts, Margaret
Johansson, M. Jake

Created/Initiated - 03/03/2016
Approved - 03/03/2016
Approved - 03/09/2016
Final Approval - 03/09/2016

AGENCY ACTION: New
CONTINUATION DATE:

Follow up letter/action needed by: Department-**No**, Clerk's Office-**No**, or N/A-**No**

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 further 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 further 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 further 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. Paragraph 8 of the First Amendment to Riverwalk Marina and Riverboat Master Development Agreement is hereby amended to read as follows:

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:

**CITY OF PORT ORANGE, FLORIDA,
a chartered municipal corporation**

Signature

By: _____
Allen Green, Mayor

Printed Name

Signature

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

Printed Name:

Date: _____, 2016

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Allen Green as Mayor, of the **City of Port Orange, Florida**, a chartered municipal corporation, on behalf of the city. They are personally known to me.

Notary Public, State of Florida at Large
My Commission expires:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Robin Fenwick as City Clerk, of the **City of Port Orange, Florida**, a chartered municipal corporation, on behalf of the city. They are personally known to me.

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:



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.
LOCATION:	East side of Halifax Drive, north of Dunlawton Avenue
STAFF CONTACT:	Tim Burman, Planning Manager (386) 506-5675
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION RECOMMENDATION:	Approval
TOWN CENTER CRA DATE:	March 15, 2016
CITY COUNCIL DATE:	March 15, 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 twenty 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" – See Ordinance No. 2016-3 for 2nd Amendment to the Riverwalk Marina & Riverboat Master Development Agreement .



COMMUNITY REDEVELOPMENT AGENCY FOR PORT ORANGE TOWN CENTER

REQUESTED AGENCY MEETING DATE: 03/15/2016

Consent Item: No

SUBJECT: CRA Authorization to Apply for Riverwalk Development Applications

DEPARTMENT: Community Development

RECOMMENDED MOTION: Move to authorize the City Manager to sign the development applications for the Riverwalk project on behalf of the Port Orange Town Center Community Redevelopment Agency as an owner of one of the parcels included within the proposed Riverwalk project boundary.

SUMMARY: Development applications (Master Development Agreement/Conceptual Development Plan Amendment, Replat, and Site Plan) have been submitted by the developer of the proposed Riverwalk project. The applications under review include plans for the development of two residential condominium buildings, a restaurant on the "point," a 58-slip marina, linear park with a 20' wide path, a multi-purpose Dockmaster building, off-site signage along Dunlawton Avenue and Ridgewood Avenue, and site improvements (stormwater, utilities, landscape, on-site signage, parking, etc.).

The developer's applications for the proposed Riverwalk project include the Cardwell Funeral Home property (3751 Ridgewood Avenue) owned by the Port Orange Town Center (POTC) Community Redevelopment Agency (CRA) (see Exhibit A). According to the Land Development Code (LDC), all property owners within the boundary of a project are required to sign the development applications. The developer of the Riverwalk project requests the CRA authorize the City Manager to sign the development applications on behalf of the CRA as an owner of one of the parcels included within the project boundary.

The authorization to sign the applications does not obligate the CRA to find these applications consistent with the CRA Plan. Staff anticipates that development applications will be considered at the March 24 Planning Commission Meeting and be considered by the CRA and City Council in May.

ATTACHMENTS:

1.	Exhibit A	Exhibit A - Location Map - POTC CRA Authorization to Apply for Development Applications.pdf
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Cruz, Penelope
Clark, Wayne

Created/Initiated - 03/08/2016
Approved - 03/08/2016

Johansson, M. Jake

Final Approval - 03/08/2016

AGENCY ACTION: New
CONTINUATION DATE:

Follow up letter/action needed by: Department-No, Clerk's Office-No, or N/A-No

