



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, March 24, 2016

Time: 5:30 PM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. DISCUSSION/ACTION

4. Consideration of Minutes
 - Memorandum of Voting Conflict for Lance Green must be read publicly
5. Case No. 16-90000001
VARIANCE/868 MILLERS WAY

A variance from Chapter 16, Section 3(b)(2)(b) of the Land Development Code (LDC) to allow a 6-foot tall privacy fence to be set back 5 feet from the Boggs Ford Road right-of-way in lieu of the required 30-foot setback.

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

6. Case No. 16-40000002
FIRST AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT
MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT
PLAN
South of Spruce Creek, east and west of I-95, west and north of Williamson
Boulevard

A request to amend the Woodhaven Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to remove language from the MDA that required the construction of Martin Road and remove Martin Road from the CDP.

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

C. OTHER BUSINESS

7. Development Activity Report
8. Commissioner Comments
9. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

PLANNING COMMISSION MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
COUNCIL CHAMBERS
FEBRUARY 25, 2016

THE REGULAR MEETING OF THE PLANNING COMMISSION of the City of Port Orange was called to order by Chairman Sonya Laney at 5:30 p.m.

Pledge of Allegiance

Silent Prayer

ROLL CALL:

Present:

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

Absent:

Thomas Jordan

Also Present:

Matthew Jones, Assistant City Attorney
Robin Fenwick, City Clerk

DISCUSSION/ACTION

4. Consideration of Minutes – January 28, 2016

Motion to approve the minutes of January 28, 2016 was made by Commissioner Arminio and Seconded by Commissioner Crooks. Motion carried unanimously by roll call vote.

5. Case No. 15-65000001

REZONING WITH MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN/SERENITY HILLS PUD

East side of Hensel Road, between East Hensel Hill Drive and Hills Boulevard

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

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

Chair Laney asked all to be civil and respectful.

Mr. Burman advised that a revised plan was presented to Staff by the applicant.

Glenn Storch, attorney for developer, provided details of the revised plan and advised that the property will be developed one way or another. The developer will agree to a non-gated subdivision. They have decreased to 95 lots. This is their best and final project plan. They have met or exceeded all City Codes. Mr. Storch encouraged the Commission to recommend approval.

Commissioner White has met with the attorney and several property owners in the area. He asked for details on the walking trails. Clay Ervin, Zev Cohen & Associates, advised that it will be a stabilized shell walkway, similar to those being built in parks in New Smyrna Beach. It will have a border to keep it together and neat. Commissioner Arminio is against it being a gated subdivision. Commissioner Crooks doesn't have an opinion on the gates for the subdivision. Vice Chair Junco supported the revised plan. Commissioner Green asked for confirmation regarding the gates. Mr. Storch advised that all four entrances into the neighborhood would be gated. All entrances will have emergency access. Roads were discussed briefly. Commissioner Green is concerned with the idea of kayaking and canoeing in the lake. Chair Laney is concerned with having gates. She is also concerned with roots growing through sidewalks. She would like to minimize the expense to the City.

Dennis Bayer, attorney for Stop Serenity Hills, expressed his concerns regarding Mr. Storch's disclosure of their negotiations. They do not have an issue with PUD under the right conditions.

Citizens spoke in opposition of the development, specifically regarding traffic issues, compatibility with the other neighborhoods in the area, and values.

Commissioners thanked citizens for being involved and appreciate the developer's rights to develop their property. Chair Laney asked for more one acre lots and would like to see the sidewalk maintenance remain with the homeowner's association rather than burden taxpayers with it. Mr. Storch agreed to provide more one acre lots and retain ownership of the sidewalks with the homeowner's association. The documents will be changed to reflect same.

Motion to approve the revised Serenity Hills MDA and CDP without the gates, with the homeowner's association

retaining ownership of the sidewalks,
and to include more one-acre lots was
made by Vice Chair Junco, and
Seconded by Commissioner Franks.
Motion carried 4-2 with Commissioners
Green and Arminio voting no.

The Commissioners took a five minute recess.

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

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

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

Gwen Perney, Planner, provided details of the variance request. Staff recommended approval.

Commissioner Green advised of a conflict and will abstain from voting.

Motion to approve was made by
Commissioner Crooks and Seconded by
Commissioner Arminio. Motion carried
unanimously by roll call vote with
Commissioner Green abstaining.

7. Case No. 16-40000001, SECOND AMENDMENT TO THE RIVERWALK
MARINA AND RIVERBOAT MASTER DEVELOPMENT AGREEMENT

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

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

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

Tim Burman, Planner, advised of details of the request. Staff recommended approval.

Jeff Brock, Attorney for applicant, asked for approval of the Second Amendment to the MDA.

Tom Menocal, citizen, addressed the Commission regarding the pending property swap with the City.

Motion to approve was made by
Commissioner Arminio, and Seconded
by Vice Chair Junco. Motion carried
unanimously by roll call vote.

OTHER BUSINESS

9. Development Activity Report

Commissioner Green asked for the status of the strip center at Nova and Spruce Creek. Mr. Burman said landscaping and parking lot resurfacing. There is no plan for the building. Commissioner Green asked about the building at Madeline and Williamson. Mr. Burman said there has been no activity on the building. Commissioner Green asked for an update on the Waffle House. Mr. Burman said plans are currently under review.

Vice Chair Junco asked if the plans have been submitted for the Port Hole. Mr. Burman said yes, the site plan has been submitted and easement issues are being worked out.

Commissioner Crooks asked for the status of Atlantic Marine. Mr. Burman said a pre-construction meeting was held recently. The building permit was received and is under review.

Chair Laney asked if anything can be done for safety at Riverside Drive and Niver Road. Mr. Burman will provide the information to the appropriate department.

Commissioner Arminio asked about the powder coating company. Mr. Burman said they backed out. Commissioner Arminio asked if there was any movement on the Penna Court Motel property. Mr. Burman said the City owns it and he is unaware of any movement to sell it. The property cannot be a motel any longer.

Commissioner White asked if the report can be in a more prominent place on the website. He voiced a concern regarding the LED lights in the City. Mr. Burman will check the lights.

Commissioner Green is concerned with businesses pushing the limits with the signage codes when they use film on the entire inside of their windows. Mr. Burman said there is a code that addresses it and will be working with code officers to work with the property owners to resolve it.

10. Commissioner Comments

There were none.

11. Staff Comments

There were none.

PUBLIC COMMENTS: There were none.

ADJOURNMENT: 7:45 p.m.

Chairman Sonya Laney

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME GREEN LANCE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING COMMISSION
MAILING ADDRESS 6469 LONGLAKE DRIVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY PORT ORANGE	COUNTY VOLUSIA
DATE ON WHICH VOTE OCCURRED FEBRUARY 25, 2016	NAME OF POLITICAL SUBDIVISION: CITY OF PORT ORANGE
MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, LANCE GREEN, hereby disclose that on FEBRUARY 25, 20 16 :

(a) A measure came or will come before my agency which (check one or more)

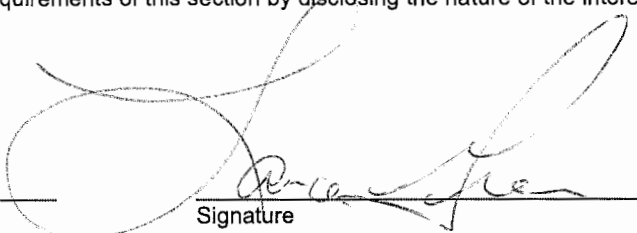
- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Received recent campaign contribution from the applicant.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

March 9, 2016
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



STAFF REPORT

VARIANCE FROM LDC CHAPTER 16, SECTION 3(b)(2)(b)
CASE NO. 16-90000001

REQUEST: Variance from the Land Development Code (LDC) to reduce the setback from a right-of-way for a 6-foot tall privacy fence from 30 feet to 5 feet.

LOCATION: 868 Millers Way

**PROPERTY OWNER/
APPLICANT:** Rollin A. Tobie

STAFF RECOMMENDATION: APPROVAL

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

PLANNING COMMISSION DATE: March 24, 2016

BACKGROUND/DISCUSSION:

The applicant is requesting the variance to allow a fence constructed in the fall of 2015 on the subject property to remain in its current location. The fence was constructed without a building permit. On December 3, 2015, Code Enforcement notified the property owner that a building permit for the fence was required. In December 2015, the applicant met with staff to review the necessary building permit application and staff identified that the 6-foot tall fence did not meet the required 30-foot setback from the Boggs Ford Road right-of-way.

The fence application has been reviewed by staff and meets all other code requirements. The applicant is requesting approval of the variance to reduce the 30-foot setback requirement from the right-of-way to a 5-foot setback and to allow the constructed 6-foot fence to remain.

The applicant's lot is located at the corner of Boggs Ford Road and Millers Way (Figure 1). According to the Land Development Code, any portion of a lot that abuts a right-of-way is considered a front yard and a 6-foot tall fence is to be located beyond the front yard setback line. The setback requirement for a 6-foot fence is intended to provide the homes adjacent to a corner lot with adequate sight lines of the right-of-way from their home. The Land Development Code does allow a 4-foot tall fence within the front yard setback because adequate sight lines of the right-of-way can still be met. The 6-foot tall fence the applicant had installed is located approximately 5 feet from the Boggs Ford Road right-of-way and would have to be approximately 30 feet from the right-of-way to meet code requirements.

Figure 1. Property location



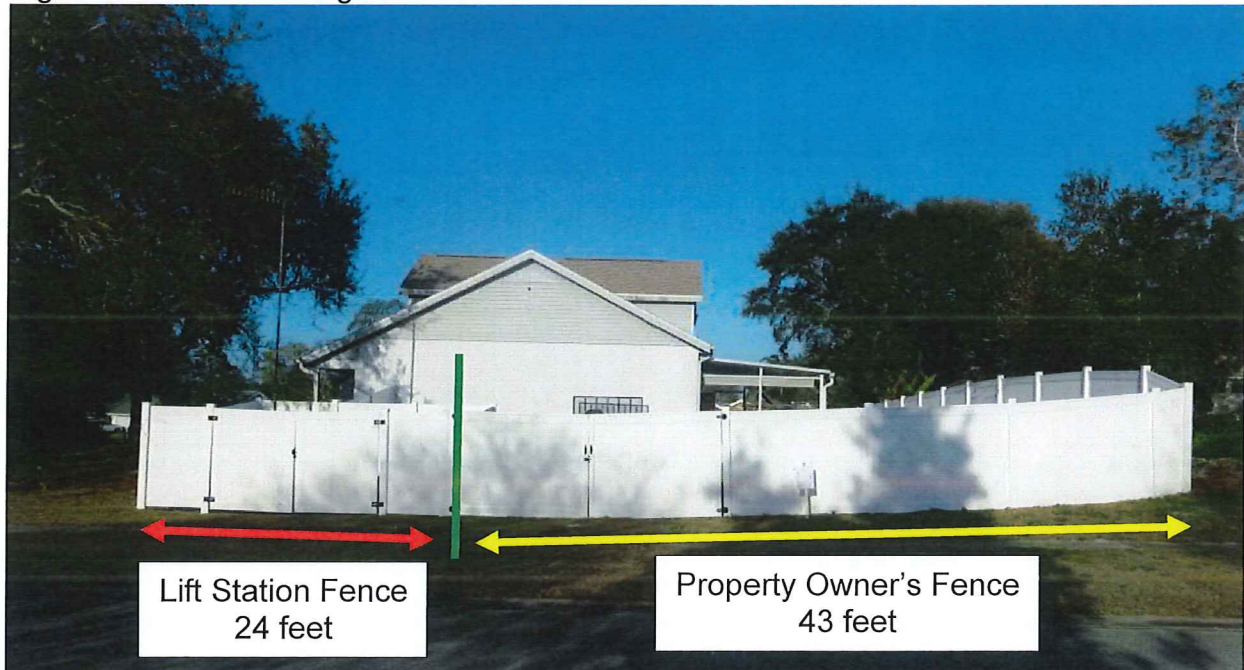
At the front corner of the applicant's lot, there is a small parcel of land owned by the City of Port Orange that is the location of a utility lift station (Figure 2). The 6-foot fence installed by the City around the lift station is allowed, according to the City screening standard for lift stations, and is located outside the 25-foot visual clearance angle measured at the intersection of Boggs Ford Road and Millers Way. According to Public Utilities Department staff, there are only a few locations in the City where a lift station parcel is located in the front yard of a residential lot. The lift station parcel is a 25' X 30' lot platted on the Skylake subdivision plat. The subdivision plat was recorded in 1987.

Figure 2. Lift station and previous 4-foot fence (2014)



Prior to submitting the variance application, the applicant appeared before the City Council on March 1 and had the variance application fee and building permit penalty fees waived for installing the fence without a permit. At the meeting, the applicant indicated that the 6-foot fence was installed to match the 6-foot fence installed around the City's lift station property and to provide additional screening of his rear yard from the traffic on Boggs Ford Road. Although the Council did not formally hear a variance case, the members discussed the location of the fence and the justifications for the variance due to the location of the lift station fence. They also discussed how the continuous 6-foot fence improved the appearance of the area.

Figure 3. New fence aligned with the lift station fence.



REVIEW OF VARIANCE CRITERIA:

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

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

There is a special circumstance that exists on the subject property. At the front corner of the applicant's lot, there is a small parcel of land owned by the City of Port Orange that is the location of a utility lift station enclosed with a 6-foot tall PVC fence. According to Public Utilities Department Staff, there are only a few locations in the City where a lift station parcel is located in the front yard of a residential lot.

The intent of the 30-foot setback requirement for a residential 6-foot fence in a front yard is to ensure fences that abutted residential streets in residential subdivisions with a narrow right-of-way width are set back off the right-of-way line to provide adequate visual sight lines of the rights-of-way from their home. In this case, there appears to be sufficient space between the existing 6-foot fence and the Boggs Ford Road right-of-way line for adequate visual clearance for vehicles and pedestrians traveling along Boggs Ford Road. In addition, the 6-foot fence installed around the lift station is allowed, according to the City screening standard for lift stations, and is located outside the 25-foot visual clearance triangle measured at the intersection of Boggs Ford Road and Millers Way.

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

The special circumstances associated with the property is not a result of actions by the applicant. The lift station parcel was created as part of the subdivision in 1987.

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

The City requires a 6-foot fence to be installed around a lift station to secure and screen the equipment. According to Public Utilities Department Staff, there are only a few locations in the City where a lift station parcel is located in the front yard of a residential lot. The enclosed lift station takes up ± 400 square feet of the applicant's side yard, denying him the use of that area.

The applicant stated he installed a 6-foot fence on his property to create a uniform fence line along Boggs Ford Road. The applicant also stated he wanted to enclose his yard to match the lift station fence for aesthetics. Other properties with a side corner setback along a local street, would not have an inconsistent fence height with installing a 4-foot tall fence alongside a 6-foot tall lift station enclosure.

Figure 4. View of the fence from Boggs Ford Road



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

The variance is not necessary to make reasonable use of the property because a fence can be installed on the subject property. While the 30 foot setback for a 6-foot tall fence does reduce the size of the side/rear yard, the requested 5-foot setback is not the minimum variance necessary to make reasonable use of the applicant's property.

In this case, the applicant does not prefer to relocate the fence or modify the appearance of the fence to comply with code requirement. The applicant chose to request the variance to allow the new fence to remain in the current location 5-feet from the Boggs Ford Road right-of-way. The applicant also stated that the 6-foot tall fence is necessary for his family's needs for privacy and security for his children and dog.

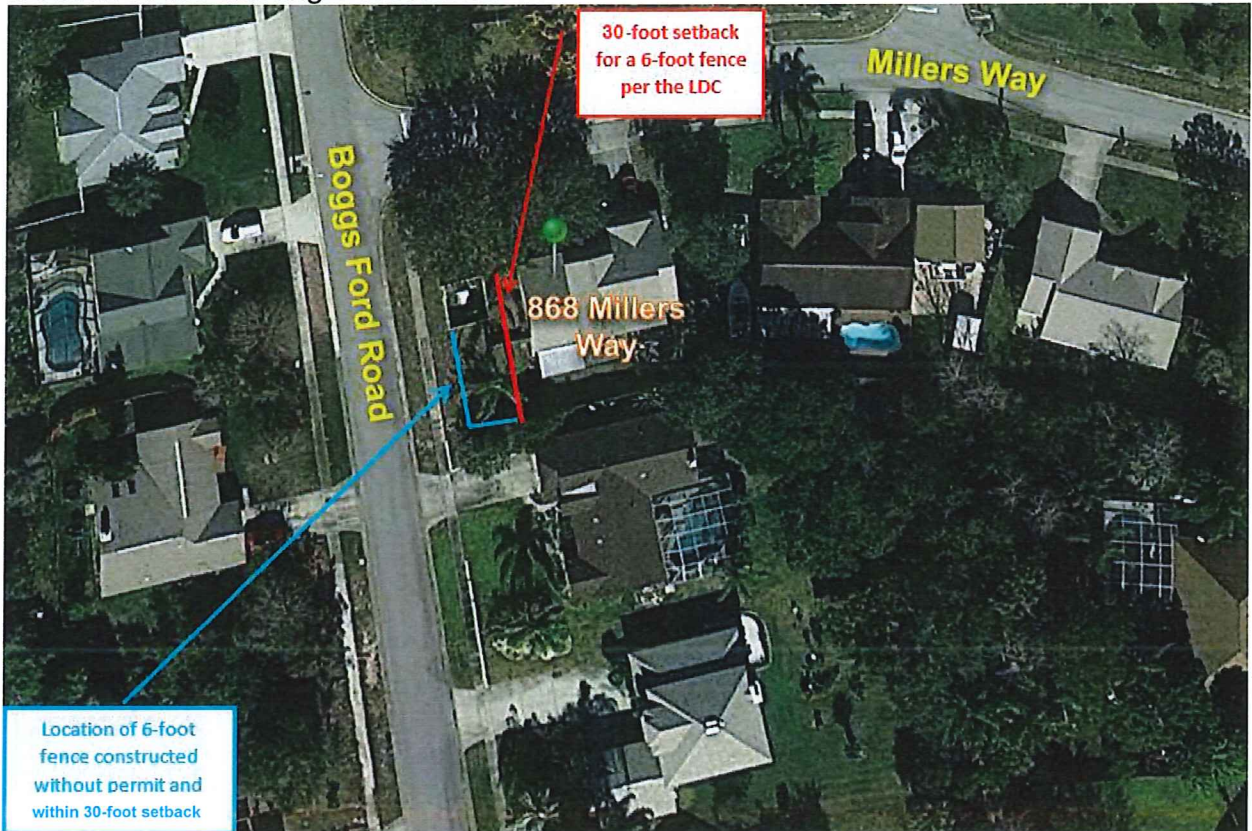
Meeting the setback requirement would require the 6-foot fence to be moved and reconstructed 30-feet from the Boggs Ford Road right-of-way or for the height of the fence to be reduced from 6-feet to 4-feet. According to the applicant, based on the type of fence (PVC), reducing the height of the existing fence would not be an option.

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

Due to the platting of a parcel for a lift station and the City's screening standards for a lift station that require a 6-foot opaque fence parcel around the lift station, granting of the setback variance for the 6-foot tall fence will not confer upon the applicant special privileges denied to other properties in this zoning district. As mentioned above, there are only a few locations in the City where a lift station parcel is located in the front yard of a residential lot.

According to the applicant, he installed the 6-foot tall fence to match the fence installed by the City around the lift station and so that the fence line along Boggs Ford Road would be a consistent 6-foot fence to create a uniform fence line. If the fence was installed according to the LDC, the fence line along Boggs Ford Road would consist of sections of 4-foot and 6-foot fencing.

Figure 5. Red line indicates where 6-foot fence is allowed. Blue line indicates location of the existing 6-foot fence



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

The location of the fence does meet the LDC's ten (10) foot visual clearance triangle requirement for the intersection of Boggs Ford Road and a residential driveway. The ten foot visual triangle is derived by measuring ten feet along the right-of-way and residential driveway that form the intersection then connecting the two measured points. All fences, walls, shrubs, trees, signs or other obstructions are to be located behind the measured triangle. If the variance is approved, the fence is not anticipated to impact visual clearance for vehicles and pedestrians along Boggs Ford Road or the property adjacent to the applicant's property.

There is approximately 15 feet of distance from the pavement edge of the Boggs Ford Road travel lanes to the right-of-way line. The LDC does not provide any mechanism for the 5-foot setback for a 6-foot tall fence from a right-of-way line requirement to be waived based on the fence being located outside the visual clearance triangle.

Figure 6. View of fence facing south on Boggs Ford Rd. showing visual clearance



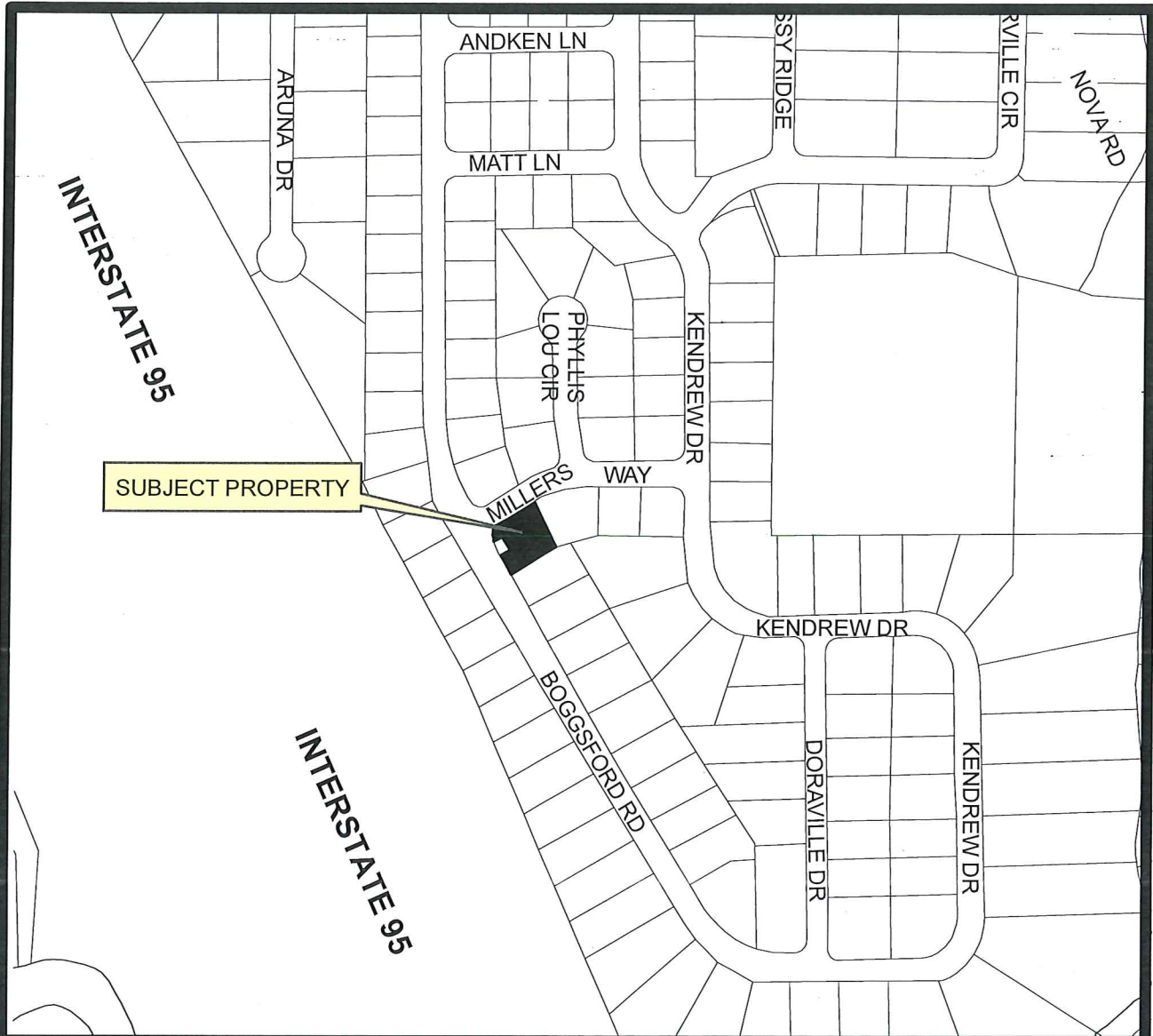
Moving the fence 30 feet in from the right-of-way line or requiring a 4-foot tall fence would create a non-uniform fence line along Boggs Ford Road. If the variance is approved, the fence would remain in line with the other fence installed around the City's lift station along Boggs Ford Road.

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

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

RECOMMENDATION:

Staff recommends approval of the variance request to allow a 6-foot tall fence to remain with a 5-foot side yard setback in lieu of the 30-foot setback required by code.



Case No.: 16-90000001

Applicant/ Owner: Rollin A. Tobie

Location: 868 Millers Way

Requested Action:

Variance to reduce the front yard setback of a 6-foot tall privacy fence from 30 feet to 5 feet



LOCATION MAP
CITY OF PORT ORANGE
 DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

1st Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan
CASE NO. 16-40000002

REQUEST:	To approve the 1 st Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan
OWNER:	CC Woodhaven, LLC; Pioneer Investments of Port Orange, Inc.; and Pioneer Community Development District
APPLICANT:	M David Haas, ICI Homes
STAFF CONTACT:	Penelope Cruz, Principal Planner (386)506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	March 24, 2016

INTRODUCTION

The proposed 1st Amendment to the Woodhaven Planned Unit Development (PUD) would remove references to Martin Road as a through or collector road within the Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The current MDA and CDP show Martin Road as a 2-lane collector road intersecting Williamson Boulevard north of the Pinnacle subdivision and south of the Ashton Point Apartments, traversing through the Woodhaven PUD (see Figure 1).

The subject MDA and CDP amendment is consistent with the proposed 16-1 Comprehensive Plan Amendment regarding Martin Road. The City Council approved the transmittal of the subject Comprehensive Plan amendments to the Department of Economic Opportunity (DEO) and other review agencies, per Resolution No. 16-5, at a public hearing held on January 15, 2016, as recommended by the Planning Commission. The State and local review agencies have completed their review with no objections, and the proposed amendment has been certified consistent through the Volusia Growth Management Commission (VGMC).

Figure 1 – Current and Proposed CDP

----- Martin Road



Recently, the developer of the Woodhaven PUD began planning the northern residential area and is requesting to replace Martin Road with a local residential street. The developer is concerned with the potential of through traffic that could use Martin Road to bypass the Airport Road/Williamson Boulevard intersection and have a negative impact on the northern neighborhood area. The removal of Martin Road as a collector road would keep through traffic on Williamson Boulevard and only allow residential traffic within the northern residential area. According to the developer, if the amendment is approved, the northern residential area will have its main access point south of the Ashton Point Apartments but will not have any direct connection to Williamson Boulevard north of the Pinnacle subdivision.

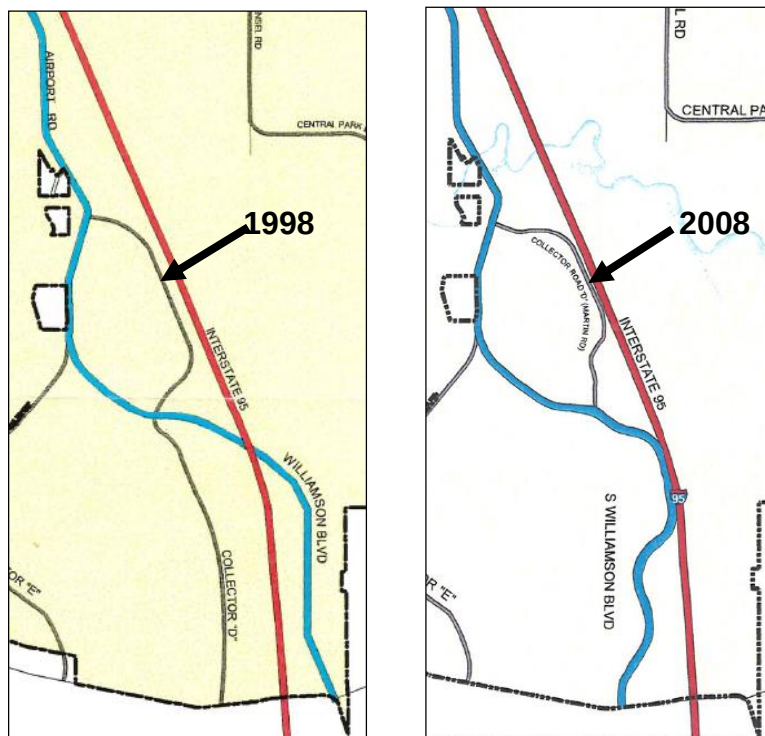
CASE BACKGROUND

In the City's 1998 Comprehensive Plan, Martin Road or Collector "D" was initially planned as a collector road that ran parallel along the west of I-95 to the intersection

with Pioneer Trail, and Williamson Boulevard was planned as an arterial road that would cross I-95 just southeast of the current terminus, with an interchange planned at that point, then continue east through what is now the Doris Leeper Spruce Creek Preserve, and finally bend south towards the intersection with Pioneer Trail.

In 2003, the Volusia County Council re-aligned Williamson Boulevard to its current location, lying west of I-95, to protect the lower Spruce Creek area east of I-95. In 2008, the City's Comprehensive Plan was amended to reflect the new alignment of Williamson Boulevard and the modified alignment of Martin Road. With Williamson Boulevard lying west of I-95, it was determined not necessary for Martin Road to also extend to Pioneer Trail.

Figure 2. Excerpt of Comprehensive Plan, Transportation Element, Future Functional Classification Map (1998, 2008)



In 2010, the City amended the Comprehensive Plan to prohibit new single-family, duplex or triplex lots from having direct driveway access to an arterial or collector roadway. The Woodhaven PUD was amended in 2013 to bring the PUD into compliance with the Comprehensive Plan and the various changes that occurred with the planned roadway network since the original adoption of the PUD in 1997. The 2013 Woodhaven PUD amendment recognized Martin Road as a collector road. The PUD amendment was approved with a provision that allows half of the Martin Road frontage to contain direct driveway access to single-family residential lots and traffic calming measures.

PROPOSED AMENDMENT

The proposed amendment would remove the requirement for the developer of the Woodhaven project to construct Martin Road and amend the CDP to show the northern residential area with the same main access point south of the Ashton Point Apartments but with a local road that ends in a cul-de-sac and no connection to Williamson Boulevard north of the Pinnacle subdivision.

DISCUSSION

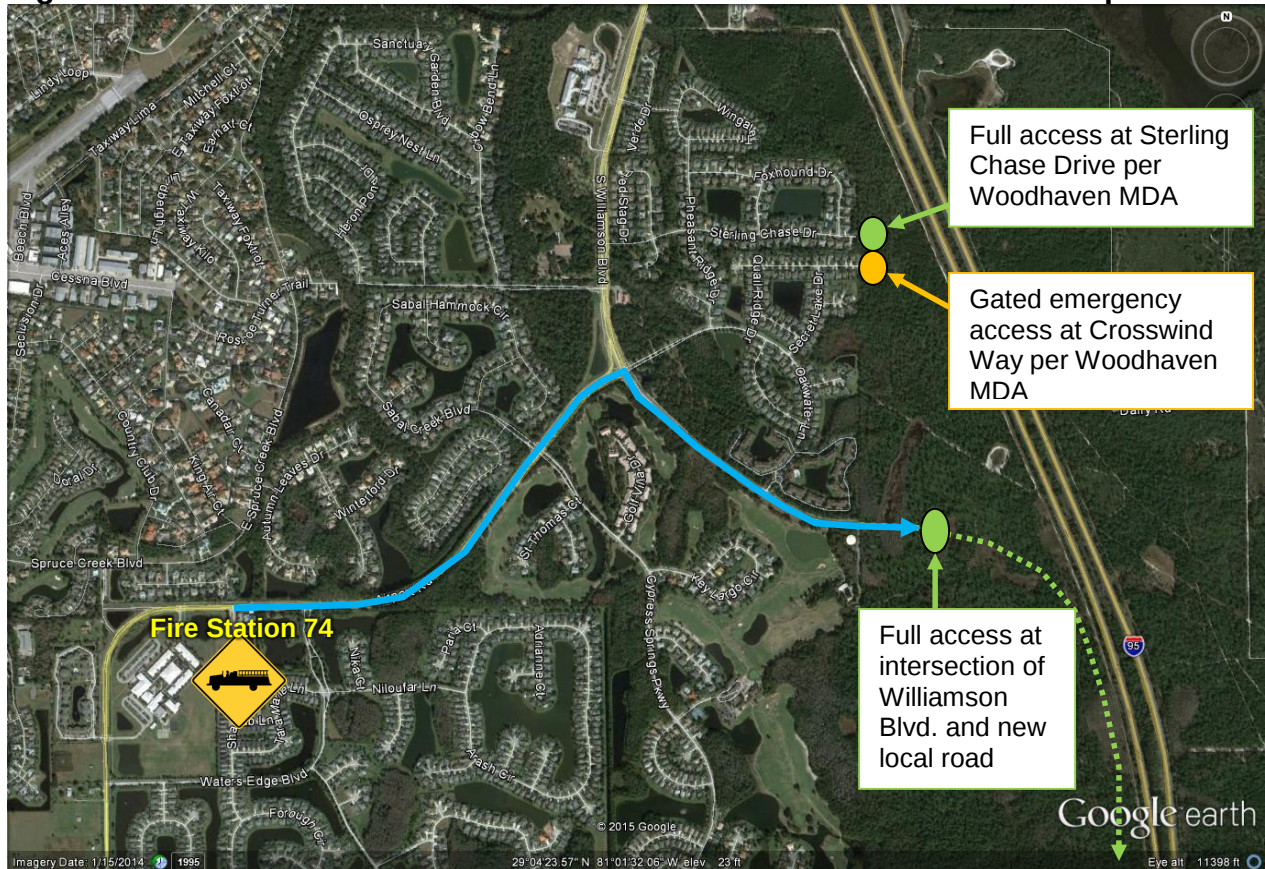
Initial plans had residential streets with single-family lots feeding into Martin Road, similar to Village Trail and Swallow Tail. However, in 2013, the Woodhaven PUD was amended to allow residential driveways to have direct driveway access along half of the frontage of Martin Road along with appropriate traffic calming measures. According to the applicant, the combination of these design elements for Martin Road result in it functioning more like a local residential street and not a collector road as originally planned in the late 1990's.

The applicant's transportation consultant, Lassiter Transportation Group (LTG), has assessed the impact on the surrounding roadway network if Martin Road was not constructed as currently planned. According to LTG, all vehicles that would travel on Martin Road have been accounted for and already included in the traffic volume projections for the northern and southern segments of Williamson Boulevard. In addition, the removal of Martin Road does not reduce the roadway capacity for Williamson Boulevard.

Transportation Planning staff has reviewed the proposal and does not anticipate that removing Martin Road and allowing the northern residential area of the Woodhaven development to be developed with a local road, would create a significant operational impact to the road network.

Both the Fire and Police departments reviewed the proposed amendment and do not anticipate any negative impacts on providing services to the northern residential area with the removal of Martin Road. If the proposed amendment is approved, emergency services would be able to access the northern residential area at the access point off Williamson Boulevard, south of Ashton Point Apartments, the connection at Sterling Chase Drive, and through a future emergency access gate located within the Ashton Lake Subdivision at Crosswind Way. LTG also evaluated the removal of Martin Road on emergency services and concluded no negative impacts are anticipated.

Figure 3. Access to Northern Residential Area of the Woodhaven Development



RECOMMENDATION

Staff recommends approval of the First Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan.

ATTACHMENTS

Exhibit A – First Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan

**FIRST AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT
MASTER DEVELOPMENT AGREEMENT**

This Agreement, is entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, FL 32129 (hereinafter the “City”) and CC WOODHAVEN, LLC, PIONEER INVESTMENTS OF PORT ORANGE, INC, and PIONEER COMMUNITY DEVELOPMENT DISTRICT (the “Owners”) and INTERVEST CONSTRUCTION, INC. (the “Developer”) whose address is 2379 Beville Road, Daytona Beach, FL 32119, shall constitute the first amendment to the Woodhaven Planned Unit Development (PUD) Master Development Agreement (MDA) hereinafter referred to the First Amendment.

WHEREAS, the City and Stanaki Partnership, a Florida general partnership (the “Prior Owner”) entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled “Stanaki Planned Unit Development Master Development Agreement”, recorded in Official Records Book 4213, Page 1610, Public Records of Volusia County, Florida (the “Original MDA”); and

WHEREAS, the City and Prior Owner entered into the “First Amendment to the Stanaki Planned Unit Development Master Development Agreement” (the “Amended MDA”), recorded in Official Records Books 4794, Page 4301, Public Records of Volusia County, Florida; and

WHEREAS, the City, the Owners and Intervest Construction, Inc., entered into the “Second Amendment and Restatement to the Stanaki Planned Unit Development Master Development Agreement and Conceptual Plan” (the “Second Amended MDA”), recorded in Official Records Books 6939, Page 1453, Public Records of Volusia County, Florida; and

WHEREAS, the property subject to this First Amendment remains unchanged from that of Woodhaven MDA recorded in Official Records Book 6939, Page 1453, Public Records of Volusia County, Florida, and consists of approximately 983 +/- acres of real property located within the municipal limits of the City of Port Orange, Florida, a description of which is attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, in 2016 the City’s Comprehensive Plan, Transportation Mobility Element, Policy 3.2.5, Tables 1 and 3, and Figures 2-2, 2-42 2-8, and 2-10, was amended to remove Martin Road as a planned collector road; and

WHEREAS, the City, the Owners and the Developer agree to amend the Woodhaven MDA Agreement by this First Amendment to reflect the Comprehensive Plan amendment and remove references to Martin Road as a through road or collector road within the Woodhaven Master Development Agreement and the Conceptual Development Plan.

NOW THEREFORE, the parties hereby agree as follows:

1. This First Amendment complies with the City’s Comprehensive Plan.
2. Woodhaven MDA, Section 5: This section shall be amended by deleting paragraph C regarding the construction of Martin Road.
3. Woodhaven MDA, Exhibit B, Section H, Roadways: The first paragraph of this section shall be amended as follows to remove the reference to Martin Road:

Roadways

The Owners shall provide safe and effective traffic circulation access from Woodhaven to existing adjacent roadways as generally depicted on Exhibit “C”. The road locations are conceptual and subject to change on Site Development Plans in accordance with the Land Development Code and the Comprehensive Plan. The extension of South Williamson Boulevard and ~~Martin Road~~ shall be a public roadways. All other roadways in Woodhaven may be public or private. All streets shall be designed and constructed in accordance with the standards in the Land Development Code, except as specifically provided in this Agreement. Roadway and pedestrian connections to the adjacent Sterling Chase and Ashton Lakes subdivisions shall be made at the existing stub-outs on Sterling Chase Drive and Crosswind Way. The roadway connection to Crosswind Way will contain an emergency unobstructed access gate to only allow emergency vehicle access. The emergency unobstructed access gate may be removed from this connection if both communities desire to do so by securing approval of a modification to this Agreement.

4. MDA Agreement, Exhibit B, Section H, Roadways, Table 4 Public Roadway Infrastructure Improvements by Owners: The subject table shall be amended to delete the last row regarding Martin Road as follows:

Table 4 Public Roadway Infrastructure Improvements by Owner	
Roadway Facility (Permitting Authority)	Description
South Williamson Boulevard (Volusia County)	4-lane, divided extension from its current terminus, 0.60 miles south of the intersection of Airport Road and Williamson Boulevard, through the Woodhaven PUD to Pioneer Trail west of I-95
Pioneer Trail (Volusia County)	Transportation improvements centered at, but not limited to, the intersection with Williamson Boulevard to accommodate turning vehicles accessing the Woodhaven PUD
Martin Road (City of Port Orange)	New 2-lane extension (60' right-of-way) from the connection point to the Pinnacle PUD, through Residential Pod B, terminating at the extension of South Williamson Boulevard that separates Residential Pod B and Residential Pod C

5. Woodhaven MDA, Exhibit C, Sheet 2: The Woodhaven Conceptual Development Plan is attached hereto and incorporated herein as Exhibit "B, amended to remove the depiction of Martin Road as a through road, but rather terminating within Residential Pod B.
6. Conformance With Laws: The Owners agrees that in developing the Woodhaven PUD Property the Owners or the Owners' successors in interest shall be required:
 - a. To develop the Woodhaven PUD Property according to all regulations of the City to the extent those regulations are not inconsistent with this Agreement.
 - b. To be bound by all City codes and ordinances that are not in conflict with the provision of this Agreement.
7. Enforceability: If any provision of this Amendment is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity or enforceability of any other provision of this Amendment unless the holding so states.
8. Prior Agreements: The Second Amendment and Restatement to the Stanaki Planned Unit Development Master Development Agreement and Conceptual Plan (restated as the "Woodhaven planned Unit Development Master Development Agreement") recorded in Official Records Book 6939, Page 1453, shall continue in full force and effect except with respect to those matters specifically amended by this First Amendment. With respect to those matters specifically amended, this First Amendment shall govern.
9. Police Power: Nothing contained in this Amendment shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules and regulations. Further, nothing contained in this Amendment shall be construed as a waiver of the attempted waiver by the City of its sovereign immunity under the constitution and laws of the State of Florida.
10. Effective Date and Expiration.
 - a. This Agreement shall be effective upon recording by the City at the Owners' expense in the public records of Volusia County, Florida. The Second Reading of the Ordinance for this Agreement shall not take place until the Owners has provided an executed copy of the MDA to the City Clerk addressing all issues discussed prior to the scheduled Second Recording. If there are no additional requirements, corrections or conditions attached by the City Council at the Second Reading, the Agreement shall be signed by the Mayor and City Clerk and recorded.
 - b. Development of the Woodhaven PUD Property shall commence within five (5) years from the effective date of this Agreement and it shall be completed within thirty (30) years from the date of execution. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified

by mutual agreement of the Owners, Developer, and the City. The term “Development” shall have the meaning as set forth in the LDC.

IN WITNESS WHEREOF, the parties have executed this Amendment to the MDA Agreement by and through their duly authorized representatives, on the respective dates below.

WITNESSES:

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

Printed Name

By: _____
Allen Green, Mayor

Printed Name

Printed Name

Attest _____
Robin L. Fenwick, CMC, City Clerk

Printed Name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Allen Green, Mayor of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

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

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Robin L. Fenwick, CMC, City Clerk, of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take an oath.

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

Signed, sealed and delivered
in the presence of:

OWNER:
CC WOODHAVEN, LLC, a Florida
limited liability company
By: CC North Central, LLC, a Florida
limited liability company, its sole member

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

By: _____
Morteza Hosseini-Kargar, President

Date: _____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me the ____ day of _____, 2016, by Morteza Hosseini-Kargar, as President, of CC North Central, LLC, a Florida limited liability company, sole member of CC Woodhaven, LLC, a Florida limited liability company. He is personally known to me and did not take an oath.

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

Signed, sealed and delivered
in the presence of:

OWNER:
**PIONEER INVESTMENTS OF PORT
ORANGE, INC,** a Florida Corporation

Witness 1

Print Name of Witness 1

By: _____
Morteza Hosseini-Kargar, President

Witness 2

Date: _____

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me the ____ day of _____,
2016, by Morteza Hosseini-Kargar, as President, of Pioneer Investments of Port Orange, Inc., a
Florida Corporation. He is personally known to me and did not take an oath.

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

Signed, sealed and delivered
in the presence of:

OWNER:
PIONEER COMMUNITY
DEVELOPMENT DISTRICT

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

By: _____

Date: _____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me the ____ day of _____,
2016, by _____, as _____, of Pioneer Community
Development District. He/She is personally known to me and did not take an oath.

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

Signed, sealed and delivered
in the presence of:

DEVELOPER:
INTERVEST CONSTRUCTION, INC.,
a Florida corporation

Witness 1

By: _____
Morteza Hosseini-Kargar, President

Print Name of Witness 1

Witness 2

Date: _____

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ____ day of _____,
2016, by Morteza Hosseini-Kargar, as President of Intervest Construction, Inc., a Florida
corporation. He is personally known to me and did not take an oath.

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

EXHIBIT "A"

LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT

(Page 1 of 4)

A PART OF SECTIONS 29, 32 AND 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST, AND A PART OF SECTIONS 4, 5, 8 AND 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL AND THE WEST LINE OF THE EAST ONE-HALF OF SECTION 8, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE N 01°21'03" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 8, 384.80 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE N 00°38'02" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 5, A DISTANCE OF 5316.53 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE N 00°43'04" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 5281.63 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE N 00°25'15" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 29, A DISTANCE OF 1322.31 FEET TO THE NORTH-EAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 29; THENCE N 01°24'22"E, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 579.693 FEET TO A POINT LYING 100 WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, A FLORIDA POWER AND LIGHT COMPANY EASEMENT, AS RECORDED IN OFFICIAL RECORD BOOK 2980, PAGE 0441, THENCE N 23°21'45" W AND PARALLEL TO SAID EASEMENT A DISTANCE OF 32.01 FEET TO A POINT ON A CURVE, SAID CURVE HAVING A RADIUS OF 950.00 FEET, A CHORD BEARING OF N 56°41'11" W AND A CHORD LENGTH OF 1043.81 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 66°38'52", AN ARC DISTANCE OF 1105.06 FEET TO A POINT THAT IS 100 FEET SOUTHERLY OF, AS MEASURED PERPENDICULAR TO, ABOVE DESCRIBED FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE S 89°59'23" W, PARALLEL TO SAID EASEMENT A DISTANCE OF 249.78 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 600.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 15°14'06", AN ARC DISTANCE OF 159.54 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 700.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 36°19'20", AN ARC DISTANCE OF 443.76 FEET TO THE POINT OF TANGENCY THEREOF; THENCE N 68°55'23" W A DISTANCE OF 488.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 600.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 05°58'50", AN ARC DISTANCE OF 82.83 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD; THENCE N 15°17'59" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD A DISTANCE OF 436.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 1100.00 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 42°32'50", AN ARC DISTANCE OF 816.85 FEET; THENCE N 27°14'51" W A DISTANCE OF 364.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 31,436.56 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 01°05'48", AN ARC DISTANCE OF 601.69 FEET, MORE OR LESS, TO THE SOUTH LINE OF SPRUCE CREEK; THENCE ALONG THE SOUTH LINE OF SPRUCE CREEK, IN A GENERALLY NORTHERLY DIRECTION, TO INTERSECT WITH THE NORTH LINE OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE S 89°59'01" E ALONG THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 226.11 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SPRUCE CREEK; THENCE ALONG SPRUCE CREEK, SOUTHERLY AND NORTHERLY, TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (S.R. 9), AS SHOWN OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 79002-2407; THENCE S 23°21'45" E, ALONG SAID RIGHT-OF-WAY LINE, 870 FEET; MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE S 89°

EXHIBIT "A"

LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT (Page 2 of 4)

56°07' W, ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, 626.71 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE S 00°24' 16" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, 1320.13 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE N 89°59' 23" E, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, A DISTANCE OF 1187.83 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95; THENCE S 23°21'45" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5925.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,359.30 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 04°21'58", AN ARC DISTANCE OF 865.83 FEET TO THE NORTHERLY LINE OF A 50.00 FOOT F.D.O.T HAUL ROAD ACCESSING BORROW PIT NO. 6, AS DESCRIBED IN OFFICIAL RECORD BOOK 1697, PAGES 97 THROUGH 99; THENCE S 66°38'15" W, ALONG SAID HAUL ROAD 301.47 FEET TO THE NORTH LINE OF BORROW PIT NO. 6; THENCE S 89°28'15" W, ALONG THE NORTH LINE OF BORROW PIT NO. 6, 435.33 FEET TO THE WEST LINE OF BORROW PIT NO. 6; THENCE S 00°31'45" E, ALONG THE WEST LINE OF BORROW PIT NO. 6, 500.00 FEET TO THE SOUTH LINE OF BORROW PIT NO. 6; THENCE N 89°28'15" E, ALONG THE SOUTH LINE OF BORROW PIT NO. 6, 500.00 FEET TO THE EAST LINE OF BORROW PIT NO. 6; THENCE N 00°31'45" W, ALONG THE EAST LINE OF BORROW PIT NO. 6, 348.41 FEET; THENCE N 23°21'45" W, 118.55 FEET TO THE SOUTHERLY LINE OF AFORESAID 50.00 FOOT HAUL ROAD; THENCE N 66°38'15" E, ALONG SAID HAUL ROAD, A DISTANCE OF 297.53 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, SAID POINT LYING IN A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,359.30 FEET; A CHORD BEARING OF S 11°37'02" E, AN A CHORD LENGTH OF 2817.95 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 14°15'01", AN ARC DISTANCE OF 2825.23 FEET; THENCE S 04°29'32" E, 2954.25 FEET TO THE NORTHERLY LINE OF AN F.D.O.T HAUL ROAD ACCESSING BORROW PIT NO. 5, AS DESCRIBED IN OFFICIAL RECORD BOOK 1697, PAGES 97-99; THENCE S 85°30'28" W, ALONG SAID HAUL ROAD, 322.12 FEET TO THE EAST LINE OF BORROW PIT NO. 5; THENCE N 01°11'32" W, ALONG THE EAST LINE OF BORROW PIT NO. 5, 449.92 FEET TO THE NORTH LINE OF SAID BORROW PIT; THENCE S 88°48'28" W, ALONG THE NORTH LINE OF SAID BORROW PIT, 400.00 FEET TO THE WEST LINE OF SAID BORROW PIT; THENCE S 01°11'32" E, ALONG THE NORTH LINE OF SAID BORROW PIT, 900.00 FEET TO THE SOUTH LINE OF SAID BORROW PIT; THENCE N 88°48'28" E, ALONG THE SOUTH LINE OF SAID BORROW PIT, 400.00 FEET TO THE EAST LINE OF SAID BORROW PIT; THENCE N 01°11'32" W, ALONG THE EAST LINE OF SAID BORROW PIT, 400.00 FEET TO THE SOUTHERLY LINE OF AFOREMENTIONED 50.00 FOOT HAUL ROAD; THENCE N 85°30'28" E, ALONG THE SOUTHERLY LINE OF SAID HAUL ROAD, 325.00 FEET TO THE WESTERLY LINE OF INTERSTATE 95; THENCE S 04°29'32" E, ALONG SAID RIGHT-OF-WAY LINE, 1455.88 FEET TO THE NORTHERLY LINE OF THE I-95 LIMITED ACCESS RIGHT-OF-WAY; THENCE, ALONG SAID RIGHT-OF-WAY, S 84°44'18" W, A DISTANCE OF 125.61 FEET; THENCE S 79°01'40" W, A DISTANCE OF 502.49 FEET; THENCE S 84°44'18" W, A DISTANCE OF 210.19 FEET; THENCE S 06°04'28" E, A DISTANCE OF 20.32 FEET TO THE NORTHERLY RIGHT-OF-WAY OF PIONEER TRAIL; THENCE, ALONG THE NORTHERLY RIGHT-OF-WAY OF PIONEER TRAIL, S 83°53'59" W, A DISTANCE OF 1170.06 FEET; THENCE S 84°37'22" W, A DISTANCE OF 174.58 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 795.59 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 13°34'54", AN ARC DISTANCE OF 188.59 FEET; THENCE N 81°47'44" W, A DISTANCE OF 119.32 FEET; THENCE N 80°38'20" W, A DISTANCE OF 696.51 FEET; THENCE N 79°05'49" W, A DISTANCE OF 696.51 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

TOGETHER WITH:

EXHIBIT "A"

LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT (Page 3 of 4)

OF SECTIONS 4, 5, 8 AND 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE,
VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Book: 4
Page: 4

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST AND THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL; THENCE N 17°11'56" W ALONG THE NORTHERLY LINE OF PIONEER TRAIL A DISTANCE OF 572.58 FEET; THENCE N 17°22'20" W A DISTANCE OF 435.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 383.92 FEET, A CHORD BEARING OF N 44°32'43" W AND A CHORD LENGTH OF 332.39 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 54°20'47", AN ARC DISTANCE OF 345.19 FEET TO INTERSECT WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE I-95 LIMITED ACCESS RIGHT-OF-WAY; THENCE N 19°03'29" W, ALONG SAID RIGHT-OF-WAY LINE, 24.67 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LIMITED ACCESS RIGHT-OF-WAY, SAID POINT LYING ON A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 431.97 FEET, A CHORD BEARING OF N 82°28'32" W AND A CHORD LENGTH OF 172.44 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 23°01'57", AN ARC DISTANCE OF 173.65 FEET; THENCE N 03°58'28" W, A DISTANCE OF 10.00 FEET; THENCE S 85°04'48" W, A DISTANCE OF 296.84 FEET; THENCE S 88°53'39" W, A DISTANCE OF 601.33 FEET; THENCE S 85°04'48" W, 124.35 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (S.R. 9); THENCE N 04°08'45" W, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 5070.93 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 5904.85 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 18°52'13", AN ARC DISTANCE OF 1944.69 FEET; THENCE N 23°00'58" W A DISTANCE OF 5325.67 FEET; THENCE N 17°58'25" W, A DISTANCE OF 853.30 FEET; THENCE N 13°59'11" E A DISTANCE OF 502.04 FEET TO THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 18 SOUTH, RANGE 33 EAST; THENCE S 89°39'50" E, ALONG THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER, 684.29 FEET TO THE NORTHEAST CORNER OF THE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 29; THENCE S 00°04'58" E, ALONG THE EAST LINE OF THE WEST ONE HALF THE THE SOUTHEAST ONE-QUARTER, 1834.12 FEET; THENCE S 89°37'45" E A DISTANCE OF 1332.18 FEET TO THE EAST LINE OF SAID SECTION 29; THENCE S 00°05'29" E ALONG THE EAST LINE OF SECTION 29 A DISTANCE OF 812.94 FEET TO THE NORTH-EAST CORNER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 33 EAST; THENCE S 00°14'52" E ALONG THE EAST LINE OF SECTION 32 A DISTANCE OF 1304.58 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 33; THENCE S 89°57'51" E ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1324.08 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00°09'18" E ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33, A DISTANCE OF 1298.76 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00°16'28" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1306.92 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 33; THENCE N 89°47'25" E ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER A DISTANCE OF 1320.92 FEET TO THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00°03'41" E ALONG THE EAST LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1307.06 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE S 00°58'55" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 4 A DISTANCE OF 2039.28 FEET; THENCE S 89°23'12" W A DISTANCE OF 176.00 FEET; THENCE S 00°58'55" E A DISTANCE OF 578.00 FEET TO THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4; THENCE S 89°23'12" W ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4 A DISTANCE OF 178.00 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 4; THENCE S 00°58'55" E ALONG THE EAST LINE OF THE SOUTHWEST ONE QUARTER OF SECTION 4 A DISTANCE OF 2624.38 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE S 00°42'24" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 9 A DISTANCE OF 1582.42 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

ABOVE DESCRIBED LANDS CONTAINING 1208 ACRES, MORE OR LESS

EXHIBIT "A"

LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT (Page 4 of 4)

Less and Except the following property now part of the Doris Leeper Spruce Creek Preserve:

A PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF INTERSTATE HIGHWAY 95:
THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST, TOGETHER WITH THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, LESS THE NORTH 511 FEET THEREOF, OF SAID SECTION 29, TOGETHER WITH THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST, TOGETHER WITH THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, SECTION 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE, ALONG THE EAST LINE OF SAID SECTION 32, S00°34'53"E, 1,304.47 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, N89°40'17"E, 1,324.49 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, S00°30'04"E, 1,298.69 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, S00°28'23"E, 1,306.90 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, N89°25'46"E, 1,321.44 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, S00°25'12"E, 979.77 FEET; THENCE S89°26'15"W, 2,062.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (STATE ROAD 9), SAID POINT ALSO BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE WEST, HAVING A RADIUS OF 5,904.65 FEET, A CENTRAL ANGLE OF 13°41'21" AND A CHORD BEARING OF N16°32'46"W; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE, 1,410.74 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N23°23'27"W, 5,326.34 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N18°20'54"W, 853.30 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N13°32'28"E, 501.56 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE, ALONG SAID NORTH LINE, N89°57'32"E, 687.27 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE, ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, S00°26'01"E, 1,833.77 FEET TO THE SOUTH LINE OF THE NORTH 511 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE ALONG SAID SOUTH LINE, S89°59'41"E, 1,332.93 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 29; THENCE, ALONG SAID EAST LINE, S00°26'50"E, 812.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 225.000 ACRES, MORE OR LESS.

EXHIBIT “B”

WOODHAVEN CONCEPTUAL DEVELOPMENT PLAN

Legend: 150 ft Adjacent Ownership

SYM. Full Parcel ID	Ownership Name
1. 0817330000033	FLORIDA POWER & LIGHT CO
2. 0817330000030	BG AGENCY LLC
3. 0817330000031	WELSH RUSSELL G & CARRIE S
4. 0517330400001	CYPRESS HEAD RESIDENTIAL
5. 0517330400020	APPLETON RICHARD A & ELAINE M
6. 0517330400030	GIBB DONALD M & GENA M
7. 0517330400031	MAROLT MICHAEL J
8. 0517330400032	WYDOCK THOMAS J & L LEE
9. 0517330300001	CYPRESSHEAD PHASE II-C COA
10. 0517330300020	DUNKLE STANLEY M &
11. 05173303000810	MASSE RICHARD A & JUDITH Y &
12. 05173303000800	UPPERMAN ROBERT E & EMILY P
13. 05173303000790	SYLVESTER JAMES N LF/ESTATE &
14. 05173303000780	PARADIS WAYNE J & SANDRA
15. 05173303000770	PALMA PAUL L & SHIRLEY M
16. 05173303000760	HANNER ALBERT R & HAZEL M
17. 05173303000750	KELLER DOUGLAS H & KATHLEEN E
18. 05173303000740	WHITE JUSTIN P & KIMBERLY J
19. 05173303000730	BACHMAN IRENE JTRS &
20. 05173303000720	MORRELL THEODORE P & LINDA I
21. 05173303000710	PONZINI HARRY R & AYL A O
22. 05173303000700	HUNTER DANIEL L
23. 05173303000690	HARRIS MICHAEL L ETAL
24. 05173303000680	FRANK REGGIE L & BARBARA E
25. 05173303000670	COLWELL MATTHEW D
26. 0517330300001	CYPRESS HEAD HOMEOWNERS ASSOC
27. 0517330000040	CITY OF PORT ORANGE
28. 3116330300001	CYPRESS HEAD HOMEOWNERS ASSOC
29. 3116330300002	CITY OF PORT ORANGE
30. 3216330000070	ASHTON LAKE APARTMENTS LP
31. 3216330600001	ASHTON LAKES IV @ CYPRESS COA
32. 32163306000110	DEDDY GREGORY
33. 32163306000120	COOPER THOMAS & ALICE
34. 32163306000130	SCHAUER DOUGLAS F & SUSAN E
35. 3216330400001	ASHTON LAKE HOMEOWNERS ASSOC

SYM. Full Parcel ID	Ownership Name
36. 32163304000050	SMITH SHIRLEY K
37. 32163304000060	
38. 32163304000070	NGUYEN CHANH & NG T VAN
39. 32163304000080	SCHNIBBEN JILL E
40. 32163304000170	COLTON STACY L
41. 32163304000160	OGBURN DENNIS K & MARTHA
42. 32163304000190	GREEN JOAN E
43. 32163304000180	MILLER DEBORAH S & WAYNE M
44. 2916330300001	STERLING CHASE HOMEOWNERS ASSN
45. 29163303001120	GILL MURPHY & CATHY
46. 29163303001130	ANTONACCIO MICHELE
47. 29163303001110	FIRST UNITED METHODIST CHURCH
48. 29163303001100	WARD JOSEPH D & BLAIR R
49. 29163303001090	MINSHAW PAUL M & DIANE S
50. 29163303001080	RAHM CEDRIC & MARIE-LUCE
51. 29163303001070	SALERNO ANDREW CHARLES &
52. 29163303001060	
53. 29163303001050	LAFFERTY KAREN J
54. 29163303001040	JAMESON JAMIE & KRISTIN M
55. 29163300000100	JSP INVESTMENTS LLC
56. 2916330000004A	CITY OF PORT ORANGE
57. 29163300000080	FORD FRANK A JR ETAL
58. 29163300000083	LIRA AMANDA L
59. 29163300000081	LIRA CARLOS G & AMANDA
60. 29163300000082	LIRA CARLOS G & AMANDA
61. 19163313000001	SAWGRASS POINT HOMEOWNER ASSOC
62. 29163304000010	TINDAL JOHN B JR & KATHLEEN D
63. 29163304000020	BUTTERS DAVID & CLAUDIA
64. 29163304000021	COUNTY OF VOLUSIA
65. 2916330000004B	COUNTY OF VOLUSIA
66. 29163300000057	CC WOODHAVEN LLC
67. 29163300000096	HELDRETH EUGENE G JR & TONYA
68. 29163300000091	LESH CHARLES E & NORMA G
69. 29163300000090	FRIDAY MARVIN B
70. 29163305000001	PINNACLE OF PORT ORANGE

SYM. Full Parcel ID	Ownership Name
71. 09173300000130	TORNELLI VINCENT C
72. 09173300000140	ASSET RECOVERY XIII LLC
73. 09173300000020	ELBERT LAND CO LLC
74. 09173300000012	ELBERT LAND CO LLC
75. 04173300000100	CLIFTON GLENN D &
76. 04173300000142	WINES ROBERT S & SANDI J
77. 04173300000020	PERZAN BERNARD J & DOLORES
78. 04173300000120	DREW DEAN S & SYLVIA C JTRS
79. 04173300000010	SCHNERLY JOHN SR TR
80. 04173300000180	BOWERS ALINE
81. 33163300000070	STATE OF FLORIDA TITF
82. 33163300000110	CITY OF PORT ORANGE &

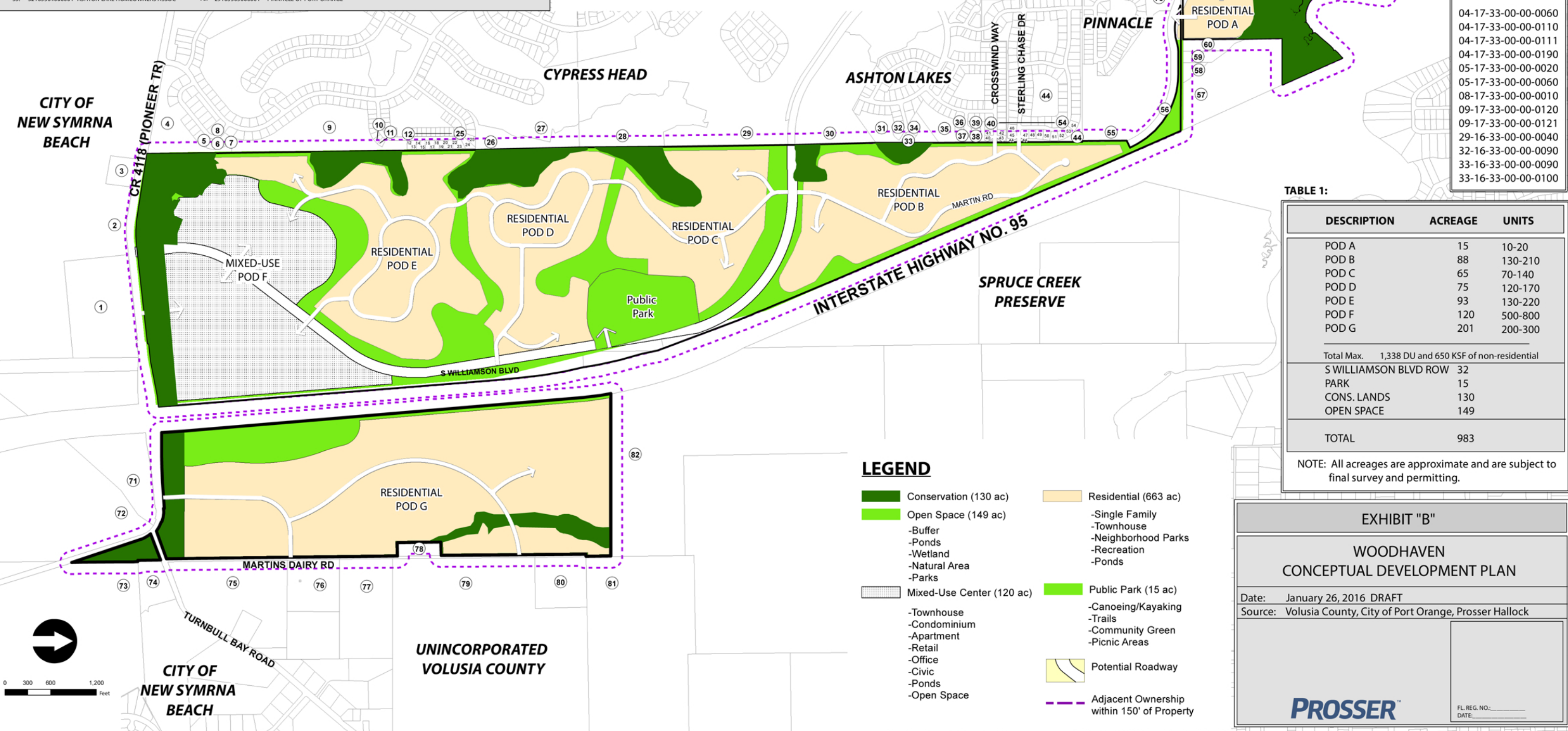
1. Pursuant to Future Land Use Element Policy 3.2.3, passive recreation uses (pedestrian paths, decks, and rail/fence features), one secondary access to Pioneer Trail, stormwater retention ponds, signage, landscaping and other similar uses are permitted within the Conservation designation along the north side of Pioneer Trail between South Williamson Boulevard extension and I-95.

2. Potential roadway access locations are graphically depicted on the PUD Conceptual Development Plan. The final locations, number and types of access are subject to final design and permitting of South Williamson Boulevard and the adjacent development.

3. The Open Space designation is shown as generalized areas and subject to change based on wetland survey, design and engineering, and permitting.

4. Compliance with the environmental preservation code may necessitate modification of the Conceptual Development Plan.

5. The acreage of each development pod listed in the Table 1 includes open space, stormwater ponds, roadways, buffers, and infrastructure.



CITY OF PORT ORANGE MONTHLY DEVELOPMENT ACTIVITY REPORT



The Half Wall Restaurant – Nova Rd.

CITY COUNCIL

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

PLANNING COMMISSION

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

FEBRUARY 2016

RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PROJECTS

FEBRUARY 2016

Residential

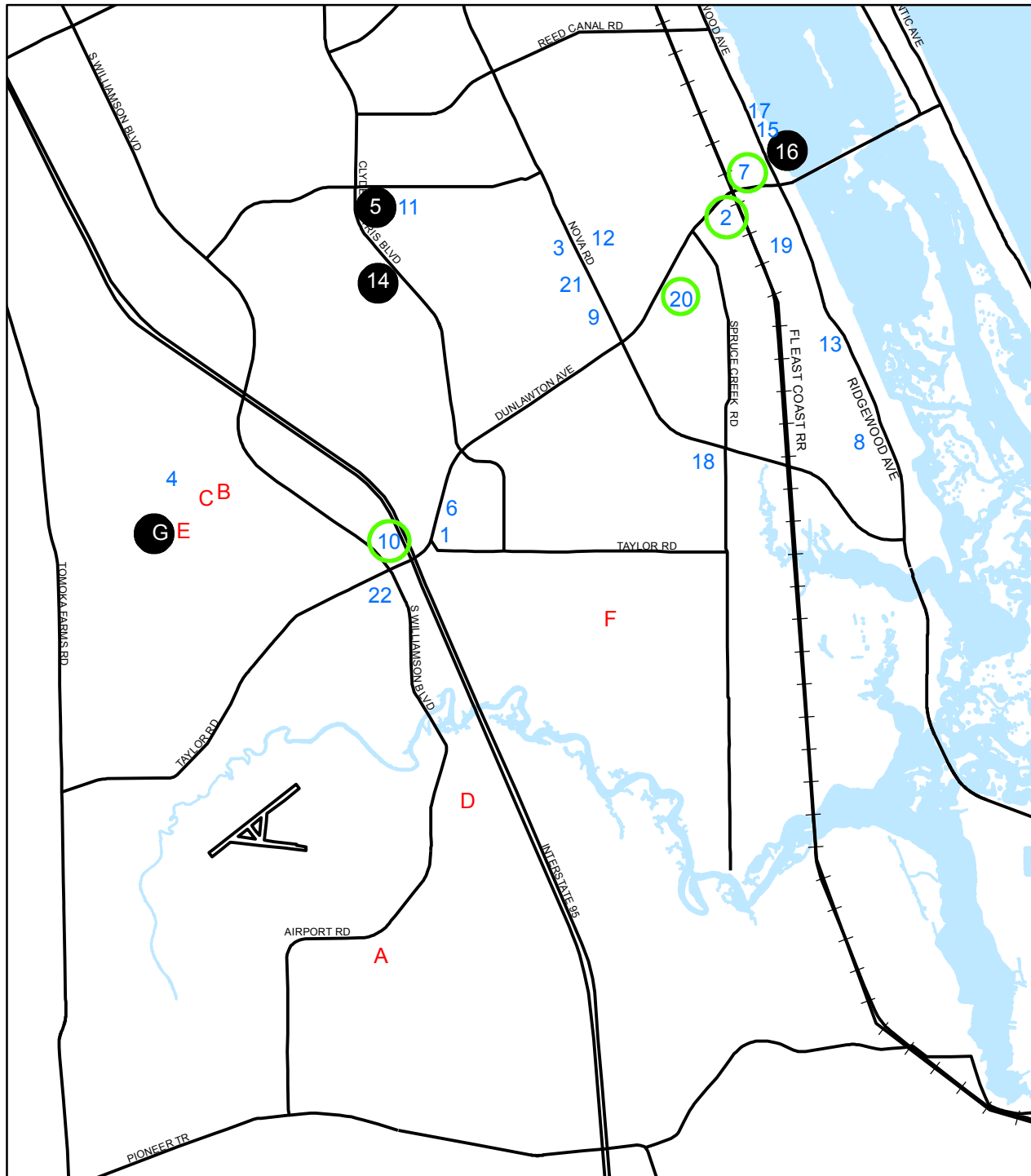
- A Golf Homes at Cypress Head
- B Hawks Preserve, Phase I
- C Hawks Preserve, Phase II
- D The Pinnacle PUD, Phase II
- E The Sanctuary at Westport
- F Serenity Hills PUD
- G Westport Reserve, Phase 2B

Non-Residential

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

● New Project

○ Change In Status



RESIDENTIAL DEVELOPMENT PROJECTS

February 2016

 = addition to the development activity report

 = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments
				Under staff review	D. O. issued	Pre-con held	ABC completed	Const. Permit issued	Under construction	Final inspection	C.O. issued	
A	Golf Homes at Cypress Head / site plan	S. side of Airport Rd. between Cypress Head and Waters Edge	52 townhomes on ±6.62 acres	X								2nd resubmittal under review
B	Hawks Preserve, Phase I / subdivision (fka Port Orange Plantation, Phase IV A & B)	E. side of Coraci Blvd, N. of Town West Blvd.	123 single-family lots on ±57 acres	X	X	X	-	X	X			Under construction; DO modification under review
C	Hawks Preserve, Phase II / subdivision (fka Port Orange Plantation, Phase IV D & E)	E. side of Coraci Blvd, N. of Town West Blvd.	66 single-family lots on ±23 acres	X	X	X	-					Pre-con held 1/28/16; DO modification under review
D	The Pinnacle PUD, Phase II / D.O. modification	E. side of Airport Rd. / W. of I-95, S. of Martin Dairy Rd.	64 single-family lots on ±29.72 acres	X	X							DO issued 11/06/15
E	The Sanctuary at Westport, Phase 2A / site plan	S. side of Town West Blvd., W. of Coraci Blvd., E. of Tomoka Farms Rd.	360 multi-family apartment units on 56.66 acres	X								1st Resubmittal Under Review
F	Serenity Hills PUD / rezoning, MDA and CDP	E. side of Hensel Rd. between Taylor Rd. and Central Park Blvd.	95 single-family lots on ±82 acres	X								Rezoning tentatively scheduled for CC 4/19/16
G	Westport Reserve, Phase 2B / subdivision	S. side of Town West Blvd., W. of Coraci Blvd., E. of Tomoka Farms Rd.	64 single-family lots on ±38.04 acres	X								SDRC scheduled for 3/23/16

Case No./
Planner

15-80000009
GKP

14-50000006
16-52000001
PGC

14-50000007
16-52000002
PGC

15-52000001
PGC

16-80000001
GKP

15-65000001
TPB

15-65000001
TPB

NON-RESIDENTIAL DEVELOPMENT PROJECTS

February 2016

 = addition to the development activity report

= change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
1	Altamira Shopping Village	Commercial Subdivision Replat	1790 Dunlawton Ave.	5-lot commercial subdivision replat of +/- 27 acres	X							On hold	14-50000001 TPB
		Crosby Property / site plan	1736 Dunlawton Ave.	4,500 SF retail building on 1.24 acres with associated site improvements	X							On hold	14-80000014 TPB
2	Atlantic Marine / site plan		619, 621, 627, & 631 Lemon St. 630 & 632 Ruth St.	16,910 SF building for boat sales and boat repair and areas for outdoor boat storage for Atlantic Marine along with associated site and off-site improvements	X	X	X					Pre-construction meeting held 2/22/16	14-80000006 TPB
3	Circle K #8088 / new construction		3664 Nova Rd.	Demolition of existing gas station and construction of a new 4,400 SF convenience store and 16 fueling station positions under a canopy with associated site improvements on 1.99 acres	X	X	X	X	X	X		Under construction	15-80000003 BP #15-2369 GKP
4	Coraci Sports Park, Pop Warner field / site plan modification		5200 Coraci Blvd.	Modifications to an existing football field including the construction of permanent grandstands with press box, storage facilities, restrooms, shelter pavilions, and associated site improvements	X	X	X	X	X	X		Under construction	15-82000002 BP #15-2549 GKP
5	Cumberland Farms (Palmetto Pointe) / site plan		3803 Clyde Morris Blvd.	4,952 SF convenience store with 8 fueling dispensers and associated site improvements on 1.44 acres	X							SDRC held 2/24/16	16-80000002 GKP
6	Dunlawton Commons / site plan		1760 Dunlawton Ave.	10,123 SF multi-tenant building with associated site improvements on 1.52 acres	X	X	X	X	X	X		Under construction	14-80000012 BP #15-2937 GKP
7	First United Methodist Church / site plan modification		305 Dunlawton Ave.	Paving of an existing grass parking lot and associated landscaping and stormwater retention improvements	X	X	X	X	X	X	X	Complete	15-82000001 TPB
8	Florida Truck Sales / redevelopment		5536 Ridgewood Ave.	Redevelopment of a 0.68 acre commercial property into a car/truck sales lot with associated site improvements	X	X	X	X	X	X		Under construction	15-80000006 PGC
9	The Half Wall / new construction		3770 Nova Rd.	7,090 SF stand-alone restaurant with associated site improvements on 0.78 acres	X	X	X	X	X	X		Under construction	15-80000004 BP #15-1834 GKP
10	Panda Express / new construction		5441 S. Williamson Blvd.	2,691 SF restaurant with drive-thru with associated site improvements on 1.07 acres	X	X	X	X	X	X	X	Complete	15-80000002 BP #15-0518 PGC

NON-RESIDENTIAL DEVELOPMENT PROJECTS

February 2016

☒ = addition to the development activity report

☐ = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
11	Palmetto Pointe Marketplace subdivision and Walmart Neighborhood Market grocery store / new construction	Subdivision Plat & Plans	Southeast corner of Clyde Morris Blvd. & Madeline Ave.		X	X	X	X	X			Under construction	14-50000003 TPB
		Site Plan	3811 Clyde Morris Blvd.		X	X	X	X	X			Under construction	14-80000007 BP #15-4343 TPB
12	The Port Hole Retail Center		930 Herbert St.		X							Under review	15-80000010 GKP
13	Port Orange Auto Pawn / site plan modification		5114 Ridgewood Ave.		X	X	X					Pre-construction meeting held 1/14/16	15-82000004 GKP
14	Ravenwood Veterinary Hospital Expansion / site plan		4542 Clyde Morris Blvd.		X							SDRC held 3/02/16	16-82000001 GKP
15	Riverwalk Marina and Riverboat PCD	2nd Amendment to the MDA	East and West sides of Halifax Dr. between Ocean Ave. and Herbert St.		X							1st Reading tentatively scheduled for 3/15/16 CRA & CC meeting	16-40000001 TPB
		Restatement of MDA & CDP			X							1st resubmittal under review; Tentatively scheduled for PC 3/24/16	16-40000003 TPB
16	Riverwalk Condominium & Point Restaurant	Subdivision Replat	East and West sides of Halifax Dr. between Ocean Ave. and Herbert St.		X							1st resubmittal under review; Tentatively scheduled for PC 3/24/16	16-50000001 TPB
		Site plan			X							1st resubmittal under review	16-80000003 TPB

NON-RESIDENTIAL DEVELOPMENT PROJECTS

February 2016

 = addition to the development activity report

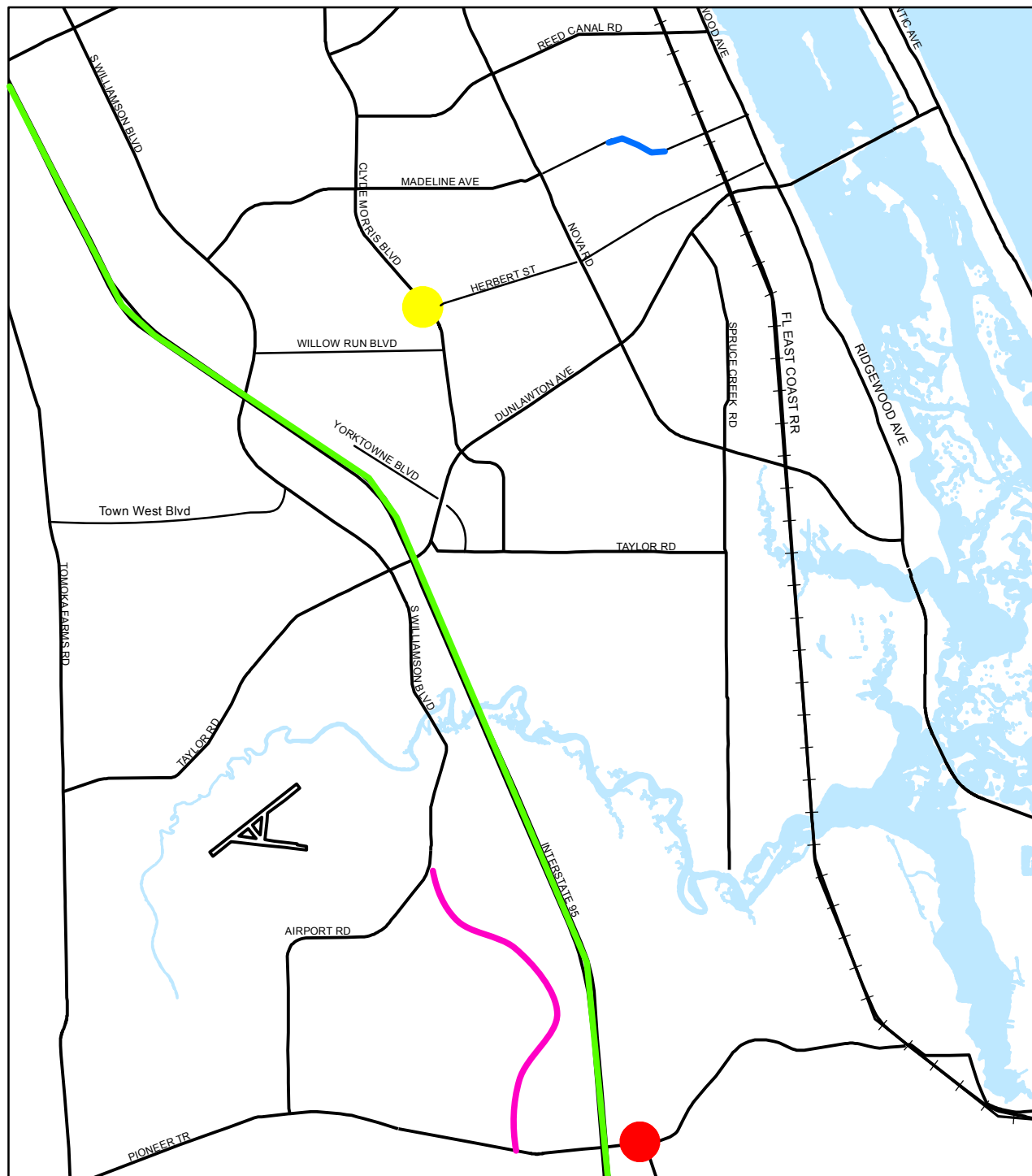
= change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
17	Riverwalk Park / new construction	Phase 1A	3431 Ridgewood Ave.	Kayak/canoe launch, trail, over-water boardwalk, restroom/trailhead and bridge, along with associated site improvements	X	X	X	X	X	X		Under construction	15-80000001 PGC
		Phase 1B	3459 Ridgewood Ave.	Playground, splash park, picnic facilities, pavilions, shade structures, additional restrooms, concession building, portion of the boardwalk, event lawn, parking, and the southern portion of the 12' wide trailway, along with associated site improvements	X	X						D.O. issued 11/20/15	15-80000005 PGC
18	Spruce Creek Center / site plan modification		4020 Nova Rd.	Modifications to a parking lot for an existing shopping center with associated site improvements on 3.99 acres	X	X	X	X	X	X		Under construction	14-82000008 GKP
19	Virginia Industrial Park / new construction		515 Virginia Ave.	5 building office/warehouse complex with associated site improvements	X	X	X	X	X	X		Building permits issued for 531 & 535 Virginia Ave.	01-80000019 TPB
20	Vystar Credit Union / new construction		750 Dunlawton Ave	4,000 SF bank with 5 drive-thru lanes on 2.5 acres with associated on-site and off-site improvements	X	X	X					Pre-construction meeting held 3/01/16	14-80000010 15-82000003 BP #16-0370 GKP
21	Waffle House Nova Rd. / new construction		3740 Nova Rd.	1,875 SF restaurant with associated site improvements on 0.80 acres	X	X						D.O. issued 12/14/15	15-80000007 BP #15-2908 GKP
22	Waffle House Taylor Rd. / new construction		1633 A Taylor Rd.	1,875 SF restaurant with associated site improvements on 0.92 acres	X	X						DO issued 10/28/15	15-80000008 BP #15-2907 GKP

ROADWAY DEVELOPMENT PROJECTS

FEBRUARY 2016

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



Project	Description	Jurisdiction	Status
Herbert Street Turn Lane	Add right turn lane WB at Clyde Morris Blvd.	City/TPO	Complete
I-95 Widening	Construction to widen I-95 from SR44 to I-4/SR400 from 4 lanes to 6 lanes	FDOT	Under construction / 38% Complete
McDonald Road Sidewalk	Construct an 5'-wide sidewalk on the south side of Madeline Ave., the west side of McDonald Rd., and the south side of Charles St. from Sugar House Dr. to 6th St.	City/TPO	60% Design Plans complete
Pioneer Trail at Turnbull Bay Road	Intersection improvement	Volusia County/TPO	Under construction / Est. completion 09/2016
S. Williamson Blvd. Extension	Extension of Williamson Blvd. as a 4-lane divided roadway from Airport Rd. to Pioneer Trail	Developer/ Volusia County	Under construction