AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, April 25, 2024

Time: 5:30 PM

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

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. DISCUSSION/ACTION

3. Consideration of Minutes - March 18, 2024
4. APPLICATION: Variance/6220 Foxhaven Court
   CASE NO.: VARC-24-0001
   APPLICANT: Colleen Nicoulin and Timothy Touma
   STAFF CONTACT: Penelope Cruz, Planning Manager, (386) 506-5676

   A request for variances from the Land Development Code to allow a boathouse and dock to be rebuilt along Spruce Creek in the same general location as an existing boathouse and dock. The subject property is located at 6220 Foxhaven Court. The applicant is proposing the following dimensions for the boathouse:

   - Increase the allowed height for a boathouse from 12 feet to 15 feet.
   - Increase the allowed area for a dock from 160 square feet to 175 square feet.
   - Reduce the side setback for a dock from 25 feet to 19 feet.

5. APPLICATION: MDA Amendment/Seventh Amendment to the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD) and Master Development Agreement (MDA)
   CASE NO.: PRZA-24-0001
   APPLICANT: A. Joseph Posey Jr., Storch Law Firm
   STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

   A request for approval of the Seventh Amendment to the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Agreement (CDP) to allow the development of a bed and breakfast concept consisting of multiple

rental cottages with a common building to provide food service for guests at 5120 Riverside Drive.

6. APPLICATION: MDA Amendment/10th Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development
   CASE NO.: PRZA-24-0002
   APPLICANT: City of Port Orange
   STAFF CONTACT: Tim Burman, Community Development Director

   A request for approval of the Tenth Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to add the uses allowed in the Commercial Industrial (CI) and Light Industrial (LI) zoning districts as allowed on Lot 16 of the Crystal Lake PUD, located on the south side of Reed Canal Road, east of Atlantic High School.

C. OTHER BUSINESS

7. Commissioner Comments
8. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

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

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

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

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

PLANNING COMMISSION SPECIAL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 18, 2024

THE PLANNING COMMISSION SPECIAL MEETING of the City of Port Orange was called to order by Chair Maria Mills-Benat at 5:30 p.m.

Pledge of Allegiance

Roll Call	Present:	Stan Schmidt Scott Steger Mark Bowling Maria Mills-Benat, Chair Darrel “Bo” Bofamy Lance Green
	Absent:	Thomas Jordan, Vice Chair
	Also Present:	Matthew Jones, City Attorney Tracee Cody, Deputy City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes - February 22, 2024

Motion to approve the meeting minutes from February 22, 2024 was made by Commissioner Bo Bofamy and seconded by Commissioner Scott Steger. Motion carried unanimously by roll call vote.

4. APPLICATION: Comprehensive Plan Amendment/City of Port Orange Comprehensive Plan 2022-2045
CASE NO.: CPAM-24-0001
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request by the City of Port Orange to approve the City of Port Orange Comprehensive Plan 2022-2045. If approved, the amendments will update the Comprehensive Plan for the new 2045 planning horizon.

Motion to approve Case No. CPAM-24-0001 was made by Commissioner Lance Green and seconded by Commissioner Scott Steger.

Penelope Cruz, Planning Manager, provided details of the Comprehensive Plan amendments, regulations, each element required by Florida statute and answered questions from the Commissioners. She also explained that the Planning Commission is the recommending board to City Council and that the item will be brought to Council for first reading on April 2, 2024 and then sent to other required review agencies and hopefully brought back to Council for second reading in June 2024 for final adoption.

Barry Pitek, resident, commended staff for being tasked with having to set out a comp plan for 20+ years. Mr. Pitek also had a few questions seeking clarification that Chair Mills-Benat said staff could answer for him.

Robert Reinhagen, resident, expressed his concerns on Chapter 9, Section 4, Wetland Mitigation criteria.

Motion carried unanimously by roll call vote.

OTHER BUSINESS

5. Commissioner Comments

Commissioner Lance Green asked Tim Burman, Community Development Director, for updates on the Bristol contract, Dunkin Donuts moving to Catfish Commons, and Down Under District.

6. Staff Comments

There were none.

PUBLIC COMMENTS

There were none.

ADJOURNMENT – 6:27 p.m.

_____
Chair Maria Mills-Benat

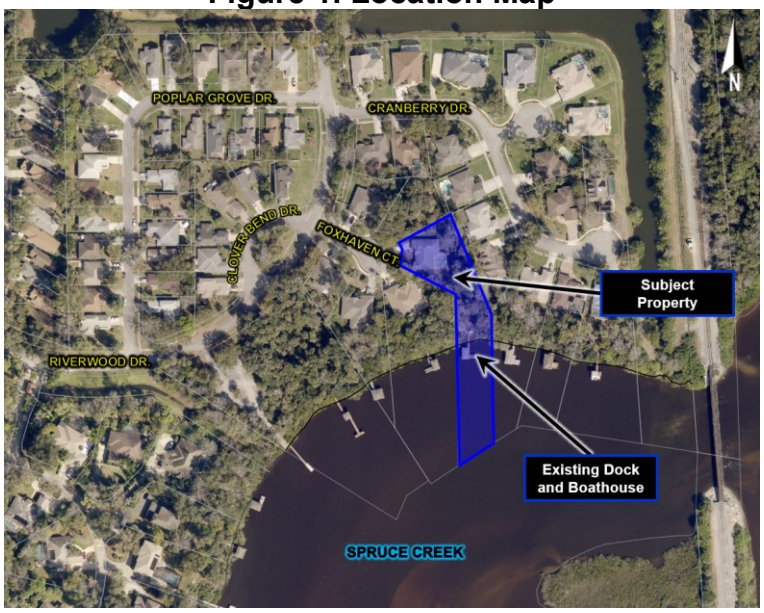
STAFF REPORT
CASE NO. VARC-24-0001
Variances from LDC, Chapter 9, Article III, Section 27(b)(2), Section 27(b)(7), and Section 27(b)(9)(a)

REQUEST:	Variances to allow a boathouse height above the 12-foot minimum height, a terminal dock platform area greater than the minimum 160 square feet, and a setback of less than 25 feet from the side boundaries of the property to allow an existing dock and boathouse to be reconstructed.
LOCATION:	6220 Foxhaven Court
OWNERS/APPLICANTS:	Colleen Nicoulin and Timothy Touma
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Planning Manager, (386) 506-5676
PLANNING COMMISSION:	April 25, 2024

INTRODUCTION
The applicants/property owners, Colleen Nicoulin and Timothy Touma, are requesting variances from the residential dock and boathouse requirements in the Land Development Code (LDC) to allow their existing dock and boathouse to be reconstructed in the same general location. The subject property is at 6220 Foxhaven Court, in the Riverwood Subdivision, with access to Spruce Creek. The variances requested are the following:

- A boathouse height above the 12-foot minimum height [LDC, Ch. 9, Art. III, Sec. 27(b)(7)];
- A terminal dock platform area greater than the minimum 160 square feet [LDC, Ch. 9, Art. III, Sec. 27(b)(2)]; and
- A setback of less than 25 feet from the side boundaries of the property to allow a dock and boathouse to be reconstructed in the existing location [LDC, Ch. 9, Art. III, Sec. 27(b)(9)(a)].

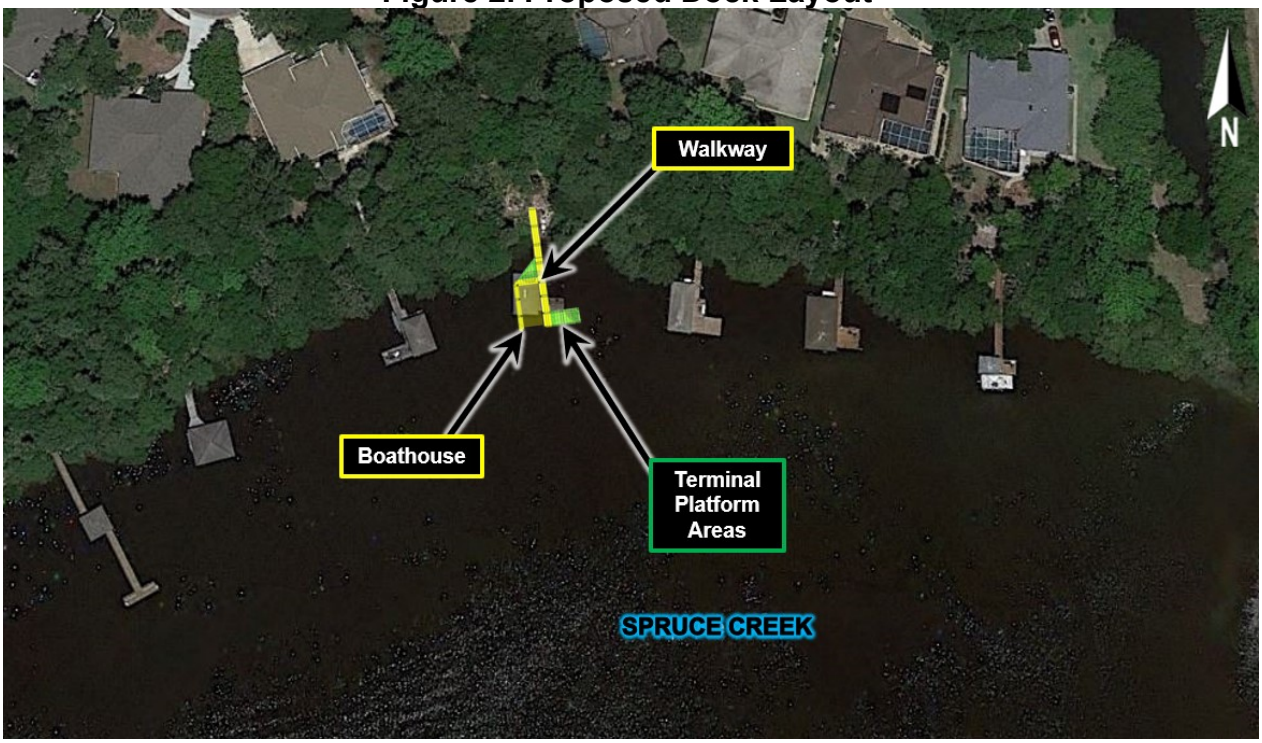
Figure 1. Location Map



DISCUSSION

According to the applicants, their current dock is approximately 25 years old and needs replacing to allow them to continue using the structure safely. The applicants' letter of request states that the pilings for the dock are deteriorating, and the dock framing that supports the decking is underwater at times during normal high tide. The applicants submitted a building permit to rebuild their boathouse and dock in March 2024. During the review of the building permit, it was determined that there are three code requirements that the proposed boathouse and dock do not meet: 1) boathouse height, the setback of the dock from the side boundaries of the property, and 3) overall area of the terminal dock platform.

Figure 2. Proposed Dock Layout



Boathouse Height

The Land Development Code (LDC) allows a boathouse to have a maximum height of 12 feet above the water level at the mean high water line. The initial permit submitted to the city indicated a boathouse height of 18 feet; however, staff worked with the applicants to reduce the height to 15 feet. According to the applicants, the requested boathouse height is requested to ensure clearance of the decking and framing for the dock during high tides and to provide clearance for a hanging boat lift under a roofed structure.

In a review of other communities in the area, the boathouse height requirement in the Port Orange LDC is the lowest. As shown below, in other communities, the maximum height for a boathouse can range from 15 feet to 18 feet.

Table 1.

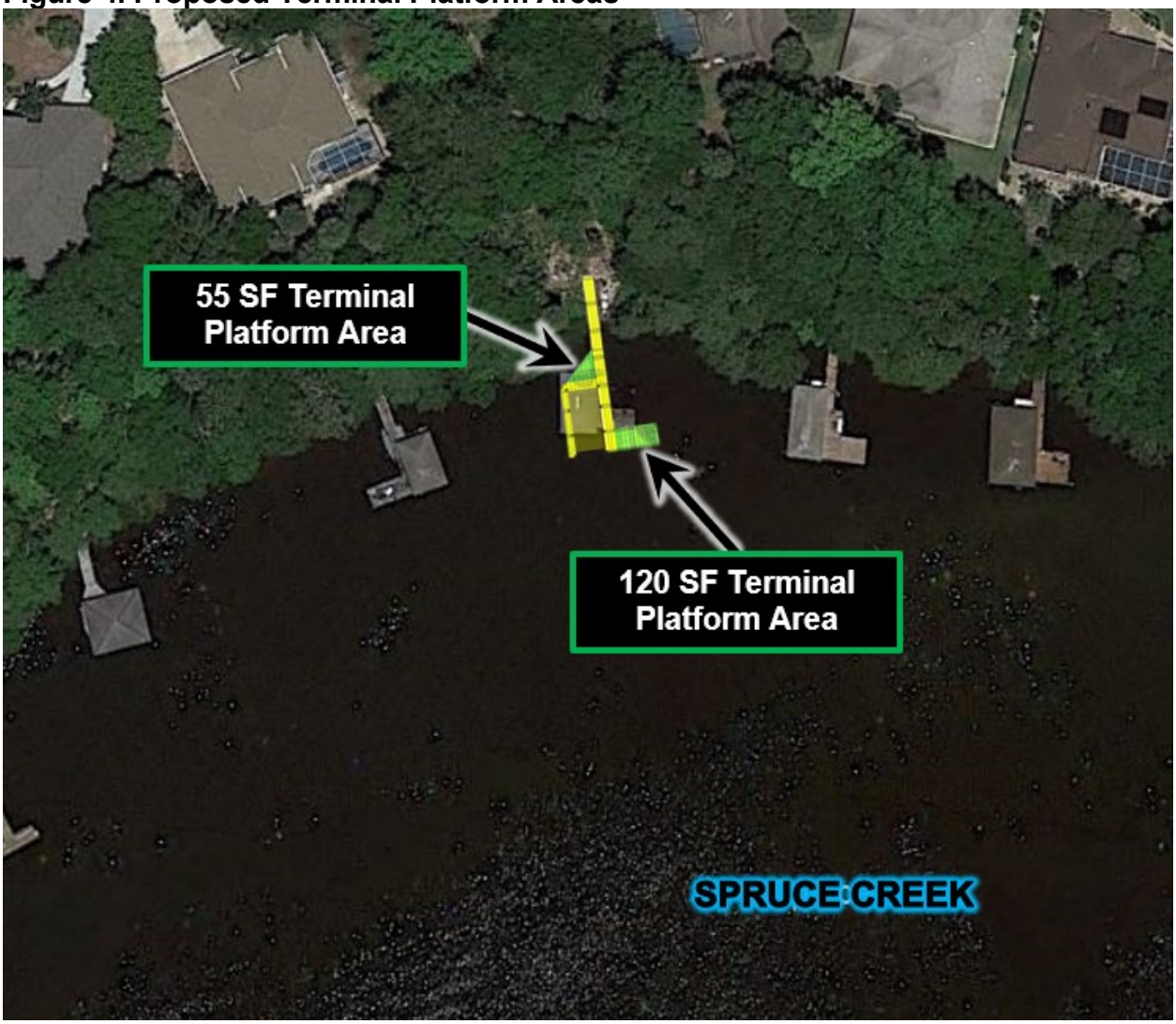
Local Government	Maximum Boathouse Height	Year Requirement was Established
Port Orange	12-feet	1991
Volusia County	15-feet	1987
Ponce Inlet	15-feet	2004
Daytona Beach	18-feet	2015
Ormond Beach	18-feet	2012

Figure 3. Pictures of Decking and Framing of the Applicants' Current Dock Under Water during a recent High Tide

Terminal Platform Area

The LDC allows the terminal platform area of a dock to be up to a maximum of 160 square feet in area. The proposed dock submitted as part of the initial building permit specifies a 120-square-foot terminal platform adjacent to the main access pier and an additional 55-square-foot terminal platform adjacent to the access walkway along the north side of the boathouse for a total terminal platform area of 175 square feet. According to the applicants, the triangle platform area, which would cause the overall terminal platform square footage to exceed the allowable area by 15 square feet, is intended to provide safe access to the rear and side of the boat house and provide space to be able to safely access the utilities (water and electric) at the dock.

Figure 4. Proposed Terminal Platform Areas



In a review of other communities, the terminal platform area requirement in the Port Orange LDC is the lowest. As shown below, in other communities and according to the Department of Environmental Protection (DEP), the area for a terminal platform can range from 180 square feet to 1,000 square feet.

Table 2.

Local Government	Maximum Terminal Platform Area	Year Requirement was Established
Port Orange	160 square-feet	1991
Volusia County	750 square-feet	1987
Ponce Inlet	700 square feet and 1,000 square feet if artificially created waterways	2004
Daytona Beach	500 square-feet	2015
Ormond Beach	180 square feet and 160 square feet if in an aquatic preserve	2012
DEP	500 square feet and 160 square feet if in an aquatic preserve	

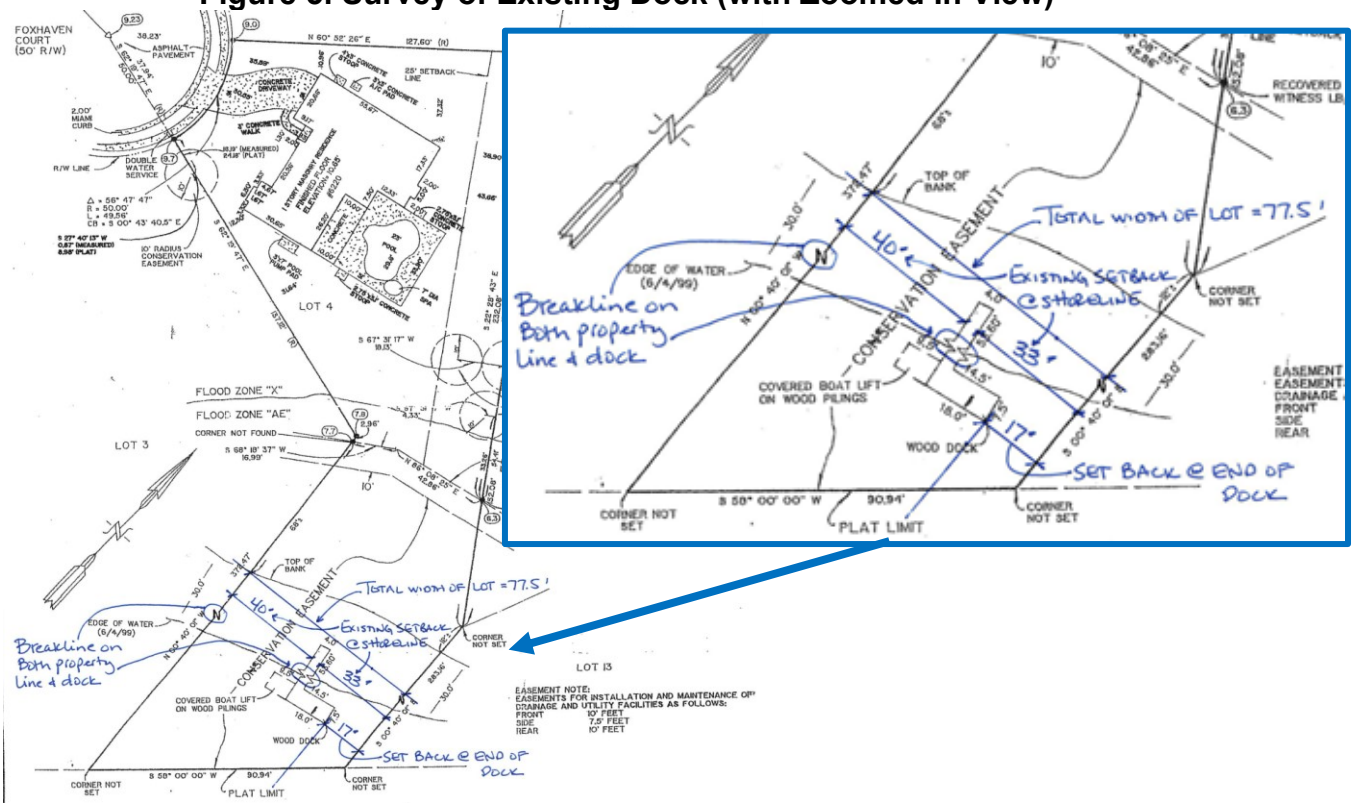
Setback

The LDC requires a dock to be set back 25 feet from the side boundaries of a property. The existing dock, which has been in place since 1999, is approximately 17 feet from the east side of the property boundary and 28 feet from the west side of the property boundary. Therefore, the current dock, which has been in place for 25 years, does not meet the required 25-foot setback on the east side.

The intent of the setback requirement is to provide adequate separation between docks along a waterway to ensure boat access. Currently, the neighboring dock to the east is approximately 63 feet away from the location of the existing dock. Reconstructing the proposed dock in the same general location as the current dock will maintain this current distance between the two docks and will not make the docks closer. Access to both the neighboring dock and the subject dock will not be impacted by the variance to reduce the side setback from 25 feet to 17 feet on the east side of the property as the spacing would remain the same, and there would be no change in how boats access either dock.

To minimize the setback deviation on the east side, the applicants have shifted the proposed dock toward the west of the property boundary about 2 feet to provide a 19-foot setback from the east side of the property boundary and 25 feet on the west side of the property boundary. According to the applicants, the dock cannot be shifted further to the west without impacting the adjacent mangrove habitat along the shoreline.

Figure 5. Survey of Existing Dock (with Zoomed In View)



REVIEW OF VARIANCE CRITERIA

Chapter 19, Section 1, LDC, lists the review criteria that shall be used to determine whether the variances requested should be granted. These criteria, accompanied by staff 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.*

The mangrove habitat on either side of the existing dock is a special condition on the subject property. The applicants request that their existing dock and boathouse be reconstructed in the same general location since the new dock cannot be shifted further to the east to meet the setback requirement without impacting the adjacent mangrove habitat along the shoreline.

In addition, the City's requirements for a dock and boathouse are more restrictive than DEP or other communities in the area requirements (See Tables 1 and 2 above). The current requirements for a dock and boathouse in the LDC were adopted in 1991 and have not been updated in over 30 years. In contrast, other communities have revised their requirements to account for advancements in equipment, new materials, boat size, and higher tides and water levels.

According to the applicants, the main reason for replacing their 25-year-old dock is to raise the decking and framing for the dock so it is not submerged during high tides, and by increasing the height, the roof of the boat house exceeds the the12-foot maximum height in the LDC. The applicants state that the additional 15 square feet of platform area being requested is to provide safe access to the rear and side of the boat house and provide space to access the utilities at the dock safely. The northeast corner of the boathouse is where the water and electrical tie into the structure, and space is needed to hook up and store the equipment used to wash and maintain the boat and dock.

b) *The special conditions and circumstances are not the result of the actions of the applicants.*

The location of the naturally occurring mangrove and lot configuration is not a result of actions taken by the property owners.

The current requirements for a dock and boathouse in the LDC were last updated in 1991. In contrast, other communities have revised their requirements in recent years to account for advancements in equipment, new materials, boat size, and higher tides and water levels.

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 applicants.*

When a new dock is built, it must comply with the current development requirements of the Land Development Code (LDC). Although not the preferred height or configuration, the proposed dock could be built to meet the current requirement. However, this would require the boathouse to be redesigned to accommodate the boat lift and the platform area to be reduced. According to the applicants, an additional 3 feet for the boathouse height is needed due to the framing for the dock being raised so it is not submerged during high tides, as the current dock is. As for the additional 15 square feet of platform being requested is located between the subject property and the dock and does not impact navigation on Spruce Creek. This platform area is being requested to provide a safer route to access the west side of the boathouse.

The applicants state that the proposed placement of the dock and boathouse is in the same general location as the current dock and boathouse, and the proposed dock and boat house would still provide the necessary room for boats to enter and exit the adjacent residential docks, ensure adequate separation between docks to provide room for maintenance and repairs required to the docks, and would not impact the view of Spruce Creek for the adjacent properties.

Literal interpretation of the dock siting and dimensional regulations would not deprive the owners of their riparian rights. The regulations create dimensional standards that regulate how these rights are used to provide for equal access to the water body by all who own riparian land and navigation of the water body by the public. The same dock siting and dimensional regulation applies to all residential docks along Spruce Creek. Under a literal interpretation of the City's regulations, the property owners could reconstruct the dock and boathouse at the current height and area. Thus, it is not an issue of whether there is a deprivation of rights, but rather, is this the minimum variance necessary to reasonably use these rights.

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

The dock could be rebuilt to comply with the LDC requirements by reducing the size of the terminal platform and height of the boathouse; however, according to the applicants, a dock that meets the LDC would not allow for structural components of the dock to be sufficiently elevated out of the water and the boat lift to be installed. The applicant further states that these requests are being made to ensure clearance of the decking and framing during high tides and to provide space to access the utilities at the dock safely.

However, one must then consider the property owner's riparian rights. Staff reviewed the proposal to determine if the subject variance was the minimum required to reasonably use Spruce Creek and the owner's riparian rights. As was previously noted, Florida Law states that riparian rights include "… ingress, egress, boating, bathing, and fishing…" Therefore, if a riparian right includes boating, then a rational connection would be the right to have a dock to moor the boat, too.

During high tides, the current dock decking and framing are underwater. This has caused significant impacts and damage to the dock. The applicants have stated that one of the main reasons for replacing the dock was to raise it to ensure clearance of the decking and framing during high tides. The 12-foot maximum height for the boat house in the LDC does not provide sufficient height to construct a dock and boathouse that ensures the dock framing and decking are out of the water. In addition, the 12-height does not provide clearance for a hanging boat lift within the roof structure without potentially bumping one's head. The original permit application submitted to the City specified a height of 18 feet; however, staff worked with the applicants to reduce this height to 15 feet.

As indicated above, the residential dock and boathouse requirements in the LDC are more restrictive than most other communities in the area, as well as DEP requirements with regard to residential dock and boathouse requirements. Based on this research, staff believes the residential dock and boathouse requirements in the LDC need to be evaluated and updated to be more in line with what other area communities and DEP allow.

Based on the proposed design of the dock and boathouse, the configuration of the subject property and adjacent properties, and the comparison of regulations in other area communities and DEP, staff finds the request to be the minimum variances necessary to allow reasonable use of the property owners' riparian rights.

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

All docks within the city are required to meet the development requirements of the LDC or secure variances from said requirements. According to the applicants, the proposed dock, if approved, will have variances that will allow for the dock to be built so there is sufficient clearance of the decking and framing for the dock during high tides and sufficient space to access utilities on the dock safely.

Based on the various sizes and shoreline configurations of the lots located along Spruce Creek, only a few lots are similar to the subject lot. Due to the layout of Spruce Creek, a majority of docks in this area are situated so a boat docks perpendicular to the shoreline instead of parallel; therefore, the 25-foot setback from a projected boundary line is not necessary to ensure sufficient separation between docks for maneuverability. As indicated above, due to the location of the subject property adjacent to Spruce Creek, a dock can be placed as proposed with a setback of less than 25 feet and still provide sufficient room for boats to maneuver the creek and adjacent docks.

As indicated above, the residential dock and boathouse requirements in the LDC are more restrictive than most other communities in the area, as well as DEP requirements with regard to residential dock and boathouse requirements. Based on this research, staff believes the residential dock and boathouse requirements in

the LDC need to be evaluated and updated to be more in line with what other area communities and DEP allow.

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

The dock setback requirement in the LDC is intended to provide adequate separation between docks to ensure boats have sufficient room to maneuver, provide room for maintenance and necessary repairs, and maintain an open navigable canal. As indicated above, there will be sufficient separation between the proposed dock and the existing dock to the east if the setback variance is approved, and the dock could be rebuilt in the general area of the previous dock for this property.

The boathouse height and platform area requirements in the LDC are intended to minimize the visual impact a boathouse could have on adjacent properties. As indicated above, a boathouse with a roof height of 15 feet is not anticipated to impact the view of Spruce Creek for the adjoining property owners. Due to the configuration of the adjacent lots and the amount of trees and vegetation between the homes and Spruce Creek, the additional 3-foot requested as part of this variance request is not anticipated to will not have a visual impact on the adjacent properties.

As indicated above, there is currently an existing dock at the subject property, and it has been in the exact general location for approximately 25 years as the proposed replacement dock and boathouse. Based on there being a dock at the subject property for the past 25 years, configuration of the lots, width of the lots, the granting of the variances to allow a new dock and boathouse to be built in the same general location with a slightly taller height and an additional 15 square-foot platform will not create a situation that would be injurious to the surrounding properties or detrimental to the public welfare.

As indicated above, if the proposed dock and boathouse would have been proposed on a waterway within Unincorporated Volusia County, City of Daytona Beach, City of Ormond Beach, or Town of Ponce Inlet, no variances would have been required.

g) The variances represent 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 applicants' 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 variances requested are not based upon a claim brought under the Bert J. Harris Private Property Rights Protection Act.

PUBLIC NOTICE

A Public Notice sign was posted on the site on April 10, 2024, certified mail notices were sent to adjacent property owners, and a legal ad was published in the News-Journal 15 days and five days before the Planning Commission meeting. As of April 19, 2024, staff has not received any phone calls regarding the proposed variances.

RECOMMENDATION

Based on the findings of this report, Staff recommends approval of the variances requested from Chapter 9, Section 27(b)(2), Section 27(b)(7), and Section 27(b)(9)(a) of the LDC.

ATTACHMENTS

Exhibit 1 – Applicant's Request Letter
Exhibit 2 – Applicant Provided Photos
Exhibit 3 – Neighbor Email of Support
Exhibit 4 – HOA Approval

Exhibit 1

Colleen Nicoulin and Tim Touma
6220 Foxhaven Court
Port Orange, Fl 32127

April 2, 2024

Planning Commission
City of Port Orange
1000 City Center Circle
Port Orange, Fl 32129

RE: Residential Variance Request

Dear Port Orange Planning Commission,

The purpose of this letter is to request a variance from Chapter 9, Article III, Section 27(b) of the City of Port Orange Land Development Code for the purpose of removing our existing residential dock and boat house and reconstructing it with an entirely new dock in generally the same location and of the same size.

Our current dock is approximately 25 years old and is in need of replacement in order to continue using the structure safely. The pilings are deteriorating, and the dock framing that supports the decking is underwater at times during normal high tide. In January of this year, we contacted several dock contractors to obtain quotes for the work and selected Florida Dock Company to permit and construct the removal and replacement of the dock. The entire dock will be replaced, including the pilings, boat house, boat lift, decking and framing. Some of the elements of the new dock that we asked the contractor to include in the replacement structure was to raise the deck surface of the dock so that it would not be underwater during high tide as well as update the other components of the structure for safety, functionality, and resiliency purposes.

A permit application was submitted to the City and upon review, it was determined that there were three areas of the replacement dock that did not meet the current code requirements:

1. Height – One of the main reasons to replace the dock was to raise the dock to ensure clearance of the decking and framing during high tides. The City's Land Development Code allows a maximum height of 12 feet for docks with hip roof boat houses. This height requirement does not provide sufficient height to construct a dock that ensures the dock framing and decking are out of the water and provide clearance for a hanging boat lift within the roof structure. The original permit application submitted to the City specified a height of 18 feet. We have worked with City staff to reduce this height to 15 feet, thereby minimizing the variance request.

   We think it is important to point out that if we were to construct a different style boat house with a platform deck surface above the roof (instead of a hip roof), the overall structure including the double decker railing, could extend to 15 feet in height per current code. However, we are just looking to replace our dock with a similar structure and style, which will also maintain consistency with the immediately adjacent docks which also have hip roof boat houses.

2. Setback – As mentioned, we are intending to replace the existing dock and boat house with a similar structure in generally the same location and of the same footprint. However, the location of the existing dock does not currently meet the required setback of 25 feet on the east side. We are looking to replace the dock in generally the same location, which would result in a 19-foot setback, in lieu of the 25 feet required. In order to minimize the setback deviation on the east side, we have shifted the dock location slightly to the west, however, there is not room to shift the structure further without impacting the adjacent mangrove habitat along the shoreline.

   The intent of the setback requirement is to provide adequate separation between dock structures and to allow for access of the structures. Currently, the adjacent dock to the east is approximately 63 feet away from the location of our dock. Reconstructing our dock in generally the same location will maintain this current separation distance between the two docks and not result in the docks being located closer to each other. Access to both the adjacent dock and our dock will not be impacted by the variance request since the dock spacing with remain the same and both docks will continue to function as they currently do. Boat house access to both docks will remain straight on from the south.

3. Platform Dimensions – We are requesting a variance to the platform dimensions. Current code allows a terminal platform of a dock of 160 square feet in area. The proposed dock plan specifies a terminal platform of 120 square feet adjacent to the main access pier. In addition to this terminal platform, we are requesting an additional triangle platform of approximately 55 square feet adjacent to the access walkway along the back portion of the boathouse. This triangle platform area is intended to provide safe access to the rear and side of the boat house and provide space to be able to safely access the utilities at the dock. The northeast corner of the boathouse is where the water and electrical tie into the structure and space is needed to hook up and store the equipment used to wash and maintain the boat and dock. This additional triangle platform is considered part of the terminal platform dimension and, as a result, would exceed the allowable platform area by 15 square feet.

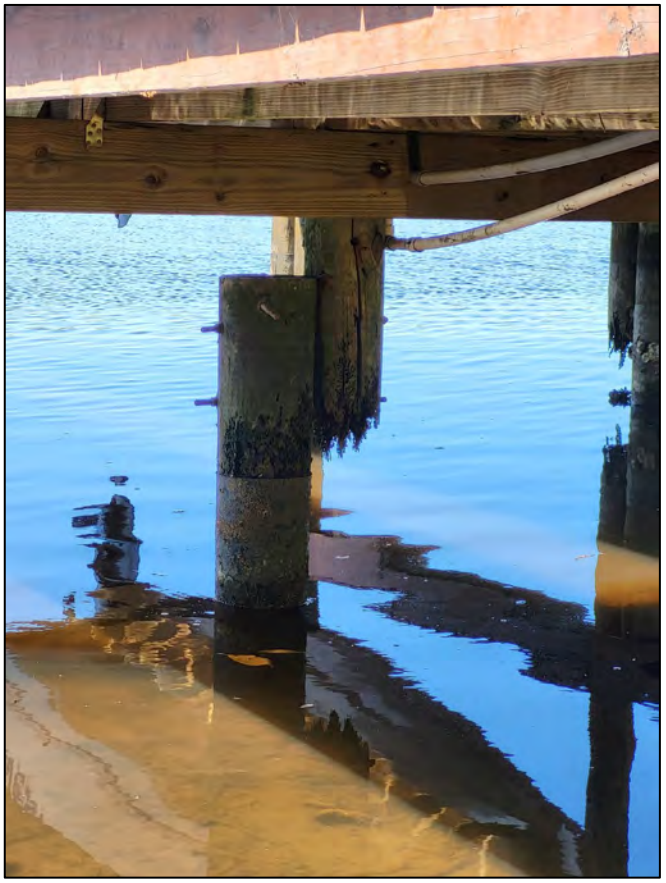
In pursuing the replacement of the dock and boat house, we have worked with the City to minimize the variances requested to allow us to rebuild a safe and resilient structure that will last another 25 years. Additionally, the proposed dock is consistent with adjacent docks and does not alter the access to any of the neighboring docks or change the access to our current dock.

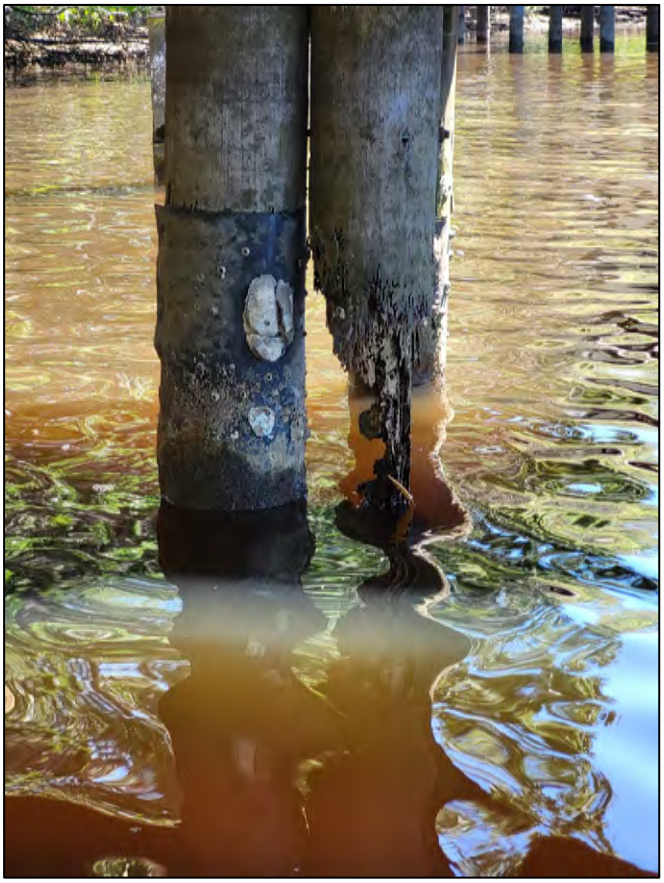
We appreciate your consideration of this variance request.

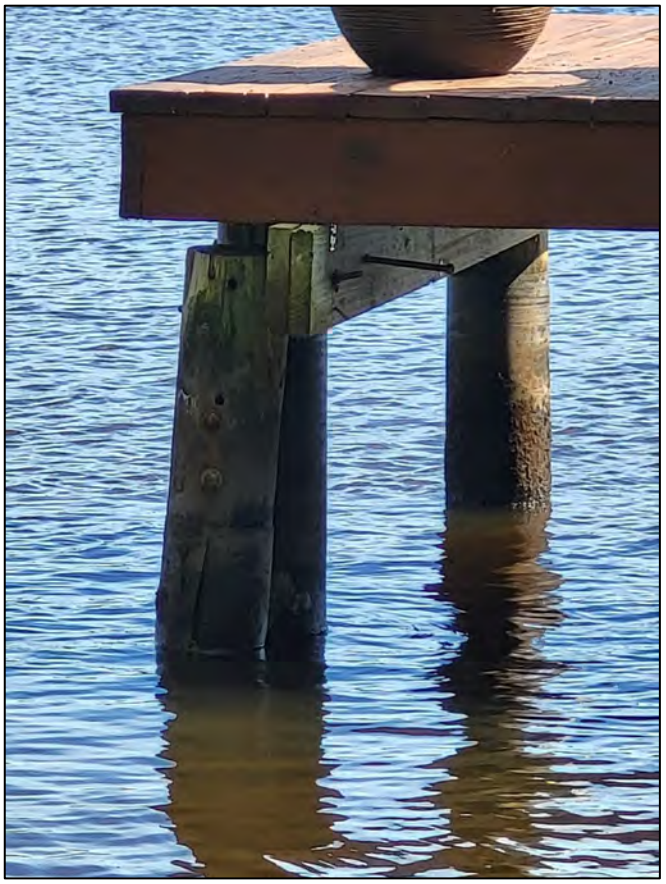
Sincerely,

Colleen Nicoulin

Exhibit 2







KEY WEST

Subject Property

Exhibit 3

Cruz, Penelope

From: Colleen Nicoulin <cenicoulin@gmail.com>
Sent: Thursday, April 18, 2024 6:41 AM
To: Cruz, Penelope
Subject: [EXT] Fwd: Support for neighbors dock

Hello Penny,
I am forwarding you this email from my neighbor that owns the dock to the east of us. It looks like they mis-typed your email address.

Thanks,
Colleen
---------- Forwarded message ---------
From: **Tim Girard** <TGirard001@cfl.rr.com>
Date: Wed, Apr 17, 2024 at 7:56 PM
Subject: Support for neighbors dock
To: <pceuz@port-orange.org>
Cc: Colleen Nicoulin <cenicoulin@gmail.com>

We wish to express support for our neighbors at 6220 Foxhaven Court to rebuild their dock and boathouse. We own the adjacent dock to the east and the reconstruction of their dock will not change the use of or access to our dock. We have no objection to the requested variances.

Tim and Patricia Girard 6229 Cranberry Drive Port Orange, Fl. 32127

Exhibit 4

From: Community Manager <riverwood@wimmercam.com>
Sent: Wednesday, February 28, 2024 4:26 PM
To: Tim Touma <Tim.Touma@daytonastate.edu>
Subject: ARC Approval for 6220 Foxhaven Court

Tim Touma,

The Architectural Review Committee of Riverwood Plantation has approved the dock replacement at 6220 Foxhaven Court Port Orange, FL, 32127. Please let us know when this project has been completed.

Best Regards,

Mirlandjy Olivier
riverwood@wimmercam.com
6200 Riverwood Drive
Port Orange, FL 32127
Office: 386-767-9020
Please note: Florida has very broad public record laws. Most written communications to or from college employees are public records and available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

STAFF REPORT

Seventh Amendment to the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD) and Master Development Agreement (MDA)

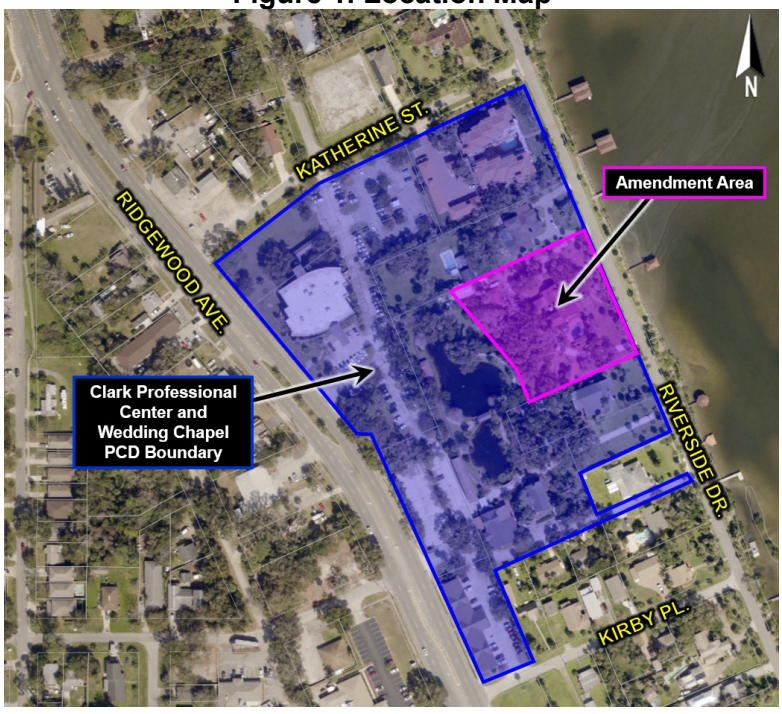
CASE NO. PRZA-24-0001

REQUEST:	To approve the Seventh Amendment to the Clark Professional Center and Wedding Chapel PCD MDA and CDP to allow the development of a bed and breakfast concept, consisting of multiple rental cottages with a common building to provide food service for guests.
LOCATION:	5120 Riverside Drive
PROPERTY OWNERS:	5120 Partners, LLC
APPLICANT:	A. Joseph Posey Jr., Storch Law Firm
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval

Introduction

The applicant, Joey Posey of Storch Law Firm, on behalf of the property owner, is requesting approval of the Seventh Amendment to the Clark Professional Center and Wedding Chapel Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP). If approved, the Amendment will set up the framework ~~for~~ to allow the development of a bed and breakfast concept, consisting of multiple rental cottages with a common building to provide food service for guests, rather than a single building, and would be part of the existing wedding and event venue complex. The subject property is located on the west side of Riverside Drive, south of Katherine Street, at 5120 Riverside Drive.

Figure 1. Location Map

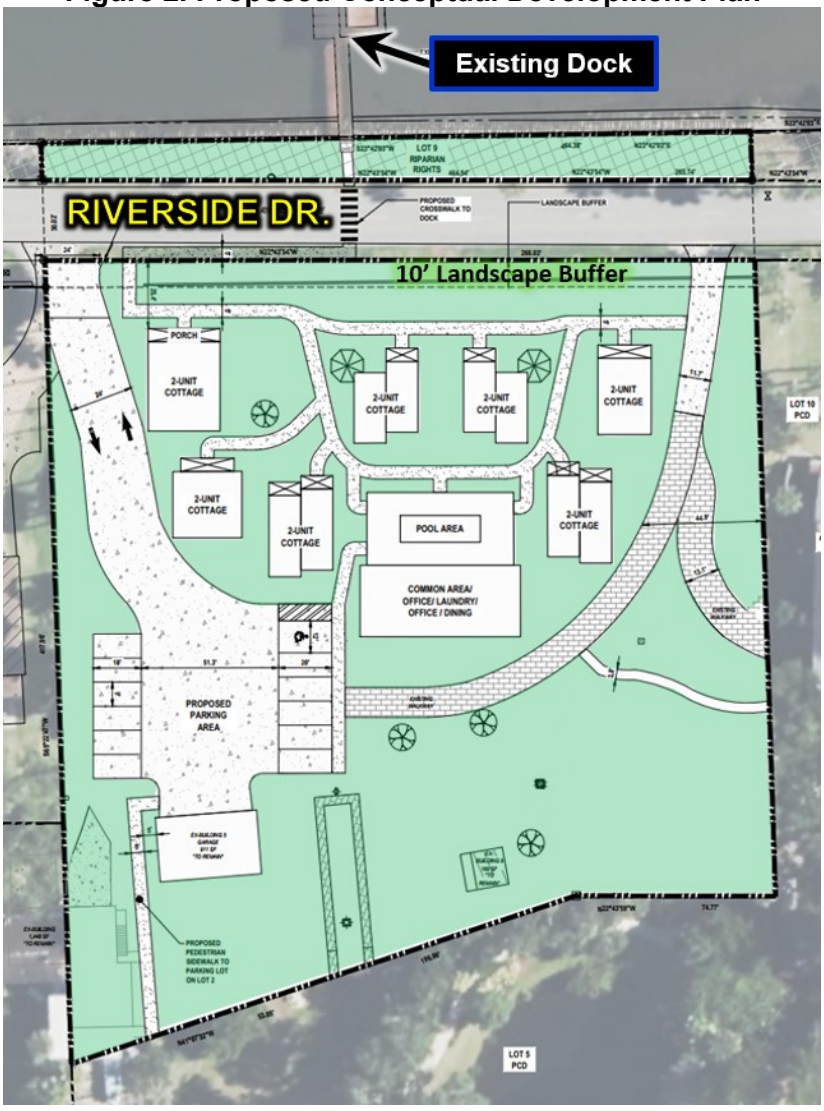


Discussion

As part of the approved Sixth Amendment to the Clark Professional Center and Wedding Chapel PCD, the former single-family home at 5120 Riverside Drive was previously approved to be converted into a bed and breakfast. However, after the Sixth Amendment was approved, it was determined that converting the single-family home at 5120 Riverside Drive into a bed and breakfast was not financially feasible due to all the required ADA upgrades. The single-family home was demolished in 2023, and the site is currently vacant. With the Seventh Amendment, the applicant is requesting to develop a bed and breakfast concept but one that consists of multiple rental cottages with a common building that will provide food service for guests rather than a single building. The Seventh Amendment also allows the existing dock to be used for the proposed bed and breakfast use.

According to the applicant, in addition to individual vacationers/tourist, this concept will serve the current Estate on the Halifax business that rents out venues or spaces within the PCD such as the chapel, the railroad car, and the Tavern in the Garden for weddings, private parties, and corporate events. The Estate on the Halifax has been able to provide continuous services and rental space that attracts customers and visitors to the east side of Port Orange and the applicant believes having on-site lodging will help to continue attracting events to this location.

Figure 2. Proposed Conceptual Development Plan



Access to the bed and breakfast cottage complex will be from the existing driveways along Riverside Drive. There are also pedestrian connections to the other properties within the PCD.

The architectural design for the proposed bed and breakfast cottage complex will be a traditional Florida vernacular and Mediterranean styles (see Figure 3).

Figure 3. Rendering of Proposed Bed and Breakfast Cottage Complex

All future development plans submitted will require detailed technical review by the Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and the Clark Professional Center and Wedding Chapel MDA and associated Amendments are met.

Consistency with the Comprehensive Plan

The subject property was designated *Commercial* on the City's Future Land Use (FLU) at the same time the Sixth Amendment to the Clark's Professional Center and Wedding Chapel PCD was approved. As part of the approval process for the Sixth Amendment in 2021, the subject property was added into the PCD and the bed and breakfast inn use was established as a permitted use on the subject property was found to be consistent with the Comprehensive Plan. The proposed Seventh Amendment does not change the FLU designation for the subject property and is consistent with the general intent of the City's Comprehensive Plan.

Public Notice

A Public Notice sign was posted on the site on February 2, 2024. As of April 19, 2024, staff has received one (1) phone call, requesting general information regarding the proposed PUD Amendment.

Recommendation

Staff recommends approval of the Seventh Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement and Conceptual Development Plan.

Attachment

Exhibit 1- Seventh Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement and Conceptual Development Plan

This Document Prepared By:
Storch Law Firm
420 South Nova Road
Daytona Beach, FL 32174

Exhibit 1

Return Recorded Document to:
Office of Records Clerk
1000 City Center Circle
Port Orange, FL 32129

SEVENTH AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL PLANNED COMMERCIAL DEVELOPMENT MASTER DEVELOPMENT AGREEMENT

This Agreement, entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129 (hereinafter referred to as the "City") and 5120 PARTNERS, LLC, a Florida limited liability company, located at 5111 S. Ridgewood Avenue, Port Orange, FL 32127 (referenced as the "Developer"), constitutes the Seventh Amendment to the Master Development Agreement for the Clark Professional Center and Wedding Chapel Planned Commercial Development (hereinafter referred to as the "Seventh Amendment"), who hereby agree and covenant as follows:

WHEREAS, the Developer's predecessors-in-interest and the City previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development, recorded in Official Records Book 4550, Page 672, Public Records of Volusia County, Florida ("MDA"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain First Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of July 20, 2000 and recorded in Official Records Book 4581, Page 1194, Public Records of Volusia County Florida ("First Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Second Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of July 17, 2001 and recorded in Official Records Book 47251, Page 1695, Public Records of Volusia County Florida ("Second Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Third Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of November 22, 2002 and recorded in Official Records Book 4979, Page 4950, Public Records of Volusia County Florida ("Third Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Fourth Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of September 19, 2006 and recorded in Official Records Book 5923, Page 2515, Public Records of Volusia County Florida ("Fourth Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Fifth Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of May 17, 2017 and recorded in Official Records Book 7399, Page 2011, Public Records of Volusia County Florida ("Fifth Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Sixth Amendment To Master Development Agreement [for the] Clark Professional Center and Wedding Chapel Planned Commercial Development having an effective date of March 9, 2021 and recorded in Official Records Book 8005, Page 2524, Public Records of Volusia County Florida ("Sixth Amendment"); and

WHEREAS, the Parties desire to amend the MDA, as previously amended by the First, Second, Third, Fourth, Fifth and Sixth Amendments for the purpose of clarifying the definition of Bed and breakfast use and to remove the single-family residential use.

NOW, THEREFORE, the Parties agree as follows:

1. The premises stated above are true and correct and form a material part of this Seventh Amendment.

2. This Seventh Amendment pertains only to that property identified as Lot 9 on the CDP and as more particularly described in **Exhibit "A",** attached hereto and made a part hereof by this reference, referred to herein as the "Subject Property".

3. Paragraph 2 of the Sixth Amendment is hereby amended, with insertions and deletions in underline and strikethrough formats, respectively, as follows:

2. Development Standards.

a. *[no changes to this section]*

b. Permitted Uses. Permitted Uses for Lots 9 within the Sixth Amendment Project Area shall be as follows uses:

Bed and breakfast inn (in a single building or a multiple building cottage-like complex)**
Brewery
~~Caretaker's residence*~~
Craft food and beverage producer
Cultural facilities
Houses of worship/Wedding chapel
Offices
Off-site parking (within PCD Property only)
~~Single-family detached**~~
Wedding venue

Wedding gazebo and/or pavilion

All other uses and structures of an accessory nature customary to the permitted uses listed above.

** Bed and Breakfast Inn shall mean a house or portion thereof, or a cottage complex of two or more attached and/or detached buildings where short-term lodging units are provided, under unified ownership, where meals may be provided at a common area when requested by guests as part of the stay. For clarification, kitchen facilities requiring a 240-volt electrical outlet or gas line shall not be allowed to be installed in the short-term lodging units. The operator of the inn may live on the premises.

~~a change of use for those single-family residences located along Riverside Drive within the PCD will require the property to come into compliance with the requirements of the MDA and LDC and the use cannot revert back to a residential use once the property is redeveloped with a non-residential use. Any change of use from single-family to one of the non-residential permitted uses will require a site plan to be reviewed and approved by the City.~~

c. *[no changes to this section]*

d. *[no changes to this section]*

e. Dimensional Requirements and Standards.

i.	Maximum Building Coverage:	35%
ii.	Minimum Open Space:	30%
iii.	Minimum Building Setbacks:	
	Front Yard:	10 feet 25 feet along Riverside Drive
	Side Yard:	10 feet 5 feet for that portion of PR-Building 1 adjoining lots within the PCD
	Rear Yard:	10 feet
iv.	Maximum Number of Lots:	4
v.	Minimum Lot Dimensions	
	Lot Width:	100 feet
	Lot Area:	10,000 square feet
	Maximum Height:	35 feet

vi. [*no change to this section*]

vii. Existing docks may only be utilized as part of an existing residential use, or a bed and breakfast inn use, as defined hereinabove, and any additional docks shall only be permitted pursuant to the City LDC.

viii. [*no change to this section*].

f. Architecture. Buildings within the Sixth Amendment Project Area shall incorporate a mixture of eclectic modern and historical architecture visually compatible with existing structures within the PCD Property. Said architectural mixture is intended to create a diverse aesthetic character throughout the PCD Property of both modern and traditional architectural styles common to Florida including, but not limited to, the Florida vernacular and Mediterranean styles. An example of architectural intent for Lot 9, consistent with this Paragraph, is attached hereto as **Exhibit "C"**. ~~The exterior of the single-family residences located along Riverside Drive shall not be modified unless a modification is needed to accommodate Florida Building Code and/or ADA requirements, modernization and/or general repairs and maintenance of a residence. Any additions to modernize a single-family residence shall be architecturally consistent with the existing structure.~~ A privacy fence shall be installed at the corner of Lot 8 and Parcel 6310-00-0001 to screen the existing townhome development from PR-Building 1 as shown on the Sixth Amendment Project Area Conceptual Plan.

g. Access and Parking.

i. The existing driveways that provide access for those existing parcels along Riverside Drive may be utilized for existing residential and/or passive recreational uses, and/or a Bed and breakfast inn use, and ancillary deliveries and services associated with the aforementioned uses. No commercial use access, other than those uses specified in this Paragraph, shall be permitted from Riverside Drive, and said existing driveways shall be blocked once the parcels transition to a commercial use not otherwise permitted in this Paragraph.

ii. *[no changes to the remainder of section g.]*

4. New Conceptual Development Plan**.** The New Conceptual Development Plan as it applies to the Subject Property is shown on **Exhibit "B"**, attached hereto and by reference made a part hereof.

5. This Seventh Amendment shall be effective on the date it is executed by all parties.

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

7. The MDA, as previously amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, and Sixth Amendment shall remain in full force and effect except with the respect to those matters specifically amended by the Seventh Amendment.

[SIGNATURES ON FOLLOWING PAGES]

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

WITNESSES:

CITY OF PORT ORANGE, FLORIDA
a Chartered Municipal Corporation

_____

By: _____
Donald O. Burnette, Mayor

Name: _____
1000 City Center Circle
Port Orange, FL 32129

Date: _____

_____

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

Name: _____
1000 City Center Circle
Port Orange, FL 32129

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [**XX**] physical presence or [_] online notarization, this _____ day of _____, 20___ by Donald O. Burnette, as Mayor and Robin L. Fenwick, as City Clerk, both of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledged that he is duly authorized to execute the foregoing agreement on behalf of the city. He is personally known to me.

_____
Notary Public, State of Florida at Large
Printed name, commission and expiration of commission term:

WITNESSES:

5120 PARTNERS, LLC
a Florida limited liability company

_____

By: _____
D. Andrew Clark, Manager

Name: _____
_____
_____

Date: _____

_____

Name: _____
_____
_____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [_] physical presence or [_] online notarization, this _____ day of _____, 20___ by D. Andrew Clark, as Manager of 5120 Partners, LLC, a Florida limited liability company, who is [ ] personally known to me or [ ] who has produced _____ as identification and who did not take an oath.

_____
Notary Public, State of Florida at Large
Printed name, commission and expiration of commission term:

Exhibit A

PART 1

LOT 1, ALLAN PARK SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 226, AND A PORTION OF LOT 1, ALLENWOOD SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE "A"(ALSO RECORDED IN MAP BOOK 2, PAGE 65, (ALSO RECORDED IN MAP BOOK 12, PAGE 137), ALL BRING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A NORTHEASTERLY CORNER OF CLARK PROFESSIONAL CENTER, AS RECORDED IN MAP BOOK 47, PAGE 200, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER BEING THE INTERSECTION OF THE WESTE4RLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE (60 FOOT RIGHT-OF-WAY) WITH THE SOUTHERLY LINE OF LOT 2, AFORESAID ALLAN PARK, THENCE ALONG THE BOUNDARY OF THE CLARK PROFESSIONAL CENTER THE FOLLOWING COURSES: S 63%%D47'08" W FOR A DISTANCE OF 199.63 FEET; THENCE N 24%%D34'13" W FOR A DISTANCE OF 83.82 FEET FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE BOUNDARY OF SAID CLARK PROFESSIONAL CENTER THE FOLLOWING COURSES: N 24%%D34'13" W FOR A DISTANCE OF 85.97 FEET; THENCE S 63%%d36"48" W FOR A DISTANCE OF 87.80 FEET; THENCE N 24%%D33'32" W FOR A DISTANCE OF 93.14 FEET; THENCE 2 36%%D33'14" E FOR A DISTANCE OF 50.00 FEET; THENCE N 24%%D33'32" W FOR A DISTANCE OF 74.77 FEET; THENCE N 42%%D57'05" W FOR A DISTANCE OF 199.07 FEET TO A POINT ON THE NORTHERLY LINE OF AFORESAID LOT 1, ALLENWOOD SUBDIVISION; THENCE N 63%%D33'14" E ALONG SAID NORTH LINE OF LOT 1, FOR A DISTANCE OF 300.35 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AFORESAID RIVERSIDE DRIVE, THENCE S 24%%d33'27" E ALONG THE WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 445.57 FEET; THENCE S 63%%d43'49" W FOR A DISTANCE OF 199.65 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS 2.596 ACRES MORE OR LESS.

PART 2

ALL LANDS LYING EASTERLY OF RIVERSIDE DRIVE AND TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER WITH THE NORTH BOUNDARY OF LOT 1, ALLANWOOD SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE "A" (ALSO RECORDED IN MAP BOOK 15, PAGE 195), EXTENDED EASTERLY TO THE MEAN HIGH WATER LINE AND THE SOUTH BOUNDARY OF LOT 1, ALLAN PARK SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 226, EXTENDED EASTERLY TO THE MEAN HIGH WATER LINE OF SAID HALIFAX RIVER, ALL BEING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA ALL BEING IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A NORTHEASTERLY CORNER OF CLARK PROFESSIONAL CENTER, AS RECORDED IN MAP BOOK 47, PAGE 200, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE (A 60.00 FEET RIGHT-OF-WAY) WITH THE SOUTHERLY LINE OF LOT 2, OF AFORESAID ALLAN PARK, THENCE N 24%%D33'27" W ALONG THE RIGHT-OF-WAY LINE

OF RIVERSIDE DRIVE FOR A DISTANCE OF 84.00 FEET TO THE NORTHEAST CORNER OF AFORESAID LOT 2; THENCE NORTH 63%%d 33'49" EAST, CROSSING RIVERSIDE DRIVE FOR A DISTANCE OF 30.01 FEET TO EAST RIGHT-OF-WAY OF RIVERSIDE DRIVE, AS SHOWN ON THE PLAT OF SAID ALLAN PARK, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N 24%%D33'27" W ALONG THE SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 445.66 FEET TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1, ALLANWOOD; THENCE N 63%%D33'14" E ALONG SAID EASTERLY EXTENSION FOR A DISTANCE OF 13.85 FEET TO THE EAST EDGE OF A COQUINA ROCK HEADWALLM AT THE MEAN HIGH WATER ELEVATION 1.27 FEET, NATIONAL GEODETIC DATUM OF 1929, ESTABLISHED ON DECEMBER 16, 1999, THENCE S 25%%D31'36" E ALONG THE EASTERLY EDGE OF SAID WALL AND SAID MEAN HIGH WATER LINE FOR A DISTANCE OF 358.92 FEET; THENCE S 18%%D06'10" E LEAVING SAID COQUINA ROCK SEA WALL AND CONTINUING ALONG SAID MEAN HIGH WATER LINE FOR A DISTANCE OF 37.75 FEET; THENCE S 27%%D54'44" FOR A DISTANCE OF 49.26 FEET TO THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 2, OF ALLAN PARK; THENCE S 63%%D43'49" W ALONG THE SAID EASTERLY EXTENSION FOR A DISTANCE OF 18.53 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID RIVERSIDE DRIVE AND THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS 0.173 ACRES MORE OF LESS

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
01	COVER
02	OVERALL DEVELOPMENT PLAN
03	SITE LAYOUT PLAN
04	TOPOGRAPHY & FEMA MAP EXHIBIT
05	TREE PAN

EXHIBIT B - CONCEPTUAL DEVELOPMENT PLAN

SEVENTH AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL PCD

LOT 9, PARCEL# 63-10-11-00-0010
5120 RIVERSIDE DR, PORT ORANGE, FL, 32127
SECTION 07, TOWNSHIP 16 S, RANGE 33 E
63-10-11-00-0010
FEBRUARY 2024

PROJECT TEAM

PROPERTY OWNER / APPLICANT: 5120 PARTNERS, LLC
5111 RIDGEWOOD AVE UNIT 201
PORT ORANGE, FL 32127
PHONE: (386) 236-1970
EMAIL: ACLARK@GOALLABOARD.COM

CIVIL ENGINEER/ LANDSCAPE ARCHITECT AGENT: NEWKIRK ENGINEERING, INC.
1230 NORTH US HIGHWAY 1, SUITE 3
ORMOND BEACH, FL 32174
PHONE: (386) 872-7794
EMAIL: CODY@NEWKIRK-ENGINEERING.COM

ARCHITECT: BPF DESIGN INCORPORATED.
207 FAIRVIEW AVENUE
DAYTONA BEACH, FL 32114
PHONE: (386) 257-0502
EMAIL: BPFDESIGN@CFL.RR.COM

SURVEYOR: A1A SURVEYING, INC.
555 W GRANADA BLVD, SUITE D7
ORMOND BEACH, FL 32174
PHONE: (386) 216-5730
EMAIL: ALLEN@A1ASURVEYING.COM

CONTACT NUMBERS

PLANNING & BUILDING - CITY OF PORT ORANGE (386) 506-5602
WATER - CITY OF PORT ORANGE UTILITY DEPARTMENT (386) 506-5754
WASTEWATER - CITY OF PORT ORANGE UTILITY DEPARTMENT (386) 506-5754
GAS - FLORIDA PUBLIC UTILITES (386) 428-5721
ELECTRIC - FLORIDA POWER & LIGHT (386) 586-6403
TELEPHONE / INTERNET - AT&T (561) 683-2729
CABLE - CHARTER COMMUNICATIONS (321) 338-1928

LOT	PARCEL ID	ADDRESS
LOT 1	63-10-35-00-0010	184 KATHERINE ST, PORT ORANGE, FL, 32127
LOT 2	63-10-35-00-0020	5111 RIDGEWOOD AVE, PORT ORANGE, FL, 32127
LOT 3	63-10-35-00-0030	.
LOT 4	63-10-35-00-0040	5131 RIDGEWOOD AVE, PORT ORANGE, FL, 32127
LOT 5	63-10-35-00-0050	5121 RIDGEWOOD AVE, PORT ORANGE, FL, 32127
LOT 6	63-10-10-00-0020	5166 RIVERSIDE DR, PORT ORANGE, FL, 32127
LOT 7	63-10-12-03-0030	5100 RIVERSIDE DR, PORT ORANGE, FL, 32127
LOT 8	63-10-12-03-0030	5100 RIVERSIDE DR, PORT ORANGE, FL, 32127
LOT 9	63-10-11-00-0010	5120 RIVERSIDE DR, PORT ORANGE, FL, 32127
LOT 10	63-10-09-00-0160	5128 RIVERSIDE DR, PORT ORANGE, FL, 32127

NOTE:

COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL DEVELOPMENT PLAN.

PROJECT STATEMENT

THIS IS A PROPOSED REDEFINED BED AND BREAKFAST USE FOR THE EXISTING PLANNED DEVELOPMENT KNOWN AS "CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL". IT WILL BE THE 7TH AMENDMENT. PROPOSED ARE INDIVIDUAL BUILDINGS TO FUNCTION AS A BED AND BREAKFAST FACILITY WITH A COMMON ARE BUILDING AND POOL. THIS WORK IS PROPOSED ON LOT 9 OF THE PLANNED DEVELOPMENT.

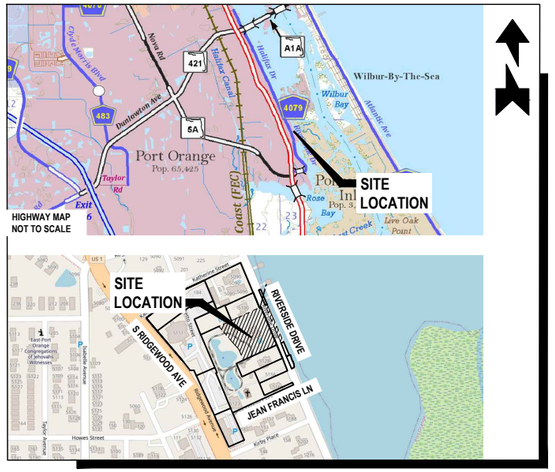
CITY OF PORT ORANGE NOTE

ALL CONSTRUCTION SHALL COMPLY WITH THE STANDARD CONSTRUCTION DETAILS AS ADOPTED BY RESOLUTION OF THE CITY COUNCIL. ANY DEVIATION FROM THE ADOPTED STANDARDS SHALL BE CLEARLY NOTED AS SUCH IN ALL PLANS AND SPECIFICATIONS. IF INADVERTENT DEVIATIONS IN PLANS ARE NOT SO NOTED, ADOPTED STANDARDS SHALL APPLY.

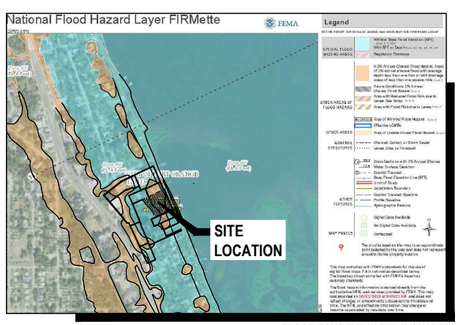
THE GENERAL CONTRACTOR SHALL ENSURE THAT ANY SUBCONTRACTOR HAS A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR ITS RESPECTIVE WORK. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR SUBCONTRACTORS ONLY UTILIZING INDIVIDUAL DRAWINGS FOR ITS WORK WHERE ADDITIONAL INFORMATION MAY BE CONTAINED ON OTHER DRAWINGS WITHIN THE SET.

THESE DRAWINGS ARE THE PROPERTY OF NEWKIRK ENGINEERING, INC. ANY USE OR REPRODUCTION IN WHOLE OR PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF NEWKIRK ENGINEERING, INC. COPYRIGHT 2013 ALL RIGHTS RESERVED.

AERIAL MAP
SCALE: 1" = 200'



LOCATION MAP
SCALE: 1" = 450'



FLOOD ZONE MAP
SCALE: 1" = 850'
FLOOD ZONE "X", "AE4", "XSHADED"
PANEL No. 12127C0388 J,
DATED SEPTEMBER 29, 2017

ZONING MAP
SCALE: 1" = 300'
PROJECT ZONING DISTRICT:
PCD - "CLARK PROFESSIONAL CENTER 6TH ADMENDMENT"

SOILS MAP
SCALE: 1" = 550'
SOIL TYPE:
(12) CANAVERAL SAND, 0 TO 5 PERCENT SLOPES

One Nation... One Number... 811 Know what's below. Call before you dig.

WARNING !!
CONTRACTOR SHALL TAKE ALL PRECAUTIONS DURING CONSTRUCTION TO AVOID CONTACT WITH EXISTING UNDERGROUND UTILITIES AND OVERHEAD ELECTRIC IN THE RIGHT-OF-WAY.

1230 North US1, Suite 3
Ormond Beach, Florida 32174
Phone (386) 872-7794
www.Newkirk-Engineering.com
C.A.# 30209
L.C.# 26000584

© 2013

Civil Engineering, Transportation, CEI & Landscape Architecture

NEWKIRK ENGINEERING INC.

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THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY CODY A. BOGART, PE # 94133 ON

CODY A. BOGART LICENSE No. 94133 STATE OF FLORIDA PROFESSIONAL ENGINEER

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

DRAWING NUMBER
01

PROJECT No. 2022-200

EXHIBIT B - CONCEPTUAL DEVELOPMENT PLAN

SEVENTH AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL PCD

RIVERSIDE DR
(30' R/W)

LOT 9
PROPOSED BED & BREAKFAST

LOT 7

LOT 10

LOT 6

LOT 8

LOT 5

LOT 1

LOT 2

LOT 3

LOT 4

JEAN FRANCES LANE

KIRBY PLACE

KATHERINE ST

S RIDGEWOOD AVE
US 1 (SR 5)
(R/W VARIES)

#5090

PARCEL ID#: 631035000010
OWNER: ALL ABOARD HOLDINGS LLC
5111 RIDGEWOOD AVE STE 201
PORT ORANGE, FL 32127

PARCEL ID#: 631035000020
OWNER: CW GLASS TOWER LLC
5111 RIDGEWOOD AVE STE 201
PORT ORANGE, FL 32127

PARCEL ID#: 631035000030
OWNER: ALLANWOOD MANAGEMENT LLC
5111 RIDGEWOOD AVE STE 201
PORT ORANGE, FL 32127

PARCEL ID#: 631035000040
OWNER: 5131 RIDGEWOOD LLC
5123 S RIDGEWOOD AVE STE 201
PORT ORANGE, FL 32127

PARCEL ID#: 631009000133
OWNER: 142 JEAN FRANICS LLC
5133 S RIDGEWOOD AVE
PORT ORANGE, FL 32127

PARCEL ID#: 631009000134
OWNER: KLING LARRY L
140 JEAN FRANCES LN
PORT ORANGE, FL 32127

PARCEL ID#: 631007820010
OWNER: GREENSLADE DONALD RICHARD
145 KIRBY PL
PORT ORANGE, FL 32127

PARCEL ID#: 631009000139
OWNER: RICHARDS YOLANDA C
5178 RIVERSIDE DR
PORT ORANGE, FL 32127

PARCEL ID#: 631035000039
OWNER: CW GLASS TOWER LLC
5111 RIDGEWOOD AVE STE 201
PORT ORANGE, FL 32127

PARCEL ID#: 631035000001
OWNER: PORTFINO PORT ORANGE CONDO
5111 RIDGEWOOD AVE STE 201
PORT ORANGE, FL 32127

AERIAL MAP

SCALE: 1" = 250'

40 0 40 80
GRAPHIC SCALE
1"=40'

NOTE:

COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL DEVELOPMENT PLAN.

REVISIONS

DATE	DESCRIPTION

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Ormond Beach, Florida 32174
Phone (386) 872-7794
www.Newkirk-Engineering.com
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L.C. # 26000584

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OVERALL DEVELOPMENT PLAN
EXHIBIT B
5120 RIVERSIDE DRIVE
PORT ORANGE, FL 32127

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PROJECT No:	2022-200
DATE:	FEB 2024
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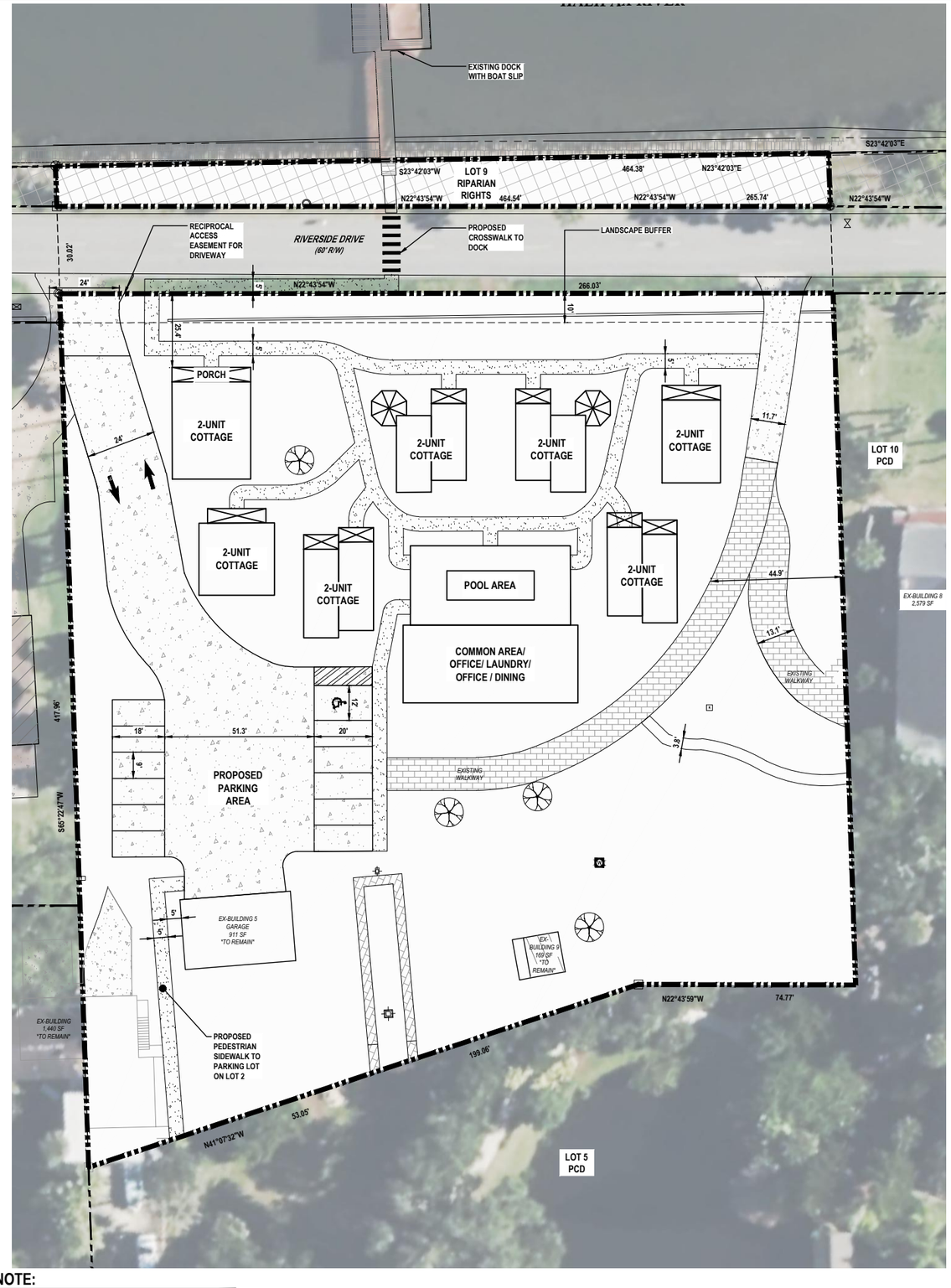
CHECKED BY:	HHN
SCALE:	1" = 40'

DRAWING NUMBER

02



NOTE:

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GRAPHIC SCALE
20 10 0 20 40
1"=20'

LEGEND :

SPECIMEN TREE
ONLY SHOWN FOR TREES PROPOSED TO KEEP

OVERALL SITE DEVELOPMENT USAGE

1.	PROPERTY INFORMATION	
	PARCEL ID	63-10-11-00-00-0010
	ADDRESS	5120 RIVERSIDE DRIVE
	FUTURE LAND USE (FLU)	COMMERCIAL
	ZONING (w/ OVERLAY)	PCD
	FLOODZONE	"X", "AE=4", "AE=5" & "AE=6"

2	DIMENSIONAL REQUIREMENTS (per PCD)	
		SF
	MAX BUILDING COVERAGE	35%
	MAX BUILDING HEIGHT	35 FT
	MIN. OPEN SPACE	30%
	MIN. BUILDING SETBACKS	
	FRONT SETBACK	10' (25' ALONG RIVERSIDE DR)
	SIDE SETBACK	10' (5' FOR PR-1 ALONG PCD)
	REAR SETBACK	10 FT
	MAX NUMBER OF LOTS	4
	MIN. LOT DIMENSIONS	
	WIDTH	100 FT
	AREA	10,000 FT

3	EXISTING SITE COVERAGE			
	AREA TYPE	SF	ACRE	% OF SITE
	ASPHALT		0.000	
	CONCRETE	15,344	0.352	22.2%
	BUILDING	6,787	0.156	9.8%
	DRY POND	0	0.000	
	WET POND	0	0.000	
	GREEN SPACE	46,949	1.078	68.0%
	TOTAL SITE	69,080	1.586	100.0%
	TOTAL IMPERVIOUS	22,131	0.508	32.0%
	TOTAL GREEN SPACE	46,949	1.078	75.4%

PROPOSED SITE COVERAGE				
AREA TYPE	SF	ACRE	% OF SITE	CHANGE
ASPHALT	9,022	0.207	13.1%	9,022
CONCRETE	7,100	0.163	10.3%	-8,244
BUILDING	8,876	0.204	12.8%	2,089
DRY POND	0	0.000		0
WET POND	0	0.000		0
GREEN SPACE	44,082	1.012	63.8%	-2,867
TOTAL SITE	69,080	1.586	100.0%	0
TOTAL IMPERVIOUS	24,998	0.574	36.2%	2,867
TOTAL GREEN SPACE	44,082	1.012	73.2%	-2,867

5	LDC PARKING REQUIREMENTS		
BUILDING USE	DEMAND	REQUIREMENT	REQ. SPACES
BED & BREAKFAST	14 BEDS	1 SPACES PER 1 BEDS	14
B&B EMPLOYEES	14 BEDS	0.1 SPACES PER 1 BEDS	1.4
TOTAL REQUIRED SPACES			16

SPECIALTY PARKING REQUIREMENTS	
	REQ.
ADA SPACES	1
BICYCLE SPACES	0

PROVIDED PARKING		
	%	PROV.
STANDARD SPACES - ONSITE	69%	11
ADA SPACES - ONSITE	6%	1
OFFSITE SHARED PARKING (LOTS 1 & 2)	25%	4
TOTAL REQUIRED SPACES		16

AERIAL MAP

SCALE: 1" = 250'

OVERALL SITE DEVELOPMENT USAGE

SHARED PARKING DEMAND CALCULATIONS - LOTS 1, 2, 8, 9					
BUILDING USE	A. SQ. FT. / SEATS	B. SPACES	C. PER SQ.FT.	D. REQ. SPACES DAY	D. REQ. SPACES EVENING
LOT 8 - WEDDING VENUE	200	1	3		67
LOT 2 - EXISTING OFFICE	13,953	1	200	70	
LOT 1 - PROPOSED OFFICE	9,600	1	200	48	
LOT 9 - PROPOSED B&B	1 PER BED +0.1 PER EMPLOYEE			16	16
TOTAL REQUIRED SPACES				134	83
REQUIRED ADA SPACES				5	

PROVIDED PARKING - LOTS 1, 2, 8, 9		
	%	SPACES
STANDARD SPACES	94%	140
ADA SPACES	6%	9
TOTAL PROVIDED SPACES		149

SHARED PARKING DEMAND CACLULATIONS - LOTS 3, 4, 5, 6					
BUILDING USE	A. SQ. FT. / SEATS	B. SPACES	C. PER SQ.FT.	D. REQ. SPACES DAY	D. REQ. SPACES EVENING
LOT 5 - EX WEDDING VENUE	150	1	3		50
LOT 4 - EXISTING OFFICE	5,275	1	200	27	
TOTAL REQUIRED SPACES				27	50
REQUIRED ADA SPACES				2	

PROVIDED PARKING - LOTS 3, 4, 5, 6		
	%	SPACES
STANDARD SPACES	95%	89
ADA SPACES	5%	5
TOTAL PROVIDED SPACES		94

*LOTS 7 & 10 HAVE PARKING MET FOR CURRENT RESIDENTIAL USE
**LOT 8 ON PCD NOT BUILT TO DATE

One Nation... One Number... 811
Know what's below. Call before you dig.

WARNING !!

CONTRACTOR SHALL TAKE ALL PRECAUTIONS DURING CONSTRUCTION TO AVOID CONTACT WITH EXISTING UNDERGROUND UTILITIES AND OVERHEAD ELECTRIC IN THE RIGHT-OF-WAY.

REVISIONS

DATE	DESCRIPTION

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SITE PLAN
EXHIBIT B
5120 RIVERSIDE DRIVE
PORT ORANGE, FL 32127

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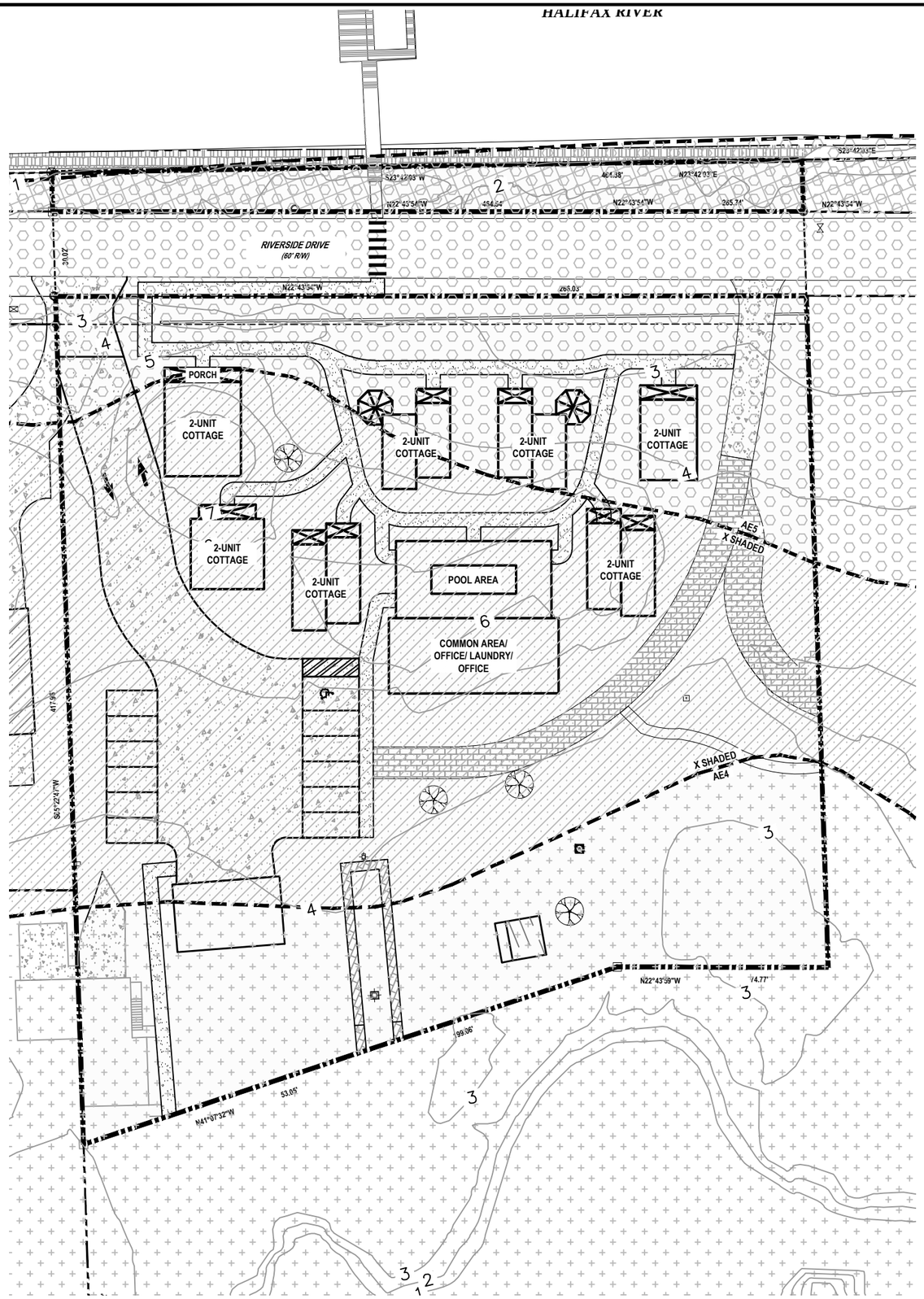
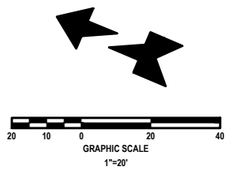
DRAWN BY:	CAB
CHECKED BY:	HHN
SCALE:	1" = 20'

DRAWING NUMBER

03





NOTES

1. ELEVATIONS SHOWN ARE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
2. SITE SOILS:
   - A. (29) IMMOKALEE SAND
   - B. (32) MYAKKA-MYAKKA, WET, FINE SANDS, 0-2% SLOPES
   - C. (69) TUSCAWILLA FINE SAND
3. FEMA CLOMR-F APPLICATION TO BE APPLIED FOR DURING SITE DESIGN. LOMR-F APPLICATION TO BE OBTAINED DURING CONSTRUCTION ONCE PROVIDED AS-BUILT.

LEGEND

- PORTIONS OF PROPERTY IN FLOOD ZONE AE4.
- PORTIONS OF PROPERTY IN FLOOD ZONE AE5.
- PORTIONS OF PROPERTY IN FLOOD ZONE X SHADED (0.2% ANNUAL FLOOD CHANCE).
- PORTIONS OF PROPERTY IN FLOOD ZONE X
- FEMA FLOODPLAIN LINES
- —3— LIDAR CONTOUR LINES

AERIAL MAP

SCALE: 1" = 200'

NOTE:

COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL DEVELOPMENT PLAN.

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TOPOGRAPHY & FLOODPLAIN EXHIBIT

EXHIBIT B

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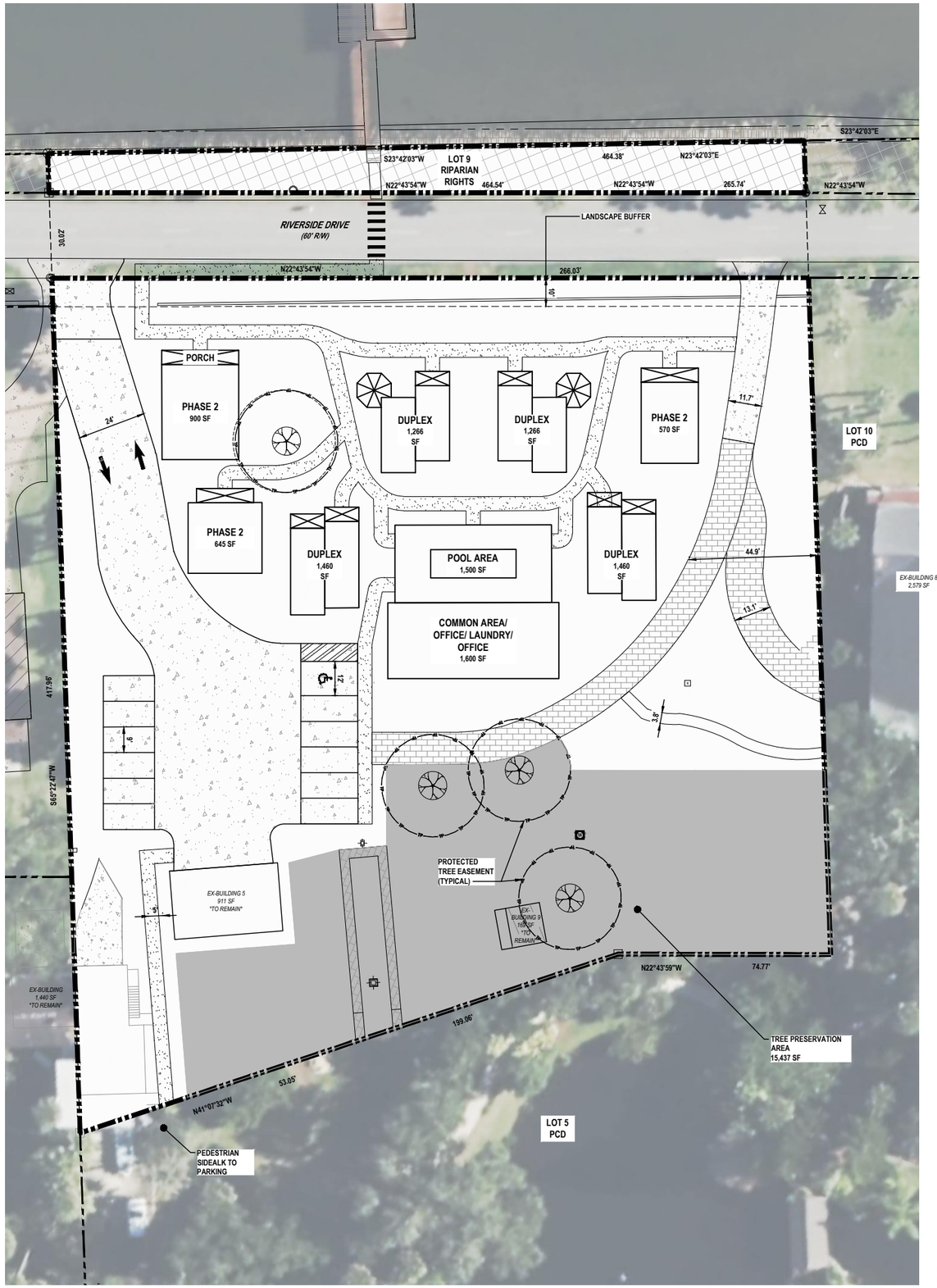
SCALE:	1" = 20'

DRAWING NUMBER

04



20 10 0 20 40

GRAPHIC SCALE
1"=20'

EASEMENT LEGEND :

SPECIMEN TREE WITH REQUIRED EASEMENT (1' DIA FOR 1" CAL) ONLY SHOWN FOR TREES PROPOSED TO KEEP

AERIAL MAP

SCALE: 1" = 250'

SITE AREA (Ac)	1.586
TOTAL SPECIMEN TREES	4
SPECIMEN / ACRE	2.5
REQUIRED PRESERVATION (80%)	3
PROVIDED PRESERVATION	4
TOTAL HISTORIC TREES	0
HISTORIC TREES REMOVED	0

TREE PRESERVATION AREA REQUIREMENT CALCULATION:

TREE PRESERVATION AREA REQUIRED = 15% MINIMUM
1.586 ACRE x 0.15 = 0.238 ACRES (10,363 SF)

TREE PRESERVATION AREA PROVIDED = 0.354 ACRES or 15,437 (22.3%)

LEGEND

TREE PRESERVATION AREA

SPECIMEN TREE CHART

Common Name	Botanical Name	Size
Turkey Oak	(Quercus Laevis)	12 inches and larger
Other Oak species	(Quercus spp.)	18 inches and larger
Maple	(Acer spp.)	18 inches and larger
Cypress	(Taxodium Distichum)	18 inches and larger
Sweet Gum	(Liquidambar styraciflua)	18 inches and larger
Hickory	(Carya spp.)	18 inches and larger
Elm	(Ulmus spp.)	18 inches and larger
Loblolly Bay	(Gordonia lasianthus)	12 inches and larger
Sweet Bay	(Magnolia virginiana)	12 inches and larger
Red Bay	(Persea borbonia)	12 inches and larger
Swamp Bay	(Persea palustris)	12 inches and larger
Sycamore	(Platanus occidentalis)	18 inches and larger
Magnolia	(Magnolia/grandiflora)	12 inches and larger
Red Cedar	(Juniperus silicicola)	12 inches and larger

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TREE PLAN
EXHIBIT B

5120 RIVERSIDE DRIVE
PORT ORANGE, FL 32127

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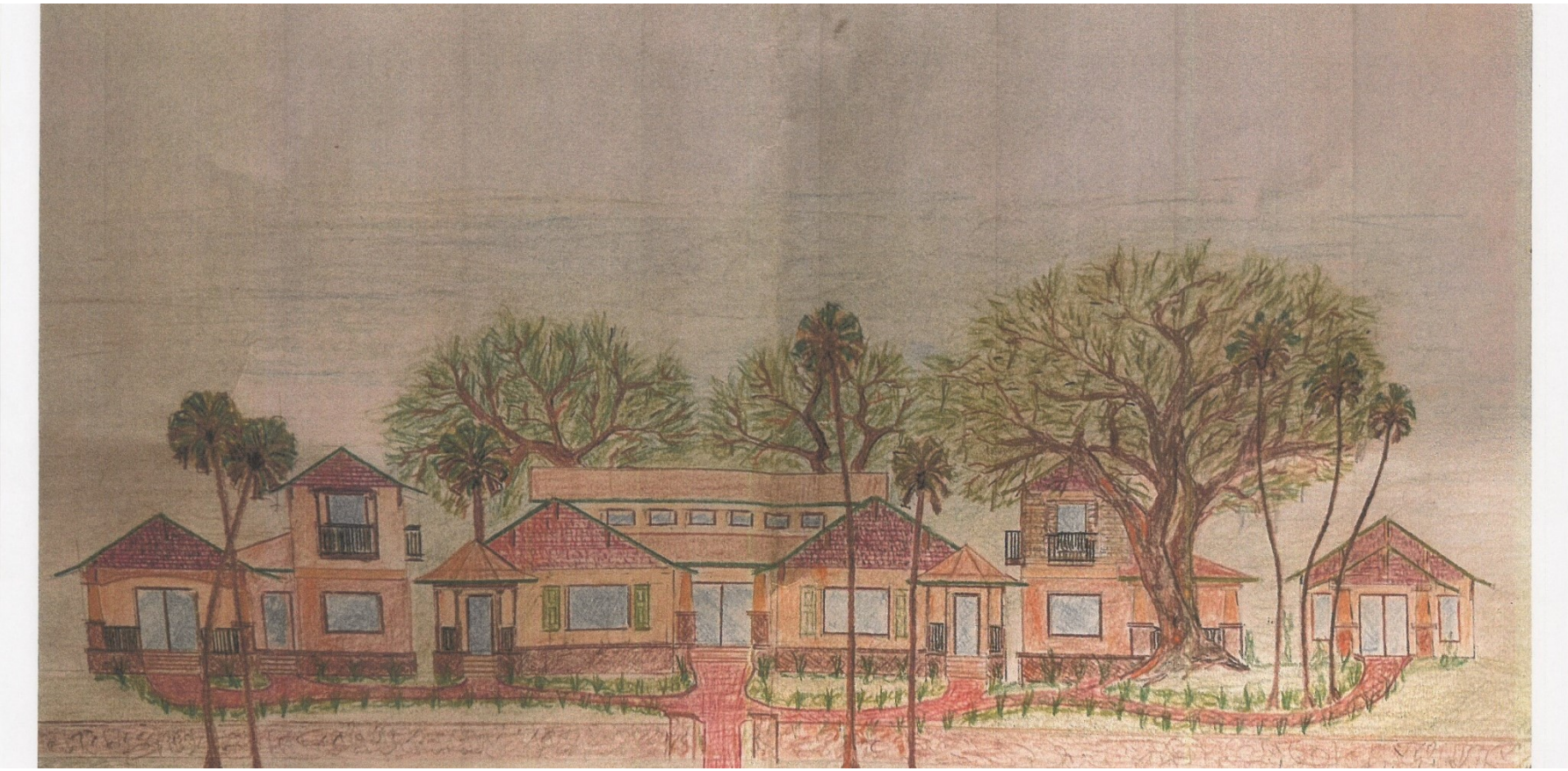
Exhibit C



STAFF REPORT

10th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development
Case No. PRZA-24-0002

REQUEST:	To approve the 10th Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to add the uses allowed in the Light Industrial (LI) and Commercial Industrial (CI) zoning districts to the list of uses allowed on Lot 16 of the Crystal Lake PUD.
LOCATION:	1201 Reed Canal Road
APPLICANT:	City of Port Orange
PROPERTY OWNER:	City of Port Orange
STAFF CONTACT:	Tim Burman, Community Development Director
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	April 25, 2024

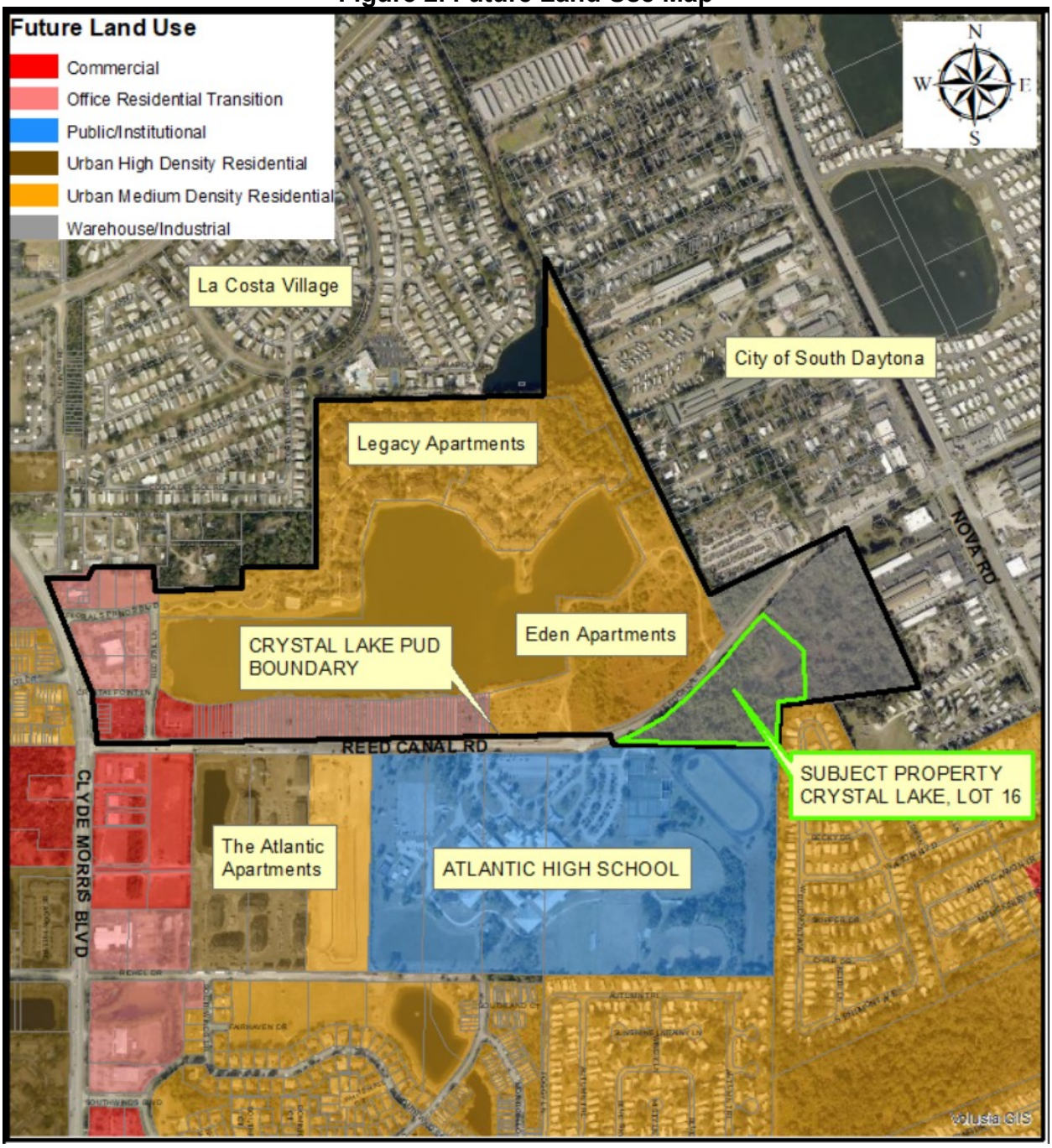
DEVELOPMENT PROPOSAL

The proposed 10th Amendment to the Crystal Lake Master Development Agreement (MDA) adds the uses allowed in the Light Industrial (LI) and Commercial Industrial (CI) zoning districts to the list of permitted uses for Lot 16 of the Crystal Lake PUD. Lot 16 of the Crystal Lake PUD is on the south side of Reed Canal Road, east of Atlantic High School.

Figure 1. Location Map

The Crystal Lake MDA was approved by the City Council in 2000 and established a mixed-use development with various tracts, each with a common purpose and design theme. The properties on the eastern end of the PUD (Lots 15, 16, and 17) were designated with a Future Land Use of *Warehouse/Industrial* as this area is adjacent to existing commercial/industrial areas within the City of South Daytona and provides the opportunity for industrial businesses to locate within Port Orange (Figure 2 – Future Land Use Map).

Figure 2. Future Land Use Map



As part of the approval for the Crystal Lake Planned Unit Development (PUD) in 2000, the city acquired Lot 16 of the Crystal Lake PUD (subject property). As part of an assessment of

city-owned property, the subject property was reviewed by all city departments and determined to be surplus property at the March 19, 2024, City Council Meeting.

As with prior surplus properties zoned PUD or PCD, the City has amended zoning to allow more flexible and appropriate uses before selling the property. The request to add the uses allowed in the LI and CI zoning districts on Lot 16 primarily expands the industrial uses allowed to be developed on the subject property.

The subject property is currently regulated by the Crystal Lake MDA, as amended, and the Land Development Code (LDC). The 10th Amendment allows industrial-type uses that could be developed on Lot 16. In the Crystal Lake MDA, the permitted uses for Lot 16 currently include public recreation facilities. According to the LDC, the uses allowed in the LI zoning district are typically manufacturing-type uses for industrial operations engaged in the fabrication or processing of products into finished goods, while the uses listed in the CI zoning district tend to be less intense storage, repair, services, and limited manufacturing uses (Exhibit 1 – CI and LI zoning district allowed uses). The uses allowed in the CI and LI zoning districts are compatible with the *Warehouse/Industrial* with the Future Land Use designation for Lot 16. The proposed amendment does not change any permitted uses or other development requirements for other properties within the Crystal Lake PUD area.

In 2022, the Council approved an amendment for the adjacent property (Lot 17) east of the subject property (also part of the PUD) to allow greater use flexibility by adding the uses allowed in the Commercial Industrial (CI) and Light Industrial (LI) zoning districts.

A site plan must be submitted to the city and approved by the Staff Development Review Committee (SDRC) before development on Lot 16. Any development on Lot 16 must meet the standard commercial site requirements (landscape buffers, screening, tree preservation, architecture, traffic concurrency, drainage and other infrastructure, parking, etc.) in the City's Land Development Code.

CONSISTENCY WITH COMPREHENSIVE PLAN

Lot 16 is designated *Warehouse/Industrial* on the City's Future Land Use (FLU) Map. The original MDA was found to be consistent with the Comprehensive Plan when it was approved in 2000. The proposed 10th Amendment does not change the FLU designation for the subject property and is consistent with the general intent of the City's Comprehensive Plan. The designated with a Future Land Use of *Warehouse/Industrial.*

PUBLIC NOTICE

A Public Notice sign was posted on the site on March 25, 2024. As of April 19, 2024, staff has not received any phone calls regarding the proposed PUD Amendment.

RECOMMENDATION

Staff recommends approval of the 10th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development, subject to review and approval by the City Attorney's Office for legal form and content.

ATTACHMENT

Exhibit 1: List of Permitted Uses for the CI and LI zoning districts.
Exhibit 2: 10th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development

Exhibit 1

List of Permitted Uses for the CI Zoning District

Permitted uses.
(1) Adult/vocational education.
(2) Antennas.
(3) Appliance/electronic repair shops.
(4) Boat repair, engine.
(5) Business services.
(6) Commercial/industrial equipment and supplies.
(7) Commercial/industrial services.
(8) Commercial/industrial warehouses.
(9) Construction and home improvement contractor.
(10) Fleet-based services.
(11) Greenhouses and nurseries (wholesale and retail).
(12) Infrastructure construction contractor's yard.
(13) Laboratory, research, and development.
(14) Laundry and dry cleaning plants.
(15) Maintenance contractors.
(16) Manufacturing: craftsman shops.
(17) Manufacturing: fabrication.
(18) Manufacturing: limited.
(19) Mini-warehouses.
(20) Motor vehicle and boat storage facilities.
(21) Motor vehicle repair facilities.
(22) Motor vehicle service stations.
(23) Motor vehicle towing and impoundment.
(24) Offices.
(25) Taxidermy.
(26) Transportation services.
(27) Truck/trailer/automobile rental.
(28) Wholesalers and distributors.

Permitted uses with special development requirements (chapter 18, section 4).
(1) Brewery (subsection 3.7).
(2) Kennels (subsection 8).
(3) Health/exercise club (subsection 6).
(4) Motor vehicle sales (subsection 9.75).

Special exception uses (chapter 18, section 3).
(1) Adult entertainment (subsection 1).
(2) Used motor vehicle parts yards (subsection 23).

Exhibit 1

List of Permitted Uses for the LI Zoning District

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

Permitted uses with special development requirements (chapter *18*, section 4*)*.
(1) Brewery (subsection 3.7).
(2) Health/exercise club (subsection 6).

Special exception uses *(*chapter 18, section 3*)*.
(1) Marina, commercial/industrial (subsection 9.5).
(2) Truck stops (subsection 21).

Exhibit 2

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

THIS TENTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD) (the **"Tenth Amendment")** is made this _____ day of _____, 2024, by and among the City of Port Orange, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129, hereinafter referred to as "City" and the City of Port Orange, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129 hereinafter referred to as "Property Owner".

WHEREAS, the City, John T. Self (together with John T. Selfs wife, Barbara W. Self, who is now deceased), Robert Beatty, III, Rebecca Joyce Beatty Perkins, Elizabeth Ann Beatty Hayes and RSIII, Inc., a Florida corporation **("RSIII, Inc.")** (as the contract purchaser of the subject property), previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement For the Crystal Lake Planned Unit Development (PUD)", recorded in Official Records Book 4517, Page 1749, public records of Volusia County, Florida (the **"Master Development Agreement"),** relating to property described therein; and

WHEREAS, the Master Development Agreement was amended by that certain First Amendment to the Crystal Lake PUD Development Agreement recorded in Official Records Book 4612, at Page 4011 (the "**First Amendment**"); and that certain Second Amendment to Crystal Lake PUD Development Agreement recorded in Official Records Book 4704, at Page 417 (the "**Second Amendment**"); and that certain Third Amendment to Master Development Agreement for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book 4876 at Page 1749 (the "**Third Amendment**"); and that certain Fourth Amendment to Master Development Agreement for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book 5078 at Page 2021 (the "**Fourth Amendment**"); and that certain Fifth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 5204 at Page 3392 (the "**Fifth Amendment");** and that certain Sixth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 8328 at Page 4387 (the "**Sixth Amendment**"); and that certain Seventh Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 8299 at Page 2493 (the "**Seventh Amendment**"); and that certain Eighth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 8308 at Page 3729 (the "**Eighth Amendment**"); and that certain Ninth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 8343 at Page 2813 (the "**Ninth Amendment**"). The Master Development Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Seventh Amendment, the Eighth Amendment, and the Ninth Amendment, is now hereinafter collectively referred to as the "Master Development Agreement"; an

WHEREAS, the Property Owner is the owner of the property more particularly described in **Exhibit "A" ("Property"),** which is the only property impacted by this Tenth Amendment.

WHEREAS, the City and Property Owner wish to further amend the Master Development Agreement as applies to the Property for the purposes as set forth herein below.

NOW, THEREFORE, the parties, in consideration of the mutual premises and covenants contained herein, and with the intent to be legally bound and to bind their successors and assigns, due hereby agree as follows:

1. The recitals and premises set forth above are true and correct, form a material part of this Tenth Amendment and are incorporated herein by reference.

2. Paragraph 2. **DEVELOPMENT PLAN,** Section 2(d)(4) of the Master Development Agreement as previously amended, is hereby amended as follows:

> 4) In regard to Tract 4, the development placed on Lot 15 will maintain a vegetative buffer on its northern edge to aid screening the view of the auto salvage yard. Lot 16 is located on the south side of Reed Canal Road and it is adjacent to the Atlantic High School campus. ~~Lot 16 may be acquired by the City under a separate agreement for recreational use, potentially through integration into the Atlantic High School site. If Lot 16 is not acquired by the City on or before December 15, 2001, then Lot 16 may be developed for office, office/warehouse, or uses allowed by the light industrial (LI) zoning classification,~~ Lot 16 is to be developed for office, office/warehouse, or other uses allowed by the Light Industrial (LI) zoning classification and Commercial Industrial (CI) zoning classification. ~~in the same fashion as Lot 17.~~ Lot 17, which is south of Reed Canal Road and east of Lot 16, is to be developed for office, office/warehouse, or other uses allowed by the Light Industrial (LI) zoning classification and uses allowed by Commercial Industrial (CI) zoning classification. The uses placed on Lots 16 and 17 shall utilize architectural facades to minimize the visual impact to Reed Canal Road.

3. Paragraph 5., **CONCEPT,** of the Master Development Agreement, as previously amended, is hereby further amended as follows:

> [Opening section and sections addressing Tracts 1,2, and 3 remain unchanged]
>
> Tract 4 (Lots 15, 16, and 17): Tract 4 is split by Reed Canal Road. It will be developed with uses compatible with the property abutting or surrounding the lot. The uses developed on the lots will be designed to provide a transitional use from the roadway to the property abutting Lots 15, 16 and 17. For example, Lot 15 is located on the north side of Reed Canal Road, and it abuts an auto salvage yard. The development placed on Lot 15 will maintain a vegetative buffer on its northern edge to aid screening the view of the auto salvage yard. Lot 16 is located on the south side of Reed Canal Road, and it is adjacent to the Atlantic High School campus. ~~If the City acquires Lot 16, Lot 16 will be developed as a recreational use as further described in Paragraph 2(d)(4) of this agreement. If Lot 16 is~~

~~not acquired by the City, then it may be developed for office, office/warehouse, and light industrial use in the same fashion as Lot 17.~~ Lot 16 is to be developed for office, office/warehouse, or other uses allowed by the Light Industrial (LI) zoning classification and Commercial Industrial (CI) zoning classification. Lot 17 which is south of Reed Canal Road and east of Lot 16 may be developed for office, office/warehouse, or uses allowed by the Light Industrial (LI) and uses allowed by Commercial Industrial (CI) zoning classification. ~~in the same fashion as Lot 17.~~ The uses placed on Lots 16 and 17 shall utilize architectural facades to minimize the visual impacts to Reed Canal Road

4. Exhibit C. **PERMITTED USES AND DIMENSIONAL REQUIREMENTS**, Section 1.d.-PERMITTED USES Tract 4 of the Master Development Agreement as previously amended, is hereby further amended as follows:

[Lot 15 remains unchanged].

Lot 16: Private Recreation facilities ~~(private/public) facilities~~
Offices
Office/warehouse facilities
All other uses permitted under the Light Industrial (LI) classification*
All other uses permitted under the Commercial Industrial (CI) classification*

[Lot 17 remains unchanged].

*Subject to special development requirements or special exception criteria, if applicable.

5. Exhibit C. **PERMITTED USES AND DIMENSIONAL REQUIREMENTS**, Section 2.d-DIMENSIONAL REQUIREMENTS Tract 4 of the Master Development Agreement, as previously amended, is hereby further amended as follows:

Lot 16 DIMENSIONAL REQUIREMENTS

Minimum Lot Area:	15,000 square feet
Minimum Lot Width:	100 feet
Maximum Building Height:	45 feet
Maximum Lot Coverage:	70%
Minimum Building Separation:	10 feet
Minimum Front Setback:	Equal to the required right-of-way landscape buffer in Chapter 13 of the Land Development Code
Minimum Rear Setback:	25 Feet (Non-residential building setbacks adjoining residential zoning shall be equal to

or greater than building height)

Minimum Side Setback: 10 Feet

6. This Tenth Amendment shall be effective as of the date it is recorded in the public records of Volusia County, Florida, at the Developer's expense.

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

[SIGNATURES ON FOLLOWING PAGE]

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

WITNESSES:

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

CITY:

CITY OF PORT ORANGE, a Florida municipal Corporation

By: _____

MAYOR DONALD O. BURNETTE

Attest: _____

Robin L. Fenwick, MMC, City Clerk

Date: _____

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [ ] online notarization this _____ day of _____ 2024, by Donald O. Burnette, Mayor of the City of Port Orange, Florida, and by Robin L. Fenwick, City Clerk of the City of Port Orange, Florida a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

_____

Print Name:
Notary Public, State of Florida
My commission expires:

IN WITNESS WHEREOF, the party has executed this Tenth Amendment, by and through its duly authorized representative, on the date below:

WITNESSES:

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

PROPERTY OWNER:

CITY OF PORT ORANGE, a Florida municipal Corporation

By: _____

MAYOR DONALD O. BURNETTE

Attest: _____

Robin L. Fenwick, MMC, City Clerk

Date: _____

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [ ] online notarization this _____ day of _____ 2024, by Donald O. Burnette, Mayor of the City of Port Orange, Florida, and by Robin L. Fenwick, City Clerk of the City of Port Orange, Florida a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

EXHIBIT A
LEGAL DESCRIPTION
CRYSTAL LAKE MDA TENTH AMENDMENT

NOW ESTABLISHED, ALL BEING A PORTION FRACTIONAL SECTION 32, TOWNSHIP 15 SOUTH RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA. BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 32, TOWNSHIP 15 SOUTH, RANGE 33 EAST, COUNTY OF VOLUSIA, FLORIDA RUN THENCE NORTH 89 DEGREES 43 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION 32, A DISTANCE OF 311.43 FEET TO THE SOUTH RIGHT-OF-WAY LINE AS REED CANAL ROAD (A 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), SAID POINT BEING THE POINT OF BEGINNING, SAID POINT ALSO BEING ON A CURVE CONCAVE NORTHWESTERLY AND TO THE LEFT, SAID CURVE HAVING A RADIUS 1203.32 FEET, A CENTRAL ANGLE OF 34 DEGREES 51 MINUTES 52 SECONDS, A CHORD BEARING OF NORTH 57 DEGREES 28 MINUTES 33 SECONDS EAST, A CHORD DISTANCE OF 720.97 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 732.22 FEET TO THE PONT OF TANGENCY THEREOF; THENCE NORTH 40 DEGREES 02 MINUTES 37 SECONDS EAST ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF REED CANAL ROAD A DISTANCE OF 470.45 FEET; THENCE SOUTH 49 DEGREES 57 MINUTES 23 SECONDS EAST A DISTANCE OF 308.95 FEET; THENCE SOUTH 01 DEGREES 55 MINUTES 34 SECONDS EAST A DISTANCE OF 308.03 FEET TO THE NORTH OF LOT 1, MAGNOLIA GROVE, AS RECORDED IN MAP BOOK 2, PAGE 69, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES 04 MINUTES 26 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1, MAGNOLIA GROVE A DISTANCE OF 147.46 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, MAGNOLIA GROVE; THENCE SOUTH 01 DEGREES 03 MINUTES 31 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1, MAGNOLIA GROVE, A DISTANCE OF 231.39; THENCE SOUTH 89 DEGREES 4 MINUTES 25 SECONDS WEST ALONG THE SAID SOUTH LINE OF FRACTIONAL SECTION 32, A DISTANCE OF 1317.25 FEET TO THE POINT OF BEGINNING.