



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, May 26, 2016

Time: 5:30 PM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. DISCUSSION/ACTION

4. Consideration of Minutes
5. Case No. 16-90000003
VARIANCE/59 DUNLAWTON AVENUE

A request for variances from the Land Development Code (LDC) to reduce the north landscape buffer from 10 feet to 5 feet behind the existing building, reduce the right-of-way landscape buffer from 10 feet to 3 feet in front of the existing building, and to waive the required 5-foot landscape buffer along the west side of the property.

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

6. Case No. 16-90000004
VARIANCE/3657 NOVA ROAD

A request for variances from the Land Development Code (LDC) to reduce the 10-foot Herbert Street landscape buffer to a 3-foot landscape buffer and reduce the rear building setback from 25 feet to 20 feet.

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

7. Case No. 16-15000001
AMENDMENT TO THE PORT ORANGE TOWN CENTER COMMUNITY
REDEVELOPMENT PLAN

A request to amend the Port Orange Town Center (POTC) Redevelopment Plan to modify the location of the project types in Area 1 of the Riverwalk Planned Community Conceptual Development Plan (CDP).

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

8. Case No. 16-40000003
PC-R AMENDMENT/RESTATEMENT OF THE RIVERWALK MARINA AND
RIVERBOAT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL
DEVELOPMENT PLAN
East and west side of Halifax Drive, between Ocean Avenue and Herbert Street

A request to approve the Restatement of the Riverwalk Marina and Riverboat Master Development Agreement and Conceptual Development Plan.

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

9. Case No. 16-50000001
SUBDIVISION REPLAT/RIVERWALK AT PORT ORANGE
East and west side of Halifax Drive, between Ocean Avenue and Herbert Street

A request to approve the Replat of portions of the Thomas, H. P. Tract, and Daniel's addition to Port Orange Subdivision plats to reconfigure 9 existing lots into 9 new lots and a 23-foot wide tract of land dedicated to the City for pedestrian right-of-way, government and emergency vehicles, and for park purposes.

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

10. Case No. 16-25000001
MORATORIUM/ADULT ENTERTAINMENT ESTABLISHMENTS

A 1-year moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of adult entertainment establishments within the City of Port Orange.

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

C. OTHER BUSINESS

- 11. Development Activity Report
- 12. Commissioner Comments
- 13. 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
APRIL 28, 2016

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

Pledge of Allegiance

Silent Prayer

ROLL CALL:

Present: Lance Green
John Junco
Newton White
Mike Arminio
Thomas Jordan

Absent: Sonya Laney
Frank Crooks

Also Present: Matthew Jones, Assistant City Attorney
Robin Fenwick, City Clerk

Matt Jones, Assistant City Attorney, advised that Chairman Laney resigned her position. The City Council will appoint a new member and the Commissioners will then elect a new Vice Chair as Vice Chair Junco will move to Chair.

4. Consideration of Minutes – March 24, 2016

Motion to approve the minutes from March 24, 2016 was made by Commissioner Jordan, and Seconded by Commissioner Arminio. Motion carried unanimously by roll call vote.

5. Case No. 16-52000001

SUBDIVISION FINAL PLAT & PLANS / DEVELOPMENT ORDER MODIFICATION
HAWKS PRESERVE AT PORT ORANGE PLANTATION, PHASE I
North of Town West Boulevard, between Coraci Boulevard and McGinnis Avenue

An update on the minor changes to the Hawks Preserve at Port Orange Plantation Phase I Subdivision Final Plat and Plans approved in 2015.

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

Ms. Cruz explained the details of the changes. Phase I will gain four (4) lots.

Mike McQuarrie, DR Horton, explained the change being a deletion of residential lots to make a retention pond, as well as the changes to the pool house.

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

6. Case No. 16-52000002

SUBDIVISION FINAL PLAT & PLANS / DEVELOPMENT ORDER MODIFICATION
HAWKS PRESERVE AT PORT ORANGE PLANTATION, PHASE II
North of Town West Boulevard, between Coraci Boulevard and McGinnis Avenue

An update on the minor changes to the Hawks Preserve at Port Orange Plantation
Phase II Subdivision Final Plat and Plans approved in 2015.

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

Ms. Cruz explained the change of the nine (9) lots that are moving to Phase 1.

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

7. Development Activity Report

Tim Burman, Planning Manager, answered questions regarding Serenity Hills and the
(current zoning on the property) zoning restrictions as zoned currently.

Commissioner Green asked if anything has been done as to the window signage on
Nova Road. Mr. Burman explained that Staff has contacted the offending businesses to
remove the extra signage.

Atlantic Marine is moving forward, as is Vystar Credit Union on Dunlawton Avenue.

8. Commissioner Comments

Commissioner White would like to know if there are options to make the fences on the City's main roads more uniform. Discussion ensued regarding privately owned fences, as well as variances that would be needed.

PUBLIC COMMENTS: There were none.

ADJOURNMENT: 6:05 p.m.

Vice Chairman John Junco



STAFF REPORT

Variances/Chapter 13, Sections 3(b)(d) and (e) of the Land Development Code (LDC)

CASE NO. 16-90000006

REQUEST: Variances from the LDC to reduce landscape requirements for a property in the Community Commercial zoning district.

LOCATION: 59 Dunlawton Avenue (Figure 1)

OWNER /APPLICANT: Hunter Properties Inc.

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Penelope Cruz, Principal Planner (386) 506-5671

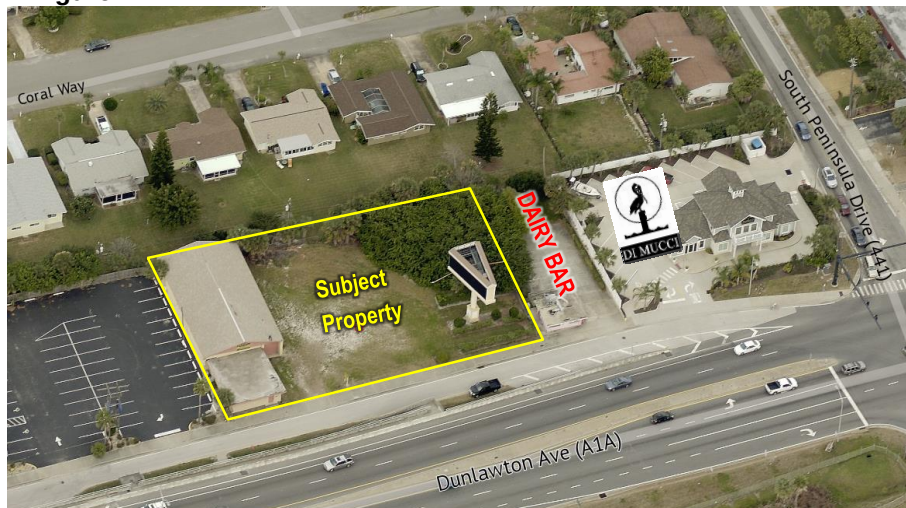
PLANNING COMMISSION DATE: May 26, 2016

PROPERTY OVERVIEW:

The subject property is ± 0.58 acres and located on the northeast side of the Dunlawton bridge Down Under area. The site includes an existing $\pm 5,132$ square-foot building that was previously developed as an aerial photography business. There is also an existing electronic billboard located within a 50'x50' easement on the southeast portion of the property.

The subject property has been vacant over six months, which requires it to be brought up to code. The existing building that was constructed in 1969 is an existing non-conforming structure and encroaches into the building setbacks of the Community Commercial (CC) zoning district (10 feet front, 15 feet sides, and 25 feet rear). The building is situated along the west property line, five feet from the rear property line, and the front is ± 3 feet from the sidewalk/road.

Figure 1



DISCUSSION:

According to the proposed site plan submitted by the applicant, the redevelopment of the site requires three (3) variances. The variances being requested are listed below:

1. Reduce the north landscape buffer from 10 feet to 5 feet behind the existing building [LDC, Chapter 13, Section 3(b)];
2. Reduce the right-of-way landscape buffer from 10 feet to 3 feet in front of the existing building [LDC, Chapter 13, Section 3(d)]; and
3. Waive the required 5-foot landscape buffer along the west side of the property Chapter 13, Section 3(e)].

If the requested variances are approved, the property owner is proposing to renovate the existing building as an office (a tenant is not currently identified) with associated site improvements.

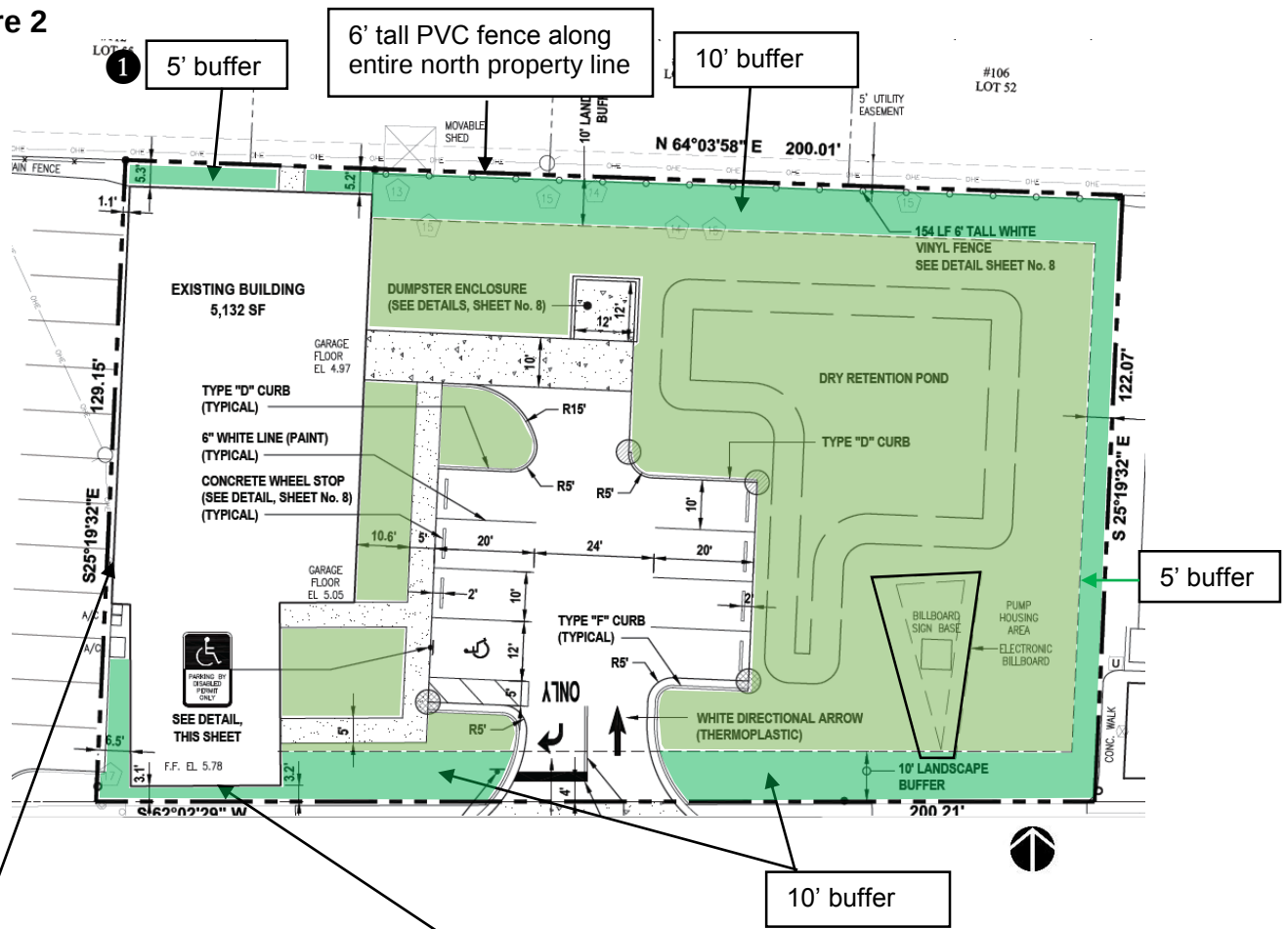
The LDC requires the site to be brought up to current code standards when there is a change of use or the property has been vacant for over six months. The site upgrades include, but are not be limited to, adding parking facilities, stormwater retention, landscaping, irrigation, architectural improvements, and a 6' tall fence along the rear property line. Staff has worked with the property owner on identifying the necessary site upgrades and minimizing the variances being requested.

Landscape Buffers:

The intent of the landscaping requirements is to provide a buffer to minimize the impact of adjoining differing land uses, and to maintain and enhance an attractive environment within the City. The applicant is requesting the following variances from the landscape buffer requirements (Figure 2).

1. North Landscape Buffer: The LDC requires a 10' wide landscape buffer along the north property line. The landscape buffer proposed along the north property line would range in width from 10' to 5'. The applicant is proposing to install a 10' wide buffer except for 50 feet where the existing building creates an area where the width is limited to 5'. According to the applicant, the landscape material for the full 10' buffer will still be planted within the proposed buffer and a 6' tall PVC fence will be installed along the entire north property line.
2. West Landscape Buffer: The LDC requires a 5' wide landscape buffer along the west property line. The landscape buffer along the west property line, the side that is adjacent to a vacant commercial property, would range in width from 0' to 5'. The applicant is proposing to install a 5' wide buffer except for the 96' feet where the existing building and existing A/C units created an area where the width is limited to 1'.
3. Dunlawton Avenue Landscape Buffer: The LDC requires a 10' wide right-of-way landscape buffer along the south property line. The landscape buffer proposed along the south property line would range in width from 10' to 3'. The applicant is proposing to install a 10' wide buffer except for 30 feet where the existing building creates an area where the width is limited to 3'. According to the applicant, the landscape materials for the full 10' buffer will still be planted within the proposed buffer.

Figure 2



2

no buffer



3

3' buffer



In addition to the standard development requirements in the LDC that the proposed redevelopment must comply with, it must also comply with the architectural requirements of the Port Orange Town Center. These requirements are intended to provide a uniform architectural theme which reflects characteristics of the historic Florida waterfront or Cracker vernacular architectural style. The owner has provided architectural elevations of the proposed building that meets these architectural requirements on all four sides of the building.



REVIEW OF VARIANCE CRITERIA:

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

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

The existing building that was constructed in 1969 is an existing non-conforming structure and encroaches into the building setbacks of the Community Commercial (CC) zoning district (10 feet front, 15 feet sides, and 25 feet rear). The building is in generally good condition, but is situated along the west property line, five feet from the rear property line, and the front is ± 3 feet from the sidewalk/road. The requested variances are specific to the location of the existing building. In order to redevelop the site and comply with all of the requirements of the LDC, the existing building would need to be demolished. The proposed site plan meets all other code requirements.

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

The existing building has been in the current location since 1969. The current property owner purchased the subject property in 2015. The variances requested are due to the location of the existing building and not a result of the actions of the current property owner.

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

Literal interpretation of the LDC would not deprive the property owner of rights commonly enjoyed by other properties within the same zoning district. As part of the development approval process, all properties are required to be brought into compliance with the current development requirements of the LDC when there is a change in use or the property has been vacant for six months or more. The intent of the landscaping requirements is to provide a buffer to minimize the impact of adjoining differing land uses, and to maintain and enhance an attractive environment within the City. However, in order to redevelop the site and comply with all of the requirements of the LDC the existing building would need to be demolished. According to the applicant, the proposed landscape buffers and fence are intended to improve the existing conditions and represent an improvement to the appearance of this part of the City.

According to the applicant, the 6' tall PVC fence along the entire rear property line will effectively screen the property. The applicant acknowledges that all of the landscape buffer requirements are not met; however, this is due to the constraint of the site and the existing building and every effort has been made to provide as much landscaping as possible to enhance this area.

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

The variances requested are the minimum variances necessary to make possible reasonable use of the land. In order to redevelop the site and comply with all of the requirements of the LDC the existing building would need to be demolished. Staff has worked with the owner on the proposed site plan to reduce the overall number variances needed and to minimize the variances being requested. The variances requested are the minimum variances needed to redevelop the site as proposed without demolishing all or part of the building.

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

All properties developed or redeveloped within the City are required to meet the development requirements of the LDC or secure variances from said requirements. According to the applicant, the site and building have been in a state of disrepair for some time and the property owner wants to improve this site and the appearance of the area but retain the existing building.

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

The LDC is intended to implement the City's Comprehensive Plan, to protect the health, safety and general welfare of the citizens of the City, and to enhance the appearance, function and livability of the City, to the end of improving the overall quality of life within the community. However, the LDC is generally focused on regulating new "green field" development rather than infill redevelopment. Typically infill redevelopment projects require variances or flexibility in development regulations to allow underutilized properties to redevelop.

Overall, the proposed redevelopment will improve the existing conditions. According to the applicant, the 6' tall PVC fence along the entire and landscaping proposed, will effectually screen the property. The variances, if granted, would enable the property to be redeveloped in a manner that would enhance the appearance of this part of the City, would not increase existing non-conformities.

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

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

RECOMMENDATION:

Based on the findings of this report, staff recommends approval of the variances requested with the condition that the subject variances be limited to the life of the existing building.



STAFF REPORT

VARIANCES FROM LDC CHAPTER 13, SECTION 3(d) and
CHAPTER 17, SECTION 27
CASE NO. 16-90000004

REQUEST: Variances from the Land Development Code (LDC) to reduce the Herbert Street right-of-way landscaping buffer width from 10 feet to 3 feet and to reduce the rear building setback from 25 feet to 20 feet.

LOCATION: 3657 Nova Rd. (Exhibit "A" – Location Map)

PROPERTY OWNER: Booth Management Systems, Inc.

APPLICANT: Rafael Bassi for Atkins North America

STAFF RECOMMENDATION: Approval

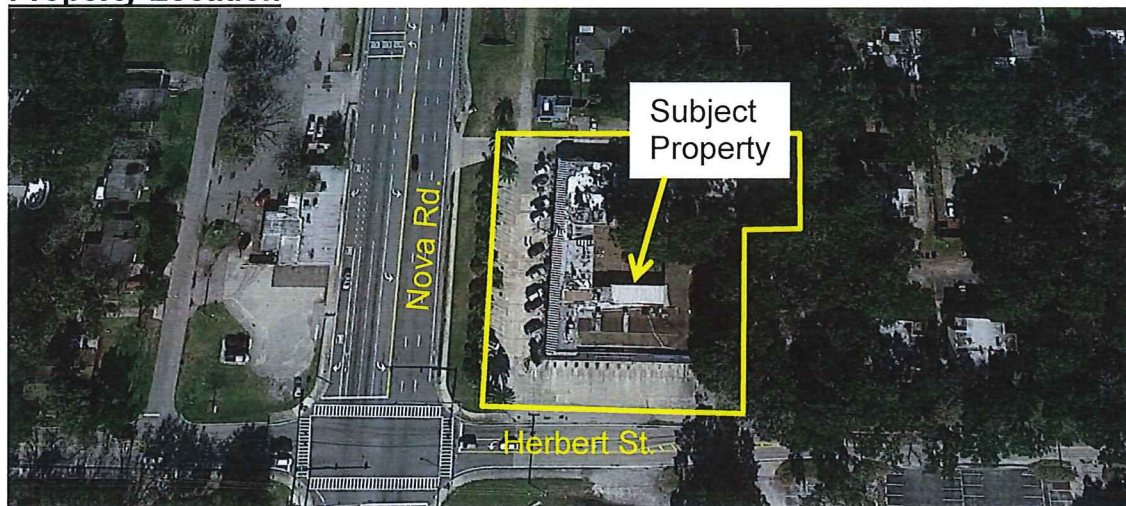
STAFF CONTACT: Gwen Perney, Planner (386) 506-5673

PLANNING COMMISSION DATE: May 26, 2016

BACKGROUND:

The subject property is located at the northeast corner of Nova Rd. and Herbert St. The site is currently improved with a now vacant 15,807 square foot multi-tenant building that included a restaurant (Booth's Bowery) and a convenience store. The applicant is proposing to demolish the existing building and redevelop the property with a 5,000 square foot Cumberland Farms convenience store with 10 fuel dispensers along with associated site improvements including parking, landscaping, and stormwater retention.

Property Location



The redevelopment of the site will require approval of a site plan in order to verify compliance with the site development requirements in the Land Development Code (LDC). Required site improvements include, but are not limited to: paving and expansion of the parking facilities, stormwater retention, landscaping and buffers, irrigation, signage and architectural design.

The visual appearance and access to the site are expected to improve at this location with the demolition of the nearly 30 year-old building and construction of a new store and associated site improvements. Additionally, it is a policy within the City's Comprehensive Plan (2.8.3) that "new development and redevelopment shall be encouraged to go into existing developed areas as infill."

In January, the Planning Commission approved a variance for the proposed Cumberland Farms development to reduce the Nova Road landscape buffer from 20 feet to 13 feet. At the time the first variance was considered, the issues with the rear building setback and Herbert Street right-of-way dedication associated with this request were not known because the initial review of the site plan was done after the first variance request.

DISCUSSION:

Based on the site plan submitted by the applicant, they are requesting approval of variances to reduce the required 10-foot Herbert Street landscape buffer to 3 feet and to reduce the required 25-foot rear building setback to 20 feet.

1. 10-foot Herbert Street Landscape Buffer

The intent of the landscaping requirements is to provide a buffer to minimize the impact of adjoining differing land uses and to maintain and enhance an attractive environment within the City.

The LDC requires a minimum 10-foot wide landscape buffer adjacent to the Herbert Street right-of-way. According to the applicant, the variance from the right-of-way buffer width is due to the code requirement to dedicate 10 feet of the subject property toward the Herbert Street right-of-way. Currently the width of the Herbert Street right-of-way in front of the subject property is 50 feet. According to the LDC, the ultimate right-of-way width of Herbert Street between Jackson Street and Nova Road is 70 feet. The LDC requires the dedication to achieve the ultimate right-of-way width for the build-out of city streets for future road improvements. At this location, the additional right-of-way may be needed to accommodate a future right turn lane.

In the late 1980's, the current property owner dedicated 10 feet of property for the Herbert Street right-of-way to help widen the right-of-way width from 30 feet to 50 feet. However, in 1998 the LDC was updated and required 70 feet for the ultimate right-of-way width for Herbert Street.

According to the applicant, after dedicating 10 feet of property for the Herbert Street right-of-way, there will only be approximately 3 feet of property between

the parking lot and new right-of-way line for a landscape buffer. According to the applicant's landscape architect, a vehicular use screening hedge will be able to be planted in the 3 feet, but no shade trees or understory trees will be able to be planted and survive in the limited space.

2. Reduction of required rear building setback

The minimum required rear building setback is 25 feet. The applicant is requesting a variance to allow a 20-foot rear building setback. The reduction in the rear building setback from 25 to 20 feet is because it was recently discovered with a 2015 survey that the rear property line is located about 5 feet west of the masonry wall. The existing masonry wall was constructed with the Booth's Bowery development and according to the applicant has been commonly accepted as the property line. However, the wall is shown on the survey to be approximately 4 feet onto the adjacent townhome property. Since the proposed site plan was originally drawn to measure the building setback from the wall and not the property line, the proposed building will encroach into the rear building setback unless the property line dispute is resolved. According to the applicant, the existing wall is proposed to remain in the same location and the building will be set back 25 feet from what has historically been recognized as the property line. Based on the site plan submitted, only a portion of the proposed building encroaches into the rear building setback. Except for a 5-foot by 35-foot area (175 square feet or 3.5% of the building), the majority of the proposed building is located outside of the 25-foot setback.

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.*

According to the applicant, there is a special condition with the subject property that is not typical for other properties along Herbert Street. During review of the site plan, staff requested the dedication of the additional 10 feet of right-of-way. The LDC requires the dedication in order to achieve enough right-of-way for ultimate build-out of city streets for future road improvements. At this location, the additional right-of-way may be needed to accommodate a future turn lane. This is unique since the dedication of additional right-of-way only applies to a specific list of existing streets within the City.

The location of the existing wall is also unique. There is a discrepancy in legal descriptions between the subject property and the adjoining townhome property. The wall was constructed on what was believed to be the property line. However,

based on the 2015 survey, the encroachment of the wall was not discovered until the final site plan was drafted.

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

The unique conditions are not a result of the actions of the applicant.

- 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.*

According to the applicant, being required to provide a 10-foot landscape buffer along Herbert Street after dedicating 10 feet of the subject property to the City for right-of-way would limit the amount of room for the drive aisle and parking. In order for the fueling truck to make the turn into the site to service the underground fuel tanks, the applicant believes the site is more efficient if constructed as proposed. Therefore, to maintain vehicular access into the site, the applicant has proposed to dedicate the 10 feet toward the Herbert Street right-of-way but has reduced the width of the landscape buffer to 3 feet along the drive aisle.

The size of the building could potentially be decreased in order to meet the rear building setback, however because the existing wall is proposed to remain in the same location, the building will be set back 25 feet from what has been historically recognized as the property line. According to the survey, the existing Booth's Bowery building is located approximately 21 to 22 feet from the wall and 15 feet from the recently determined property line.

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

According to the applicant, the variances requested are the minimum variances needed to redevelop the site. The site could be redeveloped to comply with these LDC requirements; however, it would require substantial changes to the proposed site design and building layout.

- 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.*

All properties developed or redeveloped within the City are required to meet the development requirements of the LDC on-site or secure variances for specific requirements.

According to the applicant, the proposed site layout will provide safe access for customers and efficient traffic flow within the site. The applicant believes there will not be a significant impact to the appearance of the site from Herbert Street because a hedge will be installed screening the parking/driveway area. According to the applicant, the proposed 3-foot landscape buffer will be an improvement to the existing condition along Herbert Street where there is currently no buffer.

The applicant believes the visual impact to the adjacent multi-family property created by the reduced setback will be minimal because required landscape plantings are proposed to be installed along the full length of the property behind the building. Additionally, the existing 6-foot masonry wall will remain and continue to screen the multi-family development from the site.

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

The LDC is generally focused on regulating new “green field” development rather than infill redevelopment. It is more common for infill redevelopment projects to require flexibility in development regulations and possibly variances to allow underutilized properties to redevelop.

The LDC establishes landscape buffers along the rights-of-way to enhance the visual appearance of the roadway and commercial sites. If the variance is granted, the proposed width of the landscape buffer would be less than required by the LDC, but an improvement over the existing site conditions.

View of existing access on Herbert Street



The applicant states that the 3-foot landscape buffer creates a defined driveway for means of egress and the area between the new right-of-way line and proposed sidewalk along Herbert Street will be sodded. In addition to the right-of-way dedication, there are additional unique circumstances which would not allow the

planting of shade trees within the buffer including locations of proposed underground electric cable, stormwater pipe and sanitary sewer pipe.

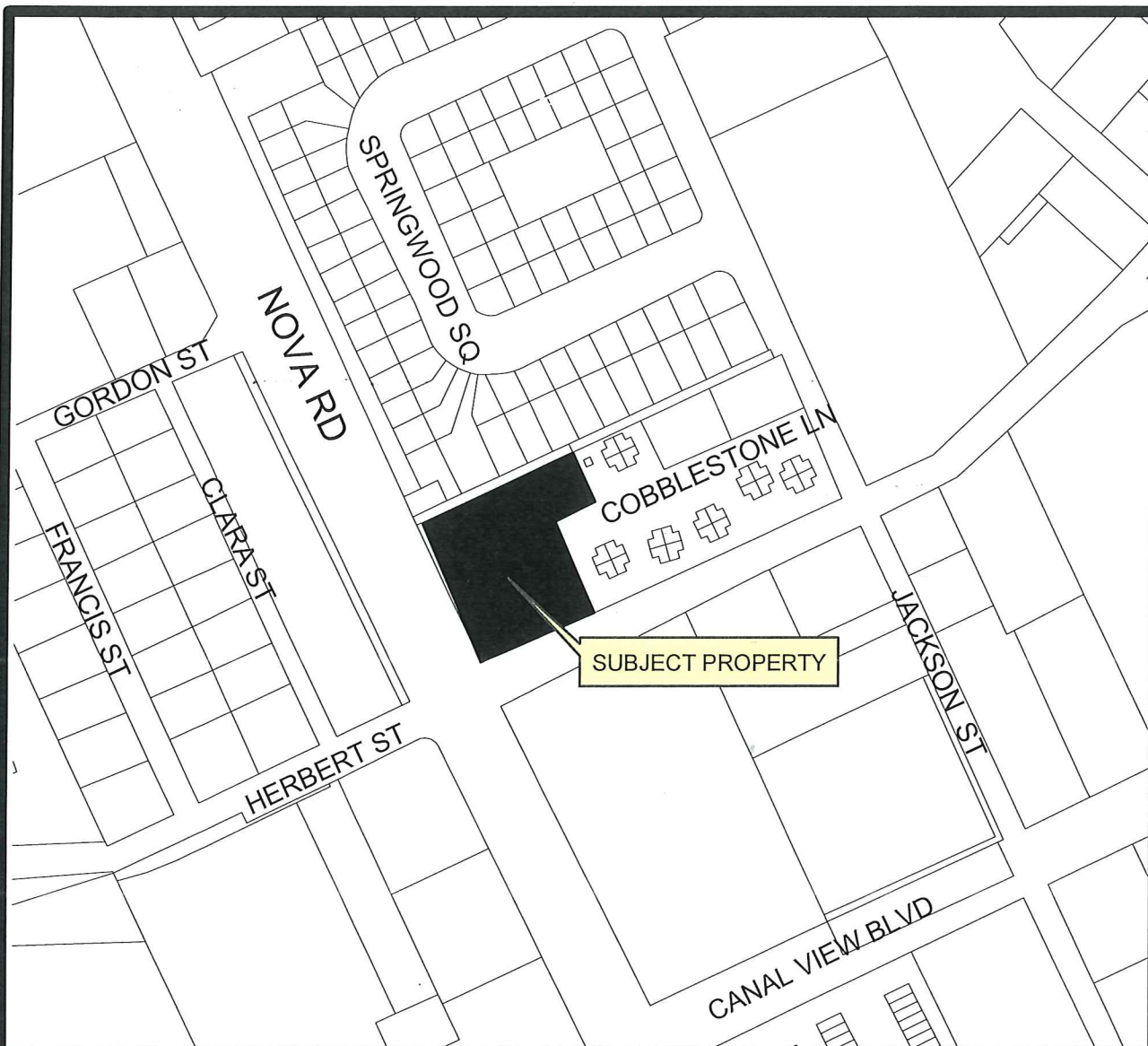
Building setback requirements are intended to provide adequate separation between buildings in order to minimize the visual appearance of the building from adjacent properties by providing room for landscaping and screening. The proposed building will be one-story and approximately 30 feet tall. The applicant states that landscaping will effectively screen the building provided in the required buffer as well as an existing 6-foot tall masonry wall mitigating the impact of the 5-foot setback reduction. The width of the rear landscaping buffer will not be impacted by the reduced building setback. According to the applicant the proposed building will be set back at least 5 feet further from the property line than the current building.

- 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:

Based on the findings of this report, Staff recommends approval of the variance requests from Chapter 13, Section 3(d) LDC to allow a 3-foot right-of-way landscape buffer and from Chapter 17, Section 27 to allow a 20-foot rear building setback.



Case No.: 16-90000004

Applicant: Rafael Bassi
Owner: Booths Management Systems Inc.

Location: 3657 Nova Rd.

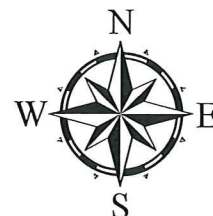
Requested Action:

Variances to reduce the Herbert Street right-of-way buffer from 10 feet to 3 feet and to reduce the rear building setback from 25 feet to 20 feet.



LOCATION MAP
CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

Amendment to the Port Orange Town Center Community Redevelopment Plan Case No. 16-15000001

REQUEST: Amend the Port Orange Town Center (POTC) Redevelopment Plan to modify the location of the project types in Area 1 of the Riverwalk Planned Community Conceptual Development Plan (CDP) (Exhibit A).

APPLICANT: City of Port Orange

STAFF RECOMMENDATION: **Approval**

STAFF CONTACT: Tim Burman, Planner Manager (386) 506-5675

PLANNING COMMISSION DATE: May 26, 2016

INTRODUCTION:

The proposed amendments to the Port Orange Town Center (POTC) Redevelopment Plan would modify the location of the “project types” in Area 1 of the Riverwalk Planned Community Conceptual Development Plan (CDP) to continue implementing the redevelopment in the Riverwalk area. The CDP identifies zoning designations called “project types” for marina, hi-rise, mixed use, and recreational/conservation uses.

The POTC Redevelopment Plan (A Plan for Town Center) was originally adopted in 1998 and amended in 2007 and 2014. The Plan currently envisions the Riverwalk project area as a master planned walkable community along the Halifax River that includes commercial, office, residential, civic, and entertainment uses developed by a master developer. The original development concept for Riverwalk has changed in recent years from establishing a master plan for the entire Riverwalk area to approving smaller-scale plans for development of a specific area to achieve the Plan.

The current focus of the Riverwalk project is on development of areas with unified ownership. The property owner (Halifax River Partners) of the 11.9 acres¹ located between Ocean Avenue and Herbert Street has submitted a development proposal that consists of a restaurant with public access to the Halifax River, two (2) residential condominium buildings, a linear park with a 20-foot wide multi-purpose trail within the vicinity of the Halifax River, a 58-slip marina for motorized and non-motorized watercraft, two (2) marina multi-purpose support buildings, and required site improvements (parking, landscaping, stormwater, utilities, etc.).

The proposed development plan by Halifax River Partners (HRP) is dependent on several items that are currently scheduled to be considered by City Council in conjunction with this application. These requests include the Riverwalk Amended and

¹ The Cardwell Funeral Home property is included in this acreage. On March 15, 2016, the POTC CRA authorized the City Manager to sign the development applications for the Riverwalk project on behalf of the CRA as the owner the Cardwell Funeral Home property (3751 Ridgewood Avenue) included within the proposed Riverwalk project boundary.

Restated Master Development Agreement and Conceptual Development Plan including the planned improvements in the MDA, the CRA transferring ownership of the Cardwell Funeral Home property (3571 Ridgewood Avenue) to HRP and vacating Halifax Drive, and in return, a 23-foot wide tract of land with a 20-foot wide multi-purpose trail/linear park would be dedicated to the City for pedestrian right-of-way, governmental and emergency vehicles, and for park purposes in the general area of the existing Halifax Drive.

The proposed marina, restaurant, linear park with a 20-foot wide multi-purpose trail, and two residential condominiums are generally consistent with components of the envisioned Riverwalk development. There is a major shift from a park area on the point to private development similar to the previous Sweetwater restaurant that used to be located there. This proposed concept received general support from the City Council and the Port Orange Town Center Redevelopment Agency at a joint workshop held in June 2014.

SUMMARY OF PROPOSED AMENDMENTS:

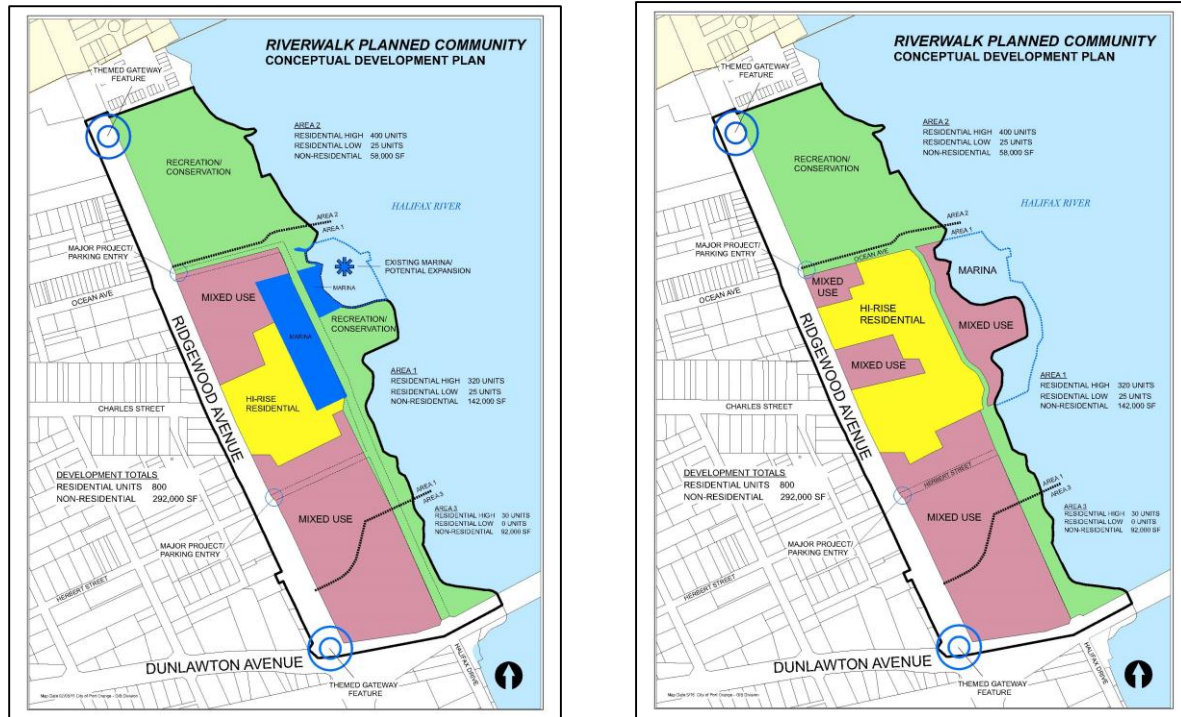
The CDP identifies zoning designations called “project types” for marina, hi-rise, mixed use, and recreational/conservation uses. The project types on the CDP do not align with the development plan submitted by Halifax River Partners (HRP).

The amendment to the CDP proposes to redistribute the various project types in Area1 as identified in Table 1 and illustrated in Figure 1. The proposed changes to the project types in Area 1 of the CDP include: 1) changing the area east of Halifax Drive from recreation/conservation and marina to mixed-use and expanding the marina area to the south of the point; 2) changing some of the area west of Halifax Drive from marina and mixed-use to hi-rise residential; and 3) showing the proposed alignment of the 23-foot wide tract of land with a 20-foot wide multi-purpose trail/linear park within HRP’s project area.

Table 1

Project Type	Current (acres)	Proposed (acres)	Net Change (acres)
Hi-Rise Residential	4.02	7.96	3.94
Mixed-Use	13.60	14.64	1.04
Marina	4.44	3.06	-1.38
Recreation/Conservation	15.08	12.76	-2.32
Totals	37.14	38.42	1.28 (addition of submerged land for marina)

Figure 1. Current and Proposed Riverwalk CDP



CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The proposed amendment is consistent with the intent of the Comprehensive Plan policies regarding the Riverwalk project being a walkable community along the Halifax River that includes commercial, office, residential, civic, and entertainment uses. The Comprehensive Plan states that development should create a unique riverfront location based on a healthy mix of entertainment, retail, office and housing uses and promote river-based activities and events to attract citizens and tourists.

RECOMMENDATION:

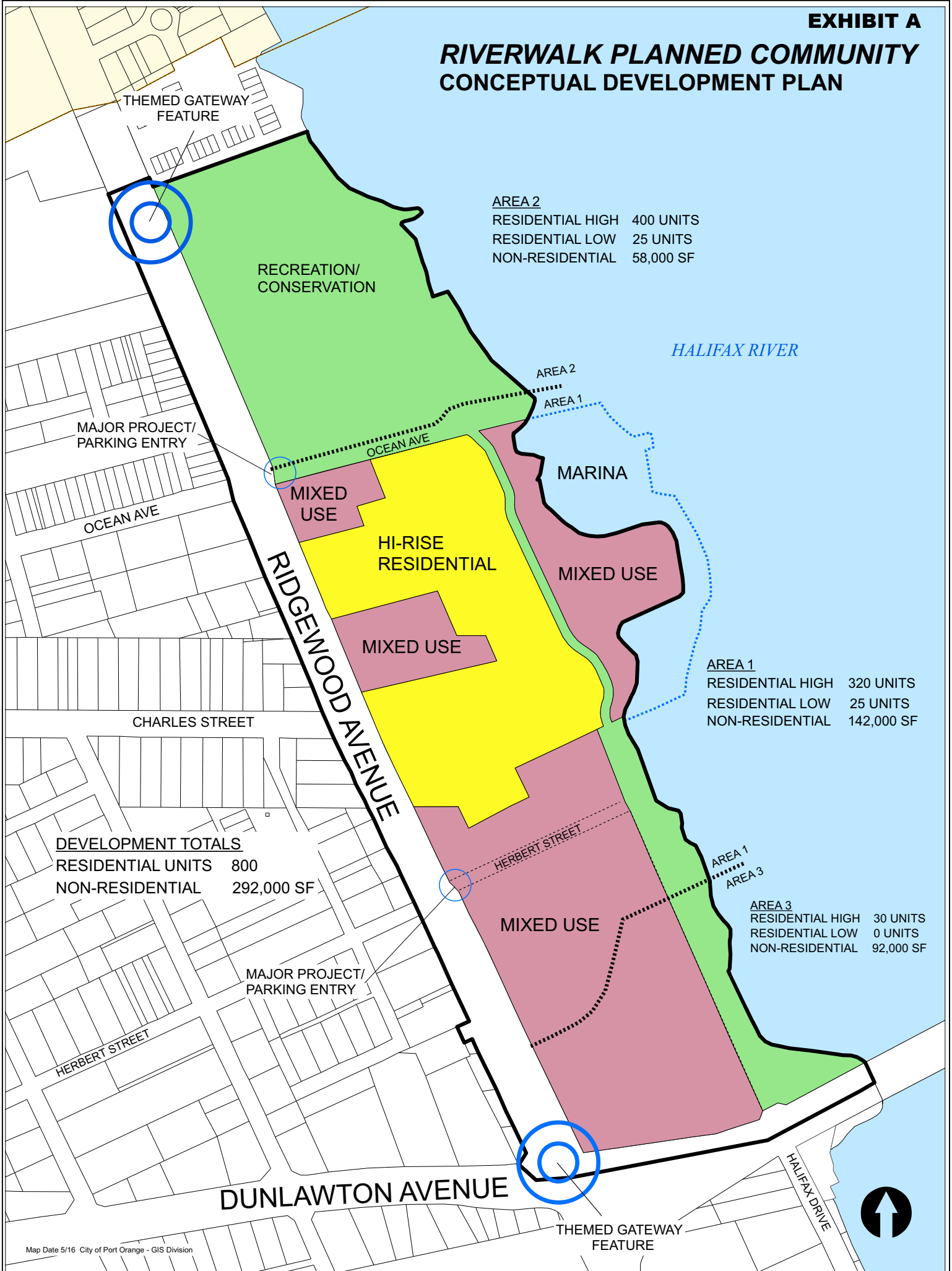
Approval of the proposed amendments to the Port Orange Town Center Redevelopment Plan (see Exhibit A).

ATTACHMENTS:

Exhibit A – Proposed Port Orange Town Center Redevelopment Plan, Riverwalk Planned Community Conceptual Development Plan

Exhibit B – Halifax River Partners proposed development concept plan

RIVERWALK PLANNED COMMUNITY CONCEPTUAL DEVELOPMENT PLAN





STAFF REPORT

Restatement of the Riverwalk Marina and Riverboat MDA and CDP

CASE NO. 16-40000003

REQUEST:	Amend and Restate the Riverwalk Marina and Riverboat Master Development Agreement (MDA) and Conceptual Development Plan (CDP)
APPLICANTS:	Jeff Brock, Smith Bigman Brock and Parker Mynchenberg, Parker Mynchenberg & Associates
PROPERTY OWNERS:	Halifax River Partners, Port Orange Town Center Community Redevelopment Agency (CRA), and City of Port Orange
RECOMMENDATION:	Approval , dependent on the policy considerations as described in the staff report and City Council approval of associated applications listed below
LOCATION:	East side of Ridgewood Avenue, south of Ocean Drive
PLANNING COMMISSION DATE:	May 26, 2016

BACKGROUND:

The applicants propose to amend and restate the Riverwalk Marina and Riverboat Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The amendment and restated MDA means that if adopted, the new MDA and CDP will take the place of the existing MDA and the 1st and 2nd Amendments as a new document for the project area.

In addition to the proposed MDA and CDP, there are additional associated documents that require City Council approval for the proposed development to be built. If one of the associated documents is not approved or modified, it could require modifications to the MDA or CDP. The following documents are anticipated to be considered prior to or in conjunction with the proposed Riverwalk MDA and CDP. Some of the items require Planning Commission and the Port Orange Town Center CRA recommendation and some items only require Council approval.

1. Amendment to the Port Orange Town Center Conceptual Development Plan
2. Subdivision Replat
3. Site Improvement Agreement or Subdivision Improvement Agreement, whichever occurs first.
4. Deed of Dedication, fully executed and recordable, conveying lands for a multi-purpose trail to the City.
5. Easement fully executed and recordable, for public and private utilities, including access, maintenance, repairs, construction and operations.

6. Resolution of the City Council for the vacation of Halifax Avenue.
7. Resolution of the City Council restricting a portion of Ocean Avenue lying east of the west right-of-way line for Halifax Avenue as extended north to the northern right-of-way line of Ocean Avenue, providing that the area shall be restricted to public pedestrian use and other governmental services; and shall be closed to public and commercial vehicular traffic.
8. Deed conveying Cardwell funeral home to Owner/Developer.
9. Stormwater drainage easement serving multi-purpose trail.
10. A partial release or consent and joinder for all entities that encumber the multi-purpose trail, utility, storm drainage easement areas.
11. Temporary Construction easement for construction of multi-purpose trail, fill dirt and landscaping in the event this Agreement does expire.
12. Economic Incentive Agreement.

The original MDA was approved in 2012 and consisted of +/- 4.8 acres. It allowed for the development of a 38-slip marina for motorized and non-motorized watercraft (located on leased land outside of the Project Area Property), a multi-purpose marina support building with a restaurant, a riverboat restaurant, parking, landscaping, and 10' sidewalk in the Halifax Drive right-of-way.

In 2014, an amendment was approved to defer construction of certain site improvements (permanent gravel parking lots, landscaping, and 10' sidewalk) until April 2016. In 2016, a second amendment was approved to defer construction of some site improvements (permanent gravel parking lots, landscaping, and 10' sidewalk) until January 2018. Both amendments were requested to allow the developer to process plans for the restaurant on the point property, residential condominiums, and marina expansion that would require a majority of the improvements in the original MDA and CDP to be demolished.

DISCUSSION:

The *Planned Community – Riverwalk* Future Land Use designation and Planned Commercial-Riverwalk (PC-R) zoning district were developed to create a walkable community along the Halifax River that includes commercial, office, residential, civic, and entertainment uses. The PC-R zoning district applies to + 35 acres of land lying east of Ridgewood Avenue, and north of Dunlawton Avenue to the northern border of the City. This area is generally referred to as Riverwalk. The PC-R zoning district was intended to be a master planned project, including: water and sewer, stormwater, parking, transportation improvements, landscaping, uniform architecture, public spaces, and the mixture of uses.

The applicants' proposal varies from the Master Development concept of the Riverwalk project because it provides regulations for development of a specific sub-area. The Restated Master Development Agreement (MDA) and Conceptual Development Plan (CDP) do not provide master planned improvements and the location of some of the proposed uses varies from some of the conceptual plans considered for this project over the years. However, the applicants state that the proposed marina, restaurants, linear park with a multi-use trail, and two residential condominiums are generally consistent with components of the envisioned Riverwalk development.

The MDA and CDP constitute a zoning document for a specific area within the PC-R zoning district, establishing permitted uses and certain development requirements. It does not grant approval of any specific development itself, but rather establishes parameters for how the property can be developed. The flexibility from the standard code requirements is offered with the goal of creating a better quality project with greater benefits for the public and the developer. The purpose of the MDA and CDP is to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted by the Land Development Code (LDC).

DEVELOPMENT PROPOSAL:

If approved, the MDA and the CDP (Exhibit 1) will provide the regulatory framework for the development of the "Project Area Property". The following discussion will focus on the significant aspects of the MDA and CDP such as the use, size and development impacts.



Figure 1. - General boundary of the Project Area Property

General Site Layout:

The proposed project will be located within the area defined in the MDA as the Project Area Property. The proposed development will be accessed from Ridgewood Avenue and the northern condominium lot will be accessed from Ocean Avenue. The proposed MDA states that the proposed development (Figure 2) will consist of a linear park with a 20-foot wide multi-purpose trail, a restaurant on the point property, two (2) residential condominium buildings, the existing 38-slip marina for motorized and non-motorized watercraft (located on leased land outside of the Project Area Property), a 58-slip marina for motorized and non-motorized watercraft (located on leased land outside of the Project Area Property), two (2) marina multi-purpose support buildings, the existing riverboat restaurant, and associated site improvements (parking, landscaping, stormwater, utilities, etc.).

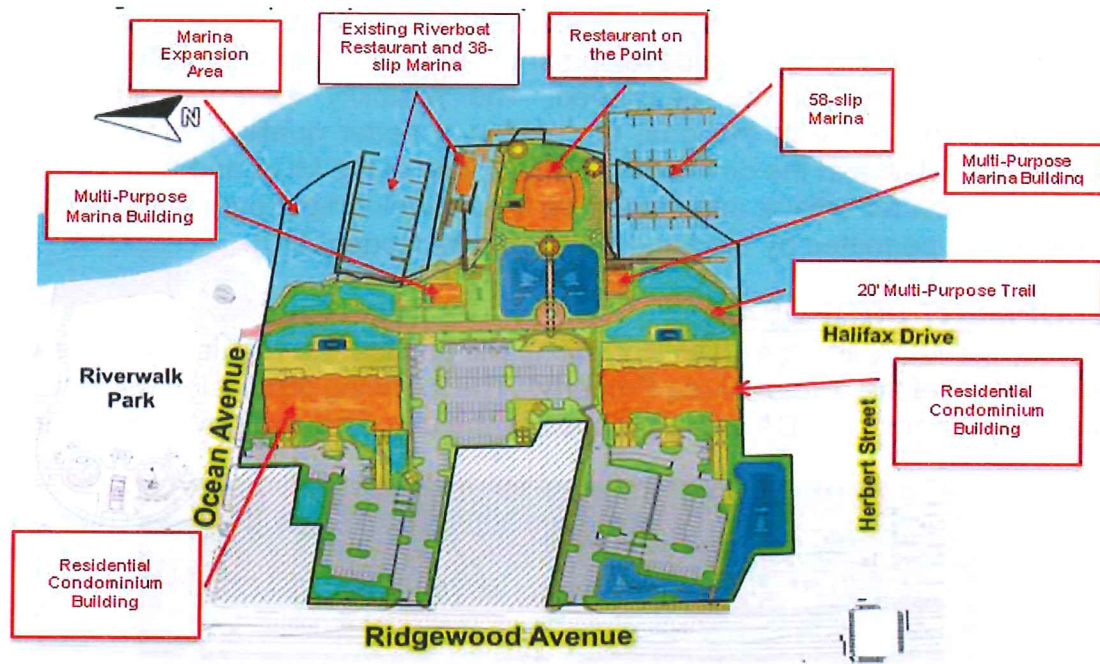


Figure 2: Proposed Development

Phasing:

The Project Area Property is expected to be completed in five phases (Figure 3), and each phase will be required to have adequate access and infrastructure to support development. The majority of the site infrastructure (utilities, stormwater landscape buffers, and multi-purpose trail) and restaurant on the point property will be developed in Phase 1. The residential condominium buildings will be constructed in Phase 2 and 3 and the marina expansions will be constructed in Phase 4 and 5. Past MDA's approved by the City Council allow projects to be developed in phases as long as necessary infrastructure has been inspected and approved by the City to allow a portion of the project to be open to the public.

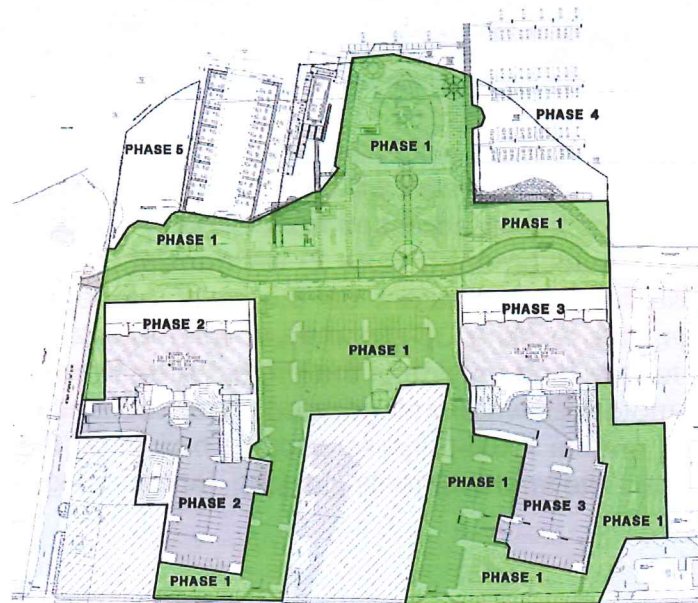


Figure 3 – Phasing Plan

Parking:

The parking area for the proposed and existing uses is shown on the CDP. The central parking area is located between the condominiums and will serve all uses located east of the multi-purpose trail. This parking lot is accessible from Ridgewood Avenue. Parking for the condominium buildings will be located on the first two levels of the condominium buildings and portions of the lots west of the condominium buildings.

PC-R Zoning Project Types:

The PC-R zoning district is divided into five project types: Hi-rise residential, Mixed-use, Recreation/conservation, Marina, and Streetscapes. There are district-wide regulations that apply to the five project types as well as specific regulations for each individual project type. The general location of the project types is illustrated on the Marco Conceptual Development Plan (MCDP) for the Riverwalk area. According to LDC (Figure 4 – Page 6.), a MCDP in any of the Planned Community (PC) zoning districts can be amended in a manner consistent with the current City regulations for zoning amendments.

The applicants' restated MDA and CDP proposes to modify the boundaries of the Hi-rise residential, Mixed-use, Recreation/conservation, and Marina Project Types as shown on the proposed Macro Conceptual Development Plan (Figure 5 – Page 6.). The proposed new boundaries are shown below as the "Project Area Property". The boundary would include property currently in the Hi-rise residential, Mixed-use, Marina, and Recreation/Conservation project types. If approved, the proposed MDA and CDP regulations will only apply to the "Project Area Property" and no other parts of the PC-R zoning district.

The changes to the central area of the CDP include: 1) changing the area east of Halifax Drive from Recreation/Conservation and Marina to Mixed-use and expanding the Marina area to the south of the point; 2) changing some of the area west of Halifax Drive from Marina and Mixed-use to Hi-rise residential; and 3) showing the proposed alignment of the 23-foot wide tract of land with a 20-foot wide multi-purpose trail/linear park within the project area and designating the tract as Recreation/Conservation.

Key Policy Decision: Staff understands the policy direction from the June 30, 2015 City Council Workshop (Exhibit 2) to include general support for proposed development concept. The applicants propose to reclassify the point from Recreation/Conservation to Mixed-use along with modifying the boundaries of the Hi-rise residential, Mixed-use, Marina, and Recreation/Conservation project types east of Ridgewood Avenue, between Ocean Avenue and Herbert Street to provide the zoning authorization to permit the proposed development. The proposed development would not be permitted under the current Project Types within the Project Area Property.

The Council and CRA have modified the Conceptual Development Plan for the Riverwalk area recently for the 2012 Riverwalk Marina and Riverboat restaurant development and in 2014 for Riverwalk Park.



Figure 4. Current Riverwalk Planned Community Macro Conceptual Development Plan.

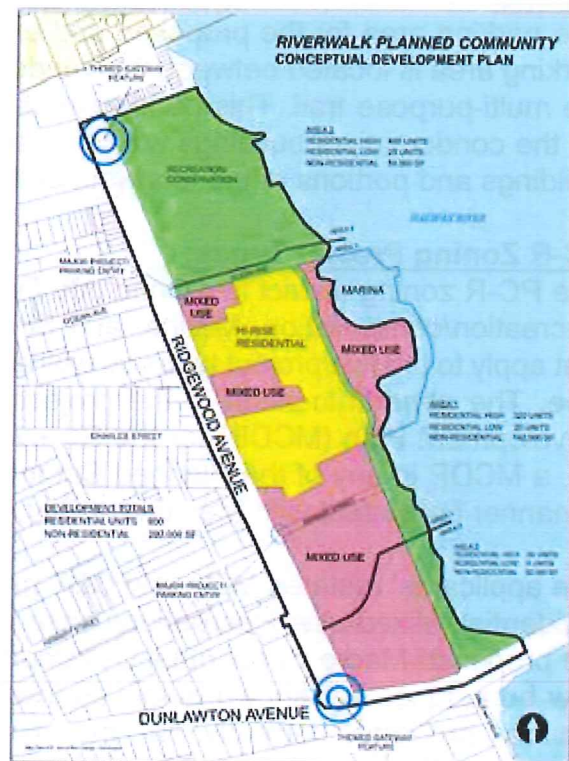


Figure 5. Applicants' proposed modification to the Riverwalk Planned Community Macro Conceptual Development Plan.

Permitted Uses:

The following uses are proposed within the Project Area Property: recreational marina (public) as defined by the LDC along with associated accessory uses, residential condominium along with associated accessory uses, public park, restaurants, retail sales, office, and uses currently allowed in the LDC for the Hi-rise residential, Mixed-use, and Marina Project Types (Exhibit 3).

The proposed uses are consistent with the *Planned Community-Riverwalk* Future Land Use designation, which states, "the area shall be a mixed-use entertainment location", "promote river-based activities and events to attract citizens", and "develop a unique riverfront location based on a healthy mix of entertainment, retail, office, and housing uses". The proposed uses provide for entertainment and a usable riverfront for citizens and tourists.

REQUESTED DEVIATIONS:

The applicants is requesting two types of deviations from the LDC in the proposed MDA. The first list of proposed deviations from the PC-R zoning requirements is related to developing a smaller-scale individual project instead of a Master Planned project. The second list of proposed deviations is from requirements for site improvements the applicants believes are necessary for the type of project being proposed.

The proposed project approach is different than the original master plan concept and will require Council direction on whether the specific deviations and a phased approach where the overall project evolves from connecting smaller scale pieces is appropriate.

Proposed Deviations from the Master Plan Requirements:

The applicants are requesting to deviate from several master plan requirements of the PC-R zoning district because the overall Riverwalk project has not developed as planned due to the recession and other factors. The applicants are requesting to develop the proposed project generally using the existing requirements of the City's Land Development Code. The use of the City's development requirements would allow for the project to be constructed and integrated with the City's Riverwalk Park and other areas of the Riverwalk project if and when it might develop.

1. Stormwater: The PC-R zoning requires each development in Riverwalk to be part of a master-planned stormwater management system and for the developer to purchase stormwater credits from the City to participate in the system. At this time, a master-planned stormwater management system has not been designed or approved by the required review agencies. The applicants are proposing this development under the stormwater regulations in the LDC.

The stormwater drainage infrastructure proposed for this project will be in the form of multiple retention ponds. The ponds will be located throughout the Project Area Property. The MDA and CDP provide the general location and function of the stormwater system and a detailed review of the stormwater drainage system will occur with the site plan. Per the City's LDC, the applicants will be required to construct on-site stormwater facilities, designed to accommodate and treat the 25-year, 24-hour storm event and convey the runoff from a 100-year, 24-hour storm event without causing flooding to adjacent properties or polluting the receiving water bodies. In addition, there must be no net loss of stormwater retention function as a result of development; therefore, the property must have the same ability to store and discharge after development as it does before development occurs.

The drainage areas shown on the CDP will be required to provide stormwater drainage for the entire 11.9 Project Area Property and will be required to meet the stormwater requirements of the Florida Department Environmental Protection (FDEP).

2. Planned Community – Riverwalk Design Manual: The PC-R zoning requires all building, signage, landscaping, and site furnishings to comply with a Community Design Manual adopted by the City Council. At this time, the Community Design Manual has not been drafted or presented to the City Council for approval and is not anticipated in the future. There is language in the PC-R that if the manual is silent on an issue, the LDC or standard construction details shall apply.
 - a. Architecture: The applicants are proposing to use the Florida Vernacular or Modern Nautical architectural style for all buildings and structures because the Manual has not been created. As described in the MDA, the architectural style of the condominium buildings, marina mixed-use buildings, accessory structures, and site furnishings are proposed to be designed according to the Florida Vernacular architectural style and the architectural style restaurant on the point is proposed to be designed

according to either the Florida Vernacular or Modern Nautical architectural style.

The proposed project is located within the Port Orange Town Center (POTC) overlay and, according to the LDC; any parcel located within the boundary of the POTC must be designed in the Florida Vernacular architectural style. The proposed buildings and accessory structures constructed with the Florida Vernacular architectural style will comply with the architecture requirements of the City's LDC, with the exception of the condominium buildings. The condominium buildings will be designed using elements of the Florida Vernacular architectural style but do not meet every specific requirement for Florida Vernacular listed in the LDC. According to the project architect, the Florida Vernacular architectural style requirements listed in the LDC were created for 1 to 2 story commercial and office buildings not multi-story residential buildings. The Florida Vernacular architectural style requirements were adopted in 1998 and at that time the maximum building height in the POTC was 35 feet.

The MDA does require the condominium buildings to be designed using some of the Florida Vernacular architectural style elements in the LDC such as pastel exterior colors, white trim, metal roofing, decorative roof brackets, railings, columns, decorative elements on top of the structure (cupola and spires), and wall mounted lights (Figure 6). Florida Vernacular architectural style requirements in the LDC that would not be used on the condominium buildings include vertical wood siding, vertical windows (minimum of 1½ feet of vertical height for every one foot of horizontal width), and minimum roof slope (code requires 8:12 and MDA requires 5:12).



Figure 6 - Proposed front (Ridgewood Ave) elevation "Florida Vernacular" for the condominium buildings



Figure 6 - Proposed rear (Halifax River) elevation "Florida Vernacular" for the condominium buildings

The proposed restaurant on the point will be designed according to either the Florida Vernacular or Modern Nautical architectural style (Figure 7). The architectural style "modern nautical" is consistent with the Future Land Use designation (*Planned Community-Riverwalk*) that supports the use of Florida vernacular styles of architecture including Key West, Marina/Coastal, and Mediterranean with nautical themes in the PC-R. According to the project architect, the Modern Nautical architectural style is consistent with these styles of architecture. The restaurant on the point will be required to comply with the Modern Nautical architectural style along with the standard architectural requirements in Chapter 14 of the LDC, such as exterior color, screening of mechanical equipment, and providing full architectural treatment on all visible sides.

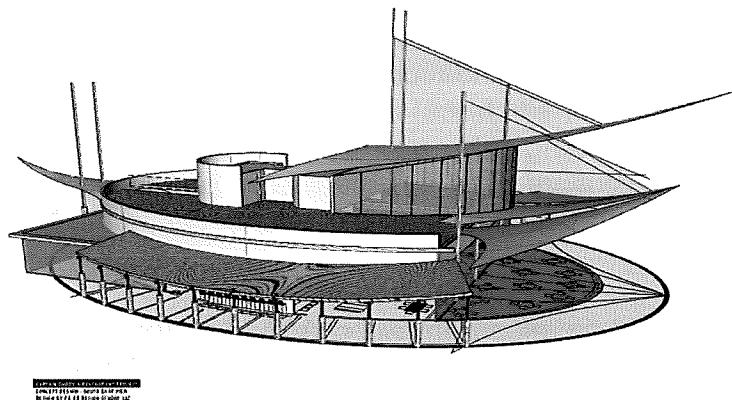


Figure 7 - Proposed elevation "Modern Nautical" of the Restaurant on the Point.

- b. Signage: There is language in the PC-R that if the Manual is silent on an issue, the LDC or standard construction details shall apply. The proposed development will comply with the signage requirements of the City's LDC, with the exceptions specified in the MDA and described below in the section containing deviations related to future development.
- c. Site Lighting: There is language in the PC-R that site lighting requirements in the Design Manual shall supersede all other standards of this code. The lighting requirements in the LDC require the installation of site lighting to be compatible with the architectural design of the principal structures within a development. The applicants are proposing to use the requirements in Chapter 14 of the LDC for site lighting because the Manual has not been created. The walklights that will be installed along the multi-purpose trail will be compatible with the walklights installed in Phase 1A of Riverwalk Park.



- d. Landscaping: There is language in the PC-R that the landscape requirements in the Design Manual shall supersede all other landscape standards of this code. The landscaping requirements in the LDC require the installation of foundation plantings, landscape buffers (shrubs and understory and shade trees) along the right-of-way, landscaping within and around the parking lots, and screening of ground equipment and the dumpster enclosure. The applicants are proposing to use the landscape requirements in Chapter 13 of the LDC because the Manual has not been created.

The proposed development will comply with the landscape and screening requirements of the City's LDC, with the exceptions specified in the MDA and described below in the section containing deviations from the current code related to the proposed development. The landscaping requirements

in the LDC require the installation of foundation plantings, landscape buffers (shrubs and understory and shade trees) along the right-of-way, landscaping within and around the parking lots, and screening of ground equipment and the dumpster enclosure.

3. Infrastructure Master Plan: The PC-R zoning requires the infrastructure for the Riverwalk to be master planned to ensure adequate facilities to support the density/intensity of a unified private development as well as the civic functions planned as part of the project. At this time a facilities master-planned system has not been designed and is not planned for the near the future. The applicants are proposing the development under the regulations in Chapter 10 (stormwater), 11 (utilities), and 12 (parking) of the LDC.

The proposed development will comply with the existing stormwater and water and sewer requirements of the City's LDC and utilize shared parking. The existing requirements in the LDC ensure adequate facilities are constructed and maintained to support the proposed project and allow for the development to integrate with future improvements.

4. Transportation Concurrency Exception Area (TCEA) Mobility Enhancements: The PC-R zoning requires all properties in Riverwalk to pay an assessment fee (5% of the total transportation impact fee for the proposed development in addition to required transportation impact fee) and to participate in transportation improvements and strategies for the entire PC-R. At this time, project-wide transportation improvements and a process to implement them have not been identified or created. The applicants are proposing to pay only the required transportation impact fees for the project and use the transportation concurrency review process that applies to other properties in the City not located within the TCEA.

The proposed development will comply with the traffic concurrency requirements in Chapter 4 of the LDC. The current requirements in the LDC ensure adequate public facilities necessary to support the proposed development will be available to support the traffic associated with the proposed project.

Proposed Deviations Related to the Applicants' Development Proposal:

The applicants are proposing 7 deviations from the following LDC requirements that the applicants believe are necessary to create a development along the Halifax River that includes a mixture of commercial, residential, and entertainment uses.

1. Parking: Parking will be provided as required by the Land Development Code (LDC), except for the marina and the residential condominium uses.
 - a. Marina: The applicants has proposed to continue using the parking ratio of 1-space per 3 slips approved with the initial MDA (2012) in lieu of the parking ratio of 1 space per 1 slip required by the LDC. The applicants have stated that the proposed parking ratio will provide sufficient parking for a marina located within this project. According to the project engineer, the 1 space per 3 slips parking ratio is consistent with the Volusia County marina

parking requirement. Although the current City parking requirements are higher than the benchmarks, the requested amount of parking is lower than the requirements for most of the comparison cities (Table 1).

	Parking Ratio	Number of Spaces for 58 Slip Marina
Current MDA and Proposed Restated MDA	1 space per 3 docks	19
City of Port Orange	1 space per 1 dock	58
Daytona Beach	1 space per 2 docks	29
New Smyrna Beach	1 space per 2 docks	29
Volusia County	1 space per 3 docks	19

Table 1 – Marina Parking Requirements

- b. Residential Condominium: The applicants has proposed a parking ratio of 1.5 spaces per 1 residential unit instead of the LDC required parking ratio of 2 spaces per 1 residential unit plus 0.25 visitor parking spaces per residential unit required by the LDC.

	Parking Ratio	Number of Spaces Required for 260 Residential Units
Proposed Restated MDA and CDP	1.5 spaces per 1 residential unit	390
LDC	2 spaces per 1 residential unit plus 0.25 visitor parking spaces per residential unit	585
Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th edition	1.04 to 1.96 spaces per residential unit.	270 to 510
South Daytona	1.5 spaces per 1 residential unit	390
Daytona Beach	2 spaces per 1 residential unit	520
Ponce Inlet	2 spaces per 1 residential unit	520
Ormond Beach	2 spaces per 1 residential unit	520
New Smyrna Beach	2 spaces per 1 residential unit	520
Holly Hill	2 spaces per 1 residential unit	520

Table 2 – Multi-family Parking Requirements

The applicants proposed parking ratio requires 390 parking spaces be provided for the proposed 260 condominium units. The requested reduction in parking spaces amounts to 195 less parking spaces than required by City code and 130 parking spaces less than comparison cities (Table 2)

The existing LDC parking requirements for residential condominium was last updated in 1996. The applicants have stated that the proposed parking ratio will provide sufficient parking for a residential condominium based on the typical traffic generated by this use. The Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th edition indicates that the average parking ratio for a residential condominium over a 24-hour period is between 1.04 to 1.96 spaces per residential unit. The proposed 1.5 parking space per residential unit is in the middle of the ITE suggested range.

According to the applicants, the proposed parking ratio will provide a sufficient number of parking spaces for the condominium buildings because the majority of the anticipated residents will be seasonal and not expected to be year-round residents, instead the unit owners are anticipated to come and go for period of a few weeks. The majority of the 260 units are two bedrooms and the applicants does not anticipate unit owners having more than one car. Although the current city requirement is higher than all of the comparison cities, the request is a substantial reduction in required parking.

2. Parking Lot Design: The parking lots are shown on the Conceptual Development Plan and will be developed in compliance with the requirements of the LDC, with the exception of the dimensions for the parking spaces. The LDC requires the width of a parking space be a minimum of 10 feet and the depth be 20 feet. The parking space width is proposed to be 9 feet and the depth is proposed to be 19 feet. The drive aisles width for the parking lots will be 24 feet wide as required by the LDC (Table 3). According to the project engineer the proposed parking space dimensions are common in this region and will allow for adequate area to park and still provide for maneuvering for pedestrians to enter and exit their vehicles.

The proposed 9' width and 19' depth requirements are consistent with other cities in the area and with many of the Master Development Agreements approved by the City for commercial developments within Port Orange (Pavilion, Altamira, and Port Orange Gateway)

City	Standard Depth Dimension for a Standard Parking Space	Standard Width Dimension for a Standard Parking Space
Proposed in Restated MDA and CDP	19'	9'
Port Orange	20'	10'
New Smyrna Beach	20' and 18' in CRA areas	10'
Daytona Beach	19'	9'
Ormond Beach	20'	9'
Deland	19'	9'
South Daytona	18'	9'
Daytona Beach Shores	19'	9'

Table 3 – Parking Space Dimension Requirements

3. Tree and Landscape Requirements: The proposed development will comply with the landscape and screening requirements of the City's LDC, with the exceptions of the following:
 - a. Specimen Tree Preservation: According to the LDC, 50% percent or 35 specimen trees of the 69 specimen trees within the Project Area Property are required to be preserved. The applicants are requesting to remove the 35 required specimen trees and be exempt from the \$44,120 mitigation payment requirement or planting an additional 130 trees within the Project area Property.

According to the project engineer/landscape architect, the requirement in the LDC that the minimum finished floor elevation for all structures in the PC-R zoning district be 9-feet above mean sea level (MSL) requires the

Project Area Property elevation to be raised 2.5 to 5 feet. The existing site topography and adjacent rights-of-way (Halifax Drive, Ocean Avenue, and Ridgewood Avenue) range from elevation 4.0 to 5.0 MSL. The proposed structures in the Project Area Property have been designed with a first floor elevation at 9.10 MSL and the surface parking areas that support the development range from elevation 6.5 to 8.5 MSL.

Due to the amount of fill required to meet code, the project engineer/landscape architect does not anticipate the trees surviving with an additional 2.5 to 5 feet of fill on the tree's root systems. According to the project engineer/landscape architect, the Project Area Property will be replanted with trees to comply with the LDC requirement of 1 tree per 2,500 square feet.

- b. 15% Tree Preservation: The LDC requires that fifteen percent of the project area be designated for the protection of existing trees. The size of the Project Area Property is 11.9 acres. The required tree preservation areas for the Property Area Project is 1.8 acres. The applicants are requesting approval to not preserve any of the existing trees within the Project Area Property.

According to the project engineer/landscape architect, the requirement in the LDC that the minimum finished floor elevation for all structures in the PC-R zoning district be 9-feet above mean sea level (MSL) requires the Project Area Property to be raised 2.5 to 5 feet. The existing site topography and adjacent rights-of-way (Halifax Drive, Ocean Avenue, and Ridgewood Avenue) range from elevation 4.0 to 5.0 MSL. The proposed structures in the Project Area Property have been designed with a first floor elevation at 9.10 MSL and the surface parking areas that support the development range from elevation 6.5 to 8.5 MSL.

Due to the amount of fill required to meet code, the project engineer/landscape architect does not anticipate the trees surviving with an additional 2.5 to 5 feet of fill on the tree's root systems. According to the project engineer/landscape architect, the Project Area Property will be replanted with trees to comply with the LDC requirement of 1 tree per 2,500 square-feet.

In addition, the central location of a majority of the specimen trees, configuration of the "Project Area Property", and building elevation requirement in the LDC did not allow for many options to accommodate buildings, associated parking, stormwater and tree preservation. The project engineer considered and analyzed other site layouts but was unable to preserve the existing trees and allow for the proposed use of the property.

- c. Internal Lot Line Buffer: The LDC requires a 5' landscape buffer along internal lot lines. The applicants are proposing to not install internal lot line landscape buffers. The intent of the internal lot line landscape buffer is to

provide green space between the parking lots of commercial lots typically located along a major roadway, such as lots located along Dunlawton Avenue.

According to the applicants, the waiving of this requirement is due to the proposed lot configuration where the internal lot line buffers would break up the open park concept the developer is trying to create east of the condominium towers. The applicants have indicated that all landscaping required within the internal lot line landscape buffers will be used throughout the Project Area Property.

- d. Ocean Avenue Buffer: The LDC requires a 10' landscape buffer along Ocean Avenue and the planting of specified vegetation and trees for every 100 linear feet of the buffer. According to the LDC, the 10' Halifax Drive buffer is to be designed with three (3) shade trees, such as live oaks, three (3) understory trees, such as sable palms or crepe myrtles, and thirty (30) shrubs, such as viburnum, for every 100'. The MDA indicates that the required number of trees and shrubs will be installed but the east end of the buffer will on be 6 feet wide instead of 10 feet. According to the project engineer, the 40 square-foot reduction of the Ocean Avenue buffer is necessary to create the desired layout. The applicants state that the request would only impact approximately 2 percent (40 square-feet) of the landscape buffer along Ocean Avenue and that the average width of the buffer exceeds 10 feet (Figure 8).

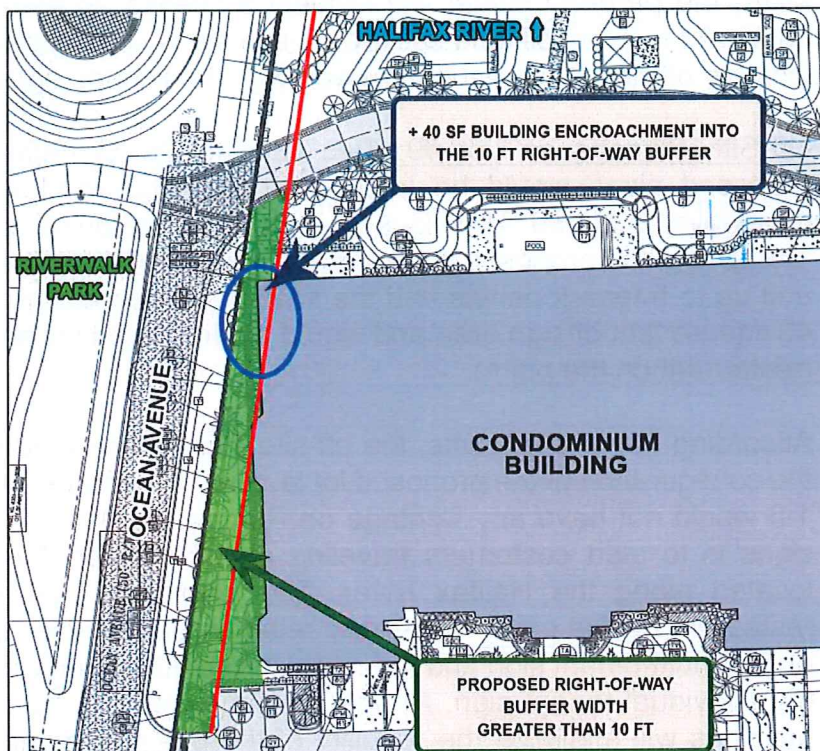


Figure 8. Proposed Ocean Avenue Landscape Buffer.

4. Temporary Overnight Docking: The applicants is proposing a full service marina in Phases 4 and 5. In addition to docking of personal boats and rental boats, the applicants is requesting approval to allow temporary overnight docking of a vessel at the marina. The temporary overnight docking would allow boat owners to sleep overnight in their boat docked at the marina for a period of time not to exceed thirty (30) consecutive days in any six-month consecutive time period. According to the MDA, the developer will be required to provide water, electric and pump utility services to any boat using a dock for temporary overnight dockage.

The applicants are requesting to be exempt from the LDC requirement that prohibits a watercraft from being used for a dwelling for a period of more than 24 hours after such watercraft have been brought into the city.

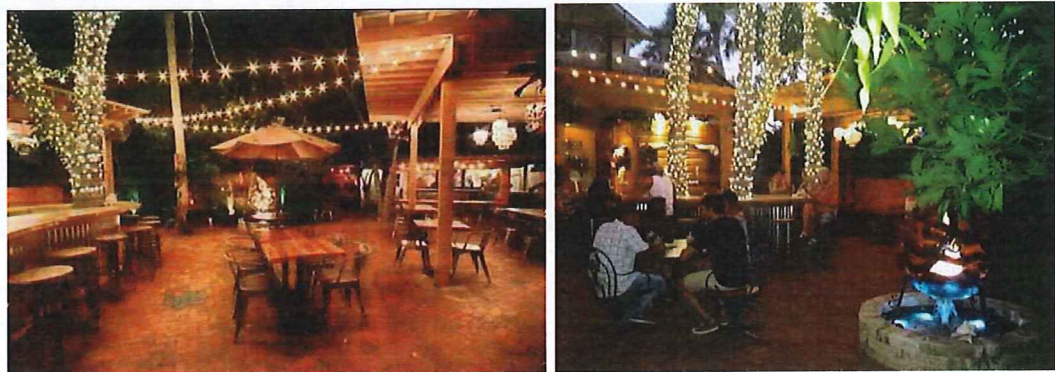
5. Signage: The proposed development will comply with the signage requirements (sign area, sign height, appearance, etc.) of the City's LDC, with the exceptions described below:
 - a. Off-Site Signage on City Property at Corner of Dunlawton & Ridgewood and Dunlawton & Halifax: The proposed signs would be located at the northeast corner of Ridgewood Avenue and Dunlawton Avenue, in the vicinity of the existing Riverwalk temporary sign and the north side of the Halifax Drive and Dunlawton Avenue intersection. The signs would identify the entire Riverwalk project along with certain businesses and uses located in the Project Area Property and with the entire Riverwalk area. According to the MDA, the property owner will request a license agreement that must be approved by Council to install the off-site signs. The appearance and exact location of the signs will be reviewed with the license agreement.
 - b. Off-Site Signage on Lot #9: Two (2) Off-Site Signage on Lot #9: The proposed signs would be located along Ridgewood Avenue, near the driveways on Lot #9. The signs would identify the business located on Lots 1-6. One of the proposed signs could have up to 84 square feet of sign area and up to 5 tenant panels and the second proposed sign could have up to 48 square feet of sign area and would be dedicated for an individual tenant (restaurant on the point).

According to the applicants, the off-site signage is being requested due to the configuration of the proposed lot layout. The businesses located on Lots 1-6 would not have any frontage on Ridgewood Avenue. the intent of the signs is to alert customers traveling on Ridgewood Avenue of the uses located along the Halifax River. The applicants indicated the marina, restaurant on the point, accessory retail and office uses would be located on the multi-tenant sign and the restaurant on the point would be located on the individual tenant sign. As the project develops, the two-condominium buildings will minimize the visibility of the businesses along the river and signage along Ridgewood Avenue will be necessary.

An example of a similar sign to the off-site multi-tenant sign proposed is the sign installed in front of Starbucks and Chipotle on Dunlawton Avenue that has 84 square-feet of sign area, 5 tenant panels, and off-site advertisement for Lowes. this off-site signage was approved through a PCD because Lowes did not have any frontage on Dunlawton Avenue after the outparcel was created. An example of a similar sign to the off-site individual sign proposed is the sign installed in front of Captain Daddy's Riverboat Restaurant.

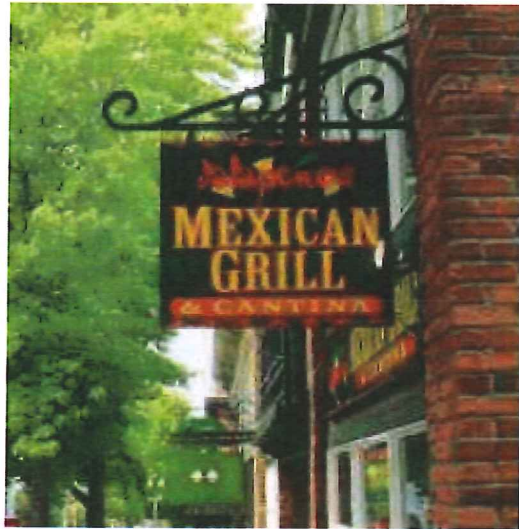


- c. Use of Strings of Light Bulbs: The LDC only allows the use of string lights during traditional holidays for commercial uses. The applicants are requesting to use string lights year-round to create a festival feel. According to the applicants, string lights would be installed as a decorative feature for the area located east of the condominiums. The MDA requires all string lights to comply with the National Electric Safety Code.



- d. Projecting Wall Sign: The applicants are requesting to have the option to use projecting wall signage for the businesses located within the Project Area Property. A projecting wall sign is defined in the LDC, as a sign supported by a wall of a building, projecting away from that wall 12 inches or more, and designed with a face or faces reading at an angle to the wall. Projecting signs are only allowed at the Pavilion and in the Planned Community-Agricultural (PC-A) and Ridgewood Development (RD) zoning districts. According to the applicants, the use of projecting wall signs add

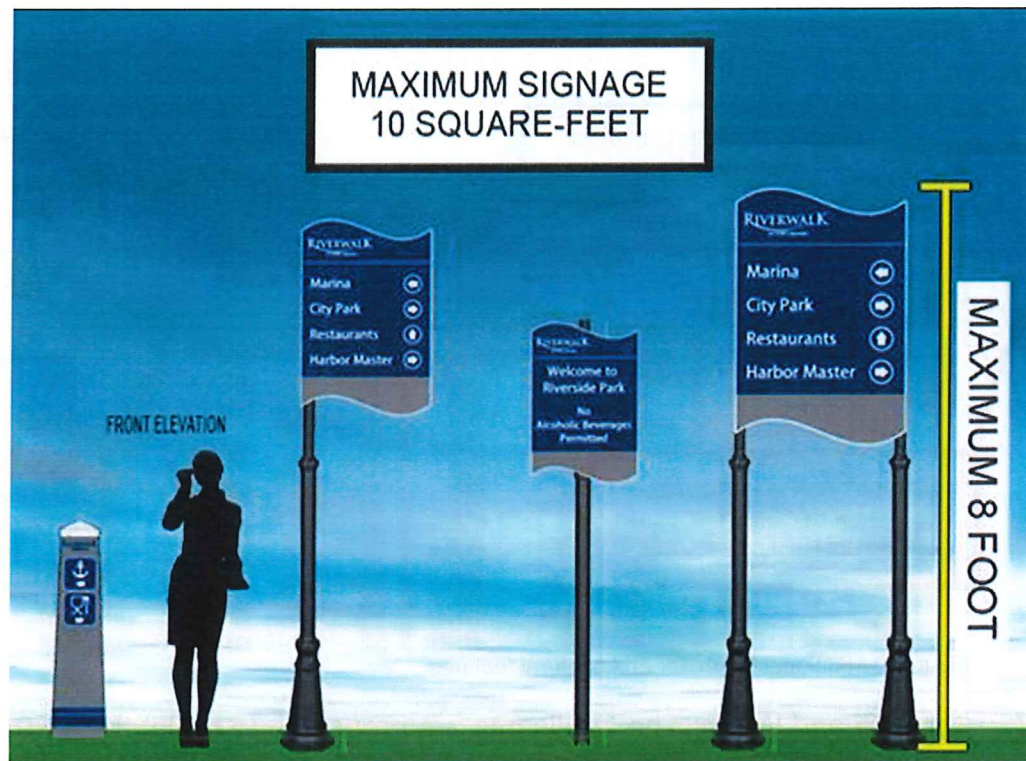
character to a commercial project. The projecting sign area would count toward the overall amount of wall signage permitted for a tenant or building.



- e. 24 Square-Foot Identification Signs – Lots 1-6: The applicants are requesting one identification signage for the businesses located east of the trail. The identification signs would be to identify the businesses east of the multi-purpose trail to those walking on the trail or walking in from the parking lot. The LDC currently allows identification signs but the maximum size is 2 square-feet and the applicants is requesting one identification sign per lot with a maximum area of 24 square-feet and maximum height of 6-feet.



- f. Directional Signs: The applicants are requesting directional signage for the business located east of the trail. The directional signs would identify the businesses and features (Riverwalk Park) along the multi-purpose trail. The LDC currently allows directional signs but the maximum size is 4 square-feet and 4-feet tall. The applicants are requesting directional signage with a maximum area of 10 square-feet and maximum height of 8-feet.



5. Height for Architectural Appurtenances: The LDC allows decorative architectural features on the top of a building to be above the maximum height limit established for a zoning district. The additional height allowed by the LDC ranges between 5 feet to 20 feet for architectural features such as, chimneys, cupolas, mechanical rooms, belfries, and spires. The applicants are requesting that additional height for cupolas be 30 feet (Table 4). According to the applicants the additional height is needed so the features can be designed to be proportional to the building's height.

The proposed condominium towers meet the 175-foot height requirement in the LDC and under the current code could have 10-foot tall cupola on the roof making the overall height of the tower 185 feet. The applicants are requesting that additional height for cupolas be 30 feet instead of 10 feet (Figure 9 – Page 20).

	Max Building Height	Cupola Height	Overall Height Permitted
LDC	175 feet	10 feet above 175-foot height limit	185 feet
Proposed MDA	175 feet	30 feet above 175-foot height limit	205 feet

Table 4. Current and proposed addational height for architectural features

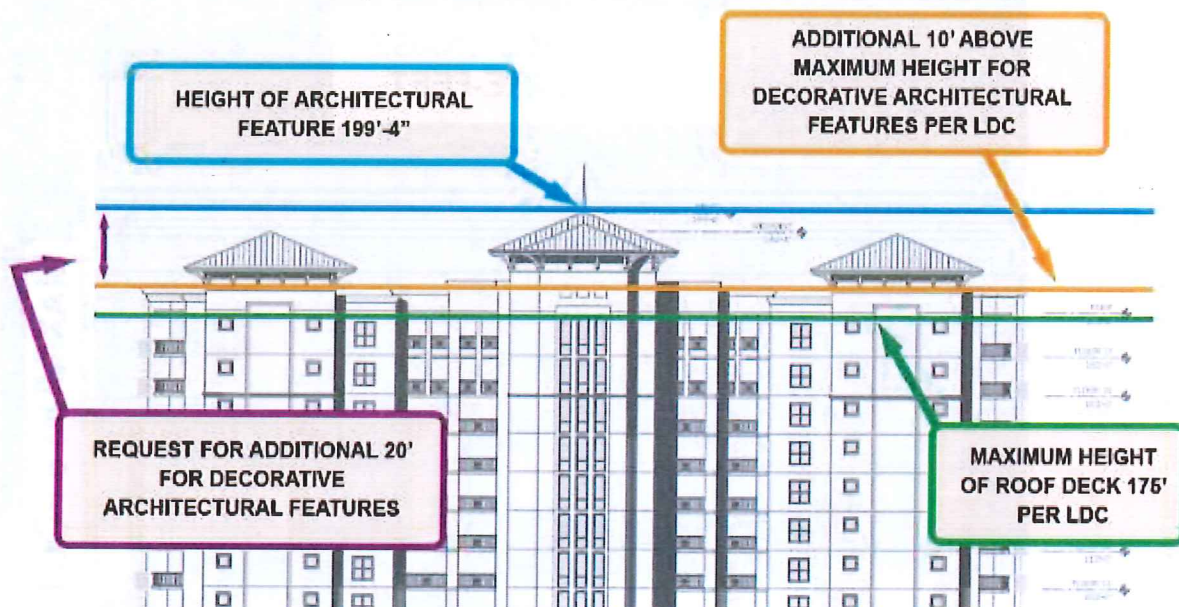


Figure 9. Additional height for architectural features

7. Lot Size and Width: The applicants are proposing to replat the 11.9-acre "Project Area Property" into 9 new lots and a 23-foot wide tract (Tract A) of land dedicated to the City for pedestrian right-of-way, government and emergency vehicles, and for park purposes. The conceptual replat exhibit in the MDA establishes the general lot width and area for the proposed 9-lots and Tract A within the Project Area Property. The condominium buildings will be developed on Lots 7 and 8. The restaurant on the point will be located on Lot 4 and the parking lot that will serve the uses on Lots 1-6 will be developed on Lot 9. The remaining lots (1-3, 5 and 6) will be separately platted lots (Figure 10).

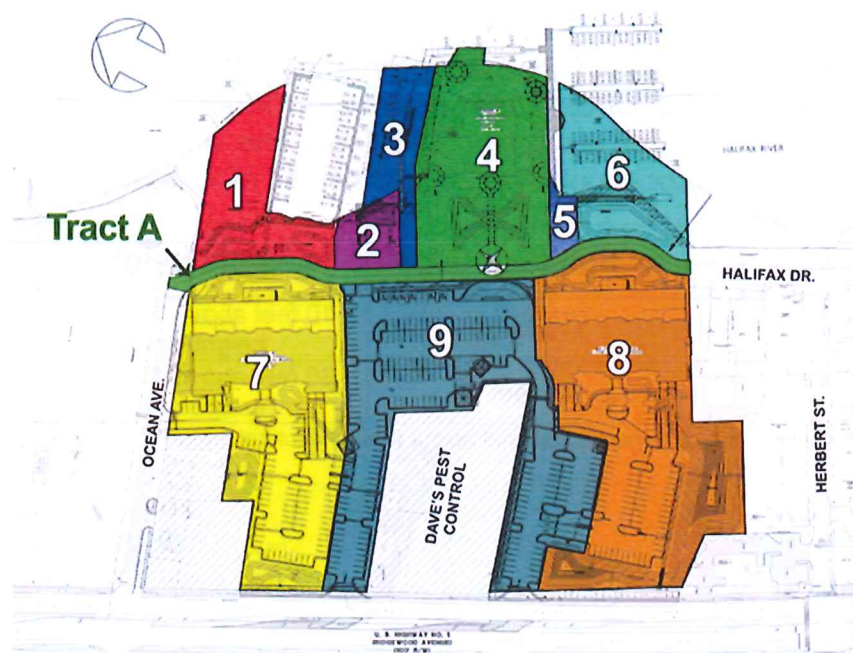


Figure 10. Proposed Lot Configuration - Replat

The proposed 9 lots do not meet the current lot width and area requirements in the LDC for the Hi-rise residential and Mixed-use project types. According to the applicants, the proposed lot configuration is for financing purposes but the 9-lots will function as one cohesive site, with shared parking, stormwater and utilities.

	Hi-rise Project Type	Mixed-use Project Type
Current Minimum Lot Width in the LDC	500 feet	0 feet
Current Minimum Lot Area in the LDC	5-acre	1-acre

Table 5 – Current Lot Width and Area requirements in the LDC

When the minimum lot width and area were established for the Hi-rise residential and Mixed-use project types, it was anticipated that the entire Riverwalk project would be developed by a master developer and the lot dimensional requirements were created to limit smaller-scale development that was not part of the master planned project (Table 5). The original development concept for Riverwalk has now changed to utilizing smaller-scale plans to create the mixed use, waterfront project.

Consistency with Comprehensive Plan:

The subject properties are designated *Planned Community-Riverwalk* on the City's Future Land Use Map.

The *Planned Community-Riverwalk* Land Use standards are to guide the development of a walkable development along the Halifax River that includes commercial, office, residential, civic, and entertainment uses. The proposed development has components of New Urbanism (housing, entertainment, and public space) and will be integrated with the Riverwalk Park to continue the multi-purpose trail along Halifax Drive and could be integrated with future developments south of Herbert Street to achieve the overall walkability goals for the entire Riverwalk area.

The permitted uses listed in the proposed MDA are consistent with the intent of the future land use designation.

SUMMARY

The proposed restatement of the MDA and CDP is intended to expand the Project Area Property and establish regulations for development. The additions proposed by the applicants in the in the proposed restatement are related to development of a two (2) residential condominium buildings, restaurant on the point property, 58-slip marina for motorized and non-motorized watercraft (located on leased land outside of the Project Area Property), two (2) marina multi-purpose support buildings, linear park with a 20-foot wide multi-purpose trail, and associated site improvements (parking, landscaping, stormwater, utilities, and signage) and maintaining the use of the existing marina for motorized and non-motorized watercraft (located on leased land outside of the Project Area Property) and Captain Daddy's Riverboat restaurant.

The proposed development requirements in the restated MDA are generally consistent with the recent development approach for Riverwalk, which has evolved to using

segmented plans for development of specific areas to achieve the goals of the Port Orange Town Center (POTC) Redevelopment Plan.

The applicants is requesting two types of deviations from the LDC in the proposed MDA. The first type of proposed deviations is from the PC-R zoning requirements related to developing smaller individual projects instead of a Master Planned project. The second type of proposed deviations is from requirements for site improvements the applicants believes are necessary for the type of project being proposed. According to the applicants, a majority of the "second type" deviations are necessary because of the uniqueness of the proposed project. Two "second type" deviations present the greatest concern.

1. Parking Ratio for Condominium Building: According to the applicants, the parking ratio of 1.5 space per 1 residential unit is sufficient for the type of condominium owners anticipated to purchase these units. There is concern that at peak times during the year (winter, spring break, race weeks) the use for the condominium units will require additional parking and this could impact the City park parking lot. However, according to the applicants, the amount of parking provided for each condominium is sufficient because a majority of the unit owners are not expected to be year-round residents, instead the unit owners are anticipated to be in their units for only a few weeks at a time. The majority of the 260 units are two bedrooms and the applicants does not anticipate unit owners having more than one car.

The applicants' proposed parking ratio requires 390 parking spaces be provided for the proposed 260 condominium units. The requested reduction in parking spaces amounts to 195 less parking spaces than required by code and 130 parking spaces less than most of the comparison cities.

2. Tree Preservation: According to the applicants, the amount of fill required to develop the site is the reason these deviations are being requested. Based on past conceptual plans for the Riverwalk area, it appears it has always been contemplated that a majority of the existing trees in the Riverwalk area would be removed due to the finished floor elevation requirement in the LDC to ensure flood protection. As the Riverwalk area is developed, landscaping will be required to be planted at the higher elevation.

REMAINING COMMENTS:

The Staff Development Review Committee (SDRC) has reviewed this project and the applicants will need to address some minor comments such as, correcting formatting errors, and adding language to clarify terms in the MDA prior to this item being considered by City Council.

RECOMMENDATION:

The proposed restated MDA does not command extensive innovative design features, but is generally consistent with the recent development approach of Riverwalk. Overall, staff concludes that the proposed restated MDA is consistent with the general intent of

the Comprehensive Plan and the POTC Plan based on the recent development approach of smaller-scale developments instead of using master development plans for Riverwalk. Some positive aspects of the proposed restated MDA include the construction of a 20' multi-purpose trail, development of entertainment uses along the water and residences in the Riverwalk area.

Approval of the Restated Riverwalk Marina & Riverboat Master Development Agreement and Conceptual Development Plan subject to the following:

1. Amendment to the Port Orange Town Center Conceptual Development Plan
2. Subdivision Replat
3. Site Improvement Agreement or Subdivision Improvement Agreement, whichever occurs first.
4. Deed of Dedication, fully executed and recordable, conveying lands for a multi-purpose trail to the City.
5. Easement fully executed and recordable, for public and private utilities, including access, maintenance, repairs, construction and operations.
6. Resolution of the City Council for the vacation of Halifax Avenue.
7. Resolution of the City Council restricting a portion of Ocean Avenue lying east of the west right-of-way line for Halifax Avenue as extended north to the northern right-of-way line of Ocean Avenue, providing that the area shall be restricted to public pedestrian use and other governmental services; and shall be closed to public and commercial vehicular traffic.
8. Deed conveying Cardwell funeral home to Owner/Developer.
9. Stormwater drainage easement serving multi-purpose trail.
10. A partial release or consent and joinder for all entities that encumber the multi-purpose trail, utility, storm drainage easement areas.
11. Temporary Construction easement for construction of multi-purpose trail, fill dirt and landscaping in the event this Agreement does expire.
12. Economic Incentive Agreement

STATE OF FLORIDA
COUNTY OF VOLUSIA

DRAFT

**RIVERWALK AMENDED AND RESTATED
MASTER DEVELOPMENT AGREEMENT**

THIS RIVERWALK AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) (this "Agreement") is entered into by and between: Halifax River Partners, LLC, ("Owner/Developer") Josif Atanasoski, Manager, having a mailing address of 1800 North U.S. Highway 1, Ormond Beach, Florida 32174; the CITY OF PORT ORANGE, a Florida municipal corporation (the "City") having a mailing address of 1000 City Center Circle, Port Orange, Florida 32129, who hereby agree and covenant as follows:

1. PURPOSE OF AGREEMENT. The purpose of this Agreement is to provide a comprehensive development plan for the Project Area Property as defined below. The Owner/Developer and City recognize that some portion of the Project Area Property was previously subject to the terms of the "Riverwalk Marina and Riverboat Master Development Agreement" recorded in Official Records Book 6786, Page 1099 of the Public Records of Volusia County Florida (Original MDA) as modified by that certain First Amendment To The Riverwalk Marina and Riverboat Master Development Agreement recorded in Official Records Book 6978, Page 2478 of the Public Records of Volusia County Florida (First Amendment) and as further modified by that certain Second Amendment To The Riverwalk Marina and Riverboat Master Development Agreement recorded in Official Records Book ____, Page ____ of the Public Records of Volusia County Florida (Second Amendment). This Agreement shall be an amendment to and restatement of, and shall supersede and replace the Original MDA, First Amendment and Second Amendment. This Agreement is approved pursuant to an Ordinance adopted under the requirements of the City of Port Orange Land Development Code (LDC).

2. PROJECT AREA PROPERTY.

The Owner/Developer's property that is subject to this Agreement consists of approximately 11.904 acres more or less, located east of Highway U.S. 1, south of Ocean Avenue and north of Herbert Street, within the municipal limits of the City of Port Orange. The property includes all or a portion of 9 upland parcels, Tax ID #'s 6303-10-02-0024, 6303-10-02-0041, 6303-10-02-0020, 6303-10-02-0023, 6303-10-02-0040, 6303-16-00-0011, 6303-16-00-0010, 6303-04-00-0010, 6303-04-00-0030 and all or portions of submerged land parcels, ID #Trustees of the Internal Improvement Trust Fund Instrument-131788 (Trustees of the Internal Improvement Fund Doc. #24138), ID #Trustees of the Internal Improvement Trust Fund Instrument -144127 (Trustees of the Internal Improvement Trust Fund Doc. #23195), and ID #Trustees of the Internal Improvement Trust Fund Instrument-129321 (Trustees of the Internal Improvement Fund Doc. #22020), and a submerged lands leasehold ID #Current Submerged Land Lease -346219 (Trustees of the Internal Improvement Fund Lease #640003824), all owned by the Owner/Developer described above. The Community Redevelopment Agency for Port Orange Town Center (the "CRA") is the owner of that certain parcel of land having a Tax ID #6303-10-20-0030 (Cardwell Parcel) which is subject to a Property Exchange Agreement between Owner/Developer and the CRA in which fee simple title of the Cardwell Parcel may be

conveyed to the Owner/Developer. The City is the owner of lands comprising a portion of the Right of Way of Halifax Avenue (the City Parcel). Owner/Developer has applied for the vacation of a portion of Halifax Avenue. The City Council resolution shall include a requirement for an effective date upon recording of the resolution simultaneous with the bonding of the multi-purpose trail facilities and recording of the Deed of Dedication for the multi-purpose trail and associated easements in the Public Records of Volusia County Florida. The Owner/Developer property, the Cardwell Parcel, the City Parcel and the submerged land leasehold constitutes the "Project Area Property". The boundaries of the Project Area Property are more fully legally described on Exhibit "A", and the proposed lot configuration and improvements to the Project Area Property are depicted on the Conceptual Development Plan ("CDP"), Exhibit "B", each attached hereto and made a part hereof.

3. DEVELOPMENT PLAN.

- a. The Project Area Property shall generally be developed as a mixed-use project with two residential condominium buildings, a restaurant on the "point," marina, linear park with a 20' wide multi-purpose trail, two (2) multi-purpose marina buildings, riverboat restaurant, general commercial retail and office uses, off-site signage along Dunlawton Avenue and Ridgewood Avenue, off-site signage on Dunlawton Avenue and Ridgewood Avenue, and site improvements (stormwater, utilities, landscape, on-site signage, parking, overhead railway lighting, and multi-purpose trail, etc.) as depicted on the Conceptual Development Plan (CDP) prepared by Parker Mynchenberg & Associates, Inc. and dated April 20, 2016, which is attached hereto and incorporated herein as Exhibit "B" and as more particularly described herein.
- b. The Town Center CRA Riverwalk Conceptual Development Plan is attached hereto as Exhibit "C".
- c. The Development shall be exempt from Chapter 17, Section 30(b) (3), (4), (9), (10), (11), (13), and (15) of the LDC.
- d. The Owner/Developer shall be required to obtain City Council's simultaneous approval of this Agreement and all documents set forth in this subparagraph 3d. .:
 - i. Site Improvement Agreement or Subdivision Improvement Agreement, whichever occurs first.
 - ii. Deed of Dedication , fully executed and recordable, conveying lands for a multi-purpose trail to the City. .
 - iii. Easement fully executed and recordable, for public and private utilities, including access, maintenance, repairs, construction and operations.
 - iv. Resolution of the City Council for the partial vacation of Halifax Avenue.
 - v. Resolution of the City Council restricting a portion of Ocean Avenue lying east of the west right-of-way line for Halifax Avenue as extended north to the northern right-of-way line of Ocean Avenue, providing that the area shall be restricted to public pedestrian use and other governmental services; and shall be closed to public and commercial vehicular traffic.
 - vi. Deed conveying Cardwell funeral home to Owner/Developer.
 - vii. Stormwater drainage easement serving multi-purpose trail.
 - viii. A partial release or consent and joinder for all entities that encumber the multi-purpose trail, utility, storm drainage easement areas.

Temporary Construction easement for construction of multi-purpose trail, fill dirt and landscaping in the event this Agreement does expire.

4. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN.

- a. Development of the Project Area Property shall be controlled by the terms and conditions of this Agreement and the CDP. The CDP generally depicts the planned layout of improvements to the Project Area Property. Collectively, this Agreement and the CDP for the Project Area Property may be referred to as the "Plan". In case of conflict between any textual provision of this Agreement and the CDP, the textual provision of this Agreement shall control. If the Agreement is silent regarding a particular subject or requirement, such silence shall not be construed as a conflict with the CDP. Except as otherwise provided in this Agreement, in the event of a conflict between the terms and provisions of the Plan and the City's ordinances, the terms and provisions of the Plan shall control. If the Plan fails to address a particular subject or code requirements, the requirements of the applicable City ordinance(s) as defined by the City's Land Development Code ("LDC"), shall control.
- b. In the event modifications to comply with the LDC are required, and modifications to the CDP are not in conflict with the textual provisions of this Agreement and LDC requirements not superseded by this Agreement, the modifications shall be deemed "minor" and may be approved without formal amendment of this Agreement. All other modifications shall be deemed "major" and shall require formal amendment of this Agreement. Minor modifications shall require the written approval by the Administrative Official, who is defined in the LDC. If the Owner/Developer is not satisfied with the suggested resolution or the decision of the City Administrative Official categorizing the modifications as minor or major, the Owner/Developer may appeal the decision to the Planning Commission. Appeals from the Planning Commission may be made to the City Council.

5. PERMITTED USES

- a. See the Town Center CRA Riverwalk Conceptual Development Plan (Exhibit "C") for general location of the Project Types. Shared parking facilities shall be permitted for all permitted uses within the Project Area Property.
- b. Hi-Rise Residential Project Type
 - i. Multi-family residential dwelling units up to 60 dwelling units/acre and ancillary retail, office and personal service uses, including, but not limited to, cafe, snack bar, bakery, deli, newsstand, ATM, hair salon, fitness center and florist.
 - ii. Permitted uses shall also include those allowed in the City of Port Orange's Planned Community – Riverwalk (PC-R) Zoning District Hi-Rise Residential Project Type, as may be amended from time to time.
- c. Marina Project Type
 - i. Marina, recreational
 - ii. Customary accessory uses associated with a marina such as, harbormaster's office, one liveaboard residence for the harbormaster,

- retail sales, a boat brokerage office, including the mooring of boats for sale, water taxi service, motorized and non-motorized watercraft rentals, general maintenance of the riverboat restaurant including canopies, furniture, fixtures, and equipment, and other uses for a marina permitted by Chapter 17, Section 30(f) of the LDC, or which meet the criteria for accessory uses in Chapter 16, Section 1 of the LDC, except that Jet Ski rentals are prohibited.
- iii. Restaurant (type A), including indoor and outdoor dining
 - iv. Only one restaurant on a U.S. Coast Guard documented vessel moored within the Project Area Property which shall be exempt from the prohibition in Chapter 9, Article III, Section 29 (b) of the LDC. In the event that the riverboat restaurant is no longer classified by the U.S. Coast Guard as a vessel, then the structure shall be required to comply with the State of Florida building code regulations.
 - v. Temporary Overnight Dockage on vessels docked at the marina. For purposes of this MDA, "Temporary Overnight Dockage" shall mean accommodation of vessels at docks where boat owners and their guests (with permission of the boat owner) are permitted to sleep overnight in a boat docked at the marina for a period of time not to exceed thirty (30) consecutive days in any six month consecutive time period. Owner/Developer shall be required to provide water, electric utility services and sewage pump-out services to any vessel used for Temporary Overnight Dockage. Any Temporary Overnight Dockage shall be in compliance with federal, state and local laws as they apply.
- d. Mixed-Use Project Type
- i. Restaurant, including food and alcoholic beverage sales in outdoor seating areas and with customary accessory uses associated with a destination restaurant, including banquets, wedding receptions, outdoor music/entertainment.
 - ii. Public Park, a public multi-purpose trail with such permitted uses and restrictions as set forth in a Deed of Dedication, which shall be considered by City Council simultaneous with this Agreement.
 - iii. Private Club and/or Recreational Facilities amenity for the Marina and/or Residential Condominium, for the use by the Hi-Rise Residential condominium owners and/or Marina, including but not limited to dining facilities, real estate sales office, private gym facilities, pool/spa facilities, or a club house.
 - iv. Customary uses associated with a marina such as, but not limited to, harbormaster's offices, fuel operations, sanitary pump-out services, restrooms and shower facilities, boat brokerage office, and motorized and non-motorized watercraft rentals.
 - v. Permitted uses shall be those allowed in the Planned Community - Riverwalk (PC-R) Zoning District - Mixed-Use Project Type, as amended from time to time.
 - vi. Microbrewery: An establishment that produces specialized beers for sale on premises in a tap room, restaurant, or for sale in packages for later consumption off-premises via retail carry-out and/or through distribution.

A microbrewery may also in conjunction with the sale of beer prepare and serve food. All Alcohol Beverage requirements set forth in Chapter 6 of Code of Ordinances shall apply.

- e. Recreation/Conservation Project Type:
 - i. Permitted uses shall also include those allowed in the City of Port Orange's Planned Community – Riverwalk (PC-R) Zoning District Recreation/Conservation Project Type, as may be amended from time to time.
- f. All Project Types
 - i. Special Events shall be permitted in accordance with the standards in the LDC for a "Special Event Permit" which shall be approved by the Administrative Official.

6. PHASING.

- a) The complete details for those improvements previously required under the terms of the Original MDA, as amended by the First Amendment and Second Amendment, shall be restated and fully described herein as to the rights and obligations of the Owner/Developer, as set forth in **Exhibit "I,"** attached hereto and made apart hereof by reference. Please note adjustments to the timing of required improvements as set forth in Exhibit "I" may be necessary so as to not be in conflict with terms set forth in this Agreement.
- b) Final development of the Project Area Property shall consist of the improvements allowed to remain under the Interim Conceptual Development Plan and those phased improvements shown on the Phasing Plan attached hereto as Exhibit D. Each phase shall be built so as to be consistent with this Agreement and the LDC. Individual phases or sub-phases may be submitted for approval through the City's final site plan process. Each proposed phase shall be required to install all necessary infrastructures, including all necessary easements and dedications, in order to stand alone, with the support of previously built phases.
- c) Each phase shall make provisions for allowing connection of the remaining phases and contain such reservations, easements and utility extensions necessary to facilitate the development of subsequent phases in accordance herewith. If the Project Area Property is developed in phases, the Owner/Developer may grade and clear roads, parking areas, easements, building pads, construct stormwater improvements, and install utilities for future phases so long as such grading and clearing is done pursuant to a valid permit from the City and the St. Johns River Water Management District, FDEP, or other required review agencies and in accordance with this Agreement.
- d) Prior to the commencement of construction of the Phase 1 restaurant a temporary parking lot shall be constructed west of the Halifax Avenue right of way. This temporary parking lot shall serve the exiting Riverboat Restaurant and existing marina during construction of the Phase I restaurant and permanent shared parking facilities. The temporary parking

lot shall be constructed in conformance with the standards set forth in the original MDA, as amended, for a stabilized shell or gravel parking lot with landscaping, stormwater facilities, and an ADA compliant walkway from the lot to the Riverboat Restaurant and marina facilities. Prior to the commencement of construction of the Phase I restaurant the City must inspect and approve the temporary parking lot.

- e) Prior to the issuance of a Certificate of Occupancy or Certificate of Completion for any new improvements within the Project Area Property, the 20-foot multi-purpose trail shall be completed, inspected and accepted by the City.
- f) Prior to commencement of any site improvements and prior to plans stamped "Approved for Construction," the Owner/Developer shall provide original, executed, recordable documents as set forth in this subparagraph 6f.
 - i. Payment and Performance Bond, letter of credit, or cash deposit in an amount guaranteeing the completion of all public site or subdivision improvements intended to serve the public for all phases of the development, including fill dirt, multi-purpose trail, landscaping, walklights for that phase of the development, benches, trash receptacles, utilities and all other improvements intended to serve the public.
 - i. Payment and Performance Bond, letter of credit, or cash deposit guaranteeing the completion of the Cardwell property demolition and for lease payment loss of revenue for two years to the City as liquidated damages in the event that the construction of the multi-purpose trail is not completed on or before October 1, 2020.
 - ii. Temporary construction easement for Cardwell and the multi-purpose trail.
 - iii. Blanket easement for public access to lots 1, 2, 3, 4, 5, and 6.
 - iv. Note, additional documents may be included based upon final language for all documents.
- g) Phase 1 will consist of the following improvements:
 - i. All the improvements on the "point" extending into the intracoastal river within the multi-use area except for the 2 multi-purpose marina buildings and the 58 slip marina.
 - ii. The central parking lot area as shown on the CDP.
 - iii. The 20 foot multi-purpose trail, including walklights
 - iv. Off-site work on the portion of Ocean Avenue to complete the multi-purpose trail to the north side of the Ocean Avenue right-of-way where the multi-purpose trail continues into the Riverwalk Park.
 - v. Necessary utilities to service all proposed lots indicated on the Conceptual Replat Exhibit.
 - vi. All stormwater improvements serving all phases except for structures and dry retention in the two condominium tower parking areas.
 - vii. Landscaping, except around the condominium tower footprints and condominium parking areas.
 - viii. Demolition of Cardwell structures, including the building, surface and all subsurface structures.
 - ix. Temporary parking for the existing riverboat restaurant and marina.

- x. The multi-purpose trail, landscaping within the vicinity, walklights, benches, trash receptacles and other amenities.
- h) Phase II shall include the construction of one condominium tower and associated site improvements including parking lot, landscaping, stormwater dry retention areas and other required improvements.
- i) Phase III shall include the construction of the second condominium tower and associated site improvements including parking lot, landscaping, stormwater dry retention areas and other required improvement.
- j) Phase IV shall include the construction of the marina, multi-purpose marina buildings, and other associated site improvements.
- k) Phase V shall include the construction of the multi-purpose marina building and the expanded marina on the north end of the Project Area Property. The Phase V improvements can be built in any phase so long as such improvements are in compliance with all parking requirements.

7. SUBDIVISION

- a) The Project Area Property proposed lot layout is depicted on the Conceptual Replat Plan of Riverwalk at Port Orange (Plat) attached hereto as Exhibit E. Lot dimensions shall be set forth on the plat as required by law. The platted lots shall be exempt from the LDC minimum lot size and width requirements. Concurrently with the recording of the Plat the Owner/Developer shall record in the public records a Reciprocal Easement Agreement (REA) benefitting each platted lot within the Project Area and providing legal access, cross access, parking and drainage rights. Platted lots shall not be required to be contiguous to a public right of way.
- b) All lots within the subdivision shall have access to a street dedicated to public use which has been accepted for maintenance by Volusia County, the City of Port Orange, or the Florida Department of Transportation. Where the lots in the proposed subdivision do not abut such a dedicated, public street, the Owner/Developer shall provide access in accordance with the requirements set forth herein.
- c) In the event that any lot in the subdivision does not have access to a publicly owned and maintained road via public or private street, private drive, then access by means of a legally established access easement shall be required for the applicable lots. Subdivision access to a publicly owned and maintained road via an access easement shall be platted.
- d) The Owner/Developer has applied to the City for the vacation of Halifax Avenue right of way within the Project Area Property. As a condition to the resolution partially vacating Halifax Avenue, Owner/Developer shall record the Deed of Dedication conveying the multi-purpose trail area to the City with associated access, utility and drainage easements. The Owner/developer shall obtain financing and bonding prior to the resolution being effective. Upon

the vacation of Halifax Avenue the City shall release the unity of title agreements previously recorded in the public records that impact parcels/lots within the Project Area Property.

e) All utility facilities associated with Phase I of the Phasing Plan, including but not limited to stormwater facilities, water, sewer, reclaimed water and sewer service lines to adjacent lots, and access shall be constructed and be approved and accepted by the City prior to the recording of the Plat in the Public Records of Volusia County Florida or shall be constructed in accordance with the site/subdivision improvement agreement.

f) Easement for public pedestrian, access, utilities, construction, maintenance, government and emergency services purposes shall be delineated on the plat and Official Book and Page space shall be shown.

g) Easements to the City for public access across Lots 1, 2, 3, 4, 5, and 6 shall be noted on the plat.

h) Prior to approval of the subdivision, Owner/Developer may submit to the City for approval a Site Plan for Phase 1 consistent with this Agreement.

8. CONFORMANCE WITH COMPREHENSIVE PLAN.

The City has determined that the Project Area Property is suitable in size, location and character for the uses proposed and, that the uses meet the needs of the City, and are consistent with the City's Comprehensive Plan.

9. PROPERTY MAINTENANCE.

a) The Owner/Developer shall establish a property owner's association comprised of the property owners within the Project Area Property (Association). The Association shall be solely responsible for the operation, maintenance and control of all facilities, parking lots, stormwater retention/detention facilities, landscaping, and utilities., all within the Project Area Property, as provided in this Agreement and subject to other documents of record between the City and the Owner/Developer or their successors. The Association shall also enforce any restrictions established by this Agreement. The covenants and restrictions governing the Association and the Project Area Property shall be executed and recorded in the public records of Volusia County, Florida and run with the land. The City shall be responsible for the maintenance, repair and replacement of all improvements and landscaping within the multi-purpose trail lands as conveyed to the City under the Deed of Dedication.

b) If the Association fails to perform the maintenance, repair or replacement, as necessary, on the stormwater retention/detention and drainage facilities, the City shall have the right to enter upon the Project Area Property to provide the maintenance, repair, or replacement of the stormwater retention/detention and drainage facility, and shall have the right to lien all owners of record in the Project Area Property for the cost of such maintenance, repair, and replacement as the City may deem necessary.

10. UTILITIES.

- a) Potable water and sewer lines for the Project Area Property shall be designed and built in compliance with all applicable City laws, ordinances, resolutions and regulations.
- b) All utilities internal and serving the Project Area Property beyond the connection to the City's system are private and shall be maintained by the Association on behalf of the successor lot owners within the Project Area Property.
- c) Overhead/trail way lighting or walkway lights shall be provided by the Owner/Developer for installation. Maintenance, payment for power, and subsequent replacement of said overhead/trail way lighting or walkway lights shall be the responsibility of the City.
- d) Potable water and sanitary sewer along the multi-purpose trail shall be maintained, repaired and replaced by the City.
- e) Owner/Developer shall construct a 12 inch water line, a 6 inch sanitary fire main and a 6 inch effluent reuse main lying east of the condominium structures.

11. STORMWATER FACILITIES.

- a) Stormwater retention/detention facilities to service the Project Area Property shall be designed and built in conformance with the Conceptual Development Plan and all applicable Federal, State and local laws, ordinances, resolutions and regulations, including the environmental provisions thereof.
- b) The drainage improvements shall include those improvements necessary to handle stormwater runoff resulting from any impervious development undertaken during the development of the Project Area Property. The Project Area Property is exempt from 100 year storm compensatory storage requirements.
- c) The Association shall be responsible for the operation and maintenance of the stormwater drainage, retention/detention systems serving the area within the project boundaries and as depicted on the Conceptual Development Plan for this development. Should the Association or their successors and assigns, fail to perform the maintenance of the drainage and stormwater management systems, the City shall be entitled to enter upon the property and designated easement areas to perform maintenance, repair or replace the facilities; and shall have the right to lien all owners of record in the Project Area Property for the cost of such maintenance, repair, and replacement, as deemed by the City to be necessary. In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management system will be transferred to and accepted by an entity which complies with Section 40C-42.027, F.A.C., and be approved by St. Johns River Water Management District (SJRWMD) or FDEP prior to such termination, dissolution or liquidation.

12. BONDING.

- a) Prior to commencement of construction, a separate bond, letter of credit, or cash guarantee shall be provided by the Owner/Developer to the City for 110% of the estimated cost of completion for the multi-purpose trail, fill dirt, multi-purpose

trail, landscaping, walklights for that phase of the development, benches, trash receptacles, utilities and all other improvements intended to serve the public within the vicinity of the multi-purpose trail.

- b) Prior to demolition of the Cardwell property, a separate bond, letter of credit or cash deposit shall be provided by the Owner/Developer to the City for two times the amount of the annual net income for the Cardwell property along with a timing requirement that Phase 1 of the project shall be complete within 24 months from the commencement of construction. If construction of Phase 1 is not complete within the allotted time, then Owner/Developer shall be responsible for paying to the City the amount of two times the annual income of the Cardwell property.

13. ON-SITE and OFF-SITE IMPROVEMENTS.

- a) On-site and off-site improvements for the multi-purpose trail shall require a Subdivision or Site Improvement Agreement, whichever occurs first, and bonding.
- b) The off-site improvement on a portion of Ocean Avenue right-of-way shall be necessary and required in order to connect the multi-purpose trail from the Project Area Property on the south side the Ocean Avenue right-of-way to the sidewalk path entryway into Riverwalk Park, located on the north side of the Ocean Avenue Right-of-way. The off-site improvement on a portion of the U.S. 1 right of way shall be necessary to construct turn lanes into and out of the Project Area Property and to construct a 12 foot wide sidewalk within and adjacent to the U.S. 1 right of way.

14. MULTI-PURPOSE TRAIL.

- a) The property referenced as the multi-purpose trail which is within the Deed of Dedication area for public pedestrian, access, utilities, drainage, construction, maintenance, government and emergency services purposes to be conveyed to the City shall be released from any mortgage obligations over the Project Area Property..
- b) Appearance of the multi-purpose trail shall be consistent with the surface improvements for the multi-purpose trail located in Phase 1a and 1b of Riverwalk Park. The minimum width of the multi-purpose trail referenced in Phase 1 of this Project shall be 20 feet in width'.

15. LANDSCAPING.

a) It shall be the responsibility of the Association to maintain the landscaping within Project Area Property in a neat and well-maintained manner, except landscaping along the multi-purpose trail area within the Deed of Dedication lands.

b) Landscaping shall be irrigated initially with on site irrigation wells. Values, mains and heads will be designed to use reclaimed water when available to the project area. Irrigation

systems shall be constantly maintained to minimize waste of water due to loss of sprinkler heads, broken pipes or misaligned nozzles.

c) All landscape buffers, foundation landscaping, vehicular use/parking landscaping, supplemental landscaping, and tree preservation, shall be developed in compliance with the LDC, except for the following:

1.)There are no existing historic trees within the Project Area Property. Due to the extensive fill required to develop the Project Area Property the existing trees and natural vegetation may be removed and replaced with new trees and vegetation. The Project Area Property shall be exempt from the requirement to preserve existing trees and natural vegetation, 15% tree preservation requirement and mitigation under Chapter 9 and 13 of the LDC. Landscaping for the Project Area Property shall be enhanced utilizing natural land features, aesthetics and additional plantings with special attention for the preservation and protection of the Mangroves located in Project Area Property.
2. The Project Area Property shall be exempt from the minimum five (5) foot perimeter interior landscape buffer width along internal platted lots as required under the LDC.
3. The Project Area Property shall be exempt from a ten (10) foot landscape buffer along Ocean Avenue. The landscape buffer along Ocean Avenue shall be a minimum of six (6) feet with an average width of ten (10) feet and planted with the LDC required plantings for a 10-foot-wide buffer.
4. A conceptual landscape plan of the area along the multi-purpose trail is attached hereto as Exhibit H.
5. The Project Area Property shall be exempt from the specimen tree retention requirements contained in the LDC.

16. ARCHITECTURAL / DESIGN STANDARDS.

All buildings and accessory structures on each lot within the Project Area Property shall be developed in compliance with this Agreement and the Conceptual Development Plan. The proposed buildings on the Project Area Property shall be developed in substantial conformance with a common "modern nautical" or Florida Vernacular architectural theme. Buildings and Shade structures shall have an architectural design in substantial conformance to the "modern nautical" architectural theme and architectural elevations shown on Exhibit F attached hereto. . Architectural design features and elements may change but the overall design will need to be consistent with the modern nautical or Florida Vernacular architectural style as determined by the Administrative Official. Multi colored canvas awnings and tensile shade structures are permitted within the Project Area Property. All buildings and accessory structures which are clearly visible from rights-of-way, public areas of adjoining properties, and the Halifax River,

shall be designed with full architectural treatment on all visible sides. General appearance improvements within the Project Area Property shall be reviewed and approved as part of the final site plan approval.

17. SIGNAGE.

- a) Except as otherwise set forth in this Agreement the signage for Project Area Property shall be in compliance with the terms set forth in the City of Port Orange's LDC Chapter 15.

1). Signage shall be allowed on the Seawall for Lots 4 and 6.

2). Vessel Signage. Signage on a vessel shall be in compliance with the following requirements as depicted on Figure A below.

- i) Maximum sign area for the entire vessel: Multiply the length of the vessel by 2 square feet.
- ii) Maximum sign height: 25% of the height of the vessel. Height is measured from the main deck to the top of the cabin, including any upper deck roof structure or canopy.

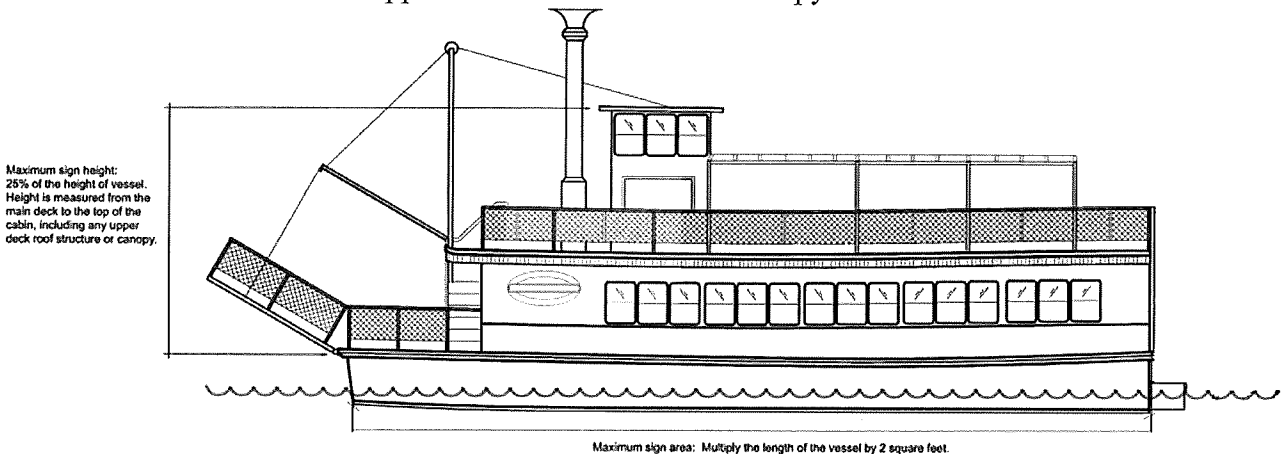


FIGURE A
VESSEL SIGNAGE REQUIREMENTS

Signage within the Project Area Property and offsite signage shall be consistent with the design theme and dimensions as depicted on the Signage Plan attached hereto as Exhibit G.

- 3). Offsite Signage on City Owned Property. Within 1-month of completion of Phase 1, the City shall provide the Property Owners' Association with a license agreement for the installation of offsite signage at the northeast intersection of Dunlawton Avenue/Ridgewood Avenue and Halifax Drive/Dunlawton Avenue. All maintenance, repair and replacement of the offsite signage shall be the responsibility of the Property Owners' Association. In the event the Property Owners' Association fails to maintain the offsite signage the City may, in its sole

discretion, terminate the license agreement and the Property Owners' Association shall remove or shall authorize the City to remove such offsite signage immediately upon termination of the license at the Property Owners' Association's expense. Any offsite signage on City owned Property shall be subject to a license agreement.

4. Off -Site signage within Project Area Property: Signage shall be allowed on the lots located along Ridgewood Avenue to advertise the marina and accessory uses associated with the marina and the riverboat boat restaurant.

18. PARKING.

Parking shall be in compliance with the requirements in the LDC unless modified herein.

- a. Parking Requirements:
 - 1) Marina -1 Space per 3 Slips
 - 2) Hi-rise Residential - 1.5 Space per Unit
- b. Standard parking stall shall be 9' wide x 19' long
- c. Prior to the completion of Phase 1, the recorded Reciprocal Easement Agreement (REA) shall provide shared parking for the benefit of platted lot owners for Lots 1, 2, 3, 4, 5, and 6 within the Project Area Property. The shared parking will be located on a platted lot within the Project Area Property but said shared parking may be located on a different platted lot from the lot on which the improvements are located.
- d. Prior to the issuance of a certificate of occupancy for the Phase 1 restaurant or January 1, 2018, whichever date is earlier, Owner/Developer shall complete permanent parking facilities for the Riverboat Restaurant and Marina. Upon failure to comply with this requirement, the restaurant and marina shall immediately suspend operations until completion of the parking improvements.

19. SITE LIGHTING.

a). The lighting of the Project Area Property will utilize a number of different lighting effects and techniques to create a pleasant and inviting atmosphere for the patrons and owners. The architecture may be highlighted to accentuate specific features and elements at night. The landscape may be highlighted to create interest and provide a space that is relaxing and comfortable at night.

b). The Hardscape/Landscape of the Project Area Property will utilize a number of different effects and techniques to create a pleasant and inviting atmosphere for the patrons and owners. Including but not limited to decorative poles, bollards, optic pavers, railing or bridge mounted luminaries, step lights, gazebo elements, tree lighting, string lights, and any other method of lighting to create a festive feel to the Project Area Property. All lighting within the Project Area Property, including but not limited to any tree or string lighting shall comply with the National Electric Safety Code.

c). Temporary Lighting. In addition to lighting improvement set forth in the site plan and/or subdivision plan, temporary lighting may be installed for special events located on the Project Area Property, including but not limited to string Christmas/holiday lighting, temporary

vendor lighting, or additional temporary pedestrian/sidewalk lighting. All temporary lighting within the Project Area Property, including but not limited to any tree or string lighting shall comply with the National Electric Safety Code.

d) The walklights (pole and fixture) installed along the 20' multi-purpose trail shall be the same color, style, height, and constructed of the same material as the walklights installed in Phase 1A and 1B of Riverwalk Park (located north of the Project Area Property). Owner/Developer shall install the walklights with a maximum of 75 feet of separation.

20. TRANSPORTATION CONCURRENCY – .

The Project Area Property is located within the TCEA established for the Port Orange Town Center Redevelopment Area and is thus exempt from the concurrency review procedures of Chapter 4, Section 2 of the LDC. Owner/Developer shall submit a traffic impact analysis (TIA) to the City. Owner/Developer shall be exempt from participating in the transportation system management and transportation demand management programs under the LDC Chapter 17, Section 30 (b) (9) (a-d), except Owner/Developer shall pay customary City transportation impact fees less the additional 5% transportation impact fee associated with the Port Orange Riverwalk PC-R District.

21. EFFECTIVE DATE/EXPIRATION.

a) The effective date of this Agreement shall be upon the recording of the Agreement, and the recording shall occur within 30 days of the City Council approval.

b) If Site plan construction in the Project Area Property has not commenced within four (4) years of the effective date, or as the City Council may extend, this Agreement shall expire and Owner/Developer, their successors or assigns, shall be relieved of any further obligation to develop infrastructure, landscaping, or any other common features under this Agreement. Once construction commences on Phase 1 all construction activities associated with Phase 1 shall be completed within eighteen (18) months.

22. DIMENSIONAL REQUIREMENTS AND DEVELOPMENT DATA TABLE:

All dimensional requirements in the LDC for the Mixed-Use and Hi-Rise Project Types shall apply except for the following:

- a. Maximum building height in the Hi-Rise Project Type shall be 15 stories of residential over two levels of parking not to exceed 175 feet from required finished floor elevation excluding architectural appurtenances (spires, cupolas and other architectural structures) which may extend and additional 30 feet in height

23. AMENDMENTS.

- A. Amendments to this Agreement shall not be effective unless in writing and signed by all record title property owners of the land for which the amendment is to be applied, and the City.
- B. Before amending this Agreement, the City shall conduct one or more public hearings. At the City's Option, one of the public hearings may be held by the Planning Commission.
 - 1. Notice of intent to consider an amendment to this Agreement shall be published by the City, at the Owner/Developer's cost, in a newspaper of general circulation and readership in Volusia County, Florida.
 - 2. If applicable, notice of intent to consider an amendment shall comply with the requirements of Section 166.041(3)(c), Florida Statutes, as amended from time to time.
 - 3. The day, time and place at which the second public hearing shall take place shall be announced at the first public hearing.
 - 4. The notices required above shall specify the location of the Project Area Property, the location of that portion of Project Area Property subject to the proposed amendment, the nature of the proposed amendment, and the following information to the extent applicable:
 - a. Changes permitted, conditional, and/or prohibited uses proposed.
 - b. Changes in building intensities and/or height proposed.
 - c. Changes required by law to be included in the notice.
 - 5. All notices shall specify a place where a copy of the proposed amendment can be obtained.

24. PUBLIC RECORD.

The Parties agree that this Agreement shall be recorded in the Public Records of Volusia County, Florida, at Owner/Developer's expense. The provisions of this Agreement shall constitute covenants running with the land applicable to all of the Project Area Property described herein or any portion thereof. This Agreement shall inure to the benefit of the parties and the Project Area Property, and shall be binding upon any person, firm, or corporation that may become a subsequent owner, successor in interest or assign, directly or indirectly, of the Project Area Property or any portion thereof, except in the event of an expired Agreement as set forth in paragraph 11.

25. SEVERABILITY.

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

26. POLICE POWER AND SOVEREIGN IMMUNITY NOT WAIVED.

Nothing contained in this Agreement 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 Agreement shall be construed as a waiver or attempted waiver by the City of its sovereign immunity under the constitution and laws of the State of Florida.

27. COMPLETE AGREEMENT

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

28. EXHIBITS

The following Exhibits are to be provided with the MDA:

- a. Exhibit A - Legal Description
- b. Exhibit B - CDP
- c. Exhibit C - Town Center CRA Riverwalk Conceptual Development Plan
- d. Exhibit D - Phasing Plan
- e. Exhibit E - Conceptual Replat Plan
- f. Exhibit F- Architectural Elevations
- g. Exhibit G- Signage
- h. Exhibit H - Conceptual Landscape Plan

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

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

Signed, sealed and delivered in the presence of:

WITNESS:

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

Signature

By: _____
Allen Green, Mayor

Printed Name

Signature

Attest: _____
Robin L. Fenwick, CMC
City Clerk

Printed Name

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

Notary Public, State of Florida at Large

My Commission Expires:

HALIFAX RIVER PARTNERS, LLC

WITNESS:

Signature

Printed Name

By: _____
Josif Atanasoski, Manager

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

Notary Public, State of Florida at Large

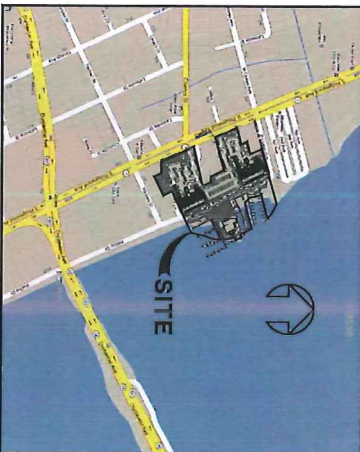
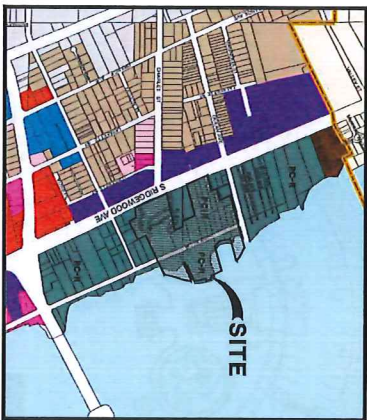
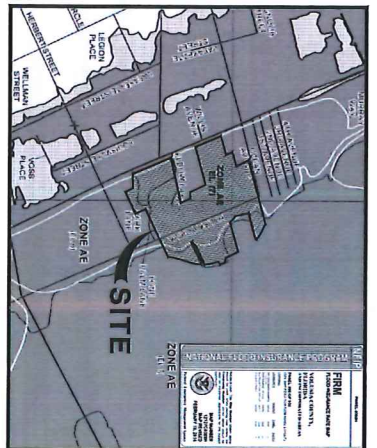
My Commission Expires:

Exhibit "A"
(Legal Description)

A PORTION OF LOTS 1, 2, AND 3, THOMAS SUBDIVISION, AS RECORDED IN MAP BOOK 5, PAGE 143 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PORTION OF SUBMERGED LAND LYING EAST OF SAID LOTS 1 AND 2, TOGETHER WITH LOTS 2 THROUGH 4 AND A PORTION OF LOTS 5 AND 6, BLOCK 2, H.P. HAND TRACT, AS RECORDED IN MAP BOOK 2, PAGE 185 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LAND AND SUBMERGED LAND LYING EAST OF SAID LOTS 2 THROUGH 6, AND TOGETHER WITH A PORTION OF LOT 1, DANIELS' ADDITION TO PORT ORANGE, AS RECORDED IN MAP BOOK 3, PAGE 29, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SUBMERGED LAND LYING EAST OF SAID LOT 1 AND TOGETHER WITH A PORTION OF BLOCK C, WILSON'S MAP OF PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA IN SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

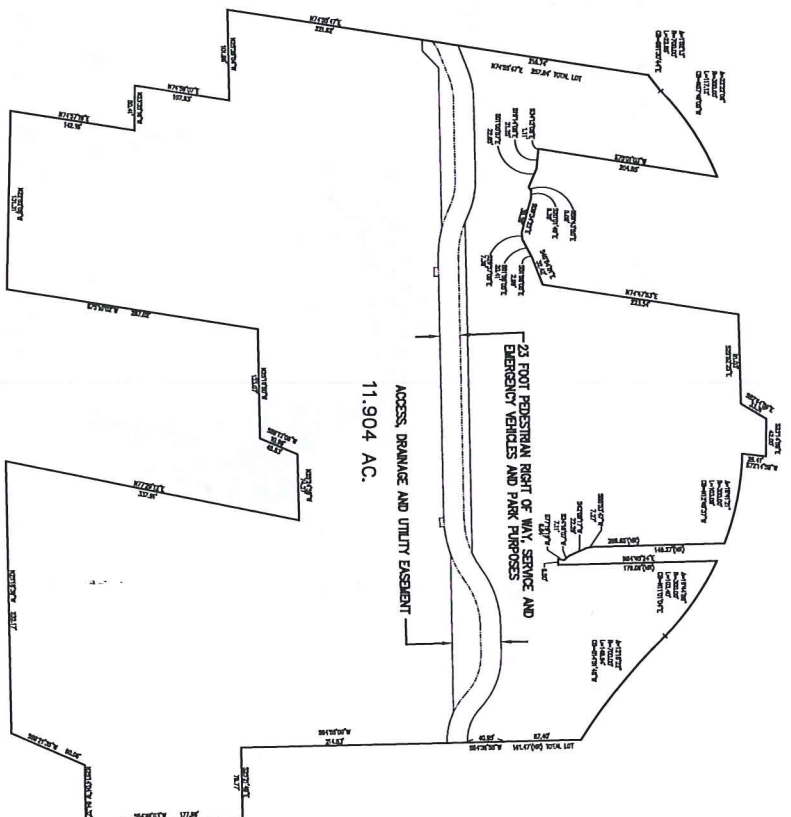
BEGIN AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF STATE ROAD NUMBER 5 (RIDGEWOOD AVENUE), A 100 FOOT RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR ROAD NO. 5, SECTION 7901-278 WITH THE NORTH LINE OF SAID BLOCK C, WILSON'S MAP OF PORT ORANGE; THENCE ALONG SAID EAST RIGHT OF WAY LINE N25°18'39"W, 306.43 FEET; THENCE, DEPARTING SAID EAST RIGHT OF WAY LINE, N77°29'12"E, 337.91 FEET; THENCE N25°24'59"W, 74.27 FEET TO A POINT IN THE SOUTH LINE OF AFORESAID H.P. HAND TRACT; THENCE ALONG SAID SOUTH LINE, S89°12'06"W, 45.83 FEET; THENCE DEPARTING SAID SOUTH LINE, N25°16'50", 123.07 FEET TO THE NORTH LINE OF LOT 5, BLOCK 2, SAID H.P. HAND TRACT; THENCE ALONG SAID NORTH LINE OF LOT 5, BLOCK 2, S75°10'03"W, 287.01 FEET TO THE EAST RIGHT OF WAY LINE OF AFORESAID STATE ROAD NUMBER 5 (RIDGEWOOD AVENUE); THENCE ALONG SAID EAST RIGHT OF WAY LINE, N22°52'03"W, 200.43 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF (1/2) OF LOT 2, BLOCK 2, SAID H.P. HAND TRACT; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN THENCE ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF LOT 2, N74°57'19"E, 142.16 FEET; THENCE N23°35'16"W, 50.41 FEET TO THE NORTH LINE OF SAID LOT 2, BLOCK 2, SAID H.P. HAND TRACT; THENCE ALONG SAID NORTH LINE, N75°00'39"E, 104.03 FEET; THENCE DEPARTING SAID NORTH LINE, N25°26'04"W, 101.96 FEET TO A POINT IN THE NORTH LINE OF AFORESAID LOT 3, THOMAS SUBDIVISION; THENCE N74°55'47"E ALONG THE NORTH LINE OF SAID LOT 3 AND ALONG THE NORTH LINE OF LOT 1, SAID THOMAS SUBDIVISION AND THE EASTERLY EXTENSION THEREOF, 479.46 FEET TO THE CITY OF PORT ORANGE BULKHEAD LINE AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 700.00 FEET AND CENTRAL ANGLE OF 1°52'13" WITH A CHORD BEARING S61°30'44"E; THENCE IN A SOUTHERLY DIRECTION ALONG SAID BULKHEAD LINE AND THE ARC OF SAID CURVE, 22.85 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET AND CENTRAL ANGLE OF 22°22'06" WITH A CHORD BEARING S57°49'05"E; THENCE CONTINUING ALONG SAID PORT ORANGE BULKHEAD LINE AND THE ARC OF SAID CURVE, 117.12 FEET TO THE INTERSECTION OF SAID BULKHEAD LINE WITH THE NORTH LINE OF A TITF (TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND) LEASE, NUMBER 640003624 AS RECORDED IN OFFICIAL RECORDS BOOK 5922, PAGE 1350 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE, S75°01'03"W, 204.65 FEET; THENCE S34°12'06"E, 1.51 FEET; THENCE S19°14'08"E, 21.25 FEET; THENCE S01°00'57"E, 22.65 FEET; THENCE S56°43'50"E, 5.09 FEET; THENCE S20°01'49"E, 9.29 FEET; THENCE S09°34'22"E, 39.26 FEET; THENCE S29°57'06"E, 7.36 FEET; THENCE S51°56'05"E, 23.40 FEET; THENCE S45°54'51"E, 32.42 FEET TO A POINT IN THE SOUTH LINE OF SAID TITF LEASE, NUMBER 640003624, SAID POINT ALSO LYING ON THE NORTH LINE OF THAT PROPERTY DESCRIBED IN TITF DEED NO. 24138 (1723-64); THENCE ALONG SAID LINE, N74°47'53"E, 223.54 FEET TO A POINT ON THE AFORESAID PORT ORANGE BULKHEAD LINE; THENCE ALONG SAID BULKHEAD LINE, S25°52'25"E, 100.56 FEET TO A POINT ON THE NORTH LINE OF THAT PROPERTY DESCRIBED IN TITF DEED NO. 23195 (1212-64) SUPPLEMENTAL; THENCE ALONG SAID NORTH LINE, S82°44'59"E, 33.31 FEET TO THE EAST LINE OF SAID TITF DEED NO. 23195 (1212-64) SUPPLEMENTAL; THENCE ALONG SAID EAST LINE, S23°14'59"E, 42.00 FEET TO THE SOUTH LINE OF SAID TITF DEED NO. 23195 (1212-64) SUPPLEMENTAL; THENCE S72°14'59"W ALONG SAID SOUTH LINE, 26.41 FEET TO A POINT IN AFORESAID PORT ORANGE BULKHEAD LINE AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET AND CENTRAL ANGLE OF 19°41'21" WITH A CHORD BEARING S12°49'37"E; THENCE IN A SOUTHERLY DIRECTION ALONG SAID CURVE AND BULKHEAD LINE, 103.09 FEET TO THE SOUTH LINE OF AFORESAID TITF DEED NO. 24138 (1723-64); THENCE ALONG SAID SOUTH LINE, S64°37'53"W, 148.27 FEET; THENCE DEPARTING SAID SOUTH LINE, S55°53'47"W, 7.27 FEET; THENCE S42°09'17"W, 22.29 FEET; THENCE S24°16'07"W, 7.11 FEET; THENCE S77°19'19"W, 6.64 FEET; THENCE S24°41'40"E, 6.50 FEET TO THE NORTH LINE OF THAT PROPERTY DESCRIBED IN TITF DEED NO. 21998 (232-64); THENCE ALONG SAID NORTH LINE, N64°45'24"E 179.09 FEET TO A POINT ON AFORESAID PORT ORANGE BULKHEAD LINE AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 300.00 FEET AND CENTRAL ANGLE OF 19°44'56" WITH A CHORD BEARING S11°01'04"W; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 103.40 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 700.00 FEET AND CENTRAL ANGLE OF 12°16'22" WITH A CHORD BEARING S14°51'48"W; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE AND SAID BULKHEAD LINE, 149.94 FEET TO THE SOUTH LINE OF SAID TITF DEED NO. 21998 (232-64); THENCE ALONG SAID SOUTH LINE, S64°36'55"W, 168.80 FEET TO A POINT IN THE NORTH LINE OF LOT 4, SAID DANIELS' ADDITION TO PORT ORANGE; THENCE

ALONG SAID NORTH LINE AND THE WESTERLY EXTENSION THEREOF, S64°55'00"W 214.63 FEET; THENCE S25°21'49"E, 79.77 FEET; THENCE S64°49'03"W, 177.95 FEET; THENCE N25°14'04"W, 64.32 FEET TO THE NORTH LINE OF BLOCK "C", WILSON'S MAP OF PORT ORANGE, AS RECORDED IN MAP BOOK 1, PG. 154 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE OF BLOCK "C", S89°21'35"W, 90.06 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD NUMBER 5 AND THE POINT OF BEGINNING. CONTAINING 11.904 ACRES, MORE OR LESS.



ZONING MAP
(PC-R) PLANNED COMMUNITY – PO RIVERWALK

LEGAL DESCRIPTION

[illegible][illegible]

RIVERWALK OF PORT ORANGE CONCEPTUAL DEVELOPMENT PLAN

EXHIBIT "B"
DATE: 4-20-16

HALFAX RIVER PARTNERS, LLC
JOSEF ATANASOSKI, MANAGER
1800 N. US HWY 1
ORMOND BEACH, FLORIDA 32174
(386) 677-5100 FAX (386) 760-4187
E-MAIL: christa@accourandcompany.com
CITY OF PORT ORANGE CRA

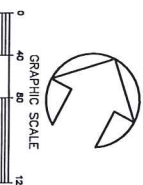
PARKER MYNCHENBERG & ASSOC., INC.
PARKER MYNCHENBERG, P.E. #32845, L.A.#1553
CERTIFICATE OF AUTHORIZATION #3910
1729 RIDGEWOOD AVENUE
HOLLY HILL, FLORIDA 32117
(386) 677-6881 FAX (386) 677-2114
E-MAIL: info@parkermynchenberg.com

SLINGER & ASSOCIATES, INC.
JOE ZAPERT, P.L.S.
3921 S. NOVA ROAD
PORT ORANGE, FL 32127
(386) 761-0618
E-MAIL: jzapert@slingerassociates.com

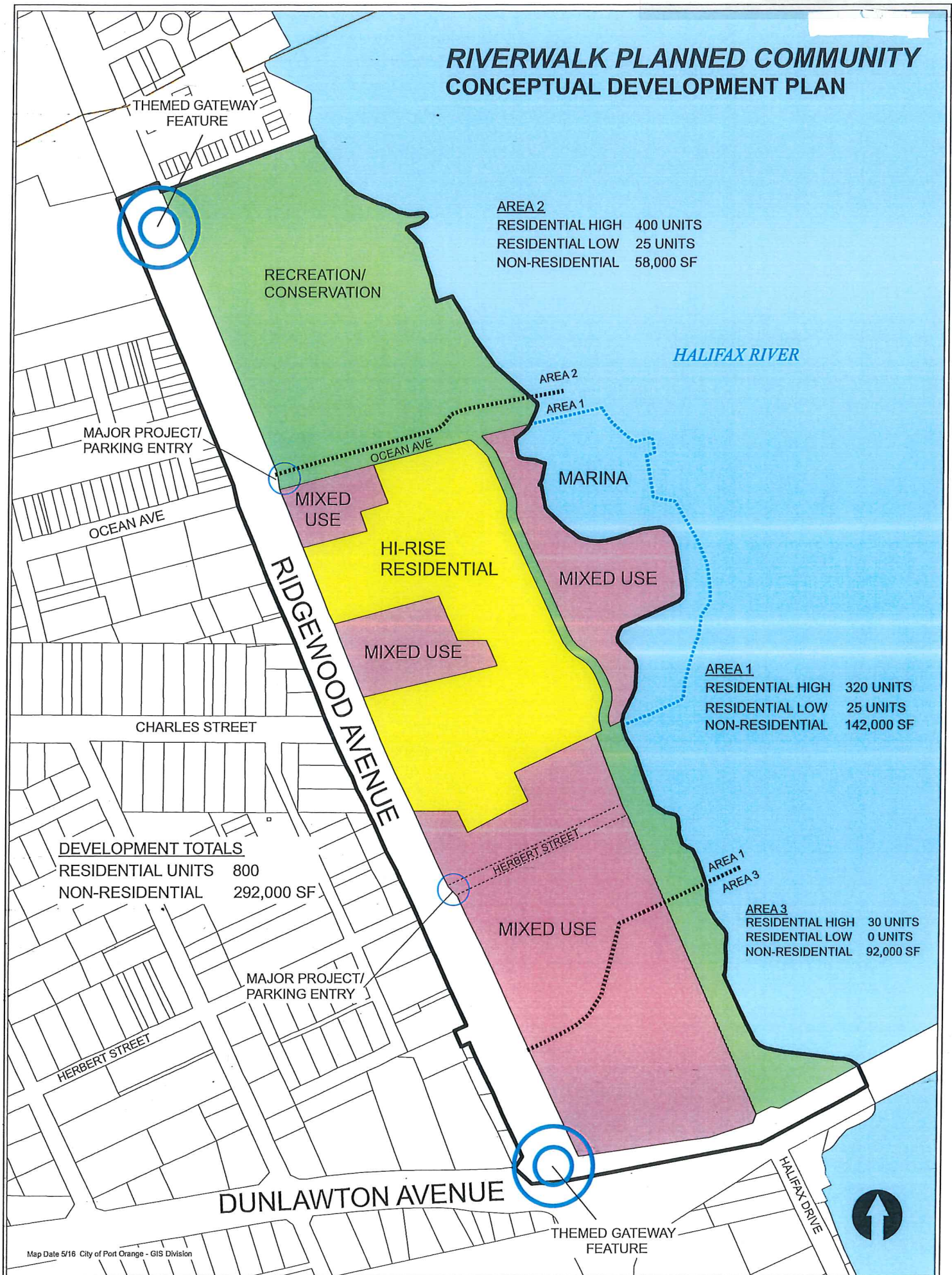
OWNER INFORMATION

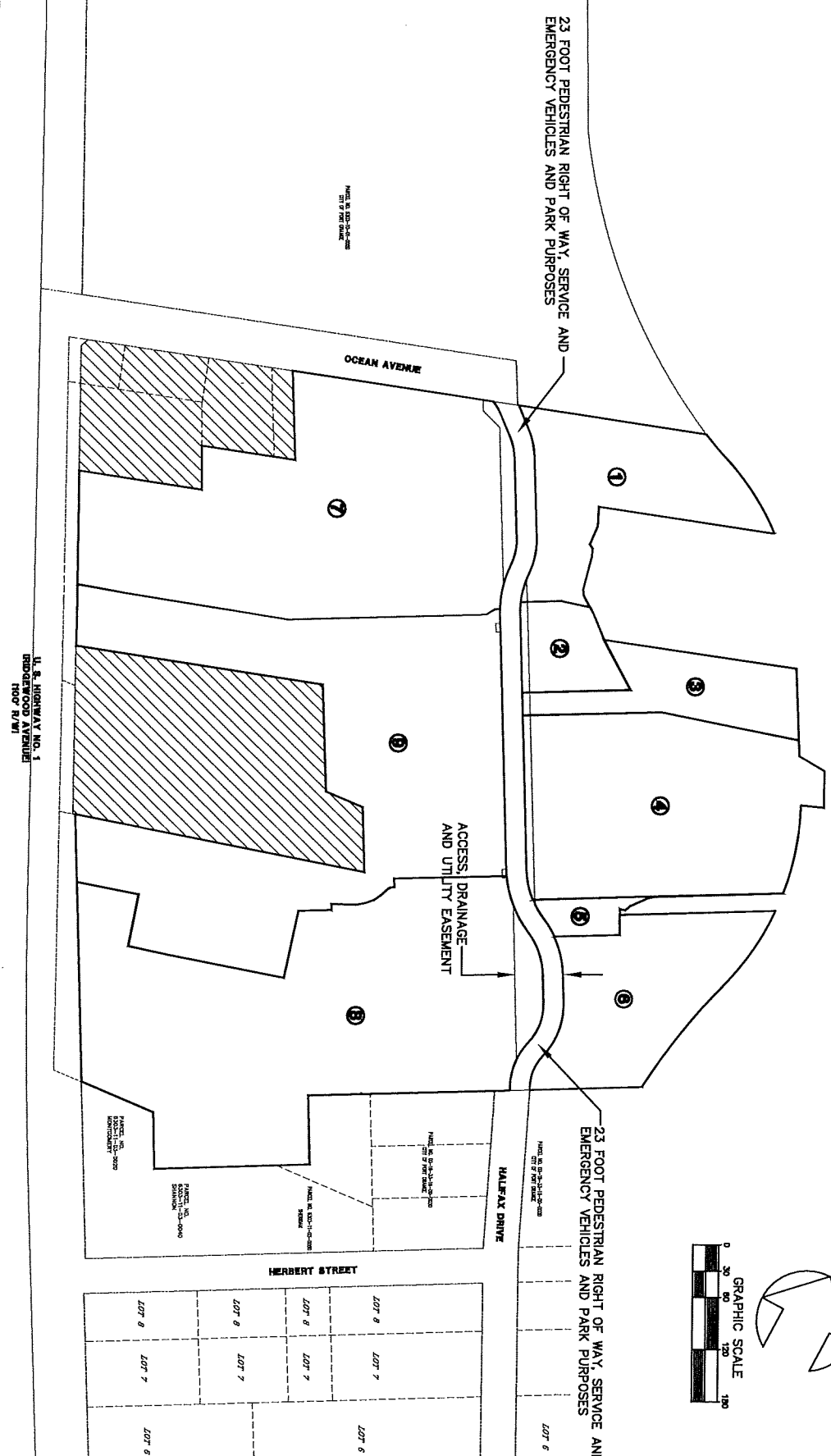
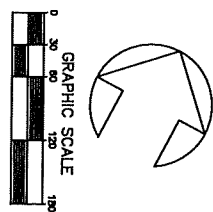
PROJECT ENGINEER

PROJECT SURVEYOR



RIVERWALK PLANNED COMMUNITY CONCEPTUAL DEVELOPMENT PLAN





NO.	DATE	REVISION	BY
1	4-20-18	ISSUED FOR PERMITTING	SM
2	5-16-2016	REVISED FOR PERMITTING	SM

PARKER MYNCHENBERG & ASSOCIATES, INC.
 PROFESSIONAL ENGINEERS • LANDSCAPE ARCHITECTS
 1728 RIDGEWOOD AVENUE, HOLLY HILL, FLORIDA 32117
 (386) 877-8891 FAX (386) 877-8114 E-MAIL: info@pmya.com
 CERTIFICATE OF AUTHORIZATION NUMBER: 000020910

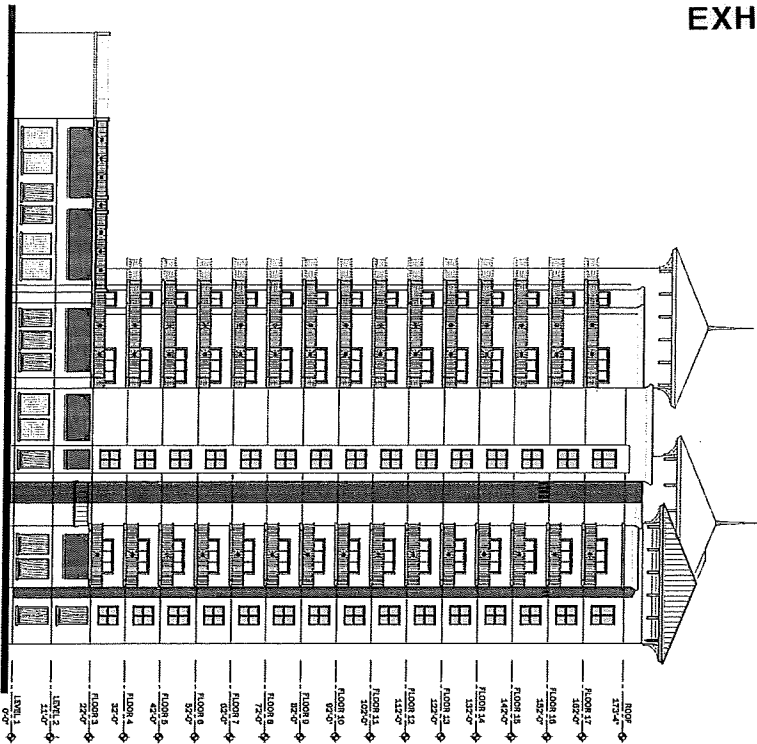
CONCEPTUAL REPLAT PLAN

RIVERWALK AT PORT ORANGE

DATE: 4-20-18
 SCALE: 1" = 30' (SEE SHEET 1 OF 1)
 SHEET 1 OF 1

EXHIBIT 'E'

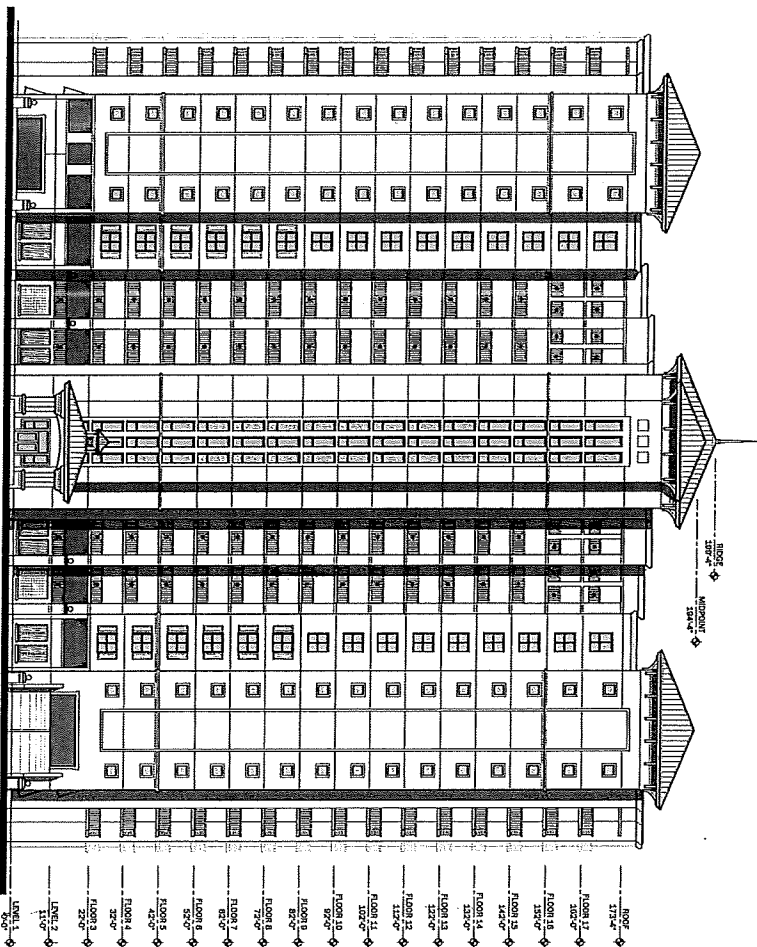
EXHIBIT F



PRELIMINARY SIDE ELEVATION

SCALE:

1/16" = 1'-0"



PRELIMINARY SIDE ELEVATION

SCALE:

1/16" = 1'-0"

RIVERWALK CONDOMINIUMS
PORT ORANGE, FLORIDA

ACI

Architects' Collaborative Incorporated
Architectural / Planning
3115 Grand Central Blvd.
Suite 400, Jacksonville, FL 32209
Tel: (904) 380-7114
Fax: (904) 380-7114

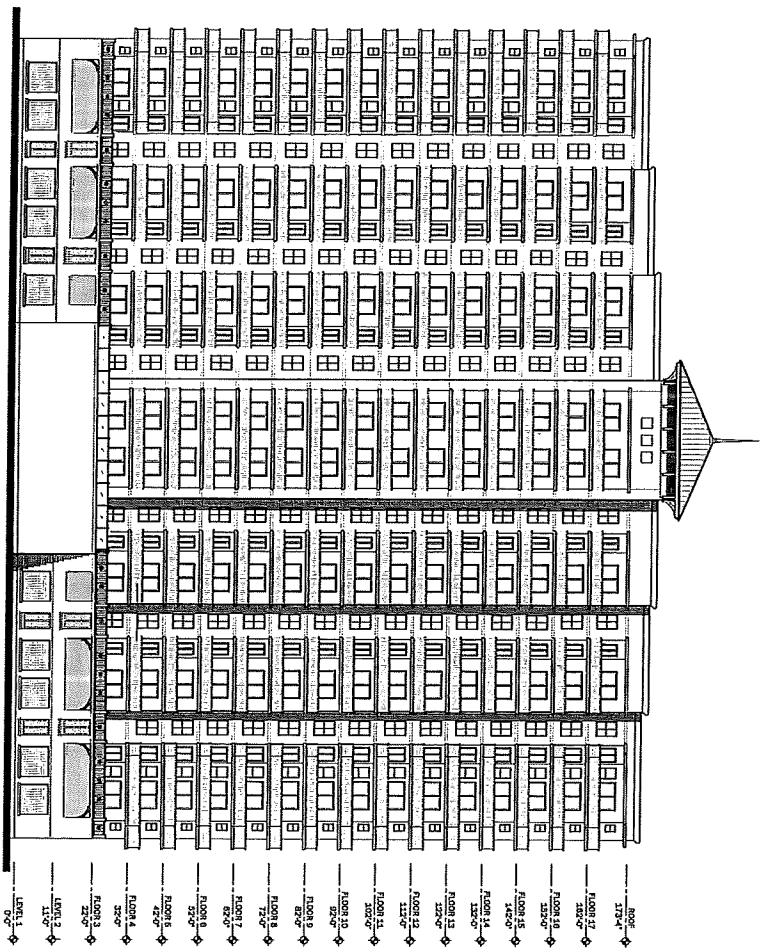
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This drawing is the property of ACI Architects' Collaborative Incorporated. It is to be used only for the project and location specified herein. No part of this drawing may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from ACI Architects' Collaborative Incorporated.

REVISIONS:

1. 1/16" = 1'-0"

PROJECT NO.: 18001
DRAWN BY: [blank]
DATE: 3-10-2013
DESIGNED BY: [blank]
CHECKED BY: [blank]
SHEET NO.: A-1
OF 7

RIVERWALK CONDOMINIUMS
PORT ORANGE, FLORIDA



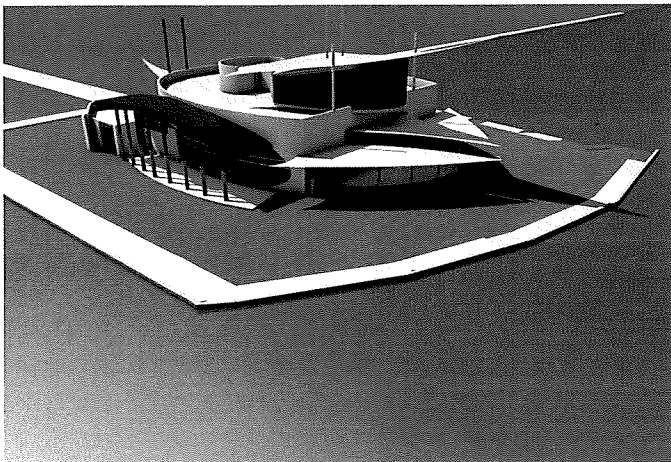
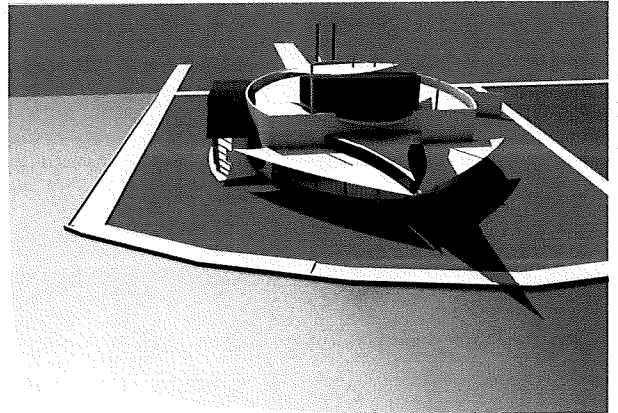
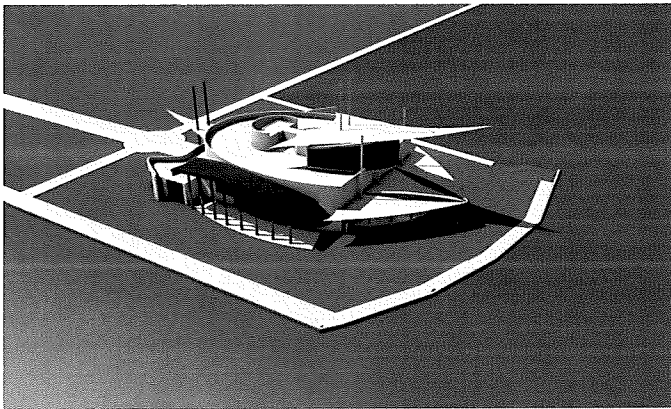
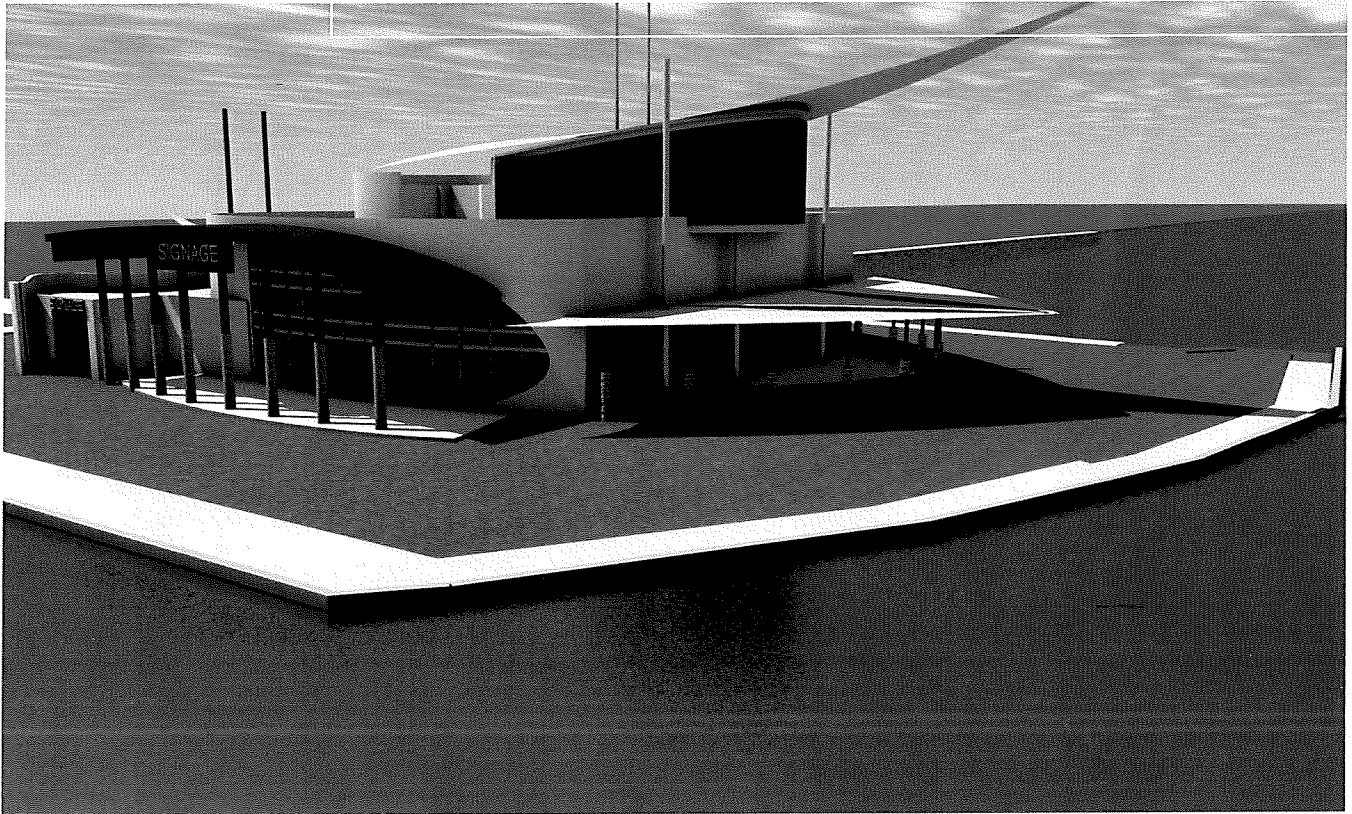
PRELIMINARY REAR ELEVATION

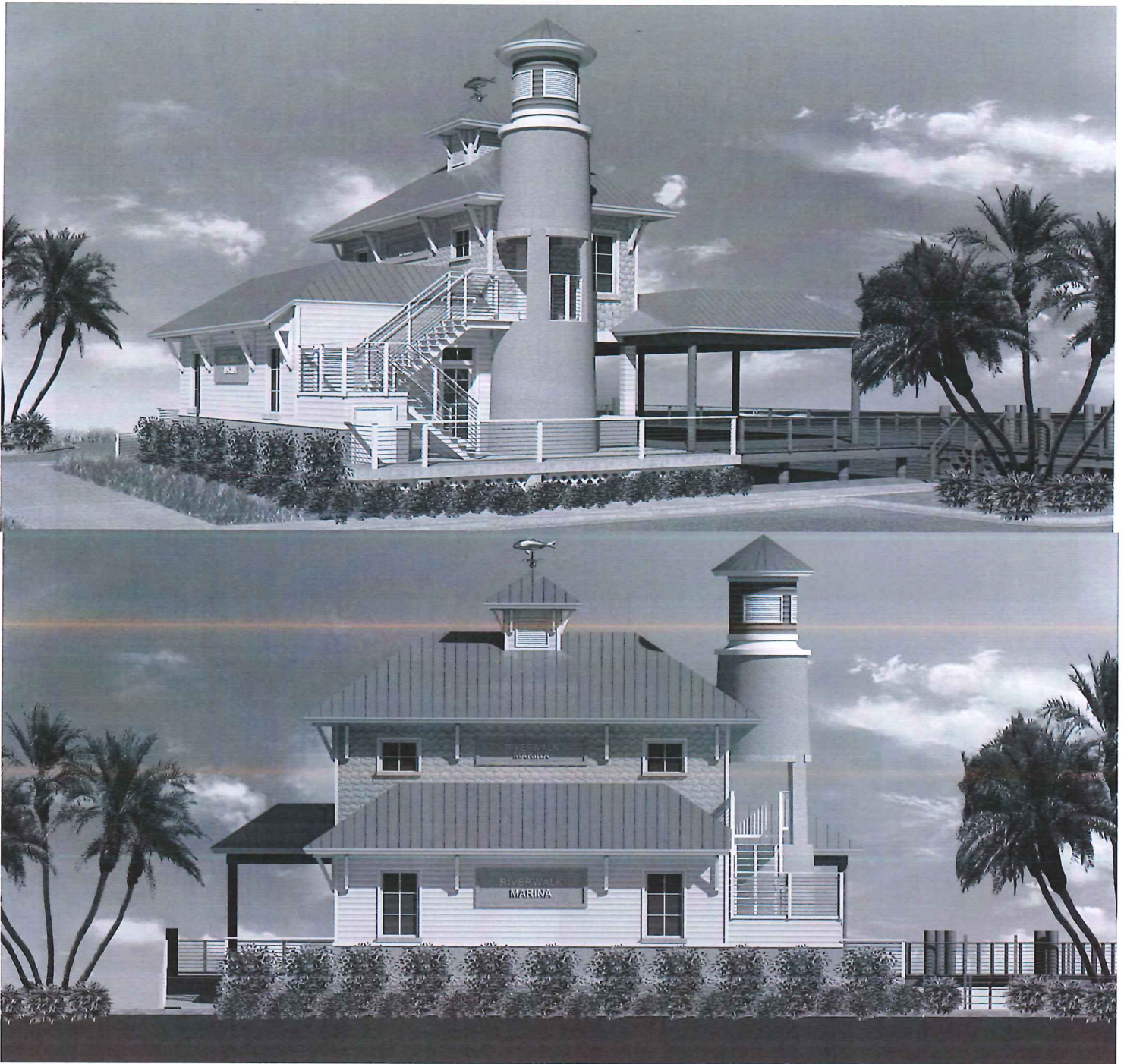
LOCALS

$$1/10^2 = 1\%.$$

Exhibit "F"
(Architectural Renderings/Building Elevations)

Pg 3 of 5





Riverwalk Marina Building

Project Location:
3557 Halifax Drive, Port Orange, FL 32125

Owner/Developer:
E.V. "Buddy" Lacour, Riverwalk Marina LLC
220 Charles St, Port Orange, FL 32127
Ph: 386/760.4188

BPF
DESIGN INCORPORATED
Brian R. Fredrick, President
227 Keweenaw Avenue
Dayton Beach, FL 32114
Phone: 386/257-5122
Fax: 386/257-5120
Email: bpfdesign@bpfdesign.com
Website: www.bpfdesign.com

3D
GRAPHICS
Steven L. Lippert
Call: 386/256-0918
Email: Jordan@3dgraphics.com
Website: www.3dgraphics.com



Exhibit G

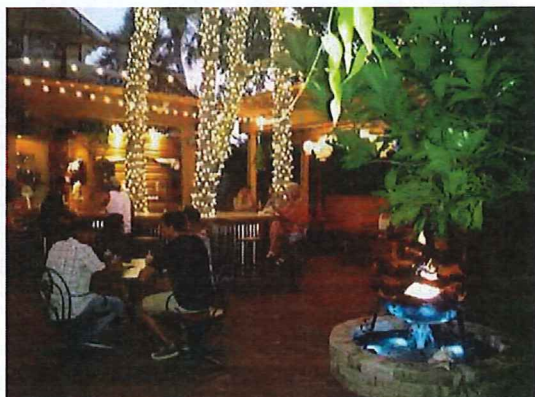
Sign Program

The proposed Project Area Property will comply with the signage requirements (monument and wall sign area, monument and wall sign height, appearance, etc.) of the City's LDC, with the exceptions described below:

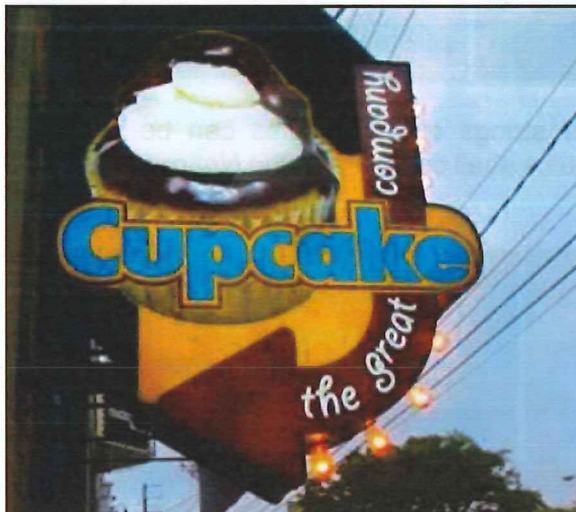
1. Two (2) Off-Site Signs on Lot #9: The signs would be located along Ridgewood Avenue, near the driveways on Lot #9.
 - a. One sign would identify the businesses located on Lots 1-6. Sign is allowed up to 84 square feet of sign area and maximum of 5 tenant panels. Maximum height as required by the LDC for multi-tenant monument sign.
 - b. One sign would identify the restaurant on Lot 4. the Sign is allowed up to 48 square feet of sign area and dedicated for an individual tenant (restaurant on the point). Maximum height as required by the LDC for individual tenant monument sign.



2. Use of Strings of Light Bulbs: Exterior strings of lights bulbs can be installed as a decorative feature. The string of lights bulbs shall comply with the National Electric Safety Code.



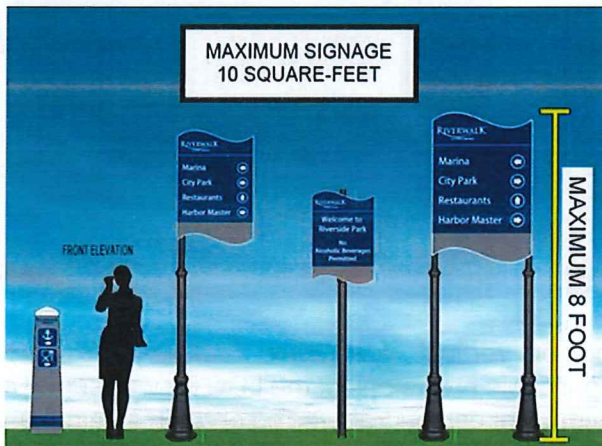
3. Projecting Wall Sign: Businesses located within the Project Area Property have the option to use projecting wall signage. A projecting wall sign is defined in the LDC, as a sign supported by a wall of a building, projecting away from that wall 12 inches or more, and designed with a face or faces reading at an angle to the wall. The projecting sign area would count toward the overall amount of wall signage permitted for a tenant or building. The maximum vertical dimension for a projecting wall sign is less than or equal to 25 percent of the building height. Minimum vertical clearance must be 7-foot. Off-site projecting wall signs shall be prohibited.



4. 24 Square-Foot Identification Signs – Lots 1-6: Ground mounted identification signs to identify the businesses east of the multi-purpose trail are permitted on Lots 1-6. The maximum sign area is 24 square-feet and maximum height of 6-feet. Design and appearance of the sign must comply with LDC and architectural requirements of the MDA. Off-site directional signs shall be prohibited.



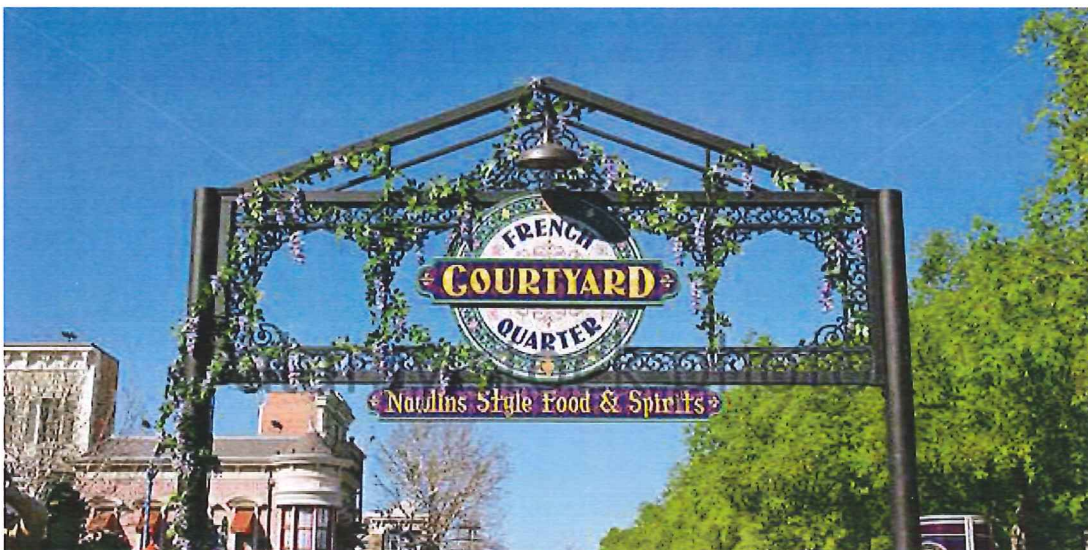
5. Directional Signage: Directional signs to identify the businesses and features along the multi-purpose trail. The maximum sign area is 10 square-feet and maximum height of 8-feet. Design and appearance of the sign must comply with LDC and architectural requirements of the MDA.

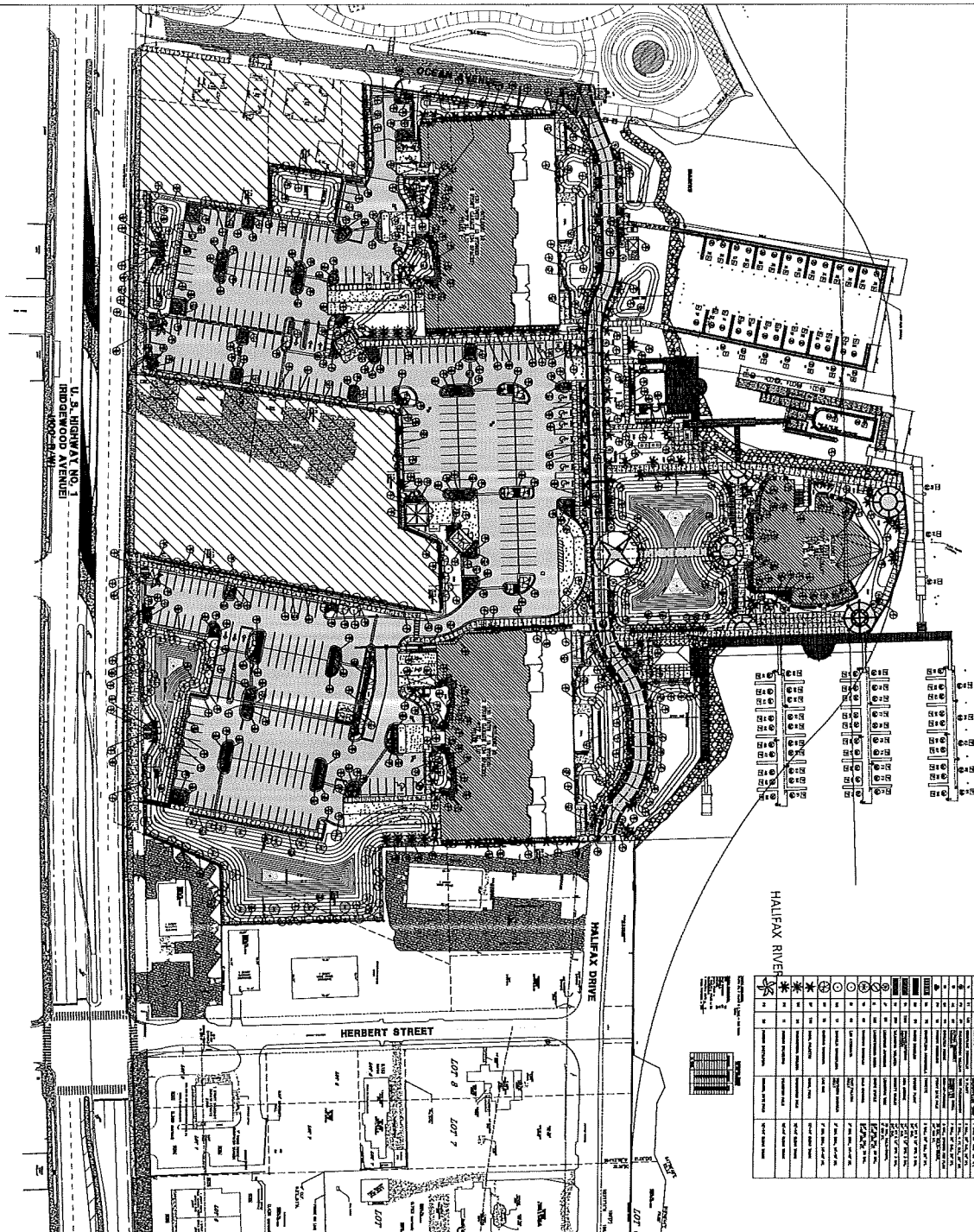


6. Sandwich board or A-frame signs are allowed on the sidewalk in front of a building on Lot 1-6, provided that a minimum width of five feet of the sidewalk is still left for pedestrian travel. The sign can have a maximum area of 12 square feet (each face) and maximum sign height shall be five feet. Sandwich board or A-frame signs must be removed from sidewalk at the close of business each day. Sandwich board or A-frame shall not be placed on Tract A (multi-purpose trail). Off-site sandwich board or A-frame signs shall be prohibited.



7. Signage is allowed on an awning or vertical decorative feature/structure/covered walkways shall be regulated by the applicable provisions of the LDC for wall signs. Allowed wall signage for a building on an individual lot can be transferred onto an awning or vertical decorative feature/structure. Off-site signage on awnings or vertical decorative features/structures shall be prohibited. An awning or vertical decorative feature/structure/covered walkway shall have at least nine feet of clearance between the lowest point or projection and the sidewalk.





PROPOSED PLANT LIST

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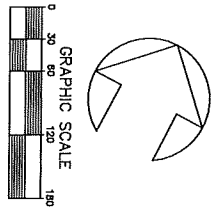


EXHIBIT "H"

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RIVERWALK OF PORT ORANGE
 PORT ORANGE, FLORIDA
 DATE: 4-20-18
 SCALE: SHEET 1 OF 1
 SEAL

EXHIBIT 2

CITY COUNCIL WORKSHOP MINUTES
LAKESIDE COMMUNITY CENTER
1999 CITY CENTER CIRCLE
JUNE 30, 2015

THE CITY COUNCIL WORKSHOP of the City of Port Orange was called to order by Mayor Allen Green at 6:30 p.m.

Pledge of Allegiance

Silent Invocation

Roll Call:	Present:	Councilman Bob Ford Councilman Donald Burnette Councilman Scott Stiltner Vice Mayor Drew Bastian Mayor Allen Green (left at 8:00 p.m.)
------------	----------	--

Also Present:	David Harden, Interim City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk
---------------	---

DISCUSSION ITEMS

4. Riverwalk proposal from Developer

Parker Mynchenburg, Design Engineer, provided details of the proposal from the developer relating to parking and park options. The proposal includes a land swap with the funeral home. Fill will be brought in for elevation requirements. Other structures were discussed from the current concept design.

Buddy LaCour, Developer, asked for 1) an endorsement from Council; 2) transfer of properties for property swap; 3) appropriate zoning to accommodate the uses proposed on the concept plan; and 4) cooperation working with Staff on the MDA changes to allow this plan to move forward.

Jeff Brock, Attorney for Developer, said commitment from Council for the property swap is needed, along with a contract to that effect. The agreement will be subject to the legal descriptions. They are looking to pre-sell approximately 50% of the condos in the first tower to actually build it after the restaurant on the point is built.

Mayor Green advised that he met with Mr. LaCour regarding the concepts. Mayor Green believes the request is doable with Staff's commitment.

Vice Mayor Bastian likes the concept plan. He's happy that the City gets the linear park.

Councilman Stiltner believes residents want to be on the water to live, eat, and play. He supports the concept plan and wants to see it move forward quickly.

Councilman Ford is not opposed to the conceptual plan but doesn't care for high rises. His concerns are 1) making sure everything is on the table and 2) knowing the whole costs. He wants to know what costs are involved for the City. He asked the Staff to be diligent and fair while moving through the process. Mr. LaCour agreed with Councilman Ford's comments.

Councilman Burnette supports rezoning the point property. He's concerned with the land swap. He doesn't believe the land swap is an equal swap but he supports it.

Mayor Green doesn't want the funeral home to be in the center of the development. He supports the conceptual plan once due diligence is done.

Council asked Staff to ask for help if they need it. Councilman Bastian asked for a pro forma on the condominium buildings.

Brendan Galbreath, citizen and business owner, encouraged Council to move forward with the project. He asked Council to give specific direction to get it moving quickly.

Ted Nofall, citizen, likes the project but asked what the taxpayers are getting out of the restoration of the rights of the point.

Mark Schaefer, citizen, is concerned with parking but he supports the restaurant. He thinks traffic might be an issue as well.

Mike Gardner, citizen, asked if deadlines can be placed on the developer to ensure they move forward with the project.

Mr. Harden understands Council is in agreement with the concept plan with details to follow.

Mayor Green asked for a plan from the City Manager. Councilman Stiltner asked for an update from the City Manager at each Council meeting.

5. Riverwalk Park update

Margaret Momberger, Construction and Engineering Manager, advised Council that the contractor has mobilized to begin Phase I of the Riverwalk Park. The ECHO grant will be before Council on Tuesday, July 7, 2015.

Susan Lovallo, Parks & Recreation Director, discussed maintenance and costs of splash pads. Several neighboring cities have splash pads. She explained the issues seen in Daytona Beach. It appears maintenance was a problem, as well as surfers rinsing off in the splash pads. Daytona Beach plans to re-open their pad before the end of the summer.

Mayor Green asked Staff to include risk costs. He does not support installing a splash pad.

Vice Mayor Bastian said anything the City does will bring the potential for lawsuits. The splash pads are very popular and will attract visitors. He supports the splash pad.

Councilman Stiltner agreed with Vice Mayor Bastian. He supports the splash pad. He wants it to be built as safely as possible.

List of Permitted Uses

Hi-Rise Residential Project Type:

Permitted uses:

1. Multi-family residential dwelling units up to 60 dwelling units/acre and ancillary retail, office and personal service uses, including, but not limited to, cafe, snack bar, bakery, deli, newsstand, ATM, hair salon, fitness center and florist.

Mixed-Use Project Type:

Permitted uses:

1. Restaurant, including food and alcoholic beverage sales in outdoor seating areas and with customary accessory uses associated with a destination restaurant, including banquets, wedding receptions, outdoor music/entertainment.
2. Public Park, a passive public linear park area with such permitted uses and restrictions as set forth in a separate perpetual non-exclusive easement between the Owner/Developer and City.
3. Private Club and/or Recreational Facilities, as an amenity for the use by the Hi-Rise Residential condominium owners and Marina, including but not limited to dining facilities, real estate sales office, private gym facilities, pool/spa facilities, or a club house.
4. Customary uses associated with a marina such as, but not limited to, harbormaster's offices, fuel operations, pump-out services, restrooms and shower facilities, boat brokerage office, and motorized and non-motorized watercraft rentals
5. microbrewery with or without food service
6. Bars, lounges, and nightclubs
7. Residential uses up to 32 dwelling units/acre
8. Professional offices (2nd floor and above only)
9. Retail uses
10. Personal services
11. Restaurants
12. Public/civic facilities

Permitted uses with special development criteria (chapter 18, section 4).

1. Medical offices (subsection 9.7)

Marina Project Type:

Permitted uses:

1. Marina, recreational per the LDC
2. Customary accessory uses associated with a marina such as, harbormaster's office, one liveaboard residence for the harbormaster, retail sales, a boat brokerage office (including the mooring of boats for sale) water taxi service, motorized and non-motorized watercraft rentals (Jet Ski rentals are prohibited), general maintenance of the riverboat restaurant including canopies, furniture, fixtures, and equipment, and other uses for a marina permitted by Chapter 17, Section 30(f) of the LDC, or which meet the criteria for accessory uses in Chapter 16, Section 1 of the LDC.

3. Restaurant, including indoor and outdoor dining
4. Only one restaurant on a U.S. Coast Guard documented vessel moored within the Project Area Property which shall be exempt from the prohibition in Chapter 9, Article III, Section 29 (b) of the LDC. In the event that the riverboat restaurant is no longer classified by the U.S. Coast Guard as a vessel, then the structure shall be required to comply with the State of Florida building code regulations.
5. Temporary Overnight Sleeping on vessels docked at the marina. For purposes of this MDA, Temporary Overnight Sleeping Dockage shall mean accommodation of vessels at docks where boat owners and their guests (when accompanied by the boat owner) are permitted to sleep overnight in a boat docked at the marina for a period of time not to exceed thirty (30) consecutive days in any six-month consecutive time period. Owner/Developer shall be required to provide water, electric and pump out utility services to any vessel used for Temporary Overnight Sleeping. Any Temporary Overnight Sleeping shall be in compliance with federal, state and local laws as they apply.
6. Permitted uses shall also include those allowed in the City of Port Orange's Planned Community – Riverwalk (PC_R) Zoning District Marina Project Type, as may be amended from time to time.

Recreation/Conservation Project Type:

Permitted uses:

1. Public parks and recreation facilities
2. Public open space
3. Public boardwalk/urban trail
4. Public plazas
5. Open air theaters
6. Historical displays
7. Fountains
8. Informational kiosks
9. Public fishing piers
10. Public art
11. Private uses allowed by vendor/concessionaire leases with the city or CRA (e.g. cafes, food/beverage carts, street musicians and artists)

All Project Type:

1. Special Events shall be permitted in accordance with the standards in the LDC for a "Special Event Permit" which shall be approved by the Administrative Official.



STAFF REPORT

Subdivision Replat/Riverwalk at Port Orange
CASE NO. 16-50000001

REQUEST: Approval of the Riverwalk at Port Orange Subdivision Replat

APPLICANTS: Jeff Brock, Smith Bigman Brock and Parker Mynchenberg, Parker Mynchenberg & Associates

PROPERTY OWNERS: Halifax River Partners, Port Orange Town Center Community Redevelopment Agency (CRA), and City of Port Orange

RECOMMENDATION: **Approval**, dependent on approval of the Riverwalk Amended and Restated Master Development Agreement and Conceptual Development Plan

LOCATION: East side of Ridgewood Avenue, south of Ocean Drive (See Figure 1)

PLANNING COMMISSION DATE: May 26, 2016

DISCUSSION:

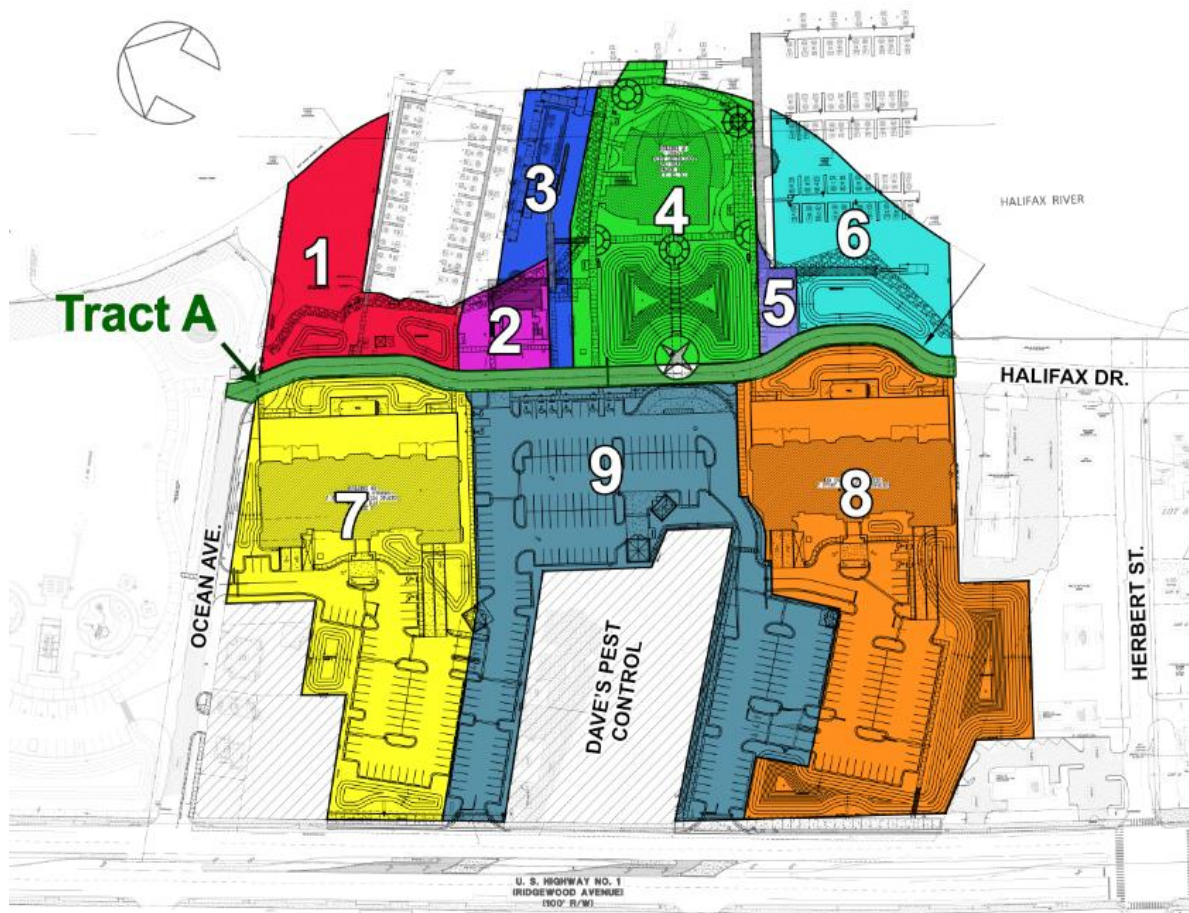
The applicants' proposal is to replat +/-11.9 acres consisting of portions of the Thomas, H. P. Tract, and Daniel's addition to Port Orange Subdivision Plats. The subject properties are generally located on the east side and west side of Halifax Drive, between Ocean Avenue and Herbert Street. The majority of the properties are undeveloped, except for property east of Halifax Drive developed as a marina and parking lot for the Captain Daddy's Riverboat Restaurant.

Figure 1 – Location Map for Proposed Riverwalk at Port Orange Replat



The proposed replat would reconfigure 9 existing lots into 9 new lots and a 23-foot wide Tract (Tract A) of land dedicated to the City for pedestrian right-of-way, government and emergency vehicles, and for park purposes (Exhibit A). The current property owner will own the 9 proposed lots and the City will own Tract A. The proposed 9 lots have been designed according to the requirements of the City's Land Development Code (LDC) and the dimensional standards outlined in the proposed Riverwalk Amended and Restated MDA and CDP. Required subdivision improvements that include drainage, utilities, common driveways, and landscaping to support the 9 lots and Tract A will be located on the proposed 9 lots. For the proposed replat, the lots are property to be developed with commercial and residential uses and the tract will be developed as a 20' wide multi-purpose trail/linear park (Figure 2). The required subdivision infrastructure improvements will be constructed simultaneously with the initial phase of the proposed development.

Figure 2. Riverwalk at Port Orange Replat Proposed Lot Layout



The subject properties are currently zoned Planned Community – Riverwalk (PC-R). The applicant is also requesting approval of a Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the subject property. Approval of the MDA and CDP request is required for the subdivision replat to be approved. If the MDA and CDP are approved, the applicant intends to develop a restaurant on the point, two (2) residential condominium buildings, a linear park with a 20-foot wide multi-purpose trail, a 58-slip marina for motorized and non-motorized watercraft (located on leased

land outside of the Project Area Property), two (2) marina multi-purpose support buildings, and other site improvements (parking, landscaping, stormwater, utilities, etc.). According to the applicants, the property owner plans to continue operating the existing riverboat restaurant and 38-slip marina for motorized and non-motorized watercraft.

The applicants are proposing minimum lot width and area standards in the proposed Riverwalk Amended and Restated MDA and CDP for the proposed replat. When the minimum lot width and area were established in the PC-R zoning district, it was anticipated that the entire Riverwalk project would be developed by a master developer and the lot dimensional requirements were created to limit smaller-scale development that was not part of the master planned project. The original development concept for Riverwalk has now changed to utilizing smaller-scale plans to create the mixed use, waterfront project.

The following subdivision infrastructure improvements will be constructed simultaneously with the development of the initial phase (central parking lot, restaurant on the point, linear park, and landscaping) of the proposed development and will serve the 9 lots and Tract A.

- Utility infrastructure to serve the 9 lots;
- Stormwater pond and drainage improvements that will serve all 9 lots and Tract A;
- 20-foot wide multi-purpose trail within Tract A including walklights, benches, and trash cans;
- Driveways on Ridgewood Avenue and Ocean Avenue;
- Left turn lanes into the property from Ridgewood Avenue; and
- 12-foot wide sidewalk along Ridgewood Avenue

The proposed lots will be accessed from driveways off Ridgewood Avenue and Lot 7 will have a secondary driveway off Ocean Avenue. Construction of the internal driveways within the subdivision will be completed with the development of first phase of the project at the locations approved by the proposed MDA and CDP. Cross-access easements will be provided between the lots and the adjacent property in order for vehicles and pedestrians to move between the lots and the future development of property surrounding the subject property.

The subject property is designated Planned Community-Riverwalk on the City's Future Land Use map. The Planned Community-Riverwalk Land Use standards are to guide the development of a walkable community along the Halifax River that includes commercial, office, residential, civic, and entertainment uses.

CONCURRENCY REVIEW:

Concurrency reviews for transportation, water, sewer, solid waste, stormwater drainage, recreation and school facilities were conducted and public facilities and services are currently available or will be constructed with the initial phase of the development to serve the proposed nine lots and Tract A.

RECCOMENDATION:

Staff recommends approval of the Riverwalk at Port Orange Replat, subject to the following:

1. Minor formatting corrections and minor modifications to the general notes on the Replat being addressed prior to this item being considered by City Council.
2. City Council approval of the Riverwalk Amended and Restated Master Development Agreement and Conceptual Development Plan for the subject property (Case No. 16-40000003).
3. City Council approval to vacate the Halifax Drive right-of-way and accept the deed of dedication of Tract A for pedestrian right-of-way, government and emergency vehicles, and park purposes.

ATTACHMENT:

1. Exhibit A – Riverwalk at Port Orange Replat



RIVERWALK AT PORT ORANGE

A PARTIAL REPLAT OF THOMAS SUBDIVISION, MAP BOOK 5, PAGE 143, H.P. HAND TRACT, MAP BOOK 2, PAGE 185, DANIEL'S ADDITION TO PORT ORANGE, MAP BOOK 3, PAGE 29, BLOCK C, WILSON'S MAP OF PORT ORANGE, MAP BOOK 1, PAGE 154, ALL RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND SUBMERGED LAND LYING EAST OF SAID THOMAS SUBDIVISION, EAST OF H. P. HAND TRACT AND EAST OF DANIEL'S ADDITION TO PORT ORANGE AND BEING A PORTION OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

LEGAL DESCRIPTION:

A PORTION OF LOTS 1, 2, AND 3, THOMAS SUBDIVISION, AS RECORDED IN MAP BOOK 5, PAGE 143 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PORTION OF SUBMERGED LAND LYING EAST OF SAID LOTS 1 AND 2, TOGETHER WITH LOTS 2 THROUGH 4 AND A PORTION OF LOTS 5 AND 6, BLOCK 2, H.P. HAND TRACT, AS RECORDED IN MAP BOOK 2, PAGE 185 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LAND AND SUBMERGED LAND LYING EAST OF SAID LOTS 2 THROUGH 6, AND TOGETHER WITH A PORTION OF LOT 1, DANIEL'S ADDITION TO PORT ORANGE, AS RECORDED IN MAP BOOK 3, PAGE 29, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SUBMERGED LAND LYING EAST OF SAID LOT 1 AND TOGETHER WITH A PORTION OF BLOCK C, WILSON'S MAP OF PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA IN SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF STATE ROAD NUMBER 5 (RIDGEWOOD AVENUE), A 100 FOOT RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR ROAD NO. 5, SECTION 7901-278 WITH THE NORTH LINE OF SAID BLOCK C, WILSON'S MAP OF PORT ORANGE, THENCE ALONG SAID EAST RIGHT OF WAY LINE N25°18'39"W, 306.43 FEET; THENCE, DEPARTING SAID EAST RIGHT OF WAY LINE, N77°29'12"E, 337.91 FEET; THENCE N25°24'59"W, 74.27 FEET TO A POINT IN THE SOUTH LINE OF AFORESAID H.P. HAND TRACT; THENCE ALONG SAID SOUTH LINE, S89°12'06"W, 45.83 FEET; THENCE DEPARTING SAID SOUTH LINE, N25°16'50", 123.07 FEET TO THE NORTH LINE OF LOT 5, BLOCK 2, SAID H.P. HAND TRACT; THENCE ALONG SAID NORTH LINE OF LOT 5, BLOCK 2, S75°10'03"W, 287.01 FEET TO THE EAST RIGHT OF WAY LINE OF AFORESAID STATE ROAD NUMBER 5 (RIDGEWOOD AVENUE); THENCE ALONG SAID EAST RIGHT OF WAY LINE, N22°52'03"W, 200.43 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF (1/2) OF LOT 2, BLOCK 2, SAID H.P. HAND TRACT; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN THENCE ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF LOT 2, N74°57'19"E, 142.16 FEET; THENCE N23°35'16"W, 50.41 FEET TO THE NORTH LINE OF SAID LOT 2, BLOCK 2, SAID H.P. HAND TRACT; THENCE ALONG SAID NORTH LINE, N75°00'39"E, 104.03 FEET; THENCE DEPARTING SAID NORTH LINE, N25°26'04"W, 101.96 FEET TO A POINT IN THE NORTH LINE OF AFORESAID LOT 3, THOMAS SUBDIVISION; THENCE N74°55'47"E ALONG THE NORTH LINE OF SAID LOT 3 AND ALONG THE NORTH LINE OF LOT 1, SAID THOMAS SUBDIVISION AND THE EASTERLY EXTENSION THEREOF, 479.46 FEET TO THE CITY OF PORT ORANGE BULKHEAD LINE AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 700.00 FEET AND CENTRAL ANGLE OF 152°13' WITH A CHORD BEARING S81°33'44"E, THENCE IN A SOUTHERLY DIRECTION ALONG SAID BULKHEAD LINE AND THE ARC OF SAID CURVE, 22.85 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET AND CENTRAL ANGLE OF 222°20" WITH A CHORD BEARING S57°49'05"E; THENCE CONTINUING ALONG SAID PORT ORANGE BULKHEAD LINE AND THE ARC OF SAID CURVE, 117.12 FEET TO THE INTERSECTION OF SAID BULKHEAD LINE WITH THE NORTH LINE OF A TITF (TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND) LEASE, NUMBER 640003624 AS RECORDED IN OFFICIAL RECORDS BOOK 5922, PAGE 1350 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE, S75°01'03"W, 204.65 FEET; THENCE S34°12'08"E, 1.51 FEET; THENCE S19°14'08"E, 21.25 FEET; THENCE S01°00'57"E, 22.65 FEET; THENCE S56°43'50"E, 5.09 FEET; THENCE S20°01'49"E, 9.29 FEET; THENCE S09°34'22"E, 39.26 FEET; THENCE S29°57'06"E, 7.36 FEET; THENCE S51°56'05"E, 23.40 FEET; THENCE S45°54'51"E, 32.42 FEET TO A POINT IN THE SOUTH LINE OF SAID TITF LEASE, NUMBER 640003624, SAID POINT ALSO LYING ON THE NORTH LINE OF THAT PROPERTY DESCRIBED IN TITF DEED NO. 24138 (1723-64); THENCE ALONG SAID LINE, N74°47'53"E, 223.54 FEET TO A POINT ON THE AFORESAID PORT ORANGE BULKHEAD LINE; THENCE ALONG SAID BULKHEAD LINE, S25°52'25"E, 100.56 FEET TO A POINT ON THE NORTH LINE OF THAT PROPERTY DESCRIBED IN TITF DEED NO. 23195 (1212-64) SUPPLEMENTAL; THENCE ALONG SAID NORTH LINE, S82°44'59"E, 33.31 FEET TO THE EAST LINE OF SAID TITF DEED NO. 23195 (1212-64) SUPPLEMENTAL; THENCE ALONG SAID EAST LINE, S23°14'59"E, 42.00 FEET TO THE SOUTH LINE OF SAID TITF DEED NO. 23195 (1212-64) SUPPLEMENTAL; THENCE S72°14'59"W ALONG SAID SOUTH LINE, 26.41 FEET TO A POINT IN AFORESAID PORT ORANGE BULKHEAD LINE AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET AND CENTRAL ANGLE OF 194°12' WITH A CHORD BEARING S12°49'37"E; THENCE IN A SOUTHERLY DIRECTION ALONG SAID CURVE AND BULKHEAD LINE, 103.09 FEET TO THE SOUTH LINE OF AFORESAID TITF DEED NO. 24138 (1723-64); THENCE ALONG SAID SOUTH LINE, S64°37'53"W, 148.27 FEET; THENCE DEPARTING SAID SOUTH LINE, S55°53'47"W, 7.27 FEET; THENCE S47°09'17"W, 22.29 FEET; THENCE S24°16'07"W, 7.11 FEET; THENCE S77°16'18"W, 6.64 FEET; THENCE S24°41'40"E, 6.50 FEET TO THE NORTH LINE OF THAT PROPERTY DESCRIBED IN TITF DEED NO. 21998 (232-64); THENCE ALONG SAID NORTH LINE, N64°45'24"E, 179.09 FEET TO A POINT ON AFORESAID PORT ORANGE BULKHEAD LINE AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 300.00 FEET AND CENTRAL ANGLE OF 194°45" WITH A CHORD BEARING S11°01'04"W, THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 103.40 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 700.00 FEET AND CENTRAL ANGLE OF 121°6'22" WITH A CHORD BEARING S14°51'48"W, THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE AND SAID BULKHEAD LINE, 149.94 FEET TO THE SOUTH LINE OF SAID TITF DEED NO. 21998 (232-64); THENCE ALONG SAID SOUTH LINE, S64°36'55"W, 168.80 FEET TO A POINT IN THE NORTH LINE OF LOT 4, SAID DANIEL'S ADDITION TO PORT ORANGE; THENCE ALONG SAID NORTH LINE AND THE WESTERLY EXTENSION THEREOF, S64°53'00"W, 214.63 FEET; THENCE S25°21'49"E, 79.77 FEET; THENCE S64°49'03"W, 177.96 FEET; THENCE N25°14'04"W, 64.32 FEET TO THE NORTH LINE OF BLOCK "C", WILSON'S MAP OF PORT ORANGE, AS RECORDED IN MAP BOOK 1, PG. 154 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE OF BLOCK "C", S89°21'35"W, 90.06 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD NUMBER 5 AND THE POINT OF BEGINNING. CONTAINING 11.904 ACRES, MORE OR LESS.

GENERAL NOTES

1. Monumentation
a. Denotes Permanent Reference Nail & Disk Set stamped PRM LB3019
b. Denotes Permanent Reference Monument set
c. 4x4 concrete monument stamped PRM LB3019
2. All lines radial relative to adjacent curve unless shown (NR)
3. Dimensions shown are in feet and decimals thereof.
4. Accuracy: The boundary linear error of closure does not exceed 1/10,000. The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
5. Bearings shown here are relative to assumed datum, based on the south right of way line of Ocean Avenue being N74°55'47"E.
6. NOTES: All measurements refer to horizontal plane in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12-3.2808333333333 equation for conversion from a U.S. foot to meters.
7. NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.
8. This plat is subject to all easements of record and reservations of easements, including but not limited to, drainage, utility, and access easements granted hereon which shall be located as noted on the plat.
9. Utilities include but are not limited to: sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, natural gas, fiber optic, telecommunication.
10. Utility easements provided on this plat include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.
11. The Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plat, as depicted on the stormwater management plan approved for the development by the City of Port Orange, Florida. Should the association fail to perform the maintenance of the drainage and stormwater management systems, The City of Port Orange shall be entitled to enter upon the common areas and designated easement areas to perform maintenance, repair or replace the facilities; and, shall have the right to lien all owners of record in property for the cost of such maintenance, repair, and replacement, as deemed by the City to be necessary. In the event of termination, dissolution, or final liquidation of the association, the responsibility for the operation and maintenance of the surface water or storm water management system will be transferred to and accepted by an entity which complies with Section 40C-42.027, F.A.C. and be approved by the Saint Johns River Water Management District prior to such termination, dissolution, or liquidation.
12. Retention areas and common areas are granted as easements to the City of Port Orange with rights of access, ingress, and egress, together with the right to harvest excess storm water / ground water as deemed appropriate in the discretion of the City.
13. The articles of Incorporation for the Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation are recorded in Official Records Book _____, Pages _____ of the Public Records of Volusia County, Florida. The declaration of covenants and restrictions for the Riverwalk at Port Orange Property Owners' Association, Inc. are recorded in Official Records Book _____, Pages _____ of the Public Records of Volusia County, Florida.
14. This plat is subject to the Master Development Agreement for Riverwalk at Port Orange recorded in Official Records Book _____, page _____ of the public records of Volusia County, Florida.
15. The lots shown on this plat are subject to the reciprocal easement agreement recorded in Official Records Book _____, Page _____ of the public records of Volusia County, Florida.

MAP BOOK: _____ PAGE: _____

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT HALIFAX RIVER PARTNERS, LLC, BEING THE OWNER IN FEE SHARE OF THE LANDS SHOWN AND DESCRIBED HEREON AS THE PLAT ENTITLED RIVERWALK AT PORT ORANGE, LOCATED IN THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, HEREBY DEDICATES THE SAID LANDS AND PLAT FOR THE USES AND PURPOSES HEREON EXPRESSED. ALL POTABLE WATER, RECLAIMED WATER, AND SANITARY SEWER MAINS CONSTRUCTED WITHIN THE AREA ENCOMPASSED WITHIN THE PLAT ARE DEDICATED TO THE CITY OF PORT ORANGE. THE DRAINAGE, UTILITY & ACCESS EASEMENT SHOWN OR DESCRIBED ON THE PLAT IS GRANTED TO THE LOT OWNERS AND TO THE CITY OF PORT ORANGE. THE 12.00 FOOT DRAINAGE AND UTILITY EASEMENT ALONG SR5 AND THE 6.00 FOOT DRAINAGE AND UTILITY EASEMENT ALONG OCEAN AVENUE ARE GRANTED TO THE CITY OF PORT ORANGE. ALL DRAINAGE AND MAINTENANCE EASEMENTS ARE GRANTED TO THE CITY OF PORT ORANGE WHO SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION TO ENTER UPON AND MAINTAIN THE STORM WATER FACILITIES SHOULD THE LOT OWNERS AND PROPERTY OWNERS ASSOCIATION FAIL TO MAINTAIN THE SYSTEM AND SHALL HAVE THE RIGHT TO LIEN ALL OWNERS OF RECORD AND THE PROPERTY OWNERS ASSOCIATION FOR THE COST OF SUCH MAINTENANCE, REPAIR, AND REPLACEMENT. ALL DRAINAGE EASEMENTS SHOWN OR DESCRIBED ON THE PLAT ARE ALSO, UNLESS OTHERWISE INDICATED, GRANTED TO THE PORT ORANGE RIVERWALK PROPERTY OWNERS' ASSOCIATION, INC. A FLORIDA NOT FOR PROFIT CORPORATION, FOR THE PURPOSES DESCRIBED IN THE GENERAL NOTES. THE CITY OF PORT ORANGE IS HEREBY GRANTED AN EASEMENT FOR ACCESS BY EMERGENCY VEHICLES AND SERVICE VEHICLES OVER ALL DRIVES AND PARKING AREAS. THE 20.00 FOOT UTILITY EASEMENT AND 10.00 FOOT UTILITY EASEMENT WITHIN LOT 9 ARE HEREBY GRANTED TO THE CITY OF PORT ORANGE FOR MAINTENANCE OF THE SANITARY SEWER LINES LOCATED WITHIN IT. THE 20.00 FOOT DRAINAGE EASEMENT WITHIN LOT 4, LOT 5 AND WITHIN LOT 9 IS HEREBY GRANTED TO THE CITY OF PORT ORANGE. THE 2.00 NON VEHICULAR ACCESS EASEMENTS ARE GRANTED TO THE CITY OF PORT ORANGE. THE 10.00 FOOT UTILITY EASEMENT EAST OF AND ADJACENT TO THE DRAINAGE, UTILITY AND ACCESS EASEMENT IS HEREBY GRANTED TO FRANCHISE UTILITIES. THE LOT 7 ACCESS EASEMENT IS HEREBY GRANTED TO THE OWNERS OF LOT 7 AND THE UNIT OWNERS AND THEIR INVITEES FOR INGRESS AND EGRESS. THE LOT 8 ACCESS EASEMENT IS HEREBY GRANTED TO THE OWNERS OF LOT 8 AND THE UNIT OWNERS AND THEIR INVITEES FOR INGRESS AND EGRESS. THE SEW EASEMENTS ARE GRANTED TO THE PORT ORANGE RIVERWALK PROPERTY OWNERS' ASSOCIATION, INC. THE OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR THE BENEFIT OF THE GENERAL PUBLIC, LOT OWNERS, AND THEIR TENANTS, CUSTOMERS AND VISITORS, AN EASEMENT FOR PUBLIC ACCESS OVER AND ACROSS LOTS 1, 2, 3, 4, 5, 6, AND 9 DURING HOURS OF OPERATION, AS SHOWN ON THE PLAT AND AS RECORDED IN OFFICIAL RECORDS BOOK _____, PAGE _____, VOLUSIA COUNTY PUBLIC RECORDS. TRACT A IS DEDICATED TO THE CITY OF PORT ORANGE FOR PEDESTRIAN RIGHT OF WAY, SERVICE AND EMERGENCY VEHICLES AND PARK PURPOSES.

In witness where of, HALIFAX RIVER PARTNERS, LLC has caused these presents to be signed, attested, and sealed by those named below on this _____

SIGNED AND SEALED IN THE PRESENCE OF:	HALIFAX RIVER PARTNERS, LLC A FLORIDA LIMITED LIABILITY COMPANY
BY: _____	BY: _____
PRINTED NAME: _____	PRINTED NAME: Josef Atanodski
PRINTED NAME: _____	TITLE: MANAGER

STATE OF FLORIDA, COUNTY OF VOLUSIA
THIS IS TO CERTIFY THAT, ON _____ 20____
BEFORE ME, AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGMENTS IN THE STATE AND PERSONALLY APPEARED
and _____ and _____ RESPECTIVELY,
OF HALIFAX RIVER PARTNERS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, EXECUTED THE FOREGOING DEDICATION AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF FOR AND ON BEHALF OF SAID CORPORATION.
THEY (ARE) _____ (ARE NOT) _____ KNOWN TO ME OR
HAVE PRODUCED _____ AS IDENTIFICATION.
SET MY HAND AND SEAL ON THE ABOVE DATE. _____ SEAL.

NOTARY PUBLIC
STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES: _____
COMMISSION NUMBER: _____

JUNIOR AND CONSENT TO DEDICATION
_____ a _____ corporation, hereby certifies that it is the holder of a mortgage, lien, or other encumbrance upon the property shown and described hereon as the plat entitled _____ located in the City of Port Orange, Volusia County, Florida, _____ hereby joins and consents to the dedication of the lands and plot and agrees that its mortgage, lien, or other encumbrance recorded in Official Records Book _____, Page _____ of the Public Records of Volusia County, Florida, shall be subordinated to the said dedication.

In witness whereof, _____ has caused these presents to be signed, attested, and sealed by those named below on this _____

CERTIFICATE OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered Surveyor and Mapper, does hereby certify that the plat shown and described hereon, entitled RIVERWALK AT PORT ORANGE, was prepared under my direction and supervision, that the plat complies with all of the survey requirements of Chapter 177, Florida Statutes, and that all monumentation shown hereon or required per Chapter 177, Florida Statutes, has been properly placed.

(signature) _____ DATE: _____ (SEAL)
J.E. ZAPERT, P.L.S. No.: 4046
3921 NOVA ROAD
PORT ORANGE, FLORIDA 32127

REVIEW BY SURVEYOR AND MAPPER FOR THE CITY
I hereby certify to the City, that I have reviewed the foregoing plat for compliance with the requirements of Chapter 177, Florida Statutes, and that I have provided both the City and the Surveyor and Mapper of Record a list of deviations, if any, from such requirements.

(signature) _____ P.L.S. No.: _____ DATE: _____
(print name)

PLANNING COMMISSION CERTIFICATE OF APPROVAL
This statement hereby certifies that the plat entitled RIVERWALK AT PORT ORANGE was approved by the Port Orange Planning Commission on _____
BY: _____
Chairman of the Port Orange Planning Commission

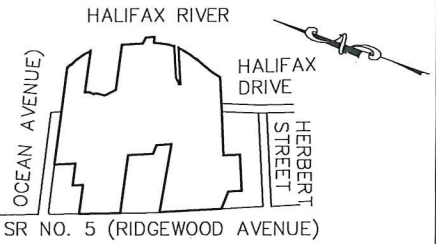
CITY COUNCIL CERTIFICATE OF APPROVAL
This statement hereby certifies that the plat entitled RIVERWALK AT PORT ORANGE was approved by the Port Orange City Council on _____
BY: _____ ATTEST: _____
Mayor of the City of Port Orange City Clerk of the City of Port Orange

CERTIFICATE OF CLERK
I hereby certify that I have examined the foregoing plat and found that it complies, in form, with all requirements stated in Chapter 177, Florida Statutes, and that it was filed for record on _____ at _____ a.m. / p.m.

File No. _____
Clerk of Circuit Court
Volusia County, Florida

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 NOVA ROAD
PORT ORANGE, FL 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NUMBER 3019

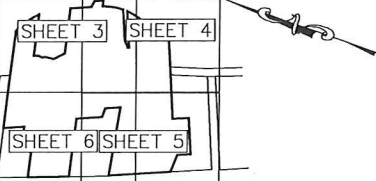
LOCATION MAP (not to scale)



ABBREVIATIONS:

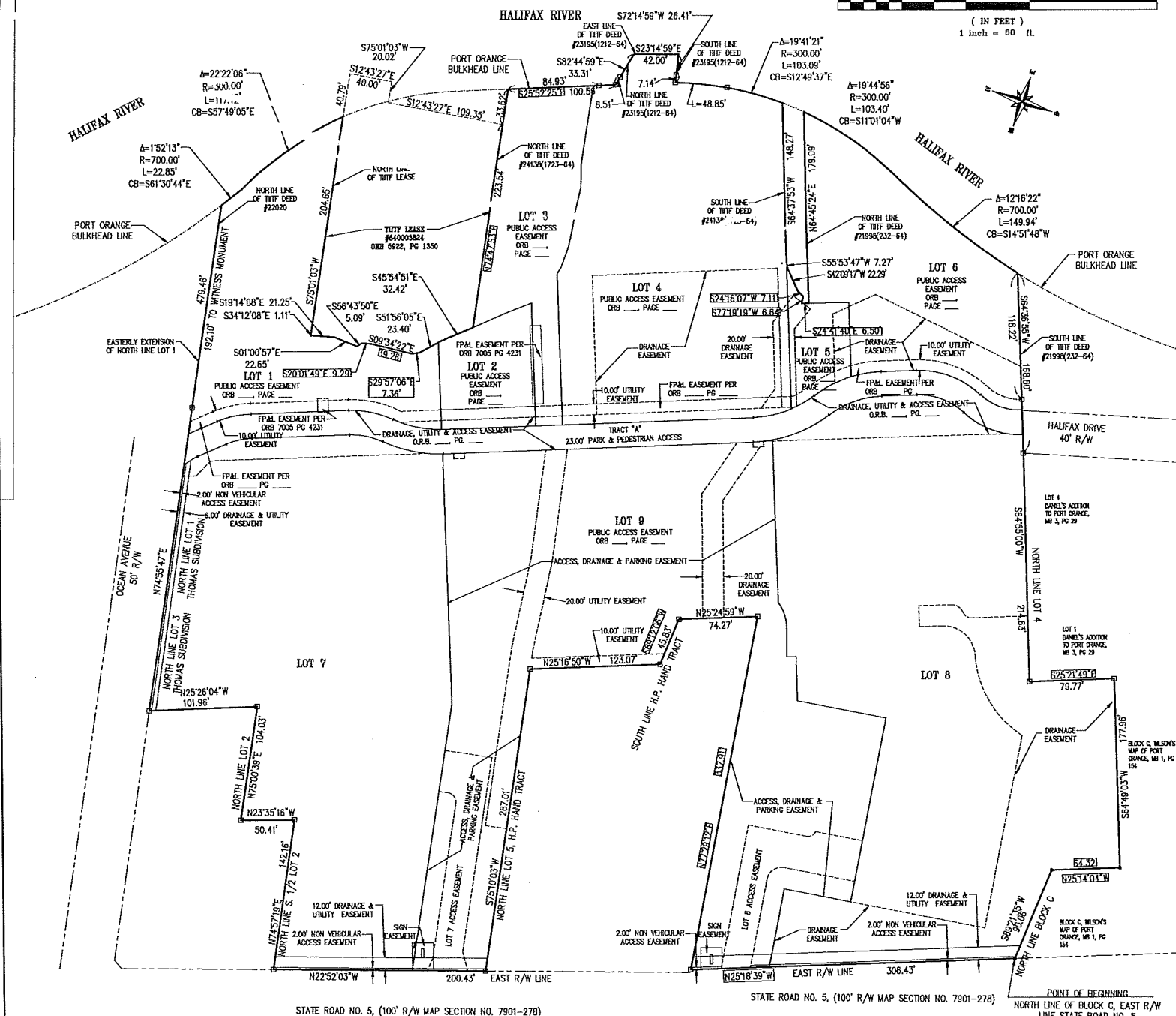
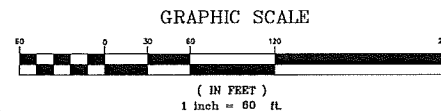
- ORB - OFFICIAL RECORDS BOOK
- PG - PAGE
- MB - MAP BOOK
- A - DELTA
- R - RADIUS
- L - LENGTH
- CB - CHORD BEARING
- R/W - RIGHT OF WAY

INDEX / KEY MAP (not to scale)



RIVERWALK AT PORT ORANGE

A PARTIAL REPLAT OF THOMAS SUBDIVISION, MAP BOOK 5, PAGE 143, H.P. HAND TRACT, MAP BOOK 2, PAGE 185, DANIEL'S ADDITION TO PORT ORANGE, MAP BOOK 3, PAGE 29, BLOCK C, WILSON'S MAP OF PORT ORANGE, MAP BOOK 1, PAGE 154, ALL RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND SUBMERGED LAND LYING EAST OF SAID THOMAS SUBDIVISION, EAST OF H. P. HAND TRACT AND EAST OF DANIEL'S ADDITION TO PORT ORANGE AND BEING A PORTION OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA



MAP BOOK: _____ PAGE: _____

GENERAL NOTES

1. Monumentation
 a. Denotes Permanent Reference Nail & Disk SET stamped PRM LB3010
 b. Denotes Permanent Reference Monument set
 c. Set concrete monument stamped PRM LB3010
2. All lines radial relative to adjacent curve unless shown (NR)
3. Dimensions shown are in feet and decimals thereof.
4. Accuracy: The boundary line error of closure does not exceed 1:10,000. The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
5. Bearings shown here on are relative to assumed datum, based on the south right of way line of Ocean Avenue being N74°55'47"E.
6. NOTE: All measurements refer to horizontal plane in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12=3.2808333333333333 equation for conversion from a U.S. foot to meters.
7. NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplied in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.
8. This plat is subject to all easements of record and reservations of easements, including but not limited to drainage, utility, and access easements granted herein which shall be located as noted on the plat.
9. Utilities include but are not limited to sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, natural gas, fiber optic, telecommunication.
10. Utility easements provided on this plat include easements for the construction, installation, maintenance, and operation of cable television services provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.
11. The Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plat, as depicted on the stormwater management plan approved for the development by the City of Port Orange, Florida. Should the association fail to perform the maintenance of the drainage and stormwater management systems, the City of Port Orange shall be entitled to enter upon the common areas and designated easement areas to perform maintenance, repair or replace the facilities; and, shall have the right to lien all owners of record in property for the cost of such maintenance, repair and replacement, as deemed by the city to be necessary. In the event of termination, dissolution, or final liquidation of the association, the responsibility for the operation and maintenance of the surface water or storm water management system will be transferred to and accepted by an entity which complies with Section 400-42.007, F.A.C. and be approved by the Saint Johns River Water Management District prior to such termination, dissolution, or liquidation.
12. Retention areas and common areas are granted as easements to the City of Port Orange with rights of access, ingress, and egress, together with the right to harvest excess storm water / ground water as deemed appropriate in the discretion of the City.
13. The articles of Incorporation for the Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation are recorded in Official Records Book _____ Pages _____ through _____ of the Public Records of Volusia County, Florida. The declaration of covenants and restrictions for the Riverwalk at Port Orange Property Owners' Association, Inc. are recorded in Official Records Book _____ Pages _____ through _____ of the Public Records of Volusia County, Florida.
14. This plat is subject to the Master Development Agreement for Riverwalk at Port Orange recorded in Official Records Book _____ page _____ of the public records of Volusia County, Florida.
15. The lots shown on this plat are subject to the redwood easement agreement recorded in Official Records Book _____ Page _____ of the public records of Volusia County, Florida.



SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

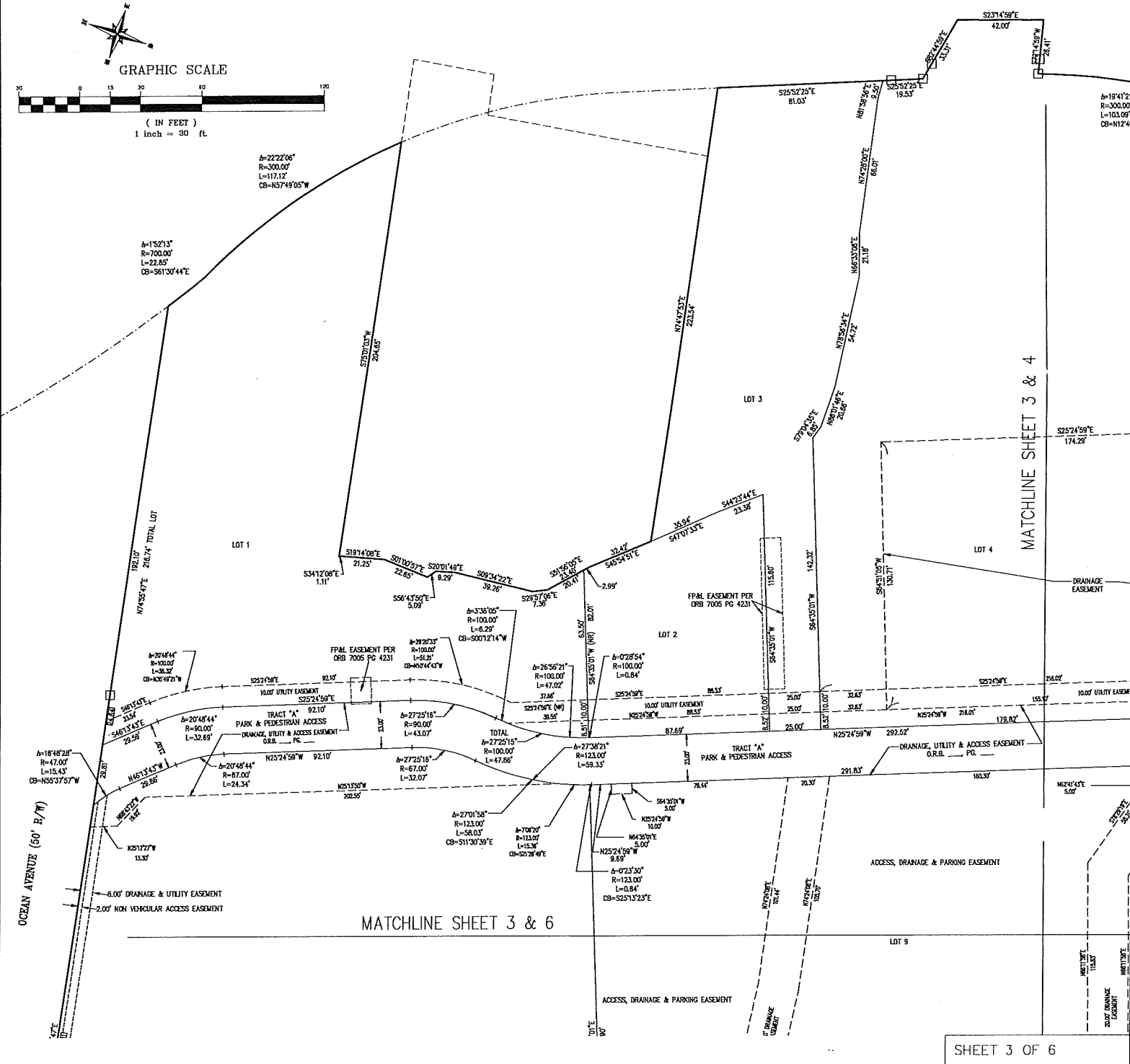
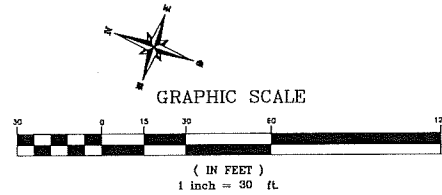
3031 NOVA ROAD
PORT ORANGE, FL 32127

(386) 791-5363

LICENSED BUSINESS CERTIFICATION NUMBER 3019

RIVERWALK AT PORT ORANGE

A PARTIAL REPLAT OF THOMAS SUBDIVISION, MAP BOOK 5, PAGE 143, H.P. HAND TRACT, MAP BOOK 2, PAGE 185, DANIEL'S ADDITION TO PORT ORANGE, MAP BOOK 3, PAGE 29, BLOCK C, WILSON'S MAP OF PORT ORANGE, MAP BOOK 1, PAGE 154, ALL RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND SUBMERGED LAND LYING EAST OF SAID THOMAS SUBDIVISION, EAST OF H. P. HAND TRACT AND EAST OF DANIEL'S ADDITION TO PORT ORANGE AND BEING A PORTION OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA



MAP BOOK: _____ PAGE: _____

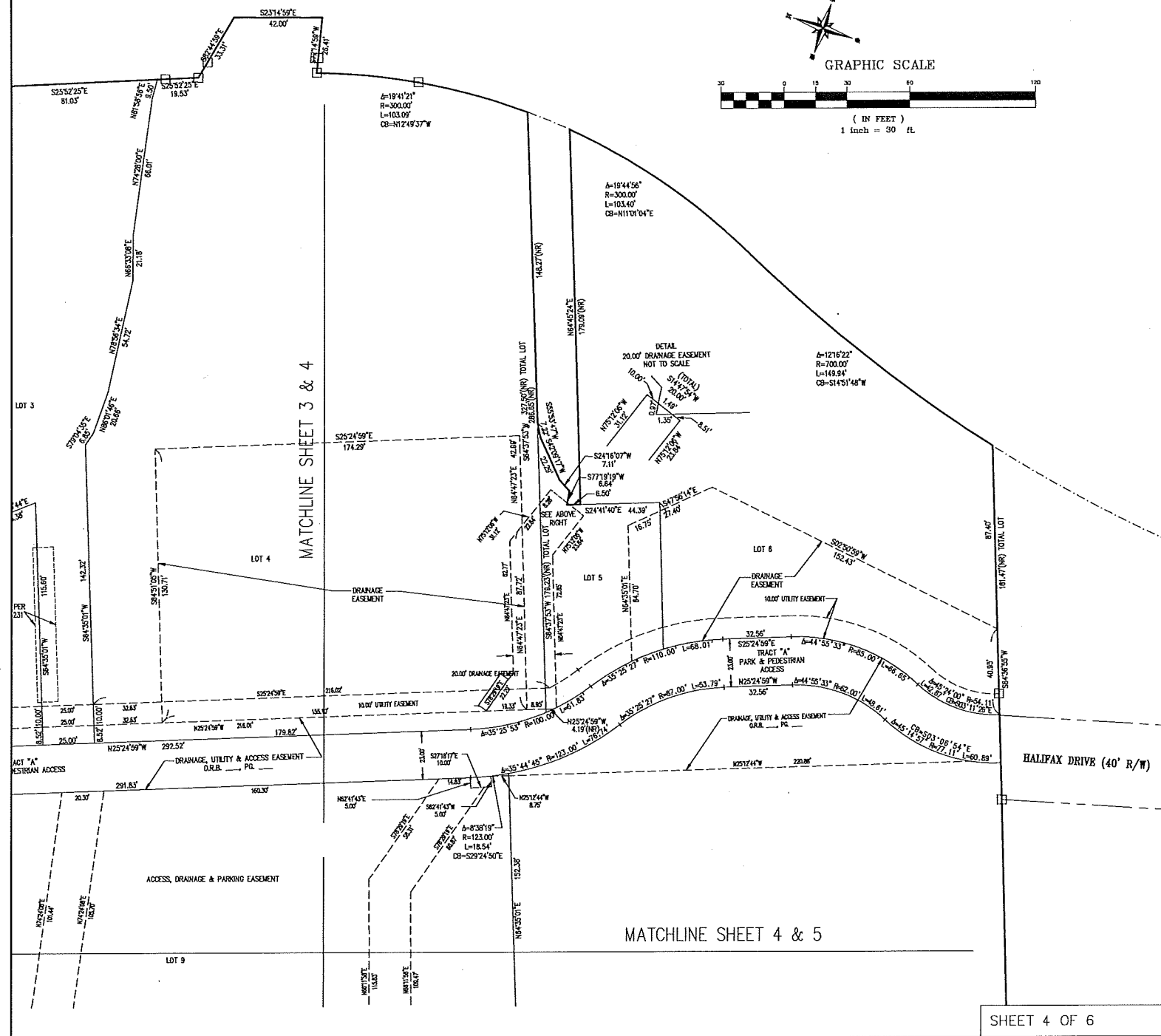
GENERAL NOTES

1. Monumentation
 - a. Denotes Permanent Reference Nail & Disk SET stamped PRM LB3019
 - b. Denotes Permanent Reference Monument set
 - c. 4x4 concrete monument stamped PRM LB3019
2. All lines rod relative to adjacent curve unless shown (NR)
3. Dimensions shown are in feet and decimals thereof.
4. Accuracy: The boundary linear error of closure does not exceed 1:10,000. The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
5. Bearings shown here on are relative to assumed datum, based on the south right of way line of Ocean Avenue being N74°33'47"E.
6. NOTE: All measurements refer to horizontal plane in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12=3.280833333333333 equation for conversion from a U.S. foot to meters.
7. NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supported in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.
8. This plat is subject to all easements of record and reservations of easements, including but not limited to drainage, utility, and access easements granted hereon which shall be located as noted on the plat.
9. Utilities include but are not limited to sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, natural gas, fiber optics, telecommunications.
10. Utility easements provided on this plat include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.
11. The Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plat, as depicted on the stormwater management plan approved for the development by the City of Port Orange, Florida. Should the association fail to perform the maintenance of the drainage and stormwater management systems, the City of Port Orange shall be entitled to enter upon the common areas and designated easement areas to perform maintenance, repair or replace the facilities; and, shall have the right to file an action of record in property for the cost of such maintenance, repair, and replacement, as deemed by the city to be necessary, in the event of termination, dissolution, or final liquidation of the association, the responsibility for the operation and maintenance of the surface water or storm water management system will be transferred to and accepted by an entity which complies with Section 400-42.027, F.A.C. and be approved by the Saint Johns River Water Management District prior to such termination, dissolution, or liquidation.
12. Retention areas and common areas are granted as easements to the City of Port Orange with rights of access, ingress, and egress, together with the right to harvest excess storm water / ground water as deemed appropriate in the discretion of the City.
13. The articles of incorporation for the Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation are recorded in Official Records Book _____ Pages _____ through _____ of the Public Records of Volusia County, Florida. The declaration of covenants and restrictions for the Riverwalk at Port Orange Property Owners' Association, Inc. are recorded in Official Records Book _____ Pages _____ through _____ of the Public Records of Volusia County, Florida.
14. This plat is subject to the Master Development Agreement for Riverwalk at Port Orange recorded in Official Records Book _____ page _____ of the public records of Volusia County, Florida.
15. The info shown on this plat are subject to the reciprocal easement agreement recorded in Official Records Book _____ Page _____ of the public records of Volusia County, Florida.



SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 NOVA ROAD
PORT ORANGE, FL 32127
(386) 781-5365
LICENSED BUSINESS CERTIFICATION NUMBER 3019

A PARTIAL REPLAT OF THOMAS SUBDIVISION, MAP BOOK 5, PAGE 143, H.P. HAND TRACT, MAP BOOK 2, PAGE 185, DANIEL'S ADDITION TO PORT ORANGE, MAP BOOK 3, PAGE 29, BLOCK C, WILSON'S MAP OF PORT ORANGE, MAP BOOK 1, PAGE 154, ALL RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND SUBMERGED LAND LYING EAST OF SAID THOMAS SUBDIVISION, EAST OF H. P. HAND TRACT AND EAST OF DANIEL'S ADDITION TO PORT ORANGE AND BEING A PORTION OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

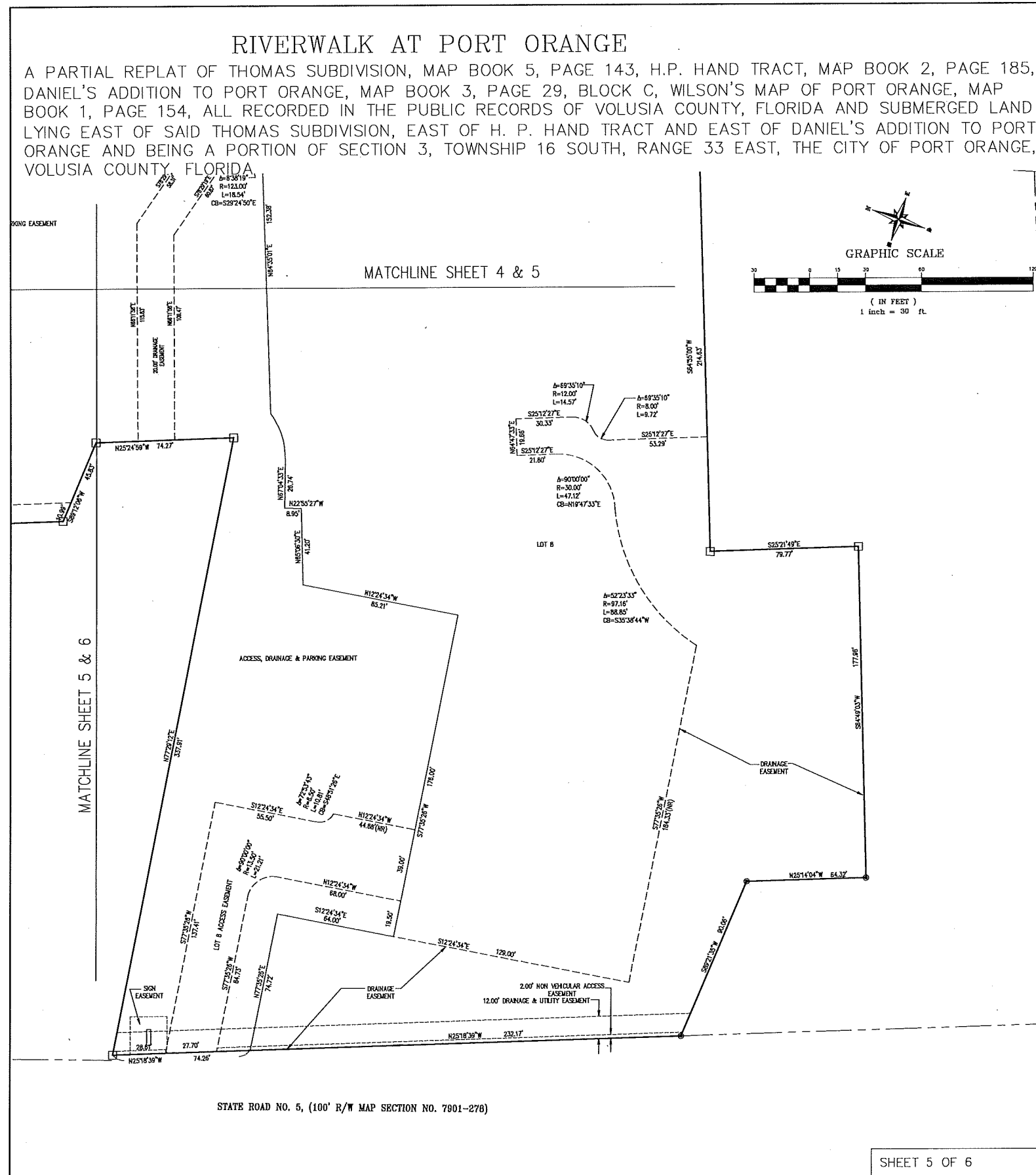


GENERAL NOTES

1. Documentation
 a. Denotes Permanent Reference Note & Disk SET stamped PRR L38319
 b. Denotes Permanent Reference Mounted set
 c. Includes a concrete monument stamped PRR L38319
2. All ties radial relative to adjacent curve unless shown (NR)
3. Dimensions shown are in feet and decimals thereof.
4. Accuracy. The boundary line or area of closure does not exceed 1:10,000. The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
5. Bearings shown here on are relative to assumed datum, based on the south right way of travel. Ocean Avenue being N75°55'00"E
6. NOTE: All measurements refer to horizontal plane in accordance with the definition of U.S. Survey foot or measured by the National Institute of Standards and Technology. All measurements shall use the 36.573/12 = 3.0480333333333333 equation for conversion from a U.S. foot to meter.
7. NOTICE: This plot, as recorded in its graphic form, is the official depiction of the subdivision and design. It will and will not be construed to be applied in authority by any other graphic or digital form of the plot. There may be additional restrictions that are not recorded on this plot that may be found in the public records of the county.
8. This plot is subject to all easements of record and reservations of easements, including but not limited to, utility, and access easements, and other encumbrances which shall be located on notes to the plot.
9. Utilities include but are not limited to sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephones, cable television, security, natural gas, fiber optics, telecommunications.
10. Utility easements provided on the plot include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall include the facilities services of an electric, telephones, gas, or other public utility.
11. The Rinkwest at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plot, as detailed on the stormwater management plan. The City of Port Orange shall be responsible for the operation and maintenance of the drainage system. The association shall perform the maintenance of the drainage and stormwater.
12. The City of Port Orange shall be entitled to enter upon the common area and designated easement areas to perform maintenance, repair or replace the facilities; and shall have the right to lien all or part of the property as a part of the facilities; and shall have the right to be deemed by its city to be necessary, in the event of termination, dissolution, or final liquidation of the association, the responsibility for the maintenance and operation of the facilities shall be transferred to the City of Port Orange and shall be transferred to and accepted by an entity which complies with Section 400-42.027, F.A.C. and approved by the Department of Water Management District prior to such termination, dissolution, or liquidation.
13. Retention areas and common areas are granted as easements to the City of Port Orange with rights of access, ingress, and egress, together with the right to harvest excess storm water / ground water as deemed appropriate in the discretion of the City.
14. The articles of incorporation for the Rinkwest at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation are recorded in Official Records Book _____, Pages _____ through _____ of the Public Records of Volusia County, Florida. The declaration of covenants and restrictions for the Rinkwest at Port Orange Property Owners' Association, Inc. are recorded in Official Records Book _____, Pages _____ through _____ of the Public Records of Volusia County, Florida.
14. This plot is subject to the Master Development Agreement for _____ at Port Orange recorded in Official Records Book _____, page _____ of the public records of Volusia County,
15. The title shown on this plot is subject to the recorded easement agreement recorded in Official Records Book _____, page _____, of the public records of Volusia County, Florida.

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 NOVA ROAD
PORT ORANGE, FL 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NUMBER 3019

K:\3 ATIS RIVERWALK AT PORT ORANGE\RIVERWALK 3 AT 5-12-16.dwg, SHEETS, 5/14/2016 11:17:56 AM, DMC TO PDP, 1:1, 34



MAP BOOK: _____ PAGE: _____

GENERAL NOTES

1. Monumentation
a- Denotes Permanent Reference Nail & Disk SET stamped PRM LB3019
b- Denotes Permanent Reference Monument set
c- 4x4 concrete monument stamped PRM LB3019
2. All lines radial relative to adjacent curve unless shown (NR)
3. Dimensions shown are in feet and decimals thereof.
4. Accuracy: The boundary linear error of closure does not exceed 1:10,000. The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
5. Bearings shown here on are relative to assumed datum, based on the south right of way line of Ocean Avenue being N74°55'47"E.
6. NOTE: All measurements refer to horizontal plane in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12-3.2808333333333333 equation for conversion from a U.S. foot to meters.
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8. This plat is subject to all easements of record and reservations of easements, including but not limited to drainage, utility, and access easements granted hereon which shall be located as noted on the plat.
9. UTILITIES include but are not limited to sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, natural gas, fiber optic, telecommunication.
10. Utility easements provided on this plat include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.
11. The Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plat, as depicted on the stormwater management plan approved for the development by the City of Port Orange, Florida. Should the association fail to perform the maintenance of the drainage and stormwater management systems, the City of Port Orange shall be entitled to enter upon the common areas and designated easement areas to perform maintenance, repair or replace the facilities; and, shall have the right to lien all owners of record in property for the cost of such maintenance, repair, and replacement, as deemed by the city to be necessary. In the event of termination, dissolution, or final liquidation of the association, the responsibility for the operation and maintenance of the surface water or storm water management system will be transferred to and accepted by an entity which complies with Section 400-42.027, F.A.C. and be approved by the Saint Johns River Water Management District prior to such termination, dissolution, or liquidation.
12. Retention areas and common areas are granted as easements to the City of Port Orange with rights of access, ingress, and egress, together with the right to harvest excess storm water / ground water as deemed appropriate in the discretion of the City.
13. The articles of incorporation for the Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation are recorded in Official Records Book _____ Pages _____ through _____ of the Public Records of Volusia County, Florida. The declaration of covenants and restrictions for the Riverwalk at Port Orange Property Owners' Association, Inc. are recorded in Official Records Book _____ Pages _____ through _____ of the Public Records of Volusia County, Florida.
14. This plat is subject to the Master Development Agreement for Riverwalk at Port Orange recorded in Official Records Book _____ page _____ of the public records of Volusia County, Florida.
15. The lots shown on this plat are subject to the reciprocal easement agreement recorded in Official Records Book _____ Page _____ of the public records of Volusia County, Florida.



SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3021 NOVA ROAD
PORT ORANGE, FL 32127
(407) 781-5345
LICENSED BUSINESS CERTIFICATION NUMBER 3019

A PARTIAL REPLAT OF THOMAS SUBDIVISION, MAP BOOK 5, PAGE 143, H.P. HAND TRACT, MAP BOOK 2, PAGE 185, DANIEL'S ADDITION TO PORT ORANGE, MAP BOOK 3, PAGE 29, BLOCK C, WILSON'S MAP OF PORT ORANGE, MAP BOOK 1, PAGE 154, ALL RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND SUBMERGED LAND LYING EAST OF SAID THOMAS SUBDIVISION, EAST OF H. P. HAND TRACT AND EAST OF DANIEL'S ADDITION TO PORT ORANGE AND BEING A PORTION OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

LOT 1

LDT 7

MATCHLINE SHEET 5 & 6

MAP BOOK: _____ PAGE: _____

GENERAL NOTES

1. Monumentation
 a- Denotes Permanent Reference Nail & Disk Set stamped PRM 13B019
 b- Denotes Permanent Reference Monument nail
 c- 4x4 concrete monument stamped PRM 13B019
2. All lines radial relative to adjacent curve unless shown (RR)
3. Dimensions shown are in feet and decimals thereof.
4. Accuracy: The boundary lines error of closure does not exceed 1/10,000. The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
5. Bearings shown here on are relative to assumed datum, based on the south right of way line of Ocean Avenue bearing N45°54'57"E.
6. NOTE: All measurements relate to horizontal plane in accordance with the definition of the National Survey Foot and are subject to the fact that no measurements are supported in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.
7. This plat is subject to all easements of record and reservations of easements, including but not limited to, easements for drainage, utility, and access easements granted herein which shall be located as noted on the plat.
8. UTILITIES includes but are not limited to sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, natural gas, fiber optics, telecommunications, etc.
9. UTILITY easements provided on this plat include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.
10. The Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plat, as depicted on the stormwater management plan, and shall have the right to be deemed by the City of Volusia County, Florida, the association shall be responsible for the operation, maintenance, repair or replace the facilities; and, shall have the right to lien all owners of record in proportion for the cost of the drainage system and shall be deemed by the City to be necessary. In the event of termination, dissolution, or final liquidation of the association, the responsibility for the drainage system shall be transferred to the City of Volusia County, Florida, and shall be transferred to and accepted by an entity which complies with Section 404-42.027, F.A.C. and be approved by the Saint Johns River Water Management District prior to such termination, dissolution, or final liquidation.
11. Relation areas and common areas are granted as easements to the City of Port Orange with rights of access, ingress, and egress, together with the right to harvest excess storm water / ground water as deemed appropriate in the discretion of the City.
12. The articles of Incorporation for the Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation are recorded in Official Records Book 100, Page 100 of the Public Records of Volusia County, Florida. The declaration of covenants and restrictions for the Riverwalk at Port Orange Property Owners' Association, Inc. a Florida not for profit corporation are recorded in Official Records Book 100, Page 100 of the Public Records of Volusia County, Florida.
13. This plat is subject to the Master Development Agreement for Riverwalk at Port Orange recorded in Official Records Book 100, page 100 of the public records of Volusia County, Florida.
14. The lots shown on this plat are subject to the reciprocal easement agreement recorded in Official Records Book 100, page 100 of the public records of Volusia County, Florida.

SHEET 6 OF 6

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3121 NOVA ROAD
PORT ORANGE, FL. 32127
(304) 761-5355
LICENSED BUSINESS CERTIFICATION NUMBER 3019

4:2 A15\Q169WA K AT PORT ORANGE\Q169WA K 2 AT 5-12-16.dwg, S-15576, 5/14/2016 11:18:46 AM, JWC To JSC,pcl, 1:1, 3-1



STAFF REPORT

Moratorium - Adult Entertainment Establishments CASE NO. 16-25000001

REQUEST: To establish a 1-year moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of adult entertainment establishments in the City of Port Orange.

APPLICANTS: City of Port Orange

RECOMMENDATION: **Approval**

STAFF CONTACT: Tim Burman, Planning Manager (386)-506-5675

PLANNING COMMISSION DATE: May 26, 2016

DISCUSSION:

The requested moratorium will allow staff to review the existing City requirements for Adult Entertainment Establishments as part of an on-going maintenance effort. The Adult Entertainment Establishments regulations in the Code of Ordinances and Land Development Code have not been comprehensively updated since 1997. If modifications are needed to maintain reasonable and uniform regulations for adult entertainment establishments that protect the health, safety and general welfare of the residents of Port Orange, amendments to the Code of Ordinances and Land Development Code will be prepared and brought before Council for review.

Currently, Adult Entertainment Establishments is a Special Exception use within the Highway Commercial zoning district. In Port Orange, a Special Exception is reviewed by the Planning Commission and must be approved by the City Council. In addition to standard development requirements for all Special Exception uses (traffic generation, parking, landscaping, etc.), Adult Entertainment Establishments must comply with specific development requirements. The special development requirements currently include: separation distance from residential uses, existing adult entertainment establishments, bars, schools, parks, and houses of worship as well as landscape buffering from adjacent uses.

At the direction of the City Council at their April 19, 2016 meeting, staff has prepared an ordinance imposing a 1-year moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of Adult Entertainment Establishments within the City limits. If the ordinance is approved, the proposed moratorium will allow staff to further research the Land Development Code and Code of Ordinances regarding locations and development requirements for adult entertainment establishments.

RECOMMENDATION:

Approval of a 1-year moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of adult entertainment establishments in the City of Port Orange as directed by the City Council at their April 19, 2016 meeting.

ATTACHMENT:

1. Exhibit A – Draft Adult Business Regulation Moratorium Ordinance

DRAFT

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ESTABLISHING A MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS, BUILDING PERMITS, ZONING VERIFICATION LETTERS, AND ZONING APPROVALS FOR BUSINESS TAX RECEIPTS FOR THE OPERATION OF ADULT ENTERTAINMENT ESTABLISHMENTS IN THE CITY OF PORT ORANGE; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR INTERPRETATION; PROVIDING DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange regulates the use of land through its Comprehensive Plan and the Land Development Code; and

WHEREAS, the Land Development Code must be reviewed and amended periodically in order to maintain effective regulations; and

WHEREAS, the City Community Development Department believes that review of the City's Adult Entertainment Establishment zoning and regulations is needed to ensure effectiveness; and

WHEREAS, the City Council hereby determines that the zoning and regulations under review are of such gravity that issuing any development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for Adult Entertainment Establishments would in all probability undermine the recommendations of the Community Development Department for revisions to zoning and regulations set forth in the Land Development Code and Code of Ordinances; and

WHEREAS, to protect, preserve, and effectuate the public safety and welfare, the City Council finds that a moratorium on the receipt of applications for and the issuance of any development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for the operation of Adult Entertainment Establishments is necessary for a limited duration and until regulations are codified in the Land Development Code and Code of Ordinances to address the concerns referenced above; and

WHEREAS, specific authority for this ordinance includes but is not limited to Article VIII, Section 2, Florida Constitution of 1968; Chapters 163 and 166, Florida Statutes; and Sections 163.3161, 163.3194, and 163.3201, Florida Statutes; and

WHEREAS, the Planning Commission, sitting as both the Local Planning Agency and the Planning Commission (hereinafter referred to as the "LPA"), has found this ordinance to be consistent with the Comprehensive Plan; and

WHEREAS, the LPA has determined that this ordinance is necessary to promote the economic order of the community by encouraging the proper regulation of Adult Entertainment Establishments in the City of Port Orange; and

WHEREAS, the LPA finds that additional reasons necessary for imposing the moratorium in this ordinance include:

1. Preservation of the status quo in the community to avoid a crisis being created by the impact on abutting properties, property values and community/neighborhood preservation;

2. Preservation of the status quo in the community pending a determination by the City to adopt local regulations relating to Adult Entertainment Establishments in the City of Port Orange;
3. Avoiding the creation of vested rights or nonconforming or inconsistent uses as a result of amended permitting systems and regulations;
4. Control of community development during the time period of the review and amendment of local regulations; and
5. Allowing a time period for comprehensive planning to proceed, if applicable; and

WHEREAS, the LPA finds that based on the foregoing reasons for the moratorium established by this ordinance will promote the public health, welfare, safety, aesthetics, and economic order of the community and the region; and

WHEREAS, the LPA has determined that a moratorium of twelve (12) months in duration is the minimum reasonable period of time needed to review this issue and determine what amendments or modifications are needed; and

WHEREAS, the City Council hereby adopts the findings of the LPA as its own.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. Purpose and Intent.

The foregoing "WHEREAS" clauses are hereby ratified and affirmed as being true and correct and are incorporated herein by reference.

Section 2. Definitions.

Adult Entertainment Establishment shall have the same meaning as set forth in

Section 18-236 of the City of Port Orange Code of Ordinances.

Section 3. Moratorium Imposed.

a. The Land Development Code and Code of Ordinances are hereby amended by placing a moratorium on the issuance of any development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for the operation of Adult Entertainment Establishments. For purposes herein, the term, "development order," shall have the same meaning as that set forth in Section 163.3164, Florida Statutes.

b. Applications for issuance of development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for medical marijuana related facilities or activities shall be considered pursuant to the following requirements:

- (1) Applications received on or after the effective date of this ordinance may be received and reviewed. However, no development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts shall be issued in violation of the moratorium on the issuance of development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for the operation of Adult Entertainment Establishments. If amendments to the Comprehensive Plan or the Land Development Code are adopted by the City Council on or before the expiration of the moratorium that revise the substantive or procedural legal requirements regarding the operation of Adult Entertainment Establishments, any application not approved for issuance of a development order, building permit and zoning approval and submitted on or after the date of this ordinance, but before the expiration of the moratorium, shall be required to comply with the new substantive or

procedural legal requirements.

c. The moratorium imposed by this ordinance shall expire within 365 days of adoption of this Ordinance by the City Council, or the adoption of an ordinance amending the Comprehensive Plan or the Land Development Code regarding the zoning of or otherwise regulating Adult Entertainment Establishments, whichever event shall first occur. The moratorium shall be deemed to be in effect over all of the geographic area of the City now existing or which may be hereafter annexed during the pendency of the moratorium. This ordinance shall be deemed to be pending on Adult Entertainment Establishments, within the meaning of the term "pending ordinance" as that term is used in Smith v. City of Clearwater, 403 So.2d 407 (Fla. 1981).

d. During the pendency of this moratorium the City Manager and the Community Development Director shall proceed in good faith to undertake a planning study to determine appropriate amendments to zoning and development related ordinances, if any.

e. The Community Development Director shall make interpretations of this ordinance.

Section 4. Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and

to this end the provisions of this ordinance are declared severable.

Section 6. Codification.

It is the intention of the City Council for the City of Port Orange, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and Land Development Code; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

Section 7. Effective Date.

This ordinance shall become effective immediately upon final passage by the City Council.

MAYOR ALLEN GREEN

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved: _____
Matthew J. Jones, Deputy City Attorney

CITY OF PORT ORANGE MONTHLY DEVELOPMENT ACTIVITY REPORT



Walmart Neighborhood Market – 3811 Clyde Morris Blvd.

CITY COUNCIL

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

PLANNING COMMISSION

john junco, acting chairperson
michael arminio, commissioner
frank crooks, commissioner
lance green, commissioner
thomas jordan, commissioner
john junco, commissioner
newton white, commissioner

UPDATE: MAY 10, 2016

RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PROJECTS

UPDATE: MAY 10, 2016

Residential

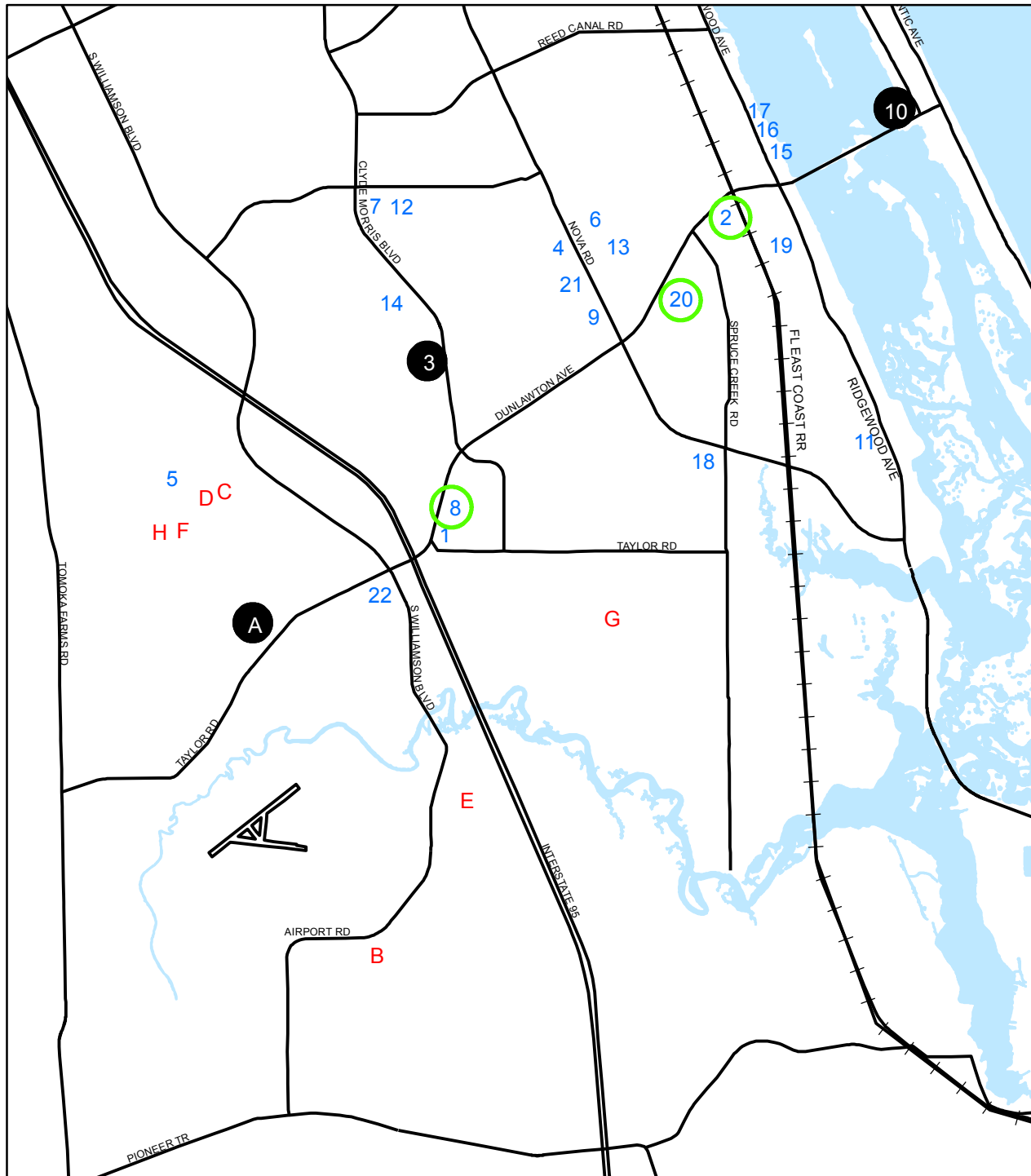
- A Crane Lakes Golf & Country Club
- B Golf Homes at Cypress Head
- C Hawks Preserve, Phase I
- D Hawks Preserve, Phase II
- E The Pinnacle PUD, Phase II
- F The Sanctuary at Westport
- G Serenity Hills PUD
- H Westport Reserve, Phase 2B

Non-Residential

- 1 Altamira Shopping Village
- 2 Atlantic Marine
- 3 Badcock Furniture & More
- 4 Circle K #8088 (Herbert/Nova)
- 5 Coraci Sports Park - Pop Warner Field
- 6 Cumberland Farms (Nova Road)
- 7 Cumberland Farms (Palmetto Pointe)
- 8 Dunlawton Commons
- 9 The Half Wall
- 10 Hunter Building
- 11 Little C's Custom (fka Florida Truck Sales)
- 12 Palmetto Pointe Marketplace subdivision
- Walmart Neighborhood Market grocery store
- 13 Port Hole Retail Center
- 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

Update: May 10, 2016

 = addition to the development activity report

 = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments
				Under staff review	D. O. issued	Pre-con held	ABC completed	Const. Permit issued	Under construction	Final inspection	C.O. issued	
A	Crane Lakes Golf & Country Club / site plan modification	1780 Taylor Rd.	Construction of a second driveway into the site, additional 8 mobile home lots, storage area for the golf course, pickle ball courts, and associated site improvements	X								SDRC scheduled for 5/11/16
B	Golf Homes at Cypress Head / site plan	S. side of Airport Rd. between Cypress Head and Waters Edge	52 townhomes on ±6.62 acres	X	X							DO issued 4/18/16
C	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; Awaiting resubmittal of DO modification
D	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; Awaiting resubmittal of DO modification
E	The Pinnacle PUD, Phase II / D.O. modification	E. side of Airport Rd. / W. of I-95, S. of Martin Dairy Rd.	64 single-family lots on ±29.72 acres	X	X							DO issued 11/06/15
F	The Sanctuary at Westport, 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								2nd Resubmittal under review
G	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	-	-	-	-	-	-	-	Denied by CC 4/19/16
H	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								Awaiting resubmittal

Case No./
Planner

16-82000003
PGC

15-80000009
GKP

14-50000006
16-52000001
PGC

14-50000007
16-52000002
PGC

15-52000001
PGC

16-80000001
GKP

15-65000001
TPB

16-50000002
GKP

NON-RESIDENTIAL DEVELOPMENT PROJECTS

Update: May 10, 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		520 Dunlawton Ave. (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	X	X	X		Under construction; Building permit under review	14-80000006 BP #16-0813 TPB
3	Badcock Furniture & More / site plan		4610 Clyde Morris Blvd.	18,000 SF retail building along with associated site improvements on 1.37 acres	X							SDRC scheduled 5/18/16	16-80000006 PGC
4	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
5	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
6	Cumberland Farms (Nova Rd./Herbert St.) (Fka Booth's Bowery) / site plan		3657 Nova Rd.	Demolition of a 15,000 SF building (Booth's Bowery) and construction of a 5,000 convenience store and 10 fueling dispensers and associated site improvements on 1.35 acres	X							Awaiting 1st resubmittal	16-80000004 GKP
7	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							Awaiting 1st resubmittal	16-80000002 GKP
8	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	X	Final inspection held 5/03/16	14-80000012 BP #15-2937 GKP
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	Hunter Building / redevelopment		59 Dunlawton Ave.	Redevelopment of a 0.57 acre property including a 5,132 SF warehouse building and associated site improvements	X							SDRC scheduled 5/18/16	16-80000005 PGC

NON-RESIDENTIAL DEVELOPMENT PROJECTS
Update: May 10, 2016
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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	Little C's Custom (fka 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
12	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	X			Under construction	14-50000003 TPB
		Site Plan	42,000 square foot grocery store and 9,600 square foot commercial multi-tenant building with associated site and off-site improvements on 17.7 acres	X	X	X	X	X	X			Under construction	14-80000007 BP #15-4343 TPB
13	The Port Hole Retail Center	930 Herbert St.	Redevelopment of an existing 5,562 SF bar/retail store with associated site improvements on 0.50 acres	X								Under review	15-80000010 GKP
14	Ravenwood Veterinary Hospital Expansion / site plan	4542 Clyde Morris Blvd.	Demolition of existing Continental Fitness building and expansion of the veterinary hospital to include an 8,500 SF fenced dog run area, parking, and associated site improvements	X								1st resubmittal under review	16-82000001 GKP
15	Riverwalk Marina and Riverboat PCD	Restatement of MDA & CDP	East and West sides of Halifax Dr. between Ocean Ave. and Herbert St.	X								Tentatively scheduled for PC 5/26/16	16-40000003 TPB
16	Riverwalk Condominium & Point Restaurant	Subdivision Replat	Replat of subject property as an 8-lot subdivision	X								Tentatively scheduled for PC 5/26/16	16-50000001 TPB
		Site plan	Development of 2 residential condominium buildings, a restaurant on the point, 58-slip marina, linear park with 20-foot wide path, multi-purpose dock building, off-site signage along Dunlawton and Ridgewood and associated site improvements	X								2nd resubmittal pending CC approval of restatement of MDA/CDP and replat	16-80000003 TPB
17	Riverwalk Park / new construction	Phase 1B	Playground, splash park, picnic facilities, pavilions, shade structures, additional restrooms, concession building, portion of the boardwalk, event lawn, parking, and the southern portion of the 12' wide trailway, along with associated site improvements	X	X							Bid to be advertised in May 2016	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			Awaiting request for final inspection	14-82000008 GKP

NON-RESIDENTIAL DEVELOPMENT PROJECTS

Update: May 10, 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 meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued	
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.
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	X	X	X			Under construction
21	Waffle House Nova Rd. / new construction	3740 Nova Rd.	1,875 SF restaurant with associated site improvements on 0.80 acres	X	X							Awaiting request for pre-construction meeting
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							Awaiting request for pre-construction meeting

Case No./
Planner

01-80000019
TPB

14-80000010
15-82000003
16-82000002
BP #16-0370
GKP

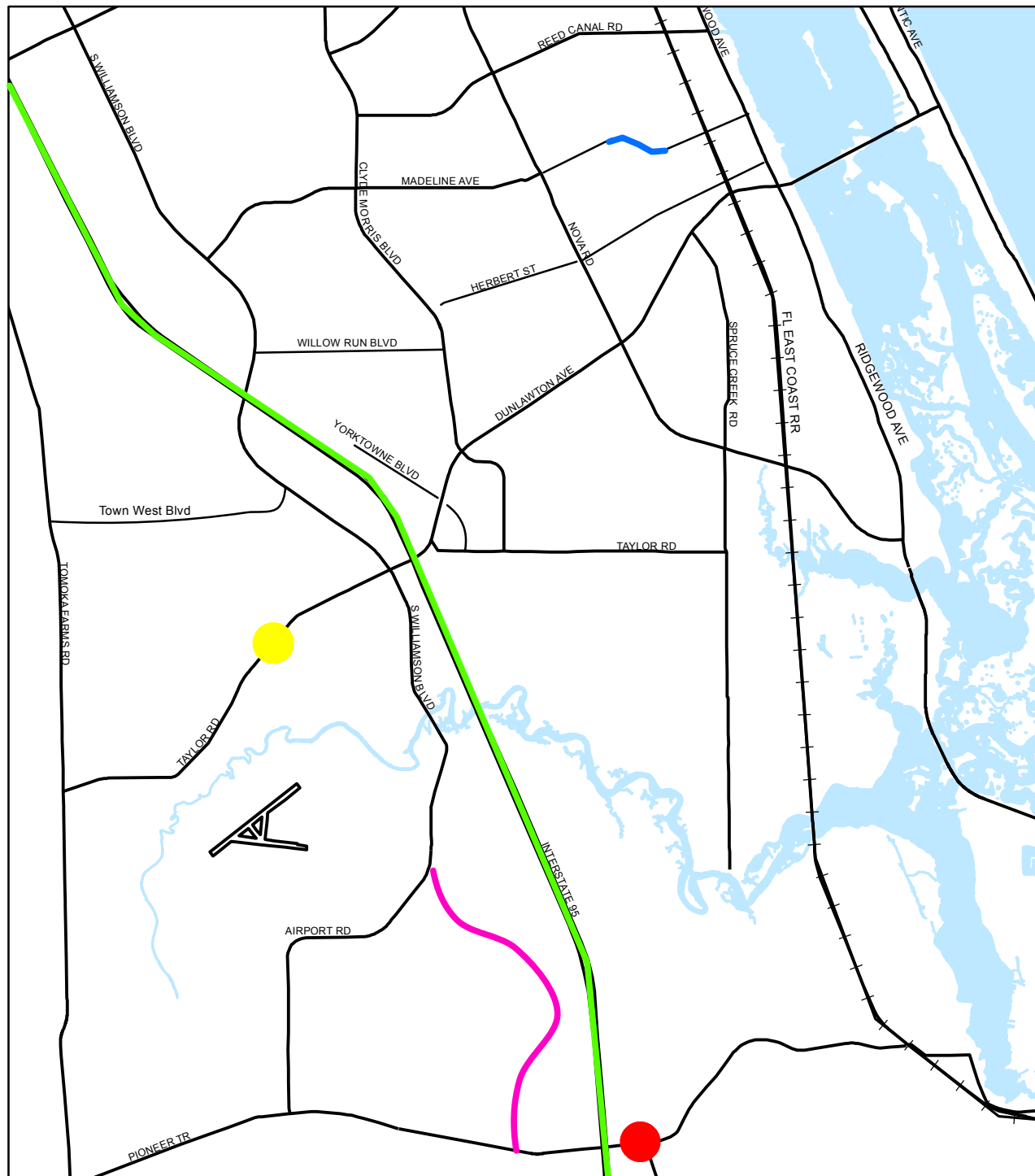
15-80000007
BP #15-2908
GKP

15-80000008
BP #15-2907
GKP

ROADWAY DEVELOPMENT PROJECTS

UPDATE: MAY 10, 2016

-  Crane Lakes Traffic Signal
-  I-95 Widening
-  McDonald Road Sidewalk
-  Pioneer Trail at Turnbull Bay Road
-  S. Williamson Blvd. Extension



Project	Description	Jurisdiction	Status
Crane Lakes Traffic Signal	Installation of a new traffic signal at the intersection of Crane Lakes Blvd. and Taylor Rd.	Volusia County/City	Under Construction
I-95 Widening	Construction to widen I-95 from SR44 to I-4/SR400 from 4 lanes to 6 lanes	FDOT	Under construction / 39% 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