



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, September 25, 2025

Time: 5:30 PM

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

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. DISCUSSION/ACTION

3. Consideration of Minutes
4. APPLICATION: Large-Scale Comprehensive Plan Amendment/Vintage Acres
CASE NO.: CPAM-25-0001
APPLICANT: Storch Law Firm
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to amend the Comprehensive Plan Future Land Use (FLU) Map for a total of ±56.53 acres, located on the west side of Airport Road, north of Charles Street, to change the FLU designation of ±52.96 acres of Volusia County *Agriculture Resource* (1 dwelling unit per 10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0-4 dwelling units per acre) to City of Port Orange *Rural Transition* (0-2 dwelling units per acre).

5. APPLICATION: PUD Rezoning/Vintage Acres
CASE NO.: PRZA-25-0003
APPLICANT: Storch Law Firm
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to rezone ±56.53 acres, located on the west side of Airport Road, north of Charles Street, from ±52.96 acres of Volusia County A-1 (Prime Agriculture) and ±3.57 acres of Volusia County A-2 (Rural Agriculture) to City of Port Orange Planned Unit Development (PUD) and to establish the Vintage Acres Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to allow the development of 113 single-family residential lot subdivision.

6. APPLICATION: LDC TEXT AMENDMENT / CHAPTER 9
CASE NO.: DCAM-25-0004
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

An administrative amendment to Chapter 9 of the Land Development Code (LDC) related to water-dependent use, such as a finger pier width for a non-residential marina, and updates to the residential dock standards for setbacks, platform area, and boathouse height, as part of the City's ongoing effort to modernize the LDC.

C. OTHER BUSINESS

7. Commissioner Comments
8. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

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



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



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

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

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

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 28, 2025

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chair Thomas Jordan at 5:30 p.m.

CALL TO ORDER

1. Pledge of Allegiance

2. Roll Call

Present: Chair Thomas Jordan
Commissioner Stan Schmidt
Commissioner Mark Bowling
Commissioner Maria Mills-Benat
Commissioner Daniel Mallegol

Absent: Vice Chair Bo Bofamy (Excused)
Commissioner Scott Steger (Excused)

Also Present: Shannon Balmer, City Attorney
Tim Burman, Community Development Director
Amanda Bonin, Deputy City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve the July 31, 2025 meeting minutes as presented was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Stan Schmidt. Motion carried unanimously by roll call vote.

4. RECONSIDERATION OF APPLICATION:

LDC TEXT AMENDMENT / CHAPTER 15
CASE NO.: DCAM-24-0002

APPLICANT: Lamar Outdoor Advertising

STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/tburman@port-orange.org

A request by Lamar Advertising Company to amend the Land Development Code (LDC) to allow billboard owners to submit a reconstruction agreement for approval. The amendment would allow for the conversion of an existing static billboard sign face to a digital sign face, in exchange for the removal of other billboard sign faces within the City of Port Orange. The

amendment also establishes criteria and standards for the placement and operation of reconstructed digital billboard sign faces.

Motion to approve the Reconsideration of Application for the LDC Text Amendment/Chapter 15, Case No.: DCAM-24-0002, was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Stan Schmidt.

Assistant City Attorney Shannon Balmer advised this is a request for reconsideration for the sole purpose of allowing the commission member who mistakenly abstained at the last meeting to vote on this matter. This action is a curative measure to ensure a proper vote on the record. It is, in effect, a procedural correction and administrative in nature.

Motion carried 3-1 by roll call vote with Daniel Mallegol voting no.

OTHER BUSINESS

5. Commissioner Comments

There were none.

6. Staff Comments

There were none.

PUBLIC COMMENTS

There were none.

ADJOURNMENT - 5:32 p.m.

Chair Thomas Jordan



STAFF REPORT
**Large-Scale Comprehensive Plan Amendment/
Vintage Acres**
CASE NO. CPAM-25-0001

REQUEST: Amend the Comprehensive Plan Future Land Use Map to change the FLU designation of ±52.96 acres of Volusia County *Agriculture Resource* (1 unit/10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0-4 units/acre) to City of Port Orange *Rural Transition* (0-2 units/acre).

APPLICANT: Storch Law Firm

PROPERTY OWNERS: Andrea Baumann and Beth Anne Burnett; Joyce E Tumblin Trust; Stetson University Inc.

LOCATION: West side of Airport Road, north of Charles Street

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

PLANNING COMMISSION: September 25, 2025

INTRODUCTION

The Storch Law Firm, on behalf of the property owners, is requesting a Comprehensive Plan amendment to the City's Future Land Use Map for a total of ±56.53 acres, located on the west side of Airport Road, north of Charles Street (see Figure 1 on Page 2). The request is to change the Future Land Use (FLU) designation of ±52.96 acres of Volusia County *Agriculture Resource* (1 dwelling unit per 10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0-4 dwelling units per acre) to City of Port Orange *Rural Transition* (0-2 dwelling units per acre).

If the Comprehensive Plan amendment is approved, the applicant intends to rezone the overall ±56.53-acre property to Planned Unit Development (PUD) (see Case No. PRZA-25-0003). The proposed PUD would establish the framework for developing a 113-lot single-family residential subdivision.

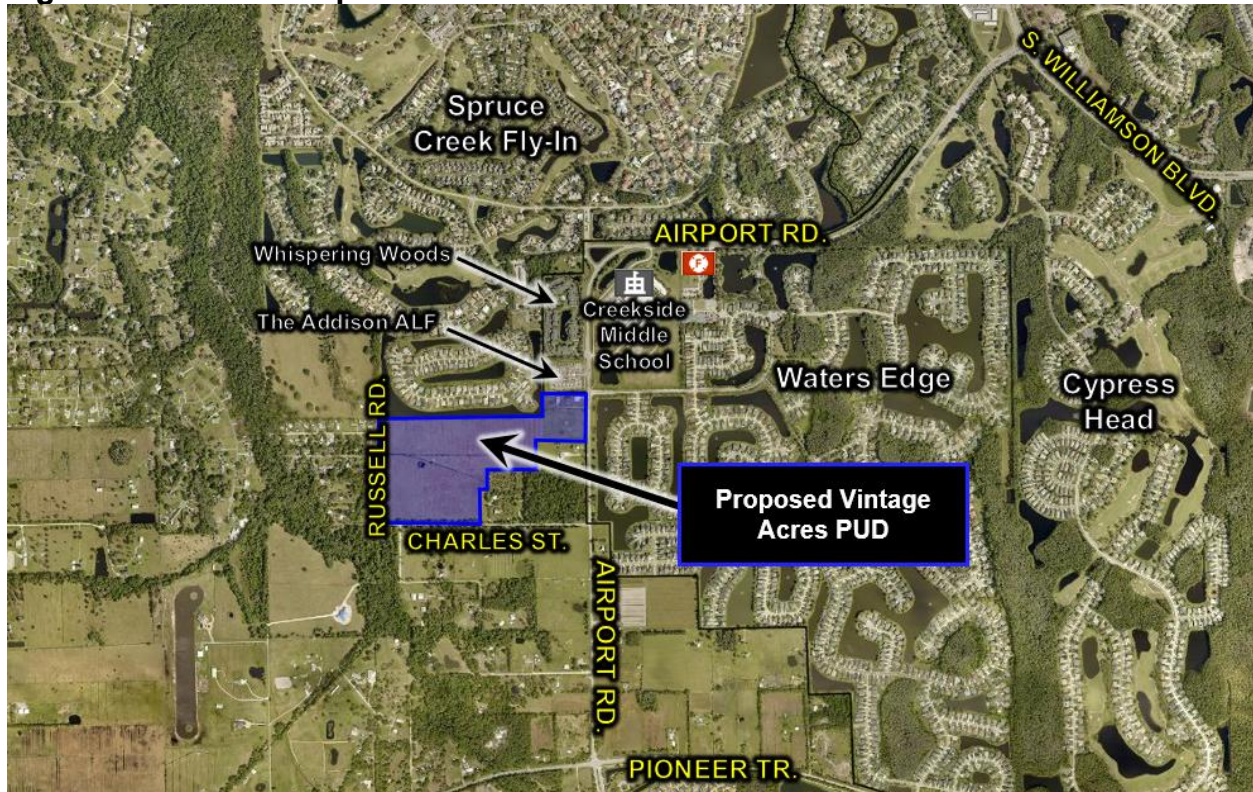
The subject property, approximately ±56.53 acres in size, was annexed into the City of Port Orange at the City Council meeting held on June 17, 2025. During the public hearings for the annexation, the applicant acknowledged that, upon approval of the annexation, the property would require the assignment of a City Future Land Use (FLU) designation and a corresponding zoning classification. The applicant is now requesting the establishment of a City FLU designation and zoning classification to support the

development of a residential subdivision, consistent with what was outlined in the annexation staff report and the discussions held during the annexation public hearings.

PROPERTY OVERVIEW

The subject property has frontage along Airport Road, Charles Street, and Russell Road, all maintained by Volusia County. Most of the property is cleared, vacant pastureland, with a single-family home, detached garage, and pole barn located at the northwest corner of the subject property. Based on aerial imagery available to staff, the ±56.53-acre site has been cleared pastureland since at least 1978 (see Exhibit 1).

Figure 1. Location Map



PROPOSED AMENDMENT

The request is to change the FLU designations for the ±56.53-acre subject property to the City of Port Orange *Rural Transition* designation (0–2 units per acre). The current FLU designations on the subject property include ±52.96 acres of Volusia County *Agricultural Resource* (1 unit per 10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0–4 units per acre).

The proposed FLU designation and zoning classification, along with the current City or Volusia County FLU designations and zoning classifications of the surrounding properties, are shown in Exhibits 2 and 3.

The current land uses, Future Land Use (FLU) designations, zoning classifications, and density for the current land uses for the properties adjacent to the subject property are identified in Table 1.

Table 1. Surrounding Land Uses, FLU Designations, Zoning Designations, and Density

Direction	Current Land Use	FLU Designation	Zoning District	Density
North	Spruce Creek Fly-In Single-Family Home Subdivision	Volusia County <i>Urban Low Intensity</i> (0-4 units /acre)	Volusia County Planned Unit Development	3 units per acre
	The Addison Assisted Living Facility	City of Port Orange <i>Office/Residential Transition</i>	City of Port Orange Planned Unit Development	80 bed facility
South	Charles Street - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Single-family homes	Volusia County <i>Agriculture Resource</i> (1 unit/10 acres) and <i>Rural</i> (1 unit/5 acres)	Volusia County MH-3 Rural Mobile Home, A-1 Prime Agriculture, A-2 Rural Agriculture	1 unit per 5 acres
East	Airport Road - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Waters Edge Single-Family Home Subdivision	City of Port Orange <i>Rural Transition</i> (0-2 units/acre)	City of Port Orange Planned Unit Development	2 units per acre
West	Russell Road - Volusia County Right-of-Way	Volusia County Right-of-Way	Volusia County Right-of-Way	N/A
	Mobile homes	Volusia County <i>Rural</i> (1 unit/5 acres) and <i>Agriculture Resource</i> (1 unit/10 acres)	Volusia County MH-6 Urban Mobile Home Subdivision and A-1 Prime Agriculture	2.4 units per acre

According to the City's Comprehensive Plan, the Port Orange *Rural Transition* (0–2 units per acre) FLU designation is intended for lands near Spruce Creek and tributaries of Spruce Creek, particularly where properties lie between agricultural uses and established residential neighborhoods. Residential development under the *Rural Transition* designation is limited to no more than two dwelling units per acre. Where

urban services such as sewer and water are available, smaller lot sizes of 5,000 square feet or more may be permitted, provided that adequate open space is preserved, and the overall density remains within allowed limits.

The subject property meets the City's locational criteria for the *Rural Transition* (0–2 units per acre) FLU designation. The subject property is situated adjacent to Spruce Creek, bordered by agricultural land to the south and developed residential neighborhoods to the north, northeast, and west. Urban services (water, sewer, and reclaimed water) are available in the Airport Road right-of-way to serve the site, and the proposed Planned Unit Development (PUD) zoning district aligns with the maximum allowed density of two units per acre and lot size.

Figure 2. Rural Transition FLU Designation Locational Criteria

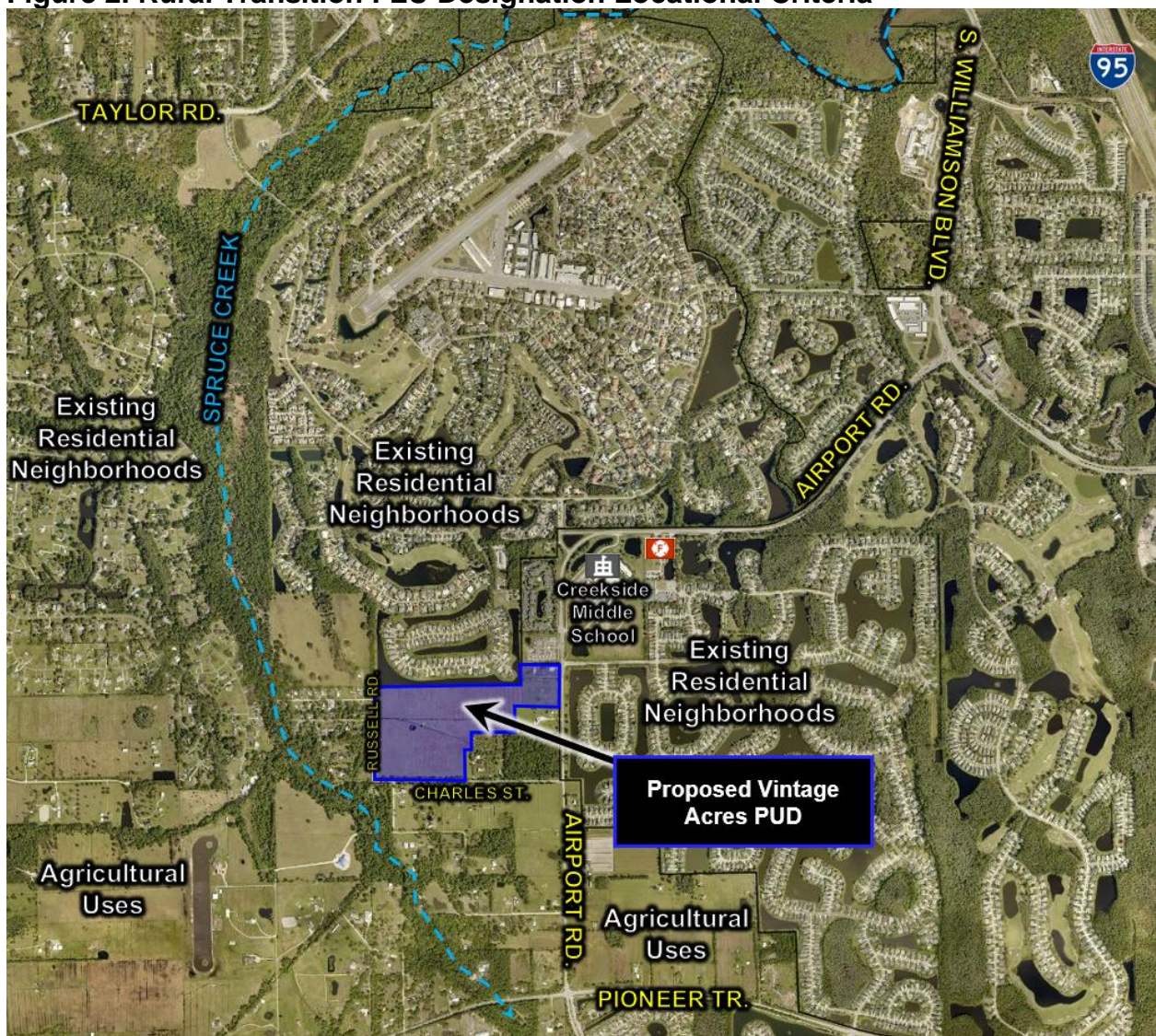


Table 2 summarizes the acreage for the current and proposed Future Land Use (FLU) designations for the subject property.

Table 2. Current and Proposed Future Land Use Designations – Acreage by Category

FLU DESIGNATION	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Volusia County <i>Agriculture Resource</i> (1 unit/10 acres)	52.96	0	-52.96
Volusia County <i>Urban Low Intensity</i> (0-4 units/acre)	3.57	0	-3.57
City of Port Orange <i>Rural Transition</i> (0-2 units/acre)	0	56.53	+56.53
TOTAL	56.53	56.53	0

Table 3 provides the theoretical maximum number of residential dwelling units allowed under the current and proposed Future Land Use (FLU) designations. If the amendment is approved, the theoretical maximum number of dwelling units that could be built on the 56.53-acre property would be 113, which is 94 dwelling units more than currently allowed under existing Volusia County FLU designations.

Table 3. Theoretical Maximum Number of Residential Dwelling Units for the Current and Proposed Future Land Use Designations

FLU Designations	Current FLU Theoretical Max Number of Residential Dwelling Units	Proposed FLU Theoretical Max Number of Residential Dwelling Units	Net Change in Number of Residential Dwelling Units
Volusia County <i>Agriculture Resource</i> (1 unit/10 acres)	5	0	-5
Volusia County <i>Urban Low Intensity</i> (0-4 units/acre)	14	0	-14
City of Port Orange <i>Rural Transition</i> (0-2 units/acre)	0	113	+113
Total	19	113	+94

INFRASTRUCTURE IMPACT ASSESSMENT

In accordance with standard practice from the State Land Planning Agency (Florida Commerce) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted future land use designations versus the proposed designation. The following seven public facilities and services were examined:

- | | |
|-------------------|------------------------|
| 1. Transportation | 5. Stormwater Drainage |
| 2. Sanitary Sewer | 6. Recreation |
| 3. Potable Water | 7. School |
| 4. Solid Waste | |

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Current FLU Designations	Proposed FLU Designation	Net Change
Residential Units	19	113	94
Non-residential Buildable Sq. Ft.	0	0	0
Population ¹	45	270	225
PM Peak Hour Trips/Daily Trips ²	22/230	111/1,129	89/899
Sanitary Sewer (gallons/day) ³	3,040	18,080	15,040
Potable Water (gallons/day) ⁴	3,420	20,340	16,920
Solid Waste (lbs./person) ⁵	144	867	723
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space (acres) ⁷	0.32	1.89	1.57

1. Population: 2.39 persons per household (per 2017-2021 Census American Community Survey)
2. Transportation: ITE Trip Generation Manual, 11th Edition and Traffic Memorandum, LTG Engineering & Planning, August 2025
3. Sanitary Sewer: Residential - 160 gallons per day per Equivalent Residential Unit
4. Potable Water: Residential - 180 gallons per day per Equivalent Residential Unit
5. Solid Waste: Residential - 3.21 pounds per person per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event; Drainage system will be designed to meet the requirements of the Land Development Code.
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)

The current Future Land Use (FLU) designations for the subject property allow a theoretical maximum of 19 residential units. The proposed *Rural Transition* (0–2 units per acre) FLU designation would set the theoretical maximum to 113 residential units and would result in an increase on impacts to public infrastructure, but adequate capacity exists, or impacts can be mitigated.

Transportation

The applicant's traffic engineering firm, LTG Engineering & Planning (LTG), has prepared a Traffic Memorandum in accordance with the City's and Volusia Flagler

Transportation Planning Organization (VFTPO) guidelines for a Comprehensive Plan Amendment. This memorandum has been reviewed by staff.

Current Future Land Use (FLU) Designations: Allows up to 19 single-family homes, which is estimated to generate: 14 AM peak hour trips (7:00 AM to 9:00 AM), 22 PM peak hour trips (4:00 PM to 6:00 PM), and 230 daily trips

Requested Future Land Use (FLU) Designation: Allows up to 113 single-family homes, which is estimated to generate: 85 AM peak hour trips (7:00 AM to 9:00 AM), 111 PM peak hour trips (4:00 PM to 6:00 PM), and 1,129 daily trips

Net increase: The proposed change would result in an additional 71 AM peak hour (7:00 AM to 9:00 AM), 89 PM peak hour trips (4:00 PM to 6:00 PM), and 899 daily trips

The full extent of the development's impacts on the surrounding road network will not be known until a traffic concurrency review is completed as required with the review of final subdivision plat and plan for the subject property. At the time the final subdivision plat and plans are submitted, the city will require the submission of a Traffic Impact Analysis (TIA) to thoroughly assess how the traffic from the proposed project will impact the surrounding roadways and identify any roadway improvements that may be necessary. As with other developments throughout the city, the developer may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City and Volusia County. This agreement could involve constructing or contributing financially toward scheduled improvements for the affected roadways and intersections.

According to the latest traffic counts for Williamson Boulevard, Airport Road, and Pioneer Trail, there is currently capacity to accommodate the estimated 1,129 daily vehicular trips from development of the subject property (Table 5).

Table 5. Roadway Capacities for Roadways Adjacent to Subject Property

Road	Location	Volume	Capacity	V/C Ratio*	Remaining Capacity
Airport Road	Williamson Blvd. to Pioneer Tr.	6,950	32,600	0.21	79%
Airport Road	Pioneer Tr. to Luna Bela Ln.	4,850	34,230	0.14	86%
Pioneer Trail	Airport Rd. to Turnbull Bay Rd.	7,200	13,640	0.53	47%
Pioneer Trail	Tomoka farms Rd. to Airport Rd.	5,550	13,640	0.41	59%
Williamson Boulevard	Airport Rd. to Spruce Creek Bridge	25,000	37,970	0.66	34%
Williamson Boulevard	Spruce Creek Bridge to Taylor Rd.	25,000	37,970	0.66	34%

* Volume/Capacity (V/C) Ratio - Volume-Demand-to-Capacity Ratio compares roadway demand (vehicle volumes) with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity. Source: Volusia County Traffic Engineering (2022 data is the current available data).

According to LTG's analysis, only the segment of Pioneer Trail between Airport Road and Turnbull Bay Road is anticipated to exceed the adopted level of service (LOS)

standards due to traffic generated by approved developments along Pioneer Trail in New Smyrna Beach, including the Vintage Acres Subdivision. These projects are expected to contribute additional traffic volume to this roadway segment.

Depending on the timing of construction and completion of the development in New Smyrna Beach and subject property, capacity along Pioneer Trail may become constrained. As with all new developments within the city, the developer of this project may be required to enter into a Transportation Fair-Share and Concurrency Agreement with both the City of New Smyrna Beach and Volusia County. This agreement may include requirements to construct or financially contribute toward planned roadway and intersection improvements to mitigate traffic impacts.

Sanitary Sewer

The City has available sewer capacity to accommodate the density allowed under the requested FLU designation and proposed future development of the subject property. The City's adopted residential Level of Service (LOS) standard for sanitary sewer is 160 gallons per day per Equivalent Residential Unit (ERU). Based on this standard, the requested FLU designation could generate approximately 18,080 gallons per day (gpd) of wastewater. This is a net increase of 15,040 gpd compared to the current FLU designations.

Potable Water

The City has available potable water capacity (well and Consumptive Use Permit) to accommodate the density allowed under the requested FLU designation and proposed future development of the subject property. The City's adopted residential LOS standard for potable water is 180 gallons per day per Equivalent Residential Unit (ERU). Based in this standard, the proposed FLU designation could theoretically generate approximately 20,340 gallons per day (gpd) of potable water. This is a net increase of 16,920 gpd compared to the current FLU designations.

According to the City's 20-year CUP, issued by the St. Johns River Water Management District (SJRWMD), an average daily withdrawal of 7.33 million gallons per day (MGD) is allowed. According to the City's 2024 Concurrency Management Report, the actual average daily flow of the City's potable water system in 2024 was 6.65 MGD (Exhibit 4).

Solid Waste Collection

Solid waste generated within the City of Port Orange is taken to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050. The Volusia County landfill has the capacity to address the solid waste disposal needs for the requested FLU designation and proposed future development of the subject property. The City's residential solid waste collection standard is 1,350 residential units per curbside collection crew, per day and a weight standard of 3.21 pounds per person per day. Using these standards, the requested FLU designation could theoretically generate approximately 867 pounds of solid waste per day. This is a net increase of 723 pounds of solid waste per day compared to the current FLU designations.

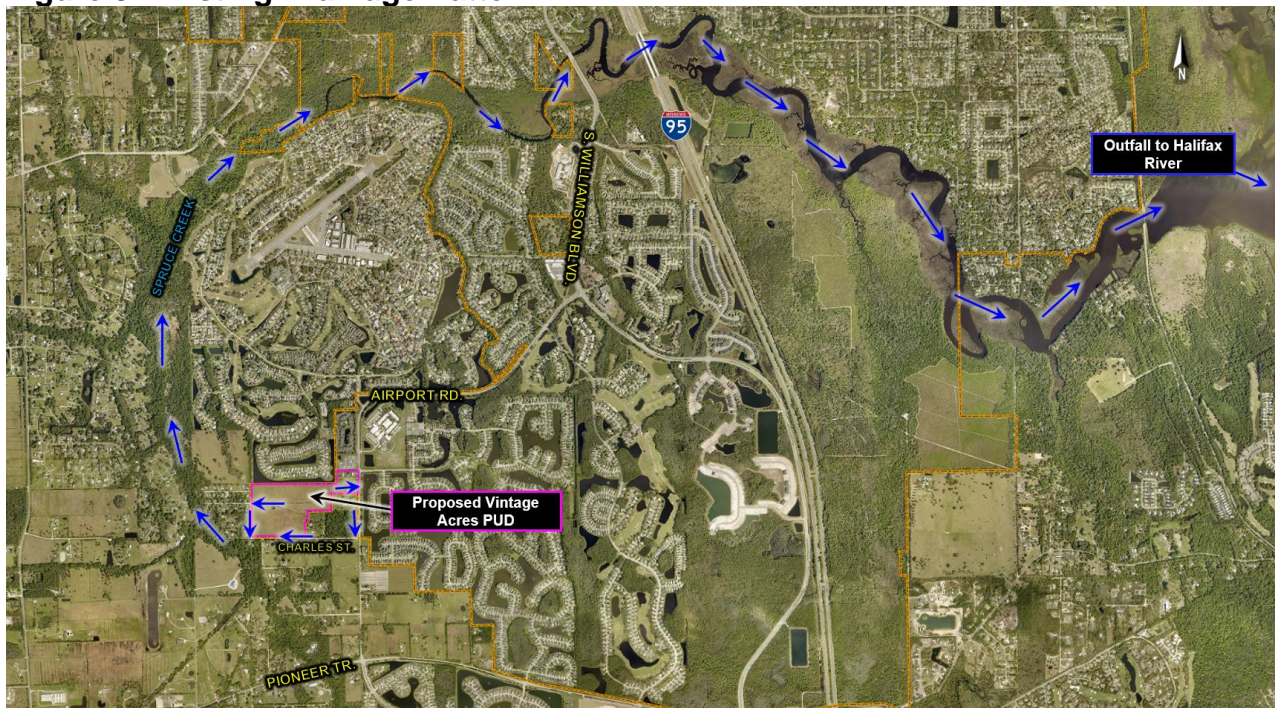
Stormwater Drainage

According to the City's Comprehensive Plan and Land Development Code (LDC), a property must be able to manage stormwater on the subject property after development the same as it does prior to development. Therefore, with the development of the subject property there can be no loss in the ability to hold stormwater or an increase in the total volume of stormwater discharged or the peak flow rate of stormwater discharged from the subject property into the regional drainage system.

In addition to complying with the City's LDC, the subject property will be required to meet all applicable State and regional permitting requirements for stormwater management, including those of the St. Johns River Water Management District (SJRWMD), the Department of Environmental Protection (DEP), and Volusia County, prior to any development on the subject property.

Currently, stormwater on the undeveloped subject property is partially absorbed into the ground, with some collecting in low areas and ditches on the subject property. Runoff not absorbed or stored on-site drains into Volusia County maintained roadway swales along Charles Street, Russell Road, and Airport Road. From there, it flows toward a County-maintained swale at the southwest intersection of Charles Street and Russell Road, then into Spruce Creek, and ultimately discharges into the Halifax River.

Figure 3. Existing Drainage Pattern

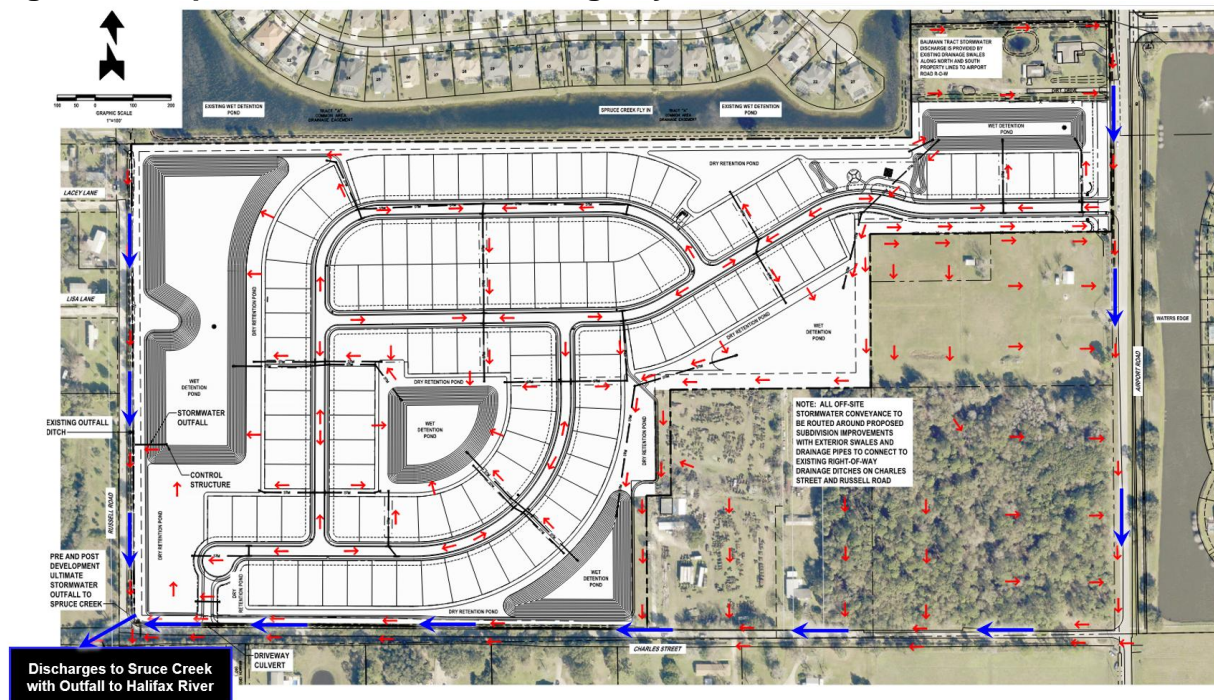


As required by the LDC, any future development of the subject property must include a stormwater system with retention ponds and a control structure to capture and treat runoff before it is discharged into the existing swales along Charles Street, Russell

Road, and Airport Road. From there, stormwater will follow the existing drainage path into the Halifax River, consistent with how the subject property currently drains.

To meet the City's stormwater requirements, the development of this site will include several interconnected stormwater ponds that are designed with outfall control structures that slow the discharge of stormwater runoff for the developed subject property into the public drainage system, so the developed subject property discharges stormwater into the regional drainage system at the same volume and discharge rate as it did in the subject property's undeveloped condition, even during major storm events that produce up to 11 inches in 24 hours. Over the last 100 years, there have been 5 rain events where the rain event has exceeded 11 inches.

Figure 4. Proposed Subdivision Drainage System and Pattern



Recreation and Open Space

The City has sufficient parkland capacity to support the requested Future Land Use (FLU) designation and the proposed future development of the subject property. The requested FLU designation would require 1.89 acres of parkland, which represents a net increase of 1.58 acres compared to what is required under the current FLU designations. According to the City's 2024 Concurrency Management Report, the city currently maintains a surplus of 66 acres of parkland.

Schools

The Volusia County School District reviewed the proposed Future Land Use (FLU) amendment to assess potential impacts on school capacity. Based on their analysis, the School District determined that there is adequate capacity to accommodate the estimated 30 students expected to be generated by the proposed amendment (see Exhibit 5).

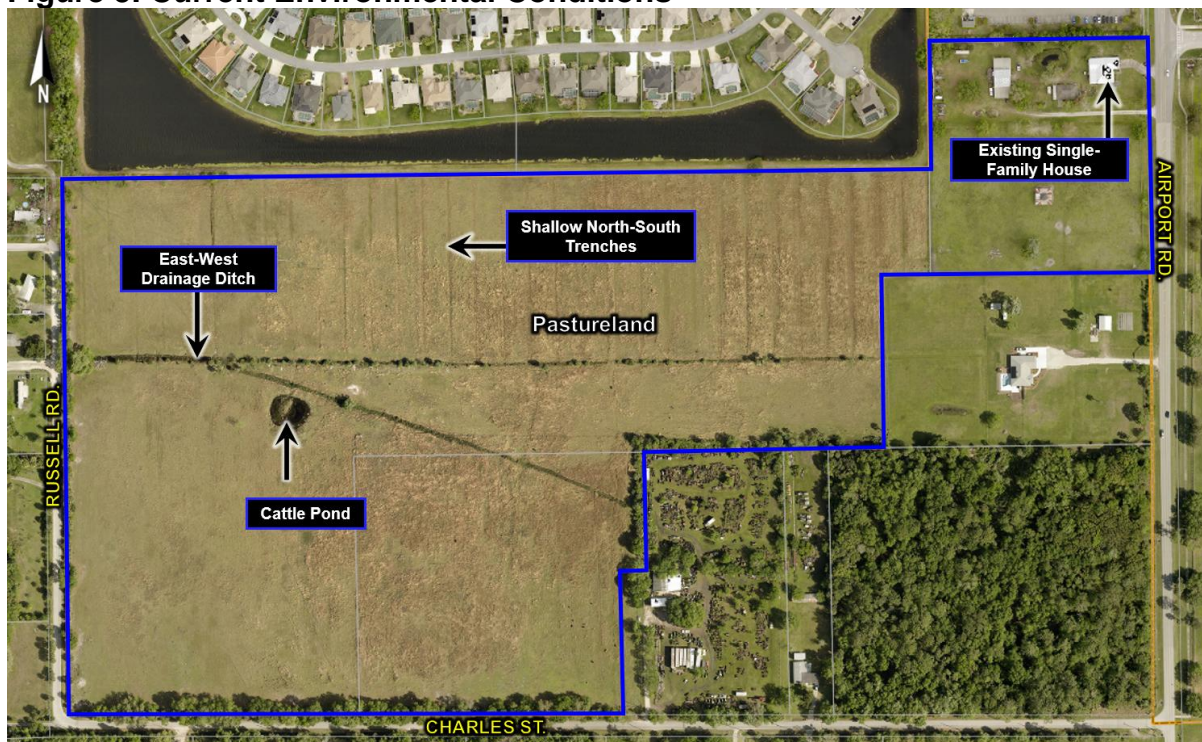
ENVIRONMENTAL CONDITIONS

In July 2024, an environmental analysis was prepared for the subject property by Young Bear Environmental (YBE) Consulting. Prior to any development on the subject property all federal, state, regional, and local environmental protection regulations will need to be met, addressed, or mitigated.

According to the 2024 analysis the 56.53-acre subject property has the following environmental conditions:

- Primarily cleared, improved pastureland, generally flat with a slight downward slope from east to west.
- Contains a number of shallow north-south trenches that connect to a larger east-west drainage ditch and one man-made cattle pond.
- No wetlands were identified.
- The only surface waters on-site are the man-made agricultural ditches and a cattle pond.
- Vegetation consists mainly of native grasses and plants.
- One potentially occupied gopher tortoise burrow was observed and was the only protected species confirmed on site. Prior to any development on the subject property a complete gopher tortoise survey will be required within 90 days prior to construction. If the removal of gopher tortoises is needed, a Florida Fish and Wildlife Commission permit and mitigation payment will be required prior to removal.

Figure 5. Current Environmental Conditions



REVIEW CRITERIA AND STAFF FINDINGS

1. Consistency with the City’s Comprehensive Plan.

Staff finding: The proposed FLU amendment is generally consistent with the Goals, Objectives, and Policies of the City’s Comprehensive Plan. The proposed Rural Residential FLU designation for the subject property meets the locational criteria as it is located near Spruce Creek and situated between rural lands and areas of higher density/intensity (see Figure 6).

Figure 6. Adjacent Development and Density



According to the infrastructure impact assessment, adequate capacity exists for sewer, potable water, solid waste, recreation, and schools to accommodate the proposed amendment. As for traffic, only one roadway segment (Pioneer Trail from Airport Road to Turnbull Bay Road) was identified that may be above the adopted level-of-service

standard and as required by the LDC the future subdivision plat and plan for the subject property will be subject to all traffic concurrency regulations requiring adequate public facilities to be provided or to mitigate any impacts created by the proposed development. Approval of a Tri-Party Transportation Fair-Share Agreement between the City of Port Orange, Volusia County, and the Developer may be required to address impacts to the roadway network.

The proposed FLU amendment is generally consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan.

Policy 1.1.3 (Future Land Use Element): In addition to requirements within Chapter 163, Florida Statutes, the evaluation of amendments to the Future Land Use Map shall be guided by the following criteria and the Goals, Objectives, and Policies of this Plan. Each amendment shall be reviewed on a case-by-case basis. Amendments are expected to be consistent with several, but not necessarily all, criteria below and result in an overall positive impact. The proposed amendment:

- A. Contains compatible changes in uses, density, and intensity based on surrounding development and land uses;
- B. Furthers the City's Vision;
- C. Furthers the City's Sustainability Strategies defined in this Element;
- D. Does not violate the locational criteria for the proposed category and the adjacent categories;
- E. Contains environmentally suitable uses, densities, and intensities;
- F. Does not adversely impact water quality and quantity or increase the potential for flooding;
- G. Reduces vehicle miles traveled;
- H. Does not adversely impact the City's transportation network, and the City's Transportation Concurrency Exception Area (TCEA) and furthers the City's mobility strategies;
- I. Will be supported by the necessary infrastructure and public services, and public facilities without reducing levels-of-service below adopted standards;
- J. Will be adequately served with the available water supply, the existing Consumptive Use Permit capacity, and the existing production facilities capacity based on the adopted level-of-service standards;
- K. Reduces or maintains the evacuation times below or within 12 hours; and
- L. Does not contribute to urban sprawl, a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

Policy 1.1.1(F) (Future Land Use Element): Rural Transition (0-2 units/acre) - The Rural Transition category includes rural-scale or large-lot (usually 1 to 2 acres) residential development that may also include accessory agricultural uses, based on the appropriate surrounding land use. This land use category should be located near Spruce Creek and its tributaries and situated between Agricultural lands and areas of higher density/intensity. Residential development is limited to no more than two units per acre based on 1) location where environmental factors preclude more intense development; 2) a location that limits the efficient provision of urban level services; and 3) location adjacent to existing large lot development or active agriculture. Where urban services are available, smaller lots of 5,000 s.f. and greater are allowed, as long as sufficient open space and natural areas are preserved so as not to exceed the maximum allowable density.

Policy 2.4 (Future Land Use Element): Consistent with the Transportation Element, the Coastal Zone Management Element, and the Volusia County Emergency Management Division, requests to increase development density and intensity will not be permitted in areas that do not meet required standards for hurricane evacuation, unless the developer mitigates their impact through a method permitted by Section 163.3178(8)(a), F.S. as amended, where such method is approved by the City at the time of the development order.

Policy 2.2.1 (Transportation Element): The City shall continue to review proposed development projects and future land use amendments for transportation concurrency through standards set forth in the LDC.

Objective 1.1 (Housing Element): Housing Supply. The City shall assist the private sector in providing new dwelling units to meet the needs of the existing and projected population of the City that is:

- A. Compatible with the identity and character of the area and surrounding properties;
- B. Provide options among a variety of housing styles, ownership formats, and housing types (i.e., multi-family, single-family);
- C. Cater to a variety of income levels and ages; and
- D. Offer a range of housing prices.

Policy 1.1.2 (Housing Element): Public facilities and infrastructure will be coordinated so that they are provided or planned for areas where future housing will be located, as indicated by the Future Land Use Map.

2. Compatibility with land use designations for adjacent parcels and neighborhoods.

Staff finding: Compatibility is defined in the comprehensive plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another and stable fashion over time, such that neither use is unduly negatively impacted by the other.

The proposed *Rural Transition* Future Land Use (FLU) designation for the subject property allows a maximum residential density of two units per acre. This density is consistent with, and in some cases lower than, the residential densities of many of the surrounding developed properties to the east, west, and north, which already contain comparable or higher-density residential uses.

Table 6. Density of Adjacent Development

Subdivision or Development Name	Density	Number of Homes or Units	Year Built	Maximum Density Under Current FLU
Vintage Acres (Proposed)	2 units per acre	113	N/A	2 units per acre
Spruce Creek Fly-In Subdivision	3 units per acre	1,422	1974-2001	4 units per acre
Whispering Woods Condominium	8 units per acre	104	2000-2003	8 units per acre
Waters Edge Subdivision	2 units per acre	1,206	1997-2010	2 units per acre
Cypress Head Subdivision	1 unit per acre	575	2002-2007	2 units per acre
VC Mobile Home subdivision	2.4 units per acre	48	1977	1 unit per 5 acres/ 0.2 units per acre

As part of the proposed Vintage Acres Planned Unit Development (Case No. PRZA-25-0003), the subdivision will include the following minimum perimeter buffer widths:

- Northerly boundary: 20 feet, except along the common boundary with the Baumann Tract (parcel with existing single-family home to remain)
- Westerly boundary (adjacent to Russell Road): 20 feet
- Southerly boundary (adjacent to Charles Street): 20 feet
- Easterly boundary: 40 feet

3. Impacts on public facilities/infrastructure/services.

Staff finding: All public facilities, except for one roadway segment, have adequate capacity to accommodate the proposed FLU amendment and potential increased impacts on infrastructure. Within the overall roadway study area, only the Pioneer Trail roadway segment from Airport Road to Turnbull Bay Road is anticipated to be above the adopted level-of-service standard and as with all development, the future subdivision plat and plan for the subject property will be subject to all concurrency regulations requiring adequate transportation facilities to be provided to mitigate the impacts created by the proposed development. Approval of a Tri-Party Transportation Fair-Share Agreement between the City of Port Orange, Volusia County, and the Developer may be required to address impacts to the roadway network.

According to the City's Comprehensive Plan and Land Development Code (LDC), a property must be able to manage stormwater on the subject property after development as it does prior to development or in its current undeveloped condition. Therefore, with the development of the subject property there can be no loss in the ability to hold

stormwater or an increase in the volume of stormwater discharged or the rate stormwater is discharged into the regional drainage system.

In addition to complying with the City's LDC, the subject property will be required to meet all applicable State and regional permitting requirements for stormwater management, including those of the St. Johns River Water Management District (SJRWMD), the Department of Environmental Protection (DEP), and Volusia County, prior to any development on the subject property.

4. *Whether the amendment increases the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above twelve hours.*

Staff finding: The subject property is not located within the Hurricane Vulnerability Zone. As a result, the proposed amendment will not negatively affect hurricane evacuation clearance times for populations within the Hurricane Vulnerability Zone.

5. *Whether the amendment discourages the proliferation of urban sprawl.*

Staff finding: The proposed amendment does not promote urban sprawl. According to the City's Comprehensive Plan, the *Rural Transition* Future Land Use (FLU) designation is a low-density category designed to serve as a buffer between rural areas and more developed neighborhoods. The subject property is located along an arterial roadway (Airport Road), is served by existing public infrastructure (water and sewer), and is within walking distance of a school (approximately 0.2 miles), a city park (approximately 0.7 miles), and a fire station (approximately 0.6 miles).

According to the Infrastructure Impact Assessment on page 5, adequate capacity exists for potable water, sanitary sewer, solid waste, parkland, and public schools to support the proposed amendment.

Regarding transportation, the segment of Pioneer Trail from Airport Road to Turnbull Bay Road is anticipated to exceed the adopted level-of-service standard in 2029. As with all subdivision developments, the future subdivision plat will be subject to traffic concurrency requirements at the time of development, ensuring that adequate public facilities are provided to mitigate any traffic impacts from the development.

PUBLIC NOTICE

Public Notice signs were posted on the subject property on August 1, 2025. As of September 19, 2025, staff has received phone calls or emails from thirteen (13) individuals requesting general information about the proposed Future Land Use (FLU) amendment and related rezoning. The primary concerns raised included avoiding vehicular access onto Charles Street or Russell Road, and potential drainage impacts.

The applicant held a neighborhood meeting on September 4, 2025, at 6:00 p.m. at the Country Inn & Suites, located at 5802 Journey's End Way. Approximately 45 residents attended the meeting. According to the applicant's meeting summary (see Exhibit 6),

the main questions and concerns raised by attendees included drainage, school capacity, and pedestrian safety.

STAFF RECOMMENDATION

Staff recommends approval of the requested amendment to the City's Future Land Use Map and recommends transmittal of the amendment to the State Land Planning Agency, the Volusia Growth Management Commission, and all other required review agencies for formal review and comment.

ATTACHMENTS

- Exhibit 1 – Aerial Images of Property – Comparison from 1978 to 2024
- Exhibit 2 – Current and Proposed Future Land Use Map
- Exhibit 3 – Current and Proposed Zoning Map
- Exhibit 4 – SJRWMD Potable Water Availability Worksheet
- Exhibit 5 – School District Review Letter
- Exhibit 6 – Applicant's Neighborhood Meeting Summary

Exhibit 1 - Aerial images of Property

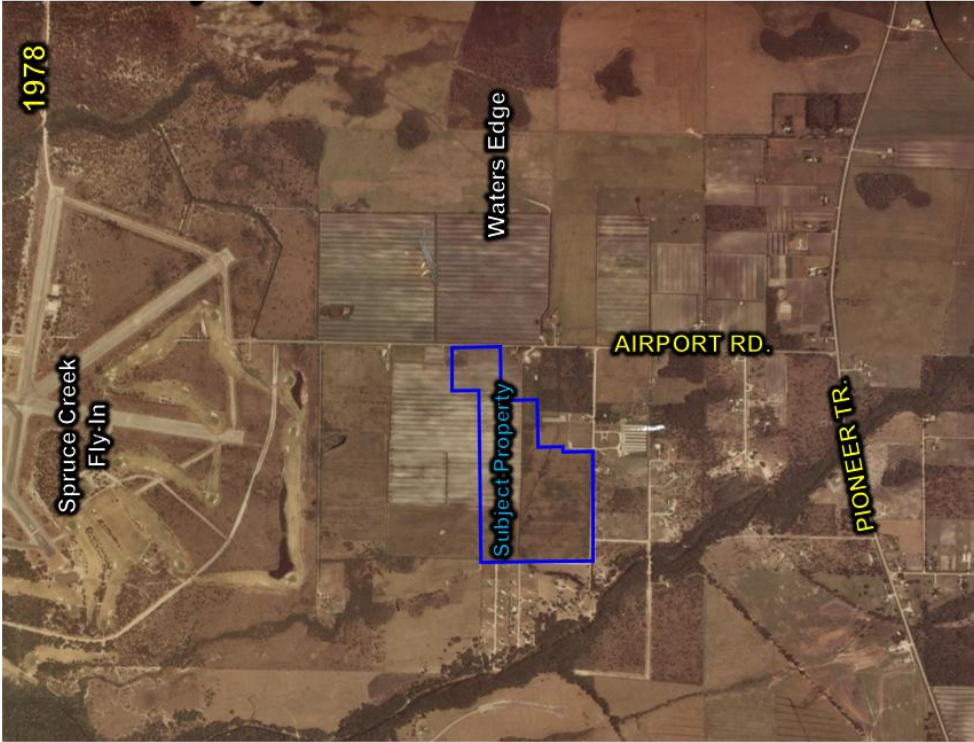
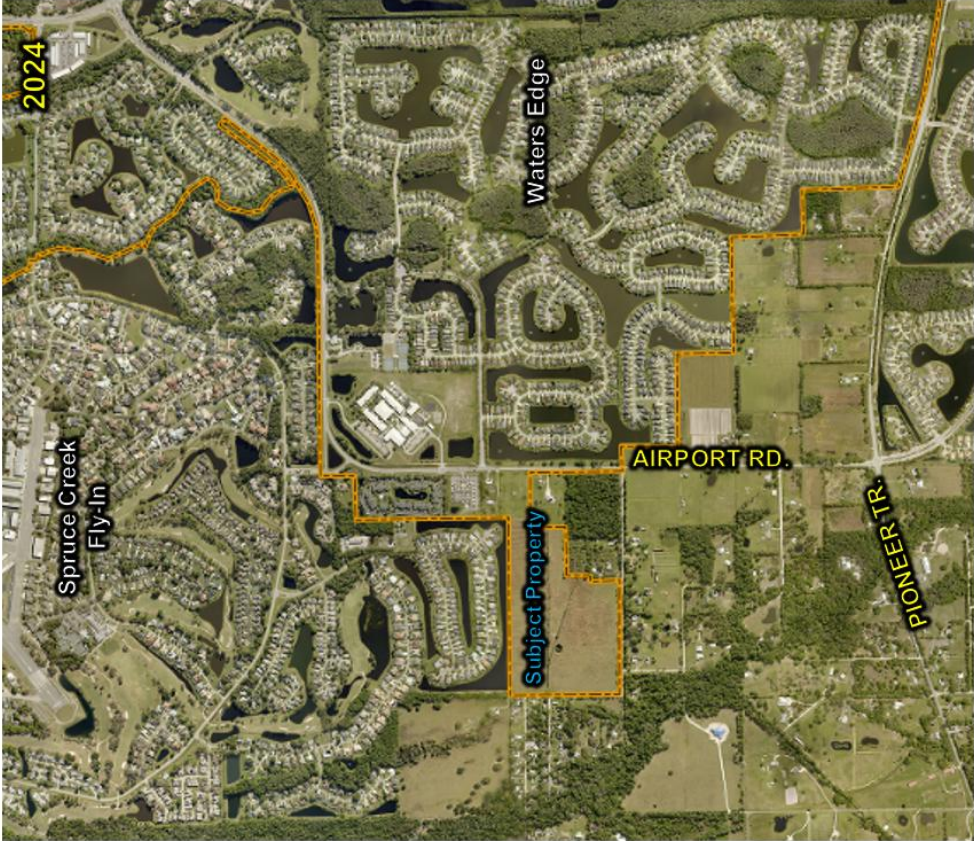


Exhibit 2

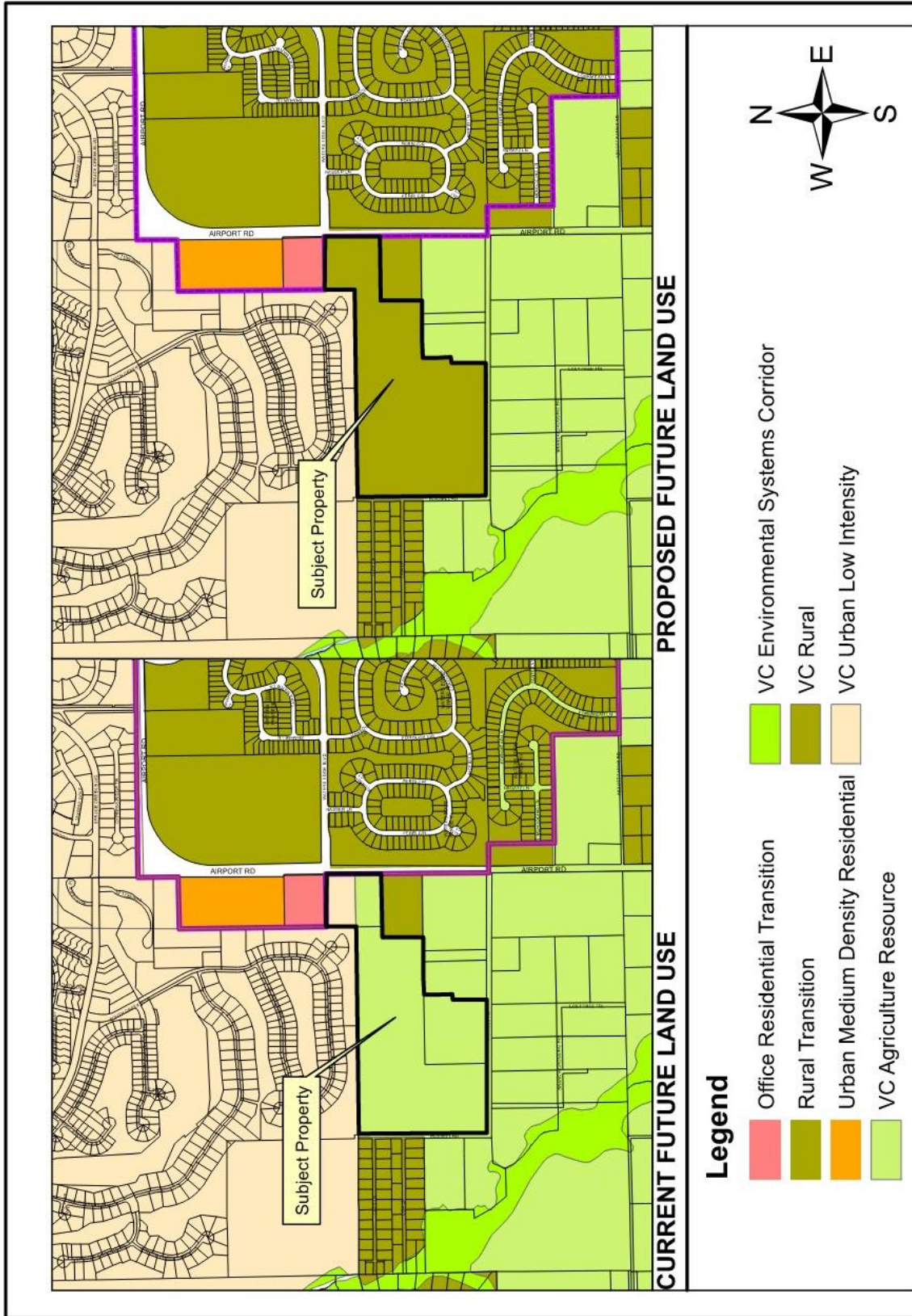
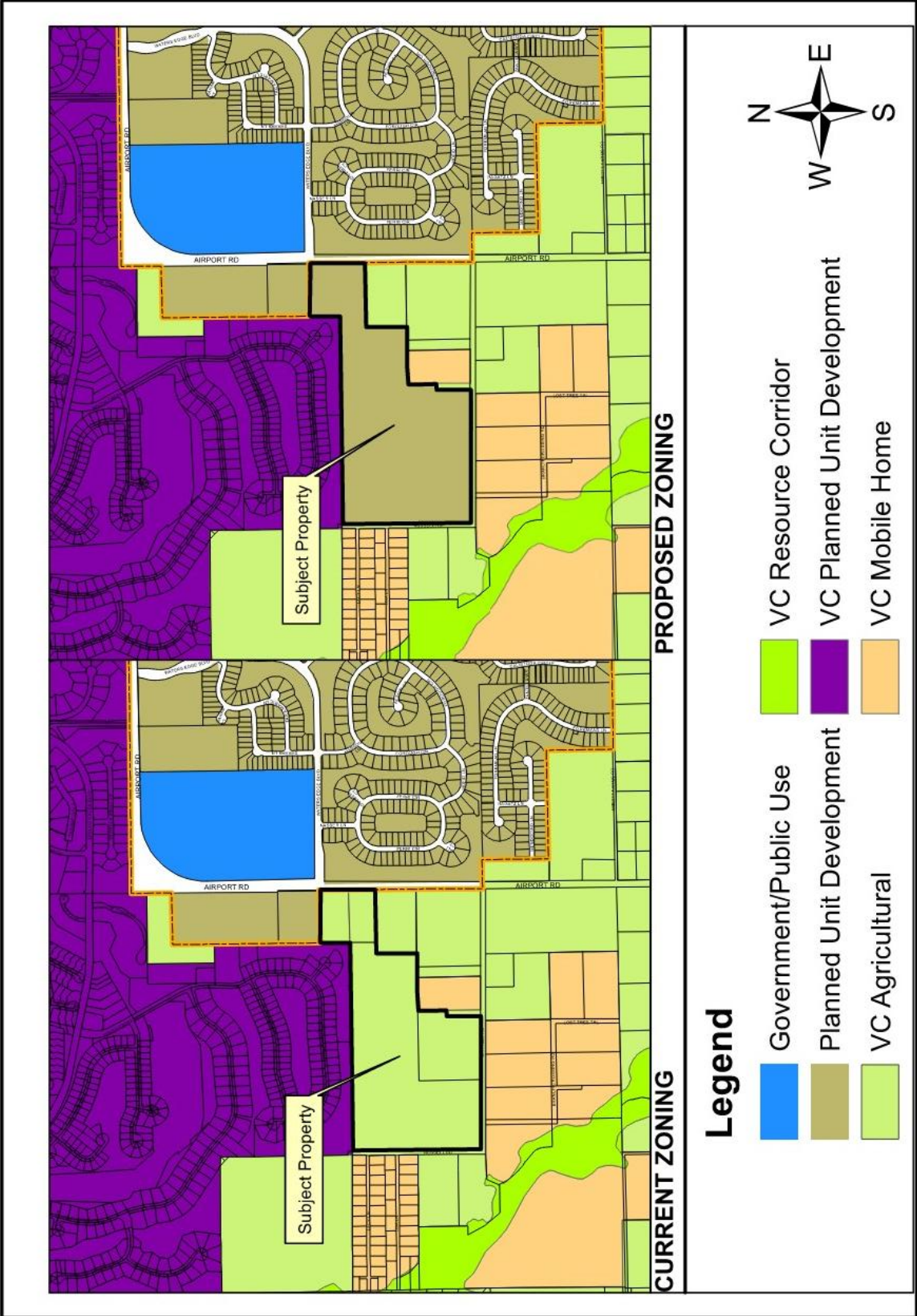


Exhibit 3





St. Johns River Water Management District Potable Water Availability Worksheet

This worksheet is for use by local governments submitting comprehensive plan amendments to determine the availability of potable water resources to serve proposed development. Instructions and St. Johns River Water Management District (SJRWMD) staff contact information are attached.

1. General Information

Date: 9-18-25
Contact name: Penelope Cruz Phone: 386-506-5671 E-mail: pcruz@port-orange.org
Local government: City of Port Orange
Potable water supplier: City of Port Orange

2. Infrastructure Information

Water treatment plant permit number: 3641044 Permitting agency: FDEP
Permitted capacity of the water treatment plant(s): 15 million gallons a day (mgd)
Total design capacity of the water treatment plant(s): 15 mgd
Are distribution lines available to serve the property? Yes No
If not, indicate how and when the lines will be provided: _____
Are reuse distribution lines available to serve the property? Yes No
If not, indicate if, how and when the lines will be provided: _____

3. SJRWMD Consumptive Use Permit (CUP) Information

CUP number: 8595-7 Expiration date: 2/14/43
Total CUP duration (years): 20
CUP allocation in last year of permit: 7.33 MGD
Current status of CUP: In compliance Not in compliance
Allocations to other local governments: Ponce Inlet as a whole sale customer; Daytona Beach Shores & Volusia County are partially served as retail customers; No specific water usage amount has been recorded or agreed for these local governments
Reserved capacity: .043 MGD (Based on a estimated 236 ELUs that are permitted but unbuilt at 180 GPD/ELU.) Total committed capacity built and unbuilt is 7.82 MGD - based on 43,439 ELUs at 180 GPD/ELU.

4. Consumptive Use Analysis

Designate mgd or mgy

A. Current year CUP allocation: 7.33
B. Consumption in the previous calendar year: 6.65
C. Reserved capacity or growth projection (check the one used): 0.18
D. Projected consumption by proposed comprehensive plan amendment areas 0.17
E. Amount available for all other future uses (A - B - C - D = E): 0.33

If the amount in E is zero or a negative number, explain how potable water will be made available for future uses: Please note for "C" - the growth projection is based a historical growth rate of 0.15 MGD - 0.18 MGD calculated from monthly operating reports data (MORs, DEP form 17.1.122 (40)) of the City's Garnsey Water Plant.

This worksheet is available electronically at http://www.sjrwmd.com/programs/outreach/local_gov/



EXHIBIT 5

School Board of Volusia County

Ms. Jamie M. Haynes, Chair
Mr. Ruben Colón, Vice Chair
Ms. Krista Goodrich
Mrs. Jessie Thompson
Ms. Donna Brosemer

Carmen J. Balgobin, Ed.D
Superintendent of Schools

School Adequate Capacity Determination Finding of Adequate Capacity Letter

August 15, 2025

Mr. A. Joseph Posey, Jr, Esq
Storch Law Firm
420 S Nova Rd
Daytona Beach, FL 32114

RE: Vintage Acres – City of Port Orange
School Concurrency Case # 25-07-24-001-A

Mr. Posey:

The County Charter requires any Comprehensive Plan Amendment or Rezoning that allows increased residential density to be effective only when adequate public schools can be timely planned and constructed to serve the projected increase in student population. The district uses this requirement as the guiding principle behind the school adequate capacity review.

District staff have reviewed the school concurrency application for the proposed project known as Vintage Acres, associated with 56.5 +/- acres of property. The property is located at or near the intersection of Airport Rd and Charles St within Port Orange city limits. Information provided in the application indicates the proposed project would provide one hundred thirteen (113) single family units.

The district uses a county wide Student Generation Rate (SGR) of (0.258) per single family dwelling unit to calculate projected students. By applying the SGR to the use types in Table 1 below, the project could generate thirty (30) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	0.258	113	30
Multifamily Dwelling Unit	0.137	0	0
Manufactured Home Dwelling Unit	0.052	0	0
Total		113	30

When performing an adequate capacity review, district staff evaluates the effects of the proposed change compared to any remaining permanent capacity within the impacted schools, up to 100%, Table 2 (next page). The projected increase in student population may be over 100% if there are plans to serve increased student population in that planning area within the long-term planning horizon. A finding of adequate capacity may be issued in either case.

Table 2

Schools	SY 2024/25 Enrollment	% of Permanent Capacity	Plans for Capacity Increase Long-Term	Traditional K-12 students projected
Cypress Creek Elementary	762	115%	No	10
Creekside Middle	1,148	105%	No	5
Southeast CSA (New Smyrna Beach High)	1,706	104%	No	8
Other				7

The student projections generated by this project **will** increase the existing percentage above 100% permanent capacity at all school levels. However, the concurrency service area (CSAs) for Cypress Creek Elementary and Creekside Middle are over 100% but at or below 115% for level of service (LOS) standards. Likewise, the CSA for New Smyrna Beach High is over 100% but below 120% for LOS standards. Based on this, the school district has no objections to the proposed development plan.

Minimum planning considerations should include pedestrian and vehicular access, safety, connectivity, and buffering. Additional considerations, particularly for gated and multi-family communities, include accessibility for school buses, by ensuring a turn radius of at least 60 feet at all entrances and exits, and the inclusion of dedicated pickup/drop off sites.

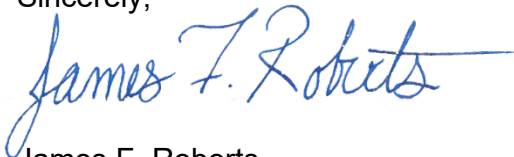
All future development orders, such as site plans and subdivisions, are subject to school concurrency review. School concurrency will be evaluated at the time when the impact of development is specifically quantified and known. Only funded school improvements and then current capacity will be considered at that time.

No student reservations have been made at this time.

Please note the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Consequently, students generated from this project may not attend the currently assigned schools.

Should you need additional information, please contact me at (386) 734-7190, ext. 50802.

Sincerely,



James F. Roberts
Specialist, Planning & GIS

CC: Carmen J. Balgobin, Ed.D, Superintendent of Schools
Ron Young, Director of Planning & Construction
Patricia S. Smith, AICP, Planning Coordinator
Penelope Cruz, AICP, Planning Manager, City of Port Orange



Finding of Adequate School Capacity

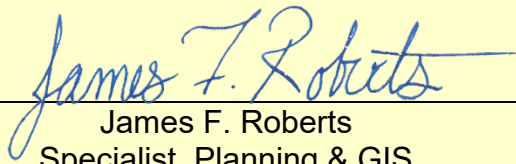
VOLUSIA COUNTY SCHOOL BOARD

Project Information	
Project Name	Vintage Acres
VCSB Project #	25-07-24-001-A
Jurisdiction Project #	
Parcel ID Numbers	7201-00-00-0014; 7201-00-00-0010; 7201-00-00-0016
Project Location	Airport Rd and Charles St
Potential Residential Units	113 Single Family Homes
Property Owner/Applicant	A. Joseph Posey, Jr, Esq Storch Law Firm

Notes: Additional review will be required at the time of subdivision/site plan submittal(s). No Student Reservations have been made.

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.

Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, it may be subject to additional school capacity review in the future.


James F. Roberts
Specialist, Planning & GIS

August 15, 2025
Issue Date

VCSB Schools Impacted by Development

School Concurrency Review - Vintage Acres

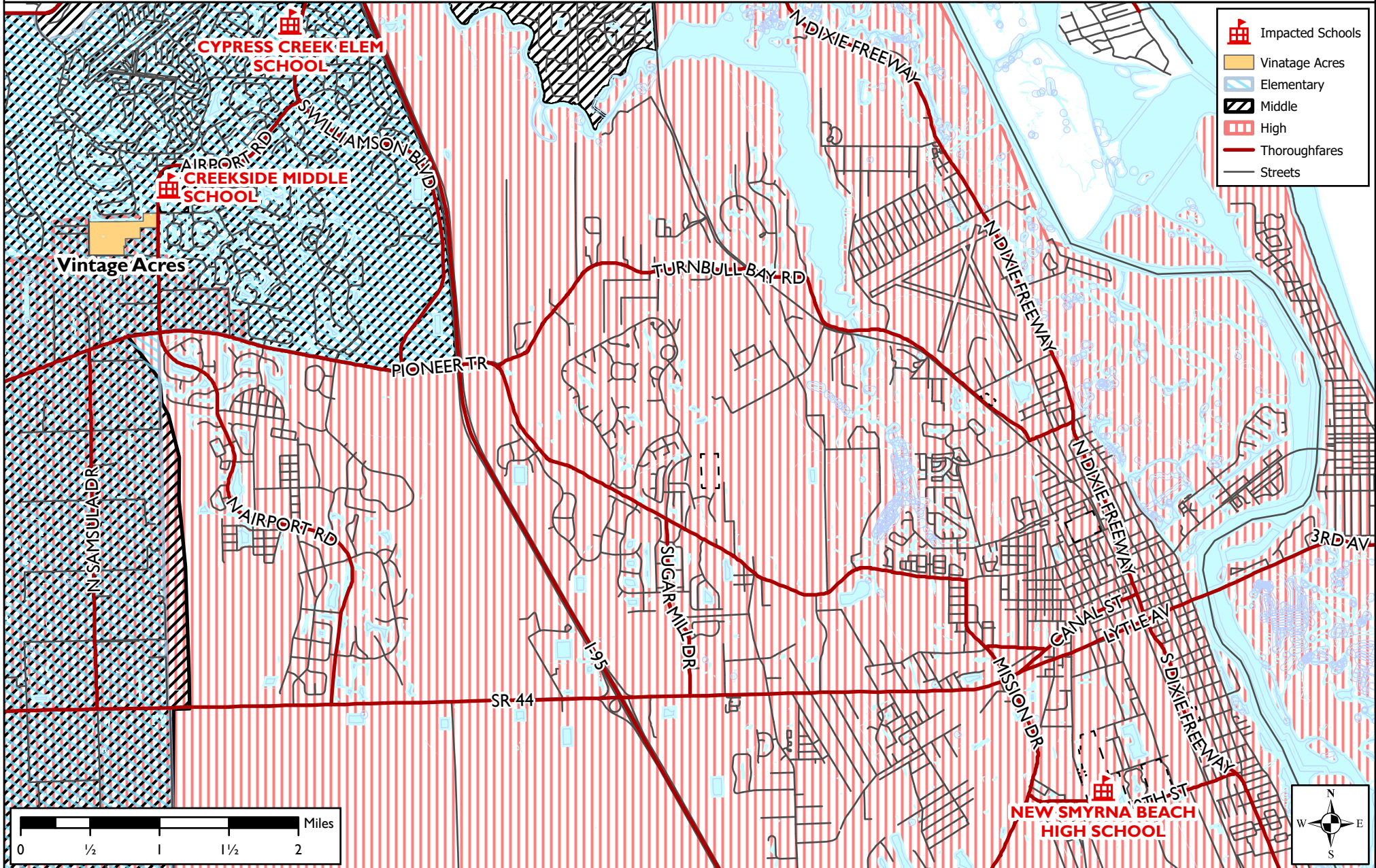


EXHIBIT 6

SUMMARY OF NEIGHBORHOOD MEETING FOR VINTAGE ACRES

A neighborhood meeting was held at the Country Inn & Suites, located at 5802 Journey's End Way, Port Orange, FL 32127, on September 4, 2025, at 6:00 P.M. to discuss the applications submitted by the Storch Law Firm on behalf of the property owners for Parcel Nos. 720100000014, 720100000010, and 720100000016. The applications include a request to rezone the subject properties to a Residential Planned Development and a Future Land Use Amendment to Rural Transition. In attendance at the meeting were Glenn D. Storch and A. Joseph Posey of the Storch Law Firm, attorneys for the developer; Harry Newkirk of Newkirk Engineering, the project engineer; and Jim Paytas, Trey Paytas, and Justin Vanlandingham, the contract purchaser and builder for the project. Approximately 45 area residents and neighbors were present. A sign-in sheet was provided; however, the number of attendees made it difficult to maintain orderly use of the sheet, and it was ultimately not utilized. However, all those in attendance were asked to provide contact information if they wanted additional information. Most attendees appeared to be from the neighboring subdivision to the north and the mobile home park to the west, with some representation from the subdivision to the east and the parcels to the south.

Mr. Paytas began the meeting by giving an introductory presentation about the project and his company. Mr. Storch and Mr. Paytas then explained the details of the design and features of the proposed development, Vintage Acres. There were a few comments provided prior to the meeting by area residents, with regard to drainage and the environment, and those comments were echoed by questions from those in attendance. A full-size concept plan and highlights for the project were on display before, during, and after the meeting so that attendees could see a graphic depiction of the development. After finishing the presentation for the project, Mr. Storch and Mr. Paytas moved to questions: the questions included:

1. Residents raised concerns about the property being under an existing flight path and the possible noise impact on future homeowners.
2. Questions were asked about how the development will manage nutrients and stormwater runoff to protect local water quality.
3. Concerns were expressed about water discharge into nearby canals and clarification was requested on who owns and maintains the existing canal system.
4. Residents inquired about how much fill would be required to raise the project site and how that might affect surrounding properties.
5. A request was made to consider adding a crosswalk, given the nearby school and the potential increase in foot traffic.
6. Attendees questioned whether local schools have sufficient capacity to accommodate additional students from the proposed development.
7. Clarification was sought regarding who is responsible for maintaining the nearby creek and whether it falls under state or county jurisdiction.
8. Numerous concerns were raised about flooding, especially in light of past hurricane events and the known issues with the creek's performance during storms.
9. Residents asked about potential flood risks, particularly regarding impacts on adjacent neighborhoods.
10. Resident from the west mentioned that she now is finding it hard to get homeowners insurance on her manufactured home, in which she mentioned the letter for our project came out right around the time she was informed of

insurance issues. In addition, the resident also told us that her flooding comes from the creek rising, not from the direction of our proposed project.

Mr. Newkirk addressed the design questions related to drainage and traffic. The question-and-answer session for the project continued for about an hour.

Many residents expressed skepticism about the project's potential impacts, particularly those living in the communities to the west and north of the proposed site. There were many comments concerning flooding. All attendees were encouraged to contact the Storch Law Firm with any additional questions or feedback following the meeting. The meeting ended at approximately 7:10 P.M.



STAFF REPORT

Planned Unit Development Rezoning and Vintage Acres
Master Development Agreement and Conceptual
Development Plan
CASE NO. PRZA-25-0003

REQUEST: Rezone ±56.53 acres from Volusia County Volusia County A-1 (Prime Agriculture) and Volusia County A-2 (Rural Agriculture) to City of Port Orange Planned Unit Development (PUD) and establish the Vintage Acres Master Development Agreement (MDA) and Conceptual Development Plan (CDP).

APPLICANT: Storch Law Firm

PROPERTY OWNERS: Andrea Baumann and Beth Anne Burnett; Joyce E Tumblin Trust; Stetson University Inc.

LOCATION: West side of Airport Road, north of Charles Street

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

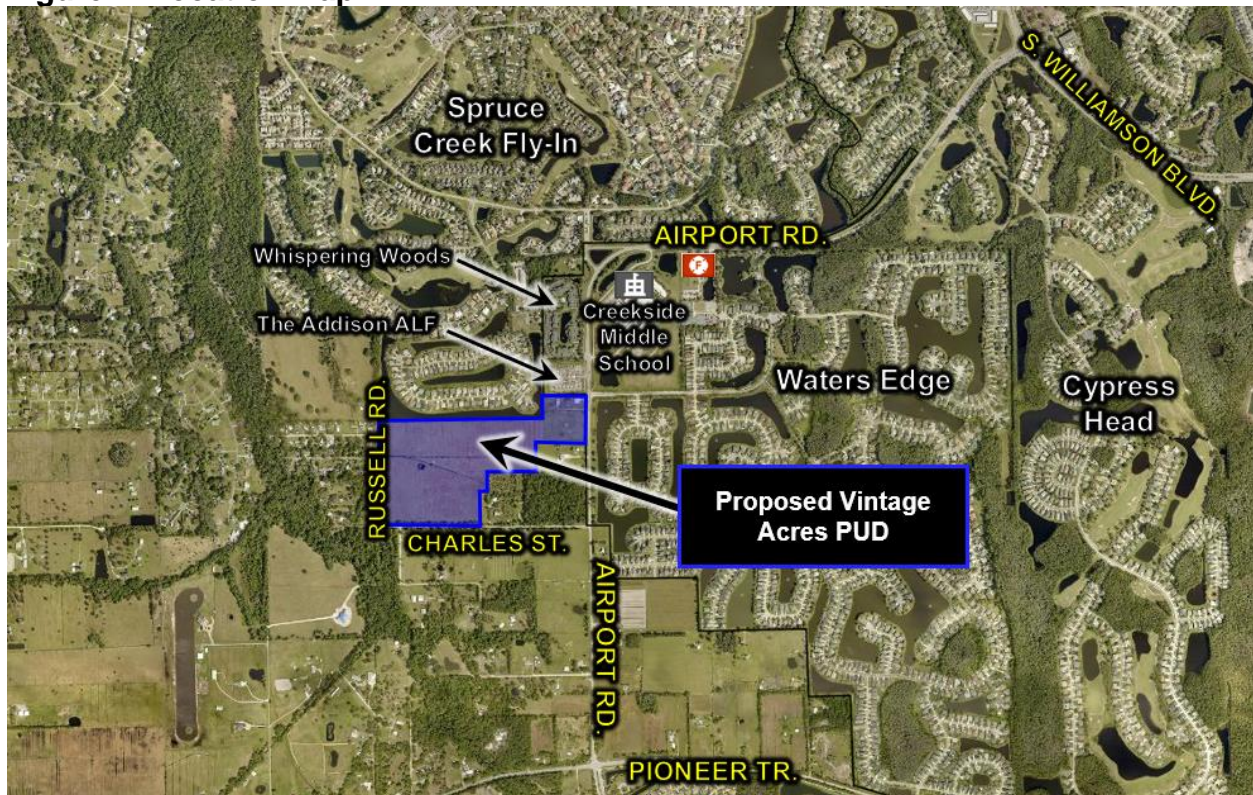
PLANNING COMMISSION: September 25, 2025

INTRODUCTION

The Storch Law Firm, on behalf of the property owners, has submitted a request to rezone approximately 56.53 acres consisting of 52.96 acres of Volusia County A-1 (Prime Agriculture) and 3.57 acres of Volusia County A-2 (Rural Agriculture) to City of Port Orange Planned Unit Development (PUD) and to establish the Vintage Acres Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to establish the framework for the development of a 113 single-family residential lot subdivision. The subject property is located on the west side of Airport Road, north of Charles Street (Figure 1 – Page 2).

The subject property was annexed into the City of Port Orange at the June 17, 2025, City Council meeting. During the public hearings for the annexation, the applicant acknowledged that, if the annexation was approved, the property would require the assignment of a City Future Land Use (FLU) designation and a corresponding zoning classification. The applicant is now requesting to establish a City FLU designation and zoning classification to support the development of a residential subdivision consistent with what was outlined in the annexation staff report and the discussions held during the public hearings for the annexation in Summer 2025.

Figure 1. Location Map



OVERVIEW OF THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ZONING CLASSIFICATION

The Planned Unit Development (PUD) zoning district is a conditional zoning district that sets the framework for how a property can be developed, it does not approve any specific development on its own. Each PUD includes:

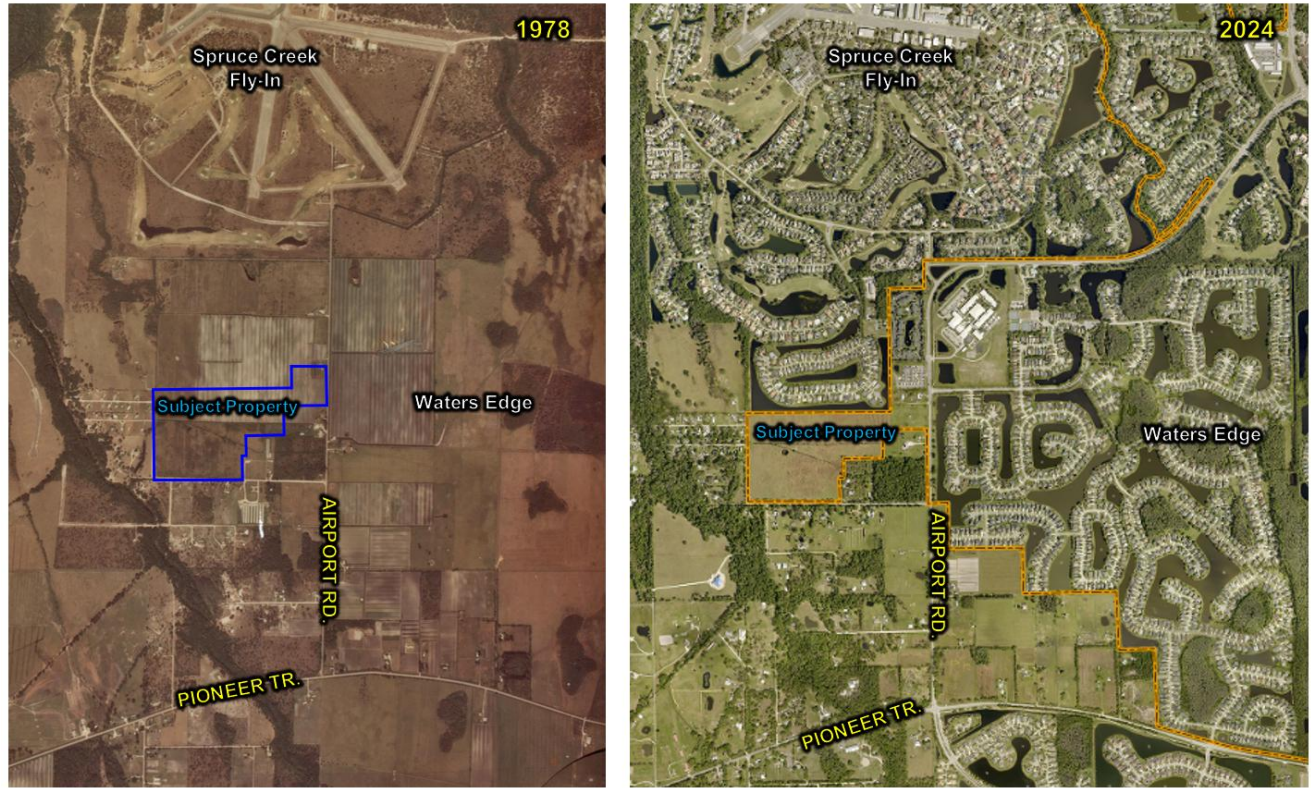
- A Master Development Agreement (MDA) establishes permitted uses and specific development standards.
- A Conceptual Development Plan (CDP) illustrates the general location of improvements and density on the subject property.

If the proposed Vintage Acres PUD is approved, the applicant must later submit detailed subdivision plans that comply with the MDA, CDP, LDC, and applicable State and regional permitting requirements from St. Johns River Water Management District (SJRWMD), Department of Environmental Protection (DEP), and Volusia County. These plans cover grading, stormwater drainage, landscaping (including the type and location of trees and shrubs), stormwater pipe sizing and placement, building locations, water and sewer lines, roadways, sidewalks, parking lots, off-site improvements, and other development requirements. A typical plan set is 30 to 75 pages of technical documents, signed and sealed by a licensed engineer, containing extensive engineering and construction details. At the time a PUD is requested, the detailed subdivision plans are not required and often have not yet been prepared.

OVERVIEW OF THE SUBJECT PROPERTY

The subject property has frontage along Airport Road, Charles Street, and Russell Road, all maintained by Volusia County. The majority of the property is currently cleared, vacant pastureland, with a single-family home, detached garage, and pole barn located at the northwest corner of the subject property. Based on aerial imagery available to staff, the ±56.53-acre property has been cleared pastureland since at least the late 1978 (see Figure 2).

Figure 2. Aerial Images of the Subject Property in 1978 and 2024



CURRENT LAND USES, FUTURE LAND USE DESIGNATIONS AND ZONING CLASSIFICATIONS, AND DENSITY OF PROPERTIES ADJACENT TO THE SUBJECT PROPERTY:

- The current and proposed Future Land Use (FLU) designations for the subject property and the properties adjacent to the subject property are identified in Exhibit 1.
- The current and proposed zoning classification for the subject property and properties adjacent to the subject property are identified in Exhibit 3.
- The proposed Vintage Acres PUD allows for the development of up to 113 residential dwelling units, resulting in a density of approximately 2 dwelling units per acre.

- The current land uses, Future Land Use (FLU) designations, and zoning classifications for the properties adjacent to the subject property are summarized in Table 1 and the density for the properties adjacent to the subject property are summarized in Table 1 and shown in Figure 3.

Table 1. Current Land Uses, FLU Designations, Zoning Designations, and Density of Properties Adjacent to the Subject Property

Direction	Current Land Use	Current Density	Current FLU Designation	Current Zoning District
North	Spruce Creek Fly-In Single-Family Home Subdivision	3 units per acre	Volusia County <i>Urban Low Intensity</i> (0-4 units /acre)	Volusia County Planned Unit Development
	The Addison Assisted Living Facility	80 bed facility	City of Port Orange <i>Office/Residential Transition</i>	City of Port Orange Planned Unit Development
South	Charles Street - Volusia County Right-of-Way		Volusia County Right-of-Way	Volusia County Right-of-Way
	Single-Family Homes	1 unit per 5 acres	Volusia County <i>Agriculture Resource</i> (1 unit/10 acres) and <i>Rural</i> (1 unit/5 acres)	Volusia County MH-3 Rural Mobile Home, A-1 Prime Agriculture, A-2 Rural Agriculture
East	Airport Road - Volusia County Right-of-Way		Volusia County Right-of-Way	Volusia County Right-of-Way
	Waters Edge Single-Family Home Subdivision	2 units per acre	City of Port Orange <i>Rural Transition</i> (0-2 units/acre)	City of Port Orange Planned Unit Development
West	Russell Road - Volusia County Right-of-Way		Volusia County Right-of-Way	Volusia County Right-of-Way
	Mobile homes	2.4 units per acre	Volusia County <i>Rural</i> (1 unit/5 acres) and <i>Agriculture Resource</i> (1 unit/10 acres)	Volusia County MH-6 Urban Mobile Home Subdivision and A-1 Prime Agriculture

Figure 3. Density of Adjacent Development

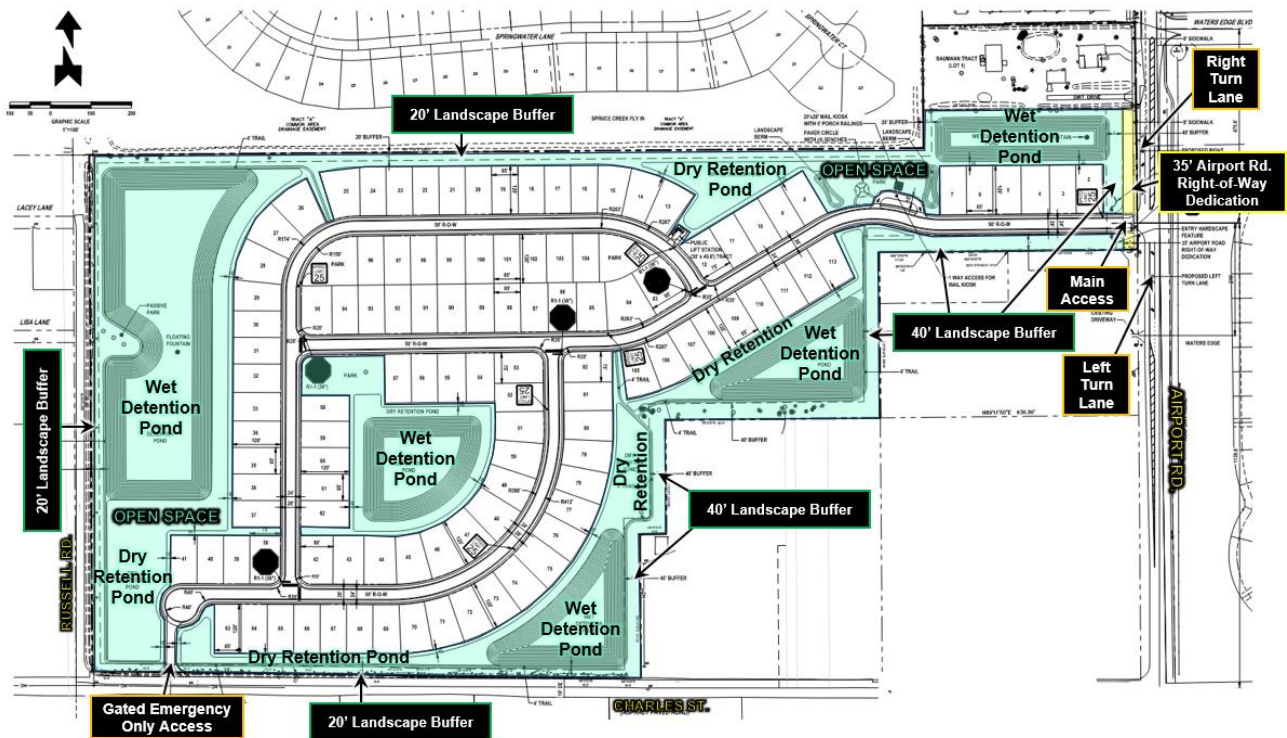


DEVELOPMENT PROPOSAL

The following is an overview of the proposed Vintage Acres PUD for the development of a 113 single-family residential lot subdivision (see Figure 4 on Page 6), along with associated subdivision improvements. The aspects of the proposed PUD, including general site layout, access, dimensional requirements, landscape buffers, tree preservation, open space, utilities, and stormwater management are discussed below.

There are **no policy issues** requested as part of this PUD, as the development of the proposed subdivision will comply will all the requirements in the City's Land Development Code requirements.

Figure 4. Proposed Conceptual Development Plan



Subdivision Access and Streets

- **Primary Access:** The main public access point into the subdivision will be from Airport Road, subject to approval through Volusia County's driveway permitting process.
- **Emergency Access:** A connection to Charles Street, usable only during emergencies, if the Airport Road access point is blocked. A gated emergency access will be maintained by the Homeowners Association (HOA) and is sized to accommodate emergency vehicles. The emergency access onto Charles Street will be subject to approval through Volusia County's driveway permitting process.
- **Airport Road Turn Lanes:** A right-turn lane and left-turn lane from Airport Road into the subdivision will be constructed. The turn lanes will be subject to approval through Volusia County's driveway permitting process.
- **Sidewalk:** An 8-foot-wide sidewalk will be constructed along the Airport Road frontage of the subject property to connect to the existing Airport Road sidewalk and connect with the internal subdivision sidewalk network.
- **Roadways in Subdivision:** All streets within the subdivision will be public and designed in accordance with the City's local roadway standard, including 4-foot-wide sidewalks on both sides.

Dimensional Requirements

- The PUD includes the dimensional requirements (lot width and area, setbacks, building height, open space, impervious/building coverage, etc.) for the proposed single-family home lots.
- Table 2 summarizes the dimensional requirements for the single-family home lots in the PUD. Overall, these requirements are generally consistent with those similar to the adjacent city residential subdivision that is in a PUD.

Table 2. Dimensional Requirements

Zoning District	Minimum Lot Width	Minimum Lot Area	Maximum Lot Impervious Surface Coverage	Minimum Lot Open Space	Front Bldg. Setback	Side Bldg. Setback	Rear Bldg. Setback	Maximum Height
Vintage Acres PUD	65 ft.	7,800 sq.ft.	70%	30%	25 ft. (dwelling) 20 ft. (porch)	5 ft.	20 ft.	35 ft.
Waters Edge PUD								
Small Single-Family	50 ft.	6,000 sq.ft.	60%	40%	25 ft	5 ft.	20 ft	35 ft.
Standard Single-family	75 ft.	7,500 sq.ft.	60%	40%	25 ft	7.5 ft	20 ft	35 ft

Transportation

The applicant’s traffic engineering firm, LTG Engineering & Planning (LTG), has prepared a Traffic Memorandum in accordance with the City’s and Volusia Flagler Transportation Planning Organization (VFTPO) guidelines for a Comprehensive Plan Amendment. This memorandum has been reviewed by staff.

- **Current Future Land Use (FLU) Designations:** Allows up to 19 single-family homes, which is estimated to generate
 - 14 AM peak hour trips (7:00 AM to 9:00 AM)
 - 22 PM peak hour trips (4:00 PM to 6:00 PM), and
 - 230 daily trips.
- **Requested Future Land Use (FLU) Designation:** Allows up to 113 single-family homes, which is estimated to generate:
 - 85 AM peak hour trips (7:00 AM to 9:00 AM),
 - 111 PM peak hour trips (4:00 PM to 6:00 PM) and
 - 1,129 daily trips.
- **Net increase:** The proposed change would result in an additional
 - 71 AM peak hour (7:00 AM to 9:00 AM),
 - 89 PM peak hour trips (4:00 PM to 6:00 PM), and
 - 899 daily trips.

The full extent of the development’s impacts on the surrounding road network will not be known until a traffic concurrency review is completed as required with the review of final

subdivision plat and plan for the subject property. At the time the final subdivision plat and plans are submitted, the city will require a traffic study to thoroughly assess how the traffic from the subdivision will affect surrounding roadways and identify any roadway improvements that may be necessary. As with all new developments within the city, the developer of this project may be required to enter into a Transportation Fair-Share and Concurrency Agreement with both the City of New Smyrna Beach and Volusia County. This agreement may include requirements to construct or financially contribute toward planned roadway and intersection improvements to mitigate traffic impacts.

According to the latest traffic counts for Williamson Boulevard, Airport Road, and Pioneer Trail, there is currently capacity to accommodate the estimated 1,129 daily vehicular trips from development of the subject property (Table 3).

Table 3. Roadway Capacities for Roadways Adjacent to Subject Property

Road	Location	Volume	Capacity	V/C Ratio*	Remaining Capacity
Airport Road	Williamson Blvd. to Pioneer Tr.	6,950	32,600	0.21	79%
Airport Road	Pioneer Tr. to Luna Bela Ln.	4,850	34,230	0.14	86%
Pioneer Trail	Airport Rd. to Turnbull Bay Rd.	7,200	13,640	0.53	47%
Pioneer Trail	Tomoka farms Rd. to Airport Rd.	5,550	13,640	0.41	59%
Williamson Boulevard	Airport Rd. to Spruce Creek Bridge	25,000	37,970	0.66	34%
Williamson Boulevard	Spruce Creek Bridge to Taylor Rd.	25,000	37,970	0.66	34%

* Volume/Capacity (V/C) Ratio - Volume-Demand-to-Capacity Ratio compares roadway demand (vehicle volumes) with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity.

Source: Volusia County Traffic Engineering (2022 data is the current available data).

According to LTG’s analysis, only the segment of Pioneer Trail between Airport Road and Turnbull Bay Road is projected to exceed the adopted level of service (LOS) standards due to traffic generated by approved developments along Pioneer Trail in New Smyrna Beach, including the Vintage Acres Subdivision. These projects are expected to contribute additional traffic volume to this roadway segment.

Depending on the timing of construction and completion of these developments, capacity along Pioneer Trail may become constrained. As with all new developments within the city, the developer of this project may be required to construct or financially contribute toward planned roadway and intersection improvements to mitigate traffic impacts.

Open Space, Tree Preservation, Landscaping, and Buffers

The proposed PUD will comply with all the landscaping, tree preservation, and open space requirements in the LDC.

- Tree Preservation: Minimum of 15% or 8.48-acres of the 56.53-acre property will be set aside to protect existing trees.
- Open Space: Minimum of 60% or 33.91-acres of the 56.53-acre property will be open space, including undeveloped land, stormwater ponds, landscape buffers, and passive recreation areas. The proposed CDP shows 65.3% or 36.93 acres of the property as open space, which is 5% or 2.83 acres above what is required by the LDC.
- Specimen Trees: Initial site data shows that there are 43 specimen trees. The LDC requires that a minimum of 34 of the 43-specimen trees be preserved. Based on the CDP, it is anticipated that all 43 specimen trees will be preserved.
- Perimeter Landscape Buffers:
 - 20 feet along the northern boundary (except along the Baumann Tract where a single-family home will remain)
 - 20 feet along the western and southern boundaries adjacent to Russell Road and Charles Street
 - 40 feet along the eastern boundary and adjacent to Airport Road

These requirements will be formally reviewed during submission of the final subdivision plat and plans to verify compliance.

Potable Water, Sanitary Sewer, and Reclaimed Water

- The PUD will be served by the existing City's potable water, sanitary sewer, and reclaimed water located within the Airport Road right-of-way.
- Necessary improvements to infrastructure related to potable water, sanitary sewer, and reclaimed water will comply with the requirements of the City's Land Development Code (LDC) and proposed MDA.

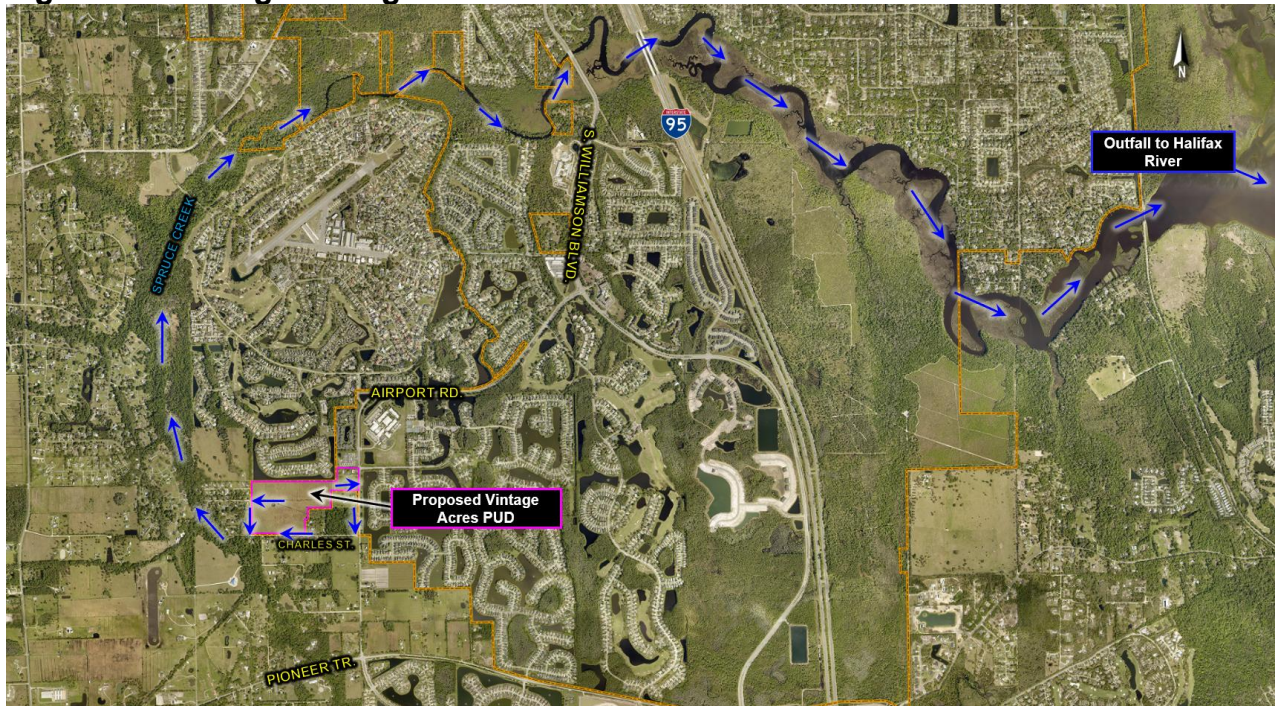
Stormwater Management

According to the City's Comprehensive Plan and Land Development Code (LDC), a property must be able to manage stormwater on the subject property after development as it does prior to development or in its current undeveloped condition. Therefore, with the development of the subject property there can be no loss in the ability to hold stormwater or an increase in the volume of stormwater discharged or the peak rate stormwater is discharged from the subject property into the regional drainage system.

In addition to complying with the City's LDC, the subject property will be required to meet all applicable State and regional permitting requirements for stormwater management, including those of the St. Johns River Water Management District (SJRWMD), the Department of Environmental Protection (DEP), and Volusia County, prior to any development on the subject property.

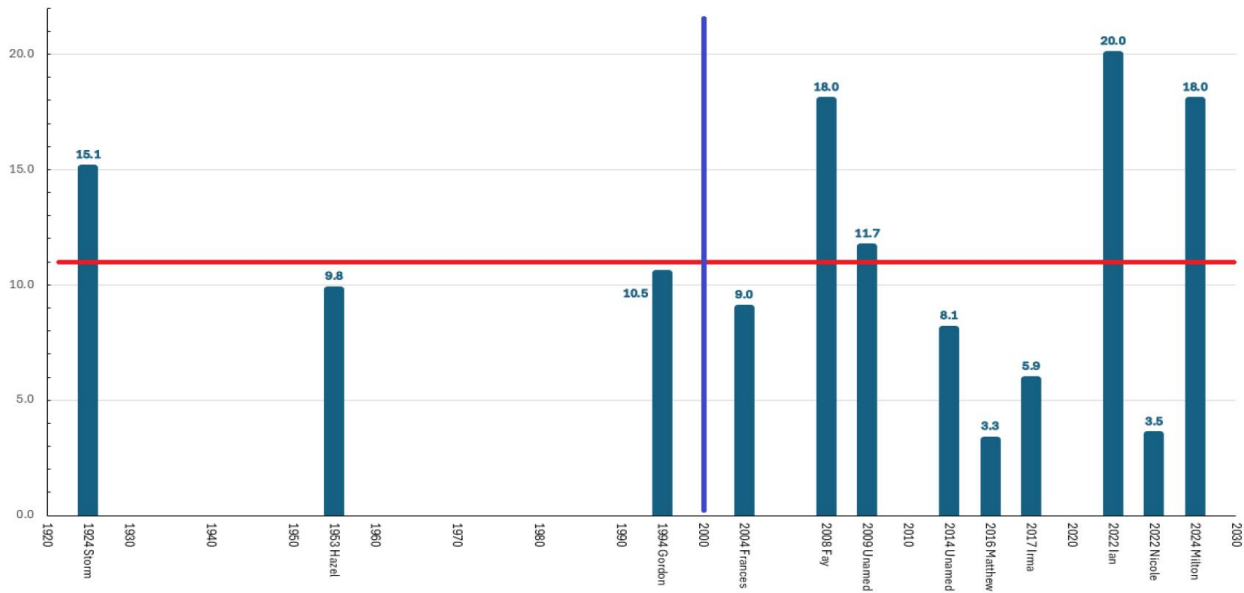
Currently, stormwater on the undeveloped subject property is partly absorbed into the ground, with some collecting in low areas and ditches on the subject property. Runoff not absorbed or stored on-site drains into Volusia County maintained roadway swales along Charles Street, Russell Road, and Airport Road. From there, it flows toward a County-maintained swale at the southwest intersection of Charles Street and Russell Road, then into Spruce Creek, and ultimately discharges into the Halifax River.

Figure 5. Existing Drainage Pattern



After the site is developed, there will be more impervious surfaces on the subject property, such as roads, rooftops, and driveways, which means there will be less area for stormwater to absorb into the ground or collect in low areas and ditches. To meet the City's requirements, the development of this site will require several interconnected stormwater ponds that are designed with outfall control structures that slow the discharge of stormwater runoff into the public drainage system, ensuring the developed site discharges stormwater into the regional drainage system at the same volume and discharge rate as it did in its undeveloped condition, even during major storm events that produce up to 11 inches in 24 hours. Over the last 100 years, there have been 5 rain events where the rain event has exceeded 11 inches.

Large Volume Rain Events (1922 – 2024)



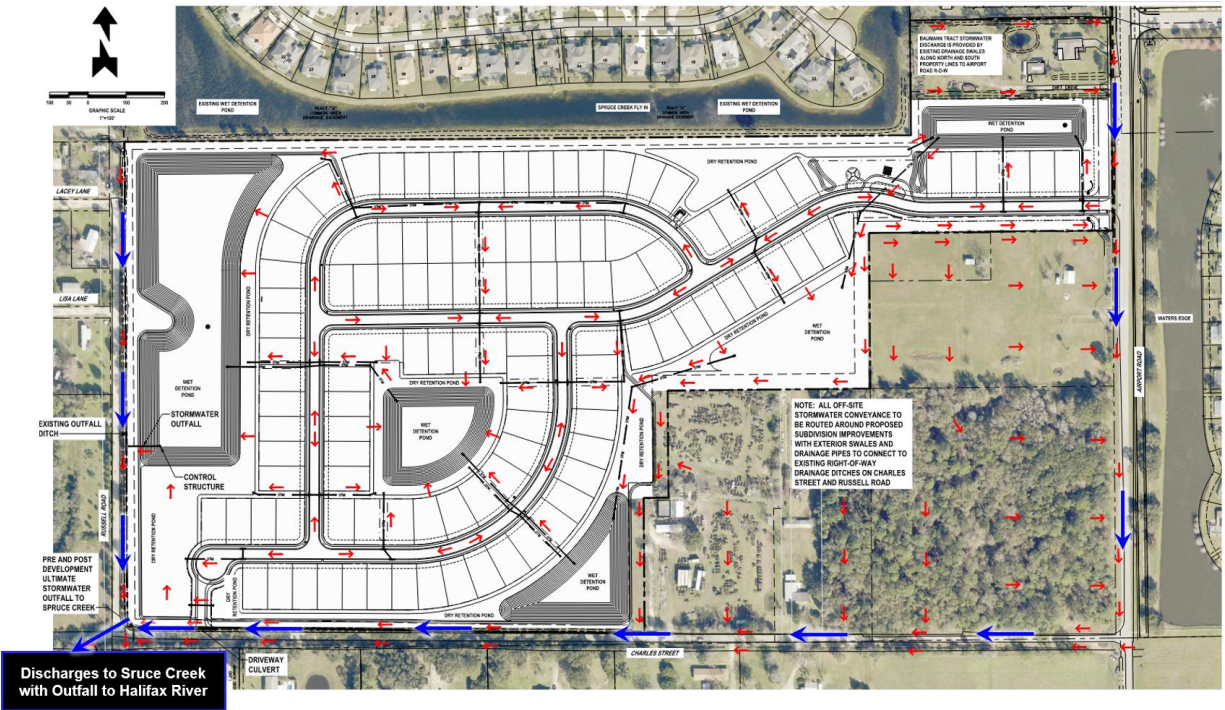
Source: Volusia County

As required by the LDC, any future development of the subject property must include a stormwater system with retention ponds and a control structure to capture and treat runoff before discharge into the existing roadway swales along Charles Street, Russell Road, and Airport Road. From there, stormwater will follow the existing drainage path into the Halifax River, consistent with how the subject property drains as this time.

According to the LDC, the stormwater system for this property will need to be designed to temporarily store stormwater on site in a series of stormwater ponds and then slowly release stormwater into the public drainage swales along Airport Road, Charles Street, and Russell Road. The system must be engineered so during a design storm event, the amount and discharge rate of water leaving the site will not be greater than what currently drains from the property in its undeveloped state.

In addition to limiting how much stormwater leaves the site, the LDC also limits how quickly stormwater can drain off the property. For example, during a design storm event (about 11 inches of rain in 24 hours), the site cannot release water any faster, at its peak, than it does today in its natural undeveloped state. To meet this requirement, the stormwater ponds on the subject property will need to be built with outfall control structures to slow the flow of stormwater leaving the subject property before it enters the public drainage system along Airport Road, Charles Street, and Russell Road.

Figure 6. Proposed Subdivision Drainage System and Pattern



According to the applicant, the Vintage Acres Master Development Agreement (MDA) includes stormwater requirements that exceed the City’s current LDC requirements. Specifically, the MDA requires the stormwater system to reduce the peak flow rate stormwater can leave the site and the total volume of water that drains off the site by an additional 25% beyond the current requirements in the LDC.

According to the project engineer, to meet this higher standard in the PUD for the subject property, the stormwater ponds for this subdivision will need to be larger and have additional capacity to store more stormwater on-site than required by the LDC for a design storm event (Table 4). Therefore, more of the subject property will be set aside for stormwater storage than would be required under the LDC for a designed storm event. The added stormwater pond capacity is to hold more stormwater on-site, reducing the amount of stormwater leaving the property during major storm events and going into the public drainage system (swales along Airport Road, Charles Street, and Russell Road, Spruce Creek, and Halifax River).

Table 4. Comparison of LDC and PUD Drainage Requirements

	Design Storm Event 25-year, 24-hour storm	Design Storm Event 100-year, 24-hour storm
City Land Development Code Requirements	approximately 9 inches of rain	approximately 11 inches of rain
Vintage Acres PUD Requirements	approximately 11.25 inches of rain	approximately 13.75 inches of rain

Schools

The Volusia County School District reviewed the proposed PUD to assess potential impacts on school capacity. Based on their analysis, the School District determined that there is adequate capacity to accommodate the estimated 30 students expected to be generated by the proposed PUD (see Exhibit 4).

Additional PUD Requirements

There is **no policy** deviations requested as part of this PUD. The proposed subdivision will comply with all applicable requirements of the City’s Land Development Code. According to the applicant, certain provisions within the PUD exceed the minimum standards of the LDC and have been included to help create a higher-quality overall project.

TABLE 5. Comparison of LDC Requirements vs. PUD Proposal

	LDC Requirements	Vintage Acres PUD
Open Space	Minimum 60% of the subject property	Provides 65% open space or 5% (2.8) acres above code
Stormwater Management	Stormwater must be detained and released at a controlled rate per LDC standards	Lower discharge rate and increased storage capacity beyond LDC minimums
Landscape Buffers	Minimum 10-foot-wide buffer along western and southern boundaries adjacent to Russell Road and Charles Street. Minimum 20-foot-wide buffer along the eastern boundary and adjacent to Airport Road	20-foot-wide buffer along the western and southern boundaries adjacent to Russell Road and Charles Street. 40-foot-wide buffer along the eastern boundary and adjacent to Airport Road

ENVIRONMENTAL CONDITIONS

In July 2024, an environmental analysis was prepared for the subject property by Young Bear Environmental (YBE) Consulting. Prior to any development on the subject property all federal, state, regional, and local environmental protection regulations will need to be met, addressed, or mitigated.

According to the 2024 analysis the 56.53-acre subject property has the following environmental conditions:

- Primarily cleared, improved pastureland, generally flat with a slight downward slope from east to west.
- Contains a number of shallow north-south trenches that connect to a larger east-west drainage ditch and one man-made cattle pond.
- No wetlands were identified.
- The only surface waters on-site are the man-made agricultural ditches and a cattle pond.
- Vegetation consists mainly of native grasses and plants.

- One potentially occupied gopher tortoise burrow was observed and was the only protected species confirmed on site. Prior to any development on the subject property a complete gopher tortoise survey will be required within 90 days prior to construction. If the removal of gopher tortoises is needed, a Florida Fish and Wildlife Commission permit and mitigation payment will be required prior to removal.

Figure 7. Environmental Conditions



CONSISTENCY WITH THE COMPREHENSIVE PLAN

A Comprehensive Plan Amendment (Case No. CPAM-25-0001) is being processed concurrently with the proposed PUD rezoning to update the Future Land Use (FLU) Map for the ±56.53-acre site. The amendment would change the property from ±52.96 acres of Volusia County *Agriculture Resource* (1 unit/10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0–4 units/acre) to City of Port Orange *Rural Transition* (0–2 units/acre).

The proposed PUD is generally consistent with the Goals, Objectives, and Policies of the City’s Comprehensive Plan. The *Rural Residential* FLU designation is appropriate for this subject property because it is located near a Spruce Creek tributary and is positioned between rural lands and areas of higher density/intensity, meeting the locational criteria established in the Comprehensive Plan.

PUBLIC NOTICE

Public Notice signs were posted on the subject property on August 1, 2025. As of September 19, 2025, staff has received phone calls or emails from thirteen (13)

individuals requesting general information about the proposed PUD rezoning. The primary concerns raised included avoiding vehicular access onto Charles Street or Russell Road, and potential drainage impacts.

The applicant held a neighborhood meeting on September 4, 2025, at 6:00 p.m. at the Country Inn & Suites, located at 5802 Journey's End Way. Approximately 45 residents attended the meeting. According to the applicant's meeting summary (see Exhibit 5), the main questions and concerns raised by attendees included drainage, school capacity, and pedestrian safety.

STAFF RECOMMENDATION

Staff recommends approval to rezone ±52.96 acres from Volusia County A-1 (Prime Agriculture) and ±3.57 acres from Volusia County A-2 (Rural Agriculture) to City of Port Orange Planned Unit Development (PUD) and to establish the Vintage Acres Master Development Agreement (MDA) and Conceptual Development Plan (CDP).

ATTACHMENTS

- Exhibit 1 – Current and Proposed Future Land Use Map
- Exhibit 2 – Current and Proposed Zoning Map
- Exhibit 3 – Vintage Acres MDA and CDP
- Exhibit 4 – School District Review Letter
- Exhibit 5 – Applicant's Neighborhood Meeting Summary

Exhibit 1

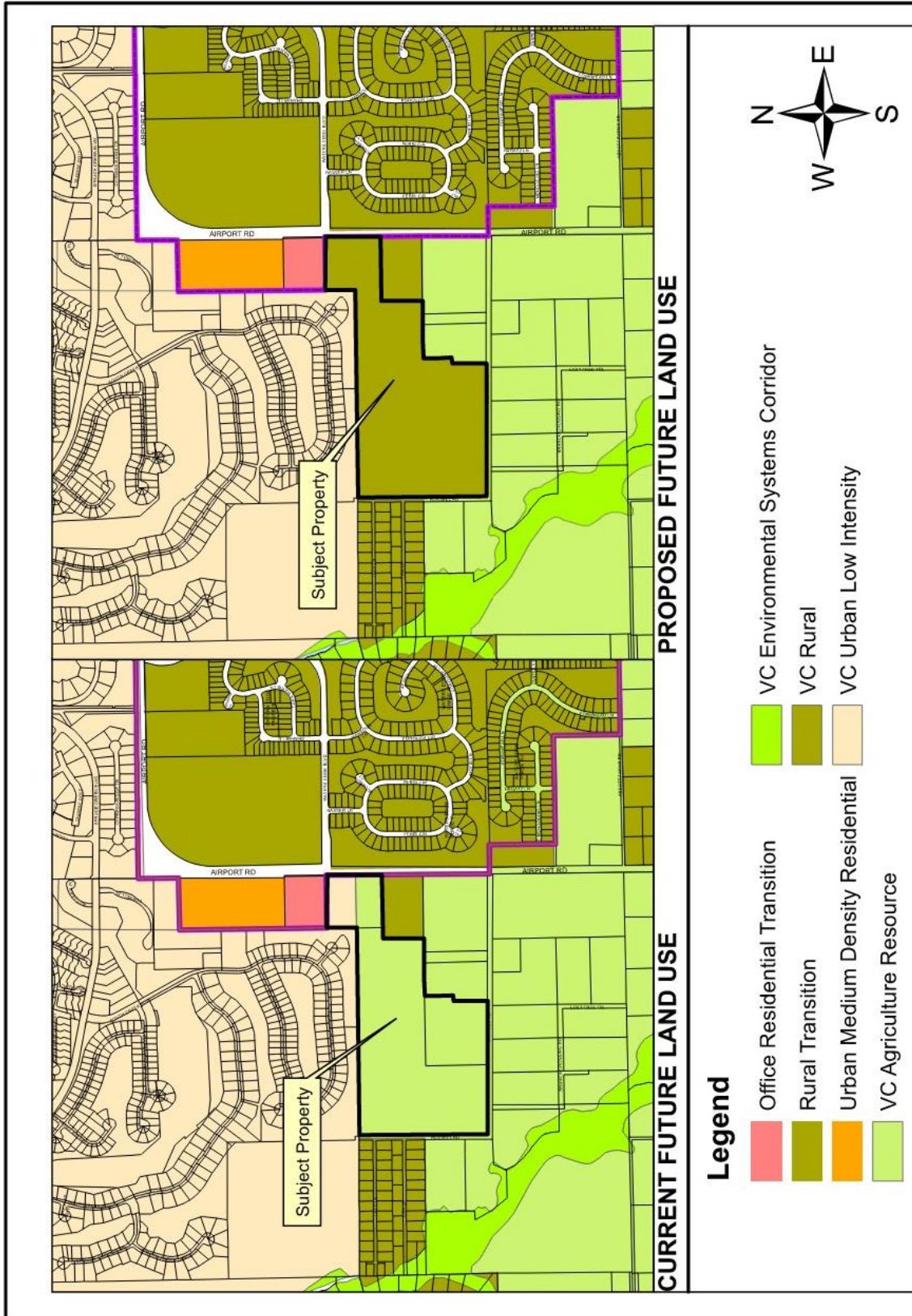


Exhibit 2



EXHIBIT 3

VINTAGE ACRES PLANNED UNIT DEVELOPMENT PUD MASTER DEVELOPMENT AGREEMENT

This Vintage Acres Planned Unit Development (“PUD”) Master Development Agreement (“MDA”) is entered into by and between the **City of Port Orange**, a Florida municipal corporation (the “City”), and **Bank of America, N.A., as Successor Trustee of the Joyce E. Tumblin Trust Dated October 16, 1998, Stetson University Inc., Andrea Baumann and Beth Anne Burnett**, (collectively, the “Owners”), including their successors and assigns (collectively the “Parties”), hereby covenant and agree, and bind their successor and assigns as follows:

1. OWNERSHIP OF THE PROPERTY

This Planned Unit Development, commonly known as “Vintage Acres”, involves approximately +/- 56.529 acres of land which is legally described on Exhibit A attached hereto, and shall henceforth be referred to as the “Property”. The Property is under unified ownership of the Owners, signatories to this Agreement. This Agreement between the City and the Owners shall revoke any and all prior development agreements applicable to the Property.

2. DEVELOPMENT CONCEPT

The Vintage Acres PUD provides for a single-family detached residential development that protects the low-density and transitional character of the area. The Property will be subdivided into a maximum of one hundred and thirteen (113) single-family, detached dwelling units, with buffers that ensure the project is compatible with the surrounding, existing neighborhoods. All single-family lots will be privately owned.

3. DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN

Development of the Property shall be controlled by the terms and provisions of this Vintage Acres PUD, The MDA and the Conceptual Development Plan (“CDP”), attached hereto as Exhibit “B”, for the Property which generally depicts the planned layout of public roads, lots, amenities,

and other planned features or improvements to the Property and demonstrates the lot coverage requirements available to lot owners within the PUD. Collectively, this MDA and the CDP for the Property may be referred to as the “Plan”. In the event of a conflict between the terms and provisions of the MDA and the graphic illustrations of the CDP, the MDA shall control. If the MDA is silent regarding a particular subject or requirement, such silence shall not be construed as a conflict with the CDP. If the Plan fails to address a particular subject or requirement, the applicable City ordinances in effect at the time of development, as defined by the City of Port Orange Land Development Code (“LDC”) shall control. The parties acknowledge that compliance with the City’s LDC may necessitate modification to the CDP. In the event modification to comply with the LDC is required, and the modifications to the CDP are not in conflict with the textual provisions of this MDA and any City ordinances not superseded by this MDA, the modifications shall be deemed “minor” and may be approved without formal amendment of this MDA. Minor modifications shall require the City Administrative Official’s written approval. If the Owners are not satisfied with the suggested resolution of any problem or the decision by the City Administrative Official categorizing the modification as minor or major, the Owners may appeal the decision pursuant to the LDC.

4. USAGE OF THE PROPERTY

A. Permitted Uses

The Property shall be used for residential purposes and developed as a residential community with common open space and other buffers as specified herein. The Property shall be developed for a maximum of one hundred and thirteen (113) single-family, detached dwelling units, for a maximum of 2.0 dwelling units per acre. When considered in light of other housing and community choices in the vicinity, the Vintage Acres PUD will provide for a compatible

residential low-density development consistent with surrounding land use pattern. Furthermore, Vintage Acres PUD will serve as a transitional development density with a layout designed to preserve the rural character of the land to the west and south of the Property and complement the character of the existing residential subdivisions in the vicinity to the Vintage Acres PUD.

The PUD will have an overall density of 2.0 dwelling units per acre which is consistent with the density requirements of the “Rural Transition (0 to 2 Units per acre)” Future Land Use designation of the Property. This design also provides for a compatible transition between the varying densities of the surrounding properties.

B. Dimensional Requirements

Lot dimensions and configurations within the Property are generally depicted on the CDP with the Property being divided into the Vintage Acres Tract and the Baumann Tract respectively. The lot sizes and configurations shall comply with the minimum dimensional requirements described below. The lot dimensions and areas shown on Exhibit “B” may be adjusted during the final subdivision process; however, the Baumann Tract shall remain one subdivided lot.

The total number of residential units in the development shall not exceed 113 dwelling units or a gross project density of 2.0 dwelling units per acre.

Vintage Acres Tract Development Requirements

1. Single Family Lot
 - a. Setbacks
 - i. Front: 25 feet (Dwelling building)
20 feet (Porch)
 - ii. Side Corner: 25 feet (Dwelling building)
20 feet (Porch)

- iii. Rear: 20 feet
- iv. Side: 5 feet
- b. Minimum Lot Size
 - i. Width: 65 feet
 - ii. Depth: 120 feet
 - iii. Area: 7,800 square feet
- c. Maximum Building Height: 35 feet (measured from the grade to the mid-point of the trusses)
- d. Minimum Open Space: 30% per lot
- e. Maximum Impervious Area: 70% per lot
- f. Minimum Living Area: 1,850 square feet
- g. Unless otherwise specified, permitted accessory structures for single-family residential lots shall be as provided for in the City LDC. Air conditioning unit or similar equipment, including but not limited to generators and all-purpose tanks, placement shall not interfere with the approved drainage pattern for the project. The City reserves the right to require relocation or modification of proposed unit locations on single-family residential lots to ensure proper site drainage and compliance with approved drainage plans. Each single-family residential lot shall be permitted a detached cabana. Cabana is defined as an accessory structure not exceeding the height of the primary residence used exclusively as a non-habitable shelter, changing area, or storage for pool/recreational use. Cabanas shall be

located in the rear of the residential lot and shall meet the setback and size requirements for accessory shed structures as defined in the City LDC.

Baumann Tract Development Requirements

1. Single Family Lot
 - a. Setbacks
 - i. Front: 40 feet
 - ii. Rear: 40 feet
 - iii. Side: 25 feet
 - b. Minimum Lot Size
 - i. Width: 150 feet
 - ii. Depth: 250 feet
 - iii. Area: One acre
 - c. Maximum Building Height: 35 feet (measured from the grade to the mid-point of the trusses)
 - d. Minimum Open Space: 40% per lot
 - e. Maximum Impervious Area: 60% per lot
 - f. Minimum Living Area: 1,850 square feet
 - g. Permitted accessory structures for single-family residential lots shall be as provided for in the City LDC.

Overall PUD Requirements

1. Maximum Impervious Coverage: 40% (whole Property)
2. Minimum Open Space: 60% (20% of which shall be common open space) (whole

Property)

C. Open Space

Notwithstanding the open space requirements for individual lots, 60% of the Vintage Acres PUD shall be open space, and 20% of the Vintage Acres PUD open space shall be common open space.

5. ARCHITECTURAL STANDARDS AND REVIEW

Subdivision structures located in the common areas of the project shall have a consistent overall architectural theme and quality.

6. PHASING

The development of the Vintage Acres PUD may occur in a single or multiple phases; however, the entire stormwater system for the subdivision shall be installed with the initial phase of the project. Project amenities, such as park areas, shall be constructed prior to issuance of a certificate of occupancy for the first house in the phase in which they are located. Any proposed phasing must meet the minimum requirements of the City LDC.

7. SANITARY WASTE, STORMWATER, AND POTABLE WATER

In the event of development, the Owners will extend water and sewer lines to serve the Property and the development authorized herein and the water and sewer lines shall be public utilities. If the City desires to extend the water and sewer lines prior to the Owners' need for installation of the Owners' lines, the Owner shall grant the necessary utility easement to the City consistent with the Conceptual Development Plan and the City shall install and pay for such lines. All lines and other necessary infrastructure shall be sized adequately to serve both the adjoining property and the lots within the PUD. The Owners shall comply with the City's LDC and the rules

and regulations of the St. Johns River Water Management District concerning stormwater drainage.

Irrigation to be provided by reclaimed water, or in the event reclaimed is not available, by the lowest quality water source, including surface/storm water or an irrigation well. Potable water and sanitary sewer will be supplied to the Property by City of Port Orange. Upon completion of all infrastructure for utilities, the same will be conveyed to the City of Port Orange. The Owners shall be responsible for any utility infrastructure upgrades needed for the development, including the relocation of any existing utilities. Said improvements will be constructed in accordance with City of Port Orange Utility Construction Standards.

Runoff from higher adjacent lands, if any, shall be considered as part of site plan and subdivision review, and provisions for conveyance of said runoff shall be included in the drainage plan. Grading of conveyance from runoff from higher adjacent lands shall be completed prior to any filling elsewhere on the Property. Spruce Creek Stormwater Management Master Plan will be used to establish tailwater and other project boundary conditions. The stormwater report shall include the depressional storage volume when modeling the pre-existing conditions for the 25 year/24 hour and 100 year/24-hour frequency storms. Additionally, unless a higher standard is required by the City's LDC and the rules and regulations of the St. Johns River Water Management District, the stormwater treatment volume shall be designed to hold 150% of the treatment volume required per the city LDC and reduce discharge rate and volume for the 25 year/24hour and 100 year/24hour frequency storms by 25%.

Notwithstanding anything to the contrary herein, all surface water features within the Vintage Acres PUD shall meet the Outstanding Florida Waters protection and water quality

standards in 62-302.400 F.A.C and 62-302.700 F.A.C, as amended and established by the Florida Department of Environmental Protection.

8. ACCESS AND PARKING

A. **ACCESS.** The minimum fifty (50) foot wide right of way shall be dedicated to the City for use by public as generally depicted on the CDP. The subdivision will have a single point of access from Airport Road, with an emergency access connection to Charles Street as shown on the CDP. In the event that the Airport Road entrance is rendered inaccessible or obstructed due to an emergency circumstance, residents shall be granted the right to access and utilize the designated emergency access point for ingress and egress. The emergency access point shall only be made accessible to residents during such events. The emergency access shall be maintained by the HOA and designed to accommodate emergency vehicles. The exact location of all roadways and reserved street names will be provided and depicted when the Property is subject to the subdivision process.

B. **PARKING.** Parking for each single-family lot shall be provided in accordance with the City of Port Orange LDC.

9. INFRASTRUCTURE IMPROVEMENTS.

The proposed development will require a right turn lane and left turn lane into the development from Airport Road, as generally depicted on the CDP. All roadway improvements proposed for Airport Road shall be constructed as part of Phase 1 and at the same time as the other roadway infrastructure for the subdivision.

Sidewalks shall be constructed as depicted on the CDP. A four-foot (4') sidewalk shall be installed for public use along each side of the public roadway within the development. All common/recreational trails shall be a minimum of four-foot (4') wide and constructed according

to the City Standard Construction Detail as amended. Alternative materials and design that are similar or equivalent to the materials and design specified in the standard construction detail may be used, if approved by the administrative official.

10. IMPACT FEE CREDIT

The development of the Property shall comply with the transportation concurrency management requirements established in the City of Port Orange Comprehensive Plan and LDC. Nothing in this Agreement shall be construed as a waiver by the Owners of their right to pursue impact fee credits for any and all work performed by Owners for which impact fee credits can be awarded.

11. MAINTENANCE OF COMMON OPEN SPACE AND COMMON FACILITIES

The Owners shall form and incorporate a non-profit homeowners' association (the "HOA") which will operate, maintain and control, subject to other documents of record, the common areas, and common facilities, including but not limited to stormwater drainage systems within the Property, temporary vehicle staging for mail kiosks areas, mail kiosks, landscaping, fencing or walls, and the entrance features and areas to the Property. The development will be a platted subdivision of the Property.

The general scope and format of the HOA documents, and the covenants and restrictions, will be similar in concept to the documents of similar homeowners' associations in Port Orange. The covenants and restrictions governing the Property and association responsibility shall be executed and recorded in the Public Records of Volusia County, Florida. The HOA will have a board of directions to legislate and govern the rules and orders of the HOA. The HOA board will have the means and authorization to carry out and regulate the by-laws and restrictions governing the maintenance, operation and repairs of all common areas and facilities. Not only will the board

of directors be able to regulate and govern the common area; the board will also regulate each member requiring the maintenance and service of their own individual building site. The HOA rules may be enforced by fines and liens upon the individual building sites and any other remedy available at law. The HOA covenants and restrictions shall include provisions requiring the ongoing maintenance and repair of any sidewalks and roadways not dedicated to the City. The HOA may charge and collect dues to maintain operate and service all common facilities on the Property. The HOA will have authority to place a lien against individual building sites to collect unpaid HOA dues. The owner of each lot within the Property will automatically become a member of the HOA by virtue of purchasing a lot subject to the rules, covenants, and restrictions of the HOA. The HOA will have the authority and means to hire, supervise, and regulate persons employed by them for the maintenance, repair and operation of common areas and facilities. If the association fails to perform the maintenance, repair or replacement, as necessary, of the storm water drainage facility, the City shall have the right but not the obligation to enter upon the common area of the Property and to provide the maintenance, repair, or replacement of the stormwater drainage facility and shall have the right to lien all owners of record in the Property for the cost of such maintenance, repair, and replacement as the City may deem necessary. If requested by the City and as otherwise needed for plat improvements, the Owners will provide easements and grants for the installation, maintenance and upkeep of stormwater system and the public utilities including water, sewer, and electricity. The Owners may from time to time add additional covenants and restrictions or make changes in the Association by-laws as may be required to guarantee that the project will be developed in accordance with the policies outlined in this Agreement.

12. PROJECT BUFFERS AND LANDSCAPING

In order to comply with the requirements of Chapter 13, Sections 3 and 3.5 of the Port Orange LDC, a perimeter buffer shall be provided as shown on the CDP and shall comply with the following standards and requirements. The intent of the landscape buffer is to provide a protected green space separation between the Property and surrounding neighborhoods. There shall be a perimeter buffer width of twenty (20') feet along the northerly Vintage Acres Tract boundary except along the common boundary with the Baumann Tract, twenty (20') feet along the westerly and southerly Vintage Acres Tract boundaries adjacent to Russell Road and Charles Street, and forty (40') along the easternly Vintage Acres Tract boundary. No landscape buffer shall be required for the Baumann Tract. Landscape buffers and privacy fencing, if proposed, shall be constructed with each phase and shall be within common area tracts. No clearing or altering of the perimeter buffer shall occur until the phase of that project area has been issued an approved construction plan. Preserved natural vegetation within the perimeter buffer may be applied toward meeting the landscaping requirements for that buffer and a statistical survey sample area may be utilized to quantify the extent and composition of such vegetation.

Although the goal is to maintain and utilize existing vegetation, existing vegetation that is determined by the City to be invasive exotics, diseased/dying and/or interfering with required extension of utilities may be removed, provided that any viable protected or specimen trees shall be mitigated in accordance with the City of Port Orange LDC. The landscape plans required for the final plat shall account for the removal and mitigation of trees with the perimeter buffers. No structures, primary or accessory, will be allowed within perimeter buffers, except for fencing and subdivision signage. The Vintage Acres HOA shall establish maintenance standards in the covenants and restrictions for the landscape buffers and tree conservation easements.

13. ENVIRONMENTAL CONSIDERATIONS

Both during and after construction, the Owners will use reasonable efforts to preserve trees and natural vegetation within the Property. The PUD shall comply with the tree preservations of the City's LDC. The Owners shall comply with all rules, statutes, laws and regulations pertaining to protected wildlife species, including but limited to the rules and permitting requirements of the Florida Game and Freshwater Fish Commission concerning gopher tortoises. Compliance with the City Environmental Preservation Code may necessitate modification of the Conceptual Development Plan.

14. EXPIRATION

Development of the Vintage Acres PUD shall commence within five (5) years from the effective date of this Agreement. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified by mutual agreement of the Owners and the City. Development shall be as defined by the LDC.

15. EFFECTIVE DATE

This Agreement shall become effective and run with the land upon recording by the City of Port Orange at the Owners' expense in the public records of Volusia County, Florida.

16. AMENDMENTS

Amendments to this Agreement and CDP shall comply with the requirements established in Chapter 3, Article 1 and Chapter 17, Section 17 of the City of Port Orange LDC. In accordance with the LDC, the City may grant an administrative variance this PUD when deemed appropriate by the administrative official, or those minor modifications that could not reasonably be anticipated during the planned development approval process and have no material effect on the character of the project or the terms of the MDA. Application for administrative variances shall be

made on the appropriate forms provided by the City for that purpose and shall be accompanied by the appropriate review fee. In no case shall an administrative variance be granted when such variance exceeds ten (10%) percent of the required dimension.

17. CONFORMANCE WITH THE LAWS

The Owners agree:

- A. To develop the Property according to all PUD regulations of the City to the extent those regulations are not inconsistent with the CDP for the Property.
- B. To provide agreements, contracts, deed restrictions, and sureties and other documents required by the City Legal Department for completion of the development or approved development phases, and for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense, and that the Owners' successors in title will be bound by the Owners' commitments made in the Agreement.
- C. To be bound by all City codes and ordinances that are not in conflict with the provisions of this Agreement.

18. ENFORCEABILITY

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 of enforceability of any other provision of this Agreement unless the holding so states.

19. PRIOR AGREEMENTS

This Agreement represents the complete understandings by and between the parties with respect to the development and continued use of the subject 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.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals this ____ day of _____, 20____.

WITNESSES:

CITY OF PORT ORANGE, FLORIDA
A Chartered Municipal Corporation

Name:_____

By: _____
Scott Stiltner, Mayor

Name:_____

Date: _____, 2025

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

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [**XX**] physical presence or [] online notarization this ____ day of _____, 2025, by Scott Stiltner as Mayor and Robin L. Fenwick, City Clerk, both of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledge that he is duly authorized to execute the foregoing agreement on behalf of the city. He is personally known to me.

Notary Public, State of Florida at Large
Printed, typed or stamped name, commission and expiration of commission term

Signed, sealed and delivered
In the presence of

Witness 1 Signature

Owner(s):
Joyce E. Tumblin Trust Dated October 16, 1998

Print Name of Witness 1

By: Shannon Hall, Vice President of
Bank of America, N.A., Successor Trustee

Witness 2 Signature

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The forgoing instrument was acknowledged before me, by means of online notarization or physical presence, this ____ day of _____, 20____, by Shannon Hall, Vice President of Bank of America, N.A., as Successor Trustee of the Joyce E. Tumblin Trust Dated October 16, 1998. He / She is personally known to me or has produced the following as identification _____, and he / she did not take an oath.

Notary Type, Print, or Stamp Name

My Commission Expires: _____

Signed, sealed and delivered
In the presence of

Witness 1 Signature

Owner(s):
Stetson University Inc.

Print Name of Witness 1

By: _____

Witness 2 Signature

Its: _____

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The forgoing instrument was acknowledged before me, by means of online notarization or physical presence, this ____ day of _____, 20____, by _____, as _____ of Stetson University Inc., on behalf of the corporation. He / She is personally known to me or has produced the following as identification _____, and he / she did not take an oath.

Notary Type, Print, or Stamp Name

My Commission Expires: _____

Signed, sealed and delivered
In the presence of

Witness 1 Signature

Owner(s):
Andrea Baumann

Print Name of Witness 1

Witness 2 Signature

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The forgoing instrument was acknowledged before me, by means of online notarization or physical presence, this ____ day of _____, 20____, by Andrea Baumann. He / She is personally known to me or has produced the following as identification _____, and he / she did not take an oath.

Notary Type, Print, or Stamp Name

My Commission Expires: _____

Signed, sealed and delivered
In the presence of

Witness 1 Signature

Owner(s):
Beth Anne Burnett

Print Name of Witness 1

Witness 2 Signature

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The forgoing instrument was acknowledged before me, by means of online notarization or physical presence, this ____ day of _____, 20____, by Beth Anne Burnett. He / She is personally known to me or has produced the following as identification _____, and he / she did not take an oath.

Notary Type, Print, or Stamp Name

My Commission Expires: _____

Exhibit A
Legal Description

THAT PART OF THE EAST 550 FEET OF THE SOUTH 3/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPT THE NORTH 1710 FEET AND EXCEPT THE EAST 25 FEET IN ROAD. AND THE NORTH 254 FEET OF THE EAST 550 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPT THE EAST 25 FEET IN ROAD. ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST; THENCE S89°17'40"W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF AIRPORT ROAD (A 50' ROAD AS LAID OUT AND NOW IN USE) AND THE POINT OF BEGINNING; THENCE S00°41'24"E ALONG SAID WESTERLY RIGHT OF WAY LINE 253.26 FEET TO THE SOUTH LINE OF THE NORTHERLY 254 FEET OF THE EAST 550 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST; THENCE ALONG SAID SOUTH LINE S89°10'44"W, 319.15 FEET TO THE EAST LINE OF THE NORTHERLY 126 FEET OF SOUTH 406 FEET OF THE WESTERLY 317.5 FEET OF NORTHEAST 1/4 OF NORTHEAST 1/4 SAID SECTION 1; THENCE S00°57'33"E ALONG SAID EAST LINE 1.00 FEET; THENCE DEPART SAID EAST LINE S89°01'32"W, 205.45 FEET; THENCE N00°58'28"W, 1.55 FEET TO THE SOUTH LINE OF THE NORTHERLY 254 FEET OF THE EAST 550 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1; THENCE S89°10'44"W ALONG SAID SOUTH LINE 0.41 FEET TO THE WEST LINE OF THE NORTHERLY 254 FEET OF THE EAST 550 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1; THENCE N00°40'39"W ALONG SAID WEST LINE 254.32 FEET TO THE WEST LINE OF EAST 550 FEET OF SOUTHERLY 3/4 OF SOUTHEAST 1/4 SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST EXCEPT THE NORTHERLY 1710 FEET; THENCE N00°50'04"W ALONG SAID WEST LINE 299.64 FEET TO THE NORTH LINE EAST 550 FEET OF THE SOUTHERLY 3/4 OF SOUTHEAST 1/4 SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, EXCEPT THE NORTHERLY 1710 FEET; THENCE N88°54'23"E ALONG SAID NORTH LINE 524.09 FEET TO THE WESTERLY RIGHT OF WAY LINE OF AFORE SAID AIRPORT ROAD; THENCE S00°59'46"E ALONG SAID WESTERLY RIGHT OF WAY LINE 303.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 291,595 SQ. FT. OR 6.694 ACRES MORE OR LESS.

TOGETHER WITH

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE LOCALY ACCEPTED NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST, SAID CORNER BEING A 4 INCH BY 4 INCH CONCRETE MONUMENT STAMPED PLS #4722; THENCE N89°17'40"E, ALONG THE NORTH LINE OF SAID SECTION 1, 40.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE ALONG THE NORTH LINE OF SAID SECTION 1, N89°17'40"EAST, 2,056.09 FEET; THENCE DEPARTING SAID NORTH LINE, S00°40'39"E, 254.34 FEET; THENCE S89°10'44"W, 111.65 FEET; THENCE S00°39'34"E, 406.64 FEET; THENCE S89°11'50"W, 1,224.42 FEET; THENCE S00°37'28"E, 619.13 FEET TO THE NORTHERLY RIGHT OF WAY OF CHARLES STREET, SAID RIGHT OF WAY BEING PRESCRIPTIVE ACCORDING TO THE DEPARTMENT OF ENGINEERING, VOLUSIA COUNTY FLORIDA, DRAWING NUMBER P-26 1687-1-2 DATED OCTOBER 5, 1978 WITH A VARIABLE WIDTH; THENCE ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING 8 COURSES, N87°58'36"W, 38.96 FEET; THENCE N89°45'10"W, 100.06 FEET; THENCE N88°36'27"W, 100.05 FEET; THENCE N89°45'10"W, 100.00 FEET; THENCE S89°57'38"W, 100.01 FEET; THENCE N89°23'01"W, 100.00 FEET; THENCE N89°45'10"W, 100.00 FEET; THENCE N89°56'20"W, 82.84 FEET TO THE EASTERLY RIGHT OF WAY OF RUSSELL ROAD, SAID RIGHT OF WAY BEING 40.00 FEET IN WIDTH; THENCE DEPARTING AFORE MENTIONED RIGHT OF WAY OF CHARLES STREET AND ALONG SAID EASTERLY RIGHT OF WAY OF RUSSELL ROAD, N00°34'09"W, 1,267.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,757,703 SQUARE FEET, OR 40.35 ACRES

TOGETHER WITH

THE WESTERLY 660 FEET OF THE EASTERLY 1887 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4, SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST, TOGETHER WITH A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST LESS THAT PORTION IN CHARLES STREET, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST; THENCE S89°03'39"W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST, A DISTANCE OF 1257.11 FEET; THENCE DEPART SAID SOUTH LINE N00°35'58"W, 29.58 FEET TO THE NORTH RIGHT OF WAY LINE OF CHARLES STREET (PRESCRIPTIVE R/W WIDTH VARIES PER VOLUSIA COUNTY DEPARTMENT OF ENGINEERING, DRAWING No. P26 1687-1-2) AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING SEVEN COURSES, S89°40'29"W, 69.18 FEET; THENCE N89°40'23"W, 99.89 FEET; THENCE N89°10'47"W, 100.01 FEET; THENCE S89°40'27"W, 100.00 FEET; THENCE N89°10'48"W, 100.00 FEET; THENCE N89°48'37"W, 99.94 FEET; THENCE N87°58'36"W, 61.07 FEET TO THE WEST LINE OF THE WESTERLY 660 FEET OF THE EASTERLY 1887 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4, SAID SECTION 1; THENCE N00°37'28"W ALONG SAID WEST LINE 619.13 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 SAID SECTION 1; THENCE N89°11'50"E ALONG SAID NORTH LINE 694.68 FEET TO THE EAST LINE OF NORTHERLY 281.71' OF THE WEST 35 FEET OF THE EASTERLY 1227 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 SAID SECTION 1; THENCE S00°41'29"E ALONG SAID EAST LINE 279.63 FEET; THENCE DEPART SAID EAST LINE S88°59'54"W, 64.90 FEET; THENCE S00°35'58"E, 351.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 413094 SQ. FT. OR 9.483 ACRES MORE OR LESS.

Exhibit B
Conceptual Development Plan

INDEX OF SHEETS	
DWG.NO.	DESCRIPTION
1	COVER
2	SITE LAYOUT PLAN
3	COMMON OPEN SPACE EXHIBIT
4	TOPOGRAPHY & FEMA MAP EXHIBIT
5	ADJACENT PROPERTY EXHIBIT
6	EASEMENT PLAN

CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR VINTAGE ACRES

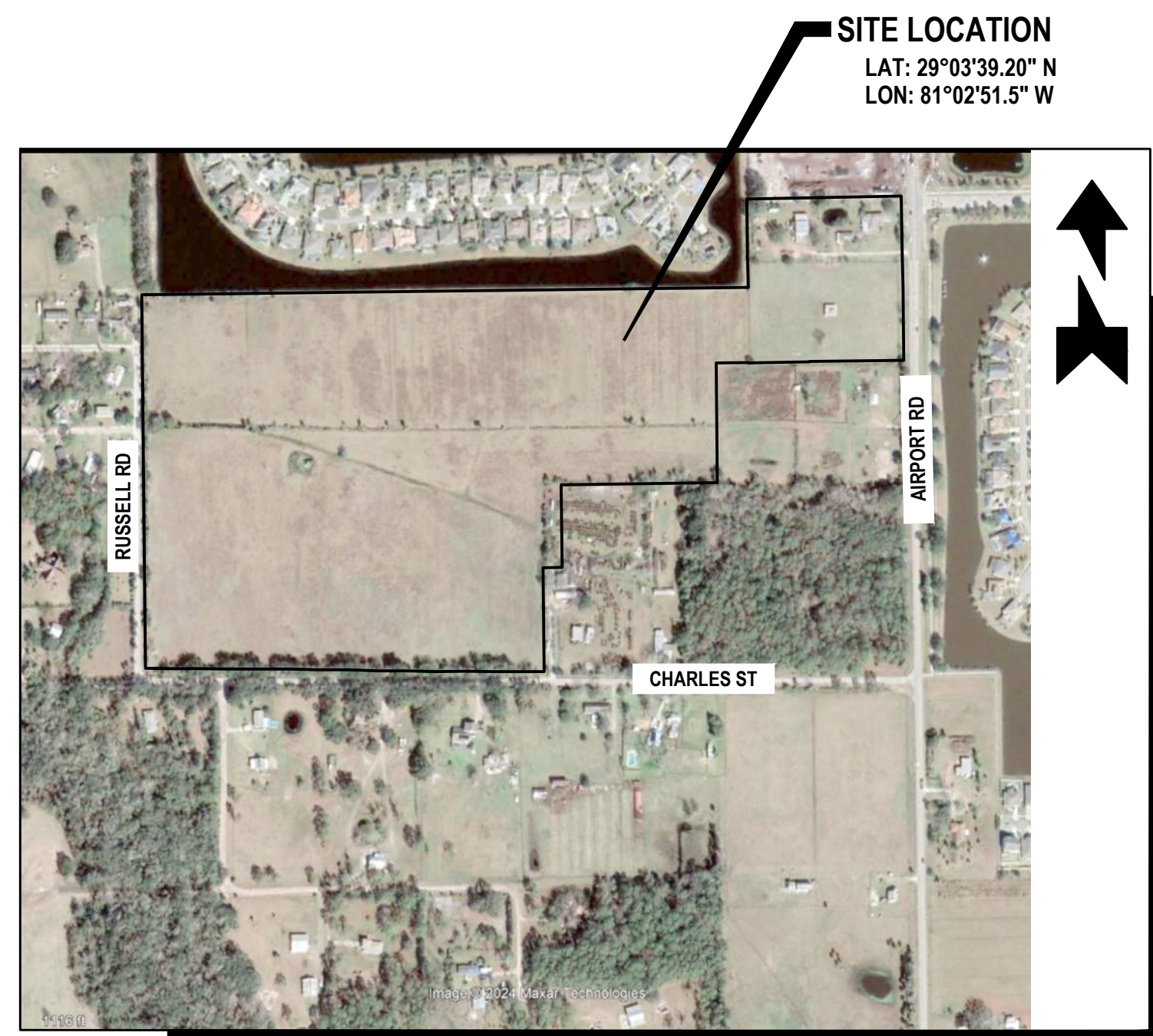
SECTION 01, TOWNSHIP 17, RANGE 32
720100000010, 720100000014 & 720100000016
PORT ORANGE, FLORIDA 32168

PROJECT STATEMENT

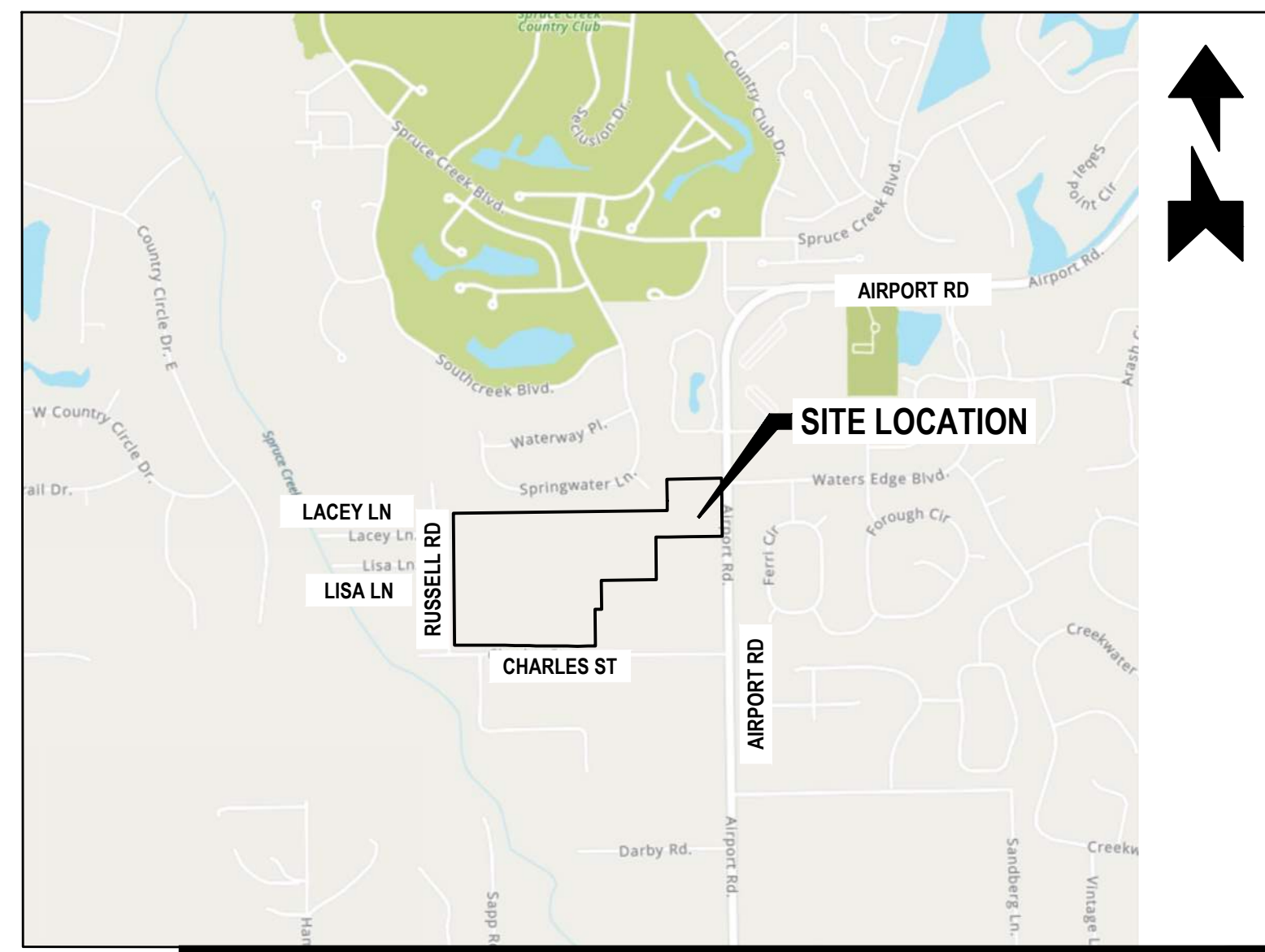
PROPOSE A PLANNED UNIT DEVELOPMENT TO BE KNOWN AS "VINTAGE ACRES" CONSISTING OF 113 SINGLE FAMILY DETACHED DWELLING UNITS ON 56.529 ACRES (2.0 UNITS PER ACRE).

NOTE:

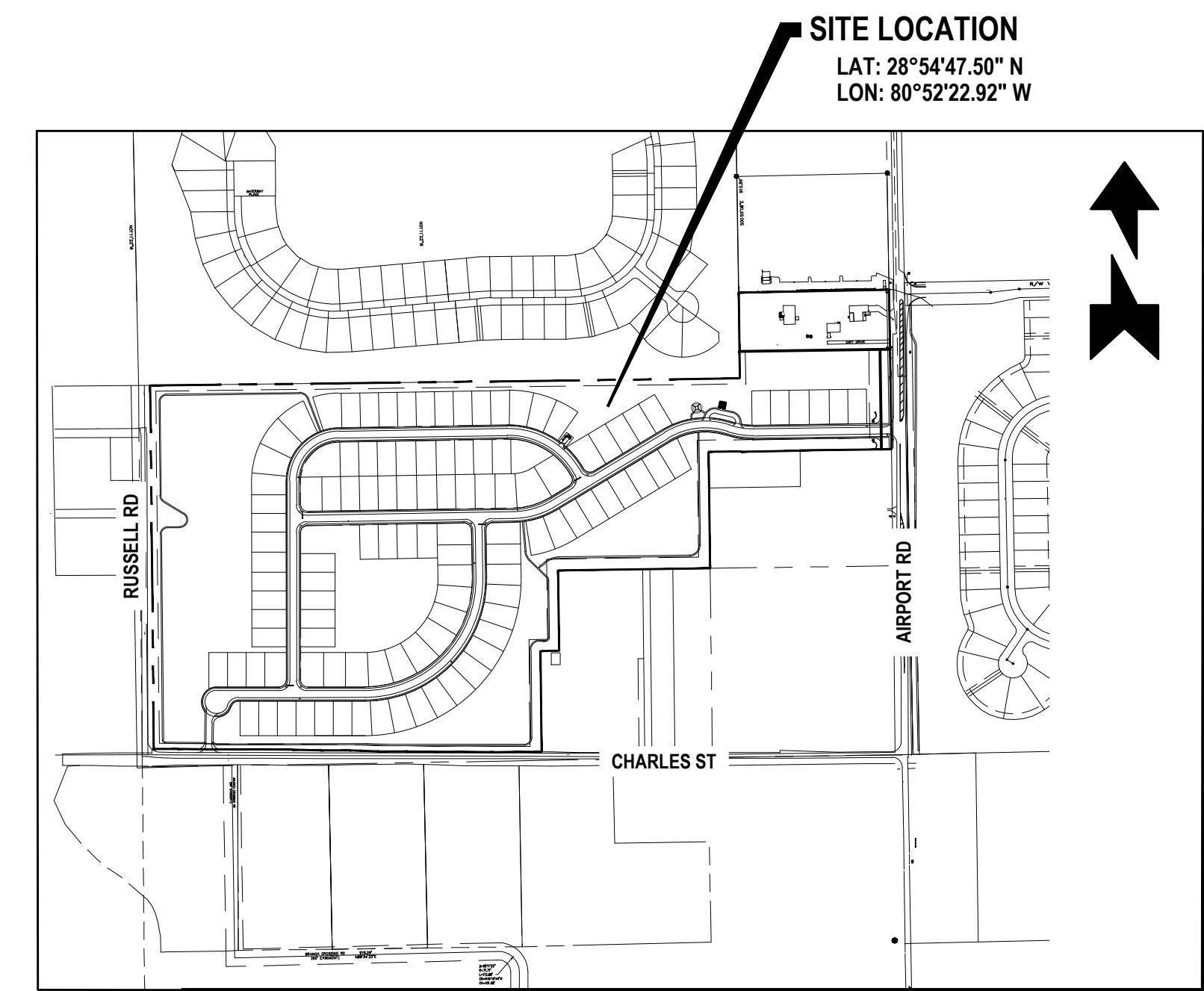
COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL DEVELOPMENT PLAN.



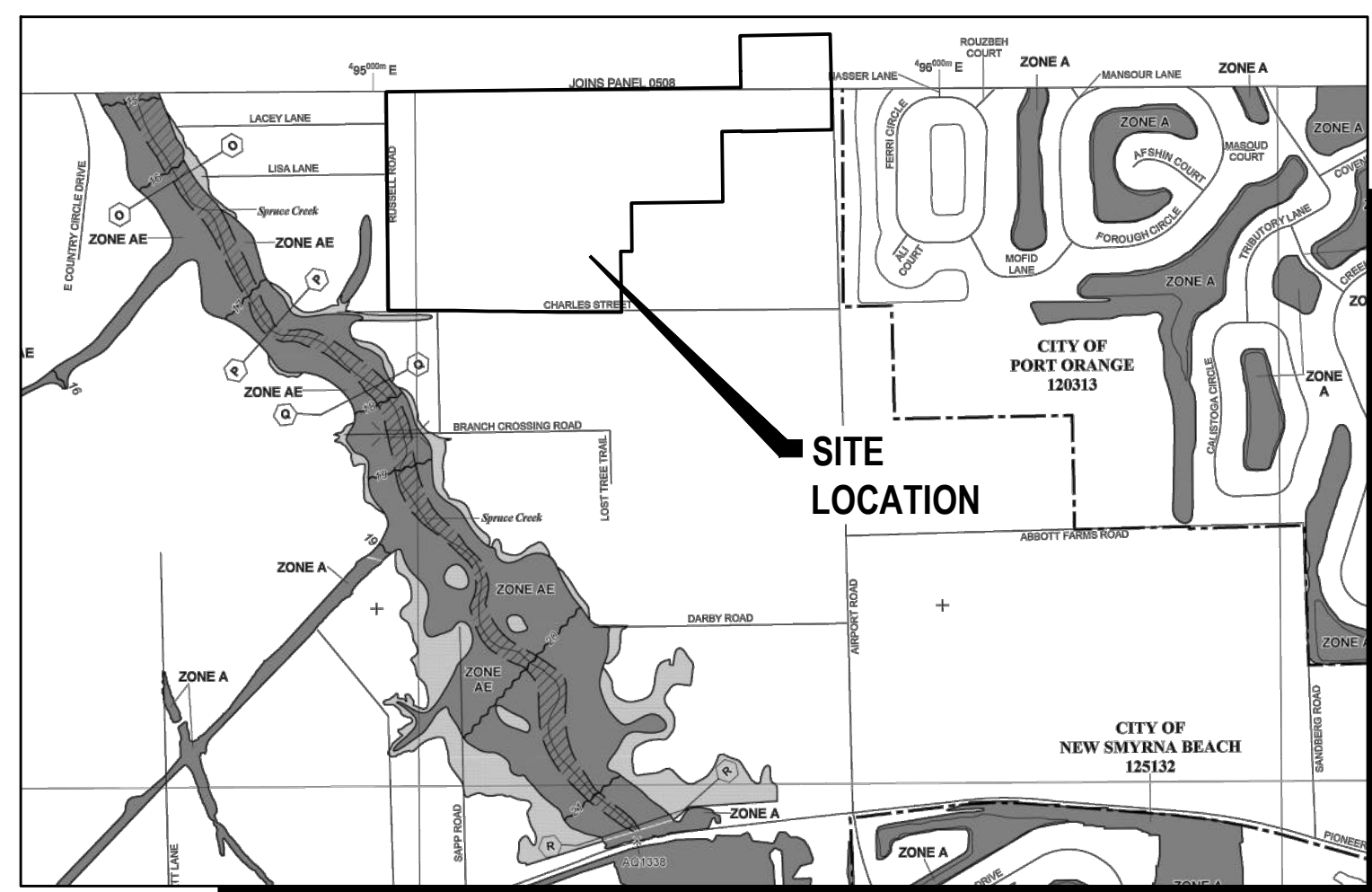
AERIAL MAP
SCALE: 1" = 500'



LOCATION MAP
SCALE: 1" = 1500'

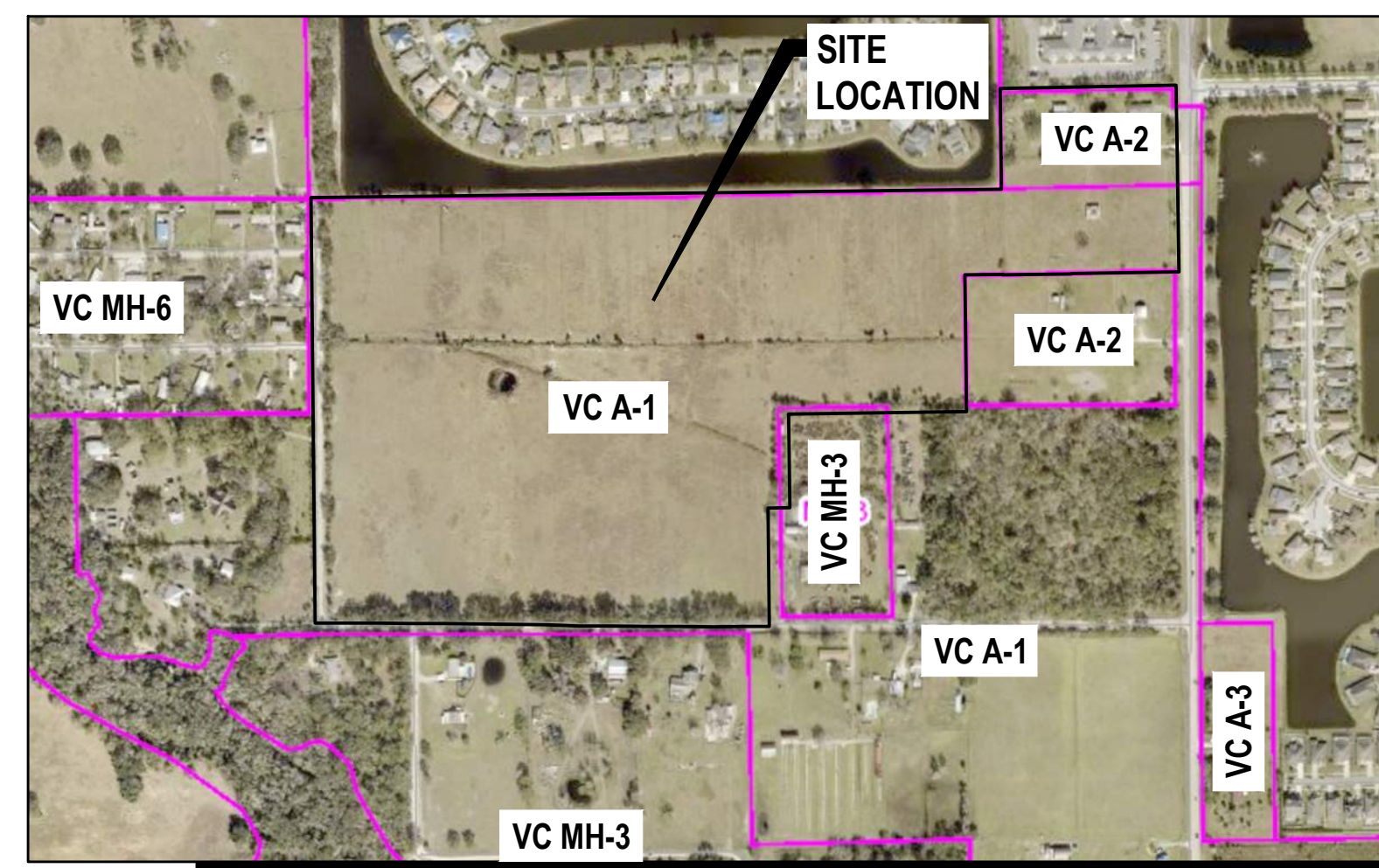


PUD MAP
SCALE: 1" = 500'



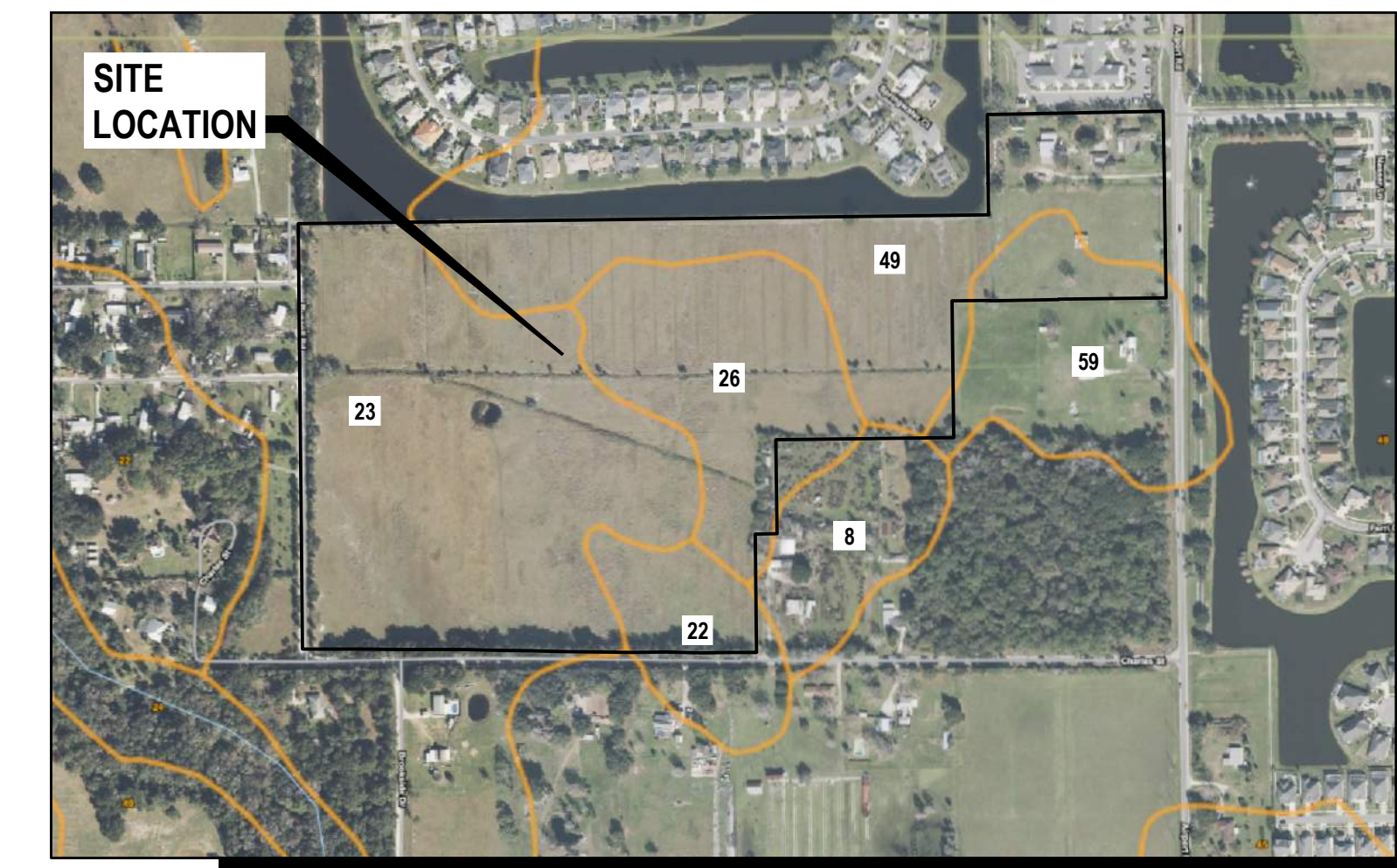
FLOOD ZONE MAP
SCALE: 1" = 1000'

FLOOD ZONE "X" PANEL No. 12127C0516H,
DATED FEBRUARY 18, 2014



ZONING MAP
SCALE: 1" = 500'

ZONING: VC A-1 (PRIME AGRICULTURE)
VC A-2 (RURAL AGRICULTURE)



SOILS MAP
SCALE: 1" = 500'

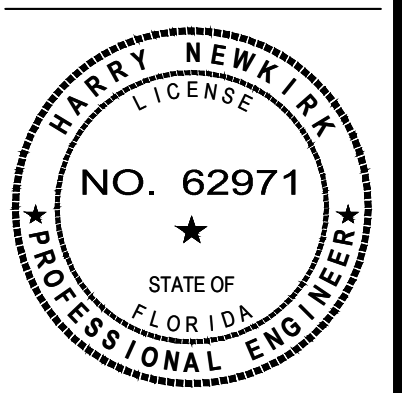
SOIL TYPES:
(8) BASINGER FINE SAND, 0 TO 1 PERCENT SLOPES
(22) ELECTRA FINE SAND, 0 TO 5 PERCENT SLOPES
(23) FARMTON FINE SANDS, 0 TO 5 PERCENT SLOPES
(28) HOLOPAW SAND
(49) POMONA FINE SAND
(59) SCOGGIN SAND

1230 North US1, Suite 3
Ormond Beach, Florida 32174
Phone (386) 872-7794
www.Newkirk-Engineering.com
C.A. # 30209
L.C. # 26000584
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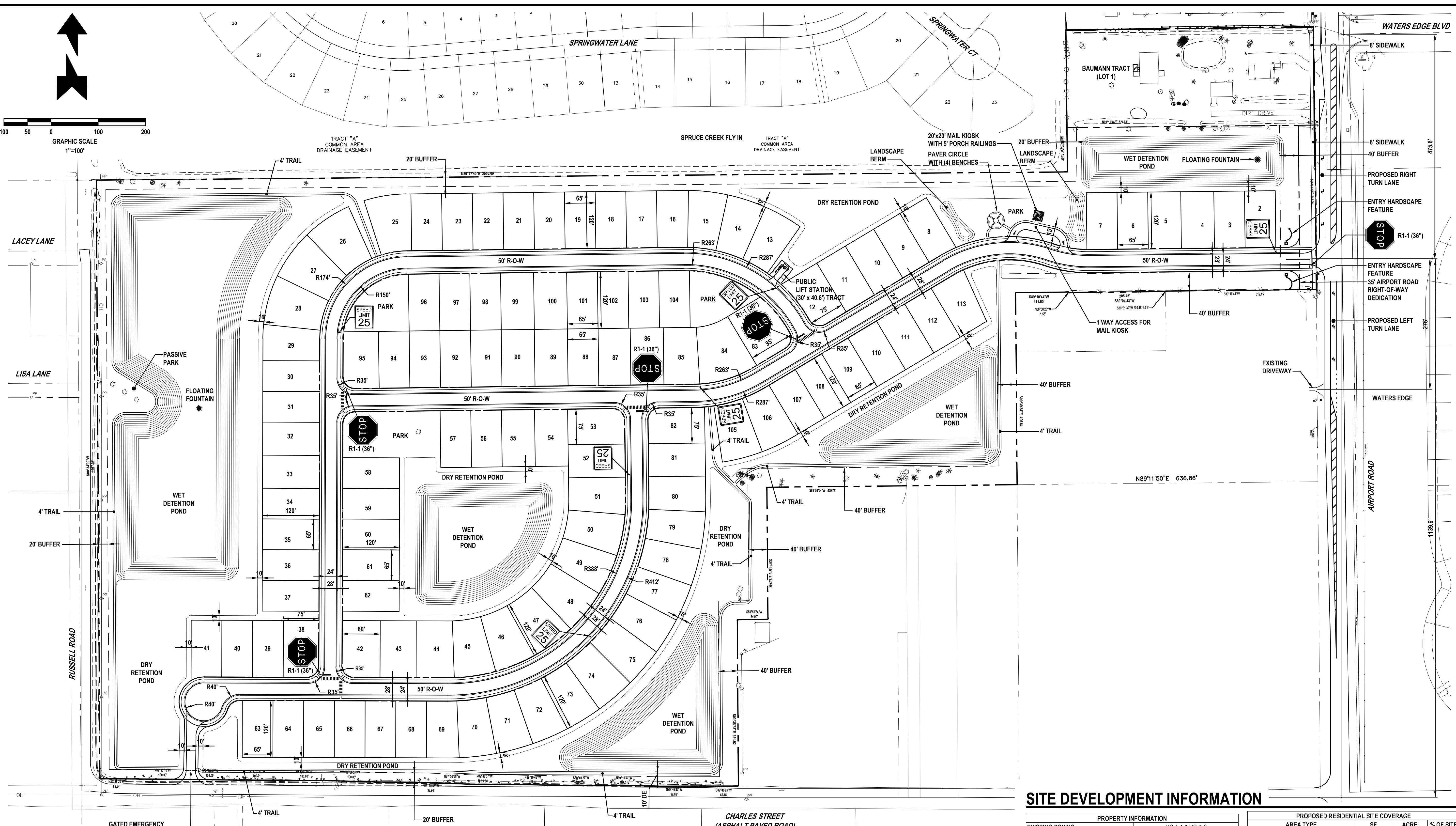
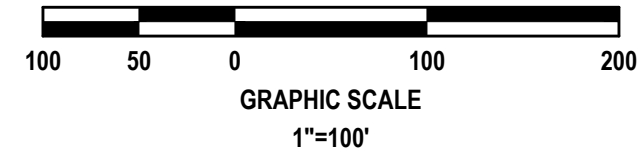
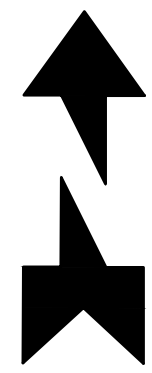
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY
HARRY NEWKIRK, PE # 62971 ON



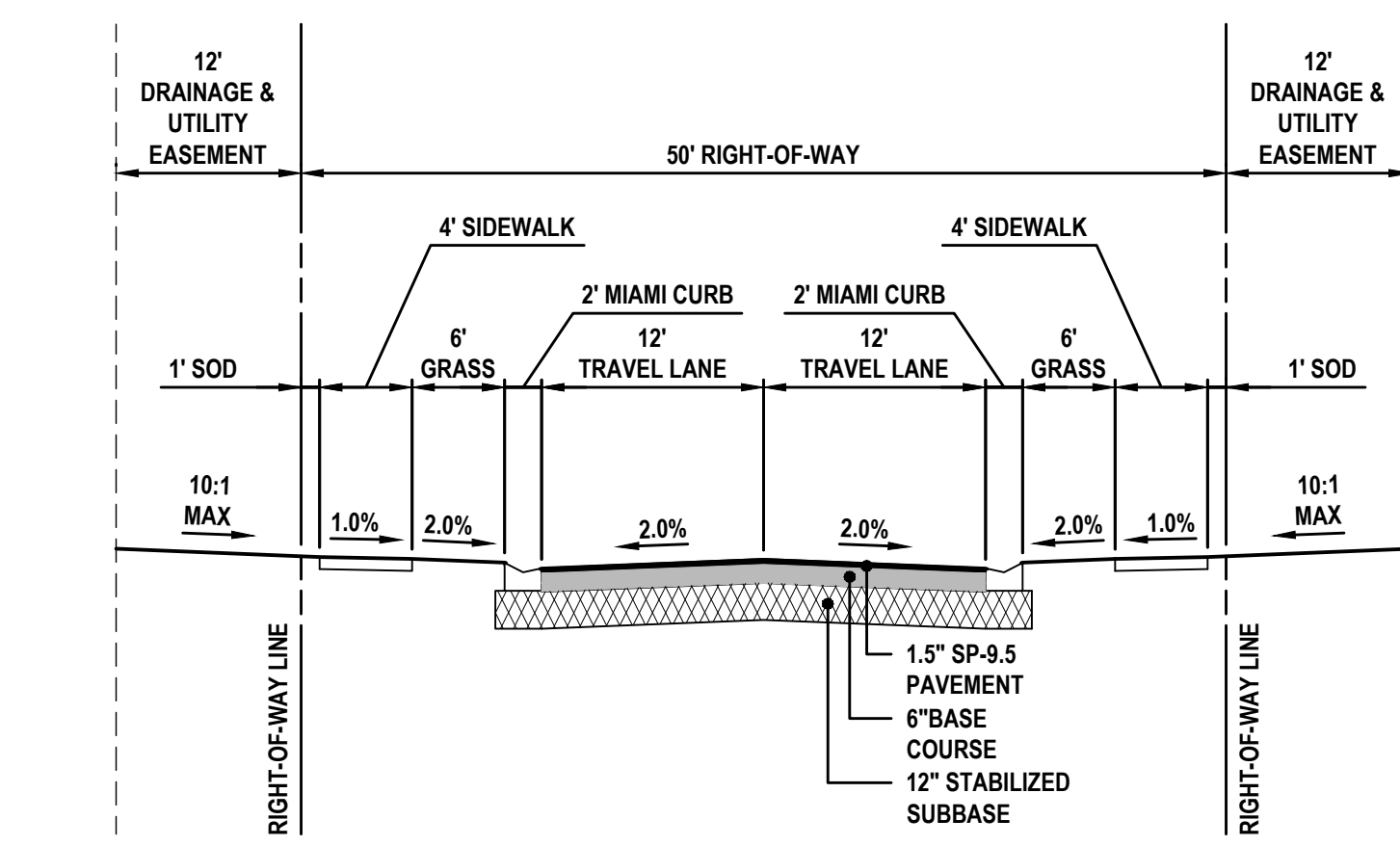
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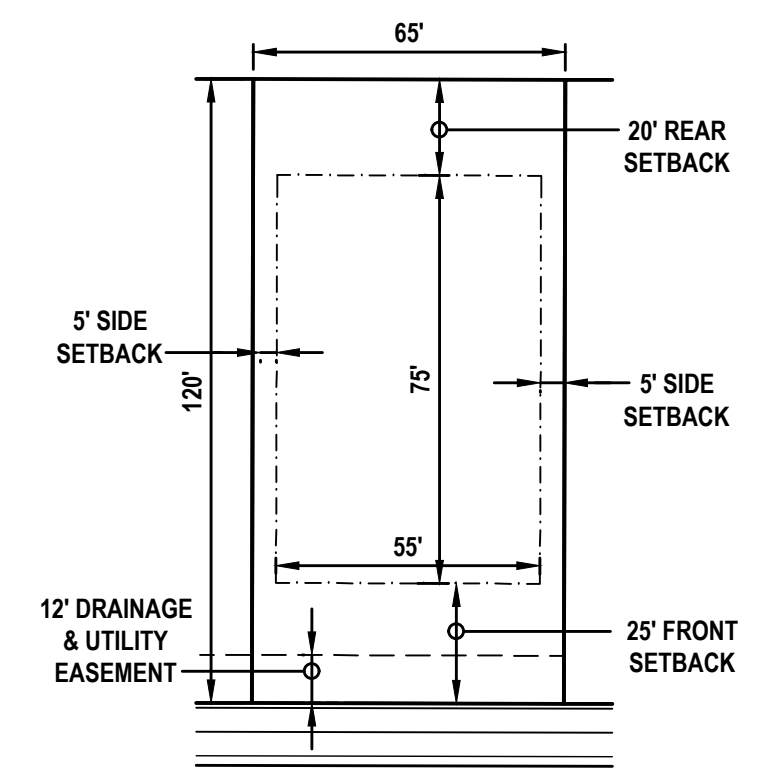
1



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



ROADWAY TYPICAL SECTION 50' RIGHT-OF-WAY
NOT TO SCALE



TYPICAL 65' LOT
NOT TO SCALE

SITE DEVELOPMENT INFORMATION

PROPERTY INFORMATION	
EXISTING ZONING	VC A-1 & VC A-2
PROPOSED ZONING	PUD (PLANNED UNIT DEVELOPMENT)
FLOODZONE	"X"
BUILDING USES	SINGLE FAMILY
LOTS	113 (2.00 UNITS / ACRE)

VINTAGE ACRES TRACT DEVELOPMENT REQUIREMENTS	
FRONT SETBACK (DWELLING BUILDING)	25 FEET
FRONT SETBACK (OPEN PORCH)	20 FEET
SIDE CORNER (DWELLING BUILDING)	25 FEET
SIDE CORNER (OPEN PORCH)	20 FEET
SIDE SETBACK	5 FEET
MINIMUM LOT WIDTH	65 FEET
MINIMUM LOT DEPTH	120 FEET
MINIMUM LOT AREA	7,800 FEET
MAXIMUM BUILDING HEIGHT	35 FEET
MINIMUM OPEN SPACE	30 % PER LOT
MAXIMUM IMPERVIOUS AREA	70 % PER LOT
MINIMUM LIVING AREA	1,850 SQUARE FEET

BAUMANN TRACT DEVELOPMENT REQUIREMENTS	
FRONT SETBACK	40 FEET
FRONT CORNER SETBACK	40 FEET
SIDE SETBACK	25 FEET
MINIMUM LOT WIDTH	150 FEET
MINIMUM LOT DEPTH	250 FEET
MINIMUM LOT AREA	1 ACRE
MAXIMUM BUILDING HEIGHT	35 FEET
MINIMUM OPEN SPACE	40 % PER LOT
MAXIMUM IMPERVIOUS AREA	60 % PER LOT
MINIMUM LIVING AREA	1,850 SQUARE FEET

PROPOSED RESIDENTIAL SITE COVERAGE			
AREA TYPE	SF	ACRE	% OF SITE
LOT IMPERVIOUS	656,573	15.073	26.7%
LOT OPEN SPACE	281,388	6.460	11.4%
IMPERVIOUS	187,609	4.307	7.6%
EXISTING IMPERVIOUS	9,540	0.219	0.4%
WET DETENTION POND	447,323	10.269	18.2%
GREEN SPACE	879,959	20.201	35.7%
TOTAL SITE (GROSS)	2,462,392	56.529	100.0%
GROSS DENSITY	113 UNITS / 56.529 =	2.00	
TOTAL OPEN SPACE	1,608,670	36.930	65.3%
TOTAL IMPERVIOUS SURFACE	853,722	19.599	34.7%

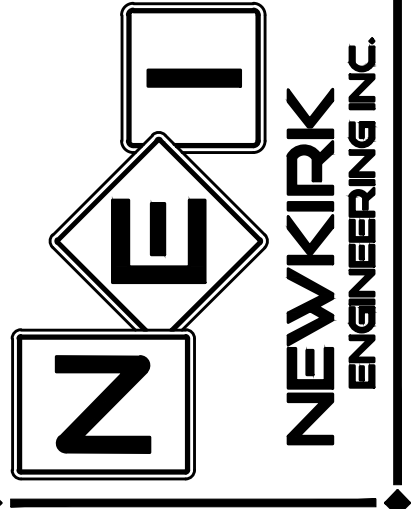
OVERALL PUD REQUIREMENTS			
MAXIMUM IMPERVIOUS COVERAGE	40%		
MINIMUM OPEN SPACE	60%		
MINIMUM COMMON OPEN SPACE	20%		

STORMWATER			
AREA TYPE	SF	ACRE	%
DRY RETENTION POND	248,157	5.697	10.1%
WET DETENTION POND	447,323	10.269	18.2%
TOTAL SITE	2,462,392	56.529	100.0%
TOTAL STORMWATER	695,480	15.966	28.2%

REVISIONS

DATE	DESCRIPTION
7/10/25	CITY COMMENTS
8/13/25	CITY COMMENTS
9/3/25	CITY COMMENTS

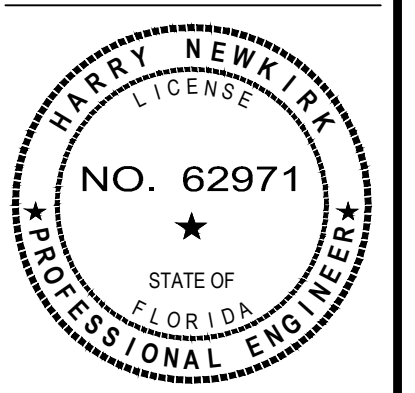
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SITE LAYOUT PLAN
VINTAGE ACRES PUD
AIRPORT ROAD
PORT ORANGE, FL 32168

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PROJECT No: 2024-61

DATE: JULY 2025

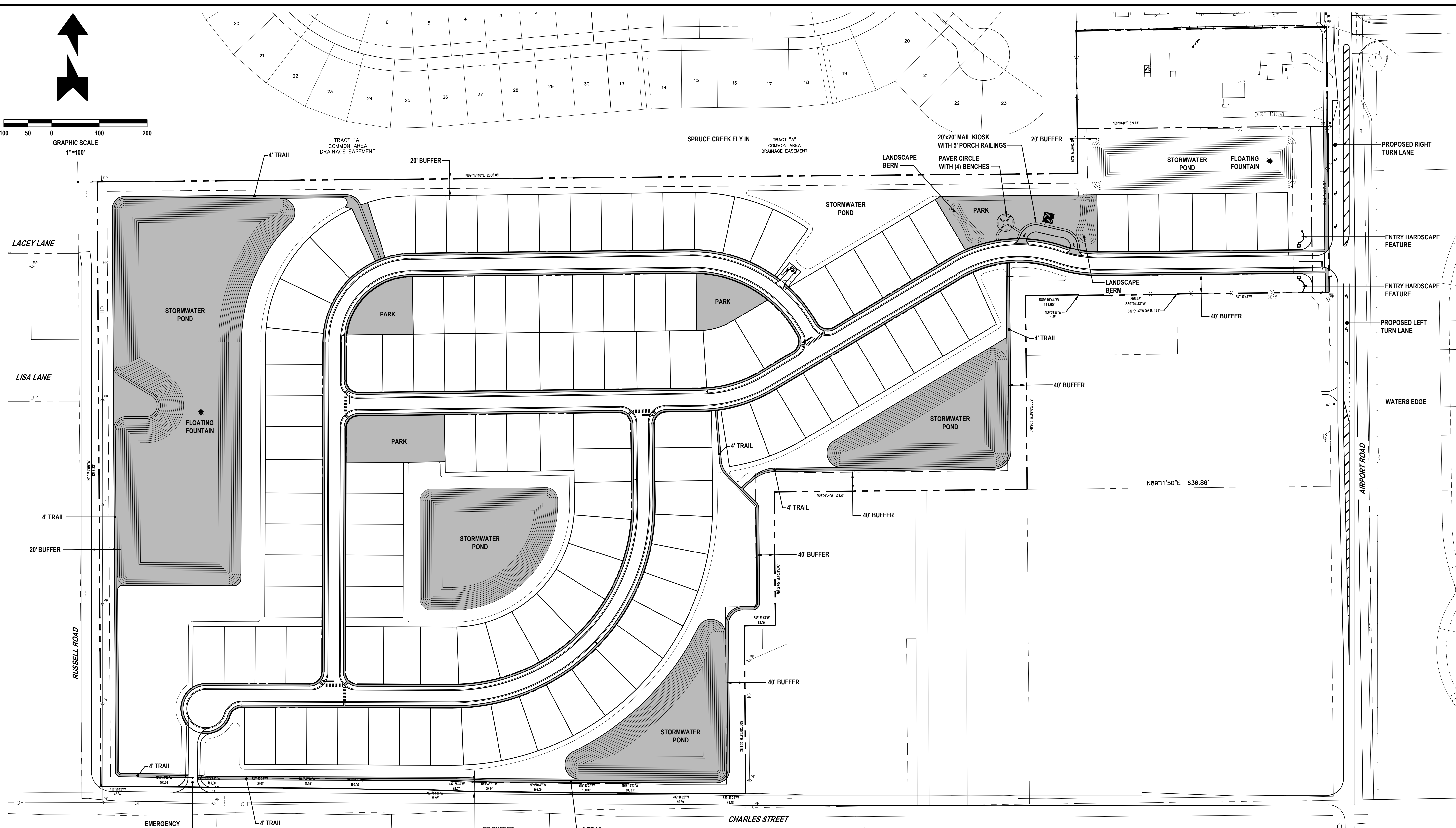
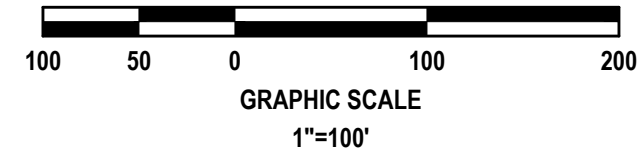
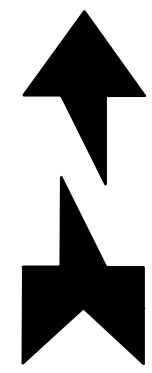
DESIGN BY: HHN

DRAWN BY: NWS

CHECKED BY: HHN

SCALE: 1" = 100'

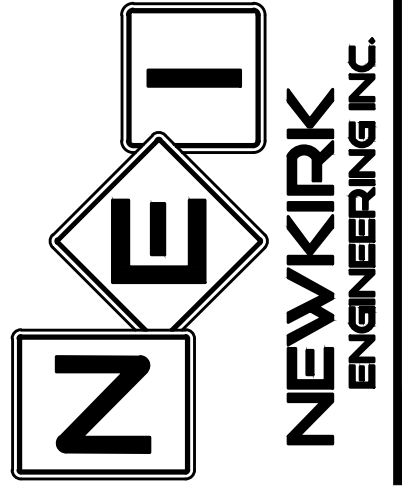
DRAWING NUMBER



REVISIONS

DATE	DESCRIPTION
9/3/25	CITY COMMENTS

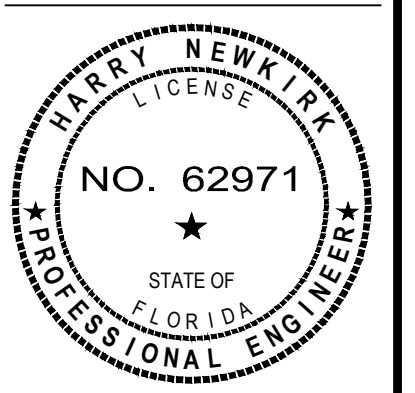
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Landscape Architecture



**COMMON OPEN SPACE EXHIBIT
VINTAGE ACRES PUD**
AIRPORT ROAD
PORT ORANGE, FL 32168

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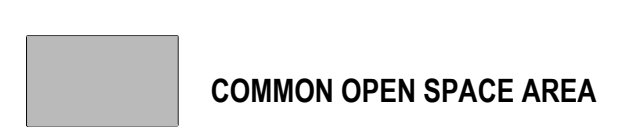
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CHECKED BY: HHN
SCALE: 1" = 100'
DRAWING NUMBER

LEGEND

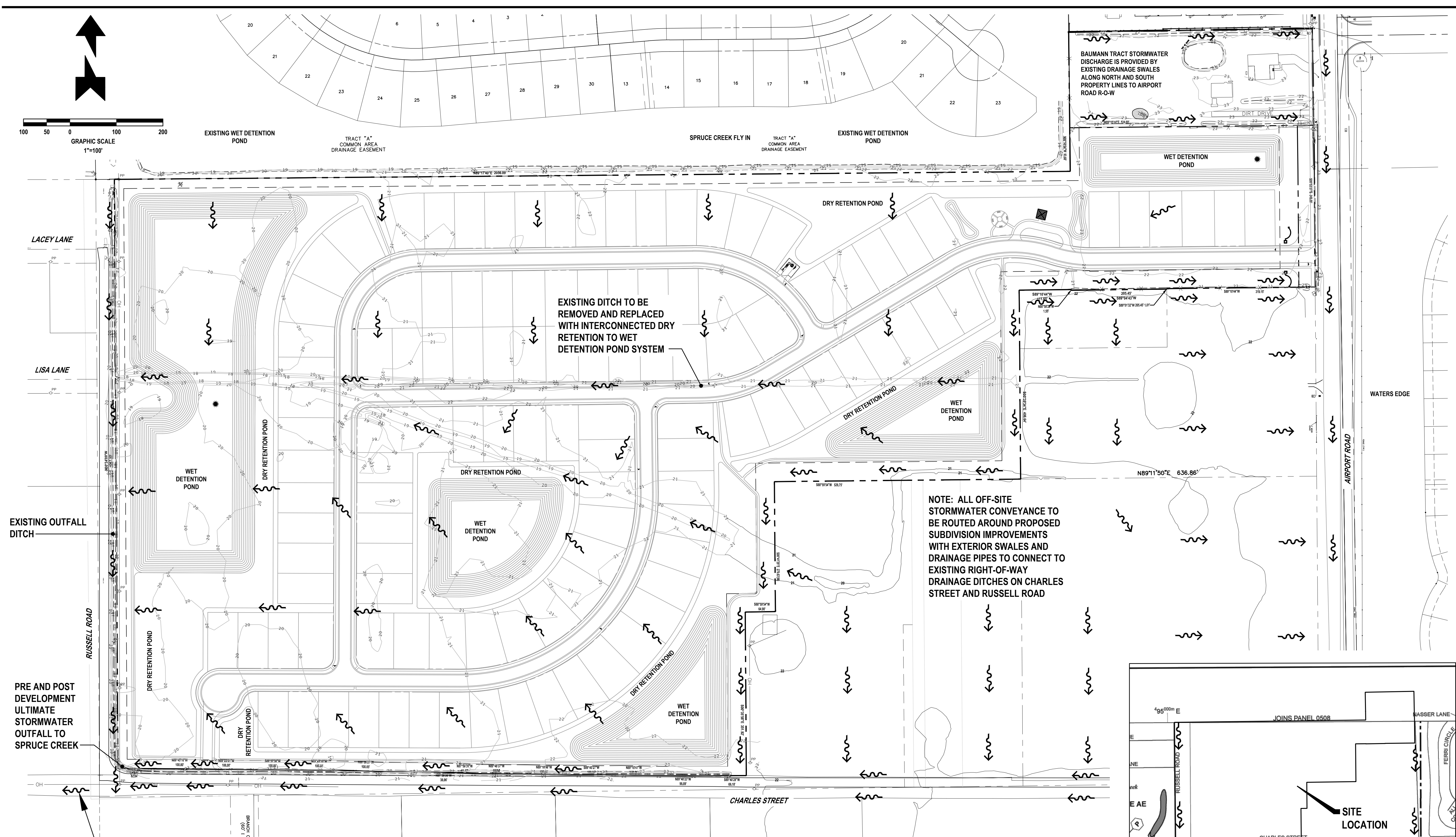
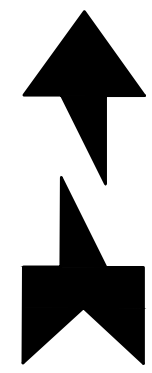


NOTE:

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

OVERALL PUD REQUIREMENTS	
MAXIMUM IMPERVIOUS COVERAGE	40%
MINIMUM OPEN SPACE	60%
MINIMUM COMMON OPEN SPACE	20%

COMMON OPEN SPACE / RECREATION			
AREA TYPE	SF	ACRE	%
SIDEWALK (ACTIVE)	47,279	1.085	2.9%
4' TRAIL (ACTIVE)	20,256	0.465	1.3%
PARK (ACTIVE / PASSIVE)	98,068	2.251	6.1%
STORMWATER POND (PASSIVE)	401,464	9.216	25.0%
TOTAL COMMON OPEN SPACE	567,067	13.018	35.3%
TOTAL OPEN SPACE	1,608,670	36.930	65.3%
TOTAL SITE	2,462,392	56.529	100.0%



BAUMANN TRACT STORMWATER DISCHARGE IS PROVIDED BY EXISTING DRAINAGE SWALES ALONG NORTH AND SOUTH PROPERTY LINES TO AIRPORT ROAD R-O-W

EXISTING DITCH TO BE REMOVED AND REPLACED WITH INTERCONNECTED DRY RETENTION TO WET DETENTION POND SYSTEM

NOTE: ALL OFF-SITE STORMWATER CONVEYANCE TO BE ROUTED AROUND PROPOSED SUBDIVISION IMPROVEMENTS WITH EXTERIOR SWALES AND DRAINAGE PIPES TO CONNECT TO EXISTING RIGHT-OF-WAY DRAINAGE DITCHES ON CHARLES STREET AND RUSSELL ROAD

EXISTING OFFFALL DITCH

PRE AND POST DEVELOPMENT ULTIMATE STORMWATER OFFFALL TO SPRUCE CREEK

AIRPORT ROAD, CHARLES STREET, RUSSELL ROAD AND VINTAGE ACRES PUD ULTIMATE DISCHARGE LOCATION TO SPRUCE CREEK

SUMMARY OF DRAINAGE:

THE STORMWATER MANAGEMENT SYSTEM WILL BE DESIGNED PER CITY OF PORT ORANGE LAND DEVELOPMENT CODE, ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWD), VOLUSIA COUNTY LAND DEVELOPMENT CODE AND FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REQUIREMENTS.

THE MINIMUM WATER QUALITY TREATMENT VOLUME REQUIRED IS EQUAL TO THE GREATER OF:

1. SJRWMD PRESUMPTIVE REQUIRED TREATMENT VOLUME FOR OFW (i.e. SPRUCE CREEK) FOR PRE-TREATED WET DETENTION SYSTEMS BY WAY OF DRY RETENTION (SECTION 8 SUBSECTIONS 1 THRU 13, ERP A.H. VOL II).
2. BMP TRAINS NUTRIENT REMOVAL TREATMENT VOLUME REQUIRED TO OBTAIN A NET IMPROVEMENT OF NITROGEN AND PHOSPHOROUS REMOVAL FROM THE DISCHARGE.

THE STORMWATER SYSTEM WILL BE DESIGNED AS A TREATMENT TRAIN SYSTEM CONSISTING OF DRY RETENTION (PRE-TREATMENT) TO WET DETENTION POND. THE STORMWATER SYSTEM WILL BE DESIGNED TO PROVIDE A 25% REDUCTION IN PEAK DISCHARGE RATE AND TOTAL RUNOFF VOLUME FOR BOTH THE 25-YEAR AND 100-YEAR, 24-HOUR STORM EVENTS.

NOTES

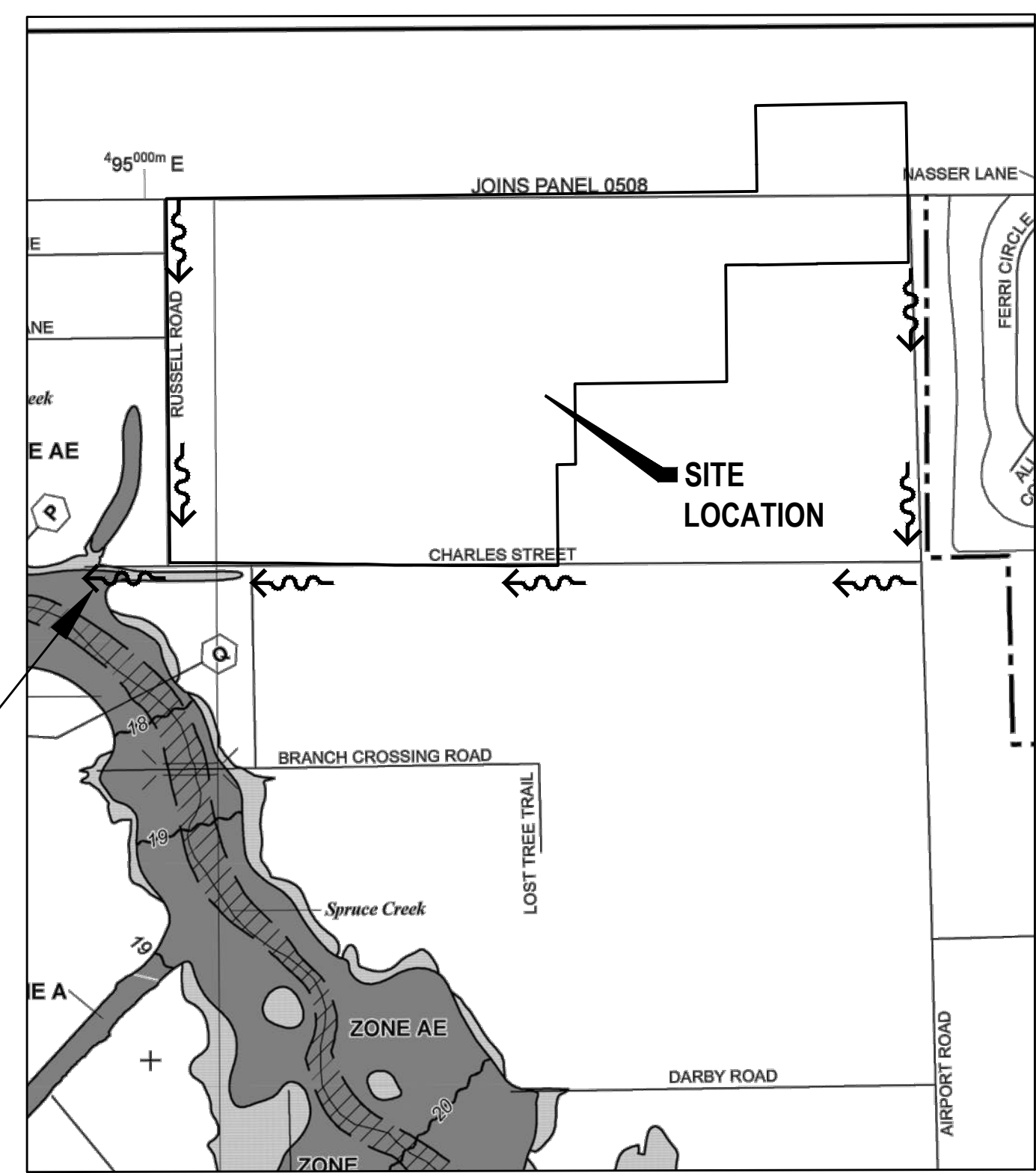
1. ELEVATIONS SHOWN ARE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
2. SITE SOILS:
 - A. (8) BASINGER FINE SAND, 0 TO 1 PERCENT SLOPES
 - B. (22) ELECTRA FINE SAND, 0 TO 5 PERCENT SLOPES
 - C. (23) FARMTON FINE SAND, 0 TO 5 PERCENT SLOPES
 - D. (26) HOLOPAW SAND
 - E. (49) POMONA FINE SAND
 - F. (59) SCOGGIN SAND

LEGEND

~ EXISTING DIRECTION OF RUNOFF SHEET FLOW PATH

NOTE:

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

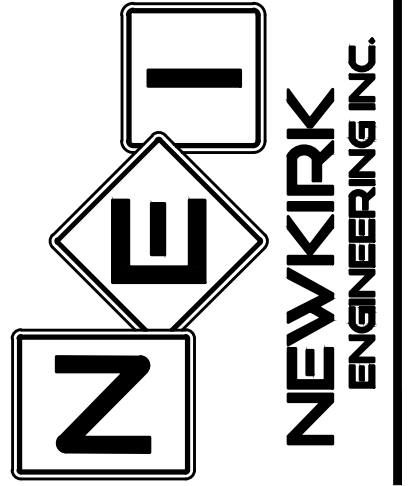


FEMA FLOOD MAP ENTIRE PROPERTY = FLOOD ZONE "X" SCALE: 1" = 500'

REVISIONS

DATE	DESCRIPTION
7/10/25	CITY COMMENTS

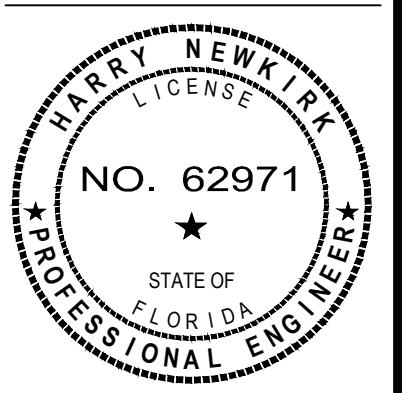
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PROJECT No: 2024-61

DATE: JULY 2025

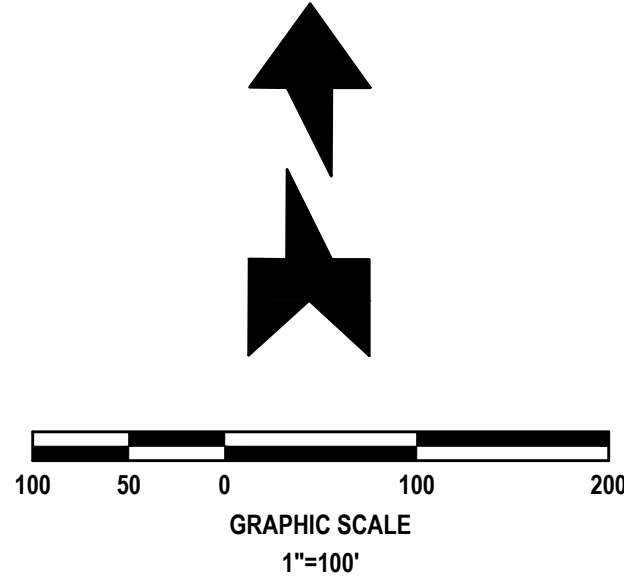
DESIGN BY: HHN

DRAWN BY: NWS

CHECKED BY: HHN

SCALE: 1" = 100'

DRAWING NUMBER

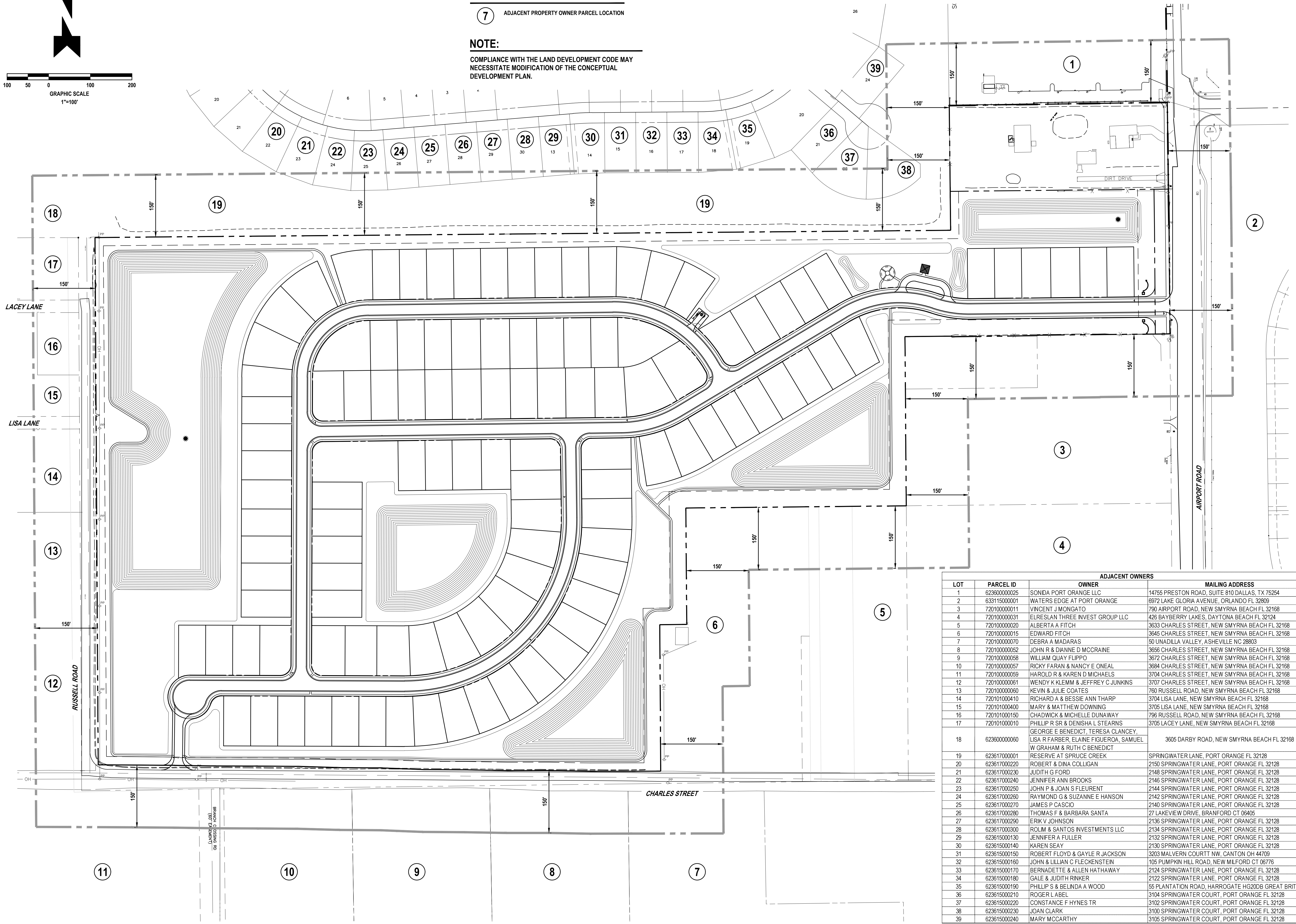


LEGEND

7 ADJACENT PROPERTY OWNER PARCEL LOCATION

NOTE:

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

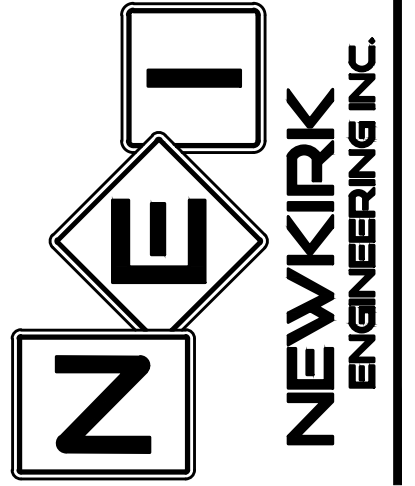


ADJACENT OWNERS			
LOT	PARCEL ID	OWNER	MAILING ADDRESS
1	62360000025	SONDA PORT ORANGE LLC	14755 PRESTON ROAD, SUITE 810 DALLAS, TX 75254
2	63311500001	WATERS EDGE AT PORT ORANGE	6972 LAKE GLORIA AVENUE, ORLANDO FL 32809
3	72010000011	VINCENT J MONGATO	790 AIRPORT ROAD, NEW SMYRNA BEACH FL 32168
4	72010000031	ELRE-SLAN THREE INVEST GROUP LLC	425 BAYBERRY LAKES, DAYTONA BEACH FL 32124
5	72010000020	ALBERTA A FITCH	3633 CHARLES STREET, NEW SMYRNA BEACH FL 32168
6	72010000015	EDWARD FITCH	3645 CHARLES STREET, NEW SMYRNA BEACH FL 32168
7	72010000070	DEBRA A MADARAS	50 UNADILLA VALLEY, ASHEVILLE NC 28803
8	72010000052	JOHN R & DIANNE D MCCRAINE	3656 CHARLES STREET, NEW SMYRNA BEACH FL 32168
9	72010000058	WILLIAM QUAY FLIPPO	3672 CHARLES STREET, NEW SMYRNA BEACH FL 32168
10	72010000057	RICKY FARAN & NANCY E ONEAL	3684 CHARLES STREET, NEW SMYRNA BEACH FL 32168
11	72010000059	HAROLD R & KAREN D MICHAELS	3704 CHARLES STREET, NEW SMYRNA BEACH FL 32168
12	72010000061	WENDY K KLEMM & JEFFREY C JUNKINS	3707 CHARLES STREET, NEW SMYRNA BEACH FL 32168
13	72010000060	KEVIN & JULIE COATES	760 RUSSELL ROAD, NEW SMYRNA BEACH FL 32168
14	720101000410	RICHARD A & BESSIE ANN THARP	3704 LISA LANE, NEW SMYRNA BEACH FL 32168
15	720101000400	MARY & MATTHEW DOWNING	3705 LISA LANE, NEW SMYRNA BEACH FL 32168
16	720101000150	CHADWICK & MICHELLE DUNAWAY	795 RUSSELL ROAD, NEW SMYRNA BEACH FL 32168
17	720101000010	PHILLIP R SR & DENISHA L STEARNS	3705 LACEY LANE, NEW SMYRNA BEACH FL 32168
18	62360000060	GEORGE E BENEDICT, TERESA CLANCEY, LISA R FARBER, ELAINE FIGUEROA, SAMUEL W GRAHAM & RUTH C BENEDICT	3605 DARBY ROAD, NEW SMYRNA BEACH FL 32168
19	62361700001	RESERVE AT SPRUCE CREEK	SPRINGWATER LANE, PORT ORANGE FL 32128
20	623617000220	ROBERT & DINA COLLIGAN	2150 SPRINGWATER LANE, PORT ORANGE FL 32128
21	623617000230	JUDITH G FORD	2148 SPRINGWATER LANE, PORT ORANGE FL 32128
22	623617000240	JENNIFER ANN BROOKS	2146 SPRINGWATER LANE, PORT ORANGE FL 32128
23	623617000250	JOHN P & JOAN S FLEURENT	2144 SPRINGWATER LANE, PORT ORANGE FL 32128
24	623617000260	RAYMOND G & SUZANNE E HANSON	2142 SPRINGWATER LANE, PORT ORANGE FL 32128
25	623617000270	JAMES P CASCIO	2140 SPRINGWATER LANE, PORT ORANGE FL 32128
26	623617000280	THOMAS F & BARBARA SANTA	27 LAKEVIEW DRIVE, BRANFORD CT 06405
27	623617000290	ERIK V JOHNSON	2136 SPRINGWATER LANE, PORT ORANGE FL 32128
28	623617000300	ROLIM & SANTOS INVESTMENTS LLC	2134 SPRINGWATER LANE, PORT ORANGE FL 32128
29	623615000130	JENNIFER A FULLER	2132 SPRINGWATER LANE, PORT ORANGE FL 32128
30	623615000140	KAREN SEAY	2130 SPRINGWATER LANE, PORT ORANGE FL 32128
31	623615000150	ROBERT FLOYD & GAYLE R JACKSON	3203 MALVERN COURT NW, CANTON OH 44709
32	623615000160	JOHN & LILLIAN C FLECKENSTEIN	105 PUMPKIN HILL ROAD, NEW MILFORD CT 06776
33	623615000170	BERNADETTE & ALLEN HATHAWAY	2124 SPRINGWATER LANE, PORT ORANGE FL 32128
34	623615000180	GALE & JUDITH RINKER	2122 SPRINGWATER LANE, PORT ORANGE FL 32128
35	623615000190	PHILLIP S & BELINDA A WOOD	55 PLANTATION ROAD, HARROGATE HG200B GREAT BRITAIN
36	623615000210	ROGER L ABEL	3104 SPRINGWATER COURT, PORT ORANGE FL 32128
37	623615000220	CONSTANCE F HYNES TR	3102 SPRINGWATER COURT, PORT ORANGE FL 32128
38	623615000230	JOAN CLARK	3100 SPRINGWATER COURT, PORT ORANGE FL 32128
39	623615000240	MARY MCCARTHY	3105 SPRINGWATER COURT, PORT ORANGE FL 32128

REVISIONS

DATE	DESCRIPTION
8/13/25	CITY COMMENTS

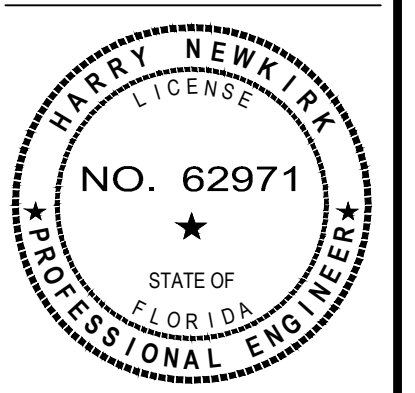
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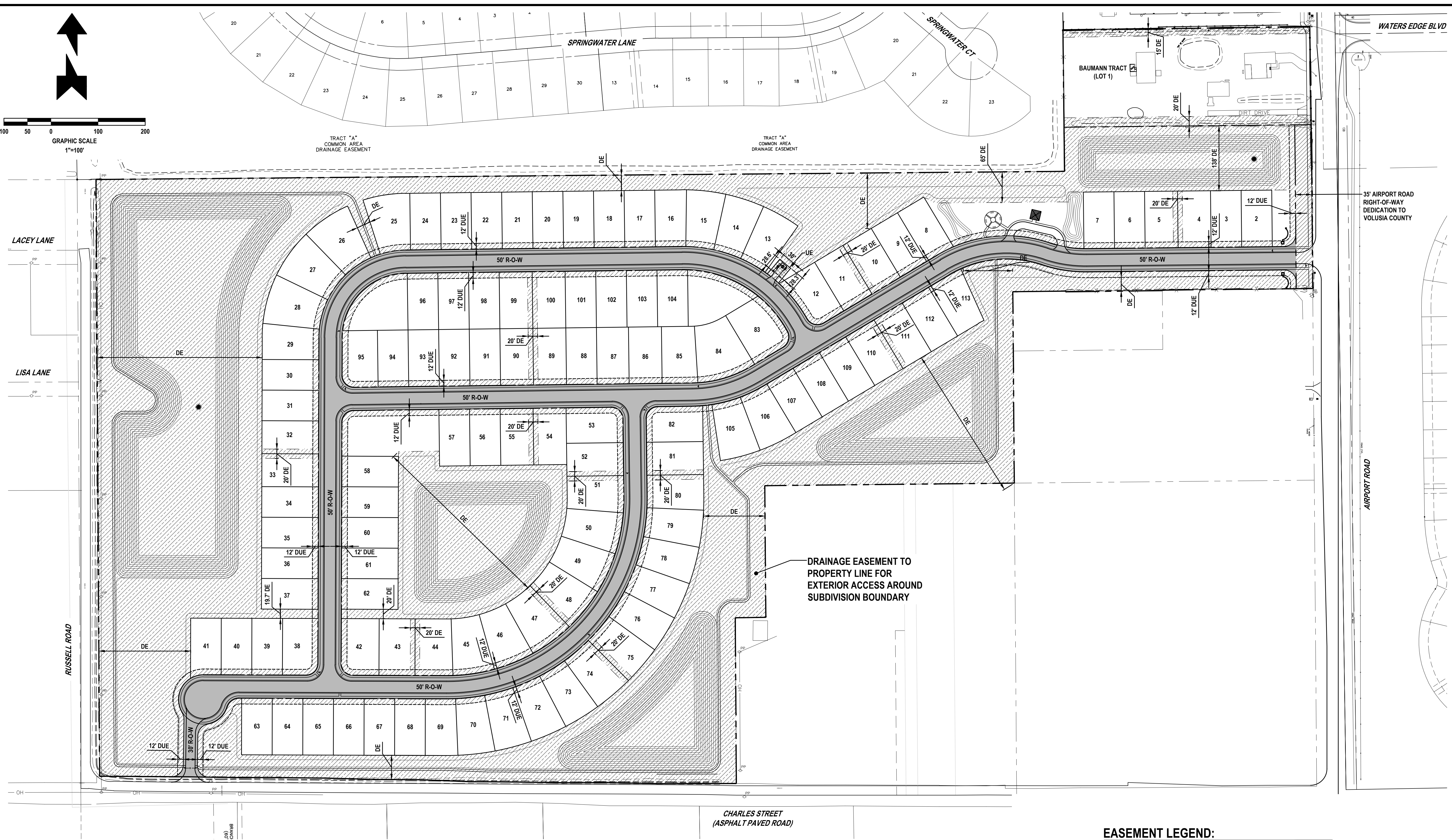
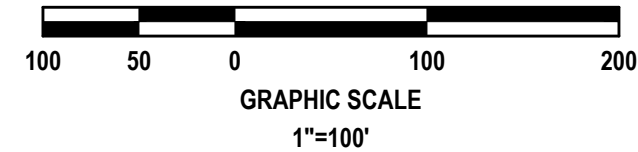
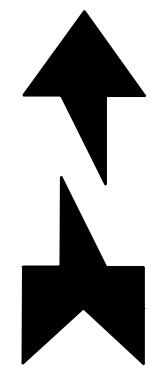
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CHECKED BY: HHN
SCALE: 1" = 100'
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NOTE:
ALL EASEMENTS SHOWN ON THIS PLAN ARE PRELIMINARY IN NATURE AND ARE PROVIDED SOLELY FOR THE PURPOSE OF ILLUSTRATING THE CONCEPTUAL DEVELOPMENT PLAN EASEMENTS. THE LOCATION, WIDTH, AND CONFIGURATION OF THESE EASEMENTS ARE SUBJECT TO MODIFICATION DURING THE DETAILED DESIGN AND PERMITTING PHASE.

DRAINAGE EASEMENT TO PROPERTY LINE FOR EXTERIOR ACCESS AROUND SUBDIVISION BOUNDARY

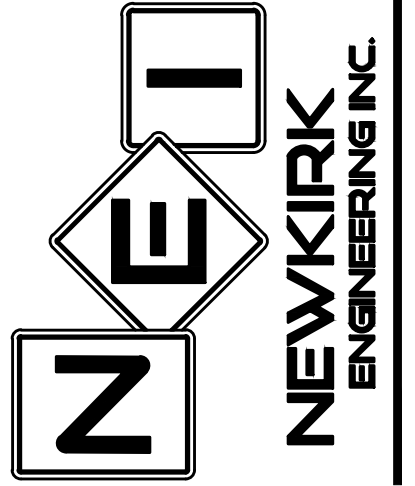
EASEMENT LEGEND:

- PROPOSED PUBLIC RIGHT-OF-WAY (R-O-W)
- PROPOSED DRAINAGE AND UTILITY EASEMENT (DUE)
- PROPOSED UTILITY EASEMENT (UE)
- PROPOSED DRAINAGE EASEMENT (DE)
- VOLUSIA COUNTY RIGHT-OF-WAY DEDICATION

REVISIONS

DATE	DESCRIPTION
7/10/25	CITY COMMENTS
8/13/25	CITY COMMENTS
9/3/25	CITY COMMENTS

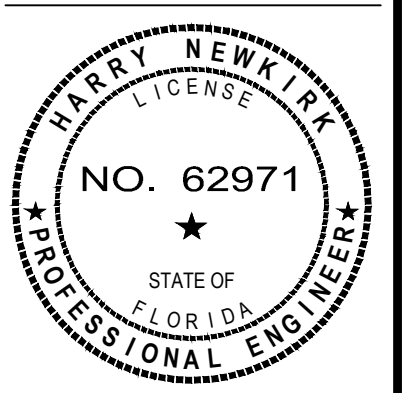
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EASEMENT PLAN
VINTAGE ACRES PUD
AIRPORT ROAD
PORT ORANGE, FL 32168

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DATE:	JULY 2025
DESIGN BY:	HHN
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CHECKED BY:	HHN
SCALE:	1" = 100'
DRAWING NUMBER	

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EXHIBIT 4

School Board of Volusia County

Ms. Jamie M. Haynes, Chair
Mr. Ruben Colón, Vice Chair
Ms. Krista Goodrich
Mrs. Jessie Thompson
Ms. Donna Brosemer

Carmen J. Balgobin, Ed.D
Superintendent of Schools

School Adequate Capacity Determination Finding of Adequate Capacity Letter

August 15, 2025

Mr. A. Joseph Posey, Jr, Esq
Storch Law Firm
420 S Nova Rd
Daytona Beach, FL 32114

RE: Vintage Acres – City of Port Orange
School Concurrency Case # 25-07-24-001-A

Mr. Posey:

The County Charter requires any Comprehensive Plan Amendment or Rezoning that allows increased residential density to be effective only when adequate public schools can be timely planned and constructed to serve the projected increase in student population. The district uses this requirement as the guiding principle behind the school adequate capacity review.

District staff have reviewed the school concurrency application for the proposed project known as Vintage Acres, associated with 56.5 +/- acres of property. The property is located at or near the intersection of Airport Rd and Charles St within Port Orange city limits. Information provided in the application indicates the proposed project would provide one hundred thirteen (113) single family units.

The district uses a county wide Student Generation Rate (SGR) of (0.258) per single family dwelling unit to calculate projected students. By applying the SGR to the use types in Table 1 below, the project could generate thirty (30) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	0.258	113	30
Multifamily Dwelling Unit	0.137	0	0
Manufactured Home Dwelling Unit	0.052	0	0
Total		113	30

When performing an adequate capacity review, district staff evaluates the effects of the proposed change compared to any remaining permanent capacity within the impacted schools, up to 100%, Table 2 (next page). The projected increase in student population may be over 100% if there are plans to serve increased student population in that planning area within the long-term planning horizon. A finding of adequate capacity may be issued in either case.

Table 2

Schools	SY 2024/25 Enrollment	% of Permanent Capacity	Plans for Capacity Increase Long-Term	Traditional K-12 students projected
Cypress Creek Elementary	762	115%	No	10
Creekside Middle	1,148	105%	No	5
Southeast CSA (New Smyrna Beach High)	1,706	104%	No	8
Other				7

The student projections generated by this project **will** increase the existing percentage above 100% permanent capacity at all school levels. However, the concurrency service area (CSAs) for Cypress Creek Elementary and Creekside Middle are over 100% but at or below 115% for level of service (LOS) standards. Likewise, the CSA for New Smyrna Beach High is over 100% but below 120% for LOS standards. Based on this, the school district has no objections to the proposed development plan.

Minimum planning considerations should include pedestrian and vehicular access, safety, connectivity, and buffering. Additional considerations, particularly for gated and multi-family communities, include accessibility for school buses, by ensuring a turn radius of at least 60 feet at all entrances and exits, and the inclusion of dedicated pickup/drop off sites.

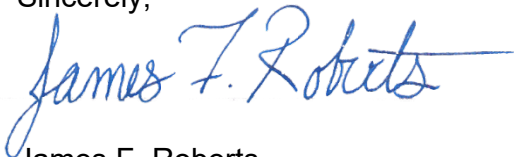
All future development orders, such as site plans and subdivisions, are subject to school concurrency review. School concurrency will be evaluated at the time when the impact of development is specifically quantified and known. Only funded school improvements and then current capacity will be considered at that time.

No student reservations have been made at this time.

Please note the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Consequently, students generated from this project may not attend the currently assigned schools.

Should you need additional information, please contact me at (386) 734-7190, ext. 50802.

Sincerely,



James F. Roberts
Specialist, Planning & GIS

CC: Carmen J. Balgobin, Ed.D, Superintendent of Schools
Ron Young, Director of Planning & Construction
Patricia S. Smith, AICP, Planning Coordinator
Penelope Cruz, AICP, Planning Manager, City of Port Orange



Finding of Adequate School Capacity

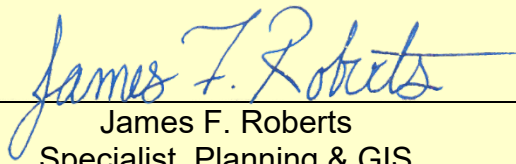
VOLUSIA COUNTY SCHOOL BOARD

Project Information	
Project Name	Vintage Acres
VCSB Project #	25-07-24-001-A
Jurisdiction Project #	
Parcel ID Numbers	7201-00-00-0014; 7201-00-00-0010; 7201-00-00-0016
Project Location	Airport Rd and Charles St
Potential Residential Units	113 Single Family Homes
Property Owner/Applicant	A. Joseph Posey, Jr, Esq Storch Law Firm

Notes: Additional review will be required at the time of subdivision/site plan submittal(s). No Student Reservations have been made.

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.

Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, it may be subject to additional school capacity review in the future.


James F. Roberts
Specialist, Planning & GIS

August 15, 2025
Issue Date

VCSB Schools Impacted by Development

School Concurrency Review - Vintage Acres

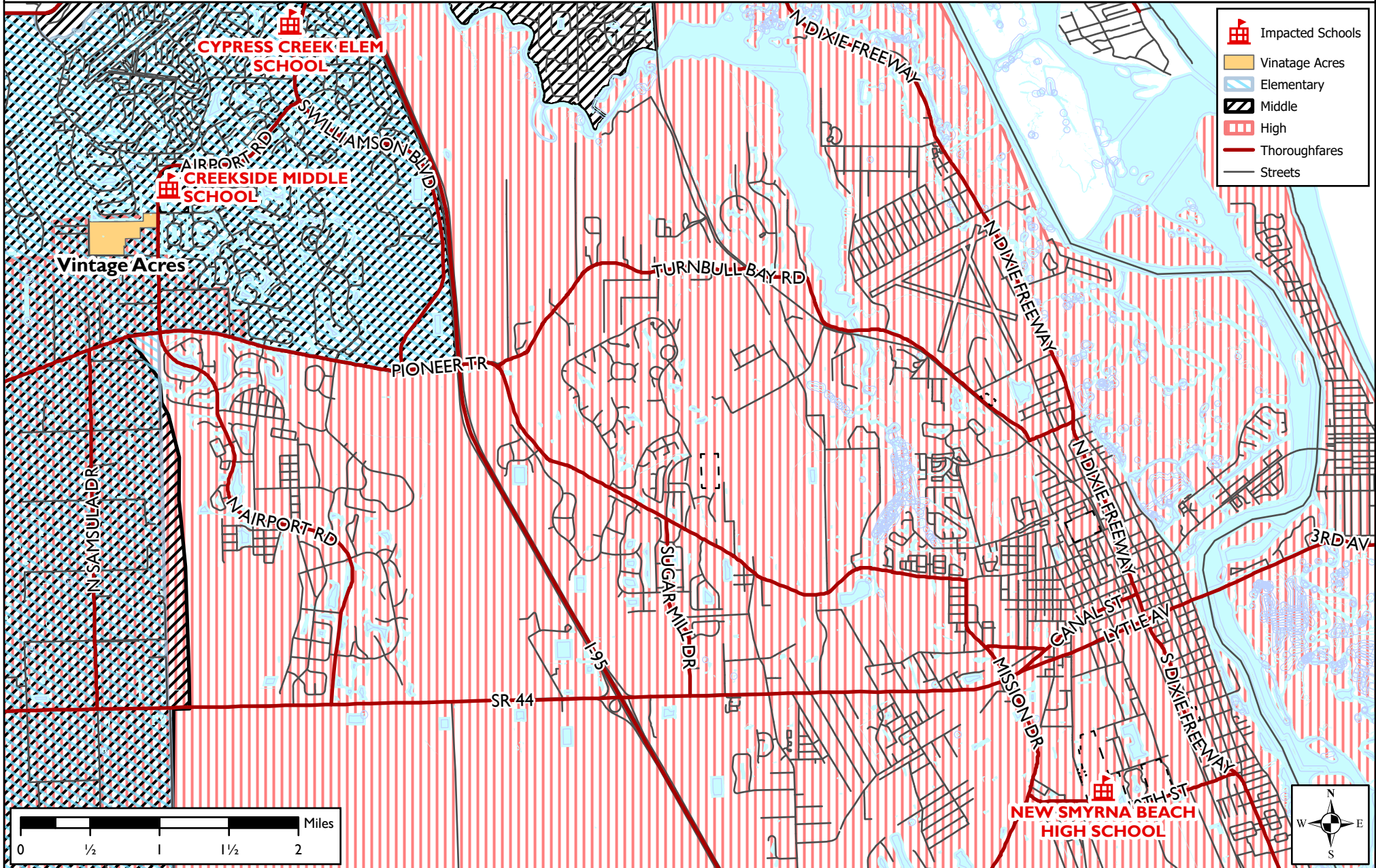


EXHIBIT 5

SUMMARY OF NEIGHBORHOOD MEETING FOR VINTAGE ACRES

A neighborhood meeting was held at the Country Inn & Suites, located at 5802 Journey's End Way, Port Orange, FL 32127, on September 4, 2025, at 6:00 P.M. to discuss the applications submitted by the Storch Law Firm on behalf of the property owners for Parcel Nos. 720100000014, 720100000010, and 720100000016. The applications include a request to rezone the subject properties to a Residential Planned Development and a Future Land Use Amendment to Rural Transition. In attendance at the meeting were Glenn D. Storch and A. Joseph Posey of the Storch Law Firm, attorneys for the developer; Harry Newkirk of Newkirk Engineering, the project engineer; and Jim Paytas, Trey Paytas, and Justin Vanlandingham, the contract purchaser and builder for the project. Approximately 45 area residents and neighbors were present. A sign-in sheet was provided; however, the number of attendees made it difficult to maintain orderly use of the sheet, and it was ultimately not utilized. However, all those in attendance were asked to provide contact information if they wanted additional information. Most attendees appeared to be from the neighboring subdivision to the north and the mobile home park to the west, with some representation from the subdivision to the east and the parcels to the south.

Mr. Paytas began the meeting by giving an introductory presentation about the project and his company. Mr. Storch and Mr. Paytas then explained the details of the design and features of the proposed development, Vintage Acres. There were a few comments provided prior to the meeting by area residents, with regard to drainage and the environment, and those comments were echoed by questions from those in attendance. A full-size concept plan and highlights for the project were on display before, during, and after the meeting so that attendees could see a graphic depiction of the development. After finishing the presentation for the project, Mr. Storch and Mr. Paytas moved to questions: the questions included:

1. Residents raised concerns about the property being under an existing flight path and the possible noise impact on future homeowners.
2. Questions were asked about how the development will manage nutrients and stormwater runoff to protect local water quality.
3. Concerns were expressed about water discharge into nearby canals and clarification was requested on who owns and maintains the existing canal system.
4. Residents inquired about how much fill would be required to raise the project site and how that might affect surrounding properties.
5. A request was made to consider adding a crosswalk, given the nearby school and the potential increase in foot traffic.
6. Attendees questioned whether local schools have sufficient capacity to accommodate additional students from the proposed development.
7. Clarification was sought regarding who is responsible for maintaining the nearby creek and whether it falls under state or county jurisdiction.
8. Numerous concerns were raised about flooding, especially in light of past hurricane events and the known issues with the creek's performance during storms.
9. Residents asked about potential flood risks, particularly regarding impacts on adjacent neighborhoods.
10. Resident from the west mentioned that she now is finding it hard to get homeowners insurance on her manufactured home, in which she mentioned the letter for our project came out right around the time she was informed of

insurance issues. In addition, the resident also told us that her flooding comes from the creek rising, not from the direction of our proposed project.

Mr. Newkirk addressed the design questions related to drainage and traffic. The question-and-answer session for the project continued for about an hour.

Many residents expressed skepticism about the project's potential impacts, particularly those living in the communities to the west and north of the proposed site. There were many comments concerning flooding. All attendees were encouraged to contact the Storch Law Firm with any additional questions or feedback following the meeting. The meeting ended at approximately 7:10 P.M.



STAFF REPORT

CASE NO. DCAM-25-0004

LDC TEXT AMENDMENT / CHAPTER 9

REQUEST:	To amend Chapter 9 of the Land Development Code (LDC), as part of an effort to update the LDC.
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
PLANNING COMMISSION DATE:	September 25, 2025

INTRODUCTION

Staff has been updating the Code in phases over the past several years. Prior amendments included updates to sign regulations, the “green” building initiative, erosion control, updates to Building Code references, county-wide Traffic Impact Analysis standards, school concurrency, Construction Standards modifications, impact fees, site plan and subdivision regulations, removal of select uses from the Ridgewood Corridor zoning district, zero lot line homes in the R-2D zoning district, microbreweries, architecture requirements, economic development, Ridgewood targeted businesses, tree preservation, entertainment districts, home based businesses and others.

SUMMARY OF PROPOSED AMENDMENT

The proposed amendments are related to water-dependent use such as, marinas and residential docks and boathouses, as part of this on-going LDC maintenance effort. The proposed amendments include changes that are intended to improve and update the LDC as it relates to both residential and commercial docks.

CHAPTER 9 – RESIDENTIAL DOCK

Terminal Dock Platform

According to the Land Development Code (LDC), a residential terminal dock platform is a platform constructed over the water at the end of a pier. It is typically wider than the pier that leads to it and may be used for mooring boats, jet skis, or kayaks, loading and unloading passengers or gear, preparing equipment before heading out on the water, and fishing. Under the current LDC, a terminal dock platform is limited to a maximum width of eight (8) feet and a total area not exceeding 160 square feet (see Figure 1).

Figure 1. Terminal Dock Platform



During the review of a variance request in 2024, staff noted that the City’s regulations for residential terminal dock platforms have not been updated in over 30 years. The Planning Commission approved the requested variance and asked staff to further evaluate the existing code to determine whether an amendment was warranted. Upon comparison with current requirements in neighboring jurisdictions, staff found that Port Orange’s regulations appear outdated and could be revised to reflect advancements in marine equipment, modern construction materials, boater and resident safety, larger boat sizes, and to provide more functional space for homeowners to place outdoor furniture and safely maneuvering around the dock to better align with modern practices.

As shown in Table 1, other jurisdictions and the Florida Department of Environmental Protection (FDEP) allow residential terminal platforms, ranging in size from 180 square feet to 1,000 square feet with no restriction on the width of the terminal dock platform.

Table 1. Comparison of Terminal Platform Requirements

Local Government	Maximum Terminal Platform Area	Maximum Terminal Platform Width	Year Requirement was Established
Port Orange (current)	160 square-feet	8 feet	1991
Port Orange (proposed)	500 square-feet	No width restriction	
Volusia County	750 square-feet	8 feet	1987
Ponce Inlet	700 square feet and 1,000 square feet if artificially created waterways	No width restriction	2004
Daytona Beach	500 square-feet	No width restriction	2015
Ormond Beach	180 square feet and 160 square feet if in an aquatic preserve	No width restriction	2012
FDEP	500 square feet and 160 square feet if in an aquatic preserve*	No width restriction	n/a

*Per FDEP, there are no aquatic preserves within the City of Port Orange.

The City's current requirements for a residential terminal dock platform are more restrictive than those of the Florida Department of Environmental Protection (DEP) and neighboring jurisdictions. Port Orange's regulations, adopted in 1991, have not been updated in over 30 years. In contrast, other communities have revised their standards to reflect advancements in marine equipment, modern construction materials, larger boat sizes, and to provide more functional space for homeowners to place outdoor furniture and safely maneuvering around the dock.

Figure 2. Example of +400 Square-Foot Terminal Dock Platform



The proposed amendment would remove the eight-foot width restriction and increase the maximum allowable terminal platform area to 500 square feet, aligning the standards with those of adjacent cities and current FDEP guidelines.

Boathouse Height

According to the City's Land Development Code (LDC), the maximum permitted height for a boathouse is 12 feet above the water level at the mean high-water line. During the review of a variance request in 2024, staff identified that this requirement had not been updated in over 30 years. Following the approval of the variance, the Planning Commission asked staff to further evaluate the existing height requirement for a boathouse and determine whether a code amendment was warranted.

When compared with the boathouse height requirements of other adjacent cities, the Port Orange boathouse height requirement was lower and had not been updated since 1991. As shown in Table 2, other cities allow a maximum boathouse height ranging from 15 feet to 18 feet.

Table 2. Comparison of Boathouse Height Requirements

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

The proposed amendment would increase the maximum boathouse height to 18 feet, aligning the Port Orange requirement with other adjacent cities. This update to the maximum height for a boathouse is intended to better accommodate larger boats, use modern boat lifts, boat equipment/features, and to respond to rising tides and water levels, which are expected to continue increasing in the future.

The City's current regulations for boathouses are more restrictive than those of the Florida Department of Environmental Protection (DEP) and adjacent cities. The current requirement was adopted in 1991 and has not been updated in over 30 years. However, over the last 30 years, advancements in marine and boating technology and equipment on boats, boat size and height, and the impacts of rising tides and water levels have contributed to needing more clearance between the water level and roof line of a boathouse.

In addition, staff has recently begun receiving applications for replacement boathouse and docks that require higher structural framing to accommodate rising water levels. As a result, greater boathouse heights are often necessary to fit modern boat lifts and larger vessels.

Figure 3. Example of a Boathouse

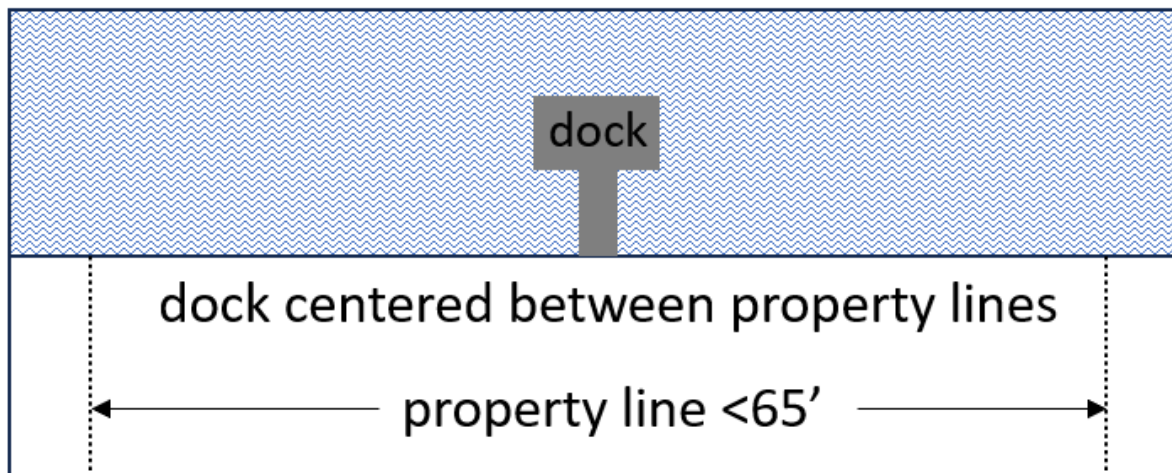
Residential Dock Setbacks

The Land Development Code (LDC) only includes residential dock setback requirements for properties with shoreline lengths of 65 feet or more. For properties with less than 65 feet of shoreline, no setback standards are listed in the LDC. However, for over 20 years, city staff has consistently applied the Florida Department of Environmental Protection (FDEP) setback standards for lots less than 65 feet of shoreline.

The proposed amendment would formally incorporate in the LDC the dock setback requirement for lots less than 65 feet of shoreline to be centered between property lines, aligning the City regulations with FDEP guidelines and past practice by the city. Additionally, as allowed by FDEP guidelines¹, the amendment allows two adjacent single-family parcels, regardless of the shoreline length for the property, to share a dock structure, subject to a setback waiver granted by the affected adjacent upland riparian owner.

This update is to ensure consistent enforcement of dock setbacks while providing clear guidance and greater transparency for property owners and builders.

Figure 4. Diagram of Dock Setback for Lots <65'



CHAPTER 9 – MARINA SITING CRITERIA

According to the Land Development Code (LDC) a finger pier is defined as a narrow walkway extending over the water that provides access between docked boats and the main pier connected to land. Currently, the LDC limits finger piers in marinas to a maximum width of three (3) feet. During the review of LDC for the proposed amendment, staff identified that the City's width requirement for a finger pier residential has not been updated in more than 30 years.

The proposed amendment would increase the maximum width to four (4) feet. The primary purpose of this change is to improve safety as a wider pier provides more space

¹ https://floridadep.gov/sites/default/files/SWD_Dock%20Permitting%20in%20Florida-D5_FINAL_0.pdf

for boaters to board and exit their vessels safely and meets ADA accessibility standards for public accommodations.

In recent years, at least two Planned Commercial Developments (PCD) for marina projects have been approved, both have since expired, with 4-foot-wide finger piers, due to safety concerns raised by applicants. In addition, as part of the permitting for the Riverwalk Day Dock, outside permitting agencies required that the finger piers extending from the main pier be a minimum of four feet wide. This amendment would formally establish the maximum width of a finger pier at four (4) feet. While no marina projects are currently under review or under construction, the two approved marinas within the Catfish Commons PCD, future marina development in Riverwalk, or additional day docks in Riverwalk or Down Under would benefit from this amendment, as it establishes a finger pier width requirement consistent with current industry standards.

Table 3. Comparison of Marina Finger Pier Width Requirements

Local Government	Maximum Marina Finger Pier Width	Year Requirement was Established
Port Orange (current)	3-foot-wide	1991
Port Orange (proposed)	4-foot-wide	
Volusia County	No width requirement	N/A
Ponce Inlet	No width requirement	N/A
Daytona Beach	Defer to FDEP requirements	2015
Ormond Beach	Marinas not permitted	N/A

RECOMMENDATION

Staff is recommending approval to amend Chapter 9 of the Land Development Code as discussed in this staff report.

ATTACHMENT

Exhibit 1 – Proposed Amendments to Chapter 9 of the LDC

EXHIBIT 1

- LAND DEVELOPMENT CODE
Chapter 9 - ENVIRONMENTAL PROTECTION
ARTICLE III: SHORELINE PROTECTION REGULATIONS

ARTICLE III: SHORELINE PROTECTION REGULATIONS¹

Section 27: Water-dependent use development standards.

- (a) Marina siting must comply with the following criteria:
- (1) New marinas shall not be located in outstanding Florida waters due to the environmental sensitivity of such areas, and where possible, marinas shall be located in developed or previously disturbed areas.
 - (2) Marina sites must have sufficient upland areas to accommodate needed support facilities, such as adequate parking, dry storage, work areas, stormwater management facilities, and other non-water functionally dependent facilities. No dredging or filling of wetlands or open water to accommodate non-water functionally dependent uses shall be allowed.
 - (3) Marinas and access thereto (canal, channel, or road) shall be located in areas where the least dredging, filling, or maintenance are required, to avoid adverse effects on aquatic resources. Dredging for marinas shall not be greater than that required to prevent prop dredging by boats.
 - (4) Marinas shall be located so as to not adversely affect existing water flushing and circulation patterns, and be designed so as to maximize or improve these water patterns.
 - (5) Marina project designs must consider boat mooring in the following order or priority, to afford maximum light penetration to benthic communities:
 - (a) Dry upland storage.
 - (b) Covered dry slip storage.
 - (c) Open wet slip storage.
 - (d) Covered wet slip storage.
 - (6) Prior to the operation of any new marina facility, or expansion of an existing facility, a fuel management/spill contingency plan shall be developed. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a spill. Such a plan shall be subject to approval by the Volusia County Environmental Management Division.
 - (7) Sewer pump-out service and facilities shall be available and accessible to all new boat slips constructed or renovated at a marina site.
 - (8) New or expanded marinas shall provide water quality monitoring data on a regular basis, under a program approved by the FDER and the Volusia County Health department, to assure that the state water quality standards are met, notwithstanding the development.
 - (9) New or expanded marinas shall provide treatment of stormwater runoff, in compliance with the stormwater management requirements found in chapter 10, article II of this code.

¹Code of Ordinances reference—Waterways, ch 82.

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- (10) All marinas shall provide litter receptacles to accommodate solid waste generated by boats using the facility.
 - (11) No finger pier shall exceed ~~three~~ **four** feet in width.
 - (12) No new or expanded marina shall exceed 100 feet distance beyond the established Halifax River bulkhead line.
- (b) Residential dock siting must comply with the following criteria:
- (1) Dock extension limits into the waterway:
 - (a) No dock shall extend beyond the mean high water line along Spruce Creek for more than ten percent of the creek width or until the water depth of four feet is reached at the terminal dock platform, whichever results in a shorter dock.
 - (b) No dock, boat house, terminal dock platform or main access pier together with a moored vessel, lift, mooring piles and/or roof shall extend beyond 25 percent of the width of canals as measured from bulkhead to bulkhead by a direct line.
 - (2) The main access pier shall be no greater than four feet in width and terminal dock platform shall not exceed ~~eight feet in width and 160~~**500** square feet in area.
 - (3) No finger pier shall exceed three feet in width and 25 feet in length.
 - (4) No covered boat slips shall be permitted over marsh grasses.
 - (5) No more than one dock shall be permitted per each principal structure on the property.
 - (6) No dock or boathouse shall have any enclosed sides, or contain any sleeping quarters, or be used as such. Only a roof and pilings shall be permitted for the components of these structures.
 - (7) No boathouse or boat shelter shall cover more than 400 square feet. The roof of such a structure shall not extend more than ~~12~~**18** feet above water level at the mean high water line, **measured in a manner consistent with the building height definition in this code.**
 - (8) Wooden steps for boat and wading access may be constructed so as to project no more than four feet beyond the Halifax River or a canal bulkhead line, or no more than four feet beyond the mean high water line along Spruce Creek.
 - (9) Setbacks for all properties along the Halifax River, Rose Bay, and Spruce Creek with a shoreline length of 65 feet or more, and all properties along a canal:
 - (a) Docks with access walkways shall be set back a minimum of 25 feet from the projected side boundaries of the property.
 - (b) Docks without access walkways shall be set back a minimum of 10 feet from the projected side boundaries of the property.
 - (10) Setbacks for all properties with a shoreline length less than 65 feet, the dock should be centered between property lines.**
 - (11) Dock structure can be shared by two adjacent single-family parcels when a setback waiver is obtained from the affected adjacent upland riparian owner.**
- (c) Boat ramp siting must comply with the following:
- (1) Privately developed boat ramps shall be limited to occupying no more than 1,000 square feet of land waterward of the mean high water line, for each 100 linear feet of shoreline in the applicant's ownership.

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- (2) Vehicular access for any boat ramp and associated upland parking shall be constructed of a hard surface material.
- (d) Shoreline stabilizer installation must comply with the following:
- (1) New shoreline hardening stabilization construction, such as riprap, or bulkheads, shall occur only on nonvegetated shorelines (i.e., no mangroves, wetlands, marshes, or river swamps shall be disturbed in association with such construction).
 - (2) New shoreline hardening stabilization shall be located landward of the mean high water line, except where an existing seawall is to be replaced seaward of the mean high water line and such replacement must align with adjoining segments of seawall.
 - (3) Riprap shall consist of clean rock material which is free of metal products, organic materials, and unsightly debris. Existing shoreline vegetation shall not be disturbed in association with the installation of riprap.
 - (4) Concrete steps for boat and wading access may be constructed so as to project no more than four feet beyond the Halifax River bulkhead line, or no more than four feet beyond any existing bulkhead along Spruce Creek.

(Ord. No. 1991-20, 8-27-91; Ord. No. 2011-27, § 4, 10-25-11)