AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, January 24, 2019
Type of Meeting: Regular

Time: 5:30 PM
Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Pledge of Allegiance
2. Silent Invocation
3. Roll Call
4. Election of Officers

B. DISCUSSION/ACTION

5. Consideration of Minutes
6. Case No. 18-20000007
   SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE (FLU) AMENDMENT/WOODHAVEN PUD
   North of Pioneer Tr., between Williamson Blvd. and I-95

   A request by the applicant to change the Future Land Use (FLU) designation for ±6.3-acres within Woodhaven Planned Unit Development (PUD) from Conservation to Mixed-Use Center.

   Staff Contact: Penelope Cruz (386) 506-5671/pcruz@port-orange.org
7. Case No. 18-40000003
SECOND AMENDMENT TO THE WOODHAVEN PLANNED UNIT
DEVELOPMENT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL
DEVELOPMENT PLAN
North of Pioneer Tr., between Williamson Blvd. and I-95

A request by the applicant for the Second Amendment to the Woodhaven Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to modify the landscape planting requirement for the landscape buffer along Williamson Boulevard for Phase 1, allow for either an 8-foot tall opaque PVC fence or a landscape buffer adjacent to I-95, reduce the buffer width along Pioneer Trail between Williamson Boulevard and I-95 from 400-feet to 200-feet, and add language referencing the Land Development Code (LDC) Subdivision Variance process for future requests to modify the Williamson Blvd. landscape buffer.

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

C. OTHER BUSINESS

8. Commissioner Comments
9. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, 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 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.
THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chairman Newton White at 5:31 pm.

Pledge of Allegiance

Silent Invocation

Roll Call

Present: John Junco
          Joseph Fazzie
          Newton White, Chairman
          Thomas Jordan
          Lance Green

Absent: Darrel “Bo” Bofamy (Excused)
       Maria Mills-Benat (Excused)

Also Present: Matt Jones, Deputy City Attorney
              Shelby Field, Assistant City Clerk

DISCUSSION/ACTION

4. Consideration of Minutes

   Motion to approve meeting minutes from November 15, 2018 was made by Commissioner Thomas Jordan and Seconded by Commissioner Joe Fazzie. Motion carried unanimously by voice vote.

5. Case No. 18-50000004
   SUBDIVISION PLAT & PLANS/BELLA OAKS SUBDIVISION
   4068 Carlisle Drive

   A request by the applicant to approve the Final Plat and Subdivision plans for the Bella Oaks Subdivision, to subdivide +/- 18.21 acres into 138 multi-family townhome lots, along with associated subdivision improvements.

   Staff Contact: Gwen Perney (386) 506-5673/gperney@port-orange.org
Chairman Newton White read Form 8B, Memorandum of Voting Conflict, for Commissioner Lance Green. Commissioner Green addressed his conflict stating he is employed by Paytas Homes.

Gwen Perney, Community Development Planner, discussed the details of the project.

Motion to approve was made by Commissioner Joe Fazzie and seconded by Commissioner John Junco. Motion carried 3-1 with Commissioner Thomas Jordan voting no. Commissioner Lance Green abstained.

6. Case No. 18-25000008
LDC TEXT AMENDMENT/CHAPTER 15, SECTION 4 AND 7

Amendment to Chapter 15, Section 4 and 7 of the Land Development Code (LDC), to allow manual changeable copy signs to be installed in a residential subdivision.

Staff Contact: Briana Conlan-King (386) 506-5676/brking@port-orange.org

Briana Conlan-King, Community Development Planner, discussed the proposed LDC amendment and answered questions from the Commissioners.

Motion to approve was made by Commissioner Lance Green and seconded by Commissioner Thomas Jordan. Motion carried unanimously by roll call vote.

7. Case No. 18-25000009
LDC TEXT AMENDMENT/CHAPTER 13

Amendment to Chapter 13 of the Land Development Code, to update the landscaping requirements for residential lots.

Staff Contact: Briana Conlan-King (386) 506-5676/brking@port-orange.org

Tim Burman, Community Development Director, discussed the proposed LDC amendment and answered questions from the Commissioners.

Motion to approve was made by Commissioner Thomas Jordan and seconded by Commissioner John Junco. Motion carried unanimously by roll call vote.
8. Case No. 18-25000010
LDC TEXT AMENDMENT/CHAPTER 2, 16, and 18

Amendment to Chapter 2, 16, and 18 of the Land Development Code, to update the regulations in the LDC related to personal wireless communication facilities siting.

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

Mr. Burman discussed the proposed LDC amendment and answered questions from Commissioners. He discussed the requirements that will need to be met in order to apply for and build any cellphone towers.

Motion to approve was made by Commissioner John Junco and seconded by Commissioner Thomas Jordan. Motion carried unanimously by roll call vote.

OTHER BUSINESS

9. Commissioner Comments

Commissioners wished everyone and their families Happy Holidays.

Commissioner Junco inquired as to the status of the repairs on Taylor Road. Mr. Burman responded he would have to look into it and get back to him.

Chairman White asked Mr. Burman about the new 7/11 at the intersection of Madeline and Nova and if the City has addressed the unfinished parking lot. Mr. Burman explained the City has been in contact with 7/11 and they are waiting on the neighboring property to finish their part of the parking lot connection.

10. Staff Comments – there were none.

PUBLIC COMMENTS- there were none.

ADJOURNMENT- 6:08 p.m.

_________________________________
Chairman Newton White
INTRODUCTION

The applicant is requesting to change the Future Land Use (FLU) designation for ±6.3-acres from Conservation to Mixed-Use Center. If approved, the applicant intends to amend the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Woodhaven Planned Unit Development (PUD) to reduce the Pioneer Trail buffer width from 400-foot to 200-foot, consistent with the proposed FLU amendment.

Currently, the City’s Comprehensive Plan, Future Land Use Element, Policy 3.2.3, caps the maximum square-footage of non-residential uses allowed within the Mixed-Use node and the total residential dwelling units within the overall PUD west of I-95. The proposed amendment does not change this policy and does not increase the allowable intensity or density for the Woodhaven PUD.
BACKGROUND
The Conservation FLU designation in this area was added to the City’s FLU map as part of a larger FLU amendment adopted in 2009 for the Woodhaven PUD project. The placement of the Conservation FLU designation along Pioneer Trail, between Williamson Boulevard and I-95, was at the request of the City of New Smyrna Beach to buffer the future Woodhaven Mixed-Use node from Pioneer Trail with a 400'-wide landscape buffer.

The environmental analysis prepared as part of the 2009 FLU amendment (updated in 2012, 2017, and 2019) states that the area north of Pioneer Trail, between the Williamson Boulevard right-of-way and I-95, consists of upland and wetlands, but the wetlands are not of uniform quality. The study states the wetlands have been degraded over the years from past timber harvest/practices, construction of access roads, use of power line easements, the drainage ditch along Pioneer Trail, and construction of Williamson Boulevard (Completed 2015). The study further states the wetlands located between Williamson Boulevard and I-95 are lower functional wetlands and the higher quality connected wetlands are located on the west side of Williamson Boulevard. The proposed amendment does not include any land west of Williamson Boulevard and the current Conservation FLU designation west of Williamson Boulevard will remain over the higher quality connected wetland system.

In addition, text was added to the Future Land Use Element (Policy 3.2.3) as part of the 2009 FLU amendment that states parking facilities and commercial structures are not permitted within the Pioneer Trail buffer but passive recreational uses (pedestrian paths, decks, and rail/fence features), stormwater retention ponds, signage, landscaping and similar uses could be constructed or installed. No changes are proposed to Policy 3.2.3 regarding the development requirements for the Pioneer Trail buffer as part of the proposed FLU amendment.

In July 2018, the City of New Smyrna Beach approved the Shell Pointe Colony PUD, directly across Pioneer Trail from the subject amendment area (Woodhaven PUD). The Shell Pointe Colony PUD was approved with a requirement to install a minimum 25'-wide landscape buffer along Pioneer Trail and a minimum 200’ building setback from Pioneer Trail. Therefore, the applicant is requesting the proposed FLU amendment to allow the Woodhaven PUD 400'-wide landscape buffer/building setback requirement along Pioneer Trail to be adjusted to 200'-wide, which would be generally consistent with the requirements on the south side of Pioneer Trail recently approved by the City of New Smyrna Beach. The applicant has also submitted an amendment to the Woodhaven PUD to adjust to the Pioneer Trail landscape buffer width and building setback from 400’ to 200’.

DISCUSSION
The following discussion will examine the proposed amendment, the impacts of the proposed amendment, and the existing environmental conditions.

PROPERTY OVERVIEW
The subject property is currently undeveloped. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1. The current adopted FLU designation for the subject property and adjacent properties is identified on Exhibit A. The proposed FLU designation for the subject property and the current FLU
designation of the adjacent properties is identified on Exhibit B. The current zoning classification of the subject property and adjacent properties is identified on Exhibit C.

### Table 1. Surrounding Land Uses and Zoning

<table>
<thead>
<tr>
<th>Direction</th>
<th>Existing Land Use</th>
<th>FLU Designation</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>vacant</td>
<td>Mixed-Use Center</td>
<td>Woodhaven PUD</td>
</tr>
<tr>
<td>South</td>
<td>Pioneer Trail</td>
<td>Right-of-way</td>
<td>Right-of-way</td>
</tr>
<tr>
<td>East</td>
<td>I-95</td>
<td>Right-of-way</td>
<td>Right-of-way</td>
</tr>
<tr>
<td>West</td>
<td>Williamson Boulevard</td>
<td>Right-of-way</td>
<td>Right-of-way</td>
</tr>
</tbody>
</table>

**PROPOSED AMENDMENT**

The proposed amendment is to change the FLU designation for ±6.3-acres from Conservation to Mixed-Use Center. The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and maximum allowable density/intensity and net change in density/intensity (Table 3).

### Table 2. Current & Proposed Future Land Uses – Acreage by Category

<table>
<thead>
<tr>
<th>FLU Designation</th>
<th>Current Acreage</th>
<th>Proposed Acreage</th>
<th>Net Change in Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>6.3</td>
<td>0</td>
<td>-6.3</td>
</tr>
<tr>
<td>Mixed-Use Center</td>
<td>0</td>
<td>6.3</td>
<td>+6.3</td>
</tr>
<tr>
<td><strong>TOTAL ACREAGE</strong></td>
<td><strong>6.3</strong></td>
<td><strong>6.3</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

According to Policy 3.2.3 in the Future Land Use Element of the City’s Comprehensive Plan, the following non-residential square-footage and density limits apply to the Woodhaven PUD. The overall square-footage for the Mixed-Use node (located along Pioneer Trail) cannot exceed 650,000 square-feet of non-residential uses and the number of residential dwelling units for the portion of the PUD located west of I-95 cannot exceed 1,338 dwelling units. The non-residential square-footage and residential density limits were adopted in 2009 and the proposed 2019 Future Land Use amendment would not change the allowed square-footage and density limits for the Woodhaven PUD.

### Table 3. Current & Proposed Future Land Uses – Maximum Density/Intensity by Category

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mixed-Use Center</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**INFRASTRUCTURE IMPACT ASSESSMENT**

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) 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 designation versus the proposed designation. The following seven public facilities and services were examined (Table 4).

1. Transportation
2. Sanitary Sewer
3. Potable Water
4. Solid Waste
5. Stormwater Drainage
6. Recreation
7. Schools
The proposed amendment would not create any new impacts to public infrastructure and services since the maximum development limits for square-footage of non-residential uses and residential density established in Future Land Use Element Policy 3.2.3 is not being changed. The proposed amendment does not change this policy and does not increase the allowable intensity (square-footage) or density in the Woodhaven PUD.

### Table 4. Impact Analysis (Theoretical Max.)

<table>
<thead>
<tr>
<th>Development Variable</th>
<th>Current Future Land Use</th>
<th>Proposed Future Land Use</th>
<th>Net Change*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square-footage or Dwelling Units</td>
<td>0</td>
<td>0*</td>
<td>0</td>
</tr>
<tr>
<td>P.M. Peak Hour Trips/Daily Trips²</td>
<td>0</td>
<td>0*</td>
<td>0</td>
</tr>
<tr>
<td>Sanitary Sewer (gallons/day)³</td>
<td>0</td>
<td>0*</td>
<td>0</td>
</tr>
<tr>
<td>Potable Water (gallons/day)⁴</td>
<td>0</td>
<td>0*</td>
<td>0</td>
</tr>
<tr>
<td>Solid Waste (lbs./day)⁵</td>
<td>0</td>
<td>0*</td>
<td>0</td>
</tr>
<tr>
<td>Recreation/Open Space (acres/person)⁷</td>
<td>0</td>
<td>0*</td>
<td>0</td>
</tr>
</tbody>
</table>

*The City’s Comprehensive Plan, Future Land Use Element, Policy 3.2.3, caps the maximum square-footage allowed at 650,000 square feet of non-residential uses in the Mixed-Use node and the number of residential dwelling units at 1,338 for the PUD area west of I-95.

#### STORMWATER DRAINAGE

There is no anticipated impact to the City’s drainage system from the proposed land use change. Stormwater management in the City of Port Orange deals with both quality and quantity. The City’s adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan and Land Development Code require that there be no net loss of stormwater retention function as a result of development. In other words, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. Any future development of the property will be required to address stormwater retention on the property in accordance with these City standards.

#### ENVIRONMENTAL CONDITIONS

An environmental analysis was prepared for the Woodhaven PUD in 2009 and has been updated in 2012, 2017, and in January 2019 for the subject FLU amendment. The report states that the area north of Pioneer Trail, between the Williamson Boulevard right-of-way and I-95, consisted of upland and wetlands, but the wetlands are not of uniform quality. The study states the wetlands have been degraded over the years from past timber harvest/practices, construction of access roads, use of power line easements, the drainage ditch along Pioneer Trail, and construction of Williamson Boulevard (Completed 2015). The study further states the wetlands located between Williamson Boulevard and I-95 are lower functional wetlands and the higher quality connected wetlands are located on the west side of Williamson Boulevard. The proposed amendment does not include any land west of Williamson Boulevard and the current Conservation FLU designation west of Williamson Boulevard will remain over the higher quality connected wetland system. Any future development will be required to comply with all federal, state, regional and local regulations pertaining to the protection and preservation of valuable environmental resources.
REVIEW CRITERIA AND STAFF FINDINGS

1. Consistency with the City’s Comprehensive Plan.

**Staff finding:** The proposed FLU amendment is generally consistent with the pertinent Goals, Objectives, and Policies of the City’s Comprehensive Plan. The proposed FLU designation is compatible with adjacent parcels. There are no new impacts to public facilities from the proposed amendment and all public facilities have adequate capacity to accommodate the proposed amendment.

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

**Staff finding:** The proposed FLU amendment is compatible with the adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other. The subject property is part of the Woodhaven PUD that is being master planned. The amendment area is adjacent to right-of-way to the south, east, and west, and other Woodhaven PUD land to the north. (see Table 1 – page 2).

3. Impacts on public facilities/infrastructure/services.

**Staff finding:** The proposed amendment does not create any additional impacts on public facilities, infrastructure, or services that have not already been planned for. According to Policy 3.2.3 in the Future Land Use Element of the City’s Comprehensive Plan, the maximum square-footage for non-residential uses allowed within the Mixed-Use node of the PUD is 650,000 square feet and the maximum number of residential dwelling units allowed in the PUD, west of I-95, is 1,338. The proposed Future Land Use amendment does not change the current density and intensity (sq.ft.) limits in the Comprehensive Plan and therefore no new impacts are created.

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 and will not have any negative impact on the clearance time for evacuation of the population in the Hurricane Vulnerability Zone.

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

**Staff finding:** The proposed amendment will not encourage sprawl. The amendment area is part of an existing planned development, with access to existing infrastructure.

PUBLIC NOTICE
On January 7, 2019, staff posted the property notifying the public of the proposed amendment. The proposed amendment has also been advertised in the News-Journal pursuant to Florida Statutes.
STAFF RECOMMENDATION
Staff recommends approval of the request to change the FLU designation of ±6.3 acres from Conservation to Mixed-Use Center, and authorization for staff to send the amendment to the required review agencies.

ATTACHMENTS
Exhibit A – Current Future Land Use Map
Exhibit B – Proposed Future Land Use Map
Exhibit C – Current Zoning Map
STAFF REPORT
2nd Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan
CASE NO. 18-40000003

REQUEST: To amend the Woodhaven PUD Master Development Agreement and Conceptual Development Plan for the Woodhaven Planned Unit Development (PUD)

LOCATION: North of Pioneer Trail, between I-95 and the Cypress Head Subdivision

OWNER: CC Woodhaven, LLC; Pioneer Investments of Port Orange, Inc.; and Pioneer Community Development District

APPLICANT: Richard Smith, ICI Homes

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

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION DATE: January 24, 2019

INTRODUCTION
The applicant is requesting the proposed 2nd Amendment to the Woodhaven Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to modify the landscape planting requirement for shade and understory trees in the 50-foot wide landscape buffer along Williamson Boulevard for Phase 1, allow for either an 8-foot tall opaque PVC fence or a landscape buffer along I-95, to reduce the buffer width along Pioneer Trail between Williamson Boulevard and I-95 from 400-feet to 200-feet, and add language referencing the Land Development Code Subdivision Variance process for future request to modify the Williamson Boulevard landscape buffer.

The subject MDA and CDP amendment is consistent with the proposed Future Land Use (FLU) Map Amendment (Case No. 18-20000007) being processed to change the FLU designation of ±6.3-acres along Pioneer Trail between Williamson Boulevard and I-95 from Conservation to Mixed-Use Center. The FLU amendment is needed to reduce the Pioneer Trail landscape buffer width from 400-feet to 200-feet.
DISCUSSION
The following is an analysis of the requested deviations from the Land Development Code (LDC) or changes to the Woodhaven Master Development Agreement (MDA) and Conceptual Development Plan (CDP) proposed in the Second Amendment.

Williamson Boulevard Buffer
The applicant is requesting language specific to Phase 1 that would not require shade trees or understory trees to be installed within the 50’ wide landscape buffer along Williamson Boulevard in Phase 1. According to the applicant, the general location of the 50-foot wide landscape buffer is ±6-feet below Williamson Boulevard and a majority of the buffer area includes a portion of the subdivision’s stormwater system. In lieu of installing trees in the Phase 1 Williamson Boulevard landscape buffer, the developer is proposing to install an entry feature (signage and landscaping) at the north boundary to the Woodhaven development within the Williamson Boulevard right-of-way.

According to the applicant, if the PUD amendment is approved, the design of Phase 1 along Williamson Boulevard will consist of a landscaped/gated entry feature into Phase 1, along with a podocarpus hedge (minimum 6’ tall opaque after 1 to 2 planting season). The applicant states that the request to not install trees within the Williamson Boulevard buffer is due to the grade change which would create a challenge to physically install the trees and will result in lack of screening at the sight level of passing motorist and pedestrians. The applicant has planted podocarpus adjacent to the Williamson Boulevard right-of-way where the ground level (elevation) is similar to the ground level of the road. Within a planting season or two the podocarpus hedge will exceed 6’ tall and fill in to create a continuous, dense, evergreen living wall.

The applicant believes that putting a design focus into the entry feature of the subdivision and entry feature into the PUD development (north end) would provide a more impactful design for the PUD than installing trees that would not be visible from the roadway for a number of years.

Figure 2. Entry on Williamson Boulevard at north end of PUD
I-95 Buffer
The applicant is requesting to have the option to install an 8-foot tall opaque PVC fence or a landscape buffer adjacent to I-95. The current MDA only requires a landscape buffer to be installed adjacent to I-95. The proposed amendment adds the option for either an 8-foot tall fence or landscaping to be installed in the 50-foot wide common area. The requirement to maintain a 50-foot wide common area between I-95 will still be required.

According to the applicant, the ability to install a fence adjacent to I-95 will provide a uniform, solid screening from I-95 compared to a typical landscape buffer. The amendment would allow for the developer to choose between the installation of a fence or landscaping (trees and shrubs) depending on the type of development built adjacent to I-95 in the Woodhaven PUD. The applicant states that the intent of the 50-foot wide landscape buffer in the Second Amendment and Restatement of the Woodhaven PUD was to screen I-95 from developed properties in the PUD. However, after Phase 1 (residential subdivision) was completed, the applicant believes that an 8-foot tall PVC fence would provide a uniform, opaque screening for the single-family lots adjacent to I-95 than a typical landscape buffer.
The developer has already installed the 8-foot tall PVC fence along the boundary of Phase 1 adjacent to I-95 and understands that if the proposed amendment is not approved the required landscaping in the 50-foot wide buffer would need to be installed.

**Subdivision Variance Provision**

The applicant is requesting to add language in the MDA to allow deviations from the Williamson Boulevard right-of-way landscape buffer to be processed as a subdivision variance instead of having to process a PUD amendment. The applicant states that there are portions of the PUD that Williamson Boulevard traverses where the roadway is elevated at least 6-feet above the grade of the future development sites in the PUD. According to the applicant, there are anticipated landscape buffer design issues that may arise with future phases in the PUD due to the road elevation of Williamson Boulevard. The proposed amendment adds the standard language regarding subdivision variances from the LDC so that future phases of the Woodhaven PUD have the option to apply for a Subdivision Variance if needed and follow the Subdivision Variance review process provided for in the LDC.

Similar to the approval of a subdivision plat and plan development application, a subdivision variance requires a recommendation by Planning Commission and approval by the City Council. The variance criteria used to evaluate the request will be the variance criteria in the LDC. The subdivision variance would only apply to the number and location of trees and shrubs. The required width of the buffer would not be subject to the subdivision variance.

**Pioneer Trail Buffer**

The applicant is requesting to have the landscape buffer and building setback along Pioneer Trail between Williamson Boulevard and I-95 reduced from 400-feet to 200-feet wide. The requirement for the 400-foot wide buffer along Pioneer Trail was approved as part of the Second Amendment and Restatement of the Woodhaven PUD to be consistent with the 2009 FLU amendment adopted for the Woodhaven PUD project. During the review of the FLU amendment, the City of New Smyrna Beach requested the future Woodhaven Mixed-Use node be buffered with a minimum 400-foot wide landscape buffer along Pioneer Trail, between Williamson Boulevard and I-95.

In July 2018, the City of New Smyrna Beach approved the Shell Pointe Colony PUD, on the south side of Pioneer Trail, directly across from the Woodhaven PUD. The Shell Pointe Colony PUD was approved with a requirement to install a minimum 25-foot wide landscape buffer along Pioneer Trail and a minimum 200-foot building setback from Pioneer Trail.

The applicant is requesting the amendment to adjust the landscape buffer and building setback requirement along Pioneer Trail to be 200-feet wide so they are similar to the requirements for property on the south side of Pioneer Trail. According to the applicant, the significant difference between the buffer and building setback requirements could put the Port Orange property at a disadvantage in attracting commercial tenants.

The proposed 200-foot wide landscape buffer and building setback would exceed the minimum landscape buffer and building setback required by the LDC along Pioneer Trail. The LDC requirement for Pioneer Trail is a 20-foot wide landscape buffer and building setback and the proposed landscape buffer and building setback in the MDA would be 200-feet wide.

**RECOMMENDATION**

Staff recommends approval of the Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan.
ATTACHMENTS
Exhibit A – Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan
Exhibit A

Second Amendment to the Woodhaven Planned Unit Development Master Development Agreement and Conceptual Development Plan
SECOND AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT
MASTER DEVELOPMENT AGREEMENT

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

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

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

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

WHEREAS, the City, the Owners and Intervest Construction, Inc., entered into the “First Amendment to the Woodhaven Planned Unit Development Master Development Agreement” (the “First Amended MDA”), recorded in Official Records Books 7280, Page 1824, Public Records of Volusia County, Florida; and

WHEREAS, the property subject to this Second Amendment remains unchanged from that of Woodhaven MDA recorded in Official Records Book 7280, Page 1824, Public Records of Volusia County, Florida, and consists of approximately 983 +/- acres of real property located within the municipal limits of the City of Port Orange, Florida, a description of which is attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the City, the Owners, and the Developer agree to amend the Woodhaven MDA Agreement by this Second Amendment to reflect the Comprehensive Plan amendment to adjust the area shown on the City's Future Land Use Map as Conservation.
NOW THEREFORE, the parties hereby agree as follows:

1. The above recitals are hereby incorporated into this Second Amendment as if fully set forth herein.

2. This Second Amendment complies with the City’s Comprehensive Plan.

3. Woodhaven MDA, Exhibit B, Section G. Buffering and Landscaping: The third paragraph of this section under the subtitle “Perimeter Buffer”:

   Woodhaven shall maintain a 400-200-foot wide buffer/passive area along Pioneer Trail adjacent to the Mixed-use Pod (between S. Williamson Blvd. and I-95) identified on the City's Future Land Use Map as Conservation. Parking facilities and commercial structures shall not be permitted within this buffer area; however, pursuant to Future Land Use Element Policy 3.2.3, passive recreation uses (pedestrian paths, decks, and rail/fence features), stormwater retention ponds, signage, landscaping and similar uses may be permitted in this area.

4. Woodhaven MDA, Exhibit B, Section G. Buffering and Landscaping: The sub-section “Roadway Buffer” shall be amended and replaced in its entirety with the following:

   **Roadway Buffer:**

   **Interstate I-95**

   Woodhaven shall provide a landscape buffer not less than fifty (50) feet in width consisting of eight (8) shade trees, eight (8) understory trees, and sixty (60) shrubs per 100 linear feet along the development’s boundary with Interstate I-95 or install a minimum 8’ tall opaque fence along the development’s boundary with Interstate I-95.

   **Williamson Boulevard Buffer:**

   Except as otherwise stated herein, a 50-foot wide buffer consisting of eight (8) shade trees, eight (8) understory trees, and sixty (60) shrubs per 100 linear feet shall be located along the development’s boundary with South Williamson Boulevard.

   As to the Williamson Boulevard Buffer only, where unique considerations exist on a specific subdivision phase which do not reasonably permit installation of all landscape materials (shrubs, understory trees, and shade trees) required for a right-of-way landscape buffer by Chapter 13 (Landscaping and Buffers) of the Land Development Code (LDC), Developer may request a variance from requirements in Chapter 13 (Landscaping and Buffers) may be granted by the City Council, upon recommendation of the Planning Commission through the subdivision development plan approval process. The variance criteria used to evaluate the request shall be the criteria in Chapter 19 (Variance) of the LDC. Any approved reduction in landscape materials approved by the City Council shall be noted on the approved landscape plan.

   **Williamson Buffer in Phase 1:**

   Due to the grade difference between S. Williamson Boulevard in Phase 1 along with the drainage improvements located within the 50’ buffer area, the following will apply for
the S. Williamson Boulevard buffer in Phase 1. In lieu of the S. Williamson Boulevard buffer described above, in Phase 1 a 50-foot wide buffer consisting of sixty (60) shrubs per 100 linear feet shall be located along S. Williamson Boulevard. A 6’ tall opaque podocarpus hedge shall also be installed and established in the S. Williamson Boulevard right-of-way adjacent to Phase 1 through an approved and recorded agreement with Volusia County.

As part of the landscape improvements for Phase 1 a project entry feature shall be constructed within S. Williamson Boulevard right-of-way at the north limit of the PUD as general shown in Exhibit “C” of this Second Amendment. A building permit will be required to construct the signage, hardscape, and landscaping. The project entry feature shall be permitted prior to the 1st Certificate of Occupancy being issued in Phase 1.

5. Woodhaven MDA, Exhibit C, Sheet 2: The Woodhaven Conceptual Development Plan is attached hereto and incorporated herein as Exhibit “B” of this Second Amendment, amended to reduce the buffer/passive area along Pioneer Trail adjacent to the Mixed-Use Pod, between S. Williamson Blvd. and I-95, from 400 feet to 200 feet deep, and subsequently increase the area of the adjacent Mixed-Use Pod.

6. Conformance With Laws: The Owners agrees that in developing the Woodhaven PUD Property the Owners or the Owners’ successors in interest shall be required:

a. To develop the Woodhaven PUD Property according to all regulations of the City to the extent those regulations are not inconsistent with this Agreement.

b. To be bound by all City codes and ordinances that are not in conflict with the provision of this Agreement.

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

8. Prior Agreements: The Woodhaven Planned Unit Development Master Development Agreement (formerly known as the “Second Amendment and Restatement to the Stanaki Planned Unit Development Master Development and Conceptual Plan”) recorded in Official Records Book 6939, Page 1453, and the First Amendment to the Woodhaven Planned Unit Development Master Development Agreement, recorded in Official Records Book7280, Page1824, shall continue in full force and effect except with respect to those matters specifically amended by this Second Amendment. With respect to those matters specifically amended, this Second Amendment shall govern.

9. Police Power: Nothing contained in this Amendment shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules and regulations. Further, nothing contained in this Amendment shall be construed as a waiver of the attempted waiver by
the City of its sovereign immunity under the constitution and laws of the State of Florida.

10. **Effective Date and Expiration.**

   a. This Agreement shall be effective upon recording by the City at the Owners’ expense in the public records of Volusia County, Florida. The Second Reading of the Ordinance for this Agreement shall not take place until the Owners has provided an executed copy of the MDA to the City Clerk addressing all issues discussed prior to the scheduled Second Recording. If there are no additional requirements, corrections or conditions attached by the City Council at the Second Reading, the Agreement shall be signed by the Mayor and City Clerk and recorded.

   b. Development of the Woodhaven PUD Property shall commence within five (5) years from the effective date of this Agreement and it shall be completed within thirty (30) years from the date of execution. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified by mutual agreement of the Owners, Developer, and the City. The term “Development” shall have the meaning as set forth in the LDC.
IN WITNESS WHEREOF, the parties have executed this Amendment to the MDA Agreement by and through their duly authorized representatives, on the respective dates below.

WITNESSES:                  CITY OF PORT ORANGE, a Florida Municipal Corporation

______________________________________________
By: ______________________________
    Donald O. Burnette, Mayor

______________________________________________
Printed Name

______________________________________________
Printed Name

______________________________________________
Attest: ______________________________
    Robin L. Fenwick, CMC, City Clerk

______________________________________________
Printed Name

______________________________________________
Printed Name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ___ day of ____________, 2019, by Donald O. Burnette, Mayor of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

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

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ___ day of ____________, 2019, by Robin L. Fenwick, CMC, City Clerk, of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take an oath.

________________________________________________________________________
Notary Public, State of Florida at Large
Signed, sealed and delivered
in the presence of:

Witness 1

___________________________________
Print Name of Witness 1

Witness 2

___________________________________
Print Name of Witness 2

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

By: ____________________________
Morteza Hosseini-Kargar, President

Date: ____________________________

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ___ day of ____________,
2019, by Morteza Hosseini-Kargar, as President, of CC North Central, LLC, a Florida limited
liability company, sole member of CC Woodhaven, LLC, a Florida limited liability company. He
is personally known to me and did not take an oath.

__________________________________
Notary Public, State of Florida at Large
Signed, sealed and delivered in the presence of:

___________________________________
Witness 1

___________________________________
Print Name of Witness 1

___________________________________
Witness 2

___________________________________
Print Name of Witness 2

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

By: ____________________________
    Morteza Hosseini-Kargar, President

Date: __________________________

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ___ day of ____________, 2019, by Morteza Hosseini-Kargar, as President, of Pioneer Investments of Port Orange, Inc., a Florida Corporation. He is personally known to me and did not take an oath.

Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date
Signed, sealed and delivered in the presence of:

OWNER:
PIONEER COMMUNITY DEVELOPMENT DISTRICT

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ___ day of ____________, 2019, by __________________________, as __________________________, of Pioneer Community Development District. He/She is personally known to me and did not take an oath.

Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date
Signed, sealed and delivered in the presence of:

OWNER/DEVELOPER:
MHK OF VOLUSIA COUNTY, INC., a Florida corporation

By: Morteza Hosseini-Kargar, President

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ___ day of ____________, 2019, by Morteza Hosseini-Kargar, as President of MHK OF VOLUSIA COUNTY, INC., a Florida corporation. He is personally known to me and did not take an oath.

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

LEGAL DESCRIPTION

WOODHAVEN PLANNED UNIT DEVELOPMENT

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

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL AND THE WEST LINE OF THE EAST ONE-HALF OF SECTION 8, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE N 01°21'03" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 8, 384.80 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SAID SECTION 8, THENCE N 00°38'02" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 5, A DISTANCE OF 5316.63 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE N 00°43'04" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 5281.63 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE N 00°25'15" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 29; A DISTANCE OF 1322.31 FEET TO THE NORTH-EAST CORNER OF THE SOUTH-EAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 29; THENCE N 01°24'22" E, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 329.693 FEET TO A POINT LYING 100 WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, A FLORIDA POWER AND LIGHT COMPANY EASEMENT, AS RECORDED IN OFFICIAL RECORD BOOK S980, PAGE 0341, THENCE N 23°01'45" W AND PARALLEL TO SAID EASEMENT A DISTANCE OF 32.01 FEET TO A POINT ON A CURVE, SAID CURVE HAVING A RADIUS OF 950.00 FEET, A CHORD BEARING OF N 56°41'11" W AND A CHORD LENGTH OF 1043.81 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 66°38'52", AN ARC DISTANCE OF 1105.08 FEET TO A POINT THAT IS 100 FEET SOUTHERLY OF, AS MEASURED PERPENDICULAR TO, ABOVE DESCRIBED FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE S 89°59'23" W, PARALLEL TO SAID EASEMENT A DISTANCE OF 249.76 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 600.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 15°14'06", AN ARC DISTANCE OF 159.54 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 700.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 36°19'20", AN ARC DISTANCE OF 443.76 FEET TO THE POINT OF TANGENCY THEREOF; THENCE N 68°58'23" W A DISTANCE OF 435.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 800.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 05°58'50", AN ARC DISTANCE OF 62.63 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD; THENCE N 19°17'50" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD A DISTANCE OF 436.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 1100.00 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 42°32'50", AN ARC DISTANCE OF 816.85 FEET; THENCE N 27°14'51" W A DISTANCE OF 364.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 31,436.56 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 01°05'48", AN ARC DISTANCE OF 601.69 FEET, MORE OR LESS, TO THE SOUTH LINE OF SPRUCE CREEK; THENCE ALONG THE SOUTH LINE OF SPRUCE CREEK, IN A GENERALLY NORTHERLY DIRECTION, TO INTERSECT WITH THE NORTH LINE OF SECTION 28, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE S 89°59'01" E ALONG THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 228.11 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SPRUCE CREEK; THENCE ALONG SPRUCE CREEK, SOUTH-EASTLY AND NORTHERLY, TO THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY OR TRAIL SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 79002-2407; THENCE S 23°21'45" E, ALONG SAID RIGHT-OF-WAY LINE, 870 FEET; MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE S 89°
EXHIBIT “A”

LEGAL DESCRIPTION
WOODHAVEN PLANNED UNIT DEVELOPMENT

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56°07′ W, ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, 828.71 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE S 00°24′ 16″ E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, 1320.13 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE N 88°56′ 23″ E, ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, A DISTANCE OF 1187.83 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95; THENCE S 23°21′45″ E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5925.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,359.30 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 04°21′58″, AN ARC DISTANCE OF 885.83 FEET TO THE NORTHERLY LINE OF A 50.00 FOOT F.D.O.T. HAUL ROAD ACCESSING BORROW PIT NO. 6, AS DESCRIBED IN OFFICIAL RECORD BOOK 1697, PAGES 97 THROUGH 99; THENCE S 83°38′15″ W, ALONG SAID HAUL ROAD 301.47 FEET TO THE NORTH LINE OF BORROW PIT NO. 6; THENCE S 80°28′15″ W, ALONG THE NORTH LINE OF BORROW PIT NO. 6, 435.33 FEET TO THE WEST LINE OF BORROW PIT NO. 6; THENCE S 00°31′45″ E, ALONG THE WEST LINE OF BORROW PIT NO. 6, 500.00 FEET TO THE SOUTH END OF BORROW PIT NO. 6, 500.00 FEET TO THE EAST LINE OF BORROW PIT NO. 6; THENCE N 00°31′45″ W, ALONG THE EAST LINE OF BORROW PIT NO. 6, 348.41 FEET; THENCE N 23°21′45″ W, 118.55 FEET TO THE SOUTHERLY LINE OF AFORESAID 50.00 FOOT HAUL ROAD; THENCE N 83°38′15″ E, ALONG SAID HAUL ROAD, A DISTANCE OF 297.63 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, SAID POINT LYING IN A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,359.30 FEET; A CHORD BEARING OF S 113°7′02″ E, AN A CHORD LENGTH OF 2817.95 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 14°18′01″, AN ARC DISTANCE OF 2825.23 FEET; THENCE S 04°29′32″ E, 2954.25 FEET TO THE NORTHERLY LINE OF AN F.D.O.T. HAUL ROAD ACCESSING BORROW PIT NO. 5, AS DESCRIBED IN OFFICIAL RECORD BOOK 1697, PAGES 97 - 99; THENCE S 83°30′28″ W, ALONG SAID HAUL ROAD, 322.12 FEET TO THE EAST LINE OF BORROW PIT NO. 5; THENCE N 01°11′32″ W, ALONG THE EAST LINE OF BORROW PIT NO. 5, 449.92 FEET TO THE NORTH LINE OF SAID BORROW PIT; THENCE S 88°48′28″ W, ALONG THE NORTH LINE OF SAID BORROW PIT, 400.00 FEET TO THE WEST LINE OF SAID BORROW PIT; THENCE S 01°11′32″ E, ALONG THE NORTH LINE OF SAID BORROW PIT, 500.00 FEET TO THE SOUTH LINE OF SAID BORROW PIT; THENCE N 88°48′28″ E, ALONG THE SOUTH LINE OF SAID BORROW PIT, 400.00 FEET TO THE EAST LINE OF SAID BORROW PIT; THENCE N 01°11′32″ W, ALONG THE EAST LINE OF SAID BORROW PIT, 400.00 FEET TO THE SOUTHERLY LINE OF AFORESAID 50.00 FOOT HAUL ROAD; THENCE N 83°30′28″ E, ALONG THE SOUTH LINE OF SAID HAUL ROAD, 322.12 FEET TO THE WESTERLY LINE OF INTERSTATE 95; THENCE S 04°29′32″ E, ALONG SAID RIGHT-OF-WAY LINE, 1455.88 FEET TO THE NORTHERLY LINE OF THE I-95 LIMITED ACCESS RIGHT-OF-WAY; THENCE, ALONG SAID RIGHT-OF-WAY, S 84°44′16″ W, A DISTANCE OF 125.61 FEET; THENCE S 09°01′40″ W, A DISTANCE OF 502.49 FEET; THENCE S 84°44′16″ W, A DISTANCE OF 210.19 FEET; THENCE S 08°04′28″ E, A DISTANCE OF 20.32 FEET TO THE NORTHERLY RIGHT-OF-WAY OF PIONEER TRAIL; THENCE, ALONG THE NORTHERLY RIGHT-OF-WAY OF PIONEER TRAIL, S 83°35′56″ W, A DISTANCE OF 1170.06 FEET; THENCE S 84°37′32″ W, A DISTANCE OF 174.58 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 795.59 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 13°34′54″, AN ARC DISTANCE OF 188.59 FEET; THENCE N 81°47′44″ W, A DISTANCE OF 119.32 FEET; THENCE N 80°38′20″ W, A DISTANCE OF 696.51 FEET; THENCE N 79°05′49″ W, A DISTANCE OF 686.51 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

TOGETHER WITH:
EXHIBIT “A”

LEGAL DESCRIPTION

WOODHAVEN PLANNED UNIT DEVELOPMENT

(Page 3 of 4)
EXHIBIT “A”

LEGAL DESCRIPTION
WOODHAVEN PLANNED UNIT DEVELOPMENT

(Page 4 of 4)

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

A PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF INTERSTATE HIGHWAY 95:

MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THEREFROM, ALONG THE EAST LINE OF SAID SECTION 32, SOUTH 34°50’ 9” WEST, 1,104.47 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THEREFROM, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, NORTH 40°17’ 3” EAST, 1,324.49 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THEREFROM, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, NORTH 3°00’4” WEST, 1,258.65 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THEREFROM, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, NORTH 2°22’ 2” WEST, 1,305.96 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THEREFROM, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, NORTH 23°46’ 6” EAST, 1,321.44 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THEREFROM, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, SOUTH 25°12’ 9” WEST, 979.77 FEET; THEREFROM, SOUTH 89°26’ 3” WEST, 2,062.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (STATE ROAD 9); SAID POINT ALSO BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE WEST, HAVING A RADIUS OF 5,904.65 FEET, A CENTRAL ANGLE OF 13°41’ 21” AND A CHORD BEARING OF N 6°32’ 45” WEST; THEREFROM, NORTHERLY ALONG SAID RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE, 1,410.74 FEET; THEREFROM, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 23°23’ 47” WEST, 5,366.34 FEET; THEREFROM, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 8°50’ 34” WEST, 853.30 FEET; THEREFROM, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 3°32’ 28” EAST, 501.56 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THEREFROM, ALONG SAID NORTH LINE, SOUTH 57’ 32” WEST, 687.27 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THEREFROM, ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, SOUTH 26’ 01” WEST, 1,833.77 FEET TO THE SOUTH LINE OF THE NORTH 511 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THEREFROM, ALONG SAID SOUTH LINE, SOUTH 59’ 41” WEST, 1,332.93 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 29; THEREFROM, ALONG SAID EAST LINE, SOUTH 26’ 50” WEST, 812.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 225,000 ACRES, MORE OR LESS.
EXHIBIT “B”

WOODHAVEN CONCEPTUAL DEVELOPMENT PLAN
EXHIBIT “C”
WOODHAVEN NORTH BOUNDARY ENTRY FEATURE