CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE . 8/22/06

SUBJECT: **FINAL PLAT & PLANS, SUBDIVISION IMPROVEMENT AGREEMENT, AND CONCURRENCY FAIR-SHARE AGREEMENT: WOODHAVEN PHASE I CASE NO. 05-50000008**

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:
NOTE: The Concurrency Fair-Share Agreement has been given back to the applicants at their request. The Final Plat & Plans and the Subdivision Improvement Agreement (S.I.A.) for this project are provided to Council for discussion purposes at the applicants' request. An Update Memo is also provided to explain a necessary minor adjustment in acreage.

SUMMARY:
Planning Commission Action:
On May 22, 2006, the Planning Commission voted (7-0) to recommend approval of the Final Plat and Plans for Woodhaven Phase I. If approved, the subdivision will be developed with 131 individual single-family lots on approximately 109.07 acres, located adjacent to the western right-of-way boundary of I-95, east of Sterling Chase and Ashton Lakes.

ATTACHMENTS: ☐ Ordinance ☐ Resolution ☐ Budget Resolution

☒ Other ☐ Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD	R. W. Wells	Richard W. Wells, AICP	Date 7/17/6
FINANCE DEPARTMENT	**N/A**	Approved as to Budget Requirements	Date
CITY ATTORNEY		Approved as to Form and Legality	Date 7-14-06
CITY MANAGER		Approved Agenda Item For:	8/22/06

COUNCIL ACTION: **[ ] Approved as Recommended** **[ ] Disapproved**

[ ] Tabled Indefinitely **[ ] Continued to Date Certain** **[ ] Approved with Modification**

MEMORANDUM

TO: Richard W. Wells, AICP, Director of Community Development
FOR: Kenneth W. Parker, City Manager
FROM: Penelope Cruz, Senior Planner
RE: **CASE 05-50000008: FINAL PLAT & PLANS, WOODHAVEN SUBDIVISION, PHASE 1 – *UPDATE***
DATE: August 11, 2006

On May 22, 2006, the Planning Commission recommended approval of the above-referenced item, subject to conditions as outlined in the staff report. The previously identified technical issues with the plat and plans regarding the total area of this phase of the Woodhaven project, known as Tract "F", and the outstanding Transportation Fair-Share Agreement (FSA) have not yet been addressed.

Concurrency and Fair Share Agreements must still be completed and executed on behalf of the land owner and developer for presentation to City Council for approval simultaneous with final plat, plans, SIA, and the temporary easement for off-site infrastructure improvements. In the attached email dated July 12, 2006, from Mark Watts, legal council for owner/applicant MHK of Volusia County, Inc., to Margaret Roberts, City Attorney, Mr. Watts requested that the City return the executed FSA, stating that the development team had too many questions regarding the current form of the FSA and the segments included on Exhibit A-2 to be comfortable with executing the agreement. The City Attorney's office emailed Mr. Watts on July 28, 2006, notifying him that the original executed FSA was ready for him to pick up at his convenience (see attached). Mr. Watts has picked up the said FSA, however, he has not notified the City of any change in his client's position regarding the FSA. Therefore, at this time there is no executed FSA.

Please see attached Update Memorandum from Randy Hunt, AICP, Senior Planner, dated July 14, 2006, regarding the outstanding total acreage issue.

Staff recommends that this item be pulled from the agenda until there is resolution of the total area discrepancy, satisfactory to the City Attorney's office, and the Transportation Fair Share Agreement is executed.

cc: Michael E. Disher, AICP, Planning and Development Manager
Margaret Roberts, City Attorney

Sheridan Linda

From: Sheridan Linda
Sent: Friday, July 28, 2006 11:58 AM
To: 'Mark.Watts@CobbCole.com'
Cc: Roberts, Margaret
Subject: Woodhaven Concurrency and Fair Share Agreement

Margaret advises that the Woodhaven Phase I/Executed Concurrency and Fair Share Agreement originals are ready for you to pick up at your convenience. You had requested them be returned to you prior to the July 18 council meeting.

Linda Sheridan
City Attorney's Office
1000 City Center Circle
Port Orange, Florida 32129
Phone (386) 506-5526
Fax (386) 506-5530

Roberts, Margaret

From: Mark Watts [Mark.Watts@CobbCole.com]
Sent: Wednesday, July 12, 2006 9:26 AM
To: Roberts, Margaret
Cc: Parker, Ken; dross@iclhomes.com; Rob Merrell; ghuttmann@ghyabi.com; debi LaCroix; Loralie Swan
Subject: Woodhaven FSA

Margaret,

I received your phone message regarding the Woodhaven agreements. We will review the agreements from Randy as soon as we receive them. In the meantime, we submitted the executed FSAs on Friday based on the information you sent me earlier last week. Our submittal was made in order to meet the staff deadline for scheduling the plat for the July 25th Council meeting. While we would like to remain on that agenda for discussion purposes, we are requesting that the City return the executed FSA's at this time. Upon further discussion, we have decided that we still have too many questions regarding the current form of the FSA and the segments included on Exhibit A-2 to be comfortable with executing the agreement pending resolution of those issues.

MEMORANDUM

TO: Richard W. Wells, AICP, Director of Community Development
FOR: Kenneth W. Parker, City Manager
FROM: Randy Hunt, AICP, Senior Planner
RE: **CASE 05-50000008: FINAL PLAT & PLANS, WOODHAVEN PUD, PHASE 1 – *UPDATE***
DATE: July 14, 2006

On May 22, 2006, the Planning Commission recommended approval of the above-referenced item, subject to conditions as outlined in the staff report. All previously identified technical issues with the plat and plans have now been resolved. However, a new issue has arisen concerning the total area of this phase of the Woodhaven project. The issue is not complex, but it does need resolution before final approval of the plat and plans can be effective.

The issue concerns the area known as Tract "F" (see Exhibit "U-A"). Council will recall that this property was also discussed during The Pinnacle Phase 2 approval process last month. Tract "F" is owned by Woodhaven (ICI), but was included in The Pinnacle's PUD zoning designation for density and open-space purposes. Council approved the Pinnacle in June with Tract "F" properly accounted for as part of the PUD, but not the plat.

Now that Woodhaven Phase 1 is ready for approval of final plat, plans, and related documents, it is necessary to adjust the total acreage to account for ownership of Tract "F". Basically this is a mirror image of the Pinnacle adjustment last month – i.e., Tract "F" should now be added back to the Woodhaven plat's acreage, just as it was removed from the Pinnacle plat.

The City Attorney's most recent set of comments regarding Woodhaven Phase 1:

> "A discrepancy was noted with the legal descriptions attached and otherwise recited for this phase among the plat, engineered plans, and various documents proposed for consideration by the Council on July 25th. The plat submitted in June identifies a tract of land encompassing 109.074 acres. Previous plats recited 104.483 acres. The engineered plans submitted in June note a project area of 109.074 acres, but recite a legal description of 104.483 ac. The Subdivision Improvement Agreement, Opinion of Title, and Boundary Survey all call out 104.483 acres. The opinion and survey have not been revised/updated

for consistency with the revised boundaries of the proposed plat per Chapter 177.041, Florida Statutes.

"The Developer is hereby advised that the exhibit of legal description to the Subdivision Improvement Agreement (SIA) can, at the request of an authorized member of the Development Team, be replaced for consistency with the plat and fair share agreement (109.074 acres). However, approval of the plat, plans, and SIA will be conditional pending receipt of revised boundary survey, updated opinion of title, and final engineered plans with consistent legal descriptions. Request is made for the inconsistencies to be addressed as a Development Order condition with submittal of the revised items to be made prior to plans being stamped as approved for construction."

In effect, this means the Council may choose to approve the final plat, plans, and SIA as presented, with the condition that the acreage figures be adjusted to account for Tract "F" before a Development Order can be issued. This resolution is relatively quick, in that it does not require another Council meeting to review revised documents. Although it is of course Council's prerogative to ask that the final vote be delayed until the acreage figures are corrected, staff would view this as a technical issue that does not need to delay the permitting process.

Staff recommends that approval of Woodhaven Phase 1 final subdivision items be contingent upon resolution of the total-area discrepancy, said resolution to be satisfactory to the City Attorney's office.

cc: Michael E. Disher, AICP, Planning and Development Manager
cc: Margaret Roberts, City Attorney

Roberts, Margaret

From: Mark Watts [Mark.Watts@CobbCole.com]
Sent: Wednesday, July 12, 2006 9:26 AM
To: Roberts, Margaret
Cc: Parker, Ken; dross@icihomes.com; Rob Merrell; ghuttmann@ghyabi.com; debi LaCroix; Loralie Swan
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MEMORANDUM

TO: Richard W. Wells, AICP, Director of Community Development
FOR: Kenneth W. Parker, City Manager
FROM: Randy Hunt, AICP, Senior Planner
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DATE: July 14, 2006

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Staff recommends that approval of Woodhaven Phase 1 final subdivision items be contingent upon resolution of the total-area discrepancy, said resolution to be satisfactory to the City Attorney's office.

cc: Michael E. Disher, AICP, Planning and Development Manager
cc: Margaret Roberts, City Attorney

STAFF REPORT

CASE NO. 05-50000008
FINAL PLAT & PLANS / WOODHAVEN PUD, PHASE 1
Kate Wolf (project engineer) for MHK of Volusia County, Inc. (owner), applicants
Adjacent to the west boundary of I-95, east of Sterling Chase and Ashton Lakes
May 19, 2006

INTRODUCTION:

Kate Wolf of Zev Cohen & Associates, Inc., on behalf of MHK of Volusia County, Inc., owner, requests approval of the proposed final plat and plans for Phase 1 of the Woodhaven PUD subdivision. If approved, the subdivision will be developed with 131 individual single-family lots on approximately 109.07 acres, at a gross density of approximately 1.2 units/acre. The subject property is located adjacent to the western right-of-way boundary of I-95, east of the Sterling Chase and Ashton Lakes (Cypress Head) developments (Exhibit "A").

OVERVIEW AND BACKGROUND:

The subject property, which is currently vacant, is zoned PUD (Planned Unit Development). The City executed the Stanaki (now Woodhaven) PUD Master Development Agreement (MDA) on June 24, 1997. The preliminary plat and plans for Woodhaven Phase 1 received approval from the Planning Commission on June 30, 2005.

This is a portion of the original Stanaki proposal, and if approved, would be the first portion to be developed under the Woodhaven label. Most of Woodhaven's remaining land area is either south of Woodhaven Phase 1 or across I-95 to the east; none of this remaining property is developed as yet. A small part of Woodhaven property lies along or near Spruce Creek, north-northwest of Phase 1.

TABLE 1: SURROUNDING PORT ORANGE DESIGNATIONS, LAND USES & ZONING

	Present Land Use	Future Land Use	Zoning
North:	Single-family residential, vacant	*Agriculture/Residential (0-2 units/acre)*	PUD (Planned Unit Development) (Stanaki); A (Agriculture)
East (across I-95):	Vacant	*Suburban Residential (2-4 units/acre); Conservation*	PUD (Planned Unit Development) (Stanaki)
South:	Vacant	*Suburban Residential (2-4 units/acre); Commercial*	PUD (Planned Unit Development) (Stanaki)
West:	Single-family housing; golf course	*Suburban Residential (2-4 units/acre); Agriculture/Residential (0-2 units/acre)*	PUD (Planned Unit Development) (Stanaki, Cypress Head, Sterling Chase, The Pinnacle)

As was discussed during preliminary plat review, Phase 1 as proposed is in conformity with both the designated Future Land Use (FLU) and with the PUD's MDA and Conceptual Development Plan (CDP). Staff's review establishes that the final plat and plans match the preliminary plat and plans approved by the Planning Commission in June 2005.

The entire proposed Woodhaven development, measuring approximately 1,244 acres, is the subject of a requested Large-Scale Future Land Use Map amendment, also on the Planning Commission's May 25 agenda. The proposed FLUA designates most of Woodhaven Phase 1 as *Agriculture/Residential (0-2 units/acre)*; two small areas along the eastern boundary, corresponding to wetlands, would be designated *Conservation*. The Phase 1 plat and plans are in conformity with the proposed change in FLU.

DISCUSSION:

Development Proposal

Lot Size and Density: The lots in Phase 1 average approximately 8,760 square feet in size, which exceeds the minimum lot size of 6,000 square feet required by the approved Master Development Agreement (MDA). Required minimum lot width is 60 feet at the front setback line. The plat does not include a lot-by-lot dimensional table, but visual comparison shows that few if any lots are less than 70 feet wide. Gross density of the project is approximately 1.2 units per acre, which is calculated using net total acreage, excluding Tract "F" (see off-site improvements discussion below). All dimensional standards meet or exceed both FLU and PUD zoning requirements.

Roadways: Phase 1 is laid out with several connection points to exterior streets in the northern part, while the southern part feature one road connection along with several cul-de-sacs. The main road, running the full north-south length of Phase 1, is (future) Martin Road, which connects to (future) South Williamson Boulevard at the southernmost tip of Phase 1. Besides Martin Road, other external access streets are Sterling Chase Drive in the Sterling Chase development, and Crosswind Way, connecting to Oakwater Lane in Ashton Lakes.

The developer will be constructing a portion of the South Williamson Boulevard extension along the southern portion of the Phase I property. The City's *Comprehensive Plan – Update '98,* shows South Williamson Boulevard as a four-lane divided roadway, which would cross over Interstate 95 and terminate at Pioneer Trail, east of the proposed interstate interchange. However, the County Council decided in 2001 to keep the alignment west of I-95. A Large-Scale Future Land Use Amendment, which also would amend the text and maps in the *Plan*'s Transportation Element, is also on the Commission's agenda for May 25.

Neither Martin Road nor the relevant part of South Williamson Boulevard are constructed as yet; however, both roadways are to be built in conjunction with ongoing development activity (The Pinnacle Phase 2, future phases of Woodhaven), as well as Woodhaven Phase 1.

In addition to the above roadway improvements, the developer will also be providing an eight-foot wide concrete bike path along the north side of Martin Road. The bike path

will run north to south, adjacent to Interstate 95, through the entire length of Phase I (and beyond). Other amenities proposed with Phase I include walking trails around retention ponds, waterside gazebos, and lakefront park benches As is common throughout many residential developments in the City, the majority of the lots in Phase I will back up to retention ponds or conservation areas.

Martin Road: Collector versus Local Road: The status of Martin Road as a local versus collector street has been the subject of debate among the developers, City staff, and the City's traffic-engineering consultant. After discussion, staff believes a mutually satisfactory solution is available.

The issue has centered on the fact that the *Comprehensive Plan - Update '98*'s Transportation Element specifies that a new collector road, Collector "D", be built in approximately the location proposed for Martin Road. The intent of Collector "D" and several other road improvements in the *Plan* is to improve north-south traffic distribution in the region between Taylor Road and Pioneer Trail. This area currently suffers from the lack of a well-connected street network, forcing the majority of traffic to utilize a relatively small number of overcrowded roads. Creating a network of streets in conjunction with new development is essential to maintaining adequate traffic flow.

The Woodhaven developer points out that the *Plan's* requirement was put in place when South Williamson was still expected to cross I-95; their point has been that Collector "D" is now replaced by South Williamson as the primary north-south connector in the area west of I-95. The developer's preference was to have Martin function as a local street, since driveways (and therefore houses) can directly access local streets but not collectors. It was estimated that approximately 30 lots out of 131 total in Phase 1 would be lost if Martin could not have driveways.

The staff's position has been that even with South Williamson, there will be enough traffic in this part of town to justify an alternate route. Staff also points out that Collector "D" is required in the *Plan*, and that building a local road in this location is contrary to the City's requirements.

After a traffic impact analysis for Martin Road and related network was submitted, reviewed, refined, and discussed, all parties have tentatively agreed upon a compromise solution. Martin Road may be designated as a "minor collector". The LDC distinguishes between major and minor collectors and includes different design parameters for each. Minor collector classification would allow driveway access, but Martin Road could still function as a lower-volume alternate route for South Williamson. In order to prevent high speeds and capacity overload on Martin, traffic-calming measures can be put in place, which will protect the lives and property of those residents choosing to live on a minor collector. Options discussed with the developers include road segments with brick pavers in place of asphalt, roundabouts at key intersections, and additional street trees.

Staff and the developers have arrived at this tentative solution quite recently, so the plans before Planning Commission do not include traffic-calming designs, although other Martin Road design aspects are still valid. Staff expects more specific proposals

for types and locations of traffic-calming measures (although not final design) to be available at the May 25 meeting. The final design will then be presented to City Council.

> *Policy Discussion:* Staff is prepared to recommend approval of the final plat and plans to the Planning Commission, with the provision that traffic-calming measures satisfactory to all parties be submitted prior to scheduling for City Council. However, the Planning Commission has the option to continue Woodhaven Phase 1 to a future meeting, in order to see final designs before approval is granted.

Off-Site Improvements: In order to have a complete connection to South Williamson Boulevard, Woodhaven has committed to building part of Martin Road north of Phase 1 as an off-site improvement. This stretch comprises approximately the eastern half of Martin Road along The Pinnacle's northern boundary; the western half, including the Williamson-Martin intersection near the new elementary school, will be built as part of The Pinnacle Phase 2. Sheet C6 shows the relevant part of Martin Road.

Also on Sheet C6 is an area labeled Tract "F", just north of Martin Road. This 3.97-acre tract, which contains a small retention pond, is not part of Woodhaven *per se*, since it was allocated to The Pinnacle during that project's PUD rezoning in order to meet the Pinnacle's density requirement. However, the tract is owned by Woodhaven and will eventually be conveyed to the Woodhaven Property Owner's Association, for use as a landscaped entryway as well as retention. The plans and plat include Tract "F" in the stated total acreage of 109.07; however, net acreage of 105.1 was used to determine density, open space compliance, and other area-related parameters.

Concurrency Review

Concurrency is the finding that the public facilities and services necessary to support new development are available, or will be made available, concurrent with the impacts of the development. As mandated by State law, all municipalities must conduct concurrency reviews on development proposals and make a finding of concurrency before any development orders or permits can be issued. Concurrency reviews evaluate a project's impact on the following six public facilities and services:

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

In addition, with passage of Senate Bill 360, school concurrency will be required in Volusia County by 2008. In the meantime, the Volusia County School Board has asked local governments to analyze school capacity as part of their review of future land use amendments, rezonings, and development plans.

The concurrency management system for the City of Port Orange is established by policy in the City's Comprehensive Plan, and administered through regulations contained within the City's Land Development Code.

TRANSPORTATION

The applicants have submitted a Traffic Impact Study as part of the final plat and plans for Phase 1; the study has been reviewed and (after revisions) found acceptable by the City. The following conclusions are drawn from the study:

- Phase 1 will generate approximately 1,333 trips daily, out of which 101 will occur during the AM peak hour and 137 will occur during the PM peak hour.
- The intersection of I-95 northbound ramp and Taylor Road operates at an unacceptable LOS under existing AM and PM peak hours. This intersection is included in Phase 1's draft Fair-Share Agreement with the City (see below). The Fair-Share improvements will improve the intersection to LOS B during both peak hours.
- The intersection of Williamson Boulevard and Taylor Road operates at an unacceptable LOS during existing PM peak hour. Programmed improvements will improve the intersection operation to LOS E with 75.7 seconds/vehicle delay during PM peak hour.
- The draft fair share estimate for Phase 1 includes its proportionate fair share calculations for the following projects:
    - 2nd northbound turn lane – Taylor and Williamson intersection
    - Summertrees Road extension
    - Interstate 95 interchange improvements
    - Williamson Blvd four-laning (Madeline Ave to north City limit)

The total estimate for all four projects totaled $423,080.40. The Fair-Share Agreement itself is not included here, but will proceed to City Council for approval with the final plat and plans, per the Commission's 2005 policy direction.

WATER, SEWER, SOLID WASTE

The proposed development will be served by potable water, sanitary sewer, and reclaimed water. These utilities will be extended into the site from adjacent development to the west. Based on the number of lots proposed, as well as upon the anticipated population, Woodhaven Phase 1 is expected to consume 33,405 gallons of water per day and to generate 30,130 gallons of wastewater per day. The development is expected to yield 1,096 pounds of solid waste (garbage) per day. The City's utility and waste collection system is capable of handling this increased demand. There are no outstanding comments from Public Utilities staff on the proposed final plat and plans for Phase I. The project is deemed to have satisfied solid waste, sanitary sewer, and potable water concurrency requirements.

STORMWATER DRAINAGE

The City's Comprehensive Plan and Land Development Code require that there be no net loss of stormwater retention function as a result of development. The parcel must have the same ability to store and discharge water after development as it does before development occurs. Master drainage was designed and conceptually approved as part of the Stanaki PUD, with refinements during the Woodhaven Phase 1 review process. According to the plans, Phase 1 stormwater runoff will be accommodated through a series of interconnected retention ponds. Final stormwater management plans and calculations were submitted with the final plat and plans. The City's stormwater-engineering staff has reviewed the calculations and designs, and is satisfied that they

meet LDC requirements and will be adequate to handle drainage onsite. The project is deemed to have satisfied stormwater drainage concurrency requirements.

RECREATION AND OPEN SPACE

Woodhaven Phase I would generate the need for an additional 1.36 acres of parkland at build-out. Per the City's 2005 Concurrency Management Report, the City currently has a surplus of 394 acres of parkland Citywide. Therefore, the City need not acquire additional parkland in order to meet the recreation and open space levels of service outlined in the City's *Comprehensive Plan – Update '98*. However, while the City may have surplus parkland Citywide, there should also be parkland located nearby to serve the residents of the area. Airport Road Park, located to the west, is within biking distance of the subject property. Additionally, the original MDA requires approximately 15 acres of the Woodhaven property to be reserved for a City park. While no park areas are proposed with the final plat and plans for Phase I, this parkland will be required as the remainder of the tract is developed.

In addition to parkland, the City's comprehensive plan also establishes concurrency requirements for the following recreational facilities:

- Ball fields
- Basketball courts
- Playfields (40 x 60 yds.)
- Tennis courts
- Handball/racquetball courts
- Neighborhood centers

As also noted in the 2005 Concurrency Management Report, the City meets or exceeds the LOS standards with regard to basketball courts, playfields (40 x 60 yds.), tennis courts, and neighborhood centers required to meet concurrency and service a population of up to 61,983. However, the City currently has a deficit of four racquetball courts and one ball field. No surplus capacity for these facilities exists to support the proposed development. It should be noted that the City is currently exploring the elimination of its racquetball court requirement.

School Capacity

With passage in 2002 of the constitutional amendment and legislation limiting class size, many of the schools in Port Orange are now considered overcrowded. While the City and Volusia County do not presently require school concurrency, the capacity of schools is nonetheless impacted by new development. The Volusia County School Board is now constructing a new elementary school (Elementary "V"), in this area, scheduled to open in 2007. Elementary "V" is located on the east side of South Williamson Boulevard, across the street from the entrance to the Pinnacle subdivision. This is one of the few elementary schools in east Volusia County projected to be below capacity in 2010-11, at 86 percent.

This proximity of Elementary "V" to Phase I will allow children from this and adjoining neighborhoods the opportunity to walk or bike to school. Many children in this area of the City are now being driven, so completion of this new neighborhood school should

reduce traffic congestion along South Williamson Boulevard. A crossing guard will be provided to ensure the safety of children crossing South Williamson Boulevard.

Phase 1 (and all of Woodhaven west of I-95) is in the Creekside Middle School and Spruce Creek High School attendance areas. The projected enrollment in 2010-11 for these schools is estimated at 136 percent and 135 percent of capacity, respectively. These are not rosy figures; however, solutions such as redistricting (temporary or permanent) and portable classrooms are available to offer partial relief.

Summary of Impacts

The following table reflects the anticipated public-infrastructure impacts of Phase I at build-out:

Table 2 - Infrastructure Impact Assessment

DEVELOPMENT VARIABLE	PHASE I IMPACT
Residential Units – Single-family	131
Population[1]	341
A.M./P.M. Peak Hour Trips[2]	101/137
Sanitary Sewer (gallons per day)[3]	30,130
Potable Water (gallons per day)[4]	33,401
Stormwater Drainage[5]	See Note
Solid Waste (lbs. Per day)[6]	1,096
Recreation & Open Space	
Parkland (acres)[7]	1.36
Ball field[8]	0.11
Basketball court[9]	0.09
Playfield (40 x 60 yds.)[10]	0.14
Tennis court[11]	0.09
Handball/racquetball court[12]	0.07
Neighborhood center[13]	0.023

Notes:

1. Population: 2.6 persons/single-family unit
2. Transportation: All rates are for A.M. and P.M. peak hour of adjacent street traffic. A.M. peak-hour trips = 0.75 trips/unit. P.M. peak-hour trips – 1.01 trips/unit.
3. Sanitary Sewer: 230 gallons per day per Equivalent Residential Unit
4. Potable Water: 255 gallons per day per Equivalent Residential Unit
5. Stormwater Drainage: Drainage will be master-planned for the entire Port Orange Plantation Subdivision, subject to current standards contained in the Land Development Code. The City's adopted level-of-service standard for stormwater management is the 25-year, 24-hour storm event. More specifically, the City's facilities should be capable of treating and conveying

	the runoff from the 25-year, 24-hour storm without causing flooding or polluting the receiving water bodies.
6. Solid Waste Collection:	3.21 pounds per day per capita
7. Parkland:	1 acre/250 persons (0.004 acres/person)
8. Ball field:	1 field/3,000 persons
9. Basketball court:	1 court/4,000 persons
10. Playfield (40 x 60 yds.):	1 field/2,500 persons
11. Tennis court:	1 court/4,000 persons
12. Handball/racquetball court:	1 court/5,000 persons
13. Neighborhood center:	1 facility/15,000 persons

Sources:
2005 Port Orange Concurrency Management Report
ITE Trip Generation Manual, 7th Edition

Consistency with *Comprehensive Plan – Update '98*

As noted, the *Comprehensive Plan – Update '98* requires a collector road in the alignment proposed for Martin Road. The staff and applicant have tentatively agreed that Martin can be designed as a minor collector. Provided the Planning Commission and City Council agree, and provided that final traffic-calming design is supportive of the minor-collector designation, the proposed subdivision is found to be consistent with the City's Comprehensive Plan. (As noted, use and density would also be in compliance if new FLU designations are approved through the proposed Large Scale Amendment for Woodhaven.)

Summary of Outstanding Technical Comments

A list of outstanding technical comments is attached. The two remaining outstanding technical comments concern a minor issue regarding park-bench placement and a note indicating that the revised Traffic Impact Study will be needed before concurrency and fair-share agreements can be finalized. Both comments will need to be resolved to staff's satisfaction, including final text of the concurrency and fair-share agreements, before this proposal is placed on City Council's agenda. It is anticipated that the comments will not be difficult to address; the revised traffic study has now been provided.

RECOMMENDATION:

The proposed final plat and plans meet the requirements found in the LDC and the Stanaki MDA and CDP. Staff therefore recommends **approval,** subject to the following conditions:

1. Resolution of all outstanding technical comments before the final plat and plans are scheduled for City Council hearing;
2. City Council approval of the Concurrency / Fair-Share Agreements, and receipt of the Fair-Share contribution from the developer before a Development Order is issued; and
3. Review by the City Attorney as to legal form and content.

Prepared by: Randy Hunt, AICP, Senior Planner (386) 506-5672
City of Port Orange Department of Community Development
PLANNING COMMISSION DATE: May 25, 2006
TENTATIVE CITY COUNCIL DATE: June 27, 2006

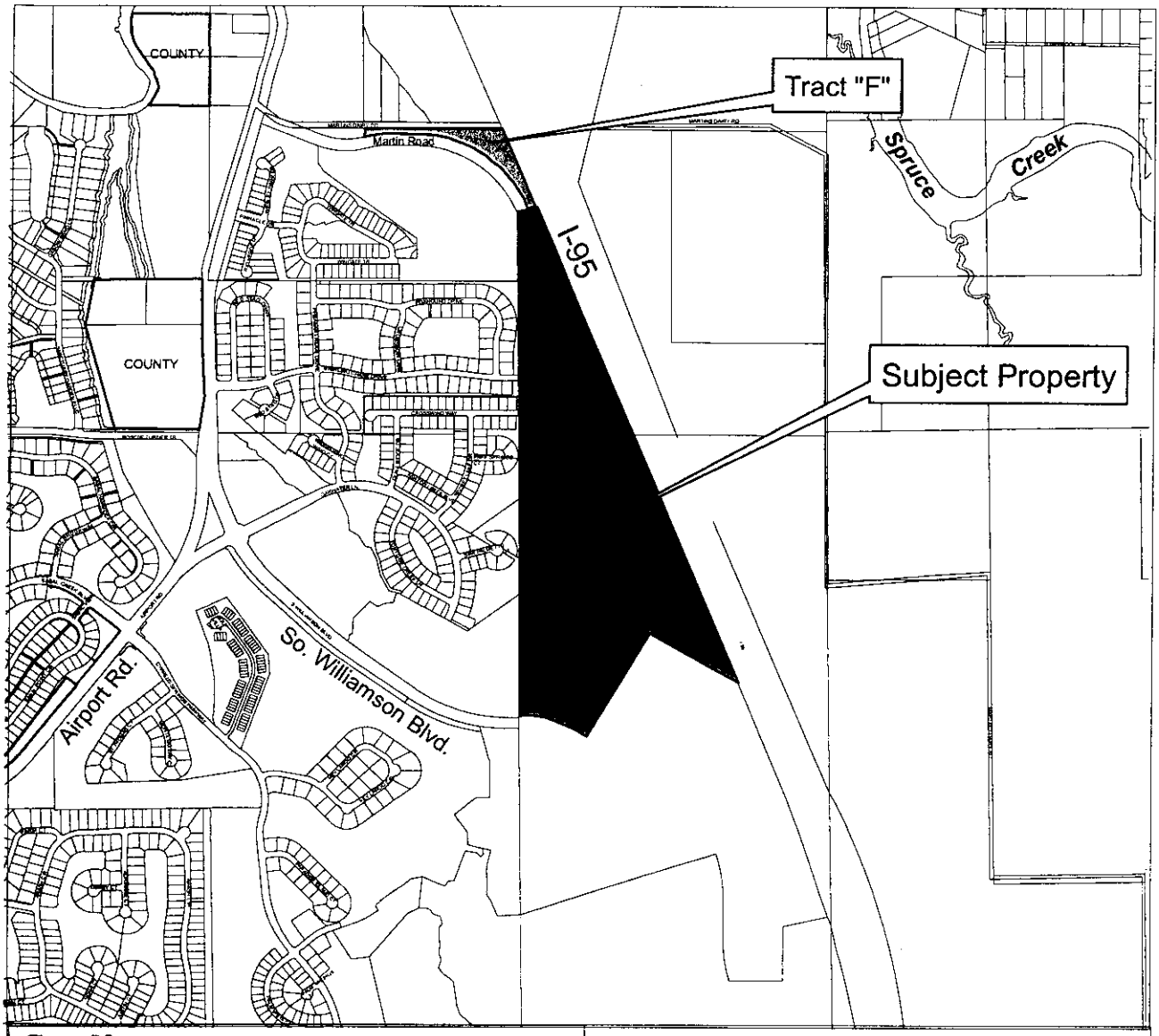
SUBDIVISION FINAL PLAT & PLANS
WOODHAVEN PHASE I
CASE NO. 05-50000008
OUTSTANDING TECHNICAL COMMENTS AS OF 5/18/06

PLANNING: (Randy Hunt – 506-5672/rhunt@port-orange.org):
Open Space:

1. Thank you for adding the amenities to the landscape plans as requested. It appears that on Sheet LS-05, the 8-foot benches were added to the wrong pond. The Open Space plan indicates that the pond south of Crosswind Way is counted toward the common open space total. Please move the benches to suitable locations at the southern pond's northern perimeter.

CITY ATTORNEY: (Linda D. Johnson CLA, Paralegal for Margaret T. Roberts - 756-5207; paralegal@port-orange.org):
Concurrency and Fair Share Agreement (Transportation).

1. Remains outstanding and is pending resolution from discussions at the City/County administrative level. Concurrency and fair share agreements must be presented for City Council approval simultaneous with final plat, plans, SIA, and the temporary easement for off-site infrastructure improvements. Current response (April 3, 2006) made on behalf of the development team indicates the traffic analysis is not yet completed and that additional discussion and/or clarification of the concurrency agreement may be required. This project cannot be scheduled for placement on the City Council agenda until all issues relative to transportation concurrency have been resolved or otherwise finalized.



Case No.: 05-50000008	**Requested Action:**
Applicant: Zev Cohen & Associates, on behalf of MHK of Volusia County, Inc.	Approval of final subdivision plat + plans for Woodhaven Phase 1 (in Woodhaven/Stanaki PUD), with 131 lots on 109 acres.
Location: West boundary of I-95, east of Sterling Chase & Ashton Lakes	

Exhibit "A"

LOCATION MAP

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

N W E S

This Document Prepared By:

_____

_____

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

Plans Stamped "Approved for Construction"
on: _____, 200__.

Space Reserved for Recording per §695.26(e)(1)Florida Statutes (2001)

CITY OF PORT ORANGE, FLORIDA
SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT is made and entered into as of this _____ day of _____, 2006, by and between the **City of Port Orange, Florida**, a chartered municipal corporation, hereinafter referred to as "the City", 1000 City Center Circle, Port Orange FL 32129; and **MHK of Volusia County, Inc.**, a Florida Corporation, whose mailing address is 2379 Beville Road, Daytona Beach, FL 32119, hereinafter referred to as "the Developer".

W I T N E S S E T H

WHEREAS, the Developer warrants that it is the owner of the property ("the subject property") legally described on **Exhibit "A"** attached hereto and made a part hereof; and

WHEREAS, the Developer desires to subdivide the subject property and has submitted subdivision plans and a plat designated as **Woodhaven, Phase1**; and

WHEREAS, upon approval of said plans and plat according to the requirements of the City's Land Development Code and the laws of Florida, the Mayor is authorized to execute this agreement to assure the completion of improvements shown on said plans.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Developer warrants that it will complete the improvements reflected on the plans approved by the City Council as prepared by M. Dwight Durant, P.E., Florida Registration No. 40318, of the firm, Zev Cohen and Associates, Inc. These improvements, including construction of Martin Road connecting with the segment of Martin Road to be constructed by others with Phase 2 development of the Pinnacle PUD, shall be completed in accordance with Section 177.011, et. seq. Florida Statutes and the Port Orange Land Development Code and any other applicable regulations, ordinances or laws of the City. Failure to construct and complete such improvements in compliance with the terms of this agreement shall constitute grounds for the City to halt further development or construction under this

agreement, and to withhold building permits, utility service, and certificates of occupancy for completed improvements on the subject property. In the event the subject property is undisturbed for 30 or more consecutive days, the City reserves the option to stabilize the site as necessary with seed and mulch and to place a lien of record against the subject property for the costs of such stabilization. The Developer warrants that the referenced plat comports with the requirements of Chapter 177, Florida Statutes (2001) regarding platting of land, and that the Developer will form or annex this property to an existing property owners' association (POA) for the purpose of collecting monies necessary to enforce the terms and provisions of covenants and restrictions approved for the referenced subdivision plat and as required by the Surface Stormwater Management No. _____ (Master) issued by the St. Johns River Water Management District.

2. All improvements shall be completed within twelve (12) months of the date the plans are date stamped as Initial Approved for Construction.

3. Execution of this agreement shall allow the Developer the right to record the approved plat for the subject property upon compliance with the requirements of the Land Development Code and provision of a financial guarantee prepared and recorded in the public records of Volusia County in accordance with Section 255.05, Florida Statutes (2001), and as acceptable to the City, in an amount equal to one hundred ten percent (110%) of the cost estimate for the construction of the required improvements. If the required improvements are not completed as required under this agreement, the City shall be authorized to draw upon the financial guarantee funds to pay for the completion of said improvements, including reasonable administrative costs in the completion of the construction.

4. Execution of this agreement shall also allow the Developer to initiate the construction of improvements without providing a financial guarantee for completion, but the plat shall not be executed or recorded prior to the acceptance of improvements. However, should the improvements not be completed as required under this agreement, the City, after thirty (30) days written notice to the undersigned or any subsequent owner, successor in interest or assign, may install or have installed or completed said required improvements. Further, the City is hereby authorized to assess the cost of installing or completing said improvements against the subject property. Such improvement assessment shall constitute a lien thereon until paid, which lien shall be superior and paramount to the interest on such property of any owner, lessee, tenant, mortgagee or other person, except the lien of ad valorem taxes.

5. If construction begins under paragraph 4 above, but the Developer desires to record the plat, it shall provide a financial guarantee for completion as required in paragraph 3 above to cover the cost of all improvements with no credit for partially completed construction.

6. At the time that construction is determined to be complete by the City, and prior to City acceptance of public improvements for maintenance, the Developer shall provide the City with a maintenance bond in the amount equal to ten percent (10%) of the final construction cost for the correction of any failures or defects that become apparent within one (1) year of City acceptance.

7. The Developer shall indemnify and hold harmless the City, its officers, employees and agents, from and against all claims, damages, injuries, liability, losses and expenses, including reasonable attorneys' fees and costs, arising out of or resulting from the construction of improvements or performance of operations under this agreement.

8. This agreement shall be recorded in the Public Records of Volusia County, Florida. The provisions of this agreement shall constitute covenants running with the land applicable to all of the subject property described herein or any portion thereof. This agreement shall inure to the benefit of the parties hereto and the subject property, and shall be binding upon any person, firm, or corporation that may become a subsequent owner, successor in interest or assign, directly or indirectly, of the subject property or any portion thereof.

9. In the event of any claim, action, litigation or proceeding under this agreement, the prevailing party shall be entitled to an award of reasonable attorneys' fees and costs.

IN WITNESS WHEREOF, the parties hereto have executed this agreement, by and through the duly authorized representatives, on the above date.

WITNESSES:

CITY OF PORT ORANGE, FLORIDA
A Chartered Municipal Corporation

_____
Name:_____

By:_____
Allen Green, Mayor

_____
Name:_____
(Witnesses as to Both)

Attest:_____
Kenneth W. Parker, City Manager
(Corporate Seal)

WITNESSES:

MHK OF VOLUSIA COUNTY, INC.,
a Florida Corporation
"Developer"

Joanne Schmieder

Name: **JOANNE SCHMIEDER**

By: Cynthia C. Jones
Name: Cynthia C. Jones
Title: Vice President

Beth Miller

Name: **BETH MILLER**

Attest:
Name: Douglas R. Ross, Jr.
Title: Vice President

(*Witnesses as to Both*)

(Corporate Seal)

CPO SIA (ldj)
Form Revised 1/8/02

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by Allen Green and Kenneth W. Parker, as Mayor and City Manager, respectively, of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledge that they are duly authorized to execute the foregoing agreement on behalf of the city. They are personally known to me.

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

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 12th day of June, 2006, by Cynthia C. Jones and Douglas R. Ross, Jr., both as Vice Presidents of **MHK OF VOLUSIA COUNTY, INC.**, a Florida Corporation, on behalf of the corporation. They are personally known to me.

BETH MILLER
Notary Public - State of Florida
My Commission Expires Jan 9, 2009
Commission # DD 353710

Beth Miller
Notary Public, State of Florida at Large
Printed, typed or stamped name, commission and Expiration of commission term:

CPO SIA (ldj)
Form Revised 1/8/02

EXHIBIT A

Legal Description of the Property

WOODHAVEN PHASE I

A PORTION OF SECTION 29 AND SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF STERLING CHASE PHASE II, AS RECORDED IN MAP BOOK 44, PAGES 120-122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N00°25'12"W, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 29, A DISTANCE OF 579.06 FEET TO THE SOUTHWEST CORNER OF MARTIN ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 5379, PAGE 15 OF SAID PUBLIC RECORDS OF VOLUSIA COUNTY; THENCE N66°36'33"E ALONG THE SOUTHERLY LINE AND EASTERLY EXTENSION THEREOF OF SAID MARTIN ROAD A DISTANCE OF 155.82 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 95; THENCE S23°23'27"E, 4585.19 FEET; THENCE DEPART SAID WESTERLY RIGHT OF WAY LINE N59°33'30"W, 775.30 FEET; THENCE S29°21'57"W, A DISTANCE OF 53.89 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 670.00 FEET AND A CENTRAL ANGLE OF 6°13'58"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 72.88 FEET; THENCE S23°07'59"W, 251.41 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1030.00 FEET AND A CENTRAL ANGLE OF 11°41'46"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 210.26 FEET; THENCE S34°49'45"W, 31.58 FEET; THENCE S29°44'58"W, 112.94 FEET; THENCE S34°49'45"W, 336.83 FEET; THENCE N55°08'15"W, 36.26 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1141.00 FEET AND A CENTRAL ANGLE OF 35°36'24"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 709.08 FEET; THENCE S89°15'20"W, 22.99 FEET; TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE N00°44'35"W ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, A DISTANCE OF 2552.80 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 29; THENCE N00°25'12"W ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 29, A DISTANCE OF 1,322.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 104.483 ACRES, MORE OR LESS.