



# CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE: 2/19/08

**SUBJECT: DEVELOPMENT ORDER EXTENSION/FINAL PLAT AND PLANS/ THE PINNACLE PUD, PHASE II SUBDIVISION**  
South of Martin Dairy Road, east of Williamson Blvd.  
CASE NO. 05-5000009

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**RECOMMENDED MOTION:**

To approve a one-year extension of the Development Order for the final plat and plans for the Pinnacle PUD Phase II subdivision, as recommended by the Planning Commission.

**SUMMARY:**

**PLANNING COMMISSION ACTION: January 24, 2008**

Recommended approval, 5-0 (Commissioners Barker and Parker excused), of a one-year extension of the Development Order for the final plat and plans for the Pinnacle PUD Phase II subdivision. The subdivision proposal includes 67 lots on 29.7 acres. The property is located south of Martin Dairy Road, east of Williamson Blvd. The recommendation of approval is subject to the SIA being amended prior to the pre-construction meeting to reflect the change in ownership from Viscomi & Associates to Paytas Homes.

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution

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

**DEPARTMENT HEAD**

Wayne Clark  
Community Development Director

Date 2/8/08

**FINANCE DEPARTMENT**

N/A

Approved as to Budget Requirements

Date

**CITY ATTORNEY**

Approved as to Form and Legality

Date 2.8.08

**CITY MANAGER**

Approved Agenda Item For:

2/19/08

**COUNCIL ACTION:**  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Continued to Date Certain  Approved with Modification

**DEVELOPMENT ORDER EXTENSION**  
**THE PINNACLE PUD PHASE II**  
**FINAL PLAT & PLANS**  
**CASE NO. 05-5000009**  
**OUTSTANDING ADVISORY COMMENTS AS OF 2/5/08**

**CITY ATTORNEY:** (Linda D. Johnson CLA, Paralegal for Margaret T. Roberts - 756-5207; [paralegal@port-orange.org](mailto:paralegal@port-orange.org)):

1. (Development Order Condition) Upon application by the Developer for pre-construction meeting and request for plans to be approved for construction, and if the Developer and record title landowner(s) are not the same as reflected on the approved Subdivision Improvement Agreement (SIA), then prior to schedule the pre-construction meeting the owner of record shall be required to either amend or enter into a new SIA with the City to guarantee completion of the public improvements required for this subdivision.



## **STAFF REPORT**

**CASE NO. 05-5000009**

**DEVELOPMENT ORDER EXTENSION / FINAL PLAT AND PLANS / THE PINNACLE PUD PHASE II**

Jim Paytas Jr., Applicant, Paytas Homes, Inc., Owner  
South of Martin Dairy Road, east of Williamson Blvd.

January 18, 2008

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### **INTRODUCTION:**

Jim Paytas Jr., on behalf of Paytas Homes, Inc., owner, requests approval of a Development Order Extension for the final plat and plans for The Pinnacle Phase II subdivision. The subdivision proposal includes 67 single-family lots with associated infrastructure and stormwater improvements on approximately 29.7 acres. The subject property is located south of Martin Dairy Road, east of Williamson Boulevard (please see the attached location map, Exhibit "A").

### **BACKGROUND:**

The original Development Order (D.O.) for the final plat & plans was issued on September 21, 2006. However, since construction has not commenced since that time, a one-year extension of the D.O. is now necessary. On August 25, 2007, staff received a request to extend the Development Order from the applicant. The LDC requires review by the Planning Commission and City Council for the extension since this is the same process by which the final plat and plans were originally approved.

### **DISCUSSION:**

#### Development Proposal Overview:

The final plat and plans would allow development of the second and final phase of the Pinnacle subdivision. Access will be provided through Phase I to the west, and also from the new Martin (Dairy) Road to the north. This new collector road is to be constructed with Phase II, from Williamson Blvd. to the secondary project entrance. The development will include three retention ponds, a linear wetland conservation area separating the two phases, and a 25'-wide landscape buffer around the perimeter.

#### Concurrency Review:

Concurrency issues were addressed in the original review of the final plat & plans. The developer paid the required fair-share amount just prior to the Development Order being issued in 2006. The roadway capacity needed for the project is therefore considered reserved. During staff's review of the Development Order Extension, it was determined that there were no new impacts caused by this development. And because of the state of the housing market, very few new housing units (and cars) have been added to the road network. Finally, it should be noted that the traffic studies for recently approved commercial developments (Pavilion and Kohl's) already take the future vehicle trips from Pinnacle II into account as part of the future background traffic. Therefore, all concurrency issues are addressed and there is adequate capacity available to serve the proposed residential lots.

#### Consistency with the Comprehensive Plan:

The future land use classification of the subject property is *Agricultural Residential 0-2 units/acre*. The proposed density in Phase II is 2.25 units/acre. However, as is typical

with PUDs, the density of the Pinnacle PUD is calculated as a whole, including both phases and all common area. Using this standard, the overall development is consistent with the future land use designation, at 1.94 units/acre. Given the density, the proposed subdivision is found to be consistent with the City's *Comprehensive Plan - Update '98*.

Development Order Conditions:

The original Development Order for the Phase II plat and plans was issued without conditions, since all outstanding technical comments had been addressed prior to City Council approval, and the Fair-Share concurrency deposit had been paid. No new conditions or comments have arisen since that time.

**RECOMMENDATION:**

Staff recommends **approval** of the Development Order Extension for the final plat and plans for The Pinnacle Phase II subdivision.

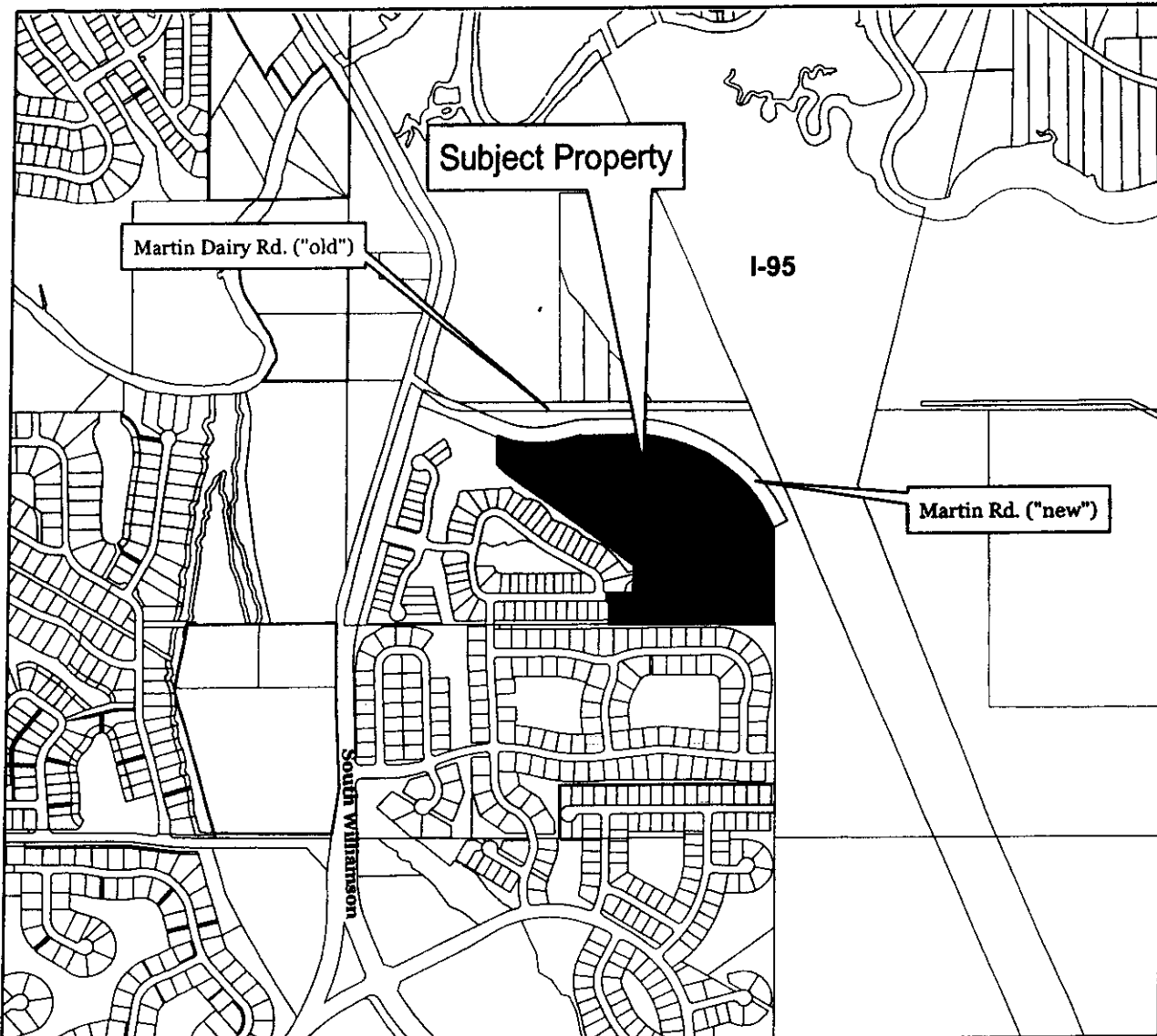
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Prepared by: Michael E. Disher, AICP, Planning & Development Manager  
City of Port Orange Department of Community Development

(386) 506-5600

PLANNING COMMISSION DATE:  
CITY COUNCIL DATE:

January 24, 2008  
February 19, 2008



**Case No.:** 05-5000009

**Applicant:** Katy Greene (project engineer),  
Paytas Homes (owner)

**Location:** South of Martin Dairy Rd.,  
west of I-95

**Requested Action:**

Approve preliminary and final plat and plans for  
The Pinnacle PUD Phase II, consisting of 67  
single-family lots on approx. 29.7 acres.

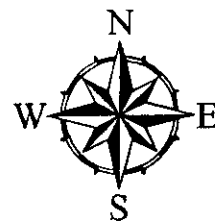


Exhibit "A"

LOCATION MAP

**CITY OF PORT ORANGE**

DEPARTMENT OF COMMUNITY DEVELOPMENT





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PO Box 290490

Port Orange, FL 32129

[www.PaytasHomes.com](http://www.PaytasHomes.com)

CRC039455

August 25, 2007

WAYNE CLARK- Director Of Community Development  
City Of Port Orange  
1000 City Center Circle  
Port Orange, FL 32129

MIKE DISHER - Planning and Development Manager  
City Of Port Orange  
1000 City Center Circle  
Port Orange, FL 32129

RE: The Pinnacle Phase II  
Development Order #

Dear Mr. Clark and Mr. Disher,

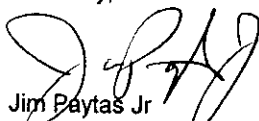
As we have been struggling to get acquainted with the current housing market that has taken the residential construction industry by surprise, I have discovered that the Development Order mentioned above for Pinnacle Phase II expires on September 21, 2007. The Based on current market conditions, I am requesting a 12-month extension on the expiration period.

All concurrency issues have been met and fair share fees have been paid in an amount exceeding 500,000 dollars. With 15 units remaining in Phase 1, we have been working hard to revise our market strategy and would anticipate starting phase II within 8 months for a completion in early 2009 when market conditions re-bound.

We have been working, living and affiliated with the City of Port Orange since the 1970's and we are confident that the housing market will once again strive. Now is the perfect time to buy a home.

I appreciate your consideration with this request and look forward to your direction on how to proceed.

Sincerely,

  
Jim Paytas Jr  
PAYTAS HOMES, INC

Copy: Via Us Mail

cc. Alan Green, Ken Parker, Dwight Durant, Katy Green