Planning & Zoning Board
Monday, December 6, 2021 at 6:30 PM

CITY COMMISSION CHAMBERS, 214 SAMS AVE., NEW SMYRNA BEACH, FL 32168

1. CALL TO ORDER

A. Roll Call

2. APPROVAL OF MINUTES

2.A Approval of the Planning and Zoning Board November 1, 2021 Regular Meeting Minutes

3. PUBLIC PARTICIPATION

4. OLD BUSINESS

4.A V-15-21: 3311 HILL STREET

5. NEW BUSINESS

5.A CPA-2-21: Hog Eye Camp PUD

5.B PUD-2-21: Hog Eye Camp PUD 2nd Amendment

5.C ZT-11-21: Arts Overlay District

5.D Approval of the Planning and Zoning 2022 Regular Meeting Schedule

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

6.A December 2021 Development Activity Report

7. REPORTS AND COMMUNICATION BY THE STAFF

8. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - PLANNING & ZONING

APPROVAL OF THE PLANNING AND ZONING BOARD NOVEMBER 1, 2021 REGULAR MEETING MINUTES

December 6, 2021

Background:
Florida Statutes require that minutes be prepared and approved for all meetings of the Planning and Zoning Board.

Findings:
Staff recommends the Planning and Zoning Board approve the minutes of the regular Planning and Zoning Board meeting held on November 1, 2021.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

Attachments:

november 2021 MEETING MINUTES.pdf

City of New Smyrna Beach
Planning and Zoning Minutes

1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Planning and Zoning Board of the City of New Smyrna Beach, Florida, was held on Monday, November 1, 2021 at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

A. Roll Call

Attendee Name	Title	Status	Arrived
Stephen Snively	Member	Present	6:30 PM
Sandra Smith	Vice Chair	Absent	----------
Steve Danskine	Chair	Present	6:30 PM
Thomas Wheeler	Member	Present	6:30 PM
Susan Neylon	Member	Present	6:30 PM
Kip Hulvershorn	Member	Present	6:30 PM
John Causey	Member	Present	6:30 PM

Also present were: Assistant City Manager Brian Fields, Chief Planner Jeff Gove, Senior Planner Robert Mathen, Assistant City Attorney Shey McCurdy, and Board Secretary Stephanie Ferrara.

2. APPROVAL OF MINUTES

2.A Approval for Planning and Zoning September 13, 2021 Regular Meeting Minutes

Chair Danskine requested approval of the meeting minutes.

Motion:
Member Wheeler moved to approve the September 13, 2021 meeting minutes, as submitted. Member Hulvershorn seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Wheeler
SECONDER:	Hulvershorn
AYES:	Snively, Wheeler, Hulvershorn, Causey, Danskine, Neylon

3. PUBLIC PARTICIPATION

None.

4. OLD BUSINESS

None.

5. NEW BUSINESS

5.A A-6-21: 1325 Scarlett

Senior Planner Robert Mathen outlined the applicant's request to seek approval for a Voluntary annexation, *Comprehensive Plan* amendment, and rezoning from Volusia County Future Land Use (FLU) designation of Environmental Systems Corridor and Volusia County zoning of RC, Resource Corridor with a "A" attached for Airport Height Notification Zone to, City FLU designation of Rural and City zoning of A-3, Transitional Agriculture with a "A" attached for Airport Height Notification Zone.

Chair Danskine opened the meeting for Public Participation. As no citizens wished to speak, Chair Danskine closed Public Participation.

Chair Danskine asked the Board if they had any questions or concerns.

Motion:
Member Wheeler moved to recommend approval to City Commission for A-6-21: 1325 Scarlett, as submitted. Member Neylon seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Wheeler
SECONDER:	Neylon
AYES:	Snively, Wheeler, Hulvershorn, Causey, Danskine, Neylon

5.B **V-14-21: 910 East 1st Ave**

Senior Planner Robert Mathen outlined the applicant's request to seek approval for a variance to allow a 7 ½ foot high fence/wall along the east property line.

Mr. Mathen explained the reasoning for the City's amendment to fence, fence/wall and fence side.

Member Wheeler asked staff the grade difference between the two properties.

Mr. Mathen Stated an average 18 inches.

The Applicant did not wished to speak.

Chair Danskine opened the meeting for Public Participation. As no citizens wished to speak, Chair Danskine closed Public Participation.

Chair Danskine asked the Board if they had any questions or concerns.

Motion:
Member Snivley moved to recommend approval for V-14-21: 910 East 1st Ave, as submitted. Member Wheeler seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Snivley
SECONDER:	Wheeler
AYES:	Snively, Wheeler, Hulvershorn, Causey, Danskine, Neylon

5.C V-15-21: 3311 Hill Street

Agenda item continued to December 6, 2021 Planning and Zoning Board meeting.

Motion:
Member Neylon moved to continue V-15-21: 3311 Hill Street. Member Hulvershorn seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Neylon
SECONDER:	Hulvershorn
AYES:	Snively, Wheeler, Hulvershorn, Causey, Danskine, Neylon

5.D SP-10-19: All Aboard Storage on S. Glencoe

Senior Planner Jeff Gove outlined the applicant's request to seek approval for a Class III Site Plan approval for an indoor and outdoor storage facility, within three buildings (one 2-story & two 1-story buildings) containing a total of 110,252 square feet of enclosed area, and 31 RV/Boat outdoor storage spaces (Lot 5), and a stormwater management pond (Lot 6), on currently undeveloped properties that together total 8.156 acres.

Member Neylon asked about traffic.

Mr. Gove stated that were two access points, SR 44 and S. Gencoe. In addition, there will be internal access.

Mr. Gove stated that the applicant will be using 6 foot high white vinyl fence as specified in the MDA text.

Mr. Snivey asked about the retention pond. Mr. Gove stated that is will only service this development not residential properties.

Mr. Gove stated that all building will be constructed at the same time, there will be no phasing.

Chair Danskine asked if the applicant wished to speak. Stephanie Ferrara swore in all witnesses.

Bob Zigenfuss, Civil Engineer for the Applicant, asked the board if they have any questions.

Member Causey asked the applicant about the fencing and more of a permanent structure.

Mr. Zigenfuss clarified the required location of the fencing, which would be located south of the property line.

Andy Clark, President and CEO of All Aboard Storage, spoke about the building looking more like a wall.

Chair Danskine opened the meeting for Public Participation. As no citizens wished to speak, Chair Danskine closed Public Participation.

Chair Danskine asked the Board if they had any questions or concerns.

Motion:
Member Snivley moved to recommend approval for SP-10-19: All Aboard Storage on S. Glencoe, as submitted. Member Hulvershorn seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Snively
SECONDER:	Hulvershorn
AYES:	Snively, Wheeler, Hulvershorn, Causey, Danskine, Neylon

5.E PUD-2-20: Advent Health Hospital

Senior Planner Jeff Gove outlined the applicant's request to seek approval of a new PUD Master Development Agreement (MDA) and Conceptual Development Plans (CDP) for an area being extracted from an existing recorded PUD area (Coastal Woods), primarily to allow for the new/proposed use of a hospital and associated medical/retail complex.

Mr. Gove clarified that the most significant change would be the building height which would be 7 stories.

Member Snivley wanted clarification regarding the MDA section **1. Property Description and Ownership**, paragraph B., "Coastal Woods PUD shall continue to be entitled to use, refer to and consider portions of the Property in calculations of open space provided in order to satisfy the open space requirements of the Coastal Woods PUD."

Mr. Gove explained that this section was referring to the conservation easements on the property.

Member Causey asked about the applicant's schedule and/or project compete date.

Mr. Gove stated the applicant did provide a timeline regarding the phases within the staff report.

Applicant, Borron Owen, GrayRobinson, P.A., addressed the height of the building being 7 stories, spoke about the utilities along Sugarmill Drive,

which was completed, widening the road on Sugarmill Drive and spoke about the timeline for the project.

Chair Danskine addressed his concerns to Mr. Owen's regarding the future of Bert-Fish Hospital.

Mr. Owen did not have an answer and noted his concerns.

Mr. Owen's went over each of the phases with the board members.

Chair Danskine opened the meeting for Public Participation. Stephanie Ferrara swore in witnesses.

Joe Dlubac, 358 Casalta Circle, commented about the property being landlocked.

Lisa Martin asked about the Hospital being a Hurricane Shelter.

Mr. Owen stated that all buildings are built to all modern and current construction to withstand hurricane winds.

Chair Danskine closed Public Participation.

Mr. Gove addressed the board regarding the height of the proposed hotel of having a maximum of 60 feet.

Chair Danskine asked the Board if they had any questions or concerns.

Motion:
Member Causey moved to recommend approval to City Commission for PUD-2-20: Advent Health Hospital, as submitted. Member Neylon seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Causey
SECONDER:	Neylon
AYES:	Snively, Wheeler, Hulvershorn, Causey, Danskine, Neylon

5.F ZT-8-21: Transient Lodging Density

Senior Planner Robert Mathen outlined the City's request to seek approval to amend the City's Land Development Regulation Section 504.02, zoning districts B-3 and B-4, adding a maximum transient lodging density for land uses other than Hospitality and Southeast Activity Center.

Mr. Mathen provided the board members the current definition for Transient Lodging.

Chair Danskine opened the meeting for Public Participation. As no citizens wished to speak, Chair Danskine closed Public Participation.

Chair Danskine asked the Board if they had any questions or concerns.

Motion:
Member Snively moved to recommend approval to City Commission for ZT-8-21: Transient Lodging Density, as submitted. Member Neylon seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Snively
SECONDER:	Neylon
AYES:	Snively, Wheeler, Hulvershorn, Causey, Danskine, Neylon

5.G ZT-9-21: Vintage Signs

Senior Planner Robert Mathen outlined the City's request to seek approval to amend the City's Development Regulation section 604.12.H as it pertains to Vintage Sign Designations

Member Wheeler asked how many signs were designated.

Mr. Mathen stated currently one, Southern Paint.

Mr. Mathen went through the Vantage sign criteria's.

Chair Danskine opened the meeting for Public Participation. As no citizens wished to speak, Chair Danskine closed Public Participation.

Chair Danskine asked the Board if they had any questions or concerns.

Staff noted Member Snively and Member Smith's suggested changes**.**

Motion:
Member Snively moved to recommend approval to City Commission for ZT-9-21: Vintage Signs, with noted suggested changes and as submitted. Member Wheeler seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Snively
SECONDER:	Wheeler
AYES:	Snively, Wheeler, Hulvershorn, Causey, Danskine, Neylon

5.H Discussion about the draft text amendment to update the City's Parking Standards in the Land Development Regulations

The Planning and Zoning Board discussed and provided input to Staff regarding the proposed changes to the regulations.

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

No comments or statements made by Members of the Board.

7. REPORTS AND COMMUNICATIONS BY THE STAFF

A. November 2021 Development Activity Report

8. ADJOURNMENT

As there was no other business to discuss, Chair Danskine declared the meeting adjourned at 8:30 P.M.

THE CITY OF NEW SMYRNA BEACH - PLANNING & ZONING

V-15-21: 3311 HILL STREET

December 6, 2021

Background:

1. Applicant: Dale Williams, 1048 Club House Boulevard, New Smyrna Beach, Florida 32168

2. Property Owner: David and Amy Williams, 3305 Hill Street New Smyrna Beach, Florida 32169

3. Request: CCSL Variance to allow a pool and a pool deck to be located 38' 9" east of the CCSL.

4. Site Information: The subject property is located at 3311 Hill Street, zoned R-3A, Single Family Detached and Attached Residential, contains approximately 0.38 acres, and is located north of E. 24th Avenue, between Hill Street and the Atlantic Ocean, (Location Map attached as (**Exhibit A**).

5. Tax I.D. Number: 7422-01-24-0060

Findings:

Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Coastal Construction Setback Line (CCSL)

Exhibit D: Site Plan

Exhibit E: Photos

On May 11, 2021, the City Commission approved Ordinance 22-21, which aligned the City's CCSL with the Department of Environmental Protection's (DEP) Coastal Construction Control Line (CCCL). In some instances, the new ordinance allowed certain property owners more room to build further east on their property than they were previously permitted. In other cases, such as the subject case, the CCSL became more restrictive, meaning the CCSL moved west, thus there is less room to build closer to the ocean. However, in the Ordinance, a new variance process was included, which allows property owners to apply to the Planning and Zoning Board for relief from the new requirement. Please see **Exhibit C** for a depiction of the former CCSL and the new CCSL.

In 2005, the beach south of Sapphire Road in New Smyrna Beach was added to the Florida DEP's list of Critically Eroded Beaches. A critically eroded beach is defined as a "a segment of the shoreline where natural processes or human activity have caused or contributed to erosion and recession of the beach or dune system to such a degree that upland development, recreational interests, wildlife habitat, or important cultural resources are threatened or lost. Critically eroded shorelines may also include peripheral segments or gaps between identified critically eroded areas which, although they may be stable or slightly erosional now, their inclusion is necessary for continuity of management of the coastal system or for the design integrity of adjacent beach management projects."

The property owner plans to demolish the existing house and construct a new house with a 2,616 square foot footprint, three-stories tall, extending east to the CCSL. East of the CCSL, a proposed pool and pool deck is proposed to extend an additional 38'-9" east of the CCSL. In addition, a deck is proposed to extend 10 feet east of the CCSL on the second and third floor of the proposed house. Please see **Exhibit D** for a depiction of the proposed improvements.

The proposed pool and pool deck will be the easternmost structure on the block. If approved as proposed, it will extend approximately 10 feet further east than the pool and pool deck three houses to the north, which is the only other house on the block with a pool.

All of the proposed improvements are west of the previous CCSL, meaning that prior to Ordinance 22-21, the proposed improvements would not have required a variance approval from the Planning and Zoning Board, or from the City Commission.

Ordinance 22-21 added eight new CCSL-specific variance criteria for proposed construction east of the new CCSL, in addition to the standard variance criteria. The applicant must meet all of the criteria for the Planning and Zoning Board to approve the variance request. The original five are included below, and the new eight criteria follow. The applicant's responses are *italicized*. Staff's responses to the criteria are listed below in **bold**.

1. Special circumstances exist which are peculiar to the subject property owner's land, structure, or building, and do not generally apply to the neighboring lands, structures, or buildings, in the same district or vicinity.

The special circumstance for this site is that the surrounding properties have improvements that extend a significant distance seaward of what is being proposed for this proposed residence.

Staff does not find anything special or peculiar with the subject parcel. There is adequate space on the parcel to build a house and a pool without building east of the new CCSL.

2. Strict application of the provisions of this LDR would deprive the subject property owner of reasonable rights commonly applicable to other properties in the same district or may preclude a benefit to the community in general.

The applicant is seeking to build a single-family residence, similar to the adjacent properties. The siting of the proposed residence will be significantly more landward than

the adjacent properties and more landward than the FDEP CCCL permitting criteria will allow. In fact, the residence is being constructed landward of the FDEP CCCL. The only items that are the subject of this variance are the attached deck and swimming pool.

This pool and pool deck would extend further east than any other structure or accessory structure, such as a pool, on the block. The other house on the block with a pool, 3305 Hill Street, has a deck that extends approximately 30 feet east of the house, and that house is proposed along the same build-to line as the other houses on the street.

3. The special circumstances and conditions that exist do not result from the direct or indirect actions of the present property owner(s) or past property owner(s). This criterion shall not be satisfied if the present or past property owner created, to any degree, the hardship that is the subject of the variance request.

No circumstances or conditions were created by the current of previous property owner. It is zoned R-3A.

There are no special circumstances. The property owner plans to demolish an existing house, built to the CCSL, and then add a pool and pool deck east of the CCSL. The hardships are self-imposed, as there is adequate land to build a pool and pool deck west of the CCSL currently, and a pool is not considered to be a necessity.

4. That granting of the variance will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.

The proposed attached deck and pool will meet all criteria of the state FDEP CCCL, the Florida Building Code Section 3109, and City Zoning/Environmental Regulations. No detriment to the public welfare will be introduced by this residence.

The intent of the Ordinance is to protect and preserve the remaining natural dune system along the shore. The proposed pool and pool deck will require the removal of a considerable amount of dune vegetation.

5. That granting of the variance will not constitute a grant of special privilege that is denied by this Ordinance to other lands, structures, or buildings, in the same district.

The owner has even requested that the residence be located landward of what would be reasonably permitted with the City zoning and FDEP "seaward extent of construction" criteria. No special privilege will be granted.

The proposed improvements would be further east than any property on the block, and the other properties were developed at a time when they *could* build further east without a CCSL variance. Now that the CCSL has been relocated, this would be a grant of special privilege, as the City put these policies in place to preserve and protect the properties along the Atlantic Ocean.

The following variance criteria in Land Development Regulations (LDR) Section 703.02 pertain specifically to proposed improvements east of the CCSL.

1. Strict application of the requirements set forth in section 703.02 would deprive the property owner of reasonable rights presently enjoyed by other nearby property owners;

Please see the comment for bullet point number 2 for the variance application criteria.

This property would be one of two properties with pools on the block. This proposed pool and pool deck would extend approximately 10-feet further east than any nearby property improvement. Other nearby property owners did not choose to build this

close to the ocean on the block, even when it was previously permitted by the LDR. There is adequate space to build a new house, or retain the existing house, and build a pool west of the CCSL. This criterion has *not* been met.

2. Granting a variance from requirements of section 703.02 will not cause substantial detriment to the public welfare, safety, navigation or convenience;

Please see the comment for bullet point number 4 for the variance application criteria.

Granting the variance will not cause substantial detriment to the public navigation or convenience of the area. However, in a severe storm event, the pool and pool deck could be undermined by wave/storm action, affecting the public welfare and safety. This criterion has *not* been met.

3. Granting the CCSL variance will not negatively impact the dune system;

The proposed will have no impact to the dune system. It will be landward of the dune system.

Approximately 40 feet of vegetation will be removed to add the pool and pool deck, thus there will be an adverse impact to the dune system. A sizeable portion of the dune system will be removed. This criterion has *not* been met.

4. Adequate land does not exist landward of the CCSL to allow the reasonable, normal and customary use and accessory uses of the property (as compared to other properties in the neighborhood) without building seaward of the CCSL;

The new location of the CCSL will not provide adequate room to construct the proposed

attached deck and swimming pool.

There is approximately 38' of land between the existing house and the CCSL. That is roughly the amount of the variance request east of the CCSL. The proposed house is built to the CCSL, with no space remaining for accessory structures. The project could be scaled back to have less of an impact, yet still have a new, large house with a pool. This criterion has not been met.

5. The proposed construction does not cause a substantial adverse effect on functionality of the existing dune system either as a habitat for native species of animals and plants; or, as a tidal barrier;

Similar to the response in item C, the functionality of the dune system will not be adversely affected as the proposed improvements are landward of the existing dune system.

Approximately 40 feet of the dune system will be excavated to construct the pool and pool deck, thus there will be an adverse impact on the functionality of the dune system. Given that there isn't a seawall in the vicinity, it is this very dune system that is necessary to protect the houses and other amenities in this area. This criterion has not been met.

6. Granting a variance from the requirements of section 703.02 will not constitute a grant of special privilege denied to other property owner;

Properties in the area are developed with residences and therefore no special privilege will be conveyed by the approval of this variance.

The residence is proposed west of the CCSL, and is not subject to the variance request.

The pool and pool deck are east of the CCSL. The proposed pool and pool deck, if built, would be the easternmost structures on the block. This criterion has not been met.

7. The request is both the minimum required distance seaward of the CCSL and the minimum required height that is reasonably and customarily necessary to accommodate the proposed construction.

The proposed structure is sited significantly landward than those in the area and what would be permitted using FDEP CCCL criteria.

The proposed house is being built to the new CCSL, and the pool and pool deck are proposed would be the easternmost structures on the block. Given that the house could be scaled back considerably in size, and a pool is not a necessity, staff did *not* find that this criterion has been met.

8. The proposed construction is located behind any existing seawall or tidal armoring (excluding dune walkovers, new sea walls, and either tidal armoring or similar structures that by function must be constructed in front of existing seawalls and tidal armoring).

The proposed structure will be constructed behind an existing dune system.

No seawalls exist between E. 23rd Avenue and 24th Avenue. The proposed pool and pool deck will result in the removal of approximately 40 feet of vegetation east of the CCSL. While there is a dune walkover associated with this project, it is not subject to this variance request.

9. The Planning and Zoning Board shall deny the request if one or more of the aforementioned criteria is not met.

All of the aforementioned criteria have been met.

Staff has determined that all of the criteria have not been met.

Recommendation

Staff determined that the application did not meet all criteria and therefore recommends **DENIAL** of the variance application.

Fiscal Analysis:
N/A

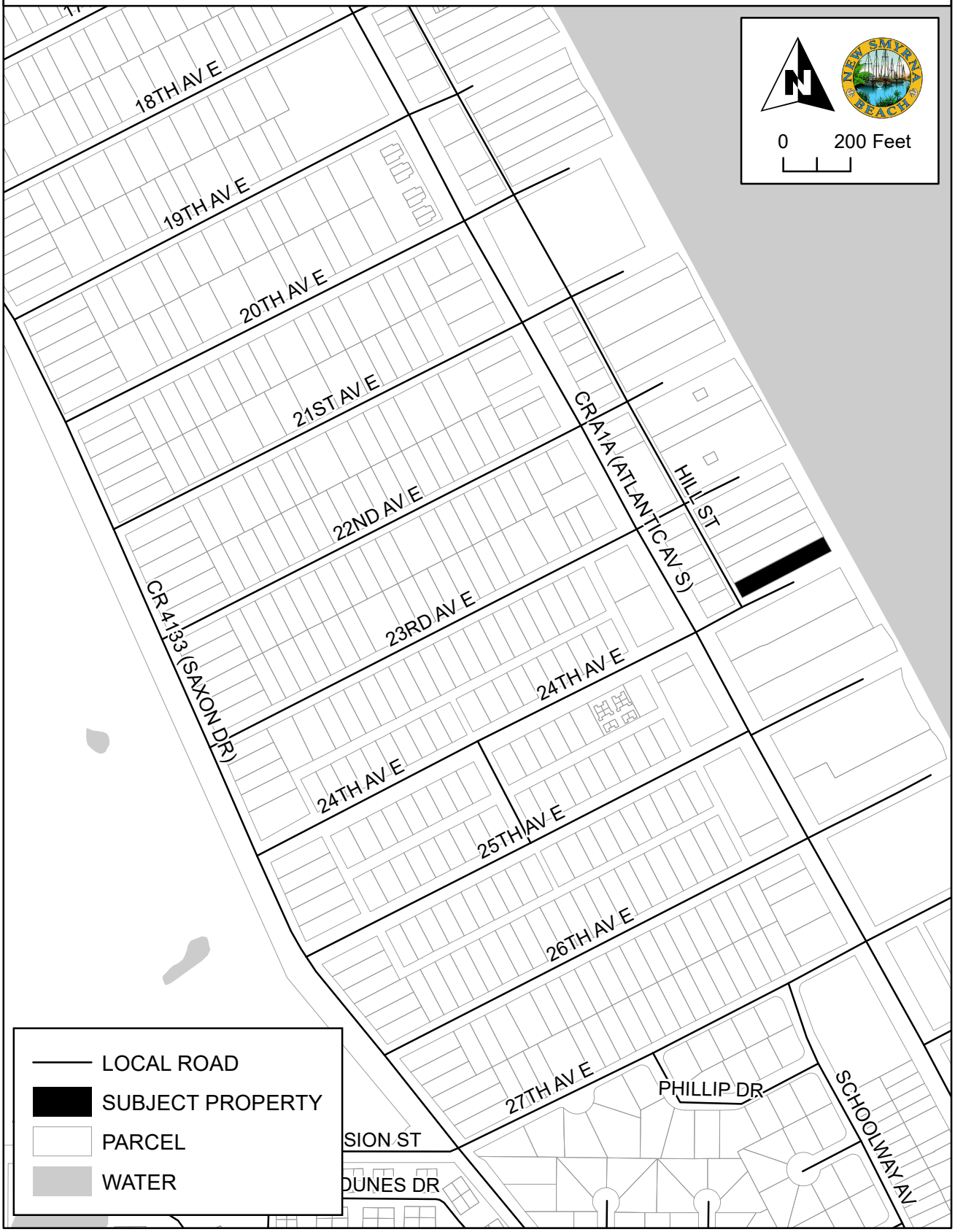
Strategic Plan Item:
No

Staff Report Created By: Jake Baker - Planner I

Attachments:

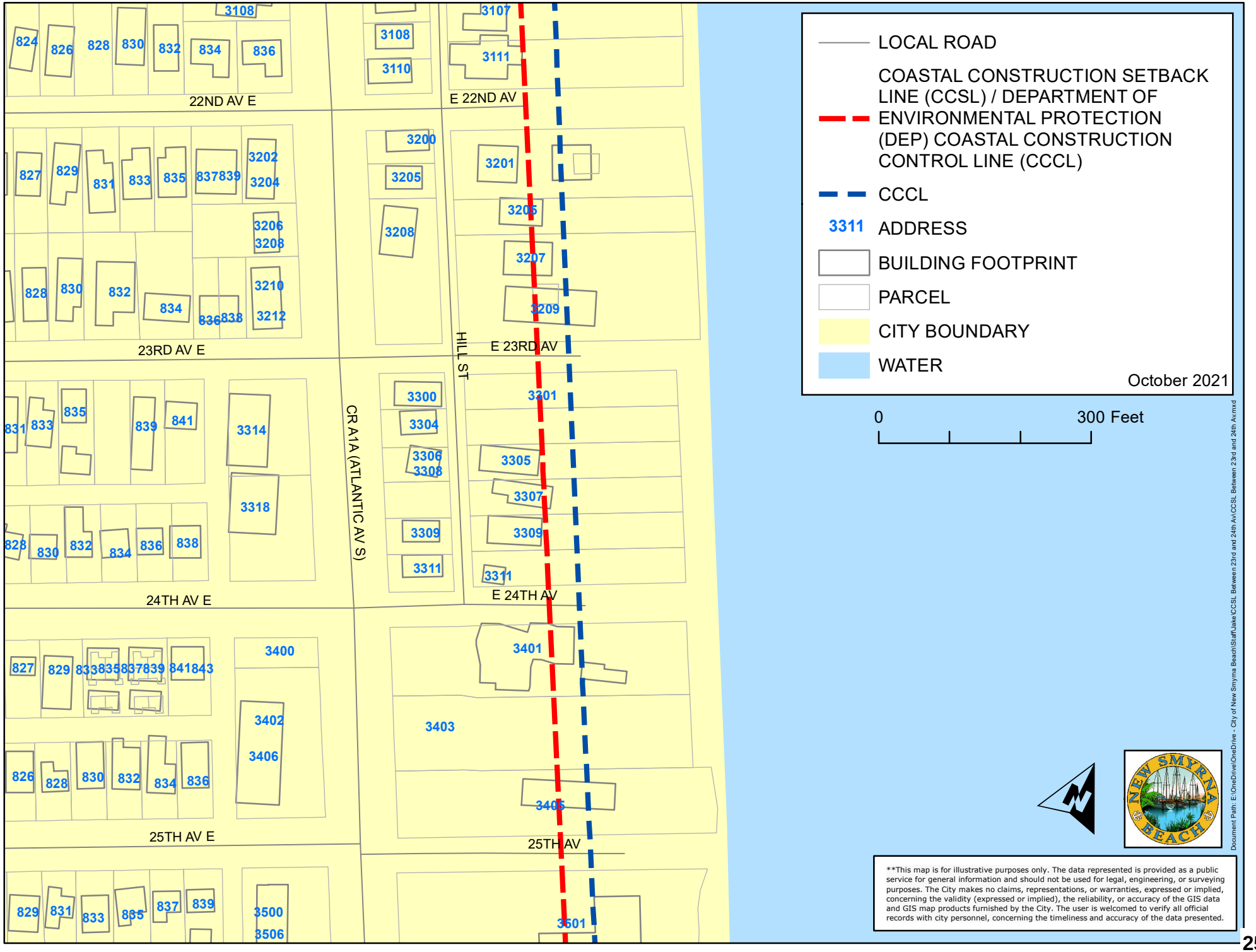
Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C CCSL.pdf
Exhibit D Property Detail.pdf
Exhibit E Pictures.pdf

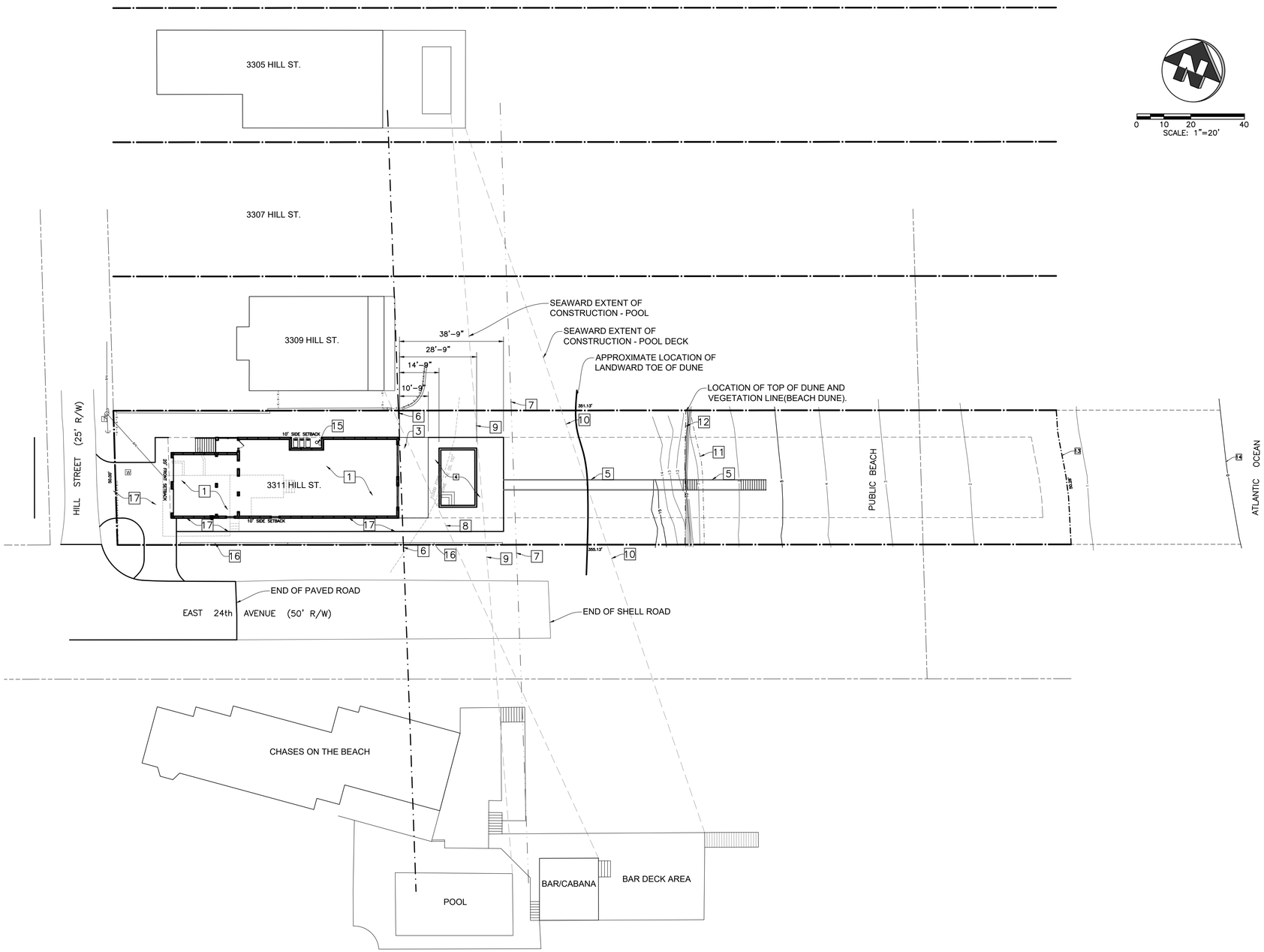
V-15-21: 3311 HILL STREET
PARCEL: 7422-01-24-0060 LOCATION MAP



V-15-21: 3311 HILL STREET
PARCEL: 7422-01-24-0060 AERIAL MAP




LOCAL ROAD
COASTAL CONSTRUCTION SETBACK LINE (CCSL) / DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) COASTAL CONSTRUCTION CONTROL LINE (CCCL)
CCCL
3311 ADDRESS
BUILDING FOOTPRINT
PARCEL
CITY BOUNDARY
WATER
October 2021
0
300 Feet
22ND AV E
E 22ND AV
23RD AV E
E 23RD AV
24TH AV E
E 24TH AV
25TH AV E
25TH AV
HILL ST
CR A1A (ATLANTIC AV S)
NEW SMYRNA BEACH
Document Path: E:\OneDrive\OneDrive - City of New Smyrna Beach\Staff\Jake\CCSL Between 23rd and 24th Av\CCSL Between 23rd and 24th Av.mxd
**This map is for illustrative purposes only. The data represented is provided as a public service for general information and should not be used for legal, engineering, or surveying purposes. The City makes no claims, representations, or warranties, expressed or implied, concerning the validity (expressed or implied), the reliability, or accuracy of the GIS data and GIS map products furnished by the City. The user is welcomed to verify all official records with city personnel, concerning the timeliness and accuracy of the data presented.



0 10 20 40
SCALE: 1"=20'

LEGEND

———	PROPERTY LINES
——SILT——	SILT FENCE
0.0'	EXIST. GRADE
0.00'+	PROPOSED GRADE

ZONING – R–3A

FRONT SETBACK	20'
REAR SETBACK	10'
SIDE SETBACK	10'
LOT SQUARE FOOTAGE	13,009
ALLOWABLE BUILDING %:	40%
ALLOWABLE IMPERVIOUS %:	60%
ALLOWABLE BUILDING (sq.ft.)	5,203
PROPOSED BUILDING (sq.ft.)	2,616
ALLOWABLE IMPERVIOUS (sq.ft.)	7,805
PROPOSED IMPERVIOUS (sq.ft.)	3,282

NOTES:
- ALL MEASUREMENTS TO BE VERIFIED BY A LICENSED SURVEYOR
- ABOVE INFORMATION OBTAINED BY CORY SURVEYORS INC.
- SITE LIES IN FLOOD ZONE "X" & VE–10, ALL CONSTRUCTION EXCEPT PART OF THE POOL & DUNE WALKOVER, WILL BE IN FLOOD ZONE "X

CONSTRUCTION NOTES

1. PROPOSED (3) STORY RESIDENCE. 1st FLOOR ELEVATION TO BE 18.0'.
2. EXISTING (2) STORY RESIDENCE, STAIRS, FENCES, AND RETAINING WALLS TO BE REMOVED.
3. PROPOSED 2nd & 3rd FLOOR FRANGIBLE DECK.
4. PROPOSED SWIMMING POOL AND FRANGIBLE DECK.
5. PROPOSED FRANGIBLE DUNE WALKOVER WITH STAIRS.
6. DEPARTMENT OF NATURAL RESOURCES COASTAL CONSTRUCTION CONTROL LINE MAP BOOK 30, PAGE 20 (01/24/91) AND CITY CCSL.
7. ABANDONED CITY OF NEW SMYRNA BEACH COASTAL CONSTRUCTION SETBACK LINE PER ORDINANCE NO. 12–01 (04/02/01)
8. EXISTING BUILDING LINE OF SIGHT.
9. EXISTING POOL LINE OF SITE.
10. EXISTING PATIO LINE OF SITE.
11. SEASONAL HIGH WATER ELEVATION 6.89 FEET(N.A.V.D. 1988) AS LOCATED ON 10/11/2016)
12. VEGETATION LINE.(BEACH DUNE)
13. MEAN HIGH WATER ELEVATION 1.14 FEET (N.A.V.D. 1988) AS LOCATED ON 10/11/2016
14. LOCATION OF 0.0 CONTOUR
15. PROPOSED POOL PUMP, POOL FILTER, AND POOL EQUIPMENT.
16. PROPOSED RETAINING WALL & PRIVACY FENCE
17. PROPOSED CONCRETE DRIVEWAY AND SIDEWALKS.

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DATE: 10-18-21

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DUNE EXHIBIT FOR:

THE WILLIAMS RESIDENCE

3311 HILL STREET
NEW SMYRNA BEACH, FLORIDA

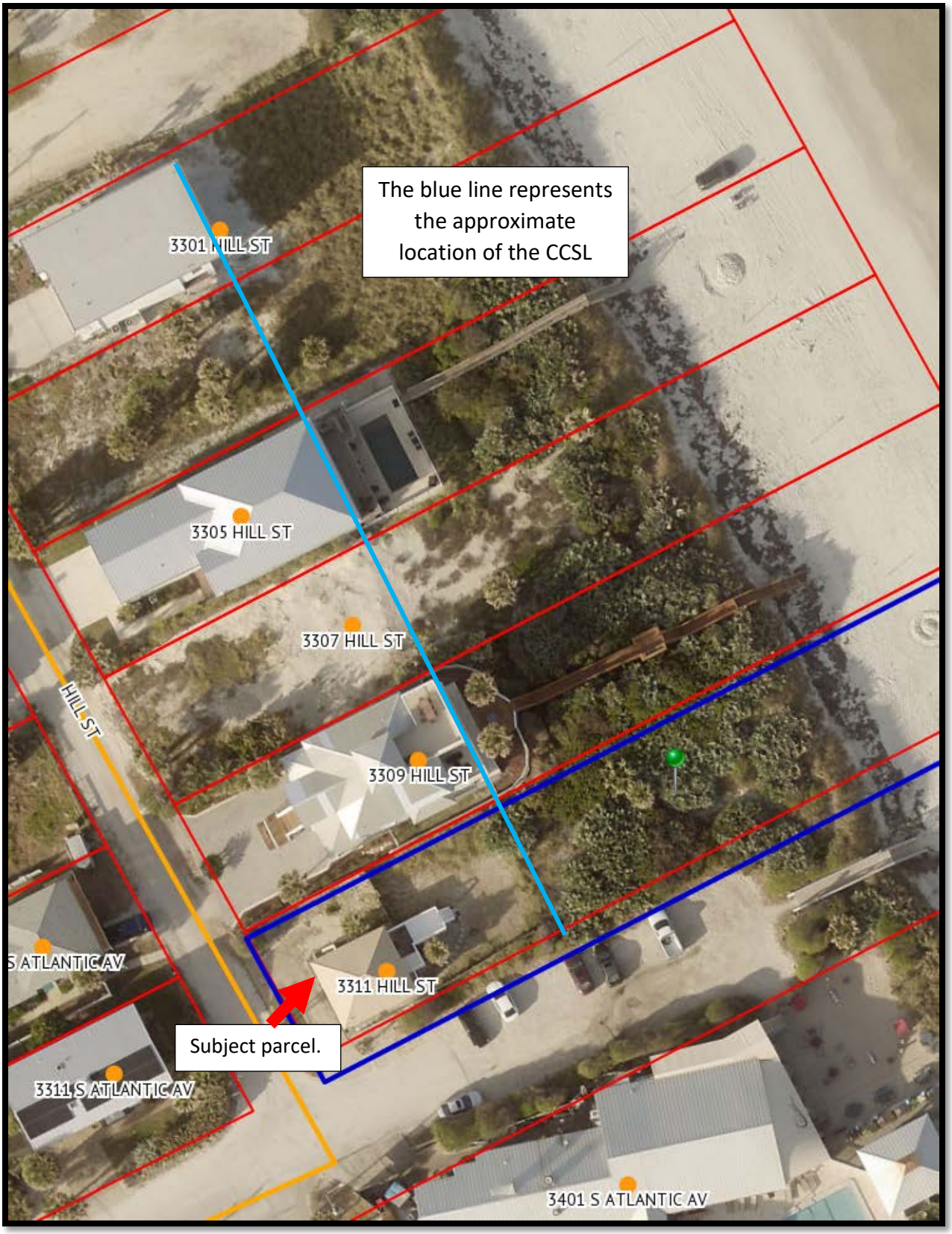
REV.	DATE:	NOTES:

DRAFTER: DBA
CHECKED BY: RD
PROJECT NO. 20-1316

CLIENT: DAVID WILLIAMS
3311 HILL STREET
NEW SMYRNA BEACH, FLORIDA

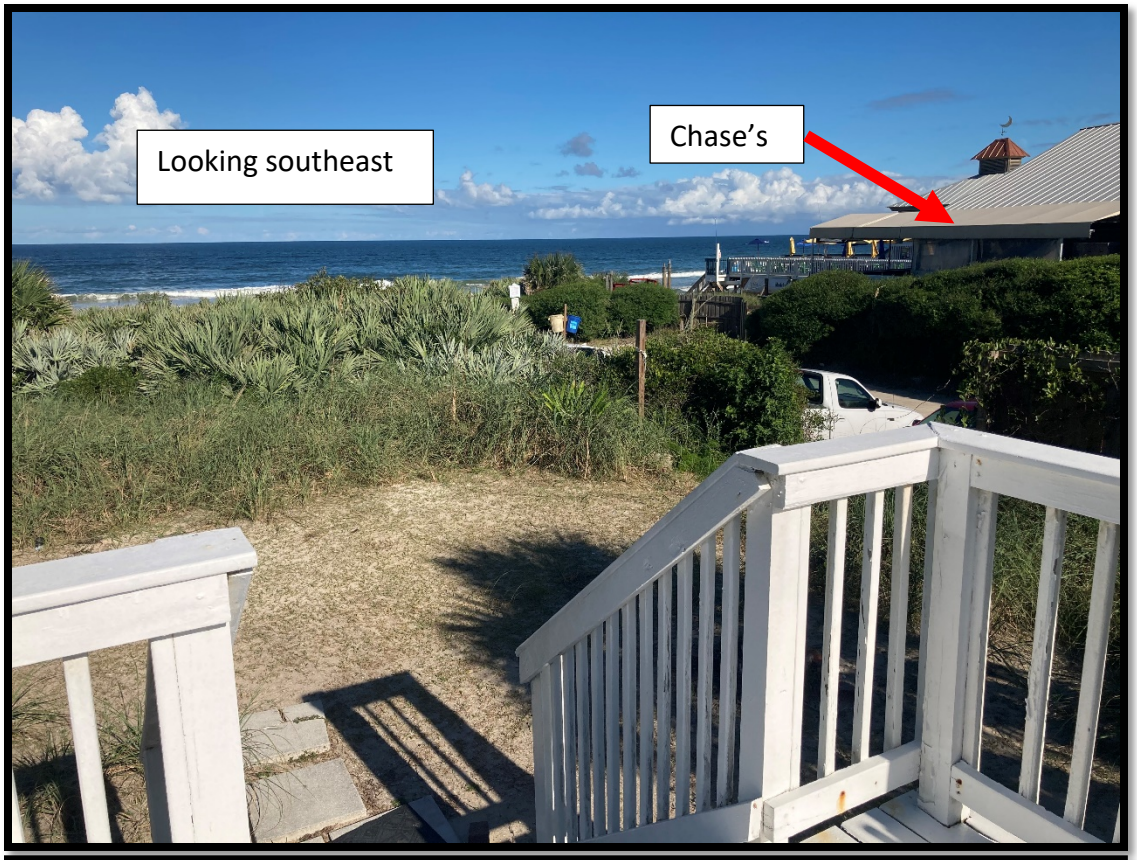
SHEET NO.
EX

Exhibit E


The blue line represents the approximate location of the CCSL
3301 HILL ST
3305 HILL ST
3307 HILL ST
3309 HILL ST
HILL ST
S ATLANTIC AV
3311 HILL ST
Subject parcel.
3311 S ATLANTIC AV
3401 S ATLANTIC AV


From existing house's back porch. The new house will be built as far east as the house on the left, with the pool deck extending 38'-9" further east.


From the toe of the dune looking north.


Looking southeast
Chase's


Looking east



The yellow line extends 40’ from the rear of the house to the north. The proposed pool deck will extend approximately that far into the lot to the south, which has significant dune vegetation.

THE CITY OF NEW SMYRNA BEACH - PLANNING & ZONING

CPA-2-21: HOG EYE CAMP PUD

December 6, 2021

Background:

1. **Applicant:** Justin R. Sand, Epoch Residential, 359 Carolina Ave., Winter Park, FL 32789

2. **Property Owner:** Hog Eye Camp Road, LLC, 39 Oakleigh Dr., Maitland, FL 32751

3. **Request:** *Comprehensive Plan* amendment:
   - **From:** City Future Land Use (FLU) designation of Commercial.
   - **To:** City FLU designation of High Density Residential (HDR).

4. **Site Information:**
   - **Size:** Approximately 7 ± acres
   - **Location:** East side of Saxon Drive between SRA1A/3rd Avenue and 7th Avenue, immediately south of the Publix supermarket. (See Exhibits A & B for location & aerial maps).
5. **Tax I.D. Numbers:** 7416-00-00-0310.

Findings:

Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Existing Future Land Use Map

Exhibit D: Text description of existing Commercial Future Land Use

Exhibit E: Proposed Future Land Use Map

Exhibit F: Proposed HDR Future Land Use Text

Exhibit G: Existing Use Map

The subject property is now an undeveloped 6.9 acre area within a 17.6 acre existing Planned Unit Development (PUD) known as Hog Eye Camp Road Square. That entire PUD area is now designated as Commercial on the City Future Land Use Map, and the existing PUD zoning and its Master Development Agreement (MDA) was approved under that designation.

Maps showing the surrounding existing FLU designations are attached as Exhibit C. The text description of the existing Commercial FLU designation of the subject property is attached as Exhibit D.

A map of the proposed Future Land Use is attached as Exhibit E, with a text description of the proposed City High Density Residential (HDR) FLU designation attached as Exhibit F.

All other areas within the PUD boundaries (to the south & west) are currently shown on all Exhibit maps, and developed as Single Family residences within the 30 subdivided lots previously platted as Callalisa Creek Vistas, in accordance with the PUD MDA and Conceptual Development Plan (CDP) approved in 2011. The undeveloped 6.9 acre subject property was then shown on the PUD CDP for future use as a mixed use complex with 150 Multi-Family apartment units and 16,420 SF of Office/Retail space, in proposed buildings that could be a maximum height of 60’ of habitable space & an additional 12’ for possible screening of rooftop mechanical equipment.

A concurrent application (PUD-2-21) has now also been submitted for this same 6.9 acre remaining undeveloped portion of the PUD, to amend the current MDA & CDP to instead allow for a Townhouse development with a maximum of Multi-Family 83 units, in buildings with maximum heights of 45’ and the same possible 12’ for possible screening of rooftop mechanical equipment. That proposal would totally eliminate the currently permitted Office & Retail uses on this 6.9 acre site and instead require it be used exclusively for residential purposes.

The proposed High Density Residential FLU and the existing Commercial FLU both provide for the same maximum residential density of 12 units per acre, with this 6.93 acre site allowing the maximum 83 units noted above. So no change to the potential unit density is proposed by this CPA Amendment, and the accompanying/concurrent PUD Amendment would instead reduce the currently permitted unit density within the 6.9 acre area by almost half (150/83 = 55.3%).

The current Commercial FLU text (Exhibit D) restricts the Maximum Allowable Percentages for Residential Uses to be at most 25% of the PUD, while the currently proposed PUD Amendment would completely eliminate the currently permitted Office & Retail uses and instead make the entire PUD used exclusively (at 100%) for residential purposes, which would not conform with the current Commercial FLU text restrictions. This is the sole reason for this CPA Amendment request. However, this request if approved would also eliminate any possible conflicts of the currently permitted Office & Retail uses with the existing adjacent Low Density Residential (LDR) FLU, zoning, and/or uses with the existing adjacent Single Family uses/lots to the east, south, & west.

Should this pending CPA & the accompanying/concurrent PUD Amendment both be approved, the remaining portion of the PUD that is now used for SF Residences (to the south & west) would also be proposed by a following City Administrative CPA application for a similar change to the current FLU status, to remove the currently non-conforming Commercial FLU within the remainder of the PUD area, and replace it with the Low Density Residential (LDR) FLU designation that most closely fits its current use and status.

Recommendation

Staff recommends that the Planning and Zoning Board give a positive recommendation to the City Commission to **approve** the requested *Comprehensive Plan* amendment to High Density Residential, to conform with and allow the proposed PUD Amendment.

Fiscal Analysis:
N/A

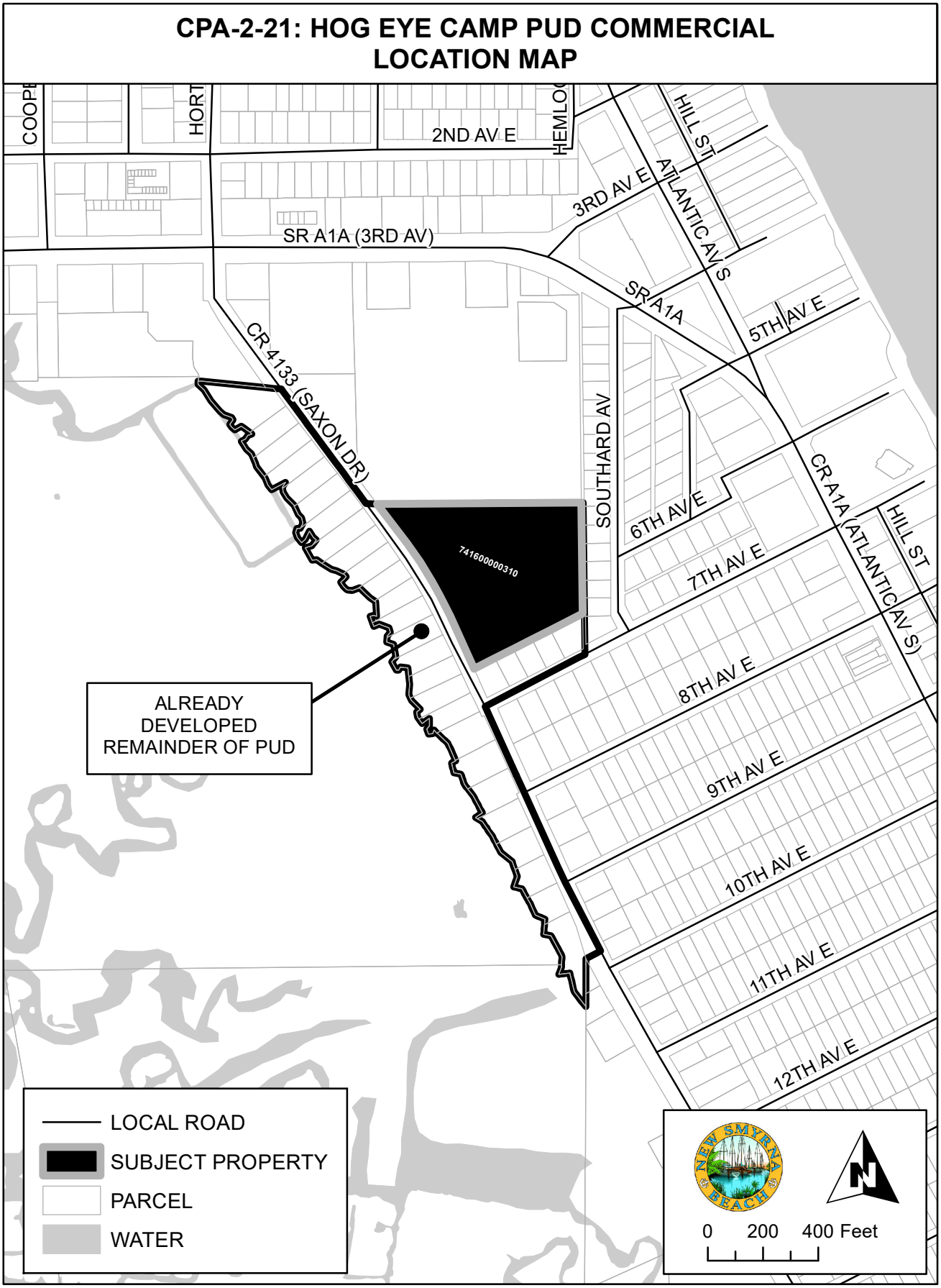
Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Planner II

Attachments:

Exhibit A - Location Map.pdf
Exhibit B - Aerial Map.pdf
Exhibit C - Existing Future Land Use Map.pdf
Exhibit D - Commercial City FLU.pdf
Exhibit E - Proposed Future Land Use Map.pdf
Exhibit F - High Density Residential City FLU.pdf
Exhibit G - Existing Land Use Map.pdf

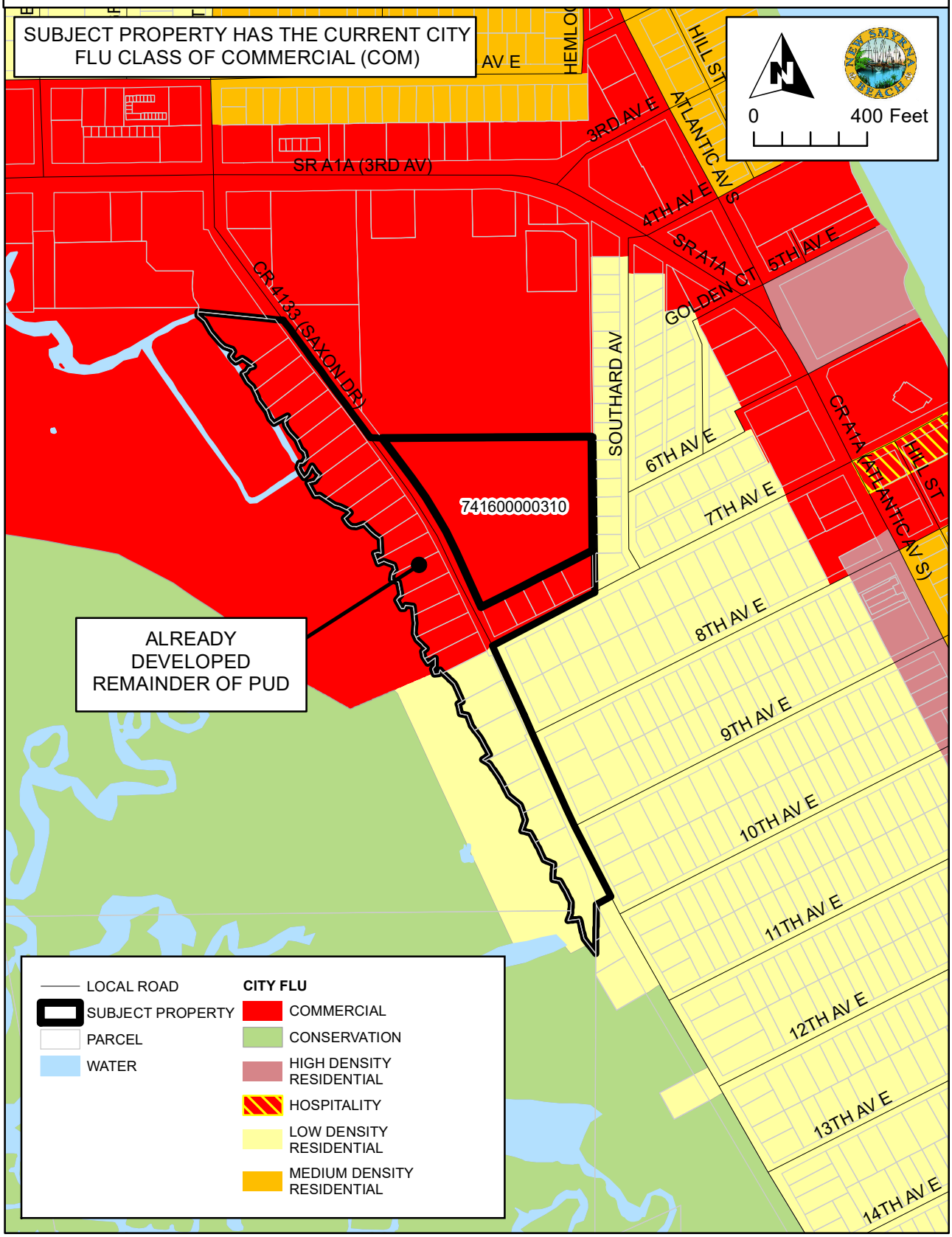
CPA-2-21: HOG EYE CAMP PUD COMMERCIAL LOCATION MAP



CPA-2-21: HOG EYE CAMP PUD COMMERCIAL
AERIAL MAP



CPA-2-21: HOG EYE CAMP PUD COMMERCIAL
EXISTING FUTURE LAND USE MAP



COMMERCIAL

Maximum allowed density:
8.01 to 12 dwelling units per acre on the barrier island
8.01 to 18 dwelling units per acre on the mainland
Up to 24 transient lodging units per acre

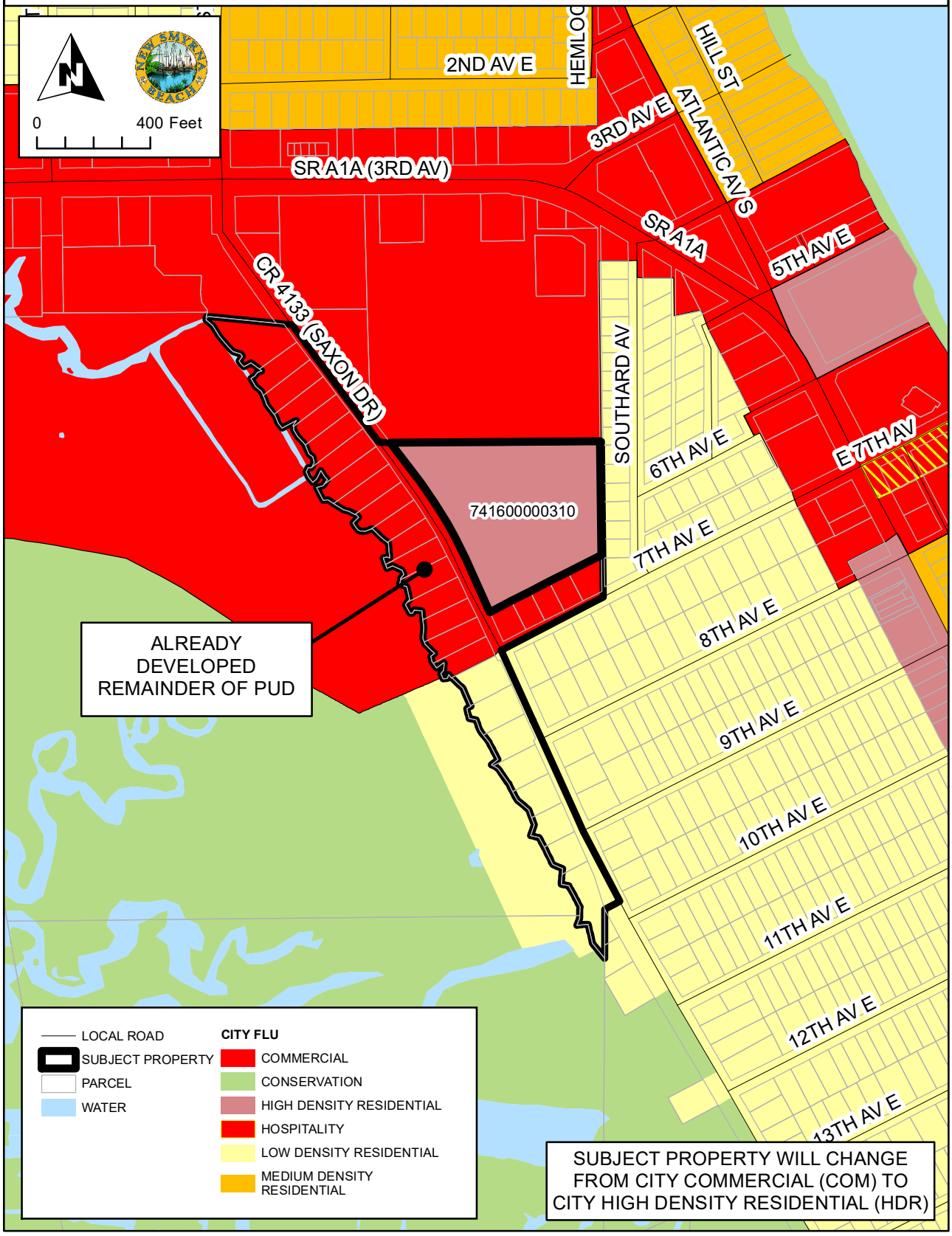
Maximum allowed Floor Area Ratio (FAR): 2.0

Maximum Allowable Percentage of Uses for Developments Using the Planned Unit Development Format:
Retail: 100%
Office: 100%
Residential: 25%
Industrial: 0%

Intent: This category is intended for the development of high quality business activities, including retail, hotel, office, financial institutions, and high-density residential. They should be confined to certain arterial and collector roads, and to the Flagler Avenue districts.

The State Road 44 corridor, particularly the undeveloped areas west of Old Mission Road, should be developed in a manner to protect adjacent residential neighborhoods from adverse impacts of unbridled commercial development. All properties along the north side of State Road 44, west of Eddie Road, and all properties along the south side of State Road 44, west of Hidden Pines Boulevard, shall be developed or redeveloped using the planned unit development format

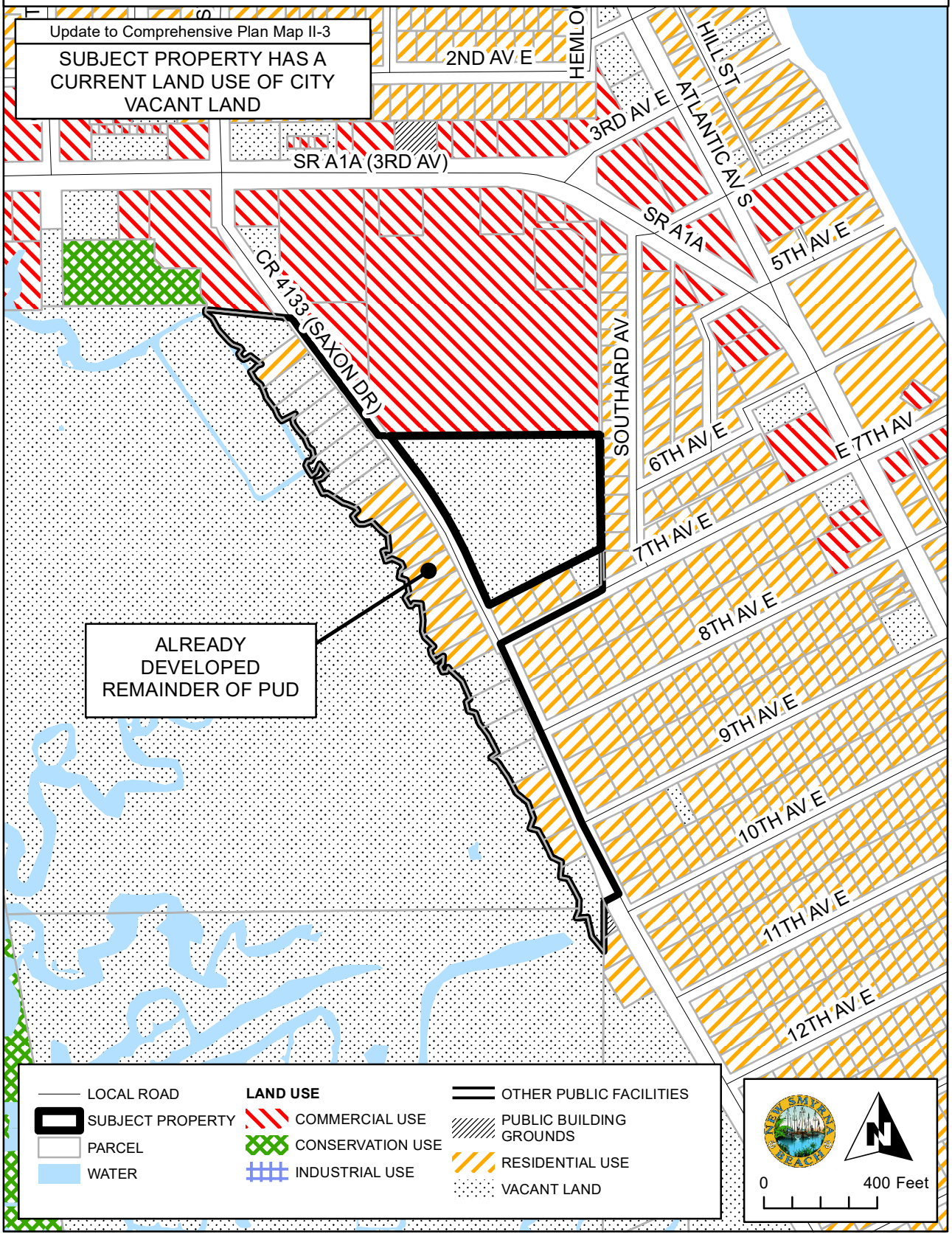
CPA-2-21: HOG EYE CAMP PUD COMMERCIAL
PROPOSED FUTURE LAND USE MAP



HIGH-DENSITY RESIDENTIAL

Maximum allowed density:
8.01 to 12 dwelling units per acre on the barrier island
8.01 to 18 dwelling units per acre on the mainland
Intent: This use is intended for areas close to major intersections and commercial areas, where a slightly higher amount of residential trips can be allowed because they are relatively short (due to their proximity to shopping areas and major roads).

CPA-2-21: HOG EYE CAMP PUD COMMERCIAL EXISTING LAND USE MAP



THE CITY OF NEW SMYRNA BEACH - PLANNING & ZONING

PUD-2-21: HOG EYE CAMP PUD 2ND AMENDMENT

December 6, 2021

Background:

Applicant: Justin R. Sand, Epoch Residential, 359 Carolina Ave., Winter Park, FL 32789

Property Owner: Hog Eye Camp Road, LLC, 39 Oakleigh Dr., Maitland, FL 32751

Request: 2nd Amendment to the existing Hog Eye Camp Road Square Planned Unit Development (PUD) Master Development Agreement (MDA) & Conceptual Development Plan (CDP), for the purpose of revising the currently permitted use in the sole remaining undeveloped portion & last PUD phase:

- **From:** its currently approved mixed use complex with 150 Multi-Family apartment units and 16,420 SF of Office/Retail space
- **To:** instead allow for a Townhouse development with no mixed use/Office-Retail space, and a maximum of Multi-Family 83 townhouse units.

A concurrent application (CPA-2-21) has also been submitted for this same 6.9 acre remaining undeveloped portion of the PUD to amend its current City Comprehensive Plan Future Land Use (FLU) Map designation, from the existing Commercial FLU to a proposed City FLU designation of High Density Residential (HDR).

Site Information:

- **Size:** Approximately 7 ± acres
- **Location:** East side of Saxon Drive (Volusia County Road # 4133), between SRA1A/3rd Avenue and 7th Avenue, immediately south of the Publix supermarket. (See Exhibits A & B for location & aerial maps).

- **Current Zoning:** PUD, per the Hog Eye Camp Road Square PUD original MDA (recorded 2011), & 1st Amendment (recorded 2014)

Tax I.D. Number: 7416-00-00-0310.

Findings:
Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Zoning Map

Exhibit D: Original PUD MDA (recorded 2011)

Exhibit E: Original PUD CDP ("Ex. B" of above 2011 recorded MDA, clean copy due to recorded version being illegible)

Exhibit F: 1st Amendment to PUD MDA (recorded 2014)

Exhibit G: Proposed 2nd Amendment to PUD MDA

Exhibit H: Proposed CDP for Subject 7 acre PUD area

The subject property is now an undeveloped 6.9 acre area within a 17.6 acre existing Planned Unit Development (PUD) known as Hog Eye Camp Road Square. That entire PUD area is now designated as Commercial on the City Future Land Use (FLU) Map, and the existing PUD zoning and its Master Development Agreement (MDA) was approved under that prior and still current Commercial FLU designation. As noted above, a concurrent application (CPA-2-21) has also been submitted for this same remaining undeveloped portion of the PUD to amend that current City FLU Map designation to a City FLU designation of High Density Residential (HDR). Both the existing Commercial FLU and the request for the proposed HDR FLU would allow for the same maximum density of 12 units/acre.

A map showing the surrounding zoning designations is attached as Exhibit C. All other areas within the Hog Eye Camp Road Square PUD boundaries (to the south & west) are currently developed as Single Family lots/residences, within the 30 subdivided lots previously platted as Callalisa Creek Vistas and in accordance with the PUD MDA and CDP approved in 2011. The undeveloped 6.9 acre subject property was then shown on the original PUD CDP (Report Exhibit E) for future use as a mixed use complex with 150 Multi-Family apartment units and 16,420 SF of Office/Retail space.

The other surrounding areas and their zonings outside of the PUD area include adjacent properties to the north & east, which are used for these differing purposes:

North: Publix supermarket/Indian River Shopping Center (extending further north to SR A1A/3rd Avenue), & zoned B-5 Planned Shopping Center, with this adjacent area being the rear/loading area for Publix operations.

East: Single Family (SF) residences (rear yards adjacent & fronting Southard Avenue), & zoned R-2 Single Family Residential; a Utility Alley (of undefined width, but appearing to be approx. 10' wide) is also shown along this same east property line (PL) on the Boundary Survey within the Report Exhibit G proposed MDA, which separates the seven SF lots from the east PL.

The primary MDA revisions & issues included with this proposed MDA Amendment include the following:

1. The above noted change in Permitted Uses, to totally eliminate the currently permitted Retail/Office Uses and add the proposed Townhouse Use in place of the currently permitted Multi-Family (MF) Residential apartments.

2. Along with that Use revision, the maximum number of those residential units would be significantly decreased, from the current 150 MF apartment units to instead be a maximum of 83 Townhouse units. While the proposed new CDP-2 (Report Exhibit H) for those indicates a maximum of 77 Townhouse units, the maximum of 83 proposed in the MDA Amendment text would be the limit per the current MDA.

3. The Maximum Building Height is also proposed to be reduced, from the currently permitted 60' to the roof deck to a new maximum of 45' to the roof deck. Both the currently permitted 60' and the proposed reduction to 45' would allow for an additional 12' of decorative roof structure for the purpose of screening rooftop mechanical

equipment and/or adding architectural details to the building. While the currently permitted mixed use Multi-Family apartments and Retail/Office are shown on that Report Exhibit E original CDP as being within one building footprint, the proposed Townhouse buildings shown on the new CDP-2 (Report Exhibit H) are within 15 different and separate townhouse buildings that are primarily 3-story (13 total) with the other 2 buildings limited to a 2-story height, and these 15 total buildings containing a mix of 4, 5, or 6 Townhouse units per building.

4. The currently existing Minimum Perimeter Setbacks are proposed to be reduced for the Townhouse structures, from its current 50' setback for the front/Saxon/west property boundary, to instead be a minimum of 40', and for the current 25' or greater (based on building height) Rear setback to instead be a minimum 20' with no additional area required due to height.

a. The applicant's rationale for this Front yard setback reduction is that the 50' setback was related to the commercial uses they are proposing to eliminate, and that the proposed 40' setback can be justified due to that, the proposed maximum building height reduction, and the reduction in residential density. The Report Exhibit H/CDP-2 indicates the minimum proposed building setback from that same front/Saxon/west property boundary is 42.7', which would be exceed that proposed minimum 40' front setback, but obviously be less than the current 50' setback. Given that, **staff believes the currently required minimum 50' building setback from the front/Saxon/west property boundary should be retained rather than revised as proposed.**

b. There was no rationale provided for the requested Rear yard setback reduction, and the Report Exhibit H/CDP-2 indicates the proposed building setbacks from the Rear/east property boundary is 28', which would exceed that proposed minimum 20' rear setback. Given that, **staff believes the currently required minimum 25' building setback from the Rear/east property boundary (plus more based on building height) should be retained rather than revised as proposed.**

5. The currently existing Minimum Perimeter Landscape Buffers are not defined within the current MDA text, but rather are indicated on the Report Exhibit E original CDP to be a minimum of 20' wide along all property lines except the south, where a 25' wide Buffer area was shown adjacent to the existing five Callalisa Vistas platted single family lots/residences also within the same Hog Eye Camp Road Square PUD area. This 2nd Amendment now proposes a greater buffer width of 40' along the front/Saxon/west property line instead of the 20' buffer width that original CDP showed. However, a 20' wide Perimeter Buffer width is also now proposed along the south property line in place of the 25' buffer width now shown on the current CDP (Report Exhibit E). Staff believes

the owners of those lots adjacent to that south property line (and residents of this same PUD area) were promised that existing 25' adjacent buffer width shown on the current CDP. Given that, **staff believes the currently required minimum 25' buffer width along the south property boundary should be retained rather than revised as proposed.**

6. The Minimum Building Separation distance is proposed to be reduced for any buildings that would be higher than 25', as all of the proposed 2 & 3 story Townhouse buildings appear to be. (No proposed building plans are included in this application to be able to determine the exact proposed heights, just the proposed reduction in maximum Height to 45'). Currently all buildings over 25' in height must add an additional 1.5' of building separation for each 5' of proposed height over that minimum 20' separation distance.

7. The Minimum Floor Areas for each proposed multi-family unit is proposed to be increased significantly, from the current minimum of 450 SF of livable area for one bedroom units and 550 SF of livable area for two bedroom units to instead be 1000 SF of livable area for all proposed Townhouse units.

8. The required % of various Coverages & Open Space are proposed to be reduced from the currently required amounts. The Maximum Building Coverage of 65% is proposed to be reduced to a new Maximum of 30%. The Maximum Impervious Coverage of 70% is proposed to be reduced to a new Maximum of 65%. The Minimum Open Space Percentage of 35% is proposed to be reduced to 30%, even though the proposed 65% Maximum Impervious Coverage would seem to provide the remaining 35% Pervious Coverage as that same currently required Minimum Open Space. The proposed CDP (Report Exhibit H) also notes the Open Space provided on that plan as being over 50%. Given that, **staff believes the currently required Minimum 35% Open Space should be retained rather than revised as proposed.**

9. The proposed MDA now notes parking for the Townhouse complex would include 15 Visitor parking spaces be provided in addition to those spaces required for the residents per the LDR, whereas the currently permitted 150 apartment complex to be eliminated had no MDA commitment to providing any additional parking for Visitors.

Regarding Site Access, the proposed CDP indicates only one driveway access connection to Saxon Drive (along its west property line), as opposed to the two driveway connections to Saxon now shown on the original MDA CDP (Report Exhibit E). That is one design aspect the applicant has been advised to change on the proposed CDP at the direction of Volusia County, the entity that maintains and permits all activities within the Saxon Drive roadway and right-of-way. There are other aspects of that future permitting

and connection to Saxon Drive that may be included by Volusia County during site planning and construction as part of its Use Permit process, such as possible roadway improvements of turn lanes, dedication of additional right-of-way, etc. Those discussions between the applicant, County, & City have begun to a limited degree, but will not be fully determined until the City & County Site Plan process that would be required to follow this PUD MDA Amendment request, if approved.

A Traffic Impact Analysis (TIA) will also need to be part of that ongoing Volusia County Use Permit process, and that effort has begun to a limited degree per the current County requirements. This TIA is not needed at this PUD MDA Amendment stage as the currently proposed Amendment would significantly reduce the traffic impacts from what is currently approved, with the proposed reduction of residential units from its current maximum 150 units to a proposed maximum of 83 units, along with the elimination of all currently permitted Retail/Office uses. In addition, the Volusia County School Board (VCSB) has reviewed an application for the proposed Townhouse 77 unit number and determined there to be Adequate Capacity available for those as of July 12, 2021.

Topographic information provided for the 6.9 acre subject site indicates significant variation for this location and site size, from its lowest elevations of between 3-4', to the highest elevations in various locations of 14'-15', and an elevation peak of 19.2'. The site appears to be a series of remnant dunes and troughs, with the sandy soils underlying being very useful for site drainage. The townhouse site plan as now proposed could work with that existing topography to some limited degree but would appear to need to largely flatten these site elevation changes to a more consistent middle elevation.

The available tree information that has been provided indicates there are a number of existing trees within this 6.9 acre site. Those include 3 Historic Trees that are proposed to be preserved in place, and a total of 117 Specimen Trees existing within this site, as noted on the Site Plan Exhibit. Other information provided indicates the total number of trees now within the site is over 1,100. Per the existing & proposed MDA text and the Report Exhibit H Site Plan notes, any future Site Plan that would result from this request upon its approval would comply with all City tree requirements within the City LDR.

Staff finds the request compliant with the City Comprehensive Plan (upon approval of the

concurrent CPA-2-21 request) and the City LDR.

Recommendation

Staff advices the Planning and Zoning Board to forward a recommendation of **approval** to the City Commission for the requested PUD MDA 2nd Amendment, subject to the above noted suggested conditions/revisions (also listed below), and any others the Board might feel appropriate to add.

The above noted staff suggested conditions/revisions are:

1. The currently required minimum 50' building setback from the front/Saxon/west property boundary should be retained rather than revised as proposed.
2. The currently required minimum 25' (+ more based on building height) building setback from the Rear/east property boundary should be retained rather than revised as proposed.
3. The currently required minimum 25' landscape buffer width along the south property boundary should be retained rather than revised as proposed.
4. The currently required Minimum 35% Open Space for the entire 6.9 acre subject site should be retained rather than revised as proposed.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

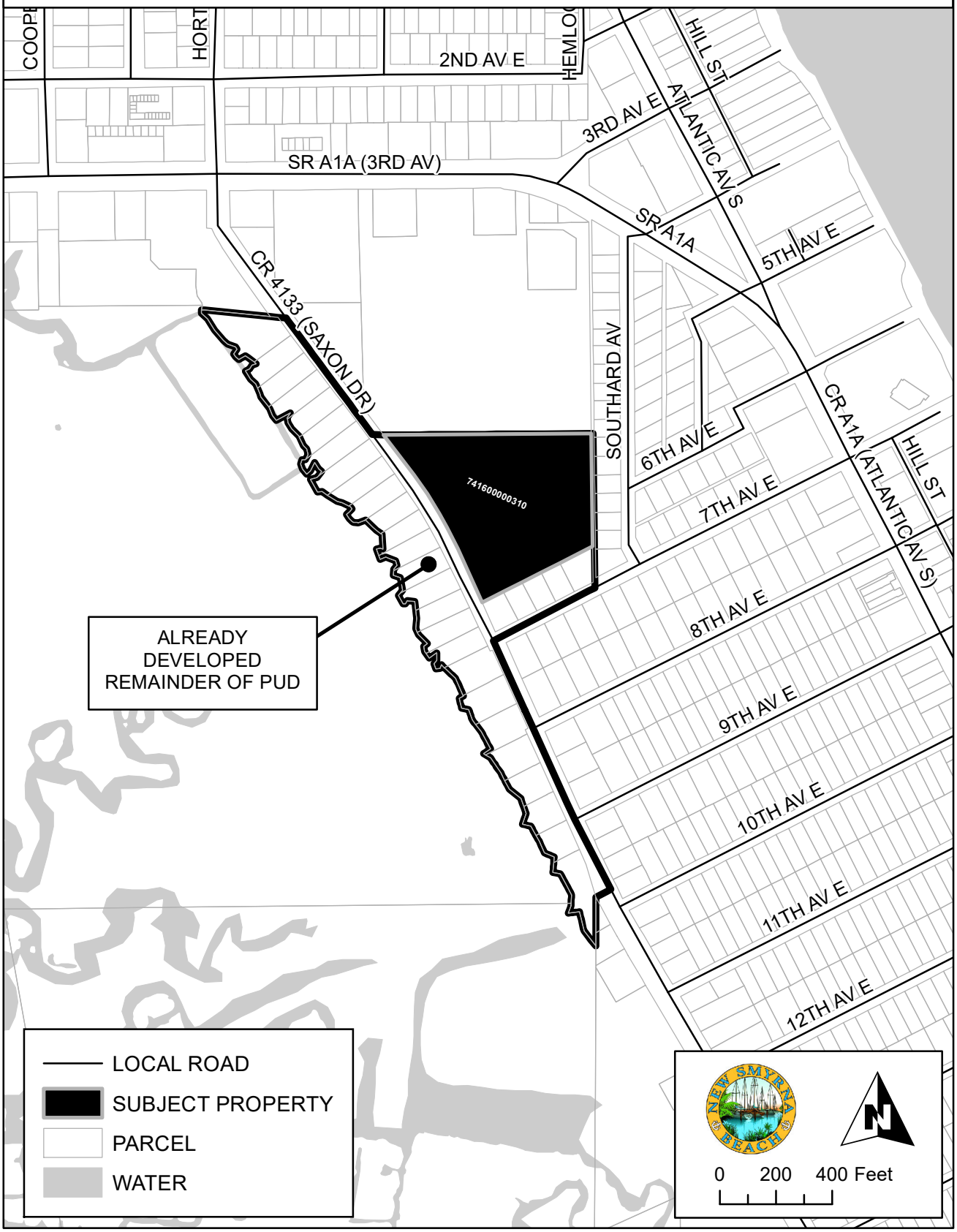
Staff Report Created By: Robert Mathen - Planner II

Attachments:

Exhibit A - Location Map.pdf
Exhibit B - Aerial Map.pdf
Exhibit C - Zoning Map.pdf
Exhibit D original MDA 2011 recording.pdf
Exhibit E original CDP clean copy 2011 recording.pdf
Exhibit F 1st Amendment to MDA- 2014 Recording.pdf
Exhibit G - 2nd Amendment to MDA (2021-11-12) (002).pdf

Exhibit H - CDP 2nd Amendment proposed Development Plan.pdf

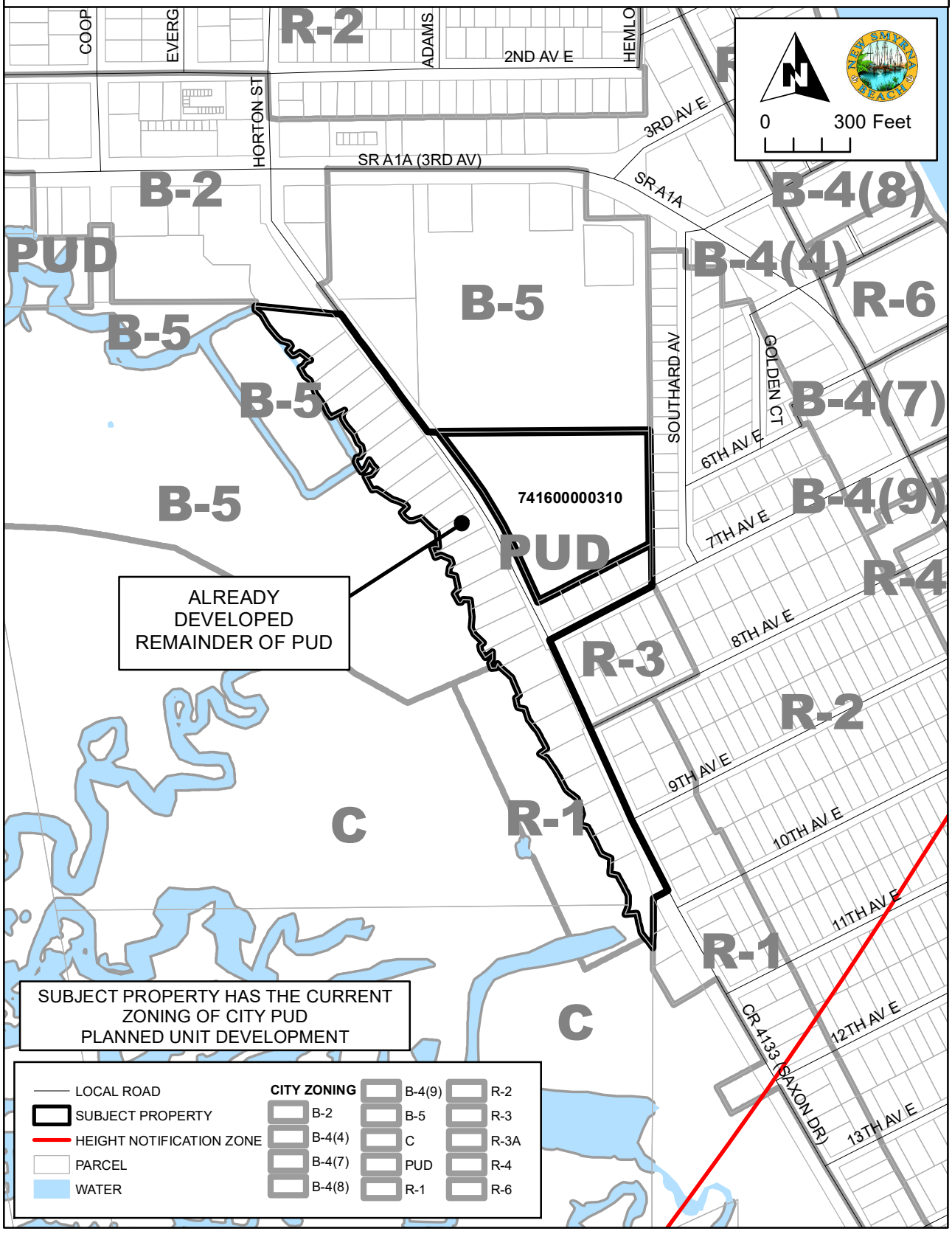
PUD-2-21: HOG EYE CAMP SQUARE PUD MDA 2ND AMENDMENT LOCATION MAP



PUD-2-21: HOG EYE CAMP SQUARE PUD MDA 2ND AMENDMENT AERIAL MAP



PUD-2-21: HOG EYE CAMP SQUARE PUD MDA 2ND AMENDMENT ZONING MAP



07/25/2011 11:20 AM
Instrument# 2011-122560 # 1
Book: 6614
Page: 3477

MASTER DEVELOPMENT AGREEMENT FOR HOG EYE CAMP ROAD SQUARE

The CITY OF NEW SMYRNA BEACH, FLORIDA, A Chartered Municipal Corporation located in Volusia County Florida (the "City") and HOG EYE CAMP ROAD, LLC, a Florida Limited Liability Corporation, ("Owner"), hereby agree and covenant, and bind their heirs, successors and assigns, as follows:

1. Ownership of the Property:

A. The property that is subject to this Agreement consists of approximately 17.66 acres of real property (hereinafter the "Property") and is more particularly described on the attached as Exhibit "A" hereto and incorporated herein by reference. The Owner intends to subject the property to the conditions and restrictions of this Agreement and the City intends to permit development of the property in accordance with the terms of this Agreement. The Property is under the sole ownership of the HOG EYE CAMP ROAD, LLC, a Florida Limited Liability Company.

2. Development Plan:

A. Development of the property shall be controlled by the terms of this Agreement and, to the extent not in conflict with this Agreement, the New Smyrna Beach Land Development Regulations (LDR). The Owner has designated the Property as "Hog Eye Camp Road Square."

B. The Property shall be developed in five (5) separate phases as a mixed use planned unit development (PUD) as shown on the Conceptual Development Plan (CDP) which is attached as Exhibit "B" hereto and incorporated into this Agreement by reference. The CDP identifies the area of each phase. Phases will include single family residential areas, a multi-family building with open and enclosed parking, and commercial use. The areas

contained in each phase are designed and intended to be developed and function independently. Construction of a phase or phases may, at Owner's discretion, occur in any order or simultaneously. The Property shall generally be developed as depicted on the CDP. In case of conflict between any textual provision of this Agreement and the CDP, the textual provisions of this Agreement shall govern. In the event this Agreement or the CDP fails to address a particular subject or requirement, the requirements of the applicable City ordinance(s) in effect at the time of development plan approval shall control. The failure of this Agreement or the CDP to address a particular permit, condition, term, or restriction shall not relieve the Owner of the necessity of complying with the law governing said permitting requirements, conditions, term or restrictions.

C. The property is comprised of several development areas. The development areas are subject to two comprehensive land use plan designations: Commercial and Low Density Residential. The Commercial classification allows residential units at the maximum rate of twelve (12) dwelling units per acre (d.u.p.a.). The Low Density Residential classification allows residential units at the maximum rate of five (5) d.u.p.a. The project area has the following acreage breakdown of Commercial and Residential acreage:

Commercial: 14.83

Residential: 2.63

The maximum allowable project residential unit count is:

Commercial: 14.83 x 12 = 177.96 dwelling units

Residential: 2.63 x 5 = 13.15 dwelling units

Total Allowed: = 191.11 dwelling units

The development agreement agreed to by the parties allows a maximum of 180 dwelling units. The City agrees that the Owner may internally transfer the density rights in the property so as to allow the development plan illustrated by the CDP so long as the maximum residential unit count does not exceed 180 units. Owner agrees to limit development on the west side of Saxon Drive to single family detached residential, not to exceed a total of twenty-five (25) single family lots.

D. The Owner will develop the land on the west side of Saxon Drive with single family lots. Development will include as part of the plat or site plan an eight (8') foot wide pedestrian access easement which will be platted or included in a site plan in accordance with the City of New Smyrna Beach Land Development Regulations. The easement area is shown on the Conceptual Development Plan. The land on the east side of Saxon Drive north of Seventh (7th) Avenue will be developed with a mixed use multi-family and neighborhood business building. Access to the building will be from Saxon Drive. The southern boundary of the property east of Saxon Drive will be developed with single family lots fronting Seventh (7th) Avenue. The homes to be located on Seventh (7th) Avenue will buffer the existing single family residential units already built on Seventh Avenue from the Owner's planned mixed use, multi-family and neighborhood business building fronting on Saxon Drive. All of the development to be located on the Property will be serviced with public utilities. Access for the single family homes to be located on Seventh Avenue will be from 7th Avenue

E. The parties acknowledge that compliance with the New Smyrna Beach Land Development Regulations may necessitate modifications of the Conceptual Development Plan. Any minor modifications to the Conceptual Development Plan which are not in conflict with

the textual provisions of this Agreement, and do not increase the size, density or intensity of use and does not conflict with any city ordinances not superseded by this Agreement, shall be deemed "minor" and may be approved without formal amendment of this Agreement. As an example, the number of residential lots in a "phase" may be increased or decreased at Owner's discretion so long as the total number of residential lots approved by this Agreement is not increased. Such modifications shall require the City Administrative Official's written approval. If the Owner is not satisfied with resolution of any problem or decision by the City Administrative Official regarding such modification, the Owner may appeal the decision to the City Commission.

3. PHASING:

A. Development of the Property will be accomplished in five separate phases, with infrastructure servicing the phases being constructed as needed for each phase. The sequence of the phasing shall be at Owner's option. Individual storm water systems to serve a phase shall be permitted, but joint storm water for more than one (1) phase may be required. If joint stormwater is required, construction of the retention areas with administrative approval of the City will also be phased. Storm water retention shall be provided for the initial infrastructure improvements of a phase. Shared facilities including, but not limited to utility service, sidewalks, roads and the like, except for the eight (8') foot pedestrian access path east of Saxon Drive, shall be constructed as part of each phase. The eight (8') foot pedestrian access path east of Saxon Drive shall be completed during initial site improvements of whichever phase is built first independent of the phase number (e.g., Phase 1, 2, 3, 4 or 5) in which phase improvements are to be made. The path east of Saxon Drive shall be complete and accepted by the City as a

condition of City issuance of a certificate of completeness for the initial site improvements of the first phase built. Infrastructure improvements for a particular phase must be constructed or bonded prior to any certificate of occupancy being issued for a building within a phase. Any cross access, utility, drainage and signage easements needed now or in the future shall be recorded in the Public Records of Volusia County.

B. Development of the Property can occur in any sequence provided that a final site plan development order has been granted for the work to be done within the phase area. The area of a phase may be adjusted as a minor amendment only requiring approval of the City's administrative official. Parking areas and individual or joint storm water management areas shall be constructed with the development of each phase of the project.

4. CONFORMANCE WITH COMPREHENSIVE PLAN:

A. The City has determined that the property is suitable in size, location and character for the uses proposed, that the uses proposed meet the needs of the City, and that the uses proposed are consistent with the City's comprehensive plan.

B. The City has also determined that the maximum right of way required by Volusia County for Saxon Drive is fifty (50) feet. Accordingly, the Owner and City agree that no additional dedication of right of way for Saxon Drive shall be required.

5. DEVELOPMENT STANDARDS:

A. Single Family Residential area; west of and fronting on Saxon Drive.

Dimensional requirements:

Minimum Lot area: 8625 square feet

Width: 75 feet

Maximum Building Coverage: 40%

Maximum Impervious Coverage: 60%

Homes shall be built with elevated construction via stemwalls, floor pilings or stilt

construction to minimize site impact.

Minimum Yard size:

Front Yard: 30 feet

Rear Yard: 7.5 feet (to be measured from the platted rear lot line)

Side Yard: 7.5 feet (15' Street)

Minimum Floor Area: 750 square feet of livable area for one and two bedroom dwelling units, 1200 square feet of livable area for a three bedroom dwelling unit and 1300 square feet for a four bedroom dwelling unit.

Driveway Access: The minimum driveway length shall be 20 feet excluding that portion of a driveway within a public right of way with provisions on each lot for an interior turning movement.

Maximum Building Height: 35 feet.

Building Projection: There shall be no building projections into any required yard except for eves with a maximum projection of 48 inches, and those structures allowed in Subsection 804.03 of the City's LDR.

Tree Preservation: The project shall conform to the City's tree preservation requirements in effect at the adoption of this Agreement.

B. Single family residential (Seventh Avenue, north side of Seventh and east of Saxon Drive

Dimensional Requirements:

Minimum lot area: 8,625 square feet

Depth: 115 feet

Width: 75 feet

Maximum Building Coverage: 40%

Maximum Impervious Coverage 60%

Minimum Yard size:

Front Yard: 30 feet

Rear Yard: 7.5 feet

Side Yard: 7.5 feet (15' street)

Corner Lot: Parcels which front on two or more streets shall provide a 30 foot front yard setback on the street frontage with driveway access and a 15 foot yard on the other street.

Minimum Floor Area: 750 square feet of livable area for one and two bedroom dwelling units, 1200 square feet of livable area for a three bedroom dwelling unit and 1300 square feet for a four bedroom dwelling unit.

Driveway Access: The minimum driveway length shall be 20 feet excluding that portion of a drive way within a public right of way.

Maximum Building Height: 35 feet.

Building Projection: There shall be no building projections into any required yard except for eves with a maximum projection of 48 inches, and those structures allowed in (sub) section 804.03 of the City's LDR.

C. Multi-family and Neighborhood Business mixed use building; (Area east of Saxon Drive). This area will provide multi-family living accommodations and retail area for goods and services.

Multi-Family Permitted Use:

Multi-Family Residential

Parking structure (open or enclosed)

Parking lots

Neighborhood Business Permitted Use:

Animal clinic, out-patient care only, and no overnight boarding
Appliance and repair shops
Bakeries, non-manufacturing

Barber and beauty shops

Ceramic shops

Communication facilities: buildings for radio, television, telephone, and telegraph

Drugstores and pharmacies[1]

Dry cleaning establishments[1]

Florists

Gift shops

Grocery stores

Hardware stores

Hobby/craft shops

Income tax services

Jewelry stores

Laundries, including self-service

Lending agencies

Men's and women's figure salons

Newspaper offices and printing shops

Office and household equipment sales

Professional offices, including accountants, architects, consultants, dentists, engineers, financial, insurance, lawyers, medical, and stockbrokers

Real estate brokers

Restaurants, type "A, "B, "C" and "D" [1]

Retail sales and services

Shoe repair shops

Travel agents

Entertainment (Video)

Permitted accessory uses: Any accessory use customarily incidental to a permitted principal use.

[1]*Footnote: Any use with a drive-thru or drive-up window will locate the window so that it does not front on Saxon Drive. Any drive-thru or drive-up window shall be located to the side or rear of the structure which it services.*

Dimensional requirements:

Minimum lot area: 1 ac

Minimum Lot Width: two hundred (200') feet

Minimum Lot Depth: two hundred (200') feet

Minimum building separation: Where two or more buildings are built on one parcel, there shall be a separation of at least 20 feet between the buildings, plus 1.5 additional feet for each five feet of building height over 20 feet. When buildings vary in height, said distance to be based is the tallest building at the separation. (Example: if there is a 20-foot-tall building and a 25-foot-tall building, the separation must be 21.5 feet.)

Minimum yard size:

Front yard: 50 feet, or as required per [sub]section 504.OlM. of this LDR.

Side yard: Lots with a street frontage of over 100 feet, the side yard shall be ten (10) feet plus five (5) additional feet for each story over two stories. In no event, shall a side yard be required to exceed 45 feet.

Rear yard: 25 feet, plus three (3) additional feet for each story over two stories.

Minimum floor area: Minimum floor area of a multi-family dwelling unit shall be:

450 square feet of livable area for a one-bedroom unit;

550 square feet of livable area for a two-bedroom unit;

700 square feet of livable area for a three-bedroom unit

Maximum unit density for all dwelling units: 12 units per acre for the 14.83 acres.

Maximum principal building height: Sixty (60) feet to the roof deck; a decorative roof structure with a maximum height of twelve (12') feet as measured from the top exterior of the occupied building structure (e.g. roof deck) may be allowed for the purpose of screening rooftop mechanical equipment or adding architectural details to the building.

First Story Use: The first story may be used for off-street parking. The first story may contain maintenance and utility equipment rooms; laundry rooms; storage rooms restricted to owner or tenant usage; manager's office; and an owner clubhouse..

Maximum building coverage: 65%

Maximum impervious lot coverage: 70%

Minimum open space: 35%

Off-street parking and loading: Off-street parking and loading space shall be provided as required by the LDR. Off-street parking areas may be located within twenty (20) feet of a side or front lot line where such lot lines are landscaped to screen the vehicles as required in the LDR and the parking lot shall be landscaped as required in the LDR.

Building projections: There shall be no building projections into any required yard except for eaves with a maximum projection of 48 inches, those structures allowed in [sub]section 804.03.

Visibility at intersections: Visibility at intersections shall be provided as required by the LDR.

Buffers: Landscaped buffer area(s) as defined by the LDR, shall be required at property lines as follows: (1) All front property lines; and (2) Along side or rear lot line abutting a residentially zoned lot.

Landscaping: A landscaping plan shall be required as part of a site plan. The content of the plan shall conform to applicable City standards.

Use of recreational amenities and/or owned facilities incidental to commercial and residential living accommodations: Use of all recreational amenities and/or commonly-owned facilities by the owner, the owner's guests, lessees or invitees, shall be limited to that period of time concurrent with the owner's exclusive right of use, possession and

occupancy of the residential unit. It shall be unlawful for any person to represent by contract for purchase, promotional material, advertising or any other public statement that amenities and/or commonly owned facilities may be used contrary to the requirements of the New Smyrna Beach Land Development Regulations. This subsection does not prohibit the establishment of permitted accessory uses at commonly owned facilities if such uses are in compliance with all the other requisites required by the New Smyrna Beach Land Development Regulations.

6. PUD INFRASTRUCTURE/TRANSPORTATION:

A. Access easements and utility easements for utilities to lots within the Development may be owned by the Owner and/or the property owners association, their successors and assigns, subject to dedications of easements and rights of ingress in favor of the City for the purpose of owning and maintaining utilities located within the Property. The Owner acknowledges that the on site access easements are private and shall be the responsibility of owner, its successors and assigns without recourse to the City. The exceptions to this limitation shall be when the City, through its agents, designees or assigns, shall damage facilities including pavement within the Property in the course of repairing, replacing or enlarging City owned or dedicated utility lines. In that event the City shall repair the area in a workmanlike fashion. Common open spaces shall be subject to cross access easements. Additionally all parking within the retail/office portion of the PUD shall be subject to cross easements to permit all outside parking within said portion of the PUD to be utilized by all businesses. Further parking will be addressed pursuant to LDR standards. The Owner shall, within the right-of-way of Saxon Drive, construct a side walk/ bike path on the eastern side of Saxon drive from 7th Avenue north to northern boundary of the

project side on the east side of Saxon Drive.

B. The Owner will build or provide for the construction of storm water, water and sewer lines to City specifications and upon acceptance by the City, the lines shall be dedicated to the City together with all easements and licenses necessary for the City to maintain and operate the utility system located on the lots. The storm water areas, water and sewer lines shall be located and built in areas of individual lots designated for utility easements or common area use.

C. Individual storm water drainage will be constructed for development within the Property. Any storm water retention facility will be maintained by the lot or area owners at a level consistent with the standards and permit conditions of the St. Johns River Water Management District (SJRWMD). Such conditions may include maintenance of the individual storm water systems by a property owners association. Collection and transmission facilities on a lot shall be located pursuant to site development plan approval for the individual lot and structures located thereon. The storm water from each lot or area shall be retained therein as pertain to the residential lots and directed to the approved individual storm water facilities for the neighborhood business and beachside multi-family and accommodations areas. The parties intend to utilize techniques within said retention areas as permitted by the City and SJRWMD.

7. ARCHITECTURAL/DESIGN STANDARDS:

A. All non-single Family residential buildings and accessory structures on each lot shall be developed in compliance with the requirements of City Development Service Staff recommendation of an "Old Florida" style of development.

(1) All buildings and accessory structures constructed within the neighborhood business and beachside multi-family and accommodations areas of the Property shall include architectural features associated with the predominate style within the City, such as frame vernacular, bungalow, colonial revival, masonry vernacular, brick vernacular or Mediterranean revival. The common architectural theme shall be established by harmoniously coordinate the general appearance of all buildings and accessory structures. For purposes herein, general appearance includes, but is not limited to, exterior wall finishes or materials, roof styles, slopes and materials, colors, and architectural details and ornamentation. Acceptable roof tiles include metal roof accents, barrel tile, wood shake, etc. Wall siding includes wood simulated single, clapboard, weatherboard, brick, dropsiding, coquina siding, etc.

(2) All structures in the neighborhood business and beach multi-family and accommodations areas within the Property shall complement one another and shall convey a sense of quality and permanence;

(3) Corporate prototype design and materials may be permitted provided they comply with the provision of this Section.

(4) No outside display or storage on the Property shall be permitted except during outdoor and sidewalk sales or special events as permitted by the city which will be limited to six (6) times per year.

(5) No vending machines shall be permitted on the outside walkways or other outdoor pedestrian areas of the Property.

(6) No newspaper stands shall be permitted except in those areas designated by the Owner and approved by the City.

(7) Any exterior phone booths shall not be visible from the public rights-of-way.

(8) Lot function, layout and architectural design of the non-single family structures thereon shall be coordinated, once established by the function and layout of the first of these buildings to receive site development plan approval. For purposes herein, lot function and layout includes, but is not limited to, building placement, landscaping layout and design and parking lot layout/design. Architectural design refers to building style and appearance.

(9) All parking lot fixtures shall be consistent with respect to their physical attributes and appearance. The specific design shall be established by the type of parking lot light fixtures constructed or installed in or on the first of these lots to receive site development plan approval. Light to be deflected from residential areas and contained within project.

(10) Elevations shall be provided consistent with these standards during site plan review process.

8. NATURAL VEGETATION PRESERVATION:

A. Fifteen (15%) percent of the square footage area of the beachside multi-family and neighborhood business areas of the PUD will be maintained for the conservation of the native vegetation. All natural areas and vegetation shall be cleared utilizing the least intrusive means available so as to allow preservation of natural vegetation. No removal of small trees, palmetto bushes or other under brushing, except for removal of invasive species, will be done along the rear, side yards and courtyard. These natural areas will stay as natural as possible to provide for a thick vegetative buffer between the commercial and residential areas. The front yard under brush may be cleared to provide for a manicured

appearance. Any existing trees credited towards required buffers or landscaping requirements removed for any reason shall be replaced with trees meeting the City's approval with regard to size and species. Perimeter buffers shall comply with the City's Land Development Regulations and shall be used to meet the requirement natural vegetation preservation requirements. Prior to beginning of land clearing, all areas or plants to be preserved shall be marked by the Owner and inspected by the City.

B. The Preservation Area designated by site plan of the neighborhood business and beachside multi-family and accommodations areas shall consist of natural vegetation which may be enhanced if necessary. The goal of such enhanced landscaping is to provide an appealing visual setting for the commercial and residential properties of the project.

9. ENVIRONMENTAL CONSIDERATION:

A. Both during and after construction, the Owner will meet City standards to preserve trees and natural vegetation on the site. The Development shall comply with the tree preservation requirements of the City's Land Development Regulations. The Owner shall comply with all rules, statutes, laws and regulations pertaining to protected wild life species, including, but not limited to the rules and permitting requirements of the Florida Fish and Wildlife Conservation Commission concerning gopher tortoises. An endangered species survey will be done for the site with a copy of the same to be submitted to staff with the first site plan.

B. Required parking may be reduced up to twenty-five (25%) to accommodate tree preservation.

10. UTILITY MASTER PLAN:

A. Public utilities consisting of electric, water, wastewater, and reuse water for the Property or

portion thereof and any applicable off-site infrastructure shall be obtained from the Utilities Commission, City of New Smyrna Beach ("UC") and shall be applied for, built and conveyed in accordance with UC rules and regulations, requirements, tariffs, policies and Agreements prevailing at the time of Owner's requested approval of a UC agreement(s) from the UC. Other utilities not provided by the UC shall be built in accordance with and consistent with the City of New Smyrna Beach Land Development Regulations standards. Under no circumstances shall overhead utilities be allowed.

11. SIGNAGE:

A. The neighborhood commercial and beachside multi-family and accommodations areas of the PUD shall have a uniform sign program. Monument signs are permitted if they are consistent with the City's regulations. Directional signage is also permitted. The commercial property shall be permitted one (1) monument sign, wall signage and supplementary signage complying with the provisions and requirements of the New Smyrna Beach Land Development Regulation. The pedestal of the monument shall be constructed of the same materials as the wall of the buildings on the commercial parcel. The colors of the sign face shall complement and coordinate with the appearance of the buildings.

12. LOT DEVELOPMENT CRITERIA:

A. Areas of the Property shall be developed in accordance with the general development criteria specified in Exhibit "B" of this Agreement. The terms and conditions of this Agreement shall be superior to the terms of the LDR, unless otherwise specifically provided herein. In the event a subject is not addressed in this Agreement, the LDR shall control.

B. Owner shall reconstruct a sidewalk/bike path along its frontage on the east side of Saxon Drive starting at 7th Avenue and running north to the Indian River shopping plaza rear property line. The reconstructed bike path shall be completed during initial site improvements independent of the phase in which they are constructed. The path shall be accepted by the City prior to issuance by the City of certificates of completeness or occupancy for the initial site improvements of any phase.

13. PROPERTY OWNERS ASSOCIATION:

A. The Owner may form and incorporate a non-profit property owners associations (POA) for each area of the property which will operate, maintain and control, subject to other documents of record, the common areas, and common facilities including but not limited to sidewalks bike paths, parking, and lighting within the property, any common storm water retention and drainage system within the property, an entrances to the Property. Each property owner will be required to become a member of the respective association by virtue of purchasing a building site subject to the rules covenants and restrictions of the POA, with responsibilities and voting privileges pro rated based upon gross building square footage constructed. The general scope and format of the property owner's association documents, and covenants and restrictions, will be similar in concept to the documents of similar property owners associations in New Smyrna Beach. The covenants and restrictions governing the Property and association responsibilities shall be executed and recorded in the Public Records of Volusia County Florida. The POA will have a board of directors to legislate and govern the rules and orders of the POA. The POA board will have the means and authority to carry out and regulate the by-laws and restrictions governing the perpetual maintenance, operations and repairs of all common areas and

facilities. At the option of the Owner, the board of directors be able to regulate and govern the common area, the board may also regulate each and every member requiring the maintenance and service of his own building site. The POA rules may be enforced by fines and liens upon a members own property in order to maintain, operate and, service all common facilities on the property. The POA may have authority to place a lien against individually owned building sites in order to collect unpaid POA dues. The POA may have the authority to hire supervise and regulate persons employed by them for the maintenance, repair and operation of common areas and facilities.

B. If the association fails to perform the maintenance, repair or replacement, as necessary, on the storm water retention and drainage facilities, the City shall have the right, but not the obligation, after notice to enter upon the common area of the property and to provide the maintenance, repair or replacement of the storm water retention and drainage facility and shall have the right to lien all owners of record in the effected property for the cost of such maintenance, repair and replacement as the City may deem necessary.

C. Owner reserves for itself, its successors assigns, the right to maintain and operate separate facilities within the Property which shall not be constructed to be common facilities owned by the property owners association. If requested by the City and as otherwise needed for plat improvements, the Owner will provide easements and grants for the installation, maintenance and upkeep of the public utilities including water, sewer, and electricity. The Owner may from time to time add additional covenants and restrictions or make changes in the Association by-laws as maybe required to guarantee that the project will be developed in accordance with the policies outlined in this Agreement.

14. COSTS:

A. No cost of development of the Property, hereunder, shall be borne by the City unless the City specifically agrees in writing to assume such costs.

15. EFFECTIVE DATE AND EXPIRATION:

A. This Agreement shall be effective upon approval by the City Commission. The Owner will be required to record the agreement with the Volusia County Clerk of the Court and provide a copy to the City Clerk and Development Services Director. The restrictions on use and development imposed by this Agreement shall be binding upon all successors in interest in the property, unless and until the City alters or eliminates such restrictions in the course of the City's actions as zoning authority or until this Agreement expires.

B. The duration of this Agreement shall not exceed fifteen (15) years from the date of its execution. This Agreement may be extended for an additional five-year term by mutual consent of the Owner and the City subject to a public hearing.

C. The term "development" shall mean the Owner, his successors or assigns, shall actively be in pursuit of installation of improvements, permits for installation of improvements, or installation of improvements over a portion or all of the Property.

D. If the City does not approve this Agreement it shall be null and void and without further effect. Neither the City nor the Owner shall acquire any enforceable rights or claims against each other with respect here to in the event this Agreement becomes null and void under this paragraph.

16. AMENDMENTS:

A. Amendments to this Agreement, other than minor modifications to the CDP as referred to in section 2D, of this Agreement, shall not be in effect unless in writing and signed by all

record title property owners of the land for which the amendment is to be applied, and the City.

B. Before amending this Agreement, the city shall conduct two more public hearings. At the City's option, one of these public hearings may be held by the Planning and Zoning Board.

(1) Notice of intent to consider to this Agreement shall be published by the City, at Owners cost, in a newspaper of general circulation and readership in Volusia County, Florida.

(2) If applicable, notice of intent to consider an amendment shall comply with the requirements of Section 166.041(3) (c), Florida Statutes (2004), as amended from time to time

(3) The day, time, and place at which the second public hearing, if any, will be held shall be announced at the first public hearing.

(4) The notices required above shall specify the location of the Property, the location of that portion of the Property subject to the proposed amendment, the nature of the proposed amendment, and the following information to the extent applicable:

(a) Changes in permitted or conditional uses;

(b) Changes in population densities proposed; and

(c) Changes in building intensities and /or proposed height.

(5) All notices shall specify a place where a copy of the proposed amendment can be obtained prior to the public hearing.

17. PUBLIC RECORD:

The parties agree this Agreement shall be recorded in the Public Record of Volusia County, Florida at Owner's expense. The provision of this Agreement shall constitute covenants running with the land applicable to all of the subject property described herein or any portion there of. The restrictions on use and development imposed by this Agreement shall be binding upon all successors in interest in the Property, unless and until the City alters or eliminates such restrictions in the course of the City's actions as zoning authority.

18. SEVERABILITY:

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall affect the validity or enforceability of any other provision of this Agreement unless the holding so states.

19. POLICE POWER AND SOVEREIGN IMMUNITY NOT WAIVED:

Noting contained in this Agreement shall be construed as a waiver of, or contract with respect to the regulatory and permitting authority of the City as it is now or hereafter exists under applicable laws rules and regulations. Further, nothing contained in this Agreement shall be construed as a waiver of, or attempted waiver by the City of its sovereign immunity under the constitution and laws of the state of Florida.

20. COMPLETE AGREEMENT:

This Agreement represents the complete understanding by and between parties with respect to the development and continued use of the subject Property. Any and all prior engagements between the parties with respect to any subject comprehended by this Agreement is hereby voided and superseded this Agreement Any amendment to this Agreement shall be in writing and signed by the City and the owner.

IN WITNESS WHEREOF, the parties hereto attach their hands and seals on the dates set forth below.

HOG EYE CAMP ROAD, LLC,
a Florida Limited Liability Company

First Witness
Printed Name: GAIL HENRIKSON

By: STEWART B. MITCHELL
As Managing Member

Second Witness
Printed Name: Robert G. Mathen

Dated: July 11, 2011

CITY OF NEW SMYRNA BEACH
A Florida Municipal Corporation

First Witness
Printed Name: Claudia Rogers

By: ADAM BARRINGER, as Mayor

Date: July 19, 2011

Attest:

Second Witness
Printed Name: Barbara Billings

By: JOHNNY R. BLEDSOE
As City Clerk

{corporate seal}

STATE OF FLORIDA
COUNTY OF VOLUSIA

I hereby certify that on this day before me, an officer duly qualified to take acknowledgments, personally appeared STEWART B. MITCHELL, as Managing Member of HOG EYE CAMP ROAD, LLC., a Florida Limited Liability Company, to me personally known to be the person described in, and who executed the foregoing instrument and acknowledged before me the execution of same under authority duly vested by said company.

Witness my hand and official seal in the County and State last aforesaid this 11 day of July, 2011.

Notary Public
Printed Name: Robert G. Mathen

My commission expires:

ROBERT G MATHEN
Commission # DD 702503
My Commission Expires
August 12, 2011

STATE OF FLORIDA
COUNTY OF VOLUSIA

I hereby certify that on this day before me, an officer duly qualified to take acknowledgments, personally appeared ADAM BARRINGER, as Mayor, and JOHNNY R. BLEDSOE, as City Clerk, of the CITY OF NEW SMYRNA BEACH, a Municipal Corporation of the State of Florida, to me personally known to be the persons described in, and who executed the foregoing instrument and acknowledged before me the execution of same under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said municipal corporation.

Witness my hand and official seal in the County and State last aforesaid this 19 day of July, 2011.

Sandy Winkler My commission expires:
Notary Public
Printed Name: _____

SANDY WINKLER
MY COMMISSION # EE 083572
EXPIRES: August 13, 2015
Bonded Thru Notary Public Underwriters

APPROVED AS TO FORM AND CONTENT

By: _____

FRANK B. GUMMEY, III
CITY ATTORNEY
CITY OF NEW SMYRNA BEACH, FLORIDA

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Page : 3500

EXHIBIT A
(MITCHELL EAST PARCEL)
1 OF1

A portion of U. S. Lot 5, Section 16, Township 17 South, Range 34 East, Volusia County, Florida, being described as follows: Commence at the southeast corner of Block "28", J. Y. Detwiler's Subdivision, according to the map or plat thereof, recorded in Map Book 7, Page 85 of the Public Records of Volusia County, Florida; thence South 00° 40' 54" East, along the east line of said U. S. Lot 5, a distance of 746.18 feet for the Point of Beginning; thence continue South 00° 40' 54" East, along said east line of U. S. Lot 5, a distance of 533.85 feet; thence South 62° 57' 32" West, a distance of 400.95 feet to the easterly edge of pavement of Saxon Drive, a prescriptive right of way; thence North 25° 26' 37" West, along said easterly edge of pavement, a distance of 175.80 feet; thence 147.64 feet along said easterly edge of pavement and along the arc of a curve to the left, said curve being non-tangent with the last described line and having a radius of 10,958.68 feet, a central angle of 0° 46' 19" and a chord of 147.64 feet which bears North 26° 03' 49" West; thence continue along said easterly edge of pavement 155.36 feet along the arc of a curve to the left, said curve being non-tangent with the last described curve and having a radius of 3629.37 feet, a central angle of 2° 27' 10" and a chord of 155.35 feet which bears North 27° 50' 31" West; thence continue along said easterly edge of pavement 191.91 feet along the arc of a curve to the left, said curve being non-tangent with the last described curve and having a radius of 3338.05 feet, a central angle of 3° 17' 39" and a chord of 191.89 feet which bears North 33° 18' 14" West; thence continue along said easterly edge of pavement 51.72 feet along the arc of a curve to the right, said curve being non-tangent with the last described curve and having a radius of 593.15 feet, a central angle of 4° 59' 45" and a chord of 51.70 feet which bears North 34° 09' 32" West; thence North 36° 13' 11" West, along said easterly edge of pavement and along a line non-tangent to the last described curve, a distance of 93.25 feet; thence North 89°19' 06" East, a distance of 753.27 feet to the Point of Beginning. Containing 8.06 acres more or less.

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EXHIBIT A
(MITCHELL WEST PARCEL)
1 OF3

That portion of U. S. Lot 5, Section 16, Township 17 South, Range 34 East, lying westerly of Saxon Drive and lying southerly of lands described in Official Records Book 4767, Page 1167 of the Public Records of Volusia County, Florida, being more particularly described as follows: Commence at the southeast corner of Block "28", J. Y. Detwiler's Subdivision, according to the map or plat thereof, recorded in Map Book 7, Page 85 of the Public Records of Volusia County, Florida; thence South 00° 40' 54" East, along the east line of said U. S. Lot 5, a distance of 1280.03 feet to the northerly right of way of 7th Avenue, a 50 foot right of way per Official Records Book 756, Page 660 of the Public Records of Volusia County, Florida; thence South 62°57' 32" West, along said northerly right of way of 7th Avenue and the westerly prolongation thereof, a distance of 421.34 feet to the westerly edge of pavement of Saxon Drive, a prescriptive right of way, for the Point of Beginning; thence 50.03 feet along said westerly edge of pavement and along the arc of a curve to the right, said curve being non-tangent with the last described line, said curve having a radius of 20112.49 feet, a central angle of 0° 08' 33" and a chord of 50.03 feet which bears South 25° 02' 21" East to the northerly line of lands described as the Westerly 112 of Saxon Drive lying northerly of the westerly prolongation of the north line of East Eight Avenue and lying southerly of the westerly prolongation of the westerly prolongation of the south line of East Seventh Avenue and being recorded in Official Records Book 3849, Page 1005 of the Public Records of Volusia County, Florida; thence South 62° 57' 32" West, along said northerly line of lands described in Official Records Book 3849, Page 1005, a distance of 27.03 feet to the northwesterly corner of said lands described in Official Records Book 3849, Page 1005; thence South 24° 29' 28" East, along the westerly line of said lands described in Official Records Book 3849, Page 1005, a distance of 300.30 feet to the southwesterly corner of said lands described in Official Records Book 3849, Page 1005; thence North 62° 57' 32" East, along the southerly line of said lands described in Official Records Book 3849, Page 1005, a distance of 27.04 feet to the westerly edge of pavement of said Saxon Drive; thence South 24° 21' 06" East, along said edge of pavement, a distance of 309.33 feet to a point of curvature; thence continuing along said westerly edge of pavement, 158.50 feet along the arc of a curve to the left, said curve having a radius of 4348.30 feet, a central angle of 2° 05' 19" and a chord of 158.49 feet which bears South 25° 23' 45" East to the approximate riparian line between said US. Lot 5, Section 16 and US. Lot 2, Section 15, Township 17 South, Range 34 East; thence South 62° 57' 32" West, along said riparian line, a distance of 134.51 feet to the Mean High Water Elevation of the Indian River North; thence along said Mean High Water Elevation the following courses and distances, North 17° 39' 34" West, a distance of 50.36 feet; thence North 21° 04' 07" West, a distance of 47.32 feet; thence North 29° 07' 22" West, a distance of 52.09 feet; thence North 50° 48' 33" West, a distance of 21.32 feet; thence North 78° 20' 06" West, a distance of 43.53 feet; thence North 62° 14' 32" West, a distance of 4.51 feet; thence North 04°05' 21" West, a distance of 16.67 feet; thence North 61° 25' 39" East, a distance of 33.38 feet; thence North 22° 31' 05" West, a distance of 37.58 feet; thence North 47°04' 31" West, a distance of 50.17 feet; thence North 25° 15' 43" West, a distance of 41.90 feet; thence North 28°11' 43" West, a distance of 70.20 feet; thence North 42° 07' 53" West, a distance of 41.64 feet; thence North 17° 53' 04" West, a distance of 13.06 feet; thence North 70° 26' 34" West, a distance of 22.93 feet; thence North 40° 50' 45" West, a distance of 13.13 feet; thence North 01°41' 01" West, a distance of 9.95 feet; thence North 74° 29' 40" East, a distance of 20.95 feet; thence North 35° 16' 53" East, a distance of 14.85 feet; thence North 35° 06' 37" West, a distance of 36.27 feet; thence North 37°31' 02" West, a distance of 51.17 feet; thence North 29° 39' 06" West, a distance of 49.32 feet; thence North 41° 50' 20" West, a distance of 39.24 feet; thence North 03°44' 56" East, a distance of 24.94 feet; thence North 12° 35' 00" West, a distance of 52.93 feet; thence North 38°25' 5 2 West, a distance of 51.03 feet; thence South 17° 43' 21" West, a distance of 14.82 feet; thence South 82° 43' 58" West, a distance of 15.76 feet; thence North 21° 12' 00" West, a distance of 20.25 feet; thence North 40° 36' 30" East, a distance of 15.73 feet; thence North 00° 36' 57" East, a distance of 26.87

Instrument# 2011-122560 # 26
Book: 6614
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EXHIBIT A
(MITCHELL WEST PARCEL)
2 OF 3

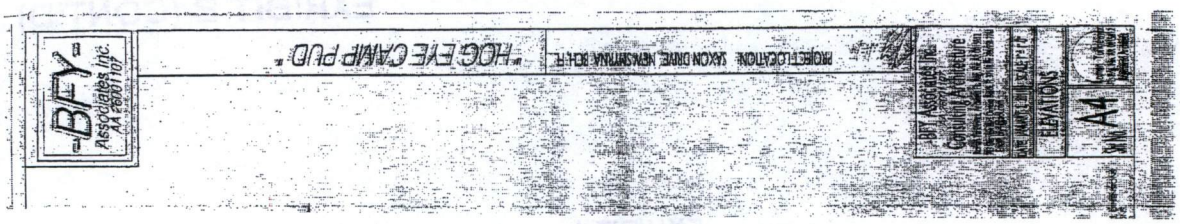
feet; thence South 54° 11' 35" West, a distance of 32.29 feet; thence North 34° 15' 13" West, a distance of 29.04 feet; thence North 11° 33' 42" West, a distance of 17.79 feet; thence North 53° 21' 36" East, a distance of 16.83 feet; thence North 45° 56' 5 6 West, a distance of 45.62 feet; thence North 23° 53' 21" West, a distance of 23.92 feet; thence North 05°20' 17" East, a distance of 37.62 feet; thence North 06°34' 1 6 West, a distance of 60.12 feet; thence North 84° 47' 35" West, a distance of 26.34 feet; thence South 30° 39' 07" West, a distance of 12.38 feet; thence North 87°37' 19" West, a distance of 8.57 feet; thence North 29° 45' 54" West, a distance of 33.88 feet; thence North 40° 57' 18" East, a distance of 23.03 feet; thence North 11° 18' 37" West, a distance of 46.79 feet; thence North 72°23' 43" West, a distance of 26.19 feet; thence North 07°19' 14" East, a distance of 22.52 feet; thence North 39° 44' 02" East, a distance of 17.41 feet; thence North 19°47' 05" West, a distance of 16.40 feet; thence North 67° 09' 15" West, a distance of 37.50 feet; thence South 68°15' 14" West, a distance of 21.82 feet; thence North 20° 03' 54" West, a distance of 38.25 feet; thence North 75° 43' 1 9 East, a distance of 13.28 feet; thence South 76°30' 15" East, a distance of 11.1 1 feet; thence North 04° 50' 38" West, a distance of 52.52 feet; thence North 54° 25' 34" West, a distance of 23.34 feet; thence North 48° 40' 54" West, a distance of 17.55 feet; thence North 43° 48' 56" West, a distance of 35.91 feet; thence South 70° 02' 58" West, a distance of 29.09 feet; thence North 87° 16' 54" West, a distance of 15.79 feet; thence North 60° 42' 25" West, a distance of 7.13 feet; thence North 45° 25' 08" West, a distance of 13.64 feet; thence North 33° 26' 42" West, a distance of 17.85 feet; thence North 45° 42' 50" East, a distance of 29.07 feet; thence North 41° 02' 07" West, a distance of 11.05 feet; thence North 65° 45' 21" West, a distance of 31.64 feet; thence North 74°03' 04" West, a distance of 18.40 feet; thence North 56° 47' 01" West, a distance of 64.61 feet; thence South 83° 35' 57" West, a distance of 16.91 feet; thence North 28°20' 53" West, a distance of 51.54 feet; thence North 73°26' 51" East, a distance of 25.19 feet; thence North 35° 45' 46" East, a distance of 26.30 feet; thence North 48° 00' 18" West, a distance of 12.82 feet; thence North 33 ° 27' 28" West, a distance of 27.77 feet; thence South 25°20' 31" West, a distance of 34.33 feet; thence South 50° 07' 56" West, a distance of 17.71 feet; thence North 36°12' 17" West, a distance of 23.73 feet; thence North 24°13' 16" West, a distance of 19.54 feet; thence North 21°26' 13" East, a distance of 15.48 feet; thence North 85°46' 35" East, a distance of 12.01 feet; thence North 29° 41' 02" East, a distance of 20.82 feet; thence North 13°25' 12" West, a distance of 21.36 feet; thence North 51° 35' 53" West, a distance of 16.35 feet; thence North 23° 43' 57" West, a distance of 37.08 feet; thence North 43° 03' 09" West, a distance of 37.41 feet; thence North 31° 53' 59" West, a distance of 25.27 feet; thence North 11°53' 10" West, a distance of 16.71 feet; thence North 30° 26' 14" East, a distance of 21.27 feet; thence South 61° 59' 38" West, a distance of 55.51 feet; thence North 39° 08' 42" West, a distance of 21 51 feet; thence North 22°49' 13" West, a distance of 29.37 feet; thence North 37° 29' 44" West, a distance of 49.57 feet; thence North 16° 06' 46" West, a distance of 11.49 feet; thence North 23° 30' 13" West, a distance of 38.55 feet; thence North 50° 19' 23" West, a distance of 24.87 feet; thence North 29° 37' 22" West, a distance of 34.42 feet; thence North 5° 57' 26" East, a distance of 15.90 feet; thence North 34° 28' 35" East, a distance of 15.24 feet; thence North 70° 38' 59" East, a distance of 16.91 feet; thence North 53°24' 30" West, a distance of 48.27 feet; thence South 56° 18' 31" West, a distance of 17.46 feet; thence South 68° 28' 53" West, a distance of 10.53 feet; thence North 48°09' 32" West, a distance of 14.49 feet; thence North 33° 22' 43" West, a distance of 12.37 feet; thence North 36°56' 2 5 East, a distance of 19.84 feet; thence North 33° 33' 38" West, a distance of 10.43 feet; thence North 71' 52' 14" West, a distance of 29.39 feet; thence North 47° 13' 10" West, a distance of 20 39 feet; thence North 40°45' 14" West, a distance of 49.16 feet; thence North 30' 59' 16" West, a distance of 46.70 feet; thence North 49° 40' 33" West, a distance of 30.09 feet; thence North 02° 27' 25" East, a distance of 10.14 feet; thence North 22° 20' 44" West, a distance of 0.99 feet to the south line of said lands described in Official Records Book 4767, Page 1167; thence North 89° 19' 03" East

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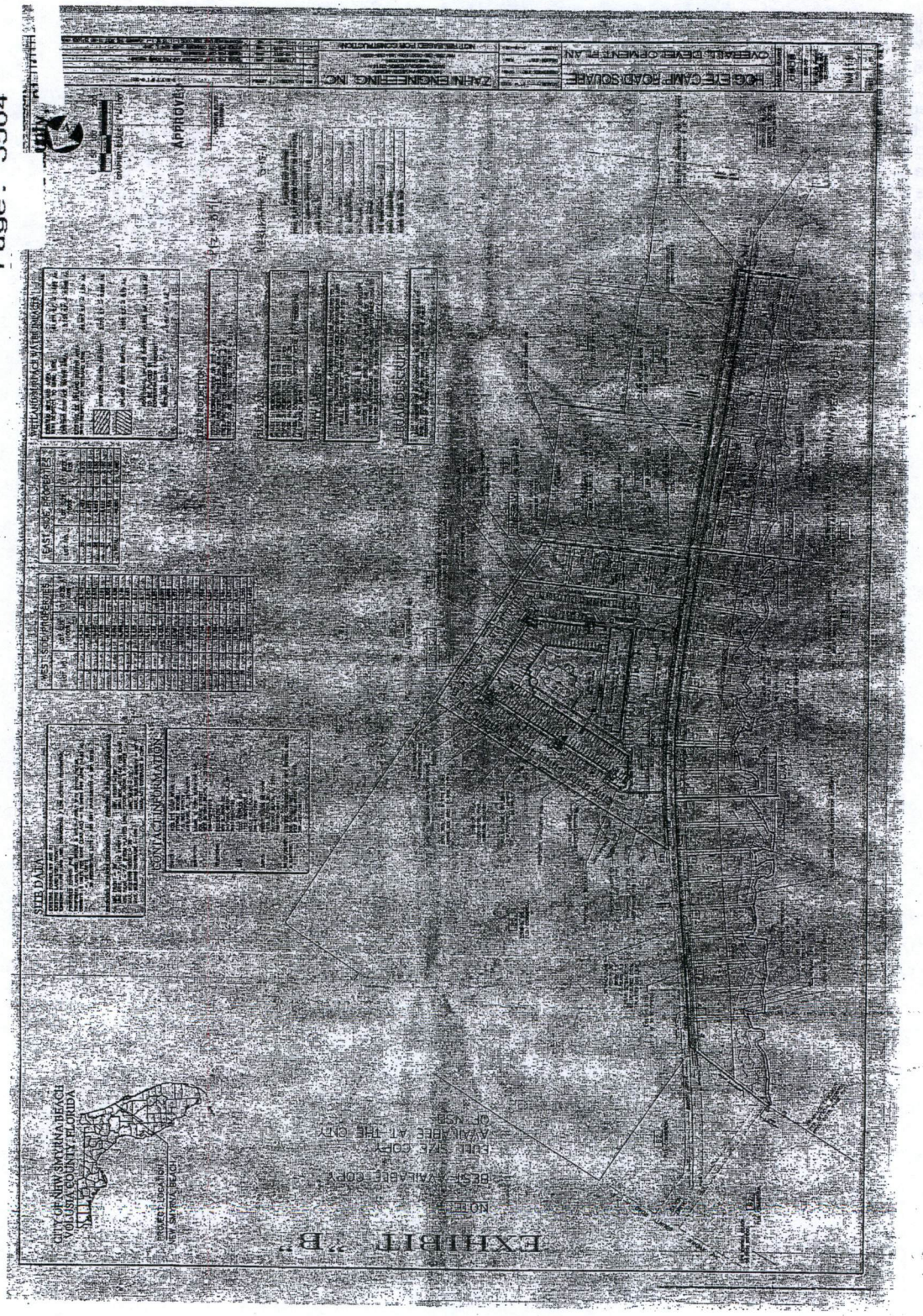
EXHIBIT A
(MITCHELL WEST PARCEL)
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leaving said Mean High Water Elevation and along said south line of lands described in Official Records Book 4767, Page 1167, a distance of 12.61 feet; thence South 84° 17' 29" East, along said south line of lands described in Official Records Book 4767, Page 1167 and the easterly prolongation thereof, a distance of 262.72 feet to said westerly edge of pavement of Saxon Drive; thence along said westerly edge of pavement of Saxon Drive, the following courses and distances, South 36° 12' 39" East, a distance of 147.25 feet; thence South 37° 40' 22" East, a distance of 194.07 feet to a point of curvature; thence 456.58 feet along the arc of a curve to the right, said curve having a radius of 7619.27 feet, a central angle of 3° 26' 00" and a chord of 456.51 feet which bears South 35° 57' 22" East; thence 100.13 feet along the arc of a curve to the right, said curve being non-tangent with the last described curve and having a radius of 1663.44 feet, a central angle of 3° 26' 56" and a chord of 100.12 feet which bears South 32° 27' 16" East; thence 249.49 feet along the curve to the right, said curve being non-tangent with the last described curve and having a radius of 5902.50 feet, a central angle of 2°25' 18" and a chord of 249.47 feet which bears South 27°07' 26" East; thence 214.39 feet along the curve to the right, said curve being non-tangent with the last described curve and having a radius of 20112.49 feet, a central angle of 0° 36' 39" and a chord of 214.38 feet which bears South 25° 24' 57" East to the Point of Beginning. Containing 9.45 acres more or less.

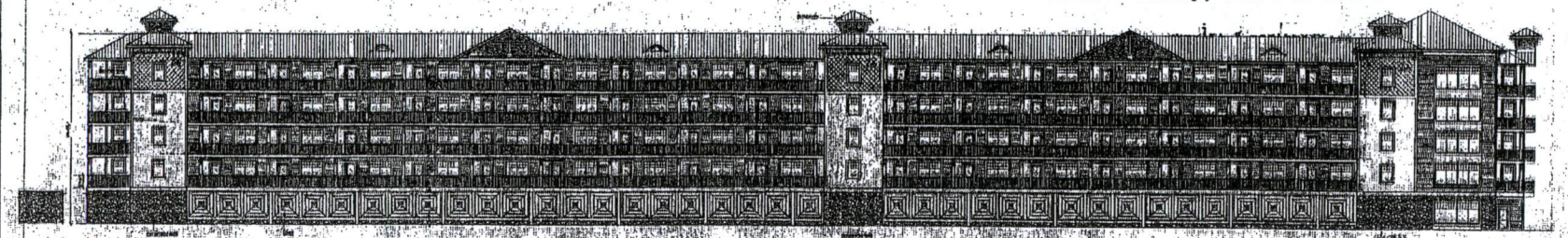
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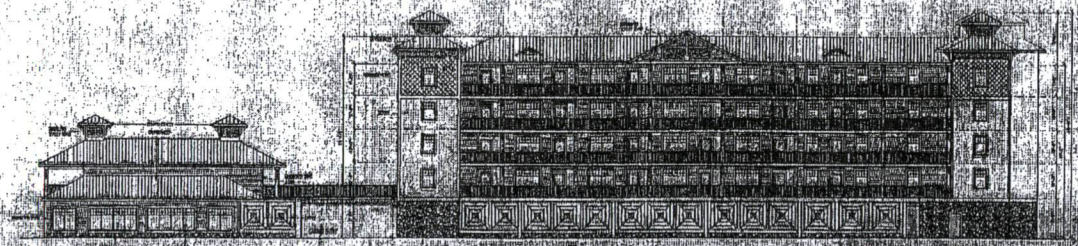
Instrument# 2011-122560 # 28
Book: 6614
Page: 3504



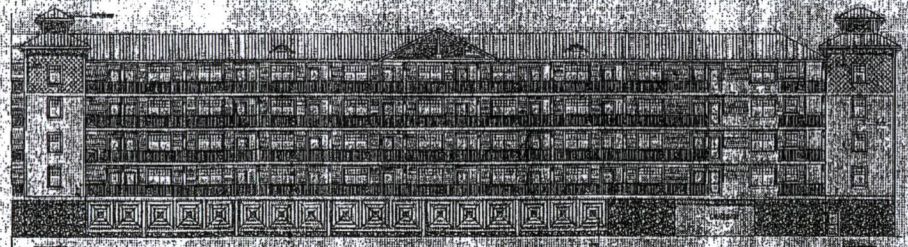
Instrument# 2011-122560 # 28
Book: 6614
Page: 3504-A
Diane M. Matousek
Volusia County, Clerk of Court



LEFT SIDE ELEVATION -NORTH



RIGHT SIDE ELEVATION -SOUTH



BACK ELEVATION EAST



FRONT ELEVATION -WEST

BFY Associates Inc.
AA 26001107

"HOG EYE CAMP PUD"

PROJECT LOCATION: JAXON DRIVE, NEW SMYRNA BCH, FL

BFY Associates Inc.
Consulting Architecture

DATE: JANUARY 6, 2011 SCALE: 1/8"

ELEVATIONS

Sht No. A4

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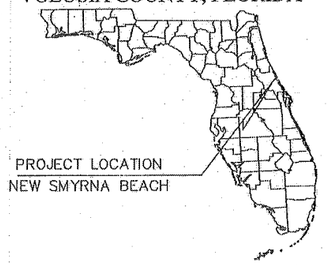
GENERAL NOTES:
ALL GENERAL & SUB CONTRACTORS TO FIELD VERIFY ALL EXISTING ELECTRICAL, WATER, SEWER AND GAS SERVICE LOCATIONS.

Best Available Image

EXHIBIT "B"

NOTE:
BEST AVAILABLE COPY
FULL SIZE COPY AVAILABLE AT THE CITY OF NSB.

CITY OF NEW SMYRNA BEACH
VOLUSIA COUNTY, FLORIDA



SITE DATA:

EXISTING ZONING: B5 AND R1
EXISTING LAND USE: VACANT
EXISTING FUTURE LAND USE: COMMERCIAL / LOW DENSITY RESIDENTIAL

PROPOSED ZONING: PUD
PROPOSED LAND USE: SINGLE & MULTI-FAMILY WITH OFFICE/RETAIL
DENSITY: 0 UNITS PER ACRE (2.63 AC.) + 12 UNITS PER ACRE (14.83 AC.)
= 191 UNITS
30 RESIDENTIAL LOTS + 160 UNIT APARTMENTS = 180 UNITS

PROPOSED SETBACKS (RESIDENTIAL):
MIN. FRONT = 30'
MIN. SIDE = 7.5' (15' STREET)
MIN. REAR = 7.5' (FROM PLATTED LINE)
MAX. BUILDING HEIGHT = 35'
MAX. BUILDING COVERAGE = 40%

PROPOSED SETBACKS (COMMERCIAL):
MIN. FRONT = 50'
MIN. SIDE = 10'+5' FOR EACH FLOOR ABOVE 2 STORIES
MIN. REAR = 25'
MAX. BUILDING HEIGHT = 60'
MAX. LOT COVERAGE = 70%

CONTACT INFORMATION:

OWNER :	HOG EYE CAMP ROAD, LLC. STEWART MITCHELL P.O. BOX 940579 MAITLAND, FL. 327940579
SURVEYOR:	DANIEL W. CORY SURVEYOR, INC. 300 CANAL STREET NEW SMYRNA BEACH, FL. 32168 386-427-9579
TELEPHONE:	BELLSOUTH 900 N. NOVA RD. DAYTONA BEACH, FLA. 32117 386-252-7762
GAS:	TECO PEOPLES GAS 1722 RIDGEWOOD AV. HOLLY HILL, FLA. 32117 386-671-2220
CABLE:	BRIGHT HOUSE NETWORK 1475 S. NOVA RD. DAYTONA BEACH, FL. 32114 386-760-9941
WATER/SEWER: & ELECTRIC	UTILITIES COMMISSION OF NEW SMYRNA BEACH 200 CANAL STREET NEW SMYRNA BEACH, FL. 32168 386-427-1361

WEST SIDE PROPERTIES

LOT NO.	LOT SIZE 100%	LOT SIZE AT 40%
1	14,349	5,740
2	16,061	6,424
3	16,340	6,536
4	17,959	7,184
5	16,521	6,608
6	15,596	6,638
7	16,866	6,746
8	16,633	6,653
9	15,535	6,214
10	14,293	5,717
11	14,544	5,818
12	14,136	5,654
13	13,423	5,369
14	12,721	5,088
15	12,681	5,072
16	16,083	6,433
17	16,826	6,730
18	19,311	7,724
19	17,746	7,098
20	15,586	6,234
21	15,195	6,078
22	16,235	6,494
23	16,584	6,634
24	16,159	6,463
25	33,126	13,250
TOTAL	362,224	144,890

EAST SIDE PROPERTIES

LOT NO.	LOT SIZE 100%	LOT SIZE AT 40%
30	11,425	4,570
31	8,625	3,450
32	8,625	3,450
33	8,625	3,450
34	11,301	4,780
TOTAL	49,201	19,680

WETLAND/SURFACE WATER IMPACTS

EXISTING WETLAND AREA WITH RESPECT TO MHWL LINE: 64,571 S.F. = 1.482 Ac.
EXISTING SURFACE WATER AREA: 3,730 S.F. = 0.086 Ac.
EXISTING 25' UPLAND BUFFER AREA WITH RESPECT TO WETLAND LINE: 69,563 S.F. = 1.59 Ac.
SURFACE WATER IMPACT: 3,730 S.F. = 0.086 Ac.
UPLAND BUFFER IMPACT: 4,268 S.F. = 0.10 Ac.
ADDITIONAL UPLAND BUFFER TO BE PLACED IN CONSERVATION EASEMENT 42,555 S.F. = 0.98 AC
WETLAND IMPACT: 0 S.F. = 0 Ac.

TREE PROTECTION:

TOTAL SPECIMEN TREES ON SITE = 516
TOTAL HISTORIC TREES ON SITE = 14
TREE PROTECTION REQUIREMENT = 42
TREES TO BE PROTECTED ON SITE = 272

PHASE PLAN:

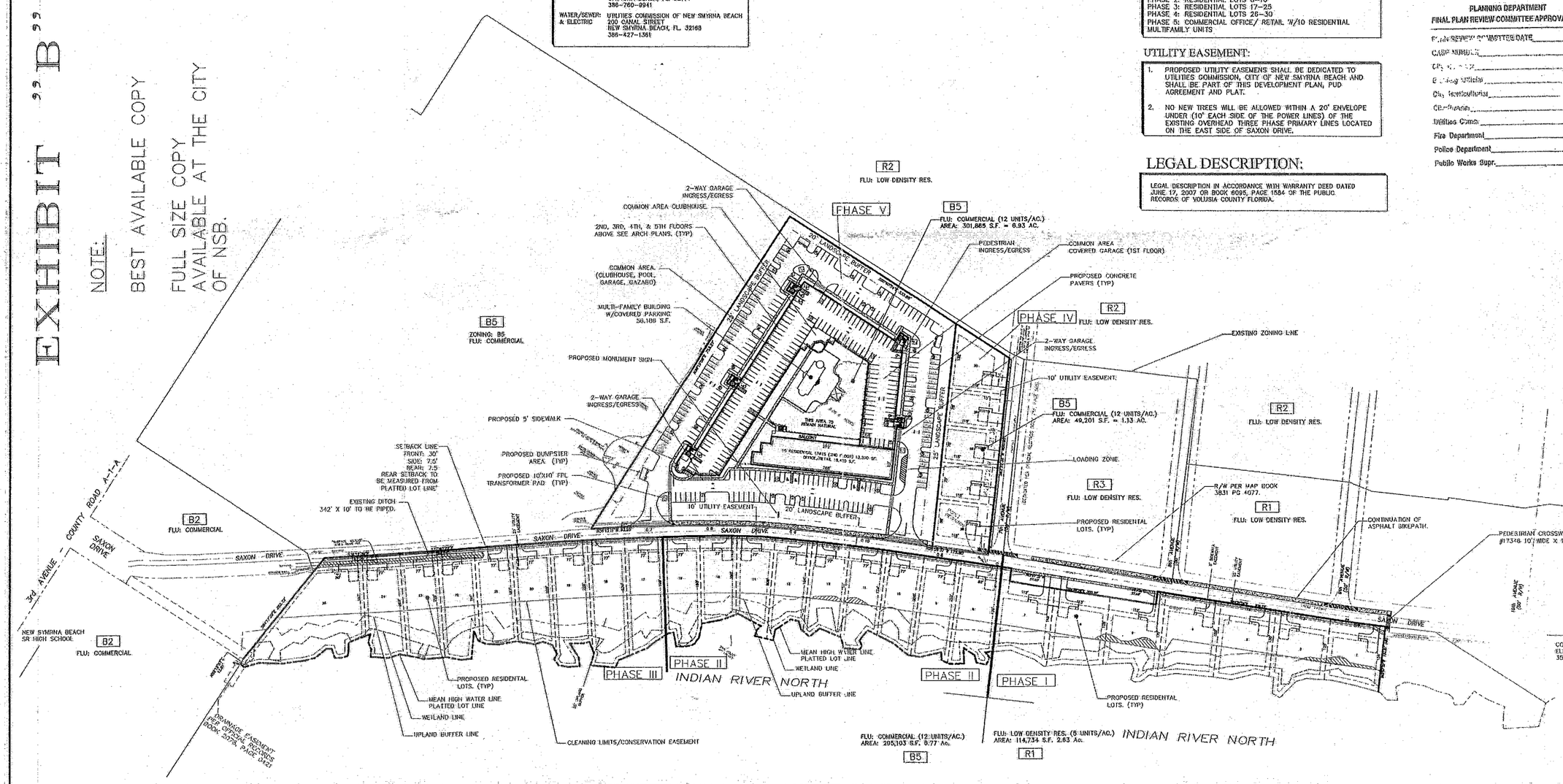
PHASE 1: RESIDENTIAL LOTS 1-7
PHASE 2: RESIDENTIAL LOTS 8-16
PHASE 3: RESIDENTIAL LOTS 17-25
PHASE 4: RESIDENTIAL LOTS 26-30
PHASE 5: COMMERCIAL OFFICE/ RETAIL W/10 RESIDENTIAL MULTIFAMILY UNITS

UTILITY EASEMENT:

1. PROPOSED UTILITY EASEMENS SHALL BE DEDICATED TO UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH AND SHALL BE PART OF THIS DEVELOPMENT PLAN, PUD AGREEMENT AND PLAT.
2. NO NEW TREES WILL BE ALLOWED WITHIN A 20' ENVELOPE UNDER (10' EACH SIDE OF THE POWER LINES) OF THE EXISTING OVERHEAD THREE PHASE PRIMARY LINES LOCATED ON THE EAST SIDE OF SAXON DRIVE.

LEGAL DESCRIPTION:

LEGAL DESCRIPTION IN ACCORDANCE WITH WARRANTY DEED DATED JUNE 17, 2007 OR BOOK 6095, PAGE 1584 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA.



0 50 100 200
GRAPHIC SCALE: 1"= 100'

APPROVED

PLANNING BOARD CHAIRMAN

P&Z = 3/7/11

Resubmitted 3-18-11

PLANNING DEPARTMENT
FINAL PLAN REVIEW COMMITTEE APPROVAL
FINAL REVIEW COMMITTEE DATE
CASE NUMBER
CITY MANAGER
PLANNING DIRECTOR
CITY ENGINEER
CITY ATTORNEY
Utilities Comm.
Fire Department
Police Department
Public Works Supr.

NO.	DATE	APPR.	REVISION
3	2/16/2011	MM	REVISED PER STAFF COMMENTS AND P&Z BOARD MEETING
2	11-4-2010	MM	REVISED PER CITY COMMENTS DATED SEPT. 3, 2010
1	8-12-10	P&Z	RECONFIGURED EAST SIDE LOTS 1-11 TO BE 1-7 ADJUSTED THE REST TO BE 25 LOTS FROM 29

ZAHN ENGINEERING, INC.
240 SOUTH PALMETTO AVENUE
DAYTONA BEACH, FLORIDA 32114
WWW.ZAHNENG.COM
PH: 386-252-0050 FAX: 386-252-6050
NOT RELEASED FOR CONSTRUCTION

SCALE: 1" = 100'
DESIGNED BY: GPG
DRAWN BY: RJM
DATE: 5-19-08

HOG EYE CAMP ROAD SQUARE
OVERALL DEVELOPMENT PLAN

PROJECT NUMBER
0808
0808-00P

NOT VALID WITHOUT EMBOSSED SEAL
EB-0005290

MAR 17 2011

SHEET 1 OF 1

PROGRESS SET-FOR REVIEW ONLY

04/02/2014 03:31 PM
Instrument# 2014-057936 # 1
Book: 6974
Page: 3879

THIS DOCUMENT PREPARED BY:
James S. Morris, P.A.
P.O. Box 291687
Port Orange, FL 32129-1687

RETURN TO:
Records Clerk
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168

FIRST AMENDMENT TO THE
MASTER DEVELOPMENT AGREEMENT (MDA)
FOR HOG EYE CAMP ROAD SQUARE

WHEREAS, The City of New Smyrna Beach, a Florida municipal corporation (the City) and Hog Eye Camp Road, LLC a Florida Limited Liability Company (the "Owner") previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement for Hog Eye Camp Road Square", recorded in Official Records Book 6614, Page 3477 Public Records of Volusia County, Florida (herein after referred to as "MDA"), relating to property described therein (herein after referred to as the "Property"); and

WHEREAS, the City and Owner wish to amend the MDA.

Now, therefore, the parties agree as follows:

1. **Paragraph 2. Development Plan, Subparagraph D** of the MDA is hereby amended as follows:

D. The Owner will develop the land on the west side of Saxon Drive with single family lots. Development will include as part of the plat or site plan an eight (8') foot wide pedestrian access easement which will be platted or included in a site plan in accordance with the City of New Smyrna Beach Land Development Regulations. The easement area is shown on the Conceptual Development Plan. Lots 1 - 4 of Phase I are impacted by the existing bike and walk path along the westerly side of Saxon Drive. In the event the homes to be placed on Lots 1-4 of Phase I are designed to have a street facing garage, the set-back to the garage edge building frontage shall be a minimum of forty-five (45) feet from the front (eastern) property line of Lots 1-4, to

create a "parking notch" area to allow for a parking space depth at each home that will not impact bicycle or pedestrian use of the existing bike and walk path. If utilized, the "parking notch" will be placed at the northeast or southeast corner of each home to be located on Lots 1-4. The required front yard setback for all parts of the home(s) located on Lots 1-4, other than a street facing garage, shall be thirty-five (35) feet. The land on the east side of Saxon Drive north of Seventh (7th) Avenue will be developed with a mixed use multi-family and neighborhood business building. Access to the building will be from Saxon Drive. The southern boundary of the property east of Saxon Drive will be developed with single family lots fronting Seventh (7th) Avenue. The homes to be located on Seventh (7th) Avenue will buffer the existing single family residential units already built on Seventh Avenue from the Owner's planned mixed use, multi-family and neighborhood business building fronting on Saxon Drive. All of the development to be located on the Property will be serviced with public utilities. Access for the single family homes to be located on Seventh Avenue will be from 7th Avenue

2. **Paragraph 3. Phasing, Subparagraph A** of the MDA is hereby amended as follows:

A. Development of the Property will be accomplished in five separate phases, with infrastructure servicing the phases being constructed as needed for each phase. The sequence of the phasing shall be at Owner's option. Individual storm water systems to serve a phase shall be permitted, but joint storm water for more than one (1) phase may be required. If joint storm water is required, construction of the retention areas with administrative approval of the City will also be phased. Storm water retention shall be

provided for the initial infrastructure improvements of a phase. Shared facilities including, but not limited to utility service, sidewalks, roads and the like, shall be constructed as part of each phase. The eight (8') foot pedestrian access path east of Saxon Drive, ~~shall be completed during initial site improvements of whichever phase is built first independent of the phase number (e.g., Phase 1, 2, 3, 4 or 5) in which phase improvements are to be made. The path east of Saxon Drive shall be complete and accepted by the City as a condition of City issuance of a certificate of completeness for the initial site improvements of the first phase built.~~ shown on the previously recorded Exhibit B CDP as "continuation of asphalt bike path" south of 7th Avenue, shall not be constructed due to the existing west-side bike path now proposed to remain in place. Infrastructure improvements for a particular phase must be constructed or bonded prior to any certificate of occupancy being issued for a building within a phase. Any cross access, utility, drainage and signage easements needed now or in the future shall be recorded in the Public Records of Volusia County.

3. **Paragraph 5, Development Standards, Subsection A** of the MDA is hereby amended as follows:

A. Single Family Residential area; west of and fronting on Saxon Drive.

Dimensional requirements:

Minimum Lot area: 8625 square feet

Width: 75 feet

Maximum Building Coverage: 40%

Maximum Impervious Coverage: 60%

Homes shall be built with elevated construction via stemwalls, floor pilings or stilt

construction to minimize site impact.

Minimum Yard size:

Front Yard:

30 feet (other than Lots 1-4, Phase I)

Lots 1-4, Phase I:

Residential home front and **non-street facing** garage front 35'

Street facing garage front 45'.

Rear Yard: 7.5 feet (to be measured from the platted rear lot line)

Side Yard: 7.5 feet (15' Street)

Minimum Floor Area: 750 square feet of livable area for one and two bedroom dwelling units, 1200 square feet of livable area for a three bedroom dwelling unit and 1300 square feet for a four bedroom dwelling unit.

Driveway Access: With the exception of Lots 1-4, the minimum driveway length shall be twenty (20) feet ~~excluding that portion of a driveway within a public right of way~~ with provisions on each lot for an interior turning movement.

Lots 1-4:

a) The minimum driveway length for a **non-street facing** garage shall be twenty (20') feet

b) The minimum driveway length for homes with a street facing garage shall be thirty-five (35) feet

Maximum Building Height: 35 feet.

Building Projection: There shall be no building projections into any required yard except for eves with a maximum projection of 48 inches, and those structures allowed in Subsection 804.03 of the City's LDR.

Tree Preservation: The project shall conform to the City's tree preservation requirements in effect at the adoption of this Agreement.

4. This First Amendment shall be effective as of the date it is executed by all parties.

5. This First Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense.

6. The MDA shall remain in full force and effect except with respect to those matters specifically amended by this First Amendment.

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment, by and through their duly authorized representatives, on the respective dates below.

WITNESS:

Barbara Billings
Witness 1

Barbara Billings
Print Name of Witness 1

Claudia Rogers
Witness 2

Claudia Rogers
Print Name of Witness 2

THE CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation

By: Adam Barringer
Adam Barringer, Mayor

Date: 3-26-2014

By:
Johnny R. Bledsoe, City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instruments acknowledged before me this 26 day of March, 2014, by Adam Barringer and Johnny R. Bledsoe, Mayor and Active City Clerk, respectively, of the City of New Smyrna Beach, Florida, a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

Sandy Winkler
Notary Public

SANDY WINKLER
MY COMMISSION # EE 083572
EXPIRES: August 13, 2015
Bonded Thru Notary Public Underwriters

Instrument# 2014-057936 # 6
Book: 6974
Page: 3884
Diane M. Matousek
Volusia County, Clerk of Court

HOG EYE CAMP ROAD, LLC a Florida
Limited Liability Company

By: Stewart B Mitchell
Stewart B. Mitchell, Managing Member

Date: March 25, 2014

Witness 1

James S. Morris
Print Name of Witness 1

Witness 2

Jeff Gove
Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 25th day of Mar, 2014, by Stewart B. Mitchell, as Managing Member of Hog Eye Camp Road, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced FLDL as identification and did not take an oath.

M324-782-57-403-0

Cheryl Rein
Notary Public

CHERYL REIN
MY COMMISSION # EE 857283
EXPIRES: December 10, 2016
Bonded Thru Notary Public Underwriters

THIS DOCUMENT PREPARED BY:
EPOCH Residential
359 Carolina Ave.
Winter Park, FL 32789

RETURN TO:
Records Clerk
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168

SECOND AMENDMENT TO THE
MASTER DEVELOPMENT AGREEMENT (MDA)
FOR HOG EYE CAMP ROAD SQUARE

WHEREAS, The City of New Smyrna Beach, a Florida municipal corporation (the City) and Hog Eye Camp Road, LLC a Florida Limited Liability Company (the "Owner") previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement for Hog Eye Camp Road Square", recorded in Official Records Book 6614, Page 3477 Public Records of Volusia County, Florida (herein after referred to as "MDA''), relating to property described therein (herein after referred to as the "Property"); and

WHEREAS, The City of New Smyrna Beach, a Florida municipal corporation (the City) and Hog Eye Camp Road, LLC a Florida Limited Liability Company (the "Owner") previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "First Amendment to the Master Development Agreement for Hog Eye Camp Road Square", recorded in Official Records Book 6974, Page 3879 Public Records of Volusia County, Florida (herein after referred to as "MDA-1''), relating to property described therein (herein after referred to as the "Property"); and

WHEREAS, This Second Amendment to the MDA for Hog Eye Camp Square Road pertains only to the land on the east side of Saxon Drive, north of Seventh (7^{th}) Avenue, referred to as the "mixed use multi-family and neighborhood business building" site in the MDA, containing 6.93 acres, as shown on Exhibit D – Boundary Survey included herewith.

WHEREAS, The MDA includes the following three Exhibits:
Exhibit A – Legal Description of Overall PUD Property
Exhibit B – Conceptual Development Plan (CDP)
Exhibit C – Building Elevations

WHEREAS, This Second Amendment to the MDA includes the following two Exhibits:
Exhibit D – Boundary Survey & Legal Description of Subject Property
Exhibit E – Conceptual Development Plan (CDP-2) Partially Modifying CDP

WHEREAS, The Owner, in working with citizens of the city, has determined that there is no desire for additional commercial uses along the Saxon Drive corridor as there is concern as to the impact of the entitled five-story mixed-use apartment building on the single-family neighborhood adjoining Seventh Avenue. As a result, the Owner is proposing to create an enclave of lower density townhouse units within

the area between the commercial areas of the shopping center adjoining the parcel along its north boundary and the single-family neighborhoods along Seventh Avenue. The townhouse community or village shall be in lieu of the mixed-use multi-family and the neighborhood business building will be extinguished in favor of the townhouse village.

WHEREAS, the City and Owner wish to amend the MDA.

Now, therefore, the parties agree as follows:

1. **Paragraph 2. Development Plan, Subparagraph B** of the "MDA" is hereby amended as follows:

B. The Property shall be developed in five (5) separate phases as a residential ~~mixed-use~~ planned unit development (PUD) as shown on the Conceptual Development Plan (CDP) which is attached as Exhibit "B" hereto, and partially modified by the Conceptual Development Plan (CDP-2) provided herewith as Exhibit E, both of which are ~~and~~ incorporated into this Agreement by reference. The CDP identifies the area of each phase and CDP-2 identifies the area of the proposed Townhouse Village. Phases will include single family residential areas and the Townhouse Village.~~,~~ ~~a multi-family building with open and enclosed parking, and commercial use.~~ The areas contained in each phase are designed and intended to be developed and function independently. Construction of a phase or phases may, at Owner's discretion, occur in any order or simultaneously. The Property shall generally be developed as depicted on the CDP and CDP-2. In case of conflict between any textual provision of this Agreement and ~~the~~ CDP or CDP-2, the textual provisions of this Agreement shall govern. In the event this agreement or the CDP or CDP-2 fails to address a particular subject or requirement, the requirements of the applicable City ordinance(s) in effect at the time of development plan approval shall control. The failure of this Agreement or the CDP or CDP-2 to address a particular permit, condition, term, or restriction shall not relieve the Owner of the necessity of complying with the law governing said permitting requirements, conditions, term or restrictions.

2. **Paragraph 2. Development Plan, Subparagraph D** of the "MDA-1" is hereby amended as follows:

D. The Owner will develop the land on the west side of Saxon Drive with single family lots. Development will include as part of the plat or site plan an eight (8') foot wide pedestrian access easement which will be platted or included in a site plan in accordance with the City of New Smyrna Beach Land Development Regulations. The easement area is shown

on the Conceptual Development Plan. Lots 1 - 4 of Phase I are impacted by the existing bike and walk path along the westerly side of Saxon Drive. In the event the homes to be placed on Lots 1-4 of Phase I are designed to have a street facing garage, the set-back to the garage edge building frontage shall be a minimum of forty-five (45) feet from the front {eastern) property line of Lots 1-4, to create a "parking notch" area to allow for a parking space depth at each home that will not impact bicycle or pedestrian use of the existing bike and walk path. If utilized, the "parking notch" will be placed at the northeast or southeast corner of each home to be located on Lots 1-4. The required front yard setback for all parts of the home(s) located on Lots 1-4. other than a street facing garage, shall be thirty-five (35) feet. The land on the east side of Saxon Drive north of Seventh (7th) Avenue will be developed as a Townhouse Village pursuant to the concept plan provided, therefore, it shall be consistent with the standards and criteria contained herein. ~~with a mixed use multi-family and neighborhood business building~~. Access to the Townhouse Village ~~building~~ will be from Saxon Drive. The southern boundary of the property east of Saxon Drive will be developed with single family lots fronting Seventh (7th) Avenue. The homes to be located on Seventh (7th) Avenue will buffer the existing single family residential units already built on Seventh Avenue from the Owner's planned Townhouse Village ~~mixed use, multi-family and neighborhood business building~~ fronting on Saxon Drive. All of the development to be located on the Property will be serviced with public utilities. Access for the single family homes to be located on Seventh Avenue will be from 7th Avenue.

3. **Paragraph 2. Development Plan, Subparagraph F** is hereby added as follows:

F. The future land use (FLU) designation of the subject property, as shown on Exhibit D included herewith, is “commercial”. Owner hereby agrees that a Comprehensive Plan Amendment is required to change the FLU designation from “Commercial” to “High Density Residential”. Owner hereby further agrees that said Comprehensive Plan Amendment shall be completed concurrent with the accompanying PUD Amendment and prior to any construction plan approvals for the subject site.

4. **Paragraph 5. Development Standards, Subparagraph C** of the MDA is hereby amended as follows:

C. Townhouse Village ~~Multi-family and Neighborhood Business mixed use building~~; (Area east of

Saxon Drive). This area will provide Townhouse ~~multi-family~~ living accommodations ~~and retail area for goods and services~~.

Multi-Family Permitted Use:

Townhouses

~~Multi-Family Residential~~

~~Parking structure (open or enclosed~~)

Parking lots

Clubhouse, Pool, and Community Amenities

~~Neighborhood Business Permitted Use:~~

~~Animal clinic, out-patient care only, and no overnight boarding~~

~~Appliance and repair shops~~

~~Bakeries, non-manufacturing~~

~~Barber and beauty shops~~

~~Ceramic shops~~

~~Communication facilities: buildings for radio, television, telephone and telegraph~~

~~Drugstores and pharmacies[1]~~

~~Dry cleaning establishments[1]~~

~~Florists~~

~~Gift shops~~

~~Grocery stores~~

~~Hardware stores~~

~~Hobby/craft shops~~

~~Income tax services~~

~~Jewelry stores~~

~~Laundries, including self-service~~

~~Lending agencies~~

~~Men's and women's figure salons~~

~~Newspaper offices and printing shops~~

~~Office and household equipment sales~~

~~Professional offices, including accountants, architects, consultants, dentists, engineers, financial,~~

~~insurance, lawyers, medical, and stockbrokers~~

~~Real estate brokers~~

~~Restaurants, type "A, "B, "C" and "D"[1]~~

~~Retail sales and services~~

~~Shoe repair shops~~

~~Travel agents~~

~~Entertainment (Video)~~

Permitted accessory uses: Any accessory use customarily incidental to permitted principal use. A separate building designated as a Club House associated with the Townhouse Village shall be considered a permitted accessory use.

~~[1]Footnote: Any use with a drive-thru or drive-up window will locate the window so that it does not front on Saxon Drive. Any drive-thru or drive-up window shall be located to the side or rear of the structure which it services.~~

Dimensional requirements:

Minimum lot area: ~~1 ac~~ 5 ac

Minimum Lot Width: two hundred (200')

Minimum Lot Depth: two hundred (200')

Maximum Number of Units:

The maximum number of units on the east side of Saxon Drive will be reduced from 150 down to 83.

Minimum building separation: Where two or more buildings are built on one parcel, there shall be a separation of at least 20 feet between the buildings~~, plus 1.5 additional feet for each five feet of building height over 20 feet. When buildings vary in height, said distance to be based is the tallest building at the separation~~. ~~(Example: if there is a 20 foot tall building and a 25 foot tall building, the separation must be 21.5 feet.)~~ The 20' separation distance does not apply to the club house. All building separations shall also be required to comply with all provisions of the Florida Building Code and the Florida Fire Prevention Code.

Minimum Perimeter Setbacks for Townhouse Structures ~~yard size~~:

Front yard: Forty feet (40') ~~50 feet, or as required per [sub]section 504.O1M. of this LDR.~~

Side yard: ~~Lots with a street frontage of over 100 feet;~~ the side yard shall be ten (10) feet plus five (5) additional feet for each story over two stories. In no event, shall a side yard be required to exceed 45 feet.

Rear yard: Twenty feet (20') ~~25 feet, plus three (3) additional feet for each story over two stories.~~

Minimum floor area: Minimum floor area of a multi-family dwelling unit shall be:

1,000 square feet of livable area for a townhouse.

~~450 square feet of livable area for a one-bedroom unit;~~

~~550 square feet of livable area for two-bedroom unit;~~

~~700 square feet of livable area for a three-bedroom unit~~

Maximum unit density for all dwelling units: 12 units per acre for the 6.93 ~~14.83~~ acres.

Maximum principal building height: ~~Sixty (60)~~ forty-five (45) feet to the roof deck; a decorative roof structure with a maximum height of twelve (12') feet as measured from the top exterior of the occupied building structure (e.g. roof deck) may be allowed for the purpose of screening rooftop mechanical equipment or adding architectural details to the building.

~~First Story Use: The first story may be used for off-street parking. The first story may contain maintenance and utility equipment rooms; laundry rooms; storage rooms restricted to owner or tenant usage; manager's office; and an owner clubhouse.~~

Maximum building coverage: ~~65%~~ 30%

Maximum impervious lot coverage: ~~70%~~ 65%

Minimum open space: ~~35%~~ 30%

Minimum Common Open Space: 35% of required Open Space

Off-street parking and loading: Off-street parking and loading space shall be provided as required by the LDR. Off-street parking areas may be located within twenty (20) feet of a side or front lot line where such lot lines are landscaped to screen the vehicles as required in the LDR and the parking lot shall be landscaped as required in the LDR. Off-Street parking requirements may be met using parking spaces provided within residential garages; one-car garages will be credited with one parking space and two-car garages will be credited with two parking spaces. In addition to parking for individual townhouses, the Owner shall provide for a minimum of 15 visitor parking

spaces throughout the community.

Building projections: There shall be no building projections into any required yard except for eaves with a maximum projection of 48 inches, those structures allowed in [sub]section 804.03.

Visibility at intersections: Visibility at intersections shall be provided as required by the LDR.

Buffers: Landscaped buffer areas as defined by the LDR, shall be required at property lines as follows: (1) All front property lines; and (2) Along side or rear lot line abutting a residentially zoned lot. More specifically, Landscape Buffer widths shall be provided as follows: North: Twenty Feet (20'); East: Twenty Feet (20'); South: Twenty Feet (20'); West (along Saxon Drive): Forty Feet (40').

Landscaping: A landscaping plan shall be required as part of a site plan. The content of the plan shall conform to applicable City standards. Retaining walls are permitted to encroach into the buffers as shown on CDP-2.

Use of recreational amenities and/or owned facilities incidental to ~~commercial and~~ residential living accommodations: Use of all recreational amenities and/or commonly-owned facilities by the owner, the owner's guests, lessees or invitees, shall be limited to that period of time concurrent with the owner's exclusive right of use, possession and occupancy of the residential unit. It shall be unlawful for any person to represent by contract for purchase, promotional material, advertising or any other public statement that amenities and/or commonly owned facilities may be used contrary to the requirements of the New Smyrna Beach Land Development Regulations. This subsection does not prohibit the establishment of permitted accessory uses at commonly owned facilities if such uses are in compliance with all the other requisites required by the New Smyrna Beach Land Development Regulations.

5. **Paragraph 6. PUD Infrastructure/Transportation, Subparagraph A** of the "MDA" is hereby amended asfollows:

A. Access easements and utility easements for utilities to lots within the Development may be owned by the Owner and/or the property owners association, their successors and assigns, subject to dedications of easements and rights of ingress in favor of the Utilities Commission, City of New Smyrna Beach (UCNSB) ~~City~~ for the purpose of owning and maintaining utilities located within the Property. The Owner acknowledges that the on-site access easements are private and shall be the responsibility of owner, its successors and assigns without recourse to the City or (UCNSB). The exceptions to this limitation shall be when the (UCNSB) ~~City~~, through its agents, designees or assigns, shall damage facilities including pavement within the

Property in the course of repairing, replacing or enlarging (UCNSB) ~~City~~ owned or dedicated utility lines. In that event the (UCNSB) ~~City~~ shall repair the area in a workmanlike fashion. Common open spaces shall be subject to cross access easements. ~~Additionally all parking within the retail/office portion of the PUD shall be subject to cross easements to permit all outside parking within said portion of the PUD to be utilized by all businesses.~~ Further parking will be addressed pursuant to LDR standards. ~~The Owner shall, within the right-of-way of Saxon Drive, construct a side walk/bike path on the eastern side of Saxon drive from 7th Avenue north to northern boundary of the project side on the east side of Saxon Drive.~~

6. **Paragraph 7. Architectural/Design Standards, Subparagraph A** of the "MDA" is hereby amended as follows:

A. All non-single Family residential buildings and accessory structures on each lot shall be developed in compliance with the requirements of the City Development Service Staff recommendation of an ~~"Old Florida"~~ "Coastal" style of development.

1) All buildings and accessory structures constructed within the Townhouse Village area ~~neighborhood business and beachside multi-family and accommodations areas~~ of the Property shall include architectural features associated with the predominate style within the City, such as Coastal Contemporary, frame vernacular, bungalow, colonial revival, masonry vernacular, brick vernacular or Mediterranean revival. The common architectural theme shall be established by harmoniously coordinate the general appearance of all buildings and accessory structures. For purposes herein, general appearance includes, but is not limited to, exterior wall finishes or materials, roof styles, slopes and materials, colors, and architectural details and ornamentation. Acceptable roof ~~tiles~~ materials include high-quality dimensional shingles, metal or tile roofs, metal roof accents, barrel tile, wood shake, etc. Wall siding may include ~~includes~~ wood simulated single, clapboard, weatherboard, brick, dropsiding, coquina siding, stucco, simulated stone, simulated brick, metal panel, etc.
2) All structures in the Townhouse Village ~~neighborhood business and beach multi-family and accommodations areas~~ within the Property shall complement one another and shall convey a sense of quality and permanence;
~~3) Corporate prototype design and materials may be permitted provided they comply with the provision of this Section.~~

~~4) No outside display or storage on the Property shall be permitted except during outdoor and sidewalk sales or special events as permitted by the city which will be limited to six (6) times per year.~~

~~5) No vending machines shall be permitted on the outside walkways or other outdoor pedestrian areas of the Property.~~

~~6) No newspaper stands shall be permitted except in those areas designated by the Owner and approved by the City.~~

~~7) Any exterior phone booths shall not be visible from the public rights-of-way.~~

8) Lot function, layout and architectural design of the non-single-family structures thereon shall be coordinated, once established by the function and layout of the first of these buildings to receive site development plan approval. For purposes herein, lot function and layout includes, but is not limited to, building placement, landscaping layout and design and parking lot layout/design. Architectural design refers to building style and appearance.

9) All parking lot fixtures shall be consistent with respect to their physical attributes and appearance. The specific design shall be established by the type of parking lot light fixtures constructed or installed in or on the fust of these lots to receive site development plan approval. Light to be deflected from single-family residential areas and contained within project.

10) Elevations shall be provided consistent with these standards during site plan review process.

7. **Paragraph 7. Architectural/Design Standards, Subparagraph B** is hereby added as follows:

B. The townhouse village shall incorporate practices of the National Green Building Standard (NGBS) and/or other similar green building standards.

8. **Paragraph 8. Natural Vegetation Preservation, Subparagraphs A & B** of the "MDA" is hereby amended as follows:

A. Fifteen (15%) percent of the square footage area of the Townhouse Village area ~~beachside multi-family and neighborhood business areas~~ of the PUD will be maintained for the conservation of the native vegetation. All natural areas and vegetation shall be cleared utilizing the least intrusive means available so as to allow preservation of natural vegetation.

No removal of small trees, palmetto bushes or other under brushing, except for removal of invasive species, will be done along the rear~~,~~ or side yards ~~and courtyard.~~ These natural areas will stay as natural as possible to provide for a thick vegetative buffer between the ~~commercial~~ Townhouse Village and single-family residential areas. The front yard under brush may be cleared to provide for a manicured appearance. Any existing trees credited towards required buffers or landscaping requirements removed for any reason shall be replaced with trees meeting the City's approval with regard to size and species. Perimeter buffers shall comply with the City's Land Development Regulations and shall be used to meet the requirement natural vegetation preservation requirements. Prior to beginning of land clearing, all areas or plants to be preserved shall be marked by the Owner and inspected by the City.

B. The Preservation Area designated by site plan of the Townhouse Village area ~~neighborhood business and beachside multi-family and accommodations areas~~ shall consist of natural vegetation which may be enhanced if necessary. The goal of such enhanced landscaping is to provide an appealing visual setting for the ~~commercial~~ Townhouse Village and residential properties of the project.

9. **Paragraph 11. Signage, Subparagraph A** of the "MDA" is hereby amended asfollows:

A. The Townhouse Village area ~~neighborhood commercial and beachside multi-family and accommodations areas~~ of the PUD shall have a uniform sign program. Monument signs are permitted if they are consistent with the City's regulations. Directional signage and building number signage for each building within the village is also permitted. The ~~commercial~~ Townhouse Village property shall be permitted one (1) monument sign, wall signage, and supplementary signage complying with the provisions and requirements of the New Smyrna Beach Land Development Regulation. The pedestal of the monument shall be constructed of the same materials as the wall of the buildings on the Townhouse Village ~~commercial~~ parcel. The colors of the sign face shall complement and coordinate with the appearance of the buildings.

10. **Paragraph 12. Lot Development Criteria, Subparagraph A** of the "MDA" is hereby amended asfollows:

A. Areas of the property shall be developed in accordance with the general development criteria specified in Exhibit "B" of this Agreement, which is hereby partially modified by the Conceptual Development Plan (CDP-2) provided herewith as Exhibit E. The terms and conditions on this Agreement shall be superior to the terms of the LDR, unless otherwise specifically provided herein. In the event a subject is not addressed in this Agreement, the LDR shall control.

11. **Exhibit B** of the "MDA" is hereby amended as follows:

Exhibit B of the MDA is the original Conceptual Development Plan (CDP) for the entire Hog Eye Camp Road Square PUD. Exhibit B is being partially modified herewith as shown on CDP-2 included as Exhibit E.

12. **Exhibit C** of the "MDA" is hereby amended as follows:

Exhibit C of the MDA is the original building elevations for the neighborhood business and beachside multi-family building. Being that the neighborhood business and beachside multi-family building is proposed to be removed with this Second Amendment to the MDA, Exhibit C is hereby removed from the MDA.

13. This Second Amendment shall be effective as of the date it is executed by all parties.

14. This Second Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense.

15. The MDA and MDA-1 shall remain in full force and effect except with respect to those matters specifically amended by this Second Amendment.

IN WITNESS WHEREOF, the parties have executed this Second Amendment, by and through their duly authorized representatives, on the respective dates below.

WITNESS

_____
Witness 1

_____
Print Name of Witness 1

_____
Witness 2

_____
Print Name of Witness 2

THE CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida Municipal Corporation

By:_____
Russ Owen, Mayor

Date:_____

By:_____
Kelly McQuillen, City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instruments acknowledged before me this ____ day of _____, 2021 by Russ Owen and Kelly McQuillen, Mayor and Active City Clerk, respectively, of the City of New Smyrna Beach, Florida, a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

_____
Notary Public

HOG EYE CAMP ROAD, LLC, a Florida Limited Liability Company

_____
Witness 1

By:_____
Stewart B. Mitchell, Managing Member

_____
Print Name of Witness 1

Date:_____

_____
Witness 2

_____
Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instruments acknowledged before me this ____ day of _____, 2021 by Stewart B. Mitchell, Managing Member of Hog Eye Camp Road, LLC, a Florida Limited Liability Company, on behalf of the company. He is personally known to me or has produced _____ as identification and did not take an oath.

_____
Notary Public

SECOND AMENDMENT TO THE MDA FOR

HOG EYE CAMP ROAD SQUARE

EXHIBIT D

BOUNDARY SURVEY & LEGAL DESCRIPTION OF SUBJECT PROPERTY

POINT OF COMMENCEMENT
SOUTHEAST CORNER OF BLOCK "28"
J. Y. DETWILER'S SUBDIVISION
MAP BOOK 7 PAGE 85

S00°40'54"E 746.18'

POINT OF BEGINNING

NOW OR FORMERLY
REAL SUB LLC
"INDIAN RIVER VILLAGE PUBLIX"
DEED BOOK 7303 PAGE 1692

OCCUPIED

S89°19'06"W 753.27' TOTAL
721.49'

FND 5/8" IR NO ID

R/W (DEED BOOK 303 PAGE 1692)

AT&T VAULT

FP&L TRANSFORMER

CATCH BASIN

SDMH

MES

CATCH BASIN

MES

ASPHALT PAVEMENT

ASPHALT PAVEMENT

ASPHALT PAVEMENT

2' CONCRETE CURB S=2.3'

2' CONCRETE CURB S=1.4'

31.78'

FND 5/8" IR NO ID

19

18
CALLALISA CREEK VISTAS
PHASE 2B
MAP BOOK 58 PAGE 68-69

VACANT WOODED

CONCRETE WALK

S36°13'11"E 93.25'

ASPHALT SIDEWALK

S35°07'53"E 225.07' (WITNESS LINE)

C4

17

16

25.00'

FND 5/8" IR NO ID

C3

S33°11'57"E 83.85' (WITNESS LINE)

FND 5/8" IR NO ID

15

C.R. 4133 (SAXON DRIVE)
PRESCRIPTIVE RIGHT-OF-WAY(SEE NOTE #12)

C2

S27°55'35"E 229.12' (WITNESS LINE)

14

VACANT WOODED

CALLALISA CREEK VISTAS
PHASE 2A
MAP BOOK 58 PAGE 60-61

13

12

ASPHALT SIDEWALK

ASPHALT PAVEMENT

FND 5/8" IR NO ID

C1

S25°33'27"E 148.42' (WITNESS LINE)

11

OCCUPIED

10

VACANT WOODED

L1

S25°26'37"E 27.32'

SET 5/8" IRC LB 7991

6' CONCRETE WALL S=0.9'

N25°26'37"W 175.80'

9

8

6' CONCRETE WALL

295.42'

S62°57'32"W 454.73' TOTAL

6' CONCRETE WALL S=0.9'
6' VINYL FENCE S=0.5'

FND 5/8" IRC LB 7037

6' VINYL FENCE ALONG LINE

131.99'

FND 4X4 CM LB 7883

29

28

OCCUPIED

CALLALISA CREEK VISTAS
PHASE 2C
MAP BOOK 58 PAGE 187

225.00'

27

26

75.00'

FND 5/8" IRC LB 7037

S62°57'32"W 400.95'

7TH AVENUE
50' RIGHT-OF-WAY

100.95'

30

VACANT WOODED

18

17

16

15

14

13

12

11

10

UTILITY ALLEY PER MAP BOOK 11 PAGE 260

FND 3/4" IP NO ID

S00°40'54"E 405.51'

FND 5/8" IR NO ID

SMYRNA DUNES
SUBDIVISION
MAP BOOK 11 PAGE 260

OCCUPIED

FND 3/4" IP NO ID

N00°40'54"W 533.85'

16

17

18

FND 4X4 CM LB 7883

R/W

SOUTHARD AVENUE
50' RIGHT-OF-WAY

6.929 ACRES ±
AS SURVEYED

NORTH
0' 20' 40' 80'
SCALE 1"= 40'

ABBREVIATIONS

IRC	IRON ROD & CAP
IR	IRON ROD (NO CAP)
IP	IRON PIPE (NO CAP)
CM	CONCRETE MONUMENT
FND	FOUND
ID	IDENTIFICATION
MES	MITERED END SECTION
RCP	REINFORCED CONCRETE PIPE
FP&L	FLORIDA POWER & LIGHT COMPANY
TOB	TOP OF BANK
TOE	TOE OF SLOPE
WV	WATER VALVE
℄	CENTERLINE
R/W	RIGHT OF WAY

LEGEND

●	IRON ROD WITH CAP
○	IRON ROD
⊙	IRON PIPE
■	CONCRETE MONUMENT
WUP	WOODEN UTILITY POLE
GA	GUY ANCHOR
SDMH	STORM DRAIN MANHOLE
FH	FIRE HYDRANT
WV	WATER VALVE
BFP	BACKFLOW PREVENTER
	EXISTING CONCRETE
0.00	EXISTING ELEVATION

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	10958.68'	147.64'	147.64'	S26°03'49"E	0°46'19"
C2	3629.37'	155.37'	155.36'	S27°50'31"E	2°27'10"
C3	3338.05'	191.92'	191.89'	S33°18'14"E	3°17'39"
C4	593.15'	51.72'	51.70'	S34°09'32"E	4°59'45"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S25°26'37"E	60.76'

LEGAL DESCRIPTION:

A portion of U. S. Lot 5, Section 16, Township 17 South, Range 34 East, Volusia County Florida, being described as follows:

Commence at the Southeast corner of Block "28", J. Y. Detwiler's Subdivision, according to the map or plat thereof, recorded in Map Book 7, Page 85 of the Public Records of Volusia County, Florida; thence South 00° 40' 54" East along the East line of said U. S. Lot 5, a distance of 746.18 feet for the Point of Beginning; thence continue South 00° 40' 54" East, along said East line of U. S. Lot 5, a distance of 533.85 feet; thence South 62° 57' 32" West, a distance of 400.95 feet to the Easterly edge of pavement of Saxon Drive a prescriptive right of way; thence North 25° 26' 37" West, along said Easterly edge of pavement, a distance of 175.80 feet; thence 147.64 feet along said Easterly edge of pavement and along the arc of a curve to the left, said curve being non-tangent with the last described line and having a radius of 10,958.68 feet, a central angle of 0° 46' 19" and a chord of 147.64 feet which bears North 26° 03' 49" West; thence continue along said Easterly edge of pavement 155.36 feet along the arc of a curve to the left, said curve being non-tangent with the last described curve and having a radius of 3629.37 feet, a central angle of 2° 27' 10" and a chord of 155.33 feet which bears North 27° 50' 31" West; thence continue along said Easterly edge of pavement 191.91 feet along the arc of a curve to the left said curve being non-tangent with the last described curve and having a radius of 3338.05 feet, a central angle of 3° 17' 39" and a chord of 191.39 feet which bears North 33° 18' 14" West; thence continue along said Easterly edge of pavement 51.72 feet along the arc of a curve to the right said curve being non-tangent with the last described curve and having a radius of 593.15 feet, a central angle of 4° 59' 45" and a chord of 51.70 feet which bears North 34° 09' 32" West; thence North 36° 13' 11" West, along said Easterly edge of pavement and along a line non-tangent to the last described curve, a distance of 93.25 feet; thence North 89° 19' 06" East, a distance of 753.27 feet to the Point of Beginning.

LESS AND EXCEPT

Lots 26, 27, 28 and 29, CALLALISA CREEK VISTAS PHASE 2C, as per plat thereof recorded in Map Book 56, Page 187, Public Records of Volusia County, Florida.

LESS AND EXCEPT

Lot 30, CALLALISA CREEK VISTAS PHASE 2C, as per plat thereof recorded in Map Book 56, Page 187, Public Records of Volusia County, Florida.

THE ABOVE DESCRIBED PARCEL CONTAINS 6.929 ACRES, MORE OR LESS.

TITLE COMMITMENT REVIEW:

A TITLE COMMITMENT BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 2037-4963911, HAVING A COMMITMENT DATE OF SEPTEMBER 23, 2020 HAS BEEN REVIEWED BY THE UNDERSIGNED. ITEMIZED COMMENTS ARE AS FOLLOWS:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment. – NOT A MATTER OF SURVEY, NOTHING TO SHOW GRAPHICALLY HEREON.

2. Any rights, interests, or claims of parties in possession of the land not shown by the public records. – NOT A MATTER OF SURVEY, NOTHING TO SHOW GRAPHICALLY HEREON.

3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land. – NONE DISCOVERED DURING THE PERFORMANCE OF THIS SURVEY OTHER THAN THOSE SHOWN HEREON.

4. Any lien, for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records. – NOT A MATTER OF SURVEY, NOTHING TO SHOW GRAPHICALLY HEREON.

5. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously under water. – NONE DISCOVERED DURING THE PERFORMANCE OF THIS SURVEY, NOTHING TO SHOW GRAPHICALLY HEREON.

6. Taxes or special assessments not shown as liens in the public records or in the records of the local tax collecting authority, at Date of Policy. – NOT A MATTER OF SURVEY, NOTHING TO SHOW GRAPHICALLY HEREON.

7. Any minerals or mineral rights leased, granted or retained by current or prior owners. – NOT A MATTER OF SURVEY, NOTHING TO SHOW GRAPHICALLY HEREON.

8. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable. – NOT A MATTER OF SURVEY, NOTHING TO SHOW GRAPHICALLY HEREON.

9. Terms and conditions for Master Development Agreement for Hog Eye Camp Road Square by and between the City of New Smyrna Beach, Florida and Hog Eye Camp Road, LLC, a Florida limited liability company recorded July 25, 2011 in Book 6614, Page 3477 as affected by First Amendment to the Master Development Agreement (MDA) for Hog Eye Camp Road Square recorded April 2, 2014 in Book 6974, Page 3879. – REFERS TO FUTURE DEVELOPMENT; NOT A MATTER OF SURVEY, NOTHING TO SHOW GRAPHICALLY HEREON.

SURVEYOR'S NOTES:

1. THE LEGAL DESCRIPTION AS SHOWN HEREON WAS TAKEN VERBATIM FROM THE REFERENCED TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY; FILE NUMBER 2037-4963911 AND DATED SEPTEMBER 23, 2020.

2. BEARINGS BASED ON EASTERLY LINE OF SUBJECT PROPERTY HAVING BEARING OF S00°40'54"E. (PER DEED AND FIELD MEASUREMENTS)

3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD 83), FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.

4. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) AS REFERENCED TO A LOCAL BENCHMARK PUBLISHED BY NATIONAL GEODETIC SURVEY.

5. THIS PROPERTY IS LOCATED IN FLOOD INSURANCE RATE MAP (F.I.R.M.) ZONE "X", MAP NUMBER 12127C0544J, EFFECTIVE DATE 09/29/2017.

6. UNDERGROUND FOUNDATIONS AND UTILITIES (IF ANY) NOT SHOWN HEREON.

7. FIELD WORK FOR THIS SURVEY WAS PERFORMED ON 11/02/2020.

8. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR/MAPPER.

9. SYMBOLS SHOWN HEREON SUCH AS VALVES AND UTILITY POLES ARE NOT TO SCALE.

10. THE PURPOSE OF THIS SURVEY WAS TO LOCATE ON-SITE MAJOR IMPROVEMENTS RELATIVE TO THE OCCUPIED BOUNDARY.

11. SURVEY ACCURACIES HEREON MEET MINIMUM STANDARD OF PRACTICE URBAN REQUIREMENTS (1:10,000) PER FLORIDA ADMINISTRATIVE CODE.

12. THE RIGHT-OF-WAY OF SAXON DRIVE AS SHOWN HEREON APPEARS TO BE A PRESCRIPTIVE RIGHT-OF-WAY WITH VARIABLE WIDTH AS DESCRIBED IN MAP BOOK 58, PAGES 60-61 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

CERTIFIED TO:
EPOCH RESIDENTIAL
FIRST AMERICAN TITLE INSURANCE COMPANY

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050 THRU 17.053, FLORIDA ADMINISTRATIVE CODE.

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105

KUHAR SURVEYING & MAPPING, LLC
1501 RIDGEWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
Phone: 386-672-0002 WWW.KUHARSURVEYING.COM
LB 7991 LS (PSM) 6105

© 2020 KUHAR SURVEYING & MAPPING, LLC

REVISIONS

NO	DATE	DESCRIPTION

BOUNDARY SURVEY

PARCEL ID: 7416000000310 SAXON DRIVE, NEW SMYRNA BEACH, FLORIDA 32169

PREPARED FOR: EPOCH RESIDENTIAL

PROJECT NO.
K20151

DRAWING REFERENCE NO.
K20151 WORKSHEET(BNDY).DWG

REVISION NO./DATE

ORIGINAL ISSUE DATE
11/02/2020

SHEET 1 OF 1

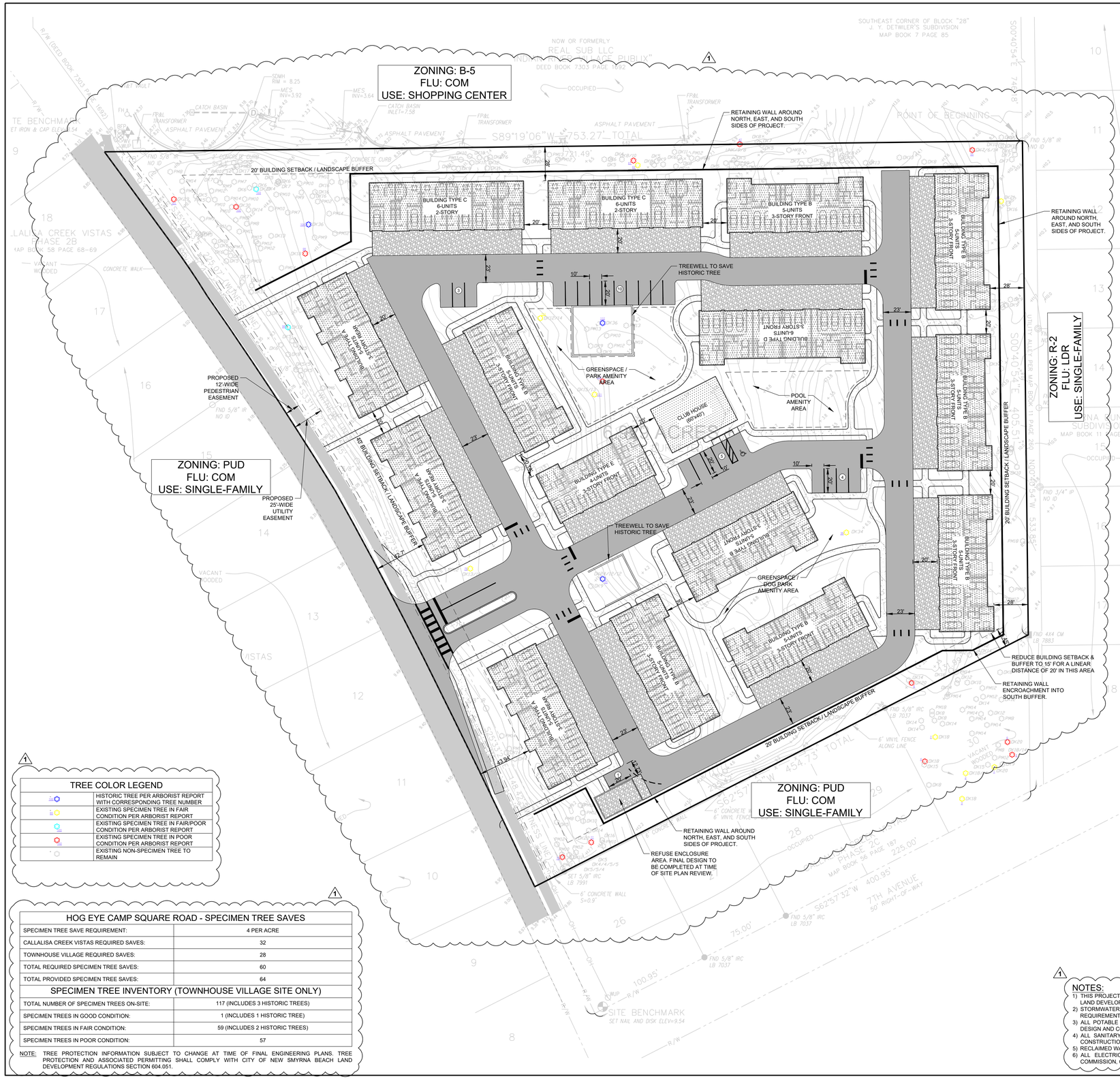
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SECOND AMENDMENT TO THE MDA FOR

HOG EYE CAMP ROAD SQUARE

EXHIBIT E

CONCEPTUAL DEVELOPMENT PLAN (CDP-2)



LEGEND

- ASPHALT PAVING
- CONCRETE SIDEWALK PAVING
- CONCRETE DRIVEWAY PAVING
- PROPOSED BUILDING
- PROPERTY LINE
- (#) PARKING COUNT

NAD 83 FL EAST

1"=40'

40' 20' 0 40' 80'

SCALE IN FEET

SITE DATA

PARCEL ID #:	741600000310
ALTKEY #:	3794290
SITE LOCATION:	NEC OF SAXON DRIVE & E. 7TH AVE INTERSECTION, NEW SMYRNA BEACH, FL 32169
OWNER:	HOG EYE CAMP ROAD, LLC
DEVELOPER:	EPOCH PROPERTIES, INC. d/b/a EPOCH RESIDENTIAL
MUNICIPALITY:	CITY OF NEW SMYRNA BEACH
PROPOSED USE:	TOWNHOMES
PROPOSED NUMBER OF RESIDENTIAL UNITS:	77

PLANNING / ZONING DATA

CURRENT ZONING:	PUD (HOG EYE CAMP ROAD SQUARE)
PROPOSED ZONING:	PUD
ADJACENT ZONING:	N: B-5, E: R-2; S: PUD; W: PUD
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PROPOSED FUTURE LAND USE:	HDR (HIGH DENSITY RESIDENTIAL)
ADJACENT FUTURE LAND USE:	N: COM, E: LDR, S: COM, W: COM
REQUIRED PERIMETER BUILDING SETBACKS[1]:	N: 20'; E: 20'; S: 20'/15'; W: 40'
PROPOSED PERIMETER BUILDING SETBACKS[1]:	N: 28'; E: 28'; S: 15.45'; W: 42.7'
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AREA CALCULATIONS

OVERALL SITE AREA:	301,842 SF	6.93 AC
EXISTING IMPERVIOUS (NON-BLDG):	5,364 SF	0.12 AC
EXISTING BUILDING (ENVELOPE):	0 SF	0.00 AC
EXISTING PERVIOUS:	296,478 SF	6.81 AC
PROPOSED IMPERVIOUS (NON-BLDG):	109,737 SF	2.52 AC
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PROPOSED PERVIOUS:	119,161 SF	2.73 AC
MAXIMUM PERMITTED IMPERVIOUS AREA:	65%	
PROPOSED IMPERVIOUS:	60.5% (4.2 AC)	
MAXIMUM BUILDING COVERAGE:	30%	
PROPOSED BUILDING COVERAGE:	24.2%	
REQUIRED OPEN SPACE:	30% (90,553 SF)	
PROPOSED OPEN SPACE:	47.9% (144,643 SF)	
REQUIRED COMMON OPEN SPACE:	31,693 SF (35% OF REQUIRED OPEN SPACE)	
PROPOSED COMMON OPEN SPACE:	51,826 SF (57.2% OF REQUIRED OPEN SPACE)	
MIN. INTERIOR LANDSCAPE REQUIREMENT:	10% (OF VEHICLE USE AREA)	
VEHICLE USE AREA (DRIVE AISLES AND PARKING):	86,654 SF	
MIN. INTERIOR LANDSCAPE AREA:	8,665 SF	
PROPOSED INTERIOR LANDSCAPE AREA:	14,065 SF (16.2% OF VUA)	
MAXIMUM PERMITTED DENSITY:	12 DU/AC	
PROPOSED DENSITY:	11.1 DU/AC (77 UNITS / 6.93 ACRES)	
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PROPOSED MAX. BUILDING HEIGHT:	45 FT PLUS 12 FT FOR ARCHITECTURAL FEATURE	
MINIMUM BUILDING SEPARATION:	20'	

FEMA FLOOD DATA

FLOOD ZONE:	X
FIRM MAP #:	12127C 0544 J
EFFECTIVE DATE:	9/29/2017

FOOTNOTES:
1. THE PERIMETER BUILDING SETBACK AND LANDSCAPE BUFFER MAY BE REDUCED TO 15' FOR A LINEAR DISTANCE OF 20' ALONG THE SOUTHERN PROPERTY LINE TO ALLOW FOR THE SOUTHEASTERN BUILDING CORNER TO PROJECT INTO THE SETBACK AREA.

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VISITOR PARKING SPACES:	22 PARKS

TREE COLOR LEGEND

	HISTORIC TREE PER ARBORIST REPORT WITH CORRESPONDING TREE NUMBER
	EXISTING SPECIMEN TREE IN FAIR CONDITION PER ARBORIST REPORT
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HOG EYE CAMP SQUARE ROAD - SPECIMEN TREE SAVES

SPECIMEN TREE SAVE REQUIREMENT:	4 PER ACRE
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TOTAL REQUIRED SPECIMEN TREE SAVES:	60
TOTAL PROVIDED SPECIMEN TREE SAVES:	64
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NOTE: TREE PROTECTION INFORMATION SUBJECT TO CHANGE AT TIME OF FINAL ENGINEERING PLANS. TREE PROTECTION AND ASSOCIATED PERMITTING SHALL COMPLY WITH CITY OF NEW SMYRNA BEACH LAND DEVELOPMENT REGULATIONS SECTION 604.051.

NOTES:
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ENGINEER:
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Suite 210
Tampa, FL 33610
D/B/A Foresite Consulting Group of Florida, LLC
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f | 813.621.3580
w | www.foresitegroup.net

DEVELOPER:
EPOCH RESIDENTIAL
EPOCH RESIDENTIAL
359 CAROLINE AVE.
WINTER PARK, FL 32789
(321) 316-6015
CONTACT: CHRIS HUGHES

PROJECT:
HOG EYE CAMP ROAD SQUARE
MULTI-FAMILY DEVELOPMENT
NEC OF SAXON DRIVE & 7TH AVENUE
CITY OF NEW SMYRNA BEACH, VOLUSIA COUNTY, FL
SECTION 16, TOWNSHIP 17S, RANGE 34E
PARCELS # 741600000310
ALT KEY # 3794290

SEAL:

REVISIONS	DATE
1 CITY OF NSB PUD/MDA COMMENTS	2021-11-10

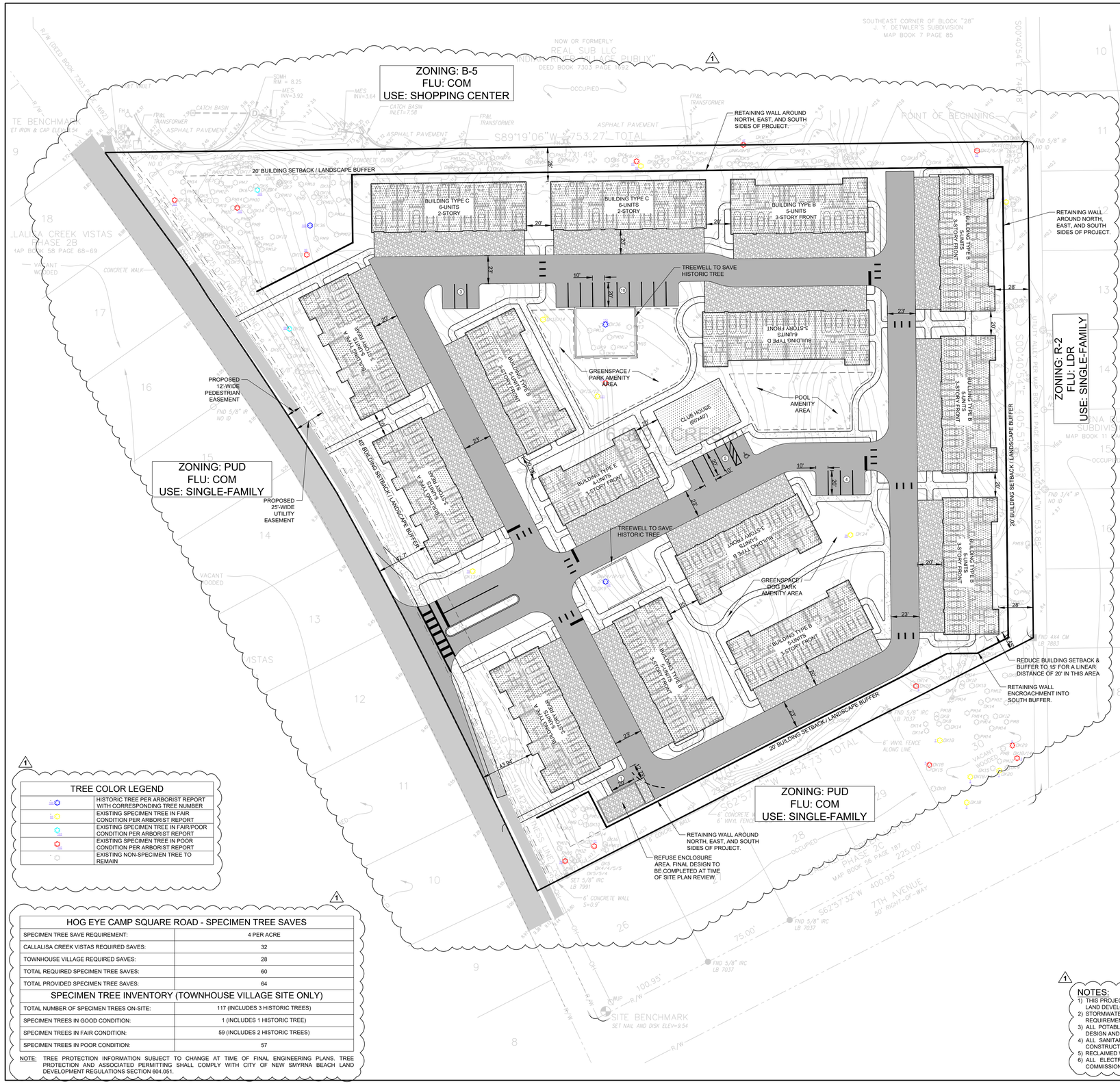
PROJECT MANAGER: RAR
DRAWING BY: RAR
JURISDICTION: CITY OF NEW SMYRNA BEACH, FL
DATE: JULY 12, 2021
TITLE:

DEVELOPMENT PLAN

SHEET NUMBER: EX-E

COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 00.1603.002



LEGEND

- ASPHALT PAVING
- CONCRETE SIDEWALK PAVING
- CONCRETE DRIVEWAY PAVING
- PROPOSED BUILDING
- PROPERTY LINE
- (#) PARKING COUNT

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SEAL:

REVISIONS	DATE
1 CITY OF NSB PUD/MDA COMMENTS	2021-11-10

PROJECT MANAGER: RAR
DRAWING BY: RAR
JURISDICTION: CITY OF NEW SMYRNA BEACH, FL
DATE: JULY 12, 2021
TITLE:

DEVELOPMENT PLAN

SHEET NUMBER: EX-E

COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 00.1603.002

THE CITY OF NEW SMYRNA BEACH - PLANNING & ZONING

ZT-11-21: ARTS OVERLAY DISTRICT

December 6, 2021

Background:

Applicant: City of New Smyrna Beach, 210 Sams Avenue New Smyrna Beach, Florida 32168

Request: Review of the Arts Overlay District regulations.

Conduct a review of the current regulation as it pertains to the Arts Overlay Parking Exemption.

Findings:

Exhibits used in this report:

Exhibit A: Consultant Proposed Changes
Exhibit B: Staff Proposed Changes
Exhibit C: Existing Arts Overlay District Map

The Economic Development Plan drafted by the Staff and community stakeholders in 2010, recommended the creation of an Art Overlay District that encompasses Canal Street. Staff worked with residents and various boards to obtain a consensus of where an arts district should be located and what, if any, regulations should apply to businesses and home occupations within the district.

Between February 2010 and March 2012, additional review was done by the Planning and Zoning Board, Historic New Smyrna Beach Preservation Commission, the Chamber of Commerce, New Smyrna Beach Board of Realtors, Canal Street Merchants, Volusia County Association of Responsible Development (VCARD), and public input from the City's website.

The Current Arts Overlay District is a geographical Overlay. This type of Overlay not only exists on paper but is applied to properties within a certain area. This district was created to stimulate the Canal Street Commercial district and on properties that were primarily zoned Mixed Use but some B-3 and R-5 properties were also included.

Now that the Canal Street Commercial District is thriving, and some may say it is at the brink of a parking shortage, Staff with help of our parking consultant VHB, have proposed

a revision to the current Arts Overlay District regulations as it pertains to parking.

Staff believes that the original parking waiver was created to simulate small businesses that required a small amount of parking on Canal Street. But currently it would seem that larger businesses, that would create a large volume of parking, are moving to Canal Street and if too many of these types of businesses are allowed to have a parking waiver, the City may create a parking issue that is currently on Flagler Avenue.

The parking consultant suggested only businesses that would create a parking demand of 10 parking spaces or less should be able to get a parking waiver since the City has on-street parking and some public parking lots around Canal Street. The consultant's proposed changes are attached as **Exhibit A**. Staff agreed with the parking consultant but created an alternative proposed changed to the Arts Overlay District. Staff's proposed change is attached as **Exhibit B**.

Staff is recommending the Planning and Zoning Board to give a positive recommendation of **approval** to the City Commission for the proposed amendment to the Arts Overlay District as it pertains to the parking waiver.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Planner II

Attachments:

Exhibit A Consultant Proposed Arts Overlay DistrictV2.pdf
Exhibit B Staff Proposed Arts Overlay DistrictV3.pdf
Exhibit C Current Arts Overlay District Map.pdf

504.02 Specific Regulations by District

ARTS OVERLAY DISTRICT

Purpose and Intent:

The purpose of the Arts Overlay District is to encourage a desired mix of appropriate business uses oriented toward or supporting the visual, performing, cultural, literary, decorative, and culinary arts theme. While any business listed in the underlying zoning district is permitted, only those business uses related and contributing directly to the arts theme shall be eligible for the incentives detailed below. Determination of whether a proposed business is eligible shall be determined by the Administrative Official or designee.

Eligible businesses:

Bakeries – that require 10 parking spaces or less
Brewery's – with 30 seats or less
Cafes – with 30 seats or less
Coffee shops – with 30 seats or less
Distiller's – with 30 seats or less
Galleries that require 10 parking spaces or less
Retail sales and services associated with the visual, performing, cultural, literary, decorative, or culinary arts – that require 10 parking spaces or less
Restaurants – with 30 seats or less
Theatres that require 10 parking spaces or less

Incentives (Commercially zoned properties):

Eligible businesses located on a parcel that is commercially zoned shall be permitted the following incentives:

Parking waiver. On-site parking requirements shall be waived for all eligible businesses where existing on-street public parking or a public parking lot exists within 200 feet of the eligible business. Any non-eligible business will be required to meet Land Development Regulation Section 604.09, Off-Street Parking, Loading, and Driveways.

Storage. Outdoor storage is generally prohibited; however, temporary display and limited activities pertinent to the business that contribute to the character of the Arts Overlay District shall be permitted. Such displays shall be directly in front of the business and shall be removed daily at the close of business. All displays shall be placed to maintain a minimum 36-inch clearance, as required by the Americans with Disabilities Act.

Special events. Special events may include, but are not limited to Images Art Show, Art Fiesta, and monthly gallery walks. Additional special events may be permitted by the

City Commission within a specifically defined area of the Arts Overlay District. All proposed special events shall be reviewed by the Special Events Committee and approved by the City Commission if public property will be utilized for the event.

Sales of alcoholic beverages for consumption on premises. Eligible businesses shall be exempt from the distance requirements of the City's Code of Ordinances and Land Development Regulations.

Incentives (Residentially zoned properties):

Eligible businesses located on a parcel that is residentially zoned may be permitted the following incentives as part of a special exception use that is reviewed by the Planning and Zoning Board and approved by the City Commission:

Parking waiver. On-site parking requirements may be waived for all eligible businesses~~s~~ where existing on-street public parking or a public parking lot exists within 200 feet of the eligible business. .

Storage. Outdoor storage is generally prohibited; however, temporary display and limited activities pertinent to the business that contribute to the character of the Arts Overlay District shall be permitted. Such displays shall be directly in front of the business and shall be removed daily at the close of business. All displays shall be placed to maintain a minimum 36-inch clearance, as required by the Americans with Disabilities Act.

Special events. Special events may include, but are not limited to images art show, art fiesta, and monthly gallery walks. Additional special events may be permitted by the city commission within a specifically defined area of the arts overlay district. All proposed special events shall be reviewed by the special events committee and approved by the city commission if public property will be utilized for the event.

Sales of alcoholic beverages for consumption on premises. Eligible businesses may be exempt from the distance requirements of the city's Code of Ordinances and Land Development Regulations.

All special exception uses must meet the special exception criteria outlined in section 305.04 of this LDR. In addition, all special exception uses shall meet the following criteria in order to protect the residential character of the surrounding area:

The business location must also be the primary residence of the business owner.

One non-illuminated sign shall be permitted. The maximum allowed sign area shall not exceed ten square feet of copy area.

504.02 Specific Regulations by District

ARTS OVERLAY DISTRICT

Purpose and Intent:

The purpose of the Arts Overlay District is to encourage a desired mix of appropriate business uses oriented toward or supporting the visual, performing, cultural, literary, decorative, and culinary arts theme. While any business listed in the underlying zoning district is permitted, only those business uses related and contributing directly to the arts theme shall be eligible for the incentives detailed below. Determination of whether a proposed business is eligible shall be determined by the Administrative Official or designee.

Eligible businesses:

Art Galleries
Bakeries
Breweries
Cafes
Coffee shops
Distillers
~~Galleries~~
Museums
Retail sales and services associated with the visual, performing, cultural, literary, decorative, or culinary arts
Restaurants
Theatres

Incentives (Commercially zoned properties):

Eligible businesses located on a parcel that is commercially zoned shall be permitted the following incentives:

Parking waiver. On-site parking requirements shall be waived for all eligible businesses that would require 10 parking spaces or less, before any special parking district exemption discount, where existing on-street public parking or a public parking lot exists within 1,000 feet of the eligible business. Any non-eligible business will be required to meet Land Development Regulation Section 604.09, Off-Street Parking, Loading, and Driveways.

Storage. Outdoor storage is generally prohibited; however, temporary display and limited activities pertinent to the business that contribute to the character of the Arts Overlay District shall be permitted. Such displays shall be directly in front of the business and shall be removed daily at the close of business. All displays shall be placed to maintain a minimum 36-inch clearance, as required by the Americans with Disabilities Act.

Special events. Special events may include, but are not limited to Images Art Show, Art Fiesta, and monthly gallery walks. Additional special events may be permitted by the City Commission within a specifically defined area of the Arts Overlay District. All proposed special events shall be reviewed by the Special Events Committee and approved by the City Commission if public property will be utilized for the event.

Sales of alcoholic beverages for consumption on premises. Eligible businesses shall be exempt from the distance requirements of the City's Code of Ordinances and Land Development Regulations.

Incentives (Residentially zoned properties):

Eligible businesses located on a parcel that is residentially zoned may be permitted the following incentives as part of a special exception use that is reviewed by the Planning and Zoning Board and approved by the City Commission:

Parking waiver. On-site parking requirements may be waived for all eligible businesses~~s~~ that would require 10 non-discounted parking spaces or less, where existing on-street public parking or a public parking lot exists within 200 feet of the eligible business. Any non-eligible business will be required to meet Land Development Regulation Section 604.09, Off-Street Parking, Loading, and Driveways.

Storage. Outdoor storage is generally prohibited; however, temporary display and limited activities pertinent to the business that contribute to the character of the Arts Overlay District shall be permitted. Such displays shall be directly in front of the business and shall be removed daily at the close of business. All displays shall be placed to maintain a minimum 36-inch clearance, as required by the Americans with Disabilities Act.

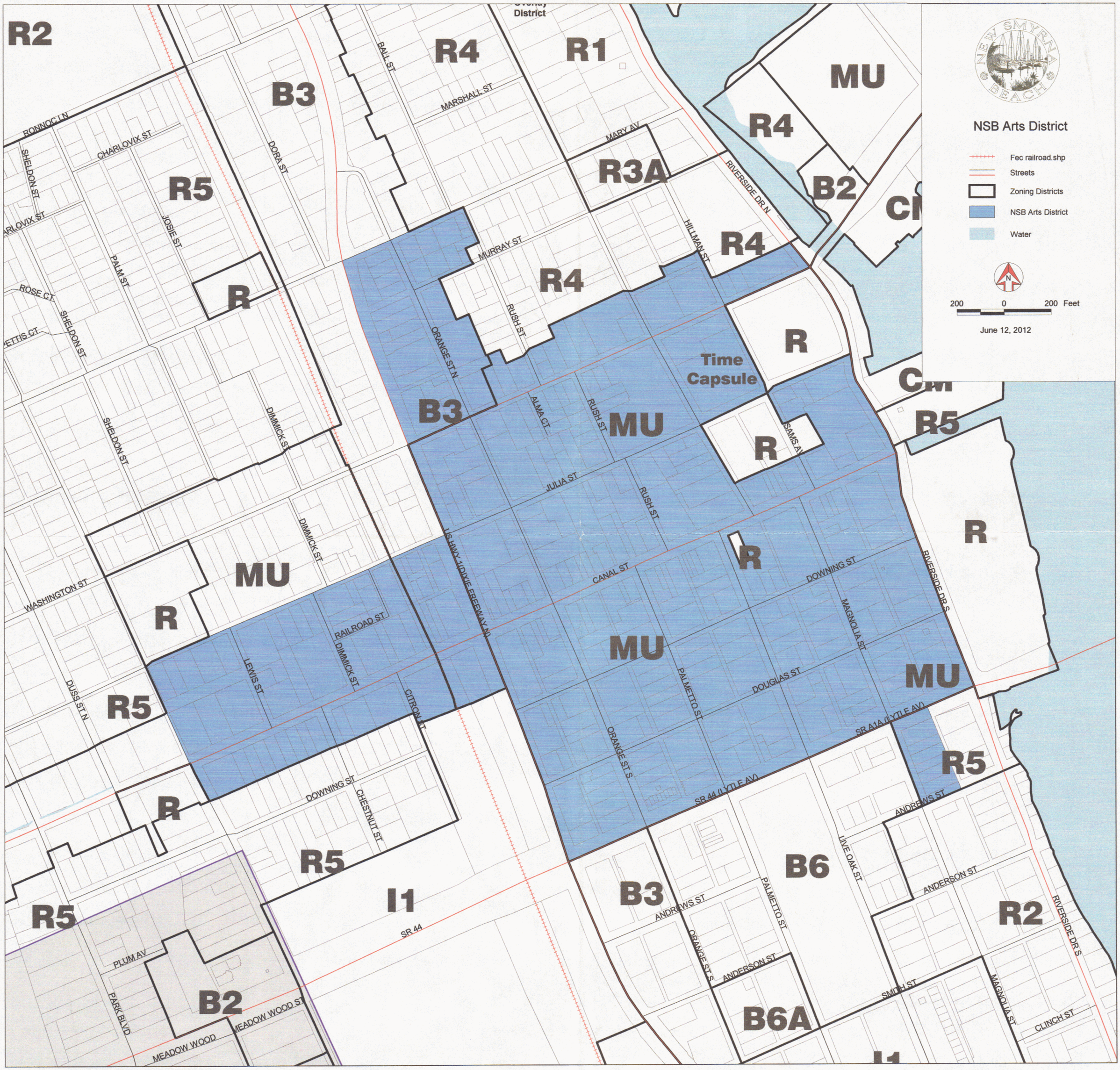
Special events. Special events may include, but are not limited to images art show, art fiesta, and monthly gallery walks. Additional special events may be permitted by the city commission within a specifically defined area of the arts overlay district. All proposed special events shall be reviewed by the special events committee and approved by the city commission if public property will be utilized for the event.

Sales of alcoholic beverages for consumption on premises. Eligible businesses may be exempt from the distance requirements of the city's Code of Ordinances and Land Development Regulations.

All special exception uses must meet the special exception criteria outlined in section 305.04 of this LDR. In addition, all special exception uses shall meet the following criteria in order to protect the residential character of the surrounding area:

The business location must also be the primary residence of the business owner.

One non-illuminated sign shall be permitted. The maximum allowed sign area shall not exceed ten square feet of copy area.


NSB Arts District
Fec railroad.shp
Streets
Zoning Districts
NSB Arts District
Water
200 0 200 Feet
June 12, 2012
Time Capsule
R2
R5
R
B3
R4
R1
MU
R3A
B2
I1
B6
B6A
RONNOC LN
CHARLOVIX ST
SHELDON ST
PALM ST
JOSIE ST
DORA ST
BALL ST
MARSHALL ST
MARY AV
RIVERSIDE DR N
HILLMAN ST
MURRAY ST
RUSH ST
ORANGE ST N
ROSE CT
PETTIS CT
DIMMICK ST
ALMA CT
JULIA ST
SAMS AV
CANAL ST
DOWNING ST
MAGNOLIA ST
RIVERSIDE DR S
WASHINGTON ST
RAILROAD ST
LEWIS ST
CITRON ST
DUSS ST N
CHESTNUT ST
ORANGE ST S
PALMETTO ST
DOUGLAS ST
SR 44 (LYTLE AV)
SR A1A (LYTLE AV)
ANDREWS ST
LIVE OAK ST
ANDERSON ST
SMITH ST
CLINCH ST
PLUM AV
PARK BLVD
MEADOW WOOD ST
MEADOW WOOD
SR 44
US HWY 1 (DIXIE FREEWAY N)

THE CITY OF NEW SMYRNA BEACH - PLANNING & ZONING

APPROVAL OF THE PLANNING AND ZONING 2022 REGULAR MEETING SCHEDULE

December 6, 2021

Background:

Staff recommends the Planning and Zoning Board approve the 2022 regular meeting schedule as submitted.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

Attachments:

P&Z 2022 REG MEETING DATES.pdf

City of New Smyrna Beach
Planning and Zoning
2022 Regular Meeting Schedule

MEETING DATES

The Planning and Zoning Board meets on the 1st Monday of each month at 6:30 p.m., unless otherwise indicated.

MEETING LOCATION

Unless otherwise advertised, the Planning and Zoning Board will meet at the City Commission Chambers, located at 214 Sams Avenue.

JANUARY 10, 2022
FEBRUARY 7, 2022
MARCH 7, 2022
APRIL 4, 2022
MAY 2, 2022
JUNE 6, 2022
JULY 11, 2022
AUGUST 1, 2022
SEPTEMBER 12, 2022
OCTOBER 3, 2022
NOVEMBER 7, 2022
DECEMBER 5, 2022

THE CITY OF NEW SMYRNA BEACH - PLANNING & ZONING

DECEMBER 2021 DEVELOPMENT ACTIVITY REPORT

December 6, 2021

Background:
December 2021 Activity Report

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Planner II

Attachments:

December Development Activity Report with Maps.pdf

December 2021 Development Activity Report

Map ID#	Project Name	Project Number	Location	Description	Current Status	Next Step	Final Approval Step
1	Hidden Lakes Village	PUD-4-18	Turnbull Bay Road/Whispering Pines Drive	New PUD	City Commission Approved PUD 1-26-2021	Applicant to Submit Development Plans for Staff Review	City Commission
2	AdventHealth	PUD-2-20	NE Corner of SR 44 & I-95	New Medical Center	Staff Comments Issued	City Commission TBD	PUD: City Commission Site Plan: P&Z Board
3	Overlook at Turnbull Bay	PUD-1-21	North end of Turnbull Cove Drive	25 Single Family Lots	Submitted for Staff Review	Staff Issued Comments	City Commission
4	Hog Eye Camp Road Square - MDA 2nd Amendment	PUD-2-21	Saxon Drive at 7th Ave	77 Townhomes	Staff Comments Issued	P&Z - 12-6-21	City Commission
5	Village Square MDA Amendment	PUD-3-21	2360 SR 44	Retail / Office / Restaurant	Submitted for Staff Review	Staff Issued Comments	City Commission
6	Reserve at Lake Waterford	S-1-18	Eslinger Road	45 Lot Residential Subdivision	Submitted for Staff Review	Staff to Issue Comments	City Commission
7	Rolling Hills	S-10-18	Sugar Mill Drive	194 Lot Subdivision	Staff Comments Issued	Staff to Issue Comments	City Commission
8	Shell Pointe Final Plat Phase 1	S-2-20	3350 Pioneer Trail	312 Lot Single Family Subdivision	Phase 1 Staff Comments Issued	Applicant to Resubmit	City Commission
9	Florida Days Phases 4 & 5	S-1-21	Cattail Circle	37 Lot Single Family Subdivision	Staff Comments Issued	Staff to Issue Comments	City Commission
10	The Palms Phase 6	S-5-21	Ventian Bay	209 Single Family Lots	Submitted for Staff Review	P&Z - Date TBD	City Commission
11	Gold Rock RV Park	SP-19-18	Old Mission Road	Add New Camping Spaces	Staff Comments Issued	Staff to Issue Comments	City Staff
12	Douglas Street Townhomes	SP-22-18	118 Douglas Street	Three Unit Townhome	Resubmitted for Staff Review	Applicant to Resubmit	City Staff
13	Hyatt Place Hotel	SP-30-18	3rd Avenue	114 Room Hotel	Resubmitted for Staff Review	Applicant to Resubmit	P&Z Board
14	All Aboard Storage - SR 44 at Glencoe	SP-10-19	SE corner of SR 44 and Glencoe	Self Storage Facility	Staff Review Complete	Approved	P&Z Board Approved 11-1-2021

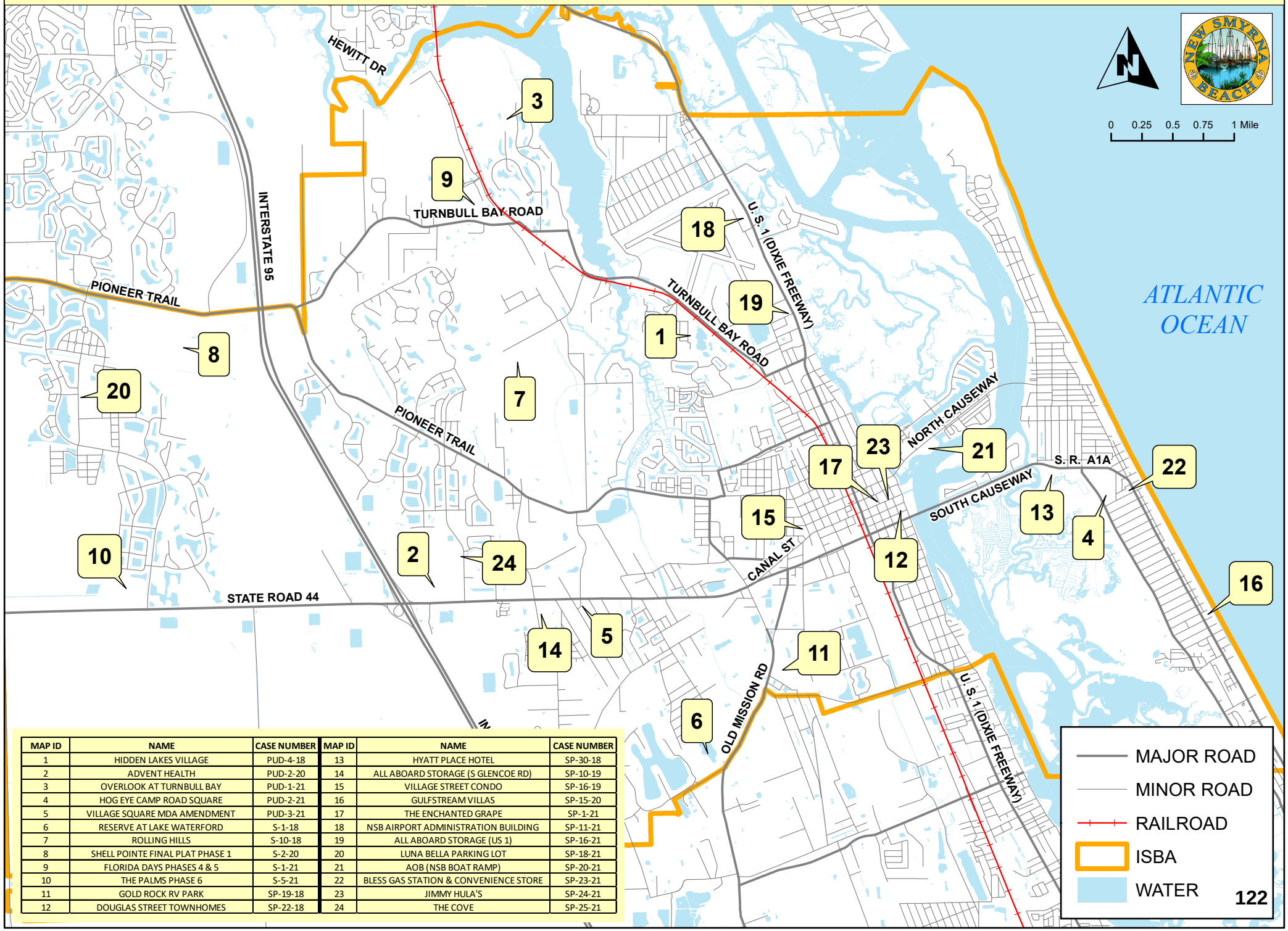
SP - Site Plan, S - Subdivision,
PUD - Planned Unit Development

December 2021 Development Activity Report

Map ID#	Project Name	Project Number	Location	Description	Current Status	Next Step	Final Approval Step
15	Village Street Condo	SP-16-19	Corner of Canal St and Village St	23 Residential Condo Units	Staff Comments Issued	Applicant to Resubmit	City Staff
16	Gulfstream Villas	SP-15-20	3403 S. Atlantic Ave	8 Townhome Units	Submitted for Staff Review (UCNSB)	Staff Review / Approval	City Staff
17	The Enchanted Grape	SP-1-21	323 Canal Street	Retail Store/Wine Bar	Submitted for Staff Review	Staff Review / Approval	City Staff
18	NSB Airport Administrative Building	SP-11-21	City Airport	New Administrative and Maintenance Building	Staff Comments Issued	Applicant to Resubmit	City Staff
19	All Aboard Storage - US 1 at Ponce Street	SP-16-21	US 1 at Ponce Street	3-Story Mini-Storage Building	Submitted for Staff Review	Staff to Issue Comments	P&Z Board
20	Luna Bella Parking Lot	SP-18-21	Venetian Bay: Luna Bella at Casello	Parking Lot for Messina by the Lakes	Submitted for Staff Review	Staff to Issue Comments	P&Z Board
21	AOB (NSB BOAT RAMP)	SP-20-21	NSB Boat Ramp of Causeway	Parking Lot	Submitted for Staff Review	Approved	City Staff
22	Bless Gas Station & Convenience Store	SP-23-21	1650 S. Atlantic	Convenience store and gas station	Submitted for Staff Review	Staff to Issue Comments	City Staff
23	Jimmy Hula's	SP-24-21	151 Canal Street	Restaurant with 151 Seats	Submitted for Staff Review	Staff to Issue Comments	City Staff
24	The Cove	SP-25-21	306 Sugar Mill Drive	Multi-Family with 47 Apartment buldings	Submitted for Staff Review	Staff to Issue Comments	P&Z Board

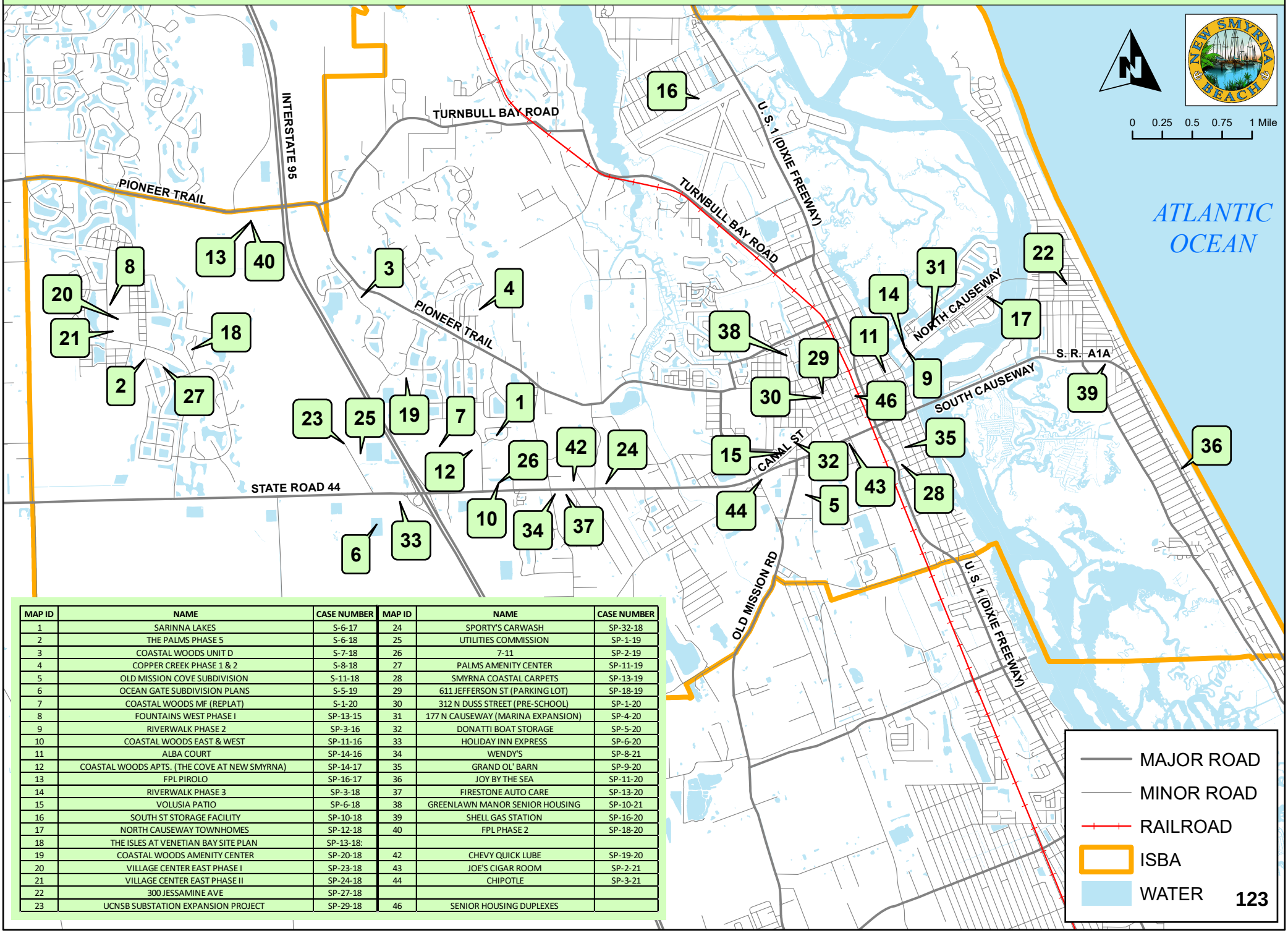
SP - Site Plan, S - Subdivision,
PUD - Planned Unit Development

DECEMBER 2021 DEVELOPMENT ACTIVITY REPORT MAP



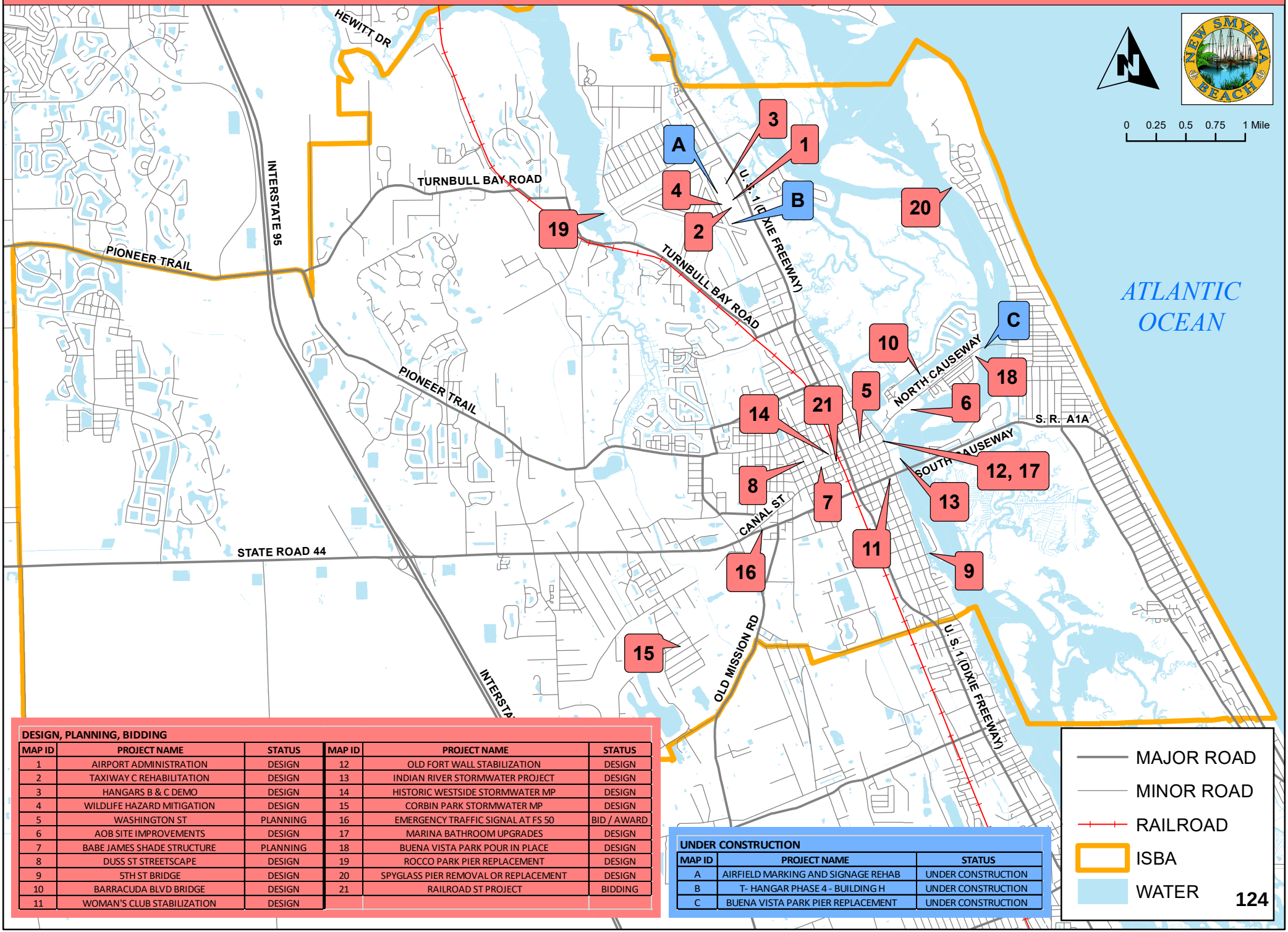
MAP ID	NAME	CASE NUMBER	MAP ID	NAME	CASE NUMBER
1	HIDDEN LAKES VILLAGE	PUD-4-18	13	HYATT PLACE HOTEL	SP-30-18
2	ADVENT HEALTH	PUD-2-20	14	ALL ABOARD STORAGE (S GLENCOE RD)	SP-10-19
3	OVERLOOK AT TURNBULL BAY	PUD-1-21	15	VILLAGE STREET CONDO	SP-16-19
4	HOG EYE CAMP ROAD SQUARE	PUD-2-21	16	GULFSTREAM VILLAS	SP-15-20
5	VILLAGE SQUARE MDA AMENDMENT	PUD-3-21	17	THE ENCHANTED GRAPE	SP-1-21
6	RESERVE AT LAKE WATERFORD	S-1-18	18	NSB AIRPORT ADMINISTRATION BUILDING	SP-11-21
7	ROLLING HILLS	S-10-18	19	ALL ABOARD STORAGE (US 1)	SP-16-21
8	SHELL POINTE FINAL PLAT PHASE 1	S-2-20	20	LUNA BELLA PARKING LOT	SP-18-21
9	FLORIDA DAYS PHASES 4 & 5	S-1-21	21	AOB (NSB BOAT RAMP)	SP-20-21
10	THE PALMS PHASE 6	S-5-21	22	BLESS GAS STATION & CONVENIENCE STORE	SP-23-21
11	GOLD ROCK RV PARK	SP-19-18	23	JIMMY HULA'S	SP-24-21
12	DOUGLAS STREET TOWNHOMES	SP-22-18	24	THE COVE	SP-25-21

DECEMBER 2021 PROJECTS APPROVED AND/OR UNDER CONSTRUCTION MAP



MAP ID	NAME	CASE NUMBER	MAP ID	NAME	CASE NUMBER
1	SARINNA LAKES	S-6-17	24	SPORTY'S CARWASH	SP-32-18
2	THE PALMS PHASE 5	S-6-18	25	UTILITIES COMMISSION	SP-1-19
3	COASTAL WOODS UNIT D	S-7-18	26	7-11	SP-2-19
4	COPPER CREEK PHASE 1 & 2	S-8-18	27	PALMS AMENITY CENTER	SP-11-19
5	OLD MISSION COVE SUBDIVISION	S-11-18	28	SMYRNA COASTAL CARPETS	SP-13-19
6	OCEAN GATE SUBDIVISION PLANS	S-5-19	29	611 JEFFERSON ST (PARKING LOT)	SP-18-19
7	COASTAL WOODS MF (REPLAT)	S-1-20	30	312 N DUSS STREET (PRE-SCHOOL)	SP-1-20
8	FOUNTAINS WEST PHASE I	SP-13-15	31	177 N CAUSEWAY (MARINA EXPANSION)	SP-4-20
9	RIVERWALK PHASE 2	SP-3-16	32	DONATTI BOAT STORAGE	SP-5-20
10	COASTAL WOODS EAST & WEST	SP-11-16	33	HOLIDAY INN EXPRESS	SP-6-20
11	ALBA COURT	SP-14-16	34	WENDY'S	SP-8-21
12	COASTAL WOODS APTS. (THE COVE AT NEW SMYRNA)	SP-14-17	35	GRAND OL' BARN	SP-9-20
13	FPL PIROLO	SP-16-17	36	JOY BY THE SEA	SP-11-20
14	RIVERWALK PHASE 3	SP-3-18	37	FIRESTONE AUTO CARE	SP-13-20
15	VOLUSIA PATIO	SP-6-18	38	GREENLAWN MANOR SENIOR HOUSING	SP-10-21
16	SOUTH ST STORAGE FACILITY	SP-10-18	39	SHELL GAS STATION	SP-16-20
17	NORTH CAUSEWAY TOWNHOMES	SP-12-18	40	FPL PHASE 2	SP-18-20
18	THE ISLES AT VENETIAN BAY SITE PLAN	SP-13-18:			
19	COASTAL WOODS AMENITY CENTER	SP-20-18	42	CHEVY QUICK LUBE	SP-19-20
20	VILLAGE CENTER EAST PHASE I	SP-23-18	43	JOE'S CIGAR ROOM	SP-2-21
21	VILLAGE CENTER EAST PHASE II	SP-24-18	44	CHIPOTLE	SP-3-21
22	300 JESSAMINE AVE	SP-27-18			
23	UCNSB SUBSTATION EXPANSION PROJECT	SP-29-18	46	SENIOR HOUSING DUPLEXES	

DECEMBER 2021 CITY CAPITAL IMPROVEMENT PROJECTS MAP



DESIGN, PLANNING, BIDDING

MAP ID	PROJECT NAME	STATUS	MAP ID	PROJECT NAME	STATUS
1	AIRPORT ADMINISTRATION	DESIGN	12	OLD FORT WALL STABILIZATION	DESIGN
2	TAXIWAY C REHABILITATION	DESIGN	13	INDIAN RIVER STORMWATER PROJECT	DESIGN
3	HANGARS B & C DEMO	DESIGN	14	HISTORIC WESTSIDE STORMWATER MP	DESIGN
4	WILDLIFE HAZARD MITIGATION	DESIGN	15	CORBIN PARK STORMWATER MP	DESIGN
5	WASHINGTON ST	PLANNING	16	EMERGENCY TRAFFIC SIGNAL AT FS 50	BID / AWARD
6	AOB SITE IMPROVEMENTS	DESIGN	17	MARINA BATHROOM UPGRADES	DESIGN
7	BABE JAMES SHADE STRUCTURE	PLANNING	18	BUENA VISTA PARK POUR IN PLACE	DESIGN
8	DUSS ST STREETSCAPE	DESIGN	19	ROCCO PARK PIER REPLACEMENT	DESIGN
9	5TH ST BRIDGE	DESIGN	20	SPYGLASS PIER REMOVAL OR REPLACEMENT	DESIGN
10	BARRACUDA BLVD BRIDGE	DESIGN	21	RAILROAD ST PROJECT	BIDDING
11	WOMAN'S CLUB STABILIZATION	DESIGN			

UNDER CONSTRUCTION

MAP ID	PROJECT NAME	STATUS
A	AIRFIELD MARKING AND SIGNAGE REHAB	UNDER CONSTRUCTION
B	T- HANGAR PHASE 4 - BUILDING H	UNDER CONSTRUCTION
C	BUENA VISTA PARK PIER REPLACEMENT	UNDER CONSTRUCTION