



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
 PLANNING AND DEVELOPMENT SERVICES DIVISION
 CURRENT PLANNING ACTIVITY
 123 W. Indiana Avenue, DeLand, FL 32720
 (386) 736-5959

PLDRC HEARING: April 14, 2015 - Planning and Land Development Regulation Commission (PLDRC)

CASE NO: PUD-15-026

SUBJECT: Major Amendment to Resolution No. 2007-157, the Oceanic Villas Business Planned Unit Development (BPUD)

LOCATION: 1057 Ocean Shore Boulevard

APPLICANT: Robert Merrell, Attorney for Owner

OWNER: 1057 Ocean Shore Investors LLC

STAFF: Carol McFarlane, AICP, Planner II

I. SUMMARY OF REQUEST

This application is to amend the existing Oceanic Villas BPUD development agreement to include an alternative development plan that would allow the site to develop as a private recreational area/beach club. The originally approved development agreement is for a nine (9)-unit residential condominium that was never constructed. The proposed development agreement is for a beach club that will be used by an age 55+ residential community developing in the City of Daytona Beach. Residents will be shuttled to the site on buses, and the beach club will generally be open from dawn to midnight.

This major amendment requires review and recommendation of the planning and land development regulation commission (PLDRC) and action by the county council in the same manner as a rezoning application, per paragraph A(2), Amendments of the development agreement.

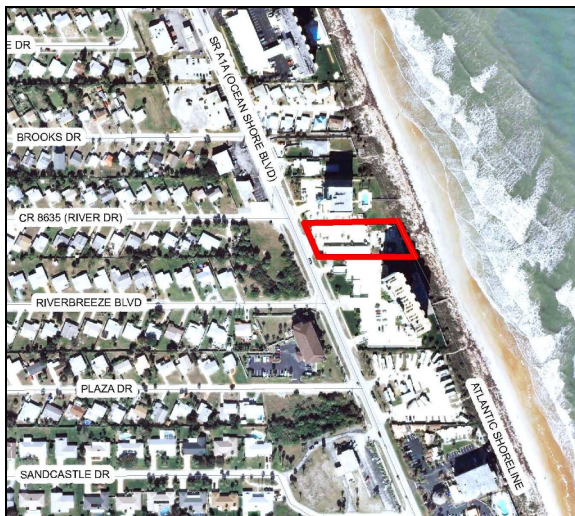
Staff Recommendation: Forward to the county council for final action with a recommendation of approval on the requested major amendment to Resolution No. 2007-157 with staff recommended conditions.

II. SITE INFORMATION

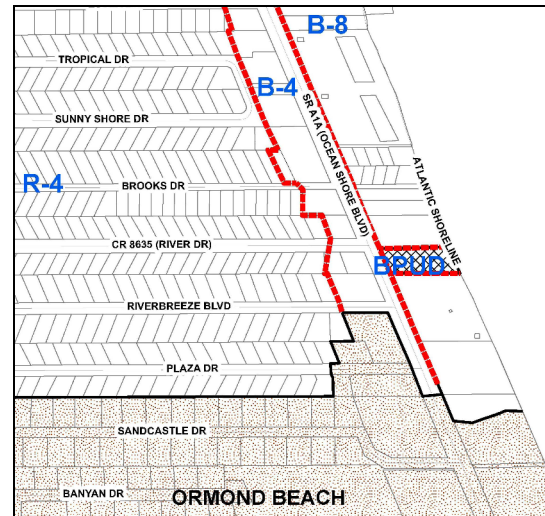
1. Location: The property is on the east side of State Road A1A (Ocean Shore Boulevard), approximately 140 feet north of its intersection with Riverbreeze Boulevard, near the city of Ormond Beach.
2. Parcel No: 4203-00-03-0030
3. Property Size: \pm 1 acre
4. County Council District: 4
5. Zoning: Oceanic Villas Business Planned Unit Development (BPUD)
6. FLU Designation: Urban High Intensity (UHI)
7. ECO Map: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

Direction	Zoning	Future Land Use	Existing Use
North	B-8	UHI	Residential Condominiums
East	N/A	N/A	Atlantic Ocean
South	B-8	UHI	Residential Condominiums
West	B-4	C	Vacant Commercial

10. Location Maps



Aerial Map



Zoning Map

III. BACKGROUND

The subject one-acre property developed as a hotel/motel in 1952. In 2006, county council approved a rezoning from B-8 (Tourist) to a Business Planned Unit Development (BPUD) to allow for redevelopment of the site into a nine-unit residential condominium (Resolution No. 2006-253). In 2007, that BPUD was amended (Resolution No. 2007-157) to change the size of the units, setbacks, and other details of the plan. A final site plan (2008-F-FSP-0304) was submitted in 2008 for the condominium. However, it was never constructed and the property has continued to operate as a hotel/motel.

The purpose of this application is to provide an alternative plan for development. The existing development agreement for a nine-unit condominium will remain in effect so that the owner will have two options for development of the site. The new proposal is for a beach club to be used by an age restricted (55+) residential development currently seeking zoning approvals in the City of Daytona Beach. The 1,585-acre development is located west of Interstate 95 and north of LPGA Boulevard. At build-out, it will consist of up to 3,400 residential units. Those residents will be bused to and from this site throughout the day, utilizing the site as a private beach club.

IV. REVIEW CRITERIA AND ANALYSIS

Master Development Plan

The site plan submitted shows a U-shaped, one-way driveway accessing Ocean Shore Boulevard. The driveway design accommodates the turning radius of a City Transit Bus, as demonstrated on the auto turn exhibit. There are 10 parking spaces shown, including one handicapped accessible space. The parking spaces will only be used by staff or maintenance workers accessing the site (such as landscapers, caterers and cleaning services) and residents will be prohibited from parking in these spaces. The residents will be bused to and from the site during operating hours. It is anticipated that at build-out, bus service will come once an hour.

The buildings on the site will be one-story, and will include restrooms, a caterer's kitchen, a bar and a lanai. There will also be a pool, patio and fireplace on the property. A fence four to six feet in height will secure the pool at the property lines around the main structures, and a three to six foot PVC privacy fence will be located on the property lines west of the main buildings.

There will be three buffers on the site, a ten-foot buffer along Ocean Shore Boulevard, and seven-foot buffers along the north and south property boundaries. The plantings required are the same as the plantings required in Table 1, *Landscape Buffer Requirements*, of the zoning code for those buffers between BPUD and B-8 zoning, which requires a ten-foot buffer.

Development Agreement

The proposed development agreement (DA) will be a second amendment to the original BPUD document, adopted by resolution in 2006. The DA explains that development of the site will take place through a site plan application within five (5) years from the effective date.

The DA allows for a private recreational area/beach club, with hours of operation from dawn to midnight. The traffic analysis submitted by the applicant states that operating hours will be from 8 a.m. to 8 p.m. (seasonally adjusted to be open during daylight hours), and may be open until midnight for special events. However, the proposed DA states that the operating hours will be from dawn to midnight. Buses will shuttle residents to and from the site on an hourly basis. The DA prohibits buses from idling for more than 15 minutes at a time to reduce noise and odors to nearby properties, and to prevent the buses from blocking vehicles from leaving the one-way driveway.

The DA contains language that mirrors the landscape buffers, building setbacks and fences as shown on the master development plan. Building height is limited to one story, but the front entry of the building is limited to 35 feet and no structure on the property shall cast a shadow over the pool located on the adjacent property to the north. One sign is allowed on the site, and shall be an internally illuminated monument sign with a maximum copy area of 40 square feet, and a height of 8 feet. This is consistent with the requirements of the zoning code, which limits the size of signs on county thoroughfares. Solid waste will be handled by curbside pickup and will be manually moved to the curb on scheduled pick up days. The container will be visually screened so that the container is not visible from the right-of-way or adjacent properties.

Section 72-414(e) of the zoning code includes the following criteria for review of rezoning applications:

(1) Whether it is consistent with all adopted elements of the comprehensive plan.

The subject property has a Future Land Use of Urban High Intensity (UHI). The description of UHI in the comprehensive is as follows:

Urban High Intensity (UHI) - Areas that contain residential development at a range of greater than eight (8) to twenty (20) dwelling units per acre. The types of housing allowed under this designation include recreational vehicle, townhouse, low-rise apartments, and high-rise residential. The area should contain excellent transportation access, primarily via the arterial road network and be served by public transportation (where available).

This designation may allow neighborhood business areas or neighborhood shopping centers (see Shopping Center definition in Chapter 20) and office development or similar related commercial uses that meet the Comprehensive Plan's location criteria. The commercial intensity shall be limited to no more than a fifty-five percent Floor Area Ratio (0.55 FAR) and be limited in a manner to be compatible with the allowable residential

density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial uses, other than referenced above, shall be reserved to areas designated for Commercial.

This proposed amendment has a building coverage area of 30%. Since the development agreement limits the structures to one story, the effective Floor Area Ratio is 0.30. A private beach club is a compatible use with the adjacent multi-family developments, as well as the B-4, General Commercial and B-8, Tourist zoned Ocean Shore Boulevard corridors.

The following policies from Chapter 11, Coastal Management Element, relates to this application:

11.2.3.1 When reviewing applications for zoning, plan amendments or development orders, shoreline land uses shall have the following priorities:

- A. Water-dependent uses such as aquaculture and wildlife production, recreation, public access, marinas and navigation, and water-dependent utilities and industry, which do not create a significant adverse impact upon the waters or land use.*
- B. Protection of coastal and natural resources.*
- C. Water enhanced uses such as recreation, certain utilities, commerce and industrial uses.*
- D. Low density residential.*
- E. Non-water dependent or related activities such as intensive urban residential, non-water dependent industry and commerce.*
- F. Of lowest priority are those uses which are non-water dependent, non-water enhanced which result in a reduction of coastal resources.*

This project fits into category C above, as a water enhanced recreational use.

11.4.1.4 Reconstruction or replacement of existing hard erosion control structures along the oceanfront shall be consistent with Policies 11.4.1.5, 11.4.1.6, and 11.4.1.7; except for the maintenance and care of public navigational structures such as Ponce DeLeon Inlet, structures which are needed to protect evacuation routes, public facilities, and public utilities. Also, such seawalls must receive proper permits from the County and the FDEP prior to construction.

11.4.1.5 Seawall construction in the County shall be consistent with State requirements and should be of a low profile design that relates to local beach conditions. In addition, all new seawalls shall be designed and constructed to minimize adverse effects to adjacent properties.

11.4.1.6 A dune system shall be developed and vegetated with suitable materials to bury all new, and/or reconstruction or replacement seawalls within the County.

11.4.1.7 Dune systems created to bury seawalls shall be maintained to emulate natural dune systems and to prevent seawalls from being exposed. If a dune system created to bury a wall is eroded resulting in a seawall being exposed, the dune system shall be reconstructed to bury the wall and repair dune damage. All dune reconstruction or maintenance shall be done following the end of, and prior to the beginning of the marine sea turtle nesting season.

The following policy from Chapter 12, Conservation Element, relates to this application:

12.1.2.4 Vertical seawalls and bulkheads along the banks and shorelines of naturally occurring surface water bodies shall continue to be limited to those instances where serious threat to life or property can be demonstrated. In such cases, utilization of sloping stabilization methods combined with vegetation shall be used as an alternative to vertical seawalls and bulkheads where feasible.

County staff has coordinated with the applicant to ensure that this development proposal protects the dune system on the site, and that the reconstruction of the seawall as shown on the plans will meet county standards. The seawall on the site is currently in a state of disrepair, and the applicant intends on making some improvements to the wall. Any repairs or changes to the seawall will require compliance with Division 9. Beaches and Dunes Sec 50-349, *Armoring standards*.

(2) Its impact upon the environment or natural resources.

As evidenced in the attached comments from Environmental Permitting staff, there are some concerns about the fire pit illuminating onto the beach and disrupting sea turtle nesting, and with a stormwater pipe that is currently directing water into the dune system. Staff has recommended, as a condition of approval, that these issues be resolved at the time of site plan review.

(3) Its impact upon the economy of any affected area.

The development of this parcel into a private recreational area/beach club will have a positive impact on the economy of the affected area by redeveloping an older motel.

(4) Notwithstanding the provisions of division 14 of the Land Development Code [article III], its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

This amendment to the development agreement will allow development of the property as a private recreational area/beach club instead of a nine-unit residential condominium. This use will have less of an impact on governmental services such as schools. The transportation impact of the change of use has been analyzed by the county's traffic engineering office (see attached memo) and it has been found that there will be a net reduction of 20 trips to the local road network.

(5) Any changes in circumstances or conditions affecting the area.

There have been no changes in circumstances to the surrounding area. The original multi-family development concept for this parcel has not come to fruition. This amendment to the development agreement will give the property owners a marketable development alternative for the property.

(6) Any mistakes in the original classification.

This criteria is not applicable, as this application is not for a rezoning, only an amendment to the existing zoning.

(7) Its effect upon the use or value of the affected area.

The use of a private beach club is compatible with other oceanfront and commercial uses in the immediate neighborhood, which consists of condominiums along the beach and the Ocean Shore Boulevard corridor, and single-family residents to the west.

(8) Its impact upon the public health, welfare, safety, or morals.

The proposed development is not anticipated to have an impact on the public health, welfare, safety or morals of the county as long as all state, federal and local permitting requirements are met. As discussed in the comments provided by Jennifer Winters, Environmental Specialist III, there are some concerns about sea turtle lighting and stormwater runoff into the dune system. Staff has recommended, as a condition of approval, that these issues be resolved at the time of site plan review.

V. STAFF RECOMMENDATION

Staff recommends that the commission forward the request with a recommendation of approval on the requested major amendment to Resolution No. 2007-157 with the following staff recommended conditions:

1. Development of the parcel shall be subject to submittal of a final site plan to the Land Development Division for review and approval prior to building permit application. The site plan must comply with applicable zoning and land development code requirements. The site shall be developed in accordance with the site plans prepared by Zev Cohen & Associates, revision date March 25, 2015, as may be modified by these conditions and/or modified by further county review and/or other permitting requirements, and with the following conditions:
 - a. Comments from Jennifer Winters, Environmental Specialist III, shall be addressed at the time of site plan review:
 - i. The wall and required dune planting project shall be of a low profile design as required in Division 9. Beaches and Dunes Sec 50-349. *Armoring standards.*

- ii. The proposed fire pit location shall be shielded so as not to be visible from a person standing on the beach. More detailed lighting plans shall be provided to ensure compliance with the Sea Turtle Lighting Ordinance.
 - iii. At the time of site plan approval, the existing stormwater pipe that is draining into the natural dune vegetation shall be redirected to avoid eroding the dune system.
2. The Development Agreement shall be revised to satisfy staff comments as shown in the strikethrough an underline format attached to this report.

VI. ATTACHMENTS

- Development Agreement
- Master Development Plan
- Survey
- Proposed Building Elevation
- Parking and Site Circulation Analysis
- Autoturn Exhibit
- Site Photographs
- Photographs of Example Site
- Reviewer Comments
- Resolution No. 2007-157
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

Pursuant to Section 72-414, the county council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a rezoning application shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

Any new information presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission.

Any new information presented at the county council meeting not previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information prior to the council meeting.

RESOLUTION 2015-

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, APPROVING (PUD-15-026) AND AMENDING THE EXISTING FIRST AMENDMENT TO OCEANIC VILLAS BUSINESS PLANNED UNIT DEVELOPMENT RECORDED IN OFFICIAL RECORDS BOOK 6185, PAGE 3014, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BY ADDING AN ALTERNATIVE DEVELOPMENT PLAN FOR THE PLANNED UNIT DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the application of BB Mines, LLC hereinafter, "Applicant," to amend the First Amendment to Oceanic Villas Business Planned Unit Development (BPUD) was heard by and before the Volusia County Council, Volusia County, Florida, on _____. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management Department, Legal Department, and other Departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on _____, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

A. That the application of BB Mines, LLC was duly and properly filed herein on February 27, 2015, as required by law.

B. That the Applicant has applied for an amendment to the First Amendment to Oceanic Villas BPUD, recorded in Official Records Book 6185, Page 3014, Public Records of Volusia County, Florida, for the parcel described in Exhibit "A" to this

1 Second Amendment to the Oceanic Villas BPUD for ([PUD-15-026](#)).

2 C. That all fees and costs that are by law, regulation, or ordinance required to
3 be borne and paid by the applicant have been paid.

4 D. That the Applicant is the contract purchaser of a +/- 1-acre parcel of land,
5 which is situated in Volusia County. This parcel of land is described more particularly in
6 the property survey and legal description, a true copy of which is attached as Exhibit "A"
7 to the Second Amendment to Oceanic Villas BPUD for ([PUD-15-026](#)).

8 E. That the Applicant has held a pre-application meeting as required by
9 Chapter 72, County Code of Ordinances, as amended.

10 F. That the Applicant has complied with the "Due Public Notice"
11 requirements of Chapter 72, County Code of Ordinances, as amended.

12 G. That this amendment to the First Amendment to Oceanic Villas BPUD is
13 consistent with both the Volusia County Comprehensive Plan and the intent and
14 purpose of the Zoning Ordinance of Volusia County, Florida ("zoning code"), as codified
15 in article II of Chapter 72, Code of Ordinances, and does promote the public health,
16 safety, morals, general welfare and orderly growth of the area affected by the rezoning
17 request.

18 H. That the owner of the property, 1057 Oceanshore Investors, LLC, agrees
19 with the provisions of the Second Amendment to Oceanic Villas BPUD, which is
20 attached hereto as Exhibit "1."

1 NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF
2 VOLUSIA COUNTY, FLORIDA, IN AN OPEN MEETING DULY ASSEMBLED IN THE
3 THOMAS C. KELLY COUNTY ADMINISTRATION BUILDING, COUNTY COUNCIL
4 MEETING ROOM, DELAND, FLORIDA, THIS _____ DAY OF
5 _____, A.D., 2015, AS FOLLOWS:

6 A. That the Application of BB Mines, LLC, for amendment to the First
7 Amendment to Oceanic Villas Business Planned Unit Development (BPUD) is hereby
8 granted.

9 B. That an Alternative Development Agreement for the First Amendment to
10 the Oceanic Villas BPUD is hereby added by the Second Amendment to Oceanic Villas
11 BPUD attached hereto as Exhibit "1".

12 C. With respect to any conflict between the zoning code, the Development
13 Agreement for the First Amendment to the Oceanic Villas BPUD and this Resolution or
14 the attached Development Agreement for the Second Amendment to the Oceanic Villas
15 BPUD, the provisions of this Resolution and Development Agreement for the Second
16 Amendment to the Oceanic Villas BPUD shall govern. The zoning code shall govern
17 with respect to any matter not covered by the Development Agreement for the First
18 Amendment to the Oceanic Villas BPUD and this Resolution or the attached
19 Development Agreement for the Second Amendment to the Oceanic Villas BPUD. The
20 Volusia County Zoning Enforcement Official will ensure compliance with the
21 Development Agreement for the First Amendment to the Oceanic Villas BPUD and this
22 Resolution or the attached Development Agreement for the Second Amendment to the
23 Oceanic Villas BPUD.

D. Unless otherwise provided in paragraph C, nothing in the Development Agreement for the First Amendment to the Oceanic Villas BPUD and this Resolution or the attached Development Agreement for the Second Amendment to the Oceanic Villas BPUD shall abridge the requirements of the Code of Ordinances, County of Volusia. Timing and review procedures contained in the Development Agreement for the First Amendment to the Oceanic Villas BPUD and this Resolution or the attached Development Agreement for the Second Amendment to the Oceanic Villas BPUD may be modified to comply with the Land Development Code of Volusia County, Florida, as codified in article III of Chapter 72, Code of Ordinances, County of Volusia ("land development code").

EFFECTIVE DATE. This resolution shall take effect immediately upon adoption by the council.

DONE AND ORDERED IN OPEN MEETING.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

James T. Dinneen, County Manager

Jason Davis, County Chair

EXHIBIT "1"

Document prepared by:
Robert A. Merrell III, Esquire
Cobb & Cole, P.A.
149 South Ridgewood Avenue, Suite 700
Daytona Beach, FL 32114

SECOND AMENDMENT TO OCEANIC VILLAS BUSINESS PLANNED UNIT DEVELOPMENT

THIS SECOND AMENDMENT TO OCEANIC VILLAS BUSINESS PLANNED UNIT DEVELOPMENT (Second Amendment) is hereby entered into by and between the COUNTY OF VOLUSIA, FLORIDA, a Florida municipal corporation (County), BB MINES, LLC, ("Developer"), the contract purchaser, and 1057 OCEANSHORE INVESTORS, LLC, the record title property owner (Owner).

WHEREAS, the County approved the Owner's application for the Oceanic Villas Business Planned Unit, recorded in Official Records Book 6027, Page 489, Public Records of Volusia County, Florida (the Original Agreement); and

WHEREAS, the County approved the Owner's application for the First Amendment to Oceanic Villas Business Planned Unit Development, recorded in Official Records Book 6185, Page 3014, Public Records of Volusia County, Florida (the First Amendment); and

WHEREAS, Developer is the contract purchaser of the property subject to the Original Agreement and First Amendment; and

WHEREAS, the Owner and Developer wish to amend the First Amendment to add an alternative development plan for the property without altering or affecting the development rights contained in the First Amendment; and

WHEREAS, the County is willing to grant the Owner and Developer's request, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the County, the Owner and the Developer hereby agree to amend the First Amendment Development Agreement as follows:

The Development Agreement for the First Amendment to Ocean Villas BPUD is amended by adding an alternative Development Agreement as follows:

ALTERNATIVE DEVELOPMENT AGREEMENT

A. **Alternative Development Concept.** In lieu of the Development Agreement approved as the First Amendment to the Oceanic Villas BPUD, the Property shall be developed as a BPUD substantially in accordance with the Alternative Master Development Plan. The Alternative Master Development Plan shall govern the development of the property as a BPUD and shall regulate the future land use of this parcel. If the Property is developed pursuant to the Alternative Master Development Plan, the Property may not be developed pursuant to the Master Development Plan, and vice versa.

1. **Alternative Master Development Plan.** The Alternative Master Development Plan shall consist of the Alternative Preliminary Plan prepared by Zev Cohen & Associates, Inc., and this Alternative Development Agreement (hereinafter "Agreement"). The Alternative Preliminary Plan is hereby approved and incorporated in this Agreement by reference as Exhibit "C". The Alternative Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and shall constitute a supplement to the Official Zoning Map of Volusia County.

2. **Amendments.** All amendments of the Alternative Master Development Plan, other than those deemed by the Zoning Enforcement Official's reasonable opinion to be minor amendments, in accordance with section 72-289 of the zoning code, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. **Final Site Plan Approval.** After the Alternative Preliminary Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by the land development code, as amended. The Alternative Preliminary Plan, attached as Exhibit "C", meets the minimum submittal requirements of a Conceptual Site Plan application in accordance with land development code. Therefore, the Alternative Master Development Plan and shall be in-lieu of a Conceptual Site Plan application, and the owner/developer is authorized to proceed with submittal of a Final Site Plan application once this Order and Resolution has been recorded.

B. **Phases of Development.** The development of the BPUD, as shown on the Alternative Preliminary Plan, shall occur in one (1) phase.

C. **Land Uses within the Alternative Master Plan.** The development of the parcel shall be consistent with the uses prescribed for each area within the proposed BPUD. The location and size of said land use areas are shown on the Alternative Preliminary Plan, Exhibit "C", consistent with the Alternative Master Development Plan. The following land uses shall be allowed as permitted uses and structures along with their customary accessory uses and structures:

Recreational Area/Private Beach Club: Consisting of a social, leisure, and recreational facilities such as swimming pools and related accessory Uses including, but not limited to, fireplaces, cabanas, fire pits, barbeque grills, catering kitchen, restrooms and pool showers. (The swimming pool will be fenced ~~and equipped with video surveillance for safety purposes~~.) Hours of operation will generally be from dawn to midnight but shall vary based on the season. The Private Beach Club will not be available for rent or use by the general public.

D. Development Standards for the Alternative Master Plan:

1. Minimum lot area: 1 acre (0.65 acre project area)
2. Minimum lot width: 108 feet
3. Minimum yard size (building)
 - a. Front yard: 75 feet
 - b. North Side yard: 7 feet.
 - c. South Side yard: 7 feet.
 - d. Waterfront yard: 25 feet for buildings, 15 feet for swimming pool, 10 feet for permanent uncovered structures (paver decks may be within setback).
4. Maximum building coverage: 30%
5. Maximum building height: Not to exceed 1 story (35 ft.) (The architectural features for the front entry element of the development building may not exceed 35 ft. in height. The structures on the Property shall not cast a shadow over the pool located on the adjacent property to the north.)
6. Off-street parking requirements: 10 parking spaces, including a minimum of one handicapped accessible parking space.
7. Signage requirements: As permitted by Section 72-303(j) of the zoning code, except ~~the~~

project shall be limited to one internally illuminated ground monument sign.

8. Minimum Landscaping Requirements. The minimum landscaping requirements for the Property are specified below:

a. Minimum Perimeter Landscape Buffers:

i. Front (West): 10 feet (except those areas with driveways);

ii. Side (North and South): 7 feet (areas with driveways indicated on the Alternative Master Development Plan may be 5 feet);

iii. Rear (Waterfront): Existing dune vegetation east of seawall shall be maintained in accordance with County environmental requirements.

b. Required Landscape Material: The minimum perimeter landscape buffers listed in Section D.8.a above shall contain the amount and types of landscape material specified in Section 72-284, row 7.d of table 1, of the [County Code zoning code](#), as depicted on the Alternative Master Plan. If palm trees are to be used to meet the requirements for understory trees, then two palm trees will be required for every one understory tree typically required, for a ratio of 2 palm trees to every 1 understory tree.

9. Fences and Walls. Rearward of the rearmost point of the [principal restroom](#) structures a minimum 42-inch (maximum six-foot) metal or composite picket pool fence meeting all State pool safety standards, shall be erected along the north and south property boundaries, [as shown on Exhibit "C"](#). The balance of the perimeter fencing shall be made up of a minimum 3-foot (maximum six-foot) opaque PVC privacy fence, as shown on Exhibit "C". The privacy fence shall be designed to have offsets, ribs or projections to provide visual interest and relief and to avoid a monotonous "flat blank wall appearance."

10. Lighting Standards. Lighting for the Property shall comply with the lighting standards for new development contained in Section 72-923 of the land development code.

E. Environmental Considerations. The minimum environmental requirements of Chapter 72 of the Code of Ordinances, County of Volusia, as amended, shall be met.

F. Sewage Disposal and Potable Water Facilities. Provisions for sewage disposal and potable water needs of the BPUD will be provided in accordance with the

comprehensive plan, the land development code and Fla. Admin. Code Ann. r. 64E-6. Potable water shall be provided by the City of Ormond Beach. Sanitary sewer treatment /waste disposal shall be provided by the City of Ormond Beach.

G. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the land development code.

H. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the land development code, as amended. The Property shall be developed in substantial accordance with the provisions noted on the Alternative Master Development Plan. Access and transportation improvements are subject to the review and approval of the Development Review Committee and/or Volusia County Traffic Engineer. Private beach club members shall be transported to the Property by bus. Said buses shall not idle on the Property for longer than 15 minutes at a time. Signs will be posted in the parking area stating that the spaces are for "Employee Only Parking", or similar language to prevent beach club members from using the parking facilities.

H.I. Other Requirements.

1. **Outdoor Storage.** The parties hereto acknowledge that outdoor storage for the development shall be restricted including but not limited to the storage of a trash refuse container. The applicant agrees that the refuse container shall be safely placed roadside only on the scheduled days of pick up. The trash container shall be placed on a permanent concrete pad and visually screened by opaque stone, brick or masonry screen walls, so that the trash refuse container is not visible from the right-of-way of State Road A1A or adjacent properties.
2. **HVAC Materials.** The parties hereto acknowledge that the HVAC mechanical system shall be located in the ground and shall be property screened from view of the adjacent properties.
3. **Architectural Standards.** The requirements of Section 72-303, Nonresidential Development Design Standards, of the zoning code apply as stated by said Section 72-303, unless otherwise stated by this document.
4. **Underground Utilities.** All utility distribution lines shall be installed and maintained underground unless otherwise required by the utility company.

I.J. Building or Property Owner's Association. This property shall be maintained in unified ownership by the developer or its successor, a Property Owner's Association for an age restricted (55+) residential community in the City of Daytona Beach. The private beach club will be an amenity for that community and can only be

1 accessed by residents of that community or other peoples directly invited to the property
2 by the community.

3 | **J.K. Expiration of Development Agreement.** The Applicant shall file a Final
4 Site Plan, as described in Section A.3 of this Alternative Development Agreement,
5 within five (5) years from the effective date of this Order and Resolution. In the event
6 that the Final Site Plan is not submitted on or before the date indicated, this
7 development agreement shall expire unless the zoning enforcement official, for good
8 cause shown, approves a minor amendment to the extend the time period indicated in
9 this paragraph.

10 | **K.L. Binding Effect of Plans, Recording, and Effective Date.** The
11 Alternative Master Development Plan, including any and all supplementary orders and
12 resolutions, and the Alternative Preliminary Plan shall bind and inure to the benefit of
13 the Applicant and his successor in title or interest. The BPUD zoning, Order and
14 Resolution and all approved plans shall run with the land.

15 This Order and Resolution and all subsequent Orders and Resolutions shall be
16 filed with the Clerk of the Court and recorded within forty-five (45) days following
17 execution of the document by the Volusia County Council, in the Official Records of
18 Volusia County, Florida. One copy of the document, bearing the book and page
19 number of the Official Record in which the document was recorded, shall be submitted
20 to the Growth and Resource Management Department. The date of recordation of this
21 document by the Growth and Resource Management Department shall constitute the
22 effective date of this Order and Resolution and its subsequent amendments. The
23 applicant shall pay all filing costs for recording documents.

24 | **L.M. Conceptual Approval.** The parties hereto acknowledge that reductions
25 in density and/or intensity may and do occur; and that minor changes to roadway
26 design, location and size of structures, actual location of parking spaces, specific
27 locations for land uses, and locations and design of storm water storage, landscape
28 buffers and upland buffers may result to comply with the land development code. A
29 request for such an amendment shall be reviewed by the zoning enforcement official
30 and may be processed as a minor amendment in accordance with section 72-289 of the
31 zoning code. The Applicant agrees to revise and record the Revised Alternative
32 Preliminary Plan which reflects any such changes with the Clerk of the Court
33 immediately following the expiration of the 30 day period for appealing Development
34 Review Committee (DRC) decisions to the County Council. A copy of the Revised
35 Alternative Preliminary Plan, bearing the book and page number of the Official Record
36 in which the document was recorded, shall be submitted to the Growth and Resource
37 Management Department.

38 | ~~**M. Seawalls and Property Armoring.** Seawalls and other types of coastal~~
39 ~~armoring may be allowed seaward of the coastal boundary line so long as they meet all~~
40 ~~FDEP and Volusia County requirements, including the requirements for armoring~~
41 ~~contained in Section 72-1053 of the zoning code. In the event that FDEP and Volusia~~
42 ~~County do not permit construction of the seawall seaward of its existing location, the~~

1 | ~~seawall may remain in its existing location as depicted on the Alternative Master Plan.~~
2 | ~~The property's natural dunes shall remain natural seaward of coastal boundary line.~~

3 | **NO OTHER MODIFICATIONS.**

4 |
5 | **N. Previously Approved Agreements.** Except as otherwise expressly provided
6 | for herein, the First Amendment to Oceanic Villas Business Planned Unit Development
7 | shall continue in full force and effect.
8 |
9 |
10 |
11 |
12 |
13 |
14 |
15 |
16 |

[Signature Pages to Follow]

1
2 DONE and ORDERED by the County Council of Volusia County, Florida, this
3 day of _____, 2015.
4

5
6 ATTEST:

VOLUSIA COUNTY COUNCIL

7
8
9
10 _____
11 James T. Dinneen
12 County Manager

Jason Davis
Chair

13
14
15 STATE OF FLORIDA
16 COUNTY OF VOLUSIA

17
18 The foregoing instrument was acknowledged before me this _____ day of
19 _____, 2015, by James T. Dinneen and Jason Davis, as County Manager
20 and Chair, Volusia County Council, respectively, on behalf of the County of Volusia, and
21 who are personally known to me.
22

23
24 _____
25 NOTARY PUBLIC, STATE OF FLORIDA
26 Type or Print Name:

27 _____
28 Commission No.: _____
29 My Commission Expires: _____
30
31

WITNESSES: 1057 OCEANSHORE INVESTORS,
LLC (OWNER):

Name:

Name:

Title:

Name:

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by _____ as _____ of 1057 OCEANSHORE INVESTORS, LLC, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

WITNESSES:

BB MINES, LLC (DEVELOPER):

Name:

Name:

Title:

Name:

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by _____ as _____ of BB MINES, LLC, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

1
2
3
4
5

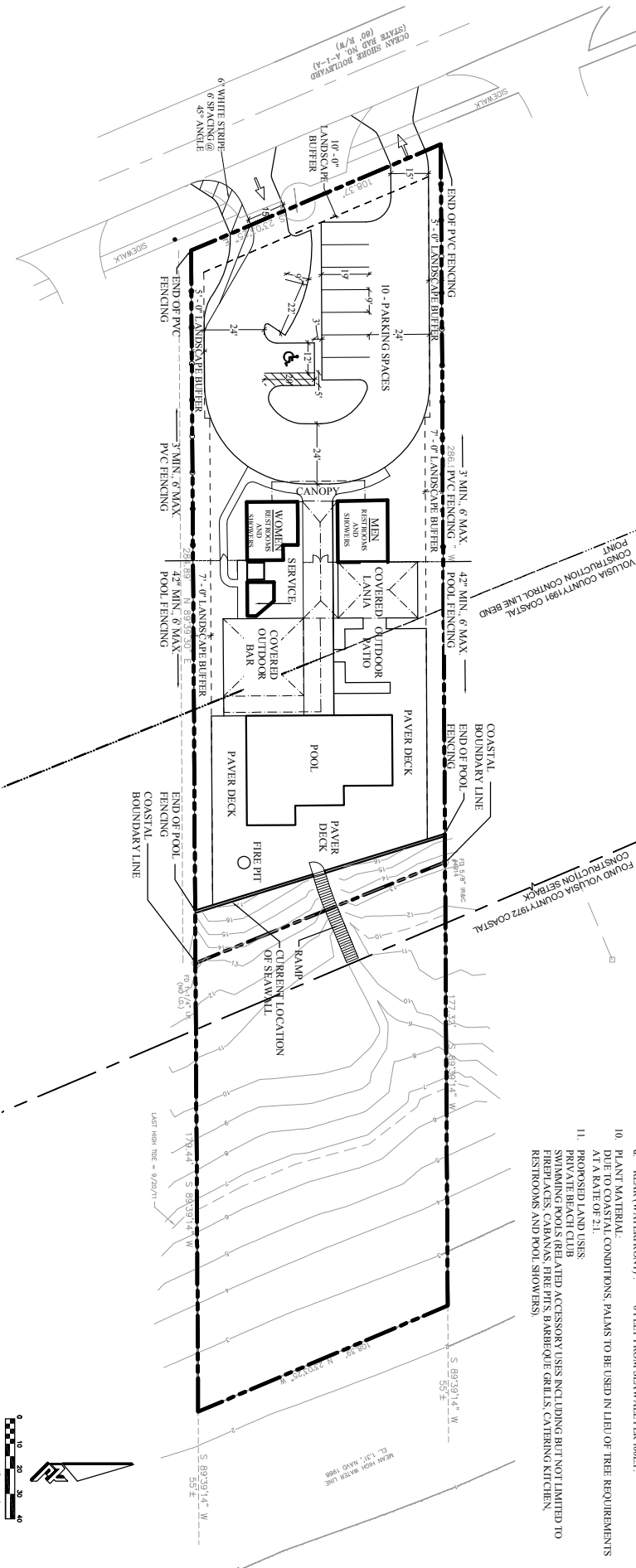
EXHIBIT "A"

Survey and Legal Description

1
2
3
4

EXHIBIT "C"

Preliminary Plan for Alternative Master Development Plan



SITE DATA TABLE:

- TOTAL SITE AREA: 1.05 ACRES=
 - PROJECT AREA: .65 ACRES
- PROPOSED MINIMUM LOT SIZE: 1 ACRE
- PROPOSED MINIMUM LOT WIDTH: 108 FT.
- PROPOSED MINIMUM SETBACKS:
 - FRONT (WEST): 75 FEET
 - SIDE (NORTH): 7 FEET
 - REAR (WATERFRONT): 7 FEET
 - BUILDING: 25 FEET
 - POOL: 15 FEET
 - POOL: 10 FEET
 - UNCOVERED STRUCTURE: 10 FEET
- PROPOSED MAXIMUM BUILDING COVERAGE: 30%
- PROPOSED MAXIMUM BUILDING HEIGHT: 35 FEET (MAXIMUM 1 STORY)
- OFF-STREET PARKING: 10 PARKING SPACES, INCLUDING 1 HANDICAP SPACE
- ENTRY SIGNAGE WILL BE 40 SQUARE FEET MAX. HEIGHT NOT TO EXCEED 8'
 - LANDSCAPE BUFFER:
 - FRONT: 10 FEET
 - GROUP B: 6 UNDERSTORY TREES/PALMS PER 1000 F.
 - GROUP C/D: 27 LARGE/SMALL SHRUBS PER 1000 F.
 - GROUP E: 27 LARGE/SMALL SHRUBS PER 1000 F.
 - GROUP F: 6 UNDERSTORY TREES/PALMS PER 1000 F.
 - GROUP G: 18 LARGE/SMALL SHRUBS PER 1000 F.
 - GROUP H: 7 FEET
 - GROUP I: 6 UNDERSTORY TREES/PALMS
 - GROUP J: 18 LARGE/SMALL SHRUBS PER 1000 F.
 - GROUP K: 0 FEET FROM SEAWALL PER 1000 F.
- PLANT MATERIAL:
 - BECAUSE OF COASTAL CONDITIONS, PALMS TO BE USED IN LIEU OF TREE REQUIREMENTS AT A RATE OF 2:1.
- PROPOSED LAND USES:
 - PRIVATE BEACH CLUB
 - SWIMMING POOL(S) RELATED ACCESSORY USES INCLUDING BUT NOT LIMITED TO RESTROOMS, COFFEE BAR, CATERING, BARBECUE GRILLS, CATERING KITCHEN, RESTROOMS AND POOL SHOWERS.



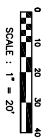
300 BAYVIEW BLVD., ORLANDO BEACH, FL 32714
(381) 677-2482 FAX (381) 677-2625
4479 U.S. 1, SUITE 601, ST. AUGUSTINE, FL 32080
(904) 797-1610 FAX (904) 797-4100
804 ATLANTIC AVE., STE 200, PALM BEACH, FL 33480

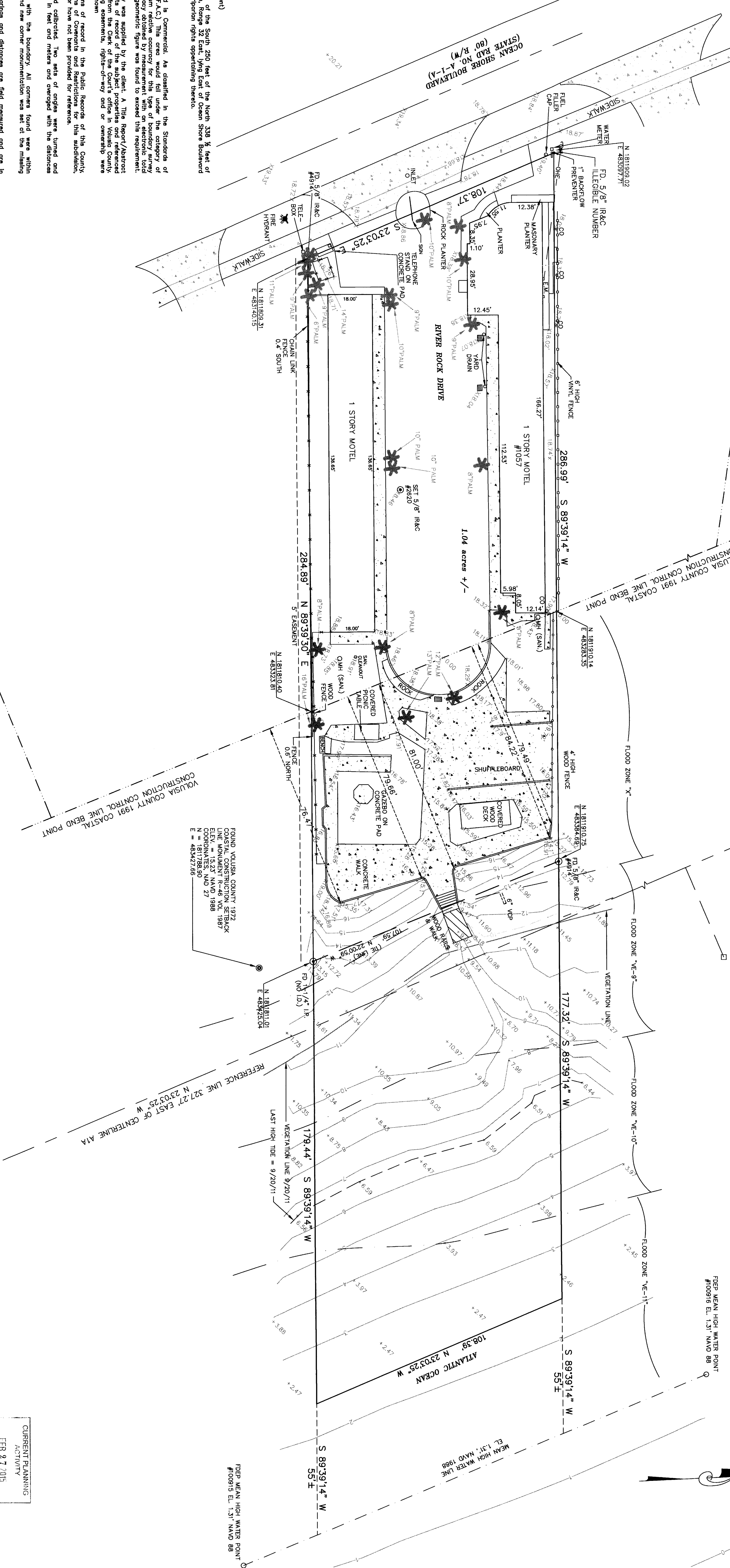
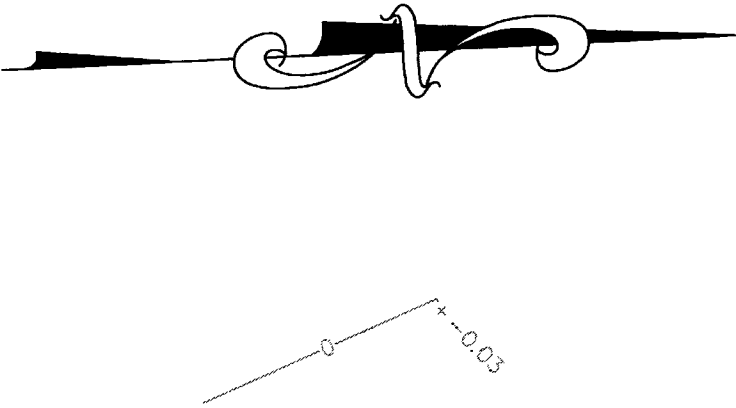
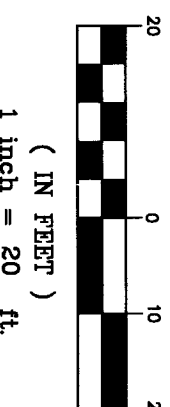
BEACH CLUB ALTERNATIVE MASTER DEVELOPMENT PLAN

ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LANDSCAPE ARCHITECTS
PLANNERS - TRANSPORTATION - ENVIRONMENTAL
WWW.ZEVCOHEN.COM

PROJECT NO: 13187
ISSUE DATE: 2/17/2015
DRAWN BY: FI
CHECKED BY: AKSPM

EXHIBIT C





SURVEYOR'S NOTES:

(3) There may be other restrictions of record in the Public Records of this County.

(6) Unless otherwise noted, all bearings and distances are field measured and are in

(7) Ownership of fences was not known or determined.

(10) The 1991 Volusia County Coastal Construction Control line is recorded in Map Book

[illegible]

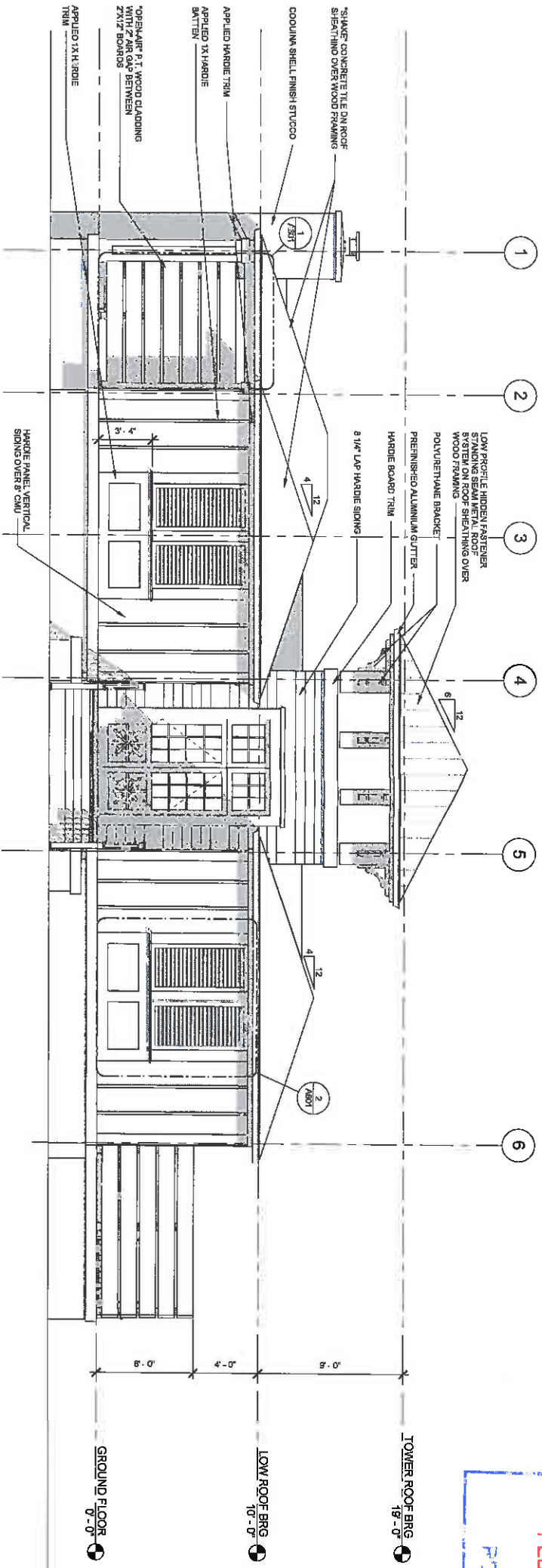
CURRENT PLANNING
ACTIVITY
FEB 27 2015
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FDEP MEAN HIGH WATER PO
#100915 EL. 1.31' NAVD 88

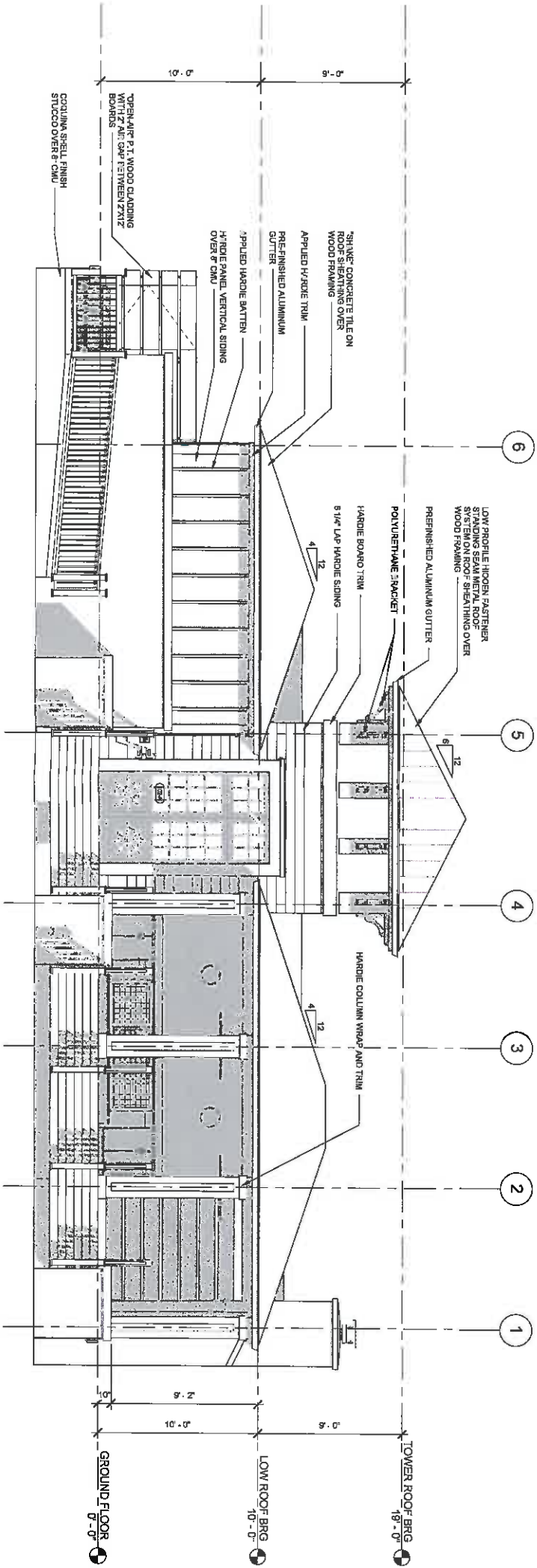
DATE OF PRINTING	AS	REVIEW OF	STANDARD
DATE OF PRINTING	AS	REVIEW OF	STANDARD
7/11/79	NA	NA	NA
4/10/78	NA	NA	NA
9/29/74	NA	NA	NA
1/20/74	NA	NA	NA
1/20/74	NA	NA	NA

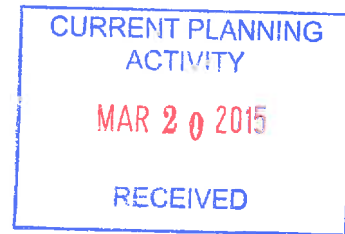
C-355-A

2018



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Ref: 3958.38

TECHNICAL MEMORANDUM

To: Rob A. Merrell, Esq.
 From: R. Sans Lassiter, PE
 Subject: Beach Club – Parking and Site Circulation Analysis
 Date: March 20, 2015

Introduction

Lassiter Transportation Group, Inc. (LTG) was retained to provide a parking and site circulation analysis of the proposed Beach Club, located at 1057 Oceanshore Boulevard in unincorporated Volusia County. The Beach Club will serve as a private club for the residents of a senior adult community located north of LPGA, west of I-95 in the City of Daytona Beach. A site plan depicting the site layout and site circulation of the proposed beach club is attached as Exhibit E.

Proposed Site Use and Operation

The beach club will function as a private club for the residents of a senior adult community in the City of Daytona Beach. Residents will arrive to and depart from the club by bus and not by personal vehicles. One bus will travel from the residential project to the beach club at a time and travel up to twelve times per day once the residential project is fully built out and there is enough demand. The beach club will operate seven days a week, generally from 8:00 a.m. to 8:00 p.m., however the hours of operation for the club will vary based on season and special events. It is anticipated that the buses will leave the residential project every hour at full build-out starting at 8:00 a.m. The latest trip will be determined by the season and whether there are any special events at the club.

The bus route between the residential project and the beach club is not fixed but most likely will follow to route of LPGA Boulevard to either Williamson Boulevard, Clyde Morris Boulevard or Nova Road to Granada Boulevard to A1A. The bus may stop at commercial destinations along the way and the route may change seasonally. The initial operation will be done using shuttle buses. Once the residential project is built out and the demand increases, a full size bus will be used. The buses will not idle on the property, and will only stop to unload and reload and then continue back to the residential property.

The club will not have a full time staff, rather, service vendors, caterers and event staff will be contracted specific to the needs of each event. The number of event staff will be determined based on the needs of each individual event. For security, the entry walk into the facility will have a gate and the site will be monitored by remote camera. Additionally, signage will be posted stating that access to the site is only by members and their guests or event staff. There will be no outside public events allowed at the beach club. The beach club will host special event nights occasionally for members only and they will be bused to and from the site from the residential project.

Parking and Site Circulation

Parking is not being provided for beach club members or their guests since they will be arriving to and departing from the site by bus only. Ten parking spaces are provided on the site to accommodate the parking needs for caterers, event staff, and/or service vendors and will require a parking pass. Vehicles not having the appropriate parking pass credentials will be towed. Handicap parking is provided by code. Additionally, signage will be posted stating that parking is for event staff or service vendors and not club members or their guests, nor the public.

The site drive will operate as one-way flow with the southern drive being inbound and the northern drive being outbound.

Rob A. Merrell, Esq
 March 20, 2015
 Page 2

Trip Generation of Existing Zoning vs Proposed Zoning

The existing BPUD allows for up to nine multi-family dwelling units. The daily and p.m. peak-hour trip generation for the proposed zoning was determined using the Institute of Transportation Engineers (ITE) 9th Edition of the *Trip Generation Manual* and is presented in Table 1. As indicated in the table, nine multi-family dwelling units would generate six p.m. peak-hour trips and 60 daily trips.

Table 1
P.M. Peak-Hour and Daily Trip Generation – Existing Zoning
Ocean Villas Beach Club

Time Period	Land Use	Land Use Code	Size	Average Rate	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
P.M. Peak-Hour	Apartments	220	9 DU	$T=0.62(X)$	65%	35%	4	2	6
Daily	Apartments	220	9 DU	$T=6.65(X)$	50%	50%	30	30	60

In order to determine the maximum daily and p.m. peak-hour impacts of development under the proposed rezoning designation, the trip generation is based on the maximum projected operation of the facility. The proposed operation at build-out will accommodate up to 12 bus trips per day to and from the residential development, yielding 24 one-way daily bus trips. In addition to the bus traffic, the facility will have trips associated with service vendors, caterers and event staff. Assuming the worst case (highest) trip generation, this would assume 8 vehicles or 16 trips per day. This would equate to a total of 40 daily trips. Assuming 10 percent of these trips occur in the p.m. peak-hour, the p.m. peak-hour trip generation for the beach club is 4 trips.

Table 2 demonstrates the decrease in trips between the existing zoning and the proposed zoning for the property.

Table 2
Trip Difference Between the Existing and Proposed Zoning
Ocean Villas Beach Club

	Existing Zoning	Proposed Zoning	Net Decrease
	(a)	(b)	(a)-(b)
Daily	60	40	20
P.M. Peak-Hour	6	4	2

Conclusion

Comparison of the specific development proposal of the proposed zoning to the existing zoning results in a decrease in trip generation potential for the property. Additionally, based on the intended use of the site and the practice of busing residents/members to and from the site for events, the site operation including site circulation and parking is sufficient to accommodate the activities of the beach club.

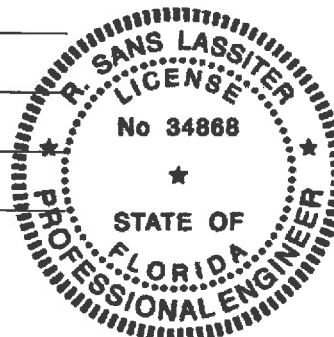
I affirm, by affixing my signature and seal below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional engineering.

Name: R. Sans Lassiter

Signature: 

Florida PE License No.: 34868

Date: March 20, 2015

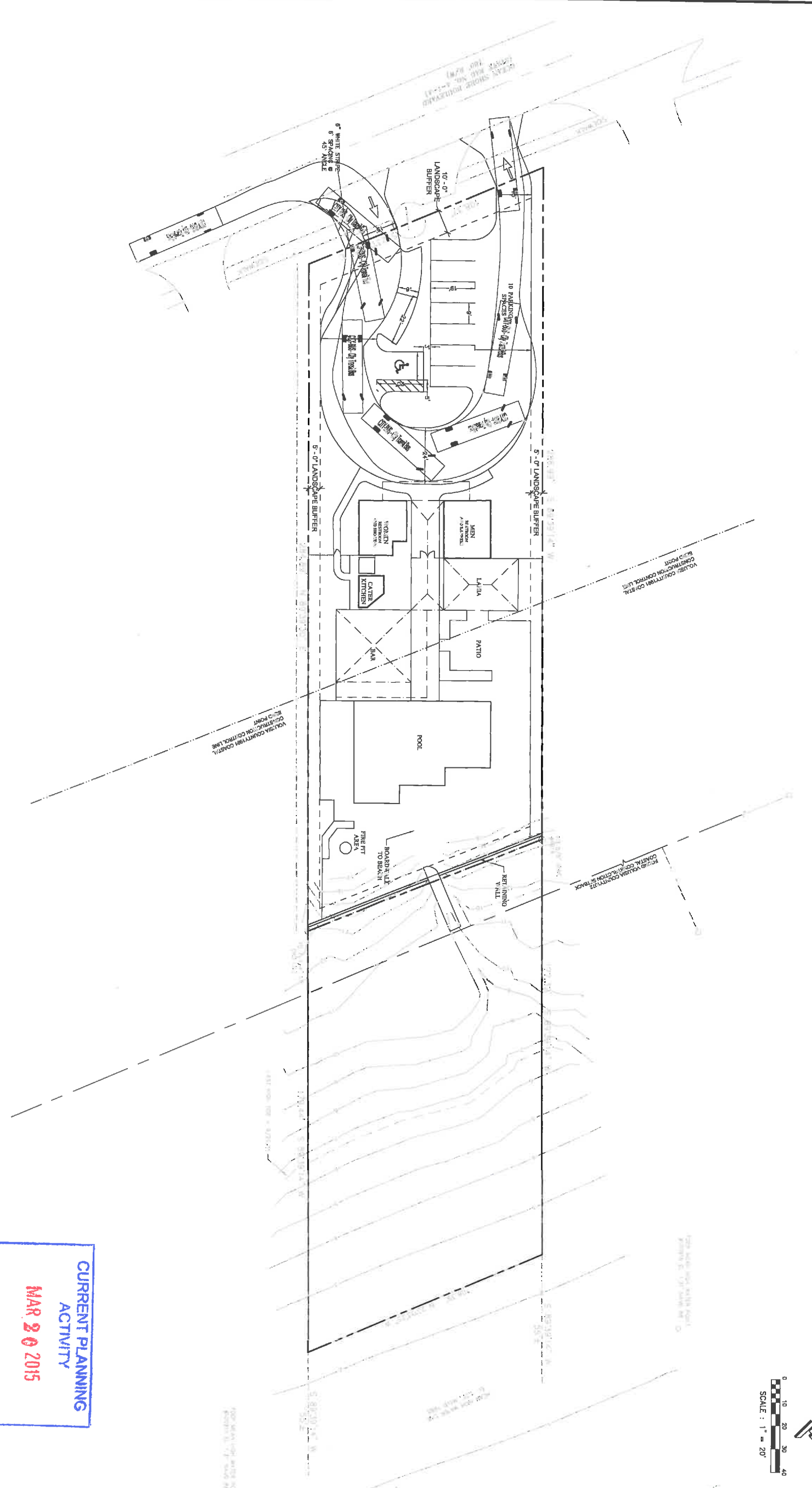


rtation Group, Inc.
 gineering and Planning

This is a detailed site plan for the Beach Club Autoturn Exhibit. The plan shows a large rectangular building complex with several internal courtyards and parking areas. Key features include:

- Building Layout:** A large central building labeled "TOILET" and "PAVING". To its left is a smaller building labeled "PATIO". Further left is a building labeled "PATIO" and "PATIO".
- Parking and Access:** A large parking area is located to the right of the main building. A road labeled "PARKING" runs along the top edge. A road labeled "PARKING" runs along the bottom edge. A road labeled "PARKING" runs along the left edge.
- Landscaping and Buffers:** The plan includes several landscaping buffers, including a "10' LANDSCAPE BUFFER" along the top edge, a "10' LANDSCAPE BUFFER" along the bottom edge, and a "10' LANDSCAPE BUFFER" along the left edge.
- Other Features:** A "PATIO" area is located near the bottom left. A "PATIO" area is located near the bottom right. A "PATIO" area is located near the bottom center.

The plan also includes a north arrow and a scale bar (1" = 20'). The title "BEACH CLUB AUTOTURN EXHIBIT" is prominently displayed at the top center. The plan is dated 2/28/15 and is prepared by ZEV COHEN & ASSOCIATES, INC.



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BEACH CLUB AUTOTURN EXHIBIT

ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
PLANNERS • TRANSPORTATION • ENVIRONMENTAL
WWW.ZEVCOHEN.COM

PROJECT NO: 13187	DRAFTED BY: CW
ISSUE DATE: 2/28/2015	CHECKED BY: RMH
DESIGNED BY: RMH	DRAWING FILE: BEACH CLUB PL
	EXHIBIT: BEACH CLUB SURVEY

ORMOND BEACH
300 INTERCHANGE BLVD., ORMOND BEACH, FL 32174
(386) 677-2482 FAX (386) 677-2505

ST. AUGUSTINE
4475 U.S. 1 S. STE # 801 ST. AUGUSTINE, FL 32086
(904) 787-1810 FAX (904) 787-4169

AMELIA ISLAND
914 ATLANTIC AVE., STE 20 FERNANDINA BEACH, FL 32034
(904) 491-5436 FAX (904) 491-4169



EXHIBIT E

FILE LOCATION: 1
SUBMITTAL DATE: 2/28/15
NOT VALID WITHOUT ENGINEER'S SEAL
SCALE: 1" = 20'
SHEET 1 OF 1

Oceanic Villas PUD-15-016
1057 Ocean Shore Boulevard
Site Photos
Page 1 of 3



1057 Ocean Shore Boulevard



1057 Ocean Shore Boulevard , looking north. Motel is on the right.



1057 Ocean Shore Boulevard, looking south. Motel is on the left.

Oceanic Villas PUD-15-016
1057 Ocean Shore Boulevard
Site Photos
Page 2 of 3



Masonry retaining wall
(seawall) and dune walkway
leading to the beach.



Masonry retaining wall
(seawall) with dune
vegetation.

Oceanic Villas PUD-15-016
1057 Ocean Shore Boulevard
Site Photos
Page 3 of 3



Masonry retaining wall (seawall) with dune vegetation. You can see the stormwater water pipe (white area) near the agave plant.



Stormwater pipe in the dune vegetation.



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ACTIVITY
FEB 27 2015
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CURRENT PLANNING
ACTIVITY

FEB 27 2015

RECEIVED

STAFF REVIEW COMMENTS

**PLDRC Hearing Date: April 14, 2015
Merrell/Oceanic Villas
PUD-15-026**

HEALTH

Jim McRae, DOH/Volusia County Public Health Unit

Potable water shall be provided by City of Ormond Beach Utility.
Sewage disposal shall be provided by City of Ormond Beach Utility.

* * * * *

DEVELOPMENT ENGINEERING

Joe Spiller

No comment

* * * * *

FIRE SAFETY

Mike Garrett

No fire service comments.

* * * * *

ENVIRONMENTAL PERMITTING

Jennifer Winters, Environmental Specialist III

The revised plans which indicate that a seawall is proposed in the footprint of the existing retaining wall appears to be acceptable. The wall and required dune planting project should be of a low profile design as required in Division 9. Beaches and Dunes Sec 50-349. Armoring standards. More detailed plans need to be provided to ensure compliance.

The proposed fire pit location will need to be shielded so as not to be visible from a person standing on the beach. More detailed lighting plans need to be provided to ensure compliance with the Sea Turtle Lighting Ordinance.

There appears to be a stormwater discharge pipe east of the existing retaining wall. If any redevelopment of the upland property occurs, the stormwater should be redirected to avoid eroding the dune system.

Inter-Office
Memorandum



TO: Carol McFarlane, Planner II **DATE:** March 16, 2015

FROM: Danielle Dangleman, Environmental Specialist III

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: April 14, 2015
Parcel #: 4203-00-03-0030
Case #: PUD-15-026

Environmental Permitting (EP) has reviewed the PUD resolution and conducted a site visit. EP has no objection to this request.

INTER-OFFICE MEMORANDUM



TO: Carol McFarlane, AICP
Planner II

DATE: March 27, 2015

FROM: Melissa Winsett
Transportation Planner

RSN: 808128

SUBJECT: Oceanic Villas BPUD

LOCATION: On the east side of SR A1A north of Ormond Beach

Application and Site Information

The applicant is proposing an amendment to Oceanic Villa's existing BPUD located on SR A1A north of SR 40. The proposed amendment to the existing BPUD would allow for a private beach club that would be used for the residents of a senior adult community in the City of Daytona Beach located west of I-95 on LPGA Blvd. According to a technical memorandum provided by the applicant's traffic engineer, Lassiter Transportation Group, Inc (LTG), all residents would access the site by bus transportation. Private buses would serve the site 7 days a week, most likely between 8 AM and 8 PM, with a maximum of 12 arriving to and departing from the site once the adult community generates the bus service demand. Parking for beach club members and guests would not being provided. Only 10 parking spaces would be proposed for the site to serve the needs of event staff, vendors, caterers, etc., when the club would host beach members' private events. The technical memorandum, which provides more detailed information, is attached.

Transportation Analysis

A zoning trip generation analysis was completed for the applicant by LTG. The analysis compared the theoretical maximum intensity of the approved BPUD with that of the proposed BPUD. LTG determined that the amendment would result in a decrease of 20 daily trips and decrease of 2 p.m. peak-hour trips. The technical memorandum includes details on the methods and data used to derive the trip difference.

Zoning Trip Potential:

Table 1 depicts the trip generation comparison between the existing zoning category and that of which the applicant is seeking. The rezoning approval would result in a decrease of 20 daily trips.

Table 1

<i>Existing Zoning:</i>				
<i>Existing Zoning</i>	<i>Acreage</i>	<i>Density/Use</i>	<i>Trip Generation rate</i>	<i>Net Daily Trips</i>
BPUD	0.65	Maximum of 9 multi-family dwelling units	6.65	60
<i>Proposed Zoning:</i>				
<i>Proposed Zoning</i>	<i>Acreage</i>	<i>Density/Use</i>	<i>Trip Generation rate</i>	<i>Net Daily Trips</i>
BPUD	0.65	Beach Club accessible only by private bus with the exception of vehicles used to service private parties and events	12 buses & periodic Vendor, caterers, event staff vehicles	40*
Potential Net Trip DECREASE with Zoning Amendment: 20				

*Information derived from technical memorandum by LTG dated 3-20-15.

Conclusion

If the rezoning were approved, there would be no additional trips added to the transportation network. When comparing theoretical maximum intensity scenarios of the current and proposed BPUDs, the proposed BPUD would result in 20 fewer trips. Therefore, Traffic Engineering has no additional comments regarding the proposed BPUD. If the rezoning is approved, any additional comments regarding traffic impacts would be addressed through the site plan review process.

MW/

IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA

RE: PUD-07-103,

RESOLUTION NO. 2007-157
FIRST AMENDMENT TO
OCEANIC VILLAS BUSINESS PLANNED UNIT DEVELOPMENT
RESOLUTION # 2006-253

ORDER AND RESOLUTION
GRANTING A REQUEST FOR CHANGE OF ZONING FROM B-8 (Tourist) TO
OCEANIC VILLAS BPUD (BUSINESS PLANNED UNIT DEVELOPMENT)

The application of 1057 OCEANSHORE INVESTORS, LLC, hereinafter, "Applicant", for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on August 23, 2007. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management, Legal Department, and other Departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on November 14, 2006, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of 1057 OCEANSHORE INVESTORS, LLC. was duly and properly filed herein on May 25, 2007, as required by law.

B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the owner of a \pm 1-acre parcel of land, which is situated in Volusia County. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

D. That the Applicant has held a pre-application meeting as required by the Volusia County Zoning Ordinance No. 80-8, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from B-8 (Tourist) to OCEANIC VILLAS BPUD (Business Planned Unit Development).

B. That the said rezoning to a BPUD is consistent with both the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended, and the intent and purpose of the Volusia County Zoning Ordinance No. 80-8, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY COUNTY ADMINISTRATION BUILDING, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 23RD DAY OF AUGUST, A.D., 2007, AS FOLLOWS:

A. That the Application of 1057 Oceanshore Investors, LLC, for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from B-8 to BPUD as described in Article VII of the Volusia County Zoning Ordinance No. 80-8, as amended.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to Oceanic Villas BPUD.

D. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance No. 80-8, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement". The Volusia County Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.

E. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the BPUD in the same manner as B-8 Tourist zoning classification.

F. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinance other than Zoning Ordinance 80-8, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 88-3, as amended, and any other County Ordinances.

DEVELOPMENT AGREEMENT

A. **Development Concept.** The property shall be developed as a BPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as a BPUD and shall regulate the future land use of this parcel. In cases of conflict, the Master Development Plan shall be revised as otherwise required by this Agreement.

1. **Master Development Plan** The Master Development Plan shall consist of the Preliminary Plan prepared by Alann Engineering Group, Inc., dated and signed February 27, 2007, and this Development Agreement. The Preliminary Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and it shall constitute a supplement to the

Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article III of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Site Plan Development Order.

C. Phases of Development. The Applicant intends to develop the project as a whole and not in phases.

D. Land Uses Within the PUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed BPUD. The location and size of said land use areas are shown on the Preliminary Plan, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

Multifamily Standard Dwellings limited to 9 residential condominium dwelling units

Class A Home Occupations

Exempt excavations, in accordance with provisions of Section 817.00(o)
of Ordinance 80-8, as amended.

Exempt landfills, in accordance with provisions of Section 817.00(p) of
Ordinance 80-8, as amended.

Essential utility services.

E. Development Standards.

1. Minimum lot area: 1 acre
2. Minimum lot width: 108 feet
3. Minimum yard size (building)
 - a. Front yard: 90 feet
 - b. North Side yard: 23 feet measured from the building, including any terraces, decks, porches, but excluding roof overhangs and balconies that may encroach the side yard a maximum of 3 feet.
 - c. South Side yard: 10 feet measured from the building including any terraces, decks, porches, and stairways but excluding roof overhangs and balconies that may encroach in the side yard by a maximum of 3 ft.
 - d. Waterfront yard: 40 feet from seawall line or the seaward limit of permanent vegetation
4. Minimum floor area per unit: 4,000 square feet
5. Maximum lot coverage: 14.5% of lot area as shown on

Preliminary Plan

6. Maximum building height: Not to exceed 115 ft.
7. Off-street parking requirements: 2 per dwelling unit plus three guest parking spaces, including a minimum of one handicapped accessible parking space.
8. Signage requirements: As permitted by Section 822.00, except the ground sign is limited to an internally illuminated monument sign with a maximum copy area of 40 square feet and a maximum height of eight feet.
9. Density: 9 dwelling units per acre.

F. **Minimum Landscaping Requirements.** Landscape buffers shall be provided as generally depicted on the Master Plan. In the event of a conflict with the Volusia County Zoning Ordinance, Ordinance 80-8, as amended, the Master Plan and the provisions of this Development Agreement shall control. Except as otherwise depicted or stated, the landscape buffers will comply with the requirements of all Volusia County ordinances, including Section 808.00 of the Zoning Ordinance, Ordinance 80-8, as amended, interpreted in favor of Volusia County. The required landscape buffers along the north and south property lines shall be double the minimum requirements and shall include a minimum of 8 Group A or canopy trees and 8 Group B or understory trees and 36 Group C or Group D plants per 100-lineal feet of buffer, selected from Volusia County Building and Zoning or Environmental Management Division's plant lists, with a minimum of 75% of the required landscaping or vegetation provided on the exterior sides of any walls or fences. Such landscaping shall be planted and maintained to provide an effective visual

screen at a height of three to five feet of the parking areas and the principal building on the property, as viewed from the abutting properties to the north and south of the subject property. This visual landscape screening shall be provided along the north and south property lines, westerly of the rearward edge of the principal building. Furthermore, existing native vegetation and the existing site ground topography starting at and located easterly of the toe of the existing natural dune on the property shall be preserved and not cleared except as necessary to provide reasonable use and access to the property and beach. Outside of the dune area, to the maximum extent possible existing vegetation, trees, and native drought and salt tolerant ground covers, plants and trees shall be preserved and used on the property. Landscape buffer yards as shown on Exhibit B, along the north, south and west property lines shall also be provided and maintained using existing vegetation, trees, and native drought and salt tolerant ground covers, plants and trees.

G. Fences and Walls. Except for required swimming pool fences with opacity of 25% or less, no fence, wall or hedge shall exceed a height of three feet, rearward of the rear most point of the principal structure. The proposed six-foot parking area privacy walls in the north and south buffer yards, shown on the BPUD Preliminary Plan shall lowered to a height of three feet. The proposed swimming pool privacy wall adjacent to the south property line, shall setback a minimum of ten feet from the south property line. The privacy walls shall be designed to have offsets, ribs or projections to provide visual interest and relief and to avoid a monotonous "flat blank wall appearance."

H. Open Space and Common Area. An open space and common area consistent with the Preliminary Plan shall be dedicated by plat or deed to the residents or

owners in the Oceanic Villas BPUD. An association of owners shall be created to maintain the common area and open space in accordance with the documents creating the association. Copies of the association documents shall be furnished to Volusia County at the time of creation.

I. **Environmental Considerations.** The development shall meet the minimum requirements of the Land Development Code Ordinance No. 88-3, as amended.

J. **Sewage Disposal and Potable Water.** The applicant shall obtain central potable water and sanitary sewage treatment services from the City of Ormond Beach. Provision for sanitary sewage treatment and potable water service needs of the BPUD will also be provided in accordance with the Comprehensive Plan, Ordinance No. 90-10, as amended, the Land Development Code Ordinance No. 88-3, as amended, and State of Florida Administrative Code 64E-6.

K. **Stormwater Drainage.** Provision for stormwater retention shall be in accordance with the Land Development Code, Article VIII, Ordinance No. 88-3, as amended. In addition the stormwater system shall be underground and shall not discharge or overflow to adjoining properties.

L. **Access and Transportation System Improvements.** All access and transportation system improvements shall be provided in accordance with the Land Development Code, as amended. The parcel shall be developed in substantial accordance with the provisions noted on the Master Development Plans. However, the driveway apron connection to SR A1A shall be reduced to a width of 24 feet. Access and transportation improvements are subject to the review and approval of the Florida Department of Transportation and the Volusia County Development Review Committee.

M. Building or Property Owners Association. The charter and by-laws of a building or property owners association and any other agreements, covenants, easements or restrictions shall be furnished to the County of Volusia at the time of creation. The applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. Also, the applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the applicant and the owners or occupiers of property within the BPUD, the County of Volusia shall only enforce the provisions of the "Development Agreement" and Volusia County Zoning Ordinance No. 80-8, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

N. Reverter Provision. Within five (5) years from the effective date of this Order and Resolution, the applicant shall have submitted a Final Site Plan as described in Section A. 3. of this "Development Agreement." In the event that the Final Site Plan is not submitted on or before the date indicated, this development agreement shall expire unless the Zoning Enforcement Official, for good cause shown, shall approve a minor amendment to extend the time period indicated in this paragraph.

O. Binding Effect of Plans Recording and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The BPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent

with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended.

This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department. The date of receipt of this document by the Growth and Resource Management Department shall constitute the effective date of the BPUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

P. **Conceptual Approval.** The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Upon determination of the Zoning Enforcement Official, these revisions may be processed as minor amendments as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan, which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30-day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource

Management Department.

Q. Seawalls and Property Armoring. The natural dune on the property shall remain natural. Seawalls and other types of coastal armoring may be allowed on the property (i) if a serious threat to public health and safety exists and is first demonstrated to the County Council and (ii) if prior to or during future construction it is determined that the existing seawall is in need of repair or replacement. Property armoring on the property may also be authorized in an emergency based on a determination of the Florida Department of Environmental Protection and Volusia County Environmental Management Department. However, any permissible armoring shall be limited to the present seawall location and shall not be extended or moved seaward.

R. Outdoor Storage. The parties hereto acknowledge that outdoor storage for the development shall be restricted including but not limited to the storage of a trash refuse container. The applicant agrees that the refuse container shall be safely placed roadside only on the scheduled days of pick up. The trash container shall be placed on a permanent concrete pad and visually screened by opaque stone, brick or masonry screen walls, so that the trash refuse container is not visible from the right-of-way of State Road A1A or adjacent properties. These requirements shall be incorporated into the provisions of the Property Owners Association documents which shall be recorded in the Public Records of Volusia County, Florida.

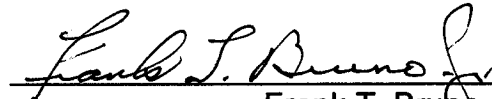
S. HVAC Mechanicals. The parties hereto acknowledge that the HVAC mechanical system shall be located on the roof structure and shall be properly screened to the adjacent properties.

DONE and ORDERED by the County Council of Volusia County, Florida, this
23rd day of August, 2007.

ATTEST:


James T. Dinneen
County Manager

VOLUSIA COUNTY COUNCIL


Frank T. Bruno, Jr.
County Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

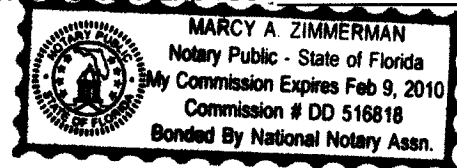
The foregoing instrument was acknowledged before me this 20th day of
November 2007 (month), by James T. Dinneen and Frank T. Bruno, Jr, as
County Manager and Chair, Volusia County Council, respectively, on behalf
of the County of Volusia, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:


Commission No.: _____

My Commission Expires: _____



WITNESSES:

1057 Oceanshore Investors, LLC

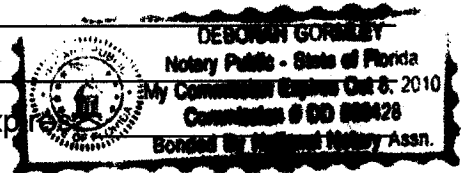
Debbie Formley By: Paul F. Holub, Jr.
Paul F. Holub, Jr., Managing Member

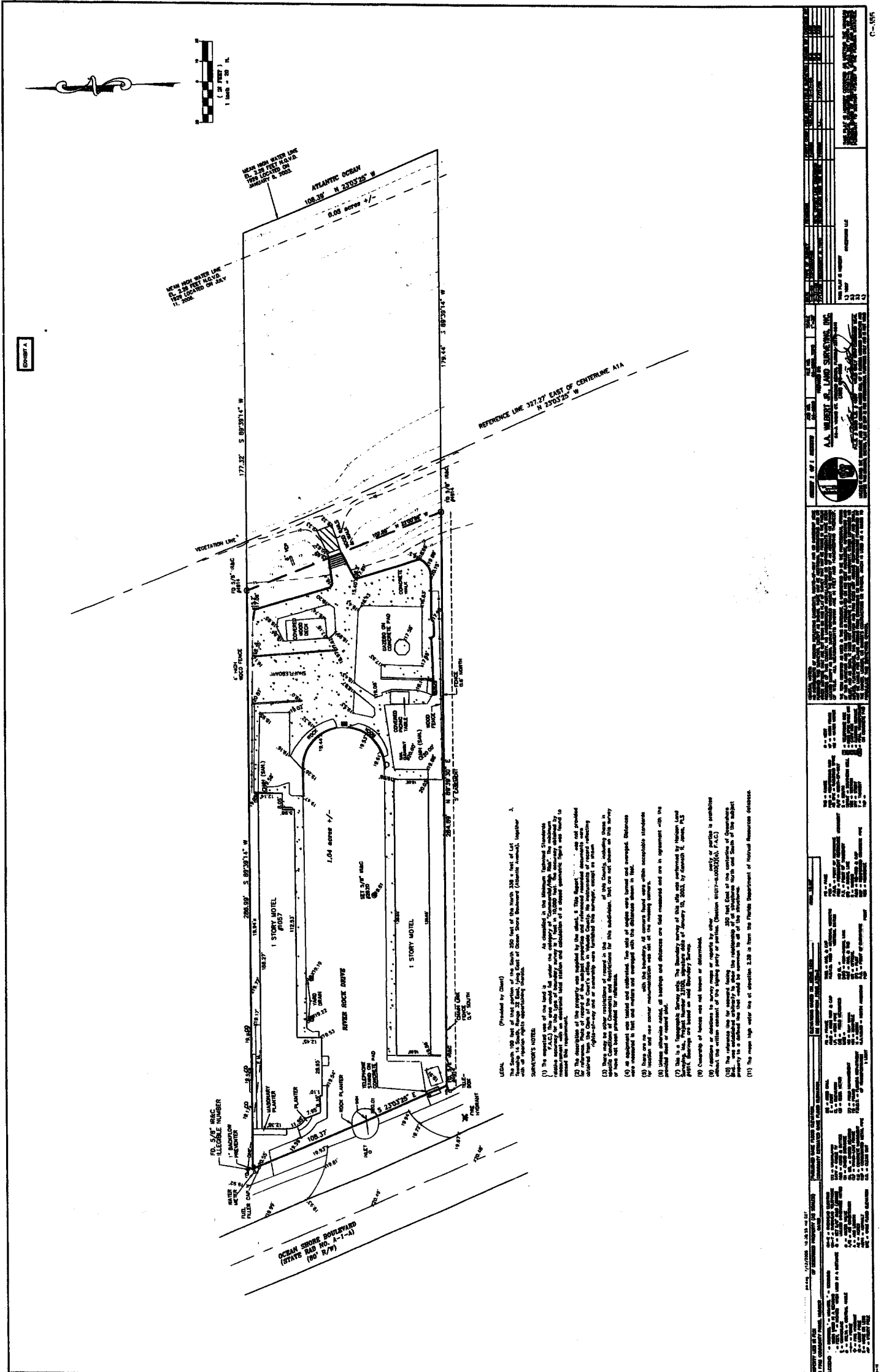
The foregoing instrument was acknowledged before me this 22 day of
January, 2008, by Paul F. Holub Jr.,
who is personally known to me or who has produced
_____ as identification.

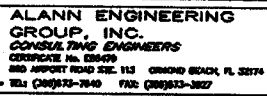
Debbie Formley
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.:

My Commission Expires

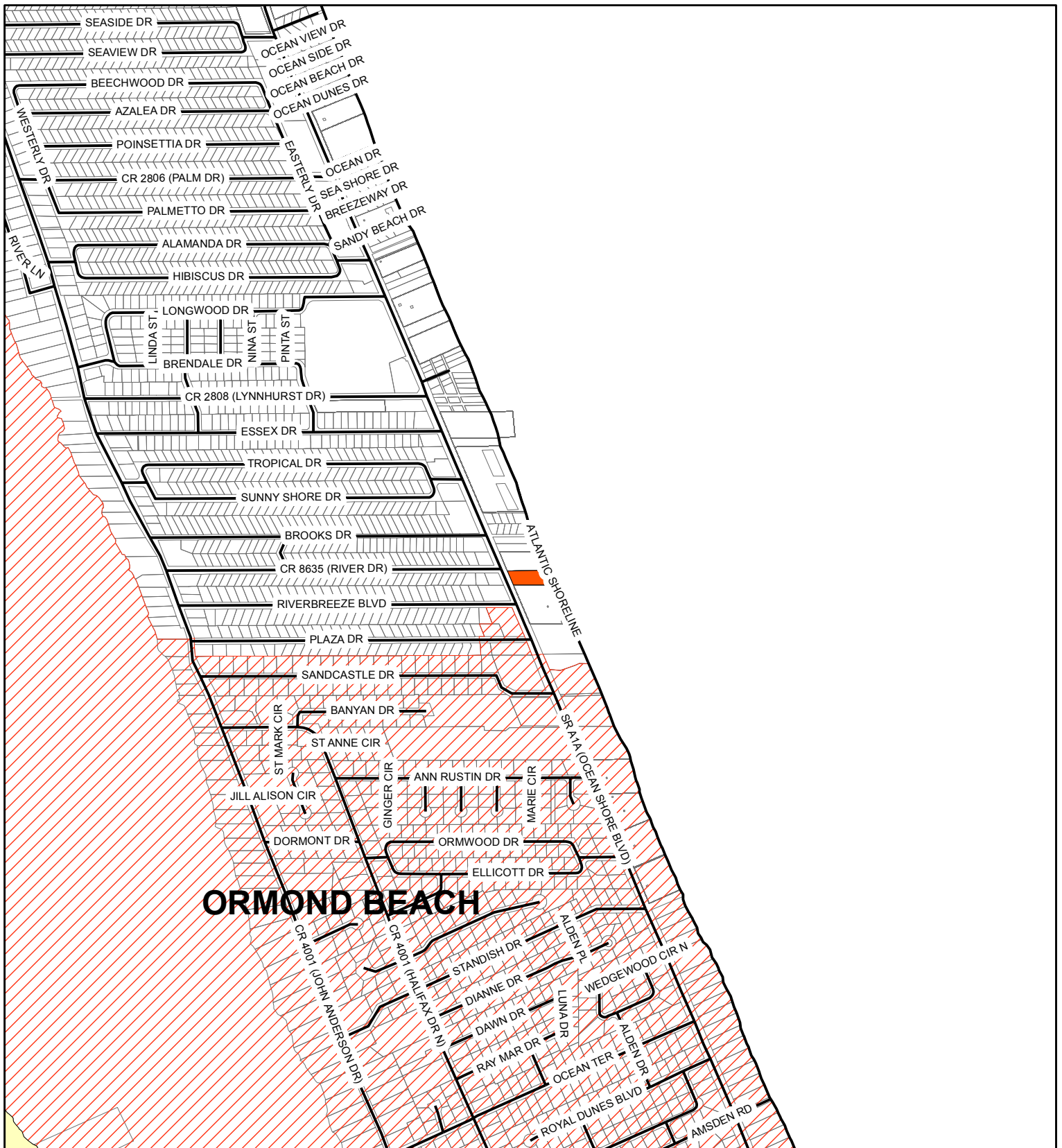






SECRET
2 OF 7

SEP 27 2007



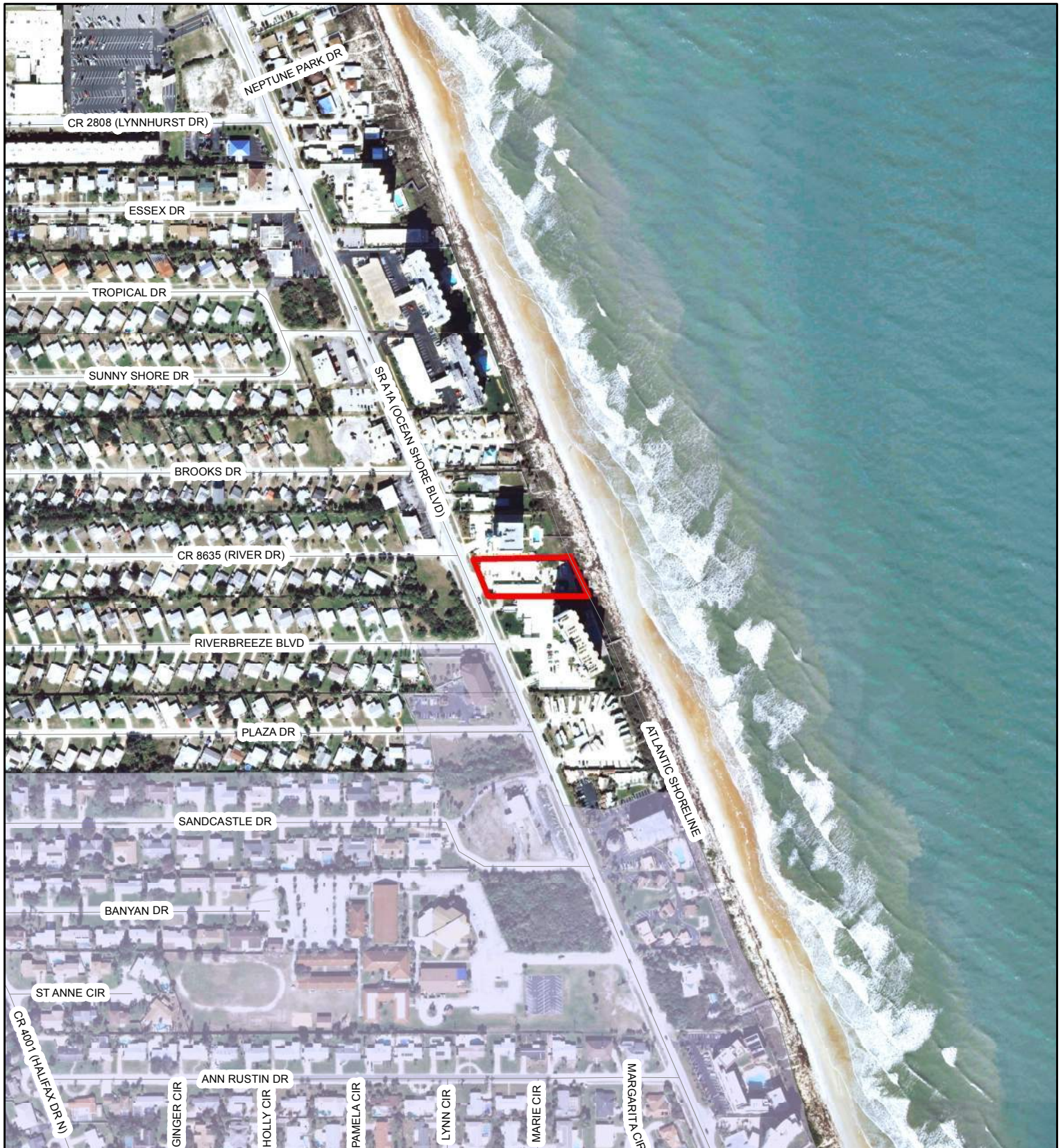
ECO/NRMA

 ECO
  NRMA
  REQUEST AREA

1 inch = 1,000 feet



REZONING
CASE NUMBER
PUD-15-026



AERIAL 2012

1 inch = 400 feet



REQUEST AREA

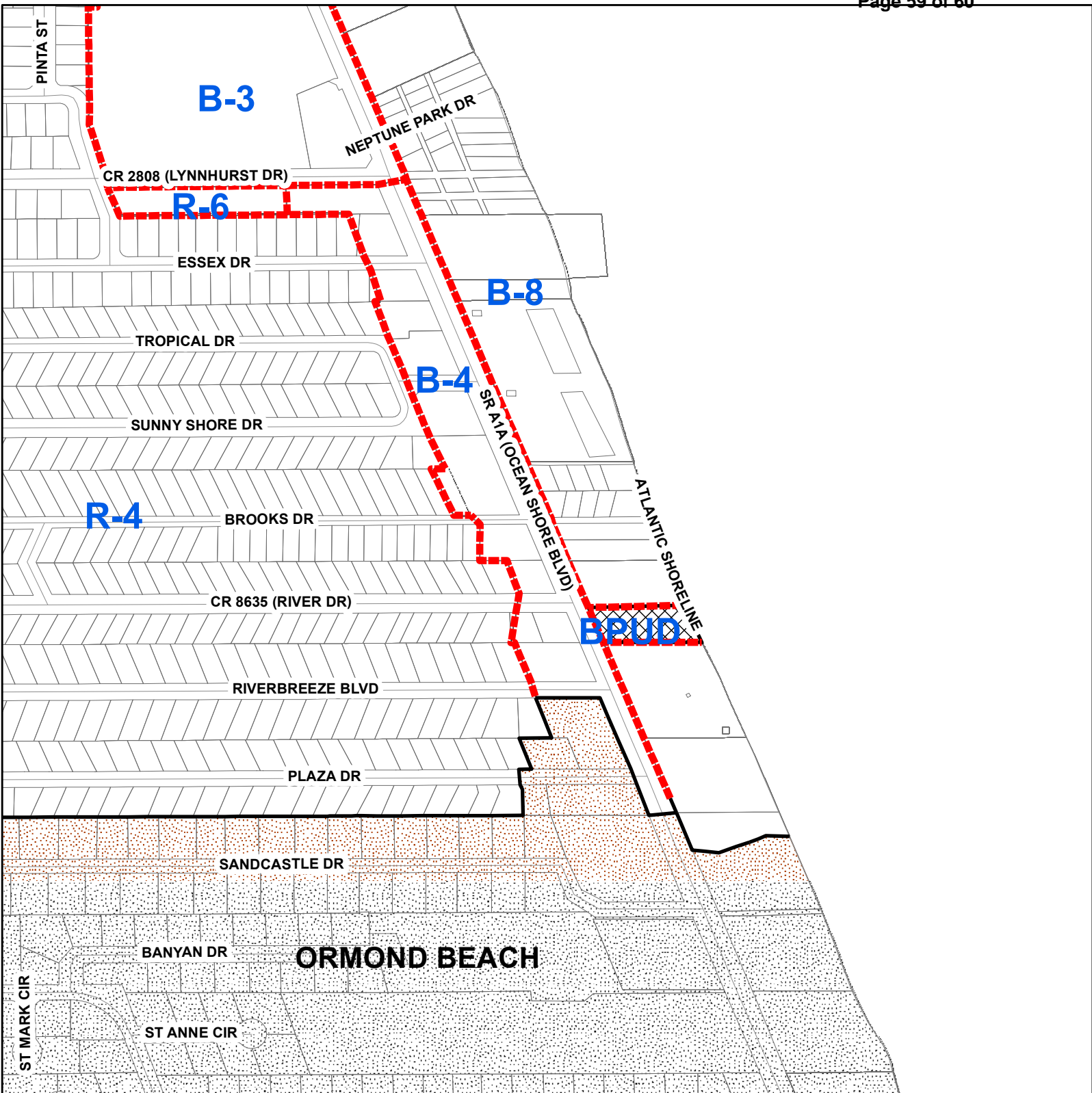


CITY OF ORMOND BEACH



**REZONING
CASE NUMBER**

PUD-15-026



ZONING CLASSIFICATION

1 inch = 400 feet



**REZONING
CASE NUMBER**

PUD-15-026



INCORPORATED



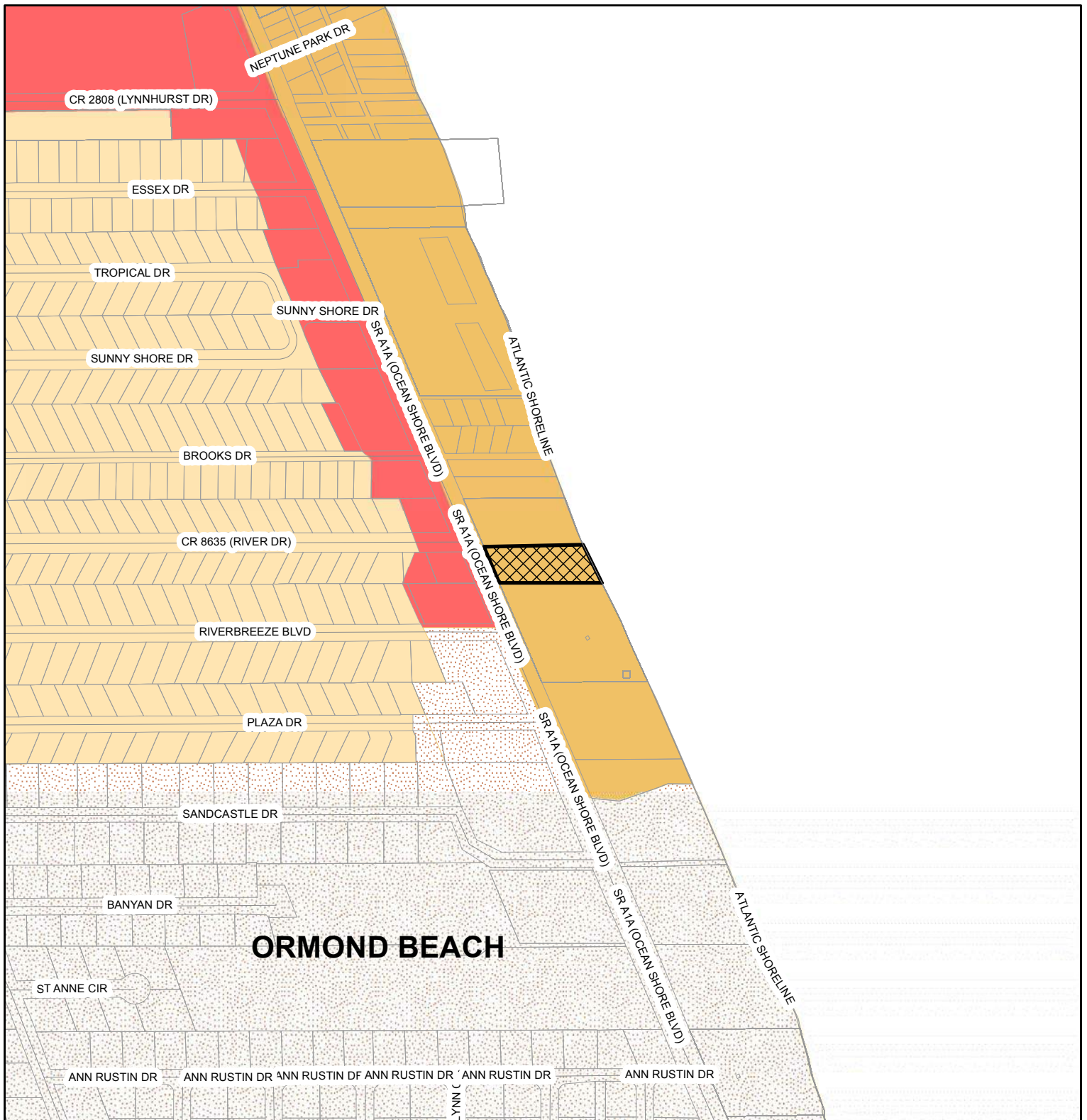
COMMERCIAL








RESIDENTIAL



REQUEST AREA



FUTURE LAND USE DESIGNATION

- | | | | |
|---|--------------|---|------------------------|
|  | COMMERCIAL |  | URBAN HIGH INTENSITY |
|  | INCORPORATED |  | URBAN MEDIUM INTENSITY |
|  | REQUEST AREA | | |

1 inch = 400 feet



**REZONING
CASE NUMBER
PUD-15-026**