



**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: November 12, 2013 - Planning and Land Development Regulation Commission (PLDRC)

CASE NO: PUD-13-043

SUBJECT: Rezoning from Prime Agriculture (A-1) to the Business Planned Unit Development (BPUD) classification

LOCATION: 3585 Pioneer Trail, New Smyrna Beach

APPLICANT: James Stowers, Esquire

OWNER: RR Farms, LLC.

STAFF: Becky Mendez, AICP, Senior Planning Manager

I. SUMMARY OF REQUEST

The applicant is requesting a rezoning of 9.63 acres from Prime Agriculture (A-1) to the Business Planned Unit Development (BPUD) classification. The BPUD rezoning is proposed to allow retail commercial uses in accordance with the development standards detailed in the BPUD development agreement.

The commission and council will hear the companion small scale future land use amendment request (case CPMA 13-004) from Agricultural Resource (AR) to Commercial (COM) prior to this rezoning application. If the future land use amendment is approved, a BPUD classification is appropriate.

II. SITE INFORMATION

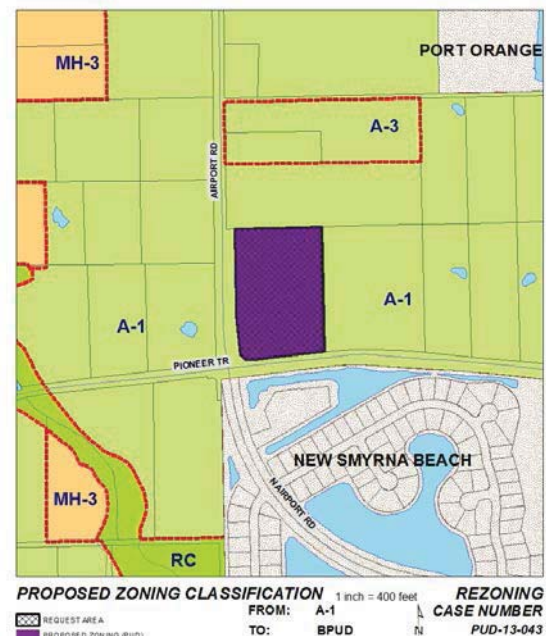
1. Location: Northeast corner of the intersection of Pioneer Trail and Airport Road.
2. Parcel No: 7306-01-00-0170
3. Property Size: 9.637
4. County Council District: 3
5. Zoning: Prime Agriculture (A-1)
6. FLU Designation: The applicant is requesting a concurrent future land use amendment to change the designation from Agricultural Resource to Commercial. The requested zoning is subject to approval of this land use amendment.
7. ECO Map: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North	A-1 A-3	Agricultural Resource and Rural	Agriculture and Rural Residential. Further north are developed residential subdivisions within the City of Port Orange.
East	A-1	Agricultural Resource	Rural residential and Agriculture
South	New Smyrna Beach PUD	New Smyrna Beach Low Density Residential	Mixed Use PUD – Venetian Bay. This development contains residential uses near the roadway, as well as a 2 acre commercial site at the intersection, and allows additional commercial uses internal to the development.
West	A-1	Agriculture Resource	Agriculture and Rural Residential.

10. Maps



Existing Zoning



Proposed Zoning

III. Background and Previous Actions

In 2010, this property was the subject of a future land use amendment from Agricultural Resource (AR) to Commercial (COM), which was ultimately rescinded. The previous companion BPUD request was for 60,000 square feet of retail uses on two lots.

On June 28, 2013 the applicant submitted a small scale comprehensive plan map amendment and rezoning similar to the previous request. The proposed future land use map amendment limits development to 75,000 square feet and provides minimum perimeter buffer widths. The proposed BPUD rezoning further limits development to 51,400 square feet on lot 1 and 5,000 square feet on lot 2. The development agreement of the BPUD generally includes: phasing, permitted uses and development standards.

The following are outstanding issues related to the proposed BPUD Development Agreement:

Parking:

In June 2012, the county council adopted reduced minimum parking requirements with the aim of limiting impervious surface areas. The proposed BPUD allows 5 spaces per 1,000 square feet of gross floor area (GFA), compared to the existing code standard of 3 spaces per 1,000 GFA for a grocery store use. The proposed BPUD preliminary plan indicates 246 parking spaces, which exceeds the county's zoning code by 57 spaces, or approximately 9,750 square feet of additional impervious surface area (246 parking spaces equals approximately 42,000 square feet of ISA).

The applicant provided a parking study to support the increase. The parking analysis projects that the *peak* parking demand for a suburban site is 5.05 spaces per 1,000 square feet, and 3.2 spaces per 1,000 square feet for a rural site. In light of county council's 2011 adoption of the parking reduction ordinance, the rural nature of the site, and adjacent agricultural, unincorporated properties, the applicant's support documentation does not adequately justify the proposed increase.

Architectural Design:

The applicant previously included architectural design standards, supplementing the minimum requirements of the county's code. However, the applicant's October revision amends that proposed text by inserting "facing the public right-of-way" and deleting many of the proffered enhancements. In order to screen adjacent properties, rear loading docks and all exterior walls should be constructed with finished materials.

Illumination:

In order to reduce night-time urban glare and light pollution, all PUD development agreements over the last several years have included standard illumination language, which caps the maximum lumens produced on a site, caps the amount of light-candles measured at property lines, and provides design standards for fixtures.

Planning for appropriate illumination in rural areas may help a commercial property blend-in with the surrounding neighborhood. The applicant proposes to delete this section of the BPUD development agreement in its entirety.

Administrative:

The preliminary plan attached as Exhibit B to the BPUD development agreement should be revised so that it is clearly legible as a 8 1/2 " X 11" attachment. The plan should also ensure that the square feet totals are consistent.

Inclusion of the parking justification memo (attached as Exhibit C to the BPUD development agreement) is not typical and should be submitted as background information, not an attachment.

IV. Review Criteria and Analysis

Amendment of the Official Zoning Map - Sec. 72-414. Amendment to official zoning map procedure (e), in its review of a rezoning application, the commission shall consider:

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

This proposed BPUD rezoning is a companion to the applicant's request to change the future land use designation from Agricultural Resource to Commercial. If the county council approves the change to a Commercial designation, a BPUD classification may be compatible. The comprehensive plan supports infill development, discourages strip commercial, protects agricultural uses from encroachment, and restricts land uses that

have an adverse effect on the Samsula Local Plan community (See policies 1.1.3.7, 1.1.3.8, 1.1.3.11, 1.3.1.15, 1.4.1.1, 1.4.1.2, 1.4.1.3, SAM1.11.2.3, and goal 1.4).

Parking areas in excess of the maximum allowable parking unnecessarily increases impervious surface areas and negatively impacts the natural environment. Enhanced architectural design and illumination standards are tools to help otherwise incompatible uses blend with the existing neighborhood. The proposed BPUD development agreement does not offer meaningful enhancements to mitigate the impacts of the proposed commercial activity on adjacent agricultural, rural, residential properties. Therefore, the three outstanding issues regarding the BPUD development agreement should be addressed.

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

As presented in the preliminary plan, the applicant proposes to preserve 47 out of 67 specimen trees found on site and all 5 historic trees. Open space areas that serve as tree preservation areas are shown on the preliminary plan. The plan indicates the required 25' wetland buffer. Protection of the environment and natural resources will be evaluated during final site plan review.

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

The economic impacts of the requested rezoning will allow a commercial development that may serve the daily commercial needs of the area. It will also provide local employment opportunities.

(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.

Schools will not be impacted as this is a nonresidential use.

Potable water and sewage are to be provided by the City of Port Orange and they have stated that adequate capacity exists for services.

Police and Fire protection will be provided by Volusia County.

Solid waste level of service is adequate to accommodate this use.

The BPUD development agreement limits the driveway connections to one onto Airport Road and one onto Pioneer Trail. The development agreement provides for a 24-foot wide cross access easement to the property to the east. Staff provided detailed information regarding the potential impact to the adjacent transportation system in the future land use map amendment report. If the land use designation is amended from agricultural to commercial then the preliminary plan and development agreement of the BPUD rezoning shall be reviewed during final site plan review for compliance with the land development and zoning code.

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

There have been no changes in the area since the previous application for commercial development of this property in 2008.

(6) Any mistakes in the original classification.

There is no mistake in the original zoning classification of Prime Agricultural (A-1).

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

The commercial use may increase the value of the affected parcel. It may also increase the value of adjacent properties if the desire of the area is to redevelop in a more urban form. However, if the desire of the area is to maintain the rural atmosphere then it may negatively impact the value of adjacent rural properties.

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

The property owner/developer is required to obtain site plan approval and building permits prior to development. The rezoning will not negatively impact the public health, welfare, safety or morals.

V. Staff Recommendation

If county council approves the future land use map amendment to Commercial the BPUD rezoning may be consistent with the comprehensive plan if the following conditions are incorporated:

1. Revise the BPUD development agreement and preliminary plan so that the parking rate complies with existing county zoning code requirements.
2. Revise the BPUD development agreement to include enhanced architectural elements and design to ensure a first class development and to mitigate the impact of commercial development on adjacent rural, agricultural, residential properties.
3. Revise the BPUD development agreement to include illumination standards as previously drafted.
4. Revise the BPUD development agreement for clarity:
 - a. The preliminary plan attached as Exhibit B to the BPUD development agreement should be revised so that it is clearly legible as a 8 1/2 " X 11" attachment and such that the square foot totals are consistent.
 - b. The parking justification memo should not be included as part of the BPUD development agreement, as this is atypical.

VI. Attachments:

Draft BPUD Resolution No. 2013-XX

Maps

Attachment A- June 2013 applicant submittal package

Attachment B- October 2013 applicant response letter

Attachment C- County Transportation Analysis

VII. Authority and Procedure

Any new information to be 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 to be presented at the county council meeting that was 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 2013-

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, APPROVING CASE # PUD-13-043, KNOWN AS PIONEER SQUARE, AND AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM THE PRIME AGRICULTURE (A-1) TO BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) CLASSIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the application of RR Farms, LLC hereinafter, "Applicant," for rezoning 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 Applicant was duly and properly filed herein on June 28, 2013 as required by law.

B. That Applicant has applied for a change of zoning from the Prime Agriculture (A-1) to the Business Planned Unit Development (BPUD) classification for the parcel described in Exhibit "A" to the Development Agreement for Case # PUD-13-043, known as Pioneer Square.

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

D. That Applicant is the Owner or authorized representative of the Owner of a 9.637 acre parcel of land, which is situated in Volusia County. This parcel of land is described more particularly in the property survey and legal description, a true copy of which is attached as Exhibit "A" to the Development Agreement for Case # PUD-13-043.

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

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

G. That the said rezoning to BPUD is consistent with both the Volusia County Comprehensive Plan and the intent and purpose of the Zoning Code of Volusia County, Florida ("Zoning Code"), as codified in article II of Chapter 72, Code of Ordinances, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

H. That the owner of the property, RR Farms, LLC, agrees with the provisions of the Development Agreement, which is attached hereto as Exhibit "1."

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

A. That the Application of RR Farms, LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" to the Development Agreement is hereby amended from the *A-1* to *BPUD* classification as described in the zoning code.

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

D. With respect to any conflict between the zoning code and this Resolution or the attached Agreement, the provisions of this Resolution and Development Agreement shall govern. The zoning code shall govern with respect to any matter not covered by this Resolution or the Development Agreement. The Volusia County Zoning Enforcement Official will ensure compliance with this Resolution and the Development Agreement.

E. Unless otherwise provided in paragraph D, nothing in this Resolution or the Development Agreement shall abridge the requirements of the Code of Ordinances, County of Volusia. Timing and review procedures contained in this Resolution and the Development Agreement 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 is subject to approval of the small scale comprehensive plan amendment for the property described in Exhibit "A" to the Development Agreement, but shall otherwise 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 P. Davis, County Chair

Please return recorded document to:

Volusia County
Growth and Resource Management
123 W. Indiana Ave., Room 202
Deland, FL 32720

EXHIBIT “1”

DEVELOPMENT AGREEMENT

Pioneer Square Case # PUD-13-043

A. Development Concept. The property shall be developed as a BPUD substantially in accordance with the Pioneer Square Master Development Plan (the “Pioneer Square MDP”). The Pioneer Square MDP shall govern the development of the property as a BPUD and shall regulate the future use of this parcel.

1. Pioneer Square MDP. The Pioneer Square MDP shall consist of the Preliminary Plan prepared by Zev Cohen & Associates, dated October 18, 2013 and this Development Agreement. The Preliminary Plan is hereby approved and incorporated in this Development Agreement by reference as Exhibit “B”. The Pioneer Square MDP 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 to the Pioneer Square MDP, 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. Subdivision Approval. After the Pioneer Square MDP is recorded,

and prior to any construction, including clearing and landfill, applications for Overall Development Plan and subsequently Preliminary Plats and Final Plat of the area to be subdivided shall be submitted for review and approval in the manner required by Division 2 of the Land Development Code, as amended.

4. Final Site Plan Approval. 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 a manner required by the Land Development Code, as amended, concurrent with, or subsequent to, the submittal of the Preliminary Plat application. The Preliminary Plan meets the minimum submittal requirements of a Conceptual Site Plan application in accordance with the Land Development Code. Therefore, the Pioneer Square MDP 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 as stated above once this Order and Resolution has been recorded. No certificate of Occupancy shall be issued until Subdivision Final Plat has been recorded.

B. Unified Ownership. The Applicant or his successors has and shall maintain unified ownership of the subject parcel until after the issuance date of the Final Subdivision Plat Development Order.

C. Phases of Development. The Property shall be generally developed with two (2) lots as depicted on the Preliminary Plan. Although development of the Property is expected to occur in a single phase, the development of the Pioneer Square BPUD, as shown on the Preliminary Plan, may occur in two phases. If development is phased, Lot 1 shall be developed as Phase 1. Lot 1 is the primary grocery store parcel

containing the grocery store structure, together with infrastructure and other improvements supporting Pioneer Square. Lot 2 is an outparcel contiguous to Lot 1. Supporting infrastructure for Lot 2 shall be constructed with Phase 1. Additionally, ingress/egress easements for Lot 2 from Airport Road and Pioneer Trail, along with drainage, maintenance, and utility easements shall be completed concurrent with development of Lot 1.

D. Land Uses within the BPUD. The development of the Property shall be consistent with the uses prescribed for the proposed Pioneer Square BPUD. The locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit B consistent with the Pioneer Square MDP. Note, however, that the specific location of the uses and structures within the site may change, provided they meet the development standards provided in Section E and the processes set forth in Section O.

1. Permitted Uses. The Property shall be used only for the following uses and their customary accessory uses or structures. If a use or structure is not listed as permitted, the Zoning Enforcement Official may permit said use or structure upon a determination that said use or structure is similar to the uses or structures otherwise permitted by the BPUD.

- Retail Sales and Services
- Apparel stores
- Convenience food stores, without the sale of gasoline
- Financial Institutions, with drive-thru service (limited to three bays)
- Specialty stores such as pet shops, book stores, office supply store, jewelry shops, health food stores, electronics stores, and postal & shipping stores.

- Grocery stores, with pharmacy drive-thru service (limited to two bays)
- Pharmacies, with drive-thru service (limited to two bays)
- Liquor stores
- Laundry and dry-cleaning establishments
- Professional, business and general offices
- Personal service establishments such as hair and nail salons, tanning salons, health clubs and spas
- Art, dance, and music schools
- Daycare centers
- Food and Beverage Establishments including Type A Restaurants, sandwich shops, delicatessens, coffee shops, but shall not include restaurants with drive-in or drive-thru service.
- Public uses
- Communication towers not exceeding 70 feet in height above ground level.
- Hardware/home improvement retail center

E. Development Standards. As provided by a map annotation within the Volusia County Comprehensive Plan Future Land Use Map, the maximum square footage allowed on the project site is limited to 75,000 square feet in gross floor area (GFA); however, the maximum square footage provided by this Agreement shall control. The total GFA on Lot 1 and the GFA of any individual building on Lot 1 shall not exceed 51,400 square feet. The total GFA on Lot 2 shall not exceed 5,000 square feet. While the floor area ratio (FAR) for the project site is approximately .13 FAR based on the GFA limitation and project site size of 9.33 acres based upon future right-of-way

dedication to Volusia County as shown on the Preliminary Plan, no individual lot within the overall project shall have an FAR greater than .35 FAR as provided on the Preliminary Plan.

1. Maximum number of lots: 2 lots
2. Minimum lot area: 0.75 acres
3. Minimum lot width: 150 feet
4. Minimum building setbacks:
 - a. From Pioneer Trail right-of-way line: 73 feet
 - b. From existing rear property line: 70 feet
 - c. From Airport Road right-of-way line: 100 feet
 - d. From existing east side property line: 50 feet
 - e. Internal lot lines: 5 feet
5. Maximum lot coverage: 35%
6. Maximum building height: 35 feet

Ornamental roof features, such as steeples or clock towers, may extend up to 45 feet.

7. Property perimeter landscape buffers:
 - a. Adjacent to Pioneer Trail: 23 feet, not to include existing FPL easement upon dedication of 27 foot ROW
 - b. From existing north property line: 20 feet
 - c. Adjacent to Airport Road: 35 feet
 - d. From existing east side property line: 20 feet
 - e. Internal boundaries between lots: 0 feet

Required landscaping shall comply with the minimum requirements of Section 72-284 of the Zoning Code as amended, except as otherwise stated in this document. At least 50% of required landscaping shall be native species that are drought tolerant. Additionally, the area labeled on the Preliminary Plan as “Tree Preservation Area” shall remain as a landscaped area in order to ensure a substantial landscape buffer between the Property and Airport Road. Additionally, within the areas labeled on the Preliminary Plan as Tree Preservation Area, existing specimen and historic trees shall be preserved and exotic species removed, with no planting under the canopy of historic or other specimen trees. This area shall remain as landscaped area to ensure a substantial buffer between the property and both Airport Road and Pioneer Trail.

8. Minimum building separation: 15 feet

9. Off-street parking and loading requirements: Off-street parking spaces shall be provided as depicted on the Preliminary Plan (Exhibit B). Although the parking threshold of 176 spaces (125% of the minimum parking threshold based on grocery and retail sales uses for Lot 1) is referenced on the Preliminary Plan, the Plan also provides for an overall parking space maximum of 234 spaces for Lot 1. The grocery parking calculation of 5/1000 SF is substantiated by the Pioneer Square Parking Justification Technical Memorandum provided by Lassiter Transportation Group, attached hereto as Exhibit “C”. Off-street parking spaces for Lot 2 shall meet the applicable use threshold provided by Section 72-286 of the Zoning Code as amended. Finally, loading requirements shall be in accordance with Section 72-286 of the Zoning Ordinance as amended for both Lot 1 and Lot 2.

10. Signage requirements: Signs shall comply with applicable

requirements of the Zoning Code as amended, including Section 72-298 Sign Regulations, unless otherwise stated by this document. Ground signs shall be limited to 1 sign per street frontage for the entire development, regardless of the number of lots. Ground signs shall be a maximum of 8 feet in height and have a maximum copy area of 40 square feet.

11. Nonresidential Development Design Standards: The requirements of Section 72-303 Nonresidential Development Design Standards of the Zoning Ordinance as amended apply as stated by said Section 72-303, unless otherwise stated by this document. The architectural design within the BPUD shall generally comply with a Florida Vernacular theme. Additionally, the following requirements shall apply:

- a. A common architectural theme shall be established by harmoniously coordinating the general appearance of all buildings and accessory structures. For purposes herein, general appearance includes, but is not limited to, exterior wall finishes, construction materials, roof styles, slopes, architectural details and ornamentation.
- b. All structures shall complement one another and shall convey a sense of quality and permanence.
- c. Exterior walls facing the public right-of-way shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, wood or concrete fiberboard, or other similar material on all sides.
- d. All amenities, accessory structures and signage shall be

consistent with the overall theme of the project.

e. All drive-thru canopies shall be compatible with the architectural design of the principle structure.

f. All service areas and mechanical equipment visible from the public right-of-way (ground or roof) including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, and propane tanks, displays and refilling areas, shall be screened using architectural features consistent with the structure, or landscaping of sufficient density and maturity at planting to provide opaque screening.

g. Loading docks shall be located away from the street and screened from public view.

Architectural elevations shall be submitted with the Preliminary Plat and Final Site Plan application and the Development Review Committee (DRC) shall determine compliance before issuing a development order.

12. Illumination: To minimize obtrusive aspects of excessive and/or nuisance outdoor light usage, while preserving safety, security and the nighttime use and enjoyment of the property a signed and sealed illumination plan shall be submitted with the Final Site Plan application.

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

G. Sewage Disposal and Potable Water Facilities. Provisions for sewage

disposal and potable water needs of the Pioneer Square BPUD will be provided in accordance with the comprehensive plan, the land development code and Fla. Admin. Code Ann. r. 64E-6. Both sanitary sewer service and potable water service shall be provided by the City of Port Orange, Florida; however, pursuant to the August 29, 2005 Settlement Agreement between Port Orange and Volusia County, ultimate connection to the Port Orange water main requires the County's prior written consent if connection is made prior to the Pioneer Square BPUD parcel being annexed into Port Orange.

H. Stormwater Drainage. Provision for storm water retention shall be in accordance with the land development code.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the land development code. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access to the project site shall include one driveway access point from Airport Road and one driveway access point from Pioneer Trail as shown on Exhibit B. Site access, pedestrian, bicycle and traffic circulation improvements and access points shall be finally determined during final site plan review and/or subdivision application review, in accordance with the requirements of the land development code as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer as may be necessary to provide required pedestrian, bicycle, and traffic safety improvements on and adjacent to the site. Once the access locations are approved, the Applicant shall

establish and dedicate non-vehicular access and pedestrian access easements to Volusia County along the remaining Airport Road and Pioneer Trail frontages, at no cost to Volusia County, with appropriate dedications, statements and notations, as part of the subdivision or final site plan review process.

2. Cross Access. The Applicant shall provide a cross access easement between lots and a twenty five (25) foot cross access easement to adjoining properties fronting on Pioneer Trail prior to issuance of a development order for Phase 1. The twenty five (25) foot cross access easement to adjoining property fronting on Pioneer Trail shall be contingent upon the adjacent use(s) being complimentary to Pioneer Square and adjacent users addressing all traffic safety concerns related to the use of the Pioneer Square site for access to Pioneer Trail.

3. Transportation System Improvements. Transportation system improvements shall be provided as required by the land development code, as determined during final site plan review and/or subdivision review, as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer.

J. Internal Roadways. Internal roadway(s), if applicable, shall be constructed in accordance with the applicable requirements and standards of the land development code.

K. Fire Protection. The applicant is responsible for providing adequate on-site water supply and other fire protection improvements to serve the Pioneer Square

BPUD project. The design, capacity, and location of the required water supply and other fire protection improvements shall be as required by the Volusia County Fire Marshall's office.

L. Building or Property Owners Association. The charter and by-laws of the Property Owners Association (*if applicable*) 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. In addition, 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 Pioneer Square BPUD, the County of Volusia shall only enforce the provisions of the "Development Agreement" and Volusia County Zoning Code, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

M. Expiration of Development Agreement. The Applicant shall file a Final Site Plan or an overall development plan within five (5) years from the effective date of this Order and Resolution. Failure to timely file said final site plan or overall development plan shall immediately render the development agreement null and void, unless the zoning enforcement official, for good cause shown, approves a minor amendment to extend the time period indicated in this paragraph.

N. Binding Effect of Plans, Recording, and Effective Date. The Pioneer Square MDP, 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, Order and Resolution and all approved plans shall run with the land.

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 this Order and Resolution and its subsequent amendments. The Applicant shall pay all filing costs for recording documents. Failure to record this Order and Resolution within the forty-five (45) day period as stated above shall render this Development Agreement null and void.

O. Conceptual Approval: The parties hereto acknowledge that reductions in 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 land development code. A request for such an amendment shall be reviewed by the zoning enforcement official and may be processed as a minor amendment in accordance with section 72-289 of the zoning code. 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.

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DONE and ORDERED by the County Council of Volusia County, Florida, this ____ day
of _____, 2013.

ATTEST:

VOLUSIA COUNTY COUNCIL

James T. Dinneen
County Manager

Jason P. Davis
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day
of _____, 2013, by James T. Dinneen and Jason P. Davis, 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:

OWNER:

(Sheldon Rubin - Manager, RR Farms, LLC)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day
of _____, 2013 by Sheldon Rubin – Manager, RR
Farms, LLC who is (are) personally known to me or who have produced
_____ as identification(s).

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.: _____

My Commission Expires: _____

EXHIBIT A
Legal Description

A PORTION OF LOTS 17 AND 18, 1ST SUBDIVISION OF ABBOTT FARMS, AS RECORDED ON MAP BOOK 8, PAGE 127 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 18, THENCE RUN N88°54'12"E, ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 49.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AIRPORT ROAD AS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6456, PAGE 2902, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF LOT 18 AND LOT 17, N88°54'12"E, 538.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 17; THENCE ALONG THE EAST LINE OF SAID LOT 17, S01°09'10"E, 759.51 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, S83°19'37"W, 491.74 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID AIRPORT ROAD; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, THE FOLLOWING COURSES: N06°40'23"W, 27.00 FEET; THENCE N51°40'23"W, 35.36 FEET; THENCE N06°40'23"W, 160.48 FEET TO THE BEGINNING OF A CURVE CONCAVE EAST HAVING A RADIUS OF 1,290.00 FEET AND A CENTRAL ANGLE OF 05°47'34"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, 130.42 FEET; THENCE N00°52'49"W, 468.04 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
Preliminary Plan

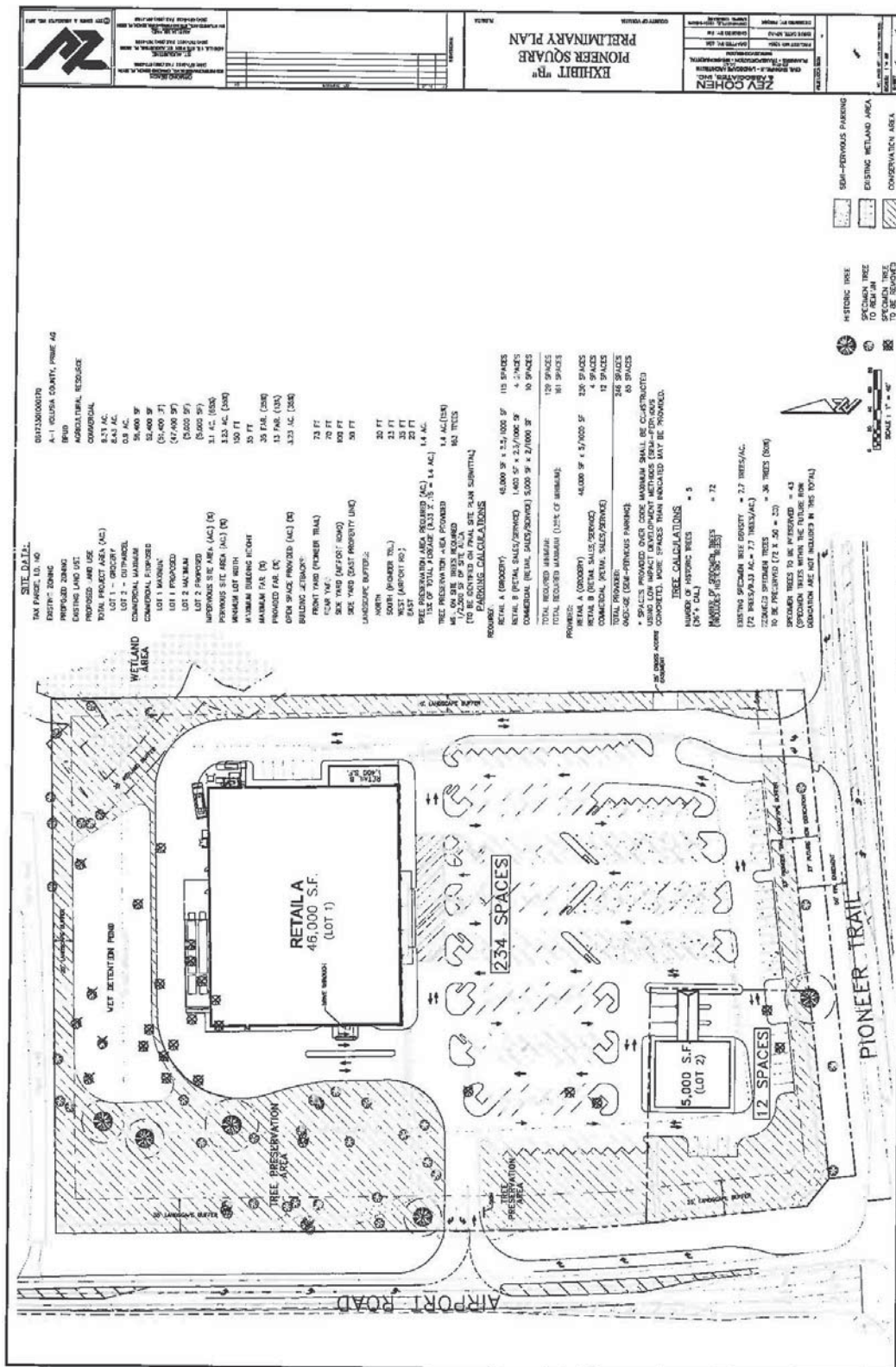


EXHIBIT C**Pioneer Square Parking Justification Memorandum**

Ref: 3861.09

TECHNICAL MEMORANDUM

To: James Stowers, Esq., Wright, Casey & Stowers, P.L.
From: Daniel M. D'Antonio, PE
Subject: Pioneer Square – Parking Justification
Date: June 27, 2013

This technical memorandum provides parking justification for the proposed Pioneer Square development located on the northeast corner of the Pioneer Trail and Airport Road intersection in Volusia County. The proposed project consists of up to 75,000 square feet of commercial retail development. The conceptual plan for the site identifies a 46,000 square foot grocery store with 1,400 square foot of adjacent retail and a 0.75-acre outparcel. The conceptual plan for the proposed development is attached as Exhibit A.

The County's Land Development Code establishes parking ratios for minimum and maximum number of parking spaces dependent on use and size of each development. Since these ratios apply a default parking requirement for each use and do not take into account the specific characteristics of the project, the location of the project, or the availability of alternate modes of transportation serving the project, it is believed that the LDC parking ratios are understated in this specific instance.

The parking demand for the proposed grocery store and adjacent retail component of the Pioneer Square development was calculated using the parking generation rates published by the Institute of Transportation Engineers (ITE) in the document *Parking Generation, 4th Edition*. This particular reference manual reports parking demand based on surveys at 17 other similar sites and is the industry standard for determining parking demand. Excerpts from the manual are attached as Exhibit B. The parking demand was calculated based on the total square footage of both uses and is presented in Table 1.

**Table 1
Parking Demand
Pioneer Square**

ITE LU Code	ITE Land Use	Parking Rate	Units (X)	Total Parking
850	Supermarket (Suburban Location)	$P = 5.05(X)$	47.4 ksf	240

As indicated in Table 1, using nationally accepted data, the parking demand for the proposed project equates to 240 parking spaces for the 47,400-square foot supermarket. Additional parking to serve the outparcel shall be determined at the time of development of the outparcel and calculated based on the use and size of the future development proposal.

TECHNICAL MEMORANDUM

James Stowers, Esq.

June 27, 2013

Page 2

A successful development requires adequate parking supply to meet the project's demand. Underparking a site leads to negative impacts to surrounding properties, excessive on-site vehicle circulation and ultimately frustrated users. It is recommended that 240 parking spaces be provided for Retail A and Retail B, as identified on the conceptual plan with additional parking for the outparcel to be quantified at the time of its development and calculated based on size and use.

Attachments:

Exhibit A – Conceptual Plan

Exhibit B – ITE Parking Generation Excerpts

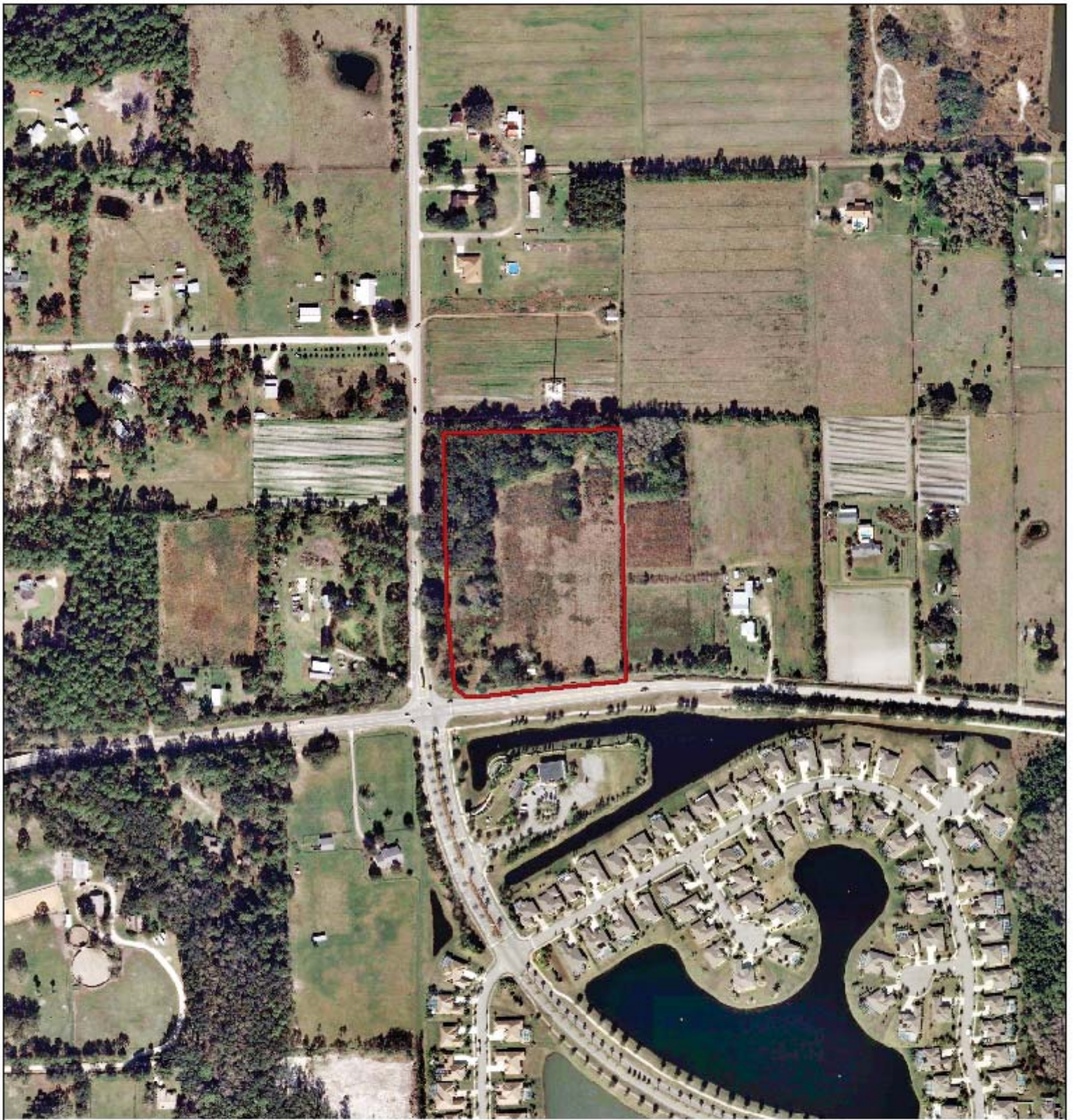
c: Sheldon Rubin, RR Farms, LLC
 Gregory J. Oravec, Oravec and Company
 Paul Momberger, RLA, Zev Cohen & Associates, Inc.

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: Daniel M. D'Alelio
 Signature: [Signature]
 Florida PE License No. 66399
 Date: June 27, 2013



Lassiter Transportation Group, Inc.
 Engineering and Planning



AERIAL 2012

 REQUEST AREA

1 inch = 400 feet

FROM:

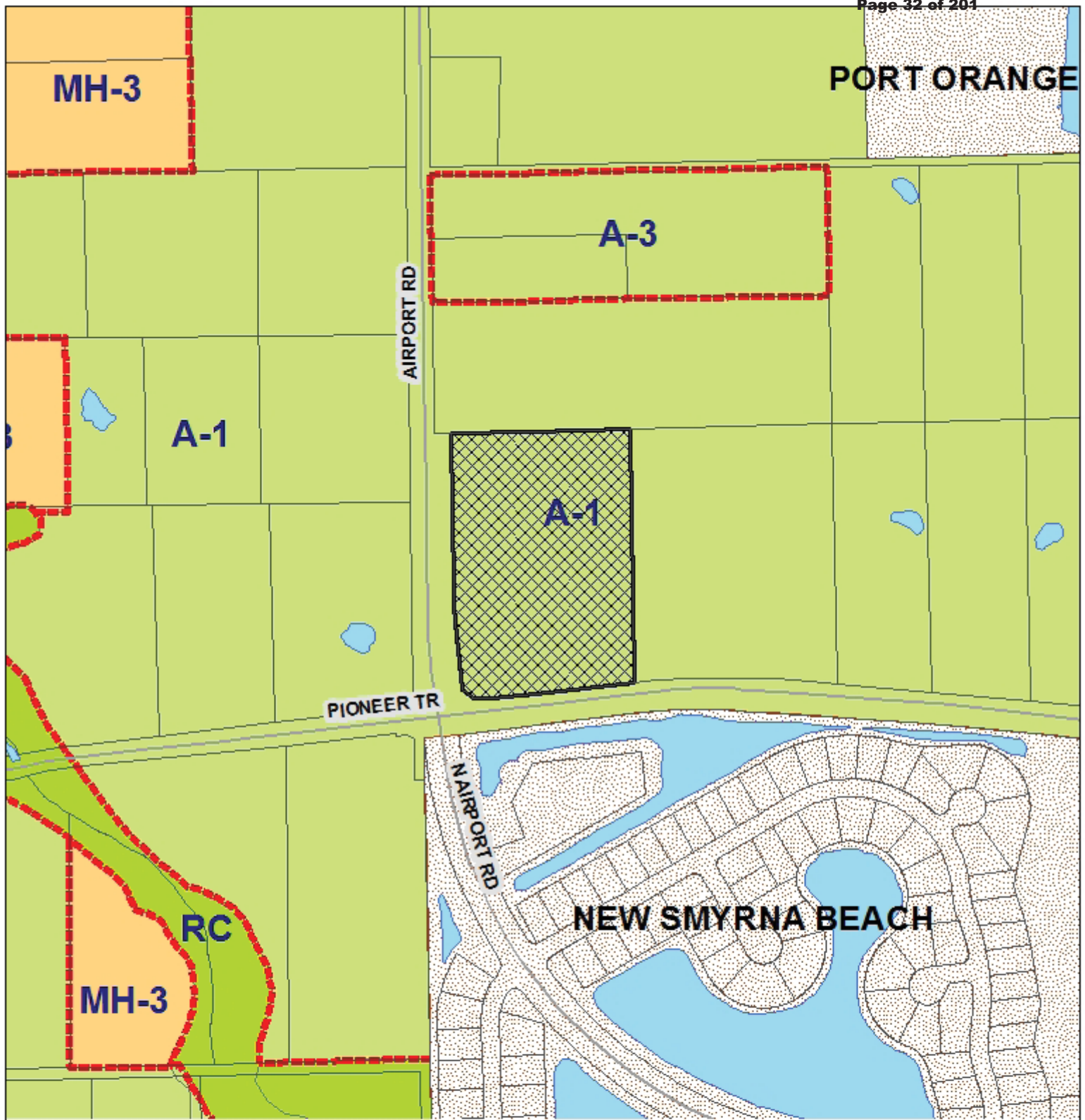
A-1

TO:


BPUD

**REZONING
CASE NUMBER**

PUD-13-043



EXISTING ZONING CLASSIFICATION

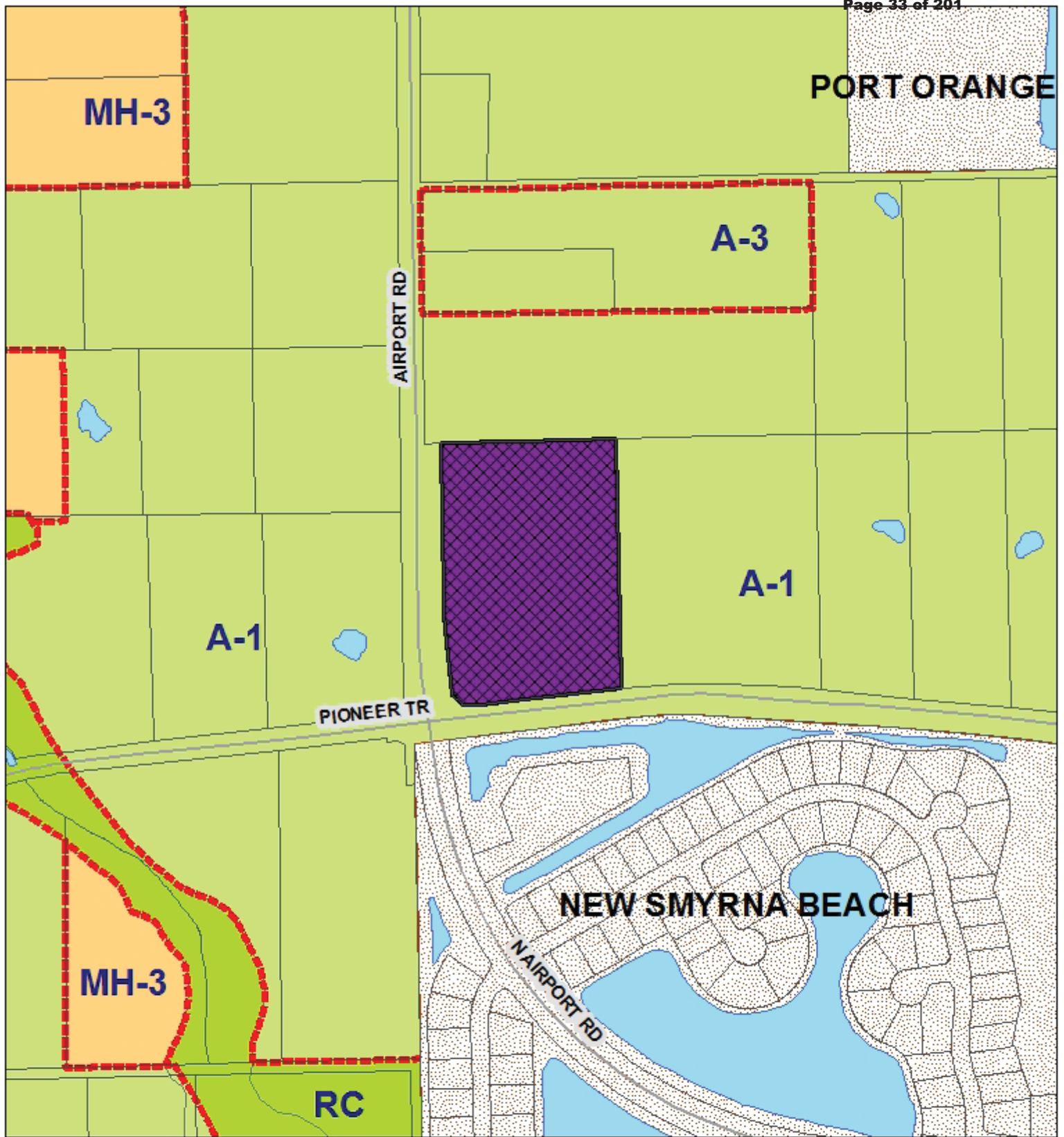
 REQUEST AREA

FROM: A-1
TO: BPUD

1 inch = 400 feet





REZONING
CASE NUMBER
PUD-13-043



PROPOSED ZONING CLASSIFICATION

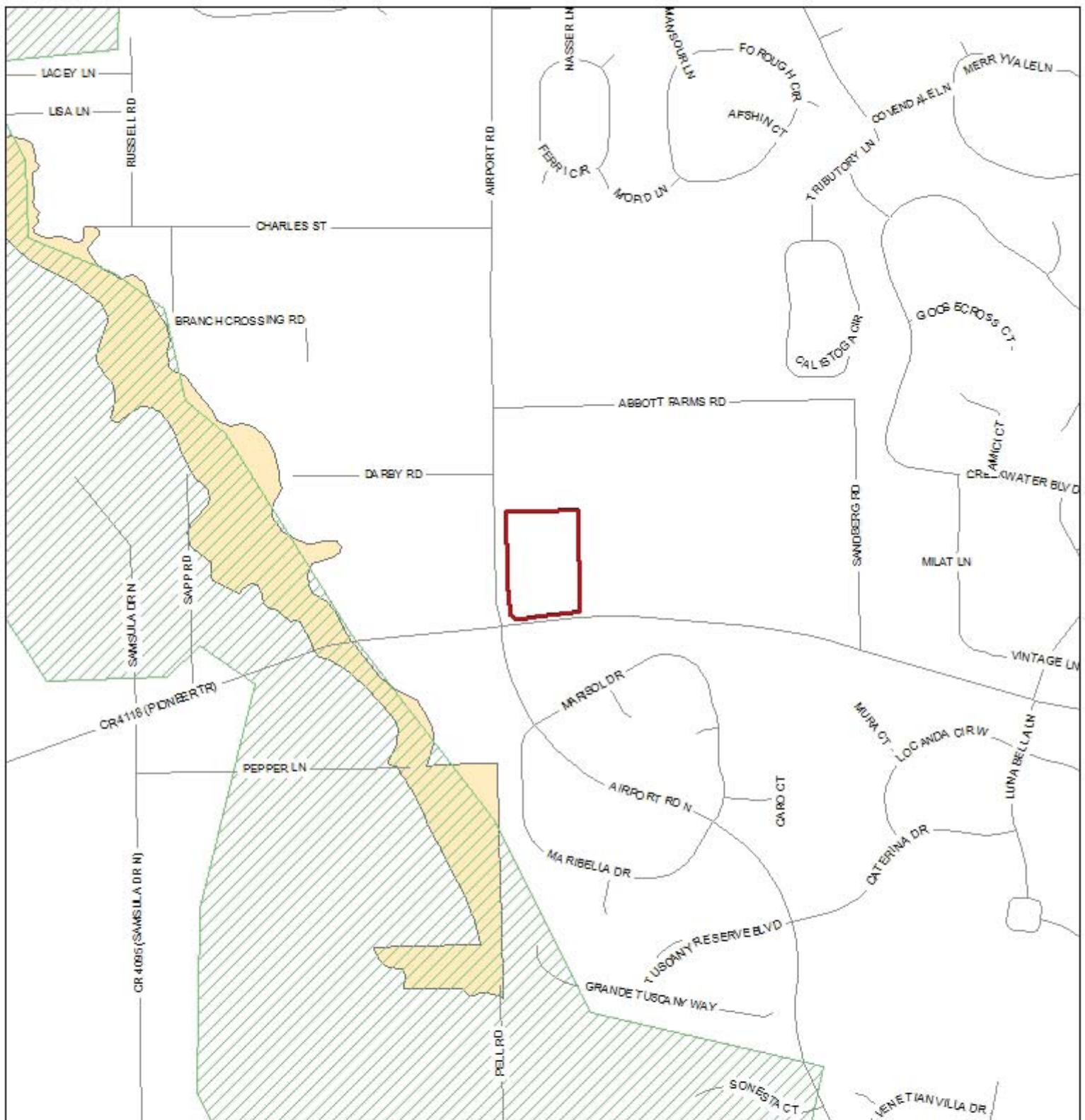
1 inch = 400 feet

-  REQUEST AREA
-  PROPOSED ZONING (PUD)

FROM: A-1
TO: BPUD



REZONING CASE NUMBER
PUD-13-043



ECO/NRMA

ECO NRMA REQUEST AREA

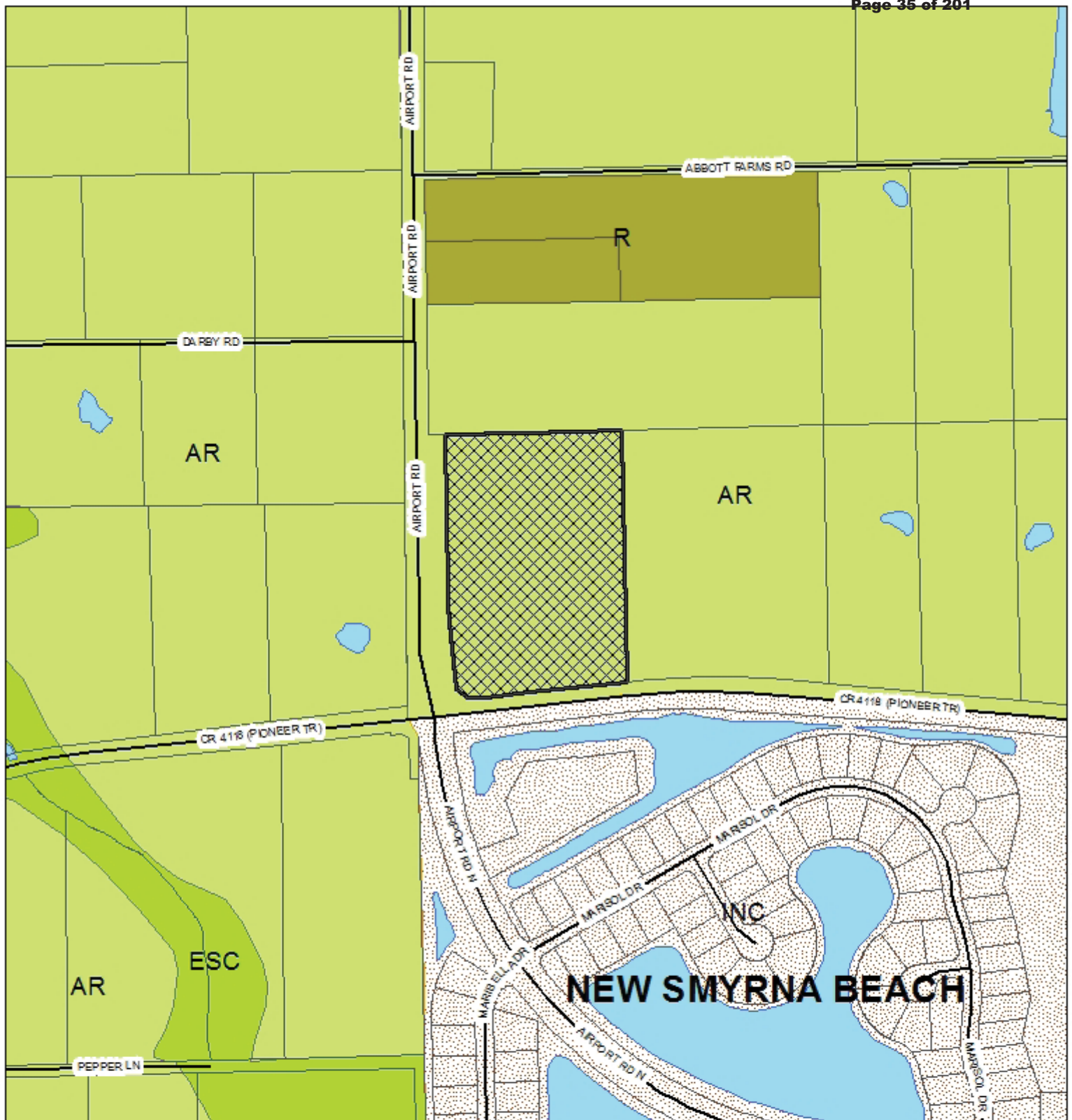
1 inch = 1,000 feet

REZONING CASE NUMBER







PUD-13-043

FROM: A-1

TO: BPUD



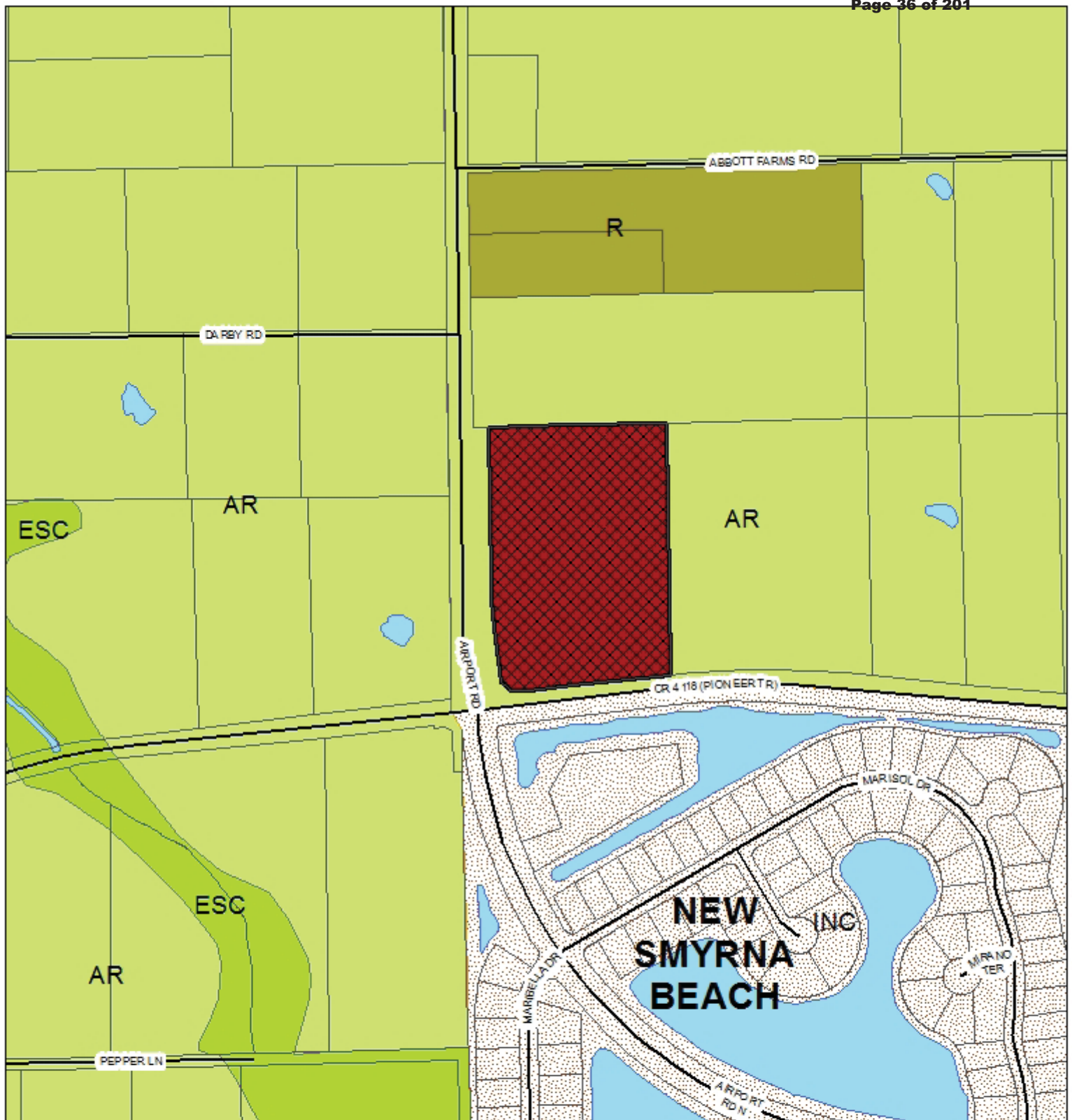
CURRENT FUTURE LAND USE CLASSIFICATION

	AGRICULTURE RESOURCE		RURAL
	ENVIRONMENTAL SYSTEMS CORRIDOR		URBAN LOW INTENSITY
	INCORPORATED		REQUEST AREA







FROM: A-1
TO: BPUD

REZONING
CASE NUMBER
PUD-13-043

1 inch = 400 feet



PROPOSED FUTURE LAND USE CLASSIFICATION

	AGRICULTURE RESOURCE		RURAL
	ENVIRONMENTAL SYSTEMS CORRIDOR		URBAN LOW INTENSITY
	INCORPORATED		COMMERCIAL

FROM: A-1

TO: BPUD



**REZONING
CASE NUMBER**

PUD-13-043

1 inch = 400 feet

Attachment A

June 2013 Applicant Submittal Package

RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development (BPUD) Rezoning Application

Prepared by
JAMES STOWERS, Esq.
Wright, Casey & Stowers, P.L.
44A West Granada Boulevard
Ormond Beach, FL 32174

Contents:

- (1) Title Sheet & Cover Letter
- (2) Completed Application Form (Including Required Supplemental Information)
 - Exhibit A: Pre-Application Meeting Form
 - Exhibit B: CPMA and BPUD Zoning Fees Correspondence
 - Exhibit C: Proof of Ownership
 - Exhibit D: Notarized Authorization of Owner
 - Exhibit E: Two (2) Signed and Sealed Surveys of the Property.
 - Exhibit F: Two (2) Copies of Legal Description
 - Exhibit G: Ten (10) Copies of Written Development Agreement
 - Exhibit H: Ten (10) Copies of Preliminary Plan & One (1) Copy Reduced to 8 ½" X 11"
 - Exhibit I: Evidence of Unified Ownership
 - Exhibit J: TIA
 - Exhibit K: Application Checklist Summary Page

WRIGHT, CASEY & STOWERS, P.L.
ATTORNEYS AT LAW
www.surfcoastlaw.com

JAMES STOWERS
Direct Dial: (386) 310-4197
Email: jstowers@surfcoastlaw.com

Please Reply To:
Ormond Beach Office
PO Box 2517
Ormond Beach, FL 32175-2517

June 27, 2013

VIA HAND DELIVERY

Volusia County
Planning and Development Services
Comprehensive Planning
123 West Indiana Avenue, Room 200
Deland, FL 32720-4604

Re: BPUD Rezoning Application - RR Farms, LLC Property at
3585 Pioneer Trail, New Smyrna Beach.

Dear Ms. McGee:

Wright, Casey & Stowers is privileged to represent RR Farms, LLC in their application for a rezoning to the Business Planned Unit Development (BPUD) zoning category related to their property at 3585 Pioneer Trail, New Smyrna Beach, Florida (the "Property"). Purchased by RR Farms, LLC in September 2006, the Property has been the subject of numerous discussions related to nonresidential development to serve the region surrounding the Property. This letter serves to transmit the subject application and outline key points related to the attached application.

The Property went through a lengthy public hearing process in 2010. The requests for a small-scale comprehensive plan map amendment to Commercial (C) and rezoning to BPUD were supported by the PLDRC by a vote of 5-1 and later approved by the County Council by a vote of 4-3. After a third party challenge, the County Council elected to revisit the issue and was prepared to approve a ULI land use and BPUD. Instead, RR Farms, LLC (Sheldon Rubin) voluntarily withdrew the applications. The withdrawal included an agreement by the County Council that Mr. Rubin would be credited for his fees paid at such time that he brought back a request "when he decided to move forward."

Mr. Rubin has decided to move forward due to continuing demand for local grocery shopping and a local economy that continues to show improvement. In addition to strong demand for a local grocery store in this region, the information collected from the numerous meetings and hearings from 2010 have provided Mr. Rubin with the tools to modify the previous proposal to present a project that will enhance the quality of life for thousands of residents in the region by providing an efficiently located local grocery store that truly blends in with the overall character of this region. Substantial landscape buffers along both Airport Road and Pioneer Trail will preserve the beautiful oak hammock on the Property. As detailed in the attached materials, the extensive landscape buffer along Airport Road will be thirty five (35) feet along the west Property line, but will be much wider in the northwest portion of the Property. This area will

WRIGHT, CASEY & STOWERS, P.L.
ATTORNEYS AT LAW
www.surfcoastlaw.com

consist of a conservation area/park that will ensure the preservation of the four historic trees and the existing oak hammock in that area of the Property. In addition to the extensive buffering, the building intensity for the Property has been capped through a map amendment notation in the Comprehensive Plan in order to ensure development of the site is compatible with the surrounding area.

With over 5,100 built homes within a three mile radius of the Property, it is apparent that the transition of this area to more intense uses was set into motion years ago. Future residential development in this same area will balloon to over 11,000 homes in coming years. Despite this explosive growth, the area still lacks a local grocery store to serve the daily needs of the current residents. The attached materials will confirm that the placement of a local grocery store on the Property will serve existing residents in the area without compromising the existing character of the area.

Sincerely,



James Stowers, Esquire

Direct Dial: (386) 310-4197

Email: jstowers@surfcoastlaw.com

44A West Granada Boulevard

Ormond Beach, FL 32174

cc: Sheldon Rubin, RR Farms, LLC
Gregory J. Oravec, Oravec and Company
Paul Momberger, RLA, Zev Cohen & Associates, Inc.



PLANNED UNIT DEVELOPMENT APPLICATION
THE ZONING ORDINANCE OF VOLUSIA COUNTY, FLORIDA

PLEASE PRINT IN BLUE OR BLACK INK OR TYPE

APPLICANT: James Stowers, Esq. - Wright, Casey & Stowers, P.L. jstowers@surfcoastlaw.com

Name 44A W. Granada Blvd.		E-Mail Address (386) 383-4232	
Street Address Ormond Beach		Phone FL	Zip 32174
City	State	Zip	

STATUS: ___ Owner ___ Agent for Owner X Attorney for Owner ___ Contract Purchaser

OWNER: RR Farms, LLC (Sheldon Rubin, Mgr.) sheldonrubin@gmail.com

Name 9210 Equus Cir.		E-Mail Address (561) 704-1959	
Street Address Boynton Beach		Phone FL	Zip 33472
City	State	Zip	

Pre-Application Meeting Date: April 22, 2013 (Follow up on June 19, 2013)

TRS Meeting: _____

- I. This is a request for change of classification from (Current Zoning) A-1 to Business PUD on the property described below.
- II. If this is a request for an amendment to an existing PUD, complete the following:

NAME OF PUD Pioneer Square

Resolution Number: _____

Total number of proposed dwelling units (if applicable) _____

Total increase/decrease in the number of proposed dwelling units _____

Size of Parcel 9.637 +/- acres Tax Parcel #: 06-17-33-01-00-0170

The Comprehensive Plan Land Use Designation is Seeking FLU Map Amendment from AR to Commercial.

This property is located on the N side of Pioneer Trail Rd./St./Ave., approximately 0 ft./mi. N-S-E-W from its intersection with Airport Road Rd./St./Ave.

The property is near the City of Port Orange in the community of: adjacent to Venetian Bay, and/or adjacent to the City of New Smyrna Beach.

Case # PUD-13-043

APPLICATION WILL NOT BE ACCEPTED UNLESS ALL OF THE FOLLOWING ARE ATTACHED:

- ☒ Two (2) signed and sealed surveys of the property (no more than 2 years old).
- ☒ 2 Copies of Legal Description (furnished on 3½" computer disk or CD-Rom, if possible)
- ☒ Authorization of Owner (if applicant is other than owner or attorney for owner).
- ☒ 10 copies of proposed Written Development Agreement in Order & Resolution format (also furnish on 3½" computer disk or CD-ROM).
- ☒ 10 copies of Preliminary Plan (Ref. Section 72-289[B][1] for RPUD; Section 72-289[C][1] for BPUD, IPUD and MPUD) and one reduced 8½" X 11" copy.
- ☒ Evidence of Unified Ownership (Ref. Section 72-289).
- ☒ Pre-Application Meeting form.
- ☒ TRS comment letter if applicable.
- ☒ TIA submission if applicable.
- ☒ Volusia County School Board Concurrency Review Letter if applicable.
- ☒ Application Fee.

ALL SUBMITTALS MUST BE MADE IN PERSON BY 12:00 NOON ON DEADLINE DATE AND FEES MUST BE PAID BEFORE APPLICATION WILL BE ACCEPTED.

IF THIS APPLICATION IS APPROVED, ALL OTHER COUNTY ORDINANCES SHALL BE COMPLIED WITH AND FEES PAID.

This request will be considered at the Planning and Land Development Regulation Commission (PLDRC) Public Hearing held on _____ (mo/day/yr), in the County Council Chambers of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida, beginning at 9:00 a.m.

The recommendation of the aforesaid Commission will be considered at the Volusia County Council Public Hearing held on _____ (mo/day/yr), in the County Council Chambers of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida beginning at 2:00 p.m.

APPLICANT'S RIGHTS FOR APPEAL OR REHEARING AND RES JUDICATA ARE STATED IN SECTIONS 72-378 AND 72-381 OF THE ZONING ORDINANCE, AS AMENDED.

ANY NEW INFORMATION TO BE PRESENTED AT THE COUNTY COUNCIL MEETING THAT WAS 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.

BY SIGNING, I HEREBY AUTHORIZE VOLUSIA COUNTY STAFF PERMISSION TO VIEW AND ENTER UPON THE SUBJECT PROPERTY FOR THE PURPOSES OF INVESTIGATING AND REVIEWING THIS REQUEST.

Signature of Applicant: _____ James Stowers

Print Signature

Signature of Applicant: _____ James Stowers

Print Signature

----- DO NOT WRITE BELOW THIS LINE -----

Date Submitted: 4/28/13 Accepted By.: JS

FILING FEE PAID: 741.00 RECEIPT#: _____ OFFICE: DeLand

AMANDA ROW ID: 762851

CITY NOTIFICATION REQUIRED (1,320 ft.) YES X NO _____

NAME OF CITY NSB & P.O.

RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit A
Pre-Application Meeting Form
(1 page)



**PLANNING & DEVELOPMENT SERVICES DIVISION
COUNTY OF VOLUSIA
PRE- APPLICATION MEETING FORM**

You must set up a pre-application meeting **before** submitting your application. Please call extension 12777 from one of the following numbers to set up an appointment: From the DeLand area at (386) 943-7059, from Daytona/Ormond Beach at 248-8115, and from New Smyrna Beach/Oak Hill at 424-6815 or fax this completed form to (386) 626-6570.

The following background information is required to schedule a pre-application meeting. County staff will use this to research the project site in preparation for the meeting. Although this is the minimal amount of background material required, more information is welcome. Please reference the list of Recommended Pre-Application Materials. Please attach additional sheets or plans as needed.

APPLICANTName: James Stowers, Esq. Wright, Casey & Stowers, P.L.Address: 44A W. Granada Blvd.City/State/Zip: Ormond Beach, FL 32174Phone: (386) 383-4232 Fax: (386) 427-9516E-Mail Address: jstowers@surfcoastlaw.comContact Person: James Stowers, Esq.**OWNER**Name: RR Farms, LLCAddress: 9210 Equus Cir.City/State/Zip: Boynton Beach, FL 33472Phone: (561) 704-1959 Fax: _____E-Mail Address: sheldonrubin@gmail.comContact Person: Sheldon Rubin

My application will be: (Please check the type of request)

☒ A Rezoning from A-1 to BPUD☐ A Special Exception/Conditional Use for a _____☐ A Variance to _____☐ A Minor/Major Amendment to _____**PROJECT INFORMATION**Tax parcel number(s): Full Parcel ID 06-17-33-01-00-0170Address of parcel: 3585 Pioneer Trail New Smyrna Beach, FL 32168Size of parcel: 9.637 +/- acres Existing zoning: A-1Future Land Use: Current - Agricultural Resource (AR)Existing Use of Property: Vacant**You are recommended to submit the following with this form:**

- ☐ A signed and sealed survey of the property (should be no more than 2 years old)
- ☐ Legal description of the subject property, if not on the survey
- ☐ A site plan to scale (for Special Exceptions & Variances)
- ☐ Written description of the request

Violation(s): _____
 TRS Meeting Date: _____
 EMD Required: YES NO
 N/C Lot Letter Required: _____
 Unrecorded Subdivision: _____
 Other: _____
 ARSN: _____

STAFF USE ONLY

Planner's Comments/Notes: _____

_____ ☐ Notifications Discussed

Date Submitted: _____ Taken By: _____ Time: _____ a.m./p.m.

RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit B

CPMA and BPUD Zoning Fees Correspondence
(3 pages)

From: "James Stowers" <jstowers@surfcoastlaw.com>
To: <sashley@co.volusia.fl.us>, <ppanton@volusia.org>
CC: <jstowers@surfcoastlaw.com>
Date: 6/18/2013 2:00 PM
Subject: FW: RR Farms Property

Scott,

I would like to confirm that the fees listed here still apply to our applications. Just wanted to confirm that the fees haven't changed since last year. Thanks and we will see you tomorrow.

CPMA \$1,400 - \$89.00 due
PUD Zoning \$2,638 - \$74.00 due

Regards,

James Stowers

Description: Description: cid:image005.jpg@01CDBDCD.C6354E60Wright, Casey & Stowers, P.L.

44A West Granada Blvd.

Ormond Beach, FL 32174

Phone: 386.310.4197 | Cell: 386.383.4232

<mailto:jstowers@surfcoastlaw.com> jstowers@surfcoastlaw.com

<http://www.surfcoastlaw.com> www.surfcoastlaw.com

-----Original Message-----

From: Scott Ashley [<mailto:sashley@co.volusia.fl.us>
mailto:sashley@co.volusia.fl.us]

Sent: Friday, August 17, 2012 2:34 PM

To: <mailto:swrubin@bellsouth.net> swrubin@bellsouth.net

Cc: Kelli McGee; Palmer Panton; Robert J. Ball; Dwight DuRant

Subject: RR Farms Property

Mr. Rubin,

Per your e-mail of 8/13/12, you intend to resubmit CPMA and BPUD applications for the property on Pioneer Trail. As stated in the rendition letter dated 12/19/10, the prior application fees of the CPMA (\$1,311) and rezoning (\$2,564) will be applied to the future applications.

However, the application fees have slightly changed since 2010, with the current CPMA fee at ~~\$1,354~~ ^{1,400 effective 10/12} and the PUD rezoning fee total is \$2,638. ✓

Therefore, an additional fee of \$43 and \$74 respectively, will be required with the future CPMA and rezoning submissions.

2,338 base
+ 300 average
2,638

If you have any further questions, or if I may be of any additional help, please feel free to contact me.

Scott Ashley, AICP

Planning Manager

V.C./Planning and Development Services

Phone: (386) 943-7059 ext 12014

Fax: (386) 626-6570

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from County of Volusia officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

The views expressed in this message may not necessarily reflect those of the County of Volusia. If you have received this message in error, please notify us immediately by replying to this message, and please delete it from your computer. Thank you.

RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit C
Proof of Ownership
(3 pages)



Volusia County Appraisers' Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 06-18-2013 Today's Date: 6-27-2013		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		06-17-33-01-00-0170 7306-01-00-0170		Mill Group 600 Unincorporated - Southeast	
Alternate Key		3698657		2012 Final Millage Rate 24.13700	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		RR FARMS LLC		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		9210 EQUUS CIR			
Owner Address 3		BOYNTON BEACH FL			
Owner Zip Code		33472			
Location Address		3585 PIONEER TR NEW SMYRNA BEACH 32168			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
6 17 33 ALL LOT 17 & LOT 18 EXC IRREG PARCEL IN W 102.43 FT	
MEAS ON S/L & MEAS 817.26 FT ON W/L & 49 FT ON N/L 1ST SUB A	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5929	0673	9/2006	Warranty Deed	Unqualified Sale	Yes	1,500,000

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2012	104,615	80	0	104,695	104,695	104,695	104,695	0	104,695	104,695	0	104,695
2011	104,615	259	0	104,874	104,874	104,874	104,874	0	104,874	104,874	0	104,874

LAND DATA											
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0111	IMP PVD 5 - 9.99 AC	No Data	No Data	9.80	ACREAGE	9550.00	100	100	100	100	93,590
NEIGHBORHOOD CODE	7302	PIONEER/CHARLES/DARBY ET AL									

TOTAL LAND CLASSIFIED	0
TOTAL LAND JUST	93,590

BUILDING CHARACTERISTICS**BUILDING 1 OF 1**[GO TO BLDG SKETCH](#)

Physical Depreciation %	69	Next Review	2017	Obsolescence		Functional		99%	
		Year Built	1939			Locational		0%	
Quality Grade	200	Architecture				Base Perimeter		64	
Improvement Type		Single Family							
Roof Type	GABLE			Bedrooms		1	7FixBath	0	
Roof Cover	Metal			Air Conditioned		No	6FixBath	0	
Wall Type	Wall Board or Wood Wall			Fireplaces		0	5FixBath	0	
Floor Type	Pine or Soft Wood			XFixture		0	4FixBath	0	
Foundation	Wood / Concrete Piers			Heat Method 1		None	3FixBath	0	
Heat Source 1	None			Heat Method 2			2FixBath	1	
Heat Source 2				Year Remodeled					
SECTION #	AREA TYPE	EXTERIOR WALL TYPE		NUMBER OF STORIES	YEAR BUILT	ATTIC FINISH	% BSMT AREA	% BSMT FINISH	FLOOR AREA
1	Heated Living Area (BAS)	SINGLE SIDING, WOOD FRAME, NO SHEATING		1.0	1939	N	0.00	0.00	240 Sq. Feet
2	Finished Open Porch (FOP)	Non-Applicable		1.0	1939	N	0.00	0.00	48 Sq. Feet
3	Unfinished Enclosed Porch (UEP)	Non-Applicable		1.0	1939	N	0.00	0.00	160 Sq. Feet
4	Unfinished Enclosed Porch (UEP)	Non-Applicable		1.0	1939	N	0.00	0.00	120 Sq. Feet

MISCELLANEOUS IMPROVEMENTS

TYPE	NUMBER UNITS	UNIT TYPE	LIFE	YEAR IN	GRADE	LENGTH	WIDTH	DEPR. VALUE
------	--------------	-----------	------	---------	-------	--------	-------	-------------

PLANNING AND BUILDING

PERMIT NUMBER	PERMIT AMOUNT	DATE ISSUED	DATE COMPLETED	DESCRIPTION	OCCUPANCY NBR	OCCUPANCY BLDG
30721-D	15,145.00	8-1-1987	12-1-1987	MH WPR/DL		0
20000418047	18,000.00	5-25-2000	8-1-2001	ADDITIONS/ALTERATION		0

TOTAL VALUES

The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the [History of Values](#) section above.

The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Land Value	93,590	New Construction Value	0
Building Value	89	City Econ Dev/Historic Taxable	0

Miscellaneous	0		
Total Just Value	93,679	Previous Total Just Value	104,695
School Assessed Value	93,679	Previous School Assessed	104,695
Non-School Assessed Value	93,679	Previous Non-School Assessed	104,695
Exemption Value	0	Previous Exemption Value	0
Additional Exemption Value	0	Previous Add'l Exempt Value	0
School Taxable Value	93,679	Previous School Taxable	104,695
Non-School Taxable Value	93,679	Previous Non-School Taxable	104,695

[MapIT](#)[PALMS](#)[Map Kiosk](#)[Parcel Notes](#)

MapIT: Your basic parcel record search including sales.

PALMS: Basic parcel record searches with enhanced features.

Map Kiosk: More advanced tools for custom searches on several layers including parcels.



RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit D

Notarized Authorization of Owner
(1 page)

NOTARIZED AUTHORIZATION OF OWNER (PLEASE PRINT)

I/We, Sheldon Rubin, Manager of RR Farms, LLC,
(owners name)

as the sole or joint fee simple title holder(s) of the property described as: _____

Full Parcel ID 06-17-33-01-00-0170

(legal description or parcel number)

authorize James Stowers, Esq. to act as my agent
(applicants' name)

to seek a rezoning from A-1 to BPUD on the above property. I also understand
(special exception, rezoning, or variance)

and authorize Volusia County staff permission to view and enter upon the subject property for the purposes of investigating and reviewing this request.

My application will be heard at a public hearing tentatively on 8/13/13 (mo/day/yr) before

the Planning and Land Development Regulation Commission (PLDRC) and tentatively on

9/26/13 (mo/day/yr) before the Volusia County Council (if applicable), unless
 continued or rescheduled at the public hearing.


 OWNER'S SIGNATURE


 OWNER'S SIGNATURE

STATE OF FLORIDA
 COUNTY OF Volusia

The foregoing instrument was acknowledged before me this June 24, 2013
(date)

by Sheldon Rubin, who is personally
(name of person acknowledging)

known to me or who has produced FDL 2150-799-53-049-0 as
(type of identification)

identification and who did not take an oath.


 NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Paula Sha Moss
 Commission No.: _____
 My Commission Expires: _____

PAULA SHA MOSS
 NOTARY PUBLIC
 STATE OF FLORIDA
 Commission # 10351
 Expires 3/20/2016

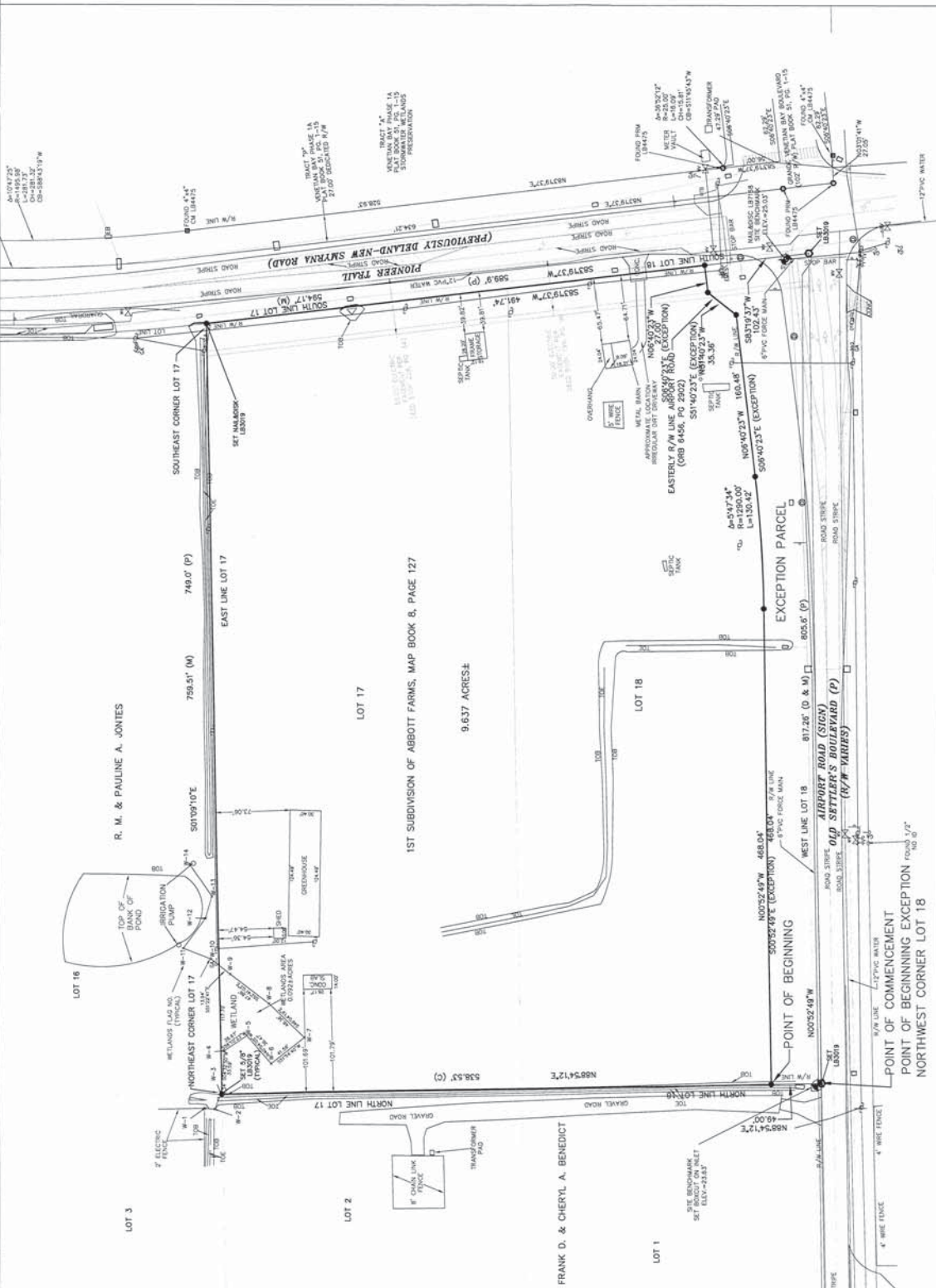
RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit E

Two (2) Signed and Sealed Surveys of the Property
(2 pages)



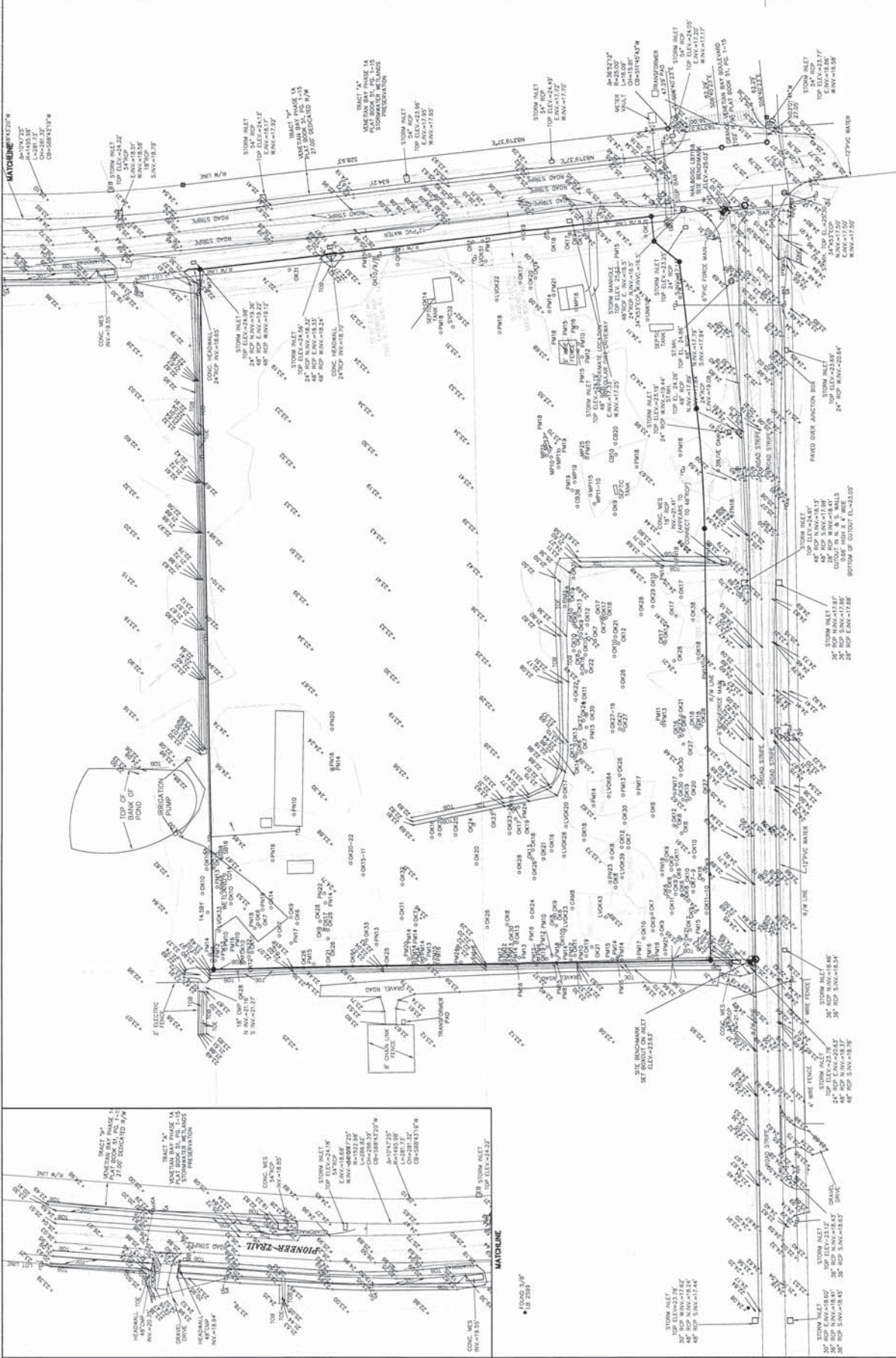
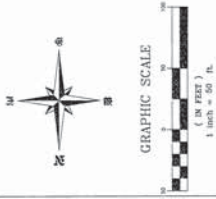
ITEM LOCATED FROM ABOVE
 1/25 294802293, 294803378, AND
 PROVIDED BY OTHERS. SUGGER

UTILITY STATEMENT

3585 PIONEER TRAIL, NEW SMYRNA BEACH, FL

[illegible]

BOUNDARY,
TOPOGRAPHIC,
TREE
LOCATION
SURVEY



FIELD BOOK:

SHET 2 OF

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS



UNIONDALE, NEW YORK 11553
3070 SOUTH MAIN ROAD
PORT JEFFERSON, N.Y. 11777
Copyright © 2012 Sliger & Associates, Inc.
www.sligerassociates.com

BOUNDARY, TOPOGRAPHIC,
TREE LOCATION SURVEY

RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit F

Two (2) Copies of Legal Description
(2 pages)

SURVEYORS NOTES



1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/SKETCH OF DESCRIPTION PREPARED WITH BENEFIT OF FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. 5011612-2037-2795678, EFFECTIVE DATE OCTOBER 8, 2012 AT 8:00 AM.
2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
3. BEARING STRUCTURE IS BASED ON THE PLAT OF VENETIAN BAY PHASE 1A WITH THE SOUTH R/W LINE OF PIONEER TRAIL HAVING A BEARING OF N83°19'37"E.
4. UNDERGROUND FOUNDATIONS, IF ANY, NOT LOCATED.
5. ELEVATIONS REFER TO N.G.V.D. OF 1929, PER BENCHMARK HV7, HAVING A PUBLISHED ELEVATION OF 25.82 FEET.
6. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
7. WETLANDS FLAGS SET BY ENVIRONMENTAL SERVICES, INC.
8. REVISED 10-17-2012 TO REFLECT REVISED TITLE COMMITMENT AND ADDRESS ATTORNEY COMMENTS.

A PORTION OF LOTS 17 AND 18, 1ST SUBDIVISION OF ABBOTT FARMS, AS RECORDED ON MAP BOOK 8, PAGE 127 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 18, THENCE RUN N88°54'12"E, ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 49.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AIRPORT ROAD AS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6456, PAGE 2902, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF LOT 18 AND LOT 17, N88°54'12"E, 538.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 17; THENCE ALONG THE EAST LINE OF SAID LOT 17, S01°09'10"E, 759.51 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, S83°19'37"W, 491.74 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID AIRPORT ROAD; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, THE FOLLOWING COURSES: N06°40'23"W, 27.00 FEET; THENCE N51°40'23"W, 35.36 FEET; THENCE N06°40'23"W, 160.48 FEET TO THE BEGINNING OF A CURVE CONCAVE EAST HAVING A RADIUS OF 1,290.00 FEET AND A CENTRAL ANGLE OF 05°47'34"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, 130.42 FEET; THENCE N00°52'49"W, 468.04 FEET TO THE POINT OF BEGINNING.

FORMERLY DESCRIBED AS:

LOTS 17 AND 18, MAP OF 1ST SUBDIVISION OF "ABBOTT FARMS" ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 127 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY.

LESS AND EXCEPT:

A PORTION OF LOT 18, 1ST SUBDIVISION OF ABBOTT FARMS, AS RECORDED IN MAP BOOK 8, PAGE 127 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 18, THENCE RUN N88°54'12"E, ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 49.00 FEET; THENCE RUN S00°52'49"E, AND PARALLEL WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 468.04 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, SAID CURVE HAVING A RADIUS OF 1290.00 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°47'34", FOR AN ARC DISTANCE OF 130.42 FEET TO THE POINT OF TANGENCY; THENCE RUN S06°40'23"E, A DISTANCE OF 160.48 FEET; THENCE S51°40'23"E, A DISTANCE OF 35.36 FEET; THENCE S06°40'23"E, A DISTANCE OF 27.00 FEET TO A POINT ON THE SOUTH LINE OF AFOREMENTIONED LOT 18; THENCE S83°19'37"W, ALONG SAID SOUTH LINE, A DISTANCE OF 102.43 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 18; THENCE RUN N00°52'49"W, ALONG THE WEST LINE OF SAID LOT 18, A DISTANCE OF 817.26 FEET TO THE NORTHWEST CORNER THEREOF AND THE POINT OF BEGINNING.

SURVEYORS NOTES



1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/SKETCH OF DESCRIPTION PREPARED WITH BENEFIT OF FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. 5011612-2037-2795678, EFFECTIVE DATE OCTOBER 8, 2012 AT 8:00 AM.
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8. REVISED 10-17-2012 TO REFLECT REVISED TITLE COMMITMENT AND ADDRESS ATTORNEY COMMENTS.

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RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit G
Ten (10) Copies of
Written Development Agreement

RESOLUTION 2013-

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, APPROVING (Case # provided by staff) AND AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM THE A-1 PRIME AGRICULTURE TO BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) CLASSIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the application of RR Farms, LLC hereinafter, "Applicant," for rezoning 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 Applicant was duly and properly filed herein on June 28, 2013 as required by law.

B. That Applicant has applied for a change of zoning from the A-1 Prime Agriculture to BPUD for the parcel described in Exhibit "A" to the Development Agreement for (Case # provided by staff).

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

D. That Applicant is the Owner or authorized representative of the Owner of a 9.637 acre parcel of land, which is situated in Volusia County. This parcel of land is described more particularly in the property survey and legal description, a true copy of which is attached as Exhibit "A" to the Development Agreement for (Case # provided by staff).

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

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

G. That the said rezoning to BPUD is consistent with both the Volusia County Comprehensive Plan and the intent and purpose of the Zoning Ordinance of Volusia County, Florida ("zoning code"), as codified in article II of Chapter 72, Code of Ordinances, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

H. That the owner of the property, RR Farms, LLC, agrees with the provisions of the Development Agreement, which is attached hereto as Exhibit "1."

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

A. That the Application of RR Farms, LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in **Exhibit A** to the Development Agreement is hereby amended from the *A-1* to *BPUD* as described in the zoning code.

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

D. With respect to any conflict between the zoning code and this Resolution or the attached Agreement, the provisions of this Resolution and Development Agreement shall govern. The zoning code shall govern with respect to any matter not covered by this Resolution or the Development Agreement. The Volusia County Zoning Enforcement Official will ensure compliance with this Resolution and the Development Agreement.

E. Unless otherwise provided in paragraph D, nothing in this Resolution or the Development Agreement shall abridge the requirements of the Code of Ordinances, County of Volusia. Timing and review procedures contained in this Resolution and the Development Agreement 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

Please return recorded document to:

Volusia County
Growth and Resource Management
123 W. Indiana Ave., Room 202
Deland, FL 32720

EXHIBIT “1”

DEVELOPMENT AGREEMENT **(Case # provided by staff)**

A. Development Concept. The property shall be developed as a BPUD substantially in accordance with the Pioneer Square Master Development Plan (the “Pioneer Square MDP”). The Pioneer Square MDP shall govern the development of the property as a BPUD and shall regulate the future use of this parcel.

1. Pioneer Square MDP. The Pioneer Square MDP shall consist of the Preliminary Plan prepared by Zev Cohen & Associates, dated _____ and this Development Agreement. The Preliminary Plan is hereby approved and incorporated in this Development Agreement by reference as **Exhibit B**. The Pioneer Square MDP 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 to the Pioneer Square MDP, 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. Amendment to the Preliminary Plan (Exhibit B), such as building

location and orientation on the lot, reduction of building square footage, and the number of buildings not to exceed four, shall be considered a minor amendment.

3. Subdivision Approval. After the Pioneer Square MDP is recorded, and prior to any construction, including clearing and landfill, applications for Overall Development Plan and subsequently Preliminary Plats and Final Plat of the area to be subdivided shall be submitted for review and approval in the manner required by Division 2 of the Land Development Code, as amended.

4. Final Site Plan Approval. After the 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 Preliminary Plan meets the minimum submittal requirements of a Conceptual Site Plan application in accordance with the land development code. Therefore, the Pioneer Square MDP 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. Unified Ownership. The Applicant or his successors has and shall maintain unified ownership of the subject parcel until after the issuance date of the Final Site Plan Development Order or until after issuance date of the Final Subdivision Plat Development Order.

C. Phases of Development. The Property shall be generally developed with two (2) lots as depicted on the Preliminary Plan. Although development of the Property is expected to occur in a single phase, the development of the Pioneer Square BPUD,

as shown on the Preliminary Plan, may occur in two phases. If development is phased, Lot 1 shall be developed as Phase 1. Lot 1 is the primary grocery store parcel containing the grocery store structure, together with infrastructure and other improvements supporting Pioneer Square. Lot 2 is an outparcel contiguous to Lot 1.

D. Land Uses within the BPUD. The development of the Property shall be consistent with the uses prescribed for the proposed Pioneer Square BPUD. The locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit B consistent with the Pioneer Square MDP. Note, however, that the specific location of the uses and structures within the site may change, provided they meet the development standards provided in Section E.

1. Permitted Uses. The Property shall be used only for the following uses and their customary accessory uses or structures. If a use or structure is not listed as permitted, the Zoning Enforcement Official may permit said use or structure upon a determination that said use or structure is similar to the uses or structures otherwise permitted by the BPUD.

- Retail Sales and Services
- Apparel stores
- Convenience food stores, with or without the sale of gasoline
- Financial Institutions
- Specialty stores such as pet shops, book stores, office supply store, jewelry shops, health food stores, electronics stores, and postal & shipping stores.
- Grocery stores
- Pharmacies

- Liquor stores
- Laundry and dry-cleaning establishments
- Professional, business and general offices
- Personal service establishments such as hair and nail salons, tanning salons, health clubs and spas
- Art, dance, and music schools
- Daycare centers
- Food and Beverage Establishments including Type A Restaurants, sandwich shops, delicatessens, coffee shops, but shall not include restaurants with drive-in or drive-thru service.
- Public uses
- Communication towers not exceeding 70 feet in height above ground level.
- Hardware/home improvement retail center

E. Development Standards. The maximum square footage allowed on the 9.6 acre project site is 75,000 square feet in gross floor area (GFA), with the GFA of any individual building on Lot 1 not to exceed 50,000 square feet and total GFA on Lot 1 not to exceed 65,000 square feet. The remaining balance of 10,000 square feet shall be allocated to an individual structure on Lot 2.

1. Maximum number of lots: 2 lots
2. Minimum lot area: 0.75 acres
3. Minimum lot width: 150 feet
4. Minimum building setbacks:
 - a. From Pioneer Trail right-of-way line: 100 feet

- b. From existing rear property line: 70 feet
- c. From Airport Road right-of-way line: 100 feet
- d. From existing east side property line: 50 feet
- e. Internal lot lines: 0 feet
- 5. Maximum lot coverage: 35%
- 6. Maximum building height: 35 feet

Ornamental roof features, such as steeples or clock towers, may extend up to 45 feet.

- 7. Property perimeter landscape buffers:
 - a. Adjacent to Pioneer Trail: 50 feet
 - b. From existing north property line: 20 feet
 - c. Adjacent to Airport Road: 35 feet
 - d. From existing east side property line: 20 feet
 - e. Internal boundaries between lots: 0 feet

Required landscaping shall comply with the minimum requirements of Section 72-284 of the Zoning Ordinance as amended, except as otherwise stated in this document. At least 50% of required landscaping shall be native species that are drought tolerant. Additionally, the area labeled on the Preliminary Plan as “Conservation Area” shall remain as a landscaped area in order to ensure a substantial landscape buffer between the Property and Airport Road.

- 8. Minimum building separation: 15 feet
- 9. Off-street parking and loading requirements: Off-street parking

spaces shall be provided as depicted on the Preliminary Plan (Exhibit B). Although the parking threshold of 176 spaces (125% of the minimum parking threshold based on

grocery and retail sales uses for Lot 1) is referenced on the Preliminary Plan, the Plan also provides for an overall parking space maximum of 233 spaces for Lot 1. The grocery parking calculation of 5/1000 SF is substantiated by the Pioneer Square Parking Justification Technical Memorandum provided by Lassiter Transportation Group, attached hereto as **Exhibit C**. Off-street parking spaces for Lot 2 shall meet the applicable use threshold provided by Section 72-286 of the Zoning Ordinance as amended. Finally, loading requirements shall be in accordance with Section 72-286 of the Zoning Ordinance as amended for both Lot 1 and Lot 2.

10. Signage requirements: Signs shall comply with applicable requirements of the Zoning Ordinance as amended, including Section 72-297(j) *Thoroughfare Overlay zone regulations*, Section 72-298 *Sign regulations*, and Section 72-303(j) *Nonresidential development design standards* unless otherwise stated by this document.

11. Nonresidential Development Design Standards: The requirements of Section 72-303 Nonresidential Development Design Standards of the Zoning Ordinance as amended apply as stated by said Section 72-303, unless otherwise stated by this document.

12. Illumination: To minimize obtrusive aspects of excessive and/or nuisance outdoor light usage, while preserving safety, security and the nighttime use and enjoyment of the property, the following apply:

- a. A signed and sealed illumination plan shall be submitted with the Final Site Plan application.
- b. In no case shall illumination from the property increase the level

of illumination at the property lines by more than half (0.5) fc.

c. All light fixture including wall and surface mounted luminaries shall be installed and maintained in such a manner that is fully-shielded down.

d. Curfew: all external lighting shall be reduced by 50% after 11pm until sunrise.

e. The illumination plan shall not exceed 70,000 lumens per acre (average 1.6 fc).

f. Light fixtures shall be decorative in appearance and compliment the architectural style of the building. Light poles shall not exceed twenty (20) feet in height.

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

G. Sewage Disposal and Potable Water Facilities. Provisions for sewage disposal and potable water needs of the Pioneer Square BPUD will be provided in accordance with the comprehensive plan, the land development code and Fla. Admin. Code Ann. r. 64E-6. Both sanitary sewer service and potable water service shall be provided by the City of Port Orange, Florida.

H. Stormwater Drainage. Provision for storm water retention shall be in accordance with the land development code. In the event adjacent property is acquired solely for purposes of stormwater retention, this Agreement may be amended as a minor amendment in order to modify the Pioneer Square MDP. Note, however, that any adjacent property incorporated pursuant to this Section shall be limited to stormwater

retention as a permitted use. The incorporation of any adjacent property into this Agreement that includes any other use shall require modification of the Agreement as set forth in Section A.2.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the land development code. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access to the project site from Airport Road and Pioneer Trail shall be as shown on Exhibit B. Site access, pedestrian, bicycle and traffic circulation improvements and access points shall be finally determined during final site plan review and/or subdivision application review, in accordance with the requirements of the land development code as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer as may be necessary to provide required pedestrian, bicycle, and traffic safety improvements on and adjacent to the site.

2. Transportation System Improvements. Transportation system improvements shall be provided as required by the land development code, as determined during final site plan review and/or subdivision review, as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer.

J. Internal Roadways. Internal roadway(s), if applicable, shall be constructed in accordance with the applicable requirements and standards of the land development

code.

K. Fire Protection. The applicant is responsible for providing adequate on-site water supply and other fire protection improvements to serve the Pioneer Square BPUD project. The design, capacity, and location of the required water supply and other fire protection improvements shall be as required by the Volusia County Fire Marshall's office.

L. Building or Property Owners Association. The charter and by-laws of the Property Owners Association (*if applicable*) 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. In addition, 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 Pioneer Square BPUD, the County of Volusia shall only enforce the provisions of the "Development Agreement" and Volusia County Zoning Ordinance , as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

M. Expiration of Development Agreement. The Applicant shall file a final site plan or overall development plan within five (5) years from the effective date of this Order and Resolution. Failure to timely file said final site plan or overall development plan shall immediately render the development agreement null and void, unless the zoning enforcement official, for good cause shown, approves a minor amendment to

extend the time period indicated in this paragraph.

N. Binding Effect of Plans, Recording, and Effective Date. The Pioneer Square MDP, 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, Order and Resolution and all approved plans shall run with the land.

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 this Order and Resolution and its subsequent amendments. The Applicant shall pay all filing costs for recording documents.

O. Conceptual Approval: The parties hereto acknowledge that reductions in 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 land development code. A request for such an amendment shall be reviewed by the zoning enforcement official and may be processed as a minor amendment in accordance with section 72-289 of the zoning code. 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.

DONE and ORDERED by the County Council of Volusia County, Florida, this
_____ day of _____, 2013.

ATTEST:

VOLUSIA COUNTY COUNCIL

James T. Dinneen
County Manager

Jason Davis
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day
of _____, 2013, by James T. Dinneen and Jason Davis, 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:

OWNER:

(Sheldon Rubin - Manager, RR Farms, LLC)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day
of _____, 2013 by Sheldon Rubin – Manager, RR
Farms, LLC who is (are) personally known to me or who have produced
_____ as identification(s).

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.: _____

My Commission Expires: _____

EXHIBIT A
Legal Description

EXHIBIT B
Preliminary Plan

EXHIBIT C

Pioneer Square Parking Justification Memorandum

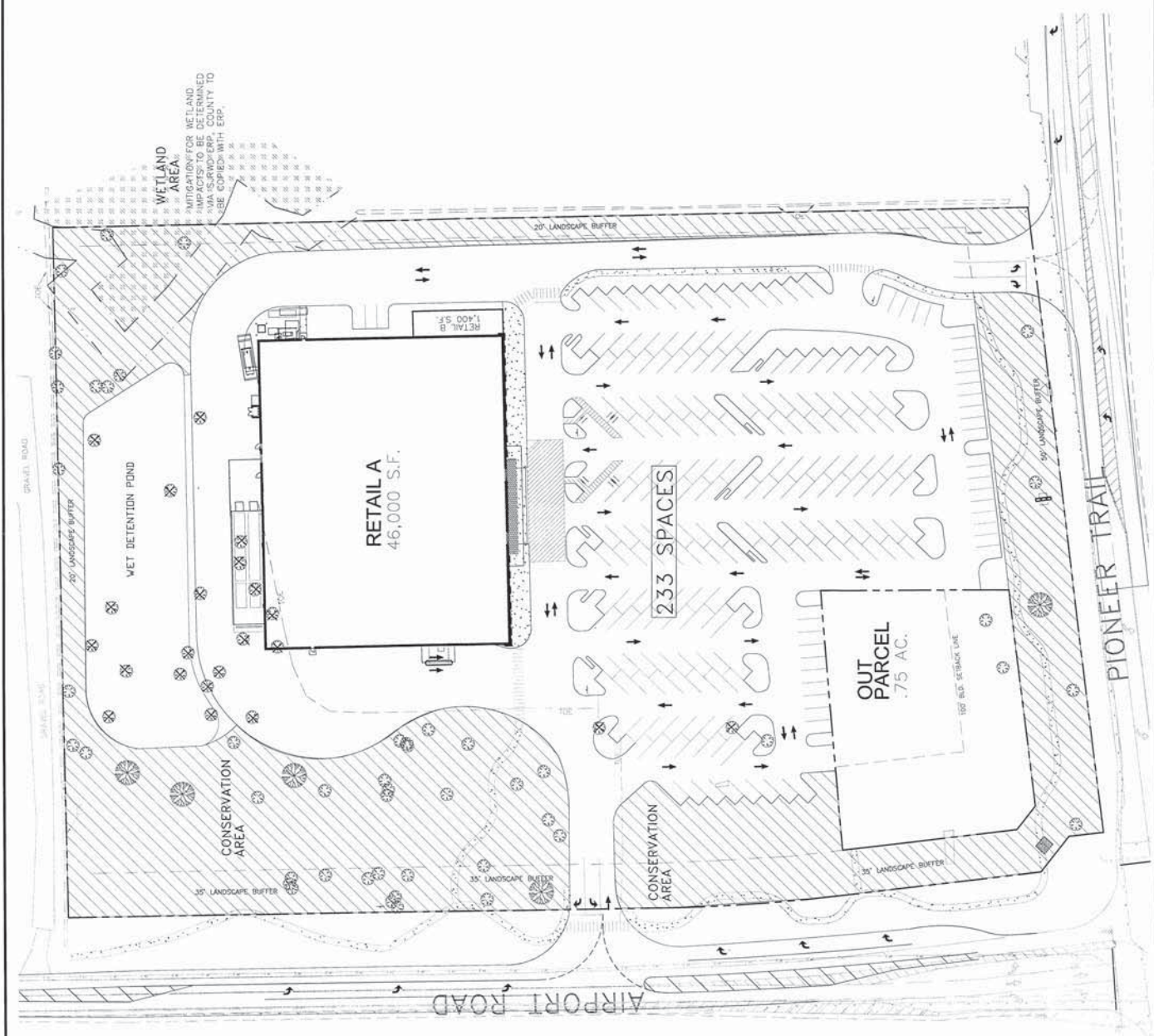
RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit H

Ten (10) Copies of Preliminary Plan and
One (1) Copy Reduced to 8 1/2" X 11"



SITE DATA:

TAX PARCEL I.D. NO. 08173301000170
 A-1 VOLusia COUNTY, PRIME AG
 EXISTING ZONING BPUD
 PROPOSED ZONING AGRICULTURAL RESOURCE
 EXISTING LAND USE COMMERICAL
 PROPOSED LAND USE 9.6 AC.
 TOTAL PROJECT AREA (AC.) 8.85 AC.
 LOT 1 - GROCERY 75,000 SF
 LOT 2 - OUTPARCEL 47,400 SF
 MAX. COMMERCIAL SF 175 AC.
 PROPOSED COMMERCIAL SF 6.1 AC. (63%)
 IMPERVIOUS SITE AREA (AC.) (%) 3.5 AC. (37%)
 PERVIOUS SITE AREA (AC.) (%) 150 FT
 MINIMUM LOT WIDTH 36 FT
 PROPOSED MAX. BUILDING HEIGHT 35%
 MAXIMUM LOT COVERAGE (%) 3.5 AC. (37%)
 OPEN SPACE (AC.) (%)
 BUILDING SETBACKS:
 FRONT YARD (PIONEER TRAIL) 100 FT
 REAR YARD 70 FT
 SIDE YARD (AIRPORT ROAD) 100 FT
 SIDE YARD (EAST PROPERTY LINE) 50 FT
 LANDSCAPE BUFFERS:
 NORTH 20 FT
 SOUTH (PIONEER TRAIL) 50 FT
 WEST (AIRPORT RD.) 35 FT
 EAST 20 FT
 CONSERVATION AREA REQUIRED (AC.) 1.4 AC.
 15% OF TOTAL ACREAGE (9.6 X .15 = 1.4 AC.)
 CONSERVATION AREA PROVIDED 2.9 AC. (30%)

PARKING CALCULATIONS

REQUIRED:
 RETAIL A (GROCERY) 46,000 SF x 3/1000 SF = 138 SPACES
 RETAIL B (RETAIL SALES/SERVICE) 1,400 SF x 2/1000 SF = 3 SPACES
 TOTAL REQUIRED MINIMUM 141 SPACES
 TOTAL REQUIRED MAXIMUM (125% OF MINIMUM) 176 SPACES
 PROVIDED:
 RETAIL A (GROCERY) - 5/1000 SF = 230 SPACES
 RETAIL B (RETAIL SALES/SERVICE) 3 SPACES
 TOTAL PROVIDED 233 SPACES

TREE CALCULATIONS

NUMBER OF HISTORIC TREES = 5
 (56" + CAL.)
 NUMBER OF SPECIMEN TREES = 67
 (>35" CAL.)
 EXISTING SPECIMEN TREE DENSITY = 7 TREES/AC.
 (67 TREES/9.6 AC. = 6.9 TREES/AC.)
 REQUIRED SPECIMEN TREES = 34 TREES (50%)
 TO BE PRESERVED (67 X .50 = 33.5)
 SPECIMEN TREES TO BE PRESERVED = 45

- EXISTING WETLAND AREA
- CONSERVATION AREA
- HISTORIC TREE
- SPECIMEN TREE
- SPECIMEN TREE TO BE REMOVED

RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit I
Evidence of Unified Ownership
(10 pages)

LAW OFFICES OF
ROBERT J. RIGGIO, P.A.

Attorneys & Counselors at Law

Telephone
(386) 252-3004

400 South Palmetto Avenue
Daytona Beach, Florida 32114

Fax
(386) 255-6233

June 27, 2013

The County of Volusia
attn: Mr. Scott Ashley, Planning Manager
123 West Indiana Avenue
Deland, FL 3270-4612

RE: **RR FARMS PROPERTY - TITLE OPINION**

Dear Scott:

This Opinion of Title as to unified ownership is for the property for which an application for PUD zoning has been made by RR Farms, LLC, a Florida limited liability company. It is submitted in accordance with §72-289(1) of the Volusia County Code of Ordinances.

After review of the Public Records of Volusia County, Florida, I find as of June 27, 2013, that the ownership of the property more particularly described as:

Lot 17 and Lot 18, Map of 1st Subdivision of "Abbott Farms" according to the map or plat thereof recorded in Plat Book 8, Page 127, Public Records of Volusia County, Florida.
(Tax Parcel Identification Number: 7306-01-00-0170)

less and except that portion of Lot 18, 1st Subdivision of Abbott Farms, as recorded in Map Book 8, Page 127 of the Public Records of Volusia County, Florida, abutting Airport Road deeded by RR Farms, LLC to the County of Volusia in that certain Warranty Deed recorded at Official Records Book 6456, Page 2902 *et seq.*, Public Records of Volusia County, Florida, with said parcel being more particularly described as:

Beginning at the Northwest corner of said Lot 18, thence run N88°54'12"E; along the North line of said Lot 18, a distance of 49.00 feet; thence run S00°52'49"E, and parallel with the West line of said Lot 18, a distance of 468.04 feet to a point of curvature of a curve concavely easterly, said curve having a radius of 1290.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 5°47'34" , for an arc distance of 130.42 feet to the point of tangency; thence run S06°40'23"E, a distance of 160.48 feet; thence S51°40'23"E, a distance of 35.36 feet; thence S06°40'23"E, a distance of 27.00 feet to a point on the South line of aforementioned Lot 18; thence S83°19'37"W, along said South line, a

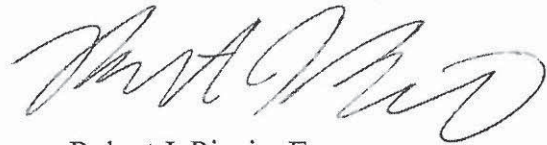
Scott Ashley
County of Volusia
Page 2

distance of 102.43 feet to the Southwesterly corner of said Lot 18; thence run N00°52'49"W, along the West line of said Lot 18, a distance of 817.26 feet to the Northwest corner thereof and the **Point of Beginning**. The described parcel contains 44,901 square feet (1.031 acres) more or less.

is vested in RR Farms, LLC, the PUD applicant, pursuant to the Special Warranty Deed recorded at Official Records Book 5929, Page 673 *et seq.*, Public Records of Volusia County, Florida. A copy of the deed is attached as Exhibit "A."

Based upon my review of the Public Records of Volusia County, Florida, as set out above, as they pertain to the land lying within the PUD application submitted to the County of Volusia, it is my opinion that unified ownership of the entire area within the proposed PUD is in the applicant, RR Farms, LLC.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. J. Riggio', with a stylized flourish at the end.

Robert J. Riggio, Esq.
FL. Bar No.: 0613789

cc: RR Farms, LLC

10/09/2006 09:39 AM
 Doc stamps 10500.00
 (Transfer Amt \$ 1500000)
 Instrument# 2006-252477 # 1
 Book: 5929
 Page: 673

Prepared By/Record and Return To:
 John R. Ibach, Esquire
 Rogers Towers, P.A.
 1301 Riverplace Blvd., Suite 1500
 Jacksonville, Florida 32207

SPECIAL WARRANTY DEED

THIS INDENTURE is made this 25th day of September, 2006, between ROBERT M. JONTES and PAULINE A. JONTES, husband and wife (collectively, "Grantor"), whose address is 3561 Pioneer Trail, New Smyrna Beach, Florida 32168, and RR FARMS, LLC, a Florida limited liability company, ("Grantee"), whose address is 7120 Lions Head Lane, Boca Raton, Florida 33496;

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the said Grantee, its legal representatives, successors and assigns forever, the following described land (the "Land"), situate, lying and being in the County of Volusia, State of Florida:

Lot 17 and 18, Map of 1st Subdivision of "Abbott Farms" according to the map or plat thereof recorded in Plat Book 8, Page 127, Public Records of Volusia County, Florida.

Property Appraiser's Parcel ID Number: 7306-01-00-0170

together with all tenements, hereditaments and appurtenances of Grantor belonging or in any wise appertaining to the Land (collectively, the "Property"), subject to the following permitted encumbrances (the "Permitted Encumbrances"):

1. Real estate taxes for the current year and subsequent years; and
2. Those matters appearing on Exhibit "A" attached hereto.

To have and to hold the Property in fee simple forever.

Grantor hereby represents to grantee that, except as set forth in the Permitted Encumbrances, at the time of the delivery of this deed the Property was free from all encumbrances made by Grantor, and that with respect to the valid claims of others against the Land arising out of acts of Grantor (excluding those involving any of the Permitted Encumbrances), Grantor will warrant and defend Grantor's title to the Land conveyed hereby against such claims, but against none other. Grantee, by the acceptance of this deed, acknowledges that the foregoing representations and warranty by Grantor constitute the only

314/20

Instrument# 2006-252477 # 2
 Book: 5929
 Page: 674

representations and warranty, expressed or implied, made by Grantor to Grantee with respect to Grantor's title to the Property.

Grantor represents that Grantor does not now reside and has never resided on the Property and has never filed for homestead exemption with respect thereto.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in his/hers/its name, the day and year first above written.

Signed, sealed and delivered
 in the presence of:

GRANTOR:

Barbara Y. Lovelace *Robert M. Jontes*
 Signature ROBERT M. JONTES
 Print Name: BARBARA Y. LOVELACE

Donna J. Austin
 Signature
 Print Name: DONNA J. AUSTIN

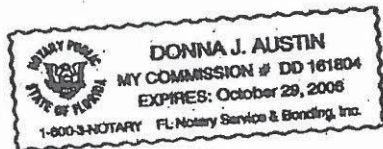
Barbara Y. Lovelace *Pauline A. Jontes*
 Signature PAULINE A. JONTES
 Print Name: BARBARA Y. LOVELACE

Donna J. Austin
 Signature
 Print Name: DONNA J. AUSTIN

STATE OF FLORIDA

COUNTY OF DADE

The foregoing instrument was acknowledged before me this 25 day of September, 2006, by Robert M. Jontes and Pauline A. Jontes. They (check one) ☒ are personally known to me, or ☐ have produced a valid driver's license as identification.



Donna J. Austin
 Print Name: DONNA J. AUSTIN
 Notary Public, State and County Aforesaid
 My Commission Expires: 10-29-06
 Commission Number: DD161804


Instrument# 2006-252477 # 3
Book: 5929
Page: 675
Diane M. Matousek
Volusia County, Clerk of Court

EXHIBIT "A"


Permitted Encumbrances


1. Easement granted to Florida Power & Light Company by instrument recorded in Deed Book 199, Page 96.
2. Easement granted to Florida Power & Light Company by instrument recorded in Deed Book 207, Page 212.
3. Easement granted to Florida Power & Light Company by instrument recorded in Deed Book 228, Page 343.
4. Matters shown on map of the 1st Subdivision of "Abbott Farms" according to the map or plat thereof recorded in Plat Book 8, Page 127, public records of Volusia County, Florida.

X

 **IRS** DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
P.O. BOX 9003
HOLTSVILLE NY 11742-9003

002204.326967.0007.001 1 MB 0.326 530



 RR FARMS LLC
SHELDON RUBIN MBR
7120 LIONS HEAD LANE
BOCA RATON FL 33496

002204

Date of this notice: 10-13-2006

Employer Identification Number:
20-5664804

Form: SS-4

Number of this notice: CP 575 B

For assistance you may call us at:
1-800-829-4933IF YOU WRITE, ATTACH THE
STUB OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 20-5664804. This EIN will identify your business account, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, please use the label we provided. If this isn't possible, it is very important that you use your EIN and complete name and address exactly as shown above on all federal tax forms, payments and related correspondence. Any variation may cause a delay in processing, result in incorrect information in your account or even cause you to be assigned more than one EIN. If the information isn't correct as shown above, please correct it using tear off stub from this notice and return it to us so we can correct your account.

Based on the information from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1065

04/15/2007

If you have questions about the form(s) or the due dates(s) shown, you can call or write to us at the phone number or address at the top of the first page of this letter. If you need help in determining what your tax year is, see Publication 536, Accounting Periods and Methods, available at your local IRS office or you can download this Publication from our Web site at www.irs.gov.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination on your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue.)

RR FARMS, LLC
a Florida limited liability company

LIMITED LIABILITY COMPANY AGREEMENT

DATED September 5, 2006

LIMITED LIABILITY COMPANY AGREEMENT
OF
RR FARMS, LLC

LIMITED LIABILITY COMPANY AGREEMENT ("**Agreement**") of **RR FARMS, LLC**, a Florida limited liability company (the "**Company**"), executed on this 5th day of September, 2006 (the "**Effective Date**"), by and between Sheldon Rubin ("**Rubin**" or Managing Member; Rubin and any person subsequently admitted as a member by executing a joinder to this Agreement, are each referred to as a "**Member**" and collectively as the "**Members**"), and the Company.

RECITALS

WHEREAS, the Company was formed under the name **RR FARMS, LLC**, as a Florida limited liability company, pursuant to the Articles of Organization filed with the Secretary of State of the State of Florida on September 5, 2006, under the Florida Limited Liability Company Act (as from time to time amended, the "**Act**");

WHEREAS, as of the Effective Date, one hundred percent (100%) Interest will be issued to Rubin; and

WHEREAS, the Member desires to enter into this Agreement for the purpose of stating the rights and obligations of the Members and the Company;

AGREEMENT

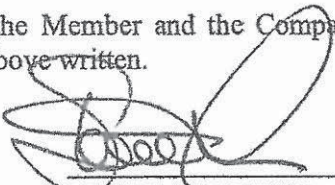
NOW, THEREFORE, in consideration of the covenants and agreements set forth herein and other good and lawful consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, agree as follows:

ARTICLE 1
DEFINED TERMS

1.1 **Defined Terms.** The capitalized terms used in this Agreement shall have the respective meanings specified in this Article I.

"Accountants" means the firm of certified public accountants as determined by the Managing Member.

IN WITNESS WHEREOF, the Member and the Company have executed and adopted this Agreement as of the date first above written.



SHELDON RUBIN

RR FARMS, LLC

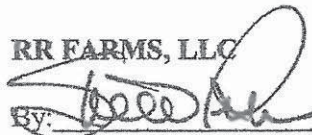
By: 
Print Name: SHELDON W. RUBIN
Its: Managing member

EXHIBIT "A"
MEMBERS

<u>Member:</u>	<u>Interest</u>
Sheldon Rubin 7120 Lyons Head Lane Boca Raton, Florida 33496	100%
with a copy to:	
Teschler Gutter Chaves Josepher Rubin Ruffin & Forman, P.A. 2101 Corporate Blvd. Suite 107 Boca Raton, Florida 33431 Attention: Robert A. Chaves, Esq. Facsimile: (561) 998-2642	
TOTAL	100%

RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit J

TIA

(Packaged by Lassiter Transportation Group)

TRANSPORTATION IMPACT ANALYSIS SUBMISSION CHECKLIST

	DESCRIPTION	INFORMATION INCLUDED			
		YES	NO	N/A	Remarks ¹
TRANSPORTATION IMPACT ANALYSIS REPORT DATA	4 Printed TIA Copies Signed and Sealed by Professional Engineer	✓			
	1 Electronic version of the TIA & all analysis computer files	✓			
	Site Location relative to surrounding roadway network (map)	✓			
	Description of proposed land uses	✓			
	Proposed Build-out schedule	✓			
	Study area boundaries including all Thoroughfare Road segments and intersections within appropriate radius (map)	✓			
	Existing Traffic Volumes	✓			
	Existing roadway segment analysis	✓			
	Existing intersection analysis	✓			
	List scheduled improvements within first three years of County, FDOT, and/or City Capital Improvement Programs	✓			
	Proposed development trip generation/internal capture/pass by capture	✓			
	Proposed development trip distribution and assignment (map)	✓			
	Future Background Traffic Volume Estimates	✓			
	Projected future roadway segment analysis	✓			
	Future Total Peak-Hour(s) Traffic Volume Estimates (Background + Vested + Project Trips)	✓			
	Projected future Peak-Hour(s) roadway intersection analysis including proposed turn lanes and signals	✓			
	Projected Future Roadway Concurrency Analysis	✓			
	Conclusions and Recommended Improvements	✓			
	Site access recommendations		✓		To be provided for site plan analysis
	Concurrency mitigation strategy			✓	None required
APPENDIX DATA	Methodology Documentation & Conceptual Site Plan	✓			
	Traffic Count Data & Inventory of Existing Road Conditions	✓			
	Confirmation of Scheduled Improvements (Copy of Appropriate CIE)			✓	Developer funded improvements only
	Existing Conditions Analysis Worksheets (HCS Printouts)	✓			
	Background Traffic Growth Worksheets	✓			
	Trip Generation, Internal Capture, Pass-By Capture Worksheets	✓			
	Future Conditions Analysis Worksheets (HCS Printouts)	✓			
	Turn Lanes Analysis Worksheets (Queue Length)		✓		To be provided for site plan analysis
	Signal Warrant Analysis			✓	
	Multi Way STOP Warrant Analysis			✓	

1 - Remarks: Justify "NO" and "N/A"

Submitted By: D. O. J. Printed Name: DAN D'Antonio
 Date: June 27, 2013

Pioneer Square BPUD Volusia County, Florida

Traffic Impact Analysis

**Prepared for RR Farms, LLC
By Lassiter Transportation Group, Inc.
June 2013**



PROFESSIONAL ENGINEERING CERTIFICATION

I hereby certify that I am a Professional Engineer properly registered in the State of Florida practicing with Lassiter Transportation Group, Inc., a corporation authorized to operate as an engineering business, EB 0009227, by the State of Florida Department of Professional Regulation, Board of Professional Engineers, and that I have prepared or approved the evaluations, findings, opinions, conclusions, or technical advice attached hereto for:

PROJECT: Pioneer Square BPUD
LOCATION: Volusia County, Florida
CLIENT: RR Farms, LLC
JOB #: 3861.06

I hereby acknowledge that the procedures and references used to develop the results contained in these computations are standard to the professional practice of Transportation Engineering as applied through professional judgment and experience.

NAME: Daniel M. D'Antonio, P.E.
P.E. No.: Florida P.E. No. 68399
DATE: June 24, 2013

SIGNATURE: _____

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1

INTRODUCTION

Lassiter Transportation Group, Inc. (LTG) has been retained on behalf of RR Farms, LLC to prepare a Traffic Impact Analysis (TIA) in support of a proposed zoning change to 9.63-acre parcel currently zoned as Prime Agriculture (A-1). The proposed zoning designation is business planned unit development (BPUD). The rezoning is required to facilitate development of a 75,000-sq. ft. shopping center known as Pioneer Square. Language will be provided in the BPUD development agreement to ensure that transportation impacts do not exceed the impacts evaluated in this TIA.

The subject property is located in the northeast quadrant of the Pioneer Trail/Airport Road intersection in unincorporated Volusia County. External access to the development is planned via two unrestricted driveways that connect to Pioneer Trail and Airport Road. Figure 1 shows the location of the project relative to the surrounding road network. Build-out of the development is anticipated by the end of 2018.

Study Area

A methodology letter (see Appendix A) was prepared in accordance with the Volusia Transportation Planning Organization's (VTPO) TIA Guidelines and submitted to the County for review and comment. Comments were received from the County and the proposed methodology was revised in accordance with the comments. The methodology agreed upon by the county includes the following intersections and roadway segments:

Roadway Segments:

- Airport Road from Williamson Boulevard to Pioneer Trail
- Pioneer Trail from Airport Road to Turnbull Bay Road

Intersections:

- Pioneer Trail at Airport Road
- Airport Road at Williamson Boulevard
- Airport Road at Project Drive (Future)
- Pioneer Trail at Project Drive (Future)

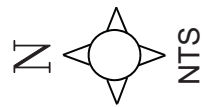
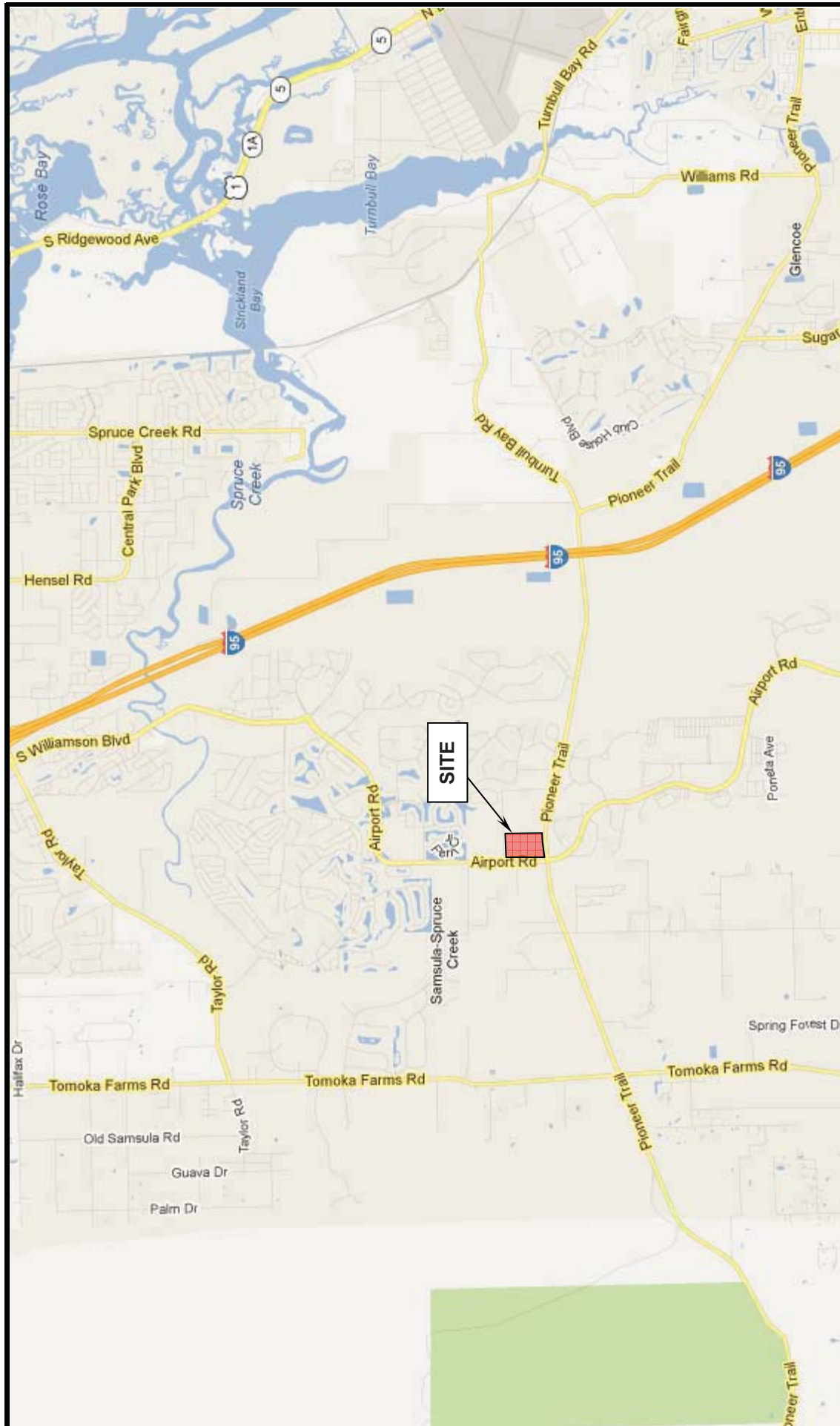
Study Procedures

Standard engineering and planning procedures were used to determine the impacts of the proposed project. Reference data was obtained from the Volusia County Traffic Engineering Department, the VTPO, the Institute of Transportation Engineers (ITE), and the Florida Department of Transportation (FDOT).

Planned Roadway Improvements

The Volusia County Public Works Department, FDOT, the City of Port Orange, and the City of New Smyrna Beach were contacted to determine if there are any planned roadway improvements within the project study area. Based on the information obtained, the following projects are funded for construction within three years.

- Williamson Boulevard Extension from Airport Road to Pioneer Trail (Public/Private Partnership)



Pioneer Square BPUD

Site Location Map

Project No.:3861.06

Figure: 1



Lassiter Transportation Group, Inc.
Engineering and Planning

123 Live Oak Avenue – Daytona Beach, Florida 32114
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

2

EXISTING ROADWAY ANALYSIS

P.M. peak-period turning movement counts were conducted at the study area intersections on May 14, 2013. Figure 2 graphically presents these counts with the raw count data presented in Appendix B.

Unsignalized Intersection Analysis

The level of service (LOS) at an unsignalized intersection is based on the average stop delay per vehicle for the conflicting movements within the intersection. The operating condition at the unsignalized intersection was evaluated using the *Highway Capacity Software Version 6.41* (HCS). This software utilizes the methodology outlined in Chapter 19 of the *2010 Highway Capacity Manual*, titled “Two-Way Stop-Controlled.” Table 1 shows the existing p.m. peak-hour LOS. The HCS summary sheets are located in Appendix C. As indicated in the table, the unsignalized intersection currently operates within the adopted LOS.

Table 1
Existing P.M. Peak-Hour Level of Service – Unsignalized Intersection
Pioneer Square BPUD

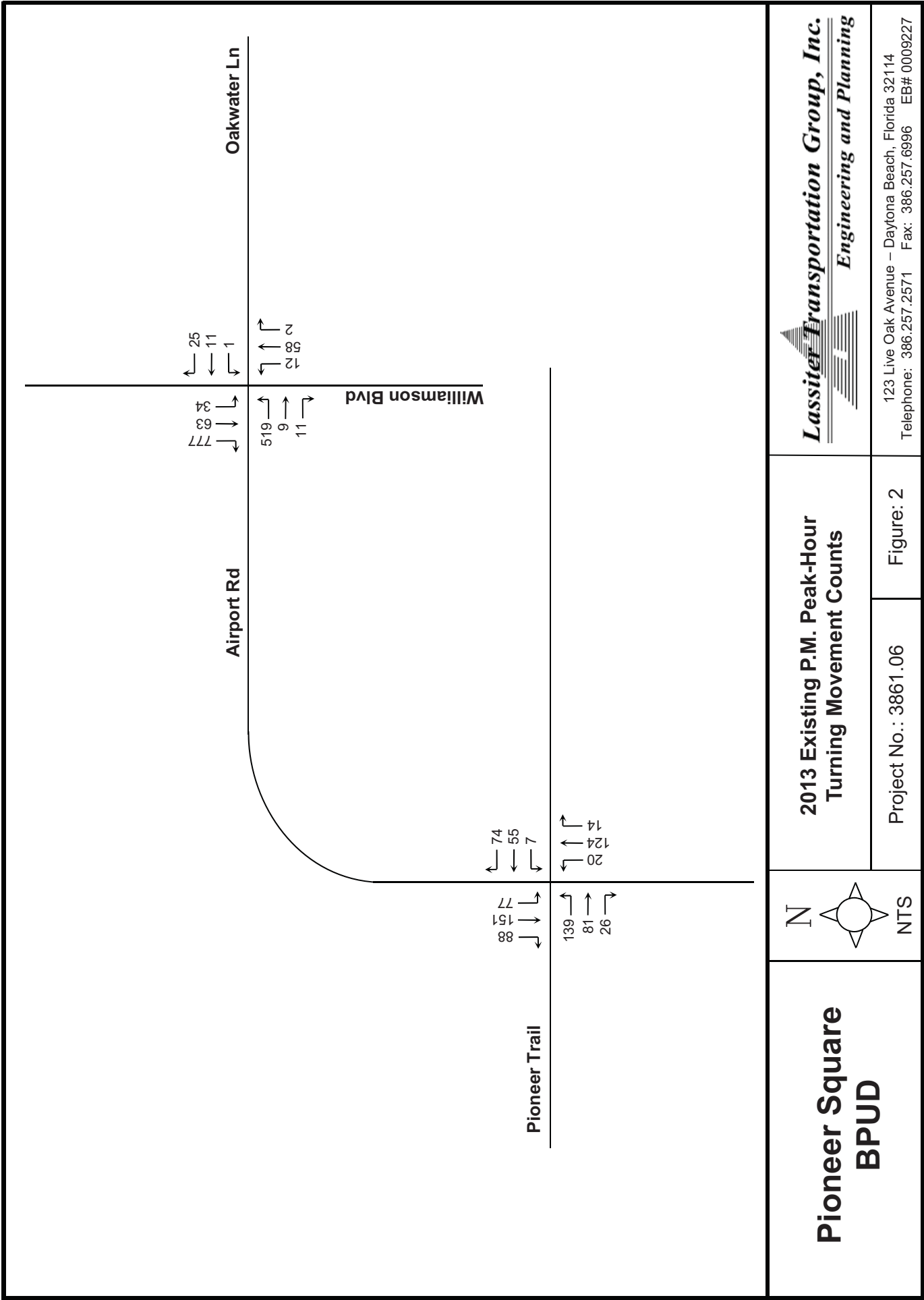
Intersection	Adopted LOS	Critical Approach	P.M. Peak-Hour	
			Delay (sec)	LOS
Pioneer Trl at Airport Rd	E	All	12.3	B

Signalized Intersection Analysis

The level of service (LOS) at a signalized intersection is based on the average control delay per vehicle for the various movements within the intersection. The operating conditions at the signalized intersections were evaluated using *Highway Capacity Software Version 6.41* (HCS). This software utilizes the methodology outlined in Chapter 18 of the *2010 Highway Capacity Manual*, titled “Signalized Intersections.” Table 2 shows the existing p.m. peak-hour LOS at the signalized intersection with the HCS summary sheets located in Appendix D. As indicated in Table 2, the study area signalized intersection currently operates within the adopted LOS. It should be noted that the HCS analyses were conducted using signal timings provided by the County (see Appendix E).

Table 2
P.M. Peak-Hour Level of Service – Signalized Intersection
Pioneer Square BPUD

Intersection	Adopted LOS	P.M. Peak-Hour	
		Delay (sec)	LOS
Airport Rd at Williamson Blvd	E	30.7	C



Roadway Segment Analysis

Roadway level of service describes the operating condition determined from the number of vehicles passing over a given section of roadway during a specified time period. It is a qualitative measure of several factors which include speed, travel time, traffic interruptions, freedom to maneuver, driver comfort, convenience, safety and vehicle operating costs. Six LOS have been established as standards by which to gauge roadway performance, designated by the letters A through F. The LOS categories are defined as follows:

Level of Service A:	Free flow, individual users virtually unaffected by the presence of others
Level of Service B:	Stable flow with a high degree of freedom to select operating conditions
Level of Service C:	Flow remains stable, but with significant interactions with others
Level of Service D:	High-density stable flow in which the freedom to maneuver is severely restricted
Level of Service E:	This condition represents the capacity level of the road
Level of Service F:	Forced flow in which the traffic exceeds the amount that can be served

The 2011 Annual Average Daily Traffic (AADT) for the study roadway segments was obtained from Volusia County. These volumes were converted to peak-hour two-way volumes via application of planning K-factors obtained from *FDOT Traffic Online*. The existing peak-hour two-way level of service for the study area road segments is shown in Table 3. Based on the analysis presented in Table 3, all roadway segments are currently operating within acceptable levels of service.

Table 3
Existing Peak-Hour Two-Way Level of Service – Roadway Segments
Pioneer Square BPUD

Roadway	Segment		Lanes	Area Type	Adopted LOS	Existing AADT ¹	Demand K-Factor	Peak-Hour Two-Way Capacity ²	Existing Peak-Hour Two-Way Volume	Deficient (Y/N)?
	From	To								
Airport Rd	Williamson Blvd	Pioneer Trail	2	Urban	E	6,000	0.09	2,990	540	N
Pioneer Trail	Airport Rd	Turnbull Bay Rd	2	Urban	E	2,720	0.09	1,120	245	N

¹ Obtained from *FDOT 2012 Counts* or *Volusia County 2011 Counts*

² Obtained from *FDOT 2012 Q/LOS Tables*

3

FUTURE TRAFFIC CONDITIONS

The next step in the analysis was to determine the future traffic conditions on the study area roadways at the time of project completion. The following documents the procedures used to determine the future traffic.

Background Traffic

Traffic on the roadway network will continue to grow due to local development approvals. *FDOT Traffic Trends* software was used to calculate the average annual historical growth rates for the area roadway segments, using the past five years of available historical AADT data provided by Volusia County (2007-2011) (see Appendix F for trends print-outs). A minimum of 1% growth rate was used for applicable segments and was previously approved during the methodology stage. Table 5 shows the historical growth obtained from trend analysis and applied growth used for analysis.

Table 4
Trend Growth Rates
Pioneer Square BPUD

Roadway	Segment		Trend Growth Rate ¹	Applied Growth Rate ²
	From	To		
Airport Rd	Williamson Blvd	Pioneer Trail	0.00%	1.00%
Pioneer Trail	Airport Rd	Turnbull Bay Rd	5.48%	5.48%

¹ Obtained from *FDOT Trends Software*

² A minimum of 1% will be applied

Trip Generation

The trip generation for this development was determined using the trip generation rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual*, 9th Edition. For comparison purposes, the maximum development potential under the existing zoning designation (A-1 Prime Agriculture) was calculated and compared to the maximum development potential under the proposed zoning designation (BPUD). Under A-1 zoning, residential is permitted at a maximum density of one unit per 10 acres. Given that the site is 9.63 acres, only one single-family dwelling unit is permitted under the existing zoning designation. At a rate of 1.00 p.m. peak-hour trips per dwelling unit (per ITE), the trip generation potential is one trip. As such, the net increase in trip generation equates to the total trip generation under the proposed zoning.

Table 5 presents the daily and p.m. peak-hour trip generation for the proposed project with BPUD zoning. As indicated in the table, the project is expected to generate 5,634 total daily trips with 496 occurring in the p.m. peak-hour.

Table 5
Total Project Trip Generation
Pioneer Square BPUD

Time Period	Land Use	ITE Code	Trip Rate Equation	Units (X)	Total Trips (T)	% Enter	% Exit	Trips Entering	Trips Exiting
Daily	Shopping Center	820	$\ln(T)=0.65\ln(X)+5.83$	75 KSF	5,634	50%	50%	2,817	2,817
P.M. Peak-Hour			$\ln(T)=0.67\ln(X)+3.31$		496	48%	52%	238	258

T = Average Trips

X = Size of Project (KSF = 1,000 sq. ft.)

Due to the nature of the proposed land use, a portion of the trips generated will be attracted from existing traffic on the adjacent roadways. These trips are known as pass-by traffic. The methods outlined in Volume 1 of the ITE Trip Generation Manual were used to estimate the pass-by trips associated with the project. As agreed to in the methodology letter, the pass-by trips were limited to 14% of the background traffic on roadways adjacent to the site.

Table 6
Net New Project Trip Generation
Pioneer Square BPUD

Time Period	Total Trips			Pass-by Trips (34%)			Background Traffic ¹	Capped Pass-By ²			New External Trips		
	Enter	Exit	Total	Enter	Exit	Total		Enter	Exit	Total	Enter	Exit	Total
Daily	2,817	2,817	5,634				819				2,817	2,817	5,634
P.M. Peak-Hour	238	258	496	69	74	143		55	60	115	183	198	381

¹ Obtained from background traffic at the intersection of Pioneer Trail and Airport Road

² 14% of background traffic

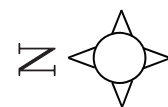
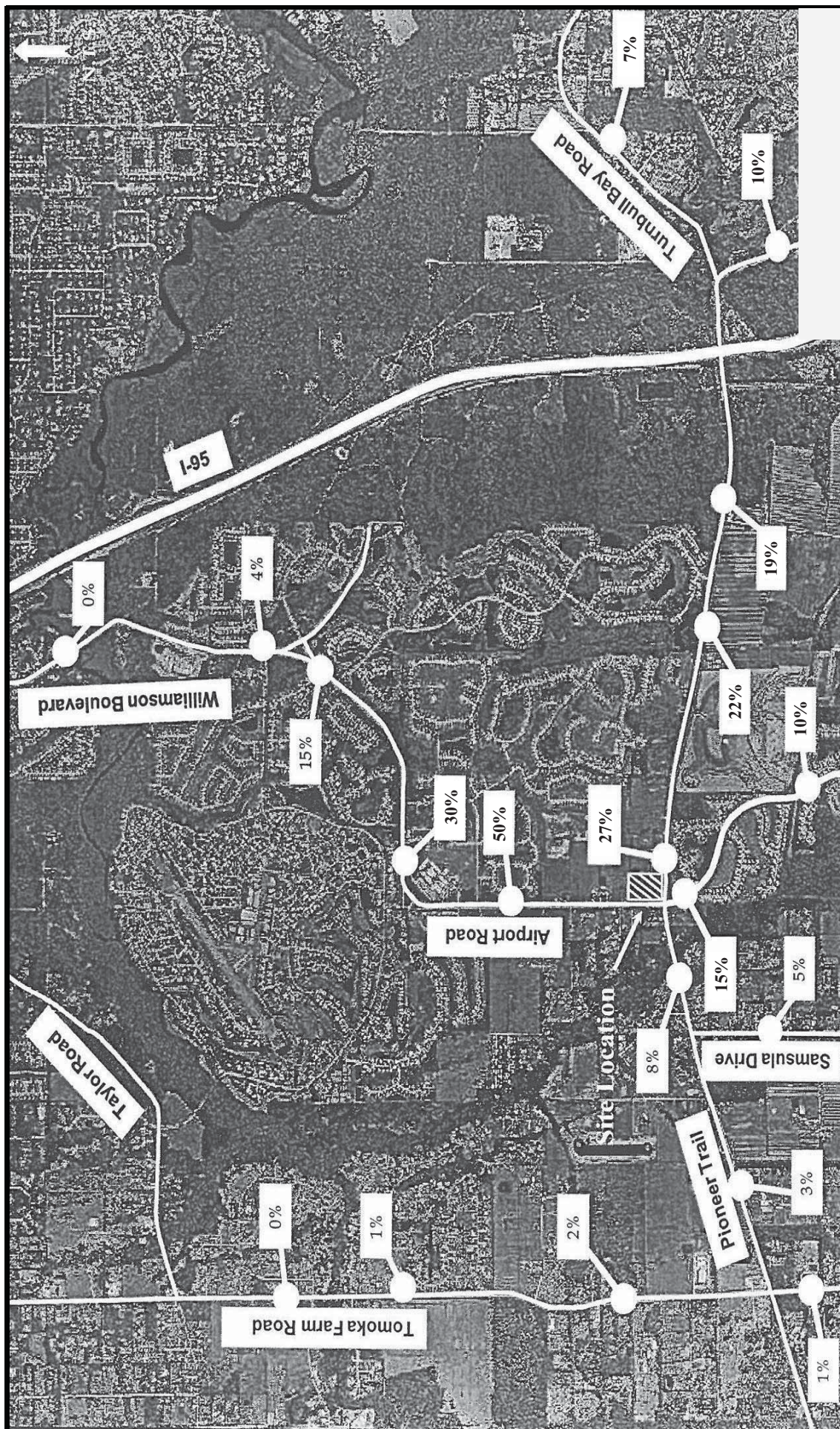
Trip Distribution

As agreed upon by County staff, the project trip distribution from the previous rezoning study submitted by Kimley-Horn & Associates, Inc. was modified and used for this analysis. The resultant distribution is graphically illustrated in Figure 3. Please note that the Central Florida Regional Planning Model (CFRPM), Version V was used to estimate the diversion of background traffic resulting from construction of the Williamson Boulevard Extension. The process for redistributing the trips is discussed more in the next section of this report.

Trip Assignment

The final step in the analysis was to assign the project traffic and 2016 background traffic to the road network. The 2016 background traffic was redistributed based on output from the model. As stated previously, the CFRPM, Version V, was used to determine net increases and decreases that are expected to result from the Williamson Boulevard Extension. Figure 4 graphically depicts the adjusted model volumes within the project study area.

The turning movement counts at the study area intersections were adjusted for the build-out condition based on the data presented in Figure 4. Figure 5 graphically presents the build-out p.m. peak-hour turning movements.



NTS

Pioneer Square BPUD

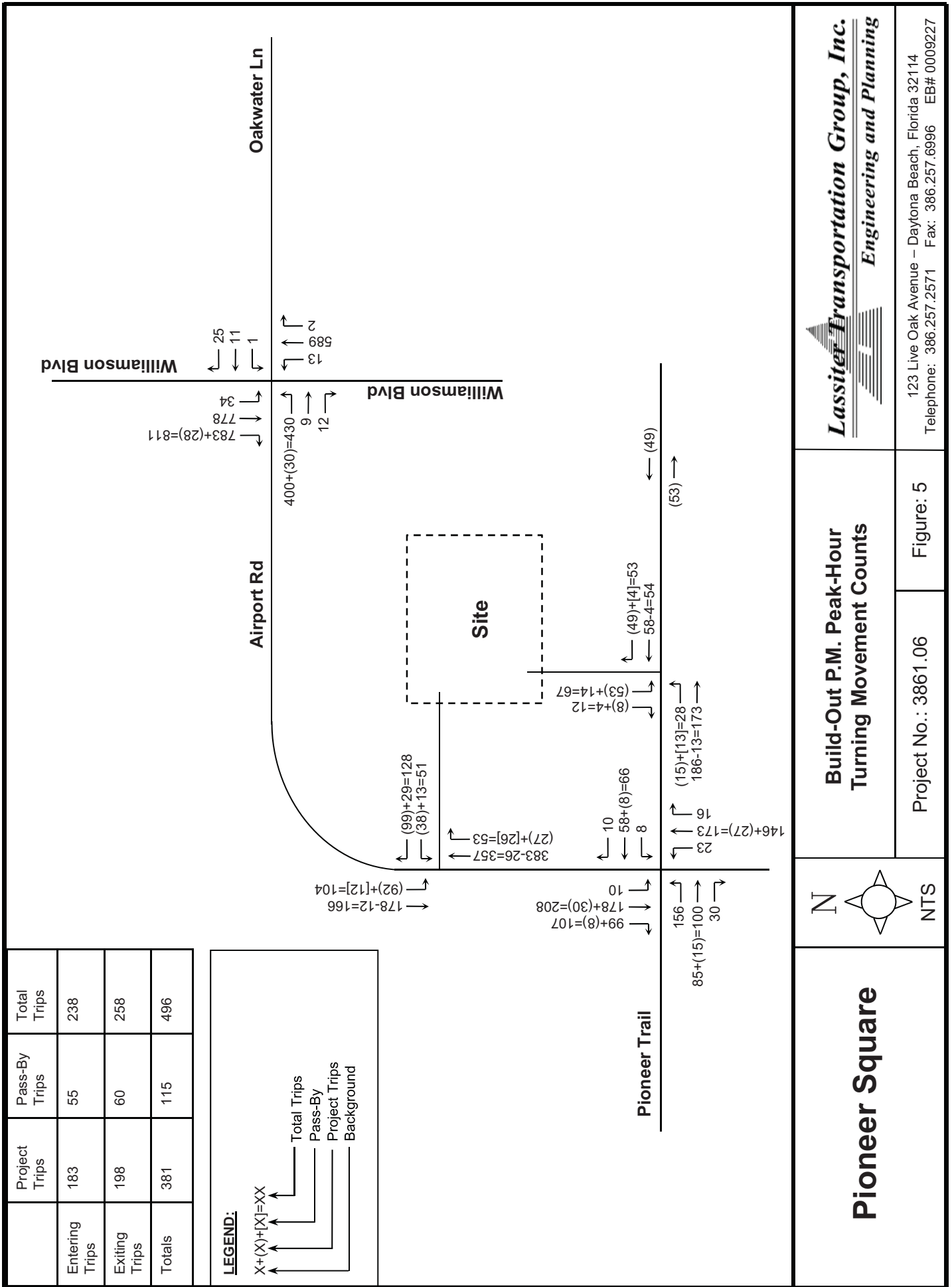
Project Trip Distribution

Project No.:3861.06

Figure: 3

Lassiter Transportation Group, Inc.
Engineering and Planning

123 Live Oak Avenue – Daytona Beach, Florida 32114
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227



4

FUTURE ROADWAY ANALYSIS

The critical intersections and road segments were analyzed based on the existing roadway conditions to determine potential impacts and to investigate mitigation requirements.

Unsignalized Intersection Analysis

The unsignalized intersection was analyzed to determine the operational LOS at the time of build-out. Table 7 shows the projected p.m. peak-hour LOS. The HCS summary sheet is located in Appendix G. As presented in Table 7, the unsignalized intersection is expected to operate within an acceptable service level.

Table 7
Build-Out P.M. Peak-Hour Level of Service – Unsignalized Intersections
Pioneer Square BPUD

Intersection	Adopted LOS	P.M. Peak-Hour	
		Delay (sec)	LOS
Airport Rd at Pioneer Trl	E	12.71	B

Signalized Intersection Analysis

The signalized intersection was analyzed to determine the operational LOS at the time of build-out. Table 8 shows the projected LOS for the study intersections. The HCS summary sheet is located in Appendix H. As indicated in Table 8, the signalized intersection is expected to operate within the adopted LOS under build-out conditions.

Table 8
Build-Out P.M. Peak-Hour Level of Service – Signalized Intersections
Pioneer Square BPUD

Intersection	Adopted LOS	P.M. Peak-Hour	
		Delay (sec)	LOS
Airport Rd at Williamson Blvd	E	31.3	C

Roadway Segment Analysis

The traffic analysis for the roadway segments involves the comparison of the future peak-hour two-way volumes to available capacity. Table 9 presents the results of the peak-hour, two-way road segment analysis for the study area roadways under build-out conditions. As indicated in Table 9, the study area roadways are expected to operate within an acceptable LOS under build-out conditions with the exception of Taylor Road from Williamson Boulevard to I-95 and from Dunlawton Avenue to Clyde Morris Boulevard. These segments are within the study area because they are deemed critical/near-critical. Please note that the project is not expected to impact these segments due to sufficient similar uses within the project study area, as identified in the approved project trip distribution.

Furthermore, rezoning of the subject property to allow the commercial use will result in a reduction in trips on roadway links north of the site. The demand for residential-to-commercial trip making exists under current conditions. The proposed zoning change is expected to create shopping opportunities within a residential area that has limited services under existing conditions. Many residents who live in the vicinity of the project and further south of the project must currently travel through the Taylor Road/Williamson Boulevard intersection to satisfy frequent shopping needs. This particular intersection has been experiencing congestion over the last few years and is within the critical segment of Taylor Road from Williamson Boulevard to I-95. The proposed zoning change will provide neighborhood shopping opportunities for residents within the surrounding residential communities, thereby reducing the total vehicle-miles-traveled (VMT) and alleviating congestion on the critical/near-critical roadway segments. To provide for a conservative analysis, no reduction in trips has been accounted for in this analysis and the results still indicate that sufficient capacity is available to accommodate the rezoning.

Table 9
Build-Out Peak-Hour Two-Way Level of Service – Roadway Segments
Pioneer Square BPUD

Roadway	Segment		Adopted LOS	Existing AADT ¹	Demand K-Factor	Peak-Hour Two-Way Capacity ²	Existing Peak-Hour Two-Way Volume	Applied Annual Growth Rate	Build-Out Background Traffic	Project Trip Distribution	Project Trips	Total Build-Out Traffic	Deficient (Y/N?)
	From	To											
Airport Rd	Williamson Blvd	Pioneer Trail	E	6,000	0.09	2,990	540	1.0%	578	50%	191	769	N
Pioneer Trl	Airport Rd	Turnbull Bay Rd	E	2,720	0.09	1,120	245	5.5%	339	27%	103	442	N
Critical/Near-Critical Roadways													
Taylor Rd	Crane Lake Blvd	Summer Trees Rd	E	14,570	0.09	1,440	1,311	1.0%	1,403	0%	0	1,403	N
	Williamson Blvd	I-95	E	36,170	0.09	3,222	3,255	1.0%	3,483	0%	0	3,483	Y
	Dunlawton Ave	Clyde Morris Blvd	E	12,980	0.09	1,120	1,168	1.0%	1,250	0%	0	1,250	Y

¹ Obtained from FDOT 2012 Counts or Volusia County 2011 Counts

² Obtained from FDOT 2012 Q/LOS Tables

5

CONCLUSIONS

This study was conducted to evaluate the impact the proposed Pioneer Square BPUD rezoning will have on area roadways in Volusia County. The results of the study are summarized below:

- The proposed rezoning is limited to a 75,000-sq. ft. shopping center which will be located in the northeast quadrant of the Airport Road/Pioneer Trail intersection in Volusia County.
- The proposed rezoning has the potential to generate 5,634 total daily trips with 381 net new p.m. peak-hour trips.
- The unsignalized intersection within the project study area is currently operating at an acceptable LOS in the p.m. peak-hour.
- Under build-out conditions, the unsignalized intersection within the project study area is expected to operate within the adopted level of service.
- The signalized intersection within the project study area is currently operating at an acceptable LOS in the p.m. peak hour.
- Under build-out conditions, the signalized intersection within the project study area is expected to operate within the adopted level of service.
- All roadways segments are currently operating within the adopted LOS.
- Under 2017 build-out conditions, all study roadway segments are expected to operate within the adopted levels of service.
- The proposed rezoning of the subject property will not adversely impact the transportation network within the project study area. Sufficient capacity is available to accommodate the potential impact.
- Please note that a more detailed TIA, also consistent with the County's adopted procedures, will be required prior to any site plan approval.

Appendix A

Methodology Letter



Ref: 3861.05

June 26, 2013

Mr. Jon Cheney, P.E.
 Director of Traffic Engineering
 Volusia County
 123 W. Indiana Avenue
 DeLand, FL 32720

**Re: Pioneer Square –Traffic Impact Analysis Methodology - Revised
 Volusia County, Florida**

Dear Mr. Cheney:

Lassiter Transportation Group, Inc. (LTG) has been retained to prepare a Traffic Impact Analysis (TIA) to support an admendment to Volusia County's Zoning designation to change the zoning classification of the Pioneer Trail property. The proposed development is located in the northeast quadrant of the Pioneer Trail/Airport Road intersection and will include a 75,000 square-foot Shopping Center. Figure 1 shows the location of the project relative to the surrounding road network and Figure 2 shows the project in relation to a five-mile radius provided by Volusia County. Build-out of the development is anticipated by the end of 2016.

REPORT FORMAT

Four printed copies and one electronic version of the TIA will be submitted for review. The TIA will have a title page which will include the development name, the developer's name, company, address and phone number, the professional engineer's name, company, address and phone number and the TIA preparation date. A table of contents will be provided which lists the figures, tables, chapters and appendices. A completed TIA Submission Checklist, as provided by the County, will be submitted with the TIA report.

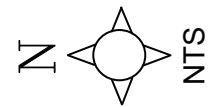
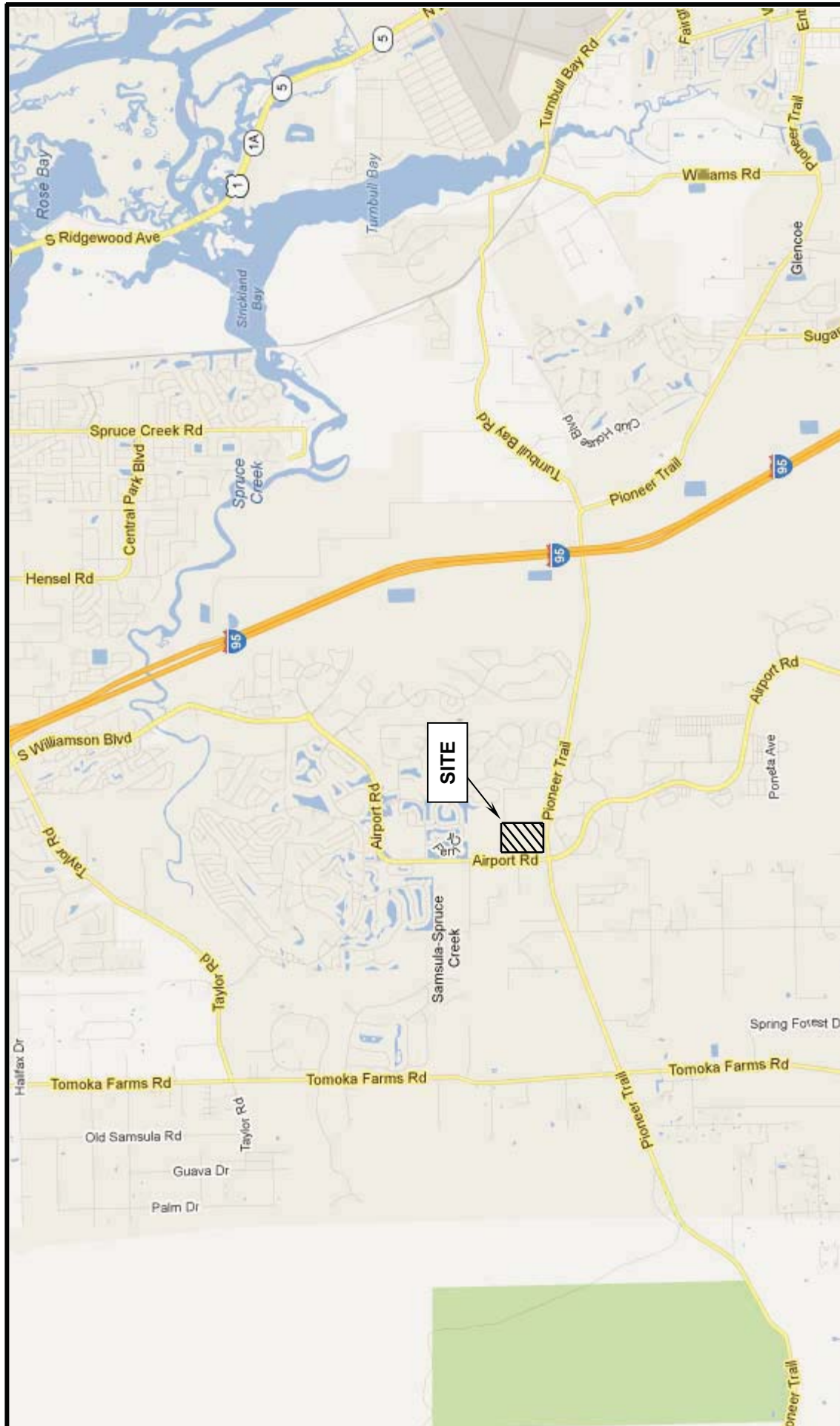
TRIP GENERATION

The trip generation for this development was determined using the trip generation rates published by the Institute of Transportation Engineers (ITE) in the document Trip Generation, 9th Edition. Table 1 shows the total daily and p.m. peak-hour trip generation.

The TIA will also present the maximum trip generation potential under existing zoning. The existing zoning is A-1 Prime Agriculture and allows up to one dwelling unit per 10 acres. Therefore, a maximum of one dwelling unit is permitted under the existing zoning designation. One dwelling unit equates to 10 daily trips and one p.m. peak-hour trip.

**Table 1
 Total Trip Generation
 Pioneer Square**

Time Period	Land Use	ITE Code	Trip Rate Equation	Units (X)	Total Trips (T)	% Enter	% Exit	Trips Entering	Trips Exiting
Daily	Shopping Center	820	$\text{Ln}(T) = 0.65\text{Ln}(X) + 5.83$	75 KSF	5,634	50%	50%	2,817	2,817
P.M. Peak Hour			$\text{Ln}(T) = 0.67\text{Ln}(X) + 3.31$		496	48%	52%	238	258



Pioneer Square

Site Location Map

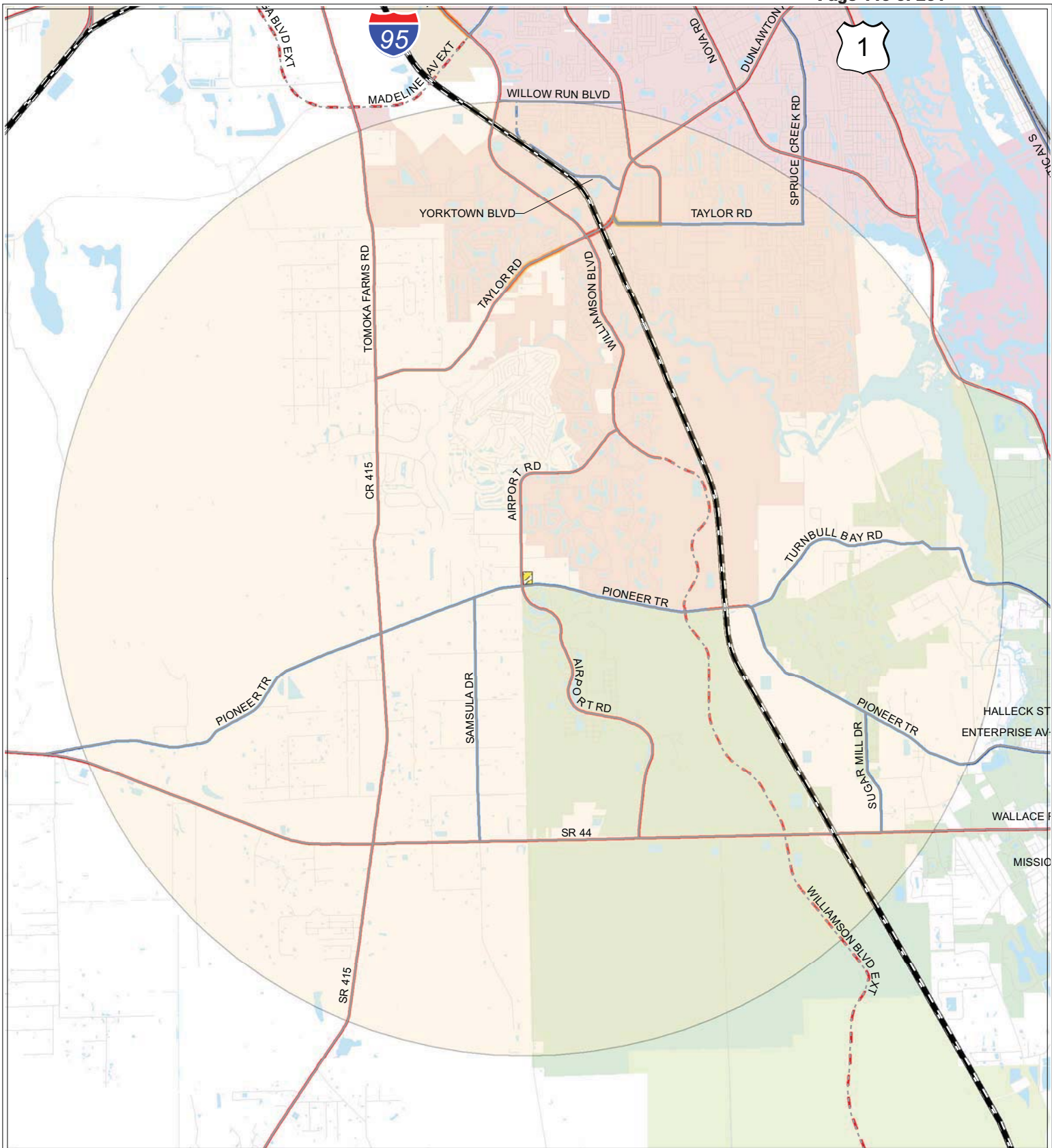
Project No.:3861.05

Figure: 1



Lassiter Transportation Group, Inc.
Engineering and Planning

123 Live Oak Avenue – Daytona Beach, Florida 32114
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

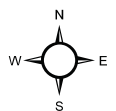


Legend

- buffer
- NE_quadrant_of_Pioneer_Tr._and_Airport_Rd.
- Hydrology
- LOS2011_NearCritical
- LOS2011_Critical

Impact Area - 5 mile radius

NE quadrant of Pioneer Tr. and Airport Rd.



A portion of the trips, known as pass-by (limited to 14% of adjacent street traffic) will be attracted to the development from the existing traffic on the adjacent roadways. These pass-by trips were calculated using the procedures outlined in the *Trip Generation Handbook, 2nd Edition* and deducted from the total trip generation shown in Table 1 to determine the new external trips that the proposed development will add to the roadway network. The resulting new external trip generation for the proposed development is shown in Table 2.

Table 2
Net New Trip Generation
Pioneer Square

Time Period	Land Use	Total Trips			Internal Trips			Pass-by Trips ¹			New External Trips		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Daily	Shopping Center	2,817	2,817	5,634	0	0	0	0	0	0	2,817	2,817	5,634
P.M. Peak Hour		238	258	496	0	0	0	69	74	143	169	184	353

¹ Pass-by = 14% of adjacent street traffic.

It should be noted that the adjacent street traffic was obtained from p.m. peak-hour turning movement counts conducted at the Airport Road/Pioneer Trail intersection. The projected 2016 two-way peak-hour counts for Airport Road and Pioneer trail totaled to 1,020 trips; resulting in 143 total pass-by trips.

IMPACTED ROADWAYS/INTERSECTIONS

The Volusia Transportation Planning Organization (VTPO) TIA Guidelines require that the study area consist of roadways within a five-mile radius on which project traffic is at least five percent of the peak-hour, two-way capacity as well as roadways which are above 90 percent of their capacity that are impacted by project traffic. Roadway classification was determined by the Urban Area Boundary for the southeast region obtained from the VTPO Adjusted 2010 Census Map. Table 3 summarizes roadway segments which have been checked for significance using the adopting guidelines. The significant segments are highlighted in Table 3. The critical/near-critical roadways within the study area are identified with an asterisk and will be included in the future conditions analysis for roadway segments per the County's request. Based on the criteria, the study area may include the following intersections and roadway segments.

Roadway Segments:

- Airport Road from Williamson Boulevard to Pioneer Trail
- Pioneer Trail from Airport Road to Turnbull Bay Road
- Williamson Boulevard Extension from Airport Road to Pioneer Trail
- SR 421(Taylor Road) from Crane Lane Boulevard to Summertree Road*
- SR 421(Taylor Road) from Williamson Boulevard to I-95*
- SR 421 (Dunlawton Avenue) from I-95 to Taylor Branch Road
- Taylor Branch Road from SR 421 (Dunlawton Avenue) to Clyde Morris Boulevard*

*Critical/near critical roadway to be included in future conditions analysis

Intersections:

- Pioneer Trail at Airport Road
- Airport Road at Williamson Boulevard

ANALYSIS SCENARIOS

Existing Scenario

This includes the analysis of existing traffic on the existing network. The existing network includes all existing roads, major roads under construction by a non-governmental party, plus all improvements for which construction contracts have been executed by government agencies at the time the proposed transportation methodology statement is initially submitted.

Jon Cheney, P.E.
June 26, 2013
Page 5

Table 3
Roadway Segments within Study Limits – Significance Test
Pioneer Square

Roadway	Segment		Lanes	Area Type ¹	Adopted LOS	Peak-Hour Two-Way Capacity ²	Project Distribution	Project Trips	% Significance
	From	To							
SR 415	SR 44	Acorn Lake Rd.	2	TU	C	1,550	1%	4	0.3%
Airport Rd.	Williamson Blvd	Pioneer Trail	2	U	E	2,990	50%	177	5.9%
	Pioneer Trail	Luna Bella Ln.	2	U	E	3,140	15%	53	1.7%
	Luna Bella Ln.	SR 44	2	U	E	3,140	10%	35	1.1%
Pioneer Trail	Tomoka Farms Rd.	Airport Rd.	2	U	E	1,120	8%	28	2.5%
	Airport Rd.	Turnbull Bay Rd.	2	U	E	1,120	27%	95	8.5%
	Turnbull Bay Rd.	Sugar Mill Dr.	2	U	E	1,120	10%	35	3.1%
Samsula Dr.	Pioneer Trail	SR 44	2	TU	E	1,314	5%	18	1.4%
Taylor Rd.	Crane Lake Blvd.	Summertree Rd.	2	U	E	1,440	0%	0	0.0%
	Williamson Blvd.	I-95 (at Dunlawton)	5	U	E	3,222	0%	0	0.0%
	Dunlawton Ave.	Clyde Morris Blvd.	2	U	E	1,120	0%	0	0.0%
Tomoka Farms Rd.	Taylor Rd.	Pioneer Trail	2	U	E	2,990	2%	7	0.2%
	Pioneer Trail	SR 44	2	TU	C	1,300	1%	4	0.3%
Turnbull Bay Rd.	Pioneer Trail	Williams Rd.	2	U	E	1,120	7%	25	2.2%
Williamson Blvd.	Spruce Creek Bridge	Airport Rd.	4	U	D	3,222	4%	14	0.4%

¹ TU = Transitioning Urban; U = Urban

² Per 2012 Q/LOS Service Tables

Future scenario

This includes the analysis of existing traffic, plus background traffic (derived from growth rates), plus project traffic assigned to the existing network, and all improvements funded for construction within the first three years of the County's Five-Year Work Program, and FDOT's Five-Year work program.

GENERAL ANALYSIS REQUIREMENTS AND SOFTWARE

Weekday p.m. peak-hour intersection analyses will be conducted for this proposed development for all roadways and intersections identified in the section titled **IMPACTED ROADWAY/INTERSECTIONS**.

Level of Service (LOS)

LOS will be analyzed for all site-access intersections and the major road segments and intersections included in the network defined by the **IMPACTED ROADWAYS/INTERSECTIONS** Section.

Road Segment Analysis – P.M. Peak-Hour Two-Way

Road segment volumes will be obtained from the most recently available roadway Volusia County segment counts. If the peak-hour two-way traffic is expected to exceed the maximum service volume of a roadway segment, a transportation analysis may be conducted to determine the service volume specific to that segment. The procedures documented in the latest version of the Florida Department of Transportation (FDOT) Quality Level of Service Handbook will be used to determine specific capacity.

Jon Cheney, P.E.
June 26, 2013
Page 6

Intersection Analysis – P.M. Peak-Hour

The operating conditions at the unsignalized intersection will be evaluated using the Highway Capacity Software Version 6.41 (HCS). This software utilizes the methodology outlined in Chapter 19 of the 2010 Highway Capacity Manual, titled “Two-Way Stop Controlled”.

The operating conditions at the signalized intersection will be evaluated using the Highway Capacity Software Version 6.41 (HCS). This software utilizes the methodology outlined in Chapter 18 of the 2010 Highway Capacity Manual, titled “Signalized Intersections”. HCS analysis at signalized intersections will be based upon existing Signal Timing Plans provided by Volusia County. For any future HCS analysis at a signalized intersection the minimum green time will be 8 seconds, unless otherwise approved by Volusia County Traffic Engineering.

DISTRIBUTION & TRAFFIC ASSIGNMENT

Trip Distribution

As indicated in the **IMPACTED ROADWAYS/INTERSECTIONS** Section, traffic will be distributed along roadway segments using the Central Florida Regional Planning Model (CFRPM) output calculated for the Methodology for Rezoning Traffic Impact Study (TIS) previously submitted by Kimley-Horn and Associates, Inc. on November 21, 2008 and modified in discussion with County staff. The project distribution obtained from the previous study, that will also be used as the basis for the updated analysis, is graphically illustrated in Figure 3. It should be noted that per the County’s request, an alternate model configuration was performed to include the future Williamson Boulevard Extension. Based on the model output, less than one percent of project traffic is expected to utilize this extension and therefore will not be used in the analysis. However, a background traffic diversion analysis will be conducted using the model to determine how the future background traffic is effected by the Williamson Boulevard Extension.

Trip Assignment

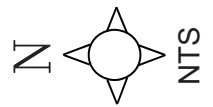
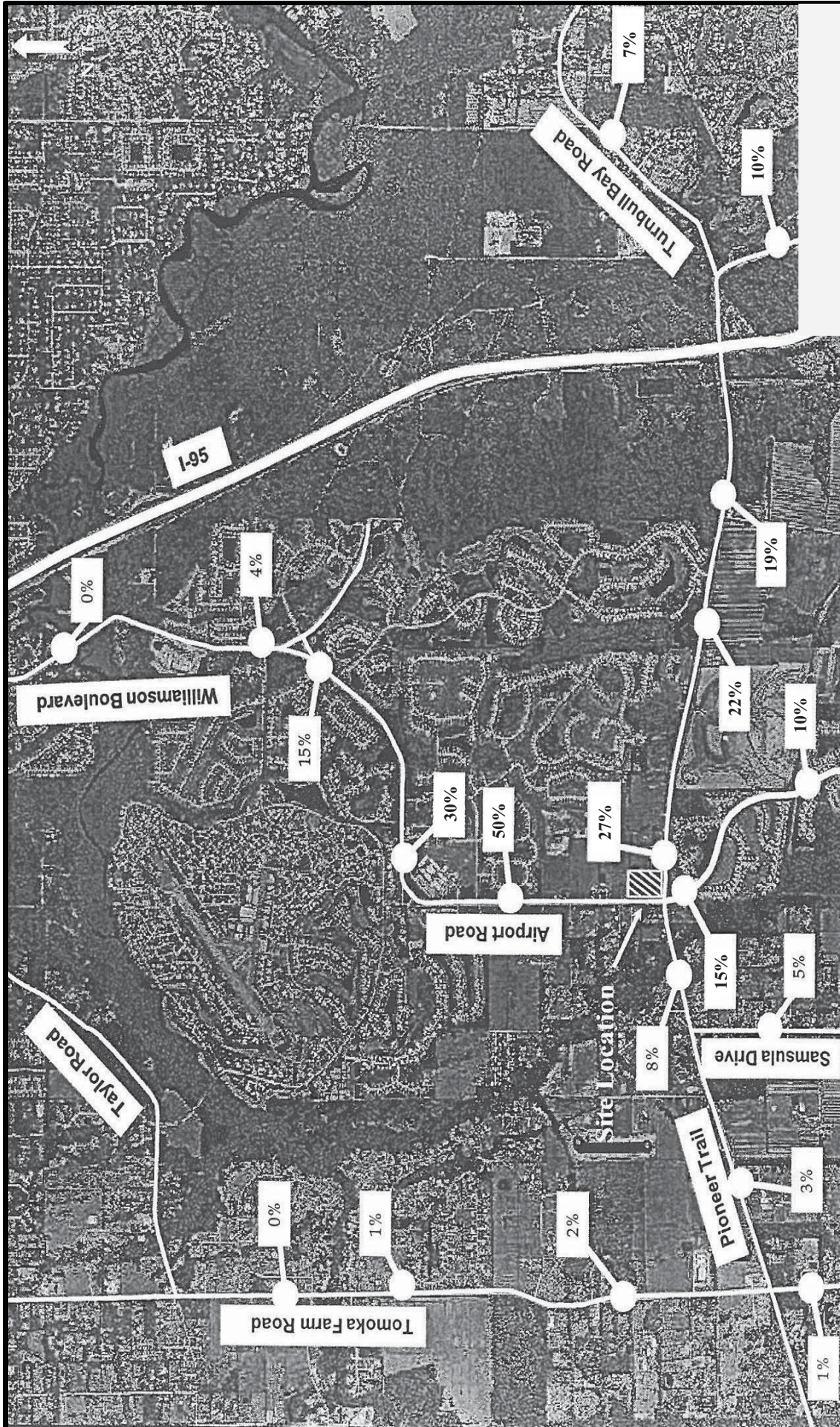
Using the total p.m. peak-hour trip generation and the trip distribution pattern, traffic will be assigned to the study area roadways and intersections.

TRAFFIC COUNTS

Intersection turning movement counts (TMC) will be conducted on a typical weekday (Tuesday, Wednesday or Thursday) from 4:00 p.m. to 6:00 p.m. All TMCs used in the TIA will be less than one year old.

BACKGROUND TRAFFIC GROWTH/FUTURE TRAFFIC

The existing traffic counts will be increased by a growth factor determined using FDOT’s *Traffic Trends* and the last ten years of historical count data. All applied growth rates will be at least **one** percent. Historical growth rates will be checked to ensure that they reasonably represent growth to the project build-out year and appropriately adjusted where necessary. As noted by the County, vested trips will only be used for projecting future year traffic if they are derived from a large project or DRI.



Pioneer Square BPUD

Project Trip Distribution

Project No.:3861.05

Figure: 3

Lassiter Transportation Group, Inc.
Engineering and Planning

123 Live Oak Avenue – Daytona Beach, Florida 32114
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

Jon Cheney, P.E.
June 26, 2013
Page 8

LOS STANDARDS

The LOS standards for all major road segments will be consistent with the letter standards per the VTPO adopted Comprehensive Plan. The overall intersection LOS standard is the same as the segment standard except where different segment LOS standards apply to different legs of the intersection, in which case the overall intersection LOS standard will be the lowest crossing road standards.

MITIGATION OF IMPACTS

Appropriate roadway and intersection mitigation plans will be identified to adequately address any level of service issues due to project impacts. Site access needs will be addressed.

If you have any questions or comments, please give me a call at 386.257.2571.

Sincerely,

LASSITER TRANSPORTATION GROUP, INC.



Daniel M. D'Antonio, PE
Senior Project Manager



Ref: 3861.05

June 20, 2013

Mr. Jon Cheney, P.E.
 Director of Traffic Engineering
 Volusia County
 123 W. Indiana Avenue
 DeLand, FL 32720

Re: Pioneer Square – Traffic Impact Analysis Methodology
 Response to Comments

Dear Mr. Cheney:

Lassiter Transportation Group, Inc. (LTG) has provided responses for comments dated May 16th, 2013 regarding the Traffic Impact Study (TIS) for the rezoning of the proposed Pioneer Square Shopping Center. The County's comments are listed below in plain text with our responses in **bold** text.

- 1.) Comment: Advisory: The rezoning analysis is suppose to analyze the net trip difference between the existing rezoning category and proposed zoning category. This review is generally broader than a detailed TIA. Because the rezoning is a PUD, which is proposed to represent the site's development plan, we suggest that a rezoning section be included in with the TIA for the development plan in effort to save time and unnecessary work.
 Response: **Language will be added to the BPUD development agreement that limits the site trip generation potential to the impacts that are analyzed in the TIA. This should provide assurance to the County that the TIA included evaluation of maximum impact based on the new zoning designation.**
- 2.) Comment: Advisory: A 5-mile radius critical/near critical map is provided. Please include the critical and near critical links in the maps/Figures 1 and 2.
 Response: **The 5-mile radius map provided will replace the previous 5-mile radius map included in the original methodology letter. Critical and near-critical segments have been included in the project study area. Please refer to the revised Methodology letter attached.**
- 3.) Comment: Advisory: Due to the parcel's development proposal history, we suggest that copies of the analysis be shared with the cities of New Smyrna Beach and Port Orange.
 Response: **Will do.**
- 4.) Comment: Impacted Roadways/Intersections/Page 4: Please add critical and near-critical segments.
 Response: **See response to comment #2.**
- 5.) Comment: An AM peak hour analysis should be considered since the site is within 1 mile of Creekside Middle School.
 Response: **The project trip generation and potential impacts were evaluated to determine if**

useful information can be obtained from an a.m. peak-hour analysis. The Creekside Middle School bell schedule was reviewed and compared to the hourly trip generation of a shopping center. The tardy bell rings at 8:56 a.m., which suggests that the school traffic peaks between 8:00 a.m. – 9:00 a.m. Based on the hourly trip generation of a shopping center, as presented in the ITE Trip Generation Manual, 9th Edition (Volume 3, Page 1558, Table 1), only 4.3 percent of an average shopping center's daily traffic occurs during this time period. Thus, the potential for overlapping traffic is minimal.

Additionally, the project was evaluated for significance during the a.m. peak-hour. The project is expected to generate 72 total a.m. peak-hour trips with only 47 being new trips (total trips – pass-by trips). The maximum a.m. peak-hour trip assignment to Airport Road is 64 percent, which equates to 30 trips, yielding a significance of 1.00 percent ($30 / 2,990 = 1.00\%$). Given the information presented above, please consider this request to omit the a.m. peak-hour analysis for this commercial use.

- 6.) Comment: The Project Build-out year is 2018. The Williamson Blvd extension is anticipated to be built by 2018; therefore, please analyze the Williamson Blvd extension to Pioneer Trail in the future conditions.

Response: Please note that the anticipated build-out year of the project has been revised to 2016. However, as requested, the Williamson Boulevard extension will be included in the future roadway analysis.

- 7.) Comment: Regarding the pass-by trips, the FDOT Site Impact Handbook suggests that the volume of pass-by traffic not exceed 10% of the adjacent street volume during the peak hour. For this segment of Airport Road, 10% of the peak hour volume is 54 vehicles. Table 2 shows 169 pass-by trips.

Response: The County has historically accepted a pass-by capture limit of 14 percent of the adjacent street traffic. This is documented on page 8 of the adopted TIA Guidelines. The project pass-by capture will be limited to 14 percent of the adjacent street traffic under build-out conditions.

- 8.) Comment: Table 4: Please provide how the Peak-Hour Two-Way Capacities were derived. Also, a column indicating whether the road segment is urban, transitioning or rural area should be provided to assist with review of this table.

Response: A column for area type has been added to Table 3. The area types were determined using the recently adopted FHWA Urban Area Boundaries. The capacities were assigned based on FDOT's 2012 LOS Tables.

- 9.) Comment: Intersection Analysis: The intersection of Airport Road/Pioneer Trail is now an all-way stop. The Methodology should state that the all-way stop condition will also be analyzed in the future conditions in addition to analyzing it as a signalized intersection.

Response: Noted.

- 10.) Comment: Future Scenario/Page 6: Historical growth rates should be calculated for each segment using either Traffic Trends software or those rates provided by the vTIMAS

Jon Cheney, PE
June 20, 2013
Page 3

spreadsheet. The vTIMAS spreadsheet is attached. Please utilize the past 10 years (as opposed to 5) in the determination of historical growth rates.

Response: Will do.

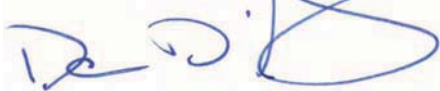
11.) Comment: Advisory: Volusia County doesn't use vested trips for projecting future year traffic unless they are derived from a very large project or DRI. As such, growth rates are obtained by using those rates provided in the vTIMAS spreadsheet. The county will accept a minimum 1% growth per year, if able to be supported with documentation. Note that the vTIMAS is in the midst of being updated with 2012 counts along with the new 2012 FDOT LOS Handbook calculations; therefore, the vTIMAS spreadsheet will not reflect 2012 adopted levels of service.

Response: Noted.

If you have any questions or comments, please feel free to call me at (386) 257-2571.

Sincerely,

LASSITER TRANSPORTATION GROUP, INC.



Daniel M. D'Antonio, PE
Project Manager

Attachments: As Stated

Appendix B

Raw Count Data

920 Kerwood Circle
Oviedo, Florida 32765

407-678-0605

Counter: 0969
Counted by: Ramón
Weather: Clear
Other: Airport Road at Pioneer Trail

File Name : Airport Road at Pioneer Trail_0969_2013-5-14
Site Code : 00000969
Start Date : 5/14/2013
Page No : 1

Groups Printed- General - Trucks - U Turns

	Airport Road Southbound				Pioneer Trail Westbound				Airport Road Northbound				Pioneer Trail Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
16:00	20	38	31	89	2	13	13	28	2	26	3	31	26	22	4	52	200
16:15	17	27	17	61	2	14	14	30	5	31	7	43	19	16	9	44	178
16:30	13	28	15	56	6	14	23	43	4	21	9	34	25	26	5	56	189
16:45	13	28	14	55	5	10	14	29	5	31	2	38	31	12	7	50	172
Total	63	121	77	261	15	51	64	130	16	109	21	146	101	76	25	202	739
17:00	14	31	19	64	2	8	18	28	5	30	2	37	40	21	5	66	195
17:15	24	37	28	89	0	17	31	48	8	40	8	56	38	26	6	70	263
17:30	19	44	21	84	3	16	13	32	1	32	3	36	34	21	7	62	214
17:45	20	39	20	79	2	14	12	28	6	22	1	29	27	13	8	48	184
Total	77	151	88	316	7	55	74	136	20	124	14	158	139	81	26	246	856
Grand Total	140	272	165	577	22	106	138	266	36	233	35	304	240	157	51	448	1595
Apprch %	24.3	47.1	28.6		8.3	39.8	51.9		11.8	76.6	11.5		53.6	35	11.4		
Total %	8.8	17.1	10.3	36.2	1.4	6.6	8.7	16.7	2.3	14.6	2.2	19.1	15	9.8	3.2	28.1	
General	138	271	161	570	22	103	134	259	34	231	33	298	238	152	51	441	1568
% General	98.6	99.6	97.6	98.8	100	97.2	97.1	97.4	94.4	99.1	94.3	98	99.2	96.8	100	98.4	98.3
Trucks	2	1	4	7	0	3	4	7	2	2	2	6	2	5	0	7	27
% Trucks	1.4	0.4	2.4	1.2	0	2.8	2.9	2.6	5.6	0.9	5.7	2	0.8	3.2	0	1.6	1.7
U Turns	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% U Turns	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Airport Road Southbound				Pioneer Trail Westbound				Airport Road Northbound				Pioneer Trail Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 17:00																	
17:00	14	31	19	64	2	8	18	28	5	30	2	37	40	21	5	66	195
17:15	24	37	28	89	0	17	31	48	8	40	8	56	38	26	6	70	263
17:30	19	44	21	84	3	16	13	32	1	32	3	36	34	21	7	62	214
17:45	20	39	20	79	2	14	12	28	6	22	1	29	27	13	8	48	184
Total Volume	77	151	88	316	7	55	74	136	20	124	14	158	139	81	26	246	856
% App. Total	24.4	47.8	27.8		5.1	40.4	54.4		12.7	78.5	8.9		56.5	32.9	10.6		
PHF	.802	.858	.786	.888	.583	.809	.597	.708	.625	.775	.438	.705	.869	.779	.813	.879	.814

920 Kerwood Circle
Oviedo, Florida 32765

407-678-0605

Counter: 0969
Counted by: Ramón
Weather: Clear
Other: Airport Road at Pioneer Trail

File Name : Airport Road at Pioneer Trail_0969_2013-5-14
Site Code : 00000969
Start Date : 5/14/2013
Page No : 1

Groups Printed- General

	Airport Road Southbound				Pioneer Trail Westbound				Airport Road Northbound				Pioneer Trail Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
16:00	20	38	29	87	2	11	13	26	2	25	3	30	26	22	4	52	195
16:15	17	27	17	61	2	14	14	30	5	31	7	43	19	15	9	43	177
16:30	13	28	15	56	6	14	23	43	4	21	7	32	24	24	5	53	184
16:45	11	28	13	52	5	10	13	28	5	31	2	38	31	12	7	50	168
Total	61	121	74	256	15	49	63	127	16	108	19	143	100	73	25	198	724
17:00	14	30	19	63	2	8	16	26	5	30	2	37	40	20	5	65	191
17:15	24	37	28	89	0	17	31	48	6	39	8	53	38	26	6	70	260
17:30	19	44	21	84	3	16	13	32	1	32	3	36	33	20	7	60	212
17:45	20	39	19	78	2	13	11	26	6	22	1	29	27	13	8	48	181
Total	77	150	87	314	7	54	71	132	18	123	14	155	138	79	26	243	844
Grand Total	138	271	161	570	22	103	134	259	34	231	33	298	238	152	51	441	1568
Apprch %	24.2	47.5	28.2		8.5	39.8	51.7		11.4	77.5	11.1		54	34.5	11.6		
Total %	8.8	17.3	10.3	36.4	1.4	6.6	8.5	16.5	2.2	14.7	2.1	19	15.2	9.7	3.3	28.1	

VOLUSIA COUNTY, FLORIDA

PEDESTRIANS MOVEMENT SUMMARY

CODE / STATION NO.: X

NORTH / SOUTH: Airport Road

OBSERVER: Ramón

WEATHER: Clear

REMARKS: _____

CITY: New Smyrna Beach

INTERSECTING ROUTE: Pioneer Trail

COUNTY: Volusia

MILEPOST: X

GPS COORDINATES

Latitude	Longitude
00° 00.000' N	000°00.000' W

FORM COMPLETED BY: Santiago

DATE: 5/14/2013

Airport Road

SB Street Name

06:00-07:00	07:00-08:00	08:00-09:00	09:00-10:00	10:00-11:00	11:00-12:00	12:00-13:00	13:00-14:00	14:00-15:00	15:00-16:00	16:00-17:00	17:00-18:00	18:00-19:00	Total
										0	0		0
										1	0		1
										1	0		1

Total

06:00-07:00			
07:00-08:00			
08:00-09:00			
09:00-10:00			
10:00-11:00			
11:00-12:00			
12:00-13:00			
13:00-14:00			
14:00-15:00			
15:00-16:00			
16:00-17:00	0	0	0
17:00-18:00	1	0	1
18:00-19:00			
Total	1	0	1

Pioneer Trail

EB Street Name

Pioneer Trail

WB Street Name

Total

06:00-07:00			
07:00-08:00			
08:00-09:00			
09:00-10:00			
10:00-11:00			
11:00-12:00			
12:00-13:00			
13:00-14:00			
14:00-15:00			
15:00-16:00			
16:00-17:00	0	0	0
17:00-18:00	0	4	4
18:00-19:00			
Total	0	4	4

06:00-07:00	07:00-08:00	08:00-09:00	09:00-10:00	10:00-11:00	11:00-12:00	12:00-13:00	13:00-14:00	14:00-15:00	15:00-16:00	16:00-17:00	17:00-18:00	18:00-19:00	Total
										0	0		0
										0	1		1
										0	1		1

Airport Road

NB Street Name

920 Kerwood Circle
Oviedo, Florida 32765

407-678-0605

Counter: 0969
Counted by: Ramón
Weather: Clear
Other: Airport Road at Pioneer Trail

File Name : Airport Road at Pioneer Trail_0969_2013-5-14
Site Code : 00000969
Start Date : 5/14/2013
Page No : 1

Groups Printed- Trucks

	Airport Road Southbound				Pioneer Trail Westbound				Airport Road Northbound				Pioneer Trail Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
16:00	0	0	2	2	0	2	0	2	0	1	0	1	0	0	0	0	5
16:15	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
16:30	0	0	0	0	0	0	0	0	0	0	2	2	1	2	0	3	5
16:45	2	0	1	3	0	0	1	1	0	0	0	0	0	0	0	0	4
Total	2	0	3	5	0	2	1	3	0	1	2	3	1	3	0	4	15
17:00	0	1	0	1	0	0	2	2	0	0	0	0	0	1	0	1	4
17:15	0	0	0	0	0	0	0	0	2	1	0	3	0	0	0	0	3
17:30	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	2	2
17:45	0	0	1	1	0	1	1	2	0	0	0	0	0	0	0	0	3
Total	0	1	1	2	0	1	3	4	2	1	0	3	1	2	0	3	12
Grand Total	2	1	4	7	0	3	4	7	2	2	2	6	2	5	0	7	27
Apprch %	28.6	14.3	57.1		0	42.9	57.1		33.3	33.3	33.3		28.6	71.4	0		
Total %	7.4	3.7	14.8	25.9	0	11.1	14.8	25.9	7.4	7.4	7.4	22.2	7.4	18.5	0	25.9	

407-678-0605

File Name : Airport Road at Pioneer Trail_0969_2013-5-14
Site Code : 00000969
Start Date : 5/14/2013
Page No : 1

[illegible]

920 Kerwood Circle
Oviedo, Florida 32765

407-678-0605

Counter: 1895 & 1891
Counted by: Nino & Ramiro
Weather: Clear
Other: Williamson Bv at Airport Bv/Oakwa

File Name : Williamson Blvd at Airport Road
Site Code : 00001895
Start Date : 5/14/2013
Page No : 1

Groups Printed- General - Trucks - U Turns

	Williamson Blvd. Southbound				Oakwater Lane Westbound				Williamson Blvd. Northbound				Airport Road Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
16:00	9	14	121	144	0	0	7	7	2	10	1	13	156	7	6	169	333
16:15	5	17	129	151	0	3	7	10	3	4	0	7	132	3	5	140	308
16:30	14	10	149	173	0	1	4	5	1	12	0	13	120	2	2	124	315
16:45	15	18	145	178	0	1	2	3	1	12	1	14	111	4	4	119	314
Total	43	59	544	646	0	5	20	25	7	38	2	47	519	16	17	552	1270
17:00	8	11	201	220	0	1	5	6	4	16	0	20	121	3	3	127	373
17:15	8	15	236	259	0	7	9	16	2	16	0	18	127	3	6	136	429
17:30	12	15	170	197	1	1	4	6	3	14	2	19	156	1	1	158	380
17:45	6	22	170	198	0	2	7	9	3	12	0	15	115	2	1	118	340
Total	34	63	777	874	1	11	25	37	12	58	2	72	519	9	11	539	1522
Grand Total	77	122	1321	1520	1	16	45	62	19	96	4	119	1038	25	28	1091	2792
Apprch %	5.1	8	86.9		1.6	25.8	72.6		16	80.7	3.4		95.1	2.3	2.6		
Total %	2.8	4.4	47.3	54.4	0	0.6	1.6	2.2	0.7	3.4	0.1	4.3	37.2	0.9	1	39.1	
General	71	122	1312	1505	1	16	45	62	19	96	4	119	1025	24	28	1077	2763
% General	92.2	100	99.3	99	100	100	100	100	100	100	100	100	98.7	96	100	98.7	99
Trucks	0	0	9	9	0	0	0	0	0	0	0	0	13	1	0	14	23
% Trucks	0	0	0.7	0.6	0	0	0	0	0	0	0	0	1.3	4	0	1.3	0.8
U Turns	6	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
% U Turns	7.8	0	0	0.4	0	0	0	0	0	0	0	0	0	0	0	0	0.2

	Williamson Blvd. Southbound				Oakwater Lane Westbound				Williamson Blvd. Northbound				Airport Road Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 17:00																	
17:00	8	11	201	220	0	1	5	6	4	16	0	20	121	3	3	127	373
17:15	8	15	236	259	0	7	9	16	2	16	0	18	127	3	6	136	429
17:30	12	15	170	197	1	1	4	6	3	14	2	19	156	1	1	158	380
17:45	6	22	170	198	0	2	7	9	3	12	0	15	115	2	1	118	340
Total Volume	34	63	777	874	1	11	25	37	12	58	2	72	519	9	11	539	1522
% App. Total	3.9	7.2	88.9		2.7	29.7	67.6		16.7	80.6	2.8		96.3	1.7	2		
PHF	.708	.716	.823	.844	.250	.393	.694	.578	.750	.906	.250	.900	.832	.750	.458	.853	.887

920 Kerwood Circle
Oviedo, Florida 32765

407-678-0605

Counter: 1895 & 1891
Counted by: Nino & Ramiro
Weather: Clear
Other: Williamson Bv at Airport Bv/Oakwa

File Name : Williamson Blvd at Airport Road
Site Code : 00001895
Start Date : 5/14/2013
Page No : 1

Groups Printed- General

	Williamson Blvd. Southbound				Oakwater Lane Westbound				Williamson Blvd. Northbound				Airport Road Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
16:00	7	14	120	141	0	0	7	7	2	10	1	13	155	6	6	167	328
16:15	5	17	128	150	0	3	7	10	3	4	0	7	129	3	5	137	304
16:30	13	10	147	170	0	1	4	5	1	12	0	13	119	2	2	123	311
16:45	13	18	142	173	0	1	2	3	1	12	1	14	109	4	4	117	307
Total	38	59	537	634	0	5	20	25	7	38	2	47	512	15	17	544	1250
17:00	7	11	199	217	0	1	5	6	4	16	0	20	118	3	3	124	367
17:15	8	15	236	259	0	7	9	16	2	16	0	18	125	3	6	134	427
17:30	12	15	170	197	1	1	4	6	3	14	2	19	155	1	1	157	379
17:45	6	22	170	198	0	2	7	9	3	12	0	15	115	2	1	118	340
Total	33	63	775	871	1	11	25	37	12	58	2	72	513	9	11	533	1513
Grand Total	71	122	1312	1505	1	16	45	62	19	96	4	119	1025	24	28	1077	2763
Apprch %	4.7	8.1	87.2		1.6	25.8	72.6		16	80.7	3.4		95.2	2.2	2.6		
Total %	2.6	4.4	47.5	54.5	0	0.6	1.6	2.2	0.7	3.5	0.1	4.3	37.1	0.9	1	39	

920 Kerwood Circle
Oviedo, Florida 32765

407-678-0605

Counter: 1895 & 1891
Counted by: Nino & Ramiro
Weather: Clear
Other: Williamson Bv at Airport Bv/Oakwa

File Name : Williamson Blvd at Airport Road
Site Code : 00001895
Start Date : 5/14/2013
Page No : 1

Groups Printed- Trucks

	Williamson Blvd. Southbound				Oakwater Lane Westbound				Williamson Blvd. Northbound				Airport Road Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
16:00	0	0	1	1	0	0	0	0	0	0	0	0	1	1	0	2	3
16:15	0	0	1	1	0	0	0	0	0	0	0	0	3	0	0	3	4
16:30	0	0	2	2	0	0	0	0	0	0	0	0	1	0	0	1	3
16:45	0	0	3	3	0	0	0	0	0	0	0	0	2	0	0	2	5
Total	0	0	7	7	0	0	0	0	0	0	0	0	7	1	0	8	15
17:00	0	0	2	2	0	0	0	0	0	0	0	0	3	0	0	3	5
17:15	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	2
17:30	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
*** BREAK ***																	
Total	0	0	2	2	0	0	0	0	0	0	0	0	6	0	0	6	8
Grand Total	0	0	9	9	0	0	0	0	0	0	0	0	13	1	0	14	23
Apprch %	0	0	100		0	0	0		0	0	0		92.9	7.1	0		
Total %	0	0	39.1	39.1	0	0	0		0	0	0		56.5	4.3	0	60.9	

920 Kerwood Circle
Oviedo, Florida 32765

407-678-0605

Counter: 1895 & 1891
Counted by: Nino & Ramiro
Weather: Clear
Other: Williamson Bv at Airport Bv/Oakwa

File Name : Williamson Blvd at Airport Road
Site Code : 00001895
Start Date : 5/14/2013
Page No : 1

Groups Printed- U Turns

[illegible]

VOLUSIA COUNTY, FLORIDA

PEDESTRIANS MOVEMENT SUMMARY

CODE / STATION NO.: XNORTH / SOUTH: Williamson Blvd.OBSERVER: Nino & RamiroWEATHER: Clear

REMARKS: _____

CITY: Port OrangeINTERSECTING ROUTE: Airport Road (W)
Oakwater Lane (E)COUNTY: VolusiaMILEPOST: X

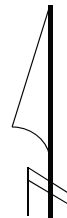
GPS COORDINATES

Latitude	Longitude
00° 00.000' N	000° 00.000' W

FORM COMPLETED BY: SantiagoDATE: 5/14/2013Williamson Blvd.

SB Street Name

06:00-07:00	07:00-08:00	08:00-09:00	09:00-10:00	10:00-11:00	11:00-12:00	12:00-13:00	13:00-14:00	14:00-15:00	15:00-16:00	16:00-17:00	17:00-18:00	18:00-19:00	Total
										0	1		1
										0	0		0
										0	1		1



Total

06:00-07:00			
07:00-08:00			
08:00-09:00			
09:00-10:00			
10:00-11:00			
11:00-12:00			
12:00-13:00			
13:00-14:00			
14:00-15:00			
15:00-16:00			
16:00-17:00	0	3	3
17:00-18:00	1	0	1
18:00-19:00			
Total	1	3	4

Airport Road

EB Street Name

Oakwater Lane

WB Street Name

06:00-07:00			
07:00-08:00			
08:00-09:00			
09:00-10:00			
10:00-11:00			
11:00-12:00			
12:00-13:00			
13:00-14:00			
14:00-15:00			
15:00-16:00			
16:00-17:00	4	0	4
17:00-18:00	0	4	4
18:00-19:00			
Total	4	4	8

06:00-07:00	07:00-08:00	08:00-09:00	09:00-10:00	10:00-11:00	11:00-12:00	12:00-13:00	13:00-14:00	14:00-15:00	15:00-16:00	16:00-17:00	17:00-18:00	18:00-19:00	Total
										3	0		3
										14	1		15
										17	1		18

Williamson Blvd.

NB Street Name

Appendix C

Unsignalized Intersection HCS Worksheets

Existing Conditions

ALL-WAY STOP CONTROL ANALYSIS

General Information		Site Information	
Analyst	SAS	Intersection	Pioneer Trail @ Airport Road
Agency/Co.	LTG	Jurisdiction	Volusia County
Date Performed	6/21/2013	Analysis Year	Existing
Analysis Time Period	Existing P.M. Peak-Hour		

Project ID 3861.06

East/West Street: Pioneer Trail

North/South Street: Airport Road

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
Movement	L	T	R	L	T	R
Volume (veh/h)	139	81	26	7	55	74
%Thrus Left Lane						
Approach	Northbound			Southbound		
Movement	L	T	R	L	T	R
Volume (veh/h)	20	124	14	77	151	88
%Thrus Left Lane						

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	<i>L</i>	<i>TR</i>	<i>L</i>	<i>TR</i>	<i>LT</i>	<i>R</i>	<i>LT</i>	<i>R</i>
PHF	<i>0.88</i>	<i>0.88</i>	<i>0.71</i>	<i>0.71</i>	<i>0.71</i>	<i>0.71</i>	<i>0.89</i>	<i>0.89</i>
Flow Rate (veh/h)	<i>157</i>	<i>121</i>	<i>9</i>	<i>181</i>	<i>202</i>	<i>19</i>	<i>255</i>	<i>98</i>
% Heavy Vehicles	<i>2</i>	<i>2</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>2</i>
No. Lanes	2		2		2		2	
Geometry Group	5		5		5		5	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

Prop. Left-Turns	1.0	0.0	1.0	0.0	0.1	0.0	0.3	0.0
Prop. Right-Turns	0.0	0.2	0.0	0.6	0.0	1.0	0.0	1.0
Prop. Heavy Vehicle	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
hLT-adj	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
hRT-adj	-0.7	-0.7	-0.7	-0.7	-0.7	-0.7	-0.7	-0.7
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	0.5	-0.1	0.5	-0.4	0.1	-0.7	0.2	-0.7

Departure Headway and Service Time

hd, initial value (s)	3.20	3.20	3.20	3.20	3.20	3.20	3.20	3.20
x, initial	0.14	0.11	0.01	0.16	0.18	0.02	0.23	0.09
hd, final value (s)	6.97	6.30	7.13	6.24	6.52	5.75	6.44	5.57
x, final value	0.30	0.21	0.02	0.31	0.37	0.03	0.46	0.15
Move-up time, m (s)	2.3		2.3		2.3		2.3	
Service Time, t _s (s)	4.7	4.0	4.8	3.9	4.2	3.4	4.1	3.3

Capacity and Level of Service

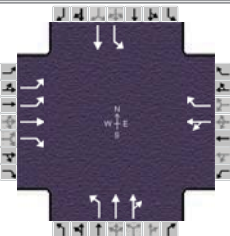
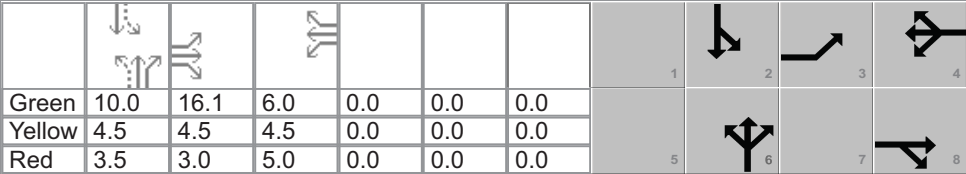
	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity (veh/h)	407	371	259	431	452	269	505	348
Delay (s/veh)	12.68	10.68	9.96	11.77	12.93	8.63	14.42	9.26
LOS	B	B	A	B	B	A	B	A
Approach: Delay (s/veh)	11.81		11.69		12.56		12.99	
LOS	B		B		B		B	
Intersection Delay (s/veh)	12.35							
Intersection LOS	B							

Appendix D

Signalized Intersection HCS Worksheets

Existing Conditions

HCS 2010 Signalized Intersection Results Summary

General Information						Intersection Information															
Agency						Duration, h		0.25													
Analyst				Analysis Date		6/25/2013		Area Type		Other											
Jurisdiction				Time Period				PHF		0.89											
Intersection		Williamson at Airport		Analysis Year		2013		Analysis Period		1> 7:00											
File Name		2013 Existing - Williamson at Airport - PM Peak-Hour.xus																			
Project Description		Existing P.M. Peak-Hour																			
Demand Information						EB			WB			NB			SB						
Approach Movement						L	T	R	L	T	R	L	T	R	L	T	R				
Demand (v), veh/h						519	9	11	1	11	25	12	58	2	34	63					
Signal Information																					
Cycle, s		78.2	Reference Phase		2																
Offset, s		0	Reference Point		End																
Uncoordinated		Yes	Simult. Gap E/W		On		Green	10.0	16.1	6.0	0.0	0.0	0.0								
Force Mode		Fixed	Simult. Gap N/S		On		Yellow	4.5	4.5	4.5	0.0	0.0	0.0								
						Red	3.5	3.0	5.0	0.0	0.0	0.0									
Timer Results						EBL		EBT		WBL		WBT		NBL		NBT		SBL		SBT	
Assigned Phase								8				4				6				2	
Case Number								9.0				11.0				6.0				6.0	
Phase Duration, s								23.6				15.5				18.0				18.0	
Change Period, (Y+R _c), s								7.5				9.5				8.0				8.0	
Max Allow Headway (MAH), s								3.1				3.3				3.0				3.0	
Queue Clearance Time (g _s), s								14.7				3.3				5.4				5.3	
Green Extension Time (g _e), s								1.5				0.0				0.3				0.3	
Phase Call Probability								1.00				0.60				1.00				1.00	
Max Out Probability								0.00				0.00				0.00				0.00	
Movement Group Results						EB			WB			NB			SB						
Approach Movement						L	T	R	L	T	R	L	T	R	L	T	R				
Assigned Movement						3	8	18	7	4	14	1	6	16	5	2					
Adjusted Flow Rate (v), veh/h						583	10	12		13	28	13	34	34	38	71					
Adjusted Saturation Flow Rate (s), veh/h/ln						1723	1863	1579		1855	1579	1324	1863	1841	1328	1863					
Queue Service Time (g _s), s						12.7	0.3	0.5		0.5	1.3	0.7	1.3	1.3	2.1	2.7					
Cycle Queue Clearance Time (g _c), s						12.7	0.3	0.5		0.5	1.3	3.4	1.3	1.3	3.3	2.7					
Capacity (c), veh/h						712	385	326		142	120	215	238	235	240	238					
Volume-to-Capacity Ratio (X)						0.819	0.026	0.038		0.095	0.233	0.063	0.142	0.143	0.159	0.298					
Available Capacity (c _a), veh/h						3080	1665	1411		474	403	469	595	588	494	595					
Back of Queue (Q), veh/ln (50th percentile)						5.0	0.1	0.2		0.2	0.5	0.2	0.6	0.6	0.6	1.1					
Overflow Queue (Q ₃), veh/ln						0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0					
Queue Storage Ratio (RQ) (50th percentile)						0.40	0.00	0.01		0.03	0.07	0.02	0.00	0.00	0.05	0.00					
Uniform Delay (d ₁), s/veh						29.7	24.8	24.8		33.6	34.0	32.5	30.3	30.3	31.8	31.0					
Incremental Delay (d ₂), s/veh						0.9	0.0	0.0		0.1	0.4	0.0	0.1	0.1	0.1	0.3					
Initial Queue Delay (d ₃), s/veh						0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0					
Control Delay (d), s/veh						30.6	24.8	24.9		33.8	34.4	32.6	30.4	30.4	31.9	31.2					
Level of Service (LOS)						C	C	C		C	C	C	C	C	C	C					
Approach Delay, s/veh / LOS						30.4	C		34.2	C		30.8	C		31.5	C					
Intersection Delay, s/veh / LOS						30.7						C									
Multimodal Results						EB			WB			NB			SB						
Pedestrian LOS Score / LOS						2.4	B		2.7	B		2.3	B		2.6	B					
Bicycle LOS Score / LOS						1.5	A		0.6	A		0.6	A		0.7	A					

Appendix E

Signal Timings

COUNTY OF VOLUSIA TRAFFIC SIGNAL TIMING SHEET

LOCATION: Williamson Blvd & Airport Rd
Port Orange

FREE: ☒

DATE: 11/28/2012

SIGNAL #: 404

CO-ORD: ☐

Design By: M. Rodriguez

System #: -

Controller Timing Chart

PHASE		1	2	3	4	5	6	7	8	
DIRECTION		EB	WB		NB				SB	
TURN TYPE		-	-		-				-	
MIN GREEN		11	7		6				6	
EXTENSION		4	3		4				4	
CLEARANCE		4.5	4.5		4.5				4.5	
ALL RED		3.0	5.0		3.5				3.5	
WALK		10	10		10				10	
FDW		24	28		26				26	
MAX 1		70	20		25				25	
MAX 2		45	20		20				20	
MAX 3		-	-		-				-	
ADJUST		-	-		-				-	
RECALL		MIN	-		-				-	
DETECTOR		LOCK	NON-LOCK		NON-LOCK				NON-LOCK	
FLASH		RED	RED		RED				RED	
SET		-	-		-				-	
CLEAR		-	-		-				-	
BASE DAY		1	2	3	4	5	6	7	Crosswalk Length	
MON #1	TIME	00:00-06:00	06:00-08:30	08:30-14:00	14:00-17:00	17:00-00:00			P2	
	PLAN	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2				
TUES#1	TIME	00:00-06:00	06:00-08:30	08:30-14:00	14:00-17:00	17:00-00:00			85 Feet	
	PLAN	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2				
WED #1	TIME	00:00-06:00	06:00-08:30	08:30-14:00	14:00-17:00	17:00-00:00			P4	
	PLAN	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2				
THU #1	TIME	00:00-06:00	06:00-08:30	08:30-14:00	14:00-17:00	17:00-00:00			55 Feet	
	PLAN	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2				
FRI #1	TIME	00:00-06:00	06:00-08:30	08:30-14:00	14:00-17:00	17:00-00:00			P1	
	PLAN	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2				
SAT #2	TIME	00:00-06:00	06:00-08:30	08:30-14:00	14:00-17:00	17:00-00:00			81 Feet	
	PLAN	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2				
SUN #3	PLAN	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2	FREE / MAX 1	FREE / MAX 2			P8	
CONTROLLER TYPE		CONDITION OF OVERHEAD			Good		PROM NUMBER			
3000E		OVERHEAD STREET NAMES			NO				89 Feet	
PHASES:	8Φ	ILLUMINATED STREET NAMES			YES		8216A 3.7.3		SIGNAL OWNER	
CABINET TYPE	V	PRE-EMPTION			YES		IP ADDRESS		County	
CABINET DATE	12/2005	PRE-EMPTION TYPE			INFRARED		-		LED	YES

REMARKS:

1 & OLE 2 | 4
8

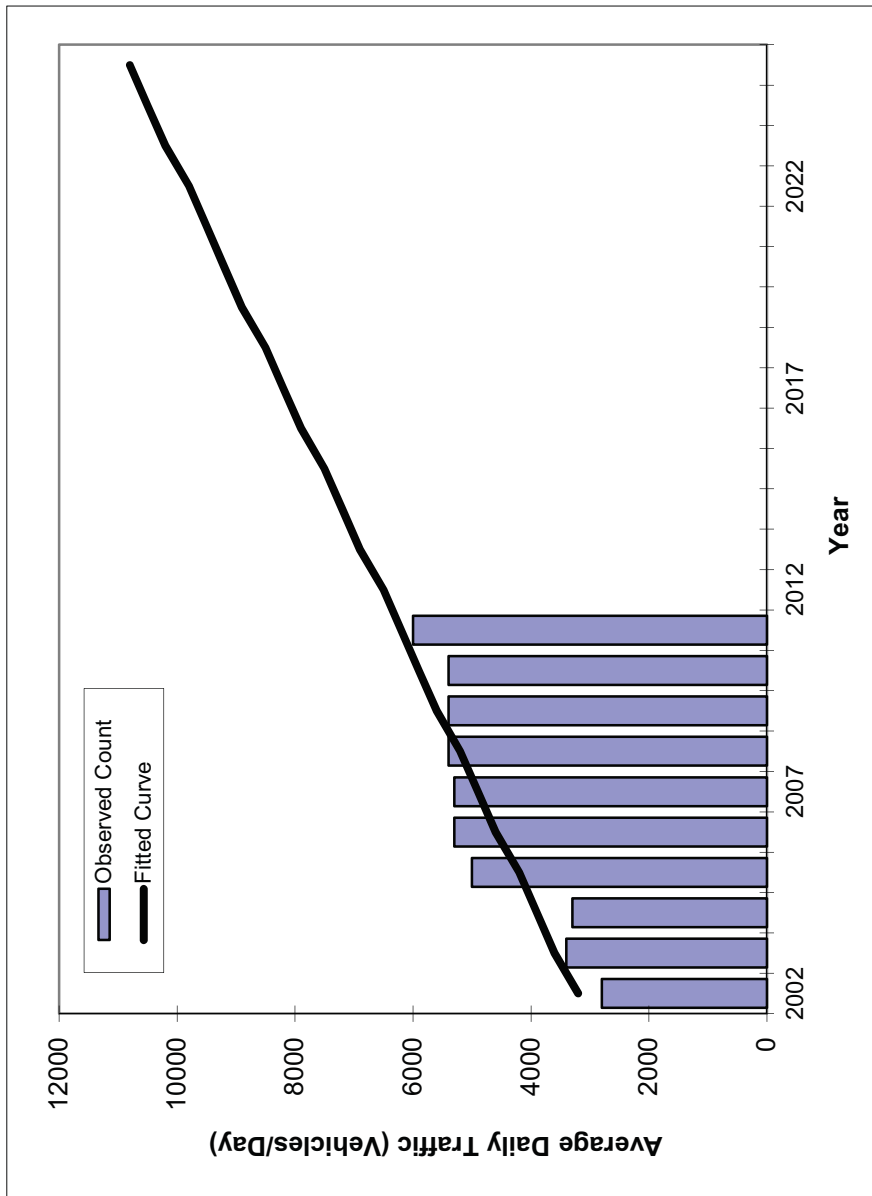
Appendix F

Traffic Trends

TRAFFIC TRENDS

Airport Road -- Williamson Boulevard to Pioneer Trail

County:	Volusia
Station #:	0
Highway:	Airport Road



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2002	2800	3200
2003	3400	3600
2004	3300	3900
2005	5000	4200
2006	5300	4600
2007	5300	4900
2008	5400	5200
2009	5400	5600
2010	5400	5900
2011	6000	6200
2013 Opening Year Trend		
2013	N/A	6900
2014 Mid-Year Trend		
2014	N/A	7200
2016 Design Year Trend		
2016	N/A	7900
TRANPLAN Forecasts/Trends		

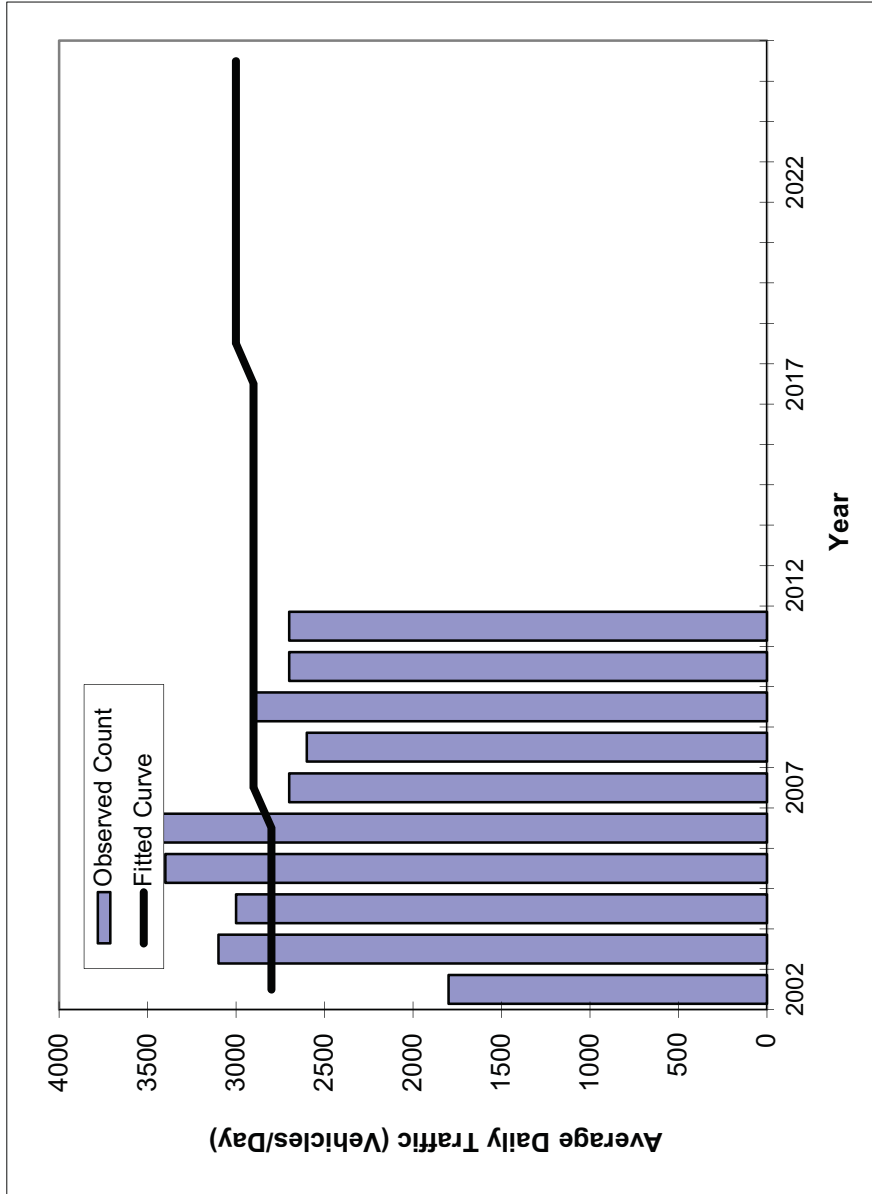
*Axle-Adjusted

** Annual Trend Increase:	330
Trend R-squared:	80.2%
Trend Annual Historic Growth Rate:	10.42%
Trend Growth Rate (2011 to Design Year):	5.48%
Printed:	25-Jun-13
Straight Line Growth Option	

TRAFFIC TRENDS

Pioneer Trail -- Airport Road to Turnbull Bay Road

County:	Volusia
Station #:	0
Highway:	Pioneer Trail



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2002	1800	2800
2003	3100	2800
2004	3000	2800
2005	3400	2800
2006	3600	2800
2007	2700	2900
2008	2600	2900
2009	2900	2900
2010	2700	2900
2011	2700	2900
2013 Opening Year Trend		
2013	N/A	2900
2014 Mid-Year Trend		
2014	N/A	2900
2016 Design Year Trend		
2016	N/A	2900
TRANPLAN Forecasts/Trends		

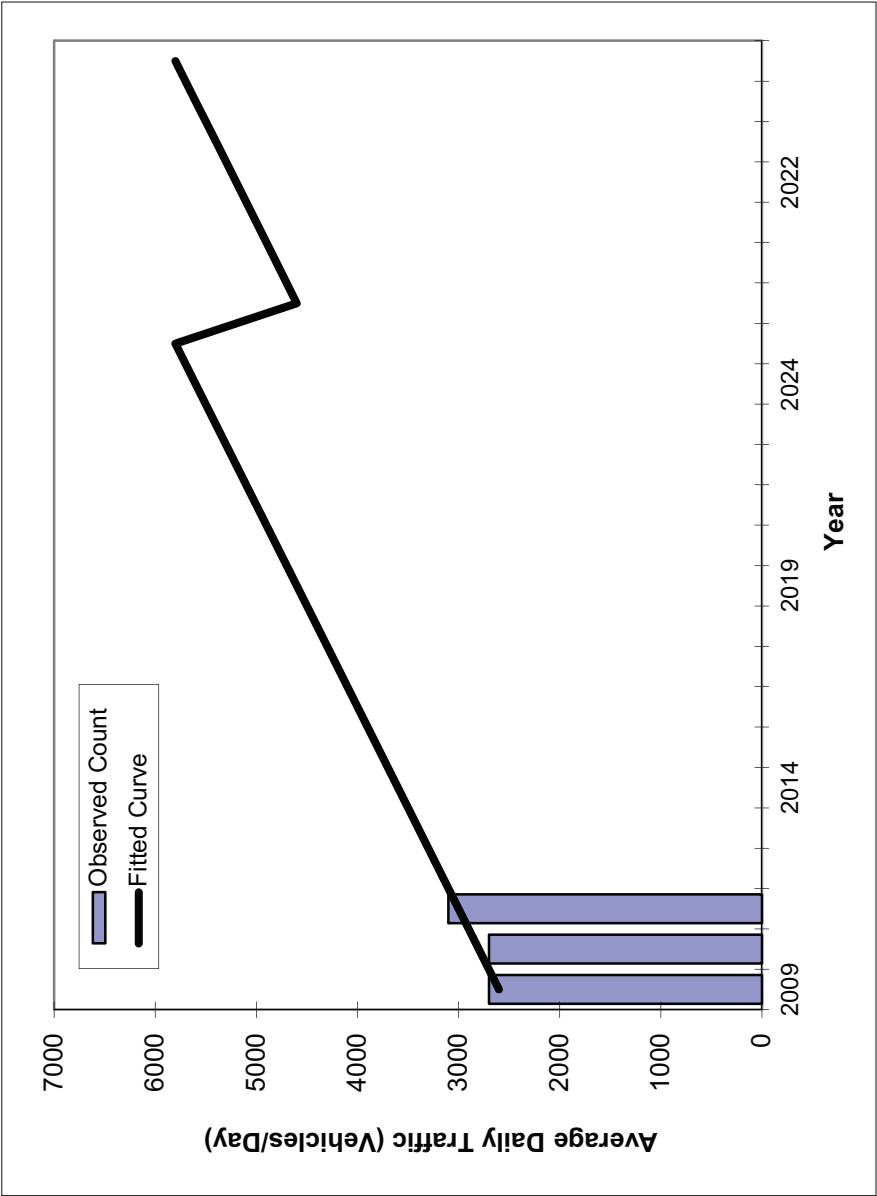
*Axle-Adjusted

** Annual Trend Increase:	9
Trend R-squared:	0.3%
Trend Annual Historic Growth Rate:	0.40%
Trend Growth Rate (2011 to Design Year):	0.00%
Printed:	25-Jun-13
Straight Line Growth Option	

TRAFFIC TRENDS

Airport Road -- Luna Bella Lane to Pioneer Trail

County:	Volusia
Station #:	0
Highway:	Airport Road



** Annual Trend Increase:	200
Trend R-squared:	75.0%
Trend Annual Historic Growth Rate:	7.69%
Trend Growth Rate (2011 to Design Year):	6.67%
Printed:	25-Jun-13

Straight Line Growth Option

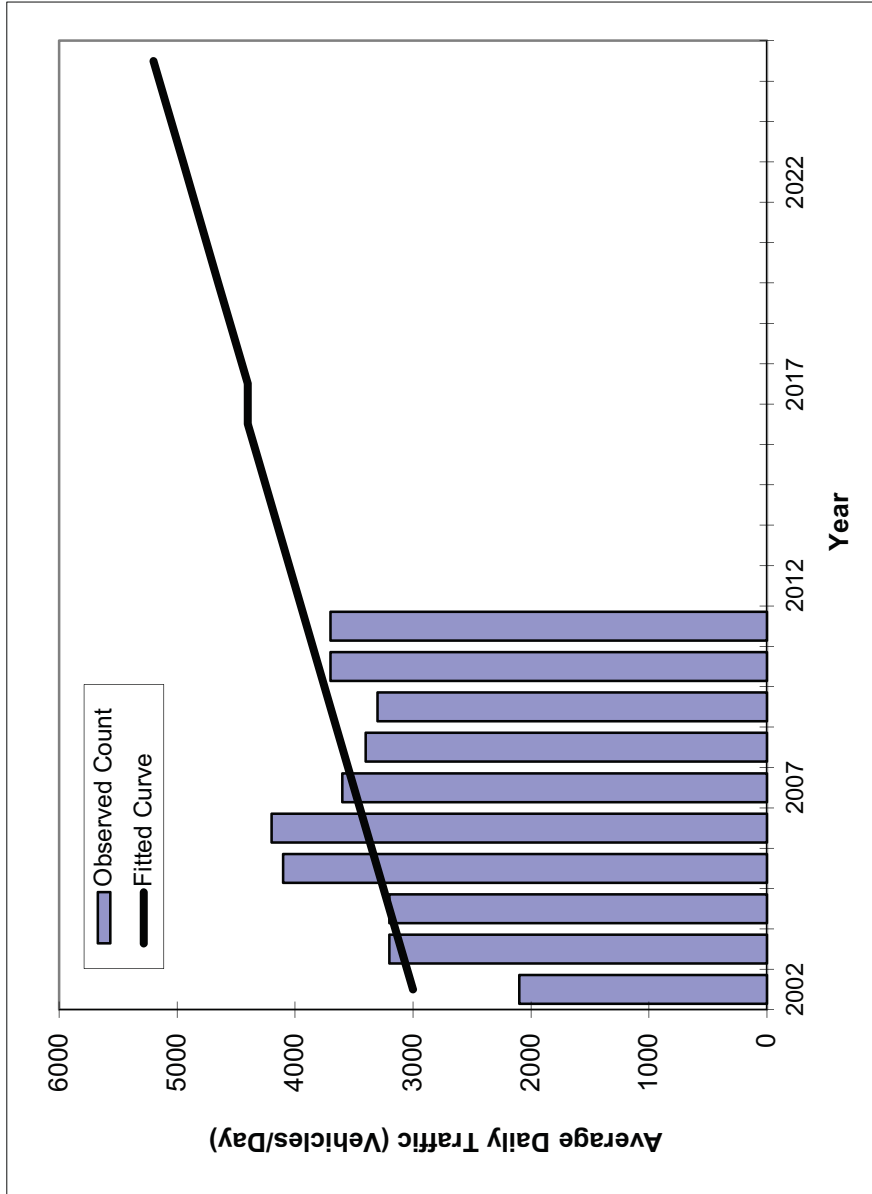
Year	Traffic (ADT/AADT)	
	Count*	Trend**
2009	2700	2600
2010	2700	2800
2011	3100	3000
2013 Opening Year Trend		
2013	N/A	3400
2014 Mid-Year Trend		
2014	N/A	3600
2016 Design Year Trend		
2016	N/A	4000
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

TRAFFIC TRENDS

Pioneer Trail -- Tomoka Farms Road to Airport Road

County:	Volusia
Station #:	0
Highway:	Pioneer Trail



** Annual Trend Increase:	95
Trend R-squared:	24.1%
Trend Annual Historic Growth Rate:	3.33%
Trend Growth Rate (2011 to Design Year):	2.56%
Printed:	25-Jun-13

Straight Line Growth Option

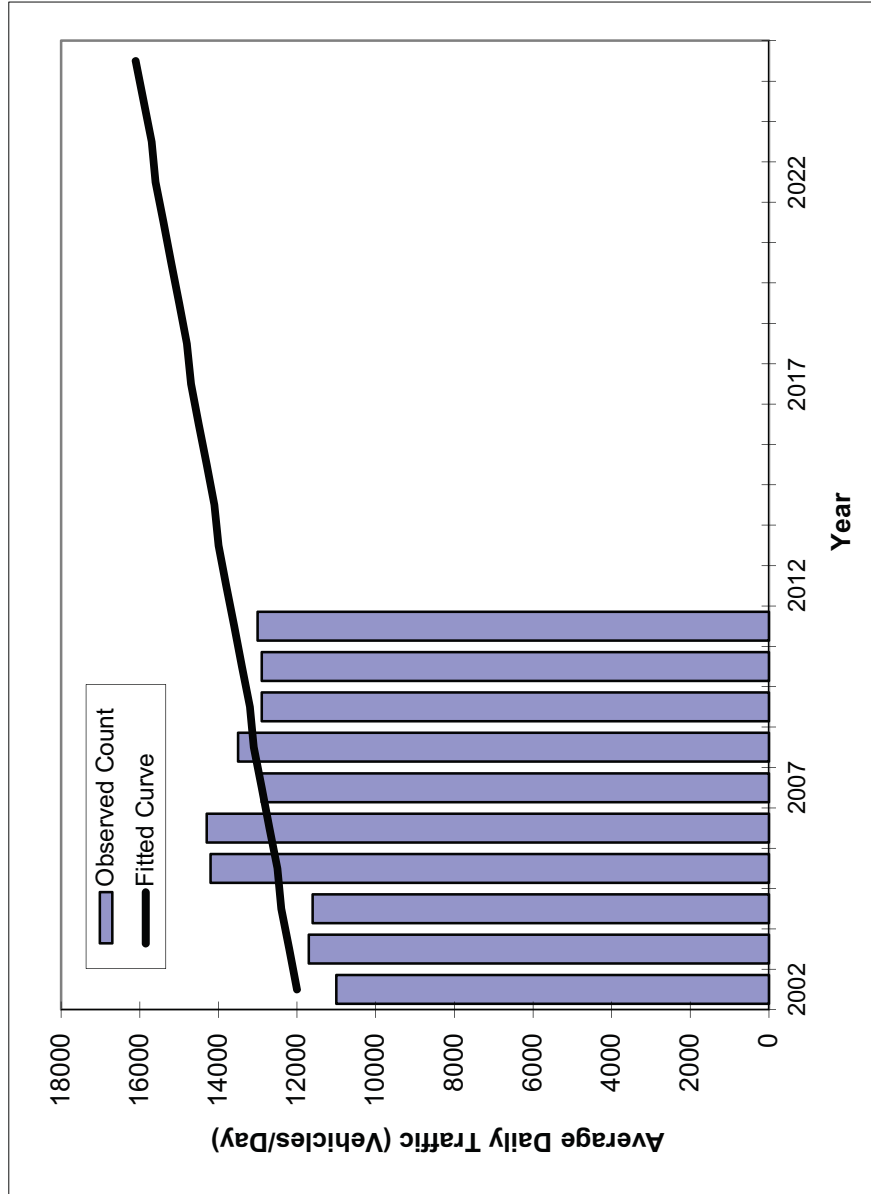
Year	Traffic (ADT/AADT)	
	Count*	Trend**
2002	2100	3000
2003	3200	3100
2004	3200	3200
2005	4100	3300
2006	4200	3400
2007	3600	3500
2008	3400	3600
2009	3300	3700
2010	3700	3800
2011	3700	3900
2013 Opening Year Trend		
2013	N/A	4100
2014 Mid-Year Trend		
2014	N/A	4200
2016 Design Year Trend		
2016	N/A	4400
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

TRAFFIC TRENDS

Taylor Road -- Dunlawton Avenue to Clyde Morris Boulevard

County:	Volusia
Station #:	0
Highway:	Taylor Road



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2002	11000	12000
2003	11700	12200
2004	11600	12400
2005	14200	12500
2006	14300	12700
2007	12900	12900
2008	13500	13100
2009	12900	13200
2010	12900	13400
2011	13000	13600
2013 Opening Year Trend		
2013	N/A	14000
2014 Mid-Year Trend		
2014	N/A	14100
2016 Design Year Trend		
2016	N/A	14500
TRANPLAN Forecasts/Trends		

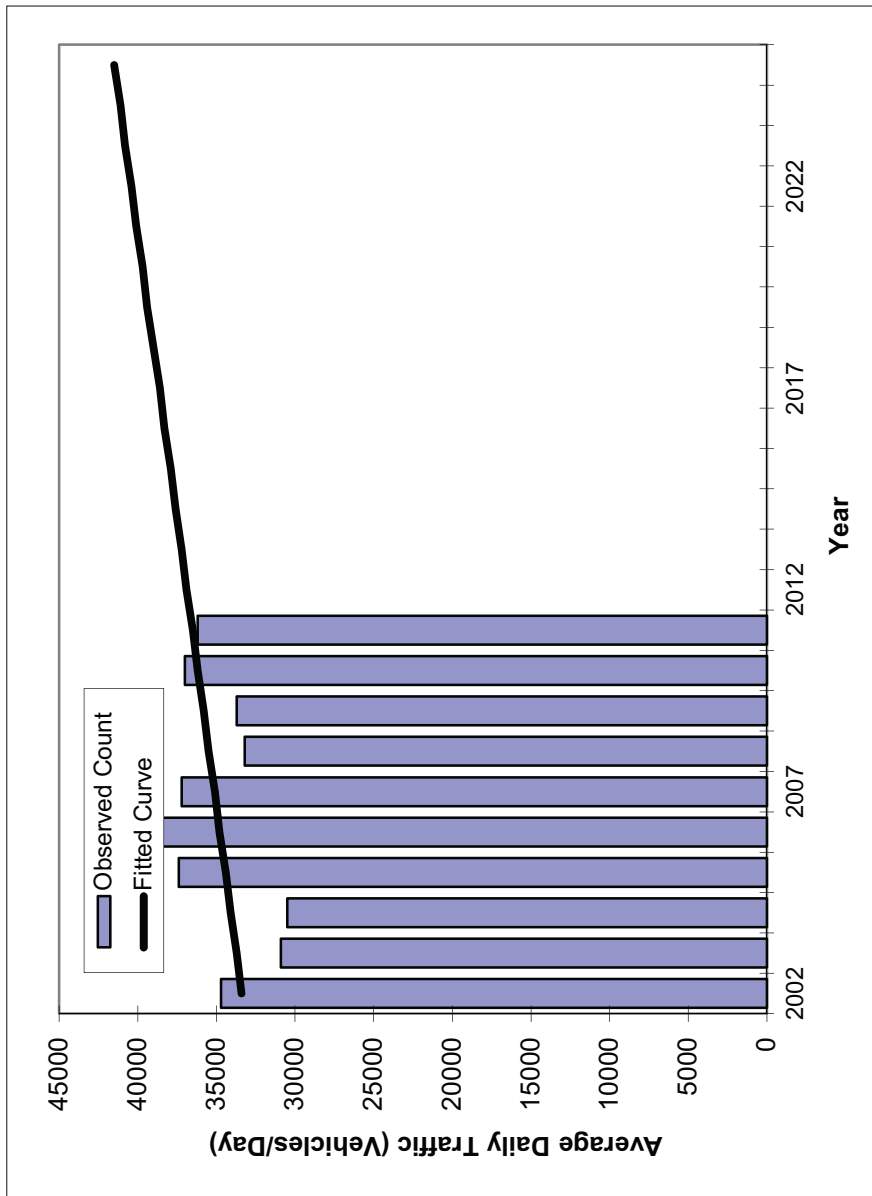
*Axle-Adjusted

** Annual Trend Increase:	178
Trend R-squared:	24.6%
Trend Annual Historic Growth Rate:	1.48%
Trend Growth Rate (2011 to Design Year):	1.32%
Printed:	25-Jun-13
Straight Line Growth Option	

TRAFFIC TRENDS

Taylor Road -- Williamson Boulevard to I-95

County:	Volusia
Station #:	0
Highway:	Taylor Road



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2002	34700	33400
2003	30900	33700
2004	30500	34100
2005	37400	34400
2006	38700	34800
2007	37200	35100
2008	33200	35500
2009	33700	35800
2010	37000	36200
2011	36200	36500
2013 Opening Year Trend		
2013	N/A	37200
2014 Mid-Year Trend		
2014	N/A	37600
2016 Design Year Trend		
2016	N/A	38300
TRANPLAN Forecasts/Trends		

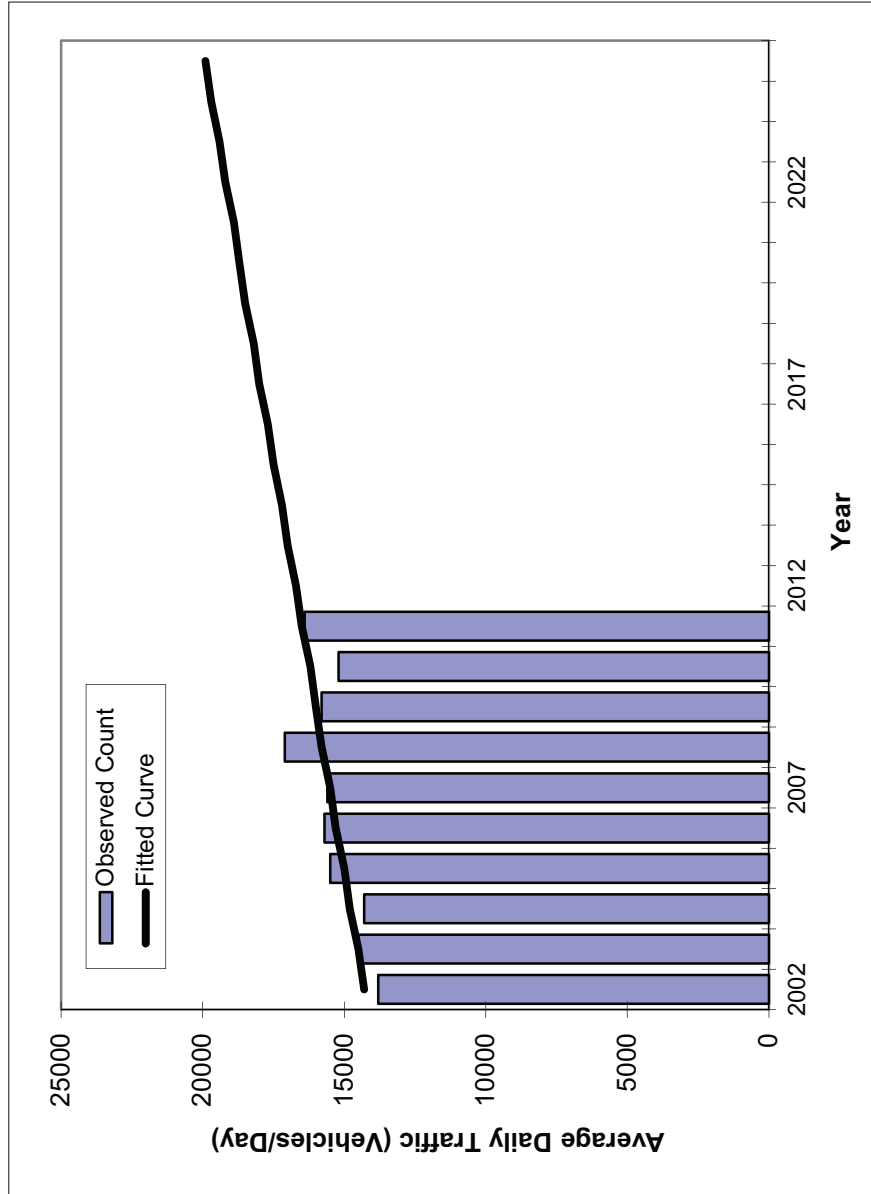
*Axle-Adjusted

** Annual Trend Increase:	352
Trend R-squared:	14.2%
Trend Annual Historic Growth Rate:	1.03%
Trend Growth Rate (2011 to Design Year):	0.99%
Printed:	25-Jun-13
Straight Line Growth Option	

TRAFFIC TRENDS

Williamson Boulevard -- Airport Road to Spruce Creek Bridge

County:	Volusia
Station #:	0
Highway:	Williamson Boulevard



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2002	13800	14300
2003	14500	14500
2004	14300	14800
2005	15500	15000
2006	15700	15300
2007	15600	15500
2008	17100	15800
2009	15800	16000
2010	15200	16200
2011	16400	16500
2013 Opening Year Trend		
2013	N/A	17000
2014 Mid-Year Trend		
2014	N/A	17200
2016 Design Year Trend		
2016	N/A	17700
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

** Annual Trend Increase:	245
Trend R-squared:	56.4%
Trend Annual Historic Growth Rate:	1.71%
Trend Growth Rate (2011 to Design Year):	1.45%
Printed:	25-Jun-13
Straight Line Growth Option	

Appendix G

Unsignalized Intersection HCS Worksheets

Build-Out Conditions

ALL-WAY STOP CONTROL ANALYSIS

General Information				Site Information	
Analyst	SAS			Intersection	Pioneer Trail @ Airport Road
Agency/Co.	LTG			Jurisdiction	Volusia County
Date Performed	6/21/2013			Analysis Year	Existing
Analysis Time Period	Build-Out P.M. Peak-Hour				

Project ID 3861.06

East/West Street: Pioneer Trail

North/South Street: Airport Road

Volume Adjustments and Site Characteristics

Approach	Eastbound			Westbound		
	L	T	R	L	T	R
Movement						
Volume (veh/h)	156	100	30	8	66	10
%Thrus Left Lane						
Approach	Northbound			Southbound		
	L	T	R	L	T	R
Movement						
Volume (veh/h)	23	173	16	10		107
%Thrus Left Lane						

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	L	TR	L	TR	LT	R	LT	R
PHF	0.88	0.88	0.71	0.71	0.71	0.71	0.89	0.89
Flow Rate (veh/h)	177	147	11	106	275	22	223	120
% Heavy Vehicles	2	2	2	3	2	2	2	2
No. Lanes	2		2		2		2	
Geometry Group	5		5		5		5	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet

Prop. Left-Turns	1.0	0.0	1.0	0.0	0.1	0.0	0.0	0.0
Prop. Right-Turns	0.0	0.2	0.0	0.1	0.0	1.0	0.0	1.0
Prop. Heavy Vehicle	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
hLT-adj	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
hRT-adj	-0.7	-0.7	-0.7	-0.7	-0.7	-0.7	-0.7	-0.7
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	0.5	-0.1	0.5	-0.0	0.1	-0.7	0.1	-0.7

Departure Headway and Service Time

hd, initial value (s)	3.20	3.20	3.20	3.20	3.20	3.20	3.20	3.20
x, initial	0.16	0.13	0.01	0.09	0.24	0.02	0.20	0.11
hd, final value (s)	7.00	6.34	7.36	6.79	6.42	5.66	6.35	5.63
x, final value	0.34	0.26	0.02	0.20	0.49	0.03	0.39	0.19
Move-up time, m (s)	2.3		2.3		2.3		2.3	
Service Time, t _s (s)	4.7	4.0	5.1	4.5	4.1	3.4	4.1	3.3

Capacity and Level of Service

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity (veh/h)	427	397	261	356	525	272	473	370
Delay (s/veh)	13.33	11.24	10.23	11.18	15.15	8.57	13.12	9.62
LOS	B	B	B	B	C	A	B	A
Approach: Delay (s/veh)	12.38		11.09		14.66		11.89	
LOS	B		B		B		B	
Intersection Delay (s/veh)	12.71							
Intersection LOS	B							

Appendix H

Signalized Intersection HCS Worksheets

Build-Out Conditions

HCS 2010 Signalized Intersection Results Summary

General Information						Intersection Information													
Agency						Duration, h		0.25											
Analyst				Analysis Date		6/25/2013		Area Type		Other									
Jurisdiction				Time Period				PHF		0.89									
Intersection		Williamson at Airport		Analysis Year		2013		Analysis Period		1> 7:00									
File Name		2018 Build-Out - Williamson at Airport - PM Peak-Hour.xus																	
Project Description		Existing P.M. Peak-Hour																	
Demand Information				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Demand (v), veh/h				430	9	12	1	11	25	13	589	2	34	778					
Signal Information																			
Cycle, s	79.1	Reference Phase	2																
Offset, s	0	Reference Point	End																
Uncoordinated	Yes	Simult. Gap E/W	On																
Force Mode	Fixed	Simult. Gap N/S	On																
				Green	2.8	2.9	19.4	15.0	6.0	0.0									
				Yellow	4.5	0.0	4.5	4.5	4.5	0.0									
				Red	3.5	0.0	3.5	3.0	5.0	0.0									
Timer Results				EBL		EBT		WBL		WBT		NBL		NBT		SBL		SBT	
Assigned Phase						8				4		1		6		5		2	
Case Number						9.0				11.0		1.1		4.0		1.1		4.0	
Phase Duration, s						22.5				15.5		10.8		27.4		13.7		30.4	
Change Period, (Y+R _c), s						7.5				9.5		8.0		8.0		8.0		8.0	
Max Allow Headway (MAH), s						3.1				3.3		3.1		3.0		3.0		3.0	
Queue Clearance Time (g _s), s						12.5				3.3		2.5		15.0		3.1		20.6	
Green Extension Time (g _e), s						1.2				0.0		0.0		2.8		0.0		1.8	
Phase Call Probability						1.00				0.60		0.27		1.00		0.57		1.00	
Max Out Probability						0.00				0.00		0.00		0.18		0.00		0.70	
Movement Group Results				EB			WB			NB			SB						
Approach Movement				L	T	R	L	T	R	L	T	R	L	T	R				
Assigned Movement				3	8	18	7	4	14	1	6	16	5	2					
Adjusted Flow Rate (v), veh/h				483	10	13		13	28	15	332	332	38	874					
Adjusted Saturation Flow Rate (s), veh/h/ln				1723	1863	1579		1855	1579	1774	1863	1860	1774	1773					
Queue Service Time (g _s), s				10.5	0.4	0.6		0.5	1.3	0.5	13.0	13.0	1.1	18.6					
Cycle Queue Clearance Time (g _c), s				10.5	0.4	0.6		0.5	1.3	0.5	13.0	13.0	1.1	18.6					
Capacity (c), veh/h				653	353	299		141	120	183	458	457	282	1003					
Volume-to-Capacity Ratio (X)				0.740	0.029	0.045		0.096	0.235	0.080	0.726	0.726	0.136	0.871					
Available Capacity (c _a), veh/h				3047	1647	1396		469	399	570	588	588	602	1120					
Back of Queue (Q), veh/ln (50th percentile)				4.1	0.1	0.2		0.2	0.5	0.2	5.7	5.7	0.4	8.0					
Overflow Queue (Q ₃), veh/ln				0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0					
Queue Storage Ratio (RQ) (50th percentile)				0.33	0.00	0.02		0.03	0.07	0.02	0.00	0.00	0.03	0.00					
Uniform Delay (d ₁), s/veh				30.2	26.1	26.2		34.0	34.4	22.2	27.4	27.4	18.5	27.0					
Incremental Delay (d ₂), s/veh				0.6	0.0	0.0		0.1	0.4	0.1	2.0	2.0	0.1	6.5					
Initial Queue Delay (d ₃), s/veh				0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0					
Control Delay (d), s/veh				30.9	26.1	26.2		34.2	34.8	22.3	29.4	29.4	18.6	33.5					
Level of Service (LOS)				C	C	C		C	C	C	C	C	B	C					
Approach Delay, s/veh / LOS				30.6		C		34.6		C		29.3		C		32.9		C	
Intersection Delay, s/veh / LOS				31.3										C					
Multimodal Results				EB			WB			NB			SB						
Pedestrian LOS Score / LOS				2.9		C		2.8		C		2.3		B		2.6		B	
Bicycle LOS Score / LOS				1.3		A		0.6		A		1.0		A		1.2		A	

RR FARMS, LLC

PIONEER SQUARE

Business Planned Unit Development
(BPUD) Rezoning Application

Exhibit K
Application Checklist Summary Page
(3 pages)

Application Checklist Summary Page

1. A description of the rezoning requested.

This is a request to rezone the Property located at 3585 Pioneer Trail in New Smyrna Beach, FL from A-1 to Business PUD. The rezoning of the Property will facilitate the development of a local grocery store to service the existing 5,100 homes in the area surrounding the Property. Extensive buffering along Pioneer Trail and Airport Road, along with a limited building intensity (approximate floor area ratio of 0.18), will ensure that the project serves the existing residents of this area in a manner that is complementary and compatible with the surrounding properties.

2. The property owner's name, address, and telephone number.

RR Farms, LLC (Sheldon Rubin)
9210 Equus Circle
Boynton Beach, FL 33472
(561) 704-1959

3. If the owner is not the applicant, the applicant's name, address and telephone number.

James Stowers, Esq.
Wright, Casey & Stowers, P.L.
44A West Granada Boulevard
Ormond Beach, FL 32174
(386) 383-4232

4. Information on utilities.

Utilities information is provided on the attached survey materials. Additionally, a utilities capacity letter from Port Orange is included with this Checklist Page.

5. The tax parcel number and address of parcel.

Tax Parcel #: 06-17-33-01-00-0170

Property Address: 3585 Pioneer Trail
New Smyrna Beach, FL 32168

6. General location of the site.

A Vicinity Map is included with this Checklist Page.



CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

RE: 9.637 Acres at NE Corner of Pioneer Trail and Airport Road, Volusia County
Tax ID: 06-17-33-01-00-0170
Proposed 75,000 SF Commercial Building (Various Uses)
Anticipated Potable Water Demand of 7,500 GPD

Dear Mr. Stowers:

Per your request by e-mail dated May 29, 2013, the below information is provided with regard to the above referenced property.

R. Dwayne Huffman Reclaimed Water Plant Facility ID No. FL 0020559

Plant Design Capacity 12.0 MGD

Existing Flow Commitments Against DEP Sewer Plant Permit 7.074 MGD

I hereby confirm that the above data is correct; and that currently, the wastewater treatment plant has available capacity to serve the referenced 75,000 SF commercial project.

 DATE: 6/13/13
Fred Griffith, P.E.
Public Utilities Engineer

Pioneer Square Vicinity Map Volusia County, Florida

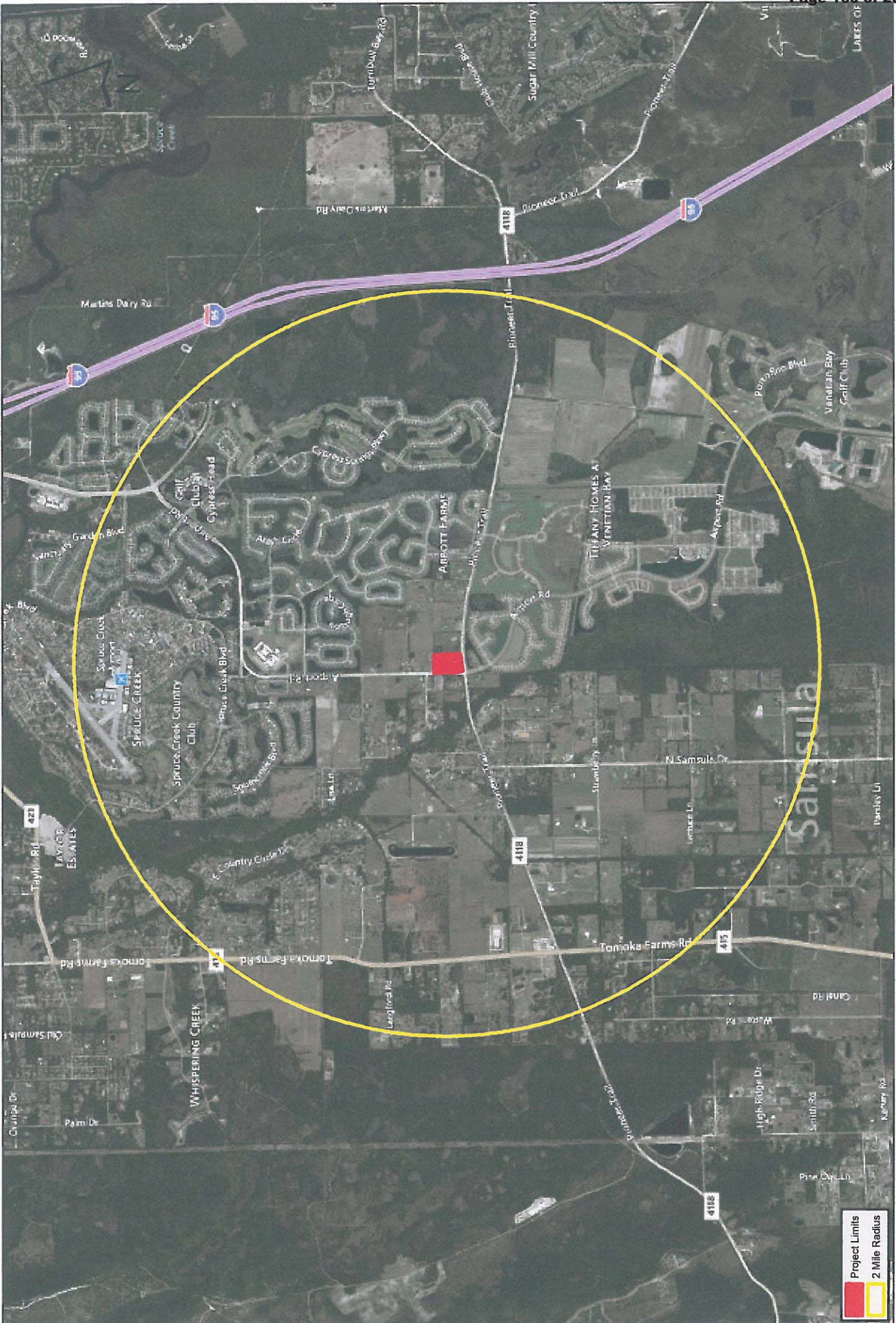
Source: ESRI Basemap Imagery

Date: 06/27/13

Path : 12054/publix

0.5 0.25 0 0.5 Miles

Project Limits
2 Mile Radius



Attachment B

October 2013 Applicant Response
to Technical Review Comments

RR FARMS, LLC

PIONEER SQUARE

Staff Comments (September 23, 2013)
Response Letter
2013-O-TRS-0132, RSN 762907
(Rezoning)

Prepared by
JAMES STOWERS, Esq.
Wright, Casey & Stowers, P.L.
44A West Granada Boulevard
Ormond Beach, FL 32174

Submitted to Volusia County on
October 18, 2013



Contents:

(1) Title Sheet & Cover Letter

Exhibit A: Ten (10) Copies of Written Development Agreement (redline)

Exhibit B: Exhibit C: Ten (10) Copies of Preliminary Plan

WRIGHT, CASEY & STOWERS, P.L.
ATTORNEYS AT LAW
www.surfcoastlaw.com

JAMES STOWERS
Direct Dial: (386) 310-4197
Email: jstowers@surfcoastlaw.com

Please Reply To:
Ormond Beach Office
PO Box 2517
Ormond Beach, FL 32175-2517

October 18, 2013

VIA HAND DELIVERY

Volusia County
Planning and Development Services
Comprehensive Planning
123 West Indiana Avenue, Room 200
Deland, FL 32720-4604

Re: Pioneer Square – Rezoning – 2013-O-TRS-0132, RSN 762907
Responses to Most Recent Staff Comments (September 23, 2013)

Dear Ms. McGee:

Wright, Casey & Stowers is privileged to represent RR Farms, LLC in their application for a small-scale amendment to the Volusia County Comprehensive Plan and rezoning request to the Business Planned Unit Development zoning category related to their property at 3585 Pioneer Trail, New Smyrna Beach, Florida (the "Property"). Following our application submittals in June, we had our Technical Review Committee (TRC) meeting with County staff on July 31, 2013. We provided responses to the TRC staff comments on August 22, 2013. On September 23, 2013, we received another set of comments from County staff. This letter will provide a comprehensive response to the most recent set of comments we received on September 23, 2013.

As you may know, Publix has an agreement in place to purchase the Pioneer Square project. Based on continued discussions with the anticipated end user of the project, a number of revisions have been included to address Publix's comments on both the BPUD Agreement and Preliminary Plan. First, we modified Section 11 – *Nonresidential Development Design Standards* of the BPUD Agreement to eliminate provisions that were viewed as ambiguous terminology or subject matters that Publix is confident they can address through the Final Site Plan process. Second, Section 12 – *Illumination* was modified to allow Publix to produce the site illumination plan for the project at Final Site Plan. Third, Publix has asked for a modification to Section I (2) based on concerns related to currently unquantifiable volumes of traffic related to the cross access easement requested by the County. The language added will simply give all parties the opportunity to participate in the process to ensure limited access points to Pioneer Trail. As the top grocer in the state of Florida, we are confident in Publix's ability to provide a quality product that will be supported by Volusia County.

For ease of reference, the section below will provide the specific staff comments we

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received on September 23 with responses directly beneath each comment. In order to reduce redundancies and limit the size of the response package, we have elected not to include those comments that simply provided that there was "no comment."

AG EXTENSION

As requested I visited the site. Soils were found to be:

1. **#8 Basinger fine sand, depressional.** This very poorly drained, nearly level sandy soil occurs in depressions and poorly defined drainage-ways. The water table is above the surface for several months in most years. The rest of the time it is within 30 inches in wet seasons. The potential for community development is very low with flooding and excessive wetness the major limitations.
2. **#49 Pomona fine sand.** This nearly level, poorly drained soil occurs in low, broad areas within the flatwoods. The water table is within a depth of 10 inches in the wet season. The potential is low for community development. Excessive wetness and the moderately slowly permeable subsoil are the major limitations.
3. **#59 Scoggin sand.** This very poorly drained soil is in swamps and in low places bordering swamps in the flatwoods. The water table is at or above the soil surface in wet seasons. The potential is very low for community development with standing water and excessive wetness the major limitations.

This property is boarded on three sides by A-1 properties. Developing this property could cause issues for both the urban and agricultural uses. The state of Florida has a Right to Farm law.

Response: A Biological Site Assessment provided by Environmental Services, Inc. was included in our original application. The property's vegetation (including a small portion of wetlands on the property that will include an adjacent 25-foot buffer) was detailed in Section C of the Biological Site Assessment. The vegetation communities were characterized using the Florida Land Use, Cover and Forms Classification System (FLUCFCS).

Current Planning (Comments provided via Inter-Office Memorandum)

1. The preliminary plan depicts the development site with 52,400 square feet of retail with a parking ratio of 5 spaces per 1000 square feet. However, the plan proposes a maximum of 75,000 square feet of retail with the same parking ratio. It does not appear that this level of development can be supported on this site while still maintaining the Tree Preservation Areas or proposed buffer/setback widths. This makes this plan misleading in its depiction of the development potential of this site. Revise the maximum square footage to the amount that is depicted in the preliminary plan, or show how the maximum development could be configured on the site.

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Response: During our Pre-Application meeting with County staff on June 19, 2013, we presented two Preliminary Plans (the preliminary plan currently included and an alternative plan) that both met the terms of the Development Agreement included in our original application. We were directed by County staff to remove the alternative plan and proceed with one Preliminary Plan.

Although the original alternative plan explicitly addressed the concern raised, we have modified the Preliminary Plan to provide a maximum 56,400 square feet of retail to avoid any confusion. We arrived at this figure by adding together the 50,000 sq. ft. individual building threshold previously contemplated in the BPUD Agreement and the two other previously contemplated retail spaces on the Preliminary Plan (1,400 sq. ft. – Retail B on Lot 1 and 5,000 sq. ft. – Lot 2). Rather than provide a broader figure like 65,000 sq. ft., we have elected to follow staff's request and reduce the maximum square footage down to a contemplated building and total gross floor area for Lot 1 of 51,400 sq. ft. (the previous 50,000 sq. ft. building threshold + the 1,400 sq. ft. attached retail previously contemplated). Lot 2 remains at a total gross floor area of 5,000 sq. ft.

2. **The applicant has stated his intent to request excess parking spaces in accordance with the calculations on the site plan. Staff does not support the additional spaces; however, the request will be submitted to the PLDRC and County Council for their review. The parking study will be provided as evidence to support the request for increased parking needs; however, it will not be attached to the Development Agreement as an attachment.**

Response: We appreciate the County's desire to limit parking; however, the economic realities of the marketplace indicate that a grocery store that serves an almost exclusively single-family residential area comprised of over 5,100 existing homes will require additional parking to meet the needs of the area. Additionally, we are unaware of any grocery store or other sizable commercial projects that have successfully implemented the County's minimum/maximum parking thresholds since they were implemented in 2011. Per Section 72-289 of the LDC, "the county council may modify the off-street parking requirements for the number of the individual spaces provided that such action has been substantiated by a study prepared by a professional traffic engineer." We believe this language was included in the Code to provide the flexibility needed to address the unique circumstances presented here. A professional traffic engineer has provided a study that has been incorporated into the Development Agreement as an Exhibit due to the need for county council approval of same. We respectfully disagree with staff's suggestion that we remove the Exhibit from the Development Agreement. The inclusion of the Exhibit will allow the County Council to make a determination on the parking study as part of the BPUD approval process.

3. **It is understood that the applicant does not want to dedicate the Pioneer Trail right-of-way prior to gaining approval of the development plans; however, this area shall be dedicated prior to final site plan. The right-of-way should not be depicted as**

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part of the landscape buffer or included in any of the site area calculations. Also, it should not be included in the legal description for the land use amendment or the rezoning. Please revise the plans and associated documents accordingly.

Response: The 27-foot future right-of-way dedication is shown on the plan. Property dedication will be provided with site plan approval. We continue to take painstaking measures to ensure transparency. The modification of the legal description and further modification of our application materials related to a future right-of-way dedication creates inaccuracies related to our application materials. We have explicitly shown where the right-of-way area proposed for dedication is located and when it will be dedicated. Additionally, we have modified the BPUD to provide for a 23-foot landscape buffer along Pioneer Trail, based on the County's desire to secure additional right-of-way for the widening of Pioneer Trail to four lanes.

4. **Development Agreement Section E.7. There is an FPL easement along Pioneer Trail and no required landscape buffer or parking may be located in the FPL easement. Include a paragraph in Section E.7. that states that if additional landscape material is planted within this easement, written approval of type and placement of the material from FPL will be required.**

Response: The 50-foot FPL easement allows FPL to "*set and maintain poles for an electric transmission and distribution line, and the necessary appurtenances for such lines...*" Additionally, the easement allows FPL to "*cut, trim, keep clear all danger trees and under-growth...*" FPL's easement is limited to these specific rights. Accordingly, the placement of non-danger trees and under-growth remains acceptable within the FPL easement area. Nevertheless, in order to address County staff's concern on this issue, the BPUD Agreement has been modified to eliminate the County's concern related to the FPL easement.

5. **Development Agreement Sections E.4 and E.7. and Preliminary Plan. Setbacks and buffer areas should be measured from the dedicated right-of-way line on Pioneer Trail. Revise the landscape buffer on Pioneer Trail to 23 feet. The 100 foot setback needs to be measured from the dedicated line as well. Either move the line further into the property or revise the proposed setback.**

Response: The Preliminary Plan previously provided a Pioneer Trail building setback of 100' based on the current right-of-way. We understand County staff has taken the position that a 27' right-of-way dedication along the Property's frontage on Pioneer Trail shall be required prior to development of the Property. Accordingly, we have modified the BPUD Agreement to provide a front yard building setback of 73'. Note that the 73' building setback will be located outside the 27' future right-of-way dedication area that will likely only be impacted at such time that Pioneer Trail is widened to four lanes.

6. **Development Agreement Section D. It was previously requested that the last sentence be omitted. The issue of allowing a certain level of change within the**

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development without having to revise the PUD is already addressed in Section O. Either omit the sentence or cross reference Section O to avoid confusion.

Response: A cross reference to Section O has been added to Section D.

7. Development Agreement Section E.4.e. Building setbacks for internal lot lines are proposed as 0 feet. Include in this section that driveways must be 5 feet from any structure or property line, per section 72-618(3)(c) of the land development code. The structure on Lot 2 does not meet this requirement.

Response: The building setbacks for internal lot lines have been modified to 5 feet as requested.

8. Development Agreement Section E.5. and Preliminary Plan. Revise to state that the maximum lot coverage for the total parcel is 0.18 FAR with no one lot exceeding 0.35 FAR. Note: Remove FPL easement and Pioneer Trail right-of-way dedication from these calculations.

Response: The 27 ft. right-of-way dedication is shown on the Preliminary Plan. Property dedication will occur when the property is dedicated during the site plan approval process. Additionally, as stated in response to #1 above, we have modified the Preliminary Plan to provide a maximum 56,400 square feet of commercial space to avoid any confusion.

9. Section E.10. Omit the reference to Section 72-297(j) in this section. Revise this section to read as follows:

Signs shall comply with applicable requirements of the Zoning Code as amended, including Section 72-298 Sign Regulations, unless otherwise stated by this document. Ground signs shall be limited to 1 sign per street frontage for the entire development, regardless of the number of lots. Ground signs shall be a maximum of 8 feet in height and have a maximum copy area of 40 square feet.

Response: Section E.10 has been amended as requested.

10. Development Agreement Signature Block – update to correct chair's name (Jason P. Davis).

Response: The Chairman's middle initial has been added to his signature block.

11. Preliminary Plan – is it the intent for Lot 2 that the property lines should extend to the road? If so, revise plan accordingly.

Response: The Preliminary Plan has been revised accordingly.

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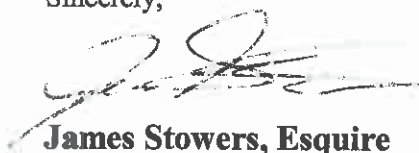
12. Preliminary Plan – What is the dashed line along the eastern boundary within the 20 foot landscape buffer?

Response: The dashed line represents the perimeter landscape buffer line.

* * * * *

All modifications to the BPUD Agreement have been included in the attached ~~strike through~~/redline version of the document. Due to the small number of outstanding comments presented in September and our responses provided herein, we would like to request to be placed on the November PLDRC agenda. We understand the public notice needs to be published on November 2, 2013. We are confident that the attached ~~strike through~~/redline BPUD Agreement, along with this letter, will provide County staff with ample time to assess our modifications and confer with us to answer any remaining issues. Should you have any questions or concerns, please do not hesitate to e-mail or call.

Sincerely,



James Stowers, Esquire
 Direct Dial: (386) 310-4197
 Email: jstowers@surfcoastlaw.com
 44A West Granada Boulevard
 Ormond Beach, FL 32174

cc: Sheldon Rubin, RR Farms, LLC
 Gregory J. Oravec, Oravec and Company
 Paul Momberger, RLA, Zev Cohen & Associates, Inc.

RR FARMS, LLC

PIONEER SQUARE

Technical Review Staff Comments
Response Letter
2013-O-TRS-0132, RSN 762907
(Rezoning)

Exhibit A
Ten (10) Copies of
Written Development Agreement
(redline)

RESOLUTION 2013-

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, APPROVING (Case # provided by staff) AND AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM THE A-1 PRIME AGRICULTURE TO BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) CLASSIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the application of RR Farms, LLC hereinafter, "Applicant," for rezoning 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 Applicant was duly and properly filed herein on June 28, 2013 as required by law.

B. That Applicant has applied for a change of zoning from the A-1 Prime Agriculture to BPUD for the parcel described in Exhibit "A" to the Development Agreement for (Case # provided by staff).

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

D. That Applicant is the Owner or authorized representative of the Owner of a 9.637 acre parcel of land, which is situated in Volusia County. This parcel of land is described more particularly in the property survey and legal description, a true copy of which is attached as Exhibit "A" to the Development Agreement for (Case # provided by staff).

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

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

G. That the said rezoning to BPUD is consistent with both the Volusia County Comprehensive Plan and the intent and purpose of the Zoning Code of Volusia County, Florida ("Zoning Code"), as codified in article II of Chapter 72, Code of Ordinances, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

H. That the owner of the property, RR Farms, LLC, agrees with the provisions of the Development Agreement, which is attached hereto as Exhibit "1."

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

A. That the Application of RR Farms, LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit A to the Development Agreement is hereby amended from the *A-1* to *BPUD* as described in the zoning code.

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

D. With respect to any conflict between the zoning code and this Resolution or the attached Agreement, the provisions of this Resolution and Development Agreement shall govern. The zoning code shall govern with respect to any matter not covered by this Resolution or the Development Agreement. The Volusia County Zoning Enforcement Official will ensure compliance with this Resolution and the Development Agreement.

E. Unless otherwise provided in paragraph D, nothing in this Resolution or the Development Agreement shall abridge the requirements of the Code of Ordinances, County of Volusia. Timing and review procedures contained in this Resolution and the Development Agreement 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 is subject to approval of the small scale comprehensive plan amendment for the property described in Exhibit A, but shall otherwise 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 P. Davis, County Chair

Please return recorded document to:

Volusia County
Growth and Resource Management
123 W. Indiana Ave., Room 202
Deland, FL 32720

EXHIBIT "1"

DEVELOPMENT AGREEMENT

(Case # provided by staff)

A. Development Concept. The property shall be developed as a BPUD substantially in accordance with the Pioneer Square Master Development Plan (the "Pioneer Square MDP"). The Pioneer Square MDP shall govern the development of the property as a BPUD and shall regulate the future use of this parcel.

1. Pioneer Square MDP. The Pioneer Square MDP shall consist of the Preliminary Plan prepared by Zev Cohen & Associates, dated June 28, 2013 and this Development Agreement. The Preliminary Plan is hereby approved and incorporated in this Development Agreement by reference as Exhibit B. The Pioneer Square MDP 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 to the Pioneer Square MDP, 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. Subdivision Approval. After the Pioneer Square MDP is recorded, and prior to any construction, including clearing and landfill, applications for Overall

Development Plan and subsequently Preliminary Plats and Final Plat of the area to be subdivided shall be submitted for review and approval in the manner required by Division 2 of the Land Development Code, as amended.

4. Final Site Plan Approval. 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 a manner required by the land development code, as amended, concurrent with, or subsequent to, the submittal of the Preliminary Plat application. The Preliminary Plan meets the minimum submittal requirements of a Conceptual Site Plan application in accordance with the land development code. Therefore, the Pioneer Square MDP 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 as stated above once this Order and Resolution has been recorded. No certificate of Occupancy shall be issued until Subdivision Final Plat has been recorded.

B. Unified Ownership. The Applicant or his successors has and shall maintain unified ownership of the subject parcel until after the issuance date of the Final Subdivision Plat Development Order.

C. Phases of Development. The Property shall be generally developed with two (2) lots as depicted on the Preliminary Plan. Although development of the Property is expected to occur in a single phase, the development of the Pioneer Square BPUD, as shown on the Preliminary Plan, may occur in two phases. If development is phased, Lot 1 shall be developed as Phase 1. Lot 1 is the primary grocery store parcel containing the grocery store structure, together with infrastructure and other

improvements supporting Pioneer Square. Lot 2 is an outparcel contiguous to Lot 1. Supporting infrastructure for Lot 2 shall be constructed with Phase 1. Additionally, ingress/egress easements for Lot 2 from Airport Road and Pioneer Trail, along with drainage, maintenance, and utility easements shall be completed concurrent with development of Lot 1.

D. Land Uses within the BPUD. The development of the Property shall be consistent with the uses prescribed for the proposed Pioneer Square BPUD. The locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit B consistent with the Pioneer Square MDP. Note, however, that the specific location of the uses and structures within the site may change, provided they meet the development standards provided in Section E and the processes set forth in Section O.

1. Permitted Uses. The Property shall be used only for the following uses and their customary accessory uses or structures. If a use or structure is not listed as permitted, the Zoning Enforcement Official may permit said use or structure upon a determination that said use or structure is similar to the uses or structures otherwise permitted by the BPUD.

- Retail Sales and Services
- Apparel stores
- Convenience food stores, without the sale of gasoline
- Financial Institutions, with drive-thru service (limited to three bays)
- Specialty stores such as pet shops, book stores, office supply store, jewelry shops, health food stores, electronics stores, and postal & shipping stores.
- Grocery stores, with pharmacy drive-thru service (limited to two bays)

- Pharmacies, with drive-thru service (limited to two bays)
- Liquor stores
- Laundry and dry-cleaning establishments
- Professional, business and general offices
- Personal service establishments such as hair and nail salons, tanning salons, health clubs and spas
- Art, dance, and music schools
- Daycare centers
- Food and Beverage Establishments including Type A Restaurants, sandwich shops, delicatessens, coffee shops, but shall not include restaurants with drive-in or drive-thru service.
- Public uses
- Communication towers not exceeding 70 feet in height above ground level.
- Hardware/home improvement retail center

E. Development Standards. As provided by a map annotation within the Volusia County Comprehensive Plan Future Land Use Map, the maximum square footage allowed on the project site is limited to 75,000 square feet in gross floor area (GFA); however, the maximum square footage provided by this Agreement shall control. The total GFA on Lot 1 and the GFA of any individual building on Lot 1 shall not exceed 51,400 square feet. ~~The GFA of any individual building on Lot 1 shall not to exceed 50,000 square feet and the total GFA on Lot 1 shall not exceed 65,000 square feet. The remaining balance can be allocated to an individual structure on Lot 2.~~ The total GFA on Lot 2 shall not exceed 5,000 square feet. While the floor area ratio (FAR) for

the project site is approximately ~~183~~ FAR based on the GFA limitation and ~~current~~ project site size of ~~{9.633 acres}~~ based upon future right-of-way dedication to Volusia County as shown on the Preliminary Plan, no individual lot within the overall project shall have an FAR greater than .35 FAR as provided on the Preliminary Plan.

1. Maximum number of lots: 2 lots
2. Minimum lot area: 0.75 acres
3. Minimum lot width: 150 feet
4. Minimum building setbacks:
 - a. From Pioneer Trail right-of-way line: ~~400~~73 feet
 - b. From existing rear property line: 70 feet
 - c. From Airport Road right-of-way line: 100 feet
 - d. From existing east side property line: 50 feet
 - e. Internal lot lines: 0 5 feet
5. Maximum lot coverage: 35%
6. Maximum building height: 35 feet

Ornamental roof features, such as steeples or clock towers, may extend up to 45 feet.

7. Property perimeter landscape buffers:
 - a. Adjacent to Pioneer Trail: ~~50 feet, without the 27 foot~~
~~future ROW dedication;~~ 23
feet, not to include existing
FPL easement upon
dedication of 27 foot ROW
 - b. From existing north property line: 20 feet

- c. Adjacent to Airport Road: 35 feet
- d. From existing east side property line: 20 feet
- e. Internal boundaries between lots: 0 feet

Required landscaping shall comply with the minimum requirements of Section 72-284 of the Zoning Code as amended, except as otherwise stated in this document. At least 50% of required landscaping shall be native species that are drought tolerant. Additionally, the area labeled on the Preliminary Plan as "Tree Preservation Area" shall remain as a landscaped area in order to ensure a substantial landscape buffer between the Property and Airport Road. Additionally, within the areas labeled on the Preliminary Plan as Tree Preservation Area, existing specimen and historic trees shall be preserved and exotic species removed, with no planting under the canopy of historic or other specimen trees. This area shall remain as landscaped area to ensure a substantial buffer between the property and both Airport Road and Pioneer Trail.

- 8. Minimum building separation: 15 feet

9. Off-street parking and loading requirements: Off-street parking spaces shall be provided as depicted on the Preliminary Plan (Exhibit B). Although the parking threshold of 176 spaces (125% of the minimum parking threshold based on grocery and retail sales uses for Lot 1) is referenced on the Preliminary Plan, the Plan also provides for an overall parking space maximum of 234 spaces for Lot 1. The grocery parking calculation of 5/1000 SF is substantiated by the Pioneer Square Parking Justification Technical Memorandum provided by Lassiter Transportation Group, attached hereto as Exhibit C. Off-street parking spaces for Lot 2 shall meet the applicable use threshold provided by Section 72-286 of the Zoning Code as amended.

Finally, loading requirements shall be in accordance with Section 72-286 of the Zoning Ordinance as amended for both Lot 1 and Lot 2.

10. Signage requirements: ~~Signs shall comply with applicable requirements of the Zoning Code as amended, including Section 72-297(j) Thoroughfare Overlay zone regulations, Section 72-298 Sign regulations, and Section 72-303(j) Nonresidential development design standards unless otherwise stated by this document.~~ Signs shall comply with applicable requirements of the Zoning Code as amended, including Section 72-298 Sign Regulations, unless otherwise stated by this document. Ground signs shall be limited to 1 sign per street frontage for the entire development, regardless of the number of lots. Ground signs shall be a maximum of 8 feet in height and have a maximum copy area of 40 square feet.

11. Nonresidential Development Design Standards: The requirements of Section 72-303 Nonresidential Development Design Standards of the Zoning Ordinance as amended apply as stated by said Section 72-303, unless otherwise stated by this document. The architectural design within the BPUD shall generally comply with a Florida Vernacular theme. Additionally, the following requirements shall apply:

- a. A common architectural theme shall be established by harmoniously coordinating the general appearance of all buildings and accessory structures. For purposes herein, general appearance includes, but is not limited to, exterior wall finishes, construction materials, roof styles, slopes, architectural details and ornamentation.
- b. All structures shall complement one another and shall convey

a sense of quality and permanence.

~~c. The development shall be at a residential and pedestrian scale.~~

d. ~~c.~~ No lower grade exterior wall or roof finishes and materials shall be permitted. Exterior walls facing the public right-of-way shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, wood or concrete fiberboard, or other similar material on all sides. ~~Exposed smooth concrete block or metal finishes shall not be permitted, except where determined to be an integral feature of a recognized architectural style.~~

e. ~~d.~~ All amenities, accessory structures and signage shall be consistent with the overall architectural theme of the project. ~~All site furnishings, such as lighting, parking lights, benches, trash receptacles, newspaper racks, and shopping cart corrals, shall be consistent with the overall architectural theme.~~

f. ~~e.~~ All drive-thru canopies shall be compatible with the architectural design of the principle structure.

g. ~~f.~~ All service areas and mechanical equipment visible from the public right-of-way (ground or roof) including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, and propane tanks, displays and refilling areas, shall be screened using architectural features consistent with the

structure, or landscaping of sufficient density and maturity at planting to provide opaque screening.

~~h.~~ **g.** Loading docks shall be located away from the street and screened from public view.

Architectural elevations shall be submitted with the Preliminary Plat and Final Site Plan application and the Development Review Committee (DRC) shall determine compliance before issuing a development order.

12. Illumination: To minimize obtrusive aspects of excessive and/or nuisance outdoor light usage, while preserving safety, security and the nighttime use and enjoyment of the property, ~~the following apply:~~ **a.** A **a** signed and sealed illumination plan shall be submitted with the Final Site Plan application.

~~b. In no case shall illumination from the property increase the level of illumination at the property lines by more than half (0.5) fc.~~

~~c. All light fixture including wall and surface mounted luminaries shall be installed and maintained in such a manner that is fully shielded down.~~

~~d. Curfew: all external lighting shall be reduced by 50% after 11pm until sunrise.~~

~~e. The illumination plan shall not exceed 70,000 lumens per acre (average 1.6 fc).~~

~~f. Light fixtures shall be decorative in appearance and compliment the architectural style of the building. Light poles shall not exceed twenty (20) feet in height.~~

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

G. Sewage Disposal and Potable Water Facilities. Provisions for sewage disposal and potable water needs of the Pioneer Square BPUD will be provided in accordance with the comprehensive plan, the land development code and Fla. Admin. Code Ann. r. 64E-6. Both sanitary sewer service and potable water service shall be provided by the City of Port Orange, Florida; however, pursuant to the August 29, 2005 Settlement Agreement between Port Orange and Volusia County, ultimate connection to the Port Orange water main requires the County's prior written consent if connection is made prior to the Pioneer Square BPUD parcel being annexed into Port Orange.

H. Stormwater Drainage. Provision for storm water retention shall be in accordance with the land development code.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the land development code. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access to the project site shall include one driveway access point from Airport Road and one driveway access point from Pioneer Trail as shown on Exhibit B. Site access, pedestrian, bicycle and traffic circulation improvements and access points shall be finally determined during final site plan review and/or subdivision application review, in accordance with the requirements of the land development code as may be modified by the Development Review Committee and/or

Volusia County Traffic Engineer as may be necessary to provide required pedestrian, bicycle, and traffic safety improvements on and adjacent to the site. Once the access locations are approved, the Applicant shall establish and dedicate non-vehicular access and pedestrian access easements to Volusia County along the remaining Airport Road and Pioneer Trail frontages, at no cost to Volusia County, with appropriate dedications, statements and notations, as part of the subdivision or final site plan review process.

2. Cross Access. The Applicant shall provide a cross access easement between lots and a twenty five (25) foot cross access easement to adjoining properties fronting on Pioneer Trail prior to issuance of a development order for Phase 1. **The twenty five (25) foot cross access easement to adjoining property fronting on Pioneer Trail shall be contingent upon the adjacent use(s) being complimentary to Pioneer Square and adjacent users addressing all traffic safety concerns related to the use of the Pioneer Square site for access to Pioneer Trail.**

3. Transportation System Improvements. Transportation system improvements shall be provided as required by the land development code, as determined during final site plan review and/or subdivision review, as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer.

J. Internal Roadways. Internal roadway(s), if applicable, shall be constructed in accordance with the applicable requirements and standards of the land development

code.

K. Fire Protection. The applicant is responsible for providing adequate on-site water supply and other fire protection improvements to serve the Pioneer Square BPUD project. The design, capacity, and location of the required water supply and other fire protection improvements shall be as required by the Volusia County Fire Marshall's office.

L. Building or Property Owners Association. The charter and by-laws of the Property Owners Association (*if applicable*) 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. In addition, 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 Pioneer Square BPUD, the County of Volusia shall only enforce the provisions of the "Development Agreement" and Volusia County Zoning Code, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

M. Expiration of Development Agreement. The Applicant shall file an overall development plan within five (5) years from the effective date of this Order and Resolution. Failure to timely file said final site plan or overall development plan shall immediately render the development agreement null and void, unless the zoning enforcement official, for good cause shown, approves a minor amendment to extend the

time period indicated in this paragraph.

N. Binding Effect of Plans, Recording, and Effective Date. The Pioneer Square MDP, 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, Order and Resolution and all approved plans shall run with the land.

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 this Order and Resolution and its subsequent amendments. The Applicant shall pay all filing costs for recording documents. Failure to record this Order and Resolution within the forty-five (45) day period as stated above shall render this Development Agreement null and void.

O. Conceptual Approval: The parties hereto acknowledge that reductions in 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 land development code. A request for such an amendment shall be reviewed by the zoning enforcement official and may be processed as a minor

amendment in accordance with section 72-289 of the zoning code. 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

DONE and ORDERED by the County Council of Volusia County, Florida, this ____ day
of _____, 2013.

ATTEST:

VOLUSIA COUNTY COUNCIL

James T. Dinneen
County Manager

Jason P. Davis
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day
of _____, 2013, by James T. Dinneen and Jason P. Davis, 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:

OWNER:

(Sheldon Rubin - Manager, RR Farms, LLC)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day
of _____, 2013 by Sheldon Rubin – Manager, RR
Farms, LLC who is (are) personally known to me or who have produced
_____ as identification(s).

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.: _____

My Commission Expires: _____

EXHIBIT A
Legal Description

A PORTION OF LOTS 17 AND 18, 1ST SUBDIVISION OF ABBOTT FARMS, AS RECORDED ON MAP BOOK 8, PAGE 127 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 18, THENCE RUN N88°54'12"E, ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 49.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AIRPORT ROAD AS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6456, PAGE 2902, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF LOT 18 AND LOT 17, N88°54'12"E, 538.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 17; THENCE ALONG THE EAST LINE OF SAID LOT 17, S01°09'10"E, 759.51 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, S83°19'37"W, 491.74 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID AIRPORT ROAD; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, THE FOLLOWING COURSES: N06°40'23"W, 27.00 FEET; THENCE N51°40'23"W, 35.36 FEET; THENCE N06°40'23"W, 160.48 FEET TO THE BEGINNING OF A CURVE CONCAVE EAST HAVING A RADIUS OF 1,290.00 FEET AND A CENTRAL ANGLE OF 05°47'34"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, 130.42 FEET; THENCE N00°52'49"W, 468.04 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
Preliminary Plan

EXHIBIT C

Pioneer Square Parking Justification Memorandum



Ref: 3861.09

TECHNICAL MEMORANDUM

To: James Stowers, Esq., Wright, Casey & Stowers, P.L.

From: Daniel M. D'Antonio, PE

Subject: Pioneer Square – Parking Justification

Date: June 27, 2013

This technical memorandum provides parking justification for the proposed Pioneer Square development located on the northeast corner of the Pioneer Trail and Airport Road intersection in Volusia County. The proposed project consists of up to 75,000 square feet of commercial retail development. The conceptual plan for the site identifies a 46,000 square foot grocery store with 1,400 square foot of adjacent retail and a 0.75-acre outparcel. The conceptual plan for the proposed development is attached as Exhibit A.

The County's Land Development Code establishes parking ratios for minimum and maximum number of parking spaces dependent on use and size of each development. Since these ratios apply a default parking requirement for each use and do not take into account the specific characteristics of the project, the location of the project, or the availability of alternate modes of transportation serving the project, it is believed that the LDC parking ratios are understated in this specific instance.

The parking demand for the proposed grocery store and adjacent retail component of the Pioneer Square development was calculated using the parking generation rates published by the Institute of Transportation Engineers (ITE) in the document *Parking Generation, 4th Edition*. This particular reference manual reports parking demand based on surveys at 17 other similar sites and is the industry standard for determining parking demand. Excerpts from the manual are attached as Exhibit B. The parking demand was calculated based on the total square footage of both uses and is presented in Table 1.

Table 1
Parking Demand
Pioneer Square

ITE LU Code	ITE Land Use	Parking Rate	Units (X)	Total Parking
850	Supermarket (Suburban Location)	P = 5.05(X)	47.4 ksf	240

As indicated in Table 1, using nationally accepted data, the parking demand for the proposed project equates to 240 parking spaces for the 47,400-square foot supermarket. Additional parking to serve the outparcel shall be determined at the time of development of the outparcel and calculated based on the use and size of the future development proposal.

TECHNICAL MEMORANDUM

James Stowers, Esq.

June 27, 2013

Page 2

A successful development requires adequate parking supply to meet the project's demand. Underparking a site leads to negative impacts to surrounding properties, excessive on-site vehicle circulation and ultimately frustrated users. It is recommended that 240 parking spaces be provided for Retail A and Retail B, as identified on the conceptual plan with additional parking for the outparcel to be quantified at the time of its development and calculated based on size and use.

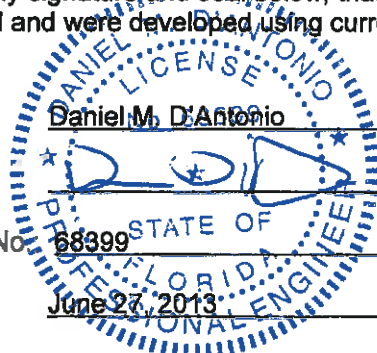
Attachments:

Exhibit A – Conceptual Plan

Exhibit B – ITE Parking Generation Excerpts

c: Sheldon Rubin, RR Farms, LLC
Gregory J. Oravec, Oravec and Company
Paul Momberger, RLA, Zev Cohen & Associates, Inc.

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: Daniel M. D'AntonioSignature: Florida PE License No. 68399Date: June 27, 2013

Attachment C

County Transportation Analysis

INTER-OFFICE MEMORANDUM



TO: Susan Jackson, AICP, Planner III

DATE: September 6, 2013

THRU: Jon Cheney, P.E., Traffic Engineer

FROM: Melissa Winsett, Transportation Planner *MW*

SUBJECT: Pioneer Square BPUD/Rezoning Transportation Analysis

Background:

Lassiter Transportation Group was retained to complete the Pioneer Square Business Planned Unit Development (BPUD) Rezoning application transportation impact analysis (TIA) on behalf of the applicant, James Stowers, Esq. of Wright, Casey & Stowers. The TIA was found acceptable by Volusia County Traffic Engineering.

The subject property consists of 9.63 acres and is located on the northeast quadrant of the Airport Road/Pioneer Trail intersection. The applicant requests a change in zoning from Prime Agriculture (A-1) to Business Planned Unit Development (BPUD). Approval of the BPUD would facilitate the development of a 75,000 square foot shopping center named "Pioneer Square." Anticipated buildout is in the year 2017.

Overview:

Based on information provided in the TIA, if the BPUD were approved and developed, development trips would impact narrow roadway widths and roadway segments that lack required right-of-way. Additionally, right and left turn lanes would be required at both site driveways, and any improvements necessary to address substandard conditions could trigger potential stormwater issues. For additional information on traffic impacts to the area's road network, please refer to the TIA document contained in the application.

Trip Generation

Under the existing zoning category one single-family dwelling unit is allowed, which generates 1 p.m. peak-hour trip and 10 trips daily. If the BPUD were approved, a 75,000 square foot shopping center is estimated to generate a total of 374* p.m. peak-hour and 5,634 daily trips. The net trip increase would be an additional 5,624 daily trips and 373 P.M. peak-hour trips generated from the site.

Zoning Category	Net External Trips – Daily	Net External Trips – P.M. Peak-hour Trips
Adopted Zoning (A-1)	10	1
Proposed Zoning (BPUD)	5,634	381*

*Includes allowable pass-by reduction to account for traffic already on the road today that will use the commercial site. The pass-by reduction was only applied to the P.M. peak-hour trips and *not* the daily trips.

Analysis

The following roadways and intersections, which were determined as significantly impacted based upon the Volusia TPO's TIA Guidelines, were included in the study area:

- Airport Road (Pioneer Trail to Williamson Blvd)
- Pioneer Trail (Airport Road to Turnbull Bay Rd)
- Pioneer Trail/Airport Rd intersection
- Airport Rd/Williamson Blvd intersection
- Airport Rd site driveway
- Pioneer Trail site driveway

Roadway	Limits	Adopted LOS	Capacity (2-way Peak Hr)	Current Volume (2-way Peak Hour)	PM Peak Hr Project Trips	2017 Buildout Traffic	Exceeds Capacity?
Airport Rd	Williamson Blvd to Pioneer Trail	E	2,990	540	191	769	No
Pioneer Tr	Airport Rd to Turnbull Bay Rd	E	1,120	245	103	442	No
Pioneer Tr	Williamson Blvd to Turnbull Bay Rd	E	1,440	271	34	324	No
Williamson Blvd	Pioneer Tr to Airport Rd	E	3,222	1,571	2	1,616	No
Williamson Blvd	Airport Rd to Spruce Creek Bridge	E	3,222	1,636	11	1,804	No

As shown above, the additional traffic generated by the BPUD will not cause or further impact any deficient roadway segments; therefore, there are no needed capacity improvements to the existing roadway network necessary to handle the traffic proposed to be generated from the rezoning site. All roadways are proposed to operate at the adopted level of service.

If the BPUD were developed, the unsignalized intersection of Pioneer Trail and Airport Road will operate at the adopted level of service. Additionally, the signalized intersection of Airport Road and Williamson Blvd would operate at the adopted level of service.

If the site were to be developed, based on information provided, right turn lanes and left turn lanes would be required at both site driveways. Also additional right-of-way would be needed to address the intersection offset at Airport Road/Pioneer Trail.

Other information:

The following information is provided for consideration of the application's potential impact.

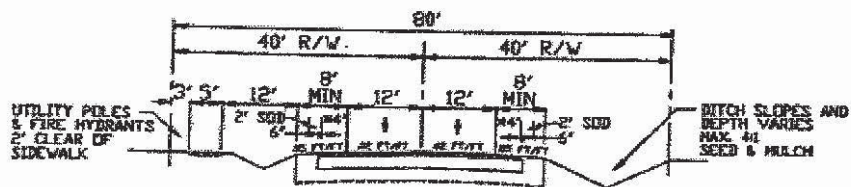
Pavement Width Issues: An assessment of Pioneer Trail and Airport Road travel lane widths and shoulder widths was made through a detailed field inspection during the week of July 1, 2013. The assessment found the following road segments were not built to thoroughfare or FDOT standards (11 or 12 foot travel lanes with 4' paved shoulders):

Pioneer Trail Locations	Lane Width, centerline to centerline	Substandard*?
East of SR 44	Two 11'11" lanes, 1' paved shoulders	Yes
@ Pioneer Way	10'11" & 11'5" lanes, no paved shoulders	Yes
West of CR 415	9'4" & 9'9" lanes, no paved shoulders	Yes
West of CR 415 @ intersection	9'5" & 9'7" lanes, 1' paved shoulders	Yes
East of CR 415 @ intersection	9'10" & 9'7" lanes, 1' paved shoulders	Yes
West of Airport Rd	12'4" & 12'2" lanes, approx 4' shoulders	No
West of Airport Rd @ intersection	12'6" & 11'8" lanes, 4-5' paved shoulders	No
East of Airport Rd @ intersection	12'2" & 12'5" lanes, 4-5' paved shoulders	No
East of Airport Rd	9'9" & 9'6" lanes, no paved shoulders	Yes
East of Luna Bella @ intersection	12' & 11'8" lanes, 4'3" paved shoulders	No
East of Luna Bella	Two 9'6" lanes	Yes
@ I-95 overpass	11'1" & 11'9" lanes, 5'3" paved shoulders	No
@ Turnbull Bay Rd**	10'5" & 11' lanes, no paved shoulders	No**

Airport Rd Locations	Pavement Width, centerlane to centerlane	Substandard*?
Through Venetian Bay	Two 11'6" lanes, 5' paved shoulders	No
North of Pioneer Trail	Two 11'6" lanes, no paved shoulders	Yes

**Pioneer Trail Curve improvement project, Construction FY 12/13, Currently adopted Volusia County Road Program

*The FDOT Standard requires 11' travel lanes and the Land Development Code requires 12' travel lanes. See below from the Volusia County Code of Ordinances, Chapter 72, section 72-612 Streets:



TWO-LANE RURAL COLLECTOR

Right of Way Issues: Pioneer Trail is considered a two-lane rural collector which, according to the Volusia County Code of Ordinances, Chapter 72, section 72-612 Streets, should have a total right-of-way width of 80 feet. Since the application's location is at the intersection, intersection improvements may be needed in the future, warranting the need for four or five lanes (travel lanes and turn lanes) or the standard 120 feet. Currently, the right-of-way width is 66 feet, making it substandard. When Venetian Bay was developed, developers donated 27 feet on the south side of Pioneer Trail to provide half of the 54 feet necessary to bring the road's right-of-way up to standard. Like Venetian Bay, an additional 27 feet on the north side will be needed.

Pavement condition issues: Pavement conditions in the land use amendment's area vary from poor to very good. Notably, Pioneer Trail, adjacent to the site, has poor/fair pavement conditions.

Road	Limits	Pavement Condition
CR 415	SR 44 to Taylor Rd	Very Good
CR 415	North of Taylor Rd	Poor
Airport Rd	SR 44 to Williamson Blvd	Good*
Pioneer Trail	Airport Rd to Turnbull Bay Rd	Poor/Fair
Pioneer Trail	Airport Rd to SR 44	Fair
Williamson Blvd	Airport Rd to Spruce Creek	Very Good

*Exception: Between Spruce Creek Fly-In and Water's Edge, Poor Condition. Scheduled for repaving in 2013; therefore, the improvement is funded.

Stormwater issues: The subject land use amendment is close to Spruce Creek, and outstanding Florida water. The county has significant drainage canals and roadside drainage that discharge into the Spruce Creek basin. Potential development should be reviewed to ensure that no adverse impacts to Spruce Creek and the county's upstream drainage facilities occur.

Conclusions:

- If approved, the BPUD would not have an adverse road capacity impact on any significantly impacted roadway segments or intersections.
- If approved and developed, the BPUD's development trips would impact narrow roadway widths, poor roadway pavement conditions, roadway segments that lack required right-way, and potential stormwater issues.

If you would like to discuss this further or need additional information, please contact me at 386-736-5968 x 12322.

CC: Becky Mendez, Senior Planning Manager