



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
123 W. Indiana Avenue, DeLand, FL 32720
(386) 943-7059

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

CASE NO: PUD-14-009

SUBJECT: Major Amendment to Resolution No. 2004-100 Business Planned
Unit Development (BPUD).

LOCATION: Destination Daytona Boulevard, Ormond Beach

APPLICANT: James Morris, attorney for owner

OWNER: Collyer Strasser, LLC

STAFF: Scott Ashley, AICP, Senior Zoning Manager

I. SUMMARY OF REQUEST

The applicant is requesting an amendment to the existing Love's/Having Fun BPUD resolution to expand the list of permitted principal uses to allow eight new land uses. The original BPUD rezoning occurred in 2004, and a major amendment to add new land uses was approved in 2007 under Resolution No. 2007-97.

This major amendment requires review and recommendation of the Planning and Land Development Regulation Commission (PLDRC) and action by the county council in the same manner as a rezoning application, per paragraph A.(2) *Amendments* of Resolution No. 2004-100.

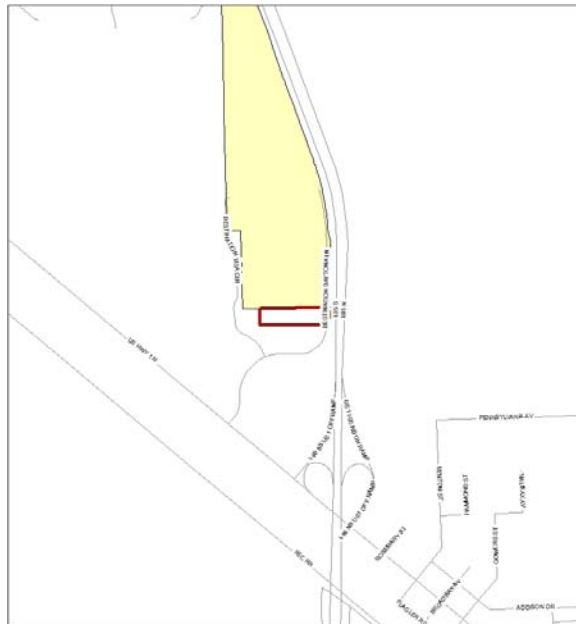
Staff recommendation: Forward to county council for final action with a recommendation of approval.

II. SITE INFORMATION

1. Location: The property is located on the northeast side of U.S. 1 at its intersection with Interstate 95, north of the City of Ormond Beach.
2. Parcel No(s): 312504000001, 312504000010, 312504000020, 312504000030, 312504000040, 312504000050, 312504000060, and 312504000070
3. Property Size: \pm 52 acres
4. Council District: 4
5. Zoning: BPUD
6. Future Land Use: Commercial
7. ECO Overlay: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	MPUD	Public/Semi-Public	Daytona Beach International Airport
East:	Across I-95, B-6 and RPUD	Commercial and Rural	Area is developed with a motel, automobile service station, and a restaurant, and vacant residential.
South:	B-6 and B-7(Ormond Beach)	Commercial	Area is developed commercially with motels, restaurants and a truck repair business
West:	B-6	Commercial	Undeveloped land area and a retention pond

10. Location Maps:



LOCATION MAP



AERIAL MAP

III. BACKGROUND AND PREVIOUS ACTIONS

The subject property is situated at the northwest corner of the I-95 and U.S. Highway 1 interchange and comprises multiple buildings and uses of the Destination Daytona development complex. Adjacent properties located near the highway interchange are developed motels, restaurants, automobile service stations, and other highway oriented commercial uses. The City of Ormond Beach has annexed a vast area located south of U.S. Highway 1 and the nearby FEC railroad tracks for a large mixed-use Development Regional Impact (DRI) known as Ormond Crossings.

Major components of the Destination Daytona development area include a motorcycle dealership, a condo-hotel, restaurants, various retail uses and a truck stop spread across the seven lots.

The applicant represents the majority ownership of both the Love's/Having Fun LLC BPUD and the abutting Strasser MPUD. The owners are coordinating the development of a recreational vehicle sales and service establishment that would overlap the boundary of both Planned Unit Developments. However, only the Strasser MPUD currently lists Recreational vehicle sales and service as a permitted use. Therefore, the purpose of this major amendment application is to add this specific use and enable the intended development. Other uses are also being proposed to enhance the overall Planned Unit Development's market options.

IV. REVIEW CRITERIA AND ANALYSIS

BPUD MASTER DEVELOPMENT PLAN –The applicant is requesting to amend the existing BPUD development agreement to add certain commercial uses and to allow the property to be subdivided.

The amendment proposes to modify:

- Section D Land Uses of the agreement is being amended by the applicant to add the following as permitted land uses: catering services, employment agencies, financial institutions, game rooms or arcades, medical and dental clinics, recreational vehicle sales and services, tailors and travel agencies.

ZONING AMENDMENT CRITERIA – Section 72-414(e) of the zoning code includes eight criteria that the Commission shall consider during the review of a rezoning application as follows:

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

The property is designated Commercial on the future land use map. This land use designation allows various commercial uses, including but not limited to general retail, medical, personal services, and motor vehicle related uses. The new permitted principal uses are compatible with the commercial land use designation.

The existing development is consistent with other applicable sub-elements of the comprehensive plan regarding utilities and transportation. Further consistency review will occur during a future site development process.

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

The amendment is to allow new land uses within an existing and previously approved developed commercial project.

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

The current principal commercial uses will continue to operate. The requested PUD change will allow additional operational functions that will have no impact on the area.

(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.

The site is developed with commercial buildings and business uses, and any change in use proposed would not result in an impact on governmental services.

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

There has been no change to the surrounding area.

(6) Any mistakes in the original classification.

There are no mistakes in the property's current zoning classification, which was applied to the subject property in 2004 during an applicant initiated rezoning request consistent with the comprehensive plan.

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

The proposed new uses will occupy existing commercial buildings or will develop on existing platted lots. Therefore, it will have de minimus visual and physical affect to the area.

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

The requested amendment is unlikely to negatively impact public health, welfare, or safety if operated in compliance with the land development code and attached Order and Resolution provisions.

V. STAFF RECOMMENDATION

Staff recommends that the commission forward the major amendment to Resolution No. 2004-100, known as Having Fun/Love's Business Planned Unit Development (BPUD), to the county council for final action with a recommendation of approval.

VI. ATTACHMENTS

- Proposed Order and Resolution amendment
- Conceptual Plan
- Reviewer comments
- Maps

VII. AUTHORITY AND PROCEDURE

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

Any new information 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 NO. 2013-XXX

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING RESOLUTION NO. 2004-100 AND THE DEVELOPMENT AGREEMENT INCORPORATED THEREIN; TO ALLOW ADDITIONAL PRINCIPAL USES IN THE LOVE'S/HAVING FUN BPUD.

RECITALS

WHEREAS, on May 20th, 2004, the County of Volusia, Having Fun, LLC, a Florida limited liability company, Having Fun II, LLC, a Florida limited liability company and Love's Travel Stops & Country Stores, Inc., an Oklahoma corporation entered into a Development Agreement as a result of County Council Resolution No. 2004-100, recorded in the official records of Volusia County, Book 5494, Page 2014; and

WHEREAS, the Collyer Strasser, LLC, a Florida limited liability company, is the record owner of the property, and

WHEREAS, the County of Volusia hereby amends the Business Planned Unit Development ("BPUD") created by Resolution 2004-100 and governed by the 2004 Development Agreement; and

WHEREAS, the amendment Resolution 2004-100 requires that the 2004 Development Agreement be Amended.

WHEREAS, the application of Collyer Strasser, LLC, hereinafter, "Applicant," for amendment to the BPUD was heard by the Volusia County Council on December 19, 2013. Based upon the verified application and other supporting documents,; 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 November 12, 2013, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

WHEREAS, the application of Collyer Strasser, LLC, was duly and properly filed on September 27, 2013, as required by law.

WHEREAS, the Applicant has applied for an amendment to Resolution 2004-100 and the development agreement incorporated therein governing the real property described in Exhibit "A" of the Development Agreement.

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

WHEREAS, the applicant is the authorized representative of the Owner of a 5.534 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 Amended and Restated Development Agreement.

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

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

WHEREAS, the amendment to the existing Business Planned Unit Development ("BPUD") permitted uses and incorporated Development Agreement is offered in order to add additional permitted uses in the BPUD and modify the BPUD site plan, is consistent with both the Volusia County

Comprehensive Plan and the intent of Chapter 72, Code of Ordinances.

NOW, THEREFORE, INCORPORATING THE ABOVE RECITALS AS IF FULLY STATED HEREIN, 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 Collyer Strasser, LLC for the amendment to Resolution No. 2004-100 is hereby granted.

B. That the list of permitted land uses of the subject parcel described in Paragraph D to the original Development Agreement is hereby amended to allow additional permitted principal uses and the BPUD site plan is modified.

C. That the zoning classification of the subject parcel will remain BPUD as described in the zoning code, as amended.

D. With respect to any conflict between the zoning code and this Resolution or the attached Amended Development Agreement, the provisions of this Resolution and incorporated Amended Development Agreement shall govern. Chapter 72 of the Volusia County Code shall govern with respect to any matter not covered by this Resolution or the Amended Development Agreement. The Volusia County Zoning Enforcement Official will ensure compliance with this Resolution and the Amended 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 attached Amended and Restated 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 HEARING.

ATTEST:
FLORIDA

COUNTY COUNCIL
COUNTY OF VOLUSIA,

James T. Dinneen
County Manager

Jason P. Davis
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

(PUD-14-009)

A. **Development Concept.** The property shall be developed as a BPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as a BPUD and shall regulate the future land use of this parcel.

1. **Master Development Plan.** The Master Development Plan shall consist of the Concept Plan for Giant Recreation World prepared by Mark Dowst & Associates, and this Amended development agreement. The Preliminary Plan is hereby approved and incorporated as Exhibit "B". The Master Development Plan was filed and retained for public inspection in the Growth and Resource Management Department and it constitutes a supplement to the Official Zoning Map of Volusia County.

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

3. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Division 3 of the land development code, as amended.

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

C. Phases of Development. Development of the property shall occur in one (1) phase.

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

Automotive service stations, Type A
 Bars as accessory uses to hotels and restaurants,
 Barber and beauty shops,
Catering services,
 Condominium Hotel,
 Communication towers,
 Convenience stores, with or without fuel dispensers,
 Cultural art centers,
Employment agencies,
 Essential utility services,

Exempt excavations (refer to section 817.00(o) Ord. #80-8/article
VIII Ord. #88-3),

Exempt landfills (refer to section 817.00(p) Ord. #80-8),

Financial institutions,

Fire stations,

Game rooms or arcades for pool, billiards, pinball machines,
jukeboxes or other coin-operated amusements,

General Offices

General retail sales,

Hotels/motels,

Laundry and dry cleaning establishments, (drop-off/pick-up only; no
chemical cleaning plant on site

Itinerant Merchants,

Libraries,

Medical and dental clinics (including chiropractic),

Motorcycle sales and service, excluding outdoor paint of bodywork,
rebuilding or reconditioning of engines.

Museums,

Nightclubs,

Outdoor entertainment,

Publicly owned or regulated water supply wells,

Recreational Vehicle Sales and Service,

Restaurants, (restaurants with drive through facilities are permitted
provided they oriented and screened from the public right-of-
way),

Retail specialty shops,

Tailors,

Theaters,

Travel agencies,

Truck Stop.

All other terms and provisions not amended herein or by additional major or minor amendment of the Love's/Having Fun BPUD shall remain in full force and effect.

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

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

DONE and ORDERED by the County Council of Volusia County, Florida,
this day of, _____ 2012

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 _____ (mo/yr) 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:

COLLYER STRASSER, LLC, a Florida
limited liability company

By: _____
Charles L. Strasser, Manager

The foregoing instrument was acknowledged before me this _____ day of 20____,
by Charles L. Strasser, as Manager of Collyer Strasser, LLC, a Florida limited
liability company, on behalf of the company and who [] has produced a drivers
license as identification or [] is personally known to me.

NOTARY PUBLIC, STATE OF
FLORIDA

Type or Print Name:

Commission No.:_____

My Commission Expires:_____

EXHIBIT "A"

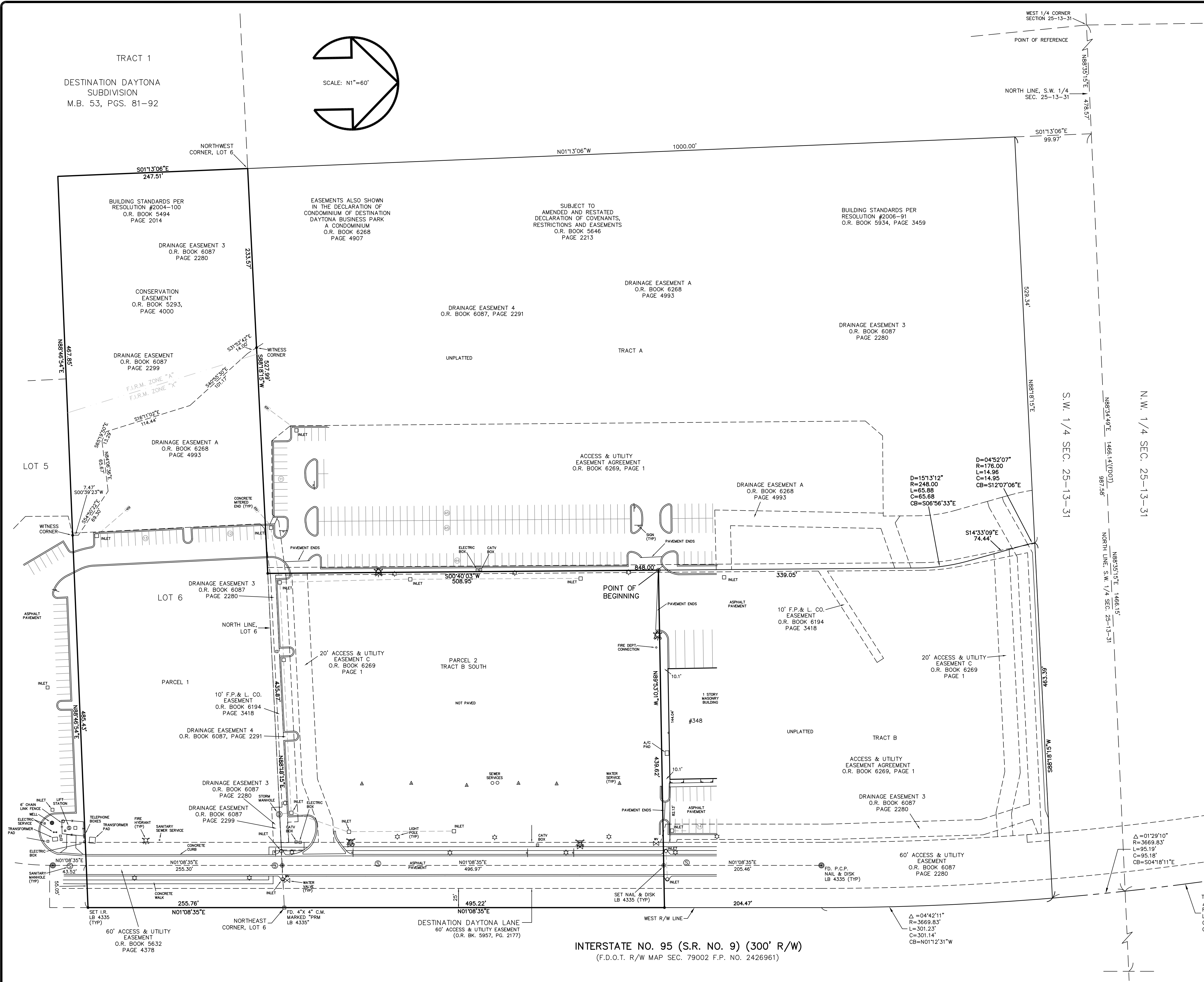
LEGAL DESCRIPTION

LOT 6, DESTINATION DAYTONA SUBDIVISION, ACCORDING TO THE PLAT THEREOF
RECORDED IN MAP BOOK 53, PAGES 81 THROUGH 92, PUBLIC RECORDS OF VOLUSIA
COUNTY, FLORIDA.

AND

A PORTION OF SECTIONS 25 AND 24, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE WEST 1/4 CORNER OF SAID SECTION 25 AS THE POINT OF BEGINNING, RUN NORTH 00 DEGREES 18 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 2633.30 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 01 DEGREES 52 MINUTES 53 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24, A DISTANCE OF 1774.68 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 95 (S.R. NO. 9); THENCE RUN SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 20 DEGREES 45 MINUTES 33 SECONDS EAST, A DISTANCE OF 1905.86 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25; THENCE CONTINUE SOUTH 20 DEGREES 45 MINUTES 33 SECONDS EAST, A DISTANCE OF 1722.60 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3669.83 FEET, A CENTRAL ANGLE OF 15 DEGREES 42 MINUTES 47 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 12 DEGREES 54 MINUTES 10 SECONDS EAST, 1003.28 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1006.44 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE CONTINUE SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 3669.83 FEET, A CENTRAL ANGLE OF 06 DEGREES 11 MINUTES 21 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 01 DEGREES 57 MINUTES 06 SECONDS EAST, 396.22 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 396.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST, A DISTANCE OF 699.69 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 95, RUN SOUTH 88 DEGREES 18 MINUTES 15 SECONDS WEST, A DISTANCE OF 1378.33 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE NORTH 04 DEGREES 32 MINUTES 54 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 18.95 FEET; THENCE DEPARTING SAID WEST LINE, RUN NORTH 22 DEGREES 51 MINUTES 03 SECONDS EAST, A DISTANCE OF 194.33 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 48 SECONDS WEST, A DISTANCE OF 548.48 FEET; THENCE NORTH 45 DEGREES 28 MINUTES 04 SECONDS WEST, A DISTANCE OF 181.35 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE NORTH 04 DEGREES 32 MINUTES 54 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 227.46 FEET TO THE POINT OF BEGINNING.



LEGAL DESCRIPTION

PARCEL 1: (FEE SIMPLE)
LOT 6, DESTINATION DAYTONA SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 53, PAGES 81 THROUGH 92, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 2: (FEE SIMPLE)
TRACT B SOUTH
A PORTION OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE WEST 1/4 CORNER OF SAID SECTION 25 AS THE POINT OF REFERENCE, RUN NORTH 88 DEGREES 35 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 478.57 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 01 DEGREES 13 MINUTES 06 SECONDS EAST, A DISTANCE OF 99.97 FEET, THENCE NORTH 88 DEGREES 18 MINUTES 15 SECONDS EAST, A DISTANCE OF 529.34 FEET TO A POINT ON THE ARC OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 176.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 52 MINUTES 07 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 12 DEGREES 07 MINUTES 06 SECONDS EAST, 14.95 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 14.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 14 DEGREES 33 MINUTES 09 SECONDS EAST, A DISTANCE OF 74.44 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 248.00 FEET, A CENTRAL ANGLE OF 15 DEGREES 13 MINUTES 12 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 06 DEGREES 56 MINUTES 33 SECONDS EAST, 65.68 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 65.68 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 00 DEGREES 40 MINUTES 03 SECONDS WEST, A DISTANCE OF 339.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 40 MINUTES 03 SECONDS WEST, A DISTANCE OF 508.95 FEET TO THE NORTH LINE OF LOT 6, DESTINATION DAYTONA SUBDIVISION AS RECORDED IN MAP BOOK 53, PAGES 81-92 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 88 DEGREES 18 MINUTES 15 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 435.87 FEET TO THE NORTHEAST CORNER OF SAID LOT 6 AND A POINT ON THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 95 (S.R. NO. 9) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR S.R. NO. 9 (INTERSTATE NO. 95), SECTION 79002 F.P. NO. 2426961; THENCE NORTH 01 DEGREES 08 MINUTES 35 SECONDS EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 495.22 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE, RUN NORTH 88 DEGREES 53 MINUTES 01 SECONDS WEST, A DISTANCE OF 439.62 FEET TO THE POINT OF BEGINNING.

PARCEL 3: (PROPOSED NON-EXCLUSIVE EASEMENT)
TOGETHER WITH A NON-EXCLUSIVE CROSS ACCESS, PARKING, UTILITY AND DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK _____ PAGE _____ PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, OVER, ACROSS AND THROUGH THE FOLLOWING DESCRIBED LANDS:

LOT 5, DESTINATION DAYTONA SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGE 81 THROUGH 92, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,
AND

TRACT A: A PORTION OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE WEST 1/4 CORNER OF SAID SECTION 25 AS THE POINT OF REFERENCE, RUN NORTH 88 DEGREES 35 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 478.57 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 01 DEGREES 13 MINUTES 06 SECONDS EAST, A DISTANCE OF 99.97 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 18 MINUTES 15 SECONDS EAST, A DISTANCE OF 529.34 FEET TO POINT ON THE ARC OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 176.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 52 MINUTES 07 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 12 DEGREES 07 MINUTES 06 SECONDS EAST, 14.95 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 14.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 14 DEGREES 33 MINUTES 09 SECONDS EAST, A DISTANCE OF 74.44 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 248.00 FEET, A CENTRAL ANGLE OF 15 DEGREES 13 MINUTES 12 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 06 DEGREES 56 MINUTES 33 SECONDS EAST, 65.68 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 65.68 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 00 DEGREES 40 MINUTES 03 SECONDS WEST, A DISTANCE OF 339.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 40 MINUTES 03 SECONDS WEST, A DISTANCE OF 508.95 FEET TO THE NORTH LINE OF LOT 6, DESTINATION DAYTONA SUBDIVISION AS RECORDED IN MAP BOOK 53, PAGES 81-92 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES 18 MINUTES 15 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 527.98 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE DEPARTING SAID NORTH LINE OF LOT 6, RUN NORTH 01 DEGREES 13 MINUTES 06 SECONDS WEST, A DISTANCE OF 1000.00 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES:

- NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING, SKETCH, PLAT OR MAP THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS DRAWING, SKETCH, PLAT OR MAP PREPARED WITHOUT BENEFIT OF AN ABSTRACT OR TITLE OPINION. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH.
- UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
- DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF AND ARE DERIVED FROM FIELD MEASURED DATA UNLESS SHOWN OTHERWISE.
- NO UNDERGROUND FOUNDATIONS, INSTALLATIONS OR IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED, EXCEPT AS SHOWN.
- BEARING STRUCTURE BASED ON F.D.O.T. R/W MAP FOR S.R. NO. 9 (INTERSTATE NO. 95) SEC. 79002 F.P. NO. 2426961, WITH THE BEARING ON THE WEST R/W LINE OF S.R. NO. 9 BEING N01°08'35"E.
- DESCRIPTION PER TITLE COMMITMENT.
- EASEMENTS DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT, ORDER NO. 4334240, DATED JULY 16, 2013, HAVE BEEN SHOWN IF TRACKABLE.
- THIS PROPERTY IS LOCATED IN F.I.R.M. ZONES "X" AND "A", THIS LOCATION DETERMINED BY SCALING FROM F.I.R.M. MAP NO. 1212700200H, MAP REVISED 2-19-03. BASE FLOOD ELEVATION FOR F.I.R.M. ZONE "A" IS 29.5' N.G.V.D. AS DETERMINED BY MARK DOWST & ASSOCIATES, INC.

LEGEND S = CENTERLINE +00.00 = EXISTING ELEVATION 5/8" IRON ROD WITH CAP ▲ = PERMANENT CONTROL POINT 4" x 4" CONCRETE MONUMENT ○ = NAIL WITH CAP A/C = AIR CONDITIONER BK = BOOK C.M. = CONCRETE MONUMENT (C) = CALCULATED CMP = CORRUGATED METAL PIPE C.R. = COUNTY ROAD C = CHORD CB = CHORD BEARING CONC. = CONCRETE COR. = CORNER (D) = DEED OR RECORD DATA (F) = FINISHED FLOOR ELEVATION (F.D.) = DATA PER DESCRIPTION EL. = ELEVATION ELEC. = ELECTRICAL ESMT. = EASEMENT F.H. = FIRE HYDRANT F.S. = FLORIDA STATUTES F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION MONUMENT = MONUMENT FFE = FINISHED FLOOR ELEVATION F.A.C. = FLORIDA ADMINISTRATIVE CODE FD. = FOUND GOV'T. = GOVERNMENT I.P. = IRON PIPE I.R. = IRON ROD INV. = INVERT L = ARC LENGTH LB = LAND SURVEYOR BUSINESS MONUMENT L.S. = LAND SURVEYOR M.B. = MAP BOOK MAS. = MASONRY N & W = NAIL AND WASHER NO. = NUMBER N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM (NTS) = NOT TO SCALE (NR) = NON-RADIAL OE = OVERHEAD ELECTRIC O.R. = OFFICIAL RECORDS (P) = PLAT DATA PED. = PEDESTAL P.O.B. = POINT OF BEGINNING PT = POINT OF TANGENCY PCC = POINT OF COMPOUND CURVATURE P.C. = POINT ON CURVE PG. = PAGE P.M. = PERMANENT REFERENCE MONUMENT P.P.C. = PERMANENT CONTROL POINT PRC = POINT OF REVERSE CURVATURE PC = POINT OF CURVATURE P.L.S. = PROFESSIONAL LAND SURVEYOR P.B. = PLAT BOOK RES. = RESIDENCE R/W = RIGHT OF WAY (R) = RADIAL RNG. = RANGE R = RADIUS RCP = REINFORCED CONCRETE PIPE SAN. = SANITARY SIR = SUBDIVISION S.R. = STATE ROAD SEC. = SECTION TEL. = TELEPHONE TWP. = TOWNSHIP T = TARGET TRANS. = TRANSFORMER T.V. = TELEVISION U.S. = UNITED STATES W.V. = WATER VALVE THIS SURVEY DRAWING IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND FIRM WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING. I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050, F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. VALID WITH SIGNATURE AND EMBOSSED SEAL ONLY KENNETH R. JONES, P.L.S. NO. 4914 KJONES@MDAENG.COM	MARK DOWST & ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS LB#4335 536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 386-258-7999 BOUNDARY SURVEY RE: GIANT RECREATION WORLD SCALE: 1"=60' FIELD BOOK: 156 PAGE(S): 32 DC FILE: DRAWN BY: KJ/CJ CHECKED BY: KJ DRAW DATE: 8-21-13 FIELD DATE: 8-15-13 SHEET 1 OF 1 PROJECT NO. 953W FILE: 963L0T6BDY
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**Growth and Resource Management
Planning and Development Services**

August 29, 2013

Mr. Mark Dowst, P.E.
Mark Dowst & Associates, Inc.
536 N. Halifax Avenue, Suite 100
Daytona Beach, Florida 32118

**Re: Amendments to Love's/Having Fun BPUD and Strasser MPUD
Giant Recreation World RV Sales: Parcels 3125-04-00-0060; 3125-07-00-0001**


Dear Mr. Dowst:

I have determined, as the Zoning Enforcement Official (ZEO) that the proposed changes to the subject resolutions require that two amendments take place. The Love's/Having Fun BPUD will require a major amendment that may only be granted by the Volusia County Council. This is due to an addition of a use that is requested to the original BPUD.

The Strasser MPUD may be amended through a minor amendment process that is only required to be reviewed by County Council members for a period of 10 days. If there is no objection, then the minor amendment will automatically be approved. The modifications to the Strasser MPUD are considered minor due to the changes in minimum lot size and changes to landscape buffers, among other lesser intense items.

For both resolutions, items to be addressed include subdivision modifications, vacation of easements, elimination of landscape buffers, reduction of required lot area, addition of use(s). Please find the enclosed applications and fee schedule for your use.

Please feel free to call me at (386) 736-5959 if you have any questions.

Sincerely,



Scott Ashley, AICP
Senior Zoning Manager



October 31, 2013

James S. Morris, P.A.
Post Office Box 291687
Port Orange, Florida, 32129

Re: Technical Review Staff Meeting
Knapp/Strasser MPUD and Love's/Having Fun BPUD
2014-Z-TRS-0007, RSN 771779

Dear Jim:

It was a pleasure meeting with you and Mark Dowst at the October 28, 2013, Technical Review Staff (TRS) Meeting to review the above-referenced project.

The next step in the development process is to proceed forward with the minor and major amendments to the two above referenced Planned Unit Developments, as discussed at the meeting. Please contact Scott Ashley, of the Current Planning office, at 386-943-7059, extension 12014, to coordinate the processing of these amendments.

The following is a summary of the issues discussed by the various County activities. You may contact any member directly to further discuss your project at the telephone number on the attached list.

Parcel No.: 3125-04-00-0060

Description: This is a request for a Minor Amendment to the Knapp/Strasser MPUD and a Minor and Major Amendment to the Love's/Having Fun BPUD.

Discussion:

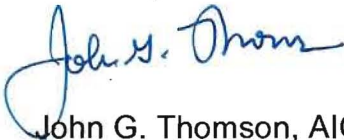
1. The applicant will need to demonstrate that the proposed project is in compliance with the master stormwater plan approval for the Destination Daytona subdivision with the submittal of a final site plan approval application.

2. At the meeting, the applicant proposes to combine the south approximate half of Tract B of the Strasser Unrecorded subdivision with Lot 6 of the Destination Daytona subdivision for development of the proposed project. One option to platting would be to submit an application for an adjustment of lot lines under Section 72-537(6)(b) of the Land Development Code (LDC). However, it was pointed out that the resulting remnant north half of Tract B could create an issue with the average adjacent lot size provision of Section 72-537(6)(b) of the LDC.
3. The applicant will need to ensure that all existing easements will need to be taken into account with the proposed developments.

The foregoing items were discussed at the meeting and were the result of an exchange of ideas. As such, they should not be construed as the official position of the County in light of the fact that no official application has been submitted for review. Further, any opinions expressed during the meeting may be modified during the review of an actual application.

Please feel free to call the Land Development office if you have any questions. The project name and number should be referenced on all inquiries.

Sincerely,



John G. Thomson, AICP
Land Development Manager
JThomson@volusia.org

JGT/jt

c: Mr. Mark S. Dowst, P.E., Mark Dowst and Associates, Inc., 536 North Halifax Avenue, Suite 100, Daytona Beach, Florida 32118

TECHNICAL REVIEW STAFF COMMENTS
October 30, 2013
Knapp/Strasser MPUD and Love's/Having Fun BPUD
2014-Z-TRS-0007 - RSN 771779

CURRENT PLANNING

The Current Planning staff asked that this request be routed for comments from other divisions through the Technical Review Committee, and is still reviewing the application. Comments will be provided from Current Planning once the review is complete.

* * * * *

DEVELOPMENT ENGINEERING

Joe Spiller, Civil Engineer II

October 22, 2013

As requested, this office has reviewed the above named submission. We provide the following comments.

1. A combination of lots may be required at the time of Final Site Plan submittal to create one unified building site.
2. FEMA Flood Insurance Rate Maps indicate that portions of the site fall within Zone A designations; areas of 100-year flood, base flood elevations and flood hazard factors not determined. At the time of Final Site Plan application, the applicant will need to demonstrate that the 100-year floodplain is contained within the Conservation Easement.
3. The applicant is requested to clarify if there are any existing agreements for common access and/or parking with offsite areas. It appears that cross access easements may be necessary.
5. The applicant will need to demonstrate with the Final Site Plan application that the proposed development is in compliance with the Stormwater Master Plan approval for Destination Daytona Subdivision, 2004-S-PPL-0455.

* * * * *

ENVIRONMENTAL PERMITTING

Danielle Dangleman, Environmental Specialist III

October 23, 2013

Environmental Permitting (EP) has reviewed the request for a Minor Amendment to the Knapp/Strasser MPUD and a Major Amendment to the Love's/Having Fun BPUD for the purpose of allowing uniform standards. This site has been cleared under the Final Site Plan project number 2003-F-FSP-0172.

Environmental Permitting has no objection to these amendments as long as there will be additional clearing and the applicant complies with all of the conditions of the tree and wetland permits under the Final Site Plan.

* * * * *

FIRE SAFETY

Michael Garrett, Fire Safety Inspector

October 23, 2013

No comments.

* * * * *

HEALTH

**James McRae, Environmental Health Manager
DOH/Volusia County Public Health Unit**

October 18, 2013

1. Potable water to be supplied by Ormond Beach Utility.
2. Sewage disposal to be supplied by Ormond Beach Utility.

* * * * *

LAND DEVELOPMENT

Jesse Bowers, Land Development

October 22, 2013

The subject parcel consists of Lot 6, Destination Daytona, MB 53, Page 81, and a portion of Tract B, Strasser Unrecorded, 2008-S-EXM-0410. Lot 6 has legal standing status. Tract B, Strasser Unrecorded was approved as a 10-acre subdivision on May 30, 2008. Remnant Tract B as shown on the submitted plans is approximately 5.07 acres in area and does not

appear to qualify for an adjustment of lots per Section 72-537(6)(b)- 'The adjustment does not reduce any lot to a size less than the average size of comparable building sites within a radius of 500 feet from the boundary line of the lot for which exemption is sought.' Is this remnant parcel proposed to be combined with an adjacent parcel?

* * * * *

SOILS

Dave Griffis, County Extension Director

October 22, 2013

We have no comment.

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SURVEY

David H. Kraft, PSM, Surveyor Manager

October 18, 2013

Survey has no objection to rezoning.

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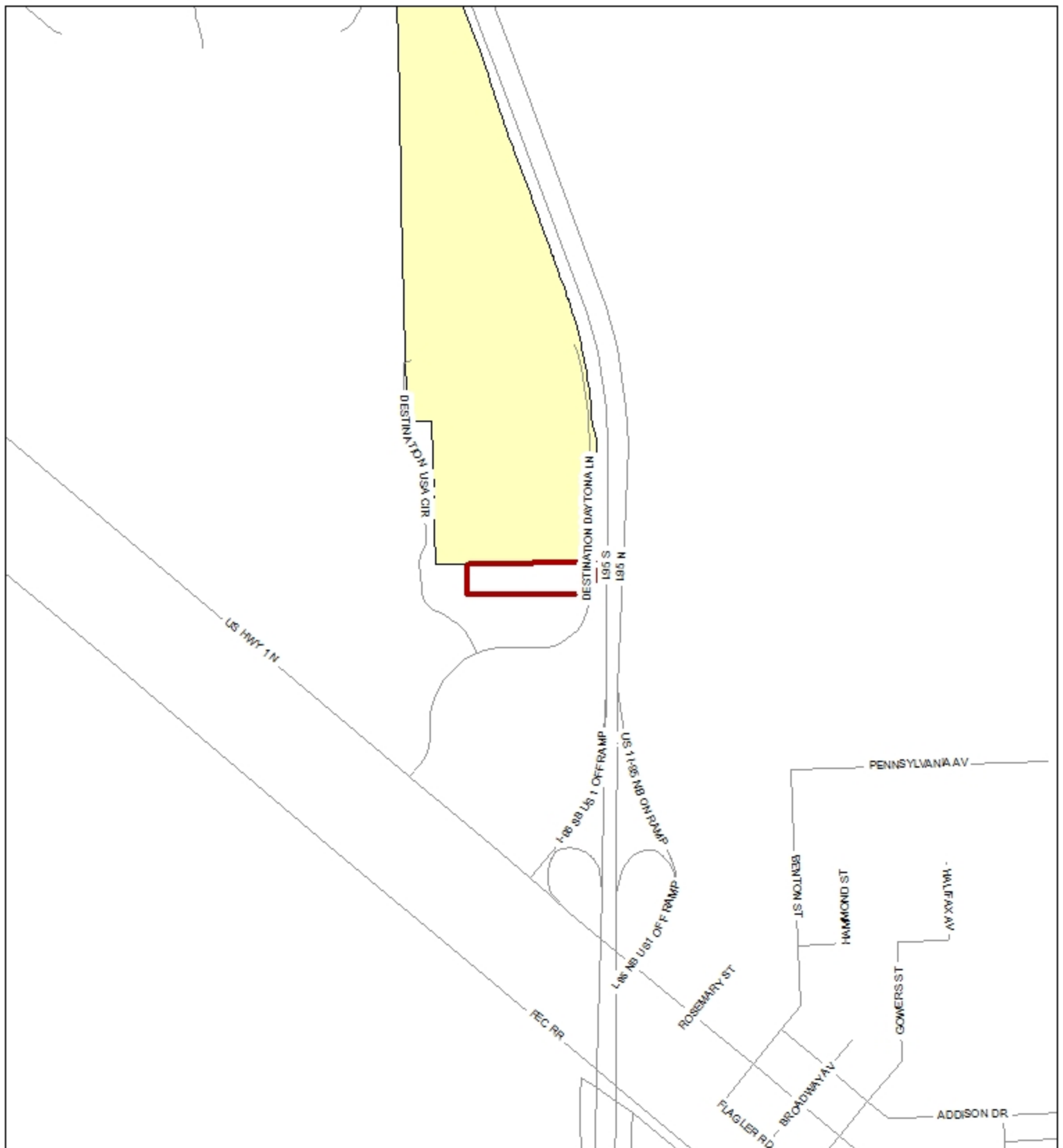
UTILITIES

Steven Spraker, AICP, Senior Planner

October 17, 2013

City of Ormond Beach Planning staff has no comments on the application. The property is not within a Gateway and Greenbelt Preservation Overlay District.

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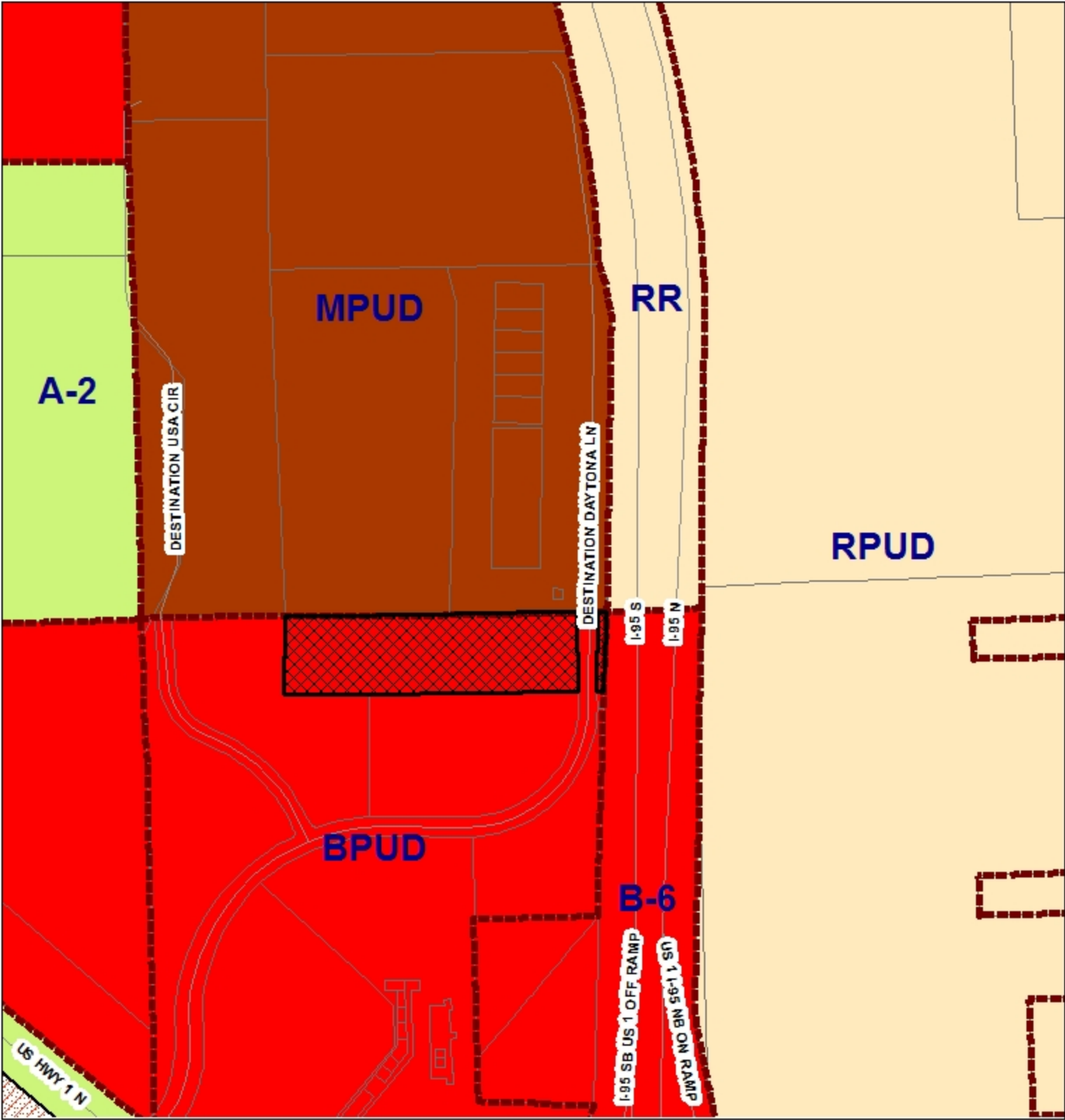
ECO/NRMA

ECO
 NRMA
 REQUEST AREA

1 inch = 1,000 feet




REZONING
CASE NUMBER
PUD-14-009



ZONING CLASSIFICATION

1 inch = 400 feet

 REQUEST AREA


**REZONING
CASE NUMBER
PUD-14-009**



AERIAL

IMAGE YEAR: 2012

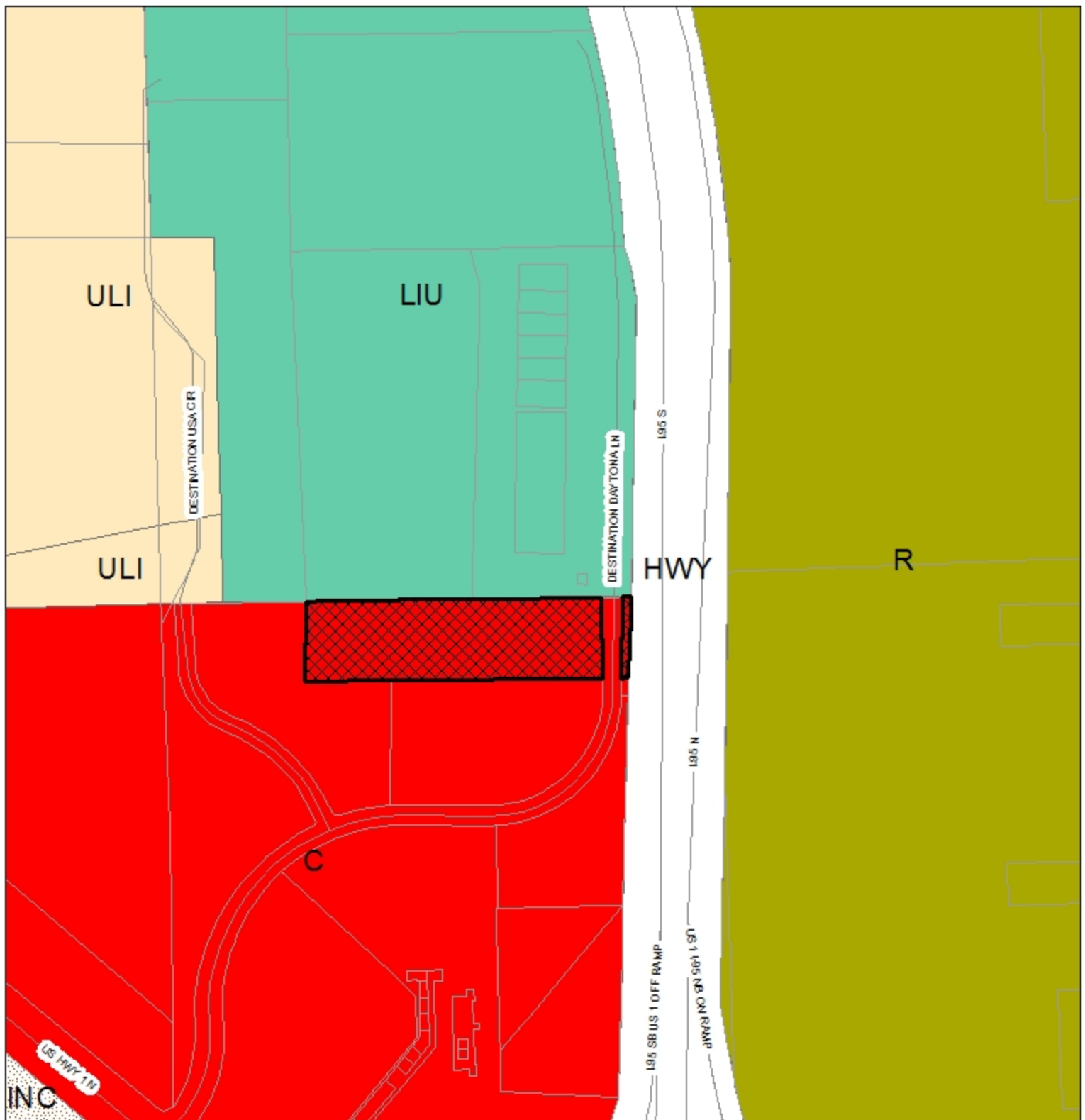
1 inch = 400 feet

 REQUEST AREA



**REZONING
CASE NUMBER**

PUD-14-009



FUTURE LAND USE DESIGNATION

1 inch = 400 feet

**REZONING
CASE NUMBER
PUD-14-009**

	COMMERCIAL (2)		LOW IMPACT URBAN (1)
	FEDERAL HIGHWAY (1)		RURAL (1)
	INCORPORATED (1)		URBAN LOW INTENSITY (2)