



**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: June 10, 2014 - Planning and Land Development Regulation Commission (PLDRC)

CASE NO: PUD-14-001

SUBJECT: Major Amendment to the 1841 Clyde Morris Blvd Business Planned Unit Development (BPUD) classification.

LOCATION: Clyde Morris Boulevard

APPLICANT: Shaw Ying and Shaw-Fen Tang Tien, owners

STAFF: Carol McFarlane, AICP, Planner II

I. SUMMARY OF REQUEST

This request is for a major amendment to an existing Business Planned Unit Development (BPUD) with the changes included, but not limited to: allowing the property to develop in phases, and new permitted land uses, establishing new dimensional standards, and adoption of a new master development plan. Phase one is proposed to be a recreational vehicle (RV) storage and self-storage facility, and phase two will comprise of retail space and general offices. The original BPUD occurred in 1992 but the site was never developed.

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. 2004-10.

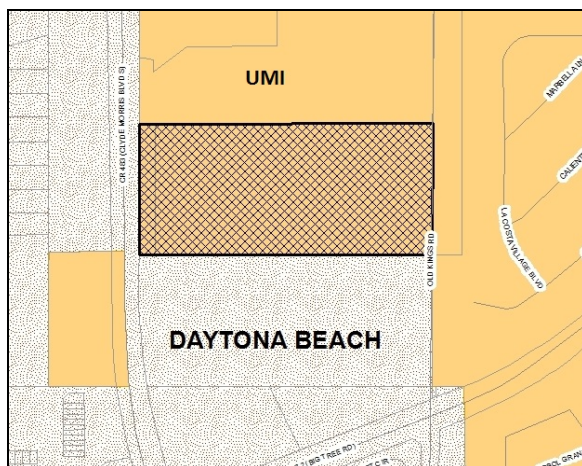
Staff Recommendation: Forward to the county council for final action with a recommendation of approval with the staff recommended conditions.

II. SITE INFORMATION

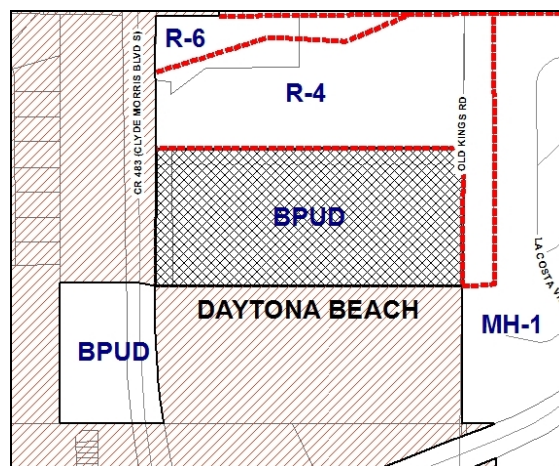
1. Location: The property is located on the east side of Clyde Morris Boulevard and the west side of Old Kings Road, approximately 880 feet north of its intersection with Big Tree Road, in the Daytona Beach area.
2. Parcel No: 5331-00-03-0181 and 5331-00-03-0240
3. Property Size: ± 9.86 acres
4. County Council District: 2
5. Zoning: Business Planned Unit Development (BPUD)
6. FLU Designation: Urban Medium Intensity (UMI)
7. ECO Map: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

Direction	Zoning	Future Land Use	Existing Use
North	R-4	UMI	Cemetery
East	R-4	UMI	Single-family Residence
South	R2a	Church	Church
West	R2a	Level 1 Residential Level 2 Residential	Multi-family Residential

10. Location Maps



Future Land Use Map



Zoning Map

III. BACKGROUND

The subject 9.86-acre property is comprised of two parcels owned by the applicants since 1988. In 1992, the owners received a rezoning from A-1 and R-2 to a Business Planned Unit Development (BPUD) known as the Tien BPUD. Development of the Tien BPUD was intended as a multi-building business center with 62,000 square feet of building space and 300 parking spaces. Some of the uses allowed included restaurants, general offices, medical offices, financial institutions and day care centers. The development was never constructed and the property remains vacant. The applicant is requesting changes to the previously approved BPUD that requires a major amendment. The amendment includes a new development agreement and master development plan be approved by county council.

IV. REVIEW CRITERIA AND ANALYSIS

DEVELOPMENT AGREEMENT

The development agreement submitted with the application spells out the guidelines of development for two phases. The major change in the new development agreement is the addition of a recreational vehicle and boat storage facility and mini-warehouses as new permitted uses, which will be developed as phase one.

Phase one is planned to develop within five years and consist of 3 covered parking structures for recreational vehicle (RV) and boat storage, and three self-storage buildings with a total of 432 units. There will also be a 1,500 square-foot office. Access to phase one will be from Old Kings Road, and the storage areas will be accessible through sliding security gates. The drive aisles throughout phase one are proposed to be larger than required by code to allow for parking alongside storage units, and to allow larger vehicles into the covered parking structures.

Phase two consists of four buildings (totaling 49,900 square feet) and 121 parking spaces. Access to phase two will be from South Clyde Morris Boulevard. In addition, the leasable areas of the buildings will be limited to a one-story height to ensure that the commercial area will be compatible with the scope and scale of the residential neighborhood. The land uses in phase two are the same as the land uses proposed in the original BPUD, and are typical of a neighborhood commercial center such as: retail sales, restaurants, banks, medical offices, beauty shops, churches, schools and health spas.

Other changes to the development agreement include:

- **Setbacks:** Phase one will have a larger rear setback to accommodate a stormwater retention pond. Phase two will have a larger front setback to help the development blend in with the neighboring developments.
- **Landscaping:** Phase two will have a wider landscape buffer in accordance with the City of Daytona Beach's scenic thoroughfare standards.
- **Environmental Considerations:** the original development agreement spelled out ways in which the wetlands would be preserved. That wetland has been altered, and those specifications would not be practical. The site must comply with the

current land development code provisions, and an after-the-fact wetland alteration permit must be issued.

- **Access and Transportation System Improvements:** The original development agreement required a left turn lane Clyde Morris Boulevard and a right turn lane entering the property. Considering that phase two has a development timeline of ten years, no specific access improvements are planned at this time. Traffic Engineering staff is requiring a Traffic Impact Analysis at the time of site plan review, which will determine more specifically what transportation improvements will be needed. Some pavement improvements will be required to allow RVs on Old Kings Road. The language of the development agreement is drafted so that the nature of those road improvements will be determined at the time of site plan review.
- **Fences:** The development agreement allows for fencing to be either a vinyl-coated black chain-link or aluminum pressed-point picket top fence.
- **Utilities:** The original plan for development would have been served entirely by the City of Daytona Beach's central water and sewer services. The revised development agreement shows that phase one will be served by well and septic and phase two will be served by the City's services. It should be noted that the only portion of phase one that requires potable water and sewage disposal is the office.

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

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

This property has a future land use designation of Urban Medium Intensity (UMI). The Future Land Use Element of the comprehensive plan (chapter 1) defines UMI as:

“Areas that contain residential development at a range of greater than four (4) to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

The UMI designation is primarily a residential designation but may allow neighborhood business areas (see Shopping Center definition in Chapter 20) and office development that meet the Comprehensive Plan's location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (0.50 FAR) and shall be limited in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial use, other than neighborhood business areas, shall be reserved to areas designated for Commercial.”

Chapter 20 further defines neighborhood business areas:

A neighborhood business area is located on an arterial or collector street, providing convenience goods and services for residents of the surrounding area. The major characteristic of the neighborhood business area is its scale. It does not contain any large stores designed to serve several neighborhoods.

<i>Typical Site Area</i>	<i>Not Applicable</i>
<i>Gross Leasable</i>	<i>50,000 sq. ft. (No one use to exceed 15,000 sq. ft.)</i>
<i>Uses</i>	<i>Convenience goods & services, and specialty stores.</i>
<i>Market Area Radius</i>	<i>Less than 5 minute drive</i>

The building coverage is limited to 39% for phase one and 24% for phase two. Since the storage units in phase one and the leasable areas of phase two will be limited to one story, the maximum building coverage and FAR will be the same percentages. The uses listed in the development agreement are commercial uses that typically have a smaller market area than uses generally found in other business zoning classifications.

Some other policies of the Future Land Use Element that relate to this rezoning are:

1.1.3.10 New commercial development outside of commercially designated areas on the Future Land Use Map should be limited in scale and intensity in order to be compatible with the surrounding area. In predominantly residential areas, compatibility will be judged in relation to the type of use, landscaping, building size, setbacks, and traffic patterns.

As mentioned previously, the building size and types of use will be limited to one-story to be compatible with the surrounding area.

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

This development will be subject to the required environmental regulations at the time of final site plan review. As evidenced in the memo from the county's Environmental Permitting, the site has had trees cleared and wetlands altered without the benefit of a permit. Staff is requesting that the applicant submit after-the-fact tree and wetland alteration permits at the time of site plan review.

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

The economic impact of this major amendment is anticipated to be substantially similar to the economic impact of the originally approved BPUD.

(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 development impact to essential services will be substantially similar to development that would occur under the currently approved BPUD. A trip generation submitted by the applicant shows that when comparing the approved BPUD with the proposed BPUD, an overall increase of 893 daily trips is to be expected. A memo from the County's traffic engineering activity shows that this increase will not cause any level of service issues for the transportation network. Old Kings Road will require some improvements to the pavement to support frequent RV and boat trailer use, and this will be addressed during the site plan review process.

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

There have been no changes in circumstances or conditions that has affected the planning of this area.

(6) Any mistakes in the original classification.

The current owners rezoned this property in 1992 to a BPUD. There was no mistake in the original classification.

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

Because the proposed use is substantially similar to the current zoning, staff is not anticipating any changes to value of the area based on the major amendment.

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

Staff is not anticipating any changes to the public health, welfare or morals of the county based on this major amendment.

V. STAFF RECOMMENDATION

Staff recommends that the commission forward the major amendment to Resolution No. 1992-8, known as Tien Business Planned Unit Development (BPUD), to the county council for final action with a recommendation of approval subject to the following conditions:

1. The development agreement shall be modified to comply with the attached staff comments.
2. Development of the parcel shall be subject to submittal of a site plan to the Land Development Division for review and approval prior to building permit application. The site plan must comply with applicable zoning and land development code requirements. The site shall be developed in accordance with the site plans prepared by Tien & Associates, Inc., dated April 16, 2014, as may be modified by these conditions and/or modified by further county review and/or other permit requirements.

3. Any environmental issues with regard to unpermitted tree clearing and wetland alteration shall be resolved through after-the-fact permits prior to an issuance of a site plan approval and/or building permit.
4. A traffic impact analysis (TIA), meeting the Transportation Planning Office TIA guidelines, shall be submitted at the time of site plan review for phase two.

Attachments

- Proposed Order and Resolution amendment
- Master Development Plan
- Reviewer Comments
- Site Photos
- Resolution 92-8
- Maps

VI. AUTHORITY AND PROCEDURE

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

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

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

RESOLUTION 2014-

ORDER AND RESOLUTION
GRANTING A REQUEST FOR AMENDMENT TO RESOLUTION 92-8
TIEN BPUD
(PRVC BOOK 3728 PAGE 0255)

THIS AMENDMENT TO THE BUSINESS PLANNED UNIT DEVELOPMENT

AGREEMENT (this “Amendment”) is entered into by and between Volusia County (Hereinafter referred to as “County”), and Shaw-Ying and Shaw-Fen Tang Tien (hereinafter referred to as “Applicant”).

WHEREAS, the Volusia County Council approved the Business Planned Unit Development Agreement for the property on January 16, 1992, pursuant to Ordinance 80-8 (n.k.a. Article II. Chapter 72, Code of Ordinances). Applicant has duly filed a request for “Amendment” to the Business Planned Unit Development, as recorded in PRVC Book 3728 Page 0255,

Whereas, Applicant has filed a request for an amendment to said order, to make certain modifications to the PUD as illustrated on the attached Exhibit “B” and by references incorporated herein; and

NOW, THEREFORE, Resolution 92-8 is hereby further amended, as follows:

GENERAL FINDINGS

A. That the application of Shaw-Ying Tien and Shaw-Fen Tang Tien was duly and properly filed, as required by law.

B. That all fees and costs that are by law, regulation, or Ordinance required to

1 be borne and paid by the applicant have been paid.

2 C. That the applicant is the Owner/Developer of a 9.86 acre parcel of land,
3 which is situated in Volusia County. This parcel of land is described more particularly in
4 the property survey and legal description, a true copy of which is attached hereto as
5 Exhibit "A".

6 D. That the Applicant has held a pre-application meeting as required by
7 Article II of Chapter 72, Volusia County Code of Ordinances (hereinafter referred to as
8 Zoning Code, as amended”).

9 E. That the Applicant has complied with the "Due Public Notice" requirements
10 of the Zoning Code, as amended.

11

12

FINDINGS REGARDING REZONING

13

14 A. That the Applicant has applied for an amendment of Resolution 92-8,
15 Business Planned Unit Development (BPUD) recorded in Book 3728 Page 0255 Public
16 Records of Volusia County.

17

18 B. That the said amendment is consistent with both the Volusia County
19 Comprehensive Plan, Ordinance 90-10, as amended, and the intent and purpose of the
20 Zoning Code, as amended, and does promote the public health, safety, morals, general
21 welfare and orderly growth of the area affected by the rezoning request.

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

6 A. That the Application of Shaw-Ying Tien and Shaw-Fen Tang Tien for
7 amendment of the subject BPUD Resolution 92-8 is hereby granted.

8 B. That the zoning classification of the subject parcel described in Exhibit "A"
9 attached hereto will remain BPUD as described in Division 7 of the Zoning Ordinance,
10 as amended.

11 C. That the Official Zoning Map of Volusia County is hereby amended to
12 show the amendment of said parcel.

13 D. That Volusia County Zoning Ordinance, as amended, is consistent with the
14 provisions of the "Development Agreement" as hereinafter set forth in the Order and
15 Resolution and with respect to any conflict between the Zoning Ordinance, as amended,
16 and the "Development Agreement", the provisions of this Resolution and "Development
17 Agreement" shall govern. The Zoning Ordinance, as amended, shall govern with
18 respect to any matter not covered by this Resolution or the "Development Agreement".
19 The Volusia County Zoning Enforcement Official will ensure compliance with this Order
20 and Resolution.

21 E. Nothing in this Order and Resolution shall abridge the requirements of any
22 Volusia County Ordinances, other than Zoning Ordinance, as amended. Timing and
23 review procedures contained in this Order and Resolution may be modified to comply

1 with the Land Development Code of Volusia County, Florida, as codified in article III of
2 Chapter 72, Code of Ordinances, County of Volusia (“Land Development Code, as
3 amended”).

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

6
7 DONE AND ORDERED IN OPEN MEETING.

8
9 COUNTY COUNCIL
10 COUNTY OF VOLUSIA, FLORIDA

11 ATTEST:

12
13 _____
14 James T. Dinneen,
15 County Manager

16 _____
17 Jason P. Davis,
18 County Chair

19
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21
22
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24
25

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Please return recorded document to:

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

1 **EXHIBIT “1”**

2 **DEVELOPMENT AGREEMENT**
3 **(PUD-14-001)**
4

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

9 1. Master Development Plan. The Master Development Plan (MDP)
10 shall consist of the Preliminary Plan prepared by Tien & Associates, Inc., dated April 16,
11 2014 and this Development Agreement (hereinafter “Agreement”). The Preliminary Plan
12 is hereby approved and incorporated in this Agreement by reference as Exhibit "B." The
13 Master Development Plan shall be filed and retained for public inspection in the Growth
14 and Resource Management Department and shall constitute a supplement to the
15 Official Zoning Map of Volusia County.

16 2. Amendments. All amendments of the Master Development Plan,
17 other than those deemed by the Zoning Enforcement Official's reasonable opinion to be
18 minor amendments, in accordance with section 72-289 of the zoning code, shall require
19 the review and recommendation of the Planning and Land Development Regulation
20 Commission and action by the Volusia County Council in the same manner as a
21 rezoning of the parcel. Outparcels and/or phased development beyond those specified

1 in 4(C) shall require minor amendment. Addition of new land uses, or the transfer of
2 permitted uses between phases one and two shall require a major amendment to this
3 agreement.

4 3. Subdivision Approval. After the Master Development Plan is
5 recorded, and prior to any construction, including clearing and landfill, applications for
6 Overall Development Plan and subsequently Preliminary Plats and Final Plat(s) of the
7 area to be subdivided shall be submitted for review and approval in the manner required
8 by Division 2 of the Land Development Code, as amended.

9 4. Final Site Plan Approval. After the MDP is recorded, and prior to
10 issuance of any permits for construction, including clearing and landfill, a Final Site Plan
11 shall be prepared and submitted for review and approval in the manner required by
12 Division 3 of the Land Development Code, as amended. The MDP, attached as Exhibit
13 B, meets the minimum submittal requirements of a Conceptual Site Plan application in
14 accordance with the land development code. Therefore, the MDP shall be in-lieu of a
15 Conceptual Site Plan application, and the owner/developer is authorized to proceed with
16 submittal of a Final Site Plan application once this Order and Resolution has been
17 recorded.

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

22 C. Phases of Development. The development of the BPUD, as shown on the
23 Preliminary Plan, shall occur in 2 phase(s).

1 Phase 1: Old Kings Road development.
2 Mobile Recreational Vehicles and Boat storage (north), and
3 Self-storage mini-warehouse (south)

4 Phase 2: Clyde Morris Blvd development.

5 D. Land Uses within the PUD. The development of the parcel shall be
6 consistent with the uses prescribed for each area within the proposed BPUD. The
7 locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit B,
8 consistent with the Master Development Plan.

9 The subject parcel shall be used only for the following uses and their customary
10 accessory uses or structures:

11 1. Permitted Uses:

12 a) Phase 1 – Mobile recreational vehicle, boat, trailer and vehicle storage,
13 self-storage mini-warehouses. All boats, vehicles, trailers and trucks
14 stored or parked on the property shall be in operable condition and shall
15 have a current license tag. All wastewater line caps shall be secured at all
16 times in a manner to preclude any leakage from such vehicles, shelters, or
17 watercraft onto a lot or street. Grounds shall be kept free from debris,
18 including excessive weed growth.

19 b) Phase 2 - Retail sales and services, retail specialty shops, restaurant type
20 A/lounge/bar accessory to a restaurant, general offices, financial
21 institutions, medical and dental clinics, barber and beauty shops, book
22 and stationary stores, pharmacies, house of worship, schools, travel
23 agencies, veterinary clinics, pet grooming and boarding (indoor only),

1 game rooms and video arcades, exercise and health club spas. For a
2 stand-alone house of worship, the requirements of section 72-290(11) of
3 the zoning code shall apply. No one use shall exceed 15,000 square feet.

4 2. All uses not specifically permitted are prohibited, including but not limited
5 to:

6 • Phase 1 - Sale, salvage, servicing or repair of motor vehicles, watercraft,
7 trailers, lawn mowers and other similar equipment. The vehicles shall not
8 be parked or stored within a street or public right-of-way. The vehicles
9 shall not be connected to water, sewer, or electric lines or be used for
10 residential purpose.

11 • Phase 2 – Drive-thru service.

12 E. Development Standards.

13 1. Minimum lot area: 2.0 acres

14 2. Minimum lot width: 170 feet

15 3. Minimum yard size (building):

16 A) Phase 1:

17 Front yard: 30 feet

18 Rear yard: 75 feet

19 South yard: 20 feet

20 North yard: 20 feet

21 B) Phase 2:

22 Front yard: 75 feet

23 Rear yard: 50 feet

1 Side yard: 35 feet

2 4. Maximum lot coverage:

3 Phase 1 – 88,232 s.f. 39%

4 Phase 2 – 49,900 s.f. 24%

5 Total – 138,132 s.f. 32%

6 5. Maximum building height: 35 feet, with the leasable area limited to
7 single-story.

8 7. Landscape Buffer requirements:

9 A) Phase 1:

10 Front yard: 20 feet, to be established outside
11 of any stormwater management area per the MDP.

12 Rear yard: 20 feet

13 Side yard: 10 feet

14 B) Phase 2:

15 Front yard: 25 feet

16 Rear yard: 20 feet

17 Side yard: 10 feet

18 Required landscaping shall comply with the minimum requirements of Section 72-284 of
19 the zoning code, as amended, except as otherwise stated in this document. At least
20 50% of required landscaping shall be native species that is drought tolerant.

21

22 8. Minimum building separation distance 5 feet

23 9. Off-street parking and loading requirements: Off-street parking and

1 loading requirements shall be in accordance with Section 72-286 of the zoning code, as
2 amended.

3 10. Signage requirements: Signs shall comply with applicable
4 requirements of the zoning code, as amended, including Section 72-303(j)
5 *Nonresidential development design standards* unless otherwise stated by this
6 document.

7 11. Nonresidential Development Design Standards: The requirements of
8 Section 72-303, *Nonresidential Development Design Standards*, of the zoning code as
9 amended apply as stated by said Section 72-303, unless otherwise stated by this
10 document. The leasable area of both phases shall be limited to single-story design in
11 order to match the scale and scope of the predominantly residential neighborhood.

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

15 a. A signed and sealed illumination plan shall be submitted with the Final Site
16 Plan application.

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

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

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

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

1 1.6 fc).

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

5
6 F. Environmental Considerations. The minimum environmental requirements
7 of Chapter 72 of the Code of Ordinances, County of Volusia, as amended, shall be met.

8
9 G. Sewage Disposal and Potable Water Facilities. Provisions for sewage
10 disposal and potable water needs of the BPUD will be provided in accordance with the
11 comprehensive plan, the land development code and Fla. Admin. Code Ann. r. 64E-6.
12 Phase 1 potable water may be provided by a deep well system and sanitary sewer
13 treatment/waste disposal may be provided by an on-site septic system, but phase one
14 shall connect to central utilities when services become available or if the list of permitted
15 uses is amended. Phase 2 potable water and sanitary sewer treatment/waste disposal
16 shall be provided by the City of Daytona Beach per Resolution 89-423.

17
18 H. Stormwater Drainage. Provision for stormwater retention shall be in
19 accordance with the land development code.

20
21 I. Access and Transportation System Improvements. All access and
22 transportation system improvements shall be provided in accordance with the land
23 development code. The parcel shall be developed in substantial accordance with the

1 following access and transportation system improvements:

2 1. Access. Access to the project site shall be: Phase 1: Old Kings Rd.;

3 Phase 2: Clyde Morris Blvd. Site access, pedestrian, bicycle and traffic

4 circulation improvements and access points shall be determined during

5 final site plan review and/or subdivision application review, in accordance

6 with the requirements of the land development code as may be modified

7 by the Development Review Committee and/or the Volusia County Traffic

8 Engineer as may be necessary to provide required pedestrian, bicycle,

9 and traffic safety improvements on and adjacent to the site.

10 2. Cross-access between Phase 1 and Phase 2, and off-site cross-access is

11 not required.

12 3. Transportation System Improvements. Transportation system

13 improvements shall be provided as required by the land development

14 code, as determined during final site plan review and/or subdivision

15 review, as may be modified by the Development Review Committee

16 and/or the Volusia County Traffic Engineer.

17

18 J. Internal Roadways. Internal roadway(s)/driveways shall be constructed in

19 accordance with the applicable requirements and standards of the land development

20 code.

21

22 K. Fire Protection. The applicant is responsible for providing adequate on

23 site water supply and other fire protection improvements to serve the BPUD project.

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

3
4 L. Building or Property Owners Association. The charter and by-laws of a
5 Property Owners Association (if applicable) and any other agreements, covenants,
6 easements or restrictions shall be furnished to the County of Volusia at the time of
7 creation. The Applicant shall be responsible for recording said information in the Public
8 Records of Volusia County, Florida. In addition, the Applicant shall bear and pay all
9 costs for recording all of the aforementioned documents.

10
11 With respect to the enforcement of said agreements, covenants, easements or
12 restrictions entered into between the Applicant and the owners or occupiers of property
13 within the BPUD, the County of Volusia shall only enforce the provisions of the
14 "Development Agreement" and Volusia County zoning code, as amended, whichever is
15 applicable, and not the private agreements entered into between the aforementioned
16 parties.

17
18 M. Other Requirements.
19 1. Underground Utilities: All utility distribution lines shall be installed and
20 maintained underground.
21 2. Screening of Mobile Recreational Vehicles/Boat, and self-storage
22 areas: All screening shall be vinyl-coated black chain-link or aluminum
23 pressed-point picket top fence with a maximum height of eight feet and

1 a minimum height of six feet, to comply with Section 72-282. Said
2 screening shall be installed on the interior side of all applicable
3 landscape buffer areas.

4 N. Expiration of Development Agreement. The Applicant shall file an overall
5 development plan in accordance with Section A.3 or a final site plan in accordance with
6 Section A.4 within five (5) years for Phase 1, and ten (10) years for Phase 2, from the
7 effective date of this Order and Resolution. Failure to timely file said overall
8 development plan or final site plan shall immediately render the development
9 agreement null and void, unless the zoning enforcement official, for good cause shown,
10 approves a minor amendment to the extend the time period indicated in this paragraph.

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

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

1 by the Growth and Resource Management Department shall constitute the effective
2 date of this Order and Resolution and its subsequent amendments. The applicant shall
3 pay all filing costs for recording documents.
4

5 P. Conceptual Approval: The parties hereto acknowledge that reductions in
6 density and/or intensity may and do occur; and that minor changes to roadway design,
7 location and size of structures, actual location of parking spaces, specific locations for
8 land uses, and locations and design of stormwater storage, landscape buffers and
9 upland buffers may result to comply with the land development code. A request for such
10 an amendment shall be reviewed by the zoning enforcement official and may be
11 processed as a minor amendment in accordance with section 72-289 of the zoning
12 code. The Applicant agrees to revise and record the Revised Preliminary Plan which
13 reflects any such changes with the Clerk of the Court immediately following the
14 expiration of the 30 day period for appealing Development Review Committee (DRC)
15 decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the
16 book and page number of the Official Record in which the document was recorded, shall
17 be submitted to the Growth and Resource Management Department.

1 DONE and ORDERED by the County Council of Volusia County, Florida, this
2 ____ day of _____, 2014.

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ATTEST:

VOLUSIA COUNTY COUNCIL

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James T. Dinneen
County Manager

Jason P. Davis
County Chair

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14 STATE OF FLORIDA
15 COUNTY OF VOLUSIA

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The foregoing instrument was acknowledged before me this ____ day
of _____, 2014, 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.

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NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.:_____

My Commission Expires:_____

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WITNESSES:

OWNER(S):

Shaw-Fen Tang Tien, owner

Shaw-Ying Tien, owner

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day
of _____, 2014 by Shaw-Fen Tang and Shaw-Ying
Tien who is (are) personally known to me or who have produced
_____ as identification(s).

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

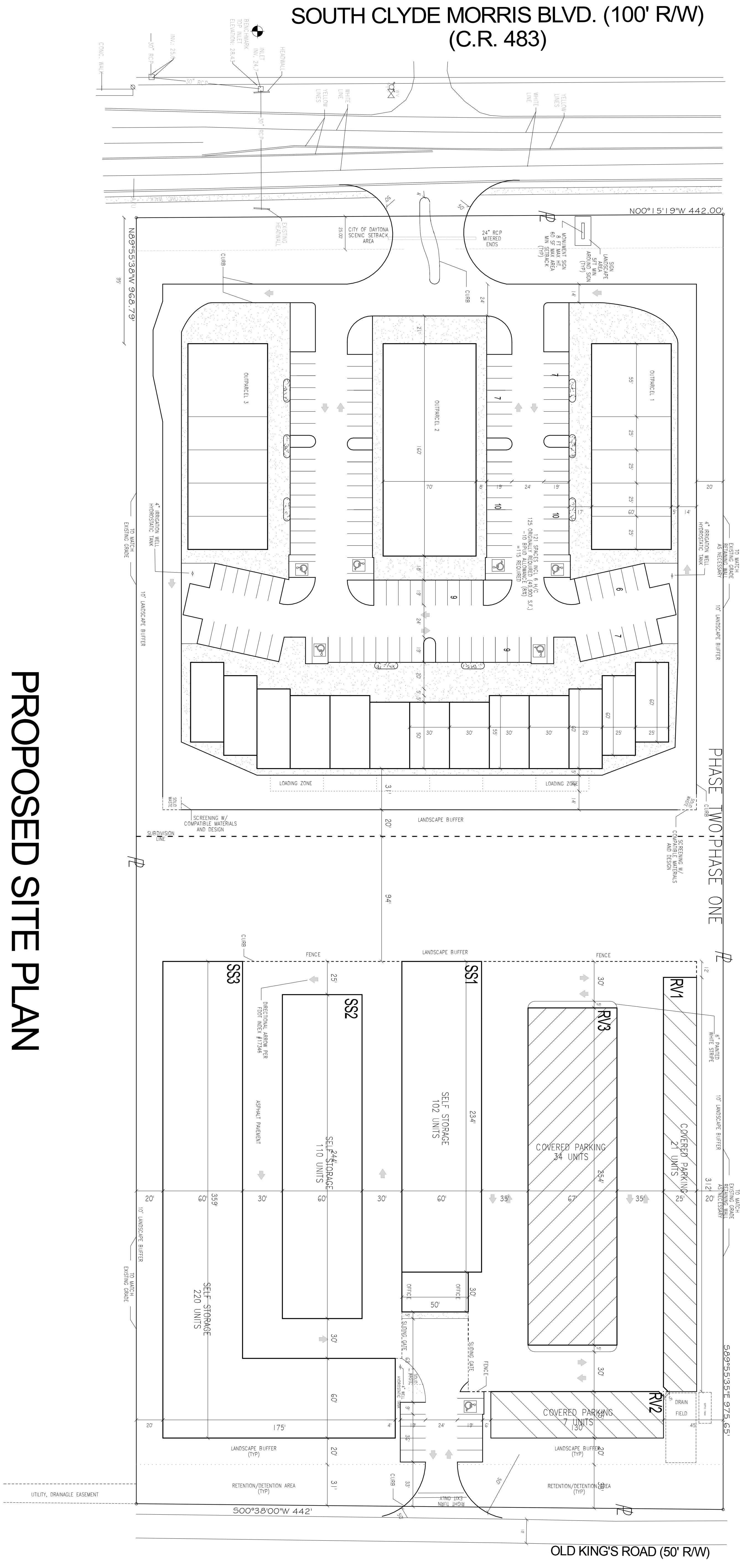
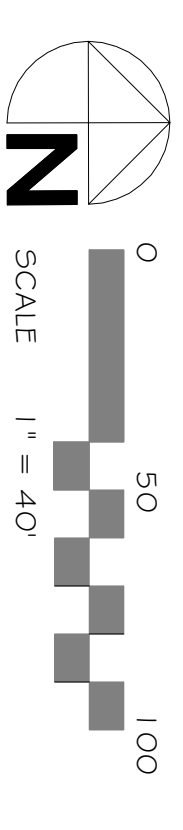
Commission No.: _____

My Commission Expires: _____

EXHIBIT "A"
Legal Description

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THE SOUTHERLY 442 FEET OF THE NORTH 2/3 OF THE SOUTH 1/2 OF LOT 3, LYING WESTERLY OF OLD KING'S ROAD, A 50 FEET OCCUPIED RIGHT-OF-WAY AND EASTERLY OF THE WESTERLY 7 ACRES OF THE NORTH 2/3 OF THE SOUTH 1/2 OF GOVERNMENT LOT 3, AND THE SOUTHERLY 442 FEET OF THAT PORTION LYING ON THE EASTERLY RIGHT OF WAY OF THE WEST 7 ACRES OF THE NORTH 2/3 OF THE SOUTH 1/2 OF LOT 3, SECTION 31, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY.



**SOUTH CLYDE MORRIS BLVD. (100' R/W)
(C.R. 483)**

PHASE TWO/PHASE ONE

OLD KING'S ROAD (50' R/W)

SITE DATA

STREET ADDRESS
1841 S CLYDE MORRIS BLVD AND 2052 OLD KINGS ROAD
DAYTONA BEACH FLORIDA 32119

TAX PARCEL NUMBER(S)
5331-00-03-0181 AND 5331-00-03-0240

LEGAL DESCRIPTION:
THE SOUTHERLY 442 FEET OF THE NORTH 2/3 OF THE SOUTH 1/2 OF LOT 3, LYING WESTERLY OF OLD KING'S ROAD, A 50 FEET OCCUPIED RIGHT-OF-WAY AND EASTERLY OF THE WESTERLY 7 ACRES OF THE NORTH 2/3 OF THE SOUTH 1/2 OF GOVERNMENT LOT 3, AND THE SOUTHERLY 442 FEET OF THAT PORTION LYING ON THE EASTERLY RIGHT OF WAY OF THE WEST 7 ACRES OF THE NORTH 2/3 OF THE SOUTH 1/2 OF LOT 3, SECTION 31, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY,

PROPOSED SITE PLAN

EXISTING ZONING	BUSINESS-PLANNED UNIT DEVELOPMENT (B-PUD - COUNTY)
PROPOSED ZONING	BUSINESS-PLANNED UNIT DEVELOPMENT (B-PUD - COUNTY)
PROPOSED USE	PHASE 1: RV AND BOAT STORAGE, SELF-STORAGE PHASE 2: RETAIL, RESTAURANT, OFFICE, FINANCIAL, MEDICAL, ETC.
PROJECT AREA	PHASE 1: 4.521 ACRES / 223,029 SQUARE FEET PHASE 2: 5.344 ACRES / 206,678 SQUARE FEET TOTAL: 9.865 ACRES / 429,707 SQUARE FEET

SITE PLAN
CONCEPTUAL

TIEN & ASSOCIATES, INC.
PROFESSIONAL ENGINEERS
AND GENERAL CONTRACTORS

SCALE	DATE	DESIGNER	CHECKED	SHEET	OF
1"=40'	4/16/2014	C. TIEN		9	9

*Inter-Office
Memorandum*



TO: Carol McFarlane, Planner II **DATE:** March 12, 2014

FROM: Danielle Dangleman, Environmental Specialist III

SUBJECT: Tien BPUD Document
Parcel #: 5331-00-03-0181 and 5331-00-03-0240
Case #: PUD-14-001

Environmental Permitting (EP) has reviewed the documentation for the amendment to the Tien BPUD and has no objection to the wording of the document. However, the applicant needs to be aware that these parcels have been cleared without a tree removal permit and without a wetland alteration permit. These issues need to be resolved prior to the issuance of the Final Site Plan.



TECHNICAL MEMORANDUM

Trip Generation Analysis Tien BPUD

Introduction

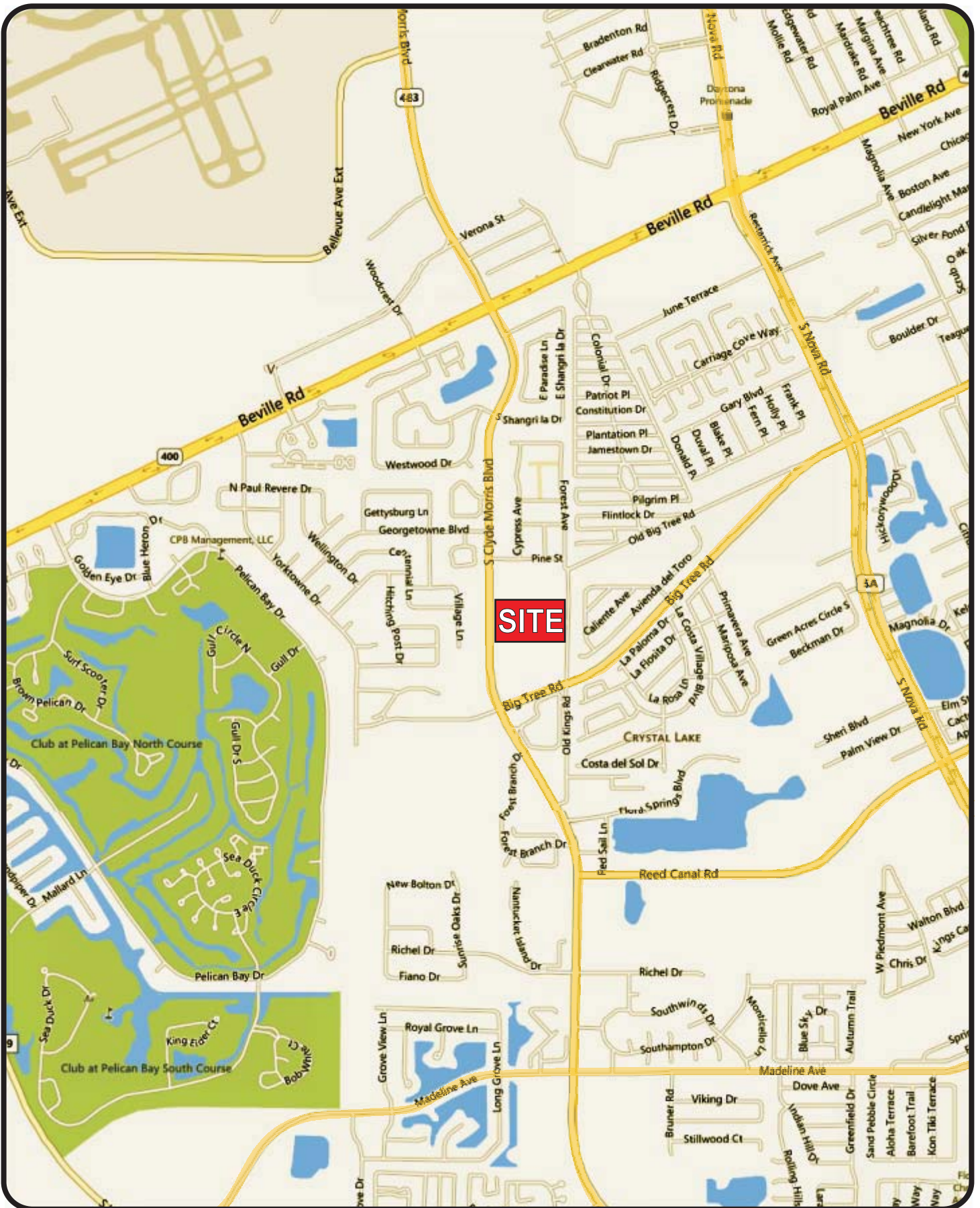
This traffic analysis was prepared in support of a proposed amendment to the 9.86 acre Tien BPUD located on Clyde Morris Boulevard approximately 900 feet north of Big Tree Road. **Figure 1** depicts the site location. The uses of the existing BPUD consist of a mix of businesses which includes a restaurant, general office/medical office and financial institution, and a day care center. The proposed amendment to the BPUD will allow the development of the site in two phases as follows:

Phase 1 – Recreational vehicle, boat, trailer and vehicle storage, and self storage

Phase 2 – Shopping Center, An integrated group of commercial establishments which includes retail sales/services, shops and restaurant, general office, financial institution, barber and beauty shops, etc.

Figure 2 is a proposed site plan depicting the two phases of the Tien BPUD. As can be seen Phase 1 representing the storage facility will be accessed by way of Old Kings Road. Phase 2, the shopping center will be accessed from Clyde Morris Boulevard. Prior to the conduct of this analysis, discussions were held with County Staff on methodology guidelines. The Staff provided directions and guidelines to be followed in the conduct of the analysis via email and phone conversations.

*TPD № 4495
March 5, 2014*



Tien BPUD
 Project № 4495
 Figure 1

Site Location



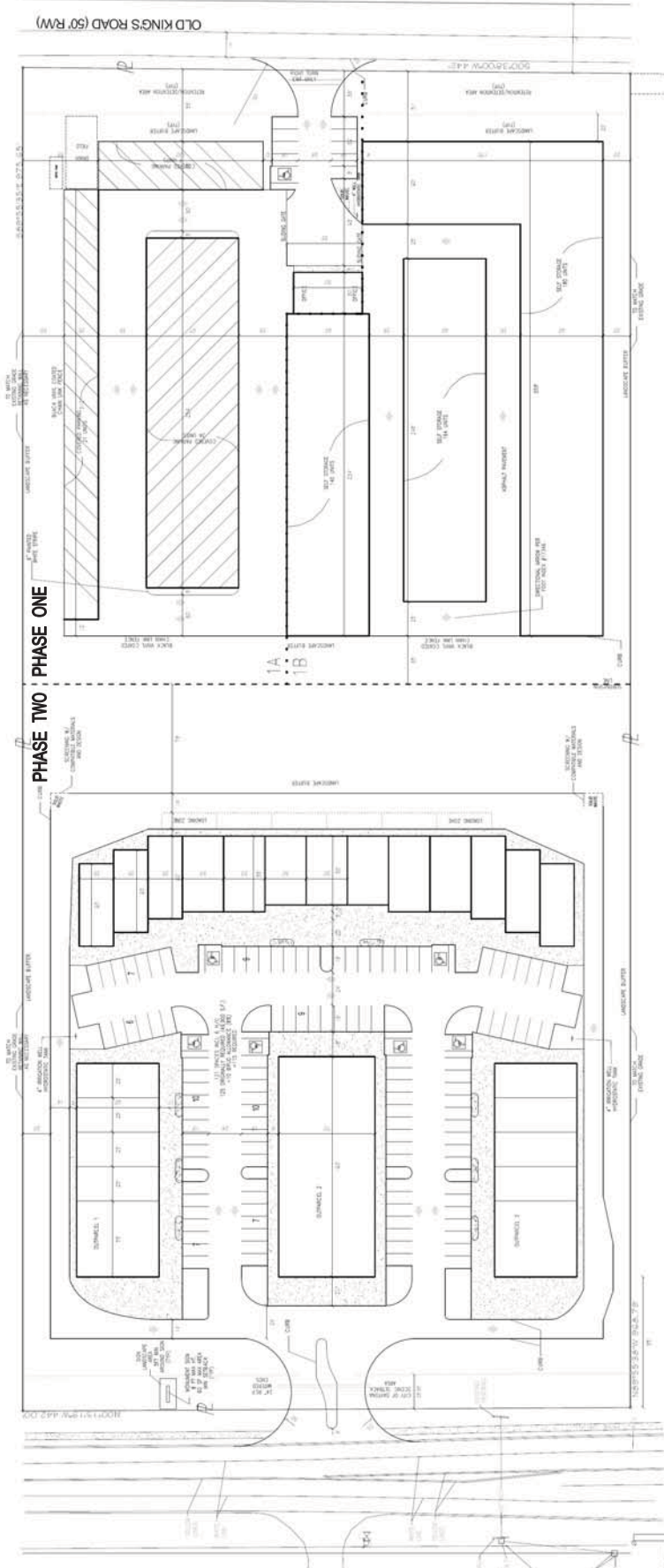


Proposed Site Plan

Tien BPUD
Project № 4495
Figure 2



SOUTH CLYDE MORRIS BLVD. (100' RM)
(C.R. 483)



SITE DATA	
STREET ADDRESS	1841 S CLYDE MORRIS BLVD AND 2022 OLD KING'S ROAD DAYTONA BEACH FLORIDA 32119
TAX PARCEL NUMBER(S)	5331-00-03-0181 AND 5331-00-03-0240
LEGAL DESCRIPTION:	THE SOUTHERLY 442 FEET OF THE NORTH 2/3 OF LOT 3, LYING WESTERLY OF OLD KING'S ROAD, A 50 FEET WIDE, 100' WIDE, 100' DEEP, 1.5 ACRE TRACT, LYING WESTERLY OF THE EASTERLY RIGHT OF WAY OF THE WEST 7 ACRES OF THE NORTH 2/3 OF THE SOUTH 1/2 OF LOT 3, SECTION 31, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLusia COUNTY, FLORIDA.
EXISTING ZONING	BUSINESS-PLANNED UNIT DEVELOPMENT (B-PUD - COUNTY)
PROPOSED ZONING	BUSINESS-PLANNED UNIT DEVELOPMENT (B-PUD - COUNTY)
PROPOSED USE	PHASE 1: RV AND BOAT STORAGE, SELF-STORAGE PHASE 2: RETAIL, RESTAURANT, OFFICE, FINANCIAL, MEDICAL, ETC.
PROJECT AREA	PHASE 1: 4,521 ACRES / 196,951 SQUARE FEET PHASE 2: 5,344 ACRES / 232,756 SQUARE FEET TOTAL: 9,865 ACRES / 429,707 SQUARE FEET
BUILDING HEIGHT	SINGLE STORY (35' MAX. ALLOWED)
BUILDING COVERAGE AND IMPERVIOUS AREA	PHASE 1: 88,332 S.F. / 141,244 S.F. PHASE 2: 49,900 S.F. / 160,500 S.F. TOTAL: 138,132 S.F. (32%) / 301,744 S.F. (70%)

BUILDING SETBACKS	
PARKING	PHASE 1: WEST: 35 FEET MIN. EAST: 30 FEET MIN. WEST: 35 FEET MIN. EAST: 30 FEET MIN. PHASE 2: WEST: 55 FEET MIN. EAST: 55 FEET MIN. NORTH/SOUTH: 39 FEET
LANDSCAPING AND PRESERVED AREA	PHASE 1: (RV/BOAT, SELF STORAGE USE) PROVIDED PHASE 2: (SHOPPING CENTER) 12, INCL. 1 ADA 546 TOTAL UNITS 10 2.5 PER 1,000 S.F. G.F.A. 115 121, INCL. 6 ADA
SOIL TYPES AND COVERAGE	BUILDING AREA: 138,132 S.F. SIDEWALKS: 30,049 S.F. TOTAL IMPERVIOUS AREA: 298,846 S.F. LANDSCAPING / PRESERVED AREA: 100,861 S.F. LANDSCAPING / PRESERVED AREA (15%): 15,129 S.F.
FLOOD ZONE	USFP STUDY: 8% VALMORSA B/D: 7% MYAKKA A/D: 3% ASTATULA A: 54% TVAIRES A: 20% FEMA FIRM PANEL 366 OF 930, EFFECTIVE DATE 4/15/2002 OTHER AREAS ZONE X - AREAS DETERMINED TO BE OUTSIDE 300-YEAR FLOODPLAIN.
CONSTRUCTION TYPE	NON-COMBUSTIBLE TYPE IIB

Tien BPUD
 TPD № 4495
 March 5, 2014
 Page 4

Trip Generation of the existing BPUD

As per the recorded Development Agreement, the BPUD would consist of 76,400 square feet with the following anticipated uses:

- Quality Restaurant 10,000 square feet
- General Office 36,400 square feet
- Medical Office 24,000 square feet
- Day Care 6,000 square feet

Utilizing data from the 9th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, the trip generation of these uses was calculated as summarized in **Table 1**. The ITE trip generation sheets are included in **Appendix A**.

TABLE 1
Trip Generation Summary
Existing BPUD

Land Use	ITE Code	Quantity	Daily Trips		P.M. Peak Hour Generation			
			Rate ¹	Trips	Rate ¹	Enter	Exit	Total
Quality Restaurant	931	10,000 sf	89.95R	900	7.49R	50	25	75
General Office	710	36,400 sf	16.73E	609	2.88E	18	87	105
Medical Office	720	24,000 sf	31.92E	766	3.38E	23	58	81
Day Care	565	6,000 sf	74.06R	444	12.33R	35	39	74
Total External Trips			--	2,719	--	126	209	335
Pass-by Restaurant 44% ²			--	396	--	22	11	33
Pass-by Day Care 26.8% ³			--	119	--	9	11	20
New External Trips			--	2,204	--	95	187	282

¹ R = Rate, E = Equation

² As Per ITE data

³ As per Volusia County Impact Fee Ordinance

The existing BPUD is estimated to generate 2,719 external daily trips, of which 335 trips will occur during the P.M. peak hour. The restaurant and day care components of the BPUD will generate a portion of their trips as pass-by trips from the existing traffic stream on the on the

Tien BPUD
 TPD № 4495
 March 5, 2014
 Page 5

adjacent roadways. Consistent with Volusia County TIA procedures, the volume of daily and P.M. peak hour pass-by trips was checked to ensure that 14% of the background traffic on adjacent roadways was not exceeded. Subtracting the pass-by trips results in 2,204 new external daily trips and 282 new external P.M. peak hour trips.

Trip Generation of the proposed BPUD

The proposed amendment to the BPUD will result in a new development program summarized as follows:

- Vehicle, boat, trailer storage and self storage (Mini-warehouse as per ITE definition) 88,232 square feet
- Shopping Center 49,990 square feet

The trip generation of these uses was calculated similar to the existing BPUD with the use of ITE Trip generation data. This calculation is summarized in **Table 2** which shows that the proposed BPUD will generate 4,548 external daily trips and 400 external P.M. peak hour trips. Subtracting the pass-by trips of the shopping center will result in 3,077 new external trips and 272 new external P.M. peak hour trips. The pass-by trips as calculated did not exceed 14% of the background traffic on Clyde Morris Boulevard. .

TABLE 2
Trip Generation Summary
Proposed BPUD

Land Use	ITE Code	Quantity	Daily Trips		P.M. Peak Hour Generation			
			Rate ¹	Trips	Rate ¹	Enter	Exit	Total
Mini-Warehouse	151	88,232 sf	2.5R	221	0.26R	11	12	23
Shopping Center	820	49,990 sf	86.56E	4,327	7.54E	181	196	377
Total External Trips			--	4,548	--	192	208	400
Pass-by (34% of shopping External)			--	1,471	--	61	67	128
New External Trips			--	3,077	--	131	141	272

¹ R = Rate, E = Equation

Change in BPUD Trip Generation

Table 3 is a comparison of the trip generation between the existing BPUD and the BPUD as proposed to be amendment. As shown in the table, the proposed amendment to the existing

Tien BPUD
 TPD № 4495
 March 5, 2014
 Page 6

BPUD will increase the site's external daily trips by 873 vehicles. In terms of the P.M. peak hour trips however, the site's trip generation will decrease by 10 vehicles with the amendment.

TABLE 3
Trip Generation Comparison
New External Trips

Zoning	Daily Generation	Enter	Exit	Total
Existing BPUD	2,204	95	187	282
Proposed BPUD	3,077	131	141	272
	+893	+36	-46	-10

Conclusions

This analysis was conducted to evaluate the impact of the proposed amendment to the Tien BPUD. The amendment will allow a two-phase development consisting of a storage facility and a shopping center. As documented herein, the trip generation of the proposed amendment will result in 873 new external daily trips to be added to the area roadways. This is far less than the 1,000 daily trip threshold required by the County for the conduct of a traffic impact study. Furthermore, the proposed amendment will result in less P.M. peak hour trips than the existing BPUD. Therefore, the impact of the proposed BPUD will be less than the impact of the existing BPUD during the critical highway P.M. peak hour.

APPENDIX A
ITE Trip Generated Sheets

Quality Restaurant (931)

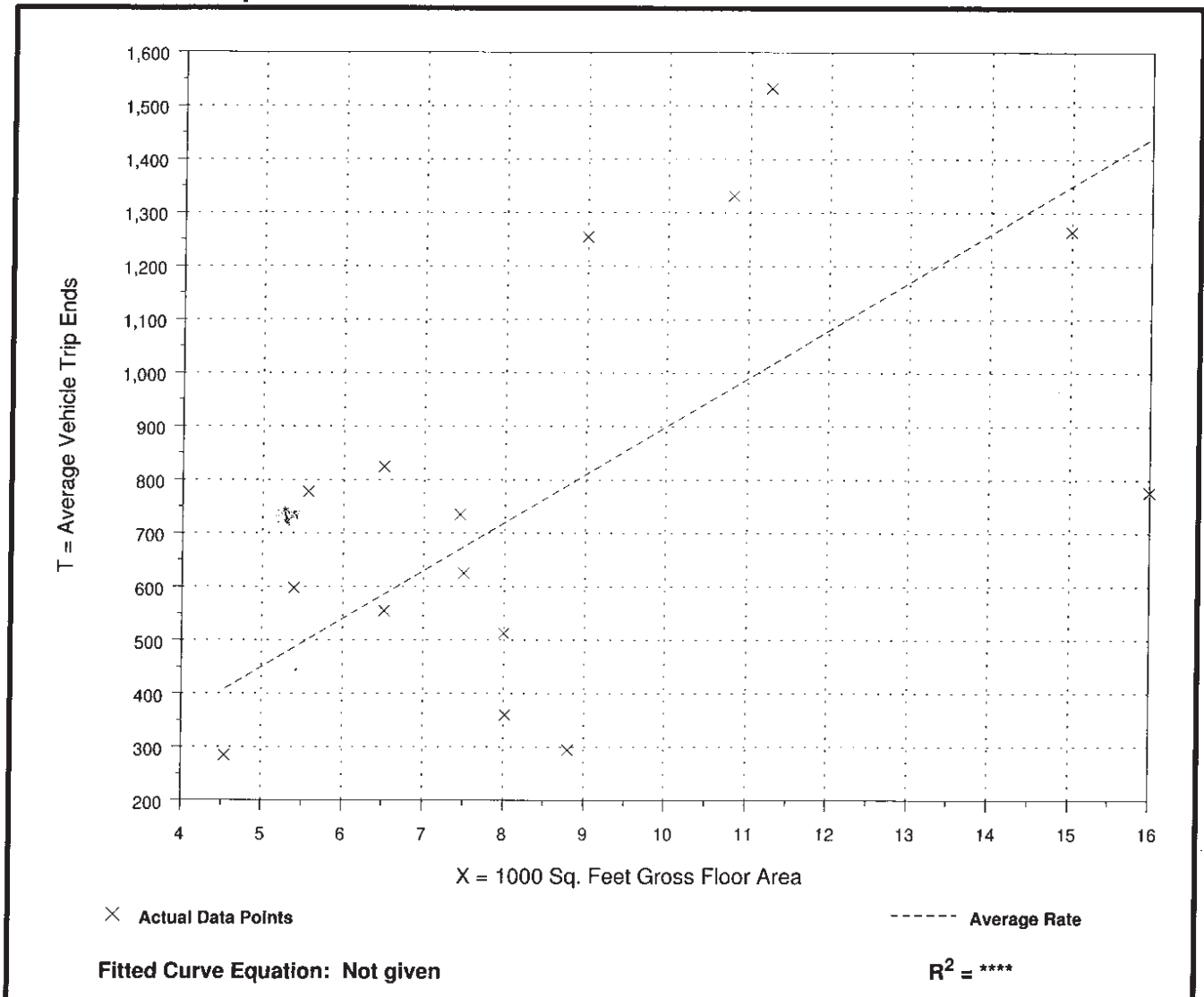
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

Number of Studies: 15
 Average 1000 Sq. Feet GFA: 9
 Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
89.95	33.41 - 139.80	36.81

Data Plot and Equation



Quality Restaurant (931)

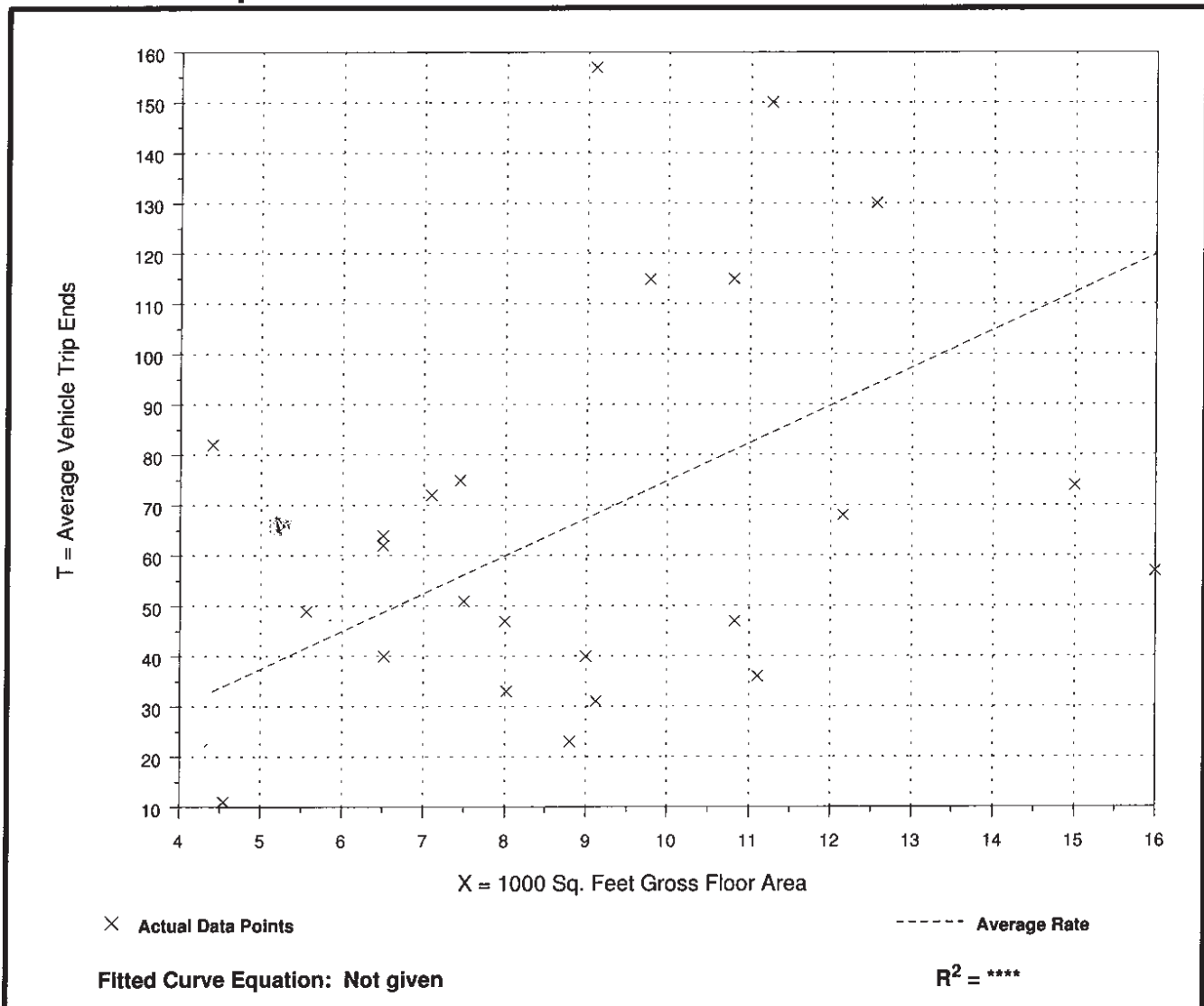
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 24
 Average 1000 Sq. Feet GFA: 9
 Directional Distribution: 67% entering, 33% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
7.49	2.42 - 18.64	4.89

Data Plot and Equation



General Office Building (710)

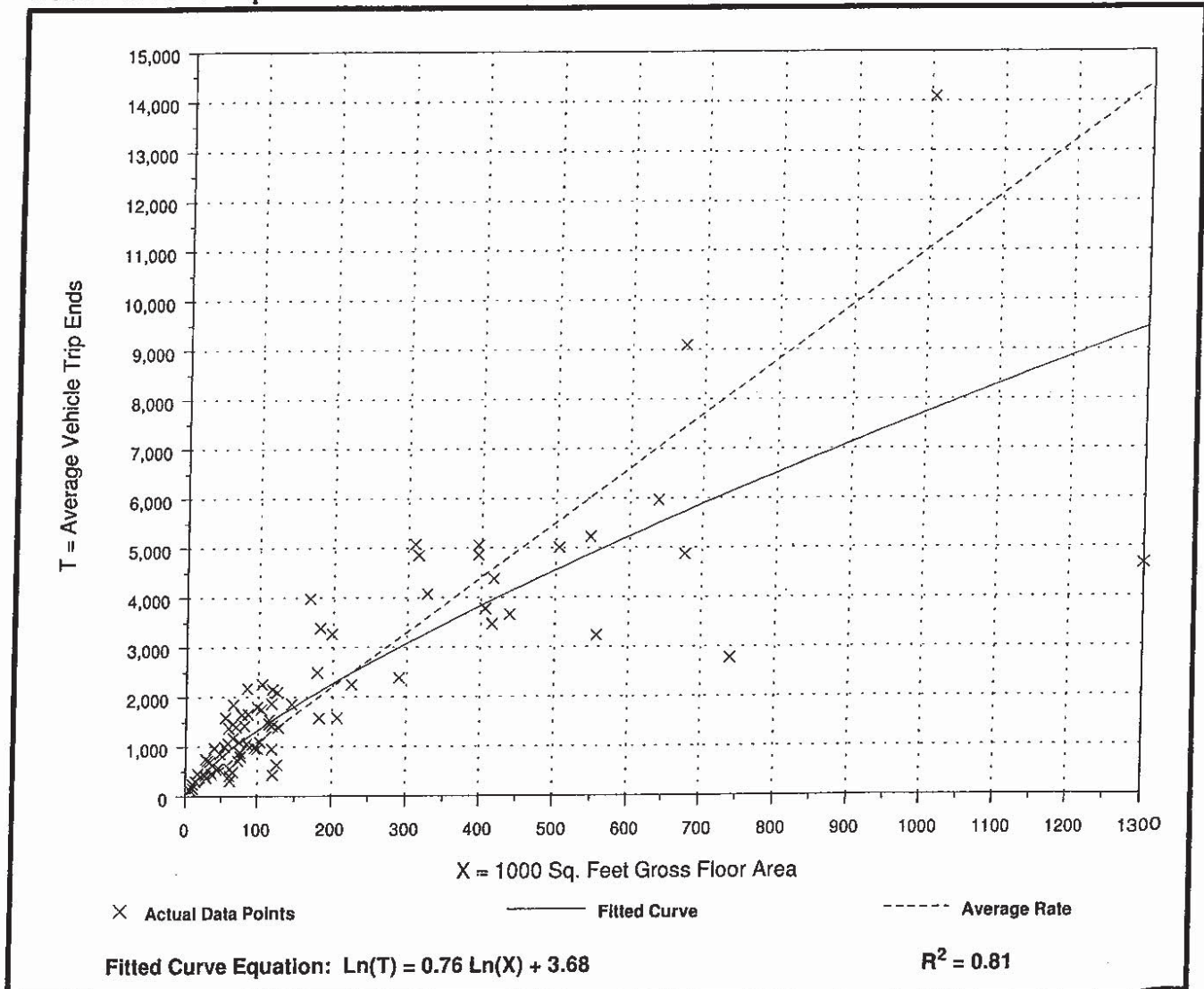
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday**

Number of Studies: 79
Average 1000 Sq. Feet GFA: 197
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
11.03	3.58 - 28.80	6.15

Data Plot and Equation



General Office Building (710)

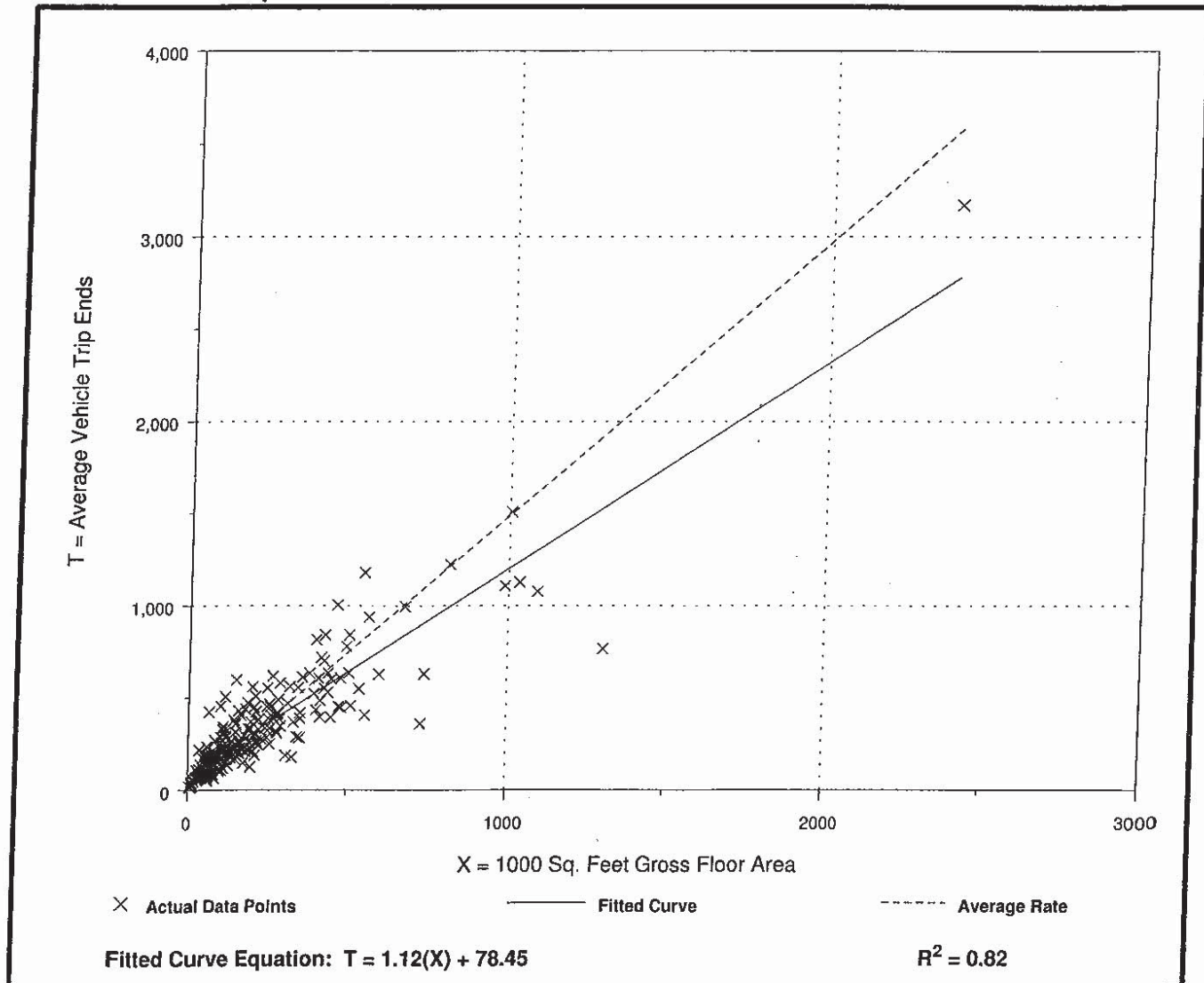
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour

Number of Studies: 236
Average 1000 Sq. Feet GFA: 215
Directional Distribution: 17% entering, 83% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.49	0.49 - 6.39	1.37

Data Plot and Equation



Medical-Dental Office Building (720)

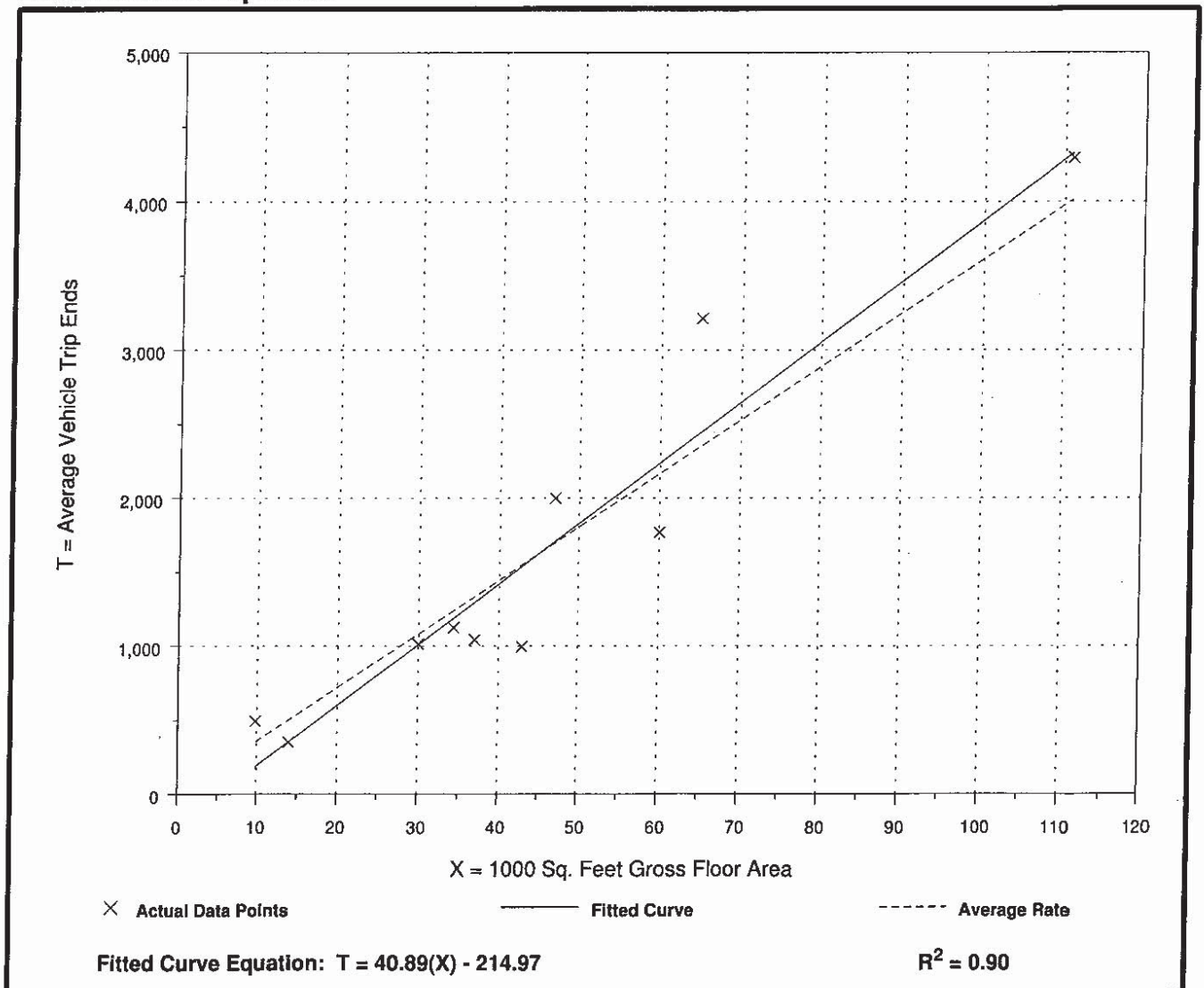
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

Number of Studies: 10
Average 1000 Sq. Feet GFA: 45
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
36.13	23.16 - 50.51	10.18

Data Plot and Equation



Medical-Dental Office Building (720)

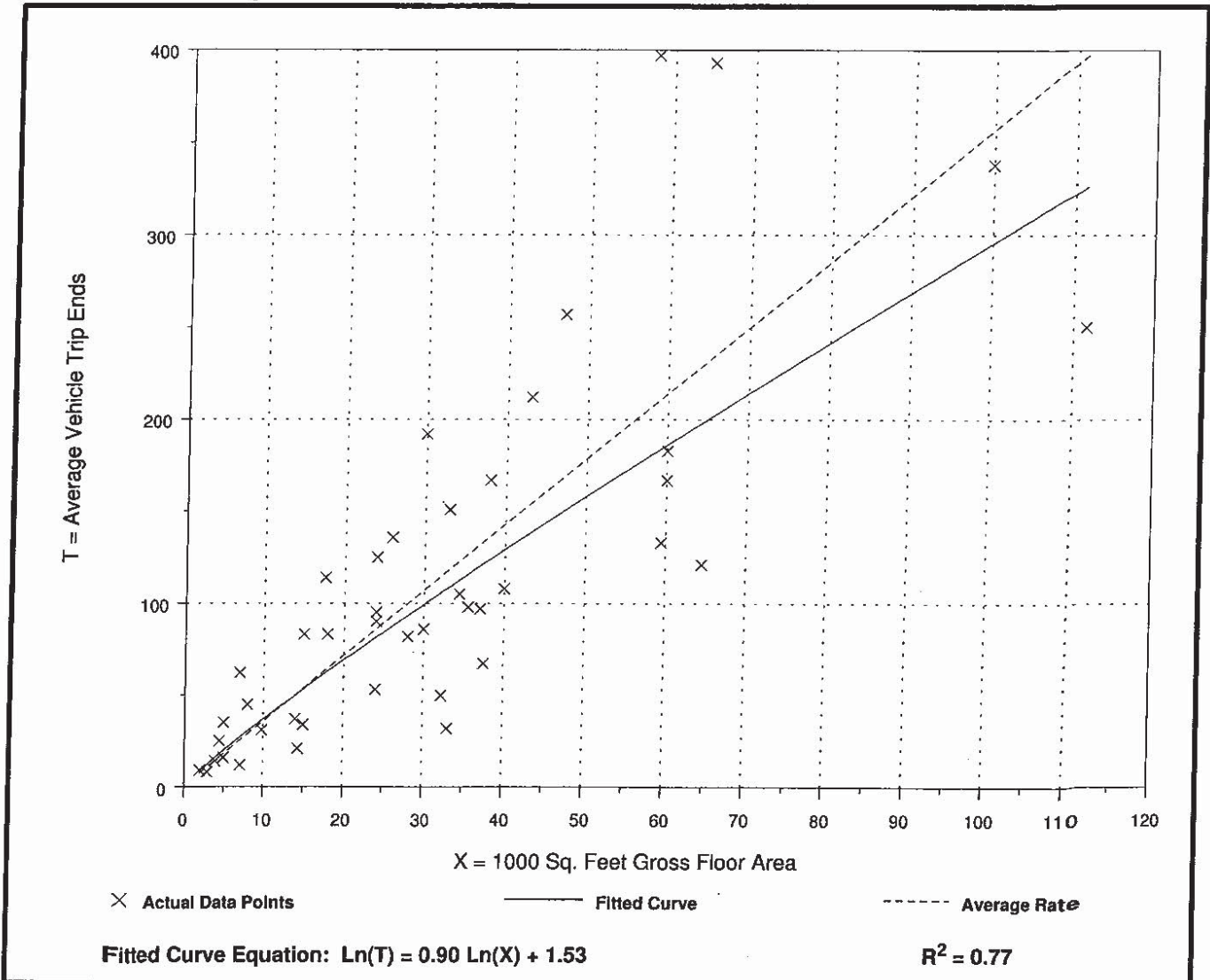
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 43
 Average 1000 Sq. Feet GFA: 31
 Directional Distribution: 28% entering, 72% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.57	0.97 - 8.86	2.47

Data Plot and Equation



Day Care Center (565)

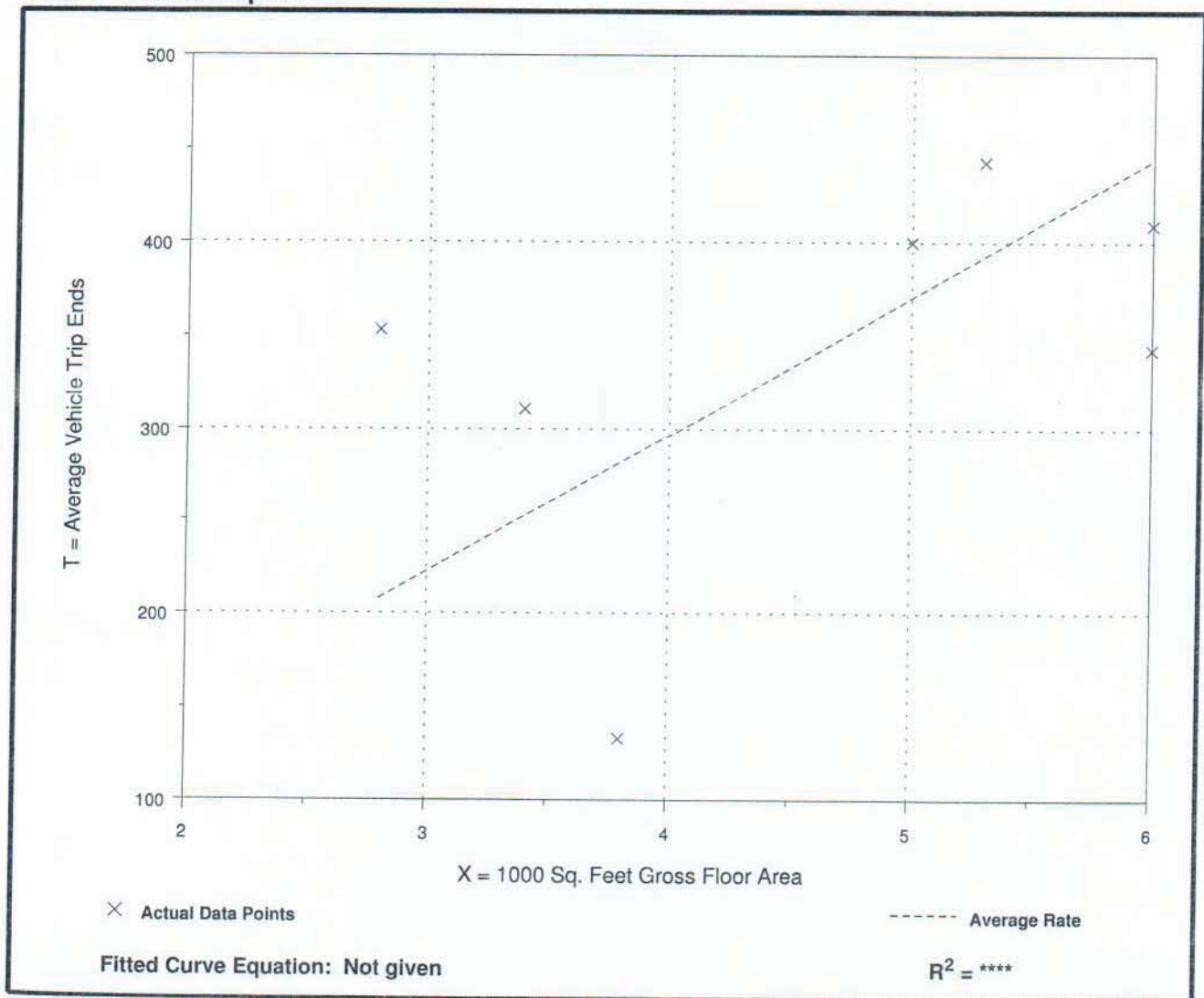
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

Number of Studies: 7
Average 1000 Sq. Feet GFA: 5
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
74.06	35.00 - 126.07	24.53

Data Plot and Equation



Day Care Center (565)

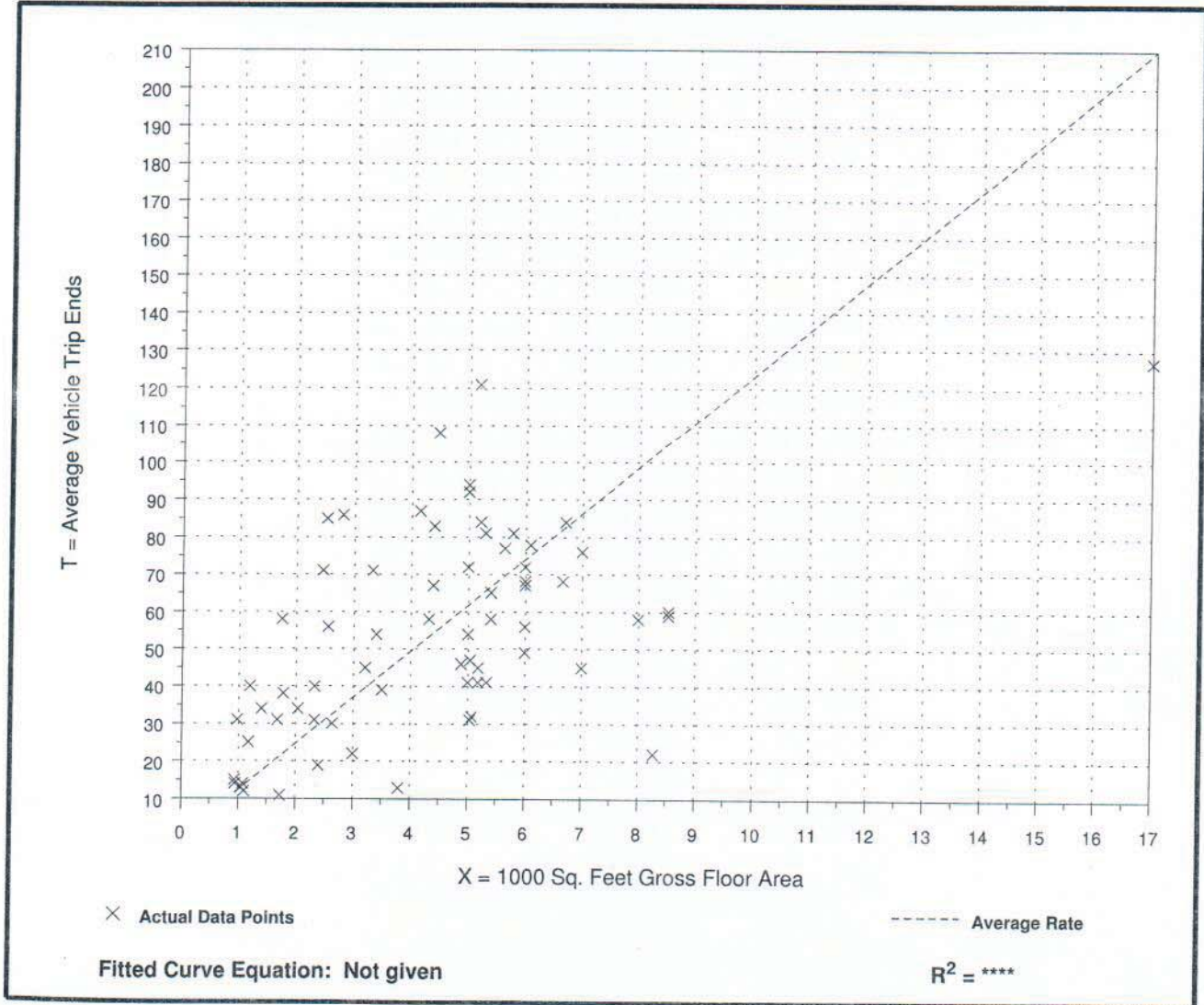
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 68
 Average 1000 Sq. Feet GFA: 4
 Directional Distribution: 47% entering, 53% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
12.34	2.66 - 33.66	6.93

Data Plot and Equation



Mini-Warehouse (151)

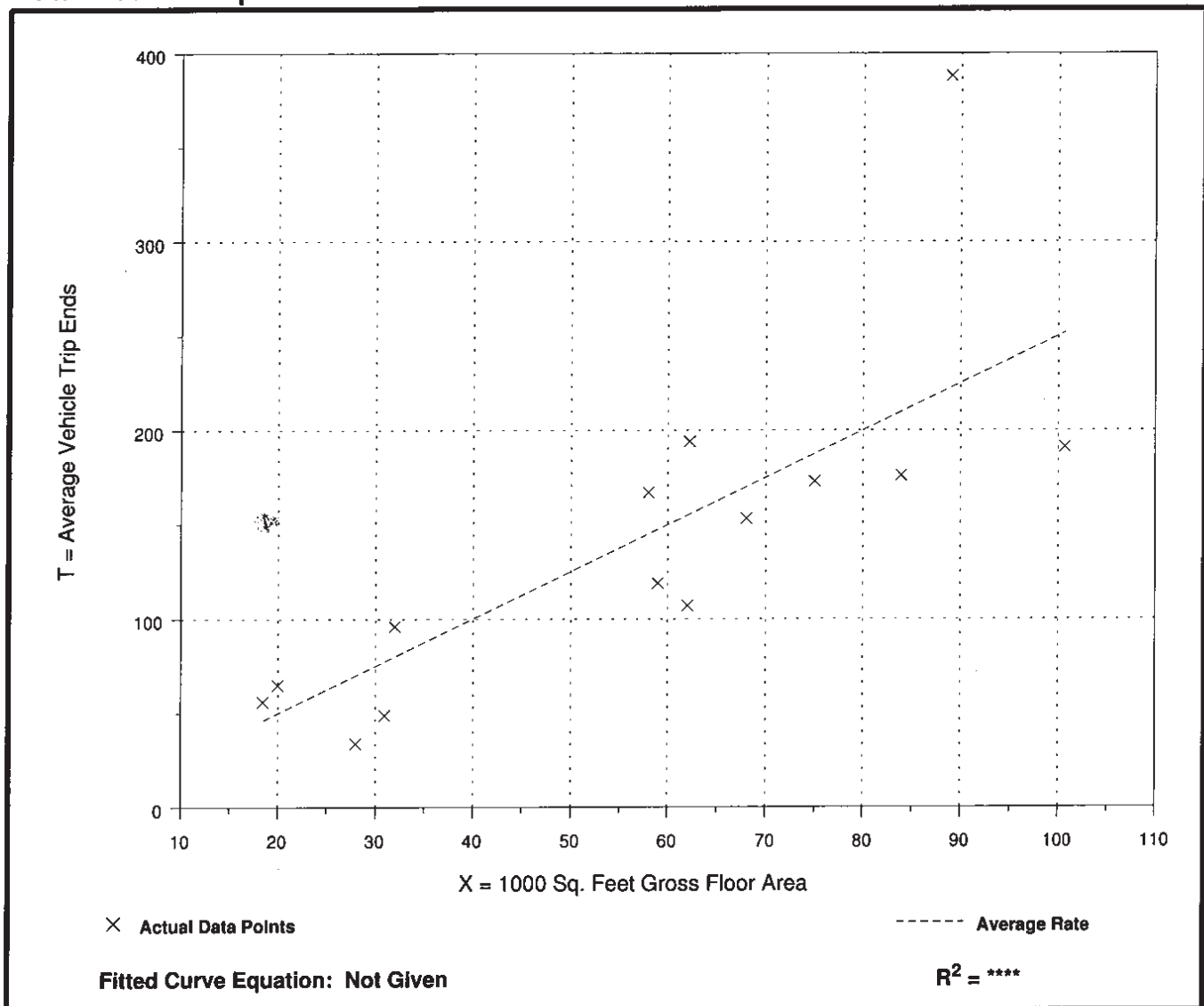
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday**

Number of Studies: 14
Average 1000 Sq. Feet GFA: 56
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
2.50	1.21 - 4.36	1.78

Data Plot and Equation



Mini-Warehouse (151)

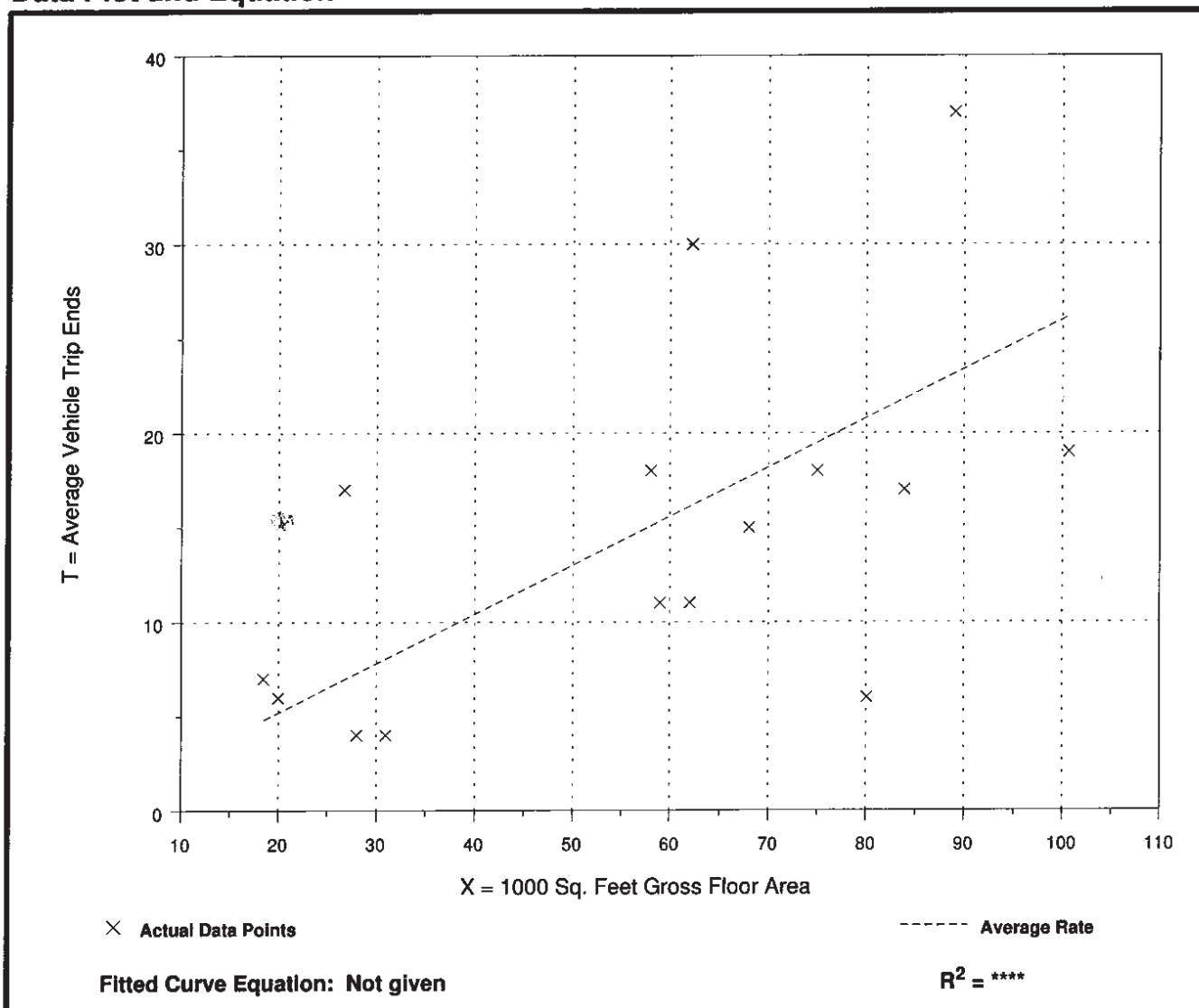
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 15
 Average 1000 Sq. Feet GFA: 57
 Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.26	0.07 - 0.64	0.52

Data Plot and Equation



Shopping Center (820)

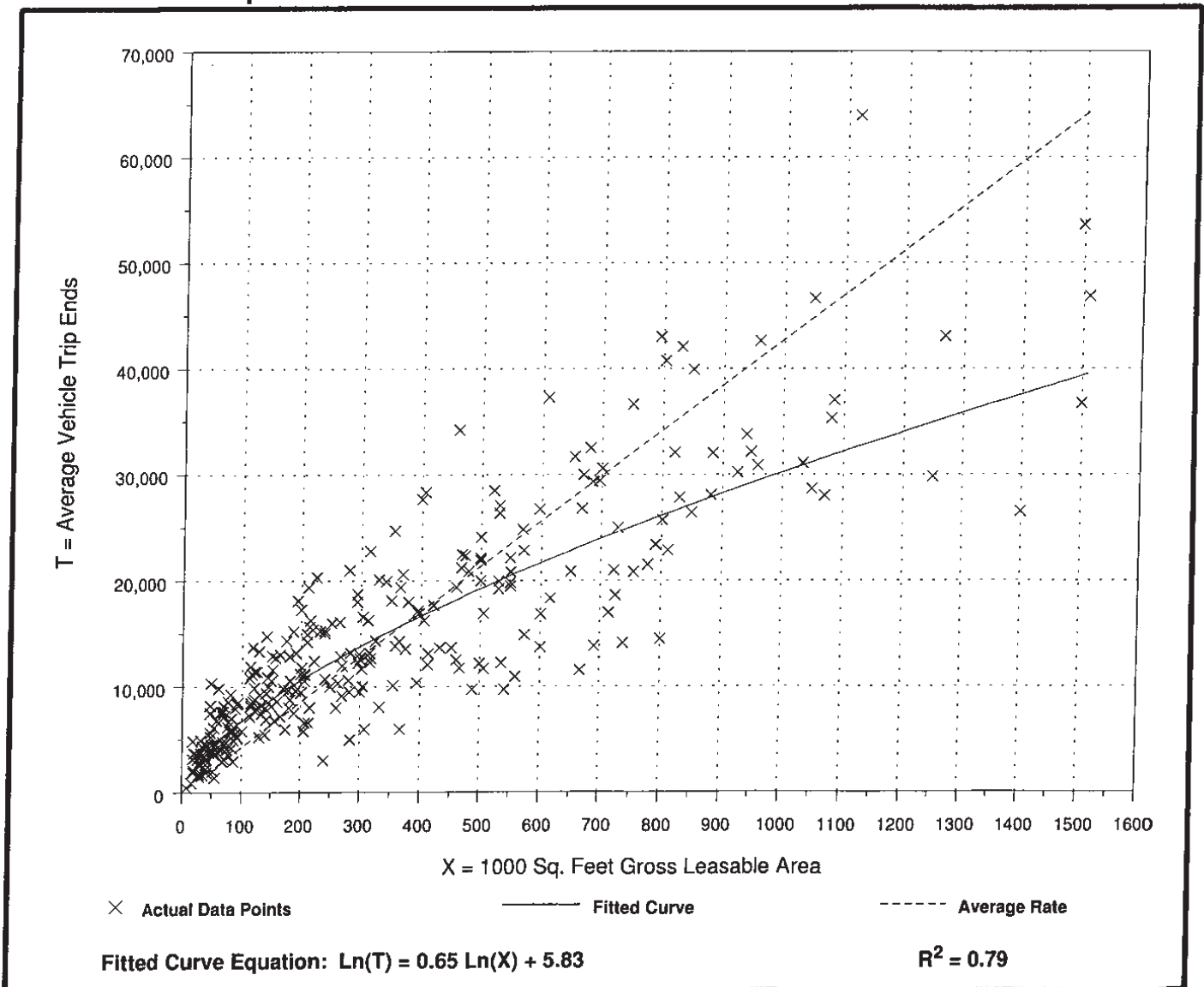
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Leasable Area
On a: Weekday**

Number of Studies: 302
Average 1000 Sq. Feet GLA: 331
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

Average Rate	Range of Rates	Standard Deviation
42.70	12.50 - 270.89	21.25

Data Plot and Equation



Shopping Center (820)

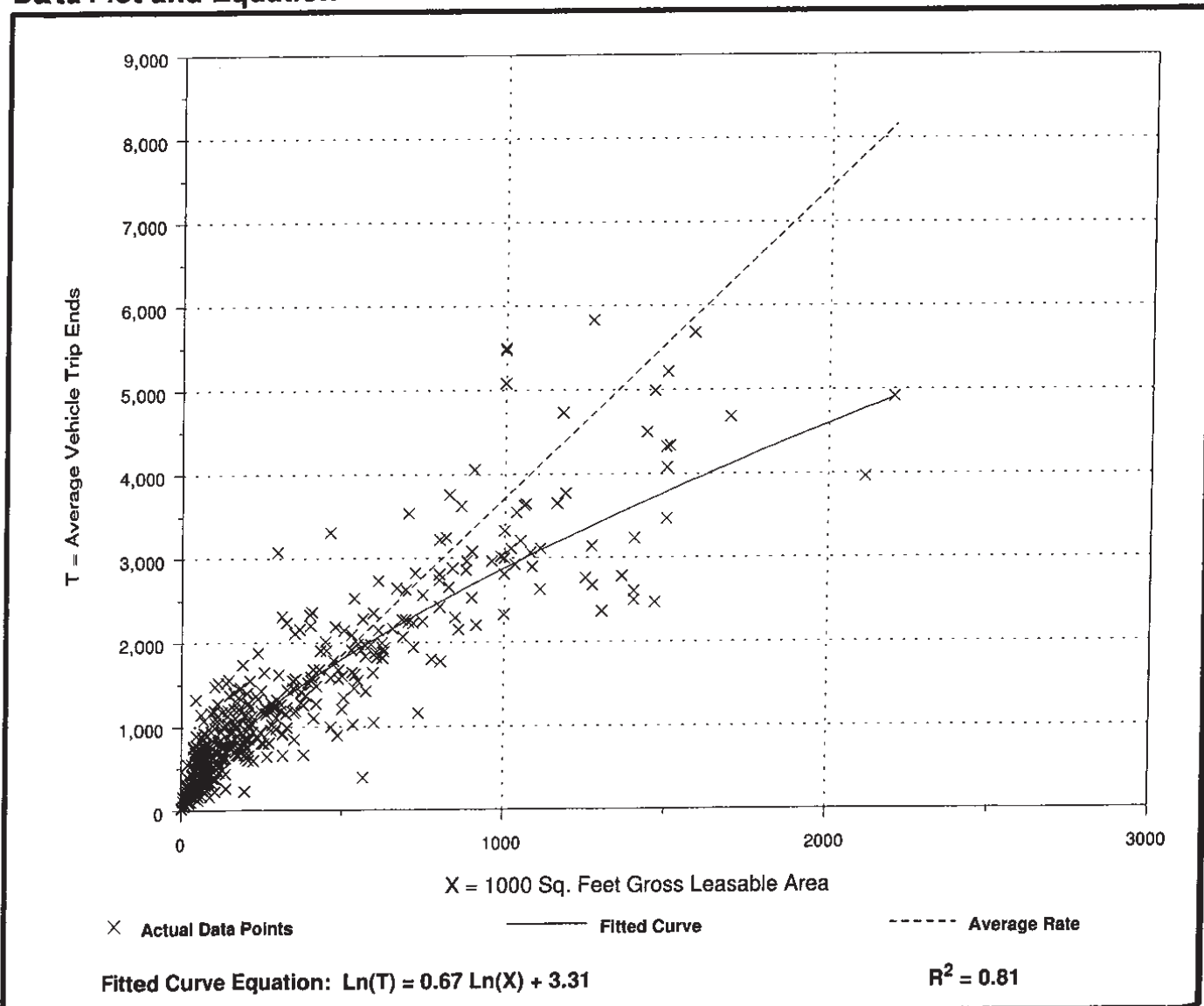
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Leasable Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 426
 Average 1000 Sq. Feet GLA: 376
 Directional Distribution: 48% entering, 52% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

Average Rate	Range of Rates	Standard Deviation
3.71	0.68 - 29.27	2.74

Data Plot and Equation



From: "Mrozek, Dennis" <MrozekD@CODB.US>
To: 'Carol McFarlane' <cmcfarlane@volusia.org>
CC: "Sehenuk, Angie" <SehenukA@codb.us>, "Sievertson, Brian" <SievertsonB@db...>
Date: 4/3/2014 10:45 AM
Subject: RE: Tien BPUD

Carol,

Please see below the comments from The City of Daytona Beach:

Fire review - Brian Sievertson

1. It appears that the Phase 1 storage buildings meet, or may meet, the definition of Mini-Storage Building, defined per NFPA 1: 3.3.170.25.1 Per NFPA 1: 13.3.2.2.5.4 (2010 FL), Mini-Storage Buildings greater than 2,500 SF shall have an automatic sprinkler system installed throughout.
2. Per Development Agreement Comment "K", the Final Site Plan will need to address all Fire Flow requirements for the project.
3. Subject to Final Site Plan review and approval.

Utilities review - Angie Sehenuk

1. The City's LDC requires any property within 200 feet of the public sewer connect to the City's sanitary system. Therefore, the City would require both phases of the development connect to sanitary sewer.
2. The City bills for sanitary sewer based on the gallons of domestic water that is used. If you do not connect to City water, we have no way to evaluate the amount of sewage treated.
3. Provide water and sewer demand calculations based on the most intensive use proposed for each phase in the development agreement.
4. The Volusia County Health Department issues the approval of deep well and sanitary septic systems. They generally do not issue a permit for these types of systems when public utilities can serve the development.

Please contact me if you have any questions.

Regards,

Dennis Mrozek - LEED AP

Principal Planner - The City of Daytona Beach

301 S. Ridgewood Ave

Daytona Beach, FL 32115-2451

(386) 671-8152

From: "Sehenuk, Angie" <SehenukA@codb.us>
To: "chiung.tien@gmail.com" <chiung.tien@gmail.com>
CC: "Ponitz, Shannon" <PonitzS@CODB.US>, "Mrozek, Dennis" <MrozekD@CODB.US>, ...
Date: 5/21/2014 4:12 PM
Subject: RE: Tien Clyde Morris Project
Attachments: Daytona Beach Comments Tien BPUD.PDF

Chiung,

Please disregard my previous comments The Utilities Department will defer to the Health Department's judgment on "availability".

Sincerely,
Angie Sehenuk

[cid:image001.png@01CF750F.11CF47F0]

From: Mrozek, Dennis
Sent: Monday, May 19, 2014 10:53 AM
To: Sehenuk, Angie
Subject: FW: Tien Clyde Morris project

Angie,

Please see the email below. Please forward a response to Chuing and copy me. I can then forward something to Carol.

Thanks,

Dennis Mrozek - LEED AP
Principal Planner - The City of Daytona Beach
301 S. Ridgewood Ave
Daytona Beach, FL 32115-2451
(386) 671-8152
mrozekd@codb.us<mailto:mrozekd@codb.us>

From: Chiung Tien [mailto:<mailto:chiung.tien@gmail.com>]
Sent: Monday, May 19, 2014 10:34 AM
To: Mrozek, Dennis
Cc: Carol McFarlane
Subject: Tien Clyde Morris project

Dennis,

I've received via Carol McFarlane the comments by Angie Sehenuk regarding sanitary sewer.

Carol suggested that I contact the City to resolve this issue.

Florida Statutes has clear language allowing septic systems in situations such as this.

F.S.381.005(2)(a)1 Defines the availability of a public sewer service to an establishment. The Old Kings Road RV & Self-Storage parcel does not have sewer available per the statutory definition.

I have discussed the issue of the proposed septic system at length with Laura Kramer of the Volusia County Health Department, and she has been very helpful and has provided us with information needed to properly size the septic system.

Please forward this information to Angie so that revised comments, conforming to the applicable Florida Statutes, be forwarded to the County.

Thank you, and best regards,

Chiung

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Site Photos



View of the subject property from Old Kings Road.



View of Old Kings Road, looking south from the subject property.



View of Old Kings Road, looking south from its intersection with Old Big Tree Road.



View of Clyde Morris, looking north. Subject property is on the right.



View of Clyde Morris immediately south of subject property.



View of apartments located on Clyde Morris, opposite from subject property.

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VOLUSIA CO., FL

42.00

RECORDED 11:02

IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA

IN RE: Application of

Shaw-ying Tien and Shaw-Fen Tang Tien

RESOLUTION # 92-8

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING TO
BUSINEESS PLANNED UNIT DEVELOPMENT

The application of Shaw-ying Tien and Shaw-Fen Tang Tien, for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on January 16, 1992. Based upon the verified Application and other supporting documents, map, charts, overlays, and other instruments; the advice, report, and recommendations of the Planning and Zoning Department, Legal Department, and other departments and agencies of Volusia County; the testimony adduced and evidence received at the public hearing on this Application by the Planning and Land Development Regulation Commission on December 10, 1991, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

GENERAL FINDINGS

- (a) That the Application of Shaw-ying Tien and Shaw-Fen Tang Tien, was duly and properly filed herein on May 7, 1991 as required by law.
- (b) That all fees and costs which are by law or regulation or ordinance required to be borne and paid by the applicant have been paid.
- (c) That the applicants are the owners of a 9.86 acre parcel of land which is situated in Volusia County. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached herto as Exhibit "A".
- (d) That the applicant has held a pre-application meeting as required by Ordinance 80-8, as amended, Section 813.05.
- (e) That the applicant has complied with the "Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.

FILED FOR RECORD
RECORD VERIFIED
025167

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CLERK OF THE CIRCUIT
J. C. T. SHERIFF VOLUSIA CO., FL.

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FINDINGS REGARDING REZONING

- (a) That the applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from A-2 and R-1 to Business Planned Unit Development (BPUD).
- (b) That the said rezoning to a BPUD is consistent with both the Volusia County Comprehensive Plan Ordinance No. 90-10, as amended, and the intent and purpose of Volusia County Zoning Ordinance No. 80-8, as amended, and does promote the public health, safety, morals, general welfare, and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 16TH DAY OF JANUARY A.D., 1992, AS FOLLOWS:

1. That the Application of Shaw-ying Tien and Shaw-Fen Tang Tien for the rezoning of the subject parcel is hereby granted.
2. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from A-2 and R-1 to BPUD as described in Article VII of the Zoning Ordinance of Volusia County, Florida, No. 80-8, as amended.
3. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to BPUD.
4. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance No. 80-8, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement". The Volusia County Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.
5. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the BPUD. In the same manner as the B-9 classification.
6. Development of the requested PUD shall comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended, and all other applicable Volusia County Land Development regulations.

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DEVELOPMENT AGREEMENT

VOLUSIA CO., FL

1. DEVELOPMENT CONCEPT: The parcel shall be developed as a BPUD substantially in accordance with the Master Development Plans, for each of the phases of the development which shall be submitted in the manner provided by Section 813.00 of the Volusia County Zoning Ordinance No. 80-8, as amended.

- (a) The Master Development Plan consists of this "Development Agreement" and a "Preliminary Plan" dated Aug. 15th, 1991. The Preliminary Plan is hereby approved by the Volusia County Council as part of the Master Development Plan is incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the office of the County Planning and Zoning Department. All Master Development Plan amendments other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and of the Volusia County Council in the same manner as for the original rezoning.
- (b) The Master Development Plan shall be recorded in the Public Records of Volusia County, Florida upon approval and following execution of the document by the County Council. The applicant shall pay all recording costs.
- (c) Final Site Plan Approval: After the Master Development Plan is recorded, and prior to the commencement of any construction, including clearing and land fill, a final site plan shall be prepared and submitted in the manner required by Article III of the Volusia County Land Development Code, Ordinance No. 88-3, as amended,
- (d) The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Site Plan Development Order of the phase I of construction.
- (e) Nothing herein shall be taken as an abridgement to the requirements of any County Ordinance other than Volusia County Zoning Ordinance No. 80-8, as amended. Thus, timing and review procedures indicated herein may be changed in order to comply with the Volusia County Land Development Code Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement is intended to circumvent the requirements of Ordinance No. 88-3, as amended, and other County Ordinances, resolutions or regulations.

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2. Phases of Development: The following phases of construction are keyed to the Preliminary Plan. The construction on each building site from "A" through "F" may occur individually or concurrently in any order or combination during Phase II of the project.

- (a) Phase I : Site Utilities.
- (b) Phase II : Main driveway, Sidewalks/bike paths and other site amenities and buildings on each building sites labeled "A" through "F" and its parking and landscaping.

Land Use: The location and size of said land use areas are shown on the Preliminary Plan, Exhibit "B".

Building	A	B	C	D	E	F
Max. Bldg. Sq. Ft.	14.4k	12.8k	6k	6k	12.8k	10k
Max. Floor Sq. Ft.	28.8k	12.8k	6k	6k	12.8k	10k

Maximum paving Sq. Ft.: 148,000
 Maximum parking spaces: 300
 Minimum interior landscaping Sq. Ft.: 20,000

4. Land Use Description:

- (a) Building F : Type 'A' Restaurant with not more than 30% of the gross floor area to be used for lounge/bar area.
- (b) Building A,B,D & E : General Office, Medical and Dental Clinic, Financial Institution.
- (c) Building C : Day Care Center.

5. Special Regulations:

- (a) Minimum lot area: 9.86 acres.
- (b) Minimum yard width

	Required yard width
North: (Side) 30 feet	30 feet
South: (Side) 30 feet	30 feet
East: (Back) 40 feet	20 feet
West: (Front) 100 feet	20 feet
- (c) Maximum lot coverage: 14.5%.
- (d) Maximum building heights: 35 feet.
- (e) Landscaping buffer:

	Minimum provided	Required
North: (Side) 10 feet	10 feet	10 feet
South: (Side) 10 feet	10 feet	10 feet
East: (Back) 40 feet	40 feet	20 feet
West: (Front) 100 feet	100 feet	20 feet
- (f) Perimeter setbacks: same as (b).
- (g) Minimum building separation: N/A
- (h) Off-street parking requirements: 296 spaces(91% of the required stand alone parking of 326 spaces).
- (i) Signage requirements: Per Section 822.00 of the Volusia County Zoning Ordinance No. 80-8, as amended.

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6. Environmental Considerations: The identified wetlands on Clyde Morris Boulevard shall be maintained and incorporated into storm water management system. Landscape buffer widths and locations are illustrated on the Preliminary Plan, Exhibit B. To the fullest extent possible, native vegetation shall be preserved and supplemented with like vegetation with drought resistant properties and trees and hedges where needed to provide visual buffer. Specifically, existing vegetation along the north property line will be supplemented to provide a 6 feet tall visual screen within 3 years of planting. A landscaping plan will be submitted to DRC for review which illustrates 2,700 sq. in. of tree replacement stock representing about 300 sq. in. per acre.
7. Sewage and Water: The City of Daytona Beach will provide water and sewer services per Resolution #89-423. Service is also available by the City of Port Orange.
8. Stormwater Drainage: The Stormwater Drainage facility shall meet the requirements of the Land Development Code Article VIII.
9. Roadways: There is no street proposed in this development. No building shall be served directly from the road way system.
10. Building/Owners Association: There is no building/owners Association planned.
11. Access and Transportation System Improvements. Access points and transportation system improvements to Clyde Morris Blvd. and walkway/bikepath requirements will be in accordance with the Land Development Code, Ordinance 88-3 as amended and will be determined during DRC review. Provide separate left turn lane on the southbound approach to serve entering vehicles from the north. Provide separate right turn lane on the northbound approach to serve entering vehicles from the south. Provide left turn lane at the proposed B-PUD entrance for westbound exiting vehicles.
12. Off-street Parking Requirements: Parking requirements will conform to the requirements of the Volusia County Zoning Ordinance. However, it is recognized that a +8% reduction is warranted.
13. Binding Effect of Plans; Recording: The provisions of the foregoing "Development Agreement", including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant or its 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 administrated

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in a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended. This Order and Resolution and all subsequent orders and resolutions shall be filed for record in the Official Records of Volusia County, Florida.

Reverter Provision: Within twelve (12) calendar months from the effective date of this Order and Resolution, the Applicant shall submit a Subdivision or Final Site Plan as described in Section 1(c) of this "Development Agreement", covering at a minimum the first phase of the BPUD. In the event that the Subdivision or Final Site Plan is not submitted on or before the date indicated, the parcel shall revert to the prior zoning classification, unless the zoning enforcement official for good cause shown, shall approve a minor amendment to extend the time period indicated in this paragraph.

- 15. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, amount of development allowed in the 100-year flood plain, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the Volusia County Land Development Code Ordinance No. 88-3, as amended. These revisions may be processed as minor amendment as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Developer agrees to revise and record the revised preliminary plan which reflect any such changes with the Clerk of the Circuit Court immediately following the expiration of the 30 day period for appealing DRC decisions to the County Council. A copy of the revised site plan shall be submitted to the Planning and Zoning Department.

DONE AND ORDERED by the County Council of Volusia County, Florida, this 16th day of January, 1992.

VOLUSIA COUNTY COUNCIL

Deanie Lowe
(NAME)
Chairman
Deanie Lowe

ATTEST:

Thomas C. Kelly

(NAME)
County Manager
Thomas C. Kelly

Shaw-ying Tien and Shaw Fen Tang Tien

Applicant/Owner
Shaw-ying Tien and
Shaw Fen Tang Tien

EXHIBIT "A"

PLAT OF LAND SURVEY OF

THE SOUTHERLY 442 FEET OF THE NORTH 2/3 OF THE SOUTH 1/2 OF LOT 3, LYING WESTERLY OF OLD KINGS ROAD A 50 FOOT OCCUPIED RIGHT OF WAY AND EASTERLY OF THE WESTERLY 7 ACRES OF THE NORTH 2/3 OF THE SOUTH 1/2 OF GOVERNMENT LOT 3, SECTION 31, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.
CONT. 9.4 ACRES MORE OR LESS.

MAY 5, 1988- I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FL. Ch. 472.027 AND 21 HH-6, FAC.

GORDON LAND SURVEYING
147 CANAL STREET
NEW SMYRNA BEACH, FL.

SIGNED Earle L. Gordon
EARLE L. GORDON
FL. REG. SURVEYOR # 2677

NOTE: NOT VALID UNLESS SEALED WITH SURVEYOR'S EMBOSSED SEAL.
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS RECORDED OR UNRECORDED
NO ABSTRACT FURNISHED, BEARINGS BASED ON SURVEY BY SLIGER & ASSOC
LEGAL FROM DRAWING BY MR. S. TEIN

RECERTIFIED ON AUGUST 2, 1989.

Z-91 .045

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VOLUSIA CO., FL
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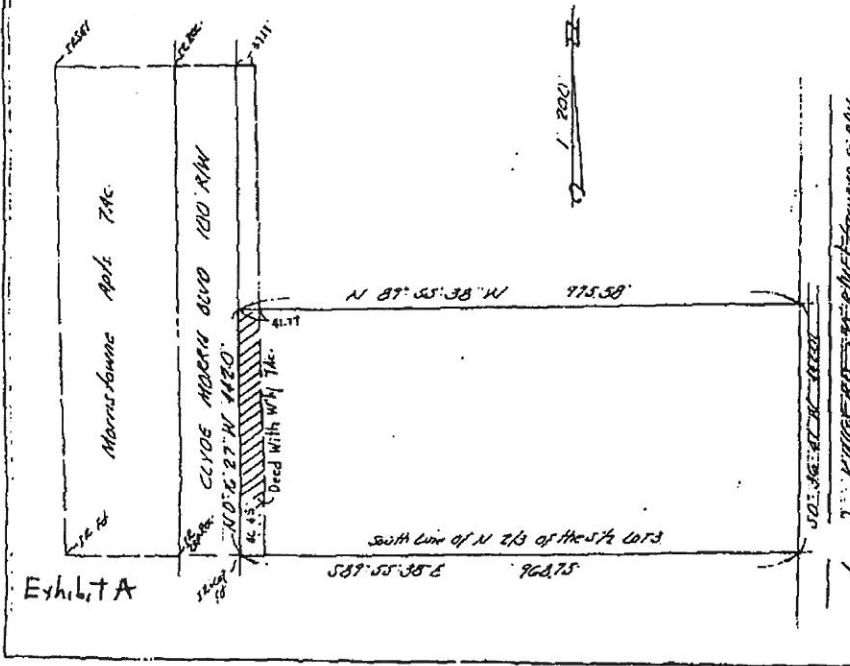
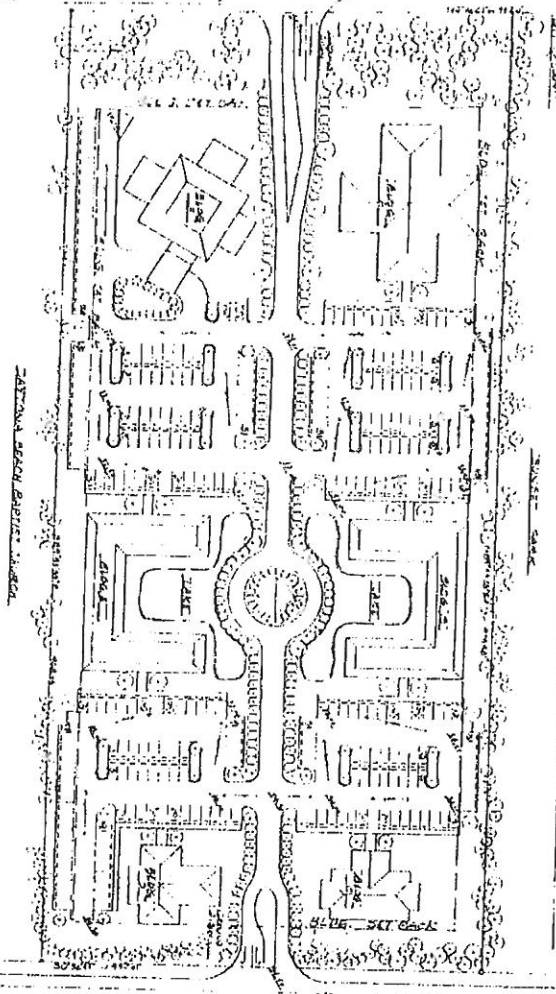


Exhibit A

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VOLUSIA CO., FL

PRELIMINARY SITE PLAN SHEET NO. 2



OFFICE: ...
DATE: ...
SCALE: ...
PROJECT: ...

SITE DATA

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (ACRES)
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3
4
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49
50



1841 CLYDE MORRIS B.PUD

OWNER'S REQUEST: ...

CONCEPT PLAN: ...

LEGAL DESCRIPTION: ...



LA COSTA MOORE HOLE PARK

OLD MANE RD COUNTY

ASSISTANT ASSISTANT
CLYDE MORRIS BLYD. COUNTY

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VOLUSIA CO., FL

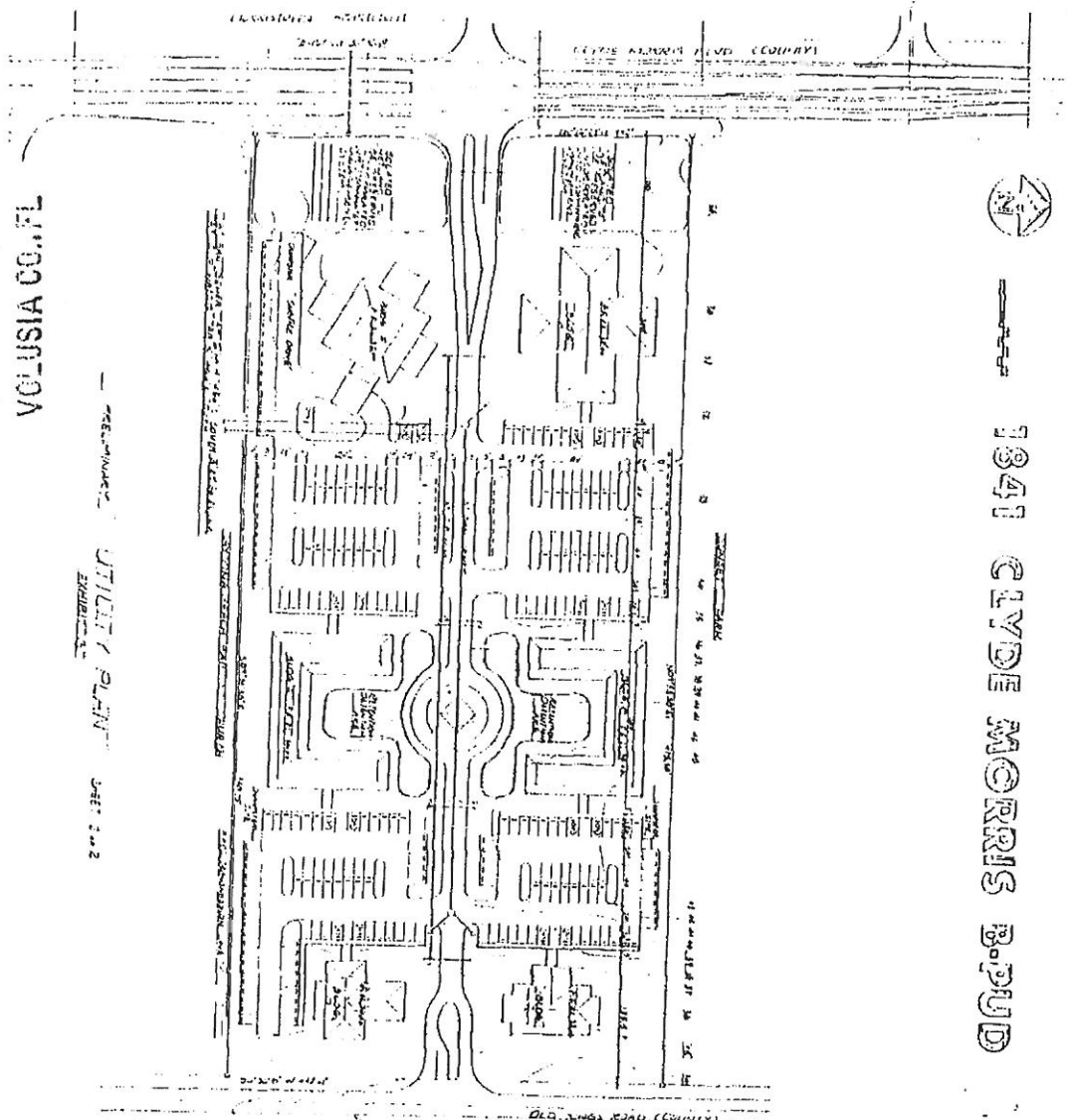
UTILITIES
NETS / UTILITIES

DATE: 1-2-82

APPROVED: [Signature]
DATE: 1-2-82

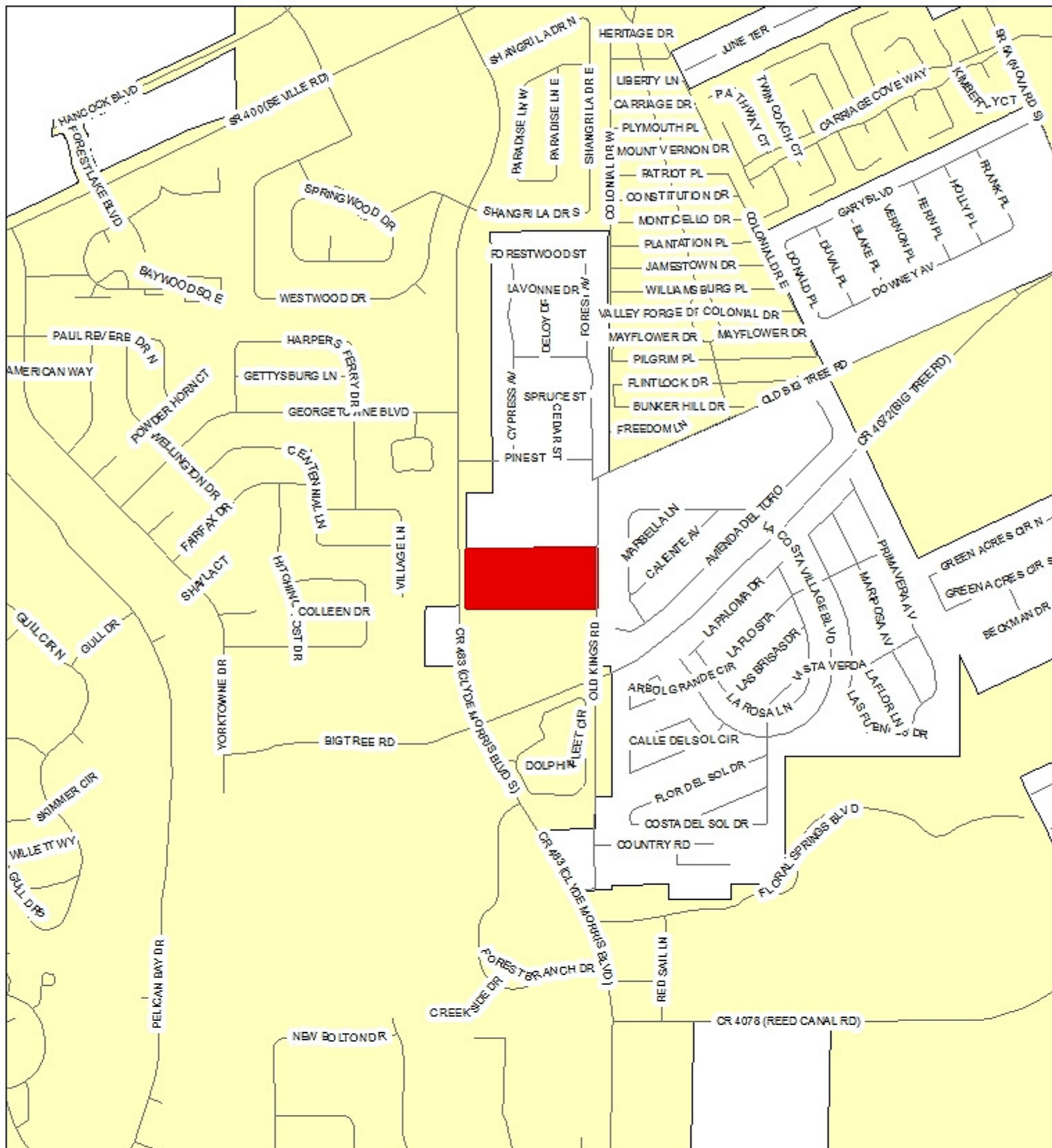
Notes:
1. All dimensions are in feet and inches.
2. All dimensions are to the centerline of the road unless otherwise noted.
3. All dimensions are to the centerline of the road unless otherwise noted.
4. All dimensions are to the centerline of the road unless otherwise noted.
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LA COSTA MODERNE HOME PLAN






1941 CLYDE MORRIS RUPPEL

025167



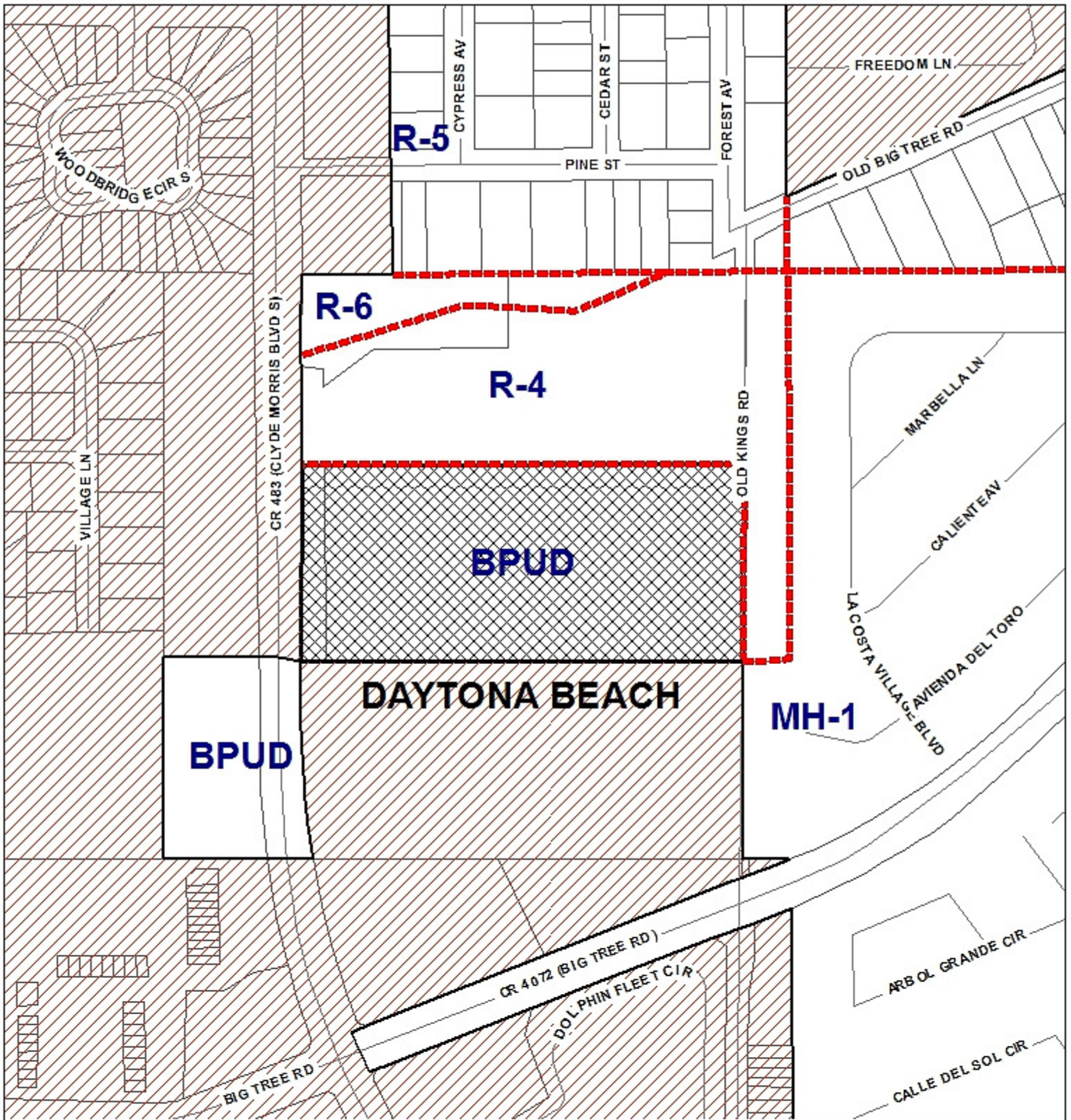
ECO/NRMA

 ECO
  NRMA
  REQUEST AREA

1 inch = 1,000 feet




**REZONING
CASE NUMBER
PUD-14-001**



ZONING CLASSIFICATION

1 inch = 300 feet

 REQUEST AREA




**REZONING
CASE NUMBER
PUD-14-001**



AERIAL

IMAGE YEAR: 2012

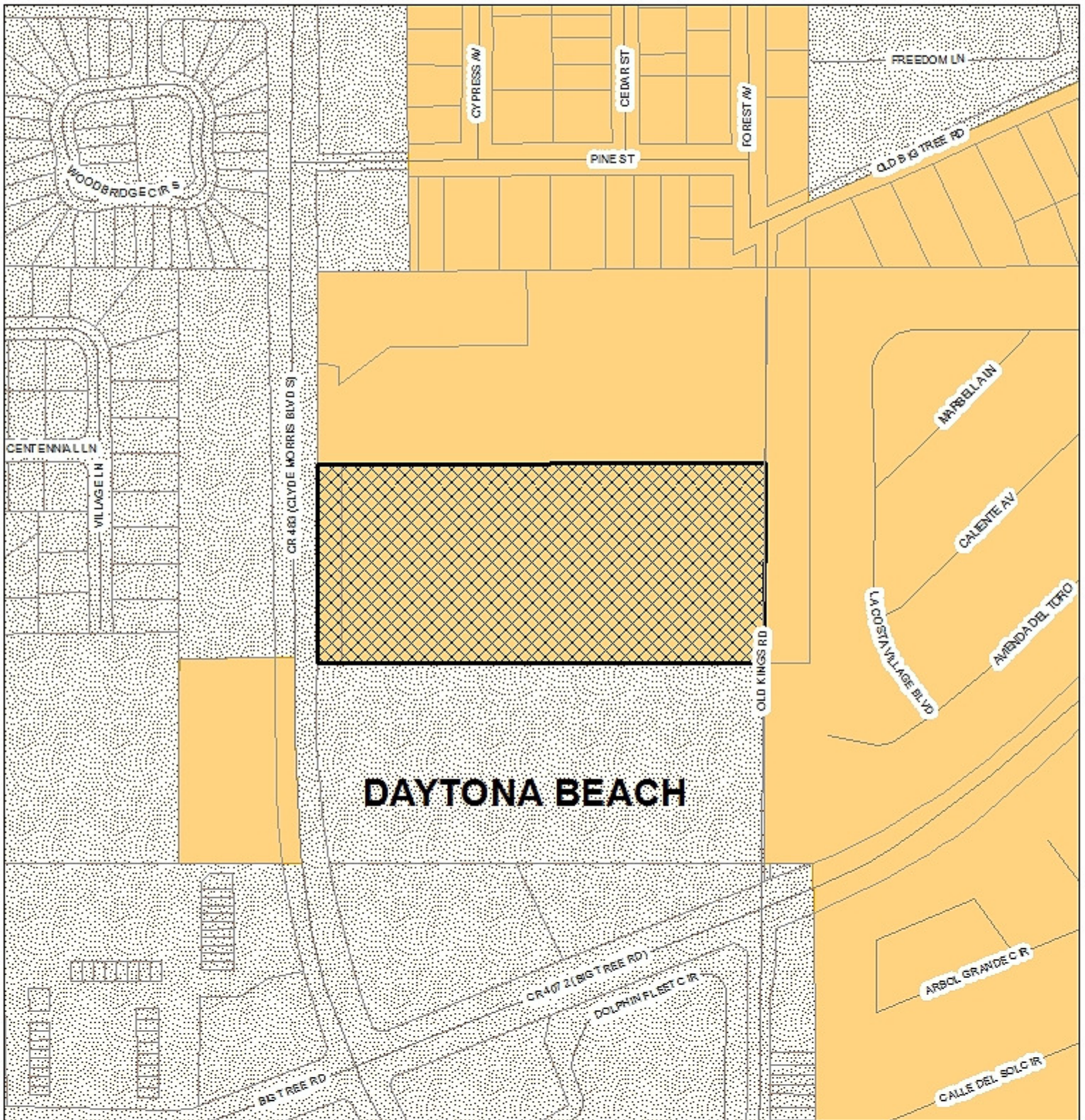
1 inch = 300 feet

 REQUEST AREA



**REZONING
CASE NUMBER**

PUD-14-001



FUTURE LAND USE DESIGNATION

1 inch = 300 feet

- INCORPORATED (1)
- URBAN MEDIUM INTENSITY (2)



**REZONING
CASE NUMBER**

PUD-14-001