



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

PUBLIC HEARING: May 9, 2017 – Planning and Land Development Regulation Commission (PLDRC)

CASE NO: Z-17-026

SUBJECT: Request to terminate the Daytona Beach International Airport Corporate Center MPUD Development Agreement and rezone the property from Mixed-Use Planned Unit Development (MPUD) to Airport Property (AP)

LOCATION: North side of Beville Road, 1.1 miles east of I-95, Daytona Beach

APPLICANT/OWNER: Volusia County

STAFF: Michael E. Disher, AICP, Planner III

I. SUMMARY OF REQUEST

The Volusia County Aviation & Economic Resources Department and the Growth & Resource Management Department are proposing to terminate the Daytona Beach International Airport Corporate Center MPUD Development Agreement and rezone the subject property from Mixed-Use Planned Unit Development (MPUD) to Airport Property (AP). The 95.2-acre property, also known as the DBIA Technology Park, is located on the north side of Beville Road, 1.1 miles east of I-95 and immediately south of the Daytona Beach International Airport (DBIA). The rezoning is proposed in conjunction with two related ordinances: 1) an amendment to Note No. 3 on the Future Land Use Map concerning 226 acres located on the north side of Beville Road; and 2) an amendment to the permitted uses of the AP zoning classification to include aeronautical and high-tech uses now permitted in the MPUD. If approved, the proposed rezoning and related ordinances will establish consistent permitted uses and zoning requirements across the entire airport property owned and operated by Volusia County to better accommodate potential future economic development opportunities related to the airport.

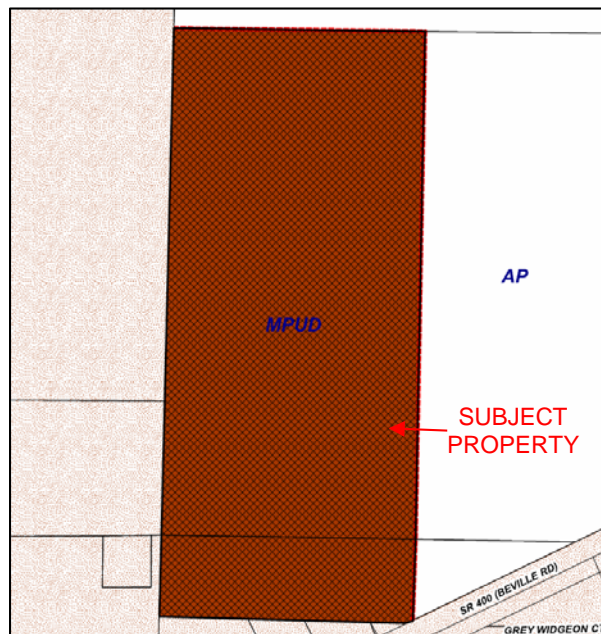
Staff Recommendation: Forward to the county council for final action with a recommendation of approval.

II. SITE INFORMATION

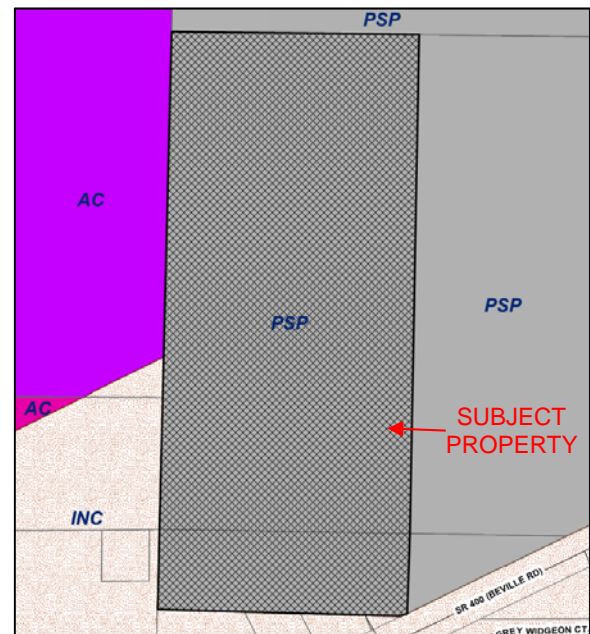
1. Location: North side of Beville Road, 1.1 miles east of I-95
2. Parcel Number: 5225-00-00-0050 and 5236-00-00-0020
3. Property Size: \pm 95.2 acres
4. Council District: 2
5. Zoning: Mixed- Use Planned Unit Development (MPUD)
6. Future Land Use: Public/Semi-Public (PSP)
7. ECO Map: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North	AP	PSP	Vacant
East	AP	PSP	Vacant
South	City AG and M3	City Government/ Institution and Office/Transition	Pasture, municipal fire station and water treatment plant
West	City M3	Halifax Activity Center Industrial and City Mixed-Use	Vacant, pasture, and temporary special event parking

10. Maps



ZONING MAP



FUTURE LAND USE MAP

III. OVERVIEW AND BACKGROUND

The subject property consists two parcels (80.7 acres and 14.5 acres) owned by Volusia County, situated within the southerly portion of the ±1,400-acre Daytona Beach International Airport (DBIA) property. The property is located between Bellevue Avenue to the north and Beville Road to the south. The property is vacant and wooded except for the 14.5-acre piece, which has been cleared and graded to augment the 100-year flood-plain compensation needs of the airport.

The southern entry point to the property is from Pelican Bay Drive, which has recently been extended north from Beville Road and stubbed out at the southern property line. A City of Daytona Beach fire station and water treatment plant lie just to the south of the property on the north side of Beville Road. Beville Road is designated by Daytona Beach as a Scenic Thoroughfare and falls within the City's Scenic Thoroughfare Overlay (STO) zone [LDC Sec 4.9.D].



The property is part of the DBIA Development of Regional Impact (DRI). The DRI, including the subject MPUD, is located within the municipal limits of the City of Daytona Beach. A 1989 interlocal agreement between the City of Daytona Beach and the county authorizes the county to administer planning, zoning, development, and permitting for the DBIA property. Between 2006 and 2013, the county amended the future land use and zoning of the entire airport property – except for the subject property – from city to county designations. The future land use designation of the subject property is now Public/Semi-Public.

The subject 95.2-acre property was rezoned to MPUD in 2008 to facilitate development of a high-tech office and industrial park. The project, also known as the DBIA Technology Park, coincided with an amendment to the DBIA DRI providing for up to 608,000 square feet of building space and making available 5,308 vested daily vehicle trips from the DRI. Resolution #2008-91 approving the rezoning and development agreement is attached for reference. As a county-initiated economic development project, the county committed to construct the necessary infrastructure improvements, such as drainage, internal access roads and utilities. A new internal roadway was to have been extended through the center of the property, connecting Beville Road to Bellevue Avenue. The approved development

agreement provided for the county to retain ownership of the property and lease tracts for development at various sizes, depending on the need of the end user. The agreement was originally set to expire if final site development plans were not submitted within five years after approval. In 2013, the county subsequently approved a minor amendment to the development agreement removing the expiration period.

It was also in 2013 that the county created the Airport Property (AP) zoning classification to implement comprehensive plan policies concerning airport zoning and development. The county rezoned all of the airport property to AP except for the subject MPUD. The county now seeks to terminate the MPUD Development Agreement while adding certain permitted uses from the MPUD to the AP classification. Having the entire airport property under a single zoning category is anticipated to remove zoning complications for potential development opportunities on the 95.2-acre property and adjacent county-owned airport lands.



Looking north from Beville Road

IV. ANALYSIS AND REVIEW CRITERIA

The MPUD business park was conceived as a mixed, high-tech, light industrial park and office/business park that would benefit from proximity to the international airport. The type of permitted uses allowed within the MPUD are: general offices, corporate headquarters, distribution centers, light manufacturing uses, and such high-tech uses as research laboratories, software and hardware development, computers and electronics, aviation and aerospace. It also includes the full range of industrial uses allowed in the Industrial Park (I-4) zoning classification. Ancillary commercial uses are also allowed serving the business and industrial uses.

The AP zoning classification was created to permit uses unique to the airport terminal and related operations like air freight facilities, aircraft manufacturers, and flight schools. It was also intended to enhance economic viability and development potential of the “non-airside”

(or “landside”) properties owned by the airport. Such properties include the restaurants and hotels north of the airport terminal on International Speedway Boulevard, as well as larger vacant, undeveloped tracts south of the airport runways between Bellevue Avenue and Beville Road. The AP classification specifically does not include many of the industrial uses in the I-4 classification that do not relate to airport operations and are not appropriate in the vicinity of an airport. Through a separate ordinance, the county is proposing to add the high-tech, aeronautic, and aerospace uses to the AP zoning classification.

ZONING AMENDMENT CRITERIA

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.

Like the rest of the airport property, the subject property is designated Public/Semi-Public on the Future Land Use Map. The Public/Semi-Public (PSP) land use category is described as follows:

Public/Semi-Public (PSP) - Lands that are owned, leased, or operated by a government entity or publicly regulated corporations, except for federal, state, and local passive recreation areas which are included under the Conservation designation. This designation includes educational institutions, both public and private and private nonprofit organizations. Ancillary commercial, industrial and office shall be allowed subject to land being maintained in public ownership. Such public/private ventures such as office, industrial and commercial shall be limited to a fifty-five percent Floor Area Ratio (0.55 FAR).

Because of the impracticality of locating all public support uses or facilities, some uses will not be shown on the Future Land Use Map, but are allowed under the various urban and non-urban designations, unless specifically excluded. These uses include: local streets, schools, neighborhood and community public parks, fire stations, police stations, and public or semi-public utilities. In some instances, these particular uses cover large areas and will be indicated on the Future Land Use Map. Public uses that do not need the minimum acreage required by the particular Future Land Use designation it is located in, will contain sufficient land area to house the intended use.

According to the future land use/zoning consistency matrix, the AP classification is consistent with the Public/Semi-Public future land use designation.

The Comprehensive Plan contains the following specific policies applicable to the proposed rezoning request:

Future Land Use Element

- 1.3.1.19: New development near public airports shall consider compatibility with the airports existing and future operations. Volusia County shall develop appropriate Land Development Regulations to help facilitate compatibility between public airports and their associated properties and the affected areas surrounding the airport.

Transportation Element

- 2.1.2.10: Volusia County shall continue to monitor development in and around the Daytona Beach International Airport for incompatible land uses.
- 2.1.8.5: Development within the Daytona Beach International Airport Technology Park shall be consistent with Resolution 2006-230 approved on November 16, 2006 by the County Council amending the adopted development order for the Daytona Beach International Airport Development of Regional Impact.

Intergovernmental Coordination Element

- 14.1.2.9: The County will coordinate with the City of Daytona Beach on future development plans for the Daytona Beach International Airport to promote a joint vision for the area and satisfy any "gateway" standards established by the city.

The proposed rezoning to AP is consistent with these policies.

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

The subject property contains wetlands and lies within the 100-year flood zone. These environmental constraints will have an impact on the actual amount of the project area that can be developed. There are two large wetland areas planned to be protected with required upland buffers.

The 14.5-acre tract on the south side of the subject property has been cleared and excavated to provide compensatory floodplain storage to offset floodplain impacts elsewhere in the basin. Specific floodplain management requirements are set forth in the County's Land Development Code and will be followed with any future development of the property.

Future development will be also required to demonstrate compliance with environmental provisions of the Land Development Code during the final site plan process, including wetland and buffer avoidance, minimization, mitigation, and permitting; as well as specimen tree preservation, area tree preservation, and removal and replacement requirements. Site plan modifications and/or additional information may be requested at that time.

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

The DBIA is a significant economic asset in Volusia County. The AP zoning classification allows both airside and landside uses to maximize its economic development potential. If the two companion ordinances are also approved, then high-tech, aeronautical, and aerospace uses will still be allowed on the subject property after it is rezoned. Together, the three ordinances are intended to better position the airport to accommodate potential future economic development opportunities related to aeronautical uses. Rezoning and future development of the property are thus expected to provide a positive economic 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 property is within the City of Daytona utility service area. Sewer service is directly available, although water service must be extended from the south side of Beville Road. Fire, police, and solid waste collection services are available to the property. The rezoning will not increase the impact on transportation systems since many of the uses from the MPUD are proposed to be transferred to the AP classification. There should be no net difference based on the permitted uses.

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

There have been no changes in circumstances or conditions affecting the surrounding area.

(6) Any mistakes in the original classification.

There are no mistakes in the property's current zoning classification. However, the creation of the AP zoning classification in 2013 and the proposed text amendment to the AP permitted uses will make the subject MPUD unnecessary and redundant.

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

The requested rezoning is consistent with the adjacent properties already zoned AP. The net effect of the uses will not change if the companion AP text amendment transferring select permitted uses is approved. As such, the rezoning is unlikely by itself to have an impact on the use or value of the affected area.

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

If the rezoning is approved, any future development will be required to comply with requirements of Land Development Code and Zoning Code, including those related to landscaping, buffering, non-residential design, zoning, concurrency, infrastructure design, stormwater management, tree preservation, environmental protection, etc. As per Intergovernmental Coordination Element Policy 14.1.2.9 and requirements of the AP zoning classification, future development shall comply with the City of Daytona Beach's scenic corridor standards along Beville Road. As such, the proposed change in zoning classification will have no negative impacts on the public health, welfare, safety, or morals of the neighborhood.

V. STAFF RECOMMENDATION

Staff finds the requested rezoning to be consistent with the comprehensive plan, subject to the specified criteria for considering a rezoning application. Therefore, staff recommends that the PLDRC forward the request to terminate the Daytona Beach

International Airport Corporate Center MPUD Development Agreement and rezone the subject property from Mixed-Use Planned Unit Development (MPUD) to Airport Property (AP) to the county council with a recommendation of approval.

VI. ATTACHMENTS

- Order and Resolution
- 2008 DBIA Corporate Center MPUD Development Agreement
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

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

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

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

RESOLUTION 2017-_____

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM MPUD TO AP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 72, Article II, Section 72-414 of Volusia County Code of Ordinance, as amended, the Volusia County Council held public hearings after due public notice on June 15, 2017 and July 20, 2017 on the application of County of Volusia, owners, Zoning case Z-17-026, for an amendment to the Official Zoning Map of Volusia County; NOW THEREFORE,

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, DELAND, FLORIDA, ON THIS 20TH DAY OF JULY A.D. 2017, AS FOLLOWS:

SECTION I: In accordance with Volusia County Zoning Ordinance, as amended, the Volusia County Council hereby amends the Official Zoning Map of Volusia County, Florida, from Mixed Use Planned Unit Development (MPUD) zoning classification to the Airport Property (AP) zoning classification, on the following described real property:

25-15-32 W 1/2 OF SW 1/4 PER OR 4076 PG 4428-4429

and

36-15-32 N OF BEVILLE RD MEAS 1350.98 ON S/LINES & 420.39 FT ON E/L & 1334.73 ON N/L PER OR 4968 PG 1767

Parcel No(s): 5225-00-00-0050 and 5236-00-00-0020

SECTION II: The amendment of the Official Zoning Map is subject to a large scale comprehensive plan amendment, Ordinance 2017-12. Upon the effective date of Ordinance 2017-05, the Zoning Enforcement Official is hereby directed to amend the Official Zoning Map of Volusia County in conformity with Section I of this Resolution. If Ordinance 2017-12 does not become effective, this Resolution is null and void.

SECTION III: This Resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN HEARING THIS 20TH DAY OF JULY, A.D. 2017.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

ATTEST: _____

James T. Dinneen
County Manager

BY: _____

Ed Kelley
County Chair

IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA

IN RE: (PUD-07-144), Application of Volusia County

RESOLUTION # 2008-91

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM *City of Daytona Beach*

M-2, M-3 and RP

TO DAYTONA BEACH INTERNATIONAL AIRPORT CORPORATE CENTER MPUD
(MIXED USE PLANNED UNIT DEVELOPMENT)

The application of Volusia County, hereinafter, "Applicant", for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on April 24, 2008 and May 22, 2008. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management, Legal Department, and other Departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on December 11, 2007, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of Volusia County was duly and properly filed herein on October 26, 2007, as required by law.

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

C. That the applicant is the owner of a 95.24-acre parcel of land which is situated in Volusia County within the City of Daytona Beach. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

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

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

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification(s) of the parcel described in Exhibit "A" from City of Daytona Beach M-2, M-3 and RP to **Daytona Beach International Airport Corporate Center MPUD**

(Mixed Use Planned Unit Development).

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY COUNTY ADMINISTRATION BUILDING, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 22ND DAY OF MAY, A.D., 2008, AS FOLLOWS:

A. That the Application of Volusia County for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from City of Daytona Beach M-2, M-3 and RP to **Daytona Beach International Airport Corporate Center** MPUD as described in Article VII of the Volusia County Zoning Ordinance No. 80-8, as amended.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to **Daytona Beach International Airport Corporate Center**

MPUD.

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

E. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the **Daytona Beach International Airport Corporate Center** MPUD in the same manner as the **I-4** zoning classification.

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

DEVELOPMENT AGREEMENT

A. **Development Concept** The property shall be developed as an MPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as an MPUD and shall regulate the future land use of this parcel. In accordance with the Daytona Beach International Airport Development Regional Impact, as may be amended, the project

1. **Master Development Plan** The Master Development Plan shall consist of the Preliminary Plan prepared by Ivey Planning Group LLC and dated September 25, 2007 and this development agreement. The Preliminary Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and it shall constitute a supplement to the Official Zoning Map of Volusia County.

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

3. **Final Site Plan Approval.** After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article III of the Volusia County Land Development Code, Ordinance

No. 88-3, as amended.

B. **Unified Ownership** The Applicant or his successors shall maintain unified ownership of the subject parcel.

C. **Phases of Development** The project may be developed in three phases. The first phase will include the construction of the spine road or a portion of the spine road which will at build-out connect Beville Road with Bellevue Avenue through the center of the property. Phase 1 will include stormwater and master utility infrastructure as well as flood plain compensation. Phase 2 or 3 would include construction of the cul-de-sac and associated infrastructure for phase 2 or 3. The phase lines are shown on the Preliminary Plan, but phasing may be amended subject to staff approval provided that no phase shall be approved unless it contains provisions for all necessary supporting infrastructure. The phases may be built simultaneously. If the phases are developed separately Phase 1 would start construction in 2008 with build-out in 2012. Phase 2 would start construction in 2010 with build-out in 2014. Phase 3 would start construction in 2012 with build-out in 2016.

D. **Land Uses Within the MPUD** The development of the parcel shall be consistent with the uses prescribed for each area within the proposed MPUD. 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:

1. General Office, corporate headquarters

2. Distribution centers and uses
3. Light manufacturing, industrial and assembly uses as listed in I-4 zoning
4. High Tech uses such as research laboratories, software and hardware development, computers and electronics, biomedical companies, environmental and pollution control technologies, aviation and aerospace, advanced manufacturing, energy and alternative fuels, photonics.
5. Ancillary commercial/retail uses including, but no limited to, restaurants, travel agencies, dry cleaners, cafeterias, or financial institutions.
6. Night watchman/security living quarters ancillary to a principal use.

E. **Development Standards**

1. Project Area 95.24 acres
Minimum leasehold lot area: 1 acre (lease area)
2. Minimum lot width and/or depth: 150 ft. in width
3. Minimum yard size (building) measured from the established lease boundary:
 - a. Front yard: 30 ft.
 - b. Rear yard: 20 ft. adjacent to non-residential zoning (ag, commercial/indust)
35 feet adjacent to residential zoning
 - c. Side yard: Same as rear yard.
 - d. Waterfront yard: not applicable
4. Minimum floor area: not applicable
5. Maximum lot coverage: 0.3 FAR (Floor Area Ratio)

6. Maximum building height: 50 ft.
7. Landscape buffer requirements: Per Section 808.00 of zoning ordinance. The buffer along internal roads shall be a minimum of 20 feet. The buffer along the external property lines shall be a minimum of 10 feet.
8. Perimeter building setbacks: See 3.b above
9. Minimum building separation: Per building code.
10. Off-street parking requirements: Per section 810.00 of the zoning ordinance
11. Signage requirements: The applicable sign regulations of County Zoning Ordinance 80-8, as amended, shall be applied to the MPUD development except for ground signs. Each development site shall be allowed only one (1) monument ground sign not to exceed 40 sq. ft. of sign copy area and a height of 8 feet above ground level. Also a single overall on-site project entry monument sign may be permitted at the northern and southern entrances. Signs located at the entrance of the office and industrial park may be allowed a maximum copy area of 60 sq. ft. and a maximum height of 12 ft.
12. Open Space and/or Common Area requirements meeting Section 813.04 of the Zoning Ordinance. Not applicable. No residential uses proposed.

F. **Environmental Considerations** The minimum requirements of the Land Development Code Ordinance No. 88-3, as amended, shall be met. There are approximately 18 acres of wetlands on the site. The uplands are pine and mixed hardwoods. Should any listed species be encountered on the site during the design/permitting phases, all applicable environmental regulations and permitting requirements shall be met. Impacts to the floodplain shall comply with all applicable regulations and will be reviewed by all appropriate agencies, including the City of Daytona Beach.

G. **Sewage Disposal and Potable Water** Provision for sewage disposal and potable water and reclaimed water needs of the MPUD will be provided in accordance with the Comprehensive Plan, Ordinance No. 90-10, as amended, the Land Development Code Ordinance No. 88-3, as amended, and State of Florida Administrative Code 64E-6 and 64E-8. The City of Daytona Beach is the utility provider and the development shall be required to connect to the City system.

H. **Stormwater Drainage** Provision for stormwater retention shall be in accordance with the Land Development Code, Article VIII, Ordinance No. 88-3, as amended. Stormwater discharge off site and into City facilities will also be reviewed by the City of Daytona Beach.

I. **Access and Transportation System Improvements** All access and transportation system improvements shall be provided in accordance with the Land Development Code, as amended. The parcel shall be developed in substantial

accordance with the following access and transportation system improvements:

1. Access. The MPUD shall have direct access to the Beville Road utilizing one full curb cut. Access to Beville Road (SR 400) shall be designed and constructed in compliance with Florida Department of Transportation regulations and standards. One additional access across other airport property shall be permitted to Bellevue Avenue. A Traffic Impact Analysis (TIA) addressing access needs will be submitted during final site plan review process.

2. Transportation System Improvements. Access to Beville Road (SR 400) shall be designed and constructed in compliance with Florida Department of Transportation regulations and standards, etc.

J. Internal Roadways The main internal spine road running roughly north south through the project shall be a 3 lane local facility located within a minimum 70 foot right of way. If only a portion of the spine road is constructed during phase 1, it shall be designed and constructed with a paved temporary turn-around similar to a cul-de-sac that meets County standards. The cul-de-sac shall be designed as a minimum two lane local road with a 60 foot right-of-way.

K. Other Standards

1. All utilities shall be installed under ground unless it is determined by the County that environmental conditions do not make such installation practicable.
2. Architectural Controls: The County of Volusia Non-Residential Development Design Standards of Section 827, Ordinance 80-8, as amended, shall apply to the subject MPUD. No exposed metal walls

shall be permitted for building elevations facing Beville Road.

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

M. **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 Daytona Beach International Airport Corporate center MPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended. This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department. The date of receipt of this document by the Growth and Resource Management Department shall constitute the effective date of the Daytona Beach International Airport Corporate center MPUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

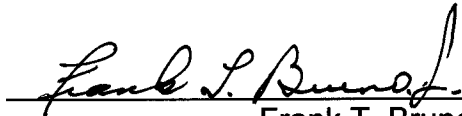
N. **Conceptual Approval** The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater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

DONE and ORDERED by the County Council of Volusia County, Florida, this
22ND day of MAY, 2008.

ATTEST:


VOLUSIA COUNTY COUNCIL


James T. Dinneen
County Manager


Frank T. Bruno, Jr.
Chair

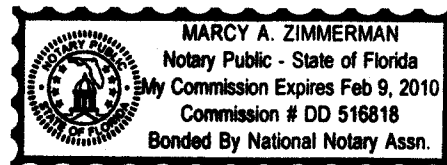
STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 17 day of
July 2008, by James T. Dinneen and Frank T. Bruno, Jr., as
County Manager and County 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:

[Signature]

[Signature]

Dennis McGee, Airport Director

[Signature]

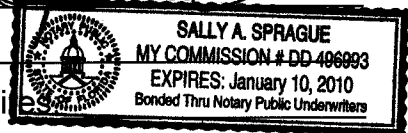
The foregoing instrument was acknowledged before me this 5th day of August, 2008 (mo/yr), by Dennis McGee, Airport Director, who is personally known to me or who has produced _____ as identification.

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

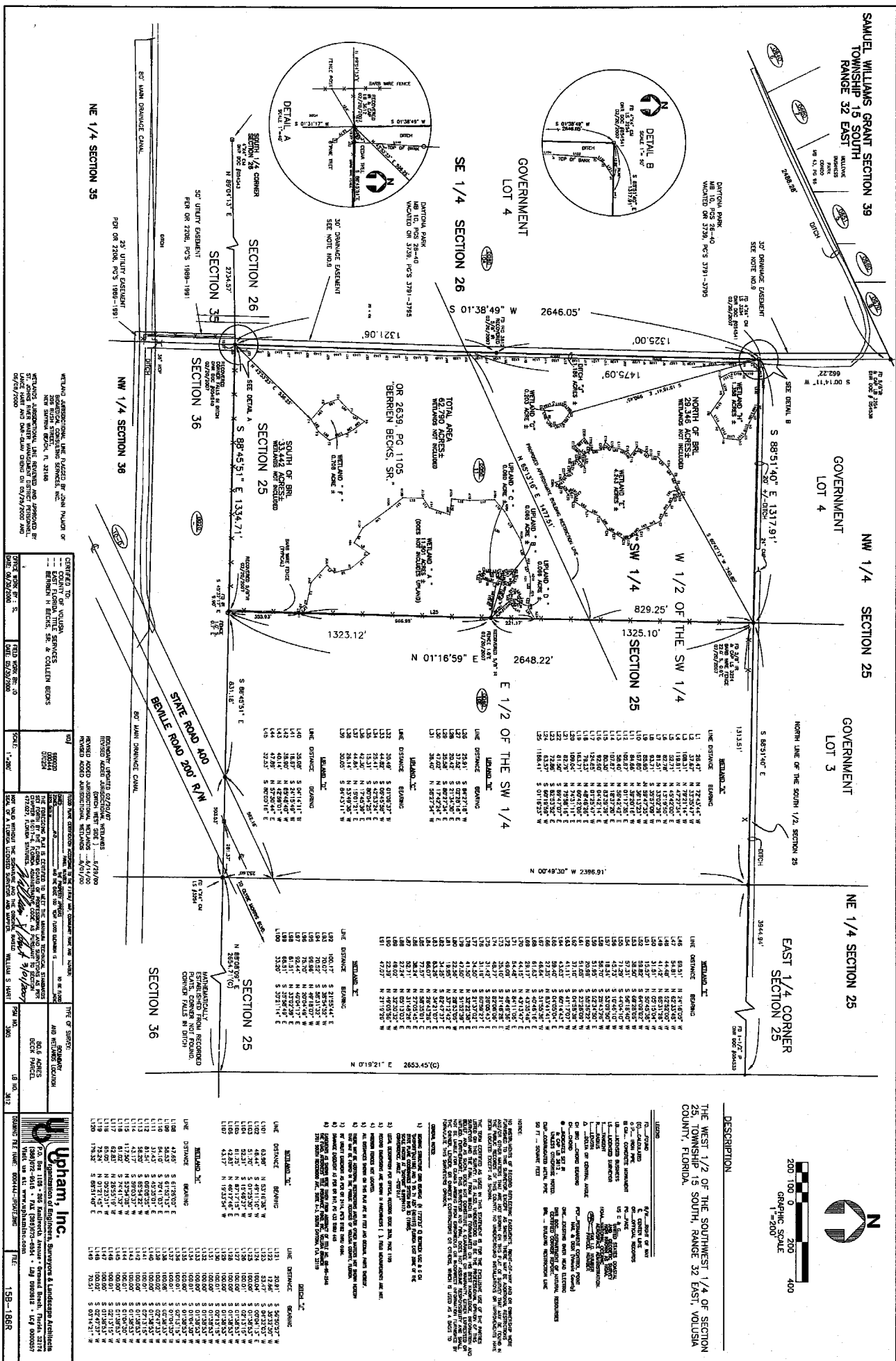
SALLY A. SPRAGUE

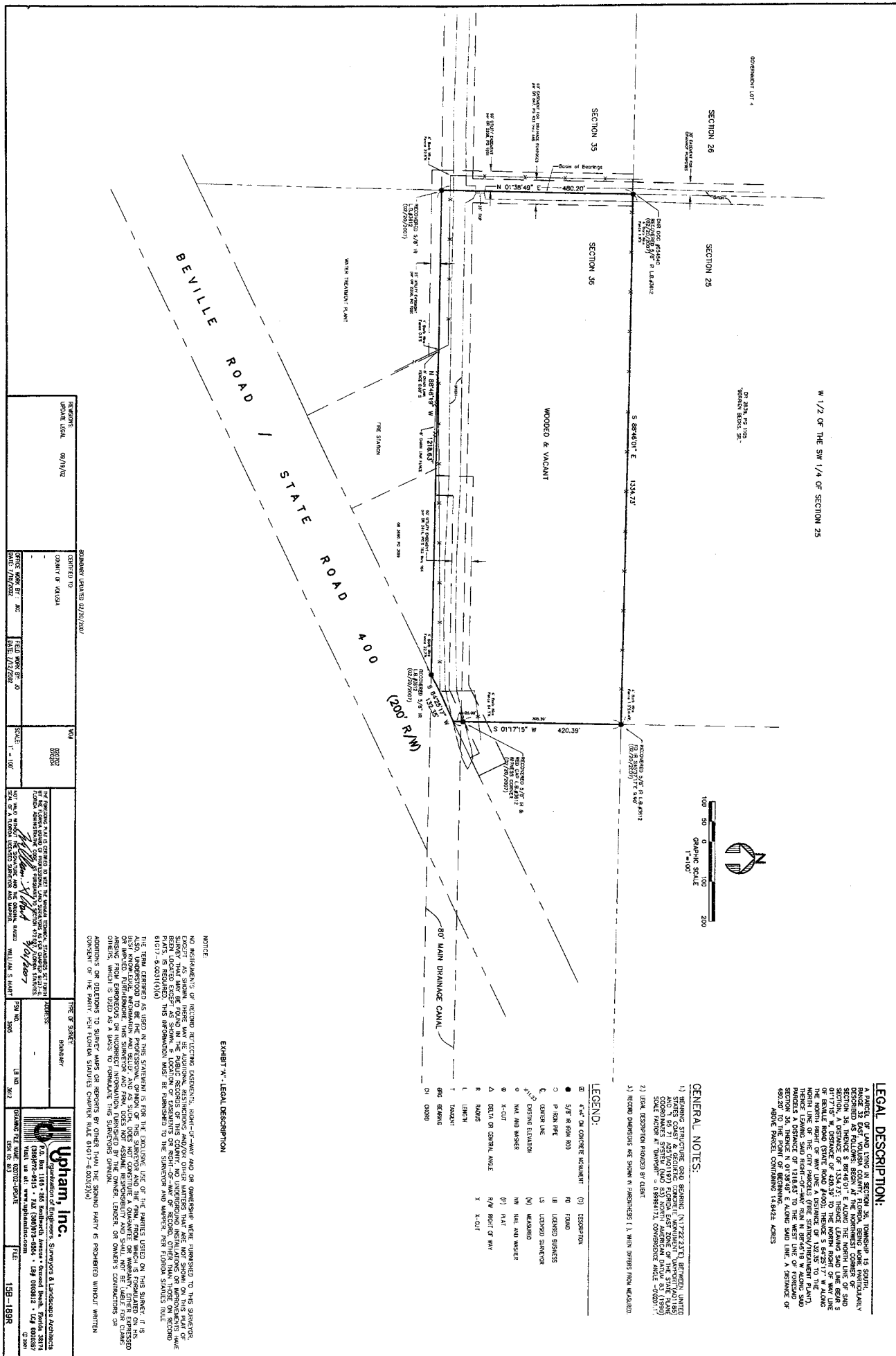
Commission No.:

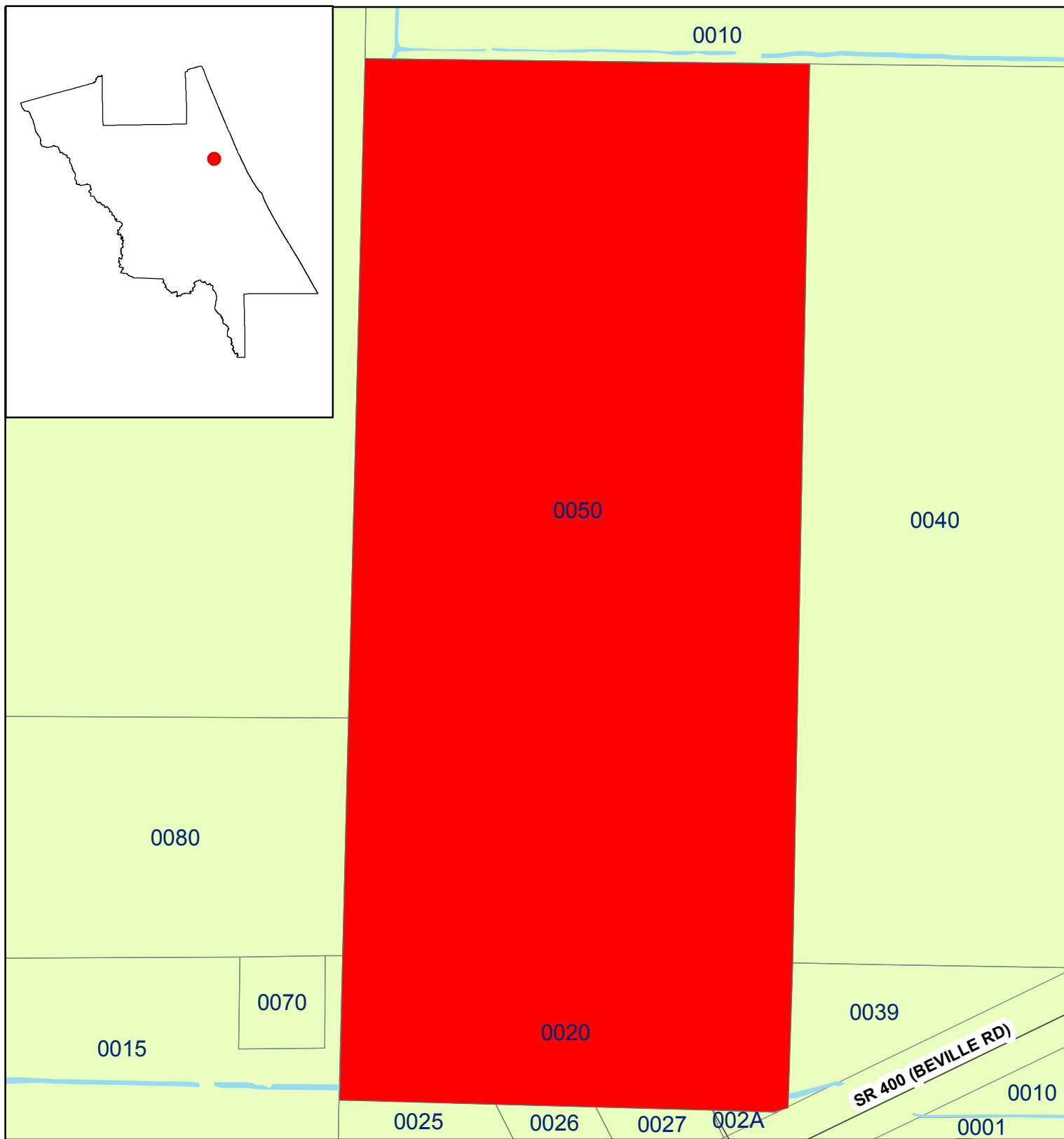
My Commission Expires



Revised July 15, 2008







REQUEST AREA LOCATION



**FROM: MPUD
TO : AP**

1 " = 400'



**REZONING
CASE NUMBER
Z-17-026**



AERIAL 2015

**FROM: MPUD
TO : AP**

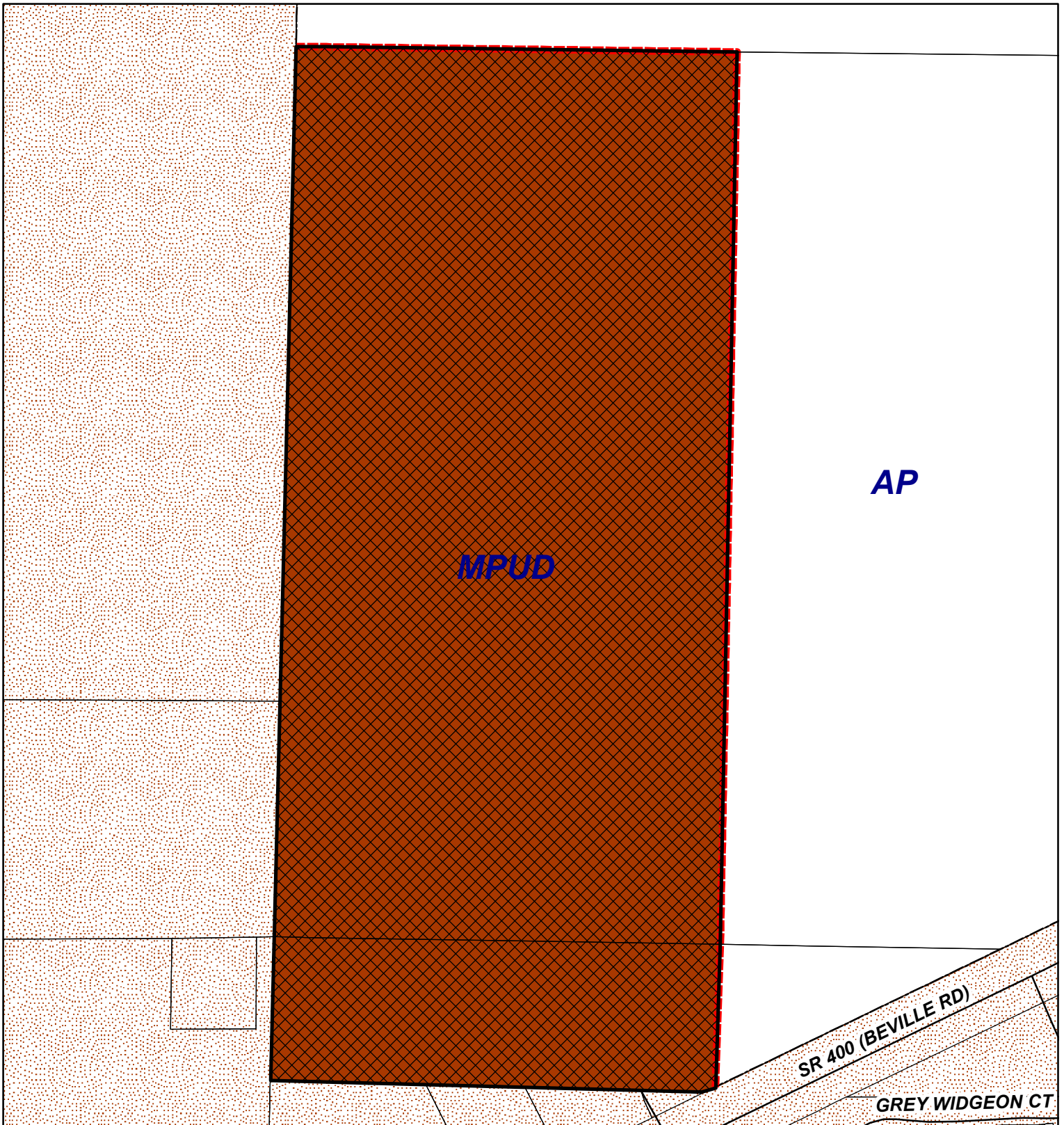
1"= 400'



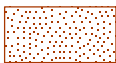
**REZONING
Z-17-026**



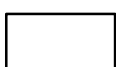
REQUEST AREA



ZONING CLASSIFICATION



INCORPORATED



AIRPORT PROPERTY



MIXED PLANNED UNIT DEV



REQUEST AREA

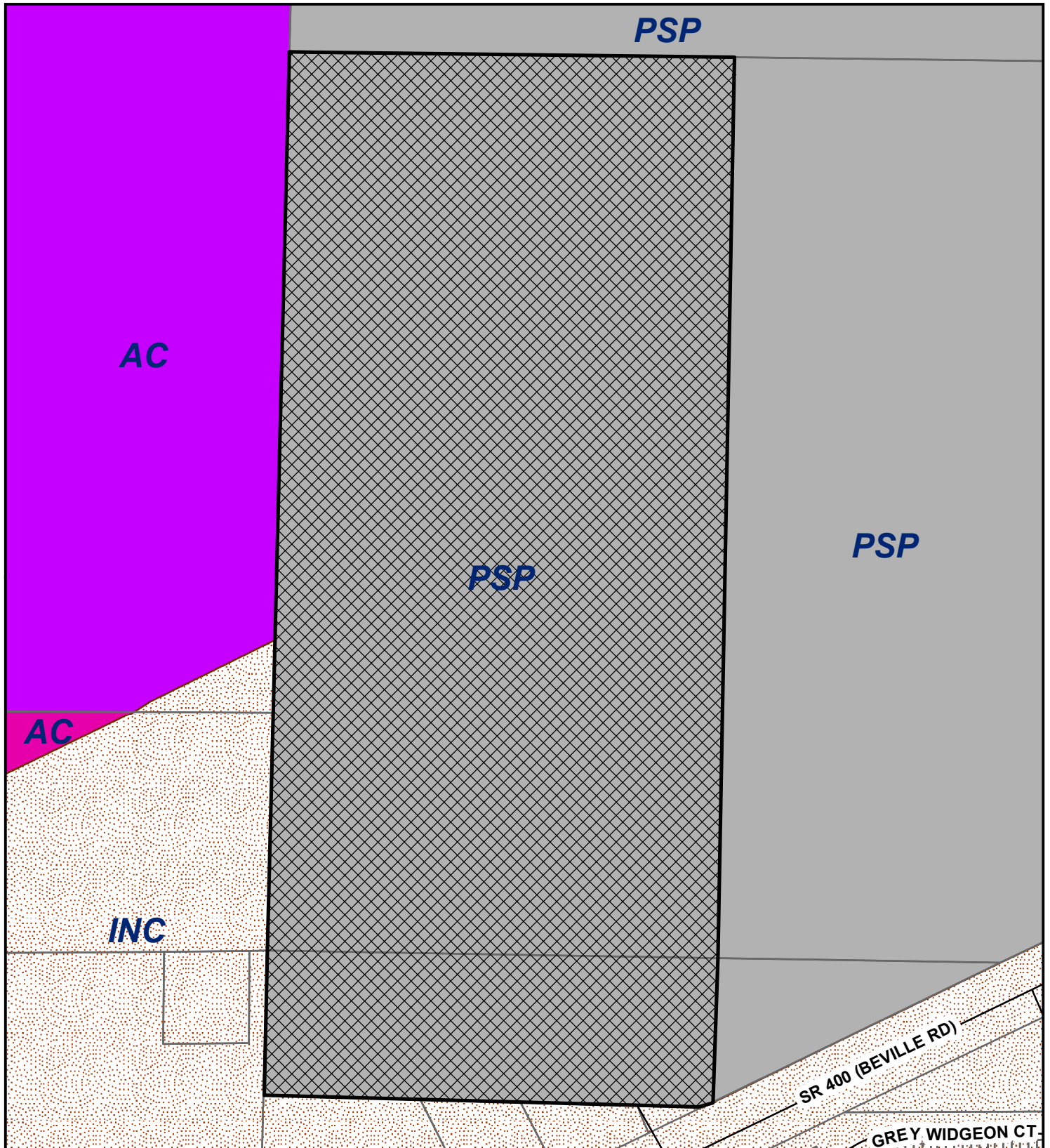
1"= 400'








**REZONING
CASE NUMBER**

Z-17-026

**FROM: MPUD
TO : AP**



FUTURE LAND USE DESIGNATION

-  INCORPORATED
-  OFFICE
-  INDUSTRIAL
-  PUBLIC/SEMI PUBLIC
-  REQUEST AREA

1"= 400'



REZONING
CASE NUMBER
Z-17-026

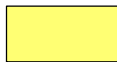
FROM: MPUD
TO : AP



ECO/NRMA



ECO



NRMA

1"= 400'

REZONING
Z-17-026

FROM: MPUD
TO: AP



REQUEST AREA