



## The Department of Planning and Development Services

City Hall | 16 Colomba Road | DeBary, FL 32713

### Development Review Committee (DRC) Meeting

Tuesday, May 16<sup>th</sup>, 2023 – 9:30 AM

## DRC AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
  - DRC meeting on May 2<sup>nd</sup>, 2023
4. NEW BUSINESS
  - **Case # 22-02-MAJPUD-Duke Energy Hydrogen; Second Review**, Applicant is requesting review of a Major PUD Amendment for the Progress Industry Park IPUD to permit a hydrogen production and storage system.
  - **Case # 23-01-SE-30 Sanctuary; First Review**, Applicant is requesting approval of a special exception to convert an existing accessory structure to a garage apartment.
5. ADDITIONAL BUSINESS:
6. DISCUSSION:
7. ADJOURNMENT:

### DISTRIBUTION:

#### Technical Review Staff:

- Steven Bapp, AICP, *Growth Management Director - Planning and Zoning (SBapp@DeBary.org)*
- Joseph Barker, *Senior Planner - Planning and Zoning (JBarker@DeBary.org)*
- Kayla Burney, *Planning Technician - Planning and Zoning (KBurney@DeBary.org)*
- Kevin Hare, *Construction Manager (KHare@DeBary.org)*
- Amy Long, *Deputy Public Works Director (ALong@DeBary.org)*
- Chad Qualls, *Public Works Superintendent (CQualls@DeBary.org)*
- Robert Scott, *Orange City Fire Department (RScott@ourorangecity.com)*
- Merylene Thomas, *Senior Planner - Planning and Zoning (MThomas@DeBary.org)*
- Richard Villasenor, *City Engineer (RVillasenor@DeBary.org)*
- Steve Wood, *Building Inspector (Buildingofficial@DeBary.org)*
- E-Sciences, *Environmental Management Consultant (troberts@res.us)*
- Fishback Dominick, *Legal Consultant (DLangley@fishbacklaw.com)*
- SurvTech Solutions, *Surveying Consultant (rfowler@survtechsolutions.com)*
- TEDS, *Transportation Consultant (FerrellFred@stanleygroup.com)*
- Volusia County Utilities, *Utilities (ErinReed@volusia.org)*

**PLEASE NOTE: Each DRC project on the agenda will take approximately 30 minutes unless otherwise noted.**

**APPLICANT(S):** Please plan to attend the DRC meeting to discuss your project and review the comments with reviewers. Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 601-0219.



**City of DeBary  
Development Review Committee Meeting  
May 2, 2023 - MINUTES**

**CALL TO ORDER:**

The meeting of the City of DeBary Development Review Committee was called to order by Steven Bapp, Growth Management Director, at 9:32 am.

**DRC MEMBERS PRESENT:**

Steven Bapp, City of DeBary  
Christopher Karl, Orange City Fire Department  
Amy Long, City of DeBary  
Richard Villasenor, City of DeBary  
Steve Wood, City of DeBary

**OTHERS PRESENT:**

Joseph Barker, City of DeBary  
Phyllis Butlien, City of DeBary  
Bailey Hart, City of DeBary  
Johnny Hill, Florida Public Utilities Co.  
Chad Qualls, City of DeBary  
Michael Wojtuniak, EPI Engineering

**APPROVAL OF MINUTES:**

Steve Wood made a motion to approve the April 18, 2023 DRC Meeting Minutes, seconded by Richard Villasenor. The motion was approved by a 5-0 vote.

**ADDITIONS, DELETIONS, OR AMENDMENTS TO THE AGENDA:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**FPU Safety Town**

**Project # 23-01-FSP-Safety Town**

Michael Wojtuniak, the representative for the applicant, came forward to speak. Johnny Hill, another representative for the applicant, came forward to speak. Chairman Bapp stated there is an existing incompatibility with the Comprehensive Plan Future Land Use Map (FLUM) and the City's Zoning Map that will need to be resolved for this project to appear.

Mr. Villasenor stated his comments have mostly been addressed. He asked if the simulation training area is a proprietary build, as no details were provided with the application. Mr. Wojtuniak stated he will be adding details for it. Mr. Villasenor stated the training area is near where a drainage retention area was once located. Mr. Wojtuniak stated the training area will be above ground.

Mr. Villasenor asked if the simulation training area is going to be fenced. Mr. Wojtuniak confirmed it will be.

Mr. Villasenor noted one of his comments in reference to green stormwater infrastructure, where he suggested slumped landscape islands as opposed to humped.

Mr. Karl asked if there will be accessibility to the training area for emergency vehicles after the fencing has been relocated. Mr. Wojtuniak stated there will still be emergency vehicle access.

Mr. Villasenor asked if the auto-turn has been provided. Mr. Wojtuniak stated he will run an auto-turn.

Mr. Villasenor asked if Mr. Wojtuniak had an auto-turn for Fire Department vehicles. Mr. Wojtuniak stated he has it.

Chairman Bapp noted comments were recently provided by the City's environmental review consultant, ESciences. Mr. Wojtuniak stated the only comment was regarding the trees.

Mr. Wojtuniak asked for information regarding the process for the FLUM and Zoning Map amendments. He stated the amendments can be processed concurrently and that the entire process could take roughly two months. He stated the DRC reviews FLUM and Zoning Map amendments.

Mr. Wojtuniak asked if the currently available legal description will suffice, in light of the issues surrounding the title. Mr. Bapp stated that can be resolved at another time.

Mr. Wood had no comments.

Ms. Long had no comments.

Mr. Wojtuniak asked for feedback on the architectural elevations. Joseph Barker, Senior Planner, stated the elevations provided will need additional information and details added to them in order for them to be reviewed against the standards of the City's Gate Corridor.

Mr. Hill stated the plan for this project is to train first responders from around the State. He also stated there will be no live gas on the site.

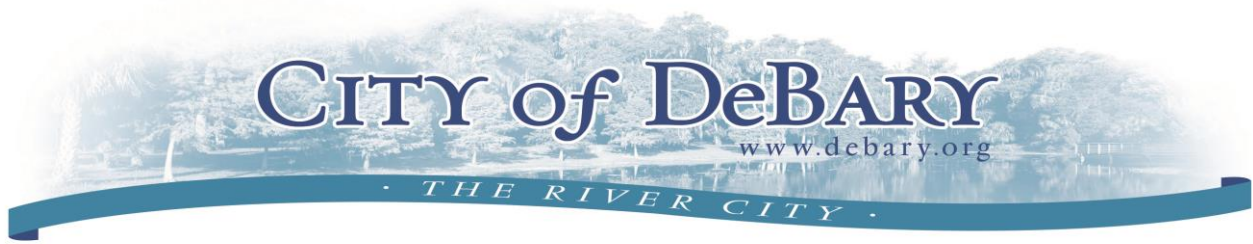
The item was continued.

#### **ADDITIONAL BUSINESS:**

Chairman Bapp welcomed Amy Long to the DRC.

#### **ADJOURNMENT:**

The meeting was adjourned at 9:51 AM.



**DRC 5-16-2023**

**Subject Case # 22-02-MAJPUD-Duke Energy Hydrogen**

**Applicant: Duke Energy Florida, LLC**

---

Application Summary:

The applicant is requesting approval of a Major Amendment to the Development Agreement for the Progress Industry Park Industrial IPUD to allow for the construction of a hydrogen production and storage facility upon an approximately 1.0-acre portion of the property.

**Planning & Zoning**

**Joseph Barker, Senior Planner**

No additional comments.

---

**Public Works Department**

**Amy Long, Deputy Public Works Director**

No comments have been received.

---

**Fire Services**

**Robert Scott, Fire Marshal**

No comments have been received.

---

**Engineering**

**Richard Villaseñor, P.E., City Engineer**

No comments have been received.





**Building Department**  
**Steve Wood, Building Official**

No comments have been received.

---

**Volusia County Utilities**  
**Erin Reed, PhD, P.E., Water & Utilities Senior Engineer**

VCU has reviewed and has no comments in addition to our October 2022 comments at this time.

---

**Environmental Management**  
**Tom Roberts, Regional Science Manager, RES**

I reviewed the documents provided in the link below, including the Ecological Assessment report dated 02/23/2023 by WSP. I concur with the findings of their report including the statement that “An updated tortoise burrow survey will need to be conducted prior to construction.” Therefore, we have no further comments.

---

**Surveyor**  
**Ryan Fowler, Surveyor, SurvTech Solutions**

No comments have been received.

---

**Legal Review**  
**Dan Langley, Attorney, Fishback-Dominick**

This submittal addresses my previous comments. We need clean versions of the Second Amendment to the Amended and Restated Development Agreement and the Ordinance approving the major amendment to IPUD along with all exhibits referenced in the Second Amendment & Ordinance for the future Council agenda packages. Thanks.





**Transportation**

**Tanya King, P.E., Senior Transportation Engineer, TEDS**

No comment as the development will generate 1 daily trip.

\*\*\*END OF COMMENTS\*\*\*

A written response to each of the above comments will be required when revisions are re-submitted to the City. Please be advised that additional comments may be forthcoming after a review of the revised plan set has been completed.

If you should have any questions, please feel free to contact me at 386-668-2040 x 317.

**Steven Bapp, AICP**  
**Sbapp@debary.org**  
**Director of Growth Management**  
**City of DeBary**





April 19, 2023

Project No. 31404342.014

**Joseph Barker**

City of DeBary  
10 Columba  
DeBary FL 32713

**SUBJECT CASE # 22-02-MAJPUD-DUKE ENERGY HYDROGEN PRODUCTION AND STORAGE SYSTEM**

Mr. Barker:

This letter and referenced attachments represent the responses to the Development Review Committee (DRC) comments provided on October 14, 2022 and referencing DRC 10-18-2022. The content of the city's letter is reiterated, followed by the response by Duke, WSP, or other affiliates of the development team.

**Planning & Zoning Joseph Barker, Planner II**

1. Please provide clarification on the easement depicted on the sketch. The sketch represents the geographic limits of the hydrogen production and storage system. *No easement is required as Duke owns the property and will own and operate the hydrogen production and storage system. The sketch of the Site has been revised to remove the reference to easement and replaces the original application attachment 3.4.2.*
2. Will there be any additional parking added? *No additional parking is required or requested. Existing parking will be used.*
3. Please note there shall be no emission of fumes, odors, vapors, gases, chemicals, smoke, dust, dirt, fly ash, or any particulate matter in violation of applicable state standards, as per Land Development Code Chapter 3, Article III, Division 4, Section 3-131(1). *The hydrogen production and storage system is being designed to comply with the State of Florida emission rates and air quality standards. The only emission from the system is oxygen.*
4. In the second whereas clause, line 6, the word storage is misspelled. *The misspelling has been corrected.*
5. Will the location of this hydrogen production area be a new lot? *No new lot is being proposed.*
6. Please amend Section F of the Development Agreement to include this project. *Section F has been expanded to include environmental considerations for the hydrogen production and storage system.* The attached revised draft Development Agreement was received by the city and additional edits/clarifications are depicted in track changes. This revised draft replaces the original application Attachment 4.2.

**Public Works Department**

No comments have been received

**Fire Services Michael Parker**

No comments have been received.

**Engineering Richard Villaseñor, P.E.**

No comments have been received

**Building Department Steve Wood**

No comments have been received

**Volusia County Utilities Erin Reed, PhD, PE**

VCU has reviewed the submittal below and has the following comments:

1. VCU has potable water, reclaimed water, and sanitary sewer along Donald E. Smith that is available to connect. The site is adjacent to VCU's Southwest Regional Water Reclamation Facility where potable water, reclaimed water, and sewer is also available to connect. See revised draft Development Agreement Section G (included with the revised draft Development Agreement attached) for response.

**Environmental Management Tom Roberts**

RES Florida Consulting, LLC d/b/a E Sciences (RES) has reviewed 18 digital files provided by Joseph Barker, Planner II, City of DeBary (City) relating to the Major Amendment to a Planned Unit Development submittal for the approximately 251-acre property located at 176 West Highbanks Road in DeBary, Florida. This review is focused on the approximately 1.8-acre area identified for redevelopment and wetland, tree ordinance, and protected species compliance issues associated with this effort. Listed below are questions/comments generated by this review:

1. The proposed redevelopment occurs within a previously cleared area and does not appear to impact any trees. *Comment acknowledged.*
2. The proposed redevelopment falls within the United States Fish and Wildlife Service (USFWS) consultation area for the Florida scrub-jay, Eastern indigo snake, and gopher tortoise. This area will need to be surveyed for these species and a Biological Report documenting the findings should be submitted during future phases of this project. *An Ecological Assessment Report has been prepared to address listed species. The report is attached.*
3. The Biological Report should also address the presence/absence of jurisdictional wetlands/surface waters. *An Ecological Assessment Report has been prepared to address jurisdictional wetlands and water bodies. The report is attached.*

**Surveyor Ryan Fowler**

No comments have been received.



**Legal Review Dan Langley**

Please find attached a revised Second Amendment to Amended and Restated Development Agreement. If the City staff have conditions of approval that need to be incorporated into the DA, please let me know so that I can incorporate them into the Second Amendment. The proposed major amendment to the IPUD will need to be approved via an ordinance and a second amendment. I can draft the ordinance at a later date. We should consider having Duke submit a more detailed construction/site plan for the Hydrogen Project that can be used as the MDP for the 1.0 acre project site. Thanks. *A revised Master Development Plan is provided as an attachment that included the detail requested via email. An updated Concept Plan is also provided to provide more detail. These attachments replace the original application Attachments 4.1 and 4.1.1, respectively.*

**Transportation Chris Walsh, P.E.**

No comment as the development will only generate 1 daily trip. *Comment acknowledged.*

On behalf of Duke's development team, we appreciate your review and comments and hope that you find our responses complete and sufficient. Do not hesitate to call me if you have any questions.

**WSP USA Inc.**



Richard A Zwolak  
Principal

CC: John Hackey, Duke

Attachments: Description Sketch Attachment 3.4.2 Revised  
Draft Development Agreement Attachment 4.2 Revised  
Ecological Assessment Report  
Master Development Plan Attachment 4.1 Revised  
Hydrogen Production and Storage Concept Attachment 4.1.1 Revised

# Description Sketch Attachment 3.4.2 Revised

**Legal Description:**

Parcel #80280000020

A portion of a parcel recorded in Official Records Book 1647, Page 306, public records of Volusia County, Florida, lying in Section 28, Township 18 South, Range 30 East, being described as follows:

Commence at the northwest corner of said Section 28; thence South 00°11'52" East, along the west line of said Section 28, a distance of 399.83 feet; thence North 90°00'00" East, a distance of 114.15 feet to the Point of Beginning; thence North 90°00'00" East, a distance of 441.00 feet; thence South 00°00'00" East, a distance of 175.00 feet; thence North 90°00'00" West, a distance of 441.00 feet; thence North 00°00'00" East, a distance of 175.00 feet to the Point of Beginning.



Contains 1.77 acres (77,175 Square Feet)

**Surveyor's Notes:**

1. North and the bearings shown hereon are referenced to the west line of Section 28, Township 18 South, Range 30 East, Volusia County, Florida, as being South 00°11'52" East.
2. All measurements shown hereon are in U.S. Survey Feet.
3. An abstract of title was not performed by or furnished to Pickett and Associates, LLC. Any easements or encumbrances that may appear as a result of said abstract are not warranted by this sketch.
4. Legal description was prepared by Pickett and Associates, LLC per client request and is based on deeds of record and a field survey to locate the controlling corners needed to establish the parcels, right-of-way and easement shown in the legal description and sketch hereon.
5. This sketch meets the applicable "Standards of Practice" as set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J17.051-.053, Florida Administrative Code. Not valid without the original signature and the raised seal or the electronic signature and computer generated seal of a Florida Licensed Surveyor and Mapper.
6. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

\_\_\_\_\_  
 Gregory A. Prather, P.S.M. Florida Registration No. P.S.M. 5135 DATE  
 PICKETT AND ASSOCIATES, LLC Florida Registration No. LB 364

SD02-H2GA\_DEBARY-04182023.DWG

 <p><b>PICKETT</b> SURVEYING • ENGINEERING</p> <p>3710 AIRPORT COMMERCE DR. STE. 10                  LAKELAND, FLORIDA 33811                  L.B. NUMBER 364                  (863) 533-9095                  www.pickettusa.com</p>	CERTIFIED TO: DUKE ENERGY FLORIDA, LLC DESCRIPTION SKETCH FLORIDA POWER CORPORATION H2GA-SITE1-02		 <p><b>DUKE ENERGY</b></p> <p>550 S. TRYON STREET                  CHARLOTTE, N.C. 28202                  TELEPHONE NO. (704)382-2361</p>			
	REVISIONS	1    04/18/23    ND				
VENDOR PROJECT No.	18699	DRAWN	CHECK	SCALE: N/A	WO:	
VENDOR DRAWING No.	6209	ND	DJE	DATE: 09/08/2022	SITE:	LU:
						SHEET 1 OF 2

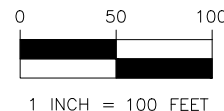
20 | 21  
29 | 28

SECTION 21-18S-30E  
SECTION 28-18S-30E

POINT OF COMMENCEMENT  
NORTHWEST CORNER  
OF SECTION 28

SECTION 28  
TOWNSHIP 18 SOUTH  
RANGE 30 EAST  
VOLUSIA COUNTY

PARCEL 80280000020  
FLORIDA POWER CORPORATION  
(ORB 1647, PAGE 306)



S00°11'52"E 399.83'  
(BEARING BASIS)

WEST LINE OF  
SECTION 28

POINT OF  
BEGINNING

SECTION 29-18S-30E  
SECTION 28-18S-30E

N90°00'00"E 114.15'

N90°00'00"E 441.00'

N00°00'00"E 175.00'

H2GA-SITE1-02 CONTAINS  
1.77 ACRES (77,175 SQ FT)

S00°00'00"E 175.00'

N90°00'00"W 441.00'

**LEGEND:**

ORB OFFICIAL RECORDS BOOK  
P.S.M. PROFESSIONAL SURVEYOR AND MAPPER  
LB LICENSED BUSINESS

SD02-H2GA\_DEBARY-04182023.DWG



**PICKETT**  
SURVEYING • ENGINEERING

3710 AIRPORT COMMERCE DR. STE. 10  
LAKELAND, FLORIDA 33811  
L.B. NUMBER 364  
(863) 533-9095  
www.pickettusa.com

CERTIFIED TO: DUKE ENERGY FLORIDA, LLO

DESCRIPTION SKETCH

FLORIDA POWER CORPORATION



**DUKE  
ENERGY**

550 S. TRYON STREET  
CHARLOTTE, N.C. 28202  
TELEPHONE NO. (704)382-2361

H2GA-SITE1-02

REVISIONS	1	04/18/23	ND
VENDOR PROJECT No.	18699		
VENDOR DRAWING No.	6209		

DRAWN	CHECK	SCALE: 1"=100'
ND	DJE	DATE: 09/08/2022

WO:	SHEET 2 OF 2
SITE:	
LU:	

# Draft Development Agreement Attachment 4.2 Revised

After Recording Return to:

City Clerk  
City of DeBary  
16 Colomba Road  
DeBary, Florida 32713

**SECOND AMENDMENT TO AMENDED AND  
RESTATED DEVELOPMENT AGREEMENT  
(PROGRESS INDUSTRY PARK INDUSTRIAL PLANNED UNIT DEVELOPMENT)**

**THIS SECOND AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT** (the "Amendment") is made and entered into by and between the **CITY OF DEBARY**, a Florida municipal corporation (herein "City"), and **Duke Energy Florida, LLC**, a Florida limited liability company d/b/a Duke Energy (herein "Applicant").

**WHEREAS**, the City and Applicant previously entered into that certain Amended and Restated Development Agreement concerning the Progress Industry Park Industrial Planned Unit Development, which was approved pursuant to City of DeBary Ordinance No. 05-18 and was recorded on May 22, 2018 at Official Records Book 7548, Page 2133, et. seq., Public Records of Volusia County ("Amended & Restated Development Agreement"), which along with its corresponding master development plan governs the development of the 1,121 acre Property described in Exhibit A attached to the Development Agreement ("Property"); and

**WHEREAS**, the Development Agreement was previously amended by the First Amendment to Amended and Restated Development Agreement approved pursuant to City of DeBary Ordinance No. 02-19 adopted on March 6, 2019 ("First Amendment"); and

**WHEREAS**, the Amended & Restated Development Agreement and First Amendment are collectively herein referred to as the "Development Agreement"; and

**WHEREAS**, Applicant requests a major amendment to Progress Industry Park Industrial Planned Unit Development and its corresponding ~~Development Agreement and master development~~

Deleted: the

plan to allow for construction of a hydrogen production and storage facility upon an approximately 1.77 acre portion of the Property (“Hydrogen Production and Storage Property”); and

Deleted: 0

**WHEREAS**, the due public notice and public hearing requirements of the City of DeBary Land Development Code and this Development Agreement have been met; and

**WHEREAS**, the City Council of the City of DeBary, Florida, finds that this Amendment is consistent with the City of DeBary Comprehensive Plan and Land Development Code, promotes the public health, safety and welfare and is consistent with its authority under Chapter 166, Florida Statutes, Section 2(b) of the State Constitution, and the City's police powers.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Exhibits and Whereas Amendment.** The Development Agreement is amended to add Exhibit “F” attached to this Amendment as Exhibit “F” to the Development Agreement.

2. **Master Development Plan Amendment.** Section A.1. of the Development Agreement is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

A. Development Concept: The Property shall be developed as an IPUD substantially in accordance with the Master Development Plan and this Development Agreement. The Master Development Plan and this Development Agreement shall govern the development of the Property as an IPUD and shall regulate the future land use of this parcel.

1. Master Development Plan. The Master Development Plan shall consist of: (i) the Preliminary Plan dated May 14, 1999 attached hereto as **Exhibit “B”** which is the same master development plan attached to City of DeBary Ordinance No. 08-99 and its corresponding development agreement (“Original MDP”), (ii) the Highbanks Substation Plan prepared by Dewberry Engineers, Inc. dated July 21, 2017 attached hereto as **Exhibit “C”** (“Highbanks Substation Plan”) providing for the development of an

electrical substation on the Substation Property, ~~and~~ (iii) the Solar Power Generation Plan prepared by Golder Associates dated January 29, 2019 attached hereto as **Exhibit “E”** (“Solar Power Generation Plan”), ~~and~~ (iv) the Hydrogen Production and Storage Facility Plan prepared by Golder Associates dated August 29, 2022 attached hereto as **Exhibit “F”** (“Hydrogen Plan”). The Original MDP, Solar Power Generation Plan, ~~and~~ Highbanks Substation Plan, ~~and~~ the Hydrogen Production and Storage Facility are collectively referred to herein as the “Master Development Plan” and such shall govern the development of the Property. The Highbanks Substation Plan shall control the development of the Substation Property and to the extent of any conflicts with the Original MDP. The Solar Power Generation Plan shall control the development of the Solar Power Property and to the extent of any conflicts with the Original MDP. The Hydrogen Production and Storage Facility Plan shall control the development of the Hydrogen Production and Storage Property and to the extent of any conflicts with the Original MDP. The Hydrogen Plan shall be filed and retained for public inspection in the office of the City of DeBary and it shall constitute a supplement to the Official Zoning Map of the City of DeBary.

**Deleted:** Solar Generation Power Plan and

3. **Section C. Amendment.** Section C. (Phases of Development) of the Development Agreement is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

C. Phases of Development. Whereas Phases I, II, and III of the initial development as described under Ordinance No. 08-99 have been completed. There has been additional development of (i) an electrical substation on the Substation Property consistent with the Highbanks Substation Plan within the portion identified previously as Phase I identified on the Original MDP, located to the north of the existing Volusia County Water Treatment Facility as Phase IV of the IPUD, ~~and~~ (ii) a Solar Power Generation Project (or sometimes called the “Solar PV Project”) on the Solar Power Property consistent

**Deleted:** will be

**Commented [ZR1]:** Do not delete



with the Solar Power Generation Plan as Phase V of the IPUD. ~~a Hydrogen Production and Storage Facility will be developed and~~ located within a portion of Phase III of the Original MDP as Phase VI of the IPUD. Any proposed future phases of development of the Property shall be submitted and reviewed as a major amendment to this IPUD.

Deleted: .(iii)  
Deleted: a

4. **SECTION I. Amendment.** SECTION I. (Access and Transportation System Improvements) of the Development Agreement is hereby amended to be deleted and replaced with the following):

Formatted: Indent: Left: 0", First line: 0.5"

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the City of DeBary Comprehensive Plan, Land Development Regulations, as amended. The Property shall be developed in substantial accordance with the following access and transportation system improvements:

~~Access. Applicant shall utilize the Saxon Road extension as the exclusive point of ingress and egress for any development projects outside the existing powerplant, Phase IV Highbanks Substation and Phase V – Solar PV Project. The current Highbanks Road access drive shall continue to serve all existing and future public utility uses within the IPUD (including the existing power plant, the Highbanks Substation, the Solar PV Project and the Hydrogen Production and Storage Facility Property which occupies a portion of the existing power infrastructure).~~ In addition, Highbanks Road may be utilized as emergency access. Subject to further review and approval by the City during a site plan or other appropriate development order or permit approval process, the Property may utilize for access any future public road improvements that are constructed adjacent to the Property if and when available. Applicant may utilize Donald E. Smith Boulevard to access the existing access road used by the Volusia County Water Treatment Facility during construction activities upon the Property

Deleted: 1.

Deleted: and

for construction access and delivery of limited equipment and for ingress and egress to travel north within Phase I to Duke Energy’s Highbanks substation (Phase IV), ~~and~~ the Solar PV Project (Phase V). Such access from Donald E. Smith Boulevard is limited to as necessary to access said electrical substation on the Substation Property or the Solar Power Property as noted on the Solar Power Generation Plan, and Donald E. Smith Boulevard shall not be utilized to access development outside of the Substation Property except during construction of the Solar PV Project and emergency access and replacement of solar substation equipment.

**Commented [ZR2]:** keep

**Deleted:** ~~and the Hydrogen Production and Storage Facility (Phase VI).~~

4. SECTION G. Amendment. SECTION G. (Sewage Disposal and Potable Water) of the Development Agreement is hereby amended to be revise as follows (underlined language are additions and stricken through language are deletions):

G. Sewage Disposal, Reclaimed Water and Potable Water. Provision for sewage disposal and potable water needs of the IPUD will be provided in accordance with the City of DeBary Comprehensive Plan, as amended, the City of DeBary Land Development Code, as amended, and State of Florida Administrative Code 10-D6.

The Hydrogen Production and Storage Facility shall not use ground water to create hydrogen or in the electricity generation process, except (a) on a limited emergency basis as set forth herein; or (b) during the period of time between the expected in-service date of the Hydrogen Production and Storage Facility and 12/31/26. For purposes of this section, “emergency” is defined as a period of time when reclaimed water is not available from and as determined by Volusia County (reclaimed water provider) due to exigent conditions outside of Duke Energy’s or its contractors’, employees’ and agents’ control, including but not limited to, issues with reclaimed water quantity, quality considerations, equipment malfunctions, weather, and other circumstances that would render the reclaimed water

unavailable or unusable. A condition of approval of this amendment requires that Applicant (Duke Energy) will, at its expense, and in compliance with an order from the St. John's River Water Management District (SJRWMD), convert the primary water supply for the existing DeBary power plant from the present groundwater sources to reclaimed water acquired from the Volusia County's Southwest Reclaimed Water Facility by 2027 ("Reclaimed Water Supply Conversion"). If the Reclaimed Water Supply Conversion does not occur, the Hydrogen Production and Storage Facility is not permitted to be operated beyond the end of 2026. The Reclaimed Water Supply Conversion will involve cooperation by certain stakeholders including Volusia County and SJRWMD. Coordination will need to occur between SJRWMD and Duke Energy to modify the existing Consumptive Use Permit 9482-4 and any other necessary approvals to eliminate ground water as a primary source of water and require the use of reclaimed water as the primary water source for electric generation plant processes. The risk is solely on the Applicant (Duke Energy) concerning the potential inability or failure to obtain the necessary approvals to modify the Consumptive Use Permit or otherwise move forward with the Reclaimed Water Supply Conversion and by extension, the Hydrogen Production and Storage Facility.

The Applicant shall provide the City with written proof and an onsite visual inspection of the Reclaimed Water Supply Conversion once complete. Except for drinking water purposes as set forth below, groundwater from existing onsite groundwater wells may only be allowed on a temporary basis not to exceed the period of an emergency (as defined above) or during the period of time between the expected in-service date of the Hydrogen Production and Storage Facility and 12/31/26. Applicant (Duke Energy) will still utilize

groundwater sources for toilets, sinks, water fountains, ice makers, eye wash stations and other human drinking water purposes.

5. **Full Force & Effect; Binding.** The Development Agreement shall remain in full force and effect except as expressly modified by this Amendment. This Amendment shall run with the land and be binding upon, and inure to the benefit of, the parties hereto, their respective heirs, successors, assigns and anyone claiming by, through or under any of them.

6. **Effective Date.** The effective date of this Amendment shall be the date approved by the City Council.

**[REMAINDER OF PAGE LEFT BLANK]**

**AGREED** to by the City Council of the City of DeBary, Florida and the Applicant on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**ATTEST:** **CITY OF DEBARY CITY COUNCIL**

\_\_\_\_\_  
Annette Hatch, City Clerk

\_\_\_\_\_  
Karen Chasez, Mayor

City Council Approved on \_\_\_\_\_, 2023.

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by physical presence this \_\_\_\_ day of \_\_\_\_\_ 2023, by Karen Chasez as Mayor, on behalf of the City of DeBary, and who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

Type or print Name: \_\_\_\_\_  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

APPLICANT:

DUKE ENERGY FLORIDA, LLC, a Florida limited liability company

By: \_\_\_\_\_

Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day \_\_\_\_\_, 2023 by \_\_\_\_\_, as \_\_\_\_\_ of DUKE ENERGY FLORIDA, LLC, a Florida limited liability d/b/a Duke Energy, on behalf of said company. He/she is personally known to me or has produced \_\_\_\_\_ as identification.

(Affix Seal)

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

# Ecological Assessment Report



02/23/2023

Project No. 31404342.014

**Johnny Hackey**  
Duke Energy Florida  
176 W Highbanks Rd  
DeBary, FL 32713

## **ECOLOGICAL ASSESSMENT REPORT: DEBARY HYDROGEN PRODUCTION AND STORAGE SYSTEM**

Dear Mr. Hackey:

WSP conducted an ecological assessment of the proposed 1.8-acre DeBary Hydrogen Production and Storage System Site (Site) located entirely within the Duke DeBary power plant property in DeBary, FL (Figure 1).

The proposed project will generate hydrogen that replaces in part the fuel oil and associated processing and storage that formerly occupied the site as well as natural gas to run the combustion turbines at the site. The use of hydrogen will result in reduced carbon emissions.

The proposed facilities include electrical and mechanical equipment and associated enclosures to produce the hydrogen and vessels to store the hydrogen. Maximum height of the equipment is estimated to be 20 feet or less. The new equipment will be placed on individual concrete foundations. There will be no need for new access, signage, internal driveways, parking or loading or unloading facilities and no buildings are proposed as part of the project. The connection to the turbine will be installed within existing trenches and the connection to the solar site will be installed underground along existing access paths.

The scope of the assessment included ecological habitat and wetland classification and an assessment of threatened and endangered species utilization of the Site. This assessment is based on a review of available desktop research material and a site visit conducted on October 7, 2022 and additional site visit was completed on February 10, 2023.

The Site was previously occupied by storage tanks and associated containment. Vegetation within the Site consists of planted grasses and there are no natural habitats, wetlands, trees or native soils present within or adjacent to the footprint or associated limits of disturbance (Figure 2). Photos of the Site are provided within Attachment A.

The area surrounding the proposed Site mainly consists of electrical generation peaking units and fuel oil storage tanks. An isolated area of upland forested habitat is located approximately 90 feet south of the Site, however a fence, road and large berm is present between the forested area and the Site. The connection to the solar area to the southeast will be installed along existing roads and no impacts to the forested habitat are proposed.

The Site was evaluated for potential wildlife utilization and the presence of listed species was assessed based upon sight, call, burrow, nest, track, scat, and/or presence of suitable habitat. The Site falls within the U.S. Fish and



Wildlife Service (USFWS) Consultation Area for the Florida scrub jay (*Aphelocoma coerulescens*), snail kite (*Rostrhamus sociabilis*), West Indian manatee (*Trichechus manatus*) and red cockaded woodpecker (*Leuconotopicus borealis*) consultation areas are within a mile of the Site. The Site is also within the core foraging areas of the Huntoon Island and Mud Lake wood stork colonies (*Mycteria americana*). The eastern indigo snake (*Drymarchon couperi*), gopher tortoise (*Gopherus polyphemus*), pine snake (*Pituophis melanoleucus*), Florida sandhill crane (*Antigone canadensis pratensis*), little blue heron (*Egretta caerulea*), tricolored heron (*Egretta tricolor*) and southeast American kestrel (*Falco sparverius Paulus*) all occur within Volusia County and potentially the surrounding vicinity, however, the Site is located entirely within the power plant and with the exception of gopher tortoises, no habitat is present for listed species.

No gopher tortoise burrows were observed within the Site boundary. An updated tortoise burrow survey will need to be conducted prior to construction. If impacts to burrows are unavoidable, coordination with the FWC will be necessary to obtain a relocation permit to excavate any burrows and safely relocate any captured individuals to an approved recipient site.

No trees are located within the Site and the connection to the solar area will be done along existing pathways to avoid all tree impacts.

No impacts to wetlands, native habitats, trees or listed species are anticipated from construction of this project.

Sincerely,

**WSP USA Inc.**



Gina Zarnstorff  
Environmental Scientist



Richard Zwolak  
Principal

CC: Johnny Hackey  
Kristin Cooper

Attachments: Attachment A: Site Photos



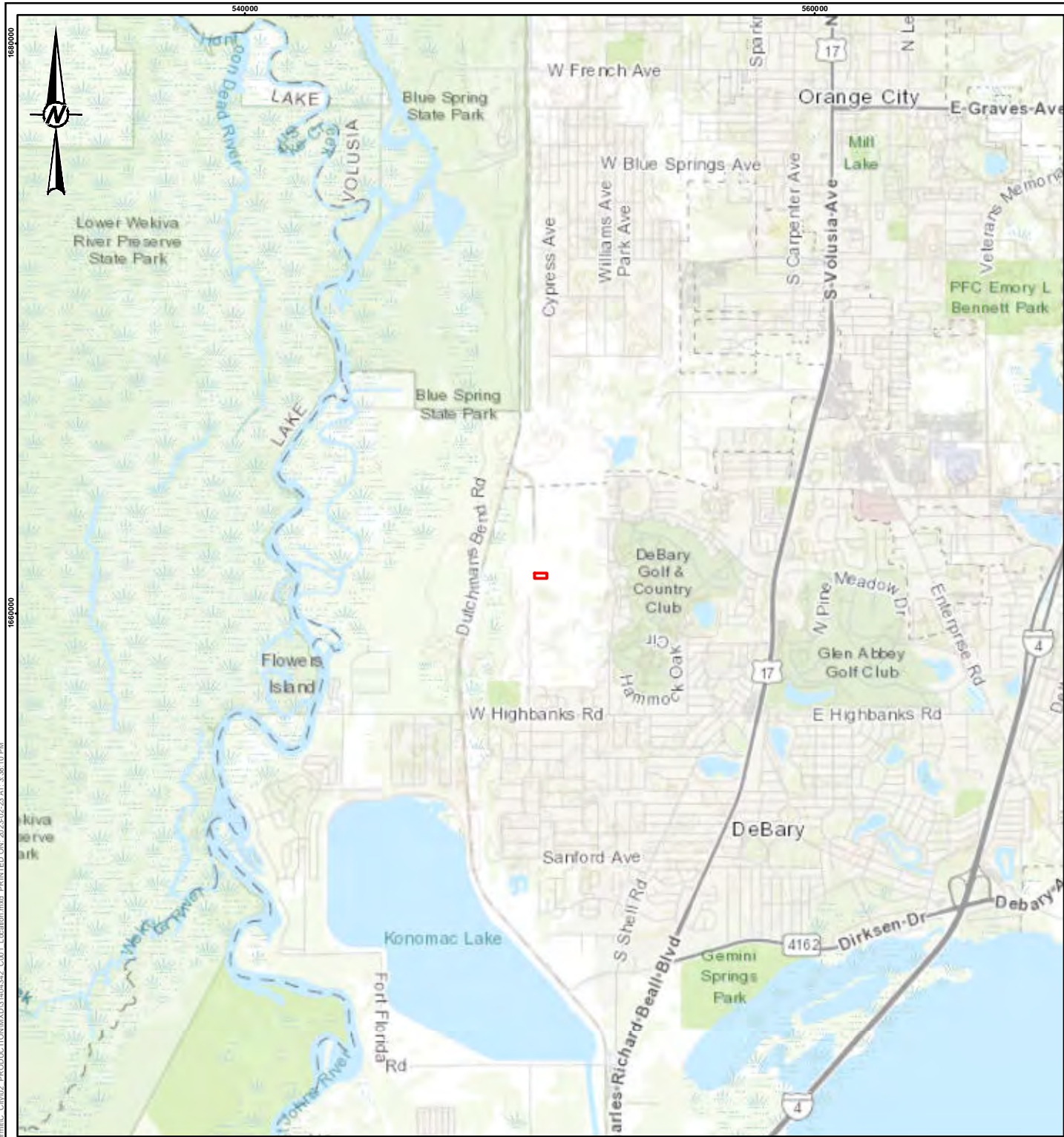
Photo 1. View of the Site looking East



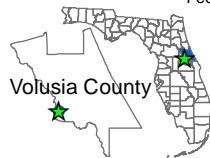
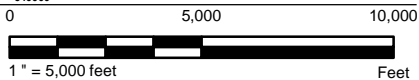
Photo 2. View of the Site looking West Along Southern Berm



Photo 3. View of the proposed connection location to the turbine



- LEGEND**
- ★ Project Location
  - Project Boundary



- REFERENCE(S)**
1. PROJECT BOUNDARY AND SOLAR EQUIPMENT, DUKE ENERGY, 2022.

COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET  
 PROJECTION: TRANSVERSE MERCATOR  
 DATUM: NORTH AMERICAN 1983

SERVICE LAYER CREDITS: SOURCES: ESRI, HERE, GARMIN, INTERMAP, INCREMENT P CORP., GEBCO, USGS, FAO, NPS, NRCAN, GEOBASE, IGN, KADASTER NL, ORDANCE SURVEY, ESRI JAPAN, METI, ESRI CHINA (HONG KONG), (C) OPENSTREETMAP CONTRIBUTORS, AND THE GIS USER COMMUNITY

CLIENT  
**DUKE ENERGY FLORIDA**

PROJECT  
**DEBARY HYDROGEN PRODUCTION AND STORAGE SYSTEM**

TITLE  
**LOCATION MAP**

CONSULTANT	YYYY-MM-DD	2023-02-23
	DESIGNED	AFS
	PREPARED	AFS
	REVIEWED	GZ
	APPROVED	RAZ



PROJECT NO.	CONTROL	REV.	FIGURE
31404342	C001	0	1

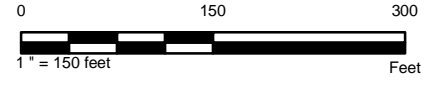
PATH: G:\Projects\DUKE Energy\DeBary\99 - PROJECT\31404342 - Duke - Hydrogen - Storage - Permit - CIV02 - PRODUCTION\31404342 - C001 - Location.mxd PRINTED ON: 2023-02-23 AT: 3:28:10 PM

1 in IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM: ANSIA

R:\TH\_0\Projects\DuKe Energy\DeBarry\00\_PROJECTS\31404342\_Duke\_Hydrogen\_Storage\_Permit\C002\_PROD\CTION\MXD\31404342\_C002\_Site\_Layout.mxd PRINTED ON: 2023-02-23 AT 3:24:24 PM



**LEGEND**  
 Project Boundary  
 Site Layout



**REFERENCE(S)**  
1. PROJECT BOUNDARY AND SITE LAYOUT: DUKE ENERGY, 2022.  
COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET  
PROJECTION: TRANSVERSE MERCATOR  
DATUM: NORTH AMERICAN 1983  
SERVICE LAYER CREDITS: SOURCE: ESRI, MAXAR, EARTHSTAR GEOGRAPHICS, AND THE GIS USER COMMUNITY

CLIENT  
DUKE ENERGY FLORIDA

PROJECT  
DEBARY HYDROGEN PRODUCTION AND STORAGE SYSTEM

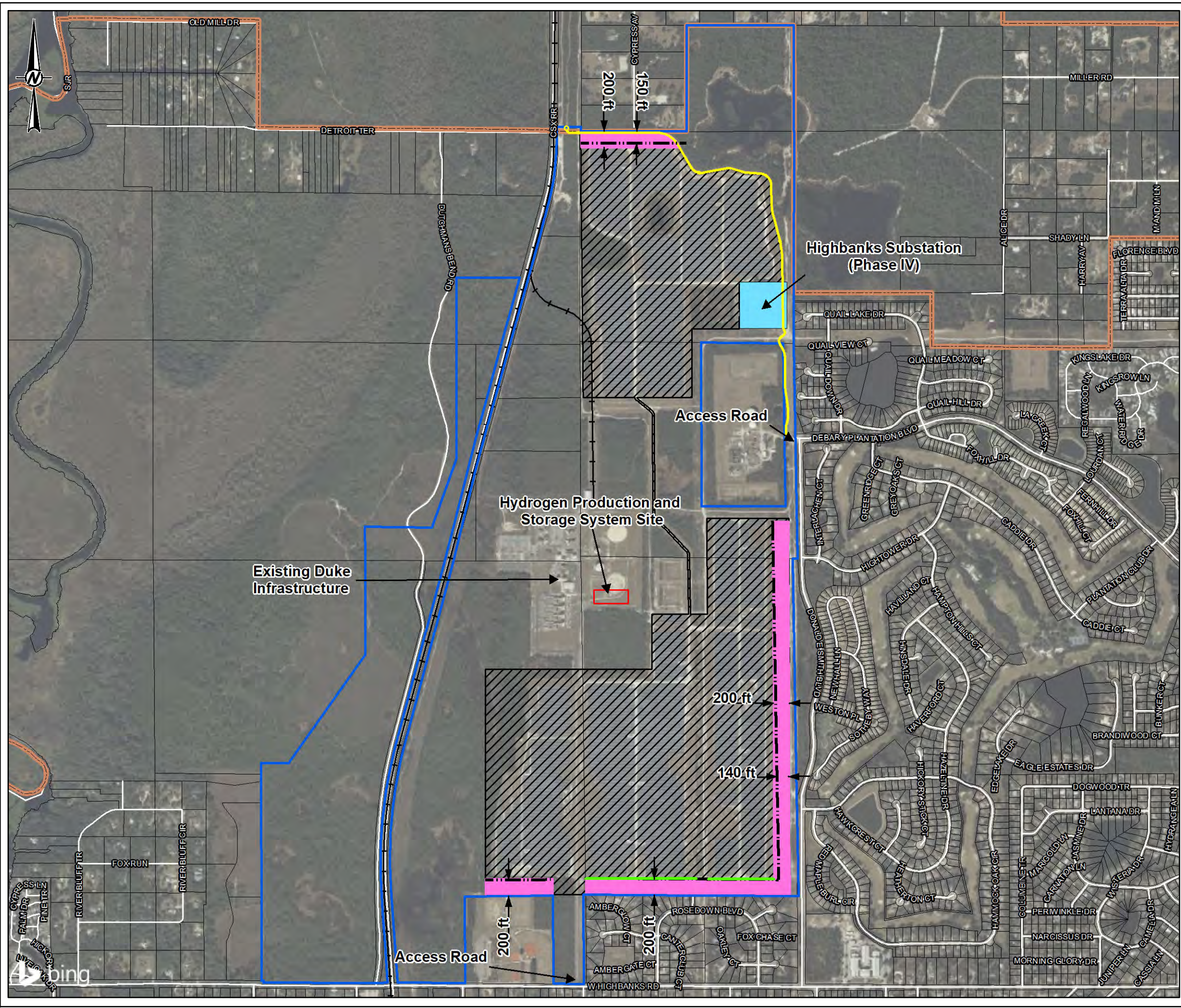
TITLE  
SITE LAYOUT MAP

CONSULTANT	YYYY-MM-DD	2023-02-23
	DESIGNED	AFS
	PREPARED	AFS
	REVIEWED	GZ
	APPROVED	RAZ

PROJECT NO. 31404342	CONTROL C002	REV. -	FIGURE 2
-------------------------	-----------------	-----------	-------------

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM ANSI B

# Master Development Plan Attachment 4.1 Revised



- LEGEND**
- Duke Property
  - Hydrogen Production and Storage System Site
  - Highbanks Substation - Phase IV
  - Solar PV Project Area - Phase V
  - Open Space Perimeter Buffer for Solar PV
  - Required Setback
  - Buffer Wall
  - Spring-to-Spring Trail
  - Parcels
  - City of DeBary
  - Rail



**NOTE(S)**  
 ACCESS TO BE PROVIDED BY HIGHBANKS ROAD.  
 TOTAL ACREAGE = 1,121 ACRES  
 EXISTING ZONING = IPUD

**IPUD PERIMETER LANDSCAPE BUFFER REQUIREMENTS:**  
 - SOUTH, ADJACENT TO RESIDENTIAL = 50 FT  
 - SOUTH, ADJACENT TO RIGHT-OF-WAY = 35 FT  
 - NORTH, ADJACENT TO RESIDENTIAL = 35 FT  
 - WEST, ADJACENT TO RESIDENTIAL = 50 FT  
 - WEST, ADJACENT TO NON-RESIDENTIAL = 50 FT  
 - EAST, ADJACENT TO RESIDENTIAL = 50 FT BEYOND WESTERN EDGE OF THE POWER LINE EASEMENT  
 - EAST, ADJACENT TO NON-RESIDENTIAL = 35 FT

**REFERENCE(S)**  
 1. DUKE PROPERTY, SOLAR PV, SUBSTATIONS, PERIMETER LANDSCAPE BUFFER, DUKE ENERGY, 2018.  
 2. PARCELS, VOLUSIA COUNTY, 2022.  
 3. CITY LIMITS, UNIVERSITY OF FLORIDA GEOPLAN CENTER, 2020.  
 4. ROADS, VOLUSIA COUNTY, 2013.  
 5. SERVICE LAYER CREDITS: © 2023 MICROSOFT CORPORATION © 2023 MAXAR © CNES (2023) DISTRIBUTION AIRBUS DS

COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET  
 PROJECTION: TRANSVERSE MERCATOR  
 DATUM: NORTH AMERICAN 1983

**CLIENT**  
 DUKE ENERGY FLORIDA

**PROJECT**  
 DEBARY HYDROGEN PRODUCTION AND STORAGE PROJECT

**TITLE**  
 MASTER DEVELOPMENT PLAN

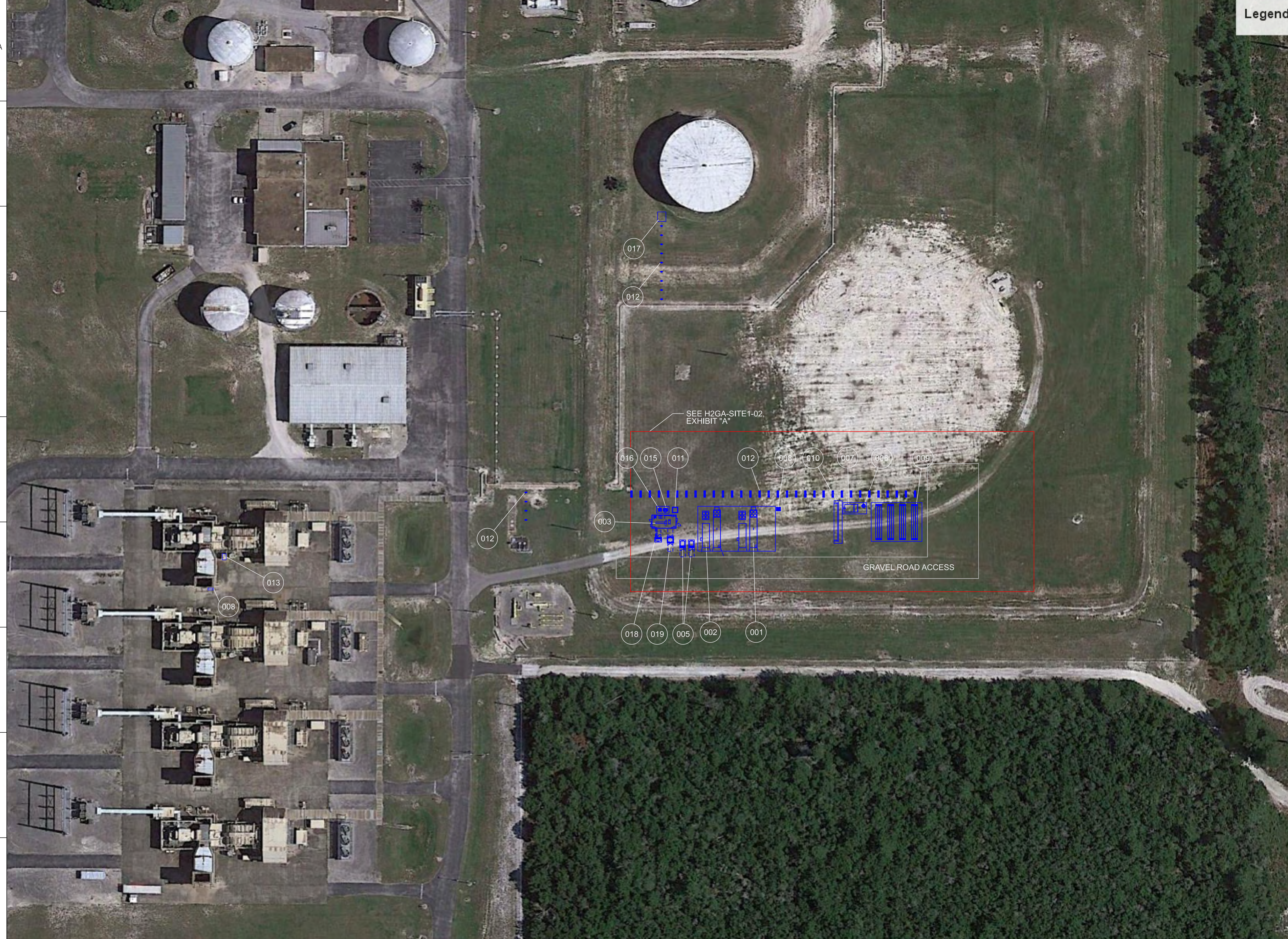
CONSULTANT	YYYY-MM-DD	2023-04-03
DESIGNED	GFD	
PREPARED	GFD	
REVIEWED	RAZ	
APPROVED	RAZ	

PROJECT NO. 31404342 CONTROL A006 REV. 1 FIGURE 1a **Exhibit F**

R:\14 G:\Projects\Duke Energy\DeBary\08 - PROJECS\31404342 - Duke\_Hydrogen\_Storage\_Permit\A\_Loc\_MasterDevPlan\Phase.mxd  
 IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM ANSI B

# Hydrogen Production and Storage Concept Attachment 4.1.1 Revised



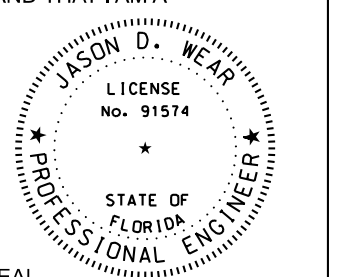


Legend	
001	ELECTROLYZER ELECTRICAL CONTAINERS
002	ELECTROLYZER PROCESS CONTAINERS
003	ELECTRICAL PDC
004	DELETED
005	34.5KV-480V AUXILIARY TRANSFORMERS
006	LOWER PRESSURE BUFFER VESSEL
007	HYDROGEN COMPRESSOR
008	NITROGEN BOTTLE RACKS
009	HIGH PRESSURE HYDROGEN GAS TUBE STORAGE
010	FIRE WALL
011	EFFLUENT WATER SUMP AND PUMPS
012	UTILITY SUPPORTS
013	NATURAL GAS / HYDROGEN GAS BLENDING SKID
014	DELETED
015	AIR DRYER
016	AIR RECEIVER
017	DEMINERALIZED WATER PUMPS
018	750 KVA TRNSFORMER
019	4 WAY DEADBREAK JB

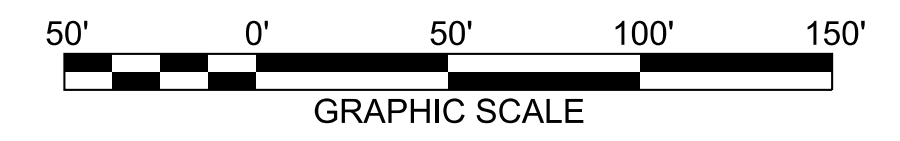
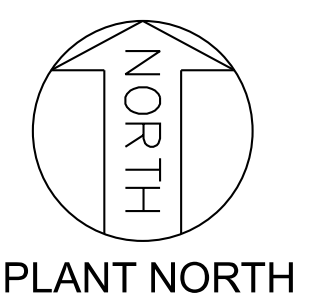
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF FLORIDA.

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY

ON THE DATE ADJACENT TO THE SEAL, PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES. CERTIFICATE OF AUTHORIZATION CA-6938



NOTE:  
1. NO NEW BUILDINGS ARE BEING PROPOSED AS A PART OF THIS PROJECT.



DRAWING REFERENCES		DRAWING REVISIONS						
DWG NO.	REV.	DESCRIPTION	DRAWN	CHKD	APPRVD	DATE	WOIPROJ#	ACT#
H2GA-SITE1-02	-	DESCRIPTIVE SKETCH, EXHIBIT "A"						
	2	FOR PERMITTING	KDF	RAM	C.J.L.	03/07/2023		
	1	FOR PERMITTING	RAM	KF	C.J.L.	09/06/2022		
	0	FOR COMMENTS	RAM	KF	C.J.L.	09/02/2022		

CONTRACTOR/VENDOR INFORMATION		SEAL	

CONFIDENTIAL			
REGULATED & RENEWABLE ENERGY			
FACILITY: DEBARY	UNIT: 0	SYSTEM: -	DWG. SUB TYPE: subt
PROJECT NO: -	CC NO: -	W.O. NO: -	APPD BY: C.J.L.
SCALE: 1"=50'	PLOT: 1=1	SIZE: ARCH-D 36"x24"	APPD DATE: 03/07/2023

**DUKE ENERGY**

TITLE: VISION FLORIDA HYDROGEN PRODUCTION & STORAGE PROJECT SITE PERMITTING ARRANGEMENT

DWG NO: DBP-GEN-ARNG-0002 SHT. 1 REV. 2

**Legal Description:**

Parcel #80280000020

A portion of a parcel recorded in Official Records Book 1647, Page 306, public records of Volusia County, Florida, lying in Section 28, Township 18 South, Range 30 East, being described as follows:

Commence at the northwest corner of said Section 28; thence South 00°11'52" East, along the west line of said Section 28, a distance of 399.83 feet; thence North 90°00'00" East, a distance of 114.15 feet to the Point of Beginning; thence North 90°00'00" East, a distance of 441.00 feet; thence South 00°00'00" East, a distance of 175.00 feet; thence North 90°00'00" West, a distance of 441.00 feet; thence North 00°00'00" East, a distance of 175.00 feet to the Point of Beginning.



Contains 1.77 acres (77,175 Square Feet)

**Surveyor's Notes:**

1. North and the bearings shown hereon are referenced to the west line of Section 28, Township 18 South, Range 30 East, Volusia County, Florida, as being South 00°11'52" East.
2. All measurements shown hereon are in U.S. Survey Feet.
3. An abstract of title was not performed by or furnished to Pickett and Associates, LLC. Any easements or encumbrances that may appear as a result of said abstract are not warranted by this sketch.
4. Legal description was prepared by Pickett and Associates, LLC per client request and is based on deeds of record and a field survey to locate the controlling corners needed to establish the parcels, right-of-way and easement shown in the legal description and sketch hereon.
5. This sketch meets the applicable "Standards of Practice" as set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J17.051-.053, Florida Administrative Code. Not valid without the original signature and the raised seal or the electronic signature and computer generated seal of a Florida Licensed Surveyor and Mapper.
6. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

\_\_\_\_\_  
 Gregory A. Prather, P.S.M. Florida Registration No. P.S.M. 5135 DATE  
 PICKETT AND ASSOCIATES, LLC Florida Registration No. LB 364

SD02-H2GA\_DEBARY-04182023.DWG

 <p><b>PICKETT</b> SURVEYING • ENGINEERING</p> <p>3710 AIRPORT COMMERCE DR. STE. 10                  LAKELAND, FLORIDA 33811                  L.B. NUMBER 364                  (863) 533-9095                  www.pickettusa.com</p>	CERTIFIED TO: DUKE ENERGY FLORIDA, LLC DESCRIPTION SKETCH FLORIDA POWER CORPORATION H2GA-SITE1-02	 <p><b>DUKE ENERGY</b></p> <p>550 S. TRYON STREET                  CHARLOTTE, N.C. 28202                  TELEPHONE NO. (704)382-2361</p>																	
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">REVISIONS</td> <td style="width:10%;">1</td> <td style="width:20%;">04/18/23</td> <td style="width:10%;">ND</td> </tr> <tr> <td>VENDOR PROJECT No.</td> <td>18699</td> <td>DRAWN</td> <td>CHECK</td> </tr> <tr> <td>VENDOR DRAWING No.</td> <td>6209</td> <td>ND</td> <td>DJE</td> </tr> </table>		REVISIONS	1	04/18/23	ND	VENDOR PROJECT No.	18699	DRAWN	CHECK	VENDOR DRAWING No.	6209	ND	DJE	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;">SCALE: N/A</td> <td style="width:20%;">WO:</td> <td style="width:20%;">SHEET 1 OF 2</td> </tr> <tr> <td>DATE: 09/08/2022</td> <td>SITE:</td> <td>LU:</td> </tr> </table>	SCALE: N/A	WO:	SHEET 1 OF 2	DATE: 09/08/2022
REVISIONS	1	04/18/23	ND																
VENDOR PROJECT No.	18699	DRAWN	CHECK																
VENDOR DRAWING No.	6209	ND	DJE																
SCALE: N/A	WO:	SHEET 1 OF 2																	
DATE: 09/08/2022	SITE:	LU:																	

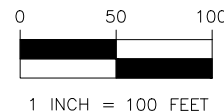
20 | 21  
29 | 28

SECTION 21-18S-30E  
SECTION 28-18S-30E

POINT OF COMMENCEMENT  
NORTHWEST CORNER  
OF SECTION 28

SECTION 28  
TOWNSHIP 18 SOUTH  
RANGE 30 EAST  
VOLUSIA COUNTY

PARCEL 80280000020  
FLORIDA POWER CORPORATION  
(ORB 1647, PAGE 306)



S00°11'52"E 399.83'  
(BEARING BASIS)

WEST LINE OF  
SECTION 28

POINT OF  
BEGINNING

SECTION 29-18S-30E  
SECTION 28-18S-30E

N90°00'00"E 114.15'

N90°00'00"E 441.00'

N00°00'00"E 175.00'

H2GA-SITE1-02 CONTAINS  
1.77 ACRES (77,175 SQ FT)

S00°00'00"E 175.00'

N90°00'00"W 441.00'

**LEGEND:**

ORB OFFICIAL RECORDS BOOK  
P.S.M. PROFESSIONAL SURVEYOR AND MAPPER  
LB LICENSED BUSINESS

SD02-H2GA\_DEBARY-04182023.DWG



**PICKETT**  
SURVEYING • ENGINEERING

3710 AIRPORT COMMERCE DR. STE. 10  
LAKELAND, FLORIDA 33811  
L.B. NUMBER 364  
(863) 533-9095  
www.pickettusa.com

CERTIFIED TO: DUKE ENERGY FLORIDA, LLO

DESCRIPTION SKETCH

FLORIDA POWER CORPORATION



**DUKE  
ENERGY**

550 S. TRYON STREET  
CHARLOTTE, N.C. 28202  
TELEPHONE NO. (704)382-2361

H2GA-SITE1-02

REVISIONS	1	04/18/23	ND
VENDOR PROJECT No.	18699		
VENDOR DRAWING No.	6209		

DRAWN	CHECK	SCALE: 1"=100'
ND	DJE	DATE: 09/08/2022

WO:		SHEET 2 OF 2
SITE:	LU:	

After Recording Return to:

City Clerk  
City of DeBary  
16 Colomba Road  
DeBary, Florida 32713

**SECOND AMENDMENT TO AMENDED AND  
RESTATED DEVELOPMENT AGREEMENT  
(PROGRESS INDUSTRY PARK INDUSTRIAL PLANNED UNIT DEVELOPMENT)**

**THIS SECOND AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT  
AGREEMENT** (the "Amendment") is made and entered into by and between the **CITY OF  
DEBARY**, a Florida municipal corporation (herein "City"), and **Duke Energy Florida, LLC**, a  
Florida limited liability company d/b/a Duke Energy (herein "Applicant").

**WHEREAS**, the City and Applicant previously entered into that certain Amended and Restated Development Agreement concerning the Progress Industry Park Industrial Planned Unit Development, which was approved pursuant to City of DeBary Ordinance No. 05-18 and was recorded on May 22, 2018 at Official Records Book 7548, Page 2133, et. seq., Public Records of Volusia County ("Amended & Restated Development Agreement"), which along with its corresponding master development plan governs the development of the 1,121 acre Property described in Exhibit A attached to the Development Agreement ("Property"); and

**WHEREAS**, the Development Agreement was previously amended by the First Amendment to Amended and Restated Development Agreement approved pursuant to City of DeBary Ordinance No. 02-19 adopted on March 6, 2019 ("First Amendment"); and

**WHEREAS**, the Amended & Restated Development Agreement and First Amendment are collectively herein referred to as the "Development Agreement"; and

**WHEREAS**, Applicant requests a major amendment to Progress Industry Park Industrial Planned Unit Development and its corresponding Development Agreement and master development

plan to allow for construction of a hydrogen production and storage facility upon an approximately 1.77acre portion of the Property (“Hydrogen Production and Storage Property”); and

**WHEREAS**, the due public notice and public hearing requirements of the City of DeBary Land Development Code and this Development Agreement have been met; and

**WHEREAS**, the City Council of the City of DeBary, Florida, finds that this Amendment is consistent with the City of DeBary Comprehensive Plan and Land Development Code, promotes the public health, safety and welfare and is consistent with its authority under Chapter 166, Florida Statutes, Section 2(b) of the State Constitution, and the City's police powers.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Exhibits and Whereas Amendment.** The Development Agreement is amended to add Exhibit “F” attached to this Amendment as Exhibit “F” to the Development Agreement.

2. **Master Development Plan Amendment.** Section A.1. of the Development Agreement is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

A. Development Concept: The Property shall be developed as an IPUD substantially in accordance with the Master Development Plan and this Development Agreement. The Master Development Plan and this Development Agreement shall govern the development of the Property as an IPUD and shall regulate the future land use of this parcel.

1. Master Development Plan. The Master Development Plan shall consist of: (i) the Preliminary Plan dated May 14, 1999 attached hereto as **Exhibit “B”** which is the same master development plan attached to City of DeBary Ordinance No. 08-99 and its corresponding development agreement (“Original MDP”), (ii) the Highbanks Substation Plan prepared by Dewberry Engineers, Inc. dated July 21, 2017 attached hereto as **Exhibit “C”** (“Highbanks Substation Plan”) providing for the development of an

electrical substation on the Substation Property, ~~and~~ (iii) the Solar Power Generation Plan prepared by Golder Associates dated January 29, 2019 attached hereto as **Exhibit “E”** (“Solar Power Generation Plan”), and (iv) the Hydrogen Production and Storage Facility Plan prepared by Golder Associates dated August 29, 2022 attached hereto as **Exhibit “F”** (“Hydrogen Plan”). The Original MDP, Solar Power Generation Plan, ~~and~~ Highbanks Substation Plan, and the Hydrogen Production and Storage Facility are collectively referred to herein as the “Master Development Plan” and such shall govern the development of the Property. The Highbanks Substation Plan shall control the development of the Substation Property and to the extent of any conflicts with the Original MDP. The Solar Power Generation Plan shall control the development of the Solar Power Property and to the extent of any conflicts with the Original MDP. The Hydrogen Production and Storage Facility Plan shall control the development of the Hydrogen Production and Storage Property and to the extent of any conflicts with the Original MDP. The Hydrogen Plan shall be filed and retained for public inspection in the office of the City of DeBary and it shall constitute a supplement to the Official Zoning Map of the City of DeBary.

3. **Section C. Amendment.** Section C. (Phases of Development) of the Development Agreement is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

C. Phases of Development. Whereas Phases I, II, and III of the initial development as described under Ordinance No. 08-99 have been completed. There has been additional development of (i) an electrical substation on the Substation Property consistent with the Highbanks Substation Plan within the portion identified previously as Phase I identified on the Original MDP, located to the north of the existing Volusia County Water Treatment Facility as Phase IV of the IPUD, ~~and~~ (ii) a Solar Power Generation Project (or sometimes called the “Solar PV Project”) on the Solar Power Property consistent

with the Solar Power Generation Plan as Phase V of the IPUD. a Hydrogen Production and Storage Facility will be developed and located within a portion of Phase III of the Original MDP as Phase VI of the IPUD. Any proposed future phases of development of the Property shall be submitted and reviewed as a major amendment to this IPUD.

4. **SECTION I. Amendment.** SECTION I. (Access and Transportation System Improvements) of the Development Agreement is hereby amended to be deleted and replaced with the following):

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the City of DeBary Comprehensive Plan, Land Development Regulations, as amended. The Property shall be developed in substantial accordance with the following access and transportation system improvements:

Access. Applicant shall utilize the Saxon Road extension as the exclusive point of ingress and egress for any development projects outside the existing powerplant, Phase IV Highbanks Substation and Phase V – Solar PV Project. The current Highbanks Road access drive shall continue to serve all existing and future public utility uses within the IPUD (including the existing power plant, the Highbanks Substation, the Solar PV Project and the Hydrogen Production and Storage Facility Property which occupies a portion of the existing power infrastructure). In addition, Highbanks Road may be utilized as emergency access. Subject to further review and approval by the City during a site plan or other appropriate development order or permit approval process, the Property may utilize for access any future public road improvements that are constructed adjacent to the Property if and when available. Applicant may utilize Donald E. Smith Boulevard to access the existing access road used by the Volusia County Water Treatment Facility during construction activities upon the Property

for construction access and delivery of limited equipment and for ingress and egress to travel north within Phase I to Duke Energy's Highbanks substation (Phase IV), and the Solar PV Project (Phase V). Such access from Donald E. Smith Boulevard is limited to as necessary to access said electrical substation on the Substation Property or the Solar Power Property as noted on the Solar Power Generation Plan, and Donald E. Smith Boulevard shall not be utilized to access development outside of the Substation Property except during construction of the Solar PV Project and emergency access and replacement of solar substation equipment.

4. SECTION G. Amendment. SECTION G. (Sewage Disposal and Potable Water) of the Development Agreement is hereby amended to be revise as follows (underlined language are additions and stricken through language are deletions):

G. Sewage Disposal, Reclaimed Water and Potable Water. Provision for sewage disposal and potable water needs of the IPUD will be provided in accordance with the City of DeBary Comprehensive Plan, as amended, the City of DeBary Land Development Code, as amended, and State of Florida Administrative Code 10-D6.

The Hydrogen Production and Storage Facility shall not use ground water to create hydrogen or in the electricity generation process, except (a) on a limited emergency basis as set forth herein; or (b) during the period of time between the expected in-service date of the Hydrogen Production and Storage Facility and 12/31/26. For purposes of this section, "emergency" is defined as a period of time when reclaimed water is not available from and as determined by Volusia County (reclaimed water provider) due to exigent conditions outside of Duke Energy's or its contractors', employees' and agents' control, including but not limited to, issues with reclaimed water quantity, quality considerations, equipment malfunctions, weather, and other circumstances that would render the reclaimed water



unavailable or unusable. A condition of approval of this amendment requires that Applicant (Duke Energy) will, at its expense, and in compliance with an order from the St. John's River Water Management District (SJRWMD), convert the primary water supply for the existing DeBary power plant from the present groundwater sources to reclaimed water acquired from the Volusia County's Southwest Reclaimed Water Facility by 2027 ("Reclaimed Water Supply Conversion"). If the Reclaimed Water Supply Conversion does not occur, the Hydrogen Production and Storage Facility is not permitted to be operated beyond the end of 2026. The Reclaimed Water Supply Conversion will involve cooperation by certain stakeholders including Volusia County and SJRWMD. Coordination will need to occur between SJRWMD and Duke Energy to modify the existing Consumptive Use Permit 9482-4 and any other necessary approvals to eliminate ground water as a primary source of water and require the use of reclaimed water as the primary water source for electric generation plant processes. The risk is solely on the Applicant (Duke Energy) concerning the potential inability or failure to obtain the necessary approvals to modify the Consumptive Use Permit or otherwise move forward with the Reclaimed Water Supply Conversion and by extension, the Hydrogen Production and Storage Facility.

The Applicant shall provide the City with written proof and an onsite visual inspection of the Reclaimed Water Supply Conversion once complete. Except for drinking water purposes as set forth below, groundwater from existing onsite groundwater wells may only be allowed on a temporary basis not to exceed the period of an emergency (as defined above) or during the period of time between the expected in-service date of the Hydrogen Production and Storage Facility and 12/31/26. Applicant (Duke Energy) will still utilize

groundwater sources for toilets, sinks, water fountains, ice makers, eye wash stations and other human drinking water purposes.

5. **Full Force & Effect; Binding.** The Development Agreement shall remain in full force and effect except as expressly modified by this Amendment. This Amendment shall run with the land and be binding upon, and inure to the benefit of, the parties hereto, their respective heirs, successors, assigns and anyone claiming by, through or under any of them.

6. **Effective Date.** The effective date of this Amendment shall be the date approved by the City Council.

**[REMAINDER OF PAGE LEFT BLANK]**

**AGREED** to by the City Council of the City of DeBary, Florida and the Applicant on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**ATTEST:**

**CITY OF DEBARY CITY COUNCIL**

\_\_\_\_\_  
Annette Hatch, City Clerk

\_\_\_\_\_  
Karen Chasez, Mayor

City Council Approved on \_\_\_\_\_, 2023.

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by physical presence this \_\_\_\_ day of \_\_\_\_\_ 2023, by Karen Chasez as Mayor, on behalf of the City of DeBary, and who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

Type or print Name: \_\_\_\_\_

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

APPLICANT:

DUKE ENERGY FLORIDA, LLC, a Florida limited liability company

By: \_\_\_\_\_

Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day \_\_\_\_\_, 2023 by \_\_\_\_\_, as \_\_\_\_\_ of DUKE ENERGY FLORIDA, LLC, a Florida limited liability d/b/a Duke Energy, on behalf of said company. He/she is personally known to me or has produced \_\_\_\_\_ as identification.

(Affix Seal)

\_\_\_\_\_  
Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

4. **SECTION G. Amendment.** SECTION G. (Sewage Disposal and Potable Water) of the Development Agreement is hereby amended to be revised as follows (underlined language are additions and ~~stricken through~~ language are deletions):

G. Sewage Disposal, Reclaimed Water and Potable Water. Provision for sewage disposal and potable water needs of the IPUD will be provided in accordance with the City of DeBary Comprehensive Plan, as amended, the City of DeBary Land Development Code, as amended, and State of Florida Administrative Code 10-D6.

The Hydrogen Production and Storage Facility shall not use ground water to create hydrogen or in the electricity generation process, except (a) on a limited emergency basis as set forth herein; or (b) during the period of time between the expected in-service date of the Hydrogen Production and Storage Facility and 12/31/26. For purposes of this section, "emergency" is defined as a period of time when reclaimed water is not available from and as determined by Volusia County (reclaimed water provider) due to exigent conditions outside of Duke Energy's or its contractors', employees' and agents' control, including but not limited to, issues with reclaimed water quantity, quality considerations, equipment malfunctions, weather, and other circumstances that would render the reclaimed water unavailable or unusable. A condition of approval of this amendment requires that Applicant (Duke Energy) will, at its expense, and in compliance with an order from the St. John's River Water Management District (SJRWMD), convert the primary water supply for the existing DeBary power plant from the present groundwater sources to reclaimed water acquired from the Volusia County's Southwest Reclaimed Water Facility by 2027 ("Reclaimed Water Supply Conversion"). If the Reclaimed Water Supply Conversion does not occur, the Hydrogen Production and Storage Facility is not permitted to be operated beyond the end of 2026. The Reclaimed Water Supply Conversion will involve cooperation by certain stakeholders including Volusia County and SJRWMD. Coordination will need to occur between SJRWMD and Duke Energy to modify the existing Consumptive Use Permit 9482-4 and any other necessary approvals to eliminate ground

water as a primary source of water and require the use of reclaimed water as the primary water source for electric generation plant processes. The risk is solely on the Applicant (Duke Energy) concerning the potential inability or failure to obtain the necessary approvals to modify the Consumptive Use Permit or otherwise move forward with the Reclaimed Water Supply Conversion and by extension, the Hydrogen Production and Storage Facility.

The Applicant shall provide the City with written proof and an onsite visual inspection of the Reclaimed Water Supply Conversion once complete. Except for drinking water purposes as set forth below, groundwater from existing onsite groundwater wells may only be allowed on a temporary basis not to exceed the period of an emergency (as defined above) or during the period of time between the expected in-service date of the Hydrogen Production and Storage Facility and 12/31/26. Applicant (Duke Energy) will still utilize groundwater sources for toilets, sinks, water fountains, ice makers, eye wash stations and other human drinking water purposes.



02/23/2023

Project No. 31404342.014

**Johnny Hackey**  
Duke Energy Florida  
176 W Highbanks Rd  
DeBary, FL 32713

## **ECOLOGICAL ASSESSMENT REPORT: DEBARY HYDROGEN PRODUCTION AND STORAGE SYSTEM**

Dear Mr. Hackey:

WSP conducted an ecological assessment of the proposed 1.8-acre DeBary Hydrogen Production and Storage System Site (Site) located entirely within the Duke DeBary power plant property in DeBary, FL (Figure 1).

The proposed project will generate hydrogen that replaces in part the fuel oil and associated processing and storage that formerly occupied the site as well as natural gas to run the combustion turbines at the site. The use of hydrogen will result in reduced carbon emissions.

The proposed facilities include electrical and mechanical equipment and associated enclosures to produce the hydrogen and vessels to store the hydrogen. Maximum height of the equipment is estimated to be 20 feet or less. The new equipment will be placed on individual concrete foundations. There will be no need for new access, signage, internal driveways, parking or loading or unloading facilities and no buildings are proposed as part of the project. The connection to the turbine will be installed within existing trenches and the connection to the solar site will be installed underground along existing access paths.

The scope of the assessment included ecological habitat and wetland classification and an assessment of threatened and endangered species utilization of the Site. This assessment is based on a review of available desktop research material and a site visit conducted on October 7, 2022 and additional site visit was completed on February 10, 2023.

The Site was previously occupied by storage tanks and associated containment. Vegetation within the Site consists of planted grasses and there are no natural habitats, wetlands, trees or native soils present within or adjacent to the footprint or associated limits of disturbance (Figure 2). Photos of the Site are provided within Attachment A.

The area surrounding the proposed Site mainly consists of electrical generation peaking units and fuel oil storage tanks. An isolated area of upland forested habitat is located approximately 90 feet south of the Site, however a fence, road and large berm is present between the forested area and the Site. The connection to the solar area to the southeast will be installed along existing roads and no impacts to the forested habitat are proposed.

The Site was evaluated for potential wildlife utilization and the presence of listed species was assessed based upon sight, call, burrow, nest, track, scat, and/or presence of suitable habitat. The Site falls within the U.S. Fish and

Wildlife Service (USFWS) Consultation Area for the Florida scrub jay (*Aphelocoma coerulescens*), snail kite (*Rostrhamus sociabilis*), West Indian manatee (*Trichechus manatus*) and red cockaded woodpecker (*Leuconotopicus borealis*) consultation areas are within a mile of the Site. The Site is also within the core foraging areas of the Huntoon Island and Mud Lake wood stork colonies (*Mycteria americana*). The eastern indigo snake (*Drymarchon couperi*), gopher tortoise (*Gopherus polyphemus*), pine snake (*Pituophis melanoleucus*), Florida sandhill crane (*Antigone canadensis pratensis*), little blue heron (*Egretta caerulea*), tricolored heron (*Egretta tricolor*) and southeast American kestrel (*Falco sparverius Paulus*) all occur within Volusia County and potentially the surrounding vicinity, however, the Site is located entirely within the power plant and with the exception of gopher tortoises, no habitat is present for listed species.

No gopher tortoise burrows were observed within the Site boundary. An updated tortoise burrow survey will need to be conducted prior to construction. If impacts to burrows are unavoidable, coordination with the FWC will be necessary to obtain a relocation permit to excavate any burrows and safely relocate any captured individuals to an approved recipient site.

No trees are located within the Site and the connection to the solar area will be done along existing pathways to avoid all tree impacts.

No impacts to wetlands, native habitats, trees or listed species are anticipated from construction of this project.

Sincerely,

**WSP USA Inc.**



Gina Zarnstorff  
Environmental Scientist



Richard Zwolak  
Principal

CC: Johnny Hackey  
Kristin Cooper

Attachments: Attachment A: Site Photos





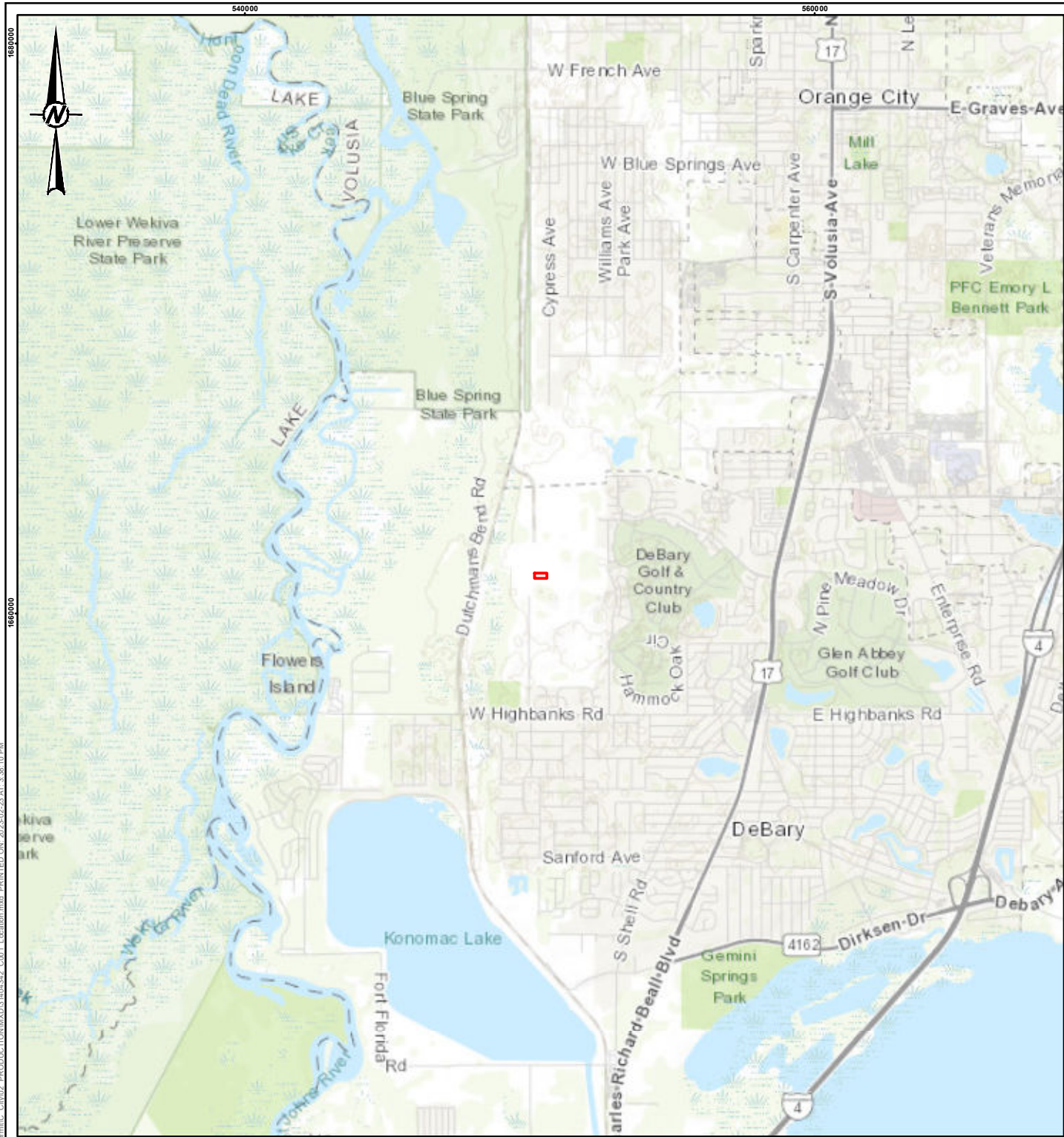
Photo 1. View of the Site looking East



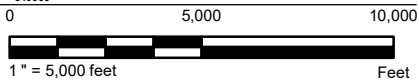
Photo 2. View of the Site looking West Along Southern Berm



Photo 3. View of the proposed connection location to the turbine



- LEGEND**
- ★ Project Location
  - Project Boundary



**REFERENCE(S)**  
 1. PROJECT BOUNDARY AND SOLAR EQUIPMENT, DUKE ENERGY, 2022.

COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET  
 PROJECTION: TRANSVERSE MERCATOR  
 DATUM: NORTH AMERICAN 1983

SERVICE LAYER CREDITS: SOURCES: ESRI, HERE, GARMIN, INTERMAP, INCREMENT P CORP., GEBCO, USGS, FAO, NPS, NRCAN, GEOBASE, IGN, KADASTER NL, ORDANCE SURVEY, ESRI JAPAN, METI, ESRI CHINA (HONG KONG), (C) OPENSTREETMAP CONTRIBUTORS, AND THE GIS USER COMMUNITY

CLIENT  
**DUKE ENERGY FLORIDA**

PROJECT  
**DEBARY HYDROGEN PRODUCTION AND STORAGE SYSTEM**

TITLE  
**LOCATION MAP**

CONSULTANT	YYYY-MM-DD	2023-02-23
DESIGNED	AFS	
PREPARED	AFS	
REVIEWED	GZ	
APPROVED	RAZ	





PROJECT NO.	CONTROL	REV.	FIGURE
31404342	C001	0	1

PATH: G:\Projects\DUKE Energy\DeBary\99 - PROJECT\31404342 - Duke Hydrogen Storage Permit - CIV02 - PRODUCTION\31404342 - C001 Location.mxd PRINTED ON: 2023-02-23 AT: 3:38:10 PM

1 in IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM: ANSI/A

R:\TMG\Projects\DeBary\00\_Productions\31404342\_Duke\_Hydrogen\_Storage\_Permit\C002\_Site\_Layout.mxd PRINTED ON: 2023-02-23 AT 3:34:24 PM



**LEGEND**  
 Project Boundary  
 Site Layout




**REFERENCE(S)**  
1. PROJECT BOUNDARY AND SITE LAYOUT: DUKE ENERGY, 2022.  
COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET  
PROJECTION: TRANSVERSE MERCATOR  
DATUM: NORTH AMERICAN 1983  
SERVICE LAYER CREDITS: SOURCE: ESRI, MAXAR, EARTHSTAR GEOGRAPHICS, AND THE GIS USER COMMUNITY

CLIENT  
DUKE ENERGY FLORIDA

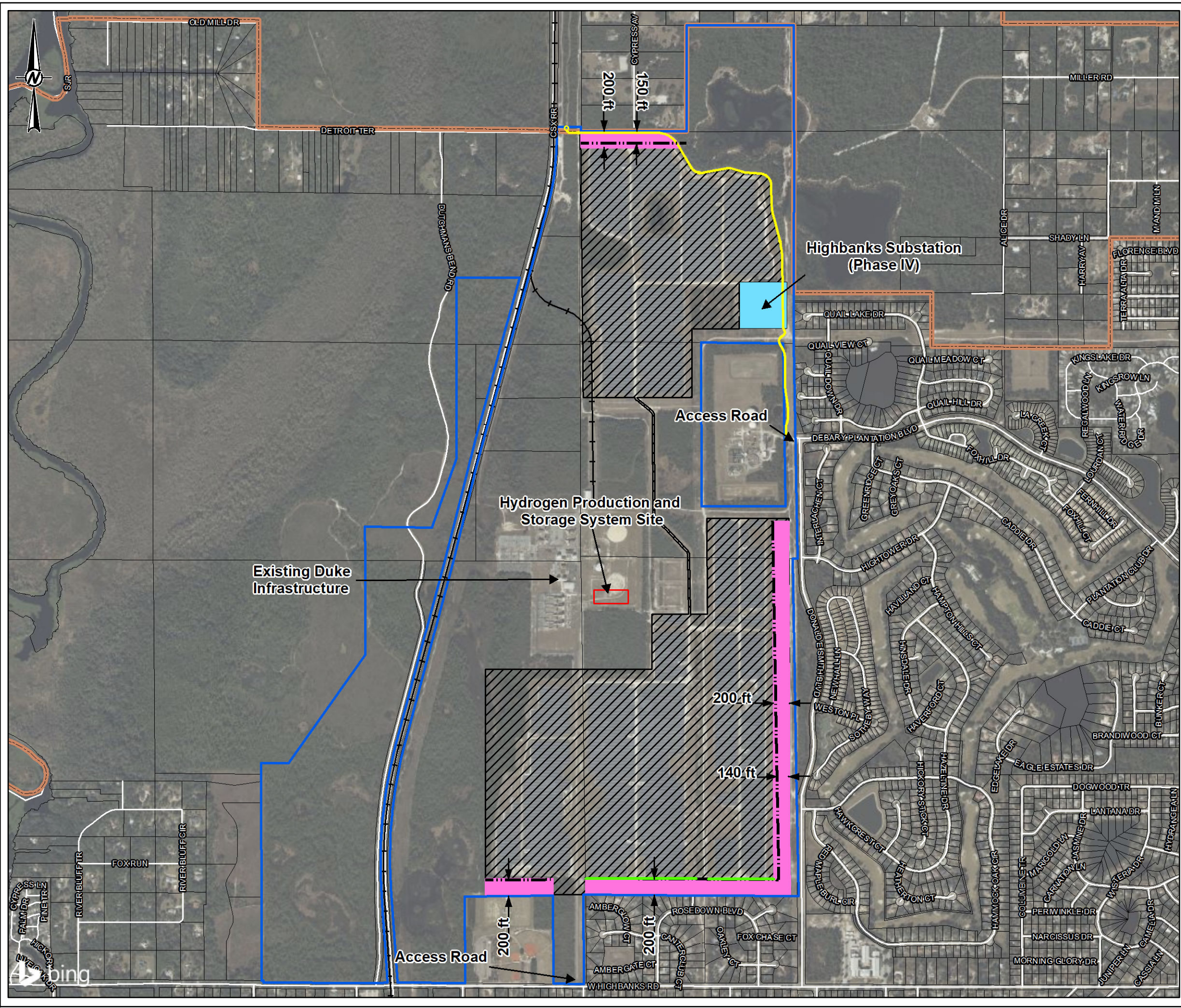
PROJECT  
DEBARY HYDROGEN PRODUCTION AND STORAGE SYSTEM

TITLE  
SITE LAYOUT MAP

CONSULTANT	YYYY-MM-DD	2023-02-23
	DESIGNED	AFS
	PREPARED	AFS
	REVIEWED	GZ
	APPROVED	RAZ

PROJECT NO.	CONTROL	REV.	FIGURE
31404342	C002	-	2

1in IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM ANSI B



- LEGEND**
- Duke Property
  - Hydrogen Production and Storage System Site
  - Highbanks Substation - Phase IV
  - Solar PV Project Area - Phase V
  - Open Space Perimeter Buffer for Solar PV
  - Required Setback
  - Buffer Wall
  - Spring-to-Spring Trail
  - Parcels
  - City of DeBary
  - Rail



**NOTE(S)**  
 ACCESS TO BE PROVIDED BY HIGHBANKS ROAD.  
 TOTAL ACREAGE = 1,121 ACRES  
 EXISTING ZONING = IPUD

**IPUD PERIMETER LANDSCAPE BUFFER REQUIREMENTS:**  
 - SOUTH, ADJACENT TO RESIDENTIAL = 50 FT  
 - SOUTH, ADJACENT TO RIGHT-OF-WAY = 35 FT  
 - NORTH, ADJACENT TO RESIDENTIAL = 35 FT  
 - WEST, ADJACENT TO RESIDENTIAL = 50 FT  
 - WEST, ADJACENT TO NON-RESIDENTIAL = 50 FT  
 - EAST, ADJACENT TO RESIDENTIAL = 50 FT BEYOND WESTERN EDGE OF THE POWER LINE EASEMENT  
 - EAST, ADJACENT TO NON-RESIDENTIAL = 35 FT

**REFERENCE(S)**  
 1. DUKE PROPERTY, SOLAR PV, SUBSTATIONS, PERIMETER LANDSCAPE BUFFER, DUKE ENERGY, 2018.  
 2. PARCELS, VOLUSIA COUNTY, 2022.  
 3. CITY LIMITS, UNIVERSITY OF FLORIDA GEOPLAN CENTER, 2020.  
 4. ROADS, VOLUSIA COUNTY, 2013.  
 5. SERVICE LAYER CREDITS: © 2023 MICROSOFT CORPORATION © 2023 MAXAR © CNES (2023) DISTRIBUTION AIRBUS DS

COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET  
 PROJECTION: TRANSVERSE MERCATOR  
 DATUM: NORTH AMERICAN 1983

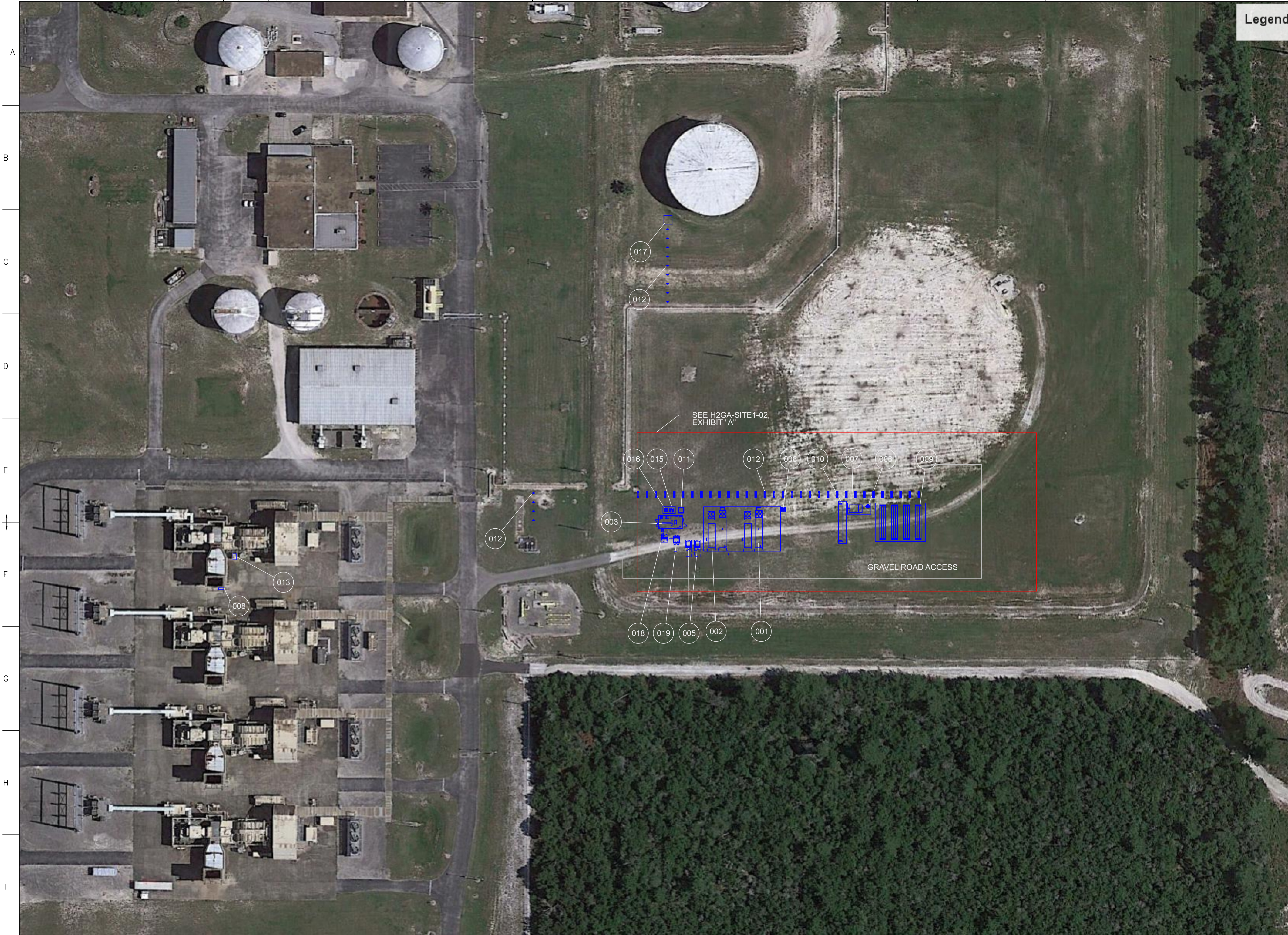
**CLIENT**  
 DUKE ENERGY FLORIDA

**PROJECT**  
 DEBARY HYDROGEN PRODUCTION AND STORAGE PROJECT

**TITLE**  
 MASTER DEVELOPMENT PLAN

CONSULTANT	DATE	REVISION
	YYYY-MM-DD	2023-04-03
	DESIGNED	GFD
	PREPARED	GFD
	REVIEWED	RAZ
	APPROVED	RAZ

R:\14\G:\Projects\Duke Energy\DeBary\09\_PRC\BCT\31404342\_Duke\_Hydrogen\_Storage\_Permit\A\_Loc\_MasterPlan.mxd  
 IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM ANSI B

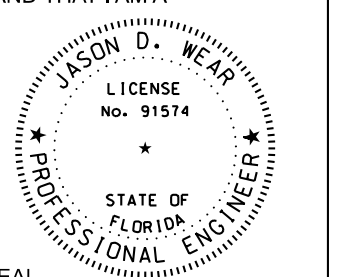


Legend	
001	ELECTROLYZER ELECTRICAL CONTAINERS
002	ELECTROLYZER PROCESS CONTAINERS
003	ELECTRICAL PDC
004	DELETED
005	34.5KV-480V AUXILIARY TRANSFORMERS
006	LOWER PRESSURE BUFFER VESSEL
007	HYDROGEN COMPRESSOR
008	NITROGEN BOTTLE RACKS
009	HIGH PRESSURE HYDROGEN GAS TUBE STORAGE
010	FIRE WALL
011	EFFLUENT WATER SUMP AND PUMPS
012	UTILITY SUPPORTS
013	NATURAL GAS / HYDROGEN GAS BLENDING SKID
014	DELETED
015	AIR DRYER
016	AIR RECEIVER
017	DEMINERALIZED WATER PUMPS
018	750 KVA TRNSFORMER
019	4 WAY DEADBREAK JB

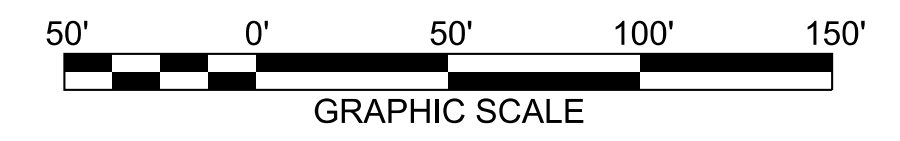
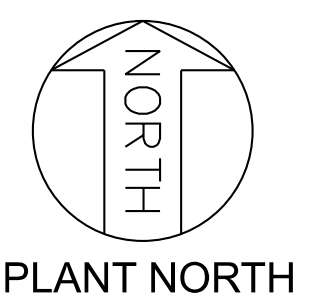
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF FLORIDA.

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY

ON THE DATE ADJACENT TO THE SEAL, PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES. CERTIFICATE OF AUTHORIZATION CA-6938



NOTE:  
1. NO NEW BUILDINGS ARE BEING PROPOSED AS A PART OF THIS PROJECT.



DRAWING REFERENCES		DRAWING REVISIONS							
DWG NO.	REV.	REV.	DESCRIPTION	DRAWN	CHKD	APPRVD	DATE	WOIPROJ#	ACT#
H2GA-SITE1-02	-	0	FOR COMMENTS	RAM	KF	C.J.L.	09/02/2022	-	-
		1	FOR PERMITTING	RAM	KF	C.J.L.	09/06/2022	-	-
		2	FOR PERMITTING	KDF	RAM	C.J.L.	03/07/2023	-	-

CONTRACTOR/VENDOR INFORMATION		SEAL	

CONFIDENTIAL			
REGULATED & RENEWABLE ENERGY			
FACILITY: DEBARY	UNIT: 0	SYSTEM: -	DWG. SUB TYPE: sub1
PROJECT NO: -	CC NO: -	W.O. NO: -	APPD BY: C.J.L.
SCALE: 1"=50'	PLOT: 1=1	SIZE: ARCH-D 36"x24"	APPD DATE: 03/07/2023

**DUKE ENERGY**

TITLE: VISION FLORIDA HYDROGEN PRODUCTION & STORAGE PROJECT SITE PERMITTING ARRANGEMENT

DWG NO: DBP-GEN-ARNG-0002

SHT 1 REV. 2

THE ABOVE IS RESERVED FOR VENDOR'S LOGO, NAME, ADDRESS, TELEPHONE NUMBER AND ANY REQUIRED REFERENCE NUMBERS. ALL DRAWINGS TO BE PRODUCED IN MICROSOFT EXCEL OR LATER.

THE ABOVE IS RESERVED FOR PROFESSIONAL ENGINEER SEAL USE ONLY. DO NOT REMOVE.

THIS DRAWING IS THE PROPERTY OF DUKE ENERGY AND IS NOT TO BE REPRODUCED OR USED FOR ANY PURPOSE EXCEPT AS SPECIFIED BY DUKE ENERGY.

DWG NO. DBP-GEN-ARNG-0002

SHT. 1 REV. 2

CADSTARTUPCE.DGN



**DRC 5-16-2023**

**Subject Case # 23-01-SE-30 Sanctuary**

**Applicant: Stephen Maxwell**

---

Application Summary:

The applicant is requesting approval of a special exception to convert an existing accessory structure to a garage apartment at 30 Sanctuary Avenue. The existing accessory structure is 32.3 feet by 24.2 feet, for a total area of 781.66 square feet.

**Planning & Zoning**

**Joseph Barker, Senior Planner**

**Comprehensive Plan Review:**

In reviewing the application (proposed project), staff has reviewed it against the policies contained within the City's Comprehensive Plan (Plan) to determine whether or not the proposed project is consistent with the Plan, as required by Florida Statute 163.3194, and Section 1-2(b)(1) of the City's Land Development Code.

Future Land Use

The goal of this element is to facilitate the development and use of land, including permanent open space, in an organized arrangement which supports the appropriate development of the overall community, including an efficient multi-modal transportation system that enhances the well-being of the City's residents and businesses.

Objective 5.4 provides for the types of Future Land Use Map (FLUM) classifications.

This property's FLUM classification is Residential/Low-Density, which has a maximum density of four dwelling units per acre (Policy 5.402(a)). Converting the existing accessory structure into a garage apartment would not present any issues with density.

All other provisions of the Plan have been reviewed and have been determined to not be applicable to this project.





### **Land Development Code Review:**

The proposed project has been reviewed against the provisions of the City's Land Development Code (LDC).

### **Special Exception Criteria**

LDC Chapter 1, Section 1-9(2) provides for criteria that must be satisfied for a special exception to be approved.

- *The proposal shall be consistent with the Comprehensive Plan* – As illustrated above, the proposal is consistent with the Plan.
- *The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare* – Upon review of the proposal, staff has concluded the proposed project will not be detrimental to or endanger the public health, safety, or general welfare.
- *The proposed use shall not impede the normal and orderly development of surrounding properties for uses permitted in the district and shall be consistent with the character of the immediate neighborhood* – There is nothing indicating a garage apartment would impede the normal and orderly development of the surrounding properties. The character of the immediate neighborhood is a form of low density residential. A garage apartment would be consistent with the character of the area.
- *Adequate measures shall be taken for ingress, egress and parking in a manner consistent with traffic operations and safety* – Roads are private. Therefore, any improvements made for ingress and egress will be regulated by the local homeowner's association.
- *The proposal shall not have a substantial adverse effect on any known archaeological, historical, or cultural resource located on or off the site* – Not applicable.
- *The proposed design shall minimize adverse effects of the use on adjacent property, including visual impacts* – There is no evidence indicating the proposed project would have adverse effects on the use of adjacent property.
- *Adequate provision shall be made for buffers, landscaping, public open space, and other improvements necessitated by the proposal* – Not applicable.
- *The use shall meet the lot and building requirements of the district in which it is located unless the requirements are specifically modified by the City Council. A special exception shall meet any specific requirements identified in this Code and no variance shall be*







*granted from these requirements* – Please see the below analysis on the zoning classification.

- *The use shall comply at all times with the approved development plan, and any conditions imposed for establishment and operation of the use* – Not applicable at this time.

### Zoning Classification

LDC Chapter 3, Article III, Division 3 provides for zoning classifications and development standards therein.

The location of the proposed project is zoned as Urban Single-Family Residential (R-1). Garage apartments are permitted in the R-1 classification by special exception, hence this application.

### Supplementary Regulations

LDC Chapter 3, Article III, Division 4 provides for supplementary zoning regulations.

Section 3-138 provides for standards for accessory structures, including garage apartments.

Subsection (3) requires garage apartments to meet all setback requirements for the principal building on the lot. The existing structure meets these requirements.

Subsection (4) states no accessory structure shall exceed a height of 20 feet. **Please verify the height of the existing structure intended to be converted into a garage apartment.**

Subsection (5) states lots between one half acre and a whole acre are limited to three accessory structures, the cumulative area of which cannot exceed 50% of the square footage of the principal structure. **It would appear the cumulative area of the three existing accessory structures (1,266.1 square feet, calculated using the dimensions provided on the survey) is 50.04% of the area of the principal structure (2,530, according to the Volusia County Property Appraiser). This makes the existing accessory structures nonconforming, subjecting them to the requirements of LDC Chapter 1, Section 1-12(b). An existing nonconforming building or structure may be maintained and repaired, but shall not be structurally added onto or altered to further the nonconformance unless the additions or alterations are for the purpose of a conforming use of the building or structure. Existing nonconforming buildings and structures shall be made to comply with these regulations if the value of the buildings and structures on a lot after the damage is less than 50 percent of**





the value immediately preceding the damage as determined by the county property appraiser. This provision shall not apply to the reconstruction of a legal nonconforming single-family dwelling.

---

**Public Works Department**  
**Amy Long, Deputy Public Works Director**

No comments have been received.

---

**Fire Services**  
**Robert Scott, Fire Marshal**

No comments have been received.

---

**Engineering**  
**Richard Villaseñor, P.E., City Engineer**

No comments have been received.

---

**Building Department**  
**Steve Wood, Building Official**

The drawing does not include any room sizes or other dimensions needed to determine compliance with the Florida Building Code.

- a) Show window and door sizes
- b) Type of construction
- c) Typical exterior wall section
- d) Electrical service to structure
- e) Sanitary system disposal method





There are multiple requirements for a dwelling vs a garage. These will be addressed when applying for required permits to accomplish this project.

---

**Volusia County Utilities**  
**Erin Reed, PhD, P.E., Water & Utilities Senior Engineer**

Potable water service is available to the subject parcel. Please contact Volusia County Utilities customer service to connect.

---

**Surveyor**  
**Ryan Fowler, Surveyor, SurvTech Solutions**

No comments have been received.

\*\*\*END OF COMMENTS\*\*\*

A written response to each of the above comments will be required when revisions are re-submitted to the City. Please be advised that additional comments may be forthcoming after a review of the revised plan set has been completed.

If you should have any questions, please feel free to contact me at 386-601-0203.

**Steven Bapp, AICP**  
**Sbapp@debary.org**  
**Director of Growth Management**  
**City of DeBary**



## Description of Request

April 10, 2023

To convert existing 24' x 32' garage to  
Studio apartment to be used by family.

# Boundary Survey

LEGAL DESCRIPTION: LOTS 6 AND 9, BLOCK 6, ST. JOHNS RIVER ESTATES UNIT ONE, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 27, PAGE 42, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.



30 SANCTUARY AVENUE  
DEBARY, FL.

**LONG SURVEYING, INC.**

**Long Surveying, Inc.**

"Specializing in Residential Surveying"

L.B. No. 7371

1061 S. Sun Dr. Ste. #1113

Lake Mary, FL 32746

Office 407-330-9717 or 407-330-9716

Fax 407-330-9775

www.longsurveying.com

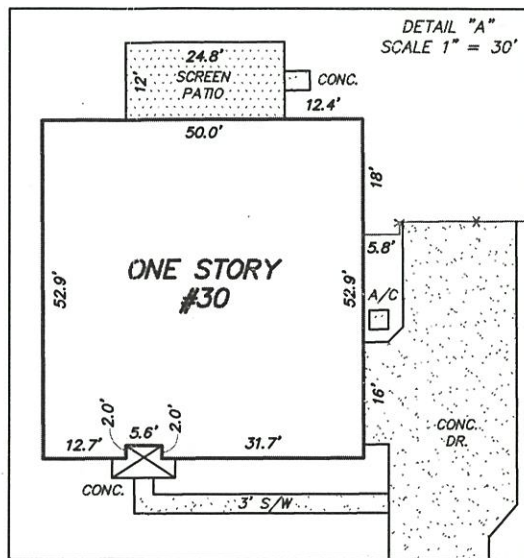
DRAWN BY: KZR AK  
CHECKED BY: BRETT

CERTIFIED TO:  
STEPHEN M MAXWELL & KAREN MAXWELL

COMMUNITY NO: 120672  
PANEL: 0615 SUFFIX: J F.I.R.M. DATE: 02/19/14  
FLOOD ZONE: X

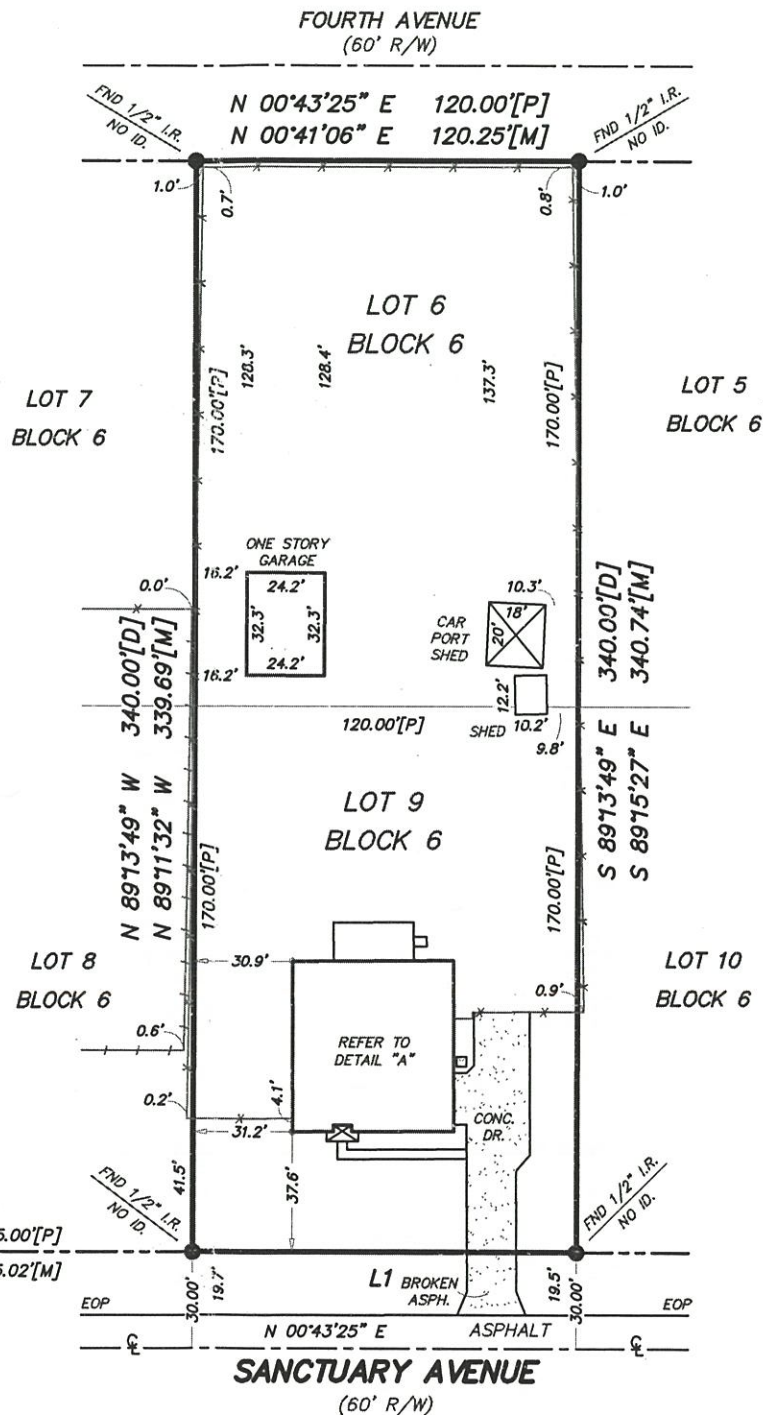
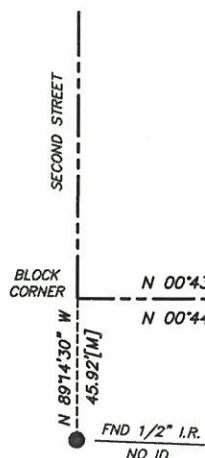
SURVEY NO: 128658 FIELD DATE: 03/14/23

SCALE: 1"=60'



LINE TABLE [P]		
LINE	LENGTH	BEARING
L1	120.00'	S 00°43'25" W

LINE TABLE [M]		
LINE	LENGTH	BEARING
L1	121.40'	S 00°43'31" W



- A/C - AIR CONDITIONER
- A.E - ALLEY EASEMENT
- B.C. - BLOCK CORNER
- BLK - BLOCK
- C.B. - CONCRETE BLOCK
- C.B.S. - CONCRETE BLOCK STRUCTURE
- C.M. - CONCRETE MONUMENT
- CONC. - CONCRETE
- D - DEED
- D.E. - DRAINAGE EASEMENT
- E.O.P. - EDGE OF PAVEMENT
- F.C.C. - FOUND CROSS CUT
- F.F.E. - FINISHED FLOOR ELEVATION
- FND - FOUND
- ID. - IDENTIFICATION
- I.P. - IRON PIPE
- I.R. - IRON ROD
- I.R.C. - IRON ROD & CAP
- L - ARC LENGTH
- L.B. - LAND SURVEYING BUSINESS
- L.S. - LAND SURVEYOR
- L.E. - LANDSCAPE EASEMENT
- M - MEASURED
- M.E. - MAINTENANCE EASEMENT
- N&D - NAIL AND DISK
- P - PLAT
- P.E. - PEDESTRIAN EASEMENT
- P.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.C.P. - PERMANENT CONTROL POINT
- P.L. - PROPERTY LINE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.O.L. - POINT ON LINE
- P.R.C. - POINT OF REVERSE CURVE
- P.R.M. - PERMANENT REFERENCE MONUMENT
- P.D.A.E. - PRIVATE DRAINAGE AND ALLEY EASEMENT
- PK NAIL - PARKER-KALON COMPANY NAIL
- P.T. - POINT OF TANGENT
- R - RADIUS
- R.P. - RADIAL POINT
- R/W - RIGHT OF WAY
- S/W - SIDEWALK
- U.E. - UTILITY EASEMENT
- W.F.S. - WOOD FRAME STRUCTURE

- RIGHT-OF-WAY LINE
- CENTERLINE
- x- BARB WIRE FENCE
- WOOD FENCE
- x- CHAIN LINK FENCE
- x- PLASTIC FENCE

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF DUMAINE AVENUE BEING S 89°41'53" W PER PLAT

- NOTES:
- This survey is based on the legal description as provided by the Client
  - This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
  - Do not reconstruct property lines from building ties
  - No footing or overhangs have been located except as shown
  - No improvements or utilities have been located except as shown
  - Not valid without a signature and the authenticated electronic seal or the original raised seal of a Florida licensed Surveyor and Mapper
- OFFICE #407-330-9717

Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.



LOUIS RAMIREZ L.S. NO. 6304

1/4" = 1'

