



The Department of Planning and Development Services

City Hall | 16 Colomba Road | DeBary, FL 32713

Development Review Committee (DRC) Meeting

Tuesday, July 6th, 2023 – 9:30 AM

DRC AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - DRC meeting on June 20th, 2023
4. NEW BUSINESS
 - **Case # 22-01-PUD-Riverview Estates**; *Second Review*, Applicant is requesting approval of a Zoning Map amendment from Rural Agriculture (A-2) to Residential Planned Unit Development (RPUD) at the property addressed as 181 Fort Florida Road for the development of a single-family detached neighborhood of up to 91 units.
 - **Case # 23-01-MAJPUD-Saxon Pointe Amendment 2**; *First Review*, Applicant is requesting approval of a major PUD amendment for the Saxon Pointe PUD located on the southeast corner of U.S. Highway 17/92 and Saxon Boulevard to allow for a convenience store with or without fuel dispensers, restaurants, and self-storage.
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, AICP, *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* (DLangle@fishbacklaw.com)
- SurvTech Solutions, *Surveying Consultant* (rfowler@survtechsolutions.com)
- TEDS, *Transportation Consultant* (KingTanya@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
June 20, 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 9:30 am.

DRC MEMBERS PRESENT:

Steven Bapp, City of DeBary
Amy Long, City of DeBary
Robert Scott, Orange City Fire Department
Richard Villasenor, City of DeBary
Steve Wood*, City of DeBary

OTHERS PRESENT:

Joseph Barker, City of DeBary
Phyllis Butlien, City of DeBary
Jimmy Palm, Appian Engineering
Chad Qualls, City of DeBary
Shari Simmans, City of DeBary

APPROVAL OF MINUTES:

Robert Scott made a motion to approve the June 20, 2023 DRC Meeting Minutes, seconded by Amy Long. The motion was approved by a 4-0 vote.

ADDITIONS, DELETIONS, OR AMENDMENTS TO THE AGENDA:

None

OLD BUSINESS:

None

NEW BUSINESS:

Life Storage Final Site Plan

Project # 23-04-FSP-Life Storage

Chairman Steven Bapp briefly summarized the project.

Jimmy Palm of Appian Engineering, the representative for the applicant, came forward to speak. He had no questions about the comments from staff. He stated they have contacted the Florida Department of Health regarding resampling the well on the site. Richard Villasenor requested the approval be sent to the City when it is received.

Mr. Palm stated they will be changing the location of the main access point.

Steve Wood asked Mr. Palm to speak with the architect for this project regarding meeting the minimum requirement for restroom facilities. Mr. Wood stated what has been submitted does not meet the requirement of the Florida Building Code.

Amy Long had no comments.

Mr. Villasenor asked if there is a potable waterline attached to the back of the building. Mr. Palm stated there is a potable water line that leaves the well and travels along the edges of the buildings. He stated they will be running a new line to the proposed building.

*Mr. Wood arrived at the beginning of the discussion for Case # 23-04-FSP-Life Storage

Robert Scott had no comments.

Robert Scott made a motion to approve the final site plan with the conditions that the outstanding comments are adequately addressed, seconded by Richard Villasenor. The motion was approved by a 5-0 vote.

ADJOURNMENT:

The meeting was adjourned at 9:38 AM.



DRC 7-6-2023

Subject Case # 22-01-PUD-Riverview Estates

Applicant: Steve Costa

Application Summary:

The applicant is requesting approval of a Residential Planned Unit Development (RPUD) rezoning for an approximately 59-acre property addressed as 181 Fort Florida Road. The property is currently zoned as Rural Agriculture (A-2). The proposed RPUD would permit up to 91 single-family detached homes, resulting in a net density of approximately 2.13 dwelling units per acre (DU/AC).

Planning & Zoning

Joseph Barker, Senior Planner, AICP

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 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.

Management of Natural Resources

The goal of the Management of Natural Resources element of the Plan facilitate the proper management of natural resources through their appropriate conservation, protection and use, consistent with the desired growth and development of the community to ensure the highest environmental quality possible.

Policy 4.102 lists out the following general strategies for the purpose of minimizing adverse impacts of land development activities on environmentally sensitive areas (wetlands, water bodies/shore lines, well fields protection areas, unique vegetative communities, habitats for threatened and endangered species/species of special concern, and areas generally reserved for permanent open space:





- Where feasible, land development activities adjacent to environmentally sensitive areas will be arranged so that the more intense activities and/or activities with the highest potential for adverse impacts will be clustered on the portions of the site which are most distant from the environmentally sensitive area. In doing this, consideration will be given to the nature and distribution of activities planned for the site, the nature of the environmentally sensitive area, and the types of adverse impacts which might be expected.
- Where feasible, land development activities adjacent to environmentally sensitive areas will be buffered from the environmentally sensitive area. Depending on the nature of potential adverse impacts, buffering may consist of open space and/or landscaped strips, stormwater management facilities, and/or physical barriers.
- Where an environmentally sensitive area can be protected from adverse impacts by design techniques, these techniques will be included in the development of adjacent areas. For example, where the operation of the development involves handling of hazardous or toxic materials, design features will be included to ensure that there will be no spilling or filtering of such materials into the environmentally sensitive areas
- Where the nature and/or importance of an environmentally sensitive area is such to indicate that it should be in public or controlled ownership, the City will consider purchase of the land and/or support the purchase of such lands by others who will ensure their preservation.

The subject property is host to several environmentally sensitive areas, including Zone A flood zones, wetlands, possibly host to a gopher tortoise burrow (according to data provided by Volusia County), adjacent to a conservation easement, and is located in a Florida Wildlife Corridor. Many of the proposed lots lie in the flood plain and wetlands. A biological report will be necessary to determine whether the proposed project is arranged in a manner that most effectively mitigates adverse environmental impacts.

Policy 4.204 requires new development be buffered from wetland areas consistent with that of the regulations of the St. John's River Water Management District (SJRWMD) and/or Volusia County. **It is yet to be determined if the development is meeting the regulations of the SJRWMD and Volusia County.** Stormwater management facilities will be designed in such a way as to maintain the natural pre-development flow of surface water to the wetland. **This has also yet to be determined.**





Objective 4.4 requires the City to carry out a program of activities to properly manage habitats and vegetative communities so as to maintain these resources and their natural functions while ensuring the appropriate growth and development of the community. **The possible presence of a gopher tortoise burrow on the site needs to be confirmed by a biological report.**

Future Land Use

The goal of the Future Land Use element of the Plan 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.

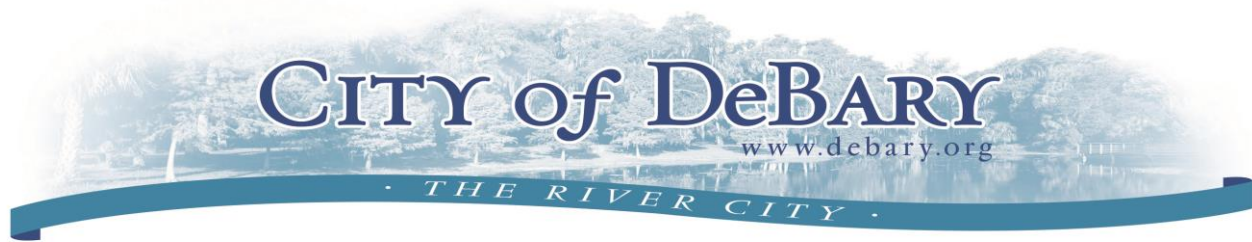
Policy 5.103 requires the City to promote compact land use patterns that support energy efficiency and multi-modal transportation options and prevent urban sprawl. **Connectivity to the St. John's River Estates, Unit One subdivision is suggested.**

Objective 5.4 mandates that the City base land use and development decisions on the adopted Future Land Use Map (FLUM). **The property's current FLUM designation is Agriculture/Rural (A/R), a designation inconsistent with the nature of the proposed project. However, the proposed project is being processed concurrently with an application for a Comprehensive Plan amendment to amend the FLUM to change this tract's classification to Residential/Low-Density (R/LD). Therefore, the proposed project has been reviewed against the policies of the R/LD classification. Please note if the Local Planning Agency (LPA), the City Council, denies the request for the amendment to the FLUM, the proposed project cannot be approved by the Development Review Committee (DRC) and any conditional approval of this project by the DRC would be null and void.**

Policy 5.402(a) provides for policies for the R/LD classification. The R/LD classification provides for conventional suburban residential development, primarily consisting of single family detached units. Policy 5.402(a)(1) limits density to four dwelling units per acre. The City's Land Development Code defines density as being the dwelling units per acre of a site minus the following:

- Land use for publicly dedicated or privately owned rights-of-way;
- Transmission and power line easements;
- Lakes and areas defined as wetlands; and
- Flood prone and preservation areas (i.e., flood plains).





The total project area is approximately 59.296 acres, according to the submitted boundary survey. According to the Master Development Plan (MDP), there is 7.23 acres of proposed rights-of-way for the project. There does not appear to be any transmission or power line easements on the property. According to the submitted survey, there are 7.69 acres of wetland on the property. However, most of the wetland area is eclipsed by the flood plains, of which there are approximately 9.25 acres. The number of proposed residential lots is 91. Thus, the net density of the proposed project is 2.13 dwelling units per acre. **The MDP's density calculations need to be corrected to include the floodplain. Otherwise, the proposed density meets the requirement of Policy 5.402(a)(1).**

Policy 5.505 requires the City to consider the following when making any decision regarding the approval of a development:

- Whether the proposed development is consistent with all of the applicable provisions of the adopted Comprehensive Plan, including its intent and purpose; **Due to the outstanding Comprehensive Plan comments, the proposed development fails to meet this criteria.**
- The impact of the proposed development on the natural environment and the capability to adequately mitigate any adverse impacts; **There are concerns about the potential impact of the development on the natural environment that have not been adequately resolved.**
- The impact of the proposed development on existing and future development in the vicinity, including impacts on public facility capacity, adequate water supplies and associated public facilities, environmental impacts, the resulting appearance of the overall community, and the subsequent ability to properly develop or redevelop other nearby land; **Without a biological report, it cannot be determined the development will not impact existing developments in the area. There are also concerns on public facility capacity that have not yet been resolved.**
- The reasonableness of the development vis-a-vis good design, orderly pattern of development, compatibility with the development of nearby areas, safety and convenience of occupants and the general public, and the presence or absence of unusual features which are favorable to successful or unsuccessful development; **Consideration must be given to connectivity with neighboring developments.**
- The availability of other suitable land (properly located and with the necessary characteristics) to serve the needs represented by the proposed development;





- Whether there are mitigating or unusual circumstances (such as the potential for a taking to exist if no development is approved) which might be addressed through the approval of the development, with or without amendments or conditions.

Transportation

The goal of the Transportation element is to facilitate the development of a safe, cost-effective, coordinated, connected, energy efficient, multimodal transportation system for the movement of people and goods to benefit the social, economic and physical development of the City and to reduce greenhouse gas emissions and vehicle miles of travel.

Policy 6.103 establishes regulatory level of service (LOS) standards to determine whether facilities, including roadways, are adequate to serve new development. The LOS standard for the local street system, such as West Highbanks Road, is a D. **It will need to be determined that this development will not reduce the LOS of West Highbanks Road.**

Policy 6.104 requires certain improvements to be made to the transportation network for the purpose of meeting the regulatory LOS standards of Policy 6.103. One such improvement is adding lanes to Highbanks Road. **This improvement project should be considered when reviewing the proposed project.**

Policy 6.107(c) states where access to a development is through a street or road in the City street system, the access will be designed to reduce the overall number of entrances by emphasizing side street and/or joint entrances, and by discouraging entrances to major roads in close proximity to major street interchanges. **The proposed project must be designed to reduce the overall number of entrances to West Highbanks Road and Fort Florida Road through the use of side street and/or join entrances. On the eastern boundary of the subject property are unpaved rights-of-way that could potentially be used to eliminate the need for another entrance on to West Highbanks Road.**

Policy 6.108 provides for Mobility Plans. **Please note the proposed project is within the City's Southwest Sector Mobility Fee Assessment Area.**

Policy 6.201 states that when making zoning changes, the City will consider the need for new transportation facilities necessitated by the potential development, as well as the resources which





can be reasonably expected to support new facilities not previously contemplated. **Consideration must be given to whether the proposed project will create a need for new transportation facilities.**

Policy 6.702 requires the City to support the expansion of public transportation including additional bus routes. **Feedback from VOTRAN and the River to Sea Transportation Planning Organization should be obtained.**

Where is the boat/RV parking going to be located? This should be delineated on the

Public Facilities Infrastructure

The goal of the Public Facilities Infrastructure element is to facilitate the development of adequate public infrastructure to serve the appropriate growth and development of the City, and with appropriate consideration to managing important natural resources.

Please refer to any comments that are made by Engineering, Public Works, and the City's environmental management consultant.

Capital Improvements

The goal of the Capital Improvements element is to facilitate the efficient provision of public facilities through coordination between needs and resources and through coordination between capital projects plans and the community's objectives as set forth in this Plan.

Objective 10.1 requires the City to carry out a continuing program of activities to plan and construct capital facilities so as to reduce existing deficiencies, so as to provide for replacement of obsolete or worn-out facilities, and so as to provide for the appropriate growth and development of the community. This program will ensure coordination between decisions about capital facility improvements and decisions about land development and redevelopment activities associated with public facilities. **Consideration must be given to how the proposed project will impact the following projects:**

- **DeBary Elementary School Turn Lanes**
- **Highbanks Road/17/92 Turn Lanes**
- **West Highbanks Road Rob Sullivan Park to Fort Florida Road Reconstruction**





Public Schools Facilities

The goal of the Public School Facilities element is to collaborate and coordinate with the School Board of Volusia County to provide and maintain a public education system which meets the needs of Volusia County's current and future population. **Please see comments provided by Volusia County Schools.**

For all other elements of the Plan not discussed in this report, the project has been determined to be consistent with those elements.

Land Development Code Review:

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

PUD Regulations

LDC Chapter 3, Article III, Division 3, Section 3-108 provides for regulations of the creation of PUDs. This Section of the LDC was reviewed during the first submittal's review process. That review produced the following comments:

1. *Section F of the Development Agreement should contain language acknowledging that 15% of the site shall be preserved in a natural state, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(4)b. **This comment has been adequately addressed.***
2. *Outside of stormwater ponds, no open space is delineated on the Master Development Plan in compliance with Chapter 3, Article III, Division 3, Section 3-108(b)(4)d. Common open space shall be in the form of active or passive recreational areas with residents have physical access to the space, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(4)a. With the majority of the open space being stormwater ponds, the Master Development Plan is not meeting the intent of the Land Development Code. **This comment has been adequately addressed.***
3. *The name of the development on the Master Development Plan ("Highbanks Road DeBary") does not match the name used on the Development Agreement ("Riverview Estates"). As the latter name is what is on the application and therefore in the City's*



- system, staff would recommend Riverview Estates be used as the title consistently throughout all documents and plans. **This comment has been adequately addressed.**
4. Names of abutting property owners must be shown on the Master Development Plan, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.1.iii. **This comment has been adequately addressed.**
 5. Please provide location of all existing buildings, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.1.iv. **This comment has been adequately addressed.**
 6. Natural areas of vegetation and type must be shown, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.1.v. **This comment has been adequately addressed.**
 7. What are the general soil types? This information must be provided, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.1.x. **This comment has been adequately addressed.**
 8. Please provide language of any covenants, easements or other restrictions in compliance with Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.2.x. **What this sub-clause requires is the proposed covenants, easements, or any other restrictions.**
 9. Section C.2 of the Development Agreement indicates that perimeter landscape buffers shall be required from the property line. Therefore, the landscape buffer should extend into the proposed outparcel. **There is no longer a proposed outparcel, so this comment can be dismissed.**
 10. The provisions of Section C.3.2 of the Development Agreement does not meet the standards of Land Development Code Chapter 5, Article I, Section 5-13(c). **The language would appear to be unchanged. Please correct.**
 11. Section A.8 of the Development Agreement states 89 units is the maximum number of units permitted, but the Master Development Plan states it is 92. Please provide clarification. **The stated amount on the development agreement is 91, but the MDP states it is 92. Please correct.**
 12. Please add language on building design guidelines. **The cited building design guidelines are those of the City's Transit Oriented Development (TOD) Overlay District. Is this what the applicant intends?**

Upon review of the amended language to the proposed DA, the following comment has been produced:





- **Where is the boat/RV parking going to be located? This should be delineated on the MDP.**

Miscellaneous Comments:

Due to the limited capacity of the project roadway network, the Development Review Committee determines the necessity of a full Transportation Impact Analysis as per:

The River Sea TPO Transportation Impact Analysis (TIA) Guidelines Methodology adopted June 22, 2016, page 3-4 “Developments generating less than 1,000 two-way daily external trips or 100 peak hour two-way external trips may also be required to submit a TIA if determined necessary by the City/County Development Review Committee (DRC) and/or CTE.”

Public Works Department
Amy Long, Deputy Public Works Director

Comments are forthcoming.

Fire Services
Robert Scott, Fire Marshal

1. Provide details on Fire Hydrants and Fire Flow requirement per the Florida Fire Prevention Code 7th ED of NFPA 1 Chapter 18 Section 18.1.3.2 and 18.4 for review (two Fire hydrants don't meet code).
2. Plans don't show any Fire Lanes. Provide details to meet the Florida Fire Prevention Code 7th ED of NFPA 1 Chapter 18 Section 18.2.3.6.3.
3. Provide details on address layout for buildings and units. The Florida Fire Prevention Code 7th ED of NFPA 1 Chapter 10 Section 10.11.1.





Engineering
Richard Villaseñor, P.E., City Engineer

Comments are forthcoming.

Building Department
Steve Wood, Building Official

Comments are forthcoming.

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

VCU has reviewed the submittal below and has the following comments in addition to VCU's previous comments, which still apply:

1. Previous comment: The county has water and sewer capacity available to serve the proposed development. The County will need to execute a Utility Service Agreement with the proposed development prior to the permit application process with the Florida Department of Environmental Protection. Additionally, payment of the county's utility development fees is required before utility service will be provided. The county's impact fee schedule is available online at: <https://www.volusia.org/services/public-works/water-resources-and-utilities/utility-engineering.stml>
2. Please visit Volusia County Water Resources & Utilities' website to obtain the most recently updated Standard Details, Specifications, and a list of approved materials including piping, fittings, valves, meters, etc. for water and sewer infrastructure. <https://www.volusia.org/services/public-works/water-resources-and-utilities/utility-engineering.stml>





**Fishback-Dominick
Dan Langley**

The MDP needs to show the proposed RV and boat storage spaces – I did not see that on the current plan.

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

They acknowledged our comments but did not provide a report addressing any of them, so we still need that information to evaluate the project. The Biological Report should address all habitat on the property and any observed protected species or the potential for any them to occur including those designated in the Florida Wildlife Corridor. The Florida Wildlife Corridor species will vary from County to County based on the habitats present.

The only other relevant information I gleaned from my review is that the wetland lines were set by Modica and Associates on 11/04/2016. The wetland lines are over 7 years old and need to be updated as part of the Biological Report to be submitted.

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

Comments are forthcoming.

**Transportation
Tanya King, PE, Senior Transportation Engineer, TEDS**

1. Table 2: Growth and 2023 Background Developments, include 117 vested trips. What developments do these vested trips include? An independent analysis performed for Highbanks Road shows that the segment between Donald E Smith and US 17/92 will perform at a LOS E with this development.





2. On the site plan, the gross and net density state 93 DU (dwelling units) instead of the 89 DU analyzed. Please clarify.
3. Use the updated FDOT count data for Site 8004 to include year 2022. Please update the analysis based on these changes.
4. Appendix, TIA Exemption Memorandum, for the driveway intersection analysis, were existing traffic on Highbanks Road collected or derived?

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



After Recording Return to: City of DeBary
Attn: City Clerk
16 Colomba Road
DeBary, Florida 32713

ORDINANCE No. _____ ATTACHMENT "A"

**RPUD DEVELOPMENT AGREEMENT
RIVERVIEW ESTATES RPUD**

THIS RPUD DEVELOPMENT AGREEMENT ("Development Agreement" or this "Agreement") is made and entered into by and between the **CITY OF DEBARY**, a Florida municipal corporation (herein "City") and [LANDSEA HOMES OF FLORIDA, LLC Cobb Cole, P.A. on behalf of the Costa Family](#) (herein "Applicant").

WHEREAS, the Applicant is the ~~contract purchaser~~ owner of that certain real property being approximately 59.296 +/- acres in size and having a Volusia County Tax Parcel Identification Number 8031-00-00-0010, and legally described in Exhibit "**A**" attached hereto and incorporated herein (herein the "Property") and being the same property described in City of DeBary Ordinance No. _____.

WHEREAS, the Applicant has requested that the Property be rezoned from A-2 (RURAL AGRICULTURE) to a RPUD (RESIDENTIAL Planned Unit Development) Zoning Classification; and

WHEREAS, the Applicant has requested an amended Comprehensive Plan Future Land Use Map designation of Residential Low Density; and

WHEREAS, Ordinance No. _____ approving this Development Agreement has been advertised and noticed in accordance with the requirements of state law and Section 1-10 of the City of DeBary Land Development Code; and

WHEREAS, the City of DeBary City Council acting as both the Local Planning Agency and Governing Body has conducted the necessary public hearings on Ordinance _____ approving this Development Agreement; and

WHEREAS, based upon competent, substantial evidence presented in the record, Ordinance No. _____ and this Development Agreement have been determined by the City of DeBary City Council to meet the requirements for rezoning pursuant to Section 1-6, City of DeBary Land Development Code and Comprehensive Plan Policy 5.505 and are consistent with the City of DeBary Comprehensive Plan and Land Development Code; and

WHEREAS, the City of DeBary City Council finds that this Development Agreement promotes the public health, safety, and welfare and is consistent with and authorized by its authority under Chapter 166, Florida Statutes, Article VIII, Section 2 (b) of the State Constitution, and the City's home rule authority and 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:

Recitals. The recitals herein contained are true and correct and are incorporated herein by reference as material terms of this Agreement.

A. Development Concept. The Property shall be developed as a Residential Planned Unit Development (RPUD) substantially in accordance with the Master Development Plan (as hereinafter defined). The Master Development Plan shall govern the development of the Property as a RPUD and shall regulate the future land use of this parcel.

1. **Master Development Plan.** The Master Development Plan shall consist of the Preliminary Plan series dated ~~December 15, 2021~~[May 23, 2023](#), and prepared by MADDEN MOORHEAD & STOKES, LLC and this

Development Agreement (collectively, the “Master Development Plan”). The Master Development Plan is hereby approved and incorporated in this Development Agreement by reference as Exhibit “B”. The Master Development Plan, as part of this Development Agreement, shall be filed and retained for public inspection in the office of the City Clerk and it shall constitute a supplement to the Official Zoning Map of the City DeBary.

2. **Amendments.** The Master Development Plan is intended to be a conceptual plan to guide development of the Property in compliance with the terms and conditions of this Development Agreement. 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, and locations and design of stormwater storage, landscape buffers and upland buffers may occur during the plat and/or site plan review and approval processes. Proposed revisions to the Master Development Plan that also necessitate revisions to the substantive terms of this Development Agreement shall require approval by the City Council as either a major or minor amendment to this RPUD in accordance with the Land Development Code, as may be amended. The DeBary City Manager shall make determinations as to whether requested revisions to the Master Development Plan rise to the level of a minor or major amendment of this RPUD pursuant to the Land Development Code, or is merely a minor deviation of the Master Development Plan. Minor and major amendments to this RPUD shall be processed in accordance with the Land Development Code, as may be amended. Changes determined by the City Manager to

be minor deviations to the Master Development Plan may be approved by the City in the issuance of subsequent development orders. A minor deviation shall be a deviation from the Master Development Plan, which has no substantive effect on the overall goals, purpose and objectives of this Development Agreement and the Master Development Plan. Generally, a minor deviation would be a change that does (a) not conflict with the requirements of the Master Development Plan or any exhibit adopted as part of the Master Development Plan, (b) not conflict with any substantive provision of this Development Agreement, any City ordinance or regulation not superseded by the terms of Ordinance No. _____ and this Development Agreement, and (c) not trigger the minor or major amendment PUD provisions of the City of DeBary Land Development Code.

3. **Site Plan or Subdivision Approval.** After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Site Plan or Subdivision Plat shall be prepared and submitted for review and approval to the City of DeBary in the manner required by the City of DeBary Land Development Code (herein referred to as the "Land Development Code" or "LDC").

4. **Unified Ownership.** The Applicant or its successors shall maintain unified ownership of the respective portions of the Property until after approval and recording of final plat(s) of the Property. In other words, the Applicant cannot convey portions of the Property without first having obtained a final plat approval(s) creating a legal subdivision of the portion of the Property it intends to convey separately from the remainder of the

Property.

5. **Phases of Development.** The site may be developed in multiple phases. Development phasing will be determined during the Site Plan and/or Subdivision approval process.

6. **Land Uses Within the RPUD.** The development of the parcels shall be consistent with the uses prescribed for each area within the proposed RPUD. The location of said land use areas are shown on the Master Development Plan (Exhibit "B" attached to this Agreement), which location and size may vary with final design considerations. The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures, and essential utilities:

6.1 Parks and recreational areas accessory to residential developments

6.2 Publicly owned parks and recreational areas

6.3 Single-family standard dwelling

6.4 Boat and RV parking

7. **Recreation.** The following uses are permitted within the ~~designated recreation~~community recreation tracts for ~~exclusive~~ use by residents and guests within the development:

7.2 Swimming Pool

7.4 Playground

7.5 Pavilion

7.6 Trails

7.8 Other recreational uses as deemed appropriate by the

DeBary City Manager.

8. **Number of Dwelling Units.** Provided the requirements of the DeBary Land Development Code, the rules and regulations of any other governmental agency having jurisdiction over the Property, and the terms of this Agreement are complied with, the Property is entitled to be developed with a maximum of 9192 residential dwelling units (the “Maximum Number of Residential Units”).

9. **Prohibited Uses.** All uses not expressly permitted by this Development Agreement are prohibited on the Property and within this RPUD.

B. Development Standards.

1. SINGLE-FAMILY DETACHED DWELLINGS:

Detached Unit Lot and Building Guidelines

- 1.1 Minimum Lot Area: 8,400 sq. ft.; ~~Lot area standards are subject to the dimensional standards as listed on the Land Use Sheet of the PUD Master Development Plan, Exhibit “B”.~~
- 1.2 Minimum ~~L~~ot ~~W~~idth and ~~F~~rontage: 70’ for single family;
- 1.3 Minimum ~~L~~ot ~~D~~epth: 120’
- 1.4 Minimum ~~F~~loor Area: 1,500 sq. ft. for primary dwelling unit
- 1.5 Maximum Impervious Coverage: 60%
- 1.6 Maximum Building Height: 35’
- 1.7 Maximum Number of Dwelling Units per ~~L~~ot: 1
- 1.8 Minimum Building ~~S~~etbacks:

1.8.1 Front: 20'.

1.8.2 Street Side: 15'

1.8.3 Interior Side: 5' on each side.

1.8.4 Rear: 20' for primary structure, 5' accessory structure including attached and detached garages.

1.8.5 Pool and/or Enclosure shall be 5' from side or rear property lines and pool enclosures shall be a minimum of 2.5' from side or rear property lines.

1.9 Low Density Residential Density, Max. 4 dwellings per/ Gross Acre, as defined in the 2010 Comprehensive Plan. Gross Acres for this Project shall be defined per the calculations below:

1.9.1 Total Land Area: 59.296 acres

1.9.2 Less Dedicated Rights of Way: 7.23 acres

1.9.3 Less Conservation Areas: 5.9263 acres (as measured at the extent of proposed conservation easements to include wetland and upland buffer areas)

1.9.4 Gross Developable Land Area 59.296 acres

1.9.5 Project Density = $\frac{9192 \text{ units}}{59.296 \text{ acres}} = 1.5 \text{ DU/AC}$, which meets the maximum density allowed for R/LD, which is 4.0 DU/Gross AC.

2. Boat and RV Parking:

2.1 Minimum Lot Area: 1 acre

2.2 Minimum Lot Width: 100 ft.

2.3 Maximum Lot Coverage: 35%

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2.4 Maximum Building Height: 40 ft.

2.5 Perimeter Building Setback: 35 ft.

2.6 Building Setback from any Roadway: 100 ft.

2.7 Maximum Number of Boat Parking Spaces: 15

2.8 Maximum Number of RV Parking Spaces: 15

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C. General Development Standards:

1. All plant materials in landscaped areas to be installed shall be Florida No. 1 grade, or better, according to the current "Grades and Standards for Nursery Plants," State of Florida, Department of Agriculture, Tallahassee. The number of plantings within the created landscaped areas shall conform to the City of DeBary landscaping regulations. Developer may substitute fruit and nut producing trees and shrubs in place of traditional landscaping materials permitted in DeBary's Land Development Code throughout the project area in common areas, parks, street rights-of-way, wetland buffers and perimeter buffers. ~~(Developer will coordinate with University of Florida IFAS local extension office to provide landscape pallet that compliments existing native flora to create Food Forests in appropriate areas.)~~

2. Perimeter buffers shall be required from the property line and shall be the following width:

- | | | |
|-----|----------------------|-----|
| 2.1 | North property line: | 20' |
| 2.2 | West property line: | 20' |
| 2.3 | East property line: | 20' |
| 2.4 | South property line: | 20' |

2.5 Perimeter buffers shall remain in their natural condition where possible and shall not be required to have irrigation. Additional landscaping may be added to the perimeter buffers where existing landscaping does not meet City buffer standards per the Land Development Code. The supplemental landscaping will be irrigated. Where existing vegetation is inadequate or of undesirable appearance, excavation to create ponds or embankment to create a berm will be permitted within the buffer to aid site development. Following grading of the buffer in this manner, the buffer shall be landscaped to meet City buffer standards per the Land Development Code. Bike paths and pedestrian trails shall be allowed in required buffer areas.

2.6 Wetland buffers and landscape buffers can be located within a residential lot. Wetland buffers will be placed in a conservation easement during platting to allow for [a](#) homeowners association (HOA) to maintain upland buffers per St. Johns Water Management Regulations. In no case shall the buffer make up more than 25% of the rear minimum setback area.

3 Street and Median Landscaping will be provided as follows:

3.1 Number/Type: Street trees will be provided according to Chapter 5 of the land development code, landscape code unless conflict occurs with proposed edible landscape design. Street trees will count towards required tree mitigation.

3.2 Minimum Size: Where and if street trees are used, they shall

be six (6) feet in height, three (3.0) inch caliper measured six (6) inches above ground level at time of planting.

3.3 Location: Where street trees are to be used, they shall be not less than four (4) feet from back of curb. Street trees installed in future public ROW shall not be required to secure a specific encroachment or use permit.

3.4 Maintenance: The City shall not be responsible for maintenance of trees in dedicated rights of way.

4. Signage Development Standards:

4.1 Freestanding or wall signage: A double-sided permanent monument style entrance sign at the Project entrances shall be permitted, as depicted on the Master Development Plan - Exhibit "B" to this Development Agreement. Sign copy area, height and setback requirements for the subdivision signs shall comply with the applicable Land Development Code requirements.

4.2 All other signage applicable to residential uses may be erected in accordance with the Land Development Code.

D. Model Homes and Sales Office Requirements:

1. Model home construction prior to plat recording shall be allowed upon compliance with the following requirements:

1.1 Provision for fire protection, including on-site hydrants, if required, shall be required to service areas where model homes will be constructed. Testing and approval of the water system by the

Florida Department of Environmental Protection (FDEP) shall also be required prior to the occupancy of any model homes.

1.2 Construction of stabilized access roads that are sufficient to support emergency vehicle access to the model home sites is required prior to building permit issuance.

1.3 Permanent utility connections cannot be made until the sanitary sewer system has been completed and certified to FDEP.

2 Two types of sales offices shall be permitted:

2.1 Model Homes – A model home may be used as a sales office until such time as the last lot is developed within the specific development.

2.2 Temporary Offices – Temporary structures, such as approved office trailers, and the like, may be permitted as a temporary sales office while a model home is under construction. Such temporary sales office shall only be permitted for an interim period not to exceed sixty (60) days from placement or until completion of the first model home, whichever occurs first.

2.3 Building permits are required for both model homes and temporary offices. A final building inspection to insure conformance with the building and life safety codes shall be required for any model home or temporary office prior to occupation.

2.4 Parking at the model home/sales office can be on the street and in the residential driveway. These parking requirements shall be in lieu of the parking requirements set forth in the City's Land

Development Regulations, notwithstanding safety and health regulations. Temporary parking lots located on lots or areas adjacent to model homes are permitted and may be surfaced with gravel, mulch, shell, or similar materials.

2.5 Signage shall be limited to one sign per model home, not to exceed an area of ten (10) square feet and a height of four (4) feet. Signs shall be at least ten (10) feet away from any dedicated public or private roadway.

E. Open Space Requirements: Open Space shall be provided as required by the Land Development Code, as amended and as depicted on the Master Development Plan; provided that in no event shall such open space be less than 20% of total site area. Areas counted towards the minimum open space requirement shall include, but are not limited to, recreation areas, stormwater treatment areas, landscape buffers, tree preservation areas, open grassed or vegetated areas, wetlands and required upland buffers. The recreation uses shall be distributed evenly throughout the project as generally depicted on the Master Development Plan - Exhibit "B" and consistent with Policy 8.101 of the City Comprehensive Plan.

F. Tree Preservation Requirements: Fifteen percent (15%) of the site shall be preserved in a natural state, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(4)b. ~~As required by LDC, the preservation areas shall be met within the boundary of the Development designation.~~

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G. Environmental Considerations: The Property shall be developed in a manner so as to preserve jurisdictional wetlands on site with a minimum 15 foot and average minimum 25-foot buffer, as required by St. Johns River Water Management District. No development will occur in such buffer except as in compliance with the DeBary Land Development Code. Any permitted impacts to jurisdictional wetlands located on the Property shall be mitigated according to the Land Development Code and St. John's River Water Management District requirements.

G.

H. Sewage Disposal and Potable Water: Each dwelling unit and amenity structure developed on the Property shall be connected to central potable water, sanitary sewer service and reclaimed water. Water, sewer and reclaimed lines appurtenances thereto shall be extended by Volusia County and then connected to the Property by Applicant, at the Applicant's expense, in accordance with applicable sizes, pressures, metering, regulations and standards. All project internal utility lines shall be provided at the expense of the Applicant. If available from Volusia County in suitable capacity to provide reliable reuse service, Applicant will install re-use water lines within the development by connecting to re-use water lines provided at the property lines by the City of DeBary or Volusia County Utilities. Applicant shall cause the granting of all utility easements necessary for the required utility lines to the extent said lines are not located within public rights-of-way. No certificates of completion for site infrastructure and building permits and

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certificates of occupancy for structures shall be issued until all potable water and sewer off-site and on-site main lines are properly permitted, installed, inspected and fully functional.

I. Stormwater Drainage. Stormwater management shall be in accordance with the requirements of the St. John's River Water Management District and the City of DeBary. Moreover, the Applicant, at its expense, shall provide for proper stormwater drainage, detention and retention of stormwater arising from and concerning the improvements described in Section J of this Agreement and for the purposes of providing retention for Ft. Florida Road and Highbanks Road. Prior to or at the time of final plat, the Applicant shall, at no charge to the City of DeBary, cause the granting to the City of DeBary of perpetual drainage easements, in a form and with terms acceptable to the City, necessary to allow stormwater drainage from Fort Florida Road and West Highbanks Road rights-of-way and improvements therein to be conveyed to and retained on portions of the Property developed to accommodate such stormwater drainage. The project's HOA shall have the perpetual obligation to maintain, replace and repair all of the Property's stormwater management systems within the limits of the Property, including but not limited to, drainage easements granted to the City of DeBary and improvements located thereon. After Applicant's construction, final completion and the City's acceptance thereof, the City shall have the perpetual obligation to maintain, replace and repair all the stormwater management systems located in a public right-of-way.

J. **Access and Transportation System Improvements:** All access and transportation system improvements shall be provided in accordance with the Land Development Code.

The Property shall be developed in substantial accordance with the following access and transportation system improvements:

1. **Access:**

There shall be a minimum of two ingress/egress points to and from public rights- of-way. The ingress/egress points will be provided by the Applicant in accordance with the schedule outlined below in section 2.1 Transportation System Improvements. The location of these vehicular access points shall meet City of DeBary Land Development Code standards.

2. **Transportation System Improvements/Operations.**

2.1 All access and transportation system improvements shall be provided in accordance with the Land Development Code, unless otherwise provided for within this Agreement and as part of the approved Master Development Plan. Applicant shall be responsible for installing all appropriate internal roadway traffic control devices and signs in accordance with applicable standards. There shall be a minimum of one (1) ingress/egress point to Fort Florida Road and West Highbanks Road. The location of these vehicular access points shall meet City of DeBary Land Development Code standards. At least one permanent ingress/egress point shall be built in conjunction

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with the project's first phase. The second ingress/egress point shall be completed prior to receiving a certificate of completion. However, prior to any certificates of occupancy being issued a stabilized entry to and from the Property and a public right-of-way shall be installed by the Applicant to serve as a secondary access point for emergency vehicles until such time as the second ingress/egress point is constructed.

3. Road Maintenance Agreement

Prior to Applicant's construction commencement, Applicant shall be required to enter into separate agreement with the City to set forth the terms, conditions and specifications for the maintenance of secondary access road improvements for emergency vehicles until such time as the second ingress/egress point is constructed. Such agreement may require performance and maintenance guarantees (in the form of cash, letter of credit or surety bonds) to be provided by the Applicant to secure the proper and timely completion of the road improvements.

K. Internal Roadways. Changes to the dimensions, design speeds, and other features of internal streets may be allowed in accordance with the roadway typical sections presented in Exhibit B, subject to City review and approval during the site development review process. [On street parking shall be permissible as part of the development.](#) This Developer's Agreement is intended to offer flexibility to the Applicant in selecting private or public roadways or a mix thereof.

L. Homeowners' or Property Owners' Association. The Applicant shall create a homeowners' association(s) in accordance with Chapter 720, Florida Statutes, and other applicable statutes prior to or concurrently with the recording of a plat of the Property or any portion thereof. The property owners' association(s) shall be responsible for the ongoing maintenance, repair and replacement of any common areas, open space, retention, recreation areas, private streets, sidewalks and other private subdivision infrastructure improvements and provide for the assessment of property owners for such purposes. Common area tracts, including retention tracts and private rights-of-way (if any), shall be conveyed in fee simple ownership to the property owners' association concurrently with the recording of the applicable plat creating such tracts. If the Property is developed with private roads, the declaration of covenants, conditions, easements or restrictions ("declaration") shall grant the City non-exclusive ingress and egress rights over private roadways for the City, emergency service providers and other public service providers. Further, the declaration shall be consistent with Chapter 720, Florida Statutes and include provisions required by the Land Development Code and other reasonable provisions that the City may require. The by-laws of said association and the declaration shall be furnished to the City of DeBary for review and approval prior to final plat approval for the first phase of development. The Applicant shall be responsible for recording the declaration in the Public Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the aforementioned declaration. With respect to the enforcement of said declaration entered into between the Applicant and the owners or occupiers of property within the RPUD, the City of DeBary shall only be given the right to

enforce the provisions required by this Development Agreement, Land Development Code, as amended, and conditions of development orders, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

M. Development Regulations. The DeBary Land Development Code, as amended from time to time, will control the development of the Property regarding any items not specifically covered by Ordinance No. _____ and this Agreement. [Building design standards shall meet the requirements under Section 5-134 of the City's Land Development Code.](#) The local development approvals and permits required to be approved or issued by the City for the intended use contemplated by this Development Agreement include, but are not limited to, construction plan approvals, site plans, plats, stormwater drainage, SJRWMD permits, demolition permit, grading, arbor permits, engineering and utility plans, and construction permits for buildings and other structures. These development approvals and permits shall be processed and issued by the City in accordance with procedures with respect to same as otherwise set forth in the City's Land Development Code and subject to this Development Agreement. Failure of this Development Agreement to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions. This Development Agreement does not, and is not intended to prevent or impede the City from exercising its legislative authority as the same may affect the Property. Nothing contained in this Agreement nor in any instruments executed pursuant to the terms

of this Agreement shall be construed as a waiver or attempted waiver by the City of its sovereign immunity under the Constitution and laws of the State of Florida and federal law or other any other privilege, immunity or defense afforded under the law to the City or any of its elected or appointed officials, employees and agents.

N. Utility Lines: All new utility lines associated with new development on the Property, including electric transmission and distribution lines shall be installed underground.

O. Binding Effect of Plans; Recording; and Effective Date. This Development Agreement and the Master Development Plan, including any and all supplementary orders and resolutions, shall bind and insure to the benefit of the Applicant and Owner and their successors in title or interest. The RPUD zoning, provisions of this Development Agreement, and all approved plans shall run with the land and shall be administered in a manner consistent with the Land Development Code, as amended. This Development Agreement shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City 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 City Clerk. The date of City Council approval of Ordinance No. _____ shall constitute the effective date of the RPUD and this Development Agreement. The Applicant shall pay all filing costs for recording documents. If the Applicant does not become

the owner of the Property, then the Owner and its successors and assigns shall be responsible for the Applicant's obligations under this Development Agreement.

P. Expiration: All provisions of this Development Agreement and the Master Development Plan shall expire and terminate in accordance with the Land Development Code, subject to any extensions that may be available according to the terms of the Land Development Code. In event of expiration and termination of this Development Agreement and Master Development Plan occurs, the Property shall revert back to its previous zoning designations as City A- 2 (Rural Agriculture) zoning classification, and the RPUD entitlements become null and void.

Q. Authority. Each party represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Development Agreement, that all acts, approvals, procedures and similar matters required in order to authorize this Development Agreement have been taken, obtained, or followed, as the case may be, that this Development Agreement and the proposed performance of this Development Agreement by such party is not an *ultra vires* act and that, upon the execution of this Development Agreement by all parties, this Development Agreement shall be valid and binding upon the parties and their successors in interest. Furthermore, Applicant represents and warrants to City that Applicant is the contract purchaser and potential sole owner of the Property, in fee simple, free and clear of any monetary encumbrances, including but not limited to mortgages and liens, in the event such an encumbrance exists, Applicant, Applicant's sole cost, shall obtain the necessary joiners, consents and subordination to this Development Agreement

or releases from the appropriate parties with an interest in the property.

R. Development Review Cost. The Applicant (and its successors and assigns in interests) shall timely pay the City for any and all development review costs concerning the development and the Property in accordance with Section 1-16, City of DeBary Land Development Code. Applicant acknowledges and agrees that Applicant have read Section 1-16, DeBary Land Development Code and understand Applicant's responsibilities and obligations under such code provision and this Development Agreement and acknowledges and agrees that Applicant is bound by such code provision for all development applications and approvals relating to the Property.

AGREED to by the City Council of the City of DeBary, Florida, and the Applicant on this ____ the day of _____, 20____.

ATTEST:

CITY OF DEBARY:

Annette Hatch, CMC, City Clerk

Karen Chasez, Mayor

WITNESSES:

Richard Steven Costa, Jr., as Trustee of
the Richard Steven Costa, Jr. Revocable
Trust

Signature

By: _____

Print

Print Name: _____

Signature

Title : _____

Print

NOTARIAL ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical
presence or online notarization, this _____ day of _____ 20____ by
Richard Steven Costa, Jr., as Trustee of the Richard Steven Costa, Jr. Revocable Trust,
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: _____

WITNESSES:

Hugh West Costa and Kristen Leigh
Costa, as Co-Trustees of the Hugh West
Costa and Kristen Leigh Costa
Revocable Trust

Signature

By: _____

Print

Print Name: _____

Signature

Title : _____

Print

Signature

By: _____

Print

Print Name: _____

Signature

Title : _____

NOTARIAL ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____ 20____ by Hugh West Costa and Kristen Leigh Costa, as Co-Trustees of the Hugh West and Kristen Leigh Costa Revocable Trust, 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: _____

WITNESSES:

Rhett Allan Costa

Signature

By: _____

Print

Print Name: _____

Signature

Title : _____

Print

NOTARIAL ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____ 20____ by Rhett Allan Costa, 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: _____

WITNESSES:

Hannah E. L. Hall

Signature

By:_____

Print

Print Name: _____

Signature

Title : _____

Print

NOTARIAL ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____ 20____ by Hannah E. L. Hall, 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:_____

WITNESSES: _____ LAND SEA HOMES OF FLORIDA, LLC

Signature By: _____

Print Print Name: _____

Signature Title: _____

Print

NOTARIAL ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____ 20____ by _____ as the _____ of LAND SEA HOMES OF FLORIDA, LLC, on behalf of said company, 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: _____

EXHIBIT "A" – LEGAL DESCRIPTION

EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION LYING WITHIN Highbanks Road AS ESTABLISHED AND IN USE, AND LESS AND EXCEPT THE FOLLOWING TWO PARCELS:

(EXCEPTION PARCEL 1)

LANDS CONVEYED UNDER WARRANTY DEED RECORDED IN D.R. BOOK 4651, PAGE 4640, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST. THENCE N01°16'11"W ALONG THE WEST LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, 2657.98 FEET TO THE NORTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, THENCE N88°35'00"E ALONG SAID NORTH LINE, 60.00 FEET; THENCE S01°16'11"E, 1328.97 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1280.00 FEET, AND A CENTRAL ANGLE OF 08°53'06"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 198.50 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1220.00 FEET, AND A CENTRAL ANGLE OF 08°53'06"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 189.19 FEET; THENCE S01°16'11"E, 942.78 FEET TO THE SOUTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE S88°15'09"W ALONG SAID SOUTH LINE 30.00 FEET TO THE POINT OF BEGINNING.

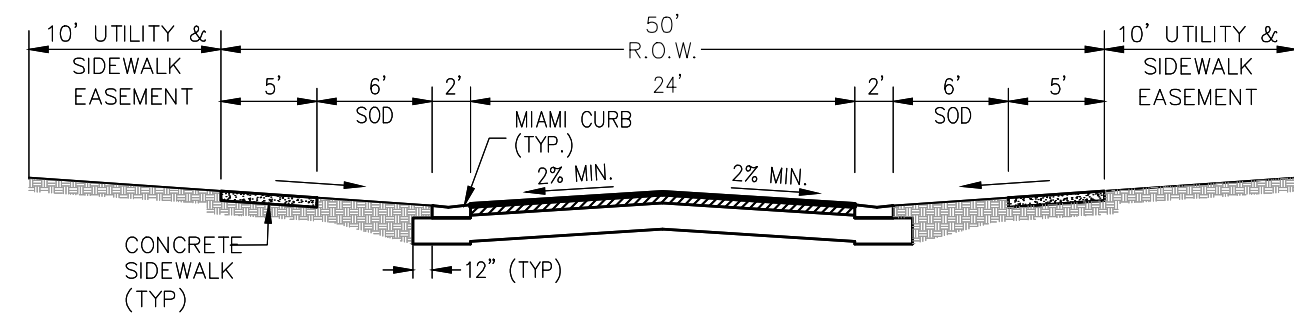
(EXCEPTION PARCEL 2)

LANDS CONVEYED UNDER TRUSTEE'S DEED RECORDED IN D.R. BOOK 5089, PAGE 562, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE RUN SOUTH 01°43'26" EAST ALONG THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 36.53 FEET TO THE APPARENT SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF Highbanks Road; THENCE CONTINUE SOUTH 89°03'57" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY BOUNDARY A DISTANCE OF 335.40 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY BOUNDARY HEADING SOUTH 01°16'11" EAST A DISTANCE OF 850 FEET; THENCE SOUTH 89°03'57" WEST A DISTANCE OF 925 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY

LINE OF FORT FLORIDA ROAD AS MONUMENTED AND RECORDED; THENCE CONTINUE NORTH 01°16'11" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FORT FLORIDA ROAD A DISTANCE OF 850 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID Highbanks Road; THENCE NORTH 89°03'57" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF Highbanks Road A DISTANCE OF 925 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B" MASTER DEVELOPMENT PLAN

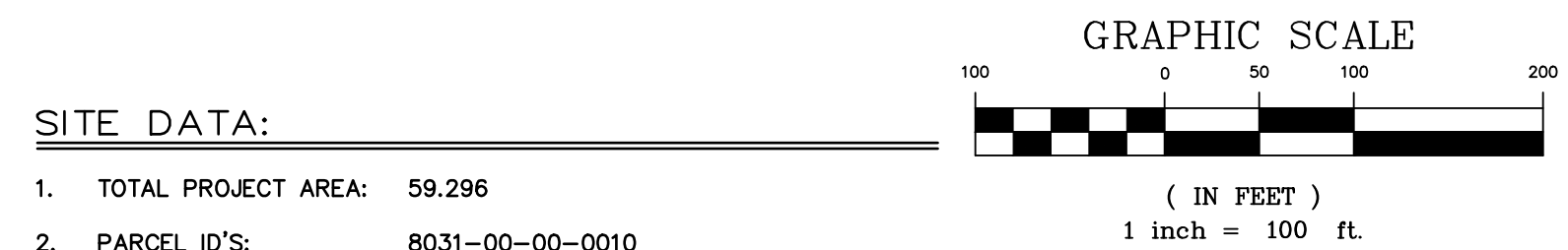


TYPICAL RIGHT-OF-WAY SECTION
NOT TO SCALE

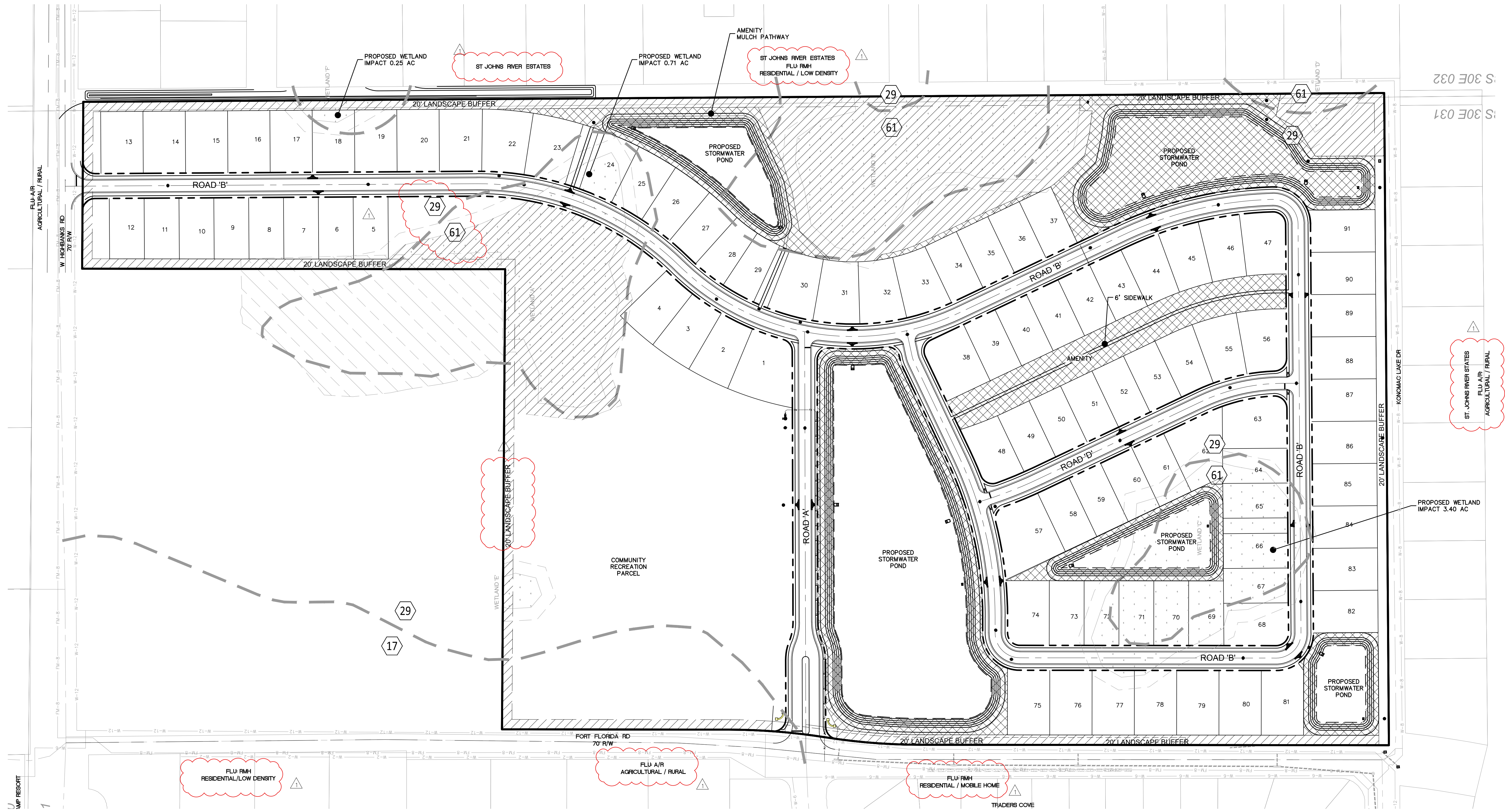
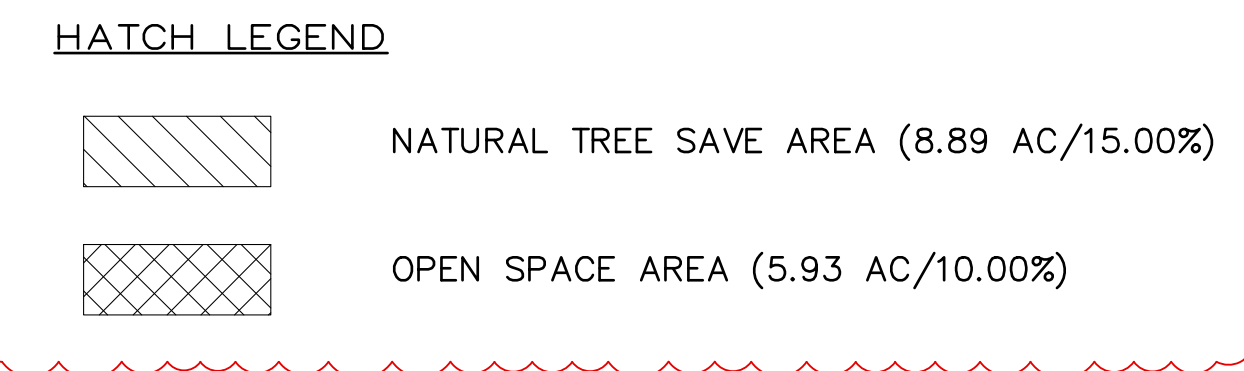
LAND USE TABLE		
DESCRIPTION	AREA AC.	(%)
SINGLE FAMILY DETACHED DWELLING	20.806	35.09%
PUBLIC RIGHT OF WAY	7.23	12.19%
OPEN SPACE (RECREATION AREAS, PONDS, BUFFERS, WETLANDS, OPEN GRASSED AREAS, ETC.)	31.26	52.72%
TOTAL: 59.296AC 100%		

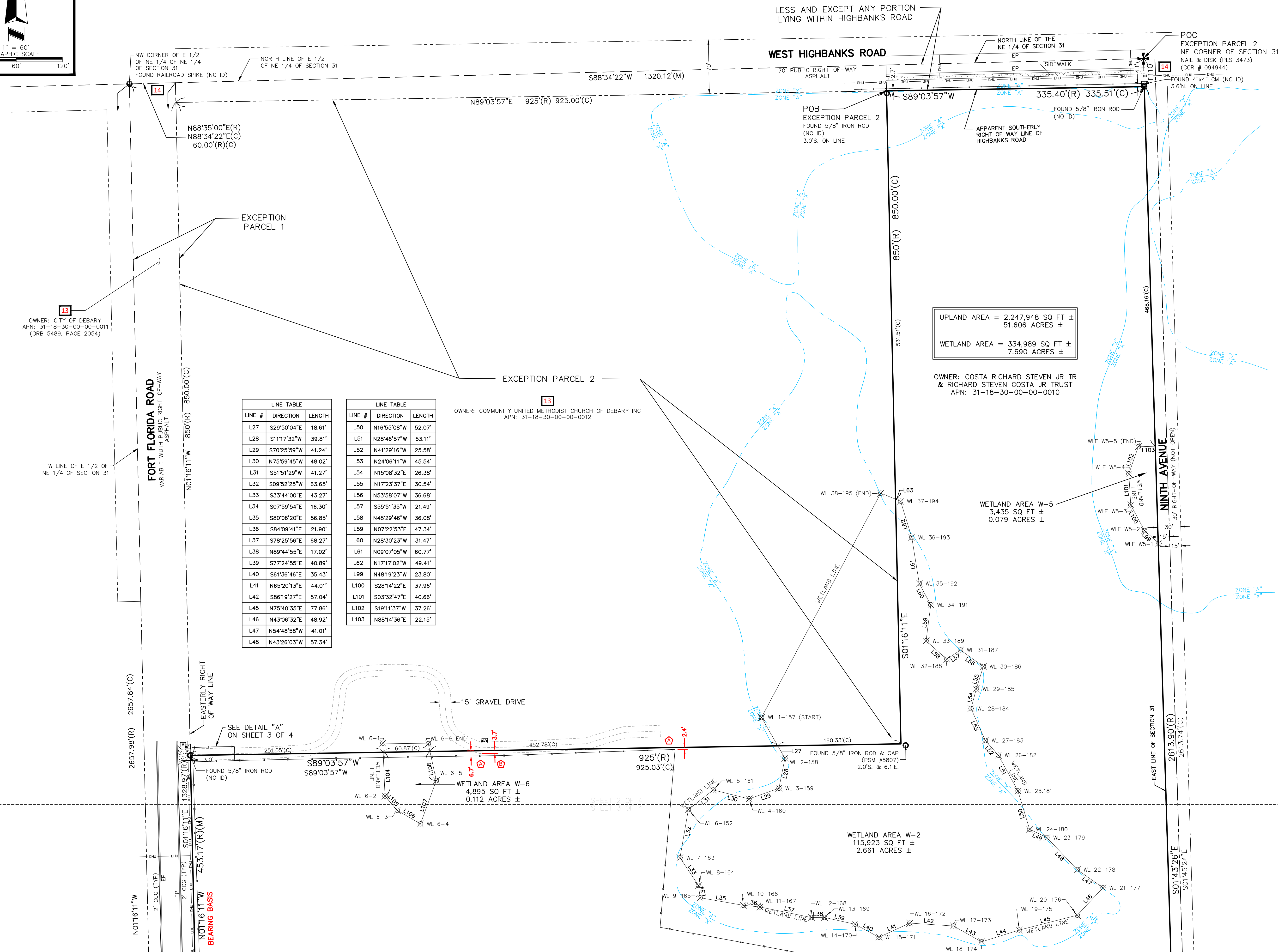
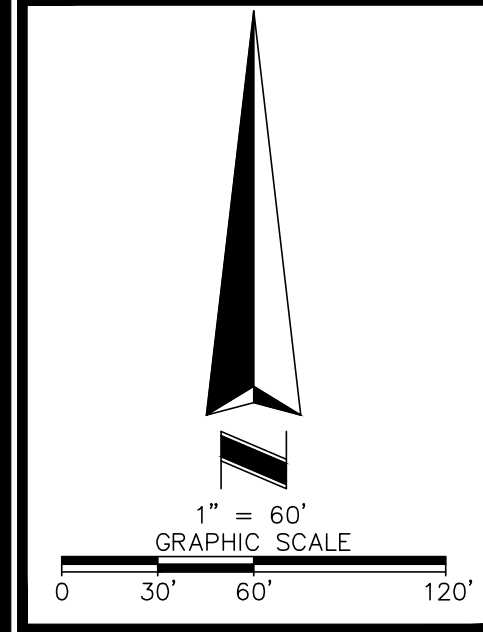
SOILS LEGEND		
SOIL NUMBER	SOIL NAME	HYDROLOGIC GROUP
17	DAYTONA SAND	A
29	IMMOKALEE SAND	B/D
61	ST. JOHN'S FINE SAND	B/D

SOURCE: USDA, NATURAL RESOURCE CONSERVATION SERVICE, SEMINOLE COUNTY, FLORIDA 2023



- TOTAL PROJECT AREA: 59.296
- PARCEL ID'S: 8031-00-00-0010
- EXISTING ZONING: A-2, RURAL AGRICULTURE
PROPOSED FUTURE LAND USE: RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)
- EXISTING FUTURE LAND USE: AR, AGRICULTURE/RURAL
PROPOSED FUTURE LAND USE: RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)
- PROPOSED RESIDENTIAL LOTS: 91 LOTS
- RESIDENTIAL USE LOT SIZE:
70' X 125' LOTS 1-12, 24-72
85' X 130' LOTS 13-23, 73-89
- NET DEVELOPABLE AREA:
TOTAL AREA - R.O.W. - POST DEVELOPMENT WETLANDS
59.296AC - 7.23AC - 5.92AC = 46.15AC
- MAXIMUM GROSS DENSITY: 4 DU/AC
PROPOSED GROSS DENSITY: 91/59.25 = 1.54 DU/AC
NET DENSITY: 91/46.15 = 1.97 DU/AC
- PERIMETER BUFFER REQUIRED: 20'
- OPEN SPACE REQUIRED: 20% (11.9 AC)





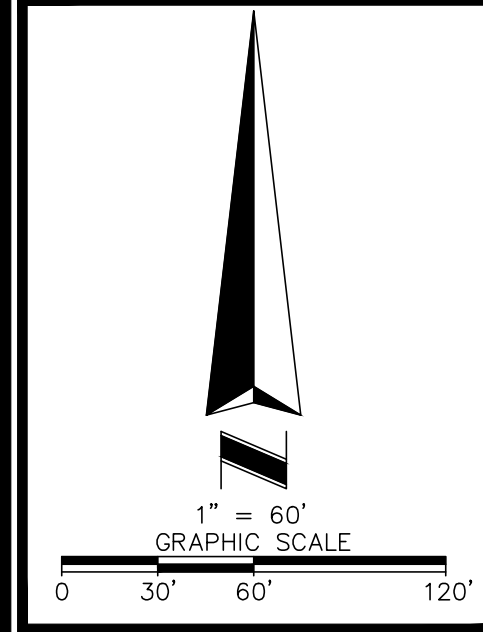
LINE TABLE		
LINE #	DIRECTION	LENGTH
L110(R)	S01°43'26"E	36.53'
L110(M)	S01°45'24"E	36.52'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L27	S29°50'04"E	18.61'
L28	S11°17'32"W	39.81'
L29	S70°25'59"W	41.24'
L30	N75°59'45"W	48.02'
L31	S51°51'29"W	41.27'
L32	S09°52'26"W	63.65'
L33	S33°44'00"E	43.27'
L34	S07°59'54"E	16.30'
L35	S80°06'20"E	56.85'
L36	S84°09'41"E	21.90'
L37	S78°25'56"E	68.27'
L38	N89°44'55"E	17.02'
L39	S77°24'55"E	40.89'
L40	S61°36'46"E	35.43'
L41	N65°20'13"E	44.01'
L42	S86°19'27"E	57.04'
L45	N75°40'35"E	77.86'
L46	N43°06'32"E	48.92'
L47	N54°48'58"W	41.01'
L48	N43°26'03"W	57.34'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L50	N16°55'08"W	52.07'
L51	N28°46'57"W	53.11'
L52	N41°29'16"W	25.58'
L53	N24°06'11"W	45.54'
L54	N15°08'32"E	26.38'
L55	N17°23'37"E	30.54'
L56	N53°58'07"W	36.68'
L57	S55°51'35"W	21.49'
L58	N48°29'46"W	36.08'
L59	N07°22'53"E	47.34'
L60	N28°30'23"W	31.47'
L61	N09°07'05"W	60.77'
L62	N17°17'02"W	49.41'
L99	N48°19'23"W	23.80'
L100	S28°14'22"E	37.96'
L101	S03°32'47"E	40.66'
L102	S19°11'37"W	37.26'
L103	N88°14'36"E	22.15'

6Dvi ALTA/NSPS LAND TITLE SURVEY
 2 BOUNDARY SURVEY OF
FORT FLORIDA
 SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST
 VOLUSIA COUNTY
 DEBARY, FLORIDA

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 NDDS NATIONAL DUE DILIGENCE SERVICES
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 227 Circle Drive, Maitland, FL 32751 nationalanddiligenceservices.com 407.426.7979



CURVE DATA					
CURVE	RADIUS(R)	DELTA(D)	LENGTH(L)	CHORD(C)	CHORD BEARING(B)
C1	1220.00'	8°53'06"	189.19'	189.00'	N03°10'22"E
C2	1280.00'	8°53'06"	198.50'	198.29'	N03°10'22"E

OWNER: CITY OF DEBARY
 APN: 31-18-30-00-00-0011
 (ORB 5489, PAGE 2054)

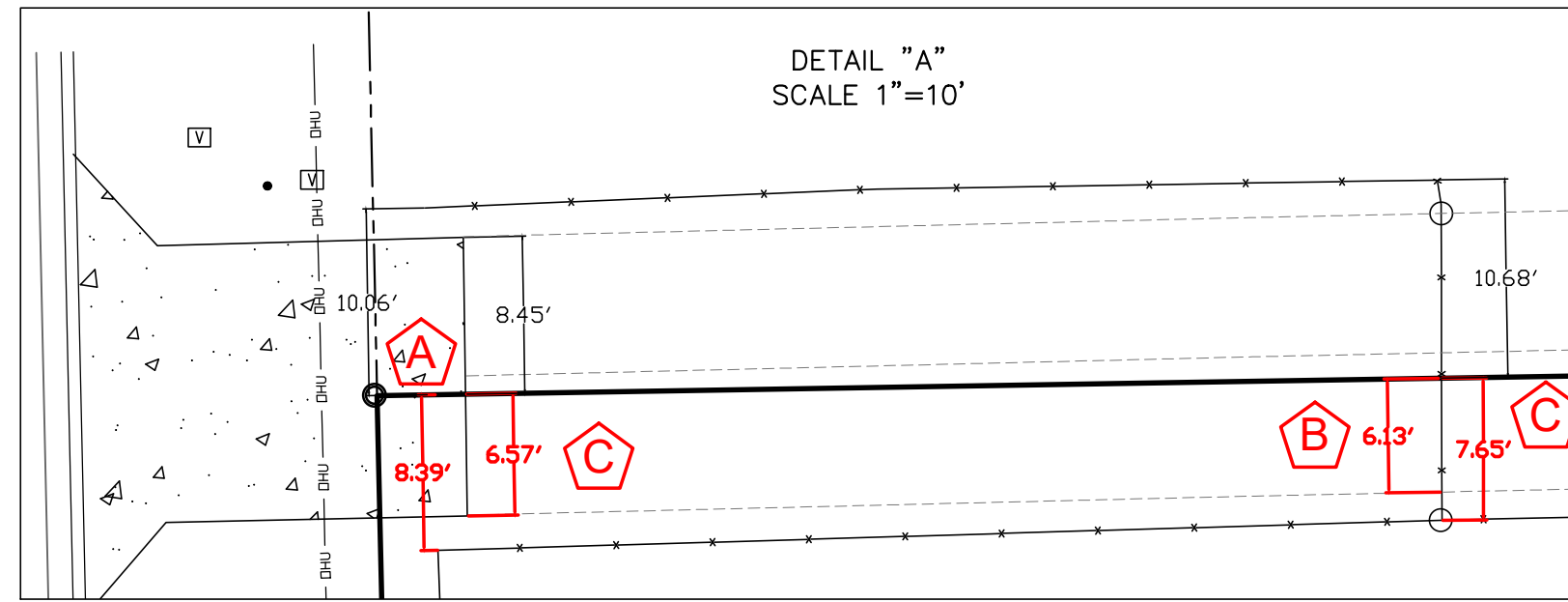
TRADER'S COVE UNIT ONE
 PLAT BOOK 32, PAGE 168

W LINE OF E 1/2 OF
 NE 1/4 OF SECTION 31

COVE BOULEVARD

70' PUBLIC RIGHT-OF-WAY
 ASPHALT

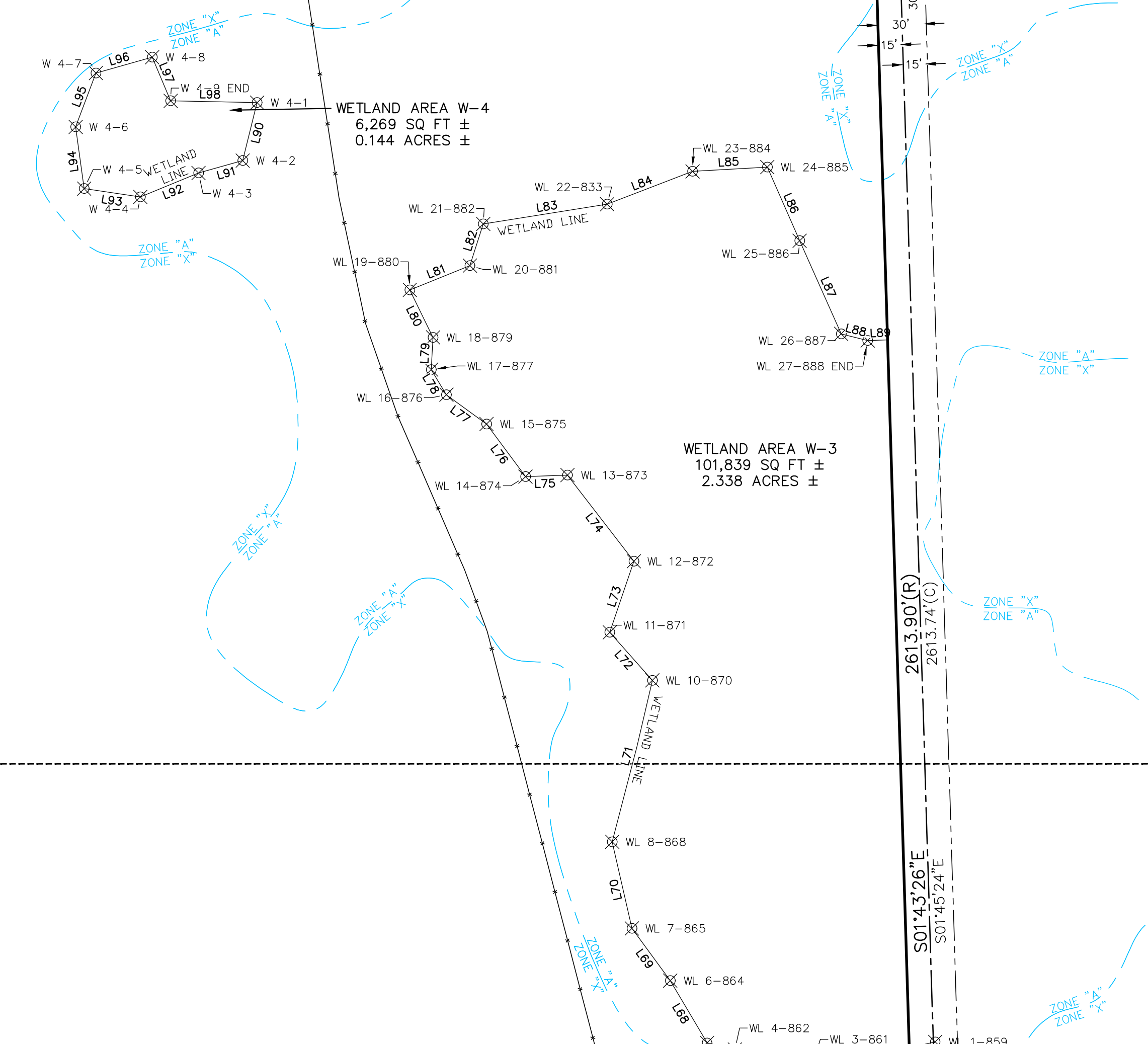
TRADER'S COVE UNIT ONE
 PLAT BOOK 32, PAGE 168



UPLAND AREA = 2,247,948 SQ FT ±
 51.606 ACRES ±
 WETLAND AREA = 334,989 SQ FT ±
 7.690 ACRES ±

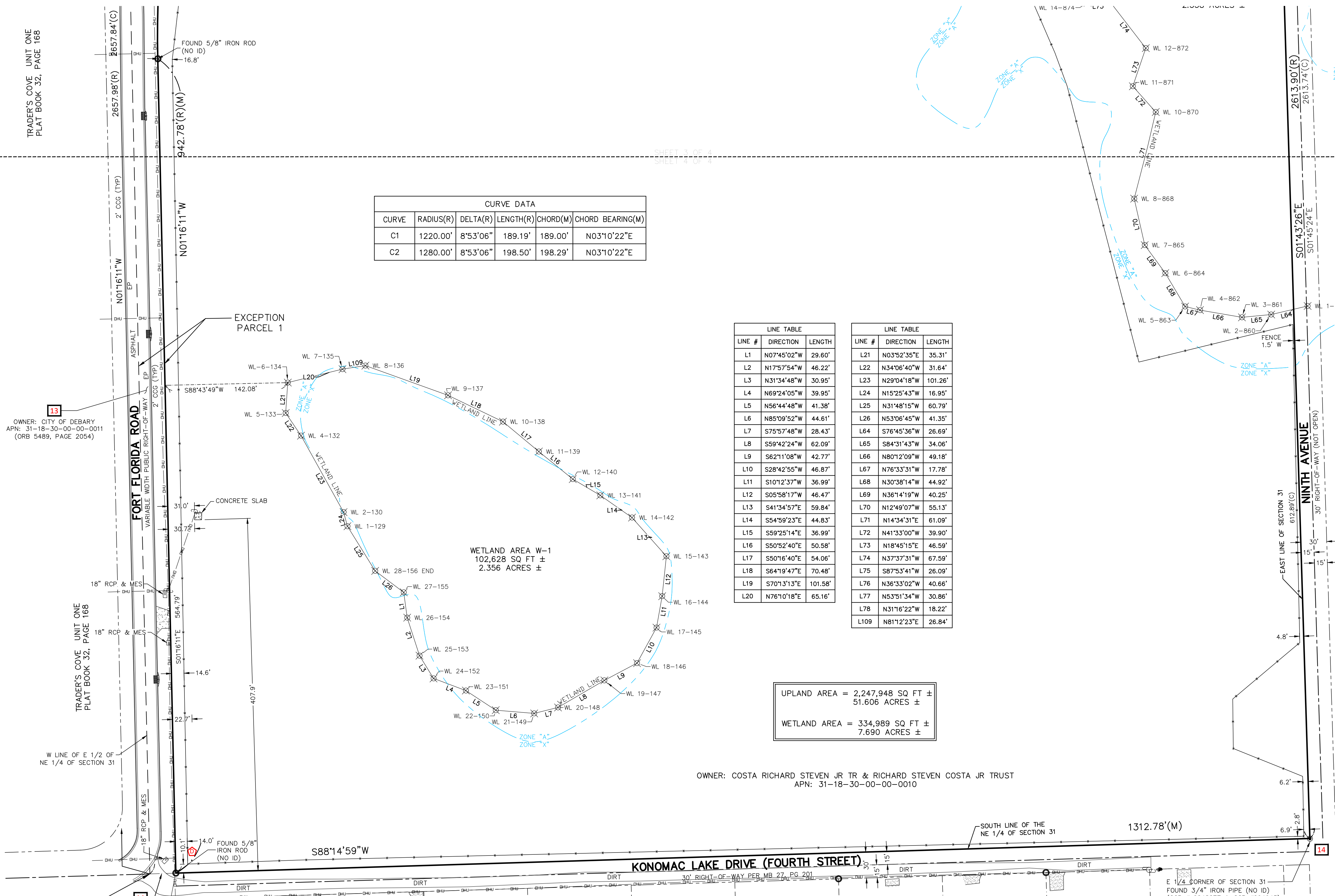
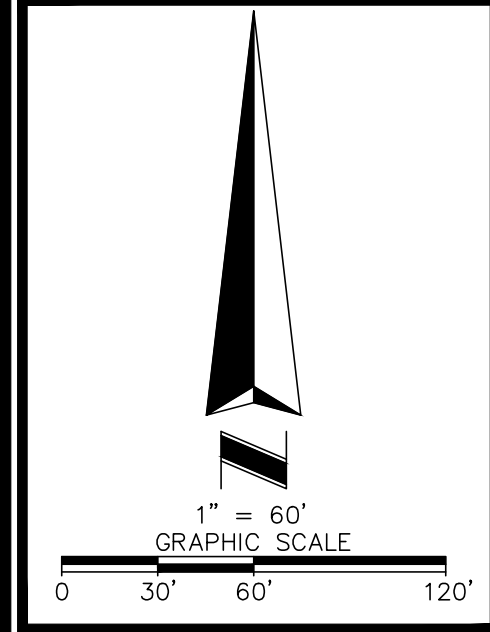
OWNER: COSTA RICHARD STEVEN JR TR & RICHARD STEVEN COSTA JR TRUST
 APN: 31-18-30-00-00-0010

LINE TABLE		LINE TABLE		LINE TABLE		LINE TABLE		
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	
L27	S29°50'04"E	18.61'	L47	N54°48'58"W	41.01'	L78	N31°16'22"W	18.22'
L28	S11°17'32"W	39.81'	L48	N43°28'03"W	57.34'	L79	N03°18'37"E	20.04'
L29	S70°25'59"W	41.24'	L49	N64°06'55"W	25.06'	L80	N26°04'08"W	32.83'
L30	N75°59'45"W	48.02'	L50	N16°55'08"W	52.07'	L81	N67°59'09"E	40.26'
L31	S51°51'29"W	41.27'	L51	N28°46'57"W	53.11'	L82	N17°45'10"E	27.17'
L32	S09°52'25"W	63.65'	L52	N41°29'16"W	25.58'	L83	N80°57'07"E	77.93'
L33	S33°44'00"E	43.27'	L53	N24°06'11"W	45.54'	L84	N68°58'00"E	56.84'
L34	S07°59'54"E	16.30'	L54	N15°08'32"E	26.38'	L85	N86°43'40"E	46.52'
L35	S80°06'20"E	56.85'	L55	N17°23'37"E	30.54'	L86	S23°43'23"E	49.97'
L36	S84°09'41"E	21.90'	L56	N53°58'07"W	36.68'	L87	S24°02'41"E	63.34'
L37	S78°25'56"E	68.27'	L58	N30°38'14"W	44.92'	L88	S75°58'04"E	16.93'
L38	N89°44'55"E	17.02'	L59	N36°14'19"W	40.25'	L89	N88°14'36"E	12.42'
L39	S77°24'55"E	40.89'	L70	N12°49'07"W	55.13'	L90	S13°55'08"W	37.08'
L40	S61°36'46"E	35.43'	L71	N14°34'31"E	61.09'	L91	S74°14'35"W	28.48'
L41	N65°20'13"E	44.01'	L72	N41°33'00"W	39.90'	L92	S67°40'52"W	39.11'
L42	S86°19'27"E	57.04'	L73	N18°45'15"E	46.59'	L93	N81°35'38"W	35.28'
L43	S60°28'42"E	41.98'	L74	N37°37'31"W	67.59'	L94	N07°49'11"W	38.65'
L44	N72°39'01"E	51.51'	L75	S87°53'41"W	28.09'	L95	N20°34'20"E	35.75'
L45	N75°40'35"E	77.86'	L76	N36°33'02"W	40.66'	L96	N74°16'22"E	36.34'
L46	N43°06'32"E	48.92'	L77	N53°51'34"W	30.86'	L97	S22°52'53"E	29.43'



6Dvii ALTA/NSPS LAND TITLE SURVEY
 2
 BOUNDARY SURVEY OF
 FORT FLORIDA
 SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST
 VOLUSIA COUNTY
 DEBARY, FLORIDA

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 227 Circle Drive, Maitland, FL 32751
 nationalduediligenceservices.com
 407-426-7979



CURVE DATA					
CURVE	RADIUS(R)	DELTA(D)	LENGTH(L)	CHORD(C)	CHORD BEARING(B)
C1	1220.00'	8°53'06"	189.19'	189.00'	N03°10'22"E
C2	1280.00'	8°53'06"	198.50'	198.29'	N03°10'22"E

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N07°45'02"W	29.60'
L2	N17°57'54"W	46.22'
L3	N31°34'48"W	30.95'
L4	N69°24'05"W	39.95'
L5	N56°44'48"W	41.38'
L6	N85°09'52"W	44.61'
L7	S75°57'48"W	28.43'
L8	S59°42'24"W	62.09'
L9	S62°11'08"W	42.77'
L10	S28°42'55"W	46.87'
L11	S10°12'37"W	36.99'
L12	S05°58'17"W	46.47'
L13	S41°34'57"E	59.84'
L14	S5°59'23"E	44.83'
L15	S59°25'14"E	36.99'
L16	S50°52'40"E	50.58'
L17	S50°16'40"E	54.06'
L18	S64°19'47"E	70.48'
L19	S70°13'13"E	101.58'
L20	N76°10'18"E	65.16'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L21	N03°52'35"E	35.31'
L22	N34°06'40"W	31.64'
L23	N29°04'18"W	101.26'
L24	N15°25'43"W	16.95'
L25	N31°48'15"W	60.79'
L26	N53°06'45"W	41.35'
L64	S76°45'36"W	26.69'
L65	S84°31'43"W	34.06'
L66	N80°12'09"W	49.18'
L67	N76°33'31"W	17.78'
L68	N30°38'14"W	44.92'
L69	N36°14'19"W	40.25'
L70	N12°49'07"W	55.13'
L71	N14°34'31"E	61.09'
L72	N41°33'00"W	39.90'
L73	N18°45'15"E	46.59'
L74	N37°37'31"W	67.59'
L75	S87°53'41"W	26.09'
L76	N36°33'02"W	40.66'
L77	N53°51'34"W	30.86'
L78	N31°16'22"W	18.22'
L109	N81°12'23"E	26.84'

UPLAND AREA = 2,247,948 SQ FT ±
51.606 ACRES ±

WETLAND AREA = 334,989 SQ FT ±
7.690 ACRES ±

OWNER: COSTA RICHARD STEVEN JR TR & RICHARD STEVEN COSTA JR TRUST
APN: 31-18-30-00-00-0010

TRADER'S COVE UNIT ONE
PLAY BOOK 32, PAGE 168

OWNER: CITY OF DEBARY
APN: 31-18-30-00-00-0011
(ORB 5489, PAGE 2054)

TRADER'S COVE UNIT ONE
PLAY BOOK 32, PAGE 168

W LINE OF E 1/2 OF
NE 1/4 OF SECTION 31

POB
EXCEPTION PARCEL 1
SW CORNER OF E 1/2 OF
NE 1/4 OF SECTION 31

ALTA/NSPS LAND TITLE SURVEY
BOUNDARY SURVEY OF
FORT FLORIDA
SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST
VOLUSIA COUNTY
DEBARY, FLORIDA

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Sara E. Glover
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Jessica L. Gow
Nika K. Hosseini
Sydney V. Cichon
Brandon T. Byers
Baylee D. Bunyard
Anne M. Kehrl
James P. Love III



OF COUNSEL
Larry D. Marsh

RETIRED
William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

Daytona Beach • DeLand

231 N. Woodland Blvd.
DeLand, Florida 32720
(386) 736-7700
Fax (386) 785-1549
CobbCole.com

June 8, 2023

VIA HAND DELIVERY

Steven Bapp
Growth Management Director
City of DeBary
16 Colomba Road
DeBary, Florida 32713

Re: RAI Response – 22-01-PUD-Riverview Estates
Applicant: Cobb Cole, P.A. on behalf of the Costa Family
Parcel ID No.: 8031-00-00-0010

Dear Steven,

I hope this letter finds you well. As you know, our firm has the pleasure of representing the property owners and developers of the above-referenced parcel. We are in receipt of the Development Review Committee comments dated June 7, 2022 regarding our application and offer the following responses:

- Revised Legal Description
- Revised Development Agreement (Word format, redline & pdf format with exhibits)
- Revised Master Development Plan
- Revised Boundary Survey
- Revised Traffic Technical Memorandum dated 6/30/2022
- CD that includes all above documents.

Planning & Zoning

Joseph Barker, Planner II

1. Section F of the Development Agreement should contain language acknowledging that 15% of the site shall be preserved in a natural state, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(4)b.

June 8, 2023

Page 2

RESPONSE: The natural tree save area is shown on sheet C100 of the attached revised Master Development Plan.

2. Outside of stormwater ponds, no open space is delineated on the Master Development Plan in compliance with Chapter 3, Article III, Division 3, Section 3-108(b)(4)d. Common open space shall be in the form of active or passive recreational areas with residents have physical access to the space, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(4)a. With the majority of the open space being stormwater ponds, the Master Development Plan is not meeting the intent of the Land Development Code.

RESPONSE: The open space areas and natural areas have been delineated and quantified on sheet C100 of the attached revised Master Development Plan.

3. The name of the development on the Master Development Plan (“Highbanks Road DeBary”) does not match the name used on the Development Agreement (“Riverview Estates”). As the latter name is what is on the application and therefore in the City’s system, staff would recommend Riverview Estates be used as the title consistently throughout all documents and plans.

RESPONSE: The attached revised Master Development Plan name has been revised to “Riverview Estates”.

4. Names of abutting property owners must be shown on the Master Development Plan, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.1.iii.

RESPONSE: The names of the abutting properties can be found on sheet C100 of the attached revised Master Development Plan.

5. Please provide location of all existing buildings, as per Land Development Code chapter 3, Article III, Division 3, Section 3-108(b)(5)b.1.iv.

RESPONSE: The site is currently vacant. There are no existing buildings.

6. Natural areas of vegetation and type must be shown, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.1.v.

RESPONSE: The FLUCCS map has been added to the cover sheet of the attached revised Master Development Plan set.

7. What are the general soil types/ This information must be provided, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.1.x.

RESPONSE: Soil types are shown on sheet C100 of the attached revised Master Development Plan.

June 8, 2023

Page 3

8. Please provide language of any covenants, easements or other restrictions in compliance with Chapter 3, Article III, Division 3, Section 3-108(b)(5)b.2.x.

RESPONSE: Please see the attached revised Development Agreement.

9. Section C.2 of the Development Agreement indicates that perimeter landscape buffers shall be required from the property line. Therefore, the landscape buffer should extend into the proposed outparcel.

RESPONSE: The proposed landscape buffer has been revised. Please see sheet C100 of the attached revised Master Development Plan.

10. The provisions of Section C.3.2 of the Development Agreement does not meet the standard of Land Development Code Chapter 5, Article I, Section 5-13(c).

RESPONSE: Please see the attached revised Development Agreement.

11. Section A.8 of the Development Agreement states 89 units is the maximum number of units permitted, but the Master Development Plan states it is 92. Please provide clarification.

RESPONSE: The attached revised Master Development Plan and revised Development Agreement has been revised to reflect 91 units.

12. Please add language on building design guidelines.

RESPONSE: Please see the attached revised Development Agreement.

Public Works Department

Alan Williamson

No comments have been received

RESPONSE: Noted, thank you.

Fire Services

Michael Parker

1. Provide CAD drawings for turning radius for fire department apparatus. The Florida Fire Prevention Code 7th ED Chapter 18 section 18.2.3.5.3.

RESPONSE: Vehicle circulation sheet C300 has been added to the attached revised Master Development Plan set.

June 8, 2023

Page 4

2. Will project have a gate system. If so, please show on plans for review and shall meet The Florida Fire Prevention Code 7th ED Chapter 18 Section 18.2.2.2.

RESPONSE: This project will not have a gate system.

3. Will be any on-street parking?

RESPONSE: There may be street parking.

4. Page C200 only shows two fire hydrants for project and doesn't meet code.

RESPONSE: Sheet C200 of the attached revised Master Development Plan shows 11 fire hydrants throughout the site.

Engineering

Richard Villasenor, P.E.

1. Comments are forthcoming.

RESPONSE: Noted, thank you.

Building Department

Steve Wood

1. No comments have been received.

RESPONSE: Noted, thank you.

Volusia County Utilities

Roger Smith, PE

1. The county has water and sewer capacity available to serve the proposed development. The County will need to execute a Utility Service Agreement with the proposed development prior to the permit application process with eh Florida Department of Environmental Protection. Additionally, payment of the county's utility development fees is required before utility service will be provided. The county's impact fee schedule and commercial water/sewer service application are available online at: <http://www.volusia.org/core/fileparse.php/6018/urlt/impact-fee-calulation-sheet-water-not-softened-03-29-2022.xlsx>

RESPONSE: Noted, thank you.

June 8, 2023

Page 5

Florida Public Utilities

Mark Thompson

No Comments have been received.

RESPONSE: Noted, thank you.

Environmental Management

Tom Roberts

RES Florida Consulting, LLC d/b/a E Sciences (E Sciences) has reviewed 15 digital files related to the Comprehensive Plan Amendment application and 23 digital files related to the Planned Unit Development application provided by Joseph Barker, Planner II, City of DeBary (City) for the approximately 59.3-acre property located at 181 Fort Florida Road in DeBary, Florida. This review is focused on wetland, tree ordinance, and protected species compliance. Listed below are comments generated by this review and related to future submittal requirements:

1. Per the proposed Master Development Plan, this project will impact wetlands and will likely require an Environmental Resource Permit from the St. John's River Water Management District, a 404 Permit from the Florida Department of Environmental Protection, and a wetland alteration permit from the City of DeBary.

RESPONSE: Understood.

2. This site has the potential for the occurrence of state and federal listed plant and animal species and will require a biological report addressing these species prior to development.

RESPONSE: Understood.

3. This site will require a tree survey that, at a minimum, identifies all trees over six (6) inches diameter at breast height (DBH) on the property by species, size, and location, and may require a tree removal permit application, a tree preservation plan, tree removal plan, and calculations.

RESPONSE: Understood.

E Sciences will keep a record of these questions/comments and the written responses/additional information received by the City that are provided to us. If requested, E Sciences will provide additional review and comments for new materials submitted in response to these questions. Please do not hesitate to contact us if you have any questions.

RESPONSE: Noted, thank you.

June 8, 2023

Page 6

Surveyor

David O'Brien

22-01-PUD-Riverview Estates– Surveyor Review Comments

Received Documents:

1. LEGAL DESCRIPTION.docx

Review Comments:

LEGAL DESCRIPTION.docx

1. Legal Description, Parcel 2 second paragraph: Add EAST to the bearing after the commencement, "THENCE RUN SOUTH 01°43'26" EAST ALONG THE EAST LINE OF SAID SECTION 31..."

RESPONSE: Please see the attached revised legal description.

SURVEY 160819_FORT FLORIDA-DeBARY FL WETLANDS W1-W6 -- ALTA-ALTA1-4.pdf

1. Sheet 1: legal description: Parcel 2 second paragraph: Add EAST to the bearing after the commencement, "THENCE RUN SOUTH 01°43'26" EAST ALONG THE EAST LINE OF SAID SECTION 31..."

RESPONSE: Please see attached revised survey.

2. Sheet 1, Vicinity Map: Fix highway 92 label.

RESPONSE: Please see attached revised survey.

3. Sheet 1: May consider added an index sheet showing the overall boundary and the location of the sheets/match lines.

RESPONSE: Please see attached revised survey.

4. Sheet 1: Note 16 Earth Moving Note: Needs a note added.

RESPONSE: Please see attached revised survey.

5. Sheet 1: Note 6Bvii. If not required, may consider adding a note stating not applicable.

RESPONSE: Please see attached revised survey.

6. Sheet 2: Revise description of the NW Corner. "should read "NW corner of the E 1/2...."

RESPONSE: Please see attached revised survey.

June 8, 2023

Page 7

a. Sheet 2: North Line should read: NORTH LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31 per legal description.

RESPONSE: Please see attached revised survey.

7. Sheet 2: Overlapping leaders overlapping L110

RESPONSE: Please see attached revised survey.

8. Sheet 2: Bearings and distances on the same level can be confusing, may consider using different levels of placement and separate arrows. For example the Boundary line defined by S 01°16'11"E with distances of 531.51(C), 850(R), 850.00(C).

RESPONSE: Please see attached revised survey.

9. Sheet 2: Add leaders.

RESPONSE: Please see attached revised survey.

10. Sheet 2: Cropped Text due to XRef

RESPONSE: Please see attached revised survey.

11. Sheet 3: Add bearing S01°16'11"E

RESPONSE: Please see attached revised survey.

12. Sheet 3: Clarify what the 26547.90' measurement is for.

RESPONSE: Please see attached revised survey.

13. Sheet 3: Add symbol to legend

RESPONSE: Please see attached revised survey.

14. Sheet 3: Overlapping annotations

RESPONSE: Please see attached revised survey.

15. Sheet 3: Cleanup cut off labels

RESPONSE: Please see attached revised survey.

16. Sheet 3: Adjust overlapping lines

RESPONSE: Please see attached revised survey.

June 8, 2023

Page 8

17. Sheet 3, Detail "A" distance ties are rounded to ten thousandths place (0.0000) may consider adjusting to tenth or hundredths.

RESPONSE: Please see attached revised survey.

18. Sheet 4: should avoid having two or more measurements on the same level. May consider using separate leaders/arrows. Referring to the following calls: S 01°16'11" E 564.79' and S 01°16'11" E 942.78.

RESPONSE: Please see attached revised survey.

19. Sheet 4: Clarify duplicate measurements are for.

RESPONSE: Please see attached revised survey.

20. Sheet 4: Fix description of POB.

RESPONSE: Please see attached revised survey.

21. Sheet 4: Add symbol to legend

RESPONSE: Please see attached revised survey.

22. Sheet 4: Where is the 1.5' measurement to?

RESPONSE: Please see attached revised survey.

23. Sheet 4: Cropped or clipped annotation

RESPONSE: Please see attached revised survey.

24. Sheet 4: Overlapping Text

RESPONSE: Please see attached revised survey.

25. Sheets 4 and 3: The basis of bearing is annotated on two separate lines. The Basis should be a single well-defined line.

RESPONSE: Please see attached revised survey.

MASTER DEVELOPMENT PLAN (12-22-2021).pdf

1. Sheet 1: legal description: Parcel 2 second paragraph: Add EAST to the bearing after the commencement, "THENCE RUN SOUTH 01°43'26" EAST ALONG THE EAST LINE OF SAID SECTION 31..."

June 8, 2023

Page 9

RESPONSE: Please see revised legal description on the attached revised Master Development Plan.

2. Sheet C-001: Label sheet number

RESPONSE: Please see the attached revised Master Development Plan.

3. Sheet C-001: If possible, remove red text from FEMA Flood Map

RESPONSE: Please see the attached revised Master Development Plan.

4. Sheet C-100: Flip text upright

RESPONSE: Please see the attached revised Master Development Plan.

5. Sheet C-100: Fix cut text

RESPONSE: Please see the attached revised Master Development Plan.

6. Sheet C-100: Center Pond Text

RESPONSE: Please see the attached revised Master Development Plan.

7. Sheet C-200: Flip text upright

RESPONSE: Please see the attached revised Master Development Plan.

8. Sheet C-200: Overlapping text

RESPONSE: Please see the attached revised Master Development Plan.

9. Sheet C-200: Center Pond Text

RESPONSE: Please see the attached revised Master Development Plan.

Legal Review

Dan Langley

Comments are forthcoming.

RESPONSE: Noted, thank you.

June 8, 2023

Page 10

Transportation

Chris Walsh, PE

Comments are forthcoming.

RESPONSE: Noted, thank you.

We look forward to working with you on this and discussing the application in more detail. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Nika K Hosseini". The signature is written in a cursive style with a large initial "N".

Nika Hosseini

Nika.Hosseini@CobbCole.com

NKH:lf

Enclosures

Via email: (TDurkin@landseahomes.com)

Ref: 5528.02

TECHNICAL MEMORANDUM

To: Tim Durkin, Landsea Homes
From: Nelson Caparas, PE
Subject: Highbanks Road Residential – Highbanks Road Segment Analysis
 DeBary, FL
Date: June 30, 2022

INTRODUCTION

LTG, Inc. (LTG) has been retained by Landsea Homes Corporation, to perform a segment analysis of Highbanks Road from Westside Connector to US 17-92 to determine any current and/or anticipated deficiencies. The proposed Highbanks Road Residential is located on the south side of Highbanks Road, west of Keeble Avenue in DeBary, Florida. **Figure 1** shows the location of the project relative to the surrounding road network. The proposed development consists of 89 single-family homes. Access to the development will be provided via two full access driveways: one (1) on Highbanks Road and one (1) on Fort Florida Road. Build-out is anticipated in 2023. A copy of the proposed concept plan is included in **Exhibit A**. The City of DeBary has adopted the River to Sea Transportation Planning Organization (R2CTPO) Transportation Impact Analysis (TIA) Guidelines that is used in the TIA needs assessment presented in this memorandum. In following with the R2CTPO Guidelines, the projected trip generation of the planned 89 single family detached units at Highbanks Road does not require a Traffic Impact Assessment (TIA) with less than 1,000 two-way external trips and less than 100 peak hour two-way traffic.

EXISTING & BACKGROUND CONDITIONS SEGMENT ANALYSES

The existing conditions of the segment are presented in **Table 1**. The 2021 Historical AADT Report for FDOT site 798004 is included in **Exhibit B**. As shown, the segment currently operates within the adopted level of service (LOS).

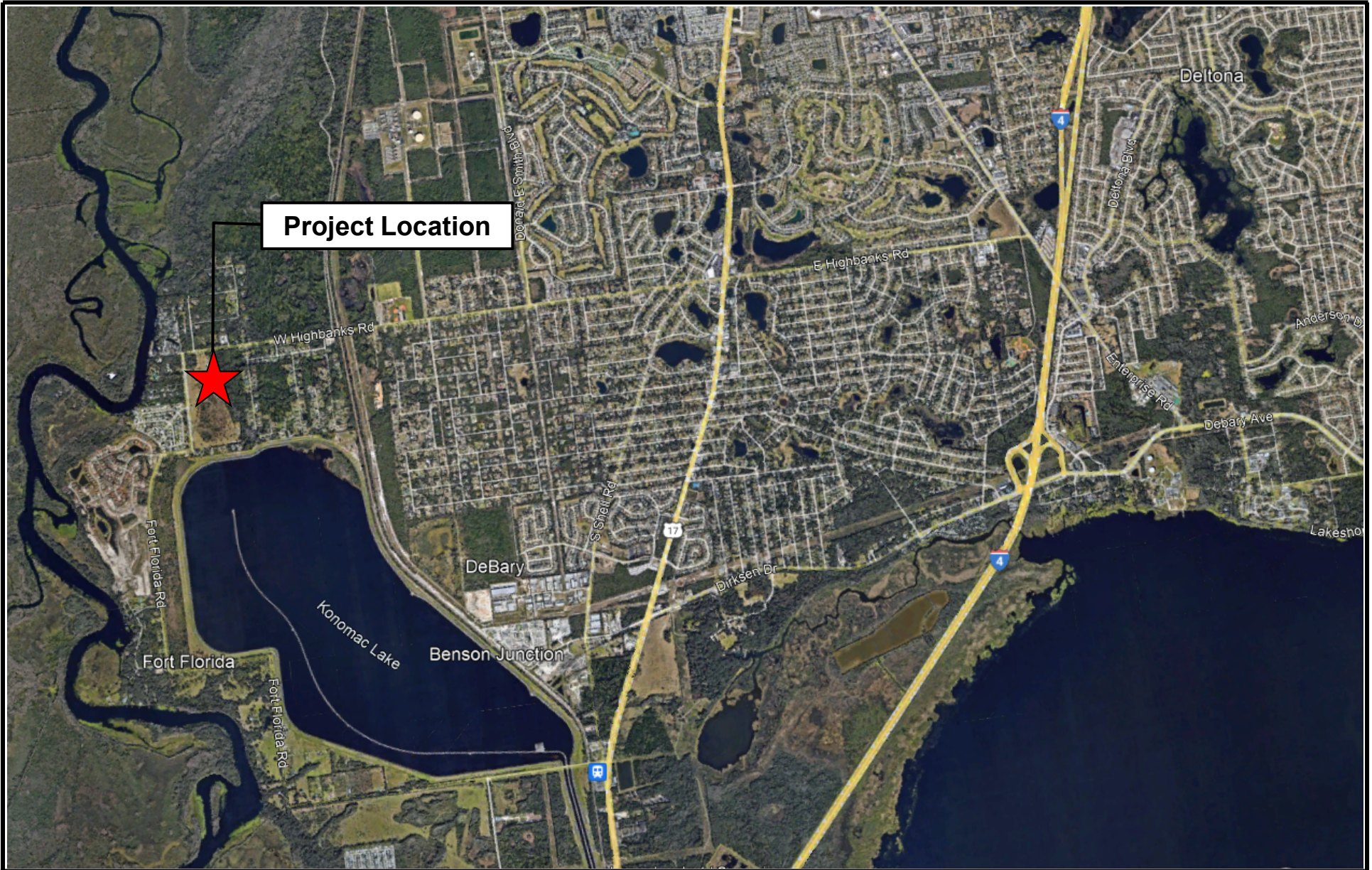
Table 1
Existing Segment Analysis
Highbanks Road Residential

Roadway	Segment		No. of Lanes	Adopted LOS ¹	Peak Hour Two-Way Capacity at Adopted LOS ²	2021 AADT ³ (a)	K-Factor ³ (b)	Existing PM Peak Hour Two-Way Volume (c)=a*b	Existing PM Peak Hour Volume Exceed Adopted LOS?
Highbanks Road	Westside Connector	US 17-92	3	D	2,740	4,100	0.09	369	No

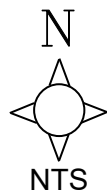
¹Adopted LOS obtained from FDOT QLOS Handbook.

²Peak Hour Two-Way Capacity at Adopted LOS obtained from Volusia County vested trips spreadsheet.

³2021 AADT and K-factor obtained from FDOT Traffic Online for site 798004.



Highbanks Residential



Location Map



Project No.: 5528.02

Figure: 1

1450 W. Granada Blvd., Suite 2, Ormond Beach, Florida 32174
 Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

The growth determination and anticipated background conditions of the segment are presented in **Table 2**. The FDOT *Traffic Trends* summary sheets used to determine the historical growth rate are included in **Exhibit C**. Please note that an R² value of 0.70 or greater was unattainable and there is no adjoining upstream/downstream Highbanks Road segment with available data. Therefore, in accordance with Volusia County’s Segment Growth Rates and Vested Trips Instructions Policy for high growth, the higher number of growth-related trips or vested trips was used. As shown, the segment is anticipated to operate within the adopted LOS under 2023 background conditions.

**Table 2
 Growth Determination & 2023 Background Segment Analysis
 Highbanks Road Residential**

5-Year			10-Year			Applied Growth Rate	Vested Trips	Growth (# of Trips)	Existing Peak Hour Volume	Use Greater of Vested vs Growth	Total Growth Applied (# of Trips)	2023 Total Background Volume	Peak Hour Two-Way Capacity at Adopted LOS	2023 Background Volume Exceed Adopted LOS?
Best Fit Regression	R ² Value	Historical Growth Rate	Best Fit Regression	R ² Value	Historical Growth Rate									
Decaying Expo.	12.8%	6.45%	Linear	45.8%	9.23%	9.23%	117	68	369	Vested	117	486	2,740	No

TRIP GENERATION

Trip generation for the development was determined using the trip generation rates published by the Institute of Transportation Engineers (ITE) in the document *Trip Generation Manual, 11th Edition*. The daily and PM peak hour trip generation is presented in **Table 3** for the proposed development.

**Table 3
 Trip Generation
 Highbanks Road Residential**

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached	210	$\ln(T)=0.92\ln(X) + 2.68$	89	DU	50%	50%	453	453	906
PM Peak Hour	Single-Family Detached	210	$\ln(T)=0.94\ln(X) + 0.27$	89	DU	63%	37%	56	33	89

The R2CTPO TIA Methodology Guidelines indicate that a TIA is required for developments that meet the following criteria:

1. 1,000 or more two-way daily external trips on a weekday; or,
2. 100 or more peak-hour two-way external trips.

The projected 906 daily and 89 peak hour trip generation of the proposed Highbanks Road Residential development are less than the R2CTPO threshold that will require a TIA. This was previously noted in a TIA Exemption Technical Memorandum dated December 15, 2021, which is included as **Exhibit D**.

BUILD-OUT CONDITIONS SEGMENT ANALYSIS

The anticipated build-out conditions of the segment are presented in **Table 4**. As shown, the segment is anticipated to operate well within the adopted LOS under the 2023 build-out conditions.

**Table 4
 2023 Build-Out Segment Analysis
 Highbanks Road Residential**

Roadway	Segment		No. of Lanes	Adopted LOS	Peak Hour Two-Way Capacity at Adopted LOS	Existing PM Peak Hour Two-Way Volume	2023 Background Volume	Project Distribution	Project Trips	Project Significance	2023 Build-Out Volume	2023 Build-Out Volume Exceed Adopted LOS?
Highbanks Road	Westside Connector	US 17-92	3	D	2,740	369	486	90%	80	2.92%	566	No

CONCLUSION

The projected 906 daily and 89 peak hour trip generation of the proposed Highbanks Road Residential development are less than the R2CTPO threshold that require a TIA. Highbanks Road has a peak hour two-way capacity at the adopted level of service (LOS) of 2,740 vehicles per hour. The 2023 buildout volume of 566 vehicles per hour, that includes the projected trips from the 89 single family detached units at Highbanks Road, is well below the adopted LOS for Highbanks Road. Highbanks Road is anticipated to operate well within the adopted LOS upon completion and operations of the planned 89-unit single family detached homes. Therefore, the planned 89-unit residential homes will not cause capacity issues along Highbanks Road.

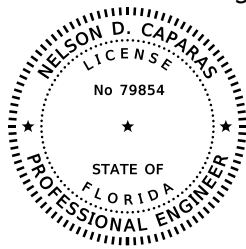
Attachments:

- Exhibit A – Conceptual Site Plan
- Exhibit B – 2021 Historical AADT Report – FDOT Site 798004
- Exhibit C – FDOT *Traffic Trends* summary sheets
- Exhibit D – TIA Exemption Technical Memorandum

I affirm, by affixing my signature and seal below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional engineering.

THIS ITEM HAS BEEN DIGITALLY

SIGNED AND SEALED BY:



Nelson Caparas



Digitally signed by Nelson Caparas
DN: CN=Nelson Caparas,
dnQualifier=A01410D000017ED513660000B615F,
O=LASSITER TRANSPORTATION GROUP INC,
C=US
Date: 2022.06.30 16:21:57-04'00'

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.

*LTG, INC.
1450 W. GRANADA BLVD, SUITE 2
ORMOND BEACH, FL 32174
REGISTRATION No. 9227*

NELSON D. CAPARAS, P.E. NO. 79854

**Exhibit A -
Conceptual Site Plan**

**Exhibit B -
2021 Historical AADT Report -
FDOT Site 798004**

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2021 HISTORICAL AADT REPORT

COUNTY: 79 - VOLUSIA

SITE: 8004 - HIGHBANKS RD, E OF FORT FLORIDA RD - OFF SYSTEM HPMS '19

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	4100 C	E 2000	W 2100	9.00	58.20	3.60
2020	8100 S	E 4100	W 4000	9.00	58.70	8.90
2019	8300 F	E 4200	W 4100	9.00	59.00	9.50
2018	8100 C	E 4100	W 4000	9.00	60.00	8.70
2017	2000 T	E 1000	W 1000	9.00	60.90	8.90
2016	2000 S	E 1000	W 1000	9.00	61.40	8.00
2015	2000 F	E 1000	W 1000	9.00	60.20	5.70
2014	1900 C	E 950	W 950	9.00	59.20	7.70
2013	2000 S	0	0	9.00	61.00	8.80
2012	2000 F	0	0	9.00	61.90	8.50
2011	2000 C	E 0	W 0	9.00	62.20	8.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

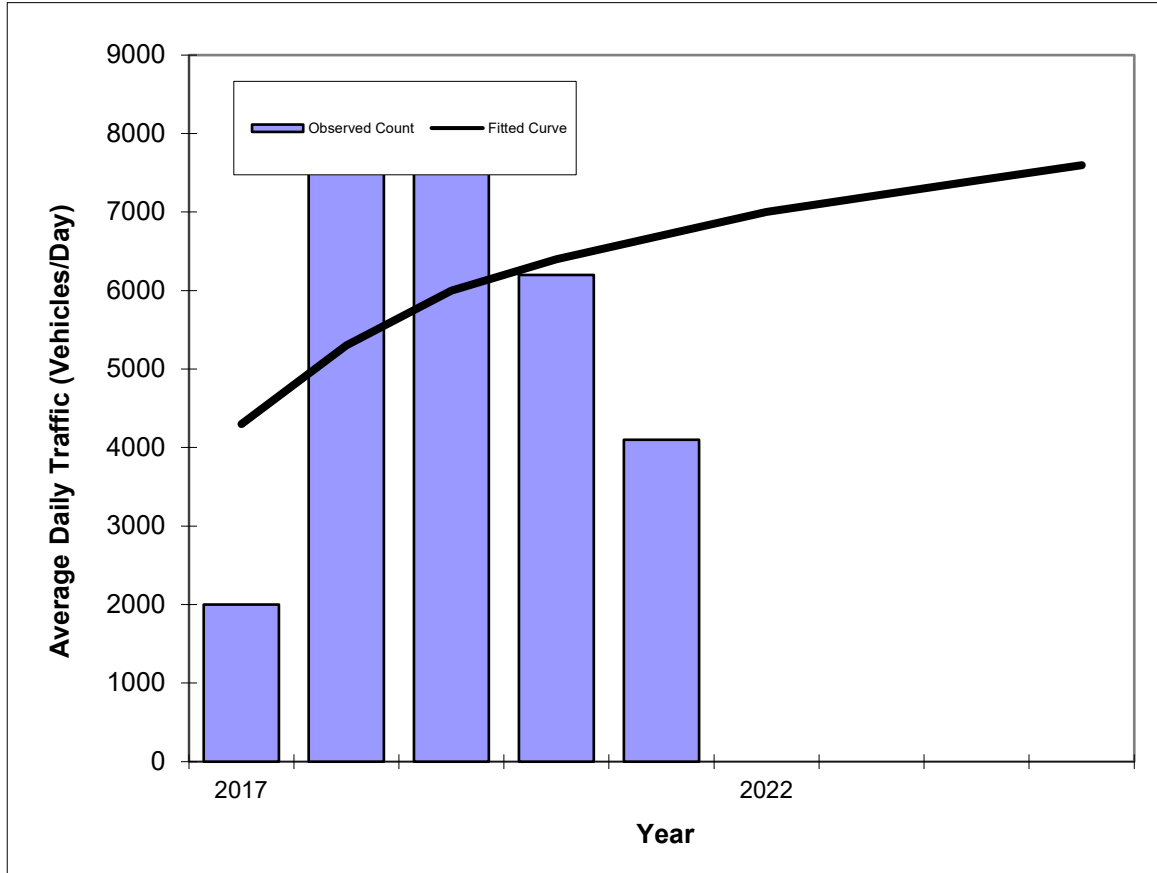
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

**Exhibit C -
FDOT *Traffic Trends*
Summary Sheets**

TRAFFIC TRENDS

Highbanks Rd -- E of Fort Florida Rd

County:	Volusia
Station #:	8004
Highway:	Highbanks Rd



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2017	2000	4300
2018	8100	5300
2019	8300	6000
2020	6200	6400
2021	4100	6700
2022 Opening Year Trend		
2022	N/A	7000
2023 Mid-Year Trend		
2023	N/A	7200
2024 Design Year Trend		
2024	N/A	7400
TRANPLAN Forecasts/Trends		

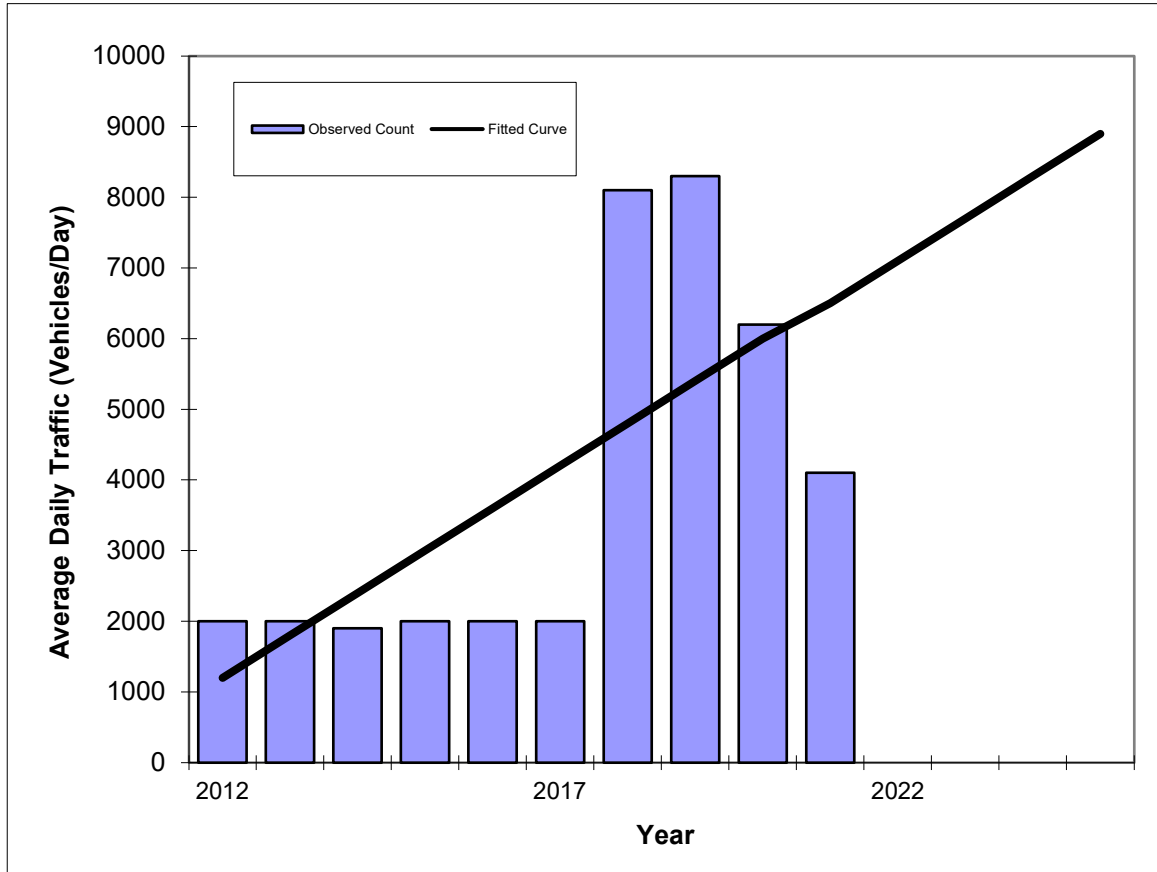
Trend R-squared:	12.8%
Compounded Annual Historic Growth Rate:	4.00%
Compounded Growth Rate (2021 to Design Year):	6.45%
Printed:	20-Jun-22
Decaying Exponential Growth Option	

*Axle-Adjusted

TRAFFIC TRENDS

Highbanks Rd -- E of Fort Florida Rd

County:	Volusia
Station #:	8004
Highway:	Highbanks Rd



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2012	2000	1200
2013	2000	1800
2014	1900	2400
2015	2000	3000
2016	2000	3600
2017	2000	4200
2018	8100	4800
2019	8300	5400
2020	6200	6000
2021	4100	6500
2022 Opening Year Trend		
2022	N/A	7100
2023 Mid-Year Trend		
2023	N/A	7700
2024 Design Year Trend		
2024	N/A	8300
TRANPLAN Forecasts/Trends		

** Annual Trend Increase:	598
Trend R-squared:	45.8%
Trend Annual Historic Growth Rate:	49.07%
Trend Growth Rate (2021 to Design Year):	9.23%
Printed:	20-Jun-22
Straight Line Growth Option	

*Axle-Adjusted

**Exhibit D -
TIA Exemption
Technical Memorandum**

Via email: (TDurkin@landseahomes.com)

Ref: 5528.01

TECHNICAL MEMORANDUM

To: Tim Durkin, Landsea Homes
From: Nelson Caparas, PE
Subject: Highbanks Residential – TIA Exemption
 DeBary, FL
Date: December 15, 2021

INTRODUCTION

LTG, Inc. (LTG) has been retained by Landsea Homes Corporation, to prepare a Traffic Impact Analysis (TIA) Exemption Memorandum for the proposed Highbanks Residential Development. The proposed development site is located on the south side of Highbanks Road, west of Keeble Avenue in DeBary, Florida. **Figure 1** shows the location of the project relative to the surrounding road network. The proposed Highbanks Residential Development consists of 89 single-family homes. Access to the development will be provided via two full access driveways: one (1) on Highbanks Road and one (1) on Fort Florida Road. Build-out is anticipated in 2023. A copy of the proposed concept plan is included in **Exhibit A**. The City of DeBary has adopted the River to Sea Transportation Planning Organization (R2CTPO) Transportation Impact Analysis (TIA) Guidelines that is used in the TIA needs assessment presented in this memorandum.

TRIP GENERATION

Trip generation for the development was determined using the trip generation rates published by the Institute of Transportation Engineers (ITE) in the document *Trip Generation Manual, 11th Edition*. The daily and p.m. peak-hour trip generation is presented in **Table 1** for the proposed development.

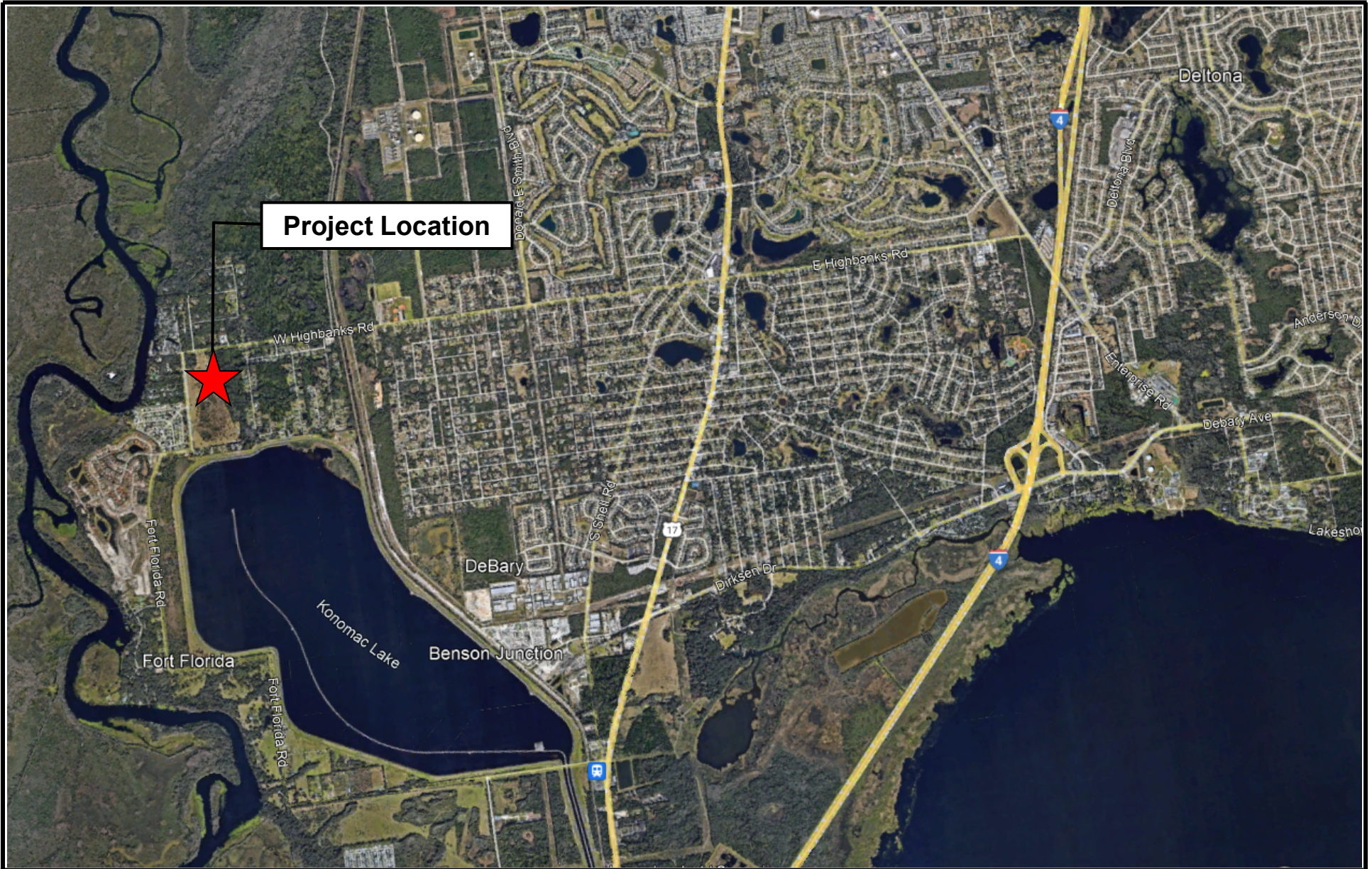
Table 1
Trip Generation
Highbanks Residential

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached	210	$\ln(T)=0.92\ln(X) + 2.68$	89	DU	50%	50%	453	453	906
PM Peak-Hour	Single-Family Detached	210	$\ln(T)=0.94\ln(X) + 0.27$	89	DU	63%	37%	56	33	89

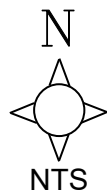
The R2CTPO TIA Methodology Guidelines indicate that a TIA is required for developments that meet the following criteria:

- 1,000 or more two-way daily external trips on a weekday; or,
- 100 or more peak-hour two-way external trips.

The projected 906 daily and 89 peak hour trip generation of the planned Highlands Residential development are less than the R2CTPO threshold that will require a TIA.



Highbanks Residential



Location Map



Project No.: 5528.01

Figure: 1

1450 W. Granada Blvd., Suite 2, Ormond Beach, Florida 32174
 Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

TURN LANE EVALUATION

The City of DeBary Land Development Code (LDC) requires a right-turn lane at the proposed development access if the posted speed limit is greater than or equal to 35 mph or if the development is expected to generate 100 right-turn movements during the peak-hour. A left-turn lane at the project access would be required if average daily trip ends of the driveway is 1,000 vehicles or more and/or the average peak hour inbound left-turn volume is 25 vehicles or more.

The posted speed limit on the adjacent roadways is 40 mph along Highbanks Road and 35 mph along Fort Florida Road. The planned Highbanks Residential Development is expected to generate 906 daily trips and 89 PM peak-hour trips. The projected trip generation were distributed at 90 percent to Highbanks Road and 10 percent to Fort Florida Road. The trip distribution was based on the FDOT traffic counts with adjustments for the distance and travel time to the train station, the development site internal roadway network, and planned residential units' proximity to the area roadways. The FDOT traffic counts is attached in **Exhibit B**. Volumes at the driveways are graphically depicted in **Figure 2**.

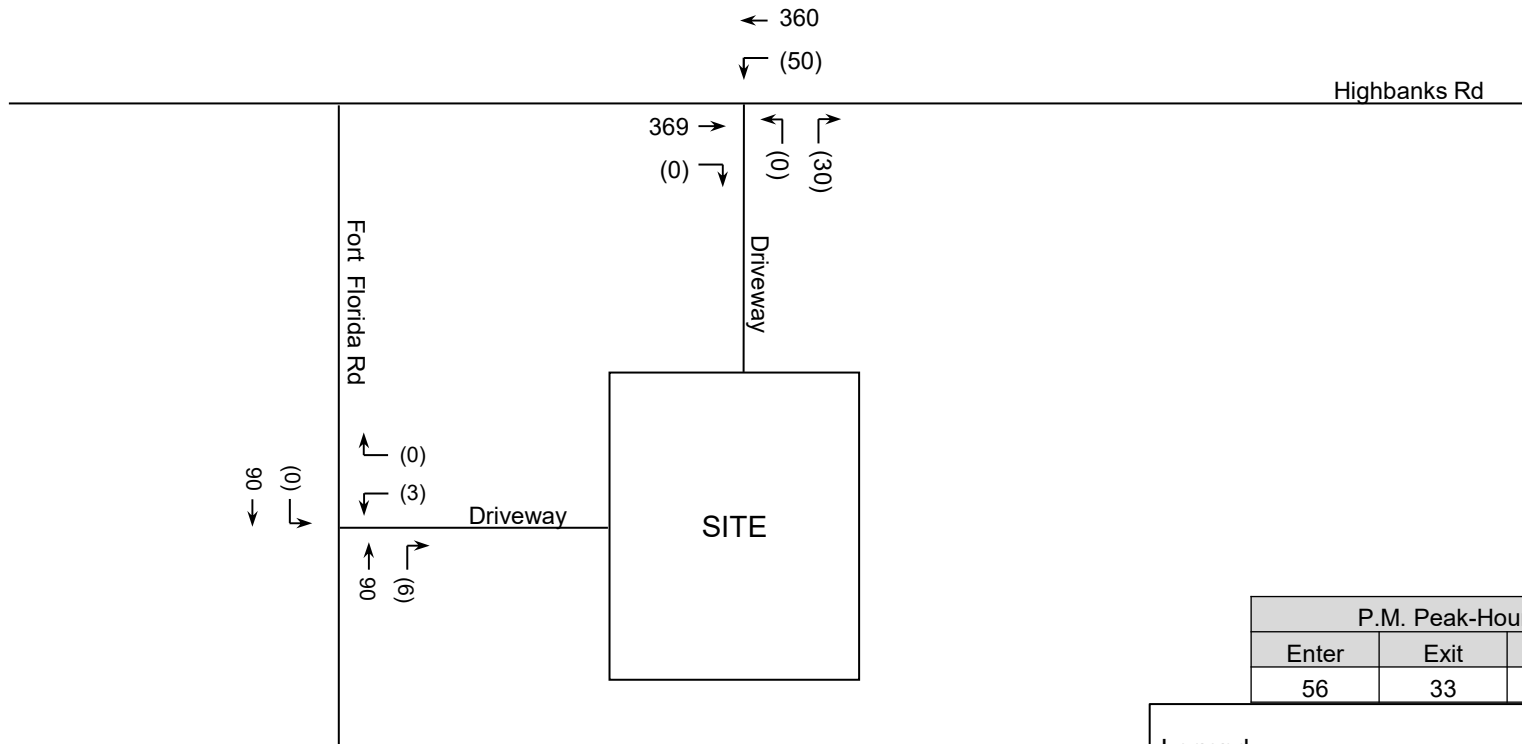
The project driveways were analyzed using Highway Capacity Software 7, Version 7.5 (HCS) to determine the queue lengths. HCS worksheets are attached in **Exhibit C**. The turn lane results are listed below:

Highbanks Road at Driveway

- A 185-foot eastbound right-turn lane is required.
- A 235-foot (185' + 50' (2 car minimum)) westbound left turn lane is required.

Fort Florida Road at Driveway

- A 155-foot northbound right-turn lane is required.
- A southbound left-turn lane is not required.



P.M. Peak-Hour		
Enter	Exit	Total
56	33	89

Legend:
 XX + (XX) = XXX

 2023 Total Build-out Traffic
 Project Trips
 2021 Existing Traffic

- Note:
- 90% of the project trips were distributed along Highbanks Rd and the remaining 10% project trips were distributed along Fort Florida Rd.
 - Through-volumnes were derived by applying a 0.09 k-factor to the 2020 FDOT traffic counts.

CONCLUSION

The R2CTPO TIA Methodology Guidelines indicate that a TIA is required for developments that meet the following criteria:

1. 1,000 or more two-way daily external trips on a weekday; or,
2. 100 or more peak-hour two-way external trips.

The projected 906 daily and 89 peak hour trip generation of the planned Highlands Residential development are less than the R2CTPO threshold that require a TIA. Since projected daily and peak hour trip generation are less than the TIA thresholds, LTG recommends that the requirement for a Traffic Impact Analysis be waived for the Highbanks residential development.

On Highbanks Road, a 235-foot long (including the 50-foot taper) westbound left turn lane, is required on Highbanks Road based on the City of DeBary LDC. A 185-foot eastbound right turn lane is also required by the LDC solely based on the posted speed limit.

On Fort Florida Road, a southbound left turn lane is not required. A 155-foot northbound right turn lane, including the 50-foot taper, is required by the LDC solely based on the posted speed limit.

A westbound left turn lane on Highbanks Road is recommended in following with the City of DeBary LDC. Although a Highbanks Road eastbound right turn lane and a Fort Florida northbound right turn lane is required by the LDC based on the posted speed limit, it is recommended that the City of DeBary waive the installation of both right turn lanes due to the following conditions:

- The right turn lane is solely due to the posted speed limit and does not consider the volume of traffic on the roadway and the traffic operations.
- The site location and proximity to the river limits the volume of traffic on Highbanks Road and Fort Florida Road.
- Low volume of traffic along the Highbanks Road and Fort Florida Road frontages.
- The proposed detached single-family home development is a low traffic generator rather than high density residential or commercial land uses.

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional engineering.

Name: Nelson Caparas

Signature: _____

Date: December 15, 2021

Attachments:

- Exhibit A – Preliminary Site Plan
- Exhibit B – FDOT Traffic Counts
- Exhibit C - Unsignalized Intersection HCS Worksheets – Build-out Conditions



Exhibit A
Preliminary Site Plan

Exhibit B
FDOT Traffic Counts

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 79 - VOLUSIA

SITE: 8004 - HIGHBANKS RD, E OF FORT FLORIDA RD - OFF SYSTEM HPMS '19

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	8100 S	E 4100	W 4000	9.00	58.70	8.90
2019	8300 F	E 4200	W 4100	9.00	59.00	9.50
2018	8100 C	E 4100	W 4000	9.00	60.00	8.70
2017	2000 T	E 1000	W 1000	9.00	60.90	8.90
2016	2000 S	E 1000	W 1000	9.00	61.40	8.00
2015	2000 F	E 1000	W 1000	9.00	60.20	5.70
2014	1900 C	E 950	W 950	9.00	59.20	7.70
2013	2000 S	0	0	9.00	61.00	8.80
2012	2000 F	0	0	9.00	61.90	8.50
2011	2000 C	E 0	W 0	9.00	62.20	8.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2020 HISTORICAL AADT REPORT

COUNTY: 79 - VOLUSIA

SITE: 7058 - FORT FLORIDA RD, 0.24 MI S OF HIGHBANKS RD (HPMS)

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR	
2020	2000	C	N	1000	S	1000	9.00	58.70	2.90
2019	1450	S	N	700	S	750	9.00	59.00	4.20
2018	1450	F	N	700	S	750	9.00	60.00	4.20
2017	1450	C	N	700	S	750	9.00	60.90	4.20
2016	1000	S	N	500	S	500	9.00	61.40	1.20
2015	1000	F	N	500	S	500	9.00	60.20	1.20
2014	1000	C	N	500	S	500	9.00	59.20	1.20
2013	1000	F	N	500	S	500	9.00	61.00	5.00
2012	1000	C	N	500	S	500	9.00	61.90	5.00
2010	1150	C	N	550	S	600	10.39	62.46	4.50
2009	1400	C	N	800	S	600	10.54	62.19	4.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

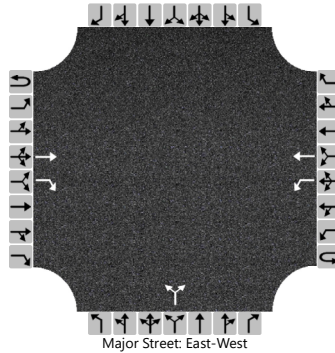
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Exhibit C
Unsignalized Intersection HCS Worksheets
– Existing Conditions

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	ARO			Intersection	Highbanks Rd at Driveway		
Agency/Co.	LTG			Jurisdiction	Voulsia		
Date Performed	12/14/2021			East/West Street	Highbanks Rd		
Analysis Year	2021			North/South Street	Driveway		
Time Analyzed	P.M. Peak-hour			Peak Hour Factor	0.92		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	5528.01						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	1	0	1	1	0		0	1	0		0	0	0
Configuration			T	R		L	T				LR					
Volume (veh/h)			369	0		50	360			0		30				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized	No															
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

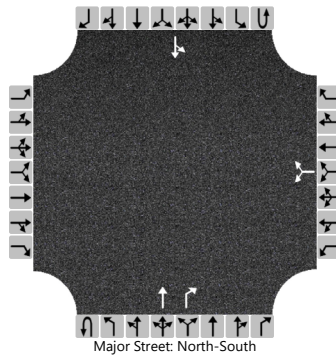
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						54						33				
Capacity, c (veh/h)						1152						647				
v/c Ratio						0.05						0.05				
95% Queue Length, Q ₉₅ (veh)						0.1						0.2				
Control Delay (s/veh)						8.3						10.9				
Level of Service (LOS)						A						B				
Approach Delay (s/veh)					1.0				10.9							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	ARO			Intersection	Fort Florida at Driveway		
Agency/Co.	LTG			Jurisdiction	Voulsia		
Date Performed	12/14/2021			East/West Street	Fort Florida Rd		
Analysis Year	2021			North/South Street	Driveway		
Time Analyzed	P.M. Peak-hour			Peak Hour Factor	0.92		
Intersection Orientation	North-South			Analysis Time Period (hrs)	0.25		
Project Description	5528.01						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement																
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	0		0	1	0	0	0	1	1	0	0	1	0
Configuration							LR				T	R		LT		
Volume (veh/h)						3		0			90	30		0	90	
Percent Heavy Vehicles (%)						3		3						3		
Proportion Time Blocked																
Percent Grade (%)					0											
Right Turn Channelized									No							
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						7.1		6.2						4.1		
Critical Headway (sec)						6.43		6.23						4.13		
Base Follow-Up Headway (sec)						3.5		3.3						2.2		
Follow-Up Headway (sec)						3.53		3.33						2.23		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						3								0		
Capacity, c (veh/h)						791								1449		
v/c Ratio						0.00								0.00		
95% Queue Length, Q ₉₅ (veh)						0.0								0.0		
Control Delay (s/veh)						9.6								7.5		
Level of Service (LOS)						A								A		
Approach Delay (s/veh)					9.6								0.0			
Approach LOS					A											



DRC 7-6-2023

Subject Case # 23-01-MAJPUD-Saxon Pointe Amendment 2

Applicant: Savol, LLC

Application Summary:

The applicant is requesting approval of a major PUD amendment for an approximately 7-acre tract of land on the southeast corner of U.S. Highway 17/92 and Saxon Boulevard. The property is currently zoned as Planned Unit Development (PUD). The proposed amendment would permit up convenience stores with or without fuel dispensers, restaurants, and self-storage (by special exception).

Planning & Zoning

Joseph Barker, Senior Planner, AICP

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 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.

Economic Development

The goal of the City's Economic Development element of the Plan is to facilitate the stable, on-going development of the economy of the City, while making wise use of resources, including man-made resources, natural resources, and human resources.

1. Policy 3.302 requires the City to ensure that streets and roads serving employment areas are constructed to standards sufficient to safely serve trucks. Where necessary, consideration must be given to adequate pavement thickness and width, curves, setbacks to pedestrian areas and landscaping, accessibility to parking and loading areas, and similar issues. **Since the proposed project will serve trucks, consideration must be given to whether the vicinity has adequate roadway infrastructure to serve these trucks.**





2. Policy 3.502 requires the City to give special consideration to economic development projects which create a positive high visibility for the City. **The proposed project is located adjacent to the City's northern boundary along U.S. Highway 17/92 and Saxon Boulevard. Thus, what is ultimately developed on this property will be one of the first things travelers going south along U.S. Highway 17/92 will see, making this property's development crucial to meeting the requirement of Policy 3.502. In order to ensure this policy is being met, the amended Development Agreement (DA) should contain a rendering of the proposed project.**

Management of Natural Resources

The goal of the City's Management of Natural Resources element of the Plan facilitate the proper management of natural resources through their appropriate conservation, protection and use, consistent with the desired growth and development of the community to ensure the highest environmental quality possible.

1. Policy 4.402 requires the City to consider special measures which may be necessary to prevent adverse impacts when reviewing land development activities and managing habitat areas for Threatened and Endangered Species and Species of Special Concern. **Data provided by Volusia County has indicated the subject property is a Scrub Jay Natural Community. Any development on the property will need to prevent any adverse impacts.**

Future Land Use

The goal of the City's Future Land Use element of the Plan 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.

1. The subject property is classified as Commercial/Retail. Therefore, the proposed project is subject to the policies prescribed in Policy 5.403(b). Policy 5.403(b)(3) states integrated commercial centers will be well designed from the perspective of pedestrians and





bicyclists, and will be easily accessible by transit. **The needs of pedestrians, bicyclists, and transit users will need to be considered.**

2. Policy 5.403(b)(4) requires commercial developments in close proximity to residential areas and non-retail commercial to be buffered from them so as to reduce the adverse impacts of noise and unsightliness. **The entirety of the development will need to be buffered from the Saxon Woods subdivision.**
3. Policy 5.403(b)(6) states non-residential uses in the C/R classification shall be limited to a floor-area ratio (FAR) of up to 1. **Please provide data on the FAR of the proposed project.**

Transportation

The goal of the City's Transportation element is to facilitate the development of a safe, cost-effective, coordinated, connected, energy efficient, multimodal transportation system for the movement of people and goods to benefit the social, economic and physical development of the City and to reduce greenhouse gas emissions and vehicle miles of travel.

1. Policy 6.103 establishes regulatory level of service (LOS) standards to determine whether facilities, including roadways, are adequate to serve new development. The LOS standard for U.S. Highway 17/92 is as established by the Florida Department of Transportation (FDOT) and the LOS standard for Saxon Boulevard, which is part of the Volusia County road system, is a D. **It will need to be determined that this development will not reduce the LOS of these two roadways below the established regulatory standard.**
2. Policy 6.107(a) states where access to a development is through a highway on the state system, the connection will conform to the applicable access management standards established by FDOT. **The City will need confirmation that the access points into the proposed project off of U.S. Highway 17/92 depicted on the Master Development Plan (MDP) conform to the access management standards established by FDOT.**
3. Policy 6.107(b) states where access to a development is through the highway on the County system, the connection will conform to the applicable standards established by Volusia County. **The City will need confirmation that the access point into the proposed**





project off of Saxon Pointe depicted on the MDP conform to the access management standards established by Volusia County.

4. Policy 6.201 states that when making zoning changes, the City will consider the need for new transportation facilities necessitated by the potential development, as well as the resources which can be reasonably expected to support new facilities not previously contemplated. **Consideration must be given to whether the proposed project will create a need for new transportation facilities.**

Capital Improvements

1. Objective 10.1 requires the City to carry out a continuing program of activities to plan and construct capital facilities so as to reduce existing deficiencies, so as to provide for replacement of obsolete or worn-out facilities, and so as to provide for the appropriate growth and development of the community. This program will ensure coordination between decisions about capital facility improvements and decisions about land development and redevelopment activities associated with public facilities. **Consideration must be given to how the proposed project will impact the U.S. 17-92 Median Intersection Safety Improvements project.**

For all other elements of the Plan not discussed in this report, the project has been determined to be consistent with those elements.

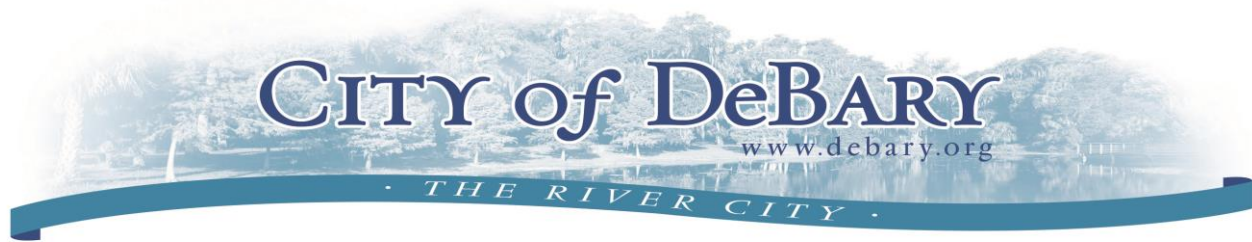
Land Development Code Review:

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

PUD Regulations

LDC Chapter 3, Article III, Division 3, Section 3-108 provides for regulations of the creation of PUDs. PUD amendments that do not meet the qualifications of a minor amendment pursuant to Section 3-108(h)(2) must be reviewed and processed in the manner provided for new PUDs. The proposed amended DA amends permitted uses in the active DA, which would make it a major





amendment pursuant to Section 3-108(h)(2)f. Thus, the proposed amended DA is being reviewed against the entirety of Section 3-108.

Section 3-108(b)(5)c.1 provides for information that must be provided on preliminary plan exhibits, such as the MDP. **Please provide the following information on the MDP:**

1. **Legal description;**
2. **Approximate location, size and description of open spaces, landscaped areas, or buffers;**
3. **Approximate location and size of all easements;**
4. **The general topography and physical conditions of the site, including features such as water bodies, wooded areas, wetland areas, vegetation types, soils, 100-year floodplain areas, and steep grades or depressions on the site;**
5. **General location of signs, if known; and**
6. **Approximate location of dumpsters, solid waste receptacle enclosures, etc., if known.**

Section 3-108(b)(5)c.2 provides for information that must be provided on the DA. **Please provide the following information on the DA:**

1. **Statement agreeing to provide appropriate performance and maintenance guarantees;**
2. **Minimum building spacing and floor areas;**
3. **The proposed language of any covenants, easements or other restrictions;**
4. **Maximum amount of square footage by use; and**
5. **Condition that all provisions of the development agreement shall expire 720 days following execution of the development agreement by the City, if a subsequent development order has not been secured in writing by the applicant.**

Zoning

The subject property is zoned as a Planned Unit Development (PUD), Saxon Pointe. Thus, the proposed project is subject to the zoning regulations prescribed in Ordinance # 02-2011 as amended by Resolution # 2012-15.



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1. Section D, subsection 14 of the active DA permits car washes as an accessory use to convenience stores with fuel dispensers. The proposed amended DA retains this language. However, the MDP would appear to have the car wash on a lot separate from the convenience store. **Either the DA will need to be amended to permit car washes as a principal use or the MDP will need to be revised.**
2. At the end of Section E, language is added stating the requirement for a full traffic study for Special Exceptions may be waived based on an opinion of a qualified traffic engineer that the proposed use will have a nominal impact on the road network. **This language should be revised to state that the City Traffic Engineer must concur with this determination.**
3. Section G, subsection 1 states the minimum lot area is one acre for non-residential. **Please provide on the MDP data on the lot sizes.**
4. **Please depict the setbacks on the MDP to confirm compliance with Section G.**
5. **Please provide data on the maximum lot coverage of each lot to confirm compliance with Section G.**
6. **Please provide data on parking to confirm compliance with Section G.**
7. **Please delineate the landscape buffer on the MDP.**
8. **Please provide data indicating the percentage of the area dedicated to open space to confirm compliance with Section G.**
9. **Please provide data indicating the percentage of tree protection to confirm compliance with Section G.**

Miscellaneous Comments:

1. Resolution # 2012-15 struck out Parcel 8 from the DA. However, it appears the reference to Parcel 8 was never struck from Sections D and E. **This correction should be made.**



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2. Section C of the active DA states the property may be allowed to develop in multiple phases. The proposed amended DA replaces it with “N/A” without indicating that it is amended language. Further, does this new language mean the project will be developed in one phase? **If there will be no phasing, then Section E, subsection 1 will need to be amended to strike out the language permitting day care centers as part of Phase 3 only.**
3. The proposed amended DA highlights Section D, subsection 13, which permits convenience stores with or without fuel dispensers with no more than eight vehicular service positions per fuel dispenser islands, implying this is added language. However, the active DA already lists this use with identical verbiage. **Please provide clarification on whether any changes will be made to the nature of the convenience store.**
4. Section D, subsection 42 of the active DA permits a maximum of 84 dwelling units. The proposed amended DA increases this maximum to 85. **Please provide clarification on this.**
5. Section D, subsection 43 of the active DA permits open space and provides for certain provisions. These provisions are omitted in the proposed amended DA without any strikeout. **Please provide clarification on this.**
6. Section E, subsection 1 of the active DA struck out “as part of Phase 3 only” as one of the amendments to the DA in Resolution # 2012-15. The proposed amended DA brings this language back without highlighting it as new language. **Please provide clarification on the this.**
7. **The MDP needs to clearly depict the lot numbering.**
8. The proposed amended DA replaces Section F, subsection 7’s prohibition of mini-warehouses and self-storage facilities with “N/A”. **This subsection should be struck out and the subsections thereafter renumbered.**
9. Section G, subsection 2 of the proposed amended DA amends the front and side yard (abutting street) setbacks. **This needs to be highlighted as one of the changes being proposed.**



10. **In Section G, subsection 1 of the proposed amended DA, there is a “2” at the end that would appear to be a typo.**
11. Section G, subsection 6 of the proposed amended DA lacks the language that was added by Resolution # 2012-15. **Please provide clarification on this omission.**
12. Resolution # 2012-15 amended Section G, subsection 11 to provide for more specific requirements on the tree survey. The proposed amended DA does not have the current language of the active DA. **Please provide clarification on the omission.**
13. **Section G, subsection 12 of the proposed amended DA should be highlighted, as it is newly proposed language.**
14. **Section J incorrectly cites the LDC. The correct citation is Chapter 4, Article II, Division 7.**
15. Section K was amended by Resolution # 2012-15. The proposed amended DA includes the original language from the Ordinance # 02-2011. **Please correct.**

Public Works Department
Amy Long, Deputy Public Works Director

Comments are forthcoming.

Fire Services
Robert Scott, Fire Marshal

1. Provide details on Fire Hydrants and Fire Flow requirement per the Florida Fire Prevention Code 7th ED of NFPA 1 Chapter 18 Section 18.1.3.2 and 18.4 for review.
2. Provide CAD Drawings for turning radius. The Florida Fire Prevention Code 7th ED of NFPA 1 Chapter 18 Section 18.2.3.5.3.





3. Plans don't show any Fire Lanes. Provide details to meet the Florida Fire Prevention Code 7th ED of NFPA 1 Chapter 18 Section 18.2.3.6.3.
4. Provide details on address layout for buildings and units. The Florida Fire Prevention Code 7th ED of NFPA 1 Chapter 10 Section 10.11.1.
5. Provide details on one story storage building parking in the inside roadway?

Engineering
Richard Villaseñor, P.E., City Engineer

Comments are forthcoming.

Building Department
Steve Wood, Building Official

Comments are forthcoming.

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

Comments are forthcoming.

Fishback-Dominick
Dan Langley

Comments are forthcoming.





Environmental Management
Tom Roberts, Regional Science Manager, RES

Comments are forthcoming.

Surveyor
Ryan Fowler, Surveyor, SurvTech Solutions

Comments are forthcoming.

Transportation
Tanya King, PE, Senior Transportation Engineer, TEDS

1. The site plan shows a 30,060 SF multi-floor storage and 28,000 SF 1 story storage. However, the trip generation was established for a 118, 200 SF of storage. Please verify the SF of the storage unit.

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



**THIRD AMENDED DEVELOPMENT AGREEMENT
SAXON POINTE SWALLOWS PUD**

THIS THIRD AMENDED DEVELOPMENT AGREEMENT - SAXON POINTE SWALLOWS PUD (this "Development Agreement") is made and entered into by and between the CITY OF DEBARY, a Florida municipal corporation, whose address is 16 Colomba Road, DeBary, Florida 32713 (herein "City") and _____, LLC, a Florida limited liability company, whose address is 2667 Enterprise Road, Orange City, Florida 32763 (herein "Applicant").

WITNESSETH:

WHEREAS, the Applicant is the fee simple owner of a 7.01/8.86 acre parcel(s) of land referred to as Out Parcel 2, 3, 4, 5, and 6 in Attachment B to Ordinance No. 02-11 recorded at Official Records Book 6671, Page 4786, Public Records of Volusia County, Florida; which is situated in the City of DeBary, Florida, in the Saxon Pointe Swallows PUD and is more particularly described in the legal description attached hereto as Exhibit "A" (herein "property"); and

WHEREAS, the property is part of and included within a Planned Unit Development known as the Swallows Community Development Plan approved by Volusia County via Resolution Number 78-96, which further amendments have been approved; and

WHEREAS, the Applicant has requested a major amendment to the property's PUD zoning and desires to develop the undeveloped portions property referenced above and agrees to do so subject to the provisions, terms and conditions of the City of DeBary Land Development Code and this Development Agreement; and

WHEREAS, the requested major amendment to the PUD zoning and this Development Agreement is consistent with the City of DeBary Comprehensive Plan and Land Development Code; 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 Development Agreement 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:

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

1. Master Development Plan. The Master Development Plan shall consist of the Master Plan dated January 20, 2023 which is hereby approved and incorporated in this Development Agreement by reference as Exhibit "B", and the other terms and conditions of this Development Agreement. The Master Development Plan shall be filed and retained for public inspection with the City Clerk and it shall constitute supplement to the Official Zoning Map of the City of DeBary.

2. Amendments. All amendments of this Development Agreement and the Master Development Plan shall be processed in accordance with the City of DeBary Land Development Code, as amended. The City Manager shall make an interpretation of whether a requested amendment or modification is minor or major and the request will be processed accordingly. If approved, amendments of this Development

Agreement and the Master Development Plan shall be recorded in the public records at Applicant's expense.

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 for each phase of development shall be prepared and submitted for review and approval in the manner required by the City of DeBary Land Development Code, as amended.

B. Unified Ownership. The Applicant or its successors shall maintain unified ownership of the property until after approval and recording of a Final (Amended) Plat. The property shall not be apportioned and conveyed into separate parcels without first obtaining final plat approval and such final plat is recorded in the public records.

C. Phases of Development. N/A

D. Land Uses within the PUD. The location and size of said land use areas are shown on the Master Development Plan, Exhibit "B" attached hereto. The following land uses along with their principal structures and customary accessory uses and structures shall be permitted throughout the PUD except as otherwise noted herein:

PARCELS 1, 2, 3, 4, 5, 6, 7 and 8

- 1) Retail Sales and Services (excluding those uses prohibited in Paragraph F).
- 2) Retail Specialty Shops.
- 3) Art, Dance Modeling and Music Schools.
- 4) Auction hall.
- 5) Bakeries, Retail (including preparation of products for sale on the premises).
- 6) Barbershops, Beauty Shops, Shoe Repair Shops.
- 7) Bars.
- 8) Book and Stationery Stores.

- 9) Bowling Alleys.
- 10) Cafeterias.
- 11) Catering Service.
- 12) Confectioners, Retail (including preparation of products for sale on the premises).
- 13) Convenience Stores with or without fuel dispensers with no more than eight vehicular service positions per fuel dispenser island.
- 14) Car wash as an accessory use to convenience store with fuel dispensers.
- 15) Dental Laboratories.
- 16) Employment Agencies.
- 17) Essential Utility Services.
- 18) Exercise and Health Spas.
- 19) Financial Institutions.
- 20) Fire Stations.
- 21) Funeral Homes with crematory as an accessory use.
- 22) Hardware Stores.
- 23) Laundry and Dry-Cleaning Pickup Stations.
- 24) Libraries.
- 25) Nursing Homes.
- 26) Pest Exterminators.
- 27) Pet Grooming.
- 28) Pharmacies.
- 29) Printing and Publishing Establishments.
- 30) Private Clubs.
- 31) Professional, Medical and General Offices.
- 32) Publicly Owned or Regulated Water Supply Wells.
- 33) Publicly Owned Parks and Recreational Areas.
- 34) Public Uses or Public Utility Uses.
- 35) Radio and Television Broadcasting Stations.

36) Restaurants. A drive-through is permitted if the restaurant is co-located in same building with a Convenience Store.

37) Tailor Shoppes.

38) Theaters.

39) Travel Agencies.

40) Veterinary Clinic.

41) Stormwater Retention/Treatment.

42) Multifamily Senior Housing with a deed or covenant restricting resident age pursuant to the Housing for Older Persons Act of 1995 on Parcel 7 only up to a maximum of eighty five (85) dwelling units

43) Open Space.

E. Special Exception Uses

The following land uses along with their principal structures and customary accessory uses and structures shall be permitted by special exception if approved by the City Council in accordance with the special exception procedures and criteria of Section 1- 9, City of DeBary Land Development Code, as may be amended and in compliance with applicable notice requirements:

PARCELS 1, 2, 3, 4, 5, 6, 7 and 8

1) Day Care Center — as part of Phase 3 only.

2) Houses of Worship.

3) Public or Private Schools and Professional or Trade Schools.

4) Self-Storage. Lots 5 & 6 only. The use shall be permitted if it meets the following criteria:

a) Max height of 45 feet.

b) Any building containing self-storage units must include commercial space suitable for uses listed in Section D, which may include the retail/office component of the self-storage facility. The commercial space requirement shall be met if the building frontage (facing 17-92) is dedicated to said commercial space.

- c) Access to the individual storage units shall only be provided from interior spaces.
 - d) There shall be no outdoor storage allowed.
 - e) Exterior elevations shall meet the requirements of the Land Development Regulations.
- 5) Building Heights of more than 40 feet up to a maximum of 45 feet.

Upon applying for a special exception, the Applicant shall submit to the City for review and evaluation, a current traffic study for the property and the proposed special exception use. City Council approval of a use by special exception may be conditioned in accordance with Section 1-9, City of DeBary Land Development Code, as may be amended. A full traffic study may be waived based on an opinion of a qualified traffic engineer that the proposed use will have nominal impact on the road network.

F. Land Uses Prohibited Within the PUD. The following land uses shall be prohibited on the property as permitted principal uses and structures along with their customary accessory uses and structures:

- 1) All uses not specifically permitted by Paragraph D and all uses not specifically permitted by Paragraph E as special exception uses. Prohibited uses include without limitation, the uses specified below.
- 2) Outdoor storage and display.
- 3) Communication towers of any size and height.
- 4) Motor vehicle, mobile home, recreational vehicle and boat sales, rental, repair, service and storage, or any combination thereof.
- 5) Motor vehicle driving school.
- 6) Car wash, except as permitted as an accessory use by Paragraph D.
- 7) N/A
- 8) Active outdoor entertainment uses, including go-kart tracks, water slides, batting cages, and miniature golf.

- 9) Billboards and off-site signs; provided, however, the pre-existing billboard on the property may remain in its existing location and with current dimensions.
- 10) Adult or pornographic book, magazine, video, and novelty stores, adult entertainment and adult theaters.
- 11) Tattoo parlor or body piercing (except ear piercing) establishments.
- 12) Pawnshops.
- 13) Establishments offering on-site internet or computer access, or phone card sales, the primary activity or business of which is the sale of internet, computer or phone access or time for compensation or value whether for profit or not.

G. Development Standards.

1. Minimum lot area: 1 acre-non-residential; 5 acre - residential 2
2. Minimum yard size (building)
 - a. Front yard: 35 ft.
 - b. Rear yard: 50 ft.
 - c. Side yard (abutting street): 35 ft.
 - d. Parcel/Interior:
Sides: 10 ft.; Rear: 10 ft.
3. Maximum lot coverage (multifamily): 75 %
4. Maximum building height: 40 ft.
5. Maximum stories (multifamily): 3 stories
6. Off-street parking requirements in accordance with Land Development Code
7. Signage requirements: All existing and future signage shall comply with City of DeBary Code of Ordinances and Land Development Code, as amended.
8. The development of the property shall comply with the City's Gateway Corridor Standards of Chapter 5, Article V of the Land Development Code.
9. Landscaping shall be in accordance with the Land Development Code. A 30 ft. landscape buffer shall be required along the rear property line of Parcel 8 adjacent to Saxon Woods.

10. Open Space. At least twenty-five (25) percent of the residential portion of the property shall be set aside as open space.

11. Tree Protection. A minimum tree protection area of fifteen percent (15%) of the property shall be provided.

12. Pre-Cast Masonry Wall: A six (6) foot tall pre-cast masonry wall shall be installed on and maintained by the owners of Parcel 7 to serve as an additional buffer between the multifamily development located on Parcel 7 and the neighboring Saxon Woods Subdivision, which is located to the east of Parcel 7. The wall shall run from the northern edge of Parcel 7 to the southern edge of Parcel 7. The wall shall be constructed in such a manner as to ensure that the decline in grade between Parcel 7 and the Saxon Woods Subdivision shall be located to the east of the wall

H. Environmental Considerations. The development of the property shall meet or exceed the minimum requirements of Land Development Code.

I. Sewage Disposal and Potable Water: Provision for sewage disposal and potable water needs of the PUD will be provided in accordance with the Comprehensive Plan, as amended, the Land Development Code, as amended, and State of Florida Administrative Code. The site shall have a gravity sewer connection to the County System located within adjacent Right-Of-Way. The site shall have a potable water connection to the County System located within the adjacent Right-Of-Way.

J. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Code, (Chapter 4, Article I, Division 7), as amended. The Applicant shall provide drainage easements for the benefit of each parcel utilizing the Retention Parcel for stormwater drainage and retention.

K. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Code, as amended. The property shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. The PUD access shall be on adjacent public Right-Of-Way to be approved by the governing agency with jurisdiction over such rights-of-ways. Applicant shall obtain and provide the City with a copy of the approved Florida Department of Transportation (FDOT) Driveway Permit for the revised driveway connections on US 17- 92. Access improvements necessary to support development of the property shall be made at the Applicant's expense. The Applicant shall provide reciprocal joint access easements for the benefit of each parcel to allow perpetual ingress and egress between the parcels as indicated on the Master Development Plan.

L. Utility Lines. All utility lines on the property, including electric transmission and distribution lines shall be installed underground.

M. Land Development Code Contingency: Unless a particular item is specifically covered or permitted in this Development Agreement, the applicable portion of the Land Development Code shall prevail.

N. Developer Definition: When the term "Applicant" is used herein, same shall be taken or construed to mean Savol, LLC, Yolo Equities, LLC, Fountains at Saxon Pointe Blvd., Ltd., and XXX, LLC and its successors and assigns in interest. All obligations, liabilities, and responsibilities incurred by or implied by the Applicant in this Development Agreement shall be assumed by any successors in interest of Savol, LLC as the overall developer of the property, or any portion thereof.

O. Binding Effect of Plans: Recording: and Effective Date. The Master Development Plan and this Development Agreement, including any and all supplementary orders and

resolutions, shall bind and inure to the benefit of the Applicant and its successor in title or interest. The PUD zoning, provisions of this Development Agreement, and all approved plans shall run with the land and shall be administered in a manner consistent with Article 3 and Article 4 of the DeBary Land Development Code, as amended. Within sixty (60) days following execution of the document by the City of DeBary and Applicant, this Development Agreement and its corresponding Ordinance shall be recorded in the Public Records of Volusia County, Florida. The Applicant shall pay all recording costs.

P. Expiration of Agreement. The effectiveness of this Development Agreement shall be from the Effective Date and remain in effect unless it is amended or it terminates as provided herein. Within 520 days from the Effective Date of this Development Agreement, the Applicant shall have submitted and obtained the Final Site Plan approval as required in Section A3 of this Development Agreement or submitted and obtained preliminary plat approval. Notwithstanding anything herein to the contrary, in the event that the Final Site Plan or preliminary plat approval is not submitted and obtained on or before 520 days from the Effective Date, this Development Agreement shall terminate and the Applicant's and its successors' and assigns' development rights under Ordinance No. 02-11, this Development Agreement and the Master Development Plan shall become null and void; thereafter any subsequent proposed development of the property shall be processed as a major amendment to planned unit development.

Q. Development Review Cost. The Applicant shall timely pay the City for any and all development review costs concerning the development of the property in accordance with Section 1-16, City of DeBary Land Development Code.

R. Authority. Each party represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Development Agreement, that all acts, approvals, procedures and similar matters required in order to authorize this Development Agreement have been taken, obtained, or followed, as the case may be, that this Development Agreement and the proposed performance of this Development Agreement by

such party is not an ultra vires act and that, upon the execution of this Development Agreement by all parties, this Development Agreement shall be valid and binding upon the parties and their successors in interest. Furthermore, Applicant represents and warrants to City that Applicant is the sole owner of the property, in fee simple, free and clear of any encumbrances, including but not limited to mortgages, liens or easements or, in the event an encumbrance exists, Applicant, at Applicant's sole cost shall obtain the necessary joinders, consents and subordinations to this Development Agreement or releases from the appropriate parties with an interest in the property.

S. Development Permits and Approvals. This Development Agreement does not require the City to issue any permit or approval for development, construction, subdivision plan, site plan, final plat, building permit or other matter by the City relating to the property or otherwise. The local development approvals and permits required to be approved or issued by the City for the intended use contemplated by this Development Agreement include, but are not limited to, construction plan approvals, site plans, preliminary plat, final plat, stormwater drainage, SJRWMD permits, demolition permit, grading, arbor permits, engineering and utility plans, and construction permits for buildings and other structures. These development approvals and permits shall be processed and issued by the City in accordance with procedures with respect to same as otherwise set forth in the City's Land Development Code and subject to this Development Agreement. Failure of this Development Agreement to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions. This Development Agreement does not, and is not intended to prevent or impede the City from exercising its legislative authority as the same may affect the property.

T. Recitals. The recitals herein contained are true and correct and are incorporated herein by reference.

U. Effective Date. The effective date of this Development Agreement shall be the date approved by the City Council.

V. Full Force & Effect; Binding. The Development Agreement and second amendment 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.

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 2-6, Saxon Cove, according to the Plat thereof as recorded in Plat Book 56, Pages 23-26, Public Records of Volusia County, Florida.

EXHIBIT "B"
MASTER DEVELOPMENT PLAN



MJ STOKES CONSULTING
P.O. BOX 22821
TAMPA, FL 33622
813.744.1199
INFO@MJSTOKESCONSULTING.COM
FLORIDA BUSINESS REGISTRATION NO. 34449

REV	DATE	DESCRIPTION

Sunshine
Call 811 or visit sunshinefl.com two full business days before digging to have buried facilities located and marked.
Check pressure regulator codes before use only.

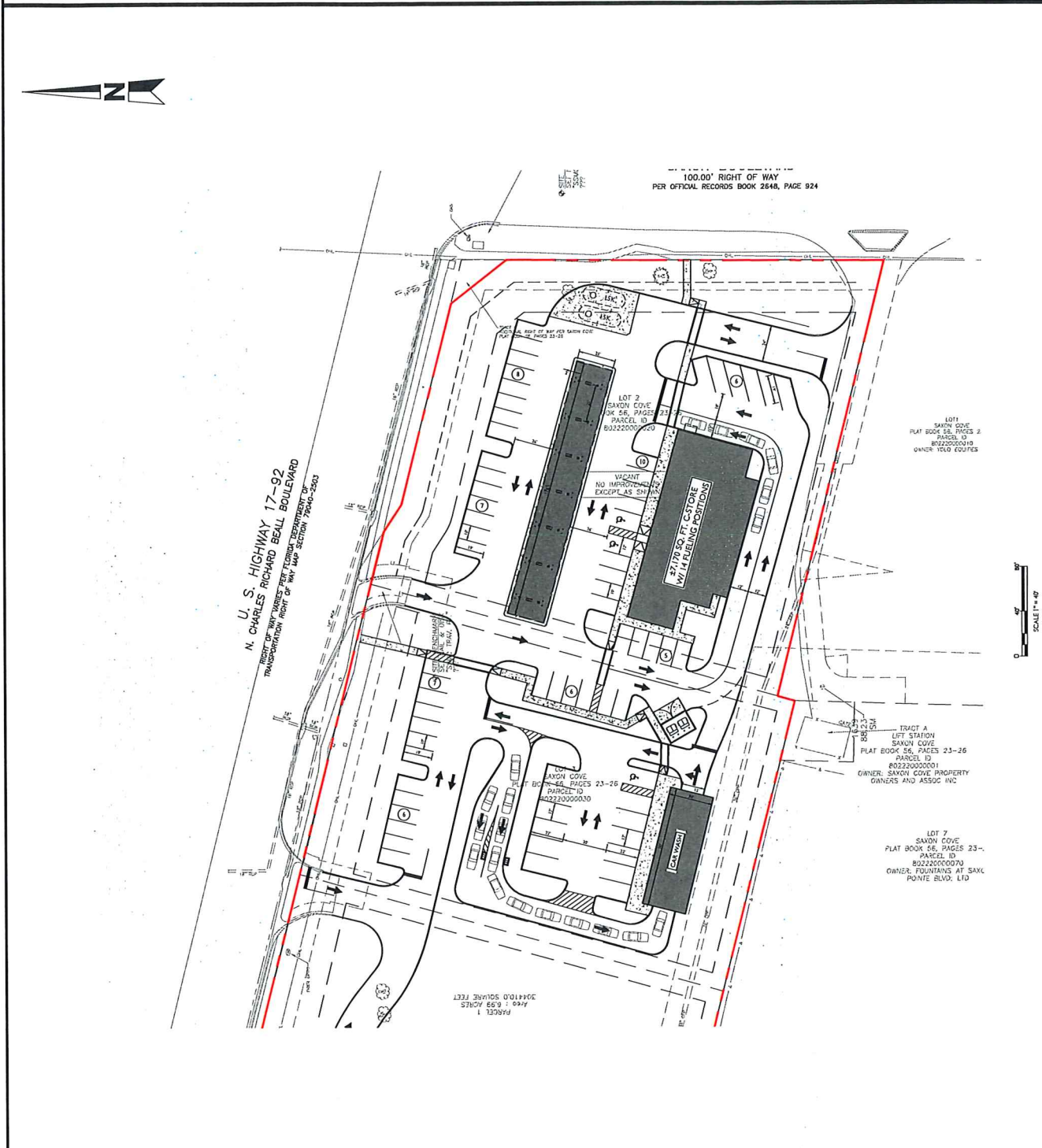
PROJECT NAME
SAXON COVE COMMERCIAL

FOR
HAPPY DAVES

CITY OF DEBARY
VOLUSIA COUNTY, FLORIDA

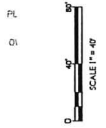
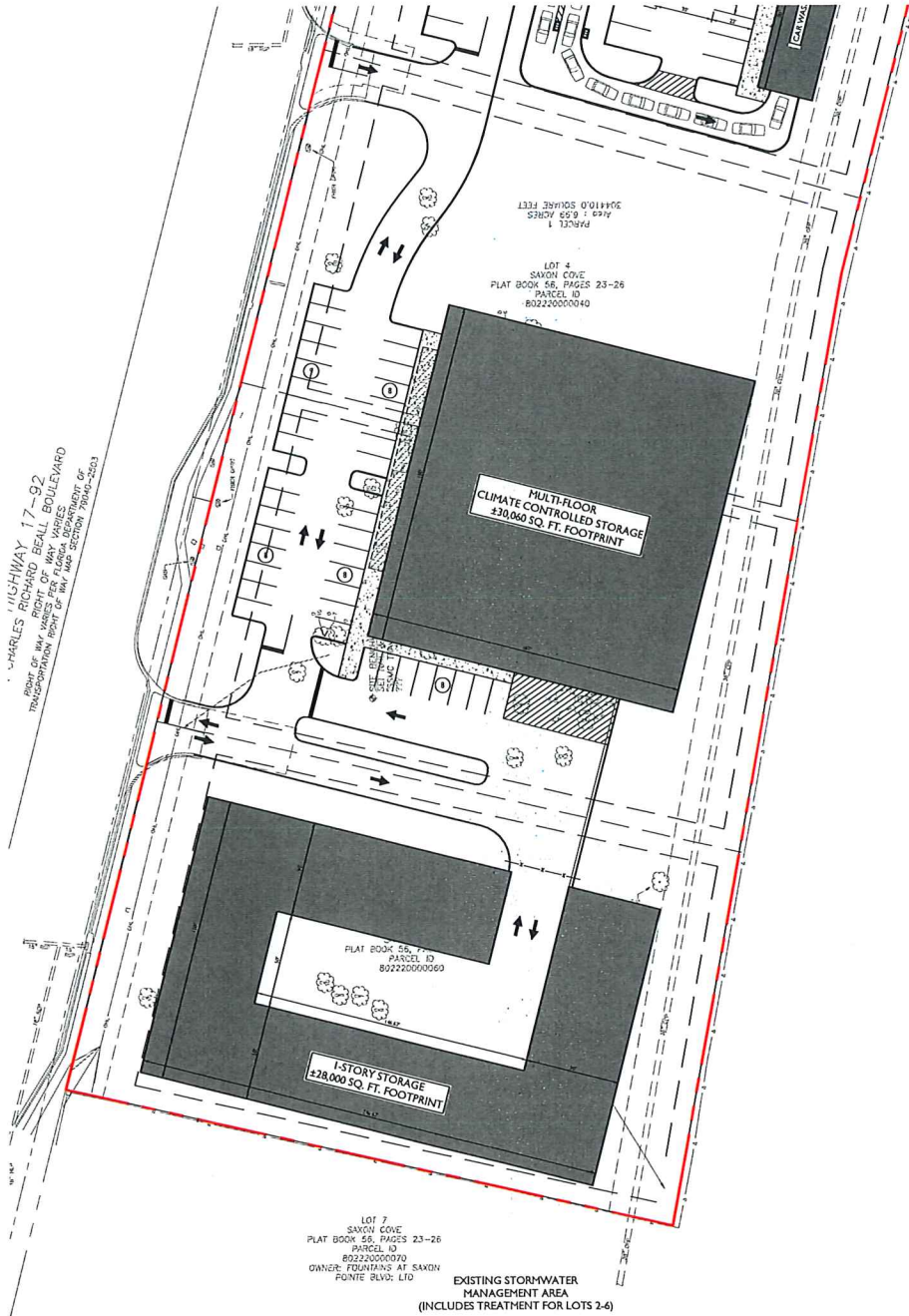
SHEET TITLE
**REVISED SITE PLAN
LOTS 2 & 3**

PROJECT NO.: 23267
CHECKED BY: J.E.
VERTICAL DATUM: NAVD 1988
DATE: JANUARY 20, 2023
SHEET NUMBER:
C-101





VICINITY MAP
SCALE 1" = 200'



MJ STOKES CONSULTING
P.O. BOX 22821
TAMPA, FL 33622
813.724.4199
INFO@MSTOKESCONSULTING.COM
FLORIDA BUSINESS REGISTRY NO. 34498

REV	DATE	DESCRIPTION

Sunshine811
Call 811 or visit sunshine811.com two full business days before digging to have buried facilities located and marked. Check provider website for more info.

PROJECT NAME:
SAXON COVE COMMERCIAL
FOR:
HAPPY DAVES
CITY OF DEBARY
VOLUSIA COUNTY, FLORIDA

SHEET TITLE:
REVISED SITE PLAN
LOTS 4-6

PROJECT NO.: 22027
CHECKED BY: JF
VERTICAL DATE/TIME: N/A
DATE: JANUARY 20, 2023
SHEET NUMBER:

C-101



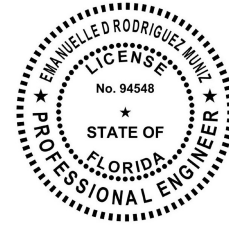
MEMORANDUM

To: Richard Villaseñor, P.E.
City Engineer
City of DeBary

From: Emanuelle D Rodríguez Muñiz, P.E. (FL, PR)
Kimley-Horn and Associates, Inc.

Date: May 26, 2023

Subject: Trip Generation Analysis
Saxon Cove Commercial

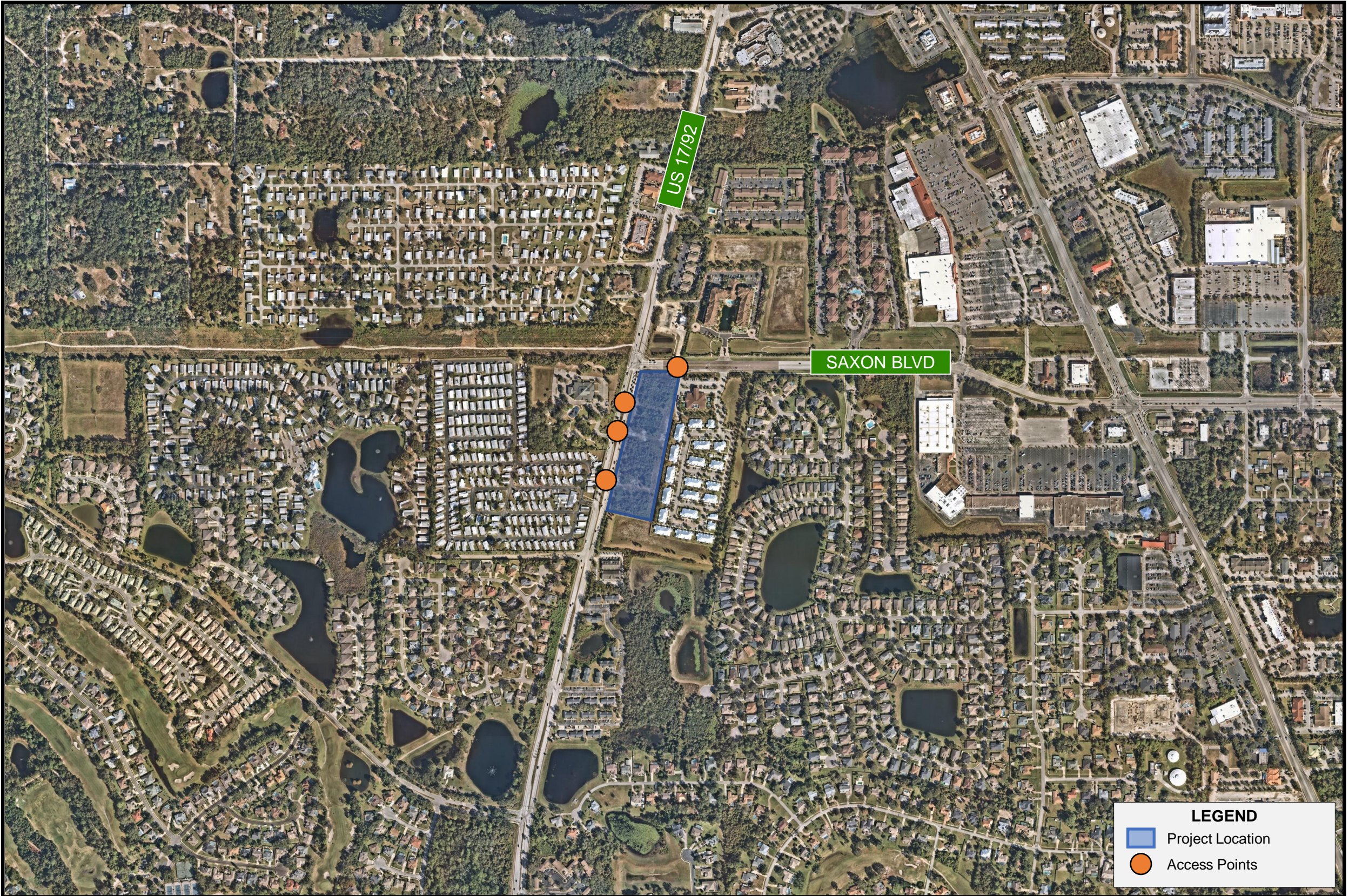


This document has been digitally signed and sealed by Emanuelle D Rodríguez Muñiz, P.E. on the date adjacent to the seal

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Introduction

Kimley-Horn has been retained to perform a trip generation analysis for the proposed development, which includes a gas station/convenience store, a car wash, and a self-storage warehouse. The subject property is located along the east side of US 17/92, south of Saxon Boulevard in DeBary, Florida. The project site consists of 5 parcels (Volusia County Parcel IDs # 80222000020, -30, -40, -50, -60) totaling 7.01 acres, which are currently vacant. Access to the site will be provided via one (1) existing Right-In/Right-Out driveway on Saxon Boulevard as well as one (1) Right-In-Only driveway, one (1) Right-In/Right-Out Driveway, and one (1) Left-In/Right-In/Right-Out driveway along US 17/92. **Figure 1** shows the project location map for the site. A site plan showing the proposed development is included in the **Attachments**.



LEGEND

- Project Location
- Access Points

Figure 1: Project Location Map
 Saxon Cove Commercial | DeBary, Florida

Project No: 249398000
May 2023
Page 2

Kimley»Horn

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 1530 Cornerstone Blvd, Suite 200, Daytona Beach, FL, 32117
 Phone: (386)-271-0273



Trip Generation Analysis

Trip generation estimates for the proposed development were generated using the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 11th Edition* trip rates. ITE Land Use Codes (LUC) 151 – Mini Warehouse, 945 – Convenience Store/Gas Station - GFA (5.5-10k), and 948 – Automated Car Wash were used to generate Daily, AM peak hour, and PM peak hour trips.

The ITE Trip Generation Manual does not provide daily or AM peak hour information for LUC 948; however, a daily rate was calculated by assuming 10% of daily project traffic in the PM peak hour. The PM peak hour rate was applied to the AM peak hour. Pass-by trip rates for LUC 945 were obtained from ITE's *Trip Generation Manual, 11th Edition Appendices*. ITE does not provide a daily pass-by rate for LUC 945, however the PM peak hour rate of 75% was assumed.

Relevant documentation is included in the **Attachments**. **Table 1** shows the trip generation potential for the proposed development for Daily, AM peak hour, and PM peak hour trips.



Table 1: Trip Generation

	Land Use	ITE LUC ¹	Size	Units	ITE Trip Rate ¹	Daily					
						Total	In ¹		Out ¹		
Daily	Mini-Warehouse	151	118.2	KSF	1.45	171	50%	86	50%	85	
	Convenience Store/Gas Station - GFA (5.5-10k)	945	14	VFP	345.75	4,841	50%	2,421	50%	2,420	
	Automated Car Wash	948	1	Tunnels	775.00	775	50%	388	50%	387	
	Total Generated Trips					5,787		2,895		2,892	
	<i>Pass by Trips² =</i>	75.0%	<i>of LUC 945 trips</i>				3,631		1,816		1,815
	New External Trips					2,156		1,079		1,077	
	Land Use	ITE LUC ¹	Size	Units	ITE Trip Rate ¹	AM Peak Hour					
						Total	In ¹		Out ¹		
AM Peak Hour	Mini-Warehouse	151	118.2	KSF	0.09	11	59%	6	41%	5	
	Convenience Store/Gas Station - GFA (5.5-10k)	945	14	VFP	31.60	442	50%	221	50%	221	
	Automated Car Wash	948	1	Tunnels	77.50	78	50%	39	50%	39	
	Total Generated Trips					531		266		265	
	<i>Pass by Trips² =</i>	76.0%	<i>of LUC 945 trips</i>				336		168		168
	New External Trips					195		98		97	
	Land Use	ITE LUC ¹	Size	Units	ITE Trip Rate ¹	PM Peak Hour					
						Total	In ¹		Out ¹		
PM Peak Hour	Mini-Warehouse	151	118.2	KSF	0.15	18	47%	8	53%	10	
	Convenience Store/Gas Station - GFA (5.5-10k)	945	14	VFP	26.90	377	50%	189	50%	188	
	Automated Car Wash	948	1	Tunnels	77.50	78	50%	39	50%	39	
	Total Generated Trips					473		236		237	
	<i>Pass by Trips² =</i>	75.0%	<i>of LUC 945 trips</i>				283		142		141
	New External Trips					190		94		96	

Notes: ¹ Vehicle trip rates and directional splits per ITE Trip Generation Manual, 11th Edition

² Pass-by trip rate of based on ITE Trip Generation Manual, 11th Edition Appendices



Conclusion

Based on the latest ITE *Trip Generation Manual* trip rates, the proposed development is anticipated to generate 2,156 new external daily trips, 195 new external AM peak hour trips, and 190 new external PM peak hour trips. Based on the anticipated trip generation of the site and guidelines from R2CTPO and Volusia County, a TIA will be required for the proposed development.

Attachments

Site Plan

ITE Excerpts

Land Use: 151

Mini-Warehouse

Description

A mini-warehouse is a building in which a number of storage units or vaults are rented for the storage of goods. They are typically referred to as “self-storage” facilities. Each unit is physically separated from other units, and access is usually provided through an overhead door or other common access point.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Colorado, Massachusetts, Minnesota, Nevada, New Jersey, Texas, and Utah.

Source Numbers

212, 403, 551, 568, 642, 708, 724, 850, 868, 876, 1024, 1035

Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 16

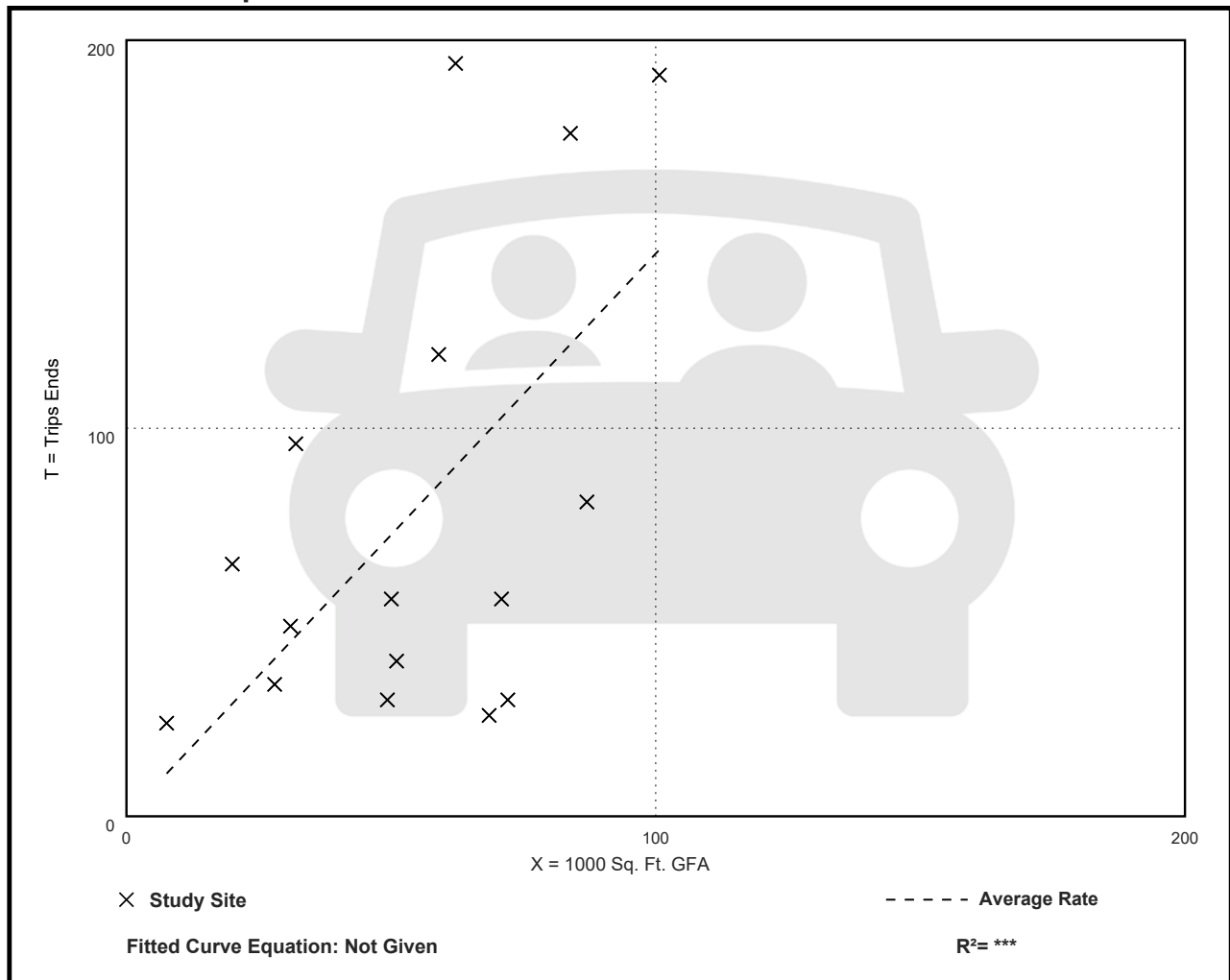
Avg. 1000 Sq. Ft. GFA: 55

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.45	0.38 - 3.25	0.92

Data Plot and Equation



Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 13

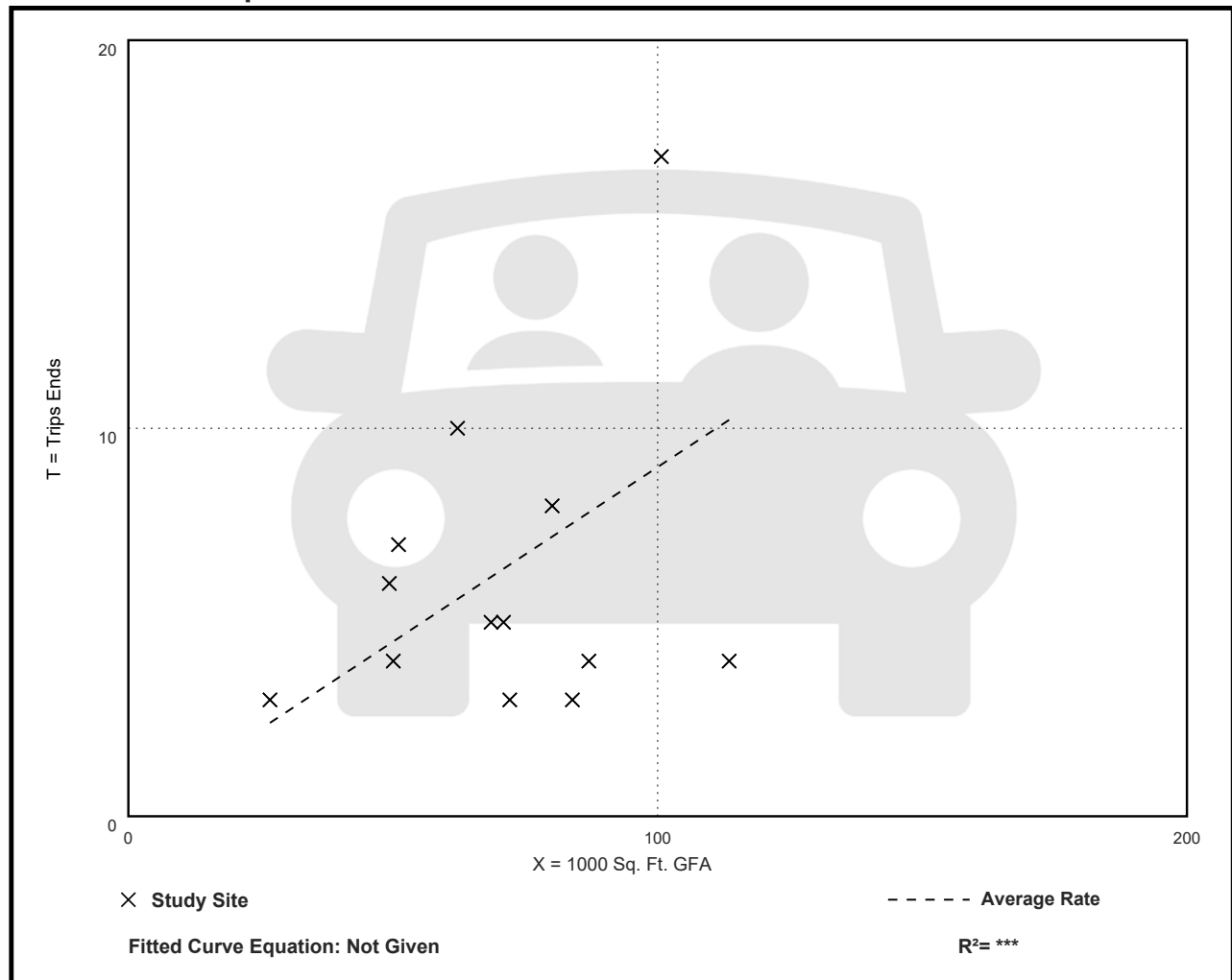
Avg. 1000 Sq. Ft. GFA: 70

Directional Distribution: 59% entering, 41% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.09	0.04 - 0.17	0.05

Data Plot and Equation



Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 18

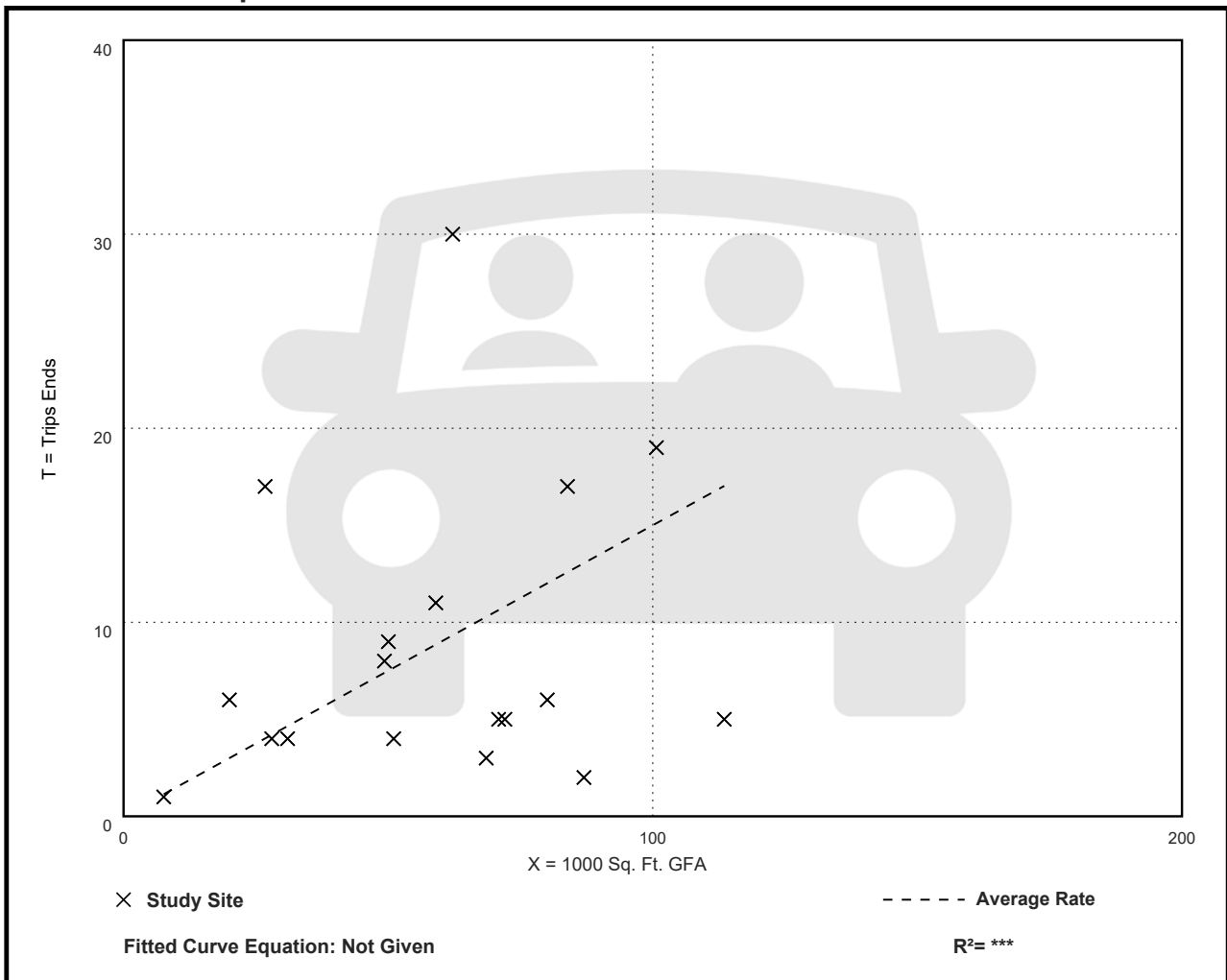
Avg. 1000 Sq. Ft. GFA: 59

Directional Distribution: 47% entering, 53% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.15	0.02 - 0.64	0.14

Data Plot and Equation



Land Use: 945

Convenience Store/Gas Station

Description

A convenience store/gas station is a facility with a co-located convenience store and gas station. The convenience store sells grocery and other everyday items that a person may need or want as a matter of convenience. The gas station sells automotive fuels such as gasoline and diesel.

A convenience store/gas station is typically located along a major thoroughfare to optimize motorist convenience. Extended hours of operation (with many open 24 hours, 7 days a week) are common at these facilities.

The convenience store product mix typically includes pre-packaged grocery items, beverages, dairy products, snack foods, confectionary, tobacco products, over-the-counter drugs, and toiletries. A convenience store may sell alcohol, often limited to beer and wine. Coffee and pre-made sandwiches are also commonly sold at a convenience store. Made-to-order food orders are sometimes offered. Some stores offer limited seating.

The sites in this land use include both self-pump and attendant-pumped fueling positions and both pre-pay and post-pay operations.

Convenience store (Land Use 851), gasoline/service station (Land Use 944), and truck stop (Land Use 950) are related uses.

Land Use Subcategory

Multiple subcategories were added to this land use to allow for multi-variable evaluation of sites with single-variable data plots. All study sites are assigned to one of three subcategories, based on the number of vehicle fueling positions (VFP) at the site: between 2 and 8 VFP, between 9 and 15 VFP, and between 16 and 24 VFP. For each VFP range subcategory, data plots are presented with GFA as the independent variable for all time periods and trip types for which data are available. The use of both GFA and VFP (as the independent variable and land use subcategory, respectively) provides a significant improvement in the reliability of a trip generation estimate when compared to the single-variable data plots in prior editions of *Trip Generation Manual*.

Further, the study sites were also assigned to one of three other subcategories, based on the gross floor area (GFA) of the convenience store at the site: between 2,000 and 4,000 square feet, between 4,000 and 5,500 square feet, and between 5,500 and 10,000 square feet. For each GFA subcategory range, data plots are presented with VFP as the independent variable for all time periods and trip types for which data are available. The use of both VFP and GFA (as the independent variable and land use subcategory, respectively) provides a significant improvement in the reliability of a trip generation estimate when compared to the single-variable data plots in prior editions of *Trip Generation Manual*.

When analyzing the convenience store/gas station land use with each combination of GFA and VFP values as described above, the two sets of data plots will produce two estimates of site-generated trips. Both values can be considered when determining a site trip generation estimate.

Data plots are also provided for three additional independent variables: AM peak hour traffic on adjacent street, PM peak hour traffic on adjacent street, and employees. These independent variables are intended to be analyzed as single independent variables and do not have sub-categories associated with them. Within the data plots and within the ITETripGen web app, these plots are found under the land use subcategory “none.”

Additional Data

ITE recognizes there are existing convenience store/gas station sites throughout North America that are larger than the sites presented in the data plots. However, the ITE database does not include any site with more than 24 VFP or any site with gross floor area greater than 10,000 square feet. Submission of trip generation data for larger sites is encouraged.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), Arkansas, California, Connecticut, Delaware, Florida, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, and Wisconsin.

Source Numbers

221, 245, 274, 288, 300, 340, 350, 351, 352, 355, 359, 385, 440, 617, 718, 810, 813, 844, 850, 853, 864, 865, 867, 869, 882, 883, 888, 904, 926, 927, 936, 938, 954, 960, 962, 977, 1004, 1024, 1025, 1027, 1052

Convenience Store/Gas Station - GFA (5.5-10k) (945)

Vehicle Trip Ends vs: Vehicle Fueling Positions
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 1

Avg. Num. of Vehicle Fueling Positions: 12

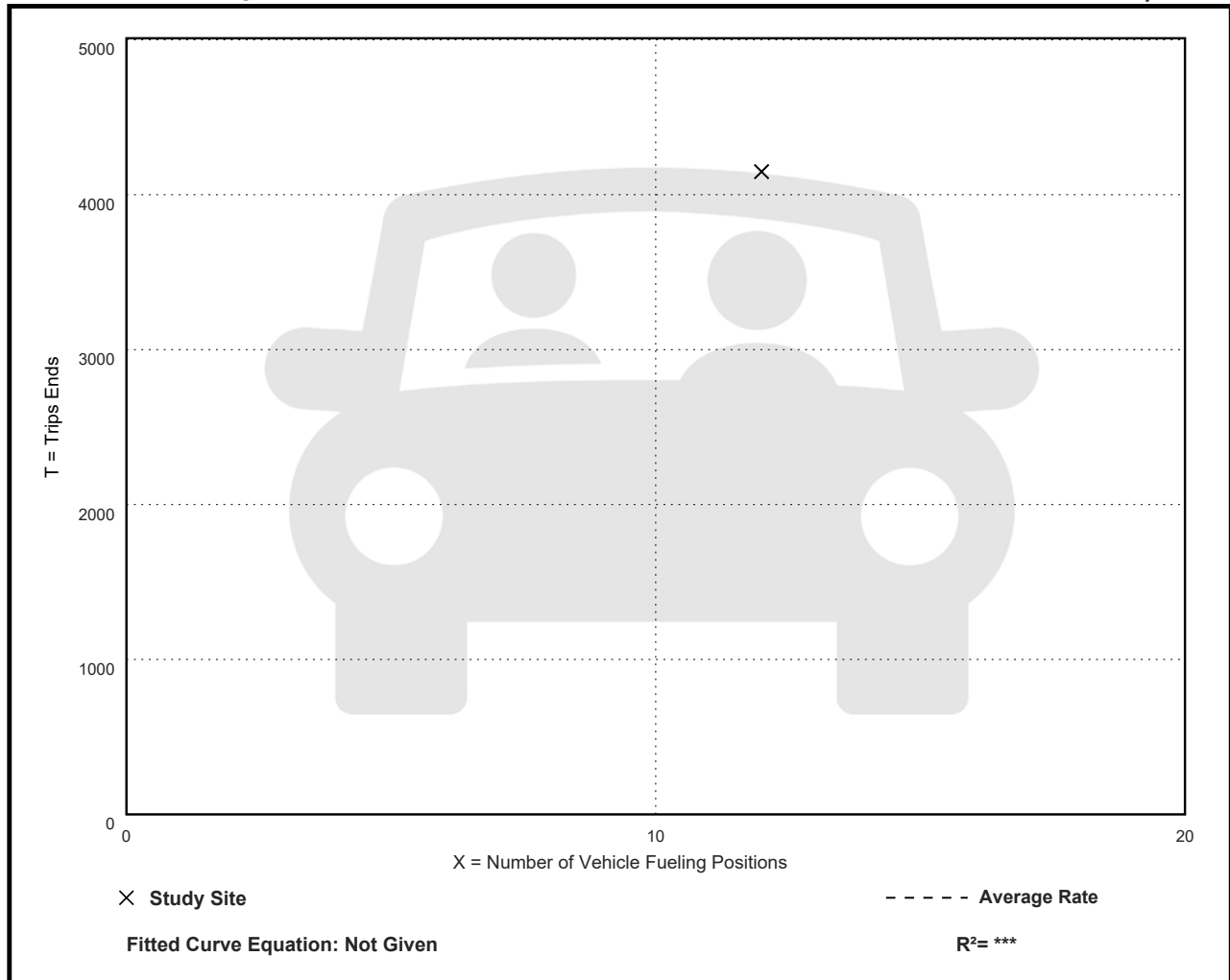
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
345.75	345.75 - 345.75	***

Data Plot and Equation

Caution – Small Sample Size



Convenience Store/Gas Station - GFA (5.5-10k) (945)

Vehicle Trip Ends vs: Vehicle Fueling Positions

On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 29

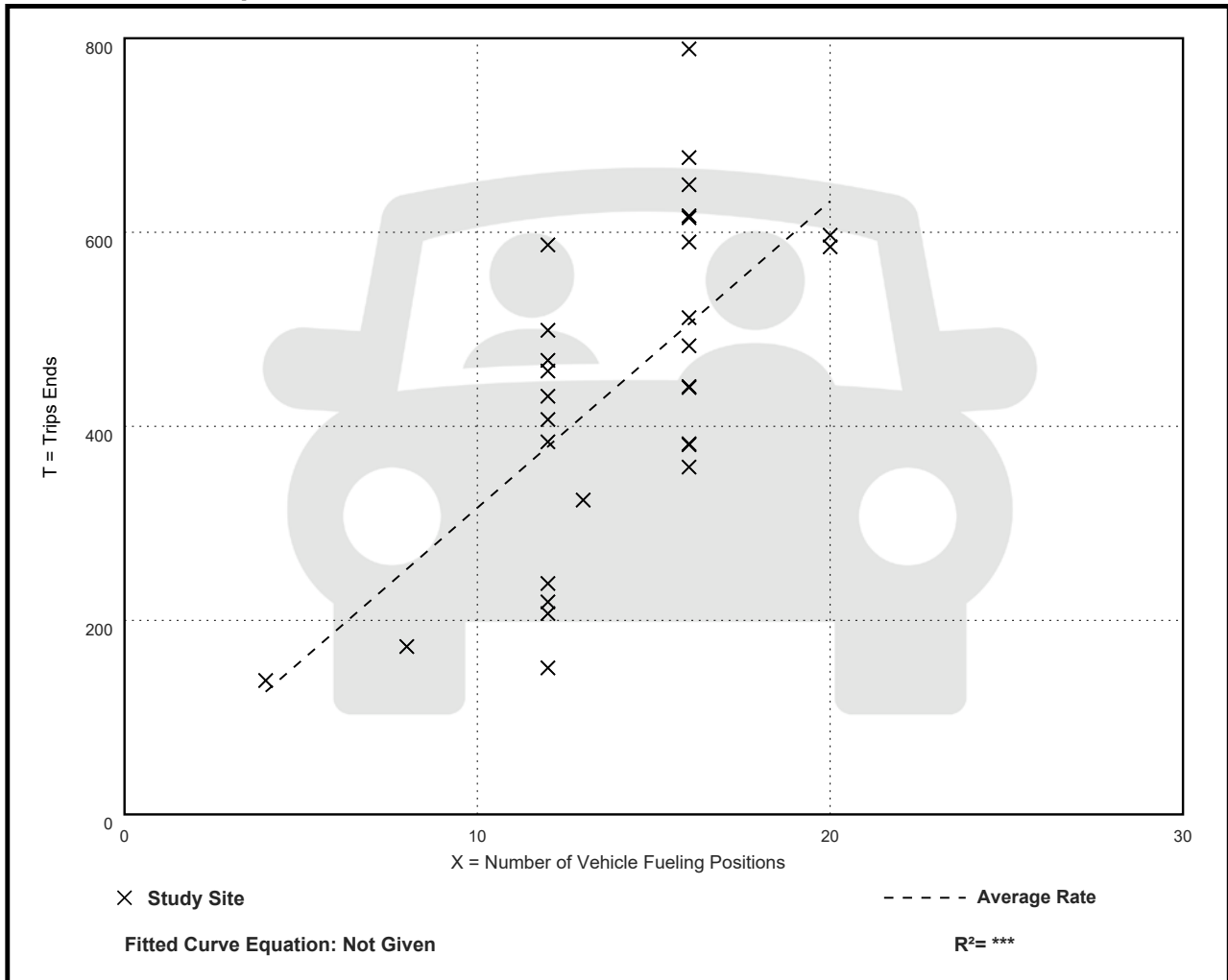
Avg. Num. of Vehicle Fueling Positions: 14

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
31.60	12.58 - 49.31	9.10

Data Plot and Equation



Convenience Store/Gas Station - GFA (5.5-10k) (945)

Vehicle Trip Ends vs: Vehicle Fueling Positions

On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 29

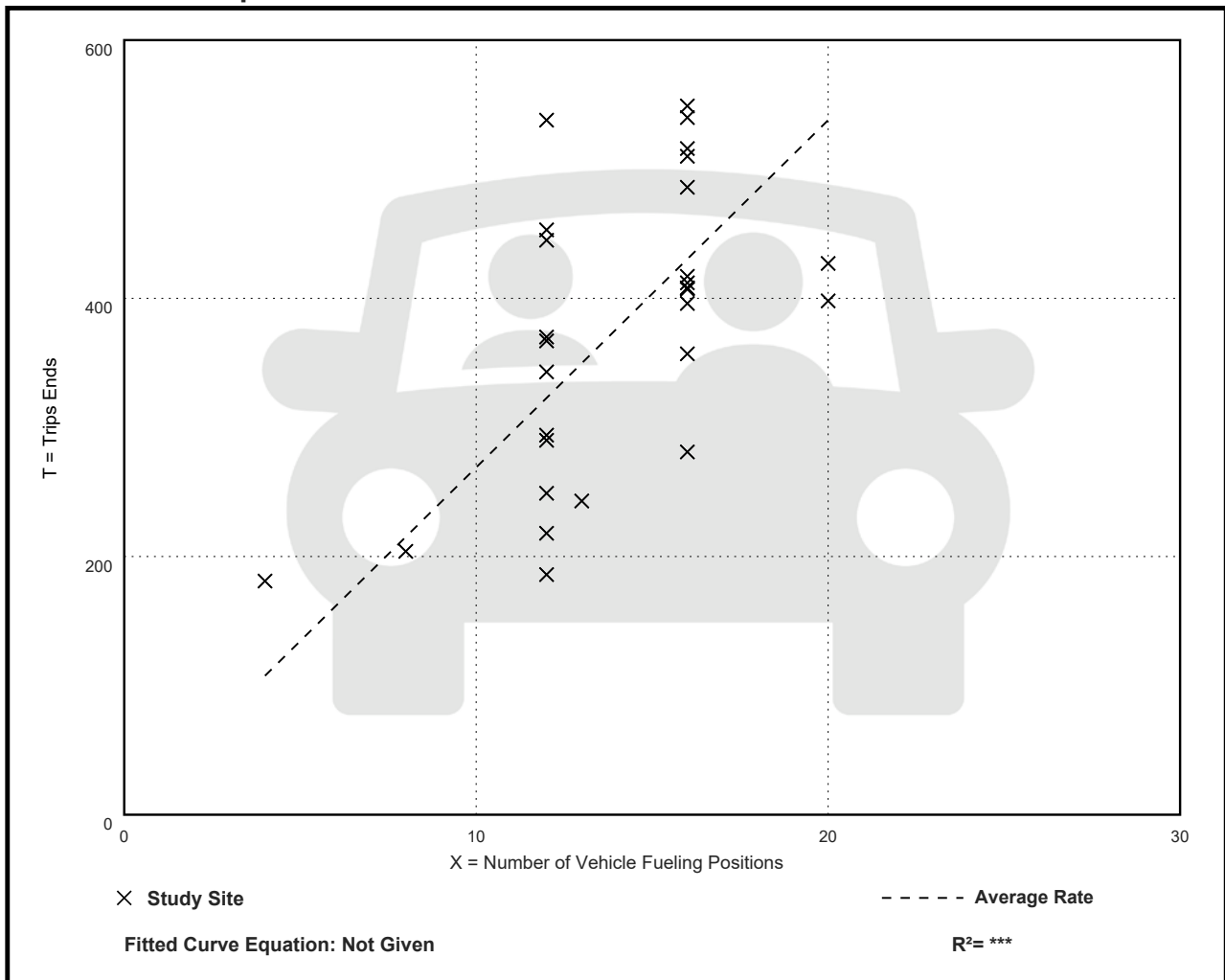
Avg. Num. of Vehicle Fueling Positions: 14

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
26.90	15.50 - 45.25	6.87

Data Plot and Equation



Land Use: 948

Automated Car Wash

Description

An automated car wash is a facility that allows for the mechanical cleaning of the exterior of vehicles. Manual cleaning service may also be available at the facility. Self-service car wash (Land Use 947) and car wash and detail center (Land Use 949) are related uses.

Additional Data

The sites were surveyed in the 1990s and the 2000s in New Jersey, New York, and Washington.

Source Numbers

552, 555, 585, 599, 954

Vehicle Pass-By Rates by Land Use

Source: ITE Trip Generation Manual, 11th Edition

Land Use Code	945									
Land Use	Convenience Store/Gas Station									
Setting	General Urban/Suburban									
Time Period	Weekday AM Peak Period									
# Data Sites	16 Sites with between 2 and 8 VFP					28 Sites with between 9 and 20 VFP				
Average Pass-By Rate	60% for Sites with between 2 and 8 VFP					76% for Sites with between 9 and 20 VFP				
Pass-By Characteristics for Individual Sites										
						Non-Pass-By Trips				
GFA (000)	VFP	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Primary (%)	Diverted (%)	Total (%)	Adj Street Peak Hour	Source
2	8	Maryland	1992	46	87	13	0	13	2235	25
2.1	6	Maryland	1992	26	58	23	19	42	2080	25
2.1	6	Maryland	1992	26	58	23	19	42	2080	25
2.2	8	Maryland	1992	31	47	34	19	53	1785	25
2.2	< 8	Indiana	1993	79	56	6	38	44	635	2
2.2	8	Maryland	1992	35	78	9	13	22	7080	25
2.3	6	Maryland	1992	37	32	41	27	68	2080	25
2.3	< 8	Kentucky	1993	58	64	5	31	36	1255	2
2.3	6	Maryland	1992	37	32	41	27	68	2080	25
2.4	< 8	Kentucky	1993	—	48	17	35	52	1210	2
2.6	< 8	Kentucky	1993	—	72	15	13	28	940	2
2.8	< 8	Kentucky	1993	—	54	11	35	46	1240	2
3	< 8	Indiana	1993	62	74	10	16	26	790	2
3.6	< 8	Kentucky	1993	49	67	4	29	33	1985	2
3.7	< 8	Kentucky	1993	49	66	16	18	34	990	2
4.694	12	Maryland	2000	—	72	—	—	28	2440	30
4.694	12	Maryland	2000	—	78	—	—	22	1561	30
4.694	12	Maryland	2000	—	79	—	—	21	2764	30
4.848	12	Virginia	2000	—	55	—	—	45	1398	30
5.06	12	Pennsylvania	2000	—	84	—	—	16	3219	30

Vehicle Pass-By Rates by Land Use

Source: ITE Trip Generation Manual, 11th Edition

Land Use Code	945									
Land Use	Convenience Store/Gas Station									
Setting	General Urban/Suburban									
Time Period	Weekday PM Peak Period									
# Data Sites	12 Sites with between 2 and 8 VFP					28 Sites with between 9 and 20 VFP				
Average Pass-By Rate	56% for Sites with between 2 and 8 VFP					75% for Sites with between 9 and 20 VFP				
Pass-By Characteristics for Individual Sites										
						Non-Pass-By Trips				
GFA (000)	VFP	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Primary (%)	Diverted (%)	Total (%)	Adj Street Peak Hour	Source
2.1	8	Maryland	1992	31	52	13	35	48	1785	25
2.1	6	Maryland	1992	30	53	20	27	47	1060	25
2.2	< 8	Indiana	1993	115	48	16	36	52	820	2
2.3	< 8	Kentucky	1993	67	57	16	27	43	1954	2
2.3	6	Maryland	1992	55	40	11	49	60	2760	25
2.4	< 8	Kentucky	1993	—	58	13	29	42	2655	2
2.6	< 8	Kentucky	1993	68	67	15	18	33	950	2
2.8	< 8	Kentucky	1993	—	62	11	27	38	2875	2
3	< 8	Indiana	1993	80	65	15	20	35	1165	2
3.6	< 8	Kentucky	1993	60	56	17	27	44	2505	2
3.7	< 8	Kentucky	1993	70	61	16	23	39	2175	2
4.2	< 8	Kentucky	1993	61	58	26	16	42	2300	2
4.694	12	Maryland	2000	—	78	—	—	22	3549	30
4.694	12	Maryland	2000	—	67	—	—	33	2272	30
4.694	12	Maryland	2000	—	66	—	—	34	3514	30
4.848	12	Virginia	2000	—	71	—	—	29	2350	30
5.06	12	Pennsylvania	2000	—	91	—	—	9	4181	30
5.242	12	Virginia	2000	—	70	—	—	30	2445	30
5.242	12	Virginia	2000	—	56	—	—	44	950	30
5.488	12	Delaware	2000	—	73	—	—	27	—	30

