



The Department of Planning and Development Services

City Hall | 16 Colomba Road | DeBary, FL 32713

Development Review Committee (DRC) Meeting

Tuesday, October 3rd, 2023 – 9:30 AM

DRC AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - DRC meeting on September 19th, 2023
4. NEW BUSINESS
 - **Case # 23-02-FPR-Rivington, Phase 4A**; *First Review*, Applicant is requesting approval of a Final Plat for Rivington, Phase 4A, located on the southeast corner of Fort Florida Road and Barwick Road, a development of approximately 29.62 acres for 130 townhomes.
 - **Case # 23-02-MAJPUD-Riverside Amendment 2**; *First Review*, Applicant is requesting review of a Major PUD Amendment for the Riverside BPUD, located at 909 South Charles Richard Beall Boulevard (U.S. Highway 17/92), to permit car washes and auto detailing as an accessory use to automobile body shops, beer and wine bars, and Type A restaurants.
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* (DLangley@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
September 19, 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
Robert Scott, Orange City Fire Department
Richard Villasenor, City of DeBary
Steve Wood, City of DeBary

OTHERS PRESENT:

Joseph Barker, City of DeBary
Benjamin Beckham, Madden Engineering, Inc.
Phyllis Butlien, City of DeBary
Karen Chasez, City of DeBary
Leon Merian, 17-92 Laundry, LLC
Carmen Rosamonda, City of DeBary
Shari Simmans, City of DeBary
Merylene Thomas, City of DeBary
Richard Zwolak, WSP

APPROVAL OF MINUTES:

Robert Scott made a motion to approve the September 5, 2023 DRC Meeting Minutes, seconded by Richard Villasenor. The motion was approved by a 4-0 vote.

NEW BUSINESS:

Spincity Laundry FSP

Project # 23-06-FSP-Spincity Laundry

Chairman Bapp briefly summarized the project.

Leon Merian, the applicant, came forward to speak. Richard Villasenor requested information about permitting from the Florida Department of Environmental Protection (FDEP). Mr. Merian did not have that information. Mr. Villasenor noted this project may instead be regulated by the Florida Department of Health in Volusia County. He requested evidence of correspondence between these departments and the applicant.

Mr. Villasenor noted the 4-inch cleanout.

Mr. Merian presented an exhibit of a lighting fixture.

Robert Scott made a motion to approve the final site plan contingent on outstanding staff comments being addressed, seconded by Richard Villasenor. The motion was approved by a 4-0 vote.

DeBary Town Park PPR

Project # 22-03-PPR-DeBary Town Park

Benjamin Beckham of Madden Engineering, Inc., a representative for the applicant, came forward to speak. Mr. Beckham asked for an update on the status of the reviews from members

of staff that have not issued comments on the project. Chairman Bapp stated Public Works and Building Department do not have comments; Mr. Bapp stated the City would follow up with Survtech Solutions.

Mr. Beckham stated the proposed monument signage is located in the proposed right-of-way and not within a proposed dedicated easement. Mr. Villasenor asked if maintenance of the monument sign is discussed in the development agreement and also asked if there are any sight triangles issues with the placement of the monument sign. Mr. Beckham stated a sight triangle has been provided on the plans. Mr. Beckham did not have any information on maintenance responsibilities for the monument sign. Mr. Villasenor stated an easement may be necessary if the development agreement does not address this issue.

Mr. Beckham stated the bald eagle nest has been relocated.

Merylene Thomas, Senior Planner, stated signage in the right-of-way is prohibited.

Mr. Beckham stated the developer would prefer the internal walkways and trails not along the streets not be illuminated for privacy purposes. Chairman Bapp stated staff would follow up with him on that.

Chairman Bapp stated the architectural comments need to be resolved so that building permits in the future are not delayed.

Ms. Thomas stated raising the finished floor elevation of the porches would provide privacy to residents.

Mr. Beckham asked if the City has obtained a temporary construction easement for construction from a nearby property owner. Mr. Villasenor stated the City is still working on that issue and that the City will follow up with the applicant. Mr. Villasenor noted the plans reference two separate fire hydrants at a certain location and asked for clarification. Mr. Beckham did not have an answer to this question.

Richard Villasenor made a motion to approve the preliminary plat and construction plan contingent on outstanding staff comments being addressed, seconded by Robert Scott. The motion was approved by a 4-0 vote.

Duke Energy Hydrogen FSP

Project # 23-05-FSP-Duke Energy Hydrogen

Chairman Bapp briefly summarized the project. He noted a major amendment was made to this property's development agreement.

Richard Zwolak of WSP, a representative for the applicant, came forward to speak. Mr. Zwolak provided responses to staff comments.

Richard Villasenor asked if there has been an exemption process done with the St. John's River Water Management District (SJRWMD). Mr. Zwolak states the permit with SJRWMD is being processed currently.

Chairman Bapp made note of the comments made by the City's environmental consultant.

Steve Wood made a motion to approve the final site plan contingent on addressing outstanding staff comments, seconded by Richard Villasenor. The motion was approved by a 4-0 vote.

Riverbend Comprehensive Plan Amendment

Project # 23-03-CPA-Riverbend

Chairman Bapp noted the City is the applicant on this project. He stated this project has been zoned RPUD for several years, but the RPUD has now expired. He stated the development agreement's language requires the City to officially rezone the property rather than automatically revert to its previous zoning (this necessarily requires a Future Land Use Map amendment).

Robert Scott made a motion to recommend approval of the Comprehensive Plan amendment to the City Council, seconded by Steve Wood. The motion was approved by a 4-0 vote.

Riverbend Rezoning

Project # 23-03-REZ-Riverbend

Chairman Bapp stated there are two property owners: The City and a private property owner. He noted the private property owner has been notified of this rezoning process. Mr. Bapp stated this zoning map amendment rezones the subject property back to its original zoning designation prior to the approval of the RPUD.

Robert Scott made a motion to recommend approval of the Zoning Map amendment to the City Council, seconded by Steve Wood. The motion was approved by a 4-0 vote.

ADJOURNMENT:

The meeting was adjourned at 9:39 AM.



DRC 10/3/2023

Subject Case # 23-02-FPR-Rivington, Phase 4A

Applicant: HR Rivington, LLC

Application Summary:

The applicant is requesting approval of a Final Plat for Rivington, Phase 4A. The plat includes Lots 698 through 827 for a total of 130 townhome dwelling units. There are 8 open space tracts, 2 stormwater tracts, a right-of-way tract, a lift station tract, and a trail easement.

Planning & Zoning

Joseph Barker, AICP, Senior Planner

Land Development Code Review:

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

Final Plat Requirements

LDC Chapter 4, Article II, Division 2, Section 4-46(2) provides for certain required exhibits and information to be included in a final plat. **Please provide the following information:**

- **Wetland buffer near Tract P-14 should be delineated;**
- **Creedmore Lane is incorrectly labeled as a 50' right-of-way. It is 30'.**
- **Note 8 under General Notes on Sheet 2 should include OS-53.**
- **What is the purpose of Tract RW-1?**
- **What is the purpose of Tract LS-1?**
- **The alleys are to be privately maintained.**

Miscellaneous Comments

Pleased provide clarifications on the following:



- **Lot 810 appears to be the same width as the other 20' lots on its block, but is annotated as being 21.37' from the rear;**
- **Lot 816 appears to be the same width as the other 20' lots on its block, but is annotated as being 18.75' from the rear;**
- **There may be a contradiction between the language regarding the Community Development District's (CDD) maintenance responsibilities and the dedication. The CDD conveyance language states the trail easement is conveyed to the CDD, but the dedication language states the trail easement is dedicated to the perpetual use of the public.**

Public Works Department
Amy Long, Deputy Public Works Director

No comments have been received.

Fire Services
Robert Scott, Fire Marshal

No comments have been received.

Engineering
Richard Villaseñor, P.E., City Engineer

1. The future phasing appears will force construction traffic through finish roadways. Finished roadways will be transferred to City for assigned responsibilities conditionally and inspected at the transfer period of the construction phase which occurs last for possible construction phase repairs by developer.
2. Dedication; second line typo: ...in *attache* plat,..
3. General Notes - Note 6,





- a. What *PUBLICLY-MANAGED PROPERTY*? Road ROWs or refers to Transmission Utilities surrounding and bisecting this plat?
 - b. Please confirm if *THE NOTICE* should be *THIS NOTICE*, this plat serving the purpose of noticing the management practices noted?
 4. General Notes - Note 12, space between ..“THE DISTRICT”IN..
 5. Pg 4 of 6 - Along north of Tract FD-1, is that a 5’ UE? Label is missing.
 6. Pg 4 of 6 - Area adjacent to the north side of Lot 698, is this OS-51? If yes, what is the line that extends west of this lot at S89D50’05”W 151.24’?
- Pgs 4 & 5 of 6 - Drainage easement needed for roadside and drainage maintenance

Building Department
Steve Wood, Building Official

No comments have been received.

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

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

1. The plat does not match the construction plans as the construction plans do not show phases. Please revise and resubmit either construction plans or the plat.

Legal Review
Dan Langley, Fishback-Dominick

1. A certified title opinion prepared by an attorney or a current Property Information Report needs to be provided. Without this information, it is not possible to determine certain issues such as whether the proper owners are listed on the plat, or whether the property is subject to mortgages and other encumbrances. Please provide for our review.



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2. If there is a mortgage or mortgages on the property to be platted, we need Joinders and Consents to the Plat and Partial Releases of Mortgage releasing all common area tracts being conveyed.
3. A Supplement to Declaration to Covenants, Easements and Restrictions to include the Phase 4A lands to be platted, as well as mortgagee joinders and consents to same.
4. There is a gas line easement running through proposed public rights-of-way. The CDD needs to enter into an agreement with the City where the CDD agrees to repair at its costs or pay for any damages to the public road and utility improvements caused by or relating to this superior easement encumbering the right-of-way tracts. Please have the applicant provide a proposed agreement for review and comment.
5. Proof of payment of real estate taxes.
6. Also, if site infrastructure required by Section 4-111(b) & (c) of the Land Development Code has not been fully completed and approved prior to final plat approval, sections 4-46(2)c and 4-111(a)(1) of the Land Development Code require the developer to provide a performance guarantee and a signed and sealed professional engineer's estimate of the total construction cost for completion of such improvements prior to recording the plat. Further, the original executed performance guarantee should be delivered to the City before the City Council's consideration of the final plat for approval. *The Performance and Maintenance Guarantee Agreement submitted by the applicant is acceptable if approved and executed by the City.*
7. Payment of all required fees, deposits and costs that are applicable or required pursuant to the code, including under Section 1-16 of the Land Development Code shall be paid prior to recording of the final plat. The applicant shall be responsible for all recording costs associated with recording the plat and related documents.
8. The original executed plat mylar and all original executed plat-related documents (deed, joinders and consents, partial releases of mortgage, supplemental declaration) must be submitted to the City prior to final plat approval by the City Council. After approval by the City Council, the executed plat mylar and all original executed plat related documents





that are to be recorded should be promptly recorded (within 10 business days) at the applicant's expense.

9. The final plat shall not be recorded until all of the above comments and other City staff comments are addressed and the plat mylar and other plat documents are fully executed and a check covering the recording costs is provided by the applicant.

Surveyor
Ryan Fowler, Surveyor, SurvTech Solutions

Received Documents:

1. Boundary Survey.pdf (No Comments)
2. PLAT DESCRIPTION.docx (No Comments)
3. Plat.pdf (See Comments below)

PLAT DESCRIPTION.docx

1. Page 1: Add Survey date.
2. Page 1: Dedication – Address the formatting for the signature and name lines around the Notary Public area near the bottom.
3. Page 1: Rivington Community Development District– Address the formatting for the signature and name lines. The typed text does not line up with the information lines.
4. Page 2: Lower Right Corner – Notice Box: The under lines are not aligned with the text.
5. Page 2: Key Map - Update sheet numbers
6. Page 3 The bearing direction leading to the POB does not match the legal description.
7. Page 3: Typo for the following distances:
 - a. East Boundary distance of Lot 810
 - b. West Boundary distance of lot 816
 - c. West Boundary distance of lot 826
8. Page 3 Tract P-13: What is the 10' tie measuring.
9. Page 3 Tract OS-49 5.00' UE tie is a smaller font size.



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10. Page 4 Top Right corner of page, there is a string of numbers that is overlapping the title block.
11. Page 4: May consider moving the bearing/Distance S87°39'20" E 216.06' down slightly away from the boundary line
12. Page 4: Lower left the match line is clipping the annotation for Tract OS-47 (Open Space)
13. Page 4: There is an unknown dashed line missing annotation at the northern end of Tract FD-1, slightly south of the south boundary of the Parcel "B" Sup Easement
14. Page 4 Tract OS-50 the 10.00' V.U.E and the 5.00' UE ties are smaller text size.
15. Page 4 Tract OS-51 20.00'x20.00' utility Easement shows a smaller font size than the rest of the text on the page.
16. Page 5: overlapping text
17. Page 5: May consider moving the text for N 86°49'50" E 79.46' up slightly away from the boundary line.
18. Page 5 Lot 745 there is a 5.00' tie missing the description. Likely "UE"
19. Page 6 Lots 752 and 760 there is a 5' tie missing a description. Likely "UE"

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



16 Colomba Road, DeBary, Florida 32713 · Tel: 386.668.2040 · Fax: 386.668.4122 · Like us on Facebook

RIVINGTON PHASE 4A

SHEET 1 OF 6
66310004

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

DESCRIPTION:

A portion of the West half of the Northwest Quarter of Section 9, Township 19 South, Range 30 East lying South of Fort Florida Road. All lying and being situate in Volusia County, Florida. Being more particularly described as follows:

Commence at the West Quarter corner of Section 9, Township 19 South, Range 30 East, Volusia County, Florida; thence North 00° 27' 09" West, a distance of 328.01 feet along the West line of said Northwest Quarter; thence departing said West line, North 89° 54' 48" East, a distance of 21.36 feet to the East right of way line of Barwick Road and for a POINT OF BEGINNING; thence North 00° 00' 47" East, a distance of 986.68 feet along said East right of way line to the South right of way line of Fort Florida Road also being the North line of said Southwest Quarter of the Northwest Quarter of Section 9; thence North 89° 50' 05" East, a distance of 1304.77 feet along said South right of way line and said North line of said Southwest Quarter of the Northwest Quarter of Section 9 to the Northeast corner of said Southwest Quarter of the Northwest Quarter of Section 9, Township 19 South, Range 30 East, Volusia County, Florida; thence South 00° 10' 36" East, a distance of 988.47 feet along the East line of said Southwest Quarter of the Northwest Quarter of Section 9; thence departing said East line, thence South 89° 54' 48" West, a distance of 1308.04 feet to the POINT OF BEGINNING.

Containing 29.62 acres, more or less.

LEGEND & ABBREVIATIONS:

- = DESIGNATES A PERMANENT REFERENCE MONUMENT, BEING A SET 4"x4" CONCRETE MONUMENT WITH BRASS DISC STAMPED P.R.M. SSMC LB2108, UNLESS OTHERWISE NOTED.
- ⊙ = DESIGNATES A PERMANENT CONTROL POINT, BEING A SET NAIL & DISK STAMPED P.C.P. SSMC LB2108, UNLESS OTHERWISE NOTED.
- = SET 5/8" IRON ROD AND CAP "SSMC LB 2108"
- UE = UTILITY EASEMENT
- PC = POINT OF CURVATURE
- NT = NON-TANGENT
- PT = POINT OF TANGENCY
- PI = POINT OF INTERSECTION
- R = RADIUS
- Δ = CENTRAL ANGLE
- L = LENGTH
- CB = CHORD BEARING
- CH = CHORD
- R/W = RIGHT OF WAY
- L1 = LINE TABLE
- C1 = CURVE TABLE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PB = PLAT BOOK
- PG(S) = PAGE(S)
- LB = LICENSED BUSINESS
- PCP = PERMANENT CONTROL POINT
- ORB = OFFICIAL RECORDS BOOK
- SSMC = SOUTHEASTERN SURVEYING & MAPPING CORPORATION
- ⊕ = CENTERLINE
- PRM = PERMANENT REFERENCE MONUMENT
- V.U.E = VOLUSIA COUNTY UTILITY EASEMENT

SHEET LAYOUT

SHEET 1 LEGAL DESCRIPTION, DEDICATIONS AND LEGEND
SHEET 2 SURVEYORS NOTE AND KEY MAP
SHEETS 3-6 BOUNDARY INFORMATION, TRACTS AND LOTS GEOMETRY

NOTICE

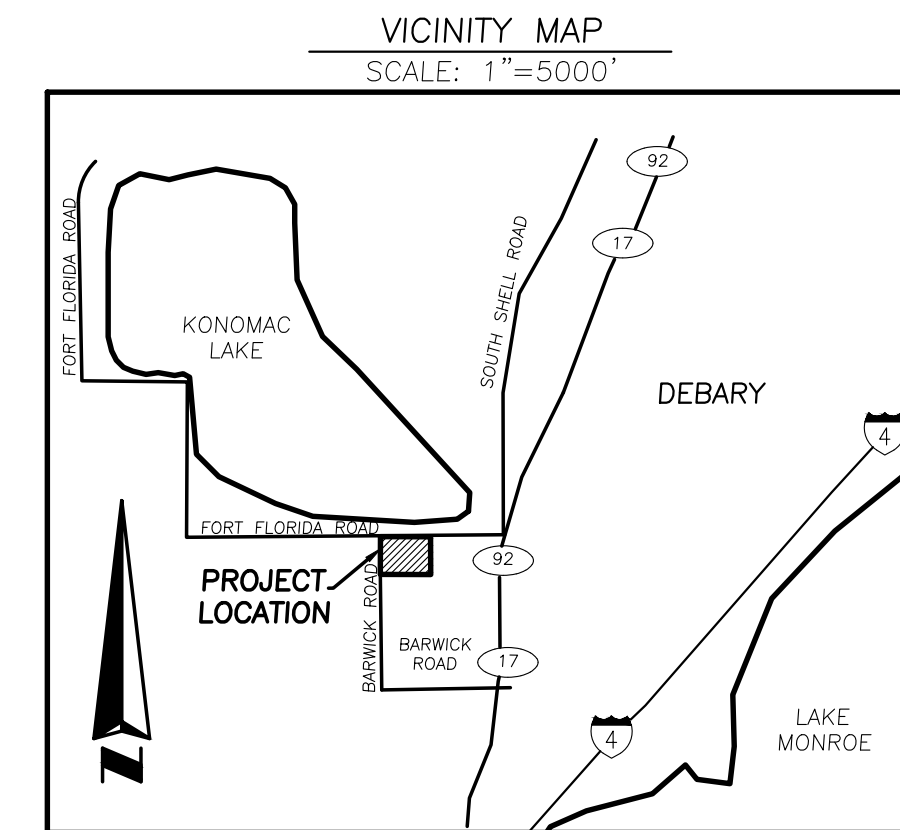
This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

CERTIFICATION OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered professional surveyor and mapper, does hereby certify that on / / 2023 I completed a boundary survey of the lands as shown in the foregoing plat, that said plat is a correct representation of the lands therein described and platted; that the plat was prepared under my direct supervision; that permanent reference monuments have been placed as shown thereon and complies with all requirements of Chapter 177, Florida Statutes; and that said land is located in Volusia County.

Date / / 2023 Signature JAMES E. MAZURAK, PSM
Registration No.: 6377

SOUTHEASTERN SURVEYING AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
Certification of Authorization No. LB2108.



CERTIFICATE OF APPROVAL BY THE THE CITY OF DEBARY SURVEYOR

I hereby certify that I have examined the foregoing plat and find that it conforms to Chapter 177, Florida Statutes.

Reviewing Surveyor for _____ Date _____
the City of DeBary

_____, PSM
Professional Surveyor & Mapper
License Number _____

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL OF CITY OF DEBARY, FLORIDA

This is to certify that on _____ the foregoing plat was approved by the City Council of the City of DeBary, Florida.

Mayor of the City of DeBary _____

City Clerk of the City of DeBary _____

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL OF CITY OF DEBARY LAND DEVELOPMENT MANAGER

This is to certify that on _____ tis plat was approved by the City Council of the City of DeBary, Florida.

Land Development Manger _____
on his authorized representative _____

CERTIFICATE OF CLERK OF CIRCUIT COURT

I HEREBY CERTIFY, that the foregoing plat was received on _____ pursuant to the requirements of Chapter 177, Florida Statutes.

CLERK OF THE COURT
in and for Volusia County, Florida

BY _____

MAP BOOK PAGE

RIVINGTON PHASE 4
DEDICATION

Know all men by this presents, that HR Rivington, LLC being the owner in fee simple of the lands described in attaché plat, entitled RIVINGTON PHASE 4A, located in the City of DeBary, Florida, hereby dedication said lands and plat for the uses and purposes therein expressed including as set forth in the plat notes and dedicates Tract RW-1 all Streets, Roads and Lanes, the Trail Easement and the Utility Easements shown or described thereon to the perpetual use of the public, and the City of DeBary for proposes therein expressed.

Tract LS-1 (Lift Station) is hereby dedicated on fee simple to Volusia County, Florida without any restriction whatsoever. County ownership of the tract and the improvements thereon vest upon approval of this plat by the City Commissioners of the City of DeBary, Florida. Recording of this plat shall act as conveyance to Volusia County, Florida and no further instrument shall be necessary to vest fee simple in the County as aforementioned.

IN WITNESS WHEREOF, has caused these presents to be signed and attested to by the officers named below and its corporate seal to be affixed hereto on the _____ day of _____ 2023.

HR Rivington, LLC, a Florida limited liability company

By: HR Southeast, LLC a Delaware Limited Liability Company, sole member

By: RP investors Southeast, LLC a Florida limited Liability company, sole managing member

By: Reader & Partners, LLC a Florida Limited Liability Company, sole manager

PRINT NAME: DEAN BARBERREE

TITLE: PRESIDENT

SIGNATURE OF WITNESS SIGNATURE OF WITNESS

PRINTED NAME OF WITNESS PRINTED NAME OF WITNESS

STATE OF FLORIDA
COUNTY OF _____

I HEREBY CERTIFY, that on this date the foregoing instrument was acknowledge before me on this _____ date of _____ 2023, by _____ on behalf of said _____ that before me by means of () physical presence or () online notarization, he/she is personally known to me or produced _____ as identification.

SIGNATURE OF NOTARY PUBLIC COMMISSION NO. _____

PRINT NAME OF NOTARY PUBLIC MY COMMISSION EXPIRES _____

NOTARY PUBLIC, STATE OF FLORIDA

RIVINGTON PHASE 4A RIVINGTON COMMUNITY DEVELOPMENT DISTRICT

All right title and interest of HR RIVINGTON, LLC, (the "owner") in Tract OS-46, Tract OS-47, Tract OS-48, Tract OS-49, Tract OS-50, Tract OS-51, Tract OS-52, and trail easement shown hereon are hereby sold and conveyed to Rivington Community Development District (the "District"), reserving unto the "owner" and assigns the right of approval of all changes to signage and walls (including changes to color) as originally constructed and also reserving unto the "owner" perpetual easements for ingress and egress and the construction, installation, maintenance, and operation of underground electric, telephone, cable, gas or other utilities, irrigation facilities potable water, sanitary sewer, and storm water facilities, landscaped area, fences, walls, entry facilities, including electronic card reading equipment and pedestrian paths.

The "owner" also grants to the "District" non-exclusive, perpetual easements over, across and upon the areas shown heron as stormwater easements. The "District" by executing the dedication contained on this plat, accepts this conveyance and grants and agrees to maintain the tracts and sidewalk easements listed above, including all improvements constructed thereon, the stormwater, and maintain right of way until such time after the city Engineer has certified the construction has been completed.

RIVINGTON COMMUNITY DEVELOPMENT OF DISTRICT

By: _____

PRINT NAME: JEFFREY READER

TITLE: CHAIRMAN

PRINTED NAME OF WITNESS SIGNATURE OF WITNESS

PRINTED NAME OF WITNESS PRINTED NAME OF WITNESS

I HEREBY CERTIFY, that on this date the foregoing instrument was acknowledge before me on this _____ date of _____ 2023, by _____ on behalf of said _____ that before me by means of () physical presence or () online notarization, he/she is personally known to me or produced _____ as identification.

SIGNATURE OF NOTARY PUBLIC COMMISSION NO. _____

PRINT NAME OF NOTARY PUBLIC MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, STATE OF FLORIDA



RIVINGTON PHASE 4A

SHEET 2 OF 6
66310004

MAP
BOOK

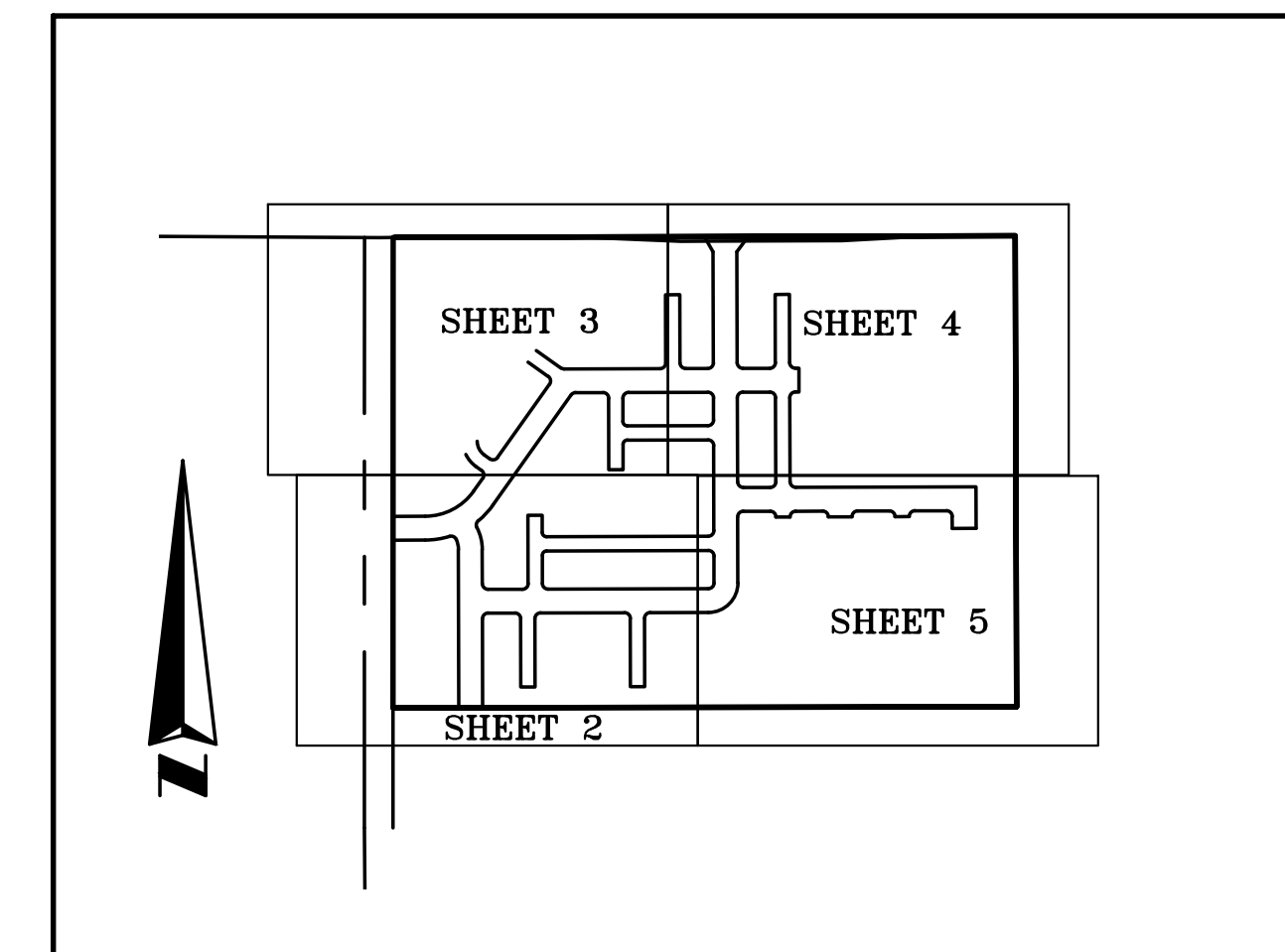
PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

GENERAL NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST, BEING NORTH 89°50'05" EAST, (ASSUMED).
2. ALL LOT LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.
3. PER FLORIDA STATUTES CHAPTER 177.091(9), LOT CORNERS MUST BE SET BEFORE THE TRANSFER OF ANY LOT.
4. ACCESS TO PUBLIC RIGHT OF WAY BARWICK ROAD FOR THIS PLAT IS VIA SOLAIRE AVENUE (PUBLIC 50' RIGHT OF WAY) AND FORT FLORIDA ROAD VIA HIGHFALLS AVENUE (PUBLIC 50' RIGHT OF WAY)
5. ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES: PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY, DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
6. THE ADJACENT LAND USE INCLUDES PUBLICLY-MANAGED PROPERTY. THE NOTICE SHALL INDICATE THAT THE ADJACENT PROPERTY WILL REQUIRE THE USE OF RESOURCE MANAGEMENT PRACTICES THAT MAY RESULT IN PERIODIC TEMPORARY CONDITIONS THAT MAY LIMIT OUTDOOR ACTIVITIES. THESE PRACTICES WILL INCLUDE, BUT ARE NOT LIMITED TO, ECOLOGICAL BURNING, PESTICIDE AND HERBICIDE USAGE, EXOTIC PLANT AND ANIMAL REMOVAL, USAGE OF HEAVY EQUIPMENT AND MACHINERY, AND OTHER PRACTICES AS MAY BE DEEMED NECESSARY FOR PROPER RESOURCE MANAGEMENT.
7. THE VOLUSIA COUNTY UTILITY EASEMENTS (V.U.E) DESCRIBED AS SHOWN HEREON ARE HEREBY DEDICATED TO VOLUSIA COUNTY, FLORIDA, THE UTILITIES ARE TO BE OWNED AND MAINTAINED BY THE UTILITY PROVIDER. THE PROPOSE OF VOLUSIA COUNTY UTILITY EASEMENTS SHOWN ARE AS FOLLOWS: INSTALLATION AND MAINTENANCE OF, BUT NOT LIMITED TO, SANITARY SEWERS, WATER MAINS, POWER LINES, GAS LINES, TELEPHONE LINES, AND CABLEVISION LINES.
8. TRACTS OS-46 THROUGH OS-52 (OPEN SPACE) SHALL BE DEDICATED TO AND MAINTAINED BY "THE DISTRICT IN ACCORDANCE WITH DECLARATION".
9. TRACTS P-13 AND P-14 (STORMWATER) SHALL BE DEDICATED TO AND MAINTAINED BY "THE DISTRICT IN ACCORDANCE WITH DECLARATION".
10. THERE IS A HEREBY CREATED, GRANTED, AND RESERVED FOR THE BENEFIT OF THE CITY OF DEBARY, OTHER AUTHORITIES OF LOW, AND OTHER PUBLIC SERVICE AND EMERGENCY SERVICE PROVIDERS, A NON-EXCLUSIVE EASEMENT OVER, UNDER AND THROUGH ANY PRIVATELY OWNED INTERNAL ROADS, ALLEYS, PAVED AREAS, AND SIDEWALK FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ACCESS FOR PURPOSE OF PROVIDING PUBLIC AND EMERGENCY SERVICES TO COMMON AREA AND LOTS, INCLUDING BUT NOT LIMITED TO, POSTAL, FIRE PROTECTION, POLICE PROTECTION, EMERGENCY MEDICAL TRANSPORTATION, CODE ENFORCEMENT, SOLID WASTE AND RECYCLING, UTILITIES, AND OTHER PUBLIC AND EMERGENCY SERVICES.
11. THE CITY SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ACCESS, MAINTAIN, REPAIR, REPLACE, AND OTHERWISE CARE FOR OR CAUSE TO BE CARED FOR, ANY AND ALL STORMWATER MANAGEMENT SYSTEMS AND FACILITIES, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS, PONDS, BERMS, CONTROL STRUCTURES, WEIRS, PIPES, DITCHES, SWALES, GUTTERS, INLETS, MANHOLES, OUTFALLS, UNDERDRAINS AND OTHER IMPROVEMENTS AND AREAS NOT DEDICATED TO THE PUBLIC OR THE CITY, INCLUDING, WITHOUT LIMITED; TRACTS P-13 AND P-14 (STORMWATER) AND THE IMPROVEMENTS WHICH INCLUDES THE RIGHT OF REASONABLE INGRESS AND EGRESS OVER AND THROUGH PRIVATE ROADS, DRAINAGE TRACTS AND DRAINAGE EASEMENTS OF THE SUBDIVISION, AND THE RIGHT TO MAKE ALTERATIONS TO AND UTILIZE THE STORMWATER MANAGEMENT SYSTEM AND FACILITIES DURING EMERGENCY CONDITIONS FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, IN THE EVENT ANY OR ALL OF THE SAID SYSTEMS, FACILITIES, IMPROVEMENTS, PROPERTIES OR AREAS: (I) ARE NOT MAINTAINED, REPAIRED, OR REPLACED IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF DEBARY LAND DEVELOPMENT CODE, IN ACCORDANCE WITH GOOD ENGINEERING PRACTICES, OR IN CONFORMANCE WITH APPROVED PLANS AND SPECIFICATIONS, (II) BECOME A NUISANCE OR A THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE, OR (III) IN THE EVENT THE CITY EXERCISES ITS AFOREMENTIONED RIGHT; EACH OF THE LOT OWNERS OF THE SUBDIVISION ARE HEREBY ULTIMATELY RESPONSIBLE FOR PAYMENT OF THE COST OF MAINTENANCE, REPAIR, REPLACEMENT AND CARE PROVIDED BY THE CITY OF DEBARY OR ITS CONTRACTORS AND AGENTS, PLUS ADMINISTRATIVE COSTS, ENGINEERING COSTS, AND ATTORNEYS' FEES AND COSTS INCURRED BY THE CITY OF DEBARY. THE CHARGES AGAINST THE LOT OWNERS OF THE SUBDIVISION FOR THE AFORESAID COSTS SHALL BE IN A PRO-RATA SHARE BASED ON A METHODOLOGY TO BE DETERMINED BY THE CITY TO BE EQUITABLE. IF SAID COSTS ARE NOT PAID WITHIN 20 DAYS OF INVOICING, THEN SAID COSTS SHALL CONSTITUTE A LIEN ON THE PROPERTY OF THE OWNERS WHICH FAIL TO PAY SUCH COSTS AND MAY BE ENFORCED, WITHOUT LIMITATION, BY FORECLOSURE, SPECIAL ASSESSMENTS, MONETARY JUDGMENT, OR AS MAY OTHERWISE BE PERMITTED BY LAW OR AN ACTION IN EQUITY. THIS RIGHT, AND THE CITY OF DEBARY'S EXERCISE OF SAID RIGHT, SHALL NOT IMPOSE ANY OBLIGATION ON THE CITY OF DEBARY TO MAINTAIN, REPAIR, REPLACE, OR OTHERWISE CARE FOR SAID STORMWATER MANAGEMENT SYSTEMS AND FACILITIES, INCLUDING WITH RESPECT TO ANY SYSTEMS, FACILITIES OR IMPROVEMENTS PREVIOUSLY MAINTAINED, REPAIRED, OR REPLACED OR OTHERWISE CARED FOR BY THE CITY OF DEBARY. INCLUDING, WITHOUT LIMITATION TRACT P AND (STORMWATER) AND THE IMPROVEMENTS THEREON.
12. THE PRESENT AND FUTURE OWNERS OF THE LOTS 698 THROUGH 827 INCLUSIVE, ARE SUBJECT TO NON AD VALOREM SPECIAL ASSESSMENTS BY "THE DISTRICT" IN ADDITION TO VALOREM TAXES IMPOSED BY OTHERS ENTITIES SUCH AS THE SCHOOL DISTRICT, VOLUSIA COUNTY, CITY OF DEBARY, AND OTHER GOVERNMENTAL ENTITIES AND ADDITION TO "THE ASSOCIATION ASSESSMENTS".
13. THE DEDICATOR/OWNER FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS HEREBY DISCLAIMS, RELEASES AND QUIT CLAIMS TO THE CITY OF DEBARY ANY ALL RIGHTS, TITLE AND INTERESTS THE DEDICATOR/OWNER MAY HAVE IN FORT FLORIDA ROAD AND ANY GAPS AND GORES THAT MAY EXIST BETWEEN THE LANDS BEING SUBDIVIDED BY THE PLAT AND FORT FLORIDA ROAD WHETHER BEING INSIDE OR OUTSIDE THE BOUNDARIES OF THE PLAT.
14. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY OF DEBARY, VOLUSIA COUNTY, AND THE PUBLIC. THE UTILITIES ARE TO BE OWNED AND MAINTAINED BY THE UTILITY PROVIDER. OF THE UTILITY EASEMENTS SHOWN ARE FOLLOWS: INSTALLATION AND MAINTENANCE OF, BUT NOT LIMITED TO, SANITARY SEWERS, WATER MAINS, POWER LINES, GAS LINES, TELEPHONE LINES AND CABLEVISION LINES.
15. TRACTS FD-1 AND FD-2 (FUTURE DEVELOPMENT), SHALL CONTINUE TO BE OWNED AND MAINTAINED BY HR RIVINGTON LLC, A FLORIDA LIMITED LIABILITY COMPANY, THERE SUCCESSORS AND ASSIGNS.
16. THE TRAIL EASEMENT SHOWN HEREON IS HEREBY DEDICATED TO THE CITY OF DEBARY AND THE PUBLIC, AND MAINTAINED BY THE CITY OF DEBARY.

KEY MAP
SCALE: 1"=400'



SHEET LAYOUT

SHEET 1 LEGAL DESCRIPTION, DEDICATIONS AND LEGEND
SHEET 2 SURVEYORS NOTE AND KEY MAP
SHEETS 3-6 BOUNDARY INFORMATION, TRACTS AND LOTS GEOMETRY

NOTICE

This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.



SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580 Certification Number LB2108
e-mail: info@southeasternsurveying.com

RIVINGTON PHASE 4A

SHEET 4 OF 6
66310004

MAP
BOOK

PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST
CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

FORT FLORIDA ROAD
APPARENT 50.00' RIGHT OF WAY (BY MAINTENANCE
PER VOLUSIA COUNTY ENGINEER)

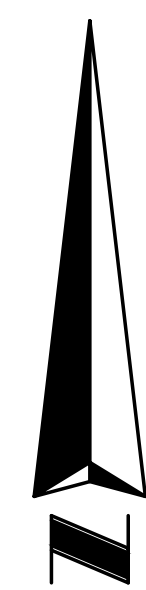
PER TOPOGRAPHIC SURVEY
BY CPH, INC. DATED 04/02/2018 JOB NUMBER D8524

NORTH LINE OF THE SOUTHWEST 1/4 OF
THE NORTHWEST 1/4 OF SECTION 9-19-30

TRACT RW-1
ADDITIONAL RIGHT OF WAY
DEDICATED BY THIS PLAT

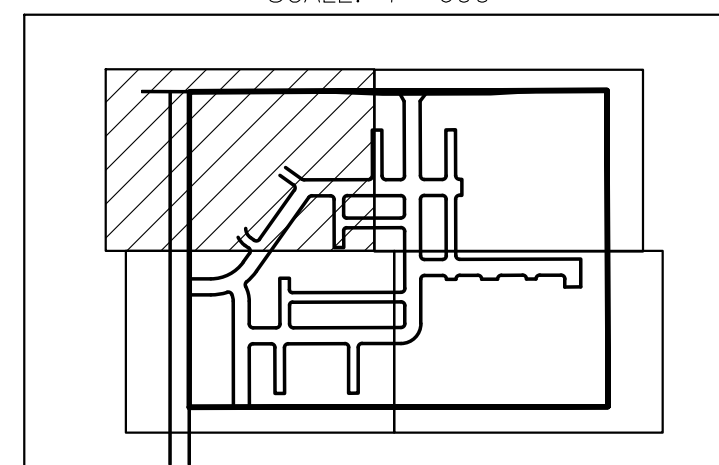
CURVE TABLE				
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C18	12.00'	90°00'00"	18.85'	S44°50'05"W
C19	12.00'	35°32'52"	7.45'	N72°23'29"W
C20	12.00'	90°00'00"	18.85'	S9°37'04"E
C21	12.00'	90°00'00"	18.85'	S80°22'56"W
C22	35.00'	54°27'08"	33.26'	N27°23'29"W
C23	65.00'	29°19'51"	33.27'	S39°57'08"E
C26	12.00'	54°27'08"	11.40'	N62°36'31"E
C27	12.00'	90°00'00"	18.85'	S45°09'55"E
C28	12.00'	90°00'00"	18.85'	N44°50'05"E
C31	9.00'	90°00'00"	14.14'	N45°09'55"W
C32	9.00'	90°00'00"	14.14'	N44°50'05"E
C48	12.00'	90°00'00"	18.85'	S9°37'04"E
C59	50.00'	37°16'06"	32.52'	N35°59'00"W

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S54°37'04"E	13.89'
L2	N54°37'04"W	13.89'
L3	N54°37'04"W	50.89'
L4	N00°09'55"W	20.00'
L5	S00°09'55"E	20.00'
L6	N89°50'05"E	20.00'

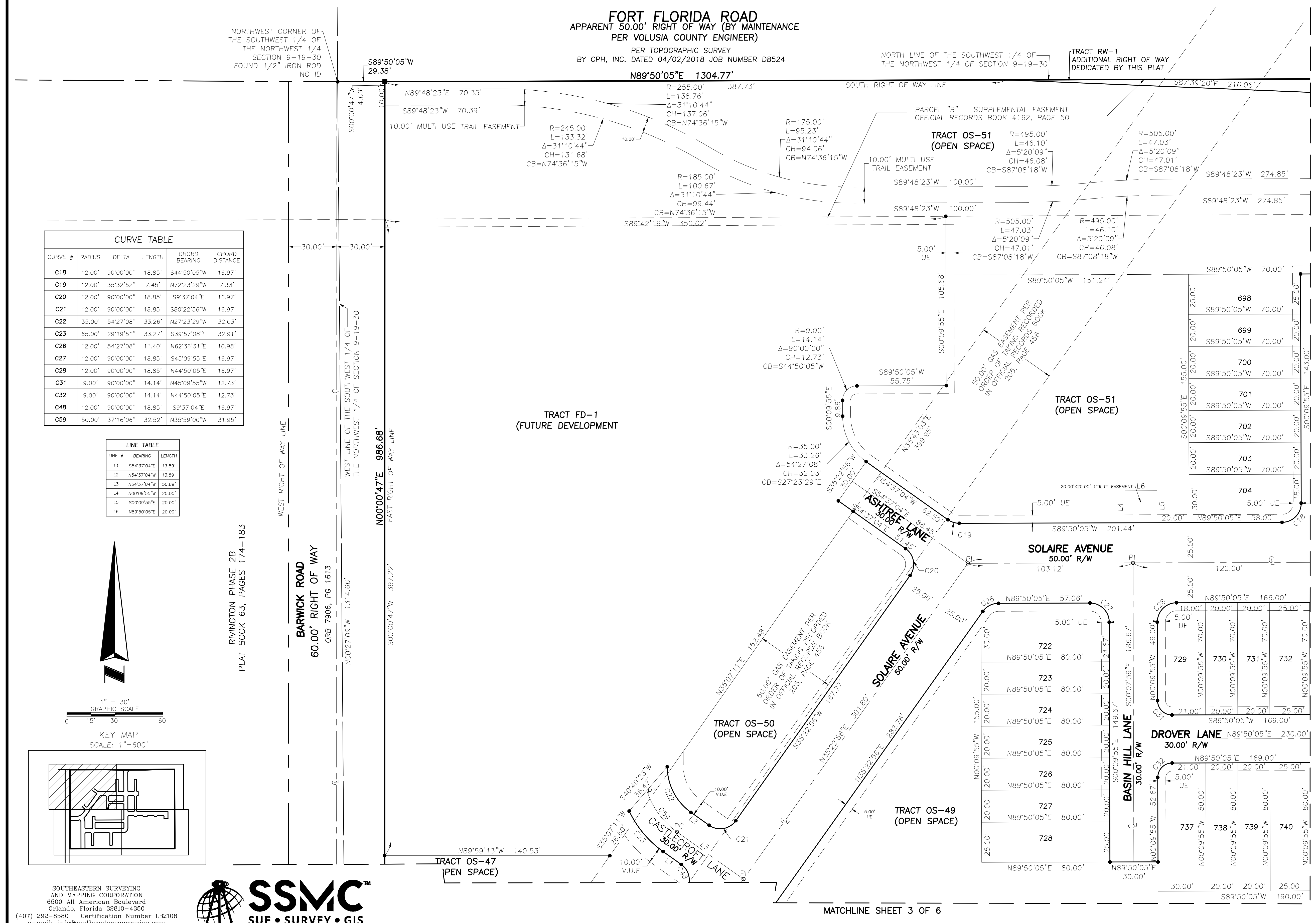


1" = 30'
GRAPHIC SCALE

KEY MAP
SCALE: 1" = 600'



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MATCHLINE SHEET 5 OF 6

MATCHLINE SHEET 3 OF 6

RIVINGTON PHASE 4A

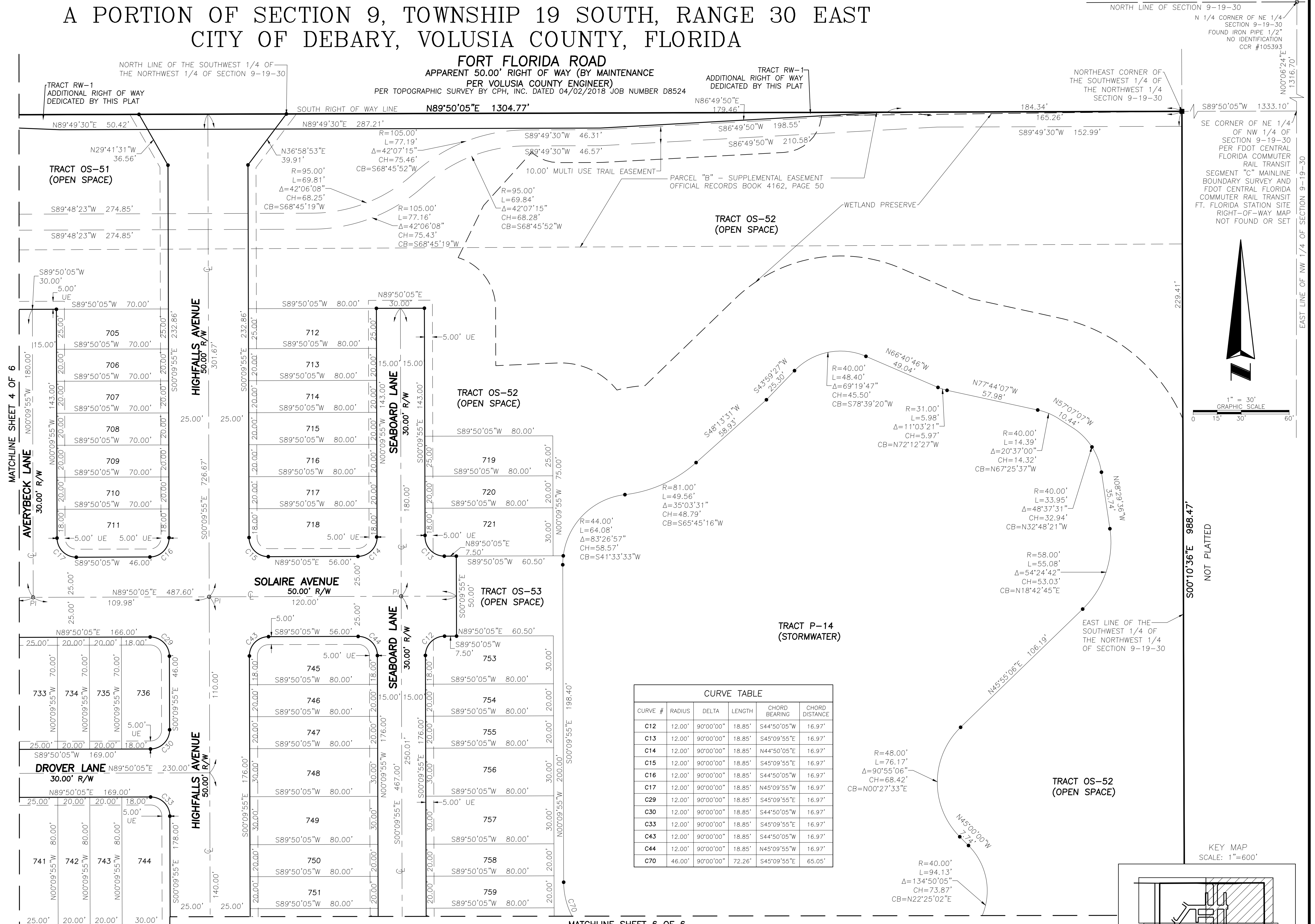
SHEET 5 OF 6
66310004

MAP
BOOK

PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST
CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

FORT FLORIDA ROAD
APPARENT 50.00' RIGHT OF WAY (BY MAINTENANCE
PER VOLUSIA COUNTY ENGINEER)
PER TOPOGRAPHIC SURVEY BY CPH, INC. DATED 04/02/2018 JOB NUMBER D8524

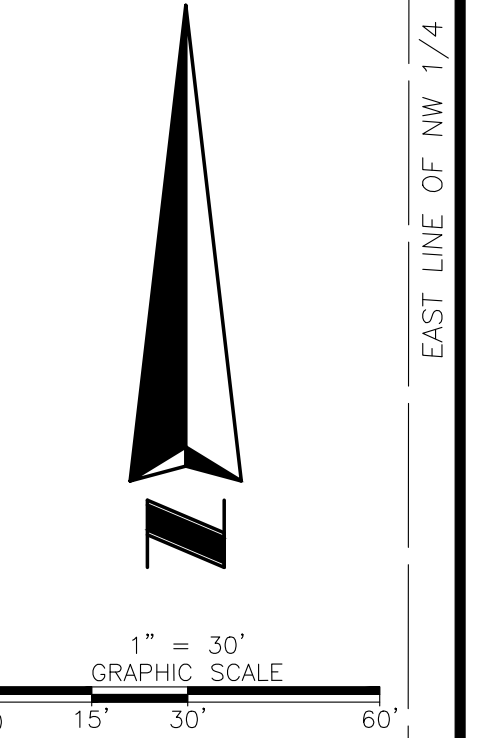


CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C12	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C13	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C14	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C15	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C16	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C17	12.00'	90°00'00"	18.85'	N45°09'55"E	16.97'
C29	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C30	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C33	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C43	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C44	12.00'	90°00'00"	18.85'	N45°09'55"E	16.97'
C70	46.00'	90°00'00"	72.26'	S45°09'55"E	65.05'

NORTH LINE OF SECTION 9-19-30
N 1/4 CORNER OF NE 1/4 SECTION 9-19-30
FOUND IRON PIPE 1/2" NO IDENTIFICATION CCR #105393

NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 9-19-30

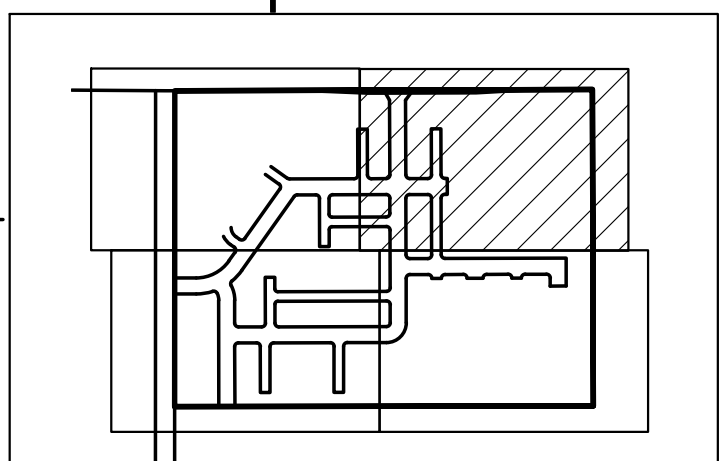
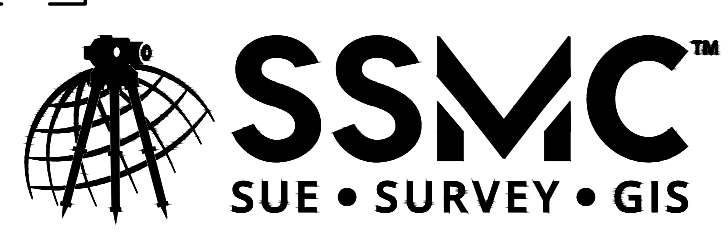
SE CORNER OF NE 1/4 OF NW 1/4 OF SECTION 9-19-30 PER FDOT CENTRAL FLORIDA COMMUTER RAIL TRANSIT SEGMENT "C" MAINLINE BOUNDARY SURVEY AND FDOT CENTRAL FLORIDA COMMUTER RAIL TRANSIT FT. FLORIDA STATION SITE RIGHT-OF-WAY MAP NOT FOUND OR SET



MATCHLINE SHEET 4 OF 6

MATCHLINE SHEET 6 OF 6

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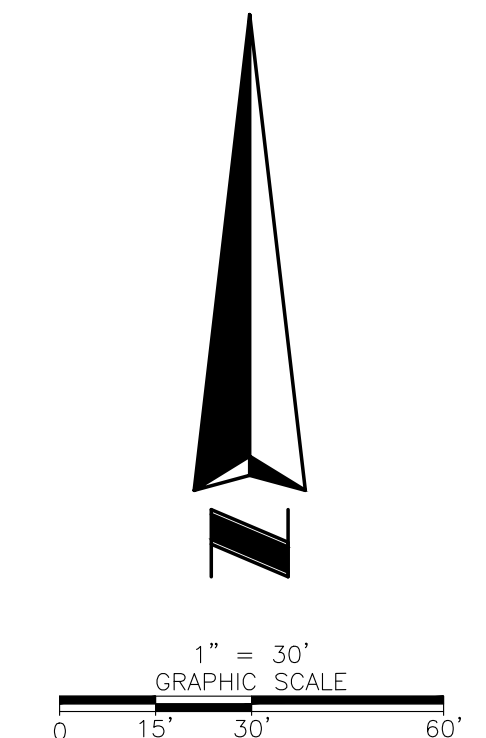
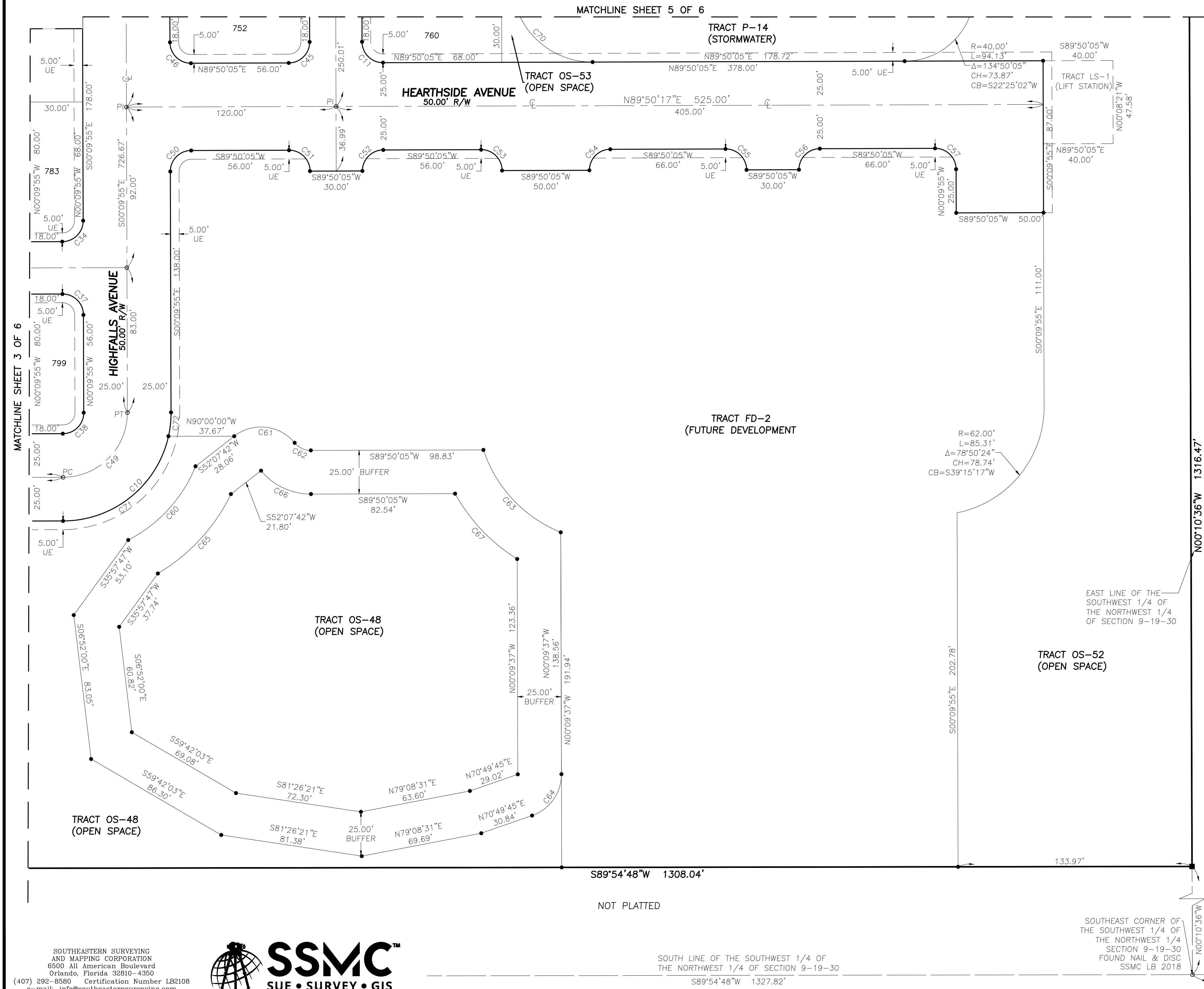
RIVINGTON PHASE 4A

SHEET 6 OF 6
66310004

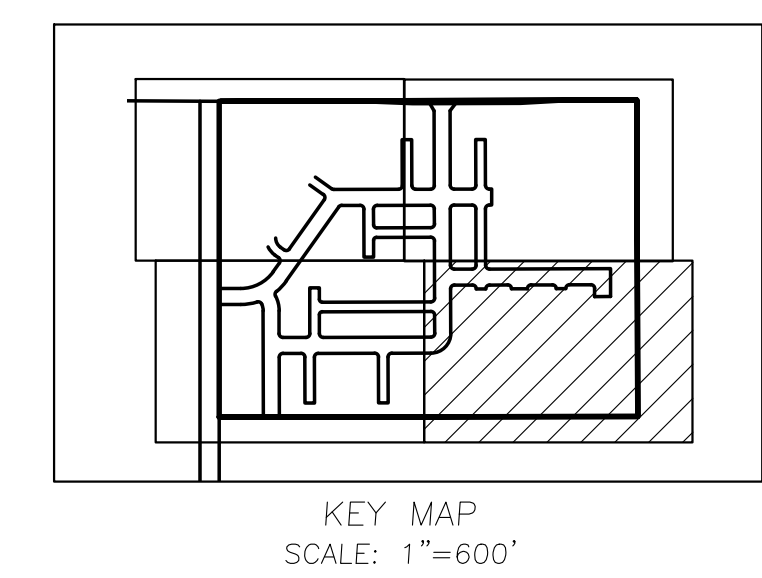
MAP
BOOK

PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST
CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA



CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C10	62.00'	90°00'00"	97.39'	S44°50'05"W	87.68'
C11	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C34	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C37	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C38	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C45	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C46	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C49	37.00'	90°00'00"	58.12'	S44°50'05"W	52.33'
C50	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C51	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C52	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C53	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C54	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C55	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C56	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C57	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C60	82.00'	40°48'51"	58.41'	S42°23'12"W	57.18'
C61	25.00'	88°13'30"	38.50'	N8°34'53"W	34.80'
C62	12.00'	50°31'08"	10.58'	N64°54'21"W	10.24'
C63	77.00'	49°42'49"	66.81'	N43°10'59"W	64.73'
C64	25.00'	70°59'22"	30.97'	N39°20'04"E	29.03'
C65	107.00'	33°35'31"	62.73'	S42°36'15"W	61.84'
C66	37.00'	50°31'08"	32.62'	N64°54'21"W	31.58'
C67	102.00'	29°19'18"	52.20'	N43°32'14"W	51.63'
C70	46.00'	90°00'00"	72.26'	S45°09'55"E	65.05'
C71	62.00'	77°17'35"	83.64'	S51°11'17"W	77.44'
C72	62.00'	12°42'25"	13.75'	S6°11'17"W	13.72'



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SOUTH LINE OF THE SOUTHWEST 1/4 OF
THE NORTHWEST 1/4 OF SECTION 9-19-30
S89°54'48"W 1327.82'

SOUTHEAST CORNER OF
THE SOUTHWEST 1/4 OF
THE NORTHWEST 1/4
SECTION 9-19-30
FOUND 4"x4"
CONCRETE MONUMENT
NO ID
CCR #063921

EASE LINE OF THE NORTHWEST 1/4
OF SECTION 9-19-30
CENTER OF
SECTION 9-19-30
FOUND 4"x4"
CONCRETE MONUMENT
NO ID
CCR #063921
S89°54'48"W 1327.82'



DRC 10/3/2023

Subject Case # 23-02-MAJPUD-Riverside Amendment 2

Applicant: FILAM 4 United, LLC

Application Summary:

The applicant is requesting review of a major PUD amendment to the Riverside BPUD, located at 909 South Charles Richard Beall Boulevard. The proposed amendment amends Section D of the Development Agreement to permit car washes and auto detailing as an accessory use to automobile body shops, beer and wine bars, and type A restaurants.

Planning & Zoning

Joseph Barker, AICP, Senior Planner

Comprehensive Plan Review:

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

Future Land Use

The goal of 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.

Objective 5.1 requires the City to carry out a program of activities to provide for its future growth by designating adequate land for the development of necessary land uses (including open space and public facility land uses), consistent both with the availability of needed public facilities and with the efficient use of such facilities.

Policy 5.107 requires consideration of the potential impact of development-related programs on the viability of the Transit Oriented Development (TOD) Overlay District, including





within the Southeast Mixed Use Area (SEMUA), of which this property is located within. Changes in development related programs should support and promote the transit-oriented, pedestrian friendly intensity and mix of uses near the DeBary SunRail Station. **While the subject property is within the SEMUA, it appears to be a far enough distance from the DeBary SunRail Station so that the proposed amendment would not negatively impact the TOD Overlay District's viability.**

Objective 5.4 requires the City to base land use and development decisions on the adopted Future Land Use Map (FLUM).

The subject property is classified as SEMUA. Therefore, the proposed amendment is subject to the policies prescribed in Policy 5.406(a). Policy 5.406(a)(1) states permitted uses within the SEMUA include Commercial/Retail and Industrial/General, and that a combination of these uses may be permitted in mixed-use development projects within the SEMUA. **Therefore, the proposed amendment meets the policies of the SEMUA.**

Objective 5.5 states the City as established a set of land development regulations to implement and support the provisions of the Plan.

Policy 5.505 requires the City to consider various factors when making any decision regarding the approval of a development. The impact of the proposed development on the natural environment and the capability to adequately mitigate any adverse impacts is one of these factors. **This development is adjacent to the Gemini Springs Conservation Area. One of the proposed uses in the proposed amendment is a car wash as an accessory to automobile body shops. Please provide details on how any potential adverse impacts will be mitigated.**

Transportation

The goal of the City's Transportation element of the Plan 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.

Objective 6.2 requires the City to carry out a program of activities to coordinate the transportation system with the future land uses policies on this Plan, and to ensure that population densities, housing and employment patterns, land use patterns, and the management of important natural features are consistent with transportation modes and services proposed to serve these areas.





Policy 6.201 requires the City, when making zoning changes, to consider the need for new transportation facilities necessitated by the potential development. **The addition of car washes, beer/wine bars, and type A restaurants as permitted uses and their effects on existing transportation facilities should be considered.**

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).

Zoning

The subject property is zoned BPUD (Riverside) and is therefore subject to the development standards of Ordinance # 21-2005, as amended by Ordinance # 06-2016.

Please note Section F.7 of the Development Agreement (DA) places a limit on the amount of retail permitted in the development at 55%. The remaining 45% shall consist of office/warehouse/light industrial. **Section F.7 may need to be amended to take into consideration beer/wine bars and restaurants.**

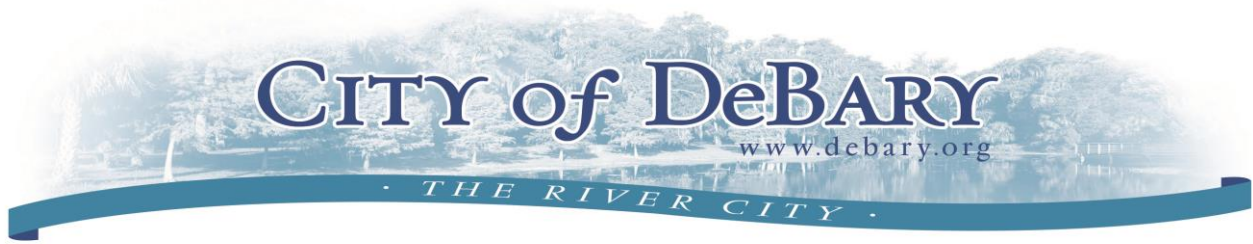
Section F.10 of the DA specifies off-street parking requirements. Beer/wine bars and restaurants do not have minimum parking requirements in the existing DA. **Section F.10 should be amended to take these additional uses into consideration.**

Section J.3 states parking shall be delineated to be visually appealing. Service, delivery, or any similar form of vehicle shall not be clearly visible from the 17/92 Gateway Corridor. **This provision could impact the viability of the proposed new use of car wash.**

Miscellaneous

Please note that any exterior changes made to the building facades as a result of these additional land uses will be required to be the standards of LDC Chapter 5, Article V.





Public Works Department
Amy Long, Deputy Public Works Director

No comments have been received.

Fire Services
Robert Scott, Fire Marshal

No comments have been received.

Engineering
Richard Villaseñor, P.E., City Engineer

No comments have been received.

Building Department
Steve Wood, Building Official

No comments have been received.

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

No comments have been received.





Legal Review

Dan Langley, Fishback-Dominick

The First Amendment to the Development Agreement needs to be a separate instrument that both the property owner/developer and the City signs. Therefore, the proposed ordinance needs to be revised accordingly and a First Amendment to the Development Agreement in recordable format for execution by the property owner/developer and the City provided for review. The First Amendment to the DA should be an attachment to the Ordinance.

The proposed new use of Beer and Wine Bar appears to conflict with an existing Prohibited Use – Bars and Liquor Stores in Section E of the DA. There was no proposal to amend Section E to address this conflict.

Also, if the goal is the add beer and wine service as an accessory use to a retail store (salon was the example in the transmittal letter), this proposed use of Beer and Wine Bar is overly expansive and allows stand-alone bars instead of accessory service and on-premises consumption of beer and wine. If the City is open to this use, the City should consider making beer and wine service an accessory use to a restaurant and/or retail services and placing limits on beer and wine sales by limiting the overall revenue collection by a percentage of overall revenue received by the business and placing hours of operation on such use. Also, beer and wine service should cease when the full food service and/or retail services cease, so that the business does not transform into a bar at night.

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





GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

September 11, 2023

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

Mr. Steven E. Bapp, AICP
Growth Management Director
City of DeBary, Florida
16 Colomba Road
DeBary, Florida 32713

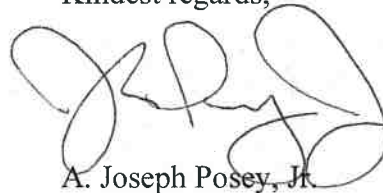
Re: *Second Amendment to Riverside BPUD*
Parcel No. 9016-01-00-0044

Dear Steven:

This letter is a follow up to the above referenced BPUD amendment submittal dated August 10th to further explain the proposed amendment and the goals therein. As you can imagine, my client seeks to encourage area economic growth, and create successful businesses within the existing business park. The proposed amendment furthers the aforementioned goals by expanding the permitted uses within the BPUD. The existing salon within the BPUD has become quite popular and would like to provide wine refreshments with salon services. In addition, many residents have complained about the access to food options in the area and therefore desire additional restaurants. Adding “Beer and Wine Bar” and “Restaurant, Type A” as permitted uses would address those concerns. Further, the existing automobile shop within the business park wants to add services such as auto detailing to their business. Adding “Car Wash” and “Auto Detailing” as accessory uses to the automobile shop accomplish this goal.

Clearly all the proposed permitted use changes are good planning. Please let me know if you have any further questions regarding the above application. I am more than happy to discuss.

Kindest regards,



A. Joseph Posey, Jr.

GDS/ajp

ORDINANCE NO. ___ - ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA; ADOPTING AN AMENDMENT TO THE RIVERSIDE BPUD, AS ADOPTED BY ORDINANCE NO. 21-05, AS AMENDED BY ORDINANCE NO. 06-16 TO HEREBY INCLUDE ADDITIONAL PERMITTED USES ON THE PROPERTY; PROVIDING FOR A DEVELOPMENT AGREEMENT; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

THIS SECOND AMENDMENT to BPUD Development Agreement (“Second Amendment”) is made and entered into by and between the City of DeBary, a Florida municipal corporation (herein “City”) and FILAM 4 United, LLC, a Florida limited liability company (herein “Applicant”).

WHEREAS, the City and Riverside Partners, LLC, a Florida limited liability company, previously entered into that certain BPUD Development Agreement with an effective date of February 1, 2006, recorded at Official Records Book 5768, Pages 2197-2214, of the Public Records of Volusia County, Florida and approved by City of DeBary – Ordinance No. 21-05 (herein “Development Agreement”); and

WHEREAS, the City and Boulder Properties, LLC, a Florida limited liability company, amended by that certain amendment with an effective date of June 1, 2016, recorded at Official Records Book 7264, Pages 1142-1146, of the Public Records of Volusia County, Florida and approved by City of DeBary – Ordinance No. 06-16 (herein “First Amendment”); and

WHEREAS, the City and Applicant desire to amend Section D of the Development Agreement, as amended by the First Amendment.

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 to amend the Development Agreement, as amended by the First Amendment, as follows:

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

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

- 1) Art, Dance, Modeling and Music Schools
- 2) Auction Parlors

- 3) Automobile Body Shop, including Car Wash and Auto Detailing as an accessory use
- 4) Automobile Driving Schools
- 5) Automobile Rental Agencies
- 6) Beauty and Barber Shops
- 7) Building Material Sales and Storage
- 8) Catering Services
- 9) Contractor's Shop, Storage
- 10) Employment Agencies
- 11) Essential Utility Services
- 12) General Offices
- 13) Laundry and Dry Cleaning Establishments
- 14) Medical Offices, Clinics, and Laboratories
- 15) Pest Exterminators
- 16) Printing and Engraving, including photostating and publishing
- 17) Retail Sales and Services
- 18) Retail Specialty Shops
- 19) Rug Cleaning Establishments
- 20) Tailors
- 21) Travel Agencies
- 22) Welding and Soldering Shops
- 23) Interior Entertainment and Recreational Uses and Structures
- 24) Exempt excavations Article 3 (refer to section 817.00(o)) and/or those that comply with Article IV of the Land Development Code and/or final site plan review procedures of the Land Development Code.
- 25) Moving and Storage companies (office and storage only, no outside storage or overnight truck parking is permitted)
- 26) Professional or Trade Schools related to Permitted Uses
- 27) Public Uses
- 28) Public Utility Uses and Structures
- 29) Warehouses
- 30) Automobile, truck, truck-trailer, motorcycle, boat, mobile home, manufactured dwelling, recreational vehicle and bicycle manufacturers. (All outside storage/display shall be prohibited).
- 31) Machinery and machine shops. (All outside storage/display shall be prohibited).
- 32) Beer and Wine Bar
- 33) Restaurant, Type A

2. Full Force & Effect; Binding. The Development Agreement shall remain in full force and effect as expressly modified by this Second Amendment. This Second 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.

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

AGREED to by the City Council of the City of DeBary, Florida and the Applicant on this ___ day of _____, 2023.

CITY OF DEBARY CITY COUNCIL

Karen Chasez, Mayor

ATTEST:

Annette Hatch, CMC

Witnesses:

FILAM 4 United, LLC

Signature

By:

Print

Its:

Signature

Print