



## The Department of Planning and Development Services

City Hall | 16 Colomba Road | DeBary, FL 32713

### Development Review Committee (DRC) Meeting

Tuesday, October 1<sup>st</sup>, 2024 – 9:30 AM

## DRC AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
  - DRC meeting on September 3<sup>rd</sup>, 2024
  - DRC meeting on September 17<sup>th</sup>, 2024
4. NEW BUSINESS
  - **Case # PUD24-000003; First Review**, Applicant is requesting approval of a major PUD amendment to the Shoppes at Pine Meadows BPUD to permit fast-food restaurants at 101 North Charles Richard Beall Boulevard.
5. ADDITIONAL BUSINESS:
6. DISCUSSION:
7. ADJOURNMENT:

### DISTRIBUTION:

Technical Review Staff:

- Scott Adams, *Building Inspector (Buildingofficial@DeBary.org)*
- 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)*
- Christopher Karl, *Orange City Fire Department (CKarl@ourorangecity.com)*
- Amy Long, *Public Works Director (ALong@DeBary.org)*
- Chad Qualls, *Public Works Superintendent (CQualls@DeBary.org)*
- Carlee Shaw, *Engineer (CShaw@DeBary.org)*
- Merylene Thomas, CNU-A, *Senior Planner - Planning and Zoning (MThomas@DeBary.org)*
- Richard Villasenor, *City Engineer (RVillasenor@DeBary.org)*
- E-Sciences, *Environmental Management Consultant (troberts@res.us)*
- Fishback Dominick, *Legal Consultant (DLangley@fishbacklaw.com)*
- Stanley Group, *Transportation Consultant (KingTanya@stanleygroup.com)*
- SurvTech Solutions, *Surveying Consultant (rfowler@survtechsolutions.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 3, 2024 - 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  
Ray Santana, Orange City Fire Department  
Richard Villasenor, City of DeBary  
Dawn Waters, City of DeBary  
Steve Wood, City of DeBary

**OTHERS PRESENT:**

Johnny Herbert, American Civil Engineering  
Larry Teague, Blue Citrus Investment  
Merylene Thomas, City of DeBary

**APPROVAL OF MINUTES:**

Steve Wood made a motion to approve the July 2, 2024 Meeting Minutes, seconded by Richard Villasenor. The meeting minutes for the July 2, 2024 Meeting Minutes were approved by a 5-0 vote.

**NEW BUSINESS:**

**Meadows at Glen Abbey**

**Project # PPR24-000001**

Johnny Herbert, a representative of American Civil Engineering, the applicant, came forward to speak. Mr. Herbert asked for clarification on the Building Department's comment in regard to sprinklers in the building versus a fire wall. Building Official Steve Wood stated a fire wall is required; sprinklers are not required.

Larry Teague, the property owner, came forward to speak. He stated the current design is based on the previously approved planned unit development. Mr. Herbert asked if the rear yard setback can be waived. Chairman Steven Bapp stated they can permit up to a 10% reduction in the rear yard setback with an administrative variance.

Ray Santana asked for clarification on the number of units in each building. Mr. Herbert stated it will be four units per building. Mr. Santana stated they will need to review what the hydrant flow will be for the project to ensure adequate water flow to the proposed buildings.

Engineer Richard Villasenor asked for clarification on whether the proposed project will be a gated community. Mr. Herbert stated it will not be a gated community. Mr. Villasenor asked for details on the golf cart crossing, as the plans do not show any accommodation for golf cart crossings. Mr. Herbert asked how wide of a sidewalk does a golf cart need to be used. Mr. Villasenor stated it is more about the transition. Mr. Herbert stated he would look further into it. Mr. Teague stated there is already a transition. Mr. Villasenor requested a swale flow line. Mr. Villasenor requested clarification on the architectural plans for the site sign, as a note references them. Mr. Herbert stated the reference to the architectural plans will be removed. Mr. Villasenor asked if the crane used for the cell tower similar to the fire truck footprint. Mr. Teague stated the footprint is similar. Mr. Villasenor asked if the access road will be regraded. Mr. Teague stated there will be a

neighborly grade. Mr. Villasenor noted the terminal sanitary manhole will be in the wheel path. He asked if this will be a concern. Mr. Herbert stated it will not be a concern.

Mr. Wood stated the infrastructure fire hydrant has to be in place before combustibles are brought onto the job site.

Mr. Santana stated they will be reexamining the plans for road width. Mr. Herbert stated the sidewalk has a mountable curb. Mr. Herbert also stated there will be "no parking" signs.

Mr. Villasenor asked if there will be any site lighting. Mr. Herbert stated there will be site lighting and that he will add it to the plans with the photometric data.

Mr. Herbert asked if there is a required site lighting structure. Mr. Bapp stated there is no such standard in the City's Land Development Code. Mr. Villasenor made note of the development agreement and asked if it has any requirements. Mr. Bapp stated they will have to read the development agreement.

Mr. Wood asked if the lots would be fee simple. Mr. Herbert stated they will be.

The item was continued to a future meeting.

**ADJOURNMENT:**

The meeting was adjourned at 9:55 AM.



**City of DeBary  
Development Review Committee Meeting  
September 17, 2024 - MINUTES**

**CALL TO ORDER:**

The meeting of the City of DeBary Development Review Committee was called to order by Richard Villasenor, City Engineer, at 9:30 am.

**DRC MEMBERS PRESENT:**

Richard Villasenor, City of DeBary  
Joseph Barker, City of DeBary  
Christopher Karl, Orange City Fire Department  
Amy Long, City of DeBary  
Steve Wood, City of DeBary

**OTHERS PRESENT:**

Kayla Burney, City of DeBary  
David Stokes, Madden Engineering  
Terry Lodge

**APPROVAL OF MINUTES:**

Approval of the minutes for the September 3, 2024 DRC Meeting were continued to a future meeting.

**NEW BUSINESS:**

**KBC Luxury Storage**

**Project # FSP24-000003**

David Stokes, a representative for Madden Engineering, the applicant, came forward to speak. He stated the comments from the City would prevent the proposed project from happening. He stated this project started a few years ago and guidance was provided by the City. He stated the guidance from the City was important to the design of the project and that the comments provided by Staff are very different from the guidance provided.

David Stokes stated the most important comment is the comment provided by Planning & Zoning, which noted there will be a requirement to rezone the subject property. He stated this information was not provided a few years ago. He requested clarity on the need for such a rezone. Chairman Richard Villasenor stated more discussions on that and this project will need to take place. Mr. Stokes stated the project is luxury storage. He stated mixed use on the property does not make sense given the context of the area and the lot's dimensions.

David Stokes stated the Florida Department of Transportation has approved of the proposed access for the proposed project. He stated they cannot require the property owner to the south to provide a cross access easement.

Chairman Villasenor recommended scheduling a meeting with staff to further discuss the comments. Senior Planner Joseph Barker stated a meeting can be scheduled with the applicant without the need for an additional application. He stated he will coordinate with the Growth Management Director.

Terry Lodge came forward to speak asked if the proposed project falls within any zoning overlays. Senior Planner Joseph Barker stated the proposed project falls under two overlays: The South 17-92 Overlay District, and the Form-Based Code Corridor Overlay District. He noted the South 17-92

Overlay District does not have architectural standards, but that the Form-Based Code Corridor Overlay District does have architectural standards.

Fire Marshal Christopher Karl asked for clarification on the parking spaces within the turn-around radius. David Stokes stated those parking spaces are flexible. Mr. Karl stated they will need to be able to fit a fire truck into the proposed project.

The item was continued to a future meeting.

**ADJOURNMENT:**

The meeting was adjourned at 9:46 AM.



**DRC 10-1-2024**

**Subject Case # PUD24-000003**

**Applicant: Madden, Moorhead & Stokes, LLC**

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Application Summary:

The applicant is requesting approval of a major PUD amendment for the Shoppes at Pine Meadows BPUD to permit a fast-food restaurant at 101 North Charles Richard Beall Boulevard.

**Planning & Zoning**

**Joseph Barker, Senior Planner, AICP**

Regarding Case # PUD24-000001 (Shoppes at Pine Meadows Amendment 1), staff offers the following comments.

**Comprehensive Plan Review:**

In reviewing the application (proposed amendment), staff has reviewed it against the policies contained within the City's Comprehensive Plan (Plan) to determine whether or not the proposed amendment 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.

Transportation

The goal of the Plan'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.

Objective 6.1 requires the City to carry out a program of activities to facilitate the provision of a cost-effective, safe, convenient, and energy efficient multimodal transportation system.

Policy 6.103 establishes regulatory levels of service (LOS) for roadways. The proposed amendment is adjacent to U.S. Highway 17-92 and North Pine Meadow Drive, both of which have





a regulatory LOS of D. **Please note that prior to the issuance of any development orders, a traffic impact analysis must be submitted and must show that traffic attributable to the proposed amendment will not result in the affected roadways exceeding capacity.**

Policy 6.107 states the City has adopted land development regulations to implement certain standards for construction or modification of transportation facilities. **Please note that if there will be access to the development from U.S. Highway 17-92 (a State highway), the connection must conform to the applicable access management standards established by the Florida Department of Transportation (FDOT). In addition, please note that if access to the proposed project will be from North Pine Meadow Drive, the access must be designed to reduce the overall number of entrances by emphasizing side street and/or joint entrances as well as discourage entrances to major road in close proximity to major street interchanges.**

Objective 6.2 requires the City to carry out a program of activities to coordinate the transportation system with the future land use policies of the 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 to, when making zoning changes, 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 for new transportation facilities for which the proposed project will create a need.**

*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 amendment has been reviewed against the provisions of the City's Land Development Code (LDC).







## PUD Amendments

LDC Chapter 3, Article II, Section 3.10 provides for the review of amendments to planned unit developments (PUDs). Section 3.10(b) provides for the qualifications of a minor PUD amendment. Pursuant to Section 3.10(b)(6), PUD amendments that change permitted uses are major PUD amendments and must be processed pursuant to Sections 3.8 and 3.9 of the LDC.

Pursuant to LDC Section 3.8(b), the following criteria must be satisfied:

1. The proposal shall be consistent with the Comprehensive Plan, including proposed uses and intensity or density of use. **Please see comments on Comprehensive Plan above.**
2. The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall not be detrimental to or endanger the public health, safety, or general welfare. **It is not anticipated the proposed amendment would do so.**
3. The uses permitted by the proposed rezoning shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the respective zoning classifications and shall be consistent with the character of the immediate neighborhood. **The proposed amendment would be unlikely to do so.**
4. The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall be supported by adequate infrastructure or provisions shall be made to ensure that infrastructure is adequate when needed to serve the development. **No development orders shall be issued without adequate infrastructure.**
5. The proposed amendment shall not qualify as spot zoning. **Not applicable.**

LDC Section 3.9(c)(2) provides for the requirements of a development agreement. **For the sake of clarity, it is advised that instead of striking out “fast food restaurants” and adding “, high end upscale fast-food restaurant with drive through service”, all the language with regard to Lot 3 be struck out.**

## Zoning

LDC Chapter 4, Article III provides for PUDs. The property is zoned Business PUD (BPUD), Shoppes at Pine Meadows. Thus, the proposed amendment is subject to the regulations of Ordinance # 12-2014 and its development agreement (DA) and master development plan (MDP).







Section A.4 of the DA states prior to issuance of any permits for construction, including clearing and landfill, a final site plan shall be prepared and submitted for review and approval in the manner required by the LDC. **Please note if the proposed amendment goes into effect, a final site plan will be required to begin construction.**

Section D of the DA provides for development and performance standards. **Please make note of these standards prior to submitting for final site plan approval.**

Section E of the DA provides for environmental considerations. **Please make note of these standards prior to submitting for final site plan approval.**

Section F of the DA provides for sewage disposal and potable water. **Please make note of the requirements of this Section prior to submitting for final site plan approval.**

Section G of the DA provides for stormwater drainage. **Please make note of the requirements of this Section prior to submitting for final site plan approval.**

Section H of the DA provides for access and transportation system improvements. **Please make note of the requirements of this Section prior to submitting for final site plan approval.**

Section J of the DA provides for architectural requirements, trash receptacles, walls, underground utilities, and lighting. **Please make note of the requirements of this Section prior to submitting for final site plan approval.**

#### Form-Based Code

LDC Chapter 5, Article VI provides for the City's form-based code (FBC) regulations. The subject property is located within the FBC Corridor and is thus subject to the requirements of this Article. **Please make note of the requirements of the FBC Corridor prior to submitting for final site plan approval.**

#### Drive-Through Restaurant Regulations

LDC Chapter 6, Article III, Section 6.30 provides for the regulation of drive-through restaurants. **Please make note of these regulations prior to submitting for final site plan approval.**





### Circulation and Parking

LDC Chapter 7 provides for the regulation of streets, sidewalks, transit, driveways, and parking and loading. **Please make note of these regulations prior to submitting for final site plan approval.**

### Landscaping and Buffering

LDC Chapter 8 provides for standards of tree protection and landscaping and buffering. **Please make note of these regulations prior to submitting for final site plan approval.**

### Site Design

LDC Chapter 10 provides for standards of site design. **Please make note of these regulations prior to submitting for final site plan approval.**

### Sign Regulations

LDC Chapter 11 provides for the regulation of signage. **Please make note of these regulations prior to submitting for final site plan approval. In addition, please note that a sign permit will be required prior to the erection of signage (unless explicitly exempted by the LDC).**

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

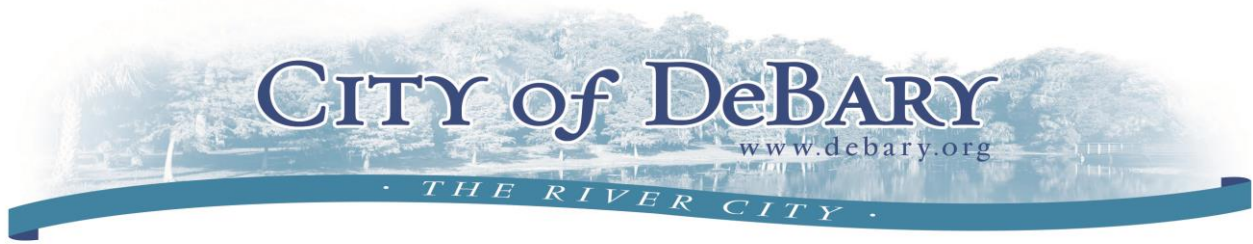
No comments have been received.

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**Fire Services**  
**Christopher Karl, Fire Marshal**

No comments have been received.





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

No comments have been received.

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**Building Department**  
**Scott Adams, Building Official**

No comments have been received.

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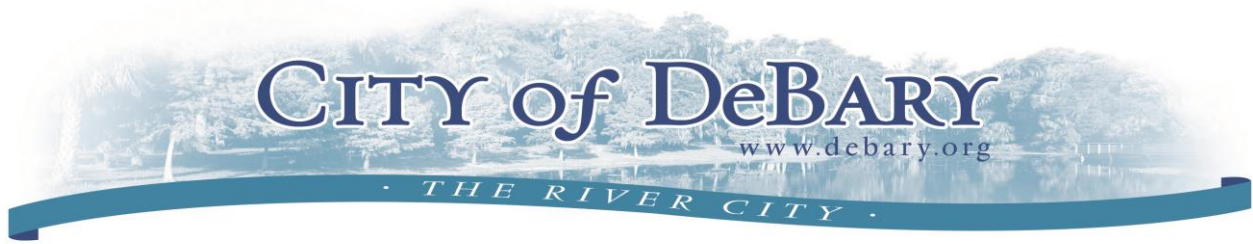
**Volusia County Utilities**  
**Erin Reed, PhD, P.E., Water & Utilities Senior Engineer**

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

1. Volusia County owns and maintains a 16-inch potable water main along the eastern right-of-way of N Charles R Beall Blvd adjacent to the site, a 6-inch sewer force main along the northern right-of-way of N Pine Meadow Dr., and an 8-inch sewer force main along the western right-of-way of N Charles R Beall Blvd.
2. Please visit Volusia County Water Resources & Utilities' website to obtain the most recent (2024) Standard Details, Specifications, and a list of approved materials including piping, fittings, valves, meters, etc. for water, sewer, and reclaimed infrastructure. <https://www.volusia.org/services/public-works/water-resources-and-utilities/utility-engineering.stml>
3. Payment of the county's utility development fees is required before utility service will be provided. The county's utility development fee schedule and commercial water/sewer service application are available online at: <https://www.volusia.org/services/public-works/water-resources-and-utilities/utility-engineering.stml>

\*\*\*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**



**MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT**  
**101 North Charles Richard Beale Boulevard**  
**DeBary, Florida**  
**August 26, 2024**

On February 2, 2015, Ordinance No. 12-14 was adopted to amend the Swallows PUD and the governing Development Agreement and Master Development Plan for a 17.77 acre development called The Shoppes at Pines Meadow. The property has a Business Planned Unit Development (BPUD) zoning designation. The existing site is vacant. The proposed uses within The Shoppes at Pines Meadow will incorporate a mixture of commercial uses, which includes a grocery store, gas station, restaurants, retail, and offices. Lot 3, which is the subject of this petition, is located at the northeast corner of North Pine Meadow Drive and Charles R Beall Boulevard/State Road No. 15.

Pursuant to Exhibit A, The Shoppes at Pine Meadows Development Agreement, C. LAND USES WITHIN THE BPUD, “The land uses allowed as permitted uses on the subject property are all Permitted Uses in the B-4 zoning district as set forth in Section 3-102(b), City of DeBary Land Development Code...”. High turnover casual restaurants (e.g. Panera, Chipotle) with a drive through operation is permitted on lot 3, pursuant to the PUD Development Agreement. However, there are certain prohibited uses referenced in Exhibit A, Section C of the Developer Agreement, one of which precludes a fast-food restaurant on lot 3.

Pursuant to the Land Development Code, “*Restaurant* shall mean premises where meals, including beverages or confections, are served to customers. Restaurants are classified as:

- (1) *Type A* shall mean buildings where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias.
- (2) *Type B* shall mean any building containing a restaurant other than Type A, including but not limited to fast food and drive-through restaurants.”

The code does not specifically delineate the difference between a high turnover casual (fast casual) verses a fast-food restaurant. Both concepts meet the code criteria of a Type B restaurant.

The petitioner is seeking a Major Planned Unit Development Amendment to the existing Swallows PUD, specifically Exhibit A, Section C., as it pertains to Lot 3, in order to allow a high end upscale fast-food restaurant with a drive through on lot 3. Compliance with the criteria of the DeBary Land Development Code Chapter 3, Article II, Section 3.8 Rezoning (b) is documented below.

**(1) The proposal shall be consistent with the Comprehensive Plan, including proposed uses and intensity or density of use.**

The proposed commercial use, high end upscale fast-food restaurant with a drive through, is consistent with the Comprehensive Plan. The vision of The City of DeBary is based on the following themes. This use will be consistent with the following vision statements.

1. Maintaining the character of a small community of friendly people.
2. The proposed use realizes the importance of maintaining a low crime community within the City of DeBary.

3. The need to encourage community involvement at all ages.
4. The importance of economic development to the future of the community.
5. The proposed use meets the intent of several of the goals, policies and objectives of Economic Development Plan for DeBary.

**(2) The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall not be detrimental to or endanger the public health, safety, or general welfare.**

The 17.77 acre tract of the Shoppes at Pine Meadows contains most of the permitted uses in the B-4 zoning district. The purpose and intent of the B-4 General Commercial Classification is to encourage the development of intensive commercial areas, providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. A Type B Restaurant, which includes a fast-food restaurant with a drive through, is classified by the DeBary Land Development Code as a permitted principal use within the B-4 zoning district. Therefore, the establishment, maintenance, or operation of a proposed high end upscale fast food restaurant with a drive through will not be detrimental or endanger the public, health, safety or general welfare.

**(3) The uses permitted by the proposed Major PUD Text Amendment shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the respective zoning classifications and shall be consistent with the character of the immediate neighborhood.**

The land uses permitted within the BPUD are complimentary to the proposed high end upscale fast-food restaurant with a drive through, since a Type B Restaurant is a permitted principal use in the B-4 Zoning District. This a justifiable argument that the proposed use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the respective zoning classifications. The use will be consistent with the character of the surrounding area. A high end upscale fast-food restaurant, with a drive through, will provide an additional dining option to the residences and those who work in the community. It will also be beneficial to the surrounding businesses, since a high end upscale restaurant would be required to incorporate superior architectural and landscape design. This will only help to enhance the overall aesthetes of The Shoppes at Pine Meadows.

**(4) The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall be supported by adequate infrastructure or provisions shall be made to ensure that infrastructure is adequate when needed to serve the development.**

The subject site abuts Charles R. Beall Boulevard, along the west property line, which contains 6 lanes with a divider median. Lot 3 also fronts North Pine Meadow Drive, to the south, which is a 2-lane highway. The surrounding roadway networks will be able to function at an acceptable level of service, based on the trips generated by an upscale high-end fast-food restaurant. The use will also meet the purpose and intent of the B-4 Zoning District, since the property is located adjacent to and adjoins at least one major collector or arterial road. The development will be served by an existing water main that abuts the property, along with an

8” gravity sanitary sewer main located at the northeast corner of the parcel. There is an 18” CCP stormwater line located along the north side of the property. This stormwater line will connect the future project to the master drainage system and the 7.97-acre stormwater pond. Duke Energy will provide adequate electrical service to the future use. AT&T has facilities in the area, in order to provide telephone and internet service. Florida Public Utilities has natural gas mains around the perimeter of the site. Therefore, the establishment of a high end upscale fast-food restaurant use on lot 3, as opposed to the other approved Land Uses within the BPUD, will not impact the ability to provide adequate infrastructure to serve the development.

**(5) The proposed amendment shall not qualify as spot zoning, as defined in this Code, except, when necessary, to initiate a rezone pursuant to Sec. 4.3.**

The proposed PUD text amendment does not qualify as spot zoning. A high end upscale fast-food restaurant with a drive through use is not contradictory the DeBary master plan or current B-4 zoning and use regulations. This use is not arbitrary, capricious and unreasonable for lot 3 of the The Shoppes at Pines Meadow. Other similar commercial uses are already permitted on lot 3, within the BPUD, such as bakery café style bagel shops, high end coffee shops and donut pastry shops with drive-thru service and high-turnover casual restaurants (eg. Panera, Chipotle) with drive thru operations. Therefore, approval of the petition would not require an unjust exception within this PUD or zoning district.

The proposed PUD Amendment to allow a high-end upscale fast-food restaurant (Type B Restaurant) with a drive through operation on lot 3 of the PUD will clearly help the City of DeBary to achieve the Economic Development Goals, Objectives, and Policies. It will create job opportunities, improve the economic tax base, and establish a climate conducive to economic activity.



## EXHIBIT "A"

### THE SHOPPES AT PINE MEADOWS DEVELOPMENT AGREEMENT

THIS BPUD DEVELOPMENT AGREEMENT ("Development Agreement") is made and entered into by and between the **CITY OF DEBARY**, a Florida municipal corporation (herein "City") and DeBary Retail Investments, LLC, a South Carolina Limited Liability Company (herein "Applicant").

A. **DEVELOPMENT CONCEPT.** The 17.7± acre subject property legally described in Exhibit "C" to Ordinance No. 12-14 (the "subject property") shall be developed as a Business Planned Unit Development ("BPUD") substantially in accordance with the Master Development Plan attached as Exhibit "B" to and approved by Ordinance No. 12-14, and incorporated herein by this reference (the "Master Development Plan"). The Master Development Plan shall govern the development of the subject property as a BPUD and shall regulate the future use of this property.

1. Master Development Plan. The Master Development Plan, which replaces the Master Development Plan as set forth in the YMCA BPUD, shall consist of the Preliminary Plan prepared by CPH, Inc., dated 11/20/14, and the terms and conditions of this Development Agreement. The Master Development Plan shall be filed and retained for public inspection by the City Clerk and it shall constitute a supplement to the Official Zoning Map of the City of DeBary.

2. Amendments. All amendments of the Master Development Plan shall require the review, recommendation, and approval of the City of DeBary, in accordance with the applicable process set forth in the City of DeBary Land Development Code.

3. Subdivision Approval. The subject property consists of an existing legal standing parcel. Future subdivision consistent with the City of DeBary Land Development Code is permissible, and is anticipated.

4. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by the City of DeBary Land Development Code, as amended. Site work for the subdivision infrastructure can only begin after preliminary plat/construction plan approval. Upon Applicant's request site plan and subdivision approvals may be processed concurrently with each other.

B. UNIFIED OWNERSHIP. The Owner, Applicant or their respective successors and assigns shall maintain unified ownership of the subject property unless and until the subject property is legally subdivided with approval of the City, as aforesaid.

C. LAND USES WITHIN THE BPUD. The development of the subject property 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 Development Plan. The land uses allowed as permitted uses on the subject property

are all Permitted Uses in the B-4 zoning district as set forth in §3-102(b), City of DeBary Land Development Code, as it is in effect at the time of adoption of the ordinance approving this development Agreement, along with their customary principal and accessory structures, but excluding as Prohibited Uses, the following: billiard parlors; auction parlors; automobile, boat, recreational vehicle, and motorcycle sales, rental, storage, service, and/or repair; funeral homes; crematorium; mini-storage/warehouse facilities; theaters; bowling alleys; billboards and off-site signs (other than the Glen Abbey subdivision sign which currently encroaches on the subject property); pawnshops; adult or pornographic book, magazine, video and novelty stores; adult entertainment; tattoo parlors; body piercing (except ear piercing); veterinary clinics/hospitals; and night clubs and bars; and ~~fast food restaurants~~ on lot 3. Provided, however, with respect to lot 3, bakery café style bagel shops, high-end coffee shops and donut/pastry shops with drive-through service, high end upscale fast-food restaurant with drive through service and high turnover casual restaurants (i.e. Panera, Chipotle) with drive through operations are permitted. Provided, however, for purposes of this Development Agreement, an establishment which would not otherwise be considered a bar shall not be prohibited merely because a sign (that does not include the word “bar”) is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

D. DEVELOPMENT/PERFORMANCE STANDARDS. Notwithstanding the requirements otherwise set forth in the City’s Land Development Code, the development/performance standards for this BPUD shall be as follows: Total Project Area: 17.7 acres, plus or minus Minimum building setbacks (from perimeter boundaries of the subject property) Front Setback (Pine Meadow Dr. and U.S. 17/92): 35’, except that Lots 1 and 3 shall have a minimum building setback of 45’ along Pine Meadow Drive if Applicant is permitted to reduce the size of the master stormwater retention/detention pond by holding the difference between the pre-development volume versus the post- development volume (as contemplated in the Master Development Plan), instead of holding the complete volume. Side yard Setback (North property line): 10 ft. Rear yard (East property line) Setback: 35 ft. 6Note: There are no minimum building setbacks required from internal lot lines. For clarification, internal lot lines are those lot lines (or portions thereof) which abut other property within the BPUD rather than adjoining lands which are not within the BPUD.

Minimum Landscape Buffers (from perimeter boundaries of the subject property)

Front (Pine Meadow Drive and US 17/92): 35’, except that Lots 1 and 3 shall have a landscape buffer of not less than 45’ along Pine Meadows Drive if Applicant is permitted to reduce the size of the master stormwater retention/detention pond by holding the difference between the pre-development volume versus the post-development volume (as contemplated in the Master Development Plan), instead of holding the complete volume.

Side (North property line): 10 ft.

Rear (East property line): 30 ft. (as shown on Exhibit B, with a masonry screening wall to be located where shown on the said exhibit, to be 6’ tall where not directly adjoining a single family-residence, and 8’ tall or 6’ tall on top of a 2’ berm where directly adjoining a single-family residence, or a combination thereof, and landscaping and canopy trees on both sides of the said masonry screening wall as required by the City’s Land Development Code.)