

ORDINANCE NO. 2018 - 12

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM THE CITY OF DELAND'S C-2, GENERAL COMMERCIAL, TO NORTHGATE PD, PLANNED DEVELOPMENT ZONING DESIGNATION, ON PROPERTY LOCATED AT 101 EAST INTERNATIONAL SPEEDWAY BOULEVARD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 8.38 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Michael J. Woods, (hereinafter referred to as "Applicant") is the authorized agent of the owner BRE Retail NP, of approximately 8.38 acres of land located at 101 E. International Speedway Boulevard, which is more particularly described in the legal description attached hereto as Exhibit "A", and which by this reference is made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning from the present zoning classification of City's C-2, General Commercial, to Northgate PD, Planned Development District; and

WHEREAS, said rezoning as a PD District is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

WHEREAS, the Applicant has submitted an application for the approval of a development plan in order to amend the property's zoning designation and change certain development standards for the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

WHEREAS, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

WHEREAS, the proposed development plan is consistent with the Highway Commercial future land use designations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission has held a public hearing to approve the change of zoning from the City's C-2, General Commercial zoning designation, to Northgate PD, Planned Development District, on the property located at 101 East International Speedway Boulevard.

Section 2. Pursuant to the determination made at a public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as Northgate PD, Planned Development District.

Section 3. The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation submitted by the Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan for Northgate PD, Planned Development District, including the Development Plan Agreement, Map and other supporting documentation (on file with the City Planning Department), are attached hereto as Exhibit "B" and by this reference made a part hereof.

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

Section 6. At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

Section 7. Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 8. The City Commission may rezone any portion of the Project which has not obtained a site plan approval within five years from the date of adoption of this Ordinance.

Section 9. Prior to the issuance of a building permit, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities, and stormwater.

Section 10. The City Engineer and Planning Director are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 11. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to, site plan approval shall be subject to a determination of concurrency.

Section 12. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 13. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 6th day of August, 2018.



ATTEST:

Julie A. Hennessy
Julie A. Hennessy
City Clerk - Auditor

Robert F. Appgar
Robert F. Appgar
Mayor - Commissioner

Passed on first reading: July 16, 2018
Adopted on second reading: August 06, 2018

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
Darren J. Elkind
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION
Parcel No. 7004-41-00-0010

Lot 1, NORTHGATE SHOPPING CENTER, according to the plat thereof as recorded in Map Book 44, Page 75, of the Public Records of Volusia County, Florida, LESS AND EXCEPT that portion conveyed to the City of DeLand for right of way as set forth in that certain Warranty Deed recorded in Official Records Book 4278, Page 3426, of the Public Records of Volusia County, Florida.

EXHIBIT "B"

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE
CITY OF DELAND, FLORIDA

IN RE: (CASE #Z-18-36) Application of
BRE RETAIL NP OWNER 1, LLC

ORDINANCE # 2018-12

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM C-2 TO
NORTHGATE-PD

The Application of BRE Retail NP Owner 1, LLC, hereinafter "Applicant", for rezoning was heard by and before the City Commission, DeLand, Florida on July 16, 2018 and August 6, 2018. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report and recommendations of the Community Development and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on June 20, 2018, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

GENERAL FINDINGS:

A. That the application of BRE Retail NP Owner 1, LLC was duly and properly filed herein on March 1, 2018 as required by law.

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

C. That the applicant is the owner of a 8.38 +/- acres parcel of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

D. That the Applicant has complied with the concept plan provision as required by Land Development Regulations Ordinance #2002-09, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance #2002-09, as amended.

F. That the owner of the property, BRE Retail NP Owner 1, LLC, agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from C-2 to NORTHGATE-PD (Planned Development).

B. That the said rezoning to the NORTHGATE-PD is consistent with both the City of DeLand Comprehensive Plan Ordinance #1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance #2002-09, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS 06th DAY OF August , A.D., 2018, AS FOLLOWS:

A. That the Application of BRE Retail NP Owner 1, LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from C-2 to NORTHGATE-PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance #2002-09, as amended.

C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to NORTHGATE-PD.

D. That the City of DeLand Land Development Regulations Ordinance #2002-09, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Ordinance and with respect to any conflict between Land Development Regulations Ordinance #2002-09, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 02-09, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The City of DeLand, will ensure overall compliance with this Ordinance.

E. Unless otherwise provided for herein the City of DeLand, Land Development Regulations Ordinance #2002-09, as amended, shall apply to the PD in the same manner as the C-2 Commercial zoning classification.

F. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance 2002-09, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the City of DeLand Land Development Regulations, Ordinance No. 2002-09, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 2002-09, as amended, and any other City Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept. The Property has been developed under the C-2 Commercial Zoning standards required by the City of DeLand, and was most recently operated as a “big-box” retail store. This Development Agreement has been drafted to accommodate specific uses for redevelopment: 1) the provision of a new sidewalk display area along a portion of the front of the former retail store on the Property; 2) the provision of a screened trailer display area for trailers in a portion of the parking area; and 3) express authorization for the permitted sales and rental of certain vehicles which would otherwise be permitted as a special exception under the C-2 Commercial zoning standards. Language has also been provided to avoid possible nonconformities with respect to the adjacent platted lots within the Northgate Shopping Center plat. Specifically, this includes language regarding setback requirements for vehicular separation and general setbacks between the adjacent C-2 zoned lots as well as language to authorize the continued use of the existing monument sign on the Property to advertise businesses located within the adjacent lot. Language expressly authorizing the storage of a 1,000 gallon propane tank on the Property and the sale and distribution of said propane is provided herein. The Planned Development Plan, which defers to the C-2 Commercial zoning standards unless otherwise addressed herein, shall govern the development of the property as a PD and shall regulate the future land use of this parcel.

1. Planned Development Plan. The Planned Development Plan shall consist of the Preliminary Floor Plan (Exhibit “B-2”) and Preliminary Site Plan (Exhibit

"B-1" prepared by CESO and dated 7/18/2018 and this development agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "B" (Comprised of Preliminary Site Plan (Exhibit "B-1") & Preliminary Floor Plan (Exhibit "B-2")). The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

2. Amendments. All amendments of the Planned Development Plan, other than those deemed by the Planning Department to be minor amendments as set out in Ordinance No. 2002-09, as amended, shall require the review and recommendation of the Planning Board and action by the City Commission in the same manner as a rezoning of the parcel.

3. Final Site Plan Approval. After the Planned Development Plan is recorded, and prior to any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance #2002-09, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Site Plan Development Order.

C. Phases of Development. Initial build out of the Property has been completed. This Development Agreement expressly contemplates a new sidewalk display area along a portion of the former retail store, the designation of a customer pick up area for larger items, and a new trailer display area within a portion of the parking area. Future revisions to the Property shall be governed as if the Property retains its C-2 zoning designation.

D. Land Uses Within the PD. The Property was developed under the C-2 zoning designation and shall continue to be developed as if the C-2 standards remain in place. The following land uses allowed as permitted principal uses and structures along with their customary accessory uses and structures shall be those provided for in the C-2 zoning designation. Moreover, unless otherwise provided for herein, the Property shall be entitled with the C-2 zoning designations conditional uses and special exceptions, subject to the satisfaction of any conditions required thereof.

1. This Development Agreement shall permit the requested outdoor overnight product display area along the front of the proposed Tractor Supply Co. location, referred to herein and the attached Preliminary Site Plan as the "Sidewalk Display Area" while otherwise retaining all C-2 entitlements.

2. This Development Agreement shall permit the requested trailer display area within a portion of the parking lot, referred to herein and the attached Preliminary Site Plan as the "Trailer Display Area" while otherwise retaining all C-2 entitlements.

3. This Development Agreement shall permit the sales and rental of vehicles on the Property, subject to the limitations provided below. The intent is to authorize the display, rental and sales of trailers, all-terrain vehicles (ATVs) and personal utility vehicles (UTVs) in the locations designated herein and on the attached Preliminary Site Plan as the Demised Premises and the Fenced Outdoor Display Area. This shall not include the Sidewalk Display Area. Furthermore, the display and sales of trailers only shall also be permitted in the "Trailer Display Area." No ATVs or UTVs shall be permitted for display, rental or sales in the Trailer Display Area. General customer parking areas shall not be utilized for the display of any of the above referenced vehicles available for sale or rent.

4. Propane Storage and Sales. This Development Agreement expressly authorizes the storage, sale and distribution of liquid propane, stored in a tank not to exceed a capacity of 1,000 gallons, and located in the Fenced Outdoor Display Area as illustrated in Exhibit "B-1".

5. Disclaimer of Scope. Per City Staff Request, it is hereby affirmatively stated that the provisions provided for herein with respect to the outdoor storage of materials is limited to the scope as defined herein. In no instance shall the outdoor storage of materials extend to the tenants for the area designated on the Planned Development Plan as "Adjacent Lease Space (Vacant)" without further amendment to this Agreement.

E. Development Standards. All Development Standards for the Property shall rely upon the standards set forth by the City of DeLand for the C-2 Commercial zoning designation. Future development, including the creation of outparcels, if any, shall be governed by the requirements of the C-2 Commercial zoning designation. In the event that future development cannot comply with the C-2 Commercial zoning designation's standards and no variances or special exceptions provided for C-2 zoned property are applicable, said entitlements shall be processed through an amendment to this Development Agreement.

F. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the PD will be provided in accordance with the Comprehensive Plan, Ordinance No. 1990-04, as amended, the Land Development Regulations Ordinance No. 2002-09, as amended, and State of Florida Administrative Code 64E-6.

G. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance #2002-09, as amended.

H. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ord. 02-09, as amended.

I. Building or Property Owners Association. No Property Owners Association is intended for the Property. In the event that a Property Owners Association is created in the future to service the Property, the charter and by-laws of said association and any other agreements, covenants, easements or restrictions shall be furnished to the City of DeLand at the time of creation.

J. Specific Amendment

1. Sidewalk Display Area. This Development Agreement specifically authorizes a new product display area along the front of a portion of the former retail store on the Property, referred to herein and on the attached Preliminary Site Plan as the "Sidewalk Display Area". A decorative aluminum fence, four (4) feet in height shall enclose the Sidewalk Display Area, with gaps of no less than 5 feet provided for safe access to the property from the parking lot as shown on the south elevation attached hereto as Exhibit "C". New crosswalks and an additional stop sign shall be provided as shown on Exhibit "B-1". The Sidewalk Display Area shall extend no farther than twelve (12) feet, eight (8) inches from the face of the building, as illustrated in the Preliminary Site Plan. The Sidewalk Display Area has been designed to ensure unencumbered pedestrian access through the Sidewalk Display Area at all times of day while also permitting the overnight storage of items located within the Sidewalk Display Area. The vehicular drive aisle directly adjacent to the Sidewalk Display Area shall maintain a minimum width of twenty four (24) feet.

2. Vehicle Display, Sales and Rentals. Vehicle sales and rentals are typically permitted as special exceptions under C-2 Zoning. This amendment shall provide for the display, sales and rentals of certain vehicles as a permitted use, subject to the following conditions:

a. Nature of Vehicles: The sale of trailers (not to exceed 24 feet), all-terrain vehicles (ATVs) and personal utility vehicles (UTVs) shall be a permitted use on the Property.

b. Limitation on Location: Trailers, ATVs and UTVs shall only be displayed for sale and/or rental in the interior of the store (the "Demised Premises") or within the "Fenced Outdoor Display Area" as referred to herein and on the attached Preliminary Site Plan. These Vehicles shall not be displayed within the Sidewalk Display Area authorized by paragraph J.1. above.

c. Trailer Display Area: The Trailer Display Area, as referred to on the attached Preliminary Site Plan, shall be utilized for the display and sale of trailers. No ATVs nor UTVs shall be permitted within the Trailer Display Area. The trailer display area shall be screened on its north, west and southern side by a six (6) foot tall decorative aluminum fence and by a three (3) foot tall hedge of Ligustrum or vegetation of similar opacity. Within the Trailer Display Area, only one trailer may be stored within each parking stall.

d. Clarification regarding Lawn Mowers: The display and sale of lawn mowers and mower related accessories is authorized as a permitted use under C-2 zoning. Lawn mowers and mower related accessories do not fall under the

definition of vehicles. Therefore, they may be displayed for sale anywhere within the store, including the Demised Premises, the Fenced Outdoor Display Area and the Sidewalk Display Area authorized by paragraph J.1. above. They shall not be displayed in the Trailer Display Area.

3. Fenced Outdoor Display Area. The Fenced Outdoor Display Area presently consists of a chain-link cage. With this amendment, the exterior of the Fenced Outdoor Display Area shall consist of an eight (8) foot tall decorative aluminum fence, supplemented with eight (8) foot tall and three (3) foot wide brick pilasters spaced thirty (30) feet off center, as shown on Exhibit "C-1", attached hereto and incorporated herein.

4. Supplemental Landscaping. A hedge of Ligustrum or vegetation of similar opacity shall be provided along the northern, western and southern boundary of the Trailer Display Area as provided herein. The hedge shall be three (3) feet in height within one (1) year of planting. Depending on the actual site conditions which will impact the ultimate location of the western fence and hedge, said western hedge may be shifted to the western boundary of Lot 1 of the Northgate Shopping Center, running from the northern property line to the existing sign. Supplemental ground cover matching existing ground cover around the existing sign shall be provided along the sidewalk located along that same portion of the western boundary of Lot 1.

5. Tractor Supply Co. Elevation. Exhibit "C", attached hereto and incorporated herein, provides elevations for the proposed Tractor Supply Co. Color samples are provided as Exhibit "C-2", attached hereto and incorporated herein. Note

that the development of the "Adjacent Lease Space (Vacant)" as designated on Exhibit "B-1" shall be governed by the default provisions of the C-2 zoning classification. So long as elevations for said space meet the requirements of the C-2 zoning classification, no amendment to the Agreement shall be necessary.

6. Setback and Vehicular Separation Non-Conformity. The Property, which is Lot 1 of the Northgate Shopping Center plat, was developed initially as part of a unified shopping center, along with lots 2-5 of the Northgate Shopping Center plat. As designed, a ten (10) foot setback and a ten (10) foot vehicular separation requirement between the adjacent C-2 zoned lots within the Northgate Shopping Center plat would otherwise be required but was not provided. This is particularly noticeable within the parking field along the common boundary between the Property and the adjacent lots. With this Amendment, the ten (10) foot setback and the ten (10) foot vehicular separation requirement shall not be applied to the redevelopment of the Property.

7. Monument Sign Content. The Property, which is Lot 1 of the Northgate Shopping Center plat, was developed initially as part of a unified shopping center, along with lots 2-5 of the Northgate Shopping Center plat. The existing monument sign on the western boundary of the Property shall be permitted but not required to provide signage for businesses located within the Northgate Shopping Center plat, regardless of the ownership of said parcels and notwithstanding the City's provisions for off-site signage restrictions.

8. Pedestrian Access to Public Right of Way. Access to an adjacent public right of way (Amelia Avenue) is provided via the internal sidewalks found on the Property and through the sidewalks located on the adjacent parcel to the east.

9. Propane Storage and Sales. This Development Agreement expressly authorizes the storage, sale and distribution of liquid propane, stored in a tank not to exceed a capacity of 1,000 gallons, and located in the Fenced Outdoor Display Area as illustrated in Exhibit "B-1".

K. Reverter Provision. The City Commission may rezone any portion of the project which has not secured a final development order on or before 5 years from the effective date of this ordinance as may be necessary or appropriate to protect adjoining properties or the public health, safety and welfare, unless the City Commission, for good cause shown, shall extend the time period indicated in this paragraph.

L. Binding Effect of Plans; Recording; and Effective Date. The Planned Development Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his successor in title or interest. The NORTHGATE-PD zoning, provisions of the "Development Agreement" and all approved plans shall run with the land and shall be administered in a manner consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance #2002-09, as amended.

This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document

by the City Commission, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Planning Department for placement in the public file. The date of recording of this document shall constitute the effective date of the NORTHGATE-PD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

DONE and ORDERED by the City Commission, City of DeLand, Florida, this 6th day of August, 2018.

ATTEST:

City Commission of DeLand Florida

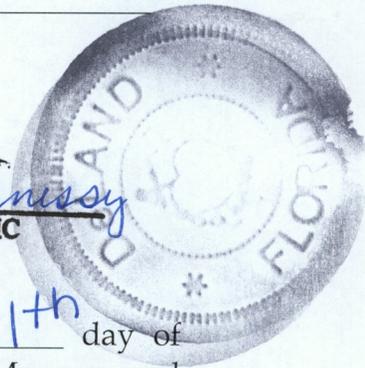
Michael Pleus
Michael Pleus
City Manager

Robert Apgar
Robert Apgar
Mayor

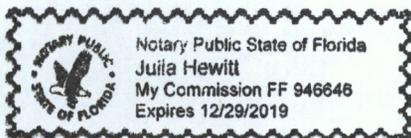
STATE OF FLORIDA
CITY OF DELAND

ATTEST:

Julie A. Hennessy
Julie A. Hennessy, MMC
City Clerk - Auditor



The foregoing instrument was acknowledged before me this 11th day of September, 2018, by Michael Pleus and Robert Apgar, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand and who are personally known to me.



NOTARY PUBLIC, STATE OF FLORIDA

Julia Hewitt
Print Name Julia Hewitt
Commission No.: FF 946648
My Commission Expires: 12/29/2019

WITNESSES:

BRE Retail NP Owner 1, LLC, a Foreign limited liability company

Lacey Nunnally
Print Name
Lacey Nunnally
Sign Name

Rosemary Balmer
Print Name
R Balmer
Sign Name

By: [Signature]

Print:
Title: **Barry Rodenstein**
Executive Vice President

Date: 8/21/2018

STATE OF GEORGIA
COUNTY OF FULTON

The foregoing instrument was acknowledged before me this 21st day of August, 2018, by Barry Rodenstein as Exec. VP for and on behalf of BRE Retail NP Owner 1, LLC, a Foreign limited liability company. He/she is personally known to me or has produced _____ as identification.

[Signature]

Seal



Notary Public
Type or Print Name: VIVIAN TANG
Commission No. _____
My Commission Expires: February 8, 2022

Exhibit "A"
Legal Description

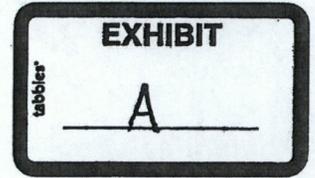
Exhibit "B"
Planned Development Plan
A Combination Exhibit Consisting of
Preliminary Site Plan (Exhibit "B-1") & Preliminary Floor Plan (Exhibit "B-2")

Exhibit "C"
Proposed Elevation

Exhibit "C-1"
Fencing Typicals
[Fenced Outdoor Display Area & Trailer Display Area]

Exhibit "C-2"
Color Samples





LEGAL DESCRIPTION
Parcel No. 7004-41-00-0010

Lot 1, NORTHGATE SHOPPING CENTER, according to the plat thereof as recorded in Map Book 44, Page 75, of the Public Records of Volusia County, Florida, LESS AND EXCEPT that portion conveyed to the City of DeLand for right of way as set forth in that certain Warranty Deed recorded in Official Records Book 4278, Page 3426, of the Public Records of Volusia County, Florida.

Exhibit "B"
Planned Development Plan
A Combination Exhibit Consisting of
Preliminary Site Plan (Exhibit "B-1") & Preliminary Floor Plan (Exhibit "B-2")

LEGEND:

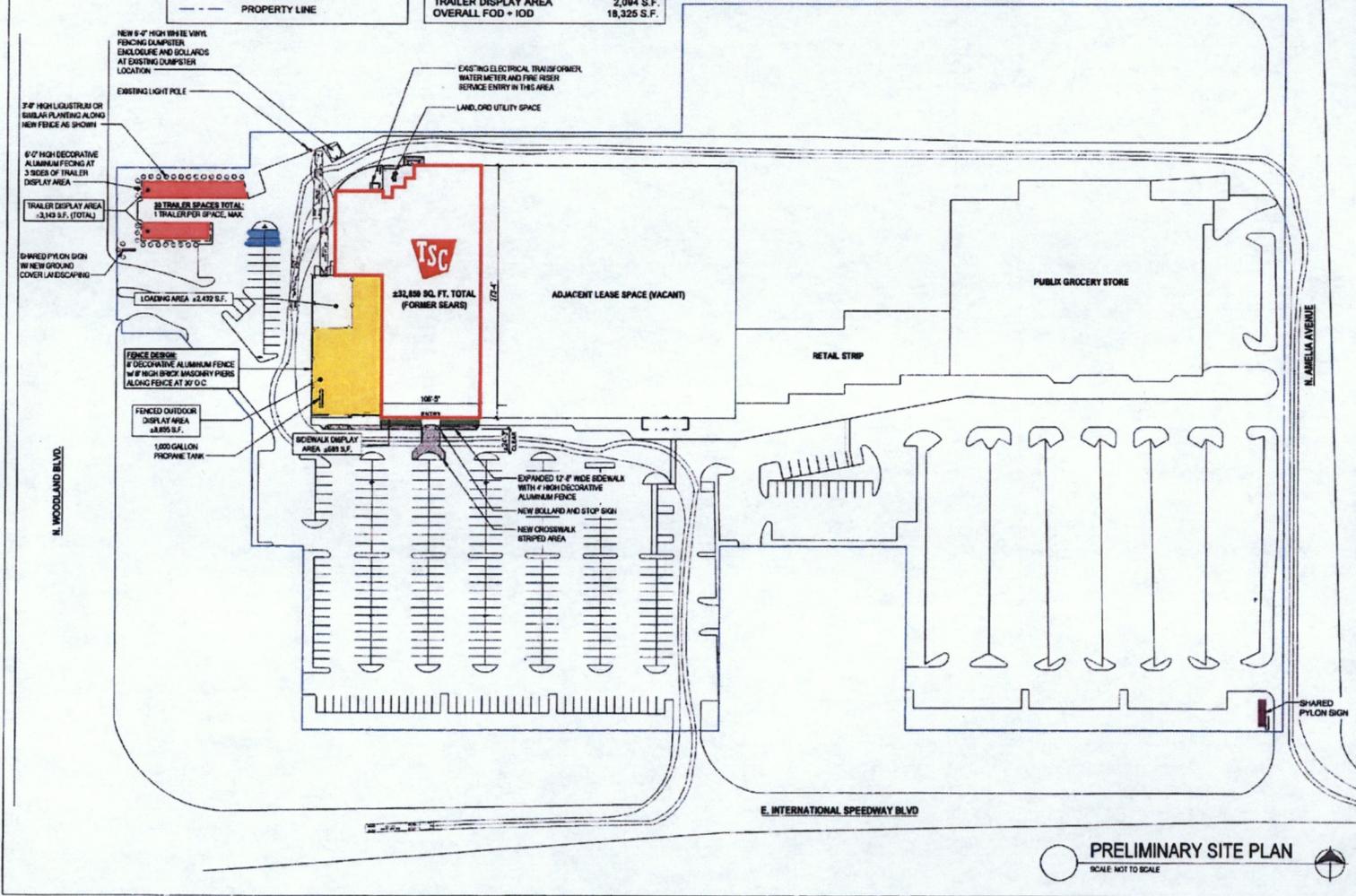
	PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA
	PERMANENT SIDEWALK DISPLAY AREA
	FENCED OUTDOOR DISPLAY AREA
	DEMISED PREMISES
	PROPERTY LINE

TSC SQUARE FOOTAGE ANALYSIS

SALES AREA	17,354 S.F.
STOCK	4,872 S.F.
CORE AREA	1,363 S.F.
INTERNAL IOD	9,470 S.F.
GROSS SQUARE FOOTAGE:	32,869 S.F.
FENCED OUTDOOR DISPLAY LOADING AREA	8,955 S.F.
SIDEWALK DISPLAY AREA	2,432 S.F.
TRAILER DISPLAY AREA	688 S.F.
OVERALL FOD + IOD	2,094 S.F.
OVERALL FOD + IOD	18,325 S.F.

Exhibit B-1

Comments for July Resubmittal
 1) The blue highlighted area shall be designated as a customer pick up area for oversized products.



CESO
 CONSTRUCTION ESTIMATION SOFTWARE
 800-828-8888

TRACTOR SUPPLY CO.
 101 E. INTERNATIONAL SPEEDWAY
 DELAND, FL 32724
 © 2010 TSC

Project: TRACTOR
 Title: AS-1010
 Date: 8-18-2010
 Drawing No: PRELIMINARY SITE PLAN
 Scale: AS1.0

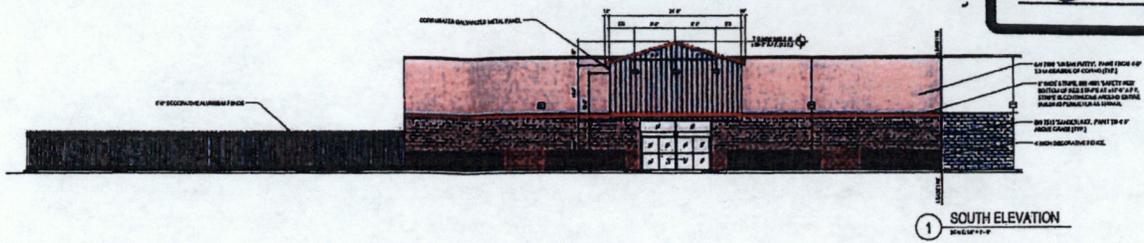
PRELIMINARY SITE PLAN
 SCALE: NOT TO SCALE

Exhibit "C"
Proposed Elevation

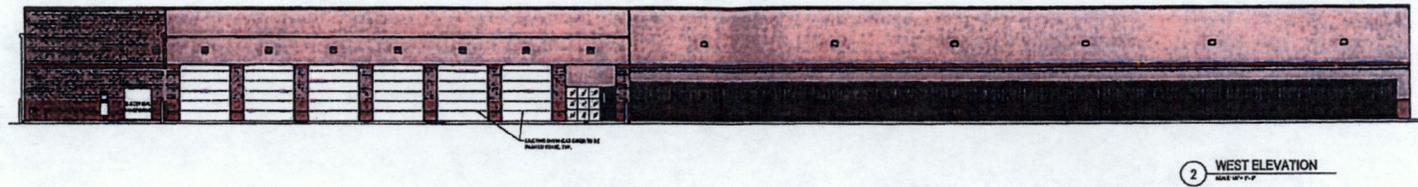
EXHIBIT
"C"



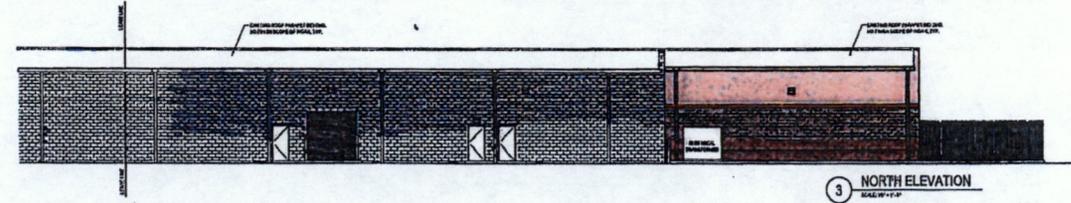
CESO
CORPORATION



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

TRACTOR SUPPLY CO.
101 E. INTERNATIONAL SPEEDWAY
DELAND, FL 32724

Project: 15400001
Date: 03/17/15
Scale:
Rev: 06/15/2015

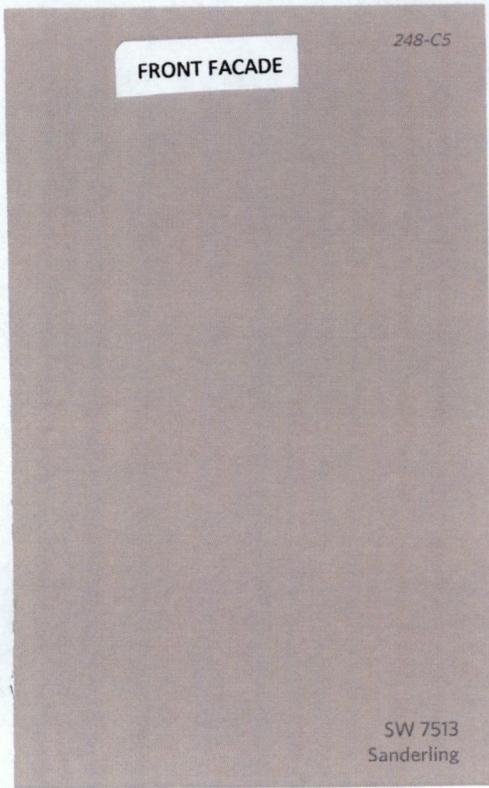
EXTERIOR ELEVATIONS

A2.0

Exhibit "C-1"
Fencing Typicals
[Fenced Outdoor Display Area & Trailer Display Area]

Exhibit "C-2"
Color Samples

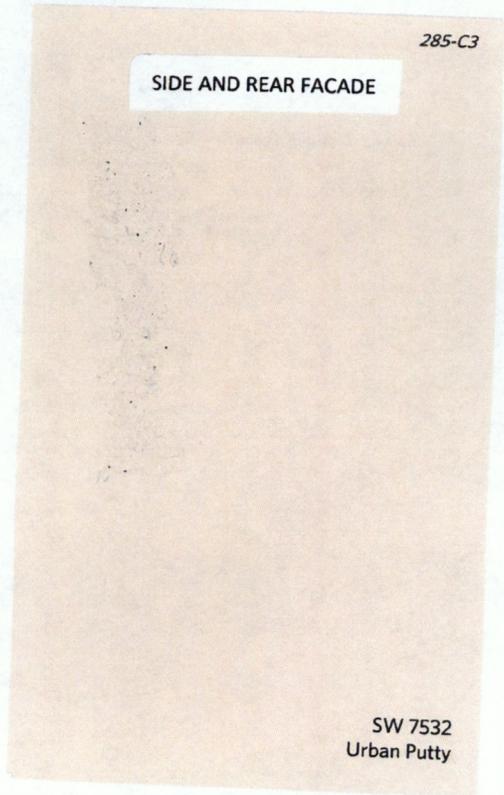
EXHIBIT "C-2"



FRONT FACADE

248-C5

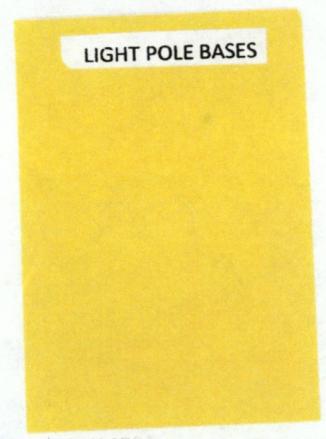
SW 7513
Sanderling



SIDE AND REAR FACADE

285-C3

SW 7532
Urban Putty



LIGHT POLE BASES

SW 4084
Safety Yellow
LRV 11



ACCENT STRIPES

SW 4081
Safety Red
LRV 11

RECEIVED

JUN 08 2018

PLANNING & ZONING

2-18-36

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia**

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a
.....

PUBLIC NOTICE

L 2297910

in the Court,
was published in said newspaper in the issues.....

JULY 27, 2018

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

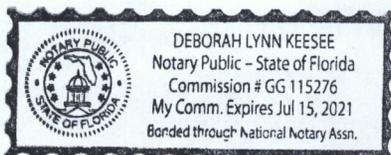
Cynthia Anderson
.....

Sworn to and subscribed before me

This **27TH** of **JULY**

A.D. 2018

Deborah Lynn Keesee
.....
49D



DF-0002297910-01

**NOTICE OF
PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND,
FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a
Public Hearing on the following Ordinance on Monday,
August 06, 2018 at a regular meeting of the DeLand City
Commission. The meeting will take place at 7:00 P.M.
in the City Commission Chambers, 120 South Florida
Avenue, City Hall. All interested parties are invited to
attend and be heard on the matter.

Any person who wishes to appeal any decision made by the
City Commission with respect to any matter considered
at this meeting will need a record of the proceeding and,
thus, may need to ensure that a verbatim record of the
proceeding is made, including the testimony and evidence
upon which an appeal may be based.

The original of the ordinance is on file in the office of the
City Clerk and may be inspected Monday through Friday
from 8:00 A.M. to 5:00 P.M.

ORDINANCE NO. 2018 - 12

**AN ORDINANCE OF THE CITY COMMISSION
OF DELAND, FLORIDA, CHANGING THE
ZONING FROM THE CITY OF DELAND'S C-2,
GENERAL COMMERCIAL, TO NORTHGATE
PD, PLANNED DEVELOPMENT ZONING
DESIGNATION, ON PROPERTY LOCATED
AT 101 EAST INTERNATIONAL SPEEDWAY
BOULEVARD; APPROVING A PLANNED
DEVELOPMENT PLAN CONSISTING OF
APPROXIMATELY 8.38 ACRES OF PROPERTY;
MAKING FINDINGS OF CONSISTENCY WITH
THE COMPREHENSIVE LAND USE PLAN FOR
THE CITY OF DELAND; DIRECTING CHANGE
IN THE COMPREHENSIVE ZONING MAP;
PROVIDING FOR SEVERABILITY AND AN
EFFECTIVE DATE.**

